



# THE BOOK OF TRANSACTIONS

MANŞŪR IBN YŪNUS AL-BAHŪTĪ

# Speaker Profile

Instructor: **Shaykh Ahsan Hanif**



Born and bred in Birmingham, UK, Shaykh Ahsan is well known in his community as the young Qari who memorised the Qur'an at the tender age of 13 and who delivered regular halaqaat in Birmingham.

In the year 2000, he gained a scholarship to enter the Islamic University of Madinah. After completing his Arabic diploma, he graduated from the Faculty of Shari'ah in 2006 with honours. He obtained ijazah in the Qur'an as well as studying under a number of well-known scholars, such as

Sh. Abdul Muhsin al-Abbad and Sh. Muhammad ibn Muhammad Mukhtar al-Shinqiti.

Upon his return to the UK he attained his PhD from the University of Birmingham. He is currently an imam at Green Lane Masjid, Birmingham as well as the head of the Qur'an & Hadith Studies Department for AlMaghrib Institute.

He has spoken at Islamic conferences in various countries, published translations of Arabic works and is a presenter of IslamQA for Islam Channel.



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كتاب البيع من

**The Book of Transactions from**

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العلامة منصور بن يونس البهوتي

**The Student's Foundation**

**By**

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و بلوغ المرام

الحافظ ابن حجر العسقلاني

**And**

**Bulūgh al-Marām**

**By**

**Ibn Ḥajar al-ʿAsqalānī**



## كتاب البيع

### The Book of Transactions

يَنْعَقَدُ بِإِجَابٍ وَقَبُولٍ وَلَا يَضُرُّ تَرَاخِيهِ عَنْهُ بِالْمَجْلَسِ مَا لَمْ يَتَشَاغَلَا بِمَا يَقْطَعُهُ، وَبِمُعَاطَاةٍ كَأَعْطَنِي بِهَذَا كَذَا فَيُعْطِيهِ مَا يُرْضِيهِ،

A sale is concluded through offer and acceptance, and any delay between the two within the same session does not invalidate it—so long as the parties are not distracted by something that breaks the continuity. It may also be concluded through mutual exchange, such as one saying, ‘Give me this for that,’ and the other handing over what satisfies the request.

وشروطه: الرضا، إلا من مُكْرَهٌ بحق. وكونُ عاقدٍ جائزٍ التصرف، فلا يصح من صغير وسفيه بغير إذن وليه.

Its conditions are: mutual consent—except in the case of someone compelled by right—and that both parties be legally competent to act. Thus, a sale is not valid if concluded by a minor or someone lacking sound judgment, unless permitted by their guardian.

وكونُ مبيعٍ مباحًا نفعه بلا حاجة، كبغل وحمارٍ، ودود قَزٍّ، وبزْره، وفيل وسباع بهائم، وطيرٍ تصلحُ لصيدٍ، لا كلب وحشرات وميتة وسرجين ودهن نجسَيْن.

The item sold must be lawful in benefit without requiring necessity—such as a mule, donkey, silkworms and their cocoons, elephants, predatory beasts, and birds suitable for hunting. It is not valid to sell things like dogs, vermin, carrion, manure, or impure oils.



ويجوز استصباح بمتنجس في غير مسجد، وحرّم بيع مصحف، ولا يصحّ لكافر. وكون عاقد مالكا أو مأذونا، فلا يصحّ من فضولي إلا إذا اشترى في ذمته لمن لم يُسمّه في العقد فيصح له بالإجازة، وإلا لزم المشتري.

It is permissible to make use of something impure, so long as it is not in a mosque. The sale of a copy of the Qur'an is prohibited, and it is not valid for a non-Muslim to purchase it. The one concluding the contract must either own the item or be authorized to act. A sale made by someone acting without permission ('fuduli') is not valid—unless he purchases on credit (in his own name) for an unnamed party, in which case it becomes valid with that party's approval. Otherwise, the liability rests with the buyer.

ولا يُباع غير المساكن مما فُتح عنوة كأرض مصر والشام ونحوهما، بل تُؤجر، ولا ربا ع مكة ولا تُؤجر، ولا نقع بئر وكلاً ونحوه قبل حوزة، ويملكه أخذه. وقدرة على تسليمه، فلا يصحّ بيع آبقٍ وشاردٍ، وطير بهواء، وسمك بماء، ومغصوبٍ إلا لغاصبه، أو قادرٍ على أخذه منه.

Properties other than residences in lands conquered by force—such as Egypt and Greater Syria—may not be sold, but may be rented out. Properties in Mecca, however, are neither to be sold nor rented. It is not permitted to sell things like the water rights of a well, pasture, and similar resources before they are physically fenced off; whoever takes possession of such things owns them. The seller must also be able to deliver the item—so it is invalid to sell a runaway slave, an escaped animal, a bird in flight, a fish in water, or a usurped item, except to the usurper himself or someone able to retrieve it from him.

وكون مبيع معلوماً، برؤية أو وصفٍ يكفي في سلم، فلا يُباع حملٌ بطن، ولا لبنٌ بضرع، ولا مسكٌ في فآرته ونحوه، ولا نحو عبدٍ من عبيده، ولا استثناءه إلا معيناً، ويصح بيع حيوانٍ دون رأسه وجلده وأطرافه، لا استثناء شحمه أو حمّله، ويصح بيع باقلاء في قشرها وحبّ مُشتدّ في سنبله

The item sold must be clearly known—either through direct inspection or a sufficient description, as is required in a deferred-sale contract (*salam*). Thus, it is not valid to sell a foetus still in the womb, milk still in the udder, musk still in the musk pod, or similar cases. Nor is it valid to sell 'one slave from among his slaves' or to make an unspecified exclusion—unless the specific individual is clearly identified.

It is valid, however, to sell an animal while excluding its head, skin, or limbs—but not its fat or its unborn offspring. It is also valid to sell fava beans still in their pods, and grain that has fully matured while still in its ear.



وَكُونُ ثَمَنِ مَعْلُومًا، فَإِنْ بَاعَهُ بِرَقْمِهِ أَوْ بِمَا يَنْقَطِعُ بِهِ السَّعْرُ وَنَحْوَهُ، أَوْ بِأَلْفٍ ذَهَبًا وَفُضَّةً لَمْ يَصَحَّ، وَيَصَحُّ بَيْعُ الثَّوْبِ وَنَحْوَهُ كُلِّ ذِرَاعٍ بِدِرْهَمٍ، لَا مِنْهُ كَذَلِكَ

The price must be clearly known. So, if he sells it ‘for what I paid for it,’ or for ‘whatever the market rate settles at,’ or similar vague terms, the sale is invalid. Likewise, if he sells something for ‘a thousand in gold and silver’ without specifying the division, it is not valid. However, it is valid to sell a garment or similar item at a fixed rate per unit—such as, ‘each cubit for one dirham’—but not to sell *a portion* of it on that basis without clear specification.

وَمَنْ بَاعَ مَعْلُومًا وَمَجْهُولًا صَفْقَةً صَحَّ فِي الْمَعْلُومِ بِقِسْطِهِ مَا لَمْ يَتَعَذَّرْ عِلْمُ الْمَجْهُولِ فَيَبْطُلُ فِيهِمَا إِنْ لَمْ يُبَيَّنْ ثَمَنُ كُلِّ، وَإِنْ بَاعَ مِشَاعًا بَيْنَهُ وَبَيْنَ غَيْرِهِ، أَوْ عَبْدَهُ وَعَبْدَ غَيْرِهِ مِثْلًا بِلَا إِذْنِهِ، أَوْ وَحُرًّا، أَوْ خَلًّا وَحَمْرًا :  
صَحَّ فِي مِلْكِهِ بِقِسْطِهِ وَلِمْشْتَرِي الْخِيَارِ

If someone sells both a known and an unknown item together in a single transaction, the sale is valid for the known item according to its share of the price—unless it is impossible to determine the unknown, in which case the entire transaction is void, unless the price of each item is specified.

If someone sells a jointly owned item (in shared ownership with another), or his own slave along with another person’s slave at a single price and without the other’s permission—or includes a free person, or a [mixture of lawful and unlawful items, such as] vinegar and wine—the sale is valid only in regard to what he lawfully owns, proportionate to its value, and the buyer has the option to proceed or cancel.



## فصل

### Section

ولا يصحُّ البيعُ مَنْ تَلَزُمُهُ الجمعةُ بعدَ نَدَائِهَا الثاني إلا لحاجةٍ، ويصحُّ النكاحُ وسائرُ العقودِ.

A sale is not valid from someone upon whom attending the Friday prayer is obligatory, once the second call to prayer (adhan) has been given—unless there is a pressing need. However, marriage contracts and all other types of transactions remain valid.

ولا يصحُّ بيعُ زبيبٍ ونحوه لِمَتَّخِذِهِ خَمْرًا، ولا سلاحٍ في فتنَةٍ، ولا عبدٍ مسلمٍ لكافرٍ إن لم يعتق عليه، وإن أسلم في يده أُجبر على إزالة ملكه، ولا تكفي كتابته

It is not valid to sell raisins or similar items to someone who intends to use them to make wine, nor is it valid to sell weapons during times of civil strife. Likewise, it is not permissible to sell a Muslim slave to a non-Muslim unless the buyer intends to free him.

If the slave converts to Islam while still in the non-Muslim's possession, the latter is compelled to relinquish ownership. Simply drafting a manumission document is not sufficient.

وإن جَمَعَ بين بيعٍ وغيره بعقدٍ صحَّ إلا الكتابة. ويحرم بيعٌ على بيعٍ مُسلمٍ، وشراءٌ على شرائه، وسَوْمٌ على سَوْمِهِ، بعد صريح الرضا.

If a sale contract is combined with another type of agreement, the sale remains valid—except in the case of a *kitābah* contract (a slave's contract for emancipation). It is forbidden to engage in a sale over the sale of a fellow Muslim, or to buy over his purchase, or to make an offer while negotiations are ongoing—after the first party has clearly expressed their agreement.

ومن باع ربويًا لم يجز أن يعتاضَ عن ثمنه قَبْلَ قبضه ما لا يباع به نسيئة، وكذا شراؤه ما باعه بدون ثمنه قبل قبضه نقدًا وعكسه، ويصحُّ بغير جنسه، وبَعْدَ قَبْضِ ثمنه أو تَغْيِيرِ صِفَتِهِ، ومن غير مُشْتَرِيهِ، وإن اشتراه أبوه، أو ابنه جاز

If someone sells a *ribā*-based commodity, it is not permitted for him to accept, in place of its price before taking possession, something that could not lawfully be sold for it on credit. The same applies to re-purchasing what he sold for less than its price, before the original payment is received in cash—and the reverse is also true.

However, it is permitted if the exchange is made for a different type of commodity, or after the price has been received, or if its characteristics have changed. It is also permitted if someone other than the original buyer purchases it—even if that person is his father or his



## فصل

### Section

يصح شرط تأجيل ثمنٍ ورهنٍ أو ضميرٍ مُعَيَّن به، وكون العبد كاتبًا، أو خصيًا أو مسلمًا والأمة بكراً ونحوه، وشرطُ بائعٍ سُكنى مبيعٍ شهرًا مثلاً، وحملان البعير إلى موضعٍ مُعَيَّن، وشرطُ مُشتَرٍ على بائعٍ حَمَلٍ حَطَبٍ أو تكسيره وخياطة ثوب، أو تفصيله.

It is valid to stipulate deferred payment, or to set a condition for a specific form of security—such as collateral or a named guarantor. It is also valid to stipulate that a slave be literate, castrated, or Muslim; that a female slave be a virgin, and similar conditions.

The seller may validly stipulate the right to reside in the property for a month, for example, or to have a camel carry a load to a specified location. Likewise, the buyer may stipulate that the seller transport firewood, chop it, sew a garment, or tailor it to fit.

وإن جَمَعَ بين شرطين كَحَمَلٍ حَطَبٍ وتكسيره بَطَلَ البَيْعُ، كاشتراط عقدٍ آخر من سَلَفٍ وقرضٍ وبيع وإجازةٍ وصرف، وكتعليقه على شَرْطٍ مُستقبلٍ. وإن شَرَطَ أَلَّا خَسَارَةً عليه أو متى نَقَقَ المبيعُ وإلا رَدَّهُ أو أَلَّا يبيعه، أو يهبه ونحوه، أو إن أَعْتَقَهُ فَوَلَّاهُ لبائع: فسد الشرط، وصَحَّ البَيْعُ، وَلَمْ يَنْ فَاتَ غَرَضُهُ  
الفسخُ

If two conditions are combined—such as requiring the seller to carry the firewood and also to chop it—the sale is invalid. Likewise, if the sale is tied to another contract, such as a loan, an advance payment, a lease, an exchange of currency, or if the sale is made conditional on a future event, it is not valid.

If the seller stipulates, for instance, that he will not bear any loss, or that the buyer must return the item if it does not sell, or that the buyer may not sell or gift it, or that if the slave is freed, loyalty (*walā'*) returns to the seller—then the condition is void, but the sale remains valid. In such cases, the party whose intent was thwarted by the invalid condition has the right to annul the sale.



ويصح شرطُ عتقٍ، وبعثك على أن تنقدي الثمن إلى كذا، وإلا فلا بيع بيننا، فإن لم يفعل انفسخ، لا قولُ لمرتهن إن جئتكَ بحقك في وقت كذا وإلا فالرهن لك ونحوه. ومن باع بشرط البراءة من كُلِّ عيب لم يبرأ ما لم يعينه أو يُبرئه بعد البيع، وإن باع ثوبًا ونحوه على أنه عشرة أذرع فبان أقل أو أكثر صحَّ بقسطه، ولمن جهل وفات غرضُه الفسخ.

It is valid to make emancipation a condition. It is also valid to say, 'I sell this to you on the condition that you pay me the price by such-and-such a date—otherwise, the sale is void.' If the payment is not made by that time, the contract is dissolved. But it is not valid for a pledgeholder to say: 'If I do not repay you by such-and-such a time, the collateral becomes yours'—or similar conditions.

If a seller includes a clause stating that he is not liable for any defects, he is not absolved of liability unless he either specifies the defect or is explicitly released from responsibility after the sale. If he sells a garment, for example, claiming it is ten cubits in length, but it turns out to be more or less, the sale is valid in proportion to the actual measure. The party who was unaware of the difference and whose intent was affected has the right to cancel the sale.



## كِتَابُ الْبُيُوعِ

### بَابُ شُرُوطِهِ وَمَا نُهِيَ عَنْهُ مِنْهُ

## Book of Transactions

### Chapter: Conditions & What is Prohibited

عَنْ رِفَاعَةَ بْنِ رَافِعٍ - رضي الله عنه - أَنَّ النَّبِيَّ - صلى الله عليه وسلم - سُئِلَ: أَيُّ الْكَسْبِ أَطْيَبُ؟ قَالَ: «عَمَلُ الرَّجُلِ بِيَدِهِ، وَكُلُّ بَيْعٍ مَبْرُورٍ». «رَوَاهُ الْبَزَّازُ، وَصَحَّحَهُ الْحَاكِمُ

Narrated by Rifa'ah ibn Rafi': The Prophet (ﷺ) was asked, "What type of earning is best?" He replied, "A man's work with his own hands, and every honest transaction." (Reported by al-Bazzar; al-Hakim graded it authentic)

وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ - رَضِيَ اللَّهُ عَنْهُمَا: أَنَّهُ سَمِعَ رَسُولَ اللَّهِ - صلى الله عليه وسلم - يَقُولُ عَامَ الْفَتْحِ، وَهُوَ بِمَكَّةَ: «إِنَّ اللَّهَ وَرَسُولَهُ حَرَّمَ بَيْعَ الْحَمْرِ، وَالْمَيْتَةِ، وَالْخِنْزِيرِ، وَالْأَصْنَامِ». فَقِيلَ: يَا رَسُولَ اللَّهِ، أَرَأَيْتَ شُحُومَ الْمَيْتَةِ، فَإِنَّهُ تُطْلَى بِهَا السُّفُنُ، وَتُدْهَنُ بِهَا الْجُلُودُ، وَيَسْتَصْبَحُ بِهَا النَّاسُ؟ فَقَالَ: «لَا، هُوَ حَرَامٌ»، ثُمَّ قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم - عِنْدَ ذَلِكَ: «قَاتَلَ اللَّهُ الْيَهُودَ، إِنَّ اللَّهَ لَمَّا حَرَّمَ عَلَيْهِمْ شُحُومَهَا جَمَلُوهَا، ثُمَّ بَاغَوْهُ، فَأَكَلُوا ثَمَنَهُ». مُتَّفَقٌ عَلَيْهِ

Jabir ibn Abdullah reported that he heard the Messenger of Allah (ﷺ) during the Year of the Conquest while in Mecca, say: "Indeed, Allah and His Messenger have forbidden the sale of alcohol, dead animals, pigs, and idols."

Someone asked, "Messenger of Allah, what about the fat of dead animals? It is used to seal boats, to tan hides, and people use it for lamps." He replied: "No—it is forbidden."

Then the Messenger of Allah (ﷺ) said: "May Allah curse the Jews! When Allah forbade them the fat (of dead animals), they melted it down, sold it, and consumed its price."

(Agreed upon)

وَعَنْ ابْنِ مَسْعُودٍ - رضي الله عنه - قَالَ: سَمِعْتُ رَسُولَ اللَّهِ - صلى الله عليه وسلم - يَقُولُ: «إِذَا اخْتَلَفَ الْمُتَبَايعَانِ لَيْسَ بَيْنَهُمَا بَيِّنَةٌ، فَالْقَوْلُ مَا يَقُولُ رَبُّ السِّلْعَةِ أَوْ يَتَنَارَكَانِ». «رَوَاهُ الْحُمْسَةُ، وَصَحَّحَهُ الْحَاكِمُ

Narrated by Ibn Mas'ud: I heard the Messenger of Allah (ﷺ) say, "When two people involved in a transaction disagree and have no evidence, the word of the seller is taken, or they may cancel the deal." (Reported by the Five Imams; authenticated by al-Hakim)



وَعَنْ أَبِي مَسْعُودٍ - رضي الله عنه: أَنَّ رَسُولَ اللَّهِ - صلى الله عليه وسلم - نَهَى عَنْ ثَمَنِ الْكَلْبِ، وَمَهْرِ الْبَغِيِّ، وَخُلُوانِ الْكَاهِنِ. مُتَّفَقٌ عَلَيْهِ.

Narrated by Abu Mas'ud al-Ansari: The Messenger of Allah (ﷺ) prohibited the price of a dog, the earnings of a prostitute, and the payment to a soothsayer. (Agreed upon)

وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ - رَضِيَ اللَّهُ عَنْهُمَا: أَنَّهُ كَانَ [يَسِيرُ] عَلَى جَمَلٍ لَهُ أَعْيَا. فَأَرَادَ أَنْ يُسَيِّبَهُ. قَالَ: فَلَحِقَنِي النَّبِيُّ - صلى الله عليه وسلم - فَدَعَا لِي، وَضَرَبَهُ، فَسَارَ سَيْرًا لَمْ يَسِرْ مِثْلَهُ، قَالَ: «بِعْنِيهِ بِوَقِيَّةٍ» قُلْتُ: لَا. ثُمَّ قَالَ: «بِعْنِيهِ» فَبِعْتُهُ بِوَقِيَّةٍ، وَاشْتَرَطْتُ حُمْلَانَهُ إِلَى أَهْلِي، فَلَمَّا بَلَغْتُ أَتَيْتُهُ بِالْجَمَلِ، فَفَقَدَنِي ثَمَنُهُ، ثُمَّ رَجَعْتُ فَأَرْسَلَ فِي أَثَرِي. فَقَالَ: «أَتَرَانِي مَا كَسَبْتُكَ لِأَخَذِ جَمَلِكَ؟ خُذْ جَمَلَكَ وَدَرَاهِمَكَ فَهُوَ لَكَ». مُتَّفَقٌ عَلَيْهِ، وَهَذَا السِّيَاقُ لِمُسْلِمٍ.

Narrated by Jaber ibn 'Abdullah: I was traveling on a camel that had become exhausted, so I intended to let it go. The Prophet (ﷺ) approached me, prayed for it, and struck it. It then moved as it had never done before. He said, "Sell it to me for one Uqiya." I replied, "No." He insisted, so I sold it to him with the condition that I could ride it home. When I reached home, I brought the camel to him, and he paid me its price. Then he said, "Do you think I bought it to keep it? Take your camel and your money; both are yours." (Agreed upon; this is Muslim's wording)

وَعَنْهُ قَالَ: أَعْتَقَ رَجُلٌ مِّنَّا عَبْدًا لَهُ عَنْ دُبُرٍ لَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُ. فَدَعَا بِهِ النَّبِيُّ - صلى الله عليه وسلم - فَبَاعَهُ. مُتَّفَقٌ عَلَيْهِ.

He also narrated that a man freed a slave on a contract but owned no other wealth. The Prophet (ﷺ) called the slave and sold him. (Agreed upon)

وَعَنْ مَيْمُونَةَ زَوْجِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَرَضِيَ عَنْهَا -؛ أَنَّ فَارَةً وَقَعَتْ فِي سَمْنٍ، فَمَاتَتْ فِيهِ، فَسُئِلَ النَّبِيُّ - صلى الله عليه وسلم - عَنْهَا. فَقَالَ: «أَلْقُوهَا وَمَا حَوْلَهَا، وَكُلُّوهُ». رَوَاهُ الْبُخَارِيُّ. وَزَادَ أَحْمَدُ. وَالنَّسَائِيُّ: فِي سَمْنٍ جَامِدٍ.

Maymunah, the wife of the Prophet (ﷺ), reported: A mouse fell into some fat and died in it. The Prophet (peace be upon him) was asked about it, and he said: "Remove it and whatever is around it, and eat the rest."

(Reported by al-Bukhari)

Ahmad and al-Nasa'i added in their version: "...it was solid fat."



وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - قَالَ: قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم: «إِذَا وَقَعَتِ الْفَأْرَةُ فِي السَّمَنِ، فَإِنْ كَانَ جَامِدًا فَأَلْقُوهَا وَمَا حَوْلَهَا، وَإِنْ كَانَ مَائِعًا فَلَا تَقْرُبُوهُ». رَوَاهُ أَحْمَدُ، وَأَبُو دَاوُدَ، وَقَدْ حَكَمَ عَلَيْهِ الْبُخَارِيُّ وَأَبُو حَاتِمٍ بِالْوَهْمِ.

Abu Huraira reported that the Messenger of Allah (ﷺ) said: "If a mouse falls into fat:  
— If the fat is solid, then remove it and whatever is around it, and you may use the rest.  
— But if it is liquid, then do not go near it."  
(Reported by Ahmad and Abu Dawud. However, al-Bukhari and Abu Hatim regarded this narration as mistaken.)

وَعَنْ أَبِي الزُّبَيْرِ قَالَ: سَأَلْتُ جَابِرًا عَنْ ثَمَنِ السِّنَّورِ وَالْكَلْبِ؟ فَقَالَ: رَجَرَ النَّبِيُّ - صلى الله عليه وسلم - عَنْ ذَلِكَ. رَوَاهُ مُسْلِمٌ. وَالتَّسَائِيُّ وَزَادَ: إِلَّا كَلْبَ صَيْدٍ.

Abu al-Zubayr said: I asked Jabir about the price of a cat and a dog. He replied: "The Prophet (peace be upon him) forbade that."  
(Reported by Muslim)  
Al-Nasa'i added: "...except for a hunting dog."



وَعَنْ عَائِشَةَ -رَضِيَ اللَّهُ عَنْهَا- قَالَتْ: جَاءَتْنِي بَرِيرَةُ، فَقَالَتْ: كَاتَبْتُ أَهْلِي عَلَى تِسْعِ أَوَاقٍ، فِي كُلِّ عَامٍ أَوْقِيَّةً، فَأَعِينَنِي. فَقُلْتُ: إِنْ أَحَبَّ أَهْلُكَ أَنْ أَعِدَّهَا لَهُمْ وَيَكُونَ وَلَاؤُكَ لِي فَعَلْتُ، فَذَهَبَتْ بَرِيرَةُ إِلَى أَهْلِهَا. فَقَالَتْ لَهُمْ: فَأَبَوْا عَلَيْهَا، فَجَاءَتْ مِنْ عِنْدِهِمْ، وَرَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - جَالِسٌ. فَقَالَتْ: إِنِّي قَدْ عَرَضْتُ ذَلِكَ عَلَيْهِمْ فَأَبَوْا إِلَّا أَنْ يَكُونَ الْوَلَاءُ لَهُمْ، فَسَمِعَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَخْبَرَتْ عَائِشَةُ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: «خُذِيهَا وَاشْتَرِيْ هُمْ الْوَلَاءَ، فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ» فَفَعَلْتُ عَائِشَةُ، ثُمَّ قَامَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي النَّاسِ [خَطِيْبًا]، فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ. ثُمَّ قَالَ: «أَمَّا بَعْدُ، مَا بَالُ رِجَالٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فِي كِتَابِ اللَّهِ - عَزَّ وَجَلَّ - مَا كَانَ مِنْ شَرْطٍ لَيْسَ فِي كِتَابِ اللَّهِ فَهُوَ بَاطِلٌ، وَإِنْ كَانَ مِائَةَ شَرْطٍ، قَضَاءُ اللَّهِ أَحَقُّ، وَشَرْطُ اللَّهِ أَوْثَقُ، وَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ». مُتَّفَقٌ عَلَيْهِ، وَاللَّفْظُ لِلْبُخَارِيِّ. وَعِنْدَ مُسْلِمٍ فَقَالَ: اشْتَرَيْهَا وَأَعْتَقِيهَا وَاشْتَرِطِي لَهُمُ الْوَلَاءَ.

Aisha reported: "Barirah came to me and said: 'I have made a contract with my family to pay them nine Uqiyas, one Uqiya per year, and I am seeking your help.' I said to her: 'If your family agrees to have your allegiance transferred to me, I will help you.' Barirah went to her family and asked them. They refused, insisting that the allegiance remain with them. She then came to me while the Messenger of Allah (ﷺ) was sitting. She said: 'I offered them the arrangement, but they refused to transfer the allegiance to you, and insisted on keeping it for themselves.' The Prophet (ﷺ) heard this and said: 'Take her and stipulate that the allegiance belongs to you, for allegiance is only for the one who grants freedom.' Aisha then followed the Prophet's advice.

Later, the Prophet (ﷺ) stood up in front of the people, praised and thanked Allah, and then said: 'What is the matter with certain men who make conditions that are not in the Book of Allah? Any condition that is not found in the Book of Allah is void, even if it involves a hundred conditions.

The judgment of Allah is the most rightful, and His condition is the strongest.

Allegiance is only for the one who grants freedom."\*\*\*

(Agreed upon; wording from al-Bukhari)

(Muslim's version: "Buy her, set her free, and stipulate that the allegiance belongs to them.")



وَعَنِ ابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ: نَهَى عُمَرُ عَنْ بَيْعِ أُمَّهَاتِ الْأَوْلَادِ، فَقَالَ: لَا تُبَاعُ، وَلَا تُوهَبُ، وَلَا تُورَثُ، لَيْسَتْ مِمَّا بَدَأَ لَهُ، فَإِذَا مَاتَ فَهِيَ حُرَّةٌ. رَوَاهُ مَالِكٌ، وَابْنُ أَبِي حَتْمٍ، وَقَالَ: رَفَعَهُ بَعْضُ الرُّوَاةِ، فَوَهَمَ.

Ibn Umar reported: "Umar forbade the sale of mothers of children (female slaves who had given birth). He said: 'They are neither to be sold, nor gifted, nor inherited. They may be used as long as the owner desires, but when the owner dies, they are to be set free.'"  
(Reported by Malik and al-Bayhaqi; some narrators mistakenly attributed this ruling to the Prophet, but it is from Umar.)

وَعَنِ جَابِرٍ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: كُنَّا نَبِيعُ سَرَائِنَا، أُمَّهَاتِ الْأَوْلَادِ، وَالنَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حَيٌّ، لَا نَرَى بِذَلِكَ بَأْسًا. رَوَاهُ النَّسَائِيُّ، وَابْنُ مَاجَةَ، وَالدَّارَقُطْنِيُّ، وَصَحَّحَهُ ابْنُ حِبَّانَ.

Jabir reported: "We used to sell our female slaves who were mothers of children during the time when the Prophet (ﷺ) was alive, and we did not see anything wrong with this."  
(Reported by al-Nasa'i, Ibn Majah, and al-Daraqutni; Ibn Hibban authenticated it.)

وَعَنِ جَابِرِ بْنِ عَبْدِ اللَّهِ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ: نَهَى النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ بَيْعِ فَضْلِ الْمَاءِ. رَوَاهُ مُسْلِمٌ. وَزَادَ فِي رِوَايَةٍ: وَعَنْ بَيْعِ ضِرَابِ الْجَمَلِ.

Jabir ibn Abdullah reported: "The Prophet (ﷺ) forbade the sale of surplus water."  
(Reported by Muslim)

In another narration, he also forbade the sale of camel saddles.

وَعَنِ ابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ: نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ عَسْبِ الْفَحْلِ. رَوَاهُ الْبُخَارِيُّ.

Ibn Umar reported: "The Messenger of Allah (ﷺ) forbade the practice of 'assb al-fahl' (breeding a male animal specifically for the purpose of producing offspring)."  
(Reported by al-Bukhari)

وَعَنْهُ؛ - أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى عَنْ بَيْعِ حَبْلِ الْحَبْلَةِ، وَكَانَ يَبِيعُهَا يَتَبَايَعُ أَهْلُ الْجَاهِلِيَّةِ: كَانَ الرَّجُلُ يَبْتَاعُ الْجُرُورَ إِلَى أَنْ تُنْتَجِ النَّاقَةُ، ثُمَّ تُنْتَجِ الْإِثْمَانَةُ فِي بَطْنِهَا. مُتَّفَقٌ عَلَيْهِ، وَاللَّفْظُ لِلْبُخَارِيِّ.

Ibn Umar reported: "The Messenger of Allah (ﷺ) forbade the sale of the 'pregnant she-camel's pregnancy' (a practice from the pre-Islamic period). This was when a man would buy a she-camel with the agreement that he would also receive the offspring that the camel would give birth to.

(Agreed upon; wording from al-Bukhari)



وَعَنْهُ؛ - أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى عَنْ بَيْعِ الْوَلَاءِ، وَعَنْ هِبَتِهِ. مُتَّفَقٌ عَلَيْهِ.

Ibn Umar reported: "The Messenger of Allah (ﷺ) forbade the sale of allegiance and the gifting of it."

(Agreed upon)

وَعَنْ أَبِي هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ بَيْعِ الْخِصَاةِ، وَعَنْ بَيْعِ الْغَرَرِ. رَوَاهُ مُسْلِمٌ.

Abu Hurairah reported: "The Messenger of Allah (ﷺ) forbade the sale of pebbles and the sale involving uncertainty (gharar)."

(Reported by Muslim)

وَعَنْهُ: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ اشْتَرَى طَعَامًا فَلَا يَبْعُهُ حَتَّى يَكْتَالَهُ». رَوَاهُ مُسْلِمٌ.

Abu Huraira reported: "The Messenger of Allah (ﷺ) said: 'Whoever buys food, let him not sell it until he has measured it.'"

(Reported by Muslim)

وَعَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ بَيْعَتَيْنِ فِي بَيْعَةٍ. رَوَاهُ أَحْمَدُ، وَالنَّسَائِيُّ، وَصَحَّحَهُ التِّرْمِذِيُّ، وَابْنُ حِبَّانَ. وَلَأَبِي دَاوُدَ: «مَنْ بَاعَ بَيْعَتَيْنِ فِي بَيْعَةٍ فَلَهُ أَوْكُسُهُمَا، أَوْ الرِّبَا»

Abu Hurairah reported: "The Messenger of Allah (ﷺ) forbade two sales in one transaction."

(Reported by Ahmad, al-Nasa'i, and authenticated by al-Tirmidhi and Ibn Hibban.)

Abu Dawud's version adds: "Whoever makes two sales in one transaction, he will get the lesser of the two or engage in usury (riba)."



وَعَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَجِلُّ سَلَفٌ وَبَيْعٌ وَلَا شَرْطَانِ فِي بَيْعٍ، وَلَا رِبْحٌ مَا لَمْ يُضْمَنْ، وَلَا بَيْعٌ مَا لَيْسَ عِنْدَكَ». رَوَاهُ الْخُمْسَةُ، وَصَحَّحَهُ التِّرْمِذِيُّ، وَابْنُ حُزَيْمَةَ، وَالْحَاكِمُ.

وَأَخْرَجَهُ فِي «عُلُومِ الْحَدِيثِ» مِنْ رِوَايَةِ أَبِي حَنِيفَةَ، عَنْ عَمْرِو الْمَذْكُورِ بِلَفْظٍ: «نَهَى عَنْ بَيْعٍ وَشَرْطٍ» وَمِنْ هَذَا الْوَجْهِ أَخْرَجَهُ الطَّبْرَانِيُّ فِي «الْأَوْسَطِ» وَهُوَ غَرِيبٌ.

وَعَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ بَيْعِ الْعُرْبَانِ. رَوَاهُ مَالِكٌ، قَالَ: بَلَغَنِي عَنْ عَمْرِو بْنِ شُعَيْبٍ، بِهِ.

Amr ibn Shu'aib, on the authority of his father, from his grandfather reported:

“The Messenger of Allah (ﷺ) said: ‘It is not permissible to combine a loan and a sale, nor two conditions in one sale, nor profit from something that is not guaranteed, nor to sell something that you do not have.’”

(Reported by the five compilers; authenticated by al-Tirmidhi, Ibn Khuzaymah, and al-Hakim.)

It has also been reported in the "Sciences of Hadith" from the narration of Abu Hanifah from Amr (the one mentioned earlier), with the wording:

“He forbade the combination of a sale and a condition.” This version was also narrated by al-Tabarani in his "al-Awsat", and it is considered a singular narration.

Amr ibn Shu'aib reported: “The Messenger of Allah (ﷺ) forbade the sale of 'arban' (a type of sale where a deposit is paid by the buyer to secure the transaction but is non-refundable).”

(Narrated by Malik, who reported it as having been conveyed to him by Amr ibn Shu'aib.)

وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: ابْتَعْتُ زَيْتًا فِي السُّوقِ، فَلَمَّا اسْتَوْجَبْتُهُ لَقِينِي رَجُلٌ فَأَعْطَانِي بِهِ رِبْحًا حَسَنًا، فَأَرَدْتُ أَنْ أَضْرِبَ عَلَى يَدِ الرَّجُلِ، فَأَخَذَ رَجُلٌ مِنْ خَلْفِي بِذِرَاعِي، فَالْتَفَتُ، فَإِذَا هُوَ زَيْدُ بْنُ ثَابِتٍ، فَقَالَ: لَا تَبِعْهُ حَيْثُ ابْتَعْتَهُ حَتَّى تَحْوِزَهُ إِلَى رَحْلِكَ؛ فَإِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى أَنْ تُبَاعَ السِّلَعُ حَيْثُ تُبْتَاعُ، حَتَّى يَحْوِزَهَا التُّجَّارُ إِلَى رِحَالِهِمْ. رَوَاهُ أَحْمَدُ، وَأَبُو دَاوُدَ وَاللَّفْظُ لَهُ، وَصَحَّحَهُ ابْنُ حِبَّانَ وَالْحَاكِمُ.

Ibn Umar reported: "I bought some oil in the market, and when I was about to take possession of it, a man met me and offered me a good profit. I was about to accept his offer, but a man grabbed my arm from behind. I turned around and saw it was Zayd ibn Thabit. He said: 'Do not sell it where you bought it, until you take possession of it and move it to your place. For the Messenger of Allah (ﷺ) forbade the sale of goods where they are bought until the merchants take them to their own locations.'"

(Narrated by Ahmad, Abu Dawud, with the wording from Abu Dawud, and authenticated by Ibn Hibban and al-Hakim.)



وَعَنْهُ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي أَبِيعُ بِالْبَقِيعِ، فَأَبِيعُ بِالدَّنَائِرِ وَأَأْخُذُ الدَّرَاهِمَ، وَأَبِيعُ بِالدَّرَاهِمِ وَأَأْخُذُ الدَّنَائِرَ، أَخُذُ هَذَا مِنْ هَذِهِ وَأُعْطِي هَذِهِ مِنْ هَذَا؟ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا بَأْسَ أَنْ تَأْخُذَهَا بِسَعْرِ يَوْمِهَا مَا لَمْ تَتَفَرَّقَا وَبَيْنَكُمَا شَيْءٌ». رَوَاهُ الْخُمْسَةُ، وَصَحَّحَهُ الْحَاكِمُ.

Ibn Umar reported: "I said: 'O Messenger of Allah! I sell in the marketplace of al-Baqi, and I exchange dinars for dirhams, and I exchange dirhams for dinars. I take this from this and give this for that.' The Messenger of Allah (ﷺ) replied: 'There is no harm in taking them at the market rate of the day, as long as you do not separate and there is nothing between you.'" (Narrated by the five compilers and authenticated by al-Hakim.)

وَعَنْهُ قَالَ: نَهَى - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنِ النَّجْشِ. مُتَّفَقٌ عَلَيْهِ.

Ibn Umar reported: "The Messenger of Allah (ﷺ) forbade najsh." (Agreed upon by both al-Bukhari and Muslim.)

وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ - رَضِيَ اللَّهُ عَنْهُمَا -؛ - أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى عَنِ الْمُحَاقَلَةِ، وَالْمُزَابَنَةِ، وَالْمُخَابَرَةِ، وَعَنِ الثُّنْيَا، إِلَّا أَنْ تُعْلَمَ - رَوَاهُ الْخُمْسَةُ إِلَّا ابْنَ مَاجَةَ، وَصَحَّحَهُ التِّرْمِذِيُّ.

Jabir ibn Abdullah reported: "The Prophet (ﷺ) forbade *muhakala* (exchanging crops for crops on the condition of an unknown quantity), *muzabana* (selling fruits or crops before they ripen), *mukhabara* (the practice of sharing crops or fields for cultivation), and *thunya* (selling crops that are not clearly specified), unless the details are made clear." (Narrated by the five compilers except Ibn Majah, and authenticated by al-Tirmidhi.)

وَعَنْ أَنَسٍ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنِ الْمُحَاقَلَةِ، وَالْمُخَاضَرَةِ، وَالْمُلَامَسَةِ، وَالْمُنَابَذَةِ، وَالْمُزَابَنَةِ. رَوَاهُ الْبُخَارِيُّ.

Anas ibn Malik reported: "The Messenger of Allah (ﷺ) forbade *muhakala* (exchanging crops for crops without specifying the quantity), *mukhadara* (selling fruits before they ripen), *mulamasa* (selling goods by touch without proper examination), *munabada* (throwing a garment to the buyer without proper agreement), and *muzabana* (selling fruits before they ripen and not knowing the quantity)." (Narrated by al-Bukhari.)



وَعَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ -رَضِيَ اللَّهُ عَنْهُمَا- قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا تَلْقُوا الرُّكْبَانَ، وَلَا يَبِيعُ حَاضِرٌ لِبَادٍ». قُلْتُ لِابْنِ عَبَّاسٍ: مَا قَوْلُهُ: «وَلَا يَبِيعُ حَاضِرٌ لِبَادٍ؟» قَالَ: لَا يَكُونُ لَهُ سَمْسَارًا. مُتَّفَقٌ عَلَيْهِ وَاللَّفْظُ لِلْبُخَارِيِّ.

Tawus, from Ibn Abbas, reported: "The Messenger of Allah (ﷺ) said: 'Do not meet the travelers on the road, and do not allow residents to sell to those from the desert.'" I asked Ibn Abbas: "What does he mean by, 'And do not allow residents to sell to those from the desert?'" He replied: "It means that a resident should not act as an intermediary for the Bedouins."  
(Narrated by al-Bukhari, with the wording of al-Bukhari.)

وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا تَلْقُوا الْجُلَبَ، فَمَنْ تُلْقَى فَاشْتَرِي مِنْهُ، فَإِذَا أَتَى سَيِّدُهُ السُّوقَ فَهُوَ بِالْخِيَارِ». رَوَاهُ مُسْلِمٌ.

Abu Huraira reported: The Messenger of Allah (ﷺ) said: 'Do not intercept goods coming to the market, and if someone does intercept them and sells to you, then when the owner of the goods arrives at the market, he has the right to cancel the sale.'  
(Narrated by Muslim)

وَعَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ، «وَلَا تَنَاجَشُوا، وَلَا يَبِيعُ الرَّجُلُ عَلَى بَيْعِ أَخِيهِ، وَلَا يَخْطُبُ عَلَى خِطْبَةِ أَخِيهِ، وَلَا تُسْأَلُ الْمَرْأَةُ طَلَاقَ أُخْتِهَا لِتَكْفَأَ مَا فِي إِنْائِهَا». مُتَّفَقٌ عَلَيْهِ. وَلِمُسْلِمٍ: «لَا يَسُمُّ الْمُسْلِمُ عَلَى سَوِّمِ الْمُسْلِمِ».

Narrated by Abu Hurairah: The Messenger of Allah (ﷺ) prohibited the sale by a resident on behalf of a nomad, "tanaajush" (manipulating prices), one person selling on behalf of another in a way that undermines their transaction, a man proposing to marry a woman already engaged, and a woman asking for the divorce of her sister's husband to marry him. Agreed upon by *Sahih al-Bukhari* and *Sahih Muslim*.

In *Sahih Muslim*: "A Muslim should not offer a higher price than another Muslim for the same item."

وَعَنْ أَبِي أَيُّوبَ الْأَنْصَارِيِّ - رضي الله عنه - [قَالَ]: سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «مَنْ فَرَّقَ بَيْنَ وَالِدَةٍ وَوَلَدِهَا، فَرَّقَ اللَّهُ بَيْنَهُ وَبَيْنَ أَحَبِّهِ يَوْمَ الْقِيَامَةِ». رَوَاهُ أَحْمَدُ، وَصَحَّحَهُ التِّرْمِذِيُّ، وَالحَاكِمُ، وَلَكِنْ فِي إِسْنَادِهِ مَقَالٌ. وَلَهُ شَاهِدٌ.

**Narrated by Abu Ayyub al-Ansari:** I heard the Messenger of Allah (ﷺ) say: "Whoever separates a mother from her child, Allah will separate him from his loved ones on the Day of Judgment." This was narrated by Ahmad, and authenticated by al-Tirmidhi and al-Hakim, although there is a slight issue with the chain of narration. There is a supporting narration.



وَعَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رضي الله عنه - قَالَ: أَمَرَنِي رَسُولُ اللَّهِ - صلى الله عليه وسلم - أَنْ أُبَيِّعَ غُلَامَيْنِ أَحْوَيْنِ، فَبِعْتُهُمَا، فَفَرَّقْتُ بَيْنَهُمَا، فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ - صلى الله عليه وسلم - فَقَالَ: «أَدْرِكُهُمَا، فَارْتَجِعْهُمَا، وَلَا تَبِعْهُمَا إِلَّا جَمِيعًا». رَوَاهُ أَحْمَدُ، وَرِجَالُهُ ثِقَاتٌ، وَقَدْ صَحَّحَهُ ابْنُ حُرَيْمَةَ، وَابْنُ الْجَارُودِ، وَابْنُ حِبَّانَ، وَالْحَاكِمُ، وَالطَّبْرَانِيُّ، وَابْنُ الْقَطَّانِ.

**Narrated by Ali ibn Abi Talib:** The Messenger of Allah (ﷺ) instructed me to sell two brothers, and I sold them, separating them. I then mentioned this to the Prophet (ﷺ) who said: *"Reunite them, take them back, and do not sell them except as a pair."* This was narrated by Ahmad, and its narrators are reliable. It has been authenticated by Ibn Khuzaymah, Ibn al-Jarud, Ibn Hibban, al-Hakim, al-Tabarani, and Ibn al-Qattan.

وَعَنْ أَنَسِ بْنِ مَالِكٍ - رضي الله عنه - قَالَ: غَلَا السِّعْرُ بِالْمَدِينَةِ عَلَى عَهْدِ رَسُولِ اللَّهِ - صلى الله عليه وسلم - فَقَالَ النَّاسُ: يَا رَسُولَ اللَّهِ! غَلَا السِّعْرُ، فَسَعِّرْ لَنَا، فَقَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم - إِنَّ اللَّهَ هُوَ الْمُسَعِّرُ، الْقَابِضُ، الْبَاسِطُ، الرَّازِقُ، وَإِنِّي لَأَرْجُو أَنْ أَلْقَى اللَّهَ تَعَالَى -، وَلَيْسَ أَحَدٌ مِنْكُمْ يَطْلُبُنِي بِمَظْلَمَةٍ فِي دَمٍ وَلَا مَالٍ. «رَوَاهُ الْحُمْسَةُ إِلَّا النَّسَائِيُّ، وَصَحَّحَهُ ابْنُ حِبَّانَ».

**Narrated by Anas ibn Malik:** The price of goods rose in Medina during the time of the Messenger of Allah (ﷺ) and the people said: *"O Messenger of Allah! The price has risen, so please set a price for us."* The Messenger of Allah (ﷺ) replied: *"Indeed, Allah is the One who controls prices, the One who constricts and expands, the One who provides. And I hope to meet Allah, with none of you seeking justice from me for an injustice in blood or wealth."* This was narrated by the five compilers of Hadith except al-Nasa'i, and it was authenticated by Ibn Hibban.

وَعَنْ مَعْمَرِ بْنِ عَبْدِ اللَّهِ - رضي الله عنه - عَنْ رَسُولِ اللَّهِ - صلى الله عليه وسلم - قَالَ: «لَا يَخْتَكِرُ إِلَّا خَاطِيٌّ». رَوَاهُ مُسْلِمٌ.

**Narrated by Ma'mar ibn 'Abdullah, from the Messenger of Allah (ﷺ):** *"None hoards except one who is sinful."* Narrated by Muslim.



وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - عَنِ النَّبِيِّ - صلى الله عليه وسلم - قَالَ: «لَا تَصُرُّوا الْإِبِلَ وَالْغَنَمَ، فَمَنْ ابْتَاعَهَا بَعْدَ فَإِنَّهُ بِخَيْرِ النَّظَرَيْنِ بَعْدَ أَنْ يَخْلُبَهَا، إِنْ شَاءَ أَمْسَكَهَا، وَإِنْ شَاءَ رَدَّهَا وَصَاعًا مِنْ تَمْرٍ». مُتَّفَقٌ عَلَيْهِ. وَلِمُسْلِمٍ: «فَهُوَ بِالْخِيَارِ ثَلَاثَةَ أَيَّامٍ». وَفِي رِوَايَةٍ لَهُ، عَلَّقَهَا - الْبُخَارِيُّ: «رَدَّ مَعَهَا صَاعًا مِنْ طَعَامٍ، لَا سَمَاءَ». قَالَ الْبُخَارِيُّ: وَالتَّمْرُ أَكْثَرُ.

Narrated by Abu Hurayrah, from the Prophet (ﷺ): "Do not tie the udders of camels or sheep. Whoever purchases such an animal afterwards has two options, after milking it: if he wishes, he may keep it; and if he wishes, he may return it, along with a measure of dates." Agreed upon.

In Muslim's narration: "He has the right of choice for three days."

In another narration from him, reported by al-Bukhari (suspended): "He returns it with a measure of food—not dark-colored dates." Al-Bukhari said: "Dates are more common."

وَعَنْ ابْنِ مَسْعُودٍ - رضي الله عنه - قَالَ: مَنْ اشْتَرَى شَاةً مُحَقَّلَةً، فَرَدَّهَا، فَلْيُرَدَّ مَعَهَا صَاعًا. رَوَاهُ الْبُخَارِيُّ. وَزَادَ الْإِسْمَاعِيلِيُّ: مِنْ تَمْرٍ

Narrated by Ibn Mas'ud: "Whoever purchases a sheep whose udder has been bound and returns it, let him return with it a measure." Narrated by al-Bukhari. Al-Isma'ili added: "—of dates."

وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - - أَنَّ رَسُولَ اللَّهِ - صلى الله عليه وسلم - مَرَّ عَلَى صُبْرَةِ طَعَامٍ، فَأَدْخَلَ يَدَهُ فِيهَا، فَنَالَتْ أَصَابِعُهُ بَلَلًا، فَقَالَ: «مَا هَذَا يَا صَاحِبَ الطَّعَامِ؟» قَالَ: أَصَابَتْهُ السَّمَاءُ يَا رَسُولَ اللَّهِ. فَقَالَ: «أَفَلَا جَعَلْتَهُ فَوْقَ الطَّعَامِ; كَيْ يَرَاهُ النَّاسُ؟ مَنْ غَشَّ فَلَيْسَ مِنِّي». رَوَاهُ مُسْلِمٌ

**Narrated by Abu Hurayrah:** The Messenger of Allah (ﷺ) passed by a heap of food. He put his hand into it, and his fingers felt moisture. He said: "What is this, O owner of the food?" He replied: "It was touched by rain, O Messenger of Allah." The Prophet said: "Why did you not place it on top of the food so that people could see it? Whoever deceives is not of me." Narrated by Muslim.



وَعَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ حَبَسَ الْعَنْبَ أَيَّامَ الْقَطَافِ، حَتَّى يَبِيعَهُ مَنْ يَتَّخِذُهُ خَمْرًا، فَقَدْ تَقَحَّمَ النَّارَ عَلَى بَصِيرَةٍ». رَوَاهُ الطَّبْرَانِيُّ فِي «الْأَوْسَطِ» بِإِسْنَادٍ حَسَنٍ.

**Narrated by 'Abdullah ibn Buraidah, from his father:** The Messenger of Allah (ﷺ) said: "Whoever withholds grapes during the harvest season in order to sell them to those who will make wine from them, has knowingly plunged himself into the Fire." Narrated by al-Tabarani in *al-Awsat*, with a sound chain of transmission.

وَعَنْ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - قَالَتْ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْحَرَاجُ بِالضَّمَانِ». رَوَاهُ الْخُمْسَةُ، وَضَعَفَهُ الْبُخَارِيُّ، وَأَبُو دَاوُدَ وَصَحَّحَهُ التِّرْمِذِيُّ، وَابْنُ حُزَيْمَةَ، وَابْنُ الْجَارُودِ، وَابْنُ حِبَّانَ، وَالحَاكِمُ، وَابْنُ الْقَطَّانِ.

**Narrated by 'Ā'ishah:** The Messenger of Allah (ﷺ) said: "Profit is tied to liability." Narrated by the five compilers of Hadith. Al-Bukhari and Abu Dawud considered it weak, while it was authenticated by al-Tirmidhi, Ibn Khuzaymah, Ibn al-Jarud, Ibn Hibban, al-Hakim, and Ibn al-Qattan.

وَعَنْ عُرْوَةَ الْبَارِقِيِّ - رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَعْطَاهُ دِينَارًا يَشْتَرِي بِهِ أُضْحِيَّةً، أَوْ شَاةً، فَاشْتَرَى شَاتَيْنِ، فَبَاعَ إِحْدَاهُمَا بِدِينَارٍ، فَأَتَاهُ بِشَاةٍ وَدِينَارٍ، فَدَعَا لَهُ بِالْبَرَكَةِ فِي بَيْعِهِ، فَكَانَ لَوْ اشْتَرَى ثَرَابًا لَرَبِحَ فِيهِ. رَوَاهُ الْخُمْسَةُ إِلَّا النَّسَائِيَّ. وَقَدْ أَخْرَجَهُ الْبُخَارِيُّ ضِمْنَ حَدِيثٍ، وَلَمْ يَسْقُ لَفْظُهُ. - وَأُورِدَ التِّرْمِذِيُّ لَهُ شَاهِدًا: مِنْ حَدِيثِ حَكِيمِ بْنِ حَزَامٍ

**Narrated by 'Urwah al-Bāriqī:** The Prophet (ﷺ) gave him a dinar to buy a sacrificial animal or a sheep. He bought two sheep and sold one of them for a dinar, then returned to the Prophet (ﷺ) with a sheep and a dinar. The Prophet prayed for blessing in his trade, and it was said that had he bought even dust, he would have profited from it. Narrated by the five except al-Nasa'i. Al-Bukhari included it within a longer narration without citing the exact wording. Al-Tirmidhi also recorded a supporting narration from Hakim ibn Hizam.



وَعَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ - رضي الله عنه: أَنَّ النَّبِيَّ - صلى الله عليه وسلم - نَهَى عَنْ شِرَاءِ مَا فِي بُطُونِ الْأَنْعَامِ حَتَّى تَضَعَ، وَعَنْ بَيْعِ مَا فِي ضُرُوعِهَا، وَعَنْ شِرَاءِ الْعَبْدِ وَهُوَ آبِقٌ، وَعَنْ شِرَاءِ الْمَغَانِمِ حَتَّى تُقَسَمَ، وَعَنْ شِرَاءِ الصَّدَقَاتِ حَتَّى تُقَبَضَ، وَعَنْ ضَرْبَةِ الْغَائِصِ. رَوَاهُ ابْنُ مَاجَهَ، وَابْنُ زُرَّارٍ، وَالدَّارِقُطْنِيُّ بِإِسْنَادٍ ضَعِيفٍ

**Narrated by Abū Saʿīd al-Khudrī:** The Prophet (ﷺ) forbade the purchase of what is in the wombs of livestock until they give birth, and the sale of what is in their udders, the purchase of a runaway slave, the buying of spoils of war before they are distributed, the buying of charity goods before they are received, and transactions based on the diver's strike.  
Narrated by Ibn Mājah, al-Bazzār, and al-Dāraqutnī with a weak chain of transmission.

وَعَنْ ابْنِ مَسْعُودٍ - رضي الله عنه - قَالَ: قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم: «لَا تَشْتَرُوا السَّمَكَ فِي الْمَاءِ؛ فَإِنَّهُ غَرَرٌ». رَوَاهُ أَحْمَدُ، وَأَشَارَ إِلَى أَنَّ الصَّوَابَ وَفْقُهُ

**Narrated by Ibn Mas'ūd:** The Messenger of Allah (ﷺ) said: "Do not purchase fish while it is still in the water, for that is uncertainty (gharar)."  
Narrated by Ahmad, who indicated that the sound view is that it is mawqūf (a statement of the Companion).

وَعَنْ ابْنِ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ: نَهَى رَسُولُ اللَّهِ - صلى الله عليه وسلم - أَنْ تُبَاعَ ثَمَرَةٌ حَتَّى تُطْعَمَ، وَلَا يُبَاعَ صُوفٌ عَلَى ظَهْرٍ، وَلَا لَبَنٌ فِي ضَرَعٍ. رَوَاهُ الطَّبْرَانِيُّ فِي «الْأَوْسَطِ» وَالدَّارِقُطْنِيُّ. وَأَخْرَجَهُ أَبُو دَاوُدَ فِي «الْمَرَاسِيلِ» لِعِكْرَمَةَ، وَهُوَ الرَّاجِحُ. وَأَخْرَجَهُ أَيْضًا مَوْفُوفًا عَلَى ابْنِ عَبَّاسٍ بِإِسْنَادٍ قَوِيٍّ، وَرَجَّحَهُ الْبَيْهَقِيُّ

**Narrated by Ibn ʿAbbās:** The Messenger of Allah (ﷺ) forbade the sale of fruit before it is ready to be eaten, the sale of wool on the back of an animal, and milk while it is still in the udder.  
Narrated by al-Ṭabarānī in *al-Awsaṭ* and al-Dāraqutnī. It was also reported by Abū Dāwūd in *al-Marāsīl* from ʿIkrimah, and this is considered the stronger view. It was further reported as a mawqūf narration from Ibn ʿAbbās with a strong chain, and this was preferred by al-Bayhaqī.



وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه، أَنَّ النَّبِيَّ - صلى الله عليه وسلم - نَهَى عَنْ بَيْعِ الْمَضَامِينِ،  
وَالْمَلَاqِيحِ. رَوَاهُ الْبَزَّازُ، وَفِي إِسْنَادِهِ ضَعْفٌ

**Narrated by Abu Hurayrah:** The Prophet (ﷺ) forbade the sale of *al-madāmīn* (pledged goods) and *al-malāqīḥ* (breeding camels or animals).

Narrated by al-Bazzār, with a weak chain of transmission.

عَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - قَالَ: قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم: «مَنْ أَقَالَ مُسْلِمًا  
بَيْعَتَهُ، أَقَالَهُ اللَّهُ عَثْرَتَهُ». رَوَاهُ أَبُو دَاوُدَ، وَابْنُ مَاجَهَ، وَصَحَّحَهُ ابْنُ حِبَّانَ، وَالْحَاكِمُ

**Narrated by Abu Hurayrah:** The Messenger of Allah (ﷺ) said: "Whoever pardons a Muslim in his sale, Allah will pardon his mistake."

Narrated by Abū Dāwūd and Ibn Mājah, and authenticated by Ibn Ḥibbān and al-Ḥākim.



## باب الخيار

### Chapter: The Right of Option (al-Khiyār)

وهو أقسام: خيار المجلس: يثبت في بيع، وما بمعناه وإجارة وصرف ونحوه دون نكاح ووقف ومساقاة ونحوها إلى أن يتفرقا عُرْفًا بأبداهما، وإن أسقطاه أو تبايعا على ألا خيار سقط، وإن أسقطه أحدهما بقي للآخر

It comprises several types:  
(1) The Option of the Session (Khayār al-Majlis): This right is established in cases of sale and similar transactions, such as leasing (ijārah), currency exchange (ṣarf), and the like, but it does not apply to matters such as marriage, endowment (waqf), sharecropping (musāqāt), and similar agreements. The right of choice remains with both parties until they part ways physically, according to customary practice. If both parties agree to waive this right, or if they explicitly sell on the condition that there shall be no option, then the right of choice lapses. However, if only one party waives it, the other still retains their right.



الثاني: أن يشترطاه في العقد لهما أو لأحدهما مُدَّة معلومة ولو طال، وابتدأوها من عقد، وإذا مضت مدته أو قَطَعَاه لَزِمَ البيعُ. ويثبتُ في بيع وما بمعناه غير نحو صَرَفٍ، وفي إجارَةٍ في ذَمَّة، أو مدة لا تلي العقد، ويصح إلى الغد أو الليل، ويسقط بأَوَّلِهِ. ولمن له الخيار الفسخ ولو مَعَ غيبة الآخر أو سخطه. والملك مدة الخيارين لمشتريِّ فله نِماءُؤه وكسبه، وعليه نقصه وتلفه إن ضَمِنَهُ ولا يصحُّ تصرُّف أحدهما في المبيع أو ثَمَنِهِ المَعَيَّن زَمَنُهُ بلا إِذْنِ الآخر لغير تجربة، إلا عتقَ مشتريِّ فينفذ مع التحريم. وتصرَّف مشتريُّ فسخَ خياره لا بائع، ومن مَاتَ منهما بطل خياره.

#### The

#### second

#### type:

It is when both parties stipulate, within the contract itself, that the right of choice shall remain for both of them, or for one of them alone, for a specified period — even if that period is long. The period begins from the moment the contract is concluded. Once the set time expires, or they mutually end it, the sale becomes binding. This right of choice applies in sales and similar transactions, but not in cases like currency exchange (sarf). It also applies to leasing contracts concerning liabilities or to leases where the rental term does not immediately follow the contract. It is valid for the option to last until the following day or night, but the right lapses at the start of that time. The one holding the right of choice may annul the sale, even if the other party is absent or objects. Ownership during the period of both types of options belongs to the purchaser: he benefits from any growth or earnings arising from the property, but he also bears any loss or damage, provided he has undertaken its guarantee. Neither party may validly dispose of the sold item or the specified price during the period of the option without the permission of the other, except for actions done merely for the purpose of trial or testing. However, if the buyer sets a purchased slave free, the act is valid, although it is religiously prohibited. If the buyer disposes of the item, it counts as cancelling his right of choice, but if the seller does so, it does not. If either party dies, their right of choice is extinguished.



الثالث: إذا غُيِّنَ في البيع غَبْنًا حَارِجًا عن عادٍ؛: بزيادة ناجشٍ، ولمسترسل، وفي تلقِّي ركبَان

**The third type:**

When a person is deceived in a sale — with a level of loss (ghabn) beyond what is normally tolerated — whether through the artificial inflation of prices by a false bidder (nājjish), or when dealing with an unsuspecting, trusting buyer, or through intercepting traders before they reach the market.

الرابع: خيار التدليس: كتسويد شعر، وتجعيده، وتَصْرِيفُ لبن في ضَرْعٍ ونحوه، ويردُّ مع مُصْرَاةٍ بدل اللبن صَاعَ تمر.

**The fourth type:**

The Option of Deception (Khiyār al-Tadlīs): This arises from acts such as dyeing an animal's hair black, artificially curling it, or preventing a camel or cow from being milked in order to make its udder appear full. In such a case, the buyer has the right to return the animal, and if he does, he must give back, in place of the consumed milk, a measure (ṣā') of dates.



الخامس: خيار العيب: وهو ما نقص قيمة المبيع، كمرضه وزيادة عضو أو سنن أو فقدهما، وحول أو قَرَعَ، وعَثَرَة مركوبٍ، وزنى مَنْ له عشر وسرقته وإباقه وبوله في فراشه ونحوه، فإذا علمه مشترٍ خيّر بين إمساك مع أرش، أو ردّ وأخذ ما دفع مِنْ ثَمَن. وإن تلف أو عتق تعين أرشٌ، وإن تعيَّب عند مشترٍ، أو اشترى جوز هند أو بيض نعام فكسره فوجده فاسدًا، فإن أمسكه فله أرشه، وإن ردّه ردّ مَعَه أرش عيبه أو كسره، بخلاف نحو بيض دجاج يجهده فاسدًا فيرجع بكل ثمنه. وخياره مُتَرَاخ ما لم يوجد دليل رضا، ولا يفتقر إلى حكمٍ ولا [إلى] رضا رفيقه. وإن اختلفا عند مَنْ حَدَثَ العيبُ مع احتمالٍ، فقولُ مشترٍ يمينه، فإن لم يحتمل إلا قولَ أحدهما قُبِلَ بلا يمين.

#### The

#### fifth

#### type:

The Option of Defect (Khiyār al-‘Ayb): This applies when the sold item has a defect that reduces its value, such as illness, an extra or missing limb or tooth, squinting, baldness, stumbling in a riding animal, or, in the case of a slave, committing fornication, theft, running away, or urinating in his bedding, and similar faults. When the buyer discovers such a defect, he has the choice either to keep the item and accept compensation for the deficiency, or to return it and reclaim the price he paid. If the item perishes or is set free (in the case of a slave), then compensation for the defect (‘arsh) becomes obligatory. If the item becomes defective while in the buyer’s possession — or if he buys coconuts or ostrich eggs and breaks them open, finding them spoiled — then: If he chooses to keep them, he is entitled to compensation for the defect. But if he returns them, he must return them along with the compensation for the damage or defect caused by the breaking. This differs from the case of, for example, chicken eggs: if he finds them spoiled, he may return them and reclaim the full price.

The right to choose (between returning or keeping) remains available and is not lost by delay, unless there is evidence that the buyer has accepted the defect. This right does not require a judge’s ruling nor the consent of the seller. If a dispute arises over when the defect occurred, and there is uncertainty, the buyer’s word is accepted if he swears an oath. If only one party’s claim could reasonably be true, his claim is accepted without the need for an oath.



السادس: خيارٌ في البيع بتخبير الثمن، إذا اشتراه ممن لا تقبل شهادته له، أو بأكثر من ثمنه حيلة، أو لرغبةٍ تخصّه، أو باع بعض الصفقة بقسطها من الثمن ونحوه ولم يبيّن ذلك في إخباره بثمانه فلمشتري الخيار بين ردِّ وإمساك. وأما بيع المربّحة ونحوه إذا بان خلاف إخباره سقط زائد وقسطه من ربح وأخذهُ مشتري بالباقي، وأجل في مؤجل ولا خيار. وما يُزاد في ثمن أو مثنى أو خيار زمن الخيارين، أو يُؤخذ أرشاً لعيبٍ أو لجنايةٍ عليه: يلحق بعقد ويُخبر به، وإن أخبرنا بالحال فحسن، لا نماء ونحوه

**The sixth type:** The Option arising from the Disclosure of Price: This occurs when a person buys an item based on information about its price given by someone whose testimony would not be admissible in his favor, or when the seller inflates the price deceitfully, or when the sale is influenced by a special desire the buyer has for the item. It also includes cases where the seller sells only part of a combined transaction, attributing to it a share of the total price, without making this clear when informing the buyer of the cost. In all such cases, the buyer has the choice either to keep the item or to return it. As for the sale of *murābahah* and similar transactions, if it turns out that the information given by the seller was false, any excess amount or the share of profit attributed to it is forfeited, and the buyer may keep the remaining amount. The transaction is deferred in the case of deferred payments, but there is no right of option in such cases.

Any additional amount added to the price, or to the value of the item, or the duration of the right of choice (for either of the two options) or compensation for a defect or injury: this is treated as part of the original contract and must be disclosed. If the situation is clearly explained, then it is acceptable. However, no growth (like interest or increase) or similar benefits are included.



السابع: إذا اختلف البائعان في ثمنٍ ولا بينة تحالفا، ثم لكلٍ فسخه إن لم يرض أحدهما بقول الآخر. وإن اختلفا في صفته أخذ نقد البلد ثم غالبه ثم الوسط. وفي أجل أو شرطٍ فقولُ مَنْ ينفيه كمفسد، وفي عين مبيع أو قدره فقول بائعٍ، وإن أبى كل التسليم حتى يقبضه الآخر، والتمنُ عَيْنٌ، نُصب عدلٌ يقبض منهما ويُسلم المبيع ثم الثمن، وإن كان دينًا حالاً بيده أُجبر بائعٌ ثم مشتريٌّ، وإن كان دون مسافة قصر حُجر عليه في كل ماله حتى يحضره، وإن كان بعيدًا أو المشتري مفلسًا فلبائع الفسخ.

**The seventh type:** If the two sellers disagree about the price and there is no evidence, they must swear an oath. Then, either party has the right to annul the sale if the other party does not accept their statement. If there is disagreement about the description of the item, the local currency is taken, then its predominant value, and finally the average value. In the case of a deferred payment or condition, the statement of the one denying it holds weight, as if it were a cause of invalidity. If there is disagreement about the specific item or quantity sold, the seller's statement is taken as correct. If both parties refuse to deliver until the other party takes possession, and the price is in cash, a neutral third party is appointed to receive both the item and the price, delivering each in turn. If the payment is a debt, the seller is compelled to deliver first, and then the buyer. If the buyer is within a short distance, the seller's assets can be seized until the delivery is made. However, if the buyer is distant or is bankrupt, the seller has the right to cancel the sale.

الثامن: خيار للخلف في الصفة، وتغيّر ما تقدمت رؤيته.

**The eighth type:** The Option for Deviation in Description: This applies when the item deviates from the description or has changed in a way that was not apparent when it was initially inspected.



## فصل

### Section

وما اشترى بِكَيلٍ ونحوه لَزِمَ بِعَقْدٍ، ولا يصح تصرفه فيه حتى يقبضه، وتَلَفُهُ قَبْلَهُ مِنْ ضَمَانٍ بَائِعٍ، ويطل  
البيع بتلفه بآفة. وما عداهُ يَصِحُّ التصرف فيه قبل قَبْضِهِ، ومن ضمان مشترٍ، ما لم يمنعه بائعٌ. ويحصل  
قبضُ ما يَبِيعُ بِكَيلٍ أو وَزْنٍ أو عَدٍّ أو ذَرعٍ بذلك، وصُبْرَةٌ وما يُنْقَلُ: بنقله، وما يُتَنَاوَلُ: بتناوله، وما  
عداه: بتخليته

**What is bought by measure or similar means:** The sale is binding upon the contract, but the buyer may not dispose of it until he has taken possession. If it is lost before possession, the seller is responsible for it. The sale is void if it is damaged or destroyed by a misfortune before possession.

For other types of transactions, the buyer may dispose of the item before taking possession, unless the seller prevents him. Possession is considered as follows: For items sold by measure, weight, count, or area, possession is achieved by the act of transferring the item. For items like a pile of goods or anything transportable, possession occurs when it is moved. For consumable items, possession is established when the buyer physically takes hold of them. For other cases, possession is achieved when the item is left for the buyer to take freely.

والإقالة فسخٌ، وتُنْدَبُ إقالةُ نادِمٍ، وتصح قبل قبض مبيع وبعده، لا مع تلفه، أو [مع] موت عاقد، أو  
زيادةً على ثمن، أو نقصه، أو بغير جنسه.

**The option of rescission (Iqlālah)** is considered a form of annulment. It is recommended to rescind the sale when the buyer regrets his decision. The rescission is valid both before and after possession of the item, but not if the item has been lost, if either party has died, if there is an increase or decrease in the price, or if the item has been replaced with something of a different kind.



## بَابُ الْخِيَارِ

### Chapter: Options

وَعَنْ ابْنِ عُمَرَ -رَضِيَ اللَّهُ عَنْهُمَا-، عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِذَا تَبَايَعَ الرَّجُلَانِ، فَكُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا وَكَانَا جَمِيعًا، أَوْ يُخَيَّرُ أَحَدُهُمَا الْآخَرَ، فَإِنْ خَيَّرَ أَحَدُهُمَا الْآخَرَ فَتَبَايَعَا عَلَى ذَلِكَ فَقَدْ وَجِبَ الْبَيْعُ، وَإِنْ تَفَرَّقَا بَعْدَ أَنْ تَبَايَعَا، وَلَمْ يَتْرُكْ وَاحِدٌ مِنْهُمَا الْبَيْعَ فَقَدْ وَجِبَ الْبَيْعُ». مُتَّفَقٌ عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ

Ibn Umar reported: The Messenger of Allah (ﷺ) said: "When two men engage in a sale, each of them has the right of choice as long as they have not parted and are still together. However, if one of them grants the other the right of choice and they complete the transaction based on that, then the sale becomes binding. If they part after agreeing to the sale, and neither of them cancels the transaction, the sale becomes final." Agreed upon with the wording of Muslim.

وَعَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ؛ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «الْبَائِعُ وَالْمُبْتَاعُ بِالْخِيَارِ حَتَّى يَتَفَرَّقَا، إِلَّا أَنْ تَكُونَ صَفْقَةً خِيَارٍ، وَلَا يَحِلُّ لَهُ أَنْ يُفَارِقَهُ خَشْيَةً أَنْ يَسْتَقْبِلَهُ». «رَوَاهُ الْخُمْسَةُ إِلَّا ابْنَ مَاجَهَ، وَالِدَارَقُطْنِي، وَابْنُ حُزَيْمَةَ، وَابْنُ الْجَارُودِ. وَفِي رِوَايَةٍ: «حَتَّى يَتَفَرَّقَا مِنْ مَكَانِهِمَا»

Amr ibn Shu'ayb, from his father, from his grandfather, reported: The Messenger of Allah (ﷺ) said: "The seller and the buyer have the right of choice until they part, except in the case of a transaction with a condition of choice. It is not permissible for one of them to separate from the other fearing that the other might cancel the sale." The five, except for Ibn Majah, and by al-Daraqutni, Ibn Khuzaymah, and Ibn al-Jarud. And in another narration: "Until they part from their place."



وَعَنْ ابْنِ عُمَرَ -رَضِيَ اللَّهُ عَنْهُمَا- قَالَ: ذَكَرَ رَجُلٌ لِلنَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ يُخَدَّعُ فِي الْبُيُوعِ، فَقَالَ: «إِذَا بَايَعْتَ فَقُلْ: لَا خَلَابَةَ. «مُتَّفَقٌ عَلَيْهِ»

Ibn Umar reported: A man mentioned to the Prophet (ﷺ) that he was being deceived in sales. The Prophet (ﷺ) said: "When you make a sale, say: 'There is no deception.'" Agreed upon

## بَابُ الرِّبَا وَالصَّرْفِ

### The Chapter on Usury and Currency Exchange

يَحْرُمُ رِبَا الْفَضْلِ وَالنَّسِيئَةِ

The usury of both excess and delay are prohibited.

فَلَا يُبَاعُ مَكِيلٌ بِجِنْسِهِ، وَلَا مَوْزُونٌ بِجِنْسِهِ إِلَّا مِثْلًا بِمِثْلِ يَدًا بِيَدٍ، وَلَا يُبَاعُ مَكِيلٌ بِجِنْسِهِ وَزَنًا وَلَا جَزَافًا، وَلَا مَوْزُونٌ بِجِنْسِهِ كَيْلًا وَلَا جَزَافًا. وَإِنْ اخْتَلَفَ الْجِنْسُ كَثِيرٌ بِشَعِيرٍ جَازَ كَيْلًا وَوَزَنًا وَجَزَافًا.

No item that is measured can be sold for the same kind of item unless it is exchanged in equal measure, weight for weight, hand to hand. Similarly, no item that is measured can be sold for the same kind in terms of weight or at an arbitrary price, nor can an item that is weighed be sold for the same kind in terms of measure or at an arbitrary price. However, if the types differ, such as wheat for barley, it is permissible to exchange them by measure, weight, or at an arbitrary price.

وَلَا يَصَحُّ بَيْعُ لَحْمٍ بِحَيَوَانٍ مِنْ جِنْسِهِ، وَلَا بَيْعُ حَبِّ بِدَقِيقِهِ أَوْ سَوِيقِهِ، وَلَا نَبِيْءٍ بِمَطْبُوخِهِ، وَلَا خَالِصِهِ بِمَشْوَبِهِ، وَلَا رَطْبُهُ بِيَابِسِهِ، إِلَّا فِي الْعَرَايَا

It is not permissible to sell meat for an animal of the same kind, nor to sell grain for its flour or gruel, nor the raw version for the cooked, nor the pure for the mixed, nor the fresh for the dried, except in the case of 'Araya



وَيَصَحُّ بَيْعُ دَقِيقِهِ بِدَقِيقِهِ إِذَا اسْتَوَيَا نُعُومَةً، وَخُبْزَهُ بِخُبْزِهِ إِذَا اسْتَوَيَا نَشَافًا، وَلَا يَبَاغُ مَنْزُوعُ النَّوَى بِمَا فِيهِ نَوَاهُ، وَلَا رَبْوِي بِجَنَسِهِ وَمَعَهُ أَوْ مَعَهُمَا مِنْ غَيْرِ الْجَنَسِ كَمُدِّ عَجْوَةٍ وَدِرْهَمٍ بِمُدِّ عَجْوَةٍ وَدِرْهَمٍ، أَوْ بِمَدِينٍ مِنْهُمَا. وَيَصَحُّ بَيْعُ نَوَى بِتَمْرٍ فِيهِ نَوَى، وَصُوفٍ أَوْ لَبَنٍ بِذَاتِ صُوفٍ أَوْ لَبَنٍ وَنَحْوِهِ

It is permissible to sell flour for the same kind of flour if they are equal in fineness, and bread for bread if they are equal in dryness. It is not permissible to sell dates that have been pitted for dates with their pits, nor can an item that is subject to usury be exchanged for the same kind with the addition of something of a different kind, such as a measure of dates and a dirham for a measure of dates and a dirham, or for two measures of either. However, it is permissible to sell date pits for dates that contain pits, or wool or milk for animals that produce wool or milk, or similar items.

وَيَحْرُمُ رِبَا نَسِيئَةٍ بَيْنَ كُلِّ مَكِيلَيْنِ أَوْ مَوْزُونَيْنِ لَيْسَ أَحَدُهُمَا نَقْدًا، وَلَوْ مِنْ جَنَسَيْنِ، فَإِنْ تَفَرَّقَا قَبْلَ قَبْضِ بَطَلٍ كَالصَّرْفِ، وَبِجُوزِ النَّسَاءِ فِي بَيْعِ مَكِيلٍ بِمَوْزُونٍ وَمَا لَا كَيْلَ فِيهِ وَلَا وَزْنَ كَالْجُوزِ وَالْبَيْضِ، لَا يَبِيعُ دِينَ بَدِينٍ. وَتَتَعَيَّنُ دِرَاهِمٌ وَدَنَانِيرٌ بِتَعْيِينِ فِي الْعَقْدِ، فَلَا تُبَدَّلُ وَإِنْ كَانَتْ مَغْصُوبَةً أَوْ مَعِيَّةً مِنْ غَيْرِ الْجَنَسِ بَطَلٌ، وَمَعِيَّةٌ مِنَ الْجَنَسِ أَمْسَكَ، أَوْ رَدَّ وَلَا أَرَشَ إِنْ اتَّحَدَ الْجَنَسُ

The usury of deferred payment is prohibited between any two items that are measured or weighed, as long as neither is in cash, even if they are of different types. If they are separated before being delivered, the transaction becomes invalid, similar to currency exchange. However, it is permissible to defer payment in the sale of a measured item for a weighed one, or for items that cannot be measured or weighed, such as nuts and eggs. The sale of one debt for another is not allowed. Specific coins (dirhams and dinars) must be specified in the contract; they cannot be substituted, even if they are stolen or defective. If the coins are of the same type, they must be retained or returned without compensation for defects.



## بَابُ الرِّبَا

### Chapter: Usury

عَنْ جَابِرٍ - رضي الله عنه - قَالَ: لَعَنَ رَسُولُ اللَّهِ - صلى الله عليه وسلم - آكِلَ الرِّبَا، وَمُؤْكِلَهُ، وَكَاتِبَهُ، وَشَاهِدَيْهِ، وَقَالَ: «هُمْ سَوَاءٌ». «رَوَاهُ مُسْلِمٌ». وَلِلْبُخَارِيِّ نَحْوُهُ مِنْ حَدِيثِ أَبِي جُحَيْفَةَ َ

Jabir reported that the Messenger of Allah (ﷺ) cursed the one who consumes usury, the one who pays it, the one who writes it, and the two witnesses to it, and said: 'They are all the same.'

(Narrated by Muslim) - A similar narration is found in Al-Bukhari from the hadith of Abu Juhayfah."

وَعَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ - رضي الله عنه - عَنْ النَّبِيِّ - صلى الله عليه وسلم - قَالَ: «الرِّبَا ثَلَاثَةٌ وَسَبْعُونَ بَابًا، أَيْسَرُهَا مِثْلُ أَنْ يَنْكِحَ الرَّجُلُ أُمَّهُ، وَإِنَّ أَرْبَى الرِّبَا عَرَضُ الرَّجُلِ الْمُسْلِمِ» «رَوَاهُ ابْنُ مَاجَهٍ مُخْتَصَرًا، وَالْحَاكِمُ بِتَمَامِهِ وَصَحَّحَهُ

Abdullah ibn Mas'ud reported that the Prophet (ﷺ) said: 'Usury consists of seventy-three different categories, the least of which is like a man marrying his own mother. And the most grievous form of usury is the dishonor of a Muslim's reputation.'

Narrated by Ibn Majah in a summarized form, and by al-Hakim in full, who declared it authentic

وَعَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ - رضي الله عنه - أَنَّ رَسُولَ اللَّهِ - صلى الله عليه وسلم - قَالَ: «لَا تَبِيعُوا الذَّهَبَ بِالذَّهَبِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تُشِفُّوا بَعْضَهَا عَلَى بَعْضٍ، وَلَا تَبِيعُوا الْوَرِقَ بِالْوَرِقِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تُشِفُّوا بَعْضَهَا عَلَى بَعْضٍ، وَلَا تَبِيعُوا مِنْهَا غَائِبًا بِنَاجِزٍ». «مُتَّفَقٌ عَلَيْهِ َ

Abu Sa'id al-Khudri reported that the Messenger of Allah (ﷺ) said: 'Do not sell gold for gold except in equal amounts, and do not give preference to some over others. Do not sell silver for silver except in equal amounts, and do not give preference to some over others. Do not sell any of it that is absent for that which is present.' (Agreed upon)



وَعَنْ عُبَادَةَ بْنِ الصَّامِتِ - رضي الله عنه - قَالَ: قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم: «الذَّهَبُ بِالذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَالْبُرُّ بِالْبُرِّ، وَالشَّعِيرُ بِالشَّعِيرِ، وَالتَّمْرُ بِالتَّمْرِ، وَالْمِلْحُ بِالْمِلْحِ، مِثْلًا بِمِثْلٍ، سَوَاءٌ بِسَوَاءٍ، يَدًا بِيَدٍ، فَإِذَا اخْتَلَفَتْ هَذِهِ الْأَصْنَافُ فَيُعَوَّضُ كَيْفَ شِئْتُمْ إِذَا كَانَ يَدًا بِيَدٍ». (رَوَاهُ مُسْلِمٌ)

'Ubadah ibn al-Samit reported that the Messenger of Allah (ﷺ) said: 'Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, and salt for salt, must be exchanged in equal amounts, on a like-for-like basis, hand to hand. However, if these items differ in type, then you may exchange them however you wish, as long as it is done hand to hand.' (Narrated by Muslim)

وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - قَالَ: قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم: «الذَّهَبُ بِالذَّهَبِ وَزَنًا بِوَزْنٍ مِثْلًا بِمِثْلٍ، وَالْفِضَّةُ بِالْفِضَّةِ وَزَنًا بِوَزْنٍ مِثْلًا بِمِثْلٍ، فَمَنْ زَادَ أَوْ اسْتَزَادَ فَهُوَ رِبَاً». (رَوَاهُ مُسْلِمٌ)

Abu Hurairah reported that the Messenger of Allah (ﷺ) said: 'Gold for gold, weight for weight, in equal amounts, and silver for silver, weight for weight, in equal amounts. Whoever adds or asks for more, it is usury.' (Narrated by Muslim)

وَعَنْ أَبِي سَعِيدٍ، وَأَبِي هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ - صلى الله عليه وسلم - اسْتَعْمَلَ رَجُلًا عَلَى خَيْبَرَ، فَجَاءَهُ بِتَمَرٍ جَنِيْبٍ، فَقَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم: «أَكُلْتُ تَمْرَ خَيْبَرَ هَكَذَا؟» فَقَالَ: لَا، وَاللَّهِ يَا رَسُولَ اللَّهِ، إِنَّا لَنَأْخُذُ الصَّاعَ مِنْ هَذَا بِالصَّاعَيْنِ وَالثَّلَاثَةِ فَقَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم - «لَا تَفْعَلْ، بَعِ الْجَمْعَ بِالدَّرَاهِمِ، ثُمَّ ابْتَغِ بِالدَّرَاهِمِ جَنِيْبًا». «وَقَالَ فِي الْمِيزَانِ مِثْلَ ذَلِكَ. مُتَّفَقٌ عَلَيْهِ. وَلِمُسْلِمٍ: «وَكَذَلِكَ الْمِيزَانُ»

Abu Sa'id and Abu Huraira reported that the Messenger of Allah (ﷺ) appointed a man to oversee Khaybar. The man brought him dates of a lower quality. The Messenger of Allah (peace be upon him) asked: 'Is all the date produce of Khaybar like this?' The man replied: 'No, by Allah, O Messenger of Allah, we buy one measure of this kind of date for two or three measures of another type.' The Prophet (ﷺ) said: 'Do not do that. Sell the dates in bulk for silver, and then buy the inferior dates with the silver.' And similarly for weight, the same applies. (Narrated by Bukhari and Muslim)



وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ -رَضِيَ اللَّهُ عَنْهُمَا- قَالَ: نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ بَيْعِ الصُّبْرَةِ مِنَ التَّمْرِ لَا يُعْلَمُ مَكِيلُهَا بِالْكَيْلِ الْمُسَمَّى مِنَ التَّمْرِ. رَوَاهُ مُسْلِمٌ

Jabir ibn Abdullah reported that the Messenger of Allah (ﷺ) prohibited the sale of a container of dates when its measure is unknown, in exchange for a specified measure of dates. (Narrated by Muslim)

وَعَنْ مَعْمَرِ بْنِ عَبْدِ اللَّهِ - رضي الله عنه - قَالَ: إِنِّي كُنْتُ أَسْمَعُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «الطَّعَامُ بِالطَّعَامِ مِثْلًا بِمِثْلٍ»، وَكَانَ طَعَامُنَا يَوْمَئِذٍ الشَّعِيرَ. رَوَاهُ مُسْلِمٌ

Ma'mar ibn Abdullah reported that he heard the Messenger of Allah (ﷺ) say: 'Food is exchanged for food on a like-for-like basis.' And the food we had on that day was barley. (Narrated by Muslim)

وَعَنْ فَضَالَةَ بْنِ عُبَيْدٍ - رضي الله عنه - قَالَ: اشْتَرَيْتُ يَوْمَ حَيَرَ فَلَادَةً بِاثْنَيْ عَشَرَ دِينَارًا، فِيهَا ذَهَبٌ وَخَزَرٌ، فَقَصَلْتُهَا فَوَجَدْتُ فِيهَا أَكْثَرَ مِنْ اثْنَيْ عَشَرَ دِينَارًا، فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: «لَا تُبَاعُ حَتَّى تُفْصَلَ». رَوَاهُ مُسْلِمٌ

Fadalah ibn Ubaid reported: 'On the day of Khaybar, I bought a necklace for twelve dinars, which contained both gold and beads. I took it apart and found that it contained more than twelve dinars. I mentioned this to the Prophet (ﷺ), who said: 'It should not be sold until it is separated.' (Narrated by Muslim)

وَعَنْ سَمُرَةَ بْنِ جُنْدُبٍ - رضي الله عنه، أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى عَنْ بَيْعِ الْحَيَوَانِ بِالْحَيَوَانِ نَسِيئَةً. رَوَاهُ الْخَمْسَةُ، وَصَحَّحَهُ التِّرْمِذِيُّ، وَابْنُ الْجَارُودِ

Samurah ibn Jundub reported that the Prophet (ﷺ) prohibited the sale of animals for animals with deferred payment. (Narrated by the five collectors of hadith, and authenticated by al-Tirmidhi and Ibn al-Jarud)



وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو -رَضِيَ اللَّهُ عَنْهُمَا؛ أَنَّ رَسُولَ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهُ أَنْ يُجَهِّزَ جَيْشًا فَفَنَفِدَتِ الْإِبِلُ، فَأَمَرَهُ أَنْ يَأْخُذَ عَلَى قَلَائِصِ الصَّدَقَةِ. قَالَ: فَكُنْتُ أَخْذُ الْبَعِيرَ بِالْبَعِيرَيْنِ إِلَى إِبِلِ الصَّدَقَةِ. رَوَاهُ الْحَاكِمُ وَالْبَيْهَقِيُّ، وَرِجَالُهُ ثِقَاتٌ

Abdullah ibn Amr reported that the Messenger of Allah (ﷺ) ordered him to prepare an army, but the camels were depleted. He then instructed him to take from the camels of charity. He said: 'I used to take one camel for two camels from the camels of charity.' (Narrated by al-Hakim and al-Bayhaqi, and its narrators are trustworthy)

وَعَنْ ابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - [قَالَ]: سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «إِذَا تَبَايَعْتُمْ بِالْعِينَةِ، وَأَخَذْتُمْ أَذْنَابَ الْبَقَرِ، وَرَضِيتُمْ بِالزَّرْعِ، وَتَرَكْتُمُ الْجِهَادَ، سَلَّطَ اللَّهُ عَلَيْكُمْ ذُلًّا لَا يَنْزِعُهُ حَتَّى تَرْجِعُوا إِلَى دِينِكُمْ.» رَوَاهُ أَبُو دَاوُدَ مِنْ رِوَايَةٍ نَافِعٍ عَنْهُ، وَفِي إِسْنَادِهِ مَقَالٌ. وَلِأَحْمَدَ: نَحْوُهُ مِنْ رِوَايَةٍ عَطَاءٍ، وَرِجَالُهُ ثِقَاتٌ وَصَحَّحَهُ ابْنُ الْقَطَّانِ

Ibn Umar reported: 'I heard the Messenger of Allah (ﷺ) say: 'When you engage in transactions of 'Inah (a form of usury), and you follow the tails of cows, and become content with farming, and abandon jihad, Allah will impose upon you a humiliation that will not be lifted until you return to your faith.'

(Narrated by Abu Dawood from the narration of Nafi', and there is some criticism in its chain of transmission). Similarly narrated by Ahmad from the narration of 'Ata', whose narrators are trustworthy, and it was authenticated by Ibn al-Qattan

وَعَنْ أَبِي أُمَامَةَ - رَضِيَ اللَّهُ عَنْهُ - عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ شَفَعَ لِأَخِيهِ شَفَاعَةً، فَأَهْدَى لَهُ هَدِيَّةً، فَقَبِلَهَا، فَقَدْ أَتَى بَابًا عَظِيمًا مِنْ أَبْوَابِ الرَّبِّ.» رَوَاهُ أَحْمَدُ، وَأَبُو دَاوُدَ، وَفِي إِسْنَادِهِ مَقَالٌ

Abu Umamah reported that the Prophet (ﷺ) said: 'Whoever intercedes for his brother and then gifts him a present, and he accepts it, has committed a major act of usury.' (Narrated by Ahmad and Abu Dawood, and there is some criticism in the chain of transmission)



وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو -رَضِيَ اللَّهُ عَنْهُمَا- قَالَ: لَعَنَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الرَّاشِيَّ وَالْمُرْتَشِيَّ. رَوَاهُ أَبُو دَاوُدَ، وَالتِّرْمِذِيُّ وَصَحَّحَهُ

Abdullah ibn Amr reported that the Messenger of Allah (ﷺ) cursed both the briber and the one who accepts the bribe. (Narrated by Abu Dawood and al-Tirmidhi, and authenticated by al-Tirmidhi)

وَعَنِ ابْنِ عُمَرَ -رَضِيَ اللَّهُ عَنْهُمَا- قَالَ: هَيَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنِ الْمُرَابَنَةِ; أَنْ يَبِيعَ ثَمَرٌ حَائِطُهُ إِنْ كَانَ نَحْلًا يَتَمَرُ كَيْلًا، وَإِنْ كَانَ كَرْمًا أَنْ يَبِيعَهُ بِزَيْبٍ كَيْلًا، وَإِنْ كَانَ زَرْعًا أَنْ يَبِيعَهُ بِكَيْلٍ طَعَامٍ، هَيَّ عَنْ ذَلِكَ كُلِّهِ. مُتَّفَقٌ عَلَيْهِ

Ibn Umar reported that the Messenger of Allah (ﷺ) prohibited *muzabanah*—the practice of selling the produce of one's orchard or field before it is harvested. For example, selling dates from a palm tree for a specified amount of dates, or selling grapes for raisins, or selling crops for a specific amount of food. He forbade all of this. (Agreed upon by Bukhari and Muslim)

وَعَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سُئِلَ عَنْ اشْتِرَاءِ الرُّطْبِ بِالتَّمْرِ. فَقَالَ: «أَيَنْقُصُ الرُّطْبُ إِذَا يَبَسَ؟» قَالُوا: نَعَمْ. فَنَهَى عَنْ ذَلِكَ. رَوَاهُ الْخُمْسَةُ، وَصَحَّحَهُ ابْنُ الْمَدِينِيِّ، وَالتِّرْمِذِيُّ، وَابْنُ حِبَّانَ، وَالْحَاكِمُ

Sa'ad ibn Abi Waqqas reported that he heard the Messenger of Allah (ﷺ) being asked about buying fresh dates (rutab) in exchange for dry dates (tamr). He asked, 'Does the fresh date lose weight when it dries?' They replied, 'Yes.' So, he prohibited this transaction. (Narrated by the five compilers of hadith, and authenticated by Ibn al-Madini, al-Tirmidhi, Ibn Hibban, and al-Hakim)



وَعَنْ ابْنِ عُمَرَ -رَضِيَ اللَّهُ عَنْهُمَا-؛ - أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى عَنْ بَيْعِ الْكَالِيِّ  
بِالْكَالِيِّ، يَعْنِي: الدَّيْنِ بِالْدَّيْنِ. رَوَاهُ إِسْحَاقُ، وَابْنُ بَزَّازٍ بِإِسْنَادٍ ضَعِيفٍ

Ibn Umar reported that the Prophet ( ﷺ) prohibited the sale of *kalee* for *kalee*, meaning the exchange of debt for debt. (Narrated by Ishaq and al-Bazzar with a weak chain of transmission)



## باب بيع الأصول والثمار

### The Chapter on the Sale of Roots and Fruits

من باع دارًا شَمِلَ أرضَها وبناءَها وبابَها المنصوب وسُلَّمًا ورقًا منصوبين، وحَايِيةَ مَدْفُونَةً، دُونَ حبلٍ ودَلْوٍ وبَكْرَةٍ ومِفْتَاحٍ وَكَنْزٍ ونحوها. وأرضًا شَمِلَ غراسَها وبناءَها، وإن لم يقل بحقوقها، دُونَ زَرْعٍ نحو بُرٍّ وشَعِيرٍ، ويبقى لبائع.

Whoever sells a house, the sale includes its land, its building, its installed door, its staircase, and any buried chest. However, it does not include items such as a rope, bucket, pulley, key, or treasures, or similar items. The sale also includes the land's plants and building, even if the seller does not specifically mention the rights associated with them. However, the sale does not include crops such as wheat or barley, which remain the property of the seller.

وإن كان يُجَزُّ أو يُلْقَطُ مَرارًا فأصولُه لمُشْتَرٍ، وَجَزَّةٌ وَلَقْطَةٌ ظاهرتان عند بيع [لبائع] إن لم يَشْتَرِطْهُ مُشْتَرٍ، وَخَلًّا تَشَقَّقَ طَلْعُهُ فَلِبَائِعٍ مُبَقًى إِلَى جَذَاذِهِ، ما لم يَشْتَرِطْهُ مُشْتَرٍ، وكذا شَجَرٌ عِنَبٍ وَتَوْتٍ وَرُمَّانٍ ونحوه، وما خرج من نُورِهِ كَمَشْمَشٍ، أو أَكْمامه كوردٍ وَقُطْنٍ، وما قبل ذلك فلمُشْتَرٍ كورق

If the plant is to be pruned or harvested repeatedly, its roots belong to the buyer. However, the harvest or the collected crops that are apparent at the time of the sale remain with the seller unless the buyer specifically stipulates otherwise. Similarly, if a date palm has begun to bear fruit, the fruit belongs to the seller until it is fully harvested, unless the buyer has made a specific condition to acquire it. The same applies to grapevines, mulberry trees, pomegranates, and similar fruits. Anything that has emerged from the bloom, such as apricots, or buds like those of roses or cotton, belongs to the buyer. However, anything before that, such as the leaves, belongs to the buyer.



ولا يباع ثمرٌ قبل بُدُو صلاحه، ولا حبٌ زرع قبل اشتدادِ حَبِّه، ولا بَقْلٌ وقْتَاءٌ ونحوُه دُونَ أَصْلِه إلا بشرطِ قَطْعِه في الحال، أو جَزَّةً جَزَّةً، أو لَقْطَةً لَقْطَةً، وَحَصَادٌ وَلَقَاطٌ على مُشْتَرٍ. وإن اشترى ثمرًا لم يَبْدُ صلاحُه بشرطِ القَطْعِ ثم تَرَكَه حتى زاد، أو رُطْبًا عَرِيَّةً وتَرَكَه حتى أَمَرَ بِطَلِ البَيْعِ، لا إن حدث مع مُشْتَرَاةً بعد صلاحها ثمرةً أخرى، ولو اشتبهت، ويصطلحان.

Fruits may not be sold before they show signs of ripening, nor may the grains of crops be sold before the grains have fully matured. Likewise, vegetables and cucumbers, and similar plants, cannot be sold without their roots unless it is specifically stipulated that they will be cut immediately, harvested in stages, or collected in stages. Similarly, a buyer may agree to take responsibility for the harvest or collection of the crops. If someone buys fruit that has not yet shown signs of ripening under the condition of cutting it, but leaves it until it increases in size or maturity, or if someone buys fresh dates and leaves them until they ripen fully, the sale becomes void. However, if another crop appears after the sale has been made, even if it is mixed up with the original fruit, the sale still stands, and the buyer and seller may come to an agreement on how to handle it.

وما بدا صلاحُه جَازَ بَيْعُه مُطْلَقًا وبشرطِ التَّبْقِيَةِ، وعلى بائِعٍ سَقِيُّه إن احتاجه ولو تَضَرَّرَ أَصْلُه، وإن تَلَفَ بَاقِيَه فعلى بائِعٍ، وبفعل آدمي يُخَيَّرُ مُشْتَرٍ. وصلاحُ بعضِ شَجَرَةٍ صلاحُ الجميعِ نوعها بالبستان، وصلاحُ نحو بلحٍ وَعِنَبٍ طِيبُ أَكْلِه وظهورُ نُضْجِه، ونحو قِثَاءٍ أن يُؤْكَلَ عَادَةً، وَحَبٌّ أن يَشْتَدَّ أو يَبْيَضَ. ويشمل بيع دَابَّةٍ عِذَارًا وَمَقْوَدًا، وَقِنٍ لِبَاسًا مَعْتَادًا، لا ما لِحِمَالٍ، ولا مَالًا مَعَهُ إلا بشرط

When the signs of ripening appear, the sale of the produce becomes permissible, both unconditionally and with the condition of keeping it. It is the seller's responsibility to water the produce if needed, even if the roots are damaged. However, if it is damaged by some calamity, the seller is liable. If the damage is caused by human action, the buyer has the option to either proceed with the sale or rescind it. The ripening of one tree in a garden indicates the ripening of all of its type in the same garden. The ripening of dates, grapes, cucumbers, or similar produce is determined by the readiness for consumption or the appearance of maturity. Similarly, the sale of grains is valid when the grain has fully ripened or whitened. The sale of an animal includes its usual harness and saddle, but not any decorative or additional items unless explicitly stipulated.



## بَابُ الرُّخْصَةِ فِي الْعَرَايَا وَبَيْعِ الْأُصُولِ وَالثَّمَارِ

### The Chapter on the Permission Regarding 'Araya and the Sale of Roots and Fruits

عَنْ زَيْدِ بْنِ ثَابِتٍ - رضي الله عنه - أَنَّ رَسُولَ اللَّهِ - صلى الله عليه وسلم - رَخَّصَ فِي الْعَرَايَا: أَنْ تُبَاعَ بِخَرْصِهَا كَيْلًا. مُتَّفَقٌ عَلَيْهِ. وَلِمُسْلِمٍ: رَخَّصَ فِي الْعَرِيَّةِ يَأْخُذُهَا أَهْلُ الْبَيْتِ بِخَرْصِهَا تَمْرًا، يَأْكُلُونَهَا رُطْبًا

Zaid ibn Thabit narrated that the Messenger of Allah (ﷺ) permitted the sale of 'Araya (a type of transaction involving trees with unripe fruits) based on an estimation of their yield in weight or measure.

Agreed upon. Additionally, Muslim narrates that the Prophet (ﷺ) allowed the people of a household to take fruits from a tree as 'Araya, estimated in terms of unripe dates, for them to consume as fresh dates or when they are still unripe.

وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه، أَنَّ رَسُولَ اللَّهِ - صلى الله عليه وسلم - رَخَّصَ فِي بَيْعِ الْعَرَايَا بِخَرْصِهَا، فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ، أَوْ فِي خَمْسَةِ أَوْسُقٍ. مُتَّفَقٌ عَلَيْهِ.

Abu Hurairah narrated that the Messenger of Allah (ﷺ) permitted the sale of 'Araya (the sale of unripe fruits) based on their estimated yield, provided that the total amount does not exceed five *awsuq* (approximately 60 sa') or, in some cases, exactly five *awsuq*. Agreed upon

وَعَنْ ابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ: نَهَى رَسُولُ اللَّهِ - صلى الله عليه وسلم - عَنْ بَيْعِ الثَّمَارِ حَتَّى يَبْدُو صَلَاحُهَا، نَهَى الْبَائِعَ وَالْمُبْتَاعَ. مُتَّفَقٌ عَلَيْهِ. وَفِي رَوَايَةٍ: وَكَانَ إِذَا سُئِلَ عَنْ صَلَاحِهَا؟ قَالَ: «حَتَّى تَذَهَبَ عَاهَتُهُ»

Ibn Umar narrated that the Messenger of Allah (ﷺ) prohibited the sale of fruits until they show signs of ripening. He prohibited both the seller and the buyer from engaging in such a transaction. Agreed upon. In another narration, when asked about the signs of ripeness, the Prophet (ﷺ) would respond: 'Until its damage or flaws disappear.'



وَعَنْ أَنَسِ بْنِ مَالِكٍ - رضي الله عنه، أَنَّ النَّبِيَّ - صلى الله عليه وسلم - نَهَى عَنْ بَيْعِ الثَّمَارِ حَتَّى تُزْهَى. قِيلَ: وَمَا زَهُوْهَا؟ قَالَ: «تَحْمَارُ وَتَصْفَارُ». مُتَّفَقٌ عَلَيْهِ، وَاللَّفْظُ لِلْبُخَارِيِّ.

Anas ibn Malik narrated that the Prophet (ﷺ) prohibited the sale of fruits until they show signs of ripening. It was asked, 'What is the sign of ripening?' The Prophet (ﷺ) replied, 'When they begin to turn red or yellow.' Agreed upon, with the wording of Bukhari being cited here.

وَعَنْ أَنَسِ بْنِ مَالِكٍ - رضي الله عنه، أَنَّ النَّبِيَّ - صلى الله عليه وسلم - نَهَى عَنْ بَيْعِ الْعِنَبِ حَتَّى يَسْوَدَّ، وَعَنْ بَيْعِ الْحَبِّ حَتَّى يَشْتَدَّ. رَوَاهُ الْخُمْسَةُ، إِلَّا النَّسَائِيَّ، وَصَحَّحَهُ ابْنُ جَبَّانَ، وَالْحَاكِمُ.

Anas ibn Malik narrated that the Prophet (ﷺ) prohibited the sale of grapes until they turn black, and the sale of grains until they become firm. The five, except for al-Nasa'i, and it was authenticated by Ibn Hibban and al-Hakim.

وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ: قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم -: «لَوْ بَعْتَ مِنْ أَخِيكَ ثَمْرًا فَأَصَابَتْهُ جَائِحَةٌ، فَلَا يَحِلُّ لَكَ أَنْ تَأْخُذَ مِنْهُ شَيْئًا. يَمْ تَأْخُذُ مَالِ أَخِيكَ بِغَيْرِ حَقِّ؟». رَوَاهُ مُسْلِمٌ. فِي رِوَايَةٍ لَهُ: أَنَّ النَّبِيَّ - صلى الله عليه وسلم - أَمَرَ بِوَضْعِ الْجَوَائِحِ.

Jabir ibn Abdullah narrated that the Messenger of Allah (ﷺ) said: 'If you sell fruit to your brother and a calamity strikes it (destroying it), it is not permissible for you to take anything from him. How can you take the wealth of your brother unjustly?' Muslim. In another narration, the Prophet (ﷺ) instructed that compensation for the damage should be waived.

وَعَنْ ابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا -، عَنِ النَّبِيِّ - صلى الله عليه وسلم - قَالَ: مَنْ ابْتَنَعَ نَخْلًا بَعْدَ أَنْ تُؤَبَّرَ، فَثَمَرُهَا لِلْبَائِعِ الَّذِي بَاعَهَا، إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ. مُتَّفَقٌ عَلَيْهِ.

Ibn Umar narrated that the Prophet (ﷺ) said: 'Whoever buys a palm tree after it has been fertilized (pollinated), its fruit belongs to the seller, unless the buyer specifically stipulates otherwise.' Agreed upon



## باب السَّلَم

### Chapter: Advance Sales

يَصِحُّ بلفظه، ولفظِ سَلَفٍ وبيعٍ

It is valid by its wording, as well as by the terms of *salam* and sale

وشروطه: انضباطُ صفاته؛ كمكيلٍ وموزونٍ ومذروعٍ، فلا يَصِحُّ في معدودٍ مُتخَلِّفٍ كفواكه وبُقولٍ وجُلودٍ ورؤوسٍ، ونحو قَمَاقِمٍ وأَسْطالٍ ضَيِّقَةِ الرُّؤُوسِ، ولا فيما يُجْمَعُ أخلاطاً غير متميزة كَمَعَاجِينٍ، وَيَصِحُّ في حيوانٍ، وثوبٍ منسوجٍ من نوعين.

And its conditions: the precision of its characteristics; such as being measured, weighed, or sown. It is not valid for items that are counted and heterogeneous, like fruits, vegetables, skins, and heads, or things like narrow-necked vessels and tight containers. Nor is it valid for mixtures that are not clearly distinguishable, like pastes. It is, however, valid for animals and garments woven from two distinct types of material.

الثاني: ذِكْرُ جنسه ونوعه ووصفٍ يَخْتَلِفُ به ثَمَنُهُ ظاهراً؛ كحدائثٍ وجُودَةٍ، ولا يَصِحُّ شَرْطُ أجودٍ أو أزدأ، بل جيدٌ أو رديءٌ.

The second condition: the mention of its type, kind, and a description that clearly affects its price, such as its freshness or quality. It is not valid to stipulate that it must be of the best or worst quality, but rather it must be described as good or poor.

الثالث: ذِكْرُ قَدَرٍ كَيْلٍ في مكيلٍ، أو وزنٍ في موزونٍ، فإن أسلمَ في مكيلٍ وزناً أو عكسه لم يَصِحَّ.

The third condition: the specification of the quantity by measure (for measured items) or weight (for weighed items). If one were to stipulate the measurement of a measured item by weight, or vice versa, the contract would not be valid.



الرابع: ذَكَرَ أَجَلَ مَعْلُومٍ لَهُ وَقَعَ فِي الثَّمَنِ عَادَةً، فَلَا يَصِحُّ حَالًا، وَلَا إِلَى نَحْوِ الْحَصَادِ، وَلَا إِلَى يَوْمٍ، وَيَصِحُّ فِي نَحْوِ حُبْزٍ وَلَحْمٍ يَأْخُذُهُ كُلُّ يَوْمٍ كَذَا. وَإِنْ جَاءَهُ بِهِ قَبْلَ مَحَلِّهِ وَلَا ضَرَرَ لَزِمَ أَخْذُهُ؛ كَأَجُودٍ مِنْهُ مِنْ نَوْعِهِ.

The fourth condition: the mention of a specified due date that ordinarily impacts the price. It is not valid to specify an immediate payment, or to set the due date to something like the harvest season or a specific day. However, it is valid for items like bread or meat, which are purchased daily. If the item is delivered before the specified time and there is no harm in doing so, the buyer is obliged to accept it; for example, a better quality of the same type.

الخامس: وَجُودُهُ غَالِبًا فِي مَحَلِّهِ، لَا وَقْتُ عَقْدٍ، فَإِنْ تَعَذَّرَ فَلَهُ الصَّبْرُ وَالْفَسْخُ.

The fifth condition: the item must generally be available in its place, not at the time of the contract. If it becomes unavailable, the buyer has the option to either be patient or to cancel the contract.

السادس: قَبْضُ ثَمَنِهِ قَبْلَ تَفَرُّقٍ، وَشُرْطَ عِلْمٍ قَدْرِهِ وَوَصْفِهِ، فَإِنْ تَأَخَّرَ فِي بَعْضِهِ بَطَلَ فِيهِ فَقَطْ كَصَرَفٍ، وَإِنْ أَسْلَمَ فِي جَنْسٍ إِلَى أَجَلَيْنِ، أَوْ عَكْسَهُ بَيَّنَّ كُلَّ قِسْطٍ وَثَمَنَهُ.

The sixth condition: the payment of the price must occur before the parties part ways, and it is required that the quantity and description of the item are known. If the payment is delayed for part of the price, it invalidates only that portion, much like in a currency exchange. If the contract involves a *salam* transaction with two due dates or involves exchanging one type of item for another, each instalment and its price must be clearly specified.



السابع: أن يُسَلِّمَ في ذِمَّةٍ لا عَيْنٍ. وَيُعَيَّنُ مكانَ الوفاءِ إن عَقَّدَ بنحو بَرِّيَّةٍ، وإلا وَجَبَ مَوْضِعَ عَقْدٍ إن لم يَشْتَرِطْ في غيره. ولا يَصِحُّ تَصَرُّفٌ في مُسَلَّمٍ فيه قَبْلَ قَبْضِهِ، ولا أَخْذُ عَوَظِهِ، ولا رَهْنٍ أو كَفِيلٍ به

The seventh condition: the goods must be delivered in a debt (a *dhimma*), not as a physical object (*ayn*). The place of delivery should be specified if the contract is for something like livestock or wilderness goods, but if not specified, the location of the contract is considered the default place of agreement. Moreover, it is not valid to dispose of the *muslam* (goods in the *salam* contract) before receiving it, nor to take compensation for it, or to offer it as collateral or a guarantee.



## باب القرض

### Chapter: Loans

يَصِحُّ فِي كُلِّ مَا صَحَّ بَيْعُهُ غَيْرَ الرِّقِيقِ، وَتُحِلُّكَ بِقَبْضِهِ وَيُثَبِّتُ الْبَدَلَ حَالًا فِي الذِّمَّةِ وَلَوْ أَجَلُهُ. وَإِنْ رَدَّهُ مُقْتَرَضٌ لَزِمَ قَبُولُهُ إِنْ كَانَ مِثْلِيًّا وَلَمْ يَتَغَيَّرْ إِلَّا فِلُوسًا أَوْ مَكْسُورَةً حَرَّمَهَا السُّلْطَانُ فَقِيَمَتُهَا وَقْتُ عَقْدِهِ، وَيُرَدُّ مِثْلَ مِثْلِيٍّ وَقِيَمَةً غَيْرِهِ، فَإِنْ أَعْوَزَ الْمِثْلُ فَقِيَمَتُهُ إِذَنْ

It is valid for everything that is permissible to sell, except for slaves. It becomes the property of the borrower upon receipt, and the debt is established immediately, even if deferred. If the borrower returns it, the lender must accept it if it is of a like-for-like nature, and has not changed except for minor alterations, such as coins or money that were devalued or broken by the state. In that case, the value is determined at the time of the contract. If it is a like-for-like item, the borrower must return an identical item, but if it is not, the value of the original must be returned. If the equivalent is unavailable, its value at the time of the contract should be returned.

وَيُحْرَمُ شَرْطُ جَرِّ نَفْعًا، لَا فَعْلَهُ بِلَا شَرْطٍ أَوْ إِعْطَاءِ أَجُودٍ، أَوْ هَدِيَّةٍ بَعْدَ الْوَفَاءِ وَإِنْ أَهْدَاهُ قَبْلَ الْوَفَاءِ حُرْمٌ إِنْ لَمْ يَنْوِ احْتِسَابَهُ أَوْ مَكَافَأَتَهُ أَوْ تَجَرَّ عَادَتُهُ بِهِ مَعَهُ قَبْلُ، وَإِنْ طُوبِلَ بِبَدَلٍ قَرْضٍ وَنَحْوِهِ بِلَدٍّ آخَرَ لَزِمَ إِلَّا مَا لَحْمُهُ مَوْنَةً فَقِيَمَتُهُ إِنْ كَانَتْ بِلَدٍ قَرْضٍ أَنْقَصَ

It is prohibited to include a condition that results in a benefit for the lender, such as requiring actions that benefit them in exchange for the loan. However, performing the act voluntarily without such a condition, or giving a better item, or offering a gift after the loan is repaid, is permissible. If the gift was given before repayment, it becomes prohibited unless the giver intends it as a compensatory gesture or in return for something, or if it is a customary act between them. Furthermore, if the borrower is required to provide a substitute for the loan in another country, this is obligatory, unless the cost of transporting it is burdensome, in which case the value of the loan will be assessed based on the local market where the loan was made, which may be lower.



## باب الرهن

### Chapter: Collateral

يَصَحُّ فِي كُلِّ عَيْنٍ صَحَّ بَيْعُهَا حَتَّى الْمِكَاتَبِ، مَعَ الْحَقِّ وَبَعْدَهُ، وَيَصَحُّ رَهْنٌ مَبِيعٍ غَيْرِ نَحْوِ مَكِيلٍ عَلَى ثَمَنِهِ وَغَيْرِهِ. وَيُلْزَمُ فِي حَقِّ رَاهِنٍ فَقَطْ بِقَبْضٍ، وَاسْتِدَامَتِهِ شَرْطٌ لِلزُّومِ، وَلَا يَنْفَذُ تَصَرُّفُ رَاهِنٍ فِيهِ بِغَيْرِ إِذْنِ مُرْتَهِنٍ إِلَّا الْعَتَقَ، وَتُؤْخَذُ قِيَمَتُهُ رَهْنًا مَكَانَهُ

It is valid for any tangible asset that can be sold to be pledged, even if it is a *mukatab* (a slave with a contract for freedom), both during and after the existence of the debt. A pledge can be made on the sale of something other than items measured or weighed (such as produce), securing the price or its equivalent. The pledge becomes binding on the debtor only upon possession, and maintaining possession is a condition for its validity. The borrower cannot dispose of the pledged item without the consent of the lender, except in the case of emancipation. In such cases, its value should be taken as collateral in place of the original pledge.

وَنَمَاؤُهُ وَكَسْبُهُ وَأَرْشُ جَنَائِيَةٍ عَلَيْهِ تَبَعٌ لَهُ، وَمُؤَنَّتُهُ عَلَى رَاهِنٍ كَكَفْفِهِ وَأُجْرَةُ مَخْزَنِهِ، وَهُوَ أَمَانَةٌ لَا يَسْقُطُ بِتَلْفِهِ شَيْءٌ مِنْ دَيْنِهِ، وَلَا يَنْفَكُ بَعْضُهُ مَعَ بَقَاءِ بَعْضِ دَيْنِهِ، وَتَصَحُّ زِيَادَةُ رَهْنٍ لَا دَيْنَهُ. وَإِذَا حُلَّ الدَّيْنُ وَامْتَنَعَ مِنْ أَدَائِهِ بَيْعَ رَهْنٍ بِإِذْنِهِ، وَإِلَّا أُجْبِرَ حَاكِمٌ فَإِنْ أَصَرَّ بَاعَهُ عَلَيْهِ وَوَفَى

The increase, profit, or compensation from any harm done to the pledged item belongs to the pledgee. The costs and expenses of maintaining the pledged item, such as for its burial shroud or the rent of its storage, are the responsibility of the borrower. The pledge remains an entrusted item; its value is not diminished by its loss, and part of it cannot be separated from the remaining debt. It is permissible to add to the pledge without increasing the debt. If the debt becomes due and the borrower refuses to pay, the pledge may be sold with the borrower's consent. If the borrower does not consent, the court can compel them to do so, and if they persist in refusal, the item may be sold to settle the debt.



وَيُقْبَلُ قَوْلُ رَاهِنٍ فِي قَدْرِ رَهْنٍ وَدَيْنٍ وَرَدَهُ، لَا أَنَّهُ مَلِكٌ غَيْرُهُ أَوْ جَعَى وَيُؤَاخِذُ بِهِ بَعْدَ فَكِّ مَا لَمْ يَصَدِّقْهُ  
مَرْتَهَنٌ. وَلِمَرْتَهَنٍ زُكُوبٌ وَحَلَبٌ بِقَدْرِ نَفَقَتِهِ بِلَا إِذْنٍ مَتَحَرِّيًا لِلْعَدْلِ، وَإِنْ أَنْفَقَ عَلَيْهِ بَنِيَّةَ رَجُوعٍ وَتَعَدَّرَ  
اسْتِئْذَانُ مَالِكٍ رَجَعَ كَوَدِيعَةٍ وَعَارِيَّةٍ وَمُؤْجَرَةٍ لَا إِنْ خَرِبَتْ فَعَمَرَهَا بِلَا إِذْنٍ.

The borrower's statement regarding the quantity of the pledged item, the debt, and its return is accepted, except for claims about ownership by someone else or if it was damaged. The borrower will be held accountable for these claims unless the lender validates them. The lender has the right to use the pledged item, such as riding it or milking it, to the extent necessary for its maintenance, without needing permission, provided it is done fairly. If the lender spends money on the pledge with the intention of reclaiming it, and it becomes impossible to ask the owner for permission, the item is treated as a deposit or a loan and must be returned. However, if the pledged item is damaged, the lender can repair it without needing permission.



## أَبْوَابُ السَّلَمِ وَالْقَرْضِ، وَالرَّهْنِ

### Chapters of Advance Sales, Loans & Collateral

عَنِ ابْنِ عَبَّاسٍ -رَضِيَ اللَّهُ عَنْهُمَا- قَالَ: قَدِمَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْمَدِينَةَ، وَهُمْ يُسَلِّقُونَ فِي الثَّمَارِ السَّنَةَ وَالسَّنَتَيْنِ، فَقَالَ: مَنْ أَسْلَفَ فِي تَمْرٍ فَلْيُسَلِّفْ فِي كَيْلٍ مَعْلُومٍ، وَوَزْنٍ مَعْلُومٍ، إِلَى أَجَلٍ مَعْلُومٍ. مُتَّفَقٌ عَلَيْهِ. وَلِلْبُخَارِيِّ: «مَنْ أَسْلَفَ فِي شَيْءٍ»

Ibn Abbas narrated: When the Prophet (ﷺ) arrived in Medina, the people were engaging in *salam* transactions in dates, for one or two years. He said: 'Whoever engages in *salam* for dates, let them specify a known measurement, a known weight, and a known term.' Agreed upon. And in a narration in *Sahih al-Bukhari*: 'Whoever engages in *salam* in anything...

وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ أَنَسٍ، وَعَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى -رَضِيَ اللَّهُ عَنْهُمَا- قَالَا: كُنَّا نُصِيبُ الْمَعَانِمَ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَكَانَ يَأْتِينَا أَنْبَاطٌ مِنْ أَنْبَاطِ الشَّامِ، فَتُسَلِّقُهُمْ فِي الْخِنْطَةِ وَالشَّعِيرِ وَالزَّيْبِ. وَفِي رِوَايَةٍ: وَالزَّيْبُ - إِلَى أَجَلٍ مُسَمًّى. قِيلَ: أَكَانَ لَهُمْ زَرْعٌ؟ قَالَا: مَا كُنَّا نَسْأَلُهُمْ عَنْ ذَلِكَ. رَوَاهُ الْبُخَارِيُّ.

Abdul Rahman ibn Abza and Abdullah ibn Abi Awfa narrated: We used to receive war booty with the Messenger of Allah (ﷺ) and there would come traders from the tribes of the Levant. We would engage in *salam* with them in wheat, barley, raisins, and, in some narrations, oil, for a specified term. It was asked: 'Did they have crops?' They replied: 'We did not ask them about that.' *Sahih al-Bukhari*.

وَعَنْ أَبِي هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُ - عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ أَخَذَ أَمْوَالَ النَّاسِ يُرِيدُ أَدَاءَهَا، أَدَّى اللَّهُ عَنْهُ، وَمَنْ أَخَذَهَا يُرِيدُ أَنْتَلِفَهَا، أَتَلَفَهُ اللَّهُ.» رَوَاهُ الْبُخَارِيُّ.

Abu Hurairah narrated from the Prophet (ﷺ): 'Whoever takes the wealth of others with the intention of repaying it, Allah will repay it on his behalf. But whoever takes it with the intention of destroying it, Allah will destroy him.' *Sahih al-Bukhari*.



وَعَنْ عَائِشَةَ -رَضِيَ اللَّهُ عَنْهَا- قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّ فُلَانًا قَدِمَ لَهُ بَرٌّ مِنَ الشَّامِ، فَلَوْ بَعَثْتَ إِلَيْهِ، فَأَخَذْتَ مِنْهُ ثَوْبَيْنِ بَنَسِيئَةٍ إِلَى مَيْسَرَةٍ؟ فَأَرْسَلَ إِلَيْهِ، فَاِمْتَنَعَ. أَخْرَجَهُ الْحَاكِمُ، وَالْبَيْهَقِيُّ، وَرِجَالُهُ ثِقَاتٌ.

A'ishah said: 'I said, "O Messenger of Allah! A certain man has brought cloth from the Levant. Why don't you send to him and take two pieces of cloth on credit until a later time?" The Prophet (ﷺ) sent to him, but the man refused.' Al-Hakim and Al-Bayhaqi, and their narrators are trustworthy.

وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - قَالَ: قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم: «الظَّهْرُ يُرَكَّبُ بِنَفَقَتِهِ إِذَا كَانَ مَرْهُونًا، وَلَبَنُ الدَّرِّ يُشْرَبُ بِنَفَقَتِهِ إِذَا كَانَ مَرْهُونًا، وَعَلَى الَّذِي يَرَكَّبُ وَيَشْرَبُ النَّفَقَةُ». «رَوَاهُ الْبُخَارِيُّ»

Abu Hurairah narrated that the Prophet (ﷺ) said: 'When an animal is pledged as a collateral, its upkeep, including its riding and the milk it produces, must be covered by the one who is benefiting from it. The cost of its care is the responsibility of the one using it.' *Sahih al-Bukhari*.

وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ -صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَغْلُقُ الرَّهْنُ مِنْ صَاحِبِهِ الَّذِي رَهْنَهُ، لَهُ غَنَمُهُ، وَعَلَيْهِ غَرْمُهُ.» «رَوَاهُ الدَّارَقُطْنِيُّ، وَالْحَاكِمُ، وَرِجَالُهُ ثِقَاتٌ. إِلَّا أَنَّ الْمَحْفُوظَ عِنْدَ أَبِي دَاوُدَ وَغَيْرِهِ إِسْرَالُهُ»

Abu Huraira narrated that the Messenger of Allah (ﷺ) said: 'The pledge is not to be closed off by its owner, who pledged it; its benefits (gains) belong to the one who holds it, and its costs (losses) are upon the one who pledged it.' This was narrated by al-Daraqutni and al-Hakim, whose narrators are trustworthy. However, the version preserved in Abu Dawood and others is *mursal*



وَعَنْ أَبِي رَافِعٍ - أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اسْتَسَلَفَ مِنْ رَجُلٍ بَكْرًا فَقَدِمَتْ عَلَيْهِ إِبِلٌ مِنَ الصَّدَقَةِ، فَأَمَرَ أَبُو رَافِعٍ أَنْ يَقْضِيَ الرَّجُلُ بَكْرَهُ، فَقَالَ: لَا أَجِدُ إِلَّا حَيَارًا. قَالَ: «أَعْطِهِ إِيَّاهُ، فَإِنَّ خِيَارَ النَّاسِ أَحْسَنُهُمْ قَضَاءً». رَوَاهُ مُسْلِمٌ

Abu Rafi' narrated that the Prophet (ﷺ) borrowed a camel from a man, and when a herd of camels from charity arrived, he instructed Abu Rafi' to repay the man with a camel. However, Abu Rafi' said, 'I only find one that is better in quality.' The Prophet (ﷺ) replied, 'Give it to him, for the best of people are those who are the best in repaying their debts.' *Sahih Muslim*

وَعَنْ عَلِيٍّ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «كُلُّ قَرْضٍ جَرَّ مَنَفْعَةً، فَهُوَ رِبَاً». «رَوَاهُ الْحَارِثُ بْنُ أَبِي أُسَامَةَ، وَإِسْنَادُهُ سَاقِطٌ. - وَلَهُ شَاهِدٌ ضَعِيفٌ عَنْ فَضَالَةَ بْنِ عُبَيْدٍ عِنْدَ الْبَيْهَقِيِّ. - وَآخَرُ مَوْثُوفٌ عَنْ عَبْدِ اللَّهِ بْنِ سَلَامٍ عِنْدَ الْبُخَارِيِّ»

Ali narrated that the Messenger of Allah (ﷺ) said: 'Any loan that results in a benefit is considered usury (riba).' This is narrated by al-Harith ibn Abi Usama, but the chain of transmission is weak. There is a weak supporting narration from Fadal ibn Ubaid reported by al-Bayhaqi, and another from Abdullah ibn Salam in Sahih al-Bukhari.



## باب الضمان

### Chapter: Guarantee

يَصَحُّ مِنْ جَائِزِ التَّصَرُّفِ بِلَفْظٍ: أَنَا ضَمِينٌ أَوْ كَفِيلٌ بِمَا عَلَيْهِ وَنَحْوِهِ، وَلَرَبِ الْحَقِّ طَلَبُ أَيُّهُمَا شَاءَ، وَيَبْرَأُ ضَامِنٌ بِبَرَاءَةِ مَضْمُونٍ لَا عَكْسَهُ، وَلَا تُعْتَبَرُ مَعْرِفَةُ مَضْمُونٍ لَهُ أَوْ عَنْهُ بَلِ رَضَى ضَامِنٌ

It is valid for one who possesses the capacity to transact to give a guarantee using expressions such as, "I am a guarantor (ḍamīn)" or "I am a surety (kāfil) for what he owes," or similar phrases.

The creditor has the right to demand repayment from either the original debtor or the guarantor, whichever he chooses. The guarantor is discharged upon the discharge of the debtor, but not vice versa. It is not a condition that the guarantor must know the debtor or the creditor; rather, it suffices that the guarantor consents to the guarantee.

وَيَصَحُّ ضِمَانُ الْمَجْهُولِ إِنْ آلَ إِلَى الْعِلْمِ، وَمَا لَمْ يَجِبْ إِنْ آلَ إِلَيْهِ، وَضِمَانٌ نَحْوِ عَارِيَةِ لَا أَمَانَةَ بَلِ التَّعْدِي فِيهَا

It is valid to guarantee an unknown obligation, provided that it will ultimately become known; likewise, it is valid to guarantee that which is not yet due if it will certainly arise. It is also permissible to guarantee in matters such as a loaned item (ʿāriyah), not in respect of the trust itself, but in the case of transgression against it.

وَتَصَحُّ كِفَالَةُ بِيَدِنِ مَنْ عَلَيْهِ حَقٌّ مَالِيٍّ، لَا حَدٍّ وَنَحْوِهِ، وَيُعْتَبَرُ رِضَا كَفِيلٍ فَقَطْ، وَإِنْ تَعَذَّرَ إِحْضَارُ مَكْفُولٍ بِهِ مَعَ حَيَاتِهِ أُخِذَ كَفِيلُهُ بِمَا عَلَيْهِ، وَإِنْ ضَمِنَ مَعْرِفَتَهُ أَخَذَ بِهِ، وَإِنْ مَاتَ أَوْ سَلَّمَ نَفْسَهُ أَوْ تَلَفَتْ الْعَيْنُ بِفَعْلِ اللَّهِ تَعَالَى بَرَأَ كَفِيلُهُ

It is valid to stand surety for the person of one who owes a financial obligation, but not for cases involving corporal punishments or their like. Only the consent of the guarantor is required. If the production of the person guaranteed becomes impossible while he is still alive, the guarantor will be held liable for the financial obligation. If the guarantor pledged only to produce the person and not to guarantee the debt itself, he is not liable unless he fails to deliver him. If the guaranteed person dies, or surrenders himself, or if the guaranteed item perishes through an act of God, the guarantor is released from responsibility.



## باب الحوالة

### Chapter: Assignment of Debt

لا تصح إلا على دينٍ مُستقرٍّ مُماثلٍ للمُحال به قَدْرًا وَجِنْسًا وَوَصْفًا وَخُلُولًا أو أَجَلًا ولا يُوَثِّرُ فاضل

It is not valid to assign a debt except over a debt that is firmly established and that matches the assigned debt in amount, type, and description, as well as in its being due immediately or deferred — though a slight excess in value does not affect validity.

وَيُعْتَبَرُ رَضَى مُحِيلٍ لَا مُحَالَ عَلَيْهِ وَلَا مُحْتَالَ إِنْ أُحِيلَ عَلَى قَادِرٍ، فَتَنْقَلِ الْحَقُّ إِلَى ذِمَّةِ مُحَالَ عَلَيْهِ وَيَبْرَأَ مُحِيلٌ  
وَلَوْ أَفْلَسَ مُحَالَ عَلَيْهِ أَوْ جَحَّدَ وَنَحَوَهُ. وَمَنْ أُحِيلَ بِثَمَنِ مَبِيعٍ أَوْ عَلَيْهِ فَبَانَ الْبَيْعُ بَاطِلًا فَلَا حَوَالَةَ لَا إِنْ  
فَسَخ

The consent of the assignor (muḥīl) is required, but not that of the one assigned against (muḥāl ‘alayh) nor the assignee (muḥtāl), provided the assignment is made to one capable of payment. The obligation is thereby transferred to the liability of the one assigned against, and the assignor is discharged — even if the one assigned against becomes insolvent or denies the debt, or the like. If a person is assigned a debt arising from the price of a sale, or assigned against it, and the sale later proves void, then the assignment is likewise invalid — unless the sale was only rescinded thereafter.



## بَابُ الْحَوَالَةِ وَالضَّمَانِ

### Chapter: Assignment of Debt & Guarantee

عَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - قَالَ: قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم: «مَطْلُ الْغَنِيِّ ظُلْمٌ، وَإِذَا أُتْبِعَ أَحَدُكُمْ عَلَى مَلِيٍّ فَلْيَتْبَعْ». «مُتَّفَقٌ عَلَيْهِ. وَفِي رِوَايَةِ أَحْمَدَ: «فَلْيَحْتَلْ».

Abū Hurayrah narrated that the Messenger of Allah (ﷺ) said: "The procrastination of a wealthy person in settling debts is injustice. And if one of you is directed to a solvent debtor, let him accept the assignment." Agreed upon.  
And in the narration of Aḥmad:  
"Let him accept the assignment

وَعَنْ جَابِرٍ - رضي الله عنه - قَالَ: تُؤَيِّي رَجُلٌ مِنَّا، فَعَسَلْنَاهُ، وَحَنَطْنَاهُ، وَكَفَّنَاهُ، ثُمَّ أَتَيْنَا بِهِ رَسُولَ اللَّهِ - صلى الله عليه وسلم - فَقُلْنَا: تُصَلِّي عَلَيْهِ؟ فَخَطَا حُطًى، ثُمَّ قَالَ: «أَعَلَيْهِ دَيْنٌ؟» قُلْنَا: دِينَارَانِ، فَانْصَرَفَ، فَتَحَمَّلَهُمَا أَبُو قَتَادَةَ، فَأَتَيْنَاهُ، فَقَالَ أَبُو قَتَادَةَ: الدَّيْنَارَانِ عَلَيَّ، فَقَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم - «أُحِقَّ الْغَرِيمُ وَبَرِيءٌ مِنْهُمَا الْمَيِّتُ؟» قَالَ: نَعَمْ، فَصَلَّى عَلَيْهِ. رَوَاهُ أَحْمَدُ، وَأَبُو دَاوُدَ، وَالتَّسَائِيُّ، وَصَحَّحَهُ ابْنُ جِبَّانَ، وَالْحَاكِمُ.

Narrated from Jābir who said: A man from among us passed away. We washed his body, embalmed him, and wrapped him in his shroud. Then we brought him to the Messenger of Allah (ﷺ) and said, "Will you pray over him?" The Prophet (ﷺ) stepped forward a few paces, then said, "Does he have any outstanding debt?" We replied, "Two dinārs." So he turned away. Then Abū Qatādah took responsibility for the debt and said, "O Messenger of Allah, the two dinārs are upon me." The Messenger of Allah (ﷺ) asked, "Is the creditor now satisfied, and the deceased absolved of them?" He said, "Yes." So the Prophet prayed over him. Narrated by Aḥmad, Abū Dāwūd, and al-Nasā'ī, and authenticated by Ibn Ḥibbān and al-Ḥākim.



وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - أَنَّ رَسُولَ اللَّهِ - صلى الله عليه وسلم - كَانَ يُؤْتَى بِالرَّجُلِ الْمُتَوَفَّى عَلَيْهِ الدَّيْنُ، فَيَسْأَلُ: «هَلْ تَرَكَ لِدَيْنِهِ مِنْ قِضَاءٍ؟» فَإِنْ حُدِّثَ أَنَّهُ تَرَكَ وَفَاءً صَلَّى عَلَيْهِ، وَإِلَّا قَالَ: «صَلُّوا عَلَى صَاحِبِكُمْ» فَلَمَّا فَتَحَ اللَّهُ عَلَيْهِ الْفُتُوحَ قَالَ: «أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ، فَمَنْ تُؤَيِّ، وَعَلَيْهِ دَيْنٌ فَعَلَيْ قِضَاؤُهُ. «مُتَّفَقٌ عَلَيْهِ. وَفِي رِوَايَةٍ لِلْبُخَارِيِّ: «فَمَنْ مَاتَ وَلَمْ يَتْرُكْ وَفَاءً»

Abū Hurayrah narrated who said: The Messenger of Allah (ﷺ) used to be brought the body of a man who had passed away with an outstanding debt. He would ask: "Has he left any provisions to settle his debt?" If it was reported that he had left sufficient provisions, the Prophet (ﷺ) would pray over him. Otherwise, he would say, "Pray over your companion." When Allah granted him victory in the conquests, he said: "I am more entitled to the believers than their own selves. So, if someone passes away with a debt upon him, it is my responsibility to settle it." Narrated by al-Bukhārī and Muslim. In a narration of al-Bukhārī: "Whoever dies and leaves no provision to settle his debt..."

وَعَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ - صلى الله عليه وسلم: «لَا كَفَالَةَ فِي حَدِّ». «رَوَاهُ الْبَيْهَقِيُّ بِإِسْنَادٍ ضَعِيفٍ

Narrated from 'Amr ibn Shu'ayb, from his father, from his grandfather, who said: The Messenger of Allah (ﷺ) said: "There is no guarantee (kafālah) in the case of a legal punishment (ḥadd)." Narrated by al-Bayhaqī with a weak chain of narration.



## باب الصلح

### Chapter: Reconciliation

يَصَحُّ عَلَى إِقْرَارٍ وَإِنْكَارٍ، فَإِذَا أَقَرَّ لَهُ بَدِينٍ أَوْ عَيْنٍ فَأَسْقَطَ أَوْ وَهَبَ الْبَعْضَ وَأَخَذَ الْبَاقِي، صَحَّ بِلَا شَرْطٍ وَبِلَا لَفْظِ صُلْحٍ وَإِنْ وَضَعَ بَعْضَ حَالٍ وَأَجَّلَ بَاقِيَهُ صَحَّ الْوَضْعُ لَا التَّأْجِيلَ

The matter is valid with both acknowledgment and denial. If someone acknowledges a debt or asset, then waives or gifts part of it while retaining the rest, it remains valid without condition or the need for a formal settlement. However, if part of the debt is forgiven and the remainder is deferred, the forgiveness is valid, but the deferral is not.

وَإِنْ صَالَحَ عَنْ مُؤَجَّلٍ بِبَعْضِهِ حَالًا أَوْ عَكْسَهُ، أَوْ أَقَرَّ لَهُ بَيْتٍ فَصَالَحَهُ عَلَى سُكْنَاهُ مَدَّةً، أَوْ بِنَاءِ غُرْفَةٍ لَهُ فَوْقَهُ، أَوْ صَالَحَ مَكْلَفًا لِيُتَرَّ لَهُ بِعَبوديةٍ أَوْ زَوْجِيَّةٍ بِعَوَضٍ لَمْ يَصَحَّ

If a settlement is made for a deferred debt by paying part of it immediately, or vice versa, or if someone acknowledges ownership of a house and settles for its use for a period, or for building a room on it, or if an adult is compensated in exchange for acknowledging servitude or marriage, such agreements are invalid.

وَأَقَرَّ لِي بَدِينِي وَأَعْطَيْكَ كَذَا صَحَّ الْإِقْرَارُ فَقَطْ، وَإِنْ ادَّعَى عَلَيْهِ بَعِينٍ أَوْ دَيْنٍ فَسَكَتَ أَوْ أَنْكَرَ وَهُوَ يَجْهَلُهُ فَصَالَحَهُ صَحَّ، وَمَنْ كَذَبَ مِنْهُمَا لَمْ يَصَحَّ فِي حَقِّهِ بَاطِنًا، وَمَا أَخَذَ حَرَامٌ

If someone acknowledges my debt and agrees to give me a specified amount, the acknowledgment is valid only. If a claim is made against someone regarding property or debt, and they remain silent or deny it while unaware, and then settle, the settlement is valid. However, if either party lies, the settlement is invalid for the one who lied, and any amount received is considered unlawful.



ولا يصح بعوضٍ عن حَدٍّ أو شُفْعَةٍ أو تَرْكِ شهادةٍ أو خيارٍ، وإن حصل عُصْن شجرته في هواء جاره أو عرقها في أرضه أزاله فإن أبي لواه الجار إن أمكن وإلا قَطَعَهُ.

A settlement is not valid in exchange for a penalty, preemption right, abandonment of testimony, or an option. If a branch of a tree extends into a neighbor's airspace or its root enters their land, the neighbor may remove it. If the neighbor cannot bend it, they may cut it.

ويجوز في دربٍ نافذٍ فتحُ بابٍ لإستطراقٍ، لا إخراج نحو روشن وميزاب بلا إذن إمامٍ أو نائبه ولا دِكَّة ودُكَّان، ولا يفعل ذلك في ملك جاره، ولا دربٍ مشتركٍ بلا إذن أهله، ولا وضع خشبَةٍ على حائطٍ جاره إلا إذا لم يمكن تسقيفٌ إلا به فيجوز ولو لمسجد [أو يتيم]، وإذا اهدَمَ مُشْتَرِكٌ أو خِيفَ ضرره فَطَلَبَ أَحَدُهُمَا أَنْ يُعْمَرَ الْآخَرُ مَعَهُ أُجْبِرَ.

It is permissible to open a door in a public alley for access, but not to install a balcony or drainpipe without the permission of the ruler or their deputy, nor a platform or shop. This cannot be done in a neighbor's property or a shared alley without the consent of the other parties. Placing a beam on a neighbor's wall is allowed only if it is impossible to roof the structure otherwise, and this applies even to mosques or properties of orphans. If a shared structure collapses or its damage is feared, one party may compel the other to jointly repair it.



## بَابُ الصُّلْحِ

### Chapter: Reconciliation

عَنْ عَمْرِو بْنِ عَوْفٍ الْمُزَنِيِّ - رضي الله عنه - أَنَّ رَسُولَ اللَّهِ - صلى الله عليه وسلم - قَالَ: «الصُّلْحُ جَائِزٌ بَيْنَ الْمُسْلِمِينَ، إِلَّا صُلْحًا حَرَّمَ حَلَالًا وَ أَحَلَّ حَرَامًا، وَالْمُسْلِمُونَ عَلَى شُرُوطِهِمْ، إِلَّا شَرْطًا حَرَّمَ حَلَالًا وَ أَحَلَّ حَرَامًا». «رَوَاهُ التِّرْمِذِيُّ وَصَحَّحَهُ. وَأَنْكَرُوا عَلَيْهِ؛ لِأَنَّ رَاوِيَهُ كَثِيرَ بَنِ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ عَوْفٍ ضَعِيفٌ. وَكَأَنَّهُ اعْتَبَرَهُ بِكَثْرَةِ طُرُقِهِ. - وَقَدْ صَحَّحَهُ ابْنُ حِبَّانَ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ َ

Amr ibn Awf al-Muzani reported that the Messenger of Allah (ﷺ) said: "Reconciliation is permissible among Muslims, except when it makes the lawful unlawful or the unlawful lawful. Muslims are bound by their conditions, except when a condition makes the lawful unlawful or the unlawful lawful."

This was narrated by Tirmidhi and authenticated by him. Some criticized him for this, due to the weakness of its reporter, Kathir ibn Abdullah ibn Amr ibn Awf. However, it seems that he considered it authentic due to the numerous chains of transmission. Ibn Hibban also authenticated it from the narration of Abu Hurairah.

وَعَنْ أَبِي هُرَيْرَةَ - رضي الله عنه - أَنَّ النَّبِيَّ - صلى الله عليه وسلم - «قَالَ: لَا يَمْنَعُ جَارٌ جَارَهُ أَنْ يَغْرِزَ حَشَبَةً فِي جِدَارِهِ». ثُمَّ يَقُولُ أَبُو هُرَيْرَةَ - رضي الله عنه - مَا لِي أَرَاكُمْ عَنْهَا مُعْرِضِينَ؟ وَاللَّهِ لَا زِمَئَ بِهَا بَيْنَ أَكْتَافِكُمْ. مُتَّفَقٌ عَلَيْهِ ِ.

Abu Hurairah reported that the Prophet (ﷺ) said: "A neighbour should not prevent his neighbour from driving a peg into his wall." Then Abu Hurairah said, "What is it that I see you turning away from this? By Allah, I will throw it between your shoulders!" Agreed upon



وَعَنْ أَبِي حُمَيْدٍ السَّاعِدِيِّ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَحِلُّ لِأَمْرٍ أَنْ يَأْخُذَ عَصَا أَخِيهِ بِغَيْرِ طِبِّ نَفْسٍ مِنْهُ». «رَوَاهُ ابْنُ حِبَّانَ, وَالحَاكِمُ فِي «صَحِيحَيْهِمَا»

Abu Humayd al-Sa'idi reported that the Messenger of Allah (ﷺ) said: "It is not lawful for a person to take his brother's staff without his consent." This was narrated by Ibn Hibban and al-Hakim in their two "Sahihs."

