

# The Rulings of the Market

or: Oversight and Rulings with respect to all Conditions of the Market

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with an introduction by noted Ustādh and eminent scholar, Shaykh Abū Salmān  
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Jalāl 'Alī 'Āmir, may Allah support him, undertook to edit the text from the Tunisian printing

## The Book

**The verdict about what ought to be looked into concerning markets**

Aḥmad ibn Muḥammad ibn 'Abd ar-Raḥmān narrated to us and said: I heard Yaḥyā ibn 'Umar saying:

The ruler who pursues justice ought to investigate the markets of the people under his care and order the most reliable of the people he knows in his land to undertake to look after the market and compare all of their balances, scales and measures for its people. He should punish whomever he has found to have altered any of that according to the degree he thinks he has innovated and betrayed the ruler. Then he should banish him from the market until he shows that he has repented and returned to the right way. If he does this, I hope that he will be free of guilt and the affairs of those under his care will be put right insha'Allāh.

If counterfeit dirhams or those alloyed with copper appear in the marketplace, he should not neglect to take it seriously and find out who has introduced them. If he gains control over them, whether it is an individual or a group, he ought to punish them severely and order that they be paraded in the marketplaces and *"make a harsh example of them to deter those coming after them so that hopefully they will pay heed"*<sup>1</sup> to the extremity of the punishment that has alighted on them. Then he should imprison them as much as he thinks fit. He should order those he trusts to look

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<sup>1</sup> (8:58)

out for that in the market so that their dirhams and dinars are pure and their coinage is protected. This is the way for him to protect his flock, and its benefit will encompass both their *dīn* and their worldly affairs. It is hoped that that will be an advancement for him and a means of drawing nearer to Him, insha'Allāh.

### **Measures and weights: the *mudd*, *qafīz*, *riṭl* and *ūqiyya***

Aḥmad ibn Muḥammad ibn 'Abd ar-Raḥmān said: "I heard Yaḥyā ibn 'Umar being asked about wheat and barley being sold by measures which shopkeepers had introduced and which were not introduced by the sultan, and for which there is no source, such that some of them have small ones and some big ones. Despite the differences people submit to these standards among themselves. [They said to him:] 'So, may Allah be pleased with you, then look into what of that is permissible and give us a fatwa concerning it. Clarify for us the explanation with which Allah has favoured you. Explain the matter of the prices to us which should be established on butchers and suchlike shopkeepers, those who sell ghee, honey, oil and fat. If they are left without valuation they will destroy the public because of the little respect they have for the sultan. If they are left to sell for the value, do you think that is valid for them and for the public? If it is valid, what is to be done with them if they differ from what the sultan has ordered, for he may command a clear set of weights and a matter that is obvious. Now the matter about which we have written to you has occurred, for we have only written about that which envelops us and which remains unclear us, so clarify it for us unequivocally, may Allah benefit you by your knowledge'.

Yaḥyā ibn 'Umar said: "As for that which you said that the wheat and barley among you are sold by differing measures which shopkeepers have introduced and they are not those which the sultan has introduced, and there is no source known for them, so that this one has a large one and this one a small one and they differ but people transact with these standards among themselves with respect to wheat and barley, then it is not right for resident Muslims in their markets to be in the condition you have described.

"If they have a governor over them, let him fear Allah his Lord with respect to that which Allah has entrusted to his care, and let him take care of them and their weights and measures so that their

weights and measures are all well known, and their *qinṭār*<sup>2</sup> and *riṭl*<sup>3</sup> [weights] and similarly their *waybāt*<sup>4</sup> and their *qafīz*<sup>5</sup> [measures].

And the source of that which is imposed on their *riṭl* in their scales which the Prophet ﷺ made obligatory in *zakāt* on *ʿayn* i.e. gold and silver, when he ﷺ said, “There is no *ṣadaqa*<sup>6</sup> due on anything less than five *ūqīyya* of silver,”<sup>7</sup> and “there is no *zakāt* due on anything less than twenty dinars.”<sup>8</sup>

The *ūqīyya* is forty dirhams by measure. The weight of dinars is that every ten dirhams by measure is seven dinar *mithqals*.

The person who governs who strives to establish justice lays down the *riṭl* and *qinṭār* of the people in his care according to this. He presents to the people in his care that they must not alter them. Whoever does that or alters any of it merits punishment and he should expel him from the market until it is clear that he has turned in *tawba*.

If he makes the *ūqīyya* such that each one is ten dirhams by measure or twelve dirhams by weight that is also permissible.

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<sup>2</sup> A *qinṭār* is 100 *riṭl*.

<sup>3</sup> A *riṭl* is a weight corresponding to twelve *ūqīyya* or 480 dirhams. The *ūqīyya* is the weight of forty dirhams.

<sup>4</sup> The *wayba* is a measure consisting of twenty-two or twenty-four *mudds*. Edward Lane, *Arabic-English Lexicon*.

<sup>5</sup> A *qafīz* is forty-eight *ṣāʿ*.

<sup>6</sup> Here *ṣadaqat* refers to *zakāt*.

<sup>7</sup> Mālik narrated it in his *Muwattaʿaʿ*, *kitāb az-zakāt, bāb mā tajibu fīhi az-zakāt*, 655, narrating it from Abū Saʿīd al-Khudrī as did ash-Shāfiʿī. Al-Bukhārī narrated it in his *Ṣaḥīḥi*, *kitāb az-zakāt, bāb zakāt al-wariq* 2:144 and 148.

<sup>8</sup> The judgement is unanimously agreed upon, but I was unable to find a hadith with exactly this wording. ʿAlī r is narrated to have said, “There is due from every twenty dinars a half dinar...” *Kanz al-Ummāl* by al-Muttaqī al-Hindī who cites that it is from Abū ʿUbayd and Ibn Jarīr aṭ-Ṭabarī.

He lays down the measures of the people in his care such as the *wayba* and *qafiz* according to the measure the Messenger of Allah ﷺ made obligatory as *zakāt* for grains when he ﷺ said, “There is nothing due from whatever is less than five *wasq* measures.”<sup>9</sup> A single *wasq* is sixty *ṣāʿ*, and the *ṣāʿ* is four *mudd* according to the *mudd* of the Prophet ﷺ. The man in authority who is attempting to bring about justice should make the measures of the people in his care correct by introducing gentleness to them and repelling harm from them. All of their other measures are based on that which is legislated of the *wayba*.

He should present to the people in his care that they should not alter anything of those measures. Whoever does anything after that deserves punishment and he should expel him from the market until it is clear that he has turned in *tawba*.

If the Muslims are in a situation in which the man in authority has neglected this for the people in his care or they do not have a man in authority, then the best of them and the people of standing and probity should get together to decide weights and measures for the people of their place something like what we have described.

Then when they have done that, they should show them to people and inform them of the weight that is in their weights and their *qintārs*, and that no one should alter them by increasing or decreasing them. If they discover anyone who has altered a weight or a measure, they should punish him and drive him out of the market until he has clearly turned in *tawba*, just as the just man of authority would have done.

### **The ruling concerning values and pricing**

As for your asking me to write something on the business of pricing which should be established on the butchers, bakers and market people, of that which the public are in need, as to whether that is permissible or not, and your claim that if they are left without the price being set they will destroy the public, Yaḥyā ibn ʿUmar said:

“What is obligatory on all Muslims is to hold fast to the Sunnah and to follow the commands of our Prophet ﷺ for when they do that and are in accordance with it, everything they love will come to them from their Generous Lord.

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<sup>9</sup> Al-Bukhārī *kitāb az-zakāt*, *bāb mā addā zakātahu falaysa bi kanz* No.1340, *bāb zakāt al-wariq* No. 1378-9, *bāb laysa fimā dūna khamsa awsuq ṣadaqa*, No.1413, and Muslim *kitāb az-zakāt* No.979.

“Our Lord, majestic is His remembrance and pure are His names, made that clear to us in the decisive and unambiguous parts of His Book, when He says, blessed is He and greatly exalted is He over that which the wrongdoers say: *“If only the people of the cities had had imān and taqwā, We would have opened up to them blessings from heaven and earth. But they denied the truth so We seized them for what they earned.”* (Sūrat al-Aʿrāf 7:95).

And He, majestic is His remembrance, said, *“If only they had implemented the Tawrah and the Injil and what was sent down to them from their Lord, they would have been fed from above their heads and beneath their feet.”* (Sūrat al-Māʿidah 5:66)

He meant – and Allah knows best – if only they had acted upon that which was revealed in the Tawrah and the Injil and in this Qurʾān they would have eaten from above their heads and beneath their feet, meaning – and Allah knows best – He would have bestowed the world upon them fully.

Yaḥyā ibn ʿUmar said: The hadith from the Prophet ﷺ in a similar sense to that which you asked me about is *ṣaḥīḥ*: our shaykhs Saḥnūn ibn Saʿīd, al-Ḥārith ibn Miskīn and Abū aṭ-Ṭāhir narrated to us from ʿAbd Allāh ibn Wahb from Ibn Lahīʿa from Sulaymān ibn Mūsā that Thābit al-Banānī narrated to him from Anas ibn Mālik:

That some people came to the Messenger of Allah ﷺ and said, “Messenger of Allah, set our prices for us.” So he said, “People, your expensive prices and your cheap prices are in the hand of Allah, glorious is He, and I hope from Allah that I meet Him without having wronged anyone in terms of wealth nor in terms of blood.”<sup>10</sup>

Ibn Wahb said, and other people of knowledge than him [Thābit] informed me, that the Messenger of Allah ﷺ became angry one day to such an extent that people could recognise that in him, and he said, “The market is in the hand of Allah. He lowers it and raises it, but tell them to bring their goods out into the open, and let them sell however they want. Allah will not ask me about a Sunna which I introduce among you; but ask Allah of His bounty.”

Similarly, those I named to you of my shaykhs narrated to me from Ibn Wahb who said: I heard Mālik ibn Anas saying, “Do not set the price for anyone of the market people because that would be injurious wrongdoing. However, if there are ten *ṣāʿ*s in the market, and such a one lowers [the price] by a *ṣāʿ* then he must leave the market.”

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<sup>10</sup> This is also narrated by aṭ-Ṭabarānī 1:261, No.761.

Yaḥyā ibn ‘Umar said: This is what I take and choose for myself. The price is not to be imposed on anyone, but everyone who lowers the market price must leave. ‘Umar ibn al-Khaṭṭāb î did that. He said to a man selling raisins, “Either you increase the price or you get out of our market.”

It has reached me that one of the people of Madīna said, “Whoever in authority does the same as that which ‘Umar did to this man has struck the mark. But whoever establishes the prices for what goods people have in their hands is ignorant of the Sunnah and will be guilty on the Day of Rising, and he will have fed the purchaser with that which is not his right to have. Prices are only the province of Allah; He lowers them and He raises them and people have no part in that.

Yaḥyā ibn ‘Umar said: Even if the market people were to agree unanimously that they would only sell for that which they want, which they are mutually pleased with, but in which there is some harm for people, and they make a disorder in the market, then it is the duty of the man in authority to drive them out of the market. On behalf of the Muslims he should investigate that which will put them right and whose benefit will encompass them generally. He should make others go into the market; if he does that to them they will return from that which their lower selves had aspired to, such as much profit, and they will be contented with that amount of profit whose benefit they would receive, and through which they will not become involved in harming the public.

Similarly, I think that he should do that to someone who reduces the price that the market people agree upon for wheat, or barley, or oil or ghee and that which is sold in the market, not wanting to sell as do other people. It should be said to him, “Either you sell as do market people and be just like one of them or you leave the market.” This is so that the people who sell goods like his goods, when they see him selling more expensively than them, do not compete against each other by raising their prices above his. Because all sorts of people enter the market. Some of them do not know the price and so they stop at this man who is expensive and ask him [for a price]. When he replies they think that the market price is all as he says to them and so they buy from him. Some stop at him who do not ask about the price and do not know it and buy from him. The likes of that are numerous.

When the market people see that [someone reduces the prices below standard], they decrease the price from that at which they used to sell. Perhaps they used to hold back what they used to sell, but then became greedy to sell like him and restricted themselves to his prices. When they cannot find anyone who wants to buy except for that price, the purchaser has to buy it because of

necessity whether it is expensive or cheap. Thereby they introduce corruption and rise in prices for people by not dealing with that one man who reduced the price and was not contented to sell at the price that the people of his merchandise were selling it for.

In my view, it was for this reason that ‘Umar ibn al-Khaṭṭāb î said to the person who was selling raisins, “Either you increase the price or you will be ejected from our market,” because he had reduced the price for which raisins, similar to his goods, were being sold. He was afraid that he would be ejected from the market in the same way as someone who had reduced the price below the price at which people were selling. The man who was ejected from the market returned to the price of his goods in the market and was contented to sell for the same price as that which goods similar to his goods were sold for in the market.

It is on this basis that the man in authority or the *qāḍī* or the superintendent in charge of the Muslims’ markets who are seeking to establish justice ought to operate in the markets. And success is by Allah.

### **The Ruling on Markets that are Close to Cities**

I asked Yaḥyā ibn ‘Umar about whether the markets of the palace [i.e. the Aghlabid palace town al-‘Abbāsiyya, also known as Qaṣr al-Aghālība and al-Qaṣr al-Qadīm, three miles south-east of al-Qayrawān in North Africa] are subordinate to the markets of al-Qayrawān in their prices with respect to foods and goods and everything that is sold in their markets of those things that are eaten and drunk and which are not eaten or drunk. Yaḥyā ibn ‘Umar said: “I have not memorised anything about them, and I think that the markets of the palace are different from the markets of al-Qayrawān.”

Abū al-Abbās ‘Abd Allāh ibn Ṭālib said the same. Muḥammad ibn ‘Abdūs said that they are subordinate to the markets of al-Qayrawān.

### **The Ruling on Shopkeepers**

I asked Yaḥyā ibn ‘Umar about whether wheat-sellers are obliged not to sell wheat, barley, *fūl*-beans, lentils, chickpeas and all pulses before they have sifted them. Yaḥyā ibn ‘Umar said to me: “Mālik said: ‘All that you have mentioned they ought not to sell until it has been sifted.’ Al-Ḥārith ibn Miskīn informed me about that and he said: “Abd Allāh ibn Wahb informed me from Mālik.”

Yaḥyā ibn ‘Umar said: “So I think that they should adhere to that.”

### **The Ruling on Figs that have been Oiled and Milk Mixed with Water**

And I asked Yaḥyā ibn ‘Umar about oiled figs, whether their owners are to be prohibited from oiling them? Yaḥyā said to me: “I think they should be prohibited from oiling figs.” I said: “What if they have oiled the figs and sold them in the market, what should be done with those figs? Should they be returned to their owner who sold them and that sale annulled? And what if the seller has been prohibited from oiling them before selling them, but he goes ahead and oils them and sells them, should he be taught a lesson? What should be done to the purchaser if he has bought oiled figs knowingly and bought them on those terms?”

Yaḥyā ibn ‘Umar said: “I think that he and others should be prohibited from doing that. If he has been prohibited and then he oils them after that, I think that he should give the figs as *ṣadaqa* to the bereft, in order to teach him good manners.”

Yaḥyā said: “Similarly with milk when it has been mixed with water. He should give it as *ṣadaqa* to the bereft and not spill it out on the ground. Similarly with bread if he reduces it and advances are made to him but he does not desist. He should give it away as *ṣadaqa* and he is made to get up and leave the market.”

### **The Ruling on Fruit which is sold in the Market before the Majority of it has Ripened**

And I asked Yaḥyā ibn ‘Umar about figs, apples, grapes and fruits in general which are sold in the market before most of them have ripened, and they bring them to market having clipped them from their trees.

Yaḥyā said: “As for the fruits you have mentioned which have been sold before ripening, then if it often happens in his city there is no harm, but if it is less often then let him forbid it and clipping them when unripe. It is harmful for the public who will look for it when it is ordinarily sought and it will not exist or there will be very little of it and it will be expensive. For that reason, plucking them when unripe is disliked.”

And I asked Yaḥyā ibn ‘Umar about a man who buys baskets of winter or summer figs and then when the basket is finished he finds some that are not ripe. Is the sale annulled or does he have the choice such that if he wishes he may take them and if he wishes he leaves them?

Yaḥyā ibn ‘Umar said: “If he bought them that night, then it is thus just as you mentioned, so if he wishes he may take them and if he wishes he may leave them.”

I said: “Then if the market people bought them and found that what they were not ripe or had been oiled, is he to be forbidden to repeat purchasing the like of this in the Muslims’ markets? Then if one forbids him, what is to be done with that which was not ripe? Is it to be given away as *ṣadaqa* on his behalf or does one forbid him to sell it under any circumstances in the Muslims’ markets? If he repeats and purchases anything like that one has forbidden him, is he to be taken into custody or what is to be done with him?”

Yaḥyā said: “If the market people buy them as you mentioned, then let them return them to the seller, and they ought not to be sold in the Muslims’ markets, and if it is something the sale of which had been prohibited, then let it be given as *ṣadaqa* in order to teach him a lesson.

### **The Ruling on Bread in which Stones are Found**

And I asked Yaḥyā ibn ‘Umar about a man who buys bread from which he eats a mouthful or two and then finds a stone in it, whether he should return it to the seller? And is the purchaser liable for that which he ate or not? And does the seller have to return it to the owner of the oven who sold him this bread?

Yaḥyā ibn ‘Umar said: “He should return what remains of it, and he is liable for the measure which he ate, because there was a stone in it, and he goes to the man who sold it to him for the price he paid for it. The seller returns to the owner of the oven for recovery of that which he paid for it, and he [the baker] is responsible for its price because there were stones in it, and the owner of the oven is forbidden to let that happen.

I said to Yaḥyā ibn ‘Umar: “Is the owner of the oven **who sells the bread to the shop owners** to be forbidden to mill the wheat from which the bread was made until he has sifted it and purified it of stones and other mixed things (*ghalath*) which are in it?”

Yaḥyā ibn ‘Umar said: “I think he should be told as you mentioned, and he should not be given a concession in that respect.”

I asked Yaḥyā ibn ‘Umar about the owner of the oven selling bread to the owners of the shops and a stone is found in his bread: should he be forbidden to sell bread like this? And what should be done with that bread? May one sell it to people or should he be prevented from that and instead give it as *ṣadaqa* to the bereft in order to teach him a lesson? And what do you say if he did it a second time and sold the like of it and was not deterred? Should it be given as *ṣadaqa*, and should he be taught a lesson and detained in custody?

He said: “I think that one should submit to them not to sell bread in which there are stones from the mill. If they breach the prohibition it should be given away as *ṣadaqa* in order to teach them a lesson. They should also be prevented from making bread and selling it in the market in that condition.”

### **The Ruling on Defective Bread**

I asked Yaḥyā ibn ‘Umar: If the owner of the oven sells bread, and then a defect happens to it while in the possession of the shopkeepers, should the shopkeeper who sold it with a defect be taught a lesson and have it broken up for him or should he not be taught a lesson? If the bread is broken up does the purchaser, the shopkeeper, claim restitution for all of the price from the owner of the oven who sold it or not?

If he goes back to him for restitution, should the owner of the oven who knew that it was defective be taught a lesson and should the shopkeeper seek restitution from him for the price of what he sold?

Yaḥyā said: I think he should be taught a lesson for the defective bread and expelled from the Muslims’ market, because he has done something unacceptable in it and has no argument for his shortcoming.

[The person responsible for the market was asked and he said, “While I was present Ibn Marwān, who he was *qāḍī* at the time, was asked about bread when there is found to be dough that is not thoroughly cooked which the owner of the oven had sold to the shopkeepers, which then suffered while in the possession of the shopkeepers? He said, ‘If the shopkeeper knew that it was dough [when he bought it from the baker] the transaction is binding upon him and it is obligatory to teach them both a lesson, and the shopkeeper is ordered not to sell in the Muslims’ markets.’”]

I said to Yaḥyā ibn ‘Umar: “Who should be taught a lesson: the owner of the oven or the shopkeeper?”

Yaḥyā said: “If the shopkeeper had learnt of its defect or its alteration before selling it, then both of them should be taught a lesson.”

### **The Ruling on Good Quality Wheat mixed with Poor Quality Wheat**

I asked Yaḥyā ibn ‘Umar about the owner of the oven and whether or not it is obligatory on him not to mix good quality wheat and inferior quality (ad-dun an-nazil) wheat if he wishes to make inferior quality bread to sell to the people of the markets? And what happens if he is forbidden to do that but persists and is discovered having done that having mixed the two qualities of wheat?

Yaḥyā said: If he is forbidden for the first time not to mix inferior and excellent qualities of wheat but he contravenes the prohibition and mixes them, then it is necessary to teach him a lesson and ban him from the market.

### **The Ruling on the owner of the oven milling at the mill right after its surface being roughened**

I asked Yaḥyā ibn ‘Umar: Should the owner of the oven mill at the mill whose stone has been roughened right after that roughening? And how is it if he mills for other people there for a fee: should he evaluate the wheat etc.?

Yaḥyā said: I think he should be taught a lesson and should be liable for the same amount of wheat. ‘Abd Allāh ibn Mu‘āwiya informed us from Aṣḥab ibn al-Faraj who said, “I heard Ashhab ibn ‘Abd al-‘Azīz when he was asked about that and he said, ‘He is liable to him for the equivalent of his wheat.’ And Aṣḥab said, ‘And if the owner of the wheat had known that his wheat had been poured right after the roughening of the stone and was content with it, then the owner of the oven is not obliged to be liable for it.’”

### **Someone who omits to make something known about the measure or foodstuff etc.**

Yaḥyā ibn ‘Umar informed us saying: al-Ḥārith ibn Miskin informed us saying: Ibn Wahb informed us saying: “I heard Mālīk ibn Anas when he was asked about a man who put pitch in his measures

in order to increase the measure but there was only a little in his measure. He said, 'I think he should be punished and banished from the market, and his being banished from the market is more bitter for him than the beating even if it does him no harm.'

Yaḥyā ibn 'Umar informed us saying: al-Ḥārith ibn Miskīn informed us saying: Ibn Wahb informed us saying, "I heard Mālik more than once deploring those who deceive by moistening dry dates which are then sold in the markets in order to be first to get high prices."

Yaḥyā ibn 'Umar said to me, "It is similarly the case with figs that are oiled; I do not think it permissible for them to be oiled."

Yaḥyā ibn 'Umar informed us saying: al-Ḥārith ibn Miskīn informed us saying: Ibn Wahb informed us saying, "I heard Mālik being asked about a man who mixes with food something of another variety, and he said, 'I do not like that anything else should be mixed with that variety which is different from it even if the price is the same.' Ibn Wahb said, "Mālik was asked about a man who mixed good food with other food of lesser quality that is permissible to sell. Mālik said, 'He only does that to make it saleable with the good food. By this he has made it invalid. Allah, blessed is He and exalted, said, "*Do not have recourse to bad things when you give...*"<sup>11</sup> and this person thought he would make a profit, but he was only destroying his *dīn*.' Mālik said, 'People who do that ought to be punished so that they do not mix things because that is deception, but rather they should sell things singly:'"

I said to Yaḥyā: What thing is this food like which it is not permissible to mix some of it with others; what is your view if he mixes it then sells it, would it be invalidated and he be punished?

He said: He must not sell good quality mixed with food of inferior quality. If he is told not to do it but does not refrain, but rather he repeats what he did, then I think he should be expelled from the market and not allowed to sell in it until it is clear that he has repented.

Yaḥyā ibn 'Umar informed us saying: al-Ḥārith ibn Miskīn informed us saying: Ibn Wahb informed us saying, "I heard Mālik being asked about someone who adulterated milk with water, should he have it poured out on the ground? And he said, 'People pour it out on the ground but I think that it should be given to the bereft.' Someone asked, 'Without payment?' He said, 'Yes, if he was the one who had adulterated the milk.'" Yaḥyā said: This is preferable to me than the narration of Ashhab from Mālik. Someone said to Mālik, "What about Saffron or Musk which have been adulterated; do

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<sup>11</sup> Sūrat al-Baqarah 2:267.

you think they are the same as adulterated milk?" He said, "I do not think it resembles anything but that, if its owner was the one who adulterated it. As for if he bought it and it was already adulterated, then I do not think that is his responsibility, since in that way people's property would depart. As for if he was the one who adulterated it, then I think it is the same as the case of the milk."

I said to Yaḥyā: Do you take your position from all of this? He said yes.

### **The milk of cows and sheep and goats being mixed**

Yaḥyā ibn 'Umar informed me saying: al-Ḥārith ibn Miskīn informed us saying: Ashhab ibn 'Abd al-'Azīz informed us saying, "I asked Mālik about cow's milk and sheep and goat milk being mixed together, such that each type is mixed separately or both of them are blended together? Mālik said, 'I think that when he sells he has to make that clear to the purchaser and to inform him that that is the milk of cows or of sheep and goats.' I said to Mālik, 'What is your view if he sells butter that comes from both of them together, is it your view that he has to make that clear to the purchaser?' He said, 'I do not think he has to do that because there is no shortfall between butter or clarified butter. On the contrary I think that it is the same as it; there is no better than the butter of sheep and goats and their clarified butter, nor is there any more wholesome or more excellent. I do not think that he has to make that clear if he sells it, but it is preferable to me that he does not mix them.'" I said to Yaḥyā ibn 'Umar: Does one derive judgement from all of this? He said yes.

I said to him: What do you think if he mixes cow's butter with butter from sheep and goats, or sheep and goat milk with cow's milk and then sells it without making it clear, is the sale to be invalidated and given away as *ṣadaqa*, and is he to be taught a lesson if he repeats it a second time?

Yaḥyā said: "Yes because he adulterated it and then he undertook to do what had been prohibited, so let him give it away as *ṣadaqa* to the bereft in order to teach him a lesson."

### **Mixing good with poor honey**

Yaḥyā ibn 'Umar informed us saying: al-Ḥārith ibn Miskīn narrated to us saying: Ibn Wahb informed us saying, "I heard Mālik being asked about mixing good honey with poor quality honey and then selling it. He said, "This is adulteration if he mixes it with a lesser quality than it." Mālik said, "And similarly with fat or oil, unless he mixes it to eat [not for sale]." Someone said to Mālik,

“What if he mixes it to eat it and then he has a need to sell it after that?” He said, “He should not sell after mixing it.” I asked Yaḥyā ibn ‘Umar, “You pass verdict on the basis of all of this?” He said yes.

### **Mixing old oil with new**

I said to Yaḥyā ibn ‘Umar, “Some of the people in the markets mix old oil with the new and sell it in the market. Is it permissible for him to sell it while he makes that clear if the one is of the same quality as the other, apart from the fact that people would much rather have the new oil than they would the old? Should one forbid him to do that? If one tells him not to mix it, then discovers him or someone testifies that he did mix it, is his sale rejected because he adulterated it and should it be given away as *ṣadaqa* as in the case of the milk, the saffron and musk when their owner adulterates them, or does the purchaser have the choice such that if he wishes he may take it and if he wishes he may return it?”

Should one forbid him if he does that the first time if he says, ‘I did not know.’ How is the matter in that?”

Yaḥyā said, “If the wholesome quality of the new oil is the same as that of the old oil, then mixing them is not a great issue, and I think he should make that clear to the purchaser. If he sells it without making that clear to the purchaser, then he has the choice that if he wishes he retains it and if he wishes, he may return it.

“As for if he mixes oil that is not wholesome with a wholesome oil whether it is new or old, then he has adulterated it and he has done what is not *ḥalāl* for him.

If he offers the excuse of ignorance, such as a Bedouin, one should proceed to prohibit him not to sell the like of this in the Muslims’ market. If he repeats it, he should be punished and it should be given as *ṣadaqa* to the bereft. This is my view. And success is by Allah.”

### **The judgement on mixing part of something with something else, and what should be done to butchers if they do that or something like it**

Yaḥyā ibn ‘Umar informed us saying: ‘Abd Allāh ibn Mu‘āwiya informed us from Aṣḥab ibn al-Faraj who said, “I asked Ibn al-Qāsim about a butcher who has fatty meat and lean meat, but he mixes them and sells them with a single weighing mixed together, and the purchaser sees that

there is both lean and fatty meat except that he does not know the weight of either?" Ibn al-Qāsim said, "As for if it is only a few *riṭl*, perhaps five or six, such as what people buy from butchers for around a dirham or two, then I see no harm in that. However, if it is more *riṭl* such as around twenty or thirty, there is no good in that, not until the weight of each of them is known since that is a type of deceptive transaction (*gharar*) and leads to danger, and so there is no good in it." Ibn al-Qāsim said, "I think that butchers should be prevented from things like this, from mixing fatty and lean meat, and I think it is a kind of adulteration, and it is not *ḥalāl* for them."

Aṣḥbagh said, "And I asked him about a man who mixes inferior oil with good quality, and good fat with inferior quality, and inferior wheat with good quality: so is any of that *ḥalāl* for him?"

He [Ibn al-Qāsim] said, "That is not *ḥalāl* and there is no good in it, and I do not understand how you can ask him<sup>12</sup> about this. Mālik said to me one time about something I asked him about, 'You still ask about this up until now?'"

I said to Yaḥyā ibn 'Umar, "Do you pass judgement according to all of this?" He said yes.

I said to Yaḥyā ibn 'Umar, "So if he mixes all these things that Aṣḥbagh mentioned from Ibn al-Qāsim, and a man buys it without knowing and then he comes to know that: is the sale invalidated and the goods returned to him? Should he be taught a lesson before he has been forbidden if this is the first time he has come to know about it? Should all of it be given away as *ṣadaqa* the first time it is discovered because its owner adulterated it?"

Yaḥyā said, "If a man buys it and he doesn't know, he has the right to return it to the seller and to take from him the price he paid for it. Then one should present to the seller that he should not sell the likes of this. Then if he has been forbidden to do it and later he does sell [adulterated merchandise] he should be banished from the market and forbidden to sell in it. That is worse for him than beating. Then if he did it a second time, I would teach him a lesson and throw him down in the marketplace and then he should be paraded around the market and banished from the market after that. If that is done to him then others will be afraid of doing the same thing and thus incurring the same measures as those who mix and adulterate. One forbids him to sell to others and that he never sell these things in the Muslims' market."

I asked Yaḥyā ibn 'Umar about the butcher, about what should be done with him? Should one forbid him to cut the meat into strips and inflate it? Thus if he inflates and cuts it up, should he be

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<sup>12</sup> Perhaps it should have been "I do not understand how you can ask me about this."

forbidden the first time? Then if he repeats it a second time, by breaching the prohibition, what should be done with him? Is he to be taught a lesson by being taken into custody or something like that? Is the command give to expel him from the market if he does that time and again? Is it permissible for him to mix mutton with goat-meat when he wants to sell it and he makes it clear, or is it not permissible for him to sell it?"

Yaḥyā said, "As for inflating the meat it is abhorrent (*makrūh*) to the people of knowledge and he should be forbid to do that as strenuously as possible. Then if he repeats it, he is to be expelled from the market. As for collecting together mutton and goats-meat, my view is that he should put each one separately and sell each one at its price. This is my view. And success is by Allah."

Yaḥyā ibn ʿUmar informed me saying; al-Ḥārith ibn Miskīn informed us saying; Ibn Wahb informed us saying; I heard Mālik when he was asked about a man who inflates meat just as butchers do and he said, "I deplore that and I think they should be prevented from doing that."

### **About butchers and greengrocers who vacate the market for the sake of one of them to sell meat**

I asked Yaḥyā ibn ʿUmar about butchers and greengrocers who vacate the market for the sake of one of them to sell meat in it by himself for a day or two. Then the rest of the market people are not selling on that day in which they have vacated it for the sake of that man selling by himself. They only do that out of concern for that man since what he owns is used up or he wants to marry and so strengthen his profit by means of what these people refrain from. Do you think that is valid for them and for that man or not if he does not reduce the price at all? Or is that not permissible for him or for them because when they vacate it for that man and that man sells on his own, the market will be void of meat and greengroceries except his, and the market people will need to purchase meat or greengroceries and will not find them?

He said, "If the market people vacate the market for the sake of this man as you mention and it is harmful to the generality then they are forbidden to do that even if it does not reduce the price at all. If there is no harm caused the generality of people then they may do that."

### **On fresh dates that are soaked and unripe dates that are ripened and each one of them sold in the market**

Yaḥyā informed us saying: al-Ḥārith informed us from Ibn Wahb who said, “I heard Mālik when the market supervisor was talking to him about fresh dates being sold in the market and he had soaked them. Mālik told him that he should tell them not to sell them soaked because that is harmful to the stomach when eaten and to beat the person who employed that. It is similar with water-melons which are cut and taken to the market for sale and other fruits, because it is not *ḥalāl* to cut them until they are completely ripe. The superintendent of the market has the right to forbid them to do that, and if they do not desist he should punish them as he sees fit for what they have done, and each one of them is sold in the market.”

Yaḥyā ibn ‘Umar informed us saying: al-Ḥārith ibn Miskīn informed us saying: Ibn Wahb informed us saying: Mālik said, “And the unripe dates that are ripened and soaked in vinegar and treated until they are ripe,” he said, “I see no harm in selling them if one makes it clear.”

Yaḥyā said, “And I know other things from Mālik, and he said, ‘It is harmful for those who eat them, and in my view it is different from the garments in which one performs Hajj because the garments do not harm someone who wears them.’”

### **Garments which are worn, then shortened and sold**

Mālik said, “It is similar with garments which are worn and then shortened and sold; I see no harm in selling them if someone makes clear that they have been worn and then shortened.” He said, “And I regard it as a defect in them if he does not make that clear.” He said, “And I think that he should make it clear to whoever buys pickled fresh dates and shortened garments because it is a defect and an adulteration, and he would probably not give for this price the same as what he would give for the garment.”

Someone said to Yaḥyā ibn ‘Umar, “Do you pass verdict according to all of this?” He said, “I do not think that he should sell the likes of pickled fresh dates even if he makes it clear because it is likely that the purchaser does not know that they will harm him if he eats them, but the garments are less serious.”

I said to Yaḥyā, “What do you think if he did sell without making it clear, is his sale invalid and should he be punished, if he concealed it, by expelling him from the market if he did that time after time.” He said yes.

I said to Yaḥyā ibn ‘Umar, “One of ‘Abd Allāh ibn Aḥmad ibn Ṭālib’s judges wrote to him about a butcher who mixed lean and fatty meat, or mutton with goats-meat and who is then discovered and flees leaving the meat, or the baker who sells bread with a shortcoming, and who is then found out but he flees and abandons his workshop: ‘Do you think that the command should be given to shut his workshop, and debarring his meat or bread as long as its rotting is not feared for it? If rotting is feared for it, would you give an order for it to be sold for him while he has fled, or how do you see it?’ So he wrote to him, ‘As for the butcher who fled and the baker, yes, he should be debarred. If you are afraid [of his goods’ rotting] then sell it and put aside the price [for him].”

I said to Abū Zakariyyā’ Yaḥyā ibn ‘Umar, “Are you pleased with this verdict and do you issue your verdict according to it?” Yaḥyā said, “Yes, we issue our verdict according to it.”

### **What has been narrated about the wedding feast and what is disapproved of music during it**

I asked Yaḥyā ibn ‘Umar about a man who is invited to a celebration such as a wedding feast or something to mark the circumcision of a boy or a repast where he hears the voice of a trumpet, a *kabar* being struck, a *mizhar* or a lute being played, or a mandolin, or he knows that there will be intoxicating drink there, do you think that he should accept the invitation?

Yaḥyā said, “People do not have to accept any invitations except to wedding celebrations, and concerning it hadith are narrated. Thus, if he comes to the wedding feast and that which you mention is found there, then as for the *kabar* and the round *mizhar*, then some ease has been granted for them at celebrations, and there is no harm in him accepting the invitation. But as for the other things you mention such as the trumpet, the mandolin and the lute, then he should not accept.”

And I asked him about someone to whom Allah has entrusted the care of the community, when he hears these celebrations and diversions such as the trumpet, the *kabar* and the *mizhar*, or he hears it coming from another house than the house in which there is a celebration or a circumcision, should he also do something to change the situation? And do you think the lute and the mandolin to be the same?

Yaḥyā said, “I think he should prohibit all of this unless it is in a celebration, because I have explained it before this among those things that should be prohibited and that which has been granted some dispensation by the people of knowledge for the sake of celebration.”

“And what do you say about this narration which ‘Ubayd Allāh ibn Mu‘āwiya informed you about, the one which is from the direct audtion of Aṣḥbagh ibn al-Faraj in which [Aṣḥbagh] said, “I heard Ibn al-Qāsim saying, when he was asked about a man being invited to a repast and then he finds sporting at it, should he enter? He said, ‘If it is a little thing and there is the *daff* and *kabar* and something such women play with, I see no harm in it.’ And he mentioned from Mālīk with respect to the *daff* and the *kabar* that there is no harm in them” Aṣḥbagh ibn al-Faraj said, “meaning at celebrations in particular for women and to manifest celebration. And ‘Isā ibn Yūnus had informed me from Khālīd ibn Ilyās from Rabi‘a ibn Abī ‘Abd ar-Raḥmān from al-Qāsim ibn Muḥammad ibn Abī Bakr from ‘Ā’isha the wife of the Prophet ﷺ that the Prophet ﷺ said, ‘Make marriages openly public and strike the tambourine (*ghirbāl*)”<sup>13</sup> meaning the round *daff*.”

Aṣḥbagh said, “I am not pleased by the *mizhar* which is a tambourine with four corners, and it is preferable to me that there should be nothing else along with the tambourine, and that is the concession that was granted in the first age with respect to celebrations, and if one also strikes a *kabar* along with it there is no harm in it, but it is not permissible to play any others along with them. And singing is not permissible under any circumstances in it nor anywhere else. And Ibn Wahb had informed us from al-Layth ibn Sa’d who narrated to him that ‘Umar ibn ‘Abd al-‘Azīz had written to the provinces to stop all entertainments except for the tambourine alone at celebrations.” Yaḥyā said, “This is my view and it is that which I take.”

And you heard from Saḥnūn when he was asked about the food at the wedding feast to which a man is invited: should he accept? Saḥnūn said, “As for if there is entertainment and tambourines, then I do not think so, but if there is no entertainment then there is no harm in that, for the hadiths have been narrated about that which have been narrated.”

I said to Yaḥyā, “What is the meaning of ‘the hadiths have been narrated about that which have been narrated?’”

He said, “It means that one is ordered to accept if one is invited.”

Saḥnūn said, “Mālīk was asked about a man passing along a path in which he finds entertainment and sport: should he pass along or should he turn back if he does not fear that he will desire that?”

He said, “Let him [continue] walking, but if he fears then let him turn back.”

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<sup>13</sup> Reported by al-Bayhaqī. *Ghirbāl* is literally a ‘sieve’ and what is meant is the *daff* which is like the tambourine but without the little cymbals.

I said to Yaḥyā, “And you have informed us from al-Ḥārith ibn Miskīn from Ashhab who said, ‘I asked Mālīk ibn Anas about someone who is invited to a wedding celebration at which there is one man walking on a tightrope and another placing a large piece of wood on his forehead which another person mounts up on while it is on his forehead?’” He said, “Mālīk said, ‘I do not think it should be attended, and I think that he should not be with them.’ Someone said to him, ‘What do you think if he had already entered and then learnt about this? Do you think that he has the right to leave?’ He said, ‘Yes, because of the words of Allah, glorious is He, “*You must not sit with them till they start talking of other things. If you do you are just the same as them.*”<sup>14</sup>

Yaḥyā ibn ‘Umar said, “He should not accept if he knows that there will be intoxicants.”

I said to Abū Zakariyyā’ Yaḥyā ibn ‘Umar, “On which verdict do you base this? And what do you choose for yourself and for us and for the Muslim public to act by? And it has been narrated in the *Muwaṭṭa’*<sup>15</sup> of Ibn Wahb that he said, ‘Samura ibn Numayr al-Umawī narrated to us from Ḥusayn ibn ‘Abd Allāh from his father from his grandfather from ‘Alī ibn Abī Ṭālib ḥ that the Messenger of Allah ﷺ passed – along with his Companions – by Banū Zurayq and heard singing and playing. So he said, “What is this?” They said, “The marriage of so-and-so, Messenger of Allah.” So the Messenger of Allah ﷺ said, “His *dīn* has become complete; this is a marriage not fornication, and there is no marriage until a tambourine is heard or smoke [of a cooking fire] is seen.”<sup>16</sup>

Ibn Wahb said: Ibn Lahī’a narrated to us from Yazīd ibn Abī Ḥabīb that ‘Umar ibn ‘Abd al-‘Azīz wrote to Ayyūb ibn Sharaḥbīl, “Tell your people to beat tambourines at the marriage, because that is the distinction between a marriage and adultery. And prevent those who play Persian lutes.” Abū aṭ-Ṭāhir said, “Meaning lutes and mandolins.”

Rabī’a ibn ‘Abd ar-Raḥmān said, “Making a celebration public by playing and entertainment is one of the matters that is followed.”

I said to Yaḥyā ibn ‘Umar, “What is the meaning of ‘they heard singing and playing’? And what is the explanation of Rabī’a’s statement ‘Making a celebration public by playing and entertainment’?”

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<sup>14</sup> Sūrat an-Nisā’ 4:140.

<sup>15</sup> This is Ibn Wahb’s own compilation and not the *Muwaṭṭa’* of Mālīk.

<sup>16</sup> Also narrated by al-Bayhaqī 7:290 No.14477. He regarded Ḥusayn ibn ‘Abdullāh as a weak narrator.

In your view is the hadith of Samura ibn Numayr *ṣaḥīḥ*, for you know that al-Ḥārith ibn Miskīn does not read his hadith?

Yaḥyā said, “I take my stand on his hadith, and the people of knowledge have narrated it from Samura ibn Numayr from Ḥusayn ibn ‘Abd Allāh ibn Ḍamīra. Samura ibn Numayr is a reliable narrator, but al-Ḥārith only used to treat his hadith [from Ḥusayn ibn ‘Abd Allāh] as his own statement (*mawqūf*). As for when Samura ibn Numayr narrated from someone other than Ḥusayn ibn ‘Abd Allāh then he used to read it and not treat it as his own statement.”

### **The issue in selling spinning-tops and sculpted forms (dolls)**

Yaḥyā ibn ‘Umar was asked about spinning-tops and sculpted forms and selling them to children. Yaḥyā said, “Mālīk was asked about trading in bones taken to the measure of a hand span from which sculpted forms are made with which girls play and he said, “There is no good in sculpted forms.”

### **The judgements on pots used to make *nabīdh***

I said to Abū Zakariyyā’ Yaḥyā ibn ‘Umar, “One of the judges of ‘Abd Allāh ibn Aḥmad ibn Ṭālib wrote to him, “The pots which are used to measure, the copper pots, are only used to make *nabīdh*, and they say that they are no use for anything else, and they are leased for making *nabīdh*. If you want to put an end to *nabīdh* and make it hard for people to produce it, then put an end to these pots. So I have given an order to collect them and they were gathered together from their owners and I have put them in a secure place, and they await your order and I have now written to you to let you know.’

“He wrote back in his own handwriting, ‘If there is no other use than the manufacture of *nabīdh*, then alter their condition, break them, and turn them into copper and return them to them, just as one does with trumpets when they are broken. Prevent whoever marks them and whoever buys them.”

I said to Yaḥyā ibn ‘Umar, “Does his verdict on this agree with you?” He said, “Yes, and that is my verdict.”

### **On women entering the public baths for reasons other than illness or being postnatal**

And I asked Yaḥyā ibn ‘Umar about the owner of the public baths, when he permits women to enter for reasons other than illness or being postnatal, then one comes to know of it for the first time; “should he be prohibited to allow them to enter but without teaching him a lesson? How about if one forbids him but he repeats what he has done, what should be done with him? Should one teach him a lesson and imprison him? If one does imprison him, should it be a lengthy sentence?”

Yaḥyā said, “There is nothing against him until one makes presentations to him. Then if he repeats it, he is punished for it according to the measure of what the imam sees fit.”

Yaḥyā ibn ‘Umar said, “I saw one of the judges of ‘Abd Allāh ibn Aḥmad ibn Ṭālib who wrote to him asking him about women entering the public baths without being ill or being post-natal, ‘So what is your view of that?’

So he wrote to him, “Get the attendant of the public baths to come to you and order him that no [women] are to enter except for those who are ill or post-natal. Similarly, no men should enter without wrapper for the lower half of the body. If he then ignores your prohibition, then lock up the public bath and put the attendant in prison. Punish men who enter without a wrapper for the lower half of the body. Discard his testimony as a legal witness until his turning in repentance is manifest and well-known.”

### **On the weeping of the family of the deceased for the deceased**

And I asked Yaḥyā ibn ‘Umar about the deceased person, when he dies and his family weep over him before he is buried, and women gather behind weeping, should they be prohibited to do that? Then if I prohibited them but they did not desist should I seal up their houses and \*\*\*\*\* as long as they do not turn in repentance, whether the deceased has been buried or not?

And if the women gather weeping without wailing and nothing of their behaviour is disapproved, then it has been narrated from ‘Umar ibn al-Khaṭṭāb î when someone said about the affair of Khālīd ibn al-Walīd î, “There are some women here who have gathered weeping over Khālīd ibn al-Walīd” and so ‘Umar said, “Leave them to pour out their tears over Abū Sulaymān.”

Yaḥyā said, “As for crying out aloud and gathering together to do it, that is disapproved and the prohibition of it still stands, whether there is wailing or not, whether it is after his death or before it.

“As for weeping there is nothing disapproved about it and so it is not prohibited, and that in my view is the verdict of ‘Umar. Do you not see his words, ‘Leave them to pour out their tears over Abū Sulaymān’? Because, in my view, they are only tears that come out with nothing disapproved along with them. And Allah knows best.”

I said to Yaḥyā ibn ‘Umar, “If women follow the deceased standing crying aloud and slapping their cheeks?”

Yaḥyā said, “If they were forbidden to do that but did not desist they are punished for reckoning to be permissible that which is not *ḥalāl* for them to do.”

### **Women going out to the graveyard**

I asked Yaḥyā ibn ‘Umar about a man who dies and then his mother, sister and wife go out, and along with them women from their neighbours go out, to the graveyard. Similarly, I asked him about a woman whose husband or son or close relative dies and so she goes regularly to his grave every Friday or so, and very likely she weeps with crying and women gather along with her weeping and raising their voices a great deal, do you think they should be expelled and forbidden to go out, or what is your view?

Yaḥyā said, “I do not think that women should go out to the graveyard to ask for mercy for husbands and children at all.”

### **Prohibition of leather socks and sandals that make a ringing noise**

I asked Yaḥyā about leather socks which leather-workers manufacture like sandals which make a ringing noise; should they be forbidden from making leather socks that make a ringing noise, because women buy them and wear them so that there is a terrible ringing noise from their feet, and so they pass through the markets with them and the places where people assemble on the paths, and perhaps a man might be inattentive during his work and hear the tinkling or ringing noise of that leather socks and raise his head – should leather-workers be prohibited from making those leather socks? If they have been prohibited but do not desist, what should be done with them? Should women be prohibited from wearing something like that, because women employ such things deliberately? If they had been prohibited but did not desist, should the seam of the leather socks that tinkles be torn and should they be removed from their feet in some vacant spot? Should they be taught a lesson?

Yaḥyā ibn ‘Umar said, “I think that the leather-worker should be prohibited from making leather socks that tinkle, and if they do make them after having been prohibited, I think that they are due a punishment. I think that women should be prevented from wearing these leather socks, and if they do wear them after that, then the seams of the leather socks should be torn and they should be given back to them, and I think that they should be taught a lesson after the prohibition.”

### **Pouring out water in front of houses and shops**

[I asked him] about a man who throws water in front of his house and his workshop so that someone slips in it and is hurt. And about mud caused by rain when it is in the pathways and the markets; is it obligatory for people to sweep it away?

Yaḥyā ibn ‘Umar said: Muḥammad ibn Abī Rajā’ informed us saying: Muḥammad ibn Sa‘īd informed me from Aḥmad ibn Abī Zayd from Abū Zayd ibn Abī al-Ghamr who said, ‘Ibn al-Qāsim was asked about a man who sprinkled water in front of his shop and in which a riding animal slipped and broke a leg, and so he said, “If it was a light sprinkling, then he has no responsibility, but if it was a great deal that doesn’t resemble sprinkling, then I am afraid he is liable.”

### **Sweeping mud out of the marketplaces**

I heard Yaḥyā ibn ‘Umar being asked about mud if there was a great deal of it in the market, as to whether it was obligatory for the shop owners to sweep it away if it was such as would be harmful to passersby and beasts of burden? So Yaḥyā ibn ‘Umar said, “It is not obligatory on them to sweep it away since it is none of their doing.” So someone said to Yaḥyā ibn ‘Umar, “But what if the owners of the shops sweep it up, collect it and leave it in the middle of the market in heaps so that in all likelihood it will cause harm to passersby and beasts of burden?” So Yaḥyā said, “It is obligatory on them to sweep it up.”

### **The food of Jews and Christians**

Yaḥyā informed me that the person in charge of the market of al-Qayrawān wrote to him asking him about Jews and Christians who are found imitating Muslims, not wearing patches or a waistbelts, and carrying that with which he presses [grapes] for wine; what is your view about punishing him for that?

So [Yaḥyā] ibn ‘Umar wrote to him, “I think he should be punished with beating and imprisonment and being paraded around in the sites of the Jews and Christians so that the punishment of beating and imprisonment he has received should act as a warning and a deterrent to those of them who see him.”

I said to Yaḥyā ibn ‘Umar, “Aḥmad ibn ‘Abd Allāh ibn Aḥmad ibn Ṭālib wrote to his judges about the Jews and Christians that ‘the waistbelts should be broad and should alter the surface of their garments so that they can be recognised by them. Whoever of them you find transgressing your prohibition, beat him stripped [of his shirt] with twenty lashes and then move him to detention. Then if he repeats it, beat him painfully and extensively and give him a lengthy prison sentence.’ Do you agree with this and do you pass verdict according to this?” He said to me, “Yes.”

### **The rulings on the doors of dwellings**

I asked Yaḥyā ibn ‘Umar about someone who introduces a door to his house in a narrow alleyway which is not a thoroughfare. So he said, “If there are neighbours in the alleyway, then he has no right to introduce a door in the alleyway, nor to move it from its place, but he has the right to do that in a thoroughfare as long as he causes no harm to others.”

### **Regarding blind people from among those who are tested by trials: should they be prohibited from selling liquids?**

Yaḥyā ibn ‘Umar was asked while I was listening, the person responsible for the market of Sūsa about a blind man selling oil, vinegar and all sorts of liquids; “Should he be prevented from doing that?”

He said, “Yes.”

He said to him, “If he has sheep and goats, can he sell their milk and cheese or sell his chickens’ eggs?” Yaḥyā said to him, “He is prevented from doing that and if he does make a sale, it is to be returned to him.”

Yaḥyā said, “And if a man buys from him and he knows about that, it is permissible, but it is not permissible for the purchaser to sell that to the Muslims.”

## That which has been narrated about measures, weights and the judgement on them

Yaḥyā ibn ‘Umar informed us saying: al-Ḥārith ibn Miskīn informed us from Ashhab ibn ‘Abd al-‘Azīz who said, “Mālik was asked on what is obligatory on the person weighing in his weighing: should he stint in his weighing or should he pour into it and move it around? And he said, ‘He should measure out without stinting or moving it around, because Allah, majestic is His name, says, “*Woe to the stinters*”<sup>17</sup> and so there is no good in stinting, but he should pour into it until it is heaped up, and then when it is heaped he lets go his hand and should not hold back.’ Someone said to Mālik, “Someone buys a weight of Saffron or something else or meat, what is the limit of that? Should you make that incline or not, or just until the pointer in the scales is in the middle?”

Mālik said, “The limit of that is the point of the scales should be in the middle in balance and he should not make it incline further. And if he asks him to make it incline further, I do not think that is a part of the issue.”

Yaḥyā said from Mālik, “And I think the sultan should beat people over the matter of weighing and measuring in full.”

Yaḥyā ibn ‘Umar informed us saying: al-Ḥārith informed us saying: Ibn Wahb narrated to us saying: Mālik said, “Weighing in full in our view is when one fills the head of the scales. As for filling up (*radm*) and shaking (*zalzala*), then I do not think it is a part of weighing and measuring out in full.” I think it was as if he disapproved of that. I also heard Mālik being asked about stinting in measuring in terms of *waybas*, when the person responsible for the market said to him, “They take in full measure when they are in the orchards, but when they weigh out to people here they use a smaller measure than that. So I think that no one should diminish it in the wiping of the top of the *wayba*. Mālik said, “You must order people to weigh out in full both there and here; whoever is unjust has wronged himself.” And Mālik deplored wiping the head of the *wayba* and regarded it as stinting and deplored it severely, and he said, “I deplore stinting,” and he recited this *āya* twice, “*Woe to the stinters*”<sup>18</sup>

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<sup>17</sup> Sūrat al-Muṭaffifīn 83:1.

<sup>18</sup> Sūrat al-Muṭaffifīn 83:1.

## Compulsion to sell at a fixed price

Ibn Wahb said: I heard Mālik being asked about the person responsible for the market setting the price in the market and saying, "Either you sell at such-and-such prices," naming certain prices, "or you get out of the market." And Mālik said, "There is no good in this." Someone said to him, "A man brings foodstuffs which are not good quality and sets the price to be cheaper than the good quality, and so the [person responsible for the market] says to the other, 'Either you sell at the same price or you get out of the market!'" So Mālik said, "And there is no good in that. Even if by that a man intends to cause trouble in the market and thus reduces the price, I think one should say to him, 'Either you stick to the [the price of] people or you get out of the market.' As to saying to all the people, 'Either you sell for such-and-such [a price] or else you must get out,' this is not right." Then he mentioned a hadith of 'Umar ra when the prices of Ayla were reduced, "Leave them alone to do that because the price is in the hand of Allah."

## Stinting in measuring

I asked Yahyā ibn 'Umar about the explanation for what stinting is and about wiping the top of the *wayba*, and about filling up (*radm*) and shaking (*zalzala*); the purchaser, the seller of wheat, buys wheat from a man for dinars and dirhams and brings a measure with him, often his own, and places the *wayba* filling it such that he makes it cleave to the ground and he returns wheat into it with his hand while it is cleaving to the ground. Thus when there is the measure of a third or a quarter of it in it he makes it stand up shaking it and jerking the wheat in it. He does that with every *wayba* which he weighs out with and thereby increases his dinars by an eighth or a quarter by weighing. Then when a purchaser comes to buy from him, the wheat-seller does not give him the possibility of him weighing out for him in the same way he weighed out himself in this weighing.

The people who measure and porters are well known to do this act. Do you think they should be forbidden from doing something like this type of weighing? And what is the description of weighing? Is it that one should place the *wayba* seated and then pour into it with a large basket or something else and not grab to convey it by one's hand? Explain it for us, may Allah be pleased with you. If you forbid measuring like this (meaning the wheat-sellers), what if one discovers this type of corrupt measuring practice as we mentioned, what should be done with them? And what is command with respect to that?

The Qāḍī Yūsuf ibn Yaḥyā informed us saying: ‘Abd al-Malik ibn Ḥabīb narrated to us saying: Ibn al-Mājishūn informed us that the Messenger of Allah ﷺ and honour and ennoble him, ordered for measuring to be set up and that sales should be conducted according to it. He ﷺ said, “The blessing is in its top,” and forbade stinting.

He said: And Ibn al-Mājishūn narrated to me that Pharaoh’s measure, may Allah curse him, was based on stinting by wiping with a blade.

‘Abd al-Malik said: I heard Muṭarrif and Ibn al-Mājishūn saying: “Mālik used to order the measure used in the markets should be based on heaping up (*taṣbīr*), and he used to prohibit stinting. He used to deplore stopping up (*radm*) the measure and moving it about.

Someone said to Mālik î: “So how does one measure?” So he said, “One fills the *ṣā’*, and that is doing so in full, without stopping it up (*radm*) or moving it about. The person measuring lets the food pour out onto the top of the *wayba* and the *ṣā’*, and that is doing so in full.”

### **The ruling on someone who adulterates or gives short weight**

Ibn Ḥabīb said: I heard Ibn al-Mājishūn saying, “The sultan ought repeatedly to seek knowledge of weights and measures at every moment, and beat people over weighing and measuring out in full.” Mālik used to say the same and he would order the people responsible for the market in Madīna to act thus.”

Yūsuf ibn Yaḥyā the Qāḍī informed us saying: ‘Abd al-Malik ibn Ḥabīb informed us saying: I said to Muṭarrif and Ibn al-Mājishūn, “What is the correct procedure in your view with respect to someone who adulterates or gives short weight?”

They both said, “The correct procedure in our view about that is that the Imām should punish him by beating and imprisonment and expulsion from the market if he had already known about the adulteration and the wickedness of his action. I do not think that his goods should be taken as spoils nor that they should be distributed, except for some small measure of milk if he had mixed it with water, or bread if it fell short in weight, in which case I see no harm in distributing it among the bereft in order to teach him a lesson along with the lesson of beating him, imprisoning him and expelling him from the market if he regularly does such deplorable acts in it and adulterates his goods. As for large amounts of milk and bread, or musk and saffron that he has adulterated, I do not think that they should be distributed or taken as spoils.”

‘Abd al-Malik said, “The Imām ought not to return to him the musk and saffron or other things that he has adulterated, such as are of large quantities. But he should order them to be sold for him to people of good action, such as someone who is trusted not to deceive anyone by selling it but to someone who will spend it in good ways. If he surrenders it to the one who adulterated it or it is sold to someone like him, such people as regard it permissible to adulterate, then one has basically permitted them to transact with it [as they wish].”

“If there is a large amount of milk adulterated with water, or ghee adulterated with fat, honey adulterated with water, or if there is a large amount of bread which is short in terms of its weight, then I do not think that one gives it to the bereft. On the contrary the bread is broken up and then given back to its owner. The ghee, honey and milk, if there is a lot of it and of major dimensions, is sold off in spite of him, making clear the adulteration that is in it, to those who eat it and who use it as a condiment from among those who are to be trusted not to sell it on in an adulterated condition. Nor is it surrendered to the one who adulterated it nor is to be sold in spite of him to someone like him so that one [inadvertently] grant them license to deceive the Muslims. Thus does one proceed in the case of all people who deceive others in the market with respect to goods for trade in the market, and those who do wicked things there. This is what those of the people of knowledge from Mālik’s companions and others made clear to me when I asked them for an explanation.

### **What has been narrated about fixing the price of food**

Yaḥyā ibn ‘Umar informed us saying: Walīd ibn Mu‘āwiya informed us from ‘Abd ar-Raḥmān ibn Ja‘far ad-Dimyāṭī who said: Ibn al-Qāsim was about the verdict of Mālik, “The Imām ought, when the price becomes exorbitant and people need to sell what people have of surplus food. What is meant by that food is the merchants who store up for sale, not people’s food which is surplus to the provisions of their dependents, or all people’s food when famine is severe and people need that. Mālik did not say that it should be sold against their wishes, but he said, ‘They are to be ordered to bring it out and show it publicly to people and then they sell what they have which is surplus to the requirements of their dependents in whichever manner they prefer, and the price is not to be set for them.’” Someone said, “What if they ask people for a price which is unsupportable or which other people are not selling at?”

He said, "It is their property and they do with it as they wish, and they are not to be compelled to sell it for a price which is fixed for them. They have more right to their property, and I do not think that they should have the price fixed for them. However, I do not think that when they desire and have been given the high price they desired that they should then not sell. As for fixing the price, that is an injustice that no one who loves justice would do."

Yaḥyā ibn 'Umar said, "The provision for their dependents means provisions for a year. Whether they are traders or they had stored up for themselves and they cultivated the land, provisions for a year are left with them and the command is given to sell what remains with them."

### **What has been narrated about hoarding and what is permissible of it**

I heard Yaḥyā ibn 'Umar saying about these hoarders when they hoard food, and it is harmful to the market, "I think that it should be sold over their heads in such a way that they have their capital and the profit is taken from and given away as *ṣadaqa* in order to teach them a lesson. They should be forbidden to do that. Then if they repeat it, they should be beaten, paraded around [to disgrace them] and imprisoned."

Yaḥyā ibn 'Umar said, "And I think that when these country people bring foodstuffs to sell in the Muslims' markets and they alight with it in hotels and dwellings, I think that the person responsible for the market should order them not to sell it anywhere but in the Muslims' markets where both the weak and the strong, the old men and the old women can obtain it."

I said to Yaḥyā ibn 'Umar, "If the country-person said, 'Hardship comes to me from those who want to buy from me for a half a dinar or a third of a dinar. When can I return to my country when I am unable to stay here for more than a day or two, and I only have provision for a day or two?'"

Yaḥyā said, "One says to him, 'Reduce the price by a ~~half of an eighth or an eighth~~, and make things easy for yourself and return swiftly to your home. As for what you mention of becoming resident and its hardship, you want an easily marketable price and you want to return to your land swiftly, but that is not possible because it would be hardship for the Muslims. Instead you have to be patient and sell in the market with an easily marketable price in which case there is no hardship for the Muslims.

I said to Yaḥyā ibn ‘Umar, “If a man who does not know wants to sell wheat, not for hoarding, but only for his yearly provision and he wants to purchase it at this high price, do you think that it ought to be made possible for him?” He said, “It ought not to be made possible for him to do that.”

Yaḥyā ibn ‘Umar said to the person responsible for the market, “Someone wants to sell wheat from his house which he had brought from his lodgings to his house, but then needed to sell it and needed its price. Therefore he decided to sell it and puts a bit of it in his hand on offer in the market, and the wheat-sellers buy it from him. Do you think that it is possible for the wheat-sellers to measure it out in the seller’s house and then transport it to their shops?”

Yaḥyā said, “I think that it is not possible for the seller to sell it from his house, and I think he has to transport it to the market among the Muslims.”

Someone said to Yaḥyā, “The people of the palace among us have no market in which to pour out the foodstuffs.”

He said, “I think that it should be in their shops and they should show it to people in the market. The wheat-sellers should be prevented from buying in dwelling places if the price is expensive and harmful to the markets. If the price is cheap and does not harm the market, people are left to purchase, store up and purchase in the hotels and in dwellings and wherever they wish.”

Someone asked Yaḥyā ibn ‘Umar about a man who doesn’t know and who unloads his wheat in the large open space for food. He cannot be distinguished from those who hoard up, although he only brought it to eat it. So Yaḥyā ibn ‘Umar said, “If this is true, then I would leave him to transport his wheat to his house.”

I asked Yaḥyā ibn ‘Umar about the man responsible for the public baths who allows women who are neither post-natal or ill and who is then discovered. Is it a duty of any of the Muslims to surprise the women and expel them from the public baths?

So Yaḥyā ibn ‘Umar said, “He ought not to surprise them, but rather he should tell them to clothe and cover themselves with the clothing which they go out and about with, and he should say to them, ‘You know the prohibition and the disapproval of the *‘ulamā’* for that,’ and should teach them a lesson to the degree he thinks fitting.”

**Selling to the *mustarsil* [an unsuspecting buyer who is unaware of the actual price] and mixing meat with liver, lungs, heart and offal**

Yaḥyā ibn ‘Umar informed us saying, “Şaḥnūn was asked about a who is a stranger and who enters the market ignorant of the prices, and so he says to the seller, ‘Give me oil or wheat for a dirham’ without specifying to him the price of what he is buying from him; is that permissible for him or do you think that it is an uncertain transaction (*gharar*)? So Şaḥnūn said, ‘Selling oil and wheat is well known; there is no danger in it.’”

Yaḥyā ibn ‘Umar said to us, “Deceiving the *mustarsil* is *ḥarām*.” I saw Yaḥyā ibn ‘Umar taking the position that one returns to him and takes from him what remains of the price of the market.

### **Selling meat with liver, lungs, heart and offal**

I said to Yaḥyā ibn ‘Umar, “One of the Qāḍis of ‘Abd Allāh ibn Aḥmad ibn Ṭālib wrote to him saying, ‘I had forbidden the butchers to mix the heart with the meat, so what do you say about offal such as the intestines (*muşrān*), the stomach, the suet, intestines (*duwāra*) – do you think that they should be prevented from mixing them with the meat and weighing it with the meat?’ So Ibn Ṭālib wrote to him in his own handwriting, ‘As for meat, they should not sell the heart along with it, nor intestines nor anything other than the meat in particular, and the price should not be set for them.’” I said, “Does this verdict of his please you and do you pass verdict by it.” So he said yes.

Yaḥyā said, “Some of them sell meat by itself and the intestines and offal by themselves. They sell two *riṭl* of the meat for a dirham and they sell six *riṭl* of the offal for a dirham. For that reason it is not permissible for meat to be sold along with the offal, but meat in particular must sold by itself.”

### **On selling large water-jars of salted fish (*şīr*) and *qā’ima* loads**

Saīd ibn Ishāq narrated to us from Shajara ibn ‘Īsā that he wrote to Şaḥnūn ibn Sa‘īd asking him, “The figs they have and the salted fish (*şīr*) are sold in large jars and *maḥāwīs* in which the figs are put and stuffed very tightly, and the small and large salted fishes are placed in large jars and *maḥāwīs*. People buy the large jars and *maḥāwīs* containing figs or salted fish, and take from it that which is in the state of maturity. They look at what is in the mouth of the large jar of salted fish and buy it on the basis of what they see in it. Some of it is clear to him but much of it is hidden. Some of those who buy them sell them just as they bought them in the large jars and in their receptacles all together or singly. Some of them sell them by weight and sell the salted fish by measure. Then the purchaser comes and claims that he found those figs and salted fishes which

were inside the large jar contrary to what he could see. This happened after he had departed from the salesman and spent many days or a few, which may have been a long time or a short time. So the purchaser says, 'You concealed the defects from me and I found what is inside the jars to be different from what was at the top and that I could see.' And the seller says, 'I only sold one quality, and whatever was inside the receptacle or the jar was the same as what was at the top.'

Similarly with loads of grapes. A piled load is brought in baskets, and the purchaser buys them according to having seen the uppermost and outwardly visible ones. Then he goes off to his shop with them in their baskets in the state they are in without emptying them out. That is how they are sold ordinarily with us. Then the seller goes off and withdraws and returns to his house. The purchaser begins to sell what he bought by the basketload and he sells them by *ritl*. Then later he stands over the seller and says, "Everything in the bottom of the baskets was of a poorer quality than what was to be found on the surface." That might have been the very same day or the same hour but the purchaser had departed and left the seller. He approaches him and brings the rotten grapes and says, "This I found in the lower part whereas the upper parts were fine." The seller replies, "I only sold one quality of grape, and they were good quality grapes."

Often they differ in the same way about pomegranates and melon. They only buy among us just as they are brought, in their baskets filled up and they don't remove any of them or empty them out until the purchaser himself takes to selling them bit by bit until he reaches the lower parts. Then he comes claiming what I have informed you about. So what do you say about that? And what judgement should be passed between them when they have separated and each has left the other?

Şahnün wrote back to him, "When they purchase according to what they saw of the top of it – which is the way these things are bought – and take possession of them on that basis and then depart with them, but then, when they have gone elsewhere and claim that they are different, they are claimants. Therefore they are obliged to produce clear evidence that from the moment they took them they were not out of their sight at all until this difference in condition became apparent. Otherwise, the seller may take an oath that the upper part of what he sold is the same as the lower and the lower the same as the upper. And Allah knows best.

### **On the ruling on adulteration with respect to ashes that are used to whiten yarn**

We also asked Yaḥyā ibn 'Umar about a woman who buys ashes from a man, and the seller says to her they are excellent, but she bleaches her yarn with them and her yarn emerges as she had

known it without being whitened. Yaḥyā said to us, “If any of the ash is left to bleach with it is tested, and if the piece which is bleached comes out in a good condition, then the seller has no liability. But if it comes out in a poor condition, they are returned to him in exchange for their price. If nothing remains with him of the ash, then he swears an oath by Allah that he only sold good quality and is thus acquitted unless the woman establishes clear evidence that she bleached her yarn with the ash which she bought from this seller. If she does establish evidence, then she may return to him for the price. If the seller refrains from taking the oath, then the option to take the oath returns to her and she may swear an oath and go back to him for the price.

### **The ruling on money changing**

About a man who buys named dirhams from a money-changer, and then the purchaser shows him the dinar and the seller of the dirhams tossed it and it was lost; is he liable for it or not? And a man buys a dinar from another man and flips it and it is lost; is he liable for it or not?

Yaḥyā ibn ‘Umar informed us saying: ‘Ubayd informed us from Aṣḥab al-Faraj saying: Ibn al-Qāsim told me from Mālik about a man who pays a dinar to a money-changer for dirhams and he tossed it and it was lost, that he is liable. And Aṣḥab said, “Because it is an aspect of selling and buying he is liable.” Yaḥyā ibn ‘Umar said to us, “He tossed it’ means that it flew out of his hand.”

Ibn al-Qāsim said about the dinar that a man gives to a money-changer for dirhams and he tosses it and it gets lost, that he is liable. Aṣḥab said, “This is more correct because it went from him when he had taken possession of it to change it [for dirhams], and thus it is a sale and a purchase with something taken possession of.”

Aṣḥab said, “It is similar if the money-changer expropriated it or it was snatched from him. It is the same in this respect in my view if he tossed it in such a way as something like it would get lost or just lightly in such a way as would not ordinarily lead to its destruction or loss unless through Divine Decree and Destiny. The exception is in the case where he gave permission for him to toss it and he tosses it in such a way as would not ordinarily cause the loss of something like it and it flew [out of hands] at that, in which case there is nothing held against, but if he damages it he is liable.”

Aṣḥab said, “The one who is not liable is

I heard Yaḥyā ibn ‘Umar when he was asked about a man who went too far and broke a dinar, and Yaḥyā said to him, “He is liable for the like of it in weight and mint.” The questioner asked him,

“The like of it does not exist in weight and mint because of its poor quality and its shortfall since it is short six carats.”

Yahyā said to him, “He is taken to the people who know dinars, and one says to them, ‘What would be equal to this dinar along with its defective condition of sound dirhams?’ If they say, “It is equal to such-and-such” then Yahyā said, “So he gives the dirhams that are equivalent to it.”

I said to Yahyā ibn ‘Umar, “What if a man passes a dinar to another man to show it to him and the man takes it and puts it between his teeth to see if the gold of the dinar is soft or hard [but he breaks it] – because the custom with dinars when they are being weighed is to put them between the teeth to test them – then if the gold is soft one knows that it is good, but if the gold is hard one knows that it is poor quality. Therefore he is not liable [for breaking it].”

**What has been narrated about figs which are bought or beans and the exaggerator (*mughālī*) who demands the leaves [of the figs] and the exaggerator who demands the seeds of cotton and its dust**

I said to Yahyā ibn ‘Umar, “The person who buys green beans which are still standing on their roots, and then sells its fruits and wants to take its stems, but the seller says, ‘You have no right to the stem; it is mine.’ Yahyā ibn ‘Umar said to me, “If the people of the land have that as a custom they are compelled to follow that, but otherwise the stems are for the purchaser.”

I spoke to Yahyā about the figs whose fruits are bought from the trees and so the purchaser wishes to take the leaves, so Yahyā said, “He has no right to that. The leaves belong to the seller.”

I said, “So what good are the baskets made of leaves?” He said, “That is something which people customarily do and which they have no avoiding, and the purchaser has the right to take what is effective to make his baskets until he is finished selling his fruits, and he has no right to more than that.”

I said to Yahyā, “So if he buys green beans, cucumbers, water-melons from the vegetable gardens and there is grass in them, and the purchaser says, ‘It is mine’, but the seller says, ‘It is mine.’” Yahyā said, “The grass belongs to the seller unless the purchaser stipulates it in the purchase.”

I said to Yaḥyā ibn ‘Umar, “Cotton that is in the form of small balls and which is given to a worker to loosen or separate and loosen into its fibres, who owns the grains and dust which fall from it?” Yaḥyā said, “They belong to the owner of the cotton, and the worker has none of it.”

I said to Yaḥyā, “What then if the worker stipulates it along with his hire?” He said, “Then the hire is invalid because he has stipulated something unknown.”

I said, “What then if the contract of hire has been arranged according to the conditions I have described to you?” Yaḥyā said, “The worker is given the contract of hire that is ordinarily the case for someone like him, and the dust and grains belong to the owner of the cotton.”

I said to Yaḥyā, “Is it the same with miller who mills wheat and bran falls from it?” Yaḥyā said to me, “Yes, that belongs to the owner of the wheat on the basis of what I mentioned to you about the cotton.”

I said, “Is it the same in the case of the scraps that fall from trousers, and the cuttings from garments at the tailors?” He said, “Yes, they belong to the owners of the garments. It is just as I described it to you. It is the same in the case of everything that resembles this where something is being used by workers.”

### **What the person responsible for the market may take from the people buying and selling**

The *‘ulamā’* differ about what they take from the people buying and selling<sup>19</sup> as to whether it is *ḥalāl*, *ḥarām* or disapproved. Some of them say that it is *ḥarām*, and some say it is disapproved and some say it is *ḥalāl*. The well known position (*mashhūr*) in the madhhab is that if one has no need to take it, then it is *ḥarām*. However, if one is in sorely pressed to the limit, then there is no harm in doing so, but on the condition that he does not incline to them<sup>20</sup> and that he observes the welfare of and good treatment towards all people.

One of them said, “There is no harm in taking from the people buying and selling, but in a recognised and good way, and that he not incline to them at all in any circumstance. Even if they

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<sup>19</sup> *Bā‘ah* is the plural of *bā‘i* someone who sells or buys.

<sup>20</sup> i.e. that the person responsible for the market does not take the right to collect things from the floor as something that alters his behaviour towards those traders.

give him gifts he does not incline to them, but on the contrary will investigate in a well recognised way. And it is more appropriate that he fear Allah with the diligence due to that.”

### **On buildings in which there is a nuisance and reprehensible behaviour**

I heard Ḥamdīs ibn Muḥammad al-Qaṭṭān saying, “A woman called Ḥakīma who used to gather men and women together was brought to Ṣaḥnūn and she was beaten and taken into custody.”

I heard Ḥamdīs al-Qaṭṭān saying, “Ṣaḥnūn gave orders regarding the woman called Ḥakīma, who used to gather men and women together and whose story had spread far and wide. Ṣaḥnūn gave the order for her to be evicted from her house, and the door of her house was sealed up with clay and bricks, and she was a person of mixed race and exceedingly tall. He gave the order that she should be placed among right-acting people and so she was moved to that place. He had also flogged her with a whip and made her sit in a large basket, as he did with a woman called Ghubāra and others.”

Abū al-Qāsim Muḥammad ibn Yazīd ibn Khālīd aṭ-Ṭirzī said to Ḥamdīs al-Qaṭṭān while I was present listening, “We have seized some arrogant unemployed youths who were causing trouble with their money, and I put shackles on their legs.” Ḥamdīs said, “Incarcerate them in their parents’ home and do not incarcerate them in prison.” Ḥamdīs al-Qaṭṭān corrected the shackles and left him shackled with his father.

The *Book on Oversight and Rulings with respect to all Conditions of the Market* is finished, and praise belongs to Allah at the beginning and the end.