

صَحِّحَ الْبُخَارِيُّ

The Translation of the Meanings of
Sahîh Al-Bukhâri
Arabic-English

Volume 3

Translated by:

الدكتور محمد محسن خان
Dr. Muhammad Muhsin Khan



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Arabic-English

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الْمُهَمَّةُ الْعَظِيمُ الْعَرِيقُ
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الرقم التاريخ الملفات الموضوع

إلى من يهمه الأمر

السلام عليكم ورحمة الله وبركاته، أما بعد:

فإن الرئاسة العامة لإدارات البحث العلمية والإفتاء والدعوة والإرشاد بالمملكة العربية السعودية تقرر أن الدكتور محمد تقى الدين الهلالي والدكتور محمد محسن خان قد قاما بترجمة معاني القرآن الكريم وصحيح الإمام البخاري وكتاب المؤلئ والمرجان فيما اتفق عليه البخاري رمسلم إلى اللغة الإنجليزية ترجمة صحيحة وذلك أثناء عملهما في الجامعة الإسلامية بالمدينة المنورة، فلا مانع من الفسح لهذه الكتب بالدخول إلى المملكة وتداولها لعدم المحذور فيها والله ولي التوفيق.

وصلى الله وسلم على نبينا محمد وآلله وصحابه.

الرئيس العام

لإدارية البحث العلمية والإفتاء والدعوة والإرشاد



عبدالعزيز بن عبدالله بن باز



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لِلْكُوَّنِ التَّرِيَّكِ السُّعُودِيَّةِ
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لمن يهمه الأمر

الدكتور محمد تقى الدين الهملاى :

الدكتور محمد محسن خان :

تقرر الأمانة العامة للجامعة الإسلامية بالمدينة المنورة أن المذكورين
بعاليه كانوا من ضمن العاملين بالجامعة. وأنهما قد قاما أثناء ذلك بترجمة
معاني القرآن الكريم باللغة الإنجليزية وترجمة صحيح البخاري بها
أيضاً.

ولقد سدت بحمد الله فراغاً كبيراً يحتاج العالم الإسلامي لملئه. كما أن
المذكورين يمتازان بحسن العقيدة السليمة من الشوائب، وبالصفات
الحميدة.

وببناء على الرغبة أعطيا هذه الشهادة، والله ولي التوفيق.
وصلى الله وسلم وبارك على نبينا محمد وعلى آله وصحبه.

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عمر محمد فلاتة



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٢٦ - كتاب العمرة

(1) CHAPTER. The obligation of performing *'Umrah* and its superiority.

Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا said, “*Hajj* and *Umra* are obligatory for everybody.” And Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا said, “*Umra* is mentioned in conjunction with *Hajj* in the Book of Allāh: ﴿عَرْضاً وَجَل﴾: ‘And perform properly (i.e., all the ceremonies according to the ways of Prophet Muhammad ﷺ) *Hajj* and *Umra* for Allāh.’” (V.2:196)

1773. Narrated Abū Hurairah رضي الله عنه : Allāh's Messenger ﷺ said, "(The performance of) 'Umra is an expiation for the sins committed between it and the previous one. And the reward of *Al-Hajj Al-Mabrūr* (the one accepted by Allāh) is nothing but Paradise."

(2) CHAPTER. The performance of 'Umra before *Hajj*.

1774. Narrated Ibn Juraij: ‘Ikrima bin Khālid asked Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا about performing ‘Umra before Hajj. Ibn ‘Umar replied, “There is no harm in it.” ‘Ikrima said, “Ibn ‘Umar also said, ‘The Prophet ﷺ had performed ‘Umra before performing Hajj.’”

Narrated 'Ikrima bin Khālid : "I asked Ibn 'Umar رَضِيَ اللَّهُ عَنْهُمَا the same (as above)."

(١) بَابُ وجْهِ الْعُمْرَةِ وَفَضْلُهَا،

وقال ابن عمر رضي الله عنهمَا:
لَيْسَ أَحَدُ إِلَّا وَعَلَيْهِ حَجَةٌ وَعُمْرَةٌ.
وقال ابن عباس رضي الله عنهمَا:
إِنَّهَا لَقَرِيبُتُهَا فِي كِتَابِ اللَّهِ عَزَّ وَجَلَّ
﴿وَأَتَيْنَا لِكُلِّ أُمَّةٍ مِّلَائِكَةً لِّئَلَّا يَكُونُوا
بَغْيًا إِلَيْهَا﴾ [آل عمران: 196].

١٧٧٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكُ، عَنْ سُمَيْتِ مَوْلَى أَبِي بَكْرٍ أَبْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي صَالِحِ السَّمَانِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ : أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ : «الْعُمْرَةُ إِلَى الْعُمْرَةِ كَفَارَةٌ لِمَا يَبْيَنُهُمَا ، وَالْحَجَّ الْمُبَرُورُ لَيْسَ لَهُ جَزَاءٌ إِلَّا الْجَنَّةُ» .

(٢) بَابُ مَنْ اغْتَمَرَ قَبْلَ الْحَجَّ

١٧٧٤ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا ابْنُ جُرَيْجَ: أَنَّ عُكْرَمَةَ بْنَ حَالِدٍ سَأَلَ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ الْعُمَرَةِ قَبْلَ الْحِجَّةِ فَقَالَ: لَا يَأْسَ. قَالَ عُكْرَمَةُ: قَالَ ابْنُ عُمَرَ: اعْتَمِرْ النَّبِيَّ قَبْلَ أَنْ يَعْجَّ. وَقَالَ إِبْرَاهِيمُ بْنُ سَعْدٍ: عَنْ ابْنِ إِسْحَاقَ: حَدَّثَنِي

عِكْرِمَةُ بْنُ خَالِدٍ قَالَ: سَأَلْتُ ابْنَ عُمَرَ، مِثْلَهُ.

حَدَّثَنَا عَمْرُو بْنُ عَلَيْهِ: حَدَّثَنَا أَبُو عَاصِمٍ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: قَالَ عِكْرِمَةُ ابْنُ خَالِدٍ: سَأَلْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، مِثْلَهُ.

(٣) بَابٌ: كَمْ اعْتَمَرَ النَّبِيُّ ﷺ؟
١٧٧٥ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا

جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، قَالَ: دَخَلْتُ أَنَا وَعُزْرَوَةُ بْنُ الرَّبِيعِ الْمَسْجِدَ فَإِذَا عَبْدُ اللَّهِ بْنُ عُمَرَ جَالِسٌ إِلَى حُجْرَةِ عَائِشَةَ، وَإِذَا أَنَاسٌ يُصَلُّونَ فِي الْمَسْجِدِ صَلَاةَ الصَّحَى، قَالَ: فَسَأَلْنَاهُ عَنْ صَلَاتِهِمْ؟ فَقَالَ: بِذَعَةٍ، ثُمَّ قَالَ لَهُ: كَمْ اعْتَمَرَ النَّبِيُّ ﷺ؟ قَالَ: أَرْبَعٌ، إِحْدَاهُنَّ فِي رَجَبٍ. فَكَرِهْنَا أَنْ تُرْدَ عَلَيْهِ. [انظر: ٤٢٥٣]

١٧٧٦ - قَالَ: وَسَمِعْنَا اسْتِنَانَ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ فِي الْحُجْرَةِ، فَقَالَ عُزْرَوَةُ: يَا أَمَّا، أَلَا تَسْمَعِينَ مَا يَقُولُ أَبُو عَبْدِ الرَّحْمَنِ؟ قَالَتْ عَائِشَةُ: مَا يَقُولُ؟ قَالَ: يَقُولُ: إِنَّ رَسُولَ اللَّهِ ﷺ اعْتَمَرَ أَرْبَعَ عُمَرَاتٍ إِحْدَاهُنَّ فِي رَجَبٍ. قَالَتْ: يَرْحُمُ اللَّهُ أبا عَبْدِ الرَّحْمَنِ، مَا اعْتَمَرَ عُمَرَةً إِلَّا وَهُوَ شَاهِدُهُ، وَمَا اعْتَمَرَ فِي رَجَبٍ قَطُّ.

[انظر: ١٧٧٧ - ٤٢٥٤]

١٧٧٧ - حَدَّثَنَا أَبُو عَاصِمٍ:

(3) CHAPTER. How many times did the Prophet ﷺ perform 'Umra?

1775. Narrated Mujāhid: 'Urwa bin Az-Zubair and I entered the mosque and saw 'Abdullāh bin 'Umar رضي الله عنهما sitting near the dwelling place of 'Aishah and some people were offering the *Salāt-ud-Duḥā* (*Duḥā* prayer). We asked him about their *Salāt* and he replied that it was a heresy. He ('Urwa) then asked him how many times the Prophet ﷺ had performed 'Umra. He replied, "Four times; one of them was in the month of Rajab." We disliked to contradict him.

1776. Then we heard 'Aishah رضي الله عنها the Mother of faithful believers cleaning her teeth with *Siwāk* in the dwelling place. 'Urwa said, "O Mother! O Mother of the believers! Don't you hear what Abū 'Abdur Raḥmān is saying?" She said, "What does he say?" 'Urwa said, "He says that Allāh's Messenger ﷺ performed 'Umra four times and one of them was in the month of Rajab." 'Aishah said, "May Allāh be Merciful to Abū 'Abdur Raḥmān! The Prophet ﷺ did not perform any 'Umra except that he was with him, and he never performed any 'Umra in Rajab."

1777. Narrated 'Urwa bin Az-Zubair: I asked 'Aishah رضي الله عنها (whether the

Prophet ﷺ had performed 'Umra in Rajab). She replied, "Allāh's Messenger ﷺ never performed any 'Umra in Rajab."

أَخْبَرَنَا أَبْنُ جُرَيْحَةَ قَالَ: أَخْبَرَنِي عَطَاءُ، عَنْ عُرْوَةَ بْنِ الرَّبِّيِّ قَالَ: سَأَلْتُ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، قَالَتْ: مَا اعْتَمَرَ رَسُولُ اللَّهِ ﷺ فِي رَجَبٍ.

[راجع: ١٧٧٦]

1778. Narrated Qatāda: I asked Anas رضي الله عنه: How many times the Prophet ﷺ had performed 'Umra. He replied, "Four times: 1. 'Umra of Ḥudaibiyah in Dhil-Qa'da when the *Mushrikun* hindered him; 2. 'Umra in the following year in Dhil-Qa'da after the peace treaty with them (the *Mushrikun*); 3. 'Umra from Al-Jīrānah where he distributed the war booty." I think he meant the booty (of the battle) of Hunain. 4. 'Umra along with his *Hajj* (*Hajjat-ul-Wada*) I asked, "How many times did he perform *Hajj*?" He (Anas) replied, "Once."

١٧٧٨ - حَدَّثَنَا حَسَانُ بْنُ حَسَانٍ: حَدَّثَنَا هَمَّامٌ، عَنْ فَتَاهَةَ: سَأَلْتُ أَنَسًا رَضِيَ اللَّهُ عَنْهُ: كَمْ اعْتَمَرَ النَّبِيُّ ﷺ؟ قَالَ: أَرْبَعٌ، عُمْرَةُ الْحُدَيْبِيَّةِ فِي ذِي الْقَعْدَةِ حَيْثُ صَدَّهُ الْمُشْرِكُونَ، وَعُمْرَةُ مِنَ الْعَامِ الْمُقْبِلِ فِي ذِي الْقَعْدَةِ حَيْثُ صَالَحُوهُمْ، وَعُمْرَةُ الْجِعْرَانَةِ إِذْ قَسَمَ غَنِيمَةَ - أَرَاهُ - حُنَيْنٍ. قُلْتُ: كَمْ حَجَّ؟ قَالَ: وَاحِدَةً. [انظر: ١٧٧٩، ١٧٨٠، ٣٠٦٦]

[٤١٤٨]

1779. Narrated Qatāda: I asked Anas رضي الله عنه (about the Prophet's 'Umra) and he replied, "The Prophet ﷺ performed 'Umra when the *Mushrikun* made him return, and 'Umra of Al-Ḥudaibiya (the next year), and another 'Umra in Dhil-Qa'da, and another 'Umra in combination with his *Hajj*."

١٧٧٩ - حَدَّثَنَا أَبُو الْوَلِيدِ هِشَامُ بْنُ عَبْدِ الْمَلِكِ: حَدَّثَنَا هَمَّامٌ، عَنْ فَتَاهَةَ قَالَ: سَأَلْتُ أَنَسًا رَضِيَ اللَّهُ عَنْهُ: فَقَالَ: اعْتَمَرَ النَّبِيُّ ﷺ حَيْثُ رَدُّوهُ، وَمِنَ الْقَابِلِ عُمْرَةُ الْحُدَيْبِيَّةِ، وَعُمْرَةُ فِي ذِي الْقَعْدَةِ، وَعُمْرَةُ مَعَ حَجَّيْهِ.

[راجع: ١٧٧٨]

1780. Narrated Hammām: (Qatada said: Anas said): The Prophet ﷺ performed four 'Umra (three) in Dhil-Qa'da except the (one) 'Umra which he performed with his *Hajj*: His 'Umra from Al-Ḥudaibiya, and the one of the following year, and the one from Al-Jīrānah where he distributed the booty (of the battle) of Hunain, and another 'Umra along with his *Hajj*.

١٧٨٠ - حَدَّثَنَا هُدَيْبَةُ: حَدَّثَنَا هَمَّامٌ وَقَالَ: اعْتَمَرَ أَرْبَعَ عُمَرٍ فِي ذِي الْقَعْدَةِ إِلَّا الَّتِي اعْتَمَرَ مَعَ حَجَّيْهِ: عُمْرَةُ مِنَ الْحُدَيْبِيَّةِ، وَمِنَ الْعَامِ الْمُقْبِلِ. وَمِنَ الْجِعْرَانَةِ - حَيْثُ قَسَمَ

غَنَامَ حُنَيْنَ - وَعُمْرَةَ مَعَ حَجَّيْهِ.

[راجع: ١٧٧٨]

1781. Narrated Abū Ishaq: I asked Masrūq, 'Aṭā' and Mujāhid (about the 'Umra of Allāh's Messenger ﷺ). They said, "Allāh's Messenger ﷺ had performed 'Umra in Dhil-Qa'da before he performed Hajj." I heard Al-Barā' bin 'Āzib رضي الله عنهم saying, "Allāh's Messenger ﷺ had performed 'Umra in Dhil-Qa'da twice before he performed Hajj."

١٧٨١ - حَدَّثَنَا أَحْمَدُ بْنُ عُثْمَانَ: حَدَّثَنَا شُرَيْخُ بْنُ مَسْلَمَةَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ يُوسُفَ عَنْ أَبِيهِ، عَنْ أَبِي إِسْحَاقَ قَالَ: سَأَلْتُ مَشْرُوقًا وَعَطَاءً وَمُحَاجِدًا، فَقَالُوا: اعْتَمَرَ رَسُولُ اللَّهِ ﷺ فِي ذِي الْقَعْدَةِ قَبْلَ أَنْ يَحْجُّ. وَقَالَ: سَمِعْتُ الْبَرَاءَ بْنَ عَازِبٍ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: اعْتَمَرَ رَسُولُ اللَّهِ ﷺ فِي ذِي الْقَعْدَةِ قَبْلَ أَنْ يَحْجُّ مَرَّتَيْنِ. [انظر: ١٨٤٤، ٢٦٩٨، ٣١٨٤، ٢٧٠٠، ٤٢٥١]

(4) CHAPTER. 'Umra in (the month of) Ramadān.

1782. Narrated 'Aṭā': I heard Ibn 'Abbās رضي الله عنهما saying, "Allāh's Messenger asked an Anṣārī woman (Ibn 'Abbās named her but 'Aṭā' forgot her name), 'What prevented you from performing Hajj with us?' She replied, 'We have a camel and the father of so-and-so and his son (i.e., her husband and her son) rode it and left one camel for us to use for irrigation.' He ﷺ said (to her), 'Perform 'Umra when Ramadān comes, for 'Umra in Ramadān is equal to Hajj (in reward),' or said something similar."

١٧٨٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ أَبْنِ جُرَيْجٍ، عَنْ عَطَاءَ قَالَ: سَمِعْتُ أَبْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا يُخْبِرُنَا يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ لِأَمْرَأَةٍ مِنَ الْأَنْصَارِ - سَمَّاها أَبْنُ عَبَّاسٍ فَسَبَّبَتْ أَسْمَهَا - : «مَا مَنَعَكِ أَنْ تَحْجُّنِي مَعَنِّا؟» قَالَتْ: كَانَ لَنَا نَاضِحٌ فَرَكِبَهُ أَبُو فُلَانٍ وَابْنُهُ، لِرَوْجِهَا وَابْنِهَا، وَتَرَكَ نَاضِحًا تَضَعُّ عَلَيْهِ. قَالَ: «إِذَا كَانَ رَمَضَانُ اعْتَبِرِي فِيهِ فَإِنَّ عُمْرَةَ فِي رَمَضَانَ حَجَّةً» أَوْ نَحْوَأَمِّمَا قَالَ. [انظر: ١٨٦٣]

(5) CHAPTER. The performance of 'Umra on the night of *Hâşba* (the night of departure from Mina) after finishing *Hajj* and on other nights.

1783. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا: We set out along with Allāh's Messenger ﷺ shortly before the appearance of the new moon (crescent) of the month of Dhil-Hijjah and he said to us, "Whoever wants to assume *Ihrâm* for *Hajj* may do so; and whoever wants to assume *Ihrâm* for 'Umra may do so. Hadn't I brought the *Hady* (animal for sacrifice) (with me), I would have assumed *Ihrâm* for 'Umra." ('Āishah added,) : So some of us assumed *Ihrâm* for 'Umra while the others for *Hajj*. I was amongst those who assumed *Ihrâm* for 'Umra. The day of 'Arafât approached and I was still menstruating. I complained to the Prophet ﷺ (about that) and he said, "Abandon your 'Umra, undo and comb your hair, and assume *Ihrâm* for *Hajj*." When it was the night of *Hâşba*, he sent 'Abdur Rahmân with me to At-Tan'îm and I assumed *Ihrâm* for 'Umra (and performed it) in lieu of my missed 'Umra.

(6) CHAPTER. 'Umra from At-Tan'îm.

1784. Narrated 'Amr bin Aüs: 'Abdur Rahmân bin 'Abû Bakr رَضِيَ اللَّهُ عَنْهُمَا told me that the Prophet ﷺ had ordered him to let 'Āishah ride behind him and to make her perform 'Umra from At-Tan'îm.

(٥) بَابُ الْعُمْرَةِ لَيْلَةَ الْحَضْبَةِ وَغَيْرِهَا

١٧٨٣ - حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا أَبُو مُعاوِيَةَ: حَدَّثَنَا هِشَامٌ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: حَرَجْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ مُوَافِينَ لِهِلَالِ ذِي الْحَجَّةِ فَقَالَ لَنَا: «مَنْ أَحَبَ مِنْكُمْ أَنْ يُهِلِّ بِالْحَجَّ فَلْيُهِلِّ وَمَنْ أَحَبَ أَنْ يُهِلِّ بِعُمْرَةِ فَلْيُهِلِّ بِعُمْرَةَ». فَلَوْلَا أَنِّي أَهْدَيْتُ لِأَهْلَلْتُ بِعُمْرَةً» قَالَتْ: فَيَا مَنْ أَهَلَّ بِعُمْرَةَ، وَمَنْ أَهَلَّ بِحَجَّ. وَكُنْتُ مَمْنَ أَهَلَّ بِعُمْرَةً فَأَظَلَّنِي يَوْمُ عَرْفَةَ وَأَنَا حَائِضٌ فَشَكَوْتُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ فَقَالَ: «إِرْفَضِي عُمْرَتَكِ، وَانْقُضِي رَأْسَكِ، وَامْشِطِي وَأَهْلِي بِالْحَجَّ». فَلَمَّا كَانَ لَيْلَةَ الْحَضْبَةِ أَرْسَلَ مَعِي عَبْدَ الرَّحْمَنَ إِلَى التَّنْعِيمِ فَأَهْلَلْتُ بِعُمْرَةِ مَكَانَ عُمْرَتِي. [راجع: ٢٩٤]

(٦) بَابُ عُمْرَةِ التَّنْعِيمِ

١٧٨٤ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفِيَّانُ، عَنْ عَمْرِو، : سَمِعَ عَمْرَو ابْنَ أُوْسٍ أَنَّ عَبْدَ الرَّحْمَنَ بْنَ أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ: أَنَّ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ أَمْرَةً أَنْ يُرْدَفَ عَائِشَةَ وَيُعْوَرَهَا مِنَ التَّنْعِيمِ. قَالَ سُفِيَّانُ مَرَّةً: سَمِعْتُ عُمْرَأً، كُمْ سَمِعْتُهُ مِنْ عَمْرِو! [انظر: ٢٩٨٥]

1785. Narrated Jābir bin ‘Abdullāh رضي الله عنه : The Prophet ﷺ and his Companions assumed *Ihrām* for *Hajj* and none except the Prophet ﷺ and Talhah had the *Hady* with them. ‘Ali had come from Yemen and he had the *Hady* with him. He (‘Ali) said, “I have assumed *Ihrām* with an intention like that of Allāh’s Messenger ﷺ. The Prophet ﷺ ordered his Companions to intend the *Ihrām* with which they had come for ‘Umra, i.e., to perform the *Tawāf* of the Ka’bah [and *Sā’y* (going) between As-Ṣafā and Al-Marwā], to get their hair cut short and then to finish their *Ihrām* with the exception of those who had the *Hady* with them. They asked, “Shall we go to Mina and the private organs of some of us are dribbling (if we finish *Ihrām* and have sexual relations with our wives)?” The Prophet ﷺ heard that and said, “Had I known formerly what I know now, I would not have brought the *Hady*. If I did not have the *Hady* with me I would have finished my *Ihrām*.” ‘Āishah got her menses and performed all the ceremonies (of *Hajj*) except the *Tawāf*. So when she became clean from her menses, and she had performed the *Tawāf* of the Ka’bah, she said, “O Allāh’s Messenger! You (people) are returning with *Hajj* and ‘Umra and I am returning only with *Hajj*!” So, he ﷺ ordered ‘Abdur Raḥmān bin Abū Bakr to go with her to At-Tan‘im. Thus she performed ‘Umra after the *Hajj* in the month of Dhil-Hijjah. Surāqa bin Mālik bin Ju’sham met the Prophet ﷺ at Al-Aqaba (*Jamrat-ul-Aqaba*) while the latter was stoning it and said, “O Allāh’s Messenger! Is this permissible only for you?” The Prophet ﷺ replied, “No, it is for ever (i.e., it is permissible for all Muslims to perform ‘Umra before *Hajj*).⁽¹⁾

١٧٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ المُتَّنِّي: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَبْدِ الْمَجِيدِ، عَنْ حَبِيبِ الْمُعَلَّمِ، عَنْ عَطَاءٍ: حَدَّثَنِي جَاهِرُ بْنُ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَصْحَابُهُ بِالْحَجَّ وَلَيْسَ مَعَ أَحَدٍ مِّنْهُمْ هَذِيْ غَيْرُ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَطَلْحَةَ. وَكَانَ عَلَيْهِ قَدِيمٌ مِّنَ الْيَمِنِ وَمَعَهُ الْهَدْيُ. فَقَالَ: أَهْلَلْتُ بِمَا أَهْلَلَ بِهِ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ. وَأَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَذْنَ لِأَصْحَابِهِ أَنْ يَجْعَلُوهَا عُمْرَةً، يَطْلُفُوا بِالْبَيْتِ ثُمَّ يُقْصِرُوا وَيَجْلُلُوا إِلَّا مَنْ مَعَهُ الْهَدْيُ. فَقَالُوا: نَتَنَطَّلُ إِلَى مَنِّي، وَذَكَرَ أَحَدُنَا يَقْطُرُ، فَبَلَغَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: «لَوْ أَسْتَبَرْتُ مِنْ أُمْرِي مَا اسْتَدْبَرْتُ مَا أَهْدَيْتُ، وَلَوْلَا أَنَّ مَعِيَ الْهَدْيَ لَا خَلَّتُ». وَأَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا حَاصَتْ فَسَكَتِ الْمَنَاسِكَ كُلُّهَا عَيْرَ أَنَّهَا لَمْ تَطْلُفْ بِالْبَيْتِ. قَالَ: فَلَمَّا طَهُرَتْ وَطَافَتْ قَالَتْ: يَا رَسُولَ اللَّهِ، أَتَنْتَلِقُونَ بِعُمْرَةَ وَحْجَةَ، وَأَنْتَلِقُ بِالْحَجَّ؟ فَأَمَرَ عَبْدَ الرَّحْمَنِ بْنَ أَبِي بَكْرٍ أَنْ يَخْرُجَ مَعَهَا إِلَى السَّعِيمِ، فَاغْتَمَرَتْ بَعْدَ الْحَجَّ فِي ذِي الْحِجَّةِ. وَأَنَّ سُرَاقَةَ بْنَ مَالِكَ بْنِ جُعْشَمَ لَقِيَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْعَقَبَةِ وَهُوَ يَرْمِيهَا، فَقَالَ:

(1) (H.1785) This may also mean that the performance of ‘Umra during the months of *Hajj* was permissible, contrary to what the pagans of the Pre-Islamic Period believed. (*Fath Al-Bārī*)

الْكُمْ هَذِهِ خَاصَّةٌ يَا رَسُولَ اللَّهِ؟ قَالَ: «لَا، بَلْ لِلأَبْدَى». [رَاجِع: ١٥٥٧]

(٧) بَابُ الْاعْتِمَارِ بَعْدَ الْحَجَّ بِغَيْرِ هَذِي

(7) CHAPTER. The performance of 'Umra after performing Hajj without having a Hady.

1786. Narrated 'Aishah رضي الله عنها: We set out with Allāh's Messenger ﷺ shortly before the appearance of the new moon of Dhil-Hijjah and he said, "Whoever wants to assume *Ihrām* for 'Umra may do so, and whoever wants to assume *Ihrām* for *Hajj* may do so. Had not I brought the *Hady* with me, I would have assumed *Ihrām* for 'Umra." Some of the people assumed *Ihrām* for 'Umra while others for *Hajj*. I was amongst those who had assumed *Ihrām* for 'Umra. I got my menses before entering Makkah, and was menstruating till the day of 'Arafāt. I complained to Allāh's Messenger ﷺ about it, he said, "Abandon your 'Umra, undo and comb your hair, and assume *Ihrām* for *Hajj*." So, I did that accordingly. When it was the night of *Hasba* (day of departure from Mina), the Prophet ﷺ sent 'Abdur Rahmān with me to At-Tan'im.

The subnarrator adds: He ('Abdur Rahmān) let her ride behind him.

And she assumed *Ihrām* for 'Umra in lieu of the abandoned one. 'Aishah completed her *Hajj* and 'Umra, and no *Hady*, *Sadaqa* (charity), or fasting was obligatory for her.

(8) CHAPTER. The reward of 'Umra is according to the hardship which one encounters in performing it.

1787. Narrated Al-Aswad that 'Aishah رضي الله عنها said, "O Allāh's Messenger! The

١٧٨٦ - حَدَّثَنَا مُحَمَّدُ بْنُ المُشَّى: حَدَّثَنَا يَحْيَى: حَدَّثَنَا هِشَامٌ قَالَ: أَخْبَرَنِي أَبِي قَالَ: أَخْبَرَنِي عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: حَرَجَنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُوَافِينَ لِهِلَالِ ذِي الْحِجَّةِ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ أَحَبَ أَنْ يُهَلِّ بِعُمْرَةَ فَلْيُهَلِّ. وَلَوْلَا أَنِّي أَهْدَيْتُ لِأَهْلَلْتُ بِعُمْرَةً». فَمِنْهُمْ مَنْ أَهَلَّ بِعُمْرَةً. وَمِنْهُمْ مَنْ أَهَلَّ بِحَجَّةَ وَكُنْتُ مِنْ أَهَلَّ بِعُمْرَةً فَحَضَرْتُ قَبْلَ أَنْ أَدْخُلَ مَكَّةَ فَأَدْرَكَنِي يَوْمُ عَرْفَةَ وَأَنَا حَائِضٌ، فَشَكَوْتُ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: «دَعِيَ عُمْرَتَكِ، وَانْقُضِي رَأْسِكِ، وَامْتَسِطِي، وَأَهْلِي بِالْحَجَّ» فَفَعَلْتُ. فَلَمَّا كَانَتْ لَيْلَةُ الْحَصْبَةِ أَرْسَلَ مَعِي عَبْدَ الرَّحْمَنَ إِلَى التَّشْعِيمِ فَأَرْدَنَهَا فَأَهَلَّتْ بِعُمْرَةَ مَكَّانَ عُمْرَتِهَا فَقَضَى اللَّهُ حَجَّهَا وَعُمْرَتِهَا وَلَمْ يَكُنْ فِي شَيْءٍ مِنْ ذَلِكَ هَذِي وَلَا صَدَقَةٌ وَلَا صَوْمٌ. [رَاجِع: ٢٩٤]

(٨) بَابُ أَجْرِ الْعُمْرَةِ عَلَى قَدْرِ النَّصْبِ

١٧٨٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا

people are returning after performing the two *Nusuk* (i.e., *Hajj* and '*Umra*) but I am returning with one only?" He said, "Wait till you become clean from your menses and then go to At-Tan'im, assume *Ihrām* (and after performing '*Umra*) join us at such and such a place. But it (i.e., the reward of '*Umra*) is according to your expenses or the hardship (which you encounter while performing it)."

يَزِيدُ بْنُ زُرْبَعْ : حَدَّثَنَا أَبْنُ عَوْنَ، عَنِ
الْقَاسِمِ بْنِ مَحْمَدَ، وَعَنِ ابْنِ عَوْنَ
عَنْ إِبْرَاهِيمَ عَنِ الْأَسْوَدِ قَالَ : قَالَتْ
عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا : يَا رَسُولَ اللَّهِ
يَضْدُرُ النَّاسُ بِنُسُكَيْنِ وَأَصْدُرُ بُنُسُكَ؟
فَقَيْلَ لَهَا : (الْأَنْظَرِيَ فَإِذَا طَهُرْتِ
فَاخْرُجِي إِلَى التَّشْعِيمِ، فَأَهْلِي ثُمَّ ائْتِيَا
بِمَكَانِكَذَا). وَلَكِنَّهَا عَلَى قَدْرِ
نَفْقَتِكِ، أَوْ نَصَبِكِ». [راجع : ٢٩٤]

(٩) بَابُ الْمُعْتَمِرِ إِذَا طَافَ طَوَافَ
الْعُمْرَةِ ثُمَّ خَرَجَ، هَلْ يُجْزَئُهُ مِنْ
طَوَافِ الْوَدَاعِ؟

(9) CHAPTER. If a person performing '*Umra* departs after performing the *Tawāf* of '*Umra*, will that *Tawāf* substitute for *Tawāf-al-Wadā'* as well?

1788. Narrated 'Āishah: We set out assuming the *Ihrām* for *Hajj* in the months of *Hajj* towards the sacred precincts of *Hajj*. We dismounted at Sarif and the Prophet ﷺ said to his Companions, "Whoever has not got the *Hady* with him and likes to make it as '*Umra*, he should do it, but he who has got the *Hady* with him should not do it." The Prophet ﷺ and some of his wealthy Companions had the *Hady* with them, so they did not finish *Ihrām* after performing the '*Umra*. The Prophet ﷺ came to me while I was weeping. He asked me the reason for it. I replied, "I have heard of what you have said to your Companions and I cannot do the '*Umra*." He asked me, "What is the matter with you?" I replied, "I am not offering prayers."⁽¹⁾ He said, "There is no harm in it as you are one of the daughters of Ādam and the same is written for you as for others. So, you should perform *Hajj* and I

١٧٨٨ - حَدَّثَنَا أَبُو نُعَيْمٌ : حَدَّثَنَا
أَفْلَحُ بْنُ حُمَيْدٍ، عَنِ الْقَاسِمِ، عَنِ
عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ : حَرَجَنَا
مُهَلِّينَ بِالْحَجَّ فِي أَشْهُرِ الْحَجَّ وَحِرْمَانَ
الْحَجَّ فَنَزَلْنَا بِسَرِيفَ فَقَالَ النَّبِيُّ ﷺ
لِأَصْحَابِهِ : مَنْ لَمْ يَكُنْ مَعَهُ هَذِيُّ
فَأَحَبَّ أَنْ يَجْعَلَهَا عُمْرَةً فَلَيَمْعَلْ،
وَمَنْ كَانَ مَعَهُ هَذِيُّ فَلَا». وَكَانَ مَعَ
النَّبِيِّ ﷺ وَرِجَالٌ مِنْ أَصْحَابِهِ ذَوِي
قُوَّةِ الْهَذِيُّ، فَلَمْ تَكُنْ لَهُمْ عُمْرَةً.
فَدَخَلَ عَلَيَّ النَّبِيُّ ﷺ وَأَنَا أَبْكِي
فَقَالَ : (مَا يُبَكِّيكُ؟) قُلْتُ : سَمِعْتُكَ
تَقُولُ لِأَصْحَابِكَ مَا قُلْتَ فَمُنْعَثُ
الْعُمْرَةَ. قَالَ : (وَمَا شَأْنِكَ؟) قُلْتُ :

(1) (H.1788) This expression is an indirect way to say: "I have got menses and thus I cannot perform my prayers. Consequently, I cannot perform the ceremonies of '*Umra*."

hope that Allāh will enable you to perform the '*'Umra* as well.' So, I carried on till we departed from Minā and halted at Al-Muhaṣṣab. The Prophet ﷺ called 'Abdur-Rahmān and said, 'Go out of the sanctuary with your sister and let her assume *Ihrām* for '*'Umra*, and after both of you have finished the *Tawāf* I will be waiting for you at this place.' We came back at mid-night and the Prophet ﷺ asked us, 'Have you finished?' I replied in the affirmative. He announced the departure and the people set out for the journey and some of them had performed the *Tawāf* of the Ka'bah before the morning prayer, and after that the Prophet ﷺ set out for Al-Madīna.

لَا أُصْلِيْ، قَالَ: «فَلَا يَضْرُكُ، أَنْتَ مِنْ بَنَاتِ آدَمَ كُتِبَ عَلَيْكَ مَا كُتِبَ عَلَيْهِنَّ، فَكُونِي فِي حَجَّتَكَ. عَسَى اللَّهُ أَنْ يُرْزُقَكُمَا»، قَالَتْ: فَكُنْتُ حَتَّى نَفَرْنَا مِنْ مِنْيَ فَنَزَلْنَا الْمُحَاصَبَ فَدَعَا عَبْدُ الرَّحْمَنِ فَقَالَ: «اخْرُجْ بِأَخْرِجَكَ الْحَرَمَ فَلَئِلَّهُ بِعُمْرَةَ ثُمَّ افْرُغَا مِنْ طَوَافِكُمَا أَنْتُظِرُكُمَا هَاهُنَا». فَأَبَيْنَا فِي جَوْفِ الْلَّيْلِ فَقَالَ: «فَرَغْتُمَا؟» قُلْتُ: نَعَمْ. فَنَادَى بِالرَّحِيلِ فِي أَضْحَاهِهِ فَارْتَحَلَ النَّاسُ وَمَنْ طَافَ بِالبَيْتِ قَبْلَ صَلَةِ الصُّبْحِ، ثُمَّ خَرَجَ مُوجَهًا إِلَى الْمَدِينَةِ. [راجع: ٢٩٤]

(١٠) بَابٌ: يَفْعُلُ بِالْعُمْرَةِ مَا يَفْعُلُ بِالْحَجَّ

(10) CHAPTER. A person should perform (the same ceremonies) in '*'Umra*, as he performs in *Hajj*.

1789. Narrated Ṣafwān bin Ya'lā bin Umaiyya that his father said, 'A man came to the Prophet ﷺ while he was at Jī'rāna. The man was wearing a cloak which had traces of *Khalūq* of *Sufra* (a kind of perfume). The man asked (the Prophet ﷺ), 'What do you order me to perform in my '*'Umra*?' So, Allāh inspired the Prophet ﷺ Divinely and he was screened by a piece of cloth. I wished to see the Prophet ﷺ being Divinely inspired. 'Umar said to me, 'Come! Will you be pleased to look at the Prophet ﷺ while Allāh is inspiring him?' I replied in the affirmative. 'Umar lifted one corner of the cloth and I looked at the Prophet ﷺ who was snoring. When that state was over, the Prophet ﷺ asked, 'Where is the questioner who asked about '*'Umra*? Put off your cloak and wash away the traces of *Khalūq* from your body and clean the *Sufra* (yellow colour)

١٧٨٩ - حَدَّثَنَا أَبُو عُيْمَ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا عَطَاءُ قَالَ: حَدَّثَنَا صَفَوَانُ ابْنُ يَعْلَى بْنِ أُمَّيَّةَ عَنْ أَبِيهِ: أَنَّ رَجُلًا أتَى النَّبِيَّ ﷺ وَهُوَ بِالجِعْرَانَةِ، وَعَلَيْهِ جُبَّةٌ وَعَلَيْهِ أَثْرُ الْخَلُوقِ، أَوْ قَالَ: صُفْرَةٌ، فَقَالَ: كَيْفَ تَأْمُرُنِي أَنْ أَضْنَعَ فِي عُمْرَتِي؟ فَأَنْزَلَ اللَّهُ عَلَى النَّبِيِّ ﷺ فَسِرَّ بِثُوبٍ وَوَدَدْتُ أَنِّي قَدْ رَأَيْتُ النَّبِيَّ ﷺ وَقَدْ أَنْزَلَ عَلَيْهِ الْوَحْيَ. فَقَالَ عُمَرُ: سَاعَ، أَيْسُرْكَ أَنْ تَنْتَظِرَ إِلَى النَّبِيِّ ﷺ وَقَدْ أَنْزَلَ اللَّهُ عَلَيْهِ الْوَحْيَ؟ قُلْتُ: نَعَمْ. فَرَفَعَ طَرْفَ الثُّوْبِ فَنَطَرْتُ إِلَيْهِ لَهُ

and perform in your 'Umra what you perform in your *Hajj* [i.e., the *Tawāf* round the Ka'bah and the *Sā'y* (going) between As-Safā and Al-Marwa]."

عَطِيْطُ . وَأَخْسِبَهُ قَالَ: كَعَنِيْطِ الْبَكْرِ .
فَلَمَّا سُرِّيَ عَنْهُ قَالَ: «أَيْنَ السَّائِلُ عَنِ
الْعُمْرَةِ؟ اخْلُغْ عَنْكَ الْجُبَّةَ وَاغْسِلْ أَثْرَ
الْحَلْوَقِ عَنْكَ وَأَنْتِ الصُّفَرَةَ، وَاضْطِعْ
فِي عُمْرَتِكَ كَمَا تَضَعُ فِي حَجَّكَ».

[راجع: ١٥٣٦]

1790. Narrated 'Urwa: While I was a youngster, I asked 'Āishah رضي الله عنها, the wife of the Prophet ﷺ, "What about the meaning of the Statement of Allāh تعالى 'Verily! As-Ṣafā and Al-Marwa (two mountains in Makkah), are of the Symbols of Allāh. So it is not a sin on him who performs *Hajj* or '*Umra* of the House (Ka'bah at Makkah) to perform the *Tawāf* [*Sā'y* (going)] between them?' (V.2:158) I understand (from that) that there is no sin if somebody does not perform the *Tawāf* between them." 'Āishah replied, "No, for if it were as you are saying, then the recitation would have been like this: 'It is not sinful not to perform *Tawāf* between them.' This Verse was revealed in connection with the *Anṣār* who used to assume the *Ihrām* for the idol *Manāt* which was put beside a place called Qudaid and those people thought it not right to perform the *Tawāf* of As-Ṣafā and Al-Marwa. When Islām came, they asked Allāh's Messenger ﷺ about that, and Allāh revealed:

'Verily! As-Ṣafā and Al-Marwa (two mountains in Makkah) are of the Symbols of Allāh.'

So, it is not a sin on him who performs *Hajj* or '*Umra* (pilgrimage of the House Ka'bah at Makkah) to perform *Tawāf* [*Sā'y* (going)] between them.'" (V.2:158)

Sufyān and Abū Mu'āwiya added: Hishām added (from 'Āishah): "The *Hajj*

١٧٩٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ قَالَ: أَخْبَرَنَا مَالِكُ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ: أَنَّهُ قَالَ: قُلْتُ لِعَائِشَةَ رَضِيَ اللَّهُ عَنْهَا رَوْجَ النَّيْمَةِ وَأَنَا يَوْمَئِذٍ حَدِيثُ السُّنْنِ: أَرَأَيْتَ قَوْلَ اللَّهِ تَعَالَى: «إِنَّ الصَّفَا^{وَالْمَرْوَةَ} مِنْ شَعَابِ اللَّهِ فَمَنْ حَجَّ الْبَيْتَ^{أَوْ أَعْتَمَرَ} فَلَا جُنَاحَ عَلَيْهِ أَنْ يَطْوَفَ بِهِمَا»^{١٥٨} [البقرة: ١٥٨] فَلَا أَرَى عَلَى أَحَدٍ شَيْئًا أَنْ لَا يَطْوَفَ بِهِمَا. فَقَاتَ عَائِشَةَ: كَلَّا لَوْ كَانَ كَمَا تَقُولُ كَاتِبًا: فَلَا جُنَاحَ عَلَيْهِ أَنْ لَا يَطْوَفَ بِهِمَا. إِنَّمَا أُنْزَلْتُ هَذِهِ الْآيَةِ فِي الْأَنْصَارِ، كَانُوا يَهْلُكُونَ لِتَنَاهَا وَكَانُوا مَنَّاً حَذَرُ قُدْيَدٌ وَكَانُوا يَتَحَرَّجُونَ أَنْ يَطْوَفُوا بَيْنَ الصَّفَا^{وَالْمَرْوَةَ}, فَلَمَّا جَاءَ
الْإِسْلَامُ سَأَلُوا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ذَلِكَ فَأَنْزَلَ اللَّهُ تَعَالَى «إِنَّ الصَّفَا^{وَالْمَرْوَةَ} مِنْ شَعَابِ اللَّهِ فَمَنْ حَجَّ الْبَيْتَ^{أَوْ أَعْتَمَرَ} فَلَا جُنَاحَ عَلَيْهِ أَنْ يَطْوَفَ بِهِمَا»^{١٥٩} زَادَ سُعْيَانُ وَأَبُو مُعاوِيَةَ عَنْ هِشَامٍ: مَا أَتَمَ اللَّهُ حَجَّ امْرِئٍ وَلَا

or 'Umra of the person who does not perform the *Tawâf* between Aṣ-Ṣafâ and Al-Marwa is incomplete before Allâh."

(11) CHAPTER. When should a person performing 'Umra finish his *Ihrâm*?

Jâbir رَضِيَ اللَّهُ عَنْهُ said, "The Prophet ﷺ ordered his Companions to perform 'Umra (with the *Ihrâm* they had intended for *Hajj*) and to perform the *Tawâf* (of Ka'bah, Aṣ-Ṣafâ and Al-Marwa), and then cut short their hair and finish the *Ihrâm*."

1791. Narrated Ismâ'il: 'Abdullâh bin Abû Aüfa رَضِيَ اللَّهُ عَنْهُما said: "Allâh's Messenger ﷺ performed 'Umra and we too performed 'Umra along with him. When he entered Makkah he performed the *Tawâf* (of Ka'bah) and we too performed it along with him, and then he came to the Aṣ-Ṣafâ and Al-Marwa (i.e., performed the *Sâ'y*) and we also came to them along with him. We were shielding him from the people of Makkah lest they may hit him with an arrow."

A friend of his asked him (i.e., 'Abdullâh bin Aüfa), "Did the Prophet ﷺ enter the Ka'bah (during that 'Umra)?" He replied in the negative.

1792. Then he said, "What did he (the Prophet ﷺ) say about Khadîja?" He ('Abdullâh bin Aüfa) said, "(He said) 'Give Khadîja the good tidings that she will have a palace made of *Qasâb*⁽¹⁾ in Paradise and there will be neither noise nor any toil (fatigue trouble etc.) in it.'"

1793. Narrated 'Amr bin Dînâr: We asked Ibn 'Umar رَضِيَ اللَّهُ عَنْهُما whether a man who had performed the *Tawâf* of the Ka'bah but had not performed the *Tawâf* [*Sâ'y* (going)] between Aṣ-Ṣafâ and Al-

عُمْرَةً مَا لَمْ يَطْفُ بَيْنَ الصَّفَّا
وَالْمَرْوَةِ. [راجع: ١٦٤٣]

(11) بَابٌ: مَتى يَحْلُّ الْمُعْتَمِرُ؟
وَقَالَ عَطَاءُ، عَنْ جَابِرِ رَضِيَ اللَّهُ
عَنْهُ: أَمَرَ النَّبِيَّ ﷺ أَصْحَابَهُ أَنْ
يَجْعَلُوهَا عُمْرَةً وَيُطْوِفُوا ثُمَّ يَقْصَرُوا
وَيَحْلُوا.

**١٧٩١ - حَدَّثَنَا إِسْحَاقُ بْنُ
إِبْرَاهِيمَ، عَنْ جَرِيرٍ، عَنْ إِسْمَاعِيلَ،
عَنْ عَبْدِ اللَّهِ ابْنِ أَبِي أُونِي قَالَ:
أَعْتَمَرَ رَسُولُ اللَّهِ ﷺ وَاعْتَمَرْنَا مَعَهُ
فَلَمَّا دَخَلَ مَكَّةَ طَافَ وَطَفَّنَا مَعَهُ.
وَأَتَى الصَّفَا وَالْمَرْوَةَ وَأَتَيْنَا هُمَا مَعَهُ،
وَكُنَّا نَسْتَرُهُ مِنْ أَهْلِ مَكَّةَ أَنْ يَرَمِيهُ
أَخْدُ، فَقَالَ لَهُ صَاحِبُ لِي: أَكَانَ
دَخَلَ الْكَعْبَةَ؟ قَالَ: لَا. [راجع:
١٦٠]**

**١٧٩٢ - قَالَ: فَحَدَّثَنَا ما قَالَ
لْخَدِيجَةَ. قَالَ: «بَشَّرُوا خَدِيجَةَ بِيَتِ
مِنَ الْجَنَّةِ مِنْ قَصَبٍ لَا صَحَّبَ فِيهِ
وَلَا نَصَبَ». [راجع: ٣٨١٩]**

**١٧٩٣ - حَدَّثَنَا الْحُمَيْدِيُّ: حَدَّثَنَا
سُقِيَانُ، عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ:
سَأَلْنَا ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنْ
رَجُلٍ طَافَ بِالْبَيْتِ فِي عُمْرَةٍ. وَلَمْ**

(1) (H.1792) *Qasâb*: An Arabic word meaning pipes made of gold or pearls and other precious stones.

Marwa yet, was permitted to have sexual relation with his wife. He replied, "The Prophet ﷺ arrived (at Makkah) and circumambulated the Ka'bah seven times and then offered two-Rak'ā prayer behind *Maqām Ibrāhīm* and then performed the *Tawāf* (going) between As-Safā and Al-Marwa seven times. And verily, in Allāh's Messenger ﷺ you have a good example to follow".

1794. And we asked Jabir bin 'Abdullāh رضي الله عنهما (the same question) and he replied, "He should not go near her till he has finished the *Tawāf* (going) between As-Safā and Al-Marwa."

1795. Narrated Abū Mūsā Al-Ash'arī رضي الله عنه : I came to the Prophet ﷺ at Al-Baṭhā' while his camel was kneeling down and he asked me, "Have you intended to perform the *Hajj*?" I replied in the affirmative. He asked me, "With what intention have you assumed *Ihrām*?" I replied, "I have assumed *Ihrām* with the same intention as that of the Prophet ﷺ." He said, "You have done well. Perform the *Tawāf* of the Ka'bah and (the *Sā'y*) between As-Safā and Al-Marwa and then finish the *Ihrām*." So, I performed the *Tawāf* around the Ka'bah and (the *Sā'y*) between As-Safā and Al-Marwa and then went to a woman of the tribe of Qais who cleaned my head from lice. Later I assumed the *Ihrām* for *Hajj*. I used to give the verdict of doing the same till the caliphate of 'Umar who said, "If you follow Allāh's Book (the Qur'aan) then it orders you to remain in the state of *Ihrām* till you finish from *Hajj*,⁽¹⁾ if you follow the Prophet ﷺ then he did not

يُطْفَ بَيْنَ الصَّفَا وَالْمَرْوَةِ، أَيَّاً تَأْتِي اِمْرَأَةً؟ فَقَالَ: قَدِيمَ النَّبِيِّ ﷺ فَطَافَ بِالْبَيْتِ سَبْعًا. وَصَلَّى حَلْفَ الْمَقَامَ رَكْعَيْنِ، وَطَافَ بَيْنَ الصَّفَا وَالْمَرْوَةِ سَبْعًا وَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أَسْوَةً حَسَنَةً». [راجع: ٣٩٥]

١٧٩٤ - قال: وَسَأَلْنَا جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا، فَقَالَ: لَا يَقْرَبَنَّهَا حَتَّى يُطْوَفَ بَيْنَ الصَّفَا وَالْمَرْوَةِ. [راجع: ٣٩٦]

١٧٩٥ - حَدَّثَنَا مُحَمَّدُ بْنُ يَشَارِ: حَدَّثَنَا غُنْدُرٌ: حَدَّثَنَا شُعْبَةُ، عَنْ قَيْسِ بْنِ مُسْلِمٍ، عَنْ طَارِقِ بْنِ شَهَابٍ، عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَدِيمُتْ عَلَى النَّبِيِّ ﷺ بِالْبَطْحَاءِ وَهُوَ مُنْبِحٌ فَقَالَ: «أَحَجَجْتَ؟» قُلْتُ: نَعَمْ. قَالَ: «بِمَا أَهْلَلْتَ؟» قُلْتُ: لَبَّيْكَ، بِإِهْلَالٍ كِإِهْلَالِ النَّبِيِّ ﷺ. قَالَ: «أَحَسَنْتَ. طُفْ بِالْبَيْتِ وَبِالصَّفَا وَالْمَرْوَةِ. ثُمَّ أَحِلَّ». قَطْفُتْ بِالْبَيْتِ وَبِالصَّفَا وَالْمَرْوَةِ ثُمَّ أَتَيْتُ اِمْرَأَةً مِنْ قَيْسِ فَقَلْتُ: رَأَسِي ثُمَّ أَهْلَلْتُ بِالْحَجَّ فَكُنْتُ أُفْتَى بِهِ حَتَّى كَانَ فِي خَلَاقَةِ عُمَرَ فَقَالَ: إِنْ أَخْدُنَا بِكِتابِ اللَّهِ فَإِنَّهُ

(1) (H.1795) i.e., to not to finish the *Ihrām*' either perform *Hajj-al-Qirān* (if you have a *Hady*) or perform *Hajj* alone without the '*Umra* and that is the opinion of 'Umar رضي الله عنه only [See *Hadīth* No.1724 and its footnote Vol.2, *Saḥīḥ Al-Bukhārī*]

finish his *Ihrām* till the *Hady* (sacrifice) had reached its place of slaughtering (*Hajj-al-Qirān*)."

يَأْمُرُنَا بِالثَّمَامِ . وَإِنْ أَخْدَنَا بِقَوْلِ النَّبِيِّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَإِنَّهُ لَمْ يَحِلَّ حَتَّى يَبْلُغَ الْهَذِيْلُ
مَحْلَهُ . [راجع : ١٥٥٩]

1796. Narrated Al-Aswad: 'Abdullāh the slave of Asmā' bint Abū Bakr , رضي الله عنهمما told me that he used to hear Asmā' , whenever she passed by Al-Hajūn , saying , "May Allāh bless His Messenger Muḥammād ﷺ . Once we dismounted here with him , and at that time we were travelling with light luggage ; we had a few riding animals and a little food ration . I , my sister 'Aishah , Az-Zubair and such and such persons performed 'Umra , and when we had passed our hands over the Ka'bah (i.e., performed *Tawāf* round the Ka'bah and between Aṣ-Ṣafā and Al-Marwa) we finished our *Ihrām* . Later on we assumed *Ihrām* for *Hajj* the same evening ."

١٧٩٦ - حَدَّثَنَا أَخْمَدُ : حَدَّثَنَا ابْنُ وَهْبٍ : أَخْبَرَنَا عَمْرُو : عَنْ أَبِي الْأَسْوَدِ : أَنَّ عَبْدَ اللَّهِ مُؤْلِي أَسْمَاءَ إِنْتَ أَبِي بَكْرٍ حَدَّثَهُ : أَنَّهُ كَانَ يَسْمَعُ أَسْمَاءَ تَقُولُ كُلُّمَا مَرَّتْ بِالْحَجُّوْنِ : صَلَّى اللَّهُ عَلَى رَسُولِهِ مُحَمَّدٍ . لَقَدْ نَزَّلْنَا مَعَهُ هَاهُنَا وَنَحْنُ بِوَمَيْلٍ خَفَّافٌ قَلِيلٌ ظَهُورُنَا . قَلِيلَةً أَرْوَادُنَا . فَاعْتَمَرْتُ أَنَا وَأَخْتِي عَائِشَةَ وَالرَّبِيعَ . وَفُلَانْ وَفُلَانْ . فَلَمَّا مَسَحَنَا الْبَيْتَ أَخْلَلْنَا ثُمَّ أَهْلَلْنَا مِنَ الْعَشِيْيِّ بِالْحَجَّ .

[راجع : ١٦١٥]

(12) CHAPTER. What should one say on returning from *Hajj*, '*Umra* and *Ghazwa*.

١٧٩٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكُ ، عَنْ نَافِعٍ . عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا : أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ إِذَا قَلَّ مِنْ غَرْوٍ

أَوْ حَجَّ أَوْ عُمْرَةً يُكَبِّرُ عَلَى كُلِّ شَرْفٍ مِنَ الْأَرْضِ ثَلَاثَ تَكْبِيرَاتٍ ثُمَّ يَقُولُ : «لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ ، لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ ، وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ». آيُونَ تَائِيُونَ ، عَابِدُونَ سَاجِدُونَ ، لِرَبِّنَا حَامِدُونَ ، صَدَقَ اللَّهُ وَعْدَهُ ، وَنَصَرَ عَبْدَهُ ، وَهَرَمَ الْأَخْرَابَ

Promise and made His slave victorious, and He Alone defeated all the confederates (of disbelievers)].”

(13) CHAPTER. Reception of the returning pilgrims; and the riding of three persons on one animal.

1798. Narrated Ibn 'Abbās : رَضِيَ اللَّهُ عَنْهُمَا When the Prophet ﷺ arrived at Makkah, some boys of the tribe of Bani 'Abdul Muṭṭalib went to receive him, and the Prophet ﷺ made one of them ride in front of him and the other behind him.

(14) CHAPTER. Arriving in the morning.

1799. Narrated Ibn 'Umar : رَضِيَ اللَّهُ عَنْهُمَا Whenever Allāh's Messenger ﷺ left for Makkah, he used to offer Ṣalāt (prayer) in the mosque of Ash-Shajara, and when he returned (to Al-Madina), he used to offer Ṣalāt in the middle of the valley of Dhul-Hulaifa and used to pass the night there till morning.

(15) CHAPTER. Returning (home) at Al-'Ashi (after midday till sunset).

1800. Narrated Anas : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ never returned to his family from a journey at night. He used to return either in the morning or in the afternoon.

وَحْدَهُ . [انظر: ٢٩٩٥، ٣٠٨٤، ٤١١٦]

[٦٣٨٥]

(١٣) باب استقبال الحاج القادمين والثلاثة على الذلة

١٧٩٨ - حَدَّثَنَا مُعْلَى بْنُ أَسَدٍ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ : حَدَّثَنَا خَالِدٌ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: لَمَّا قَلَمْ رَسُولُ اللَّهِ ﷺ مَكَّةَ اسْتَقْبَلَهُ أَغْيِلَمَةُ بَنْيِ عَبْدِ الْمُطَّلِبِ . فَحَمَلَ وَاحِدًا بَيْنَ يَدَيْهِ آخِرَ خَلْفَهُ . [انظر: ٥٩٦٦]

(١٤) باب القدوم بالغداة

١٧٩٩ - حَدَّثَنَا أَحْمَدُ بْنُ الحَاجَاجِ: حَدَّثَنَا أَنْسُ بْنُ عَيَّاضٍ، عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ إِذَا خَرَجَ إِلَى مَكَّةَ يُصَلِّي فِي مَسْجِدِ الشَّجَرَةِ، وَإِذَا رَجَعَ صَلَّى بِذِي الْحِلْيَةِ بِيَطْنَ الْوَادِي وَبَاتْ حَتَّى يُصْبِحَ . [راجع: ٤٨٤]

(١٥) باب الدخول بالعشية

١٨٠٠ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا هَمَامُ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَسِنِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ النَّبِيُّ ﷺ لَا يَطْرُقُ أَهْلَهُ، كَانَ لَا يَدْخُلُ إِلَّا عَدْوَةً أَوْ عَشِيشَةً .

(16) CHAPTER. Not to go to one's family on arrival at one's town, at night. [See *Fath Al-Bārī*]

1801. Narrated Jābir : The Prophet ﷺ forbade going to one's family at night (on arrival from a journey).

(17) CHAPTER. Whoever made his she-camel proceed faster on reaching his town (destination).

1802. Narrated Humaid : Anas رضي الله عنه said, "Whenever Allāh's Messenger ﷺ returned from a journey, he, on seeing the high places of Al-Madīna, would make his she-camel proceed faster; and if it were another animal, even then he used to make it proceed faster."

Narrated Humaid that the Prophet ﷺ used to make it proceed faster out of his love for Al-Madīna.

Narrated Anas as above, but mentioned "the walls of Al-Madīna" instead of "the high places of Al-Madīna." Al-Harith bin 'Umair agrees with Anas.

(18) CHAPTER. The Saying of Allāh تعالى: "...So enter houses through their proper doors..." (V.2:189)

1803. Narrated Abū Ishāq : I heard Al-Barā' رضي الله عنه saying, "The above Verse was revealed regarding us, for the *Anṣār* on returning from *Hajj* never entered their houses through the proper doors but from behind. One of the *Anṣār* came and entered through the door and he was taunted for it. Therefore, the following was revealed :

"...It is not *Al-Birr* (piety, righteousness)

(١٦) بَابٌ: لَا يَطْرُقُ أَهْلَهُ إِذَا بَلَغَ
الْمَدِينَةَ

١٨٠١ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ:
حَدَّثَنَا شَعْبَةُ: عَنْ مُحَارِبٍ، عَنْ جَابِرٍ
رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى النَّبِيُّ ﷺ أَنْ
يَطْرُقُ أَهْلَهُ لَيْلًا. [راجع: ٤٤٣]

**(١٧) بَابٌ مِنْ أَشَدَّ نَافَّةٍ إِذَا بَلَغَ
الْمَدِينَةَ**

**١٨٠٢ - حَدَّثَنَا سَعِيدُ بْنُ أَبِي
مَرِيمَ:** أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ:
أَخْبَرَنِي حُمَيْدٌ أَنَّهُ سَمِعَ أَنَّسًا رَضِيَ
اللَّهُ عَنْهُ يَقُولُ: كَانَ النَّبِيُّ ﷺ إِذَا قَدِمَ
مِنْ سَفَرٍ فَأَبْصَرَ دَرَجَاتَ الْمَدِينَةِ
أَوْضَعَ نَافَّةً، وَإِنْ كَانَتْ دَابَّةً حَرَّكَهَا.
قَالَ أَبُو عَبْدِ اللَّهِ: زَادَ الْحَارِثُ بْنُ
عُمَيْرٍ عَنْ حُمَيْدٍ: حَرَّكَهَا مِنْ حُبَّهَا.
حَدَّثَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا
إِسْمَاعِيلُ، عَنْ حُمَيْدٍ، عَنْ أَنَّسٍ
قَالَ: «جُدُّرَاتٍ». تَابَعَهُ الْحَارِثُ بْنُ
عُمَيْرٍ. [انظر: ١٨٨٦]

(١٨) بَابٌ قَوْلِ اللَّهِ تَعَالَى: «وَأَنُوا
الْبَيْوتَ مِنْ أَبْوَابِهَا» [البقرة: ١٨٩]

١٨٠٣ - حَدَّثَنَا أَبُو الْوَلِيدَ: حَدَّثَنَا
شَعْبَةُ، عَنْ أَبِي إِسْحَاقَ قَالَ: سَمِعْتُ
الْبَرَاءَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: نَزَّلَتْ هَذِهِ
الآيَةُ فِينَا، كَانَتِ الْأَنْصَارُ إِذَا حَجُّوا
فَجَاءُوا لَمْ يَدْخُلُوا مِنْ قَبْلِ أَبْوَابِ
بَيْوَتِهِمْ وَلَكِنْ مِنْ ظُهُورِهِا. فَجَاءَ رَجُلٌ

that you enter the houses from the back, but *Al-Birr* (is the quality of one) who fears Allāh. So, enter houses through their proper doors..." (V.2:189)

(19) CHAPTER. Travelling is a kind of torture.

1804. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, "Travelling is a kind of torture as it prevents one from eating, drinking and sleeping (properly). So, when one's needs are fulfilled, one should return quickly to one's family."

(20) CHAPTER. What may a traveller do if he has to proceed fast to arrive home early?

1805. Narrated Zaid bin Aslam that his father said :، "I was with Ibn 'Umar رَضِيَ اللَّهُ عَنْهُما on the way to Makkah, and he got the news that Safiyya bint Abū 'Ubaid was seriously ill. So, he hastened his pace, and when the twilight disappeared, he dismounted and offered the *Maghrib* and '*Ishā'* prayer together. Then he said, "I saw that whenever the Prophet ﷺ had to hasten when travelling, he would delay the *Maghrib* prayer and join them together (i.e., offer the *Maghrib* and the '*Ishā'* prayer together)."

مِنَ الْأَنْصَارِ فَدَخَلَ مِنْ قَبْلِ بَابِهِ، فَكَانَهُ عُيْرٌ بِذَلِكَ فَزَرَّتْ : «وَلَيْسَ الرِّبُّ بِأَنْ تَأْتُوا الْبَيْوَاتَ مِنْ كُلُّهُنَا وَلَكِنَّ الرِّبَّ مِنْ أَنَّكُمْ وَأَنْتُمُ الْبَيْوَاتَ مِنْ أَنْوَاهِهَا» [البقرة: ١٨٩]. [انظر: ٤٥١٢]

(١٩) بَابٌ : السَّفَرُ قِطْعَةٌ مِنَ الْعَذَابِ

١٨٠٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ : حَدَّثَنَا مَالِكٌ، عَنْ سُمَيِّ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ : «السَّفَرُ قِطْعَةٌ مِنَ الْعَذَابِ، يَمْنَعُ أَحَدَكُمْ طَعَامَهُ وَشَرَابَهُ وَنَوْمَهُ، فَإِذَا قَضَى نَهَمَتْهُ فَلَيُعَجِّلْ إِلَى أَهْلِهِ» [انظر: ٣٠٠١، ٥٤٢٩]

(٢٠) بَابُ الْمُسَافِرِ إِذَا جَدَّ بِهِ السَّيْرُ وَيَعْجَلُ إِلَى أَهْلِهِ

١٨٠٥ - حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرِيمٍ : أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ : أَخْبَرَنِي زَيْدُ بْنُ أَسْلَمَ، عَنْ أَبِيهِ قَالَ : كُنْتُ مَعَ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا بِطَرِيقِ مَكَّةَ فَلَبَّيْتُهُ عَنْ صَفَيَّةَ بِنْتِ أَبِي عُبَيْدَ شِدَّةً وَجَعَ فَأَسْرَعَ السَّيْرَ حَتَّى إِذَا كَانَ بَعْدَ غُرُوبِ الشَّفَقِ نَزَلَ قَصْلَى الْمَعْرِبَ وَالْعَمَّةَ جَمَعَ بَيْنَهُمَا، ثُمَّ قَالَ : إِنِّي رَأَيْتُ النَّبِيِّ ﷺ إِذَا جَدَّ بِهِ السَّيْرُ أَخَرَ الْمَغْرِبَ وَجَمَعَ بَيْنَهُمَا . [راجع: ١٠٩١]

27 - THE BOOK OF AL-MUHSAR⁽¹⁾

And the Statement of Allāh :

“...But if you are prevented (from completing them), sacrifice a *Hady* (animal i.e., a sheep or a cow or a camel etc.) such as you can afford, and do not shave your heads until the *Hady* reaches the place of sacrifice...” (V.2:196)

(1) CHAPTER. If one, intending to perform ‘Umra, is prevented from performing it.

1806. Narrated Nāfi‘: When ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُمَا set out for Makkah intending to perform ‘Umra, at the time of *Al-Fitnah* (trial or affliction)⁽²⁾, he said, “If I should be prevented from reaching the Ka‘bah, then I would do the same as Allāh’s Messenger ﷺ did, so I assume the *Ihrām* for ‘Umra as Allāh’s Messenger ﷺ assumed the *Ihrām* for ‘Umra in the year of Hudaibiyah.”

1807. Narrated Nāfi‘ that ‘Ubaidullāh bin ‘Abdullāh and Sālim bin ‘Abdullāh informed him that they told Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُ when Ibn Az-Zubair was attacked by the army saying, “There is no harm for you if you did not perform *Hajj* this year. We are afraid that you may be prevented from reaching the Ka‘bah.” Ibn ‘Umar said. “We set out with Allāh’s Messenger ﷺ and the Quraish disbelievers prevented us from reaching the Ka‘bah, and so the Prophet ﷺ slaughtered his *Hady* and got his head shaved.” Ibn

٢٧ - كتاب المختصر

وَقَوْلُ اللَّهِ تَعَالَى : «إِنْ أَخْرَجْتُمْ فَأَسْتَبَرَ مِنَ الْمَذْنَى وَلَا تَعْلَمُوا رَوْسَكُ حَتَّى يَئِلُّ الْمَذْنَى حَمَلَهُ» [البقرة: ١٩٦] وقال عَطَاءً: الإِحْصَارُ مِنْ كُلِّ شَيْءٍ يَحْسُنُهُ قَالَ أَبُو عَبْدِ اللَّهِ: «وَصَمَرًا» [آل عمران: ٣٩]: لا يَأْتِي النِّسَاء .

(١) بَابٌ: إِذَا أَخْرَجَ الْمُعْتَمِرُ

١٨٠٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ: أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا حَرَّجَ إِلَى مَكَّةَ مُعْتَمِرًا فِي الْفِتْنَةِ قَالَ: إِنْ صُدِدْتُ عَنِ الْبَيْتِ صَبَغْتُ كَمَا صَبَغْنَا مَعَ رَسُولِ اللَّهِ ﷺ. فَأَهَلَّ بِعُمْرَةِ مِنْ أَجْلِ أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ أَهْلَ بِعُمْرَةِ عَامَ الْحُدَيْبِيَّةِ .

١٨٠٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ ابْنُ أَسْمَاءَ: حَدَّثَنَا جُوَيْرِيَّةُ، عَنْ نَافِعٍ: أَنَّ عُيَيْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ وَسَالِمَ بْنَ عَبْدِ اللَّهِ أَخْبَرَاهُ أَنَّهُمَا كُلَّمَا لَيَالِي نَزَلَ الْجَيْشُ بَيْنِ الرَّبِيعِ فَقَالَا: لَا يَشْرُكُ أَنْ لَا تُؤْجَعَ الْعَامَ وَإِنَّ نَخَافُ أَنْ يُحَالَ بَيْنَكَ وَبَيْنَ الْبَيْتِ .

(1) (Ch. 27) *Al-Muhsar* is a *Muhrim* who intends to perform *Hajj* or ‘Umra but is prevented from performing it because of some obstacle.

(2) (H. 1806) The fighting between Al-Hajjāj and Ibn Az-Zubair.

'Umar added, "I make you witness that I have made 'Umra obligatory for me. And if Allāh will, I will go and then if the way to Ka'bah is clear, I will perform the *Tawāf*, but if I am prevented from going to the Ka'bah then I will do the same as the Prophet ﷺ did while I was in his company." Ibn 'Umar then assumed *Ihrām* for 'Umra from Dhu'l-Hulaifa and proceeded for a while and said, "The conditions of 'Umra and *Hajj* are similar and I make you witnesses that I have made 'Umra and *Hajj* obligatory for myself." So, he did not finish the *Ihrām* till the day of *Nahr* (slaughtering) came, and he slaughtered his *Hady*. He used to say, "I will not finish the *Ihrām* till I perform the *Tawāf*, one *Tawāf* on the day of entering Makkah (i.e., one *Sā'y* of Aṣ-Ṣafā and Al-Marwa for both 'Umra and *Hajj*)."

1808. Narrated Nāfi': Some of the sons of 'Abdullāh told him (i.e., 'Abdullāh) if he had stayed (and not performed *Hajj* that year).

1809. Narrated Ibn 'Abbās: رَضِيَ اللَّهُ عَنْهُمَا that Allāh's Messenger ﷺ was prevented from performing ('Umra). Therefore, he shaved his head and had sexual relations with his wives and slaughtered his *Hady* and performed 'Umra in the following year.

(2) CHAPTER. One who is prevented from performing the *Hajj*.

1810. Narrated Sālim: ('Abdullāh) bin 'Umar used to say, "Is not (the

فَقَالَ: حَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ فَحَالَ كُفَّارٌ قُرْيَشٌ دُونَ الْبَيْتِ فَتَحَرَّ النَّبِيُّ ﷺ هَذِهِ وَحَلَقَ رَأْسَهُ وَأَشْهَدُكُمْ أَنِّي قَدْ أَوْجَبْتُ عُمْرَةً، إِنْ شَاءَ اللَّهُ أَنْظَلْنِي فَإِنْ خَلَى بَيْنِي وَبَيْنَ الْبَيْتِ طَفْتُ. وَإِنْ جَلَّ بَيْنِي وَبَيْنَهُ فَعَلْتُ كَمَا فَعَلَ النَّبِيُّ ﷺ وَأَنَا مَعْهُ. فَأَهْلَ بالْعُمْرَةِ مِنْ ذِي الْحُلِيفَةِ ثُمَّ سَارَ سَاعَةً ثُمَّ قَالَ: إِنَّمَا شَانُهُمَا وَاحِدٌ، أَشْهَدُكُمْ أَنِّي قَدْ أَوْجَبْتُ حَجَّةَ مَعَ عُمْرَتِي، فَلَمْ يَحِلْ مِنْهُمَا حَتَّى دَخَلَ يَوْمَ النَّحْرِ وَاهْدَى، وَكَانَ يَقُولُ: لَا يَعْلُمُ حَتَّى يَطُوفَ. طَوَافًا وَاحِدًا يَوْمَ يَدْخُلُ مَكَّةً. [راجع: ١٦٣٩]

1808 - حَدَّثَنِي مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَّةُ، عَنْ نَافِعٍ: أَنَّ بَعْضَ بَنِي عَبْدِ اللَّهِ قَالَ لَهُ: لَوْ أَقْمَتْ بِهَا. [راجع: ١٦٣٩]

1809 - حَدَّثَنَا مُحَمَّدٌ: حَدَّثَنَا يَحْيَى ابْنُ صَالِحٍ: حَدَّثَنَا مَعَاوِيَةُ بْنُ سَلَامٍ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ، عَنْ عَكْرَمَةَ قَالَ: فَقَالَ ابْنُ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: قَدْ أُخْصِرَ رَسُولُ اللَّهِ ﷺ فَحَلَقَ رَأْسَهُ وَجَامَعَ نِسَاءَ وَنَحْرَ هَذِهِ حَتَّى اغْتَمَرَ عَامًا فَابْلَأَ.

(٢) بَابُ الْإِخْصَارِ فِي الْحَجَّ

1810 - حَدَّثَنَا أَخْمَدُ بْنُ

following of) the *Sunna* (legal ways) of Allāh's Messenger ﷺ sufficient for you? If anyone of you is prevented from performing *Hajj*, he should perform the *Tawāf* of the Ka'bah and [Sā'y (going)] between As-Safā and Al-Marwā and then finish the *Ihrām* and everything will become legal for him which was illegal for him (during the state of *Ihrām*); and he can perform *Hajj* in a following year and he should slaughter a *Hady* or observe *Saum* (fasting) in case he cannot afford the *Hady*."

مُحَمَّدٌ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يُونُسُ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي سَالِمٌ قَالَ: كَانَ ابْنُ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: أَلَيْسَ حَسِبُكُمْ سَنَةُ رَسُولِ اللَّهِ ﷺ إِنْ حُسِنَ أَحْدُوكُمْ عَنِ الْحَجَّ طَافَ بِالْبَيْتِ وَبِالصَّفَا وَالْمَرْوَةِ ثُمَّ حَلَّ مِنْ كُلِّ شَيْءٍ حَتَّى يَحْجُّ عَامًا قَابِلًا فَيَهْدِي أَوْ يَصُومُ إِنْ لَمْ يَجِدْ هَذِيَا. وَعَنْ عَبْدِ اللَّهِ قَالَ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنِي سَالِمٌ عَنْ ابْنِ عُمَرَ نَحْوَهُ. [راجع: ١٦٣٩]

(٣) بَابُ النَّحْرِ قَبْلَ الْحَلْقِ فِي الْحَصْرِ

١٨١١ - حَدَّثَنَا مَحْمُودٌ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الرُّزْهُرِيِّ، عَنْ عُرْوَةَ، عَنِ الْمُسْوَرِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ نَحَرَ قَبْلَ أَنْ يَحْلِقَ وَأَمَرَ أَصْحَابَهُ بِذَلِكَ. [راجع: ١٤٩٤]

١٨١٢ - حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ الرَّحِيمِ: أَخْبَرَنَا أَبُو بَدْرٍ شُجاعُ بْنُ الْوَلِيدِ، عَنْ عُمَرَ بْنِ مُحَمَّدٍ الْعُمَرِيِّ قَالَ: وَحَدَّثَ نَافعٌ: أَنَّ عَبْدَ اللَّهِ وَسَالِمًا كَلَّمَا عَبْدَ اللَّهِ بْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا فَقَالَ: خَرَجْنَا مَعَ النَّبِيِّ ﷺ مُغْتَمِرِينَ فَحَالَ كُفَّارٌ فُرِيشٌ دُونَ الْبَيْتِ فَنَحَرَ رَسُولُ اللَّهِ ﷺ بِذَنْهِ وَحَلَقَ رَأْسَهُ . [راجع: ١٦٣٩]

(3) CHAPTER. The slaughtering (of *Hady*) before shaving the head (in case) one is prevented from performing (*Hajj* or '*Umra*).

1811. Narrated Al-Miswar رضي الله عنه that Allāh's Messenger ﷺ slaughtered (the *Hady*) before he had his head shaved and then he ordered his companions to do the same.

1812. Narrated Nāfi' رضي الله عنه that 'Abdullāh and Sālim said to 'Abdullāh bin 'Umar رضي الله عنهما, "(You should not go for *Hajj* this year)." 'Abdullāh bin 'Umar replied, "We set out with the Prophet ﷺ (to Makkah for performing '*Umra*) and the infidels of Quraish prevented us from reaching the Ka'bah. Allāh's Messenger ﷺ slaughtered his *Budn* (camels for sacrifice) and got his head shaved."

(4) CHAPTER. Whoever said that the Muhsar is not supposed to perform 'Umra or Hajj in lieu of the prevented one.

Ibn 'Abbas said, "The performing of *Hajj* is only obligatory in lieu of that *Hajj* which is abandoned because of personal pleasure (having sexual intercourse with his wife), and not for that which is abandoned because some genuine excuse or a similar thing (e.g., disease or lack of money), then he should finish his *Ihrām* and there is no need for him to make up for it. And if he has a *Hady* with him and is prevented from performing *Hajj*, and he is unable to send it to its place of slaughtering, then he should slaughter it. But if he can send it, then he should not finish his *Ihrām* till the *Hady* has reached its place (i.e., has been slaughtered)." Mālik and others said, "He should slaughter his *Hady* and have his head shaved wherever he is and does not have to make up for it, because the Prophet ﷺ and his companions slaughtered the sacrifice and had their heads shaved in Al-Hudaibiya and finished their *Ihrām* before performing the *Tawāf* and before the *Hady* reached the Ka'bah. It is not mentioned that the Prophet ﷺ ordered anybody to make up for any of the missed ceremonies or to repeat anything. And Al-Hudaibiya is outside the boundaries of the sanctuary of Makkah."

1813. Narrated Nāfi': When 'Abdullāh bin 'Umar رضي الله عنهما set out for Makkah with the intention of performing 'Umra in the period of *Al-Fitnah* (trial and affliction), he said, "If I should be prevented from reaching the Ka'bah, then I would do the same as we did while in the company of Allāh's Messenger ﷺ." So, he assumed the *Ihrām* for 'Umra since the Prophet ﷺ had assumed the *Ihrām* for 'Umra in the year of *Al-Hudaibiya*. Then 'Abdullāh bin 'Umar

**(٤) بابٌ مِنْ قَالَ: لَيْسَ عَلَى
المُخْصَرِ بَدْلٌ**

وَقَالَ رَوْحٌ، عَنْ شِبْلٍ، عَنْ أَبِي
أَبِي تَجِيْحٍ، عَنْ مُجَاهِدٍ، عَنْ أَبِي
عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: إِنَّمَا الْبَدْلَ
عَلَى مَنْ نَفَضَ حَجَّهُ بِالثَّلَدْنَ: فَإِنَّمَا مَنْ
حَبَسَهُ عَذْرًا أَوْ غَيْرَ ذَلِكَ فَإِنَّهُ يَحْلُّ وَلَا
يَرْجِعُ. وَإِذَا كَانَ مَعَهُ هَدْنِيٌّ وَهُوَ
مُخْصَرٌ نَحَرَهُ إِنْ كَانَ لَا يَسْتَطِعُ أَنْ
يَبْعَثَ إِنْ اسْتَطَاعَ أَنْ يَبْعَثَ بِهِ لِمْ
يَحْلُّ حَتَّى يَلْتَعِبَ الْهَدْنِيُّ مَحْلَهُ. وَقَالَ
مَالِكٌ وَغَيْرُهُ: يَنْحَرُ هَدْنِيُّ وَيَحْلُّ فِي
أَيِّ مَوْضِعٍ كَانَ وَلَا فَضَاءَ عَلَيْهِ لَأَنَّ
النَّبِيَّ ﷺ وَأَصْحَابَهُ بِالْحُدَيْبِيَّةِ نَحَرُوا
وَحَلَّقُوا وَحَلَّوْا مِنْ كُلِّ شَيْءٍ قَبْلَ
الظَّوَافِ وَقَبْلَ أَنْ يَصِلَ الْهَدْنِيُّ إِلَى
البَيْتِ. ثُمَّ لَمْ يُذَكِّرْ أَنَّ النَّبِيَّ ﷺ أَمَّرَ
أَحَدًا أَنْ يَقْضُوا شَيْئًا وَلَا يَعْوِدُوا لَهُ.
وَالْحُدَيْبِيَّةُ خَارِجٌ مِنَ الْحَرَمِ.

١٨١٣ - حَدَّثَنَا إِسْمَاعِيلُ:
حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ: أَنَّ عَبْدَ اللَّهِ
بْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ حِينَ
خَرَجَ إِلَى مَكَّةَ مُعْتَمِرًا فِي الْفُتُنَّةِ: إِنْ
صُدِّدْتُ عَنِ الْبَيْتِ صَنَعْنَا كَمَا صَنَعْنَا
مَعَ رَسُولِ اللَّهِ ﷺ. فَأَهَلَّ بِعُمْرَةِ مِنْ
أَجْلِ أَنَّ النَّبِيَّ ﷺ كَانَ أَهَلَّ بِعُمْرَةِ

thought about it and said, "The conditions for both *Hajj* and '*Umra* are similar." He then turned towards his companions and said, "The conditions of both *Hajj* and '*Umra* are similar and I make you witness that I have made the performance of *Hajj* obligatory for myself along with '*Umra*." He then performed one *Tawâf* [*Sâ'y* (going) between As-*Safâ* and Al-*Marwa*] for both of them (i.e., *Hajj* and '*Umra*) and considered that to be sufficient for him and offered a *Hady*.

عام الحديبية. ثم إنَّ عبدَ اللهِ بنَ عمرَ نَظَرَ في أمرِه فَقَالَ: ما أَمْرُهُمَا إِلَّا وَاحِدٌ. فَالْتَّفَتَ إِلَى أَصْحَابِهِ فَقَالَ: مَا أَمْرُهُمَا إِلَّا وَاحِدٌ، أُشَهِّدُكُمْ أَنِّي قَدْ أُوْجَبَتُ الْحَجَّ مَعَ الْعُمَرَةِ. ثُمَّ طَافَ لَهُمَا طَوَافًا وَاحِدًا وَرَأَى أَنَّ ذَلِكَ مُجْزَئٌ عَنْهُ وَأَهْدَى. [رَاجِمٌ: ١٦٣٩]

(5) CHAPTER . The Statement of Allāh ﷺ :
“...And whosoever of you is ill or has an ailment in his scalp, (necessitating shaving), he must pay a *Fidyā* (ransom), of either observing *Ṣaum* (fasts) (three days), or giving *Ṣadaqa* (charity – feeding six poor persons), or offer sacrifice (one sheep)...”
(V.2 :196)

He has the option. As for fasting, it should be for three days.

1814. Narrated 'Abdur-Rahmān bin Abū Lailā : Ka'b bin 'Ujra رضي الله عنه said that Allāh's Messenger ﷺ said to him (Ka'b), "Perhaps your lice have troubled you?" Ka'b replied, "Yes! O Allāh's Messenger." Allāh's Messenger ﷺ said, "Have your head shaved and then either fast three days, or feed six poor persons or slaughter one sheep as a sacrifice."

(٥) **بَابُ قَوْلِ اللَّهِ تَعَالَى:** «فَمَنْ كَانَ
مِنْكُمْ مُّرِيضًا أَوْ يَعْدُهُ أَذْنِيَّةُ مِنْ رَأْسِهِ فَقَدِيرَةُ
مِنْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ شُكُورًا» [البقرة:
١٩٦] وَهُوَ مُخْبِرٌ، فَإِنَّ الصَّرْفَ فَثْلَاثَةُ
أَيَّامٍ

١٨١٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ حُمَيْدِ بْنِ قَيْسٍ، عَنْ مُجَاهِدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، عَنْ كَعْبِ بْنِ عُجْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: «أَعْلَمُ أَذَاكَ هَوَامِكَ؟». قَالَ: نَعَمْ يَا رَسُولَ اللَّهِ، يَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «اخْلِقْ رَأْسَكَ وَصُمْ ثَلَاثَةَ أَيَّامٍ، أَوْ أَطْعِمْ سِتَّةَ مَسَاكِينَ، أَوْ اسْكُ بَشَّاءً». [انظر: ١٨١٥، ١٨١٦، ١٨١٧، ٤١٩٠، ٤١٩١، ٤٥١٧، ١٨١٨]

٦) بَابُ قَوْلِ اللَّهِ تَعَالَى: ﴿أَذْ

Here *Sadaqa* is in the form of feeding six poor persons.

1815. Narrated Ka'b bin 'Ujra رضي الله عنه عن ابي سعيد الخدري رضي الله عنه that Allah's Messenger ﷺ stood beside me at Al-Hudaibiya and the lice were falling from my head in great number. He asked me, "Have your lice troubled you?" I replied in the affirmative. He ordered me to get my head shaved. Ka'b added, "This Verse: '...And whosoever of you is ill, or has ailment in his scalp...' (V.2:196) was revealed regarding me." The Prophet ﷺ then ordered me either to observe *Saum* (fast) for three days, or to feed six poor persons with one *Faraq* (three *Sā'*) (of dates), or to slaughter a sheep, (as sacrifice) whatever was available."

(7) CHAPTER. The *Fidya* (compensation for a missed or wrongly practised religious ceremony) in the form of feeding (six persons) each with one-half a *Sā'* (of food).

1816. Narrated 'Abdullah bin Ma'qal: I sat with Ka'b bin 'Ujra رضي الله عنه and asked him about the *Fidya*. He replied, "This revelation was revealed concerning my case especially, but it is also for you in general. I was brought before Allah's Messenger ﷺ and the lice were falling in great numbers on my face. The Prophet ﷺ said, "I have never thought that your ailment (or struggle) has reached to such an extent as I see. Can you afford a sheep?" I replied in the negative. He then said, "Observe *Saum* (fasts) for three days, or feed six poor persons each with one-half a *Sā'* of food ($1\ Sā' = 3$ kilograms approx.) [and get your head shaved]."

سَدَقَةٌ [البُرْقَةُ: ١٩٦] وَهِيَ: إِطْعَامُ سِتَّةَ مَسَاكِينَ

١٨١٥ - حَدَّثَنَا أَبُو ثَمَّةُ: حَدَّثَنَا سَيِّدُّ قَالَ: حَدَّثَنِي مُجَاهِدٌ قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ أَبِي لَيْلَى أَنَّ كَعْبَ بْنَ عُجْرَةَ حَدَّثَهُ قَالَ: وَقَاتَ عَلَيَّ رَسُولُ اللَّهِ ﷺ بِالْحَدِيبَةِ وَرَأَسِي يَتَهَافَتُ قَمْلًا فَقَالَ: «لَوْذِيكَ هَوَامِكَ؟» قَلَّتْ نَعْمٌ، قَالَ: «فَاخْلِقْ رَأْسَكَ»، أَوْ: «اخْلِقْ»، قَالَ: فَيَنْزَلَتْ هَذِهِ الْآيَةُ: «فَإِنْ كَانَ مِنْكُمْ مُّرِيضًا أَوْ يَرْدِي أَدَمَّ بْنَ زَائِدَ» [البُرْقَةُ: ١٩٦] إِلَى آخِرِهَا فَقَالَ الْبَيْهِيُّ وَالْمُؤْمِنُ: «صُنْ ثَلَاثَةَ أَيَّامٍ، أَوْ تَصْدِقَ بِفَرَقٍ بَيْنَ سِتَّةَ، أَوْ تُنْسِكَ مِمَّا يَسِّرَ». [راجع: ١٨٤]

(٧) بَابُ: الإِطْعَامُ فِي الْفِدْيَةِ نِصْفُ صَاعٍ

١٨١٦ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا شُعْبَةُ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الأَصْبَهَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْقِلٍ قَالَ: جَلَسْتُ إِلَى كَعْبٍ بْنَ عُجْرَةَ رَضِيَ اللَّهُ عَنْهُ فَسَأَلْتُهُ عَنِ الْفِدْيَةِ، فَقَالَ: نَزَلَتْ فِي خَاصَّةٍ وَهِيَ لِكُمْ عَامَّةً. حُمِلْتُ إِلَى رَسُولِ اللَّهِ ﷺ وَالْقَمْلُ يَسْتَأْنِرُ عَلَى وَجْهِي فَقَالَ: «مَا كُنْتُ أَرَى الْوَجْعَ بَلَّغَ بِكَ مَا أَرَى، أَوْ: مَا كُنْتُ أَرَى الْجَهْدَ بَلَّغَ بِكَ مَا

أَرَى، تَجِدُ شَاءَ؟» فَقُلْتُ: لَا، قَالَ:
«فَصُمِّ ثَلَاثَةَ أَيَّامٍ، أَوْ أَطْعِنْ سِتَّةَ
مَسَاكِينَ لِكُلِّ مُسْكِينٍ نِصْفَ صَاعٍ».

[راجع: ١٨١٤]

(8) CHAPTER. The *Nusuk* (offering) is one sheep.

1817. Narrated ‘Abdur-Rahmān bin Abū Lailā reporting the speech of Ka'b bin ‘Ujra رضي الله عنه that Allāh's Messenger ﷺ saw him (i.e., Ka'b) while the lice were falling on his face. He asked (him), “Have your lice troubled you?” He replied in the affirmative. So, he ﷺ ordered him to get his head shaved while he was at Al-Hudābiya. At that time they were not permitted to finish their *Ihrām*, and were still hoping to enter Makkah.⁽¹⁾ So, Allāh revealed the Verses of *Al-Fidya*. Allāh's Messenger ﷺ ordered him to feed six poor persons with one *Faraq* of food or to slaughter one sheep (as a sacrifice) or to observe *Saum* (fast) for three days.

١٨١٧ - حَدَّثَنَا إِسْحَاقُ: حَدَّثَنَا رَفِيقٌ: حَدَّثَنَا شِبْلٌ: عَنْ ابْنِ أَبِي نَجِيْحٍ، عَنْ مُجَاهِدٍ قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ أَبِي لَيْلَى، عَنْ كَعْبِ بْنِ عُجْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ رَأَهُ وَأَنَّهُ يَسْقُطُ عَلَى وَجْهِهِ فَقَالَ: «أَبُو ذِيْكَ هَوَّا مُكَ؟» قَالَ: نَعَمْ، فَأَمْرَهُ أَنْ يَخْلِقَ وَهُوَ بِالْحُدَيْبِيَّةِ، وَلَمْ يَبَيِّنْ لَهُمْ أَنَّهُمْ يَحْلُونَ بِهَا وَهُمْ عَلَى طَمَعٍ أَنْ يَدْخُلُوا مَكَّةَ فَأَنْزَلَ اللَّهُ الْفَدْيَةَ فَأَمْرَهُ رَسُولُ اللَّهِ ﷺ أَنْ يُطْعِمَ ثَلَاثَةَ بَيْنَ سِتَّةَ أَوْ يُهْدِيَ شَاءَ أَوْ يَصُومَ ثَلَاثَةَ أَيَّامٍ. [راجع: ١٨١٤]

١٨١٨ - وَعَنْ مُحَمَّدِ بْنِ يُوسُفَ: حَدَّثَنَا وَرْقَاءُ، عَنْ ابْنِ أَبِي نَجِيْحٍ، عَنْ مُجَاهِدٍ: قَالَ حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ أَبِي لَيْلَى، عَنْ كَعْبِ بْنِ عُجْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ رَأَهُ وَقَمْلُهُ يَسْقُطُ عَلَى وَجْهِهِ، مِثْلُهُ. [راجع: ١٨١٤]

(1) (H.1817) Ka'b was permitted to finish his *Ihrām* because of ailment in his head and had to pay *Fidya*, although later on, all his Companions finished *Ihrām* because they were prevented from reaching the Ka'bah.

(9) CHAPTER. The Statement of Allāh : تعالى الله عَزَّ وَجَلَّ : «فَلَا رَفْكَ» [البقرة: ١٩٧]
“...Then he should not have sexual relations (with his wife) ...” (V.2:197)

1819. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ said, “Whoever performs *Hajj* to this House (Ka'bah) and does not approach his wife for sexual relations nor commits sins (while performing *Hajj*), he will come out as sinless as a newborn child (just delivered by his mother).”

(٩) بَابُ قَوْلِ اللَّهِ عَزَّ وَجَلَّ : «فَلَا رَفْكَ» [البقرة: ١٩٧]

١٨١٩ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ : حَدَّثَنَا شُعْبَةُ، عَنْ مَنْصُورٍ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَجَّ هَذَا الْبَيْتَ فَلَمْ يَرْفُثْ وَلَمْ يَفْسُقْ رَجَعَ كَمَا وَلَدَتْهُ أُمُّهُ». [راجع: ١٥٢١]

(10) CHAPTER. The Statement of Allāh : عَزَّ وَجَلَّ : “...nor commit sin nor dispute unjustly during *Hajj*...” (V.2:197)

1820. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ said, “Whoever performs *Hajj* to this House (Ka'bah) and does not approach his wife for sexual relations nor commit sins (while performing *Hajj*), he will come out as sinless as a newborn child (just delivered by his mother).”

(١٠) بَابُ قَوْلِ اللَّهِ عَزَّ وَجَلَّ : «فَلَا شُوْكَ وَلَا جِدَارٌ فِي الْحَجَّ» [البقرة: ١٩٧]

١٨٢٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ : حَدَّثَنَا سُفِيَّاً، عَنْ مَنْصُورٍ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ: «مَنْ حَجَّ هَذَا الْبَيْتَ فَلَمْ يَرْفُثْ وَلَمْ يَفْسُقْ رَجَعَ كَيْزِمَ وَلَدَتْهُ أُمُّهُ». [راجع: ١٥٢١]

28 - THE BOOK OF PENALTY FOR HUNTING [(BY A MUHRIM) AND SIMILAR THINGS].

(1) CHAPTER. The penalty for hunting (by a *Muhrim*) and similar things. And the Statement of Allāh تَعَالَى :

“...Kill not game while you are in the state of *Ihrām* for *Hajj* or *Umra* (pilgrimage), and whosoever of you kills it intentionally, the penalty is an offering, brought to the Ka‘bah, of an eatable animal (i.e., sheep, goat, cow, etc.) brought to the Ka‘bah, equivalent to the one he killed... to the end of the Verse... And fear Allāh to Whom you shall be gathered back.” (V.5:95-96)

(2) CHAPTER. If a non-*Muhrim* hunts (an animal) and gives it as a present to a *Muhrim*, (it is permissible for) the latter to eat it.

Ibn ‘Abbās and Anas considered that there was no harm for a *Muhrim* to slaughter animals which were not game, like camels, sheep, cows, hens, or horses.

1821. Narrated ‘Abdullāh bin Abū Qatāda: My father set out (for Makkah) in the year of Al-Hudaibiya, and his companions assumed *Ihrām*, but he did not. At that time the Prophet ﷺ was informed that an enemy wanted to attack him, so the Prophet ﷺ proceeded onwards. While my father was among his companions, some of them laughed among themselves. (My father said), “I looked up and saw an onager⁽¹⁾. I attacked, stabbed and caught it.

٢٨ - كتاب حزاء الصيد

(١) بَابُ قَوْلِ اللَّهِ تَعَالَى : «لَا تَقْتُلُوا الصَّيْدَ وَأَتَمْ حُرْمَةً وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمِّداً فَجَرَاهُ يُقْتَلُ مَا قَلَّ مِنْ أَنْعَصِهِ» إِلَيْ قَوْلِهِ «وَأَتَقْتُلُوا اللَّهُ الَّذِي أَتَيْهُ مُحَشِّرُونَ» [المائدة: ٩٥-٩٦].

(٢) بَابٌ : إِذَا صَادَ الْحَلَالُ فَأَهْدَى لِلْمُخْرِمِ الصَّيْدَ أَكْلَهُ وَلَمْ يَرَ ابْنَ عَبَّاسٍ وَأَنَسُ بِالذِّبْحِ بِأَسَأْ وَهُوَ فِي غَيْرِ الصَّيْدِ نَحْوَ الْإِبْلِ وَالْغَنِمِ وَالْبَقَرِ وَالدَّجَاجِ وَالْحَيْلِ، يُقَالُ : عَذْلٌ مِثْلُ، فَإِذَا كُسِّرَتْ «عَذْلٌ» فَهُوَ زَنَةُ ذلِكَ. «فِيمَا» [المائدة: ٩٧] : قَوْمًا، «يَقْتَلُونَ» [الأنعام: ١] : يَجْعَلُونَ لَهُ عَذْلًا.

١٨٢١ - حَدَّثَنَا مُعاذُ بْنُ فَضَالَةَ: حَدَّثَنَا هِشَامٌ، عَنْ يَحْمَى، عَنْ عَبْدِ اللَّهِ ابْنِ أَبِي قَتَادَةَ، قَالَ: انْطَلَقَ أَبِي عَامَ الْحُدَيْبِيَّةَ فَأَخْرَمَ أَصْحَابَهُ وَلَمْ يُخْرِمْ، وَحَدَّثَ النَّبِيُّ ﷺ أَنَّ عَدُوًّا يَعْرُوْهُ بِعَيْنَةٍ فَانْطَلَقَ النَّبِيُّ ﷺ فَيَسِّرَ أَبِي مَعَ مَعَ أَصْحَابِهِ يَضْحَكُ بَعْضَهُمْ إِلَى

(1) (H.1821) They were laughing because they saw an onager and could not hunt it=

I then sought my companions' help but they refused to help me. (Later) we all ate its meat. We were afraid that we might be left behind (separated) from the Prophet ﷺ. So, I went in search of the Prophet ﷺ and made my horse to run at a galloping speed at times and let it go slow at an ordinary speed at other times till I met a man from the tribe of Banī Ghifār at midnight. I asked him, "Where did you leave the Prophet ﷺ?" He replied, "I left him at Ta'hun and he had the intention of having the midday rest at As-Suqyā. I followed the traces and joined the Prophet ﷺ and said, 'O Allāh's Messenger! Your people (Companions) send you their compliments, and (ask for) Allāh's Blessings upon you. They are afraid lest they may be left behind; so please wait for them.' I added, 'O Allāh's Messenger I hunted an onager and some of its meat is with me.'⁽¹⁾ The Prophet ﷺ told the people to eat it, though all of them were in the state of *Ihrām*."

(3) CHAPTER. If the *Muhrimūn* saw game and then laughed and a non-*Muhrim* understood (why they laughed) (then their laughing is not to be considered as an intentional sign to draw the non-*Muhrim*'s attention. Therefore they are allowed to eat the game).

1822. Narrated 'Abdullāh bin Abū Qatāda that his father said, "We proceeded with the Prophet ﷺ in the year of Al-Hudaibiyā and his companions assumed *Ihrām* but I did not.

=because they were in a state of *Ihrām*; neither were they allowed to draw the attention of Abū Qatāda who was not a *Muhrim* then.

(1) (H.1821) Perhaps Abū Qatāda hurried to reach the Prophet ﷺ so that he might ask him whether it was legal for the *Muhrimūns* to eat from that game, since some of his companions had refused to eat.

بعض، فَنَظَرْتُ فَإِذَا أَنَا بِحِمَارٍ وَخَشِنَّا
فَحَمَلْتُ عَلَيْهِ فَطَعْتَهُ فَأَبْتَهَهُ وَاسْتَعْتَ
بِهِمْ فَأَبْوَا أَنْ يُعْنِيُونِي، فَأَكَلْنَا مِنْ
لَحْمِهِ وَخَشِبْنَا أَنْ تُقْطَعَ فَطَلَبْتُ النَّبَيِّ
أَرْفَعَ فَرَسِي شَأْوَا وَأَسِيرُ شَأْوَا،
فَلَقِيْتُ رَجُلًا مِنْ بَنِي غَفَارٍ فِي جَوْفِ
اللَّيْلِ، قُلْتُ: أَيْنَ تَرَكْتَ النَّبَيِّ؟
قَالَ: تَرَكْتُهُ بِتَغْهِنَّ، وَهُوَ قَائِلُ
السُّعْدِيَا. قُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّ
أَهْلَكَ يَقْرُونَ عَلَيْكَ السَّلَامَ وَرَحْمَةَ
اللَّهِ، إِنَّهُمْ قَدْ حَشُوا أَنْ يُقْتَطِعُوا
دُونَكَ فَاتَّظَرُهُمْ. قُلْتُ: يَا رَسُولَ
اللَّهِ، أَصْبَثْتُ حِمَارَ وَخَشِنَّا مِنْهُ
فَاضِلَّةً، فَقَالَ لِلنَّوْمِ: «كُلُوا»، وَهُمْ
مُخْرِمُونَ. [انظر: ١٨٢٢، ١٨٢٣، ٤١٤٩،
١٨٢٤، ٢٥٧٠، ٢٨٥٤، ٢٩١٤، ٥٤٩٢، ٥٤٩٦،
٥٤٩١، ٥٤٩٠، ٥٤٠٧]

(٣) بَابٌ: إِذَا رَأَى الْمُخْرِمُونَ صَبَدَا
فَصَحِّحُوكُمْ فَقَطِنَ الْحَلَالُ

١٨٢٢ - حَدَّثَنَا سَعِيدُ بْنُ الرَّبِيعِ:
حَدَّثَنَا عَلَيُّ بْنُ الْمُبَارَكِ، عَنْ يَحْيَى،
عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَتَادَةَ: أَنَّ أَبَاهُ

We were informed that some enemies were at Ghaiqa and so we went on towards them. My companions saw an onager and some of them started laughing among themselves. I looked and saw it. I chased it on my horse and stabbed and caught it. I wanted some help from my companions but they refused. (I slaughtered it all alone). We all ate from it (i.e., its meat). Then I followed Allāh's Messenger ﷺ lest we should be left behind. At times I urged my horse to run at a galloping speed and at other times at an ordinary slow speed. On the way I met a man from the tribe of Banī Ghifār at midnight. I asked him where he had left Allāh's Messenger ﷺ. The man replied that he had left the Prophet ﷺ at a place called Ta'ūn and he had the intention of having the midday rest at As-Suqyā. So, I followed Allāh's Messenger ﷺ till I reached him and said, "O Allāh's Messenger I have been sent by my companions who send you their greetings and compliments and ask for Allāh's Mercy and Blessings upon you. They were afraid lest the enemy might intervene between you and them; so please wait for them." So he did. Then I said, "O Allāh's Messenger! We have hunted an onager and have some of it (i.e., its meat) left over." Allāh's Messenger ﷺ told his companions to eat the meat, although all of them were in a state of *Ihrām*.

(4) CHAPTER. A *Muhrim* should not help a non-*Muhrim* in the hunting of a game.

1823. Narrated Abū Qatāda رضي الله عنه: We were in the company of the Prophet ﷺ at a place called Al-Qāha (which is at a distance of three stages of journey from Al-Madina). Abū Qatāda رضي الله عنه narrated through another group of narrators: We were in the

حدثنا قال: انطلقنا مع النبي ﷺ عام الحديبية فأحرم أصحابه ولم أحرب، فلأنّا بعده بعنة فتوّجها نحوهم، ببصري أصحابي بحمار وخش فجعلت بضمّهم يضحك إلى بعض. فنظرت فرأيتها فحملت على المرسَن قطعته فأثبته، فاستعثتهم فأبوا أن يعينوني. فاكثنا منه، ثم لحقت برسول الله ﷺ وخشينا أن نقطع أرفع فرسى شاؤا وأسير عليه شاؤا، فلقيت رجلاً من بنى غفار في جوف الليل فقلت: أين تركت رسول الله ﷺ فقال: تركته يتعهن وهو قائل السفيا. فلحقت برسول الله ﷺ حتى أتيته. فقلت: يا رسول الله، إن أصحابك أرسلوا يقرؤون عليك السلام ورحمة الله، وإنهم قد خسروا أن يقطعهم العدو دُونك فانظرهم ففعل. فقلت: يا رسول الله، إنما أصدقنا حمار وخش وإن عندنا منه فاضلة فقال رسول الله ﷺ لا أصحابه: «كُلوا»، وهُم محرمون. [راجع: ١٨٢٢]

(٤) باب: لا يعين المحرم العلال في قتل الصيد

١٨٢٣ - حدثنا عبد الله بن محمد: حدثنا سفيان: حدثنا صالح بن كيسان، عن أبي محمد: سمع أبا قتادة قال: كنا مع رسول الله ﷺ

company of the Prophet ﷺ at a place called Al-Qâha and some of us had assumed *Ihrâm* while the others had not. I noticed that some of my companions were watching something, so I looked up and saw an onager. (I rode my horse and took the spear and whip) but my whip fell down (and I asked them to pick it up for me) but they said, "We will not help you by any means as we are in a state of *Ihrâm*." So, I picked up the whip myself and attacked the onager from behind a hillock and slaughtered it and brought it to my companions. Some of them said, "Eat it." While some others said, "Do not eat it." So, I went to the Prophet ﷺ who was ahead of us and asked him about it. He replied, "Eat it, as it is *Halâl* (i.e., it is legal to eat it)."

بالفاححة من المدينة على ثلاثة حـ .
وحدثنا علي بن عبد الله: حدثنا
سفيان: حدثنا صالح بن كيسان، عن
أبي محمد، عن أبي قتادة رضي الله
عنه قال: كنـا مع النبي ﷺ بالفاححة
ومـا المحرـم ومنـا غير المحرـم،
فرأـيت أصحـابـي يـتراءـونـ شـيـئـاـ،
فـنظـرـتـ فـإـذـا حـمارـ وـخـشـ يـعـنيـ وـقـعـ
سوـطـهـ فـقـالـواـ: لـاـ تـعـيـنـكـ عـلـيـهـ يـشـيءـ،
إـنـاـ مـحـرـمـونـ. فـتـأـوـلـتـهـ فـأـحـذـثـهـ ثـمـ
أـتـيـتـ الـحـمـارـ مـنـ وـرـاءـ أـكـمـةـ فـعـرـفـتـهـ
فـأـتـيـتـ بـهـ أـصـحـابـيـ فـقـالـ بـعـضـهـمـ:
كـلـوـاـ، وـقـالـ بـعـضـهـمـ: لـاـ تـأـكـلـواـ.
فـأـتـيـتـ النـبـيـ ﷺ وـهـ أـمـامـنـاـ فـسـأـلـتـهـ
فـقـالـ: «كـلـوـهـ حـالـلـ»، قـالـ لـنـاـ عـمـرـوـ:
أـدـهـبـوـ إـلـىـ صـالـحـ فـسـلـوـهـ عـنـ هـذـاـ
وـغـيـرـهـ. وـقـدـمـ عـلـيـنـاـ هـاهـنـاـ.

[راجع: ١٨٢١]

(٥) بـابـ: لـاـ يـشـيرـ المـحـرـمـ إـلـىـ
الـصـيـدـ لـكـنـ يـصـطـادـ الـحـلـالـ

١٨٢٤ - حدثنا موسى بن إسماعيل: حدثنا أبو عوانة: حدثنا عثمان هو ابن موهب، قال: أخبرني عبد الله بن أبي قتادة، أن أباه أخبره: أن رسول الله ﷺ خرج حاجاً، فخرجوا معه فصرف طائفة منهم فيهم أبو قتادة فقال: «خذوا ساحل البحر حتى نلتقي»، فأخذوا

(5) CHAPTER. A *Muhrim* should not point at a game with the intention that a non-*Muhrim* may hunt it.

1824. Narrated 'Abdullâh bin Abû Qatâda that his father had told him that Allâh's Messenger ﷺ set out for *Hajj* and so did his Companions. He sent a batch of his Companions by another route and Abû Qatâda was one of them. The Prophet ﷺ said to them, "Proceed along the sea-shore till we meet all together." So, they took the route of the sea-shore, and when they started all of them assumed *Ihrâm* except Abû Qatâda. While they were proceeding on, his companions saw a group of onagers. Abû

Qatāda chased the onagers and attacked and wounded a she-onager. They got down and ate some of its meat and said to each other : “How do we eat the meat of the game while we are in a state of *Ihrām*? ” So, we (they) carried the rest of the she-onager’s meat, and when they met Allāh’s Messenger ﷺ they asked saying, “O Allāh’s Messenger! We assumed *Ihrām* with the exception of Abū Qatāda and we saw (a group) of onagers. Abū Qatāda attacked them and wounded a she-onager from them. Then we got down and ate from its meat. Later, we said, (to each other), ‘How do we eat the meat of the game and we are in a state of *Ihrām*? ’ So, we carried the rest of its meat.” The Prophet ﷺ asked, “Did anyone of you order Abū Qatāda to attack it or point at it? ” They (we) replied in the negative. He said, “Then eat what is left of its meat.”

سَاحِلَ الْبَحْرِ. فَلَمَّا انْصَرَفُوا أُخْرَمُوا كُلُّهُمْ إِلَّا أَبَا قَتَادَةَ لَمْ يُخْرِمْ، فَبَيْنَمَا هُنْ يَسْبِرُونَ إِذْ رَأُوا حُمْرًا وَحْشَيًّا فَعَقَرَ أَبُو قَتَادَةَ عَلَى الْحُمْرِ فَعَقَرَ مِنْهَا أَتَانَا، فَنَزَّلُوا فَأَكَلُوا مِنْ لَحْمِهَا وَقَالُوا: أَنَّا كُلُّ لَحْمٍ صَيْدٍ وَنَحْنُ مُخْرِمُونَ؟ فَحَمَلْنَا مَا بَقِيَ مِنْ لَحْمِ الْأَتَانِ فَلَمَّا أَتَوْا رَسُولَ اللَّهِ ﷺ قَالُوا: يَا رَسُولَ اللَّهِ، إِنَّا كُنَّا أُخْرَمْنَا وَقَدْ كَانَ أَبُو قَتَادَةَ لَمْ يُخْرِمْ فَرَأَيْنَا حُمْرًا وَحْشَيًّا فَعَقَرَ عَلَيْهَا أَبُو قَتَادَةَ فَعَقَرَ مِنْهَا أَتَانَا فَنَزَّلُنا فَأَكَلْنَا مِنْ لَحْمِهَا ثُمَّ قُلْنَا: أَنَّا كُلُّ لَحْمٍ صَيْدٍ وَنَحْنُ مُخْرِمُونَ؟ فَحَمَلْنَا مَا بَقِيَ مِنْ لَحْمِهَا. قَالَ: «أَمِنْتُمْ أَحَدَ أُمَرَّةَ أَنْ يَحْمِلَ عَيْنَاهَا أَوْ أَشَارَ إِلَيْهَا؟» قَالُوا: لَا، قَالَ: «فَأَكُلُوا مَا بَقِيَ مِنْ لَحْمِهَا». [راجع: ١٨٢١]

(٦) بَابُ إِذَا أَهْدَى لِلْمُخْرِمِ حِمَارًا وَحْشَيًّا حَيَا لَمْ يَقْلِنْ

١٨٢٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ أَبْنِ شَهَابٍ، عَنْ عَبْدِ اللَّهِ أَبْنِ عَبْدِ اللَّهِ بْنِ عُثْمَانَ بْنِ مُسَوِّدٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنْ الصَّاغِبِ بْنِ جَشَّامَةَ الْلَّيْثِيِّ: أَنَّهُ أَهْدَى لِرَسُولِ اللَّهِ ﷺ حِمَارًا وَحْشَيًّا وَهُوَ بِالْأَبْوَاءِ أَوْ بِوَدَانَ فَرَدَةً عَلَيْهِ. فَلَمَّا رَأَى مَا فِي وَجْهِهِ

(6) CHAPTER. If any person gave a living onager as a present to a *Muhrim* then he should not accept it.

1825. Narrated ‘Abdullāh bin ‘Abbās رضي الله عنهما on the authority of Aṣ-Ṣa'b bin Jath-thāma Al-Laithī that the latter presented an onager to Allāh’s Messenger ﷺ while he was at Al-Abwā' or at Waddān, and he refused to accept it. On noticing the signs of some unpleasant feeling of disappointment on his (Aṣ-Ṣa'b's) face, the Prophet ﷺ said to him, “I have only returned it because I am *Muhrim*.”

قالَ: «إِنَا لَمْ نَرُدْهُ إِلَّا أَنَا حُرْمٌ».

[انظر: ٢٥٧٣، ٢٥٩٧]

(7) CHAPTER. (What kind of) animals can be killed by a *Muhrim*.

1826. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما said: Allāh’s Messenger ﷺ said, “It is not sinful on a *Muhrim* to kill five kinds of animals.” (A crow, a kite, a scorpion, a mouse and a rabid dog).

1827. One of the wives of the Prophet ﷺ narrated: The Prophet ﷺ said, “A *Muhrim* can kill (five kinds of animals.)”

1828. Narrated Hafṣa رضي الله عنها said: Allāh’s Messenger ﷺ said, “It is not sinful (on a non-*Muhrim* or a *Muhrim*) to kill five kinds of animals, namely: a crow, a kite, a mouse, a scorpion and a rabid dog.”

1829. Narrated ‘Āishah رضي الله عنها said: Allāh’s Messenger ﷺ said, “Five kinds of animals are harmful and could be killed in the *Haram*

(٧) بَابُ مَا يَقْتُلُ الْمُحْرِمُ مِنَ الدَّوَابِ

١٨٢٦ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «خَمْسٌ مِنَ الدَّوَابِ لَيْسَ عَلَى الْمُحْرِمِ فِي قَتْلِهِنَّ جُنَاحٌ». وَعَنْ عَبْدِ اللهِ ابْنِ دِينَارٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ. [انظر: ٣٣١٥]

١٨٢٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ زَيْدِ بْنِ جُبَيرٍ، قَالَ: سَمِعْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: حَدَّثَنِي إِحْدَى نِسَوةِ النَّبِيِّ ﷺ عَنِ النَّبِيِّ ﷺ قَالَ: «يَقْتُلُ الْمُحْرِمُ». [انظر: ١٨٢٨]

١٨٢٨ - حَدَّثَنَا أَصْبَحُ بْنُ الْفَرَجِ: قَالَ: أَخْبَرَنِي عَبْدُ اللهِ بْنُ وَهْبٍ، عَنْ يُونُسَ، عَنْ ابْنِ شِهَابٍ، عَنْ سَالِمٍ، قَالَ: قَالَ عَبْدُ اللهِ بْنُ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: قَالَتْ حَفْصَةُ: قَالَ رَسُولُ اللهِ ﷺ: «خَمْسٌ مِنَ الدَّوَابِ لَا حَرَجٌ عَلَى مَنْ قَتَلَهُنَّ: الْغُرَابُ، وَالْجَدَاءُ، وَالْفَأْرَةُ وَالْعَقْرَبُ، وَالْكَلْبُ الْعَقْوُرُ». [انظر: ١٨٢٩]

١٨٢٩ - حَدَّثَنَا يَحْيَى بْنُ سُلَيْمانَ قَالَ: حَدَّثَنِي ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي

(sanctuary). These are: a crow, a kite, a scorpion, a mouse and a rabid dog.”

يُؤْسُنُ، عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ،
عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّ رَسُولَ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ قَالَ: «خَمْسٌ مِنَ الدَّوَابِ
كُلُّهُنَّ فاسِقٌ، يُقْتَلُنَّ فِي الْحَرَمِ:
الْغَرَابُ، وَالْجِدَاءُ، وَالْعَفْرَابُ،
وَالْفَارَّةُ، وَالْكَلْبُ الْعَقُورُ».

[انظر: ٣٣١٤]

1830. Narrated ‘Abdullah: رَضِيَ اللَّهُ عَنْهُ ‘Abdullah: While we were in the company of the Prophet ﷺ in a cave at Mina, when *Surat Al-Mursalat* was revealed and he recited it and I heard it (directly) from his mouth as soon as he recited it, then suddenly a snake sprang at us and the Prophet ﷺ said (ordered us): “Kill it.” We ran to kill it but it escaped quickly. The Prophet ﷺ said, “It has escaped your evil and you too have escaped its evil.”

١٨٣٠ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ
بْنُ غِيَاثٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا
الْأَعْمَشُ: حَدَّثَنِي إِبْرَاهِيمُ، عَنْ
الْأَسْوَدِ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ
قَالَ: بَيْنَمَا نَحْنُ مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ فِي
غَارٍ يَمْنَى إِذْ نَزَلَ عَلَيْهِ ﴿وَأَمْرَسْكَتَهُ﴾
وَإِنَّهُ لَيَتَلُو هَا وَإِنِّي لَأَتَلَقَّا هَا مِنْ فِيهِ
وَإِنَّ فَاهُ لَرَطْبٌ بِهَا إِذْ وَتَبَثَ عَلَيْنَا حَيَّةً
فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ: «أَفْتُلُوهَا»،
فَابْتَدَرَنَا هَا فَدَهَبَتْ، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ:
«وَقَيْتَ شَرَكَمْ كَمَا وُقِيْتَ شَرَهَا».

[انظر: ٤٩٣١٧، ٤٩٣٠، ٤٩٣١]

1831. Narrated ‘Aishah: رَضِيَ اللَّهُ عَنْهَا ‘Aishah, the wife of the Prophet ﷺ: Allāh’s Messenger ﷺ called a house-lizard, a bad animal, but I did not hear him ordering that it should be killed.” [See H.3306].

١٨٣١ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ:
حَدَّثَنِي مَالِكُ، عَنْ ابْنِ شَهَابٍ، عَنْ
عُرْوَةَ بْنِ الزَّبِيرِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ
عَنْهَا رَوْجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ أَنَّ رَسُولَ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ قَالَ لِلْوَرَاغِ: «فُوَيْسِقُ»، وَلَمْ
أَسْمَعْهُ أَمْرَ بِقَتْلِهِ قَالَ أَبُو عَبْدِ اللَّهِ:
إِنَّمَا أَرَوْنَا بِهَذَا أَنَّ مِنَّيْ مِنَ الْحَرَمِ
وَأَنَّهُمْ لَمْ يَرَوْا بِقَاتِلِ الْحَيَّةِ بَاسًا.

[انظر: ٣٣٠٦]

(8) CHAPTER. It is not permissible to cut the trees⁽¹⁾ of the *Haram* (the sanctuary of Makkah).

Narrated Ibn ‘Abbās: The Prophet ﷺ said, “Its (the *Haram*) thorny bushes are not allowed to be cut off.”

1832. Narrated Sa‘id bin Abū Sa‘id Al-Maqbūrī: Abū Shuraih Al-‘Adawī said that he had said to ‘Amr bin Sa‘id when he was sending the troops to Makkah (to fight ‘Abdullāh bin Az-Zubair), “O Chief! Allow me to tell you what Allāh’s Messenger ﷺ said on the day following the conquest of Makkah. My ears heard that and my heart understood it thoroughly and I saw with my own eyes the Prophet ﷺ when he, after glorifying and praising Allāh, said, ‘Allāh, not the people, made Makkah a sanctuary, so anybody who has belief in Allāh and the Last Day should neither shed blood in it, nor should he cut down its trees. If anybody tells (argues) that fighting in it is permissible on the basis that Allāh’s Messenger ﷺ did fight in Makkah, say to him: Allāh allowed His Messenger ﷺ and did not allow you.’ The Prophet ﷺ added: ‘[Allāh allowed me only for a few hours on that day (of the conquest) and today its sanctity is valid as it was before. So, those who are present should inform those who are absent (concerning this fact).]’” Abū Shuraih was asked, “What did ‘Amr reply?” He said, (“Amr said) “O Abū Shuraih! I know better than you in this respect, Makkah does not give protection to a sinner, a murderer or a thief.””

(٨) بَابٌ: لَا يُعْصِدُ شَجَرُ الْحَرَمِ،

وقال ابن عباس رضي الله عنهم عن النبي عليه السلام: (لا يعصد شوكه).

١٨٣٢ - حَدَّثَنَا فَتَيْهُ: حَدَّثَنَا

اللَّيْثُ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبِرِيِّ، عَنْ أَبِي شُرَيْحِ الْمَدْوَيِّ أَنَّهُ قَالَ لِعُمَرَ وَبْنَ سَعِيدٍ وَهُوَ يَبْعَثُ الْبُعُوتَ إِلَى مَكَّةَ: أَئْذَنْ لِي أَيُّهَا الْأَمْيَرُ أَحَدِنِكَ قَوْلًا قَامَ بِهِ رَسُولُ الله ﷺ الْغَدَ مِنْ يَوْمِ الْفَتحِ فَسَمِعَتْهُ أَذْنَايَ، وَوَعَاهَ قَلْبِيَ، وَأَبْصَرَهُ عَيْنَايَ حِينَ تَكَلَّمَ بِهِ. إِنَّهُ حَمِدَ اللَّهَ وَأَشْنَى عَلَيْهِ. ثُمَّ قَالَ: «إِنَّ مَكَّةَ حَرَمَهَا اللَّهُ وَلَمْ يُحَرِّمْهَا النَّاسُ فَلَا يَجِدُ لَمَرِئِي يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ يَسْفِكَ بِهَا دَمًا وَلَا يُعْصِدَ بِهَا شَجَرَةً. فَإِنْ أَحَدٌ تَرَحَّصَ لِقِتَالِ رَسُولِ الله ﷺ فَقُولُوا لَهُ: إِنَّ اللَّهَ أَذِنَ لِرَسُولِهِ ﷺ، وَلَمْ يَأْذِنْ لَكُمْ. وَإِنَّمَا أَذِنَ لِي سَاعَةً مِنْ نَهَارٍ وَقَدْ عَادَتْ حُرْمَتُهَا الْيَوْمَ كَحُرْمَتِهَا بِالْأَمْسِ. وَلَيُبَلِّغَ الشَّاهِدُونَ الغَايَبَ». فَقَيَّلَ لِأَبِي شُرَيْحٍ: مَا قَالَ لَكَ عُمَرُ؟ قَالَ: أَنَا أَعْلَمُ بِذَلِكَ مِنْكَ يَا أَبا شُرَيْحٍ، إِنَّ الْحَرَمَ لَا يُعْيَدُ عَاصِيًّا وَلَا فَارًِا بِدَمٍ، وَلَا فَارًِا بِحُرْبَةٍ. حُرْبَةٌ: بَلَّةٌ. [١٠٤]

(1) (Ch.8) Trees: Naturally grown only, neither planted nor sowed by you.

(9) CHAPTER. The game in the *Haram* (Sanctuary) should not be chased or disturbed.

1833. Narrated Ibn ‘Abbās : رَضِيَ اللَّهُ عَنْهُمَا أَبُو عَبْدِ الرَّحْمَنِ الْمُشَنِّي : The Prophet ﷺ said, “Allāh has made Makkah a sanctuary, so it was a sanctuary before me and will continue to be a sanctuary after me. It was made legal for me (i.e., I was allowed to fight in it) for a few hours of a day. It is not allowed to uproot its shrubs or to cut its trees, or to chase (or disturb) its game, or to pick up its *Luqata* (fallen things) except by a person who would announce that (what he has found) publicly.” Al-‘Abbās said, “O Allāh’s Messenger! Except *Al-Idhkhīr* (a kind of grass) (for it is used) by our goldsmiths and for our graves.” The Prophet ﷺ then said, “Except *Al-Idhkhīr*.” Ikrīma said, “Do you know what ‘chasing or disturbing’ the game means? It means driving it out of the shade to occupy its place.”⁽¹⁾

(10) CHAPTER. Fighting is prohibited in Makkah.

Narrated Abū Shuraiḥ that the Prophet ﷺ said, “It is forbidden to shed blood in Makkah.”

1834. Narrated Ibn ‘Abbās : رَضِيَ اللَّهُ عَنْهُمَا أَبُو عَبْدِ الرَّحْمَنِ الشَّيْعِيَّة : On the day of the conquest of Makkah, the Prophet ﷺ said, “There is no more emigration (from Makkah) but *Jihād* and intentions⁽²⁾, and whenever you are called for *Jihād*, you should go immediately. No doubt, Allāh has made this place (Makkah) a

(٩) بَابٌ: لَا يَنْفَرُ صَيْدُ الْحَرَمِ

١٨٣٣ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ، عَنْ عَكْرَمَةَ، عَنْ أَبْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ النَّبِيَّ ﷺ قَالَ: «إِنَّ اللَّهَ حَرَمَ مَكَّةَ فَلَمْ تَجْلِ لِأَحَدٍ قَلْبِيَّ، وَلَا تَجْلِ لِأَحَدٍ بَعْدِيَّ، وَإِنَّمَا أَحْلَتُ لِي سَاعَةً مِنْ نَهَارٍ لَا يُخْتَلِي خَلَامِهَا، وَلَا يُعْضَدُ شَجَرُهَا، وَلَا يَنْفَرُ صَيْدُهَا، وَلَا تُلْمَظُ لُقْطَتُهَا إِلَّا لِمُعْرَفَةِ». وَقَالَ العَبَّاسُ: يَا رَسُولَ اللَّهِ، إِلَّا الإِذْخِرَ لِصَاغِتَنَا وَقُبُورِنَا. فَقَالَ: «إِلَّا الإِذْخِرَ». وَعَنْ خَالِدٍ عَنْ عَكْرَمَةَ قَالَ: هَلْ تَدْرِي مَا لَا يَنْفَرُ صَيْدُهَا؟ هُوَ أَنْ يُنْهَيَّ مِنَ الظَّلِّ، يَنْزِلُ مَكَانَهُ». [راجع: ١٣٤٩]

(١٠) بَابٌ: لَا يَجْلِ القِتَالُ بِمَكَّةَ، وَقَالَ أَبُو شُرَيْحٍ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ: «لَا يَسْفِكُ بَهَا دَمًا».

١٨٣٤ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي مُجَاهِدٍ، عَنْ طَاؤُسٍ، عَنْ مَنْصُورٍ، عَنْ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ النَّبِيُّ ﷺ يَوْمَ افْتَحَ مَكَّةَ: «لَا هِجْرَةَ وَلِكُنْ

(1) (H.1833) ‘Aṭā’ and Mujāhid disagree with Ikrīma for they think that it is permissible to dismiss the game, unless that brings about its death.

(2) (H.1834) i.e., you must have intention to participate in *Jihād* when there is call for it.

sanctuary since the creation of the heavens and the earth, and will remain a sanctuary till the Day of Resurrection as Allāh has ordained its sanctity. Fighting was not permissible in it for anyone before me, and even for me it was allowed only for a portion of a day. So, it is a sanctuary with Allāh's sanctity till the Day of Resurrection. Its thorns should not be uprooted and its game should not be chased; and its *Luqāta* (fallen things) should not be picked up except by one who would announce that publicly, and its vegetation (grass etc.) should not be cut." Al-'Abbās said, "O Allāh's Messenger! Except *Al-Idhkhīr* (for it is used by their blacksmiths, and for their domestic purposes)." So, the Prophet ﷺ said, "Except *Al-Idhkhīr*."

جَهَادٌ وَنِيَّةٌ، وَإِذَا اسْتُقْرِئُتُمْ فَانْفَرُوا،
فَإِنَّ هَذَا بَلْدَ حَرَامَ اللَّهُ يَوْمَ خَلَقَ
السَّمَاوَاتِ وَالْأَرْضَ، وَهُوَ حَرَامٌ
بِحُرْمَةِ اللَّهِ إِلَى يَوْمِ الْقِيَامَةِ。 وَإِنَّهُ لَا
يَحِلُّ لِغَتَالٍ فِيهِ لَأَحَدٍ قَبْلِيٍّ وَلَمْ يَحِلُّ
لِي إِلَّا سَاعَةً مِنْ نَهَارٍ، فَهُوَ حَرَامٌ
بِحُرْمَةِ اللَّهِ إِلَى يَوْمِ الْقِيَامَةِ لَا يُغَضَّدُ
شَوْكُهُ، وَلَا يُنْفَرُ صَدْهُ، وَلَا يَنْتَقِطُ
لُقْطَتُهُ إِلَّا مَنْ عَرَفَهَا وَلَا يُخْتَلِي
خَلَاهَا。 قَالَ العَبَّاسُ: يَا رَسُولَ
اللَّهِ، إِلَّا الإِذْخَرُ فِيمَا لَيَقِينُهُمْ
وَلَبِيُّوهُمْ، قَالَ: «إِلَّا الإِذْخَرُ».

[١٣٤٩]

(11) CHAPTER. Cupping (i.e., letting out of the blood medically) for a *Muhrim*.

Ibn 'Umar branded his son while he was in a state of *Ihrām*, and it is permissible for a *Muhrim* to take medicine on condition that it does not contain any perfume.

1835. Narrated Ibn 'Abbās : رَضِيَ اللَّهُ عَنْهُمَا Allāh's Messenger ﷺ was cupped while he was in a state of *Ihrām*.

(١١) بَابُ الْحِجَامَةِ لِلْمُخْرِمِ،
وَكَوَى ابْنُ عُمَرَ ابْنَهُ وَهُوَ مُخْرِمٌ،
وَيَنْدَوِي مَا لَمْ يُكُنْ فِيهِ طَيْبٌ.

١٨٣٥ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ
اللَّهِ: حَدَّثَنَا سُفْيَانُ قَالَ: قَالَ لَنَا
عُمَرُ: أَوَّلُ شَيْءٍ سَعَيْتُ عَطَاءَ
يَقُولُ: سَعَيْتُ ابْنَ عَبَّاسَ رَضِيَ اللَّهُ
عَنْهُمَا يَقُولُ: احْتَجَمَ رَسُولُ اللَّهِ ﷺ
وَهُوَ مُخْرِمٌ。 ثُمَّ سَمِعَهُ يَقُولُ: حَدَّثَنِي
طَاوُسٌ، عَنْ ابْنِ عَبَّاسٍ، قَلْتُ:
لَعَلَّهُ سَمِعَهُ مِنْهُمَا。 [انظر: ١٩٣٨،
١٩٣٩، ٥٦٩١، ٢١٠٣، ٢٢٧٨، ٢٢٧٩، ٥٧٠١،
٥٦٩٥، ٥٦٩٩]

1836. Narrated Ibn Buhaina : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ, while in the state of *Ihrām*,

١٨٣٦ - حَدَّثَنَا خَالِدُ بْنُ مَخْلِدٍ:

was cupped at the middle of his head at Lahye-Jamal.

حدَثَنَا سُلَيْمَانُ بْنُ بِلَالٍ، عَنْ عَلْقَمَةَ
بْنِ أَبِي عَلْقَمَةَ، عَنْ عَبْدِ الرَّحْمَنِ
الْأَعْرَجِ، عَنْ ابْنِ بُحْيَيْنَ رَضِيَ اللَّهُ عَنْهُ
قَالَ: اخْتَجَمَ النَّبِيُّ ﷺ وَهُوَ مُحْرِمٌ
بِلَحْيِ جَمَلٍ فِي وَسْطِ رَأْسِهِ.

[انظر: ٥٦٩٨]

(12) CHAPTER. The marrying of a *Muhrim*.

1837. Narrated Ibn ‘Abbās: رَضِيَ اللَّهُ عَنْهُمَا The Prophet ﷺ married Maimūna while he was in the state of *Ihrām*, (only the ceremonies of marriage were held).

١٨٣٧ - حَدَثَنَا أُبُو الْمُغِيرَةَ عَبْدُ
الْقَدُوسِ بْنُ السَّجَاجِ: حَدَثَنَا
الْأَوْزَاعِيُّ: حَدَثَنِي عَطَاءُ بْنُ رَبَاحٍ،
عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ
النَّبِيًّا ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ.

[انظر: ٤٢٥٩، ٤٢٥٨]

(13) CHAPTER. What is forbidden for a *Muhrim* (male or female) as regards perfumes.

‘Aishah رَضِيَ اللَّهُ عَنْهَا said, “A woman in the state of *Ihrām* should not wear clothes perfumed with *Wars* or saffron.”

١٨٣٨ - بَابُ مَا يُنْهَىٰ مِنَ الطِّيبِ
لِلْمُحْرِمِ وَالْمُحْرِمَةِ،
وَقَالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا: لَا
تَلْبِسُ الْمُحْرِمَةُ ثَوْبًا بِوْرَسٍ أَوْ
رَعْفَرَانٍ.

1838. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُ: A person stood up and asked, “O Allāh’s Messenger! What clothes may be worn in the state of *Ihrām*?” The Prophet ﷺ replied, “Do not wear a shirt or trousers, or any headgear (e.g., a turban), or a hooded cloak; but if somebody has no shoes he can wear leather stockings, provided they are cut short off the ankles, and also, do not wear anything perfumed with *Wars* or saffron, and the *Muhrima* (a woman in the state of *Ihrām*) should not cover her face, and should not wear gloves.”

١٨٣٨ - حَدَثَنَا عَبْدُ اللَّهِ بْنُ
بَرِيدَ: حَدَثَنَا الْلَّيْثُ: حَدَثَنَا نَافِعٌ، عَنْ
عَبْدِ اللَّهِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا
قَالَ: قَامَ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ،
مَاذَا تَأْمُرُنَا أَنْ نَلْبِسَ مِنَ الثِّيَابِ فِي
الْإِحْرَامِ؟ فَقَالَ النَّبِيُّ ﷺ: «لَا تَلْبِسُوا
الْقُمُصَّ، وَلَا السَّرَّاوِيلَاتِ، وَلَا
الْعَمَائِمَ، وَلَا الْبَرَائِسَ إِلَّا أَنْ يَكُونَ
أَحَدُ لِيَسْتَ لَهُ نَعْلَانٌ فَلَا يُلْبِسُ الْحُفَّيْنِ
وَلَا يَقْطَعُ أَسْفَلَ مِنَ الْكَعْبَيْنِ. وَلَا

تَلْبِسُوا شَيْئاً مَسَّهُ رَعْفَرَانُ وَلَا
الوَرْسُ. وَلَا تَنْقِبِ الْمُخْرِمَةُ وَلَا
تَلْبِسِ الْقُفَّارَيْنِ». تَابَعَهُ مُوسَى بْنُ
عُقْبَةَ وَاسْمَاعِيلُ بْنُ إِبْرَاهِيمَ بْنُ عُقْبَةَ
وَجُوَيْرِيَّةَ وَابْنَ إِسْحَاقَ فِي التَّقَابِ
وَالْقُفَّارَيْنِ. وَقَالَ عَيْنَدُ اللَّهِ: «وَلَا
وَرْسُ». وَكَانَ يَقُولُ: «لَا تَنْقِبِ
الْمُخْرِمَةُ وَلَا تَلْبِسِ الْقُفَّارَيْنِ». وَقَالَ
مَالِكُ، عَنْ نَافِعٍ، عَنْ أَبْنَى عُمَرَ: «لَا
تَنْقِبِ الْمُخْرِمَةُ». وَتَابَعَهُ لَيْثُ بْنُ أَبِي
سُلَيْمَانَ.

[راجع: ١٣٤]

1839. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا: A man was crushed to death by his she-camel and was brought to Allāh’s Messenger ﷺ who said, “Give him a bath and shroud him, but do not cover his head, and do not bring any perfume near to him, as he will be resurrected reciting *Talbiya*.”

١٨٣٩ - حَدَّثَنَا فَتَيْبَةُ: حَدَّثَنَا
جَبَّرِيرٌ، عَنْ مَنْصُورٍ، عَنْ الْحَكَمِ، عَنْ
سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبْنَى عَبَّاسٍ رَضِيَ
اللَّهُ عَنْهُمَا قَالَ: وَقَصَّتْ بِرَجْلِ مُخْرِمٍ
نَاقَّهُ فَقَلَّتْهُ، فَأَتَيْتُ بِهِ رَسُولُ اللَّهِ ﷺ
فَقَالَ: «اْغْسِلُوهُ وَكَفُّوْهُ، وَلَا تُغْطِوا
رَأْسَهُ، وَلَا تُقْرِبُوهُ طَيِّباً، فَإِنَّهُ يُبَعْثَثُ
يُهْلِلُ».

(١٤) بَابُ الْأَغْتِسَالِ لِلْمُخْرِمِ،
وَقَالَ أَبْنُ عَبَّاسٍ رَضِيَ اللَّهُ
عَنْهُمَا: يَدْخُلُ الْمُخْرِمُ الْحَمَامَ. وَلِمَ
يَرَ أَبْنُ عُمَرَ وَعَائِشَةَ بِالْحَكَمِ بِأَسَأَ.

١٨٤٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ زَيْدِ بْنِ
أَسْلَمَ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ اللَّهِ بْنِ
خُنَيْنٍ، عَنْ أَبِيهِ: أَنَّ عَبْدَ اللَّهِ بْنَ

(14) CHAPTER. The taking of a bath by a *Muhrim*.

And Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا said that a *Muhrim* could enter a bathroom (for a bath), and Ibn ‘Umar and ‘Āishah رضي الله عنهم did not think that there was any harm in scratching the body.

1840. Narrated ‘Abdullāh bin Ḥunain: ‘Abdullāh bin Al-‘Abbās and Al-Miswar bin Makhrama differed at Al-Abwa’; Ibn ‘Abbās said that a *Muhrim* could wash his head; while Al-Miswar maintained that he should not do so. ‘Abdullāh bin ‘Abbās sent me to

Abū Ayyūb Al-Anṣārī and I found him bathing between the two wooden posts (of the well) and was screened with a sheet of cloth. I greeted him and he asked who I was. I replied, "I am 'Abdullāh bin Ḥunain, and I have been sent to you by Ibn 'Abbās to ask you how Allāh's Messenger ﷺ used to wash his head while in the state of *Iḥrām*." Abū Ayyūb Al-Anṣārī caught hold of the sheet of cloth and lowered it till his head appeared before me, and then told somebody to pour water on his head. He poured water on his head, and he (Abū Ayyūb) rubbed his head with his hands by bringing them from back to front and from front to back and said, "I saw the Prophet ﷺ doing like this."

العَبَّاسِ، وَالْمُسْوَرَ بْنَ مَخْرَمَةَ اخْتَلَفَا
بِالْأَبْوَاءِ، فَقَالَ عَبْدُ اللَّهِ بْنُ عَبَّاسٍ:
يَعْسِلُ الْمُحْرِمُ رَأْسَهُ . وَقَالَ الْمُسْوَرُ:
لَا يَعْسِلُ الْمُحْرِمُ رَأْسَهُ . فَأَرْسَلَنِي
عَبْدُ اللَّهِ بْنُ العَبَّاسِ إِلَى أَبِي أَيُوبَ
الْأَنْصَارِيِّ فَوَجَدْنَاهُ يَغْتَسِلُ بَيْنَ
الْقَرْبَيْنِ . وَهُوَ يُسْتَرُ بِثَوْبٍ فَسَلَّمَتْ
عَلَيْهِ . قَالَ: مَنْ هَذَا؟ قَلْتُ: أَنَا
عَبْدُ اللَّهِ بْنُ حُنَيْنِ، أَرْسَلَنِي إِلَيْكَ عَبْدُ
اللَّهِ بْنُ العَبَّاسِ يَسْأَلُكَ كَيْفَ كَانَ
رَسُولُ اللَّهِ ﷺ يَعْسِلُ رَأْسَهُ وَهُوَ
مُحْرِمٌ؟ فَوَضَعَ أَبُو أَيُوبَ يَدَهُ عَلَى
الثَّوْبِ فَظَاطَاهُ حَتَّى بَدَا لِي رَأْسُهُ . ثُمَّ
قَالَ لِإِنْسَانٍ يَصْبِرُ عَلَيْهِ: اضْبِبْ
فَصَبِّ عَلَى رَأْسِهِ ثُمَّ حَرَكْ رَأْسَهُ بِيَدِهِ
فَأَقْبَلَ بِهِمَا وَأَدْبَرَ، وَقَالَ هَكَذَا رَأَيْتُهُ
يَفْعَلُ.

(١٥) بَابُ لُبْسِ الْخُفَّينِ لِلْمُحْرِمِ إِذَا
لَمْ يَجِدْ النَّعْلَيْنِ

(15) CHAPTER. Wearing of *Khuff* (leather stockings) by a *Muhrim* if slippers are not available (but one has to cut short the *Khuff* below the ankles).

1841. Narrated Ibn 'Abbās: I heard the Prophet ﷺ delivering a *Khuṭba* (religious talk) at 'Arafāt saying, "If a *Muhrim* does not find slippers, he could wear *Khuff* (but he has to cut short the *Khuff* below the ankles), and if he does not find an *Izār* (a waist-sheet for wrapping the lower-half of the body) he could wear trousers."

١٨٤١ - حَدَّثَنَا أَبُو الْوَلِيدُ:
حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي عُمَرُ بْنُ
دِينَارٍ: سَمِعْتُ جَابِرَ بْنَ زَيْدَ: سَمِعْتُ
ابْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ:
سَمِعْتُ النَّبِيَّ ﷺ يَحْطُبُ بِعِرَافَاتِ:
مَنْ لَمْ يَجِدْ النَّعْلَيْنِ فَلْيُلْبِسْ الْخُفَّينِ،
وَمَنْ لَمْ يَجِدْ إِزارًا فَلْيُلْبِسْ السَّرَّاويلَ
لِلْمُحْرِمِ". [راجع: ١٧٤٠]

1842. Narrated 'Abdullâh : رَضِيَ اللَّهُ عَنْهُ 'Abdullâh was asked: What sort of clothes a *Muhrim* should wear? He replied, "He should not wear a shirt, turbans, trousers, a hooded cloak, or a dress perfumed with saffron or *Wars*; and if slippers are not available he can wear *Khuff* but he should cut them so that they reach below the ankles.

١٨٤٢ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ :
حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ: حَدَّثَنَا ابْنُ شَهَابٍ، عَنْ سَالِمٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ: سُئِلَ رَسُولُ اللَّهِ ﷺ: مَا يَلْبِسُ الْمُحْرِمُ مِنَ الثِّيَابِ؟ فَقَالَ: «لَا يَلْبِسُ الْفَعِيسَ، وَلَا الْعَمَامَةَ، وَلَا السَّرَّاويلَاتِ وَلَا الْبُرْشُسَ وَلَا ثَوْبَا مَسَّهُ زَعْفَرَانٌ وَلَا وَرْسٌ. وَإِنْ لَمْ يَجِدْ نَعْلَيْنِ فَلْيَلْبِسْ الْخُفَيْنِ وَلْيَقْطُعْهُمَا حَتَّى يَكُونَا أَسْفَلَ مِنَ الْكَغْبَيْنِ».

[راجع: ١٣٤]

(16) CHAPTER. If an *Izâr* is not available, one (i.e., a *Muhrim*) can wear trousers.

1843. Narrated Ibn 'Abbâs : رَضِيَ اللَّهُ عَنْهُمَا The Prophet ﷺ delivered a *Khuâba* (religious talk) at 'Arafât and said, "Whoever does not get an *Izâr* can wear trousers, and whoever cannot get a pair of shoes (slippers) can wear *Khuff*."

١٨٤٣ - حَدَّثَنَا آدُمُ :
شَعْبَةُ: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: حَطَّبَنَا النَّبِيُّ ﷺ بِعَرَفَاتٍ فَقَالَ: «مَنْ لَمْ يَجِدْ الإِزارَ فَلْيَلْبِسْ السَّرَّاويلَ، وَمَنْ لَمْ يَجِدْ النَّعْلَيْنِ فَلْيَلْبِسْ الْخُفَيْنِ».

[راجع: ١٧٤٠]

(17) CHAPTER. Carrying of arms by a *Muhrim*.

According to 'Ikrima one can carry arms if he fears the enemy, but the *Fidya* (compulsory penalty) has to be paid. No religious scholar agrees with him on necessitating the *Fidya*.

وقال عِكْرِمَةُ: إِذَا خَشِيَ الْعَدُوُّ لِسَ السَّلَاحَ وَأَفْتَدَى، وَلَمْ يُتَابَعْ عَلَيْهِ فِي الْفِدْيَةِ.

1844. Narrated Al-Barâ' : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ assumed *Ihrâm* for '*Umra* in the

١٨٤٤ - حَدَّثَنَا عَبْدُ اللَّهِ، عَنْ

month of Dhul-Qa'da but the (*Mushrikūn*) people of Makkah refused to admit him into Makkah till he agreed on the condition that he would not bring into Makkah any arms but sheathed.

إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنْ
الْبَرَاءِ رَضِيَ اللَّهُ عَنْهُ: اعْتَمَرَ رَسُولُ
اللَّهِ ﷺ فِي ذِي الْقَعْدَةِ فَأَبَى أَهْلُ
مَكَّةَ أَنْ يَدْعُوهُ يَدْخُلُ مَكَّةَ حَتَّى
قَاضِاهُمْ لَا يَدْخُلُ مَكَّةَ سَلَاحًا إِلَّا فِي
الْقِرَابِ . [راجع: ١٧٨١]

(١٨) بَابُ دُخُولِ الْحَرَمِ وَمَكَّةَ بَغْرِ
إِحْرَامِ،

وَدَخَلَ ابْنُ عُمَرَ، وَإِنَّمَا أَمَرَ النَّبِيُّ
ﷺ بِالإِهْلَالِ لِمَنْ أَرَادَ الْحَجَّ
وَالْعُمْرَةَ، وَلَمْ يَذْكُرْ الْحَطَابَيْنِ
وَغَيْرَهُمْ .

١٨٤٥ - حَدَّثَنَا مُسْلِمٌ: حَدَّثَنَا
وُهَيْبٌ: حَدَّثَنَا ابْنُ طَاوُسٍ، عَنْ أَبِيهِ،
عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ
النَّبِيًّا ﷺ وَقَتَ لِأَهْلِ الْمَدِينَةِ ذَا
الْحُلْيَيْفَةِ، وَلِأَهْلِ نَجْدٍ قَرْنَ الْمَنَازِلِ،
وَلِأَهْلِ الْيَمَنِ يَلْمَلَمْ، هُنَّ لَهُنَّ وَلِكُلِّ
آتٍ أَتَى عَلَيْهِنَّ مِنْ غَيْرِهِمْ مِمَّنْ أَرَادَ
الْحَجَّ وَالْعُمْرَةَ . فَمَنْ كَانَ دُونَ ذَلِكَ
فِيمْ حَيْثُ أَنْشَأَ حَتَّى أَهْلُ مَكَّةَ مِنْ
مَكَّةَ . [راجع: ١٥٢٤]

١٨٤٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ ابْنِ
شِهَابٍ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ
عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ دَخَلَ عَامَ

(18) CHAPTER. Entering the *Haram* and Makkah without assuming *Ihrām*.

And Ibn 'Umar entered (without *Ihrām*); but the Prophet ﷺ ordered those intending to perform *Hajj* or '*Umra* to assume *Ihrām*, but he did not mention the wood-cutters and the like (i.e., those who frequent the sanctuary of Makkah).

1845. Narrated Ibn Abbās: رَضِيَ اللَّهُ عَنْهَا 'Abdullāh ibn 'Abbās fixed Dhul-Hulaifa as the *Miqāt* (the place for assuming *Ihrām*) for the people of Al-Madīnah, and Qarn-al-Manāzil for the people of Najd, and Yalamlam for the people of Yemen. These *Mawāqīt* are for those people and also for those who come through these *Mawāqīt* (from places other than the abovementioned) with the intention of (performing) *Hajj* and '*Umra*. And those living inside these *Mawāqīt* can assume *Ihrām* from the place where they start; even the people of Makkah can assume *Ihrām* (for *Hajj* only) from Makkah.

1846. Narrated Anas bin Mālik: رَضِيَ اللَّهُ عَنْهُ Allāh's Messenger ﷺ entered Makkah in the year of its conquest wearing an Arabian helmet on his head⁽¹⁾, and when the Prophet ﷺ took it off, a person came and said, "Ibn Khaṭāl is holding the covering of the Ka'bah

(1) (H.1846) A *Muhrim* is not allowed to cover his head. The fact that the Prophet's head was covered while entering Makkah indicates that he had entered Makkah as a non-*Muhrim*.

(taking refuge in the Ka'bah)." The Prophet ﷺ said, "Kill him."⁽¹⁾

الفتح وعلى رأسه المغفرة، فلما نزلت
 جاءه رجل فقال: إن ابن خطط متعلق
 بأستار الكعبة، فقال: «اقتلوه».

[انظر: ٤٢٨٦، ٣٠٤٤]

(19) CHAPTER. If somebody ignorantly assumed *Ihrām* while wearing a shirt (will *Fidyā* be compulsory?).

'Atā' said, "There is no penalty on a *Muhrim* who perfumes himself or wears stitched clothes out of ignorance or forgetfulness."

1847. Narrated Ya'lā: While I was with Allāh's Messenger ﷺ there came to him a man wearing a cloak having a trace of yellowish perfume or a similar thing on it. 'Umar used to say to me, "Would you like to see the Prophet ﷺ at the time when he is being inspired Divinely?" So, it happened that he was inspired (then) and when the Revelation was over the Prophet ﷺ said (to that man), "Do in your 'Umra the same as you do in your *Hajj*."

(١٩) بَابٌ: إِذَا أَخْرَمْ جَاهِلًا وَعَلَيْهِ
 قَمِيصٌ،

وقالَ عَطَاءً: إِذَا تَطَيَّبَ أَوْ لَيْسَ
 جَاهِلًا أَوْ نَاسِيًّا فَلَا كُفَّارَةَ عَلَيْهِ.

١٨٤٧ - حَدَّثَنَا أَبُو الولِيدُ:
 حَدَّثَنَا هَمَامٌ: حَدَّثَنَا عَطَاءً قَالَ:
 حَدَّثَنِي صَفْوَانُ ابْنُ يَعْلَى بْنِ أُمِّيَّةَ،
 عَنْ أَبِيهِ قَالَ: كُنْتُ مَعَ رَسُولِ اللَّهِ ﷺ
 فَأَتَاهُ رَجُلٌ عَلَيْهِ جُبَّةٌ فِيهِ أَثْرٌ صُفْرَةٌ أَوْ
 تَحْوُةٌ، كَانَ عُمَرُ يَقُولُ لِي: تُحِبُّ إِذَا
 نَزَلَ عَلَيْهِ التَّحْوِيْ أَنْ تَرَاهُ؟ فَنَزَلَ عَلَيْهِ
 ثُمَّ سُرِّيَ عَنْهُ فَقَالَ عَلَيْهِ الصَّلَاةُ
 وَالسَّلَامُ: «اضْنَعْ فِي عُمْرِكَ ما
 تَصْنَعْ فِي حَجَّكَ». [راجع: ١٥٣٦]

١٨٤٨ - وَعَضَ رَجُلٌ يَدَ رَجُلٍ،
 يَعْنِي فَاتَّرَعَ شَيْئَهُ فَأَبْطَلَهُ النَّيْشُ ﷺ.
 [انظر: ٢٢٦٥، ٢٩٧٣، ٤٤١٧، ٦٨٩٣]

(٢٠) بَابُ الْمُحْرِمِ يَمُوتُ بِعَرَفةَ وَلِمْ
 يَأْمُرِ النَّيْشُ ﷺ أَنْ يُؤْدَى عَنْهُ بِقِيَّةَ
 الْحَجَّ

١٨٤٩ - حَدَّثَنَا سُلَيْمَانُ بْنُ

1848. A man bit the hand of another man but in that process the latter broke one incisor tooth of the former, and the Prophet ﷺ forgave the latter.⁽²⁾

(20) CHAPTER. A *Muhrim* died at 'Arafāt and the Prophet ﷺ did not order anybody to finish the remaining ceremonies of *Hajj* on his behalf.

1849. Narrated Ibn 'Abbās: رَضِيَ اللَّهُ عَنْهُمَا 'Abbās:

(1) (H.1846) Allāh's Messenger ﷺ, on conquering Makkah, forgave all the people of Makkah except some persons who had committed nasty crimes against Islām and Muslims.

(2) (H.1848) This piece of narration is a part of *Hadīth* No. 6892, Vol. 9.

While a man was standing with the Prophet ﷺ at 'Arafat, he fell from his *Rahila* (mount) and his neck was crushed by it. The Prophet ﷺ said, "Wash the deceased with water and *Sidr* and shroud him in two pieces of cloth, and neither perfume him nor cover his head, for Allāh will resurrect him on the Day of Resurrection and he will be reciting *Talbiya*."

حَرْبٌ : حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ عَمِّرُو بْنِ دِينَارٍ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: يَبْنَا رَجُلٌ وَاقِفٌ مَعَ النَّبِيِّ ﷺ بِعِرْفَةَ إِذْ وَقَعَ عَنْ رَاحِلَتِهِ فَوَقَصَتْهُ أَوْ قَالَ: فَأَفْعَصَتْهُ فَقَالَ النَّبِيُّ ﷺ: «اغْسِلُوهُ بِمَاءٍ وَسِدْرٍ وَكَفْنُوهُ فِي ثَوَبَيْنِ، أَوْ قَالَ: ثَوَبَيْهِ، وَلَا تُخْمِرُوا رَأْسَهُ وَلَا تُحَنْطُوهُ، فَإِنَّ اللَّهَ يَعْتَهُ يَوْمَ الْقِيَامَةِ يُلَيَّبِي».

1850. Narrated Ibn 'Abbas: رَضِيَ اللَّهُ عَنْهُمَا While a man was standing with the Prophet ﷺ at 'Arafat, he fell from his *Rahila* (mount) and his neck was crushed by it. The Prophet ﷺ said, "Wash the deceased with water and *Sidr* and shroud him in two pieces of cloth, and neither perfume him nor cover his head, for Allāh will resurrect him on the Day of Resurrection and he will be reciting *Talbiya*."

١٨٥٠ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ : حَدَّثَنَا حَمَادٌ، عَنْ أَيُوبَ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: يَبْنَا رَجُلٌ وَاقِفٌ مَعَ النَّبِيِّ ﷺ بِعِرْفَةَ إِذْ وَقَعَ عَنْ رَاحِلَتِهِ فَوَقَصَتْهُ أَوْ قَالَ: فَأَفْعَصَتْهُ فَقَالَ النَّبِيُّ ﷺ: «اغْسِلُوهُ بِمَاءٍ وَسِدْرٍ وَكَفْنُوهُ فِي ثَوَبَيْنِ، وَلَا تَمْسُوْ طِبَّاً وَلَا تُخْمِرُوا رَأْسَهُ وَلَا تُحَنْطُوهُ، فَإِنَّ اللَّهَ يَعْتَهُ يَوْمَ الْقِيَامَةِ مُلَيَّبِي».

(21) CHAPTER. The legal way of (burying) a dead *Muhrim*.

١٨٥١ - حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ : حَدَّثَنَا هُشَيمٌ: أَخْبَرَنَا أَبُو يَشْرِي، عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَجُلًا كَانَ مَعَ النَّبِيِّ ﷺ فَوَقَصَتْهُ نَاقَةٌ وَهُوَ مُحْرِمٌ فَمَا فَقَالَ رَسُولُ اللَّهِ ﷺ:

1851. Narrated Ibn 'Abbas: A man was in the company of the Prophet ﷺ and his she-camel crushed his neck while he was in a state of *Ihrām* and he died. Allāh's Messenger ﷺ said, "Wash him with water and *Sidr* and shroud him in his two garments; neither perfume him nor cover his head, for he will be resurrected on the Day of Resurrection reciting *Talbiya*."

«اغْسِلُوهُ بِماءٍ وَسَدِّرُوهُ كَمْنَوْهُ فِي ثَوْبَيْهِ
وَلَا تَمْسُوْهُ بِطِيبٍ وَلَا تُحَمِّرُوا رَأْسَهُ
فَإِنَّهُ يُعَثِّثُ يَوْمَ الْقِيَامَةِ مُلْبِيًّا».

(٢٢) **بابُ الحجَّ والثُّدُورِ عَنِ**
الْمَيْتِ، وَالرَّجُلُ يَحْجُّ عَنِ الْمَرْأَةِ

١٨٥٢ - حَدَّثَنَا مُوسَى بْنُ

إِسْمَاعِيلَ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ أَبِي
شِرْ: عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ أَبِي
عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ امْرَأَةَ مِنْ
جُهْنَمَةَ جَاءَتْ إِلَيْهِ الرَّبِيعُ فَقَالَتْ:
إِنَّ أُمِّي نَذَرْتُ أَنْ تَحْجُّ فَلَمْ تَحْجُ
حَتَّى مَاتَتْ، أَفَأَحْجُّ عَنْهَا؟ قَالَ:
«نَعَمْ، حُجَّيْهُ عَنْهَا، أَرَأَيْتَ لَوْ كَانَ
عَلَى أُمِّكِ دِينٌ، أَكُنْتِ قَاضِيَتَهُ؟
أَفْضُوا إِلَيَّ اللَّهَ، فَاللَّهُ أَحَقُّ بِالْوَفَاءِ».

[انظر: ٦٦٩٩، ٧٣١٥]

(٢٣) **بابُ الحجَّ عَمَّنْ لَا يَسْتَطِعُ
الثُّبُوتَ عَلَى الرَّاهِلَةِ**

١٨٥٣ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ

ابْنِ حَرْبِيْجَ، عَنْ أَبِي شَهَابٍ، عَنْ
سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي عَبَّاسٍ،
عَنْ الْفَضْلِ بْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ:
أَنَّ امْرَأَةَ حَ.

١٨٥٤ - حَدَّثَنَا مُوسَى بْنُ

إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ العَزِيزِ بْنُ أَبِي
سَلَمَةَ، عَنْ أَبِي شَهَابٍ، عَنْ سُلَيْمَانَ
بْنِ يَسَارٍ، عَنْ الْفَضْلِ بْنِ عَبَّاسٍ
رَضِيَ اللَّهُ عَنْهُمَا قَالَ: جَاءَتِ امْرَأَةٌ

(22) CHAPTER. To perform *Hajj* on behalf of a dead person and to fulfil his vows. A man can perform *Hajj* on behalf of a woman.

1852. Narrated Ibn 'Abbās : رَضِيَ اللَّهُ عَنْهُمَا A woman from the tribe of Juhaina came to the Prophet ﷺ and said, "My mother had vowed to perform *Hajj* but she died before performing it. May I perform *Hajj* on my mother's behalf?" The Prophet ﷺ replied, "Perform *Hajj* on her behalf. Had there been a debt on your mother, would you have paid it or not? So, pay Allāh's debt as He has more right to be paid."

(23) CHAPTER. Performing *Hajj* for a person who cannot sit firmly on the mount.

1853. Narrated Faḍl bin 'Abbās رَضِيَ اللَّهُ عَنْهُمَا : عَنْهُمَا A woman...

1854. Narrated Faḍl bin 'Abbās رَضِيَ اللَّهُ عَنْهُمَا : عَنْهُمَا A woman from the tribe of Khath'am came in the year (of *Hajjat-ul-Wadā'* of the Prophet ﷺ) and said, "O Allāh's Messenger! My father has come under Allāh's obligation of performing *Hajj* but he is a very old man and cannot sit properly on his *Rahilā* (mount). Will the obligation be fulfilled if I

perform *Hajj* on his behalf?" The Prophet ﷺ replied in the affirmative.

مِنْ خَتْهُمْ عَامَ حَجَّةَ الْوَدَاعِ، قَالَتْ:
يَا رَسُولَ اللَّهِ، إِنَّ فَرِيقَةَ اللَّهِ عَلَى
عِبَادِهِ فِي الْحَجَّ أَذْرَكَتْ أُبَيَ شَيْخًا
كَبِيرًا لَا يَسْتَطِيعُ أَنْ يَسْتَوِيَ عَلَى
الرَّاحِلَةِ فَهَلْ يَقْضِي عَنْهُ أَنْ أَحْجَّ
عَنْهُ؟ قَالَ: «عَمْ». [راجع: ١٥١٣]

(24) CHAPTER. Performing *Hajj* by a woman on behalf of a man.

1855. Narrated 'Abdullāh bin 'Abbās رضي الله عنهما : Al-Faḍl was riding behind the Prophet ﷺ and a woman from the tribe of Khath'am came up. Al-Faḍl started looking at her and she looked at him. The Prophet ﷺ turned Al-Faḍl's face to the other side. She said, "My father has come under Allāh's obligation of performing *Hajj* but he is a very old man and cannot sit properly on his *Rahilā* (mount). Shall I perform *Hajj* on his behalf? The Prophet ﷺ replied in the affirmative. That happened during *Hajjat-ul-Wadā'* of the Prophet ﷺ .

١٨٥٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ ابْنِ شَهَابٍ،
عَنْ سُلَيْمَانَ ابْنِ يَسَارٍ، عَنْ عَبْدِ اللَّهِ
بْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كَانَ
الْفَضْلُ رَدِيفَ النَّبِيِّ ﷺ فَجَاءَتْ امْرَأَةٌ
مِنْ خَتْهُمْ فَجَعَلَ الْفَضْلُ يَنْتَظِرُ إِلَيْهَا
وَتَنْتَظِرُ إِلَيْهِ، فَجَعَلَ النَّبِيِّ ﷺ يَصْرُفُ
وَجْهَ الْفَضْلِ إِلَى الشَّقِّ الْآخَرِ،
فَقَالَتْ: إِنَّ فَرِيقَةَ اللَّهِ أَذْرَكَتْ أُبَيَ
شَيْخًا كَبِيرًا لَا يَثْبُتُ عَلَى الرَّاحِلَةِ،
أَفَأَحْجُّ عَنْهُ؟ قَالَ: «عَمْ»، وَذَلِكَ فِي
حَجَّةِ الْوَدَاعِ. [راجع: ١٥١٣]

(25) CHAPTER. The *Hajj* of boys (children etc.)

1856. Narrated Ibn 'Abbās رضي الله عنهما : The Prophet ﷺ sent me (to Mina) with the luggage from *Jam'* (i.e., Al-Muzdalifa) at night.

١٨٥٦ - حَدَّثَنَا أَبُو التُّعْمَانِ:
حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ عَبْدِ اللَّهِ
بْنِ أَبِي بَرِيدَ، قَالَ: سَمِعْتُ ابْنَ
عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: بَعَثَنِي
أَوْ قَدَّمَنِي النَّبِيُّ ﷺ فِي النَّقْلِ مِنْ
جَمْعِ بَلَيْلٍ.

1857. Narrated ‘Abdullāh bin ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا : I came riding on my she-ass and had (just) then attained the age of puberty. Allāh’s Messenger ﷺ was offering *Salāt* at Mina. I passed in front of a part of the first row and then dismounted from it, and the animal started grazing. I aligned with the people behind Allāh’s Messenger ﷺ. (The subnarrator added that happened in Mina during the Prophet’s *Hajjat-ul-Wadā’*.)

١٨٥٧ - حَدَّثَنَا إِسْحَاقُ : أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ : حَدَّثَنَا ابْنُ أَخْيَرِهِ ابْنِ شَهَابٍ ، عَنْ عَمِّهِ أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عَبْتَةَ بْنِ مَسْعُودٍ : أَنَّ عَبْدَ اللَّهِ ابْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : أَفْبَلْتُ وَقَدْ نَاهَرْتُ الْحُلُمُ أَسِيرًا عَلَى أَطَانِ لَيْ وَرَسُولُ اللَّهِ ﷺ قَاتِمٌ يُصَلِّي بِمَنِي حَتَّى سِرْتُ بَيْنَ يَدَيِ بَعْضِ الصَّفَّ الْأَوَّلِ ، ثُمَّ تَرَلْتُ عَنْهَا فَرَأَيْتُ ، فَصَافَقْتُ مَعَ النَّاسِ وَرَأَيْتُ رَسُولَ اللَّهِ ﷺ . وَقَالَ يُونُسُ ، عَنِ ابْنِ شَهَابٍ : بِمَنِي فِي حَجَّةِ الْوَدَاعِ . [راجع: ٧٦]

1858. Narrated As-Sā’ib bin Yazid رَضِيَ اللَّهُ عَنْهُ (while in the company of my parents) I was made to perform *Hajj* with Allāh’s Messenger ﷺ and I was a seven-year-old boy then.

(*Fath-Al-Bārī*, Vol. 4, Page 442)

١٨٥٨ - حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ يُونُسَ : حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ ، عَنْ مُحَمَّدِ بْنِ يُوسُفَ ، عَنِ السَّائِبِ بْنِ يَزِيدَ قَالَ : حُجَّ يِي مَعَ رَسُولِ اللَّهِ ﷺ وَأَنَا ابْنُ سَبْعِ سِنِينَ .

١٨٥٩ - حَدَّثَنَا عَمْرُو بْنُ زُرَارَةَ : أَخْبَرَنَا الْقَاسِمُ بْنُ مَالِكٍ ، عَنِ الْجَعْدَيْدِ بْنِ عَبْدِ الرَّحْمَنِ قَالَ : سَيَعْتُ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ يَقُولُ لِلسَّائِبِ بْنِ يَزِيدَ ، وَكَانَ قَدْ حُجَّ بِهِ فِي شَقْلِ النَّبِيِّ ﷺ . [انظر: ٦٧١٢، ٧٣٣٠]

1859. Narrated Al-Ju’aid bin ‘Abdur-Rahmān : I heard ‘Umar bin ‘Abdul ‘Azīz telling about As-Sā’ib bin Yazid that he had performed *Hajj* (while carried) with the belongings of the Prophet ﷺ.

(26) CHAPTER. *Hajj* of women.

1860. Narrated Ibrahim’s grand-father that ‘Umar رَضِيَ اللَّهُ عَنْهُ in his last *Hajj* allowed the wives of the Prophet ﷺ to perform *Hajj*; and he sent with them ‘Uthmān bin ‘Affān and ‘Abdur-Rahmān

١٨٦٠ - وَقَالَ لِي أَحْمَدُ بْنُ مُحَمَّدٍ : حَدَّثَنَا إِبْرَاهِيمُ ، عَنْ أَبِيهِ ، عَنْ جَدِّهِ : أَذْنَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ

bin ‘Aūf as escorts.

لأزواج النبي ﷺ في آخر حجّة
حَجَّهَا فَيَعْثُ مَعْهُنَ عُثْمَانَ بْنَ عَفَانَ
وَعَبْدَ الرَّحْمَنِ .

1861. Narrated ‘Āishah (Mother of the faithful believers): I said, “O Allāh’s Messenger! Shouldn’t we participate in Holy battles and *Jihād* along with you?” He replied, “The best and the most superior *Jihād* (for women) is *Hajj* – *Hajj Mabrūr*, – which is accepted by Allāh.” ‘Āishah added: Ever since I heard that from Allāh’s Messenger ﷺ I have determined not to miss *Hajj*.

١٨٦١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا حَبِيبُ بْنُ أَبِي عُمْرَةَ قَالَ: حَدَّثَنَا عَائِشَةُ بْنُتُّ أَبِي طَلْحَةَ، عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ رَضِيَ اللَّهُ عَنْهَا، قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ، أَلَا تَنْعَزُ أَوْ تُنْجَاهِدُ مَعَكُمْ؟ فَقَالَ: لِكُنَّ أَحَسَنَ الْجِهَادِ وَأَجَمَّهُ الْحَجُّ، حَجُّ مَبْرُورٌ». فَقَالَتْ عَائِشَةُ: فَلَا أَدْعُ الْحَجَّ بَعْدَ إِذْ سَمِعْتُ هَذَا مِنْ رَسُولِ اللَّهِ ﷺ . [راجع: ١٥٢٠]

1862. Narrated Ibn ‘Abbās: رَضِيَ اللَّهُ عَنْهُمَا The Prophet ﷺ said, “A woman should not travel except with a *Dhū-Mahram* (her husband or a man with whom that woman cannot marry at all according to the Islāmic Jurisprudence), and no man may visit a woman except in the presence of a *Dhū-Mahram*.” A man got up and said, “O Allāh’s Messenger! I intend to go (for *Jihād*) with such and such an army and my wife wants to perform *Hajj*.” The Prophet ﷺ said (to him), “Go along with her (to *Hajj*).”

١٨٦٢ - حَدَّثَنَا أَبُو التَّعْمَانِ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ عُمَرِّو، عَنْ أَبِي مَعْبِدٍ مَوْلَى ابْنِ عَبَّاسٍ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: قَالَ النَّبِيُّ ﷺ: «لَا تُسَافِرِ الْمَرْأَةُ إِلَّا مَعَ ذِي مَحْرَمٍ، وَلَا يَدْخُلُ عَلَيْهَا رَجُلٌ إِلَّا وَمَعَهَا مَحْرَمٌ»، فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ، إِنِّي أُرِيدُ أَنْ أَخْرُجَ فِي جِئْشٍ كَذَا وَكَذَا وَامْرَأَتِي تُرِيدُ الْحَجَّ، فَقَالَ: «اخْرُجْ مَعَهَا». [انظر: ٣٠٠٦، ٣٠٦١، ٥٢٣٣]

1863. Narrated Ibn ‘Abbās: رَضِيَ اللَّهُ عَنْهُمَا When the Prophet ﷺ returned after performing his *Hajj*, he asked Umm Sinān Al-Anṣāriyah, “What forbid you from performing *Hajj*?” She replied, “Father of so-and-so (i.e., her husband) had two camels

١٨٦٣ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا يَزِيدُ بْنُ رُرَيْعَ: حَدَّثَنَا حَبِيبُ الْمُعْلَمُ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: لَمَّا رَجَعَ النَّبِيُّ

and he performed *Hajj* on one of them, and the second is used for the irrigation of our land.” The Prophet ﷺ said (to her), “Perform ‘Umra in the month of Ramaḍān, (as it) is equivalent to *Hajj* or performing *Hajj* with me (in reward).”

[See H.1782]

من حَجَّتِهِ قَالَ لَأُمِّ سِنَانَ
الْأَنْصَارِيَّةِ: مَا مَنَعَكِ مِنَ الْحَجَّ؟
قَالَتْ: أَبُو فُلَانٍ، تَعْنِي رَوْجُها، حَجَّ
عَلَى أَحَدِهِمَا، وَالآخَرُ يَسْقِي أَرْضًا
لَنَا، قَالَ: «فَإِنَّ عُمْرَةَ فِي رَمَضَانَ
تَفْضِي حَجَّةً أَوْ حَجَّةً مَعِي». رَوَاهُ
ابْنُ حُرَيْبَجَ، عَنْ عَطَاءٍ: سَمِعْتُ ابْنَ
عَبَّاسَ عَنِ النَّبِيِّ ﷺ. وَقَالَ عُبَيْدَ
اللَّهِ، عَنْ عَبْدِ الرَّحْمَنِ، عَنْ عَطَاءٍ،
عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ.

[راجع: ١٧٨٢]

1864. Narrated Qaza'a, the slave of Ziyād: Abū Sa'id who participated in twelve Ghazwāt with the Prophet ﷺ said, “I heard four things from Allāh's Messenger ﷺ (or I narrate them from the Prophet ﷺ) which won my admiration and appreciation. They are:

1. “No lady should travel without her husband or without a *Dhū-Mahram* for a two days' journey.
2. No observance of *Saum* (fasting) is permissible on two days of ‘Eid-al-Fitr, and ‘Eid-al-Adhā.
3. No *Salāt* (prayer) (may be offered) after two *Salāt*: after the ‘Asr prayer till the sunset and after the morning *Salāt* (prayer) till the sun rises.
4. Not to travel (for visiting) except for three mosques: *Masjid-al-Harām* (in Makkah), my Mosque (at Al-Madīna), and *Masjid-al-Aqṣā* (in Jerusalem). ”

١٨٦٤ - حَدَّثَنَا سُلَيْمَانُ بْنُ
حَرْبٍ: حَدَّثَنَا شُعْبَةُ، عَنْ عَبْدِ الْمُلْكِ
بْنِ عُمَيْرٍ، عَنْ فَزَعَةَ مَوْلَى زِيَادٍ قَالَ:
سَمِعْتُ أَبَا سَعِيدَ وَقَدْ غَرَّا مَعَ النَّبِيِّ
ﷺ شَتِي عَشْرَةَ عَزْوَةً، قَالَ: أَرْبَعَ
سَمِعْتُهُنَّ مِنْ رَسُولِ اللَّهِ ﷺ، أَوْ
قَالَ: يُحَدَّثُهُنَّ عَنِ النَّبِيِّ ﷺ،
فَأَعْجَبْتُنِي وَأَنْتَنِي: أَنْ لَا تُسَافِرَ
أَمْرَأَةٌ مَسِيرَةَ يَوْمَيْنِ لَيْسَ مَعَهَا رَوْجُها
أَوْ دُوْ مَحْرَمٍ. وَلَا صَوْمَ يَوْمَيْنِ:
الْفِطْرِ وَالْأَضْحَى. وَلَا صَلَاةَ بَعْدَ
صَلَاتَيْنِ، بَعْدَ العَصْرِ حَتَّى تَغْرُبَ
الشَّمْسُ، وَبَعْدَ الصُّبْحِ حَتَّى تَطْلُعَ
الشَّمْسُ، وَلَا تُشَدُ الرَّحَالُ إِلَّا إِلَى
ثَلَاثَةِ مَسَاجِدَ: مَسَجِدِ الْحَرَامِ،
وَمَسَجِدِي، وَمَسَجِدِ الْأَقْصَى”.

[راجع: ٥٨٦]

(27) CHAPTER. Whoever vowed to go on foot to the Ka'bah.

الكتاب
(٢٧) باب من نذر المشي إلى

1865. Narrated Anas رضي الله عنه : The Prophet ﷺ saw an old man walking, supported by his two sons, and asked about him. The people informed him that he had vowed to go on foot (to the Ka'bah). He said, "Allāh is not in need of this old man's torturing himself;" and ordered him to ride.

١٨٦٥ - حَدَّثَنَا مُحَمَّدُ بْنُ سَلَامٍ : أَخْبَرَنَا الفَزَارِيُّ، عَنْ حُمَيْدِ الطَّوَيْلِ قَالَ : حَدَّثَنِي ثَابِتٌ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ : أَنَّ النَّبِيَّ ﷺ رَأَى شَيْخًا يُهَادِي بَيْنَ ابْنَيْهِ، قَالَ : «مَا بَالْهَذَا؟» قَالُوا : نَذَرَ أَنْ يَمْشِيَ، قَالَ : «إِنَّ اللَّهَ عَنْ تَعْذِيبِ هَذَا نَفْسَةَ لَغْنِيٍّ»، أَمْرَهُ أَنْ يَرْكَبَ . [انظر : ٦٧٠١]

1866. Narrated 'Uqba bin 'Āmir رضي الله عنه : My sister vowed to go on foot to the Ka'bah, and she asked me to take the verdict of the Prophet ﷺ about it. So, I did and the Prophet ﷺ said, "She should walk and also should ride."

١٨٦٦ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى : أَخْبَرَنَا هِشَامُ بْنُ يُوسُفَ أَنَّ ابْنَ جُرَيْجَ أَخْبَرَهُمْ قَالَ : أَخْبَرَنِي سَعِيدُ بْنُ أَبِي أَيُوبَ : أَنَّ يَزِيدَ بْنَ أَبِي حَيْبٍ أَخْبَرَهُ : أَنَّ أَبَا الْحَمِيرِ حَدَّثَهُ عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ : نَذَرْتُ أُخْتِيَ أَنْ تَمْشِيَ إِلَى بَيْتِ اللَّهِ وَأَمْرَتُنِي أَنْ أَسْتَفْتِنِي لَهَا النَّبِيَّ ﷺ فَاسْتَفْتَنِي النَّبِيَّ ﷺ قَالَ : «لَتَمْشِي وَلَتَرْكَبْ» ، قَالَ : وَكَانَ أَبُو الْحَمِيرِ لَا يُفَارِقُ عُقْبَةَ . قَالَ أَبُو عَبْدِ اللَّهِ : حَدَّثَنَا أَبُو عَاصِمٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ يَحْيَى ابْنِ أَيُوبَ، عَنْ يَزِيدَ، عَنْ أَبِي الْحَمِيرِ، عَنْ عُقْبَةَ، فَذَكَرَ الْحَدِيثَ .

29 – THE BOOK ABOUT THE VIRTUES OF AL-MADINA

(1) CHAPTER. *Haram* (sanctuary) of Al-Madina.

1867. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, Al-Madina is a sanctuary from that place to that. Its trees should not be cut and no heresy should be innovated nor any sin should be committed in it, and whoever innovates in it an heresy or commits sins (bad deeds), then he will incur the curse of Allāh, the angels, and all the people.”

[See Vol. 9, *Hadith* No. 7306]

1868. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ came to Al-Madina and ordered a mosque to be built and said, “O Banī Najjār! Suggest to me the price (of your land).” They said, “We do not want its price except from Allāh” (i.e., they wished for a reward from Allāh for giving up their land free). So, the Prophet ﷺ ordered the graves of the *Mushrikun* to be dug out and the land to be levelled, and the date-palm trees to be cut down. The cut date-palms were fixed in the direction of the *Qiblah* of the mosque.

1869. Narrated Abū Hurairah: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, “I have made Al-Madina a sanctuary between its two (*Harra*) mountains.” The Prophet ﷺ went to the tribe of Banī Hāritha and said (to them), “I see that you have gone out of the sanctuary,” but looking around, he added, “No, you are inside the sanctuary.”

٢٩ - كتاب فضائل المدينة

(١) باب حرم المدينة

١٨٦٧ - حَدَّثَنَا أَبُو النُّعْمَانَ: حَدَّثَنَا ثَابِتُ بْنُ بَرِيَدٍ: حَدَّثَنَا عَاصِمٌ أَبُو عَبْدِ الرَّحْمَنِ الْأَخْوَلِ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «الْمَدِينَةُ حَرَمٌ مِّنْ كَذَا إِلَى كَذَا». لَا يُقْطَعُ شَجَرُهَا، وَلَا يُحَدَّثُ فِيهَا حَدَثٌ. مِّنْ أَخْدَثَ فِيهَا حَدَثًا فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ». [انظر: ٧٣٠٦]

١٨٦٨ - حَدَّثَنَا أَبُو مَعْمَرٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ، عَنْ أَبِي التَّيَّاحِ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَدِمَ النَّبِيُّ ﷺ الْمَدِينَةَ وَأَمَرَ بِبَنَاءِ الْمَسْجِدِ فَقَالَ: «يَا بْنَي الْجَاجَارِ ثَامُونِي»، فَقَالُوا: لَا نَظُلُّ ثَمَنَةَ إِلَّا إِلَى اللَّهِ، فَأَمَرَ بِقُبُورِ الْمُشْرِكِينَ فَنُبْشِّرُ ثُمَّ بِالْخَرَبِ فَسُوِّيَتْ، وَبِالنَّخْلِ فَقُطِعَ فَصَفُّوا النَّحْلُ قِبْلَةَ الْمَسْجِدِ. [راجع: ٢٢٤]

١٨٦٩ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي أَخِي، عَنْ سُلَيْمَانَ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ سَعِيدِ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيِّ ﷺ قَالَ: «حُرُمَ مَا بَيْنَ لَابَتِي الْمَدِينَةِ عَلَى لِسَانِي»، قَالَ:

وأَتَى النَّبِيُّ ﷺ بَنِي حَارِثَةَ قَوْلًا: أَرَأْكُمْ يَا بَنِي حَارِثَةَ قَدْ خَرَجْتُمْ مِنَ الْحَرَمِ، ثُمَّ التَّقَتَ قَوْلًا: «بَلْ أَنْتُمْ فِيهِ». [انظر: ١٨٧٣]

1870. Narrated 'Ali رضي الله عنه: We have nothing except the Book of Allāh (the Qur'ān) and this written paper from the Prophet ﷺ (wherein it written:) "Al-Madīna is a sanctuary from the Āer mountain to such and such a place, and whoever innovates in it an heresy or commits a sin, or gives shelter to such an innovator or sinner in it, will incur the curse of Allāh, the angels, and all the people, none of his compulsory or optional good deeds of worship will be accepted. And the asylum (of protection) granted by any Muslim is to be secured (respected) by all the other Muslims; and whoever betrays a Muslim in this respect incurs the curse of Allāh, the angels, and all the people, and none of his compulsory or optional good deeds of worship will be accepted, and whoever (freed slave) takes as masters other than his manumitters without their permission incurs the curse of Allāh, the angels, and all the people, and none of his compulsory or optional good deeds of worship will be accepted."

(2) CHAPTER. Superiority of Al-Madīna. And that it expells (evil, vicious) persons.

1871. Narrated Abū Hurairah رضي الله عنه: Allāh's Messenger ﷺ said, "I was ordered to migrate to a town which will swallow (conquer) other towns and is called Yathrib and that is Al-Madīna, and it turns out (bad) persons as a furnace removes the impurities of iron.

١٨٧٠ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ: حَدَّثَنَا سُفْيَانُ، عَنِ الأَعْمَشِ، عَنْ إِبْرَاهِيمَ التَّمِيميِّ، عَنْ أَبِيهِ، عَنْ عَلَيِّ رَضِيَ اللَّهُ عَنْهُ قَوْلًا: مَا عِنْدَنَا شَيْءٌ إِلَّا كِتَابُ اللَّهِ وَهُنْدُ الصَّحِيفَةُ عَنِ النَّبِيِّ ﷺ: (الْمَدِينَةُ حَرَمٌ مَا بَيْنَ عَيْنَيْ إِلَى كَدَا، مَنْ أَحَدَثَ فِيهَا حَدَّثًا أَوْ آوَى مُحَدِّثًا فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يُقْبَلُ مِنْهُ صَرْفٌ وَلَا عَدْلٌ"، وَقَوْلًا: «ذِمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ، فَمَنْ أَخْفَرَ مُسْلِمًا فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يُقْبَلُ مِنْهُ صَرْفٌ وَلَا عَدْلٌ. وَمَنْ تَوَلَّ قَوْمًا بِعِيرٍ إِذْنَ مَوَالِيهِ، فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يُقْبَلُ مِنْهُ صَرْفٌ وَلَا عَدْلٌ". قَالَ أَبُو عَبْدِ اللَّهِ: عَدْلٌ: فِدَاءً [راجع: ١١١]

(٢) بَابُ فَضْلِ الْمَدِينَةِ وَأَنَّهَا تَنْهَى النَّاسَ

١٨٧١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ يَحْيَى بْنِ سَعِيدٍ قَوْلًا: سَمِعْتُ أَبَا الْحُبَابَ سَعِيدَ بْنَ يَسَارٍ يَقُولُ: سَمِعْتُ أَبَا هُرَيْرَةَ

رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «أُمِرْتُ بِقَرْيَةٍ تَأْكُلُ الْقَرَى،
يَقُولُونَ: يَثْرُبُ، وَهِيَ الْمَدِينَةُ تَنْفِي
النَّاسَ كَمَا تَنْفِي الْكِبِيرُ حَبَّتِ
الْحَدِيدِ».

(٣) بَابُ الْمَدِينَةِ طَابَةٌ

(3) CHAPTER. Al-Madina is also called Tāba.

1872. Narrated Abū Humaid: رَضِيَ اللَّهُ عَنْهُ أَبُو هُمَيْدٍ قَالَ: We came with the Prophet ﷺ from Tabuk, and when we reached near Al-Madina, the Prophet ﷺ said, "This is Tāba."

١٨٧٢ - حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ:
حَدَّثَنَا سُلَيْمَانُ قَالَ: حَدَّثَنِي عَمْرُو بْنُ
يَحْيَى، عَنْ عَبَّاسِ بْنِ سَهْلٍ بْنِ سَعْدٍ،
عَنْ أَبِي حُمَيْدٍ رَضِيَ اللَّهُ عَنْهُ: أَفْيَنَا
مَعَ الَّبَيِّنِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ تَبُوكَ حَتَّى أَشَرَّفْنَا
عَلَى الْمَدِينَةِ فَقَالَ: «هَذِهِ طَابَةٌ».

[راجع: ١٤٨١]

(٤) بَابُ لَا تَبِي الْمَدِينَةُ

(4) CHAPTER. The two mountains of Al-Madina.

1873. Narrated Abū Hurairah: رَضِيَ اللَّهُ عَنْهُ أَبُو هُرَيْرَةَ قَالَ: If I saw deers grazing in Al-Madina, I would not chase them, for Allāh's Messenger ﷺ said, "(Al-Madina is a sanctuary) between its two mountains."

١٨٧٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنِ ابْنِ
شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ
أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ كَانَ
يَقُولُ: لَوْ رَأَيْتُ الظَّبَاءَ بِالْمَدِينَةِ تَرَقَّعَ
مَا ذَعَرْتُهَا. قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَا
بَيْنَ لَابَتِيهَا حَرَامٌ». [راجع: ١٨٦٩]

(٥) بَابُ مَنْ رَغَبَ عَنِ الْمَدِينَةِ

(5) CHAPTER. (What about) the one who avoids (runs away) from living in Al-Madina?

1874. Narrated Abū Hurairah: رَضِيَ اللَّهُ عَنْهُ أَبُو هُرَيْرَةَ قَالَ: I heard Allāh's Messenger ﷺ saying, "The people will leave Al-Madina in spite of the best state it will have, and none except the wild birds and the beasts of prey will live in it,

١٨٧٤ - حَدَّثَنَا أَبُو الْيَمَانِ:
أَخْبَرَنَا شُعَيْبٌ، عَنِ الرُّهْبَرِ قَالَ:
أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبِ أَنَّ أَبَا

and the last persons who will die will be two shepherds from the tribe of Muzaina, who will be driving their sheep towards Al-Madina, but will find nobody in it, and when they will reach the valley of *Thaniyat-Wadā'*, they will fall down on their faces, dead."

هُرْبَرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «تَرْكُونَ الْمَدِينَةَ عَلَى خَيْرٍ مَا كَانَتْ، لَا يَعْشَاهَا إِلَّا الْعَوَافِ» بُرِيدُ عَوَافِي السَّبَاعِ وَالظَّبَيرِ «وَآخِرُ مَنْ يُحَشِّرُ رَاعِيَانِ مِنْ مُرَيْنَةَ بُرِيدَانَ الْمَدِينَةَ، يَنْعِقَانِ بِعَمَّهُما فَيَجْدَانِهَا وُحْشًا حَتَّى إِذَا بَلَغَا ثَيَّبَةَ الْوَدَاعِ خَرَأَ عَلَى وُجُوهِهِمَا».

1875. Narrated Sufyān bin Abū Zuhair رَضِيَ اللَّهُ عَنْهُ: I heard Allāh's Messenger ﷺ saying, "Yemen will be conquered and some people will migrate (from Al-Madīna) and will urge their families, and those who will obey them to migrate (to Yemen), although Al-Madīna will be better for them; if they but knew. Sham will also be conquered and some people will migrate (from Al-Madīna) and will urge their families and those who will obey them to migrate (to Sham), although Al-Madīna will be better for them; if they but knew. Iraq will be conquered and some people will migrate (from Al-Madīna) and will urge their families and those who will obey them to migrate (to Iraq), although Al-Madīna will be better for them; if they but knew."

١٨٧٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ الرَّبِّيرِ، عَنْ سُعْدِيَّانَ بْنِ أَبِي زَهْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «فُتُّحَ الْيَمَنُ فَيَأْتِي قَوْمٌ يُسْوَنُونَ فَيَتَحَمَّلُونَ بِأَهْلِهِمْ وَمَنْ أَطَاعَهُمْ، وَالْمَدِينَةُ خَيْرٌ لَهُمْ لَوْ كَانُوا يَعْلَمُونَ». وَفُتُّحَ الشَّامُ فَيَأْتِي قَوْمٌ يُسْوَنُونَ فَيَتَحَمَّلُونَ بِأَهْلِهِمْ وَمَنْ أَطَاعَهُمْ، وَالْمَدِينَةُ خَيْرٌ لَهُمْ لَوْ كَانُوا يَعْلَمُونَ». وَفُتُّحَ الْعَرَاقُ فَيَأْتِي قَوْمٌ يُسْوَنُونَ فَيَتَحَمَّلُونَ بِأَهْلِهِمْ وَمَنْ أَطَاعَهُمْ، وَالْمَدِينَةُ خَيْرٌ لَهُمْ لَوْ كَانُوا يَعْلَمُونَ».

(6) CHAPTER. *Imān* (Belief) returns and goes back to Al-Madīna.

(٦) بَابٌ: الإِيمَانُ يَأْرُزُ إِلَى الْمَدِينَةِ

1876. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, "Verily, Belief returns and goes back to Al-Madīna as a

١٨٧٦ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ: حَدَّثَنَا أَنْسُ بْنُ عِيَاضٍ قَالَ:

snake returns and goes back to its hole (when in danger)."

حدَثَنِي عُبَيْدُ اللَّهِ، عَنْ خُبَيْبِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ حَعْصَنِ بْنِ عَاصِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِنَّ الْإِيمَانَ لَيَأْرُزُ إِلَى الْمَدِينَةِ، كَمَا تَأْرُزُ الْحَيَّةُ إِلَى حُجْرِهِ».

(7) CHAPTER. Sin of that person who betrays and harms the people of Al-Madina.

1877. Narrated Sa'd: I heard the Prophet ﷺ saying, "None plots against the people of Al-Madina but that he will be dissolved (destroyed) like the salt is dissolved in water."

(٧) بَابُ إِثْمٌ مِنْ كَادَ أَهْلَ الْمَدِينَةِ

١٨٧٧ - حَدَّثَنَا حُسَيْنُ بْنُ خَرَبَ: أَخْبَرَنَا الْمَقْبَلُ، عَنْ جَعْدَيْدَ، عَنْ عَبْدِ اللَّهِ بْنِ عَاصِمٍ، سَمِعْتُ سَعْدًا رَضِيَ اللَّهُ عَنْهُ قَاتِلًا مَسْعَدَ، الَّتِي يَعْلَمُ أَنَّهَا مُؤْمِنَةٌ، فَلَمَّا كَانَ الْمَوْلَى أَحَدُ الْأَشْجَاعِ، كَمَا تَسْمِيهِ الْمُلْكُ فِي الْمَاءِ».

(٨) بَابُ آثَارِ الْمَدِينَةِ

(8) CHAPTER. The high buildings of Al-Madina.

1878. Narrated Usāma: Once the Prophet ﷺ stood at the top of a castle amongst the castles (or the high buildings) of Al-Madina and said, "Do you see what I see? (No doubt) I see the places or spots of *Al-Fitan* (trials and afflictions) among your houses (and these *Fitan* will be) as numerous as the spots where rain-drops fall."

١٨٧٨ - حَدَّثَنَا عَلَيْيَ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا شَهَابٌ قَالَ: أَخْبَرَنِي عَلَيْهِ قَالَ: سَمِعْتُ أَسَاطِيَةً رَضِيَ اللَّهُ عَنْهُ قَالَ: أَشَرَّفَ أَسَيْئَةً يَتَحَقَّقُ عَلَيَّ الْأَنْهَى مِنْ آطَامِ الْمَدِينَةِ قَالَ: أَهَيْ أَرَيْتَ مَا أَرَى؟ أَرَى مَا يَأْرُى لِأَرَى مَوْاقِعَ الْمُتَنَبِّهِ بِخَلَالِ يَوْمِكُمْ كَمَوْاقِعَ الْفَقْرِ». تَابَعَهُ مَعْمَرٌ وَسُلَيْمَانُ بْنُ كَثِيرٍ، عَنِ الْأَهْوَى. [انظر: ٢٤٦٧، ٣٥٩٧]

(٩) بَابُ: لَا يَدْخُلُ الدَّجَالُ الْمَدِينَةَ

١٨٧٩ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ

(9) CHAPTER. *Ad-Dajjal* will not be able to enter Al-Madina.

1879. Narrated Abū Bakra: The

Prophet ﷺ said, "The terror caused by *Al-Masih Ad-Dajjāl* will not enter Al-Madina and at that time Al-Madina will have seven gates and there will be two angels at each gate (guarding Al-Madina)."

عَبْدُ اللَّهِ قَالَ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ أَبِي بَكْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ وَسَلَّمَ قَالَ: «لَا يَدْخُلُ الْمَدِينَةَ رُغْبَ الْمَسِيحِ الدَّجَّالِ . لَهَا يَوْمَئِذٍ سَبْعَةُ أَبْوَابٍ، عَلَى كُلِّ بَابٍ مَلَكًا». [انظر: ٧١٢٥، ٧١٢٦]

1880. Narrated Abū Hurairah رضي الله عنه said, "There are angels guarding the entrances (or roads) of Al-Madina, neither plague nor *Ad-Dajjāl* can enter it."

١٨٨٠ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي مَالِكُ، عَنْ نُعَيْمِ بْنِ عَبْدِ اللَّهِ الْمُجْمِرِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ وَسَلَّمَ: «عَلَى أَنْقَابِ الْمَدِينَةِ مَلَائِكَةٌ لَا يَدْخُلُهَا الطَّاغُونُ وَلَا الدَّجَّالُ». [انظر: ٥٧٣١، ٧١٣٣]

1881. Narrated Anas bin Mālik رضي الله عنه said, "There will be no town in which *Ad-Dajjāl* will not enter except Makkah and Al-Madīna, and there will be no entrance (road) (of both Makkah and Al-Madīna) but the angels will be standing in rows guarding it against him, and then Al-Madīna will shake with its inhabitants thrice (i.e., three earth-quakes will take place) and Allāh will expel all the disbelievers and the hypocrites from it."

١٨٨١ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْدِرِ: حَدَّثَنَا الْوَلِيدُ: حَدَّثَنَا أَبُو عَمْرُو: حَدَّثَنَا إِسْحَاقُ: حَدَّثَنِي أَنْسُ بْنُ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ وَسَلَّمَ قَالَ: «لَيْسَ مِنْ بَلِدٍ إِلَّا سَيَطَرَهُ الدَّجَّالُ إِلَّا مَكَّةً وَالْمَدِينَةَ، لَيْسَ لَهُ مِنْ نَقِيبٍ نَقْبٌ إِلَّا عَلَيْهِ الْمَلَائِكَةُ صَافِينَ يَحْرُسُونَهَا، ثُمَّ تَرْجُفُ الْمَدِينَةُ بِأَهْلِهَا ثَلَاثَ رَجَفَاتٍ فَيُخْرُجُ اللَّهُ كُلُّ كَافِرٍ وَمُنَافِقٍ». [انظر: ٧١٢٤، ٧١٣٤]

[٧٤٧٣]

1882. Narrated Abū Sa'īd Al-Khudrī رضي الله عنه told us a long narrative about *Ad-Dajjāl*, and among the many things he mentioned, was his saying, "*Ad-Dajjāl* will come and it will be forbidden

١٨٨٢ - حَلَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا الْيَثْرَى، عَنْ عُثْنَى، عَنْ ابْنِ شَهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ

for him to pass through the entrances of Al-Madina. He will land in some of the salty barren areas (outside) Al-Madina; on that day the best man or one of the best men will come up to him and say, 'I testify that you are the same *Ad-Dajjāl* whose description was given to us by Allāh's Messenger ﷺ.' *Ad-Dajjāl* will say to the people, 'If I kill this man and bring him back to life again, will you doubt my claim?' They will say, 'No.' Then *Ad-Dajjāl* will kill that man and bring him back to life. That man will say, 'Now I know your reality better than before.' *Ad-Dajjāl* will say, 'I want to kill him (again) but I cannot.'"

الله بن عتبة، أَنَّ أَبَا سَعِيدَ الْحُدْرِيَّ رَضِيَ اللَّهُ عَنْهُ قَالَ: حَدَّثَنَا رَسُولُ اللَّهِ ﷺ حَدِيثًا طَوِيلًا عَنِ الدَّجَّالِ فَكَانَ فِيمَا حَدَّثَنَا بِهِ أَنَّ قَالَ: «يَأْتِي الدَّجَّالُ - وَهُوَ مُحَرَّمٌ عَلَيْهِ أَنْ يَدْخُلَ يَقَابَ الْمَدِينَةِ - يَنْزِلُ بَعْضَ السَّبَاخِ الَّتِي بِالْمَدِينَةِ، فَيَحْرُجُ إِلَيْهِ يَوْمَئِذٍ رَجُلٌ هُوَ خَيْرُ النَّاسِ أَوْ مِنْ خَيْرِ النَّاسِ، فَيَقُولُ: أَشَهُدُ أَنَّكَ الدَّجَّالُ الَّذِي حَدَّثَنَا عَنْكَ رَسُولُ اللَّهِ ﷺ حَدِيثَهُ، فَيَقُولُ الدَّجَّالُ: أَرَأَيْتَ إِنْ قَتَلْتَ هَذَا ثُمَّ أَحْيَتَهُ، هَلْ تَشْكُونَ فِي الْأَمْرِ؟ فَيَقُولُونَ: لَا، فَيَقُولُ ثُمَّ يُحْيِيهِ فَيَشُوُّلُ جَنَّ يُحْيِيهِ: وَاللَّهِ مَا كُنْتُ قَطُّ أَشَدَّ بَصِيرَةً مِنِي الْيَوْمَ، فَيَقُولُ الدَّجَّالُ: أَقْتُلُهُ فَلَا يُسَلِّطُ عَلَيْهِ». [انظر: ٧١٣٢]

(١٠) بَابٌ: الْمَدِينَةُ تَنْفِي الْجَبَثَ

(10) CHAPTER. Al-Madina expels *Al-Khabath* (all the evil and bad persons, etc.).

1883. Narrated Jābir: A bedouin came to the Prophet ﷺ and gave the *Bai'a* (pledge) for embracing Islām. The next day he came with fever and said (to the Prophet ﷺ), "Please cancel my pledge (of emigrating to Al-Madina)." The Prophet ﷺ refused (that request) three times and said, "Al-Madina is like a furnace, it expels out its *Khabath*" (the impurities - evil and bad persons etc.) and selects the good ones and makes them perfect."

١٨٨٣ - حَدَّثَنَا عَمْرُو بْنُ عَبَّاسٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ: حَدَّثَنَا سُعِيَانُ، عَنْ مُحَمَّدِ ابْنِ الْمُتَكَبِّرِ، عَنْ جَابِرِ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَاءَ أَعْرَابِيٌّ إِلَى النَّبِيِّ ﷺ فَبَأْيَاهُ عَلَى الإِسْلَامِ. فَجَاءَ مِنَ الْعَدُوِّ مَحْمُومًا فَقَالَ: أَقْلِنِي، فَأَبَى ثَلَاثَ مِرَارٍ، فَقَالَ: «الْمَدِينَةُ كَالْكِبِيرِ تَنْفِي خَبَثَهَا، وَتَنْصَعُ طَيْبَهَا». [انظر: ٧٣٢٢، ٧٢١٦، ٧٢١١، ٧٢٠٩]

1884. Narrated Zaid bin Thābit رَضِيَ اللَّهُ عَنْهُ: When the Prophet ﷺ went out for (the

١٨٨٤ - حَدَّثَنَا سُلَيْمَانُ بْنُ

battle of Uhud, some of his companions (hypocrites) returned (home). A party of the believers remarked that they would kill those (hypocrites) who had returned, but another party said that they would not kill them. So, this Divine Revelation was revealed:

"Then what is the matter with you that you are divided into two parties about the hypocrites..." (V.4:88)

The Prophet ﷺ said, "Al-Madina expels (the bad) persons from it, as fire expels the impurities of iron."

CHAPTER.

1885. Narrated Anas رضي الله عنه: The Prophet ﷺ said, "O Allāh! Bestow on Al-Madina twice the blessings You bestowed on Makkah."

1886. Narrated Anas رضي الله عنه: Whenever the Prophet ﷺ returned from a journey and sighted the walls of Al-Madina, he would make his mount go fast, and if he was on an animal (i.e., a horse), he would make it gallop because of his love for Al-Madina.

(11) CHAPTER. The dislike of the Prophet ﷺ that Al-Madina should be vacated.

1887. Narrated Anas رضي الله عنه: (The people of) Banū Salama intended to shift near

حرب: حدثنا شعبة، عن عدي بن ثابت، عن عبد الله ابن يزيد قال: سمعت زيد بن ثابت رضي الله عنه يقول: لما خرج رسول الله ﷺ إلى أحد رجع ناس من أصحابه فقال: فرقه: لقتلهم، وقال فرقه: لا يقتلهم. فنزلت: «فَمَا لَكُ فِي الْمُنْقِصِينَ فَنَذَرْتَ» [السباء: ٨٨] وقال النبي ﷺ: إنها تبني الرجال كما تبني النار حب الحديده. [انظر: ٤٠٥٠، ٤٥٨٩]

باب:

1885 - حدثني عبد الله بن محمدين: حدثنا وهب بن جرير: حدثنا أبي: سمعت يوشن، عن ابن شهاب، عن أنس رضي الله عنه عن النبي ﷺ قال: «الله أجعل بالمدينة ضعفني ما جعلت بمنك من البركة»،تابعه عثمان بن عمر، عن يوشن.

1886 - حدثنا قتيبة: حدثنا إسماعيل بن جعفر، عن حميد، عن أنس رضي الله عنه: أن النبي ﷺ كان إذا قدم من سفر فنظر إلى جدرات المدينة أوضاع راحلته، وإن كان على ذاته حركتها من حبه.

[راجع: ١٨٠٢]

(11) باب كراهة النبي ﷺ أن تعرى المدينة

1887 - حدثني ابن سلام،

the mosque (of the Prophet ﷺ) but Allāh's Messenger ﷺ disliked to see Al-Madīna vacated and said, "O the people of Bani Salama! Don't you think that you will be rewarded for your footsteps which you take towards the mosque?" So, they stayed at their old places.

أَخْبَرَنَا الفَزَارِيُّ، عَنْ حُمَيْدِ الطَّوَيْلِ، عَنْ أَسْنَ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَرَادَ بُنُوْتَ سَلِمَةَ أَنْ يَتَحَوَّلُوا إِلَى قُرْبِ الْمَسْجِدِ، فَكَرِهَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ شُعْرَيَ الْمَدِينَةَ، وَقَالَ: «يَا بَنَى سَلِمَةَ، أَلَا تَخْتَسِبُونَ آثَارَكُمْ؟» فَأَقَامُوا.

[راجع: ٦٥٥]

(١٢) بَابٌ:

(12) CHAPTER.

1888. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ that the Prophet ﷺ said, "There is a garden from the gardens of Paradise between my house and my pulpit, and my pulpit is on my Haud [Tank (*Al-Kauthar*)]."

١٨٨٨ - حَدَّثَنَا مُسَدَّدٌ، عَنْ يَحْيَى، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، قَالَ: حَدَّثَنِي حُبَيْبُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ حَفْصَ بْنِ عَاصِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَا بَيْنَ بَيْتِي وَمَنْبُري رَوْضَةٌ مِنْ رِيَاضِ الْجَنَّةِ، وَمِنْبُري عَلَى حَوْضِي».

[راجع: ١١٩٦]

1889. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا that when Allāh's Messenger ﷺ reached Al-Madīna, Abū Bakr and Bilāl became ill. When Abū Bakr's fever got worse, he would recite (this poetic verse):

"Everybody is staying alive with his people, yet death is nearer to him than his shoe laces."

And Bilāl, when his fever deserted him, would recite:

"Would that I could stay overnight in a valley wherein I would be surrounded by *Idhkhîr* and *Jalîl* (kinds of good-smelling grass).

Would that one day I could drink the water of the *Majinna*, and would that (the two mountains) *Shâma* and *Tafeel* would appear to me!"

١٨٨٩ - حَدَّثَنَا عُبَيْدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: لَمَّا قَدِيمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمَدِينَةَ وَعَكَ أَبُو بَكْرٍ وَبِلَالٌ فَكَانَ أَبُو بَكْرٍ إِذَا أَحَدَنَهُ الْحُمَّى يَقُولُ: كُلُّ امْرَئٍ مُصَحَّحٍ فِي أَهْلِهِ وَالْمَوْتُ أَدْنَى مِنْ شِرَارِكَ نَعْلِهِ وَكَانَ بِلَالٌ إِذَا أَفْلَغَ عَنْهُ الْحُمَّى بِرَقْعَ عَقِيرَتَهُ يَقُولُ:

أَلَا لَيْتَ شِعْرِي هَلْ أَبْيَسْ لَيْلَةً بِوَادٍ وَحْرُولِي إِذْخَرْ وَجَلِيلُ

The Prophet ﷺ said, "O Allāh! Curse Shaiba bin Rabi'a and 'Utba bin Rabi'a and Umaiyya bin Khalaf as they turned us out of our land to the land of epidemics." Allāh's Messenger ﷺ then said, "O Allāh! Make us love Al-Madīna as we love Makkah or even more than that. O Allāh! Give blessings in our *Sā'* and our *Mudd* (measures symbolising food) and make the climate of Al-Madīna suitable for us, and divert its fever towards Al-Juhfa."

'Aishah رَضِيَ اللَّهُ عَنْهَا added: When we reached Al-Madīna, it was the most unhealthy of Allāh's lands, and the valley of Buthān (the valley of Al-Madīna) used to flow with impure, coloured water.

1890. Narrated Zaid bin Aslam that his father said, "Umar رَضِيَ اللَّهُ عَنْهُ said, 'O Allāh! Grant me martyrdom in Your Cause, and let my death be in the city of Your Messenger ﷺ.'"

وَهُلْ أَرْدَنْ بِيَوْمًا مِيَاهَ مَجِنَّةَ
وَهُلْ يَبْدُونْ لِي شَامَةَ وَطَفِيلُ
قَالَ: اللَّهُمَّ اعْنُ شَيْيَةَ بْنَ رَبِيعَةَ،
وَعُبَيْبَةَ بْنَ رَبِيعَةَ، وَأُمَيَّةَ بْنَ خَلَفَ، كَمَا
أَخْرَجُونَا مِنْ أَرْضِنَا إِلَى أَرْضِ الْوَبَاءِ،
ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ حَبِّ
إِلَيْنَا الْمَدِينَةَ كَحُبُّنَا مَكَّةَ أَوْ أَشَدَّ،
اللَّهُمَّ بارِكْ لَنَا فِي صَاعِنَا وَفِي مُدْنَا،
وَصَحَّنَا لَنَا، وَانْقُلْ حُمَّاها إِلَى
الْجُحْفَةِ». قَالَتْ: وَقَدِيمُنَا الْمَدِينَةُ وَهِيَ
أَوْبَأُ أَرْضِ اللَّهِ، قَالَتْ: فَكَانَ بُطْحَانُ
يَحْرِي نَجْلًا، تَعْنِي مَاءَ آجِنَا. [انظر:
٣٩٢٦، ٥٦٧٧، ٥٦٥٤]

١٨٩٠ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ:
حَدَّثَنَا الْتَّلِيثُ، عَنْ خَالِدِ بْنِ يَزِيدَ،
عَنْ سَعِيدِ بْنِ أَبِي هَلَالٍ، عَنْ زَيْدِ بْنِ
أَسْلَمَ، عَنْ أَبِيهِ عَنْ عُمَرَ رَضِيَ اللَّهُ
عَنْهُ، قَالَ: اللَّهُمَّ ارْزُقْنِي شَهَادَةً فِي
سَبِيلِكَ، وَاجْعَلْ مَوْتِي فِي بَلْدِ
رَسُولِكَ ﷺ. وَقَالَ ابْنُ رُزِيعٍ، عَنْ
رَوْحِ بْنِ الْقَاسِمِ، عَنْ زَيْدِ بْنِ أَسْلَمَ،
عَنْ أَمَّهِ، عَنْ حَفْصَةَ بْنِتِ عُمَرَ رَضِيَ
اللَّهُ عَنْهُمَا؛ قَالَتْ: سَمِعْتُ عُمَرَ
يَقُولُ: تَحْوَهُ، وَقَالَ هِشَامٌ، عَنْ زَيْدِ،
عَنْ أَبِيهِ، عَنْ حَفْصَةَ: سَمِعْتُ عُمَرَ
رَضِيَ اللَّهُ عَنْهُ.

30 – THE BOOK OF AS-SAUM⁽¹⁾ (THE FASTING)

٢٠ - كتاب الصوم

(1) CHAPTER. Fasting is obligatory in (the month of) Ramadān.

And the Statement of Allāh : تعالى :

“O, you who believe! Observing As-Saum (the fasting) is prescribed for you as it was prescribed for those before you, that you may become *Al-Muttaqūn*”⁽²⁾. [V.2:183].

1891. Narrated Ṭalhā bin ‘Ubaid-Ullāh : A bedouin with unkempt hair came to Allāh’s Messenger ﷺ and said, “O Allāh’s Messenger! Inform me what Allāh has made compulsory for me as regards *As-Salāt* (the prayer).” He replied: “You have to perform the five compulsory *Salāt* (*Iqamāt-As-Salāt*) in a day and night (24 hours), unless you want to offer *Nawāfil*.” The bedouin further asked, “Inform me what Allāh has made compulsory for me as regards fasting.” He replied, “You have to observe *Saum* (fast) during the whole month of Ramaḍān, unless you want to fast more as *Nawāfil*.” The bedouin further asked, “Tell me how much *Zakāt* Allāh has enjoined on me.” Thus, Allāh’s Messenger ﷺ informed him about all the laws (i.e., fundamentals) of Islām. The bedouin then said, “By Him Who has honoured you, I will neither perform any *Nawāfil* nor will I decrease what Allāh has enjoined on me.” Allāh’s Messenger ﷺ said, “If he is saying the truth, he will succeed (or said, he will be granted Paradise).”

(١) بَابُ وُجُوبِ صَوْمِ رَمَضَانَ،
وَقَوْلُ اللَّهِ تَعَالَى : ﴿يَا أَيُّهَا الَّذِينَ
آمَنُوا كُتِبَ عَلَيْكُمُ الصَّيَامُ كَمَا كُتِبَ
عَلَى الَّذِينَ مِنْ قَبْلِكُمْ لَمْ يَكُنْ
تَنَقُّولُونَ﴾ [البقرة: ١٨٣].

١٨٩١ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ أَبِي
شَهْبٍ، عَنْ أَبِيهِ، عَنْ طَلْحَةَ بْنِ عَبْدِ
اللَّهِ: أَنَّ أَغْرَيْأَيَاً جَاءَ إِلَى رَسُولِ اللَّهِ
ﷺ ثَانِي الرَّأْسِ فَقَالَ: يَا رَسُولَ اللَّهِ،
أَخْبِرْنِي مَاذَا فَرَضَ اللَّهُ عَلَيَّ مِنَ
الصَّلَاةِ؟ فَقَالَ: «الصَّلَوَاتُ الْخَمْسَ
إِلَّا أَنْ تَطَوَّعَ شَيْئًا». فَقَالَ: أَخْبِرْنِي
بِمَا فَرَضَ اللَّهُ عَلَيَّ مِنَ الصَّيَامِ؟
فَقَالَ: «شَهْرُ رَمَضَانَ إِلَّا أَنْ تَطَوَّعَ
شَيْئًا»، فَقَالَ: أَخْبِرْنِي مَا فَرَضَ اللَّهُ
عَلَيَّ مِنَ الرَّكَاةِ. قَالَ: فَأَخْبِرْهُ رَسُولُ
اللَّهِ ﷺ بِشَرَائِعِ الْإِسْلَامِ. قَالَ:
وَالَّذِي أَكْرَمَكَ، لَا أَنْتَطَوَّعُ شَيْئًا وَلَا
أَنْقُصُ مِمَّا فَرَضَ اللَّهُ عَلَيَّ شَيْئًا.
فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَفْلَحَ إِنْ
صَدَقَ، أَوْ دَخَلَ الْجَنَّةَ إِنْ صَدَقَ».

[راجع: ٤٦]

(1) (Bk 30) The fasting, i.e., to not to eat or drink or have sexual relation etc. from before the *Adhān* of the *Fajr* (early morning) prayer till the sunset.

(2) (Ch.1) *Al-Muttaqūn* means pious and righteous persons who fear Allāh much (abstain from all kinds of sins and evil deeds which He has forbidden) and love Allāh much (perform all kinds of good deeds which He has ordained).

1892. Narrated Ibn ‘Umar : رَضِيَ اللَّهُ عَنْهُمَا : The Prophet ﷺ observed the Saum (fast) on the 10th of Muḥarram (‘Āshūra’), and ordered (Muslims) to observe Saum (fast) on that day, but when the fasting of the month of Ramadān was prescribed, the fasting of the ‘Āshūra’ was abandoned. ‘Abdullāh did not use to observe fast on that day unless it coincided with his routine fasting by chance.

1893. Narrated ‘Āishah : رَضِيَ اللَّهُ عَنْهَا : (The tribe of) Quraish used to observe Saum (fast) on the day of ‘Āshurā’ in the Pre-Islāmic Period, and then Allāh’s Messenger ﷺ ordered (Muslims) to observe Saum (fast) on it till the fasting in the month of Ramadān was prescribed ; whereupon the Prophet ﷺ said, “He who wants to fast (on ‘Āshūra’) may fast, and he who does not want to observe Saum (fast) may not fast.”

١٨٩٢ - حَدَّثَنَا مُسَدَّدٌ : حَدَّثَنَا إِسْمَاعِيلُ، عَنْ أَيُوبَ، عَنْ نَافعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : صَامَ النَّبِيُّ ﷺ عَشُورَاءَ وَأَمْرَ بِصِيَامِهِ فَلَمَّا فُرِضَ رَمَضَانُ تُرِكَ، وَكَانَ عَبْدُ اللَّهِ لَا يَصُومُ إِلَّا أَنْ يُوَافِقَ صَوْمَهُ . [انظر :

[٤٥٠١ ، ٢٠٠]

١٨٩٣ - حَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ : حَدَّثَنَا الْلَّيْثُ، عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ : أَنَّ عِرَاكَ ابْنَ مَالِكَ حَدَّثَهُ أَنَّ عُرْوَةَ أَخْبَرَهُ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا : أَنَّ قُرِينَشًا كَانَتْ تَصُومُ يَوْمَ عَاشُورَاءَ فِي الْجَاهِلِيَّةِ، ثُمَّ أَمَرَ رَسُولُ اللَّهِ ﷺ بِصِيَامِهِ حَتَّى فُرِضَ رَمَضَانُ . وَقَالَ رَسُولُ اللَّهِ ﷺ : «مَنْ شَاءَ فَلْيَصُمْ وَمَنْ شَاءَ أَفْطَرَهُ» .

[راجع : ١٥٩٢]

(٢) بَابُ فَضْلِ الصَّوْمِ

(2) CHAPTER. The superiority of As-Saum (the fasting).

1894. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ : Allāh’s Messenger ﷺ said, “Saum (fasting) is a shield (or a screen or a shelter from the Hell-fire^(١)). So, the person observing Saum (fast) should avoid sexual relation with his wife and should not behave foolishly and impudently, and if somebody fights with him or abuses him, he should say to him twice, ‘I am observing Saum (fast).’” The Prophet ﷺ added, “By Him in Whose Hands my soul is, the smell coming out from the mouth of a person observing Saum (fast) is better with

١٨٩٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ أَبِي الرِّنَادِ، عَنْ الْأَغْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ : أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ : «الصَّيَامُ جُنَاحٌ فَلَا يَرْفُثُ وَلَا يَجْهَلُ وَإِنِّي أَمُوذُ قاتِلَهُ أَوْ شَانِمَهُ لَفِيلُنِ» : إِنِّي صَائِمٌ، مَرَئِي . وَالَّذِي نَفْسِي يَبْدِي لَخُلُوفَ فَمِ الصَّائِمِ أَطْيَبُ عِنْدَ اللَّهِ مِنْ

(1) (H.1894) See *Fath Al-Bārī*.

Allāh than the smell of musk. (Allāh says about the fasting person), ‘He has left his food, drink and sexual desires for My sake. The *Saum* (fast) is for Me.⁽¹⁾ So I will reward (the fasting person) for it and the reward of good deeds is multiplied ten times.’”

CHAPTER. *As-Saum* (the fasting) is an expiation (for sins).

1895. Narrated Abū Wā'il from Hudhaifa: ‘Umar asked the people, “Who remembers the narration of the Prophet ﷺ about the *Al-Fitnah* (trial or affliction)?” Hudhaifa said, “I heard the Prophet ﷺ saying, ‘The *Al-Fitnah* of a person in his property, family and neighbours is expiated by his *Salāt* (prayer), *Saum* (fasting), and giving in charity.’” ‘Umar said, “I do not ask about that, but I ask about the *Al-Fitnah* which will spread like the waves of the sea.” Hudhaifa replied, “There is a closed gate in front of it.” ‘Umar asked, “Will that gate be opened or broken?” He replied, “It will be broken.” ‘Umar said, “Then the gate will not be closed again till the Day of Resurrection.” We said to Masrūq, “Would you ask Hudhaifa whether ‘Umar knew what that gate symbolized?” He asked him and he replied “He (‘Umar) knew it as one knows that there will be night before tomorrow morning.”

(4) CHAPTER. *Ar-Raiyān* (one of the gates of Paradise) is for people observing *Saum* (fast) people.

1896. Narrated Sahl: The

رِيحُ الْمِسْكِ. يَتَرُكُ طَعَامَهُ وَشَرَابَهُ وَشَهْوَتَهُ مِنْ أَجْلِي، الصِّيَامُ لِي وَأَنَا أَجْزِي بِهِ. وَالْحَسَنَةُ بِعَشْرِ أَمْتَالِهَا. [انظر: ١٩٠٤، ٥٩٢٧، ٧٤٩٢، ٧٥٣٨]

(٣) بَابُ الصَّوْمَ كَفَارَةً

١٨٩٥ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا جَامِعٌ، عَنْ أَبِي وَائِلٍ، عَنْ حُدَيْفَةَ قَالَ: قَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ: مَنْ يَعْفُظُ حَدِيثًا عَنِ النَّبِيِّ ﷺ فِي الْفِتْنَةِ؟ قَالَ حُدَيْفَةَ: أَنَا سَمِعْتُهُ يَقُولُ: «فِتْنَةُ الرَّجُلِ فِي أَهْلِهِ وَمَالِهِ وَجَارِهِ تُكَفِّرُهَا الصَّلَاةُ وَالصِّيَامُ وَالصَّدَقَةُ». قَالَ: لَيْسَ أَسْأَلُ عَنْ ذَوِ، إِنَّمَا أَسْأَلُ عَنِ الَّتِي تَمُوجُ كَمَا يَمُوجُ الْبَحْرُ. قَالَ: وَإِنَّ دُونَ ذَلِكَ بَابًا مُعْلَقاً، قَالَ: فَيَقْتَعُ أَوْ يُخْسِرُ؟ قَالَ: يُخْسِرُ، قَالَ: ذَاكَ أَجَدَرُ أَنْ لَا يُعْلَقَ إِلَى يَوْمِ الْقِيَامَةِ. فَقُلْنَا لِمَسْرُوقَ: سَلْهُ، أَكَانَ عُمَرُ يَعْلَمُ مَنِ الْبَابُ؟ فَسَأَلَهُ، فَقَالَ: نَعَمْ. كَمَا يَعْلَمُ أَنَّ دُونَ غَدِ الْلَّيْلَةِ. [راجع: ٥٢٥]

(٤) بَابُ الرَّيَانَ لِلصَّانِينِ

١٨٩٦ - حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ:

(1) (H.1894) Although all practices of worshipping are for Allāh, here Allāh تَعَالَى singles out *Saum* (fasting), because *Saum* (fast) cannot be practised for the sake of showing off as nobody can know whether one is observing *Saum* (fast) or not, except Allāh. Therefore, *Saum* (fasting) is a pure performance that cannot be blemished with hypocrisy. (*Fath Al-Bārī*)

Prophet ﷺ said, "There is a gate in Paradise called *Ar-Raiyān*, and those who observe *Saum* (fasts) will enter through it on the Day of Resurrection and none except them will enter through it. It will be said, 'Where are those who used to observe *Saum* (fast)?' They will get up, and none except them will enter through it. After their entry the gate will be closed and nobody will enter through it."

حدَّثَنَا سُلَيْمَانُ بْنُ بِلَالٍ، قَالَ: حدَّثَنِي أَبُو حَازِمٍ عَنْ سَهْلِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ وَسَلَّمَ قَالَ: إِنَّ فِي الْجَنَّةِ بَابًا يُقَالُ لَهُ: الرَّيَانُ، يَدْخُلُ مِنْهُ الصَّائِمُونَ، يَوْمَ الْقِيَامَةِ، لَا يَدْخُلُ مِنْهُ أَحَدٌ غَيْرُهُمْ. يُقَالُ: أَيْنَ الصَّائِمُونَ؟ فَيَقُولُونَ لَا يَدْخُلُ مِنْهُ أَحَدٌ غَيْرُهُمْ، فَإِذَا دَخَلُوا أَعْلَى فَلَمْ يَدْخُلْ مِنْهُ أَحَدًّا». [انظر: ٣٢٥٧]

1897. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : Allāh's Messenger ﷺ said, "Whoever gives two kinds (of things or property) in charity for Allāh's Cause, will be called from the gates of Paradise and will be addressed, 'O slaves of Allāh! Here is prosperity.' So, whoever was amongst the people who used to offer their *Salāt* (prayers), will be called from the gate of the *Salāt*; and whoever was amongst the people who used to participate in *Jihād*, will be called from the gate of *Jihād*; and whoever was amongst those who used to observe fasts, will be called from the gate of *Ar-Raiyān*; whoever was amongst those who used to give *As-Sadaqa* (charity), will be called from the gate of *As-Sadaqa*." Abū Bakr رَضِيَ اللَّهُ عَنْهُ said, "Let my parents be sacrificed for you, O Allāh's Messenger ! No distress or need will befall him who will be called from those gates. Will there be any one who will be called from all these gates?" The Prophet ﷺ replied, "Yes, and I hope you will be one of them."

١٨٩٧ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْدِرِ قَالَ: حدَّثَنِي مَعْنُ قَالَ: حدَّثَنِي مَالِكُ، عَنْ ابْنِ شَهَابٍ، عَنْ حُمَيْدٍ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ وَسَلَّمَ قَالَ: «مَنْ أَنْفَقَ رَوْجَحِينَ فِي سَبِيلِ اللَّهِ نُوَدِيَ مِنْ أَبْوَابِ الْجَنَّةِ: يَا عَبْدَ اللَّهِ هَذَا حَيْرٌ. فَمَنْ كَانَ مِنْ أَهْلِ الصَّلَاةِ دُعِيَ مِنْ بَابِ الصَّلَاةِ، وَمَنْ كَانَ مِنْ أَهْلِ الْجِهَادِ دُعِيَ مِنْ بَابِ الْجِهَادِ، وَمَنْ كَانَ مِنْ أَهْلِ الصَّيَامِ دُعِيَ مِنْ بَابِ الرَّيَانِ، وَمَنْ كَانَ مِنْ أَهْلِ الصَّدَقَةِ دُعِيَ مِنْ بَابِ الصَّدَقَةِ». فَقَالَ أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ: بِأَيِّ أَنْتَ وَأُمِّي يَا رَسُولَ اللَّهِ، مَا عَلَى مَنْ دُعِيَ مِنْ تِلْكَ الْأَبْوَابِ مِنْ ضَرُورَةٍ، فَهَلْ يُدْعَى أَحَدٌ مِنْ تِلْكَ الْأَبْوَابِ كُلُّهَا؟ قَالَ: «عَمْ؛ وَأَزْجُو أَنْ تَكُونَ مِنْهُمْ». [انظر: ٢٨٤١، ٣٢١٦، ٣٦٦٦]

(5) CHAPTER. Should it be said “Ramaḍān” or “the month of Ramaḍān?” And whoever thinks that both are permissible.

And the Prophet ﷺ said, “Whoever observe Šaum (fasts) in Ramaḍān.” And also said, “Do not observe Šaum before Ramaḍān.”⁽¹⁾

1898. Narrated Abū Hurairah رضي الله عنه: Allāh’s Messenger ﷺ said, “When (the month of) Ramaḍān begins, the gates of Paradise are opened.”

(٥) بابٌ: هلْ يُقالُ: رَمَضَانُ، أَوْ شَهْرُ رَمَضَانُ؟ وَمَنْ رَأَى كُلَّهُ وَاسِعًا وَقَالَ النَّبِيُّ ﷺ: «مَنْ صَامَ رَمَضَانَ». وَقَالَ: «لَا تَقْدَمُوا رَمَضَانَ».

١٨٩٨ - حَدَّثَنَا فُتَيْبَةُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ أَبِي سَهْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا جَاءَ رَمَضَانَ فُتحَتْ أَبْوَابُ الْجَنَّةِ».

[انظر: ١٨٩٩، ٢٢٧٧]

1899. Narrated Abū Hurairah رضي الله عنه: Allāh’s Messenger ﷺ said, “When the month of Ramaḍān starts, the gates of the heaven are opened and the gates of Hell are closed and the devils are chained.”

١٨٩٩ - وَحَدَّثَنِي يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنِي الْلَّيْثُ، عَنْ عَقِيلٍ، عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي ابْنُ أَبِي أَنَسٍ مَوْلَى التَّيْمِيَّينَ: أَنَّ أَبَاهُ حَدَّثَهُ: أَنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا دَخَلَ رَمَضَانَ فُتَحَتْ أَبْوَابُ السَّمَاءِ، وَغُلُقَتْ أَبْوَابُ جَهَنَّمَ، وَسُلِّسِلَتِ الشَّيَاطِينُ».

[راجع: ١٨٩٨]

١٩٠٠ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ قَالَ: حَدَّثَنِي الْلَّيْثُ، عَنْ عَقِيلٍ، عَنْ ابْنِ شِهَابٍ، قَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ بْنُ عُمَرَ أَنَّ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِذَا رَأَيْتُمُوهُ فَصُومُوا».

1900. Narrated Ibn ‘Umar رضي الله عنهما: I heard Allāh’s Messenger ﷺ saying, “When you see the crescent (of the month of Ramaḍān), start observing Šaum (fast) and when you see the crescent (of the month of Shawwāl), stop observing Šaum; and if the sky is overcast (and you can’t see it) then regard the crescent (month) of Ramaḍān (as of 30 days).”

(1) (Ch.5) Do not observe fast one or two days before Ramaḍān immediately, fearing to miss the right beginning of the month. (See Hadith 1914).

وإذا رأيتموه فأفطروا، فإن عَمَّ عليكم فاقدرُوا له».

وقال عَيْرُهُ عن الْيَتِّي: حدَّثَنِي عَقِيلٌ وَبُوشُ: لِهِلَالِ رَمَضَانَ. [انظر: ١٩٠٦، ١٩٠٧]

(٦) بَابٌ مَن صَامَ رَمَضَانَ إِيمَاناً وَاحْسَاباً وَنِيَّةً،

وقالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا عَنِ النَّبِيِّ ﷺ: «يُعَذَّبُونَ عَلَى نِيَّاتِهِمْ»

١٩٠١ - حدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ: حدَّثَنَا هِشَامٌ: حدَّثَنَا يَحْمَى، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ قَامَ لِيَلَةَ الْقَدْرِ إِيمَاناً وَاحْسَاباً غُفرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ، وَمَنْ صَامَ رَمَضَانَ إِيمَاناً وَاحْسَاباً غُفرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ». [راجع: ٣٥]

(٧) بَابٌ: أَجْوَدُ مَا كَانَ النَّبِيُّ ﷺ يَكُونُ فِي رَمَضَانَ

١٩٠٢ - حدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ: أَخْبَرَنَا أَبُو شَهَابٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كَانَ النَّبِيُّ ﷺ أَجْوَدُ النَّاسِ بِالْحِرْبِ، وَكَانَ أَجْوَدُ مَا يَكُونُ فِي رَمَضَانَ حِينَ يَلْقَاهُ جِبْرِيلُ،

(6) CHAPTER. Whoever observed fast in Ramaḍān out of sincere faith (that it is an enjoined duty), and hoping for a reward from Allāh and with honest intention (i.e., only for Allāh's sake).

And ‘Āishah رَضِيَ اللَّهُ عَنْهَا narrated from the Prophet ﷺ, "The people will be resurrected (and judged) according to their intentions."

1901. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "Whoever established Salāt (prayer) on the night of Qadr with sincere faith and hoping for a reward from Allāh, then all his previous sins will be forgiven; and whoever observes Saum (fasts) in the month of Ramaḍān with sincere faith and hoping for a reward from Allāh, then all his previous sins will be forgiven."

(7) CHAPTER. The Prophet ﷺ used to be most generous in the month of Ramaḍān.

1902. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا: The Prophet ﷺ was the most generous amongst the people, and he used to be more so in the month of Ramaḍān when Jibril (Gabriel) visited him, and Jibril used to meet him on every night of Ramaḍān till the end of the month. The Prophet ﷺ used to recite the Noble Qur’ān to Jibril, and when Jibril met him, he used to be more generous than the fair wind [sent by Allāh with glad tidings (rain) in readiness and haste to

do charitable deeds.] .

وكان جبريل عليه السلام يلقاه كل ليلة في رمضان حتى يتسلخ يعرض عليه النبي ﷺ القرآن، فإذا لقيه جبريل عليه السلام كان أجود بالخير من الرّيح المُرسَلة. [راجع: ٦]

(٨) بابٌ مِنْ لِمْ يَدْعُ قَوْلَ الزُّورِ
وَالْعَمَلُ بِهِ فِي الصَّوْمَ

(8) CHAPTER. Whoever does not give up lying speech (false statements (i.e., telling lies) and acting on those while observing *Saum* (fast)).

1903. Narrated Abū Hurairah رضي الله عنه that the Prophet ﷺ said, "Whoever does not give up lying speech (false statements) and acting on those lies and evil actions etc., Allāh is not in need of his leaving his food and drink [i.e., Allāh will not accept his *Saum* (fasting)]".

[See *Fath Al-Bārī*]

(9) CHAPTER. Should one say, "I am observing *Saum* (fast)" on being abused?

1904. Narrated Abū Hurairah رضي الله عنه that Allāh's Messenger ﷺ said, "Allāh said, 'All the deeds of Adam's sons (people) are for them, except *Saum* (fasting) which is for Me, and I will give the reward for it.' Observing *Saum* (fast) is a shield or protection (from the Hell-fire and from committing sins). If one of you is observing *Saum* (fast), he should avoid sexual relation with his wife and quarrelling, and if somebody should fight or quarrel with him, he should say, 'I am observing *Saum* (fast).' By Him in Whose Hands my soul is, the smell coming out from the mouth of a fasting person is better before Allāh than the smell of musk. There are two pleasures for

١٩٠٣ - حَدَّثَنَا آدُمُ بْنُ أَبِي
إِيَّاسٍ : حَدَّثَنَا أَبْنُ أَبِي ذِئْبٍ : حَدَّثَنَا
سَعِيدُ الْمَقْبُرِيُّ، عَنْ أَبِيهِ، عَنْ أَبِي
هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، قَالَ: قَالَ النَّبِيُّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ لَمْ يَدْعُ قَوْلَ الزُّورِ وَالْعَمَلَ
بِهِ فَلَيْسَ اللَّهُ حَاجَةً فِي أَنْ يَدْعَ طَعَامَهُ
وَشَرَابَهُ». [انظر: ٦٠٥٧]

(٩) بابٌ: هَلْ يَقُولُ: إِنِّي صَائِمٌ،
إِذَا شُتِّمَ

١٩٠٤ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ
مُوسَى : أَخْبَرَنَا هِشَامُ بْنُ يُوسُفَ،
عَنْ ابْنِ جُرَيْجٍ قَالَ: أَخْبَرَنِي عَطَاءُ،
عَنْ أَبِي صَالِحِ الزَّيَّاتِ: أَنَّهُ سَمِعَ أَبَا
هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: كُلُّ عَمَلٍ
ابْنِ آدَمَ لَهُ إِلَّا الصِّيَامُ فِيَّهُ لِي، وَأَنَا
أَجْزِي بِهِ، وَالصِّيَامُ جُنَاحٌ. وَإِذَا كَانَ
يَوْمٌ صَوْمٌ أَخْدُوكُمْ فَلَا يَرْفَعُونَ
يَصْبَحُ، فَإِنْ سَابَهُ أَحَدٌ أَوْ قَاتَلَهُ

the person observing *Saum*, one at the time of *Iftār* (breaking his fast), and the other at the time when he will meet his Lord; then he will be pleased because of his *Saum* (fasting)."

فَلَيَقُلْ: إِنِّي أَمْرُؤٌ صَائِمٌ. وَالَّذِي تَفْسُطُ
مُحَمَّدٌ بِيَدِهِ لِخُلُوفِ فَمِ الصَّائِمِ أَظَاهَرَ
عَنْدَ اللَّهِ مِنْ رِيحِ الْمِسْكِ. لِلصَّامِ
فَرْخَتَانِ يُفَرِّخُهُمَا: إِذَا أَفْطَرَ فَرَحَ،
وَإِذَا لَقِيَ رَبَّهُ فَرَحَ بِصَوْمَهُ».

[راجع: ١٨٩٤]

(10) CHAPTER. *As-Saum* (the fasting) (is recommended) for those who fear committing illegal sexual acts, i.e., those who are unmarried.

1905. Narrated ‘Alqāma: While I was walking with ‘Abdullāh رضي الله عنه: he said, "We were in the company of the Prophet ﷺ and he said, 'He who can afford to marry should marry, because it will help him to lower his gaze (from looking at forbidden things and other women), and save his private parts (from committing illegal sexual acts etc.), and he who cannot afford to marry is advised to observe *Saum* (fasting), as *Saum* (fasting) will restrain his sexual power."

(11) CHAPTER. The statement of the Prophet ﷺ : "Start observing *Saum* (fasts) on seeing the crescent-moon of Ramaḍān, and stop observing *Saum* on seeing the crescent-moon (of Shawwāl)."

And ‘Ammār said, "Whoever observes *Saum* (fasting) on a doubtful day⁽¹⁾ is disobeying Abūl-Qāsim (i.e., the Prophet ﷺ)."

1906. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما: Allāh's Messenger ﷺ mentioned Ramaḍān and said, "Do not observe fasting unless you see the crescent-moon (of Ramaḍān), and do not give up fasting till

(١٠) بَابُ الصَّوْمِ لِمَنْ خَافَ عَلَى
نَفْسِهِ الْعَزَبَةِ

١٩٠٥ - حَدَّثَنَا عَبْدَانُ، عَنْ أَبِي
حَمْرَةَ، عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ،
عَنْ عَلْقَمَةَ قَالَ: بَيْنَا أَنَا أَشْيَ مَعَ
عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ فَقَالَ: كُنَّا مَعَ
النَّبِيِّ ﷺ فَقَالَ: «مَنْ اسْتَطَاعَ الْبَاءَةَ
فَلْيَتَرْوَجْ فَإِنَّهُ أَعْضُ لِلْبَصَرِ، وَأَحْسَنُ
لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ
فَإِنَّهُ لَهُ وِجَاءُ». [انظر: ٥٠٦٥، ٥٠٦٦]

(١١) بَابُ قُولِ النَّبِيِّ ﷺ : (إِذَا
رَأَيْتُمُ الْهِلَالَ فَصُومُوا، وَإِذَا رَأَيْتُمُوهُ
فَأَفْطُرُوا)، وَقَالَ صَلَّى اللَّهُ عَنْ عَمَارٍ: مَنْ
صَامَ يَوْمَ الشَّكْ فَقَدْ عَصَى أَبَا الْقَاسِمِ
ﷺ

١٩٠٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ نَافِعٍ: عَنْ
عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا:
أَنَّ رَسُولَ اللَّهِ ﷺ ذَكَرَ رَمَضَانَ فَقَالَ:

(1) (Ch.11) The doubtful day is the day that is not certainly the first of Ramaḍān, but perhaps the last of Sha'bān, the preceding month.

you see the crescent-moon of (Shawwāl), but if the sky is overcast and you can't see the moon, then act on estimation (i.e., count Sha'bān as 30 days and Ramaḍān also as 30 days)."

1907. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما said: Allāh’s Messenger ﷺ said, “The month (can be) 29 nights (i.e., days), and do not fast till you see the crescent-moon, and if the sky is overcast, then complete Sha'bān as thirty days.”

1908. Narrated Ibn ‘Umar رضي الله عنهما said: The Prophet ﷺ said, “The month is like this and this,” (at the same time he showed the fingers of both his hands thrice) and left out one thumb on the third time.

1909. Narrated Abū Hurairah رضي الله عنه said, or said Abūl-Qāsim رضي الله عنه said, “Start observing Saum (fasts) on seeing the crescent-moon (of Ramaḍān), and give up observing Saum (fast) on seeing the crescent-moon (of Shawwāl), and if the sky is overcast (and you cannot see it), complete thirty days of Sha'bān.”

1910. Narrated Umm Salama رضي الله عنها said: The Prophet ﷺ vowed to keep aloof from his wives for a period of one month, and after the completion of 29 days he went either in the morning or in the afternoon to his wives. Someone said to him “You vowed that you

«لَا تَصُومُوا حَتَّى تَرَوْا الْهِلَالَ، وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ، فَإِنْ غَمَ عَلَيْكُمْ فَأَكْمِلُوهُ لَهُ». [راجع: ١٩٠٠]

١٩٠٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلِمَةَ: حَدَّثَنَا مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الشَّهْرُ تِسْعَ وَعِشْرُونَ لَيْلَةً فَلَا تَصُومُوا حَتَّى تَرَوْهُ. فَإِنْ غَمَ عَلَيْكُمْ فَأَكْمِلُوهُ الْعِدَّةَ ثَلَاثَيْنِ». [راجع: ١٩٠٠]

١٩٠٨ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا شَعْبَةُ، عَنْ جَبَلَةَ بْنِ سُحْيمَ قَالَ: سَعَيْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: قَالَ النَّبِيُّ ﷺ: «الشَّهْرُ هَذَا وَهَذَا»، وَخَنَسَ الإِبَاهَمَ فِي الثَّالِثَةِ. [انظر: ١٩١٣، ٥٣٠٢]

١٩٠٩ - حَدَّثَنَا آدُمُ: حَدَّثَنَا شَعْبَةُ: حَدَّثَنَا مُحَمَّدُ بْنُ زِيَادٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ النَّبِيُّ ﷺ - أَوْ قَالَ: أَبُو الْقَاسِمِ ﷺ - «صُومُوا لِرُؤْيَتِهِ وَأَفْطِرُوا لِرُؤْيَتِهِ، فَإِنْ عَبَّيْ عَلَيْكُمْ فَأَكْمِلُوهُ عِدَّةَ شَعْبَانَ ثَلَاثَيْنِ».

١٩١٠ - حَدَّثَنَا أَبُو عَاصِمِ، عَنْ أَبِنِ حُرَيْجٍ، عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ صَفِيفٍ، عَنْ عَكْرِمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَمِّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ

would not go to your wives for one month.” He replied, “The month is of 29 days.”

1911. Narrated Anas : رَضِيَ اللَّهُ عَنْهُ Allāh's Messenger ﷺ vowed to keep aloof from his wives for one month, and he had dislocation of his leg. So, he stayed in a *Mashruba* for 29 nights and then came down. Some people said, “O Allāh's Messenger! You vowed to stay aloof for one month,” He replied, “The month is of 29 days.”

[See H. 378]

النَّبِيُّ ﷺ أَلَى مِنْ نِسَائِهِ شَهْرًا، فَلَمَّا
مَضَى تِسْعَةً وَعِشْرُونَ يَوْمًا غَدَأْ
رَاحَ فَقِيلَ لَهُ: إِنَّكَ حَلَفْتَ أَنْ لَا
تَدْخُلَ شَهْرًا، قَالَ: «إِنَّ الشَّهْرَ يَكُونُ
تِسْعَةً وَعِشْرِينَ يَوْمًا». [انظر: ٥٢٠٢]

١٩١١ - حَدَّثَنَا عَبْدُ العَزِيزِ بْنُ
عَبْدِ اللَّهِ: حَدَّثَنَا سُلَيْمَانُ بْنُ بِلَالٍ،
عَنْ حُمَيْدٍ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ
قَالَ: أَلَى رَسُولُ اللَّهِ ﷺ مِنْ نِسَائِهِ
وَكَانَتِ افْنَكَتْ رَجُلٌ فَأَقَامَ فِي مَشْرِبَةٍ
تِسْعَةً وَعِشْرِينَ لَيْلَةً ثُمَّ نَزَلَ. قَالُوا:
يَا رَسُولَ اللَّهِ، أَلَيْتَ شَهْرًا، قَالَ:
«إِنَّ الشَّهْرَ يَكُونُ تِسْعًا وَعِشْرِينَ».

[راجع: ٣٧٨]

(١٢) بَابٌ: شَهْرًا عِيدٌ لَا يَنْقُصُانِ

قَالَ أَبُو عَبْدِ اللَّهِ: قَالَ إِسْحَاقُ:
وَإِنْ كَانَ نَاقِصًا فَهُوَ تَامٌ. وَقَالَ
مُحَمَّدٌ: لَا يَجْتَمِعُانِ، كِلَاهُمَا
نَاقِصُّ.

١٩١٢ - حَدَّثَنَا مُسَدِّدٌ: حَدَّثَنَا
مُعْتَمِرٌ قَالَ: سَمِعْتُ إِسْحَاقَ يَقُولُ أَبْنَ
سُوَيْدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي

(12) CHAPTER. The two months of 'Eid do not decrease.

Narrated Abū ‘Abdullāh , “Ishāq said that if Ramadān is of 29 days, even then it is complete (in its superiority); Muḥammad said, “It will not happen that there will be any decrease in their number and superiority.”

1912. Narrated Abū Bakra : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, “The two months of 'Eid (i.e., Ramadān and Dhul-Hijjah), do not decrease (in superiority).”⁽¹⁾

(1) (H.1912) There are many interpretations of this *Hadīth*, but the most common one is this: The good deeds done in these two months are rewarded fully whether these months are of 29 or 30 days. There is no harm if Muslims unknowingly start observing *Saum* (fast) on a wrong day, or stay at 'Arafāt during *Hajj* on a day other than the prescribed one, on condition that the crescent should be watched carefully. For example, if two persons witness that they have seen the crescent and the people observe *Saum* (fasts) or stay at 'Arafāt accordingly, and later the two witnesses turn to be liars, the acts of worshipping performed by the Muslims will not be rejected by Allāh . (*Fath Al-Bārī*).

بُكْرَةً، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ. حَوْدَثَنِي مُسَدَّدٌ قَالَ: حَدَّثَنَا مُعْتَمِرٌ، عَنْ خَالِدِ الْحَنَاءِ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ أَبِي بُكْرَةَ، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «شَهْرًا لَا يَقْصَانُ، شَهْرًا عَيْدٌ، رَمَضَانٌ وَذُو الحَجَّةِ».

(١٣) بَابُ قَوْلِ النَّبِيِّ ﷺ: (لا نَكْتُبُ وَلَا نَحِسِّبُ)

١٩١٣ - حَدَّثَنَا آدُمُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا الأَسْوَدُ بْنُ قَيْسٍ: حَدَّثَنَا سَعِيدُ بْنُ عَمْرُو: أَنَّهُ سَمِعَ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ، أَنَّهُ قَالَ: «إِنَّ أُمَّةَ أُمِّيَّةً لَا نَكْتُبُ وَلَا نَحِسِّبُ. الشَّهْرُ هَكَذَا وَهَكَذَا»، يَعْنِي مَرْأَةً تِسْعَةَ وَعِشْرِينَ وَمَرْأَةً ثَلَاثِينَ.

[راجع: ١٩٠٨]

(١٤) بَابٌ: لا يَتَقدَّمُ رَمَضَانٌ بِصَوْمٍ يَوْمٌ وَلَا يَؤْمِنْ

١٩١٤ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا هِشَامٌ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ، أَنَّهُ قَالَ: «لَا يَتَقدَّمُ أَحَدُكُمْ رَمَضَانَ بِصَوْمٍ يَوْمًا أَوْ يَوْمَيْنِ، إِلَّا أَنْ يَكُونَ رَجُلًا كَانَ يَصُومُ صَوْمًا، فَلْيَصُمْ ذَلِكَ الْيَوْمَ».

(١٥) بَابُ قَوْلِ اللهِ جَلَّ ذِكْرُهُ:

(13) CHAPTER. Not to observe *Saum* (fast) for a day or two ahead of Ramaḍān.

1914. Narrated Abū Hurairah: رَضِيَ اللَّهُ عَنْهُ عن: The Prophet ﷺ said, “None of you should observe *Saum* (fast) for a day or two ahead of Ramaḍān unless he has the habit of observing *Saum* (*Nawāfil*) (and if his fasting coincides with that day) then he can observe *Saum* (fast) on that day.”

(15) CHAPTER. The Statement of Allāh عَزَّ وَجَلَّ: “It is made lawful for you to have sexual

relations with your wives on the night of the As-Saum (the fasts). They are *Libās* [i.e., body cover or screen or *Sakan*] (سکن) (i.e., 'you enjoy the pleasure of living with her' — as in the Verse 7:189) — *Tafsir At-Tabarī*, for you, and you are the same for them. Allāh knows that you used to deceive yourselves, so He turned to you (accepted your repentance) and forgave you. So, now have sexual relations with them and seek that which Allāh has ordained for you (offspring)...” (V.2:187)

1915. Narrated Al-Barā': It was the custom among the companions of Muhammad ﷺ that if any of them was observing As-Saum (fast) and the food was presented [for *Iftār* — breaking his *Saum* (fast)], but he slept before eating, he would not eat that night and the following day till sunset.

Qais bin Sirma Al-Anṣārī was observing *Saum* (fast) and came to his wife at the time of *Iftār* and asked her whether she had anything to eat. She replied, “No, but I would go and bring something for you.” He used to do hard work during the day, so he was overwhelmed by sleep and slept. When his wife came and saw him, she said, “Disappointment for you.” When it was midday on the following day, he fainted and the Prophet ﷺ was informed about the whole matter; upon which the following Verses were revealed: “It is made lawful for you to have sexual relations with your wives on the night of As-Saum (the fasts)...”

So they were rejoiced greatly by it. And then Allāh also revealed:

“...And eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night)...” (V.2:187)

﴿أُحلَّ لَكُمْ لَيْلَةَ الْصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ هُنَّ لِيَامٌ لَكُمْ وَأَنْتُمْ لِيَامٌ لَهُنَّ عِلْمُ اللَّهِ أَنَّكُمْ كُنْتُمْ مُخْتَالُوكُمْ أَنْسَكْتُمْ فَتَابَ عَلَيْكُمْ وَعَفَا عَنْكُمْ فَاقْرَأُوهُنَّ وَبَيْتُعُوا مَا كَتَبَ اللَّهُ لَكُمْ﴾ [البقرة: ١٨٧]

١٩١٥ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ أَصْحَابُ مُحَمَّدٍ يَقُولُ إِذَا كَانَ الرَّجُلُ صَائِمًا فَحَضَرَ الْإِفْطَارُ فَنَامَ قَبْلَ أَنْ يُفْطِرَ لِمَ يَأْكُلُ لَيْلَةَ وَلَا يَوْمَهُ حَتَّى يُمْسِيَ . وَإِنَّ قَيْسَ بْنَ صِرْمَةَ الْأَنْصَارِيَّ كَانَ صَائِمًا فَلَمَّا حَضَرَ الْإِفْطَارَ أَتَى امْرَأَهُ فَقَالَ لَهَا: أَعْدَدَكِ طَعَامًا؟ قَالَتْ: لَا، وَلِكُنْ أَنْظَقْتِنِي فَأَطْلُبُ لَكَ . وَكَانَ يَوْمَهُ يَعْمَلُ فَعَلَيْهِ عَيْنَاهُ فَجَاءَهُ امْرَأَهُ فَلَمَّا رَأَهُ قَالَتْ: حَيَّةً لَكَ . فَلَمَّا انْتَصَفَ النَّهَارُ غُشِيَ عَلَيْهِ فَذُكِرَ ذَلِكَ لِلنَّبِيِّ ﷺ فَنَزَّلَ هَذِهِ الْآيَةَ: ﴿أُحلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ﴾ فَرَحُوا بِهَا فَرَحًا شَدِيدًا . وَنَزَّلَتْ: ﴿وَلَهُوا وَأَشْرَبُوا حَتَّى يَبْيَسَ لَهُ الْخَيْطُ الْأَيْضُ مِنَ الْخَيْطِ الْأَسْوَدِ﴾ [البقرة: ١٨٧]. [انظر:]

(16) CHAPTER. The Statement of Allāh
عن عائشة:

“...And eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night), then complete your Saum (fast) till the nightfall...” (V.2:187)

Narrated Al-Barā’ رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said as above.

1916. Narrated ‘Adi bin Hātim رَضِيَ اللَّهُ عَنْهُ: When the following Verses were revealed: “Until the white thread appears to you distinct from the black thread, I took two (hair) strings, one black and the other white, and kept them under my pillow and went on looking at them throughout the night but could not make anything out of it. So, the next morning I went to Allāh’s Messenger ﷺ and told him the whole story. He explained to me, “That Verse means the darkness of night and the whiteness of dawn.”

(١٦) بَابُ قَوْلِ اللَّهِ تَعَالَى: ﴿وَكُلُوا وَاشْرِبُوا حَتَّى يَبْيَنَ لَكُمُ الْخَيْطُ الْأَيْضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتِمُوا الصِّيَامَ إِلَى الْآتَيِ﴾ [البقرة: ١٨٧]

فِيهِ الْبِرَاءَ عَنِ النَّبِيِّ ﷺ.

١٩١٦ - حَدَّثَنَا حَاجُجُ بْنُ مِنْهَالٍ: حَدَّثَنَا هُشَيْمٌ قَالَ: أَخْبَرَنِي حُصَيْنُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ الشَّعْبِيِّ، عَنْ عَدِيِّ ابْنِ حَاتَمٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: لَمَّا نَزَّلَتْ: ﴿حَتَّى يَبْيَنَ لَكُمُ الْخَيْطُ الْأَيْضُ مِنَ الْخَيْطِ الْأَسْوَدِ﴾ عَمِدْتُ إِلَى عَقَالِيِّ أَسْوَدَ وَإِلَى عَفَالِيِّ أَيْضَ، فَجَعَلْتُهُمَا تَحْتَ وِسَادَتِيِّ، فَجَعَلْتُ أَنْظُرُ فِي اللَّيْلِ فَلَا يَسْتَيْنُ لِي. فَعَدَوْتُ عَلَى رَسُولِ اللَّهِ ﷺ فَذَكَرْتُ لَهُ ذَلِكَ فَقَالَ: إِنَّمَا ذَلِكَ سَوَادُ اللَّيْلِ وَبَيَاضُ النَّهَارِ». [انظر: ٤٥١٠، ٤٥٠٩]

١٩١٧ - حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرِيمٍ: حَدَّثَنَا ابْنُ أَبِي حَازِمٍ، عَنْ أَبِيهِ عَنْ سَهْلِ ابْنِ سَعْدٍ حَوْدَدَنِي سَعِيدُ بْنُ أَبِي مَرِيمٍ: حَدَّثَنَا أَبُو عَسَانَ مُحَمَّدُ بْنُ مُطَرِّفٍ قَالَ: حَدَّثَنِي أَبُو حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: أَنْزَلَتْ: ﴿وَكُلُوا وَاشْرِبُوا حَتَّى يَبْيَنَ لَكُمُ الْخَيْطُ الْأَيْضُ مِنَ الْخَيْطِ الْأَسْوَدِ﴾ وَلَمْ يَنْزِلْ ﴿مِنَ الْفَجْرِ﴾ فَكَانَ رِجَالٌ إِذَا

1917. Narrated Sahl bin Sa‘d: When the following Verses were revealed: “...Eat and drink until the white thread appears to you, distinct from the black thread...” and ‘of dawn’ was not revealed, some people who intended to observe Saum (fast), tied black and white threads to their legs and went on eating till they differentiated between the two. Allāh then revealed the words, ‘of dawn’, and it became clear that, that meant night and day.

أَرَادُوا الصَّوْمَ رَبْطًا أَحَدُهُمْ فِي رِجْلِهِ
الْخَيْطُ الْأَيْضَ وَالْخَيْطُ الْأَسْوَدَ، وَلَا
يَرَأُ يَأْكُلُ حَتَّى يَتَبَيَّنَ لَهُ رُؤْيَتُهُمَا.
فَأَنْزَلَ اللَّهُ بَعْدُ: «مِنَ الْفَجْرِ» فَعَلِمُوا
أَنَّهُ إِنَّمَا يَعْنِي اللَّيْلَ وَالنَّهَارَ.

[انظر: ٤٥١]

(17) CHAPTER. The statement of the Prophet ﷺ: The *Adhān* of Bilāl should not stop you from taking *Sahūr* (late-night meals).

1918, 1919. Narrated 'Āishah: Bilāl used to pronounce the *Adhān* at night, so Allāh's Messenger ﷺ said, "Carry on taking your meals (eat and drink) till Ibn Umm Maktūm pronounces the *Adhān*, for he does not pronounce it till it is dawn."

(١٧) بَابُ قَوْلِ النَّبِيِّ ﷺ: لَا
يَمْنَعُكُمْ مِنْ سَحُورٍ كُمْ أَذَانٌ بِلَالٍ

١٩١٨، ١٩١٩ - حَدَّثَنَا عَبْيَضُ بْنُ
إِسْمَاعِيلَ، عَنْ أَبِي أَسَامَةَ، عَنْ عُبَيْدِ
اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ،
وَالْقَاسِمِ ابْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ
رَضِيَ اللَّهُ عَنْهَا: أَنَّ بِلَالَ كَانَ يُؤَدِّنُ
بِلَيْلٍ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «كُلُوا
وَاشْرِبُوا حَتَّى يُؤَدِّنَ ابْنُ أَمِّ مَكْتُومَ فَإِنَّهُ
لَا يُؤَدِّنُ حَتَّى يَطْلُعَ الْفَجْرُ». قَالَ
الْقَاسِمُ: وَلَمْ يَكُنْ بَيْنَ أَذَانِهِمَا إِلَّا أَنَّ
يَرْقِي ذَا وَيَنْتَلِ ذَا. [راجع: ٦١٧]

(١٨) بَابُ تَعْجِيلِ السَّحُورِ

١٩٢٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْيَضٍ
اللَّهِ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ
عَنْ أَبِيهِ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ
سَعْدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنْتُ
أَسْحَرُ فِي أَهْلِي، ثُمَّ تَكُونُ سُرْعَتِي

(18) CHAPTER. Taking the *Sahūr* (late night meals taken before dawn) hurriedly (shortly before dawn).⁽¹⁾

1920. Narrated Sahl bin Sa'd: I used to take my *Sahūr* (late night meals taken before dawn) meals with my family and then hurry up for presenting myself for the *Fajr* prayer with Allāh's Messenger ﷺ.

(1) (Ch.18) They used to take the meal of *Sahūr* (late night meals taken before dawn) so late at night that they hurried in eating so that they might offer the *Fajr* prayer with Allāh's Messenger ﷺ.

أَنْ أُدْرِكَ السَّحُورَ مَعَ رَسُولِ اللَّهِ ﷺ.

[راجع: ٥٧٧]

(19) CHAPTER. What is the interval between the (end of) *Sahūr* and the *Ṣalāt-ul-Fajr* (early morning prayer)?

1921. Narrated Anas bin Thābit رضي الله عنه said, "We took the *Sahūr* (late night meals) with the Prophet ﷺ. Then he stood for *Aṣ-Ṣalāt* (the prayer)." I asked, "What was the interval between the *Sahūr* and the *Adhān*?" He replied, "The interval was sufficient to recite fifty Verses of the Qur'an."

(20) CHAPTER. The *Sahūr* (late night meals) is a blessing but it is not compulsory.

For the Prophet ﷺ and his companions kept observing fasting continuously for more than one day and (of course) no *Sahūr* (late night meals) was taken (during that prolonged fast).

1922. Narrated 'Abdullāh رضي الله عنه said: The Prophet ﷺ observed fasting for days continuously; the people also did the same but it was difficult for them. So, the Prophet ﷺ forbade them (to observe fast continuously for more than one day). They said, "But you observe fast without break (no food was taken in the evening or in the morning)." The Prophet ﷺ replied, "I am not like you, for I am provided with food and drink (by Allāh)."

1923. Narrated Anas bin Mālik رضي الله عنه said, "Take *Sahūr* (late night meals) as there is a blessing in it."

(١٩) بَابُ قَدْرِ كَمْ بَيْنَ السَّحُورِ وَصَلَاةِ الْفَجْرِ؟

١٩٢١ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا هِشَامٌ: حَدَّثَنَا قَتَادَةُ، عَنْ أَنَّسٍ، عَنْ رَبِيدَ ابْنِ ثَابِتٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: تَسْحَرْنَا مَعَ النَّبِيِّ ﷺ ثُمَّ قَامَ إِلَى الصَّلَاةِ، قُلْتُ: كَمْ كَانَ بَيْنَ الْأَذَانِ وَالسَّحُورِ؟ قَالَ: قَدْرُ خَمْسِينَ آيَةً. [راجع: ٥٧٥]

(٢٠) بَابُ بَرَكَةِ السَّحُورِ مِنْ غَيْرِ إِيجَابٍ، لِأَنَّ النَّبِيَّ ﷺ وَأَصْحَابُهُ وَاصْلُوْلُوا وَلَمْ يُذَكَّرِ السَّحُورُ.

١٩٢٢ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَةُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ وَاصْلَى فَوَاصْلَ النَّاسُ فَشَقَّ عَلَيْهِمْ فَنَهَا هُمْ. قَالُوا: إِنَّكَ تُوَاصِلُ، قَالَ: «لَسْتُ كَهِيْتَكُمْ، إِنِّي أَظْلَلُ أَطْعَمُ وَأَسْتَئِنُ». [انظر: ١٩٦٢]

١٩٢٣ - حَدَّثَنَا آدُمُ بْنُ أَبِي إِيَّاسٍ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا عَبْدُ العَزِيزِ بْنُ صُهَيْبٍ قَالَ: سَمِعْتُ أَنَّسَ

بَنْ مَالِكَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ
النَّبِيُّ ﷺ: «تَسْحَرُوا فَإِنَّ فِي السَّحُورِ
بَرَكَةً».

(21) CHAPTER. If the intention of observing Saum (fast) was made in the daytime...

Umm Ad-Dardā' said: Abū Ad-Dardā' used to ask, "Do you have food?" If we answered in the negative, he would say, "Then I am observing Saum (fasting) today." Abū Talhā, Abū Hurairah, Ibn 'Abbās and Hudhaifa رضي الله عنهم did the same.

1924. Narrated Salama bin Al-Akwa' رضي الله عنه: Once the Prophet ﷺ ordered a person on the day of Āshūra (the tenth of Muḥarram) to announce, "Whoever has eaten, should not eat any more, but observe Saum (fast), and who has not eaten should not eat, but complete his Saum (fast) (till the end of the day)."

(21) باب: إِذَا نَوَى بِالنَّهَارِ صَوْمًا،
وَقَالَتْ أُمُّ الدَّرْدَاءِ: كَانَ أَبُو
الدَّرْدَاءِ يَقُولُ: عَنْدَكُمْ طَعَامٌ؟ فَإِنْ
فُلِنَا: لَا، قَالَ: فَإِنِّي صَائِمٌ يَوْمِي
هَذَا. وَفَعَلَهُ أَبُو طَلْحَةَ وَأَبُو هُرَيْرَةَ
وَابْنَ عَبَّاسٍ وَحُذَيْفَةَ رَضِيَ اللَّهُ عَنْهُمْ.

١٩٢٤ - حَدَثَنَا أَبُو عَاصِمٍ، عَنْ
يَرِيدَ بْنِ أَبِي عِيْدَةَ، عَنْ سَلَمَةَ بْنِ
الْأَكْوَعِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ
بَعَثَ رَجُلًا يُنَادِي فِي النَّاسِ يَوْمَ
عَاشُورَاءَ: «إِنَّ مَنْ أَكَلَ فَلَيُتَمَّ أَوْ
فَلَيُصْبِّمُ، وَمَنْ لَمْ يَأْكُلْ فَلَا يَأْكُلْ».

[انظر: ٢٠٠٧، ٧٢٦٥]

(22) باب الصائم يصبح جنباً

(22) CHAPTER. If a person observing Saum (fast) gets up in the morning in the state of Janāba [will his Saum (fast) be valid?]

1925, 1926. Narrated 'Āishah and Umm Salama رضي الله عنهما: At times, Allāh's Messenger ﷺ used to get up in the morning in the state of Janāba after having sexual relations with his wives. He would then take a bath and observe Saum (fast). Marwān said to Abdur Rahmān, "I swear by Allāh that you tell Abū Hurairah that [the Prophet ﷺ used to be Junub (in state of Janaba) till the dawn, would then take a bath and observe Saum (fast)]."

١٩٢٥، ١٩٢٦ - حَدَثَنَا عَبْدُ اللَّهِ
بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ سُمَيْ
مَوْلَى أَبِي بَكْرٍ ابْنِ عَبْدِ الرَّحْمَنِ بْنِ
الْحَارِثِ بْنِ هِشَامِ بْنِ الْمُغَيْرَةِ. أَنَّهُ
سَمِعَ أَبَا بَكْرٍ بْنَ عَبْدِ الرَّحْمَنِ قَالَ:
كُنْتُ أَنَا وَأَبِي حَثَّى دَحَلْنَا عَلَى عَائِشَةَ
وَأُمِّ سَلَمَةَ. حَ

وَحَدَثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا
شَعِيبٌ، عَنْ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي
أَبُو بَكْرٍ بْنَ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ

بن هشام: أن أبا عبد الرحمن أخبر مروان: أن عائشة وأم سلامة أخبرتاه: أن رسول الله ﷺ كان يذرئه الفجر، وهو جنب من أهله، ثم يغسل ويصوم. وقال مروان لعبد الرحمن بن الحارث: أقسم بالله لنفر عنها أبا هريرة. ومروان يومئذ على المدينة، فقال أبو تكير: فكره ذلك عبد الرحمن ثم قدر لنا أن نجتمع بذوي الخليفة وكانت لأبي هريرة هنالك أرض، فقال عبد الرحمن لأبي هريرة: إني ذاكر لك أمرا ولولا مروان أقسم على فيه لم أذكره لك، فذكر قوله عائشة وأم سلامة فقال: كذلك حدثني الفضل بن عباس وهو أعلم. وقال همام وابن عبد الله بن عمر عن أبي هريرة: كان النبي ﷺ يأمر بالفطر، والأول أنسد. [ال الحديث: ١٩٢٥، انظر: ١٩٣٠، ١٩٣١؛ [ال الحديث: ١٩٢٦، انظر: ١٩٣٢]

(٢٣) **باب المبارة للصائم**،
وقالت عائشة رضي الله عنها:
يحرم عليه فرجها.

(23) CHAPTER. To embrace while one is observing *Saum* (fast).

‘Aishah said: “A person observing *Saum* (fast) is forbidden to have sexual intercourse.”

1927. Narrated ‘Aishah رضي الله عنها: The Prophet ﷺ used to kiss and embrace (his wives) while he was observing *Saum* (fast), and he had more power to control his desires than any of you.

Jabir bin Zaid said, “If a man gets a

١٩٢٧ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: عَنْ شُعْبَةَ، عَنْ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنْ الْأَسْوَدِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ النَّبِيُّ ﷺ

sexual discharge as a result of casting a look (at his wife) should complete his *Saum* (fast)."

يُقْبَلُ وَيُبَاشِرُ وَهُوَ صَائِمٌ وَكَانَ أَمْلَكُكُمْ لِإِرْبِهِ.

وقالَ: قَالَ ابْنُ عَبَّاسٍ: «مَتَارِبٌ»: حَاجَةٌ. قَالَ طَاؤُوسٌ: «غَيْرُ أُولَئِكُ الْأَرْبَةِ» [النور: ٣١]: الأَحْمَقُ، لَا حَاجَةَ لَهُ فِي السَّاعَةِ. وَقَالَ جَابِرُ بْنُ رَبِيعٍ: إِنَّ نَظَرَ فَأَمَنَى يُتْمِ صَوْمَهُ. [انظر: ١٩٢٨]

(٢٤) بَابُ الْفَلْبَةِ لِلصَّائِمِ

(24) CHAPTER. What is said regarding kissing by a fasting person.

1928. Narrated Hishām's father: 'Āishah said, "Allāh's Messenger ﷺ used to kiss some of his wives while he was observing *Saum* (fast)," and then she smiled.

١٩٢٨ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَّى: حَدَّثَنِي يَحْيَى، عَنْ هِشَامٍ قَالَ: أَخْبَرَنِي أَبِي، عَنْ عَائِشَةَ عَنْ الَّبِيِّ يَعْلَمُهُ ح. وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ عَنْ هِشَامَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالْتُ: إِنْ كَانَ رَسُولُ اللَّهِ يَعْلَمُ لِي قَبْلَ بَعْضِ أَزْوَاجِهِ وَهُوَ صَائِمٌ، ثُمَّ ضَحِّكَتْ. [راجع: ١٩٢٧]

1929. Narrated Zainab, daughter of Umm Salama that her mother said: While I was (lying) with Allāh's Messenger ﷺ underneath a woollen sheet, I got the menstruation, and then slipped away and put on the clothes (which I used to wear) in menses. He asked, "What is the matter? Did you get your menses?" I replied in the affirmative and then entered underneath that woollen sheet. I and Allāh's Messenger ﷺ used to take a bath from one waterpot and he used to kiss me while he was observing *Saum* (fast).

١٩٢٩ - حَدَّثَنَا مُسْدَدٌ: حَدَّثَنَا يَحْيَى، عَنْ هِشَامِ بْنِ أَبِي عَبْدِ اللَّهِ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ رَبِيعَ بْنِ أَبْتَهُ أُمْ سَلَمَةَ، عَنْ أُمِّهَا رَضِيَ اللَّهُ عَنْهُمَا قَالْتُ: (بَيْنَما أَنَا مَعَ رَسُولِ اللَّهِ يَعْلَمُهُ فِي الْحَمِيلَةِ إِذْ حَضَرْتُ فَانْسَلَلْتُ فَأَخَذْتُ ثِيَابَ حِيطَنِي، فَقَالَ: «مَا لَكِ؟ أَنْفَقْتِ؟» قُلْتُ: نَعَمْ. فَذَهَلْتُ مَعَهُ فِي الْحَمِيلَةِ

وَكَانَتْ هِيَ وَرَسُولُ اللَّهِ ﷺ يَعْتَسِلُ إِنَاءً وَاحِدًا وَكَانَ يُقْبِلُهَا وَهُوَ صَائِمٌ . [راجع: ٢٩٨]

(٢٥) بَابُ اغْتِسَالِ الصَّائِمِ ،

وَبَلَّ ابْنُ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا تَوْبَيَا فَأَلْقَى عَلَيْهِ وَهُوَ صَائِمٌ . وَدَخَلَ الشَّعْبِيَّ الْحَمَامَ وَهُوَ صَائِمٌ . وَقَالَ ابْنُ عَبَّاسٍ: لَا يَأْسَ أَنْ يَتَعَطَّمَ الْقِدْرَأُ أَوِ الشَّيْءَ . وَقَالَ الْحَسَنُ: لَا يَأْسَ بِالْمَضْمَضَةِ وَالتَّبَرُّدِ لِلصَّائِمِ . وَقَالَ ابْنُ مَسْعُودَ: إِذَا كَانَ صَوْمَ أَحَدِكُمْ فَلْيُضْبِخْ دَهِينًا مُتَرَجِّلًا ، وَقَالَ أَنَّسُ: إِنَّ لِي أَبْرَزَنَا أَنَّهُمْ فِيهِ وَأَنَا صَائِمٌ ، وَيُذَكَّرُ عَنِ النَّبِيِّ ﷺ أَنَّهُ اسْتَاكَ وَهُوَ صَائِمٌ . وَقَالَ ابْنُ عُمَرَ: يَسْتَاكُ أَوْلَ النَّهَارَ وَآخِرَهُ . وَقَالَ عَطَاءُ: إِنَّ ازْرَادَ رِيقَهُ لَا أَقُولُ: يُفْطِرُ . وَقَالَ ابْنُ سِيرِينَ: لَا يَأْسَ بِالسَّوَاكِ الرَّطَبِ . قَيلَ: لَهُ طَعْمٌ ، قَالَ: وَالْمَاءُ لَهُ طَعْمٌ وَأَنَّ تَمَضْمَضُ بِهِ . وَلَمْ يَرَ أَنَّسُ وَالْحَسَنُ وَإِبْرَاهِيمَ بِالْكُحْلِ لِلصَّائِمِ بِأَسَا .

١٩٣٠ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ : حَدَّثَنَا ابْنُ وَهْبٍ : حَدَّثَنَا يُونُسُ ، عَنِ ابْنِ شَهَابٍ ، عَنْ عُرْوَةَ وَبْنِ بَكْرٍ ، قَالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا: كَانَ النَّبِيُّ ﷺ يُدْرِكُهُ الْفَجْرُ

(25) CHAPTER. Taking a bath by a person observing Saum (fast).

Ibn ‘Umar رضي الله عنهموا soaked a garment in water and then put it over himself while he was observing *Saum* (fasting). Ash-Sha‘bi entered a bathroom while he was observing *Saum*. Ibn ‘Abbas said, “There is no harm in tasting the food of the pots or other meals. Al-Hasan said, “There is no harm for the person observing *Saum* (fast) to rinse his mouth with water and to cool his body.” Ibn Mas‘ud said, “At the night of your fasting day, you had better oil and comb your hair.” Anas said, “I had a tub in which I used to sit while observing *Saum* (fast).” It is mentioned that the Prophet ﷺ cleaned his teeth with a *Siwāk* while observing *Saum* (fast), and Ibn ‘Umar used to clean his teeth with *Siwāk* in the early and the late hours of the day without swallowing the resultant saliva [while observing *Saum* (fast)]. ‘Ata’ said, “The swallowing of saliva does not break the *Saum* (fast).” Ibn Sirin said, “There is no harm in cleaning the teeth with a green fresh *Siwāk*.” He was told that it had taste. Ibn Sirin replied, “Water also has taste; yet you people rinse your mouth with it.” Anas, Al-Hasan and Ibrāhīm did not see any harm in smearing one’s eyes with kohl while observing *Saum* (fast).

1930. Narrated ‘Aishah (At times) in Ramadān the Prophet ﷺ used to be in a state of *Janāba* not because of a wet dream, then he would take a bath and continue his *Saum* (fast).

جُنِيَا فِي رَمَضَانَ مِنْ غَيْرِ حُلْمٍ فَيَعْتَسِلُ
وَيَصُومُ. [راجع: ١٩٢٥]

١٩٣١ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ:

حَدَّثَنِي مَالِكُ، عَنْ سُمَيْ مَوْلَى أَبِي
بَكْرٍ ابْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ
هِشَامِ ابْنِ الْمُغِيرَةِ: أَنَّهُ سَمِعَ أَبَا بَكْرِ
بْنَ عَبْدِ الرَّحْمَنِ: كُنْتُ أَنَا وَأَبِي
فَذَهَبْتُ مَعَهُ حَتَّى دَخَلْنَا عَلَى عَائِشَةَ
رَضِيَ اللَّهُ عَنْهَا قَالَتْ: أَشْهَدُ عَلَى
رَسُولِ اللَّهِ ﷺ إِنْ كَانَ لِيَصْبُحُ جُنِيَا
مِنْ جَمَاعِ غَيْرِ الْحَلَامِ، ثُمَّ يَصُومُهُ.

[راجع: ١٩٢٥]

١٩٣٢ - ثُمَّ دَخَلْنَا عَلَى أُمِّ سَلَمَةَ

فَقَالَتْ مُثْلِذَ ذَلِكَ. [راجع: ١٩٢٦]

(٢٦) بَابُ الصَّائِمِ إِذَا أَكَلَ أَوْ شَرَبَ
نَاسِيَاً،

وَقَالَ عَطَاءُ: إِنِّي اسْتَشَرَ فَدَخَلَ
الْمَاءُ فِي حَلْقِهِ لَا بَأْسَ بِهِ إِنْ لَمْ
يَمْلِكْ، وَقَالَ الْحَسَنُ: إِنْ دَخَلَ حَلْقَهُ
الذِبَابُ فَلَا شَيْءَ عَلَيْهِ. وَقَالَ الْحَسَنُ
وَمُجَاهِدُ: إِنْ جَامَعَ نَاسِيَاً فَلَا شَيْءَ
عَلَيْهِ.

١٩٣٣ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا

يَزِيدُ ابْنُ زَرْعَ: حَدَّثَنَا هِشَامٌ: حَدَّثَنَا
ابْنُ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ
عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: إِذَا نَسِيَ

1931. Narrated Abū Bakr bin ‘Abdur-Rahmān: My father and I went to ‘Āishah and she said, “I testify that Allāh’s Messenger ﷺ at times used to get up in the morning in a state of *Janāba* from sexual intercourse, not from a wet dream and then he would observe *Ṣaum* (fast) that day.”

1932. Then he went to Umm Salama and she also narrated a similar thing.

(26) CHAPTER. If a person observing *Ṣaum* (fast) ate or drank forgetfully (should he observe *Ṣaum* another day in lieu of that day)?

‘Atā’ said, “There is no harm if water goes in the throat and one is unable to bring it out while putting it in the nose and then blowing it out.”

Al-Ḥasan said, “If a fly enters one’s throat (while one is observing *Ṣaum*), there is no harm in it.” Al-Ḥasan and Mujāhid said, “If one has sexual intercourse forgetfully (with one’s wife) then no penalty will be imposed on him.”

1933. Narrated Abū Hurairah: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, “If somebody eats or drinks forgetfully then he should complete his *Ṣaum* (fast), for what he has eaten or drank, has been given to him by Allāh.”

فَأَكَلَ وَشَرِبَ فَلْتَمَ صَوْمَهُ، فَإِنَّمَا أَطْعَمَهُ اللَّهُ وَسَقَاهُ». [انظر: ٦٦٦٩]

(٢٧) بَابُ سَوَّاْكِ الرَّطْبِ وَالْيَاسِ للصائم،

وَيُذَكَّرُ عَنْ عَامِرِ بْنِ رَبِيعَةَ قَالَ: رَأَيْتُ النَّبِيَّ ﷺ يَسْتَاكُ وَهُوَ صَانِمٌ مَا لَا أَخْصِيْ أَوْ أَعْدُ.

وَقَالَ أَبُو هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ: «لَوْلَا أَنْ أَشْقَى عَلَى أَمْتَجِي لِأَمْرِهِمْ بِالسَّوَّاْكِ عِنْدَ كُلِّ وُضُوءٍ». وَيُرَوَى نَحْوُهُ عَنْ جَابِرٍ وَزَيْدِ بْنِ خَالِدٍ عَنِ النَّبِيِّ ﷺ. وَلَمْ يَحْصُ الصَّائِمُ مِنْ عَيْرِهِ. وَقَالَتْ عَائِشَةُ عَنِ النَّبِيِّ ﷺ: «السَّوَّاْكُ مَظَهِرٌ لِلْفَمِ، مَرْضَاهُ لِلرَّبِّ». وَقَالَ عَطَاءُ وَقَاتَادَةُ: يَبْتَلِعُ رِيقَهُ.

١٩٣٤ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَبْدُ اللَّهِ أَخْبَرَنَا مَعْمَرُ قَالَ: حَدَّثَنَا الرَّوْهِرِيُّ، عَنْ عَطَاءِ بْنِ زَيْدٍ، عَنْ حُمَرَانَ قَالَ: رَأَيْتُ عُثْمَانَ رَضِيَ اللَّهُ عَنْهُ تَوَضَّأَ فَأَفْرَغَ عَلَيْهِ يَدَيْهِ ثَلَاثَةَ ثُمَّ مَضْمِضَ وَاسْتَثْرَ، ثُمَّ غَسَلَ وَجْهَهُ ثَلَاثَةَ، ثُمَّ غَسَلَ يَدَيْهِ الْيُمْنَى إِلَى الْمِرْقَقِ ثَلَاثَةَ. ثُمَّ غَسَلَ يَدَيْهِ الْيُسْرَى إِلَى الْمِرْقَقِ ثَلَاثَةَ، ثُمَّ مَسَحَ بِرَأْسِهِ، ثُمَّ غَسَلَ رِجْلَهُ الْيُمْنَى ثَلَاثَةَ. ثُمَّ الْيُسْرَى ثَلَاثَةَ، ثُمَّ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ تَوَضَّأَ نَحْوَ وَضُوئِي هَذَا. ثُمَّ

(27) CHAPTER. Dry or green Siwāk for the person observing Saum (fast).

Narrated ‘Āmir bin Rabī‘a: I saw the Prophet ﷺ cleaning his teeth with Siwāk while he was observing Saum (fast) so many times as I can not count.

Narrated Abū Hurairah: The Prophet ﷺ said, “But for my fear that it would be hard for my followers, I would have ordered them to clean their teeth with Siwāk on every performance of ablution.” The same is narrated by Jābir and Zaid bin Khālid from the Prophet ﷺ who did not differentiate between a fasting and a non-fasting person in this respect (using Siwāk).

‘Aishah said, “The Prophet ﷺ said, ‘It (i.e., Siwāk) is a purification for the mouth and it is a way of seeking Allāh’s Pleasures.’” Atā’ and Qatāda said, “There is no harm in swallowing the resultant saliva.”

1934. Narrated Ḥumrān: I saw ‘Uthmān performing ablution; he washed his hands thrice rinsed his mouth and then washed his nose, by putting water in it and then blowing it out, and washed his face thrice, and then washed his right forearm up to the elbow thrice, and then the leftforearm up to the elbow thrice, then smeared his head with water, washed his right foot thrice, and then his left foot thrice and said, “I saw Allāh’s Messenger ﷺ performing ablution similar to my present ablution, and then he said, ‘Whoever performs ablution like my present ablution and then offers two Rak‘ā in which he does not think of worldly things, all his previous sins will be forgiven.’”

قال: «مَنْ تَوَضَّأَ وُضُونِي هَذَا ثُمَّ يُصَلِّي رَكْعَتَيْنِ لَا يُحَدِّثُ نَفْسَهُ فِيهِما بِشَيْءٍ غَيْرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ».

(٢٨) بَابُ قَوْلِ النَّبِيِّ ﷺ: «إِذَا تَوَضَّأَ فَلَيُسْتَشْفَى بِمَنْخِرِهِ الْمَاءِ»، وَلَمْ يُمِيزْ بَيْنَ الصَّائِمِ وَغَيْرِهِ.

(28) CHAPTER. The statement of the Prophet ﷺ: “Whoever performs ablution should put water in his nose and then blow it out.” The Prophet ﷺ did not differentiate between the fasting and non-fasting person (in this respect).

Al-Hasan said, “There is no harm for a person observing *Saum* (fast) (in this respect).

Al-Hasan said, “There is no harm for a person observing *Saum* (fast) to use snuff if it does not reach the throat, or to smear his eyes with kohl.”

‘Atā’ said, “If a person observing *Saum* (fast), after rinsing his mouth with water, throws it out, then ; there is no harm, unless he swallows his saliva and what is left in his mouth.^(١) And he should not chew gum, for if he swallows his saliva, I do not say that it will break his *Saum* (fast), but it is prohibited, and if, during the putting of water in the nose and then blowing it out, some water enters the throat and he is unable to bring it back, there is no harm in that.”

(29) CHAPTER. Whoever has a sexual intercourse with his wife in Ramaḍān, (intentionally, he has to pay expiation).

Narrated Abū Hurairah on the authority of the Prophet ﷺ, “Whoever did not observe *Saum* (fast) for one day of Ramaḍān without genuine excuse or a disease, then even if he observed *Saum* (fast) for a complete year, it would not compensate for that day.” The same is narrated by Ibn Mas‘ud.

Sa‘id bin Al-Musaiyab, Ash-Sha'bī, Ibn

وقال الحسن: لا بأس بالسعوط للصائم إن لم يصل إلى حلقه، ويكتحل. وقال عطاء: إن تمضمض ثم أفرغ ما في فيه من الماء لا يضره إن لم يزدر ريقه، وماذا يقي في فيه، ولا يمضمض العلك فإن ازدر ريق العلك لا أقول: إنه يُفطر ولكن ينهى عنه، فإن استثر فدخل الماء حلقه لا بأس لأنّه لم يملّك.

(٢٩) بَابٌ: إذا جامع في رمضان،

ويُذَكِّرُ عَنْ أَبِي هُرَيْرَةَ رَفَعَهُ: «مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ مِنْ غَيْرِ عِلْمٍ وَلَا مَرْضٍ لَمْ يَفْضِهِ صِيَامُ الدَّهْرِ وَإِنْ صَامَهُ». وبه قال ابن مسعود. وقال سعيد بن المسيب، والشعبي، وسعيد بن جبير، وإبراهيم، وفتادة،

(1) (Ch.28) The question here means : after emptying the mouth of water there is nothing left in it, so there is no harm if one swallows his saliva.

Jubair, Ibrāhīm, Qatāda and Ḥammād said, "He should observe *Ṣaum* (fast) one day in lieu of that missed day."

1935. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: A man came to the Prophet ﷺ and said that he had been burnt (ruined). The Prophet ﷺ asked him what is the matter. He replied, "I had sexual intercourse with my wife in Ramadān [while I was observing *Ṣaum* (fast)]." Then a basket full of dates was brought to the Prophet ﷺ and he asked, "Where is the burnt (ruined) man?" He replied, "I am present." The Prophet ﷺ told him to give that basket full of dates in charity (as expiation).

وَحَمَادٌ: يَقْضِي يَوْمًا مَكَانَهُ.

١٩٣٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُنْبِرٍ:
سَمِعَ يَزِيدَ بْنَ هَارُونَ: حَدَّثَنَا يَخْبِيٌّ:
أَنَّ عَبْدَ الرَّحْمَنِ بْنَ الْقَاسِمِ أَخْبَرَهُ عَنْ
مُحَمَّدٍ بْنِ جَعْفَرٍ بْنِ الرَّبِيعِ بْنِ الْعَوَامِ
بْنِ حُوَيْلِدٍ، عَنْ عَبَادِ بْنِ عَبْدِ اللَّهِ بْنِ
الرَّبِيعِ أَخْبَرَهُ: أَنَّهُ سَمِعَ عَائِشَةَ رَضِيَ
اللَّهُ عَنْهَا تَقُولُ: إِنَّ رَجُلًا أَتَى النَّبِيَّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: إِنَّهُ اخْتَرَقَ.
قَالَ: «مَا
لَكَ؟» قَالَ: أَصْبَثْتُ أَهْلِي فِي
رَمَضَانَ، فَأَتَيَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُدْعَى
الْعَرَقَ، فَقَالَ: «أَيْنَ الْمُخْتَرُ؟»
قَالَ: أَنَا، قَالَ: «تَصَدَّقْ بِهَذَا».

[انظر: ٦٨٢٢]

(30) CHAPTER. If somebody had a sexual intercourse with his wife in Ramadān and has got nothing, then if he is given something in charity, he should give the expiation of that sinful act.

1936. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: While we were sitting with the Prophet ﷺ a man came and said, "O Allāh's Messenger! I have been ruined." Allāh's Messenger ﷺ asked what was the matter with him. He replied, "I had sexual intercourse with my wife while I was observing *Ṣaum* (fast)." Allāh's Messenger ﷺ asked him, "Can you afford to manumit a slave?" He replied in the negative. Allāh's Messenger ﷺ asked him, "Can you observe *Ṣaum* (fast) for two successive months?" He replied in the negative. The Prophet ﷺ asked him, "Can you afford to feed sixty poor persons?" He

١٩٣٦ - حَدَّثَنَا أَبُو الْيَمَانُ:
أَخْبَرَنَا شَعِيبٌ، عَنِ الزُّهْرِيِّ قَالَ:
أَخْبَرَنِي حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ أَنَّ
أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: يَبْنَمَا
نَحْنُ جُلُوسٌ عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ إِذْ جَاءَهُ
رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ، هَلْ كُنْتُ.
قَالَ: «مَا لَكَ؟» قَالَ: وَقَفَتْ عَلَى
امْرَأَتِي وَأَنَا صَائِمٌ. فَقَالَ رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «هَلْ تَجِدُ رَبَّهُ تُعْتَقُهَا؟» قَالَ:

replied in the negative. The Prophet ﷺ kept silent and while we were in that state, a big basket full of dates was brought to the Prophet ﷺ. He asked, "Where is the questioner?" He replied, "I (am here)." The Prophet ﷺ said (to him), "Take this (basket of dates) and give it in charity." The man said, "Should I give it to a person poorer than I? By Allāh; there is no family between its (i.e., Al-Madina's) two mountains who are poorer than I." The Prophet ﷺ smiled till his premolar teeth became visible and then said, "Feed your family with it."

لَا. قَالَ: «فَهَلْ تَسْتَطِعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَبَاعِيْنِ؟» قَالَ: لَا، قَالَ: «فَهَلْ تَجِدُ إِطْعَامَ سَتِّينَ مَسْكِيْنًا؟» قَالَ: لَا، قَالَ: فَمَكَثَ النَّبِيُّ ﷺ فَبَيْنَا نَحْنُ عَلَى ذلِكَ أَتَيَ النَّبِيُّ ﷺ بِعَرَقِ فِيهَا تَمْرًا - وَالعَرْقُ الْمُكْتَلُ - قَالَ: «أَيْنَ السَّائِلُ؟» فَقَالَ: أَنَا، قَالَ: «خُذْ هَذَا فَصَادِقْ بِهِ». فَقَالَ الرَّجُلُ: عَلَى أَفْقَرِ مِنِّي يَا رَسُولَ اللَّهِ؟ قَوَّا اللَّهُ مَا بَيْنَ لَابْنِهَا - يُرِيدُ الْحَرَيْنَ - أَهْلَ بَيْتٍ أَفْقَرُ مِنْ أَهْلِ بَيْتِيِّ - فَصَاحَ النَّبِيُّ ﷺ حَتَّى بَدَأْتُ أَتَيْهُ، ثُمَّ قَالَ: «أَطْعِمْ أَهْلَكَ». [انظر: ١٩٣٧، ٦١٦٤، ٦٠٨٧، ٥٣٦٨، ٢٦٠٠، ٢٦١١، ٦٧١٠، ٦٧٠٩]

(٣١) بَابُ المَجَامِعِ فِي رَمَضَانَ، هَلْ يُطْعِمُ أَهْلَهُ مِنَ الْكُفَّارَ إِذَا كَانُوا مَحَاوِيْخَ؟

١٩٣٧ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ، عَنْ مُنْظُورٍ، عَنْ الرُّوْهْرِيِّ، عَنْ حُمَيْدٍ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنَّ الْأَخْرَى وَقَعَ عَلَى امْرَأَتِهِ فِي رَمَضَانَ. فَقَالَ: أَتَجِدُ مَا تُحَرِّرُ رَقَبَةً؟» قَالَ: لَا، قَالَ: «أَفَكَسْتَطِعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَبَاعِيْنِ؟» قَالَ: لَا، قَالَ: «أَفَجِدُ مَا تُطْعِمُ بِهِ سَتِّينَ مَسْكِيْنًا؟» قَالَ: لَا.

(31) CHAPTER. Can a person who has had sexual intercourse (with his wife) in Ramadān feed his family from things given as expiation of his sin if they are needy?

1937. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : A man came to the Prophet ﷺ and said, "I had sexual intercourse with my wife in Ramadān [while observing Saum (fasting)]." The Prophet ﷺ asked him, "Can you afford to manumit a slave?" He replied in the negative. The Prophet ﷺ asked him, "Can you observe Saum (fast) for two successive months?" He replied in the negative. He asked him, "Can you afford to feed sixty poor persons?" He replied in the negative. (Abū Hurairah added): Then a basket full of dates was brought to the Prophet ﷺ and he said (to that man), "Feed (poor people) with this on your

behalf (by way of expiation).” He said, “(Should I feed it) to poorer people than we? There is no poorer house than ours between its (Al-Madina’s) mountains.” The Prophet ﷺ said, “Then feed your family with it.”

قال: فأتى النبي ﷺ يعرق فيه تمر، وهو الرَّبِيلُ، قال: «أطعْمُ هذا عنك». قال: على أحوج منا؟ ما بين لائحتها أهل بيته أحوج منا. قال: «فاطعْمنه أهله». [راجع: ١٩٣٦]

(٣٢) باب الحجامة والقيء للصائم

(32) CHAPTER. Cupping (letting out blood medically) and vomiting of a person observing Saum (fast).

Narrated Abū Hurairah: “If a person observing Saum (fast) vomits, that does not break his Saum (fast), for while he vomits he expels something and does not swallow anything.”

It is mentioned from Abū Hurairah that vomiting breaks the Saum (fast), but the former narration is more authentic. Ibn ‘Abbās and ‘Ikrima said, “Observing Saum (fast) means to stop taking food in, not taking it out.” And Ibn ‘Umar رضي الله عنهما used to be cupped while he was observing Saum (fast) but later on he abandoned it and began to be cupped at night. Abū Mūsa was cupped at night. It is narrated that Sa’d, Zaid bin Arqam and Umm Ṣalama were cupped while observing Saum (fast). Bukāir said: Umm ‘Alqama, said: “We used to be cupped [during observing Saum (fast)] in ‘Āishah’s presence and she did not object. Al-Ḥasan and others narrate on the authority of the Prophet ﷺ, “The cupping and the cupped persons break Saum (fast) on practising this operation while Saum (fast).” ‘Āishah told me (Al-Bukhārī) that ‘Abdul-A’lā narrated from Yūnus from Al-Ḥasan as above. Somebody asked him, “Was that statement reported from the Prophet ﷺ?” He replied, “Yes,” and then added, “Allāh knows better.”

وقال لي يحيى بن صالح: حدثنا معاوية بن سلام: حدثنا يحيى، عن عمر ابن الحكم بن ثوبان: سمع أبا هريرة رضي الله عنه: إذا قاء فلما يفطر، إنما يخرج ولا يولج. ويدرك عن أبي هريرة أنه يفطر والأول أصح. وقال ابن عباس وعكرمة: الصوم مما دخل وليس مما خرج. وكان ابن عمر رضي الله عنهما يختجم وهو صائم، ثم تركه، فكان يختجم بالليل. واحتجم أبو موسى ليلة. ويدرك عن سعد وزيد بن أرقام وأم سلمة أنهم احتجموا صياماً. وقال بكيه، عن أم علقة: كنا نختجم عند عائشة فلا ننهى. ويروى عن الحسن عن غير واحد مرفوعاً: أفطر الحاجم والممحجون. وقال لي عياش: حدثنا عبد الأعلى: حدثنا يوسف، عن الحسن مثله. قبل له: عن النبي ﷺ؟ قال: نعم. ثم قال: الله أعلم.

1938. Narrated Ibn ‘Abbās رضي الله عنهما : The Prophet ﷺ was cupped while he was in the state of *Ihrām*, and also while he was observing a *Saum* (fast).⁽¹⁾

١٩٣٨ - حَدَّثَنَا مُعْلَى بْنُ أَسَدٍ: حَدَّثَنَا وُهَيْبٌ، عَنْ أَيُوبَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ ﷺ احْتَجَمَ وَهُوَ مُحْرِمٌ وَاحْتَجَمَ وَهُوَ صَائِمٌ.

[راجع: ١٨٣٥]

1939. Narrated Ibn ‘Abbās رضي الله عنهما : The Prophet ﷺ was cupped while he was observing *Saum* (fast).

١٩٣٩ - حَدَّثَنَا أَبُو مَعْمَرٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا أَيُوبُ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: احْتَجَمَ النَّبِيُّ ﷺ وَهُوَ صَائِمٌ. [راجع: ١٨٣٥]

1940. Narrated Thābit Al-Bunāni : Anas bin Mālik رضي الله عنه was asked whether they disliked the cupping for a person observing *Saum* (fast). He replied in the negative and said, “Only if it causes weakness.”

Narrated Shu‘bah : In the lifetime of the Prophet ﷺ .

١٩٤٠ - حَدَّثَنَا آدُمُ بْنُ أَبِي إِيَّاسٍ: حَدَّثَنَا شُعبَةُ قَالَ: سَمِعْتُ ثَابِتَ الْبُنَانِيَّ قَالَ: سُئِلَ أَسْعُ بْنُ مَالِكَ رَضِيَ اللَّهُ عَنْهُ: أَكُنْتُمْ تَكْرَهُونَ الْحِجَامَةَ لِلصَّائِمِ؟ قَالَ: لَا، إِلَّا مِنْ أَجْلِ الصَّعْفِ. وَرَأَدَ شَبَابَةُ: حَدَّثَنَا شُعبَةُ: عَلَى عَهْدِ النَّبِيِّ ﷺ .

(٣٣) بَابُ الصَّوْمِ فِي السَّفَرِ وَالْإِنْطَارِ

١٩٤١ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفِيَّانُ، عَنْ أَبِي إِسْحَاقِ

(33) CHAPTER. To observe *Saum* (fast) or not to observe *Saum* during journeys.

1941. Narrated Ibn Abī Aūfa رضي الله عنه : We were in the company of Allāh’s Messenger ﷺ on a journey. He said to a

(1) (H.1938) *Hadīth* No.1938 contradicts the *Hadīth* of Al-Hasan. Apparently the Muslim jurists have given various interpretations to discard this contradiction : Ash-Shāfi‘ī says, “Both *Aḥadīth* are correct, but the one narrated by Ibn ‘Abbās is stronger as regards its series of narrators ; yet it is better to avoid cupping while observing *Saum* (fast). But the verdict is to be taken from the *Hadīth* of Ibn ‘Abbās. I have the knowledge that the Prophet’s Companions and their followers and all Muslim scholars think that cupping does not break one’s *Saum*.”

Ibn Ḥazm thinks that Al-Hasan’s *Hadīth* is invalidated by another authentic *Hadīth* narrated by Abū Sa‘id which goes: “The Prophet ﷺ permitted cupping for person observing *Saum* (fast)” (*Fath Al-Bārī*).

man, "Get down and mix *Sawīq*⁽¹⁾ (powdered roasted barley or wheat grain) with water for me." The man said, "The sun (has not set yet),⁽²⁾ O Allāh's Messenger" The Prophet ﷺ again said to him, "Get down and mix *Sawīq* with water for me." The man again said, "O Allāh's Messenger! The sun!" The Prophet ﷺ said to him (for the third time), "Get down and mix *Sawīq* with water for me." The man dismounted and mixed *Sawīq* with water for him. The Prophet ﷺ drank it and then beckoned with his hand (towards the east) and said, "When you see the night falling from this side, then a person observing *Saum* (fast) should break his *Saum* (fast)".

الشَّيْعَانِيُّ: سَمِعَ ابْنَ أَبِي أُوفَى رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ فِي سَفَرٍ فَقَالَ لِرَجُلٍ: «أَنْزِلْ فَاجْدَحْ لِي». قَالَ: يَا رَسُولَ اللَّهِ، السَّمْسَسُ. قَالَ: «أَنْزِلْ فَاجْدَحْ لِي» قَالَ: يَا رَسُولَ اللَّهِ الشَّمْسَ، قَالَ: «أَنْزِلْ فَاجْدَحْ لِي». فَنَزَلَ فَجَدَحَ لَهُ فَشَرِبَ ثُمَّ رَمَيَ بِيَدِهِ هُنَّا، ثُمَّ قَالَ: «إِذَا رَأَيْتُمُ الظَّلَلَ أَقْبِلَ مِنْ هَاهُنَا فَقَدْ أَفْطَرَ الصَّائِمُ». تَابَعَهُ جَرِيرٌ وَأَبُو بَحْرٍ بْنُ عَيَّاشٍ، عَنِ الشَّيْعَانِيِّ، عَنْ ابْنِ أَبِي أُوفَى، قَالَ: كُنْتُ مَعَ الشَّيْعَانِيِّ فِي سَفَرٍ. [انظر: ١٩٥٦، ١٩٥٨، ٥٢٩٧]

1942. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا: Hamza bin 'Amr Al-Aslāmī said, "O Allāh's Messenger! I observe *Saum* (fast) continuously."

١٩٤٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَعْسُى، عَنْ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي، عَنْ عَائِشَةَ: أَنَّ حَمْرَةَ بْنَ عَمْرُو الْأَسْلَمِيَّ قَالَ: يَا رَسُولَ اللَّهِ، إِنِّي أَسْرُدُ الصَّوْمَ. [انظر: ١٩٤٣]

1943. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا the wife of the Prophet ﷺ: Hamza bin 'Amr Al-Aslāmī asked the Prophet ﷺ, "Should I observe *Saum* (fast) while travelling?" The Prophet ﷺ replied, "You may observe *Saum* (fast) if you wish, and you may not observe *Saum* (fast) if you wish."

١٩٤٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوْجِ النَّبِيِّ ﷺ أَنَّ حَمْرَةَ بْنَ عَمْرُو الْأَسْلَمِيَّ قَالَ لِلنَّبِيِّ ﷺ: أَأَصُومُ فِي السَّفَرِ؟ وَكَانَ كَثِيرًا الصَّيَامُ، فَقَالَ: «إِنْ شِئْتَ فَصُمْ، وَإِنْ شِئْتَ فَأَفْطُرْ». [راجع: ١٩٤٢]

(1) (H.1941) *Sawīq*: See Glossary.

(2) (H.1941) His saying: "The sun (has not set yet)" indicates that the Prophet ﷺ was observing *Saum* (fast) and the man meant that the time of *Iftār* (breaking the *Saum*) was not due.

(34) CHAPTER. If a person observed *Saum* (fast) some days of Ramadān and then went on a journey (is it permissible for him to break his *Saum*).

1944. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا that Allāh’s Messenger ﷺ set out for Makkah in Ramadān and he observed *Saum* (fast), and when he reached Al-Kadīd, he broke his *Saum* (fast) and the people (with him) broke their *Saum* (fast) too.

(Abū ‘Abdullāh said, “Al-Kadīd is a land covered with water between ‘Uṣfān and Qudaid.”)

(٣٤) بَابٌ : إِذَا صَامَ أَيَّامًا مِنْ رَمَضَانَ ثُمَّ سَافَرَ

١٩٤٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكُ ، عَنِ ابْنِ شَهَابٍ ، عَنْ عُبَيْدِ اللَّهِ ابْنِ عَبْدِ اللَّهِ بْنِ عَتْبَةَ ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا : أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَرَجَ إِلَى مَكَّةَ فِي رَمَضَانَ فَصَامَ حَتَّى بَلَغَ الْكَدِيدَ أَفْطَرَ فَأَفْطَرَ النَّاسُ .

قَالَ أَبُو عَبْدِ اللَّهِ : وَالْكَدِيدُ مَاءٌ بَيْنِ عُسْفَانَ وَقُدَيْدَ . [انظر : ١٩٤٨ ، ٤٢٧٥ ، ٤٢٧٦ ، ٤٢٧٧ ، ٤٢٧٨ ، ٢٩٥٣]

[٤٢٧٩]

(35) CHAPTER.

1945. Narrated Abū Ad-Dardā’ رَضِيَ اللَّهُ عَنْهُ : We set out with Allāh’s Messenger ﷺ on one of his journeys on a very hot day, and it was so hot that one had to put his hand over his head because of the severity of heat. None of us was observing *Saum* (fast) except the Prophet ﷺ and Ibn Rawāḥa.

١٩٤٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ : حَدَّثَنَا يَحْيَى بْنُ حَمْرَةَ ، عَنْ عَبْدِ الرَّحْمَنِ ابْنِ يَزِيدَ بْنِ جَابِرٍ : أَنَّ إِسْمَاعِيلَ بْنَ عُبَيْدِ اللَّهِ : حَدَّثَهُ عَنْ أُمِّ الدَّرَدَاءِ ، عَنْ أَبِي الدَّرَدَاءِ رَضِيَ اللَّهُ عَنْهُ قَالَ : خَرَجْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي بَيْضَنِ أَسْفَارِهِ فِي يَوْمٍ حَارٍ حَتَّى يَضَعَ الرَّجُلُ يَدَهُ عَلَى رَأْسِهِ مِنْ شِدَّةِ الْحَرَّ وَمَا فِينَا صَائِمٌ إِلَّا مَا كَانَ مِنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَابْنِ رَوَاحَةَ .

(٣٦) بَابٌ قَوْلِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِمَنْ ظَلَّ عَلَيْهِ وَاشْتَدَ الْحَرُّ : «لَيْسَ مِنَ الْبِرِّ الصَّيَامُ فِي السَّفَرِ»

1946. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا : Allāh's Messenger ﷺ was on a journey and saw a crowd of people, and a man was being shaded (by them). He asked, "What is the matter?" They said, "He (the man) is observing Saum (fast)." The Prophet ﷺ said, "It is not from Al-Birr (righteousness) to observe As-Saum (the fast) on a journey."⁽¹⁾

١٩٤٦ - حَدَّثَنَا آدُمُ: حَدَّثَنَا شَعْبَةُ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ الْأَنْصَارِيُّ قَالَ: سَيِّئَتْ مُحَمَّدَ بْنَ عَمْرُو بْنِ الْحَسَنِ ابْنِ عَلَىٰ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمْ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ فِي سَفَرٍ فَرَأَى زِحَامًا وَرَجُلًا قَدْ ظُلِّلَ عَلَيْهِ فَقَالَ: «مَا هَذَا؟» قَالُوا: صَائِمٌ، فَقَالَ: «لَيْسَ مِنَ الْبِرِّ الصَّوْمُ فِي السَّفَرِ».

(٣٧) بَابٌ: لَمْ يَعْبُدْ أَصْحَابُ النَّبِيِّ ﷺ بِعِظَمِهِمْ بَعْضُهُمْ بَعْضًا فِي الصَّوْمِ وَالْإِفَطَارِ

(37) CHAPTER. The Companions of the Prophet ﷺ did not criticize each other for observing Saum (fast) or not observing Saum (fast) (on journeys).

1947. Narrated Anas bin Mālik رَضِيَ اللَّهُ عَنْهُ : We used to travel with the Prophet ﷺ and neither did the persons observing Saum (fast) criticize those who were not observing Saum (fast), nor did those who were not observing Saum (fast) criticize the ones who were observing Saum (fast).

١٩٤٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلِمَةَ: عَنْ مَالِكٍ، عَنْ حُمَيْدِ الطَّوَّبِ، عَنْ أَنَسِ ابْنِ مَالِكٍ قَالَ: كُنَّا نُسَافِرُ مَعَ النَّبِيِّ ﷺ فَلَمْ يَعِبِ الصَّائِمُ عَلَى الْمُفْطَرِ وَلَا الْمُفْطَرُ عَلَى الصَّائِمِ.

(٣٨) بَابٌ مَنْ أَفْطَرَ فِي السَّفَرِ لِيَرَاهُ النَّاسُ

(38) CHAPTER. Whoever broke his Saum (fast) on a journey (publicly) so that people might see him.

1948. Narrated Tāwūs : Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا set out from Al-Madīnah to Makkah and he observed Saum (fast) till he reached ‘Usfān, where he asked for water and raised his hand to let the people see him, and then

١٩٤٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ طَاوُسٍ،

(1) (H.1946) The *Aḥadīth* of this chapter show that it is permissible for one to observe Saum (fast) or break his Saum while travelling. But it is recommended for a healthy, strong person to observe Saum, whereas a weak or sick person is recommended not to observe Saum (fast). The saying of the Prophet ﷺ, "It is not from Al-Birr (righteousness) to observe Saum (fast) on a journey," is applicable to a particular case, i.e., when one is so weak or sick that observing Saum (fast) would harm him. In such case one has to break his Saum (fast), for Allāh does not like His devotees to harm themselves needlessly.

broke the *Saum* (fast), and did not observe *Saum* (fast) after that till he reached Makkah, and that happened in Ramadān.

Ibn ‘Abbās used to say, “Allāh’s Messenger ﷺ (sometimes) observed *Saum* (fast) and (sometimes) did not observe *Saum* (fast) during the journeys, so whoever wished not to observe *Saum* (fast), could do so.”

عَنْ أَبْنَى عَيَّاسَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: خَرَجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنَ الْمَدِينَةِ إِلَى مَكَّةَ فَصَامَ حَتَّى بَلَغَ عُسْفَانَ، ثُمَّ دَعَا بِمَاءِ فَرَقَعَهُ إِلَى يَدِهِ لِيَرَاهُ النَّاسُ فَأَفْطَرَهُ حَتَّى قَلِيمَ مَكَّةَ، وَذَلِكَ فِي رَمَضَانَ.
فَكَانَ أَبْنَى عَيَّاسَ يَقُولُ: قَدْ صَامَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَنْظَرَ فَمَنْ شَاءَ صَامَ وَمَنْ شَاءَ أَفْطَرَ. [راجع: ١٩٤٤]

(٣٩) بَابٌ: «وَعَلَى الَّذِينَ يُطْمِئِنُونَ فِي دِيَّةٍ طَعَامٌ مِنْ كِنْدِينٍ» [البقرة: ١٨٤]

(39) CHAPTER. (The Statement of Allāh عَزَّ ذِيَّتُهُ : “And as for those who can fast with difficulty (e.g. the aged etc.) they have (a choice either to fast or) to feed a *Miskin* (poor person) (for every day).”⁽¹⁾ (V.2:184)

Ibn ‘Umar and Salama bin Al-Akwa’ said that the provision of the above Verse was abrogated by the following Verse :

“The month of Ramadān in which was revealed the Qur’ān.. (up to).. for having guided you, so that you may be grateful to Him.” (V.2:185).

Narrated Ibn Abī Lailā : The companions of Prophet Muḥammad ﷺ : said that when observing *Saum* (fast) in Ramadān was prescribed (for the first time), they could not endure it. So, whoever fed a poor person every day (of Ramadān) did not observe *Saum* (fast) [although he had the power to observe *Saum* (fast)], and was permitted to do so. Then this order was cancelled by the Verse : “...And that you observe *Saum* (fast)

قالَ أَبْنُ عُمَرَ وَسَلَمَةُ بْنُ الْأَكْوَعِ: سَخَّنَهَا: «شَهْرُ رَمَضَانَ الَّذِي نَزَلَ فِيهِ» إِلَى قَوْلِهِ «عَلَى مَا هَدَيْنَاهُ وَلَمَّا كُنْتُمْ تَشْكِرُونَ»
وَقَالَ أَبْنُ تُمَيرٍ: حَدَّثَنَا الْأَعْمَشُ: حَدَّثَنَا عَمْرُو بْنُ مُرَّةً: حَدَّثَنَا أَبْنُ أَبِي لِيلَى: حَدَّثَنَا أَصْحَابُ مُحَمَّدٍ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: نَزَلَ رَمَضَانُ فَشَقَّ عَلَيْهِمْ فَكَانَ مَنْ أَطْعَمَ كُلَّ يَوْمٍ مِسْكِينًا تَرَكَ الصَّفَرَ مِمَّنْ يُطِيقُهُ، وَرُحْصَنَ لِهِمْ فِي ذَلِكَ فَسَخَّنَهَا: «وَأَنْ تَصُومُوا خَيْرَ لَكُمْ» فَأَمِرُوا بِالصَّرْمِ.

(1) (Ch.39) The Verse is interpreted in two ways. It may mean : Those who are able to observe *Saum* (fast) but do not wish to fast, should give *Fidya*. The scholars who interpret the verse in this way say that the provision of this verse was abrogated by another verse where all Muslims were ordered to observe *Saum* (fast). Other scholars interpret the Verse as meaning : Those who are able to observe fast only with great difficulty like very old people or a woman who has to nurse her newly born child, etc., are permitted not to observe fast and give the *Fidya* in recompensation. Ibn ‘Umar gives the first verdict but Ibn ‘Abbās thinks that the second is the right one. (*Fath Al-Bārī*).

is better for you.” (V.2:184), so they were ordered to observe *Saum* (fast).

1949. Narrated Nāfi': Ibn 'Umar رَضِيَ اللَّهُ عَنْهُمَا recited the Verse: “They had a choice either to observe *Saum* (fast) or to feed a poor person for every day, and said that the order of this Verse was cancelled.

١٩٤٩ - حَدَّثَنَا غِيَاثٌ: حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا عُيَيْدُ اللَّهِ عَنْ نَافِعٍ، عَنْ أَبْنَاءِ عَمِّ رَضِيَ اللَّهُ عَنْهُمَا: قَرَأَ كَفَرَةً طَمَادًا مَسْكِينًا» قَالَ: هِيَ مَنْسُوَخَةٌ. [انظر: ٤٥٠٦]

(40) CHAPTER. When to make up for the missed days of fasting of Ramadān.

Ibn 'Abbās said, “There is no harm to observe fasting intermittently, as the Statement of Allāh تَعَالَى shows: “... The same number [of days which one did not observe *Saum* (fasts) must be made up] from other days...”

Sa'īd bin Al-Musaiyab said: “The ten days of *Saum* (fasting) (as *Nawāfil* of Dhul-Hijjah) should not be observed till the fasting in lieu of the missed days of Ramadān were completed.”

Ibrāhīm said: “If somebody did not observe *Saum* (fast) in lieu of the missed days of Ramadān till the next Ramadān came, then he should observe *Saum* (fast) the present Ramadān and then the missed days of the previous Ramadān.” Ibrāhīm did not think that that person should feed the poor (as *Fidyā*).

Narrated Abū Hurairah indirectly on the authority of the Prophet ﷺ and Ibn 'Abbās that he should feed the poor. But Allāh does not mention the feeding of the poor but only says: “... The same number [of days which one did not observe *Saum* (fasts) must be made up] from other days...”

1950. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا: Sometimes I missed some days of

(٤٠) بَابٌ: مَتَى يُقْضَى قَضَاءُ رَمَضَانَ؟

وَقَالَ أَبْنُ عَبَّاسٍ: لَا يَأْسَ أَنْ يُفَرَّقَ لِقَوْلِ اللَّهِ تَعَالَى: «فِعَدَةٌ مِنْ أَيَّامٍ أُخْرَى» وَقَالَ سَعِيدُ بْنُ الْمُسَيْبَ في صَفَنُ الْعَشِيرِ: لَا يَصْلُحُ حَتَّى يَبْدَا بِرَمَضَانَ، وَقَالَ إِبْرَاهِيمُ: إِذَا فَرَطَ حَتَّى جَاءَ رَمَضَانَ آخَرُ يَصْوُمُهُما وَلَمْ يَرَ عَلَيْهِ إِطْعَاماً، وَيُذَكِّرُ عَنْ أَبِيهِ هُرَيْزَةَ مُرْسَلَا، وَعَنْ أَبْنِ عَبَّاسٍ: أَنَّهُ يُظْعَمُ. وَلَمْ يَذْكُرِ اللَّهُ تَعَالَى الإِطْعَامَ إِلَّا قَالَ: «فِعَدَةٌ مِنْ أَيَّامٍ أُخْرَى».

١٩٥٠ - حَدَّثَنَا أَخْمَدُ بْنُ يُونُسَ:

Ramadān, but could not observe *Saum* (fast) in lieu of them except in the month of Sha'bān." Yaḥyā, (a subnarrator) said, "She used to be busy serving the Prophet ﷺ."

حدَثَنَا رُهْبَرٌ عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ قَالَ: سَمِعْتُ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا تَقُولُ: كَانَ يَكُونُ عَلَيِ الصَّوْمَ مِنْ رَمَضَانَ فَمَا أَسْتَطِعُ أَنْ أَفْصِهَ إِلَّا فِي شَعْبَانَ. قَالَ يَحْيَى: الشُّغْلُ مِنَ النَّبِيِّ، أَوْ بِالنَّبِيِّ بِعَيْلَةَ.

(٤١) بَابُ الْحَائِضِ تَرْكُ الصَّوْمِ وَالصَّلَاةِ،

وقال أبو الزناد: إن السننَ وَوُجُوهُ الْحَقِّ لَنَّا تَأْتِي كَثِيرًا عَلَى خَلْفِ الرَّأْيِ، فَمَا يَحْدُثُ الْمُسْلِمُونَ بَدَأُوا مِنْ اتِّبَاعِهَا. مِنْ ذَلِكَ أَنَّ الْحَائِضَ تَفْضِي الصَّيَامَ وَلَا تَفْضِي الصَّلَاةَ.

(41) CHAPTER. The menstruating women should leave the *Saum* (fast) and *As-Salāt* (the prayer).

Abū Az-Zinād said, "Very often the *Sunna* (legal ways) and the truth go against the opinions, and for the Muslims there is no way out except to follow the truth and the *Sunna* (legal ways) of the Prophet ﷺ, and an example of that is that a menstruating woman should observe *Saum* (fast) in lieu of her missed *Saum*, but she is not to offer the *Salāt* (prayer) in lieu of her missed *Salāt*."

1951. Narrated Abū Sa'īd رضي الله عنه: The Prophet ﷺ said, "Isn't it true that a woman does not offer *Salāt* (prayer) and does not observe *Saum* (fast) on menstruating? And that is the defect (a loss) in her religion."

١٩٥١ - حدَثَنَا ابنُ أَبِي مَرْيَمَ: حدَثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حدَثَنِي زَيْدٌ، عَنْ عِيَاضٍ، عَنْ أَبِي سَعِيدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ بِعَيْلَةَ: «أَلَيْسَ إِذَا حَاضَتْ لَمْ تُصَلِّ ولَمْ تَصُمْ؟ فَذَلِكَ مِنْ نُفْصَانِ دِينِهَا».

[راجع: ٣٠٤]

(٤٢) بَابُ مَنْ مَاتَ وَعَلَيْهِ صَوْمٌ وَقَالَ الْحَسَنُ: إِنْ صَامَ عَنْهُ ثَلَاثُونَ رَجُلًا يَوْمًا وَاحِدًا جَازَ.

(42) CHAPTER. Whoever died and he ought to have observed *Saum* (fast) (the missed days of Ramadān, can somebody else observe *Saum* instead of him?)

Al-Hasan said, "If thirty men observe *Saum* (fast) one day on his behalf then it will be sufficient."

١٩٥٢ - حدَثَنَا مُحَمَّدُ بْنُ خَالِدٍ: حدَثَنَا مُحَمَّدُ بْنُ مُوسَى بْنِ أَعْيَنَ:

1952. Narrated ‘Āishah رضي الله عنها: Allāh's Messenger ﷺ said, "Whoever died and he ought to have observed *Saum* (fast)

(the missed days of Ramaḍān) then his guardians must observe *Ṣaum* (fast) on his behalf.”

حدَثَنَا أَبِي، عَنْ عَمْرُو بْنِ الْحَارِثِ،
عَنْ عَبْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ: أَنَّ
مُحَمَّدَ بْنَ جَعْفَرٍ: حدَثَهُ عَنْ عُرْوَةَ عَنْ
عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ رَسُولَ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ ماتَ وَعَلَيْهِ صِيَامٌ صَامَ
عَنْهُ وَلَيْهِ». .

تَابَعَهُ ابْنُ وَهْبٍ عَنْ عَمْرُو،
وَرَوَاهُ يَحْيَى بْنُ أَبْيَوبَ عَنْ ابْنِ أَبِي
جَعْفَرٍ.

1953. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا: A man came to the Prophet ﷺ and said, “O Allāh’s Messenger! My mother died and she ought to have observed *Ṣaum* (fast) one month (for her missed Ramaḍān). Shall I observe *Ṣaum* on her behalf?” The Prophet ﷺ replied in the affirmative and said, “Allāh’s debts have more right to be paid.”

Sulaiman said: Al-Hakam and Salama said: We were all there when Muslim narrated this *Hadīth*. They said: We heard Mujahid saying this on Ibn ‘Abbās’ authority, and the authority of Abī Khalid that: Al-A‘mash told Abī Khalid on the authority of Al-Hakam and Muslim Al-Batin and Salama bin Kuhail who heard Sa‘īd bin Jubair, Aṭā and Mujahid that Ibn ‘Abbās said.

In another narration a woman is reported to have said, “My sister died and Yahya and Abū Mu‘awiya on the authority of Al-A‘mash who said on the authority of Sa‘īd who said he heard Ibn ‘Abbās saying, “A woman said to the Prophet ﷺ, ‘My mother died...’” and Ubaidullāh bin ‘Amr on the authority of Zaid bin Abī Unaiza who was told by Al-Hakam who was in turn told by Sa‘īd who reported Ibn ‘Abbās said, “: A woman said to the Prophet ﷺ, ‘My mother died and she had vowed to observe *Ṣaum* (fast) but she didn’t

١٩٥٣ - حدَثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ: حدَثَنَا مُعاوِيَةَ بْنَ عَمْرُو: حدَثَنَا زَائِدَةُ عَنِ الْأَعْمَشِ؛ عَنْ مُسْلِمِ الْبَطِينِ، عَنْ سَعِيدِ بْنِ جُبَيرٍ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: جَاءَ رَجُلٌ إِلَى الَّذِي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: يَا رَسُولَ اللَّهِ، إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا صَوْمُ شَهْرٍ، فَأَفْضِهِ عَنْهَا؟ قَالَ: «نَعَمْ»، فَقَدَّيْنِ اللَّهُ أَحَقُّ أَنْ يُفْضَى». قَالَ سُلَيْمَانُ: فَقَالَ الْحَكْمُ وَسَلَمَةُ: وَنَحْنُ جَمِيعًا جُلُوسُ حِينَ حَدَثَ مُسْلِمٌ بِهَذَا الْحَدِيثِ . قَالَ: سَوْعَنَا مُجَاهِدًا يَذَكُرُ هَذَا عَنِ ابْنِ عَبَّاسٍ وَيَذَكُرُ عَنْ أَبِي خَالِدٍ: حدَثَنَا الْأَعْمَشُ، عَنِ الْحَكْمِ وَمُسْلِمِ الْبَطِينِ وَسَلَمَةَ بْنِ كُهَيْلٍ، عَنْ سَعِيدِ بْنِ جُبَيرٍ وَعَطَاءَ وَمُجَاهِدَ، عَنِ ابْنِ عَبَّاسٍ: قَالَتْ امْرَأَةٌ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنِّي أُخْتِي مَاتَتْ . وَقَالَ يَحْيَى وَأَبْيَوبُ مُعاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ

observe *Saum* (fast).'" In another narration Ibn 'Abbās is reported to have said, "A woman said to the Prophet ﷺ, 'My mother died while she ought to have observed *Saum* (fast) for fifteen days.'"

عَنْ سَعِيدٍ، عَنْ ابْنِ عَبَّاسٍ قَالَتِ امْرَأَةً لِلنَّبِيِّ ﷺ إِنَّ أُمِّي مَاتَتْ وَقَالَ عَبْدُ اللَّهِ بْنُ عَمْرُو، عَنْ زَيْدِ بْنِ أَبِي أُنْيَسَةَ، عَنْ الْحَكْمَ، عَنْ سَعِيدٍ، عَنْ ابْنِ عَبَّاسٍ قَالَتِ امْرَأَةً لِلنَّبِيِّ ﷺ إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا صَوْمُ نَذْرٍ وَقَالَ أَبُو حَرَيْزٍ حَدَّثَنَا عِكْرَمَةَ عَنْ ابْنِ عَبَّاسٍ قَالَتِ امْرَأَةً لِلنَّبِيِّ ﷺ مَاتَتْ أُمِّي وَعَلَيْهَا صَوْمُ خَمْسَةَ عَشَرَ يَوْمًا.

(٤٢) بَابٌ: مَنْ يَحْلِّ فَطْرُ الصَّائِمِ؟

(43) CHAPTER. When should the person observing *Saum* (fast) break his *Saum* (fast)?

And Abū Sa'īd Al-Khudrī broke his *Saum* (fast) as soon as the sun's disc set (disappeared).

1954. Narrated 'Umar bin Al-Khaṭṭāb رضي الله عنه: Allāh's Messenger ﷺ said, "When night falls from this side and the day vanishes from this side and the sun sets, then the person observing *Saum* (fast) should break his *Saum* (fast)".

وَأَفْطَرَ أَبُو سَعِيدَ الْخُدْرِيَّ حِينَ غَابَ قُرْصُ الشَّمْسِ.

١٩٥٤ - حَدَّثَنَا الْحُمَيْدِيُّ: حَدَّثَنَا

سُفِيَّانُ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ قَالَ: سَمِعْتُ أَبِي يَقُولُ: سَمِعْتُ عَاصِمَ بْنَ عُمَرَ بْنَ الْخَطَابِ، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَفْلَلَ اللَّيلُ مِنْ هَاهُنَا وَأَذَرَ النَّهَارَ مِنْ هَاهُنَا وَغَرَبَتِ الشَّمْسُ فَقَدْ أَفْطَرَ الصَّائِمُ».

١٩٥٥ - حَدَّثَنَا إِسْحَاقُ

الْوَاسِطِيُّ: حَدَّثَنَا خَالِدٌ، عَنِ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللَّهِ ابْنِ أَبِي أَوْفَى رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ وَهُوَ صَائِمٌ، فَلَمَّا عَابَتِ الشَّمْسُ قَالَ لِيَعْصِمِ الْقَوْمِ: «يَا فُلَانُ،

1955. Narrated 'Abdullāh bin Abī Aūfā رضي الله عنهما: We were in the company of the Prophet ﷺ on a journey and he was observing *Saum* (fast), and when the sun set, he addressed somebody, "O so-and-so, get up and mix *Sawīq* with water for us." He replied, "O Allāh's Messenger! (Will you wait) till it is evening?" The Prophet ﷺ said, "Get down and mix *Sawīq* with water for us."

He replied, "O Allāh's Messenger! (If you wait) till it is evening." The Prophet ﷺ said again, "Get down and mix *Sawīq* with water for us." He replied, "It is still daytime."^(١) The Prophet ﷺ said again, "Get down and mix *Sawīq* with water for us." He got down and mixed *Sawīq* for them. The Prophet ﷺ drank it and then said, "When you see night falling from this side, the fasting person should break his *Saum* (fast)."

فُمْ فاجدَنْ لَنَا، فَقَالَ: يَا رَسُولَ اللَّهِ لَوْ أَمْسَيْتَ، قَالَ: «اِنْزِلْ فاجدَنْ لَنَا»، قَالَ: يَا رَسُولَ اللَّهِ فَلَوْ أَمْسَيْتَ، قَالَ: «اِنْزِلْ فاجدَنْ لَنَا»، قَالَ: إِنَّ عَلَيْكَ نَهارًا. قَالَ: «اِنْزِلْ فاجدَنْ لَنَا»، فَنَزَلَ فَجَدَنْ لَهُمْ فَشَرَبَ رَسُولُ اللَّهِ ﷺ ثُمَّ قَالَ: «إِذَا رَأَيْتُمُ الْلَّيْلَ قَدْ أَقْبَلَ مِنْ هَاهُنَا فَقَدْ أَفْطَرَ الصَّائِمُ». [١٩٤١]

(٤٤) بَابٌ: يُفْطِرُ بِمَا تَيَسَّرَ مِنَ الْمَاءِ أَوْ غَيْرِهِ

١٩٥٦ - حَدَثَنَا مُسَدَّدٌ: حَدَثَنَا عَبْدُ الْوَاحِدِ: حَدَثَنَا الشَّيْبَانِيُّ سُلَيْمَانُ قَالَ: سَعَيْتُ عَبْدَ اللَّهِ بْنَ أَبِي أُوفَى رَضِيَ اللَّهُ عَنْهُ قَالَ: سِرْنَا مَعَ رَسُولِ اللَّهِ ﷺ وَهُوَ صَائِمٌ فَلَمَّا غَرَبَتِ الشَّمْسُ قَالَ: «اِنْزِلْ فاجدَنْ لَنَا»، قَالَ: يَا رَسُولَ اللَّهِ لَوْ أَمْسَيْتَ، قَالَ: «اِنْزِلْ فاجدَنْ لَنَا»، قَالَ: يَا رَسُولَ اللَّهِ إِنَّ عَلَيْكَ نَهارًا، قَالَ: «اِنْزِلْ فاجدَنْ لَنَا». فَنَزَلَ فَجَدَنْ ثُمَّ قَالَ: «إِذَا رَأَيْتُمُ الْلَّيْلَ أَقْبَلَ مِنْ هَاهُنَا فَقَدْ أَفْطَرَ الصَّائِمُ»، وَأَشَارَ بِإِصْبَاعِهِ قَبْلَ الْمَشْرِقِ. [١٩٤١]

(٤٥) بَابٌ تَنْحِيلُ الْإِنْطَارِ

١٩٥٧ - حَدَثَنَا عَبْدُ اللَّهِ بْنُ

(44) CHAPTER. *Iftār* [to break the *Saum* (fast)] with the available water or anything else.

1956. Narrated 'Abdullāh bin Abī Aūfa رضي الله عنهما: We were travelling with Allāh's Messenger ﷺ and he was observing *Saum* (fast), and when the sun set, he said to (someone), "Get down and mix *Sawīq* with water for us." He replied, "O Allāh's Messenger! (Will you wait) till it is evening?" The Prophet ﷺ again said, "Get down and mix *Sawīq* with water for us." He replied, "O Allāh's Messenger! It is still daytime." The Prophet ﷺ said again, "Get down and mix *Sawīq* with water for us." So, he got down and carried out that order. The Prophet then said, "When you see night falling from this side, the person observing *Saum* (fast) should break his *Saum* (fast)" and he beckoned with his finger towards the east.

(45) CHAPTER. To hasten the *Iftār* [breaking of the fast].

1957. Narrated Sahl bin Sa'd: Allāh's

(1) (H.1955) Perhaps that companion of the Prophet ﷺ thought that the sun had not set but was still hidden behind a hill or the like, or it was cloudy and thus was not sure of the setting of the sun. (*Fath Al-Bārī*)

Messenger ﷺ said, "The people will remain on the right path as long as they hasten the *Iftār* [breaking of the *Saum* (fast)]."

يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَرَأُ النَّاسُ بَخِيرًا مَا عَجَلُوا الْفِطْرَ».

١٩٥٨ - حَدَّثَنَا أَخْمَدُ بْنُ يُونُسَ: حَدَّثَنَا أَبُو بَكْرٍ، عَنْ سُلَيْمَانَ، عَنْ أَبِي أُوفِي رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنْتُ مَعَ الْبَيِّنَ ﷺ فِي سَفَرٍ فَصَامَ حَتَّى أَمْسَى، قَالَ لِرَجُلٍ: «اِنْزِلْ فَاجْدَحْ لِي»، قَالَ: لَوْ انتَظَرْتَ حَتَّى تُسْمِيَ، قَالَ: «اِنْزِلْ فَاجْدَحْ لِي»، إِذَا رَأَيْتَ الَّذِينَ قَدْ أَقْبَلُ مِنْ هَاهُنَا فَقَدْ أَفْطَرَ الصَّائِمُ». [راجع: ١٩٤١]

(٤٦) بَابٌ: إِذَا أَفْطَرَ فِي رَمَضَانَ ثُمَّ طَلَعَتِ الشَّمْسُ

١٩٥٩ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ أَبِي شَيْهَةَ: حَدَّثَنَا أَبُو أَسَامَةً، عَنْ هِشَامَ بْنِ عُرْوَةَ، عَنْ فَاطِمَةَ عَنْ أَسْمَاءَ بْنِتِ أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَتْ: أَفْطَرْنَا عَلَى عَهْدِ النَّبِيِّ ﷺ يَوْمَ غَيْمٍ ثُمَّ طَلَعَتِ الشَّمْسُ. قَيْلَ لِهِشَامَ: فَأَمْرُرُوا بِالْقَضَاءِ؟ قَالَ: بُدُّ مِنْ قَضَاءِ. وَقَالَ مَعْمَرٌ: سَمِعْتُ هِشَامًا يَقُولُ: لَا أَدْرِي أَقْضَوْا أَمْ لَا.

(٤٧) بَابٌ صَوْمِ الْصَّبِيَانِ،

وَقَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ لِشَوَّانَ

(46) CHAPTER. If somebody *Aftara* [breaks the *Saum* (fast)], thinking that the sun has set and then sees the sun still visible. [Should he make up for that *Saum*?]

1959. Narrated Abū Usāma : Hishām bin 'Urwa said on the authority of Fātīma : Asmā bint Abī Bakr said, "We broke our fast (*Iftār*) during the lifetime of the Prophet ﷺ on a cloudy day and then the sun appeared." Hishām was asked, "Were they ordered to observe fasting in lieu of that day?" He replied, "It had to be made up for." Ma'mar said, "I heard Hishām saying, "I don't know whether they observed fasting in lieu of that day or not.". [See *Fath Al-Bārī*]

(47) CHAPTER. *Saum* (fasting) of boys (children etc.)

And 'Umar said to a drunk in the month of Ramaḍān, "Woe to you!

(Even) our boys (children etc.) are observing Saum (fast) (and you are drunk!)” And then he gave him the legal punishment.

1960. Narrated Ar-Rubaīt bint Mu'awwidh: The Prophet ﷺ sent a messenger to the village of the *Anṣār* in the morning of the day of '*Āshūra'* (10th of Muḥarram) to announce: “Whoever has eaten something should not eat but complete the *Saum* (fast), and whoever is observing the *Saum* (fast) should complete it.” She further said, “Since then we used to observe *Saum* (fast) on that day regularly and also make our boys (children etc.) to observe fasting. We used to make toys of wool for the boys (children etc.) and if anyone of them cried for food, he was given those toys till it was the time of the *Iftār* [breaking of the *Saum* (fast)]”.

(48) CHAPTER. *Al-Wiṣāl* [i.e., to observe *Saum* (fast) continuously without eating or drinking anything by day or night, may be for a day or two or more].

And whoever says that there is no *Saum* (fast) at night according to the Statement of Allāh عَزَّ وَجَلَّ “Then complete your fast till the nightfall...” (V.2:187). And the Prophet ﷺ forbade it (i.e., *Al-Wiṣāl*) with mercy to them (Muslims) and to keep them healthy. And what is hated as regards excessive practices of worshipping.

1961. Narrated Anas رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, “Do not practise *Al-Wiṣāl* [fasting continuously without breaking one's *Saum* (fast) in the evening or eating before the following dawn].” The people said to the Prophet ﷺ, “But you practise *Al-Wiṣāl*?” The Prophet ﷺ replied, “I am not like any of you, for I am given food and drink (by Allāh) during the night.”

في رمضان: ويلك، وصيانتنا صيام! فصربيه.

١٩٦٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا

يَشْرُبُ ابْنُ الْمُفْضَلَ عَنْ خَالِدِ بْنِ دَعْوَانَ، عَنِ الرُّبِيعِ بْنِ مُعَاوِذٍ قَالَتْ: أَرْسَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ غَدَاءَ عَاشُورَاءَ إِلَى قُرَى الْأَنْصَارِ: «مَنْ أَضْبَحَ مُفْطَرًا فَلْيَتَمَّ بَقِيَّةَ يَوْمِهِ، وَمَنْ أَضْبَحَ صَائِمًا فَلْيَضْمُمْ» قَالَتْ: فَكَنَّا نَصُومُه بَعْدَ وَنُصُومُ صِيَانَاتِنَا وَنَجْعَلُ لَهُمُ الْلَّعْبَةَ مِنَ الْعَيْنِ. فَإِذَا بَكَى أَحَدُهُمْ عَلَى الطَّعَامِ أَعْطَيْنَاهُ ذَلِكَ حَتَّى يَكُونَ عِنْدَ الْإِفْطَارِ.

(٤٨) بَابُ الْوَصَالِ،

وَمَنْ قَالَ: لَيْسَ فِي اللَّيْلِ صِيَامٌ لِقَوْلِهِ عَزَّ وَجَلَّ: «ئَمَّا آتَيْتُمْ أَصْيَامَ إِلَيَّ الْأَيْلَلِ» [البقرة: ١٨٧]. وَهَذِهِ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَحْمَةً لَهُمْ وَإِيمَانَ عَلَيْهِمْ وَمَا يُنْكِرُهُ مِنَ التَّعْمُقِ.

١٩٦١ - حَدَّثَنَا مُسَدَّدٌ قَالَ:

حَدَّثَنِي يَحْيَى، عَنْ شُعْبَةَ قَالَ: حَدَّثَنِي قَنَادُهُ عَنْ أَسِّي رَضِيَ اللَّهُ عَنْهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا تُواصِلُوا». قَالُوا: إِنَّكَ تُواصِلُ. قَالَ: «لَسْتُ كَأَحَدٍ مِنْكُمْ، إِنِّي أَطْعَمُ وَأَسْقَى، أَوْ إِنِّي أَبْيَطُ أَطْعَمُ وَأَسْقَى». [انظر: ٧٢٤١]

1962. Narrated ‘Abdullâh bin ‘Umar رضي الله عنهما about Allâh’s Messenger ﷺ forbade *Al-Wîshâl*. The people said (to him), “But you practise it?” He said, “I am not like you, for I am given food and drink (by Allâh).”

١٩٦٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْوِصَالِ، قَالُوا: إِنَّكَ تُوَاصِلُ: قَالَ: «إِنِّي لَسْتُ مِثْلُكُمْ، إِنِّي أُطْعَمُ وَأُسْقَى». [راجع: ١٩٢٢]

1963. Narrated Abû Sa‘îd that he had heard the Prophet ﷺ saying, “Do not *Saum* (fast) continuously (i.e., do not practise *Al-Wîshâl*), and if you intend to lengthen your *Saum* (fasting period), then carry it on only till the *Sahar* (before the following dawn).” The people said to him, “But you practise (*Al-Wîshâl*), O Allâh’s Messenger!” He replied, “I am not similar to you, for during night I have One Who makes me eat and drink.”

١٩٦٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا الْلَّيْثُ: حَدَّثَنَا ابْنُ الْهَادِ، عَنْ عَبْدِ اللَّهِ ابْنِ خَبَابٍ، عَنْ أَبِي سَعِيدٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّهُ سَمَعَ النَّبِيَّ ﷺ يَقُولُ: «لَا تُوَاصِلُوا فَائِكُمْ أَرَادَ أَنْ يُوَاصِلَ فَلَيُوَاصِلُ حَتَّى السَّحَرِ». قَالُوا: إِنَّكَ تُوَاصِلُ بِإِيمانِ اللَّهِ؟ قَالَ: «إِنِّي لَسْتُ كَهَيْتُكُمْ. إِنِّي أَبِيتُ لِي مُظْعَمٌ يُطْعِمُنِي، وَسَاقِ يَسْقِينِ». [انظر: ١٩٦٧]

1964. Narrated ‘Aishah رضي الله عنها about Allâh’s Messenger ﷺ forbade *Al-Wîshâl* with mercy to them. They said to him, “But you practise *Al-Wîshâl*?” He said, “I am not similar to you, for my Lord gives me food and drink.”

Abdullâh said that Uthman did not mention: “Mercy to them (towards the companions.”

١٩٦٤ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ قَالَا: أَخْبَرَنَا عَبْدُهُ، عَنْ هِشَامِ ابْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَاشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْوِصَالِ رَحْمَةً لَهُمْ، قَالُوا: إِنَّكَ تُوَاصِلُ، قَالَ: «إِنِّي لَسْتُ كَهَيْتُكُمْ، إِنِّي يُطْعِمُنِي رَبِّي وَيَسْقِينِ». قَالَ أَبُو عَبْدِ اللَّهِ لَمْ يَذْكُرْ عُثْمَانُ: رَحْمَةً لَهُمْ. (٤٩) بَابُ التَّنْكِيلِ لِمَنْ أَكْثَرَ الْوِصَالَ،

(49) CHAPTER. The punishment for the person who practises *Al-Wîshâl* very often.

رَوَاهُ أَنْسُ عَنِ النَّبِيِّ ﷺ .

This is narrated by Anas on the authority of the Prophet ﷺ.

1965. Narrated Abū Hurairah رضي الله عنه about Allāh's Messenger ﷺ forbade *Al-Wiṣāl* in observing *As-Saum* (the fasts). So, one of the Muslims said to him, "But you practise *Al-Wiṣāl*, O Allāh's Messenger!" The Prophet ﷺ replied, "Who amongst you is similar to me? I am given food and drink during night by my Lord." So, when the people refused to stop *Al-Wiṣāl* (fasting continuously), the Prophet ﷺ observed *Saum* (the fast) day and night continuously along with them for a day and then another day and then they saw the crescent-moon (of the month of Shawwāl). The Prophet ﷺ said to them (angrily), "If it (the crescent) had not appeared, I would have made you observe *Saum* for a longer period." That was as a punishment for them when they refused to stop (practising *Al-Wiṣāl*).

[See *Fath Al-Bārī*]

1966. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said twice, "(O you people) Be cautious! Do not practise *Al-Wiṣāl*." The people said to him, "But you practise *Al-Wiṣāl*?" The Prophet ﷺ replied, "My Lord gives me food and drink during night. Do that much of deeds which are within your ability."

(50) CHAPTER. To observe *Saum* (fast) continuously day and night (*Al-Wiṣāl*) till the time of *Sahar* (last part of night).

1967. Narrated Abū Sa'īd Al-Khudrī رضي الله عنه: Allāh's Messenger ﷺ said, "Do not observe *Saum* (fast) continuously day and

١٩٦٥ - حَدَّثَنَا أَبُو اليمان: أَخْبَرَنَا شُعَيْبٌ، عَنِ الرَّهْبَرِيِّ قَالَ: أَخْبَرَنِي أَبُو سَلَمَةَ ابْنُ عَبْدِ الرَّحْمَنِ: أَنَّ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْوِصَالِ فِي الصَّوْمَمْ. فَقَالَ لَهُ رَجُلٌ مِنَ الْمُسْلِمِينَ: إِنَّكَ تُوَاصِلُ يَا رَسُولَ اللَّهِ، قَالَ: «وَأَيُّكُمْ مِثْلِي؟ إِنِّي أَبِيتُ يُطْعِمُنِي رَبِّي وَيَسْقِينِي». فَلَمَّا أَبْوَا أَنْ يَتَهَوَّدَا عَنِ الْوِصَالِ وَاصَّلَ بِهِمْ يَوْمًا ثُمَّ يَوْمًا ثُمَّ رَأَوَا الْهِلَالَ. فَقَالَ: «لَوْ تَأْخَرُ لِزْدُونُكُمْ»، كَالْتَّكَيْلِ لَهُمْ حِينَ أَبْوَا أَنْ يَتَهَوَّدَا. [انظر: ١٩٦٦، ٦٨٥١]

[٧٢٩٩، ٧٢٤٢]

١٩٦٦ - حَدَّثَنَا يَحْيَى: حَدَّثَنَا عَبْدُ الرَّزَاقِ، عَنْ مَعْمَرٍ، عَنْ هَمَامَ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «إِيَّاكُمْ وَالْوِصَالِ»، مَرَّتَيْنِ. قِيلَ: إِنَّكَ تُوَاصِلُ، قَالَ: «إِنِّي أَبِيتُ يُطْعِمُنِي رَبِّي وَيَسْقِينِي، فَأَكْلُفُوا مِنَ الْعَمَلِ مَا تُطِيقُونَ».

[راجع: ١٩٦٥]

(٥٠) بَابُ الْوِصَالِ إِلَى السَّحْرِ

١٩٦٧ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ حَمْرَةَ: حَدَّثَنِي ابْنُ أَبِي حَازِمٍ، عَنْ

night (i.e., do not practise *Al-Wiṣāl*) and if anyone of you intends to *Ṣaum* (fast) continuously day and night, he should continue till the *Sahar* (before the following dawn).” They said, “But you practise *Al-Wiṣāl*, O Allāh’s Messenger!” The Prophet ﷺ said, “I am not similar to you; during night I have One Who makes me eat and drink.”

يَزِيدٌ، عَنْ عَبْدِ اللَّهِ ابْنِ حَبَابٍ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: لَا تُواصِلُوا، فَإِنَّكُمْ أَرَادْتُمْ بُوَاشِلَةً فَلَيُواشِلُّنَّ حَتَّى السَّحَرِ». قَالُوا: فَإِنَّكُمْ تُواصِلُّنَّ بِاِيمَانِكُمْ، إِنَّمَا أَرِيدُ لِي مُطْعِمٌ يُطْعِمُنِي وَسَاقِي يَسْقِينِي». [راجع: ١٩٦٣]

(٥١) بَابُ مَنْ أَؤْسَمَ عَلَى أَخِيهِ لِيُفَطِّرَ فِي التَّطَّوُّعِ، وَلَمْ يَرَ عَلَيْهِ قَضَاءً إِذَا كَانَ أَوْفَقَ لَهُ

(51) CHAPTER. If someone forces his Muslim brother to break his (*Nawāfił*) fast, by giving him an oath, the person observing *Ṣaum* (fast) has not to observe *Ṣaum* (fast) in lieu of it if the giving up of the *Ṣaum* was better for him.

1968. Narrated Abū Juhaifa : The Prophet ﷺ made a bond of brotherhood between Salmān and Abū Ad-Dardā.’ Salmān paid a visit to Abū Ad-Dardā’ and found Umm Ad-Dardā’ dressed in shabby clothes and asked her why she was in that state. She replied, “Your brother Abū Ad-Dardā’ is not interested in (the luxuries of) this world.” In the meantime Abū Ad-Dardā’ came and prepared a meal for Salmān. Salmān requested Abū Ad-Dardā’ to eat (with him), but Abū Ad-Dardā’ said, “I am observing *Ṣaum* (fast).” Salmān said, “I am not going to eat unless you eat.” So, Abū Ad-Dardā’ ate (with Salmān). When it was night and (a part of the night passed), Abū Ad-Dardā’ got up (to offer the night prayer), but Salmān told him to sleep and Abū Ad-Dardā’ slept. After sometime Abū Ad-Dardā’ again got up but Salmān told him to sleep. When it was the last hours of the night, Salmān told him to get up then, and both of them offered the *Ṣalāt* (prayer). Salmān told Abū Ad-Dardā’, “Your Lord has a right on you, your

١٩٦٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا جَعْفَرُ بْنُ عَوْنَى: حَدَّثَنَا أَبُو الْعُمَّاسِ، عَنْ عَوْنَى بْنِ أَبِي جُحْفَةَ، عَنْ أَبِيهِ قَالَ: أَخِي الَّذِي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سَلْمَانَ وَأَبِي الدَّرْدَاءِ. فَرَأَى سَلْمَانُ أَبَا الدَّرْدَاءِ، فَرَأَى أُمَّ الدَّرْدَاءِ مُبَدِّلَةً، فَقَالَ لَهَا: مَا شَأْتِكِ؟ قَالَتْ: أَحْوُكَ أَبُو الدَّرْدَاءِ لَيْسَ لَهُ حَاجَةٌ فِي الدُّنْيَا. فَجَاءَ أَبُو الدَّرْدَاءِ فَصَنَعَ لَهُ طَعَامًا فَقَالَ لَهُ: كُلْ، قَالَ: فَإِنِّي صَائِمٌ، قَالَ: مَا أَنَا بَآكِلٍ حَتَّى تَأْكُلَ. قَالَ: فَأَكِلْ، فَلَمَّا كَانَ اللَّيْلُ دَهَبَ أَبُو الدَّرْدَاءِ يَقُومُ، قَالَ: نَمْ. فَنَمَ ثُمَّ دَهَبَ يَقُومُ فَقَالَ: نَمْ. فَلَمَّا كَانَ مِنْ آخرِ اللَّيْلِ قَالَ سَلْمَانُ: قُمْ الآنَ، فَصَلَّيَا. فَقَالَ لَهُ سَلْمَانُ: إِنَّ لِرَبِّكَ

ownself has a right on you, and your family has a right on you; so you should give the rights of all those who has a right on you.” Abū Ad-Dardā’ came to the Prophet ﷺ and narrated the whole story. The Prophet ﷺ said, “Salmān has spoken the truth.”

(52) CHAPTER. *Saum* (fasting) in the month of Sha'bān.

1969. Narrated ‘Āishah: رَضِيَ اللَّهُ عَنْهَا Allāh’s Messenger ﷺ used to observe *Saum* (fast) till one would say that he would never stop observing *Saum* (fast), and he would abandon *Saum* (fast) till one would say that he would never observe *Saum* (fast). I never saw Allāh’s Messenger ﷺ observing *Saum* (fast) for a whole month except the month of Ramaḍān, and did not see him fasting in any month more than in the month of Sha'bān.

1970. Narrated ‘Āishah: The Prophet ﷺ never observed *Saum* (fast) in any month more than in the month of Sha'bān. He used to say, “Do those deeds which you can do easily, as Allāh will not get tired (of giving rewards) till you get bored and tired (of performing religious deeds).” The most beloved *Salāt* (prayer) to the Prophet ﷺ was the one that was done regularly (throughout the life) even if it were little. And whenever the Prophet ﷺ offered a *Salāt* (prayer) he used to offer it regularly.

(53) CHAPTER. What is said about the fasting and non-fasting (periods) of the Prophet ﷺ.

عَنِّيْكَ حَقًّا، وَلِنَفْسِكَ عَلَيْكَ حَقًّا، وَلِأَهْلِكَ عَلَيْكَ حَقًّا. فَأَعْطِ كُلَّ ذِيْ حَقٍّ حَقًّا، فَأَتَى النَّبِيُّ ﷺ فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «صَدَقَ سَلْمَانٌ». [انظر: ٦١٣٩]

(٥٢) بَابُ صَوْمٍ شَعْبَانَ

١٩٦٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ أَبِي النَّضِيرِ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا يَصُومُ حَتَّى نَقُولَ: لَا يُفْطِرُ، وَيُفْطِرُ حَتَّى نَقُولَ: لَا يَصُومُ. وَمَا رَأَيْتُ النَّبِيَّ ﷺ إِسْتَكْمَلَ صِيَامَ شَهْرٍ إِلَّا رَمَضَانَ وَمَا رَأَيْتُهُ أَكْثَرَ صِيَاماً مِنْهُ فِي شَعْبَانَ. [انظر: ١٩٧٠، ٦٤٦٥]

١٩٧٠ - حَدَّثَنَا مُعاَذُ بْنُ فَضَالَةَ: حَدَّثَنَا هِشَامٌ، عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا حَدَّثَتْنَا قَاتِلُ: لَمْ يَكُنِ النَّبِيُّ ﷺ يَصُومُ شَهْرًا أَكْثَرَ مِنْ شَعْبَانَ، وَكَانَ يَقُولُ: «خُذُوا مِنَ الْعَمَلِ مَا تُطِيقُونَ، فَإِنَّ اللَّهَ لَا يَمْلُأُ حَتَّى شَمَلُوا». وَأَحَبَ الصَّلَاةَ إِلَى النَّبِيِّ ﷺ مَا دُوِّنَ عَلَيْهِ وَإِنْ قَاتَلَ. وَكَانَ إِذَا صَلَى صَلَاةَ دَارَمَ عَلَيْهَا. [راجع: ١٩٦٩]

١٩٧١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ أَبِي النَّضِيرِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا يَصُومُ شَعْبَانَ وَيَفْطَرُ رَمَضَانَ، وَمَا رَأَيْتُهُ أَكْثَرَ صِيَاماً مِنْهُ فِي شَعْبَانَ. [انظر: ١٩٧١]

1971. Narrated Ibn ‘Abbās : رَضِيَ اللَّهُ عَنْهُمَا The Prophet ﷺ never observed Saum (fast) a full month except the month of Ramadān, and he used to observe Saum (fast) till one could say, “By Allāh, he will never stop observing Saum (fast),” and he would abandon observing Saum (fast) till one would say, “By Allāh, he will never observe Saum (fast).”

١٩٧١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ : حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ أَبِي بَشْرٍ، عَنْ سَعِيدِ ابْنِ جُبَيرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ : مَا صَامَ النَّبِيُّ ﷺ شَهْرًا كَامِلًا قَطُّ غَيْرَ رَمَضَانَ . وَيَصُومُ حَتَّى يَقُولَ الْقَائِلُ : لَا وَاللَّهِ لَا يُفْطِرُ، وَيُفْطِرُ حَتَّى يَقُولَ الْقَائِلُ : لَا وَاللَّهِ لَا يَصُومُ .

1972. Narrated Anas : رَضِيَ اللَّهُ عَنْهُ Allāh's Messenger ﷺ used to leave observing Saum (fast) in a certain month till we thought that he would not observe Saum (fast) in that month, and he used to fast in another month till we thought he would not stop observing Saum (fast) at all in that month. And if one wanted to see him offering Salāt (prayer) at night, one could see him (in that condition), and if one wanted to see him sleeping at night, one could see him (in that condition) too.

١٩٧٢ - حَدَّثَنِي عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ قَالَ : حَدَّثَنِي مُحَمَّدُ بْنُ جَعْفَرٍ، عَنْ حُمَيْدٍ : أَنَّهُ سَمِعَ أَنَّسَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ : كَانَ رَسُولُ اللَّهِ ﷺ يُفْطِرُ مِنَ الشَّهْرِ حَتَّى نُظَرَّ أَنْ لَا يَصُومُ مِنْهُ، وَيَصُومُ حَتَّى نُظَرَّ أَنْ لَا يُفْطِرُ مِنْهُ شَيْئًا . وَكَانَ لَا تَشَاءُ تَرَاهُ مِنَ اللَّيْلِ مُصْلِيًّا إِلَّا رَأَيْتُهُ، وَلَا نَائِمًا إِلَّا رَأَيْتُهُ . وَقَالَ سُلَيْمَانُ، عَنْ حُمَيْدٍ : أَنَّهُ سَأَلَ أَنَّسًا فِي الصَّوْمِ .

[راجع: ١١٤١]

1973. Narrated Ḥumaid: I asked Anas about the Saum (fasting) of the Prophet ﷺ. He said, “Whenever I liked to see the Prophet ﷺ observing Saum (fast) in any month, I could see that, and whenever I liked to see him not observing Saum (fast), I could see that too, and if I liked to see him offering Salāt (prayer) in any night, I could see that, and if I liked to see him sleeping, I could see that, too.” Anas further said, “I never touched silk or velvet softer than the hand of Allāh's Messenger ﷺ, and never smelled musk or perfume more pleasant than the smell of Allāh's Messenger ﷺ.”

١٩٧٣ - حَدَّثَنِي مُحَمَّدُ : أَخْبَرَنَا أَبُو خَالِدِ الْأَحْمَرِ : أَخْبَرَنَا حُمَيْدٌ قَالَ : سَأَلْتُ أَنَّسًا رَضِيَ اللَّهُ عَنْهُ عَنْ صِيَامِ النَّبِيِّ ﷺ فَقَالَ : مَا كُنْتُ أُحِبُّ أَنْ أَرَاهُ مِنَ الشَّهْرِ صَائِمًا إِلَّا رَأَيْتُهُ، وَلَا مُفْطِرًا إِلَّا رَأَيْتُهُ . وَلَا مِنَ اللَّيْلِ قَائِمًا إِلَّا رَأَيْتُهُ، وَلَا نَائِمًا إِلَّا رَأَيْتُهُ . وَلَا مَسِّيْتُ حَزَّةً وَلَا حَرِيرَةً أَلَيْنَ مِنْ كَفِ رَسُولِ اللَّهِ ﷺ، وَلَا شَمِّيْتُ

مِسْكَةً وَلَا عَبِيرَةً أَطْيَبَ رَائِحَةً مِنْ
رَائِحَةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ . [راجع: ١١٤١]

(٥٤) بَابُ حَقِّ الضَّيْفِ فِي الصَّوْمَ

(54) CHAPTER. The right of the guest in fasting.

1974. Narrated ‘Abdullāh bin ‘Amr bin Al-‘Āṣ: “Once Allāh’s Messenger ﷺ came to me,” and then he narrated the whole narration, i.e., your guest has a right on you, and your wife has a right on you. I then asked about the *Saum* (fasting) of Dāwūd (David). The Prophet ﷺ replied, “Half of the year,” [i.e., he used to observe *Saum* (fast) on every alternate day].

١٩٧٤ - حَدَّثَنَا إِسْحَاقُ: أَخْبَرَنَا
هَازُونُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَلِيُّ:
حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ
قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَمْرُو بْنِ
الْعَاصِي رَضِيَ اللَّهُ عَنْهُمَا قَالَ: دَخَلَ
عَلَيَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَذَكَرَ الْحَدِيثَ.
يَعْنِي: «إِنَّ لِرَوْبِرَكَ عَلَيْكَ حَقًا، وَإِنَّ
لِرَوْبِرَكَ عَلَيْكَ حَقًا». فَقُلْتُ: وَمَا
صَوْمُ دَاؤُدْ؟ قَالَ: «نِصْفُ الدَّهْرِ».

[راجع: ١١٣١]

(٥٥) بَابُ حَقِّ الْجِسمِ فِي الصَّوْمَ

(55) CHAPTER. The right of the body in observing *As-Saum* (the fast).

1975. Narrated ‘Abdullāh bin ‘Amr bin Al-‘Āṣ: Allāh’s Messenger ﷺ said to me, “O ‘Abdullāh! Have I not been informed that you observe *Saum* (fast) during the day and offer *Salāt* (prayer) all the night.” ‘Abdullāh replied, “Yes, O Allāh’s Messenger!” The Prophet ﷺ said, “Don’t do that; observe *Saum* (fast) for few days and then give it up for few days, offer *Salāt* (prayer) and also sleep at night, as your body has a right on you, and your wife has a right on you, and your guest has a right on you. And it is sufficient for you to observe *Saum* (fast) three days in a month, as the reward of a good deed is multiplied ten times, so it will be like fasting throughout the year.” I insisted (on fasting) and so I was given a hard instruction. I said, “O Allāh’s

١٩٧٥ - حَدَّثَنَا ابْنُ مُقاَتِلٍ:
أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا الْأَوْزَاعِيُّ
قَالَ: حَدَّثَنِي يَحْيَى ابْنُ أَبِي كَثِيرٍ،
قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ
الرَّحْمَنِ، قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ
عَمْرُو بْنِ الْعَاصِي رَضِيَ اللَّهُ عَنْهُمَا،
قَالَ لِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «يَا عَبْدَ اللَّهِ،
أَلمْ أُخْبِرْ أَنَّكَ تَصُومُ النَّهَارَ وَتَنْقُومُ
اللَّيل؟» فَقُلْتُ: بَلِي يَا رَسُولَ اللَّهِ،
قَالَ: فَلَا تَنْعَلْ، ضُمْ وَأَفْطِرْ، وَقُمْ
وَنَمْ، فَإِنَّ لِجَسَدِكَ عَلَيْكَ حَقًا، وَإِنَّ
لِعَيْنِيكَ عَلَيْكَ حَقًا، وَإِنَّ لِرَوْبِرِكَ

Messenger! I have strength.” The Prophet ﷺ said, “Observe *Saum* (fast) like the fasting of the Prophet Dāwūd (David) and do not observe fast more than that.” I asked “How was the fasting of the Prophet of Allāh, David?” He said, “Half of the year,” (i.e., he used to observe fast on every alternate day).

Afterwards when ‘Abdullāh became old, he used to say, “It would have been better for me if I had accepted the permission of the Prophet ﷺ [which he gave me i.e., to observe *Saum* (fast) only three days a month].”

عَلَيْكَ حَقًا، وَإِنَّ لِزَوْرِكَ عَلَيْكَ حَقًا.
وَإِنَّ بَحْسِبَكَ أَنْ تَصُومَ مِنْ كُلِّ شَهْرٍ
ثَلَاثَةَ أَيَّامٍ فَإِنَّ لَكَ بِكُلِّ حَسَنَةٍ عَشْرَ
أَمْثَالَهَا، فَإِذَا دَعَنَ ذَلِكَ صِيَامُ الدَّهْرِ
كُلُّهُ، فَشَدَّدْتُ فَتَنَّدَّدَ عَلَيَّ. قُلْتُ: يَا
رَسُولَ اللَّهِ، إِنِّي أَجِدُ فُؤَادَةً. قَالَ:
فَصُصْمُ صِيَامُ نَبِيِّ اللَّهِ دَاؤِدَ عَلَيْهِ
السَّلَامُ، وَلَا تَرْدُ عَلَيْهِ. قُلْتُ: وَمَا
كَانَ صِيَامُ نَبِيِّ اللَّهِ دَاؤِدَ عَلَيْهِ السَّلَامُ؟
قَالَ: بِنِصْفِ الدَّهْرِ. وَكَانَ عَبْدُ اللَّهِ
يَقُولُ بَعْدَ مَا كَرِبَ: يَا لَيْتَنِي قِيلْتُ
رُحْصَةَ النَّبِيِّ ﷺ. [راجع: ١١٣١]

(٥٦) بَابُ صَوْمِ الدَّهْرِ

(56) CHAPTER. Observing *Saum* (fasting) daily throughout the life.

1976. Narrated ‘Abdullāh bin ‘Amr رَضِيَ اللَّهُ عَنْهُمَا: Allāh’s Messenger ﷺ was informed that I had taken an oath to fast daily and to offer *Salāt* (prayers) (every night) all the night throughout my life. (So Allāh’s Messenger ﷺ came to me and asked whether it was correct). I replied, “Let my parents be sacrificed for you! I said so.” The Prophet ﷺ said, “You will not be able to do that. So, fast for few days and give it up for few days, offer *Salāt* (prayer) and sleep. Observe *Saum* (fast) three days a month as the reward of good deeds is multiplied ten times and that will be equal to one year of fasting.” The Prophet ﷺ said to me, “Observe *Saum* (fast) one day and give up fasting for two days.” I replied, “I can do better than that.” The Prophet ﷺ said: “Then observe *Saum* (fast) a day and give it up for a day and that is the *Saum* (fast) of Prophet Dāwūd (David), and that is

١٩٧٦ - حَدَّثَنَا أَبُو الْيَمَانُ:
أَخْبَرَنَا شَعِيبٌ، عَنِ الرَّهْبَرِيِّ قَالَ:
أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبَ وَأَبُو سَلَمَةَ
بْنُ عَبْدِ الرَّحْمَنِ: أَنَّ عَبْدَ اللَّهِ بْنَ
عُمَرَ قَالَ: أَخْبَرَ رَسُولَ اللَّهِ ﷺ أَنِّي
أَقُولُ: وَاللَّهِ لَا أَصُومُنَّ النَّهَارَ وَلَا فَمَنَّ
اللَّيْلَ مَا عَشْتُ. فَقُلْتُ لَهُ: قَدْ قُلْتُ
بِأَبِي أَنَّتْ وَأَمِّي. قَالَ: «فَإِنَّكَ لَا
تَسْتَطِعُ ذَلِكَ فَصُصْمُ وَأَفْطَرْ، وَقُمْ وَنَمْ،
وَصُصْمُ مِنْ الشَّهْرِ ثَلَاثَةَ أَيَّامٍ فَإِنَّ
الْحَسَنَةَ بِعَشْرِ أَمْثَالِهَا، وَذَلِكَ مِثْلُ
صِيَامِ الدَّهْرِ». قُلْتُ: إِنِّي أَطِيقُ
أَفْصَلَ مِنْ ذَلِكَ. قَالَ: «فَصُصْمُ يَوْمًا
وَأَفْطَرْ يَوْمَيْنِ». قُلْتُ: إِنِّي أَطِيقُ

the best *Saum* (fast).” I said, “I have the strength to do better (more) than that.” The Prophet ﷺ said, “There is no better (fasting) than that.”

أَفْضَلَ مِنْ ذَلِكَ، قَالَ: «فَصُمْ يَوْمًا وَأَفْطِرْ يَوْمًا، فَذَلِكَ صِيَامٌ دَاوِدٌ عَلَيْهِ السَّلَامُ وَهُوَ أَفْضَلُ الصِّيَامِ». فَقَلَّتْ: إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ، فَقَالَ النَّبِيُّ ﷺ: لَا أَفْضَلَ مِنْ ذَلِكَ.

[راجع: ١١٣١]

(57) CHAPTER. The right of the family (wife) in observing *As-Saum* (the fast).

This is narrated by Abū Juhaifa from the Prophet ﷺ.

1977. Narrated ‘Abdullāh bin ‘Amr رَضِيَ اللَّهُ عَنْهُمَا: The news of my observing *Saum* (fasting) daily and offering *Salāt* (prayer) every night throughout the night reached the Prophet ﷺ. So he sent for me, or I met him, and he ﷺ said, “I have been informed that you observe *Saum* (fast) every day and offer *Salāt* (prayer) every night (all the night). Observe *Saum* (fast) (for some days) and give it up (for some days), offer *Salāt* (prayer) and sleep for your eyes have a right on you, and your body and your family (your wife) have a right on you.” I replied, “I have more strength than that (for fasting).” The Prophet ﷺ said, “Then observe *Saum* (fast) like the *Saum* (fast) of (the Prophet) Dāwūd (David) عليه السلام (David).” I said, “How?” He replied, “He used to observe *Saum* (fast) on alternate days, and he used not to flee on meeting the enemy.” I said, “From where can I get that chance, O Allāh’s Prophet?” [‘Atā said, “I do not know how the expression of ‘observe *Saum* (fast) daily throughout the life’ occurred.”] So, the Prophet ﷺ said, twice, “Whoever observeses *Saum* (fast) daily throughout his life is just as the one who does not observe *Saum* (fast) at all.”

١٩٧٧ - حَدَّثَنَا عَمْرُو بْنُ عَلَيِّ: أَخْبَرَنَا أَبُو عَاصِمٍ، عَنِ ابْنِ جُرِيجِ، سَمِعْتُ عَطَاءً أَنَّ أَبَا الْعَبَّاسِ الشَّاعِرَ أَخْبَرَهُ: أَنَّهُ سَمِعَ عَبْدَ اللَّهِ بْنَ عَمْرِو رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: يَلَغُ النَّبِيُّ ﷺ أَنِّي أَسْرُدُ الصَّوْمَ، وَأَصْلِيُ اللَّيلَ. فَإِنَّمَا أَرْسَلَ إِلَيَّ وَإِمَّا لِقَيْتُهُ فَقَالَ: «أَلَمْ أَخْبَرْ أَنَّكَ تَصُومُ وَلَا تُفْطِرْ وَتُصْلِي؟ فَصُمْ وَأَفْطِرْ وَقُمْ وَنَمْ. فَإِنَّ لِعَيْنِكَ عَلَيْكَ حَظًا، وَإِنَّ لِنَفْسِكَ وَأَهْلِكَ عَلَيْكَ حَظًا». قَالَ: إِنِّي لَأَفْوَى لِذَلِكَ، قَالَ: «فَصُمْ صِيَامٌ دَاوِدٌ عَلَيْهِ السَّلَامُ». قَالَ: وَكَيْفَ؟ قَالَ: «كَانَ يَصُومُ يَوْمًا وَيَفْطِرُ يَوْمًا، وَلَا يَفْرُ إِذَا لَاقَى». قَالَ: مَنْ لِي بِهِنْهِ يَا نَبِيَّ اللَّهِ؟ قَالَ عَطَاءً: لَا أَدْرِي كَيْفَ ذَكَرَ صِيَامَ الْأَبَدِ؟ قَالَ النَّبِيُّ ﷺ: لَا صَامَ مَنْ صَامَ الْأَبَدَ» مَرَّانِينَ.

[راجع: ١١٣١]

(٥٧) بَابُ حَقَّ الْأَهْلِ فِي الصَّوْمِ، رَوَاهُ أَبُو جُحَيْفَةَ عَنِ النَّبِيِّ ﷺ.

(58) CHAPTER. *Saum* (fasting) on alternate days.

1978. Narrated Mujāhid from ‘Abdullāh bin ‘Amr : The Prophet ﷺ said (to ‘Abdullāh), “Observe *Saum* (fast) three days a month.” ‘Abdullāh said, (to the Prophet ﷺ), “I am able to observe *Saum* (fast) more than that.” They kept on arguing on this matter till the Prophet ﷺ said, “Observe *Saum* (fast) on alternate days, and recite the whole Qur’ān once a month.” ‘Abdullāh said, “I can recite more (in a month),” and the argument went on till the Prophet ﷺ said, “Recite the whole Qur’ān once in three days.” (i.e., you must not recite the whole Qur’ān in less than three days).

(59) CHAPTER. The *Saum* (fasting) of Dāwūd (David). عليه السلام

1979. Narrated ‘Abdullāh bin ‘Amr bin Al-Āṣ : The Prophet ﷺ said to me, “You observe *Saum* (fast) daily all the year and offer *Salāt* (prayer) (every night) all the night?” I replied in the affirmative. The Prophet ﷺ said, “If you keep on doing this, your eyes will become weak and your body will get tired. He who observes *Saum* (fast) all the year is as he who did not observe *Saum* (fast) at all. Observing *Saum* (fast) of three days (a month) will be equal to observing *Saum* (fast) of the whole year.” I replied, “I have the strength for more than this.” The Prophet ﷺ said, “Then observe *Saum* (fast) like the fasting of Dāwūd (David) who used to observe *Saum* (fast) on alternate days and would never flee from the battle field on meeting the enemy.”

(٥٨) بَابُ صَوْمٍ يَوْمٍ وِإِفْطَارٍ يَوْمٍ

١٩٧٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ : حَدَّثَنَا غُنَّدْرُ : حَدَّثَنَا شُعْبَةُ، عَنْ مُغِيرَةَ قَالَ: سَمِعْتُ مُجَاهِدًا، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «صُمْ مِنَ الشَّهْرِ ثَلَاثَةً أَيَّامٍ». قَالَ: أُطِيقُ أَكْثَرَ مِنْ ذَلِكَ، فَمَا زَالَ حَتَّى قَالَ: «صُمْ يَوْمًا وَأَفْطِرْ يَوْمًا»، فَقَالَ: «ا قُرَا الْقُرْآنَ فِي كُلِّ شَهْرٍ»، قَالَ: إِنِّي أُطِيقُ أَكْثَرَ، فَمَا زَالَ حَتَّى قَالَ: «فِي ثَلَاثَةِ».

[راجع: ١١٣١]

(٥٩) بَابُ صَوْمٍ دَاؤِدٍ عَلَيْهِ السَّلَامُ

١٩٧٩ - حَدَّثَنَا آدُمُ : حَدَّثَنَا شُعْبَةُ : حَدَّثَنَا حَبِيبُ بْنُ أَبِي ثَابِتٍ قَالَ: سَمِعْتُ أَبَا الْعَبَّاسِ الْمَكْيَ، وَكَانَ شَاعِرًا، وَكَانَ لَا يَتَّهِمُ فِي حَدِيثِهِ، قَالَ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَمْرِو بْنِ الْعَاصِي رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ لِي النَّبِيِّ ﷺ: «إِنَّكَ لَتَصُومُ الدَّهْرَ، وَتَنْقُومُ اللَّيْلَ؟» قَلَّتْ نَعَمْ. قَالَ: «إِنَّكَ إِذَا فَعَلْتَ ذَلِكَ هَجَمَتْ لَهُ الْعَيْنُ، وَنَفَهَتْ لَهُ النَّفَسُ. لَا صَامَ مَنْ صَامَ الدَّهْرَ، صَوْمٌ ثَلَاثَةِ أَيَّامٍ صَوْمٌ الدَّهْرِ كُلُّهُ»، قُلْتُ: فَإِنِّي أُطِيقُ أَكْثَرَ مِنْ ذَلِكَ. قَالَ: «فَصُمْ

صَوْمَ دَاؤُدَ عَلَيْهِ السَّلَامُ، كَانَ يَصُومُ
يَوْمًا وَيَفْطُرُ يَوْمًا، وَلَا يَفْرُ إِذَا
لَا قَيْ.» [راجع: ١١٣١]

١٩٨٠ - حَدَّثَنَا إِسْحَاقُ بْنُ شَاهِينَ الْوَاسِطِيُّ: حَدَّثَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ، عَنْ خَالِدِ الْحَنَّاءِ، عَنْ أَبِي قِلَابَةَ قَالَ: أَخْبَرَنِي أَبُو الْمُلِيقِ قَالَ: دَخَلْتُ مَعَ أَبِيكَ عَلَى عَبْدِ اللَّهِ ابْنِ عَمْرِو، فَحَدَّثَنَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَكَرَ لَهُ صَوْمَمِي، فَدَخَلَ عَلَيَّ فَأَقْلَيْتُ لَهُ وِسَادَةً مِنْ أَدَمَ حَشُورًا لِفَتْ فَجَاسَ عَلَى الْأَرْضِ، وَصَارَتِ الْوِسَادَةُ يَئِنِي وَيَئِنِهَا. فَقَالَ: «أَمَا يَكْفِيَكَ مِنْ كُلِّ شَهْرٍ ثَلَاثَةُ أَيَّامٌ؟» قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، قَالَ: «خَمْسًا». قُلْتُ: يَا رَسُولَ اللَّهِ، قَالَ: «سَبْعًا»، قُلْتُ: يَا رَسُولَ اللَّهِ، قَالَ: «تِسْعًا»، قُلْتُ: يَا رَسُولَ اللَّهِ، قَالَ: «إِحدَى عَشْرَةَ». ثُمَّ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا صَوْمَ فَوْقَ صَوْمَ دَاؤُدَ عَلَيْهِ السَّلَامُ، شَطَرُ الدَّهْرِ صَمْ يَوْمًا وَأَفْطَرْ يَوْمًا». [راجع: ١١٣١]

(٦٠) بَابُ صِيَامِ الْيَيْمِنِ ثَلَاثَ عَشْرَةَ، وَأَرْبَعَ عَشْرَةَ، وَخَمْسَ عَشْرَةَ

١٩٨١ - حَدَّثَنَا أَبُو مَعْمَرٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا أَبُو التَّيَّاحِ قَالَ: حَدَّثَنِي أَبُو عُثْمَانَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَوْصَانِي خَلِيلِي

1980. Narrated 'Abdullah bin 'Amr رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ was informed about my Saum (fasts), and he came to me and I spread for him a leather cushion stuffed with palm fibre, but he sat on the ground and the cushion remained between me and him, and then he said, "Isn't it sufficient for you to observe Saum (fast) three days a month?" I replied, "O Allāh's Messenger! [I can observe Saum (fast) more]." He said, "Five?" I replied, "O Allāh's Messenger! [I can observe Saum (fast) more]." He said, "Seven?" I replied, "O Allāh's Messenger! [I can observe Saum (fast) more]." He said, "Nine (days per month)?" I replied, "O Allāh's Messenger! [I can observe Saum (fast) more]" He said, "Eleven (days per month)?" And then the Prophet ﷺ said, "There is no Saum (fast) superior to that of the Prophet Dāwūd (David) عليه السلام; it was for half of the year. So, observe Saum (fast) on alternate days."

(60) CHAPTER. To observe Saum (fast) the three days (preceding) the full moon night, i.e., 13th, 14th and the 15th of the lunar months.

1981. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: My friend (the Prophet ﷺ) advised me to observe three things:

- (1) to observe Saum (fast) three days every (lunar) month;
- (2) to perform a two Rak'ā Duha prayer and

(3) to perform the *Witr* prayer before sleeping.

[See H.1178].

(61) CHAPTER. Whoever visited some people and did not break his (optional) *Saum* (fast) with them.

1982. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ paid a visit to Umm Sulaim and she placed before him dates and ghee. The Prophet ﷺ said, "Replace the ghee and dates in their respective containers for I am observing *Saum* (fast)." Then he stood somewhere in her house and offered an optional *Salāt* (prayer) and then he invoked Allāh to bless Umm Sulaim and her family. Then Umm Sulaim said, "O Allāh's Messenger! I have a special request (today)." He said, "What is it?" She replied, "(Please invoke for) your servant Anas." So, Allāh's Messenger ﷺ did not leave anything good in this world or in the Hereafter which he did not invoke (Allāh to bestow) on me and said, "O Allāh! Give him (i.e., Anas) property and children and bless him." Thus I am one of the richest among the *Ansār* and my daughter Umaina told me that when Al-Hajjāj came to Baṣrah, more than 120 of my offspring had been buried.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ بِشَاهِثٍ: صِيَامٌ ثَلَاثَةَ أَيَّامٍ مِنْ كُلِّ شَهْرٍ، وَرَكَعَتِي الصُّصَحَى، وَأَنَّ أُوتَرَ قَبْلَ أَنْ أَنَّا مَأْمَأَمَ [راجع: ١١٧٨]

(٦١) بَابُ مَنْ زَارَ قَوْمًا فَلَمْ يُفْطِرْ عِنْهُمْ

١٩٨٢ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمَئْنَى قَالَ: حَدَّثَنِي خَالِدٌ هُوَ ابْنُ الْحَارِثِ: حَدَّثَنَا حُمَيْدٌ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ: دَخَلَ النَّبِيُّ **بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ** عَلَى أُمِّ سُلَيْمٍ، فَأَتَتْهُ بِتَمْرٍ وَسَمِينَ قَالَ: «أَعْبَدُوا سَمِنْكُمْ فِي سِقَائِهِ، وَتَمَرْكُمْ فِي وِعَائِهِ فَإِنِّي صَائِمٌ». ثُمَّ قَامَ إِلَى نَاحِيَةٍ مِنَ الْبَيْتِ فَصَلَّى غَيْرَ الْمَكْوَبَةِ، فَدَعَا لِأَمِّ سُلَيْمٍ وَأَهْلِ بَيْتِهَا، فَقَالَتْ أُمُّ سُلَيْمٍ: يَا رَسُولَ اللَّهِ، إِنَّ لِي خُوَيْصَةً، قَالَ: «مَا هِيَ؟» قَالَتْ: خَادِمُكَ أَنَسُّ، فَمَا تَرَكَ خَيْرًا آخِرَةً وَلَا ذُنْبًا إِلَّا دَعَا لِي بِهِ قَالَ: «اللَّهُمَّ ازْرُهُ مَالًا وَوَلَدًا وَبَارِكْ لَهُ»، فَإِنِّي لَمَنْ أَكْثَرُ الْأَنْصَارِ مَالًا. وَحَدَّثَنِي أَبْنَى أُمَيَّةَ أَنَّهُ دُفِنَ لِصُلُبِي مَقْدَمَ الْحَجَّاجِ الْبَصْرَى بِضُعْ وَعِشْرُونَ وَمِائَةً». قَالَ ابْنُ أَبِي مَرْيَمَ: أَخْبَرَنَا يَحْيَى بْنُ أَبْيَوبَ قَالَ: حَدَّثَنِي حُمَيْدٌ: سَمِعَ أَنَسًا رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ **بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ**. [انظر: ٦٣٣٤، ٦٣٤٤، ٦٣٧٨]

[٦٣٨٠]

(٦٢) بَابُ الصَّوْمِ مِنْ آخِرِ الشَّهْرِ
١٩٨٣ - حَدَّثَنَا الصَّلْتُ بْنُ

(62) CHAPTER. Fasting the last days of the month.

1983. Narrated Imrān bin Husain رَضِيَ اللَّهُ عَنْهُ

عَنْهُمَا that the Prophet ﷺ asked him ('Imrān), or asked a man and 'Imrān was listening, "O Abū so-and so! Have you observed *Saum* (fasts) in the last days of this month?" (The narrator thought that he said, "the month of Ramaḍān"). The man replied, "No. O Allāh's Messenger!" The Prophet ﷺ said to him, "When you finish your *Saum* (fasts) (of Ramaḍān) observe *Saum* (fasts) for two days (in Shawwāl)."

Through another series of narrators 'Imrān said, "The Prophet ﷺ said, "[Have you observed *Saum* (fasts)] in the last days of Sha'bān?""⁽¹⁾

(63) CHAPTER. Observing *Saum* (fast) on Friday. If someone gets up in the morning of Friday and is observing the *Saum* (fasts) he should break it [if he did not observe *Saum* the day before or does not intend to observe *Saum* (fasts) after it].

1984. Narrated Muḥammad bin 'Abbad : I asked Jābir, "Did the Prophet ﷺ forbid observing *Saum* (fasts) on Fridays?" He replied, "Yes." [Through other narrators it is added, "If he intends to observe *Saum* (fasts) only that day."]

(1) (H.1983) The man whom the Prophet ﷺ asked seemed to have had the habit of observing *Saum* (fast) on the last days of every month, but he did not carry on this habit in the month of Sha'bān, for Allāh's Messenger ﷺ had forbidden the *Saum* (fast) of the day preceding Ramaḍān immediately. In this narration the Prophet ﷺ orders the man to make up for the days of Sha'bān which he missed by observing *Saum* (fast) on some days in Shawwāl, and that indicates that one should keep his habits of worshipping, and there is no harm if one observes *Saum* (fast) the last days of Sha'bān if it is his habit to *Saum* the last days of every month. (*Fath Al-Bārī*)

مُحَمَّدٌ: حَدَّثَنَا مَهْدِيٌّ، عَنْ غَيْلَانَ.
 حَوْدَّثَنَا أَبُو التُّعْمَانِ: حَدَّثَنَا مَهْدِيٌّ
 بْنُ مَيْمُونٍ: حَدَّثَنَا غَيْلَانُ بْنُ جَرِيرٍ،
 عَنْ مُطَرْفٍ، عَنْ عُمَرَانَ ابْنِ حُصَيْنٍ
 رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ أَنَّهُ
 سَأَلَهُ أَوْ سَأَلَ رَجُلًا وَعُمَرَانَ يَسْمَعُ
 قَالَ: يَا أَبَا فُلَانٍ، أَمَا صُمِّتَ سَرَّارَ
 هَذَا الشَّهْرُ؟ قَالَ: أَطْلُنْهُ قَالَ: يَعْنِي
 رَمَضَانَ. قَالَ الرَّجُلُ: لَا يَا رَسُولَ
 اللَّهِ، قَالَ: فَإِذَا أَفْطَرْتَ فَصُمِّ
 يَوْمَيْنِ". لَمْ يَقُلِ الصلْتُ: أَطْلُنْهُ يَعْنِي
 رَمَضَانَ. قَالَ أَبُو عَبْدِ اللَّهِ: وَقَالَ
 ثَابُتُ، عَنْ مُطَرْفٍ، عَنْ عُمَرَانَ عَنِ
 النَّبِيِّ ﷺ: «مِنْ سَرَّ شَعْبَانَ».
 (٦٣) بَابُ صُومُ يَوْمِ الْجُمُعَةِ، وَإِذَا
 أَضَبَّحَ صَائِمًا يَوْمَ الْجُمُعَةِ فَعَلَيْهِ أَنْ
 يُفْطِرَ

١٩٨٤ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنِ
 ابْنِ جُرَيْجٍ، عَنْ عَبْدِ الْحَمِيدِ بْنِ جُبَيْرٍ
 بْنِ شَيْبَةَ، عَنْ مُحَمَّدِ بْنِ عَبَادٍ قَالَ:
 سَأَلْتُ جَابِرًا رَضِيَ اللَّهُ عَنْهُ: أَنْهَى
 النَّبِيُّ ﷺ عَنْ صَوْمِ يَوْمِ الْجُمُعَةِ؟

قالَ: نَعَمْ. زَادَ غَيْرُ أَبِي عَاصِمٍ:
يَعْنِي: أَنْ يَفْرِدَ بِصَوْرِهِ.

١٩٨٥ - حَدَّثَنَا عُمَرُ بْنُ حَقْصَنْ
بْنُ غِيَاثٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا
الْأَعْمَشُ: حَدَّثَنَا أَبُو صَالِحٍ، عَنْ أَبِي
هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ
النَّبِيَّ ﷺ يَقُولُ: «لَا يَصُومُ أَحَدُكُمْ
يَوْمَ الْجُمُعَةِ إِلَّا يَوْمًا قَبْلَهُ أَوْ بَعْدَهُ».

١٩٨٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
يَحْيَى، عَنْ شَعْبَةَ ح. وَحَدَّثَنِي
مُحَمَّدٌ: حَدَّثَنَا غُنْدَرٌ: حَدَّثَنَا شَعْبَةُ،
عَنْ فَتَادَةَ، عَنْ أَبِي أَيُوبَ، عَنْ
جُوَيْرِيَةَ بْنِتِ الْحَارِثِ رَضِيَ اللَّهُ
عَنْهَا: أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَيْهَا يَوْمَ
الْجُمُعَةِ وَهِيَ ضَائِمَةٌ فَقَالَ: «أَصْمِتْ
أَمْسِ؟» قَالَتْ: لَا، قَالَ: «تُرِيدِينَ أَنْ
تَصُومِي غَدًّا؟» قَالَتْ: لَا، قَالَ:
«فَأَفْطِرِي». وَقَالَ حَمَادُ بْنُ الْجَعْدِ
سَمِعَ فَتَادَةَ: حَدَّثَنِي أَبُو أَيُوبَ أَنَّ
جُوَيْرِيَةَ حَدَّثَتْهُ فَأَمَرَهَا فَأَفْطَرَتْ.

(٦٤) بَثْ هَلْ يَخْصُّ شَيْئًا مِنَ
الْأَيَّامِ؟

١٩٨٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
يَحْيَى، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ
إِبْرَاهِيمَ عَنْ عَلْقَمَةَ: قُلْتُ لِعَائِشَةَ
رَضِيَ اللَّهُ تَعَالَى عَنْهَا: هَلْ كَانَ
رَسُولُ الله ﷺ يَخْصُّ شَيْئًا مِنَ الْأَيَّامِ
شَيْئًا؟ قَالَتْ: لَا، كَانَ عَمَلُهُ دِيمَةً،

1985. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ I heard the Prophet ﷺ saying, "None of you should observe *Ṣaum* (fast) on Friday unless he observes *Ṣaum* (fast) a day before or after it."

1986. Narrated Juwairiya bint Al-Hārith رَضِيَ اللَّهُ عَنْهَا : The Prophet ﷺ visited her (Juwairiya) on a Friday and she was observing *Ṣaum* (fast). He asked her, "Did you observed *Ṣaum* (fast) yesterday?" She said, "No." He said, "Do you intend to observe *Ṣaum* (fast) tomorrow?" She said, "No." He said, "Then break your *Ṣaum* (fast)." "

Through another series of narrators, Abū Ayyūb is reported to have said, "He ordered her and she broke her *Ṣaum* (fast)."

(64) CHAPTER. Can one select some special days [for observing *Ṣaum* (fast)]?

1987. Narrated 'Alqama : I asked 'Aishah رَضِيَ اللَّهُ عَنْهَا : "Did Allāh's Messenger ﷺ use to do extra deeds of worship on some certain days?" She replied, "No, but his deeds were regular and constant. "Who amongst you can endure what Allāh's Messenger ﷺ used to endure?"

[See Vol. 8. *Hadīth* No. 6461, 6462, and 6466.]

وَأَيُّكُمْ يُطِيقُ مَا كَانَ رَسُولُ اللَّهِ ﷺ
يُطِيقُ؟ . [انظر: ٦٤٦٦]

(٦٥) باب صوم يوم عرفة

(65) CHAPTER. Observing Saum (fast) on the day of 'Arafah.

1988. Narrated Umm Al-Fadl bint Al-Hārith: "While the people were with me on the day of 'Arafah they differed as to whether the Prophet ﷺ was observing Saum (fast) or not; some said that he was observing Saum (fast) while others said that he was not observing Saum (fast). So, I sent to him a bowl full of milk while he was riding over his camel and he drank it."

١٩٨٨ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ مَالِكٍ، قَالَ: حَدَّثَنِي سَالْمٌ قَالَ: حَدَّثَنِي عُمَيرٌ مَوْلَى أُمِّ الْفَضْلِ أَنَّ أُمَّ الْفَضْلِ حَدَّثَنِي حٍ وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ أَبِي التَّصْرِيْ مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ، عَنْ عُمَيرٍ مَوْلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنْ أُمِّ الْفَضْلِ يَسْتَأْذِنُ الْحَارِثَ: أَنَّ نَاسًا تَمَارَوْا عِنْدَهَا يَوْمَ عَرَفَةَ فِي صَوْمِ النَّبِيِّ ﷺ فَقَالَ بَعْضُهُمْ: هُوَ صَائِمٌ، وَقَالَ بَعْضُهُمْ: لَيْسَ بِصَائِمٍ. فَأَرْسَلَتِ إِلَيْهِ يَقْدَحٌ لَيْنَ وَهُوَ واقِفٌ عَلَى بَعِيرِهِ فَشَرَبَهُ . [راجع: ٦٥٨]

١٩٨٩ - حَدَّثَنَا يَحْيَى بْنُ سُلَيْمَانَ: أَخْبَرَنِي ابْنُ وَهْبٍ، أَوْ فُرِيَّ عَلَيْهِ، قَالَ: أَخْبَرَنِي عَمْرُو، عَنْ بُكَيْرٍ، عَنْ كُرَيْبٍ، عَنْ مَيْمُونَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ النَّاسَ شَكُوا فِي صِيَامِ النَّبِيِّ ﷺ يَوْمَ عَرَفَةَ فَأَرْسَلَتِ إِلَيْهِ بِحِلَابٍ وَهُوَ واقِفٌ فِي الْمَوْقِفِ، فَشَرَبَ مِنْهُ وَالنَّاسُ يُنْظَرُونَ .

(٦٦) باب صوم يوم الفطر

(66) CHAPTER. Observing Saum (fast) on the first day of 'Eid-ul-Fitr.

1990. Narrated Abū ‘Ubaid, the slave of Ibn Azhar : I witnessed the ‘Eid with ‘Umar bin Al-Khaṭṭāb who said, “Allāh’s Messenger ﷺ has forbidden people to observe Saum (fast) on the day on which you break fasting (the Saum of Ramaḍān) and the day on which you eat the meat of your sacrifices (i.e., the first day of ‘Eid-ul-Fitr and ‘Eid-ul-Adha).

١٩٩٠ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكُ، عَنْ ابْنِ شَهَابٍ، عَنْ أَبِي عَبْدِيْدِ مَوْلَى ابْنِ أَزْهَرَ قَالَ : «شَهَدْتُ الْعِيدَ مَعَ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ فَقَالَ : هَذَا يَوْمًا نَهَى رَسُولُ اللَّهِ ﷺ عَنْ صِيَامِهِمَا، يَوْمُ فِطْرِكُمْ مِنْ صِيَامِكُمْ، وَالْيَوْمِ الْآخِرِ تَأكُلُونَ فِيهِ مِنْ سُكِّينِكُمْ». قالَ أَبُو عَبْدِ اللهِ : قَالَ ابْنُ عَيْنَةَ : مَنْ قَالَ : مَوْلَى ابْنِ أَزْهَرَ فَقَدْ أَصَابَ، وَمَنْ قَالَ : مَوْلَى عَبْدِ الرَّحْمَنِ بْنِ عَوْنَفِ فَقَدْ أَصَابَ . [انظر : ٥٥٧١]

1991. Narrated Abū Sa‘id : The Prophet ﷺ forbade the Saum (fasting) of ‘Eid-ul-Fitr and ‘Eid-ul-Adha (two feast days) and also the wearing of *As-Sammā’* (a single garment covering the whole body), and sitting with one’s legs drawn up while being wrapped in one garment.

١٩٩١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ : حَدَّثَنَا وُهَيْبٌ : عَنْ عَمِّرُو بْنِ يَحْيَى، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ : نَهَى رَسُولُ اللَّهِ ﷺ عَنْ صَوْمِ يَوْمِ الْفِطْرِ وَالنَّحْرِ وَعَنِ الصَّمَاءِ، وَأَنْ يَحْتَبِي الرَّجُلُ فِي الثَّوْبِ الْوَاحِدِ . [راجع : ٣٦٧]

1992. Abū Sa‘id added : He also forbade the *Salāt* (prayer) after the *Fajr* (early morning) and the *Aṣr* (afternoon) *Salāt* (prayers).

١٩٩٢ - وَعَنْ صَلَاةِ بَعْدِ الصُّبْحِ وَالعَصْرِ . [راجع : ٥٨٦]

(67) CHAPTER. Observing Saum (fast) on the day of *Nahr* (i.e., first day of ‘Eid-ul-Adha).

(٦٧) بَابُ صَوْمِ يَوْمِ النَّحْرِ

1993. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : Two Saum (fasts) and two kinds of sale are forbidden: observing Saum (fast) on the day of ‘Eid-ul-Fitr and ‘Eid-ul-Adha and the kinds of sale called *Mulāmasa* and *Munābadha*. (These two kinds of sale used to be practised

١٩٩٣ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى : أَخْبَرَنَا هِشَامٌ، عَنْ ابْنِ جُرَيْجٍ قَالَ : أَخْبَرَنِي عَمِّرُو بْنُ دِيَنَارٍ، عَنْ عَطَاءِ بْنِ مِينَاءَ قَالَ : سَمِعْتُهُ

in the days of Pre-Islamic Period of Ignorance; *Mulāmasa* means when you touch something displayed for sale you have to buy it; *Munābadha* means when the seller throws something to you, you have to buy it.)

يُحَدِّثُ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: يُنْهَى عَنْ صِيَامِينَ وَيَعْتَمِينَ: الْفَطْرِ وَالنَّحرِ، وَالْمُلَامَسَةِ وَالْمُنَابَذَةِ.

[راجع: ٣٦٨]

1994. Narrated Ziyād bin Jubair: A man went to Ibn ‘Umar رضي الله عنهما and said, “A man vowed to observe *Saum* (fast) one day (the subnarrator thinks that he said that the day was Monday), and that day happened to be ‘Eid day.” Ibn ‘Umar said, “Allah orders vows to be fulfilled and the Prophet ﷺ forbade *Saum* on this day (i.e., ‘Eid).”

١٩٩٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُنَّى: حَدَّثَنَا مَعاذٌ: أَخْبَرَنَا ابْنُ عَوْنَى، عَنْ زِيَادِ ابْنِ جُبَيْرٍ قَالَ: جَاءَ رَجُلٌ إِلَى ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا فَقَالَ رَجُلٌ: نَذَرَ أَنْ يَصُومَ يَوْمًا، قَالَ: أَطْهُنَهُ قَالَ: الْأَثْنَيْنِ فَوَاقَنَ ذَلِكَ يَوْمًَ عِيدٍ؛ فَقَالَ ابْنُ عُمَرَ: أَمَرَ اللَّهُ بِوَفَاءِ النَّدْرِ، وَنَهَى النَّبِيُّ ﷺ عَنْ صَوْمِ هَذَا الْيَوْمِ. [انظر: ٦٧٠٥، ٦٧٠٦]

1995. Narrated Abū Sa‘īd Al-Khudrī رضي الله عنه (who fought in twelve *Ghazawāt* in the company of the Prophet ﷺ). I heard four things from the Prophet ﷺ and they won my admiration. He ﷺ said:

1. “No lady should travel on a journey of two days except with her husband or a *Dhī-Maḥrām*;

2. “No *Saum* (fasting) is permissible on the two days of ‘Eid-ul-Fitr and ‘Eid-ul-Adha;

3. “No *Salāt* (prayer) (may be offered) after the morning (compulsory) *Salāt* (prayer) until the sun rises; and no *Salāt* (prayer) after the ‘Asr prayer till the sun sets;

4. “One should travel only for visiting three *Masājid* (mosques): *Masjid-al-Harām* (Makkah), *Masjid-al-Aqṣā* (Jerusalem), and this (my) mosque (at Al-Madina).”

١٩٩٥ - حَدَّثَنَا حَاجَاجٌ بْنُ مِنْهَالٍ: حَدَّثَنَا شُعبَةُ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ عُمَيرٍ قَالَ: سَمِعْتُ فَرَعَةَ قَالَ: سَمِعْتُ أَبَا سَعِيدَ الْحُدْرِيَ رَضِيَ اللَّهُ عَنْهُ وَكَانَ غَرَّاً مَعَ النَّبِيِّ ﷺ ثَيَّتِي عَشْرَةَ عَزْوَةً، قَالَ: سَمِعْتُ أَرْبَعَةَ عَنِ النَّبِيِّ ﷺ فَأَعْجَبَنِي قَالَ: «لَا تُسافِرُ الْمَرْأَةُ مَسِيرَةَ يَوْمَيْنِ إِلَّا وَمَعَهَا رَوْجُها أَوْ ذُو مَحْرَمٍ. وَلَا صَوْمَ فِي يَوْمَيْنِ: الْفَطْرِ وَالْأَضْحَى، وَلَا صَلَاةَ بَعْدَ الصُّبْحِ حَتَّى تَظْلُعَ الشَّمْسُ، وَلَا بَعْدَ العَصْرِ حَتَّى تَغُرُّبَ. وَلَا شُدُّ الرَّحَالٍ إِلَّا إِلَى ثَلَاثَةِ مَسَاجِدٍ: مَسَاجِدُ الْحَرَامِ، وَمَسَاجِدُ الْأَقْصَى، وَمَسَاجِدُ هَذَا». [راجع: ٥٨٦]

(68) CHAPTER. Observing *Saum* (fast) on *Tashriq* days (11th, 12th and 13th of *Dhul-Hijjah*).

1996. Narrated Yahyā : Hishām said, “My father said that رَضِيَ اللَّهُ عَنْهَا used to observe *Saum* (fast) on the days of Mina.” His (i.e., Hishām’s) father also used to observe *Saum* on those days.

1997, 1998. Narrated ‘Āishah and Ibn ‘Umar : رَضِيَ اللَّهُ عَنْهُمْ Nobody was allowed to observe *Saum* (fast) on the days of *Tashriq* except those who could not afford the *Hady* (animals for sacrifice).

1999. Narrated Ibn ‘Umar : رَضِيَ اللَّهُ عَنْهُما Observing *Saum* (fast) for those who perform *Hajj-at-Tamattu‘* (in lieu of the *Hady* which they cannot afford) may be performed up to the day of ‘Arafah. And if one does not get a *Hady* and has not observed *Saum* (fast) (before the ‘Eid) then one should observe *Saum* (fast) during the days of Mina (11th, 12th and 13th of *Dhul-Hijjah*).

(69) CHAPTER. Observing *Saum* (fast) on the day of ‘Ashūra’ (tenth of Muharram).

2000. Narrated Sālim’s father : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, “Whoever wishes may

(٦٨) بَابُ صِيَامِ أَيَّامِ التَّشْرِيقِ

١٩٩٦ – قال أبو عبد الله: قال لي مُحَمَّدُ بْنُ الْمُتَّنِّي: حَدَّثَنَا يَحْيَى، عَنْ هِشَامٍ قَالَ: أَخْبَرَنِي أُبَيُّ: كَانَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا تَصُومُ أَيَّامَ مِنِي وَكَانَ أَبُوهُ يَصُومُهَا.

١٩٩٧، ١٩٩٨ – حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَنْدَرٌ: حَدَّثَنَا شَعْبَةُ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ عِيسَى، عَنِ الرُّهْبَانِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، وَعَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمْ قَالًا: لَمْ يُرَخَّضْ فِي أَيَّامِ التَّشْرِيقِ أَنْ يُصْمِنَ إِلَّا لِمَنْ لَمْ يَجِدْ الْهَدْيَ.

١٩٩٩ – حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمٍ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: الصِّيَامُ لِمَنْ تَمَّتَّعَ بِالْعُمْرَ إِلَى الْحَجَّ إِلَى يَوْمِ عَرَفَةَ، فَإِنْ لَمْ يَجِدْ هَذِيَاً وَلَمْ يَصُمْ صَافِمَ أَيَّامَ مِنِي . وَعَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ مِنْهُهُ . وَتَابَعَهُ إِبْرَاهِيمُ بْنُ سَعْدٍ عَنِ ابْنِ شِهَابٍ .

(٦٩) بَابُ صَوْمِ يَوْمِ عَاشُورَاءَ

٢٠٠٠ – حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ

observe *Ṣaum* (fast) on the day of ‘Āshūra’.”

عُمَرَ بْنِ مُحَمَّدٍ، عَنْ سَالِمٍ، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ، قَالَ: قَالَ النَّبِيُّ ﷺ يَوْمَ عَاشُورَاءَ: «إِنْ شَاءَ صَامَ». [١٨٩٢]

2001. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: Allāh’s Messenger ﷺ ordered (the Muslims) to observe *Ṣaum* (fast) on the day of ‘Āshūra’, and when fasting in the month of Ramaḍān was prescribed, it became optional for one to observe *Ṣaum* (fast) on that day (‘Āshūra’) or not.

٢٠٠١ - حَدَّثَنَا أَبُو الْيَمَانُ، أَخْبَرَنَا شُعْبَةُ عَنِ الرُّهْبَرِيِّ قَالَ: أَخْبَرَنِي عُرْوَةُ ابْنُ الرَّبِّيِّ أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ أَمْرَ بِصِيَامِ يَوْمِ عَاشُورَاءَ فَلَمَّا فُرِضَ رَمَضَانُ كَانَ مَنْ شَاءَ صَامَ وَمَنْ شَاءَ أَفْطَرَ . [١٥٩٢]

2002. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: Quraish used to observe *Ṣaum* (fast) on the day of ‘Āshūra’ in the Pre-Islamic Ignorance Period, and Allāh’s Messenger ﷺ too, used to observe *Ṣaum* (fast) on that day. When he came to Al-Madīna, he observed *Ṣaum* (fast) on that day and ordered others to observe *Ṣaum* (fast), too. Later when the fasting of the month of Ramaḍān was prescribed, he gave up fasting on the day of ‘Āshūra’ and became optional for one to observe *Ṣaum* (fast) on it or to leave its fasting.

٢٠٠٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ يَوْمُ عَاشُورَاءَ تَصُومُهُ قُرِيشٌ فِي الْجَاهِلِيَّةِ، وَكَانَ رَسُولُ اللَّهِ ﷺ يَصُومُهُ فِي الْجَاهِلِيَّةِ، فَلَمَّا قَدِمَ الْمَدِينَةَ صَامَهُ وَأَمْرَ بِصِيَامِهِ . فَلَمَّا فُرِضَ رَمَضَانُ تَرَكَ يَوْمَ عَاشُورَاءَ، فَمَنْ شَاءَ صَامَهُ وَمَنْ شَاءَ تَرَكَهُ . [١٥٩٢]

2003. Narrated Ḥumaid bin ‘Abdur-Raḥmān that he heard Mu‘āwiya bin Abī Sufyān رَضِيَ اللَّهُ عَنْهُما on the day of ‘Āshūra’ during the year he performed the *Hajj*, saying on the pulpit, “O the people of Al-Madīna! Where are your religious scholars? I heard Allāh’s Messenger ﷺ saying, ‘This is the day of ‘Āshūra’. Allāh has not enjoined its *Ṣaum* (fast) on you but I am fasting it. You have the choice either to observe *Ṣaum* (fast) or not to observe *Ṣaum* (fast) (on this day).”

٢٠٠٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ ابْنِ شَهَابٍ، عَنْ حُمَيْدٍ بْنِ عَبْدِ الرَّحْمَنِ: أَنَّهُ سَمِعَ مُعاوِيَةَ بْنَ أَبِي سُفْيَانَ رَضِيَ اللَّهُ عَنْهُمَا يَوْمَ عَاشُورَاءَ عَامَ حَجَّ عَلَى الْمُنْبَرِ يَقُولُ: يَا أَهْلَ الْمَدِينَةِ، أَيْنَ عُلَمَاؤُكُمْ؟ سَمِعْتُ رَسُولَ اللَّهِ ﷺ

يَقُولُ: «هَذَا يَوْمٌ عَاشُورَاءٌ وَلَمْ يَكُنْ
اللَّهُ عَلَيْكُمْ صِيَامٌ وَأَنَا صَائِمٌ، فَمَنْ
شَاءَ فَلْيَصُمْ وَمَنْ شَاءَ فَلْيَفْطُرْ». ^١

٢٠٠٤ - حَدَّثَنَا أَبُو مَعْمَرٍ: حَدَّثَنَا
عَبْدُ الْوَارِثِ: حَدَّثَنَا أَيُوبَ: عَنْ عَبْدِ
اللَّهِ بْنِ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبِيهِ، عَنْ
ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَدِيمٌ
النَّيْتُ ^{بَلَقَةً} الْمَدِينَةَ فَرَأَى الْيَهُودَ تَصُومُ
يَوْمَ عَاشُورَاءَ فَقَالَ: «مَا هَذَا؟» قَالُوا:
هَذَا يَوْمٌ صَالِحٌ، هَذَا يَوْمٌ نَجَى اللَّهُ
بَنِي إِسْرَائِيلَ مِنْ عَذَوْهُمْ، فَصَامَهُ
مُوسَى، قَالَ: «فَإِنَّا أَحَقُّ بِمُوسَى
مِنْكُمْ»، فَصَامَهُ، وَأَمَرَ بِصِيَامِهِ. [انظر:
٤٧٣٧، ٣٩٤٣، ٣٢٩٧]

٢٠٠٥ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ
اللَّهِ: حَدَّثَنَا أَبُو أَسَمَةَ، عَنْ أَبِي
عُمَيْسٍ، عَنْ قَيْسِ ابْنِ مُسْلِمٍ، عَنْ
طَارِقِ بْنِ شَهَابٍ عَنْ أَبِي مُوسَى
رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ يَوْمُ
عَاشُورَاءَ تَعْدُدُ الْيَهُودُ عِيدًا، قَالَ النَّيْتُ ^{بَلَقَةً}
«فَصُومُوهُ أَنْتُمْ». [انظر: ٣٩٤٢]

٢٠٠٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
مُوسَى، عَنِ ابْنِ عُيَيْنَةَ، عَنْ عَبْيَدِ اللَّهِ
بْنِ أَبِي بَرِيدَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ

٢٠٠٤. Narrated Ibn ‘Abbās : رَضِيَ اللَّهُ عَنْهُمَا : The Prophet ﷺ came to Al-Madīna and saw the Jews observing fast on the day of ‘Āshūra’. He asked them about that. They replied, “This is a good day, the day on which Allāh rescued Banī Isrāel from their enemy. So, Mūsa (Moses) on this day.” The Prophet ﷺ said, “We have more claim over Mūsa than you.” So, the Prophet ﷺ observed Saum (fast) on that day and ordered (the Muslims) to observe Saum (fast) (on that day).

٢٠٠٥. Narrated Abū Mūsā : رَضِيَ اللَّهُ عَنْهُ : The day of ‘Āshūra’ was considered as ‘Eid day by the Jews. So the Prophet ﷺ ordered, “I recommend you (Muslims) to observe Saum (fast) on this day.”

٢٠٠٦. Narrated Ibn ‘Abbās : رَضِيَ اللَّهُ عَنْهُمَا I: I never saw the Prophet ﷺ seeking to observe Saum (fast) on a day more (preferable to him) than this day, the day of ‘Āshūra’, or this month, i.e., the month of Ramadān.^(١)

(1) (H.2006) This is only the opinion of Ibn ‘Abbās which might differ from what other people think, for in a narration reported by Qatāda from the Prophet ﷺ, it is mentioned that Saum (fasting) on the day of ‘Arafah expiates the sins of two years, while observing Saum (fast) on the day of ‘Āshūra’ expiates the sins of only one year. This indicates that observing Saum (fast) on the day of ‘Arafāh is superior to that of ‘Āshūra’.

الله عنهمما، قال: ما رأيْتُ النَّبِيَّ ﷺ
يَتَحَرَّى صِيَامَ يَوْمَ قَضَائِهِ عَلَى غَيْرِهِ إِلَّا
هَذَا الْيَوْمُ، يَوْمُ عَاشُورَاءَ، وَهَذَا
الشَّهْرُ، يَعْنِي: شَهْرَ رَمَضَانَ.

2007. Narrated Salama bin Al-Akwa^{رضي الله عنه}: The Prophet ﷺ ordered a man from the tribe of Banī Aslam to announce amongst the people that whoever had eaten should observe *Šaum* (fast) the rest of the day, and whoever had not eaten should continue his *Šaum* (fast), as that day was the day of ‘Ashūra’.

٢٠٠٧ - حَدَّثَنَا المَكْيُّ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا يَرِيدُ بْنُ أَبِي عُبَيْدٍ عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ رَضِيَ اللَّهُ عَنْهُ، قَالَ: أَمَرَ النَّبِيَّ ﷺ رَجُلًا مِنْ أَسْلَمَ أَنْ «أَدْنُ فِي النَّاسِ»: أَنَّ مَنْ كَانَ أَكَلَ فَلْيَصُمْ بَقِيَّةَ يَوْمِهِ، وَمَنْ لَمْ يَكُنْ أَكَلَ فَلْيَصُمْ؛ فَإِنَّ الْيَوْمَ يَوْمُ عَاشُورَاءَ.

[راجع: ١٩٢٤]

31 – THE BOOK OF TARĀWĪH PRAYERS

31 – THE BOOK OF TARĀWĪH PRAYERS

[*Nawāfil* Prayers at night in Ramadān]

(1) CHAPTER. The superiority of praying (*Nawāfiل*) at night in Ramadān.

2008. Narrated Abū Hurairah رضي الله عنه : heard Allāh's Messenger ﷺ saying regarding Ramaḍān, "Whoever performed Salāh (prayers) at night in it (the month of Ramaḍān) with sincere faith and hoping for a reward from Allāh , then all his past sins will be forgiven."

2009. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ . Allāh’s Messenger ﷺ said, “Whoever performed Ṣalāt (prayers) at night in the month of Ramaḍān with sincere faith and hoping for a reward from Allāh, then all his past sins will be forgiven.” Ibn Shihāb (a subnarrator) said, “Allāh’s Messenger ﷺ died and the people continued observing that (i.e., *Nawāfil* offered individually, not in congregation), and it remained as it was during the caliphate of Abū Bakr and in the early days of ‘Umar’s caliphate.”

2010. Narrated Ibn Shihâb: Abdur Rahmân bin ‘Abdul Qarî said, “I went out in the company of ‘Umar bin Al-Khaṭṭâb one night in Ramaḍân to the mosque and found the people performing *Salât* (prayers) in different groups. A man performing *Salât* (prayers) alone, or a man performing *Salât* (prayers) with a little group behind him. So

٣١ - كتاب صلاة التراويح

(١) بَابُ فَضْلِ مَنْ قَامَ رَمَضَانَ

٢٠٠٨ - حَدَّثَنَا يَحْيَى بْنُ بُكْرٍ : حَدَّثَنَا الْلَّيْثُ، عَنْ عُقَيْلٍ، عَنْ ابْنِ شَهَابٍ قَالَ: أَخْبَرَنِي أَبُو سَلَمَةَ أَنَّ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ لِرَمَضَانَ: «مَنْ قَامَهُ إِيمَانًا وَاحْتِسَابًا غَيْرَ لَهُ مَا تَقدَّمَ مِنْ ذَنْبِهِ». [راجٌ: ٣٥]

٢٠٠٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكُ ، عَنِ ابْنِ شَهَابٍ ؛ عَنْ حُمَيْدٍ بْنِ عَبْدِ الرَّحْمَنِ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ : أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ : « مَنْ قَامَ رَمَضَانَ إِيمَانًا وَاحْتِسَابًا غُفرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنَبِهِ » . قَالَ ابْنُ شَهَابٍ : فَتَوَفَّى رَسُولُ اللَّهِ ﷺ وَالنَّاسُ عَلَى ذَلِكَ . ثُمَّ كَانَ الْأَمْرُ عَلَى ذَلِكَ فِي خِلَافَةِ أَبِي بَكْرٍ ، وَصَدْرًا مِنْ خِلَافَةِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا . [راجع : ٣٥]

- وَعْنَ ابْنِ شَهَابٍ، عَنْ ٢٠١٠
عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ
عَبْدِ الْقَارِيِّ أَلَّهُ فَالَّهُ حَرَجْتُ مَعَ
عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ لَيْلَةَ
فِي رَمَضَانَ إِلَى الْمَسْجِدِ فَإِذَا النَّاسُ

'Umar said, 'In my opinion I would better collect these (people) under the leadership of one *Qāri'* (reciter) [i.e., let them perform *Salāt* (prayers) in congregation!]'. So, he made up his mind and he congregated them behind Ubaī bin Ka'b. Then on another night I went again in his company and the people were performing *Salāt* (prayers) behind their reciter. On that, 'Umar remarked, 'What an excellent *Bid'a* (i.e., innovation in religion) this is; but the *Salāt* (prayers) which they do not perform, and sleep at its time is superior than the one they are performing now.' He meant the *Salāt* (prayers) in the last part of the night. (In those days) people used to perform *Salāt* (prayers) in the early part of the night.'

2011. Narrated 'Aishah رَضِيَ اللَّهُ عَنْهَا, the wife of the Prophet ﷺ: Allāh's Messenger ﷺ used to perform *Salāt* (prayer) (at night) in Ramaḍān.

2012. Narrated 'Urwa that he was informed by 'Aishah رَضِيَ اللَّهُ عَنْهَا, "Allāh's Messenger ﷺ went out in the middle of the night and performed *Salāt* (prayer) in the mosque and some men performed *Salāt* (prayer) behind him. In the morning, the people spoke about it and then a large number of them gathered and performed *Salāt* (prayer) behind him (on the second night). In the next morning the people again talked about it and on the third night the mosque was full with a large number of people. Allāh's Messenger ﷺ came out and the people performed *Salāt* (prayer) behind him. On the fourth night the mosque was

أَوْزَاعُ مُتَفَرِّعُونَ، يُصَلِّي الرَّجُلُ لِنَفْسِهِ
وَيُصَلِّي الرَّجُلُ فَيُصَلِّي بِصَلَاتِهِ
الرَّهْطُ، فَتَالَ عُمَرُ: إِنِّي أَرَى لَنَّ
جَمِيعَ هُؤُلَاءِ عَلَى قَارِئٍ وَاحِدٍ لَكَانَ
أَمْثَلَ، ثُمَّ عَرَمَ فَجَمَعَهُمْ عَلَى أَبِيِّ بْنِ
كَعْبٍ. ثُمَّ خَرَجْتُ مَعَهُ لَيْلَةً أُخْرَى
وَالنَّاسُ يُصَلِّونَ بِصَلَاتِهِ قَارِئِهِمْ، قَالَ
عُمَرُ: نَعَمْ الْبِدْعَةُ هَذِهِ، وَالَّتِي يَنَامُونَ
عَنْهَا أَفْضَلُ مِنَ الَّتِي يَقُومُونَ، يُرِيدُ
آخِرَ اللَّيْلِ. وَكَانَ النَّاسُ يَقُومُونَ
أَوْلَهُ.

٢٠١١ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ:
حَدَّثَنِي مَالِكُ، عَنْ ابْنِ شَهَابٍ، عَنْ
عُرْوَةَ بْنِ الرَّبِّيرِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ
عَنْهَا زَوْجِ النَّبِيِّ ﷺ: أَنَّ رَسُولَ اللَّهِ
ﷺ صَلَّى، وَذَلِكَ فِي رَمَضَانَ.

[٧٢٩]

٢٠١٢ - وَحَدَّثَنِي يَحْيَى بْنُ
بُكَيْرٍ: حَدَّثَنَا الْيَثُرُ، عَنْ عُقَيْلٍ، عَنْ
ابْنِ شَهَابٍ: أَخْبَرَنِي عُرْوَةُ: أَنَّ
عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَخْبَرَتْهُ: أَنَّ
رَسُولَ اللَّهِ ﷺ خَرَجَ لَيْلَةً مِنْ جَوْفِ
اللَّيْلِ، فَصَلَّى فِي الْمَسْجِدِ وَصَلَّى
رِجَالٌ بِصَلَاتِهِ، فَأَصْبَحَ النَّاسُ
فَتَحَدَّثُوا فَاجْتَمَعَ أَكْثَرُهُمْ فَصَلَّى
فَصَلَّوْا مَعَهُ. فَأَصْبَحَ النَّاسُ فَتَحَدَّثُوا
فَكَثُرَ أَهْلُ الْمَسْجِدِ مِنَ اللَّيْلَةِ الثَّالِثَةِ،

overwhelmed with people and could not accomodate them, but the Prophet ﷺ came out (only) for the morning *Salāt* (prayer). When the morning *Salāt* (prayer) was finished, he recited *Tashah-hud* and (addressing the people) said, “*Ammā ba‘du*, your presence was not hidden from me but I was afraid lest the night *Salāt* (prayer) should be enjoined on you and you might not be able to carry it on.” So, Allāh’s Messenger ﷺ died and the situation remained like that (i.e., people offered the night prayers individually).”

2013. Narrated Abū Salama bin ‘Abdur Raḥmān that he asked ‘Aishah رَضِيَ اللَّهُ عَنْهَا “How was the *Salāt* (prayer) of Allāh’s Messenger ﷺ in Ramaḍān?” She replied, “He did not perform *Salāt* (prayer) more than eleven *Rak’ā* in Ramaḍān or in any other month. He used to perform four *Rak’ā* – let alone their beauty and length – and then he would perform four *Rak’ā* – let alone their beauty and length – and then he would perform three *Rak’ā* (*Witr*).” She added, “I asked, ‘O Allāh’s Messenger! Do you sleep before praying the *Witr*? he replied, ‘O ‘Aishah! My eyes sleep but my heart does not sleep.’”

فَخَرَجَ رَسُولُ اللهِ ﷺ فَصَلَّى بِصَلَاتِهِ.
فَلَمَّا كَانَتِ اللَّيْلَةُ الرَّابِعَةُ عَجَزَ
الْمَسْجِدُ عَنْ أَهْلِهِ حَتَّى خَرَجَ لِصَلَاةِ
الصُّبْحِ فَلَمَّا قَضَى الْفَجْرَ أَقْبَلَ عَلَى
النَّاسِ فَتَسَهَّدُ. ثُمَّ قَالَ: «أَمَّا بَعْدُ،
فَإِنَّهُ لَمْ يَخْفَ عَلَيَّ مَكَانُكُمْ، وَلَكُنِّي
خَشِيتُ أَنْ تُفَرَّضَ عَلَيْكُمْ فَتَتَجَرَّوْ
عَنْهَا». فَتَوَفَّى رَسُولُ اللهِ ﷺ وَالْأَمْرُ
عَلَى ذَلِكَ. [راجع: ٧٢٩]

٢٠١٣ - حَدَثَنَا إِسْمَاعِيلُ قَالَ:
حَدَثَنِي مَالِكُ، عَنْ سَعِيدِ الْمَقْبُرِيِّ،
عَنْ أَبِي سَلَمَةَ ابْنِ عَبْدِ الرَّحْمَنِ أَنَّهُ
سَأَلَ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: كَيْفَ
كَانَتْ صَلَاةُ رَسُولِ اللهِ ﷺ فِي
رَمَضَانَ؟ فَقَالَتْ: مَا كَانَ يَرِيدُ فِي
رَمَضَانَ وَلَا فِي غَيْرِهِ عَلَى إِحْدَى
عَشْرَةِ رَكْعَةٍ، يُصَلِّي أَرْبَعاً فَلَا تَسْأَلْ
عَنْ حُسْنِهِنَّ وَطُولِهِنَّ، ثُمَّ يُصَلِّي
أَرْبَعاً فَلَا تَسْأَلْ عَنْ حُسْنِهِنَّ
وَطُولِهِنَّ، ثُمَّ يُصَلِّي ثَلَاثَةً. فَقُلْتُ: يَا
رَسُولَ اللهِ، أَتَنَا مُقْبَلَ أَنْ تُوَيِّرَ؟ قَالَ:
«يَا عَائِشَةُ، إِنَّ عَيْنِي تَنَامَانِ وَلَا يَنَامُ
فَلَبِي». [راجع: ١١٤٧]

٣٢ - كتاب فضل ليلة القدر

٣٢ - THE BOOK OF SUPERIORITY OF THE NIGHT OF QADR

(1) CHAPTER. The superiority of the night of *Qadr*.

And Allāh said; "Verily! We have sent it (this Qur'ān) down in the night of *Al-Qadr* (Decree). And what will make you know what the night of *Qadr* is....."

..... till the end of the *Sūrah*. (V.97:1,2)

2014. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, "Whoever observed *Saum* (fast) in the month of Ramadān with sincere faith (i.e., belief) and hoping for a reward from Allāh, then all his past sins will be forgiven, and whoever stood for the *Salāt* (prayers) in the night of *Qadr* with sincere faith and hoping for a reward from Allāh, then all his past sins will be forgiven..."

(2) CHAPTER. To look for the night of *Qadr* in the last seven nights (of Ramadān).

2015. Narrated Ibn 'Umar رضي الله عنهما: Some men amongst the companions of the Prophet ﷺ were shown in their dreams that the night of *Qadr* was in the last seven nights of Ramadān. Allāh's Messenger ﷺ said, "It seems that all your dreams agree that (the night of *Qadr*) is in the last seven nights, and whoever wants to search for it (i.e., the night of *Qadr*) should search in the last seven (nights of Ramadān)."

(١) باب فضل ليلة القدر،

وَقَالَ اللَّهُ تَعَالَى : «إِنَّا أَنْزَلْنَا فِي لَيْلَةِ الْقَدْرِ ۝ وَمَا أَدْرِكَ مَا لَيْلَةُ الْقَدْرِ ۝ إِلَى آخِرِ السُّورَةِ .»
قَالَ ابْنُ عَيْنَةَ: مَا كَانَ فِي الْقُرْآنِ
«مَا أَدْرِكَ ۝ فَتَنَّدِ أَعْلَمُهُ .» وَمَا قَالَ:
«مَا يَدْرِيَكَ ۝ فَإِنَّهُ لَمْ يُعْلَمْ .»

٢٠١٤ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُعْدَيْنَ قَالَ: حَفَظْنَاهُ،
وَأَيَّمَا حَفِظَ مِنْ الرُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ صَامَ رَمَضَانَ إِيمَانًا وَاحْتِسَابًا غُفرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ . وَمَنْ قَامَ لَيْلَةَ الْقَدْرِ إِيمَانًا وَاحْتِسَابًا غُفرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ .» تابَعَهُ سُلَيْمَانُ بْنُ كَثِيرٍ عَنِ الرُّهْرِيِّ .

[راجع: ٣٥]

(٢) باب التمس ليلة القدر في السبع الأوائل

٢٠١٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعِ عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رِجَالًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ أَرْوَاهُ لَيْلَةَ الْقَدْرِ فِي الْمَنَامِ فِي السَّبْعِ الْأَوَّلِ . فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَرَى رُؤْيَاكُمْ فَذَدَ تَوَاطَأْتُ فِي السَّبْعِ الْأَوَّلِ، فَمَنْ

كان مُتَحَرِّيَها فَلَيَتَحَرَّهَا في السَّعْيِ
الأُوَانِخِ». [راجع: ١١٥٨]

2016. Narrated Abū Salama : I asked Abū Sa‘id – رَضِيَ اللَّهُ عَنْهُ – and he was a friend of mine – (about the night of *Qadr*) and he said, “We practised *I’tikāf* (seclusion in the mosque) in the middle third of the month of Ramaḍān with the Prophet ﷺ. In the morning of the 20th of Ramaḍān, the Prophet ﷺ came and addressed us and said, ‘I was informed of (the date of the night of *Qadr*) but I was caused to forget it (or I forgot); so, search for it in the odd nights of the last ten nights of the month of Ramaḍān. (In the dream) I saw myself prostrating in mud and water (as a sign). So, whoever was in *I’tikāf* with me should return to it (for another 10 days period)’, and we returned. At that time there was no sign of clouds in the sky, but suddenly a cloud came and it rained till rain-water started leaking through the roof of the mosque which was made of date-palm leaf stalks. Then the *Salāt* (prayer) was established and I saw Allāh’s Messenger ﷺ prostrating in mud and water and I saw the traces of mud on his forehead.”

٢٠١٦ - حَدَّثَنَا مَعاًدُ بْنُ فَضَالَةَ : حَدَّثَنَا هِشَامٌ، عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ قَالَ: سَأَلْتُ أَبَا سَعِيدٍ وَكَانَ لِي صَدِيقًا فَقَالَ: اعْتَكُنَا مَعَ الْبَيْتِ عَلَى الْعَشْرِ الْأَوْسَطِ مِنْ رَمَضَانَ، فَخَرَجَ صَبِيحةً عَشْرِينَ فَحَظِّبَنَا وَقَالَ: إِنِّي أُرِيْتُ لَيْلَةَ الْقَدْرِ تُمَّ أُنْسِيْتُهَا أَوْ نُسِيْتُهَا، فَالْتَّمَسُوهَا فِي الْعَشْرِ الْأَوْاخِرِ فِي الْوِئْرِ، وَإِنِّي رَأَيْتُ أَنِّي أَسْجُدُ فِي مَاءٍ وَطِينٍ، فَمَنْ كَانَ اعْتَكَفَ مَعِي فَلْيَرْجِعْ». فَرَجَعْنَا وَمَا نَرَى فِي السَّمَاءِ فَرَغْبَةً فَجَاءَتْ سَحَابَةً فَمَظَرَّثَتْ حَتَّى سَالَ سَقْفُ الْمَسْجِدِ وَكَانَ مِنْ جَرِيدِ النَّخْلِ، وَأُقْيِّمَتِ الصَّلَاةُ فَرَأَيْتُ رَسُولَ اللَّهِ عَلَيْهِ السَّلَامُ يَسْجُدُ فِي الْمَاءِ وَالْطِينِ حَتَّى رَأَيْتُ أَثْرَ الطِينِ فِي جَبَهَتِهِ. [راجع: ٦٦٩]

(٣) **بَابُ تَحْرِي لَيْلَةَ الْقَدْرِ فِي الْوِئْرِ**
مِنَ الْعَشْرِ الْأَوْاخِرِ،
فِيهِ عُبَادَةً.

(3) CHAPTER. To search for the night of *Qadr* in the odd nights of the last ten nights (of Ramaḍān).

This narration has come from ‘Ubāda (bin Aṣ-Ṣāmit) on the authority of the Prophet ﷺ.

2017. Narrated ‘Aishah رَضِيَ اللَّهُ عَنْهَا said, “Search for the night of *Qadr* in the odd nights of the last ten nights of Ramaḍān.”

٢٠١٧ - حَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ: حَدَّثَنَا أَبُو سَهْلٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ رَسُولَ اللَّهِ عَلَيْهِ السَّلَامُ قَالَ: «تَحَرَّوْ لَيْلَةَ الْقَدْرِ فِي الْوِئْرِ مِنَ الْعَشْرِ

الأَوَّلُ أَخِيرٍ مِنْ رَمَضَانَ». [انظر: ٢٠١٩]

[٢٠٢٠]

2018. Narrated Abū Sa‘īd Al-Khudrī رضي الله عنه: Allāh’s Messenger ﷺ used to practise *I’tikāf* (in the mosque) in the middle third of Ramadān, and after passing the twenty nights he used to go back to his house on the 21st, and the people who were in *I’tikāf* with him also used to go back to their houses. Once in Ramadān, in which he practised *I’tikāf*, he established the night *Salāt* (prayers) at the night in which he used to return home, and then he addressed the people and ordered them whatever Allāh wished him to order and said, “I used to practise *I’tikāf* for these ten days (i.e., the middle 1/3rd) but now I intend to stay in *I’tikāf* for the last ten days (of the month); so whoever was in *I’tikāf* with me should stay at his place of seclusion. Verily, I have been shown (the date of) this night (of *Qadr*) but I have forgotten it. So, search for it in the odd nights of the last ten days (of this month). I also saw myself (in the dream) prostrating in mud and water.” On the night of the 21st (of Ramadān), the sky was overcast with clouds and it rained, and the rain-water started leaking through the roof of the mosque at the *Musalla* (praying place) of the Prophet ﷺ. I saw with my own eyes the Prophet ﷺ at the completion of the morning *Salāt* leaving with his face covered with mud and water.

[See H.No.2027].

٢٠١٨ - حَدَثَنَا إِبْرَاهِيمُ بْنُ حَمْرَةَ
قَالَ: حَدَثَنِي ابْنُ أَبِي حَازِمٍ
وَالدَّرَّاقُورْدِيُّ، عَنْ يَزِيدَ، عَنْ مُحَمَّدِ
بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي
سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ:
كَانَ رَسُولُ اللَّهِ ﷺ يُجَاوِرُ فِي رَمَضَانَ
الْعَشْرَ الَّتِي فِي وَسْطِ الشَّهْرِ، فَإِذَا
كَانَ حِينَ يُمْسِي مِنْ عِشْرِينَ لَيْلَةً
تَمْضِي وَيَسْتَقْبِلُ إِخْرَى وَعِشْرِينَ رَجَعَ
إِلَى مَسْكِنِهِ، وَرَجَعَ مِنْ كَانَ يُجَاوِرُ
مَعَهُ. وَأَنَّهُ أَقَامَ فِي شَهْرٍ جَاوَرَ فِيهِ
اللَّيْلَةَ الَّتِي كَانَ يَرْجِعُ فِيهَا فَخَطَبَ
النَّاسَ فَأَمْرَهُمْ مَا شاءَ اللَّهُ ثُمَّ قَالَ:
«كُنْتُ أَجَاوِرُ هَذِهِ الْعَشْرَ ثُمَّ قَدْ بَدَا
لِي أَنَّ أَجَاوِرُ هَذِهِ الْعَشْرِ الْأَوَّلُ أَخِيرٌ،
فَمَنْ كَانَ اعْتَكَفَ مَعِي فَلَيَبْثُثُ فِي
مُعْتَكِفِهِ، وَقَدْ أُرِيَتُ هَذِهِ اللَّيْلَةَ ثُمَّ
أَنْسَيْهَا فَابْتَغُوهَا فِي الْعَشْرِ الْأَوَّلِ أَخِيرٍ،
وَابْتَغُوهَا فِي كُلِّ وَتْرٍ، وَقَدْ رَأَيْتُنِي
أَسْجُدُ فِي مَاءِ وَطِينٍ». فَاسْتَهَلتِ
السَّمَاءُ فِي تِلْكَ اللَّيْلَةِ فَأَمْطَرَتْ
فَوَكَفَ الْمَسْجِدُ فِي مُصَلَّى النَّبِيِّ ﷺ
لَيْلَةَ إِخْرَى وَعِشْرِينَ فَبَصَرَتْ عَيْنِي
رَسُولُ اللَّهِ ﷺ وَنَظَرَتْ إِلَيْهِ انْصَرَفَ
مِنَ الصُّبْحِ وَوَجْهُهُ مُمْتَلَى طِينًا وَمَاءً.
[راجع: ٦٦٩]

2019. Narrated ‘Āishah رضي الله عنها : The Prophet ﷺ said, “Look for (the night of Qadr).”

2020. Narrated ‘Āishah رضي الله عنها : Allāh’s Messenger ﷺ used to practise *I’tikāf* in the last ten nights of Ramaḍān and used to say, “Look for the night of *Qadr* in the last ten nights of the month of Ramaḍān.”

2021. Narrated Ibn ‘Abbās رضي الله عنهما : The Prophet ﷺ said, “Look for the night of *Qadr* in the last ten nights of Ramaḍān; on the night when nine or seven or five nights remain out of the last ten nights of Ramaḍān [i.e., 21, 23, 25, (27, 29) respectively].”

2022. Narrated Ibn ‘Abbās رضي الله عنهما : Allāh’s Messenger ﷺ said, “The night of *Qadr* is in the last ten nights of the month (Ramaḍān), either in the first nine or in the last (remaining) seven nights (of Ramaḍān).” Ibn ‘Abbās added, “Search for it on the twenty-fourth (of Ramaḍān).”

٢٠١٩ - وَحَدَّثَنَا مُحَمَّدُ بْنُ المُشْتَنِيٍّ : حَدَّثَنَا يَحْيَى، عَنْ هِشَامٍ قَالَ: أَخْبَرَنِي أَبِي، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا عَنِ النَّبِيِّ ﷺ قَالَ:

«الْتَّوْسُوا». [راجع: ٢٠١٧]

٢٠٢٠ - وَحَدَّثَنِي مُحَمَّدُ : أَخْبَرَنَا عَبْدَهُ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ، قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يُجَاوِرُ فِي الْعَشْرِ الْأَوَّلِ مِنْ رَمَضَانَ وَيَقُولُ: «اتَّهَرُوا لَيْلَةَ الْقَدْرِ فِي الْعَشْرِ الْأَوَّلِ مِنْ رَمَضَانَ».

[راجع: ٢٠١٧]

٢٠٢١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ : حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا أَيُوبُ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ ﷺ قَالَ: «الْتَّوْسُوهَا فِي الْعَشْرِ الْأَوَّلِ مِنْ رَمَضَانَ لَيْلَةَ الْقَدْرِ، فِي تَاسِعَةِ تَبَقَّى، فِي سَابِعَةِ تَبَقَّى، فِي خَامِسَةِ تَبَقَّى».

[انظر: ٢٠٢٢]

٢٠٢٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي الأَسْوَدِ : حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا عَاصِمٌ، عَنْ أَبِي مَجْلِزٍ وَعِكْرِمَةَ قَالَا: قَالَ ابْنُ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: قَالَ رَسُولُ اللَّهِ ﷺ: «هِيَ فِي الْعَشْرِ الْأَوَّلِ، هِيَ فِي تِسْعَةِ يَمْضِينَ، أَوْ فِي سَبْعَ يَمْضِينَ»، يَعْنِي لَيْلَةَ الْقَدْرِ تَابِعَهُ عَبْدُ الْوَهَابِ، عَنْ أَيُوبَ وَعَنْ

خالدٰ عن عکرمة، عن ابن عباس: «التمسوا في أربع عشرین». [٢٠٢١]

(4) CHAPTER. The knowing (knowledge) of the night of *Qadr* was taken away because of the quarrelling of the people.

2023. Narrated 'Ubāda bin As-Šāmit: The Prophet ﷺ came out to inform us about the night of *Qadr* but two Muslims were quarrelling with each other. So, the Prophet ﷺ said, "I came out to inform you about the night of *Qadr* but such and such persons were quarrelling, so the news about it had been taken away; yet that might be for your own good, so search for it on the 29th, 27th and 25th (nights of Ramaḍān).

(5) CHAPTER. The doing of good deeds in the last ten days of Ramaḍān.

2024. Narrated 'Aishah رضي الله عنها: With the start of the last ten days of Ramaḍān, the Prophet ﷺ used to tighten his waist belt (i.e., work hard) and used to keep awake all the night and perform *Salāt* (prayer) and also used to keep his family awake for the *Salāt* (prayer).

(٤) بَابُ رَفْعِ مَعْرِفَةِ لَيْلَةِ الْقَدْرِ لِتَلَاحِي النَّاسِ

٢٠٢٣ - حَدَّثَنَا مُحَمَّدُ بْنُ المُتَّقِّيِّ: حَدَّثَنَا خالدٰ بْنُ الْحَارِثِ: حَدَّثَنَا حُمَدٌ: حَدَّثَنَا أَنَسٌ، عَنْ عَبَادِ بْنِ الصَّامِيتِ قَالَ: خَرَجَ النَّبِيُّ ﷺ لِيُخْبِرَنَا بِلَيْلَةِ الْقَدْرِ، فَتَلَاحَى رَجُلٌ مِّنَ الْمُسْلِمِينَ فَقَالَ: «خَرَجْتُ لِأُخْبِرَكُمْ بِلَيْلَةِ الْقَدْرِ فَتَلَاحَى فُلانٌ وَفُلانٌ فَرَفَعْتُ وَعْسِيَ أَنْ يَكُونَ خَيْرًا لِكُمْ، فَالْتَّمِسُوهَا فِي التَّاسِعَةِ وَالسَّابِعَةِ وَالْخَامِسَةِ». [٤٩]

(٥) بَابُ الْعَمَلِ فِي الْعَشْرِ الْأَوَّلِيِّ مِنْ رَمَضَانَ

٢٠٢٤ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا ابْنُ عَيْنَةَ، عَنْ أَبِي يَعْفُورٍ، عَنْ أَبِي الضَّحْكِي، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ النَّبِيُّ ﷺ إِذَا دَخَلَ الْعَشْرَ شَدَّ مِئَرَةً وَأَحْبَيَ لِيَهُ وَأَيْقَظَ أَهْلَهُ.

33 – THE BOOK OF *ITIKĀF*
 [i.e., to confine oneself in a mosque
 for *Salāt* (prayers) and invocations leaving
 the worldly activities for a limited
 number of days].

(1) CHAPTER. The *Itikāf* in the last ten days of Ramaḍān. And *Itikāf* may be practised in any mosque, as is evident in the Statement of Allāh: ﴿... And do not have sexual relations with them (your wives); while you are in *Itikāf* [i.e., confining oneself in a mosque for *Salāt* (prayers) and invocations leaving the worldly activities for a limited number of days] in the mosques. These are the limits (set) by Allāh; so approach them not. Thus does Allāh make clear His *Ayāt* (proofs, evidences, verses, lessons, signs, revelations, laws, legal and illegal things Allāh's set limits, orders), to mankind that they may become *Al-Muttaqūn* (the pious).﴾ (V.2:187)

2025. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما: Allāh’s Messenger ﷺ used to practise *Itikāf* in the last ten days of the month of Ramaḍān.

2026. Narrated ‘Aishah رضي الله عنها the wife of the Prophet ﷺ: The Prophet ﷺ used to practise *Itikāf* in the last ten days of Ramaḍān till he died and then his wives used to practise *Itikāf* after him.

٣٣ - كتاب الاعتكاف

(١) **باب الاعتكاف في العشر الأوّل والأخير،**
 والاعتكاف في المساجد كلها،
 لقوله تعالى: ﴿وَلَا تُبَرُّهُنَّ وَأَسْتَعْكِفُونَ فِي الْمَسَاجِدِ إِذَا حَدُودُ اللَّهِ فَلَا تَقْرَبُوهُنَّ كَذَلِكَ يُبَيِّنُ اللَّهُ عَلَيْكُمْ لِتَسْأَلُنَّ لَمَّا هُنَّ يَتَّقُونَ﴾ [البقرة: ١٨٧]

٢٠٢٥ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي أَبُو وَهْبٍ: عَنْ يُونُسَ: أَنَّ نَافِعًا أَخْبَرَهُ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَعْتَكِفُ الْعَشْرَ الْأَوَّلَ وَالْآخِرَ مِنْ رَمَضَانَ.

٢٠٢٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا الْبَيْثُ، عَنْ عَقْبَلٍ، عَنْ أَبْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الرَّبِّيرِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوْجِ النَّبِيِّ ﷺ: أَنَّ النَّبِيِّ ﷺ كَانَ يَعْتَكِفُ الْعَشْرَ الْأَوَّلَ وَالْآخِرَ مِنْ رَمَضَانَ

حَتَّى تَوَفَّاهُ اللَّهُ تَعَالَى، ثُمَّ اعْتَكَفَ أَرْوَاجُهُ مِنْ بَعْدِهِ.

٢٠٢٧ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ:

حَدَّثَنِي مَالِكُ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الْهَادِيِّ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ بْنِ الْحَارِثِ التَّقِيِّيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي سَعِيدِ الْحُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَعْتَكِفُ فِي الْعَشْرِ الْأَوْسَطِ مِنْ رَمَضَانَ، فَاعْتَكَفَ عَامًا حَتَّى إِذَا كَانَ لَيْلَةُ إِخْدَى وَعِشْرِينَ وَهِيَ الْلَّيْلَةُ الَّتِي يَخْرُجُ مِنْ صَبِيَّحَتْهَا مِنْ أَعْكَافِهِ، قَالَ: «مَنْ كَانَ اعْتَكَفَ مَعِي فَلْيَعْتَكِفْ الْعَشْرَ الْأَوْاخِرَ، فَقَدْ أَرَيْتُ هَذِهِ الْلَّيْلَةَ ثُمَّ أُتْسِيَّهَا، وَقَدْ رَأَيْتُنِي أَسْجُدُ فِي مَاءِ وَطِينٍ مِنْ صَبِيَّحَتْهَا، فَالْتَّمِسُوهَا فِي الْعَشْرِ الْأَوْاخِرِ، وَالْتَّمِسُوهَا فِي كُلِّ وِتْرٍ». فَمَظَرَّتِ السَّمَاءُ تِلْكَ الْلَّيْلَةَ، وَكَانَ الْمَسْجِدُ عَلَى عَرِيشٍ فَوَكَفَ الْمَسْجِدُ فَبَصَرَتْ عَيْنَايَ رَسُولُ اللَّهِ ﷺ عَلَى جَهَنَّمَ أَثْرَ الْمَاءِ وَالْطَّينِ مِنْ صُبْحِ إِحدَى وَعِشْرِينَ. [راجع: ٦٦٩]

(٢) **بَابُ الْحَائِضِ تُرَجِّلُ رَأْسَ الْمُعْتَكِفِ**

٢٠٢٨ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَشَّى: حَدَّثَنَا يَحْيَى، عَنْ هِشَامٍ، قَالَ: أَخْبَرَنِي أَبِي، عَنْ عَائِشَةَ رَضِيَ

2027. Narrated Abū Sa'īd Al-Khudrī رضي الله عنه عن Allāh's Messenger ﷺ used to practise *I'tikāf* in the middle ten days of Ramadān; and once he stayed in *I'tikāf* till the night of the twenty-first and it was the night in the morning of which he used to come out of his *I'tikāf*. The Prophet ﷺ said, "Whoever was in *I'tikāf* with me should stay in *I'tikāf* for the last ten days, for I was informed (of the date) of the Night (of *Qadr*) but I have been caused to forget it. (In the dream) I saw myself prostrating in mud and water in the morning of that night. So, look for it in the last ten nights and in the odd ones of them." It rained that night (i.e. the 21st of Ramadān) and the roof of the mosque dribbled as it was made of leaf stalks of date-palms. I saw with my own eyes the marks of mud and water on the forehead of the Prophet ﷺ, i.e., in the morning of the twenty-first (of Ramadān).

(2) CHAPTER. A menstruating woman is permitted to comb the hair of a *Mu'takif* (i.e., a man in *I'tikāf*).

2028. Narrated 'Aishah رضي الله عنها: The Prophet ﷺ used to (put) bend his head (out) to me while he was in *I'tikāf* in the mosque during my monthly periods and I would comb and oil his hair.

الله عنها قالت: كان النبي ﷺ يُضفي إلى رأسه، وهو مُجاور في المسجد فأرجله وأنا حائض. [راجع: ٢٩٥]

(٣) بَابٌ لَا يَدْخُلُ الْبَيْتُ إِلَّا لِحَاجَةٍ

(3) CHAPTER. (A *Mu'takif* is not (allowed) to enter the house except for a need.

2029. Narrated ‘Āishah, the wife of the Prophet ﷺ: Allāh’s Messenger ﷺ used to let his head in (the house) while he was in the mosque and I would comb and oil his hair. When in *I’tikāf* he used not to enter the house except for a need.^(١)

٢٠٢٩ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا عَيْشَةُ، عَنْ أَبْنِ شَهَابٍ، عَنْ عُرْوَةَ وَعُمَرَةَ بْنِتِ عَبْدِ الرَّحْمَنِ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوْجَ النَّبِيِّ ﷺ قَالَتْ: وَإِنْ كَانَ رَسُولُ اللَّهِ ﷺ لَيَدْخُلُ عَلَيَّ رَأْسَهُ وَهُوَ فِي الْمَسْجِدِ فَأَرْجِلُهُ، وَكَانَ لَا يَدْخُلُ الْبَيْتَ إِلَّا لِحَاجَةٍ إِذَا كَانَ مُعْتَكِفًا. [انظر: ٢٠٣٣ ، ٢٠٣٤ ، ٢٠٤٥ ، ٢٠٤١]

(4) CHAPTER. The taking of a bath by a *Mu'takif*.

2030. Narrated ‘Āishah: The Prophet ﷺ used to embrace me during my menses.

٢٠٣٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفْيَانُ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ النَّبِيُّ ﷺ يُياشِرُنِي وَأَنَا حائضٌ. [راجع: ٢٩٥]

٢٠٣١ - وَكَانَ يُخْرِجُ رَأْسَهُ مِنَ الْمَسْجِدِ وَهُوَ مُعْتَكِفٌ فَأَغْسِلُهُ وَأَنَا حائضٌ. [راجع: ٢٩٥]

2031. ‘Āishah added: He ﷺ also used to put his head out of the mosque while he was in *I’tikāf*, and I would wash it during my menses.

(5) CHAPTER. The *I’tikāf* at night (only).

2032. Narrated Ibn ‘Umar: ‘Umar asked the Prophet ﷺ, “I vowed in the Pre-Islamic Period of Ignorance

٢٠٣٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنِي يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ:

(1) (H.2029) Such need may be to answer the call of nature and performing ablution. Scholars differ as to whether it is permissible also for a *Mu'takif* to eat or drink outside the mosque. (*Fath Al-Bārī*)

to stay in *Itikāf* for one night in Al-Masjid-al-Harām.” The Prophet ﷺ said to him, “Fulfil your vow.”

أَخْبَرَنِي نَافِعٌ، عَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ عُمَرَ سَأَلَ النَّبِيَّ ﷺ قَالَ: كُنْتُ نَذَرْتُ فِي الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ لِيَّةً فِي الْمَسْجِدِ الْحَرَامِ، قَالَ: «أُوفِ بِنَذْرِكَ». [انظر: ٢٠٤٣، ٣١٤٤، ٤٣٢٠، ٦٦٩٧]

(٦) بَابُ اعْتِكَافِ النِّسَاءِ

(6) CHAPTER. Women's *Itikāf*. (A woman cannot practise *Itikāf* except with the permission of her husband).

2033. Narrated 'Amra : 'Aishah رَضِيَ اللَّهُ عَنْهَا said, “The Prophet ﷺ used to practise *Itikāf* in the last ten days of Ramaḍān and I used to pitch a tent for him, and after performing the morning *Salāt* (prayer), he used to enter the tent.” Hafṣa asked the permission of 'Aishah to pitch a tent for her and she allowed her and she pitched her tent. When Zainab bint Jahsh saw it, she pitched another tent. In the morning the Prophet ﷺ noticed the tents. He said, “What is this?” He was told of the whole situation. Then the Prophet ﷺ said, “Do you think that they intended to do *Al-Birr* (righteousness) by doing this?” He therefore abandoned the *Itikāf* in that month and practised *Itikāf* for ten days in the month of Shawwāl.”

٢٠٣٣ - حَدَّثَنَا أَبُو النُّعْمَانَ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ: حَدَّثَنَا يَحْيَى، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ النَّبِيُّ ﷺ يَعْتَكِفُ فِي الْعَشْرِ الْأُخْرِيِّ مِنْ رَمَضَانَ، فَكُنْتُ أَضْرِبُ لَهُ خَيْأَةَ فَيُصْلِي الصُّبْحَ ثُمَّ يَدْخُلُهُ. فَاسْتَأْذَنَتْ حَفْصَةُ عَائِشَةَ أَنْ تَضْرِبَ خَيْأَةَ فَأَذِنَتْ لَهَا فَضَرَبَتْ خَيْأَةَ. فَلَمَّا رَأَتْهُ زَيْنُ بْنُ جَحْشٍ ضَرَبَتْ خَيْأَةَ آخَرَ. فَلَمَّا أَصْبَحَ النَّبِيُّ ﷺ رَأَى الْأَخْيَةَ قَالَ: «مَا هَذَا؟» فَأَخْبَرَهُ، فَقَالَ النَّبِيُّ ﷺ: «اللَّهُ تُرُونَ بِهِنَّ؟» فَتَرَكَ الْاعْتِكَافَ ذَلِكَ الشَّهْرَ، ثُمَّ اعْتَكَفَ عَشْرًا مِنْ شَوَّالٍ.

[راجع: ٢٠٢٩]

(٧) بَابُ الْأَخْيَةِ فِي الْمَسْجِدِ

(7) CHAPTER. The tents in the mosque.

2034. Narrated 'Aishah رَضِيَ اللَّهُ عَنْهَا : The Prophet ﷺ intended to practise *Itikāf* and when he reached the place where he intended to perform *Itikāf*, he saw some tents, the tents of 'Aishah, Hafṣa and Zainab. So, he said, “Do you consider that they intended to

٢٠٣٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بْنِتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ النَّبِيَّ

do *Al-Birr* (righteousness) by doing this?" And then he went away and did not perform *Itikāf* (in Ramaḍān) but performed it in the month of Shawwāl for ten days.

أَرَادَ أَنْ يَعْتَكِفَ فَلَمَّا انْصَرَفَ إِلَى
الْمَكَانِ الَّذِي أَرَادَ أَنْ يَعْتَكِفَ . إِذَا
أَخْبَيْهُ ، خِبَاءً عَائِشَةَ وَخِبَاءً حَفْصَةَ ،
وَخِبَاءً رَّبِيعَ ، قَالَ : «الْبَرُّ تَهُولُونَ
بِهِنَّ؟» ثُمَّ انْصَرَفَ فَلَمْ يَعْتَكِفْ حَتَّى
اغْتَكَفَ عَشْرًا مِنْ شَوَّالٍ .

[راجع: ٢٠٢٩]

(8) CHAPTER. Can a *Mu'takif* go to the gate of the mosque for a need?

2035. Narrated 'Ali bin Al-Husain رَضِيَ اللَّهُ عَنْهُما , the wife of the Prophet ﷺ told me that she went to Allāh's Messenger ﷺ to visit him in the mosque while he was in *Itikāf* in the last ten days of Ramaḍān. She had a talk with him for a while, then she got up in order to return home. The Prophet ﷺ accompanied her. When they reached the gate of the mosque, opposite the door of Umm Salama, two *Anṣārī* men were passing by and they greeted Allāh's Messenger ﷺ. He said to them: "Do not run away!" And said, "She is (my wife) Ṣafiyah bint Huyayy." Both of them said, "Subḥān Allāh, (How dare we think of any evil) O Allāh's Messenger." And they felt it. The Prophet ﷺ said (to them), "Satan reaches everywhere in the human body as blood reaches in it (everywhere in one's body). I was afraid lest Satan might insert an evil thought in your minds."

[See H.2038].

(٨) بَابُ هَلْ يَخْرُجُ الْمُعْتَكِفُ
لِحَوَائِجِهِ إِلَى بَابِ الْمَسْجِدِ؟

٢٠٣٥ - حَدَّثَنَا أَبُو الْيَمَانُ:
أَخْبَرَنَا شَعْبَ، عَنِ الرُّهْبَرِيِّ قَالَ:
أَخْبَرَنِي عَلَيْهِ ابْنُ الْحُسَيْنِ رَضِيَ اللَّهُ
عَنْهُمَا: أَنَّ صَفِيَّةَ زَوْجِ النَّبِيِّ
أَخْبَرَتْهُ أَنَّهَا جَاءَتْ إِلَى رَسُولِ اللَّهِ
تَزَوَّرُهُ فِي اعْتِكَافِهِ فِي الْمَسْجِدِ فِي
الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ، فَتَحَدَّثَتْ
عِنْدَهُ سَاعَةً ثُمَّ قَامَتْ تَتَقْلِبُ، فَقَامَ
النَّبِيُّ
مَعَهَا يَقْلِبُهَا حَتَّى إِذَا بَلَغَتْ
بَابَ الْمَسْجِدِ عِنْدَ بَابِ أُمِّ سَلَمَةَ مَرَّ
رَجُلًا مِنَ الْأَنْصَارِ فَسَلَّمَ عَلَى
رَسُولِ اللَّهِ
، فَقَالَ لَهُمَا النَّبِيُّ
«عَلَى رِسْلِكُمَا، إِنَّمَا هِيَ صَفِيَّةُ
بْنِتُ حُسَيْنٍ»، فَقَالَا: سُبْحَانَ اللَّهِ يَا
رَسُولَ اللَّهِ، وَكَبَرَ عَلَيْهِمَا . فَقَالَ النَّبِيُّ

: «إِنَّ السَّيْطَانَ يَلْعُبُ مِنْ ابْنِ آدَمَ
مَلْعَ الدَّمَ، وَإِنِّي حَشِيتُ أَنْ يَقْذِفَ
فِي قُلُوبِكُمَا شَيْئًا». [انظر: ٢٠٣٨،
٢٠٣٩، ٦٢١٩، ٣٢٨١، ٣١٠١، ٧١٧١]

(9) CHAPTER. The *I'tikāf* and the coming of the Prophet ﷺ out of *I'tikāf* in the morning of the twentieth (of Ramadān).

2036. Narrated Abū Salama bin 'Abdurrāhman: I asked Abū Sa'īd Al-Khudrī, "Did you hear Allāh's Messenger ﷺ talking about the night of *Qadr*?" He replied in the affirmative and said, "Once we were in *I'tikāf* with Allāh's Messenger ﷺ in the middle ten days of (Ramadān) and we came out of it in the morning of the twentieth, and Allāh's Messenger ﷺ delivered a *Khitbah* (religious talk) on the 20th (of Ramadān) and said, 'I was informed (of the date) of the night of *Qadr* (in my dream) but had forgotten it. So, look for it in the odd nights of the last ten nights of the month of Ramadān. I saw myself prostrating in mud and water on that night (as a sign of the night of *Qadr*). So, whoever had been in *I'tikāf* with Allāh's Messenger ﷺ should return for it.' The people returned to the mosque (for *I'tikāf*). There was no trace of clouds in the sky. But all of a sudden a cloud came and it rained. Then the *Salāt* (prayer) was established (they stood for the *Salāt*) and Allāh's Messenger ﷺ prostrated in mud and water and I saw mud over the forehead and the nose of the Prophet ﷺ."

(10) CHAPTER. The *I'tikāf* of a (*Mustahāda*) woman who has bleeding in between her periods.

2037. Narrated 'Aishah: One of the wives of Allāh's Messenger ﷺ practised *I'tikāf* with him while she had

(٩) بَابُ الْاعْتِكَافِ وَخُرُوجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ عِشْرِينَ

٢٠٣٦ - حَدَّثَنِي عَبْدُ اللهِ بْنُ مُبِيرٍ: سَمِعَ هارُونَ بْنَ إِسْمَاعِيلَ: حَدَّثَنَا عَلَيْهِ ابْنُ الْمُبَارَكِ قَالَ: حَدَّثَنِي يَحْيَى بْنُ أَبِي كَثِيرٍ قَالَ: سَمِعْتُ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ قَالَ: سَأَلْتُ أَبَا سَعِيدِ الْحُدَيْرِيَّ رَضِيَ اللَّهُ عَنْهُ فَقُلْتُ: هَلْ سَمِعْتَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ يَذْكُرُ لَيْلَةَ الْقَدْرِ؟ قَالَ: نَعَمْ، اعْتَكَفْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ الْعَشْرَ الْأَوْسَطَ مِنْ رَمَضَانَ، قَالَ: فَخَرَجْنَا صَبِيحةً عِشْرِينَ، قَالَ: فَخَطَبَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ صَبِيحةً عِشْرِينَ فَقَالَ: «إِنِّي أَرَيْتُ لَيْلَةَ الْقَدْرِ وَإِنِّي نُسِيَّهَا، فَالْتَّمِسُوهَا فِي الْعَشْرِ الْأَوَّلِ خِلَفَتْ فِي وِثْرَ فَإِنِّي رَأَيْتُ أَنِّي أَسْجَدْتُ فِي مَاءٍ وَطَيْنٍ. وَمَنْ كَانَ اعْتَكَفَ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ فَلَيَرْجِعْ»، فَرَجَعَ النَّاسُ إِلَى الْمَسْجِدِ، وَمَا تَرَى فِي السَّمَاءِ قَزْعَةً، قَالَ: فَجَاءَتْ سَحَابَةٌ فَمَظَرَّثَ وَأُقِيمَتِ الصَّلَاةُ فَسَاجَدَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ فِي الطَّيْنِ وَالْمَاءِ، حَتَّى رَأَيْتُ الطَّيْنَ فِي أَرْبَيْهِ وَجَهْنَمَ». [راجع: ٦٦٩]

(١٠) بَابُ اعْتِكَافِ الْمُسْتَحَاضَةِ

٢٠٣٧ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا يَزِيدُ بْنُ زُرْيَعٍ، عَنْ خَالِدٍ، عَنْ

bleeding in between her periods and she would see red (of blood) or yellowish traces; and sometimes we put a tray beneath her when she offered the *Salāt* (prayer).

[See H.No.309].

عِنْ كَرِيمَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: أَعْتَكَفْتُ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ امْرَأَةً مُسْتَحْسَنَةً مِنْ أَرْوَاجِهِ فَكَانَتْ تَرَى الْخُمْرَةَ وَالصُّفْرَةَ، قَرِبًا مَا وَضَعْنَا الطَّسْتَ تَحْتَهَا وَهِيَ تُصَلِّي.

[راجع: ٣٠٩]

(11) CHAPTER. The visit of the wife to her husband while he was in *I'tikāf*.

(١١) بَابُ زِيَارَةِ الْمَرْأَةِ زَوْجَهَا فِي اعْتِكَافِهِ

2038. Narrated 'Alī bin Al-Husain (on the authority of Ṣafīyya, the Prophet's wife): The wives of the Prophet ﷺ were with him in the mosque (while he was in *I'tikāf*) and then they departed and the Prophet ﷺ said to Ṣafīyya bint Ḥuyā'ī, "Don't hurry up, for I shall accompany you," (and her dwelling was in the house of Usāma). The Prophet ﷺ went out and in the meantime two *Anṣārī* men met him and they looked at the Prophet ﷺ and passed by. The Prophet ﷺ said to them, "Come here. She is (my wife) Ṣafīyya bint Ḥuyā'ī." They replied, "Subhān Allāh, (how dare we think of evil) O Allāh's Messenger! (We never expect anything bad from you)." The Prophet ﷺ replied, "Satan circulates in the human being as blood circulates in the body, and I was afraid lest Satan might insert an evil thought in your minds."

٢٠٣٨ - حَدَّثَنَا سَعِيدُ بْنُ عُفَيْرٍ قَالَ: حَدَّثَنِي الْلَّيْثُ قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ خَالِدٍ، عَنْ أَبْنِ شِهَابٍ، عَنْ عَلَيِّ بْنِ الْحُسَيْنِ: أَنَّ صَفِيَّةَ رَوَجَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أَخْبَرَتْهُ ح. وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا هِشَامُ بْنُ يُوسُفَ: أَخْبَرَنَا مَعْمُرٌ، عَنِ الرُّهْبَرِيِّ، عَنْ عَلَيِّ بْنِ حُسَيْنِ: كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ فِي الْمَسْجِدِ وَعِنْدَهُ أَرْوَاجُ فُرْخَنَ. فَقَالَ لِصَفِيَّةَ بِنْتِ حُبَيْرَةَ: «لَا تَعْجَلِي حَتَّى أَنْصَرِفَ مَعَكِ»، وَكَانَ يَتَّهِمُهَا فِي دَارِ أَسَامَةَ. فَخَرَجَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ فَلَقِيَهُ رَجُلًا مِنَ الْأَنْصَارِ فَنَظَرَ إِلَيْهِ الْنَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ ثُمَّ أَجَازَاهُ. فَقَالَ لَهُمَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «تَعَالَيَا، إِنَّهَا صَفِيَّةَ بِنْتِ حُبَيْرَةَ». فَقَالَا: سُبْحَانَ اللَّهِ يَا رَسُولَ اللَّهِ. قَالَ: «إِنَّ الشَّيْطَانَ يَجْرِي مِنَ الْإِنْسَانِ مَجْرَى الدَّمِ، وَإِنِّي خَشِيتُ أَنْ يُلْقِي فِي أَنْفُسِكُمَا شَيْئًا». [راجع: ٢٠٣٥]

(12) CHAPTER. Is it permissible for the *Mu'takif* to defend himself (by speech or action)?

2039. Narrated 'Alī bin Al-Husain on the authority of Ṣafiyā: Ṣafiyā went to the Prophet ﷺ while he was in *Itikāf*. When she returned, the Prophet ﷺ accompanied her, walking. An *Ansārī* man saw him. When the Prophet ﷺ noticed him, he called him and said, "Come here. She is Ṣafiyā. (*Sufyān* a subnarrator perhaps said that the Prophet ﷺ had said, "This is Ṣafiyā"). And Satan circulates in the body of Ādām's offspring as his blood circulates in it."

A subnarrator asked *Sufyān*, "Did Ṣafiyā visit him at night?" He said, "Certainly, at night."

(12) بَابٌ: هَلْ يَدْرِأُ الْمُعْتَكِفُ عَنْ نَفْسِهِ؟

٢٠٣٩ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ قَالَ: أَخْبَرَنِي أَخِي عَنْ سُلَيْمَانَ، عَنْ مُحَمَّدٍ ابْنِ أَبِي عَيْبِقِي، عَنِ الرُّهْرِيِّ، عَنْ عَلَيِّي بْنِ حُسَيْنٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ صَفِيَّةَ أَخْبَرَتْهُ حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ حَدَّثَنَا سُفِيَّانُ قَالَ: سَمِعْتُ الرُّهْرِيَّ يُخْبِرُ عَنْ عَلَيِّي بْنِ حُسَيْنٍ: أَنَّ صَفِيَّةَ رَضِيَ اللَّهُ عَنْهَا أَتَتِ النَّبِيَّ ﷺ وَهُوَ مُعْتَكِفٌ، فَلَمَّا رَجَعَتْ مَشَى مَعَهَا فَأَبْصَرَهُ رَجُلٌ مِنَ الْأَنْصَارِ فَلَمَّا أَبْصَرَهُ دَعَاهُ فَقَالَ: «تَعَالَ، هِيَ صَفِيَّةُ». وَرُبَّمَا قَالَ سُفِيَّانُ: «هَذِهِ صَفِيَّةٌ فِيَّنَ السَّيْطَانَ يَخْرِي مِنْ ابْنِ آدَمَ مَجْرَى الدَّمِ». قُلْتُ لِسُفِيَّانَ: أَتَهُ لَيْلًا؟ قَالَ: وَهُلْ هُوَ إِلَّا لَيْلًا؟ [راجع: ٢٠٣٥]

(13) بَابٌ مَنْ خَرَجَ مِنْ اعْتِكَافِهِ عِنْ الصَّبِّ

٢٠٤٠ - حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ شِرْبِيٍّ: حَدَّثَنَا سُفِيَّانُ، عَنْ ابْنِ جُرَيْجٍ، عَنْ سُلَيْمَانَ الْأَخْوَلِ خَالِي ابْنِ أَبِي تَجْيِحٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدٍ ح. قَالَ سُفِيَّانُ: وَحَدَّثَنَا مُحَمَّدُ بْنُ عَمْرِو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدٍ قَالَ: وَأَظُنُّ أَنَّ ابْنَ أَبِي لَيْدٍ حَدَّثَنَا عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدٍ

(13) CHAPTER. Whoever went out of his *Itikāf* in the morning.

2040. Narrated Abū Sa'īd رضي الله عنه: We practised *Itikāf* with Allāh's Messenger ﷺ in the middle ten days of Ramadān. In the morning of the twentieth of Ramadān we shifted our baggage, but Allāh's Messenger ﷺ came to us and said, "Whoever was in *Itikāf* should return to his place of *Itikāf*, for I saw (i.e., was informed about the date of) this Night (of *Qadr*) and saw myself prostrating in mud and water." When I returned to my place the sky was overcast with clouds and it rained. By Him Who sent

Muhammad ﷺ with the Truth, the sky was covered with clouds from the end of that day, and the mosque which was roofed with leafstalks of date-palm trees leaked with rain and I saw the trace of mud and water over the nose and also over the tip of the nose of the Prophet ﷺ.

قالَ: اعْتَكَفْنَا مَعَ رَسُولِ اللَّهِ ﷺ
الْعَشْرَ الْأَوْسَطَ فَلَمَّا كَانَ صَبَرَحَةَ
عِشْرِينَ نَقَلْنَا مَتَاعَنَا فَاتَانَا رَسُولُ اللَّهِ
ﷺ فَقَالَ: «مَنْ كَانَ اعْتَكَفَ فَلَيُرْجِعَ
إِلَى مُعْتَكَفِهِ فَإِنِّي رَأَيْتُ هَذِهِ اللَّيْلَةَ
وَرَأَيْتُنِي أَسْجُدُ فِي مَاءِ وَطِينِ». فَلَمَّا
رَجَعَ إِلَى مُعْتَكَفِهِ قَالَ وَهَا جِئْتُ السَّمَاءَ
فَمُطْرِنَا فَوَالَّذِي بَعَثَنِي بِالْحَقِّ لَقَدْ
هَا جِئْتُ السَّمَاءَ مِنْ آخِرِ ذَلِكَ الْيَوْمِ
وَكَانَ الْمَسْجِدُ عَرِيشًا فَلَقَدْ رَأَيْتُ عَلَى
أَنْفِهِ وَأَرْبَابِهِ أَثْرَ الْمَاءِ وَالْطِينِ.

[راجع: ٦٦٩]

(14) CHAPTER. *Itikāf* in the month of Shawwāl.

2041. Narrated ‘Amra bint ‘Abdur-Rahmān on the authority of ‘Aishah رَضِيَ اللَّهُ عَنْهَا: Allāh’s Messenger ﷺ used to practise *I’tikāf* every year in the month of Ramaḍān. And after offering the morning *Salāt* (prayer), he used to enter the place of his *I’tikāf*. ‘Aishah asked his permission to let her practise *I’tikāf* and he allowed her, and so she pitched a tent in the mosque. When Hafṣa heard of that, she also pitched a tent (for herself), and when Zainab heard of that, she too pitched another tent. When, in the morning, Allāh’s Messenger ﷺ had finished the morning *Salāt* (prayer), he saw four tents and asked, “What is this?” He was informed about it. He then said, “What made them do this? Is it *Al-Birr* (righteousness)? Remove the tents, for I do not want to see them.” So, the tents were removed. The Prophet ﷺ did not perform *I’tikāf* that year in the month of Ramaḍān, but did it in the last ten days of Shawwāl.

٢٠٤١ - حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا
مُحَمَّدُ بْنُ فُضَيْلٍ بْنِ عَزْوَانَ، عَنْ
يَحْيَى بْنِ سَعِيدٍ، عَنْ عُمَرَةَ بْنِتِ عَبْدِ
الرَّحْمَنِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا
قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَعْتَكِفُ فِي
كُلِّ رَمَضَانَ فَإِذَا صَلَّى الْعَدَاءَ دَخَلَ
مَكَانَهُ الَّذِي اعْتَكَفَ فِيهِ. قَالَ:
فَاسْتَأْذَنَتْ عَائِشَةً أَنْ تَعْتَكِفَ فَأَذِنَ لَهَا،
فَضَرَبَتْ فِيهِ قُبَّةً. وَسَمِعَتْ زَيْنَبُ بِهَا
فَضَرَبَتْ قُبَّةً أُخْرَى. فَلَمَّا انْصَرَفَ
رَسُولُ اللَّهِ ﷺ مِنَ الْعَدَيْدِ أَبْصَرَ أَرْبَعَ
قِبَابَ فَقَالَ: «مَا هَذَا؟» فَأُخْبَرَ خَبْرَهُنَّ
فَقَالَ: «مَا حَمَلْهُنَّ عَلَى هَذَا؟ أَلِيْرُ؟

انْزِعُوهَا فَلَا أَرَاهَا»، فَتَرَغَّبَتْ. فَلَمْ يَعْتَكِفْ فِي رَمَضَانَ حَتَّى اعْتَكَفَ فِي آخرِ الْعَشِيرِ مِنْ شَوَّالٍ». [راجع: ٢٠٣٩]

(١٥) بَابُ مَنْ لَمْ يَرَ عَلَيْهِ إِذَا اعْتَكَفَ صَوْمًا

(15) CHAPTER. Whoever thinks that *I'tikāf* can be practised without fasting.

2042. Narrated 'Abdullāh bin 'Umar: 'Umar bin Al-Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ said, "O Allāh's Messenger, I vowed in the Pre-Islamic Period of Ignorance to perform *I'tikāf* in Al-Masjid-al-Harām for one night." The Prophet ﷺ said, "Fulfil your vow." So, he performed *I'tikāf* for one night.

٢٠٤٢ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ، عَنْ أَخِيهِ، عَنْ سُلَيْمانَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عُمَرَ بْنِ الْحَطَّابِ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ إِنِّي نَذَرْتُ فِي الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ لَيْلَةً فِي الْمَسْجِدِ الْحَرَامِ، فَقَالَ لَهُ التَّبَّاعُ بْنُ عَلِيٍّ: «أُوفِ نَذْرَكَ»، فَاعْتَكَفَ لَيْلَةً.

(١٦) بَابٌ: إِذَا نَذَرَ فِي الْجَاهِلِيَّةِ أَنْ يَعْتَكِفَ ثُمَّ أَسْلَمَ

(16) CHAPTER. Whoever made a vow in the Pre-Islamic Period of Ignorance to perform *I'tikāf* and then embraced Islām.

2043. Narrated Ibn 'Umar that 'Umar رَضِيَ اللَّهُ عَنْهُ had vowed in the Pre-Islamic Period of Ignorance to perform *I'tikāf* in Al-Masjid-al-Harām. (A sub-narrator thinks that 'Umar vowed to perform *I'tikāf* for one night.) Allāh's Messenger ﷺ said to 'Umar, "Fulfil your vow."

٢٠٤٣ - حَدَّثَنَا عَبْيَضُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ عُمَرَ رَضِيَ اللَّهُ عَنْهُ نَذَرَ فِي الْجَاهِلِيَّةِ أَنْ يَعْتَكِفَ فِي الْمَسْجِدِ الْحَرَامِ، قَالَ: أَرَاهُ لَيْلَةً. فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «أُوفِ بِنَذْرِكَ».

[راجع: ٢٠٣٢]

(١٧) بَابُ الْأَغْتِكَافِ فِي الْعَشِيرِ الْأَوْسَطِ مِنْ رَمَضَانَ

(17) CHAPTER. *I'tikāf* in the middle ten days of Ramadān.

2044. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ used to perform *I'tikāf* every year in the month of Ramadān for ten days,

٢٠٤٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ، عَنْ أَبِي

and when it was the year of his death, he stayed in *Itikāf* for twenty days.

حَصِّينُ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ النَّبِيُّ ﷺ يَعْتَكِفُ فِي كُلِّ رَمَضَانَ عَشَرَةً أَيَّامًا، فَلَمَّا كَانَ الْعَامُ الَّذِي قِيلَ فِيهِ اعْتَكَفَ عَشْرِينَ يَوْمًا.

(١٨) بَابُ مَنْ أَرَادَ أَنْ يَعْتَكِفَ ثُمَّ بَدَا لَهُ أَنْ يَخْرُجَ

٢٠٤٥ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقاَتِلٍ أَبُو الْحَسَنِ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا الْأَوْزَاعِيُّ قَالَ: حَدَّثَنِي يَحْيَى بْنُ سَعِيدٍ قَالَ: حَدَّثَنِي عَمْرَةُ بْنُ عَبْدِ الرَّحْمَنِ؛ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ رَسُولَ اللَّهِ ﷺ ذَكَرَ أَنَّ يَعْتَكِفَ الْعَشْرَ الْأَوَاخِرَ مِنْ رَمَضَانَ، فَاسْتَأْذَنَهُ عَائِشَةُ فَأَذِنَ لَهَا. وَسَأَلَتْ حَفْصَةُ عَائِشَةَ أَنَّ تَسْتَأْذِنَ لَهَا فَعَلَتْ، فَلَمَّا رَأَتْ ذَلِكَ زَيْنُ بْنُ جَحْشٍ أَمْرَتْ بِبَنَاءِ فَنْبَنِي لَهَا. قَالَتْ: وَكَانَ رَسُولُ اللَّهِ ﷺ إِذَا صَلَّى انصَرَفَ إِلَى بَيْنَهُ فَأَبْصَرَ الْأَبْيَنَةَ فَقَالَ: «مَا هَذَا؟» قَالُوا: بَنَاءُ عَائِشَةَ وَحَفْصَةَ وَزَيْنَبَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «الْبَرُ أَرْدَنَ بِهَذَا؟ مَا أَنَا بِمُعْتَكِفٍ»، فَرَجَعَ. فَلَمَّا أَفْطَرَ اعْتَكَفَ عَشْرًا مِنْ شَوَّالٍ.

[٢٠٢٩]

(١٩) بَابُ الْمُعْتَكِفِ يُدْخِلُ رَأْسَهُ الْبَيْتَ لِلْمُسْلِمِ

٢٠٤٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ

(19) CHAPTER. A *Mu'takif* can let his head in the house for washing.

2046. Narrated 'Urwa : 'Aishah رضي الله عنها during her menses used to comb and oil the

hair of the Prophet ﷺ while he used to be in *Itikāf* in the mosque. He would stretch out his head towards her while she was in her chamber.

مُحَمَّدٌ: حَدَّثَنَا هِشَامُ بْنُ يُوسُفَ أَخْبَرَنَا مَعْمَرٌ، عَنِ الرَّهْبَرِيِّ عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّهَا كَانَتْ تُرْجِلُ النَّبِيَّ ﷺ وَهِيَ حَائِضٌ وَهُوَ مُعْتَكِفٌ فِي الْمَسْجِدِ وَهِيَ فِي حُجْرَتِهَا يُنَاوِلُهَا رَأْسَهُ.

[راجع: ٢٩٥]

34 - THE BOOK OF SALES (BARGAINS)

And the Statement of Allāh : تعالى:

“... And Allāh has permitted trading and forbidden *Ribā* (usury) ...” (V.2:275)

And His Statement : “... save when it is a present trade which you carry out on the spot among yourselves ...” (V.2:282)

(1) CHAPTER. What has come in the Statement of Allāh :

“Then when the (*Jumu'ah*) *Salāt* is ended, you may disperse through the land, and seek of the Bounty of Allāh.... And Allah is the Best of Providers .” (V.62:10,11)

And also His Statement : “Eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent...” (V.4:29)

2047. Narrated Abū Hurairah رضي الله عنه: You people say that Abū Hurairah tells many narrations from Allāh's Messenger ﷺ and you also wonder why the emigrants and *Anṣār* do not narrate from Allāh's Messenger ﷺ as Abū Hurairah does. My emigrant brothers were busy in the market, while I used to stick to Allāh's Messenger ﷺ content with what fills my stomach; so I used to be present when they were absent and I used to remember when they used to forget, and my *Anṣārī* brothers used to be busy with their properties and I was one of the poor men of *Suffa*. I used to remember the narrations when they used to forget. No doubt, Allāh's Messenger ﷺ once said, “Whoever spreads his garment till I have finished my present speech and then gathers it to himself, will remember whatever I will say.” So, I spread my coloured garment which I was wearing till Allāh's Messenger ﷺ had finished his saying, and then I gathered it to my chest. So, I did not forget any of that narration.

٤٤ - كتاب البيوع

وقولُ اللهِ تَعَالَى : «وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَمَ الرِّبَا» [البقرة: ٢٧٥] وقولُه: «إِنَّمَا تَكُونُ تِجَارَةً حَاضِرَةً تُدْرِجُونَهَا بِيَنْكُمْ» [البقرة: ٢٨٢].

(١) بَابُ ما جَاءَ فِي قَوْلِ اللهِ عَزَّ وَجَلَّ : «فَإِذَا قُضِيَتِ الْأَصْلَوَةُ فَأَنْشِرُوا فِي الْأَرْضِ وَابْغُوا مِنْ فَضْلِ اللهِ» إِلَى أَخِرِ السُّورَةِ [الجمعة: ١٠ - ١١].

وقولُه: «لَا تَأْكُلُوا أَمْوَالَكُمْ بِيَنْكُمْ يَأْبَطِلُ إِنَّمَا تَكُونُ بِحَكْرَةً عَنْ تَرَاضِ يَنْكُمْ» [النساء: ٢٩]

- ٤٧ - حَدَّثَنَا أَبُو الْيَمَانَ قَالَ: حَدَّثَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيْبِ وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ: أَنَّ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: إِنَّكُمْ تَقُولُونَ: إِنَّ أَبَا هُرَيْرَةَ يُكْثِرُ الْحَدِيثَ عَنْ رَسُولِ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَتَقُولُونَ: مَا بِالْمُهَاجِرِينَ وَالْأَنْصَارِ لَا يُحَدِّثُونَ عَنْ رَسُولِ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُمَثِّلُ حَدِيثَ أَبِي هُرَيْرَةَ؟ وَإِنَّ إِخْوَتِي مِنَ الْمُهَاجِرِينَ كَانَ يَسْعَلُهُمُ الصَّفْقُ بِالْأَسْوَاقِ، وَكُنْتُ أَلْرُمُ رَسُولَ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى مِلْءِ بَطْنِي، فَأَسْهَدُ إِذَا غَابُوا، وَأَحْفَظُ إِذَا نَسُوا. وَكَانَ يَسْعَلُ إِخْوَتِي مِنَ الْأَنْصَارِ عَمَلُ أَمْوَالِهِمْ وَكُنْتُ امْرَأًا مِسْكِينًا مِنْ

مساكين الصفة، أعي حين ينسون.
وقد قال رسول الله ﷺ في حديث
يحدّنه: إنَّ لَنْ يُسْطِعَ أَحَدٌ ثَوْبَةً
أَفْضَى مَقَالَتِي هذِهِ ثُمَّ يَجْمَعَ إِلَيْهِ ثَوْبَةً
إِلَّا وَعَى مَا أُفُولُ» فَبَسَطَ نَيْرَةً عَلَيَّ
حَتَّى إِذَا فَضَى رَسُولُ الله ﷺ مَقَالَتُهُ
جَمَعْتُهَا إِلَى صَدْرِي فَمَا سَيَّسْتُ مِنْ
مَقَالَةَ رَسُولُ الله ﷺ تِلْكَ مِنْ شَيْءٍ.

[راجع: ١١٨]

2048. Narrated ‘Abdur-Rahmān bin ‘Aūf : رَضِيَ اللَّهُ عَنْهُ When we came to Al-Madīna as emigrants, Allāh’s Messenger ﷺ established a bond of brotherhood between me and Sa‘d bin Ar-Rabī‘. Sa‘d bin Ar-Rabī‘ said to me, “I am the richest among the *Anṣār*, so I will give you half of my wealth and you may look at my two wives and whichever of the two you may choose I will divorce her, and when she has completed the prescribed period (before marriage) you may marry her.” ‘Abdur-Rahmān replied, “I am not in need of all that. Is there any market-place where trade is practised?” He replied, “The market of Qainuqā’.” ‘Abdur-Rahmān went to that market the following day and brought some dried butter-milk (yoghurt) and butter, and then he continued going there regularly. Few days later, ‘Abdur-Rahmān came having traces of yellow (scent) on his body. Allāh’s Messenger ﷺ asked him whether he had got married. He replied in the affirmative. The Prophet ﷺ said, “Whom have you married?” He replied, “A woman from the *Anṣār*.” Then the Prophet ﷺ asked, “How much did you pay her?” He replied, “(I gave her) a gold piece equal in weight to a date stone (or a date stone of gold)! ” The Prophet ﷺ said, “Give a *Walīma* (wedding banquet)

٢٠٤٨ - حَدَّثَنَا عَبْدُ العَزِيزِ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ،
عَنْ أَبِيهِ عَنْ جَدِّهِ، قَالَ: قَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ رَضِيَ اللَّهُ عَنْهُ: لَمَّا
قَلِّمَنَا الْمَدِينَةَ آتَيَ رَسُولُ الله ﷺ بَيْنَيْ وَبَيْنَ سَعْدَ بْنِ الرَّبِيعَ، فَقَالَ سَعْدُ
بْنِ الرَّبِيعَ: إِنِّي أَكْثُرُ الْأَنْصَارِ مَا
فَأَقِيسُ لَكَ نِصْفَ مَالِي، وَانْظُرْ أَيَّ
رُوْجَجَيَّ هُوَيْ تَرْوِيْتُ لَكَ عَنْهَا، فَإِذَا
حَلَّتْ تَرْوِيْجَهَا. قَالَ: فَقَالَ لَهُ عَبْدُ
الرَّحْمَنِ: لَا حَاجَةَ لِي فِي ذَلِكَ، هَلْ
مِنْ سُوقٍ فِيهِ تِجَارَةٌ؟ قَالَ: سُوقٌ
قِيَنْقَاعٌ. قَالَ: فَعَدَّا إِلَيْهِ عَبْدُ الرَّحْمَنِ
فَأَتَى بِأَقْطَى وَسْمَنٍ، قَالَ: ثُمَّ تَابَعَ
الْعُدُوَّ فَمَا لَبِثَ أَنْ جَاءَ عَبْدُ الرَّحْمَنَ
عَلَيْهِ أَئْرُ صُفْرَةً. فَقَالَ رَسُولُ الله
ﷺ: «تَرْوِيْجَتْ؟» قَالَ: نَعَمْ، قَالَ:
«وَمَنْ؟» قَالَ: امْرَأَةً مِنَ الْأَنْصَارِ.
قَالَ: «كَمْ سُقْتَ؟» قَالَ: زِنَةٌ نَوَافَةٌ مِنْ

even if with one sheep.”

دَهْبٌ أَوْ نَوَّاهَ مِنْ دَهْبٍ. فَقَالَ لَهُ النَّبِيُّ ﷺ: «أَوْلَمْ وَلُورِ بِشَاةً».

[انظر: ٣٧٨٠]

2049. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ When 'Abdur-Rahmān bin 'Aūf came to Al-Madīnah, the Prophet ﷺ established a bond of brotherhood between him and Sa'd bin Ar-Rabī' Al-Anṣārī. Sa'd was a rich man, so he said to 'Abdur-Rahmān, “I will give you half of my property and will make you to marry.” 'Abdur-Rahmān said (to him), “May Allāh bless you in your family and property. Show me the market.” So 'Abdur-Rahmān did not return (from the market) till he gained some dried buttermilk (yoghurt) and butter (through trading). He brought that to his household. We stayed for sometime (or as long as Allāh wished), and then 'Abdur-Rahmān came, scented with yellowish perfume. The Prophet ﷺ said (to him), “What is this?” He replied, “I got married to an *Anṣārī* woman.” The Prophet ﷺ asked, “What did you pay her?” He replied, “A gold stone or gold equal to the weight of a date stone.” The Prophet ﷺ said (to him), “Give a *Walīma* (wedding banquet) even if with one sheep.”

٢٠٤٩ - حَدَّثَنَا أَخْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهْرَيْ: حَدَّثَنَا حُمَيْدٌ، عَنْ أَئِسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَدِيمَ عَبْدَ الرَّحْمَنِ بْنَ عَوْفِ الْمَدِينَةِ فَأَخْتَى النَّبِيُّ ﷺ بَيْنَهُ وَبَيْنَ سَعْدَ بْنِ الرَّبِيعِ الْأَنْصَارِيِّ، وَكَانَ سَعْدٌ ذَا غَنَّى فَقَالَ لِعَبْدِ الرَّحْمَنِ: أَقْاسِمُكَ مَالِيْ نِصْفَيْنِ، وَأَزْوَجْكَ. قَالَ: بَارَكَ اللَّهُ لَكَ فِي أَهْلِكَ وَمَالِكَ، دُلُونِي عَلَى السُّوقِ. فَمَا رَجَعَ حَتَّى اسْتَفْضَلَ أَقْطَانَ وَسَمْنَانَ فَأَتَى بِهِ أَهْلَ مَنْزِلِهِ فَمَكَثْنَا يَسِيرًا أَوْ مَا شَاءَ اللَّهُ فَجَاءَ وَعَلَيْهِ وَضَرُّ مِنْ صُفْرَةٍ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «مَهِيمٌ؟»، قَالَ: يَا رَسُولَ اللَّهِ، تَرَوَّجْتُ امْرَأً مِنَ الْأَنْصَارِ. قَالَ: «مَا سُقْتَ إِلَيْهَا؟» قَالَ: نَوَّاهَ مِنْ دَهْبٍ أَوْ وَرْزَنْ نَوَّاهَ مِنْ دَهْبٍ، قَالَ: «أَوْلَمْ وَلُورِ بِشَاةً».

[انظر: ٢٢٩٣، ٣٧٨١، ٣٩٣٧، ٥٠٧٢، ٥١٤٨، ٥١٥٣، ٥١٥٥، ٦٠٨٢]

[٦٣٨٦]

2050. Narrated Ibn 'Abbās: رَضِيَ اللَّهُ عَنْهُمَا 'Ukāz, Majanna and Dhul-Majāz were market-places in the Pre-Islāmic Period of Ignorance. When Islām came, Muslims felt that in trading there might be a sin. So, the Divine Revelation came:

“There is no sin on you if you seek the Bounty of your Lord (during pilgrimage by

٢٠٥٠ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ، حَدَّثَنَا سُفِيَّانُ، عَنْ عَمِّرُو، عَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كَانَتْ عُكَاظُ وَمَجَنَّةُ وَذُو الْمَحَازِ أَسْوَاقًا فِي الْجَاهِلِيَّةِ، فَلَمَّا كَانَ

trading)...” (V.2:198)

Ibn ‘Abbās recited the Verse in this way.

الإسلام فكأنهم تأثموا فيه فنزلت:
 «تَيْسِ عَلَيْكُمْ جُنَاحٌ أَنْ تَبْتَغُوا
 فَضْلًا وَنَرِيَّكُمْ» في مواسم
 الحجّ. قرأها ابن عباس.

[راجع: ١٧٧٠]

(٢) باب: الحلال بين، والحرام
 بين، وبينهما مشبهات

٢٠٥١ - حَدَّثَنِي مُحَمَّدُ بْنُ
 الْمُشَّىٰ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنِ
 ابْنِ عَوْنَ، عَنِ الشَّعْبِيِّ قَالَ: سَمِعْتُ
 النَّعْمَانَ بْنَ بَشِيرٍ رَضِيَ اللَّهُ عَنْهُ
 يَقُولُ: سَمِعْتُ النَّبِيَّ ﷺ ح.

وَحَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا
 ابْنُ عُيَيْنَةَ، حَدَّثَنَا أَبُو فَرْوَةَ، عَنِ
 الشَّعْبِيِّ قَالَ: سَمِعْتُ النَّعْمَانَ بْنَ
 بَشِيرٍ عَنِ النَّبِيِّ ﷺ ح.

وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ:
 حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ أَبِي فَرْوَةَ قَالَ:
 سَمِعْتُ الشَّعْبِيَّ: سَمِعْتُ النَّعْمَانَ بْنَ
 بَشِيرٍ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ ح.

حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا
 سُفِيَّانُ، عَنْ أَبِي فَرْوَةَ، عَنِ الشَّعْبِيِّ،
 عَنِ النَّعْمَانِ بْنِ بَشِيرٍ رَضِيَ اللَّهُ عَنْهُ

(2) CHAPTER. Legal and illegal things are clearly defined, and in between them are some doubtful (unclear) things.

2051. Narrated An-Nu'mān bin Bashīr رضي الله عنهمما : The Prophet ﷺ said: “Both legal and illegal things are obvious, and in between them are (unclear) doubtful matters (things). So whoever forsakes those doubtful (unclear) things lest he may commit a sin, will definitely avoid what is clearly illegal; and whoever indulges in these (unclear) doubtful things bravely, is likely to commit what is clearly illegal. Sins are Allāh's *Hima* (i.e., private pasture) and whoever pastures (his sheep) near it, is likely to get in it at any moment.”⁽¹⁾

(1) (H. 2051) Man, here is compared to a shepherd; his desires, to a flock of sheep; sins, to a private pasture of somebody else; doubtful matters to the region surrounding the pasture and indulgence in doubtful matters to pasture in that region. To pasture there will probably lead the sheep to enter the private pasture, and the shepherd would be punished for grazing his sheep near the private pasture which led to such an obvious transgression.

قالَ: قَالَ النَّبِيُّ ﷺ: «الْحَلَالُ بَيْنَ،
وَالْحَرَامُ بَيْنَ، وَبَيْنَهُمَا أُمُورٌ مُشْبِهَةٌ.
فَمَنْ تَرَكَ مَا شُبِّهَ عَلَيْهِ مِنَ الْإِثْمِ كَانَ
لِمَا اسْتَبَانَ أَتْرَكَ، وَمَنْ اجْتَرَأَ عَلَى مَا
يَشْكُّ فِيهِ مِنَ الْإِثْمِ أَوْ شَكَ أَنْ يُوَاقِعَ
مَا اسْتَبَانَ. وَالْمَعَاصِي حَمَّى اللَّهِ،
مَنْ يَرْتَعْ حَوْلَ الْجَمَى يُوشِكُ أَنْ
يُوَاقِعَ». [راجع: ٥٢]

(٣) بَابُ تَفْسِيرِ الْمُشْبِهَاتِ،

وَقَالَ حَسَّانُ بْنُ أَبِي سِنَانٍ: مَا
رَأَيْتُ شَيْئًا أَهْوَنَ مِنَ الْوَرَعِ، دَعْ مَا
يَرِيُّكَ إِلَى مَا لَا يَرِيُّكَ.

٢٠٥٢ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ:
أَخْبَرَنَا سُفِيَّانُ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ
عَبْدِ الرَّحْمَنِ بْنِ أَبِي حُسَيْنٍ: حَدَّثَنَا
عَبْدُ اللَّهِ أَبْنُ أَبِي مُلِينَكَةَ، عَنْ عُقْبَةَ بْنِ
الْحَارِثِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ امْرَأَةَ
سَوْدَاءَ جَاءَتْ فَرَزَعَمْتُ أَنَّهَا
أَرْضَعَتْهُمَا، فَذَكَرَ لِنَبِيِّ ﷺ فَأَغْرَضَ
عَنْهُ وَتَبَسَّمَ النَّبِيُّ ﷺ، قَالَ: «كَيْفَ
وَقَدْ قَيلَ؟» وَقَدْ كَانَتْ تَحْتَهُ ابْنَهُ أَبِي
إِهَابِ التَّوَيِّمِيِّ. [راجع: ٨٨]

٢٠٥٣ - حَدَّثَنَا يَحْيَى بْنُ قَرَعَةَ:
حَدَّثَنَا مَالِكُ، عَنْ ابْنِ شِهَابٍ، عَنْ
عُرْوَةَ ابْنِ الزُّبَيرِ، عَنْ عَائِشَةَ رَضِيَ
اللَّهُ عَنْهَا قَالَتْ: كَانَ عَنْتَهُ بْنُ أَبِي
وَقَاصٍ عَاهَدَ إِلَى أَخِيهِ سَعْدِ ابْنِ أَبِي

(3) CHAPTER. Explanation of doubtful (unclear) things.

Hassān bin Abū Sinān said, "I found nothing easier than to be pious and Allāh-fearing; (to achieve this aim) leave all doubtful (unclear) things and do what is completely clear of doubt."

2052. Narrated 'Abdullāh bin Abū Mulaika: 'Uqba bin Al-Hārith رَضِيَ اللَّهُ عَنْهُ said that a black woman came and claimed that she had suckled both of them (i.e., 'Uqba and his wife). So, he mentioned that to the Prophet ﷺ who turned his face from him and smiled and said, "How (can you keep your wife), and it was said (that both of you were suckled by the same woman)?" His wife was the daughter of Abū Ihāb At-Tamīmī.

2053. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا: Utba bin Abū Waqqās took a firm promise from his brother Sa'd bin Abū Waqqās to take the son of the slave-girl of Zam'a into his custody as he was his (i.e., 'Utba's) son. In the year of the Conquest (of Makkah) Sa'd bin Abū Waqqās took him, and said that he was his brother's son, and his brother took a promise

from him to that effect. ‘Abd bin Zam‘a got up and said, “He is my brother and the son of the slave-girl of my father and was born on my father’s bed.” Then they both went to the Prophet ﷺ. Sa‘d said, “O Allāh’s Messenger! He is the son of my brother and he has taken a promise from me that I will take him.” ‘Abd bin Zam‘a said, “(He is) my brother and the son of my father’s slave-girl and was born on my father’s bed.” Allāh’s Messenger ﷺ said, “The boy is for you..O ‘Abd bin Zam‘a.” Then the Prophet ﷺ said, “The son is for the bed (i.e., the man on whose bed he was born) and stones (despair, i.e., to be stoned to death), for the one who has done illegal sexual intercourse.” The Prophet ﷺ told his wife Sauda bint Zam‘a to screen herself from that boy as he noticed a similarity between the boy and ‘Utba. So, the boy did not see her till he died.⁽¹⁾

وَقَاصِ أَنَّ ابْنَ وَلِيْدَةَ زَمْعَةَ مِنِيْ فَاقْبِضُهُ، قَالَتْ: فَلَمَّا كَانَ عَامُ الْفَتْحِ أَخَذَهُ سَعْدُ بْنُ أَبِي وَقَاصِ وَقَالَ: ابْنُ أَخِي قَدْ عَهَدَ إِلَيَّ فِيهِ، فَقَاتَ عَبْدُ بْنَ زَمْعَةَ فَقَالَ: أَخِي وَابْنُ وَلِيْدَةَ أَبِي وَلِدٍ عَلَى فِرَاشِهِ، فَسَأَوَاقَ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ سَعْدٌ: يَا رَسُولَ اللَّهِ، ابْنُ أَخِي كَانَ قَدْ عَهَدَ إِلَيَّ فِيهِ، فَقَاتَ عَبْدُ بْنُ زَمْعَةَ: أَخِي وَابْنُ وَلِيْدَةَ أَبِي وَلِدٍ عَلَى فِرَاشِهِ، فَقَاتَ النَّبِيَّ ﷺ: هُوَ لَكَ يَا عَبْدُ بْنَ زَمْعَةَ، ثُمَّ قَالَ النَّبِيُّ ﷺ: الْوَلَدُ لِلْفَرَاشِ وَلِلْعَاهِرِ الْحَاجِرُ. ثُمَّ قَالَ لِسَوْدَةَ بِنْتِ زَمْعَةَ زَوْجِ النَّبِيِّ ﷺ: «اْحْتَجِي مِنْهُ» يَا سَوْدَةَ، لِمَا رَأَى مِنْ شَبَهِهِ بِعُتْبَةَ، فَمَا رَأَاهَا حَتَّى لَقِيَ اللَّهَ [انظر: ٢٢١٨، ٦٧٤٩، ٤٣٠٣، ٢٤٢١، ٢٥٣٣، ٢٧٤٥، ٦٨١٧، ٦٧٦٥]

2054. Narrated ‘Adī bin Hātim : رَضِيَ اللَّهُ عَنْهُ : I asked Allāh’s Messenger ﷺ about *Al-Mi’rād* (i.e., sharp-edged piece of wood or a piece of wood provided with a sharp piece of iron used for hunting). He replied, “If the game is hit by its sharp edge, eat it, and if it is hit by its broad side, do not eat it, for it has been beaten to death.” I asked, “O Allāh’s Messenger! I release my hound by the Name of Allāh and find with it at the game, another hound on which I have not mentioned the Name of Allāh, and I do not

٢٠٥٤ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ أَبِي السَّفَرِ، عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ رَضِيَ اللَّهُ عَنْهُ، قَالَ: سَأْلُتُ رَسُولَ اللَّهِ ﷺ عَنِ الْمِعْرَاضِ، فَقَالَ: إِذَا أَصَابَ بِحَدِّهِ فَكُلْ، وَإِذَا أَصَابَ بِعَرْضِهِ فَقَتَلَ فَلَا تَأْكُلُ فِيْنَهُ وَقِيْدُ. قُلْتُ: يَا رَسُولَ اللَّهِ، أَزْسِلُ كَلْبًا

(1) (H. 2053) ‘Utba committed adultery in the Pre-Islamic Period of Ignorance and before his death he declared that secret and confessed that the son of the slave-girl was his son, and most probably he died as a disbeliever.

know which one of them caught the game.” Allāh’s Messenger ﷺ said (to him), “Don’t eat it as you have mentioned the Name of Allāh on your hound and not on the other.”

وأسماي فاجد معه على الصيد كلباً آخر لم أسم عليه، ولا أدرى أيهما أحذ؟ قال: لا تأكل، إنما سنت على كلبك ولم تسم على الآخر.

[راجع: ١٧٥]

(4) CHAPTER. What doubtful (unclear) things should be avoided?

2055. Narrated Anas : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ passed by a fallen date and said, “Were it not for my doubt that this might have been given in charity, I would have eaten it.” And narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ عن عَنْهُ : The Prophet ﷺ said, “I found a date-fruit fallen on my bed.”

٢٠٥٥ - حَدَثَنَا قَبِيْصَةُ: حَدَثَنَا سُفِيَّانُ، عَنْ مُنْتَصُورٍ، عَنْ طَلْحَةَ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: مَرَ النَّبِيُّ ﷺ بِتَمَرَةَ مَسْقُوْطَةَ، فَقَالَ: لَوْلَا أَنْ تَكُونَ صَدَقَةً لِأَكْلُهَا» .

وقال همام ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ ﷺ قَالَ: أَجِدُ تَمَرَةَ سَاقِطَةَ عَلَى فِرَاشِي». [انظر: ٢٤٣١]

(5) CHAPTER. Whoever does not consider dark suggestions by one’s ownself or similar things as doubtful (unclear) things.

2056. Narrated ‘Abbad bin Tamīm that his uncle said, “The Prophet ﷺ was asked : If a person feels something during his *Salāt* (prayer); should one interrupt his *Salāt* (prayer)?” The Prophet ﷺ said, “No! You should not give it up unless you hear a sound or smell something.” Narrated Ibn Abī Ḥafṣa : Az-Zuhri said, “There is no need of repeating ablution unless you detect a smell or hear a sound.”

٢٠٥٦ - حَدَثَنَا أَبُو ثَعِيمٍ: حَدَثَنَا ابْنُ عُيَيْنَةَ، عَنِ الرَّهْرِيِّ، عَنْ عَبَادَ بْنَ تَمَمِّ عَنْ عَمِّهِ قَالَ: شُكِيَ إِلَى النَّبِيِّ ﷺ الرَّجُلُ يَجِدُ فِي الصَّلَاةِ شَيْئاً، أَيْقَظُعُ الصَّلَاةَ؟ قَالَ: لَا حَتَّى يَسْمَعَ صَوْتاً أَوْ يَجِدُ رِيحَاً». [راجع: ٣٧]

وقال ابن أبي حفصة، عن الرهريّ: لا وُضُوءَ إِلَّا فيما وجدت الريح أو سمعت الصوت.

2057. Narrated ‘Āishah : Some people said, “O Allāh’s Messenger! Meat is brought to us by some people and we are not

العَجْلِيُّ: حَدَثَنَا أَحْمَدُ بْنُ الْمَقْدَامِ

sure whether the Name of Allāh has been mentioned on it or not (at the time of slaughtering the animals).” Allāh’s Messenger ﷺ said (to them), “Mention the Name of Allāh and eat it.”

الرَّحْمَنُ الطَّفَّاوِيُّ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ قَوْمًا قَالُوا: يَا رَسُولَ اللَّهِ، إِنَّ قَوْمًا يَأْتُونَا بِاللَّحْمِ لَا تَنْدِرِي أَذْكُرُوا اسْمَ اللَّهِ عَلَيْهِ، أَمْ لَا؟ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «سَمُّوَا اللَّهُ عَلَيْهِ وَكُلُّهُ». [انظر: ٥٥٠٧، ٧٣٩٨]

(٦) بَابُ قَوْلِ اللَّهِ عَزَّ وَجَلَّ: «وَإِذَا رَأَوْا بَيْخَرَةً أَوْ هَوَّا أَنْفَضُوا إِلَيْهَا»

[ال الجمعة: ١١]

(6) CHAPTER. The Statement of Allāh عَزَّ وَجَلَّ: “And when they see some merchandise or some amusement [beating of *Tambur* (drum) etc.], they disperse headlong to it...” (V.62:11)

2058. Narrated Jābir رَضِيَ اللَّهُ عَنْهُ: While we were offering the *Salāt* (prayer) with the Prophet ﷺ a caravan carrying food came from Sham. The people looked towards the caravan (and went to it) and only twelve persons remained with the Prophet ﷺ. So, the Divine Revelation came; “And when they see some merchandise or some amusement [beating of *Tambur* (drum) etc.], they disperse headlong to it...” (V.62:11)

٢٠٥٨ - حَدَّثَنَا طَلْقُ بْنُ غَنَامٍ: حَدَّثَنَا زَائِدَةُ، عَنْ حُصَيْنٍ، عَنْ سَالِمٍ قَالَ: حَدَّثَنِي جَابِرٌ رَضِيَ اللَّهُ عَنْهُ قَالَ: بَيْنَمَا نَحْنُ نُصَلِّي مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ إِذْ أَقْبَلَتِ مِنَ الشَّامِ عِيرٌ تَحْمِلُ طَعَاماً فَالْفَرَقُوا إِلَيْهَا حَتَّىٰ مَا بَقَيَ مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ إِلَّا أَثْنَا عَشَرَ رَجُلًا، فَنَزَّلَ «وَإِذَا رَأَوْا بَيْخَرَةً أَوْ هَوَّا أَنْفَضُوا إِلَيْهَا»

[ال الجمعة: ١١]. [راجع: ٩٣٦]

(٧) بَابُ مَنْ لَمْ يُبَالِ مِنْ حِيثِ كَسَبِ الْمَالِ

٢٠٥٩ - حَدَّثَنَا آدُمُ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ: حَدَّثَنَا سَعِيدُ الْمَقْبُرِيُّ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «يَا تَنِي عَلَى النَّاسِ زَمَانٌ لَا يُبَالِي الْمَرْءُ مَا أَخْذَ مِنْهُ، أَمِنَ الْحَلَالِ أَمْ مِنَ الْحَرَامِ؟». [انظر: ٢٠٨٣]

(8) CHAPTER. Trade of cloth and other things.

And the Statement of Allāh : عَزَّ وَجَلَّ :

“Men whom neither trade nor sale (business) diverts them from the Remembrance of Allāh (with heart and tongue)...” (V.24:37)

Qatāda said, “The people used to do sale and trade; but whenever they were to perform any of Allāh’s obligations, then trade and sale would not divert them from Allāh’s worship, but they would rather fulfil that obligation (to Allāh).”

2060, 2061. Narrated Abū Al-Minhāl: I used to practise money exchange, and I asked Zaid bin ‘Arqam رَضِيَ اللَّهُ عَنْهُ about it, and he narrated what the Prophet ﷺ said (as follows): Abū Al-Minhāl said, “I asked Al-Barā’ bin ‘Āzib and Zaid bin ‘Arqam about practising money exchange. They replied, ‘We were traders in the lifetime of Allāh’s Messenger ﷺ and I asked Allāh’s Messenger ﷺ about money exchange. He replied, “If it is from hand to hand, there is no harm in it; but if there is *Nasi'a* (delay in payment) then it is not permissible.’”

[See H.No. 2178, 2180, Ch. 79, 80].

(٨) بَابُ التِّجَارَةِ فِي الْبَزَّ وَغَيْرِهِ
وَقَوْلِهِ - عَزَّ وَجَلَّ - : «بِيَمَّا لَا
تُلْهِيهِمْ بَهْرَةٌ وَلَا يَبْعَثُ عَنْ ذِكْرِ اللَّهِ»
[النور: ٣٧] وَقَالَ قَاتَادَةُ: كَانَ الْقَوْمُ
يَتَبَاعِعُونَ وَيَتَجَرُّونَ وَلَكِنَّهُمْ إِذَا نَابُوهُمْ
حَقُّ مِنْ حُكْمِقُوْفِ اللَّهِ لَمْ تُلْهِيهِمْ تِجَارَةٌ
وَلَا يَبْعَثُ عَنْ ذِكْرِ اللَّهِ حَتَّى يُؤْدُوْهُ إِلَى
اللَّهِ.

٢٠٦٠، ٢٠٦١ - حَدَّثَنَا أَبُو
عَاصِمٍ، عَنْ أَبْنِ جُرَيْجٍ، قَالَ:
أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ، عَنْ أَبِي
الْمَنْهَالِ قَالَ: كُنْتُ أَتَجَرُّ فِي
الصَّرْفِ، فَسَأَلْتُ زَيْدَ بْنَ أَرْقَمَ رَضِيَ
اللَّهُ عَنْهُ فَقَالَ: قَالَ النَّبِيُّ ﷺ
وَحْدَتِنِي الْفَضْلُ بْنُ يَعْقُوبَ:
حَدَّثَنَا الْحَاجَاجُ بْنُ مُحَمَّدٍ: قَالَ أَبُو
جُرَيْجٍ: أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ
وَعَامِرٌ بْنُ مُضْعِبٍ أَنَّهُمَا سَمِعَا أَبَا
الْمَنْهَالِ يَقُولُ: سَأَلْتُ الْبَرَاءَ بْنَ
عَازِبٍ وَزَيْدَ بْنَ أَرْقَمَ عَنِ الصَّرْفِ
فَقَالَا: كُنَّا نَاجِرِينَ عَلَى عَهْدِ رَسُولِ
اللَّهِ ﷺ فَسَأَلْنَا رَسُولَ اللَّهِ ﷺ عَنِ
الصَّرْفِ، فَقَالَ: «إِنْ كَانَ يَدَا يَبْدِ فَلَا
بَأْسَ، وَإِنْ كَانَ نَبَيِّنًا فَلَا يَضُلُّ».
[الحديث: ٢٠٦٠، ٢٤٩٧، ٢١٨١، انظر: ٢١٦١]
[٣٩٣٩؛ الحديث: ٢١٨١، انظر: ٢٤٩٨]

(9) CHAPTER. Going out for trading.

عَزَّ وَجَلَ اللَّهُ عَزَّ وَجَلَّ : وَقُولُوا فِي

“You may disperse through the land and seek of the Bounty of Allāh (by working)...”
(V.62:10)

2062. Narrated ‘Ubaid bin ‘Umair: Abū Mūsa asked ‘Umar رَضِيَ اللَّهُ عَنْهُ to admit him but he was not admitted as ‘Umar was busy, so Abū Mūsa went back. When ‘Umar finished his job he said, “Didn’t I hear the voice of ‘Abdullāh bin Qais? Let him come in.” ‘Umar was told that he had left. So, he sent for him and on his arrival, he (Abū Mūsa) said, “We were ordered to do so (i.e., to leave if not admitted after asking permission thrice). ‘Umar told him, “Bring witness in proof of your statement.” Abu Mūsa went to the *Anṣār*’s meeting places and asked them. They said, “None amongst us will give this witness except the youngest of us, Abū Sa‘id Al-Khudrī. Abū Mūsa then took Abū Sa‘id Al-Khudrī (to ‘Umar) and ‘Umar said surprisingly, “Has this order of Allāh’s Messenger ﷺ been hidden from me?” (Then he added), “I used to be busy trading in markets, i.e., going out for trading.”

(10) CHAPTER. Trading in sea.

And Maṭar said, “There is no harm in it, and whatever Allāh has mentioned about it in the Qur’ān, is but the truth.” Then he (Maṭar) recited:

“...And you see the ships ploughing through it, that you may seek (thus) of His Bounty (by transporting the goods from place to place)...” (V.16:14)

(٩) بَابُ الْخُرُوجِ فِي التَّجَارَةِ.

وَقُولُوا فِي الْأَرْضِ وَأَتَغْفُوا مِنْ فَضْلِ اللَّهِ

[الجمعة: ١٠]

٢٠٦٢ - حَدَّثَنِي مُحَمَّدٌ: أَخْبَرَنَا مَخْلُدُ بْنُ يَزِيدَ: أَخْبَرَنَا ابْنُ حُرَيْبَحْ، قَالَ: أَخْبَرَنِي عَطَاءً، عَنْ عُبَيْدِ بْنِ عُمَيْرٍ: أَنَّ أَبَا مُوسَى الْأَشْعَرِيَّ اسْتَأْذَنَ عَلَى عُمَرَ رَضِيَ اللَّهُ عَنْهُ فَلَمْ يُؤْذَنْ لَهُ، - وَكَانَ مَشْغُولاً - فَرَجَعَ أَبُو مُوسَى فَقَرَعَ عُمَرُ فَقَالَ: أَلَمْ أَسْمَعْ صَوْتَ عَبْدِ اللَّهِ بْنِ قَيْسٍ؟ أَئْذَنُوا لَهُ . قِيلَ: فَدَرَجَ، فَدَعَاهُ فَقَالَ: كُنَّا نُؤْمِنُ بِذَلِكَ، فَقَالَ: تَأْتِينِي عَلَى ذَلِكَ بِالْبَيِّنَاتِ . فَانْطَلَقَ إِلَى مَجَالِسِ الْأَنْصَارِ فَسَأَلُوهُمْ فَقَالُوا: لَا يَشْهُدُ لَكَ عَلَى هَذَا إِلَّا أَصْعَرُنَا أَبُو سَعِيدَ الْخُدْرِيَّ . فَدَهَبَ بِأَبِيهِ سَعِيدِ الْخُدْرِيِّ، فَقَالَ عُمَرُ: أَخْفِي عَلَيَّ هَذَا مِنْ أَمْرِ رَسُولِ اللَّهِ ﷺ؟ أَهَانَنِي الصَّفْقُ بِالْأَسْوَاقِ . يَعْنِي الْخُرُوجَ إِلَيِّ التَّجَارَةِ . [انظر: ٦٢٤٥، ٧٣٥٣]

(١٠) بَابُ التَّجَارَةِ فِي الْبَحْرِ،

وَقَالَ مَطْرُ: لَا يَأْسَ بِهِ، وَمَا ذَكَرَهُ اللَّهُ فِي الْقُرْآنِ إِلَّا يَحْقُّ ثُمَّ تَلَاقِيَ الْفَلْكَ مَوْا خَرَ فِيهِ وَلَتَبَعُوهُ مِنْ فَضْلِهِ

[فاطر: ١٢]

وَالْفَلْكُ: السُّفُنُ الْوَاحِدُ وَالْجَمْعُ

سَوَاءً. وَقَالَ مُجَاهِدٌ: تَمْحَرُ السُّفُنُ الرِّيحَ وَلَا تَمْحَرُ الرِّيحَ شَيْئاً مِنَ السُّفُنِ إِلَّا الْفُلُكُ الْعَظَامُ.

٢٠٦٣ - وَقَالَ اللَّيْثُ حَدَّثَنِي جَعْفَرُ ابْنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ رَسُولِ اللَّهِ تَعَالَى: أَنَّهُ ذَكَرَ رَجُلًا مِنْ بَنِي إِسْرَائِيلَ خَرَجَ فِي الْبَحْرِ فَقَضَى حَاجَتَهُ وَسَاقَ الْحَدِيثَ.

حَدَّثَنِي عَبْدُ اللَّهِ بْنُ صَالِحٍ: حَدَّثَنِي الْيَثِيْبُ يَهُ. [رَاجِعٌ: ١٤٩٨] (١١) بَابٌ «وَإِذَا رَأَوْا بَيْكَرَةً أَوْ طَفَّا أَنْفَصُوا إِلَيْهَا» [الجمعة: ١١] وَقَوْلُهُ «رَجَالٌ لَا تَلِهِمُ بَهْرَةً وَلَا يَبْعَثُ عَنْ ذَكْرِ اللَّهِ» [النُور: ٣٧]

(11) CHAPTER.

“And when they see some merchandise or some amusement [beating of *Tambūr* (drum) etc.], they disperse headlong to it...”
(V.62:11)

And Allāh’s Statement:

“Men whom neither trade nor sale divert them from the Remembrance of Allāh...”
(V.24:37)

Qatāda said, “The people used to trade, but whenever they were to perform any of Allāh’s obligations, then neither trade nor sale would divert them from the Remembrance of Allāh, but they would rather fulfil that obligation.”

2064. Narrated Jābir: رَضِيَ اللَّهُ عَنْهُ A caravan arrived (at Al-Madīna) while we were offering the *Jumu’ah* (prayer) with the Prophet ﷺ. The people left and went out for the caravan, with the exception of twelve persons. Then this Verse was revealed:

“And when they see some merchandise or some amusement [beating of *Tambūr* (drum) etc.], they disperse headlong to it, and leave

وَقَالَ قَتَادَةُ: كَانَ الْقَوْمُ يَتَجَرُّونَ وَلَكِنَّهُمْ كَانُوا إِذَا نَابَهُمْ حَقٌّ مِنْ حُقُوقِ اللَّهِ لَمْ تُلِهِمْ تِجَارَةً وَلَا يَبْعَثُ عَنْ ذَكْرِ اللَّهِ حَتَّى يُؤَدُّوهُ إِلَى اللَّهِ.

٢٠٦٤ - حَدَّثَنِي مُحَمَّدٌ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ فُضَيْلٍ، عَنْ حُصَيْنٍ، عَنْ سَالِمِ ابْنِ أَبِي الْجَعْدِ، عَنْ جَابِرٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَقْبَلَتْ عِيرٌ وَنَحْنُ نُصَلِّي مَعَ النَّبِيِّ تَعَالَى الْجُمُعَةَ فَانْفَضَّ النَّاسُ إِلَّا أُثْنَيْ عَشَرَ

you standing...” (V.62:11)

رَجُلًا، فَنَزَّلْتَ هذِهِ الْآيَةُ ﴿وَإِذَا رَأَوْا
يَمْكُرَّةً أَوْ لَهْوًا أَنْقَضُوا إِلَيْهَا وَرَكُونَ فَائِمَّا﴾

[الجمعة ١١] [راجع: ٩٣٦]

(١٢) بَابُ قَوْلِهِ: ﴿أَنْفَقُوا مِنْ طَبِيبَتِ
مَا كَسَبُنَّ﴾ [البقرة: ٢٦٧].

٢٠٦٥ - حَدَّثَنَا عُثْمَانُ ابْنُ أَبِي
شَيْبَةَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ،
عَنْ أَبِي وَائِلٍ، عَنْ مَسْرُوقٍ عَنْ
عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قَالَ
النَّبِيُّ ﷺ: إِذَا أَنْفَقَتِ الْمَرْأَةُ مِنْ
طَعَامٍ يَئِسَّهَا غَيْرَ مُقْسِدَةٍ كَانَ لَهَا أَجْرُهَا
بِمَا أَنْفَقَتْ، وَلِزَوْجِهَا بِمَا كَسَبَ،
وَلِلخَازِنِ مِثْلُ ذَلِكَ، لَا يَنْقُضُ
بَعْضُهُمْ أَجْرَ بَعْضٍ شَيْئًا﴾.

٢٠٦٦ - حَدَّثَنِي يَحْيَى بْنُ
جَعْفَرٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ، عَنْ
مَعْمَرٍ، عَنْ هَمَّامٍ قَالَ: سَمِعْتُ أَبَا
هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ
قَالَ: إِذَا أَنْفَقَتِ الْمَرْأَةُ مِنْ كَسِبِ
رَوْجِهَا عَنْ غَيْرِ أَمْرِهِ فَلَهَا نِصْفُ
أَجْرِهِ». [انظر: ٥١٩٢، ٥١٩٥، ٥٣٦٠]

(١٣) بَابُ مِنْ أَحَبِّ الْبَسْطِ فِي
الرِّزْقِ.

٢٠٦٧ - حَدَّثَنَا مُحَمَّدُ ابْنُ أَبِي
يَعْقُوبَ الْكَرْمَانِيَّ: حَدَّثَنَا حَسَّانٌ:
حَدَّثَنَا يُوْسُفُ: قَالَ مُحَمَّدٌ هُوَ الرُّهْرِيُّ
عَنْ أَنْسِ ابْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ
قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ:

(12) CHAPTER. Allāh's Statement: “...Spend of the good things which you have (legally) earned...” (V.2:267)

2065. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: The Prophet ﷺ said, “If a woman gives in charity from her house meals without wasting (i.e., being extravagant), she will get the reward for her giving, and her husband will also get the reward for his earning and the storekeeper will also get a similar reward. The acquisition of the reward of none of them will reduce the reward of the others.”

2066. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, “If a woman gives something (i.e., in charity) from her husband's earnings without his permission, she will get half his reward.”

(13) CHAPTER. Whoever liked to expand in his sustenance.

2067. Narrated Anas bin Mālik رَضِيَ اللَّهُ عَنْهُ: I heard Allāh's Messenger ﷺ saying, “Whoever desires an expansion in his sustenance and age, should keep good relations with his kith and kin.”

مَنْ سَرَّهُ أَنْ يُبَسِّطَ لَهُ فِي رِزْقِهِ أَوْ
يُنْسَأَ لَهُ فِي أَتْرِهِ فَلْيَصِلْ رَحْمَهُ.

[انظر: ٥٩٨٦]

(١٤) بَابُ شِرَاءِ النَّبِيِّ ﷺ بِالنَّسِيَّةِ

(14) CHAPTER. The Prophet ﷺ purchased (foodgrains) on credit.

2068. Narrated ‘Āishah : رَضِيَ اللَّهُ عَنْهَا The Prophet ﷺ purchased food grains from a Jew on credit and mortgaged his iron armour to him.

٢٠٦٨ - حَدَّثَنَا مُعَلَّى بْنُ أَسْدٍ :
حَدَّثَنَا عَبْدُ الْواحِدِ : حَدَّثَنَا الْأَعْمَشُ
قَالَ : ذَكَرْنَا عِنْدَ إِبْرَاهِيمَ : الرَّهْنُ فِي
السَّلَمِ ، فَقَالَ : حَدَّثَنِي الْأَسْوَدُ ، عَنْ
عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا : أَنَّ النَّبِيَّ ﷺ
اشْتَرَى طَعَاماً مِنْ يَهُودِيٍّ إِلَى أَجَلٍ
وَرَهَنَهُ دِرْعَةً مِنْ حَدِيدٍ . [انظر: ٢٠٩٦ ،
٢٥٠٩ ، ٢٣٨٦ ، ٢٢٥٢ ، ٢٢٥١ ، ٢٢٠٠ ،
٢٥١٣ ، ٢٩١٦ ، ٤٤٦٧]

2069. Narrated Qatāda : Anas رَضِيَ اللَّهُ عَنْهُ went to the Prophet ﷺ with barley bread having some dissolved fat on it. The Prophet ﷺ had mortgaged his armour to a Jew in Al-Madina and took from him some barley for his family. Anas heard him saying, “The household of Muhammad ﷺ did not possess even a single Sā‘ of wheat or food grains for their evening meal, although he has nine wives (to look after)”.

[See *Hadīth* No. 2508]

٢٠٦٩ - حَدَّثَنَا مُسْلِمٌ : حَدَّثَنَا
هِشَامٌ : حَدَّثَنَا قَتَادَةُ ، عَنْ أَنَسٍ حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ
حُوَشَّبٍ : حَدَّثَنَا هِشَامُ الدَّسْتُوَائِيُّ عَنْ
الْبَصْرِيِّ : حَدَّثَنَا هِشَامُ الدَّسْتُوَائِيُّ عَنْ
قَتَادَةَ ، عَنْ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ : أَنَّهُ
مَشَى إِلَى النَّبِيِّ ﷺ بِخُبْزٍ شَعِيرٍ وَإِهَالَةٍ
سِنَحَةٍ ، وَلَقَدْ رَهَنَ النَّبِيُّ ﷺ دِرْعَةً
بِالْمَدِيَّةِ عِنْدَ يَهُودِيٍّ وَأَخَذَ مِنْهُ شَعِيرًا
لِأَهْلِهِ . وَلَقَدْ سَوْغَتْهُ يَقُولُ : «مَا أَمْسَى
عِنْدَ آلِ مُحَمَّدٍ ﷺ صَاعٌ بُرًّا وَلَا صَاعٌ
حَبًّا ، وَإِنَّ عِنْدَهُ لَتَسْعَ نِسْوَةً» .

[انظر: ٢٥٠٨]

(15) CHAPTER. The earnings of a person and his manual labour.

2070. Narrated 'Āishah: When Abū Bakr Aṣ-Śiddīq was chosen Caliph, he said, "My people know that my profession was not incapable of providing sustenance to my family. And as I will be busy serving the Muslim nation, my family will eat from the National Treasury of Muslims, and I will practise the profession of serving the Muslims."

2071. Narrated 'Āishah: The companions of Allāh's Messenger ﷺ used to practise manual labour, so their sweat used to smell, and they were advised to take a bath.

2072. Narrated Al-Miqdām: The Prophet ﷺ said, "Nobody has ever eaten a better meal than that which one has earned by working with one's own hands. The Prophet of Allāh, Dāwūd (David) عليه السلام used to eat from the earnings of his manual labour."

(١٥) بَابُ كَسْبِ الرَّجُلِ وَعَمَلِهِ بِيَدِهِ

٢٠٧٠ - حَدَّثَنِي إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ حَدَّثَنِي عَلَيْهِ بْنُ وَهْبٍ، عَنْ يُونُسَ، عَنْ أَبْنِ شَهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الْزَّبِيرِ أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: لَمَّا اسْتَحْلَفَ أَبُو بَكْرُ الصَّدِيقِ قَالَ: لَقَدْ عَلِمْتُ قَوْمِي أَنَّ حِرْفَتِي لَمْ تَكُنْ تَعْجِزُ عَنْ مَؤْوَنَةِ أَهْلِي وَشَغَلْتُ بِأَمْرِ الْمُسْلِمِينَ، فَسَيَأْكُلُ آلَ أَبِيهِ بَكْرٍ مِنْ هَذَا الْمَالِ وَأَحْتَرِفُ لِلْمُسْلِمِينَ فِيهِ.

٢٠٧١ - حَدَّثَنَا مُحَمَّدٌ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ: حَدَّثَنَا سَعِيدٌ قَالَ: حَدَّثَنِي أَبُو الْأَسْوَدِ، عَنْ عُرْوَةَ قَالَ: قَالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا: كَانَ أَصْحَابُ رَسُولِ اللَّهِ ﷺ عُمَّالَ أَنْفُسِهِمْ، فَكَانُ يُكُونُ لَهُمْ أَرْوَاحُ، فَقَبِيلَ لَهُمْ: لَوْ اغْسِلْتُمْ رَوَاهَ هَمَّامٌ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ. [راجع: ٩٣]

٢٠٧٢ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى: أَخْبَرَنِي [عِيسَى بْنُ يُونُسَ]، عَنْ ثَورٍ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنِ الْمِقْدَامِ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «مَا أَكَلَ أَحَدٌ طَعَاماً فَطُّحَ خَيْرًا مِنْ أَنْ يَأْكُلَ مِنْ عَمَلِ يَدِهِ، وَإِنَّ نَبِيَ اللَّهِ دَاؤُدَ عَلَيْهِ السَّلَامُ كَانَ يَأْكُلُ مِنْ عَمَلِ يَدِهِ».

2073. Narrated Abū Hurairah رضي الله عنه said, "The Prophet Dāwūd (David) عليه السلام used not to eat except from the earnings of his manual labour."

٢٠٧٣ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى : حَدَّثَنَا عَبْدُ الرَّزَاقِ : أَخْبَرَنَا مَعْمَرٌ، عَنْ هَمَّامَ بْنِ مُبِيْهِ : حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «أَنَّ دَاؤَ النَّبِيِّ عَلَيْهِ السَّلَامُ كَانَ لَا يَأْكُلُ إِلَّا مِنْ عَمَلٍ يَدِيهِ». [انظر: ٤٧١٣، ٣٤١٧]

2074. Narrated Abū Hurairah رضي الله عنه said, "No doubt, it is better for anyone of you to cut a bundle of wood and carry it over his back rather than to ask somebody who may or may not give him."

[See H.2374].

٢٠٧٤ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ : حَدَّثَنَا الْيَثْرَى، عَنْ عَقْنَيلٍ، عَنْ ابْنِ شَهَابٍ، عَنْ أَبِي عَبْيَدَ مَوْلَى عَبْدِ الرَّحْمَنِ ابْنِ عَوْفٍ : أَنَّهُ سَمِعَ أَبَاهُ هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «لَانْ يَحْتَطِبْ أَحَدُكُمْ حُزْمَةً عَلَى ظَهْرِهِ خَيْرٌ مِّنْ أَنْ يَسْأَلَ أَحَدًا فَيُعْطِيهِ أَوْ يَمْنَعْهُ». [١٤٧٠]

2075. Narrated Az-Zubair bin Al-Awwām رضي الله عنه said, "One would rather take a rope (and cut wood and carry it than to ask others)."

٢٠٧٥ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى : حَدَّثَنَا وَكِيعٌ : حَدَّثَنَا هِشَامٌ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ الزُّبَيرِ بْنِ الْعَوَامِ رَضِيَ اللَّهُ عَنْهُ قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «لَانْ يَأْخُذْ أَحَدُكُمْ أَخْبَلَهُ». [راجعاً: ١٤٧١]

(16) CHAPTER. One should be lenient and generous in bargaining, and whoever demands his debts back should do so in a modest lenient manner.

2076. Narrated Jābir bin ‘Abdullāh رضي الله عنهما said, "May Allāh's Mercy be on him who is lenient in his buying, selling, and in demanding back his money."

٢٠٧٦ - حَدَّثَنَا عَلَيُّ بْنُ عَيَّاشَ : حَدَّثَنَا أَبُو عَسَانَ قَالَ : حَدَّثَنِي مُحَمَّدُ بْنُ الْمُنْكَدِرِ، عَنْ جَاءِرِ بْنِ عَبْدِ اللَّهِ

رَضِيَ اللَّهُ عَنْهُمَا : أَنَّ رَسُولَ اللَّهِ ﷺ
قَالَ : «رَحْمَةُ اللَّهِ رَجُلًا سَمْحًا إِذَا
بَاعَ ، وَإِذَا اشْتَرَى ، وَإِذَا افْتَضَى ». .

(١٧) بَابُ مَنْ أَنْظَرَ مُوسِرًا

(17) CHAPTER. Whoever gave time to a rich person to pay at his convenience.

2077. Narrated Hudhaifa : رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ said, “Before your time the angels took the soul of a man and asked him, ‘Did you do any good deeds (in your life)?’ He replied, ‘I used to order my employees to grant time to the rich person to pay his debts at his convenience and excuse the one in hard circumstances’. So Allāh said to the angels : ‘Excuse him.’”

Rab'i said that (the dead man said), “I used to be easy to the rich and grant time to the one in hard circumstances.” Or, in another narration, “...grant time to the well-off and forgive the one in hard circumstances,” or, “...accept from the well-off and forgive the one in hard circumstances.”

٢٠٧٧ - حَدَّثَنَا أَخْمَدُ بْنُ يُوْسَنَ :
حَدَّثَنَا زُهَيرٌ : حَدَّثَنَا مَنْصُورٌ : أَنَّ
رِبْعَيَّ ابْنَ حِرَاشٍ ، حَدَّثَهُ : أَنَّ حُذَيْفَةَ
رَضِيَ اللَّهُ عَنْهُ حَدَّثَهُ قَالَ : قَالَ النَّبِيُّ
ﷺ : «تَلَقَّتِ الْمَلَائِكَةُ رُوحَ رَجُلٍ
مِّنْ كَانَ قَبْلَكُمْ ، فَقَالُوا : أَعْمَلْتَ مِنَ
الْحَسَنَاتِ شَيْئًا؟ قَالَ : كُنْتُ أُمْرُ فَتِينَانِي أَنْ
يُنْظِرُوكُمْ وَيَتَجَاهِزُوكُمْ عَنِ الْمُوسِرِ ، قَالَ :
فَتَجَاهِزُوكُمْ عَنْهُ ». .

قَالَ أَبُو عَبْدِ اللَّهِ : وَقَالَ أَبُو مَالِكَ
عَنْ رِبْعَيِّ : «كُنْتُ أَيْسَرُ عَلَى الْمُوسِرِ
وَأَنْظَرُ الْمُعْسِرَ». وَتَابَعَهُ شَعْبَةُ عَنْ
عَبْدِ الْمَلِكِ ، عَنْ رِبْعَيِّ . وَقَالَ أَبُو
عَوَانَةَ ، عَنْ عَبْدِ الْمَلِكِ ، عَنْ رِبْعَيِّ :
«أَنْظَرُ الْمُوسِرَ وَأَتَجَاهِزُ عَنِ الْمُعْسِرِ». .
وَقَالَ نُعَيْمُ بْنُ أَبِي هَنْدٍ ، عَنْ رِبْعَيِّ :
«فَأَقْبَلَ مِنَ الْمُوسِرِ وَأَتَجَاهِزُ عَنِ
الْمُعْسِرِ». [انظر : ٢٣٩١ ، ٣٤٥١]

(١٨) بَابُ مَنْ أَنْظَرَ مُعْسِرًا.

(18) CHAPTER. Whoever waited for a person in hard circumstances to pay back his debt (i.e., when he is able to repay).

2078. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ said, “There was a merchant who used to lend the people, and whenever his debtor was in straitened circumstances, he would say to his employees, ‘Forgive him

٢٠٧٨ - حَدَّثَنَا هِشَامُ بْنُ عَمَارٍ :
حَدَّثَنَا يَحْيَى بْنُ حَمْرَةَ : حَدَّثَنَا
الرَّبِيعِيُّ ، عَنِ الرَّهْرِيِّ ، عَنْ عُبَيْدِ اللَّهِ

so that Allāh may forgive us.' So, Allāh forgave him."

بِنْ عَبْدِ اللَّهِ: أَنَّهُ سَمِعَ أبا هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُ - عَنِ النَّبِيِّ ﷺ قَالَ: «كَانَ تَاجِرٌ يُدَايِنُ النَّاسَ فَإِذَا رَأَى مُعْسِرًا قَالَ لِفَتْيَاهِ: تَجَوَّزُوا عَنْهُ لَعْلَّ اللَّهُ أَنْ يَتَحَاجَّا وَزَعْنًا. فَتَجَوَّزُ اللَّهُ عَنْهُ». [انظر: ٣٤٨٠]

(١٩) بَابٌ: إِذَا بَيْنَ الْبَيْعَانِ وَلَمْ يَكُشُّا وَنَصَحا.

(19) CHAPTER. If both the seller and the buyer explain the good and bad points concerning the transaction and hide nothing and give sincere advice (then they are blessed in their bargain).

Al-'Addā' bin Khālid said, "The Prophet ﷺ got this statement written for me: 'This is what Muhammad, Allāh's Messenger ﷺ bought from 'Addā' bin Khālid as a Muslim sells to another Muslim and that it (i.e., the bought slave) is neither sick, nor bad-behaved nor stolen.'"

Qatāda said that *Al-Ghāila* means: adultery, theft or (the slave) who runs away.

It was said to Ibrāhīm, "Some brokers name their stables and the stables of Khurāsān and Sigstān and say, 'It (i.e., the animal) arrived from Khurāsān only yesterday (or) it came from Sigstān today.'" Ibrāhīm hated that very much.

'Uqba bin 'Āmir said, "It is illegal for one to sell a thing if one knows that it has a defect, unless one informs the buyer of that defect."

2079. Narrated Hākim bin Hizām رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ said, "The seller and the buyer have the right to keep or return goods as long as they have not parted, or till they part; and if both the parties spoke the truth and described the defects and qualities (of the goods), then they would be blessed in their transaction, and if they told lies or hid something, then the blessings of their

وَيُذَكِّرُ عَنِ الْعَدَاءِ بْنِ خَالِدٍ، قَالَ: كَتَبَ لِي النَّبِيُّ ﷺ: «هَذَا مَا اشترَى مُحَمَّدٌ رَسُولُ اللَّهِ ﷺ مِنَ الْعَدَاءِ بْنِ خَالِدٍ، بَعْثَةً الْمُسْلِمِ مِنَ الْمُسْلِمِ، لَا ذَاءَ وَلَا خَبْثَةَ، وَلَا غَائِلَةَ». وَقَالَ فَتَادَةُ: الْغَائِلَةُ: الرِّنَا والسُّرْقَةُ وَالإِبَاقُ. وَقِيلَ لِإِبْرَاهِيمَ: إِنَّ بَعْضَ النَّخَاسِينَ سُسَمِيَّ آرَى خُرَاسَانَ وَسِجِّسْتَانَ، فَيَقُولُ: جَاءَ أَمْسِ مِنْ خُرَاسَانَ، جَاءَ الْيَوْمَ مِنْ سِجِّسْتَانَ، فَكَرِهَهُ كَرَاهَةً شَدِيدَةً. وَقَالَ عُقْبَةُ بْنُ عَامِرٍ: لَا يَحِلُّ لِأَمْرِيَ بَيْعُ سِلْعَةٍ يَعْلَمُ أَنَّهَا ذَاءٌ إِلَّا أَخْبَرَهُ.

٢٠٧٩ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا شَعْبَةُ، عَنْ فَتَادَةَ، عَنْ صَالِحِ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ رَفَعَهُ إِلَى حَكِيمِ بْنِ حِزَامَ - رَضِيَ اللَّهُ عَنْهُمْ - قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْبَيْعَانُ بِالْخَيْرِ مَا لَمْ

transaction would be lost."

يَتَفَرَّقاً، أَوْ قَالَ: حَتَّى يَتَفَرَّقاً، فَإِنْ صَدَقاً وَبَيْنَا بُورَكَ لَهُمَا فِي بَيْنِهِمَا، وَإِنْ كَتَمَا وَكَذَبَا مُحِقَّتْ بَرَكَةُ بَيْنِهِمَا». [انظر: ٢٠٨٢، ٢٠٨٣، ٢١١٠، ٢١١٤]

(20) CHAPTER. Selling of mixed dates.

2080. Narrated Abū Sa‘id: We used to be given mixed dates (from the booty) and used to sell (barter) two *ṣā‘* (of those dates) for one *ṣā‘* (of good dates). The Prophet ﷺ said (to us), "No (bartering of) two *ṣā‘*, for one *ṣā‘* nor two Dirhams for one Dirham is permissible", [as that is a kind of *Ribā* (usury)].

[See *Hadīth* No.2201, 2202].

(21) CHAPTER. What is said about the meat seller and the butcher.

2081. Narrated Abū Mas‘ūd: An *Anṣārī* man, called Abū Shu‘aib, came and told his butcher slave, "Prepare meals sufficient for five persons, for I want to invite the Prophet ﷺ along with four other persons as I saw signs of hunger on his face." Abū Shu‘aib invited them and another person came along with them. The Prophet ﷺ said (to Abū Shu‘aib), "This man followed us, so if you allow him, he will join us, and if you want him to return, he will go back." Abū Shu‘aib said, "No, I have allowed him (i.e., he, too, is welcomed to the meal)."

(٢٠٨٠) **بَابُ بَيْعِ الْخُلُطِ مِنَ التَّمْرِ**
٢٠٨٠ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا شَيْبَانُ، عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا نُزَرِقُ تَمَرَ الْجَمْعَ وَهُوَ الْخُلُطُ مِنَ التَّمْرِ. وَكُنَّا نَبِيِّ صَاعِينَ بِصَاعِ، فَقَالَ النَّبِيُّ ﷺ: «لَا صَاعِينَ بِصَاعِ، وَلَا دَرْهَمِينَ بِدَرْهَمٍ».

(٢١) **بَابُ مَا قِيلَ فِي الْلَّحَامِ وَالْجَرَارِ**

٢٠٨١ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا الْأَعْمَشُ قَالَ: حَدَّثَنِي شَيْقَقُ، عَنْ أَبِي مَسْعُودٍ، قَالَ: جَاءَ رَجُلٌ مِنَ الْأَنْصَارِ يُكْتَنِي أَبَا شَعِيبٍ فَقَالَ لِعَلَامٍ لَهُ قَصَابٍ: اجْعَلْ لِي طَعَاماً يَكْفِي خَمْسَةَ مِنَ النَّاسِ فَإِنِّي أُرِيدُ أَنْ أَذْعُو النَّبِيَّ ﷺ خَامِسَةَ حَمْسَيْةَ، فَإِنِّي قَدْ عَرَفْتُ فِي وَجْهِهِ الْجُوعَ. فَدَعَاهُمْ فَجَاءَ مَعَهُمْ رَجُلٌ فَقَالَ النَّبِيُّ ﷺ: «إِنَّ هَذَا قَدْ تَبَعَنَا فَإِنْ شِئْتَ أَنْ تَأْذَنَ لَهُ فَأُذْنَ لَهُ وَإِنْ شِئْتَ أَنْ تَرْجِعَ رَجْعَ». فَقَالَ: لَا، بَلْ قَدْ أَذْنْتُ لَهُ». [انظر: ٥٤٦١، ٥٤٣٤]

(22) CHAPTER. What is said regarding the loss (of blessing) if one tells lies or hides the facts in a deal.

2082. Narrated Ḥakīm bin Ḥizām رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ said, “The buyer and the seller have the option to cancel or to confirm the deal as long as they have not parted, or till they part, and if they spoke the truth and told each other the defects of the things, then blessings would be in their deal, and if they hid something and told lies, the blessing of the deal would be lost.”

(23) CHAPTER. The Statement of Allāh تعالى: “O you who believe! Eat not *Ribā* (usury)⁽¹⁾ doubled and multiplied.” (V.3:130)

2083. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ said; “Certainly a time will come when people will not bother to know from where they earned the money, by lawful means or the unlawful means.”

[See H.2059].

(24) CHAPTER. (The sin of) one who eats *Ribā* (usury), its witness and its writer.

And the Statement of Allāh تعالى:

“Those who eat *Ribā* (usury) will not stand (on the Day of Resurrection) except like standing of a person beaten by *Shaitan* (Satan) leading him to insanity.

That is because they say: Trading is only like *Riba* (usury). Whereas Allāh has permitted trading and forbidden *Ribā*

(٢٢) بَابُ مَا يَنْحَقُ الْكَذِبُ
وَالْكِتْمَانُ فِي الْبَيْعِ

٢٠٨٢ - حَدَّثَنَا بَدْلُ بْنُ الْمُجَبَّرِ: حَدَّثَنَا شُعْبَةُ عَنْ قَاتِدَةَ، قَالَ: سَمِعْتُ أَبا الْحَلِيلِ يُحَدِّثُ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ عَنْ حَكِيمِ بْنِ حَرَامَ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْبَيْعَانُ بِالْخَيْرِ مَا لَمْ يَتَفَرَّقاً - أَوْ قَالَ: حَتَّى يَتَفَرَّقاً - فَإِنْ صَدَقاَ وَبَيَّنَا بُورَكَ لَهُمَا فِي بَيْعِهِمَا، وَإِنْ كَتَمَا وَكَذَبَا مُحِقَّتْ بَرَكَةُ بَيْعِهِمَا». [راجع: ٢٠٧٩]

(٢٣) بَابُ قَوْلِ اللَّهِ عَزَّ وَجَلَّ: «يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا أَضْعَافًا مُضْعَفَةً» الآية [آل عمران: ١٣٠].

٢٠٨٣ - حَدَّثَنَا أَدَمُ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ: حَدَّثَنَا سَعِيدُ الْمَقْبُرِيُّ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «يَا أَيُّهَا النَّاسُ رَمَانٌ لَا يُبَالِي الْمَرْءُ بِمَا أَخْذَ الْمَالَ أَمْنٌ حَلَالٌ أَمْ مِنْ حَرَامٍ». [راجع: ٢٠٥٩]

(٢٤) بَابُ أَكْلِ الرِّبَا وَشَاهِدِهِ وَكَايِهِ،

وَقَوْلِ اللَّهِ تَعَالَى: «أَلَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَعُوْمُنَ إِلَّا كَمَا يَعُوْمُ الَّذِي يَتَبَطَّلُهُ الشَّيْطَانُ مِنَ الْمَسَى ذَلِكَ يَأْتِهِمْ قَالُوا إِنَّا الْبَيْعَ مُشَكِّلٌ لِرِبَا وَأَحَلَ اللَّهُ الْبَيْعَ وَحْرَمَ الرِّبَا فَمَنْ جَاءَ مُوْعَدَةً

(1) (Chap.23) “*Ribā*”: See the glossary.

(usury). “So, whosoever receives an admonition from his Lord and stops eating *Ribā* (usury) shall not be punished for the past; his case is for Allāh (to judge); but whoever returns [to *Ribā* (usury)], such are the dwellers of the Fire-they will abide therein.” (V.2:275)

2084. Narrated ‘Āishah: When the last Verses of *Sūrat Al-Baqarah* were revealed, the Prophet ﷺ recited them in the mosque and proclaimed the trade of alcohol i.e., liquors as illegal.⁽¹⁾

مِنْ رَبِّيهِ فَإِنَّهُمْ فَلَمْ يَرَوْهُ مَا سَلَفَ وَأَمْرَهُ إِلَيْهِ اللَّهُ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَلِيلُوكَ ﴿٢٧٥﴾ [البقرة: ٢٧٥]

٢٠٨٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: عَنْ عُنْدَرٍ: عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، عَنْ أَبِي الصَّحْنَى عَنْ مَسْرُوقٍ، عَنْ عَاشِيَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: لَمَّا نَزَّلْتُ أَخِرَ الْبَقَرَةَ قَرَأْهُ النَّبِيُّ ﷺ عَلَيْهِمْ فِي الْمَسْجِدِ ثُمَّ حَرَمَ التِّجَارَةَ فِي الْحَمْرِ. [رَاجِعٌ: ٤٥٩]

2085. Narrated Samura bin Jundab رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, “This night I dreamt that two men came and took me to a sacred land whence we proceeded on till we reached a river of blood, and in it (its middle) there was a man, and on its bank was standing another man with stones in his hands. The man in the middle of the river tried to come out, but the other threw a stone in his mouth and forced him to go back to his original place. So, whenever he tried to come out, the other man would throw a stone in his mouth and force him to go back to his former place. I asked, ‘Who is this?’ I was told, ‘The person in the river was a *Ribā*-eater.’”

٢٠٨٥ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ: حَدَّثَنَا أَبُو رَجَاءُ، عَنْ سَمْرَةَ بْنِ جُنْدُبٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ: «رَأَيْتُ الْلَّيْلَةَ رَجُلَيْنِ أَيَّانِي فَأَخْرَجَ جَانِي إِلَى أَرْضِ مَقْدَسَةٍ فَانْظَلَّنَا حَتَّى أَتَيْنَا عَلَى نَهْرٍ مِنْ دَمٍ فِيهِ رَجُلٌ قَائِمٌ، وَعَلَى وَسْطِ النَّهْرِ رُجْلٌ بَيْنِ يَدَيْهِ حِجَارَةً، فَأَقْبَلَ الرَّجُلُ الَّذِي فِي النَّهْرِ فَإِذَا أَرَادَ أَنْ يَخْرُجَ رَمَى الرَّجُلُ بِحَجَرٍ مِنَ الْحِجَارَةِ فِيهِ فَرَدَهُ حَيْثُ كَانَ، فَجَعَلَ كُلُّمَا جَاءَ لِيَخْرُجَ رَمَى فِي فِيهِ بِحَجَرٍ فَيَرْجِعُ كَمَا كَانَ. فَقُلْتُ مَا هَذَا؟ فَقَالَ: الَّذِي رَأَيْتُهُ فِي النَّهْرِ: أَكْلُ الرِّبَا». [رَاجِعٌ: ٨٤٥]

(1) (H. 2084) Imām Al-Bukhārī includes this *Hadīth* here because the last Verses of *Sūrat Al-Baqarah* deal with the topic of *Ribā*, too.

(25) CHAPTER. (The sin of) the *Ribā*-giver.

As is referred to in the Statement of Allāh : عَالَى:

"O you who believe! Be afraid of Allāh and give up what remains (due to you) from *Ribā* (usury) (from now onwards), if you are (really) believers. And if you do not do it, then take a notice of war from Allah and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly (by asking more than your capital sums), and you shall not be dealt with unjustly (by receiving less than your capital sums). And if the debtor is in a hard time (has no money), then grant him time till it is easy for him to repay, but if you remit it by way of charity, that is better for you if you did but know. And be afraid of the Day when you shall be brought back to Allah. Then every person shall be paid what he earned, and they shall not be dealt with unjustly." (V.2:278-281)

Ibn Abbās said, "This was the last Verse revealed to the Prophet ﷺ."

2086. Narrated 'Aūn bin Abū Juhaifa : My father bought a slave who practised the profession of cupping. (My father broke the slave's instruments of cupping). I asked my father why he had done so. He replied, "The Prophet ﷺ forbade the acceptance of the price of a dog or blood, and also forbade the profession of tattooing, or getting tattooed and the eater of *Ribā*, (usury) and also the one who gives it, and cursed the picture-makers."

[See *Hadīth* No. 2238]

(26) CHAPTER.: "Allāh will destroy *Ribā* (usury) and will give increase for *Sadaqat* (deeds of charity , alms). And Allāh likes not the disbelievers, sinners!" (V.2:276)

2087. Narrated Abū Hurairah رضي الله عنه : I heard Allāh's Messenger ﷺ saying, "The

بَابُ مُوكِلِ الرِّبَا لِقَوْلِ اللَّهِ عَزَّ وَجَلَّ : «يَأَيُّهَا الَّذِينَ آمَنُوا إِذَا عَرَفُوا أَنَّهُ وَذَرُوا مَا بَقَى مِنَ الْرِّبَا إِنْ كُنْتُمْ مُؤْمِنِينَ ﴿٦﴾ فَإِنَّمَا تَعْمَلُونَ فَإِذَا وَرَدُوكُمْ مِنَ اللَّهِ وَرَسُولِهِ وَإِنْ تُبْتُمْ فَلَكُمْ رُءُوسُ أَموالِكُمْ لَا تَنْظِلُمُونَ وَلَا تُنْظَلُمُونَ ﴿٧﴾ وَإِنْ كَانَ دُونَ عُسْرَةٍ فَنَظِرْهُ إِلَى مَيْسَرٍ وَإِنْ نَصَدُقُوهُ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَسْلِمُونَ وَإِنْ تَعْوَذُوا يَوْمًا تُرْجَمُونَ فِيهِ إِلَى اللَّهِ ثُمَّ تُوَفَّ كُلُّ نَفْسٍ مَا كَسَبَتْ وَهُنَّ لَا يُظْلَمُونَ ﴿٨﴾ » [البقرة: ٢٧٨] - ٢٨١

وقال ابن عباس : هذه آخر آية
نزلت على النبي ﷺ .

٢٠٨٦ - حَدَّثَنَا أَبُو الْوَلِيدُ : حَدَّثَنَا شُعْبَةُ، عَنْ عَوْنَى بْنِ أَبِي جُحَيْفَةَ، قَالَ: رَأَيْتُ أَبِي اشْتَرَى عَبْدًا حَجَّامًا، فَسَأَلْتُهُ فَقَالَ: نَهَى النَّبِيُّ ﷺ عَنْ ثَمَنِ الْكَلْبِ وَثَمَنِ الدَّمِ. وَنَهَى عَنِ الْوَاشْمَةِ وَالْمَوْشُومَةِ، وَأَكَلَ الرِّبَا وَمُوكِلِهِ، وَلَعِنَ الْمُصَوَّرِ. [انظر:]

٢٢٣٨، ٥٣٤٧، ٥٩٤٥، ٥٩٦٢

(26) بَابُ : «يَسْأَلُ اللَّهُ أَرْبَى وَيَرْبِي الْأَصْدَقَاتِ وَاللَّهُ لَا يُحِبُّ كُلَّ كُفَّارٍ أَئْمَنِينَ ﴿٢٧٦﴾ » [البقرة: ٢٧٦].

٢٠٨٧ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ :

swearing (by the seller) may persuade the buyer to purchase the goods but that will be deprived of Allāh's Blessing.”⁽¹⁾

حدَّثَنَا الْلَّيْثُ، عَنْ يُونُسَ، عَنْ أَبِي شِهَابٍ، قَالَ أَبُو الْمُسِيَّبِ: إِنَّ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْحَلْفُ مَنْفَعَةٌ لِلسلْعَةِ مَمْحَقَةٌ لِلْبَرَكَةِ».

(٢٧) بَابُ مَا يُنْكِرُهُ مِنَ الْحَلْفِ فِي الْبَيْعِ

٢٠٨٨ - حَدَّثَنَا عَمْرُو بْنُ مُحَمَّدٍ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا الْعَوَامُ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَبْدِ اللَّهِ أَبْنِ أَبِي أَوْفَى رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَجُلًا أَقَامَ سِلْعَةً وَهُوَ فِي السُّوقِ فَحَافَ بِاللَّهِ لَقَدْ أَعْطَى بِهَا مَا لَمْ يُعْطِ لِيُوْقَعَ فِيهَا رَجْلًا مِنَ الْمُسْلِمِينَ، فَتَرَكَتْ: «إِنَّ الَّذِينَ يَشْرُونَ بِعَهْدِ اللَّهِ وَأَيْتَنَّهُمْ ثُمَّا قَلِيلًا» [آل عمران: ٧٧].

[انظر: ٢٦٧٥، ٤٠٥١]

(٢٨) بَابُ مَا قِيلَ فِي الصَّوَاعِيدِ وَقَالَ طَاؤُسٌ عَنْ أَبِي عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: قَالَ النَّبِيُّ ﷺ: «لَا يُخْتَلِي خَلَاهَا». وَقَالَ العَبَّاسُ: إِلَّا الإِذْخَرُ، فَإِنَّهُ لِقَبِيْهِمْ وَبَيْوَتِهِمْ. فَقَالَ: «إِلَّا الإِذْخَرُ».

٢٠٨٩ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَنْ اللَّهِ: أَخْبَرَنَا يُونُسَ، عَنْ أَبِي

(28) CHAPTER. What is said about the goldsmiths.

Narrated Ibn 'Abbās : The Prophet ﷺ said, “Do not cut the shrubs of Makkah.” Al-'Abbās said, “Except *Al-Idhkhīr* (a kind of grass). It is used by their blacksmith and for their houses.” The Prophet ﷺ said, “Except *Al-Idhkhīr*.”

2089. Narrated Ali : I got an old she-camel as my share from the booty, and the Prophet ﷺ had given me another

(1) (H. 2087) *Hadīth* No. 2087 confirms the fact that what you earn illegally, decreases ultimately, for it will be deprived of Allāh's Blessing and it will result in bringing about punishment in the Hereafter ; while what you give in charity will be compensated for by the Blessing of Allāh many times, and you will be rewarded for it in the Hereafter as well.

from *Al-Khumus*. And when I intended to marry Fātima (رضي الله عنها) (daughter of the Prophet ﷺ), I arranged that a goldsmith from the tribe of Banī Qainuqā' would accompany me in order to bring *Idhkhīr* and then sell it to the goldsmiths and use its price for my marriage banquet.

شَهَابٌ قَالَ: أَخْبَرَنِي عَلَيُّ بْنُ حُسَيْنٍ: أَنَّ حُسَيْنَ بْنَ عَلَيٍّ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ: أَنَّ عَلَيًّا قَالَ: كَاتَ لَيْ شَارِفٍ مِنْ نَصِيبِي مِنَ الْمَعْنَى وَكَانَ النَّبِيُّ ﷺ أَعْطَانِي شَارِفًا مِنَ الْخُمُسِ، فَلَمَّا أَرَدْتُ أَنْ أَبْتَنِي بِفَاطِمَةَ بْنَتِ رَسُولِ اللَّهِ ﷺ وَاعْدَتْ رَجُلًا صَوَاغًا مِنْ بَنِي قَيْنَاعَ أَنْ يَرْجِلَ مَعِي فَتَأْتِي بِإِذْخِرٍ أَرَدْتُ أَنْ أَبْيَعَهُ مِنَ الصَّوَاغِينَ وَأَسْتَعِنَ بِهِ فِي وَلِيَّةِ عُرْسِيِّ. [انظر: ٢٣٧٥، ٣٠٩١، ٤٠٠٣، ٥٧٩٣]

2090. Narrated Ibn 'Abbās: رَضِيَ اللَّهُ عَنْهُمَا: Allāh's Messenger ﷺ said, "Allāh made Makkah a sanctuary and it was neither permitted for anyone before, nor will it be permitted for anyone after me (to fight in it). And fighting in it was made legal for me for a few hours of a day only. None is allowed to uproot its thorny shrubs or to cut down its trees or to chase its game or to pick up its *Luqata* (fallen things) except by a person who would announce it publicly." 'Abbās bin 'Abdul-Muṭlib requested the Prophet ﷺ, "Except *Al-Idhkhīr*, for our goldsmiths and for the roofs of our houses." The Prophet ﷺ said, "Except *Al-Idhkhīr*." Ikrima said, "Do you know what is meant by chasing its game? It is to drive it out of the shade and to sit in its place." Khālid said, "(*Abbās* said: *Al-Idhkhīr*) for our goldsmiths and our graves."

٢٠٩٠ - حَدَّثَنَا إِسْحَاقُ: حَدَّثَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ، عَنْ خَالِدٍ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ اللَّهَ حَرَمَ مَكَّةَ وَلَمْ تَحلِّ لِأَحَدٍ قَبْلِيَّ وَلَا لَآخِدٍ بَعْدِيِّ، وَإِنَّمَا أُحِلَّتْ لِي سَاعَةً مِنْ نَهَارٍ لَا يُحْتَلِي حَلَاهَا، وَلَا يُفْعَدُ شَجَرُهَا، وَلَا يَنْقُرُ صَدِيدُهَا، وَلَا يُلْنَقُطُ لَفْظُهَا إِلَّا لِمَعْرِفَةٍ». وَقَالَ عَبَّاسُ بْنُ عَبْدِ الْمُطَّلِبِ: إِلَّا الإِذْخَرُ لِصَاعِدَتِنَا وَلِسُفْفُرِ يَوْتَنَا، فَقَالَ: «إِلَّا الإِذْخَرُ». فَقَالَ عِكْرَمَةُ: هَلْ تَذَرِّي مَا يَنْقُرُ صَدِيدُهَا؟» فَوَرَأَ أَنَّ تَسْخِيَةً مِنَ الظَّلِّ وَتَنْزِلَ مَكَانَهُ. قَالَ عَبْدُ الرَّوَّاهِ، عَنْ خَالِدٍ: لِصَاعِدَتِنَا وَقُبُورَنَا. [راجع: ١٣٤٩]

(29) CHAPTER. The mentioning of blacksmiths.

2091. Narrated Khabbāb : رَضِيَ اللَّهُ عَنْهُ I was a blacksmith in the Pre-Islamic Period of Ignorance , and ‘Aaṣ bin Wā’il owed me some money, so I went to him to demand it. He said (to me), “I will not pay you unless you disbelieve Muhammad ﷺ .” I said, “I will not disbelieve till Allāh kills you and then you get resurrected.” He said, “Leave me till I die and get resurrected, then I will be given wealth and children and I will pay you your debt.” On that occasion it was revealed to the Prophet ﷺ : “Have you seen him who disbelieved in Our Ayāt (this Qur’ān and Muhammad ﷺ) and said : ‘I shall certainly be given wealth and children [(if I will be alive (again)]? Has he known the unseen, or has he taken a covenant from the Most Gracious (Allāh)?” (V.19:77,78)

(٢٩) بَابُ ذِكْرِ الْقَيْنِ وَالْحَدَادِ

٢٠٩١ - حَدَّثَنِي مُحَمَّدُ بْنُ شَبَّارٍ : حَدَّثَنَا إِبْرَاهِيمُ أَبْنُ أَبِي عَدِيٍّ، عَنْ شَعْبَةَ، عَنْ سُلَيْمَانَ، عَنْ أَبِي الصُّحَاحِ عَنْ مَسْرُوقٍ، عَنْ خَبَابٍ قَالَ: كُنْتُ فِينَا فِي الْجَاهِلِيَّةِ وَكَانَ لِي عَلَى الْعَاصِي أَبْنِ وَائِلٍ دَيْنٌ فَأَتَيْتُهُ أَنْقَاضَاهُ، قَالَ: لَا أُعْطِيكَ حَتَّى تَكُفُّرَ بِمُحَمَّدٍ ﷺ، فَقُلْتُ: لَا أَكُفُّرُ حَتَّى يُمْيِنَكَ اللَّهُ ثُمَّ تُبَعَثُ . قَالَ: دَعْنِي حَتَّى أُمُوتَ وَأُبَعَثَ فَسَأُوتِي مَالًا وَوَلَدًا فَأَقْضِيكَ فَتَرَكْتُ: ﴿أَرَأَيْتَ الَّذِي كَفَرَ بِإِيمَانِنَا وَقَالَ لَأُوتِيَ مَالًا وَوَلَدًا﴾ (٧٦) أَطْلَعَ النَّبِيَّ أَمْ أَخْذَ عِنْدَ الرَّحْمَنِ عَهْدًا (٧٨) [مريم : ٧٧ - ٧٨]. [انظر: ٤٧٣٤، ٤٧٣٢، ٤٧٣٢، ٢٤٢٥، ٢٢٧٥، ٤٧٣٥]

(30) CHAPTER. The mentioning of the tailor.

2092. Narrated Ishāq bin ‘Abdullāh bin Abū Ṭalḥā : رَضِيَ اللَّهُ عَنْهُ I heard Anas bin Mālik saying, “A tailor invited Allāh’s Messenger ﷺ to a meal which he had prepared.” Anas bin Mālik said, “I accompanied Allāh’s Messenger ﷺ to that meal. He served the Prophet ﷺ with bread and soup made with gourd and dried meat. I saw the Prophet ﷺ taking the pieces of gourd from the dish.” Anas added, “Since that day I have continued to like gourd.”

٢٠٩٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكٌ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ أَبْنِ أَبِي طَلْحَةَ: أَنَّهُ سَمِعَ أَنَسَّ بْنَ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: إِنَّ حَيَاطًا دَعَا رَسُولَ اللَّهِ ﷺ لِطَعَامٍ صَنَعَهُ، قَالَ أَنَسُ بْنُ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ: فَدَهَبَتْ مَعَ رَسُولِ اللَّهِ ﷺ إِلَى ذَلِكَ الطَّعَامِ، فَقَرَبَ إِلَى رَسُولِ اللَّهِ

حُبْزاً وَمَرْفَأاً فِيهِ دُبَاءُ وَقَدِيدُ،
فَرَأَيْتُ النَّبِيَّ ﷺ يَتَبَعَ الدُّبَاءَ مِنْ
حَوَالَيِ الْفَصْعَةِ. قَالَ: فَلَمْ أَرَلْ أَحَبَ
الدُّبَاءَ مِنْ يَوْمِئِدٍ. [انظر: ٥٣٧٩،
٥٤٢٠، ٥٤٣٣، ٥٤٣٦، ٥٤٣٧]

(31) CHAPTER. The weaver.

2093. Narrated Abū Ḥāzim: I heard Sahl bin Sa‘d saying, “A woman brought a *Burda* (i.e., a square piece of cloth having frills). I asked, ‘Do you know what a *Burda* is?’ They replied in the affirmative and said, ‘It is a cloth sheet with woven margins.’” Sahl went on, “She addressed the Prophet ﷺ and said, ‘I have woven it with my hands for you to wear.’ The Prophet ﷺ took it as he was in need of it, and came to us wearing it as a waist sheet. A man from those (who were present there) said, ‘O Allāh’s Messenger! Give it to me to wear.’ The Prophet ﷺ agreed to give it to him. The Prophet ﷺ sat with the people for a while and then returned (home), wrapped that waist sheet and sent it to him. The people said to that man, ‘You have not done well by asking him for it when you know that he never turns down anybody’s request.’ The man replied, ‘By Allāh, I have not asked him for it except to use it as my shroud when I die.’” Sahl added; “Later it (i.e., that sheet) was his shroud.”

(32) CHAPTER. The carpenter.

2094. Narrated Abū Ḥāzim: Some men came to Sahl bin Sa‘d to ask him about the pulpit. He replied, “Allāh’s Messenger ﷺ sent for a woman (Sahl named her) (this message): ‘Order your slave carpenter to

٢٠٩٣ - حَدَّثَنَا يَحْيَى بْنُ بَكِيرٍ:
حَدَّثَنَا يَعْقُوبُ بْنُ عَبْدِ الرَّحْمَنِ، عَنْ
أَبِي حَازِمٍ قَالَ: سَمِعْتُ سَهْلَ بْنَ
سَعْدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَاءَتِ
إِمْرَأَةٌ بِزِرْدَةٍ، قَالَ: أَتَدْرُونَ مَا الْبَرْدَةُ؟
فَقَيْلَ لَهُ: نَعَمْ، هِيَ الشَّمْلَةُ مَسْوَجَةٌ
فِي حَاسِبَتِهَا، قَالَتْ: يَا رَسُولَ اللَّهِ،
إِنِّي نَسَجْتُ هَذِهِ بِيَدِي أَكْسُوكَهَا.
فَأَخْدَهَا النَّبِيُّ ﷺ مُحْتَاجًا إِلَيْهَا
فَخَرَجَ إِلَيْنَا وَإِنَّهَا إِزارُهُ. فَقَالَ رَجُلٌ
مِنَ الْقَوْمِ: يَا رَسُولَ اللَّهِ، أَكْسُنْيَهَا.
فَقَالَ: «نَعَمْ»، فَجَلَسَ النَّبِيُّ ﷺ فِي
الْمَجْلِسِ ثُمَّ رَجَعَ فَطَوَاهَا، ثُمَّ أَرْسَلَ
بِهَا إِلَيْهِ. فَقَالَ لَهُ الْقَوْمُ: مَا أَخْسَنْتَ
سَأْلَتْهَا إِيَّاهُ، لَقَدْ عَرَفْتَ أَنَّهُ لَا يَرُدُّ
سَائِلًا. فَقَالَ الرَّجُلُ: وَاللَّهِ مَا سَأَلْتُهُ
إِلَّا لِتَخُونَ كَفَنِي يَوْمَ أَمُوتُ، قَالَ
سَهْلٌ: فَكَانَتْ كَفَنَهُ. [راجع: ١٢٧٧]

٢٠٩٤ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ:
حَدَّثَنَا عَبْدُ الْعَزِيزِ، عَنْ أَبِي حَازِمٍ
قَالَ: أَتَى رِجَالٌ سَهْلَ بْنَ سَعْدٍ

make pieces of wood (i.e., a pulpit) for me so that I may sit on it while addressing the people.' So, she ordered him to make it from the tamarisk of the forest. He brought it to her and she sent it to Allāh's Messenger ﷺ. Allāh's Messenger ﷺ ordered it to be placed in the mosque. So, it was put and he sat on it.

يَسْأَلُونَهُ عَنِ الْمِنْبَرِ، فَقَالَ: بَعْثَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ إِلَى فُلَانَةٍ - امْرَأَةً قَدْ سَمَّاَهَا سَهْلٌ - أَنْ «مُرِيْ غُلَامَكَ النَّجَارَ يَعْمَلُ لِي أَغْوَادًا أَجْلِسْ عَلَيْهِنَّ إِذَا كَلَمْتُ النَّاسَ»، فَأَمْرَتْهُ يَعْمَلُهَا مِنْ طَرْفَاءِ الْعَابَةِ. ثُمَّ جَاءَ بِهَا فَأَرْسَلَتْ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ بِهَا فَأَمْرَرَ بِهَا فَوْضِعَتْ فَجَلَسَ عَلَيْهَا. [راجع: ٣٧٧]

٢٠٩٥ - حَدَّثَنَا خَلَادُ بْنُ يَحْمَىٰ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ أَيْمَنَ، عَنْ أَبِيهِ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ امْرَأَةً مِنَ الْأَنْصَارِ قَاتَلَتْ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: يَا رَسُولَ اللَّهِ، أَلَا أَجْعَلُ لَكَ شَيْئًا تَقْعُدُ عَلَيْهِ؟ فَإِنَّ لِي غُلَامًا نَجَارًا، قَالَ: إِنْ شِئْتَ، فَعَمِيلَتْ لَهُ الْمِنْبَرَ. فَلَمَّا كَانَ يَوْمُ الْجُمُعَةِ قَعَدَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَى الْمِنْبَرِ الَّذِي صَنَعَ فَصَاحَتِ النَّخْلَةُ الَّتِي كَانَ يَخْطُبُ عِنْدَهَا حَتَّى كَادَتْ أَنْ تَشَقَّقَ، فَنَزَّلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ حَتَّى أَخْذَهَا فَصَسَّهَا إِلَيْهِ، فَجَعَلَتْ تَئِنُّ أَيْنَ الصَّبِيُّ الَّذِي يُسْكَنُ حَتَّى اسْتَقَرَّ. قَالَ: «بَكْتَ عَلَى مَا كَانَتْ تَسْمَعُ مِنَ الذُّكْرِ». [راجع: ٤٤٩]

(٣٣) بَابُ شِرَاءِ الْإِمَامِ الْحَوَاجَ بِنْقَسْسَهُ

وَقَالَ ابْنُ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: اشترَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ جَمَلًا مِنْ عُمَرَ،

2095. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا: An *Ansāri* woman said to Allāh's Messenger ﷺ, "O Allāh's Messenger! Shall I make something for you to sit on, as I have a slave who is a carpenter?" He replied, "If you wish." So, she got a pulpit made for him. When it was Friday, the Prophet ﷺ sat on that pulpit. The date-palm stem, near which the Prophet ﷺ used to deliver his *Khutba* (religious talks), cried so-much-so that it was about to burst. The Prophet ﷺ came down from the pulpit to the stem and embraced it and it started groaning like a child being persuaded to stop crying and then it stopped crying. The Prophet ﷺ said, "It has cried because of (missing) what it used to hear of the religious knowledge."

(See Vol. 4, *Hadīth* No. 3583).

(33) CHAPTER. The purchase by the ruler of his necessities by himself.

Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا said, "The Prophet ﷺ bought a camel from ‘Umar." Ibn ‘Umar purchased (goods) by himself.

34 – THE BOOK OF SALES (BARGAINS)

'Abdur-Rahmān bin Abū Bakr رضي الله عنهما said: "A *Mushrik* came with sheep and the Prophet ﷺ bought a sheep from him and (the Prophet ﷺ also bought) a camel from Jābir."

وأشترى ابن عمر بنفسه. وقال عبد الرحمن بن أبي بكر رضي الله عنهما: جاء مشرك بعمر فاشترى النبي عليه السلام منه شاة، وأشتري من جابر بن عبد الله.

2096. Narrated ‘Aishah رضي الله عنها : Allâh’s Messenger ﷺ bought food grains from a Jew on credit and mortgaged his armour to him.

٢٠٩٦ - حَدَّثَنَا يُوسُفُ بْنُ عِيسَىٰ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: اشترى رَسُولُ اللَّهِ ﷺ مِنْ يَهُودِيًّا طَعَاماً بِنَسِيئَةٍ وَرَهَنَهُ دِرْعَهُ.

[٢٠٦٨ : راجع]

**(34) CHAPTER. The purchase of animals
and donkeys.**

باب شراء الدواب والحمير (٣٤)
ولِإذا اشتريَ دَابَةً أَوْ جَمَلًا وَهُوَ
عَلَيْهِ، هَلْ يَكُونُ ذَلِكَ قَبْضًا قَبْلَ أَنْ
يَنْزَلَ؟

وقال ابن عمر رضي الله عنهم،
قال النبي عليه السلام لعمر: «يعنيه»، يعني
حملة صدعاً.

2097. Narrated Jâbir bin ‘Abdullâh رضي الله عنهما : I was with the Prophet ﷺ in a *Ghazwa* (military expedition) and my camel was slow and exhausted. The Prophet ﷺ came up to me and said, “O Jâbir.” I replied, “Yes?” He said, “What is the matter with you?” I replied, “My camel is slow and tired, so I am left behind.” So, he got down and poked the camel with his stick and then ordered me to ride. I rode the camel and it became so fast that I had to hold it from going ahead of Allâh’s Messenger ﷺ. He then asked me, “Have you got married?” I replied in the affirmative. He asked, “A virgin or a

٢٠٩٧ - حَدَّثَنَا مُحَمَّدُ بْنُ يَشَارِيْ: حَدَّثَنَا عَبْدُ الْوَهَابِ: حَدَّثَنَا عَبْيَدُ اللَّهِ، عَنْ وَهْبِ بْنِ كَيْسَانَ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كُنْتُ مَعَ النَّبِيِّ ﷺ فِي غَرَأَةٍ فَأَبْطَأَ بِي جَمْلِيْ وَأَغْيَا، فَأَتَى عَلَيَّ النَّبِيِّ ﷺ فَقَالَ: «جَابِرِ؟» فَقُلْتُ: نَعَمْ. قَالَ: «مَا شَانْكَ؟» فَقُلْتُ: أَبْطَأَ عَلَيَّ جَمْلِيْ وَأَغْيَا فَتَحَلَّفْتُ، فَنَزَّلَ يَحْجُنُهُ

matron?" I replied, "I married a matron." The Prophet ﷺ said, "Why have you not married a virgin, so that you may play with her and she may play with you?" Jābir replied, "I have sisters (young in age) so I liked to marry a matron who could collect them all and comb their hair and look after them." The Prophet ﷺ said, "You will reach (home), so when you have arrived (at home), I advise you to associate with your wife (that you may have an intelligent son)." Then he asked me, "Would you like to sell your camel?" I replied in the affirmative and the Prophet ﷺ purchased it for one *Uqīya* of gold. Allāh's Messenger ﷺ reached (Al-Madina) before me and I reached in the morning, and when I went to the mosque, I found him at the door of the mosque. He asked me, "Have you arrived just now?" I replied in the affirmative. He said, "Leave your camel and come into (the mosque) and offer a two *Rak'ā* (prayer)." I entered and offered the *Salāt* (prayer). He told Bilāl to weigh and give me one *Uqīya* of gold. So, Bilāl weighed for me fairly and I went away. The Prophet ﷺ sent for me and I thought that he would return to me my camel which I hated more than anything else. But the Prophet ﷺ said to me, "Take your camel as well as its price."

(35) CHAPTER. The markets of the Pre-Islamic Period of Ignorance where the people continued to trade after embracing Islām.

2098. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا: ‘Ukāz, Majanna and Dhul-Majāz were markets in the Pre-Islamic Period of Ignorance. When the people embraced Islām, they considered it a sin to trade

بِمُحْجِنِهِ، ثُمَّ قَالَ: «اِرْكَبْ» فَرَكِبْتُ فَلَمَّا رَأَيْتُهُ أَكْفَهُ عَنْ رَسُولِ اللَّهِ تَعَالَى، قَالَ: «تَرَوَجْتَ؟» قُلْتُ: نَعَمْ، قَالَ: «بَخْرَاً أَمْ تَبَيَّنَ؟» قُلْتُ: بَلْ تَبَيَّنَ، قَالَ: «أَفَلَا جَارِيَةً تُلَاعِبُهَا وَتُلَاعِبُكَ؟» قُلْتُ: إِنَّ لِي أَخْوَاتٍ فَأَخْبَيْتُ أَنْ أَنْزُوَّجَ امْرَأَةً تَجْمَعُهُنَّ وَتَمْسَطُهُنَّ وَتَقُومُ عَلَيْهِنَّ، قَالَ: «أَمَا إِنَّكَ قَادِمٌ، فَإِذَا قَدِمْتَ فَالْكَيْسُ الْكَيْسُ»، ثُمَّ قَالَ: «أَتَأْتِيَ جَمْلَكَ؟» قُلْتُ: نَعَمْ، فَاسْتَرَاهُ مِنْيَ بِأُوقِيَّةٍ، ثُمَّ قَلِيمَ رَسُولُ اللَّهِ تَعَالَى قَبْلِي وَقَدِمْتُ بِالغَدَاءِ فَجِئْنَا إِلَى الْمَسْجِدِ فَوَجَدْنَاهُ عَلَى بَابِ الْمَسْجِدِ، قَالَ: «الآنَ قَدِمْتَ؟» قُلْتُ: نَعَمْ، قَالَ: «فَدَعْ جَمْلَكَ فَادْخُلْ فَصَلِّ رَكْعَيْنِ». فَدَخَلْتُ فَصَلَيْتُ فَأَمَرَ بِلَا أَنْ يَرِنَ لَهُ أُوقِيَّةً، فَوَزَنَ لِي بِلَالٌ فَأَرْجَعَ فِي الْمِيزَانِ، فَانْطَلَقْتُ حَتَّى وَلَيْتَ فَقَالَ: «اَذْعُوا لِي جَابِرًا»، قُلْتُ: الآنَ يَرُدُّ عَلَيَّ الْجَمَلَ وَلَمْ يَكُنْ شَيْءٌ أَبْعَضَ إِلَيَّ مِنْهُ، قَالَ: «خُذْ جَمَلَكَ وَلَكَ شَمَةً»، [راجع: ٤٤٣]

(٣٥) بَابُ الأَسْوَاقِ الَّتِي كَانَتْ فِي الْجَاهِلِيَّةِ فَتَبَيَّنَتْ بِهَا النَّاسُ فِي الإِسْلَامِ.

٢٠٩٨ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرُو بْنِ دِينَارٍ عَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا

there. So, the following Verse came :

"There is no sin on you if you seek the Bounty of your Lord (during pilgrimage by trading etc.)..." (V.2:198)

Ibn 'Abbās recited it like this.

قالَ: «كَانَتْ عُكَاظٌ وَمَجَنَّةً وَدُوْ
الْمَجَارِ أَسْوَاقًا فِي الْجَاهِلِيَّةِ، فَلَمَّا
كَانَ الْإِسْلَامُ تَأَثَّمُوا مِنَ التِّجَارَةِ فِيهَا.
فَأَنْزَلَ اللَّهُ: ﴿لَيْسَ عَلَيْكُمْ جُنَاحٌ﴾
فِي مَوَاسِيمِ الْحَجَّ. قَرَأَ ابْنُ عَبَّاسٍ
كَذَّا. [راجع: ١٧٧٠]

(٣٦) بَابُ شِرَاءِ الْإِبْلِ الْهِيمِ أَوِ
الْأَجْرَبِ.

الهَايْمُ: الْمُخَالِفُ لِلْقَضِيدِ فِي كُلِّ
شَيْءٍ.

٢٠٩٩ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ
اللهِ: حَدَّثَنَا سُفْيَانُ قَالَ: قَالَ عَمْرُو:
كَانَ هُنَا رَجُلٌ اسْمُهُ نَوَّاسٌ وَكَانَتْ
عِنْدَهُ إِبْلٌ هِيمٌ، فَدَهَبَ ابْنُ عُمَرَ رَضِيَ
اللهُ عَنْهُمَا فَاشْتَرَى تِلْكَ الْإِبْلَ مِنْ
شَرِيكِهِ لِهِ فَجَاءَ إِلَيْهِ شَرِيكُهُ قَالَ:
بِعْنَا تِلْكَ الْإِبْلَ، فَقَالَ: مِمَّنْ
بِعْنَاهَا؟ قَالَ: مِنْ شَيْخِ كَذَّا وَكَذَّا،
فَقَالَ: وَيُحَكِّ ذَاكَ وَاللهُ ابْنُ عُمَرَ
فَجَاءَهُ قَالَ: إِنَّ شَرِيكِي بَاعَكَ إِبْلًا
هِيمًا وَلَمْ يَعْرُفْكَ، قَالَ: فَاسْتَهْمَها،
قَالَ: فَلَمَّا ذَهَبَ بِسْتَاهْمَها: قَالَ:
دَعْهَا، رَضِينَا بِقَضَاءِ رَسُولِ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ:
لَا عَدُوِّي»، سَمِعَ سُفْيَانُ عَمْرًا.
[انظر: ٢٨٥٨، ٥٠٩٣، ٥٠٩٤، ٥٧٥٣]

٥٧٧٢

(٣٧) بَابُ بَيْعِ السَّلَاحِ فِي الْفِتْنَةِ
وَغَيْرِهَا.

(37) CHAPTER. Selling of arms during the period of *Al-Fitnah* (trial, affliction) and otherwise.

‘Imrān bin Ḥuṣain hated the selling (of arms) during *Al-Fitnah* (trial, affliction).

2100. Narrated Abū Qatāda: We set out with Allāh’s Messenger ﷺ in the year of (the battle of) Hunain, (the Prophet ﷺ gave me an armour). I sold that armour and bought a garden in the region of the tribe of Banī Salama and that was the first property I got after embracing Islām.

وَكَرِهَ عُمَرَانُ بْنُ حُصَيْنٍ بَيْعَهُ فِي الْفِتْنَةِ.

٢١٠٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلِمَةَ، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُمَرَ بْنِ كَثِيرٍ، عَنْ أَبِي مُحَمَّدٍ مَوْلَى أَبِي قَتَادَةَ، عَنْ أَبِي قَتَادَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: حَرَجْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَامَ حُنَيْنٍ فَبَعْثَتُ الدَّرْعَ فَابْتَغَتُ بِهِ مَحْرَفًا فِي بَنِي سَلِيمَةَ فَإِنَّهُ لَأَوْلُ مَالِ تَائِلَةٍ فِي الإِسْلَامِ. [انظر: ٧١٧٠، ٤٣٢٢، ٤٣٢١]

(38) CHAPTER. (What is said) about the perfume seller and the selling of musk.

2101. Narrated Abū Mūsa: Allāh’s Messenger ﷺ said, “The example of a good companion (who sits with you) in comparison with a bad one, is like that of the owner of musk (perfume seller) and the owner of bellows (or furnace) (blacksmith); from the first you would either buy musk or enjoy its good smell, while the owner of bellows (blacksmith) would either burn your clothes or your house, or you get a bad nasty smell thereof.”

٢١٠١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الرَّاهِيدِ: حَدَّثَنَا أَبُو بُرْدَةَ بْنُ عَبْدِ اللَّهِ قَالَ: سَمِعْتُ أبا بُرْدَةَ بْنَ أَبِي مُوسَى، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مِثْلُ الْجَلِيسِ الصَّالِحِ وَالْجَلِيسِ السُّوءِ كَمِثْلِ صَاحِبِ الْمِسْكِ وَكِبِيرِ الْحَدَادِ، لَا يَعْدُمُكَ مِنْ صَاحِبِ الْمِسْكِ إِمَّا تَشْتَرِيهِ أَوْ تَجِدُ رِيحَهُ، وَكِبِيرُ الْحَدَادِ يُخْرِقُ بَيْنَكَ أَوْ ثُوبَكَ، أَوْ تَجِدُ مِنْهُ رِيحًا حَبِيشَةً». [انظر: ٥٥٢٤]

(39) CHAPTER. The mentioning of *Al-Hajjām* (i.e., the one who practises cupping).

2102. Narrated Anas bin Mālik: Abu Taiba cupped Allāh’s Messenger ﷺ. So

بَابُ ذِكْرِ الْحَجَّاجِ

٢١٠٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ

he (ﷺ) ordered that he be paid one *ṣā‘* of dates and ordered his masters to reduce his tax (as he was a slave and had to pay a tax to them).

يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ حُمَيْدٍ،
عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ
قَالَ: حَجَّمَ أَبُو طَيْبَةَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
فَأَمَرَ لَهُ بِصَاعَ مِنْ تَمْرٍ، وَأَمَرَ أَهْلَهُ أَنْ
يُحَفِّظُوا مِنْ حَرَاجِهِ. [انظر: ٢٢١٠، ٥٦٩٦،
٢٢٧٧، ٢٢٨١، ٢٢٨٠]

2103. Narrated Ibn ‘Abbās: رَضِيَ اللَّهُ عَنْهُمَا Once the Prophet ﷺ got his blood out (medically) and paid that person who had done it. If it had been illegal, the Prophet ﷺ, would not have paid him.

٢١٠٣ - حَدَّثَنَا مُسَدِّدٌ: حَدَّثَنَا
خَالِدٌ - هُوَ ابْنُ عَبْدِ اللَّهِ - حَدَّثَنَا
خَالِدٌ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ
رَضِيَ اللَّهُ عَنْهُمَا قَالَ: احْتَجَمَ الَّبَيْ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَغْطَى الَّذِي حَجَّمَهُ، وَلَوْ كَانَ
حَرَاماً لَمْ يُعْطِهِ. [راجع: ١٨٣٥]

(٤٠) باب التجارة فيما يُكره لِبُسْتَه
للرجال والنساء.

(40) CHAPTER. The trade of cloth, the wearing of which is considered undesirable both for men and women.

2104. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُمَا: Once the Prophet ﷺ sent to ‘Umar a silken two-piece garment, and when he saw ‘Umar wearing it, he said to him, “I have not sent it to you to wear. It is worn by him who has no share in the Hereafter, and I have sent it to you so that you could benefit by it (i.e., sell it).”

٢١٠٤ - حَدَّثَنَا أَدَمُ: حَدَّثَنَا
شَعْبَةُ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ حَفْصٍ،
عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ ابْنِ عُمَرَ، عَنْ
أَبِيهِ قَالَ: أَرْسَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى عُمَرَ
رَضِيَ اللَّهُ عَنْهُ بِحُلَّةٍ حَرِيرٍ أَوْ سِيرَاءَ
فَرَآهَا عَلَيْهِ فَقَالَ: إِنِّي لَمْ أُرِزِّلْ بِهَا
إِلَيْكَ لِتَلْبِسَهَا، إِنَّمَا يَلْبِسُهَا مَنْ لَا
خَلَاقَ لَهُ. إِنَّمَا بَعَثْتُ إِلَيْكَ لِتَسْتَمْعَ
بِهَا» يَعْنِي تَبَعَّهَا. [راجع: ٨٨٦]

2105. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا Mother of the Believers: I bought a cushion with pictures on it. When Allāh’s Messenger ﷺ saw it, he kept standing at the door and did not enter the house. I noticed the sign of disgust on his face, so I said, “O Allāh’s Messenger! I repent to Allāh and His Messenger ﷺ. (Please let me know) what

٢١٠٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ،
عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ أَمَّ
الْمُؤْمِنِينَ رَضِيَ اللَّهُ عَنْهَا: أَنَّهَا أَخْرَثَتْهُ
أَنَّهَا اشْتَرَتْ نُمُرَقَةً فِيهَا تَصَاوِيرُ. فَلَمَّا

sin I have done.” Allāh’s Messenger ﷺ said, “What about this cushion?” I replied, “I bought it for you to sit and recline on.” Allāh’s Messenger ﷺ said, “The painters (i.e., owners) of these pictures will be punished on the Day of Resurrection. It will be said to them, ‘Put life in what you have created (i.e., painted).’” The Prophet ﷺ added, “The angels do not enter a house in which there are pictures.”

رَأَهَا رَسُولُ اللَّهِ ﷺ قَامَ عَلَى الْبَابِ فَلَمْ يَدْخُلْهُ، فَعَرَفَتْ فِي وَجْهِهِ الْكَرَاهَةَ قَوْلَتْ: يَا رَسُولَ اللَّهِ، أَتُوبُ إِلَى اللَّهِ وَإِلَى رَسُولِهِ ﷺ، مَاذَا أَذَّبْتُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَا بَالْ هَذِهِ الْمُنْرَقَةُ؟» قَوْلَتْ: اشْتَرَيْتُهَا لِتَقْعُدَ عَلَيْهَا وَتَوَسَّدَهَا. فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ أَصْحَابَ هَذِهِ الصُّورِ يَوْمَ الْقِيَامَةِ يُعَذَّبُونَ فَيُقَالُ لَهُمْ: أَخْيُوا مَا حَلَقْتُمْ». وَقَالَ: «إِنَّ الْبَيْتَ الَّذِي فِيهِ الصُّورُ لَا تَدْخُلُهُ الْمَلَائِكَةُ». [انظر: ٣٢٢٤، ٥١٨١، ٥٩٥٧، ٥٩٦١]

[٧٥٥٧]

(41) بَابُ صَاحِبِ السُّلْعَةِ أَحَقُّ بِالسُّوْمِ.

2106. Narrated Anas: The Prophet ﷺ said, “O Banī Najjār! Suggest a price for your garden.” Part of it was a ruin and it contained some date-palms.

٢١٠٦ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْوَارِثِ، عَنْ أَبِي التَّيَّاحِ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَا بْنَي النَّجَّارِ، ثَامِنُونِي بِحَائِطِكُمْ». وَفِيهِ خَرْبٌ وَنَخْلٌ. [راجع: ٢٣٤]

(42) بَابُ كُمْ يَجُوزُ الْخِيَارُ؟

(42) CHAPTER. For what period has one to confirm or cancel the bargain?

2107. Narrated Ibn ‘Umar: The Prophet ﷺ said, “The buyer and the seller have the option to cancel or confirm the bargain before they separate from each other, or if the sale is optional.”⁽¹⁾

٢١٠٧ - حَدَّثَنَا صَدَقَةُ: أَخْبَرَنَا عَبْدُ الْوَهَابِ قَالَ: سَمِعْتُ يَحْمِي بْنَ سَعِيدٍ قَالَ: سَمِعْتُ نَافِعًا عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، عَنِ النَّبِيِّ ﷺ

(1) (H. 2107) If the bargain is concluded but the buyer and seller are still at the place where the bargain has taken place, they have the right to cancel or confirm the bargain. If=

Nāfi‘ said, “Ibn ‘Umar used to separate quickly from the seller if he had bought a thing which he liked.”

قال: «إِنَّ الْمُتَبَايِعِينَ بِالْخِيَارِ فِي
يَعْهِمَا مَا لَمْ يَتَفَرَّقاً، أَوْ يَكُونُ الْبَيْعُ
خِيَارًا». وقال نافع: وكان ابن عمر
إِذَا اشترى شَيْئاً يُعْجِبُهُ فَارْقَ صَاحِبَهُ.

[انظر: ٢١٠٩، ٢١١١، ٢١١٣، ٢١١٦]

2108. Narrated Ḥakīm bin Ḥizām رضي الله عنه : The Prophet ﷺ said, “The buyer and the seller have the option of cancelling or confirming the deal unless they separate.”

٢١٠٨ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ:
حَدَّثَنَا هَمَّامٌ، عَنْ قَتَادَةَ، عَنْ أَبِي
الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ،
عَنْ حَكِيمِ بْنِ حِزَامٍ رَضِيَ اللَّهُ عَنْهُ
عَنِ النَّبِيِّ ﷺ قال: «الْبَيْعُانِ بِالْخِيَارِ
مَا لَمْ يَتَفَرَّقاً».

وَزَادَ أَحْمَدُ: حَدَّثَنَا بَهْرَ قال: قال
هَمَّامٌ: فَذَكَرْتُ ذَلِكَ لِأَبِي التَّيَّابِ
فَقَالَ: كُنْتُ مَعَ أَبِي الْخَلِيلِ لَمَّا حَدَّثَهُ
عَبْدُ اللَّهِ ابْنُ الْحَارِثَ هَذَا الْحَدِيثَ.

[راجع: ٢٠٧٩]

**(٤٣) بَابُ إِذَا لَمْ يُوَقِّتْ فِي الْخِيَارِ،
هُلْ يَجُوزُ الْبَيْعُ؟**

(43) CHAPTER. If the time for the option is not fixed, will the deal be considered as legal?

2109. Narrated Ibn ‘Umar رضي الله عنهما Allāh’s Messenger ﷺ said, “The seller and the buyer have the option of cancelling or confirming the deal unless they separate, or one of them says to the other, ‘Choose (i.e., decide to cancel or confirm the bargain now).’ Perhaps he said, ‘Or if it is an optional sale.’”

٢١٠٩ - حَدَّثَنَا أَبُو النُّعَمَانَ:
حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ: حَدَّثَنَا أَبُو بُوبَ،
عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ
عَنْهُمَا قَالَ: قَالَ النَّبِيُّ ﷺ: «الْبَيْعُانِ
بِالْخِيَارِ مَا لَمْ يَتَفَرَّقاً، أَوْ يَقُولَ
أَحَدُهُمَا لِصَاحِبِهِ: اخْتَرْ». وَرُبَّمَا

=they separate, they no longer have such an option. If, while they are still together, one of them gives the other the option of cancelling or confirming the bargain and they agree upon a decision, the bargain is regarded as final even though they have not separated. On the other hand, if the buyer and the seller agree upon having the option of cancelling or confirming the bargain after they separate, the bargain is not regarded as final unless the period of the option has elapsed. (*Al-Qastalānī*, Vol. 4).

قالَ: «أُوْ يَكُونَ بَيْعَ خِيَارٍ».

[راجع: ٢١٠٧]

(٤٤) بَابُ الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا

وَبِهِ قَالَ ابْنُ عُمَرَ وَشَرِيفُ
وَالشَّعِيرِيُّ وَطَاؤسٌ وَعَطَاءُ وَابْنُ أَبِي
مُلَيْكَةَ.

(44) CHAPTER. Both the buyer and the seller have the option to cancel or confirm the bargain, unless they separate.

Ibn ‘Umar, Shuraiḥ, Ash-Sha'bī, Ṭāwūs, ‘Aṭā’, and Ibn Abū Mulaikah agree upon this judgement.

2110. Narrated Ḥakim bin Ḥizām رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ said, “The buyer and the seller have the option of cancelling or confirming the bargain unless they separate, and if they spoke the truth and made clear the defects of the goods, then they would be blessed in their bargain, and if they told lies and hid some facts, their bargain would be deprived of Allāh’s Blessings.”

٢١١٠ - حَدَّثَنَا إِسْحَاقُ: أَخْبَرَنَا حَبَّانُ بْنُ هَلَالٍ قَالَ: حَدَّثَنَا شُعْبَةُ
قَالَ: قَتَادَةُ أَخْبَرَنِي عَنْ صَالِحِ
الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ
قَالَ: سَمِعْتُ حَكِيمَ بْنَ جِزَامَ رَضِيَ
اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «الْبَيْعَانِ
بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا، فَإِنْ صَدَقاً وَبَيَّنَا
بُورَكَ لَهُمَا فِي بَيْعِهِمَا، وَإِنْ كَذَبَا
وَكَتَمَا مُحِقَّتْ بَرَكَةُ بَيْعِهِمَا».

[راجع: ٢٠٧٩]

2111. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُ : Allāh’s Messenger ﷺ said, “Both the buyer and the seller have the option of cancelling or confirming a bargain unless they separate, or the sale is optional.” (See *Hadīth* No. 2107).

٢١١١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ،
عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:
«الْمُتَبَايعَانِ كُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ
عَلَى صَاحِبِهِ مَا لَمْ يَتَفَرَّقَا إِلَّا بَيْعُ
الْخِيَارِ». [راجع: ٢١٠٧]

(٤٥) بَابُ إِذَا خَيَرَ أَحَدُهُمَا صَاحِبُهُ
بَعْدَ الْبَيْعِ فَقَدْ وَحَبَ الْبَيْعَ

(45) CHAPTER. If the buyer and the seller give each other the option of cancelling the bargain immediately after the bargain is made (while they are still together), the bargain is rendered final (even if they did not separate).

2112. Narrated Ibn ‘Umar رضي الله عنهمما عن اللّٰه’s Messenger ﷺ said, “Both the buyer and the seller have the option of cancelling or confirming the bargain as long as they are still together ; and unless they separate or one of them gives the other the option of keeping or returning the things and a decision is concluded then, in which case the bargain is considered as final. If they separate after the bargain and none of them has rejected it, then the bargain is rendered final.”

٢١١٢ - حَدَّثَنَا قُتْبِيَّةُ: حَدَّثَنَا الْلَّٰيْثُ، عَنْ نَافِعٍ، عَنْ أَبِنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنْ رَسُولِ اللَّهِ ﷺ أَئْدَى قَالَ: إِذَا تَبَايعَ الرَّجُلُانِ فَكُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا وَكَانَا جَمِيعًا، أَوْ يُحِيرُ أَحَدُهُمَا الْآخَرَ فَتَبَايعَا عَلَى ذَلِكَ فَقَدْ وَجَبَ الْبَيْعُ، وَإِنْ تَفَرَّقَا بَعْدَ أَنْ يَتَبَايعَا وَلَمْ يُتَرُكْ وَاحِدٌ مِنْهُمَا الْبَيْعُ فَقَدْ وَجَبَ الْبَيْعُ». [راجع: ٢١٠٧]

(٤٦) بَابُ إِذَا كَانَ الْبَائِعُ بِالْخِيَارِ هُلْ يَجُوزُ الْبَيْعُ؟

(46) CHAPTER. Is selling permissible if the seller has the option of cancelling the bargain?

2113. Narrated Ibn ‘Umar رضي الله عنهمما عن اللّٰه’s Messenger ﷺ said, “No deal is settled and finalized unless the buyer and the seller separate, except if the deal is optional (whereby the validity of the bargain depends on the stipulations agreed upon).”

٢١١٣ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفِيَّانُ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ أَبِنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: كُلُّ بَيْعٍ لَا يَتَبَايعُ حَتَّى يَتَفَرَّقَا إِلَّا بَيْعُ الْخِيَارِ». [راجع: ٢١٠٧]

٢١١٤ - حَدَّثَنِي إِسْحَاقُ: أَخْبَرَنَا حَبَّانُ: حَدَّثَنَا هَمَّامُ، حَدَّثَنَا قَاتَدَةُ، عَنْ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، عَنْ حَكِيمِ بْنِ حَرَّامٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيِّ ﷺ قَالَ: «الْبَيْعُ بِالْخِيَارِ حَتَّى يَتَفَرَّقَا». قَالَ هَمَّامٌ: وَجَدْتُ فِي كِتَابِي: «يَخْتَارُ - ثَلَاثَ مِرَاءٍ - فِيْ أَنْ صَدَقاً وَبَيْنَأَ بُورَكَ لَهُمَا فِي بَيْعِهِمَا، وَإِنْ كَذَبَا وَكَتَمَا فَعَسَى أَنْ يَرْبَحَا رِبْحًا وَيُمْحَقَا بَرَكَةَ بَيْعِهِمَا».

2114. Narrated Hakim bin Hizam رضي الله عنه عن The Prophet ﷺ said, “Both the buyer and the seller have the option of cancelling or confirming the bargain unless they separate.”

The subnarrator , Hammām said, “I found this in my book : ‘Both the buyer and the seller have the option of either confirming or cancelling the bargain three times, and if they speak the truth and mention the defects, then their bargain will be blessed, and if they tell lies and conceal the defects, they might gain some financial gain but they will deprive their sale of (Allah’s) Blessings.’”

قال: وحدّثنا همام: حدّثنا أبو
البياع: أنَّ سَوْمَعَ عَبْدَ اللَّهِ بْنَ الْحَارِثِ
يُحَدِّثُ بِهَذَا الْحَدِيثِ عَنْ حَكِيمِ بْنِ
جِزَامَ عَنْ النَّبِيِّ ﷺ. [راجع: ٢٠٧٩]
(٤٧) بَابٌ إِذَا اشترى شَيْئاً فَوَهَبَ
مِنْ سَاعِيَهُ قَبْلَ أَنْ يَتَفَرَّقَا وَلَمْ يُنْكِرْ
البائع على المشتري أو اشتري عبداً
فأغْنَفَهُ.

(47) CHAPTER. What is said if somebody buys a thing and gives it as a present to someone else at that very moment before separating from the seller, and the seller has had no objection to the buyer's action; or if someone buys a slave and then manumits him?

Tāwūs said that if somebody bought a thing with mutual agreement and then sold it, then that was his property and the profit would be for him.

2115. Narrated Ibn ‘Umar رضي الله عنهما : We were accompanying the Prophet ﷺ on a journey and I was riding an unmanageable camel belonging to ‘Umar رضي الله عنه ، and I could not bring it under my control. So, it used to go ahead of the party and ‘Umar would check it and force it to retreat, and again it went ahead and again ‘Umar forced it to retreat. The Prophet ﷺ asked ‘Umar to sell that camel to him. ‘Umar replied, “It is for you O Allāh’s Messenger!” Allāh’s Messenger ﷺ told ‘Umar to sell that camel to him (not to give it as a gift). So, ‘Umar sold it to Allāh’s Messenger ﷺ . Then the Prophet ﷺ said to ‘Abdullāh bin ‘Umar, “The camel is for you O ‘Abdullāh (as a present) and you could do with it whatever you like.”

2116. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما : I bartered my property in Khaibar⁽¹⁾ to ‘Uthmān (chief of the faithful believers) for his property in Al-Wādī⁽²⁾. When we

وقال طاؤسٌ فيمن يشتري السُّلْعَةَ
على الرُّضَا ثُمَّ باعها: وجبت له
والرُّبْخُ لَهُ.

2115 - وقال الحميدي: حدّثنا
سُفيانٌ: حدّثنا عمرو، عن ابن عمر
رضي الله عنهما قال: شتا مع النبي
ﷺ في سفر فكانت يعلّماني فيتقدّم أمام القوم
فيزجره عمر ويرده، ثم يتقدّم فيزجره
عمر ويرده، فقال النبي ﷺ لعمر:
«يعنيه»، قال: هو لك يا رسول الله.
قال رسول الله ﷺ: «يعنيه»، فباعه
من رسول الله ﷺ . فقال النبي ﷺ:
«هو لك يا عبد الله بن عمر تضئ به
ما شئت». [انظر: ٢٦١٠، ٢٦١١]

2116 - قال أبو عبد الله: وقال
النبي: حدّثني عبد الرحمن بن
خالد، عن ابن شهاب، عن سالم بن

(1) (H.2116) Khaibar is six stages to the north-west of Al-Madīna.

(2) (H.2116) Al-Wādī is a district near Al-Madīna.

finished the deal, I left immediately and got out of his house lest he should cancel the deal, for the tradition was that the buyer and the seller had the option of cancelling the bargain unless they separated. When our deal was completed, I came to know that I had been unfair to 'Uthmān, for by selling him my land I caused him to be in the land of Thamūd, at a distance of three days' journey from Al-Madīna, while he made me nearer to Al-Madīna, at a distance of three days' journey from my former land.

عَبْدُ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: يُفْتُ مِنْ أَمِيرِ الْمُؤْمِنِينَ عُثْمَانَ بْنَ عَفَانَ رَضِيَ اللَّهُ عَنْهُ مَا لَا بِالوَادِي بِمَا لَهُ بِحِيرَ، فَلَمَّا تَبَاهَنَا رَجَعْتُ عَلَى عَقِبِي حَتَّى حَرَجْتُ مِنْ يَتَّهِ خَشْيَةً أَنْ يُرَادُنِي الْبَيْعُ، وَكَانَتِ السُّنْنَةُ أَنَّ الْمُتَبَايِعِينَ بِالْخِيَارِ حَتَّى يَتَفَرَّقَا، قَالَ عَبْدُ اللَّهِ: فَلَمَّا وَجَبَ بَيْعِي وَبَيْعُهُ رَأَيْتُ أَنِّي قَدْ غَبَّتْنِي بِأَنِّي سُقْتُهُ إِلَى أَرْضِ ثَمُودَ بِثَلَاثِ لَيَالٍ وَسَاقَنِي إِلَى الْمَدِينَةِ بِثَلَاثِ لَيَالٍ. [راجع: ٢١٠٧]

(٤٨) بَابُ ما يُكْرَهُ مِنَ الْخَدَاعِ فِي الْبَيْعِ.

(48) CHAPTER. What is disliked as regards cheating in business.

2117. Narrated 'Abdullāh bin 'Umar رضي الله عنهمَا: A person came to the Prophet ﷺ and told him that he was always betrayed in purchasing. The Prophet ﷺ told him to say at the time of buying, "No cheating." (i.e., he has the right to return it if found undesirable).

٢١١٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَجُلًا ذَكَرَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ يُخْدِعُ فِي الْبَيْعِ، فَقَالَ: «إِذَا بَيَعْتَ فَقُلْ: لَا جِلَابَةً». [انظر:

٦٩٦٤، ٢٤١٤، ٢٤٠٧]

(٤٩) بَابُ مَا ذُكِرَ فِي الْأَسْوَاقِ،
وقال عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ: لَمَّا قَدِمْنَا الْمَدِينَةَ، [قُلْتُ]: هَلْ مِنْ سُوقٍ فِيهِ تِجَارَةٌ؟ فَقَالَ: سُوقٌ قَبْقَاعٌ.
وقال أَنَسُ: قَالَ عَبْدُ الرَّحْمَنِ: دُلُونِي عَلَى السُّوقِ. وَقَالَ عُمَرُ: أَلَهَانِي الصَّفْقُ بِالْأَسْوَاقِ.

(49) CHAPTER. What is said about markets.

And narrated 'Abdur-Rahmān bin 'Aūf: On our arrival in Al-Madīna, I asked whether there was a market of trading. Somebody said, "There is the market of Qainuqā'."

Narrated Anas: 'Abdur-Rahmān said, "Show me the market." And 'Umar said, "Trading in the market diverted my attention (from better things)."

2118. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا said, “An army will invade the Ka‘bah and when the invaders reach Al-Bайдَة’, all the ground will sink and swallow the whole army.” I said, “O Allāh’s Messenger! How will they sink into the ground while amongst them will be their markets (the people who worked in business and not invaders)⁽¹⁾ and the people not belonging to them?” The Prophet ﷺ replied, “All of those people will sink but they will be resurrected and judged according to their intentions.”

٢١١٨ - حَدَّثَنِي مُحَمَّدُ بْنُ الصَّبَّاحِ : حَدَّثَنَا إِسْمَاعِيلُ بْنُ زَكَرْيَاءَ، عَنْ مُحَمَّدٍ ابْنِ سُوقَةَ، عَنْ نَافِعِ بْنِ جَبَّرٍ بْنِ مُطْعِمٍ قَالَ: حَدَّثَنِي عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَعْرُو جَيْشُ الْكَعْبَةَ، فَإِذَا كَانُوا بِسَيِّدَاءِ مِنَ الْأَرْضِ يُخْسِفُ بِأَوْلَاهُمْ وَآخِرَهُمْ». قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ، كَيْفَ يُخْسِفُ بِأَوْلَاهُمْ وَآخِرَهُمْ وَفِيهِمْ أَسْوَاقُهُمْ وَمَنْ لَيْسَ مِنْهُمْ؟ قَالَ: «يُخْسِفُ بِأَوْلَاهُمْ وَآخِرَهُمْ، ثُمَّ يُعَثِّرُونَ عَلَى نَيَّاتِهِمْ».

2119. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, “The congregational *Salāt* (prayer) of anyone amongst you is more than twenty (five or twenty-seven) times in reward than his *Salāt* (prayer) in the market or in his house, for if he performs ablution perfectly and then goes to the mosque with the sole intention of performing the *Salāt* (prayer), and nothing urges him to proceed to the mosque except the *Salāt* (prayer), then, on every step which he takes towards the mosque, he will be raised one degree or one of his sins will be forgiven. The angels will keep on asking Allāh’s Forgiveness and Blessings for everyone of you so long as he keeps sitting at his praying place. The angels will say, ‘O Allāh, Bless him! O Allāh, be Merciful to him!’ As long as he does not do *Hadath* or a thing which gives trouble to the other.”

The Prophet ﷺ further said, “One is

٢١١٩ - حَدَّثَنَا قُتَيْبَةَ : حَدَّثَنَا جَرِيرٌ، عَنْ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «صَلَاةُ أَحَدِكُمْ فِي جَمَاعَةٍ تَرِيدُ عَلَى صَلَاتِهِ فِي سُوقَهُ وَبَيْهِ بِضَعَا وَعِشْرِينَ دَرَجَةً، وَذَلِكَ بِأَنَّهُ إِذَا تَوَضَّأَ فَأَخْسَنَ الْوُضُوءَ، ثُمَّ أَتَى الْمَسْجِدَ لَا يُرِيدُ إِلَّا الصَّلَاةَ لَا يَنْهَزِهُ إِلَّا الصَّلَاةُ لِمَ يَخْطُ خَطْوَةً إِلَّا رُفِعَ إِلَيْهَا دَرَجَةً، أَوْ حُطَتْ عَنْهُ بِهَا خَطِيئَةً. وَالْمَلَائِكَةُ تُصَلِّي عَلَى أَحَدِكُمْ مَا دَامَ فِي مُصَلَّاهُ الَّذِي يُصَلِّي فِيهِ، اللَّهُمَّ صَلِّ عَلَيْهِ، اللَّهُمَّ ارْحَمْهُ مَا لَمْ يُحِدِّثْ فِيهِ، مَا لَمْ يُؤْذِ

(1) (H. 2118) The Arabic word for ‘markets’ occurs in some narrations in the form of other words which are also probable. Those probable words stand for such words as ‘nobles’ or ‘other people.’

regarded in *Salāt* (prayer) so long as one is waiting for the *Salāt* (prayer)."

2120. Narrated Anas bin Mālik: While the Prophet ﷺ was in the market, somebody called, "O Abul-Qāsim." The Prophet ﷺ turned to him. The man said, "I have called to this (i.e., another man)." The Prophet ﷺ said, "Name yourselves by my name but not by my *Kunya* (surname)." (1) (In Arab world it is the custom to call the man as the father of his eldest son, e.g., Abul-Qāsim.)

[See Vol. 4, *Hadīth* No.3537].

2121. Narrated Anas: A man at Al-Baqī' called, "O Abul-Qāsim!" The Prophet ﷺ turned to him and the man said (to the Prophet ﷺ), "I did not intend to call you." The Prophet ﷺ said, "Name yourselves by my name but not by my *Kunya* (surname)."

2122. Narrated Abū Hurairah Ad-Dausī: Once the Prophet ﷺ went out during the day. Neither did he talk to me nor I to him till he reached the market of Bani Qainuqā', and then he sat in the compound of Fātima's house and asked about the small boy (his grandson Al-Hasan but Fātima kept the boy in for a while. I thought she was either changing his clothes or giving the boy a bath. After a while the boy came out running and the Prophet ﷺ embraced and kissed him and then said, "O Allāh! Love him, and love whoever loves him."

فيه». وقال: «أحدكم في صلاة ما كانت الصلاة تحسنه». [راجع: ١٧٦]

2120 - حَدَّثَنَا أَدْمُ بْنُ أَبِي إِيَّاسٍ: حَدَّثَنَا شَعْبَةُ، عَنْ حُمَيْدِ الطَّوَّيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ النَّبِيُّ ﷺ فِي السُّوقِ فَقَالَ رَجُلٌ: يَا أَبَا الْقَاسِمِ، فَالْتَّفَتَ إِلَيْهِ النَّبِيُّ ﷺ فَقَالَ: إِنَّمَا دَعَوْتُ هَذَا، فَقَالَ النَّبِيُّ ﷺ: «سَمِّوْ باسُونِي وَلَا تَكُونُوا بِكُنْتِي». [انظر:]

[٢٥٣٧، ٢١٢١]

2121 - حَدَّثَنَا مَالِكُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا رُهْبَرٌ، عَنْ حُمَيْدِ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: دَعَا رَجُلٌ بِالْتَّبِيعِ: يَا أَبَا الْقَاسِمِ، فَالْتَّفَتَ إِلَيْهِ النَّبِيُّ ﷺ فَقَالَ: لَمْ أُغْبِكَ، قَالَ: «سَمِّوْ باسُونِي وَلَا تَكُونُوا بِكُنْتِي». [راجع:]

[٢١٢٠]

2122 - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفِيَّاً، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي تَرِيدَ، عَنْ نَافِعِ ابْنِ جُبَيرٍ بْنِ مُطْعَمٍ، عَنْ أَبِي هُرَيْرَةَ الدَّوْسِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: خَرَجَ النَّبِيُّ ﷺ فِي طَائِفَةِ النَّهَارِ لَا يُكَلِّمُنِي وَلَا أُكَلِّمُهُ حَتَّى أَتِي سُوقَ بَنِي قَيْقَاعَ فَجَلَسَ بِفَنَاءِ بَيْتِ فَاطِمَةَ فَقَالَ: أَثْمَ لَكُمْ؟ أَثْمَ لَكُمْ؟ فَحَسِنَتْ شِئًا فَظَنَتْ أَنَّهَا ثُلِيسَةٌ

(1) (H. 2120) *Kunya* means calling a man: O father of so-and-so! Or calling a woman: O mother of so-and-so! And this is a custom of the 'Arabs.

سِخَاباً أَوْ تُعْسِلُهُ، فَجَاءَ يَشْتَدُّ حَتَّى
عَانَقَهُ وَقَبَلَهُ فَقَالَ: «اللَّهُمَّ أَحِبُّهُ
وَأَحِبَّ مَنْ يُحِبُّهُ». قَالَ سُفْيَانُ: قَالَ
عَبْدُ اللَّهِ: أَخْبَرَنِي أَنَّ رَأَى نَافِعَ بْنَ
جُبَيْرٍ أَوْتَرَ بِرْكَعَةً. [انظر: ٥٨٨٤]

٢١٢٣ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ
الْمُنْذِرِ: حَدَّثَنَا أَبُو ضَمْرَةَ: حَدَّثَنَا
مُوسَى بْنُ عُقْبَةَ، عَنْ نَافِعٍ: حَدَّثَنَا
ابْنُ عُمَرَ: أَنَّهُمْ كَانُوا يَشْتَرُونَ الطَّعَامَ
مِنَ الرُّكَبِيَّانِ عَلَى عَهْدِ النَّبِيِّ ﷺ
فَبَيْعَتْ عَلَيْهِمْ مَنْ يَمْتَعِنُهُمْ أَنْ يَبِيعُوهُ
حَتَّى اشْتَرُوهُ حَتَّى يَقُولُوهُ حَيْثُ يُبَايعُ
الطَّعَامُ. [انظر: ٢١٣١، ٢١٣٧، ٢١٦٦،
٢١٦٧، ٦٨٥٢]

٢١٢٤ - قَالَ: وَحَدَّثَنَا ابْنُ عُمَرَ
رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى النَّبِيُّ ﷺ
أَنْ يُبَايعَ الطَّعَامُ إِذَا اشْتَرَاهُ حَتَّى
يَسْتَوْفِيهُ. [انظر: ٢١٢٦، ٢١٣٣]

(٥٠) بَابُ كَرَاهِيَّةِ السَّخْبِ فِي
السُّوقِ

٢١٢٥ - حَدَّثَنَا مُحَمَّدُ بْنُ سَيْنَانٍ:
حَدَّثَنَا فُلَيْحٌ: حَدَّثَنَا هِلَالٌ، عَنْ عَطَاءَ
بْنِ يَسَارٍ قَالَ: لَقِيَتْ عَبْدَ اللَّهِ بْنَ
عُمَرٍ وَبْنَ الْعَاصِي رَضِيَ اللَّهُ عَنْهُمَا،
قُلْتُ: أَخْبَرْنِي عَنْ صِفَةِ رَسُولِ اللَّهِ
ﷺ فِي التَّوْرَةِ. قَالَ: أَجْلُ، وَاللَّهِ إِنَّهُ
لَمَوْصُوفٌ فِي التَّوْرَةِ بِعَيْنِ صِفَتِهِ فِي
الْقُرْآنِ: «يَا أَيُّهَا النَّبِيُّ إِنَّا أَرْسَلْنَاكَ

2123. Narrated Nāfi': Ibn 'Umar رَضِيَ اللَّهُ عَنْهُمَا told us that the people used to buy food from the caravans in the lifetime of the Prophet ﷺ. The Prophet ﷺ used to forbid them to sell it at the very place where they had purchased it (but they were to wait) till they carried it to the market where foodstuff was sold.

2124. Ibn 'Umar رَضِيَ اللَّهُ عَنْهُمَا said, "The Prophet ﷺ also forbade the reselling of foodstuff by somebody who had bought it unless he had received it (all the measure which he has bought) in full measure."

(50) CHAPTER. The dislike of raising voices in the market.

2125. Narrated 'Atā' bin Yasār: I met 'Abdullāh bin 'Amr bin Al-'Āṣ and asked him, "Tell me about the description of Allāh's Messenger ﷺ which is mentioned in the Torah." He replied, "Yes. By Allāh, he is described in the Torah with some of the qualities attributed to him in the Qur'ān as follows:

"O Prophet! We have sent you as a witness (for Allāh's True Religion) and a giver of glad tidings (to the faithful believers), and a warner (to the disbelievers), and guardian of

the illiterates. You are My slave and My Messenger. I have named you *Al-Mutawakkil* (who depends upon Allāh). You are neither discourteous, harsh, nor a noise-maker in the markets, and you do not do evil to those who do evil to you, but you deal with them with forgiveness and kindness. Allāh will not let him (the Prophet ﷺ) die till he makes straight the crooked people by making them say: *Lā ilāha illallāh* (none has the right to be worshipped but Allāh) with which will be opened blind eyes, deaf ears, and enveloped hearts.”

شَهِدَا وَمُبَتَّرًا وَنَذِيرًا ﴿٦﴾ وَجِرْزاً
لِلْأُمَمِينَ، أَنْتَ عَبْدِي وَرَسُولِي،
سَمِيْتُكَ الْمُتَوَكِّلَ، لَيْسَ بِقَطْ وَلَا
عَلَيْهِ، وَلَا سَخَابٌ فِي الْأَسْوَاقِ،
وَلَا يَدْفَعُ بِالسَّيْئَةِ السَّيْئَةَ، وَلَكِنْ يَعْفُو
وَيَغْفِرُ، وَلَنْ يَقْضِهِ اللَّهُ حَتَّى يَقِيمَ بِهِ
الْمِلَةَ الْعَوْجَاءَ بَأْنَ يَقُولُوا: لَا إِلَهَ إِلَّا
اللَّهُ، وَيُفْتَحُ بِهَا أَعْيُنُ عُمَّيْ، وَأَذَانُ
صُمُّ، وَقُلُوبُ غُلْفٍ».

تابَعَهُ عَبْدُ الْعَزِيزِ ابْنُ أَبِي سَلَمَةَ
عَنْ هَلَالِيٍّ، وَقَالَ سَعِيدٌ، عَنْ هَلَالِيٍّ،
عَنْ عَطَاءٍ، عَنْ ابْنِ سَلَامٍ.

[انظر: ٤٨٣٨]

(٥١) بَابُ الْكَيْلِ عَلَى الْبَائِعِ وَالْمُعْطِيِّ

وَقَوْلُ اللَّهِ عَزَّ وَجَلَّ: «إِذَا كَالَوْهُمْ
أَوْ وَرَأُوهُمْ يَحْسِرُونَ ﴿٢﴾ [المطففين: ٣]
يَعْنِي كَالُوا لَهُمْ أَوْ وَرَأُوا لَهُمْ.
كَوْلَهُ: «يَسْمَعُوكُمْ» [الشعراء: ٧٣]
يَسْمَعُونَ لَكُمْ. وَقَالَ النَّبِيُّ ﷺ:
«اكْتَالُوا حَتَّى تَسْتَوْفُوا». وَيُذَكَّرُ عَنْ
عُثْمَانَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ
قَالَ: «إِذَا بَعْثَتْ فَكِيلَ، وَإِذَا ابْتَعْتَ
فَاكْتَلْ».

٢١٢٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ،
عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ
عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ

(51) CHAPTER. Weighing or measuring goods is to be done by the seller or the giver.

And the Statement of Allāh :

“And when they have to give by measure or weight to (other) men, give less than due.”
(V.83:3)

The Prophet ﷺ said, “When you receive what you buy by measure, let it be exact full measure.”

Narrated ‘Uthmān رَضِيَ اللَّهُ عَنْهُ that the Prophet ﷺ told him, “If you are the seller, you have to measure, and if you are the buyer, then let the seller measure for you.”

2126. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُ that Allāh’s Messenger ﷺ said, “He who buys foodstuff should not sell it till he takes all the measure which he has bought in full.”

ابناع طعاماً فلَا يَبْغُهُ حَتَّى يَسْتَوْفِيهُ».

[راجع: ٢١٢٦]

2127. Narrated Jābir ‘Abdullāh bin ‘Amr bin Ḥarām died and was in debt to others. I asked the Prophet ﷺ to intercede with his creditors for some reduction in the debts. The Prophet ﷺ requested them (to reduce the debts), but they refused. The Prophet ﷺ said to me, “Go and put your dates (in heaps) according to their different kinds, the ‘Ajwa on one side, the cluster of Zaid on another side, etc., then call me.” I did that and called the Prophet ﷺ. He came and sat at the head or in the middle of the heaps and ordered me, “Measure (the dates) for the people (creditors).” I measured for them till I paid all the debts. My dates remained as if nothing had been taken from them.

In other narrations, Jābir said: The Prophet ﷺ said, “He (i.e., ‘Abdullāh) continued measuring for them till he paid all the debts.” The Prophet ﷺ said (to ‘Abdullāh), “Cut (clusters) for him (i.e., one of the creditors) and measure for him in full.”

2127 - حَدَّثَنَا عَبْدَانٌ: أَخْبَرَنَا جَرِيرٌ، عَنْ مُعِيرَةَ، عَنْ الشَّعْبِيِّ، عَنْ جَابِرِ رَضِيَ اللَّهُ عَنْهُ قَالَ: تُؤْفَى عَبْدُ اللَّهِ ابْنُ عَمْرُو بْنَ حَرَامَ وَعَلَيْهِ دَيْنٌ، فَاسْتَعْتَنْتُ النَّبِيَّ ﷺ عَلَى عُرْمَائِهِ أَنْ يَصْعُوا مِنْ دَيْنِهِ، فَطَلَّبَ النَّبِيُّ ﷺ إِلَيْهِمْ فَلَمْ يَفْعَلُوا. فَقَالَ لِي النَّبِيُّ ﷺ: «اذْهَبْ فَصَنِّفْ تَمَرَكَ أَصْنَافًا: الْعَجْوَةَ عَلَى حِلَّةٍ، وَعَدْنَ ابْنَ زَيْدٍ عَلَى حِلَّةٍ، ثُمَّ أَرْسِلْ إِلَيَّ». فَفَعَلْتُ ثُمَّ أَرْسَلْتُ إِلَى النَّبِيِّ ﷺ فَحَاجَهُ فَجَلَسَ عَلَى أَعْلَاهُ أَوْ فِي وَسْطِهِ، ثُمَّ قَالَ: «إِكْلُ لِلْقَوْمِ». فَكِتَّبْتُهُمْ حَتَّى أَوْكَيْتُهُمُ الَّذِي لَهُمْ وَبَقَى تَمْرِي كَائِنٌ لَمْ يَنْقُضْ مِنْهُ شَيْءٌ.

وَقَالَ فَرَاسُ، عَنْ الشَّعْبِيِّ: حَدَّثَنِي جَابِرٌ عَنِ النَّبِيِّ ﷺ: فَمَا زَالَ يَكِيلُ لَهُمْ حَتَّى أَدَاهُ. وَقَالَ هَشَامٌ، عَنْ وَهْبٍ، عَنْ جَابِرٍ قَالَ النَّبِيُّ ﷺ: «جُدَّ لَهُ فَأَوْفِ لَهُ». [انظر: ٢٣٩٥، ٢٣٩٦، ٢٧٨١، ٢٧٠٩، ٢٦٠١، ٢٤٠٥، ٣٥٨٠]

[٦٢٥٠، ٤٠٥٣، ٣٥٨٠]

(٥٢) بَابُ مَا يُسْتَحْبِطُ مِنَ الْكَيْنِ

2128 - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى: حَدَّثَنَا الْوَلِيدُ، عَنْ ثُورٍ، عَنْ

(52) CHAPTER. What is considered preferable regarding measuring.

2128. Narrated Al-Miqdām bin Ma’dikarib (رضي الله عنه): The Prophet ﷺ said, “Measure your foodstuff and you will be blessed.”

خالد بن معدان، عن المقدام بن معدى كربل رضي الله عنه عن النبي ﷺ قال: «كيلوا طعامكم يبارك لكم». (٥٣) باب بركة صاع النبي ﷺ ومددوه فيه عائشة رضي الله عنها عن النبي ﷺ

(53) CHAPTER. Allah's Blessing in the *Sā'* and *Mudd* of the Prophet ﷺ.

This has been narrated by *Āishah* رضي الله عنها on the authority of the Prophet ﷺ.

2129. Narrated 'Abdullāh bin Zaid رضي الله عنه said: The Prophet ﷺ said, "The Prophet Ibrahim (Abraham) made Makkah a sanctuary, and asked for Allāh's Blessing in it. I made Al-Madīnah a sanctuary as Ibrahim made Makkah a sanctuary and I asked for Allāh's Blessing in its measures – the *Mudd* and the *Sā'* as Ibrahim did for Makkah."

٢١٢٩ - حدثنا موسى: حدثنا وهب: حدثنا عمرو بن يحيى، عن عباد بن توبيم الأنصاري، عن عبد الله بن زيد رضي الله عنه عن النبي ﷺ: «أن إبراهيم حرم مكة ودعا لها، وحرمت المدينة كما حرم إبراهيم مكة ودعوت لها في مدها وصاعها مثل ما دعا إبراهيم [عليه السلام] لمكة».

2130. Narrated Anas bin Malik رضي الله عنه about Allāh's Messenger ﷺ said, "O Allāh bestow Your Blessings on their measures, bless their *Mudd* and *Sā'*." The Prophet ﷺ meant the people of Al-Madīnah.

٢١٣٠ - حدثني عبد الله بن مسلمة، عن مالك، عن إسحاق بن عبد الله بن أبي طلحة، عن أنس بن مالك رضي الله عنه: أن رسول الله ﷺ قال: «اللهم بارك لهم في مكياتهم، وبارك لهم في صاعهم، ومددهم» يعني: أهل المدينة. [انظر: ٦٧١٤، ٦٧٣١]

(54) CHAPTER. What is said about the selling of the foodstuff and its storage.

2131. Narrated Sālim that his father said, "I saw those who used to buy foodstuff without measuring or weighing in the lifetime

(٥٤) باب ما يذكر في بيع الطعام والحرثرة.

٢١٣١ - حدثني إسحاق بن إبراهيم: أخبرنا الوليد بن مسلم،

of the Prophet ﷺ being punished if they sold it before carrying it to their own houses.”

عَنِ الْأَوْزَاعِيِّ، عَنِ الرُّهْبَرِيِّ، عَنْ سَالِمَ، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: رَأَيْتَ الَّذِينَ يَشْتَرُونَ الطَّعَامَ مُجَازَةً يُضْرِبُونَ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ أَنَّ بَيْعَهُ حَتَّى يُؤْوَدُ إِلَى رِحَالِهِمْ.

[انظر: ٢١٢٣]

2132. Narrated Ibn ‘Abbās رضي الله عنهما that Allāh’s Messenger ﷺ forbade the selling of foodstuff before its measuring and transferring into one’s possession.” I asked Ibn ‘Abbās, “How is that?” Ibn ‘Abbās replied, “It will be just like selling money for money, as the foodstuff has not been handed over to the first purchaser who is the present seller.”

٢١٣٢ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وُهَيْبٌ، عَنْ أَبْنَ طَاؤِسٍ، عَنْ أَبِيهِ، عَنْ أَبْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: «أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى أَنْ يَبْيَعَ الرَّجُلُ طَعَاماً حَتَّى يَسْتَوْفِيهِ. قُلْتُ لِابْنِ عَبَّاسٍ: كَيْفَ ذَاك؟ قَالَ: ذَاك دَرَاهُمٌ بِدرَاهِمٍ، وَالطَّعَامُ مُرْجَأً. [قال أبو عبد الله: ﴿مُتَّجِرُونَ﴾: التوبية ١٠٦ مُؤَخَّرُونَ].»

[انظر: ٢١٣٥]

2133. Narrated Ibn ‘Umar رضي الله عنهما that the Prophet ﷺ said, “He who buys foodstuff should not sell it till he has received it.”

٢١٣٣ - حَدَّثَنِي أَبُو الْوَلِيدِ: حَدَّثَنَا شَعْبَةُ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ دِينَارٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: قَالَ النَّبِيُّ ﷺ: «مَنْ ابْتَاعَ طَعَاماً فَلَا يَبْيَعُ حَتَّى يَقْبَضَهُ». [راجع: ٢١٢٤]

2134. Narrated Az-Zuhri on the authority of Mālik bin ‘Aūs that the latter said, “Who has change?” Talhā said, “I (will have change) when our store-keeper comes from the forest.”

Narrated ‘Umar bin Al-Khattāb رضي الله عنهما that Allāh’s Messenger ﷺ said, “The bartering of gold for gold⁽¹⁾, is Riba,

سُقْيَانُ: كَانَ عَمْرُو بْنُ دِينَارٍ يُحَدِّثُ عَنِ الرُّهْبَرِيِّ، عَنْ مَالِكِ بْنِ أَوْسٍ أَنَّهُ قَالَ: مَنْ عِنْدَهُ صَرْفٌ؟ فَقَالَ طَلْحَةُ: أَنَا، حَتَّى يَحْيِيَ خَازِنَنَا مِنَ الْغَابَةِ.

(1) (H. 2134) Some said, “Gold for gold.”

(usury), except if it is from hand to hand and equal in amount, and wheat grain for wheat grain is *Ribā* except if it is from hand to hand and equal in amount, and dates for dates is *Ribā*, except if it is from hand to hand and equal in amount; and barley for barley is *Ribā*, except if it is from hand to hand and equal in amount.”

[See *Ribā Al-Fadl* in the glossary].

قال سُفِيَّانُ: هُوَ الَّذِي حَفْظَنَا مِنِ الرُّهْرِيِّ لَيْسَ فِيهِ زِيَادَةً. فَقَالَ: أَخْبَرَنِي مَالِكُ بْنُ أَوْسٍ: أَنَّهُ سَمِعَ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ يُخْبِرُ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «الْذَّهَبُ بِالْوَرْقِ رِبَا إِلَّا هَاءُ وَهَاءُ، وَالْبَرُّ بِالْبَرِّ رِبَا إِلَّا هَاءُ وَهَاءُ، وَالثَّمُرُ بِالثَّمُرِ رِبَا إِلَّا هَاءُ وَهَاءُ، وَالشَّعِيرُ بِالشَّعِيرِ رِبَا إِلَّا هَاءُ وَهَاءُ». [انظر: ٢١٧٤، ٢١٧٠]

(٥٥) بَابُ بَنْعِ الطَّعَامِ قَبْلَ أَنْ يُقْبَضَ، وَبَنْعِ مَا لَيْسَ عِنْدَكَ.

٢١٣٥ - حَدَّثَنَا عَلَيْهِ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفِيَّانُ قَالَ: الَّذِي حَفْظَنَا مِنْ عَمْرِو بْنِ دِينَارٍ سَمِعَ طَاؤُوسًا يَقُولُ: سَمِعْتُ ابْنَ عَبَّاسِ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: أَمَّا الَّذِي نَهَى عَنْهُ النَّبِيُّ ﷺ فَهُوَ الطَّعَامُ أَنْ يُبَاعَ حَتَّى يُقْبَضَ. قَالَ ابْنُ عَبَّاسٍ: وَلَا أَحْسِبُ كُلَّ شَيْءٍ إِلَّا مِثْلَهُ.

[راجع: ٢١٣٢]

٢١٣٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ: حَدَّثَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنِ ابْتَاعَ طَعَاماً فَلَا يَبْغِ حَتَّى يَسْتُوفِيهِ». زَادَ إِسْمَاعِيلُ: فَلَا يَبْغِهُ حَتَّى يَقْبِضَهُ». [راجع: ٢١٢٤]

(55) CHAPTER. The selling of foodstuff before receiving it, and the selling of a thing which you don't have.⁽¹⁾

2135. Narrated Ibn 'Abbās : رَضِيَ اللَّهُ عَنْهُمَا The Prophet ﷺ forbade the selling of foodstuff before receiving it. I consider that all types of sellings should be done in the same way.

2136. Narrated Ibn 'Umar : رَضِيَ اللَّهُ عَنْهُمَا The Prophet ﷺ said, “The buyer of foodstuff should not sell it before it has been measured for him.” Ismā'il narrated instead, “He should not sell it before receiving it.”

(1) (Ch. 55) If one buys foodstuff for one pound and sells it for two pounds before receiving it from the first seller, the transaction is illegal for it is usurious, for it is as if one bartered gold for gold, one pound for two pound. It is also the sale of something absent for something present which is also illegal. (*Al-Qastalāni* Vol. 4).

(56) CHAPTER. Whoever had the opinion that whoever bought foodstuff without measuring or weighing (blindly) should not sell it before bringing it into his house; and the punishment for whoever disobeys this order.

2137. Narrated Ibn ‘Umar رضي الله عنهمما: I saw the people buy foodstuff randomly (i.e., blindly without measuring it) in the lifetime of Allāh’s Messenger ﷺ and they were punished (by beating), if they tried to sell it before carrying it to their own houses.

٥٦) بَابُ مَنْ رَأَى إِذَا اشْتَرَى طَعَامًا جِزَافًا أَنْ لَا يَبْيَعَهُ حَتَّى يُؤْوِيهَ إِلَى رَحْلِهِ، وَالْأَدَبُ فِي ذَلِكَ.

٢١٣٧ - حَدَّثَنَا يَحْيَى بْنُ بُكْرٍ: حَدَّثَنَا الْيَثْرَى، عَنْ يُوسُفَ، عَنْ أَبْنِ شَهَابٍ قَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ: أَنَّ أَبْنَ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: لَقَدْ رَأَيْتُ النَّاسَ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ يَتَّخَذُونَ جِزَافًا - يَعْنِي الطَّعَامَ - يُضْرِبُونَ أَنْ يَبْيَعُوهُ فِي مَكَانِهِمْ حَتَّى يُؤْوِيهَ إِلَى رِحَالِهِمْ.

[راجع: ٢١٢٣]

٥٧) بَابُ إِذَا اشْتَرَى مَتَاعًا أَوْ دَابَّةً فَوَضَعَهُ عِنْدَ الْبَايِعِ أَوْ مَاتَ قَبْلَ أَنْ يُقْبَضَ.

وَقَالَ أَبْنُ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: مَا أَذْرَكَتِ الصَّفَقَةُ حَيَاً مَجْمُوعًا فَهُوَ مِنَ الْمُبْتَاعِ.

٢١٣٨ - حَدَّثَنَا فَرْوَهُ بْنُ أَبِي المَعْرَاءِ: أَخْبَرَنَا عَلَيُّ بْنُ مُسْهِرٍ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: لَقَلَّ يَوْمٌ كَانَ يَأْتِي عَلَى النَّبِيِّ ﷺ إِلَّا يَأْتِي فِيهِ بَيْتُ أَبِيهِ بَكْرٍ أَخَدَ طَرَكَيَ الْمَهَارِ، فَلَمَّا أُذْنَ لَهُ فِي الْعُرُوفِ إِلَى الْمَدِينَةِ لَمْ يَرْعَنَا إِلَّا وَقَدْ أَتَانَا ظَهِيرًا فَخَبَرَنِي بِهِ أَبُو بَكْرٍ، فَقَالَ: مَا جَاءَنَا النَّبِيُّ ﷺ فِي هَذِهِ

(57) CHAPTER. If somebody buys some goods or (an) animal and let it with the seller, or it dies before he takes it into his possession.

Ibn ‘Umar رضي الله عنهمما said, “If at the time of the transaction the sold animal is living and then it dies while still in the custody of the seller, then the buyer is the loser.”

2138. Narrated ‘Āishah رضي الله عنها: Rarely did the Prophet ﷺ fail to visit Abū Bakr’s house everyday, either in the morning or in the evening. When the permission for emigration to Al-Madina was granted, all of a sudden the Prophet ﷺ came to us at noon and Abū Bakr was informed, who said, “Certainly the Prophet ﷺ has come for some urgent matter.” The Prophet ﷺ said to Abū Bakr, when the latter entered, “Let nobody stay in your home.” Abū Bakr said, “O Allāh’s Messenger! There are only my two daughters (namely ‘Āishah and Asmā) present.” The Prophet ﷺ said, “I feel (am

informed) that I have been granted the permission for emigration." Abū Bakr said, "I will accompany you, O Allāh's Messenger!" The Prophet ﷺ said, "You will accompany me." Abū Bakr then said, "O Allāh's Messenger! I have two she-camels I have prepared specially for emigration, so I offer you one of them." The Prophet ﷺ said, "I have accepted it on the condition that I will pay its price."

السَّاعَةِ إِلَّا لِأَمْرٍ حَدَثَ . فَلَمَّا دَخَلَ عَلَيْهِ قَالَ لِأَبِيهِ بَكْرٍ : «أَخْرُجْ مِنْ عِنْدَكَ» . قَالَ : يَا رَسُولَ اللَّهِ ، إِنَّمَا هُمَا ابْنَتَائِي - يَعْنِي عَائِشَةَ وَأَسْمَاءَ - قَالَ : «أَشَعَرْتَ أَنَّهُ قَدْ أُذِنَ لِي فِي الْخُرُوجِ؟» . قَالَ : الصَّحْبَةَ يَا رَسُولَ اللَّهِ ، قَالَ : «الصَّحْبَةَ» ، قَالَ : يَا رَسُولَ اللَّهِ ، إِنَّ عَنِّي نَاقَتِينَ أَغْدَدْتُهُمَا لِلْخُرُوجِ فَهُدْ إِخْدَاهُمَا ، قَالَ : «قَدْ أَخْذَتُهَا بِالشَّمَنِ» .

[راجع: ٤٧٦]

(٥٨) بَابُ لَا يَبْيَعُ عَلَى بَيْعِ أَخِيهِ ، وَلَا يَسْوُمُ عَلَى سَوْمِ أَخِيهِ حَتَّى يَأْذَنَ لَهُ أَوْ يَتَرُكُ .

(58) CHAPTER. A seller should not urge somebody (in case of optional sale) to cancel a bargain the latter has already agreed upon with another seller so as to sell him his own goods ; and a buyer should not urge the seller to cancel a bargain already agreed upon with another buyer so as to buy the goods himself, unless they are given permission in both cases, or the bargains are cancelled with the willingness of both the seller and the buyer.

2139. Narrated 'Abdullāh bin 'Umar رضي الله عنهما : Allāh's Messenger ﷺ said, "Do not urge somebody to return what he has already bought (i.e., in optional sale) from another seller so as to sell him your own goods."

٢١٣٩ - حَدَثَنَا إِسْمَاعِيلُ قَالَ : حَدَثَنِي مَالِكُ ، عَنْ نَافِعٍ ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا : أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ : «لَا يَبْيَعُ بَعْضُكُمْ عَلَى بَيْعِ أَخِيهِ» . [انظر: ٢١٦٥، ٥١٤٢]

٢١٤٠ - حَدَثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ : حَدَثَنَا سُعِيَانُ : حَدَثَنَا الرُّهْبَرِيُّ ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ ، عَنْ أَبِيهِ هُرَيْرَةَ

2140. Narrated Abū Hurairah رضي الله عنه : Allāh's Messenger ﷺ forbade the selling of things by a town dweller on behalf of a desert dweller ; and similarly *Najsh*⁽¹⁾ was

(1) (H. 2140) *Najsh* means to offer a high price for something without having the intention to buy it but just to cheat somebody else who really wants to buy it. Such a person may agree with the seller to offer high prices before the buyers to cheat them, in which=

forbidden. And one should not urge somebody to return the goods to the seller so as to sell him his own goods; nor should one demand the hand of a girl who has already been engaged to someone else; and a woman should not try to cause some other woman to be divorced in order to take her place.

رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ عَنِ الْبَيْعِ أَنْ يَبْيَعَ حَاضِرٌ لِبَادٍ وَلَا تَنَاجِشُوا، وَلَا يَبْيَعُ الرَّجُلُ عَلَى بَيْعٍ أَخِيهِ، وَلَا يَخْطُبُ عَلَى خِطْبَةِ أَخِيهِ، وَلَا تَسْأَلُ الْمَرْأَةَ طَلاقَ اُخْتَهَا لِتَكْفَأَ مَا فِي إِنَائِهَا». [انظر: ٢١٤٨، ٢١٥٠، ٢١٥١، ٢٧٢٧، ٢١٦٢، ٢١٦٠، ٢٧٢٣، ٥١٥٢، ٦٦٠١]

[٥١٤٤]

(59) CHAPTER. Selling by auction.

'Atā' said, "I saw the people seeing no harm in selling war booty by auction."

2141. Narrated Jābir bin 'Abdullāh رَضِيَ اللَّهُ عَنْهُ : A man decided that a slave of his would be manumitted after his death and later on he was in need of money, so the Prophet ﷺ took the slave and said, "Who will buy this slave from me?" Nu'aim bin 'Abdullāh bought him for such price and the Prophet ﷺ gave him the slave.

وَقَالَ عَطَاءً: أَذْرَكْتُ النَّاسَ لَا يَرَوْنَ بَاسًا بَيْعَ الْمَعَانِيمِ فِيمَنْ يَرِيدُ.
٢١٤١ - حَدَثَنَا يَشْرُبُ بْنُ مُحَمَّدٍ: أَخْبَرَنَا عَنْدُ اللَّهِ: أَخْبَرَنَا الْحُسَينُ الْمُكْتَبُ، عَنْ عَطَاءَ بْنِ أَبِي رَبَاحٍ عَنْ جَابِرٍ بْنِ عَنْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَجُلًا أَعْنَقَ غُلَامًا لَهُ عَنْ دُبُرٍ. فَاخْتَاجَ فَأَخْذَهُ النَّبِيُّ عَلَيْهِ السَّلَامُ فَقَالَ: «مَنْ يَشَرِّيْهِ مَنِّي؟» فَاشْتَرَاهُ نُعِيمُ بْنُ عَبْدِ اللَّهِ يَكَذَا وَكَذَا، فَدَفَعَهُ إِلَيْهِ. [انظر: ٢٥٣٤، ٢٤١٥، ٢٤٠٣، ٢٢٣١، ٦٩٤٧، ٧١٨٦]

(60) بَابُ النَّجْشِ، وَمَنْ قَالَ: لَا يَجُوزُ ذَلِكَ الْبَيْعُ

وَقَالَ ابْنُ أَبِي أَوْفِي: النَّاجِشُ آكِلُ رِبَآ خَائِنٌ. وَهُوَ خَدَاعٌ بَاطِلٌ لَا يَحْلُ. قَالَ النَّبِيُّ عَلَيْهِ السَّلَامُ: «الْخَدَاعُ فِي

=case both this man and the seller are sinful. The seller may falsely tell the buyer that he (i.e. the seller) has previously bought the goods at a certain price which is in reality higher than the actual price.

(1) (Chap. 60) *An-Najash*: See the glossary.

lead to the Fire (Hell) and whoever does a deed which we have not ordered (anyone) to do (or is not in accord with our religion of Islāmic Monotheism) then that deed will not be accepted.” [See *Hadīth* No. 2697. Also see *Fath Al-Bārī*]

2142. Narrated Ibn ‘Umar رضي الله عنهما عن نافع، عن مسْلِمَةَ: حَدَّثَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى النَّبِيُّ ﷺ عَنِ النَّجْشِ. [انظر: ٦٩٦٣]

النَّارِ، وَمَنْ عَمِلَ عَمَلاً لَّيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ.

(61) CHAPTER. *Al-Gharar* (the sale of what is not present)⁽¹⁾ and *Habal-il-Habala* (i.e., the sale of what is in the womb of an animal).

2143. Narrated ‘Abdullah bin ‘Umar رضي الله عنهما عن مالك: حَدَّثَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ حَبَلِ الْحَبَلَةِ، وَكَانَ يَبْعَدُ أَهْلُ الْجَاهِلِيَّةِ كَانُوا الرَّجُلُ يَبْتَاعُ الْجَزْوَرَ إِلَى أَنْ تُتَجَّنَّ النَّاقَةُ ثُمَّ تُتَنَجَّ الَّتِي فِي بَطْنِهَا. [انظر: ٣٨٤٣، ٢٢٥٦]

(62) CHAPTER. *Al-Limās* or *Mulāmasa* sale⁽²⁾, i.e., by touching the thing only and not looking at it.

Anas said, “The Prophet ﷺ forbade it (i.e., *Al-Mulāmasa* sale).

2144. Narrated Abū Sa‘īd رضي الله عنه عن مالك: حَدَّثَنَا سَعِيدُ بْنُ عَفَيْرَ

٢١٤٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلِمَةَ: حَدَّثَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى النَّبِيُّ ﷺ عَنِ النَّجْشِ. [٦٩٦٣]

(٦١) بَابُ بَيْعِ الْغَرَرِ وَحَبَلِ الْحَبَلَةِ

٢١٤٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ حَبَلِ الْحَبَلَةِ، وَكَانَ يَبْتَاعُ أَهْلُ الْجَاهِلِيَّةِ كَانُوا الرَّجُلُ يَبْتَاعُ الْجَزْوَرَ إِلَى أَنْ تُتَجَّنَّ النَّاقَةُ ثُمَّ تُتَنَجَّ الَّتِي فِي بَطْنِهَا. [انظر: ٣٨٤٣، ٢٢٥٦]

(٦٢) بَابُ بَيْعِ الْمُلَامَسَةِ

قال أنس: نهى النبي ﷺ عنه.

٢١٤٤ - حَدَّثَنَا سَعِيدُ بْنُ عَفَيْرَ قال: حدثني الليث قال: حدثني

(1) (Ch. 61) As an example of *Al-Gharar* sale is to sell fish that are still not caught or a bird that has not been caught yet, etc.

(2) (Ch. 62) The sale of *Mulāmasa* has different forms: The sale becomes valid on the buyer's touching the clothes without checking or looking at them. For example, one brings a folded garment, or in the dark and the buyer offers a price and the owner of the garment says, “I sell it to you on condition that you will only touch it, not see it, and if you see it, you have no option to cancel the sale.”

Munābadha,⁽¹⁾ i.e., to sell one's garment by casting it to the buyer not allowing him to examine or see it.

Similarly he forbade the selling by *Mulāmasa*. *Mulāmasa* is to buy a garment, for example, by merely touching it, not looking at it.

عَقِيلٌ، عَنْ أَبْنَاءِ شِهَابٍ قَالَ: أَخْبَرَنِي
عَامِرُ بْنُ سَعْدٍ أَنَّ أَبَا سَعِيدَ رَضِيَ اللَّهُ عَنْهُ
عَنْ أَخْبَرَةٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ
عَنِ الْمُنَابَدَةِ، وَهِيَ طَرْحُ الرَّجُلِ ثُوْبَهُ
بِالْبَيْعِ إِلَى رَجُلٍ قَبْلَ أَنْ يُقْلِبَهُ أَوْ يَنْتَظِرَ
إِلَيْهِ. وَنَهَى عَنِ الْمُلَامَسَةِ،
وَالْمُلَامَسَةُ لَمَسُ الثُّوْبِ لَا يَنْتَظِرُ إِلَيْهِ.

[راجع: ٣٦٧]

2145. Narrated Abū Hurairah: The Prophet forbade two kinds of dressing; (one of them) is to sit with one's legs drawn up while wrapped in one garment. (The other) is to lift that garment on one's shoulders. And also forbade two kinds of sale: *Al-Limās* and *An-Nibādh*.

٢١٤٥ - حَدَّثَنَا فُتَيْبَةُ: حَدَّثَنَا عَبْدُ
الْوَهَابَ: حَدَّثَنَا أَيُوبُ، عَنْ مُحَمَّدٍ،
عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ:
نَهَى عَنْ لِيَسْتَيْنِ، أَنْ يَحْتَبِي الرَّجُلُ
فِي الثَّوْبِ الْوَاحِدِ ثُمَّ يَرْفَعُهُ عَلَى
مَنْكِبِيهِ. وَعَنْ بَيْعَتَيْنِ: الْلِّمَاسِ
وَالْبَيْذَةِ. [راجع: ٣٦٨]

(63) CHAPTER. Selling by *Munābadha*.

And Anas said, "The Prophet forbade such sale."

2146. Narrated Abū Hurairah: Allah's Messenger forbade selling by *Mulāmasa* and *Munābadha*.

٦٣) بَابُ بَيْعِ الْمُنَابَدَةِ .
وَقَالَ أَنَسُ: نَهَى عَنْهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ
٢١٤٦ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ:
حَدَّثَنِي مَالِكُ، عَنْ مُحَمَّدِ بْنِ يَحْيَى
بْنِ حَبَّانَ، عَنْ أَبِي الرُّبَّادِ، عَنْ
الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ
عَنْهُ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ
عَنِ الْمُلَامَسَةِ وَالْمُنَابَدَةِ . [راجع: ٣٦٨]

٢١٤٧ - حَدَّثَنَا عَيَّاشُ بْنُ الْوَلِيدَ:

2147. Narrated Abū Sa'īd: The Prophet forbade two kinds of dresses and

(1) (H. 2144) The sale by *Munābadha* is like gambling: Two persons may agree to barter one thing for another without seeing or checking either of them. One may say to another, "I barter my garment for your garment," and the sale is achieved without either of them seeing the garment of the other. Or, one may say, "I give you what I have and you give me what you have," and thus they buy from each other without knowing how much each has had.

two kinds of sale, i.e., *Mulāmasa* and *Munābadha*.

حدَّثَنَا عَبْدُ الْأَعْلَىٰ : حَدَّثَنَا مَعْمَرٌ ، عَنِ الرَّهْرِيِّ ، عَنْ عَطَاءِ بْنِ يَزِيدَ ، عَنْ أَبِي سَعِيدِ رَضِيَ اللَّهُ عَنْهُ قَالَ : نَهَى النَّبِيُّ ﷺ عَنِ لِبَسْتَيْنِ وَعَنْ بَيْعَتْيْنِ ، الْمُلَامَسَةِ وَالْمُنَابَذَةِ . [راجع : ٣٦٧]

(٦٤) **بَابُ النَّهْيِ لِلْبَاعِنَّ أَنْ لَا يُحَفَّلَ الإِبَلَ وَالْبَقَرَ وَالْغَنَمَ وَكُلُّ مُحَفَّلَةٍ ، وَالْمُصَرَّأَةُ الَّتِي صُرِّيَ لَبَهَا وَحْقِنَ فِيهِ وَجْمَعَ فَلَمْ يُحَلِّبْ أَيَّامًا . وَأَصْلُ التَّضْرِيْرِ : حَبْسُ الْمَاءِ ، يُقَالُ مِنْهُ : صَرَّيْتُ الْمَاءَ : إِذَا حَبَسْتَهُ .**

٢١٤٨ - حَدَّثَنَا ابْنُ بُكَيْرٍ : حَدَّثَنَا الْأَئْمَةُ ، عَنْ جَعْفَرِ بْنِ رَبِيعَةَ ، عَنِ الْأَعْرَجِ ، قَالَ أَبُو هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ : «لَا تُصْرِّوَا الإِبَلَ وَالْغَنَمَ ، فَمَنْ ابْتَاعَهَا بَعْدُ فَإِنَّهُ يُخَيِّرُ النَّظَرِيْنَ بَعْدَ أَنْ يَحْتَلِهَا ، إِنْ شَاءَ أَمْسِكَ وَإِنْ شَاءَ رَدَهَا وَصَاعَ تَمْرِ» . وَيُذَكَّرُ عَنْ أَبِي صَالِحٍ وَمُجَاهِدٍ وَالْوَلَيْدِ بْنِ رَبَاحٍ وَمُوسَى بْنِ سَارِ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ : «صَاعَ تَمْرِ» . وَقَالَ بَعْضُهُمْ عَنْ ابْنِ سَيْرِينَ صَاعًا مِنْ طَعَامٍ وَهُوَ بِالْخِيَارِ ثَلَاثًا . وَقَالَ بَعْضُهُمْ عَنْ ابْنِ سَيْرِينَ : «صَاعًا مِنْ تَمْرِ» ، وَلَمْ يُذَكَّرْ : ثَلَاثًا . وَالثَّمَرُ أَكْثَرُ . [راجع : ٢١٤٠]

٢١٤٩ - حَدَّثَنَا مُسَدَّدٌ : حَدَّثَنَا مُعَتَّمٌ قَالَ : سَمِعْتُ أَبِي يَقُولُ :

(64) **CHAPTER.** The seller is not allowed to keep camels, cows, sheep or any other animal unmilked for a long time (so as to get more price by cheating).

2148. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, "Don't keep camels and sheep unmilked for a long time, for whoever buys such an animal has the option to milk it, and then either to keep it or return it to the owner along with one *Sā'* of dates."

Some narrated from Ibn Sīrīn (that the Prophet ﷺ had said), "One *Sā'* of wheat, and he has the option for three days."

And some narrated from Ibn Sīrīn, "...a *Sā'* of dates," not mentioning the option for three days. But a *Sā'* of dates' is mentioned in most of the narrations.

returning it along with one *ṣā'* of dates; and the Prophet ﷺ forbade going to meet the seller on the way (as he has no knowledge of the market price and he may sell his goods at a low price).

حدَثَنَا أَبُو عُثْمَانَ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: مَنْ اشترى شَاءَ مُحَقَّلَةً فَرَدَّهَا فَلَيْرُدَّ مَعَهَا صَاعًا مِنْ تَمَرٍ وَنَهَى النَّبِيُّ ﷺ أَنْ تُلَقِّي الْبَيْوُعَ. [انظر: ٢١٦٤]

٢١٥٠ - حدَثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ أَبِي الرِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَلْقَوْا الرُّكْبَانَ، وَلَا بَيْعَ بَعْضَكُمْ عَلَى بَيْعٍ بَعْضٍ وَلَا تَنَاجِشُوا، وَلَا بَيْعَ حَاضِرٍ لِيَادِ، وَلَا تُصْرُوا الْغَنَمَ. وَمَنْ ابْتَاعَهَا فَهُوَ بِخَيْرِ الظَّرِيرِ بَعْدَ أَنْ يَحْلِبُهَا، إِنْ رَضِيَهَا أَمْسَكَهَا، وَإِنْ سَخَطَهَا رَدَّهَا وَصَاعَأَهَا مِنْ تَمَرٍ». [راجع: ٢١٤٠]

(٦٥) بَابُ إِنْ شَاءَ رَدَ المُصَرَّأَةَ وَفِي حَلْبِهَا صَاعٌ مِنْ تَمَرٍ.

٢١٥١ - حدَثَنَا مُحَمَّدُ بْنُ عَمِّرٍو: حدَثَنَا الْمَكِّيُّ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي زِيَادٌ: أَنَّ ثَاتِيَّا مَوْلَى عَبْدِ الرَّحْمَنِ بْنِ رَيْدٍ أَخْبَرَهُ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ اشترى غَنَمًا مُصَرَّأَةً فَاحْتَلَبَهَا فَإِنْ رَضِيَهَا أَمْسَكَهَا، وَإِنْ سَخَطَهَا فَفِي حَلْبِهَا صَاعٌ مِنْ تَمَرٍ». [راجع: ٢١٤٠]

(66) CHAPTER. The selling of an adulterer slave.

And Shuraiḥ said, “The buyer can return him to the owner if he wishes because of illegal sexual intercourse.”

2152. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, “If a slave-girl commits illegal sexual intercourse and it is proved beyond doubt, then her owner should lash her and should not blame her after the legal punishment. And then if she repeats the illegal sexual intercourse, he should lash her again and should not blame her after the legal punishment, and if she commits it a third time then he should sell her even for a hair rope.”

2153, 2154. Narrated Abū Hurairah and Zaid bin Khalid : رَضِيَ اللَّهُ عَنْهُمَا Allah's Messenger ﷺ was asked about the slave-girl, if she was a virgin and committed illegal sexual intercourse. The Prophet ﷺ said, “If she committed sexual intercourse, lash her, and if she did it a second time, then lash her again, and if she repeated the third time, then sell her even for a hair rope.” Ibn Shihāb said, “I don't know whether to sell her after the third or fourth offense.”

(67) CHAPTER. Dealing with women in selling and buying.

2155. Narrated ‘Aishah : رَضِيَ اللَّهُ عَنْهَا Allāh's Messenger ﷺ came to me and I told

(٦٦) بَابُ بَيْعِ الْعَبْدِ الرَّانِيِّ .
وَقَالَ شُرَيْحٌ: إِنْ شَاءَ رَدَّ مِنْ الرِّنَا .

٢١٥٢ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ : حَدَّثَنَا الْيَتُّ قَالَ: حَدَّثَنِي سَعِيدُ الْمَقْبَرِيُّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّهُ سَمِعَ يَقُولُ: قَالَ النَّبِيُّ ﷺ: «إِذَا زَنَتِ الْأُمَّةُ فَتَبَيَّنَ زِنَاهَا فَلْيَجِلِّدُهَا وَلَا يُنْزَبَ». ثُمَّ إِنْ زَنَتْ فَلْيَجِلِّدُهَا وَلَا يُنْزَبَ. ثُمَّ إِنْ زَنَتِ الثَّالِثَةَ فَلْتُسْعِنَهَا وَلَوْ بِحَبْلٍ مِّنْ شَعَرٍ». [انظر: ٢١٥٣، ٦٨٣٩، ٦٨٣٧، ٢٠٥٥، ٢٢٣٤، ٢٢٣٣]

٢١٥٣ - حَدَّثَنَا إِسْمَاعِيلُ : حَدَّثَنِي مَالِكُ، عَنْ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللهِ ابْنِ عَبْدِ اللهِ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ ﷺ سُلِّلَ عَنِ الْأُمَّةِ إِذَا زَنَتْ وَلَمْ تُحْصَنْ قَالَ: «إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنَتْ فَبِعُوهَا وَلَوْ بِضَفْرِيرٍ». قَالَ ابْنُ شِهَابٍ: لَا أَدْرِي أَبْعَدُ الثَّالِثَةَ أَوِ الرَّابِعَةَ. [راجع: ٢١٥٤، وانظر: ٢٢٣٢، ٢٠٥٦، ٦٨٣٨]

(٦٧) بَابُ الشَّرَاءِ وَالْبَيْعِ مَعَ النِّسَاءِ

٢١٥٥ - حَدَّثَنَا أَبُو الْيَمَانِ:

him about the slave-girl (Barira) Allāh's Messenger ﷺ said, "Buy and manumit her, for the *Walā'*⁽¹⁾ is for the one who manumits." In the evening the Prophet ﷺ got up and glorified Allāh as He deserved and then said, "Why do some people impose conditions which are not present in Allāh's Book (laws)? Whoever imposes such a condition as is not in Allāh's Laws, then that condition is invalid even if he imposes one hundred conditions, for Allāh's Conditions are the Truth and the most reliable."

أَخْبَرَنَا شَعِيبٌ، عَنِ الرُّهْبَرِيِّ، قَالَ عُرْوَةُ بْنُ الزَّبِيرِ: قَالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ فَذَكَرْتُ لَهُ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِشْتَرَى وَأَغْتَبَ فَإِنَّمَا الولاءُ لِمَنْ أَعْنَقَ»، ثُمَّ قَامَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ مِنَ العَشِيِّ فَأَشَّنَى عَلَى اللَّهِ بِمَا هُوَ أَهْلُهُ، ثُمَّ قَالَ: «مَا بَالُ النَّاسِ يَسْتَرْطُونَ شُرُوطًا لَّيْسَ فِي كِتَابِ اللَّهِ مِنْ اشْتَرَطْ شُرُوطًا لَّيْسَ فِي كِتَابِ اللَّهِ فَهُوَ باطِلٌ وَإِنْ اشْتَرَطَ مِائَةً شَرْطًا، شَرْطُ اللَّهِ أَحَقُّ وَأَوْثَقُ». [راجع: ٤٥٦]

٢١٥٦ - حَدَّثَنَا حَسَانُ بْنُ أَبِي عَبَادٍ: حَدَّثَنَا حَمَّامٌ قَالَ: سَمِعْتُ نَافِعًا: عَنْ عَبْدِ اللَّهِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا سَأَوْمَتْ بَرِيرَةَ فَخَرَجَ إِلَى الصَّلَاةِ. فَلَمَّا جَاءَ قَالَتْ: إِنَّهُمْ أَبْوَا أَنْ يَبِعُوهَا إِلَّا أَنْ يَسْتَرْطُوا الولاءَ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّمَا الولاءُ لِمَنْ أَعْنَقَ». قُلْتُ لِنَافِعٍ: حُرَّاً كَانَ زَوْجُهَا أَوْ عَبْدًا؟ فَقَالَ: مَا يُدْرِينِي؟ [انظر: ٢١٦٩، ٦٧٥٢، ٦٧٥٧، ٦٧٥٩]

(٦٨) بَابُ هَلْ بَيْعُ حَاضِرٍ لِيَادِ بَغَيرِ أَخْرِيٍّ؟ وَهَلْ يُعِينُهُ أَوْ يَنْصُحُهُ؟

وَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِذَا اسْتَتْصَحَّ

(68) CHAPTER. Is it permissible for a person from the town to sell the goods of a desert dweller without taking commission? Should he help him or try to advise him?

The Prophet ﷺ said, "If somebody asked

(1) (H. 2155) *Walā'*: See glossary.

the advice of someone else, then the latter should advise him.” Aṭā allowed it (selling the goods of a desert dweller by a town dweller).

2157. Narrated Jarir رَضِيَ اللَّهُ عَنْهُ: I gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ for the following: (1) To testify that *Lā ilāha illallāh wā anna Muḥammad-ar-Rasūl Allāh* (none has the right to be worshipped but Allāh, and Muḥammad is Allāh's Messenger). (2) *Iqāmat-as-Ṣalāt*, (3) To pay the *Zakāt*, (4) To listen to and obey (Allāh's and His Prophet's Orders), (5) To be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (Islamic Monotheism and all that Islam orders one to do) and forbid them from *Al-Munkar* (disbelief and polytheism and all that Islam has forbidden) and to help them, and to be merciful and kind to them].

[See H.57 & its chapter].

2158. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا said, “Do not go to meet the caravans on the way (for buying their goods without letting them know the market price); a town dweller should not sell the goods of a desert dweller on behalf of the latter.” Ibn ‘Abbās was asked, “What does he mean by not selling the goods of a desert dweller by a town dweller?” He said, “He should not become his broker.”

(69) CHAPTER. Whoever hated that an urban person should sell the goods of a desert dweller and charge him for that.

2159. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُمَا: Allāh's Messenger ﷺ forbade the selling of the goods of a desert dweller by a town person.

أَحَدُكُمْ أَخَاهُ فَلِيَنْصَحْ لَهُ، وَرَحَصْ
فِيهِ عَطَاءً.

٢١٥٧ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ
اللهِ: حَدَّثَنَا سُفْيَانُ، عَنْ إِسْمَاعِيلَ،
عَنْ قَيْسِ: سَمِعْتُ جَرِيرًا رَضِيَ اللَّهُ
عَنْهُ يَقُولُ: بِايمَنتُ رَسُولَ اللهِ ﷺ
عَلَى شَهَادَةِ أَنَّ لَا إِلَهَ إِلَّا اللهُ وَأَنَّ
مُحَمَّدًا رَسُولُ اللهِ، وَإِقَامِ الصَّلَاةِ،
وَإِيتَاءِ الرِّزْكَ، وَالسَّمْعِ وَالطَّاعَةِ،
وَالنُّصْحِ لِكُلِّ مُسْلِمٍ». [راجع: ٥٧]

٢١٥٨ - حَدَّثَنَا الصَّلْتُ بْنُ
مُحَمَّدٍ: حَدَّثَنَا عَبْدُ الْواحِدِ: حَدَّثَنَا
مَعْمَرٌ، عَنْ عَبْدِ اللهِ بْنِ ظَاوِسِ عَنْ
أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا
قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تَلْقُوا
الرُّكْبَانَ وَلَا يَبْغُ حَاضِرٌ لِيَادِ». قَالَ:
قُلْتُ لِابْنِ عَبَّاسٍ: مَا قَوْلُهُ: «لَا يَبْغُ
حَاضِرٌ لِيَادِ»؟ قَالَ: لَا يَكُونُ لَهُ
سِمْسَارًا. [انظر: ٢١٦٣، ٢٢٧٤]

(٦٩) بَابُ مَنْ كَرِهَ أَنْ يَبْغُ حَاضِرٌ
لِيَادِ بَأْجِرٍ

٢١٥٩ - حَدَّثَنِي عَبْدُ اللهِ بْنُ
صَبَّاحٍ: حَدَّثَنَا أَبُو عَلَيِّ الْحَنْفِيُّ، عَنْ
عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللهِ بْنِ دِينَارٍ

قال: حدثني أبي عن عبد الله بن عمر رضي الله عنهما قال: نهى رسول الله ﷺ أن يبيع حاضر لياده وبه قال ابن عباس.

(٧٠) باب يشتري حاضر لياده بالسمسرة

وكرهه ابن سيرين وإبراهيم للبائع وللمشتري. قال إبراهيم: إن العَرَبَ تقول: بع لي ثوبًا، وهي تعنى الشراء.

(٢١٦٠) - حدثنا المككي بن إبراهيم قال: أخبرني ابن جرير، عن ابن شهاب، عن سعيد بن المسيب أنه سمع أبا هريرة رضي الله عنه يقول: قال رسول الله ﷺ: لا يتبع المرأة على بيع أخيه، ولا تناجشوا، ولا يبيع حاضر لياده.

[راجع: ٢١٤٠]

(٢١٦١) - حدثني محمد بن المثنى: حدثنا معاذ: حدثنا ابن عون، عن محمد: قال أنس بن مالك رضي الله عنه: نهينا أن يبيع حاضر لياده.

(٧١) باب النهي عن تلقى الركبان، وأن بيته مردود لأن صاحبه عاص آثم إذا كان به غالما وهو خداع في البيع والخداع لا يجوز.

(٢١٦٢) - حدثنا محمد بن بشير:

(70) CHAPTER. A town dweller should not buy goods for a desert dweller and charge commission as a broker.

Ibn Sirin and Ibrâhim disliked (working as a broker for a desert dweller) whether as a seller or a buyer. Ibrâhim said, “Arabs use the word ‘to buy’ in the meaning of ‘to sell’.”

2160. Narrated Abû Hurairah رضي الله عنه عن نبی الله ﷺ said, “A buyer should not urge a seller to restore a purchase so as to buy it himself, and do not practise *Najsh*; and a town dweller should not sell goods of a desert dweller.”

2161. Narrated Anas bin Mâlik رضي الله عنه عن نبی الله ﷺ We were forbidden that a town dweller should sell goods of a desert dweller.

(71) CHAPTER. It is forbidden to meet the caravans on the way (to buy the goods away from the market).

And the one who buys them, his bargain is invalid as he is a sinner if he knows it, for it is a kind of deceit, and deceit is forbidden.

2162. Narrated Abû Hurairah رضي الله عنه عن نبی الله ﷺ forbade the meeting (of

caravans) on the way and the selling of goods by an inhabitant of the town on behalf of a desert dweller.

حدَثَنَا عبدُ الوَهَّابِ: حدَثَنَا عَيْدُ اللَّهِ
الْعُمَرِي عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ عَنْ
أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى
النَّبِيُّ ﷺ عَنِ التَّلَقِّيِّ وَأَنْ يَبْيَعَ حَاضِرُ
اللِّيَادِ: [رَاجِعٌ: ٢١٤٠]

2163. Narrated Tāwūs: I asked Ibn 'Abbās, "What is the meaning of: 'No town dweller should sell (or buy) on behalf of a desert dweller'?"

Ibn 'Abbas رَضِيَ اللَّهُ عَنْهُمَا said, "It means he should not become his broker."

٢١٦٣ - حَدَّثَنَا عَيْاشُ بْنُ الْوَلِيدِ: حَدَّثَنَا عَبْدُ الْأَعْلَى، حَدَّثَنَا مَعْمَرٌ، عَنْ أَبْنِ طَلَوْسٍ، عَنْ أَبِيهِ قَالَ: سَأَلْتُ أَبْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: مَا مَعْنَى قَوْلِهِ: «لَا يَبِعَنَ حَاضِرٌ لِبَادٍ»؟ فَقَالَ: يَكُونُ لَهُ سِمْسَارًا . [راجٗ: ٢١٥٨]

2164. Narrated ‘Abdullāh رَضِيَ اللَّهُ عَنْهُ: Whoever buys an animal which has been kept unmilked for a long time, could return it, but has to pay a *Sā‘* of dates along with it. And the Prophet ﷺ forbade meeting the owners of goods on the way, away from the market.

٢١٦٤ - حَدَّثَنَا مُسَلَّدٌ: حَدَّثَنَا يَزِيدُ بْنُ رُبَيعٍ قَالَ: حَدَّثَنِي التَّيِّبُيُّ، عَنْ أَبِي عُثْمَانَ عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: مَنْ اشْتَرَى مَحْفَلَةً فَلَيْرَدَ مَعَهَا صَاعًا. قَالَ: وَنَهَى التَّيِّبُيُّ عَنْ تَلَقُّي الْبَيْوُعِ.

2165. Narrated ‘Abdullâh bin ‘Umar رضي الله عنهما : Allâh’s Messenger ﷺ said, “You should not try to cancel the purchases of one another (to get a benefit thereof), and do not go ahead to meet the caravan (for buying the goods) (but wait) till it reaches the market.”

٢١٦٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَبْيَغُ بَعْصُكُمْ عَلَى بَيْعِ بَعْضٍ، وَلَا تَنْكِلُوا السَّلَعَ حَتَّى يُهْبَطَ بِهَا إِلَى السُّوقِ». [راجٌ: ٢١٣٩]

(72) CHAPTER. The limits to which one can go ahead to meet the caravan.

2166. Narrated ‘Abdullâh: We used to go ahead to meet the caravan and used to buy foodstuff from them. The

(٧٢) بَابُ مُسْتَهْنَى التَّلْفِي

Prophet ﷺ forbade us to sell it till the foodstuff has reached the market.

نَافِعٌ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا نَتَلَقَّى الرُّجُبَانَ فَنَشَرَتِي مِنْهُمُ الطَّعَامَ فَهَاهَا النَّبِيُّ ﷺ أَنْ تَبْعَهُ حَتَّى يَلْغَ بِهِ سُوقُ الطَّعَامِ. [راجع: ٢١٢٣]

فَالْأَبُو عَبْدُ اللَّهِ: هَذَا فِي أَعْلَى السُّوقِ وَبِهِ حَدِيثُ عَبْيَدِ اللَّهِ.

٢١٦٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ عَبْيَدِ اللَّهِ قَالَ: حَدَّثَنِي نَافِعٌ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانُوا يَتَابُونَ إِلَيْنَا عَنِ الظَّلَامِ فِي أَعْلَى السُّوقِ فَيَبْعَهُنَّ فِي مَكَانِهِ، فَنَهَا مُنْهَمْ رَسُولُ اللَّهِ ﷺ أَنْ يَبْعَهُ فِي مَكَانِهِ حَتَّى يَنْقُلُوهُ. [راجع: ٢١٢٣]

(٧٣) بَابُ إِذَا اشْتَرَطَ فِي الْبَيعِ شُرُوطًا لَا تَحْلُ

٢١٦٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: جَاءَتِي بَرِيرَةً فَقَالَتْ: كَاتَبْتُ أَهْلِي عَلَى تَسْعِ أَوَاقِي، فِي كُلِّ عَامٍ أُوقِيَّ، فَأَعْيَنَنِي. فَقُلْتُ: إِنْ أَحَبَّ أَهْلَكِ أَنْ أُعْدَهَا لَهُمْ وَيَكُونُ لَوْلَكَ لِي فَعَلْتُ. فَذَهَبَتْ بَرِيرَةً إِلَى أَهْلِهَا، فَقَالَتْ لَهُمْ فَأَبْوَا ذَلِكَ عَلَيْهَا. فَجَاءَتِي مِنْ عِنْدِهِمْ وَرَسُولُ اللَّهِ ﷺ جَالِسٌ، فَقَالَتْ: إِنِّي عَرَضْتُ ذَلِكَ عَلَيْهِمْ فَأَبْوَا إِلَّا أَنْ يَكُونَ الْوَلَاءُ لَهُمْ. فَسَمِعَ النَّبِيُّ ﷺ، فَأَخْبَرَتْ عَائِشَةَ

2167. Narrated 'Abdullah: رضي الله عنه :

Some people used to buy foodstuff at the head of the market and used to sell it on the spot. Allāh's Messenger ﷺ forbade them to sell it till they brought it to (their) places.

(73) CHAPTER. If somebody imposes conditions in selling which are forbidden (in) or are against the Islāmic Law.

2168. Narrated 'Urwa: 'Āishah رضي الله عنها said, "Barira came to me and said, 'I have agreed with my masters to pay them nine *Uqīya* (of gold) (in instalments) one *Uqīya* per year; please help me.' I said, 'I am ready to pay the whole amount now provided your masters agree that your *Walā'* will be for me.' So, Barira went to her masters and told them about that offer but they refused to accept it. She returned, and at that time, Allāh's Messenger ﷺ was sitting (present). Barira said, 'I told them of the offer but they did not accept it and insisted on having the *Walā'*. The Prophet ﷺ heard that." 'Āishah narrated the whole story to the Prophet ﷺ. He said to her, "Buy her and stipulate that her *Walā'* would be yours as the *Walā'* is for the manumitter." 'Āishah did so. Then Allāh's Messenger ﷺ stood up in front of the people, and after glorifying Allāh, he

said, ‘*Ammā Ba’du* (i.e., then after)! What about the people who impose conditions which are not in Allāh’s Book (laws)? Any condition that is not in Allāh’s Book (Laws) is invalid even if they were one hundred conditions, for Allāh’s Decisions are the right ones and His Conditions are the strong ones (firmer) and the *Wälâ’* will be for the manumitter.”

رضي الله عنها النبي ﷺ فقال:
«خذلها وشرط لهم الولاء فإنما
الولاء لمن أعنق»، فعجلت عائشة.
ثم قام رسول الله ﷺ في الناس
فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ، ثُمَّ قَالَ: «أَمَا
بَعْدُ، مَا بَالُ رِجَالٍ يَسْتَرِطُونَ شُرُوطًا
لِيَسْتَ في كِتَابِ اللَّهِ؟ مَا كَانَ مِنْ
شُرُوطٍ لَيْسَ في كِتَابِ اللَّهِ فَهُوَ باطِلٌ
وَإِنْ كَانَ مِائَةً شُرُوطًا، فَضَاءُ اللَّهِ أَحَقُّ،
وَشَرْطُ اللَّهِ أَوْثَقُ، وَإِنَّمَا الولاء لِمَنْ
أَعنق». [راجع: ٤٥٦]

(74) CHAPTER. Selling of dates for dates.

2170. Narrated Ibn ‘Umar رضي الله عنهما : The Prophet ﷺ said, “The selling of wheat for wheat is *Ribā* (usury), except if it is from hand to hand and equal in amount. Similarly, the selling of barley for barley is *Ribā*, except if it is from hand to hand and equal in amount, and dates for dates is usury except if it is from hand to hand and equal in amount.”

[See *Ribā Al-Fadl* in the glossary].

٢١٦٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ أَرَادَتْ أَنْ تَشْتَرِي جَارِيَةً فَتُعْتِقَهَا فَقَالَ أَهْلُهَا: نَسِيْكُهَا عَلَى أَنَّ وَلَاءَهَا لَنَا. فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «لَا يَمْنَعُكَ ذَلِكَ، فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْطَنَا». [رَاجِعٌ: ٢١٥٦]

(٧٤) بَابُ بَيْعِ التَّمْرِ بِالثَّمْرِ.

لَيْثٌ، عَنْ ابْنِ شَهَابٍ، عَنْ مَالِكِ بْنِ أَوْسٍ: سَمِيعُ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «الْبُرُّ بِالْبُرِّ رِبًا إِلَّا هَاءُ وَهَاءُ، وَالشَّعِيرُ بِالشَّعِيرِ رِبًا إِلَّا هَاءُ وَهَاءُ، وَالثَّمُرُ بِالثَّمُرِ رِبًا إِلَّا هَاءُ

وَهَاءً». [رَاجِعٌ : ٢١٣٤]

(75) CHAPTER. The selling of dried grapes for dried grapes and meals for meals.

2171. Narrated Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا that Allah’s Messenger ﷺ forbade *Muzābana*; and *Muzābana* is the selling of fresh dates for dried old dates by measure, and the selling of fresh grapes for dried grapes by measure.

(٧٥) بَابُ بَيْعِ الرَّبِيبِ بِالرَّبِيبِ، وَالطَّعَامُ بِالطَّعَامِ

٢١٧١ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنِي مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَنْهُ عَنِ الْمُزَابَنَةِ. وَالْمُزَابَنَةُ: بَيْعُ التَّمْرِ بِالْتَّمْرِ كَيْلًا، وَبَيْعُ الرَّبِيبِ بِالرَّبِيبِ كَيْلًا. [انظر: ٢٢٠٥، ٢١٨٥، ٢١٧٢]

2172. Narrated Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا that the Prophet ﷺ forbade *Muzābana*; and *Muzābana* is the selling of fresh fruit (without measuring it) for something by measure on the basis that if that thing turns to be more than the fruit, the increase would be for the seller of the fruit, and if it turns to be less, that would be of his lot.

٢١٧٢ - حَدَّثَنَا أَبُو النُّعْمَانَ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَبِي يُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَنِ الْمُزَابَنَةِ. قَالَ: وَالْمُزَابَنَةُ: أَنْ يَبْيَعَ التَّمْرَ بِكَيْلٍ إِنْ زَادَ فَلَيْ وَإِنْ نَقَصَ فَعَلَىٰ. [راجع: ٢١٧١]

2173. Narrated Ibn ‘Umar from Zaid bin Thābit that the Prophet ﷺ allowed the selling of the fruits on the trees after estimation (when they are ripe).

٢١٧٣ - قَالَ: وَحَدَّثَنِي زَيْدُ بْنُ ثَابِتٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ رَجُلًا فِي الْعَرَابِيَا يُخْرِصُهَا. [انظر: ٢١٨٤، ٢١٩٢، ٢٢٨٠]

(76) CHAPTER. Selling of barley for barley.

2174. Narrated Ibn Shihāb that Malik bin ‘Aūs said, “I was in need of change for one-hundred Dinār. Talhā bin ‘Ubaidullāh called me and we discussed the matter, and he agreed to change (my Dinār). He took the gold pieces and turned and toppled them with his hands, and then said, “Wait till my storekeeper comes from the forest.” ‘Umar was listening to that and said, “By Allāh! You should not separate from Talhā till you get the money from him, for Allāh’s Messenger ﷺ said, ‘The selling of gold for

(٧٦) بَابُ بَيْعِ الشَّعِيرِ بِالشَّعِيرِ

٢١٧٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ ابْنِ شَهَابٍ، عَنْ مَالِكِ بْنِ أَوْسٍ: أَخْبَرَهُ أَنَّهُ التَّمَسَ صَرْفًا بِمِائَةِ دِينَارٍ، فَدَعَانِي طَلْحَةُ بْنُ عُبَيْدِ اللَّهِ فَتَرَاوَضْنَا حَتَّىٰ اضْطَرَرَ مِنِّي فَأَخَذَ الذَّهَبَ يُقْبَلُهُ فِي يَدِهِ ثُمَّ قَالَ: حَتَّىٰ يَأْتِي خَازِنِي مِنَ الْغَابَةِ، وَعُمَرُ يَسْمَعُ ذَلِكَ. قَالَ:

gold is *Ribā* (usury), except if the exchange is from hand to hand and equal in amount, and similarly, the selling of wheat for wheat is *Ribā*, unless it is from hand to hand and equal in amount, and the selling of barley for barley is usury unless it is from hand to hand and equal in amount, and dates for dates is usury unless it is from hand to hand and equal in amount.”

(77) CHAPTER. Selling of gold for gold.

2175. Narrated Abū Bakra : رَضِيَ اللَّهُ عَنْهُ Allāh’s Messenger ﷺ said, “Don’t sell gold for gold unless equal in weight, nor silver for silver unless equal in weight, but you could sell gold for silver or silver for gold as you like.”

وَاللَّهُ لَا تُفَارِقُهُ حَتَّى تَأْخُذَ مِنْهُ . قَالَ رَسُولُ اللَّهِ ﷺ : «الْذَّهَبُ بِالْذَّهَبِ رِبَّا إِلَّا هَاءُ وَهَاءُ وَالبَّرُّ بِالبَّرِّ رِبَّا إِلَّا هَاءُ وَهَاءُ، وَالشَّعِيرُ بِاللَّوْرِقِ رِبَّا إِلَّا هَاءُ وَهَاءُ، وَالثَّمُرُ بِالثَّمُرِ رِبَّا إِلَّا هَاءُ وَهَاءً» . [راجع: ٢١٣٤]

(77) بَابُ بَيْعِ الْذَّهَبِ بِالْذَّهَبِ

٢١٧٥ - حَدَّثَنَا صَدَقَةُ بْنُ الفَضْلِ : أَخْبَرَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ : قَالَ : حَدَّثَنِي يَحْيَى بْنُ أَبِي إِسْحَاقَ : قَالَ حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ أَبِي بَكْرَةَ ، قَالَ [قَالَ] أَبُو بَكْرَةَ رَضِيَ اللَّهُ عَنْهُ : قَالَ رَسُولُ اللَّهِ ﷺ : «لَا تَبْيَعُوا الْذَّهَبَ بِالْذَّهَبِ إِلَّا سَوَاءَ بِسَوَاءِ، وَالْفِضَّةَ بِالْفِضَّةِ إِلَّا سَوَاءَ بِسَوَاءِ. وَبِيَعْوَا الْذَّهَبَ بِالْفِضَّةِ وَالْفِضَّةَ بِالْذَّهَبِ كَيْفَ شَاءُمُ» . [انظر: ٢١٨٢]

(78) بَابُ بَيْعِ الْفِضَّةِ بِالْفِضَّةِ

٢١٧٦ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ سَعِيدٍ : حَدَّثَنَا عَمِيُّ : حَدَّثَنَا ابْنُ أَخْيَرِ الرُّهْرِيِّ ، عَنْ عَمِّهِ قَالَ : حَدَّثَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا : أَنَّ أَبَا سَعِيدِ الْحُدْرِيَّ حَدَّثَهُ مِثْلَ ذَلِكَ حَدِيثًا عَنْ رَسُولِ اللَّهِ ﷺ . فَأَقَبَهُ عَبْدُ اللَّهِ ابْنُ عُمَرَ ، فَقَالَ : يَا أَبَا سَعِيدٍ ! مَا هَذَا الَّذِي تُحَدِّثُ عَنْ رَسُولِ اللَّهِ ﷺ ؟ فَقَالَ أَبُو سَعِيدٍ فِي الصَّرْفِ : سَمِعْتُ

(78) CHAPTER. Selling of silver for silver.

2176. Narrated Abū Sa‘id (concerning exchange) that he heard Allāh’s Messenger ﷺ saying, “Do not sell gold for gold unless equal in weight, and do not sell silver for silver unless equal in weight.”

رَسُولُ اللَّهِ ﷺ يَقُولُ: «الذَّهَبُ
بِالذَّهَبِ مِثْلٌ بِمِثْلٍ، وَالوَرْقُ بِالوَرْقِ
مِثْلٌ بِمِثْلٍ». [انظر: ٢١٧٨، ٢١٧٧]

٢١٧٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ
أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ: أَنَّ
رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَبْيَعُوا
الذَّهَبَ بِالذَّهَبِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا
تُشْفِقُوا بَعْضَهَا عَلَى بَعْضٍ. وَلَا تَبْيَعُوا
الوَرْقَ بِالوَرْقِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا
تُشْفِقُوا بَعْضَهَا عَلَى بَعْضٍ، وَلَا تَبْيَعُوا
مِنْهَا عَائِنًا بِتَاجِزٍ». [راجع: ٢١٧٦]

(٧٩) بَابُ بَيْعِ الدِّينَارِ بِالدِّينَارِ
نَسَاءً.

2177. Narrated Abū Sa‘id Al-Khudrī رضي الله عنه عن Allāh's Messenger ﷺ said, "Do not sell gold for gold unless equivalent in weight (and from hand to hand), and do not sell less amount for greater amount or vice versa ; and do not sell silver for silver unless equivalent in weight (from hand to hand), and do not sell less amount for greater amount or vice versa, and do not sell gold or silver that is not present at the moment of exchange for gold or silver that is present."

(79) CHAPTER. Selling of Dīnār for Dīnār on credit.

2178, 2179. Narrated Abū Ṣāliḥ Az-Zaiyāt: I heard Abū Sa‘id Al-Khudrī رضي الله عنه saying, "The selling of a Dīnār for a Dīnār, and a Dirham for a Dirham (is permissible)." I said to him, "Ibn ‘Abbās does not say the same." Abū Sa‘id replied, "I asked Ibn ‘Abbās whether he had heard it from the Prophet ﷺ or seen it in the Holy Book. Ibn ‘Abbas replied, 'I do not claim that, and you know Allāh's Messenger ﷺ better than I, but Usāma informed me that the Prophet ﷺ had said: There is no Ribā (usury) (in money exchange) except when it is not done from hand to hand (i.e., when there is delay in payment)'."

٢١٧٨، ٢١٧٩ - حَدَّثَنَا عَلَيُّ بْنُ
عَبْدِ اللَّهِ: حَدَّثَنَا الصَّحَّافُ بْنُ مَحْمِدٍ:
حَدَّثَنَا ابْنُ جُرَيْجَ قَالَ: أَخْبَرَنِي عَمْرُو
بْنُ دِينَارٍ: أَنَّ أَبَا صَالِحَ الرَّيَّانَ أَخْبَرَهُ
أَنَّهُ سَمِعَ أَبَا سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ
عَنْهُ يَقُولُ: الدِّينَارُ بِالدِّينَارِ، وَالدِّرْهَمُ
بِالدِّرْهَمِ، فَقُلْتُ لَهُ: إِنَّ ابْنَ عَبَّاسَ لَا
يَقُولُهُ، فَقَالَ أَبُو سَعِيدٍ: سَأْلُتُهُ،
فَقُلْتُ: سَمِعْتُهُ مِنَ النَّبِيِّ ﷺ أَوْ
وَجَدْتُهُ فِي كِتَابِ اللَّهِ تَعَالَى؟ فَقَالَ:
كُلَّ ذَلِكَ لَا أُقُولُ وَأَتُؤْمِنُ أَغْلَمُ بِرَسُولِ
اللَّهِ ﷺ مِنِّي وَلَكِنِي أَخْبَرَنِي أَسَامَةُ أَنَّ
النَّبِيِّ ﷺ قَالَ: «لَا رِبَا إِلَّا فِي
النَّسَيْبَةِ». [راجع: ٢١٧٦]

(80) CHAPTER. Selling of silver for gold on delayed payment.

2180, 2181. Narrated Abū Al-Minhāl: I asked Al-Barā' bin ‘Azib and Zaid bin Arqam about money exchanges. Each of them said, “He is better than I,” and both of them said, “Allāh’s Messenger ﷺ forbade the selling of silver for gold on credit.”

(٨٠) بَابُ بَيْعِ الْوَرْقِ بِالذَّهَبِ نَسِيَّةً.

٢١٨٠، ٢١٨١ - حَدَثَنَا حَفْصُ بْنُ عُمَرَ: حَدَثَنَا شُبَّةُ قَالَ: أَخْبَرَنِي حَبِيبُ بْنُ أَبِي ثَابِتٍ قَالَ: سَمِعْتُ أَبَا الْمُنْهَلِ قَالَ: سَأَلْتُ الْبَرَاءَ بْنَ عَازِبٍ وَزَيْدَ بْنَ أَرْقَمَ رَضِيَ اللَّهُ عَنْهُمْ عَنِ الصَّرْفِ فَكُلُّ وَاحِدٍ مِنْهُمَا يَقُولُ: هَذَا خَيْرٌ مِنِّي، فَكِلَاهُمَا يَقُولُ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ بَيْعِ الذَّهَبِ بِالْوَرْقِ دَيْنًا. [راجع: ٢٠٦٠، ٢٠٦١]

(٨١) بَابُ بَيْعِ الذَّهَبِ بِالْوَرْقِ يَدَا بَيْدًا.

(81) CHAPTER. Selling of gold for silver from hand to hand (i.e., cash down).

2182. Narrated Abdur-Rahmān bin Abū Bakra that his father رَضِيَ اللَّهُ عَنْهُ said,

“The Prophet ﷺ forbade the selling of gold for gold and silver for silver except if they are equivalent in weight (and from hand to hand), and allowed us to sell gold for silver and vice versa as we wished.”

٢١٨٢ - حَدَثَنَا عِمْرَانُ بْنُ مَيْسِرَةَ: حَدَثَنَا عَبَادُ بْنُ الْعَوَامِ: أَخْبَرَنَا يَحْيَى ابْنُ أَبِي إِسْحَاقَ: حَدَثَنَا عَبْدُ الرَّحْمَنِ ابْنُ أَبِي بَكْرَةَ، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى النَّبِيُّ ﷺ عَنِ الْفِضَّةِ بِالْفِضَّةِ، وَالذَّهَبِ بِالذَّهَبِ إِلَّا سَوَاءٌ بِسَوَاءٍ، وَأَمْرَنَا أَنْ نَتَابَعَ الذَّهَبِ بِالْفِضَّةِ كَيْفَ شِئْنَا، وَالْفِضَّةِ فِي الذَّهَبِ بِالذَّهَبِ كَيْفَ شِئْنَا.

[راجع: ٢١٧٥]

(٨٢) بَابُ بَيْعِ الْمُزَابَنَةِ، وَهِيَ بَيْعُ التَّمْرِ بِالْمُزَابَنَةِ وَبَيْعُ الرَّيْبِ بِالْكَرْمِ، وَبَيْعُ الْعَرَابِيَا.

قالَ أَنَسُ: نَهَى النَّبِيُّ ﷺ عَنِ الْمُزَابَنَةِ وَالْمُحَاقَلَةِ.

(82) CHAPTER. The sale called *Al-Muzābana*; which is the sale of dried dates for fresh ones (that are still on the trees), and dried grapes for fresh grapes and the sale called *Al-‘Arāyā* (i.e., the selling of ripe fresh date, still over the palms, by means of estimation, for dry dates)

Anas said, “The Prophet ﷺ forbade the

sales called *Muzābana* and *Muḥāqala* (i.e., to sell wheat in ears for pure wheat).

2183. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما: Allāh’s Messenger ﷺ said, “Do not sell fruits of dates until they become free from all the dangers (of being spoilt or blighted); and do not sell fresh dates for dry dates.”

2184. Sālim and ‘Abdullāh added that Zaid bin Thābit’ said, “Later on Allāh’s Messenger ﷺ permitted the selling of ripe fruits on trees for fresh dates or dried dates in *Bai’l-‘Arīya*, and did not allow it for any other kind of sale.”

2185. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما: Allāh’s Messenger ﷺ forbade *Muzābana*; and *Muzābana* means the selling of fresh dates (on the trees) for dried dates by measure and also the selling of fresh grapes for dried grapes by measure.

2186. Narrated Abū Sa‘id Al-Khudrī رضي الله عنه: Allāh’s Messenger ﷺ forbade *Muzābana* and *Muḥāqala*; and *Muzābana* [i.e., the selling of fresh dates still on the trees for dried plucked dates (by measure)].

٢١٨٣ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا الْتَّιْثُ، عَنْ عَقِيلٍ، عَنْ أَبْنِ شَهَابٍ قَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَبِعُوا الشَّمْرَ حَتَّى يَدُوْ صَلَاحُهُ، وَلَا تَبِعُوا الشَّمْرَ بِالشَّمْرِ». [راجع: ١٤٨٦]

٢١٨٤ - قَالَ سَالِمُ: وَأَخْبَرَنِي عَبْدُ اللَّهِ، عَنْ زَيْدِ بْنِ ثَابَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ رَجُلٌ رَّحْصَ بَعْدَ ذَلِكَ فِي بَيْعِ الْعَرَابِيَا بِالرُّطْبِ أَوْ بِالشَّمْرِ، وَلَمْ يُرَحِّضْ فِي غَيْرِهِ. [راجع: ٢١٧٣]

٢١٨٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمُزَابَنَةِ. وَالْمُزَابَنَةُ: بَيْعُ الشَّمْرِ بِالشَّمْرِ كَيْلًا، وَبَيْعُ الْكَوْمِ بِالرَّلَبِبِ كَيْلًا. [راجع: ٢١٧١]

٢١٨٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ دَاؤَدَ بْنِ الْحُصَينِ، عَنْ أَبِي سُفْيَانَ مَوْلَى ابْنِ أَبِي أَحْمَدَ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمُزَابَنَةِ وَالْمُحَاقَّلَةِ. وَالْمُزَابَنَةُ اشْتَرَاءُ الشَّمْرِ بِالشَّمْرِ عَلَى رُؤُوسِ النَّخْلِ».

2187. Narrated Ibn 'Abbās : رَضِيَ اللَّهُ عَنْهُمَا 'Abbās ' : The Prophet ﷺ forbade *Muzābana* and *Muḥāqala*.

٢١٨٧ - حَدَّثَنَا مُسَدَّدٌ : حَدَّثَنَا أَبُو مُعَاوِيَةَ، عَنِ الشَّيْبَانِيِّ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : نَهَى النَّبِيُّ ﷺ عَنِ الْمُحَاكَلَةِ وَالْمُزَابَنَةِ.

2188. Narrated Zaid bin Thābit رَضِيَ اللَّهُ عَنْهُ : Allāh's Messenger ﷺ allowed the owner of '*Arīya*'⁽¹⁾ to sell the fruits on the trees by means of estimation.

٢١٨٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ : حَدَّثَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنْ زَيْدِ ابْنِ ثَابِتٍ رَضِيَ اللَّهُ عَنْهُمْ : أَنَّ رَسُولَ اللَّهِ ﷺ أَرْخَصَ لِصَاحِبِ الْعَرِيَّةِ أَنْ يَبْيَعَهَا بِخَرْصِهَا .

[راجع: ٢١٧٣]

(83) CHAPTER. The selling of dates still on trees for gold or silver.

(٨٣) بَابُ بَيْعِ الشَّرْبَلِ عَلَى رُؤُوسِ النَّخْلِ بِالذَّهَبِ أَوِ الْفَضَّةِ

2189. Narrated Jābir : The Prophet ﷺ forbade the selling of fruits unless they get ripe, and none of them should be sold except for Dīnār or Dirham (i.e., money), except the '*Arāyā*' trees (the dates of which could be sold for dates).

٢١٨٩ - حَدَّثَنَا يَحْيَى بْنُ سُلَيْمَانَ : حَدَّثَنَا ابْنُ وَهْبٍ : أَخْبَرَنَا ابْنُ جُرَيْحٍ، عَنْ عَطَاءَ وَأَبِي الرَّبِيعِ، عَنْ جَابِرٍ رَضِيَ اللَّهُ عَنْهُ قَالَ : نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ الشَّرْبَلِ حَتَّى يَطِيبَ، وَلَا يُبَاعُ شَيْءٌ مِّنْهُ إِلَّا بِالدِّينَارِ وَالدِّرْهَمِ إِلَّا الْعَرَابِيَا . [راجع: ١٤٨٧]

2190. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ allowed the sale of the dates of '*Arāyā*' provided they were about five *Awsūq* (i.e., approx 675 kgs) (singular: *Wasq* which means sixty *ṣā'ī*) or less (in amount).

٢١٩٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الْوَهَابِ قَالَ : سَمِعْتُ مَالِكًا، وَسَأَلَهُ عُبَيْدُ اللَّهِ بْنُ الرَّبِيعِ : أَحَدَثَكَ دَاؤُدٌ عَنْ أَبِي سُفْيَانَ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ : أَنَّ النَّبِيًّا ﷺ رَجُلٌ رَّجُلٌ فِي بَيْعِ الْعَرَابِيَا فِي خَمْسَةَ أَوْسُقٍ أَوْ دُونَ

(1) (H. 2188) '*Arīya*' : The selling of fresh dates still over the palm-tree by means of estimation for dry plucked dates and it is an exception. Also see the glossary and H. 2192 and its chapter 84.

حَمْسَةُ أُوسُقٍ؟ قَالَ: نَعَمْ.

[انظر: ٢٣٨٢]

2191. Narrated Sahl bin Abū Ḥathma: Allāh's Messenger ﷺ forbade the selling of fruits (fresh dates) for dried dates, but allowed the sale of fruits on the 'Arāyā by estimation and their new owners might eat their dates fresh. Sufyān (in another narration) said, "I told Yāḥyā (a subnarrator) when I was a mere boy, 'Makkahns say that the Prophet ﷺ allowed them the sale of the fruits on 'Arāyā by estimation.' Yāḥyā asked, 'How do the Makkahns know about it?' I replied, 'They narrated it (from the Prophet ﷺ) through Jābir.' On that, Yāḥyā kept quiet." Sufyān said, "I meant that Jābir belonged to Al-Madīnah." Sufyān was asked whether in Jābir's narration there was any prohibition of selling fruits before their benefit is evident (i.e., no dangers of being spoilt or blighted). He replied that there was none.

٢١٩١ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ قَالَ: قَالَ يَعْمَيْ بْنُ سَعِيدٍ: سَمِعْتُ بُشِّيرًا قَالَ: سَمِعْتُ سَهْلَ بْنَ أَبِي حَمْمَةَ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ الشَّمْرِ بِالثَّمْرِ، وَرَحَّصَ فِي الْعَرَيَّةِ أَنْ تُبَاعَ بِخَرْصِهَا، يَأْكُلُهَا أَهْلُهَا رُطْبًا. وَقَالَ سُفْيَانُ مَرَّةً أُخْرَى: إِلَّا أَنَّهُ رَحَّصَ فِي الْعَرَيَّةِ يَبْيَعُهَا أَهْلُهَا بِخَرْصِهَا، يَأْكُلُونَهَا رُطْبًا. قَالَ: هُوَ سَوَاءٌ، قَالَ سُفْيَانُ: فَقُلْتُ لِيَعْمَيْ وَأَنَا عَلَامٌ: إِنَّ أَهْلَ مَكَّةَ يَقُولُونَ: إِنَّ النَّبِيَّ ﷺ رَحَّصَ لَهُمْ فِي بَيْعِ الْعَرَيَّا، فَقَالَ: وَمَا يُنْدِرِي أَهْلَ مَكَّةَ؟ قُلْتُ: إِنَّهُمْ يَرْوُونَهُ عَنْ جَابِرٍ، فَسَكَتَ قَالَ سُفْيَانُ: إِنَّمَا أَرَدْتُ أَنَّ جَابِرًا مِنْ أَهْلِ الْمَدِينَةِ. قَيْلَ لِسُفْيَانَ: أَلِيسْ فِيهِ: نَهَى عَنْ بَيْعِ الشَّمْرِ حَتَّى يَبْدُوا صَلَاحَهُ؟ قَالَ: لَا. [انظر: ٢٣٨٤]

(٨٤) بَابُ تَفْسِيرِ الْعَرَيَّا

وَقَالَ مَالِكُ: الْعَرَيَّةُ أَنْ يُعْرِي الرَّجُلُ الرَّجُلَ النَّخْلَةَ، ثُمَّ يَنَادِي بِدُخُولِهِ عَلَيْهِ. فَرَحَّصَ لَهُ أَنْ يَشْتَرِيهَا مِنْهُ بِثَمْرٍ. وَقَالَ ابْنُ إِدْرِيسَ: الْعَرَيَّةُ لَا تَكُونُ إِلَّا بِالْكَنْبِلِ مِنَ الثَّمْرِ يَدَأْ بِيَدِهِ، وَلَا تَكُونُ بِالْجِزَافِ. وَمِمَّا يُقَوِّيهِ

(84) CHAPTER. The explanation of 'Arāyā.

Mālik said, "'Arāya (plural 'Arāyā) means that a person gives a date-palm (i.e., its product of dates) as a gift to another person, and then the giver is troubled by the latter's coming to the giver's private garden (to cut the dates), so the giver is allowed to purchase those date fruits with dried dates."

Ibn Idrīs said, "The sale of the dates of an 'Arāya should be for measured dates delivered

from hand to hand and not to be done at random." The saying of Sahl bin Ḥathma confirms this verdict, i.e., that the exchange of dates should not be at random but by measure of *Awsūq*. Ibn ‘Umar رضي الله عنهم meant to give one or two date palms to someone."

Sufyān bin Ḥusain said, "Al-‘Arāyā were date-palms given as a gift to the poor who could not wait till the fruits were ripe, so they were allowed to sell them for dates as they wished."

2192. Narrated Ibn ‘Umar from Zaid bin Thābit رضي الله عنه: Allāh's Messenger ﷺ allowed the sale of ‘Arāyā by estimating the dates on them for measured amounts of dried dates.

Mūsa bin ‘Uqba said, "Al-‘Arāyā were distinguished date-palms; one could come and buy them (i.e., their fruits)."

فَوْلُ سَهْلِ بْنِ أَبِي حَمْمَةَ: بِالْأَوْسُقِ
الْمُوَسَّقَةِ. وَقَالَ ابْنُ إِسْحَاقَ فِي
حَدِيثِهِ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ
اللهُ عَنْهُمَا: كَانَتِ الْعَرَایَا أَنْ يُعْرَیَ
الرَّجُلُ الرَّجُلَ فِي مَالِهِ التَّخْلَةَ
وَالتَّخْلَتَيْنِ. وَقَالَ زَيْدُ عَنْ سُفْيَانَ بْنِ
حُسْنِ: الْعَرَایَا نَخْلٌ كَانَتْ تُوَهَّبُ
لِلْمَسَاكِينَ فَلَا يَسْتَطِيُّونَ أَنْ يَتَظَرُّرُوا
بِهَا، فَرَخْصٌ لَهُمْ أَنْ يَبْيَعُوهَا بِمَا
شَاءُوا مِنَ التَّمْرِ.

٢١٩٢ - حَدَّثَنَا مُحَمَّدُ أَخْبَرْنَا
عَبْدُ اللهِ: أَخْبَرْنَا مُوسَى بْنُ عُقْبَةَ، عَنْ
نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنْ زَيْدِ بْنِ
ثَابِتٍ رَضِيَ اللهُ عَنْهُمْ: أَنَّ رَسُولَ اللهِ
ﷺ رَخْصٌ فِي الْعَرَایَا أَنْ تُبَاعَ
بِحَرْصِهَا كَيْلًا. قَالَ مُوسَى بْنُ عُقْبَةَ:
وَالْعَرَایَا نَخْلَاتٌ مَعْلُومَاتٌ تَأْتِيهَا
فَتَسْتَرِيهَا. [راجع: ٢١٧٣]

(٨٥) ٢١٩٣ بَابُ بَيْعِ الشَّمَارِ قَبْلَ أَنْ يَبْدُو
صَلَاحُهَا

(85) CHAPTER. The sale of fruits before their benefit is evident (i.e., they are free from all the dangers of being spoilt or blighted).

2193. Zaid bin Thābit رضي الله عنه said, "In the lifetime of Allāh's Messenger ﷺ, the people used to trade with fruits. When they cut their date-fruits and the purchasers came to receive their rights, the sellers would say, 'My dates have got rotten; they are blighted with disease, they are afflicted with *Qushām* (a disease which causes the fruit to fall before ripening).' They would go on complaining of defects in their purchases. Allāh's Messenger ﷺ said, "Do not sell the fruits before their

عَنْ أَبِي اللَّيْثِ، عَنْ أَبِي
الرَّئَادِ: كَانَ عُرْوَةُ بْنُ الرَّبِّيرِ يُحَدِّثُ
عَنْ سَهْلِ بْنِ أَبِي حَمْمَةَ الْأَنْصَارِيِّ مِنْ
بَنِي حَارِثَةَ أَنَّهُ: حَدَّهُ عَنْ زَيْدِ بْنِ
ثَابِتٍ رَضِيَ اللهُ عَنْهُ قَالَ: كَانَ النَّاسُ
فِي عَهْدِ رَسُولِ اللهِ ﷺ يَبْتَاعُونَ
الشَّمَارَ، فَإِذَا جَدَ النَّاسُ وَحَضَرَ

benefit is evident (i.e., free from all the dangers of being spoiled or blighted), by way of advice for they quarrelled too much." Khārijah bin Zaid bin Thābit said that Zaid bin Thābit used not to sell the fruits of his land till Pleiades⁽¹⁾ appeared and one could distinguish the yellow fruits from the red (ripe) ones.

نَقْاضِيهِمْ، قَالَ الْمُبْتَاعُ: إِنَّ أَصَابَ الشَّمَرَ الدُّمَانُ، أَصَابَهُ مَرْضٌ، أَصَابَهُ قُشَّامٌ، عَاهَتْ يَحْتَجُونَ بِهَا. فَقَالَ رَسُولُ اللَّهِ ﷺ لِمَ كَثُرَتْ عِنْدَهُ الْحُصُومَةُ فِي ذَلِكَ: «فَإِنَّمَا لَا فَلَاتَبَايِعُوا حَتَّى يَبْدُوا صَلَاحَ الشَّمَرِ»، كَالْمَسْوَرَةِ يُشَيرُ بِهَا لِكَثْرَةِ حُصُومِهِمْ. وَأَخْبَرَنِي خَارِجَةُ بْنُ زَيْدٍ بْنُ ثَابِتٍ: أَنَّ زَيْدَ بْنَ ثَابِتٍ لَمْ يَكُنْ يَبْيَعُ شَمَارَ أَرْضِهِ حَتَّى تَطْلُعَ الشَّرِيَا، فَيَتَبَيَّنَ الْأَصْفَرُ مِنَ الْأَخْمَرِ. قَالَ أَبُو عَبْدِ اللَّهِ: رَوَاهُ عَلَيُّ بْنُ بَحْرٍ: حَدَّثَنَا حَكَامٌ: حَدَّثَنَا عَنْسَةُ، عَنْ زَكَرِيَا، عَنْ أَبِي الزَّنَادِ، عَنْ عُرْوَةَ، عَنْ سَهْلٍ، عَنْ زَيْدٍ.

٢١٩٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ الشَّمَارِ حَتَّى يَبْدُوا صَلَاحُهَا. نَهَى الْبَائِعَ وَالْمُبْتَاعَ. [راجع: ١٤٨٦]

٢١٩٥ - حَدَّثَنَا أَبُنْ مُقاَتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا حُمَيْدٌ الطَّوَّيلُ، عَنْ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى أَنْ تُبَاعَ ثَمَرَةُ التَّحْلِلِ حَتَّى تَرْهُو.

2194. Narrated 'Abdullāh bin 'Umar رضي الله عنهما: Allāh's Messenger ﷺ forbade the sale of fruits till their benefit is evident. He forbade both the seller and the buyer (of such a sale).

2195. Narrated Anas رضي الله عنه: Allāh's Messenger ﷺ forbade the sale of date-fruits till they were ripe.

Abū 'Abdullāh (Al-Bukhārī) said, "That means till they were red (can be eaten)."

(1) (Ch. 2193) Pleiades is the collection of stars which start to appear at dawn in the early summer when it gets very hot in Hijāz at the early season of the ripening of fruits. The appearance of these stars is a sign of the ripening of dates.

قال أبو عبد الله: يعني حتى تُحمرّ. [راجع: ١٤٨٨]

2196. Narrated Jâbir bin ‘Abdullâh رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ forbade the sale of (date) fruits till they were red or yellow and fit for eating.

٢١٩٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سَلِيمِ بْنِ حَيَّانَ: حَدَّثَنَا سَعِيدُ بْنُ مِينَاءَ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى النَّبِيُّ ﷺ أَنْ تُبَاعَ الشَّمْرَةُ حَتَّى تُشْقَحَ . فَقِيلَ: وَمَا تُشْقَحُ؟ قَالَ: تَحْمَارٌ وَتَصْفَارٌ وَبُؤْكَلٌ مِنْهَا . [راجع: ١٤٨٧]

(٨٦) بَابُ بَيْعِ التَّعْلِيلِ قَبْلَ أَنْ يَبْدُو صَلَاحُهَا .

(86) CHAPTER. The sale of date-palms (date trees) before their benefit is evident. (i.e., their dates are ripe).

2197. Narrated Anas bin Mâlik رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ forbade the sale of fruits till their benefit is evident; and the sale of date-palms till the dates are almost ripe. He was asked what 'are almost ripe' meant. He replied, "Got red and yellow."

٢١٩٧ - حَدَّثَنِي عَلَيُّ بْنُ الْهَسِيمِ: حَدَّثَنَا مُعَلَّى: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا حُمَيْدٌ: حَدَّثَنَا أَنَّسُ بْنُ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ أَنَّهُ نَهَى عَنْ بَيْعِ الشَّمْرَةِ حَتَّى يَبْدُو صَلَاحُهَا، وَعَنِ التَّعْلِيلِ حَتَّى يَرْهُو . قَبْلَ أَنْ يَرْهُو؟ قَالَ: يَحْمَارٌ أَوْ يَصْفَارٌ .

[راجع: ١٤٨٨]

(٨٧) بَابُ إِذَا باعَ الشَّمَارَ قَبْلَ أَنْ يَبْدُو صَلَاحُهَا ثُمَّ أَصَابَتْهُ عَامَةٌ فَهُوَ مِنَ الْبَاعِي .

(87) CHAPTER. If somebody sells fruits before their benefit is evident and free from blights and then they get afflicted with some defects, they will be given back to the seller.

2198. Narrated Anas bin Mâlik رَضِيَ اللَّهُ عَنْهُ: Allâh's Messenger ﷺ forbade the sale of fruits till they are almost ripe. He was asked what is meant by 'are almost ripe.' He replied, "Till they become red." Allâh's Messenger ﷺ further said, "If Allâh spoiled the fruits, what right would one have to take the money of one's brother."

٢١٩٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ حُمَيْدٍ، عَنْ أَنَّسٍ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ بَيْعِ الشَّمَارِ حَتَّى تُرْهِي، فَقِيلَ لَهُ: وَمَا تُرْهِي؟ قَالَ:

حَتَّى تَحْمِرَهُ . فَقَالَ رَسُولُ اللَّهِ ﷺ :
أَرَأَيْتَ إِذَا مَنَعَ اللَّهُ الشَّمَرَةَ، بِمَ يَأْخُذُ
أَحَدُكُمْ مَالَ أَخِيهِ؟ ». [راجع: ١٤٨٨]

٢١٩٩ - وَقَالَ الْلَّيْثُ: حَدَّثَنِي
يُوْسُفُ، عَنِ ابْنِ شَهَابٍ قَالَ: لَوْ أَنَّ
رَجُلًا ابْتَاعَ ثَمَرًا قَبْلَ أَنْ يَئْدُو صَلَاحَهُ
ثُمَّ أَصَابَتْهُ عَاهَةً كَانَ مَا أَصَابَهُ عَلَى
رَبِّهِ.

أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ عَنِ ابْنِ
عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ
ﷺ قَالَ: «لَا تَبَاعُوا الشَّمَرَةَ حَتَّى
يَئْدُو صَلَاحَهَا، وَلَا تَبَعُوا الشَّمَرَةَ
بِالثَّمَرِ». [راجع: ١٤٨٦]

(٨٨) بَابُ شِرَاءِ الطَّعَامِ إِلَى أَجْلِ
٢٢٠٠ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ
بْنُ غِيَاثٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا
الْأَعْمَشُ، قَالَ: ذَكَرْنَا عِنْدَ إِبْرَاهِيمَ
الرَّهْنَ فِي السَّلَفِ قَالَ: لَا يَأْسِ يَهِ.
ثُمَّ حَدَّثَنَا عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ
رَضِيَ اللَّهُ عَنْهَا: أَنَّ النَّبِيَّ ﷺ اسْتَرَى
طَعَامًا مِنْ يَهُودِيٍّ إِلَى أَجْلِ فَرَهَنَهُ
دِرْعَهُ. [راجع: ٢٠٦٨]

(٨٩) بَابُ إِذَا أَرَادَ بَيْعَ ثَمَرًا بِثَمَرٍ
خَيْرٍ مِنْهُ

٢٢٠١ - حَدَّثَنَا فُقَيْهَ،
عَنْ مَالِكٍ، عَنْ عَبْدِ الْمَجِيدِ بْنِ سَهْلٍ
بْنِ عَبْدِ الرَّحْمَنِ، عَنْ سَعِيدِ بْنِ

2199. Narrated Ibn Shihab: If somebody bought fruits before their benefit is evident and then the fruits were spoiled with blights, the loss would be suffered by the owner (not the buyer).

Narrated Ibn 'Umar: رَضِيَ اللَّهُ عَنْهُمَا Allāh's Messenger ﷺ said, "Do not sell or buy fruits before their benefit was evident and do not sell fresh fruits (dates) for dried dates."

(88) CHAPTER. To buy foodstuff on credit.

2200. Narrated 'Āishah: The Prophet ﷺ bought some foodstuff from a Jew on credit and mortgaged his armour to him.

(89) CHAPTER. If one wishes to buy (a better quality of) dates for (a low quality of) dates [that is a kind of *Ribā* (usury) and is called *Ribā-Al-Fadl*].

2201, 2202. Narrated Abū Sa'īd Al-Khudrī and Abū Hurairah: رَضِيَ اللَّهُ عَنْهُمَا Allāh's Messenger ﷺ appointed somebody as a governor of Khaibar. That governor brought to him an excellent kind of dates

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(from Khaibar). The Prophet ﷺ asked, “Are all the dates of Khaibar like this?” He replied, “By Allāh, no, O Allāh’s Messenger! But we barter one *Sā‘* of this (type of dates) for two *Sā‘* of dates of ours and two *Sā‘* of it for three of ours.” Allāh’s Messenger ﷺ said, “Do not do so [as that is a kind of *Ribā* (usury)] but sell the mixed dates (of inferior quality) for money, and then buy good dates with money.”

الْمُسَيَّبُ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ،
وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ
رَسُولَ اللَّهِ ﷺ اسْتَعْمَلَ رَجُلًا عَلَى
خَيْرٍ فَجَاءَهُ يَتَمْرُ جَنِيبٌ فَقَالَ رَسُولُ
اللَّهِ ﷺ: «أَكُلُّ تَمْرٍ خَيْرٌ هَذَا؟»
فَقَالَ: لَا، وَاللَّهِ يَا رَسُولَ اللَّهِ إِنَّا
نَنَاهُذُ الصَّاعَ مِنْ هَذَا بِالصَّاعِينِ
وَالصَّاعِينِ بِالثَّلَاثَةِ. فَقَالَ رَسُولُ اللَّهِ
ﷺ: «لَا تَفْعِلُ، بِعِجْمٍ بِالدَّرَّاهِمِ
أَبْتَغِ بِالدَّرَّاهِمِ جَنِيبًا». [الحديث:
٢٢٠١، ٤٢٤٤، ٢٣٠٢، ٤٢٤٥، ٢٢٠٢]
[٧٣٥٠]: [ال الحديث: ٢٢٠٢، انظر]

٩٠) بَابُ مَنْ بَاعَ نَحْلًا قَدْ أَبْرَثْ،
وَأَرْضًا مَزْرُوعَةً، أَوْ بِإِجَارَةٍ

٢٢٠٣ - قال أبو عبد الله: وقال
ي إبراهيم: أخبرنا هشام: أخبرنا
بن حريج قال: سمعت ابن أبي
الليلكة: يخبر عن نافع مولى ابن
ه عمر: أثما نخل بيعت قد أورث لم
بذكر التمر، فالتمر للذى أبieraها.
وكذلك العبد والحرث، سمى له
نافع هولاء الثالثة». [انظر: ٢٢٠٤،
٢٢٠٦، ٢٣٧٩]

٢٢٠٤ - حَدَّثَنَا عَبْدُ اللهِ بْنُ
وَسْفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ،
عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللَّهُ
عَنْهُمَا: أَنَّ رَسُولَ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ

2204. Narrated ‘Abdullâh bin ‘Umar رضي الله عنهما : Allâh’s Messenger ﷺ said, “If somebody sells pollinated date-palms, the fruits will be for the seller unless the buyer stipulates that they will be for himself (and the seller agrees).”

بَاعَ نَخْلًا قَدْ أَبْرَثَ فَشَمَّرْتُهَا لِلنَّابَعِ
إِلَّا أَنْ يَشْتَرِطَ الْمُبَتَاعُ). [راجع:
٢٢٠٣]

(٩١) CHAPTER. The sale of unharvested crops for a measured quantity of foodstuff.

2205. Narrated Ibn ‘Umar رضي الله عنهما : Allāh’s Messenger ﷺ forbade *Al-Muzābana*, i.e., to sell ungathered dates of one’s garden for measured dried dates or fresh ungathered grapes for measured dried grapes; or standing crops for measured quantity of foodstuff. He forbade all such bargains.

٢٢٠٥ - حَدَّثَنَا قُتْيَةُ: حَدَّثَنَا الْلَّيْثُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُزَابَنَةِ، أَنْ يَبْيَعَ ثَمَرَ حَاقِطَهُ إِنْ كَانَ نَخْلًا يَتَمَرِّ كَيْلًا. وَإِنْ كَانَ كَرْمًا أَنْ يَبْيَعَ بَرْزِيبَ كَيْلًا، وَإِنْ كَانَ زَرْعاً أَنْ يَبْيَعَ بِكَيْلٍ طَعَامٍ. وَنَهَى عَنْ ذَلِكَ كُلُّهُ. [راجع: ٢١٧١]

(٩٢) CHAPTER. The sale of date-palms completely (with roots and stems).

2206. Narrated Ibn ‘Umar رضي الله عنهما : The Prophet ﷺ said, “Whoever pollinates date-palms and then sells them, the fruits will belong to him unless the buyer stipulates that the fruits should belong to him (and the seller agrees).”

٢٢٠٦ - حَدَّثَنَا قُتْيَةُ بْنُ سَعِيدٍ: حَدَّثَنَا الْلَّيْثُ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ ﷺ قَالَ: «أَيُّمَا افْرَيَ أَبَرَ نَخْلًا ثُمَّ بَاعَ أَصْلَاهَا فَلَلَّذِي أَبَرَ ثَمُرَ النَّخْلِ إِلَّا أَنْ يَشْتَرِطَهُ الْمُبَتَاعُ». [راجع: ٢٢٠٣]

(٩٣) CHAPTER. *Bai’ Al-Mukhādara* (the sale of grains or vegetables before their benefit is evident).

2207. Narrated Anas bin Mālik رضي الله عنه : Allāh’s Messenger ﷺ forbade *Muhāqala*, *Mukhādara*, *Mulamasa*, *Munābadha* and *Muzābana*. (See glossary and previous *Aḥadīth* for the meanings of these terms.)

٢٢٠٧ - حَدَّثَنَا إِسْحَاقُ بْنُ وَهْبٍ: حَدَّثَنَا عُمَرُ بْنُ يُونُسَ حَدَّثَنَا أَبِي قَالَ: حَدَّثَنِي إِسْحَاقُ بْنُ أَبِي طَلْحَةَ الْأَنْصَارِيُّ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ

بِسْمِ اللَّهِ عَنِ الْمُحَاقَلَةِ وَالْمُخَاضِرَةِ
وَالْمُلَامِسَةِ وَالْمُنَابَدَةِ وَالْمُرَابَبَةِ.

٢٢٠٨ - حَدَّثَنَا فَتَيْبَةُ: حَدَّثَنَا
إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ حُمَيْدٍ، عَنْ
أَنَسٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
نَهَى عَنْ بَيْعِ شَمْرِ التَّمْرِ حَتَّى يَرْهُو،
فَقُلْنَا لِأَنَسٍ: مَا رَهُوْهَا؟ قَالَ: تَحْمَرُ
وَتَصْفَرُ. أَرَأَيْتَ إِنْ مَنَعَ اللَّهُ الشَّمْرَ يَمْ
تَسْتَحِلُّ مَالَ أَخِيكَ؟ . [راجع: ١٤٨٨]

(٩٤) بَابُ بَيْعِ الْجُمَارِ وَأَكْلِهِ.

٢٢٠٩ - حَدَّثَنَا أَبُو الْوَلِيدِ هِشَامُ
بْنُ عَبْدِ الْمَالِكِ: حَدَّثَنَا أَبُو عَوَانَةَ،
عَنْ أَبِي بَشْرٍ، عَنْ مُجَاهِدٍ، عَنْ أَبْنَاءِ
عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: كُنْتُ
عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَهُوَ يَأْكُلُ جُمَارًا،
فَقَالَ: «مِنَ الشَّجَرِ شَجَرَةُ كَالرَّجُلِ
الْمُؤْمِنِ»، فَأَرَدْتُ أَنْ أَقُولَ: هِيَ
النَّحْلَةُ، إِذَا أَنَا أَحْدَثُهُمْ، قَالَ: «هِيَ
النَّحْلَةُ». [راجع: ٦٦]

(٩٥) بَابُ مَنْ أَجْرَى أَمْرَ الْأَمْصارِ
عَلَى مَا يَتَعَارَفُونَ بَيْنَهُمْ فِي الْبَيْعِ
وَالْإِجَارَةِ، وَالْكِيلِ وَالْوَزْنِ، وَشَتِّيهِمْ
عَلَى بَيَاتِهِمْ وَمَذَاهِبِهِمُ الْمُشْهُورَةِ.
وَقَالَ شُرِيفُ الْغَرَائِبِ: سُتَّنُكُمْ
بَيَنَكُمْ وَقَالَ عَبْدُ الْوَهَابِ، عَنْ
أَيُوبَ، عَنْ مُحَمَّدٍ: لَا يَأْسَ الْعَشَرَةُ
بِأَحَدَ عَشَرَ، وَيَأْخُذُ لِلنَّفْقَةِ رِبْحًا.

٢٢٠٨. Narrated Humaid: Anas رضي الله عنه said, "The Prophet ﷺ forbade the selling of dates till they were almost ripe." We asked Anas, "What does 'almost ripe' mean?" He replied, "They get red and yellow. The Prophet ﷺ added, 'If Allāh destroyed the fruits present on the trees, what right would the seller have to take the money of his brother (somebody else)'?"

(٩٤) CHAPTER. The sale and eating of spadix (edible pith growing at the upper part of the trunk of a palm tree).

٢٢٠٩. Narrated Ibn 'Umar رضي الله عنهمما : I was with the Prophet ﷺ while he was eating spadix. He said, "From the trees there is a tree which resembles a faithful believer." I wanted to say that it was the date palm, but I was the youngest among them (so I kept quiet). He added, "It is the date-palm."

(٩٥) CHAPTER. In cases where there is no fixed judgement, the traditions and conventions of each community are to be referred to, to deduce a judgement in such matters as sales, renting, measuring and weighing.

Shuraih told the weavers, "You are permitted to follow your own conventions to solve your problems (it is legal for you to stick to your traditions in bargain)."

Narrated 'Abdul Wahāb : Ayyūb said he heard from Muḥammad who said, "There is

no harm in selling for eleven what you buy for ten, and you are allowed to take a profit for expenses.”

The Prophet ﷺ told Hind, “Take what is reasonable and sufficient for you and your sons.” Allāh تَعَالَى says: “Whoever is poor, can eat (from the orphan’s property) what is just and reasonable (according to his labours).” (V.4:6).

Al-Ḥasan hired a donkey from ‘Abdullāh bin Mirdās and asked him about the hire. The latter replied that it was for two *Danīq* (a *Danīq* equals 1/6th Dirham). So Al-Ḥasan rode away. Another time, Al-Ḥasan came to ‘Abdullāh bin Mirdās and asked him to hire the donkey to him and rode away without asking him about the hire, but he sent him half a Dirham.⁽¹⁾

2210. Narrated Anas bin Mālik رَضِيَ اللَّهُ عَنْهُ: Abū Taiba cupped Allāh’s Messenger ﷺ and so Allāh’s Messenger ﷺ ordered that a *Sā’* of dates be paid to him and ordered his masters (for he was a slave) to reduce his tax.⁽²⁾

2211. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: Hind, the mother of Mu‘āwiya said to Allāh’s Messenger ﷺ, “Abū Sufyān (her husband) is a miser. Am I allowed to take from his money secretly?” The Prophet ﷺ said to her, “You and your sons may take what is sufficient, just and reasonable.”

وقال النبئي عليهما السلام: «خذلي ما يكفيك وولديك بالمعروف». وقال تعالى: «وَمَنْ كَانَ فَقِيرًا فَلْيأكُلْ بِالْمَعْرُوفِ» [السـاء: ٦] وأكثـرـ الحسنـ مـنْ عـبـدـ اللهـ بـنـ مـرـدـاسـ حـمـارـاـ فـقـالـ: يـكـمـ؟ قـالـ: يـدـائـقـينـ، فـرـكـهـ ثـمـ جـاءـ مـرـةـ أـخـرـيـ فـقـالـ: الـحـمـارـ الـحـمـارـ، فـرـكـهـ وـلـمـ يـشـارـطـهـ. قـبـعـتـ إـلـيـهـ يـنـصـفـ دـرـهـمـ .

٢٢١٠ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ حُمَيْدِ الظَّوَيلِ، عَنْ أَسِّيْنِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: حَجَّمَ رَسُولُ اللهِ بْنُ أَبِي طَيْبٍ فَأَمَرَ لَهُ رَسُولُ اللهِ بِصَاعَ مِنْ تَمْرٍ، وَأَمَرَ أَهْلَهُ أَنْ يُخْفِفُوا عَنْهُ مِنْ خَرَاجِهِ. [راجع: ٢١٠٢]

٢٢١١ - حَدَّثَنَا أَبُو نُعْمَانَ: حَدَّثَنَا سُقِيَانُ. عَنْ هِشَامٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: قَالَتْ هِنْدُ أُمُّ مُعَاوِيَةَ لِرَسُولِ اللهِ: إِنَّ أَبَا سُقِيَانَ رَجُلٌ شَحِيجٌ، فَهَلْ عَلَيَّ جُنَاحٌ أَنْ آخُذَ مِنْ مَالِهِ سِرًّا؟ قَالَ: «خُذْ أَنْتِ

(1) (Ch. 95) Al-Ḥasan did not ask about the hire the second time depending on what they had agreed upon the first time. He sent ‘Abdullāh more than what was due out of generosity.

(2) (H. 2210) Slaves had to pay their masters certain taxes.

وَيُنُوكِ ما يَكْفِيكَ بِالْمَعْرُوفِ». [انظر:
٥٣٧٠، ٥٣٦٤، ٣٨٢٥، ٥٣٥٩، ٢٤٦٠،
٧١٦١، ٦٦٤١، ٧١٨٠]

2212. Narrated 'Urwa: I heard 'Aishah saying, "The Holy Verse: '...Whoever amongst guardians is rich, he should take no wages but if he is poor, let him have for himself what is just and reasonable (according to his labour)' (V.4 : 6), was revealed concerning the guardian of the orphans who looks after them and manages favourably their financial affairs; if the guardian is poor, he could have from it what is just and reasonable (according to his labour)."

٢٢١٢ - حَدَّثَنِي إِسْحَاقُ: حَدَّثَنَا
ابْنُ نُمَيْرٍ: أَخْبَرَنَا هِشَامٌ حَ.
وَحَدَّثَنِي مُحَمَّدُ بْنُ سَلَامٍ قَالَ:
سَمِعْتُ عُثْمَانَ بْنَ فَرَقَدَ قَالَ: سَمِعْتُ
هِشَامَ بْنَ عُرْوَةَ يَحْدُثُ عَنْ أَيِّهِ: أَنَّهُ
سَمِعَ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا تَقُولُ
﴿وَمَنْ كَانَ غَنِيًّا فَلِسْتَعِفْتَ وَمَنْ كَانَ فَقِيرًا
فَلِيَأْكُلْ بِالْمَعْرُوفِ﴾ [النساء: ٦]: أُنْزِلَتْ
فِي وَالِي الْيَتَمِ الَّذِي يُقْسِمُ عَلَيْهِ
وَيُصْلِحُ فِي مَالِهِ، إِنْ كَانَ فَقِيرًا أَكْلَ
مِنْهُ بِالْمَعْرُوفِ». [انظر: ٤٥٧٥، ٢٧٦٥]
(٩٦) بَابُ بَيْعِ الشَّرِيكِ مِنْ شَرِيكِهِ.

(96) CHAPTER. Selling of a joint property by one partner to the other.

2213. Narrated Jābir: Allāh's Messenger ﷺ gave pre-emption (to the partner) in every joint property, but if the boundaries of the property were demarcated or the ways and streets were fixed, then there was no pre-emption.

٢٢١٣ - حَدَّثَنِي مَحْمُودٌ: حَدَّثَنَا
عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنْ
الرُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرِ
رَضِيَ اللَّهُ عَنْهُ قَالَ: جَعَلَ رَسُولُ اللَّهِ
بِيَدِ الشَّفَعَةِ فِي كُلِّ مَالٍ لَمْ يُقْسِمُ،
فَإِذَا وَقَعَتِ الْحَدُودُ وَصُرِّفَتِ الظَّرْفُ
فَلَا شُفْعَةَ. [انظر: ٢٢١٤، ٢٢٥٧،
٦٩٧٦، ٢٤٩٦]

(97) CHAPTER. The sale of undivided common land, buildings and belongings.

2214. Narrated Jābir bin 'Abdullāh رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ decided the validity of pre-emption in every joint

**(٩٧) بَابُ بَيْعِ الْأَرْضِ وَالذُّورِ
وَالْمُرْوَضِ مُشَاعِّاً غَيْرَ مَقْسُومٍ.**

٢٢١٤ - حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا
مَحْبُوبٌ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا

undivided property, but if the boundaries were well marked or the ways and streets were fixed, then there was no pre-emption.

Narrated 'Abdul Wâhid the same as above but said, "...in every joint undivided thing..."

Narrated Hishâm from Ma'mar the same as above but said, "...in every property..."

مَعْمَرٌ، عَنِ الرُّهْبَرِيِّ، عَنْ أَبِي سَلَمَةَ
بْنِ عَبْدِ الرَّحْمَنِ، عَنْ جَابِرِ بْنِ عَبْدِ
اللهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: فَصَّى النَّبِيُّ
بِكَلِيلٍ بِالشُّفْعَةِ فِي كُلِّ مَالٍ لَمْ يُؤْسِمْ.
إِذَا وَقَعَتِ الْحُدُودُ، وَصَرَفَتِ الْطُّرُقُ
فَلَا شُفْعَةَ.

حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَاحِدِ
بِهِذَا. وَقَالَ: فِي كُلِّ مَا لَمْ يُؤْسِمْ.
تَابِعُهُ هِشَامٌ، عَنْ مَعْمَرٍ. قَالَ عَبْدُ
الرَّزَاقِ: فِي كُلِّ مَالٍ، رَوَاهُ عَبْدُ
الرَّحْمَنِ بْنُ إِسْحَاقَ عَنِ الرُّهْبَرِيِّ.

[راجع: ٢٢١٣]

(٩٨) بَابُ إِذَا اسْتَرَى شَيْئًا لِغَيْرِهِ
يُغَيِّرُ إِذْنَهُ فَرَضَيْ.

٢٢١٥ - حَدَّثَنَا يَعْقُوبُ بْنُ
إِبْرَاهِيمَ: حَدَّثَنَا أَبُو عَاصِمٍ: أَخْبَرَنَا
ابْنُ جُرَيْجَ قَالَ: أَخْبَرَنِي مُوسَى بْنُ
عُقْبَةَ، عَنْ نَافِعٍ، عَنْ أَبِي عُمَرَ رَضِيَ
اللهُ عَنْهُمَا، عَنِ النَّبِيِّ بِكَلِيلٍ قَالَ:
«خَرَجَ ثَلَاثَةٌ نَفِرُّ يَمْشُونَ فَأَصَابُوهُمْ
الْمَطْرُ فَدَخَلُوا فِي غَارٍ فِي جَبَلٍ
فَانْحَطَتْ عَلَيْهِمْ صَخْرَةً». قَالَ: فَقَالَ
بَعْضُهُمْ لِيَعْضِ: ادْعُوا اللهَ بِأَفْضَلِ
عَمَلٍ عَمِلْتُمُوهُ. فَقَالَ أَحَدُهُمْ: اللَّهُمَّ
إِنِّي كَانَ لِي أَبْوَانٌ شَيْخَانِ كَبِيرَانِ
فَكُنْتُ أَخْرُجُ فَأَرْعَى، ثُمَّ أَجِيءُ
فَأَخْلُبُ فَأَجِيءُ بِالْجَلَابِ فَاتَّيَ بِهِ
أَبْوَيٌ فَيُشَرِّبَانِ. ثُمَّ أَسْتَرِي الصَّبْيَةَ

(98) CHAPTER. If somebody buys something for another without his permission and the latter accepts it.

2215. Narrated Ibn 'Umar رضي الله عنهما: the Prophet ﷺ said, "While three persons were walking, rain began to fall and they had to enter a cave in a mountain. A big rock rolled over and blocked the mouth of the cave. They said to each other, 'Invoke Allâh with the best deed you have performed (so that Allâh might remove the rock)'. One of them said, 'O Allâh! My parents were old and I used to go out for to graze (my animals). On my return I would milk (the animals) and take the milk in a vessel to my parents to drink. After they had drunk from it, I would give it to my children, family and wife. One day I was delayed and on my return I found my parents sleeping, and I disliked to wake them up. The children were crying at my feet (because of hunger). That state of affairs continued till it was dawn. O Allâh! If You regard that I did it only for Your sake, then please remove this rock so that we may

see the sky.' So, the rock was moved a bit. The second said, 'O Allāh! You know that I was in love with a cousin of mine, like the deepest love a man may have for a woman, and she told me that I would not get my desire fulfilled unless I paid her one hundred Dīnār (gold pieces). So, I struggled for it till I gathered the desired amount, and when I sat in between her legs, she told me to be afraid of Allāh, and asked me not to deflower her except rightfully (by marriage). So, I got up and left her. O Allāh! If You regard that I did it only for Your sake, kindly remove this rock.' So, two-thirds of the rock was removed. Then the third man said, 'O Allāh! No doubt You know that once I employed a worker for one *Faraq* (three *ṣā'*) of millet, and when I wanted to pay him, he refused to take it, so I sowed it and from its yield I bought cows and a shepherd. After a time that man came and demanded his money. I said to him: Go to those cows and the shepherd and take them for they are for you. He asked me whether I was joking with him. I told him that I was not joking with him, and all that belonged to him. O Allāh! If You regard that I did it only for Your sake, then please remove the rock.' So, the rock was removed completely from the mouth of the cave." [See Vol 4. *Hadīth* No. 3465.]

وأهلي وامرأتي. فاختبست ليلة
فجئت فإذا هما نائمان، قال:
فكريت أن أوقظهما، والصبية
يتساغون عند رحبي. فلما ينزل ذلك
دأبي ودأبهما حتى طلع الفجر.
اللهُمَّ إِنْ كُنْتَ تَعْلَمُ أَنِّي فَعَلْتُ ذَلِكَ
ابتعاءً وجهاً فافرخ عنا فرجةٍ نرى
منها السماء. قال: ففرج عنهم.
وقال الآخر: اللهُمَّ إِنْ كُنْتَ تَعْلَمُ أَنِّي
كُنْتُ أُحِبُّ امرأةً مِنْ بَنَاتِ عَمِّي
كأشد ما يحب الرجال النساء.
فقالت: لا تنال ذلك منها حتى
تُعطِيَها مائة دينار، فسعيت فيها حتى
جَمَعْتُها فلما قَدِئَتْ بَيْنَ رِجْلَيْها
قالت: أتَقْرَأُ اللهُ ولا تُفْضِيَ الخاتم إِلَّا
بِسَخْنِهِ. فقُتِمتْ وتركتها. فإنْ كُنْتَ
تَعْلَمُ أَنِّي فَعَلْتُ ذَلِكَ ابتعاءً وجهاً
فافرخ عنا فرجةً، قال: ففرج عنهم
الثنتين. وقال الآخر: اللهُمَّ إِنْ كُنْتَ
تَعْلَمُ أَنِّي اسْتَأْجَرْتُ أَجِيرًا بِقَرْقِي مِنْ
ذُرْةٍ فاعطِيَهُ وأبى ذلك أن يأخذ،
فعَمَدْتُ إِلَى ذَلِكَ الْفَرْقَ فَرَعَتْهُ حَسَّيْ
اشترَيتُ مِنْهُ بَقَرًا ورَاعِيَها. ثُمَّ جَاءَ
فقال: يا عبد الله، أعطني حشي.
فقلت: انطلق إلى تلك البقر راعيها
فإنها لك. فقال: استنهزني بي؟
قال: قلت: ما استنهزني بك ولكنها
لَكَ، اللهُمَّ إِنْ كُنْتَ تَعْلَمُ أَنِّي فَعَلْتُ

ذلك ابتعاغ و وجهك فافرج عننا،
فكتشف عنهم». [انظر: ٢٢٧٢، ٢٣٣٣،
٥٩٧٤، ٣٤٦٥]

(99) CHAPTER. Buying and selling with *Mushrikun* (pagans) and with the enemy at war.

2216. Narrated 'Abdur-Rahmān bin Abū Bakr : We were with the Prophet ﷺ when a tall *Mushrik* with long matted unkempt hair came driving his sheep. The Prophet ﷺ asked him, "Are those sheep for sale or for gifts?" The *Mushrik* replied, "They are for sale." The Prophet ﷺ bought one sheep from him.

(٩٩) باب الشراء والبيع مع المشركين وأهل الحرب

٢٢١٦ - حدثنا أبو النعمان:
حدثنا معتمر بن سليمان، عن أبيه،
عن أبي عثمان، عن عبد الرحمن بن أبي بكر رضي الله عنهما قال: كنا
مع النبي ﷺ ثم جاء رجل مشرك
مشعاً طويلاً يعلم يسوقها. فقال
النبي ﷺ: أيعا أم عطية؟ أو قال:
«أم هبة؟» قال: لا، بل يبيع، فاشترى
منه شاة. [انظر: ٢٦١٨، ٥٣٨٢]

(100) CHAPTER. The purchase of a slave from the enemy at war and giving him (to somebody) as a gift and manumitting him.

The Prophet ﷺ asked Salmān to make a contract of his manumission with his masters. In reality Salmān was a free man but the *Mushrikun* oppressed him and sold him.

'Ammār, Shuhaib and Bilāl were taken as captives in (war) booty.

Allāh said :

"And Allāh has preferred some of you above others in wealth and properties. Then, those who are preferred will by no means hand over their wealth and properties to those (slaves) whom their right hand possess, so that they may be equal with them in respect thereof.^(١) Do they then deny the Favour of Allāh?" (V.16:71)

(١٠٠) باب شراء المملوك من الحربي وهبته وعنته

وقال النبي ﷺ لسلمان: كاتب،
وكان حراً ظالمواه وباعوه. وسفي
عمار وصهيب وبلال. وقال الله
تعالى: ﴿وَاللَّهُ فَضَلَّ بِعَضَّكُوْنَ عَلَى بَعْضِ
فِي الْرِّزْقِ فَمَا أَلَّا يَكُنْ فُضِّلُوا بِرَادِي رِزْقَهُمْ
عَلَى مَا مَلَكُوكَتْ أَيْنَهُمْ فَهُمْ فِي سَوَاءٍ
أَفَيْنَعْمَةُ اللَّهِ يَعْمَدُونَ﴾ [النحل: ٧١]

(1) (Ch. 100) This example Allāh has set forth for the (pagans, etc.) who associate false deities with Allāh that they would not agree to share their wealth with their slaves, then how they agree to share false deities with Allāh in His worship.

2217. Narrated Abū Hurairah: The Prophet ﷺ said, "The Prophet Ibrāhīm (Abraham) emigrated with Sārah and entered a village where there was a king from amongst the kings, or a tyrant from amongst the tyrants. (The king) was told that Ibrāhīm (Abraham) had entered (the village) accompanied by a woman who was one of the most charming woman. So, the king sent for Ibrāhīm and asked, 'O Ibrāhīm (Abraham)! Who is this lady accompanying you?' Ibrāhīm replied, 'She is my sister (i.e., in religion).' Then Ibrāhīm (Abraham) returned to her and said, 'Do not contradict my statement, for I have informed them that you are my sister. By Allāh, there are no true believers on the earth except you and I.' Then Ibrāhīm (Abraham) sent her to the king. When the king got to her, she got up and performed ablution, offered *Salāt* (prayer) and said, 'O Allāh! If I have believed in You and Your Messenger, and have saved my private parts from everybody except my husband, then please do not let this disbeliever overpower me.' On that the king fell in a state of unconsciousness (or had an epileptic fit) and started moving his legs. On seeing the condition of the king, Sārah said, 'O Allāh! If he should die, the people will say that I have killed him.' The king regained his power, and proceeded towards her but she got up again and performed ablution, offered *Salāt* (prayer) and said, 'O Allāh! If I have believed in You and Your Messenger and have kept my private parts safe from all except my husband, then please do not let this disbeliever overpower me.' The king again fell in a state of unconsciousness (or had an epileptic fit) and started moving his legs. On seeing that state of the king, Sārah said, 'O Allāh! If he should die, the people will say that I have killed him.' The king got

٢٢١٧ - حَدَّثَنَا أَبُو الْيَمَانُ : أَخْبَرَنَا شَعِيبٌ : حَدَّثَنَا أَبُو الرَّنَادُ ، عَنِ الْأَعْرَجِ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ : قَالَ النَّبِيُّ ﷺ : هَاجَرَ إِبْرَاهِيمَ عَلَيْهِ السَّلَامُ بِسَارَةَ فَدَخَلَ بِهَا قَرْيَةً فِيهَا مَلِكٌ مِنَ الْمُلُوكِ ، أَوْ جَبَارٌ مِنَ الْجَبَابِرَةِ . فَقَيلَ : دَخَلَ إِبْرَاهِيمَ بِإِمْرَأَةٍ هِيَ مِنْ أَحْسَنِ النِّسَاءِ . فَأَرْسَلَ إِلَيْهِ : أَنْ يَا إِبْرَاهِيمُ ، مَنْ مِنْ هَذِهِ النِّسَاءِ مَعَكَ؟ قَالَ : أُخْتِي ، ثُمَّ رَجَعَ إِلَيْهَا فَقَالَ : لَا تُكَذِّبِي حَدِيثِي ، فَإِنِّي أَخْبُرُهُمْ أَنَّكَ أُخْتِي ، وَاللَّهُ إِنْ عَلَى الْأَرْضِ مِنْ مُؤْمِنٍ غَيْرِي وَغَيْرِكَ . فَأَرْسَلَ إِلَيْهِ قَدَّامَ إِلَيْهَا فَقَامَتْ تَوْضَأُ وَتُصَلِّي ، فَقَالَتْ : اللَّهُمَّ إِنْ كُنْتَ آمِنْتُ بِكَ وَبِرَسُولِكَ وَأَحْصَنْتَ فَرْجِي إِلَّا عَلَى زَوْجِي فَلَا تُسْلِطْ عَلَيَّ الْكَافِرُ . فَعُطِّلَ حَتَّى رَكَضَ بِرِجْلِهِ ، قَالَ الْأَعْرَجُ قَالَ : أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ : إِنَّ أَبَا هُرَيْرَةَ قَالَ : قَالَتْ : اللَّهُمَّ إِنْ يَمُتْ يُقَالُ : هِيَ قَتْلَتْهُ . فَأَرْسَلَ ثُمَّ قَامَ إِلَيْهَا فَقَامَتْ تَوْضَأُ وَتُصَلِّي وَتَقُولُ : اللَّهُمَّ إِنْ كُنْتَ آمِنْتُ بِكَ وَبِرَسُولِكَ وَأَحْصَنْتَ فَرْجِي إِلَّا عَلَى زَوْجِي فَلَا تُسْلِطْ عَلَيَّ هَذَا الْكَافِرُ . فَعُطِّلَ حَتَّى رَكَضَ بِرِجْلِهِ . قَالَ عَبْدُ الرَّحْمَنِ : قَالَ أَبُو سَلَمَةَ قَالَ أَبُو هُرَيْرَةَ : فَقَالَتْ : اللَّهُمَّ إِنْ يَمُتْ

either two or three attacks, and after recovering from the last attack he said, 'By Allāh! You have sent a Satan to me. Take her to Ibrāhīm (Abraham) عليه السلام and give her Ājar (Hagar)'. So she came back to Ibrāhīm (Abraham) and said, 'Allāh humiliated the disbeliever and gave us a slave-girl for service'.”⁽¹⁾

فِيَقَالُ: هِيَ قَلْتُهُ. فَأَرْسَلَ فِي التَّالِيَةِ أَوْ فِي التَّالِيَّةِ، فَقَالَ: وَاللَّهِ مَا أَرْسَلْتُمْ إِلَيَّ إِلَّا شَيْطَانًا، أَرْجِعُوهَا إِلَى إِبْرَاهِيمَ عَلَيْهِ السَّلَامُ وَأَعْطُوهَا آجَرًا. فَرَجَعَتْ إِلَى إِبْرَاهِيمَ عَلَيْهِ السَّلَامُ، فَقَالَتْ: أَشَعْرَتْ أَنَّ اللَّهَ كَبَّتَ الْكَافِرَ وَأَخْدَمَ وَلِيَدَةً؟». [انظر: ٢٦٣٥، ٣٣٥٨، ٥٠٨٤، ٦٩٥٠]

2218. Narrated ‘Āishah: Sa‘d bin Abī Waqqās and ‘Abd bin Zam‘a quarrelled over a boy. Sa‘d said, “O Allāh’s Messenger! This boy is the son of my brother ('Utba bin Abī Waqqās) who took a promise from me that I would take him as he was his (illegal) son. Look at him and see whom he resembles.” ‘Abd bin Zam‘a said, “O Allāh’s Messenger! This is my brother and was born on my father’s bed from his slave-girl.” Allāh’s Messenger ﷺ cast a look at the boy and found definite resemblance to ‘Utba and then said, “The boy is for you, O ‘Abd bin Zam‘a. The child goes to the owner of the bed (on which he was born), and the adulterer gets nothing but the stones (despair, i.e., to be stoned to death). Then the Prophet ﷺ said, “O Sauda bint Zam‘a! Screen yourself from this boy.” So, Sauda never saw him again.

١٢٢١٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْلَّيْثُ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّهَا قَالَتْ: احْتَصَمَ سَعْدُ ابْنُ أَبِي وَفَاصِ وَعَبْدُ بْنَ زَمْعَةَ فِي غُلَامٍ، فَقَالَ سَعْدٌ: هَذَا يَا رَسُولَ اللَّهِ ابْنُ أَخِي عُتْبَةَ بْنِ أَبِي وَفَاصِ عَهْدَ إِلَيَّ أَنَّهُ ابْنُهُ، انْظُرْ إِلَى شَبِيهِ. وَقَالَ عَبْدُ بْنَ زَمْعَةَ: هَذَا أَخِي يَا رَسُولَ اللَّهِ، وُلِدَ عَلَى فَرَاسِي أَبِي مِنْ وَلِيَدَتِهِ. فَنَظَرَ رَسُولُ اللَّهِ ﷺ إِلَى شَبِيهِ فَرَأَى شَبِيهَ بَيْنَ بَعْتَهَ فَقَالَ: «هُوَ لَكَ يَا عَبْدُ، الْوَلَدُ لِلْفَرَاسِ وَلِلْعَاهِرِ الْحَبَرُ». وَاحْتَجَبَيْهِ مِنْ يَا سَوْدَةَ بْنَتْ زَمْعَةَ، فَلَمْ تَرَهُ سَوْدَةُ قَطُّ.

2219. Narrated Sa‘d that his father said: ‘Abdur-Rahmān bin ‘Aūf said to Shuhaib, “Fear Allāh and do not ascribe yourself to somebody other than your father.” Shuhaib replied, “I would not like to say it even if I were given large amounts of money, but I say

٢٢١٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عُنْدَرُ: حَدَّثَنَا شُعبَةُ، عَنْ سَعْدٍ عَنْ أَبِيهِ: قَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ رَضِيَ اللَّهُ عَنْهُ لِصَهْبَتِهِ: أَتَقِ اللَّهَ وَلَا

(1) (H. 2217) Ibrāhīm (Abraham) عليه السلام accepted the gift from the infidel.

I was kidnapped in my childhood.”

2220. Narrated ‘Urwa bin Az-Zubair: Hakim bin Hizam said, “O Allāh’s Messenger! I used to do good deeds in the Pre-Islamic Period of Ignorance, such as keeping good relations with my kith and kin, manumitting slaves and giving alms. Shall I receive a reward for all that?” Allāh’s Messenger ﷺ replied, “You embraced Islām with all the good deeds which you did in the past.”

(101) CHAPTER. The hides of dead animals before tanning.

2221. Narrated ‘Abdullāh bin ‘Abbās رضي الله عنهما :

Once Allāh’s Messenger ﷺ passed by a dead sheep and said to the people, “Wouldn’t you benefit by its skin?”

The people replied that it was dead.

The Prophet ﷺ said, “But its eating only is illegal.”

(102) CHAPTER. The killing of pigs.

And Jābir said, “The Prophet ﷺ made the sale of pigs illegal.”

2222. Narrated Abū Hurairah رضي الله عنه that Allāh’s Messenger ﷺ said, “By Him (Allāh)

تَدْعُ إِلَى غَيْرِ أَيْكَ. فَقَالَ صُهَيْبٌ: مَا يَسْرُنِي أَنْ لِي كَذَا وَكَذَا وَأَنِّي قُلْتُ ذَلِكَ. وَلَكِنِّي سُرِقْتُ وَأَنَا صَيْبٌ.

٢٢٢٠ - حَدَّثَنَا أَبُو اليمان:
أَخْبَرَنَا شَعِيبٌ، عَنِ الرَّمْرَمِيِّ قَالَ: أَخْبَرَنِي عُرْوَةُ ابْنُ الرَّبِيعِ: أَنَّ حَكِيمَ بْنَ حِزَامَ أَخْبَرَهُ اللَّهُ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ، أَرَأَيْتَ أُمُورًا كُنْتُ أَتَحَنَّتُ أَوْ أَتَحَنَّتُ بِهَا فِي الْجَاهِلِيَّةِ مِنْ صِلَةٍ وَعَنَاقِةٍ وَصَدَقَةٍ، هَلْ لِي فِيهَا أَجْرٌ؟ قَالَ حَكِيمٌ رَضِيَ اللَّهُ عَنْهُ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَسْلَمْتَ عَلَى مَا سَلَفَ لَكَ مِنْ حَبْرٍ». [راجع: ١٤٣٦]

(١٠١) بَابُ جُلُودِ الْمَيْتَةِ قَبْلَ أَنْ تُذْبَغَ.

٢٢٢١ - حَدَّثَنَا رُهَيْرُ بْنُ حَرْبٍ:
حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَبِي، عَنْ صَالِحٍ قَالَ: حَدَّثَنِي ابْنُ شَهَابٍ أَنَّ عَبْدَ اللَّهِ بْنَ عَبْدِ اللَّهِ أَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ ابْنَ عَبَّاسَ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ مَرَّ بِشَاةً مَيْتَةً فَقَالَ: «هَلَا اسْتَمْتَعْثِمُ بِإِلَاهِهِا؟» قَالُوا: إِنَّهَا مَيْتَةٌ، قَالَ: «إِنَّمَا حَرُمَ أَكْلُهَا». [راجع: ١٤٩٢]

(١٠٢) بَابُ قَتْلِ الْخِنْزِيرِ.

وَقَالَ جَابِرٌ: حَرَمَ النَّبِيُّ ﷺ بَعْدَ قَتْلِ الْخِنْزِيرِ.

٢٢٢٢ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ:

in Whose Hands my soul is, surely the son of Maryam (Mary) 'Iesa (Jesus)⁽¹⁾ will shortly descend amongst you people (Muslims) and will judge mankind justly by the Law of the Qur'aan (as a just ruler) and will break the cross and kill the pigs and abolish the *Jizya* (a tax taken from the non-Muslims, who are under the protection of the Muslim government. This *Jizya* tax will not be accepted by 'Iesa [(Jesus) عليه السلام]. Then there will be abundance of money and nobody will accept charitable gifts. [See *Fath Al-Bari*, for details].

(103) CHAPTER. The fat of the dead animal should not be melted, nor should it be sold.

Jâbir narrated this from the Prophet ﷺ.

2223. Narrated Ibn 'Abbâs رضي الله عنهما: Once 'Umar was informed that a certain man has sold an alcoholic drink. 'Umar said, "May Allâh curse him! Doesn't he know that Allâh's Messenger ﷺ said, 'May Allâh curse the Jews, for Allâh had forbidden them to eat the fat of animals but they melted it and sold it'?"⁽²⁾

حدَّثَنَا الْلَّيْثُ، عَنْ ابْنِ شَهَابٍ، عَنْ ابْنِ الْمُسَيْبِ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «وَالَّذِي تَفْسِي بِيَدِهِ لَيُوشِكَّ أَنْ يَنْزَلَ فِيْكُمْ ابْنُ مَرْيَمَ حَكْمًا فُقْسِطًا فَيُكْبِرَ الصَّلِيبَ، وَيَقْتَلَ الْخَنَزِيرَ، وَيَضْعَ الجِزِيَّةَ، وَيَقْبِضَ الْمَالَ حَتَّى لَا يَقْبِلَهُ أَحَدٌ». [انظر: ٢٤٧٦، ٣٤٤٨، ٣٤٤٩]

(١٠٣) بَابٌ لا يُذابُ شَحْمُ الْمِيَةَ
وَلَا يُبَاعُ وَدَهُ.
رواوه جابر رضي الله عنه عن النبي ﷺ.

٢٢٢٣ - حدثنا الحميدى رضي الله عنه: حدثنا سفيان رضي الله عنه: حدثنا عمرو بن ديار، قال: أخبرني طاوس: أنه سمع ابن عباس رضي الله عنهما يقول: بلغ عمر أنَّ فلاناً باع خمراً، فقال: قاتل الله تعالى فلاناً، ألم يعلم أنَّ رسول الله ﷺ قال: «قاتل الله اليهود. حرمت عليهم الشحوم فجملوها باعوها».

[انظر: ٣٤٦٠]

٢٢٤ - حدثنا عبدان: أخبرنا عبد الله:
أخبرنا عبد الله: أخبرنا يوسف، عن ابن

(1) (H.2222) 'Iesa (Jesus), the son of Maryam (Mary) عليه السلام will descend as a leader of the Muslims, and it is a severe warning to the Christians who claim to be the followers of 'Iesa (Jesus) and he will break the cross and kill the pigs, and he عليه السلام will abolish the *Jizya* tax and all mankind will be required to embrace Islam with no other alternative.

(2) (H. 2223) This indicates that it is not permissible to sell a thing which is illegal to eat.

them but they sold it and ate its price.”

شَهَابٌ: سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «قَاتَلَ اللَّهُ يَهُودًا. حُرِّمَتْ عَلَيْهِمُ الشُّحُومُ بَاعُوهَا وَأَكَلُوا أَثْمَانَهَا». قَالَ أَبُو عَبْدِ اللَّهِ: فَاتَّهُمُ اللَّهُ لَعْنَهُمْ. «قُتْلَ»: لُعْنَ «الْخَرَصُونَ»: الْكَذَابُونَ.

(١٠٤) بَابُ بَعْضِ التَّصَاوِيرِ الَّتِي لَيْسَ فِيهَا رُوحٌ، وَمَا يُكَرَّهُ مِنْ ذَلِكَ.

٢٢٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الْوَهَابِ: حَدَّثَنَا يَزِيدُ بْنُ زُرْبَعِ: أَخْبَرَنَا عَوْفٌ عَنْ سَعِيدِ بْنِ أَبِي الْحَسَنِ قَالَ: كُنْتُ عِنْدَ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا إِذَا تَاهَ رَجُلٌ فَقَالَ: يَا أَبا عَبَّاسٍ، إِنِّي إِنْسَانٌ إِنَّمَا مَعِيشِي مِنْ صَنْعَةِ يَدِي، وَإِنِّي أَصْنَعُ هَذِهِ التَّصَاوِيرَ، فَقَالَ ابْنُ عَبَّاسٍ: لَا أَحَدُكُلُّ إِلَّا مَا سَمِعْتُ مِنْ رَسُولِ اللَّهِ ﷺ، سَمِعْتُهُ يَقُولُ: «مَنْ صَوَرَ صُورَةَ إِنَّ اللَّهَ مُعَذِّبُهُ حَتَّى يُنْفَخَ فِيهَا الرُّوحُ وَلَيْسَ بِنَافِخٍ فِيهَا أَبَدًا». فَرَبَّا الرَّجُلُ رَبِوَةً شَدِيدَةً وَاضْفَرَ وَجْهُهُ فَقَالَ: وَيَحْكَ إِنْ أَبَيْتُ إِلَّا أَنْ تَصْنَعَ فَعَلَيْكَ بِهَذَا الشَّجَرِ، كُلُّ شَيْءٍ لَيْسَ فِيهِ رُوحٌ. قَالَ أَبُو عَبْدِ اللَّهِ: سَمِعَ سَعِيدُ بْنِ أَبِي عَرْوَةَ مِنَ النَّصَرِيِّ بْنِ أَنَسٍ هَذَا الْوَاحِدَ. [انظر: ٥٩٦٣ ، ٧٠٤٢]

(104) CHAPTER. The selling of the pictures of inanimate objects having no souls and what is hated from that.

2225. Narrated Sa'īd bin Abū Al-Hasan: While I was with Ibn 'Abbās, a man came and said, "O father of 'Abbās! I am a human being and my sustenance is from my manual profession and I make these pictures." Ibn 'Abbās said, "I will tell you only what I heard from Allāh's Messenger ﷺ. I heard him saying, 'Whoever makes a picture will be punished by Allāh till he puts soul (life) in it, and he will never be able to put soul (life) in it.'" Hearing this, that man heaved a sigh and his face turned pale. Ibn 'Abbās said to him, "What a pity! If you insist on making pictures I advise you to make pictures of trees and any other inanimate objects having no souls."

[See *Fath Al-Bārī*, for details]

(١٠٥) بَابُ تَحْرِيمِ التِّجَارَةِ فِي الْخَمْرِ (١٠٥)

(105) CHAPTER. Trade of alcoholic drinks is illegal.

وَقَالَ جَابِرٌ رَضِيَ اللَّهُ عَنْهُ: حَرَمَ الْمُحَمَّدُ بَعْضَ الْخَمْرِ.

2226. Narrated 'Aishah: When the last verses of *Sūrat Al-Baqarah* were revealed, the Prophet ﷺ went out (of his house to the mosque) and said, "The trade of alcoholic drinks has been made illegal."

٢٢٢٦ - حَدَّثَنَا مُسْلِمٌ: حَدَّثَنَا شُعْبَةُ، عَنِ الْأَعْمَشِ، عَنْ أَبِي الصُّحْيَ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: لَمَّا نَزَّلَتْ آيَاتُ سُورَةِ الْبَرَّةِ عَنْ آخِرِهَا خَرَجَ النَّبِيُّ وَقَالَ: حُرِّمَتِ التِّجَارَةُ فِي الْخَمْرِ.

(١٠٦) بَابُ إِثْمٍ مِنْ بَاعِ حُرًّا (١٠٦)

(106) CHAPTER. The sin of a person who sells a free man (knowingly and intentionally).

2227. Narrated Abū Hurairah: The Prophet ﷺ said, "Allāh says, 'I will be against three persons on the Day of Resurrection:

1. One who makes a covenant in My Name, but he proves treacherous.

2. One who sells a free person (as a slave) and eats the price.

3. And one who employs a labourer and gets the full work done by him but does not pay him his wages'."

٢٢٢٧ - حَدَّثَنِي يَشْرُبُ بْنُ مَرْحُومٍ: حَدَّثَنَا يَحْيَى بْنُ سُلَيْمَ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ وَقَالَ: «قَالَ اللَّهُ: ثَلَاثَةٌ أَنَا حَصْمُهُمْ يَوْمَ الْقِيَامَةِ: رَجُلٌ أَعْطَى بِي ثُمَّ عَدَرَ. وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ ثُمَّهُ. وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ وَلَمْ يُعْطِهِ أَجْرَهُ».

(١٠٧) بَابُ أَمْرِ النَّبِيِّ وَبَعْضِ الْيَهُودِ بَعْضِ أَرْضِهِمْ حِينَ أَجْلَاهُمْ فِيهِ الْمَقْبِرَةُ، عَنْ أَبِي هُرَيْرَةَ.

(١٠٨) بَابُ بَعْضِ الْعَبْدِ وَالْحَيَوانِ بِالْحَيَوانِ تَسْيِيَةً.

وَاشْتَرَى ابْنُ عُمَرَ رَاجِلَةً بِأَرْبَعَةِ

(107) CHAPTER. The Prophet ﷺ ordered the Jews to sell their land when he exiled them (drove them out of Al-Madina).

(108) CHAPTER. The sale of a slave (for a slave) and an animal for an animal on credit.

And Ibn 'Umar bought a mount (riding camel) for four camels which he promised to

deliver at Ar-Rabadha. Ibn ‘Abbās said, “One camel may be better than two.” Rāfi‘ bin Khadīj once bought a camel for two camels and he delivered one instantly and said, “If Allāh will, I will bring you the other tomorrow without delay.” And said Ibn Al-Musaiyab. “There is no *Ribā* (in animals) i.e., in selling one camel for two, or one sheep for two sheep on credit.”

Ibn Sīrīn said, “There is no harm in selling one camel for two on credit.”

2228. Narrated Anas : رَضِيَ اللَّهُ عَنْهُ Amongst the captives was Ṣafiyah. First she was given to Dihya Al-Kalbi and then to the Prophet ﷺ. ⁽¹⁾

أَبْعَرَةَ مَضْمُونَةَ عَلَيْهِ يُوْفِيهَا صَاحِبَهَا بِالرَّبَدَةِ. وَقَالَ ابْنُ عَبَّاسٍ: قَدْ يَكُونُ الْبَعِيرُ خَيْرًا مِنَ الْبَعِيرَيْنِ. وَاشْتَرَى رَافِعٌ بْنُ خَدِيجَ بَعِيرًا بِبَعِيرَيْنِ فَأَعْطَاهُ أَحَدَهُمَا، وَقَالَ: أَيْكَ بِالْآخَرِ غَدًا رَهْوًا إِنْ شَاءَ اللَّهُ . وَقَالَ ابْنُ الْمُسَيْبِ: لَا رِبَا فِي الْحَيَوانِ، الْبَعِيرُ بِالْبَعِيرَيْنِ. وَالشَّاةُ بِالشَّائِئَيْنِ إِلَى أَجَلٍ . وَقَالَ ابْنُ سِيرِينَ: لَا بَأْسَ بَعِيرٌ بِبَعِيرَيْنِ وَدِرْهَمٌ بِدِرْهَمٍ نَسِيَّةً .

٢٢٢٨ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ ثَابِتٍ، عَنْ أَسِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ فِي السَّيْبِ صَفِيَّةً، فَصَارَتْ إِلَى دِحْيَةَ الْكَلْبِيِّ. ثُمَّ صَارَتْ إِلَى النَّبِيِّ ﷺ . [راجع: ٣٧١]

(109) CHAPTER. The sale of slaves.

2229. Narrated Abū Sa‘id Al-Khudrī رَضِيَ اللَّهُ عَنْهُ that while he was sitting with Allāh’s Messenger ﷺ (an *Anṣāri* man came) and said, “O Allāh’s Messenger! We get female captives as our share of booty, and we are interested in their prices, what is your opinion about coitus interruptus?” The Prophet ﷺ said, “Do you really do that? It is better for you not to do it. No soul that which Allāh has destined to exist, but will surely come into existence.”

[See *Fath Al-Bārī*]

(109) بَابُ بَعْضِ الرَّقِيقِ

٢٢٢٩ - حَدَّثَنَا أَبُو الْيَمَانُ: أَخْبَرَنَا شَعِيبٌ، عَنِ الرَّهْمَرِيِّ قَالَ: أَخْبَرَنِي ابْنُ مُحَبِّرٍ يَزِّ أَنَّ أَبَا سَعِيدَ الْخُدْرِيَّ رَضِيَ اللَّهُ عَنْهُ أَخْبَرَهُ: أَنَّهُ بَيْسِمَا هُوَ جَالِسٌ عِنْدَ النَّبِيِّ ﷺ قَالَ: يَا رَسُولَ اللَّهِ، إِنَّا نُصِيبُ سَبِيَّا. فَنُحْبِطُ الْأَثْمَانَ فَكَيْفَ تَرَى فِي الْعَرْلِ؟ فَقَالَ: «أَوْ إِنَّكُمْ تَفْعَلُونَ ذَلِكَ؟ لَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا ذَلِكُمْ»

(1) (H. 431) When the Prophet ﷺ took Ṣafiyah for himself, he told Dihya to choose another slave-girl from among the captives. So, this case is a kind of buying a slave on credit. [See *Fath Al-Bārī*].

فَإِنَّهَا لَيْسَتْ نَسَمَةً كَتَبَ اللَّهُ أَنْ تَخْرُجَ
إِلَّا هِيَ خَارِجَةً».

(١١٠) بَابُ بَعْثِ الْمُدَبَّرِ.

(110) CHAPTER. The sale of *Mudabbar* (i.e., a slave who is promised by his master to be manumitted after the latter's death).

2230. Narrated Jābir: The Prophet ﷺ sold a *Mudabbar* (on behalf of his master who was still living and was in need of money).

2231. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا: Allāh's Messenger ﷺ sold (a *Mudabbar*). [See *Fath Al-Bārī*]

2232, 2233. Narrated Zaid bin Khālid and Abū Hurairah رَضِيَ اللَّهُ عَنْهُمَا that Allāh's Messenger ﷺ was asked about an unmarried slave-girl who committed illegal sexual intercourse. They heard him saying, "Flog⁽¹⁾ her, and if she commits illegal sexual intercourse again after that, flog her again, and on the third (or the fourth) offense, sell her."⁽²⁾

2234. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: I heard the Prophet ﷺ saying, "If a slave-girl of yours commits illegal sexual intercourse

٢٢٣٠ - حَدَّثَنَا ابْنُ نُعْمَرٍ: حَدَّثَنَا
وَكَيْعٌ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ سَلَمَةَ بْنِ
كُهَيْلٍ، عَنْ عَطَاءَ عَنْ جَابِرٍ رَضِيَ اللَّهُ
عَنْهُ قَالَ: بَاعَ النَّبِيُّ ﷺ الْمُدَبَّرَ.

[راجع: ٢١٤١]

٢٢٣١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا
سُفْيَانُ عَنْ عَمْرُو: سَمِعَ جَابِرَ بْنَ عَبْدِ
اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: بَاعَهُ
رَسُولُ اللَّهِ ﷺ. [راجع: ٢١٤١]

٢٢٣٢ ، ٢٢٣٣ - حَدَّثَنِي رَهْبَرٌ
بْنُ حَرْبٍ: حَدَّثَنَا يَعْقُوبُ: حَدَّثَنَا
أَبِي، عَنْ صَالِحٍ قَالَ: حَدَّثَ ابْنُ
شَهَابٍ أَنَّ عَبْدَ اللَّهِ أَخْبَرَهُ أَنَّ رَبِيدَ بْنَ
خَالِدٍ وَأَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُمَا
أَخْبَرَهُ أَنَّهُمَا سَمِعاً رَسُولَ اللَّهِ ﷺ
يُسَأَلُ عَنِ الْأَمَةِ تَرَنِي وَلَمْ تُحْسِنْ.
قَالَ: «اْجِلْدُوهَا، ثُمَّ إِنْ زَنَتْ
فاجلدوها ثُمَّ بِعْوَهَا بَعْدَ التَّالِثَةِ أَوْ
الرَّابِعَةِ». [راجع: ٢١٥٢]

٢٢٣٤ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنِ
عَبْدِ اللَّهِ قَالَ: أَخْبَرَنِي الْلَّيْثُ، عَنْ

(1) (H. 2232) A slave-girl committing illegal sexual intercourse is punished with 50 lashes, which are half the lashes given to a free unmarried person. Stoning is not prescribed for slaves committing illegal sexual intercourse.

(2) (H. 2232) The narrator is not sure whether the Prophet ﷺ said, "...the third or the fourth offense..."

and her illegal sexual intercourse is proved, she should be lashed, and after that nobody should blame her, and if she commits illegal sexual intercourse the second time, she should be lashed and nobody should blame her after that, and if she does the offense for the third time and her illegal sexual intercourse is proved, she should be sold, even for a hair rope."

سَعِيدٌ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: إِذَا زَانَتْ أَمْهَأْ أَحَدِكُمْ فَتَبَيَّنَ زِنَاهَا فَلْيُجْلِدُهَا الْحَدُّ وَلَا يُثْرِبَ عَلَيْهَا، ثُمَّ إِنْ زَانَتْ فَلْيُجْلِدُهَا الْحَدُّ وَلَا يُثْرِبَ، ثُمَّ إِنْ زَانَتِ الثَّالِثَةَ فَتَبَيَّنَ زِنَاهَا فَلْيُبَيِّنَهَا وَلَوْ بِحَبْلٍ مِّنْ شَعْرٍ».

[راجع: ٢١٥٢]

(١١١) بَابُ هَلْ يُسَافِرُ بِالْجَارِيَةِ قَبْلَ أَنْ يَسْتَرِئَهَا؟

وَلَمْ يَرِرِ الْحَسْنُ بَأْسًا أَنْ يُقْبَلَهَا أَوْ يُبَاشِرَهَا. وَقَالَ ابْنُ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: إِذَا وُهِبَتِ الْوَلِيدَةُ الَّتِي تُوطَأُ أَوْ يَبْعَثُ أَوْ عَنَفَتْ فَلْيُسْتَبِرَا رَحْمُهَا بِحِيْصَةٍ، وَلَا تُسْتَرِئَا الْعَدْرَاءُ. وَقَالَ عَطَاءً: لَا بَأْسَ أَنْ يُصِيبَ مِنْ جَارِيَتِهِ الْحَامِلِ مَا دُونَ الْفَرْجِ. وَقَالَ اللَّهُ تَعَالَى: «إِلَّا عَلَى أَزْوَاجِهِمْ أَوْ مَا مَلَكُتْ أَيْمَنَهُمْ» [المؤمنون: ٦].

(111) CHAPTER. One can travel with a slave-girl without knowing whether she is pregnant or not?

Al-Hasan found no harm in her master's kissing or fondling with her.

Ibn 'Umar said, "If a slave-girl who is suitable to have sexual relations is given to somebody as a gift, or sold or manumitted, her master should not have sexual intercourse with her before she gets one menstruation so as to be sure of absence of pregnancy, and there is no such necessity for a virgin."

'Atā said, "There is no harm in fondling with one's pregnant⁽¹⁾ slave-girl without having sexual intercourse with her. Allāh said :

'Except with their wives and the (woman slaves) whom their right hands possess...'” (V.70:30)

2235. Narrated Anas bin Mālik رضي الله عنه: The Prophet ﷺ came to Khaibar and when Allāh made him victorious and he conquered the town by breaking the enemy's defense, the beauty of Ṣafiyah bint Ḥuyayy bin Akhtab was mentioned to him. Her husband had been killed while she was a bride. Allāh's

2235 - حَدَّثَنَا عَبْدُ الْغَفارِ بْنُ دَاوُدَ: حَدَّثَنَا يَعْقُوبُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ عَمْرِو بْنِ أَبِي عَمْرِو عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَدِمَ النَّبِيُّ ﷺ خَيْرٌ فَلَمَّا فَتَحَ اللَّهُ عَلَيْهِ الْحَضْنَ

(1) (Ch. 111) Pregnant from another man, not her master.

Messenger ﷺ selected her for himself and he set out in her company till he reached Saddar-Rawha' where her menses were over and he married her. Then *Hais* (a kind of meal) was prepared and served on a small leather sheet (used for serving meals). Allāh's Messenger ﷺ then said to me, "Inform those who are around you (about the wedding banquet)." So that was the marriage banquet given by Allāh's Messenger for (his marriage with) Ṣafiyah. After that we proceeded to Al-Madina and I saw that Allāh's Messenger ﷺ was covering her with a cloak while she was behind him. Then he would sit beside his camel and let Ṣafiyah put her feet on his knees to ride (the camel).

ذُكِرَ لَهُ جَمَالُ صَفِيَّةَ بْنُتْ حُسَيْنِ بْنِ أَخْطَبَ، وَقَدْ قُتِلَ زَوْجُهَا وَكَانَتْ عَرْوَسًا، فَاضْطُفَاهَا رَسُولُ اللَّهِ ﷺ لِنَفْسِهِ، فَخَرَجَ بِهَا حَتَّى بَلَغَنَا سَدَ الرَّوْحَاءِ حَلَّتْ قَبْنَى بِهَا ثُمَّ صَنَعَ حَيْسًا فِي نَطْعَ صَغِيرٍ. ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «آذِنْ مَنْ حَوْلَكَ»، فَكَانَتْ تِلْكَ وَلِيمَةَ رَسُولِ اللَّهِ ﷺ عَلَى صَفِيَّةَ. ثُمَّ خَرَجْنَا إِلَى الْمَدِينَةِ، قَالَ: فَرَأَيْتُ رَسُولَ اللَّهِ ﷺ يُحَوِّي لَهَا وَرَاءَهُ بَعَاءَةً. ثُمَّ يَجْلِسُ عِنْدَ بَعِيرِهِ فَيَضُعُ رُكْبَتَهُ فَتَضَعُ صَفِيَّةَ رِجْلَهَا عَلَى رُكْبَتِهِ حَتَّى تَرْكَبَ. [راجع: ٣٧١]

(١١٢) بَابُ بَيْعِ الْمَيْتَةِ وَالْأَصْنَامِ.

(112) CHAPTER. The sale of dead animals and idols.

2236. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا : In the year of the conquest of Makkah, I heard Allāh's Messenger ﷺ saying, "Allāh and His Messenger made illegal the trade of alcoholic liquors, dead animals, pigs and idols." The people asked, "O Allāh's Messenger! What about the fat of dead animals, for it was used for greasing the boats and the hides; and people use it for lights?" He said, "No, it is illegal." Allāh's Messenger ﷺ further said, "May Allāh curse the Jews, for Allāh made the fat (of animals) illegal for them, yet they melted the fat and sold it and ate its price."

٢٢٣٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْلَّيْثُ، عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ عَطَاءَ بْنِ أَبِي رَبَاحٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّهُ سَمَعَ رَسُولَ اللَّهِ ﷺ يَقُولُ وَهُوَ بِمِكَّةَ عَامَ الْفَتحِ: «إِنَّ اللَّهَ وَرَسُولَهُ حَرَمَ بَيْعَ الْحَمْرَ وَالْمَيْتَةِ وَالْعَخْزِيرِ وَالْأَصْنَامِ». فَقَيْلَ: يَا رَسُولَ اللَّهِ، أَرَأَيْتَ شُحُومَ الْمَيْتَةِ إِنَّهَا يُطْلَى بِهَا السُّفْنُ وَيُدْهَنُ بِهَا الْجُلُودُ. وَيَسْتَضْبُخُ بِهَا النَّاسُ. فَقَالَ: «لَا، هُوَ حَرَامٌ» ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ عِنْدَ ذَلِكَ: «فَاتَّلَ اللَّهُ يَهُودَ، إِنَّ اللَّهَ لَمَّا حَرَمَ شُحُومَهَا جَمَلُوهُ ثُمَّ

باعوه فأكلوا ثمنه»، وقال أبو عاصم: حدثنا عبد الحميد: حدثنا يزيد: كتب إلى عطاء: سمعت جابرًا رضي الله عنه عن النبي ﷺ. [انظر: ٤٢٩٦، ٤٦٣٣]

(113) CHAPTER. The price of a dog.

2237. Narrated Abū Mas'ud Al-Anṣārī : Allāh's Messenger ﷺ forbade taking the price of a dog, money earned by prostitution and the earnings of a soothsayer.

٢٢٣٧ - حدثنا عبد الله بن يوسف: أخبرنا مالك، عن ابن شهاب. عن أبي بكر بن عبد الرحمن عن أبي مسعود الأنصاري رضي الله عنه: أنَّ رَسُولَ اللهِ ﷺ نهى عن ثمن الكلب، ومهر البغى، وحלוان الكاهن. [انظر: ٢٢٨٢، ٥٣٤٦]

2238. Narrated Aun bin Abū Juhaifa: I saw my father buying a slave whose profession was cupping, and ordered that his instruments (of cupping) be broken. I asked him the reason for doing so. He replied, "Allāh's Messenger ﷺ prohibited taking money for blood, the price of a dog, and the earnings of a slave-girl by prostitution; he ﷺ cursed her who tattoos and her who gets tattooed, the eater of *Ribā* (usury) and also the one who gives it and the maker of pictures."

٢٢٣٨ - حدثنا حجاج بن منهال: حدثنا شعبة قال: أخبرني عون بن أبي جحيفة قال:رأيت أبي الشترى حجاجاً فأمر بمحاجمه فكسرت قسألته عن ذلك، فقال: إنَّ رَسُولَ اللهِ ﷺ نهى عن ثمن الدم، وثمن الكلب، وكسب الأمة، ولعن الواشمة والمستوشمة، وأكل الربا وموكله ولعن المصور. [راجع: ٢٠٨٦]

35 – THE BOOK OF AS-SALAM (A sale in which the price is paid at once for goods to be delivered later)

(1) CHAPTER .*As-Salam* by a definite known specified measure.

2239. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا : Allāh’s Messenger ﷺ came to Al-Madina and the people used to pay in advance the price of fruits to be delivered within one or two years. (The subnarrator is in doubt whether it was one to two years or two to three years.) The Prophet ﷺ said, “Whoever pays money in advance for dates (to be delivered later) should pay it for known specified weight and measure (of the dates).”

Narrated Ibn Abī Najīḥ as above, mentioning only known specific measure.

٣٥ - كِتابُ السَّلْمَ

(١) بَابُ السَّلْمِ فِي كَيْلٍ مَعْلُومٍ

٢٢٣٩ - حَدَّثَنِي عَمْرُو بْنُ زُرَارَةَ: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ عُلَيَّةَ: أَخْبَرَنَا ابْنُ أَبِي نَجِيْحٍ، عَنْ عَبْدِ اللَّهِ بْنِ كَبِيرٍ، عَنْ أَبِي الْمِنْهَالِ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَدِيمٌ رَسُولُ اللَّهِ ﷺ الْمَدِينَةُ وَالنَّاسُ يُسْلِفُونَ فِي الْمَرِّ الْعَامِ وَالْعَامِينِ - أَوْ قَالَ: عَامِينِ أَوْ تَلَاثَةَ، شَكَ إِسْمَاعِيلُ - فَقَالَ: «مَنْ سَلَفَ فِي تَمِيرٍ فَلَيُسْلِفْ فِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ».

حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا إِسْمَاعِيلُ،
عَنْ أَبِي أَبِي نَجِيحٍ بِهَذَا: «فِي كَيْلٍ
مَعْلُومٍ وَوَرْزِنَ مَعْلُومٍ». [انظر: ٢٢٤١، ٢٢٥٣]

(٢) بَابُ السَّلْمِ فِي وَزْنِ مَعْلُومٍ

(2) CHAPTER. *As-Salam* for a known specified weight.

2240. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا: The Prophet ﷺ came to Al-Madina and the people used to pay in advance the price of dates to be delivered within two or three years. He said (to them), “Whoever pays in advance the price of a thing to be delivered later should pay it for a known specified measure, at known specified weight, for a known specified time-period,”

٢٢٤٠ - حَدَّثَنَا صَدَقَةُ: أَخْبَرَنَا
ابْنُ عَيْنَةَ: أَخْبَرَنَا ابْنُ أَبِي تَجِيْحٍ،
عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ، عَنْ أَبِي
الْمِنْهَالِ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ
عَنْهُمَا قَالَ: قَدَّمَ النَّبِيُّ ﷺ الْمَدِيْنَةَ
وَهُمْ يُسْلِكُونَ بِالشَّمْرِ السَّنَتَيْنِ

Narrated Ibn Abī Najīḥ as above, saying, “He should pay the price in advance for a known specified measure and for a known specified time-period.”

والثّلّاث، فَقَالَ: «مَنْ أَسْلَفَ فِي شَيْءٍ فَفِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ إِلَى أَجْلٍ مَعْلُومٍ». [رَاجِع: ٢٢٣٩]

حَدَّثَنَا عَلِيًّا: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنِي ابْنُ أَبِي تَجِيْحٍ وَقَالَ: فَأُسْلِفَ فِي كَيْلٍ مَعْلُومٍ إِلَى أَجْلٍ مَعْلُومٍ».

2241. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا The Prophet ﷺ came (to Al-Madina) and he told the people (regarding the payment of money in advance that they should pay it) for known specified measure and a known specified weight and known specified time-period.

٢٢٤١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفْيَانُ، عَنْ ابْنِ أَبِي تَجِيْحٍ، عَنْ عَبْدِ اللَّهِ ابْنِ كَثِيرٍ، عَنْ أَبِي الْيَمَهَى قَالَ: سَمِعْتُ ابْنَ عَبَاسَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: قَدِيمَ الرَّبِيعَ وَقَالَ: «فِي كَيْلٍ مَعْلُومٍ، وَوَزْنٍ مَعْلُومٍ إِلَى أَجْلٍ مَعْلُومٍ». [رَاجِع: ٢٢٣٩]

2242, 2243. Narrated Shu‘ba: Muḥammad or ‘Abdullāh bin Abū Al-Mujālid said, “‘Abdullāh bin Shaddād and Abū Burda differed regarding *As-Salam*, so they sent me to Ibn Abī Aūfā and I asked him about it. He replied, ‘In the lifetime of Allāh’s Messenger ﷺ, Abū Bakr and ‘Umar, we used to pay in advance the prices of wheat, barley, dried grapes and dates to be delivered later.’ I also asked Ibn Abzā and he, too, replied as above.”

٢٢٤٢ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا شُعْبَةُ، عَنْ ابْنِ أَبِي وَكِيعٍ، عَنْ شُعْبَةَ، عَنْ مُحَمَّدِ بْنِ أَبِي المُجَالِدِ: حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي مُحَمَّدٌ أَوْ عَبْدُ اللَّهِ بْنُ أَبِي المُجَالِدِ، قَالَ: اخْتَلَفَ عَبْدُ اللَّهِ بْنُ شَدَادَ بْنِ الْهَادِ وَأَبُو بُرَدَةَ فِي السَّلَفِ فَبَعْثَنِي إِلَى ابْنِ أَبِي أَوْفَى رَضِيَ اللَّهُ عَنْهُ فَسَأَلَنِي قَالَ: إِنَّا كُنَّا نُسْلِفُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَأَبِي بَكْرٍ وَعُمَرَ فِي الْجَنْطَةِ وَالشَّعْبَرِ وَالرَّبِيعِ وَالثَّمَرِ. وَسَأَلْتُ ابْنَ أَبِرَّى فَقَالَ مِثْلَ ذَلِكَ. [الحديث:

٢٢٤٢، انظر: ٢٢٤٤، ٢٢٥٥، [٢٢٤٣]

[الحديث: ٢٢٤٣، انظر: ٢٢٤٥، ٢٢٥٤]

(٣) بَابُ السَّلَامِ إِلَى مَن لَيْسَ عِنْدَهُ أَصْلُ

٢٢٤٤، ٢٢٤٥ - حَدَّثَنَا مُوسَى

بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ:

حَدَّثَنَا الشَّيْبَانِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي

مُجَالِدٍ قَالَ: بَعْتَنِي عَبْدُ اللَّهِ بْنُ شَادَادٍ

وَأَبْوَ بُرْدَةَ إِلَى عَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى

رَضِيَ اللَّهُ عَنْهُمَا فَقَالَا: سَلْهُ هَلْ كَانَ

أَصْحَابُ النَّبِيِّ ﷺ فِي عَهْدِ النَّبِيِّ ﷺ

يُسْلِفُونَ فِي الْجِنْطَنَةِ؟ فَقَالَ عَبْدُ اللَّهِ:

كُنَّا نُسْلِفُ تِبْيَطَ أَهْلِ الشَّامِ فِي

الْجِنْطَنَةِ وَالشَّعِيرِ وَالرَّيْتِ، فِي كَيْلِ

مَعْلُومٍ إِلَى أَجْلِ مَعْلُومٍ. قُلْتُ: إِلَى

مَنْ كَانَ أَصْلُهُ عِنْدَهُ؟ قَالَ: مَا كُنَّا

نَسَأْلُهُمْ عَنْ ذَلِكَ. ثُمَّ بَعْثَانِي إِلَى عَبْدِ

الرَّحْمَنِ بْنِ أَبِي زَيْدٍ. فَسَأَلَهُ فَقَالَ: كَانَ

أَصْحَابُ النَّبِيِّ ﷺ يُسْلِفُونَ فِي عَهْدِ

النَّبِيِّ ﷺ وَلَمْ نَسَأْلُهُمْ: أَلَهُمْ حَرَثُ

أَمْ لَا؟ . [راجع: ٢٢٤٣، ٢٢٤٢]

حَدَّثَنَا إِسْحَاقُ: حَدَّثَنَا خَالِدُ بْنُ

عَبْدِ اللَّهِ، عَنِ الشَّيْبَانِيِّ، عَنْ مُحَمَّدٍ

بْنِ أَبِي مُجَالِدٍ يَهْدَا، وَقَالَ: فَسُلْفُهُمْ

فِي الْجِنْطَنَةِ وَالشَّعِيرِ . وَقَالَ عَبْدُ اللَّهِ

بْنُ الْوَلِيدِ، عَنْ سُفْيَانَ: حَدَّثَنَا

الشَّيْبَانِيَّ وَقَالَ: وَالرَّيْتِ. حَدَّثَنَا

قُتَيْبَةُ: حَدَّثَنَا جَرِيرٌ، عَنِ الشَّيْبَانِيِّ

2246. Narrated Abū Bakhtārī At-Tāī: I asked Ibn ‘Abbas رَضِيَ اللَّهُ عَنْهُمَا about *As-Salam* for (the fruits of) date-palms. He replied, “The Prophet ﷺ forbade the sale of dates on the trees till they became fit for eating and could be weighed.” A man asked what to be weighed (as the dates were still on the trees). Another man sitting beside Ibn ‘Abbās replied, “Till they are cut and stored.”⁽¹⁾

Narrated Abū Al-Bakhtārī: I heard Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا (saying) that the Prophet ﷺ forbade... etc. as above.

(4) CHAPTER. *As-Salam* for (the fruits of date-palms).

2247, 2248. Narrated Abū al-Bakhtārī: I asked Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا about *As-Salam* for (the fruits) of date-palms. He replied, “The Prophet ﷺ forbade the sale of dates till their benefit becomes evident and fit for eating, and also the sale of silver (for gold) on credit.”

I asked Ibn ‘Abbās about *As-Salam* for dates and he replied, “The Prophet ﷺ forbade the sale of dates till they were fit for eating and could be estimated.”

2249, 2250. Narrated Abū Al-Bakhtārī: I

وَقَالَ: فِي الْجَنْطَةِ وَالشَّعِيرِ وَالرَّبَيْبِ .
٢٢٤٦ - حَدَّثَنَا أَدَمُ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنَا عَمْرُو قَالَ: سَمِعْتُ أَبَا الْبَحْرَى الطَّائِيَّ قَالَ: سَأَلْتُ ابْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا عَنِ السَّلَمِ فِي النَّخْلِ، قَالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ النَّخْلِ حَتَّى يُؤْكَلَ مِنْهُ وَحْتَى يُوزَنَ، فَقَالَ رَجُلٌ: مَا يُوزَنُ؟ فَقَالَ لَهُ رَجُلٌ إِلَى جَانِبِهِ: حَتَّى يُحْرَزُ . وَقَالَ مُعَاذٌ: حَدَّثَنَا شُعْبَةُ، عَنْ عَمْرُو قَالَ أَبُو الْبَحْرَى: سَمِعْتُ ابْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: نَهَى النَّبِيُّ ﷺ مِثْلًا . [انظر: ٢٢٤٨، ٢٢٥٠]

(٤) بَابُ السَّلَمِ فِي النَّخْلِ

٢٢٤٧، ٢٢٤٨ - حَدَّثَنَا أَبُو الوليد: حَدَّثَنَا شُعْبَةُ، عَنْ عَمْرُو، عَنْ أَبِي الْبَحْرَى قَالَ: سَأَلْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ السَّلَمِ فِي النَّخْلِ، فَقَالَ: نُهِيَ عَنْ بَيْعِ النَّخْلِ حَتَّى يَصْلُحَ وَعَنْ بَيْعِ الْوَرِقِ نَسَاءٌ يَنْاجِزُ . وَسَأَلْتُ ابْنَ عَبَّاسٍ عَنِ السَّلَمِ فِي النَّخْلِ فَقَالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ النَّخْلِ حَتَّى يُؤْكَلَ مِنْهُ - أَوْ يَأْكُلَ مِنْهُ - وَحْتَى يُوزَنَ . [راجع: ١٤٨٦]

[٢٢٤٦]

٢٢٤٩ - حَدَّثَنَا مُحَمَّدٌ

(1) (H. 2246) In some narrations occurs: ‘Till they could be estimated (while still on the trees).’

asked Ibn ‘Umar about *As-Salam* for dates. Ibn ‘Umar replied, “The Prophet forbade the sale (of fruits) of date-palms until they were fit for eating; and also forbade the sale of silver for gold on credit.” I also asked Ibn ‘Abbās about it. Ibn ‘Abbās replied, “The Prophet forbade the sale of dates till they were fit for eating, and could be weighed.” I asked him, “What is to be weighed (as the dates are on the trees)?” A man sitting by Ibn ‘Abbās said, “It means till they are cut and stored.”

بْن بَشَّارٍ: حَدَّثَنَا عُنْدَرُ: حَدَّثَنَا شَعْبُهُ،
عَنْ عَمِّرُو، عَنْ أَبِي الْجَحْرِيِّ: سَأَلْتُ
ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ السَّلَامِ
فِي النَّخْلِ، فَقَالَ: نَهَى النَّبِيُّ ﷺ عَنْ
بَعْضِ الشَّمْرِ حَتَّى يَصْلُحَ . وَنَهَى عَنِ
الْوَرْقِ بِالذَّهَبِ نِسَاءً بِنَاجِزٍ . وَسَأَلْتُ
ابْنَ عَبَّاسٍ فَقَالَ: نَهَى النَّبِيُّ ﷺ عَنِ
بَعْضِ النَّخْلِ حَتَّى يَأْكُلَ أَوْ يُؤْكَلَ،
وَحَتَّى يُوَزَّنَ . قُلْتُ: وَمَا يُوَزَّنُ؟ قَالَ
رَجُلٌ عِنْدَهُ: حَتَّى يُحْرَزَ . [راجع:

[٢٢٤٦ ، ١٤٨٦]

(5) CHAPTER. The guarantor in *As-Salam*.

2251. Narrated ‘Āishah: رَضِيَ اللَّهُ عَنْهَا Allāh’s Messenger bought some foodstuff (barley) from a jew on credit and mortgaged his iron armour to him (the amour stands for a guarantor).

(٥) بَابُ الْكَفِيلِ فِي السَّلَامِ ٢٢٥١
سَلَامٌ: حَدَّثَنَا يَعْلَمٌ: حَدَّثَنَا مُحَمَّدُ بْنُ
الْأَعْمَشَ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ،
عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ:
اشْتَرَى رَسُولُ اللَّهِ ﷺ طَعَاماً مِنْ
يَهُودِيٍّ بِنَسِيَّةٍ وَرَهَنَهُ دِرْعَاهُ لَهُ مِنْ
حَدِيدٍ . [راجع: ٢٠٦٨]

(6) CHAPTER. Mortgaging in *As-Salam*.

2252. Narrated Al-A‘mash: We argued at Ibrāhīm’s dwelling place about mortgaging in *As-Salam*. He said, “Āishah said, ‘The Prophet bought some foodstuff from a jew on credit and the payment was to be made by a known definite time-period, and he mortgaged his iron armour to him.’”

(٦) بَابُ الرَّهْنِ فِي السَّلَامِ ٢٢٥٢
مَحْبُوبٌ: حَدَّثَنَا عَبْدُ الْواَمِدِ: حَدَّثَنَا
الْأَعْمَشُ قَالَ: تَذَاكَرْنَا عِنْدَ إِبْرَاهِيمَ
الرَّهْنَ فِي السَّلَفِ، فَقَالَ: حَدَّثَنِي
الْأَسْوَدُ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا:
أَنَّ النَّبِيَّ ﷺ اشْتَرَى مِنْ يَهُودِيٍّ
طَعَاماً إِلَى أَجَلٍ مَعْلُومٍ وَارْتَهَنَ مِنْهُ
دِرْعَاهُ مِنْ حَدِيدٍ . [راجع: ٢٠٦٨]

(7) CHAPTER. *As-Salam* for a fixed specified period.

Ibn ‘Abbās, Abu Sa‘id, Al-Aswad and Al-Hasan permitted it. Ibn ‘Umar said, “There is no harm in buying foodstuff to be delivered within a known specified time-period, at a known fixed price provided that it is not standing crops that have not yet become ripe and free from blights and diseases.”

2253. Narrated Ibn ‘Abbās : رَضِيَ اللَّهُ عَنْهُمَا The Prophet ﷺ came to Al-Madīna and the people used to pay in advance the prices of fruits to be delivered within two to three years. The Prophet ﷺ said (to them), “Buy fruits by paying their prices in advance on condition that the fruits are to be delivered to you according to a known specified measure, within a known specified time-period.” Ibn Nājīh said, “...by a known specified measure and a known specified weight.”

وَبِهِ قَالَ ابْنُ عَبَّاسٍ وَأَبُو سَعِيدٍ وَالْحَسَنُ وَالْأَسْوَدُ . وَقَالَ ابْنُ عُمَرَ لَا يَبْأَسَ فِي الْطَّعَامِ الْمَوْضُوفِ بِسَعْيٍ مَعْلُومٍ إِلَى أَجْلٍ مَعْلُومٍ، مَا لَمْ يَكُنْ ذَلِكَ فِي زَرْعٍ لَمْ يَبْدُ صَالِحًا .

2253 - حَدَّثَنَا أَبُو نُعْمَانَ : حَدَّثَنَا سُفِيَّانُ، عَنْ ابْنِ أَبِي تَجِيْحٍ عَنْ عَبْدِ اللَّهِ ابْنِ كَثِيرٍ، عَنْ أَبِي الْمَنْهَالِ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : قَدِيمٌ الشَّيْءُ بِكُلِّ الْمَدِينَةِ وَهُنْ يُسْلِفُونَ فِي الشَّمَارِ السَّتَّيْنِ وَالثَّلَاثَاتِ، فَقَالَ : أَسْلِفُوا فِي الشَّمَارِ فِي كَيْلٍ مَعْلُومٍ إِلَى أَجْلٍ مَعْلُومٍ . وَقَالَ عَبْدُ اللَّهِ بْنُ الْوَلِيدِ : حَدَّثَنَا سُفِيَّانُ : حَدَّثَنَا ابْنُ أَبِي تَجِيْحٍ، وَقَالَ : « فِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ ». [راجع: ٢٢٣٩]

2254, 2255. Narrated Muḥammad bin Abi Al-Mujālid : Abū Burda and ‘Abdullāh bin Shaddād sent me to ‘Abdur Raḥmān bin Abzā and ‘Abdullāh bin Abi Aūfā to ask them about the *As-Salaf* (*As-Salam*). They said, “We used to get war booty while we were with Allāh’s Messenger ﷺ, and when the peasants of *Sham* came to us we used to pay them in advance for wheat, barley, and oil to be delivered within a known fixed time-period.” I asked them, “Did the peasants own standing crops or not?” They replied, “We never asked them about it.”

2254 - حَدَّثَنَا مُحَمَّدُ بْنُ مُقاَتِلٍ : أَخْبَرَنَا عَبْدُ اللَّهِ : أَخْبَرَنَا سُفِيَّانُ، عَنْ سُلَيْمَانَ الشَّيْبَانِيِّ، عَنْ مُحَمَّدٍ بْنِ أَبِي الْمُجَاهِدِ قَالَ : أَرْسَلَنِي أَبُو بُرْدَةَ وَعَبْدُ اللَّهِ بْنِ شَدَادٍ إِلَى عَبْدِ الرَّحْمَنِ بْنِ أَبْزَى وَعَبْدُ اللَّهِ بْنِ أَبِي أَوْنَى، فَسَأَلْتُهُمَا عَنِ السَّلَفِ، فَقَالَا : كُنَّا نُصِيبُ الْمَغَايِمَ مَعَ رَسُولِ اللَّهِ بِكُلِّ فَكَانَ يَأْتِنَا أَنبَاطٌ مِنْ أَنْبَاطِ الشَّامِ فَسُلْطُهُمْ فِي الْحَنْظَةِ وَالشَّعِيرِ وَالرَّئِبِ إِلَى أَجْلٍ مُسَمَّىٍ، قَالَ : قُلْتُ : أَكَانَ

لَهُمْ زَرْعٌ أَوْ لَمْ يَكُنْ لَهُمْ زَرْعٌ؟ قَالَ:
مَا كُنَّا نَسْأَلُهُمْ عَنْ ذَلِكَ. [راجع:

[٢٢٤٣، ٢٢٤٢]

(٨) بَابُ السَّلَامِ إِلَى أَنْ تُتْنَجِ النَّاقَةُ

٢٢٥٦ - حَدَّثَنِي مُوسَى بْنُ إِسْمَاعِيلَ: أَخْبَرَنَا جُوَيْرِيَةُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانُوا يَتَبَاعِيُونَ الْجَزُورَ إِلَى حَبَلِ الْحَبَّةِ، فَنَهَى النَّبِيُّ ﷺ عَنْهُ، فَسَرَّهُ نَافِعٌ إِلَى أَنْ تُتْنَجِ النَّاقَةُ مَا فِي بَطْنِهِ.

[راجع: ٢١٤٣]

36 - THE BOOK OF PRE-EMPTION

[*As-Salam in Ash-Shuf'a*
(pre-emption)]

(1) CHAPTER. *Shuf'a* (pre-emption) is valid if the property is undivided, but if the limits become defined, then there is no pre-emption.

رَضِيَ اللَّهُ عَنْهُمَا : Allāh's Messenger ﷺ gave the verdict of pre-emption (*Shuf'a*) for every undivided joint thing (property). But if the limits are defined (or demarcated) or the ways and streets are fixed, then there is no pre-emption.

(2) CHAPTER. The partner should inform his partner, who has the right of pre-emption, of his intention to sell his share before selling it.

Al-Hakam said, "If the pre-emptor allows his partner to sell before selling, then he has no pre-emption any more." *Ash-Sha'bī* said, "If the pre-emptor witnesses the sale of what he has the right to buy by pre-emption and does not object to that sale, he loses the right of pre-emption."

2258. Narrated 'Amr bin *Ash-Sharid*: While I was standing with Sa'd bin Abi Waqqās, Al-Miswar bin Makhrama came and put his hand on my shoulder. Meanwhile Abū Rāfi', the freed slave of the Prophet ﷺ came and asked Sa'd to buy from him the (two) dwellings which were in his house. Sa'd said, "By Allāh I will not buy them." Al-Miswar said, "By Allāh, you shall

٣٦ - كتاب الشفعة

(١) بَابُ الشُّفْعَةِ فِيمَا لَمْ يُقْسِمْ فَإِذَا
وَقَعَتِ الْحُدُودُ فَلَا شُفْعَةَ

٢٢٥٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
عَبْدُ الْوَاحِدِ: حَدَّثَنَا مَعْمَرٌ، عَنْ
الرَّهْرِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ
الرَّحْمَنِ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ
اللَّهُ عَنْهُمَا قَالَ: قَضَى النَّبِيُّ ﷺ
بِالشُّفْعَةِ فِي كُلِّ مَا لَمْ يُقْسِمْ، فَإِذَا
وَقَعَتِ الْحُدُودُ، وَصُرِفَتِ الظُّرُوفُ،
فَلَا شُفْعَةَ . [راجع: ٢٢١٣]

(٢) بَابُ عَرْضِ الشُّفْعَةِ عَلَى
صَاحِبِهَا قَبْلَ الْبَيْعِ
وَقَالَ الْحَكَمُ: إِذَا أَذِنَ لَهُ قَبْلَ
الْبَيْعِ فَلَا شُفْعَةَ لَهُ . وَقَالَ الشَّغِيْثُ:
مَنْ يَبْعَثْ شُعْعَةً وَهُوَ شَاهِدٌ لَا يُعَيْرُهَا
فَلَا شُفْعَةَ لَهُ .

٢٢٥٨ - حَدَّثَنَا الْمَكْيَيْ بْنُ
إِبْرَاهِيمَ: أَخْبَرَنَا ابْنُ جُرَيْجَ: أَخْبَرَنِي
إِبْرَاهِيمُ بْنُ مَيسَرَةَ، عَنْ عُمَرِو بْنِ
الشَّرِيدِ قَالَ: وَقَفَتْ عَلَى سَعْدِ بْنِ
أَبِي وَقَاصٍ فَجَاءَ الْمُسْوُرَ بْنَ مَحْمَدَ
فَوَضَعَ يَدَهُ عَلَى إِحدَى مَنْكَبَيْهِ إِذْ جَاءَ

buy them.” Sa’d replied, “By Allāh, I will not pay more than four thousand (Dirhams) by installments.” Abū Rafī‘ said, “I have been offered five hundred Dīnār (for it) and had I not heard the Prophet ﷺ saying, ‘The neighbour has more right than anyone else because of his nearness, I would not give them to you for four thousand (Dirham), while I am offered five hundred Dīnār (one Dīnār equals ten Dirhams) for them.” So, he sold it to Sha’d.

أَبُو رَافِعٍ مَوْلَى النَّبِيِّ ﷺ قَالَ: يَا سَعْدُ ابْنَعَ مِنِّي بَيْتَيِّ فِي دَارِكَ . فَقَالَ سَعْدٌ: وَاللَّهِ مَا أَبْتَاعُهُمَا، فَقَالَ الْمُسْوَرُ: وَاللَّهِ لَكَبَتَاعَهُمَا، فَقَالَ سَعْدٌ: وَاللَّهِ لَا أَزِيدُكَ عَلَى أَرْبَعَةِ آلَافِ مُنْجَمَةٍ أَوْ مُقَطَّعَةً. قَالَ أَبُو رَافِعٍ: لَقَدْ أُغْطِيْتُ بِهَا حَمْسَيْمَائَةَ دِينَارٍ، وَلَوْلَا أَنِّي سَعَيْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْجَارُ أَحَقُّ بِسَقِيَّهِ» مَا أَعْطَيْتُكُمَا بِأَرْبَعَةِ آلَافِ وَأَنَا أَعْطَى بِهَا حَمْسَيْمَائَةَ دِينَارٍ، فَأَعْطَاهَا إِيَّاهُ.

[انظر: ٦٩٧٧، ٦٩٨١]

(3) CHAPTER. Who is considered as the nearer neighbour?

2259. Narrated ‘Aishah : رَضِيَ اللَّهُ عَنْهَا I said, “O Allāh’s Messenger! I have two neighbours and would like to know to which of them I should give presents.” He replied, “To the one whose door is nearer to you.”

٢٢٥٩ - حَدَّثَنَا حَاجَاجٌ: حَدَّثَنَا شُعْبَةُ . حَ وَحَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا شَبَابَةُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا أَبُو عِمْرَانَ قَالَ: سَمِعْتُ طَلْحَةَ بْنَ عَبْدِ اللَّهِ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّ لِي جَارِيْنَ فَإِلَى أَيِّهِمَا أُهْدِي؟ قَالَ: «إِلَى أَفْرِيهِمَا مِنْكِ بَابًا». [انظر: ٢٥٩٥، ٦٠٢٠]

37 - THE BOOK OF HIRING (Concerning Hiring)

(1) CHAPTER. To hire a pious man.

تعالى الله تعالى :

“... Verily, the best of men for you to hire is the strong, the trustworthy.” (V.28:26)

(And what is said about) the honest treasurer, and the person who does not employ the one who is in an earnest pursuit of a job (position).

2260. Narrated Abu Mūsa Al-Ash'arī رضي الله عنه : The Prophet ﷺ said, “The honest treasurer who gives willingly what he is ordered to give, is one of the two charitable persons (the second being the owner).”

2261. Narrated Abū Mūsa I: رضي الله عنه went to the Prophet ﷺ with two men from Ash'arī tribe. I said (to the Prophet ﷺ), “I do not know that they want employment.” The Prophet ﷺ said, “No, we do not appoint for our jobs anybody who demands it earnestly.”

٣٧ - كتاب الإجارة

(١) باب استئجار الرجل الصالح وقول الله تعالى: ﴿إِنَّ خَيْرَ مَنْ أَسْتَعْجَلَ أَهْلَ الْأُمَّةِ﴾ [القصص: ٢٦] والخازن الأمين ومن لم يستعمل من أراده.

٢٢٦٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفيانُ، عَنْ أَبِي بُرْدَةَ قَالَ: أَخْبَرَنِي جَدِّي أَبُو بُرْدَةَ، عَنْ أَبِيهِ أَبِي مُوسَى الْأَشْعَرِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ: «الخازنُ الْأَمِينُ الَّذِي يُؤْدِي مَا أُمِرَ بِهِ طَيْبٌ نَفْسُهُ أَحَدُ الْمُتَصَدِّقِينَ». [راجع: ١٤٣٨]

٢٢٦١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ فُرَّةَ بْنِ حَالِدٍ قَالَ: حَدَّثَنِي حُمَيْدُ بْنُ هَلَالٍ: حَدَّثَنَا أَبُو بُرْدَةَ، عَنْ أَبِي مُوسَى قَالَ: أَقْبَلْتُ إِلَى النَّبِيِّ ﷺ وَمَعِي رَجُلًا مِنَ الْأَشْعَرِيِّينَ قَقْلُتُ: مَا عَلِمْتُ أَنَّهُمَا يَطْلُبَانِ الْعَمَلَ، قَالَ: «لَنْ، أَوْ لَا نَسْتَعْمِلُ عَلَى عَمَلِنَا مِنْ أَرَادَهُ». [انظر: ٣٠٣٨، ٤٣٤١، ٤٣٤٣، ٦١٢٤، ٦٩٢٣، ٧١٤٩، ٧١٥٦، ٤٣٤٤، ٧١٧٢، ٧١٥٧]

(٢) باب رغب الغنم على قراريط

(2) CHAPTER. To shepherd sheep for *Qirāt*.^(١)

(1) (Ch. 2) One *Qirāt* equals one-half *Daniq* and one *Daniq* equals: one-sixth of Dirham. Sometimes it may very big as Uhud mountain (at Al-Madīnah).

2262. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ said, "Allāh did not send any Prophet but he shepherded sheep." His Companions asked him. "Did you do the same?" The Prophet ﷺ replied, "Yes, I used to shepherd the sheep of the people of Makkah for some *Qirāt*."

(3) CHAPTER. The employment of *Mushrikun* (by Muslims) if necessary, or if no Muslim is available for that purpose.

And the Prophet ﷺ employed the Jews of Khaibar (for the purpose of irrigating the land).

2263. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا : The Prophet ﷺ and Abū Bakr employed a (*Mushrik*) man from the tribe of Banī Ad-Dail and the tribe of Banī 'Abd bin 'Adī as a guide. He was an expert guide and he broke the oath contract which he had to abide by with the tribe of Al-'Āṣī bin Wā'il, and he was on the religion of Quraish pagans (*Mushrikun*). The Prophet ﷺ and Abū Bakr had confidence in him and gave him their riding camels and told him to bring them to the cave of *Thaur* after three days. So he brought them their two riding camels after three days, and both of them (the Prophet ﷺ and Abū Bakr) set out accompanied by 'Amir bin Fuhaira and the Daili guide who guided them below Makkah along the road leading to the sea-shore.

٢٢٦٢ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الْمَكِيُّ : حَدَّثَنَا عَمْرُو بْنُ يَحْيَى، عَنْ جَدِّهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَا بَعَثَ اللَّهُ نَبِيًّا إِلَّا رَعَى الْغَنَمَ». فَقَالَ أَصْحَابُهُ: وَأَنْتَ؟ قَالَ: «نَعَمْ، كُنْتُ أَرْعَاهَا عَلَى قَرَارِبِطِ لَأَمْلِ مَكَّةَ».

(٣) بَابُ اسْتِئْجَارِ الْمُشْرِكِينَ عِنْ الْضَّرُورَةِ، أَوْ إِذَا لَمْ يُوْجَدْ أَهْلُ الْإِسْلَامِ

وَعَالَمَ النَّبِيِّ ﷺ يَهُودَ خَيْرَ.

٢٢٦٣ - حَدَّثَنِي إِبْرَاهِيمُ بْنُ مُوسَى : أَخْبَرَنَا هَشَّامٌ، عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الرَّبِّيِّ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: وَاسْتَأْجَرَ النَّبِيِّ ﷺ وَأَبْيُونَ بَكْرٍ رَجُلًا مِنْ بَنِي الدَّلِيلِ، ثُمَّ مِنْ بَنِي عَبْدِ بْنِ عَدِيٍّ هادِيًّا: الْمَاهِرُ بِالْهِدَى، فَذَغَّسَ يَمِينَ حَلْفِهِ فِي آلِ الْعَاصِي بْنِ وَائِلٍ، وَهُوَ عَلَى دِينِ كُفَّارٍ قُرِيْشٍ، فَأَمِنَاهُ فَدَفَعَا إِلَيْهِ رَاجِلَتَيْهِمَا وَوَاعِدَاهُ غَارَ ثُورٍ بَعْدَ ثَلَاثَ لَيَالٍ. فَأَتَاهُمَا بِرَاجِلَتَيْهِمَا صَبِيَّحَةَ لَيَالٍ ثَلَاثَ فَازْتَحَلَّ وَانْطَلَقَ مَعْهُمَا عَامِرُ بْنُ فَهِيرَةَ وَالدَّلِيلُ الدَّلِيلُ، فَأَخْدَدَ بِهِمْ أَسْفَلَ مَكَّةَ وَهُوَ ظَرِيقُ السَّاجِلِ.

(4) CHAPTER. It is legal if somebody hires someone to work for him after three days, or after one month or after a year. When that period elapses they should carry out their contract.

(٤) بَابٌ إِذَا اسْتَأْجَرَ أَجِيرًا لِيَعْمَلَ لَهُ بَعْدَ ثَلَاثَةِ أَيَّامٍ، أَوْ بَعْدَ شَهْرًا، أَوْ بَعْدَ سَنَةً جَازَ، وَهُمَا عَلَى شَرْطِهِمَا الَّذِي اشْرَطَاهُ إِذَا جَاءَ الْأَجْلُ

٢٢٦٤ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا الْيَنْسُ عَنْ عُقْلِيٍّ: قَالَ أَبُو شَهَابٍ: فَأَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيرِ أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوْجَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَتْ: وَاسْتَأْجَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَبُو بَكْرٍ رَجُلًا مِنْ بَنِي الدَّيْلِ هَادِيًّا خَرِبَتْ وَهُوَ عَلَى دِينِ كُفَّارٍ فُرِيشٌ، فَدَفَعَ إِلَيْهِ رَاجِلَيْهِمَا وَوَاعْدَاهُمَا غَارَ ثُورٍ بَعْدَ ثَلَاثَ لَيَالٍ فَأَتَاهُمَا بِرَاجِلَيْهِمَا صُبْحَ ثَلَاثٍ. [راجع: ٤٧٦]

(٥) بَابُ الْأَجِيرِ فِي الغَزْوِ

(5) CHAPTER. Employing labourers for services in holy battles.

٢٢٦٥ - حَدَّثَنِي يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلَيَّ: أَخْبَرَنَا أَبُو جَرِيجٍ قَالَ: أَخْبَرَنِي عَطَاءُ، عَنْ صَفْوَانَ بْنِ يَعْلَمٍ، عَنْ يَعْلَمِي بْنِ أُمِّيَّةِ رَضِيَ اللَّهُ عَنْهُ قَالَ: غَرَوْتُ مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَكَانَ مِنْ أَوْتَقِ أَعْمَالِي فِي نَفْسِي. فَكَانَ لِي أَجِيرٌ فَقَاتَلَ إِنْسَانًا. فَعَضَّ أَحَدُهُمَا إِصْبَعَ صَاحِبِهِ. فَانْتَرَعَ إِصْبَعُهُ فَأَنْدَرَ شَيْتَهُ فَسَقَطَتْ. فَانْظَلَقَ إِلَيْهِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَهْدَرَ شَيْتَهُ، وَقَالَ: «أَفَيَدُ إِصْبَعَهُ فِي فِيكَ تَقْضِمُهَا؟» قَالَ:

أَخْسِبَهُ قَالَ: «كَمَا يَقْضُمُ الْفَحْلُ».

[راجع: ١٨٤٧]

2266. Narrated Ibn Juraij from 'Abdullâh bin Abû Mulaika from his grandfather a similar story: A man bit the hand of another man and caused his own tooth to fall out, but Abû Bakr رَضِيَ اللَّهُ عَنْهُ judged that he had no right for compensation (for the broken tooth).

(6) CHAPTER. If somebody employs someone and tells him the period for which he is employed, is it permissible for him not to tell him the nature of the work?

(It is permissible, if he takes into consideration Allâh's Statement): He said: "I intend to wed one of these two daughters of mine to you... (till the end of the Verse) '...Allâh is a Surety over what we say...' (V.28: 27, 28)

(7) CHAPTER. It is permissible for one to employ someone to repair a wall which is about to collapse.

2267. Narrated Ubaï bin Ka'b رَضِيَ اللَّهُ عَنْهُ: Allâh's Messenger ﷺ said, "Both of them [Müsa (Moses) and Al-Khiḍr] proceeded on till they reached a wall which was about to fall." Sa'îd said, "(Al-Khiḍr pointed) with his hands (towards the wall) and then raised his hands and the wall became straightened up." Ya'lâ said, "I think Sa'îd said, 'He (Khiḍr) passed his hand over it and it was straightened up.' (Müsa said to him), 'If you had wanted you could have taken wages for it.' Sa'îd said, "Wages with which to buy food."

٢٢٦٦ - قال ابن جرير: وحدّثني عبد الله بن أبي مليكة، عن جده بيمثُل هذه الصفة: أن رجلاً عض يد رجل فاندر ثيته فأهدرها أبو بكر رضي الله عنه.

(6) بَابُ إِذَا اسْتَأْجَرَ أَجِيرًا فَبَيْنَ لَهُ الْأَجْلَ وَلَمْ يُبَيِّنِ الْعَمَلَ لِقَوْلِهِ:
﴿إِنْ أُرِيدُ أَنْ أُنْكِحَكَ إِلَّا أَبْتَئِ هَذَيْنِ﴾ إلى قوله: ﴿وَاللَّهُ عَلَىٰ مَا تَقُولُ وَكَيْلٌ﴾ [القصص: ٢٨-٢٧] يأْجُرُ فلاناً: يُعْطِيهِ أَجْرًا، وَمِنْهُ فِي التَّغْزِيَةِ: أَجْرَكَ اللَّهُ.

(7) بَابُ إِذَا اسْتَأْجَرَ أَجِيرًا عَلَى أَنْ يُقِيمَ حَاطِطاً يُرِيدُ أَنْ يَنْقَضَ جَارِ

٢٢٦٧ - حَدَّثَنِي إِبْرَاهِيمُ بْنُ مُوسَى: أَخْبَرَنَا هِشَامُ بْنُ يُوسُفَ: أَنَّ ابن جرير أَخْبَرْهُمْ قَالَ: أَخْبَرَنِي يَعْلَى بْنُ مُسْلِمٍ وَعَمْرُو بْنُ دِينَارٍ: عَنْ سَعِيدِ بْنِ جُبَيْرٍ، يَزِيدُ أَحَدُهُمَا عَلَى صَاحِبِهِ، وَغَيْرُهُمَا قَالَ: قَدْ سَمِعْتُهُ يُحَدِّثُهُ عَنْ سَعِيدٍ، قَالَ: قَالَ لِي ابن عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: حَدَّثَنِي أَبِي بن كعب قال: قال رسول الله ﷺ: ﴿فَانْطَلَقَا حَتَّىٰ إِذَا أَنَا أَهْلَ قَرْيَةٍ أَسْتَعْمِلُ أَهْلَهَا فَأَبْرُأُ أَنْ يُضْيَّوْهُمَا فَوَجَدْنَا فِيهَا جِدَارًا يُرِيدُ أَنْ يَنْقَضَ﴾

[الكهف: ٧٧] - قال سعيد: بيده هكذا، ورَفَعَ يَدَهُ فاسْتَقَامَ. قال يعلى: حسِبْتُ أَنَّ سَعِيداً قال: «فَسَخَّهُ بِيَدِهِ فَاسْتَقَامَ» **﴿لَوْ شِئْتَ لَنَخَذْتَ عَلَيْهِ أَجْرًا﴾** [الكهف: ٧٧] قال سعيد: أَجْرُ نَاكِلَةٍ. [راجع: ٧٤]

(٨) باب الإجارة إلى نصف النهار ٢٢٦٨ - حَدَثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَثَنَا حَمَادٌ، عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قال: «مَنْ كُنْتُمْ وَمِثْلُ أَهْلِ الْكِتَابَيْنِ كَمَثْلِ رَجُلٍ اسْتَأْجَرَ أَجْرَاءً. فَقَالَ: مَنْ يَعْمَلُ لِي مِنْ عُدُوَّةٍ إِلَى نصف النهار على قِيراطٍ؟ فَعَمِلَتِ الْيَهُودُ، ثُمَّ قَالَ: مَنْ يَعْمَلُ لِي مِنْ نِصْفِ النَّهَارِ إِلَى صَلَاةِ الْعَصْرِ عَلَى قِيراطٍ؟ فَعَمِلَتِ النَّصَارَى. ثُمَّ قَالَ: مَنْ يَعْمَلُ لِي مِنْ الْعَصْرِ إِلَى أَنْ تَغْبِيَ الشَّمْسُ عَلَى قِيراطِينِ؟ فَأَنْتُمْ هُمْ، فَعَغَبَتِ الْيَهُودُ وَالنَّصَارَى فَقَالُوا: مَا لَنَا أَكْثَرُ عَمَلاً وَأَقْلَلُ عَطَاءً؟ قَالَ: هُلْ نَقْصَسْتُكُمْ مِنْ حَقْكُمْ؟ قَالُوا: لَا، قَالَ: فَذَلِكَ فَضْلِي أُوتِيهِ مِنْ أَشَاءُ». [راجع: ٥٥٧]

(٩) باب الإجارة إلى صلاة العصر ٢٢٦٩ - حَدَثَنَا إِسْمَاعِيلُ بْنُ أَبِي أُويسٍ قال: حَدَثَنِي مَالِكُ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ،

(8) CHAPTER. Employment up to midday.

2268. Narrated Ibn ‘Umar ‘Uthmān: رَضِيَ اللَّهُ عَنْهُمَا The Prophet ﷺ said, “Your example and the example of the people of the two Scriptures (i.e., Jews and Christians) is like the example of a man who employed some labourers and asked them, ‘Who will work for me from morning till midday for one *Qirāt*?’ The Jews accepted and carried out the work. He then asked, ‘Who will work for me from midday up to the ‘*Salāt-ul-Asr* for one *Qirāt*?’ The Christians accepted and fulfilled the work. He then said, ‘Who will work for me from the *Asr* till sunset for two *Qirāt*?’ You, Muslims have accepted the offer. The Jews and the Christians got angry and said, ‘Why should we work more and get lesser wages?’ (Allāh) said, ‘Have I withheld part of your right?’ They replied in the negative. He said, ‘It is My Blessing, I bestow upon whomever I wish.’”

(9) CHAPTER. Employment up to the *Asr*.

2269. Narrated ‘Abdullah bin ‘Umar bin Al-Khaṭṭāb: رَضِيَ اللَّهُ عَنْهُمَا Allāh’s Messenger ﷺ said, “Your example and the example of Jews and Christians is like the example of a man who employed some labourers to whom

he said, ‘Who will work for me up to midday for one *Qirāt* each?’ The Jews carried out the work for one *Qirāt* each; and then the Christians carried out the work up to the *Asr* for one *Qirāt* each; and now you Muslims are working from the *Asr* up to sunset for two *Qirāt* each. The Jews and Christians got angry and said, ‘We work more and are paid less.’ The employer (Allāh) asked them, ‘Have I usurped some of your right?’ They replied in the negative. He (Allah) said, ‘That is My Blessing, I bestow upon whomever I wish.’”

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُمَا : أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : «إِنَّمَا مَثَلُكُمْ وَالْيَهُودُ وَالنَّصَارَى كَرْجُلٍ اسْتَعْمَلَ عَمَالًا ، فَقَالَ : مَنْ يَعْمَلُ لِي إِلَى نِصْفِ النَّهَارِ عَلَى قِيرَاطٍ قِيرَاطٍ؟ فَعَمِلَتِ الْيَهُودُ عَلَى قِيرَاطٍ قِيرَاطٍ . ثُمَّ عَمِلَتِ النَّصَارَى عَلَى قِيرَاطٍ قِيرَاطٍ . ثُمَّ أَتَتِ الَّذِينَ تَعْمَلُونَ مِنْ صَلَاةِ الْعَصْرِ إِلَى مَغَارِبِ السَّمَاءِ عَلَى قِيرَاطِينِ قِيرَاطِينِ . فَعَضِيبَتِ الْيَهُودُ وَالنَّصَارَى وَقَالُوا : نَحْنُ أَكْثَرُ عَمَالًا وَأَقْلَعُ عَطَاءً ، قَالَ : هَلْ ظَلَمْتُكُمْ مِنْ حَقِّكُمْ شَيْئًا؟ قَالُوا : لَا ، قَالَ : فَذَلِكَ فَضْلِي أُوتِيهِ مِنْ أَشْاءِ ». [راجع : ٥٥٧]

(10) CHAPTER. The sin of him who withholds the wages of the employee.

2270. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, “Allāh said, ‘I will be an opponent to three types of people on the Day of Resurrection :

1. One who makes a covenant in My Name, but proves treacherous ;

2. One who sells a free person (as a slave) and eats his price ; and

3. One who employs a labourer and takes full work from him but does not pay him for his labour.’”

٢٢٧٠ - حَدَّثَنَا يُوسُفُ بْنُ مُحَمَّدٍ : حَدَّثَنِي يَحْيَى بْنُ سُلَيْمَانَ ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : «قَالَ اللَّهُ تَعَالَى : ثَلَاثَةٌ أَنَا حَصْمُهُمْ يَوْمَ الْقِيَامَةِ : رَجُلٌ أَعْطَى بَيْ ثُمَّ عَلَّ ، وَرَجُلٌ بَاعَ حُرَّاً فَأَكَلَ شَنَّهُ ، وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ وَلَمْ يُعْطِهِ أَجْرَهُ ». [راجع : ٢٢٢٧]

(11) CHAPTER. Employment from 'Asr till night.

(١١) بَابُ الإِجَارَةِ مِنَ الْعَصْرِ إِلَى
اللَّيلِ

2271. Narrated Abū Mūsa : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, "The example of Muslims, Jews and Christians is like the example of a man who employed labourers to work for him from morning till night for specific wages. They worked till midday and then said, 'We do not need your money which you have fixed for us and let whatever we have done be annulled.' The man said to them, 'Don't quit the work, but complete the rest of it and take your full wages.' But they refused and went away (like the Jews who refused to believe in the Message of Jesus (عليه السلام). The man employed another batch after them and said to them, 'Complete the rest of the day and yours will be the wages I had fixed for the first batch.' So, they worked till the time of 'Asr. Then they said, Let what we have done be annulled and keep the wages you have promised us for yourself. The man said to them 'Complete the rest of the work, as only a little of the day remains.' But they refused (like the Christians who refused to believe in the Message of Muhammad ﷺ). Thereafter he employed another batch to work for the rest of the day and they worked for the rest of the day till sunset, and they received the wages of the two former batches (like the Muslims). So, that was the example of this light [Islamic Monotheism, the Qur'an, the Sunna (legal ways of the Prophet ﷺ) and the (guidance) which Prophet Muhammad ﷺ brought] which they (Muslims) have accepted willingly".⁽¹⁾

٢٢٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ
الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ بُرْيَلِهِ،
عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى رَضِيَ
اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «مَثَلُ
الْمُسْلِمِينَ وَالْيَهُودِ وَالنَّصَارَى كَمَثَلِ
رَجُلٍ اسْتَأْجَرَ قَوْمًا يَعْمَلُونَ لَهُ عَمَلاً
يَوْمًا إِلَى اللَّيلِ عَلَى أَجْرٍ مَعْلُومٍ،
فَعَمِلُوا لَهُ إِلَى نِصْفِ النَّهَارِ، فَقَالُوا:
لَا حَاجَةُنَا إِلَى أَخْرَكَ الظَّيِّ شَرَطْتَ
لَنَا وَمَا عَمِلْنَا بَاطِلٌ. فَقَالَ لَهُمْ: لَا
تَعْمَلُوا، أَكْمِلُوا بَقِيَّةَ عَمَلِكُمْ وَخُذُوا
أَجْرَكُمْ كَامِلًا، فَأَبَوَا وَتَرَكُوا.
وَاسْتَأْجَرَ آخَرِينَ بَعْدَهُمْ، فَقَالَ:
أَكْمِلُوا بَقِيَّةَ يَوْمِكُمْ هَذَا، وَلَكُمُ الَّذِي
شَرَطْتُ لَهُمْ مِنَ الْأَجْرِ، فَعَمِلُوا حَتَّى
إِذَا كَانَ حِينَ صَلَاةِ الْعَصْرِ قَالُوا: لَكَ
مَا عَمِلْنَا بَاطِلٌ وَلَكَ الْأَجْرُ الَّذِي
جَعَلْتَ لَنَا فِيهِ. فَقَالَ لَهُمْ: أَكْمِلُوا
بَقِيَّةَ عَمَلِكُمْ فَإِنَّ مَا يَبْقَى مِنَ النَّهَارِ
شَيْءٌ يَسِيرٌ، فَأَبَوَا، فَاسْتَأْجَرَ قَوْمًا أَنْ
يَعْمَلُوا لَهُ بَقِيَّةَ يَوْمِهِمْ فَعَمِلُوا بَقِيَّةَ
يَوْمِهِمْ حَتَّى غَابَتِ الشَّمْسُ
وَاسْتَكْمَلُوا أَجْرَ الْفَرِيقَيْنِ كِلَيْهِما،

(1) (H. 2271) The Jews refused to believe in the Message of 'Iesa (Jesus), so all their work was annulled ; similarly, the Christians refused to accept the Message of Muhammad ﷺ and thus their work was annulled too. Such people were not rewarded, because they refused to have true Faith for the rest of their lives and died as disbelievers. They should have believed in the latest Message ; for their insistence on keeping their old=

فَذَلِكَ مَثَلُهُمْ وَمَثَلُ مَا قَبْلُوا مِنْ هَذَا
الْتُّورِ». [راجع: ٥٥٨]

(١٢) بَابُ مَنِ اسْتَأْجَرَ أَجِيرًا فَتَرَكَ
أَجْرَهُ فَعَمِلَ فِيهِ الْمُسْتَأْجِرُ فَزَادَ أَوْ
مَنْ عَمِلَ فِي مَالٍ غَيْرِهِ فَاسْتَفْضَلَ

(12) CHAPTER. Whosoever employed a labourer (and after completing the work) the labourer left the wages and went away. The employer invested that money in some way and increased it thereby, or whoever invested somebody else's money in business and increased it thereby.

رَضِيَ اللَّهُ عَنْهُ: I heard Allāh's Messenger ﷺ saying, "Three men from among those who were before you, set out together till they reached a cave at night and entered it. A big rock rolled down the mountain and closed the mouth of the cave. They said (to each other), 'Nothing could save you from this rock but to invoke Allāh by giving reference to the righteous deed which you have done (for Allāh's sake only).' So, one of them said, 'O Allāh! I had old parents (whom I used to provide milk first) and I never provided my family (wife, children etc.) with milk before them. One day, by chance I was delayed, and I came late (at night) while they had slept. I milked the sheep for them and took the milk to them, but I found them sleeping. I disliked to provide my family with the milk before them. I waited for them and the bowl of milk was in my hand and I kept on waiting for them to get up till the day dawned. Then they got up and drank the milk. O Allāh! If I did that for Your sake only, please relieve us from our critical situation caused by this rock.' So, the rock shifted a little, but they could not get out."

٢٢٧٢ - حَدَّثَنَا أَبُو الْيَمَانُ:
أَخْبَرَنَا شَعِيبٌ، عَنِ الرَّهْبَرِيِّ: حَدَّثَنِي
سَالِمُ بْنُ عَبْدِ اللَّهِ: أَنَّ عَبْدَ اللَّهِ بْنَ
عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: سَمِعْتُ
رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّهُ لَظَلَّةً
رَهْطٍ مِّمَّنْ كَانَ قَبْلَكُمْ حَتَّىٰ أَوْوَ
الْمَيْتَ إِلَىٰ غَارٍ فَدَخَلُوهُ، فَإِنْحَدَرَتْ
صَخْرَةٌ مِّنَ الْجَبَلِ فَسَدَّتْ عَلَيْهَا
الْغَارُ. فَقَالُوا: إِنَّهُ لَا يَنْجِيْكُمْ مِّنْ
هَذِهِ الصَّخْرَةِ إِلَّا أَنْ تَدْعُوا اللَّهَ بِصَالِحِ
أَعْمَالِكُمْ». فَقَالَ رَجُلٌ مِّنْهُمْ: اللَّهُمَّ
كَانَ لِي أَبُوَانِ شِيْخَانِ كَبِيرَانِ، وَكُنْتُ
لَا أَعْلَقُ قَبْلَهُمَا أَهْلًا وَلَا مَالًا، فَتَأَىٰ
بِي فِي طَلْبِ شَيْءٍ يَوْمًا فَلَمْ أَرْجِعْ
عَلَيْهِمَا حَتَّىٰ نَامَا فَحَلَّبُتْ لَهُمَا
غُبُوْقَهُمَا فَوَرَجَدْتُهُمَا نَائِمَيْنِ. فَكَرِهْتُ
أَنْ أَعْلَقَ قَبْلَهُمَا أَهْلًا أَوْ مَالًا، فَلَيْسَ
وَالْقَدْحُ عَلَى يَدِي أَنْتَظِرْ أَسْتِيقَاظَهُمَا

=religion deprived them of the reward which they would have got for their previous good deeds achieved before the advent of the new religion. On the other hand, Muslims accepted and believed in all the three Messages and deserved a full reward for their complete surrender to Allāh. (*Al-Qastalani*, Vol. 4)

The Prophet ﷺ further said, "The second man said, 'O Allāh! I had a cousin who was the dearest of all people to me and I wanted to have sexual intercourse with her but she refused. Later, she had a hard time in a year from amongst the famine years and she came to me and I gave her one hundred and twenty Dinārs on the condition that she would not resist my desire, and she agreed. When I was about to fulfil my desire, she said: It is illegal for you to outrage my chastity except by legitimate marriage. So, I thought it a sin to have sexual intercourse with her and left her, though she was the dearest of all the people to me, and also I left the gold I had given her. O Allāh! If I did that for Your sake only, please relieve us from the present calamity.' So, the rock shifted a little more, but still they could not get out from there."

The Prophet ﷺ added, "Then the third man said, 'O Allāh! I employed few labourers and I paid them their wages with the exception of one man who did not take his wages and went away. I invested his wages and I got much property thereby. (Then after some time) he came and said to me: O Allāh's slave! Pay me my wages. I said to him: All the camels, cows, sheep and slaves you see, are yours. He said: O Allāh's slave! Don't mock at me. I said: I am not mocking at you. So, he took all the herd and drove them away and left nothing. O Allāh! If I did that for Your sake only, please relieve us from the present suffering.' So, that rock shifted completely and they got out walking."

حتى برق الفجر فاستيقظا فشربوا عبوقهما . اللهم إن كنت فعلت ذلك ابتغاء وجهك ففرج عننا ما نحن فيه من هذه الصخرة ، فانفرجت شيئا لا يستطيعون الخروج ». قال النبي ﷺ : « قال الآخر : اللهم كانت لي بنت عمٌ كانت أحب الناس إلى فاردها عن نفسها ، فامتنعت معي حتى المم بها سنة من السنين فجاءتني فأعطيتها عشرين ومائة دينار على أن تحلى بيبي وبين نفسها ففكت ، حتى إذا قدرت عليها قالت : لا أحل لك أن تُقضى الحائط إلا بحده ، فتحرجت من الوقوع عليها فانصرفت عنها وهي أحب الناس إلى وتركت الذهب الذي أغطيتها . اللهم إن كنت فعلت ذلك ابتغاء وجهك فافرج عننا ما نحن فيه ، فانفرجت الصخرة غير أنهم لا يستطيعون الخروج منها ». قال النبي ﷺ : « قال الثالث : اللهم إني استأجرت أجراء فأعطيتهم أجرهم غير رجل واحد ترك الذي له وذهب فتمرت أجرة حتى كثرت منه الأموال فجاءني بعد حين فقال : يا عبد الله ، أدي إلي أجرني ، فقلت له : كل ما ترى من أجلك من الإبل والبغ والعنان والرقيق . فقال : يا عبد الله ، لا تستهزئ بي ، فقلت : إني لا

أَسْتَهْزِئُ بِكَ، فَأَخْذُهُ كُلَّهُ فَاسْتَأْفَهُ فَلَمْ
يَتُرُكْ مِنْهُ شَيْئًا. اللَّهُمَّ إِنْ كُنْتُ فَعَلْتُ
ذَلِكَ ابْتِغَاءً وَجْهَكَ فَأُفْرَجَ عَنَّا مَا
نَحْنُ فِيهِ. فَانْفَرَجَتِ الصَّخْرَةُ فَحَرَجُوا
يَمْشُونَ». [راجع: ٢٢١٥]

(١٣) **CHAPTER.** One who employs himself to carry loads on his back and then gives in charity from his wages, and (what is said about) the wages of porters.

2273. Narrated Abū Mas'ūd Al-Ansārī : Whenever Allāh's Messenger ﷺ ordered us to give in charity we would go to the market and work as porters to earn a *Mudd* (two hand-fulls) (of foodstuff), but now some of us have one hundred thousand Dirham or Dīnār. (The sub-narrator) Shaqīq said, "I think Abū Mas'ūd meant himself by saying (some of us)."

(14) CHAPTER. Wages of a broker.

Ibn Sīrīn, 'Atā', Ibrāhīm and Al-Ḥasan did not see any harm in them. Ibn 'Abbās said, "There is no harm if one says (to a broker), 'Sell this garment for such a price and whatever more you get, is for you.'

Ibn Sīrīn said, "If one says to a broker, 'Sell it for such a price and if you get more, the profit will be for you or divided between us,' there is no harm in it."

The Prophet ﷺ said, "Muslims should abide by their conditions."

2274. Narrated Tāwūs : Ibn 'Abbās رضي الله عنهما said, "The Prophet ﷺ forbade the meeting of caravans (on the way) and

٢٢٧٣ - حَدَّثَنِي سَعِيدُ بْنُ يَحْيَى
بْنِ سَعِيدِ الْقَرْشِيِّ : حَدَّثَنَا أَبِي : حَدَّثَنَا
الْأَعْمَشُ ، عَنْ شَقِيقٍ ، عَنْ أَبِي
مَسْعُودٍ الْأَنْصَارِيِّ رَضِيَ اللَّهُ عَنْهُ
قَالَ : كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا أَمْرَنَا
بِالصَّدَقَةِ انْطَلَقَ أَحَدُنَا إِلَى السُّوقِ
فِي حَامِلٍ فَيُصِيبُ الْمُدَّ وَإِنَّ لِيَعْصِيمُ
لِمِائَةَ أَلْفٍ . قَالَ : مَا نَرَاهُ إِلَّا نَفْسَهُ .

(١٤) **بابُ أَجْرِ السَّمْسَرَةِ**
وَلَمْ يَرَ ابْنُ سِيرِينَ وَعَطَاءَ
وَإِبْرَاهِيمَ وَالْحَسَنَ بِأَجْرِ السَّمْسَارِ
بَأْسًا . وَقَالَ ابْنُ عَبَّاسٍ : لَا بَأْسَ أَنْ
يَقُولُ : بِعِ هَذَا التَّوْبَ ، فَمَا زَادَ عَلَى
كَذَا وَكَذَا فَهُوَ لَكَ . وَقَالَ ابْنُ
سِيرِينَ : إِذَا قَالَ : بِعِ يَكْذَا فَمَا كَانَ
مِنْ رِبْحٍ فَلَكَ أَوْ يَئِنِي وَيَئِنَّكَ ؛ فَلَا
بَأْسَ بِهِ . وَقَالَ النَّبِيُّ ﷺ :
«الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ» .

٢٢٧٤ - حَدَّثَنَا مُسَدَّدٌ : حَدَّثَنَا
عَبْدُ الْوَاحِدِ : حَدَّثَنَا مَعْمَرٌ ، عَنِ ابْنِ

ordained that no townsman is permitted to sell things on behalf of a bedouin." I asked Ibn 'Abbās, "What is the meaning of his saying, 'No townsman is permitted to sell things on behalf of a bedouin.'" He replied, "He should not work as a broker for him."

طاوُسٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُتَلَقَّى الرُّكْبَانُ وَلَا يَبْيَعُ حَاضِرٌ لِيَادِهِ، قُلْتُ: يَا ابْنَ عَبَّاسٍ، مَا قَوْلُهُ: «لَا يَبْيَعُ حَاضِرٌ لِيَادِهِ»؟ قَالَ: لَا يَكُونُ لَهُ سِمْسَارًا. [راجع: ٢١٥٨]

(١٥) بَابٌ هَلْ يُؤَاخِرُ الرَّجُلُ نَفْسَهُ مِنْ مُشْرِكٍ فِي أَرْضِ الْحَرْبِ!

٢٢٧٥ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ: حَدَّثَنَا أَبِيهِ: حَدَّثَنَا الْأَعْمَشُ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ: حَدَّثَنَا حَبَّابٌ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنْتُ رَجُلًا قَيْنَا فَعَمِلْتُ لِلْعَاصِي بْنَ وَائِلَ فَاجْتَمَعَ لِي عِنْدَهُ فَأَتَيْتُهُ أَتَقَاضَاهُ فَقَاتَاهُ: لَا، وَاللَّهِ لَا أَقْضِيكَ حَتَّى تَكُفُّرْ بِمُحَمَّدٍ، فَقُلْتُ: أَمَا وَاللَّهِ حَتَّى تَمُوتَ ثُمَّ تُبَعَّثُ، فَلَا، قَالَ: وَإِنِّي لَمَيْتُ ثُمَّ مَبْعُوثٌ؟ قُلْتُ: نَعَمْ، قَالَ: فَإِنَّهُ سَيَكُونُ لِي ثُمَّ مَالٌ وَوَلَدٌ فَأَقْضِيكَ، فَأَنْزَلَ اللَّهُ تَعَالَى: ﴿أَفَرَأَيْتَ الَّذِي كَفَرَ بِعِيَاتِنَا وَقَالَ لَأُوتِكَ مَالًا وَوَلَدًا﴾ [مريم: ٧٧]. [راجع: ٢٠٩١]

(١٦) بَابٌ مَا يُعْطَى فِي الرُّقْبَةِ عَلَى أَحْيَاءِ الْعَرَبِ بِفَاتَحَةِ الْكِتَابِ وَقَالَ ابْنُ عَبَّاسٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَحَقُّ مَا أَحَدَثْنُ عَلَيْهِ أَجْرًا كِتَابُ اللَّهِ». وَقَالَ الشَّعْبِيُّ: لَا يَشْرَطُ الْمُعْلَمُ إِلَّا أَنْ يُعْطَى شَيْئًا فَلِيَقْبِلُهُ.

(15) CHAPTER. Is it permissible for a Muslim to work as an employee for *Mushrikun* in a land of infidelity?

2275. Narrated Khabbāb: I was a blacksmith and did some work for Al-'Āṣ bin Wā'il. When he owed me some money for my work, I went to him to ask for that amount. He said, "I will not pay you unless you disbelieve in Muhammad (ﷺ)." I said, "By Allāh! I will never do that till you die and be resurrected." He said, "Will I be dead and then resurrected after my death?" I said, "Yes." He said, "There I will have property and offspring and then I will pay you your due." Then Allāh عالیٰ revealed: "Have you seen him who disbelieved in Our "Ayat" (this Qur'ān and Muhammad ﷺ) and said: I shall certainly be given wealth and children?" (V.19: 77)

(16) CHAPTER. What is paid for *Rugya* (i.e., Divine Speech recited as a means of curing diseases) with *Sūrat Al-Fatiha*, when practised over an Arab tribe.

وقال الحكم: لم أسمع أحداً كرّه أجراً المعلم. وأعطي الحسن دِرَاهِم عَشْرَةً. ولم ير ابن سيرين بأخرِ القسَّام بأساً، وقال: كان يُقال: السُّخْتُ: الرُّشْوَةُ في الْحُكْمِ وكانوا يُقطّونَ على الْحَرْصِ.

٢٢٧٦ - حَدَّثَنَا أَبُو الثَّعْمَانُ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ أَبِي بِشْرٍ، عَنْ أَبِي الْمُتَوَكِّلِ، عَنْ أَبِي سَعِيدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: انْطَلَقَ نَفْرٌ مِنْ أَصْحَابِ النَّبِيِّ ﷺ فِي سَفَرٍ سَافَرُوهَا حَتَّى نَزَّلُوا عَلَى حَيٍّ مِنْ أَحْيَاءِ الْعَرَبِ فَاسْتَضْأَفُوهُمْ فَأَبْوَا أَنْ يُضِيقُوهُمْ، فَلَدَعَ سَيِّدُ ذَلِكَ الْحَيِّ فَسَعَوا لَهُ بِكُلِّ شَيْءٍ لَا يَنْفَعُهُ شَيْءٌ فَقَالَ بَعْضُهُمْ: لَوْ أَتَيْتُمْ هُؤُلَاءِ الرَّهْطَ الدِّينَ نَزَّلُوا لَعَلَّهُ أَنْ يَكُونُ عِنْدَ بَعْضِهِمْ شَيْءٌ. فَأَتَوْهُمْ فَعَالُوا: يَا أَيُّهَا الرَّهْطُ إِنَّ سَيِّدَنَا لَدَعَ وَسَعَيْنَا لَهُ بِكُلِّ شَيْءٍ لَا يَنْفَعُهُ، فَهَلْ عِنْدَ أَحَدٍ مِنْكُمْ مِنْ شَيْءٍ؟ فَقَالَ بَعْضُهُمْ: نَعَمْ، وَاللَّهِ إِنِّي لَأَرْقِي وَلِكِنْ وَاللَّهِ لَقَدْ أَسْتَضْفَنَاكُمْ فَلَمْ تُضِيقُونَا، فَمَا أَنَا بِرَاقِ لَكُمْ حَتَّى تَجْعَلُوا لَنَا جُعلاً. فَصَالَحُوهُمْ عَلَى قَطْعِيْعِ مِنَ الْعَنْمِ. فَانْطَلَقَ يَنْفَلُ عَلَيْهِ وَيَغْرِبُ: ﴿الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ﴾ فَكَانَمَا نُشِطَ مِنْ عِقَالٍ فَانْطَلَقَ يَمْشِيْي وَمَا بِهِ قَلْبَهُ. قَالَ: فَأَوْفُوهُمْ جُعْلَهُمْ

: رَضِيَ اللَّهُ عَنْهُ أَبُو سَعِيدٍ الْعَوَانِي: Some of the Companions of the Prophet ﷺ went on a journey till they reached some of the Arab tribes (at night). They asked the latter to treat them as their guests but they refused. The chief of that tribe was then bitten by a snake (or stung by a scorpion) and they tried their best to cure him but in vain. Some of them said (to the others), "Nothing has benefited him, will you go to the people who resided here at night, it may be that some of them might possess something (as treatment)." They went to the group of the Companions (of the Prophet ﷺ) and said, "Our chief has been bitten by a snake (or stung by a scorpion) and we have tried everything but he has not benefited. Have you got anything (useful)?" One of them replied, "Yes, by Allāh! I can recite a *Rugya*, but as you have refused to accept us as your guests, I will not recite the *Rugya* for you unless you fix for us some wages for it." They agreed to pay them a flock of sheep. One of them then went and recited (*Sūrat Al-Fatiha*): All the praises and thanks be to Allāh, the Lord of the 'Alamin (mankind, jinn and all that exists). And puffed over the chief who became all right as if he was released from a chain, and got up and started walking, showing no signs of sickness. They paid them what they agreed to pay. Some of them (i.e., the Companions) then suggested to divide their earnings among themselves,

but the one who performed the recitation said, "Do not divide them till we go to the Prophet ﷺ and narrate the whole story to him, and wait for his order." So, they went to Allāh's Messenger ﷺ and narrated the story. Allāh's Messenger ﷺ asked, "How did you come to know that *Sūrat Al-Fātiha* was recited as *Rugya*?" Then he added, "You have done the right thing. Divide (what you have earned) and assign a share for me as well." The Prophet ﷺ smiled thereupon.

الَّذِي صَالَحُوهُمْ عَلَيْهِ. فَقَالَ بَعْضُهُمْ: أَفْسِمُوا، فَقَالَ الَّذِي رَأَى: لَا تَفْعَلُوا حَتَّى نَأْتِي النَّبِيَّ ﷺ فَنَذْكُرَ لَهُ الَّذِي كَانَ فَنَظَرَ مَا يَأْمُرُنَا. فَقَدِمُوا عَلَى رَسُولِ اللَّهِ ﷺ فَذَكَرُوا لَهُ فَقَالَ: «وَمَا يُذْرِيكُ أَنَّهَا رُؤْفَةٌ؟» ثُمَّ قَالَ: «فَإِنْ أَصْبَثْتُمْ، أَفْسِمُوا وَاضْرِبُو لِي مَعْكُمْ سَهْمًا». فَصَحَّحَ النَّبِيُّ ﷺ قَالَ أَبُو عَبْدِ اللَّهِ: وَقَالَ شُعْبَةُ: حَدَّثَنَا أَبُو بِشْرٍ: سَمِعْتُ أَبَا الْمُؤْكِلِ بِهَذَا. [انظر: ٥٧٤٩، ٥٧٣٦، ٥٠٠٧]

(١٧) بَابُ ضَرِيبَةِ الْعَبْدِ وَتَعَاهِدِ ضَرَائِبِ الْإِمَاءِ

٢٢٧٧ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُقْيَانُ، عَنْ حُمَيْدِ الطَّوِيلِ، عَنْ أَسَّسِ ابْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: حَاجَمَ أَبُو طَيْمَةَ النَّبِيَّ ﷺ فَأَمَرَ لَهُ بِصَاعَ أَوْ صَاعَيْنِ مِنْ طَعَامٍ، وَكَلَّمَ مَوَالِيهِ فَخَفَّتْ عَنْ غَلَّتِهِ أَوْ ضَرِيبَتِهِ. [راجع: ٢١٠٢]

(١٨) بَابُ خَرَاجِ الْحَجَّامِ

٢٢٧٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا ابْنُ طَاوُسٍ: عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: احْتَاجَمَ النَّبِيُّ ﷺ وَأَعْطَى الْحَجَّامَ أَجْرَهُ.

[راجع: ١٨٣٥]

(17) CHAPTER. The taxes imposed on the slaves by their masters; and the leniency in imposing taxes on female slaves.

2277. Narrated Anas bin Mālik: When Abū Ṭaiba cupped the Prophet ﷺ and the Prophet ﷺ ordered that he be paid one or two *ṣā'* of foodstuff and he interceded with his masters to reduce his taxes.

(18) CHAPTER. The wages of one who has the profession of cupping.

2278. Narrated Ibn 'Abbās: When the Prophet ﷺ was cupped, he paid the man who cupped him his wages.

2279. Narrated Ibn ‘Abbās : رَضِيَ اللَّهُ عَنْهُمَا : When the Prophet ﷺ was cupped, he paid the man who cupped him his wages. If it had been undesirable he would not have paid him.

٢٢٧٩ - حَدَّثَنَا مُسَدَّدٌ : حَدَّثَنَا يَزِيدُ بْنُ رُبَيْعٍ، عَنْ خَالِدٍ، عَنْ عِكْرَمَةَ، عَنْ أَبْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : احْتَجَمَ النَّبِيُّ ﷺ وَأَعْطَى الْحَجَاجَ أَجْرَهُ وَلَوْ عَلِمَ كَرَاهِيَّةَ لَمْ يُعْطِهِ . [راجع: ١٨٣٥]

2280. Narrated Anas : رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ used to get cupped and would never withhold the wages of any person.

٢٢٨٠ - حَدَّثَنَا أَبُو نُعَيْمٍ : حَدَّثَنَا مِسْعَرٌ، عَنْ عَمْرِو بْنِ عَامِرٍ قَالَ : سَمِعْتُ أَنَّسًا رَضِيَ اللَّهُ عَنْهُ يَقُولُ : كَانَ النَّبِيُّ ﷺ يَحْتَجِمُ وَلَمْ يَكُنْ يَظْلِمُ أَحَدًا أَجْرَهُ . [راجع: ٢١٠٢]

(١٩) **بابُ مَنْ كَلَمَ مَوَالِيَ الْعَبْدِ أَنْ يُخْفِقُوا عَنْهُ مِنْ خَرَاجِهِ**

(19) CHAPTER. Whoever appealed to the masters of a slave to reduce his taxes.

2281. Narrated Anas bin Mālik : رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ sent for a slave who had the profession of cupping, and he cupped him. The Prophet ﷺ ordered that he be paid one or two *Ṣā’*, or one or two *Mudd* of foodstuff, and appealed to his masters to reduce his taxes.

٢٢٨١ - حَدَّثَنَا آدُمُ : حَدَّثَنَا شَعْبَةُ، عَنْ حُمَيْدِ الطَّوَوِيلِ، عَنْ أَنَّسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ : دَعَا النَّبِيُّ ﷺ عَلَامًا حَجَاجَمَا فَحَجَمَهُ وَأَمَرَ لَهُ بِصَاعَ أَوْ صَاعَيْنِ، أَوْ مُدَّ أَوْ مُدَّيْنِ، وَكَلَمَ فِيهِ فَحُفِقَ مِنْ ضَرِبِهِ . [راجع: ٢١٠٢]

(٢٠) **بابُ كَسْبِ الْبَغْيِ وَالإِمَاءَةِ وَكَرَةِ إِبْرَاهِيمِ أَجْرَ النَّائِحةِ وَالْمُغَنِيَّةِ . وَقَوْلِ اللَّهِ تَعَالَى : ۝ وَلَا تُكَهُو فَيَتَكَهُ عَلَى الْبَغْيِ إِنْ أَرَدْنَا تَحْصَنَ لِتَنْهَوْ عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكَهُ هُنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ عَفُورٌ رَّجِيمٌ ۝**

(النور: ٣٣) ، وَقَالَ مُجَاهِدٌ : فَيَاتُكُمْ إِمَاءَكُمْ .

(20) CHAPTER. The earnings of prostitutes and female-slaves.

Ibrāhīm hated the earnings of female wailers and female singers.

The Statement of Allāh : عَالِيٌّ ... And force not your maids to prostitution, if they desire chastity, in order that you may make a gain in the (perishable) goods of this worldly life. But if anyone compels them (to prostitution) then after such compulsion, Allāh is Oft-Forgiving, Most Merciful (to those women i.e., He will forgive them

because they have been forced to do this evil action unwillingly)" (V.24:33).

2282. Narrated Abū Mas'ud Al-Anṣārī : Allāh's Messenger ﷺ prohibited (from taking) the price of a dog, the earnings of a prostitute, and the charges taken by a sooth-sayer.

2283. Narrated Abū Hurairah : The Prophet ﷺ prohibited the earnings of slave-girls (through prostitution).

(21) CHAPTER. (Charging for) the semen of a male animal, (i.e., copulation of animals).

2284. Narrated Ibn 'Umar : The Prophet ﷺ forbade taking a price for animal copulation.

(22) CHAPTER. If somebody rents land and he or the owner of the land dies (will the contract be cancelled)?

According to Ibn Sirīn the inheritors have no right to expel the tenant before the term of the contract has elapsed.

Al-Hakam, Al-Hasan and Ayās bin Mu'āwiya said, "The contract remains valid till the end of the term."

Ibn 'Umar said, "The Prophet ﷺ rented the land of Khaibar on the terms that half the

٢٢٨٢ - حَدَّثَنَا قُتْبِيَّةُ بْنُ سَعِيدٍ، عَنْ مَالِكٍ، عَنْ أَبِي شَهَابٍ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِي مَسْعُودَ الْأَنْصَارِيِّ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ ثَمَنِ الْكَلْبِ، وَمَهْرِ الْبَغْيِ، وَحُلُوَانِ الْكَاهِنِ . [راجع: ٢٢٣٧]

٢٢٨٣ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا شُعبَةُ، عَنْ مُحَمَّدٍ بْنِ جُحَادَةَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ كُسْبِ الْإِمَاءِ . [انظر: ٥٣٤٨]

(٢١) بَابُ عَسْبِ الْفَحْلِ

٢٢٨٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَارِثِ وَإِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ عَلَيِّ بْنِ الْحَكَمِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ عَسْبِ الْفَحْلِ .
(٢٢) بَابُ إِذَا اسْتَأْجَرَ أَرْضًا فَمَا أَخْدَهُمَا

وَقَالَ ابْنُ سِيرِينَ: لَيْسَ لِأَهْلِهِ أَنْ يُخْرِجُوهُ إِلَى تَمامِ الْأَجَلِ . وَقَالَ الْحَكَمُ وَالْحَسَنُ وَإِيَّاسُ بْنُ مُعَاوِيَةَ: ثُمَضَى الإِجَارَةُ إِلَى أَجَلِهَا . وَقَالَ ابْنُ عُمَرَ: أَعْطِيَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَيْرَ الشَّرَطِ ،

yield would be his share. That contract continued during the lifetime of the Prophet ﷺ, Abū Bakr, and the early part of ‘Umar’s caliphate.” It was not mentioned that Abū Bakr renewed the contract after the death of the Prophet ﷺ.

2285. Narrated Abdullāh bin Umar رضي الله عنهما : “Allāh’s Messenger ﷺ gave the land of Khaibar to the Jews to work on it and cultivate it and take half of its yield.” Ibn Umar added, “The land used to be rented for a certain portion (of its yield).” Nāfi‘ mentioned the amount of the portion but I forgot it.

فَكَانَ ذَلِكَ عَلَى عَهْدِ النَّبِيِّ وَأَبِيهِ بْنِ كُثْرَةِ وَصَدِرَ مِنْ خِلَافَةِ عُمَرَ. وَلَمْ يُذْكُرْ أَنَّ أَبَا بَكْرَ جَدَّ الْإِجَارَةَ بَعْدَ مَا قُبِضَ التَّيْمِينُ.

2285 - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوبَرِيَّةُ بْنُ أَسْمَاءَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَعْطَى رَسُولُ اللَّهِ وَحْيَرَ الْيَهُودَ أَنْ يَعْمَلُوهَا وَيَزَرِعُوهَا وَلَهُمْ شَطْرٌ مَا يَخْرُجُ مِنْهَا. وَأَنَّ ابْنَ عُمَرَ حَدَّثَهُ أَنَّ الْمَرَاجَعَ كَانَتْ تُكْرَى عَلَى شَيْءٍ سَمَاءً نَافِقَ لَا أَحْفَظُهُ. [انظر: ٢٤٩٩، ٢٣٢٨، ٢٣٣١، ٢٣٢٩]

[٤٢٤٨، ٣١٥٢، ٢٧٢٠]

2286. Rāfi‘ bin Khādij said, “The Prophet ﷺ forbade renting farms.”

Narrated ‘Ubaidullāh, Nāfi‘ said: Ibn ‘Umar said: (The contract of Khaibar continued) till ‘Umar evacuated the Jews (from Khaibar).

2286 - وَأَنَّ رَافِعَ بْنَ خَدِيجَ حَدَّثَ: أَنَّ النَّبِيَّ وَهِيَ نَهَى عَنْ كِرَاءِ الْمَرَاجَعِ.

وَقَالَ عُبَيْدُ اللَّهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: حَتَّى أَجْلَاهُمْ عُمَرُ. [انظر: ٢٧٢٢، ٢٣٤٤]

38 - THE BOOK OF AL-HAWĀLAT

٣٨ - كتاب الحواليات

(1) CHAPTER. *Al-Hawāla* (the transference of a debt from one person to another. It is an agreement whereby a debtor is released from a debt by another becoming responsible for it).

Can *Hawāla* be rejected by the creditors after accepting it?

Al-Hasan and Qatāda said, “If the transferee was rich when the debt was transferred, the agreement is final and irrevocable by the creditor.”

Ibn ‘Abbās said, “When two partners disassociate and one of them accepts assets while the other accepts debts as a part of his share, if the debts could not be collected (because of the death of the debtor, his bankruptcy, or his denial of the debt, etc.), the one who has accepted the debts would have no right to demand any compensation from his partner.” This is applied also in setting the affairs of inheritors.

2287. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, “Procrastination (delay) in paying debts by a wealthy man is injustice. So, if your debt is transferred from your debtor to a rich debtor, you should agree.”⁽¹⁾

(2) CHAPTER. If somebody's debt are transferred to a rich debtor, the *Hawāla*

(١) بَابُ الْحَوَالَةِ، وَهُلْ يَرْجِعُ فِي الْحَوَالَةِ؟

وقالَ الْحَسْنُ وَقَتَادَةُ: إِذَا كَانَ يَوْمَ أَحَالَ عَلَيْهِ مَلِيئًا جَارًّا. وَقَالَ ابْنُ عَبَّاسٍ: يَتَخَارَجُ الشَّرِيكَانُ وَأَهْلُ الْمِيرَاثِ فَيَأْخُذُ هَذَا عَيْنًا وَهَذَا دَيْنًا، فَإِنْ تَوَرِي لِأَحَدِهِمَا لَمْ يَرْجِعْ عَلَى صَاحِبِهِ.

٢٢٨٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ أَبِي الرَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَظْلُلُ الْغَنِيِّ ظُلْمٌ، فَإِذَا أَتَيْتُمْ أَحَدُكُمْ عَلَى مَلِيئِ فَلْيَبْيَغْ». [انظر: ٢٤٠٠، ٢٢٨٨]

(٢) بَابٌ: إِنْ أَحَالَ دَيْنَ الْمَيْتِ عَلَى

(1) (H. 2287) As the postponement of paying debts by a rich person is injustice, one should accept *Hawāla* upon that man, for one may be better able to collect the debt from the rich man than the transferor. Thus, by accepting the *Hawāla* one helps the rich man to avoid injustice. (*Fath Al-Bārī*).

is irrevocable...

رَجُلٌ جَازَ إِذَا أَحَالَ عَلَى مَلِيٍّ فَلَيْسَ لَهُ رَدًّا

2288. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, "Procrastination (delay) in paying debts by a wealthy person is injustice. So, if your debts is transferred from your debtor to a rich debtor, you should agree."

(3) CHAPTER. If the debts due on a dead person are transferred to somebody, the transference is legal and valid.

2289. Narrated Salama bin Al-Akwa' رضي الله عنه: Once, while we were sitting in the company of Prophet ﷺ, a dead body was brought. The Prophet ﷺ was requested to lead the funeral *Salāt* (prayer) for the deceased. He said, "Is he in debt?" The people replied in the negative. He said, "Has he left any wealth?" They said, "No." So, he led his funeral prayer. Another dead person was brought and the people said, "O Allāh's Messenger! Lead his funeral *Salāt* (prayer)." The Prophet ﷺ said, "Is he in debt?" They said, "Yes." He said, "Has he left any wealth?" They said, "Three Dīnār." So, he led the funeral prayer. Then a third dead person was brought and the people said (to the Prophet ﷺ), "Please lead his funeral *Salāt* (prayer)." He said, "Has he left any wealth?" They said, "No." He asked, "Is he in debt?" They said, ("Yes! He has to pay) three Dīnār." He [refused to offer funeral *Salāt* (prayer) and] said, "Then offer *Salāt* (prayer) for your (dead) companion." Abū Qatāda said, "O Allāh's Messenger! Lead his funeral prayer, and I will pay his debt." So, he led the *Salāt* (prayer).

٢٢٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفيَّانُ، عَنْ ابْنِ دَكْوَانَ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ ﷺ قَالَ: «مَعْلُولُ الْغَنِيِّ ظُلْمٌ. وَمَنْ أَتَبَعَ عَلَى مَلِيٍّ فَلَيْسَ بِهِ». [راجع: ٢٢٨٧]

(٣) باب إذا أحال دين الميت على رجلٍ جازَ

٢٢٨٩ - حَدَّثَنَا السَّكَيْنِيُّ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا يَزِيدُ بْنُ أَبِي عَبْدِهِ، عَنْ سَمَّةَ بْنِ الْأَكْوَعِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا جُلُوسًا عِنْدَ النَّبِيِّ ﷺ إِذَا أُتِيَ بِجَنَازَةٍ فَقَالُوا: صَلِّ عَلَيْهَا، فَقَالَ: «هَلْ عَلَيْهِ دِينٌ؟» قَالُوا: لَا، قَالَ: «فَهَلْ تَرَكَ شَيْئًا؟» قَالُوا: لَا، فَصَلَّى عَلَيْهِ. ثُمَّ أُتِيَ بِجَنَازَةٍ أُخْرَى فَقَالُوا: يَا رَسُولَ اللَّهِ، صَلِّ عَلَيْهَا. قَالَ: «هَلْ عَلَيْهِ دِينٌ؟» قَيلَ: نَعَمْ، قَالَ: «فَهَلْ تَرَكَ شَيْئًا؟» قَالُوا: ثَلَاثَةَ دَنَانِيرَ، فَصَلَّى عَلَيْهَا. ثُمَّ أُتِيَ بِالثَّالِثَةِ دَنَانِيرَ، فَقَالُوا: صَلِّ عَلَيْهَا. قَالَ: «هَلْ تَرَكَ شَيْئًا؟» قَالُوا: لَا، قَالَ: «فَهَلْ عَلَيْهِ دِينٌ؟» قَالُوا: ثَلَاثَةَ دَنَانِيرَ، فَقَالَ: لَا، قَالَ: «ثَلَاثَةُ دَنَانِيرَ، فَقَالَ: صَلُّوا عَلَى صَاحِبِكُمْ». فَقَالَ أَبُو قَتَادَةَ: صَلِّ عَلَيْهِ يَا رَسُولَ اللَّهِ وَعَلَيْهِ دِينُهُ. فَصَلَّى عَلَيْهِ. [انظر: ٢٢٩٥]

39 - THE BOOK OF AL-KAFĀLA

٣٩ - كتاب الكفالة

(1) CHAPTER. *Al-Kafāla* (i.e., the pledge given by somebody to the creditor to guarantee that the debtor will be present at a certain specific place to pay his debt or fine, or to undergo a punishment, etc.) in loans and debts with oneself or other things (e.g., one's money).

2290. Narrated Muḥammad bin ‘Amr Al-Aslāmī that his father Ḥamza said: ‘Umar رَضِيَ اللَّهُ عَنْهُ sent him (i.e., Ḥamza) as a *Sadaqa/Zakāt* collector. A man had committed illegal sexual intercourse with the slave-girl of his wife. Ḥamza took (personal) sureties for the adulterer till they came to ‘Umar. ‘Umar had lashed the adulterer one hundred lashes. ‘Umar confirmed their claim (that the adulterer had already been punished) and excused him because of being ignorant.⁽¹⁾

Jarīr Al-Ash‘ath said to Ibn Mas‘ūd regarding renegades (i.e., those who became infidels after embracing Islām), “Let them repent and take (personal) sureties for them.” They repented and their relatives stood sureties for them.⁽²⁾.

(1) (H. 2290) This is an abridged version of a long story which goes: ‘Umar sent Ḥamza to collect *Zakāt*. A man argued with his wife before Ḥamza. He told her to pay the *Zakāt* of the wealth of her slave-girl’s son, while she told him to pay the *Zakāt* of his son’s wealth. Ḥamza asked what the matter was. He was told that the man was the husband of that woman and that he had committed illegal sexual intercourse with her slave-girl who gave birth to a boy. The woman manumitted the boy who inherited the wealth from his mother.

On hearing the story, Ḥamza said to the man, “I will definitely stone you (in punishment of the crime).”

The people said, “The case had been taken to ‘Umar (the caliph) who gave him one hundred lashes but did not sentence him to stoning.” Somebody stood surety for the man. When Ḥamza came to ‘Umar, ‘Umar confirmed their claim and said that he had not stoned him, because he had committed illegal sexual intercourse ignorantly (i.e., he thought that it was legal for him to have sexual relation with his wife’s slave-girl). (*Ibid* p. 374).

(2) (Ch. 2290) The story of the renegades was narrated by Ḥāritha bin Madrab, who=

(١) بَابُ الْكَفَالَةِ فِي الْقَرْضِ،
وَالدُّيُونِ بِالْأَبْدَانِ وَغَيْرِهَا

٢٢٩٠ - وَقَالَ أَبُو الزَّنَادِ، عَنْ مُحَمَّدٍ بْنِ حَمْرَةَ بْنِ عَمْرٍو الْأَسْلَمِيِّ، عَنْ أَبِيهِ: أَنَّ عُمَرَ رَضِيَ اللَّهُ عَنْهُ بَعَثَهُ مُصَدِّقاً، فَوَقَعَ رَجُلٌ عَلَى جَارِيَةِ امْرَأَةٍ فَأَخَذَ حَمْرَةَ مِنَ الرَّجُلِ كُفْلَاءَ حَتَّى قَدِيمٌ عَلَى عُمَرَ وَكَانَ عُمَرُ قَدْ جَلَدَهُ مائَةَ جَلْدَةَ فَصَدَّقَهُمْ وَعَذَرَهُمْ بِالْجَهَالَةِ. وَقَالَ جَرَيْرٌ وَالْأَشْعَثُ لِعَبْدِ اللَّهِ بْنِ مَسْعُودٍ فِي الْمُرْتَدِينَ: اسْتَبِّهُمْ وَكَفَلْهُمْ فَتَابُوا وَكَفَلَهُمْ. عَشَائرُهُمْ. وَقَالَ حَمَادٌ: إِذَا تَكَفَلَ بِنَفْسِ فَمَا فَلَّا شَيْءَ عَلَيْهِ. وَقَالَ الْحَكَمُ: يَضْمَنُ.

According to Hammād, if somebody stands surety for another person and that person dies, the person giving surety will be released from responsibility. According to Al-Hakam, his responsibility continues.

2291. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said: The Prophet ﷺ said, “An Isrāeli man asked another Isrāeli to lend him one thousand Dīnār. The second man required witnesses. The former replied, ‘Allāh is sufficient as a witness.’ The second said, ‘I want a surety.’ The former replied, ‘Allāh is sufficient as a surety.’ The second said, ‘You are right,’ and lent him the money for a certain period. The debtor went across the sea. When he finished his job, he searched for a conveyance so that he might reach in time for the repayment of the debt, but he could not find any. So, he took a piece of wood and made a hole in it, inserted in it one thousand Dīnār and a letter to the lender and then closed (i.e., sealed) the hole tightly. He took the piece of wood to the sea and said, ‘O Allāh! You know well that I took a loan of one thousand Dīnār from so-and-so. He demanded a surety from me but I told him that Allāh’s Guarantee was sufficient and he accepted Your Guarantee. He then asked for a witness and I told him that Allāh was sufficient as a witness. No doubt, I have tried hard to find a conveyance so that I could pay back his money but could not find, so I hand over this money to You.’ Saying that, he threw the piece of wood into

اللَّيْثُ : حدَّثَنِي جَعْفَرُ بْنُ رَبِيعَةَ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزَ، عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «إِنَّهُ ذَكَرَ رَجُلًا مِنْ بَنِي إِسْرَائِيلَ سَأَلَ بَعْضَ بَنِي إِسْرَائِيلَ أَنْ يُسْلِقَهُ أَلْفَ دِينَارٍ فَقَالَ: اتُّشَنِي بِالشَّهَدَاءِ أَشْهِدُهُمْ . فَقَالَ: كَفَى بِاللَّهِ شَهِيدًا قَالَ: فَأَتَنِي بِالْكَفِيلِ قَالَ: كَفَى بِاللَّهِ كَفِيلًا . قَالَ: صَدَقْتَ، فَدَفَعَهَا إِلَيْهِ إِلَى أَجْلِ مُسَمًّى، فَخَرَجَ فِي الْبَحْرِ فَقَضَى حَاجَتُهُ ثُمَّ التَّمَسَّ مَرْكَبًا يَرْكُبُهَا يَقْدُمُ عَلَيْهِ لِلأَجْلِ الَّذِي أَجْلَهُ فَلَمْ يَجِدْ مَرْكَبًا، فَأَنْجَدَ خَشَبَةً فَنَقَرَهَا فَأَدْخَلَ فِيهَا أَلْفَ دِينَارٍ وَصَحِيفَةً مِنْهُ إِلَى صَاحِبِهِ ثُمَّ رَجَعَ مَوْضِعَهَا ثُمَّ أَتَى بِهَا إِلَى الْبَحْرِ فَقَالَ: اللَّهُمَّ إِنَّكَ تَعْلَمُ أَنِّي كُنْتُ سَلَفْتُ فُلَانًا أَلْفَ دِينَارٍ فَسَأَلَنِي كَفِيلًا قُتِلْتُ: كَفَى بِاللَّهِ كَفِيلًا

=said, “I offered the morning prayer with ‘Abdullāh bin Mas‘ūd. When the *Salāt* (prayer) ended, a man got up and informed him that he had gone to the mosque of Bani Hanifa and heard the *Mu’adhdhin* of ‘Abdullāh bin An-Nawwāḥa saying, ‘I testify that Musailama (the liar) is Allāh’s Messenger.’”

Ibn Mas‘ūd sent for Ibn An-Nawwāḥa and had put him to death. He then consulted his companions regarding Ibn An-Nawwāḥa’s followers who were one hundred and seventy men. ‘Adī bin Ḥātim suggested that they be killed. Jarīr and Al-Ash̄ath got up and said, ‘No, but let them repent and let their tribes stand sureties for them.’ So, they repented and their tribes stood sureties for them.” (Ibīd. p. 375)

the sea till it went out far into it, and then he went away. Meanwhile he started searching for a conveyance in order to reach the creditor's country. One day the lender came out of his house to see whether a ship had arrived bringing his money, and all of a sudden he saw the piece of wood in which his money had been deposited. He took it home to use as fire-wood. When he sawed it, he found his money and the letter inside it. Shortly after that, the debtor came bringing one thousand Dīnār to him and said, 'By Allāh, I had been trying hard to get a boat so that I could bring you your money, but failed to get one before the one I have come by.' The lender asked, 'Have you sent something to me?' The debtor replied, 'I have told you I could not get a boat other than the one I have come by.' The lender said, 'Allāh has delivered on your behalf the money you sent in the piece of wood. So, you may keep your one thousand Dīnār and depart, guided on the right path'."

فَرَضَيْتَ إِنَّكَ، وَسَأَلَنِي شَهِيداً فَقُلْتُ :
 كَفَى بِاللَّهِ شَهِيداً فَرَضَيْتَ بِذَلِكَ . وَإِنِّي
 جَهَدْتُ أَنْ أَجِدَ مَرْكَباً أَبْعَثَ إِلَيْهِ
 الَّذِي لَهُ فَلَمْ أَفْدِرْ . وَإِنِّي
 أَسْتَوْدِعُكُمَا، فَرَمَى بِهَا فِي الْبَحْرِ
 حَتَّى وَلَجَتْ فِيهِ . ثُمَّ اضْرَفَ، وَهُوَ
 فِي ذَلِكَ يَتَمَسُّ مَرْكَباً يَخْرُجُ إِلَى بَلَدِهِ
 فَخَرَجَ الرَّجُلُ الَّذِي كَانَ أَسْلَفَهُ يَنْظُرُ
 لَعَلَّ مَرْكَباً قَدْ جَاءَ بِمَا لِي فَإِذَا بِالْحَشَبَةِ
 الَّتِي فِيهَا الْمَالُ، فَأَخَذَهَا لِأَهْلِهِ
 حَطَبًا . فَلَمَّا نَشَرَهَا وَجَدَ الْمَالَ
 وَالصَّحِيقَةَ، ثُمَّ قَدِيمَ الَّذِي كَانَ أَسْلَفَهُ
 فَأَتَى بِالْأَلْفِ دِينَارٍ . فَقَالَ : وَاللَّهِ مَا
 زِلتُ جَاهِدًا فِي طَلَبِ مَرْكَبٍ لِأَيْكَ
 بِمَا لِكَ فَمَا وَجَدْتُ مَرْكَباً قَبْلَ الَّذِي
 أَتَيْتُ فِيهِ قَالَ : هَلْ كُنْتَ بَعْثَتَ إِلَيْ
 بِشَنِيءٍ ؟ قَالَ : أَخْبِرُكَ أَنِّي لَمْ أَجِدْ
 مَرْكَباً قَبْلَ الَّذِي جِئْتُ فِيهِ . قَالَ : فَإِنَّ
 اللَّهَ قَدْ أَدَى عَنْكَ الَّذِي بَعْثَتَ الْحَشَبَةَ
 وَانْصَرَفَ بِالْأَلْفِ الدِّينَارِ رَاشِدًا» .

[راجع: ١٤٩٨]

(٢) بَابُ قَوْلِ اللَّهِ عَزَّ وَجَلَّ :
 وَالَّذِينَ عَقدْتُ أَيْمَنَكُمْ فَتَأْوِلُهُمْ
 تَصْبِيْهُمْ ﴿ [النساء: ٣٣] .

(2) CHAPTER. The Statement of Allāh جَلَّ عَزَّ وَجَلَّ : «...To those also with whom you have made a pledge (brotherhood), give them their due portion by Wasiya (wills)...» (V. 4:33)

2292. Narrated Sa'īd bin Jubair: Ibn 'Abbās said, "In the Verse: 'And to everyone, We have appointed heirs of that (property)...' (4: 33). (And regarding the Verse) 'And those with whom you have

2292 - حَدَّنَا الصَّلْتُ بْنُ مُحَمَّدٍ: حَدَّنَا أَبُو أَسَمَّةَ، عَنْ إِدْرِيسَ، عَنْ طَلْحَةَ بْنِ مُصَرْفٍ، عَنْ

made a pledge,’ Ibn ‘Abbās said, ‘When the emigrants came to the Prophet ﷺ in Al-Madīna, the emigrant would inherit the *Ansāri*, while the latter’s relatives would not inherit him because of the bond of brotherhood which the Prophet ﷺ established between them (i.e., the emigrants and the *Ansār*). When the Verse: ‘And to everyone We have appointed heirs’ (V.4:33) was revealed, it cancelled [the bond (the pledge) of brotherhood regarding inheritance].’ Then he said, ‘The verse: ‘To those also with whom you have made a pledge (brotherhood)’ remained valid regarding co-operation and mutual advice, while the matter of inheritance was excluded; and it became permissible to assign something in one’s testament to the person who had had the right of inheriting before.

2293. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ ‘Abdur-Rahmān bin ‘Aūf came to us and Allāh’s Messenger ﷺ established a bond of brotherhood between him and Sa‘d bin Rabī’.

2294. Narrated ‘Aṣim: I asked Anas bin Mālik (saying): ‘Have you been conveyed (or ever heard) that the Prophet ﷺ said, ‘There is no alliance in Islām?’’ He replied, ‘The Prophet ﷺ made alliance between Quraish and the *Ansār* in my house.’

سَعِيدُ بْنُ جُبَيْرٍ، عَنْ أَبْنَى عَمَّا سِرَّهُ
اللَّهُ عَنْهُمَا: ﴿وَلَكُلٌّ جَعَلْنَا مَوْلَى﴾
قَالَ: وَرَأَتْهُ ﴿وَالَّذِينَ عَقدْتُ أَيْمَنَكُمْ﴾
قَالَ: كَانَ الْمُهَاجِرُونَ لَمَّا قَدِمُوا
عَلَى النَّبِيِّ ﷺ الْمَدِينَةَ وَرَثَ الْمُهَاجِرُونَ
الْأَنْصَارِيُّونَ دُونَ ذَوِي رَحْمَةٍ لِلْأَخْوَةِ
الَّتِي أَخَى النَّبِيُّ ﷺ بَيْنَهُمْ فَلَمَّا
نَرَأَتْهُ ﴿وَلَكُلٌّ جَعَلْنَا مَوْلَى﴾
نَسَخَتْ ثُمَّ قَالَ: ﴿وَالَّذِينَ عَقدْتُ أَيْمَنَكُمْ﴾ إِلَّا النَّصْرَ وَالرِّفَاةَ
وَالنَّصِيحةَ. وَقَدْ ذَهَبَ الْمِيرَاثُ
وُيُوصَى لَهُ [انظر: ٤٥٨٠، ٦٧٤٧]

٢٢٩٣ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا
إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ حُمَيْدٍ، عَنْ
أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَدِمَ عَلَيْنَا
عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ فَأَخَى رَسُولُ
اللَّهِ ﷺ بَيْنَهُ وَبَيْنَ سَعْدِ بْنِ الرَّبِيعِ.
[راجح: ٢٠٤٩]

٢٢٩٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: حَدَّثَنِي إِسْمَاعِيلُ بْنُ زَكَرِيَاً:
حَدَّثَنَا عَاصِمٌ، قَالَ: قُلْتُ لِأَنَسَ بْنَ
مَالِكَ: أَبْلَغْكَ أَنَّ النَّبِيِّ ﷺ قَالَ: «لَا
جِلْفَ فِي الإِسْلَامِ؟» فَقَالَ: قَدْ
حَالَفَ رَسُولُ اللَّهِ ﷺ بَيْنَ فُرِيسِشِ
وَالْأَنْصَارِ فِي دَارِي. [انظر: ٦٠٨٣، ٧٣٤٠]

(3) CHAPTER. He who undertakes to repay the debts of a dead person has not the right to change his mind.

Al-Hasan said the same.

2295. Narrated Salama bin Al-Akwa' رضي الله عنه : A dead person was brought to the Prophet ﷺ so that he might lead the funeral prayer for him. He asked, "Is he in debt?" When the people replied in the negative, he led the funeral prayer. Another dead person was brought and he asked, "Is he in debt?" They said, "Yes." He (refused to lead the prayer and) said, "Lead the prayer of your friend." Abū Qatāda said, "O Allāh's Messenger! I undertake to pay his debt." Allāh's Messenger ﷺ then led his funeral prayer.

(٣) بَابُ مَنْ تَكَفَّلَ عَنْ مَبِيتِ دِينًا فَلَيْسَ لَهُ أَنْ يَرْجِعَ وِيهِ قَالَ الْحَسَنُ .

٢٢٩٥ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ يَزِيدَ بْنِ أَبِي عَبْدِهِ، عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ أَتَى بِجَنَازَةً لِصَلَّى اللَّهُ عَلَيْهَا فَقَالَ: «هَلْ عَلَيْهِ مِنْ دِينٍ؟» قَالُوا: لَا، فَصَلَّى اللَّهُ عَلَيْهِ. ثُمَّ أَتَى بِجَنَازَةً أُخْرَى فَقَالَ: «هَلْ عَلَيْهِ مِنْ دِينٍ؟» قَالُوا: نَعَمْ، قَالَ: «فَصُلُّوا عَلَى صَاحِبِكُمْ». قَالَ أَبُو قَتَادَةَ: عَلَيَّ دِينُهُ يَا رَسُولَ اللَّهِ، فَصَلَّى اللَّهُ عَلَيْهِ. [راجع: ٢٢٨٩]

٢٢٩٦ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفِيَّانُ: حَدَّثَنَا عَمْرُو: سَمِيعُ مُحَمَّدَ بْنَ عَلَيٍّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمْ قَالَ: قَالَ النَّبِيُّ ﷺ: «لَوْ قَدْ جَاءَ مَالُ الْبَحْرَيْنِ قَدْ أُعْطَيْتُكُمْ هَكُذا وَهَكُذا فَلَمْ يَجِئْ مَالُ الْبَحْرَيْنِ حَتَّى قُضِيَ النَّبِيُّ ﷺ. فَلَمَّا جَاءَ مَالُ الْبَحْرَيْنِ أَمَرَ أَبُو بَكْرَ فَنَادَى: مَنْ كَانَ لَهُ عِنْدَ النَّبِيِّ ﷺ عِدَّةً أَوْ دِينًّا فَلِيأْتِنَا. فَأَتَيْتُهُ فَقُلْتُ: إِنَّ النَّبِيَّ ﷺ قَالَ لِي كَذَا وَكَذَا، فَحَثَا لِي حَثْيَةً فَعَدَّتُهَا فَإِذَا هِيَ خَمْسِمَائَةٌ، وَقَالَ: حُذْ مِثْلَيْهَا. [انظر: ٢٥٩٨، ٤٣٨٣، ٣١٣٧، ٢٦٨٣]

(٤) بَابُ جَوَارِ أَبِي بَكْرٍ فِي عَهْدِ

(4) CHAPTER. The pledge of protection given to Abū Bakr (by someone) during the

lifetime of Allāh's Messenger ﷺ.

2297. Narrated 'Aishah, wife of the Prophet ﷺ : Since I reached the age when I could remember things, I have seen my parents worshipping according to the right faith of Islām. Not a single day passed but Allāh's Messenger ﷺ visited us, both in the morning and in the evening. When the Muslims were persecuted, Abū Bakr set out for Ethiopia as an emigrant. When he reached a place called Bark-al-Ghimād, he met Ibn Ad-Daghīna, the chief of the Qāra tribe, who asked Abū Bakr, "Where are you going?" Abū Bakr said, "My people have turned me out of the country and I would like to tour the world and worship my Lord." Ibn Ad-Daghīna said, "A man like you will not go out, nor will he be turned out as you help the poor earn their living, keep good relation with your kith and kin, help the disabled (or the dependents), provide guests with food and shelter, and help people during their troubles. I am your protector. So, go back and worship your Lord at your home." Ibn Ad-Daghīna went along with Abū Bakr and took him to the chiefs of Quraish saying to them, "A man like Abū Bakr will not go out, nor will he be turned out. Do you turn out a man who helps the poor earn their living, keeps good relations with kith and kin, helps the disabled, provides guests with food and shelter, and helps the people during their troubles?" So, Quraish allowed Ibn Ad-Daghīna's guarantee of protection and told Abū Bakr that he was secure, and said to Ibn Ad-Daghīna, "Advise Abū Bakr to worship his Lord in his house and to offer prayer and read what he liked and not to hurt us and not to do these things publicly, for we fear that our sons and women may follow him." Ibn Ad-Daghīna told Abū Bakr of all that. So, Abū Bakr continued worshipping his Lord in

رسول الله ﷺ وعَدْلِهِ ٢٢٩٧ - حَدَّثَنَا يَحْيَى بْنُ بَكْرٍ : حَدَّثَنَا الْيَتُمَّ عَنْ عَقِيلٍ : قَالَ أَبْنُ شَهَابٍ : فَأَخْبَرَنِي عُرْوَةُ بْنُ الرَّبِيعِ : أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا رَوْجَ النَّبِيِّ ﷺ قَالَتْ : لَمْ أَعْقِلْ أَبْوَيِ إِلَّا وَهُما يَدِينانِ الدِّينَ . وَقَالَ أَبُو صَالِحٍ : حَدَّثَنِي عَبْدُ اللَّهِ، عَنْ يُونُسَ، عَنْ الرَّضِيرِ : قَالَ : أَخْبَرَنِي عُرْوَةُ بْنُ الرَّبِيعِ : أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ : لَمْ أَعْقِلْ أَبْوَيِ قَطُّ إِلَّا وَهُما يَدِينانِ الدِّينَ، وَلَمْ يَمْرُ عَلَيْنَا يَوْمٌ إِلَّا يَأْتِنَا فِيهِ رَسُولُ اللَّهِ ﷺ طَرِيقَ النَّهَارِ بِكُرَّةٍ وَعَشِيشَةً . فَلَمَّا ابْتَلَيَ الْمُسْلِمُونَ خَرَجَ أَبُو بَكْرٍ مُهَاجِرًا قَبْلَ الْحَبَّةَ حَتَّى إِذَا بَلَغَ بَرْكَ الْعِمَادِ لَقِيَهُ أَبْنُ الدَّغْنَةَ وَهُوَ سَيِّدُ الْقَارَةِ فَقَالَ : أَيْنَ تُرِيدُ يَا أَبَا بَكْرٍ؟ فَقَالَ أَبُو بَكْرٍ : أَخْرِجْنِي قَوْمِي فَإِنَّا أُرِيدُ أَنْ أَسْيَحَ فِي الْأَرْضِ وَأَعْبُدَ رَبِّيِّ ، قَالَ أَبْنُ الدَّغْنَةَ : إِنَّ مَثْلَكَ لَا يَخْرُجُ وَلَا يُخْرُجُ ، فَإِنَّكَ تَكْسِبُ الْمَعْدُومَ وَتَصِلُ الرَّاجِمَ، وَتَحْمِلُ الْكَلَّ، وَتَقْرِي الصَّيْفَ، وَتُعِينُ عَلَى نَوَافِعِ الْحَقِّ . وَأَنَا لَكَ جَارٌ فَارِجُ فَاغْبُدْ رَبَّكَ بِلَادَكَ . فَارْتَحَلَ أَبْنُ الدَّغْنَةَ فَرَجَعَ مَعَ أَبِي بَكْرٍ فَطَافَ فِي أَشْرَافِ كُفَّارِ قُرَيْشٍ فَقَالَ لَهُمْ : إِنَّ أَبَا بَكْرٍ لَا

his house and did not offer *Salāt* (prayer) or recite Qur'ān aloud except in his house. Later on Abū Bakr had an idea of building a mosque in the courtyard of his house. He fulfilled that idea and started offering *Salāt* (prayer) and reciting Qur'ān there publicly. The women and the offspring of the *Mushrikun*⁽¹⁾ started gathering around him and looking at him in astonishment. Abū Bakr was a softhearted person and could not help weeping while reciting Qur'ān. This horrified the *Mushrik* chiefs of Quraish. They sent for Ibn Ad-Daghīna and when he came, they said, "We have given Abū Bakr protection on condition that he will worship his Lord in his house, but he has transgressed that condition and has built a mosque in the courtyard of his house and offered his *Salāt* and recited Qur'ān in public. We are afraid lest he mislead our women and offspring. So, go to him and tell him that if he wishes he can worship his Lord in his house only, and if not, then tell him to return your pledge of protection as we do not like to betray you by revoking your pledge, nor can we tolerate Abū Bakr's declaration of Islām (his worshipping) in public."

'Aishah added: Ibn Ad-Daghīna came to Abū Bakr and said, "You know the conditions on which I gave you protection, so you should either abide by those conditions or revoke my protection, as I do not like to hear the Arabs saying that Ibn Ad-Daghīna gave the pledge of protection to a person and his people did not respect it." Abū Bakr said, "I revoke your pledge of protection and am satisfied with Allāh's Protection." At that time Allāh's Messenger ﷺ was still in Makkah and he said to his Companions, "Your place of

يُخْرُجُ مِثْلُهُ وَلَا يُخْرُجُونَ رَجُلًا يَكْسِبُ الْمَعْدُومَ، وَيَصْلُ الرَّحْمَ وَيَحْمِلُ الْكَلَّ، وَيَقْرِي الصَّيْفَ، وَيُعِينُ عَلَى نَوَائِبِ الْحَقِّ؟ فَأَنْذَتْ قُرِيسْتِ حِوارَ ابْنِ الدَّغْنَةَ وَأَمْوَأَ أَبَا بَكْرٍ وَقَالُوا لَابْنِ الدَّعْنَةِ: مُزْ أَبَا بَكْرٍ فَلَيُبْعَدْ رَبَّهُ فِي دَارِهِ، فَلَيُصْلَلُ، وَلَيُقْرَأَ مَا شَاءَ، وَلَا يُؤْذِنَا بِذَلِكَ، وَلَا يَسْتَعْلِنَ بِهِ فَإِنَا قَدْ خَشِينَا أَنْ يَقْتَنَ أَبْنَاءَنَا وَنِسَاءَنَا. قَالَ ذَلِكَ ابْنُ الدَّغْنَةَ لَأَبِي بَكْرٍ، فَفَطَقَ أَبُو بَكْرٍ يَعْبُدْ رَبَّهُ فِي دَارِهِ، وَلَا يَسْتَعْلِنَ بِالصَّلَاةِ، وَلَا الْقِرَاءَةِ فِي غَيْرِ دَارِهِ. ثُمَّ بَدَ لَأَبِي فَابْتَئَى مَسْجِدًا بِفَنَاءِ دَارِهِ وَبَرَزَ فَكَانَ يُصَلِّي فِيهِ وَيَقْرَأُ الْقُرْآنَ، فَيَتَقَصَّصُ عَلَيْهِ نِسَاءُ الْمُشْرِكِينَ وَأَبْنَاؤُهُمْ يَعْجَبُونَ وَيَنْتَظِرُونَ إِلَيْهِ. وَكَانَ أَبُو بَكْرٍ رَجُلًا بَكَاءً لَا يَمْلِكُ دَمْعَهُ حِينَ يَقْرَأُ الْقُرْآنَ، فَأَفْرَغَ ذَلِكَ أَشْرَافُ قُرِيسْتِ مِنَ الْمُشْرِكِينَ، فَأَرْسَلُوا إِلَى ابْنِ الدَّغْنَةَ فَقَدِمَ عَلَيْهِمْ قَالُوا لَهُ: إِنَّا كُنَّا أَجْرَنَا أَبَا بَكْرٍ عَلَى أَنْ يَعْبُدْ رَبَّهُ فِي دَارِهِ، وَإِنَّهُ جَاوَزَ ذَلِكَ فَابْتَئَى مَسْجِدًا بِفَنَاءِ دَارِهِ وَأَعْلَنَ الصَّلَاةَ وَالْقِرَاءَةَ، وَقَدْ خَشِينَا أَنْ يَقْتَنَ أَبْنَاءَنَا وَنِسَاءَنَا فَأُتْهِيَ، فَإِنْ أَحَبَّ أَنْ يَقْصِرَ عَلَى أَنْ يَعْبُدْ رَبَّهُ فِي دَارِهِ

(1) (H. 2297) *Al-Mushrikūn*: Polytheists, pagans, idolators, and disbelievers in the Oneness of Allāh and in His Messenger Muhammad ﷺ)

emigration has been shown to me. I have seen salty land, planted with date-palms and situated between two mountains which are the two *Harra*." So, when the Prophet ﷺ told it, some of the companions migrated to Al-Madīna, and some of those who had migrated to Ethiopia returned to Al-Madīna. When Abū Bakr prepared for emigration, Allāh's Messenger ﷺ said to him, "Wait, for I expect to be permitted to emigrate." Abū Bakr asked, "May my father be sacrificed for your sake, do you really expect that?" Allāh's Messenger ﷺ replied in the affirmative. So, Abū Bakr postponed his departure in order to accompany Allāh's Messenger ﷺ, and fed two camels which he had with the leaves of *Samur* trees for four months.

فَعَلَّ، وَإِنْ أَبِي إِلَّا أَنْ يُعْلَمْ ذَلِكَ فَسَلَّهُ أَنْ يُرْدَ إِلَيْكَ دَمَتَكَ فَإِنَا كَرِهْنَا أَنْ تُخْفِرَكَ وَلَسْنَا مُقْرِبِينَ لِأَبِي بَكْرِ الْأَسْتِغْلَانَ. قَالَتْ عَائِشَةُ: فَأَتَى ابْنَ الدَّاغِنَةِ أَبَا بَكْرَ فَقَالَ: قَدْ عَلِمْتَ الَّذِي عَقَدْتُ لَكَ عَلَيْهِ، فَإِمَّا أَنْ تَنْتَصِرَ عَلَى ذَلِكَ، وَإِمَّا أَنْ تَرْدَ إِلَيَّ ذَمَتِي فَإِنِّي لَا أُحِبُّ أَنْ تَسْمَعَ الْعَرَبُ أَنِّي أَخْفِرُ فِي رَجْلٍ عَقَدْتُ لَهُ، قَالَ أَبُو بَكْرٍ: فَإِنِّي أَرْدُ إِلَيْكَ جِوارَكَ وَأَرْضِي بِجَوَارِ اللَّهِ، وَرَسُولُ اللَّهِ ﷺ يُؤْمِنُ بِمَكَةَ فَقَالَ رَسُولُ اللَّهِ ﷺ: «قَدْ أُرِيتَ دَارَ هِجْرَتِكُمْ، رَأَيْتُ سَبْحَةَ دَارَ تَحْلِيلِ بَيْنَ لَا بَيْنَ» وَهُمَا الْحَرَاتَانِ. فَهَا جَرَ مَنْ هَا جَرَ قَبْلَ الْمَدِيْنَةِ حِينَ ذَكَرَ ذَلِكَ رَسُولُ اللَّهِ ﷺ، وَرَجَعَ إِلَى الْمَدِيْنَةِ بَعْضُ مَنْ كَانَ هَا جَرَ إِلَى أَرْضِ الْحَبَشَةِ. وَتَجَهَّزَ أَبُو بَكْرٍ مَهَا جَرَأً فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «عَلَى رِسْلَكَ، فَإِنِّي أَرْجُو أَنْ يُؤْذَنَ لِي»، قَالَ أَبُو بَكْرٍ: هَلْ تَرْجُو ذَلِكَ يَأْبِي أَنْتَ؟ قَالَ: «نَعَمْ»، فَحَبَسَ أَبُو بَكْرٍ نَفْسَهُ عَلَى رَسُولِ اللَّهِ ﷺ لِيَضْحَبَهُ وَعَلَفَ رِاحْلَتَيْنِ كَانَتَا عِنْدَهُ وَرَاقَ السَّمْرُ أَرْبَعَةَ أَشْهُرٍ. [راجع: ٤٧٦]

(٥) بَابُ الدَّيْنِ،

(5) CHAPTER. The debts.

2298. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ Whenever a dead man in debt was brought to Allāh's Messenger ﷺ (for funeral prayer) he

٢٢٩٨ - حَدَثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَثَنَا الْيَثْرَى، عَنْ عَقِيلٍ، عَنْ ابْنِ

would ask, "Has he left anything to repay his debt?" If he was informed that he had left something to repay his debts, he would offer his funeral prayer, otherwise he would tell the Muslims to offer their friend's funeral prayer. When Allāh made the Prophet ﷺ wealthy through conquests, he said, "I am more righteous than other believers to be the guardian of the believers, so if a Muslim dies while in debt, I am responsible for the repayment of his debt, and whoever leaves wealth (after his death) it will belong to his heirs."

شَهَابٌ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يُؤْتَى بِالرَّجُلِ الْمُتَوَقِّي عَلَيْهِ الدِّينُ فَيَسْأَلُ: «هَلْ تَرَكَ لِدِينِهِ فَضْلًا؟» فَإِنْ حُدِّثَ أَنَّهُ تَرَكَ لِدِينِهِ وَفَاءً صَلَّى وَإِلَّا قَالَ لِلْمُسْلِمِينَ: «صَلُّوا عَلَى صَاحِبِكُمْ». فَلَمَّا فَتَحَ اللَّهُ عَلَيْهِ الْفُتُوحَ قَالَ: «أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ، فَمَنْ تُؤْتَى مِنَ الْمُؤْمِنِينَ فَتَرَكَ دِينًا فَعَلَيَّ قَضَاؤُهُ، وَمَنْ تَرَكَ مَالًا فَلِيَرَثِيهِ». [انظر: ٦٧٦٣، ٦٧٤٥، ٢٣٩٨، ٤٧٨١، ٥٣٧١، ٦٧٣١]

[٦٧٦٣، ٦٧٤٥]

40 – THE BOOK OF REPRESENTATION (OR AUTHORIZATION)

(1) CHAPTER. A partner can deputize for another while distributing things etc.

No doubt, the Prophet ﷺ shared his *Hady* (i.e., sacrificing animals) with ‘Ali and then ordered ‘Ali to distribute them.

2299. Narrated ‘Ali: Allāh’s Messenger ﷺ ordered me to distribute the saddles and skins of the *Budn* which I had slaughtered.

2300. Narrated ‘Uqba bin ‘Āmir that the Prophet ﷺ had given him sheep to distribute among his companions and a male kid was left (after the distribution). When he informed the Prophet ﷺ of it, he said (to him), “Offer it as a sacrifice on your behalf.”

(2) CHAPTER. If a Muslim deputizes a non-Muslim warrior in a country of infidelity or in a Muslim state, the contract is valid.

2301. Narrated ‘Abdur-Rahmān bin ‘Aūf: I got an agreement written between me and Umaiyya bin Khalaf that Umaiyya would look after my property (or family) in Makkah and I would look after his in Al-Madina. When I mentioned the word ‘Ar-Rahmān’ in the documents Umaiyya said, “I do not know ‘Ar-Rahmān.’ Write down to me your name, (with which you

٤٠ - كتاب الوكالة

(١) باب وكالة الشريك الشريك في القسمة وغيرها

وقد أشرك النبي ﷺ علیاً في هذه، ثم أمره بقسمتها.

٢٢٩٩ - حَدَّثَنَا قَيْصَرٌ: حَدَّثَنَا سُفْيَانُ، عَنْ ابْنِ أَبِي نَجِيْحٍ، عَنْ مُجَاهِدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى عَنْ عَلَيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: «أَمْرَنِي رَسُولُ اللَّهِ ﷺ أَنْ أَنْصَدَ بِجِلَالِ الْبُدْنِ الَّتِي نُحِرْتُ وَنُجْلُودُهَا». [راجع: ١٧٠٧]

٢٣٠٠ - حَدَّثَنَا عَمْرُو بْنُ حَالِدٍ: حَدَّثَنَا الْلَّيْثُ، عَنْ يَزِيدَ، عَنْ أَبِي الْحَيْرَ، عَنْ عُقْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ أَعْطَاهُ أَغْطَاهَ عَنْمَا يَقْسِمُهَا عَلَى صَاحَبَتِهِ فَبَقَيْ عَنْهُ فَذَكَرَهُ لِلنَّبِيِّ ﷺ فَقَالَ: «ضَعْ بِهِ أَنْتَ». [انظر: ٥٥٤٧، ٥٥٠٠، ٥٥٥٥]

(٢) باب إذا وكلَّ المسلم حريباً في دار الحرب أو في دار الإسلام جاز

٢٣٠١ - حَدَّثَنَا عَبْدُ العَزِيزِ بْنُ عَبْدِ اللَّهِ: حَدَّثَنِي يُوسُفُ بْنُ الْمَاجِشُونَ، عَنْ صَالِحِ ابْنِ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ ابْنِ عَوْفٍ، عَنْ أَبِيهِ، عَنْ جَلْدِهِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَاتَبْتُ أُمَيَّةَ بْنَ

called yourself) in the Pre-Islamic Period of Ignorance.” So, I wrote my name “Abdu ‘Amr”. On the day (of the battle) of Badr, when all the people went to sleep, I went up the hill to protect him. Bilāl⁽¹⁾ saw him (i.e., Umaiyya) and went to a gathering of *Anṣār* and said, “(Here is) Umaiyya bin Khalaf! ‘I will not be saved if Umaiyya is saved’. (Woe to me if he escapes)!” So, a group of *Anṣār* went out with Billāl to follow us (‘Abdur-Rahmān and Umaiyya). Being afraid that they would catch us, I left Umaiyya’s son for them to keep them busy but the *Anṣār* killed the son and insisted on following us. Umaiyya was a fat man, and when they approached us, I told him to kneel down, and he knelt, and I laid myself on him to protect him, but the *Anṣār* killed him by passing their swords underneath me, and one of them injured my foot with his sword. (The subnarrator said, “Abdur Rahmān used to show us the trace of the wound on the back of his foot.”)

خَلَفِ كِتَابًا بَأْنَ يَحْفَظُنِي فِي صَاغِيَّتِي
بِمَكَّةَ، وَأَحْفَظَهُ فِي صَاغِيَّتِهِ بِالْمَدِينَةِ.
فَلَمَّا ذَكَرْتُ الرَّحْمَنَ قَالَ: لَا أَعْرُفُ
الرَّحْمَنَ، كَاتَبْنِي بِاسْمِكَ الَّذِي كَانَ
فِي الْجَاهِلِيَّةِ. فَكَاتَبْتُهُ: عَبْدُ عَمْرٍو.
فَلَمَّا كَانَ فِي يَوْمٍ بَدِيرٍ حَرَجْتُ إِلَى
جَبَلِ الْأَخْرَزَةِ جِينَ نَامَ النَّاسُ،
فَأَبْصَرْتُهُ بِلَالًّ فَحَرَجَ حَتَّى وَقَفَ عَلَى
مَجْلِسِ مِنَ الْأَنْصَارِ، فَقَالَ: أُمِّيَّةُ ابْنُ
خَلَفٍ لَا نَجُوتُ إِنْ تَجَا أُمِّيَّةً، فَحَرَجَ
مَعْهُ فَرِيقٌ مِنَ الْأَنْصَارِ فِي آثَارِنَا،
فَلَمَّا خَشِيتُ أَنْ يَلْحَقُونَا خَلَفْتُ لَهُمْ
ابْنَهُ لَا شَعْنَاهُمْ فَقَتَلُوهُ ثُمَّ أَبْوَا حَتَّى
يَتَبَعُونَا، وَكَانَ رَجُلًا ثَقِيلًا، فَلَمَّا
أَدْرَكُونَا قُلْتُ لَهُ: ابْرُوكْ، فَبَرَكَ فَأَلْقَيْتُ
عَلَيْهِ نَفْسِي لِأَمْنَعَهُ فَتَجَلَّلُوهُ بِالسُّيُوفِ
مِنْ تَحْتِي قَتَلُوهُ، وَأَصَابَ أَحَدُهُمْ
رِجْلِي بِسَيْفِهِ. وَكَانَ عَبْدُ الرَّحْمَنِ ابْنُ
عَوْفٍ يُرِبِّنَا ذَلِكَ الْأَثْرَ فِي ظَهْرِ قَدْمِهِ
قَالَ أَبُو عَبْدِ اللَّهِ سَعِيْدُ يَوسُفُ صَالِحًا
وَابْرَاهِيمَ أَبَاهَا، [انظر: ٣٩٧١]

(٣) بَابُ الْوَكَالَةِ فِي الصَّرْفِ
وَالْمِيزَانِ

وَقَدْ وَكَلَ عُمَرُ وَابْنُ عُمَرَ فِي
الصَّرْفِ.

٢٣٠٢ ، ٢٣٠٣ - حَدَّثَنَا عَبْدُ اللَّهِ
بْنُ يُوسُفٍ: أَخْبَرَنَا مَالِكُ، عَنْ عَبْدِ

(3) CHAPTER. To deputize one in exchanging money and weighing goods.

‘Umar and Ibn ‘Umar deputized (a person) in money exchanges.

2302, 2303. Narrated Abū Sa‘īd Al-Khudrī and Abū Hurairah: رَضِيَ اللَّهُ عَنْهُمَا:

(1) (H. 2301) Umaiyya used to torture Bilāl severely when he was in Makkah because he had embraced Islām.

Allah's Messenger ﷺ employed someone as a governor at Khaibar. When the man came to Al-Madina, he brought with him dates called *Janib*. The Prophet ﷺ asked him, "Are all the dates of Khaibar of this kind?" The man replied, "(No), we exchange two *Sā'* of bad dates for one *Sā'* of this kind of dates (i.e., *Janib*), or exchange three *Sā'* for two." On that, the Prophet ﷺ said, "Don't do so, as it is a kind of *Ribā* (usury) but sell the dates of inferior quality for money, and then buy *Janib* with the money." The Prophet ﷺ said the same thing about dates sold by weight.

[See *Hadīth* No.2312].

(4) CHAPTER. If a shepherd or a deputy saw a dying sheep or something which is going to be spoiled, he is allowed to slaughter the sheep and save the thing liable to be spoiled.

2304. Narrated Ka'b bin Mālik: We had some sheep which used to graze at *Sal'*. One of our slave-girls saw a sheep dying and she broke a stone and slaughtered the sheep with it. He (my father) said to them (the people), "Don't eat it till I ask the Prophet ﷺ about it (or till I send somebody to ask the Prophet ﷺ)." So, he asked or sent somebody to ask the Prophet ﷺ, and the Prophet ﷺ permitted them to eat it. 'Ubaidullāh (a subnarrator) said, "I admire that girl, for though she was a slave-girl, she dared to slaughter the sheep."

المجيد ابن سهيل بن عبد الرحمن بن عوف، عن سعيد بن المسيب، عن أبي سعيد الخدري وأبي هريرة رضي الله عنهما: أنَّ رَسُولَ اللهِ ﷺ اسْتَعْمَلَ رَجُلاً عَلَى حَيْرَ فَجَاءَهُمْ بَتْمَرِ جَنِيبٍ فَقَالَ: «أَكُلُّ تَمَرٍ حَيْرَ هَكَذَا؟» فَقَالَ: إِنَّا لَنَأْخُذُ الصَّاعَ بِالصَّاعِينَ، وَالصَّاعِينَ بِالثَّلَاثَةِ. فَقَالَ: «لَا تَفْعَلْ، بِعِ الْجَمْعِ بِالدَّرَاهِمِ ثُمَّ اتْبِعْ بِالدَّرَاهِمِ جَنِيبًا». وَقَالَ فِي المِيزَانِ مِثْلَ ذَلِكَ.

[راجع: ٢٢٠١، ٢٢٠٢]

(٤) بَابُ إِذَا أَبْصَرَ الرَّاعِي أَوِ الْوَكِيلُ شَاةً تَمُوتُ أَوْ شَيْئًا يَفْسُدُ ذَبَحَ أَوْ أَصْلَحُ مَا يَحَافُ عَلَيْهِ الْفَسَادَ

٤ - حَدَّنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ: سَمِعَ الْمُعْتَمِرَ: أَبْنَا عُبَيْدَ اللَّهَ، عَنْ نَافِعٍ: أَنَّهُ سَمِعَ ابْنَ كَعْبٍ بْنَ مَالِكٍ يُحَدِّثُ عَنْ أَبِيهِ أَنَّهُ كَانَتْ لَهُ غَمْمٌ تَرْغِي بِسْلَعَ فَأَبْصَرَتْ جَارِيَةً لَنَا بِشَاءَ مِنْ عَنِّنَا مَوْتَانَا فَكَسَرَتْ حَجَراً فَدَبَّحَتْهَا بِهِ فَقَالَ لَهُمْ: لَا تَأْكُلُوا حَتَّى أَسْأَلَ رَسُولَ اللهِ ﷺ أَوْ أُرْسِلَ إِلَى الْبَيْبَانِ مَنْ يَسْأَلُهُ. وَأَنَّهُ سَأَلَ النَّبِيَّ ﷺ عَنْ ذَلِكَ أَوْ أُرْسِلَ فَأَمْرَهُ بِأَكْلِهَا. قَالَ عُبَيْدُ اللَّهِ: فَيُعِجِّبُنِي أَنَّهَا أَمَّا وَأَنَّهَا دَبَّحَتْ، تَابَعَهُ عَبْدَهُ عَنْ عُبَيْدِ اللَّهِ [انظر: ٥٥٠٢، ٥٥٠٤]

(5) CHAPTER. It is permissible to depute a person whether he is present or absent.

'Ubaidullāh bin 'Amr wrote to his representative who was not present, to pay (*Sadaqat-al-Fitr*) on behalf of the children both young and old.

2305. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ owed somebody a camel of a certain age. When he came to demand it back, the Prophet ﷺ said (to some people), "Give him (his due)." When the people searched for a camel of that age, they found none, but found a camel one year older. The Prophet ﷺ said, "Give (it to) him." On that, the man remarked, "You have given me my right in full. May Allāh give you in full." The Prophet ﷺ said, "The best amongst you is the one who pays the rights of others generously."

(٥) بَابُ وَكَالَةِ الشَّاهِدِ وَالغَائِبِ
جَائِزَةً،

وَكَتَبَ عَبْدُ اللَّهِ بْنُ عَمْرُو إِلَى
قَهْرَمَانِهِ وَهُوَ غَايِبٌ عَنْهُ أَنْ يُرْكَيَ عَنْ
أَهْلِهِ الصَّغِيرِ وَالكَبِيرِ.

٢٣٠٥ - حَدَّثَنَا أَبُو نُعْمَانُ : حَدَّثَنَا
سُفْيَانُ، عَنْ سَلَمَةَ بْنِ كُهْبِلٍ، عَنْ أَبِي
سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ
قَالَ: كَانَ لِرَجُلٍ عَلَى النَّبِيِّ ﷺ جَمِيلٌ
سِنُّ مِنَ الْإِبْلِ فَجَاءَهُ يَتَقَاضَاهُ فَقَالَ:
«أَعْطُوهُ»، فَطَلَّبُوا سِنَّهُ فَلَمْ يَجِدُوا لَهُ
إِلَّا سِنًا فَوْقَهَا. فَقَالَ: «أَعْطُوهُ».
فَقَالَ: أَوْفِنِي أَوْفِنِي اللَّهُ بِكَ.
النَّبِيُّ ﷺ: إِنَّ خَيْرَكُمْ أَحْسَنُكُمْ
فَضَاءً». [انظر: ٢٣٠٦، ٢٣٩٢، ٢٣٩٠]

[٢٦٠٩، ٢٦٠٦، ٢٤٠١، ٢٣٩٣]

(6) CHAPTER. To depute a person to repay debts.

2306. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ A man came to the Prophet ﷺ demanding his debts and behaved rudely. The Companions of the Prophet ﷺ intended to harm him, but Allāh's Messenger ﷺ said (to them), "Leave him, for the creditor (i.e., owner of a right) has the right to speak." Allāh's Messenger ﷺ then said, "Give him a camel of the same age as that of his." The people said, "O Allāh's Messenger! There is only a camel that is older and better than his." Allāh's Messenger ﷺ said, "Give (it to) him, for the best amongst you is he who pays the rights of others generously."

٢٣٠٦ - حَدَّثَنَا سُلَيْمَانُ بْنُ
حَرْبٍ : حَدَّثَنَا شُبْهَةُ، عَنْ سَلَمَةَ بْنِ
كُهْبِلٍ قَالَ: سَمِعْتُ أَبَا سَلَمَةَ بْنَ عَبْدِ
الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ
عَنْهُ: أَنَّ رَجُلًا أَتَى النَّبِيِّ ﷺ يَتَقَاضَاهُ
فَأَعْلَظَ فَهُمْ بِهِ أَصْحَابَهُ، فَقَالَ رَسُولُ
اللَّهِ ﷺ: «دَعُوهُ فَإِنَّ لِصَاحِبِ الْحَقِّ
مَقَالًا»، ثُمَّ قَالَ: «أَعْطُوهُ سِنَّا مِثْلَ
سِنِّهِ»، قَالُوا: يَا رَسُولَ اللَّهِ إِلَّا أَمْثَلَ
مِنْ سِنَّهِ. فَقَالَ: «أَعْطُوهُ»، فِإِنَّ مِنْ

خَيْرِكُمْ أَخْسَنَكُمْ قَضَاءً».

[راجع: ٢٣٠٥]

(٧) بَابٌ إِذَا وَهَبَ شَيْئًا لِوَكِيلٍ أَوْ شَفِيعٍ قَوْمٍ جَازَ

لِقَوْلِ النَّبِيِّ ﷺ لَوْنُدْ هَوَازِنْ حِينَ سَأَلُوهُ الْمَعَانِيمْ، فَقَالَ النَّبِيُّ ﷺ: «نَصِيبِي لَكُمْ».

(7) CHAPTER. It is permissible for one to give a gift to a deputy (of some people) or to their intercessor.

This is confirmed by the statement of the Prophet ﷺ to the delegates of the tribe of Hawāzin when they appealed to him to return the booty to them. The Prophet ﷺ said, "I give my share to you."

2307, 2308. Narrated Marwān bin Al-Hakam and Al-Miswar bin Makhrama: When the delegates of the tribe of Hawāzin after embracing Islām, came to Allāh's Messenger ﷺ, he got up. They appealed to him to return their properties and their captives. Allāh's Messenger ﷺ said to them, "The most beloved statement to me is the true one. So, you have the option of restoring your properties or your captives, for I have delayed distributing them." (The narrator added), Allāh's Messenger ﷺ had been waiting for them for more than ten days on his return from Tāif. When they realized that Allāh's Messenger ﷺ would return to them only one of the two things, they said, "We choose our captives." So, Allāh's Messenger ﷺ got up in the gathering of the Muslims, praised Allāh as He deserved, and said, "Then after! These brothers of yours have come to you with repentance (asking for Allāh's Forgiveness) and I see it proper to return their captives to them. So, whoever amongst you likes to do that as a favour, then he can do it, and whoever of you wants to stick to his share till we pay him from the very first booty which Allāh will give us then he can do so." The people replied, "We agree to give up our shares willingly as a favour for Allāh's Messenger ﷺ." Then Allāh's

عَفَّيْرٌ قَالَ: حَدَّثَنِي الْلَّيْثُ قَالَ: حَدَّثَنِي عَقَيْلٌ، عَنْ ابْنِ شَهَابٍ قَالَ: وَرَعَمْ عُرْوَةُ أَنَّ مَرْوَانَ بْنَ الْحَكَمِ وَالْمُسْوَرَ بْنَ مَحْرَمَةَ أَخْبَرَاهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَامَ حِينَ جَاءَهُ وَفْدٌ هَوَازِنَ مُسْلِمِينَ. فَسَأَلُوهُ أَنْ يَرْدُ إِلَيْهِمْ أَمْوَالَهُمْ وَسَبَبِهِمْ، فَقَالَ لَهُمْ رَسُولُ اللَّهِ ﷺ: «أَحَبُّ الْحَدِيثِ إِلَيَّ أَصْدَفُهُ فَاخْتارُوا إِحْدَى الطَّائِفَتَيْنِ: إِما السَّبَيْ وَإِما الْمَالِ». فَقَدْ كُنْتُ اسْتَأْتِيَّ إِلَيْهِمْ، وَقَدْ كَانَ رَسُولُ اللَّهِ ﷺ انتَظَرَهُمْ بِضَعْ عَشْرَةَ لَيْلَةً حِينَ قَفَلَ مِنَ الطَّائِفِ. فَلَمَّا تَبَيَّنَ لَهُمْ أَنَّ رَسُولَ اللَّهِ ﷺ غَيْرُ رَادٍ إِلَيْهِمْ إِلَّا إِحْدَى الطَّائِفَتَيْنِ قَالُوا: فَإِنَّا نَخْتَارُ سَبَيْتَنا. فَقَامَ رَسُولُ اللَّهِ ﷺ فِي الْمُسْلِمِينَ فَأَثْنَى عَلَى اللَّهِ بِمَا هُوَ أَهْلُهُ ثُمَّ قَالَ: «أَمَّا بَعْدُ، فَإِنَّ إِخْرَانَكُمْ هُؤُلَاءِ قَدْ جَاءُنَا تَائِيْنَ، وَإِنِّي قَدْ رَأَيْتُ أَنْ أَرْدَ إِلَيْهِمْ سَبَبِهِمْ. فَمَنْ

Messenger ﷺ said, "We don't know who amongst you has agreed and who has not. Go back and your chiefs may tell us your opinion." So, all of them returned and their chiefs discussed the matter with them and then they (i.e., their chiefs) came to Allāh's Messenger ﷺ to tell him that they (i.e., the people) had given up their shares gladly and willingly.

أَحَبَّ مِنْكُمْ أَنْ يُطِيبَ بِذَلِكَ فَلَيَفْعُلُ،
وَمَنْ أَحَبَّ مِنْكُمْ أَنْ يَكُونَ عَلَى حَطْهِ
حَتَّى تُعْطِيهِ إِيَاهُ مِنْ أَوَّلِ مَا يُقْيِي اللَّهُ
عَلَيْنَا فَلَيَفْعُلُ". قَالَ النَّاسُ: قَدْ طَبَّيْنا
ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، قَالَ رَسُولُ اللَّهِ
ﷺ: إِنَّا لَا نَدْرِي مَنْ أَذْنَ مِنْكُمْ فِي
ذَلِكَ مِمَّنْ لَمْ يَأْذِنْ، فَارْجِعُوا حَتَّى
يَرْفَعُوا إِلَيْنَا عَرْفَاؤُكُمْ أَمْرَكُمْ"، فَرَجَعَ
النَّاسُ فَكَلَّمُهُمْ عَرْفَاؤُهُمْ ثُمَّ رَجَعُوا
إِلَى رَسُولِ اللَّهِ ﷺ فَأَخْبَرُوهُ أَهْمُمْ قَدْ
طَبَّيْوا وَأَذْنُوا. [الحديث: ٢٣٠٧، انظر:
٢٥٣٩، ٢٥٨٤ ٢٦٠٧، ٣١٣١، ٤٣١٨،
٢٥٤٠؛ [ال الحديث: ٢٣٠٨، انظر: ٧١٧٦
٢٥٨٣، ٢٦٠٨، ٤٣١٩، ٣١٣٢، ٧١٧٧]

(٨) بَابٌ إِذَا وَكَلَ رَجُلٌ رَجُلًا أَنْ
يُعْطِي شَيْئًا وَلَمْ يُبَيِّنْ كَمْ يُعْطِي
فَأَعْطَى عَلَى مَا يَتَعَارَفُ النَّاسُ

(8) CHAPTER. If someone deputes a person to give something but does not mention how much to give, it is permissible for the deputy to distribute it amongst the people according to the conventional custom.

2309. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا : I was accompanying the Prophet ﷺ on a journey and was riding a slow camel that was lagging behind the others. The Prophet ﷺ passed by me and asked, "Who is this?" I replied, "Jābir bin ‘Abdullāh." He asked, "What is the matter, (why are you late)?" I replied, "I am riding a slow camel." He asked, "Do you have a stick?" I replied in the affirmative. He said, "Give it to me." When I gave it to him, he beat the camel and rebuked it. Then that camel surpassed the others thenceforth. The Prophet ﷺ said, "Sell it to me." I replied, "It is (a gift) for you, O Allāh's Messenger." He said, "Sell it to me."

٢٣٠٩ - حَدَّثَنَا الْمَكْيَيُّ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا ابْنُ جَرِيْحَ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ وَغَيْرِهِ، يَزِيدُ بَعْضُهُمْ عَلَى بَعْضٍ، وَلَمْ يُلْفَغْ كُلُّهُ، رَجُلٌ مِنْهُمْ، عَنْ جَابِرِ ابْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كُنْتُ مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ فَكُنْتُ عَلَى جَمْلٍ ثَنَالٍ إِنَّمَا هُوَ فِي آخِرِ الْقَوْمِ، فَمَرَّ بِي النَّبِيُّ ﷺ قَالَ: «مَنْ هَذَا؟» قُلْتُ: جَابِرُ بْنُ عَبْدِ اللَّهِ: قَالَ: «مَا لَكَ؟» قُلْتُ:

to me. I have bought it for four *Dinār* (gold pieces) and you can keep on riding it till Al-Madīna." When we approached Al-Madīna, I started going (towards my house). The Prophet ﷺ said, "Where are you going?" I said, "I have married a widow." He said, "Why have you not married a virgin so that you may play with her and she may play with you?" I said, "My father died and left daughters, so I decided to marry a widow (an experienced woman) (to look after them)." He said, "Well done." When we reached Al-Madīna, Allāh's Messenger ﷺ said, "O Bilāl, pay him (the price of the camel) and give him extra money." Bilāl gave me four *Dinār* and one *Qirāt* extra. (A subnarrator said): Jābir added. "The extra *Qirāt* of Allāh's Messenger ﷺ never parted from me." The *Qirāt* was always in Jābir bin 'Abdullāh's purse.⁽¹⁾

إِنِّي عَلَى جَمَلٍ ثَفَالٍ، قَالَ: «أَمْعَكَ فَضِيبُ؟» قُلْتُ: نَعَمْ، قَالَ: «أَغْطِنِيهِ»، فَأَعْطَيْتُهُ فَقَرَبَهُ فَرَجَرَهُ فَكَانَ مِنْ ذَلِكَ الْمَكَانِ مِنْ أَوَّلِ الْقَوْمِ. قَالَ: «بِعِنْيِهِ»، قَالَ: بَلْ هُوَ لَكَ يَا رَسُولَ اللَّهِ قَالَ: «بَلْ بِعِنْيِهِ، قَدْ أَخْدَثْتُهُ بِأَرْبَعَةِ دَنَارٍ وَلَكَ ظَهُورُهُ إِلَى الْمَدِينَةِ». فَلَمَّا دَنَوْنَا مِنَ الْمَدِينَةِ أَخْدَثْتُ أَرْتَحَلُ، قَالَ: «أَيْنَ تُرِيدُ؟» قُلْتُ: تَرَوْجُّتُ امْرَأَةً فَدَخَلَتْهَا قَالَ: «فَهَلَا جَارِيَةً ثُلَاثَعُبُّهَا وَتُلَاعِبُكَ؟» قُلْتُ: إِنَّ أَبِي ثُوْفَيْ وَتَرَكَ بَنَاتِ فَأَرَدْتُ أَنْ أُنْكِحَ امْرَأَةً فَدَجَرَيْتُ خَلَا مِنْهَا. قَالَ: «فَذَلِكَ». فَلَمَّا فَلَيْمَنَا الْمَدِينَةَ قَالَ: «يَا بِلَالُ افْصِهِ وَزِدْهُ»، فَأَعْطَاهُ أَرْبَعَةَ دَنَارًا وَزَادَهُ قِيرَاطًا. قَالَ جَابِرُ: لَا تُفَارِقُنِي زِيَادَةً رَسُولُ اللَّهِ ﷺ فَلَمْ يَكُنِ الْقِيرَاطُ يُفَارِقُ قِرَابَ جَابِرَ بْنِ عَبْدِ اللَّهِ.

[راجع: ٤٤٣]

(٩) بَابُ وَكَائِنَةِ الْأَمْرَأَةِ الْإِمَامَ فِي النَّكَاحِ

٢٣١٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ. أَخْبَرَنَا مَالِكُ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ ابْنِ سَعْدٍ قَالَ: جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنِّي فَدَ وَهَبْتُ

(9) CHAPTER. A woman can depute the ruler in the matter of marriage.

2310. Narrated Sahl bin Sa'd: A woman came to Allāh's Messenger ﷺ and said, "O Allāh's Messenger! I want to give up myself to you." A man said, "Marry her to me." The Prophet ﷺ said, "We agree to marry her to you with what you know of the Qur'an by heart."

(1) (H. 2309) The Prophet ﷺ did not mention how much extra money Bilāl was to give, so Bilāl gave according to convention.

لَكَ مِنْ نَفْسِي. فَقَالَ رَجُلٌ: رَوْجِينِيهَا،
قَالَ: قَدْ رَوْجَنَاكَهَا بِمَا مَعَكَ مِنْ
الْقُرْآنِ». [انظر: ٥٠٢٩، ٥٠٨٧، ٥٠٣٠،
٥١٤١، ٥١٢٦، ٥١٣٢، ٥١٣٥، ٥١٤٩]

[٧٤١٧، ٥٨٧١، ٥١٥٠، ٥١٤٩]

(10) CHAPTER. If a person deputes somebody, and the deputy leaves something, and the owner agrees that, then it is allowed, and if the deputy lends something of what is in his custody, for a specific time, it is permissible (if the owner agrees).

2311. Narrated Abū Hurairah رضي الله عنه that Allāh's Messenger ﷺ deputed me to keep *Sadaqat* (*Al-Fitr*) of Ramaḍān. A comer⁽¹⁾ came and started taking handfuls of the foodstuff (of the *Sadaqa*) (stealthily). I took hold of him and said, "By Allāh, I will take you to Allāh's Messenger ﷺ." He said, "I am needy and have many dependents, and I am in great need." I released him, and in the morning Allāh's Messenger ﷺ asked me, "What did your prisoner do yesterday?"⁽²⁾ I said, "O Allāh's Messenger! The person complained of being needy and of having many dependents, so, I pitied him and let him go." Allāh's Messenger ﷺ said, "Indeed, he told you a lie and he will be coming again." I believed that he would show up again as Allāh's Messenger ﷺ had told me that he would return. So, I waited for him watchfully. When he (showed up and) started stealing handfuls of foodstuff, I caught hold of him again and said, "I will definitely take you to Allāh's Messenger ﷺ." He said, "Leave me, for I am very needy and have many dependents. I promise I will not come

(10) بَابُ إِذَا وَكَلَ رَجُلًا فَتَرَكَ الْوَكِيلُ شَيْئًا فَأَجَارَهُ الْمُوَكَّلُ فَهُوَ جَائزٌ. وَإِنْ أَفْرَضَهُ إِلَى أَجَلٍ مُسَمَّى جَازَ

٢٣١١ - وَقَالَ عُثْمَانُ بْنُ الْهَيْمَمَ أَبُو عَمْرُو: حَدَّثَنَا عَوْفٌ، عَنْ مُحَمَّدَ بْنِ سَيْرِينَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: وَكَلَنِي رَسُولُ اللَّهِ يَحْفَظُ رَكَأَ رَمَضَانَ فَأَتَانِي آتٍ فَجَعَلَ يَحْنُو مِنَ الطَّعَامِ فَأَخْذَتُهُ وَقُلْتُ: لَا رَأَيْتُكَ إِلَى رَسُولِ اللَّهِ يَحْكُمُ، قَالَ: إِنِّي مُحْتَاجٌ وَعَلَيَّ عِيَالٌ وَلِي حَاجَةٌ شَدِيدَةٌ. قَالَ: فَخَلَّيْتُ عَنْهُ، فَأَصْبَحْتُ فَقَالَ النَّبِيُّ يَحْكُمُ: يَا أَبَا هُرَيْرَةَ، مَا فَعَلَ أَبِي سِيرِكَ الْبَارِحةَ؟ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ شَكَا حَاجَةً شَدِيدَةً وَعِيَالًا فَرَحَمْتُهُ فَخَلَّيْتُ سِيرَلَهُ، قَالَ: أَمَا إِنَّهُ قَدْ كَذَبَكَ وَسَيَعُودُ، فَعَرَفْتُ أَنَّهُ سَيَعُودُ لِقَوْلِ رَسُولِ اللَّهِ يَحْكُمُ: إِنَّهُ سَيَعُودُ. فَرَضَنِهُ، فَجَعَلَ يَحْنُو مِنَ الطَّعَامِ فَأَخْذَتُهُ فَقُلْتُ:

(1) (H.2311) Comer : Satan

(2) (H.2311) Allāh's Messenger ﷺ was inspired Divinely about the whole story and this was the reason why he asked Abū Hurairah, though Abū Hurairah had told him nothing.

back again." I pitied him and let him go. In the morning Allāh's Messenger ﷺ asked me, "What did your prisoner do?" I replied, "O Allāh's Messenger! He complained of his great need and of too many dependents, so I took pity on him and set him free." Allāh's Messenger ﷺ said, "Verily, he told you a lie and he will return." I waited for him attentively for the third time, and when he (came and) started stealing handfuls of the foodstuff, I caught hold of him and said, "I will surely take you to Allāh's Messenger ﷺ as it is the third time you promise not to return, yet you break your promise and come." He said, "(Forgive me and) I will teach you some words with which Allāh will benefit you." I asked, "What are they?" He replied, "Whenever you go to bed, recite *Āyat-al-Kursī* – 'Allāhu lā ilāha illā Huwal-Haiy-ul Qaiyyūm'⁽¹⁾ till you finish the whole Verse. (if you do so), Allāh will appoint a guard for you who will stay with you and no satan will come near you till morning". So, I released him. In the morning, Allāh's Messenger ﷺ asked, "What did your prisoner do yesterday?" I replied, "He claimed that he would teach me some words by which Allāh will benefit me, so I let him go." Allāh's Messenger ﷺ asked, "What are they?" I replied, "He said to me, 'Whenever you go to bed, recite *Āyat-al-Kursī* from the beginning to the end – Allāhu lā ilāha illā Huwal-Haiy-ul-Qaiyyūm –.' He further said to me, '(If you do so), Allāh will appoint a guard for you who will stay with you, and no satan will come near you till morning.' [(Abū Hurairah or another subnarrator) added that they (the Companions) were very eager to do good deeds]. The Prophet ﷺ said, "He really spoke the truth, although he is an absolute

لأرْفَعْتَ إِلَى رَسُولِ اللَّهِ ﷺ، قَالَ: دَعْنِي فَإِنِّي مُحْتَاجٌ وَعَلَيَّ عِيَالٌ، لَا أَعُودُ. فَرَجَمْتُهُ فَخَلَيْتُ سَبِيلَهُ.

فَأَضَبَحْتُ فَقَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا أَبَا هُرَيْرَةَ، مَا فَعَلَ أَسِيرُكَ؟» قُلْتُ: يَا رَسُولَ اللَّهِ. شَكَا حَاجَةً شَدِيدَةً وَعِيَالًا فَرَجَمْتُهُ فَخَلَيْتُ سَبِيلَهُ.

قَالَ: «أَمَا إِنَّهُ قَدْ كَذَبَكَ وَسَيَعُودُ». فَرَصَدْتُهُ الثَّالِثَةَ فَجَعَلَ يَحْسُو مِنَ الطَّعَامِ فَأَخْدُدُهُ، فَقُلْتُ: لَأَرْفَعَنَّكَ إِلَى رَسُولِ اللَّهِ ﷺ وَهَذَا آخِرُ ثَلَاثَ مَرَاتٍ أَنَّكَ تَرْغُمُ لَا تَعُودُ ثُمَّ تَعُودُ. قَالَ: دَعْنِي أَعْلَمُكَ كَلِمَاتٍ يَنْفَعُكَ اللَّهُ بِهَا، قُلْتُ: مَا هُنَّ؟ قَالَ: إِذَا أَوَيْتَ إِلَى فِرَاشِكَ فَاقْرُأْ آيَةَ الْكُرْسِيِّ ﴿اللَّهُ لَا إِلَهَ إِلَّا هُوَ الَّذِي الْقَيْمَ﴾ حَتَّى تَخْتِمَ الْآيَةَ فَإِنَّكَ لَنْ يَزَالَ عَلَيْكَ مِنَ اللَّهِ حَاطِظٌ وَلَا يَقْرَبُكَ شَيْطَانٌ حَتَّى تُضْبِحَ، فَخَلَيْتُ سَبِيلَهُ.

فَقَالَ لِي رَسُولُ اللَّهِ ﷺ: «مَا فَعَلَ أَسِيرُكَ الْبَارِحَةَ؟» قُلْتُ: يَا رَسُولَ اللَّهِ، رَعَمْ أَنَّهُ يُعَلَّمُنِي كَلِمَاتٍ يَنْفَعُنِي اللَّهُ بِهَا فَخَلَيْتُ سَبِيلَهُ.

قَالَ: «مَا هِيَ؟» قُلْتُ: قَالَ لِي: إِذَا أَوَيْتَ إِلَى فِرَاشِكَ فَاقْرُأْ آيَةَ الْكُرْسِيِّ مِنْ أَوْلَاهَا حَتَّى تَخْتِمَ الْآيَةَ ﴿اللَّهُ لَا إِلَهَ إِلَّا هُوَ الَّذِي الْقَيْمَ﴾ وَقَالَ لِي: لَنْ يَزَالَ

(1) (H. 2311) *Sūrat Al-Baqarah*, Verse No. 255.

liar. Do you know whom you were talking to, these three nights, O Abū Hurairah?" Abū Hurairah said, "No." He said, "It was Satan."

عَلَيْكَ مِنَ اللَّهِ حَافِظُ وَلَا يَقْرَبُكَ
شَيْطَانٌ حَتَّى تُضْبَحَ . وَكَانُوا أَخْرَصَ
شَيْئَهُ عَلَى الْخَيْرِ . فَقَالَ النَّبِيُّ ﷺ :
«أَمَا إِنَّهُ قَدْ صَدَقَكَ وَهُوَ كَذُوبُ ،
تَعْلَمُ مَنْ تُخَاطِبُ مُذْ ثَلَاثَ لَيَالٍ يَا
أَبَا هُرَيْرَةَ؟» قَالَ: لَا ، قَالَ: «ذَلِكَ
شَيْطَانٌ» . [انظر: ٣٢٧٥، ٥١٠]

(١١) بَابُ إِذَا بَاعَ الْوَكِيلُ شَيْئًا
فَاسِدًا فَبَيْعُهُ مَرْدُودٌ

٢٣١٢ - حَدَّثَنَا إِسْحَاقُ: حَدَّثَنَا
يَحْيَى بْنُ صَالِحٍ: حَدَّثَنَا مُعاوِيَةُ هُوَ
ابْنُ سَلَامَ ، عَنْ يَحْيَى قَالَ: سَمِعْتُ
عَقْبَةَ بْنَ عَبْدِ الْغَافِرِ: أَنَّهُ سَمِعَ أَبَا
سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ:
جَاءَ بِلَالٌ إِلَى النَّبِيِّ ﷺ يَتَمَرَّرُ بِرَبِّيِّ،
فَقَالَ لَهُ النَّبِيُّ ﷺ : أَمْ أَيْنَ هَذَا؟
قَالَ بِلَالُ: كَانَ عِنْدِي تَمْرٌ رَدِيءٌ
فَبَعْثَتْ مِنْهُ صَاعِينَ بِصَاعِ لِنْطَعْمَ النَّبِيِّ
ﷺ . فَقَالَ النَّبِيُّ ﷺ عِنْدَ ذَلِكَ: «أَوَّلَةٌ
أَوَّلَةٌ . عَيْنُ الرِّبَا ، عَيْنُ الرِّبَا ، لَا
تَعْلُمُ . وَلَكِنْ إِذَا أَرَدْتَ أَنْ تَشْتَرِيَ
فِعَ الْتَّمَرَ بِيَعْ آخرَ ثُمَّ اشْتَرِيَهُ» .

(١٢) بَابُ الْوَكَالَةِ فِي الْوَقْفِ وَنَفَقَتِهِ
وَأَنْ يُطْعَمَ صَدِيقًا لَهُ وَيَأْكُلُ
بِالْمَعْرُوفِ

٢٣١٣ - حَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ:

(12) CHAPTER. The deputyship for managing the *Waqf* (religious endowment) and the expenses of the trustee. The trustee can provide his friends from it and he himself can eat from it reasonably (according to his work).

2313. Narrated 'Amr concerning the *Waqf* of 'Umar : رَضِيَ اللَّهُ عَنْهُ It was not sinful of the

(1) (H.2312) *Ribā* : See glossary.

trustee (of the *Waqf*) to eat or provide his friends from it, provided the trustee had no intention of collecting fortune (for himself). Ibn 'Umar was the manager of the trust of 'Umar and he used to give presents from it to those with whom he used to stay at Makkah.

حدَثَنَا سُفْيَانُ، عَنْ عَمِّرٍو، قَالَ فِي
صَدَقَةِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ: لَيْسَ عَلَى
الْوَلِيِّ جُنَاحٌ أَنْ يَأْكُلَ وَيُؤْكِلَ صَدِيقًا
غَيْرَ مُتَأْثِلٍ مَالًا. فَكَانَ ابْنُ عُمَرَ هُوَ
يَأْكُلُ صَدَقَةَ عُمَرَ، يُهَدِي لِنَاسٍ مِنْ
أَهْلِ مَكَّةَ يَتَرَوَّلُ عَلَيْهِمْ. [انظر: ٢٧٣٧،
[٢٧٧٧، ٢٧٧٣، ٢٧٧٢، ٢٧٦٤]

(١٣) بَابُ الْوَكَالَةِ فِي الْحَدُودِ

(13) CHAPTER. To depute a person to carry out a (legal) Allāh's ordained punishment.

2314, 2315. Narrated Zaid bin Khalid and Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "O Unais! Go to the wife of this (man) and if she confesses (that she has committed illegal sexual intercourse), then stone her to death."

٢٣١٥، ٢٣١٤ - حَدَثَنَا أَبُو
الْوَلِيدِ: أَخْبَرَنَا الْلَّيْثُ، عَنْ ابْنِ
شَهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ،
عَنْ زَيْدِ بْنِ خَالِدٍ وَأَبِي هُرَيْرَةَ رَضِيَ
اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «وَاعْدُ
يَا أَنِيْسُ إِلَى امْرَأَةٍ هَذَا فَإِنْ اعْتَرَفَتْ
فَارْجُمْهَا». [الحديث: ٢٣١٤، انظر:
٢٦٩٦، ٢٦٤٩، ٢٧٢٥، ٦٦٣٤، ٦٨٢٨،
٦٨٣١، ٦٨٣٦، ٦٨٤٣، ٦٨٤٠، ٧١٩٤،
٧٢٧٩، ٧٢٥٩؛ [ال الحديث: ٢٣١٥،
انظر: ٢٦٩٥، ٢٧٢٤، ٦٦٣٣، ٦٨٢٧،
٦٨٣٣، ٦٨٣٥، ٦٨٤٢، ٦٨٥٩، ٧١٩٣،
٧٢٧٨، ٧٢٦٠، ٧٢٥٨]

2316. Narrated 'Uqba bin Al-Hārith رَضِيَ اللَّهُ عَنْهُ: When An-Nuaimān or his son was brought in a state of drunkenness, Allāh's Messenger ﷺ ordered all those who were present in the house to beat him. I was one of those who beat him. We beat him with shoes and palm-leaf stalks.

٢٣١٦ - حَدَثَنَا ابْنُ سَلَامَ: أَخْبَرَنَا
عَبْدُ الْوَهَابِ التَّقْفِيِّ، عَنْ أَبِي يُوبَ، عَنْ
ابْنِ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بْنِ الْحَارِثِ
قَالَ: جَيَءَ بِالْمُتَعَمِّدَيْنَ أَوْ ابْنِ التَّعَمِّدَيْنَ
شَارِبًا، فَأَمَرَ رَسُولُ اللَّهِ ﷺ مَنْ كَانَ
فِي الْبَيْتِ أَنْ يَضْرِبُوهُ، قَالَ: فَكُنْتُ أَنَا

فيَمْنُ صَرَبَهُ فَصَرَبَنَاهُ بِالنَّعَالِ وَالْجَرِيدِ.

[انظر: ٦٧٧٤، ٦٧٧٥]

(١٤) بَابُ الْوَكَالَةِ فِي الْبُدْنِ وَتَعَاهِدِهَا

٢٣١٧ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ بْنِ حَزْمٍ، عَنْ عُمَرَ بْنِ عَبْدِ الرَّحْمَنِ: أَنَّهَا أَخْبَرَتْهُ: قَالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا: أَنَا فَتَّلَ قَلَائِدَ هَذِي رَسُولِ اللَّهِ بِيَدِي ثُمَّ قَلَّدَهَا رَسُولُ اللَّهِ بِيَدِهِ، ثُمَّ بَعَثَ بِهَا مَعَ أَبِي، فَلَمْ يَحْرُمْ عَلَى رَسُولِ اللَّهِ شَيْءٌ أَحَلَهُ اللَّهُ لَهُ حَتَّى تُحْرَمَ الْهَذِي. [راجع: ١٦٩٦]

(١٥) بَابُ إِذَا قَالَ الرَّجُلُ لِوَكِيلِهِ: صَفَعَهُ حَيْثُ أَرَأَكَ اللَّهُ. وَقَالَ الْوَكِيلُ: قَدْ سَمِعْتُ مَا قُلْتَ

٢٣١٨ - حَدَّثَنِي يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ: أَنَّهُ سَمِعَ أَنَّسَ بْنَ مَالِكَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: كَانَ أَبُو طَلْحَةَ أَكْثَرَ أَنْصَارِي بِالْمَدِينَةِ مَالًا، وَكَانَ أَحَبُّ أَمْوَالِهِ إِلَيْهِ بِرُحَاءَ، وَكَانَ مُسْتَقْبِلَةَ الْمَسْجِدِ. وَكَانَ رَسُولُ اللَّهِ بِيَدِهِ لَهُمْ وَيَسِّرُهُ مِنْ مَاءِ فِيهَا طَيْبٌ، فَلَمَّا نَزَلَتْ هَذِهِ الْآيَةَ حَقَّتْ تُنْفَعُوا مِمَّا تَعْصِيُونَ [آل عمران: ٩٢] قَامَ

(١٥) CHAPTER. If a person tells his deputy, “Spend it as Allāh directs you,” and the deputy says, “I have heard what you have said.”

2318. Narrated Anas bin Mâlik رضي الله عنه : Abû Talha was the richest man in Al-Madina amongst the *Anṣâr*, and Beeruhâ' (garden) was the most beloved of his property, and it was situated opposite the mosque (of the Prophet ﷺ). Allâh's Messenger ﷺ used to enter it and drink from its sweet water. When the following Divine Verse was revealed: "By no means shall you attain *Al-Bîr* (piety, righteousness, here it means Allâh's Reward i.e., Paradise), till you spend (in Allâh's Cause) of that which you love..." (V.3:92) Abû Talha got up in front of Allâh's Messenger ﷺ and said, "O Allâh's

(1) (H. 2317) Sending the *Hady* to Makkah while one is somewhere else, does not require that one should be treated as a *Muhrim*.

Messenger! Allāh says in his Book, ‘By no mean shall you attain *Al-Birr* (piety, righteousness, etc., – here it means Allāh’s Reward i.e., Paradise) unless you spend (in Allāh’s Cause) of that which you love...’ and verily, the most beloved to me of my property is Bairuhā (garden), so I give it in charity and hope for its reward from Allāh. O Allāh’s Messenger! Spend it wherever you like.” Allāh’s Messenger ﷺ appreciated that and said, “That is perishable wealth! That is perishable wealth! I have heard what you have said; I suggest you to distribute it among your relatives.”⁽¹⁾ Abū Ṭalḥa said, “I will do so, O Allāh’s Messenger.” So, Abū Ṭalḥa distributed it among his relatives and cousins. The subnarrator (Mālik) said, the Prophet ﷺ said: “That is a profitable wealth,” instead of “perishable wealth.”

أَبُو طَلْحَةَ إِلَى رَسُولِ اللَّهِ ﷺ قَالَ : يَا رَسُولَ اللَّهِ إِنَّ اللَّهَ تَعَالَى يَقُولُ فِي كِتَابِهِ : ﴿لَمْ تَنَالُوا الْبَرَ حَتَّىٰ تُنْفِقُوا مِمَّا تُحِبُّونَ﴾ [آل عمران: ٩٢] وَإِنَّ أَحَدَ أَمْوَالِي إِلَيَّ بِرِّحَاءٍ ، وَإِنَّهَا صَدَقَةُ اللَّهِ أَرْجُو بِرَّهَا وَذُخْرَهَا عِنْدَ اللَّهِ ، فَضَعْهَا يَا رَسُولَ اللَّهِ حَيْثُ شِئْتَ . قَالَ : «بَنْ ، ذَلِكَ مَالٌ رَائِحٌ ، ذَلِكَ مَالٌ رَائِحٌ ، قَدْ سَعَيْتُ مَا قُلْتَ فِيهَا وَأَرَى أَنْ تَجْعَلَهَا فِي الْأَفْرَيْنِ» قَالَ : أَفْعُلُ يَا رَسُولَ اللَّهِ ، فَقَسَمَهَا أَبُو طَلْحَةَ فِي أَفَارِيهِ وَتَبَيْ عَمْهُ .

تابعه إسماعيل، عن مالك.
وقال رفح، عن مالك: «رائح».

[راجع: ١٤٦١]

(١٦) بَابُ وَكَالَةِ الْأَمِينِ فِي الْخَزَانَةِ وَنَحْوُهَا

٢٣١٩ - حَدَّثَنِي مُحَمَّدُ بْنُ العَلَاءِ : حَدَّثَنَا أَبُو أُسَامَةَ ، عَنْ بُرَيْدَةَ بْنِ عَبْدِ اللَّهِ ، عَنْ أَبِي بُرَدَةَ ، عَنْ أَبِي مُوسَى رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ : «الْحَازِنُ الْأَمِينُ الَّذِي يُنْفَقُ - وَرَبِّما قَالَ : الَّذِي يُعْطَى - مَا أُمِرَ بِهِ كَامِلًا مُوْفَرًا ، طَيِّبًا نَفْسُهُ إِلَى الَّذِي أُمِرَ بِهِ أَحَدُ الْمُتَصَدِّقِينَ» .

[راجع: ١٤٣٨]

(16) CHAPTER. To depute a trustworthy treasurer for the treasury and similar things.

2319. Narrated Abū Mūsa: The Prophet ﷺ said, “An honest treasurer who gives what he is ordered to give fully, perfectly and willingly to the person to whom he is ordered to give, is regarded as one of the two charitable persons.”⁽²⁾

(1) (H. 2318) That is perishable wealth and it is better for you to spend it in charity whereby you will get what will be imperishable (i.e., Allāh’s Reward).

(2) (H. 2319) The owner is the other charitable person.

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٤١ - كتاب الحزب والمزارعة

(1) CHAPTER. The superiority of sowing seeds and planting trees if some of the product is eaten (by people or animals).

The Statement of Allāh تَعَالَى : "Then tell Me about the seed that you sow in the ground, is it you that make it to grow, or are We the grower? Were it Our Will, We could crumble it to dry pieces..." (V.56: 63-65)

2320. Narrated Anas bin Mālik رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ said, "There is none amongst the Muslims who plants a tree or sows seeds, and then a bird, or a person or an animal eats from it, but is regarded as a charitable gift for him."

(١) بَابُ فَضْلِ الزَّرْعِ وَالْفَرْسِ إِذَا أَكَلَ مِنْهُ، وَقَوْلُ اللَّهِ تَعَالَى: «أَفَرَبِّمَ مَا تَحْرُثُتْ ١٦١ إِنَّمَا تَرْعَوْنَهُ، أَمْ تَخْنُ الْرَّاعِيُونَ ١٦٢» [الواقعة: ٦٣-٦٥].

٢٣٢٠ - حَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا أَبُو عَوَانَةَ (ح) وَحَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ الْمُبَارَكِ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ مُسْلِمٍ يَعْرِسُ عَرْسًا أَوْ يَزْرِعُ زَرْعًا فَيَأْكُلُّ مِنْهُ طَيْرٌ أَوْ إِنْسَانٌ أَوْ بَهِيمَةٌ إِلَّا كَانَ لَهُ بِهِ صَدَفَةً». وَقَالَ مُسْلِمٌ: حَدَّثَنَا أَبْيَانُ: حَدَّثَنَا قَتَادَةُ: حَدَّثَنَا أَنَسُ عَنِ النَّبِيِّ ﷺ. [انظر: ٦٠١٢]

(٢) بَابُ مَا يُحَذَّرُ مِنْ عَوَاقِبِ الْإِشْتِغَالِ بِالْأَرْضِ أَوْ مُجَاوِرَةِ الْحَدِّ الَّذِي أَمْرَ بِهِ ٢٣٢١

٢٣٢١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَالِمٍ الْحَمْصَيِّ: حَدَّثَنَا مُحَمَّدُ بْنُ زِيَادٍ الْأَهْنَانِيُّ، عَنْ أَبِي أُمَامَةَ الْبَاهْلَيِّ

(2) CHAPTER. What is to be afraid of the results of indulging in the agricultural mechanical equipment, or to transgress the prescribed limits.

2321. It is narrated that Abū Umāma al-Bahili saw some agricultural equipments and said, "I heard the Prophet ﷺ saying: "There is no house in which these equipment enter except that Allāh will cause humiliation to enter it." (١)

(1) (H. 2321) This *Hadīth* indicates that the profession of cultivation is often a source of=

قالَ: وَرَأَى سِكَّةً وَشَيْئًا مِنْ آلَةِ
الحَرْثِ، فَقَالَ: سَمِعْتُ رَسُولَ اللهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «لَا يَدْخُلُ هَذَا بَيْتَ قَوْمٍ
إِلَّا أَدْحَلَهُ اللَّهُ الْذَّلِّ». قَالَ مُحَمَّدٌ:
وَانْسَمَ أَبِي أُمَامَةَ صُدَىًّ بْنَ عَجْلَانَ.

(٣) بَابُ اقْتِنَاءِ الْكَلْبِ لِلْحَرْثِ

(3) CHAPTER. Keeping a watch-dog for the farm.

2322. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : Allāh's Messenger ﷺ said, "Whoever keeps a dog, one *Qirāt* (of the reward) of his good deeds is deducted daily, unless the dog is used for guarding a farm or cattle."

Abū Hurairah (in another quotation) said: "The Prophet ﷺ said, "... unless it is (used) for (guarding) sheep or farms, or for hunting."

Abū Hurairah added: The Prophet ﷺ said, "... unless a dog is kept (for guarding) cattle or for hunting."

٢٣٢٢ - حَدَّثَنَا مَعَادُ بْنُ فَضَالَةَ: حَدَّثَنَا هِشَامٌ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَمْسَكَ كَلْبًا فَإِنَّهُ يَنْقُضُ كُلَّ نَوْمٍ مِنْ عَمَلِهِ قَبْرًا طَلاً إِلَّا كَلْبٌ حَرْثُ أوْ مَاشِيَةٌ». قَالَ ابْنُ سِيرِينَ وَأَبُو صَالِحَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ ﷺ: «إِلَّا كَلْبٌ عَنْهُ حَرْثٌ أَوْ صَيْدٌ». وَقَالَ أَبُو حَازِمُ، عَنْ أَبِي هُرَيْرَةَ، عَنْ النَّبِيِّ ﷺ: كَلْبٌ مَاشِيَةٌ أَوْ صَيْدٌ». [انظر: ٣٣٢٤]

٢٣٢٣ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ يَزِيدَ بْنِ خُصِيفَةَ: أَنَّ السَّابِطَ بْنَ يَزِيدَ حَدَّهُ: أَنَّهُ سَمِعَ سُقِيَانَ ابْنَ أَبِي رُهْبَرِ - رَجُلًا مِنْ أَرْذَ شَنْوَةَ، وَكَانَ مِنْ أَصْحَابِ

2323. Narrated As-Sā'ib bin Yazīd: Abū Sufyān bin Abū Zuhair, a man from Azd Shani'a and one of the Companions of the Prophet ﷺ said, ‘I heard Allāh’s Messenger ﷺ saying, ‘If one keeps a dog which is meant for guarding neither a farm nor cattle will get a daily deduction of one *Qirāt* of the reward of his good deeds.’”

=oppression and humiliation, especially under the feudal system. By indulging in this work, one may neglect *Jihād* in Allah's Cause and other important Allah's Obligations. It is also said that this *Hadīth* is concerned with those living near the enemies: If they got busy in agriculture and left *Jihād*, the enemies might overcome and humiliate them. Of course, the *Hadīth* should not be taken literally. Farming is not undesirable in itself but we should beware the results of indulging too much in it. (*Fath Al-Bārī*)

I asked, "Did you hear this from Allāh's Messenger ﷺ?" He said, "Yes, by the Lord of this mosque."

النَّبِيُّ ﷺ - قَالَ: سَمِعْتُ النَّبِيَّ ﷺ
يَقُولُ: «مِنْ افْتَنَتِي كُلُّا لَا يُعْنِي عَنْهُ
زَرْعاً وَلَا ضَرْعاً نَقْصَ كُلَّ يَوْمٍ مِنْ
عَمَلِهِ قِيرَاطٌ». قُلْتُ: أَنْتَ سَمِعْتَ
هَذَا مِنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ: إِنِّي
وَرَبِّ هَذَا الْمَسْجِدِ. [انظر: ٣٣٢٥]

(4) CHAPTER. Employing oxen for ploughing.

٢٣٢٤ - حَدَّثَنِي مُحَمَّدُ بْنُ
بَشَّارٍ: حَدَّثَنَا عُنْدَرٌ: حَدَّثَنَا شَعْبَةُ،
عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ
بْنِ عَوْفِ الرَّهْبَرِيِّ، قَالَ: سَمِعْتُ أَبَا
سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ
عَنِ النَّبِيِّ ﷺ قَالَ: «بَيْنَمَا رَجُلٌ
رَأَكَ عَلَى بَقَرَةً أُنْتَقَتْ إِلَيْهِ فَقَالَتْ:
لَمْ أَخْلُقْ لِهَا. حَلَقْتُ لِلْحِرَاثَةِ،
قَالَ: آمَنْتُ بِهِ أَنَا وَأَبُو بَكْرٍ وَعُمَرُ.
وَأَخَذَ الذُّبُّ شَاءَ فَتَبَعَهَا الرَّاعِي فَقَالَ
لَهُ الذُّبُّ: مَنْ لَهَا يَوْمَ السُّبُّ؟ يَوْمٌ لَا

- (1) (H. 2324) The Prophet ﷺ talked on behalf of Abū Bakr and 'Umar, because he was sure that they would believe the story when they heard it.
- (2) (H. 2324) It has been written that a wolf also spoke to a shepherd during the Prophet's lifetime near Al-Madina as narrated in *Musnad Imām Ahmad* in the *Musnad* of Abū Sa'īd Al-Khudri (رضي الله عنه) (Vol. 3): Narrated Abū Sa'īd Al-Khudri (رضي الله عنه): (While a shepherd was in his herd of sheep), suddenly a wolf attacked a sheep and took it away, the shepherd chased the wolf and took back the sheep, the wolf sat on its tail and addressed the shepherd saying: "Be afraid of Allāh, you have taken the provision from me which Allāh gave me". The shepherd said: "What an amazing thing! A wolf sitting on its tail speaks to me in the language of a human being." The wolf said: "Shall I tell you something more amazing than this? There is Muḥammad, the Messenger of Allāh (ﷺ) in Yathrib (Al-Madina) informing the people about the news of the past." Then the shepherd (after hearing that) proceeded (towards Al-Madina) driving his sheep till he entered Al-Madina, cornered his sheep in a place, and came to Allāh's Messenger (Muhammad ﷺ) informed the whole story. Allāh's Messenger ordered for the proclamation of a congregational prayer (صلاة جامعه), then he ﷺ came out and asked=

رَاعَيْ لَهَا غَيْرِي؟ قَالَ: أَمْتُ بِهِ أَنَا وَأَبُو بَكْرٍ وَعَمْرُ. قَالَ أَبُو سَلَمَةَ: وَمَا هُمَا يَوْمَئِذٍ فِي الْقَوْمِ. [انظر: ٣٤٧١، ٣٦٦٣، ٣٦٩٠]

(٥) بَابُ إِذَا قَالَ: اكْفِنِي مَؤْنَةً
النَّخْلُ وَغَيْرِهِ وَتُشْرِكُنِي فِي الشَّمْرِ

(5) CHAPTER. (It is permissible for one) to say to another, "Look after my date-palm trees or other trees and share the fruits with me."

2325. Narrated Abū Hurairah رضي الله عنه: The *Anṣār* said to the Prophet ﷺ, "Distribute the date-palm trees between us and our emigrant brothers." He replied, "No." The *Anṣār* said (to the emigrants), "Look after the trees (water and watch them) and share the fruits with us." The emigrants said, "We listen and obey."

(6) CHAPTER. The cutting of trees and date-palm trees.

Anas said, "The Prophet ﷺ ordered that the date-palm trees be cut down and they were cut down."^(١)

2326. Narrated ‘Abdullāh رضي الله عنه: The Prophet ﷺ got the date-palm trees of the tribe of Banī An-Naḍīr burnt and the trees cut down at a place called Al-Buwaira. Hassān bin Thābit said in a poetic verse:

=the shepherd to inform the people (about his story) and he informed them. Then Allāh's Messenger said: "He (the shepherd) has spoken the truth. By Him (Allāh) in Whose Hands my soul is, the Day of Resurrection will not be established till beasts of prey (سَاعَ) speak to the human beings, and the stick lash and the shoe-laces of a person speak to him and his thigh informs him about his family as to what happened to them after him [(Musnad Imām Ahmad, Vol. 3, in the Musnad of Abū Sa‘id Al-Khudri]. (See H. 3663).

(1) (Ch. 6) The date-palm trees referred here to are those of the mosque of the Prophet ﷺ which were cut down during its construction.

٢٣٢٥ - حَدَّثَنَا الْحَكَمُ بْنُ نَافِعٍ: أَخْبَرَنَا شُعْبَيْتُ: حَدَّثَنَا أَبُو الرَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ الْأَنْصَارُ لِلنَّبِيِّ ﷺ: أَفْسِمْ بَيْنَنَا وَبَيْنَ إِخْرَانَا النَّخْلَ، قَالَ: «لَا»، فَقَالُوا: تَكْفُونَا الْمُؤْنَةُ وَتُشْرِكُنُّمْ فِي الشَّمْرِ، قَالُوا: سَمِعْنَا وَأَطْعَنَا. [انظر: ٢٧١٩، ٣٧٨٢]

(٦) بَابُ قَطْعِ الشَّجَرِ وَالنَّخْلِ
وَقَالَ أَنَسُ: أَمْرَ النَّبِيِّ ﷺ بِالنَّخْلِ فَقُطِعَ.

٢٣٢٦ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوبِرِيَّةُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ أَنَّهُ حَرَقَ نَخْلَ بَنِي النَّضِيرِ

"The chiefs of Bani Lu'āī found it easy to watch fire spreading at Al-Buwaira."⁽¹⁾

وَقَطْعَ، وَهِيَ الْبُوئِرَةُ وَلَهَا يَقُولُ
حَسَانُ:

لَهَانَ عَلَى سَرَاءِ بَنِي لُؤَيٍّ
حَرِيقٌ بِالْبُوئِرَةِ مُسْتَطِيرٌ

[انظر: ٤٨٨٤، ٤٠٣٢، ٤٠٣١]

(7) CHAPTER:

2327. Narrated Raffī bin Khadīj: We worked on farms more than anybody else in Al-Madīna. We used to rent the land at the yield of specific delimited portion of it to be given to the landlord. Sometimes the vegetation of that portion was affected by blights etc., while the rest remained safe and vice versa, so the Prophet ﷺ forbade this practice. At that time gold or silver were not used (for renting the land).

٢٣٢٧ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقاوْلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يَحْمَدُ
بْنُ سَعِيدٍ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ
الْأَنْصَارِيِّ: سَمِعَ رَافِعَ بْنَ حَدِيجَ
قَالَ: كُنَّا أَكْثَرَ أَهْلِ الْمَدِينَةِ مُرْدَرَاعًا،
كُنَّا نُكْرِي الْأَرْضَ بِالنَّاحِيَةِ، مِنْهَا
مُسْمَى لِسَيِّدِ الْأَرْضِ، قَالَ: فَمِمَّا
يُصَابُ ذَلِكُ وَتَسْلُمُ الْأَرْضُ، وَمِمَّا
يُصَابُ الْأَرْضُ وَيَسْلُمُ ذَلِكُ، فَهُنَّا
فَآمَّا الْذَّهَبُ وَالْوَرْقُ فَلَمْ يَكُنْ يَوْمَنِيْدَ.

(8) CHAPTER. Temporary share-cropping contract on the basis of dividing the yield into halves, one for each partner or on other basis.

Narrated Abū Ja'far: All the emigrants in Al-Madīna used to cultivate the land (for the *Anṣār*) on the condition of having one-third or one-fourth of the yield. 'Alī, Sa'd bin Mālik, 'Abdullāh bin Mas'ūd, 'Umar bin 'Abdul 'Azīz, Al-Qāsim, 'Urwa and the families of Abū Bakr, of 'Umar and of 'Alī, and Ibn Sirīn cultivated the land of 'Abdur-Rahmān bin Yazid on the basis of taking a portion of the yield." 'Umar made a deal with the people that if he provided the seeds,

وَقَالَ قَيْسُ بْنُ مُسْلِمٍ، عَنْ أَبِي جَعْفَرٍ، قَالَ: مَا بِالْمَدِينَةِ أَهْلُ بَيْتٍ
هِجْرَةً إِلَّا يَزَرُّعُونَ عَلَى الثُّلُثِ وَالرُّبْعِ.
وَرَازَعَ عَلَيِّ وَسَعْدُ بْنُ مَالِكٍ وَعَبْدَ اللَّهِ
بْنَ مَسْعُودٍ وَعُمَرُ ابْنُ عَبْدِ الْعَزِيزِ
وَالْقَاسِمُ وَعُرْوَةُ بْنُ الزِّبِيرِ وَآلُ أَبِي بَكْرٍ
وَآلُ عُمَرَ وَآلُ عَلَيِّ وَابْنُ سِيرِينَ. وَقَالَ
عَبْدُ الرَّحْمَنِ بْنُ الأَسْوَدِ: كُنْتُ أُشَارِكُ

(1) (H. 2326) The trees were burnt and the palm trees were cut down to make an open space for fighting.

he would get half of the yield, and if they provided the seeds, they would get so-and-so much. Al-Hasan said, "There is no harm if the land belongs to one, but both spend on it and the yield is divided between them." Az-Zuhri had the same opinion. Al-Hasan said, "There is no harm if cotton is picked on the condition of having half the yield." Ibrâhim, Ibn Sirîn, 'Atâ, Al-Hakam, Az-Zuhri and Qatâda said, "There is no harm in giving the yarn to the weaver to weave into cloth on the basis that one-third of the cloth is given to the weaver for his labour." Ma'mar said, "There is no harm in hiring animals for a definite (fixed) period on the basis that one-third or one-fourth of the products carried by the animals is given to the owner of the animals."

عَبْدُ الرَّحْمَنِ بْنَ يَزِيدَ فِي الزَّرْعِ .
وَعَامِلَ عُمَرُ النَّاسَ عَلَى إِنْ جَاءَ عُمَرُ
بِالْبَدْرِ مِنْ عِنْدِهِ فَلَهُ السُّطُرُ، وَإِنْ
جَاءُوا بِالْبَدْرِ فَلَهُمْ كَذَا . وَقَالَ
الْحَسَنُ: لَا بَأْسَ أَنْ تَكُونَ الْأَرْضُ
لِأَخْدِهِمَا فَيُنْفِقَانِ حَمِيعاً فَمَا خَرَجَ فِيهِ
بَيْنَهُمَا . وَرَأَى ذَلِكَ الزُّهْرِيُّ، وَقَالَ
الْحَسَنُ: لَا بَأْسَ أَنْ يُجْتَنِي الْقُطْنُ
عَلَى النَّصْفِ . وَقَالَ إِبْرَاهِيمُ وَابْنُ
سِيرِينَ وَعَطَاءُ وَالْحَكَمُ وَالزُّهْرِيُّ
وَفَتَادَةُ: لَا بَأْسَ أَنْ يُعْطِي النَّوْبَةَ
بِالثُّلُثِ أَوِ الرُّبُعِ وَتَحْوِهِ . وَقَالَ مَعْمَرُ:
لَا بَأْسَ أَنْ تُكَرِّي الْمَاشِيَةَ عَلَى الثُّلُثِ
أَوِ الرُّبُعِ إِلَى أَجْلِ مُسَمَّىِ .

٢٣٢٨ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ
الْمُنْدِرِ: حَدَّثَنَا أَسْنُ بْنُ عَيَّاضٍ، عَنْ
عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ: أَنَّ عَبْدَ اللَّهِ بْنَ
عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ أَنَّ النَّبِيَّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَامِلَ حَيْرَ بِسَطْرِ ما يَخْرُجُ مِنْهَا
مِنْ ثَمَرٍ أَوْ زَرْعٍ، فَكَانَ يُعْطِي أَزْواجَهُ
مِائَةَ وَسَقٍ . ثَمَانُونَ وَسَقَ تَمْرٌ،
وَعِشْرُونَ وَسَقَ شَعِيرٍ . وَقَسَمَ عُمَرُ
حَيْرَ فَخَيَّرَ أَزْواجَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُقْطَعَ
لَهُنَّ مِنَ الْمَاءِ وَالْأَرْضِ أَوْ يُمْضِي
لَهُنَّ، فَمِنْهُنَّ مِنْ اخْتَارَ الْأَرْضَ .
وَمِنْهُنَّ مِنْ اخْتَارَ الْوَسْقَ، وَكَانَتْ
عَائِشَةُ اخْتَارَتِ الْأَرْضَ .

2328. Narrated 'Abdullâh bin 'Umar رضي الله عنهما : The Prophet ﷺ concluded a contract with the people of Khaibar to utilize the land on the condition that half the products of fruits or vegetation would be their share. The Prophet ﷺ used to give his wives one hundred Wasq each, eighty Wasq of dates and twenty Wasq of barley. (When 'Umar became the caliph) he gave the wives of the Prophet ﷺ the option of either having the land and water as their shares, or carrying on the previous practice. Some of them chose the land and some chose the Wasq, and 'Aishah chose the land.

(9) CHAPTER. When no period is specified in the contract of share-cropping.

٩) بَابُ إِذَا لَمْ يَشْرِطِ السَّيْنَانَ فِي المَزَارِعَةِ

2329. رَضِيَ اللَّهُ عَنْهُمَا: Narrated Ibn ‘Umar:

The Prophet ﷺ made a deal with the people of Khaibar that they would have half the fruits and vegetation of the land they cultivated.

٢٣٢٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ حَدَّثَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: عَامَلَ النَّبِيُّ ﷺ بِخَيْرٍ بِشَطْرٍ مَا يَخْرُجُ مِنْهَا مِنْ ثَمَرٍ أَوْ زَرْعٍ. [رَاجِعٌ: ٢٢٨٥]

(10) CHAPTER:

2330. رَضِيَ اللَّهُ عَنْهُمَا: I said to Tawūs, “I wish you would give up *Mukhābara* (share-cropping), for the people say that the Prophet ﷺ forbade it.” On that Tawūs replied, “O ‘Amr! I give the land to share-croppers and help them. No doubt; the most learned man, namely Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا told me that the Prophet ﷺ had not forbidden it (i.e., *Al-Mukhābara*) but said, ‘It is more beneficial for one to give his land free to one’s brother than to charge him a fixed rental.’”⁽¹⁾

٢٣٣٠ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: قَالَ عَمْرُو: قُلْتُ لِطَاؤِسِ: لَوْ تَرْكْتَ الْمُحَابَرَةَ فَإِنَّهُمْ يَرْعُمُونَ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْهُ. قَالَ: أَيْ عَمْرُو، إِنِّي أَعْطَيْنَاهُمْ وَأَعْنِيهِمْ وَإِنَّ أَعْلَمُهُمْ أَخْبَرَنِي - يَعْنِي ابْنَ عَبَّاسِ رَضِيَ اللَّهُ عَنْهُمَا - : أَنَّ النَّبِيَّ ﷺ لَمْ يَنْهَ عَنْهُ وَلِكِنْ قَالَ: «أَنْ يَمْنَحَ أَحَدُكُمْ أَخَاهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ عَلَيْهِ خَرْجًا مَعْلُومًا». [انظر: ٢٦٣٤، ٢٢٤٢]

(11) CHAPTER. Share-cropping with the Jews.

2331. رَضِيَ اللَّهُ عَنْهُمَا: Narrated Ibn ‘Umar: Allāh’s Messenger ﷺ gave the land of Khaibar to the Jews on the condition that they work on it and cultivate it, and be given half of its yield.

٢٣٣١ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا عَبْدُ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ أَعْطَى خَيْرَ الْيَهُودَ عَلَى أَنْ يَعْمَلُوهَا

(1) (H. 2330) Sharecropping is not forbidden, but it is recommended that one should let his Muslim brethren utilize one's own land without charging them anything.

وَيَرْزُعُوهَا وَلَهُمْ شَطْرٌ مَا يَحْرُجُ مِنْهَا.

[راجع: ٢٢٨٥]

(١٢) بَابُ ما يُكْرَهُ مِنَ الشَّرُوطِ فِي المَّزَارِعَةِ

٢٣٣٢ - حَدَّثَنَا صَدَقَةُ بْنُ
الْفَضْلِ: أَخْبَرَنَا ابْنُ عَيْنَةَ، عَنْ
يَحْيَى: سَمِعَ حَنْظَلَةَ الرَّزْقَى، عَنْ
رَافِعٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا أَكْثَرَ
أَهْلَ الْمَدِينَةِ حَقْلًا، وَكَانَ أَحَدُنَا
يُكْرِي أَرْضَهُ فَيَقُولُ: هَذِهِ الْقِطْعَةُ لِي
وَهَذِهِ لَكَ، فَإِنَّمَا أَخْرَجْتُ ذَوَ لَمْ
تُخْرِجْ ذَوَ، فَنَهَا هُمُ السَّيِّدُونَ
[راجع: ٢٢٨٦]

(١٣) بَابُ إِذَا زَرَعَ بِمَالِ قَوْمٍ بِغَيْرِ إِذْنِهِمْ وَكَانَ فِي ذَلِكَ صَالِحٌ لَهُمْ

٢٣٣٣ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ
الْمُنْذِرِ: حَدَّثَنَا أَبُو ضَمْرَةَ: حَدَّثَنَا
مُوسَى بْنُ عَقْبَةَ، عَنْ نَافِعٍ، عَنْ عَبْدِ
اللهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنْ
النَّبِيِّ ﷺ قَالَ: «بَيْنَمَا ثَلَاثَةُ نَفَرٍ
يَمْشُونَ أَخْدُهُمُ الْمَاطِرُ فَأَوْرُوا إِلَى غَارٍ
فِي جَبَلٍ فَانْحَطَتْ عَلَى فَمِ غَارِهِمْ
صَحْرَاءُ مِنْ الجَبَلِ فَانْطَبَقَتْ عَلَيْهِمْ،
فَقَالَ بَعْضُهُمْ لِبَعْضٍ: انْظُرُوا أَعْمَالَ
عَمِلْتُمُوهَا صَالِحَةً لَهُ فَادْعُوا اللَّهَ بِهَا
لَعَلَّهُ يُفَرِّجُهَا عَنْكُمْ. قَالَ أَحَدُهُمْ:

(12) CHAPTER. What conditions are disliked in share-cropping.

2332. Narrated Rāfi‘ رضي الله عنه: We worked on farms more than anybody else in Al-Madina. We used to rent the land and say to the owner, “The yield of this portion is for us and the yield of that portion is for you (as the rent).” One of those portions might yield something and the other might not. So, the Prophet ﷺ forbade us to do so.

(13) CHAPTER. If a person invests the money of someone else in cultivation without taking his permission and the enterprise effects profit, (to whom will the profit belong?).

2333. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما: The Prophet ﷺ said, “While three men were walking, it started raining and they took shelter (refuge) in a cave in a mountain. A big rock rolled down from the mountain and closed the mouth of the cave. They said to each other, ‘Think of good deeds which you did for Allāh’s sake only, and invoke Allāh by giving reference to those deeds so that He may remove this rock from you.’ One of them said, ‘O Allāh! I had old parents and small children and I used to graze the sheep for them. On my return to them in the evening, I used to milk (the sheep) and start providing my parents first of all before my children. One day I was delayed and came late at night and found my parents sleeping. I

milked (the sheep) as usual and stood by their heads. I hated to wake them up and disliked to give milk to my children before them, although my children were weeping (because of hunger) at my feet till the day dawned. O Allāh! If I did this for Your sake only, kindly remove the rock so that we could see the sky through it.' So, Allāh removed the rock a little and they saw the sky. The second man said, 'O Allāh! I was in love with a cousin of mine like the deepest love a man may have for a woman. I wanted to outrage her chastity but she refused unless I gave her one-hundred Dīnār. So, I struggled to collect that amount. And when I sat between her legs, she said: O Allāh's slave! Be afraid of Allāh and do not deflower me except rightfully (by legal marriage). So, I got up. O Allāh! If I did it for Your sake only, please remove the rock.' The rock shifted a little more. Then the third man said, 'O Allāh! I employed a labourer for a *Faraq* of rice and when he finished his job and demanded his right, I presented it to him, but he refused to take it. So, I sowed the rice many time till I gathered cows and their shepherd (from the yield). (Then after some time) he came and said to me: Fear Allāh (and give me my right). I said: Go and take those cows and the shepherd. He said: Be afraid of Allāh! Don't mock at me. I said: I am not mocking at you. Take (all that). So, he took all that. O Allāh! If I did that for Your sake only, please remove the rest of the rock.' So, Allāh removed the rock."

[Also see *Hadīth* No.2272]

اللَّهُمَّ إِنَّهُ كَانَ لِي وَالدَّانِ شَيْخَانِ
كَبِيرَانِ وَلِي صِبْيَةٌ صِغَارٌ كُنْتُ أَرْعِي
عَلَيْهِمْ، فَإِذَا رُحْتُ عَلَيْهِمْ حَلَبْتُ
فَبَدَأْتُ بِوَالِدِي أَسْقِيَهُمَا قَبْلَ بَيْتِي،
وَلَيْسَ إِنْسَانٌ أَسْقَى هُمَّا فَبَلَّ بَيْتِي،
حَتَّىٰ أَمْسَيْتُ فَوَجَدْتُهُمَا نَائِماً فَحَلَبْتُ
كَمَا كُنْتُ أَخْلُبُ فَقُمْتُ عِنْدَ
رُؤُوسِهِمَا أَكْرَهُ أَنْ أُوْقَظُهُمَا وَأَكْرَهُ أَنْ
أَسْقِي الصِّبْيَةَ. وَالصِّبْيَةُ يَتَضَاعُونَ عِنْدَ
قَدَمَيِّي حَتَّىٰ طَلَعَ الْفَجْرُ. فَإِنْ كُنْتَ
تَعْلَمُ أَنِّي فَعَلْتُهُ أَبْيَاءَ وَجَهِكَ فَافْرُجْ
لَنَا فَرْجَةً نَرَى مِنْهَا السَّمَاءَ، فَفَرَّجَ اللَّهُ
فَرَأَوْا السَّمَاءَ. وَقَالَ الْآخِرُ: اللَّهُمَّ
إِنَّهَا كَانَتْ لِي بِنْتُ عَمٍّ أَحَبَبْتُهَا كَأَشَدَّ
مَا يُحِبُّ الرِّجَالُ النِّسَاءَ فَطَلَبْتُ مِنْهَا
فَأَبْتَلَتْ عَلَيَّ حَتَّىٰ آتَيْهَا بِمِائَةِ دِينَارٍ،
فَبَعْثَتْ حَتَّىٰ جَمَعْتُهَا فَلَمَّا وَقَعْتُ بَيْنَ
رِجْلَيْهَا قَالَتْ: يَا عَبْدَ اللَّهِ، اتَّقِ اللَّهَ
وَلَا تَنْتَهِي الْخَاتَمَ إِلَّا بِحَقِّهِ، فَقُمْتُ.
فَإِنْ كُنْتَ تَعْلَمُ أَنِّي فَعَلْتُهُ أَبْيَاءَ
وَجَهِكَ فَافْرُجْ عَنَّا فَرْجَةً، فَفَرَّجَ.
وَقَالَ الثَّالِثُ: اللَّهُمَّ إِنِّي اسْتَأْجَرْتُ
أَجِيرًا بِفَرَقِ أَرْزٍ، فَلَمَّا قَضَى عَمَلَهُ
فَقَالَ: أَغْطِنِي حَقَّيْ، فَعَرَضْتُ عَلَيْهِ
فَرَغَبَ عَنْهُ فَلَمْ أَرْزُ أَرْغَعْهُ حَتَّىٰ
جَمَعْتُ مِنْهُ بَقَرًا وَرُعَائِهَا فَجَاءَنِي
فَقَالَ: اتَّقِ اللَّهَ، فَقُلْتُ: اذْهَبْ إِلَى
ذَلِكَ الْبَقَرِ وَرُعَائِهَا فَهُدْنِ، فَقَالَ: اتَّقِ

الله ولا تَسْتَهِنُ بِي، فَقَالَ: إِنِّي لَا أَسْتَهِنُ بِكَ، فَحُدِّثَ فَأَخَذَهُ، فَإِنْ كُنْتَ تَعْلَمُ أَنِّي فَعَلْتُ ذَلِكَ ابْتِغَاءً وَجَهَكَ فَافْرُجْ مَا يَقْرَبُكَ، فَفَرَجَ اللَّهُ، قَالَ أَبُو عَبْدِ اللَّهِ: وَقَالَ إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ بْنِ عُقْبَةَ، عَنْ نَافِعٍ: «فَسَعَيْتُ».

[رابع: ٢٢١٥]

(14) CHAPTER. The *Augāf* (i.e., endowments) of the companions of the Prophet ﷺ and the land of *Kharāj* (*Zakāt*), the contracts of share-cropping and other agreements of the companions.

The Prophet ﷺ said to ‘Umar, “Give those trees as a whole in charity (as *Waqf*) so that those might not be sold but their fruits can be spent and given in charity.” So, ‘Umar gave those trees in charity.

2334. Narrated Zaid bin Aslam on the authority of his father: ‘Umar رَضِيَ اللَّهُ عَنْهُ said, “But for the future Muslim generations, I would have distributed the land of the villages I conquer among the soldiers as the Prophet ﷺ distributed the land of Khaibar.”⁽¹⁾

(١٤) بَابُ أوقافِ أصْحَابِ النَّبِيِّ ﷺ وَأَرْضِ الْخَرَاجِ وَمُرَازَعَتِهِمْ وَمُعَامَلَتِهِمْ وَقَالَ النَّبِيُّ ﷺ لِعُمَرَ: «تَصْدِقُ بِأَصْلِهِ، لَا يُبَاغِعُ وَلِكُنْ يُنْقُثُ ثَمَرَهُ»، فَتَصْدِقُ بِهِ.

٢٣٣٤ - حَدَّثَنَا صَدَقَةُ: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ، عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ قَالَ: (قَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ: لَوْلَا آخِرُ الْمُسْلِمِينَ مَا فَتَحْتُ قَرْيَةً إِلَّا قَسَمْتُهَا بَيْنَ أَهْلِهَا كَمَا قَسَمَ النَّبِيُّ ﷺ خَيْرًا). [انظر:

[٤٢٣٦، ٤٢٣٥، ٣١٢٥]

(15) CHAPTER. Whoever cultivates neglected uncultivated land belonging to nobody (will own it).

‘Ali رَضِيَ اللَّهُ عَنْهُ had the same opinion concerning such land in Kūfa. ‘Umar said, “Whoever cultivates uncultivated land (belonging to nobody) will possess it.” ‘Umar and Ibn ‘Aūf narrated the same from

وَرَأَى ذَلِكَ عَلَيْهِ رَضِيَ اللَّهُ عَنْهُ فِي أَرْضِ الْخَرَاجِ بِالْكُوفَةِ. وَقَالَ عُمَرُ: مَنْ أَحْيَا أَرْضًا مَيْتَةً فَهِيَ لَهُ، وَيُرْوَى عَنْ عَمْرُو بْنِ عَوْفٍ عَنِ النَّبِيِّ

(1) (H. 2334) ‘Umar رَضِيَ اللَّهُ عَنْهُ meant to keep the land as *Waqf* for the Muslims to benefit by through the *Kharāj* (*Zakāt* of cultivated land).

the Prophet ﷺ adding, "... provided that the land does not belong to any Muslim; otherwise one has no right to plant anything in it oppressively."

2335. Narrated ‘Aishah رضي الله عنها : The Prophet ﷺ said, "He who cultivates land that does not belong to anybody is more rightful (to own it)." ‘Urwa said, "‘Umar gave the same verdict in his caliphate."

ﷺ، وقال: "في غير حق مسلم، وليس لغير ظالم فيه حق". ويروى
فيه عن جابر بن عبد الله رضي الله عنهما .

٢٣٣٥ - حَدَّثَنَا يَحْيَى بْنُ بَكِيرٍ: حَدَّثَنَا الْيَثْرَى، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْمَرْ أَرْضًا لَيْسَتْ لِأَحَدٍ فَهُوَ أَحَقُّ»، قَالَ عُرْوَةُ: فَصَنَعَ بِهِ عُمَرُ رَضِيَ اللَّهُ عَنْهُ فِي خَلَاقَتِهِ .

(16) CHAPTER :

2336. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما : While the Prophet ﷺ was passing the night at his place of rest in Dhul-Hulaifa in the bottom of the valley (of Al-‘Aqiq), he saw a dream and it was said to him, "You are in a blessed valley." Mūsa said, "Sālim let our camels kneel at the place where ‘Abdullāh used to make his camel kneel, seeking the place where Allāh's Messenger ﷺ used to take a rest, which is situated below the mosque which is in the bottom of the valley; it is midway between the mosque and the road."

٢٣٣٦ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ سَالِمَ ابْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ أُرِيَ وَهُوَ فِي مَعْرِسِهِ بِذِي الْحِلَّةِ فِي بَطْنِ الْوَادِيِّ، فَقَيْلَ لَهُ: إِنَّكَ بِيَطْحَاءِ مُبَارَكَةٍ. فَقَالَ مُوسَى: وَقَدْ أَنَّا بِنَا سَالِمَ بِالْمَنَاخِ الَّذِي كَانَ عَبْدُ اللَّهِ يُبَيِّنُ بِهِ يَتَحَرَّى مَعَرَسَ رَسُولِ اللَّهِ ﷺ وَهُوَ أَسْفَلُ مِنَ الْمَسْجِدِ الَّذِي بِبَطْنِ الْوَادِيِّ، بَيْنَهُ وَبَيْنَ الطَّرِيقِ وَسَطْ مِنْ ذُلْكِ . [راجع: ٤٨٣]

٢٣٣٧ - حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا شُعَيْبُ بْنُ إِسْحَاقَ، عَنِ الْأَوْزَاعِيِّ قَالَ: حَدَّثَنِي يَحْيَى عَنْ عَكْرِمَةَ، عَنْ أَبِنِ عَبَّاسٍ، عَنْ عُمَرَ

رضي الله عنه : While the Prophet ﷺ was in Al-‘Aqiq he said, "Someone [meaning Jibril (Gabriel)] came to me from my Lord tonight (in my dream) and said, 'Offer the Ṣalāt (prayer) in this blessed valley and say (I intend to perform) ‘Umra

along with *Hajj* (together).”

رضي الله عنه عن النبي ﷺ قال:
«الليلة أتاني آتٍ من ربّي وهو
بالحقيقة أن صلّ في هذا الوادي
المبارك، وقل: عمرة في حجّة».

[راجع: ١٥٣٤]

(17) CHAPTER. If the owner of the land (says to the tenant), “I let you utilize the land as long as Allāh permits you,” and does not mention a specific time for the expiration of the lease, then the lease can be continued according to the approval of both the parties.

2338. Narrated Ibn ‘Umar رضي الله عنهما: ‘Umar expelled the Jews and the Christians from Hijāz. When Allāh’s Messenger ﷺ had conquered Khaibar, he wanted to expel the Jews from it as its land became the property of Allāh, His Messenger, and the Muslims.

Allāh’s Messenger ﷺ intended to expel the Jews but they requested him to let them stay there on the condition that they would do the labour and get half of the fruits.

Allāh’s Messenger ﷺ told them, “We will let you stay on this condition, as long as we wish.” So, they (i.e., Jews) kept on living there until ‘Umar forced them to go towards Taimā’ and Arijā’.

(١٧) بَابٌ إِذَا قَالَ رَبُّ الْأَرْضِ:
أَقْرَكَ مَا أَقْرَكَ اللَّهُ، وَلَمْ يَذْكُرْ أَجَلًا
مَعْلُومًا، فَهُمَا عَلَى تَرَاضِيهِمَا

٢٢٣٨ - حَدَّثَنَا أَخْمَدُ بْنُ
الْمَقْدَامَ: حَدَّثَنَا فُضَيْلُ بْنُ سُلَيْمَانَ:
حَدَّثَنَا مُوسَى: أَخْبَرَنَا نَافعٌ، عَنْ أَبِي
عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كَانَ رَسُولُ
اللَّهِ ﷺ ... وَقَالَ عَبْدُ الرَّزَاقِ: أَخْبَرَنَا
ابْنُ جُرَيْجٍ قَالَ: حَدَّثَنِي مُوسَى بْنُ
عُقْبَةَ، عَنْ نَافعٍ، عَنْ أَبِي عُمَرَ: أَنَّ
عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ أَجَلَى
الْيَهُودَ وَالنَّصَارَى مِنْ أَرْضِ الْحِجَازِ.
وَكَانَ رَسُولُ اللَّهِ ﷺ لَمَّا ظَهَرَ عَلَى
خَيْرٍ أَرَادَ إِخْرَاجَ الْيَهُودِ مِنْهَا وَكَانَتْ
الْأَرْضُ حِينَ ظَهَرَ عَلَيْهَا، لَهُ وَلِرَسُولِهِ
ﷺ وَلِلْمُسْلِمِينَ. وَأَرَادَ إِخْرَاجَ الْيَهُودِ
مِنْهَا فَسَأَلَتِ الْيَهُودُ رَسُولُ اللَّهِ ﷺ
لِقَرَرُهُمْ بِهَا أَنْ يَكْفُوا عَمَلَهَا وَلَهُمْ
نَصْفُ النَّمَرِ، فَقَالَ لَهُمْ رَسُولُ اللَّهِ
ﷺ: «نُفِرُّكُمْ بِهَا عَلَى ذَلِكَ مَا شِئْنَا».
فَقَرُّوا بِهَا حَتَّى أَجْلَاهُمْ عُمُرُ إِلَى تَيَمَّاءَ
وَأَرِيحاً. [راجع: ٢٢٨٥]

(18) CHAPTER. The Companions of the Prophet ﷺ used to share the yields and fruits of their farms with each other gratis.

2339. Narrated Rāfi' bin Khadījah رضي الله عنه: My uncle Zuhair said, "Allāh's Messenger ﷺ forbade us to do a thing which was a source of help to us." I said, "Whatever Allāh's Messenger ﷺ said was right." He said, "Allāh's Messenger ﷺ sent for me and asked, 'What are you doing with your farms?' I replied, 'We give our farms on rent on the basis that we get the yield produced at the banks of the water streams (rivers) for the rent, or rent it for some *Wasa'* of barley and dates.'⁽¹⁾ Allāh's Messenger ﷺ said, 'Do not do so, but cultivate (the land) yourselves or let it be cultivated by others gratis, or keep it uncultivated.' I said, 'We hear and obey.'"

[See *Hadith* No.2346, 2447].

2340. Narrated Jābir رضي الله عنه: The people used to rent their land for cultivation for one-third, one-fourth or half its yield. The Prophet ﷺ said, "Whoever has land should cultivate it himself or give it to his (Muslim) brother gratis for cultivation; otherwise keep it uncultivated."

2341. Narrated Abū Hurairah رضي الله عنه:

(١٨) بَابُ مَا كَانَ مِنْ أَصْحَابِ النَّبِيِّ يُوَاسِي بَعْضَهُمْ بَعْضًا فِي الرِّرَاعَةِ وَالثَّمَرِ

٢٣٣٩ - حَدَّثَنَا مُحَمَّدُ بْنُ

مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا الْأُوزَاعِيُّ عَنْ أَبِي التَّجَاشِيِّ مَوْلَى رَافِعٍ بْنَ خَدِيجَ: سَمِعْتُ رَافِعَ بْنَ خَدِيجَ بْنَ رَافِعَ، عَنْ عَمِّهِ ظَهِيرَ بْنَ رَافِعٍ قَالَ ظَهِيرٌ: لَقَدْ نَهَانَا رَسُولُ اللَّهِ ﷺ عَنْ أَمْرٍ كَانَ بِنَا رَاقِفًا، قُلْتُ: مَا قَالَ رَسُولُ اللَّهِ ﷺ فَهُوَ حَقٌّ، قَالَ: دَعَانِي رَسُولُ اللَّهِ ﷺ، قَالَ: «مَا تَصْنَعُونَ بِسَاحَلِكُمْ؟» قُلْتُ: نُواجِرُهَا عَلَى الرَّبِيعِ وَعَلَى الْأَوْسَطِ مِنَ التَّمَرِ وَالشَّعِيرِ. قَالَ: «لَا تَفْعَلُوا، ارْزُعُوهَا، أَوْ ازْرِعُوهَا أَوْ أَمْسِكُوهَا». قَالَ رَافِعٌ: قُلْتُ: سَمِعْتَ وَطَاغَةً. [انظر: ٤٠١٢، ٢٢٤٦]

٢٣٤٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ

مُوسَى: أَخْبَرَنَا الْأُوزَاعِيُّ عَنْ عَطَاءٍ عَنْ جَابِرٍ رضي الله عنه قال: كَانُوا يَزَرُّونَهَا بِالثُّلُثِ وَالرُّبْعِ وَالنَّصْفِ، فَقَالَ النَّبِيُّ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزِرَهَا أَوْ لِيَمْتَحِنَهَا فَإِنْ لَمْ يَفْعَلْ فَلْيُمْسِكْ أُرْضَهُ». [انظر: ٢٦٣٢]

٢٣٤١ - وَقَالَ الرَّبِيعُ بْنُ نَافِعٍ أَبُو

(1) (H. 2339) The majority of the religious scholars agree that to rent the land for its yields was not allowed by the Prophet ﷺ, but to rent it for money was allowed. See *Fath Al-Bārī*.

Allāh's Messenger ﷺ said, "Whoever has land should cultivate it himself or give it to his (Muslim) brother gratis for cultivation; otherwise he should keep it uncultivated."

[See *Hadīh* No.2346, 2347].

تَوْيِةً: حَدَّثَنَا مُعاوِيهُ، عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَ لَهُ أَرْضٌ فَلْيَرْعَهَا أَوْ لِيَمْنَحَهَا أخاهُ إِنَّ أَبِي فَلِيمِيسِكْ أَرْضَهُ».

٢٣٤٢ - حَدَّثَنَا قَيْصِيرٌ: حَدَّثَنَا سُفِيَّانُ عَنْ عَمْرِو قَالَ: ذَكَرَهُ لَطَاوُسٍ فَقَالَ: يُرْبَغُ. قَالَ ابْنُ عَبَّاسَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ ﷺ لَمْ يَنْهَهُ عَنْهُ، وَلِكِنْ قَالَ: «أَنَّ يَمْنَحَ أَهْدُوكُمْ أخاهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ شَيْئًا مَعْلُومًا».

[راجع: ٢٢٣٠]

٢٣٤٣. Narrated Nāfi': Ibn 'Umar رَضِيَ اللَّهُ عَنْهُ used to rent his farms in the time of Abū Bakr, 'Umar, 'Uthmān, and in the early days of Mu'awiyā.

٢٣٤٣ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَادٌ، عَنْ أَيُوبَ، عَنْ نَافِعٍ: أَنَّ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا كَانَ يُكْرِي مَزَارِعَهُ عَلَى عَهْدِ النَّبِيِّ ﷺ وَأَبِي بَكْرٍ وَعُمَرَ وَعُثْمَانَ وَصَدِرًا مِنْ إِمَارَةِ مُعاوِيهَ. [انظر:

[٢٣٤٥]

٢٣٤٤. Then he was told the narration of Rāfi' bin Khadīj that the Prophet ﷺ had forbidden the renting of farms. Ibn 'Umar went to Rāfi' and I accompanied him. He asked Rāfi' who replied that the Prophet ﷺ had forbidden the renting of farms. Ibn 'Umar said, "You know that we used to rent our farms in the lifetime of Allāh's Messenger ﷺ for the yield of the banks of the water streams (rivers) and for certain amount of figs.

[And in some copies of *Sahīh Al-Bukhārī* it is written "At-Tibn" i.e., chopped straw instead of figs.]

٢٣٤٤ - ثُمَّ حَدَّثَ عَنْ رَافِعِ بْنِ خَدِيجٍ: «أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ كِرَاءِ الْمَزَارِعِ، فَذَهَبَ ابْنُ عُمَرَ إِلَى رَافِعٍ فَذَهَبَتْ مَعَهُ سَأَلَهُ فَقَالَ: نَهَى النَّبِيُّ ﷺ عَنْ كِرَاءِ الْمَزَارِعِ. فَقَالَ ابْنُ عُمَرَ: قَدْ عَلِمْتَ أَنَا كُنَّا نُكْرِي مَزَارِعَنَا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ بِمَا عَلَى الْأَرْبَاعِ وَبِشَيْءٍ مِنَ التَّبِنِ».

[راجع: ٢٢٨٦]

2345. Narrated Sālim: ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُما said, “I knew that the land was rented for cultivation in the lifetime of Allāh’s Messenger ﷺ.” Later on Ibn ‘Umar was afraid that the Prophet ﷺ had forbidden it, and he had no knowledge of it, so he gave up renting his land.

٢٣٤٥ - حَدَّثَنَا يَحْيَى بْنُ بَكِيرٍ: حَدَّثَنَا الْيَثِّيلُ، عَنْ عُقَيْلٍ، عَنْ ابْنِ شَهَابٍ: أَخْبَرَنِي سَالِمٌ: أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كُنْتُ أَعْلَمُ فِي عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ الْأَرْضَ تُنْكَرِي، ثُمَّ خَشِيَ عَبْدُ اللَّهِ أَنْ يَكُونَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَدْ أَحْدَثَ فِي ذَلِكَ شَيْئًا لَمْ يَكُنْ يَعْلَمُهُ، فَتَرَكَ كِرَاءَ الْأَرْضِ». [راجع: ٢٣٤٣]

(١٩) **بَابُ كِرَاءِ الْأَرْضِ بِالذَّهَبِ**
وَالْفِضَّةِ

(19) CHAPTER. To rent the land for gold and silver.

Ibn ‘Abbās said, “The best thing to do is to take the uncultivated land on yearly rental basis.”

وقال ابن عباس: إنَّ أَمْثَلَ مَا أَنْتُمْ صَانِعُونَ أَنْ تَسْتَأْجِرُوا الْأَرْضَ الْيَيْضَاءَ مِنَ السَّنَةِ إِلَى السَّنَةِ.

2346, 2347. Narrated Ḥanzla bin Qais: Rāfi‘ bin Khadīj said, “My two uncles told me that they (i.e., the companions of the Prophet ﷺ) used to rent the land in the lifetime of the Prophet ﷺ for the yield on the banks of water streams (rivers), or for a portion of the yield stipulated by the owner of the land. The Prophet ﷺ forbade it.” I said to Rāfi‘, “What about renting the land for Dīnār and Dirham?” He replied, “There is no harm in renting for Dīnār-Dirham. Al-Laith said, “If those who have discernment for distinguishing what is legal from what is illegal looked into what has been forbidden concerning this matter, they would not permit it; for it is surrounded with dangers.”⁽¹⁾

٢٣٤٦ - حَدَّثَنَا عَمْرُو بْنُ خَالِدٍ: حَدَّثَنَا الْيَثِّيلُ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: حَدَّثَنِي عَمَّا يَأْتُهُمْ كَانُوا يُكْرُونَ الْأَرْضَ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِمَا يَنْتَهِ عَلَى الْأَرْبِيعَاءِ أَوْ شَيْءٍ يَسْتَشْتِيهُ صَاحِبُ الْأَرْضِ، فَهَنَئَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ذَلِكَ. فَقُلْتُ لِرَافِعٍ: فَكَيْفَ هِيَ بِالدِّينَارِ وَالدِّرْهَمِ؟ قَالَ رَافِعٌ: لَيْسَ بِهَا بَأْسٌ بِالدِّينَارِ وَالدِّرْهَمِ. وَقَالَ

(1) (H. 2346) Al-Laith agrees in the *Hadīth* with the common opinion of the scholars who think that renting the land is forbidden if it leads to arrogance and mischief; the principle of renting is not illegal. The scholars differ as to what ways of renting are permissible. And the majority of the religious scholars agree that to rent the land for=

اللَّيْثُ: وَكَانَ الَّذِي نُهِيَّ مِنْ ذَلِكَ مَا
لَوْ نَظَرَ فِيهِ دُوُّوْفَهُمْ بِالْحَلَالِ
وَالْحَرَامَ لَمْ يُجِيزُوهُ لَمَا فِيهِ مِنْ
الْمُحَاذَرَةِ. [راجع: ٢٣٣٩، وانظر:
[٤٠١٣]

(٢٠) بَابٌ :

(20) CHAPTER:

2348. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ : Once the Prophet ﷺ was narrating (a story), while a bedouin was sitting with him. (saying), “One of the inhabitants of Paradise will ask Allāh to allow him to cultivate the land. Allāh will ask him, ‘Are you not living in the pleasures you like?’ He will say, ‘Yes, but I like to cultivate the land.’” The Prophet ﷺ added, “When the man (will be permitted he) will sow the seeds and the plants will grow up and get ripe, ready for reaping and so on till it will be as huge as mountains within a wink. Allāh will then say to him, ‘O son of Adam! Here you are. Take it and gather (the yield); nothing satisfies you’.” On that, the bedouin said, “The man must be either from Quraish (i.e., an emigrant) or an *Anṣārī*, for they are farmers, whereas we are not farmers.” The Prophet ﷺ smiled (at this).

٢٣٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ سِنَانَ : حَدَّثَنَا فُلَيْحٌ : حَدَّثَنَا هِلَالٌ . حَدَّثَنِي عَبْدُ اللَّهِ ابْنُ مُحَمَّدٍ : حَدَّثَنَا أَبُو عَامِرٍ : حَدَّثَنَا فُلَيْحٌ ؛ عَنْ هِلَالِ بْنِ عَلَيٍّ ، عَنْ عَطَاءِ بْنِ يَسَارٍ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ : أَنَّ النَّبِيَّ ﷺ كَانَ يَوْمًا يُحَدِّثُ ، وَعِنْهُ رَجُلٌ مِنْ أَهْلِ الْبَادِيَةِ «أَنَّ رَجُلًا مِنْ أَهْلِ الْجَنَّةِ اسْتَأْذَنَ رَبَّهُ فِي الرَّزْعِ فَقَالَ لَهُ : أَسْتَ
فِيمَا شِئْتَ؟ قَالَ : بَلِىٰ وَلَكِنْ أُحِبُّ
أَنْ أَزْرَعَ . قَالَ : فَبَدَرَ فَبَادَرَ الظَّرْفَ
نَبَاتُهُ وَاسْتَوَاؤُهُ وَاسْتَخْصَادُهُ فَكَانَ
أَمْثَالَ الْجِبَالِ ، فَيَقُولُ اللَّهُ تَعَالَى :
دُونَكَ يَا ابْنَ آدَمَ إِنَّهُ لَا يُشْبِعُكَ
شَيْءٌ». فَقَالَ الْأَغْرَابِيُّ : وَاللَّهِ لَا
نَجِدُهُ إِلَّا فُرْشَيَا أَوْ أَنْصَارِيَا فَإِنَّهُمْ
أَضْحَابُ رَزْعٍ ، وَأَمَّا نَحْنُ فَلَسْنَا
بِأَضْحَابِ رَزْعٍ ، فَضَحَّكَ النَّبِيُّ ﷺ .

[انظر: ٧٥١٩]

(٢١) بَابٌ ما جاء في العُرسِ

(21) CHAPTER. What is said about planting trees.

=its yields was not allowed by the Prophet ﷺ but to rent it for money was allowed. (*Fath Al-Bārī*)

2349. Narrated Sahl bin Sa'd رضي الله عنه: We used to be very happy on Friday as an old lady used to cut some roots of the *Silq*, which we used to plant on the banks of our small water streams, and cook them in a pot of her's, adding to them, some grains of barley. [Ya'qub, the sub-narrator said, "I think the narrator mentioned that the food did not contain fat or melted fat (taken from meat)."] When we offered the Friday prayer we would go to her and she would serve us with the dish. So, we used to be happy on Fridays because of that. We used not to take our meals or the midday nap except after the *Jumu'ah* prayer.

٢٣٤٩ - حَدَّثَنَا قُتْبِيَّةُ بْنُ سَعِيدٍ:
حَدَّثَنَا يَعْقُوبُ، عَنْ أَبِي حَازِمٍ، قَوْلٌ
سَهْلٌ بْنُ سَعْدٍ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ قَالَ :
إِنْ كُنَّا لَنَا فَرَجٌ بِيَوْمِ الْجُمُعَةِ، كَانَتْ لَنَا
عَجُورٌ تَأْخُذُ مِنْ أُصُولِ سِلْقٍ لَنَا كُنَّا
نَغْرِسُهُ فِي أَرْبِعَائِنَا فَتَجْعَلُهُ فِي قِدْرٍ
لَهَا، فَتَجْعَلُ فِيهِ حَبَّاتٍ مِنْ شَعِيرٍ -
لَا أَعْلَمُ إِلَّا أَنَّهُ قَالَ : لَيْسَ فِيهِ شَحْمٌ
وَلَا وَدْكٌ - فَإِذَا صَلَّيْنَا الْجُمُعَةَ رُزْنَا هَا
فَقَرَرَتْهُ إِلَيْنَا، فَكُنَّا نَفَرَجُ بِيَوْمِ الْجُمُعَةِ
مِنْ أَجْلِ ذَلِكَ وَمَا كُنَّا نَتَعَذَّرُ وَلَا
نَقْبِلُ إِلَّا بَعْدَ الْجُمُعَةِ. [راجع : ٩٣٨]

٢٣٥٠ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ،
عَنْ ابْنِ شَهَابٍ، عَنْ الْأَعْرَجِ، عَنْ
أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ :
يَقُولُونَ : إِنَّ أَبَا هُرَيْرَةَ يُكْثِرُ ، وَاللهُ
الْمَوْعِدُ، وَيَقُولُونَ : مَا لِلْمُهَاجِرِينَ
وَالْأَنْصَارِ لَا يُحَدِّثُونَ مِثْلَ أَحَادِيثِهِ؟
وَإِنَّ إِخْرَجِي مِنَ الْمُهَاجِرِينَ كَانَ
يَشْعَلُهُمُ الصَّفْقُ بِالأسْوَاقِ، وَإِنَّ
إِخْرَجِي مِنَ الْأَنْصَارِ كَانَ يَشْعَلُهُمُ
عَمَلُ أَمْوَالِهِمْ، وَكُنْتُ امْرَأًا مَسْكِيَّاً
الْزَّمْ رَسُولُ اللَّهِ عَلَى مِلَءِ بَطْنِي .
فَأَخْضُرُ جَنَّ يَعْبُرُونَ، وَأَعِي حِينَ
يَسْنَوْنَ. وَقَالَ النَّبِيُّ عَلَيْهِ السَّلَامُ : «لَنْ
يَسْطُطَ أَحَدٌ مِنْكُمْ تَوْبَةً حَتَّى أَفْضِيَ
مَقَاتِي هَذِهِ ثُمَّ يَجْمَعُهُ إِلَى صَدْرِهِ

2350. Narrated Abū Hurairah رضي الله عنه: The people say that Abū Hurairah narrates too many narrations. In fact Allāh knows whether I say the truth or not. They also say: "Why do the emigrants and the *Anṣār* not narrate as he does?" In fact, my emigrant brethren were busy trading in the markets, and my *Anṣār* brethren were busy with their properties. I was a poor man keeping the company of Allāh's Messenger ﷺ and was satisfied with what filled my stomach. So, I used to be present while they (i.e., the emigrants and the *Anṣār*) were absent, and I used to remember while they forgot (the *Hadīth*). One day the Prophet ﷺ said, "Whoever spreads his sheet till I finish this statement of mine and then gathers it over his chest, will never forget anything of my statement." So, I spread my covering sheet which was the only garment I had, till the Prophet ﷺ finished his statement and then I gathered it over my chest. By Him Who had sent him (i.e., Allāh's Messenger ﷺ) with the truth, since then I did not forget even a

single word of that statement of his, till this day of mine. By Allāh, but for two Verses in Allāh's Book, I would never have related any narration (from the Prophet ﷺ).” (These two Verses are): “Verily, those who conceal the clear proofs, evidences and the guidance, which we have sent down... (up to)... the Most Merciful.” (V.2:159, 160)

فَيَنْسَىٰ مِنْ مَقَالَتِي شَيْئاً أَبَدًا .
 فَبَسَطْتُ نَمَرَةً لَيْسَ عَلَيَّ ثُوْبٌ غَيْرُهَا
 حَتَّىٰ فَضَّلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ مَقَالَتَهُ ثُمَّ
 جَمَعْتُهَا إِلَى صَدْرِي، فَوَاللَّذِي بَعْثَهُ
 بِالْحَقِّ مَا تَسْبِيْتُ مِنْ مَقَالَتِهِ تِلْكَ إِلَى
 يَوْمِي هَذَا . وَاللَّهُ لَوْلَا آتَانَا فِي كِتَابِ
 اللَّهِ مَا حَدَّثْنَا كُمْ شَيْئاً أَبَدًا **﴿إِنَّ الَّذِينَ**
يَكْتُمُونَ مَا أَنزَلَنَا مِنَ الْبَيِّنَاتِ وَالْمُنَذِّرَ﴾
 إِلَى قَوْلِهِ: **﴿الْرَّجِيمُ﴾** [البقرة: ١٥٩ - ١٦٠]. [راجع: ١١٨]

42 – THE BOOK OF WATERING

٤٢ - كتاب المساقاة

CHAPTER. The Statement of Allāh : تعالى: «وَجَعَلْنَا مِنَ الْمَاءِ كُلَّ شَيْءٍ حَيٍّ أَفَلَا يُؤْمِنُونَ» [الأنبياء: ٣٠] وَقُولُهُ جَلَّ ذِكْرُهُ: «أَفَرَبِّيَتُهُمُ الْمَاءُ الَّذِي تَسْرُّبُونَ» ﴿٦﴾ إِنَّمَا أَنْزَلْنَا مِنَ الْمَرْءَنَ أَمْ نَحْنُ الَّذِينَ لَوْنَ نَشَاءُ جَعَلْنَاهُ أَجَاجًا فَلَوْلَا شَكَرُوكَتُ ﴿٧٠﴾ [الواقعة: ٦٨-٧٠] «أَجَاجًا»: مُنْصَبًا «الْمَرْءَنَ»: السحاب «فَرَانًا»: عَذْبًا.

And His Statement : “Then tell me about the water that you drink. Is it you who cause it from the rainclouds to come down, or are We the Causer of it to come down? If We willed, We verily could make it salt (and undrinkable), why then do you not give thanks (to Allāh)?” (V.56:68-70).

(1) CHAPTER. Whoever thinks that giving water in charity, or as a gift or by way of a testament is permissible, whether it is divided or not.⁽¹⁾

Narrated ‘Uthmān: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, “Who will buy the well of Rūmah (a well-known well in Al-Madīnah) (and endow it for the good of Muslims) so that he may use it as the other Muslims do without any privilege?” ‘Uthmān رَضِيَ اللَّهُ عَنْهُ bought it.

2351. Narrated Sahl bin Sa‘d: رَضِيَ اللَّهُ عَنْهُ A tumbler (full of milk or water) was brought to the Prophet ﷺ who drank from it, while on his right side there was sitting a boy who was the youngest of those who were present, and on his left side there were old men. The Prophet ﷺ asked, “O boy, will you allow me to give it (i.e., the rest of the drink) to the old men?” The boy said, “O Allāh’s Messenger! I will not give preference to anyone over me to drink the rest of it from which you have

بابٌ في الشرب وقول الله تعالى: «وَجَعَلْنَا مِنَ الْمَاءِ كُلَّ شَيْءٍ حَيٍّ أَفَلَا يُؤْمِنُونَ» [الأنبياء: ٣٠] وَقُولُهُ جَلَّ ذِكْرُهُ: «أَفَرَبِّيَتُهُمُ الْمَاءُ الَّذِي تَسْرُّبُونَ» ﴿٦﴾ إِنَّمَا أَنْزَلْنَا مِنَ الْمَرْءَنَ أَمْ نَحْنُ الَّذِينَ لَوْنَ نَشَاءُ جَعَلْنَاهُ أَجَاجًا فَلَوْلَا شَكَرُوكَتُ ﴿٧٠﴾ [الواقعة: ٦٨-٧٠] «أَجَاجًا»: مُنْصَبًا «الْمَرْءَنَ»: السحاب «فَرَانًا»: عَذْبًا.

(١) بابٌ من رأى صدقة الماء وهبته ووصيته جائزة، مقصوماً كان أو غير مقصوم
وقال عثمان: قات النبي ﷺ: «مَنْ يَسْتَرِي بِثَرَ رُومَةَ فَيَكُونُ دُلُوهُ فِيهَا كَدِلَاءُ الْمُسْلِمِينَ؟ فَاسْتَرَاهَا عُثْمَانُ رَضِيَ اللَّهُ عَنْهُ.

٢٣٥١ - حدثنا سعيد بن أبي مريم: حدثنا أبو عسان قال: حدثني أبو حازيم. عن سهل بن سعد رضي الله عنه قال: أتي النبي ﷺ بقدح فشرب منه وعن يمينه علام أصرع القوم والأشياخ عن يساره، فقال: يا غلام، أتأذن لي أن أعطيك الأشياخ؟ قال: ما ثنت لأوثر

(1) (Ch. 1) *Al-Bukhārī* wants to refute the opinions of those who think that water cannot be possessed. (*Fath Al-Bārī*).

drunk.” So, the Prophet ﷺ gave it to him.

يَفْضُلُنِي مِنْكَ أَحَدًا يَا رَسُولَ اللَّهِ،
فَأَعْطَاهُ إِيَّاهُ۔ [انظر: ٢٣٦٦، ٢٤٥١، ٢٦٠٢، ٥٦٢٠]

2352. Narrated Az-Zuhri: Anas bin Malik رَضِيَ اللَّهُ عَنْهُ said that once a domestic sheep was milked for Allāh's Messenger ﷺ while he was in the house of Anas bin Malik. The milk was mixed with water drawn from the well in Anas' house. A tumbler of it was presented to Allāh's Messenger ﷺ who drank from it. Then Abū Bakr was sitting on his left side and a bedouin on his right side. When the Prophet ﷺ removed the tumbler from his mouth, 'Umar was afraid that the Prophet ﷺ might give it to the bedouin, so he said, “O Allāh's Messenger! Give it to Abū Bakr who is sitting by your side.” But the Prophet ﷺ gave it to the bedouin, who was to his right and said, “You should start with the one on your right side.”

٢٣٥٢ - حَدَّثَنَا أَبُو الْيَمَانُ:
أَخْبَرَنَا شَعِيبٌ، عَنِ الرَّهْبَرِيِّ قَالَ:
حَدَّثَنِي أَنَّسُ بْنُ مَالِكٍ رَضِيَ اللَّهُ
عَنْهُ: أَنَّهُ حُلِيَتْ لِرَسُولِ اللَّهِ ﷺ شَاءَ
دَارِجٌ وَهِيَ فِي دَارِ أَنَّسٍ بْنِ مَالِكٍ.
وَشَبَّيَ لِبَنَهَا بِمَاءِ مِنَ الشَّرِّ الَّتِي فِي
دَارِ أَنَّسٍ، فَأَعْطَى رَسُولُ اللَّهِ ﷺ
الْقَدَحَ فَشَرِبَ مِنْهُ حَتَّى إِذَا نَزَعَ الْقَدَحَ
عَنْ فِيهِ وَعَلَى يَسَارِهِ أَبُو بَكْرٍ، وَعَنْ
يَمِينِهِ أَغْرَابِيٌّ. فَقَالَ عُمَرُ وَخَافَ أَنْ
يُعْطِيَهُ أَغْرَابِيٌّ: أَعْطِ أَبَا بَكْرٍ يَا
رَسُولَ اللَّهِ عِنْدَكَ، فَأَعْطَاهُ الْأَغْرَابِيَّ
الَّذِي عَنْ يَمِينِهِ، ثُمَّ قَالَ: «الْأَيْمَنُ
فَالْأَيْمَنُ». [انظر: ٢٥٧١، ٥٦١٢]

(2) **CHAPTER.** Whoever said, “The owner of the water has the right to drink till he is satisfied, as the Prophet ﷺ said, ‘Superfluous water should not be withheld from others.’”

2353. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, “Do not withhold the superfluous water, for that will prevent people from grazing their cattle.”⁽¹⁾

(٢) بَابُ مَنْ قَالَ: إِنَّ صَاحِبَ الْمَاءِ
أَحَقُّ بِالْمَاءِ حَتَّى يَرْوَى لِقَوْلِ النَّبِيِّ
ﷺ: لَا يُمْنَعُ فَضْلُ الْمَاءِ

٢٣٥٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ أَبِي
الرَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ
رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ

(1) (H. 2353) This *Hadīth* means that if one has a well near which there is a pasture and there is no other source of water in the area, one should not withhold the water from the sheep grazing there, for that would make it impossible for the sheep to graze there as they would be in great need of water after grazing. So, to withhold the water means to prevent sheep from grazing as well. (*Fath Al-Bārī*).

قال: «لا يُمْنَع فَضْلُ الْمَاء لِيُمْنَع بِهِ
الْكَلَأ». [انظر: ٢٣٥٤، ٦٩٦٢]

2354. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ that Allāh's Messenger ﷺ said, "Do not withhold the superfluous water in order to withhold the superfluous grass."

٢٣٥٤ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ حَدَّثَنَا الْلَّيْثُ عَنْ عُقْبَةَ، عَنْ أَبْنَ شِهَابٍ، عَنْ أَبْنِ الْمُسَيَّبِ وَأَبْنِ سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَمْنَعُوا فَضْلَ الْمَاء لِتَمْنَعُوا بِهِ فَضْلَ الْكَلَأِ».

[راجع: ٢٣٥٣]

(٣) **بَابُ مَنْ حَفَرَ بِئْرًا فِي مِلْكِهِ لَمْ يَضْمِنْ**

(3) CHAPTER. If one digs a well in his own land and somebody falls in it and dies, the owner is not responsible.

2355. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ Allāh's Messenger ﷺ said, "No blood-money will be charged if somebody dies in a mine, or in a well, or is killed by an animal; and if somebody finds a treasure in his land he has to give one-fifth of it to the government."⁽¹⁾

٢٣٥٥ - حَدَّثَنِي مَحْمُودٌ أَخْبَرَنِي عَبْدُ اللَّهِ، عَنْ إِسْرَائِيلَ، عَنْ أَبِي حَصِينٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمَعْدِنُ جُبَارٌ، وَالبَئْرُ جُبَارٌ، وَالعَجْمَاءُ جُبَارٌ، وَفِي الرِّكَازِ الْحُنْسُ». [راجع: ١٤٩٩]

(٤) **بَابُ الْحُضْوَمَةِ فِي الْبَئْرِ وَالْقَضَاءِ فِيهَا**

٢٣٥٦، ٢٣٥٧ - حَدَّثَنَا عَبْدَانُ، عَنْ أَبِي حَمْزَةَ، عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ حَلَفَ عَلَى

(4) CHAPTER. Disputes and controversies about wells and the settlement of such disputes and controversies.

2356, 2357. Narrated ‘Abdullāh (bin Mas’ūd) رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "Whoever takes a false oath to deprive somebody of his property will meet Allāh while He will be angry with him."

Allāh revealed: "Verily, those who

(1) (H. 2355) The owner of the well is not responsible if somebody falls and dies in it, if the well is in his land or in uncultivated land belonging to nobody. (This is true concerning mines also.) But if the well is dug on the way of the Muslims or in the land of somebody else without his permission and somebody falls and dies in it, then the person who has dug the well has to pay blood-money.

If an animal has untied itself and kills somebody or spoils his property, the owner of the animal is not responsible unless he is present at the time of the accident. (*Al-Qastalāni*)

purchase a small gain at the cost of Allāh's Covenant, and their oaths..." (V.3:77)

Al-Ash'ath came (to the place where 'Abdullāh was narrating) and said, "What has Abū 'Abdur-Rahmān (i.e., 'Abdullāh) been telling you? This Verse was revealed concerning me. I had a well in the land of a cousin of mine. The Prophet ﷺ asked me to bring witnesses (to confirm my claim). I said, 'I do not have witnesses.' He said, 'Let the defendant take an oath then.' I said, 'O Allāh's Messenger! He will take a (false) oath immediately.' Then the Prophet ﷺ mentioned the above narration and Allāh revealed the Verse to confirm what he had said." (See *Hadīth* No.2515, 2516)

يَمِينٍ يَقْطَعُ بِهَا مَا أَمْرَى مُسْلِمٌ هُوَ عَلَيْهَا فَاجْرِ، لَقِيَ اللَّهُ وَهُوَ عَلَيْهِ عَصْبَانُ، فَأَنْزَلَ اللَّهُ تَعَالَى إِنَّ الَّذِينَ يَشْرُونَ بِعَهْدِ اللَّهِ وَأَيْمَنَهُمْ شَنَآنَ قَلِيلًا الآيَةَ [آل عمران: ٧٧]. فَجَاءَ الْأَعْثُرُ فَقَالَ: مَا حَدَّثْكُمْ أَبُو عَبْدِ الرَّحْمَنِ؟ فِي أُنْزَلْتُ هَذِهِ الْآيَةَ. كَانَتْ لِي يَئُرُّ فِي أَرْضِ ابْنِ عَمِّ لِي، فَقَالَ لِي: «شُهُورَدَكَ» قُلْتُ: مَا لِي شُهُودُ، قَالَ: «فَيْمِيَّةَ»، قُلْتُ: يَا رَسُولَ اللَّهِ إِذَا يَحْلِفُ، فَذَكِّرِ النَّبِيَّ ﷺ هَذَا الْحَدِيثَ، فَأَنْزَلَ اللَّهُ ذَلِكَ تَصْدِيقًا لَهُ». [الحدیث: ٢٣٥٦، انظر: ٢٤١٦، ٢٥١٥، ٢٦٦٦، ٢٦٦٩، ٢٦٧٣، ٢٦٧٦، ٦٦٧٦، ٦٦٥٩، ٤٥٤٩، ٧٤٤٥، ٧١٨٣، ٢٤١٧، ٢٥١٦، ٦٦٦٧، ٢٦٧٧، ٤٥٥٠، ٢٦٧٠، ٦٦٧٧، ٧١٨٤]

(٥) بَابُ إِثْمٍ مَنْ مَنَعَ ابْنَ السَّبِيلِ مِنَ الْمَاءِ

٢٣٥٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ، عَنِ الْأَعْمَشِ قَالَ: سَمِعْتُ أبا صَالِحَ يَقُولُ: سَوِعْتُ أبا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «ثَلَاثَةٌ لَا يُنْظَرُ اللَّهُ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ وَلَا يُرْكَبُهُمْ وَلَهُمْ عَذَابٌ أَلِيمٌ: رَجُلٌ كَانَ لَهُ فَضْلٌ مَاءٌ بِالْطَّرِيقِ فَمَنَعَهُ

(5) CHAPTER. The sin of him who withholds water from wayfarer and travellers.

2358. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : Allāh's Messenger ﷺ said, "There are three types of people whom Allāh will neither look at them on the Day of Resurrection, nor will he purify them (from sins) and they shall have a painful torment. They are :

1. A man possessed superfluous water, on a way and he withheld it from travellers.
2. A man who gave a *Bai'a* (pledge) to a ruler and he gave it only for worldly benefits. If the ruler gives him something he gets satisfied, and if the ruler withholds

something from him, he gets dissatisfied.

3. And a man displayed his goods for sale after the *Aṣr* prayer (and took a false oath by) saying, ‘By Allāh, except Whom none has the right to be worshipped, I have been given so much for my goods,’ and somebody believes him (and buys them).’

The Prophet ﷺ then recited: “Verily, those who purchase a small gain at the cost of Allāh’s Covenant and their oaths...” (V.3:77)

مِنْ ابْنِ السَّيْلِ، وَرَجُلٌ بَايْعَ إِقَامَةً لَا يُبَايِعُهُ إِلَّا لِدُنْنَا فَإِنْ أَعْطَاهُ مِنْهَا رَضِيَ وَإِنْ لَمْ يُعْطِهِ مِنْهَا سَخْطٌ، وَرَجُلٌ أَقَامَ سُلْطَهُ بَعْدَ الْعَصْرِ فَقَالَ: وَاللَّهِ الَّذِي لَا إِلَهَ إِلَّهُ غَيْرُهُ لَقَدْ أَعْطَيْتُ بِهَا كَذَّا وَكَذَّا فَصَدَّقَهُ رَجُلٌ»، ثُمَّ قَرَأَ لِإِنَّ الَّذِينَ يَشْرُونَ بِمَهْدِ اللَّهِ وَأَيْمَانِهِمْ تَمَّا قَلِيلًا» [آل عمران: ٧٧]. [انظر: ٢٣٦٩، ٢٦٧٢، ٧٢١٢، ٧٤٤٦]

(6) CHAPTER. The dams of rivers.

2359, 2360. Narrated ‘Abdullāh bin Az-Zubair: An *Ansārī* man quarrelled with Az-Zubair in the presence of the Prophet ﷺ about the *Harra* canals which were used for irrigating the date-palms. The *Ansārī* man said to Az-Zubair, “Let the water pass”, but Az-Zubair refused to do so. So, the case was brought before the Prophet ﷺ who said to Az-Zubair, “O Zubair! Irrigate (your land) and then let the water pass to your neighbour.” On that the *Ansārī* got angry and said to the Prophet ﷺ, “Is it because he (i.e., Zubair) is your aunt’s son?” On that the colour of the face of Allāh’s Messenger ﷺ changed (because of anger) and he said, “O Zubair! Irrigate (your land) and then withhold the water till it reaches the walls between the pits round the trees.” Zubair said, “By Allāh, I think that the following Verse was revealed on this occasion:

‘But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them.’” (V.4:65)

(٦) بَابُ سَكْرِ الْأَنْهَارِ
٢٣٥٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا الْلَّيْثُ قَالَ: حَدَّثَنِي ابْنُ شِهَابٍ، عَنْ عُرْوَةَ عَنْ عَبْدِ اللَّهِ بْنِ الرَّبِيعِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّهُ حَدَّثَهُ أَنَّ رَجُلًا مِنَ الْأَنْصَارِ خَاصَّمَ الرَّبِيعَ عِنْدَ النَّبِيِّ ﷺ فِي شِرَاجِ الْحَرَّةِ الَّتِي يَسْقُونَ بِهَا التَّنْخُلَ، فَقَالَ الْأَنْصَارِيُّ: سَرِّ الْمَاءِ يُمْرُّ فَأَبِي عَلَيْهِ، فَاخْتَصَمَا عِنْدَ النَّبِيِّ ﷺ ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِلرَّبِيعِ: «أَسْقِي يَا رَبِيعُ ثُمَّ أَرْسِلِ الْمَاءَ إِلَى جَارِكَ»، فَعَفَّ عَنِ الْأَنْصَارِيِّ فَقَالَ: أَنْ كَانَ ابْنَ عَمِّتِكَ؟ فَتَلَوَّنَ وَجْهُ رَسُولِ اللَّهِ ﷺ ثُمَّ قَالَ: «أَسْقِي يَا رَبِيعُ ثُمَّ احْبِسِ الْمَاءَ حَتَّى يَرْجِعَ إِلَى الْجَدْرِ». فَقَالَ الرَّبِيعُ: وَاللَّهِ إِنِّي لَا أَحْسِبُ هَذِهِ الْآيَةَ نَزَّلَتْ بِي ذَلِكَ: «فَلَا وَرَبِّكَ لَا يُؤْمِنُكَ حَتَّى يُحَكِّمُوكَ فِيمَا شَجَرَ

بِنَهُمْ [النساء: ٦٥] قال مُحَمَّدُ ابْنُ العَبَّاسِ: قَالَ أَبُو عَبْدِ اللَّهِ: لَيْسَ أَحَدٌ يَذْكُرُ عُرْوَةَ عَنْ عَبْدِ اللَّهِ إِلَّا الْيَتَمْ فَقَطْ. [انظر: ٢٣٦١، ٢٣٦٢، ٢٣٦٨، ٢٧٠٨، ٤٥٨٥]

(7) CHAPTER. The land nearer to the source of water has the right to be irrigated before the one that is farther.

2361. Narrated 'Urwa: رَضِيَ اللَّهُ عَنْهُ: When a man from the *Anṣār* quarrelled with Az-Zubair, the Prophet ﷺ said, "O Zubair! Irrigate (your land) first and then let the water flow (to the land of the others)." On that the *Anṣārī* said (to the Prophet ﷺ), "Is it because he is your aunt's son?" On that the Prophet ﷺ said, "O Zubair! Irrigate till the water reaches the walls between the pits around the trees and then stop (i.e., let the water go to the other's land)." I think the following Verse was revealed concerning this event:

'But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them.' " (V.4:65)

(8) CHAPTER. The land nearer to the source of water has the right to be covered with water up to the ankles.

2362. Narrated 'Urwa bin Az-Zubair: رَضِيَ اللَّهُ عَنْهُ: An *Anṣārī* man quarrelled with Az-Zubair about a canal in the *Harra* which was used for irrigating date-palms. Allāh's Messenger ﷺ, ordering Az-Zubair to be moderate, said, "O Zubair! Irrigate (your land) first and then leave the water for your neighbour." The *Anṣārī* said, "Is it because he is your aunt's son?" On that the colour of the face of Allāh's Messenger ﷺ changed (because of anger) and he said, "O Zubair!

٢٣٦١ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الرُّهْبَرِيِّ، عَنْ عُرْوَةَ قَالَ: خَاصَّ الرَّبِيعُ رَجُلًا مِنَ الْأَنْصَارِ قَالَ النَّبِيُّ ﷺ: يَا زَبِيرُ، أَسْقِي ثُمَّ أَرْسِلْ. فَقَالَ الْأَنْصَارِيُّ: إِنَّهُ ابْنُ عَمِّيْكَ؟ فَقَالَ عَلَيْهِ السَّلَامُ: «أَسْقِي يَا زَبِيرُ حَتَّى يَلْغُ الْحَدْرَ ثُمَّ أَمْسِكْ». قَالَ الرَّبِيعُ: فَأَحْسِبُ هَذِهِ الْآيَةَ نَزَّلَتْ فِي ذَلِكَ: «فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكُمْ فِيمَا شَجَرَ بِنَهُمْ» [النساء: ٦٥]. [راجع: ٢٣٥٩]

(8) باب شرب الأعلى إلى الكعبين

٢٣٦٢ - حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا مَحْلُدُ بْنُ يَزِيدَ الْحَرَانِيَّ قَالَ: أَخْبَرَنِي ابْنُ شَهَابٍ، عَنْ جُرَيْحٍ قَالَ: حَدَّثَنِي ابْنُ شَهَابٍ، عَنْ عُرْوَةَ بْنِ الرَّبِيعِ أَنَّهُ حَدَّثَهُ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ خَاصَّ الزَّبِيرِ فِي شَرَاجٍ مِنَ الْحَرَّةِ لِيَسْقُي بِهَا النَّخْلَ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَسْقِي يَا زَبِيرُ -

Irrigate (your land) and withhold the water till it reaches the walls that are between the pits around the trees.” So, Allāh’s Messenger ﷺ gave Az-Zubair his full right. Az-Zubair said, “By Allāh, the following Verse was revealed in that connection:

‘But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them.’” (V.4:65)

(The subnarrator), Ibn Shihāb said to Juraij (another subnarrator), “The *Anṣār* and the other people interpreted the saying of the Prophet ﷺ: ‘Irrigate (your land) and withhold the water till it reaches the walls between the pits around the trees,’ as meaning up to the ankles.”

فَأَمْرَهُ بِالْمَعْرُوفِ - ثُمَّ أَرْسَلَهُ إِلَى جَارِكَ». فَقَالَ الْأَنْصَارِيُّ: أَنْ كَانَ ابْنَ عَمَّتِكَ؟ فَتَلَوَّنَ وَجْهُ رَسُولِ اللَّهِ ﷺ ثُمَّ قَالَ: «اسْقِ ثُمَّ احْسِنْ حَتَّى يُرْجَعَ الْمَاءُ إِلَى الْجَدْرِ»، وَاسْتَوْعَى لَهُ حَقَّهُ. فَقَالَ الرَّازِيرُ: وَاللَّهِ إِنَّ هَذِهِ الْآيَةَ أُنْزِلَتْ فِي ذَلِكَ: «فَلَا وَرِيكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيمَا سَجَرَ بِنَهْمَةَ» فَقَالَ لِي ابْنُ شَهَابٍ: فَقَدَرَتِ الْأَنْصَارُ وَالنَّاسُ قَوْلَ النَّبِيِّ ﷺ: «اسْقِ ثُمَّ احْسِنْ حَتَّى يُرْجَعَ إِلَى الْجَدْرِ» وَكَانَ ذَلِكَ إِلَى الْكَعْبَيْنِ.

[راجع: ٢٣٥٩]

(٩) بَابُ فَضْلِ سَقِيِ الْمَاءِ

(9) CHAPTER. The superiority of providing water (to those who need it).

2363. Narrated Abū Hurairah رضي الله عنه: Allāh’s Messenger ﷺ said, “While a man was walking he felt thirsty and went down a well and drank water from it. On coming out of it, he saw a dog panting and eating mud because of excessive thirst. The man said, ‘This (dog) is suffering from the same problem as that of mine. So he (went down the well), filled his shoe with water, caught hold of it with his teeth and climbed up and watered the dog. Allāh thanked him for his (good) deed and forgave him.” The people asked, “O Allāh’s Messenger! Is there a reward for us in serving (the) animals?” He replied, “Yes, there is a reward for serving any animate (living being).”

٢٣٦٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ سُمَيِّ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّا رَجُلًا يَمْشِي فَأَشْتَدَّ عَلَيْهِ الْعَطْشُ فَنَزَلَ بِنْرًا فَشَرَبَ مِنْهَا، ثُمَّ خَرَجَ فَإِذَا هُوَ يَكَلِّبُ يَاهِثُ، يَأْكُلُ الشَّرَابَ مِنْ الْعَطْشِ». فَقَالَ: لَقَدْ بَلَغَ هَذَا مِثْلُ الدِّيْنِ يَلْعَبُ بِنِي فَمَلَأَ حُكْمَهُ ثُمَّ أَمْسَكَهُ بِفِيهِ، ثُمَّ رَفَقَ فَسَقَى الْكَلْبَ فَشَكَرَ اللَّهَ لَهُ فَفَغَرَ لَهُ». قَالُوا: يَا رَسُولَ اللَّهِ، إِنَّا لَنَا فِي الْبَهَائِمِ أَجْرًا؟ قَالَ: «فِي كُلِّ كَبِدٍ رَطْبَةٌ أَجْرٌ». تَابَعَهُ حَمَادُ بْنُ

سلَمَةَ والرَّبِيعُ بْنُ مُسْلِمٍ، عَنْ مُحَمَّدٍ
بْنِ زَيْدٍ. [راجع: ١٧٣]

٢٣٦٤ - حَدَّثَنَا ابْنُ أَبِي مَرِيمٍ:
حَدَّثَنَا نَافِعٌ بْنُ عُمَرَ، عَنِ ابْنِ أَبِي
مُلِينَكَةَ، عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ
رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ صَلَّى
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: «ذَئَتْ مِنِي
النَّارُ حَتَّى قُلْتُ: أَيْ رَبِّ وَأَنَا
مَعْهُمْ. فَإِذَا امْرَأً - حَسِبْتُ أَنَّهُ قَالَ:
- تَخْدِشُهَا هِرَّةٌ قَالَ: مَا شَاءَ هُنَوْ؟
فَأَلْوَاهُ: حَبَسْتُهَا حَتَّى ماتَتْ جُوعًا».

[راجع: ٧٤٥]

٢٣٦٥ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ:
حَدَّثَنِي مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ
بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «عُذِّبَتْ امْرَأٌ فِي هِرَّةٍ
حَبَسْتُهَا حَتَّى ماتَتْ جُوعًا فَدَحَلَتْ
فِيهَا النَّارُ، قَالَ: فَقَالَ - وَاللَّهُ أَعْلَمُ -:
لَا أَنْتِ أَطْعَمْتِهَا وَلَا سَقَيْتِهَا حِينَ
حَبَسْتُهَا، وَلَا أَنْتِ أَرْسَلْتِهَا فَأَكَلَتْ
مِنْ خَشَاشِ الْأَرْضِ». [انظر: ٣٣١٨،
٣٤٨٢]

(١٠) بَابُ مَنْ رَأَى أَنَّ صَاحِبَ
الْحَوْضِ أَوِ الْقِرْبَةِ أَحَقُّ بِمَائِهِ

٢٣٦٦ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا عَبْدُ
الْعَزِيزِ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ
سَعْدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَتَيَ رَسُولُ

2364. Narrated Asma' bint Abi Bakr رضي الله عنهما : The Prophet ﷺ offered the eclipse Salat (prayer), and then said, "Hell was displayed so close that I said, 'O my Lord! Am I going to be one of its inhabitants?'" Suddenly he saw a woman. I think he said, "...who was being scratched by a cat." He said, "What is wrong with her?" He was told, "She had imprisoned it (i.e., the cat) till it died of hunger."

2365. Narrated 'Abdullah bin 'Umar رضي الله عنهما : Allâh's Messenger ﷺ said, "A woman was tortured and was put in (Hell) Fire because of a cat which she had kept locked till it died of hunger." Allâh's Messenger ﷺ further said, "Allâh knows better. Allâh said (to the woman), 'You neither fed it nor watered it when you locked it up, nor did you set it free to eat the vermin of the earth.'"

(10) CHAPTER. Whoever thinks that the owner of a tank, or of a leather water-container has more right to use the water than any other person.

2366. Narrated Sahl bin Sa'd رضي الله عنه : Once a tumbler (full of milk or water) was brought to Allâh's Messenger ﷺ who drank from it, while on his right side there was sitting a boy who was the youngest of those

who were present, and on his left side there were old men. The Prophet ﷺ asked, "O boy! Do you allow me to give (the drink) to the elder people (first)?" The boy said, "I will not give preference to anybody over me to have my share from you, O Allāh's Messenger!" So, he gave it to the boy.

الله ﷺ بَقَدْحٍ فَشَرِبَ وَعَنْ يَمِينِهِ غَلَامٌ هُوَ أَخْدُثُ الْقَوْمَ، وَالْأَشْيَاخُ عَنْ يَسَارِهِ، قَالَ: «يَا غَلَامُ، أَتَأَذَنُ لِي أَنْ أُعْطِيَ الْأَشْيَاخَ؟» قَالَ: مَا كُنْتُ لُؤْثِرَ بِنَصِيبِي مِنْكَ أَحَدًا يَا رَسُولَ اللَّهِ، فَأَعْطِهِ إِيَاهُ.

[رَاجِعٌ: ٢٣٥١]

2367. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, "By Him in Whose Hands my soul is, some people will be driven away from my Tank [Haud (Al-Kauthar)] on the Day of Resurrection as strange camels are driven away from a private tank (trough)."

٢٣٦٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا غُنْدُرٌ: حَدَّثَنَا شُعْبَةُ، عَنْ مُحَمَّدٍ ابْنِ زِيَادٍ: سَمِعْتُ أبا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «وَالَّذِي تَفْسِي بِهِ لَادُونَ رِجَالًا عَنْ حَوْضِي كَمَا تُنْدَدُ الْغَرِيبَةُ مِنَ الْإِبْلِ عَنِ الْحَوْضِ». [٢٣٦٧]

2368. Narrated Ibn 'Abbās رضي الله عنهما: The Prophet ﷺ said, "May Allāh be Merciful to the mother of Isma'il (Ishmael)! If she had left the water of Zamzam (fountain) as it was, (without constructing a basin for keeping the water), it would have been a flowing stream. Jurhum (an Arab tribe) came and asked her, 'May we settle at your dwelling?' She said, 'Yes, but you have no right to possess the water.' They agreed."

٢٣٦٨ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنْ أَبِي بَكْرٍ وَكَثِيرِ بْنِ كَثِيرٍ، يَرِيدُ أَحَدُهُمَا عَلَى الْآخِرِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: قَالَ أَبُنْ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: قَالَ النَّبِيُّ ﷺ: «بِرْحَمُ اللَّهُ أَمْ إِسْمَاعِيلَ، لَوْ تَرَكْتُ زَمْرَمَ - أَوْ قَالَ: لَوْ لَمْ تَعْرِفْ مِنَ الْمَاءِ لَكَانَتْ عَنِّي مَعِينًا. وَأَقْبَلَ جُرْهُمُ فَقَالُوا: أَتَأَذَنُنَّ أَنْ نَنْزِلَ عِنْدَكِ؟ قَالَتْ: نَعَمْ وَلَا حَقَّ لَكُمْ فِي الْمَاءِ، قَالُوا: نَعَمْ». [انظر: ٣٣٦٢، ٣٣٦٣، ٣٣٦٤]

[٣٣٦٥]

2369. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, "There are three types

٢٣٦٩ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ

of people whom Allāh will neither speak to them, nor look at them, on the Day of Resurrection. (They are):

1. A man who takes an oath falsely that he has been offered for his goods so much more than what he is given,
2. A man who takes a false oath after the *Aṣr* (prayer) in order to grab a Muslim's property, and
3. A man who withholds his superfluous water. Allāh will say to him, 'Today I will withhold My Grace from you as you withheld the superfluity of what you had not created.'

مُحَمَّدٌ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرِو، عَنْ أَبِي صَالِحِ السَّمَانِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ ﷺ قَالَ: «لَلَّهُمَّ لَا يُكَلِّمُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ وَلَا يَنْظُرُ إِلَيْهِمْ: رَجُلٌ حَلَفَ عَلَى سُلْطَةٍ لَقَدْ أَعْطَى بِهَا أَكْثَرَ مَا أَعْطَى وَهُوَ كَاذِبٌ، وَرَجُلٌ حَلَفَ عَلَى تَبِيَّنٍ كَادِيَّةٍ بَعْدَ الْعَصْرِ لِيَقْتَطِعَ إِلَيْهَا مَالٌ رَجُلٌ مُسْلِمٌ، وَرَجُلٌ مَنْعَ فَضْلَ مَائِهٍ فَيَقُولُ اللَّهُ: الْيَوْمَ أَمْتَعْكَ فَضْلِي كَمَا مَنَعْتَ فَضْلَ مَا لَمْ تَعْمَلْ يَدَاكَ». قَالَ عَلَيْهِ: حَدَّثَنَا سُفْيَانُ عَيْرَمَرَّةُ، عَنْ عَمْرِو: سَمِعَ أَبَا صَالِحٍ يَبْلُغُ بِهِ النَّبِيِّ ﷺ. [راجع: ٢٣٥٨]

(١١) بَابٌ: لَا حِمَى إِلَّا لِلَّهِ وَرَسُولِهِ ﷺ

٢٣٧ - حَدَّثَنَا يَحْيَى بْنُ بُكْرٍ: حَدَّثَنَا الْيَثْرَى، عَنْ يُونُسَ، عَنْ أَبِي شَهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُثْمَانَ، عَنْ أَبِي عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ الصَّعْبَ بْنَ جَنَاحَةَ قَالَ:

(11) CHAPTER. No *Himā* (private pasture) except according to what Allāh and His Messenger ﷺ did.⁽¹⁾

2370. Narrated As-Sa'b bin Jaththāma: Allāh's Messenger ﷺ said, "No *Himā*⁽²⁾ except for Allāh and His Messenger ﷺ⁽³⁾. We have been told that Allāh's Messenger ﷺ made a place called An-Naqi' as *Hima*, and 'Umar made *Ash-Sharaf* and Ar-Rabadha *Hima* (for grazing the animals of *Zakāt*).

(1) (Ch. 11) This means that the *Imām* has the right to assign certain pastures for certain purposes (e.g., for grazing the animals of the *Zakāt*). Nobody would then have the right to use the pastures for other purposes. (*Fath Al-Bārī*)

(2) (H. 2370) The origin of this word is that when an Arab chief came to a certain place suitable for pasturing, he would let his dog bark at a high place. The area across which the sound of the dog spread would be a private pasture for the chief's cattle, and nobody else would have the right to graze his cattle in it. So *Hima* means a private pasture, originally belonging to nobody, and nobody is allowed to cultivate it, but it is kept for grazing private animals. (*Fath Al-Bārī*)

(3) (H. 2370) Allāh's Messenger ﷺ and the Muslim leaders only have the right to keep pastures of this sort; no individual has the right to keep *Hima* for his personal good as the Arabs used to do in the Pre-Islāmic Period of Ignorance. (*Ibid.*)

إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا حَمَى إِلَّا
لَهُ وَلِرَسُولِهِ». وَقَالَ: بَلَغْنَا أَنَّ النَّبِيِّ
ﷺ حَمَى التَّفْيِعِ وَأَنَّ عُمَرَ حَمَى
الشَّرَفَ وَالرَّبَدَةَ. [انظر: ٣٠١٣]
(١٢) بَابُ شَرْبِ النَّاسِ وَسَقْيِ
الدَّوَابِ مِنَ الْأَنْهَارِ

(12) CHAPTER. Drinking water by people and watering animals from the rivers.

2371. Narrated Abū Hurairah رضي الله عنه said: "Keeping horses may be a source of reward to some (men), a shelter to another (i.e., means of earning one's living), or a burden to a third⁽¹⁾. He, to whom the horse will be a source of reward is the one who keeps it in Allāh's Cause (prepare it for holy battles) and ties it by a long rope in a pasture (or a garden). He will get a reward equal to what its long rope allows it to eat in the pasture or the garden, and if that horse breaks its rope and crosses one or two hills, then all its foot-steps and its dung will be counted as good deeds for its owner; and if it passes by a river and drinks from it, then that will also be regarded as a good deed for its owner even if he has had no intention of watering it then. Horses are a shelter from poverty to the second person who keeps horses for earning his living so as not to ask others, and at the same time he gives Allāh's Right (i.e., Zakāt) (from the wealth he earns through using them in trading etc.), and does not overburden them. He who keeps horses just out of pride and for showing off and as a means of harming the Muslims, his horses will be a source of sins to him."

When Allāh's Messenger ﷺ was asked

٢٣٧١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالْكُ بْنُ أَنَسٍ، عَنْ
زَيْنَدِ بْنِ أَسْلَمَ، عَنْ أَبِي صَالِحِ
السَّمَانِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ
عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْحَيْلُ
لِرَجُلٍ أَجْرٌ، وَلِرَجُلٍ سِرْتٌ، وَعَلَى
رَجُلٍ وِزْرٌ. فَمَمَّا الَّذِي لَهُ أَجْرٌ فَرَجُلٌ
رَبَطَهَا فِي سَبِيلِ اللَّهِ فَأَطَالَ لَهَا فِي
مَرْجٍ أَوْ رَوْضَةٍ، فَمَا أَصَابَتْ فِي
طَيْلِهَا ذَلِكَ مِنَ الْمَرْجِ أَوِ الرَّوْضَةِ
كَانَتْ لَهُ حَسَنَاتٍ وَلَوْ أَنَّهُ انْقَطَعَ
طَيْلُهَا فَاسْتَنَتْ شَرَفًا أَوْ شَرَفَيْنِ كَانَتْ
أَثَارُهَا وَأَرْوَاثُهَا حَسَنَاتٍ لَهُ. وَلَوْ أَنَّهَا
مَرَّتْ بِتَهْرِيرٍ فَشَرَبَتْ مِنْهُ وَلَمْ يُرِدْ أَنْ
يَسْقِي كَانَ ذَلِكَ حَسَنَاتٍ لَهُ، فَهَيِّ
لِذَلِكَ أَجْرٌ. وَرَجُلٌ رَبَطَهَا تَعْنِيَا
وَتَعْقِيَا ثُمَّ لَمْ يُنْسَ حَقَّ اللَّهِ فِي رِقَابِهَا
وَلَا ظُهُورُهَا فَهِيَ لِذَلِكَ سِرْتٌ. وَرَجُلٌ
رَبَطَهَا فَخْرًا وَرِباءً وَنِوَاءً لِأَهْلِ

(1) (H. 2371) Horses are kept as a means of conveyance or for commercial purposes. One may use them in the way that pleases Allāh and gets a reward for his obedience, another may use them in disobeying Allāh and is consequently punished, and still another may use them just for earning his living. (*Qastalani*)

about donkeys, he replied, "Nothing particular was revealed to me regarding them except this general unique Verse which is applicable to everything:

"So whosoever does good equal to the weight of an atom (or a small ant), shall see it. And whosoever does evil equal to the weight of an atom (or a small ant), shall see it."⁽¹⁾

الإسلام، فَهِيَ عَلَى ذَلِكَ وِزْرٌ .
وَسُئِلَ رَسُولُ اللَّهِ ﷺ عَنِ الْحُمْرِ،
فَقَالَ: «مَا أَنْزَلَ عَلَيَّ فِيهَا شَيْءٌ إِلَّا
هُذِهِ الْآيَةُ الْجَامِعَةُ الْفَادِعَةُ»: ﴿فَعَنِ
يَعْمَلَ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ﴾ وَمَنْ
يَعْمَلَ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ﴾.

[انظر: ٢٨٦٠، ٣٦٤٦، ٤٩٦٢، ٤٩٦٣]

[٧٣٥٦]

2372. Narrated Zaid bin Khālid رَضِيَ اللَّهُ عَنْهُ: A man came to Allāh's Messenger ﷺ and asked about *Al-Luqata* (a fallen thing). The Prophet ﷺ said, "Recognise its container and its tying material and then make public announcement about it for one year and if its owner shows up, give it to him; otherwise use it as you like." The man said, "What about a lost sheep?" The Prophet ﷺ said, "It is for you, your brother or the wolf."⁽²⁾ The man asked "What about a lost camel?" The Prophet ﷺ said, "Why should you take it as it has got its water-container (its stomach) and its hooves and it can reach the places of water and can eat the trees till its owner finds it?"⁽³⁾

٢٣٧٢ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنَا
مَالِكُ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ،
عَنْ زَيْدَ مَوْلَى الْمُبْعِثِ، عَنْ زَيْدِ بْنِ
خَالِدِ الْجَهْنَمِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَاءَ
رَجُلٌ إِلَى رَسُولِ اللَّهِ ﷺ فَسَأَلَهُ عَنِ
اللَّقْطَةِ فَقَالَ: «أَعْرِفُ عِفَاصَهَا
وَوِكَائِهَا، ثُمَّ عَرَفْهَا سَنَةً، فَإِنْ جَاءَ
صَاحِبُهَا وَلَا فَتَأْنَكْ بِهَا». قَالَ:
فَضَالَّةُ الْغَمِّ؟، قَالَ: «هِيَ لَكَ أَوْ
لِأَخِيكَ أَوْ لِلَّذِئْبِ»، قَالَ: فَضَالَّةُ
الْأَبْلِ؟ قَالَ: «مَا لَكَ وَلَهَا؟» مَعَهَا
سِقَاؤُهَا وَجِدَاؤُهَا، تَرِدُ الْمَاءَ وَتَأْكُلُ
الشَّجَرَ حَتَّى يَلْقَاهَا رَبُّهَا». [راجع: ٩١]

(١٣) بَابُ بَيْعِ الْحَطَبِ وَالْكَلَأِ

٢٣٧٣ - حَدَّثَنَا مُعَلَّى بْنُ أَسِيدٍ:

(13) CHAPTER. The selling of wood and grass.

2373. Narrated Az-Zubair bin Al-

(1) (H. 2371) This means that if one treats his donkeys kindly and does not overburden them, he will be rewarded for that in the Hereafter, and if he does the opposite, he will gain the fruit of his ill-behaviour. (*Qastalāni*)

(2) (H. 2372) It is for you if its owner does not show up, or for its owner if he shows up, or for the wolf to eat if you leave it and its owner does not find it.

(3) (H. 2372) The Prophet ﷺ forbids the man from taking the lost camel because it can stay in the desert for a long period without any danger. It is like a well-provided traveller; it can reach its destination.

‘Awwām said, “No doubt, one had better take a rope (and cut) and tie a bundle of wood and sell it whereby Allāh will keep his face away (from Hell-fire) rather than ask others who may give him or not.”

حدَثَنَا وُهَيْبٌ، عَنْ هِشَامٍ، عَنْ أَبِيهِ،
عَنِ الرَّبِيعِ بْنِ الْعَوَامِ رَضِيَ اللَّهُ عَنْهُ
عَنِ النَّبِيِّ ﷺ قَالَ: «لَأَنْ يَأْخُذَ
أَحَدُكُمْ أَحْبَلًا فَيَأْخُذُ حُزْمَةً مِنْ حَطَبٍ
فَيَبْيَغُ فَيُكَفَّ اللَّهُ بِهَا وَجْهَهُ خَيْرٌ مِنْ
أَنْ يَسْأَلَ النَّاسَ أُعْطِيَ أَمْ مُنْعَ». [١٤٧١]

2374. Narrated Abū Hurairah : Rَضِيَ اللَّهُ عَنْهُ Allāh's Messenger ﷺ said, “No doubt, it is better for anyone of you to cut a bundle of wood and carry it over his back (and earn his living thereby) rather than to ask somebody who may or may not give him.” (See H. 2074).

٢٣٧٤ - حدَثَنَا يَحْيَى بْنُ بُكَيْرٍ:
حدَثَنَا الْيَثْ، عَنْ عُقَيْلٍ، عَنْ ابْنِ
شَهَابٍ، عَنْ أَبِي عُبَيْدَ مَوْلَى عَبْدِ
الرَّحْمَنِ ابْنِ عَوْفٍ: أَنَّهُ سَمِعَ أَبَا
هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ
رَسُولُ اللَّهِ ﷺ: «لَأَنْ يَعْتَطَ أَحَدُكُمْ
حُزْمَةً عَلَى ظَهِيرَهِ خَيْرٌ لَهُ مِنْ أَنْ يَسْأَلَ
أَحَدًا فَيُعْطِيهِ أَوْ يَمْنَعَهُ». [١٤٧٠]

2375. Narrated Husain bin ‘Ali رَضِيَ اللَّهُ عَنْهُ said, “I got a she-camel as my share of the war booty on the day (of the battle) of Badr, and Allāh's Messenger ﷺ gave me another she-camel. I let both of them kneel at the door of one of the *Anṣār*, intending to carry *Idhkhīr* on them to sell it and use its price for my wedding banquet on marrying Fāṭima. A goldsmith from Banī Qainuqā' was with me. Ḥamza bin ‘Abdul-Muṭṭalib was in that house drinking wine and a lady singer was reciting:

‘O Ḥamza! (Kill) the (two) fat old she-camels (and serve them to your guests).’

So Ḥamza took his sword and went towards the two she-camels and cut off their humps and opened their flanks and took a part of their livers.” (I said to Ibn Shihāb,

٢٣٧٥ - حدَثَنَا إِبْرَاهِيمُ بْنُ
مُوسَى: أَخْبَرَنَا هِشَامٌ: أَنَّ ابْنَ جُرَيْحَ
أَخْبَرُهُمْ قَالَ: أَخْبَرَنِي ابْنُ شَهَابٍ،
عَنْ عَلَيِّ بْنِ حُسَيْنِ بْنِ عَلَيٍّ، عَنْ أَبِيهِ
حُسَيْنِ بْنِ عَلَيٍّ، عَنْ أَبِيهِ عَلَيِّ ابْنِ
أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُمْ أَنَّهُ قَالَ:
أَصَبَّتْ شَارِفًا مَعَ رَسُولِ اللَّهِ ﷺ فِي
مَعْنَمِ يَوْمِ بَدْرٍ، قَالَ: وَأَعْطَانِي رَسُولُ
اللَّهِ ﷺ شَارِفًا أُخْرَى فَأَنْهُمْ يَوْمًا
عِنْدَ بَابِ رَجُلٍ مِنَ الْأَنْصَارِ وَأَنَا أُرِيدُ
أَنْ أَحْوَلَ عَلَيْهِمَا إِذْخَارًا لِأَيْمَهُ وَمَعِي
صَائِفٌ مِنْ بَنِي قَيْقَاعَ فَأَسْتَعِينُ بِهِ عَلَى

"Did he take part of the humps?" He replied, "He cut off their humps and carried them away.") 'Ali رَضِيَ اللَّهُ عَنْهُ further said, "When I saw that dreadful sight, I went to the Prophet ﷺ and told him the news. The Prophet ﷺ came out in the company of Zaid bin Hāritha who was with him then, and I, too, went with them. He went to Ḥamza and spoke harshly to him. Ḥamza looked up and said, 'Aren't you only the slaves of my forefathers?' The Prophet ﷺ retreated and went out. This incident happened before the prohibition of drinking (alcoholic drinks)."

وَلِيمَةٌ فاطِمَةٌ، وَحَمْزَةُ ابْنُ عَبْدِ
الْمُطَلِّبِ يَشْرُبُ فِي ذَلِكَ الْيَوْمَ مَعَهُ
قَيْنَةً، فَقَالَتْ: أَلَا يَا حَمْزَةُ لِلشُّرُفِ
النَّوَاءِ، فَثَارَ إِلَيْهِمَا حَمْزَةُ بِالسَّيْفِ
فَجَبَ أَسْنَمَهُمَا وَبَقَرَ حَوَاصِرَهُمَا ثُمَّ
أَخْذَ مِنْ أَكْبَادِهِمَا، قُلْتُ لِابْنِ
شَهَابٍ: وَمَنِ السَّنَام؟ قَالَ: قَدْ جَبَ
أَسْنَمَهُمَا فَذَهَبَ بِهَا. قَالَ ابْنُ
شَهَابٍ: قَالَ عَلَيَّ رَضِيَ اللَّهُ عَنْهُ:
فَنَظَرْتُ إِلَى مَنْظَرٍ أَفْطَعَنِي فَأَبَيْتُ تَبَيَّنَ
اللهُ عَزَّلَهُ وَعِنْهُ زَيْدُ بْنُ حَارِثَةَ فَأَخْبَرْتُهُ
الْحَبَرَ، فَخَرَجَ وَمَعَهُ زَيْدٌ فَانْظَلَقَتْ مَعَهُ
فَدَخَلَ عَلَى حَمْزَةَ فَغَيَطَ عَلَيْهِ فَرَقَعَ
حَمْزَةُ بَصَرَهُ وَقَالَ: هَلْ أَنْتُمْ إِلَّا عَبْدِ
لِإِبَائِي؟ فَرَجَعَ رَسُولُ اللهِ عَزَّلَهُ يُقْهَرُ
حَتَّى خَرَجَ عَنْهُمْ وَذِلَّ كَمَا قَبْلَ تَخْرِيمِ
الْحَمْرِ. [راجع: ٢٠٨٩]

(١٤) بَابُ الْقَطَائِعِ

(14) CHAPTER. The uncultivated pieces of land (granted by the ruler to some individuals).

2376. Narrated Anas : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ decided to grant a portion of (the uncultivated land of) Bahrain to the *Ansār*. The *Ansār* said, "(We will not accept it) till you give a similar portion to our emigrant brothers (from Quraish)." He said, "(O *Ansār*!) You will soon see people giving preference to others, so remain patient till you meet me (on the Day of Resurrection)."⁽¹⁾

٢٣٧٦ - حَدَّثَنَا سُلَيْمانُ بْنُ
حَرْبٍ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ
يَحْيَى بْنِ سَعْدِيْدَ قَالَ: سَمِعْتُ أَنَّ
رَضِيَ اللَّهُ عَنْهُ قَالَ: أَرَادَ رَسُولُ اللهِ
عَزَّلَهُ أَنْ يُقْطِعَ مِنَ الْبَحْرَنِ فَقَالَتِ
الْأَنْصَارُ: حَتَّى تُقْطِعَ لِإِخْرَائِنَا مِنَ
الْمُهَاجِرِينَ مِثْلَ الَّذِي تُقْطِعُ لَنَا،

(1) (H. 2376) This prophecy was a sign of the Prophethood of Allāh's Messenger ﷺ. It came true that the Quraish kings had the source of wealth and power in their hands. The Prophet ﷺ tells the *Ansār* to be patient and wait for a great reward in the Hereafter as a compensation for the pleasures they would miss in this life.

قال: «سَتَرْوَنَ بَعْدِي أَثْرَةً فَاضْبُرُوا حَتَّى تَلْقَوْنِي». [انظر: ٢٣٧٧، ٣١٦٣، ٣٧٩٤]

(15) CHAPTER. Documentation of the land grants.

2377. Narrated Anas: The Prophet ﷺ called the *Anṣār* so as to grant them a portion of (the land of) Bahrain. They said, "O Allāh's Messenger! If you grant this to us, write a similar document to our Quraish (emigrant) brothers." But the Prophet ﷺ did not have enough grants and he said, "After me you will see the people giving preference (to others), so be patient till you meet me."⁽¹⁾

(١٥) بَابُ كِتَابَةِ الْفَطَانِي
٢٣٧٧ - وَقَالَ النَّبِيُّ عَنْ سَعِيدٍ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ: دَعَا النَّبِيُّ ﷺ الْأَنْصَارَ لِيُقْطَعَ لَهُمْ بِالْبَخْرَيْنِ فَقَالُوا: يَا رَسُولَ اللَّهِ، إِنْ فَعَلْتَ فَأَكْتُبْ لِإِخْرَانَا مِنْ قُرْيَشٍ بِعِنْدِهَا. فَلَمْ يَكُنْ ذَلِكَ عِنْدَ النَّبِيِّ ﷺ، فَقَالَ: «سَتَرْوَنَ بَعْدِي أَثْرَةً فَاضْبُرُوا حَتَّى تَلْقَوْنِي». [راجع: ٣٧٩٤]

(16) CHAPTER. Milking she-camels at water places.

2378. Narrated Abū Hurairah: The Prophet ﷺ said, "One of the rights of a she-camel is that it should be milked at a place of water."

(١٦) بَابُ حَلْبِ الْإِيلِ عَلَى الْمَاءِ
٢٣٧٨ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ: حَدَّثَنَا مُحَمَّدُ بْنُ فُلَيْحٍ قَالَ: حَدَّثَنِي أَبِي عَنْ هَلَالِ أَبْنِ عَلَيٍّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَمْرَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ، عَنْ النَّبِيِّ ﷺ قَالَ: «مِنْ حَقِّ الْإِيلِ أَنْ تُحَلَّبَ عَلَى الْمَاءِ». [راجع: ١٤٠٢]

(17) CHAPTER. One may have the right to pass through a garden or to have a share in date-palms.

The Prophet ﷺ said, "If somebody sells date-palms after pollinating them, their fruits will be for him and he has the right to enter

(١٧) بَابُ الرَّجُلِ يَكُونُ لَهُ مَرْأً أوْ شَرْبُ فِي حَائِطٍ أَوْ فِي نَخْلٍ؟
وَقَالَ النَّبِيُّ ﷺ: «مَنْ باعَ نَخْلًا بَعْدَ أَنْ تُؤَبَّرَ فَتَمَرَّثُهَا لِلْبَاعِ، وَلِلْبَاعِ

(1) (Ch. 2377) Perhaps the grants given to the *Anṣār* were land grants or money grants from the *Jizya* tax levied from that land. The Prophet ﷺ could not assign similar grants to the emigrants, perhaps because there were not many conquests then. (*Qastalāni*)

the garden and irrigate the date-palms till he reaps the fruits. The owner of 'Ariya has a similar right.'

2379. Narrated 'Abdullâh رضي الله عنه: Allah's Messenger ﷺ said, "If somebody buys date-palms after they have been pollinated, the fruits will belong to the seller unless the buyer stipulates the contrary. If somebody buys a slave having some property, the property will belong to the seller unless the buyer stipulates that it should belong to him."

المَمْرُّ وَالسَّقَئِ حَتَّى يَرْفَعَ وَكَذَلِكَ رَبُّ
الْعَرِيَّةِ".

٢٣٧٩ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ
يُوسُفَ: حَدَّثَنَا الْلَّيْثُ: حَدَّثَنِي ابْنُ
شَهَابٍ، عَنْ سَالِمٍ بْنِ عَبْدِ اللَّهِ، عَنْ
أَبِيهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ
رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «مَنْ ابْتَاعَ نَخْلًا
بَعْدَ أَنْ تُؤْرَبَ فَتَمَرَّتْهَا لِلنَّبَاعِ إِلَّا أَنْ
يَشْتَرِطَ الْمُبْتَاعُ، وَمَنْ ابْتَاعَ عَبْدًا وَلَهُ
مَالٌ فَمَالُهُ لِلَّذِي بَاعَهُ إِلَّا أَنْ يَشْتَرِطَ
الْمُبْتَاعُ». [راجع: ٢٢٠٣]

وَعَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ ابْنِ
عُمَرَ، عَنْ عُمَرَ فِي الْعَبْدِ.

٢٣٨٠ - حَدَّثَنَا مُحَمَّدُ بْنُ
يُوسُفَ: حَدَّثَنَا سُفِّيَانُ، عَنْ يَحْيَى بْنِ
سَعِيدٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنْ
رَيْدِ بْنِ ثَابِتٍ رَضِيَ اللَّهُ عَنْهُمْ قَالَ:
رَحْصَ النَّبَيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُبَاعَ الْعَرَيَا
بِخَرْصِهَا تَمْرًا. [راجع: ٢١٧٣]

٢٣٨١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
مُحَمَّدٍ: حَدَّثَنَا ابْنُ عَيْنَةَ، عَنْ ابْنِ
جُرَيْحَةَ، عَنْ عَطَاءٍ: سَمِعَ جَابِرَ بْنَ
عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا: نَهَى النَّبِيُّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمُخَابَرَةِ وَالْمُحَافَلَةِ، وَعَنِ
الْمُرَابَةِ، وَعَنْ بَيعِ الشَّمْرِ حَتَّى يَبُدُّ
صَلَاحُهُ. وَأَنْ لَا تُبَاعَ إِلَّا بِالدِّينَارِ
وَالدِّرْهَمِ إِلَّا الْعَرَيَا. [راجع: ١٤٨٧]

٢٣٨٢ - حَدَّثَنَا يَحْيَى بْنُ قَرَعَةَ:

2380. Narrated Zaid bin Thâbit رضي الله عنه: The Prophet ﷺ permitted selling the dates of the 'Arâyâ for ready dates by estimating the amount of the former (as they are still on the trees).

2381. Narrated Jâbir bin 'Abdullâh رضي الله عنه: The Prophet ﷺ forbade the sales called *Al-Mukhâbara*, *Al-Muhâqala* and *Al-Muzâbana* and the selling of fruits till they are free from blights. He forbade the selling of the fruits except for money, except the 'Arâyâ.

2382. Narrated Abû Hurairah رضي الله عنه: The Prophet ﷺ allowed the sale of the dates

of the 'Arāyā for ready dates by estimating the former which should be estimated as less than five *Awsuq* or five *Awsuq*. (Dawūd, the subnarrator is not sure as to the right amount.)⁽¹⁾

حَدَّثَنَا مَالِكُ، عَنْ دَاؤُدَ بْنِ حُصَيْنِ،
عَنْ أَبِي سُفْيَانَ مَوْلَى ابْنِ أَبِي أَخْمَدَ،
عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ:
رَجُلٌ مِنْ أَنْفُسِ النَّاسِ فِي بَيْعِ الْعَرَابِيَّا
يَحْرُصُهَا مِنَ التَّمْرِ فِيمَا دُونَ خَمْسَةَ
أُوسُقٍ - أَوْ فِي خَمْسَةَ أُوسُقٍ، شَكَّ
دَاؤُدُ فِي ذَلِكَ - . [راجع: ٢١٩]

٢٣٨٤ ، ٢٣٨٣ - حَدَّثَنَا زَكَرِيَّا
بْنُ يَحْيَى : حَدَّثَنَا أَبُو أَسَمَّةَ قَالَ:
أَخْبَرَنِي التَّوَلِيدُ بْنُ كَثِيرٍ قَالَ: أَخْبَرَنِي
بُشَيْرُ بْنُ يَسَارٍ مَوْلَى بَنِي حَارِثَةَ: أَنَّ
رَافِعَ بْنَ حَدِيجَ وَسَهْلَ بْنَ أَبِي حُمَّةَ
حَدَّثَا: «أَنَّ رَسُولَ اللَّهِ تَعَالَى نَهَا عَنْ
الْمُرَابَّةِ: بَيْعُ الشَّمْرِ بِالشَّمْرِ، إِلَّا
أَصْحَابُ الْعَرَابِيَّا فَإِنَّهُ أَذْنَ لَهُمْ».
قَالَ: وَقَالَ أَبُو إِسْحَاقَ: حَدَّثَنِي
بُشَيْرٌ مِثْلُهُ . [راجع: ٢١٩١]

2383, 2384. Narrated Rāfi' bin Khadīj and Sahl bin Abī Ḥathma : Allāh's Messenger forbade the sale of *Muzābana*, i.e., selling of fruits for fruits, except in the case of 'Arāyā ; he allowed the owners of 'Arāyā such kind of sale.

(1) (H. 2382) Since there is doubt about the limits of estimation, less than five *Awsuq* is regarded as the legal amount ; five *Awsuq* or more is regarded as illegal. (*Qastalāni*).

43 - THE BOOK OF LOANS, PAYMENT OF LOANS, FREEZING OF PROPERTY, AND BANKRUPTCY.

(1) CHAPTER. Whoever buys a thing on credit and does not have its price or has it, but not at the place of the transaction.

رَضِيَ اللَّهُ عَنْهُمَا : While I was in the company of the Prophet ﷺ in one of his Ghazawāt, he asked, "What is wrong with your camel? Will you sell it?" I replied in the affirmative and sold it to him. When he reached Al-Madina, I took the camel to him in the morning and he paid me its price.

2385. Narrated Al-A'mash: When we were with Ibrāhīm, we talked about mortgaging in deals of Salam. Ibrāhīm narrated from Aswad that 'Āishah رَضِيَ اللَّهُ عَنْهَا had said, "The Prophet ﷺ bought some foodstuff on credit from a Jew and mortgaged an iron armour to him."

(2) CHAPTER. Whoever takes the money of the people intending to repay it or to destroy it or to spoil it.

2387. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ said, "Whoever takes the money of the people with the intention of repaying it, Allāh will repay it on his behalf, and whoever takes it in order to destroy it, then Allāh will destroy him."

٤٣ - كتاب الاستقرارض وأداء الديون والحجر والتفليس

(١) بَابٌ مَنْ اشترى بالدِّينِ وَلَيْسَ عِنْدَهُ ثَمَنَهُ أَوْ لَيْسَ بِحَضْرَتِهِ ٢٣٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ هُوَ الْيَكْنَدِيُّ : أَخْبَرَنَا جَرِيرٌ، عَنِ الْمُغَيرةَ، عَنِ السُّعْدِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: عَرَوْتُ مَعَ النَّبِيِّ ﷺ فَقَالَ: «كَفَ تَرَى بِعِيرَكَ؟ أَتَيْتُهُ؟ قُلْتُ: نَعَمْ، فَعَنْتَهُ إِيَّاهُ فَلَمَّا قَدِمَ الْمَدِيْنَةَ عَدَوْتُ إِلَيْهِ بِالْعَيْرِ فَأَعْطَانِي ثَمَنَهُ.

[راجع: ٤٤٣]

٢٣٨٦ - حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا الْأَعْمَشُ قَالَ: تَذَاكَرْنَا عِنْدَ إِبْرَاهِيمَ الرَّهْنَ فِي السَّلَمَ فَقَالَ: حَدَّثَنِي الْأَسْوَدُ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ النَّبِيِّ ﷺ اشترى طَعَاماً مِنْ يَهُودِيٍّ إِلَى أَجْلِ وَرَهْنَهُ دِرْعَاءً مِنْ حَدِيدٍ. [راجع: ٢٠٨٦]

(٢) بَابٌ مَنْ أَخْذَ أَمْوَالَ النَّاسِ يُرِيدُ أَدَاءَهَا، أَوْ إِثْلَافَهَا

٢٣٨٧ - حَدَّثَنَا عَبْدُ العَزِيزِ بْنُ عَبْدِ اللَّهِ الْأَوَّلِيِّ: حَدَّثَنَا سُلَيْمَانُ بْنُ بِلَالٍ، عَنْ ثَوْرِ ابْنِ زَيْدٍ، عَنْ أَبِي الغَيْثِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ

عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَخْدَى أَمْوَالَ النَّاسِ يُرِيدُ أَدَاءَهَا أَدَى اللَّهُ عَنْهُ، وَمَنْ أَخْدَى يُرِيدُ إِنْلَافَهَا أَنْفَقَهُ اللَّهُ».

(3) CHAPTER. Repayment of debts

And the Statement of Allāh تَعَالَى

"Verily! Allāh commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allāh) gives you! Truly, Allāh is Ever All-Hearer All-Seer." (V.4:58)

وَقُولِ اللَّهُ تَعَالَى : إِنَّ اللَّهَ يَأْمُرُكُمْ أَن تُؤْدُوا الْأَمْرَتِ إِلَيْهِ أَعْلَمُهَا وَإِذَا
حَكَمْتُمْ بَيْنَ النَّاسِ أَن تَحْكُمُوا بِالْعَدْلِ إِنَّ
اللَّهَ يُحِبُّ الْمُعْلِمِينَ [٥٨].

2388. Narrated Abū Dhar رَضِيَ اللَّهُ عَنْهُ Once, while I was in the company of the Prophet ﷺ, he saw the mountain of Uhud and said, “I would not like to have this mountain turned into gold for me unless nothing of it, not even a single Dīnār remains of it with me for more than three days (i.e., I will spend all of it in Allāh’s Cause), except that Dīnār which I will keep for repaying debts.” Then he said, “Those who are rich in this world would have little reward in the Hereafter, except those who spend their money here and there (in Allāh’s Cause) and they are few in number.” Then he ordered me to stay at my place and went not far away. I heard a voice and intended to go to him but I remembered his order, “Stay at your place till I return.” On his return I asked, “O Allāh’s Messenger! (What was) that noise which I heard?” He said, “Did you hear anything?” I said, “Yes.” He said, “Jibril [Gabriel] (عليه السلام) came to me and said, ‘Whoever amongst your followers dies worshipping none along with Allāh, will enter Paradise.’” I said, “Even if he did such and such things (i.e., even if he stole or committed illegal sexual intercourse)”

- ٢٣٨٨ - حَدَّثَنِي أَحْمَدُ بْنُ يُونَسَ : حَدَّثَنَا أَبْوُ شَهَابٍ ، عَنِ الْأَعْمَشِ ، عَنْ زَيْدِ بْنِ وَهْبٍ ، عَنْ أَبِي ذَرٍ رَضِيَ اللَّهُ عَنْهُ قَالَ : كُنْتُ مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَلَمَّا أَبْصَرَ - يَقْرَئُ أَحْدَاهُ - قَالَ : «مَا أَحِبُّ أَنَّهُ يَعْوَلَ لِي ذَهَبًا كُنْكُتُ عِنْدِي مِنْهُ دِينَارٌ فَوْقَ ثَلَاثٍ إِلَّا دِينَارًا أَرْصَدْتُ لِدَيْنِ» ، ثُمَّ قَالَ : «إِنَّ الْأَكْثَرِينَ هُمُ الْأَفْلَوْنَ ، إِلَّا مَنْ قَالَ بِالْمَالِ هَكَذَا وَهَكَذَا ، وَأَشَارَ أَبُو شَهَابٍ بَيْنَ يَدَيْهِ وَعَنْ يَمِينِهِ وَعَنْ شِمَالِهِ «وَقَلِيلٌ مَا هُمْ». وَقَالَ : «مَكَانَكَ» وَتَقَدَّمَ غَيْرُ بَعِيدٍ فَسَمِعْتُ صَوْتًا فَأَرْدَثْتُ أَنْ أَتِيهُ. ثُمَّ ذَكَرْتُ قَوْلَهُ : «مَكَانَكَ حَتَّى آتِيَكَ». فَلَمَّا جَاءَ قُلْتُ : يَا رَسُولَ اللَّهِ ، الَّذِي سَمِعْتُ - أَوْ قَالَ : الصَّوْتُ الَّذِي سَمِعْتُ - ؟ قَالَ : «وَهَلْ سَمِعْتَ؟»

He (ﷺ) said, "Yes."

فُلْتُ: نَعَمْ، قَالَ: «أَتَانِي جِبْرِيلُ عَنِّي
الصَّلَاةُ السَّلَامُ فَقَالَ: مَنْ مَاتَ مِنْ
أَمْتَكَ لَا يُشْرِكُ بِاللَّهِ شَيْئًا دَخَلَ
الجَنَّةَ»، فُلْتُ: وَمَنْ فَعَلَ كَذَّا وَكَذَا؟
قَالَ: «نَعَمْ». [راجع: ١٢٣٧]

2389. Narrated Abū Hurairah رضي الله عنه: Allāh's Messenger ﷺ said, "If I had gold equal to the mountain of Uhud, it would not please me that it should remain with me for more than three days, except an amount which I would keep for repaying debts."

٢٣٨٩ - حَدَّثَنِي أَحْمَدُ بْنُ شَيْبِ
بْنِ سَعِيدٍ: حَدَّثَنَا أَبِي، عَنْ يُونَسَ،
قَالَ أَبْنُ شَهَابٍ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ
عَبْدِ اللَّهِ بْنِ عُتْبَةَ قَالَ: قَالَ أَبُو هُرَيْرَةَ
رَضِيَ اللَّهُ عَنْهُ: قَالَ رَسُولُ اللَّهِ ﷺ:
«لَوْ كَانَ لِي مِثْلُ أُحْدِي ذَهَبًا مَا يَسْرُنِي
أَنْ لَا يُمْرَأَ عَلَيَّ ثَلَاثٌ وَعَنِّي مِنْهُ
شَيْءٌ إِلَّا شَيْءٌ أُرْصِدُهُ لِدَيْنِ». رَوَاهُ
صَالِحٌ وَعَقِيلٌ عَنِ الرُّهْبَرِ. [انظر:
٦٤٤٥، ٧٢٢٨]

(4) CHAPTER. To buy camels on credit.

2390. Narrated Abū Hurairah رضي الله عنه: A man demanded his debts from Allāh's Messenger ﷺ in such a rude manner that the companions of the Prophet ﷺ intended to harm him, but the Prophet ﷺ said, "Leave him, no doubt, for he (the creditor) has a right to demand it (harshly). Buy a camel and give it to him." They said, "The camel that is available is older and better than the camel he demands." The Prophet ﷺ said, "Buy it and give it to him, for the best among you are those who repay their debts handsomely."

٢٣٩٠ - حَدَّثَنَا أَبُو الْوَلِيدِ:
حَدَّثَنَا شُعْبَةُ: أَخْبَرَنَا سَلَمَةُ بْنُ كَهْيَلٍ
قَالَ: سَمِعْتُ أبا سَلَمَةَ يَمْنِي يُحَدِّثُ
عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ
رَجُلًا تَقَاضَى رَسُولَ اللَّهِ ﷺ فَأَعْلَظَ
لَهُ بِهِ فَهُمْ أَصْحَابُهُ فَقَالَ: «دَعْهُ فَإِنَّ
لِصَاحِبِ الْحَقِّ مَقَالًا وَاشْتَرُوا لَهُ
بَعِيرًا فَأَعْطُوهُ إِيَاهُ»، وَقَالُوا: لَا تَجِدُ
إِلَّا أَفْضَلَ مِنْ سِنِّهِ قَالَ: «اشْتَرُوهُ
فَأَعْطُوهُ إِيَاهُ فَإِنَّ خَيْرَكُمْ أَحَسَنُكُمْ
فَضَاءً». [راجع: ٢٣٠٥]

(5) CHAPTER. Demanding debts handsomely.

2391. Narrated Hudhaifa : رَضِيَ اللَّهُ عَنْهُ هُدَى حَدَّثَنَا مُسْلِمٌ: حَدَّثَنَا شَعْبَةُ، عَنْ عَبْدِ الْمَلِكِ، عَنْ رَبِيعِيٍّ، عَنْ حَذِيفَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَوَّغْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «مَاتَ رَجُلٌ فَقِيلَ لَهُ: مَا كُنْتَ تَقُولُ؟ قَالَ: كُنْتُ أَبَايُّ النَّاسَ فَأَتَجَوَّزُ عَنِ الْمُؤْسِرِ، وَأَحْفَفُ عَنِ الْمُعْسِرِ، فَغَفَرَ لَهُ». قَالَ أَبُو مَسْعُودٍ: سَوَّغْتُهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ.

Abū Mas'ūd said, "I heard the same (*Hadīth*) from the Prophet ﷺ."

(٥) بَابُ حُسْنِ التَّقَاضِيِّ

٢٣٩١ - حَدَّثَنَا مُسْلِمٌ: حَدَّثَنَا شَعْبَةُ، عَنْ عَبْدِ الْمَلِكِ، عَنْ رَبِيعِيٍّ، عَنْ حَذِيفَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَوَّغْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «مَاتَ رَجُلٌ فَقِيلَ لَهُ: مَا كُنْتَ تَقُولُ؟ قَالَ: كُنْتُ أَبَايُّ النَّاسَ فَأَتَجَوَّزُ عَنِ الْمُؤْسِرِ، وَأَحْفَفُ عَنِ الْمُعْسِرِ، فَغَفَرَ لَهُ». قَالَ أَبُو مَسْعُودٍ: سَوَّغْتُهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ.

[راجع: ٢٠٧٧]

(٦) بَابُ هَلْ يُعْطِي أَكْبَرُ مِنْ سِنِّهِ؟

(6) CHAPTER. Can one give an older (camel) than that he owes?

2392. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ أَبُو هُرَيْرَةَ حَدَّثَنَا مُسَدَّدٌ: عَنْ يَحْيَى، عَنْ سُفِّيَانَ: حَدَّثَنِي سَلَمَةُ بْنُ كُهْيَنْ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَنَّ رَجُلًا أَتَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقْاتِلُهُ أَبْعِرًا، فَقَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَعْطُوهُ». فَقَالُوا: لَا نَجِدُ إِلَّا سِنًّا أَفْضَلَ مِنْ سِنِّهِ، فَقَالَ الرَّجُلُ: أُورِثْتَنِي أُرْفَاقَ اللَّهِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَعْطُوهُ إِلَيْهِ مِنْ خِيَارِ الشَّامِ أَخْسَأَهُمْ قَضَاءً».

٢٣٩٢ - حَدَّثَنَا مُسَدَّدٌ: عَنْ يَحْيَى، عَنْ سُفِّيَانَ: حَدَّثَنِي سَلَمَةُ بْنُ كُهْيَنْ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَنَّ رَجُلًا أَتَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقْاتِلُهُ أَبْعِرًا، فَقَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَعْطُوهُ». فَقَالُوا: لَا نَجِدُ إِلَّا سِنًّا أَفْضَلَ مِنْ سِنِّهِ، فَقَالَ الرَّجُلُ: أُورِثْتَنِي أُرْفَاقَ اللَّهِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَعْطُوهُ إِلَيْهِ مِنْ خِيَارِ الشَّامِ أَخْسَأَهُمْ قَضَاءً».

[راجع: ٢٢٠٥]

(٧) بَابُ حُسْنِ الْفَضَاءِ

٢٣٩٣ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا سُفِّيَانُ، عَنْ سَلَمَةَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ:

(7) CHAPTER. Repaying debts handsomely.

2393. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ أَبُو هُرَيْرَةَ حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا سُفِّيَانُ، عَنْ سَلَمَةَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ:

but found nothing but a camel one year older. The Prophet ﷺ told them to give it to him. The man said, "You have paid me in full, and may Allāh pay you in full." The Prophet ﷺ said, "The best amongst you is he who pays his debts in the most handsome manner."

كَانَ لِرَجُلٍ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سِنُّ مِنَ الْأَيَّلِ فَجَاءَهُ يَتَقَاضَاهُ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَعْطُوهُ»، فَطَلَبُوا سِنَّةً فَلَمْ يَجِدُوا لَهُ إِلَّا سِنًا فَوْقَهَا، قَالَ: «أَعْطُوهُ»، قَالَ: أَوْفِتَنِي أَوْفَى اللَّهُ بِكَ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ خَيْرَكُمْ أَخْسَنُكُمْ فَضَاءً» . [٢٣٠٥] (راجع: ٢٣٩٤)

2394. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا : I went to the Prophet ﷺ while he was in the mosque. (Mis’ar thinks, that Jābir went in the forenoon.) The Prophet ﷺ told me to offer two *Rak’at* prayer, and then he repaid me the debt he owed me and gave me an extra amount.

٢٣٩٤ - حَدَّثَنَا خَلَادٌ: حَدَّثَنَا مِسْعَرٌ: حَدَّثَنَا مُحَارِبُ بْنُ دِيَارٍ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَتَيْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي الْمَسْجِدِ - قَالَ مِسْعَرٌ: أَرَاهُ قَالَ: ضَحْنِي - قَالَ: «صَلُّ رَكْعَتَيْنِ» وَكَانَ لِي عَلَيْهِ دِينٌ فَقَضَانِي وَرَادَنِي . [٤٤٣]

(٨) بَابُ إِذَا قَضَى دُونَ حَقِّهِ أَوْ حَلَّهُ فَهُوَ جَائزٌ

(8) CHAPTER. If somebody repays less than what he owes, (and the creditor accepts it) or if the creditor exempts the debtor from paying (there is no objection).

2395. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا : My father was martyred on the day (of the battle) of Uhud, and he was in debt. His creditors demanded their rights persistently. I went to the Prophet ﷺ (and informed him about it). He told them to take the fruits of my garden and exempt my father from the debts, but they refused to do so. So, the Prophet ﷺ did not give them my garden and told me that he would come to me the next morning. He came to us early in the morning and wandered among the date-palms and invoked Allāh to bless their fruits. I then plucked the dates and paid the creditors, and there remained some of the dates for us.

٢٣٩٥ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يُونُسُ، عَنِ الرُّهْمَرِيِّ قَالَ: حَدَّثَنِي ابْنُ كَعْبٍ بْنُ مَالِكٍ أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ أَنَّ أَبَاهُ قُتِلَ يَوْمَ أُحْدٍ شَهِيدًا وَعَلَيْهِ دِينٌ فَاشْتَدَ الْغُرَماءُ. فِي حُقُوقِهِمْ، فَأَتَيْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَبِيهِ يَقْبِلُوا تَمَرَ حَائِطِي وَيُحَلِّلُوا أَبِيهِ فَأَبَوا، فَلَمْ يُعْطِهِمُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَائِطِي وَقَالَ: «سَنَعْدُ عَلَيْكُمْ»، فَعَدَّا عَلَيْنَا

جِنِّ أَضْبَعَ فَطَافَ فِي النَّخْلِ وَدَعَا
فِي تَمَرِّهَا بِالْبَرَكَةِ فَجَدَّهَا فَقَضَيْتُهُمْ

[٢١٢٧] [راجع: ٢١٢٧]

(٩) بَابٌ إِذَا قَاصَّ أَوْ جَارَقَهُ فِي
الَّذِينَ تَمَرَّأُ بِتَمَرٍ أَوْ غَيْرِهِ

(9) CHAPTER. It is permissible for one to settle one's accounts by repaying for the dates one owes, dates or other things, and one can repay them without weighing or measuring them (if the creditor agrees).

رَضِيَ اللَّهُ عَنْهُمَا : When my father died he owed a Jew thirty *Awsuq* (of dates). I requested him to give me respite for repaying but he refused. I requested Allāh's Messenger ﷺ to intercede with the Jew. Allāh's Messenger ﷺ went to the Jew and asked him to accept the fruits of my trees in place of the debt but the Jew refused. Allāh's Messenger ﷺ entered the garden of the date-palms, wandering among the trees and ordered me (saying), "Pluck (the fruits) and give him his due." So, I plucked the fruits for him after the departure of Allāh's Messenger ﷺ and gave his thirty *Awsuq*, and still had seventeen *Awsuq* extra for myself. Jābir said: I went to Allāh's Messenger ﷺ to inform of what had happened, but found him offering the *Aṣr* prayer. After the *Salāt* (prayer) I told him about the extra fruits which remained. Allāh's Messenger ﷺ told me to inform ('Umar) Ibn Al-Khaṭṭāb about it. When I went to 'Umar and told him about it, 'Umar said, "When Allāh's Messenger ﷺ walked in your garden, I was sure that Allāh would definitely bless it."

٢٣٩٦ - حَدَّثَنِي إِبْرَاهِيمُ بْنُ
الْمُنْدِرِ : حَدَّثَنَا أَنَسُ ، عَنْ هِشَامٍ ، عَنْ
وَهْبِ بْنِ كَيْسَانَ ، عَنْ جَابِرِ بْنِ عَبْدِ
اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا أَنَّهُ أَخْبَرَهُ أَنَّ أَبَاهُ
تُوْفِيَ وَتَرَكَ عَلَيْهِ تَلَاثَيْنَ وَسَقَانًا لِرَجُلٍ
مِنَ الْيَهُودِ ، فَاسْتَنْظَرَهُ جَابِرٌ فَأَبَى أَنَّ
يُنْتَظِرَهُ ، فَكَلَّمَ جَابِرَ رَسُولَ اللَّهِ
لِيُشْفَعَ لَهُ إِلَيْهِ فَجَاءَ رَسُولُ اللَّهِ
وَكَلَّمَ الْيَهُودِيَّ لِيَأْخُذَ تَمَرَّنَخْلِهِ بِالْتِي
لَهُ فَأَبَى فَدَخَلَ رَسُولُ اللَّهِ
فَسَقَى فِيهَا ثُمَّ قَالَ لِجَابِرٍ : «جَدَ لَهُ
فَأَوْفِ لَهُ الَّذِي لَهُ» ، فَجَدَهُ بَعْدَ مَا
رَجَعَ رَسُولُ اللَّهِ
فَأَوْفَاهُ ثَلَاثَيْنَ وَسَقَانًا ،
فَجَاءَ جَابِرَ رَسُولَ اللَّهِ
لِيُخْبِرُهُ بِالَّذِي كَانَ فَوْجَدَهُ يُصَلِّي العَصْرَ ،
فَلَمَّا انصَرَفَ أَخْبَرَهُ بِالْفَضْلِ فَقَالَ :
«أَخْبِرْ ذَلِكَ ابْنَ الْحَطَابِ» ، فَذَهَبَ
جَابِرٌ إِلَى عُمَرَ فَأَخْبَرَهُ ، فَقَالَ لَهُ عُمَرُ :
لَقَدْ عَلِمْتُ حِنْ مَشَى فِيهَا رَسُولُ اللَّهِ
لِيُسَارِكَنَّ فِيهَا . [٢١٢٧] [راجع: ٢١٢٧]

(10) CHAPTER. Whoever seeks refuge with Allāh from being in debt.

2397. Narrated ‘Āishah رضي الله عنها: used to invoke Allāh in the *Salāt* (prayer) saying, “O Allāh, I seek refuge with you from all sins, and from being in debt.” Someone said, “O Allāh’s Messenger! (I see) very often you seek refuge with Allāh from being in debt.” He replied, “If a person is in debt, he tells lies when he speaks, and breaks his promises when he promises.”

(10) بَابُ مَنِ اسْتَعَاَدَ مِنَ الدَّيْنِ

٢٣٩٧ - حَدَّثَنَا أَبُو الْيَمَانُ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الرُّهْبَرِيِّ حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي أخِي، عَنْ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ أَبِي عَتِيقٍ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَخْبَرَتْهُ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَدْعُو فِي الصَّلَاةِ وَيَقُولُ: «اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنَ الْمَأْتِمَ وَالْمَغْرَمِ». فَقَالَ قَائِلٌ: مَا أَكْثَرَ مَا تَسْتَعِذُ يَا رَسُولَ اللَّهِ مِنَ الْمَغْرَمِ! قَالَ: إِنَّ الرَّجُلَ إِذَا غَرَمَ حَدَّثَ فَكَذَبَ وَوَعَدَ فَأَخْلَفَ».

[راجع: ٨٣٢]

(11) CHAPTER. The funeral *Salāt* (prayer) for a dead person in debt.

2398. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, “If someone leaves some property, it will be for the inheritors, and if he leaves some weak offspring, it will be for us to support them.”

٢٣٩٨ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا شُعْبَةُ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ تَرَكَ مَالًا فَلِوَرَتِهِ، وَمَنْ تَرَكَ كَلَّا فَإِلَيْنَا».

[راجع: ٢٢٩٨]

2399. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, “I am closer to the believers than their own selves in this world and in the Hereafter, and if you like, you can read Allāh’s Statement:

‘The Prophet is closer to the believers than their own selves...’ (V.33:6)

So, if a true believer dies and leaves

٢٣٩٩ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا أَبُو عَامِرٍ: حَدَّثَنَا فُلَيْحٌ، عَنْ هَلَالِ ابْنِ عَلَيٍّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَمْرَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

behind some property, it will be for his inheritors (from the father's side), and if he leaves behind some debt to be paid or needy offspring, then they should come to me as I am the guardian of the deceased."

قال: «ما من مؤمن إلا وأنا أولى به في الدنيا والآخرة، أقرؤوا إن شئتم: ﴿أَتَيْتُ أَوْنَى بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ﴾ [الأحزاب: ٦] فائماً مؤمن مات وتركت مالاً فليرثه عصبتة من كانوا، ومن ترك ذيناً أو ضياعاً فليأتني فأنَا مولاه». [راجع: ٢٢٩٨]

(١٢) باب مظل الغني ظلم

(12) CHAPTER. Procrastination (delay) in repaying debts by a wealthy person is injustice.

2400. Narrated Abū Hurairah رضي الله عنه عن Allāh's Messenger ﷺ said, "Procrastination (delay) in repaying debts by a wealthy person is injustice."

٢٤٠٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ هَمَّامَ بْنِ مُبَيِّ أَخِي وَهِبٍ ابْنِ مُبَيِّ: أَنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَظْلُ الغَنِيِّ ظُلْمٌ». [راجع: ٢٢٨٧]

(١٣) باب لصاحب الحق مقال، ويذكر عن النبي ﷺ: «أَلَيْتَ الْوَاجِدَ يُحَلُّ عَرْضَهُ وَعُقُوبَتَهُ». قال سفيان: «عرضه» يَقُولُ: مَظْلُّتِي، «وعقوبته»: الْجَبَسُ.

٢٤٠١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ شَعْبَةَ، عَنْ سَلَمَةَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَتَى النَّبِيُّ ﷺ رَجُلٌ يَتَقَاضَاهُ فَأَغْلَظَ لَهُ فَهُمْ يَهُ أَصْحَابُهُ فَقَالَ: «ذَعْوَهُ فَإِنَّ لِصَاحِبِ الْحَقِّ مَقَالًا». [راجع: ٢٣٠٥]

(13) CHAPTER. The owner of the right has the permission to demand his right.

The Prophet ﷺ said, "The delay in the payment of debt by one who can afford to pay, justifies his defamation and torture by the lender." Defamation means that the lender tells him in public that he has delayed the payment. Torture means legal imprisonment.

2401. Narrated Abū Hurairah رضي الله عنه: A man came to the Prophet ﷺ and demanded his debts and used harsh words. The companions of the Prophet ﷺ wanted to harm him, but the Prophet ﷺ said, "Leave him, as the (creditor) (one who has a right) has the full right to demand it (or to speak harshly)."

(14) CHAPTER. If somebody lends something or sells it on credit or deposits it as a trust, and the new possessor gets bankrupt, the former owner has more right than the other creditors to restore that thing if he finds it with the bankrupt.

Al-Hasan said, "If somebody becomes bankrupt and he is judged to be so, he is not permitted to free his slave or sell or buy things."

Sa'id bin Al-Musaiyab said "Uthmān gave a verdict that if a creditor took something from the debtor before the latter was declared bankrupt, it would belong to him (i.e., the other creditors would have no right to take it), and if the creditor recognized his things, he had more right to restore them (than any other creditor)."

2402. Narrated Abū Hurairah رضي الله عنه : Allāh's Messenger ﷺ said, "If a man finds his very things with a bankrupt, he has more right to take them back than anyone else."

(١٤) بَابُ إِذَا وَجَدَ مَالَهُ عِنْدَ مُفْلِسٍ فِي الْبَيْعِ وَالْقَرْضِ وَالْوَدِيعَةِ فَهُوَ أَحَقُّ بِهِ،

وقال الحسن : إذا أفلس وتبين له يعجز عنفه ولا ينفعه ولا شراؤه . وقال سعيد بن المسيب : قضى عثمان : من اقضى من حقه قبل أن يفلس فهو له ، ومن عرف مثاعنه بعينيه فهو أحق به .

٢٤٠٢ - حَدَّثَنَا أَخْمَدُ بْنُ يُونُسَ : حَدَّثَنَا زُهْيرٌ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ قَالَ: أَخْبَرَنِي أَبُو بَكْرٍ بْنُ مُحَمَّدٍ بْنِ عَمْرٍو بْنِ حَزْمٍ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ أَخْبَرَهُ أَنَّ أَبَا بَكْرِ بْنَ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ ابْنِ هَشَامَ أَخْبَرَهُ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ -: «مَنْ أَذْرَكَ مَالَهُ بِعِينِهِ عِنْدَ رَجُلٍ أَوْ إِنْسَانٍ قَدْ أَفْلَسَ فَهُوَ أَحَقُّ بِهِ مِنْ غَيْرِهِ».

(١٥) بَابُ مَنْ أَخْرَى الْغَرِيمَ إِلَيِّ الْعَدْ أَوْ نَحْوِهِ وَلَمْ يَرَ ذَلِكَ مَظَالِمًا

وَقَالَ جَابِرٌ: اشْتَدَ الْعَرْمَاءُ فِي حُقُوقِهِمْ فِي دِينِ أَبِيهِ فَسَأَلَهُمُ النَّبِيُّ ﷺ أَنْ يَقْبِلُوا ثَمَرَ حَائِطِي فَأَبْوَا فَلَمْ

(15) CHAPTER. Whoever delayed the repayment of debts for a day or so and did not regard it as procrastination.

Jābir said, "When the creditors of my father demanded their rights persistently, the Prophet ﷺ requested them to take the fruits of my garden instead of the debt, but they refused. So, the Prophet ﷺ neither gave

them the fruits nor had the fruits plucked for them, but said, 'I will come to you tomorrow.' He came to us early in the morning and invoked Allāh to bless the garden's fruits, and so I paid the creditors their rights."

(16) CHAPTER. Whoever sold the property of a bankrupt or a poor man and divided the money amongst the creditors or gave it (piecemeal) to the man to spend it on his affairs.

2403. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا : A man pledged that his slave would be manumitted after his death. The Prophet ﷺ asked, "Who will buy the slave from me?"⁽¹⁾ Nu‘aim bin ‘Abdullāh bought the slave and the Prophet ﷺ took its price and gave it to the owner.

(17) CHAPTER. It is permissible to lend money for a fixed time or sell on credit for a fixed time.

Ibn ‘Umar said concerning loans for a fixed time, "There is no objection to it, even if the debtor gives more than he owes if the creditor has not stipulated it."

‘Atā’ and ‘Amr bin Dīnār said, "The lender has no right to demand his money before the due time of payment."

2404. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : Allāh's Messenger ﷺ mentioned an Israeli man who asked another Israeli to lend him money, and the latter gave it to him for a fixed period. (Abū Hurairah mentioned the rest of the narration.)

[See chapter: *Kafāla* in loans and

يُعْطِهِمُ الْحَائِظَ وَلَمْ يَكُسُرْهُ لَهُمْ،
وَقَالَ: «سَأَغْدِيُ عَلَيْكُمْ غَدًا»، فَعَدَا
عَلَيْنَا حِينَ أَضْبَحَ فَدَعَا فِي ثَمَرِهَا
بِالْبَرَكَةِ فَفَصَبَّهُمْ.

(16) بَابُ مَنْ بَاعَ مَالَ الْمُفْلِسِ أَوِ
الْمُعْلَمِ فَقَسَمَهُ بَيْنَ الْفَرَمَاءِ أَوْ أَغْطَاءِ
هَتَّى يَنْفَقَ عَلَى نَفْسِهِ

٢٤٠٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
يَزِيدُ ابْنُ زُرْيَعٍ: حَدَّثَنَا حُسَيْنُ
الْمُعْلَمُ: حَدَّثَنَا عَطَاءً بْنُ أَبِي رَبَاحٍ
عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا
قَالَ: أَعْنَقَ رَجُلٌ غُلَامًا لَهُ عَنْ دُبْرٍ،
فَقَالَ الْيَتَمُّعُوكَلَّهُ: «مَنْ يَشْتَرِيهِ مَنِّي؟»
فَاشْتَرَاهُ نَعِيمُ بْنُ عَبْدِ اللَّهِ فَأَخْذَ ثُمنَهُ
فَدَفَعَهُ إِلَيْهِ». [راجع: ٢١٤١]

(17) بَابُ إِذَا أَفْرَضَهُ إِلَى أَجْلٍ
مُسَمَّى أَوْ أَجْلَهُ فِي الْبَيْعِ
وَقَالَ ابْنُ عُمَرَ فِي الْقَرْضِ إِلَى
أَجْلٍ: لَا يَأْسِ بِهِ، وَإِنْ أُعْطَيَ أَفْضَلَ
مِنْ ذَرَاهِيمَهُ مَا لَمْ يَشْتَرِطْ. وَقَالَ
عَطَاءُ وَعَمْرُو بْنُ دِينَارٍ: هُوَ إِلَى أَجْلِهِ
فِي الْقَرْضِ.

٢٤٠٤ - وَقَالَ الْيَتَمُّعُوكَلَّهُ: حَدَّثَنِي
جَعْفُرُ ابْنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ
هُرْمَزَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ
عَنْ رَسُولِ اللَّهِ ﷺ: أَنَّهُ ذَكَرَ رَجُلًا مِنْ
بَنِي إِسْرَائِيلَ سَأَلَ بَنْضَ تَبَّيِ إِسْرَائِيلَ

(1) (H. 2403) The man became in need or in debt, so the Prophet ﷺ sold the slave for him although he had promised that he would be manumitted after his death.

debts. *Hadīth* 2291].

(18) CHAPTER. Intercession for the reduction of debts.

2405. Narrated Jābir: رَضِيَ اللَّهُ عَنْهُ When 'Abdullāh (my father) died, he left behind children and debts. I asked the lenders to put down some of his debt, but they refused, so I went to the Prophet ﷺ to intercede with them, yet they refused. The Prophet ﷺ said (to me), "Classify your dates into their different kinds: *Iḍhq* *Ibn Zaid*, *Lean* and *Ajwa*, each kind separately and call all the creditors and wait till I come to you." I did so, and the Prophet ﷺ came and sat beside the dates and started measuring to each his due till he paid them fully, and the amount of dates remained as it was before, as if he had not touched them.

أَنْ يُسْلِفَهُ فَدَفَعَهَا إِلَيْهِ إِلَى أَجَلٍ مُسَمَّى، فَذَكَرَ الْحَدِيثَ . [راجع: ١٤٩٨]

(١٨) بَابُ الشَّفاعةِ فِي وَضْعِ الدِّينِ

٢٤٠٥ - حَدَّثَنَا مُوسَى: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ مُغِيرَةَ، عَنْ عَامِرِ، عَنْ جَابِرِ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَصِيبَ عَبْدُ اللَّهِ وَتَرَكَ عِبَالًا وَدَنِيَا، فَطَلَبَتُ إِلَى أَصْحَابِ الدِّينِ أَنْ يَضَعُوا بَعْضًا فَأَبَوَا، فَأَتَيْتُ النَّبِيَّ ﷺ فَاسْتَشْفَعْتُ بِهِ عَلَيْهِمْ فَأَبَوَا، قَالَ: «صَنَفْ تَمَرَكَ كُلَّ شَيْءٍ مِنْهُ عَلَى حِدَةٍ، عِدْقَ ابْنِ زَيْدٍ عَلَى حِدَةٍ، وَاللَّيْنَ عَلَى حِدَةٍ، وَالْعَجْوَةَ عَلَى حِدَةٍ ثُمَّ أَخْضَرُهُمْ حَتَّى آتَيْكَ»، فَفَعَلْتُ. ثُمَّ جَاءَ عَلَيْهِ السَّلَامُ فَقَعَدَ عَلَيْهِ وَكَانَ لِكُلِّ رَجُلٍ حَتَّى اسْتَوْقَى وَبَقَى التَّمَرُ كَمَا هُوَ كَانَهُ لَمْ يُمسَّ. [راجع: ٢١٢٧]

٢٤٠٦ - وَغَرَوْتُ مَعَ النَّبِيِّ ﷺ عَلَى نَاضِحٍ لَنَا فَأَرْخَفَ الْجَملُ فَتَخَلَّفَ عَلَيَّ فَوَكَرَهُ النَّبِيُّ ﷺ مِنْ خَلْفِهِ، قَالَ: «إِعْنِيهِ وَلَكَ ظَهْرُهُ إِلَى الْمَدِيَّةِ»، فَلَمَّا دَنَوْنَا إِسْتَأْذَنْتُ فَقُلْتُ: يَا رَسُولَ اللَّهِ، إِنِّي حَدِيثُ عَهْدِ بَعْرُوسٍ. قَالَ ﷺ: «فَمَا تَرَوْجُتَ؟ بِكُرَّاً أَمْ ثَيَّبَاً؟» قُلْتُ: ثَيَّبَاً. أَصِيبَ عَبْدُ اللَّهِ وَتَرَكَ جَوَارِيَ صِغَارِيَ، فَتَرَوْجَتُ ثَيَّبَاً تَعْلَمُهُنَّ وَتُؤْدِبُهُنَّ، ثُمَّ

who may teach them and bring them up with good manners." The Prophet ﷺ then said (to me), "Go to your family." When I went there and told my maternal uncle about the selling of the camel, he admonished me for it. On that I told him about its slowness and exhaustion and about what the Prophet ﷺ had done to the camel and his hitting it. When the Prophet ﷺ arrived, I went to him with the camel in the morning and he gave me the price of the camel and the camel itself, and also my share from the war booty as he gave the other people.

(19) CHAPTER. What is forbidden as regards wasting money.

And the Statement of Allāh : تعالى
“... And Allāh likes not mischief...”
(V.2:205).

“... Verily Allāh does not set right the work of *Al-Mufsidūn* (the evil-doers, corruptors)...” (V.10:81)

And the Statement of Allāh : تعالى
“Does your *Salāt* (prayer) command that we give up what our fathers used to worship, or that we give up doing what we like with our property?...” (V.11:87)

Allāh also said:
“And give not unto the foolish your property...” (V.4:5)

And to keep away from all these (things), and (also) what is forbidden as regards deceit.

2407. Narrated Ibn ‘Umar رضي الله عنهم : A man came to the Prophet ﷺ and said, “I am often betrayed in bargaining.” The Prophet ﷺ advised him, “When you buy something, say (to the seller), ‘No deception’.” The man used to say so afterwards.

قال: «أَئْتِ أَهْلَكَ»، فَقَدِمْتُ فَأَخْبَرْتُ خالِي بِسَعْيِ الْجَمَلِ فَلَامَنِي. فَأَخْبَرْتُهُ بِاعْيَاءِ الْجَمَلِ، وَبِالَّذِي كَانَ مِنَ النَّبِيِّ وَوْكِرْهُ إِيَّاهُ، فَلَمَّا قَدِمَ النَّبِيُّ عَلَيْهِ السَّلَامُ عَدَوْتُ إِلَيْهِ بِالْجَمَلِ فَأَعْطَانِي ثَمَنَ الْجَمَلِ وَالْجَمَلَ وَسَهْمِي مَعَ الْقَوْمِ.

[راجع: ٤٤٣]

(١٩) بَابٌ مَا يَنْهَا عَنِ إِصْبَاعَةِ الْمَالِ

وَقَوْلُ الله تَبارَكَ وَتَعَالَى : ﴿وَاللهُ لا يُحِبُّ الْفَسَادَ﴾ [البقرة: ٢٠٥] وَ﴿لا يُصلِحُ عَمَلَ الْمُفْسِدِينَ﴾ [يونس: ٨١] وَقَالَ فِي قَوْلِهِ تَعالَى : ﴿أَصَلَّوْتُكَ تَأْمِرُكَ أَنْ تَنْزَرَكَ مَا يَكْسِبُ مَآبَاوْنَا أَوْ أَنْ تَفْعَلَ فِي أَمْوَالِنَا مَا نَشَاءُ﴾ [هود: ٨٧] وَقَالَ تَعالَى : ﴿وَلَا تُؤْتُوا الشَّهَاءَ أَمْوَالَكُمْ﴾ [النساء: ٥] وَالْحَجْرِ فِي ذَلِكَ وَمَا يَنْهَا عَنِ الْخِذَاعِ .

٢٤٠٧ - حَدَّثَنَا أَبُو نُعَيْمٌ : حَدَّثَنَا سُفِيَّانُ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ : سَمِعْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : قَالَ رَجُلٌ لِلنَّبِيِّ عَلَيْهِ السَّلَامُ : إِنِّي أُخْدَعُ فِي الْبَيْعِ، فَقَالَ : إِذَا بَايَعْتَ فَقُلْ : لَا إِخْلَابَةَ، فَكَانَ الرَّجُلُ يَقُولُهُ . [راجع: ٢١١٧]

2408. Narrated Al-Mughīra bin Shu'ba رضي الله عنه : The Prophet ﷺ said, "Allāh has forbidden for you (1) to be undutiful to your mothers, (2) to bury your daughters alive, (3) to not to pay the rights of the poor and others (e.g. charity) and (4) to beg of men (i.e., begging). And Allāh hates for you (1) *Qil* and *Qäl* (sinful and useless talk like backbiting or that you talk too much about others), (2) to ask too many questions, (in disputed religious matters), and (3) to waste the wealth (by extravagance with lack of wisdom and thinking)."'

(20) CHAPTER. A slave is a guardian of the property of his master and he should not use it except with the master's permission.

2409. Narrated 'Abdullāh bin 'Umar رضي الله عنهما : I heard Allāh's Messenger ﷺ saying, "Everyone of you is a guardian and responsible for what is in his custody. The ruler is a guardian of his subjects and responsible for them; a husband is a guardian of his family and is responsible for it; a lady is a guardian of her husband's house and is responsible for it, and a servant is a guardian of his master's property and is responsible for it." I heard that from Allāh's Messenger ﷺ and I think that the Prophet ﷺ also said, "A man is a guardian of his father's property and is responsible for it; so all of you are guardians and responsible for your wards and things under your care."

٢٤٠٨ - حدثني عثمان: حدثنا جرير، عن منصور، عن الشعبي، عن وراد مؤلى المغيرة بن شعبة، عن المغيرة بن شعبة قال: قال النبي ﷺ: «إِنَّ اللَّهَ حَرَمَ عَلَيْكُمْ عُطُوقَ الْأَمْهَاتِ، وَوَادَ الْبَنَاتِ، وَمَنَعَ وَهَاتِ. وَكَرِهَ لَكُمْ قِيلٌ وَقَالٌ، وَكَثُرةُ السُّؤَالِ، وَاضْعَافَةُ الْمَالِ».

[راجع: ٨٤٤]

(٢٠) باب العبد راع في مال سيده ولا يعمل إلا بيده

٢٤٠٩ - حدثنا أبو اليمن: أخبرنا شعيب، عن الرهري قال: أخبرني سالم ابن عبد الله، عن عبد الله بن عمر رضي الله عنهما: أنه سمع رسول الله ﷺ يقول: كُلُّكُمْ راعٌ ومسئولٌ عن رعيته، فالإمام راعٌ وهو مسئولٌ عن رعيته، والرجل في أهله راعٌ وهو مسئولٌ عن رعيته، والمرأة في بيت زوجها راعية وهي مسئولة عن رعيتها، والخادم في مال سيده راعٌ وهو مسئولٌ عن رعيته». قال: فسمعت هؤلاء من رسول الله ﷺ وأخسب النبي ﷺ قال: «والرجل في مال أبيه راعٌ وهو مسئولٌ عن رعيته، فكُلُّكُمْ راعٌ وکُلُّكُمْ مسئولٌ عن رعيته».

[راجع: ٨٩٣]

44 - THE BOOK OF QUARRELS

٤٤ - كتاب الخصومات

(1) CHAPTER. What is mentioned about the people, and quarrels between the Jews and the Muslims.

2410. Narrated 'Abdullâh bin Mas'ûd رضي الله عنه : I heard a man reciting a Verse (of the Qur'ân) but I had heard the Prophet ﷺ reciting it differently. So, I caught hold of the man by the hand and took him to Allâh's Messenger ﷺ who said, "Both of you are right." Shu'ba, the subnarrator said, "I think he said to them, "Don't differ, for the nations before you differed and perished (because of their differences)."

(١) بَابُ ما يُذَكِّرُ فِي الْإِشْخَاصِ
وَالْخُصُومَةِ بَيْنَ الْمُسْلِمِ وَالْيَهُودِ

٢٤١٠ - حَدَّثَنَا أَبُو الْوَلِيدِ:
حَدَّثَنَا شَعْبَةُ، قَالَ: عَبْدُ الْمَلِكِ بْنُ مَيسَرَةَ أَخْبَرَنِي، قَالَ: سَمِعْتُ النَّزَالَ
بْنَ سَبِيرَةَ: سَمِعْتُ عَبْدَ اللَّهِ يَقُولُ:
سَمِعْتُ رَجُلًا قَرَا آيَةً، سَمِعْتُ مِنَ النَّبِيِّ ﷺ خَلَافَهَا فَأَخَذْتُ بِيَدِهِ فَأَتَيْتُ
إِلَيْهِ رَسُولَ اللَّهِ ﷺ فَقَالَ: (إِلَّا كُمَا
مُخْسِنُونَ)، قَالَ شَعْبَةُ: أَطْهَنَهُ قَالَ: «لَا
تَخْتَلِفُوا فِيمَا كَانَ قَبْلَكُمْ اخْتَلَفُوا
فَهُكُمُوا». [انظر: ٣٤٧٦، ٥٠٦٢]

2411. Narrated Abû Hurairah رضي الله عنه : Two persons, a Muslim and a Jew, quarrelled. The Muslim said, "By Him Who gave Muhammad ﷺ superiority over all the people!" The Jew said, "By Him Who gave Mûsa [Moses] عليه السلام superiority over all the people!" At that the Muslim raised his hand and slapped the Jew on the face. The Jew went to the Prophet ﷺ and informed him of what had happened between him and the Muslim. The Prophet ﷺ sent for the Muslim and asked him about it. The Muslim informed him of the event. The Prophet ﷺ said, "Do not give me superiority over Mûsa, for on the Day of Resurrection all the people will fall unconscious and I will be one of them, but I will be the first to regain consciousness, and will see Mûsa standing and holding the side of the Throne (of Allâh). I will not know whether (Mûsa) has also fallen unconscious and got up before

٢٤١١ - حَدَّثَنَا يَحْيَى بْنُ فَرَعَةَ:
حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ أَبِي
شَهَابٍ: عَنْ أَبِي سَلَمَةَ وَعَبْدِ الرَّحْمَنِ
الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ
عَنْهُ قَالَ: اسْتَبَّ رَجُلًا، رَجُلٌ مِنَ
الْمُسْلِمِينَ وَرَجُلٌ مِنَ الْيَهُودِ، فَقَالَ
الْمُسْلِمُ: وَالَّذِي اصْطَفَى مُحَمَّدًا عَلَى
الْعَالَمِينَ. فَقَالَ الْيَهُودِيُّ: وَالَّذِي
اصْطَفَى مُوسَى عَلَى الْعَالَمِينَ، فَرَفَعَ
الْمُسْلِمُ يَدَهُ عِنْدَ ذَلِكَ فَلَظَمَ وَجْهَ
الْيَهُودِيِّ. فَذَهَبَ الْيَهُودِيُّ إِلَى النَّبِيِّ
ﷺ فَأَخْبَرَهُ بِمَا كَانَ مِنْ أَمْرِهِ وَأَمْرِ
الْمُسْلِمِ، فَدَعَا النَّبِيُّ ﷺ الْمُسْلِمَ
فَسَأَلَهُ عَنْ ذَلِكَ فَأَخْبَرَهُ. فَقَالَ النَّبِيُّ

me, or Allāh has exempted him from that stroke.”

وَقَالَ لَهُمْ: لَا تُحِيرُونِي عَلَى مُوسَى، فَإِنَّ النَّاسَ يَضْعُفُونَ يَوْمَ الْقِيَامَةِ فَأَضْعَفْتُهُمْ فَأَكُونُ أَوَّلَ مَنْ يُفْسِدُ فَإِذَا مُوسَى بَاطَشَ جَانِبَ الْعَرْشِ فَلَا أَدْرِي أَكَانَ فِيمَنْ صَعَقَ فَأَفَاقَ قَبْلِي، أَوْ كَانَ مِنْ اسْتَشْنَى اللَّهُ». [انظر: ٣٤٠٨، ٣٤١٤، ٦٥١٧، ٤٨١٣]

[٧٤٢٨، ٦٥١٨، ٦٥١٧، ٤٨١٣]

2412. Narrated Abū Sa‘īd Al-Khudrī رضي الله عنه: While Allāh’s Messenger ﷺ was sitting, a Jew came and said, “O Abūl Qāsim! One of your companions has slapped me on my face.” The Prophet ﷺ asked who that was. He replied that he was one of the *Anṣār*. The Prophet ﷺ sent for him, and on his arrival, he asked him whether he had beaten the Jew. He (replied in the affirmative and) said, “I heard him taking an oath in the market saying, ‘By Him Who gave Mūsa (Moses) superiority over all the human beings.’ I said, ‘O wicked man! (Has Allāh given Mūsa superiority) even over Muḥammad ﷺ? I became furious and slapped him over his face.” The Prophet ﷺ said, “Do not give a Prophet superiority over another, for on the Day of Resurrection all the people will fall unconscious; and I will be the first to emerge from the earth, and will see Mūsa standing and holding one of the pillars of the Throne. I will not know whether Mūsa has fallen unconscious or the first unconsciousness was sufficient for him.”⁽¹⁾

٢٤١٢ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وَهِبَّ: حَدَّثَنَا عَمْرُو بْنُ يَحْيَى، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: بَيْنَا رَسُولُ اللَّهِ وَقَالَ جَاءَ يَهُودِيٌّ فَقَالَ: يَا أَبَا الْقَاسِمِ، ضَرَبَ وَجْهِيَ رَجُلٌ مِنْ أَصْحَابِكَ. فَقَالَ: «مَنْ؟» قَالَ رَجُلٌ مِنَ الْأَنْصَارِ. قَالَ: «اذْغُوهُ»، فَقَالَ: «أَضْرَبَتْهُ؟» قَالَ: سَمِعْتُهُ بِالسُّوقِ يَحْلِفُ وَالَّذِي اصْطَطَعَ مُوسَى عَلَى الْبَرِّ، قُلْتُ: أَيْ خَيْرٌ عَلَى مُحَمَّدٍ وَقَالَ: فَأَخَذْنِي غَضْبَهُ ضَرَبَتْ وَجْهَهُ. فَقَالَ الْبَيْهِيُّ: «لَا تُحِيرُوا بَيْنَ الْأَنْبِيَاءِ إِنَّ النَّاسَ يَضْعُفُونَ يَوْمَ الْقِيَامَةِ فَأَكُونُ أَوَّلَ مَنْ تَشَقَّعُ عَنْهُ الْأَرْضُ فَإِذَا أَنَا بِمُوسَى أَخِذُ بِقَائِمَةِ مِنْ قَوَامِ الْعَرْشِ، فَلَا أَدْرِي أَكَانَ فِيمَنْ صَعَقَ فَأَفَاقَ قَبْلِي، أَمْ حُوْسَبَ بِصَعْقَةِ الْأُولَى». [انظر: ٣٣٩٨، ٦٩١٧، ٦٩١٦، ٤٦٣٨]

(1) (H. 2412) This is an allusion to the event where Mūsa (Moses) fell unconscious on wishing to see Allāh when he was beside the mountain. (See the Qur’ān V. 7:143)

2413. Narrated Anas رَضِيَ اللَّهُ عَنْهُ: A Jew crushed the head of a girl between two stones. The girl was asked who had crushed her head, and some names were mentioned before her, and when the name of the Jew was mentioned, she nodded agreeing. The Jew was caught and when he confessed, the Prophet ﷺ ordered that his head be crushed between two stones.

٢٤١٣ - حَدَّثَنَا مُوسَى: حَدَّثَنَا هَمَّامٌ، عَنْ قَتَادَةَ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ يَهُودِيًّا رَضَّ رَأْسَ جَارِيَةَ بَيْنَ حَجَرَيْنِ، قَيلَ: مَنْ فَعَلَ هَذَا بِكِ؟ أَفْلَانُ أَفْلَانُ؟ حَتَّى سُمِّيَ الْيَهُودِيُّ فَأَوْمَأَتْ بِرَأْسِهَا، فَأَخْذَ الْيَهُودِيُّ فَاعْتَرَفَ فَأَمْرَرَ بِهِ النَّبِيُّ ﷺ فَرُضَ رَأْسُهُ بَيْنَ حَجَرَيْنِ. [انظر: ٢٧٤٦، ٥٢٩٥، ٦٨٨٤، ٦٨٧٩، ٦٨٧٧، ٦٨٧٦، ٦٨٨٥]

[٦٨٨٥]

(2) CHAPTER. Whoever cancelled the deals done by a weak-minded or an extravagant person even if the ruler had not assumed control over his wealth.

Jâbir رَضِيَ اللَّهُ عَنْهُ narrated that the Prophet ﷺ rejected the gift of charity (given by a poor man) before he prohibited him (from giving in charity).

Mâlik said, "If a person is in debt and he has nothing except a slave, it is not permissible for him to manumit the slave."

(3) CHAPTER. If somebody sells a thing for a weak-minded person and pays him the price, and advised him to utilize it in a proper way and not to spoil it, and he spoils it, he can stop him from doing so, for the Prophet ﷺ had forbidden the wasting of the property. The Prophet ﷺ ordered the person who said that he had always been cheated in buying, to say, at the time of the deal, "No cheating!" The Prophet ﷺ did not take his money (of the person who sold his slave, because he had not proved foolish).

2414. Narrated Ibn 'Umar رَضِيَ اللَّهُ عَنْهُما: A man was often cheated in buying. The

(٢) بَابُ مَنْ رَدَ أَمْرَ السَّفِيهِ والضَّعِيفِ الْعَقْلِ، وَإِنْ لَمْ يَكُنْ حَجَرَ عَلَيْهِ الْإِمَامُ وَيُذَكَّرُ عَنْ جَابِرٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ ﷺ رَدَ عَلَى الْمُتَصَدِّقِ قَيْلَ الْهَهِيِّ، ثُمَّ نَهَاهُ. وَقَالَ مَالِكُ: إِذَا كَانَ لِرَجُلٍ عَلَى رَجُلٍ مَالٌ وَلَهُ عَبْدٌ وَلَا شَيْءٌ لَهُ غَيْرُهُ فَأَعْتَقَهُ لَمْ يَجْزُ عِتْقَهُ.

(٣) بَابُ مَنْ باعَ عَلَى الضَّعِيفِ وَنَحْوُهُ فَلَدَعَ ثُمَّ نَهَاهُ إِلَيْهِ وَأَمْرَهُ بِالْإِصْلَاحِ وَالْقِيَامِ بِشَأْنِهِ فَإِنْ أَنْسَدَ بَعْدَ مَنْعَهُ لِأَنَّ النَّبِيَّ ﷺ نَهَى عَنِ إِصْاعَةِ الْمَالِ، وَقَالَ لِلَّذِي يُحَدِّدُ فِي الْبَيْعِ: «إِذَا بَعْتَ فَقْلُ: لَا خِلَابَةً»، وَلَمْ يَأْخُذْ النَّبِيَّ ﷺ مَالَهُ.

٢٤١٤ - حَدَّثَنَا مُوسَى بْنُ

Prophet ﷺ said to him, "When you buy something, say (to the seller), 'No cheating'." The man used to say so thenceforward.

2415. Narrated Jābir رضي الله عنه: A man manumitted a slave and he had no other property than that, so the Prophet ﷺ cancelled the manumission (and sold the slave for him). Nu‘aim bin An-Nahhām bought the slave from him.

(4) CHAPTER. The talk of opponents against each other.

2416, 2417. Narrated ‘Abdullah bin Mas‘ūd رضي الله عنه: Allāh’s Messenger ﷺ said, "Whoever takes a false oath so as to take the property of a Muslim (illegally) will meet Allāh while He will be angry with him."

Al-Ash‘ath said: By Allāh, that saying concerned me. I had common land with a Jew, and the Jew later on denied my ownership, so I took him to the Prophet ﷺ who asked me whether I had a proof of my ownership. When I replied in the negative, the Prophet ﷺ asked the Jew to take an oath. I said, "O Allāh’s Messenger! He will take an oath and deprive me of my property." So, Allāh revealed the following Verse:

"Verily: those who purchase a small gain at the cost of Allāh’s Covenant and their oaths..." (V.3:77)

إسماعيل: حدثني عبد العزير بن مسليم: حدثنا عبد الله ابن دينار قال: سمعت ابن عمر رضي الله عنهما قال: كان رجلاً يخدع في البيع فقال له النبي ﷺ: إذا بaitت فقل: لا خلابة، فكان يقوله. [راجع: ٢١١٧]

٢٤١٥ - حدثنا عاصم بن علي: حدثنا ابن أبي ذئب، عن محمد بن المنكير، عن جابر رضي الله عنه: أن رجلاً أعتق عبداً له ليس له مال غيره فرده النبي ﷺ فابتاعه منه تعميم بن النحام. [راجع: ٢١٤١]

(٤) باب كلام الخصوم بعضهم في بعض

٢٤١٦، **٢٤١٧** - حدثنا محمد: أخبرنا أبو معاوية، عن الأعمش، عن شقيق، عن عبد الله رضي الله عنه قال: قال رسول الله ﷺ: «من حلف على يمين وهو فيها فاجر ليقطع بها مال امرئ مسلم لقي الله وهو عليه عصباً». قال: فقال الأشعث: هي والله كان ذلك، كان بيته وبين رجل من اليهود أرض فجحدني فقدمته إلى النبي ﷺ فقال لي رسول الله ﷺ: «ألك بيته؟» قلت: لا، قال: فقال لليهودي: «احلف»، قال: قلت: يا رسول الله، إذا يخلف ويذهب بماله، فأنزل الله

تَعَالَى : ﴿إِنَّ الَّذِينَ يَشْرُونَ بِمَهْدِ اللَّهِ وَأَيْمَانِهِمْ تَمَّا قَلِيلًا﴾ إِلَى آخر الآية [آل عمران: ٢٣٥٧، ٢٣٥٦]. [راجع: ٧٧]

٢٤١٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ : حَدَّثَنَا عُثْمَانُ بْنُ عُمَرَ : حَدَّثَنَا يُونُسُ ، عَنِ الرُّهْرِيِّ ، عَنْ عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنِ مَالِكٍ ، عَنْ كَعْبِ رَضِيَ اللَّهُ عَنْهُ : أَنَّهُ تَقَاضَى ابْنَ أَبِي حَدْرَدِ دِينَ كَانَ لَهُ عَلَيْهِ فِي الْمَسْجِدِ فَارْتَفَعَتْ أَصْوَاتُهُمَا حَتَّى سَمِعَهَا رَسُولُ اللَّهِ وَهُوَ فِي بَيْتِهِ فَخَرَجَ إِلَيْهِمَا حَتَّى كَشَفَ سِخْفَ حُجْرَتِهِ فَنَادَى : «يَا كَعْبُ» ، قَالَ : لَيْكَ يَا رَسُولَ اللَّهِ ، قَالَ : «ضَعْ مِنْ دِينِكَ هَذَا» ، وَأَوْمَأَ إِلَيْهِ أَيِّ الشَّطَرِ ، قَالَ : لَقَدْ فَعَلْتُ يَا رَسُولَ اللَّهِ ، قَالَ : «قُمْ فَاقْضِيهِ» . [راجع: ٤٧٥]

٢٤١٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكُ ، عَنْ ابْنِ شَهَابٍ ، عَنْ عُرْوَةَ بْنِ الرُّبِّيرِ ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ الْفَارِيِّ أَنَّهُ قَالَ : سَمِعْتُ عُمَرَ بْنَ الْحَطَّابِ رَضِيَ اللَّهُ عَنْهُ يَقُولُ : سَمِعْتُ هِشَامَ بْنَ حَكِيمَ بْنَ حَرَّامَ يَقْرَأُ سُورَةَ الْفُرْقَانَ عَلَى غَيْرِ مَا أَقْرَؤُهَا ، وَكَانَ رَسُولُ اللَّهِ وَهُوَ أَقْرَأَنِيهَا وَكَذَّبَ أَنْ أَعْجَلَ عَلَيْهِ ثُمَّ أَمْهَلْتُهُ حَتَّى انْصَرَفَ ثُمَّ لَبَّيْتُهُ بِرَدَائِهِ فَجِئْتُ بِهِ رَسُولَ اللَّهِ وَهُوَ فَقَلْتُ : إِنِّي سَمِعْتُ هَذَا يَقْرَأُ عَلَى غَيْرِ مَا

2418. Narrated 'Abdullâh bin Ka'b bin Mâlik: Ka'b demanded his debt back from Ibn Abî Hadrad in the mosque and their voices grew louder till Allâh's Messenger ﷺ heard them while he was in his house. He came out to them raising the curtain of his room and addressed Ka'b, "O Ka'b!" Ka'b replied, "Labbaik, O Allâh's Messenger." (He said to him), "Reduce your debt to half," gesturing with his hand. Ka'b said, "I have done so, O Allâh's Messenger!" On that the Prophet ﷺ said to Ibn Abî Hadrad, "Get up and repay the debt to him."

2419. Narrated 'Umar bin Al-Khaâttâb رضي الله عنه: I heard Hishâm bin Hakîm bin Hizâm reciting Sûrat Al-Furqân in a way different to that of mine. Allâh's Messenger ﷺ had taught it to me (in a different way). So, I was about to quarrel with him [during the Salât (prayer)] but I waited till he finished, then I tied his garment round his neck and seized him by it and brought him to Allâh's Messenger ﷺ and said, "I have heard him reciting Sûrat Al-Furqân in a way different to the way you taught it to me." The Prophet ﷺ ordered me to release him and asked Hishâm to recite it. When he recited it, Allâh's Messenger ﷺ said, "It was revealed in this way." He then asked me to recite it. When I recited it, he said, "It was revealed in this way. The Qur'ân has been

revealed in seven different ways, so recite it in the way that is easier for you.”

أَفْرَأَتِنِي، فَقَالَ لِي: «أَرْسِلْهُ»، ثُمَّ
قَالَ لَهُ: «أَفْرَا» فَقَرَأَ، قَالَ: «هَكَذَا
أَنْزِلْتُ»، ثُمَّ قَالَ لِي: «أَفْرَا»، فَقَرَأَ
فَقَالَ: «هَكَذَا أَنْزِلْتُ»، إِنَّ الْقُرْآنَ
أَنْزَلَ عَلَى سَبْعَةِ أَخْرُفِ فَاقْرُؤُوا مِنْهُ
مَا تَيَسَّرَ». [انظر: ٤٩٩٢، ٥٠٤١]

[٧٥٠، ٦٩٣٦]

(5) CHAPTER. Turning out the sinners and the quarrelsome people of the houses after the impropriety of their behaviour gets evident.

‘Umar turned Abū Bakr’s sister (out of the house) for her wailing (over a dead person).

2420. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, “No doubt, I was about to order somebody to pronounce the *Iqāma* of the (compulsory congregational) *Salāt* (prayer) and then I would go to the houses of those who do not attend the *Salāt* (prayer) (in mosque) and burn their houses over them.” (See H. 644).

(٥) بَابُ إخْرَاجِ أَهْلِ الْمَعَاصِي
وَالْخُصُومِ مِنَ الْبُيُوتِ بَعْدَ الْمَعْرِفَةِ
وَقَدْ أَخْرَجَ عُمَرُ أُخْتَ أَبِي بَكْرٍ
حِينَ نَاهَتْ.

٢٤٢٠ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ، عَنْ شُعْبَةَ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «الَّذِي هَمَمْتُ أَنْ أَمْرَ بِالصَّلَاةِ فَتَقَامَ، ثُمَّ أَخَالَفَ إِلَى مَنَازِلِ قَوْمٍ لَا يَشَهُدُونَ الصَّلَاةَ فَأُحَرِّقَ عَلَيْهِمْ». [راجع: ٦٤٤]

(٦) بَابُ دَعْوَى الْوَصِيِّ لِلْمَيِّتِ

(6) CHAPTER. To file a case for fulfilling the will of the deceased.

2421. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: Abd bin Zam‘a and Sa‘d bin Abī Waqqāṣ carried the case of their claim of the (ownership) of the son of a slave-girl of Zam‘a before the Prophet ﷺ. Sa‘d said, “O Allāh’s Messenger! My brother, before his death, told me that when I would return (to Makkah), I should search for the son of the slave-girl of Zam‘a and take him into my

٢٤٢١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا سُفْيَانُ، عَنِ الرُّهْبَرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ عَبْدَ بْنَ زَمْعَةَ وَسَعْدَ بْنَ أَبِي وَقَاصِ احْتَصَمَا إِلَى النَّبِيِّ ﷺ فِي أَبْنَاءِ زَمْعَةَ. فَقَالَ سَعْدٌ: يَا رَسُولَ اللَّهِ،

(1) (H. 2420) See *Iqāmat-as-Salāt* in glossary.

custody as he was his son.” ‘Abd bin Zam‘a said, “He is my brother and the son of the slave-girl of my father, and was born on my father’s bed.” The Prophet ﷺ noticed a resemblance between ‘Utba and the boy but he said, “O ‘Abd bin Zam‘a! You will get this boy, as the son goes to the owner of the bed. You, Sauda, screen yourself from the boy.”

أوصاني أخي: إذا قدمت أن نظر ابن أمّة زمعة فاقضه فإنه ابني. وقال عبد بن زمعة: أخي وابن أمّة أبي، ولد على فراش أبي. فرأى النبي ﷺ شبهاً بينا يعتبه، فقال: «هُوَ لَكِ يا عبد ابن زمعة، الولد للفراش. وأحتجي منه يا سودة». [راجع:

٢٠٥٣

(7) CHAPTER. Tying the person who is liable to do mischievous things.

Ibn ‘Abbās chained ‘Ikrima to teach him the Qur’ān, the Prophet’s Sunna (legal ways), and the knowledge of *Farā’id* (laws of inheritance).

2422. Narrated Abū Hurairah رضي الله عنه: Allāh’s Messenger ﷺ sent horsemen to Najd and they arrested and brought a man called Thumāma bin Uthāl, the chief of Yamāma, and they fastened him to one of the pillars of the mosque. When Allāh’s Messenger ﷺ came up to him; he asked, “What have you to say, O Thumāma?” He replied “I have good news, O Muhammad!” Abū Hurairah narrated the whole narration which ended with the order of the Prophet ﷺ, “Release him!” (See H. 4372)

وقيد ابن عباس عكرمة على تعلم القرآن والسنة والفرائض .

٢٤٢٢ - حديثنا قتيبة: حدثنا الليث، عن سعيد بن أبي سعيد: أنه سمع أبا هريرة رضي الله عنه يقول: بعث رسول الله ﷺ خيلاً قبل نجده فجاءت برجل من بيبي حينئذ يقال له: ثمامه بن أثال، سيد أهل اليمامة فربطوه إساريته من سوراي المسجد فخرج إليه رسول الله ﷺ فقال: «ما عندك يا ثمامه؟» قال: عندني يا محمد حير، فذكر الحديث فقال: أطلقوا ثمامه؟». [راجع: ٤٦٢]

(8) CHAPTER. Fastening and imprisoning in the Haram .

Nāfi‘ bin Al-Hārith bought a house from Ṣafwān bin Umaiyya for using it as a prison on the condition that the deal would be

واشتري نافع بن عبد الحارث داراً للسجن يمكّه من صفوان بن أمية

confirmed if 'Umar agreed to it, and if 'Umar did not agree to it, Ṣafwān would take four hundred (Dīnār). Ibn Az-Zubair imprisoned (the culprits) in Makkah."

2423. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ sent some horsemen to Najd and they arrested and brought a man called Thumāma bin Uthāl from the tribe of Banī Hanifa, and they fastened him to one of the pillars of the mosque.

عَلَى إِنْ عَمِرَ رَضِيَ فَالْيَتُبْ يَعْمَلُهُ، وَإِنْ لَمْ يَرْضَ عَمِرَ فَلِصَفْوَانَ أَرْبَعَمَائَةَ دِينَارٍ. وَسَجَنَ ابْنَ الرَّبِّيرِ بِمَكَّةَ.

2423 - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ : حَدَّثَنَا الْلَّيْثُ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ أَبِي سَعِيدٍ: سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: بَعَثَ النَّبِيُّ ﷺ حَيْلَةً قَبْلَ تَجْدِيدِ فَجَاءُتْ بِرَجُلٍ مِنْ بَنِي حَبِيبَةَ يُقَالُ لَهُ: ثُمَامَةُ بْنُ أَنَّا، فَرَبَطُوهُ بِسَارِيَةِ مِنْ سَوَارِيِّ الْمَسْجِدِ.

[راجع: ٤٦٢]

(٩) بَابُ فِي الْمُلَازَمَةِ

(9) CHAPTER. (The creditor's) pursuit (after his debtors).

2424. Narrated 'Abdullāh bin Ka'b bin Mālik Al-Anṣārī on the authority of Ka'b bin Mālik that 'Abdullāh bin Abī Hadrad Al-Aslāmī owed him some debt. Ka'b met him and caught hold of him and they started talking and their voices grew louder. The Prophet ﷺ passed by them and addressed Ka'b, pointing out to him to reduce the debt to half. So, Ka'b got half of the debt and exempted the debtor from the other half.

2424 - حَدَّثَنَا يَحْيَى بْنُ بُكْرِيْ: حَدَّثَنَا الْلَّيْثُ، عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، وَقَالَ عَيْرُهُ: حَدَّثَنِي الْلَّيْثُ قَالَ: حَدَّثَنِي جَعْفَرُ ابْنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزَ، عَنْ عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنِ مَالِكٍ الْأَصْصَارِيِّ، عَنْ كَعْبِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّهُ كَانَ لَهُ عَلَى عَبْدِ اللَّهِ أَبِنِ أَبِي حَدَّرِدِ الْأَسْلَمِيِّ دِينٌ، فَلَقَيْهُ فَلَزِمَهُ، فَتَكَلَّمَا حَتَّى ارْتَفَعَتْ أَصْوَاتُهُمَا فَمَرَّ بِهِمَا النَّبِيُّ ﷺ فَقَالَ: «يَا كَعْبُ»، وَأَشَارَ بِيَدِهِ كَانَهُ يَقُولُ: النَّصْفَ، فَأَخَذَ نِصْفَ مَا عَلَيْهِ وَتَرَكَ نِصْفًا. [راجع: ٤٥٧]

(10) بَابُ التَّقَاضِيِّ

2425 - حَدَّثَنَا إِسْحَاقُ : حَدَّثَنَا

(10) CHAPTER. Demanding one's debts.

2425. Narrated Khabbāb : رَضِيَ اللَّهُ عَنْهُ I was a blacksmith in the Pre-Islamic Period of

Ignorance, and 'Āṣ bin Wā'il owed me some money. I went to him to demand it, but he said to me, "I will not pay you unless you reject faith in Muḥammad." I replied, "By Allāh, I will never disbelieve Muḥammad ﷺ till Allāh let you die and then resurrect you." He said, "Then wait till I die and come to life again, for then I will be given property and offspring and will pay your right." So, this revelation came:

"Have you seen him who disbelieved in Our *Ayāt* (this Qur'aan and Muḥammad ﷺ) and said, 'I shall certainly be given wealth and children [if I will be alive (again)].'" (V.19:77)

وَهُبْ بْنُ جَرِيرٍ بْنِ حَازِمٍ: أَخْبَرَنَا شَعْبَةُ، عَنِ الْأَعْمَشِ، عَنْ أَبِي الصَّحْدِيِّ، عَنْ مَسْرُوقٍ، عَنْ خَبَابٍ، قَالَ: «كُنْتُ قَيْنَانًا فِي الْجَاهِلِيَّةِ وَكَانَ لِي عَلَى الْعَاصِمِ بْنِ وَائِلٍ دَرَاهِمُ فَأَتَيْتُهُ أَقْضَاهُ فَقَالَ: لَا أَقْضِيكَ حَتَّى تَكُفُّرَ بِمُحَمَّدٍ، فَقُلْتُ: لَا وَاللهِ، لَا أَكُفُّرُ بِمُحَمَّدٍ بِكَلِيلٍ حَتَّى يُبَيِّنَكَ اللَّهُ ثُمَّ يَعْتَكَ. قَالَ: فَدَعَنِي حَتَّى أُمُوتَ، ثُمَّ أُبَعَّثَ فَأُوْتَى مَالًا وَوَلَدًا ثُمَّ أَقْضِيكَ». فَنَزَّلَتْ: «أَفَرَبَتَ الَّذِي كَفَرَ بِإِيمَانِنَا وَقَالَ لَأُوْتَى مَالًا وَوَلَدًا (٧٧)» الآية [مریم: ٧٧]. [راجع:

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(A well-tied pouch or purse or lost things picked up by somebody).

(1) CHAPTER. When the owner of the *Luqata* informs its description exactly (proves that it belongs to him) it should be returned to him.

2426. Narrated Ubaī bin Ka'b رضي الله عنه: I found a purse containing one hundred Dinar. So I went to the Prophet ﷺ (and informed him about it), he said, "Make public announcement about it for one year." I did so, but nobody turned up to claim it, so I again went to the Prophet ﷺ who said, "Make public announcement for another year." I did, but none turned up to claim it. I went to him for the third time and he said, "Keep the container and the string which is used for its tying and count the money it contains, and if its owner comes, give it to him; otherwise, utilize it."

The subnarrator Salama said, "I met him (Suwaid, another subnarrator) in Makkah and he said, 'I don't know whether Ubaī made the announcement for three years or just one year.'"

(2) CHAPTER. Lost camels.

2427. Narrated Zaid bin Khālid Al-Juhāni رضي الله عنه: A bedouin went to the Prophet ﷺ and asked him about picking up a lost thing. The Prophet ﷺ said, "Make public announcement about it for one year. Remember the description of its container and the string with which it is tied; and if somebody comes and claims it and describes it correctly (give it to him); otherwise, utilize

٤٥ - كتاب في اللقطة

(١) باب إذا أخبره رب اللقطة
بالعلامة دفع إليه

٢٤٢٦ - حَدَّثَنَا آدُمُ: حَدَّثَنَا شَعْبَةُ. وَحَدَّثَنِي مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عُنْدَرٌ: حَدَّثَنَا شَعْبَةُ، عَنْ سَلَمَةَ: سَمِعْتُ سُوَيْدَ ابْنَ عَفْلَةَ قَالَ: لَقِيْتُ أَبْيَ بْنَ كَعْبَ رَضِيَ اللَّهُ عَنْهُ فَقَالَ: أَصَبَّتُ صُرَّةً فِيهَا مائَةً دِينَارٍ فَأَتَيْتُ النَّبِيَّ ﷺ فَقَالَ: «عَرَفْهَا حَوْلًا». فَعَرَفَهُمَا، فَلَمْ أَجِدْ مَنْ يَعْرَفُهَا، ثُمَّ أَتَيْتُهُ فَقَالَ: «عَرَفْهَا حَوْلًا»، فَعَرَفَهُمَا فَلَمْ أَجِدْ، ثُمَّ أَتَيْتُهُ ثَلَاثَةً، فَقَالَ: «اْحْفَظْ وِعَاءَهَا وَعَدَّهَا وَوِكَاءَهَا: فَإِنْ جَاءَ صَاحِبُهَا إِلَى فَاسْتَمْتَعْ بِهَا»، فَاسْتَمْتَعْتُ فَلَقِيْتُهُ بَعْدَ بِسْكَةٍ فَقَالَ: لَا أَدْرِي ثَلَاثَةً أَحْوَالٍ أَوْ حَوْلًا وَاحِدًا. [انظر: ٢٤٣٧]

(٢) باب صالة الإبل
٢٤٢٧ - حَدَّثَنِي عَمْرُو بْنُ عَبَّاسٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ: حَدَّثَنَا سُفْيَانُ: عَنْ رَبِيعَةَ: حَدَّثَنِي زَيْدُ مَوْلَى الْمُتَبَعِثِ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهْنَيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَاءَ أَغْرَابِيَ إِلَى النَّبِيِّ ﷺ فَسَأَلَهُ عَمَّا يَلْتَقِطُهُ فَقَالَ:

it.” He said, “O Allāh’s Messenger! What about a lost sheep?” The Prophet ﷺ said, “It is for you, for your brother (i.e., its owner), or for the wolf.” He further asked, “What about a lost camel?” On that the face of the Prophet ﷺ became red (with anger) and said, “You have nothing to do with it, as it has its feet, its water reserve and can reach places of water and drink, and eat trees.”

اعْرَفْهَا سَنَةً ثُمَّ اعْرِفْ عِفَاصَهَا
وَوِكَاءَهَا، فَإِنْ جَاءَ أَحَدٌ يُخْبِرُكَ بِهَا
وَإِلَّا فَاسْتَنْفِقْهَا». قَالَ: يَا رَسُولَ اللَّهِ،
ضَالَّةُ الْعَيْنِ؟ قَالَ: لَكَ أُوْلَئِكُ
أَوْ لِلنَّذِيبِ؟ قَالَ: ضَالَّةُ الْأَبَلِ؟ فَتَمَرَّ
وَجْهُ النَّبِيِّ ﷺ فَقَالَ: «مَا لَكَ وَلَهَا؟
مَعَهَا حِذَاؤُهَا وَسِقَاؤُهَا، تَرِدُ المَاءُ
وَتَأْكُلُ الشَّجَرَ». [راجع: ٩١]

(٣) بَابُ ضَالَّةُ الْعَيْنِ

(3) CHAPTER. Lost sheep.

2428. Narrated Yahyā: Yazid Maulā Al-Munba’ith heard Zaid bin Khālid al-Juhānī رضي الله عنه saying, “The Prophet ﷺ was asked about *Luqata*. He said, ‘Remember the description of its container and the string it is tied with, and announce it publicly for one year.’” Yazid added, “If nobody claims then the person who has found it can spend it, and it is regarded as a trust entrusted to him.” Yahyā said, “I do not know whether the last sentence were said by the Prophet ﷺ or by Yazid.” Zaid further said, “The Prophet ﷺ was asked, ‘What about a lost sheep?’ The Prophet ﷺ said, ‘Take it, for it is for you or for your brother (i.e., its owner) or for the wolf.’” Yazid added that it should also be announced publicly. The man then asked the Prophet ﷺ about a lost camel. The Prophet ﷺ said, “Leave it, as it has its feet, water-container (reservoir), and it will reach a place of water and eat trees till its owner finds it.”

٢٤٢٨ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ
اللهِ قَالَ: حَدَّثَنِي سُلَيْمانُ بْنُ يَلَائِي،
عَنْ يَحْيَى، عَنْ يَزِيدَ مَوْلَى الْمُنْبِعِثِ:
أَنَّهُ سَمِعَ رَيْدَ بْنَ خَالِدٍ رَضِيَ اللَّهُ عَنْهُ
يَقُولُ: سُلِّلَ النَّبِيُّ ﷺ عَنِ اللَّقطَةِ
فَرَأَعَمَّ أَنَّهُ قَالَ: «اعْرِفْ عِفَاصَهَا
وَوِكَاءَهَا، ثُمَّ عَرَفْهَا سَنَةً»، (يَقُولُ
يَزِيدُ: إِنْ لَمْ تُعْرِفْ اسْتَنْفِقْ بِهَا
صَاحِبُهَا وَكَانَتْ وَدِيعَةً عِنْدَهُ. قَالَ
يَحْيَى: هَذَا الَّذِي لَا أَدْرِي أَهُوَ فِي
الْحَدِيثِ أَمْ شَيْءٌ مِنْ عِنْدِهِ؟) ثُمَّ
قَالَ: كَيْفَ تَرَى فِي ضَالَّةُ الْعَيْنِ؟ قَالَ:
النَّبِيُّ ﷺ: «خُذْهَا فَإِنَّمَا هِيَ لَكَ أُوْ
لَائِيكَ أَوْ لِلنَّذِيبِ». (قَالَ يَزِيدُ:
وَهِيَ تُعَرَّفُ أَيْضًا) ثُمَّ قَالَ: كَيْفَ
تَرَى فِي ضَالَّةُ الْأَبَلِ؟ قَالَ: فَقَالَ:
دَعْهَا فَإِنَّ مَعَهَا حِذَاءَهَا وَسِقَاءَهَا تَرِدُ
الْمَاءُ وَتَأْكُلُ الشَّجَرَ حَتَّى يَجِدَهَا
رُبُّهَا». [راجع: ٩١]

(4) CHAPTER. If the owner of a lost thing is not found for one year, then the thing is for the one who has found it.

2429. Narrated Zaid bin Khālid about picking a lost thing. A man came and asked Allāh's Messenger ﷺ about picking a lost thing. The Prophet ﷺ said, "Remember the description of its container and the string it is tied with, and make public announcement about it for one year. If the owner shows up, give it to him; otherwise, do whatever you like with it." He then asked, "What about a lost sheep?" The Prophet ﷺ said, "It is for you, for your brother (i.e., its owner), or for the wolf." He further asked, "What about a lost camel?" The Prophet ﷺ said, "It is none of your concern. It has its water-container (reservoir) and its feet, and it will reach water and drink it and eat the trees till its owner finds it."

(٤) بَابُ إِذَا لَمْ يُوجَدْ صَاحِبُ اللَّقْطَةِ بَعْدَ سَنَةٍ فَهُوَ لِمَنْ وَجَدَهَا

٢٤٢٩ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مالِكُ عَنْ رَبِيعَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُتَبَعِّثِ، عَنْ زَيْدَ بْنِ خَالِدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ ﷺ بِسْأَلَهُ عَنِ الْلَّقْطَةِ، فَقَالَ: «اغْرِفْ عِصَاصَهَا وَوِكَاءَهَا، ثُمَّ عَرْفْهَا سَنَةً فَإِنْ جَاءَ صَاحِبُهَا إِلَّا شَانَكَ بِهَا». قَالَ: فَضَالَّةُ الْعَنْمَ؟ قَالَ: «هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلَّذِئْبِ». قَالَ: فَضَالَّةُ الْأَبِيلِ؟ قَالَ: «مَا لَكَ وَلَهَا؟ مَعَهَا سِقَاوَهَا وَحِذَاؤَهَا، تَرُدُّ الْمَاءَ وَتَأْكُلُ الشَّجَرَ حَتَّى يَلْقَاهَا رَبُّهَا».

[راجع: ٩١]

(5) CHAPTER. If someone finds a piece of wood or a lash or similar things in the sea.

2430. Narrated ‘Abdur-Rahmān bin Hurmuz: Abū Hurairah said, “Allāh’s Messenger ﷺ mentioned an Israeli man.” Abū Hurairah then told the whole narration. (At the end of the narration it was mentioned that the creditor) went out to the sea, hoping that a boat might have brought his money. Suddenly he saw a piece of wood and he took it to his house to use as firewood. When he sawed it, he found his money and a letter in it.

[See *Hadīth* No. 2291 for details].

(6) CHAPTER. If somebody finds a date on the way.

(٥) بَابُ إِذَا وَجَدَ حَشَبًا فِي الْبَحْرِ أَوْ سُوْطًا أَوْ نَحْوَهُ

٢٤٣٠ - وَقَالَ الْلَّيْثُ: حَدَّثَنِي جَعْفَرُ ابْنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ رَسُولِ اللَّهِ ﷺ: أَنَّهُ ذَكَرَ رَجُلًا مِنْ بَنِي إِسْرَائِيلَ. وَسَاقَ الْحَدِيثَ: «فَخَرَجَ يَنْظُرُ لَعَلَّ مَرْكَبًا فَذَجَأَ بِمَالِهِ إِذَا هُوَ بِالْحَشَبَةِ فَأَخْذَهَا لِأَهْلِهِ حَطَبًا فَلَمَّا نَسَرَهَا وَجَدَ الْمَالَ وَالصَّحِيقَةَ». [راجع: ١٤٩٨]

(٦) بَابُ إِذَا وَجَدَ تَمْرَةً فِي الظَّرِيفِ

2431. Narrated Anas : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ passed by a date fallen on the way and said, "Were I not afraid that it may be from a *Sadaqa* (charity), I would have eaten it."

٢٤٣١ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ : حَدَّثَنَا سُفيَانُ، عَنْ مَنْصُورٍ، عَنْ طَلْحَةَ، عَنْ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: مَرَّ النَّبِيُّ ﷺ بِتَمَرَةٍ فِي الطَّرِيقِ قَالَ: «لَوْلَا أَنِّي أَخَافُ أَنْ تَكُونَ مِنَ الصَّدَقَةِ لَا كَلْتُهَا». [راجع: ٢٠٥٥]

2432. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, "Sometimes when I return home and find a date fallen on my bed, I pick it up in order to eat it, but I fear that it might be from a *Sadaqa* (charity), so I throw it."

٢٤٣٢ - وَقَالَ يَحْيَى: حَدَّثَنَا سُفيَانُ : حَدَّثَنِي مَنْصُورٌ، وَقَالَ زَائِدٌ، عَنْ مَنْصُورٍ، عَنْ طَلْحَةَ: حَدَّثَنَا أَنَسُ .

وَحَدَّثَنَا مُحَمَّدُ بْنُ مُقاَطِيلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ، أَخْبَرَنَا مَعْمَرٌ، عَنْ هَمَامٍ بْنِ مُنْبِيَّ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنِّي لَا نَقْلِبُ إِلَى أَهْلِي فَأَجِدُ التَّمَرَةَ ساقِطَةً عَلَى فَرَاشِي فَأَرْفَعُهَا لَا كَلْهَا ثُمَّ أَخْشَى أَنْ تَكُونَ صَدَقَةً فَأَلْقِيهَا».

(٧) بَابُ كَيْفَ تُعرَفُ لُقْطَةُ أَهْلِ مَكَّةَ؟

(7) CHAPTER. How the *Luqata* at Makkah is to be announced.

Narrated Ibn ‘Abbās : رَضِيَ اللَّهُ عَنْهُمَا The Prophet ﷺ said, "Nobody should pick up the *Luqata* (lost things) (of Makkah) except the one who makes public announcement for it." Ibn ‘Abbās said (in another narration) : The Prophet ﷺ said, "None should pick up the fallen things of Makkah except that who announces it publicly."

وَقَالَ طَاوُسٌ: عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَلْتَقِطُ لُقْطَاهَا إِلَّا مَنْ عَرَّفَهَا». وَقَالَ خَالِدٌ، عَنْ عَكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَلْتَقِطُ لُقْطَاهَا إِلَّا مُعْرَفٌ».

٢٤٣٣ - وَقَالَ أَحْمَدُ بْنُ سَعِيدٍ: حَدَّثَنَا رَفْعٌ: حَدَّثَنَا رَكْرِيَاً: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ، عَنْ عَكْرِمَةَ، عَنِ

2433. Narrated Ibn ‘Abbās : رَضِيَ اللَّهُ عَنْهُمَا Allāh’s Messenger ﷺ also said, "It (i.e., Makkah’s) thorny bushes should not be uprooted and its game should not be chased, and picking up its fallen things is

illegal except by him who makes public announcement about it, and its grass should not be cut.” ‘Abbās said, “O Allāh’s Messenger! Except *Idhkhīr* (a kind of grass).” The Prophet ﷺ said, “Except *Idhkhīr*.”

ابن عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يُغَضِّدُ عِصَامُهَا، وَلَا يُنَفِّرُ صَيْدُهَا، وَلَا تَحْلُّ سَاقِطُهَا إِلَّا لِمُنْشِدٍ، وَلَا يُخْتَلِي خَلَاها». فَقَالَ عَبَّاسٌ: يَا رَسُولَ اللَّهِ إِلَّا الإِذْخَرُ، فَقَالَ: «إِلَّا الإِذْخَرُ».

[راجع: ١٣٤٩]

2434. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: When Allāh gave victory to His Messenger ﷺ over the people of Makkah, Allāh’s Messenger ﷺ stood up among the people and after glorifying Allāh, said, “Allāh has prohibited fighting in Makkah and has given authority to His Messenger and the believers over it, so fighting was illegal for anyone before me, and was made legal for me for a part of a day, and it will not be legal for anyone after me. Its game should not be chased, its thorny bushes should not be uprooted, and picking up its fallen things is not allowed except for one who makes public announcement for it, and he whose relative is murdered has the option either to accept a compensation for it or to retaliate.” Al-‘Abbās said, “Except *Al-Idhkhīr*, for we use it in our graves and houses.” Allāh’s Messenger ﷺ said, “Except *Al-Idhkhīr*.” Abū Shāh, a Yemenite, stood up and said, “O Allāh’s Messenger! Get it written for me.” Allāh’s Messenger ﷺ said, “Write it for Abū Shāh.” (The sub-narrator asked Al-Auzā’i): What did he mean by saying, “Get it written, O Allāh’s Messenger?” He replied, “The speech which he had heard from Allāh’s Messenger ﷺ.”

٢٤٣٤ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى قَالَ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ: حَدَّثَنَا الْأُوْرَاعِيُّ: حَدَّثَنِي يَحْيَى بْنُ أَبِي كَثِيرٍ قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنِي أَبُو هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: لَمَّا فَتَحَ اللَّهُ عَلَى رَسُولِهِ ﷺ مَكَّةَ قَامَ فِي النَّاسِ فَحَمِدَ اللَّهَ وَأَشْنَى عَلَيْهِ ثُمَّ قَالَ: «إِنَّ اللَّهَ حَبَسَ عَنْ مَكَّةَ الْفَيْلَ وَسَلَطَ عَلَيْهَا رَسُولَهُ وَالْمُؤْمِنِينَ فَإِنَّهَا لَا تَحْلُّ لِأَحَدٍ كَانَ قَبْلِي، وَإِنَّهَا لَنْ تَحْلُّ لِأَحَدٍ مِنْ بَعْدِي فَلَا يُنَفِّرُ صَيْدُهَا وَلَا يُخْتَلِي شُوْكُهَا وَلَا تَحْلُّ سَاقِطُهَا إِلَّا لِمُنْشِدٍ. وَمَنْ قُتِلَ لَهُ قَتْلَ لَهُ فَهُوَ بِخَيْرِ النَّظَرَيْنِ: إِمَّا أَنْ يُفْدَى وَإِمَّا أَنْ يُقْيَدَ». فَقَالَ الْعَبَّاسُ: إِلَّا الإِذْخَرُ فَإِنَّا نَجْعَلُهُ لِقُبُورِنَا وَبِيُوتِنَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِلَّا الإِذْخَرُ». فَقَامَ أَبُو شَاءَ - رَجُلٌ مِنْ أَهْلِ الْيَمَنِ - فَقَالَ: اكْتُبُوا لِي بِرَسُولِ اللَّهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ:

«اکتُبُوا لِأَبِي شَاءٍ». قُلْتُ لِلأَوْزَاعِيِّ:
مَا قَوْلُهُ: اکتُبُوا لِي يَا رَسُولَ اللَّهِ؟
قَالَ: هُذِهِ الْحُكْمَةُ الَّتِي سَمِعَهَا مِنْ

رَسُولِ اللَّهِ ﷺ. [راجع: ١١٢]

(٨) بَابٌ لَا تُحْكَمُ مَاشِيَّةً أَحَدٍ بِغَيْرِ إِذْنِهِ

٢٤٣٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَحْلِلُنَّ أَحَدٌ مَاشِيَّةً امْرِئٍ بِغَيْرِ إِذْنِهِ، أَيُّحِبُّ أَحَدُكُمْ أَنْ تُؤْتِيَ مَسْرِيَّتَهُ فَنُكَسِّرَ خِرَاتَهُ فَيُتَقْلَلُ طَعَامُهُ؟ فَإِنَّمَا تَحْرُنَ لَهُمْ ضُرُوعٌ مَوَاسِيْهِمْ أَطْعَمَاهُمْ، فَلَا يَحْلِبُنَّ أَحَدٌ مَاشِيَّةً أَحَدٍ إِلَّا بِإِذْنِهِ»

(٩) بَابٌ إِذَا جَاءَ صَاحِبُ الْلَّقْطَةِ
بَعْدَ سَيِّةٍ رَدَّهَا عَلَيْهِ لِأَنَّهَا وَدِيَةٌ عِنْدَهُ

٢٤٣٦ - حَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ:
حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ رَبِيعَةَ
بْنِ عَبْدِ الرَّحْمَنِ عَنْ يَزِيدَ مَوْلَى
الْمُتَبَعِّتِ، عَنْ رَبِيدَ بْنِ خَالِدِ الْجَهْنَمِيِّ
رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَجُلاً سَأَلَ رَسُولَ
الله ﷺ عَنِ الْلَّقْطَةِ، قَالَ: «عَرَفْهَا
سَيِّةٌ ثُمَّ اغْرِفْ وَكَاءَهَا وَعَفَاصَهَا، ثُمَّ
اسْتَفْقُ بِهَا فَإِنْ جَاءَ رَبُّهَا فَأَدَدَهَا إِلَيْهِ».
فَقَالَ: يَا رَسُولَ اللَّهِ، فَصَالَةُ الغَنْمِ؟
قَالَ: «خُذْهَا فَإِنَّمَا هِيَ لَكَ أَوْ

(8) CHAPTER. No animal may be milked without the permission of its owner.

2435. Narrated Ibn 'Umar رضي الله عنهما: Allâh's Messenger ﷺ said, "An animal should not be milked without the permission of its owner. Does any of you like that somebody comes to his store and breaks his container and takes away his food? The udders of the animals are the stores of their owners where their provision is kept, so nobody should milk the animals of somebody else, without the permission of its owner."

(9) CHAPTER. If the owner of lost property comes back after a year, it should be returned to him as it is a trust with the one who has found it.

2436. Narrated Zaid bin Khâlid Al-Juhanî رضي الله عنه: A man asked Allâh's Messenger ﷺ about the *Luqata*. He said, "Make public announcement of it for one year, then remember the description of its container and the string it is tied with; utilize the money, and if its owner comes back after that, give it to him." The people asked, "O Allâh's Messenger! What about a lost sheep?" Allâh's Messenger ﷺ said, "Take it, for it is for you, for your brother, or for the wolf." The man asked, "O Allâh's Messenger! What about a lost camel?" Allâh's Messenger ﷺ got angry and his cheeks or face became red, and said, "You

have no concern with it as it has its feet, and its water-container, till its owner finds it."

لأَخِيكَ أُو لِلذِّيْبِ». قَالَ: يَا رَسُولَ اللَّهِ، فَضَالَّةُ الْإِلَيْلِ؟ قَالَ: فَعَضِيبَ رَسُولُ اللَّهِ حَتَّى احْمَرَتْ وَجْهَتَاهُ - أُو اخْمَرَ وَجْهُهُ - ثُمَّ قَالَ: «مَا لَكَ وَلَهَا؟ مَعَهَا حِذَافِهَا وَسِقَاوُهَا حَتَّى يَلْقَاهَا رَبُّهَا». [راجع: ٩١]

(١٠) بَابُ هُنْ يَأْخُذُ الْلَّقَطَةَ وَلَا يَدْعُهَا تَضَيِّعُ حَتَّى لَا يَأْخُذُهَا مَنْ لَا يَسْتَحِقُ؟

(10) CHAPTER. Should one pick up a fallen thing, lest it should be spoilt or taken by somebody who does not deserve it?

2437. Narrated Suwaid bin Ghafala: While I was in the company of Salmān bin Rabī'a and Zaid bin Sūhān, in one of the holy battles, I found a whip. One of them told me to drop it, but I refused to do so and said that I would give it to its owner if I found him, otherwise I would utilize it. On our return we performed *Hajj* and on passing by Al-Madīna, I asked Ubaī bin Ka'b about it. He said, "I found a bag containing a hundred Dīnār in the lifetime of the Prophet ﷺ and took it to the Prophet ﷺ who said to me, 'Make public announcement about it for one year.' So, I announced it for one year and went to the Prophet ﷺ who said, 'Announce it publicly for another year.' So, I announced it for another year. I went to him again and he said, "Announce for another year." So I announced for still another year. I went to the Prophet ﷺ for the fourth time, and he said, 'Remember the amount of money, the description of its container and the string it is tied with, and if its owner comes, give it to him; otherwise, utilize it.'"

Salama narrated the above narration from Ubaī bin Ka'b, adding, "I met the subnarrator at Makkah later on, but he did not remember whether Ka'b had announced

٢٤٣٧ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا شُعْبَةُ، عَنْ سَلَمَةَ بْنِ كُهْيَلٍ قَالَ: سَمِعْتُ سُوَيْدَ بْنَ عَفْلَةَ قَالَ: كُنْتُ مَعَ سَلَمَانَ بْنِ رَبِيعَةَ وَزَيْدَ بْنِ صُوحَانَ فِي غَرَّاءٍ، فَوَجَدْتُ سَوْطًا فَقَالَ لِي: أَلْقِهِ، قُلْتُ: لَا، وَلِكُنْ إِنْ وَجَدْتُ صَاحِبَهُ وَإِلَّا اسْتَمْتَعَتُ بِهِ فَلَمَّا رَجَعْنَا حَجَجْنَا فَمَرَرْتُ بِالْمَدِينَةِ فَسَأَلْتُ أَبِيَّ بْنَ كَعْبٍ رَضِيَ اللَّهُ عَنْهُ فَقَالَ: وَجَدْتُ صَرَّةً عَلَى عَهْدِ النَّبِيِّ ﷺ فِيهَا مَا تَهِيَّدُ دِينَارٌ فَأَتَيْتُ بِهَا النَّبِيِّ ﷺ فَقَالَ: «عَرَفْهَا حَوْلًا، فَعَرَفْتُهَا حَوْلًا». ثُمَّ أَتَيْتُ فَقَالَ: «عَرَفْهَا حَوْلًا»، فَعَرَفْتُهَا حَوْلًا ثُمَّ أَتَيْتُهُ فَقَالَ: «عَرَفْهَا حَوْلًا»، فَعَرَفْتُهَا حَوْلًا، ثُمَّ أَتَيْتُهُ الرَّابِعَةَ فَقَالَ: «اَغْرِفْ عِدَّهَا وَوِكَائِهَا وَوِعَاءَهَا، فَإِنْ جَاءَ صَاحِبُهَا وَلَا اسْتَمْتَعْ بِهَا». [راجع: ٢٤٦٦]

حَدَّثَنَا عَبْدَانُ قَالَ: أَخْبَرَنِي أَبِي

what he had found for one year or three years."

(11) CHAPTER. Whoever announced the Luqāt in public and did not hand it over to the ruler.

2438. Narrated Zaid bin Khālid رَضِيَ اللَّهُ عَنْهُ: A bedouin asked the Prophet ﷺ about the Luqāt. The Prophet ﷺ said, "Make public announcement about it for one year and if then somebody comes and describes the container of the Luqāt and the string it was tied with, (give it to him); otherwise, spend it." He then asked the Prophet ﷺ about a lost camel. The face of the Prophet ﷺ become red and he said, "You have no concern with it as it has its water reservoir and feet and it will reach water and drink and eat trees. Leave it till its owner finds it." He then asked the Prophet ﷺ about a lost sheep. The Prophet ﷺ said, "It is for you, for your brother, or for the wolf."

(12) CHAPTER:

2439. Narrated Abū Bakr رَضِيَ اللَّهُ عَنْهُ: While I was on my way, all of a sudden I saw a shepherd driving his sheep, I asked him whose servant he was. He replied that he was the servant of a man from Quraish, and then he mentioned his name and I recognized him. I asked, "Do your sheep have some milk?" He replied in the affirmative. I said, "Are you going to milk for me?" He replied in the affirmative. I ordered him and he tied the legs of one of the sheep. Then I told him to clean the udder (teats) of dust and to remove dust off his hands. He removed the dust off his hands by clapping his hands. He

عَنْ شُعْبَةَ، عَنْ سَلَمَةَ بْنِ هُدَى قَالَ: فَلَقِيَتْهُ بَعْدَ يَمْكَةَ، قَالَ: لَا أَدْرِي أَثْلَاثَةَ أَخْوَالَ أَوْ حَوْلَةَ وَاحِدَةً.
(11) بَابُ مَنْ عَرَفَ اللَّقْطَةَ وَلَمْ يَذْفَعْهَا إِلَى السُّلْطَانِ

٢٤٣٨ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفْيَانُ، عَنْ رَبِيعَةَ، عَنْ يَزِيدَ مَوْلَى الْمُبْتَعِثِ، عَنْ زَيْدَ بْنِ خَالِدٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ أَغْرَاهَا سَأَلَ النَّبِيَّ ﷺ عَنِ الْلَّقْطَةِ قَالَ: «عَرَفْهَا سَنَةً فَإِنْ جَاءَ أَحَدٌ يُحْبِرُكَ بِعِصَاصِهَا وَوِكَائِهَا وَإِلَّا فَاسْتَفْتِنْقُ بِهَا». وَسَأَلَهُ عَنْ ضَالَّةِ الْإِبْلِ فَتَمَرَّ وَجْهُهُ وَقَالَ: «مَا لَكَ وَلَهَا؟ مَعَهَا سِقاوَهَا وَجَنَاؤَهَا، تَرُدُّ الْمَاءَ وَتَأْكُلُ الشَّجَرَ، دَعْهَا حَتَّى يَجِدَهَا رَبُّهَا». وَسَأَلَهُ عَنْ ضَالَّةِ الْعَنْمَ فَقَالَ: «هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلَّذِئْ». [راجع: ٩١]
(12) بَابُ :

٢٤٣٩ - حَدَّثَنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا النَّضْرُ: أَخْبَرَنَا إِسْرَائِيلُ، عَنْ أَبِي إِسْحَاقِ قَالَ: أَخْبَرَنِي الْبَرَاءُ، عَنْ أَبِي بَكْرِ رَضِيَ اللَّهُ عَنْهُمَا، ح. حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَجَاءٍ: حَدَّثَنَا إِسْرَائِيلُ، عَنْ أَبِي إِسْحَاقَ عَنِ الْبَرَاءِ، عَنْ أَبِي بَكْرِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: «إِنْظَلَقْتُ فَإِذَا أَنَا بِرَاعِي غَنِمٍ يَسُوقُ غَنَمَهُ فَقُتُّ

then milked a little milk. I put the milk for Allāh's Messenger ﷺ in a pot and closed its mouth with a piece of cloth and poured water over it till it became cold. I took it to the Prophet ﷺ and said, "Drink, O Allāh's Messenger!" He drank it till I was pleased.

مَمْنُ أَنْتَ؟ قَالَ: لِرَجُلٍ مِّنْ قُرْيَشٍ،
فَسَمَّاهُ فَعَرْقَتُهُ، فَقُلْتُ: هَلْ فِي غَنِيمَكَ
مِنْ لَبَنٍ؟ فَقَالَ: نَعَمْ، فَقُلْتُ: هَلْ
أَنْتَ حَالِبٌ لِّي؟ قَالَ: نَعَمْ، فَأَمْرَتُهُ أَنْ
فَاعْتَقِلَ شَاةً مِّنْ عَنَمِهِ ثُمَّ أَمْرَتُهُ أَنْ
يَنْفُضَ ضَرْعَهَا مِنَ الْعُبَارِ، ثُمَّ أَمْرَتُهُ
أَنْ يَنْفُضَ كَفَيْهِ فَقَالَ هَكَذَا، ضَرَبَ
إِحْدَى كَفَيَيْهِ بِالْأُخْرَى فَحَلَبَ كُثْبَةً مِّنْ
لَبَنِ وَقَدْ جَعَلْتُ لِرَسُولِ اللَّهِ ﷺ إِدَاوَةً
عَلَى فِيهَا خَرْقَةً فَصَبَبَتُ عَلَى الْلَّبَنِ
حَتَّى بَرَدَ أَسْفَلُهُ، فَانْتَهَيْتُ إِلَى النَّبِيِّ
ﷺ فَقُلْتُ: اشْرَبْ يَا رَسُولَ اللَّهِ،
فَشَرَبَ حَتَّى رَاضَيْتُ. [انظر: ٣٦١٥، ٣٩٠٨، ٣٩١٧، ٥٦٠٧]

46 - THE BOOK OF *AL-MAZĀLIM* (THE OPPRESSIONS)

Concerning oppressions and unlawful taking (of something) by violence.

And the Statement of Allāh : تعالى :

“Consider not that Allāh is unaware of that which the *Zālimūn* (polytheists, wrong-doers) do, but He gives them respite up to a Day when the eyes will stare in horror. (They will be) hastening forward with necks outstretched, their heads raised up (towards the sky), their gaze returning not towards them and their hearts empty (from thinking because of extreme fear). And warn (O Muḥammad ﷺ) mankind of the Day when the torment will come unto them ; then the wrong-doers will say : ‘Our Lord! Respite us for a little while, we will answer Your Call and follow the Messengers!’ (It will be said) : ‘Had you not sworn aforetime that you would not leave (the world for the Hereafter). And you dwelt in dwellings of men who wronged themselves, and it was clear to you how We had dealt with them. And We put forth (many) parables for you.’ Indeed, they planned their plot, and their plot was with Allāh, though their plot was not such as to remove the mountains (real mountains or the Islāmic laws) from their places (as it is of no importance)⁽¹⁾. So think not that Allāh will fail to keep His Promise to His Messengers. Certainly Allāh is All-Mighty, All-Able of Retribution.” (V.14:42-47)

٤٦ - كتاب المظالم

في المظالم والغضب،

وَقُولُ اللَّهِ تَعَالَى : «وَلَا تَحْسَبْ
اللَّهَ غَنِيًّا عَنْكُمْ يَعْلَمُ الظَّالِمُونَ إِنَّمَا
يُؤَخِّرُهُمْ لِيُوَمٍ شَحَّصَ فِيهِ الْأَبْصَرُ
مُهْطَعِينَ مُقْنَى رُؤُوسِهِمْ لَا يَرَنُّ إِلَيْهِمْ
طَرْفَهُمْ وَأَقْدَمُهُمْ هَوَاءٌ» ﴿٣٥﴾ رَأَيْتُمْ
رُؤُوسِهِمْ . الْمُقْنَى وَالْمُقْمِحُ وَاحِدٌ .
قَالَ مُجَاهِدٌ : مُهْطَعِينَ : مُدْبِيُّونَ
النَّظَرِ . وَقَالَ عَيْرَةُ : مُسْرِعِينَ «لَا يَرَنُّ
إِلَيْهِمْ طَرْفَهُمْ وَأَقْدَمُهُمْ هَوَاءٌ» يَعْنِي جُوفًا
لَا عُقُولَ لَهُمْ «وَأَنْذِرِ النَّاسَ يَوْمَ يَأْتِيهِمْ
الْمَذَابِ فَيَقُولُ الَّذِينَ ظَلَمُوا رِسَالَةً أَخْرَى
إِلَى الْأَكْلِ فَرِيَبٌ لِجُبَتْ دَفَونَكَ وَسَبِيعَ
الرُّشْلُ أَوْلَمْ تَكُوْنُوا أَقْسَمُمْ بَنْ قَبْلَ
مَا لَكُمْ مِنْ زَوَالٍ» ﴿٣٦﴾ وَسَكَمَتْ فِي
مَسَكِينِ الَّذِينَ ظَلَمُوا أَنْفُسَهُمْ وَبَيْتَ
لَكُمْ كَيْفَ فَعَلَنَا بِهِمْ وَضَرَبَنَا لَكُمْ
الْأَمْثَالَ ﴿٣٧﴾ وَقَدْ مَكَرُوا مَكَرُهُمْ وَعِنْدَ
اللَّهِ مَكَرُهُمْ وَإِنْ كَانَ مَكَرُهُمْ
لَتَزُولَ مِنْهُ الْجِبَالُ ﴿٣٨﴾ فَلَا تَخْسِئَنَ اللَّهَ
مُخْلِفَ وَعْدِهِ رُسْلَهُ إِنَّ اللَّهَ عَزِيزٌ ذُو
أَنْتِقَامٍ ﴿٣٩﴾ [ابراهيم : ٤٢ - ٤٧]

(١) بَابُ قِصَاصِ الْمَظَالِمِ

(1) CHAPTER. Retaliation (on the Day of Judgement) in cases of oppressions.

(1) (Ch. 1) It is said in *Tafsir Ibn Kathir* as regarding this Verse that the Quraish pagans plotted against Prophet Muḥammad ﷺ to kill him but they failed and were unable to carry out their plot which they plotted.

2440. Narrated Abū Sa‘īd Al-Khudrī رَضِيَ اللَّهُ عَنْهُ : Allāh’s Messenger ﷺ said, “When the believers pass safely over (the bridge across) Hell, they will be stopped at an arched bridge in between Hell and Paradise, where they will retaliate upon each other for the injustices done among them in the world, and when they get purified of all their sins, they will be admitted into Paradise. By Him in Whose Hands the soul of Muḥammad (ﷺ) is, everybody will (recognize) his dwelling in Paradise better than he recognizes his dwelling in this world.”

٢٤٤٠ - حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ : أَخْبَرَنَا مُعاَدُ بْنُ هِشَامٍ : حَدَّثَنِي أَبِي، عَنْ قَتَادَةَ، عَنْ أَبِي الْمُتَوَكِّلِ النَّاجِيِّ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ : «إِذَا خَلَصَ الْمُؤْمِنُونَ مِنَ النَّارِ حُبِسُوا بِقَنْطَرَةٍ بَيْنَ الْجَنَّةِ وَالنَّارِ فَيَقَاتُصُونَ مَظَالِمَ كَانُوا يَبْتَهِمُونَ فِي الدُّنْيَا حَتَّى إِذَا تُفْوَى وَهُدُنْبُوا أُذْنَ لَهُمْ بِدُخُولِ الْجَنَّةِ . فَوَالَّذِي نَفْسُ مُحَمَّدٍ يَبْتَدِئُهُ، لَأَحْدُهُمْ يَمْسِكُهُ فِي الْجَنَّةِ أَذْلُ بِمَنْزِلِهِ كَانَ فِي الدُّنْيَا» .

وَقَالَ يُونُسُ بْنُ مُحَمَّدٍ : حَدَّثَنَا شَيْبَانُ، عَنْ قَتَادَةَ : حَدَّثَنَا أَبُو الْمُتَوَكِّلِ . [انظر: ٦٥٣٥]

(٢) **بَابُ قَوْلِ اللَّهِ تَعَالَى :** «أَلَا لَمَّا
اللَّهُ عَلَى الظَّالِمِينَ» [هود: ١٨]

(2) CHAPTER. The Statement of Allāh : تعالى الله ... No doubt! The curse of Allāh is on the Zālimūn (polytheists, oppressors, and the wrong-doers) (V.11:18)

2441. Narrated Ṣafwān bin Muhriz Al-Māzīnī : While I was walking with Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُما holding his hand, a man came in front of us and asked, “What have you heard from Allāh’s Messenger ﷺ about *An-Najwa*? ”⁽¹⁾ Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُما said, “I heard Allāh’s Messenger ﷺ saying, ‘Allāh will bring a believer near Him and shelter him with His Screen and ask him: Did you commit such and such sins? He will say: Yes, my Lord. Allāh will keep on asking him till he will confess all his sins and will think

٢٤٤١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ : حَدَّثَنَا هَمَّامُ قَالَ : حَدَّثَنِي قَتَادَةَ، عَنْ صَفْوَانَ بْنِ مُحْرِزِ الْمَازِنِيِّ قَالَ : بَيْنَمَا أَنَا أَشْشِي مَعَ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَخِذُ بِيَدِهِ، إِذَا عَرَضَ رَجُلٌ فَقَالَ : كَيْفَ سَمِعْتَ رَسُولَ اللَّهِ ﷺ فِي التَّجْوِيْ؟ فَقَالَ : سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ : «إِنَّ اللَّهَ يُدْنِي

(1) (Ch. 2441) *An-Najwa* is confidential talk between Allāh and his devotee on the Day of judgement. It is a favour from Allāh upon His devotee. The *Hadīth* explains the word clearly.

that he is ruined. Allāh will say : I did screen your sins in the world and I forgive them for you today. And then he will be given the book (record) of his good deeds. Regarding disbelievers and hypocrites (their evil acts will be exposed publicly) and the witnesses will say : These are the ones who lied against their Lord. No doubt! The curse of Allāh is on the *Zālimūn* (polytheists, oppressors and the wrong-doers).” (V.11:18)

الْمُؤْمِنَ فَيَصْنَعُ عَلَيْهِ كَفَّةً وَيَسْتَرُهُ
فَيَقُولُ: أَتَعْرُفُ ذَنْبَكَذَا؟ أَتَعْرُفُ
ذَنْبَكَذَا؟ فَيَقُولُ: نَعَمْ أَنِّي رَبُّ،
حَتَّىٰ قَرَرَهُ بِذُنُوبِهِ وَرَأَى فِي نَفْسِهِ أَنَّهُ
هَلْكَ قَالَ: سَرَّتُهَا عَلَيْكَ فِي الدُّنْيَا،
وَأَنَا أَغْفِرُهَا لَكَ الْيَوْمَ. فَيَعْطِي كِتَابَ
حَسَنَاتِهِ وَأَمَّا الْكَافِرُ وَالْمُنَافِقُونَ
فَيَقُولُ الْأَشْهَادُ: هَلْكَ اللَّيْلَ
كَذَبُوا عَلَىٰ رَبِّهِمْ أَلَا لَعْنَةُ اللَّهِ عَلَىٰ
الظَّالِمِينَ» [هود: ١٨]. [انظر: ٤٦٨٥]

[٧٥١٤، ٦٠٧٠]

(٣) بَابُ لَا يَظْلِمُ الْمُسْلِمُ الْمُسْلِمَ وَلَا يُسْلِمُهُ

٢٤٤٢ - حَدَّثَنَا يَحْيَى بْنُ بَكْرٍ:
حَدَّثَنَا الْلَّيْلَ، عَنْ عَقْيَلٍ، عَنْ ابْنِ
شَهَابٍ أَنَّ سَالِمًا أَخْبَرَهُ: أَنَّ عَبْدَ اللَّهِ
بْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ: أَنَّ
رَسُولَ اللَّهِ ﷺ قَالَ: «الْمُسْلِمُ أَخْرُو
الْمُسْلِمِ، لَا يَظْلِمُهُ وَلَا يُسْلِمُهُ، وَمَنْ
كَانَ فِي حَاجَةٍ أَخِيهِ، كَانَ اللَّهُ فِي
حَاجَتِهِ. وَمَنْ فَرَّجَ عَنْ مُسْلِمٍ كُرْبَةً
فَرَّجَ اللَّهُ عَنْهُ كُرْبَةً مِنْ كُرْبَاتِ يَوْمِ
الْقِيَامَةِ، وَمَنْ سَرَّ مُسْلِمًا سَرَّهُ اللَّهُ
يَوْمَ الْقِيَامَةِ». [انظر: ٦٩٥١]

(٤) بَابُ أَعْنَ أَخَاكَ ظَالِمًا أَوْ مَظْلُومًا

٢٤٤٣ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي
شَيْبَةَ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا عَبْدُ اللَّهِ

(3) CHAPTER. A Muslim should not oppress another Muslim, nor should he hand him over to an oppressor.

2442. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما: Allāh’s Messenger ﷺ said, “A Muslim is a brother of another Muslim, so he should not oppress him, nor should he hand him over to an oppressor. Whoever fulfilled the needs of his brother, Allāh will fulfill his needs; whoever brought his (Muslim) brother out of a discomfort, Allāh will bring him out of the discomforts of the Day of Resurrection, and whoever screened a Muslim, Allāh will screen him on the Day of Resurrection.”

(4) CHAPTER. Help your brother whether he is an oppressor or he is an oppressed one. (See *Hadith* 2444 below).

2443. Narrated Anas bin Mālik رضي الله عنه: Allāh’s Messenger ﷺ said, “Help your brother, whether he is an oppressor or he is

an oppressed one.”

2444. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ Allāh's Messenger ﷺ said, “Help your brother, whether he is an oppressor or he is an oppressed one. People asked, “O Allāh's Messenger! It is all right to help him if he is oppressed, but how should we help him if he is an oppressor?” The Prophet ﷺ said, “By preventing him from oppressing others.”

(5) CHAPTER. To help the oppressed.

2445. Narrated Mu‘āwiya bin Suwaid: I heard Al-Barā’ bin ‘Āzib saying, “The Prophet ﷺ ordered us to do seven things and prohibited us from doing seven other things.” Then Al-Barā’ mentioned: (He ﷺ ordered us the following):

1. To pay a visit to the sick (enquiring about his health),
2. to follow funeral procession,
3. to say to a sneezer, “May Allāh be Merciful to you” (if he says, ‘Praise be to Allāh!’),
4. to return greetings,
5. to help the oppressed,
6. to accept invitations,
7. to help others to fulfill their oaths.

[See *Hadīth* 5863 and H. 1239]

2446. Narrated Abū Mūsa: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, “A believer to another believer is like a building whose different parts reinforce each other.” The Prophet ﷺ then clasped his hands, with the fingers interlaced (while saying that).

بْنُ أَبِي بَكْرٍ بْنِ أَنَسٍ، وَخُمَيْدٌ سَمِعَا
أَنَسَ بْنَ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ يَقُولُ:
قَالَ النَّبِيُّ ﷺ: «اَنْصُرْ اخَاكَ ظَالِمًا
أَوْ مَظْلُومًا». [انظر: ٢٤٤٤، ٦٩٥٢]

٢٤٤٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
مُعْتَمِرٌ، عَنْ حُمَيْدٍ، عَنْ أَنَسِ رَضِيَ
اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:
«اَنْصُرْ اخَاكَ ظَالِمًا أَوْ مَظْلُومًا».
قَالُوا: يَا رَسُولَ اللَّهِ، هَذَا نَصْرُهُ
مَظْلُومًا، فَكَيْفَ نَصْرُهُ ظَالِمًا؟ قَالَ:
«تَأْخُذُ فَوْقَ يَدَيهِ». [راجع: ٢٤٤٣]

(٥) بَابُ تَصْرِيْهِ الْمَظْلُومِ

٢٤٤٥ - حَدَّثَنَا سَعِيدُ بْنُ الرَّبِيعِ:
حَدَّثَنَا شَعْبَةُ، عَنِ الْأَشْعَثِ بْنِ سُلَيْمَانَ
قَالَ: سَمِعْتُ مُعاوِيَةَ بْنَ سُوئِيدَ:
سَمِعْتُ الْبَرَاءَ بْنَ عَازِبٍ رَضِيَ اللَّهُ
عَنْهُمَا قَالَ: «أَمْرَنَا النَّبِيُّ ﷺ بِسَبِيعٍ
وَنَهَا نَا عَنْ سَبِيعٍ: فَذَكَرَ عِيَادَةَ
الْمَرِيضِ، وَاتِّبَاعَ الْجَنَائزِ، وَتَشْمِيمَ
الْعَاطِسِ، وَرَدَّ السَّلَامَ، وَنَصْرَ
الْمَظْلُومَ، وَإِجَابَةَ الدَّاعِيِّ، وَإِنْرَارَ
الْمُفْسِدِ». [راجع: ١٢٣٩]

٢٤٤٦ - حَدَّثَنَا مُحَمَّدُ بْنُ
الْعَلَاءِ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ بُرَيْدَةِ،
عَنْ أَبِي بُرَدَةَ، عَنْ أَبِي مُوسَى رَضِيَ
اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «الْمُؤْمِنُ

لِلْمُؤْمِنِ كَالْبُيَّانِ يَشُدُّ بَعْضَهُ بَعْضًا»،

[وَشَبَّكَ بَيْنَ أَصَابِعِهِ.] [راجع: ٤٨١]

(٦) بَابُ الْأَنْتَصَارِ مِنَ الظَّالِمِينَ

(6) CHAPTER. To retaliate upon an oppressor (by invoking Allāh to punish him).

As is referred to in this Statement of Allāh :

“Allāh does not like that the evil should be uttered in public except by him who has been wronged. And Allāh is Ever All-Hearer, All-Knower.” (V.4:148)

“And those who, when an oppressive wrong is done to them, take revenge.” (V.42:39)

Ibrāhīm said, “They disliked to be humiliated, and when they were powerful, they would forgive (their oppressors).”

(7) CHAPTER. Forgiveness granted by the oppressed person.

As is referred to by the Statement of Allāh تعالى :

“Whether you (mankind) disclose (by good words of thanks) a good deed (done to you in the form of a favour by someone), or conceal it, or pardon an evil... verily, Allāh is Ever Oft-Pardoning, All-Powerful.” (V.4:149)

“The recompense for an evil is an evil like thereof, but whoever forgives and makes reconciliation, his reward is with Allāh; Verily, He likes not the *Zālimūn* (polytheists, oppressors and wrong-doers). And indeed whosoever takes revenge after he has suffered wrong, for such there is no way (of blame) against them.

The way (of blame) is only against those who oppress men and wrongly rebel in the earth without justification ; for such there will be a painful torment.

And verily, whosoever shows patience and forgives, that would truly be from the things

لِقَوْلِهِ جَلَّ ذِكْرُهُ: ﴿لَا يُحِبُّ اللَّهُ
الْجَهَنَّمُ بِالشَّوَّءِ مِنَ الْقَوْلِ إِلَّا مَنْ ظَلَمَ،
وَكَانَ اللَّهُ سَيِّدًا عَلَيْهَا﴾ [النساء: ١٤٨]

﴿وَالَّذِينَ إِذَا أَسَأُوهُمْ أَلْبَغُوهُمْ فَمَ يَنْتَهِرُونَ﴾ [٣٩]

[الشورى: ٣٩] قال إبراهيم: كانوا يُكْرَهُونَ أَنْ يُسْتَدَلُوا، فإذا قَدَرُوا عَفُوا.

(٧) بَابُ عَفْوِ الْمَظْلُومِ،

لِقَوْلِهِ تَعَالَى: ﴿إِنْ تَبْدُوا حَسْرًا أَوْ
خَفْرًا أَوْ تَعْفُوا عَنْ سُوءٍ فَإِنَّ اللَّهَ كَانَ
عَفْوًا فَيَرِئُ﴾ [النساء: ١٤٩]

﴿وَجَرِيَّةً
سَيِّئَةً مُّتَلَاهِيًّا فَمَنْ عَكَسَ وَأَصْنَعَ فَأَجْرَهُ
عَلَى اللَّهِ إِنَّهُ لَا يُحِبُّ الظَّالِمِينَ﴾ [٢٣]
وَلَمَّا

أَنْتَصَرَ بَعْدَ ظُلْمِهِ فَأُولَئِكَ مَا عَلَيْهِ مِنْ
سَيِّلٍ [١] إِنَّمَا السَّيِّلُ عَلَى الَّذِينَ يَظْلِمُونَ

النَّاسَ وَيَسْعُونَ فِي الْأَرْضِ بِغَيْرِ الْحَقِّ
أُولَئِكَ لَهُمْ عَذَابٌ أَلِيمٌ﴾ [٢]
وَلَمَّا صَدَرَ

وَعَكَسَ إِنَّ ذَلِكَ لِمَنْ عَزَمَ الْأَمْرَ [٣]
وَلَمَّا

يُضْلِلَ اللَّهُ فَمَا لَهُ مِنْ وَلِيٍّ مَّنْ يَعْوِدُهُ وَتَرَى
أَطْلَالِهِنَّ لَمَّا رَأَوُا الْعَذَابَ كَفُولُونَ هَلْ

إِلَى مَرْءَوِيٍّ مِّنْ سَيِّلٍ﴾ [٤]
[الشورى: ٤٠]

recommended by Allāh.

And whomsoever Allāh sends astray, for him there is no *Wali* (protector, helper, guardian) after Him. And you will see the *Zālimūn* (polytheists, wrong-doers, oppressors) when they behold the torment, they will say: Is there any way of return (to the world).” (V.42:40-44)

(8) CHAPTER. *Az-Zulm* (oppression) will be a darkness on the Day of Resurrection.

2447. Narrated Ibn ‘Umar رضي الله عنهما : The Prophet ﷺ said, “*Az-Zulm* (oppression) will be a darkness on the Day of Resurrection.”

(9) CHAPTER. One should save oneself from the curse of the oppressed.

2448. Narrated Ibn ‘Abbās رضي الله عنهما : The Prophet ﷺ sent Mu‘ādh to Yemen and said, “Be afraid, from the curse of the oppressed as there is no screen between his invocation and Allāh.”⁽¹⁾

(10) CHAPTER. If the oppressed one forgives the oppressor, is it necessary to describe his oppression?

2449. Narrated Abū Hurairah رضي الله عنه :

(1) (H. 2448) Allāh will respond to his invocation and punish the oppressor sooner or later. (*Qastalānī*).

(٨) بابُ الظُّلْمِ ظُلْمَاتٌ يَوْمَ الْقِيَامَةِ

٢٤٤٧ - حَدَّثَنَا أَحْمَدُ بْنُ يُوسُفَ : حَدَّثَنَا عَبْدُ الْعَزِيزِ الْمَاجِشُونُ : أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، عَنِ النَّبِيِّ ﷺ قَالَ: «الظُّلْمُ ظُلْمَاتٌ يَوْمَ الْقِيَامَةِ».

(٩) بابُ الائْتِنَاءِ وَالْحَذْرِ مِنْ دُعَوةِ الْمَظْلُومِ

٢٤٤٨ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى : حَدَّثَنَا وَكِيعٌ : حَدَّثَنَا زَكْرِيَّا بْنُ إِسْحَاقَ الْمَكِيِّ، عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ صَيْفِيِّ، عَنْ أَبِي مَعْبُدٍ مَوْلَى ابْنِ عَبَّاسٍ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا : أَنَّ النَّبِيَّ ﷺ بَعَثَ مَعاذًا إِلَى الْيَمَنِ، فَقَالَ: «ائْتِ دُعَوةَ الْمَظْلُومِ فَإِنَّهَا لَيْسَ بِيَهَا وَبَيْنَ اللَّهِ حِجَابٍ». [راجع: ١٣٩٥]

(١٠) بابُ مَنْ كَانَتْ لَهُ مَظْلَمَةٌ عِنْدَ الرَّجُلِ فَحَلَّلَهَا لَهُ، هَلْ يُبَيِّنُ مَظْلَمَتَهُ؟

٢٤٤٩ - حَدَّثَنَا آدُمُ بْنُ أَبِي

Allāh's Messenger ﷺ said, "Whoever has oppressed another person concerning his reputation or anything else, he should beg him to forgive him before the Day of Resurrection when there will be no money (to compensate for wrong deeds), but if he has good deeds, those good deeds will be taken from him according to his oppression which he has done, and if he has no good deeds, the sins of the oppressed person will be loaded on him."

إِيَّاسٌ: حَدَّثَنَا أَبْنُ أَبِي ذِئْبٍ: حَدَّثَنَا سَعِيدُ الْمَقْبَرِيُّ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَتْ لَهُ ظُلْمَةٌ لِأَخْيَهِ مِنْ عَرْضِهِ أَوْ شَيْءٍ فَإِنْ تَحَلَّلَهُ مِنْهُ الْيَوْمَ قَبْلَ أَنْ لا يَكُونَ دِيَارًا وَلَا دَرْهَمًا، إِنْ كَانَ لَهُ عَمَلٌ صَالِحٌ أَخْذَ مِنْهُ بِقَدْرِ مَظْلَمَتِهِ . وَإِنْ لَمْ يَكُنْ لَهُ حَسَنَاتٌ أَخْذَ مِنْ سَيِّئَاتِ صَاحِبِهِ فَجُوْلَ عَلَيْهِ».

فَالْأَبُو عَبْدُ اللَّهِ: قَالَ إِسْمَاعِيلُ بْنُ أَبِي أُوْفِيسٍ: إِنَّا سُمِّيَ الْمَقْبَرِيَ لِأَنَّهُ كَانَ يَنْزِلُ نَاجِيَةَ الْمَقَابِرِ . قَالَ أَبُو عَبْدِ اللَّهِ: وَسَعِيدُ الْمَقْبَرِيُّ هُوَ مَوْلَى بَنِي لَيْثٍ، وَهُوَ سَعِيدُ بْنُ أَبِي سَعِيدٍ، وَاسْمُ أَبِي سَعِيدٍ كَيْسَانٌ.

[انظر: ٦٥٣٤]

(١١) بَابُ إِذَا حَلَّهُ مِنْ ظُلْمِهِ فَلَا رَجُوعَ فِيهِ

٢٤٥٠ - حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا هَشَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: «وَإِنْ أَنْزَأَهُ خَافَتْ مِنْ بَعْلَهَا شُوزًا أَوْ إِعْرَاصًا» [النساء: ١٢٨] قَالَتْ: الرَّجُلُ تَكُونُ عِنْدَهُ الْمَرْأَةُ لَيْسَ يُمْسِكُ بِهَا يُرِيدُ أَنْ يُفَارِقَهَا فَقُولُ: أَجْعَلْكُ مِنْ شَائِيَّ فِي حَلٍّ، فَنَزَّتْ هَذِهِ الْآيَةُ فِي ذَلِكَ . [انظر: ٢٦٩٤، ٤٦٠١، ٥٢٠٦]

(١٢) بَابُ إِذَا أَذِنَ لَهُ أَوْ أَحْلَهُ وَلَمْ

(11) CHAPTER. If the oppressed person forgives the oppressor, he has no right to back out (of his forgiveness).

2450. Narrated 'Aishah: Regarding the explanation of the following Verse:

"And if a woman fears cruelty or desertion on her husband's part..." (V.4:128)

A man may dislike his wife and intend to divorce her, so she says to him, "I give up my rights, so do not divorce me." The above Verse was revealed concerning such a case.

(12) CHAPTER. If a person allows another or permits him (the latter) to have

بَيْنَ كُمْ هُوَ؟

٢٤٥١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ أَبِي حَازِمٍ بْنِ دِينَارٍ، عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَتَى يَشْرَابَ فَسَرَبَ مِنْهُ وَعَنْ يَمِينِهِ غَلَامٌ وَعَنْ يَسْارِهِ الْأَشْيَاعُ فَقَالَ لِلْغَلَامِ: «أَتَأْذُنُ لِي أَنْ أَغْطِي هُؤُلَاءِ؟» فَقَالَ الْغَلَامُ: لَا وَاللَّهِ يَا رَسُولَ اللَّهِ، لَا أُوْثِرُ بِنَصِيبِ مِنْ أَحَدًا، قَالَ: فَتَاهَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي

[يَدِهِ]. [رَاجِعٌ: ٢٣٥١]

(١٣) بَابُ إِثْمٍ مِنْ ظَلَمٍ شَيْئًا مِنَ الْأَرْضِ

٢٤٥٢ - حَدَّثَنَا أَبُو الْيَمَانُ: أَخْبَرَنَا شَعِيبٌ، عَنْ الزُّهْرِيِّ قَالَ: حَدَّثَنِي طَلْحَةُ ابْنِ عَبْدِ اللَّهِ أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَمْرِو ابْنِ سَهْلٍ: أَخْبَرَهُ أَنَّ سَعِيدَ بْنَ زَيْدَ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «مَنْ ظَلَمَ مِنَ الْأَرْضِ شَيْئًا، طُوقَهُ مِنْ سَيِّئَ أَرْضِينَ». [انظر: ٣١٩٨]

٢٤٥٣ - حَدَّثَنَا أَبُو مَعْمَرٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا حُسَيْنٌ، عَنْ يَعْمِي ابْنِ أَبِي كَثِيرٍ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ إِبْرَاهِيمَ: أَنَّ أَبَا سَلَمَةَ حَدَّثَهُ: أَنَّهُ كَانَتْ بَيْنَهُ وَبَيْنَ أَنَاسِ خُصُومَةً فَذَكَرَ لِعَاشَةَ رَضِيَ اللَّهُ عَنْهَا

something of his right and does not clarify as to how much is that?

2451. Narrated Sa‘lā bin Sa‘d As-Sā‘idī : Rَضِيَ اللَّهُ عَنْهُ: A drink (milk mixed with water) was brought to Allāh’s Messenger ﷺ who drank some of it. A boy was sitting to his right, and some old men to his left. Allāh’s Messenger ﷺ said to the boy, “Do you allow me to give the rest of the drink to these people?” The boy said, “O Allāh’s Messenger! I will not give preference to anyone over me to have my share from you (i.e., to drink the rest of it from which you have drunk).” So Allāh’s Messenger ﷺ handed the bowl (of drink) to the boy.

[See *Hadīth* No.2351].

(13) CHAPTER. The sin of him who usurps the land of others.

2452. Narrated Sa‘id bin Zaid: Rَضِيَ اللَّهُ عَنْهُ Allāh’s Messenger ﷺ said, “Whoever usurps the land of somebody unjustly, his neck will be encircled with seven earths (on the Day of Resurrection).”

2453. Abū Salama narrated that there was a dispute between him and some people (about a piece of land). When he told ‘Aishah رَضِيَ اللَّهُ عَنْهَا about it, she said, “O Abū Salama! Avoid taking the land unjustly, for the Prophet ﷺ said, ‘Whoever usurps even one span of the land of somebody, his neck will be encircled with seven earths (on the Day of Resurrection).’”

فَقَالَتْ لَهُ: يَا أَبَا سَلَمَةَ اجْتَنِبِ
الْأَرْضَ فَإِنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ ظَلَمَ
قِيَدَ شَبِيرًا مِنَ الْأَرْضِ طُوقَهُ مِنْ سَبْعِ
أَرْضِينَ». [انظر: ٢١٩٥]

٤٤٥٤ - حَدَّثَنَا مُسْلِمُ بْنُ
إِبْرَاهِيمَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكَ:
حَدَّثَنَا مُوسَى بْنُ عَقْبَةَ، عَنْ سَالِمِ،
عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ
النَّبِيُّ ﷺ: «مَنْ أَخْدَى مِنَ الْأَرْضِ
شَيْئًا بِغَرَيْبِهِ حُسِيفَ بِهِ يَوْمَ الْقِيَامَةِ
إِلَى سَبْعِ أَرْضِينَ». قَالَ الْفَرَبِيرِيُّ:
قَالَ أَبُو جَعْفَرَ بْنُ أَبِي حَاتَمَ: قَالَ أَبُو
عَبْدِ اللَّهِ: هَذَا الْحَدِيثُ لَيْسَ بِحُرَاسَانَ
فِي كُتُبِ ابْنِ الْمُبَارَكِ، أَمْلَى عَلَيْهِمْ
بِالْبَصَرَةِ. [انظر: ٢١٩٦]

(١٤) بَابُ إِذَا أَذِنَ إِنْسَانٌ لِآخَرَ شَيْئًا
جَارًّا

٤٤٥٥ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ:
حَدَّثَنَا شُعْبَةُ، عَنْ جِبَلَةَ: كُنَّا بِالْمَدِينَةِ
فِي بَعْضِ أَهْلِ الْعِرَاقِ فَأَصَابَنَا سَنَةُ،
فَكَانَ ابْنُ الرَّبِّيرِ يَرْزُقُنَا التَّمَرَ، فَكَانَ
ابْنُ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَمْرُّ بِنَا
فَيَقُولُ: إِنَّ رَسُولَ اللَّهِ ﷺ نَهَىٰ عَنِ
الْإِقْرَانِ إِلَّا أَنْ يَسْتَأْذِنَ الرَّجُلُ مِنْكُمْ
أَخَاهُ. [انظر: ٢٤٨٩، ٢٤٩٠، ٥٤٤٦]

٤٤٥٦ - حَدَّثَنَا أَبُو النُّعَمَانَ:
حَدَّثَنَا أَبُو عَوَانَةَ عَنِ الْأَعْمَشِ، عَنْ
أَبِي وَائِلٍ، عَنْ أَبِي مَسْعُودٍ: أَنَّ

2454. Narrated Sālim's father (i.e., 'Abdullāh): The Prophet ﷺ said, "Whoever takes a piece of the land of others unjustly, he will sink down the seven earths on the Day of Resurrection."

(14) CHAPTER. If somebody allows another to do something, the permission is valid.

2455. Narrated Jabala: "We were in Al-Madīna with some of the Iraqi people, and we were struck with drought (famine) and Ibn Az-Zubair used to give us dates. Ibn 'Umar used to pass by us and say, "The Prophet ﷺ forbade us to eat two dates at a time, unless one takes the permission of one's companions."

2456. Narrated Abū Mas'ūd: There was an *Ansārī* man called Abū Shu'aib who had a slave butcher. Abū Shu'aib said to him, "Prepare a meal sufficient for five persons so that I might invite the Prophet

besides other four persons.” Abū Shu‘aib had seen the signs of hunger on the face of the Prophet ﷺ and so he invited him. Another man who was not invited followed the Prophet ﷺ. The Prophet ﷺ said to Abū Shu‘aib, “This man has followed us. Do you want him to share the meal?” Abū Shu‘aib said, “Yes.”

رَجُلًا مِنَ الْأَنْصَارِ يُقَالُ لَهُ: أَبُو شَعِيبٍ، كَانَ لَهُ عَلَامٌ لَحَامٌ فَقَالَ لَهُ أَبُو شَعِيبٍ: اضْطَجْعْ لِي طَعَامَ خَمْسَةَ لَعَلَى أَذْعُوكَ النَّبِيَّ ﷺ خَامِسَ خَمْسَةَ، وَأَبْصِرْ فِي وَجْهِ النَّبِيِّ ﷺ الْجَوَعَ فَدَعَاهُ فَتَبَعَهُمْ رَجُلٌ لَمْ يُدْعَ فَقَالَ النَّبِيُّ ﷺ: إِنَّ هَذَا قَدِ اتَّبَعَنَا، أَتَأْذَنُ لَهُ؟»
قال: نَعَمْ. [راجع: ٢٠٨١]

(15) CHAPTER. The Statement of Allāh عَنْهُ: “Yet he is the most quarrelsome of the opponents...” (V.2:204)

2457. Narrated ‘Aishah رَضِيَ اللَّهُ عَنْهَا: The Prophet ﷺ said, “The most hated person to Allāh is the most quarrelsome person of the opponents.”

(١٥) بَابُ قَوْلِ اللَّهِ تَعَالَى: «وَهُوَ اللَّهُ الْخَاصِمُ» [القراءة: ٢٠٤].

٢٤٥٧ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ أَبْنِ جُرْجِيجَ، عَنْ أَبْنِ أَبِي مُلِيقَةَ، عَنْ عَاشَةَ رَضِيَ اللَّهُ عَنْهَا، عَنْ النَّبِيِّ ﷺ قَالَ: إِنَّ أَبْغَضَ الرِّجَالِ إِلَى اللَّهِ الْأَكْلُ الْخَاصِمُ». [انظر: ٤٥٢٣، ٦٧١٨٨]

(16) CHAPTER. The sin of a man who quarrels unjustly over something while he knows that he is wrong.

2458. Narrated Umm Salama رَضِيَ اللَّهُ عَنْهَا the wife of the Prophet ﷺ: “Allāh’s Messenger ﷺ heard some people quarrelling at the door of his dwelling. He came out and said, “I am only a human being, and opponents come to me (to settle their problems); may be someone amongst you can present his case more eloquently than the other, whereby I may consider him true and give a verdict in his favour. So, if I give the right of a Muslim to another by mistake, then it is only a portion of (Hell) Fire, he has the option to take or give up (before the Day of Resurrection).”

(١٦) بَابُ إِثْمٍ مِنْ خَاصَمَ فِي باطِلٍ وَهُوَ يَعْلَمُ

٢٤٥٨ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ صَالِحٍ، عَنْ أَبْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزَّبِيرِ: أَنَّ زَيْبَ بْنَتَ أُمَّ سَلَمَةَ أَخْبَرَتْهُ أَنَّ أُمَّهَا أُمَّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا زَوْجَ النَّبِيِّ ﷺ أَخْبَرَتْهَا عَنْ رَسُولِ اللَّهِ ﷺ: أَنَّهُ سَمِعَ حُصُومَةً بِبَابِ حُجْرَتِهِ فَحَرَّجَ إِلَيْهِمْ فَقَالَ: إِنَّمَا أَنَا بَشَرٌ، وَإِنَّهُ يَأْتِينِي الْخَاصِمُ فَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونُ

أَبْلَغَ مِنْ بَعْضٍ فَأَخْسِبَ أَنَّهُ صَدَقَ
فَأَفْضَيَ لَهُ بِذَلِكَ، فَمَنْ قَضَيْتُ لَهُ
بِحَقِّ مُسْلِمٍ فَإِنَّمَا هِيَ قِطْعَةٌ مِنَ النَّارِ
فَلَيَأْخُذْهَا أُو لِيَرُكُّهَا». [انظر: ٢٦٨٠، ٦٩٦٧
[٧١٨٥، ٧١٦١، ٧١٦٩]

(١٧) بَابُ إِذَا خَاصَّمَ فَجَرَ

(17) CHAPTER. (The sin of) the person who, when quarrelling, behaves impudently (i.e., by using bad words or false accusation).

2459. Narrated ‘Abdullah bin ‘Amr رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, “Whoever has (the following) four (characteristics) will be a hypocrite, and whoever has one of the following four characteristics will have one characteristic of hypocrisy until he gives it up. These are:

- (1) Whenever he speaks, he tells a lie;
- (2) whenever he makes a promise, he breaks it;
- (3) whenever he makes a covenant, he proves treacherous;
- (4) and whenever he quarrels, he behaves impudently in an evil, insulting manner.”

[See Vo. 1, *Hadīth* No.33, 34].

(18) CHAPTER. The retaliation of the oppressed person if he finds the property of his oppressor.

Ibn Sirīn said, “The oppressed person can take what is equal to the amount taken by the oppressor.” He then recited:

“And if you punish (your enemy, O you believers in the Oneness of Allāh), then punish them with the like of that with which you were afflicted...” (V.16:126)

2460. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: Hind bint ‘Utba (Abū Sufyān’s wife) came and said, “O Allāh’s Messenger! Abū Sufyān is a

٢٤٥٩ - حَدَّثَنَا يَشْرُبُ بْنُ خَالِدٍ: أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ، عَنْ شُعبَةَ، عَنْ سُلَيْمَانَ، عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «أَرْبَعَ مِنْ كُنَّ فِيهِ كَانَ مُنَافِقاً، أَوْ كَانَ فِيهِ حَضْلَةٌ مِنْ أَرْبَعَ». كَانَتْ فِيهِ حَضْلَةٌ مِنَ النِّفَاقِ حَتَّى يَدْعُهَا: إِذَا حَدَّثَ كَذَبَ، إِذَا وَعَدَ أَخْلَفَ، إِذَا عاهَدَ عَلَرَ، إِذَا خَاصَّمَ فَجَرَ».

[راجع: ٣٤]

(١٨) بَابُ تِصَاصِ الْمَظْلُومِ إِذَا وَجَدَ مَالَ ظَالِمِيهِ

وَقَالَ ابْنُ سِيرِينَ: يُقَاتِلُهُ، وَقَرَأَ: «وَإِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عَوَقْتُمْ يَهٰءِ» [النحل: ١٢٦].

٢٤٦٠ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شَعِيبٌ، عَنِ الرُّهْبَرِيِّ قَالَ:

miser. Is there any harm if I spend something from his property for our children?" He said, "There is no harm for you if you feed them from it justly and reasonably (with no extravagance)."

حَدَّثَنِي عُرْوَةُ أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: جَاءَتْ هِنْدُ بْنُتُ عُبْتَةَ بْنَ رَبِيعَةَ فَقَالَتْ: يَا رَسُولَ اللَّهِ إِنَّ أَبَا سُفْيَانَ رَجُلٌ مَسِيكٌ فَهَلْ عَلَيَّ حَرَجٌ أَنْ أُطْعِمَ مِنَ الذِّي لَهُ عِيَالًا؟ فَقَالَ: لَا حَرَجٌ عَلَيْكَ أَنْ تُطْعِمُهُمْ بِالْمَعْرُوفِ». [راجع: ٢٢١١]

٤٦١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا الْلَّيْثُ قَالَ: حَدَّثَنِي يَزِيدُ، عَنْ أَبِي الْحَمْرَاءِ، عَنْ عُقْبَةَ بْنَ عَامِرَ قَالَ: قُلْنَا لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّكَ تَعْثَثُ فَنَتَرُّلُ بِقَوْمٍ لَا يُقْرُونَنَا، فَمَا تَرَى فِيهِ؟ فَقَالَ لَنَا: إِنْ نَرَثْتُمْ بِقَوْمٍ فَأُمِرَ لَكُمْ بِمَا يَبْغِي لِلضَّيْفِ فَاقْبِلُوهُ، فَإِنْ لَمْ يَقْعُلُوا فَخُذُوهُ مِنْهُمْ حَقَّ الضَّيْفِ».

[انظر: ٦١٣٧]

(١٩) بَابُ مَا جَاءَ فِي السَّقَائِفِ، وَجَلَسَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَاصْحَابُهُ، فِي سَقِيقَةِ بَنِي سَاعِدَةَ.

٤٦٢ - حَدَّثَنَا يَحْيَى بْنُ سُلَيْمانَ قَالَ: حَدَّثَنِي ابْنُ وَهْبٍ قَالَ: حَدَّثَنِي مَالْكُ ح. وَأَخْبَرَنِي يُونُسُ عَنْ ابْنِ شَهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُبْتَةَ: أَنَّ ابْنَ عَبَّاسٍ أَخْبَرَهُ عَنْ عُمَرَ رَضِيَ اللَّهُ عَنْهُمْ قَالَ: حِينَ تَوَفَّى اللَّهُ نِسِيَّةً صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، إِنَّ الْأَنْصَارَ اجْتَمَعُوا فِي سَقِيقَةِ بَنِي سَاعِدَةَ فَقُلْتُ لِأَبِي بَكْرٍ: انْظُلْنِي بِنَا، فَجِئْنَاهُمْ فِي

2461. Narrated 'Uqba bin 'Amir رضي الله عنه : We said to the Prophet ﷺ, "You send us out and it happens that we have to stay with such people who do not entertain us. What do you think about it?" He said to us, "If you stay with some people and they entertain you as they should for a guest, accept their hospitality, but if they don't do, take the right of the guest from them."

(19) CHAPTER. What is said about sheds.

And the Prophet ﷺ along with his companions, sat in the shed of Banī Sa'ida.

2462. Narrated 'Umar رضي الله عنه : When Allāh took away the soul of His Prophet ﷺ at his death, the *Anṣār* assembled in the shed of Banī Sa'ida. I said to Abū Bakr, "Let us go." So, we came to them (i.e., to *Anṣār*) at the shed of Banī Sa'ida.

[See Vol 5, *Hadīth* No.3667, for details].

سَقِيقَةُ بْنِي سَاعِدَةَ. [انظر: ٣٤٤٥، ٧٢٢٣، ٦٨٣٠، ٦٨٢٩، ٤٠٢١، ٣٩٢٨]

(٢٠) بَابُ لَا يَمْنَعُ جَارٌ جَارَةً أَنْ يَعْرِزَ خَشْبَةً فِي جَدَارِهِ

٢٤٦٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلِمَةَ، عَنْ مَالِكٍ، عَنْ أَبْنِ شَهَابٍ عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَمْنَعُ جَارٌ جَارَةً أَنْ يَعْرِزَ خَشْبَةً فِي جَدَارِهِ»، ثُمَّ يَقُولُ أَبُو هُرَيْرَةَ: مَا لِي أَرَأْكُمْ عَنْهَا مُعْرِضِينَ؟ وَاللَّهُ لَأَرْمِنَهَا إِلَيْهَا بَيْنَ أَكْتَافِكُمْ». [انظر: ٥٦٢٧، ٥٦٢٨]

(20) CHAPTER. No one should prevent his neighbour from fixing a wooden peg in his wall.

2463. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ that Allāh's Messenger ﷺ said, "No one should prevent his neighbour from fixing a wooden peg in his wall." Abū Hurairah رَضِيَ اللَّهُ عَنْهُ then said (to his companions), "Why do I find you averse to it? By Allāh, I certainly will narrate it to you."

(21) CHAPTER. Spilling wine on the way.

2464. Narrated Anas رَضِيَ اللَّهُ عَنْهُ that I was the butler of the people in the house of Abū Talha, and in those days drinks were prepared from dates. Allāh's Messenger ﷺ ordered somebody to announce that alcoholic drinks had been prohibited. Abū Talha ordered me to go out and spill the wine. I went out and spilled it, and it flowed in the streets of Al-Madina. Some people said, "Some people were killed and wine was still in their stomachs." On that the Divine revelation came:

"Those who believe and do righteous good deeds, there is no sin on them for what they ate (in the past)...". (V.5:93)

(٢١) بَابُ صَبِ الْخَمْرِ فِي الطَّرِيقِ
٢٤٦٤ - حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ أَبُو يَحْيَى: أَخْبَرَنَا عَفَّانُ
حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ: حَدَّثَنَا ثَابُتُ
عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ: كُنْتُ سَاقِيَ
الْقَوْمِ فِي مَنْزِلِ أَبِي طَلْحَةَ، وَكَانَ
خَمْرُهُمْ يَوْمَئِذٍ الْفَضِيْحَ، فَأَمَرَ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُنَادِيًّا يُنَادِي: أَلَا إِنَّ الْخَمْرَ
قَدْ حُرِّمَتْ، قَالَ: فَقَالَ لِي أَبُو
طَلْحَةَ: اخْرُجْ فَأَهْرِفْهَا، فَخَرَجْتُ
فَهَرَقْتُهَا فَبَهَرْتُ فِي سِكَكِ الْمَدِيْنَةِ.
فَقَالَ بَعْضُ الْقَوْمِ: قَدْ قُتِلَ قَوْمٌ وَهِيَ
فِي بُطُونِهِمْ، فَأَنْزَلَ اللَّهُ: «لَيَسَ عَلَى
الَّذِينَ مَأْمَنُوا وَعَمِلُوا الصَّالِحَاتِ جُنَاحٌ فِيمَا
طَعَمُوا» الْآيَةَ [المائدة: ٩٣]. [انظر:]

، ٤٦١٧ ، ٥٥٨٣ ، ٥٥٨٢ ، ٥٥٨٠ ، ٤٦٢٠

[٧٢٥٣ ، ٥٦٢٢ ، ٥٦٠٠ ، ٥٥٨٤]

(22) CHAPTER. What is said about the open courtyards of houses and sitting in them, and sitting on the ways.

Narrated 'Aishah: رَضِيَ اللَّهُ عَنْهَا Abū Bakr got a mosque constructed in front of his house and used to offer *Salāt* (prayer) and recite the Qur'an there. The women and children of the *Mushrikun* used to encircle him and were astonished at his behaviour. The Prophet ﷺ was staying at Makkah during those days.

2465. Narrated Abū Sa'īd Al-Khudrī رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "Beware! Avoid sitting on the roads (ways)." The people said, "There is no way out of it as these are our sitting places where we have talks." The Prophet ﷺ said, "If you must sit there, then observe the rights of the way." They asked, "What are the rights of the way?" He said, "They are the lowering of your gazes (on seeing what is illegal to look at), refraining from harming people, returning greetings, enjoining *Al-Ma'rūf* (i.e., Islāmic Monotheism and all that Islām orders one to do) and forbidding *Al-Munkar* (i.e., polytheism, disbelief, and all that Islām has forbidden)."

(23) CHAPTER. The digging of wells on the ways (is permissible) if they do not cause trouble to the people.

2466. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "A man felt very thirsty while he was on the way, there he came across a well. He went down the well, quenched his thirst and came out.

(٢٢) بَابُ أَفْيَةِ النُّورِ وَالْجُلُوسِ
فيها، والجلوس على الصعداتِ

وَقَالَتْ عَائِشَةُ: فَابْنِي أَبُو بَكْرٍ
مَسْجِدًا بِنَاءً دَارِهِ يُصْلِي فِيهِ وَيَقْرَأُ
الْقُرْآنَ فَيَتَعَصَّفُ عَلَيْهِ نِسَاءُ الْمُشْرِكِينَ
وَأَبْناؤُهُمْ، يَعْجَبُونَ مِنْهُ وَالنَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
يُؤْمِنُ بِمَكْحَةَ .

٢٤٦٥ - حَدَّثَنَا مُعاذُ بْنُ فَضَالَةَ:
حَدَّثَنَا أَبُو عُمَرَ حَفْصُ بْنُ مَيْسِرَةَ، عَنْ
رَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارِ.
عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ
عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِيَّاكُمْ وَالْجُلُوسُ
عَلَى الطُّرُقَاتِ»، قَالُوا: مَا لَنَا بُدْ،
إِنَّمَا هِيَ مَجَالِسُنَا تَحَدَّثُ فِيهَا. قَالَ:
«فَإِذَا أَتَيْتُمْ إِلَى الْمَجَالِسِ فَأَمْطُوا
الطَّرِيقَ حَقَّهَا». قَالُوا: وَمَا حَقُّ
الطَّرِيقِ؟ قَالَ: «عَصُّ الْبَصَرِ، وَكَفُّ
الْأَذَى، وَرَدُّ السَّلَامِ، وَأَمْرُ
بِالْمَعْرُوفِ، وَنَهْيُ عَنِ الْمُنْكَرِ».

[انظر: ٦٢٢٩]

(٢٣) بَابُ الْآبَارِ عَلَى الطُّرُقِ إِذَا لَمْ
يُتَأَدِّبَا

٢٤٦٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ سُمَيْ مَوْلَى
أَبِي بَكْرٍ، عَنْ أَبِي صَالِحٍ السَّمَانِ،

Meanwhile he saw a dog panting and licking mud because of excessive thirst. He said to himself, 'This dog is suffering from thirst as I did.' So, he went down the well again and filled his shoe with water and watered the dog. Allāh thanked him for that deed and forgave him. The people said, "O Allāh's Messenger! Is there a reward for us in serving the animals?" He replied: "Yes, there is a reward for serving any animate (living being)."

[See *Hadīth* No.2363].

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «يَسْتَأْمِنُ رَجُلٌ بِطَرِيقٍ فَأَشْتَدَّ عَلَيْهِ الْعَطْشُ فَوَجَدَ بِرَأْسِهِ فَنَزَّلَ فِيهَا فَشَرِبَ ثُمَّ خَرَجَ، فَإِذَا كَلَّ بَلْعَامُ يَأْكُلُ التَّرَى مِنَ الْعَطْشِ». فَقَالَ الرَّجُلُ: لَقَدْ بَلَغَ هَذَا الْكَلْبُ مِنَ الْعَطْشِ مِثْلُ الَّذِي كَانَ بَلَغَ مَاءً، فَسَقَى الْكَلْبَ، فَشَكَرَ اللَّهُ لَهُ فَعَفَرَ لَهُ». قَالُوا: يَا رَسُولَ اللَّهِ، إِنَّ لَنَا فِي الْبَهَائِمِ لِأَجْرًا؟ فَقَالَ: «فِي كُلِّ ذَاتٍ كَبِيدٍ رَطْبِيَّةً أَجْرٌ». [راجع: ١٧٣]

(٢٤) بَابُ إِمَاطَةِ الْأَذَى

وَقَالَ هَمَّامٌ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «يُمْيِطُ الْأَذَى عَنِ الطَّرِيقِ صَدَقَةً».

(٢٥) بَابُ الْغُرْفَةِ وَالْعُلَيَّةِ الْمُشْرِفَةِ وَغَيْرِ الْمُشْرِفَةِ فِي السُّطُوحِ وَغَيْرِهَا

(24) CHAPTER. To remove harmful things from the roads.

Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, "To remove harmful things from the roads is *Ṣadaqa* (a charitable act)."

(25) CHAPTER. (The permissibility of living on) higher places of a house, looking upon other houses or not looking upon other houses, whether these places are on roofs or not.

2467. Narrated Usāma bin Zaid رَضِيَ اللَّهُ عَنْهُ : Once the Prophet ﷺ stood at the top of one of the castles (or higher buildings) of Al-Madina and said, "Do you see what I see? No doubt I see the places or spots of *Al-Fitān* (trials and afflictions) amongst your houses as numerous as the spots where rain-drops fall (during a heavy rain).

[See *Hadīth* No.1878]

٢٤٦٧ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا ابْنُ عَيْنَيَةَ، عَنِ الرَّئْهَرِيِّ، عَنْ عُرْوَةَ، عَنْ أُسَامَةَ بْنِ زَيْدٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَشْرَفَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ آطَامِ الْمَدِينَةِ ثُمَّ قَالَ: «هَلْ تَرَوْنَ مَا أَرَى؟ إِنِّي أَرَى مَوَاقِعَ الْفِتْنَ خَلَالَ بُيُوتِكُمْ كَمَوَاقِعِ الْقَطْرِ». [راجع: ١٨٧٨]

2468. Narrated 'Abdullâh bin 'Abbâs رَضِيَ اللَّهُ عَنْهُمَا : I had been eager to ask 'Umar رَضِيَ اللَّهُ عَنْهُمَا about the two ladies from among the wives of the Prophet ﷺ regarding whom Allâh said (in the Qur'ân saying) : "If you two (wives of the Prophet ﷺ namely 'Aishah and Hafsa رَضِيَ اللَّهُ عَنْهُمَا turn in repentance to Allâh (it will be better for you), your hearts are indeed so inclined (to oppose what the Prophet ﷺ likes)..." (V.66:4), till I performed the *Hajj* along with 'Umar. (And on our way back from *Hajj*) he went aside (to answer the call of nature) and I also went aside along with him carrying a tumbler of water. When he had answered the call of nature and returned, I poured water on his hands from the tumbler and he performed ablution. I said, "O chief of the believers!" Who were the two ladies from among the wives of the Prophet ﷺ to whom Allâh عَزَّ وَجَلَّ said :

'If you two (wives of the Prophet ﷺ namely 'Aishah and Hafsa رَضِيَ اللَّهُ عَنْهُمَا) turn in repentance to Allah, (it will be better for you), your hearts are indeed so inclined (to oppose what the Prophet ﷺ likes) ...'" (V.66:4) He said, "I am astonished at your question, O Ibn 'Abbâs. They were 'Aishah and Hafsa رَضِيَ اللَّهُ عَنْهُمَا." Then 'Umar went on relating the narration and said, "I and an *Anṣârî* neighbour of mine from Bani Umaiyya bin Zaid who used to live in 'Awâl Al-Mâdîna, used to visit the Prophet ﷺ in turns. He used to go one day, and I another day. When I went, I would bring him the news of what had happened that day regarding the instructions and orders, and when he went, he used to do the same for me. We, the people of Quraish, used to have authority over women, but when we came to live with the *Anṣâr*, we noticed that the *Anṣârî* women had the upperhand over their men, so our women started acquiring the habits of the

٢٤٦٨ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ :
 حَدَّثَنَا الْيَتْمَ، عَنْ عُقَيْلٍ، عَنْ أَبِي
 شَهَابٍ قَالَ: أَخْبَرَنِي عَيْدِ اللَّهِ بْنُ عَبْدِ
 اللَّهِ بْنِ أَبِي ثَوْرٍ، عَنْ عَبْدِ اللَّهِ بْنِ
 عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: لَمْ أَرَنْ
 حَرِيصًا عَلَى أَنْ أَسْأَلَ عُمَرَ رَضِيَ اللَّهُ
 عَنْهُ عَنِ الْمَرْأَتَيْنِ مِنْ أَزْوَاجِ النَّبِيِّ
 الَّتِيْنَ قَالَ اللَّهُ لَهُمَا: «إِنْ تُنَوِّبَا إِلَى
 اللَّهِ فَقَدْ صَفَّتْ قُلُوبُكُمَا» [التحريم: ٤]
 فَحَجَجْتُ مَعَهُ فَعَدَلَ وَعَدَلْتُ مَعَهُ
 بِالإِذَاوَةِ فَتَبَرَّزَ حَتَّى جَاءَ فَسَكَبْتُ عَلَى
 يَدَيْهِ مِنِ الإِذَاوَةِ فَتَوَضَّأَ فَقُلْتُ: يَا
 أَمِيرَ الْمُؤْمِنِيْنَ، مَنْ مِنَ الْمَرْأَتَيْنِ مِنْ
 أَزْوَاجِ النَّبِيِّ
 الَّتِيْنَ قَالَ اللَّهُ عَزَّ
 وَجَلَّ لَهُمَا: «إِنْ تُنَوِّبَا إِلَى اللَّهِ فَقَدْ
 صَفَّتْ قُلُوبُكُمَا»؟ فَقَالَ: وَاعْجَبًا لَكَ يَا
 ابْنَ عَبَّاسٍ، عَائِشَةُ وَحَصْصَةُ ثُمَّ
 اسْتَقْبَلَ عُمَرَ الْحَدِيثَ يَسْوُفَهُ. فَقَالَ:
 إِنِّي كُنْتُ وَجَارًّا لِي مِنَ الْأَنْصَارِ فِي
 بَنِي أُمَيَّةَ بْنِ زَيْدٍ، وَهِيَ مِنْ عَوَالِي
 الْمَدِيْنَةِ، وَكُنَّا نَتَنَوَّبُ التَّرْوِيلَ عَلَى
 النَّبِيِّ
 الَّتِيْ، فَيَنْزِلُ هُوَ يَوْمًا وَأَنْزِلُ
 يَوْمًا. فَإِذَا تَرَلْتُ جِئْتُهُ مِنْ خَبْرِ ذَلِكَ
 الْيَوْمِ مِنَ الْأَمْرِ وَغَيْرِهِ إِذَا تَرَلَ فَعَلَ
 مِثْلَهُ، وَكُنَّا مَعْشَرَ قُرَيْشٍ نَعْلَبُ
 النِّسَاءَ، فَلَمَّا قَدِيمْنَا عَلَى الْأَنْصَارِ إِذْ
 هُمْ قَوْمٌ تَغْلِيْهُمْ نِسَاؤُهُمْ فَطَفَقَ نِسَاؤُنَا
 يَأْخُذْنَ مِنْ أَدَبِ نِسَاءِ الْأَنْصَارِ،

Anṣārī women. Once I shouted at my wife and she shouted back at me in return and I disliked that she should answer me back. She said, ‘Why do you take it ill that I retort upon you? By Allāh, the wives of the Prophet ﷺ retort upon him, and some of them may not speak with him for the whole day till night.’ What she said scared me and I said to her, ‘Whoever amongst them does so, will be a great loser.’ Then I dressed myself and went to Hafṣa and asked her, ‘Does any of you keep Allāh’s Messenger angry all the day long till night?’ She replied in the affirmative. I said, ‘She is a ruined losing person (and will never have success)! Doesn’t she fear that Allāh may get angry for the anger of Allāh’s Messenger ﷺ and thus she will be ruined? Don’t ask Allāh’s Messenger ﷺ too many things, and don’t retort upon him in any case, and don’t desert him. Demand from me whatever you like, and don’t be tempted to imitate your neighbour (i.e., ‘Āishah) in her behavior towards the Prophet ﷺ, for she (i.e., ‘Āishah) is more beautiful than you, and more beloved to Allāh’s Messenger ﷺ’. In those days it was rumoured that Ghassān, (a tribe living in Shām) was getting prepared their horses to invade us. My companion went (to the Prophet ﷺ) on the day of his turn, went and returned to us at night and knocked at my door violently, asking whether I was sleeping. I was scared (by the hard knocking) and came out to him. He said that a great thing had happened. I asked him: ‘What is it? Have Ghassān come?’ He replied that it was worse and more serious than that, and added that Allāh’s Messenger ﷺ had divorced all his wives. I said, ‘Hafṣa is a ruined loser! I expected that it would happen some day.’ So I dressed myself and offered the *Fajr* (prayer) with the Prophet ﷺ. Then the Prophet ﷺ entered an upper room and

فَصَحَّتْ عَلَى امْرَأَتِي فَرَاجَعْتُنِي
فَانْكَرْتُ أَنْ تُرَاجِعَنِي فَقَالَتْ : وَلِمْ
تُنْكِرْ أَنْ أَرْجِعَكَ ؟ فَوَاللهِ إِنَّ أَرْوَاحَ
النَّبِيِّ ﷺ لَيُرَاجِعُهُ ، وَإِنَّ إِخْدَاهُنَّ
لِتَهْجُورِهِ الْيَوْمَ حَتَّى اللَّيْلِ ، فَأَفْرَغْتُنِي
فَقُلْتُ : خَابَتْ مَنْ فَعَلَتْ مِنْهُنَّ
بِعَظِيمٍ ، ثُمَّ جَمِعْتُ عَلَيَّ ثِيَابِي
فَدَخَلْتُ عَلَى حَفْصَةَ ، فَقُلْتُ : أَيْ
حَفْصَةُ ، أَتُعَاضِبُ إِخْدَاهُنَّ رَسُولَ اللهِ
ﷺ الْيَوْمَ حَتَّى اللَّيْلِ ؟ فَقَالَتْ : نَعَمْ ،
فَقُلْتُ : خَابَتْ وَخَسِرَتْ ، أَفَتَأْمُنْ أَنْ
يَعْضَبَ اللَّهُ لِغَضَبِ رَسُولِهِ ﷺ
فَهَلْكِينَ ؟ لَا سَتُكْثِرِي عَلَى رَسُولِ
اللهِ ﷺ وَلَا تُرَاجِعِيهِ فِي شَيْءٍ وَلَا
تَهْجُورِيهِ ، وَسَلِّيَنِي مَا بَدَا لِكَ وَلَا
يَعْرِنِي أَنْ كَانَتْ جَارِتُكَ هِيَ أَوْضَأَ
مِنْكَ وَأَحَبَّ إِلَى رَسُولِ اللهِ ﷺ -
يَرِيدُ عَائِشَةَ - وَكُنَّا تَحَدَّثُنَا أَنَّ عَسَانَ
تُنْعَلُ النَّعَالَ لِغَزَوْنَا فَنَزَّلَ صَاحِبِيَّ يَوْمَ
نُوبَيَّهِ فَرَجَعَ عِشَاءَ فَصَرَبَ بَابِيَّ ضَرْبًا
شَدِيدًا ، وَقَالَ : أَتَمْ هُوَ ؟ فَفَرَغْتُ
فَخَرَجْتُ إِلَيْهِ وَقَالَ : حَدَّثَ أَمْرُ
عَظِيمٍ ، قُلْتُ : مَا هُوَ ؟ أَجَاءَتْ
عَسَانُ ؟ قَالَ : لَا ، بَلْ أَعْظَمُ مِنْهُ
وَأَطْلَوْلُ ، طَلَقَ رَسُولُ اللهِ ﷺ نِسَاءً .
قَالَ : فَذَ خَابَتْ حَفْصَةُ وَخَسِرَتْ ،
كُنْتُ أَطْئُنُ أَنَّ هَذَا يُوشِكُ أَنْ يَكُونَ
فَجَمِعْتُ عَلَيَّ ثِيَابِي فَصَلَّيْتُ صَلَاةَ

stayed there alone. I went to Hafṣa and found her weeping. I asked her, ‘Why are you weeping? Didn’t I warn you? Have Allāh’s Messenger ﷺ divorced you all?’ She replied, ‘I don’t know. He is there in the upper room.’ I then went out and came to the pulpit and found a group of people around it and some of them were weeping. Then I sat with them for some time, but could not endure the situation. So, I went to the upper room where the Prophet ﷺ was and requested to a black slave of his: ‘Will you get the permission of (Allāh’s Messenger) for ‘Umar (to enter)?’ The slave went in, talked to the Prophet ﷺ about it and came out saying, ‘I mentioned you to him but he did not reply.’ So, I went and sat with the people who were sitting by the pulpit, but I could not bear the situation, so I went to the slave again and said: ‘Will you get the permission for ‘Umar?’ He went in and brought the same reply as before. When I was leaving, behold, the slave called me saying, ‘Allāh’s Messenger ﷺ has granted you permission.’ So, I entered upon the Prophet ﷺ and saw him lying on a mat without bedding on it, and the mat had left its mark on the body of the Prophet ﷺ, and he was leaning on a leather pillow stuffed with palm fibres. I greeted him and while still standing, I said: ‘Have you divorced your wives?’ He raised his eyes to me and replied in the negative. And then while still standing, I said chatingly: ‘Will you heed what I say, O Allāh’s Messenger! We, the people of Quraish used to have the upper hand over our women (wives), and when we came to the people whose women had the upper hand over them,...’” ‘Umar told the whole story (about his wife). “On that the Prophet ﷺ smiled.” ‘Umar further said, “I then said, ‘I went to Hafṣa and said to her: Do not be tempted to imitate your

الصُّورَ معَ النَّبِيِّ ﷺ فَدَخَلَ مَشْرُبَةً لَهُ فَاعْتَرَضَ فِيهَا، فَدَخَلْتُ عَلَى حَفْصَةَ، فَإِذَا هِيَ تَبَكِّي، قُلْتُ: مَا يَبَكِيكِ؟ أَوْ لَمْ أَكُنْ حَذَرْتُكِ؟ أَطْلَقْتُكَ رَسُولُ اللهِ ﷺ؟ قَالَتْ: لَا أَذْرِي، هُوَ ذَا فِي الْمَشْرُبَةِ، فَخَرَجْتُ فَجَئْتُ الْمُنْبِرَ فَإِذَا حَوْنَةً رَهْطَ يَتِيَّ بَعْضُهُمْ فَجَلَسْتُ مَعَهُمْ قَبْلًا، ثُمَّ غَبَّنِي مَا أَجِدُ فَجَئْتُ الْمَشْرُبَةَ الَّتِي هُوَ فِيهَا فَقُلْتُ لِغَلامٍ أَسْوَدَ: اسْتَأْذُنْ لِعُمَرَ، فَدَخَلَ فَكَلَمَ النَّبِيِّ ﷺ ثُمَّ خَرَجَ فَقَالَ: ذَكَرْتُكَ لَهُ فَصَمَّتَ، فَانْصَرَفْتُ حَتَّى جَلَسْتُ مَعَ الرَّهْطِ الَّذِينَ عِنْدَ الْمُنْبِرِ، ثُمَّ غَبَّنِي مَا أَجِدُ، فَجَئْتُ فَقُلْتُ لِلْغَلامِ - فَذَكَرَ مِثْلَهُ - فَجَلَسْتُ مَعَ الرَّهْطِ الَّذِينَ عِنْدَ الْمُنْبِرِ، ثُمَّ غَبَّنِي مَا أَجِدُ، فَجَئْتُ الغَلامَ فَقُلْتُ: اسْتَأْذُنْ لِعُمَرَ - فَذَكَرَ مِثْلَهُ - فَلَمَّا وَلَّتْ مُنْصِرَفًا فَإِذَا الغَلامُ يَدْعُونِي قَالَ: أَذْنِ لَكَ رَسُولُ اللهِ ﷺ، فَدَخَلْتُ عَلَيْهِ، فَإِذَا هُوَ مُضطَحِعٌ عَلَى رِمَالٍ حَصِيرٍ لَيْسَ بِنَيَّهُ وَبِنَيَّهُ فِرَاشٌ، قَدْ أَتَرَ الرِّمَالَ يَجْبِيُهُ، مُتَكَبِّعٌ عَلَى وِسَادَةٍ مِنْ أَدَمَ حَشُونُهَا لِفْ فَسَمِّنْتُ عَلَيْهِ، ثُمَّ قُلْتُ وَآنا قَائِمٌ: طَلَقْتُ نِسَاءَكِ؟ فَرَفَعَ بَصَرَهُ إِلَيَّ، فَقَالَ: لَا، ثُمَّ قُلْتُ وَآنا قَائِمٌ أَسْتَأْسِنُ: يَا رَسُولَ اللهِ، لَوْ رَأَيْتَنِي وَكُنَّا مَعْشَرَ قُرْيَشٍ نَغْلِبُ النِّسَاءَ، فَلَمَّا

companion ('Āishah) for she is more beautiful than you and more beloved to the Prophet ﷺ.' The Prophet ﷺ smiled again. When I saw him smiling, I sat down and cast a glance at the room, and by Allāh, I couldn't see anything of importance but three hides. I said (to Allāh's Messenger ﷺ) 'Invoke Allāh to make your followers prosperous for the Persians and the Byzantines have been made prosperous and given worldly luxuries, though they do not worship Allāh?' The Prophet ﷺ was leaning then (and on hearing my speech he sat straight) and said, 'O Ibn Al-Khaṭṭāb! Do you have any doubt (that the Hereafter is better than this world)? These people have been given rewards of their good deeds in this world only.' I asked the Prophet ﷺ, 'Please ask Allāh's Forgiveness for me.' The Prophet ﷺ did not go to his wives because of the secret which Hafṣa had disclosed to 'Āishah,⁽¹⁾ and he said that he would not go to his wives for one month as he was angry with them when Allāh admonished him (for his oath that he would not approach Māria). When twenty-nine days had passed, the Prophet ﷺ went to 'Āishah first of all. She said to him, 'You took an oath that you would not come to us for one month, and today only twenty-nine days have passed, as I have been counting them day by day.' The Prophet ﷺ said, 'The month is also of twenty-nine days.' That month consisted of twenty-nine days. 'Āishah said, 'When the Divine Revelation of "choice" was revealed, the Prophet ﷺ started with me, saying to me, 'I am telling you something, but you needn't hurry to give the reply till you consult your

قَدِمْنَا عَلَى قَوْمٍ تَعْلَيْهُمْ نِسَاؤُهُمْ . . .
فَذَكَرَهُ فَبَسَّمَ النَّبِيُّ ﷺ . ثُمَّ قَلَّتْ : لَوْ
رَأَيْتَنِي وَدَخَلْتُ عَلَى حَمْضَةَ فَقَلَّتْ :
لَا يَعْرِنِكَ أَنْ كَانَتْ جَارَتُكَ هِيَ
أَوْضَأَ مِنْكَ وَأَحَبَّ إِلَى النَّبِيِّ ﷺ -
يُرِيدُ عَائِشَةَ - فَبَسَّمَ أُخْرَى . فَجَلَّتْ
حِينَ رَأَيْتَهُ تَبَسَّمَ ثُمَّ رَفَعَتْ بَصَرِي فِي
بَيْتِهِ فَوَاللَّهِ مَا رَأَيْتُ فِيهِ شَيْئًا يَرُدُّ
البَصَرَ غَيْرَ أَهْبَةَ ثَلَاثَةِ، فَقَلَّتْ : اذْعُ
اللَّهُ فَلْيُوَسْعَ عَلَى أُمَّتِكَ، إِنَّ فَارِسَ
وَالرُّومَ وُسْعَ عَلَيْهِمْ وَأَعْطُوا الدُّنْيَا
وَهُمْ لَا يَعْبُدُونَ اللَّهَ . وَكَانَ مُنَكِّنًا
فَقَالَ : أَوْ فِي شَكٍّ أَنْتَ يَا ابْنَ
الْحَطَابِ؟ أُولَئِكَ قَوْمٌ عَجَّلْتُ لَهُمْ
طَبِيَّاتُهُمْ فِي الْحَيَاةِ الدُّنْيَا . فَقَلَّتْ : يَا
رَسُولَ اللَّهِ، اسْتَغْفِرُ لِي، فَاعْتَزَّلَ النَّبِيُّ
ﷺ مِنْ أَجْلِ ذَلِكَ الْحَدِيثِ حِينَ
أَفْشَهَهُ حَمْضَةً إِلَى عَائِشَةَ وَكَانَ قَدْ
قَالَ : مَا أَنَا بِدَاخِلٍ عَلَيْهِنَّ شَهْرًا «
مِنْ شِدَّةِ مُوْجَدَيْهِ عَلَيْهِنَّ حِينَ عَابَتْهُ
اللَّهُ، فَلَمَّا مَضَتْ تِسْعُ وَعِشْرُونَ دَخَلَ
عَلَى عَائِشَةَ فَبَدَأَ بِهَا فَقَالَتْ لَهُ
عَائِشَةُ : إِنَّكَ أَفْسَمْتَ أَنْ لَا تَدْخُلَ
عَلَيْنَا شَهْرًا وَإِنَّا أَصْبَحْنَا بِتِسْعَ
وَعِشْرِينَ لَيْلَةً أَعْدُهَا عَدًّا . فَتَابَ النَّبِيُّ

(1) (H. 2468) The Prophet ﷺ was alone with Māria on the day that was devoted to 'Āishah. When Hafṣa learned that, the Prophet ﷺ told her to keep that as a secret and promised that he would not come near Māria. But Hafṣa disclosed the secret to 'Āishah who got angry and then provoked the Prophet ﷺ who took an oath that he would desert her for one month.

parents.' ‘Āishah knew that her parents would not advise her to part with the Prophet ﷺ. The Prophet ﷺ said that Allāh had said: 'O Prophet (Muhammad ﷺ)! Say to your wives.. (up to).. an enormous reward.' (V.33:28) ‘Āishah said, 'Am I to consult my parents about this? I indeed prefer Allāh, His Messenger ﷺ, and the home of the Hereafter.' After that the Prophet ﷺ gave the choice to his other wives and they also gave the same reply as ‘Āishah did.'

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ: «الشَّهْرُ تَسْعُ وَعِشْرُونَ»، وَكَانَ ذَلِكَ الشَّهْرُ تَسْعُ وَعِشْرُونَ. قَالَتْ عَايَشَةُ: فَأَنْزَلْتُ آيَةً التَّحْسِيرَ فَبَدَا بِي أَوَّلَ امْرَأَةً قَالَ: «إِنِّي ذَاكِرٌ لَكَ أَمْرًا وَلَا عَلَيْكَ أَنْ لَا تَعْجَلِي حَتَّى تَسْتَأْمِرِي أَبُورِيكَ». قَالَتْ: قَدْ أَعْلَمُ أَنَّ أَبُوئِي لَمْ يَكُونَا يَأْمُرُونِي بِفَرَاقِكَ. ثُمَّ قَالَ: إِنَّ اللَّهَ قَالَ: ﴿يَكْتَبُهَا الَّتِي قُلَّ لِأَزْفَحَكَ﴾ إِلَيَّ قَوْلِهِ: ﴿عَظِيمًا﴾ [الأحزاب: ٢٨-٢٩]. قُلْتُ: أَفِي هَذَا أَسْتَأْمِرُ أَبُوئِي؟ فَإِنِّي أُرِيدُ اللَّهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ. ثُمَّ خَيَرَ نِسَاءَهُ فَقُلْنَ مِثْلَ مَا قَالَتْ عَايَشَةُ. [راجع: ٨٩]

٢٤٦٩ - حَدَّثَنِي ابْنُ سَلَامٍ: أَخْبَرَنَا الفَزَارِيُّ، عَنْ حُمَيْدِ الطَّوَّابِ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَلَى رَسُولِ اللَّهِ بِسْمِهِ مِنْ نِسَائِهِ شَهْرًا وَكَانَتْ افْنَكَتْ قَدَمَهُ، فَجَلَسَ فِي عُلَيَّهِ لَهُ، فَجَاءَ عُمَرُ قَالَ: أَظْلَقْتَ نِسَاءَكَ؟ فَقَالَ: «لَا، وَلِكُنِي أَلَيْتُ مِنْهُنَّ شَهْرًا». فَمَكَثَتْ تِسْعًا وَعِشْرِينَ ثُمَّ نَزَلَ فَدَخَلَ عَلَى نِسَائِهِ. [راجع: ٣٧٨]

(٢٦) بَابُ مَنْ عَقَلَ بَيْرَةً عَلَى الْبَلَاطِ أَوْ بَابِ الْمَسْجِدِ

٢٤٧٠ - حَدَّثَنَا مُسْلِمٌ: حَدَّثَنَا أَبُو عَقِيلٍ: حَدَّثَنَا أَبُو الْمُتَوَكِّلِ التَّاجِيُّ قَالَ: أَتَيْتُ جَابِرَ أَبْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: دَخَلَ الشَّيْءَ بِسْمِهِ

2469. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ took an oath that he would not go to his wives for one month as his foot had been sprained. He stayed in an upper room when ‘Umar went to him and said, “Have you divorced your wives?” He said, “No, but I have taken an oath that I would not go to them for one month.” The Prophet ﷺ stayed there for twenty-nine days, and then came down and went to his wives.

(26) CHAPTER. Whoever tied his camel at the pavement (of the mosque) or at the gate of the mosque.

2470. Narrated Jābir: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ entered the mosque, and I, too, went there after tying the camel at the pavement of the mosque. I said (to the Prophet ﷺ), “This is your camel.” He came out and started examining the camel and

said, “Both the camel and its price are for you.”

(27) CHAPTER. Standing and urinating at the dumps of some people.

2471. Narrated Hudhaifa: I saw Allāh’s Messenger ﷺ coming (or the Prophet ﷺ came) to the dumps of some people and urinated there while standing.

(28) CHAPTER. (The reward of him) who removes a branch of a tree or any other thing which harms the people from the way.

2472. Narrated Abū Hurairah: رَضِيَ اللَّهُ عَنْهُ said, “While a man was on the way, he found a thorny branch of a tree there on the way and removed it. Allāh thanked him for that deed and forgave him.”

(29) CHAPTER. When there is a dispute about a public way and the owner of the land wishes to build (something), he should leave seven cubits for the people to pass through.

2473. Narrated Abū Hurairah: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ judged that seven cubits should be left as a public way when there was

الْمَسْجِدَ فَدَخَلْتُ إِلَيْهِ وَعَقَلْتُ الْجَمَلَ فِي نَاجِيَةِ الْبَلَاطِ فَقُلْتُ: هَذَا جَمْلُكَ، فَخَرَجَ فَجَعَلَ يُطِينِفُ بِالْجَمَلِ، قَالَ: «الشَّمْنُ وَالْجَمَلُ لَكَ». [راجع: ٤٤٣]

(٢٧) بَابُ الْوُقُوفِ وَالْبَوْلِ عِنْدَ سُبَاطَةِ قَوْمٍ

٢٤٧١ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ، عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، عَنْ أَبِي وَاعِلٍ، عَنْ حُذَيْفَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: لَقَدْ رَأَيْتُ رَسُولَ اللَّهِ ﷺ أَوْ قَالَ: لَقَدْ أَتَى الَّذِي عَلَيْهِ سُبَاطَةُ قَوْمٍ فِي الْمَدِينَةِ [٢٢٤]. [راجع: ٢٢٤]

(٢٨) بَابُ مَنْ أَخْلَدَ الْغُصَنَ وَمَا يُؤْذِي النَّاسَ فِي الطَّرِيقِ

٢٤٧٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ، أَخْبَرَنَا مَالِكُ، عَنْ سُمَيِّ، عَنْ أَبِي صَالِحٍ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّمَا يَجْلُلُ يَمْثُلِي بِطَرِيقٍ وَجَدَ غُصَنَ شَوْكٍ فَأَخْلَدَهُ فَشَكَرَ اللَّهُ لَهُ فَغَفَرَ لَهُ». [٦٥٢]

[راجع: ٦٥٢]

(٢٩) بَابُ إِذَا اخْتَلَفُوا فِي الطَّرِيقِ الْمِيَاءِ - وَهِيَ الرَّاحْبَةُ تَكُونُ بَيْنَ الطَّرِيقِ - ثُمَّ يُرِيدُ أَهْلُهَا الْبَيْانَ فَتُرَكِ مِنْهَا لِلْطَّرِيقِ سَبْعَةً أَذْرُعَ

٢٤٧٣ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ،

a dispute about the land.

عَنِ الرَّبِيعِ بْنِ خَرْبَيْتَ، عَنْ عُكْرِمَةَ،
سَمِعْتُ أبا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ:
فَصَنَى النَّبِيُّ ﷺ إِذَا تَشَاجَرُوا فِي
الطَّرِيقِ الْمِيَّنَاءِ سَبْعَةَ أَدْرُعَ .
(٣٠) بَابُ النَّهْيِ بِغَيْرِ إِذْنِ صَاحِبِهِ

(30) CHAPTER. Robbing (taking away somebody's property publicly by force without his permission).

'Ubada said, "We gave the *Bai'a* (pledge) to the Prophet ﷺ that we would not commit robbery."

2474. Narrated 'Abdullāh bin Yazīd Al-Anṣārī: The Prophet ﷺ forbade robbery (taking away what belongs to others by force without their permission), and also forbade mutilation (or maiming) of bodies.

وَقَالَ عُبَادَةُ: بَايْعَنَا النَّبِيَّ ﷺ أَنْ
لَا نَتَهَبَ .

٢٤٧٤ - حَدَّثَنَا آدُمُ بْنُ أَبِي
إِيَاسٍ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا عَدِيُّ بْنُ
ثَابِتٍ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ يَزِيدَ
الْأَنْصَارِيَّ وَهُوَ جَدُّهُ أَبُو أُمَّهٖ قَالَ:
نَهَى النَّبِيُّ ﷺ عَنِ النَّهْيِ وَالْمُنْتَهَىِ .

[راجع: ٥٥١٦]

2475. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, "When an adulterer commits illegal sexual intercourse, then he is not a believer at the time he is committing it, and when a drinker of an alcoholic liquor drinks it, then he is not a believer at the time of drinking it, and when a thief steals, then he is not a believer at the time of stealing, and when a robber robs, and the people look at him, then he is not a believer at the time of committing robbery.

٢٤٧٥ - حَدَّثَنَا سَعِيدُ بْنُ عُمَيْرٍ
قَالَ: حَدَّثَنِي الْلَّيْثُ: حَدَّثَنَا عَقِيلُّ،
عَنْ ابْنِ شَهَابٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ
الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ
عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا
يَرْبِّي الرَّانِي حِينَ يَرْبِّي وَهُوَ مُؤْمِنٌ،
وَلَا يَسْرُبُ الْحَمْرَ حِينَ يَسْرُبُ وَهُوَ
مُؤْمِنٌ، وَلَا يَسْرُقُ حِينَ يَسْرُقُ وَهُوَ
مُؤْمِنٌ وَلَا يَتَهَبُ نُهْبَةً يَرْفَعُ النَّاسُ إِلَيْهِ
فِيهَا أَبْصَارُهُمْ حِينَ يَتَهَبُهَا وَهُوَ
مُؤْمِنٌ» .

وَعَنْ سَعِيدِ وَأَبِي سَلَمَةَ، عَنْ أَبِي
هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ مِثْلُهُ إِلَّا النَّهْيَةَ .
قَالَ الْفَرِيرِيُّ: وَجَدْتُ بِخَطَّ أَبِي

جَعْفَرٌ : قَالَ أَبُو عَبْدِ اللَّهِ : تَفْسِيرُهُ أَنْ
يُنْزَعَ مِنْهُ، يُرِيدُ الْإِيمَانَ . [انظر:

[٦٨١٠، ٥٥٧٨، ٦٧٧٢]

(٣١) بَابُ كَسْرِ الصَّلِيبِ وَقَتْلِ الخِنْزِيرِ

٢٤٧٦ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ
اللَّهِ : حَدَّثَنَا سُفْيَانُ : حَدَّثَنَا الرَّهْرَيْ
قَالَ : أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبَ
سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ
رَسُولِ اللَّهِ ﷺ قَالَ : « لَا تَقُومُ السَّاعَةُ
حَتَّى يَنْزَلَ فِيكُمْ أَبْنَى مَرِيمَ حَكَمًا
مُقْسِطًا فِي كُسْرِ الصَّلِيبِ وَيَقْتَلُ الْخِنْزِيرَ
وَيَضْعَفَ الْجِزِيرَةَ وَيَفْيَضَ الْمَالُ حَتَّى لا
يَقْبِلَهُ أَحَدٌ ». [راجع : ٢٢٢٢]

٢٤٧٧ - (٣٢) بَابُ هَلْ تُكْسِرُ الدَّنَانَ الَّتِي
فِيهَا الْحَمْرُ أَوْ تُحَرِّقُ الرَّقَاقَ؟ فَإِنْ
كَسَرَ صَنَمًا أَوْ صَلِيبًا أَوْ طُنْبُورًا أَوْ مَا
لَا يُشْتَغِلُ بِخَشْبِهِ
وَأَتَيَ شَرِيفٍ فِي طُنْبُورٍ كُسِّرَ فَلَمْ
يَقْضِ فِيهِ بِشَيْءٍ .

٢٤٧٨ - حَدَّثَنَا أَبُو عَاصِمَ
الصَّحَّاحُ بْنُ مُخْلِدٍ، عَنْ يَرِيدَ بْنِ أَبِي
عُبَيْدٍ، عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ رَضِيَ اللَّهُ
عَنْهُ : أَنَّ النَّبِيَّ ﷺ رَأَى نِيَرَانًا ثُوقَدْ
يَوْمَ خَيْرٍ . قَالَ : « عَلَامَ تُوقَدُ هَذِهِ

(31) CHAPTER. The breaking of the cross and the killing of the pigs.

2476. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : Allāh's Messenger ﷺ said, "The Hour will not be established until the son of Mary [i.e., 'Iesa (Jesus) عليه السلام) descends amongst you and will judge mankind justly by the Law of the Qur'ān (as a just ruler); he will break the cross, kill the pigs, and abolish the *Jizya* tax⁽¹⁾. Money will be in abundance so that nobody will accept it (as charitable gifts)." (See H. 2222)

[See *Fatḥ Al-Bārī*]

(32) CHAPTER. (Is it permissible) to break the pots containing wine, or tear the leather containers holding wine? If one breaks an idol, a cross, or a drum (for amusement), or any other thing, the wood of which is useless (should one give a compensation)?

A case of a drum broken by somebody was presented to Shuraih شُرَيْحٌ who did not impose a compensation on the person who had broken it.

2477. Narrated Salama bin Al-Akwa' رَضِيَ اللَّهُ عَنْهُ : On the day (the battle) of Khaibar the Prophet ﷺ saw fires being lighted. He asked, "Why are these fires being lighted?" The people replied that they were cooking the meat of donkeys. He ﷺ said, "Break the pots and throw away their contents." The people

(1) (H. 2476) The *Jizya* is a tax imposed on non-Muslims who would keep their own religion rather than embrace Islām, this will not be accepted by 'Iesa (Jesus) عليه السلام, but all people will be required to embrace Islām and there will be no other alternative.

said, "Shall we throw away their contents and wash the pots (rather than break them)?" He said, "Wash them."

الثِّرَانُ؟» قَالُوا: عَلَى الْحُمُرِ الْأَنْسِيَةِ،
قَالَ: «اَكْبِرُوهَا وَهَرِيقُوهَا»، قَالُوا:
اَلَا نُهَرِيقُهَا وَنَعْسِلُهَا؟ قَالَ:
«اَغْسِلُوهَا». قَالَ أَبُو عَبْدِ اللَّهِ: كَانَ
ابْنُ أَبِي أُونِيسٍ يَقُولُ: الْحُمُر
الْأَنْسِيَةِ. [انظر: ٤١٩٦، ٥٤٩٧]

[٦٨٩١، ٦٣٣١، ٦١٤٨]

2478. Narrated ‘Abdullâh bin Mas’ûd رضي الله عنه: The Prophet ﷺ entered Makkah and (at that time) there were three hundred and sixty idols around the Ka’bah. He started stabbing the idols with a stick he had in his hand and reciting:

"And say Truth (i.e., Islamic Monotheism or this Qur’ân or *Jihad* against polytheists) has come and *Bâtil* (falsehood, i.e., Satan or polytheism) has vanished." (V.17:81)

٢٤٧٨ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفِيَّانُ: حَدَّثَنَا ابْنُ أَبِي نَجِيْحٍ، عَنْ مُعَاجِدٍ، عَنْ أَبِي مَعْمَرٍ،
عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رضي الله عنه
قَالَ: دَخَلَ النَّبِيُّ ﷺ مَكَّةَ وَحَوْلَ
البَيْتِ ثَلَاثَمَائَةَ وَسِئُونَ نُصُبًا، فَجَعَلَ
يَطْعَنُهَا بِعُودٍ فِي يَدِهِ، وَجَعَلَ يَقُولُ:
﴿جَاءَ الْحَقُّ وَزَهَقَ الْبَطْلُ﴾ الآية

[الإسراء: ٨١]. [انظر: ٤٢٨٧، ٤٧٢٠]

2479. Narrated Al-Qâsim : ‘Aishah رضي الله عنها said that she hung a curtain decorated with pictures on a cupboard. The Prophet ﷺ tore that curtain and she turned it into two cushions which remained in the house for the Prophet ﷺ to sit on.

٢٤٧٩ - حَدَّثَنِي إِبْرَاهِيمُ بْنُ
الْمُنْذِرِ: حَدَّثَنَا أَسْنُ بْنُ عِيَاضٍ، عَنْ
عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عَبْدِ الرَّحْمَنِ
بْنِ القَاسِمِ، عَنْ أَبِيهِ القَاسِمِ، عَنْ
عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّهَا كَانَتِ
أَنْتَدَتْ عَلَى سَهْوَةِ لَهَا سِتْرًا فِيهِ
تَمَاثِيلُ فَهَكَّهُ النَّبِيُّ ﷺ فَاتَّحَدَتْ مِنْهُ
نُمُرُقَّتَينِ فَكَانَتَا فِي الْبَيْتِ يَجْلِسُ
عَلَيْهِمَا. [انظر: ٥٩٥٤، ٥٩٥٥، ٦١٠٩]

(٣٣) بَابُ مَنْ قَاتَلَ دُونَ مَالِهِ

(33) CHAPTER. (What is said about) one who fights to protect his property?

٢٤٨٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ

Rضي الله عنهما: I heard the Prophet ﷺ saying,

"Whoever is killed while protecting his property, then he is a martyr."

يَرِيدَ: حَدَّثَنَا سَعِيدُ - هُوَ ابْنُ أَبِي
أَئِبَّ - قَالَ: حَدَّثَنِي أَبُو الْأَسْوَدُ،
عَنْ عِكْرِمَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو
رَضِيَ اللَّهُ عَنْهُمَا قَالَ: سَمِعْتُ النَّبِيَّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ
شَهِيدٌ».

(٣٤) بَابُ إِذَا كَسَرَ قَصْعَةً أَوْ شَيْئًا
لِغَيْرِهِ

٢٤٨١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
يَحْيَى ابْنُ سَعِيدٍ، عَنْ حُمَيْدٍ، عَنْ
أَنَّ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ صَلَّى
لِلَّهِ عَلَيْهِ وَسَلَّمَ كَانَ عِنْدَ بَعْضِ نِسَائِهِ، فَأَرْسَلَتْ
إِحْدَى أُمَّهَاتِ الْمُؤْمِنِينَ مَعَ خَادِمٍ
بِقَصْعَةٍ فِيهَا طَعَامٌ فَضَرَبَتْ بِيَدِهَا
فَكَسَرَتِ الْقَصْعَةَ فَصَمَّهَا وَجَعَلَ فِيهَا
الطَّعَامَ. وَقَالَ: «أُكْلُوا»، وَحَبَسَ
الرَّسُولُ وَالْقَصْعَةَ حَتَّى فَرَغُوا فَدَفعَ
الْقَصْعَةَ الصَّحِيحَةَ وَحَسَسَ الْمَكْسُورَةَ.
وَقَالَ ابْنُ أَبِي مَرِيمَ: أَخْبَرَنَا يَحْيَى بْنُ
أَئِبَّ: حَدَّثَنَا حُمَيْدٌ: حَدَّثَنَا أَنَّسُ عَنِ
النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ [انظر: ٥٢٢٥]

(٣٥) بَابُ إِذَا هَدَمَ حَائِطًا فَلَيْتَنِ مِثْلَهُ

٢٤٨٢ - حَدَّثَنَا مُسْلِمُ بْنُ
إِبْرَاهِيمَ: حَدَّثَنَا جَرِيرُ هُوَ ابْنُ حَازِمٍ،
عَنْ مُحَمَّدٍ ابْنِ سِيرِينَ، عَنْ أَبِي
هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «كَانَ رَجُلٌ فِي بَنِي إِسْرَائِيلَ

(35) CHAPTER. If one pulls down a wall, one should build a similar one in its place.

2482. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ that Allāh's Messenger ﷺ said, "There was an Israeli man called Juraij, while he was offering prayer, his mother came and called him, but he did not respond to her call. He said (to himself) whether he should continue the prayer or reply to his mother. She came to him the second time and called him and

said, 'O Allāh! Do not let him die until he sees the faces of prostitutes.' Juraij used to live in a hermitage. A woman said that she would entice Juraij, so she went to him and presented herself (for an evil act) but he refused. She then went to a shepherd and allowed him to commit an illegal sexual intercourse with her and later she gave birth to a boy. She alleged that the baby was from Juraij. The people went to Juraij and broke down his hermitage, pulled him out of it and abused him. He performed ablution and offered the prayer, then he went to the male (baby) and asked him: 'O boy! Who is your father?' The baby replied that his father was the shepherd. The people said that they would build for him a hermitage of gold but Juraij asked them to make it of mud only.' (See H. 3436)

يُقَالُ لَهُ: جُرَيْجُ، يُصَلِّي فَجَاءَهُ أُمٌّ
فَدَعَتْهُ فَأَبَى أَنْ يُجِبُّهَا فَقَالَ: أُجِبُّهَا
أَوْ أَصْلِي؟ ثُمَّ أَتَهُ فَقَالَتْ: اللَّهُمَّ لَا
تُؤْمِنُهُ حَتَّى تُرِيهِ وُجُوهُ الْمُوْسَاتِ.
وَكَانَ جُرَيْجُ فِي صَوْمَاعَةٍ فَقَالَتِ
إِنْرَأَةٌ: لَا قَنْتَنَ جُرَيْجًا، فَتَعَرَّضَتْ لَهُ
فَكَلَمَتْهُ، فَأَبَى. فَأَتَتْ رَاعِيًّا فَأَمْكَنَتْهُ
مِنْ نَفْسِهَا فَوَلَدَتْ عَلَامًا فَقَالَتْ: هُوَ
مِنْ جُرَيْجٍ. فَأَتَوْهُ وَكَسَرُوا صَوْمَاعَةَ
فَأَنْزَلُوهُ وَسَبُوهُ، فَتَوَضَّأَ وَصَلَّى ثُمَّ أَتَى
الْعَلَامَ فَقَالَ: مَنْ أُبُوكَ يَا عَلَامُ؟
قَالَ: الرَّاعِي، قَالُوا: تَبَّنِي صَوْمَاعَكَ
مِنْ ذَهَبٍ. قَالَ: لَا، إِلَّا مِنْ طِينٍ».

[راجع: ١٢٠٦]

47 - THE BOOK OF PARTNERSHIP

٤٧ - كتاب الشركة

(1) **CHAPTER.** About (sharing) meals and the *Nahd* (i.e., sharing the expenses of a journey or putting the journey food of the travellers together to be distributed among them in equal shares) and '*Urud*' (i.e., sharing other goods).

And how to divide what can be measured or weighed i.e., without measuring or weighing it; or by measuring or weighing it.

Muslims see no harm in practising *Nahd* by which some (the partners) may eat so much, and some may eat so much of the food (without measuring or weighing it). And what about distributing gold and silver without weighing them, and about eating two dates at a time (when sharing a meal).

2483. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا : “Allāh’s Messenger ﷺ sent an army towards the sea coast and appointed Abū ‘Ubaida bin Al-Jarrāḥ as their chief, and the army consisted of three hundred men including myself. We marched on till we reached a place where our food was about to finish. Abū ‘Ubaida ordered us to collect all the journey food and it was collected. My (our) journey food was dates. Abū ‘Ubaida kept on giving us our daily ration in small amounts from it, till it was exhausted. The share of everyone of us used to be one date only.” I said, “How could one date benefit you?” Jābir replied, “We came to know its value when even that too finished.” Jābir added, “When we reached the sea-shore, we saw a huge fish which was like a small mountain. The army ate from it for eighteen days. Then Abū ‘Ubaida ordered that two of its ribs be fixed and they were fixed in the ground. Then he ordered that a she-camel be ridden and it passed under the

(١) باب الشِّرِّكَةِ فِي الطَّعَامِ وَالنَّهْدِ
وَالْعُرُوضِ، وَكَيْفَ قِسْمَةً مَا يُكَالُ
وَبُورَنْ مُجَازَفَةً، أَوْ قَبْضَةً قَبْضَةً لِمَا
لَمْ يَرَ الْمُسْلِمُونَ فِي النَّهْدِ بَأْسًا أَنْ
يَأْكُلَ هَذَا بَعْضًا وَهَذَا بَعْضًا، وَكَذَلِكَ
مُجَازَفَةُ الْذَّهَبِ وَالْفَضَّةِ، وَالْقُرْآنُ فِي
الثَّمِيرِ

٢٤٨٣ - حَدَّدَنَا عَبْدُ اللهِ بْنُ
يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ وَهْبِ بْنِ
كَيْسَانَ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ رَضِيَ
اللهُ عَنْهُمَا أَنَّهُ قَالَ: بَعَثَ رَسُولُ اللهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَعْدًا قَبْلَ السَّاحِلِ، فَأَمَرَ عَلَيْهِمْ
أَبَا عَبِيدَةَ بْنَ الْجَرَاحِ وَهُمْ ثَلَاثُمَائَةٌ
وَأَنَا فِيهِمْ، فَحَرَجْنَا حَتَّى إِذَا كُنَّا
بِيَضْعِصِ الطَّرِيقِ فَنَيَّ الرَّادُ. فَأَمَرَ أَبُو
عَبِيدَةَ بِأَرْزُوَادِ ذَلِكَ الْجَيْشِ فَجَمِيعُ ذَلِكَ
كُلُّهُ، فَكَانَ مِزْوَدِيَ تَمْرٌ. فَكَانَ يُقْوَثُنَا
كُلَّ يَوْمٍ قَلِيلًا قَلِيلًا حَتَّى فَنَيَ، فَلَمْ
يَكُنْ يُصْبِيْنَا إِلَّا تَمْرَةً تَمْرَةً، فَقُلْتُ:
وَمَا تُعْنِي تَمْرَةً؟ فَقَالَ: لَقَدْ وَجَدْنَا
فَقْدَهَا حِينَ فَيَتَ . قَالَ: ثُمَّ اتَّهَيْنَا
إِلَى الْبَحْرِ فَإِذَا حُوتٌ مِثْلُ الظَّرِيبِ

two ribs (forming an arch) without touching them.”

فَأَكَلَ مِنْهُ ذَلِكَ الْجَيْشُ ثَمَانِيْ عَشَرَةً
لَيْلَةً ثُمَّ أَمَرَ أَبُو عَيْدَةَ بِضَلَعَيْنِ مِنْ
أَصْلَاعِهِ فَصَبَا ثُمَّ أَمَرَ بِرَاحَلَةَ فَرُحِلَتْ
ثُمَّ مَرَثَ تَحْتَهُمَا فَلَمْ تُصِبْهُمَا.
[٥٤٩٤، ٢٩٨٣، ٤٣٦٢، ٥٤٩٣]

2484. Narrated Salama : رَضِيَ اللَّهُ عَنْهُ Once the journey-food diminished and the people were reduced to poverty. They went to the Prophet ﷺ and asked his permission to slaughter their camels, and he permitted them. Umar رَضِيَ اللَّهُ عَنْهُ met them and they told him about it, and he said, “How would you survive after slaughtering your camels?” Then he went to the Prophet ﷺ and said, “O Allāh’s Messenger! How would they survive after slaughtering their camels?” Allāh’s Messenger ﷺ ordered ‘Umar, “Call upon the people to bring what has remained of their food.” A leather sheet was spread and all the journey food was collected and heaped over it. Allāh’s Messenger ﷺ stood up and invoked Allāh to bless it, and then directed all the people to come with their utensils, and they started taking from it till all of them got what was sufficient for them. Allāh’s Messenger ﷺ then said: I testify that “*Lā ilaha illallāh* (none has the right to be worshipped but Allāh), and I am the Messenger of Allāh.”

2485. Narrated Rāfi‘ bin Khadīj رَضِيَ اللَّهُ عَنْهُ : We used to offer the *Aṣr* prayer with the Prophet ﷺ and slaughter a camel, the meat of which would be divided in ten parts and we would eat the cooked meat before sunset.

٢٤٨٤ - حَدَّثَنَا يَسْرُرُ بْنُ مَرْحُومٍ :
حَدَّثَنَا حَاتِمٌ بْنُ إِسْمَاعِيلَ، عَنْ يَزِيدَ
بْنِ أَبِي عَيْدَةَ، عَنْ سَلَمَةَ رَضِيَ اللَّهُ
عَنْهُ قَالَ: نَحْنُ أَرْوَادُ الْقَوْمَ وَأَمْلَقُوا
فَأَتَوْا النَّبِيَّ ﷺ فِي تَحْرِيرِ إِبْلِيهِمْ فَأَذِنَ
لَهُمْ، فَلَقَيْهِمْ عُمَرُ فَأَخْبَرَهُ فَقَالَ: مَا
بَقَاءُكُمْ بَعْدَ إِبْلِكُمْ؟ فَدَخَلَ عَلَى النَّبِيِّ
ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ، مَا بَقَاءُهُمْ
بَعْدَ إِبْلِهِمْ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «نَادَ
فِي النَّاسِ يَأْتُونَ بِفَضْلِ أَرْوَادِهِمْ».
فَبَيْسِطَ لِذَلِكَ نَطْعَ وَجَعَلُوهُ عَلَى النَّطْعِ
فَقَامَ رَسُولُ اللَّهِ ﷺ فَدَعَا وَبَرَكَ عَلَيْهِ،
ثُمَّ دَعَاهُمْ بِأُوْعِيَتِهِمْ فَأَحْشَى النَّاسُ
حَتَّى فَرَغُوا ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ:
«أَشْهُدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنِّي رَسُولُ
اللَّهِ». [انظر: ٢٩٨٢]

٢٤٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ
يُوسُفَ : حَدَّثَنَا الْأُوزَاعِيُّ : حَدَّثَنَا أَبُو
النَّجَاشِيُّ قَالَ: سَوَغَتْ رَافِعُ بْنَ
خَدِيجَ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا نُصَلِّي
مَعَ النَّبِيِّ ﷺ الْعَصْرَ فَنَحَرَ جَرْزُورًا.
فَتَقْسِمُ عَشَرَ قَسْمًا، فَنَأْكُلُ لَحْمًا
نَسِيْجًا قَبْلَ أَنْ تَعْرُبَ الشَّمْسُ».

2486. Narrated Abū Mūsa : The Prophet ﷺ said, "When the people of Ash'arī tribe ran short of food during the holy battles, or the food of their families in Al-Madīna ran short, they would collect all their remaining food in one sheet and then distribute it among themselves equally by measuring it with a bowl. So, these people are from me, and I am from them."

(2) CHAPTER. Partners possessing joint property (sheep) have to pay its Zakāt equally.⁽¹⁾

2487. Narrated Anas that Abū Bakr As-Siddiq wrote to him the law of Zakāt which was made obligatory by Allāh's Messenger ﷺ. He wrote: Partners possessing joint property (sheep) have to pay its Zakāt equally.

(3) CHAPTER. Division of sheep.

2488. Narrated 'Abāya bin Rifā'a bin Rāfi' bin Khadīj : My grandfather said, "We were in the company of the Prophet ﷺ at Dhul-Hulaifa. The people were struck with hunger and captured some camels and sheep (as booty). The Prophet ﷺ was behind the people. They hurried and slaughtered the animals and put their meat in pots and started cooking it. (When the Prophet ﷺ

2486 - حَدَّثَنَا مُحَمَّدُ بْنُ العَلَاءِ: حَدَّثَنَا حَمَادُ بْنُ أَسَمَّةَ، عَنْ بُرَيْدَةَ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى قَالَ: قَالَ النَّبِيُّ ﷺ: «إِنَّ الْأَشْعَرِيَّنَ إِذَا أَرْمَلُوا فِي الْعَزْوِ أَوْ قَلَ طَعَامٌ عِيَالِهِمْ بِالْمَدِينَةِ جَمَعُوا مَا كَانَ عِنْدَهُمْ فِي ثَوْبٍ وَاحِدٍ ثُمَّ افْتَسَمُوهُ بَيْنَهُمْ فِي إِنَاءٍ وَاحِدٍ بِالسَّوِيَّةِ، فَهُمْ مِنِّي وَأَنَا مِنْهُمْ».

(2) بَابُ ما كَانَ مِنْ خَلِيلِهِنَّ فَإِنَّهُمَا يَتَرَاجَعَانِ بَيْنَهُمَا بِالسَّوِيَّةِ فِي الصَّدَقَةِ

2487 - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ ابْنِ الْمُتَّنِّي قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي ثُمَامَةُ بْنُ عَبْدِ اللَّهِ بْنِ أَنَسٍ: أَنَّ أَنَسًا حَدَّثَهُ أَنَّ أَبَا بَكْرَ الصَّدِيقَ رَضِيَ اللَّهُ عَنْهُ كَتَبَ لَهُ فَرِيقَةً الصَّدَقَةِ الَّتِي فَرَضَ رَسُولُ اللَّهِ ﷺ قَالَ: «وَمَا كَانَ مِنْ خَلِيلِهِنَّ فَإِنَّهُمَا يَتَرَاجَعَانِ بَيْنَهُمَا بِالسَّوِيَّةِ».

[راجع: ١٤٤٨]

(3) بَابُ قِسْمَةِ الْغَنِيمَةِ 2488 - حَدَّثَنَا عَلَيُّ بْنُ الْحَكَمِ الْأَنْصَارِيُّ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ سَعِيدِ بْنِ مَسْرُوقٍ، عَنْ عَبَائِيَّةَ بْنِ رِفَاعَةَ بْنِ رَافِعٍ بْنِ خَدِيجَةَ، عَنْ جَلْدُو قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ بِذِي الْحُلَيْفَةِ. فَأَصَابَ النَّاسَ جُوعٌ فَأَصَابُوا إِبْلًا

(1) (Ch. 2) Equally means : As one owner (of sheep) as regards the Zakāt .

came) he ordered the pots to be upset⁽¹⁾ and then he distributed the animals (of the booty), regarding ten sheep as equal to one camel. One of the camels fled and the people ran after it till they were exhausted. At that time there were few horses. A man threw an arrow at the camel, and Allāh stopped the camel with it. The Prophet ﷺ said, ‘Some of these animals are like wild animals, so if you lose control over one of these animals, treat it in this way (i.e., shoot it with an arrow)’.”

My grandfather added, “We were afraid that we may meet the enemies in the future and have no knives; [we asked the Prophet ﷺ], ‘can we slaughter the animals with reeds?’” The Prophet ﷺ said, “Use whatever causes blood to flow, and eat the animals if the Name of Allāh has been mentioned on slaughtering them. Do not slaughter with teeth or fingernails and I will tell you why: It is because teeth are bones (i.e., cannot cut properly) and fingernails are the tools used by the Ethiopians (whom we should not imitate for they are infidels).”

وَعَنْهُمَا قَالَ وَكَانَ النَّبِيُّ ﷺ فِي أُخْرَيَاتِ الْقَوْمِ فَعَجَلُوا وَذَبَحُوا وَنَصَبُوا الْمُدُورَ، فَأَمَرَ النَّبِيُّ ﷺ بِالْقُدُورِ فَأَكْفَئَتْهُ ثُمَّ قَسَمَ فَعَدَ عَشَرَةً مِنَ الْغَنِيمَةِ بِعِيرٍ فَنَذَّرَ مِنْهَا بَعْرُ قَطَابُهُ فَأَغْيَاهُمْ وَكَانَ فِي الْقَوْمِ حَيْلٌ يَسِيرَةً فَأَهْوَى رَجُلٌ مِنْهُمْ بِسَهْمٍ فَحَبَسَهُ اللَّهُ ثُمَّ قَالَ إِنَّ لِهُنَّهُ الْبَهَامِ أَوَابَدَ كَأَوَابَدَ الْوَحْشَ فَمَا غَلَبْكُمْ مِنْهَا فَاصْنَعُوا بِهِ هَكَذَا قَالَ جَدِّي: إِنَّ رَجُوْ - أَوْ نَخَافُ - الْمُدُورَ عَدَا وَلَيْسَتْ مَعَنَا مُدَى، أَفَنَذِيْعُ بِالْقَصْبِ؟ قَالَ: «مَا أَهْرَ الدَّمَ، وَذِكْرُ اسْمِ اللَّهِ عَلَيْهِ فَكُلُوهُ، لَيْسَ السَّنَ وَالظُّفَرُ، وَسَاحِدُكُمْ عَنْ ذَلِكَ: أَمَّا السَّنُ فَعَظُمٌ وَأَمَّا الظُّفَرُ فَمَدِي الْحَبَشَةِ». [انظر: ٢٥٠٧، ٣٠٧٥، ٥٤٩٨، ٥٥٠٣]

[٥٥٤٤، ٥٥٠٩، ٥٥٤٣، ٥٥٠٦]

(٤) بَابُ الْقِرَانِ فِي التَّمَرِ بَيْنَ الشُّرَكَاءِ حَتَّى يَسْتَأْذِنَ أَصْحَابَهُ ٢٤٨٩ - حَدَّثَنَا خَلَادُ بْنُ يَحْيَى: حَدَّثَنَا سُفِيَّانُ: حَدَّثَنَا جَبَّا بْنُ سُحَيْمٍ قَالَ: سَعَيْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: نَهَى النَّبِيُّ ﷺ أَنْ يَقْرُنَ الرَّجُلُ بَيْنَ التَّمَرَيْنِ حَمِيعًا حَتَّى يَسْتَأْذِنَ أَصْحَابَهُ». [راجع: ٢٤٥٥]

٢٤٩٠ - حَدَّثَنَا أَبُو الولِيدِ:

(4) CHAPTER. A partner sharing a meal should not eat two dates at a time unless he gets the permission of his partner.

2489. Narrated Ibn 'Umar: رضي الله عنهما حَدَّثَنَا عَنْهُمَا أَنَّهُمَا نَهَى النَّبِيُّ ﷺ أَنْ يَقْرُنَ الرَّجُلُ بَيْنَ التَّمَرَيْنِ حَمِيعًا حَتَّى يَسْتَأْذِنَ أَصْحَابَهُ: The Prophet ﷺ decreed that one should not eat two dates together at a time unless he gets the permission from his companions (sharing the meal with him).

2490. Narrated Jabala: While at Al-

(1) (H. 2488) The Prophet ﷺ did not agree to their slaughtering the animals of the booty before distributing them among the soldiers.

Madina we were struck with famine. Ibn Az-Zubair used to provide us with dates as our food. Ibn 'Umar used to pass by us and say, "Don't eat two dates together at a time as the Prophet ﷺ has forbidden eating two dates together at a time (in a gathering) unless one takes the permission of one's companion brother."

(5) CHAPTER. To get a joint property evaluated with an adequate price.

2491. Narrated Nāfi': Ibn 'Umar رضي الله عنهما said, "Allāh's Messenger ﷺ said, 'If one manumits his share of a jointly possessed slave, and can afford the price of the other share according to the adequate price of the slave, the slave will be completely manumitted; otherwise he will be partially manumitted.'

(Ayyūb, a subnarrator is not sure whether the saying "... otherwise he will be partially manumitted" was said by Nāfi' or the Prophet ﷺ).

2492. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, "Whoever manumits his share of a jointly possessed slave, it is imperative for him to get that slave manumitted completely by paying the remaining price, and if he does not have sufficient money to manumit him, then the price of the slave should be estimated justly, and he (the slave) is to be allowed to work and earn the amount that will manumit him (without overburdening him)".

حدَثَنَا شُعْبَةُ عَنْ جَبَلَةَ قَالَ: كُنَّا بِالْمَدِيْنَةِ فَأَصَابَنَا سَهْنٌ فَكَانَ ابْنُ الرَّبِيعِ يَرْزُقُنَا التَّمْرَ. وَكَانَ ابْنُ عُمَرَ يَمْرُّ بِنَا فَيَقُولُ: لَا تَقْرَبُوا فَإِنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْأَقْرَابِ إِلَّا أَنْ يَسْتَأْذِنَ الرَّجُلُ مِنْكُمْ أَخَاهُ. [راجع: ٢٤٥٥]

(٥) بَابُ تَقْوِيمِ الأَشْيَاءِ بَيْنَ الشَّرْكَاءِ بِقِيمَةِ عَدْلٍ

٢٤٩١ - حدَثَنَا عِمْرَانُ بْنُ مَيسَرَةَ: حدَثَنَا عَبْدُ الْوَارِثِ: حدَثَنَا أَبُوبُ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَعْتَقَ شَقِيقًا لَّهُ مِنْ عَبْدٍ - أَوْ شِرْكَ أَوْ قَالَ: نَصِيبًا - وَكَانَ لَهُ مَا يَلْفُغُ ثَمَنَهُ بِقِيمَةِ الْعَدْلِ فَهُوَ عَتِيقٌ وَلَا فَقْدٌ عَنَّقَ مِنْهُ مَا عَنَّقَ». قَالَ: لَا أَدْرِي قَوْلُهُ: «عَنَّقَ مِنْهُ مَا عَنَّقَ» قَوْلُ مِنْ نَافِعٍ أَوْ فِي الْحَدِيثِ عَنِ النَّبِيِّ ﷺ؟ [انظر: ٢٥٢١، ٢٥٠٣] -

٢٤٩٢ - حدَثَنَا يَشْرُبُ بْنُ مُحَمَّدٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا سَعِيدُ بْنُ أَبِي عَرْوَةَ، عَنْ قَاتَادَةَ، عَنِ النَّضِيرِ بْنِ أَنَسِ، عَنْ بَشِيرِ بْنِ نَهْلَيْكِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْتَقَ شَقِيقًا مِنْ مَمْلُوكِهِ فَعَلَيْهِ خَالِصُهُ فِي مَالِهِ. فَإِنْ لَمْ يَكُنْ لَّهُ مَالٌ قُومُ الْمَمْلُوكِ قِيمَةَ عَدْلٍ، ثُمَّ

استسعي غير مشقوق عليه». [انظر:

[٢٥٢٦، ٢٥٢٧، ٢٥٠٤]

(٦) باب: هل يُقرَّ في القسمة والاستهان فيه؟

٤٩٣ - حَدَّثَنَا أَبُو عَيْمَ: حَدَّثَنَا رَكِيرَا قَالَ: سَعَتْ عَامِراً يَقُولُ: سَعَتْ التَّعْمَانَ ابْنَ بَشِيرٍ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «مَئُلُ القَائِمِ عَلَى حُدُودِ اللَّهِ وَالْوَاقِعِ فِيهَا كَمَلٌ قَوْمٌ اسْتَهْمُوا عَلَى سَفِينَةٍ، فَأَصَابَ بَعْضُهُمْ أَعْلَاهَا وَبَعْضُهُمْ أَسْفَلَهَا، فَكَانَ الَّذِينَ فِي أَسْفَلِهَا إِذَا اسْتَقَوْا مِنَ الْمَاءِ مَرُوا عَلَى مَنْ فَوْهُمْ فَقَالُوا: لَوْ أَنَا خَرَقْنَا فِي نَصِيبِنَا خَرْقًا وَلَمْ نُؤْذِ مَنْ فَوْهُمْ، فَإِنْ يَتُرْكُوهُمْ وَمَا عَلَى أَيْدِيهِمْ نَجُوا وَنَجَوْا جَمِيعًا».

[انظر: ٢٦٨٦]

(٧) باب شِرِّكةِ الْيَتِيمِ وَأَهْلِ الْمِيرَاثِ

٤٩٤ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ الْعَامِرِيِّ الْأُوَيْسِيِّ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ صَالِحٍ، عَنْ أَبْنِ شَهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ أَنَّهُ سَأَلَ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا. وَقَالَ أَلِيُّثُ: حَدَّثَنِي يُونُسُ عَنْ أَبْنِ شَهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الرَّبِّيِّ أَنَّهُ سَأَلَ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا عَنْ قَوْلِ اللَّهِ

(6) CHAPTER. Can one draw lots for divisions and shares?

2493. Narrated An-Nu'mān bin Bashīr رَضِيَ اللَّهُ عَنْهُمَا: The Prophet ﷺ said, "The example of the person abiding by Allāh's Orders and Restrictions in comparison to those who violate them is like the example of those persons who drew lots for their seats in a ship. Some of them got seats in the upper part, and the others in the lower. When the latter needed water, they had to go up to bring water (and that troubled the others), so they said, 'Let us make a hole in our share of the ship (and get water) saving those who are above us from trouble. So, if the people in the upper part left the others do what they had intended, all of them would be perished, but if they prevented them (from doing so), both parties would be saved.'

(7) CHAPTER. The partnership of orphans and other inheritors.

2494. Narrated 'Urwa bin Az-Zubair that he had asked رَضِيَ اللَّهُ عَنْهَا 'Aishah about the meaning of the Statement of Allāh تعالى:

"And if you fear that you shall not be able to deal justly... (up to)... or four..." (V.4:3)

She said, "O my nephew! This is about the orphan girl who lives with her guardian and shares his property. Her wealth and beauty may tempt him to marry her without giving her an adequate *Mahr* (bridal-money) which might have been given by another suitor. So, such guardians were forbidden to marry such

orphan girls unless they treated them justly and gave them the most suitable *Mahr*; otherwise they were ordered to marry any other woman.” ‘Aishah further said, “After that Verse the people again asked the Prophet ﷺ (about the marriage with orphan girls), so Allāh revealed the following Verses:

‘They ask your legal instruction concerning women... (up to)... and yet whom you desire to marry...’ (V.4:127)

What is meant by Allāh’s Saying:

‘And about what is recited unto you’ is the former Verse which goes:

‘And if you fear that you shall not be able to deal justly with the orphan girls, then marry (other) women of your choice...’

‘Aishah said, “Allāh’s Saying in the other Verse:

‘...Yet whom you desire to marry...’ means the desire of the guardian to marry an orphan girl under his supervision when she has not much property or beauty (in which case he should treat her justly). The guardians were forbidden to marry the orphan girls under their care possessing property and beauty without being just to them, as they generally refrain from marrying them (when they are neither beautiful nor wealthy).”

تَعَالَى : «وَإِنْ خَفْتُمُ الَّا نُقْسِطُوا» إِلَى قَوْلِهِ : «وَرَغْبَةً» [النساء : ٣] فَقَالَتْ : يَا ابْنَ أَخْتِي ، هِيَ الْيَتِيمَةُ تَكُونُ فِي حَجْرِ وَلِيَّهَا شُارِكَةٌ فِي مَالِهِ فَيَعْجِبُهُ مَالُهَا وَجَمَالُهَا فَيُرِيدُ وَلِيَّهَا أَنْ يَتَزَوَّجَهَا بِعِيرٍ أَنْ يُقْسِطَ فِي صَدَاقِهَا فَيُعْطِيهَا مِثْلَ مَا يُعْطِيَهَا عَيْرَةً ، فَنُهُوا أَنْ يَنْكِحُوهُنَّ إِلَّا أَنْ يُقْسِطُوا لَهُنَّ وَيَبْلُغُوْهُنَّ بِهِنَّ أَعْلَى سُنْتِهِنَّ مِنَ الصَّدَاقِ ، وَأَمْرُوا أَنْ يَنْكِحُوهُنَّ مَا طَابَ لَهُنَّ مِنَ النِّسَاءِ سِوَاهُنَّ . قَالَ عُرْوَةُ : قَالَتْ عَائِشَةُ : ثُمَّ إِنَّ النَّاسَ اسْتَمْتَوْا رَسُولُ اللهِ ﷺ بَعْدَ هَذِهِ الْآيَةِ فَأَنْزَلَ اللَّهُ : «وَسَتَقُولُوكُمْ فِي النِّسَاءِ» إِلَى قَوْلِهِ : «وَرَغْبَوْنَ أَنْ يَنْكِحُوهُنَّ» [النساء : ١٢٧] وَالَّذِي ذَكَرَ اللَّهُ أَنَّهُ يُتَلَى عَلَيْكُمْ فِي الْكِتَابِ الْآيَةُ الْأُولَى الَّتِي قَالَ فِيهَا : «وَإِنْ خَفْتُمُ الَّا نُقْسِطُوا فِي الْيَتِيمَةِ فَانْكِحُوهُنَّ مَا طَابَ لَكُمْ مِنَ النِّسَاءِ» قَالَتْ عَائِشَةُ : وَقَوْلُ اللهِ فِي الْآيَةِ الْأُخْرَى : «وَرَغْبَوْنَ أَنْ يَنْكِحُوهُنَّ» هِيَ رَغْبَةُ أَحَدِكُمْ يَسْتَمِعُ إِلَيْهَا الَّتِي تَكُونُ فِي حَجْرِهِ حِينَ تَكُونُ قَلِيلَةً الْمَالِ وَالْجَمَالِ ، فَنُهُوا أَنْ يَنْكِحُوهُنَّ رَغْبَوْنَ فِي مَالِهَا وَجَمَالِهَا مِنْ يَتَامَى النِّسَاءِ إِلَّا بِالْقُسْطِ مِنْ أَجْلِ رَغْبَتِهِنَّ . [انظر : ٤٥٧٣، ٤٥٧٤، ٢٧٦٣، ٥٠٩٢، ٥٠٩٨، ٥١٢٨، ٤٦٠٠]

(8) CHAPTER. Sharing land, etc.

(٨) بابُ الشركَةِ فِي الْأَرْضِينَ
وَغَيْرِهَا

2495. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا : The Prophet ﷺ established the right of *Shuf'a* (i.e., pre-emption) in joint properties; but when the land is divided and the ways are demarcated, then there is no pre-emption.

٢٤٩٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا هِشَامٌ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الرَّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: إِنَّمَا جَعَلَ النَّبِيُّ ﷺ الشُّفْعَةَ فِي كُلِّ مَا لَمْ يُقْسِمْ. فَإِذَا وَقَعَتِ الْحُدُودُ وَصُرِّفَتِ الْطُّرُقُ فَلَا شُفْعَةَ.

[راجع: ٢٢١٣]

(9) CHAPTER. If partners divide the houses, etc., none of them has the right of backing out or the right of pre-emption.

2496. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُمَا : The Prophet ﷺ said, “The right of pre-emption is valid in every joint property, but when the land is divided and the way is demarcated, then there is no right of pre-emption.”

(٩) بَابُ إِذَا قَسَمَ الشُّرَكَاءُ الدُّورَ وَغَيْرِهَا فَلَيْسَ لَهُمْ رُجُوعٌ وَلَا شُفْعَةٌ ٢٤٩٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا مَعْمَرٌ، عَنِ الرَّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَضَى النَّبِيُّ ﷺ بِالشُّفْعَةِ فِي كُلِّ مَا لَمْ يُقْسِمْ، فَإِذَا وَقَعَتِ الْحُدُودُ وَصُرِّفَتِ الْطُّرُقُ فَلَا شُفْعَةَ.

[راجع: ٢٢١٣]

(10) CHAPTER. Sharing gold, silver and other articles used in money exchange.

2497, 2498. Narrated Sulaimān bin Abū Muslim : I asked Abū Minhāl about money exchange from hand to hand. He said, “I and a partner of mine bought something partly in cash and partly on credit.” Al-Barā’ bin ‘Azib passed by us and we asked about it. He replied, “I and my partner Zaid bin Al-Arqam did the same and then went to the Prophet ﷺ and asked him about it. He ﷺ said, ‘Take what was from hand to hand and leave what was on credit.’”

٢٤٩٧، ٢٤٩٨ - حَدَّثَنِي عَمْرُو بْنُ عَلَيْ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ عُثْمَانَ يَعْنِي ابْنَ الْأَسْوَدِ قَالَ: أَخْبَرَنِي سُلَيْمَانُ ابْنُ أَبِي مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا الْمِنْهَالِ عَنِ الْصَّرْفِ يَدَا بَيْدَ فَقَالَ: اشْتَرَيْتُ أَنَا وَشَرِيكِ لِي شَيْئاً يَدَا بَيْدَ وَنَسِيَّتُهُ، فَجَاءَنَا الْبَرَاءُ بْنُ

عازِبٌ فَسَأْلَنَاهُ فَقَالَ: فَعَلْتُ أَنَا وَشَرِيكِي زَيْدُ بْنُ أَرْقَمَ وَسَأْلَنَا النَّبِيُّ ﷺ عَنْ ذَلِكَ، فَقَالَ: «مَا كَانَ يَدَا بِيَدٍ فُحْدُوْهُ، وَمَا كَانَ نَسِيئَةً فُرُدُوْهُ». [٢٠٦١، ٢٠٦٥]

(١١) بَابُ مُشارَكَةِ الْذَّمِيِّ وَالْمُشْرِكِينَ فِي الْمُزَارَعَةِ

(11) CHAPTER. Partnership with a *Dhimmī* (A Jew or a Christian under the protection of a Muslim Government and *Al-Mushirkūn* (polytheists, idolaters, pagans) in share-cropping.

2499. Narrated ‘Abdullāh: رَضِيَ اللَّهُ عَنْهُ that Allāh’s Messenger ﷺ rented the land of Khaibar to the Jews on the condition that they would work on it and cultivate it and take half of its yield.

(12) CHAPTER. Distribution of sheep and dividing them justly.

2500. Narrated ‘Uqba bin ‘Āmir: رَضِيَ اللَّهُ عَنْهُ that Allāh’s Messenger ﷺ gave him some sheep to distribute among his companions in order to sacrifice them and a kid was left. He told the Prophet ﷺ about it and the Prophet ﷺ said to him, “Sacrifice it on your behalf.”

(13) CHAPTER. The sharing of food, etc.

It is said that a man offered some price for something and another man signalled him to buy it. When ‘Umar noticed that, he

٢٤٩٩ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَةُ بْنُ أَسْمَاءَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَعْطُنِي رَسُولُ اللَّهِ ﷺ خَيْرَ الْيَهُودَ أَنْ يَعْمَلُوهَا وَيَرْغَعُوهَا وَلَهُمْ شَطْرُ مَا يَخْرُجُ مِنْهَا. [٢٢٨٥] [راجع: ٢٠٦١، ٢٠٦٥]

٢٥٠٠ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا الْيَثْرَى، عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ أَبِي الْحَمِيرِ، عَنْ عَفْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ أَعْطَاهُ أَعْطَاهَا عَنْمًا يَقْسِمُهَا عَلَى صَحَابَتِهِ صَحَايَا فَبَقَى عَنْهُ دَكَرَةٌ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «ضَحَّ بِهِ أَنْتَ». [٢٣٠٠] [راجع: ٢٠٦١، ٢٠٦٥]

(١٣) بَابُ الشَّرِكَةِ فِي الطَّعَامِ وَغَيْرِهِ
وَيُذَكَّرُ أَنَّ رَجُلًا سَاوَمَ شَيْئًا فَعَمَرَهُ آخرُ فَرَأَى عُمُرًا أَنَّ لَهُ شَرِكَةً.

considered the second man as a partner of the first.

2501, 2502. Narrated ‘Abdullâh bin Hishâm, that his mother Zainab bint Humaid took him to the Prophet ﷺ and said, “O Allâh’s Messenger! Take the Bai’â (pledge) from him.” But he said, “He is still too young for the pledge,” and passed his hand on his (i.e., ‘Abdullâh’s) head and invoked for Allâh’s Blessing for him. Zuhra bin Ma’bad stated that he used to go with his grandfather, ‘Abdullâh bin Hishâm, to the market to buy foodstuff. Ibn ‘Umar and Ibn Az-Zubair would meet him and say to him, “Be our partner, as the Prophet ﷺ invoked Allâh to bless you.” So, he would be their partner, and very often he would win a camel’s load and send it home.

بُنُّ الْفَرَجَ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ وَهْبٍ قَالَ: أَخْبَرَنِي سَعِيدٌ، عَنْ رُهْرَةَ بْنِ مَعْبِدٍ، عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ هِشَامٍ وَكَانَ فَدَ أَدْرَكَ النَّبِيَّ ﷺ وَذَهَبَتْ إِلَيْهِ أُمَّةٌ رَّيَّبَتْ بِنْتُ حُمَيْدٍ إِلَى رَسُولِ اللَّهِ ﷺ قَالَتْ: يَا رَسُولَ اللَّهِ، بِأَيْمَنِهِ، فَقَالَ: «هُوَ صَغِيرٌ»، فَقَسَحَ رَأْسَهُ وَدَعَاهُ لَهُ وَعَنْ رُهْرَةَ بْنِ مَعْبِدٍ أَنَّهُ كَانَ يَحْرُجُ بِهِ جَدُّهُ عَبْدُ اللَّهِ بْنِ هِشَامَ إِلَى السُّوقِ فَيَسْتَرِي الطَّعَامَ فَيُلْقِاهُ ابْنُ عُمَرَ وَابْنُ الرَّبِّيرِ فَيَقُولُانِ لَهُ: أَشْرِكْنَا، فَإِنَّ النَّبِيَّ ﷺ قَدْ دَعَا لَكَ بِالرَّكْنَةِ فَيَسْرِكُهُمْ، فَرُبَّمَا أَصَابَ الرَّاحِلَةَ كَمَا هِيَ فَيَبْعِثُ بِهَا إِلَى الْمَنَزِلِ». [الحديث: ٢٥٠١، ٢٥٠٢، انظر: ٧٢١٠]

[٦٣٥٣]

(١٤) بَابُ الشَّرِكَةِ فِي الرَّيْقِ

2503. - حَدَّثَنَا مُسَدْدَدٌ: حَدَّثَنَا جُوَيْرِيَّةُ بْنُ أَسْمَاءَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنْ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْتَقَ شَرِكًا لَهُ فِي مَمْلُوكٍ وَجَبَ عَلَيْهِ أَنْ يُعْتِقَ كُلَّهُ إِنْ كَانَ لَهُ مَا لَدَرَ ثَمَيْهِ يُقَامُ قِيمَةً عَدْلٍ، وَيُعْطَى شُرَكاؤُهُ حِصَّتَهُمْ وَيُخْلَى سَيْلَ الْمُعْتَقِ». [راجع: ٢٤٩١]

2504. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ said, "Whoever manumits his share of a jointly possessed slave, it is essential for him to manumit the slave completely if he has sufficient money. Otherwise he should look for some work for the slave (to earn what would enable him to emancipate himself), without overburdening him with work."

٤٠٤ - حَدَّثَنَا أَبُو الثُّعَمَانُ : حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ، عَنْ قَتَادَةَ، عَنِ النَّضْرِ ابْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهِيْكَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ : «مَنْ أَعْنَقَ شَفَّاصًا فِي عَبْدٍ أَغْتَقَ كُلَّهُ إِنْ كَانَ لَهُ مَالٌ وَلَا يُسْتَسْعِي عَيْرَ مَشْفُوقٍ عَلَيْهِ» .

[راجع: ٢٤٩٢]

(15) CHAPTER. Sharing the *Hady* and *Budn*. (Is it permissible for one) to share the *Hady* with somebody else after it has been slaughtered?

2505, 2506. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُما : The Prophet ﷺ (along with his companions) reached Makkah in the morning of the fourth of Dhul-Hijjah assuming *Ihrām* for *Hajj* only. So when we arrived at Makkah, the Prophet ﷺ ordered us to change our intentions of the *Ihrām* for ‘*Umra* and that we could finish our *Ihrām* after performing the ‘*Umra* and could go to our wives (for sexual intercourse). The people began talking about that⁽¹⁾. Jābir said surprisingly, "Shall we go to Mina while semen is dribbling from our male organs?"⁽²⁾ Jābir moved his hand while saying so. When this news reached the Prophet ﷺ he delivered a *Khuṭba* (religious talk) and said, "I have been informed that some people were saying so-and-so. By Allāh I fear Allāh more than you do, and am more obedient to Him than you. If I had known what I know now, I would not have brought

٤٥٠٦ - حَدَّثَنَا أَبُو الثُّعَمَانُ : (١٥) بَابُ الْاشْتِرَاكِ فِي الْهَدْيِ وَالبُّدْنِ، وَإِذَا أَشْرَكَ الرَّجُلُ رَجُلًا فِي هَدْيِهِ بَعْدَ مَا أَهْدَى

٤٥٠٥ - حَدَّثَنَا أَبُو الثُّعَمَانُ : حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ: أَخْبَرَنَا عَبْدُ الْمَلِكِ بْنُ جُرَيْحَ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ وَعَنْ طَاوُسٍ، عَنْ أَبْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَا: قَدِيمَ النَّبِيِّ ﷺ صُبْحَ رَابِعَةَ مِنْ ذِي الحَجَّةِ مُهَلَّبٌ بِالْحَجَّ لَا يَخْلُظُهُمْ شَيْءٌ، فَلَمَّا قَدِمْنَا أَمْرَنَا فَجَعَلْنَا هَا عُمْرَةً وَأَنْ نَجْلِي إِلَى نِسَائِنَا، فَفَسَّرَتْ فِي ذَلِكَ الْقَالَةَ. - قَالَ عَطَاءُ فَقَالَ جَابِرٌ: فَيَرُوحُ أَحَدُنَا إِلَى مِنْيَ وَذَكْرُهُ يَقْطُرُ مِنْيَا، - فَقَالَ جَابِرٌ بِكَفِهِ - فَبَلَغَ ذَلِكَ النَّبِيِّ ﷺ فَقَامَ حَطِيطًا فَقَالَ: «بَلَغَنِي أَنَّ أَفْوَاماً يَقُولُونَ كَذَا وَكَذَا،

(1) (H. 2505) People thought that it was sinful to perform ‘*Umra* during the months of *Hajj*, so when the Prophet ﷺ ordered them to perform ‘*Umra* with *Hajj* (i.e., *Hajj-at-Tamattu'*), they were astonished.

(2) (H. 2505) Jābir thought that it would be inconvenient to assume *Ihrām* for *Hajj* and go to Mina shortly after having had sexual relation with one's wife.

the *Hady* (sacrifice) with me and had the *Hady* not been with me, I would have finished the *Ihrām*.” At that, Surāqa bin Mālik stood up and asked, “O Allāh’s Messenger! Is this permission for us only or is it forever?” The Prophet ﷺ replied, “It is forever.” In the meantime ‘Alī bin Abī Ṭālib came from Yemen and was saying *Labbai* for what the Prophet ﷺ has intended. (According to another man, ‘Alī was saying *Labbai* for *Hajj* similar to Allāh’s Messenger ﷺ). The Prophet ﷺ told him to keep on the *Ihrām* and let him share the *Hady* with him.

وَاللَّهُ لَأَنَا أَبْرُ وَأَنْتَيَ اللَّهُ مِنْهُمْ، وَلَوْ أَنِّي اسْتَبَيْلُتُ مِنْ أَمْرِي مَا اسْتَدْبَرْتُ،
مَا أَهْدَيْتُ وَلَوْلَا أَنَّ مَعِي الْهَدْيَ
لَا خَلَّتُ. فَقَامَ سُرَاقةُ بْنُ مَالِكَ بْنِ
جُعْشَمٍ فَقَالَ: يَا رَسُولَ اللَّهِ، هِيَ لَنَا
أَوْ لِلْأَبْدِ؟ فَقَالَ: «لَا، بْلَى لِلْأَبْدِ».
قَالَ: وَجَاءَ عَلَيَّ بْنُ أَبِي طَالِبٍ
فَقَالَ: أَخْدُهُمَا يَقُولُ: لَيْكَ بِمَا أَهْلَ
بِهِ رَسُولُ اللَّهِ ﷺ، وَقَالَ الْآخَرُ:
لَيْكَ بِحَجَّةِ رَسُولِ اللَّهِ ﷺ، فَأَمَرَ
النَّبِيُّ ﷺ أَنْ يُقْيِيمَ عَلَى إِخْرَاجِهِ
وَأَشْرَكَهُ فِي الْهَدْيِ. [راجع: ١٠٨٥]

[١٥٥٧]

(١٦) بَابُ مَنْ عَدَلَ عَشَرَةً مِنَ الْغَنِيمَ بِجَزُورِ فِي الْقَسْمِ

٢٥٠٧ - حَدَّثَنِي مُحَمَّدٌ: أَخْبَرَنَا
وَكِيعٌ، عَنْ سُفْيَانَ، عَنْ أَبِيهِ، عَنْ
عَبَايَةَ ابْنِ رِفَاعَةَ، عَنْ جَدِّهِ رَافِعِ بْنِ
خَدِيجَ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا مَعَ
النَّبِيِّ ﷺ بِذِي الْحُلُّفَةِ مِنْ تِهَامَةَ
فَأَصَبَّنَا عَنَّمَا وَإِبْلًا فَعَجَلَ الْقَوْمُ
فَأَغْلَوْنَا بِهَا الْقُدُورَ، فَجَاءَ رَسُولُ اللَّهِ
ﷺ فَأَمَرَ بِهَا فَأَكْبَثْتُ ثُمَّ عَدَلَ عَشَرَةً
مِنَ الْغَنِيمَ بِجَزُورِهِ. ثُمَّ إِنَّ بَعِيرًا مِنْهَا
نَدَّ وَلَيْسَ فِي الْقَوْمِ إِلَّا خَيلٌ يَسِيرَةٌ،
فَرَمَاهُ رَجُلٌ فَحَبَسَهُ بِسَهْمٍ فَقَالَ رَسُولُ
اللَّهِ ﷺ: إِنَّ لَهُنَّهُ الْبَهَائِمَ أَوَابِدَ
كَأَوَابِدِ الْوَحْشِ. فَمَا عَلَبَكُمْ مِنْهَا

(16) CHAPTER. Whoever regarded ten sheep as equal to one camel in distribution.

2507. Narrated ‘Abāya bin Rifā‘a: My grandfather, Rāfi‘ bin Khādij رَضِيَ اللَّهُ عَنْهُ said, “We were in the valley of Dhul-Hulaifa of Tihāma in the company of the Prophet ﷺ and had some camels and sheep (of the booty). The people hurried (in slaughtering the animals) and put their meat in the pots and started cooking. Allāh’s Messenger ﷺ came and ordered them to upset the pots, and distributed the booty considering one camel as equal to ten sheep. One of the camels fled and the people had only a few horses, so they got worried. (The camel was chased and) a man stopped the camel by throwing an arrow at it. Allāh’s Messenger ﷺ said, ‘Some of these animals are untamed like wild animals, so if anyone of them went out of your control, then you should treat it as you have done now.’” My grandfather said, “O Allāh’s Messenger! We fear that we

may meet our enemy tomorrow and we have no knives, could we slaughter the animals with reeds?" The Prophet ﷺ said, "Yes, or you can use what would make blood flow (slaughter) and you can eat what is slaughtered and the Name of Allāh is mentioned at the time of slaughtering. But don't use teeth or fingernails (in slaughtering). I will tell you why, as for teeth, they are bones, and fingernails are used by Ethiopians for slaughtering."

[See *Hadīth* No. 2488]

فاصْنَعُوا بِهِ هَكَذَا، قَالَ جَدِّيْ: يَا رَسُولَ اللَّهِ، إِنَّا نَرْجُو وَنَخَافُ أَنْ نَلْقَى الْعَدُوَّ غَدَّاً وَلَيْسَ مَعَنَا مُدَّى، أَفَنَدْبَحُ بِالْقَصَبِ؟ قَالَ: «أَعْجَلْ أَوْ أَرْنَيْ مَا أَنْهَرَ الدَّمَ وَذُكِّرَ اسْمُ اللَّهِ عَلَيْهِ فَكُلُّوا، لَيْسَ السِّنَّ وَالظُّفَرُ وَسَاحِدَتُكُمْ عَنِ ذَلِكَ، أَمَّا السِّنُّ فَعَظِيمٌ، وَأَمَّا الظُّفَرُ فَمُدَّى الْحَبَشَةِ».

[راجع: ٢٤٨٨]

48 - THE BOOK OF MORTGAGING IN PLACES OCCUPIED BY SETTLED POPULATION (TOWNS, CITIES, ETC.)

(1) CHAPTER. The mortgaging in places occupied by settled population and the Statement of Allāh تَعَالَى :

"And if you are on a journey and cannot find a scribe, then let there be a pledge taken (i.e., mortgaging)..." (V.2:283)

2508. Narrated Anas رَضِيَ اللَّهُ عَنْهُ: No doubt, the Prophet ﷺ mortgaged his armour for barley grains. Once, I took barley bread with some dissolved fat on it to the Prophet ﷺ and I heard him saying, "The household of Muḥammad (ﷺ) did not possess except a *ṣā'* (of food grain, barley, etc.) for both the morning and the evening meals, although they were nine houses."

(2) CHAPTER. Mortgaging an armour.

2509. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: The Prophet ﷺ bought some foodstuff on credit for a limited period and mortgaged his armour for it.

(3) CHAPTER. Mortgaging the arms.

2510. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ said, "Who would kill Ka'b bin Al-Ashraf as he has

٤٨ - كتاب الرَّهْن

(١) بَابٌ فِي الرَّهْنِ فِي الْحَاضِرِ
وَقُولِ اللَّهِ عَزَّ وَجَلَّ: «وَإِنْ كَثُرَ عَلَى
سَفَرٍ فَلَمْ تَجِدُوا كَاتِبًا فَرِهْنَ مَقْبُوضَةً»
[البقرة: ٢٨٣]

٢٥٠٨ - حَدَّثَنَا مُسْلِمُ بْنُ
إِبْرَاهِيمَ: حَدَّثَنَا هِشَامٌ، حَدَّثَنَا قَتَادَةُ،
عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: وَلَقَدْ
رَهَنَ رَسُولُ اللَّهِ ﷺ دِرْعَهُ بِشَعِيرٍ
وَمَشَيْتُ إِلَى النَّبِيِّ ﷺ بِحُبْزٍ شَعِيرٍ
وَإِهَالَةٍ سَيْخَةٍ، وَلَقَدْ سَمِعْتَهُ يَقُولُ:
«مَا أَصْبَحَ لَآلِ مُحَمَّدٍ ﷺ إِلَّا صَاعٍ
وَلَا أَمْسَى، وَإِنَّهُمْ لَتَسْعَةُ أَبْيَاتٍ».

[راجٍ: ٢٠٦٩]

(٢) بَابٌ مِنْ رَهْنِ دِرْعَهُ
٢٥٠٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ
الوَاحِدِ: حَدَّثَنَا الْأَعْمَشُ قَالَ:
تَدَكَّرْنَا عِنْدَ إِبْرَاهِيمَ الرَّهْنَ وَالقَبْلَ
فِي السَّلَفِ، فَقَالَ إِبْرَاهِيمُ: حَدَّثَنَا
الْأَسْوَدُ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا:
أَنَّ النَّبِيِّ ﷺ اشْتَرَى مِنْ يَهُودِيٍّ
ظَعَاماً إِلَى أَجْلٍ وَرَهَنَهُ دِرْعَهُ.

[راجٍ: ٢٠٦٨]

(٣) بَابُ رَهْنِ السَّلَاحِ
٢٥١٠ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ
اللَّهِ: حَدَّثَنَا سُفْيَانُ: قَالَ عَمْرُو:

harmed Allāh and His Messenger ﷺ?" Muḥammad bin Maslama (got up and) said, "I will kill him." So, Muḥammad bin Maslama went to Ka'b and said, "I want a loan of one or two Wasq of foodgrains." Ka'b said, "Mortgage your women to me." Muḥammad bin Maslama said, "How can we mortgage our women, and you are the most handsome among the Arabs?" He said, "Then mortgage your sons to me." Muḥammad said, "How can we mortgage our sons, as the people will abuse them for being mortgaged for one or two Wasq of foodgrains? It is shameful for us. But we will mortgage our arms to you." So, Muḥammad bin Maslama promised him that he would come to him next time. They (Muḥammad bin Maslama and his companions) came to him as promised and murdered him. Then they went to the Prophet ﷺ and told him about it.

سَيَغْتُ جَابِرًا بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ لِكَعْبُ بْنُ الْأَشْرَفِ؟ فَإِنَّهُ آدَى اللَّهَ وَرَسُولَهُ ﷺ». فَقَالَ مُحَمَّدُ بْنُ مَسْلَمَةَ: أَنَا، فَاتَّاهُ فَقَالَ: أَرَدْنَا أَنْ تُسْلِفَنَا وَسَقَا أَوْ وَسْقَيْنِ، فَقَالَ: إِرْهَنُونِي نِسَاءَكُمْ. قَالُوا: كَيْفَ تَرْهَنُكَ نِسَاعَنَا وَأَنْتَ أَجْمَلُ الْعَرَبِ؟ قَالَ: فَإِرْهَنُونِي أَنْتَانِهَنِكُمْ، قَالُوا: كَيْفَ تَرْهَنُكَ أَبْنَائَنَا فَيُسْبِثَ أَحَدُهُمْ فَيُقَالُ: رُهْنٌ بِوَسْقِي أَوْ وَسْقَيْنِ؟ هَذَا عَارٌ عَلَيْنَا، وَلِكُنَّا تَرْهَنُكَ الْلَّامَةَ - قَالَ سُفَيَّانُ: يَعْنِي السَّلَاحَ - فَوَعَدَهُ أَنْ يَأْتِيهِ فَقَاتَلُوهُ ثُمَّ أَتَوْا النَّبِيَّ ﷺ فَأَخْبَرُوهُ. [انظر: ٣٠٣٢، ٣٠٣١]

[٤٠٣٧]

(4) CHAPTER. It is permissible to mortgage an animal used for riding or milking.

Mughira narrated that Ibrāhīm said: One can ride and milk the lost animal in proportion to the amount of food one gives to it; this is valid also for mortgaged animals.

2511. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, "One can ride the mortgaged animal because of what one spends on it, and one can drink the milk of a milch animal as long as it is mortgaged."

(٤) بَابُ الرَّهْنِ مَرْكُوبٍ وَمَحْلُوبٍ
وَقَالَ مُغِيرَةً عَنْ إِبْرَاهِيمَ: ثُرَكَبُ الصَّالَّةِ بِقَدْرِ عَلَفِهَا، وَتُحْلِبُ بِقَدْرِ عَلَفِهَا، وَالرَّهْنُ مِثْلُهُ.

2511 - حَدَّثَنَا أَبُو نُعْيَمْ: حَدَّثَنَا رَكْرِيَّا، عَنْ عَامِرٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ ﷺ أَنَّهُ كَانَ يَقُولُ: «الرَّهْنُ يُرِكُبُ بِنَفْقَتِهِ، وَيُشَرِّبُ لَبْنُ الدَّرِّ إِذَا كَانَ مَرْهُونًا».

[انظر: ٢٥١٢]

2512. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, "The mortgaged animal can be used for riding as long as it is

2512 - حَدَّثَنَا مُحَمَّدُ بْنُ مُقاَتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ:

fed; and the milk of the milch animal can be drunk according to what one spends on it. The one who rides the animal or drinks its milk should provide the expenditures.”

أَخْبَرَنَا زَكَرِيَا، عَنْ الشَّعْبِيِّ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الظَّهَرُ يُرْكَبُ بِنَفْقَتِهِ إِذَا كَانَ مَرْهُونًا، وَلِنَ الدَّرَّ يُشَرَّبُ بِنَفْقَتِهِ إِذَا كَانَ مَرْهُونًا، وَعَلَى الَّذِي يَرْكَبُ وَيَشْرَبُ النَّفَقَةَ». [راجع: ٢٥١١]

(٥) بَابُ الرَّهْنِ عِنْدَ الْيَهُودِ وَغَيْرِهِمْ

(5) CHAPTER. Mortgaging things to Jews and others.

2513. Narrated ‘Aishah: رَضِيَ اللَّهُ عَنْهَا Allāh’s Messenger ﷺ bought some foodstuff from a Jew and mortgaged his armour to him.

٢٥١٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا جَرِيرٌ، عَنِ الأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: اشْتَرَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ يَهُودِي طَعَامًا وَرَهَنَهُ دَرْعَهُ.

[راجع: ٢٠٦٨]

(٦) بَابُ إِذَا احْتَلَفَ الرَّاهِنُ وَالْمُرْتَهِنُ وَنَخْوَهُ فَالْبَيِّنَةُ عَلَى الْمُدَعِّيِّ، وَالْيَمِينُ عَلَى الْمُدَعَّى عَلَيْهِ

(6) CHAPTER. If a dispute arises between the mortgagor and mortgagee, a proof is to be provided by the plaintiff, otherwise the defendant has to take an oath (if he insists on denying the plaintiff's claim).

2514. Narrated Ibn Abū Mulaika: I wrote a letter to Ibn ‘Abbās and he wrote to me that the Prophet ﷺ had given the verdict that the defendant had to take an oath.

٢٥١٤ - حَدَّثَنَا خَلَادُ بْنُ يَحْيَى: حَدَّثَنَا نَافِعُ بْنُ عُمَرَ، عَنْ أَبِي مُلِيْكَةَ قَالَ: كَتَبْتُ إِلَى ابْنِ عَبَّاسٍ فَكَتَبَ إِلَيَّ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى أَنَّ الْيَمِينَ عَلَى الْمُدَعَّى عَلَيْهِ. [انظر: ٤٥٥٢، ٢٦٦٨]

٢٥١٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنْصُورٍ، عَنْ أَبِي وَائِلٍ قَالَ: قَالَ عَبْدُ اللَّهِ رَضِيَ اللَّهُ عَنْهُ: مَنْ حَلَفَ عَلَى يَمِينٍ

2515, 2516. Narrated Abū Wā’il: ‘Abdullāh (bin Mas’ūd) said, رَضِيَ اللَّهُ عَنْهُ “Whoever took a false oath in order to grab somebody’s property will meet Allāh while Allāh will be angry with him.” Allāh revealed the following Verse to confirm that:

"Verily, those who purchase a small gain at the cost of Allāh's Covenant and their oaths, (to)... painful torment." (V.3:77)

Al-Ash'ath bin Qais came to us and asked as to what Abū Abdur-Rahmān (i.e., Ibn Mas'ūd) was telling us." We related the story to him. On that he said, "He has told the truth. This Verse was revealed about me. I had some dispute with another man regarding a well and we took the case before Allāh's Messenger ﷺ. Allāh's Messenger ﷺ said (to me), 'Produce two witnesses (to support your claim); otherwise the defendant has the right to take an oath (to refute your claim).' I said, 'The defendant would not mind to take a false oath.' Allāh's Messenger ﷺ then said, 'Whoever took a false oath in order to grab someone else's property will meet Allāh, and Allāh will be angry with him.' Allāh then revealed what confirmed it." Al-Ash'ath then recited the following Verse :

"Verily, those who purchase a small gain at the cost of Allāh's Covenant, and their oaths... (to)... they shall have a painful torment!" (V.3:77)

[See *Hadīth* No.2356, 2357]

يَسْتَحْقُّ بِهَا مَالًا وَهُوَ فِيهَا فَاجِرٌ لَقَيَ اللَّهُ وَهُوَ عَلَيْهِ غَضِبًا ثُمَّ أَنْزَلَ اللَّهُ تَصْدِيقَ ذَلِكَ ۝ إِنَّ الَّذِينَ يَشْرُكُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلًا ۝ فَقَرَأَ إِلَى عَذَابِ أَلِيمٍ ۝ [آل عمران: ٢٧] ثُمَّ إِنَّ الْأَشْعَثَ بْنَ قَيْسٍ خَرَجَ إِلَيْنَا فَقَالَ: مَا يُحَدِّثُكُمْ أَبُو عَبْدِ الرَّحْمَنِ؟ قَالَ: فَحَدَّثَنَا، قَالَ: فَقَالَ: صَدَقَ، لَفَيْ نَرَأَتْ، كَانَتْ بَيْنِي وَبَيْنَ رَجُلٍ خُصُومَةٌ فِي بَئْرٍ فَاحْتَصَمْنَا إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ رَسُولُ اللَّهِ ﷺ: شَاهِدَاكَ أَوْ يَوْمِيْنِهِ ۝ قُلْتُ: إِنَّهُ إِذَا حَلَّفَ وَلَا يُبَالِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَّفَ عَلَى يَوْمَيْنِ يَسْتَحْقُ بِهَا مَالًا وَهُوَ فِيهَا فَاجِرٌ، لَقَيَ اللَّهُ وَهُوَ عَلَيْهِ غَضِبًا»، ثُمَّ أَنْزَلَ اللَّهُ تَصْدِيقَ ذَلِكَ، ثُمَّ افْتَرَأَ هُذِهِ الْآيَةَ ۝ إِنَّ الَّذِينَ يَشْرُكُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلًا ۝ إِلَى عَذَابِ أَلِيمٍ ۝ [آل عمران: ٢٧]. [راجع: ٢٣٥٦، ٢٣٥٧]

49 - THE BOOK OF MANUMISSION (OF SLAVES)

(1) CHAPTER. What is said regarding the manumission and its superiority

And the Statement of Allāh تَعَالَى :

“(It is) freeing a neck (slave). Or giving food in a day of hunger (famine), to an orphan near of kin.” ... (V.90:13-15)

2517. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, “Whoever frees a Muslim slave, Allāh will save all the parts of his body from the (Hell) Fire as he has manumitted the body-parts of the slave.”

Sa‘id bin Marjāna said that he narrated that *Hadīth* to ‘Ali bin Al-Husain رَضِيَ اللَّهُ عَنْهُما and he manumitted his slave for whom ‘Abdullāh bin Ja‘far had offered him ten thousand Dirham or one thousand Dīnār.

(2) CHAPTER. What is the best kind of manumission (of slaves)?

2518. Narrated Abū Dharr رَضِيَ اللَّهُ عَنْهُ I asked the Prophet ﷺ, “What is the best deed?” He replied, “To believe in Allāh and to fight for His Cause.” I then asked, “What is the best kind of manumission (of slaves)?” He replied, “The manumission of the most expensive slave and the most beloved by his master.” I said, “If I cannot afford to do that?” He said, “Help the weak or do good

٤٩ - كتاب العتق

(١) بَابٌ في العتقِ وَنَصْبِهِ

وقَوْلُهُ تَعَالَى : «فَكُلْ رَقَبَةً أَوْ إِطْعَمْهُ فِي يَوْمٍ ذِي مَسْعَةٍ لِتَسْكُنَ ذَا مَقْرَبَةَ» [البلد: ١٣ - ١٥].

٢٥١٧ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ : حَدَّثَنَا عَاصِمٌ بْنُ مُحَمَّدٍ، قَالَ: حَدَّثَنِي وَأَقْدُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ مَرْجَانَةَ صَاحِبُ عَلَيَّ بْنِ الْحُسَينِ قَالَ: قَالَ لِي أَبُو هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: قَالَ النَّبِيُّ ﷺ: «إِيمَّا رَجُلٌ أَعْتَقَ امْرَأً مُسْلِمًا اسْتَقْدَمَهُ بِكُلِّ عَضْوٍ مِنْهُ عَضْوًا مِنَ النَّارِ». قَالَ سَعِيدُ بْنُ مَرْجَانَةَ: فَانْظَلَقْتُ بِهِ إِلَى عَلَيَّ بْنِ الْحُسَينِ فَعَمَدَ عَلَيَّ بْنُ الْحُسَينِ رَضِيَ اللَّهُ عَنْهُمَا إِلَى عَبْدِ لَهُ قَدْ أَغْطَاهُ بِهِ عَبْدُ اللَّهِ بْنُ جَعْفَرٍ عَشَرَةَ آلَافَ دِرْهَمٍ، أَوْ أَلْفَ دِينَارٍ فَأَعْتَقَهُ.

[اذْنُكُمْ ٦٧١٥]

(٢) بَابٌ : أَيُّ الرَّقَابِ أَفْضَلُ؟

٢٥١٨ - حَدَّثَنَا عَبْيُودُ اللَّهِ بْنُ مُوسَى، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ أَبِي مُرَاوِحٍ، عَنْ أَبِي ذَرٍّ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَأَلْتُ النَّبِيَّ ﷺ: أَيُّ الْعَمَلٍ أَفْضَلُ؟ قَالَ: «إِيمَانٌ بِاللَّهِ وَجِهَادٌ فِي سَبِيلِهِ». قُلْتُ: فَإِيُّ

for a person who cannot work for himself.” I said, “If I cannot do that?” He said, “Refrain from harming others for this will be regarded as a charitable deed for your own good.”

الرَّقَابُ أَفْضَلُ؟ قَالَ: «أَغْلَاهَا ثَمَنًا وَأَنْفَسَهَا عِنْدَ أَهْلِهَا». قُلْتُ: فَإِنْ لَمْ أَفْعُلْ؟ قَالَ: «تُعِينُ ضَائِعًا أَوْ تَضْعِنَ لِأَخْرَقَ». قَالَ: فَإِنْ لَمْ أَفْعُلْ؟ قَالَ: «تَدْعُ النَّاسَ مِنَ السُّرِّ فَإِنَّهَا صَدَقَةٌ تَصَدِّقُ بِهَا عَلَى نَفْسِكَ».

(٣) بَابُ ما يُسْتَحِبُّ مِنَ الْعَتَاقَةِ فِي الْكُسُوفِ أَوِ الْآيَاتِ

٢٥١٩ - حَدَّثَنَا مُوسَى بْنُ مَسْعُودٍ: حَدَّثَنَا رَائِدَةُ بْنُ قُدَامَةَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ، عَنْ أَسْمَاءِ بِنْتِ أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَتْ: أَمْرَ النَّبِيِّ ﷺ بِالْعَتَاقَةِ فِي كُسُوفِ الشَّمْسِ.

[راجع: ٨٦]

تَابَعَهُ عَلَيَّ، عَنِ الدَّرَارِوْدِيِّ، عَنْ هِشَامٍ .

٢٥٢٠ - حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي بَكْرٍ: حَدَّثَنَا عَنَّاً: حَدَّثَنَا هِشَامٌ، عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ، عَنْ أَسْمَاءِ بِنْتِ أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَتْ: كُنَا نُؤْمِرُ عِنْدَ الْخُسُوفِ بِالْعَتَاقَةِ.

[راجع: ٨٦]

(٤) بَابُ إِذَا أَغْتَقَ عَبْدًا بَيْنَ اُنْثَيْنِ أَوْ أُمَّةَ بَيْنَ الشُّرَكَاءِ

٢٥٢١ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرِو، عَنْ سَالِمٍ، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ عَنْ

2519. Narrated Asmā' bint Abū Bakr رضي الله عنها: The Prophet ﷺ ordered us to manumit slaves at the time of solar eclipses.

2520. Narrated Asmā' bin Abū Bakr رضي الله عنها: We were ordered to manumit slaves at the time of lunar eclipses.

(4) CHAPTER. If one manumits a male slave owned by two persons or a female slave owned by a number of partners.

2521. Narrated Ibn 'Umar رضي الله عنهما said, "Whoever manumits a slave owned by two masters, should manumit him completely (not partially) if he is rich after having its price evaluated."

النبي ﷺ قال: «مَنْ أَعْتَقَ عَبْدًا بَيْنَ اثْتَيْنِ فَإِنْ كَانَ مُوسِرًا قُوَّمْ عَلَيْهِ ثُمَّ يُعْتَقُ». [راجع: ٢٤٩١]

٢٥٢٢ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ قَالَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللهِ قَالَ: «مَنْ أَعْتَقَ شِرْكَاً لَهُ فِي عَبْدٍ فَكَانَ لَهُ مَالٌ يَتَّلَعُ ثَمَنَ الْعَبْدِ قَوْمَ الْعَبْدِ عَلَيْهِ قِيمَةً عَدْلٍ فَأَعْطِيَ شُرَكَاءُهُ حِصَاصَهُمْ وَعَنَّ عَنَّهُ». [راجع: ٢٤٩١]

٢٥٢٣ - حَدَّثَنَا عَبْيَدُ بْنُ إِسْمَاعِيلَ، عَنْ أَبِي أُسَامَةَ، عَنْ عَبْيَدِ اللهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَعْتَقَ شِرْكَاً لَهُ فِي مَمْلُوكٍ فَعَلَيْهِ عَتْهَةُ كُلِّهِ إِنْ كَانَ لَهُ مَالٌ يَتَّلَعُ ثَمَنَهُ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ يَقُومُ عَلَيْهِ قِيمَةً عَدْلٍ عَلَى الْمُغْتَقِ فَأَعْتَقَ مِنْهُ مَا أَعْتَقَ». [راجع: ٢٤٩١]

حدَّثَنَا مُسَدَّدٌ: حدَّثَنَا بِشْرٌ، عَنْ عَبْيَدِ اللهِ الْأَخْتَصَرَةِ.

٢٥٢٤ - حَدَّثَنَا أَبُو التَّعْمَانِ: حدَّثَنَا حَمَادٌ، عَنْ أَئُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنْ أَبِي هُرَيْرَةَ قَالَ: «مَنْ أَعْتَقَ نَصِيبًا لَهُ فِي مَمْلُوكٍ أَوْ شِرْكَاً لَهُ فِي عَبْدٍ فَكَانَ

2522. Narrated 'Abdullah bin 'Umar رضي الله عنهما: Allâh's Messenger ﷺ said, "Whoever manumits his share of a jointly possessed slave and he has sufficient money to manumit him completely, should let its price be estimated by a just man and give his partners the price of their shares and manumit the slave; otherwise (i.e., if he has not sufficient money) he manumits the slave partially."

2523. Narrated Ibn 'Umar رضي الله عنهما: Allâh's Messenger ﷺ said, "Whoever manumits his share of a jointly possessed slave, then it is essential for him to get that slave manumitted completely as long as he has the money to do so. If he has not sufficient money to pay the price of the other shares (after the price of the slave is evaluated justly), the manumitter manumits the slave partially in proportion to his share.

2524. Narrated Ibn 'Umar رضي الله عنهما: The Prophet ﷺ said, "He who manumits his share and has money sufficient to free the remaining portion of that slave's price (justly estimated) then he should manumit him (by giving the rest of his price to the other co-owners)."

Nâfi' added, "Otherwise the slave is

partially free.” Ayyūb is not sure whether the last statement was said by Nāfi’ or it was a part of the *Hadīth*.

لَهُ مِنَ الْمَالِ مَا يَلْعُبُ قِيمَتُهُ بِقِيمَةِ
الْعَدْلِ فَهُوَ عَيْنِي». قَالَ نَافعٌ: وَإِلَّا
فَقَدْ عَنَّقَ مِنْهُ مَا أَعْنَقَ». قَالَ أَيُوبُ:
لَا أُذْرِي أَشَيْءَ قَالَهُ نَافعٌ، أَوْ شَيْءَ
فِي الْحَدِيثِ.

2525. Narrated Ibn ‘Umar رضي الله عنهما that he used to give his verdict regarding the male or female slaves owned by more than one master, one of whom may manumit his share of the slave. Ibn ‘Umar used to say in such a case, “The manumitter should manumit the slave completely if he has sufficient money to pay the rest of the price of that slave (which is to be justly estimated) and the other share-holders are to take the price of their shares and the slave is freed (released from slavery).” Ibn ‘Umar narrated this verdict from the Prophet ﷺ.

٢٥٢٥ - حَدَّثَنَا أَحْمَدُ بْنُ مَقْدَامَ: حَدَّثَنَا الْفُضَيْلُ بْنُ سُلَيْمَانَ: حَدَّثَنَا مُوسَى بْنُ عَقْبَةَ: أَخْبَرَنِي نَافعٌ، عَنْ أَبِنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّهُ كَانَ يُؤْتَى فِي الْعَبْدِ أَوِ الْأُمَّةِ يَكُونُ بَيْنَ الشَّرَكَاءِ فَيُغْنَى أَحَدُهُمْ نَصِيبَهُ مِنْهُ، يَقُولُ: قَدْ وَجَبَ عَلَيْهِ عَنْقَهُ كُلُّهُ إِذَا كَانَ لِلَّذِي أَعْنَقَ مِنَ الْمَالِ مَا يَلْعُبُ، يَقُولُ مِنْ مَالِهِ قِيمَةُ الْعَدْلِ، وَيُدْفَعُ إِلَى الشَّرَكَاءِ أَنْصِبَاؤُهُمْ، وَيُحَلَّ سَيِّلُ الْمَعْنَقِ، يُخْبِرُ ذَلِكَ أَبْنُ عُمَرَ عَنِ النَّبِيِّ ﷺ.

ورَوَاهُ الْلَّيْثُ وَابْنُ أَبِي دُفْلٍ وَابْنُ إِسْحَاقَ وَجُوبَرِيَّةَ وَيَحْيَيِّ بْنُ سَعِيدٍ وَاسْمَاعِيلُ بْنُ أُمَّةَ عَنْ نَافعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ مُخْتَصِرًا. [راجع: ٢٤٩١]

(٥) بَابٌ إِذَا أَعْنَقَ نَصِيبًا فِي عَبْدٍ وَلَيْسَ لَهُ مَالٌ اسْتُشْعِيَ الْعَبْدُ غَيْرَ مَشْقُوقٍ عَلَيْهِ عَلَى نَحْوِ الْكِتَابَةِ

(5) CHAPTER. Whoever manumits his portion of a common slave and does not possess enough money to manumit him completely, then that slave should be helped to work without hardship to earn what will enable him to get complete freedom according to the writing (of emancipation).

2526. Narrated Abū Hurairah رضي الله عنه that the Prophet ﷺ said, “Whoever

٢٥٢٦ - حَدَّثَنِي أَحْمَدُ بْنُ أَبِي

manumits his portion of a (jointly possessed) slave..."

رجاءً : حدثنا يحيى بن آدم : حدثنا جريرُ ابن أبي حازم قال: سمعت قتادةَ قال: حدثني النضرُ بن أنسِ بن مالكٍ، عن بشيرٍ بن نهيك، عن أبي هريرةَ رضي الله عنه قال: قال النبي ﷺ: «منْ أعتقَ شقيقاً مِنْ عبدٍ...». [راجع: ٢٤٩٢]

2527. Narrated Abū Hurairah رضي الله عنه said, "Whoever manumits his portion of a common slave should manumit the slave completely by paying the rest of his price from his money if he has enough money; otherwise the price of the slave is to be estimated and the slave is to be helped to work without hardship till he pays the rest of his price."

٢٥٢٧ - وحدثنا مسددٌ : حدثنا يزيدُ ابن رزيعٍ : حدثنا سعيدٌ، عن قتادةَ، عن النضرِ بن أنسٍ، عن بشيرٍ بن نهيك، عن أبي هريرةَ رضي الله عنه: أنَّ النبي ﷺ قال: «منْ أعتقَ شقيماً أو شقيقاً في مملوکٍ فَلَحَاصَهُ عَلَيْهِ فِي مَالِهِ إِنْ كَانَ لَهُ مَالٌ، وَإِلَّا قُومٌ عَلَيْهِ فَاسْتَسْعَى بِهِ غَيْرُ مَشْفُوقٍ عَلَيْهِ». [راجع: ٢٤٩٢]

تابعهُ حجاجُ بن حجاجٍ وأبانُ وموسى بن خلفٍ عن قتادةَ، اختصرهُ شعبهُ.

(٦) بابُ الحظا والنسيان في العتابة والطلاق ونحوه، ولا عتابة إلا لوجه الله تعالى

وقال النبي ﷺ: «لكلّ امرئٍ ما نوى»، ولائنة للناس والمخطيء.

٢٥٢٨ - حدثنا الحميديُّ : حدثنا سفيانٌ : حدثنا مسخرٌ، عن قتادةَ، عن رزارَةَ بن أوفى، عن أبي هريرةَ رضي

(6) CHAPTER. What is said about manumission and divorce by mistake or by forgetfulness. Manumission of slave should be for Allāh's sake only.

The Prophet ﷺ said, "Everybody will get the reward according to what he has intended." Doing things by forgetfulness or by mistake is not regarded as intentional action.

2528. Narrated Abū Hurairah رضي الله عنه said, "Allāh has accepted my invocation to forgive what whispers in the hearts of my followers, unless they put it to action or utter it." (See *Hadīth* No.6664 Vol.8)

الله عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ: «إِنَّ اللَّهَ تَجَاوَزَ لِي عَنْ أُمَّتِي مَا وَسَوَّسْتُ بِهِ صُدُورُهَا مَا لَمْ تَعْمَلْ أَوْ تَكَلَّمْ». [انظر: ٥٢٦٤، ٦٦٦٤]

2529. Narrated 'Umar bin Al-Khaṭṭāb رضي الله عنه: The Prophet ﷺ said, “The (reward of) deeds depends on intentions, and every person will get the reward according to what he has intended. So, whoever emigrates for Allāh and His Messenger, then his emigration will be for Allāh and His Messenger, and whoever emigrates for worldly benefits or for a woman to marry then his emigration will be for what he emigrated for.”

[See Vol. 1, *Hadīth* No.1]

(7) CHAPTER. If somebody says to his slave that he is for Allāh; and by that he intends to manumit him (the slave is manumitted). And the witness for manumission.

2530. Narrated Qais رضي الله عنه: When Abū Hurairah accompanied by his slave set out intending to embrace Islām they lost each other on the way. The slave then came while Abū Hurairah was sitting with the Prophet ﷺ. The Prophet ﷺ said, “O Abū Hurairah! Your slave has come back.” Abū Hurairah said, “Indeed, I would like you to witness that I have manumitted him.” That happened at the time when Abū Hurairah recited (the following poetic verse):

‘What a long tedious tiresome night!

Nevertheless, it has delivered us from the land of *Kufr* (disbelief).’

٢٥٢٩ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ عَنْ سُفْيَانَ: حَدَّثَنَا يَعْمَى بْنُ سَعِيدٍ، عَنْ مُحَمَّدٍ بْنِ إِبْرَاهِيمَ التَّمِيميِّ، عَنْ عَلْقَمَةَ بْنَ وَقَاصِ الْلَّيْثِيِّ قَالَ: سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ ﷺ قَالَ: «الْأَعْمَالُ بِالنِّيَّةِ وَلَا مِرْءَى مَا نَوَى، فَمَنْ كَانَ هَجَرَهُ إِلَى اللَّهِ وَرَسُولِهِ، فَهُجْرَتُهُ إِلَى دُنْيَا وَرَسُولِهِ، وَمَنْ كَانَ هَجَرَهُ إِلَى دُنْيَا يُصِيبُهَا أَوْ امْرَأَةٌ يَتَرَوَّجُهَا فَهُجْرَتُهُ إِلَى مَا هَاجَرَ إِلَيْهِ». [راجع: ١]

(٧) بَابُ إِذَا قَالَ لِعَبْدِهِ: هُوَ اللَّهُ وَنَوَى الْعَتْقَ، وَالإِشْهَادُ بِالْمُتَقِّ

٢٥٣٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ ابْنِ نُعْمَى، عَنْ مُحَمَّدٍ بْنِ يَسْرِيرٍ، عَنْ إِسْمَاعِيلَ، عَنْ قَيْسٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّهُ لَمَّا أَفْبَلَ يُرِيدُ الْإِسْلَامَ وَمَعْنَهُ غُلَامٌ ضَلَّ كُلُّ وَاحِدٍ مِنْهُمَا مِنْ صَاحِبِهِ فَأَقْبَلَ بَعْدَ ذَلِكَ وَأَبْوَهُرَيْرَةَ جَالِسًا مَعَ النَّبِيِّ ﷺ فَقَالَ النَّبِيُّ ﷺ: «يَا أَبَا هُرَيْرَةَ، هَذَا غُلَامُكَ قَدْ أَتَاكَ». فَقَالَ: أَمَا إِنِّي أَشْهُدُكَ أَنَّهُ حُرٌّ، قَالَ فَهُوَ حِينَ

يَقُولُ :

يَا لَيْلَةَ مِنْ طُولِهَا وَعَنَائِهَا
عَلَى أَنَّهَا مِنْ دَارَةِ الْكُفْرِ نَجَّتِ

[انظر: ٢٥٣١، ٢٥٣٢، ٤٣٩٣]

2531. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ On my way to the Prophet ﷺ I was reciting :

'What a long tedious tiresome night!

Nevertheless, it has delivered us from the land of *Kufr* (disbelief).'

I had a slave who ran away from me on the way. When I went to the Prophet ﷺ and gave the *Bai'a* (pledge) for embracing Islām, the slave showed up while I was still with the Prophet ﷺ who remarked, "O Abū Hurairah! Here is your slave!" I said, "I manumit him for Allāh's sake," and so I manumitted him.

٢٥٣١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ

سَعِيدٍ: حَدَّثَنَا أَبُو أَسَمَّةً: حَدَّثَنَا إِسْمَاعِيلُ، عَنْ قَيْسٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: لَمَّا قَدِمْتُ عَلَى النَّبِيِّ ﷺ قُلْتُ فِي الطَّرِيقِ:

يَا لَيْلَةَ مِنْ طُولِهَا وَعَنَائِهَا
عَلَى أَنَّهَا مِنْ دَارَةِ الْكُفْرِ نَجَّتِ
قَالَ: وَأَبَقَ مِنِي غُلَامٌ لِي فِي
الطَّرِيقِ، قَالَ: فَلَمَّا قَدِمْتُ عَلَى النَّبِيِّ ﷺ قَبَاعِتُهُ فَبَيْنَا أَنَا عِنْدُهُ إِذَا طَلَعَ
الغُلَامُ فَقَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا
أَبَا هُرَيْرَةَ هَذَا غُلَامُكَ»، فَقُلْتُ: هُوَ
حُرٌّ لِوَجْهِ اللَّهِ، فَأَعْنَقْتُهُ.

قَالَ أَبُو عَبْدِ اللَّهِ: لَمْ يَقُلْ أَبُو
كُرَيْبٍ عَنْ أَبِي أَسَمَّةَ: حُرٌّ.

[راجع: ٢٥٣٠]

2532. Narrated Qais : When Abū Hurairah accompanied by his slave came intending to embrace Islām, they lost each other on the way. (When the slave showed up) Abū Hurairah said (to the Prophet ﷺ), "I make you witness that the slave is free for Allāh's Cause."

٢٥٣٢ - حَدَّثَنِي شَهَابُ بْنُ

عَبَادٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ حُمَيْدٍ، عَنْ إِسْمَاعِيلَ، عَنْ قَيْسٍ قَالَ: لَمَّا أَقْبَلَ
أَبُو هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ وَمَعْهُ غُلَامٌ
وَهُوَ يَظْلُبُ الإِسْلَامَ فَصَلَّى أَخْدُهُمَا
صَاحِبَهُ، بِهَذَا وَقَالَ: أَمَا إِنِّي أَشْهِدُكُمَا

أَنَّهُ اللَّهُ . [راجع: ٢٥٣٠]

(٨) بَابُ أُمِّ الْوَلَدِ

(8) CHAPTER. *Umm Al-Walad* (i.e., a slave woman who begets a child for her master).

Narrated Abū Hurairah رضي الله عنه : The Prophet ﷺ said, "One of the portents of the approaching of the Hour is that the slave woman will beget her own master."

2533. Narrated 'Āishah رضي الله عنها : Utba bin Abī Waqqās authorized his brother Sa'd bin Abī Waqqās to take the son of the slave-girl of Zam'a into his custody, telling him that the boy was his own (illegal) son. When Allāh's Messenger ﷺ went (to Makkah) at the time of the conquest, Sa'd took the son of the slave-girl of Zam'a to Allāh's Messenger ﷺ and also brought 'Abd bin Zam'a with him and said, "O Allāh's Messenger! This is the son of my brother 'Utba, who authorized me to take him into my custody." 'Abd bin Zam'a said, "O Allāh's Messenger! He is my brother, the son of Zam'a's slave-girl and he was born on his bed." Allāh's Messenger ﷺ casted a glance at the son of the slave-girl of Zam'a and noticed much resemblance (to 'Utba). Allāh's Messenger ﷺ said, "It is for you, O 'Abd bin Zam'a as he was born on the bed of your father." Allāh's Messenger ﷺ then said to Sauda bint Zam'a: "Screen yourself O Sauda bint Zam'a from him (the boy)," as he noticed the boy's resemblance to 'Utba and Sauda was the wife of the Prophet ﷺ. (See H. 4303).

قال أبو هريرة عن النبي ﷺ:
مِنْ أَشْرَاطِ السَّاعَةِ أَنْ تَلَدَ الْأُمَّةُ
رَبِّهَا».

٢٥٣٣ - حَدَّثَنَا أَبُو الْيَمَانُ:
أَخْبَرَنَا شَعِيبٌ، عَنِ الرَّهْرِيِّ قَالَ:
حَدَّثَنِي عُرْوَةُ ابْنُ الزُّبَيرِ أَنَّ عَائِشَةَ
رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ عُتْبَةُ بْنُ
أَبِي وَقَاصِ عَهْدًا إِلَى أَخِيهِ سَعْدَ بْنَ
أَبِي وَقَاصِ أَنْ يَقْبَضَ إِلَيْهِ ابْنَ وَلِيَدَةَ
رَمْعَةَ. قَالَ عُتْبَةُ: إِنَّهُ أَبْنِي، فَلَمَّا قَدِمَ
رَسُولُ اللَّهِ ﷺ زَمِنَ الْفَتْحِ أَخَذَ سَعْدَ
ابْنَ وَلِيَدَةَ رَمْعَةَ فَأَقْبَلَ بِهِ إِلَى رَسُولِ
اللَّهِ ﷺ وَأَقْبَلَ مَعَهُ بَعْدَ بْنَ رَمْعَةَ فَقَالَ
سَعْدٌ: يَا رَسُولَ اللَّهِ، هَذَا ابْنُ أَخِي
عَهْدَ إِلَيَّ أَنَّهُ ابْنُهُ، فَقَالَ عَبْدُ بْنُ
رَمْعَةَ: يَا رَسُولَ اللَّهِ، هَذَا أَخِي ابْنُ
رَمْعَةَ وُلِدَ عَلَى فِرَاشِهِ، فَنَظَرَ رَسُولُ
اللَّهِ ﷺ إِلَى ابْنِ وَلِيَدَةَ رَمْعَةَ فَإِذَا هُوَ
أَشْبَهُ النَّاسِ بِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ:
هُوَ لَكَ يَا عَبْدُ بْنَ رَمْعَةَ، مِنْ أَجْلِ
أَنَّهُ وُلِدَ عَلَى فِرَاشِ أَبِيهِ. قَالَ رَسُولُ
اللَّهِ ﷺ: (اَحْتَاجِي مِنْهُ يَا سَوْدَةُ بِنْتَ
رَمْعَةَ)، مَمَّا رَأَى مِنْ شَبَهِهِ بِعُتْبَةِ،
وَكَانَتْ سَرْدَةُ زَوْجِ النَّبِيِّ ﷺ.

[راجع: ٢٠٥٣]

(٩) بَابُ بَيْعِ الْمُدَبَّرِ

(9) CHAPTER. The selling of a *Mudabbar* (i.e., the slave who is declared by his master to be manumitted after his master's death).

2534. Narrated Jābir bin 'Abdullāh رضي الله عنهما : A man amongst us declared that his

٢٥٣٤ - حَدَّثَنَا آدُمُ بْنُ أَبِي

slave would be manumitted after his death. The Prophet ﷺ called for that slave and sold him⁽¹⁾. The slave died the same year.

إِيَّاسٌ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَعْتَقَ رَجُلًا مِنَ الْمَنَّاءِ لَهُ عَنْ ذِيرٍ فَدَعَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَبَاعَهُ . قَالَ جَابِرٌ: ماتَ الْعَلَامُ عَامَ أَوَّلَ . [راجع: ٢١٤١]

(١٠) بَابُ بَيْعِ الْوَلَاءِ وَهَبَتِهِ

(10) CHAPTER. The selling and conferring on others of the *Walā'* of a manumitted slave.⁽²⁾

2535. Narrated Ibn 'Umar: Rَضِيَ اللَّهُ عَنْهُمَا Allāh's Messenger ﷺ forbade the selling or conferring on others of the *Walā'* of a manumitted slave.

٢٥٣٥ - حَدَّثَنَا أُبُو الْوَلِيدِ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ دِينَارٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: نَهَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْعِ الْوَلَاءِ وَعَنْ هِبَتِهِ . [انظر: ٦٧٥٦]

٢٥٣٦ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَضْوِرٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: اشْتَرَيْتُ بَرِيرَةَ فَاسْتَرْطَ أَهْلُهَا وَلَاءَهَا، فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: «أَعْتَقْتِهَا إِلَّا الْوَلَاءَ لِمَنْ أَعْطَى الْوَرْقَ» فَأَعْتَقْتُهَا، فَدَعَاهَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَحَيَّرَهَا مِنْ رَوْجِهَا فَقَالَتْ: لَوْ أَعْطَانِي كَذَا وَكَذَا مَا ثَبَّتْ عِنْدَهُ، فَاخْتَارَتْ نَفْسَهَا . [راجع: ٤٥٦]

(١١) بَابُ إِذَا أُسِرَ أَخُو الرَّجُلِ أَوْ عَمْهُ هَلْ يُنَادَى إِذَا كَانَ مُشْرِكًا؟
وقال أنسٌ: قال العباس للنبي

(11) CHAPTER. If the brother or the uncle of somebody was taken as a war prisoner, then can he ransom him if he is a *Mushrik*?

Narrated Anas: رَضِيَ اللَّهُ عَنْهُ Al-'Abbās said

(1) (H. 2534) The liberator was needy, so the Prophet ﷺ sold the slave for him, permitting him to cancel his promise of manumitting the slave after his death.

(2) (Ch. 10) *Walā'*: See glossary.

to the Prophet ﷺ, "I ransom myself and 'Aqil." 'Alī got his share of the booty from the property which was given by his brother 'Aqil and his uncle Al-'Abbās.

2537. Narrated Anas : رَضِيَ اللَّهُ عَنْهُ Some men of the *Anṣār* asked for the permission of Allāh's Messenger ﷺ and said, "Allow us to give up the ransom from our nephew Al-'Abbās. The Prophet ﷺ said (to them), "Do not leave (even) a Dirham (of his ransom)."

عَنْهُ: فَادِيْتُ نَفْسِي وَفَادِيْتُ عَقِيلًا، وَكَانَ عَلَيَّ لَهُ تَصِيبٌ فِي تِلْكَ الْعَيْمَةِ الَّتِي أَصَابَ مِنْ أَخِيهِ عَقِيلٍ وَعَمِّهِ عَبَّاسٍ .

٢٥٣٧ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ

الله: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ بْنَ عَقْبَةَ، عَنْ مُوسَى بْنِ عَقْبَةَ، عَنْ ابْنِ شَهَابٍ قَالَ: حَدَّثَنِي أَنَّ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رِجَالًا مِنَ الْأَنْصَارِ اسْتَأْذَنُوا رَسُولَ اللَّهِ ﷺ فَقَالُوا: إِذْنُنَا لَنَا فَلَمْتُرْكُ لَابْنِ أَخْتِنَا عَبَّاسِ فِدَاءَهُ، فَقَالَ: «لَا تَدْعُونَ مِنْهُ دِرْهَمًا».

[انظر: ٣٠٤٨ ، ٤٠١٨]

(١٢) بَابُ عِتْقِ الْمُشْرِكِ

(12) CHAPTER. Manumission of a *Mushrik* (pagan, polytheist, idolater)

2538. Narrated Hishām : My father told me that Hakim bin Hizām manumitted one hundred slaves in the Pre-Islamic Period of Ignorance and slaughtered one hundred camels (and distributed them in charity). When he embraced Islam he again slaughtered one hundred camels and manumitted one hundred slaves. Hakim said, "I asked Allāh's Messenger ﷺ, 'O Allāh's Messenger! What do you think about some good deeds I used to practise in the Pre-Islamic Period of Ignorance regarding them as deeds of righteousness?' " Allāh's Messenger ﷺ said, "You have embraced Islām along with all those good deeds you did."

٢٥٣٨ - حَدَّثَنَا عَبْيَضُ بْنُ

إِسْمَاعِيلَ: حَدَّثَنَا أَبُو أَسَمَّةَ، عَنْ هِشَامَ، أَخْبَرَنِي أَبِي: أَنَّ حَكِيمَ بْنَ حِزَامَ رَضِيَ اللَّهُ عَنْهُ أَعْتَقَ فِي الْجَاهِلِيَّةِ مائَةَ رَقَبَةً، وَحَمَلَ عَلَى مائَةَ بَعِيرٍ. فَلَمَّا أَسْلَمَ حَمَلَ عَلَى مائَةَ بَعِيرٍ وَعَتَقَ مائَةَ رَقَبَةً، قَالَ: فَسَأْلُ رَسُولَ اللَّهِ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ، أَرَأَيْتَ أَشْيَاءَ كُنْتُ أَصْنَعُهَا فِي الْجَاهِلِيَّةِ، كُنْتُ أَتَعَنَّثُ بِهَا - يَعْنِي: أَتَبَرُّ بِهَا - ؟ قَالَ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَسْلَمْتَ عَنْ مَا سَلَفَ لَكَ مِنْ خَيْرٍ».

[راجع: ١٤٣٦]

(13) CHAPTER. Whover possessed Arab slaves and gave them as presents, or sold them, or had sexual relation with the females among them, or accepted their ransom, or took their offspring as captives.

And the Statement of Allāh : تعالى :

"The example (of two men – a believer and a disbeliever); a slave (disbeliever) under the possession of another, he has no power of any sort, and (the other), a man (believer) on whom We have bestowed a good provision from Us, and he spends thereof secretly and openly. Can they be equal? (By no means, not). All the praises and thanks be to Allāh. Nay! (But) most of them know not." (V.16:75)

2539, 2540. Narrated Marwān and Al-Miswar bin Makhrama: When the delegates of the tribe of Hawāzin came to the Prophet ﷺ, and they requested him to return their properties and captives the Prophet ﷺ stood up and said to them, "I have other people with me in this matter (as you see) and the most beloved statement to me is the true one; you may choose either the properties or the prisoners as I have delayed their distribution." The Prophet ﷺ had waited for them for more than ten days since his arrival from Ta'if. So, when it became evident to them that the Prophet ﷺ was not going to return them except one of the two, they said, "We choose our prisoners." The Prophet ﷺ got up amongst the people and glorified and praised Allāh as He deserved and said, "Then after, these brethren of yours have come to us with repentance, and I see it logical to return them the captives. So, whoever amongst you likes to do that as a favour, then he can do it, and whoever of you likes to stick to his share till we recompense him from the very first war booty which Allāh will give us, then he can do so (i.e., give up

(١٣) بَابُ مِنْ مَلْكٍ مِنَ الْعَرَبِ رَقِيقًا
فَوَهَبَ وِبَاعَ وَجَامَعَ وَفَدَى وَسَبَى
الذُّرِّيَّةَ

وَقَوْلُ اللَّهِ تَعَالَى : «عَبْدًا مَمْلُوكًا لَا
يَقْدِرُ عَلَى شَيْءٍ وَمَنْ رَزَقْنَاهُ مِنَا رِزْقًا
حَسَنًا فَهُوَ يُنْفِعُ مِنْهُ سِرًا وَجَهْرًا هُنَّ
يَسْتَوْنَ الْمُحَمَّدُ لِلَّهِ بَلْ أَكْثَرُهُمْ لَا
يَعْلَمُونَ» [النحل: ٧٥]

٢٥٣٩ - حَدَّثَنَا ابْنُ أَبِي
مَرْيَمَ قَالَ: أَخْبَرَنَا الْئَنْسُ، عَنْ عَقْلَيْنِ،
عَنْ ابْنِ شَهَابٍ قَالَ: ذَكَرَ عُرُوهَةُ أَنَّ
مَرْوَانَ وَالْمَسْوَرَ بْنَ مَحْرَمَةَ أَخْبَرَاهُ:
أَنَّ النَّبِيَّ ﷺ قَامَ حِينَ جَاءَهُ وَفُدُّ
هَوَازِنَ فَسَأَلُوهُ أَنْ يَرُدَّ إِلَيْهِمْ أُمُواَلَهُمْ
وَسَبَبِهِمْ، فَقَالُوا: «إِنَّ مَعِي مَنْ تَرَوْنَ،
وَأَحَبُّ الْحَدِيثَ إِلَيَّ أَضَدُّهُ،
فَاخْتَارُوا إِحْدَى الطَّائِفَتَيْنِ: إِمَّا الْمَالَ
وَإِمَّا السَّبَيْ، وَقَدْ كُنْتُ اسْتَأْتِيُّ بِهِمْ»
وَكَانَ النَّبِيُّ ﷺ انْتَظَرُهُمْ بِضَعَعَ عَشْرَةَ
لَيَّلَةً حِينَ قَفَلَ مِنَ الطَّائِفِ. فَلَمَّا تَبَيَّنَ
لَهُمْ أَنَّ النَّبِيَّ ﷺ عَيْرُ رَادٌ إِلَيْهِمْ إِلَّا
إِحْدَى الطَّائِفَتَيْنِ قَالُوا: فَإِنَّا نَخْتَارُ
سَبَبِيَّا، فَقَامَ النَّبِيُّ ﷺ فِي النَّاسِ
فَأَنْشَى عَلَى اللَّهِ بِمَا هُوَ أَهْلُهُ. ثُمَّ
قَالَ: «أَمَّا بَعْدُ، فَإِنَّ إِخْوَانَكُمْ قَدْ

the present captives)." The people unanimously said, "We do that (return the captives) willingly." The Prophet ﷺ said, "We do not know which of you have agreed to it and which have not, so go back and let your leaders forward us your decision." So, all the people then went back and discussed the matter with their leaders who returned and informed the Prophet ﷺ that all the people had willingly given their consent to return the captives. This is what has reached us about the captives of Hawāzin.

Narrated Anas that 'Abbās said to the Prophet ﷺ, "I paid for my ransom and 'Aqīl's ransom."

جاوُنَا تائِيْنَ وَإِنِّي رَأَيْتُ أَنْ أَرْدَ إِلَيْهِمْ سَبِيلَهُمْ، فَمَنْ أَحَبَ مِنْكُمْ أَنْ يُطْبِئَ ذَلِكَ فَلَيَقْعُلْ، وَمَنْ أَحَبَ أَنْ يَكُونَ عَلَى حَظْلِهِ حَتَّى نُعْطِيهِ إِيَاهُ مِنْ أَوْلَى مَا يُفْيِي اللَّهُ عَلَيْنَا فَلَيَقْعُلْ». فَقَالَ النَّاسُ: طَعَّنَا لَكَ ذَلِكَ، قَالَ: «إِنَّا لَا نَدْرِي مَنْ أَدْنَى مِنْكُمْ مَمْنُ لَمْ يَأْدَنْ، فَارْجُعُوهَا حَتَّى يَرْفَعَ إِلَيْنَا عَرْفَاؤُكُمْ أَمْرَكُمْ». فَرَجَعَ النَّاسُ فَكَلَمُهُمْ عَرْفَاؤُهُمْ، ثُمَّ رَجَعُوا إِلَى النَّبِيِّ ﷺ فَأَخْبَرُوهُ أَنَّهُمْ طَبَّيْوا وَأَذْنَوْا، فَهَذَا الَّذِي بَلَغْنَا عَنْ سَبِيْ هَوَازِنَ. وَقَالَ أَنَسُ، قَالَ عَبَّاسُ لِلنَّبِيِّ ﷺ: فَادِيْتُ نَفْسِي وَفَادِيْتُ عَقِيلًا. [راجع: ٢٣٠٧، ٢٣٠٨]

2541. Narrated Ibn 'Aūn: I wrote a letter to Nāfi', and Nāfi' wrote in reply to my letter that the Prophet ﷺ had (suddenly) attacked Banī Muṣṭaliq (without warning while they were heedless) and their cattle were being watered at the places of water. Their fighting men were killed and their women and children were taken as captives; the Prophet ﷺ got Juwairiya رَضِيَ اللَّهُ عَنْهَا on that day. Nāfi' said that Ibn 'Umar had told him the above narration and that Ibn 'Umar was in that army.

2542. Narrated Ibn Muḥairiz: I saw Abū Sa'īd رَضِيَ اللَّهُ عَنْهُ and asked him about coitus interruptus. Abū Sa'īd said, "We went with Allāh's Messenger ﷺ in the Ghazwa of Banī Al-Muṣṭaliq and we captured some of the Arabs as captives, and the long separation

٢٥٤١ - حَدَّثَنَا عَائِيْ بْنُ الْحَسَنِ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا ابْنُ عَوْنِ، قَالَ: كَتَبْتُ إِلَى نَافِعٍ فَكَتَبَ إِلَيَّ أَنَّ الَّبَيِّ ﷺ أَغَارَ عَلَى بَنِي الْمُصْطَلِقِ وَهُمْ غَارُونَ وَأَنْعَامُهُمْ تُسْقَى عَلَى الْمَاءِ فَقَتَلَ مُقَااتِلَهُمْ وَسَبَى ذَرَارَهُمْ، وَأَصَابَ يَوْمَئِذٍ جُوَيْرِيَةً، حَدَّثَنِي يَهُ عَبْدُ اللَّهِ ابْنُ عُمَرَ وَكَانَ فِي ذَلِكَ الْجَيْشِ.

2542 - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ زَيْعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنْ ابْنِ مُحَيْرِيزِ

from our wives was pressing us hard and we wanted to practise coitus interruptus. We asked Allāh's Messenger ﷺ (whether it was permissible). He said, "It is better for you not to do so. No soul, (that which Allāh has) destined to exist, up to the Day of Resurrection, but will definitely come into existence."

قالَ رَأَيْتُ أَبَا سَعِيدَ رَضِيَ اللَّهُ عَنْهُ فَسَأَلْتُهُ، قَالَ حَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ فِي عَزْوَةِ بَنِي الْمُصْطَلِقِ فَاصْبَنَا سَيِّدًا مِنْ سَبِيلِ الْعَرَبِ فَاشْتَهَنَا النِّسَاءُ فَاشْتَدَّتْ عَلَيْنَا الْعُزَبَةُ، وَأَحْبَبَنَا الْعَزْلُ فَسَأَلْنَا رَسُولَ اللَّهِ ﷺ قَالَ: «مَا عَلِيَّكُمْ أَنْ لَا تَفْعَلُوا، مَا مِنْ نَسَمَةٍ كَائِنَةٍ إِلَى يَوْمِ الْقِيَامَةِ إِلَّا وَهِيَ كَائِنَةٌ». [راجع: ٢٢٢٩]

2543. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : I have loved the people of the tribe of Banī Tamīm ever since I heard three things Allāh's Messenger ﷺ said about them. I heard him saying, "These people (of the tribe of Banī Tamīm) would stand firm against *Ad-Dajjāl*." When the *Ṣadaqāt* (gifts of charity) from that tribe came, Allāh's Messenger ﷺ said, "These are the *Ṣadaqāt* (i.e., charitable gifts) of our folk." Āishah had a slave-girl from that tribe, and the Prophet ﷺ said to Āishah, "Manumit her as she is a descendant of (the Prophet) Isma'īl [Ishmā'el عليه السلام]."

٤٥٤٣ - حَدَّثَنَا زُهَيرُ بْنُ حَرْبٍ : حَدَّثَنَا جَرِيرٌ، عَنْ عُمَارَةَ بْنِ الْقَعْدَاعِ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: «لَا أَزَالُ أُحِبُّ بَنِي تَمِيمٍ».

وَحَدَّثَنِي ابْنُ سَلَامٍ : أَخْبَرَنَا جَرِيرٌ بْنُ عَبْدِ الْحَمِيدِ، عَنْ الْمُغَиْرَةِ، عَنِ الْحَارِثِ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ، وَعَنْ عُمَارَةَ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: مَا زِلتُ أُحِبُّ بَنِي تَمِيمٍ مُذْنُ ثَلَاثٍ سَمِعْتُ مِنْ رَسُولِ اللَّهِ ﷺ يَقُولُ فِيهِمْ، سَمِعْتُهُ يَقُولُ: «هُمْ أَشَدُّ أُمَّتِي عَلَى الدَّجَالِ». قَالَ: وَجَاءَتْ صَدَاقَتُهُمْ فَقَالَ رَسُولُ اللَّهِ ﷺ: «هَذِهِ صَدَاقَاتُ قَوْمِنَا»، وَكَانَتْ سَيِّئَةً مِنْهُمْ عِنْدَ عَائِشَةَ قَالَ: «أَعْتَقَيْهَا فَإِنَّهَا مِنْ وَلَدِ إِسْمَاعِيلَ». [انظر: ٤٣٦٦]

(14) CHAPTER. The superiority of him who teaches his slave-girl good manners.

2544. Narrated Abū Müsa: رَضِيَ اللَّهُ عَنْهُ Allāh's Messenger ﷺ said, "He who has a slave-girl and educates and treats her nicely and then manumits her and marries her, will get a double reward." (See H. 5083)

(١٤) بَابُ فَصْلٍ مِّنْ أَذْبَارِهِتَهُ وَعَلَمَهَا

٢٥٤٤ - حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: سَمِعَ مُحَمَّدَ بْنَ فُضَيْلَ، عَنْ مُطْرَفٍ، عَنِ الشَّعْبِيِّ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَتْ لَهُ جَارِيَةٌ فَعَلَمَهَا فَأَخْسَنَ إِلَيْهَا، ثُمَّ أَعْفَنَهَا وَتَزَوَّجَهَا كَانَ لَهُ أَجْرًا».

[راجع: ٩٧]

(15) CHAPTER. The saying of the Prophet ﷺ: Slaves are your brothers, so feed them with the like of what you eat.

And the Statement of Allāh تَعَالَى :

"Worship Allāh and join none with Him (in worship), and do good to parents, kinsfolk, orphans, *Al-Masākin* (the poor), the neighbour who is near of kin, the neighbour who is a stranger, the companion by your side, the wayfarer (you meet) and those (slaves) whom your right hands posses. Verily, Allah does not like such as are proud and boastful." (V.4:36)

(١٥) بَابُ قَوْلِ النَّبِيِّ ﷺ: «الْعَيْدُ إِخْوَانُكُمْ فَأَطْعِمُوهُمْ مَمَّا تَأْكُلُونَ»، وَقَوْلُ اللَّهِ تَعَالَى: «وَأَغْدِنَا اللَّهُ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِإِلَهَيْنِ إِلَحْسَنَتَا وَيَدِي الْقُرْبَى وَالْيَتَامَى وَالْمَسْكِينَ وَالْجَارِ ذِي الْقُرْبَى وَالْجَارِ الْجُنُبُ وَالصَّاحِبِ بِالْجَنْبِ وَأَبْنَى السَّبِيلِ وَمَا مَلَكْتُ أَيْمَنَكُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَالًا فَحَوْرًا» (٣٦)، [النساء: ٣٦] قال أبو عبد الله: ذِي الْقُرْبَى: الْقَرِيبُ، وَالصَّاحِبِ بِالْجَنْبِ: الْغَرِيبُ.

2545. Narrated Al-Ma'rūr bin Suwaid: I saw Abū Dharr Al-Għifārī رَضِيَ اللَّهُ عَنْهُ wearing a cloak, and his slave, too, was wearing a cloak. We asked him about that (i.e., how both were wearing similar cloaks). He replied, "Once I abused a man and he complained of me to the Prophet ﷺ. The Prophet ﷺ asked me, 'Did you abuse him by slighting his mother?' He added, 'Your slaves

٢٥٤٥ - حَدَّثَنَا آدُمُ بْنُ أَبِي إِيَّاسٍ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا وَاصِلُ الأَخْدَبُ قَالَ: سَمِعْتُ الْمَعْرُوفَ بْنَ سُوِيدَ قَالَ: رَأَيْتُ أَبَا ذَرَ الْغَفَارِيَّ رَضِيَ اللَّهُ عَنْهُ وَعَلَيْهِ حُلَّةٌ وَعَلَى عُلَامَهِ حُلَّةٌ، فَسَأَلْنَاهُ عَنْ ذَلِكَ فَقَالَ:

are your brethren upon whom Allāh has given you authority. So, if one has one's brethren under one's control, one should feed them with the like of what one eats and clothe them with the like of what one wears. You should not overburden them with what they cannot bear, and if you do so, help them (in their hard job).””

إِنَّ سَابِقَتْ رَجُلًا فَشَكَانِي إِلَى النَّبِيِّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَعْيَرْتُهُ بِأَمْوَالِهِ؟»
ثُمَّ قَالَ: «إِنَّ إِخْرَائَكُمْ حَوْلَكُمْ
جَعَلْتُهُمُ اللَّهَ تَحْتَ أَيْدِيكُمْ، فَمَنْ كَانَ
أَخْوَهُ تَحْتَ يَدِهِ فَلِيُطْعِمُهُ مَمَّا يَأْكُلُ
وَلِيُلْئِسْنُهُ مَمَّا يَلْسُسُ، وَلَا تُكَلِّفُوهُمْ مَا
يَعْلَمُونَ، فَإِنْ كَلَّفْتُمُوهُمْ مَا يَعْلَمُونَ
فَأَعْيَنُوهُمْ». [راجع: ٣٠]

(١٦) **بَابُ الْعَبْدِ إِذَا أَحْسَنَ عِبَادَةَ رَبِّهِ**
وَنَصَّحَ سَيِّدَهُ

(16) CHAPTER. (The reward of) a slave who worships his Lord (Allāh) in a perfect manner and he is also honest and faithful to his master.

2546. Narrated Ibn ‘Umar رضي الله عنهمما said: “If a slave is honest and faithful to his master and worships his Lord (Allāh) in a perfect manner, he will get a double reward.” (See H. 5083)

٢٥٤٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ
ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الْعَبْدُ إِذَا نَصَّحَ سَيِّدَهُ
وَأَحْسَنَ عِبَادَةَ رَبِّهِ كَانَ لَهُ أَجْرُهُ
مَرَّتَيْنِ». [انظر: ٢٥٥٠]

٢٥٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ:
أَخْبَرَنَا سُفْيَانُ، عَنْ صَالِحٍ، عَنِ
الشَّعْبِيِّ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي
مُوسَى الْأَشْعَرِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ:
قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِيمَانُ رَجُلٍ كَانَتْ لَهُ
جَارِيَّةً أَدَبَهَا فَأَحْسَنَ تَعْلِيمَهَا، وَأَعْنَقَهَا
وَنَزَّوَ جَهَاهَا فَلَهُ أَجْرَانِ، وَأَيْمَانُ عَبْدٍ أَدَبَ
حَقَّ اللَّهِ وَحْقَ مَوَالِيهِ فَلَهُ أَجْرَانِ».

[راجع: ٩٧]

2547. Narrated Abū Mūsa Al-Ash’arī رضي الله عنه : The Prophet ﷺ said, “He who has a slave-girl and teaches her good manners and educates her and then manumits and marries her, will get a double reward; and any slave who observes Allāh’s Right and his master’s right will get a double reward.” (See H. 5083)

٢٥٤٨ - حَدَّثَنَا يُشْرُبُ بْنُ مُحَمَّدٍ:
أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يُونُسُ، عَنِ

2548. Narrated Abū Hurairah رضي الله عنه : Allāh’s Messenger ﷺ said, “A pious slave gets a double reward.” Abū Hurairah added:

By Him in Whose Hands my soul is but for *Jihād* (i.e., holy battles), *Hajj*, and my duty to serve my mother, I would have loved to die as a slave.⁽¹⁾

الزُّهْرِيَّ سَمِعْتُ سَعِيدَ بْنَ الْمُسَبِّبِ يَقُولُ : قَالَ أَبُو هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ : «لِلْعَبْدِ الْمَمْلُوكِ الصَّالِحِ أَجْرًا» ، وَالَّذِي نَفْسِي بِيَدِهِ لَوْلَا الْجِهادُ فِي سَبِيلِ اللَّهِ وَالْحَجُّ وَبِرُّ أُمِّي لَأَحْبَبْتُ أَنْ أُمُوتَ وَأَنَا مَمْلُوكٌ .

٢٥٤٩ - حَدَّثَنَا إِسْحَاقُ بْنُ نَصْرٍ : حَدَّثَنَا أَبُو أَسَمَّةَ، عَنِ الْأَعْمَشِ : حَدَّثَنَا أَبُو صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ : قَالَ الْبَيْهِيُّ : «يَنِمًا لِأَخْدِيهِمْ يُحْسِنُ عِبَادَةَ رَبِّهِ وَيَنْصُحُ لِسَيِّدِهِ» .

(١٧) بَابُ كَرَاهِيَّةِ التَّظَاوِلِ عَلَى الرَّقِيقِ، وَقُولَهُ : عَبْدِي أَوْ أَمْتِي وَقَالَ اللَّهُ تَعَالَى : «وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَلِمَا تَكُونُونَ» [النور: ٣٢]. وَقَالَ : «عَبْدًا مَمْلُوكًا» [التحل: ٧٥] «وَأَنْفَانًا سَيِّدَهَا لَدَّا آتَابَ» [يوسف: ٢٥] وَقَالَ : «مَنْ فَيَسَّرْتُكُمْ الْمُؤْمِنَاتِ» [النساء: ٢٥] وَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ : «فُوْمُوا إِلَى سَيِّدِكُمْ»، وَ«أَذْكُرْنِي عِنْدَ رَبِّكَ» [يوسف: ٤٢] : عِنْدَ سَيِّدِكَ. وَ«مَنْ سَيِّدُكُمْ؟»

(17) CHAPTER. It is disliked to look down upon a slave or to say, "My slave" or "My slave-girl."

Allāh says :

"And (also marry) the *Šālihūn* (pious, fit and capable ones) of your (male) slaves and maid-servants (female slaves)..." (V.24:32)

And Allāh said,

"A slave (disbeliever) under the possession of another" (V.16:75) "... They both found her lord (i.e., her husband) at the door..." (V.12:25) "... believing girls [from among those (slaves) whom you right hands possess]..." (V.4:25)

And the Prophet ﷺ said, "Get up for your master."

Allāh says :

"...Mention me to your lord (i.e., your king so as to get me out of the the prison)..." (V.12:42)

(1) (H. 2548) Abū Hurairah mentioned *Jihād*, *Hajj* and duty towards mother as obstacles in the way of his wish, because a slave cannot practise any of these actions without his master's permission. (*Qastalāni*).

(The Prophet ﷺ said), “And who is your master?”⁽¹⁾

2550. Narrated ‘Abdullah: The Prophet ﷺ said, “If a slave serves his *Saiyid* (i.e., master) sincerely and worships his Lord (Allah) perfectly, he will get a double reward.” (See H. 5083)

2551. Narrated Abū Müsa: The Prophet ﷺ said, “The *Mamluk* (slave) who worships his Lord (Allah) in a perfect manner, and is dutiful, sincere and obedient to his *Saiyid* (master), will get a double reward.” (See H. 5083)

2552. Narrated Abū Hurairah: The Prophet ﷺ said, “You should not say, ‘Feed your lord (*Rabbaka*), help your lord in performing ablution, or give water to your lord’ but should say, ‘My master (e.g. feed your master instead of lord) (*Saiyidi*)’, or ‘My guardian (*Maulāni*)’, and one should not say, ‘My slave (*Abdī*)’, or ‘My girl-slave (*Amatī*)’, but should say, ‘My lad (*Fatāni*)’, ‘My lass (*Fatāni*)’, and ‘My boy (*Ghulāmi*)’.”

2553. Narrated Ibn ‘Umar: The Prophet ﷺ said, “If one manumits his

يُحْسِنُ، عَنْ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا نَافعٌ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِذَا نَصَحَ الْعَبْدُ سَيِّدُهُ وَأَحْسَنَ عِبَادَةَ رَبِّهِ كَانَ لَهُ أَجْرٌ مَرَّاثِينَ». [راجع: ٢٥٤٦]

2551 - حَدَّثَنَا مُحَمَّدُ بْنُ العَلَاءِ: حَدَّثَنَا أَبُو أَسَامَةَ، عَنْ بُرَيْدَةَ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الْمَمْلُوكُ الَّذِي يُحْسِنُ عِبَادَةَ رَبِّهِ، وَيُؤْدِي إِلَى سَيِّدِهِ الَّذِي لَهُ عَلَيْهِ مِنَ الْحَقِّ وَالنَّصِيحَةِ وَالطَّاعَةِ أَجْرًا».

[راجع: ٩٧]

2552 - حَدَّثَنَا مُحَمَّدٌ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنْ هَمَامِ بْنِ مُنْبِهٍ: أَنَّهُ سَمِعَ أبا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يُحَدِّثُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَقُلُّ أَحَدُكُمْ: أَطْعِمُ رَبَّكَ، وَضَيَّعْ رَبَّكَ أَسْقِي رَبَّكَ». وَلَيَقُلُّ: سَيِّدي مَوْلَايَ. وَلَا يَقُلُّ أَحَدُكُمْ: عَبْدِي أَمْتَي، وَلَيَقُلُّ: فَتَاهِي وَفَتَاهِي وَغَلامِي.

2553 - حَدَّثَنَا أَبُو النَّعْمَانَ:

(1) (Ch. 17) This chapter recommends that one should not call his slave a slave; yet the word is used by Allah and His Messenger on many occasions. In this chapter the male slave is called *Abd* in Arabic; the female slave *Ama*; the master *Saiyid*; or *Rabb*. The slave is also called *Mamluk*, and the female slave *Fatat*.

share of a common slave ('Abd), and he has money sufficient to free the remaining portion of the price of the slave (justly estimated), then he should free the slave completely by paying the rest of his price; otherwise the slave is freed partly."

حدَّثَنَا جَرِيرُ بْنُ حَازِمٍ، عَنْ نَافِعٍ، عَنْ
ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ
النَّبِيُّ ﷺ: «مَنْ أَعْتَقَ نَصِيبًا لَّهُ مِنَ
الْعَبْدِ فَكَانَ لَهُ مِنَ الْمَالِ مَا يَلْعُغُ قِيمَتَهُ
فُوْمَ عَلَيْهِ قِيمَةً عَدْلٌ، وَأَعْتَقَ مِنْ مَالِهِ
وَإِلَّا فَقَدْ أَعْتَقَ مِنْهُ مَا عَنِّقَ».

٢٥٥٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
يَحْيَى، عَنْ عَبْدِ اللَّهِ: حَدَّثَنِي نَافِعٌ
عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ
رَسُولَ اللَّهِ ﷺ قَالَ: «كُلُّكُمْ رَاعٍ
وَمَسْؤُولٌ عَنْ رَعِيَّتِهِ: فَالْأَمْيَرُ الَّذِي
عَلَى النَّاسِ فَهُوَ رَاعٍ عَلَيْهِمْ وَهُوَ
مَسْؤُولٌ عَنْهُمْ. وَالرَّجُلُ رَاعٍ عَلَى
أَهْلِ بَيْتِهِ وَهُوَ مَسْؤُولٌ عَنْهُمْ، وَالمرْأَةُ
رَاعِيَةٌ عَلَى بَيْتِ بَعْلِهَا وَوَلِيهِ وَهِيَ
مَسْؤُولَةُ عَنْهُمْ. وَالْعَبْدُ رَاعٍ عَلَى مَالِ
سَيِّدِهِ وَهُوَ مَسْؤُولٌ عَنْهُ. أَلَا فَكُلُّكُمْ
رَاعٍ وَكُلُّكُمْ مَسْؤُولٌ عَنْ رَعِيَّتِهِ».
[٨٩٣]

2554. Narrated 'Abdullah رضي الله عنه: Allâh's Messenger ﷺ said, "Everyone of you is a guardian and is responsible for his charges. The ruler who has authority over people, is a guardian and is responsible for them, a man is a guardian of his family and is responsible for them; a woman is a guardian of her husband's house and children and is responsible for them; a slave ('Abd) is a guardian of his master's property and is responsible for it; so all of you are guardians and are responsible for your charges."

٢٥٥٥ - حَدَّثَنَا مَالِكُ
بْنُ إِسْمَاعِيلَ: حَدَّثَنَا سُفْيَانُ، عَنْ
الرُّهْبَرِيِّ: حَدَّثَنِي عَبْدُ اللَّهِ: سَمِعْتُ
أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ وَرَيْدَ بْنَ
خَالِدٍ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا رَأَتِ
الْأَمْمَةُ فَاجْلِدُوهَا، ثُمَّ إِذَا رَأَتِ
فَاجْلِدُوهَا، ثُمَّ إِذَا رَأَتِ فَاجْلِدُوهَا،
فِي الثَّالِثَةِ أَوِ الرَّابِعَةِ فَيَبْعُوهَا وَلَوْ
بِضَافِرٍ». [راجع: ٢١٥٢، ٢١٥٤]

2555, 2556. Narrated Abû Hurairah رضي الله عنه and Zaid bin Khâlid: The Prophet ﷺ said, "If a slave-girl (Ama) commits illegal sexual intercourse, scourge her; if she does it again, scourge her again; if she repeats it, scourge her again." The narrator added that on the third or the fourth offence, the Prophet ﷺ said, "Sell her even for a hair rope."

(18) CHAPTER. When your servant brings your meal to you?

2557. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, "When your servant brings your meal to you then if you, do not let him sit and share the meal, you should at least give him a mouthful or two mouthfuls of that meal or a meal or two meals, as he has prepared it."

(19) CHAPTER. The slave is a guardian of the property of his master.

The Prophet ﷺ has referred the ownership of the property to the master.

2558. Narrated 'Abdullāh bin 'Umar رضي الله عنهم that he heard Allāh's Messenger ﷺ saying, "Everyone of you is a guardian and is responsible for his charge; the ruler is a guardian and is responsible for his subjects; the man is a guardian of his family and responsible for his charges; a woman is a guardian of her husband's house and responsible for her charges; and the servant is a guardian of his master's property and is responsible for his charge." I definitely heard the above from the Prophet ﷺ and think that the Prophet ﷺ also said, "A man is a guardian of his father's property and responsible for his charges; so everyone of you is a guardian and responsible for his charges."

(١٨) بَابُ إِذَا أَتَى أَحَدُكُمْ خَادِمًا بِطَعَامِهِ

٢٥٥٧ - حَدَّثَنَا حَاجَاجُ بْنُ مِنْهَالٍ : حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي مُحَمَّدُ بْنُ زِيَادٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِذَا أَتَى أَحَدُكُمْ خَادِمًا بِطَعَامِهِ، فَإِنْ لَمْ يُجْلِسْهُ مَعَهُ فَلْيُنْوَلْهُ لُقْمَةً أَوْ لُقْمَتَيْنِ، أَوْ أُكْلَةً أَوْ أُكْلَتَيْنِ، فَإِنَّهُ وَلِيَ عِلْمَهُ». [انظر: ٥٤٦٠]

(١٩) بَابٌ: الْعَبْدُ رَاعٌ فِي مَالِ سَيِّدِهِ، وَنَسَبَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَيْهِ

٢٥٥٨ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الرُّهْرِيِّ قَالَ: أَخْبَرَنِي سَالْمُ ابْنُ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّهُ سَمِعَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «كُلُّكُمْ رَاعٍ وَمَسْؤُلٌ عَنْ رَعِيَّتِهِ، فَالإِلَامُ رَاعٍ وَمَسْؤُلٌ عَنْ رَعِيَّتِهِ، وَالرَّجُلُ فِي أَهْلِهِ رَاعٍ وَهُوَ مَسْؤُلٌ عَنْ رَعِيَّتِهِ، وَالمرْأَةُ فِي بَيْتِ زَوْجِهَا رَاعِيَّةٌ وَهِيَ مَسْؤُلَةٌ عَنْ رَعِيَّتِهَا. وَالخَاتِمُ فِي مَالِ سَيِّدِهِ رَاعٍ وَهُوَ مَسْؤُلٌ عَنْ رَعِيَّتِهِ». قَالَ: فَسَيَعْتُ هُؤُلَاءِ مِنَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَخْبَرُ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «وَالرَّجُلُ فِي مَالِ أَبِيهِ رَاعٍ وَمَسْؤُلٌ عَنْ رَعِيَّتِهِ، فَكُلُّكُمْ رَاعٍ وَكُلُّكُمْ

مَسْؤُلٌ عَنْ رَعِيَّتِهِ». [راجع: ٨٩٣]

(20) CHAPTER. If somebody beats a slave, he should avoid his face.

٢٠) بَابٌ إِذَا ضَرَبَ الْعَبْدَ فَلْيَجْتَنِبْ
الْوَجْهَ

2559. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "If somebody fights (or beats somebody) then he should avoid (hitting) the face."

٢٥٥٩ - حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ
اللهِ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: حَدَّثَنِي
مَالِكُ بْنُ أَنَسٍ قَالَ: وَأَخْبَرَنِي ابْنُ
فُلَانٍ، عَنْ سَعِيدِ الْمَقْبُرِيِّ، عَنْ أَبِيهِ،
عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ
النَّبِيِّ ﷺ. حَوْدَثَنِي عَبْدُ اللهِ بْنُ
مُحَمَّدٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا
مَعْمَرٌ، عَنْ هَمَامٍ، عَنْ أَبِي هُرَيْرَةَ
رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ ﷺ قَالَ:
«إِذَا قاتَلَ أَحَدُكُمْ فَلْيَجْتَنِبْ الْوَجْهَ».

٥٠ - THE BOOK OF AL-MUKĀTAB

(A slave who binds himself to pay a certain amount equivalent for his freedom by seeking writing of emancipation from his master).

CHAPTER. The sin of one who falsely accuses his slave of illegal sexual intercourse.

(1) CHAPTER. *Al-Mukātab* and the payment of his price by yearly installment.

And Allāh's Statement:

"...And such of your slaves as seek a writing (of emancipation), give them such writing, if you find that there is good and honesty in them. And give them something (yourselves) out of the wealth of Allāh which He has bestowed upon you..." (V.24:33)

Narrated Ibn Juraij: I asked 'Atā', "Will it be necessary for me to give a slave the writing of emancipation if I come to know that such a slave has money or property?" 'Atā' replied, "I consider it obligatory."

'Amr bin Dīnār asked 'Atā', "Have you a proof (narration) for your verdict?" He replied in the negative and added that Mūsa bin Anas told him that Sirīn sought from Anas a writing of emancipation, and Sirīn was a very rich slave, but Anas refused to grant him his desire. Sirīn went to 'Umar رضي الله عنه who ordered Anas with his lash and recited:

'Give them such writing, if you find that there is good and honesty in them...' (V.24:33)

Anas then gave him a writing (of emancipation)."

2560. Narrated 'Aishah رضي الله عنها that Barīra came to seek her help in her writing of emancipation and she had to pay five *Uqīya*

٥٠ - كتاب المكاتب

باب إثم من قذف مملوكة

(١) باب المكاتب ونحوه، في كل سنة نجم

وقوله: ﴿وَالَّذِينَ يَتَغَуَّلُونَ الْكِتَبَ مَا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ حَيْرًا وَأَوْهُمْ مَنْ مَالَ اللَّهُ الَّذِي مَالَ إِنْتُمْ﴾ [النور: ٣٢] وقال روح، عن ابن جريج: قلت لعطا: أواجب على إذا علمت له مالاً أن أكتبه؟ قال: ما أراه إلا واجباً. وقال عمرو بن دينار: قلت لعطا: أناثره عن أخي؟ قال: لا. ثم أخبرني أن موسى بن نسي أخبره أن سيرين سأله أنسا المكابية وكان كثير المال فأبي، فانطلق إلى عمر رضي الله عنه فقال: كاتبها فأبي فصربه بالدرة ويتلو عمر فكتابه إن علمتم فيهم حيراً﴾ [النور: ٣٣]

٢٥٦٠ - وقال الليث: حدثني يوش عن ابن شهاب: قال عروفة:

(of gold) by five yearly installments. ‘Āishah said to her, “Do you think that if I pay the whole sum at once, your masters will sell you to me, and I will free you and your *Walā’*⁽¹⁾ will be for me.” Barīra went to her masters and told them about that offer. They said that they would not agree to it unless her *Walā’* would be for them. ‘Āishah further said, “I went to Allāh’s Messenger ﷺ and told him about it.” Allāh’s Messenger ﷺ said to her, “Buy Barīra and manumit her and the *Walā’* will be for the liberator.” Allāh’s Messenger ﷺ then got up and said, “What about those people who stipulate conditions that are not present in Allāh’s Laws? If anybody stipulates a condition which is not in Allāh’s Laws, then what he stipulates is invalid. Allāh’s Conditions (Laws) are the truth and are more solid.”

قالت عائشة رضي الله عنها: إن بريرة دخلت عليها تستعينها في كتابتها وعلنها خمس أواقى نجمت عليها في خمس سينين. فقالت لها عائشة ونفست فيها: أرأيت إن عدلت لهم عدة واحدة، أيبيعك أهلك فأغدقك فيكون لا يُوك لي؟ فذهبت بريرة إلى أهلها فعرضت ذلك عليهم فقالوا: لا، إلا أن يكون لنا الولاء. قالت عائشة: فدخلت على رسول الله ﷺ فذكرت ذلك له، فقال لها رسول الله ﷺ: «اشترىها فأغدقها فإنما الولاء لمن أغدق». ثم قام رسول الله ﷺ فقال: «ما بال رجال يسترطون شروطاً ليس في كتاب الله؟ من اشترب شرطاً ليس في كتاب الله فهو باطل، شرط الله أحق وأوثق». [راجع: ٤٥٦]

(٢) باب ما يحجز من شروط المكاتب، ومن اشترب شرطاً ليس في كتاب الله، فيه عن ابن عمر.

٢٥٦١ - حَدَّثَنَا قُتْمَيْهُ: حَدَّثَنَا الْلَّيْثُ، عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ: أَنَّ عائشةَ رضي الله عنها أخبرته: أَنَّ بريرة جاءت تستعينها في كتابتها ولم تكن فقحت من كتابتها شيئاً، قال

(2) CHAPTER. What conditions are permissible for a writing of emancipation and whoever stipulates conditions that are not (present) in Allāh’s Book (i.e., not in accordance with Allāh’s Laws).

Ibn ‘Umar narrated (the above).

2561. Narrated ‘Urwa that ‘Āishah told him that Barīra came to seek her help in her writing of emancipation (for a certain sum) and at that time she had not paid anything of it. ‘Āishah said to her, “Go back to your masters, and if they agree that I will pay the amount of your writing of emancipation and get your *Walā’*, I will do

(1) (H. 2560) *Walā’*: See glossary.

so.” Barīra informed her masters of that but they refused and said, “If she (i.e., ‘Āishah) is seeking Allāh’s Reward, then she can do so, but your *Walā’* will be for us.” ‘Āishah mentioned that to Allāh’s Messenger ﷺ who said to her, “Buy and manumit her, as the *Walā’* is for the liberator.” Allāh’s Messenger ﷺ then got up and said, “What about the people who stipulate conditions which are not present in Allāh’s Laws? Whoever imposes conditions which are not present in Allāh’s Laws, then those conditions will be invalid, even if he imposed these conditions a hundred times. Allāh’s Conditions (Laws) are the truth and are more solid.”

لَهَا عَائِشَةُ: ارْجِعِي إِلَى أَهْلِكِ فَإِنْ أَحْبَبْتُ أَنْ أَفْضِيَ عَنْكِ كِتَابَكِ وَيَكُونَ لَوْلَكِ لِي فَعَلْتُ. فَذَكَرَتْ ذَلِكَ بِرِيرَةً لِأَهْلِهَا فَأَبْوَا فَقَالُوا: إِنْ شَاءْتِ أَنْ تَحْتَسِبَ عَلَيْكِ فَلْتَفْعَلْ، وَيَكُونُ لَوْلَكِ لَنَا. فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «ابْنَاعِي فَأُعْتَقِي فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ». قَالَ: ثُمَّ قَامَ رَسُولُ اللَّهِ ﷺ فَقَالَ: «مَا بَالُ أَنْاسٍ يَشْتَرِطُونَ شُرُوطًا لَيَسْتُ فِي كِتَابِ اللَّهِ؟ مَنْ اشْتَرَطَ شُرُوطًا لَيَسَّرَ فِي كِتَابِ اللَّهِ فَلَيَسَّرَ لَهُ، وَإِنْ شَرَطَ مَا تَهْمَمَ مَرَّةً، شَرُوطُ اللَّهِ أَحَقُّ وَأَوْتَقُ». [راجع: ٤٥٦]

562. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُما wanted to buy a slave-girl in order to manumit her. The girl’s masters stipulated that her *Walā’* would be for them. Allāh’s Messenger ﷺ said (to ‘Āishah), “What they stipulate should not stop you, for the *Walā’* is for the liberator.”

٢٥٦٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَرَادَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا أَنْ تَشْتَرِيَ جَارِيَةً لِتَعْتَقَهَا، فَقَالَ أَهْلُهَا: عَلَى أَنْ وَلَاءَهَا لَنَا، قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَمْنَعُكِ ذَلِكَ فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ». [٢١٥٦]

(3) CHAPTER. *Al-Mukātab* is permitted to ask others to help him (get his liberation).

(٣) بَابُ اسْتِعَانَةِ الْمُكَاتَبِ وَسُؤَالِهِ النَّاسَ

563. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: Barīra came (to ‘Āishah) and said, “I have made a contract of emancipation with my masters for nine *Uqiyah* (of gold) to be paid in yearly installments. Therefore, I seek your help.”

٢٥٦٣ - حَدَّثَنَا عَبْيَضُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ

‘Āishah said, “If your masters agree, I will pay them the sum at once and free you on condition that your *Walā’* will be for me.” Barira went to her masters but they refused that offer. She (came back) and said, “I presented to them the offer but they refused, unless the *Walā’* will be for them.” Allāh’s Messenger ﷺ heard of that and asked me about it, and I told him about it. On that he said, “Buy and manumit her and stipulate that the *Walā’* should be for you, as *Walā’* is for the liberator.” ‘Āishah added, “Allāh’s Messenger ﷺ then got up amongst the people, glorified and praised Allāh, and said, ‘Then after: What about some people who impose conditions which are not present in Allāh’s Laws? So, any condition which is not present in Allāh’s Laws is invalid even if they were one hundred conditions. Allāh’s Ordinance is the truth, and Allāh’s Condition is stronger and more solid. Why do some men from you say, ‘O so-and-so! Manumit the slave but the *Walā’* will be for me?’ Verily, the *Walā’* is for the liberator.’”

الله عنها قال: جاءت بيررة، فقالت: إني كاتبت أهلي على تسع أوaci في كل عام أوقية فأعيبني. فقالت عائشة: إن أحبت أهلك أن أعدّها لهم عدة واحدة وأغتصب فعلت فيكون ولاوك لي. فذهب إلى أهليها فأبوا ذلك عليها، فقالت: إني قد عرّضت ذلك عليهم، فأبوا إلا أن يكون الولاء لهم. فسمع بذلك رسول الله ﷺ فسألني فأخبرته فقال: تحذّيها فأغتصبها واشترطها لهم الولاء، فإن الولاء لمن أغتنق. قال عائشة: فقام رسول الله ﷺ في الناس فحمد الله وأثنى عليه، ثم قال: أما بعد، ما بال رجال يشتّرون شروطاً ليست في كتاب الله؟ فايما شرط كان ليس في كتاب الله فهو باطل وإن كان مائة شرط. فقضاء الله أحق، وشرط الله أوثق، ما بال رجال منكم يقولون أحدهم: أعني يا فلانولي الولاء، إنما الولاء لمن أغتنق». [راجع: ٤٥٦]

(4) CHAPTER. The selling of a *Mukātab* on his agreement.

‘Āishah said, “A *Mukātab* remains a slave as long as he has not paid the whole amount.” Zaid bin Thābit said, “He remains a slave even if he owed one Dirham.” Ibn ‘Umar said, “He remains a slave whether living or dead, or became insane, so long as he still has to pay

وقالت عائشة: هو عبد ما بقي عليه شيء. وقال زيد بن ثابت: ما بقي عليه درهم. وقال ابن عمر: هو عبد إن عاش وإن مات وإن جنى ما بقي عليه شيء.

something (from the writing of emancipation).”

2564. Narrated ‘Amra bint ‘Abdur-Rahmān: Barīra went to ‘Āishah, the Mother of the faithful believers رَضِيَ اللَّهُ عَنْهَا, to seek her help in her emancipation. ‘Āishah said to her, “If your masters agree, I will pay them your price in a lump sum and manumit you.” Barīra mentioned that offer to her masters but they refused to sell her unless the *Walā’* will be for them. ‘Āishah told Allāh’s Messenger ﷺ about it. He said, “Buy and manumit her as the *Walā’* is for the liberator.”

(5) CHAPTER. If a *Mukātab* slave asks somebody to buy and free him, it is permissible for that person to buy him.

2565. Narrated ‘Abdul Wāhid bin Aiman: I went to ‘Āishah رَضِيَ اللَّهُ عَنْهَا and said, “I was the slave of Utba bin Abū Lahab. ‘Utba died and his sons became my masters who sold me to Ibn Abū ‘Amr who manumitted me. The sons of ‘Utba stipulated that my *Walā’* should be for them.” ‘Āishah said, “Barīra came to me and she was given the writing of emancipation by her masters and she asked me to buy and manumit her. I agreed to it, but Barīra told me that her masters would not sell her unless her *Walā’* will be for them.” ‘Āishah said, “I am not in need of that.” When the Prophet ﷺ heard that, or he was told about it, he asked ‘Āishah about it. ‘Āishah mentioned what Barīra had told her. The Prophet ﷺ said, “Buy and manumit her

٢٥٦٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بْنِتِ عَبْدِ الرَّحْمَنِ: أَنَّ بَرِيرَةَ جَاءَتْ سَتْعِينُ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ رَضِيَ اللَّهُ عَنْهَا، فَقَالَتْ لَهَا: إِنْ أَحَبَّ أَهْلَكَ أَنْ أَصْبَحَ لَهُمْ ثَمَنَكَ صَبَّةً وَاحِدَةً وَأَعْيُقْكَ فَعَلَتْ. فَذَكَرَتْ بَرِيرَةَ ذَلِكَ لِأَهْلِهِمْ فَقَالُوا: لَا، إِلَّا أَنْ يَكُونَ الولَاءُ لَنَا، قَالَ مَالِكُ: قَالَ يَحْيَى: فَرَعَمَتْ عَمْرَةَ أَنَّ عَائِشَةَ ذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «اشتَرِيَهَا وَأَعْيُقْهَا، فَإِنَّما الولَاءُ لِمَنْ أَعْنَقَ». [راجع: ٤٥٦]

(٥) بَابُ إِذَا قَالَ الْمُكَاتِبُ: اشْتَرِنِي وَأَعْيُقْنِي، فَاشْتَرَاهُ لِذَلِكَ

٢٥٦٥ - حَدَّثَنَا أَبُو ثُعَيمٍ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ أَيْمَنَ عَنْ أَبِيهِ قَالَ: دَخَلْتُ عَلَى عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا فَقُلْتُ: كُنْتُ عُلَامًا لِعُتْبَةَ بْنِ أَبِي لَهَبٍ وَمَاتَ وَوَرَثَنِي بُنُوهُ، وَإِنَّهُمْ بَاعُونِي مِنْ أَبِنِ أَبِي عَمْرِو فَاعْتَقَنِي أَبِنُ، وَاشْتَرَطَ بَنُو عُتْبَةَ الولَاءَ فَقَالَتْ: دَخَلْتُ بَرِيرَةَ وَهِيَ مُكَاتِبَةُ فَقَالَتْ: اشْتَرِنِي فَأَعْيُقْنِي. قَالَتْ: نَعَمْ، قَالَتْ: لَا يَبِيعُونِي حَسَنَ يَشْتَرِطُوا وَلَائِي. فَقَالَتْ: لَا حَاجَةَ

and let them stipulate whatever they like.” So, ‘Aishah bought and manumitted her and her masters stipulated that her *Walā’* should be for them. The Prophet ﷺ said, “The *Walā’* will be for the liberator even if they stipulated a hundred conditions.”

لِي بِذَلِكَ، فَسَمِعَ بِذَلِكَ النَّبِيُّ ﷺ - أَوْ بَلَغَهُ - فَذَكَرَ ذَلِكَ لِعَائِشَةَ، فَذَكَرَتْ عَائِشَةً مَا قَالَتْ لَهَا، فَقَالَ: «اشْتَرِيهَا فَأَعْنِقُهَا وَذَعِيهِمْ يَشْتَرِطُوا مَا شَاءُوا» فَاشْتَرَتْهَا عَائِشَةُ فَأَعْنَقَتْهَا وَاشْتَرَطَ أَهْلُهَا الولاء. فَقَالَ النَّبِيُّ ﷺ: «الولاءُ لِمَنْ أَعْنَىٰ وَإِنْ اشْتَرَطُوا مِائَةً شَرْطٍ».

51 – THE BOOK OF GIFTS AND THE SUPERIORITY OF GIVING GIFTS AND THE EXHORTATION FOR GIVING GIFTS

(1) CHAPTER. Superiority of giving gifts.

2566. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, “O Muslim women! None of you should look down upon the gift sent by her she-neighbour even if it were the trotters of the sheep (fleshless part of legs).”

2567. Narrated ‘Urwa : ‘Aishah رَضِيَ اللَّهُ عَنْهَا said to me, “O my nephew! We used to see the crescent, and then the crescent in this way we saw three crescents in two months and no fire (for cooking) used to be made in the houses of Allāh’s Messenger ﷺ. I said, “O my aunt! Then what use to sustain you?” ‘Aishah said, “The two black things: dates and water, our neighbours from Anṣār had some *Manā’ih*⁽¹⁾ and they used to present Allāh’s Messenger ﷺ some of their milk and he used to make us drink.”

(2) CHAPTER. Giving a little as a gift.

٥١ - كتاب الهبة وفضلها والتحريض عليها

(١) باب فضل الهبة
٢٥٦٦ - حَدَّثَنَا عَاصِمٌ بْنُ عَلَيٍّ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ، عَنِ الْمَقْبِرِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ التَّبَّيِّنِ قَالَ: «يَا نِسَاءَ الْمُسْلِمِاتِ، لَا تَحْقِرْنَ جَارَةً لِجَارَتِهَا وَلَوْ فِرْسَنْ شَاءَ». [انظر: ٦٠١٧]

٢٥٦٧ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ الْأَوَّلِيِّ: حَدَّثَنَا ابْنُ أَبِي حَازِمٍ، عَنْ أَبِيهِ، عَنْ يَزِيدَ بْنِ رُومَانَ، عَنْ عُرْوَةَ، عَنْ عَاشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّهَا قَالَتْ لِعُرْوَةَ: إِنَّمَا أَخْتَيَ، إِنْ كُنَّا لَسْتَنُورُ إِلَى الْهِلَالِ، ثُمَّ الْهِلَالُ ثَلَاثَةُ أَهْلَهُ فِي شَهْرَيْنِ وَمَا أُوقِدَتْ فِي أَبْيَاتِ رَسُولِ اللَّهِ ﷺ نَارٌ، فَقُلْتُ: يَا خَالَةُ، مَا كَانَ يُعِيشُكُمْ؟ قَالَتْ: الْأَسْوَدَانُ: الْتَّمُّرُ والمَاءُ، إِلَّا أَنَّهُ فَدٌ كَانَ لِرَسُولِ اللَّهِ ﷺ جِيْرَانٌ مِنَ الْأَنْصَارِ كَانَتْ لَهُمْ مَنَاجُعُ، وَكَانُوا يَمْنَحُونَ رَسُولَ اللَّهِ ﷺ مِنْ أَلْبَانِهِمْ فَيَسْقِيْنَا. [انظر: ٦٤٥٨]

(٢) باب القليل من الهبة

(1) (Ch. 2567) *Manā’ih* is the plural of *Manīha*, which means a special sort of gift in the form of a she-camel or a sheep which is given temporarily so that its milk may be used and then it is returned to the owner.

2568. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, “I shall accept the invitation even if I were invited to a meal of a sheep’s trotter, and I shall accept the gift even if it were an arm or a trotter of a sheep.”

٢٥٦٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا ابْنُ أَبِي عَدَى، عَنْ شَعْبَةَ، عَنْ سُلَيْمَانَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ السَّيِّدِ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: «لَوْ دُعِيْتُ إِلَى ذَرَاعٍ أَوْ كُرَاعٍ لَأَجْبَتُ، وَلَوْ أُهْدِيْتُ إِلَيْهِ ذَرَاعًا أَوْ كُرَاعًا أَقْبَلْتُ». [٥١٧٨] [انظر: ٣٠]

(3) CHAPTER. Whoever asks his friends to grant him a gift.

Narrated Abū Sa’id رَضِيَ اللَّهُ عَنْهُ said, “Assign a share for me with you.”

وَقَالَ أَبُو سَعِيدٍ: قَالَ النَّبِيُّ ﷺ: «اَسْتَوْهَبَ مِنْ اصْحَابِهِ شَيْئًا

2569. Narrated Sahl رَضِيَ اللَّهُ عَنْهُ said: The Prophet ﷺ sent for a woman from the emigrants and she had a slave who was a carpenter. The Prophet ﷺ said to her “Order your slave to prepare the wood (pieces) for the pulpit.” So, she ordered her slave who went and cut the wood from the tamarisk and prepared the pulpit for the Prophet ﷺ. When he finished the pulpit, the woman informed the Prophet ﷺ that it had been finished. The Prophet ﷺ asked her to send that pulpit to him, so they brought it. The Prophet ﷺ lifted it and placed it at the place in which you see now.”

٢٥٦٩ - حَدَّثَنَا ابْنُ أَبِي مَرْيَمَ: حَدَّثَنَا أَبُو عَسَانَ قَالَ: حَدَّثَنِي أَبُو حَازِمٍ، عَنْ سَهْلٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ أَرْسَلَ إِلَيْهِ امْرَأَةً مِنَ الْمُهَاجِرِينَ وَكَانَ لَهَا غُلَامٌ نَجَّارٌ، قَالَ لَهَا: «أُمِّي عَبْدُكَ فَلَيَعْمَلْ لَنَا أَعْوَادَ الْمُبَنِّيرِ». فَأَمَرَتْ عَبْدَهَا فَلَذَهَبَ فَقَطَعَ مِنَ الطَّرْفَاءِ فَصَنَعَ لَهُ مِنْبَرًا. فَلَمَّا قَضَاهُ أَرْسَلَتْ إِلَيْهِ النَّبِيُّ ﷺ أَنَّهُ قَدْ قَضَاهُ، قَالَ ﷺ: «أَرْسَلِي إِلَيْهِ»، فَجَاءُوهُ بِهِ فَاحْتَمَلَهُ النَّبِيُّ ﷺ فَوَضَعَهُ حَيْثُ تَرَوْنَ. [٣٧٧] [راجع: ٣٧٧]

2570. Narrated ‘Abdullāh bin Abū Qatāda Al-Aslāmī that his father رَضِيَ اللَّهُ عَنْهُ said, “One day I was sitting with some of the Prophet’s companions on the way to Makkah. Allāh’s Messenger ﷺ was ahead of us. All of my companions were in the state of *Iḥrām* while I was a non-*Muhrim*. They saw an onager while I was busy repairing my

٢٥٧٠ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ جَعْفَرٍ، عَنْ أَبِي حَازِمٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَنَادَةَ السَّلَمِيِّ، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنْتُ يَوْمًا جَالِسًا مَعَ

shoes, so they did not tell me about it but they wished I had seen it. By chance I looked up and saw it. So, I turned to the horse, saddled it and rode on it, forgetting to take the spear and the whip. I asked them if they could hand over to me the whip and the spear but they said, 'No, by Allāh, we shall not help you in that in any way.' I became angry and got down from the horse, picked up both the things and rode the horse again. I attacked the onager and slaughtered it, and brought it. They took it (cooked some of it) and started eating it, but they doubted whether it was allowed for them to eat it or not, as they were in the state of *Ihrām*. So, we proceeded and I hid with me one of its forelegs. When we met Allāh's Messenger ﷺ and asked him about the case, he asked, 'Do you have a portion of it with you?' I replied in the affirmative and gave him that fleshy foreleg and he ate all of it, while he was in the state of *Ihrām*."

رجالٌ مِنْ أَصْحَابِ النَّبِيِّ ﷺ فِي
مَنْزِلٍ فِي طَرِيقِ مَكَّةَ، وَرَسُولُ اللَّهِ ﷺ
نَازِلٌ أَمَامَنَا وَالْقَوْمُ مُخْرِمُونَ وَأَنَا عَيْرُ
مُخْرِمٌ، فَأَبْصَرُوا حِمَاراً وَخَشِيشَةً، وَأَنَا
مَشْغُولٌ أَخْصِفُ نَعْلِي فَلَمْ يُؤْذِنُونِي
بِهِ، وَأَحَبُّوا لَوْ أَنِّي أَبْصِرْتُهُ، فَالْفَتَّ
فَأَبْصِرْتُهُ فَقَمْتُ إِلَى الْفَرَسِ فَأَسْرَجْتُهُ
ثُمَّ رَكِبْتُ وَنَسَيْتُ السُّوْطَ وَالرُّمَحَ،
فَقَلَّتُ لَهُمْ: نَاوِلُونِي السُّوْطَ وَالرُّمَحَ،
فَقَالُوا: لَا، وَاللَّهِ لَا نُعِينُكَ عَلَيْهِ
بِشَيْءٍ. فَغَضِبْتُ فَنَزَّلْتُ فَأَخْذَتُهُمَا ثُمَّ
رَكِبْتُ فَشَدَّدْتُ عَلَى الْحِمَارِ فَعَقَرْتُهُ
ثُمَّ جَئْتُ بِهِ وَقَدْ مَاتَ فَوَقَعُوا فِيهِ
يَأْكُلُونَهُ، ثُمَّ إِنَّهُمْ شَكُوا فِي أَكْلِهِمْ
إِيَاهُ وَهُمْ حُرُمٌ، فَرُحْنَا وَخَبَأْتُ الْعَضْدَ
مَعِي. فَأَدْرَكْنَا رَسُولَ اللَّهِ ﷺ فَسَأَلَنَا
عَنْ ذَلِكَ فَقَالَ: «مَعَكُمْ مِنْهُ شَيْءٌ؟»
فَقَلَّتْ: نَعَمْ، فَنَأَوْلَتُهُ الْعَضْدَ فَأَكَلَهَا
حَتَّى نَفَدَهَا وَهُوَ مُخْرِمٌ. فَحَدَّثَنِي بِهِ
رَيْدُ بْنُ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ،
عَنْ أَبِي قَتَادَةَ عَنِ النَّبِيِّ ﷺ.

[راجع: ١٨٢١]

(4) CHAPTER. Whoever asks others to give him water.

(٤) بَابُ مَنْ اسْتَسْقَى،
وَقَالَ سَهْلٌ: قَالَ لِي النَّبِيُّ ﷺ:
«اسْقِنِي». ٢٥٧١

٢٥٧١ - حَدَّثَنَا خَالِدُ بْنُ مَحْلِدٍ:
حَدَّثَنَا سُلَيْمَانُ بْنُ إِبْرَاهِيمَ: حَدَّثَنِي أَبُو
طَوَالَةَ - اسْمُهُ - عَبْدُ اللَّهِ بْنُ عَبْدِ

2571. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ Once Allāh's Messenger ﷺ visited us in this house of ours and asked for something to drink. We milked one of our sheep and mixed it with water from this well of ours and gave it to

him. Abū Bakr was sitting on his left side and ‘Umar in front of him and a bedouin on his right side. When Allāh’s Messenger ﷺ finished, ‘Umar said to Allāh’s Messenger ﷺ, “Here is Abū Bakr.” But Allāh’s Messenger ﷺ gave the remaining milk to the bedouin and said twice, “The (persons on) right side! So, start from the right side.” Anas added, “It is the Prophet’s Sunna,” and repeated it thrice.

الرَّحْمَنُ - قَالَ: سَمِعْتُ أَنَسَّا رَضِيَ اللَّهُ عَنْهُ يَقُولُ: أَتَانَا رَسُولُ اللَّهِ ﷺ فِي دَارِنَا هَذِهِ فَاسْتَسْقَى فَحَلَبْنَا لَهُ شَاءَ لَنَا، ثُمَّ شُبِّهَ مِنْ مَاءِ بَثْرَنَا هَذِهِ فَأَعْطَيْتُهُ، وَأَبْوَ بَكْرٍ عَنْ يَسَارِهِ وَعُمَرَ تُجَاهَهُ وَأَعْرَابَيَ عَنْ يَمِينِهِ. فَلَمَّا فَرَغَ قَالَ عُمَرُ: هَذَا أَبْوَ بَكْرٍ، فَأَعْطَى الْأَعْرَابَيَ فَضْلَهُ ثُمَّ قَالَ: «الْأَيْمَنُونَ الْأَيْمَنُونَ، أَلَا فَيَمِنُوا».

قَالَ أَنَسُ: فَهَيَ سُنَّةُ، فَهَيَ سُنَّةُ، ثَلَاثَ مَرَاتٍ. [راجع: ٢٣٥٢]

(٥) بَابُ قُبُولِ هَدِيَّةِ الصَّابِدِ
وَقَبْلَ النَّبِيِّ ﷺ مِنْ أَبِي قَتَادَةَ
عَصْدَ الصَّابِدِ.

(5) CHAPTER. Accepting the gift of game.

The Prophet ﷺ accepted the fleshy fore-leg of the game from Abū Qatāda.

2572. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ We provoked a rabbit at Marr-az-Zahrān till it started jumping and the people ran after it but were exhausted. I overpowered and caught it, and gave it to Abu Talhā who slaughtered it and sent its hip or two thighs to Allāh’s Messenger ﷺ. (The narrator confirms that he sent two thighs). The Prophet ﷺ accepted that. (The subnarrator asked Anas, “Did the Prophet ﷺ eat from it?” Anas replied, “He ate from it.”)

٢٥٧٢ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا شُبَّهُ، عَنْ هِشَامِ بْنِ زَيْدٍ بْنِ أَنَسٍ ابْنِ مَالِكٍ، عَنْ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَنْفَجْنَا أُرْبَيَا بِمَرَّ الظَّهَرَانِ فَسَعَى الْقَوْمُ فَلَعِنُوا فَأَذْرَكْتُهَا فَأَخْدَثْنَاهَا فَأَتَيْتُ بِهَا أَبَا طَلْحَةَ فَذَبَحَهَا وَبَعَثَ إِلَيْ رَسُولِ اللَّهِ ﷺ: بَوْرِكَهَا أَوْ فَخِذِينَهَا - قَالَ: فَخِذِينَهَا لَا شَكَ فِيهِ - فَقَبِيلَهُ. قُلْتُ: وَأَكَلَ مِنْهُ؟ قَالَ: وَأَكَلَ مِنْهُ، ثُمَّ قَالَ بَعْدُ: قَبِيلَهُ.

[انظر: ٥٤٨٩، ٥٥٣٥]

(٦) بَابُ قُبُولِ الْهَدِيَّةِ

2573. - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي مَالِكُ، عَنْ ابْنِ شَهَابٍ، عَنْ

(6) CHAPTER. The acceptance of a gift.

2573. Narrated As-Sā‘ib bin Jaththāma: رَضِيَ اللَّهُ عَنْهُ An onager was presented to Allāh’s Messenger ﷺ at the place called Al-

Abwā' or Waddān, but Allāh's Messenger ﷺ rejected it. When the Prophet ﷺ noticed the signs of sorrow on the giver's face he said, "We have not rejected your gift, but we are in the state of *Ihrām*." (i.e., if we were not in a state of *Ihrām* we would have accepted your gift, *Fath Al-Bārī*).

عَبْيَدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُتْبَةِ بْنِ مَسْعُودٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنِ الصَّعِيبِ بْنِ جَحَّامَةَ رَضِيَ اللَّهُ عَنْهُمْ: أَنَّهُ أَهْدَى لِرَسُولِ اللَّهِ ﷺ حِمَاراً وَحْشِيًّا وَهُوَ بِالْأَبْوَاءِ أَوْ بِوَدَانِ فَرَدَ عَلَيْهِ، فَلَمَّا رَأَى مَا فِي وَجْهِهِ قَالَ: «أَمَا إِنَّا لَمْ نَرُدْهُ عَلَيْكَ إِلَّا أَنَا حُرُمٌ».

[راجع: ١٨٢٥]

(7) CHAPTER. The acceptance of a gift.

2574. Narrated 'Āishah, رَضِيَ اللَّهُ عَنْهَا The people used to look forward for the day of my ('Āishah's) turn to send gifts to Allāh's Messenger ﷺ in order to please him.

٢٥٧٤ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى: حَدَّثَنَا عَبْدَهُ: حَدَّثَنَا هِشَامٌ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ النَّاسَ كَانُوا يَتَحَرَّوْنَ بِهِدَايَاهُمْ يَوْمَ عَائِشَةَ يَتَعَوَّنُ إِلَيْهَا، أَوْ يَتَعَوَّنُ بِذَلِكَ مَرْضَاةَ رَسُولِ اللَّهِ ﷺ. [انظر: ٢٥٨٠، ٣٧٧٥، ٢٥٨١]

2575. Narrated Ibn 'Abbās رَضِيَ اللَّهُ عَنْهُمَا: My aunt Umm Ḥufaid, sent some dried yoghurt (butter free), ghee (clarified butter) and a mastigar (sand lizard) to the Prophet ﷺ as a gift. The Prophet ﷺ ate the dried yoghurt and butter but left the mastigar because he disliked it. Ibn 'Abbās said, "The mastigar was eaten at the table of Allāh's Messenger ﷺ and if it had been illegal to eat, it could not have been eaten at the table of Allāh's Messenger ﷺ."

٢٥٧٥ - حَدَّثَنَا آدُمُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا جَعْفُرُ بْنُ إِيَّاسٍ قَالَ: سَمِعْتُ سَعِيدَ بْنَ جُبَيرَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَهْدَتْ أُمُّ حُكَيْمٍ خَالَةُ ابْنِ عَبَّاسٍ إِلَيَّ التَّبَيِّنَ أَقْطَأَهَا وَسَمَّنَهَا وَأَصْبَأَهَا، فَأَكَلَ الْبَيِّنَ مِنَ الْأَقْطَأِ وَالسَّمْنِ وَتَرَكَ الْأَصْبَأَ تَقْدِرًا. قَالَ ابْنُ عَبَّاسٍ: فَأَكَلَ عَلَى مَايَدَةِ رَسُولِ اللَّهِ ﷺ وَلَوْ كَانَ حَرَاماً مَا أَكَلَ عَلَى مَايَدَةِ رَسُولِ اللَّهِ ﷺ.

[انظر: ٥٣٨٩، ٥٤٠٢، ٥٤٥٨]

2576. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: Whenever a meal was brought to Allāh's

٢٥٧٦ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ

Messenger ﷺ, he would ask whether it was a gift or *Ṣadaqa* (something given in charity). If he was told that it was *Ṣadaqa*, he would tell his Companions to eat it, but if it was a gift, he would hurry to share it with them.

الْمُنْذِرُ: حَدَّثَنَا مَعْنُ قَالَ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ طَهْمَانَ، عَنْ مُحَمَّدِ بْنِ زِيَادٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أُتِيَ بِطَعَامٍ سَأَلَ عَنْهُ: «أَهْدِيَةٌ أَمْ صَدَقَةٌ؟» فَإِنْ قِيلَ: صَدَقَةٌ. قَالَ لِأَصْحَابِهِ: «كُلُوا» وَلَمْ يَأْكُلْ، وَإِنْ قِيلَ: هَدِيَةٌ ضَرَبَ بِيَدِهِ ﷺ فَأَكَلَ مَعَهُمْ.

٢٥٧٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عُنْدَرُ: حَدَّثَنَا شُعْبَةُ، عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَتَيَ النَّبِيُّ ﷺ بِلَحْمٍ، فَقِيلَ: تُصْدِقُ عَلَى بَرِيرَةَ، قَالَ: «هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَةٌ». [راجع: ١٤٩٥]

2577. Narrated Anas bin Mâlik رضي الله عنه: Some meat was brought to the Prophet ﷺ and it was said that the meat had been given in charity to Barîra. He said, "It was *Ṣadaqa* (charity) for Barîra but a gift for us."

2578. Narrated 'Âishah رضي الله عنها: I intended to buy Barîra but her masters stipulated that her *Wâla'* should be for them. When the Prophet ﷺ was told about it, he said to me, "Buy and manumit her, as the *Wâla'* is for the liberator." Once, Barîra was given some meat, and the Prophet ﷺ asked, "What is this?" I said, "It has been given to Barîra in charity." He said, "It is *Ṣadaqa* (charity) for her but a gift for us." Barîra was given the option (to stay with her husband or to part with him). 'Abdur-Rahmân (a subnarrator) wondered, "Was her husband a slave or a free man?" Shu'ba (another subnarrator) said, "I asked 'Abdur-Rahmân whether her husband was a slave or a free man. He replied that he did not know whether he was a slave or a free man."

٢٥٧٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عُنْدَرُ، حَدَّثَنَا شُعْبَةُ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ القَاسِمِ قَالَ: سَمِعْتُهُ مِنْ عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّهَا أَرَادَتْ أَنْ تَشْتَرِي بَرِيرَةَ وَأَنَّهُمْ اشْتَرَطُوا لِوَاءَهَا، فَذَكَرَ لِلنَّبِيِّ ﷺ فَقَالَ النَّبِيُّ ﷺ: «اشْتَرِيهَا فَأُغْتَقِيَهَا، فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ». وَأَهْدِيَ لَهَا لَحْمَ فَقَالَ النَّبِيُّ ﷺ: مَا هَذَا قُلْتُ: تُصْدِقُ عَلَى بَرِيرَةَ، فَقَالَ: «هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَةٌ». وَخَيَّرَتْ بَرِيرَةَ، قَالَ عَبْدُ الرَّحْمَنِ: رَوْجُهَا حُرٌّ أَوْ عَبْدٌ. قَالَ شُعْبَةُ: سَأَلْتُ عَبْدَ الرَّحْمَنَ عَنْ

رَوْجِهَا قَالَ: لَا أَدْرِي أُحْرَأْ أُمْ عَبْدُ؟ .

[راجع: ٤٥٦]

2579. Narrated Umm ‘Atīyya رَضِيَ اللَّهُ عَنْهَا: Once the Prophet ﷺ went to ‘Aishah and asked her whether she had something (to eat). She said that she had nothing except the mutton which Umm ‘Atīyya had sent to (Barira) in charity. The Prophet ﷺ said that it had reached its destination (i.e., it is no longer an object of charity.)

٢٥٧٩ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقاَتِلٍ أَبُو الْحَسَنِ: أَخْبَرَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ، عَنْ خَالِدِ الْحَذَاءِ، عَنْ حَفْصَةَ بِنْتِ سَبِيلِينَ، عَنْ أُمِّ عَطِيَّةَ قَالَتْ: دَخَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا فَقَالَ لَهَا: «عِنْدُكُمْ شَيْءٌ؟» قَالَتْ: لَا، إِلَّا شَيْءٌ بَعَثْتُ بِهِ أُمِّ عَطِيَّةَ مِنَ الشَّاةِ الَّتِي بَعَثْتُ إِلَيْهَا مِنَ الصَّدَقَةِ، قَالَ: «إِنَّهُ قَدْ بَلَغَ مَحْلَهَا». [راجع: ١٤٤٦]

(٨) بَابُ مَنْ أَهْدَى إِلَى صَاحِبِهِ
وَتَحَرَّى بَعْضَ نِسَائِهِ دُونَ بَعْضِ

(8) CHAPTER. Whosoever gave a gift to his friend and chose (the time) when he was at the home of some of his wives and did not give it to him, while he was in the homes of his other wives.

2580. Narrated ‘Aishah رَضِيَ اللَّهُ عَنْهَا: The people used to send gifts to the Prophet ﷺ on the day of my turn. Umm Salama said: “My companions (the wives of the Prophet other than ‘Aishah رَضِيَ اللَّهُ عَنْهَا) gathered and they complained about it. So I informed the Prophet ﷺ about it on their behalf, but he remained silent.

٢٥٨٠ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ النَّاسُ يَتَحَرَّوْنَ بِهَدَايَاهُمْ يَوْمِي، وَقَالَتْ أُمُّ سَلَمَةَ: إِنَّ صَوَاعِيْبِي اجْتَمَعْنَ فَذَكَرْتُ لَهُ فَأَعْرَضَ عَنْهَا. [راجع: ٢٥٧٤]

٢٥٨١ - حَدَّثَنَا إِسْمَاعِيلُ: قَالَ حَدَّثَنِي أَخِي، عَنْ سُلَيْمَانَ، عَنْ هِشَامِ ابْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ نِسَاءَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كُنْ حِزْبَيْنِ: فَحِزْبُ

2581. Narrated ‘Urwa that ‘Aishah رَضِيَ اللَّهُ عَنْهَا said: The wives of Allāh’s Messenger ﷺ were in two groups.” ‘Urwa added: One group consisted of ‘Aishah, Hafṣa, Ṣafiyah and Saudah; and the other group consisted of Umm Salama and the other wives of Allāh’s Messenger ﷺ. The Muslims knew that Allāh’s Messenger loved ‘Aishah, so if any

of them had a gift and wished to give to Allāh's Messenger ﷺ, he would delay it till Allāh's Messenger ﷺ had come to 'Āishah's home and then he would send his gift to Allāh's Messenger ﷺ in her home. The group of Umm Salama discussed the matter together and decided that Umm Salama should request Allāh's Messenger ﷺ to tell the people to send their gifts to him in whatever wife's house he was. Umm Salama told Allāh's Messenger ﷺ of what they had said, but he did not reply. Then they (those wives) asked Umm Salama about it. She said, "He did not say anything to me." They asked her to talk to him again. She talked to him again when she met him on her day, but he gave no reply. When they asked her, she replied that he had given no reply. They said to her, "Talk to him till he gives you a reply." When it was her turn, she talked to him again. He then said to her, "Do not hurt me regarding 'Āishah, as the Divine Revelations do not come to me on any of the beds except that of 'Āishah." On that Umm Salama said, "I repent to Allāh for hurting you." Then the group of Umm Salama called Fātima, the daughter of Allāh's Messenger ﷺ and sent her to Allāh's Messenger ﷺ to say to him, "Your wives request to treat them and the daughter of Abū Bakr on equal terms." Then Fātima conveyed the message to him. The Prophet ﷺ said, "O my daughter! Don't you love whom I love?" She replied in the affirmative and returned and told them of the situation. They requested her to go to him again, but she refused. They then sent Zainab bint Jahsh who went to him and used harsh words saying, "Your wives request you to treat them and the daughter of Ibn Abū Quhāfa on equal terms." On that she raised her voice and turned to 'Āishah who was sitting and insulted her so much so that

فيه عائشةٌ وحفصةٌ وصفيةٌ وسودةٌ.
والحزب الآخر: أم سلمة وسائر
نساء رسول الله ﷺ. وكان
المسلمون قد علموا حب رسول الله
عائشة، فإذا كانت عند أحدهم
هدية يربدها إلى رسولها حتى إذا كان رسول الله
آخرها حتى إذا كان رسول الله
في بيته عائشة بعث صاحب
الهدية إلى رسول الله ﷺ في بيته
عائشة، فكلم حزب أم سلمة فقلن
لها: كلمي رسول الله ﷺ يكلم
الناسَ فيقول: من أراد أن يهدى إلى
رسول الله ﷺ هدية فليهدىها حيث
كان من نسائه، فكلمتُه أم سلمة بما
قلن فلم يقل لها شيئاً، فقلن لها:
فقالت: ما قال لي شيئاً، فقلن لها:
فكلميه. قالت: فكلمنتُه حين دار
إليها أيضاً فلم يقل لها شيئاً. فسألتها
فقالت: ما قال لي شيئاً، فقلن لها:
كلميه حتى يكلمك. فدار إليها
فكلمنتُه فقال لها: لا تؤذني في
عائشة، فإن الوحي لم يأتني وأنا في
نوب امرأة إلا عائشة. قالت:
فقلت: أتوب إلى الله من أذاك يا
رسول الله. ثم إنهم دعوْنَ فاطمة
بنت رسول الله ﷺ فأرسلت إلى
رسول الله ﷺ تقول: إن نساءك
يشدّنك الله العدل في بنت أبي بكر،

Allāh's Messenger ﷺ looked at 'Āishah to see whether she would retort. 'Āishah started replying to Zainab till she silenced her. The Prophet ﷺ then looked at 'Āishah and said, "She is really the daughter of Abū Bakr."⁽¹⁾

فَكَلَمْتُهُ فَقَالَ: «يَا بُنْيَةً أَلَا تُحِبِّينَ مَا أَحِبُّ؟» قَالَتْ: بَلِّي، فَرَجَعَتْ إِلَيْهِنَّ فَأَخْبَرْتُهُنَّ. فَقُلْنَ: ارْجِعِي إِلَيْهِ فَأَبْتَ أَنْ تَرْجِعَ. فَأَرْسَلْنَ رَبِيبَ بِنْ جَحْشَ فَأَتَتْهُ فَأَغْلَظَتْ وَقَالَتْ: إِنَّ نِسَاءَكَ يَنْشُدُنَّكَ الْعَدْلَ فِي بِنْتِ ابْنِ أَبِي فُحَافَةَ، فَرَفَعَتْ صَوْنَاهَا حَتَّى تَنَاوَلَتْ عَايَشَةَ وَهِيَ قَاعِدَةٌ فَسَبَّبَتْهَا حَتَّى إِنَّ رَسُولَ اللَّهِ ﷺ لَيُبَطِّرُ إِلَى عَايَشَةَ: هَلْ تَكَلَّمُ؟ قَالَ: فَكَلَمْتُ عَايَشَةَ تَرُدُّ عَلَى رَبِيبَ حَتَّى أَسْكَنَتْهَا، قَالَتْ: فَنَظَرَ النَّبِيُّ ﷺ إِلَى عَايَشَةَ فَقَالَ: «إِنَّهَا بِنْتُ أَبِي بَكْرٍ». [راجع: ٢٥٧٤]

قال البخاري: الكلام الأخير
قصة فاطمة، يذكر عن هشام بن
عروة، عن رجل: عن الزهرى، عن
محمد بن عبد الرحمن. وقال أبو
مروان، عن هشام، عن عروة: كان
الناس يتخررون بهداهم يوم عاشرة.
وعن هشام، عن رجل من قريش،
ورجل من الموالى، عن الزهرى،
عن محمد بن عبد الرحمن بن
الحارث بن هشام، قال عاشرة:
كنت عند النبي ﷺ فاستأنثت فاطمة.

(9) CHAPTER. What sort of presents (gifts) should not be rejected.

(٩) بَابُ ما لَا يُرْدُ مِنَ الْهَدِيَّةِ

2582. Narrated 'Azra bin Thābit Al-

٢٥٨٢ - حَدَّثَنَا أُبُو مَعْمَرٍ: حَدَّثَنَا

(1) (H. 2581) She is really as honest, wise and well-versed as her father.

Anṣārī: When I went to Thumama bin ‘Abdullāh, he gave me some perfume and said that Anas would not reject the gifts of perfume. Anas said: The Prophet ﷺ used not to reject the gifts of perfume.

عبد الوارث، حَدَّثَنَا عَزْرَةُ بْنُ ثَابِتِ
الأنصارِيُّ قَالَ: حَدَّثَنِي ثَمَامَةُ بْنُ عَمْدَانَ
اللَّهُ قَالَ: دَخَلْتُ عَلَيْهِ فَنَأَوَلَنِي صَبَّا
قَالَ: كَانَ أَنْسُ رَضِيَ اللَّهُ عَنْهُ لَا يَرْدُ
الطَّيِّبَ. قَالَ: وَرَأَعْمَ أَنْسُ أَنَّ النَّبِيَّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ لَا يَرْدُ الطَّيِّبَ. [انظر:]

[٥٩٢٩]

(10) CHAPTER. Whoever thinks that it is permissible to give as a gift, something not present.

2583, 2584. Narrated Al-Miswar bin Makhrama رضي الله عنهم and Marwān: When the delegates of the tribe of Hawāzin came to the Prophet ﷺ, he stood up amongst the people, glorified and praised Allāh as He deserved, and said, “Then after: Your brethren have come to you with repentance and I see it logical to return to them their captives; so whoever amongst you likes to do that as a favour, then he can do it, and whoever of you likes to stick to his share till we give him his right from the very first *Fai'* (war booty)⁽¹⁾ which Allāh will bestow on us, then (he can do so).” The people replied, “We do that (to return the captives) willingly as a favour for your sake.”

(١٠) بَابُ مَنْ رَأَى الْهَبَةَ الْغَائِيَةَ
جائِزَةً

٢٥٨٣ ، ٢٥٨٤ - حَدَّثَنَا سَعِيدُ
بْنُ أَبِي مَرِيمٍ: حَدَّثَنَا الْلَّيْلُ قَالَ:
حَدَّثَنِي عُقَيْلٌ، عَنْ ابْنِ شَهَابٍ قَالَ:
ذَكَرَ عُرْوَةُ أَنَّ الْمَسْوَرَ بْنَ مَعْخَرَةَ
رَضِيَ اللَّهُ عَنْهُمَا وَمَرْوَانَ أَخْبَرَاهُ: أَنَّ
النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حِينَ جَاءَهُ وَفْدُ هَوَازِنَ قَامَ
فِي النَّاسِ فَأَثْنَى عَلَى اللَّهِ بِمَا هُوَ
أَهْلُهُ، ثُمَّ قَالَ: «أَمَّا بَعْدُ، فَإِنَّ
إِخْوَانَكُمْ جَاؤُنَا تَائِبِينَ وَإِنِّي رَأَيْتُ أَنَّ
أَرْدِ إِلَيْهِمْ سَبَبِهِمْ، فَمَنْ أَحَبَّ مِنْكُمْ
أَنْ يُظْبِيَ ذَلِكَ فَلْيَفْعُلْ، وَمَنْ أَحَبَّ
أَنْ يَكُونَ عَلَى حَظِّهِ حَتَّى نُعْطِيهِ إِيَاهُ
مِنْ أَوَّلِ مَا يُفْكِرُ اللَّهُ عَلَيْنَا. فَقَالَ
النَّاسُ: طَيِّبُنَا لَكَ. [راجع: ٢٣٠٧]

[٢٣٠٨]

(11) CHAPTER. Compensation for a gift.

2585. Narrated ‘Āishah رضي الله عنها: Allāh’s Messenger ﷺ used to accept gifts and used to give something in return.

(١١) بَابُ الْمُكَافَأَةِ فِي الْهَبَةِ

٢٥٨٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
عِيسَى بْنُ يُونُسَ، عَنْ هِشَامٍ، عَنْ

(1) (H. 2583) *Fai'*: See glossary.

أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ : كَانَ رَسُولُ اللَّهِ يَقْبَلُ الْهَدِيَّةَ وَيُثْبِتُ عَلَيْهَا . لَمْ يَذْكُرْ وَكَيْعَ وَمُحَاضِرُ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ .

(12) باب الهبة للولد

وإذا أعطى بعض ولديه شيئاً لم يجز حتى يعدل بينهم ويعطي الآخر مثلاً ولا يشهد عليه . وقال النبي ﷺ: «اعدلوا بين أولادكم في العطية» . وهل للوالد أن يرجع في عطيته؟ وما يأكل من مال ولدي بالمعروف ولا يتعدى . واشتري النبي ﷺ من عمر بعيرا ثم أعطاها ابن عمر وقال: «اضئن به ما شئت» .

٢٥٨٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ ابْنِ شَهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، وَمُحَمَّدِ بْنِ التَّعْمَانِ بْنِ بَشِيرٍ: أَنَّهُمَا حَدَّثَاهُ عَنِ النَّعْمَانِ بْنِ بَشِيرٍ: أَنَّ أَبَاهُ أَتَى بِهِ إِلَى رَسُولِ اللَّهِ فَقَالَ: إِنِّي نَحَلَّتُ ابْنِي هَذَا غُلَامًا، فَقَالَ: «أَكُلَّ وَلَدِكَ نَحَلَّتْ مِثْلَهُ؟» قَالَ، لَا، قَالَ: «فَارْجُعْهُ». [انظر: ٢٥٨٧، ٢٦٥٠]

(13) باب الإشهاد في الهبة

٢٥٨٧ - حَدَّثَنَا حَامِدُ بْنُ عُمَرَ:

(12) CHAPTER. Giving gifts to one's sons.

If somebody gives something to some of his sons then it is not permissible unless he does justice to all of his sons and gives the same to the other sons equally, but no one has the right to bear witness to what one's father does. The Prophet ﷺ said, "Do justice when giving a gift to your children." Is it permissible for the father to demand back the gift which he has given to his children? What one can eat from one's son's property? One can eat reasonably without extravagance. And the Prophet ﷺ bought a camel from 'Umar and gave it to Ibn 'Umar and said, "Dispose it as you like."

2586. Narrated An-Nu'mān bin Bashīr that his father took him to Allāh's Messenger ﷺ and said, "I have given this son of mine a slave." The Prophet ﷺ asked, "Have you given all your sons the like?" He replied in the negative. The Prophet ﷺ said, "Take back your gift then."

(13) CHAPTER. The witnesses for *Al-Hibah* (the gifts).

2587. Narrated 'Āmir: I heard An-Nu'mān bin Bashīr رضي الله عنهمما on the

pulpit saying, "My father gave me a gift but 'Amra bint Rawāḥa (my mother) said that she would not agree to it unless he made Allāh's Messenger ﷺ as a witness to it. So, my father went to Allāh's Messenger ﷺ and said, 'I have given a gift to my son from 'Amra bint Rawāḥa, but she ordered me to make you as a witness to it, O Allāh's Messenger!' Allāh's Messenger ﷺ asked, 'Have you given (the like of it) to everyone of your sons?' He replied in the negative. Allāh's Messenger ﷺ said, 'Be afraid of Allāh, and be just to your children.' My father then returned and took back his gift."

حدَّثنا أبو عَوَانَةَ، عَنْ حُصَيْنِ، عَنْ عَامِرٍ قَالَ: سَمِعْتُ النَّعْمَانَ بْنَ بَشِيرٍ رَضِيَ اللَّهُ عَنْهُمَا وَهُوَ عَلَى الْمُنْبَرِ يَقُولُ: أَعْطَانِي أَبِي عَطِيَّةَ، فَقَالَتْ عُمَرَةُ بْنُتُ رَوَاحَةَ: لَا أَرْضَى حَتَّى تُشَهِّدَ رَسُولَ اللَّهِ ﷺ، فَأَتَى رَسُولَ اللَّهِ ﷺ، فَقَالَ: إِنِّي أَعْطَيْتُ ابْنِي مِنْ عُمَرَةَ بْنُتِ رَوَاحَةَ عَطِيَّةً فَأَمْرَتُنِي أَنْ أُشَهِّدَكَ يَا رَسُولَ اللَّهِ، قَالَ: «أَعْطَيْتَ سَائِرَ وَلَدِكَ مِثْلَ هَذَا؟» قَالَ: لَا، قَالَ: «فَأَنْقُوا اللَّهَ وَاعْدِلُوا بَيْنَ أُولَادِكُمْ». قَالَ: فَرَجَعَ فَرَدَّ عَطِيَّتَهُ.

[راجع: ٢٥٨٦]

(14) CHAPTER. Giving gifts by a husband to his wife, and by a wife to her husband.

Ibrāhīm said, "It is permissible." 'Umar bin 'Abdul 'Azīz said, "None of them can take his gift back." The Prophet ﷺ took permission from his wives to let him stay with 'Aishah during his illness. The Prophet ﷺ said, "A person who takes back his gift (what he donates) is like a dog that swallows back its vomit." Az-Zuhri said, "If a husband asks his wife to remit all or some of the *Mahr* (bridal money), and shortly after her consent he divorces her whereupon she demands what she has given up, then he should pay back her gift, if he has deceived her. But if she has given her free consent willingly and the man has meant no deception, the gift is valid, for Allāh تَعَالَى says:

"... But if they, of their own good pleasure, remit any part of it to you..." (V.4:4)

قالَ إِبْرَاهِيمُ: جَائزَةُ، وَقَالَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ لَا يَرْجِعُانِ. وَاسْتَأْذَنَ النَّبِيَّ ﷺ نِسَاءً فِي أَنْ يُمْرَضَ فِي بَيْتِ عَائِشَةَ. وَقَالَ النَّبِيُّ ﷺ: «الْعَائِدُ فِي هِبَّةِ كَانَ كَلْبٌ يَعُودُ فِي قَيْئِهِ». وَقَالَ الرُّهْرِيُّ فِيمَنْ قَالَ لِأَمْرَأَتِهِ: هَيِّ لِي بَعْضَ صَدَاقِكَ أَوْ كُلَّهُ، ثُمَّ لَمْ يَمْكُثْ إِلَّا يَسِيرًا حَتَّى طَلَقَهَا فَرَجَعَتْ فِيهِ، قَالَ: يَرُدُّ إِلَيْهَا إِنْ كَانَ خَلَبَهَا، وَإِنْ كَانَتْ أَعْطَتُهُ عَنْ طِيبِ نَفْسٍ لَيْسَ فِي شَيْءٍ مِنْ أَمْرِهِ خَدِيعَةً جَارٌ، قَالَ اللَّهُ تَعَالَى: «إِنَّ طَنَنَ لَكُمْ عَنْ سَقْوٍ مَتَّهَ قَسَّاً» [النساء: ٤].

2588. Narrated Az-Zuhri: ‘Ubaidullāh bin ‘Abdullāh told me that ‘Āishah رضي الله عنها had said, “When the Prophet ﷺ became sick and his condition became serious, he requested his wives to allow him to be treated in my house, and they allowed him. He came out leaning on two men while his feet were dragging on the ground. He was walking between Al-‘Abbās and another man.” ‘Ubaidullāh said, “When I informed Ibn ‘Abbās of what ‘Āishah had said, he asked me whether I knew who was the second man whom ‘Āishah had not named. I replied in the negative. He said, ‘He was ‘Alī bin Abī Tālib.’”

٢٥٨٨ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى : أَخْبَرَنَا هِشَامٌ ، عَنْ مَعْمَرٍ ، عَنِ الرَّهْرِيِّ قَالَ : أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ : قَالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا : لَمَّا تَقْلَ النَّبِيُّ ﷺ فَاسْتَدَ وَجْهَهُ اسْتَأْذَنَ أَزْرَاجَهُ أَنْ يُمْرَضَ فِي بَيْتِي فَأَذِنَ لَهُ ، فَحَرَّخَ بَيْنَ رَجُلَيْنِ تَحْتَ رِجْلَاهُ الْأَرْضَ ، وَكَانَ بَيْنَ الْعَبَاسِ وَبَيْنَ رَجُلٍ آخَرَ ، فَقَالَ عَبْدُ اللَّهِ : فَدَكَرْتُ لَابْنِ عَبَّاسٍ مَا قَالَتْ عَائِشَةُ فَقَالَ لِي : وَهَلْ تَذَرِّي مِنَ الرَّجُلِ الَّذِي لَمْ تُسْمِ عَائِشَةً ؟ فَلَمْ : لَا ، قَالَ : هُوَ عَلَيَّ ابْنُ أَبِي طَالِبٍ .

[راجع: ١٩٨]

2589. Narrated Ibn ‘Abbās: رضي الله عنهمما The Prophet ﷺ said, “One who takes back his gift (which he has already given) is like a dog that swallows its vomit.”

٢٥٨٩ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ : حَدَّثَنَا وُهَيْبٌ : حَدَّثَنَا ابْنُ طَاوُسٍ ، عَنْ أَبِيهِ ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : قَالَ النَّبِيُّ ﷺ : «الْعَائِدُ فِي هَبَّةٍ كَالْكَلْبِ يَقِيُّ لَمْ يَعُودْ فِي قَيْئِهِ». [انظر: ٢٦٢١، ٦٩٧٥، ٢٦٢٢]

(١٥) بَابُ هَبَّةِ الْمَرْأَةِ لِغَيْرِ زَوْجِهَا ، وَعِنْقَهَا إِذَا كَانَ لَهَا زَوْجٌ فَهُوَ جَائِزٌ إِذَا لَمْ تَكُنْ سَفِيَّةً . فَإِذَا كَانَتْ سَفِيَّةً لَمْ يَعُزُّ ، وَقَالَ اللَّهُ تَعَالَى : «وَلَا تُؤْتُوا السَّفِيَّةَ أَمْوَالَكُمْ» [النساء: ٥].

(15) CHAPTER. It is permissible for a woman to give gifts to somebody other than her husband and to free her slaves in the lifetime of her husband provided that she is not weak-minded. If she is weak-minded, then it is not permissible.

Allāh says:

“And give not unto the foolish your property...” (V.4:5)

2590. Narrated Asmā': رضي الله عنها Once I said, “O Allāh’s Messenger! I have no

٢٥٩٠ - حَدَّثَنَا أَبُو عَاصِمٍ ، عَنِ

property except what has been given to me by Az-Zubair (i.e., her husband). May I give in charity?" The Prophet ﷺ said, "Give in charity and do not withhold it (i.e., wealth) otherwise Allāh withhold it from you."

ابن جرير، عن ابن أبي ملِيكة، عن عباد بن عبد الله، عن أسماء رضي الله عنها قالت: قلت: يا رسول الله، ما لي مال إلّا ما أدخل على الرّبّير، فاتَّصَدَّقُ؟ قال: «اتَّصَدَّقِي ولا تُوعِي فَيُوْعِي الله عَلَيْكِ». [راجع: ١٤٣٤]

٢٥٩١ - حدثنا عبد الله بن سعيد: حدثنا عبد الله بن نمير: حدثنا هشام بن عروة، عن فاطمة، عن أسماء: أنَّ رسول الله ﷺ قال: «أنْفِقِي ولا تُحْسِنِي فَيُخْسِنِي الله عَلَيْكِ، ولا تُوعِي فَيُوْعِي الله عَلَيْكِ». [راجع: ١٤٣٤]

٢٥٩٢ - حدثنا يحيى بن بكيٍّ، عن الليث عن يزيد عن بكيٍّ عن كربلاً مولى ابن عباس: أنَّ ميمونة بنت الحارث رضي الله عنها أخبرت أنها أعتقت وليدة ولم تستأذن النبي ﷺ فلما كان يومها الذي يدور عليها فيه قالت: أشعّرت يا رسول الله أبي أعتقت ولدي؟ قال: «أوَ فَعَلْتُ؟» قالت: نعم. قال: «أما إنك لو أغطّيتها أحوالك، كان أعظم لأجرك». وقال بكيٌّ بن مضر: عن عمرو، عن بكيٍّ، عن كربلاً ميمونة أعتقت. [انظر: ٢٥٩٤]

٢٥٩٣ - حدثنا جبأُن بن موسى: أخبرنا عبد الله: أخبرنا بُونُس، عن

2591. Narrated Asmā' : رَضِيَ اللَّهُ عَنْهَا Allāh's Messenger ﷺ said, "Give (in charity) and do not withhold your wealth by counting and hoarding it, being afraid that it may be exhausted (by spending in Allāh's Cause) lest Allāh should withhold His Blessings from you; and do not withhold your money lest Allāh should withhold it from you."

2592. Narrated Kuraib, the freed slave of Ibn 'Abbās, that Maimūna bint Al-Hārith (رضي الله عنها) (the wife of the Prophet ﷺ) said that she manumitted a slave-girl but did not take the permission of the Prophet ﷺ. On her turn when the (Prophet ﷺ) came to her house she said, "Do you know O Allāh's Messenger, that I have manumitted my slave-girl?" He (ﷺ) asked, "Have you (already) done it?" She replied, "Yes." The Prophet ﷺ said, "You would have got more reward if you had given her (i.e., the slave-girl) to one of your maternal uncles."

2593. Narrated 'Āishah : رَضِيَ اللَّهُ عَنْهَا Whenever Allāh's Messenger ﷺ wanted to go on a journey, he would draw lots as to

which of his wives would accompany him. He would take her whose name came out. He used to fix for each of them a day and a night. The subnarrator added: "Sauda bint Zam'a gave up her (turn) day and night to 'Āishah, the wife of the Prophet ﷺ in order to seek the pleasure of Allāh's Messenger ﷺ (by that action)."

الرُّهْبَرِيُّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَرَادَ سَفَرًا أَفْرَعَ بَيْنَ نِسَائِهِ، فَإِذَا تَهَنَّ خَرَجَ سَهْمُهَا خَرَجَ بِهَا مَعَهُ. وَكَانَ يَقْسِمُ لِكُلِّ امْرَأَةٍ مِنْهُنَّ يَوْمَهَا وَلَيْلَتَهَا، غَيْرَ أَنَّ سَوْدَةَ يُنْتَ زَمْعَةَ وَهَبَتْ يَوْمَهَا وَلَيْلَتَهَا لِعَائِشَةَ زَوْجِ النَّبِيِّ ﷺ تَبَعَّغِي بِذَلِكَ رِضاً رَسُولِ اللَّهِ ﷺ. [انظر: ٢٦٣٧، ٢٦٦١، ٢٦٨٨، ٤٧٤٩، ٤٧٨٩، ٤٠٢٥، ٤١٤١، ٤٦٩٠، ٦٦٦٢، ٥٢١٢، ٤٧٥٧، ٤٧٥٠، ٧٣٧٠، ٧٣٦٩]

[٧٥٤٥، ٧٥٠٠، ٧٣٧٠، ٧٣٦٩]

(١٦) بَابٌ : بِمَنْ يُدَأُ بِالْهَدَى؟

(16) CHAPTER. Who is to be given the gift first?

2594. Narrated Maimūna, the wife of the Prophet ﷺ that she manumitted her slave-girl and the Prophet ﷺ said to her, "You would have got more reward if you had given the slave-girl to one of your maternal uncles."

٢٥٩٤ - وَقَالَ بَكْرٌ، عَنْ عَمْرِو، عَنْ بُكَيْرٍ، عَنْ كُرَيْبٍ مَوْلَى ابْنِ عَبَّاسٍ: إِنَّ مَيْمُونَةَ زَوْجَ النَّبِيِّ ﷺ أَعْنَتْ وَلِيَّةً لَهَا، قَالَ لَهَا: «وَلَوْ وَصَلْتَ بَعْضَ أَخْوَالِكَ كَانَ أَعْظَمَ لِأَجْرِكِ». [راجع: ٢٥٩٢]

2595. - حَدَّثَنِي مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شَعْبَةُ، عَنْ أَبِي عِمْرَانَ الْجَوَنِيِّ، عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ رَجُلٍ مِنْ بَنِي تَمَّ بنِ مُرَّةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّ لِي جَارَيْنَ فَإِلَى أَيِّهِمَا أُهْدِي؟ قَالَ: «إِلَى أَفْرِيهِمَا مِنْكِ بَابًا». [راجع: ٢٢٥٩]

(17) CHAPTER. Whoever refused to accept a present for a certain reason.

'Umar bin 'Abdul-'Azīz said, "A gift was (really) a gift during the lifetime of Allāh's Messenger ﷺ, but today it is a bribe."

2596. Narrated 'Abdullāh bin 'Abbās رضي الله عنهما that he heard As-Sā'b bin Jaththāma Al-Laithī, who was one of the companions of the Prophet ﷺ, saying that he gave the meat of an onager to Allāh's Messenger ﷺ while he was at a place called Al-Abwa' or Waddān, and was in a state of *Iḥrām*. The Prophet ﷺ did not accept it. When the Prophet ﷺ saw the signs of sorrow on As-Sā'b's face because of not accepting his present, he said (to him), "We are not returning your present, but we are in the state of *Iḥrām*."

[See *Hadīth* No.2244, 2245]

2597. Narrated Abū Humaid As-Sā'iďī رضي الله عنه : The Prophet ﷺ appointed a man from the tribe of Al-Azd, called Ibn Al-Lutabiyya for collecting the *Zakāt*. When he returned he said, "This (i.e., the *Zakāt*) is for you and this has been given to me as a present." The Prophet ﷺ said, "Why hadn't he stayed in his father's or mother's house to see whether he would be given presents or not? By Him in Whose Hands my soul is, whoever takes something from the resources of the *Zakāt* (unlawfully) will be carrying it on his neck on the Day of Resurrection; if it be a camel, it will be grunting; if a cow, it will be mooing; and if a sheep, it will be bleating." The Prophet ﷺ then raised his hands till we saw the whiteness of his armpits, and he said

(١٧) بَابُ مَنْ لَمْ يَقْبِلْ الْهَدِيَّةَ لِعِلْمٍ

وقالَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ : كَانَتِ الْهَدِيَّةُ فِي زَمَنِ رَسُولِ اللَّهِ ﷺ هَدِيَّةً ، وَالْيَوْمَ رِشْوَةً .

٢٥٩٦ - حَدَّثَنَا أُبُو الْيَمَانُ :
أَخْبَرَنَا شَعِيبٌ ، عَنِ الزُّهْرِيِّ قَالَ : أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا : أَخْبَرَهُ أَنَّهُ سَمِعَ الصَّعْبَ بْنَ جَنَاحَةَ الْلَّيْتَيِّ وَكَانَ مِنْ أَصْحَابِ النَّبِيِّ ﷺ يُخْبِرُ : أَنَّهُ أَهْدَى لِرَسُولِ اللَّهِ ﷺ حَمَارًا وَحْشًا وَهُوَ بِالْأَبْوَاءِ أَوْ بِوَدَانَ وَهُوَ مُحْرِمٌ فَرَدَّهُ . فَقَالَ صَعْبٌ : فَلَمَّا عَرَفَ فِي وَجْهِي رَدَهُ مَهْدِيَّيِّ قَالَ : «لَيْسَ بِنَا رَدٌّ عَلَيْكَ وَلِكُنَا حُرُمٌ» . [راجع : ١٨٢٥]

٢٥٩٧ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ : حَدَّثَنَا سُفْيَانُ ، عَنِ الزُّهْرِيِّ ، عَنْ عُرْوَةَ بْنِ الرُّبَيْرِ ، عَنْ أَبِي حُمَيْدِ السَّاعِدِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ : اسْتَعْمَلَ النَّبِيُّ ﷺ رَجُلًا مِنَ الْأَرْدَيْقَانِ لَهُ : ابْنُ الْلَّتِيَّةِ ، عَلَى الصَّدَقَةِ ، فَلَمَّا قَدِمَ قَالَ : هَذَا لَكُمْ وَهَذَا أَهْدَيْتِي . قَالَ : «فَهَلَا جَلَسَ فِي بَيْتِ أَبِيهِ أَوْ بَيْتِ أُمِّهِ فَيُنْظَرَ أَيْهُدَى لَهُ أُمْ لَا ؟ وَالَّذِي نَسَسِي بَيْدِهِ لَا يَأْخُذُ أَحَدٌ مِنْهُ شَيْئًا إِلَّا جَاءَ بِهِ يَوْمَ الْقِيَامَةِ يَعْمَلُهُ

thrice, "O Allāh! Haven't I conveyed Your Message (to them)?"

عَلَى رَفَقِهِ: إِنْ كَانَ بَعِيرًا لَهُ رُغَاءً، أَوْ بَقَرَةً لَهَا حُوارٌ، أَوْ شَاةً تَبَعِرُ، ثُمَّ رَقَعَ بِيَدِهِ حَتَّى رَأَيْنَا عُفْرَةً إِبْطِيهِ: «اللَّهُمَّ هَلْ بَلَغْتُ، اللَّهُمَّ هَلْ بَلَغْتُ»، ثَلَاثَةً. [راجع: ٩٢٥]

(١٨) **CHAPTER.** If somebody gives somebody else a present, or promises to give him a present, and one of them dies before the gift reaches the other person.

'Ubaida said, "If both the giver and the receiver have died but the present was set aside (i.e., separated) in the lifetime of the receiver, it will be given to his inheritors, and if it was not separated, it will go to the inheritors of the giver." Al-Hasan said, "It will be given to the inheritors of the receiver (i.e., to whom the present was meant) no matter who died first, if the gift has been delivered to the messenger."

(١٨) **بَابُ إِذَا وَهَبَ هَبَةً أَوْ وَعْدًا**
ثُمَّ ماتَ قَبْلَ أَنْ تَصِلَ إِلَيْهِ
وَقَالَ عَبِيدَةُ: إِنْ مَاتَ وَكَانَتْ
فُصِّلَتِ الْهَدِيَّةُ وَالْمُهَدَّى لَهُ حَيٌّ فَهِيَ
لَوَرَثَتِهِ. إِنْ لَمْ تَكُنْ فُصِّلَتِ فَهِيَ
لَوَرَثَةَ الَّذِي أَهْدَى. وَقَالَ الْحَسَنُ:
أَيُّهُمَا ماتَ قَبْلُ فَهِيَ لَوَرَثَةُ الْمُهَدَّى لَهُ
إِذَا قَبَضَهَا الرَّسُولُ.

2598. Narrated Jābir: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said to me, "I will give you so much (the Prophet ﷺ pointed thrice with his hands) when the funds of Bahrain will come to me." But the Prophet ﷺ died before the money reached him. (When it came,) Abū Bakr ordered an announcer to announce that whoever had a money claim on the Prophet ﷺ, or was promised to be given something, should come to Abū Bakr. I went to Abū Bakr and told him that the Prophet ﷺ had promised to give me so much. On that Abū Bakr gave me three handfuls (of money).

(19) **CHAPTER.** How to take over the slave and property (given as gifts)?

٢٥٩٨ - حَدَّثَنَا عَائِيْ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا ابْنُ الْمُنْكَدِرِ: سَمِعْتُ جَابِرًا رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ لِي النَّبِيُّ ﷺ: «لَوْ جَاءَ مَالُ الْبَحْرَيْنِ أَعْطِيْتُكَ هَكَذَا» ثَلَاثَةً. فَلَمْ يَقْدِمْ حَتَّى تُوْفِيَ النَّبِيُّ ﷺ فَأَرْسَلَ أَبُو بَكْرَ مُنَادِيًّا فَنَادَى: مَنْ كَانَ لَهُ عِنْدَ النَّبِيِّ ﷺ عِدَةً أَوْ دَيْنًا فَلْيَأْتِنَا، فَأَتَيْتُهُ فَقُلْتُ: إِنَّ النَّبِيَّ ﷺ وَعَدَنِي، فَحَشِّنِي لِي ثَلَاثَةً.

[راجع: ٢٢٩٦]

(١٩) **بَابُ كَيْفَ يُقْبَضُ الْعَبْدُ**
وَالْمَتَاعُ؟

Narrated Ibn ‘Umar: رَضِيَ اللَّهُ عَنْهُمَا I was riding a troublesome camel and the Prophet ﷺ bought it and said: “It (this camel) is for you, O ‘Abdullāh.”

[See *Hadīth* No.2610, 2611].

2599. Narrated Al-Miswar bin Makhrama رَضِيَ اللَّهُ عَنْهُمَا: Allāh’s Messenger ﷺ distributed some cloaks but did not give anything thereof to Makhrama. Makhrama said (to me), “O son! Accompany me to Allāh’s Messenger ﷺ.” When I went with him, he said, “Call him to me.” I called him (i.e., the Prophet ﷺ) for my father. He ﷺ came out wearing one of those cloaks and said, “We kept this (cloak) for you, (Makhrama).” Makhrama looked at the cloak and said, “Makhrama is pleased,” (or the Prophet ﷺ said), “Is Makhrama pleased?”

وقال ابن عمر: كُنْتُ عَلَى بَكْرٍ صَعْبٍ فَاشْتَرَاهُ النَّبِيُّ ﷺ وَقَالَ: «هُوَ لَكَ يَا عَبْدَ اللَّهِ».

٢٥٩٩ - حَدَّثَنَا قُتْمَيْهُ بْنُ سَعِيدٍ:
حَدَّثَنَا الْبَيْثُ، عَنْ ابْنِ أَبِي مُلَيْكَةَ،
عَنْ الْمُسْوُرِ بْنِ مَحْرَمَةَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّهُ قَالَ: قَسَمَ رَسُولُ اللَّهِ ﷺ أُفَيْهَةً وَلَمْ يُعْطِ مَحْرَمَةً مِنْهَا شَيْئًا فَقَالَ مَحْرَمَةً: يَا بُنْيَ انْظُلْ بَنَا إِلَى رَسُولِ اللَّهِ ﷺ، فَانْظَلَتْ مَعَهُ فَقَالَ: اذْخُلْ فَادْعُهُ لِي، قَالَ فَدَعَوْتُهُ لَهُ فَخَرَجَ إِلَيْهِ وَعَلَيْهِ قَبَاءٌ مِنْهَا. فَقَالَ: «خَبَانَا هَذَا لَكَ». قَالَ: فَنَظَرَ إِلَيْهِ فَقَالَ: رَضِيَ مَحْرَمَةً.

(٢٠) بَابُ إِذَا وَهَبَ هِبَةً فَقَبَصَهَا الْآخَرُ وَلَمْ يَقُلْ: قَبَلْتُ

(20) CHAPTER. When someone gives something (as a gift) to another person and the receiver takes it into his possession without saying, “I have accepted it.”

2600. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: A man came to Allāh’s Messenger ﷺ and said, “I am ruined.” The Prophet ﷺ asked, “What do you mean?” He said, “I had a sexual intercourse with my wife during Ramaḍan (while observing fast).” The Prophet ﷺ asked him, “Can you manumit a slave?” He replied in the negative. He then asked him, “Can you observe Ṣaum (fast) for two successive months continuously?” He replied in the negative. The Prophet ﷺ then asked him, “Can you feed sixty poor persons?” He replied in the negative. In the meantime an *Ansārī* man came with a basket full of dates. The Prophet ﷺ said to the man,

٢٦٠٠ - حَدَّثَنَا مُحَمَّدُ بْنُ مَحْبُوبٍ: حَدَّثَنَا عَبْدُ الْواحِدِ: حَدَّثَنَا مَعْمَرٌ، عَنْ الرُّهْبَرِيِّ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ فَقَالَ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: هَلْ كُنْتُ. فَقَالَ: «وَمَا ذَاكَ؟» قَالَ: وَقَعْتُ بِأَهْلِي فِي رَمَضَانَ. قَالَ: «أَتَجِدُ رَقَبَةً؟» قَالَ: لَا، قَالَ: «فَهَلْ تَسْتَطِعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ؟» قَالَ: لَا، قَالَ:

“Take it and give it in charity (as an expiation of your sin).” The man said, “Should I give it to some people who are poorer than we, O Allāh’s Messenger? By Him Who has sent you with the Truth, there is no family between Al-Madīna’s two mountains poorer than we.” Allāh’s Messenger ﷺ told him to take it and provide his family with it.”

«فَتَسْتَطِعُ أَنْ تُطْعِمَ سَيِّئَ مِسْكِينًا؟»
 قال: لا، قال: فَجَاءَ رَجُلٌ مِّنَ الْأَنْصَارِ بِعَرَقِهِ، وَالْعَرْقُ الْمِكْتَلُ فِيهِ تَمْرٌ، فَقَالَ: «إِذْهَبْ بِهَا فَتَصَدِّقْ بِهِ». قَالَ: عَلَى أَحْوَاجِنَا يَا رَسُولَ اللَّهِ؟ وَالَّذِي يَعْنَكَ بِالْحَقِّ مَا بَيْنَ لَابَيْهَا أَهْلُ بَيْتِ أَحْوَاجِنَا، ثُمَّ قَالَ: «إِذْهَبْ فَأَطْعِنْهُ أَهْلَكَ».

[راجع: ١٩٣٦]

(21) CHAPTER. If a creditor gives the debt, due to him, as a gift,

According to Al-Hakam, it is permissible.

Al-Hasan bin ‘Ali رضي الله عنهما gave up the debt due to him to a man as a gift. The Prophet ﷺ said, “If somebody owes something, he should either repay it or get it remitted.” Jābir said, “When my father was martyred, he was in debt. So, the Prophet ﷺ asked his creditors to take the fruits of my garden and forgive my father.”

2601. Narrated Jābir bin ‘Abdullāh رضي الله عنهما : My father was martyred on the day (of the battle) of Uhud and his creditors demanded the debt back in a harsh manner. So, I went to Allāh’s Messenger ﷺ and informed him of that, he asked them to accept the fruits of my garden and excuse my father, but they refused. So, Allāh’s Messenger ﷺ did not give them the fruits, nor did he cut them and distribute it among them, but said, “I will come to you tomorrow morning.” So, he came to us the next morning and walked about in between the date-palms and invoked Allāh to bless their fruits. I plucked the fruits and gave back all the rights of the creditors in full, and a lot of fruits were left for us. Then I went to Allāh’s

(٢١) **باب إِذَا وَهَبَ دِيْنًا عَلَى رَجُلٍ**
 وقال: شَعْبَةُ، عَنِ الْحَكَمِ: هُوَ جَائزٌ. وَوَهَبَ الْحَسَنُ بْنُ عَلَيٍّ عَلَيْهَا السَّلَامَ دِيْنَهُ لِرَجُلٍ. وَقَالَ النَّبِيُّ ﷺ: «مَنْ كَانَ لَهُ عَلَيْهِ حَقٌّ فَلْيُعْطِهِ أَوْ لِيَسْخَلِلَهُ مِنْهُ». وَقَالَ جَابِرٌ: قُتِلَ أَبِي وَعَلَيْهِ دِيْنٌ فَسَأَلَ النَّبِيُّ ﷺ عَرَمَاءً أَنْ يَقْبِلُوا شَمْرَ حَائِطِيٍّ وَيُحَلِّلُوا أَبِي.

٢٦٠١ - حدثنا عبدان: أخبرنا عبد الله: حدثنا عبد الله يوئس. وقال الليث: حدثني يوئس، عن ابن شهاب أنه قال: حدثني ابن كعب بن مالك: أن جابر بن عبد الله رضي الله عنهما أخبره: أن أباه قيل يوم أحد شهيدا فاشتد العرماء في حقوقهم فأتيت رسول الله ﷺ فكلمه فسألهم أن يقبلوا شمر حائطي، ويحللوا أبي فآبوا. فلم يغطهم رسول الله ﷺ ولم يكسره لهم ولكن

Messenger ﷺ, who was sitting, and informed him about what happened. Allāh's Messenger ﷺ told 'Umar, who was sitting there, to listen to the story. 'Umar said, "Don't we know that you are Allāh's Messenger? By Allāh! You are Allāh's Messenger!"

قالَ: «سَأَغْدُو عَلَيْكَ إِنْ شَاءَ اللَّهُ تَعَالَى، فَعَدَا عَلَيْنَا حِينَ أَصْبَحَ قَطَافَ فِي النَّخْلِ فَدَعَا فِي شَمْرِه بِالْبَرَكَةِ، فَجَدَنَا فَقَصَصَهُمْ حَتَّى هُمْ وَبَقَيَ لَنَا مِنْ شَمْرَهَا بَقِيَّةً. ثُمَّ جِئْتَ رَسُولَ اللَّهِ وَهُوَ جَالِسٌ فَأَخْبَرْتُهُ بِذَلِكَ، فَقَالَ رَسُولُ اللَّهِ لِعُمَرَ: «اسْمَعْ - وَهُوَ جَالِسٌ - يَا عُمَرُ». فَقَالَ عُمَرُ: أَلَا يَكُونُ قَدْ عِلِّمْنَا أَنَّكَ رَسُولَ اللَّهِ، وَاللَّهُ إِنَّكَ لِرَسُولِ اللَّهِ». [راجع: ٢١٢٧]

(٢٢) باب هبة الواحد للجماعة

وقالت أمامة للقاسم بن محمد
وابن أبي عتيق: ورثت عن أختي
عاشرة بالعافية، وقد أعطاني به معاوية
مائة ألف فھر لكما.

(22) CHAPTER. The giving of a gift by one person to a group.

Asmā' said to Al-Qāsim bin Muḥammad and Ibn Abū 'Atīq, "I inherited some land in the forest from my sister 'Aishah, and Mu'āwiya offered me one hundred thousand for it, but I give it to both of you as a gift."

2602. Narrated Sahl bin Sa'ad: A drink (of milk mixed with water) was brought to the Prophet ﷺ who drank some of it while a boy was sitting on his right and old men on his left. The Prophet ﷺ said to the boy, "If you permit me, I'll give (the rest of the drink to) these old men first." The boy said, "I will not give preference to anyone over me as regards my share from you, O Allāh's Messenger!" The Prophet ﷺ then put that container in the boy's hand.

[See *Hadīth* No.2351]

(23) CHAPTER. The received and unreceived gifts, and the divided and undivided gifts.

The Prophet ﷺ and his companions gave to the people of Hawāzin what they had got

٢٦٠٢ - حَدَّثَنَا يَحْيَى بْنُ فَزْعَةَ: حَدَّثَنَا مَالِكُ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ ابْنِ سَعْدٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ أَتَى بِشَرَابٍ فَشَرَبَ وَعَنْ يَمِينِهِ غُلَامٌ وَعَنْ يَسَارِهِ الْأَشْيَاعُ، فَقَالَ لِلْغُلَامَ: «إِنْ أَدِنْتَ لِي أَعْطَيْتُهُؤُلَاءِ»، فَقَالَ: مَا كُنْتُ لَأُوْثِرَ بِنَصِيبِي مِنْكَ يَا رَسُولَ اللَّهِ أَحَدًا، فَتَلَهُ فِي يَدِهِ، [راجع: ٢٣٥١]

(٢٣) باب هبة المقبوسة وغير المقبوسة، والمقصومة وغير المقصومة وقد وهب النبي ﷺ وأصحابه

from them as war booty, although it had not been divided yet.

2603. Jābir رَضِيَ اللَّهُ عَنْ him said, "I went to the Prophet ﷺ in the mosque and he paid me my right and gave me more than he owed me."

لَهَا زَانَ مَا عَيْمُوا مِنْهُمْ وَهُوَ غَيْرُ مَقْسُومٍ .

٢٦٠٣ - حدثني ثابت بن محمد: حدثنا مسمر، عن مخارب، عن جابر رَضِيَ اللَّهُ عَنْهُ : أتَيْتُ النَّبِيَّ ﷺ فِي الْمَسْجِدِ فَقَصَانِي وَرَادِنِي .

[راجع: ٤٤٣]

2604. Narrated Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُ : I sold a camel to the Prophet ﷺ on one of the journeys. When we reached Al-Madīnah, he ordered me to go to the mosque and offer two Rak‘āt. Then he weighed for me (the price of the camel in gold) and gave an extra amount over it. A part of it remained with me till it was taken by the army of Sham on the day of *Harra* .

٢٦٠٤ - حدثنا محمد بن بشير: حدثنا عندر: حدثنا شعبة، عن مخارب: سمعت جابر بن عبد الله رَضِيَ اللَّهُ عَنْهُما يَقُولُ : بَعْثَتْ مِنَ النَّبِيِّ ﷺ بِعِيرًا فِي سَقَرٍ ، فَلَمَّا أَتَيْنَا الْمَدِيْنَةَ قَالَ : «أَتَيْتَ الْمَسْجِدَ فَصَلَّ رُكُعَتِينِ» فَوَزَنَ . قَالَ شُعْبَةُ : أَرَاهُ : فَوَرَنَ لِي فَأَرْجَحَ ، فَمَا زَالَ مِنْهَا شَيْءٌ حَتَّى أَصَابَهَا أَهْلُ الشَّامِ يَوْمَ الْحَرَّةِ .

[راجع: ٤٤٣]

2605. Narrated Sahl bin Sa‘d رَضِيَ اللَّهُ عَنْهُ : A drink (of milk mixed with water) was brought to Allāh’s Messenger ﷺ while a boy was sitting on his right side and old men were sitting on his left side. He asked the boy, "Will you allow me to give it to these (people)?" The boy said, "No, by Allāh, I will not give preference to anyone over me as regards my share from you." Then the Prophet ﷺ put the bowl in the boy’s hand.

٢٦٠٥ - حدثنا قتيبة، عن مالك، عن أبي حازم، عن سهل بن سعيد رَضِيَ اللَّهُ عَنْهُ : أَنَّ رَسُولَ اللَّهِ ﷺ أَتَى بِشَرَابٍ وَعَنْ يَمِينِهِ غَلامٌ وَعَنْ يَسَارِهِ أَشْيَاعٌ ، فَقَالَ لِلْغَلامَ : أَتَأْذُنُ لِي أَنْ أُعْطِيَ هُؤُلَاءِ؟» فَقَالَ الْغَلامُ : لَا وَاللَّهِ ، لَا أُوْثِرُ بِنَصْبِي مِنْكَ أَحَدًا ، فَتَأَذَّنَ فِي يَدِهِ . [راجع: ٢٣٥١]

2606. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : Allāh’s Messenger ﷺ owed a man some debt (and that man demanded it very harshly).

٢٦٠٦ - حدثنا عبد الله بن عثمان ابن جبأة قال : أَخْبَرَنِي أَبِي ،

The companions of the Prophet ﷺ wanted to harm him, but the Prophet ﷺ said to them, “Leave him, as the one who has a right (creditor) has the right to demand it (or speak harshly).” He then added, “Buy (a camel) of the same age and give it to him.” They said, “We cannot get except a camel older and better than that of his.” He said, “Buy it and give it to him, as the best amongst you is he who pays back his debt in the most handsome way.”

عَنْ شُعْبَةَ، عَنْ سَلَمَةَ قَالَ: سَمِعْتُ أَبَا سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ لِرَجُلٍ عَلَى رَسُولِ اللَّهِ ﷺ دِينٌ فَهُمْ بِهِ أَصْحَابُهُ قَالَ: «دَعْوَهُ إِنَّ إِصَاحِ الْحَقِّ مَقْلَأً». وَقَالَ: «اشْتَرُوا لَهُ سِنَّا فَأَعْطُوهَا إِيَّاهُ»، فَقَالُوا: إِنَّا لَا نَجِدُ سِنَّا إِلَّا سِنَّا هِيَ أَفْضَلُ مِنْ سِنَّهُ، قَالَ: «فَاشْتَرُوهَا فَأَعْطُوهَا إِيَّاهُ إِنَّ مِنْ حَيْرَكُمْ أَحْسَنَكُمْ قَضَاءً».

[راجع: ٢٣٠٥]

(24) CHAPTER. If a group of persons gives a gift to some people.

2607, 2608. Narrated Marwān bin Al-Hakam and Al-Miswar bin Makhrama : When the delegates of the tribe of Hawāzin came to the Prophet ﷺ, they requested him to return their property and their captives. He said to them, “As you see, this concerns also other people along with me, and the best statement to me is the true one, so you may choose one of two alternatives ; either the captives or the property and (I have not distributed the booty, for) I have been waiting for you.” When the Prophet ﷺ had returned from Tā’if, he waited for them for more than ten nights. When they came to know that the Prophet ﷺ would not return except one of the two, they chose their captives. The Prophet ﷺ then stood up amongst the Muslims, glorified and praised Allāh as He deserved, and then said, “Then after : These brothers of yours have come to you with repentance (asking for Allāh’s Forgiveness), and I see it proper to return their captives . So, whoever amongst you likes

٢٦٠٧، ٢٦٠٨ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا الْيَتْمَىُ، عَنْ عَقْبَلٍ، عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ: أَنَّ مَرْوَانَ بْنَ الْحَكَمِ وَالْمَسْوَرَ بْنَ مَخْرَمَةَ أَخْبَرَاهُ أَنَّ النَّبِيَّ ﷺ قَالَ حِينَ جَاءَهُ وَفَدُ هَوَازِنَ مُسْلِمِينَ، فَسَأَلُوهُ أَنْ يَرُدَّ إِلَيْهِمْ أَمْوَالَهُمْ وَسَيِّئَهُمْ فَقَالَ لَهُمْ: «مَعِي مِنْ تَرَوْنَ وَأَحَبُّ الْحَدِيثِ إِلَيَّ أَصْدَقُهُ، فَاخْتارُوا إِحْدَى الطَّائِفَتَيْنِ: إِمَّا السَّبَيِّ إِمَّا الْمَالَ وَقَدْ كُنْتُ اسْتَأْنِيْتُ»، وَكَانَ النَّبِيُّ ﷺ اتَّتَّظَرَهُمْ بِضَعْ عَشْرَةَ لَيْلَةَ حِينَ قَفَلَ مِنَ الطَّائِفَ، فَلَمَّا تَبَيَّنَ لَهُمْ أَنَّ النَّبِيَّ ﷺ غَيْرُ رَادٍ إِلَيْهِمْ إِلَّا إِحْدَى الطَّائِفَتَيْنِ قَالُوا: إِنَّا نَخْتارُ سَيِّنَا، فَقَامَ فِي

to do that as a favour, then he can do it, and whoever of you wants to stick to his share till we pay him from the very first *Fai* (i.e., war booty) which Allāh will give us, then he can do so." The people said, "We return (the captives) to them willingly as a favour, O Allāh's Messenger!" The Prophet ﷺ said, "I do not know who of you has given his consent and who has not; so go back and your leaders may present your decision to me." The people went away, and their leaders discussed the matter with them, and then came to the Prophet ﷺ to tell him that all of them had given their consent (to return the captives) willingly.

(Az-Zuhri, the subnarrator said, "This is what we know about the captives of Hawazin.")

الْمُسْلِمُونَ فَأَتَنِي عَلَى اللَّهِ بِمَا هُوَ أَهْلُهُ، ثُمَّ قَالَ: «أَمَّا بَعْدُ، إِنَّ أَخْرَانَكُمْ هُؤُلَاءِ جَاؤُنَا تَائِبِينَ وَإِنِّي رَأَيْتُ أَنْ أَرْدَدَ إِلَيْهِمْ سَبَقُهُمْ: فَمَنْ أَحَبَّ مِنْكُمْ أَنْ يُطِيبَ ذَلِكَ فَلْيَفْعُلْ، وَمَنْ أَحَبَّ أَنْ يَكُونَ عَلَى حَطَّهِ حَتَّى نُعْطِيهِ إِيَّاهُ مِنْ أَوَّلِ مَا يُنْيِي اللَّهُ عَلَيْنَا فَلْيَفْعُلْ»، فَقَالَ النَّاسُ: طَبَّبَنَا يَا رَسُولَ اللَّهِ لَهُمْ، فَقَالَ لَهُمْ: «إِنَّ لَا نَدِيرِي مَنْ أَذَنَ مِنْكُمْ فِيهِ مَمْنُ لَمْ يَأْذِنْ فَارْجِعُوهَا حَتَّى يَرْفَعَ إِلَيْنَا عُرْفَاؤُكُمْ أَمْرَكُمْ»، فَرَجَعَ النَّاسُ، فَكَلَّمُوهُمْ عُرْفَاؤُهُمْ، ثُمَّ رَجَعُوا إِلَى النَّبِيِّ ﷺ فَأَخْبَرُوهُ أَنَّهُمْ طَبَّبُوا وَأَذْنُوا. بِهَذَا الَّذِي بَلَغَنَا مِنْ سَبِيْ هَوَازِنَ، هَذَا آخِرُ قَوْلِ الرَّهْرِيِّ - يَعْنِي: فَهَذَا الَّذِي بَلَغَنَا - .

(٢٥) بِابُ مَنْ أَهْدَى لَهُ هَدِيَّةً وَعِنْهُ جُلْسَائِهِ فَهُوَ أَحَقُّ بِهَا.
وَيُذَكَّرُ عَنْ ابْنِ عَبَّاسٍ أَنَّ جُلْسَائِهِ شُرَكَاؤُهُ، وَلَمْ يَصِحَّ .

٢٦٠٩ - حَدَّثَنَا أَبُو مُقاَتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا شُعْبَةُ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ أَبِي سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ ﷺ أَنَّهُ أَخَذَ سِتَّاً، فَجَاءَ صَاحِبُهُ يَتَقَاضَاهُ، فَقَالُوا لَهُ فَقَالَ: «إِنَّ

(25) CHAPTER. Whosoever is given a gift while some people are sitting with him, he only has the right to have it.

Ibn 'Abbās رَضِيَ اللَّهُ عَنْهُما is reported to have said that the people sitting with that person will be his co-owners. But this report is not confirmed by an authentic narration.

2609. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ took a camel of a certain age from somebody on credit. Its owner came and demanded it back (harshly). The Prophet ﷺ said, "No doubt, he who has a right, has the full right to demand it." Then the Prophet ﷺ gave him an older and better camel than his camel and said, "The best amongst you is he who repays his debts in the

most handsome way.”

2610. Narrated Ibn ‘Umar رضي الله عنهما that he was in the company of the Prophet ﷺ on a journey, riding a troublesome camel belonging to ‘Umar. The camel used to go ahead of the Prophet ﷺ. So, Ibn ‘Umar’s father would say, “O ‘Abdullah! No one should go ahead of the Prophet ﷺ.” The Prophet ﷺ said to him, “Sell it to me.” ‘Umar said to the Prophet ﷺ, “It is for you.” So, he bought it and said, “O ‘Abdullah! It is for you, and you can do with it what you like.”

(26) CHAPTER. If someone gives a camel as a gift to a man riding it, then the deed is valid.

2611. Narrated Ibn ‘Umar رضي الله عنهما : We were in the company of the Prophet ﷺ on a journey, and I was riding a troublesome camel. The Prophet ﷺ asked ‘Umar to sell that camel to him. So, ‘Umar sold it to him. The Prophet ﷺ then said, “O ‘Abdullah! The camel is for you.”

(27) CHAPTER. The presenting of a gift of clothes, the wearing of which is disliked.

2612. Narrated ‘Abdullah bin ‘Umar رضي الله عنهما : ‘Umar bin Al-Khaṭṭāb saw a silken dress (cloak) being sold at the gate of the mosque and said, “O Allāh’s Messenger! Would that you buy it and wear it on Fridays and when the delegates come to you!” Allāh’s

إِصَاحِبِ الْحَقِّ مَقَالًا، ثُمَّ قَضَاهُ أَفْضَلًا مِنْ سِيَّهُ، وَقَالَ: «أَفْضَلُكُمْ أَحْسَنُكُمْ قَضَاهُ». [راجع: ٢٣٥]

٢٦١٠ - حَدَّثَنِي عَبْدُ اللهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنْ عَمْرِو، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّهُ كَانَ مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ، وَكَانَ عَلَى بُكْرٍ صَعِبِ لِعْمَرَ، فَكَانَ يَتَقدَّمُ النَّبِيُّ ﷺ فَيَقُولُ أَبُوهُ: يَا عَبْدَ اللَّهِ، لَا يَتَقدَّمُ النَّبِيُّ ﷺ أَحَدٌ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «بِعِينِي»، فَقَالَ عُمَرُ: «هُوَ لَكَ فَاشْتَرَاهُ ثُمَّ قَالَ: هُوَ لَكَ يَا عَبْدَ اللَّهِ، فَاضْطَرَّ بِهِ مَا شِئْتَ». [راجع: ٢١١٥]

(٢٦) بَابُ إِذَا وَهَبَ بَعِيرًا لِرَجُلٍ
وَهُوَ رَاكِبٌ فَهُوَ جَائِزٌ

٢٦١١ - وَقَالَ الْحُمَيْدِيُّ: حَدَّثَنَا سُفِيَّانُ: حَدَّثَنَا عَمْرِو، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ وَكُنَّا عَلَى بُكْرٍ صَعِبٍ فَقَالَ النَّبِيُّ ﷺ لِعُمَرَ: «بِعِينِي» فَابْتَاعَهُ، فَقَالَ النَّبِيُّ ﷺ: «هُوَ لَكَ يَا عَبْدَ اللَّهِ». [راجع: ٢١١٥]

(٢٧) بَابُ هَدِيَّةٍ مَا يُكْرَهُ لِبُسْهَا

٢٦١٢ - حَدَّثَنَا عَبْدُ اللهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: رَأَى عُمَرُ بْنُ الْخَطَّابِ حُلَّةً

Messenger ﷺ said, "This is worn by the one who will have no share in the Hereafter." Later on, some silk dresses were brought and Allāh's Messenger ﷺ sent one of them to 'Umar. 'Umar said, "How do you give me this to wear while you said what you said about the dress of 'Utārid?"⁽¹⁾ Allāh's Messenger ﷺ said, "I have not given it to you to wear." So, 'Umar gave it to a *Mushrik* brother of his in Makkah.

سِيرَةٌ عِنْدَ بَابِ الْمَسْجِدِ فَقَالَ: يَا رَسُولَ اللَّهِ لَوْ أَشْتَرِيْهَا فَلَيْسَتْهَا يَوْمَ الْجُمُعَةِ وَلِلْوَفْدِ. قَالَ: «إِنَّمَا يَلْبِسُهَا مَنْ لَا خَلَاقَ لَهُ فِي الْآخِرَةِ». ثُمَّ جَاءَتْ حُلَّةً فَأَعْطَى رَسُولُ اللَّهِ ﷺ عُمَرَ مِنْهَا حُلَّةً فَقَالَ: أَكْسَوْتُنِيهَا وَقُلْتَ فِي حُلَّةٍ عُطَارِدٍ مَا قُلْتَ؟ فَقَالَ: «إِنِّي لَمْ أَكْسُكُهَا لِتَلْبِسَهَا، فَكَسَاهَا عُمَرُ أخَا لَهُ بِمَكَّةَ مُشْرِكًا».

[راجع: ٨٨٦]

2613. Narrated Ibn 'Umar رَضِيَ اللَّهُ عَنْهُمَا: Once the Prophet ﷺ went to the house of Fātīma but did not enter it. 'Alī came and she told him about that. When 'Alī asked the Prophet ﷺ about it, he said, "I saw a (multi-coloured) decorated curtain on her door. I am not interested in worldly things." 'Alī went to Fātīma and told her about it. Fātīma said, "I am ready to dispense with it in the way he suggests." The Prophet ﷺ ordered her to send it to such and such needy people."

٢٦١٢ - حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ أَبُو جَعْفَرٍ: حَدَّثَنَا ابْنُ فُضَيْلٍ، عَنْ أَبِيهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَتَى النَّبِيُّ ﷺ بَيْتَ فَاطِمَةَ فَلَمْ يَدْخُلْ عَلَيْهَا، وَجَاءَ عَلَيْهِ فَذَكَرَتْ لَهُ ذَلِكَ، فَذَكَرَ لِلنَّبِيِّ ﷺ. قَالَ: «إِنِّي رَأَيْتُ عَلَى بَابِهَا سِرْتَأَ مَوْشِيَّاً»، فَقَالَ: «مَا لَيْ وَلِلْدُنْيَا»، فَأَتَاهَا عَلَيِّ فَذَكَرَ ذَلِكَ لَهَا فَقَالَتْ: لِيَأْمُرُنِي فِيهِ بِمَا شَاءَ، قَالَ: «تُرِسِّلِي إِلَى فُلَانٍ، أَهْلَ بَيْتٍ يَهْمِ حَاجَةً».

٢٦١٤ - حَدَّثَنَا حَجَّاجُ بْنُ مِنْهَلٍ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي عَبْدُ الْمَلِكِ بْنُ مَيسَرَةَ قَالَ: سَمِعْتُ رَبِيدَ بْنَ وَهْبٍ عَنْ عَلَيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَهْدَى إِلَى النَّبِيِّ ﷺ حُلَّةً سِيرَةً فَلَيْسَتْهَا فَرَأَيْتُ الْعَصْبَ فِي وَجْهِهِ

2614. Narrated 'Alī رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ gave me a silken dress as a gift and I wore it. When I saw the signs of anger on his face, I cut it into pieces and distributed it among my wives."

(1) (H. 2612) is referring to the previous occasion when Allāh's Messenger ﷺ refused to buy the cloak sold at the gate of the mosque.

فَسَقَقْتُهَا بَيْنَ نِسَائِيْ . [انظر: ٥٣٦٦]

[٥٨٤٠]

(٢٨) بَابُ قَبْوِ الْهَدِيَّةِ مِنَ الْمُشْرِكِينَ

(28) CHAPTER. The acceptance of presents from *Al-Mushrikūn* (polytheists, idolaters, pagans)

Narrated Abū Hurairah: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, "When Ibrāhīm (Abraham) migrated along with Sārah, he reached a town ruled by a king or a tyrant. The latter ordered his men to give Sārah, Ājar." The Prophet ﷺ was given a cooked poisoned sheep as a present.

Narrated Abū Ḥumaid: رَضِيَ اللَّهُ عَنْهُ The king of Aila sent a white mule to the Prophet ﷺ, and the Prophet ﷺ sent him a garment and wrote to him a confirmation of the treaty concerning his country.

2615. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ A *Jubba* (i.e., cloak) made of thick silken cloth was presented to the Prophet ﷺ. The Prophet ﷺ used to forbid people to wear silk. So, the people were pleased to see it. The Prophet ﷺ said, "By Him in Whose Hands Muhammad's soul is, the handkerchiefs of Sa'd bin Mu'ādh in Paradise are better than this."

2616. Anas added, "The present was sent to the Prophet ﷺ by Ukaidir (a Christian) from Dauma."

2617. Narrated Anas bin Mālik: رَضِيَ اللَّهُ عَنْهُ A Jewess brought a poisoned (cooked) sheep for the Prophet ﷺ who ate from it. She was brought to the Prophet ﷺ and was asked, "Shall we kill her?" He ﷺ said, "No." Anas added: "I continued to see the effect of the

وَقَالَ أَبُو هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ: «هَا جَرَأْ إِبْرَاهِيمَ عَلَيْهِ السَّلَامُ بِسَارَةَ فَدَخَلَ قَرْيَةً فِيهَا مَلْكٌ أَوْ جَبَارٌ، فَقَالَ: أُعْطُوهَا آجَرًا». وَأَهْدَيْتَ لِلنَّبِيِّ ﷺ شَاءَ فِيهَا سُمٌّ . وَقَالَ أَبُو حُمَيْدٍ: أَهْدَى مَلْكٌ أَيْلَهَ لِلنَّبِيِّ ﷺ بَعْلَةً يَضَاءَ فَكَسَاهُ بُزْدًا وَكَتَبَ إِلَيْهِ بَعْرَهُمْ .

٢٦١٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ: حَدَّثَنَا شَيْبَانُ عَنْ قَتَادَةَ: حَدَّثَنَا أَنَّسُ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَهْدَى لِلنَّبِيِّ ﷺ جُبَيْهَ سُنْدُسَ، وَكَانَ يَنْهَا عَنِ الْحَرِيرِ فَعَجَبَ النَّاسُ مِنْهَا، فَقَالَ ﷺ: وَالَّذِي نَفْسُ مُحَمَّدٍ يَبِدِئُ لِمَنَادِيلُ سَعْدَ بْنِ مُعاذٍ فِي الْجَنَّةِ أَحْسَنُ مِنْ هَذَا . [انظر: ٢٦١٦، ٢٢٤٨]

٢٦١٦ - وَقَالَ سَعِيدٌ عَنْ قَتَادَةَ عَنْ أَنَّسِ: إِنَّ أَكْيَرَ دُوْمَةً أَهْدَى إِلَى النَّبِيِّ ﷺ . [راجع: ٢٦١٥]

٢٦١٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الْوَهَابِ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا شَعْبَةُ، عَنْ ِهِشَامِ بْنِ زَيْدٍ، عَنْ أَنَّسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ

poison on the palate of the mouth of Allāh's Messenger ﷺ."

2618. Narrated 'Abdur-Rahmān bin Abū Bakr : We were one hundred and thirty persons accompanying the Prophet ﷺ who asked us whether anyone of us had food. There was a man who had about a *Sā'* of wheat flour which was mixed with water to make dough (for baking bread). Then a very tall man from *Al-Mushrikūn*" (polytheists, pagans, idolaters, and disbelievers in the Oneness of Allāh and in His Messenger Muhammad ﷺ) came driving the sheep. The Prophet ﷺ asked him, "Will you sell us (a sheep) or give it as a present?" He said, "I will sell you (a sheep)." The Prophet ﷺ bought a sheep and it was slaughtered. The Prophet ﷺ ordered that its liver and other abdominal organs be roasted. By Allāh, the Prophet ﷺ gave every person of the one hundred and thirty a piece of that ; he gave all those of them who were present ; and kept the shares of those who were absent. The Prophet ﷺ then put its meat in two huge basins and all of them ate to their fill, and even then more food was left in the two basins which were carried on the camel (or said something like it).

(29) CHAPTER. Giving presents to *Al-Mushrikūn*" (polytheists, pagans, idolaters).

And the Statement of Allāh تَعَالَى :

"Allāh does not forbid you to deal justly and kindly with those who fought not against

يَهُودِيَّةَ أَتَتِ النَّبِيَّ ﷺ بِشَاءَ مَسْمُوَّةً فَأَكَلَ مِنْهَا، فَجَئَ بِهَا فَقِيلَ: أَلَا نَقْتُلُهَا؟ قَالَ: «لَا»، فَمَا زِلْتُ أَغْرِفُهَا فِي لَهَوَاتِ رَسُولِ اللَّهِ ﷺ.

٢٦١٨ - حَدَّثَنَا أَبُو التَّعْمَانُ:
حَدَّثَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ، عَنْ أَبِيهِ،
عَنْ أَبِي عُثْمَانَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ
أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كُنَّا
مَعَ النَّبِيِّ ﷺ ثَلَاثِينَ وَمَائَةً فَقَالَ النَّبِيُّ
ﷺ: «هَلْ مَعَ أَحَدٍ مِنْكُمْ طَعَامٌ؟» فَإِذَا
مَعَ رَجُلٍ صَاعٌ مِنْ طَعَامٍ أَوْ نَعْوَةٍ،
فَعَجِّنَ شَمْ جَاءَ رَجُلٌ مُشْرِكٌ مُشَعَّنٌ
طَوْبِيلٌ بِعَنْ يَسْوُفُهَا يَقَالُ النَّبِيُّ ﷺ:
«بَيْعًا أَمْ عَطْيَةً؟» أَوْ قَالَ: «أَمْ هَبَةً؟»
قَالَ: لَا، بَلْ بَيْعٌ. فَاشْتَرَى مِنْهُ شَاءَ
فَصُنِعَتْ وَأَمْرَ النَّبِيِّ ﷺ بِسَوَادِ الْبَطْنِ
أَنْ يُشْوَى، وَإِيمَانُ اللَّهِ مَا فِي الثَّلَاثِينَ
وَالْمَائَةِ إِلَّا وَقْدَ حَرَّ النَّبِيُّ ﷺ لَهُ حُزْنَةً
مِنْ سَوَادِ بَطْنِهِ إِنْ كَانَ شَاهِدًا
أَعْطَاهَا إِيَاهُ وَإِنْ كَانَ غَائِبًا خَبَأَ لَهُ.
فَجَعَلَ مِنْهَا قَصْعَتَيْنِ فَأَكَلُوا أَجْمَعُونَ
وَشَيْعَنَا، فَفَضَّلَتِ الْقَصْعَتَانِ فَحَمَلْنَاهُ
عَلَى الْبَعِيرِ أَوْ كَمَا قَالَ.

[راجع: ٢٢١٦]

(٢٩) بَابُ الْهَبَةِ لِلْمُشْرِكِينَ

وَقَوْلُ اللَّهِ تَعَالَى : «لَا يَنْهَاكُ اللَّهُ
عَنِ الَّذِينَ لَمْ يُقْتَلُوْمُ فِي الْأَيْنِ وَلَمْ يَخْرُجُوكُمْ

you on account of religion, nor drove you out of your homes. Verily, Allāh loves those who deal with equity.” (V.60:8)

2619. Narrated Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا: ‘Umar saw a silken cloak over a man for sale and requested the Prophet ﷺ to buy it in order to wear it on Fridays and while meeting delegates. The Prophet ﷺ said, “This is worn by the one who will have no share in the Hereafter.” Later on, Allāh’s Messenger ﷺ got some silken cloaks similar to that one, and he sent one to ‘Umar. ‘Umar said to the Prophet ﷺ, “How can I wear it, while you said about it what you said?” The Prophet ﷺ said, “I have not given it to you to wear, but to sell or to give to someone else.” So, ‘Umar sent it to his brother at Makkah before he (his brother) embraced Islām.

2620. Narrated Asmā’ bint Abū Bakr رَضِيَ اللَّهُ عَنْهَا: My mother came to me during the lifetime of Allāh’s Messenger ﷺ and she was a *Mushrikah* (polytheist, idolatress, pagan). I said to Allāh’s Messenger ﷺ (seeking his verdict), “My mother has come to me and she desires to receive a reward from me, shall I keep good relations with her?” The Prophet ﷺ said, “Yes, keep good relation with her.”

(30) CHAPTER. It is not legal for anyone to take back his presents or *Sadaqa* (things given in charity).

مَنْ دِينْكُمْ أَنْ تَبْرُوْهُمْ وَقَسْطُواْ إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُعْتَصِمِينَ ﴿٨﴾ [المتحنة: ٨]

٢٦١٩ - حَدَّثَنَا خَالِدُ بْنُ مَخْلُدٍ:
حَدَّثَنَا سَلَيْمَانُ بْنُ يَلَالٍ: حَدَّثَنِي عَنْ
اللَّهِ ابْنِ دِينَارٍ، عَنِ ابْنِ عُمَرَ رَضِيَ
اللَّهُ عَنْهُمَا قَالَ: رَأَى عُمَرُ حُلَّةً عَلَى
رَجُلٍ تُبَاعُ، فَقَالَ لِلنَّبِيِّ ﷺ: ابْتَعْ
هَذِهِ الْحُلَّةَ تَلْبِسُهَا يَوْمَ الْجُمُعَةِ وَإِذَا
جَاءَكَ الْوَفْدُ. فَقَالَ: «إِنَّمَا يَلْبِسُ هَذِهِ
مَنْ لَا تَحْلَاقَ لَهُ فِي الْآخِرَةِ»، فَأَتَيَ
رَسُولُ اللَّهِ ﷺ مِنْهَا بِحُلَّلٍ، فَأَرْسَلَ
إِلَى عُمَرَ مِنْهَا بِحُلَّةً، فَقَالَ عُمَرُ:
كَفَ أَبْسُسُهَا وَقَدْ قُلْتَ فِيهَا مَا قُلْتَ؟
قَالَ: «إِنِّي لَمْ أَكُسْكُهَا لِتَلْبِسَهَا،
تَبَيَّعُهَا أَوْ تَكْسُوْهَا»، فَأَرْسَلَ بِهَا عُمَرُ
إِلَى أَخِهِ لَهُ مِنْ أَهْلِ مَكَّةَ، قَبْلَ أَنْ
يُسْلِمَ. [راجع: ٨٨٦]

٢٦٢٠ - حَدَّثَنَا عُبَيْدُ بْنُ إِسْمَاعِيلَ:
حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ
هَشَامٍ، عَنْ أَبِيهِ، عَنْ أَسْمَاءَ بْنَتِ أَبِي
بَكْرٍ رَضِيَ اللَّهُ عَنْهُمَا قُلْتُ: قَلِمَتْ
عَلَيَّ أُمِّي وَهِيَ مُشْرِكَةٌ فِي عَهْدِ رَسُولِ
اللَّهِ ﷺ فَاسْتَفَتَتِ رَسُولَ اللَّهِ ﷺ،
قُلْتُ: إِنَّ أُمِّي قَدِمَتْ وَهِيَ رَاغِبَةٌ،
أَفَأَصِلُّ أُمِّي؟ قَالَ: «نَعَمْ صِلِّي
أُمَّكَ». [انظر: ٣١٨٣، ٥٩٧٨، ٥٩٧٩]
(٣٠) بَابٌ: لَا يَجِدُ لِأَحَدٍ أَنْ يَرْجِعَ
فِي هَبَّتِهِ وَصَدَقَتِهِ

2621. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا : The Prophet ﷺ said, “He who takes back his present is like him who swallows his vomit.”

2622. Narrated Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا : The Prophet ﷺ said, “The bad example is not for us. He who takes back his present is like a dog that swallows back its vomit.”

2623. Narrated ‘Umar bin Al-Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ : I gave a horse in Allāh’s Cause. The person to whom it was given did not look after it. I intended to buy it back from him, thinking that he would sell it cheap. When I asked the Prophet ﷺ, he said, “Don’t buy it, even if he gives it to you for one Dirham as the person who takes back what he has given in charity, is like a dog that swallows back its vomit.”

(31) CHAPTER.

2624. Narrated ‘Abdullāh bin ‘Ubaidullāh bin Abū Mulaika : The sons of Ṣuhaib, (Ṣuhaib, who was the freed slave of Bani Jud‘ān) claimed that Allāh’s Messenger ﷺ had given two houses and one room to

٢٦٢١ - حَدَّثَنَا مُسْلِمُ بْنُ

إِبْرَاهِيمَ : حَدَّثَنَا هِشَامٌ وَشَعْبَةُ قَالَا : حَدَّثَنَا قَنَادَةُ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : قَالَ النَّبِيُّ ﷺ : «الْعَايِدُ فِي هَبَّتِهِ كَالْعَايِدِ فِي قَيْئِهِ». [٢٥٨٩]

٢٦٢٢ - وَحَدَّثَنِي عَبْدُ الرَّحْمَنِ

بْنُ الْمُبَارِكِ : حَدَّثَنَا عَبْدُ الْوَارِثِ، حَدَّثَنَا أَيُوبُ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : قَالَ النَّبِيُّ ﷺ : «لَيْسَ لَنَا مِثْلُ السَّوْءِ الَّذِي يَعُودُ فِي هَبَّتِهِ كَالْكَلْبِ يَرْجُعُ فِي قَيْئِهِ». [٢٥٨٩]

٢٦٢٣ - حَدَّثَنَا يَحْيَى بْنُ فَرَزَعَةَ :

حَدَّثَنَا مَالِكُ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ قَالَ : سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ يَقُولُ : حَمَلْتُ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ فَأَضَاعَهُ الَّذِي كَانَ عِنْدَهُ فَأَرَدْتُ أَنْ أَشْتَرِيهِ مِنْهُ، وَظَنَّتُ أَنَّهُ بِأَيْمَانِهِ بِرُّخْصٍ فَسَأَلْتُ عَنْ ذَلِكَ النَّبِيَّ ﷺ فَقَالَ : «لَا تَشْتَرِهِ وَإِنْ أَعْطَاكَهُ بِدِرْهَمٍ وَاحِدٍ، فَإِنَّ الْعَايِدَ فِي صَدَقَتِهِ كَالْكَلْبِ يَعُودُ فِي قَيْئِهِ».

[راجع: ١٤٩٠]

(٣١) بَابٌ :

٢٦٢٤ - حَدَّثَنِي إِبْرَاهِيمُ بْنُ

مُوسَى : أَخْبَرَنَا هِشَامُ بْنُ يُوسُفَ : أَنَّ ابْنَ جُرَيْجٍ أَخْبَرَهُمْ قَالَ : أَخْبَرَنِي عَبْدُ

Şuhayb. Marwān asked, "Who will testify your claim?" They replied that Ibn 'Umar would do so. Marwān sent for Ibn 'Umar who testified that Allāh's Messenger ﷺ had really given Şuhayb two houses and a room. So, Marwān gave the verdict (in favour of Şuhayb's sons), because of (Ibn 'Umar's) witness.

الله بن عبيد الله بن أبي ملحة: أن
بني صهيب مؤلى ابن جدعان أدعوا
بيتين وحجرة، أن رسول الله ﷺ
أعطى ذلك صهيباً، فقال مروان: من
يشهد لكم على ذلك؟ قالوا: ابن
عمر، فدعاه شهداً: لأنّه رسول
الله ﷺ صهيباً بيتهن وحجرة، فقضى
مروان بشهادته لهم.

(٣٢) باب ما قيل في العمرى
والرقبى

(32) CHAPTER. What is said about the 'Umra and the Ruqba.

If one says, "I give you the house as 'Umra,"^(١) one means, "I give it to you to live in as long as you are alive."

2625. Narrated Jābir رضي الله عنه: The Prophet ﷺ gave the verdict that 'Umra is for the one to whom it is presented.

أعمرتُ الدار، فهي عمرى،
جعلتها لها. «وستقرئ فيها» [هود:
٦١]: جعلتكم عماراً.

٢٦٢٥ - حَدَثَنَا أَبُو نُعْيْمٍ: حَدَثَنَا
شِيَّانُ، عَنْ يَحْيَىٰ، عَنْ أَبِي سَلْمَةَ،
عَنْ جَابِرٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: فَقَسَى
النَّبِيُّ ﷺ بِالْعُمْرَىٰ: أَنَّهَا لِمَنْ وُهِبَتْ
لَهُ.

2626. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, "'Umra is permissible."

'Atā' said, "Jābir narrated the same to me from the Prophet ﷺ."

٢٦٢٦ - حَدَثَنَا حَفْصُ بْنُ عُمَرَ
حَدَثَنَا هَمَامٌ: حَدَثَنَا قَتَادَةُ قَالَ:
حَدَثَنِي النَّضْرُ بْنُ أَسِّيْنَ عَنْ بَشِيرِ بْنِ
نَهَيْكَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ
عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمْرَىٰ
جَائِزَةٌ». وَقَالَ عَطَاءُ: حَدَثَنِي جَابِرٌ
عَنِ النَّبِيِّ ﷺ مِثْلُهُ.

(1) (Ch. 32) 'Umra : This kind of gift is also called Ruqba, which is derived from the Arabic verb meaning 'to wait' because both the giver and the person given to, used to wait for the death of each other so that the house etc. (given as gift) would belong to him permanently. (*Fath Al-Bārī*)

(33) CHAPTER. Borrowing a horse from some people.

2627. Narrated Anas : رَضِيَ اللَّهُ عَنْهُ Once, the people of Al-Madina were frightened, so the Prophet ﷺ borrowed a horse from Abū Ṭalha called Al-Mandūb, and rode it. When he came back he said, "We have not seen anything (to be afraid of), but the horse was very fast."

(٣٣) بَابُ مَنِ اسْتَعَارَ مِنَ النَّاسِ
المرَّاسَ

٢٦٢٧ - حَدَّثَنَا أَدْمُ : حَدَّثَنَا شُعْبَةُ، عَنْ قَاتَادَةَ قَالَ: سَمِعْتُ أَنَّهَا يَقُولُ: كَانَ فَرَّغُ بِالْمَدِينَةِ فَاسْتَعَارَ النَّبِيُّ ﷺ فَرْسًا مِنْ أَبِي طَلْحَةَ يُقَالُ لَهُ: الْمَنْدُوبُ، فَرَكِبَهُ . فَلَمَّا رَجَعَ قَالَ: «مَا رَأَيْنَا مِنْ شَيْءٍ وَإِنْ وَجَدْنَاهُ لَبَحْرًا». [انظر: ٢٨٢٠، ٢٨٥٧، ٢٨٦٢، ٢٩٦٩، ٢٩٦٨، ٢٩٠٨، ٢٨٦٧، ٣٠٤٠، ٦٢١٢، ٦٠٣٣]

(34) CHAPTER. To borrow something for the bride at the time of her wedding.

2628. Narrated Aimān : I went to 'Āishah and she was wearing (a coarse dress) costing five Dirham. 'Āishah said, "Look up and see my slave-girl who refuses to wear it in the house, though during the lifetime of Allāh's Messenger ﷺ I had a similar dress which no woman desiring to appear elegant (before her husband) failed to borrow from me."

(٣٤) بَابُ الْاسْتِعَارَةِ لِلْعَرْوِسِ عِنْدَ الْبَنَاءِ

٢٦٢٨ - حَدَّثَنَا أَبُو نَعِيمٍ : حَدَّثَنَا عَبْدُ الرَّاهِيدِ بْنُ أَيْمَنٍ : حَدَّثَنِي أَبِي قَالَ: دَخَلْتُ عَلَى عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا وَعَلَيْهَا دُرْعٌ قِطْرِيٌّ ثَمَنُهُ خَمْسَةُ دَرَاهِمَ، فَقَالَتْ: ارْفِعْ بَصَرَكَ إِلَى جَارِيَتِيِّ، انْظُرْ إِلَيْهَا فَإِنَّهَا تُرْهِيَ أَنْ تَلْبِسَهُ فِي الْبَيْتِ. وَقَدْ كَانَ لِي مِنْهُنَّ دُرْعٌ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَمَا كَانَتِ امْرَأَةٌ تُقْبَلُ بِالْمَدِينَةِ إِلَّا أَرْسَلَتْ إِلَيَّهَا سَتْعِيرَةً.

(٣٥) بَابُ فَضْلِ الْمَيْبَحَةِ

(35) CHAPTER. The superiority of the *Manīha*, i.e., a milch she-camel or a sheep lent to somebody to use its milk and return it to its owner afterwards.

2629. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ Allāh's Messenger ﷺ said, "What a good *Manīha* (the she-camel which has recently

٢٦٢٩ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ : حَدَّثَنَا مَالِكٌ، عَنْ أَبِي الزَّنَادِ، عَنْ

2736. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ that Allāh's Messenger ﷺ said, "Allāh has ninety-nine names, i.e., one hundred less one, and whoever counts them (believes in their meanings and acts accordingly) will enter Paradise." (Please see *Hadīth* No.6410 Vol.8)

٢٧٣٦ - حَدَّثَنَا أَبُو اليمان أَخْبَرْنَا شَعِيبٌ: حَدَّثَنَا أَبُو الزَّنَادَ، عَنِ الْأَعْرَجَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ؛ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ اللَّهَ تِسْعَةٌ وَتِسْعِينَ اسْمًا؛ مِائَةً إِلَّا وَاحِدًا مِنْ أَنْخَاصَهَا دَخَلَ الْجَنَّةَ». [انظر: ٦٤١٠، ٢٧٣٩٢]

(19) CHAPTER. Conditions in *Waqf* (i.e., religious endowment).

2737. Narrated Ibn 'Umar رَضِيَ اللَّهُ عَنْهُمَا 'Umar bin Al-Khaṭṭāb got some land in Khaibar and he went to the Prophet ﷺ to consult him about it, saying, "O Allāh's Messenger I got some land in Khaibar better than which I have never had, what do you suggest that I do with it?" The Prophet ﷺ said, "If you like you can give the land as endowment and give its fruits in charity." So 'Umar gave it in charity as an endowment on the condition that it would not be sold nor given to anybody as a present and not to be inherited, but its yield would be given in charity to the poor people, to the kith and kin, for freeing slaves, for Allāh's Cause, to the travellers and guests; and that there would be no harm if the guardian of the endowment ate from it with *Ma'rūf* (according to his labour with good intention), and fed others without storing it for the future..."

٢٧٣٧ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ: حَدَّثَنَا ابْنُ عَوْنَى قَالَ: أَتَبَأْنِي نافعُ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَصَابَ أَرْضًا بِخَيْرٍ فَأَتَى النَّبِيُّ ﷺ يَسْأَلُهُ عَنْهَا فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي أَصَبْتُ أَرْضًا بِخَيْرٍ، لَمْ أَصِبْ مَالًا قَطُّ أَنْفَسَ عَنِي مِنْهُ، فَمَا تَأْمُرُنِي بِهِ؟ قَالَ: «إِنْ شِئْتَ حَبَّسْتَ أَصْلَاهَا وَتَصَدَّقْتَ بِهَا». قَالَ: فَتَصَدَّقَ بِهَا عُمَرُ أَنَّهُ لَا يُبَاغِ ولا يُوَهَّبُ وَلَا يُورَثُ، وَتَصَدَّقَ بِهَا فِي الْفُقَرَاءِ وَفِي الْقُرْبَى وَفِي الرِّقَابِ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ وَالصَّيْفِ، لَا جُنَاحَ عَلَى مَنْ وَلَيْهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ وَيُظْعَمَ غَيْرُ مُتَمَوِّلِ. قَالَ: فَحَدَّثَتُ بِهِ ابْنَ سِيرِينَ. فَقَالَ: غَيْرَ مُتَأْثِلٍ مَالًا. [راجع: ٢٣١٣]

2735. Narrated 'Amra : 'Āishah رضي الله عنها said that Barira came to seek her help in the writing of her emancipation. 'Āishah said to her, "If you wish, I will pay your masters (your price) and the *Wālā*' will be for me." When Allāh's Messenger ﷺ came, she told him about it. The Prophet ﷺ said to her, "Buy her (i.e., Barira) and manumit her, for the *Wālā*' is for the one who manumits." Then Allāh's Messenger ﷺ ascended the pulpit and said, "What about those people who stipulate conditions which are not present in Allāh's Laws? Whoever stipulates such conditions as are not present in Allāh's Laws, then those conditions are invalid even if he stipulated a hundred such conditions."

(18) CHAPTER. What kinds of conditions are permissible; and what is exempted from the decision; and the conditions which are well-known amongst the people, and if somebody says, "One hundred minus one or two."

Narrated Ibn Sirīn : A man said to a hirer of animals, "Prepare your travelling animals, and if I should not go with you on such and such day, I shall pay you one hundred Dirhams," but he did not go on that day. Shurāh said, "If anyone puts a condition on himself of his own free will without being under duress, he has to abide by it."

Narrated Ayyūb from Ibn Sirīn : A man sold foodstuff and the buyer told the seller that if he did not come to him on Wednesday, then the deal would be cancelled (i.e., invalid) and he did not turn up on that day." Shurāh said to the buyer, "You have broken your promise," and gave the verdict against him.

٢٧٣٥ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ، عَنْ يَحْمِيِّ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: أَتَهَا بَرِيرَةً تَسْأَلُهَا فِي كِتَابِهَا فَقَالَتْ: إِنْ شِئْتَ أَعْطَيْتُ أَهْلَكِ وَيُكُونُ الولَاءُ لِي. فَلَمَّا جَاءَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ ذَكَرَهُ ذَلِكَ. قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ: «إِنْ تَاعِيهَا فَأَعْتَقِيهَا فَإِنَّمَا الولَاءُ لِمَنْ أَعْنَقَ». ثُمَّ قَامَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ عَلَى الْمِنْبَرِ فَقَالَ: «مَا بِالْأَوْمَامِ يَسْتَرْطُونَ شُرُوطًا لَيْسَ فِي كِتَابِ اللَّهِ؟ مَنْ اشْتَرَطَ شَرْطًا لَيْسَ فِي كِتَابِ اللَّهِ فَلَيْسَ لَهُ وَإِنْ اشْتَرَطَ مائَةً شَرْطًا». [راجع: ٤٥٦]

(18) بَابُ ما يَجُوزُ مِنَ الْاشْتَرَاطِ، وَالثَّيَا فِي الْإِفْرَارِ، وَالشُّرُوطِ الَّتِي يَتَعَارَفُهُ النَّاسُ بَيْنَهُمْ. إِذَا قَالَ: مائَةٌ إِلَّا وَاحِدَةٌ أَوْ ثَنَيْنِ

وَقَالَ ابْنُ عَوْنَ، عَنْ ابْنِ سِيرِينَ، قَالَ الرَّجُلُ لِكَرِيمِهِ: أَذْخُلْ رِكَابِكَ، فَإِنْ لَمْ أَرْجِلْ مَعَكَ يَوْمَ كَذَا وَكَذَا فَلَكَ مائَةُ دُرْهَمٍ فَلَمْ يَخْرُجْ، فَقَالَ شَرِيعَةُ: مَنْ شَرَطَ عَلَى نَفْسِهِ طَائِعًا غَيْرَ مُكْرَهٍ فَهُوَ عَلَيْهِ. وَقَالَ أَيُوبُ، عَنْ ابْنِ سِيرِينَ: إِنَّ رَجُلًا بَاعَ طَعَاماً وَقَالَ: إِنْ لَمْ آتِكَ الْأَرْبَاعَةَ فَلَيْسَ بَيْنِي وَبَيْنَكَ بَيْعٌ، فَلَمْ يَجِدْ فَقَالَ شَرِيعَةُ لِلْمُشْتَريِّ: أَنْتَ أَخْلَفْتَ فَقَضَى عَلَيْهِ.

We do not know any of the women emigrants who deserted Islam after embracing it. We have also been told that Abū Basīr bin Asid Ath-Thaqafī came to the Prophet ﷺ as a Muslim emigrant during the truce. Al-Akhnas bin Shariq wrote to the Prophet ﷺ requesting him to return Abū Basīr.

الكُفَّارِ، فَأَمَرَ أَنْ يُعْطَى مِنْ ذَهَبَ لَهُ زَوْجٌ مِنَ الْمُسْلِمِينَ مَا أَنْفَقَ مِنْ صَدَاقِ نِسَاءِ الْكُفَّارِ الَّتِي هَاجَرْنَ، وَمَا نَعْلَمُ أَحَدًا مِنَ الْمُهَاجِرَاتِ ارْتَدَثَ بَعْدَ إِيمَانِهَا. وَيَلْعَنَا أَنَّ أَبَا بصيرِ بْنَ أَسِيدِ التَّقْفِيِ قَدَمَ عَلَى النَّبِيِّ ﷺ مُؤْمِنًا مُهَاجِرًا فِي الْمُدَّةِ، فَكَتَبَ الْأَخْسُونَ بْنَ شُرِيقَ إِلَى النَّبِيِّ ﷺ يَسْأَلُهُ أَبَا بصيرَ، فَذَكَرَ الْحَدِيثَ.

[راجع: ٢٧١٣]

(16) CHAPTER. Conditions in loans.

Ibn ‘Umar رضي الله عنهما and ‘Aṭā’ رضي الله عنهما said, “If one lends something for a certain period, the debt is valid.”

2734. Narrated Abū Hurairah رضي الله عنه: Allāh’s Messenger ﷺ mentioned a person who asked an Isrāēlī man to lend him one thousand Dinārs, and the Isrāēlī lent him the sum for a certain fixed period.

(١٦) بَابُ الشُّرُوطِ فِي الْقَرْضِ
وَقَالَ أَبْنُ عُمَرَ وَعَطَاءً رَضِيَ اللَّهُ عَنْهُمَا: إِذَا أَجَلَهُ فِي الْقَرْضِ حَارَ.
٢٧٣٤ - وَقَالَ الْلَّيْثُ: حَدَّثَنِي جَعْفَرُ ابْنُ رِبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزَ، عَنْ أَبِي هُرِيرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ رَسُولِ اللَّهِ ﷺ: أَنَّهُ ذَكَرَ رَجُلًا سَأَلَ بَعْضَ بَنِي إِسْرَائِيلَ أَنْ يُسْلِقَهُ أَلْفَ دِينَارٍ، فَدَفَعَهَا إِلَيْهِ إِلَى أَجَلٍ مُسَمًّى. [راجع: ١٤٩٨]

(١٧) بَابُ الْمُكَاتَبِ، وَمَا لَا يَحْلُّ مِنَ الشُّرُوطِ الَّتِي تُخَالِفُ كِتَابَ اللَّهِ
وَقَالَ جَابِرُ بْنُ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا فِي الْمُكَاتَبِ: شُرُوطُهُمْ بَيْتُهُمْ. وَقَالَ أَبْنُ عُمَرَ أَوْ عُمَرُ رَضِيَ اللَّهُ عَنْهُمَا: كُلُّ شَرْطٍ خَالَفَ كِتَابَ اللَّهِ فَهُوَ باطِلٌ، وَإِنْ اشْتَرَطَ مائَةً شَرْطٍ.

(17) CHAPTER. *Al-Mukātab* (i.e., the slave who is given the writing of emancipation for a certain sum) and about the invalidity of those conditions which contradict Allāh’s Laws.

Jābir bin ‘Abdullāh said regarding *Al-Mukātab*, “Their conditions are those which are mutually agreed upon by them.” Ibn ‘Umar or ‘Umar said, “Any condition which is against Allāh’s Laws, is invalid, even if one stipulates a hundred such conditions.”

كَفَ أَيْدِيهِمْ عَنْكُمْ وَأَيْدِيكُمْ عَنْهُمْ يَبْطِئُ
مَكَّةَ مِنْ بَعْدِ أَنْ أَطْفَلَكُمْ عَلَيْهِمْ» حَتَّى
بَلَغَ «الْمُؤْمِنَةَ حَمَّةَ الْجَاهِلَةَ»
[الفتح: ٢٤-٢٦] كَانَتْ حَمِيمَتُهُمْ أَنَّهُمْ لَمْ
يُقْرَرُوا أَنَّهُ نَبِيُّ اللَّهِ وَلَمْ يُقْرَرُوا بِسْمِ اللَّهِ
الرَّحْمَنِ الرَّحِيمِ. وَحَالُوا بَيْنَهُمْ وَبَيْنَ
البَيْتِ. [راجع: ١٦٩٤، ١٦٩٥]

قال أبو عبد الله: «عَمَرَةُ»:
الْعُرُّ: الْجَرْبُ، «تَزَبَّلَا»: تَمَيَّزَا،
وَحَمِيمُ الْقَوْمِ: مَنْعِتُهُمْ حَمَايَةً،
وَأَحْمَيَتِ الْحَمَى.

٢٧٣٣ - وَقَالَ عُقَيْلٌ عَنِ
الرُّهْبَرِيِّ: قَالَ عُرْوَةُ: فَأَخْبَرَنِي عَائِشَةَ
أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَمْتَحِنُهُنَّ.
وَيَلْعَنُ أَنَّهُ لَمَّا أُنْزَلَ اللَّهُ تَعَالَى أَنْ
يَرْدُدُوا إِلَى الْمُشْرِكِينَ مَا أَنْفَقُوا عَلَى
مَنْ هَاجَرَ مِنْ أَرْوَاحِهِمْ وَحَكَمَ عَلَى
الْمُسْلِمِينَ أَنَّ لَا يُمْسِكُوا بِعِصْمَ
الْكَوَافِرِ، أَنَّ عُمَرَ طَلَقَ امْرَأَتَيْنِ قَرِيبَةَ
بِنْتَ أَبِي أُمَيَّةَ. وَابْنَةَ جَرَوْلِ
الْخُزَاعِيِّ، فَتَرَوَّجَ قَرِيبَةَ مُعاوِيَةَ ابْنِ
أَبِي سُفْيَانَ، وَتَرَوَّجَ الْأَخْرَى أَبُو
جَهَنَّمَ. فَلَمَّا أَبْيَدَ الْكُفَّارُ أَنْ يُقْرَرُوا
بِأَدَاءِ مَا أَنْفَقَ الْمُسْلِمُونَ عَلَى

أَرْوَاحِهِمْ أُنْزَلَ اللَّهُ تَعَالَى: «فَإِنْ فَاتَكُمْ
شَيْءٌ مِنْ أَنْذِيَكُمْ إِلَى الْكُنَّارِ فَعَاقِبَتُمْ»
[المتحدة: ١١] وَالْعَقِبُ مَا يُؤْدِي
الْمُسْلِمُونَ إِلَى مَنْ هَاجَرَتِ امْرَأَهُ مِنْ

2733. Narrated Az-Zuhri: ‘Urwa said, “‘Aishah told me that Allāh’s Messenger ﷺ used to examine the women emigrants. We have been told also that when Allāh تَعَالَى revealed the order that the Muslims should return to the *Mushrikūn* (polytheists, idolaters, pagans) what they had spent on their wives who emigrated (after embracing Islām) and that the Muslims should not keep disbelieving women as their wives, ‘Umar divorced two of his wives, Qarība, the daughter of Abū Umayya and the daughter of Jarwal Al-Khuza’i. Later on Mu’āwiya married Qarība and Abū Jahm married the other.”

When the *Mushrikūn* refused to pay what the Muslims had spent on their wives, Allāh تَعَالَى revealed:

“And if any of your wives had gone from you to the disbelievers” (V.60:11)

So, Allāh ordered that the Muslim whose wife has gone, should be given, as a compensation of the *Mahr* he had given to his wife, from the *Mahr* of the wives of the *Mushrikūn* who had emigrated deserting their husbands.

supporters.” When Abū Baśir heard that he understood that the Prophet ﷺ would return him to them again, so he set out and left till he reached the seashore. Abū Jandal bin Suhail got himself released from them (i.e., infidels) and joined Abū Basīr. So, whenever a man from Quraish embraced Islam he would follow Abu Basir till they formed a strong group. By Allāh, whenever they heard about a caravan of Quraish heading towards Sham, they stopped it and attacked and killed them (i.e., infidels) and took their properties. The people of Quraish sent a message to the Prophet ﷺ requesting him for the sake of Allāh and kith and kin to send for (i.e., Abū Basīr and his companions) promising that whoever (amongst them) came to the Prophet ﷺ would be secure. So the Prophet ﷺ sent for them (i.e., Abū Basīr's companions) and Allāh تَعَالَى revealed the following Divine Verses:

“And it is He Who has withheld their hands from you and your hands from them in the midst of Makkah, after He made you victors over them.. (up to).. pride and haughtiness, the pride and haughtiness of the time of ignorance.” (V.48:24-26)

And their pride and haughtiness was that they did not confess (write in the treaty) that he (i.e., Muhammad ﷺ) is the Prophet of Allāh and refused to write: “In the Name of Allāh, the Most Gracious, the Most Merciful,” and prevented the Muslims from visiting the Ka'bah.

فَتَرَلُوا يَا كُلُونَ مِنْ تَمِّرِ لَهُمْ، فَقَالَ أَبُو بَصِيرٍ لِأَحَدِ الرَّجُلَيْنِ: وَاللَّهِ إِنِّي لَأَرَى سَيِّفَكَ هَذَا يَا قُلَانُ جَيْدًا، فَاسْتَلَهُ الْآخَرُ فَقَالَ: أَجَلْ وَاللَّهِ، إِنَّهُ لَجَيْدٌ، لَقَدْ حَرَبْتُ بِهِ ثُمَّ حَرَبْتُ. فَقَالَ أَبُو بَصِيرٍ: أَرِنِي أَنْظُرْ إِلَيْهِ، فَأَمْكَنَهُ مِنْهُ، فَضَرَبَهُ حَتَّى بَرَدَ وَقَرَ الْآخَرُ حَتَّى أَتَى رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حِينَ رَأَاهُ: (لَقَدْ رَأَى هَذَا دُغْرَا)، فَلَمَّا انتَهَى إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: قَالَ: قُتِلَ صَاحِبِي وَإِنِّي لَمَقْتُولٌ. فَجَاءَ أَبُو بَصِيرٍ فَقَالَ: يَا نَبِيَّ اللَّهِ قَدْ وَاللَّهُ أَوْفَى اللَّهُ ذِمَّتَكَ، قَدْ رَدَدْتَنِي إِلَيْهِمْ ثُمَّ أَنْجَانِي اللَّهُ مِنْهُمْ. قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: (وَيْلُ أُمُّهُ مَسْعَرَ حَرْبٍ لَوْ كَانَ لَهُ أَحَدٌ). فَلَمَّا سَمِعَ ذَلِكَ عَرَفَ أَنَّهُ سَيِّرُدُهُ إِلَيْهِمْ، فَخَرَجَ حَتَّى أَتَى سَيِّفَ الْبَحْرِ، قَالَ: وَيَنْقُلُنِي مِنْهُمْ أَبُو جَنْدَلٍ بْنُ سَهْبَلٍ فَلَحِقَ بِأَبِي بَصِيرٍ، فَجَعَلَ لَا يَخْرُجَ مِنْ قُرْيَشٍ رَجُلٌ قَدْ أَسْلَمَ إِلَّا لَحِقَ بِأَبِي بَصِيرٍ حَتَّى اجْتَمَعُ مِنْهُمْ عَصَابَةً، فَوَاللَّهِ مَا يَسْمَعُونَ بِعِيرٍ خَرَبَتْ لِقُرْيَشٍ إِلَى الشَّامِ إِلَّا اغْتَرَضُوا لَهَا فَقَتَلُوْهُمْ وَأَحَدُوا أَمْوَالَهُمْ. فَأَرْسَلَتْ قُرْيَشٌ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تُنَاصِدَهُ اللَّهُ وَالرَّحْمَنَ لَمَّا أَرْسَلَ: فَمَنْ أَنَّهُ فَهُوَ آمِنٌ، فَأَرْسَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَيْهِمْ فَأَنْزَلَ اللَّهُ تَعَالَى «وَهُوَ الَّذِي

there was a danger of killing each other. Then some believing women came (to the Prophet ﷺ); and Allāh عالىٰ revealed the following Divine Verses:

“O you who believe, when the believing women come to you as emigrants examine them... (up to) .. the disbelieving women as wives.” (V.60:10)

‘Umar then divorced two wives of his who were infidels. Later on Mu‘āwiya bin Abū Sufyān married one of them, and Ṣafwān bin Umaiyya married the other.

When the Prophet ﷺ returned to Al-Madīna, Abū Baṣir, a new Muslim convert from Quraish came to him. The infidels sent in his pursuit two men who said (to the Prophet ﷺ), “Abide by the promise you gave us.” So, the Prophet ﷺ handed him over to them. They took him out (of the city) till they reached Dhul-Hulaifa where they dismounted to eat some dates they had with them. Abū Baṣir said to one of them, “By Allāh, O so-and-so, I see you have a fine sword.” The other drew it out (of the scabbard) and said, “By Allāh, it is very fine and I have tried it many times.” Abū Baṣir said, “Let me have a look at it.” When the other gave it to him, he hit him with it till he died, and his companion ran away till he came to Al-Madīna and entered the mosque running. When Allāh’s Messenger ﷺ saw him he said, “This man appears to have been frightened.” When he reached the Prophet ﷺ he said, “My companion has been murdered and I would have been murdered too.” Abū Baṣir came and said, “O Allāh’s Messenger, by Allāh, Allāh has made you fulfil your obligations by your returning me to them (i.e., the infidels), but Allāh has saved me from them.” The Prophet ﷺ said, “Woe to his mother! what an excellent war kindler he would be, should he only have

عُمُرٌ: فَعَمِلْتُ لِذلِكَ أَعْمَالًا. قَالَ فَلَمَّا فَرَغَ مِنْ قَضِيَّةِ الْكِتَابِ قَالَ رَسُولُ اللهِ ﷺ لِأَصْحَابِهِ: «قُومُوا فَانْهَرُوا ثُمَّ احْلِقُوا»، قَالَ: فَوَاللهِ مَا قَامَ مِنْهُمْ رَجُلٌ حَتَّىٰ قَالَ ذَلِكَ ثَلَاثَ مَرَاتٍ، فَلَمَّا لَمْ يَقْبِمْ مِنْهُمْ أَحَدٌ دَخَلَ عَلَىٰ أُمَّ سَلَمَةَ فَذَكَرَ لَهَا مَا لَقِيَ مِنَ النَّاسِ فَقَالَتْ أُمُّ سَلَمَةَ: يَا نَبِيَّ اللهِ، أَتَحِبُّ ذَلِكَ؟ اخْرُجْ ثُمَّ لَا تُكَلِّمْ أَحَدًا مِنْهُمْ كَلِمَةً، حَتَّىٰ تَنْهَرَ بُدْنَكَ، وَتَدْعُو حَالِقَكَ فِي حِلْقَكَ. فَخَرَجَ فَلَمْ يُكَلِّمْ أَحَدًا مِنْهُمْ حَتَّىٰ فَعَلَ ذَلِكَ. نَحْرَ بُدْنَهُ، وَدَعَا حَالِقَهُ فَحَلَقَهُ. فَلَمَّا رَأَوَا ذَلِكَ قَامُوا فَنَاهَرُوا وَجَعَلُ بَعْضُهُمْ يَحْلِقُ بَعْضًا حَتَّىٰ كَادَ بَعْضُهُمْ يَقْتُلُ بَعْضًا غَيْرًا. ثُمَّ جَاءَهُ نِسْوَةٌ مُؤْمِنَاتٍ، فَأَنْزَلَ اللَّهُ تَعَالَىٰ ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ﴾ [المتحنة: ١٠] حَتَّىٰ بَلَغَ: «يَعْصِمُ الْكُوَافِرَ» فَطَلَقَ عُمُرُ يَوْمَئِذٍ امْرَأَيْنِ كَانَتَا لَهُ فِي الشُّرُكِ. فَتَرَوَجَ إِحْدَاهُمَا مَعَاوِيَةُ بْنُ أَبِي سُفْيَانَ، وَالْأُخْرَىٰ صَفْوَانُ بْنُ أُمَيَّةَ. ثُمَّ رَجَعَ النَّبِيُّ ﷺ إِلَى الْمَدِينَةِ فَجَاءَهُ أُبُو بَصِيرٍ رَجُلٌ مِنْ قُرْيَشٍ وَهُوَ مُسْلِمٌ، فَأَرْسَلُوا فِي ظَلَّهِ رَجُلَيْنِ، فَقَالُوا: الْعَهْدُ الَّذِي جَعَلْتُ لَنَا. فَدَفَعَهُ إِلَى الرَّجُلَيْنِ، فَخَرَجَ جَا بِهِ حَتَّىٰ بَلَغَ ذَا الْحُلْفَةِ،

Tawāf around it?" He said, 'Yes, but did I tell you that we would visit the Ka'bah this year?' I said, 'No.' He said, 'So you will visit it and perform *Tawāf* around it'" 'Umar further said, "I went to Abū Bakr and said, 'O Abū Bakr! Isn't he truly Allāh's Prophet?' He replied, 'Yes.' I said, Isn't our cause just and the cause of our enemy unjust?' He replied, 'Yes.' I said, 'Then why should we be humble in our religion?' He said, 'Indeed, he is Allāh's Messenger and he does not disobey his Lord, and He will make him victorious. Adhere to him as, by Allāh, he is on the right.' I said, 'Was he not telling us that we would go to the Ka'bah and perform *Tawāf* around it?' He said, 'Yes, but did he tell you that you would go to the Ka'bah this year?' I said, 'No.' He said, 'You will go to Ka'bah and perform *Tawāf* around it'." (Az-Zuhri said, " 'Umar said, 'I performed many good deeds as expiation for the improper questions I asked them'.") When the writing of the peace treaty was concluded, Allāh's Messenger ﷺ said to his companions, "Get up and slaughter your sacrifices and get your head shaved." By Allāh none of them got up, and the Prophet ﷺ repeated his order thrice. When none of them got up, he left them and went to Umm Salama and told her of the people's attitudes towards him. Umm Salama said, "O the Prophet of Allāh! Do you want your order to be carried out? Go out and don't say a word to anybody till you have slaughtered your sacrifice and call your barber to shave your head." So, the Prophet ﷺ went out and did not talk to anyone of them till he did that, i.e., slaughtered the sacrifice and called his barber who shaved his head. Seeing that, the companions of the Prophet ﷺ got up, slaughtered their sacrifices, and started shaving the heads of one another, and there was so much rush that

أَجْزَنَاهُ لَكَ . قَالَ أَبُو جَنْدِلٍ : أَيْ مَعْشَرَ الْمُسْلِمِينَ , أَرَدُ إِلَى الْمُشْرِكِينَ وَقَدْ جَئْتُ مُسْلِمًا ؟ أَلَا تَرَوْنَ مَا قَدْ لَقَيْتُ ؟ وَكَانَ قَدْ عَذَّبَ عَذَابًا شَدِيدًا فِي الدُّنْيَا , قَالَ : قَالَ عُمَرُ بْنُ الْخَطَّابَ : فَأَتَيْتُ نَبِيَّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قُلْتُ : أَلَّا تَرَى نَبِيَّ اللَّهِ حَقًّا ؟ قَالَ : «بَلِي» ، قُلْتُ : أَلَّا سَنَا عَلَى الْحَقِّ وَعَدُونَا عَلَى الْبَاطِلِ ؟ قَالَ : «بَلِي» ، قُلْتُ : فَلِمَ نُعْطِي الدِّينَةَ فِي دِينِنَا إِذْنًا ؟ قَالَ : «إِنِّي رَسُولُ اللَّهِ وَلَسْتُ أَغْصِيهِ ، وَهُوَ نَاصِرِي» . قُلْتُ : أَوْ لَيْسَ كُنْتَ تَحْدَثُنَا أَنَّا سَنَأْتِي الْبَيْتَ فَنَطَوْفُ بِهِ ؟ قَالَ : «بَلِي» ، فَأَخْبَرْتُكَ أَنَّا نَأْيَاهُ الْعَامَ؟ قَالَ : قُلْتُ : لَا ، قَالَ : «فَإِنَّكَ آتَيْهِ وَمُظْوَفُ بِهِ» . قَالَ : فَأَتَيْتُ أَبَا بَكْرَ ، قُلْتُ : يَا أَبَا بَكْرَ ، أَلَيْسَ هَذَا نَبِيَّ اللَّهِ حَقًّا ، قَالَ : «بَلِي» ، قُلْتُ : أَلَّا سَنَا عَلَى الْحَقِّ وَعَدُونَا عَلَى الْبَاطِلِ ؟ قَالَ : «بَلِي» ، قُلْتُ : فَلِمَ نُعْطِي الدِّينَةَ فِي دِينِنَا إِذْنًا ؟ قَالَ : «أَيُّهَا الرَّجُلُ ، إِنَّهُ لَرَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَلَيْسَ يَعْصِي رَبَّهُ وَهُوَ نَاصِرُهُ ، فَاسْتَمِسْكْ بِعِرْزِهِ فَوَاللَّهِ إِنَّهُ عَلَى الْحَقِّ» ، قُلْتُ : أَلَيْسَ كَانَ يُحَدِّثُنَا أَنَّا سَنَأْتِي الْبَيْتَ فَنَطَوْفُ بِهِ ؟ قَالَ : «بَلِي» ، فَأَخْبَرْتَكَ أَنَّكَ تَأْتِيَهُ الْعَامَ؟ قُلْتُ : لَا . قَالَ : «فَإِنَّكَ آتَيْهِ وَمُظْوَفُ بِهِ» . قَالَ الزُّهْرِيُّ : قَالَ

Prophet ﷺ said to Suhail, "On the condition that you allow us to visit the House (i.e., Ka'bah) so that we may perform *Tawāf* around it." Suhail said, "By Allāh, we will not (allow you this year) so as not to give chance to the 'Arabs to say that we have yielded to you, but we will allow you next year." So, the Prophet ﷺ got that written. Then Suhail said, "We also stipulate that you should return to us whoever comes to you from us, even if he embraced your religion." The Muslims said, "Glorified be Allāh! How will such a person be returned to the *Mushrikūn* (polytheists, idolaters, pagans) after he has become a Muslim?" While they were in this state Abū Jandal bin Suhail bin 'Amr came from the valley of Makkah staggering with his fetters and fell down amongst the Muslims. Suhail said, "O Muhammad! This is the very first term with which we make peace with you, i.e., you shall return Abū Jandal to me." The Prophet ﷺ said, "The peace treaty has not been written yet." Suhail said, "I will never allow you to keep him." The Prophet ﷺ said, "Yes, do." He said, "I won't do." Mikrāz said, "We allow you (to keep him)." Abū Jandal said, "O Muslims! Will I be returned to the pagans though I have come as a Muslim? Don't you see how much I have suffered?" Abū Jandal had been tortured severely for the Cause of Allāh. 'Umar bin Al-Khaṭṭab said, "I went to the Prophet ﷺ and said, 'Aren't you truly the Messenger of Allāh?' The Prophet ﷺ said, 'Yes, indeed.' I said, 'Isn't our cause just and the cause of the enemy unjust?' He said, 'Yes.' I said, 'Then why should we be humble in our religion?' He said, 'I am Allāh's Messenger and I do not disobey Him, and He will make me victorious.' I said, 'Didn't you tell us that we would go to the Ka'bah and perform

الله ما صدناك عن البيت ولا
قاتلناك. ولكن اكتب: محمد بن عبد
الله، فقال النبي ﷺ: «والله إني
رسول الله وإن كذبوني، اكتب:
محمد بن عبد الله». قال الرهري:
وذلك لقوله: «لا يسألوني خطة
يعلمون فيها حرمات الله إلا أغطيتهم
إياها». فقال له النبي ﷺ: «على أن
تلخلوا بيئنا وبين البيت فنظوف به».
فقال سهيل: والله لا تحدث العرب
أنا أخذنا ضعفة، ولكن ذلك من
العام المقبل، فكتب. فقال سهيل:
وعلى الله لا يأتيك مينا رجل وإن كان
على دينك إلا ردة إلينا قال
المسلمون: سبحان الله، كيف يردد
إلى المشركيين وقد جاء مسلماً؟
فيثما هم كذلك إذ دخل أبو جندل
بن سهيل بن عمرو يوسف في قيوده.
وقد خرج من أسفل مكان حتى رمى
بنفسه بين أظهر المسلمين فقال
سهيل: هذا يا محمد أول من
أقضيك عليه أن ترده إلى. فقال
النبي ﷺ: «إنا لم نقض الكتاب
بعد». قال: فوالله إذا لم أصالحك
على شيء أبداً. قال النبي ﷺ:
«فأجزه لي»، قال: ما أنا بمحبز
ذلك لك. قال: «بلى فاعمل». قال:
ما أنا بفاعل. قال مكرز: بل قد

Ka'bah." When he returned to his people, he said, "I saw the *Budn* garlanded (with coloured knotted ropes) and marked (with stabs on their backs). I do not think it is advisable to prevent them from visiting the Ka'bah." Another person called Mikraz bin Ḥafṣ got up and sought their permission to go to Muḥammad ﷺ, and they allowed him, too. When he approached the Muslims, the Prophet ﷺ said, "Here is Mikraz and he is a vicious man." Mikrāz started talking to the Prophet ﷺ and as he was talking, Suhail bin 'Amr came. When Suhail bin 'Amr came, the Prophet ﷺ said, "Now the matter has become easy." Suhail said to the Prophet ﷺ, "Please conclude a peace treaty with us." So, the Prophet ﷺ called the clerk and said to him, "Write: By the Name of Allāh, the Most Gracious, the Most Merciful." Suhail said, "As for 'Gracious,' by Allāh, I do not know what it means. So write: By Your Name O Allāh, as you used to write previously." The Muslims said, "By Allāh, we will not write except: By the Name of Allāh, the Most Gracious, the Most Merciful." The Prophet ﷺ said, "Write: By Your Name O Allāh." Then he dictated, "This is the peace treaty which Muḥammad, the Messenger of Allāh has concluded." Suhail said, "By Allāh, if we knew that you are Allāh's Messenger we would not prevent you from visiting the Ka'bah, and would not fight with you. So, write: 'Muḥammad bin 'Abdullāh.' " The Prophet ﷺ said, "By Allāh! I am Messenger of Allāh even if you people do not believe me. Write: Muḥammad bin 'Abdullāh." (Az-Zuhri said, "The Prophet ﷺ accepted all those things, as he had already said that he would accept everything they would demand if it respects the Ordinance of Allāh, (i.e., by letting him and his companions perform '*Umra*.)" The

فَبَعْثَتْ لَهُ، وَاسْتَقْبَلَهُ النَّاسُ يُلْبُونَ.
 فَلَمَّا رَأَى ذَلِكَ قَالَ: سُبْحَانَ اللَّهِ، مَا يَنْبَغِي لَهُ لَاءٌ أَنْ يُصَدُّوا عَنِ الْبَيْتِ.
 فَلَمَّا رَجَعَ إِلَى أَصْحَابِهِ قَالَ: رَأَيْتُ الْبَدْنَ فَذَ فُلَدْتُ وَأَشْعُرْتُ، فَمَا أَرَى أَنْ يُصَدُّوا عَنِ الْبَيْتِ. فَقَامَ رَجُلٌ مِنْهُمْ يُقَالُ لَهُ: مِكْرَزُ بْنُ حَفْصٍ،
 قَالَ: دَعْوَنِي آتِهِ، فَقَالُوا: ائْتِهِ. فَلَمَّا أَشْرَفَ عَلَيْهِمْ قَالَ النَّبِيُّ ﷺ: «هَذَا مِكْرَزٌ وَهُوَ رَجُلٌ فَاجِرٌ»، فَجَعَلَ يُكَلِّمُ النَّبِيَّ ﷺ فَيَسِّرْهُ فَيَكْلُمُهُ إِذْ جَاءَ سَهْلُ بْنُ عَمْرِو، قَالَ مَعْمَرٌ:
 فَأَخْبَرَنِي أَئْبُوبُ، عَنْ عَكْرِمَةَ: أَنَّهُ لَمَّا جَاءَ سَهْلُ بْنُ عَمْرِو قَالَ النَّبِيُّ ﷺ:
 «فَذَ سَهْلٌ لَكُمْ مِنْ أَمْرِكُمْ». قَالَ مَعْمَرٌ: قَالَ الزُّهْرِيُّ فِي حَدِيثِهِ: فَجَاءَ سَهْلُ بْنُ عَمْرِو فَقَالَ: هَاتِ اكْتُبْ يَسِّنَا وَيَسِّنُكُمْ كِتَابًا، فَذَعَا النَّبِيُّ ﷺ الْكَاتِبَ فَقَالَ النَّبِيُّ ﷺ اكْتُبْ: «بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ»: فَقَالَ سَهْلٌ:
 أَمَا الرَّحْمَنُ فَوَاللَّهِ مَا أَدْرِي مَا هِيَ،
 وَلِكُنْ اكْتُبْ: بِاسْمِكَ اللَّهُمَّ، كَمَا كُنْتَ تَكْتُبْ. فَقَالَ الْمُسْلِمُونَ: وَاللَّهِ لَا نَكْتُبُهَا إِلَّا بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ. فَقَالَ النَّبِيُّ ﷺ: «اكْتُبْ بِاسْمِكَ اللَّهُمَّ». ثُمَّ قَالَ: «هَذَا مَا قَاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللَّهِ»، فَقَالَ سَهْلٌ: وَاللَّهِ لَوْ كُنَّا نَعْلَمُ أَنَّكَ رَسُولُ

anything of it. (As it was taken through treason).” ‘Urwa then started looking at the companions of the Prophet ﷺ. By Allāh, whenever Allāh’s Messenger ﷺ spitted, the spittle would fall in the hand of one of them (i.e., the Prophet’s companions) who would rub it on his face and skin; if he ordered them they would carry his orders immediately; if he performed ablution, they would struggle to take the remaining water; and when they spoke to him, they would lower their voices and would not look at his face constantly out of respect. ‘Urwa returned to his people and said, “O people! By Allāh, I have been to the kings and to Caesar, Khosrau and An-Najashi, yet I have never seen any of them respected by his courtiers as much as Muḥammad ﷺ is respected by his companions. By Allāh, if he spitted, the spittle would fall in the hand of one of them (i.e., the Prophet’s companions) who would rub it on his face and skin; if he ordered them, they would carry out his order immediately; if he performed ablution, they would struggle to take the remaining water; and when they spoke, they would lower their voices and would not look at his face constantly out of respect.” ‘Urwa added, “No doubt, he has presented to you a good reasonable offer, so please accept it.” A man from the tribe of Banī Kināna said, “Allow me to go to him,” and they allowed him, and when he approached the Prophet ﷺ and his companions, Allāh’s Messenger ﷺ said, “He is so-and-so who belongs to the tribe that respects the *Budn* (i.e., camels of the sacrifice). So, bring the *Budn* in front of him.” So, the *Budn* were brought before him and the people received him while they were reciting *Talbiya*. When he saw that scene, he said, “Glorified be Allāh! It is not fair to prevent these people from visiting the

أموالهم ثم جاء فأسلم. فقال النبي ﷺ: «أما الإسلام فأقبل، وأما المال فلست منه في شيء». ثم إن عروة جعل يرمي أصحاب النبي ﷺ بعينيه، قال: فوالله ما تتحم رسول الله ﷺ نحاماً إلا وقعت في كف رجلي منهم فذلك بها وجهه وجلده. وإذا أمرهم ابتدروا أمره. وإذا تو皿اً كادوا يقتتلون على وضوئه. وإذا تكلموا حفظوا أضوائهم عنده، وما يجدون إليه النظر تعظيمياً له. فرجع عروة إلى أصحابه فقال: أي قوم، والله لقد وقفت على الملوك ووقفت على فرسار وكسرى والتجاشي. والله إن رأيت ملكاً قط يعظمه أصحابه ما يعظّم أصحاب مُحَمَّدٍ ﷺ مُحَمَّداً. وإذا إن يتسمح نحاماً إلا وقعت في كف رجلي منهم فذلك بها وجهه وجلده. وإذا أمرهم ابتدروا أمره، وإذا تو皿اً كادوا يقتتلون على وضوئه، وإذا تكلموا حفظوا أضوائهم عنده، وما يجدون إليه النظر تعظيمياً له. وإن قد عرض عليكم خطبة رشيد فاقبلوها، فقال رجل منبني إكتانة: دعوني آتيه، فقالوا: اثنية. فلما أشرف على النبي ﷺ وأصحابه قال رسول الله ﷺ: «هذا فلان وهو من قوم يعظمون البذن فابعثوه له».

proposal, you'd better accept it and allow me to meet him." They said, "You may meet him." So, he went to the Prophet ﷺ and started talking to him. The Prophet ﷺ told him almost the same as he had told Budail. Then 'Urwa said, "O Muhammad! Won't you feel any scruple in extirpating your relations? Have you ever heard of anyone amongst the Arabs extirpating his relatives before you? On the other hand, if the reverse should happen, (nobody will aid you, for) by Allāh, I do not see (with you) dignified people, but people from various tribes who would run away leaving you alone." Hearing that, Abū Bakr abused him and said, "Do you say we would run and leave the Prophet ﷺ alone?" 'Urwa said, "Who is that man?" They said, "He is Abū Bakr." 'Urwa said to Abū Bakr, "By Him in Whose Hands my soul is, were it not for the favour which you did to me and which I did not compensate, I would retort on you." 'Urwa kept on talking to the Prophet ﷺ and seizing the Prophet's beard as he was talking while Al-Mughīra bin Shu'ba was standing near the head of the Prophet ﷺ, holding a sword and wearing a helmet. Whenever 'Urwa stretched his hand towards the beard of the Prophet ﷺ, Al-Mughīra would hit his hand with the handle of the sword and say (to 'Urwa), "Remove your hand from the beard of Allāh's Messenger ﷺ." 'Urwa raised his head and asked, "Who is that?" The people said, "He is Al-Mughīra bin Shu'ba." 'Urwa said, "O treacherous! Am I not doing my best to prevent evil consequences of your treachery?" Before embracing Islām Al-Mughīra was in the company of some people. He killed them and took their property and came (to Al-Madīna) to embrace Islām. The Prophet ﷺ said (to him), "As regards your Islām, I accept it, but as for the property I do not take

وَوَلَّيْ وَمَنْ أطَاعَنِي؟ قَالُوا: بَلِّي، قَالَ: فَإِنَّ هَذَا قَدْ عَرَضَ لَكُمْ خُطَّةً رُشْدٍ، افْتَلُوهَا وَدَعْوَنِي آتِهِ، قَالُوا: إِنَّهُ، فَأَتَاهُ فَجَعَلَ يُكَلِّمُ النَّبِيَّ ﷺ فَقَالَ النَّبِيَّ ﷺ نَحْوًا مِنْ قَوْلِهِ لِيُدْنِيلُ: فَقَالَ عُرْوَةُ عِنْدَ ذَلِكَ: أَيُّ مُحَمَّدٌ، أَرَأَيْتَ إِنِّي أَسْتَأْصِلُ أَمْرَ قَوْمِكَ، هَلْ سَمِعْتَ بِأَحَدٍ مِنَ الْعَرَبِ اجْتَاجَ أَهْلَهُ فَبَلَّكَ؟ وَإِنْ تَكُنِ الْأُخْرَى، فَإِنِّي وَاللَّهِ لَا أَرَى وَجْهَهَا، وَإِنِّي لَأَرَى أَشْوَابًا مِنَ النَّاسِ خَلِيقًا أَنْ يَقْرُرُوا وَيَدْعُوكَ، فَقَالَ لَهُ أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ: افْصَصْ بَطْرَ الْلَّاتِ، أَنْجُنْ نَفْرُ عَنْهُ وَنَدْعُهُ؟ فَقَالَ: مَنْ ذَا؟ قَالُوا: أَبُو بَكْرٍ، قَالَ: أَمَا وَالذِي نَفْسِي بِيَدِهِ لَوْلَا يَدُّ كَانَتْ لَكَ عِنْدِي لَمْ أَجْزُكَ بِهَا لِأَجْبُوكَ، قَالَ: وَجَعَلَ يُكَلِّمُ النَّبِيَّ ﷺ فَكُلُّمَا تَكَلَّمَ كَيْمَةً أَخَذَ بِلِحْتِهِ وَالْمُغْبِرَةَ بْنَ شَعْبَةَ قَاتِمَ عَلَى رَأْسِ النَّبِيِّ ﷺ وَمَعَهُ السَّيْفُ وَعَلَيْهِ الْمَعْفُرُ، فَكُلُّمَا أَهْوَى عُرْوَةُ بِيَدِهِ إِلَى الْحَيَاةِ النَّبِيِّ ﷺ ضَرَبَ يَدَهُ بِنَعْلِ السَّيْفِ وَقَالَ لَهُ: أَخْرِي يَدَكَ عَنِ الْحَيَاةِ رَسُولُ اللَّهِ ﷺ، فَرَفَعَ عُرْوَةُ رَأْسَهُ فَقَالَ: مَنْ هَذَا؟ قَالَ: الْمُغْبِرَةُ بْنُ شَعْبَةَ، قَالَ: أَيْ غُدْرُ، أَسْتَأْصِلُ فِي عَدْرَتِكَ؟ وَكَانَ الْمُغْبِرَةُ صَاحِبَ قَوْمًا فِي الْجَاهِلِيَّةِ فَقَتَلَهُمْ وَأَخْذَ

Hudaibīya and they had milch camels (or their women and children) with them, and will wage war against you, and will prevent you from visiting the Ka'bah." Allāh's Messenger ﷺ said, "We have not come to fight anyone, but to perform the 'Umra. No doubt, the war has weakened Quraish and they have suffered great losses, so if they wish, I will conclude a truce with them, during which they should refrain from interfering between me and the people (i.e., the Arab infidels other than Quraish), and if I have victory over those infidels, Quraish will have the option to embrace Islām as the other people do, if they wish; they will at least get strong enough to fight. But if they do not accept the truce, by Allāh in Whose Hands my soul is, I will fight with them defending my Cause till I get killed, but (I am sure) Allāh will definitely make His Cause victorious." Budail said, "I will inform them of what you have said." So, he set off till he reached Quraish and said, "We have come from that man (i.e., Muhammad ﷺ) whom we heard saying something which we will disclose to you if you should like." Some of the fools among Quraish shouted that they were not in need of this information, but the wiser among them said, "Relate what you heard him saying." Budail said, "I heard him saying so and so," relating what the Prophet ﷺ had told him. 'Urwa bin Mas'ūd got up and said, "O people! Aren't you the sons?" They said, "Yes." He added, "Am I not the father?" They said, "Yes." He said, "Do you mistrust me?" They said, "No." He said, "Don't you know that I invited the people of 'Ukāz for your help, and when they refused I brought my relatives and children and those who obeyed me (to help you)?" They said, "Yes." He said, "Well, this man (i.e., the Prophet ﷺ) has offered you a reasonable

بَلِّيْلَةٍ مِنْ أَهْلِ تَهَامَةَ فَقَالَ: إِنِّي تَرَكْتُ كَعْبَ بْنَ لُؤْيَ وَعَامِرَ بْنَ لُؤْيَ نَزَلُوا أَعْدَادًا مِيَاهَ الْحُدَيْبِيَّةِ وَمَعَهُمُ الْعُودُ الْمَطَافِيلُ وَهُمْ مُقَاطِلُوكُ وَصَادُوكُ عَنِ الْبَيْتِ. فَقَالَ رَسُولُ اللهِ بَلِّيْلَةٍ: «إِنَّا لَمْ نَحْسِنْ لِقَاتِلِ أَخِدٍ وَلَكُنَا جِئْنَا مُعْتَمِرِينَ، وَإِنَّ قُرَيْشًا قَدْ نَهَكْنَاهُمُ الْحَرْبُ وَأَضَرَّتْ بِهِمْ فَانْ شَاءُوا مَادَدُهُمْ مُدَدًّةً وَيُخْلُوْا بَيْنِي وَبَيْنَ النَّاسِ فَإِنْ أَظْهَرُ فَإِنْ شَاءُوا أَنْ يَدْخُلُوا فِيمَا دَخَلَ فِيهِ النَّاسُ فَعَلُوا وَإِلَّا فَقَدْ جَمُوا. وَإِنْ هُمْ أَبْوَا فَوَالَّذِي نَفْسِي بِيَدِهِ لَاقِتَنَّهُمْ عَلَى أَمْرِي هَذَا حَتَّى تَقْرَدَ سَالِفَتِي، وَلَيُنَيْدَنَّ اللَّهُ أَمْرُهُ». فَقَالَ بُدَيْلٌ: سَأَبْلُغُهُمْ مَا تَقُولُ. قَالَ: فَانْظُلْ حَتَّى أَتَى قُرَيْشًا، قَالَ: إِنَّا قَدْ جِئْنَاكُمْ مِنْ هَذَا الرَّجُلِ وَسَمِعْنَاهُ يَقُولُ قَوْلًا، فَإِنْ شِئْتُمْ أَنْ تَعْرِضُهُ عَلَيْكُمْ فَعَنَا. فَقَالَ سُفْهَاؤُهُمْ: لَا حَاجَةَ لَنَا أَنْ تُخْبِرَنَا عَنْهُ يَقْنِي. وَقَالَ ذُوو الرَّأْيِ مِنْهُمْ: هَاتِ مَا سَمِعْنَاهُ يَقُولُ، قَالَ: سَمِعْتُهُ يَقُولُ كَذَا وَكَذَا، فَحَدَّثَهُمْ بِمَا قَالَ السَّيِّدُ بَلِّيْلَةٍ فَقَامَ عُرْوَةُ بْنُ مَسْعُودٍ فَقَالَ: أَيْ قَوْمٌ، أَلَسْتُمْ بِالْوَالِدِ؟ وَأَلَسْتَ بِالْوَالِدِ قَالُوا: بَلِّي، قَالَ: فَهَلْ تَهَمُّونِي؟ قَالُوا: لَا، قَالَ: أَلَسْتُمْ تَعْلَمُونَ أَيْ اسْتَنْفَرْتُ أَهْلَ عُكَاظٍ فَلَمَّا بَلَحُوا عَلَيَّ جِئْنَكُمْ بِأَهْلِ

on the right." By Allāh, Khālid did not perceive the arrival of the Muslims till the dust arising from the march of the Muslim army reached him, and then he turned back hurriedly to inform Quraish. The Prophet ﷺ went on advancing till he reached the Ḥuḍaiyya (i.e., a mountainous way) through which one would go to them (i.e., people of Quraish). The she-camel of the Prophet ﷺ sat down. The people tried their best to cause the she-camel to get up but in vain, so they said, Al-Qaṣwā' (i.e., the she-camel's name) has become stubborn! Al-Qaṣwā' has become stubborn!" The Prophet ﷺ said, "Al-Qaṣwā' has not become stubborn, for stubbornness is not her habit, but she was stopped by Him Who stopped the elephant." Then he said, "By the Name of Him in Whose Hands my soul is, if they (i.e., the Quraish infidels) ask me anything which will respect the Ordinances of Allāh, I will grant it to them." The Prophet ﷺ then rebuked the she-camel and she got up. The Prophet ﷺ changed his way till he dismounted at the farthest end of Al-Ḥudaibiyā at a pit (i.e., well) containing a little water which the people used in small amounts, and in a short while the people used up all its water and complained to Allāh's Messenger ﷺ of thirst. The Prophet ﷺ took an arrow out of his arrow-case and ordered them to put the arrow in that pit. By Allāh, the water started and continued sprouting out till all the people quenched their thirst and returned with satisfaction. While they were still in that state, Budail bin Warqa Al-Khuza'i came with some persons from his tribe Khuza'a and they were the advisers of Allāh's Messenger ﷺ who would keep no secret from him and were from the people of Tihāma. Budail said, "I left Ka'b bin Lu'a and 'Amir bin Lu'a residing at the profuse water of Al-

كُلُّ وَاحِدٍ مِنْهُمَا حَدِيثٌ صَاحِبِهِ قَالَ :
 خَرَجَ رَسُولُ اللهِ ﷺ زَمَنَ الْحُدَيْبِيَّةَ حَتَّى إِذَا كَانُوا بِعَضِ الظَّرِيقِ قَالَ النَّبِيُّ ﷺ : إِنَّ خَالِدَ بْنَ الْوَلِيدِ بِالْغَيْبِمِ فِي خَيْلِ لَقْرَيْشٍ ظَلِيلَةَ فَخُدُونَ دَاتَ الْمَيْمَنِ ، فَوَاللهِ مَا شَعَرَ بِهِمْ خَالِدٌ حَتَّى إِذَا هُمْ يَقْتَرَأُونَ الْجَيْشُ فَانْطَلَقَ يَرْكُضُ نَذِيرًا لِلْقَرْيَشِ ، وَسَارَ النَّبِيُّ ﷺ حَتَّى إِذَا كَانَ بِالثَّنَيَّةِ التِّي يُهْبَطُ عَلَيْهِمْ مِنْهَا بَرَكَتُ بِهِ رَاحِلَتُهُ . فَقَالَ النَّاسُ : حَلْ حَلْ ، فَالْحَثُّ فَقَالُوا : حَلَّا لِلْفَضْوَاءِ ، حَلَّا لِلْفَضْوَاءِ . فَقَالَ النَّبِيُّ ﷺ : « مَا حَلَّا لِلْفَضْوَاءِ ، وَمَا ذَاكَ لَهَا بِخُلُقِ وَلِكُنْ حَبَسَهَا حَابِسُ الْفَيْلِ » ، ثُمَّ قَالَ : « وَالَّذِي نَفْسِي بِيَدِهِ لَا يَسْأَلُونِي حُكْمَةً يُعَظِّمُونَ فِيهَا حُرُمَاتِ اللهِ إِلَّا أُعْطِيَتُهُمْ إِيَّاهَا ». ثُمَّ زَجَرَهَا فَوَسَّتْ ، قَالَ : فَعَدَلَ عَنْهُمْ حَتَّى نَزَلَ بِأَفْصَى الْحُدَيْبِيَّةِ عَلَى تَمِيمٍ قَلِيلِ الْمَاءِ يَتَرَضَّهُ النَّاسُ تَبَرُّضًا ، فَلَمْ يُلْبِئْهُ النَّاسُ حَتَّى نَرَحُوهُ وَشُكِّيَ إِلَى رَسُولِ اللهِ ﷺ العَطَشُ . فَأَنْتَرَعَ سَهْمًا مِنْ كَنَاتِهِ ثُمَّ أَمْرَهُمْ أَنْ يَجْعَلُوهُ فِيهِ ، فَوَاللهِ مَا زَالَ يَجْعَلُهُمْ لَهُمْ بِالرَّيْ حَتَّى صَدَرُوا عَنْهُ فَبَيْنَمَا هُمْ كَذَلِكَ إِذْ جَاءَ بُدَيْلُ بْنُ وَرْقَاءَ الْخَرَاعِيَّ فِي نَفَرٍ مِنْ قَوْمِهِ مِنْ خُزَاءَةَ وَكَانُوا عَيْنَةَ نُصْحِ رَسُولِ اللهِ

they are our enemies and the only people whom we suspect, I have made up my mind to exile them." When 'Umar decided to carry out his decision, one of Abū Al-Ḥuqīq's sons came and addressed 'Umar, "O chief of the believers, will you exile us although Muḥammad ﷺ allowed us to stay at our places, and made a contract with us about our properties, and accepted the condition of our residence in our land?" 'Umar said, "Do you think that I have forgotten the statement of Allah's Messenger ﷺ, i.e. : What will your condition be when you are expelled from Khaibar and your camel will be carrying you night after night?" The Jew replied, "That was a joke from Abul-Qāsim." 'Umar said, "O the enemy of Allāh! You are telling a lie." 'Umar then drove them out and paid them the price of their properties in the form of fruits, money, camel saddles and ropes, etc."

اللهُ، وَإِنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ حَرَجَ إِلَى
مَا لِهِ هُنَاكَ فَعَدَيَ عَلَيْهِ مِنَ اللَّيلِ
فَقُدِّعْتُ يَدَاهُ وَرِجْلَاهُ وَلَيْسَ لَنَا هُنَاكَ
عَدُوٌّ غَيْرُهُمْ هُمْ عَدُوُنَا وَتُهْمِنَا، وَقَدْ
رَأَيْتُ إِجْلَاءَهُمْ. فَلَمَّا أَجْمَعَ عُمَرُ
عَلَى ذَلِكَ أَتَاهُ أَحَدٌ بْنِي أَبِي الْحَقِيقِ
فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ، أَتْخْرُجُنَا
وَقَدْ أَفَرَدْنَا مُحَمَّدًا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَعَامَلْنَا عَلَى
الْأَمْوَالِ وَشَرَطْنَا ذَلِكَ لَنَا؟ فَقَالَ عُمَرُ:
أَظَنْتَ أَنِّي تَسْبِيْتُ قَوْلَ رَسُولِ اللهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: كَيْفَ بِكَ إِذَا أَخْرِجْتَ مِنْ
خَيْرٍ تَعْدُو بِكَ قَلْوَصَكَ لَيْلَةً بَعْدَ
لَيْلَةٍ؟ فَقَالَ: كَانَ ذَلِكَ هُرْبَنَةً مِنْ أَبِي
الْقَاسِمِ، فَقَالَ: كَذَبْتَ يَا عَدُوَّ اللَّهِ،
فَأَجْلَاهُمْ عُمَرُ وَأَعْطَاهُمْ قِيمَةً مَا كَانَ
لَهُمْ مِنَ الشَّمْرِ مَالًا وَإِبْلًا وَغُرْوَضًا مِنَ
أَقْتَابِ وَجَبَلِ وَغَيْرِ ذَلِكَ. رَوَاهُ حَمَادُ
بْنُ سَلَمَةَ، عَنْ عُيَيْدِ اللَّهِ، أَحْسِبَهُ عَنْ
نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنْ عُمَرَ عَنْ
الثَّمَنِي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ اخْتَصَرَهُ.

(١٥) بَابُ الشُّرُوطِ فِي الْجِهَادِ
وَالْمُصَالَحةِ مَعَ أَهْلِ الْحَرْبِ وَكِتَابَةِ
الشُّرُوطِ

(15) CHAPTER. The conditions of *Jihād* and peace treaties with (non-Muslim) warriors, and the writing of the conditions.

2731, 2732. Narrated Al-Miswar bin Makhrama and Marwān whose narrations attest each other: Allāh's Messenger ﷺ set out at the time of *Al-Hudaibiyah* (treaty), and when they proceeded for a distance, he said, "Khālid bin Al-Walid leading the cavalry of Quraish constituting the front of the army, is at a place called Al-Ghamīm, so take the way

٢٧٣٢ - ٢٧٣١ - حَدَّثَنِي عَبْدُ
اللهِ ابْنُ مُحَمَّدٍ: حَدَّثَنَا عَبْدُ الرَّزَاقِ:
أَخْبَرَنَا مَعْمَرٌ قَالَ: أَخْبَرَنِي الزُّهْرِيُّ
قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبِيرِ، عَنْ
الْمَسْوَرِ بْنِ مَخْرَمَةَ وَمَرْوَانَ، يُصَدِّقُ

"If your masters agree, I will pay them the whole sum provided the *Walā'* will be for me." Barīra went to her masters and told them about it, but they refused the offer and she returned from them while Allāh's Messenger ﷺ was sitting. She said, "I presented the offer to them, but they refused unless the *Walā'* would be for them." When the Prophet ﷺ heard that and 'Āishah told him about it, he said to her, "Buy Barīra and let them stipulate that her *Walā'* will be for them, as the *Walā'* is for the manumitter." 'Āishah did so. After that Allāh's Messenger got up amidst the people, glorified and praised Allāh and said, "What is wrong with some people who stipulate things which are not in Allāh's Laws? Any condition which is not in Allāh's Laws is invalid even if there were a hundred such conditions. Allāh's Rules are the most valid and Allāh's Conditions are the most solid. The *Walā'* is for the manumitter."

في كُلّ عام أُوقِّيَ فَأُعْيَنَّيْ، فَقَالَتْ: إِنْ أَحْبَبْوَا أَنْ أَعْدَهَا لَهُمْ وَيَكُونُ وَلَوْلَكَ لِي فَعَلْتُ، فَذَهَبْتُ بِرِيرَةً إِلَى أَهْلِهَا فَقَالَتْ لَهُمْ فَأَبْوَا عَلَيْهَا. فَجَاءَتْ مِنْ عِنْدِهِمْ وَرَسُولُ الله ﷺ جَالِسٌ فَقَالَتْ: إِنِّي قَدْ عَرَضْتُ ذَلِكَ عَلَيْهِمْ فَأَبْوَا إِلَّا أَنْ يَكُونَ الولَاءُ لَهُمْ، فَسَمِعَ النَّبِيُّ ﷺ فَأَخْبَرَتْ عَائِشَةَ النَّبِيَّ ﷺ فَقَالَ: «خُذِيهَا وَاشْتَرِطِي لَهُمُ الولَاءَ، فَإِنَّمَا الولَاءَ لِمَنْ أَعْنَقَ». فَفَعَلَتْ عَائِشَةُ، ثُمَّ قَامَ رَسُولُ الله ﷺ فِي النَّاسِ فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ ثُمَّ قَالَ: «مَا بَالُ رِجَالٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فِي كِتَابِ اللَّهِ، مَا كَانَ مِنْ شُرُوطٍ لَيْسَ فِي كِتَابِ اللَّهِ فَهُوَ باطِلٌ، وَإِنْ كَانَ مَائَةً شُرُوطٍ، فَقَضَاهُ اللَّهُ أَحَقُّ وَشَرُوطُ اللَّهِ أَوْنَقُ، وَإِنَّمَا الولَاءَ لِمَنْ أَعْنَقَ». [راجع: ٤٥٦]

(١٤) بَابُ إِذَا اشْتَرَطَ فِي الْمُرَاجَعَةِ:
إِذَا شَتَّتَ أَخْرَجْتَكَ

٢٧٣٠ - حَدَّثَنَا أَبُو أَحْمَدٌ: حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى أَبُو عَسَانَ الْكَنَانِيُّ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: لَمَّا قَدَعَ أَهْلُ خَيْرٍ عَبْدُ اللَّهِ بْنُ عُمَرَ قَامَ عُمَرُ خَطِيبًا فَقَالَ: إِنَّ رَسُولَ الله ﷺ كَانَ عَامِلًا يَهُودَ خَيْرَ عَلَى أَمْرِهِمْ وَقَالَ: «نُقْرِئُكُمْ مَا أَفْرَكُمْ

(14) CHAPTER. If the landlord stipulates in the contract of share-cropping that he would terminate the contract whenever he likes.

2730. Narrated Ibn 'Umar رضي الله عنهما: When the people of Khaibar dislocated 'Abdullāh bin 'Umar's hands and feet, Umar got up delivering a *Khutba* (religious talk) saying, "No doubt, Allāh's Messenger ﷺ made a contract with the Jews concerning their properties, and said to them, 'We allow you (to stand in your land) as long as Allāh allows you.' Now 'Abdullāh bin 'Umar went to his land and was attacked at night, and his hands and feet were dislocated, and as we have no enemies there except those Jews,

مُوسَى : أَخْبَرَنَا هِشَامٌ : أَنَّ ابْنَ جُرْبِيجَ أَخْبَرَهُ قَالَ : أَخْبَرَنِي يَعْلَمُ بْنُ مُسْلِمٍ ، وَعَمْرُو بْنُ دِينَارٍ ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ ، يَرِيدُ أَحَدُهُمَا عَلَى صَاحِبِهِ ، وَغَيْرُهُمَا : قَدْ سَمِعْتُهُ يُحَدِّثُ عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ : إِنَّا لَعِنْدَ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : حَدَّثَنِي أَبُو بْنِ كَعْبٍ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : «مُوسَى رَسُولُ اللَّهِ» ، فَذَكَرَ الْحَدِيثَ . قَالَ : ﴿إِنَّ أَقْلَى إِلَّا كَمَا لَنْ تَسْتَطِعَ مَعِيَ صَبَرًا﴾ [الكهف: ٧٢] كَانَتِ الْأُولَى نِسِيَانًا ، وَالْوُسْطَى شَرْطًا ، وَالثَّالِثَةُ عَمْدًا ، ﴿قَالَ لَا تُؤْخِذْنِي بِمَا فَسَيَّثَ وَلَا تُرْفَقْنِي مِنْ أَمْرِي عَشَر﴾ [الكهف: ٧٣] ، ﴿لَقِيَاهُ غُلَمًا فَقَتَلَهُ﴾ ﴿فَأَطْلَقَهُ حَتَّى إِذَا آتَاهَا أَهْلَ قَرْيَةٍ أَسْتَطَعَهَا أَهْلَهَا فَأَبْنَاهَا أَنْ يُضَيِّقُوهُمَا فَوَجَدَا فِيهَا جِدَارًا يَرِيدُ أَنْ يَنْقَصَ فَاقْتَمَهُ﴾ [الكهف: ٧٧] قَرَأَهَا ابْنُ عَبَّاسٍ (أَمَامَهُمْ مَلِكٌ) .

[راجع: ٧٤]

(13) CHAPTER. Conditions for *Walā'*.

2729. Narrated 'Urwa : 'Āishah said, "Barīra came to me and said, 'My people (masters) have written the contract for my emancipation for nine *Awaq* (of gold) to be paid in yearly installments, one *Uqīya* per year ; so help me.'" 'Āishah said (to her),

(1) (H. 2728) In the second case Moses abided by the condition though there was no written agreement or witnesses. So when Khidr said to him, "This is the parting between me and you. 'Moses accepted his decision because it agreed with the condition he himself had set up.

(12) بَابُ الشُّرُوطِ فِي الْوَلَاءِ

٢٧٢٩ - حَدَّثَنَا إِسْمَاعِيلُ : حَدَّثَنَا مَالِكٌ ، عَنْ هِشَامِ بْنِ عُرْوَةَ ، عَنْ أَبِيهِ ، عَنْ عَائِشَةَ قَالَتْ : جَاءَنِي بَرِيرَةُ قَالَتْ : كَانَتْ أُهْلِي عَلَى تِسْعَ أَوْاقِ

Barīra?’ He said, ‘Buy her and manumit her, no matter what they stipulate.’ ‘Āishah added, ‘I bought and manumitted her, though her masters had stipulated that her *Walā’* would be for them.’ The Prophet ﷺ said, ‘The *Walā’* is for the liberator, even if the other stipulated a hundred conditions.’”

ولائي، قالت: لا حاجةَ لي فيكِ.
فسمع ذلك النبي ﷺ أوبلغه، فقال:
ما شأن بَرِيرَةَ؟» فقال: «اشترىها
فأعتقها، ولি�شتّرطوا ما شاؤا.
قالت: فاشترىتها فأعتقتها، واشتَرطَ
أهلها ولاءها. فقال النبي ﷺ:
«الولاءُ لمنْ أعتقَ وإنْ اشترطوا مائةَ
شرطٍ». [راجع: ٤٥٦]

(11) CHAPTER. Conditions concerning divorce.

(١١) بابُ الشُّرُوطِ فِي الطَّلاقِ
وقال ابنُ الْمُسَيْبِ والحسنِ
وعطاءً: إِنْ بَدَا بِالظَّلَاقِ أُوْ أَحَرَّ فَهُوَ
أَحَقُّ بِشُرطِهِ.

2727. Narrated Abū Hurairah رضي الله عنه: Allāh's Messenger ﷺ forbade:
 (i) The meeting of the caravan (of goods) on the way,
 (ii) That a residing person sells goods of a bedouin,
 (iii) That a woman stipulates the divorce of the wife of the would be husband,
 (iv) That a man tries to cause the cancellation of a bargain concluded by another. He also forbade *An-Najsh* and that one withholds the milk in the udder of an animal so that he may deceive people on selling it.

[See *Hadith* 2656]

٢٧٢٧ - حَدَثَنَا مُحَمَّدُ بْنُ عَرْعَرَةَ: حَدَثَنَا شُعْبَةُ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ التَّلَقِيِّ، وَأَنْ يَتَنَاهَيَ الْمَهَاجِرُ لِلأَغْرَابِيِّ، وَأَنْ تَشْرِطِيَ الْمَرْأَةُ طَلاقَ أُخْتَهَا، وَأَنْ يَسْتَأْمِنَ الرَّجُلُ عَلَى سَوْمِ أَخِيهِ، وَنَهَى عَنِ التَّجْنِشِ، وَعَنِ التَّصْرِيْةِ». تَابَعَهُ مَعَاذٌ وَعَبْدُ الصَّمَدِ عَنْ شُعْبَةَ. وَقَالَ عُنْدَرُ وَعَبْدُ الرَّحْمَنِ: نَهَى. وَقَالَ آدُمُ: نَهَينا. وَقَالَ النَّضْرُ وَحَجَاجُ بْنُ مِنْهَالٍ: نَهَى. [راجع: ٢١٤٠]

(١٢) بابُ الشُّرُوطِ مَعَ النَّاسِ بِالْقَوْلِ

(12) CHAPTER. Verbal conditions with the people.

٢٧٢٨ - حَدَثَنَا إِبْرَاهِيمُ بْنُ

2728. Narrated Ubāi bin Ka'b رضي الله عنه: Allāh's Messenger ﷺ said, “Mūsa (Moses عليه

be stoned to death. So, in lieu of that I ransomed my son by paying one hundred sheep and a slave-girl. Then I asked the religious scholars about it, and they informed me that my son must be lashed one hundred lashes, and be exiled for one year, and the wife of this (man) must be stoned to death." Allāh's Messenger ﷺ said, "By Him in Whose Hands my soul is, I will judge between you according to Allāh's Laws. The slave-girl and the sheep are to be returned to you, your son is to receive a hundred lashes and be exiled for one year. You, O Unaīs, go to the wife of this (man) and if she confesses her guilt, stone her to death." Unaīs went to that woman next morning and she confessed. Allāh's Messenger ﷺ ordered that she be stoned to death.

فَاقْضِ يَسِّنَا بِكِتَابِ اللَّهِ وَأَئْذَنْ لِي،
فَقَالَ رَسُولُ اللَّهِ ﷺ: «فُلْ»، قَالَ: إِنَّ
ابْنِي كَانَ عَسِيفاً عَلَى هَذَا فَرَنَى
بِأَمْرِ أَيْهَهُ وَإِنِّي أَخْبِرُ أَنَّ عَلَى ابْنِي
الرَّجْمَ فَافْتَدِيَّ مِنْهُ بِمَائَةِ شَاءَ
وَوَلِيَّةَ، فَسَأَلْتُ أَهْلَ الْعِلْمِ فَأَخْبَرُونِي
أَنَّمَا عَلَى ابْنِي مَائَةُ جَلْدَةٍ وَتَغْرِيبَ
عَامٍ، وَأَنَّ عَلَى امْرَأَهُ هَذَا الرَّجْمَ،
فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَالَّذِي نَفْسِي
بِيَدِهِ لِأَفْضِيَّ بِيْنَكُمَا بِكِتَابِ اللَّهِ،
الْوَلِيَّةَ وَالْعَنْمُ رَدَ عَلَيْكَ، وَعَلَى ابْنِكَ
جَلْدٌ مَائَةٌ وَتَغْرِيبٌ عَامٌ. اعْدُ يَا أُبْنِي
إِلَى امْرَأَهُ هَذَا فَإِنِّي اعْتَرَفْتُ
فَارْجُمْهَا». قَالَ: فَعَدَا عَلَيْهَا فَاعْتَرَفْتُ
فَأَمْرَ بِهَا رَسُولُ اللَّهِ ﷺ فَرُحِّمَتْ.

[راجع: ٢٣١٤، ٢٣١٥]

(١٠) بَابُ ما يَجُوزُ مِنْ شُرُوطِ
الْمُكَاتِبِ إِذَا رَضِيَ بالْبَيْعِ عَلَى أَنْ
يُعْنَقَ

٢٧٢٦ - حَدَثَنَا خَلَادُ بْنُ يَحْيَى:
حَدَثَنَا عَبْدُ الْوَاحِدِ بْنُ أَيْمَنَ الْمَكْيَيِّ،
عَنْ أَبِيهِ: قَالَ: دَخَلْتُ عَلَى عَائِشَةَ
رَضِيَ اللَّهُ عَنْهَا قَالَتْ: دَخَلْتَ عَلَيَّ
بَرِيرَةً وَهِيَ مُكَاتَبَةٌ فَقَالَتْ: يَا أَمَّ
الْمُؤْمِنِينَ اشْتَرَنِي فَإِنَّ أَهْلِي بِيَعْوَنِي
فَأَعْقِبَنِي، قَالَتْ: تَعْمُ. قَالَتْ: إِنَّ
أَهْلِي لَا يَبِعُونِي حَتَّى يَشْتَرِطُوا

(10) CHAPTER. The conditions permissible in the case of a slave who has a writing for emancipation, if he agrees to be sold to somebody else who promises to free him.

2726. Narrated Aimān Al-Makkī: When I visited 'Āishah, she said, "Barīra who had a written contract for her emancipation for a certain amount came to me and said, 'O Mother of the believers! Buy me and manumit me, as my masters will sell me.' 'Āishah agreed to it. Barīra said, 'My masters will sell me on the condition that my *Walā'*⁽¹⁾ will go to them.' 'Āishah said to her, 'Then I am not in need of you.' The Prophet ﷺ heard of that, or was told about it and so he asked 'Āishah, 'What is the problem of

(1) (H. 2726) *Walā'*: See the glossary.

did not give any yield, so we were forbidden (by the Prophet ﷺ) to follow such a system, but we were allowed to rent the land for money.

الرُّوْقَيْ قَالَ: سَمِعْتُ رَافِعَ بْنَ خَدِيْجَ
رَضِيَ اللَّهُ عَنْهُ يَقُولُ: كُنَّا أَكْثَرَ
الْأَصْصَارِ حَقْلًا فَكُنَّا نُكْرِي الْأَرْضَ،
فَرُبَّمَا أَخْرَجْتُ هَذِهِ وَلَمْ تُخْرُجْ ذَهَبَهُ،
فَنَهَيْنَا عَنْ ذَلِكَ وَلَمْ نُنْهِنَا عَنِ الْوَرِقِ.

[راجع: ٢٢٨٦]

(8) CHAPTER. The conditions which are not permissible in the contracts of marriage.

2723. Narrated Abū Hurairah: رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, “No town-dweller should sell for a bedouin. Do not practise *Najsh* (i.e., do not offer a high price for a thing which you do not want to buy, in order to deceive the people). No Muslim should offer more for a thing already bought by his Muslim brother, nor should he demand the hand of a girl already engaged to another Muslim. A Muslim woman shall not try to bring about the divorce of her sister (i.e., another Muslim woman) in order to take her place herself.”

(٨) بَابُ مَا لَا يَجُوزُ مِنَ الشُّرُوطِ
فِي النَّكَاحِ

٢٧٢٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
بَزِيدُ ابْنُ رُزِيعَ: حَدَّثَنَا مَعْمَرٌ، عَنْ
الْأَزْهَرِيِّ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ
رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا
يَبِيعُ حَاضِرٌ لِيَادِهِ، وَلَا تَنَاجِشُوا وَلَا
بَزِيدَنَّ عَلَى بَيْعِ أَخِيهِ، وَلَا يَحْطُبُنَّ
عَلَى حَظْبِيَّهِ، وَلَا تَسْأَلِي الْمَرْأَةُ طَلاقَ
أُخْتِهَا لِتَسْتَكْفِيَ إِنَاءَهَا».

[راجع: ٢١٤٠]

(9) بَابُ الشُّرُوطِ الَّتِي لَا تَحْلُّ فِي الْحُدُودِ

٢٧٢٤، ٢٧٢٥ - حَدَّثَنَا فَيْيَةُ بْنُ
سَعِيدٍ: حَدَّثَنَا لَيْثٌ، عَنْ ابْنِ شَهَابٍ،
عَنْ عُبَيْدِ اللَّهِ ابْنِ عَبْدِ اللَّهِ بْنِ عَبْتَةَ بْنِ
مَسْعُودٍ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ
الْجُهَنِيِّ رَضِيَ اللَّهُ عَنْهُمَا أَنَّهُمَا قَالَا:
إِنَّ رَجُلًا مِنَ الْأَعْرَابِ أَتَى رَسُولَ اللَّهِ
ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ، أَشْدُكَ اللَّهُ
أَلَّا فَصَيَّبَ لِي بِكِتَابَ اللَّهِ، فَقَالَ
الْحَضْنُ الْأَخْرُ وَهُوَ أَفْقَهُ مِنِّي: نَعَمْ،

(9) CHAPTER. The conditions which are not permissible in the legal punishments prescribed by Allāh.

2724, 2725. Narrated Abū Hurairah and Zaid bin Khālid Al-Juhanī: رَضِيَ اللَّهُ عَنْهُمَا A bedouin came to Allāh’s Messenger ﷺ and said, “O Allāh’s Messenger! I ask you by Allāh to judge my case according to Allāh’s Laws.” His opponent, who was more learned than he, said, “Yes, judge between us according to Allāh’s Laws, and allow me to speak.” Allāh’s Messenger ﷺ said, “Speak.” He (i.e., the bedouin or the other man) said, “My son was working as a labourer for this (man) and he committed illegal sexual intercourse with his wife. The people told me that it was obligatory that my son should

وُسْرِكُوكُمْ فِي الشَّمَرَةِ»، قَالُوا: سَمِعْنَا
وَأَطْعَنَا. [رَاجِعٌ: ٢٣٢٥]

٢٧٢ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوبَرِيَّةُ بْنُ أَسْمَاءَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَعْطِيَ رَسُولُ اللَّهِ خَيْرَ الْيَهُودَ أَنْ يَعْمَلُوهَا وَبَرَّعُوهَا وَلَهُمْ شَطْرٌ مَا يَخْرُجُ مِنْهَا . [رَاجِعٌ: ٢٢٨٥]

(6) CHAPTER. The terms and the conditions of *Mahr* at the time of the marriage contract.

'Umar said, "The rights are limited by the conditions, and you will get only what you stipulate."

Narrated Al-Miswar, "I heard the Prophet ﷺ once mentioning his son-in-law and praising him highly as a sincere son-in-law. He said, 'Whenever he talked to me, he spoke the truth and whenever he promised me, he fulfilled his promise.'"

2721. Narrated 'Uqba bin 'Amir رضي الله عنه : Allāh's Messenger ﷺ said, "From among all the conditions which you have to fulfill, the conditions which make it legal for you to have sexual relations (i.e., the marriage contract) have the greatest right to be fulfilled."

(7) CHAPTER. The conditions in share-cropping.

2722. Narrated Rāfi' bin Khadij رَضِيَ اللَّهُ عَنْهُ : We used to work in the fields more than the other *Anṣār*, and we used to rent the land (for the yield of a specific portion of it). But sometimes that portion or the rest of the land

وقالَ عُمَرُ: إِنَّ مَقَاطِعَ الْحُقُوقِ
عِنْدَ الشُّرُوطِ، وَلَكَ مَا شَرَطْتَ.
وقالَ الْمُسْوَرُ: سَمِعْتَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَكَرَ
صَفَرًا لَهُ فَأْتَنِي عَلَيْهِ فِي مُصَاهَرَتِهِ
فَأَخْسَنَ، قَالَ: حَدَّنِي فَصَدَقْنِي
وَوَعَدْنِي فَوَفَّى لِي.

٢٧٢١ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: حَدَّثَنَا الْيَثْرَى قَالَ: حَدَّثَنِي يَرِيدُ بْنُ أَبِي حَيْبٍ، عَنْ أَبِي الْخِيرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَحَقُ الشُّرُوطِ أَنْ تُؤْفَوْا بِهِ مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوجَ». [انظر: ٥١٥١]

(٧) بَابُ الشُّرُوطِ فِي الْمُزَارَعَةِ

٢٧٢٤ - حَدَّثَنَا مَالِكُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبْنُ عَيْنَيْهِ: حَدَّثَنَا يَحْيَى بْنُ سَعْدِيْدَ قَالَ: سَمِعْتُ حَنْظَلَةَ

أكثُر وأَصْحَحُ عِنْدِي. وَقَالَ عَبْيُودُ اللَّهِ وَابْنُ إِسْحَاقَ، عَنْ وَهْبٍ، عَنْ جَابِرٍ: أَشْتَرَاهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِأَوْقِيَّةً. وَتَابَعَهُ زَيْدُ بْنُ أَسْلَمَ، عَنْ جَابِرٍ. وَقَالَ ابْنُ جُرَيْجَ، عَنْ عَطَاءٍ وَغَيْرِهِ، عَنْ جَابِرٍ: أَخَذْنَاهُ بِأَرْبَعَةِ دَنَانِيرٍ، وَهَذَا يَكُونُ أَوْقِيَّةً عَلَى حِسَابِ الدِّينَارِ بِعِشْرَةِ دَرَاهِمَ . وَلَمْ يُبَيِّنِ الثَّمَنُ مُغَيْرَةً، عَنِ الشَّعْبِيِّ، عَنْ جَابِرٍ. وَابْنُ الْمُنْكِرِ وَأَبُو الرُّبَيْرِ عَنْ جَابِرٍ. وَقَالَ الْأَعْمَشُ، عَنْ سَالِمٍ، عَنْ جَابِرٍ: أَوْقِيَّةٌ ذَهَبٌ. وَقَالَ أَبُو إِسْحَاقَ، عَنْ سَالِمٍ، عَنْ جَابِرٍ: بِمَا تَنَزَّلَ فِي ذَهَبِهِمْ . وَقَالَ دَاؤُدُّ بْنُ قَيْسٍ، عَنْ عَبْيُودِ اللَّهِ بْنِ مَقْسُمٍ، عَنْ جَابِرٍ: أَشْتَرَاهُ بِطَرِيقِ تَبُوكَ، أَحْسِبْهُ قَالَ: بِأَرْبَعَ أَوْاقِيَّةٍ . وَقَالَ أَبُو نَضْرَةَ: عَنْ جَابِرٍ: أَشْتَرَاهُ بِعِشْرِينَ دِينَارًا . وَقَوْلُ الشَّعْبِيِّ: بِأَوْقِيَّةٍ أَكْثُرُ؛ الْأَشْتَرَاطُ أَكْثُرُ وأَصْحَحُ عِنْدِي، قَالَهُ أَبُو عَبْدِ اللَّهِ.

(5) CHAPTER. Conditions in contracts (of share-cropping etc.).

2719. رَضِيَ اللَّهُ عَنْهُ أَبُو هُرَيْرَah: The *Anṣār* said to the Prophet ﷺ, "Divide our date-palms between us and our emigrant brothers." The Prophet ﷺ said, "No." The *Anṣār* said to the emigrants, "You may do the labour (in our gardens) and we will share the fruits with you." The emigrants said, "We hear and obey."

٢٧١٩ - حَدَّثَنَا أَبُو الْيَمَانُ: أَخْبَرَنَا شَعِيبٌ: حَدَّثَنَا أَبُو الزَّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَah رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَتِ الْأَنْصَارُ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَفْسِمْ يَبَّنَا وَيَبَّنَ إِخْرَانِا التَّخِيلَ قَالَ: «لَا»، فَقَالَ الْأَنْصَارُ: «تَكْفُونَا الْمُؤْنَةَ»

(4) CHAPTER. It is permissible for the seller to stipulate that he should ride the (sold) animal up to a certain place.

2718. Narrated Jâbir: While I was riding a (slow) and tired camel, the Prophet ﷺ passed by and beat it and prayed for Allâh's Blessings for it. The camel became so fast as it had never been before. The Prophet ﷺ then said, "Sell it to me for one *Uqîya* (of gold)." I said, "No." He again said, "Sell it to me for one *Uqîya* (of gold)." So I sold it and stipulated that I should ride it to my house. When we reached (Al-Madîna) I took that camel to the Prophet ﷺ and he gave me its price. I returned home but he sent for me (and when I went to him) he said, "I was not going to take your camel. So, take your camel as a gift for you."

(Various narrations are mentioned here with slight variations in expressions relating the condition that Jâbir had the right to ride the sold camel up to Al-Madîna).

(٤) بَابُ إِذَا اشْتَرَطَ الْبَائِعُ ظَهِيرَ الدَّائِبَةَ إِلَى مَكَانٍ مُسَمَّى جَازَ

٢٧١٨ - حَدَّثَنَا أَبُو نُعَيْمٌ: حَدَّثَنَا زَكَرِيَّاً قَالَ: سَمِعْتُ عَامِرًا يَقُولُ: حَدَّثَنِي جَابِرٌ رَضِيَ اللَّهُ عَنْهُ: أَنَّهُ كَانَ يَسِيرُ عَلَى جَمْلٍ لَهُ قَدْ أَغْيَا فِمَرَ النَّبِيِّ ﷺ فَصَرَبَهُ فَدَعَا لَهُ فَسَارَ سِيرًا لَيْسَ يَسِيرُ مِثْلَهُ. ثُمَّ قَالَ: «بِعِينِيهِ بِأَوْقِيَّةٍ» قُلْتُ: لَا ثُمَّ قَالَ: «بِعِينِيهِ بِأَوْقِيَّةٍ» فَيَعْتَهُ فَاسْتَشْتِيتُ حُمْلَانَهُ إِلَى أَهْلِيِّهِ فَلَمَّا قَدِيمَنَا أَتَيْتُهُ بِالْجَمَلِ وَنَقَدَنِي شَمَةٌ ثُمَّ أَنْصَرَفْتُ فَأَرْسَلَ عَلَى أَثْرِي قَالَ: «مَا كُنْتُ لَأَخْذَ جَمَلَكَ فَحُذْ جَمَلَكَ ذَلِكَ فَهُوَ مَالُكُ». [٤٤٣] [راجع: ٤٤٣]

قَالَ شُعْبَةُ، عَنْ مُغِيرَةَ، عَنْ عَامِرٍ، عَنْ جَابِرٍ: أَفْقَرَنِي رَسُولُ اللهِ ﷺ ظَهِيرَةً إِلَى الْمَدِينَةِ. وَقَالَ إِسْحَاقُ عَنْ جَرِيرٍ، عَنْ مُغِيرَةَ: فَعَتَّهُ عَلَى أَنَّ لِي فَقَارَ ظَهِيرَهُ حَتَّى أَبْلَغَ الْمَدِينَةَ. وَقَالَ عَطَاءُ وَغَيْرُهُ: «وَلَكَ ظَهِيرَهُ إِلَى الْمَدِينَةِ». وَقَالَ مُحَمَّدُ بْنُ الْمُنْكَدِرِ، عَنْ جَابِرٍ: شَرَطَ ظَهِيرَهُ إِلَى الْمَدِينَةِ. وَقَالَ رَبِيعُ بْنُ أَسْلَمَ، عَنْ جَابِرٍ: «وَلَكَ ظَهِيرَهُ حَتَّى تَرْجِعَ». وَقَالَ أَبُو الرَّبِيعِ، عَنْ جَابِرٍ: «أَفْقَرْنَاكَ ظَهِيرَهُ إِلَى الْمَدِينَةِ». وَقَالَ الْأَعْمَشُ، عَنْ سَالِمٍ، عَنْ جَابِرٍ: «تَبَلَّغْ بِهِ إِلَى أَهْلِكَ». قَالَ أَبُو عَبْدِ اللَّهِ: الْاشْتَرَاطُ

the *Zakāt* and to be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (i.e. Islamic Monotheism and all that Islam has ordained) and to forbid them from *Al-Munkar* (i.e. disbelief, polytheism and all that Islam has forbidden), and to help them, to be kind and merciful to them].

(2) CHAPTER. (What is said regarding) the sale of pollinated date-palms.

2716. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُما: Allāh’s Messenger ﷺ said, “If someone sells pollinated date-palms, their fruits will be for the seller, unless the buyer stipulates the contrary.”

(3) CHAPTER. The conditions of selling.

2717. Narrated ‘Urwa: ‘Āishah رَضِيَ اللَّهُ عَنْهَا told me that Barīra came to seek her help in writing for emancipation and at that time she had not paid any part of her price. ‘Āishah said to her, “Go to your masters and if they agree that I will pay your price (and free you) on condition that your *Wälā’* will be for me, I will pay the money.” Barira told her masters about that, but they refused, and said, “If ‘Āishah wants to do a favour she could, but your *Wälā’* will be for us.”

‘Āishah informed Allāh’s Messenger ﷺ of that and he ﷺ said to her, “Buy and manumit Barira as the *Wälā’* will go to the manumitter.”

قَيْسُ بْنُ أَبِي حَازِمٍ، عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: بَيَّنَتُ رَسُولُ اللَّهِ ﷺ عَلَى إِقَامِ الصَّلَاةِ وَإِيتَاءِ الزَّكَاةِ وَالثُّنْصِحِ لِكُلِّ مُسْلِمٍ.
[راجع: ٥٧]

(٢) بَابُ إِذَا بَاعَ نَخْلًا فَدَأْبَرَثَ

٢٧١٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ بَاعَ نَخْلًا فَدَأْبَرَثَ فَمَرَأَتُهَا لِلْبَائِعِ إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعَ». [راجع: ٢٢٠٣]

(٣) بَابُ الشُّرُوطِ فِي الْبَيْعِ

٢٧١٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلِمَةَ: حَدَّثَنَا الْلَّيْثُ، عَنْ أَبْنِ شَهَابٍ، عَنْ عُرْوَةَ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَخْبَرَتْهُ أَنَّ بَرِيرَةَ جَاءَتْ عَائِشَةَ سَسْتَعِينُهَا فِي كِتَابِهَا. وَلَمْ تَكُنْ قَضَتْ مِنْ كِتَابِهَا شَيْئًا، قَالَتْ لَهَا عَائِشَةُ: ارْجِعِي إِلَى أَهْلِكِ فَإِنْ أَحْبَبْوَا أَنْ أُفْضِيَ عَنْكِ كِتَابَكِ وَيَكُونَ وَلَاؤُكِ لِي فَعَلَتْ، فَذَكَرَتْ ذَلِكَ بَرِيرَةَ إِلَى أَهْلِهَا فَأَبْرَوَا. وَقَالُوا: إِنْ شَاءَتْ أَنْ تَحْتَسِبَ عَلَيْكِ فَلَتَمْعَلَ وَيَكُونَ لَنَا وَلَاؤُكِ. فَذَكَرَتْ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ لَهَا: إِنْتَاعِي فَأُغْبِقِي فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْنَتْ». [راجع: ٤٥٦]

الْقَوْمَتُ مُهَاجِرَتٍ فَأَمْتَحِنُهُنَّ اللَّهُ أَعْلَمُ
يَا شَهِيدَنَا》 إِلَى قَوْلِهِ: «وَلَا هُمْ يَحْلُونَ
مَنْ» [المتحدة: ١٠]. [راجع: ١٦٩٤]

[١٦٩٥]

2713. Narrated 'Urwa: 'Āishah told me, "Allāh's Messenger ﷺ used to examine them according to this Verse:

'O you who believe! When believing women come to you as emigrants, examine them... (upto)... Oft-Forgiving, Most Merciful.' "(V.60:10-12)

'Āishah said, "When any of them agreed to that condition⁽¹⁾ Allāh's Messenger would say to her, 'I have accepted your Bai'a (pledge).' He would only say that, but, by Allāh he never touched the hand of any woman (i.e., never shook hands with them) while taking the Bai'a (pledge) and he never took their Bai'a (pledge) except by his words (only)."

2714. Narrated Jarir: When I gave the Bai'a (pledge) to Allāh's Messenger ﷺ, he stipulated that I should be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (i.e. Islamic Monotheism and all that Islam has ordained) and to forbid them from *Al-Munkar* (i.e. disbelief, polytheism and all that Islam has forbidden), and to help them, to be kind and merciful to them].

(See H. 57 and its chapter)

2715. Narrated Jarīr bin 'Abdullāh رَضِيَ اللَّهُ عَنْهُ: I gave the Bai'a (pledge) to Allāh's Messenger ﷺ for *Iqāmat-as-Ṣalāt*,⁽²⁾ paying

(1) (H. 2713) The condition mentioned in the Verse, i.e., that they will not associate anything in worship with Allāh, that they will not steal, that they will not commit illegal sexual intercourse, that they will not kill their children, that they will not utter slander intentionally forging falsehood (i.e., by making illegal children belonging to their husbands), and that they will not disobey you in any *Ma'rūf* (Islamic Monotheism and all that which Islam ordains).... (V.60:12).

(2) (H. 2715) *Iqāmat-as-Ṣalāt*: See the glossary.

2713 - قال عُرْوَةُ: فَأَخْبَرَنِي
عَائِشَةُ أَنَّ رَسُولَ اللَّهِ كَانَ
يَمْتَحِنُهُنَّ بِهِذِهِ الْآيَةِ «يَكْتَبُهَا الَّذِينَ آمَنُوا
إِذَا جَاءُكُمُ الْقَوْمَتُ مُهَاجِرَتٍ
فَأَمْتَحِنُهُنَّ» إِلَى «غَفُورٌ رَّحِيمٌ» قال
عُرْوَةُ: قَالَتْ عَائِشَةُ: فَمَنْ أَفَرَّ بِهِذَا
الْسُّرْطَطِ مِنْهُنَّ قَالَ لَهَا رَسُولُ اللَّهِ: «قَدْ
بَأَيْعُنْكَ»، كَلَامًا يُكَلِّمُهَا بِهِ، وَاللَّهُ
مَا مَسَّتْ يَدُهُ يَدًّا امْرَأَةً قَطْ فِي الْمُبَايَعَةِ
وَمَا بَأَيْعَنَهُ إِلَّا بِقَوْلِهِ. [انظر: ٢٧٣٣، ٤١٨٢،
٤٤٩١، ٥٢٨٨، ٤٨٩١]

2714 - حَدَّثَنَا أَبُو نُعِيمٍ: حَدَّثَنَا
سُفِيَّانُ، عَنْ زِيَادِ بْنِ عَلَاقَةَ قَالَ:
سَعَيْتُ جَرِيرًا رَضِيَ اللَّهُ عَنْهُ يَقُولُ:
بَايَعْتُ رَسُولَ اللَّهِ فَاشْتَرَطَ عَلَيَّ:
«وَالنُّصْحِ لِكُلِّ مُسْلِمٍ». [راجع: ٥٧]

2715 - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
يَحْيَى، عَنْ إِسْمَاعِيلَ قَالَ: حَدَّثَنِي

54 - THE BOOK OF CONDITIONS

٥٤ - كتاب الشروط

(1) CHAPTER. The conditions permissible on embracing Islām,⁽¹⁾ and in contracts and transactions.

2711, 2712. Narrated Marwān and Al-Miswar bin Makhrama رَضِيَ اللَّهُ عَنْهُمَا from the Companions of Allāh's Messenger ﷺ : When Suhail bin 'Amr agreed to the Treaty (of Hudaibiya), one of the things he stipulated then, was that the Prophet ﷺ should return to them (i.e., the *Al-Mushrikūn*) anyone coming to him from their side, even if he was a Muslim; and would not interfere between them and that person. The Muslims did not like this condition and got disgusted with it. Suhail did not agree except with that condition. So, the Prophet ﷺ agreed to that condition and returned Abū Jandal to his father Suhail bin 'Amr. Thenceforth the Prophet ﷺ returned everyone in that period (of truce) even if he was a Muslim. During that period some believing women emigrants including Umm Kulthūm bint 'Uqba bin Abū Mu'aīt who came to Allāh's Messenger ﷺ and she was a young lady then. Her relative came to the Prophet ﷺ and asked him to return her, but the Prophet ﷺ did not return her to them for Allāh had revealed the following Verse regarding women :

"...When believing women come to you as emigrants, examine them, Allāh knows best as to their Faith.. (up to).. nor are the disbelievers lawful (husbands) for them..." (V.60:10)

(1) بَابُ مَا يَجُوزُ مِنَ الشُّرُوطِ فِي
الإِسْلَامِ وَالْأَحْكَامِ وَالْمُبَايَعَةِ

بَنُ بُكْرٍ : حَدَّثَنَا الْلَّيْثُ، عَنْ عَفَيْلٍ،
عَنْ أَبْنِ شَهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ
بْنُ الرَّبِّيرِ: أَنَّهُ سَمِعَ مَرْوَانَ وَالْمُسْوَرَ
بْنَ مَحْرَمَةَ رَضِيَ اللَّهُ عَنْهُمَا يُخْبِرَانَ
عَنْ أَصْحَابِ رَسُولِ اللَّهِ ﷺ قَالَ:
لَمَّا كَاتَبَ سُهْلَ بْنَ عَمْرِو يَوْمَئِذٍ كَانَ
فِيمَا اشْتَرَطَ سُهْلُ بْنُ عَمْرِو عَلَى
النَّبِيِّ ﷺ: أَنَّهُ لَا يَأْتِيكَ مَنَا أَحَدٌ وَانْ
كَانَ عَلَى دِينِكَ إِلَّا رَدَدْتَهُ إِلَيْنَا
وَخَلَيْتَ يَيْتَنَا وَيَيْتَهُ. فَكَرِهَ الْمُؤْمِنُونَ
ذَلِكَ وَامْتَعْضُوا مِنْهُ، وَأَبَى سُهْلٌ إِلَّا
ذَلِكَ فَكَاتَبَ النَّبِيِّ ﷺ عَلَى ذَلِكَ فَرَدَ
يَوْمَئِذٍ أَبَا جَنْدُلَ إِلَى أَبِيهِ سُهْلَ بْنِ
عَمْرِو، وَلَمْ يَأْتِهِ أَحَدٌ مِنَ الرِّجَالِ إِلَّا
رَدَهُ فِي تِلْكُ الْمُدْدَةِ وَانْ كَانَ مُسْلِمًا.
وَجَاءَتِ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ وَكَانَتْ
أُمُّ كُلُّ ثُمُودٍ يُنْتَ عُقْبَةً بْنَ أَبِي مَعْيِطٍ مَمْنُ
خَرَجَ إِلَيْ رَسُولِ اللَّهِ ﷺ يَوْمَئِذٍ وَهِيَ
عَاقِقٌ، فَجَاءَ أَهْلُهَا يَسْأَلُونَ النَّبِيِّ ﷺ
أَنْ يَرْجِعُهَا إِلَيْهِمْ فَلَمْ يَرْجِعُهَا إِلَيْهِمْ
لِمَا أَنْزَلَ اللَّهُ فِيهِنَّ (إِذَا جَاءَكُمْ

(1) (Ch. 1) Some conditions are permissible, others are not ; for example, a non-Muslim on embracing Islām has the right to stipulate that he shall not be ordered to move from one country to another, but he cannot stipulate that he may not perform the *Salāt* (prayers). (*Fath Al-Bārī*)

from Ibn Abū Hadrad in the mosque. Their voices grew louder till Allāh's Messenger ﷺ heard them while he was in his house. So, he lifted the curtain of his room and called Ka'b bin Mālik saying, "O Ka'b!" He replied, "Labbaik! O Allāh's Messenger!" He beckoned to him with his hand suggesting that he deduct half the debt. Ka'b said, "I agree, O Allāh's Messenger!" Allāh's Messenger ﷺ then said (to Ibn Abū Hadrad), "Get up and pay him the rest."

أَخْبَرَنَا يُونُسُ، وَقَالَ اللَّيْثُ: حَدَّثَنِي
يُونُسُ، عَنْ ابْنِ شَهَابٍ: أَخْبَرَنِي عَبْدُ
اللَّهِ بْنُ كَعْبٍ أَنَّ كَعْبَ بْنَ مَالِكٍ
أَخْبَرَهُ: أَنَّهُ تَقَاضَى ابْنَ أَبِي حَذْرَةِ
دَيْنًا كَانَ لَهُ عَلَيْهِ فِي عَهْدِ رَسُولِ اللَّهِ
ﷺ فِي الْمَسْجِدِ، فَارْتَعَتْ أَصْوَاتُهُمَا
حَتَّى سَمِعَهَا رَسُولُ اللَّهِ ﷺ وَهُوَ فِي
بَيْتِهِ فَخَرَجَ رَسُولُ اللَّهِ ﷺ إِلَيْهِمَا حَتَّى
كَشَفَ سِجْفَ حُجْرَتِهِ فَنَادَى كَعْبَ بْنَ
مَالِكٍ فَقَالَ: «يَا كَعْبُ»، فَقَالَ: لَكَبَّكَ
يَا رَسُولَ اللَّهِ، فَأَشَارَ يَدِهِ أَنَّهُ أَنْصَعَ
الشَّطَرَ، فَقَالَ كَعْبٌ: قَدْ فَعَلْتُ يَا
رَسُولَ اللَّهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ:
«قُمْ فَاقْضِيهِ». [راجع: ٤٥٧]

(i.e., dates) of my garden in lieu of the debt of my father, but they refused the offer, as they thought that it would not cover the full debt. So, I went to the Prophet ﷺ and told him about it. He ﷺ said (to me), "When you pluck the dates and collect them in the *Mirbad* (i.e., a place where dates are dried), call me." Finally, he came accompanied by Abū Bakr and 'Umar and sat on the dates and invoked Allāh to bless them. Then he said, "Call your creditors and give them their full rights." So, I paid all my father's creditors in full and yet thirteen extra *Wasq* of dates remained, seven of which were '*Ajwa*' and six were '*Laun*', or six of which were '*Ajwa*' and seven were '*Laun*'. I met Allāh's Messenger ﷺ at sunset and informed him about it. On that he smiled and said, "Go to Abū Bakr and 'Umar and tell them about it." They said, "We perceived that that was going to happen, as Allāh's Messenger ﷺ did what he did."

عَبْيُدُ اللَّهِ، عَنْ وَهْبِ بْنِ كَيْسَانَ عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: تُؤْتُنِي أَبِي وَعَلَيْهِ دَيْنٌ، فَعَرَضَتْ عَلَى عُرَمَائِهِ أَنْ يَأْخُذُوا التَّمْرَ بِمَا عَلَيْهِ فَأَبْرَا، وَلَمْ يَرَوْا أَنَّ فِيهِ وَفَاءً. فَأَتَيْتُ الرَّبِيعَ فَذَكَرْتُ ذَلِكَ لَهُ فَقَالَ: إِذَا جَدَدْتَهُ فَوَضَعْتَهُ فِي الْمُرْبَدِ أَذَنْتَ رَسُولَ اللَّهِ ﷺ فَجَاءَ وَمَعَهُ أَبُورَبَرٌ وَعُمَرٌ فَجَلَسَ عَلَيْهِ وَدَعَا بِالْبَرَكَةِ، ثُمَّ قَالَ: ادْعُ عُرَمَاءَكَ فَأُوفِهِمْ». فَمَا تَرَكْتُ أَحَدًا لَهُ عَلَى أَبِي دَيْنِ إِلَّا فَصَصَيْتُهُ وَفَضَلَّ ثَلَاثَةَ عَشَرَ وَسَقًا، سَبْعَةَ عَجْوَةَ وَسِيَّةَ لَوْنَ، أَوْ سِتَّةَ عَجْوَةَ وَسَبْعَةَ لَوْنَ، فَوَافَيْتُ مَعَ رَسُولِ اللَّهِ ﷺ الْمَعْرِبَ فَذَكَرْتُ لَهُ ذَلِكَ فَصَحَّحَكَ، فَقَالَ: «إِنِّي أَبَا بَكْرَ وَعُمَرَ فَأَخْبِرْهُمَا»، فَقَالَا: لَقَدْ عِلِّمْنَا إِذْ صَعَ رَسُولُ اللَّهِ ﷺ مَا صَعَ أَنْ سَيُكُونُ ذَلِكَ، وَقَالَ هِشَامٌ، عَنْ وَهْبٍ، عَنْ جَابِرٍ: صَلَاةُ الْعَصْرِ وَلَمْ يَذْكُرْ: أَبَا بَكْرَ، وَلَا صَحَّكَ، وَقَالَ: وَتَرَكَ أَبِي عَلَيْهِ ثَلَاثَيْنَ وَسَقًا دَيْنًا. وَقَالَ أَبْنُ إِسْحَاقَ، عَنْ وَهْبٍ، عَنْ جَابِرٍ: صَلَاةُ الظُّهُرِ. [راجع: ٢١٢٧]

(١٤) بَابُ الْصُّلْحِ بِالدَّيْنِ وَالْعِنْ

(14) CHAPTER. Bringing about reconciliation in case of dispute concerning debts.

2710. Narrated 'Abdullāh bin Ka'b that Ka'b bin Mālik told him that in the lifetime of Allāh's Messenger ﷺ he demanded his debt

٢٧١٠ - حَدَثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَثَنَا عُثْمَانُ بْنُ عَمَرَ:

both of them used for irrigation. Allāh's Messenger ﷺ said to Az-Zubair, "O Zubair! Irrigate (your garden) first, and then let the water flow to your neighbour." The *Anṣārī* became angry and said, "O Allāh's Messenger! Is it because he is your cousin?" On that the complexion of Allāh's Messenger ﷺ changed (because of anger) and he said (to Az-Zubair), "Irrigate (your garden) and then withhold the water till it reaches the walls (surrounding the palms)." So, Allāh's Messenger ﷺ gave Az-Zubair his full right. Before that Allāh's Messenger ﷺ had given a generous judgement beneficial for Az-Zubair and the *Anṣārī*, but when the *Anṣārī* irritated Allāh's Messenger ﷺ he gave Az-Zubair his full right according to the evident law. Az-Zubair said, "By Allāh! I think the following Verse was revealed concerning that case:

'But no, by your Lord, they can have no Faith, until they make you (O Muhammad ﷺ) judge in all disputes between them...' " (V.4:65)

الأنصارِ قَدْ شَهَدَ بَدْرًا إِلَى رَسُولِ اللَّهِ ﷺ فِي شَرَاجٍ مِنَ الْحَرَّةِ كَانَا يَسْقِيَانِ بِهِ كَلَاهُمَا. فَقَالَ رَسُولُ اللَّهِ ﷺ لِلرَّبِيعِ: «اسْقِ يَا زُبِيرُ تُمَّ أَرْسَلُ إِلَى جَارِكَ»، فَعَصَبَ الْأَنْصَارِيُّ، فَقَالَ: يَا رَسُولَ اللَّهِ أَنْ كَانَ أَبِنَ عَمِّيْكَ؟ فَتَلَوَّنَ وَجْهُ رَسُولِ اللَّهِ ﷺ ثُمَّ قَالَ: «اسْقِ تُمَّ أَحْسِنْ حَتَّى يَلْعَجَ الْجَدْرَ»، فَاسْتَوْعَى رَسُولُ اللَّهِ ﷺ حِسْنَدِ حَقَّةَ لِلرَّبِيعِ، وَكَانَ رَسُولُ اللَّهِ ﷺ قَبْلَ ذَلِكَ أَشَارَ عَلَى الرَّبِيعِ بِرَأْيِ سَعَةَ لَهُ وَلِلْأَنْصَارِيِّ، فَلَمَّا أَخْفَظَ الْأَنْصَارِيُّ رَسُولَ اللَّهِ ﷺ اسْتَوْعَى لِلرَّبِيعِ حَقَّةَ فِي صَرِيحِ الْحُكْمِ. قَالَ عُرْوَةُ: قَالَ الرَّبِيعُ: وَاللَّهِ مَا أَحْسِبُ هَذِهِ الْآيَةَ نَزَّلَتْ إِلَّا فِي ذَلِكَ: «فَلَا وَرِيكَ لَا يَوْمَئِنُكَ حَقَّ يُحَكِّمُوكَ فِيمَا شَجَرَ بِيْنَهُمْ». الآية [النساء: ٦٥].

[راجع: ٢٣٦٠]

(١٣) بَابُ الْصَّلْحِ بَيْنَ الْعُرَمَاءِ وَأَصْحَابِ الْمِيرَاثِ وَالْمُجَازَفَةِ فِي ذَلِكَ

وقال ابن عباس: لا بأس أن يتخارج الشرikan، فإذا خذل هذا دينا وهذا عيناً، فإن توقي لأحدهما، لم يرجع على صاحبه.

٢٧٠٩ - حدثني محمد بن بشير: حدثنا عبد الوهاب: حدثنا

(13) CHAPTER. Reconciliation between the creditors and between the inheritors and the repayment of debts by giving an amount that is not specified or counted.

Ibn 'Abbās said, "There is no harm if two partners agree that one of them takes the debts and the other takes the assets, but if the property of any of them is ruined the loser has no right to claim it from the other partner."

2709. Narrated Jābir bin 'Abdullāh رضي الله عنهما: My father died and was in debt. I suggested that his creditors take the fruits

voices grew very loud. The Prophet ﷺ passed by them and said, "O Ka'b," beckoning with his hand as if intending to say, "Deduct half the debts." So, Ka'b took half what the other owed him and remitted the other half.

كَعْبُ بْنُ مَالِكٍ، عَنْ كَعْبِ بْنِ مَالِكٍ أَنَّهُ كَانَ لَهُ عَلَى عَبْدِ اللَّهِ بْنِ أَبِي حَدْرِيدِ الْأَسْلَمِيِّ مَالٌ، فَلَقِيَهُ فَلَزِمَهُ حَتَّى ارْتَفَعَتْ أَضْوَاعُهُمَا، فَمَرَّ بِهِمَا النَّبِيُّ ﷺ فَقَالَ: يَا «كَعْبًا»، فَأَشَارَ بِيَدِهِ كَانَهُ يَقُولُ: النَّصْفُ، فَأَخَذَ نِصْفَ مَا لَهُ عَلَيْهِ وَتَرَكَ نِصْفًا.

[راجع: ٤٥٧]

(11) CHAPTER. The superiority of making peace and establishing justice among the people.

2707. Narrated Abū Hurairah رضي الله عنه: Allāh's Messenger ﷺ said, "There is a *Sadaqa* to be given for every joint of the human body; and for every day on which the sun rises there is a *Sadaqa* (i.e., charitable gift to be given), the one who establishes justice among people⁽¹⁾ is considered as a *Sadaqa*.

[See Vol. 4, *Hadith* No.2891, 2989]

(11) بَابُ فَضْلِ الإِصْلَاحِ بَيْنَ النَّاسِ وَالْعَدْلِ بَيْنَهُمْ

٢٧٠٧ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنْ هَمَامَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلُّ سُلَامٍ مِّنَ النَّاسِ عَلَيْهِ صَدَقَةٌ، كُلَّ يَوْمٍ تَطْلُعُ فِيهِ السَّمْسُ، يَعْدِلُ بَيْنَ النَّاسِ صَدَقَةً». [انظر: ٢٨٩١، ٢٩٨٩]

(12) CHAPTER. If the *Imām* (i.e., ruler) suggests a (re)conciliation but the defendant refuses it, he is to be judged by the evident valid law.

2708. Narrated 'Urwa bin Az-Zubair رضي الله عنه: Az-Zubair told me that he quarrelled with an *Anṣāri* man who had participated in (the battle of) Badr in front of Allāh's Messenger ﷺ about a water stream which

٢٧٠٨ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شَعِيبٌ، عَنْ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي عُرْوَةُ ابْنُ الرُّبِّيرِ: أَنَّ الرُّبِّيرَ كَانَ يُحَدِّثُ أَنَّهُ خَاصَّ رَجُلًا مِّنْ

(1) (H. 2707) One is supposed to thank Allāh for the many favours Allāh has bestowed upon one; one of these numberless favours is the miraculous creation of the three hundred and sixty joints of man's body. Allāh rewards those who bring about peace among people with their justice, and such good deeds compensate for the *Sadaqa* which one should pay as a sign of gratitude to Allāh.

Muslims through him.’”

على المُنْبِرِ والحسَنُ بْنُ عَلَيٍّ إِلَى جَنبِهِ وَهُوَ يُقْلِلُ عَلَى النَّاسِ مَرَّةً وَعَلَيْهِ أُخْرَى وَيَقُولُ: «إِنَّ ابْنِي هَذَا سَيِّدٌ وَلَعِلَّ اللَّهَ أَنْ يُضْلِلَ بِهِ بَيْنَ فَتَّيْنِ عَظِيمَتِينِ مِنَ الْمُسْلِمِينَ». قَالَ أَبُو عَبْدِ اللَّهِ: قَالَ لِي عَلَيٍّ بْنُ عَبْدِ اللَّهِ: إِنَّمَا ثَبَّتَ لَنَا سَمَاعُ الْحَسْنِ مِنْ أَبِي بَكْرَةِ بِهَذَا الْحَدِيثِ. [انظر: ٣٦٢٩]

[٧١٠٩، ٣٧٤٦]

(10) CHAPTER. Should the *Imām* suggest reconciliation?

2705. Narrated ‘Āishah: Once, Allāh’s Messenger ﷺ heard the loud voices of some opponents quarrelling at the door. One of them was appealing to the other to deduct his debt and asking him to be lenient, but the other was saying, “By Allāh, I will not do so.” Allāh’s Messenger ﷺ went out to them and said, “Who is the one who was swearing by Allāh that he would not do a favour?” That man said, “I am that person, O Allāh’s Messenger! I will give my opponent whatever he wishes.”

(١٠) بَابٌ: هَلْ يُشِيرُ الْإِمَامُ بِالصَّلْحِ؟

٢٧٠٥ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي أُوئِيسٍ: قَالَ حَدَّثَنِي أَخِي عَنْ سُلَيْمَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي الرَّجَالِ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ: أَنَّ أُمَّةً عَمْرَةَ بِنْتَ عَبْدِ الرَّحْمَنِ قَالَتْ: سَمِعْتُ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا تَقُولُ: سَمِعَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَوْتَ حُصُومٍ بِالبَابِ عَالِيَّةً أَصواتُهُمْ، وَإِذَا أَحَدُهُمَا يَسْتَوْضُعُ الْأَخْرَ وَيَسْتَرْفُقُهُ فِي شَيْءٍ وَهُوَ يَقُولُ: وَاللَّهِ لَا أَفْعُلُ، فَخَرَجَ عَلَيْهِمَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: أَيْنَ الْمُتَأْلِي عَلَى اللَّهِ لَا يَفْعَلُ الْمَعْرُوفَ؟» فَقَالَ: أَنَا يَا رَسُولَ اللَّهِ فَلَهُ أَيُّ ذُلْكَ أَحَدٌ.

٢٧٠٦ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا الْيَتُّ، عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، عَنِ الْأَعْرَجِ قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ

2706. Narrated ‘Abdullāh bin Ka'b bin Mālik from Ka'b bin Mālik: ‘Abdullāh bin Abū Hadrad Al-Aslāmī owed Ka'b bin Mālik some money. One day the latter met the former and demanded his right, and their

Allāh : تعالى :

“... Then make peace between them both...”
(V.49:9)

2704. Narrated Al-Ḥasan (Al-Basrī) : By Allāh, Al-Ḥasan bin ‘Alī led large battalions like mountains against Mu‘āwiya. ‘Amr bin Al-Ās said (to Mu‘āwiya), “I surely see battalions which will not turn back before killing their opponents.” Mu‘āwiya who was really the best of the two men said to him, “O ‘Amr! If these killed those and those killed these, who would be left with me for the jobs of the people, who would be left with me for their women, who would be left with me for their children?” Then Mu‘āwiya sent two Quraishi men from the tribe of ‘Abd Shams called ‘Abdur Raḥmān bin Sumura and Abdullāh bin ‘Āmir bin Kuraiz to Al-Ḥasan saying to them, “Go to this man (i.e., Al-Ḥasan) and negotiate peace with him and talk and appeal to him.” So, they went to Al-Ḥasan and talked and appealed to him to accept peace. Al-Ḥasan said, “We, the offspring of ‘Abdul Muṭṭalib, have got wealth and people have indulged in killing and corruption (and money only will appease them).” They said to Al-Ḥasan, “Mu‘āwiya offers you so and so, and appeals to you and entreats you to accept peace.” Al-Ḥasan said to them, “But who will be responsible for what you have said?” They said, “We will be responsible for it.” So, whatever Al-Ḥasan asked they said, “We will be responsible for it for you.” So, Al-Ḥasan concluded a peace treaty with Mu‘āwiya. Al-Ḥasan (Al-Basrī) said: I heard Abū Bakra saying, “I saw Allāh’s Messenger ﷺ on the pulpit and Al-Ḥasan bin ‘Alī was by his side. The Prophet ﷺ was looking once at the people and once at Al-Ḥasan bin ‘Alī saying, ‘This son of mine is a Sayyid (i.e., a noble) and may Allāh make peace between two big groups of

عَظِيمَتَيْنِ، وَقَوْلُهُ جَلَّ ذِكْرُهُ:
﴿فَأَصْلِحُوا بَيْنَهُمَا﴾ [الحجرات: ٩].

٢٧٠٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا سُفيَّانُ عَنْ أَبِي مُوسَى قَالَ: سَمِعْتُ الْحَسَنَ يَقُولُ: اسْتَقْبَلَ وَاللَّهُ الْحَسَنُ بْنُ عَلَيٰ مُعَاوِيَةَ بِكَتَابَ أَمْثَالِ الْجِبَالِ، فَقَالَ عَمْرُو بْنُ الْعَاصِ: إِنِّي لِأَرَى كَتَابَ لَا تُؤْلَىٰ حَتَّىٰ تَقْتَلُ أَفْرَانَهَا. فَقَالَ لَهُ مُعَاوِيَةُ وَكَانَ اللَّهُ خَيْرُ الرَّجُلَيْنِ: أَيِّ عَمْرُو، إِنْ قَتَلَ هُؤُلَاءِ هُؤُلَاءِ وَ هُؤُلَاءِ هُؤُلَاءِ: مَنْ لِي بِأَمْوَالِ النَّاسِ؟ مَنْ لِي بِنِسَائِهِمْ؟ مَنْ لِي بِضَيْعَتِهِمْ؟ فَعَبَّثَ إِلَيْهِ رَجُلَيْنِ مِنْ قُرْبَشٍ مِنْ بَنِي عَبْدِ شَمْسٍ: عَبْدُ الرَّحْمَنِ ابْنُ سَمْرَةَ، وَعَبْدُ اللَّهِ بْنُ عَامِرٍ بْنِ كُرَيْزَرِ، فَقَالَ: ادْهَبَا إِلَى هَذَا الرَّجُلِ فَاغْرِضَا عَلَيْهِ وَقُولَا لَهُ وَاطْلُبَا إِلَيْهِ، فَأَتَيْهُ فَدَخَلَ عَلَيْهِ فَتَكَلَّمَا وَقَالَا لَهُ وَطَلَبَا إِلَيْهِ فَقَالَ لَهُمَا الْحَسَنُ بْنُ عَلَيٰ: إِنَّا بَنُو عَبْدِ الْمُطَلِّبِ قَدْ أَصْبَنَا مِنْ هَذَا الْمَالِ، وَإِنَّ هَذِهِ الْأُمَّةَ قَدْ عَاثَتْ فِي دِمَائِهَا قَالَا: فَإِنَّهُ يَعْرِضُ عَلَيْكَ كَذَا وَكَذَا، وَيَطْلُبُ إِلَيْكَ وَيَسْأَلُكَ. قَالَ: فَمَنْ لِي بِهِذَا؟ قَالَا: نَحْنُ لَكَ بِهِ فَمَا سَأَلُوكُمَا شَيْئًا إِلَّا قَالَا: نَحْنُ لَكَ بِهِ، فَصَالَحَهُ فَقَالَ الْحَسَنُ: وَلَقَدْ سَمِعْتَ أبا بَكْرَةَ يَقُولُ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ

2702. Narrated Sahl bin Abū Ḥathmā : ‘Abdullāh bin Sahl and Muḥaiyisa bin Maṣ‘ūd bin Zaid went to Khaibar when it had had a peace treaty (with the Muslims).

٢٧٠٢ - حَدَّثَنَا مُسَدِّدٌ : حَدَّثَنَا يَحْيَى، عَنْ بُشِّيرٍ بْنِ سَارٍِ، عَنْ سَهْلِ بْنِ أَبِي حَمْمَةَ قَالَ: أَنْطَلَقَ عَبْدُ اللَّهِ ابْنُ سَهْلٍ وَمُحَيْصَةُ بْنُ مَسْعُودٍ بْنِ زَيْدٍ إِلَى خَيْرٍ وَهِيَ يَوْمَيْنِ صَلْحٍ . [انظر: ٣١٧٣، ٦١٤٣، ٦٨٩٨]

[٦٨٩٤]

(8) CHAPTER. Agreement about *Diya* (blood money).

2703. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ Ar-Rabī‘, the daughter of An-Nadr broke the tooth of a girl, and the relatives of Ar-Rabī‘ requested the girl's relatives to accept the *Arsh* (compensation for wounds etc.) and forgive (the offender), but they refused. So, they went to the Prophet ﷺ who ordered them to bring about retaliation. Anas bin An-Nadr asked, “O Allāh's Messenger! Will the tooth of Ar-Rabī‘ be broken? No, by Him Who has sent you with the Truth, her tooth will not be broken.” The Prophet ﷺ said, “O Anas! Allāh's Law ordains retaliation.” Later the relatives of the girl agreed and forgave her. The Prophet ﷺ said, “There are some of Allāh's slaves who, if they take an oath by Allāh, are responded to by Allāh (i.e., their oath is fulfilled).” Anas added, “The people agreed and accepted the *Arsh*.”

٢٧٠٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ قَالَ: حَدَّثَنِي حُمَيْدٌ: أَنَّ أَنَسًا حَدَّثَهُمْ: أَنَّ الرُّبِيعَ وَهِيَ ابْنَةُ النَّضْرِ كَسَرَتْ نَيَّةً جَارِيَةً، فَطَلَّبُوا الْأَرْشَ وَطَلَّبُوا الْعَفْوَ فَأَبَوُا، فَأَتَوْا النَّبِيَّ ﷺ فَأَمْرَاهُمْ بِالْقِصَاصِ فَقَاتَلُوا أَنَسُ بْنَ النَّضْرِ: أَنْكَسُرْ نَيَّةً الرُّبِيعَ يَا رَسُولَ اللَّهِ؟ لَا وَالَّذِي بَعَثَنَا بِالْحَقِّ لَا تُكْسِرْ نَيَّثَهَا. فَقَالَ: «يَا أَنَسُ كِتَابَ اللَّهِ الْقِصَاصُ»، فَرَضِيَ الْقَوْمُ وَعَفَوُا فَقَاتَلَ النَّبِيَّ ﷺ: «إِنَّ مَنْ عَبَادَ اللَّهَ مَنْ لَوْ أَقْسَمَ عَلَى اللَّهِ لَا يَرَهُ». زَادَ الفَزَارِيُّ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: فَرَضِيَ الْقَوْمُ وَقَاتَلُوا الْأَرْشَ.

[انظر: ٤٤٩٩، ٤٥٠٠، ٤٦١١، ٢٨٠٦]

[٦٨٩٤]

(9) CHAPTER. The saying of the Prophet ﷺ to Al-Hasan bin ‘Ali

، رَضِيَ اللَّهُ عَنْهُمَا، “This son of mine is *Saiyid* (a noble) and may Allāh make peace between two big groups (of Muslims) through him.” And the Statement of

٩) بَابُ قَوْلِ النَّبِيِّ ﷺ لِلْحَسَنِ بْنِ عَلَيٍّ رَضِيَ اللَّهُ عَنْهُمَا: إِنَّ ابْنِي هَذَا سَيِّدٌ وَلَعَلَّ اللَّهُ أَنْ يُصْلِحَ بِهِ بَيْنَ فِئَتِينَ

مسعود: عَنْهُمَا: On the day of *Hudaibiya*, the Prophet ﷺ made a peace treaty with the *Al-Mushrikūn* on three conditions:

1. The Prophet ﷺ would return to them any person from *Al-Mushrikūn* (polytheists, idolaters, pagans)
2. *Al-Mushrikūn* pagans would not return any of the Muslims going to them, and
3. The Prophet ﷺ and his companions would come to Makkah the following year and would stay there for three days and would enter Makkah with their weapons in cases, e.g., swords, arrows, bows, etc.

Abū Jandal came hopping, his legs being chained, but the Prophet ﷺ returned him to *Al-Mushrikūn*.

مسعود: حَدَّثَنَا سُفيانُ بْنُ سَعِيدٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ الْبَرَاءِ بْنِ عَازِبٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: صَالِحَ النَّبِيُّ وَالْمُشْرِكِينَ يَوْمَ الْحُدَيْبِيَّةِ عَلَى ثَلَاثَةِ أَشْيَاءِ: عَلَى أَنَّ مَنْ أَتَاهُ مِنَ الْمُشْرِكِينَ رَدَّهُ إِلَيْهِمْ. وَمَنْ أَتَاهُمْ مِنَ الْمُسْلِمِينَ لَمْ يَرُدُّهُ . وَعَلَى أَنَّ يَدْخُلُهَا مِنْ قَابِلٍ وَيُقْيِيمَ بِهَا ثَلَاثَةَ أَيَّامٍ. وَلَا يَدْخُلُهَا إِلَّا بِجُلْبَانٍ السَّلَاحِ: السَّيْفِ وَالْقَوْسِ وَنَحْوِهِ فَجَاءَ أَبُو جَنْدَلٍ يَحْجُلُ فِي قُيُودِهِ فَرَدَّهُ إِلَيْهِمْ . [راجع: ١٧٨١]

قال أبو عبد الله: لَمْ يَذْكُرْ مُؤْلِلٌ عَنْ سُفيانَ أبا جَنْدَلٍ، وَقَالَ: إِلَّا بِجُلْبَ السَّلَاحِ .

2701. Narrated Ibn ‘Umar: رَضِيَ اللَّهُ عَنْهُمَا Allāh’s Messenger ﷺ set out for the ‘Umra but the disbelievers of Quraish prevented him from reaching the Ka‘bah. So, he slaughtered his sacrifice and got his head shaved at Al-Hudaibiya, and agreed with them that he would perform ‘Umra the following year and would not carry weapons except swords, and would not stay in Makkah except for the period they allowed. So, the Prophet ﷺ performed the ‘Umra in the following year and entered Makkah according to the treaty, and when he stayed for three days, the disbelievers ordered him to depart, and he departed.

٢٧٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا سُرِيعُ بْنُ الثَّعْمَانَ قَالَ: حَدَّثَنَا فُلَيْحَ عَنْ نَافِعٍ، عَنْ أَبِي عُمَرِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ مُعْتَمِراً فَحَالَ كُفَّارُ قُرُبَيْشَ بَيْنَهُ وَبَيْنَ الْبَيْتِ فَتَحَرَّ هَذِهِ وَحَلَقَ رَأْسَهُ بِالْحُدَيْبِيَّةِ وَقَاضَاهُمْ عَلَى أَنْ يَعْتَمِرَ الْعَامَ الْمُقْبِلَ وَلَا يَحْمِلَ سِلَاحاً عَلَيْهِمْ إِلَّا سُيُوفاً، وَلَا يُقْيِيمَ بِهَا إِلَّا مَا أَحَبُوا. فَاعْتَمَرَ مِنَ الْعَامِ الْمُقْبِلِ فَدَخَلَهَا كَمَا كَانَ صَالِحَهُمْ، فَلَمَّا أَقَامَ بِهَا ثَلَاثَةً أَمْرُوهُ أَنْ يَخْرُجَ فَخَرَجَ .

(the next year) and the time limit passed, the Makkans went to 'Ali and said, "Tell your friend (i.e., the Prophet ﷺ) to go out, as the period (agreed to) has passed." So, the Prophet ﷺ went out of Makkah. The daughter of Hamza ran after them (i.e., the Prophet ﷺ and his companions), calling, "O Uncle! O Uncle!" 'Ali رَضِيَ اللَّهُ عَنْهُ received her and led her by the hand and said to Fātīma، "Take your uncle's daughter." Zaid and Ja'far quarrelled about her. 'Ali said, "I have more right to her as she is my uncle's daughter. Ja'far said; "She is my uncle's daughter, and her aunt is my wife." Zaid said, "She is my brother's daughter." The Prophet ﷺ judged that she should be given to her aunt, and said that the aunt was like the mother. He then said to 'Ali, "You are from me and I am from you", and said to Ja'far, "You resemble me both in character and appearance", and said to Zaid, "You are our brother (in faith) and our freed slave."⁽¹⁾

أصحابه أراد أن يُقيِّم بها». فلما دخلها ومضى الأجل أتوا عليه فقالوا: قُل لصاحبِكَ: اخْرُجْ عَنَّا فَقَدْ مَضَى الأَجْلُ، فَخَرَجَ النَّبِيُّ ﷺ فتَعَثَّثُمْ ابْنَةُ حَمْرَةَ: يَا عَمَّ يَا عَمَّ، فَتَنَوَّلَهَا عَلَيَّ فَأَخْدَى بَيْدَاهَا، وَقَالَ لِفَاطِمَةَ: دُونَكِ ابْنَةُ عَمِّكَ، احْمَلِيهَا، فَاخْتَصَّمَ فِيهَا عَلَيَّ وَزَيْدٌ وَجَعْفَرٌ، فَقَالَ عَلَيَّ: أَنَا أَحَقُّ بِهَا وَهِيَ ابْنَةُ عَمِّي. وَقَالَ جَعْفَرٌ: ابْنَةُ عَمِّي وَخَلَّتْهَا تَحْتِي. وَقَالَ زَيْدٌ: ابْنَةُ أخِي، فَقَضَى بِهَا النَّبِيُّ ﷺ لِخَالِهَا، وَقَالَ: (الْخَالَةُ بِمَنْزِلَةِ الْأُمِّ). وَقَالَ لِعَلِيٍّ: أَنْتَ مِنِّي وَأَنَا مِنْكَ، وَقَالَ لِجَعْفَرٍ: (أَشْبَهُتْ حَافْقِي وَخُلْقِي)، وَقَالَ لِزَيْدٍ: (أَنْتَ أَخُونَا وَمَوْلَانَا).

[راجع: ١٧٨١]

(7) CHAPTER. To make peace with *Al-Mushrikūn* (polytheists, idolaters, pagans).

This chapter includes Abū Sufyān's narration.

Narrated 'Aūf bin Mālik: The Prophet ﷺ said, "There will be a peace treaty between you and Bani Al-Asfar (the Byzantines)."

2700. Narrated Al-Bara' bin 'Azib رَضِيَ اللَّهُ عَنْهُ

فِيهِ عَنْ أَبِي سُفْيَانَ، وَقَالَ عَوْفُ بْنُ مَالِكَ عَنِ النَّبِيِّ ﷺ: (ثُمَّ تَكُونُ هُذْنَةُ يَتَنَكُمْ وَيَبْنَ بَنِي الْأَصْفَرِ). وَفِيهِ سَهْلُ بْنُ حُنَيْفٍ لَقَدْ رأَيْتُنَا يَوْمَ أَبِي جَنْدَلٍ وَأَسْمَاءً وَالْمِسْوَرَ عَنِ النَّبِيِّ ﷺ. ٢٧٠٠ - وَقَالَ مُوسَى بْنُ

(1) (H. 2699) The Prophet ﷺ had established the bond of brotherhood between Zaid, his freed slave, and Hamza, the Prophet's uncle. This is why Zaid said, "She is my brother's daughter." The Prophet ﷺ in addressing the three persons claiming the right of taking Hamza's daughter, is consoling them by relating them to himself, so that they would not be dissatisfied with his judgement.

to rub it out.” Allāh’s Messenger ﷺ rubbed it out and made peace with them on the condition that the Prophet ﷺ and his companions would enter Makkah (next year) and stay there for three days, and that they would enter with their weapons in cases.

[See. Ḥadīth No. 2731, 2732].

تَكْتُبُ : مُحَمَّدٌ رَسُولُ اللَّهِ، لَوْ كُنْتَ رَسُولاً لَمْ نُقَاتِلُكَ . فَقَالَ لِعَلَيِّ : «أَمْحُهُ» ، قَالَ عَلَيِّ : مَا أَنَا بِالَّذِي أَمْحَاهُ، فَمَحَاهُ رَسُولُ اللَّهِ ﷺ ، وَصَالَهُمْ عَلَى أَنْ يَدْخُلَ هُوَ وَأَصْحَابُهُ ثَلَاثَةَ أَيَّامٍ، وَلَا يَدْخُلُوهَا إِلَّا بِجُلْبَانِ السَّلَاحِ، فَسَأْلُوهُ : مَا جُلْبَانُ السَّلَاحِ؟ فَقَالَ : الْقِرَابُ بِمَا فِيهِ . [راجع : ١٧٨١]

٢٦٩٩ - حَدَّثَنَا عَبْيَضُ اللَّهِ بْنُ مُوسَى، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ رَضِيَ اللَّهُ عَنْهُ قَالَ : اعْتَمَرَ النَّبِيُّ ﷺ فِي ذِي الْقَعْدَةِ فَأَبَى أَهْلُ مَكَّةَ أَنْ يَدْعُوهُ يَدْخُلُ مَكَّةَ، حَتَّى قَاضَاهُمْ عَلَى أَنْ يُقْبِلُمْ بِهَا ثَلَاثَةَ أَيَّامٍ . فَلَمَّا كَتَبُوا الْكِتَابَ كَتَبُوا : هَذَا مَا قَاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللَّهِ ﷺ، فَقَالُوا : لَا نُقْرِئُ بِهَا، قَلُوا تَعْلَمُ أَنَّكَ رَسُولُ اللَّهِ مَا مَنَعَنَاكَ، لَكِنْ أَنْتَ مُحَمَّدٌ بْنُ عَبْدِ اللَّهِ . قَالَ : «أَنَا رَسُولُ اللَّهِ، وَأَنَا مُحَمَّدٌ بْنُ عَبْدِ اللَّهِ»، ثُمَّ قَالَ لِعَلَيِّ : «أَمْحُهُ : رَسُولُ اللَّهِ» قَالَ : لَا، وَاللَّهِ لَا أَمْحُوكَ أَبْدًا . فَأَخَذَ رَسُولُ اللَّهِ ﷺ الْكِتَابَ فَكَتَبَ : «هَذَا مَا قَاضَى عَلَيْهِ مُحَمَّدٌ بْنُ عَبْدِ اللَّهِ: لَا يَدْخُلُ مَكَّةَ سَلَاحٌ إِلَّا فِي الْقِرَابِ، وَأَنْ لَا يَخْرُجَ مِنْ أَهْلِهَا بِأَحَدٍ إِنْ أَرَادَ أَنْ يَتَبَعَّهُ، وَأَنْ لَا يَمْنَعَ أَحَدًا مِنْ

2699. Narrated Al-Barā': When the Prophet ﷺ intended to perform 'Umra in the month of Dhul-Qa'da, the people of Makkah did not let him enter Makkah till he settled the matter with them by promising to stay in it for three days only. When the document of treaty was written, the following was mentioned: 'These are the terms on which Muhammad ﷺ, the Messenger of Allāh agreed (to make peace).' They said, "We will not agree to this, for if we believed that you are Allāh's Messenger we would not prevent you, but you are Muhammad bin 'Abdullāh." The Prophet ﷺ said, "I am Allāh's Messenger and also Muhammad bin 'Abdullāh." Then he said to 'Alī, "Rub off (the words) 'Allāh's Messenger'", but 'Alī said, "No, by Allāh, I will never rub off your name." So, Allāh's Messenger ﷺ took the document and wrote, 'This is what Muhammad bin 'Abdullāh has agreed upon: No arms will be brought into Makkah except in their cases, and nobody from the people of Makkah will be allowed to go with him (i.e., the Prophet ﷺ) even if he wished to follow him and he (the Prophet ﷺ) will not prevent any of his companions from staying back in Makkah if the latter wants to stay.' When the Prophet ﷺ entered Makkah

slave-girl and the sheep are to go back to you, and your son will get a hundred lashes and one year exile.” He then addressed somebody, “O Unais! Go to the wife of this (man) and stone her to death.” So, Unais went and stoned her to death.

إِنَّمَا عَلَى ابْنِكَ جَلْدٌ مَائَةٌ وَتَعْرِيبٌ عامٌ . فَقَالَ النَّبِيُّ ﷺ : «لَا فَضِيلَّ يَسْكُنُكُمْ بِإِكْتَابِ اللَّهِ، أَمَّا الْوَلِيدَةُ وَالْعَنْتُ فَرَدٌ عَلَيْكُمْ . وَعَلَى ابْنِكَ جَلْدٌ مَائَةٌ وَتَعْرِيبٌ عامٌ . وَأَمَّا أَنْتَ يَا أُنَيْسُ لِرَجُلٍ - فَاغْدُ عَلَى امْرَأَةٍ هَذَا فَارْجُمُهَا» ، فَعَدَّا عَلَيْهَا أُنَيْسٌ فَرَجَمَهَا . [راجع: ٢٣١٤، ٢٣١٥]

2697. Narrated ‘Āishah رضي الله عنها: Allāh’s Messenger ﷺ said, “If somebody innovates something which is not present in our religion (of Islāmic Monotheism), then that thing will be rejected.

٢٦٩٧ - حَدَّثَنَا يَعْقُوبُ : حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ أَبِيهِ، عَنْ الْقَاسِمِ ابْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ : قَالَ رَسُولُ اللَّهِ ﷺ : «مَنْ أَخْدَثَ فِي أُمْرِنَا هَذَا مَا لَيْسَ فِيهِ فَهُوَ رَدٌّ» ، رَوَاهُ عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الْمَخْرَمِيُّ وَعَبْدُ الْوَاحِدِ ابْنُ أَبِي عَوْنَى، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ .
(٦) بَابٌ : كَيْفَ يُكْتَبُ : هَذَا مَا صَالَحَ فُلَانٌ بْنُ فُلَانٍ وَفُلَانٌ بْنُ فُلَانٍ، وَإِنْ لَمْ يَسْبِبْ إِلَى فَيْلِتَهُ أَوْ نَسِيَّهُ

(6) CHAPTER. How to write: These are the terms on which so-and-so, the son of so-and-so reconciled with so-and-so, the son of so-and-so, without mentioning the name of the tribe or the family name.

2698. Narrated Al-Barā’ bin ‘Āzib رضي الله عنهما: When Allāh’s Messenger ﷺ concluded a peace treaty with *Al-Mušrikūn* (polytheists, idolaters, pagans) at Al-Hudaibiya, ‘Alī bin Abi Tālib رضي الله عنه wrote the document and he mentioned in it, “Muhammad, Allāh’s Messenger ﷺ.” The *Al-Mušrikūn* said, “Don’t write: ‘Muhammad, Allāh’s Messenger’, for if you were a Messenger we would not fight with you.” Allāh’s Messenger ﷺ asked ‘Alī to rub it out, but ‘Alī said, “I will not be the person

٢٦٩٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ : حَدَّثَنَا غُنْدُرٌ : حَدَّثَنَا شُعبَةُ، عَنْ أَبِيهِ إِسْحَاقَ قَالَ : سَمِعْتُ الْبَرَاءَ بْنَ عَازِبٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : لَمَّا صَالَحَ رَسُولُ اللَّهِ ﷺ أَهْلَ الْحَدِيْثَةَ كَتَبَ عَلَيْهِ بْنَ أَبِي طَالِبٍ طَالِبَ رِضْوَانَ اللَّهِ عَلَيْهِ بَيْنَهُمْ كِتَابًا . فَكَتَبَ : مُحَمَّدٌ رَسُولُ اللَّهِ ﷺ، فَقَالَ الْمُشْرِكُونَ : لَا

(4) CHAPTER. The Statement of Allāh
عَزَّ وَجَلَّ :

“...If they make terms of peace between themselves ; and making peace is better...”
(V.4:128)

2694. Narrated ‘Āishah رضي الله عنها : The following Verse :

“And if a woman fears cruelty or desertion on her husband’s part...” (V.4:128)

This Verse means if the husband notices something unpleasant about his wife , such as old age or the like , and wants to divorce her , but she asks him to keep her and provide for her as he wishes).

(٤) بَابُ قَوْلِ اللَّهِ تَعَالَى : ﴿أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصَّلْحُ خَيْرٌ﴾

[النساء : ١٢٨]

٢٦٩٤ - حَدَّثَنَا فُتَيْبَةُ بْنُ سَعِيدٍ : حَدَّثَنَا سُفْيَانُ ، عَنْ هِشَامِ بْنِ عُرْوَةَ ، عَنْ أَبِيهِ ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا ﴿وَإِنْ أَمْرَأٌ هُوَ خَافَتْ مِنْ بَعْلِهَا شُورًا أَوْ إِغْرِاصًا﴾ [النساء : ١٢٨] قَالَتْ : هُوَ الرَّجُلُ يَرَى مِنْ امْرَأَتِهِ مَا لَا يُعْجِبُهُ كِبِراً أَوْ غَيْرَهُ فَيُرِيدُ فِرَاقَهَا ، فَتَقُولُ : أَمْسِكْنِي ، وَافْسِمْ لِي مَا شِئْتَ . قَالَتْ : وَلَا بَأْسَ إِذَا تَرَاضَيَا .

[راجع : ٢٤٥٠]

(٥) بَابُ إِذَا اصْطَلَحُوا عَلَى صُلْحٍ جَوْرٌ فَالصَّلْحُ مَرْدُودٌ

٢٦٩٦ - حَدَّثَنَا آدُمُ : حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُحَمَّدٍ ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ ، عَنْ أَبِيهِ هُرَيْرَةَ ، وَرَزِيدِ ابْنِ خَالِدِ الْجَهَنِيِّ رَضِيَ اللَّهُ عَنْهُمَا قَالَا : جَاءَ أَغْرَابِيٌّ فَقَالَ : يَا رَسُولَ اللَّهِ ، اقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ ، فَقَامَ حَصْمُهُ فَقَالَ : صَدَقَ ، اقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ . فَقَالَ الْأَغْرَابِيُّ : إِنَّ أَنِي كَانَ عَسِيفًا عَلَى هَذَا فَرَنَى بِامْرَأَيْهِ : فَقَالُوا لِي : عَلَى ابْنِكَ الرَّاجِمِ ، فَفَدَيْتُ أَنِي مِنْهُ بِمِائَةٍ مِنَ الْعَنْمَ وَوَلِيَّدَةٍ ، ثُمَّ سَأَلْتُ أَهْلَ الْعِلْمِ فَقَالُوا :

(5) CHAPTER. If some people are (re)conciled on illegal basis, their (re)conciliation is rejected.

2695, 2696. Narrated Abū Hurairah and Zāid bin Khalid Al-Juhani رضي الله عنهمَا : A bedouin came and said, “O Allāh’s Messenger! Judge between us according to Allāh’s Laws.” His opponent got up and said, “He is right. Judge between us according to Allāh’s Laws.” The bedouin said, “My son was a labourer working for this man, and he committed illegal sexual intercourse with his wife. The people told me that my son should be stoned to death ; so, in lieu of that, I paid a ransom of one hundred sheep and a slave-girl to save my son. Then I asked the learned scholars who said, ‘Your son has to be lashed one hundred lashes and has to be exiled for one year.’” The Prophet ﷺ said, “No doubt, I will judge between you according to Allāh’s Laws. The

two men to get angry, and the two groups started fighting with sticks, shoes and hands. We were informed that the following Divine Verse was revealed (in this concern):

“And if two parties or groups among the believers fall to fighting, then make peace between them both...” (V.49:9)

أَطْبَبْ رِيحًا مِنْكَ، فَغَضِبَ لِعَبْدِ اللَّهِ
رَجُلٌ مِنْ قَوْمِهِ فَشَتَّمَا فَغَضِبَ لِكُلِّ
وَاحِدٍ مِنْهُمَا أَصْحَابُهُ، فَكَانَ يَئِنْهُمَا
ضَرْبٌ بِالْجَرِيدِ وَالنَّعَالِ وَالْأَيْدِي،
فَبَلَغَنَا أَنَّهَا نَزَّلَتْ ﴿وَإِنْ طَلِيفَانِ مِنْ
الْمُؤْمِنِينَ أَفْتَلُوا فَاصْلِحُوهَا بَيْنَهُمَا﴾

[الحجرات: ٩].

(2) CHAPTER. He who makes peace between the people is not a liar.

2692. Narrated Umm Kulthüm bint Uqba رَضِيَ اللَّهُ عَنْهَا that she heard Allāh's Messenger ﷺ saying, “He who makes peace between the people by inventing good information or saying good things, is not a liar.”

(٢) بَابٌ: لَيْسَ الْكَاذِبُ الَّذِي يُصلِحُ بَيْنَ النَّاسِ

٢٦٩٢ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ صَالِحٍ، عَنْ ابْنِ شَهَابٍ: أَنَّ حُمَيْدَ بْنَ عَبْدِ الرَّحْمَنِ أَخْبَرَهُ أَنَّ أَمَّهُ أُمَّ كُلُّومْ بِنْتَ عُقْبَةَ أَخْبَرَتْهُ: أَنَّهَا سَمِعَتْ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَيْسَ الْكَاذِبُ الَّذِي يُصلِحُ بَيْنَ النَّاسِ قَيْمَنِي خَيْرًا أَوْ يَقُولُ خَيْرًا».

(٣) بَابٌ قَوْلُ الْإِمَامِ لِأَصْحَابِهِ:
اذْهِبُوا بِنَا نُصْلِحُ

٢٦٩٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ الْأَوَّلِيُّ، وَإِسْحَاقُ ابْنُ مُحَمَّدٍ الْفَرْوَوِيُّ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ أَهْلَ قَبَاءَ افْتَلُوا حَتَّى تَرَامَوْا بِالْحَجَارَةِ، فَأُخْبِرَ رَسُولُ اللَّهِ ﷺ بِذَلِكَ فَقَالَ: «اذْهِبُوا بِنَا نُصْلِحُ بَيْنَهُمْ». [راجع: ٦٨٤]

he turned round and saw the Prophet ﷺ standing behind him. The Prophet ﷺ beckoned him with his hand to keep on offering *Salāt* (prayer) where he was. Abū Bakr raised his hand and praised Allāh and then retreated till he came in the (first) row, and the Prophet ﷺ went ahead and lead the people in the *Salāt* (prayer). When the Prophet ﷺ finished the *Salāt* (prayer), he turned towards the people and said, “O people! When something happens to you during the *Salāt* (prayer), you start clapping, infact clapping is (permissible) for women only. If something happens to one of you in his *Salāt* (prayer), he should say: ‘*Subhan Allāh*’, (Glorified be Allāh), for whoever hears him (saying so) will direct his attention towards him. O Abū Bakr! What prevented you from leading the people in the *Salāt* (prayer) when I beckoned to you (to continue)?” Abū Bakr replied, “It did not befit the son of Abū Quhāfa to lead the *Salāt* (prayer) in front of the Prophet ﷺ.”

الصفّ الأوّل. فأخذَ النّاسُ في التّضيّع حتّى أكثروا و كانَ أبو بكر لا يكادُ يلتقي في الصّلاة، فالتفت فإذا هُوَ بالشّيْءِ بِهِ و راءَهُ فأشارَ إليه بيدهِ فأمرَهُ أنْ يصلّي كما هُوَ. فرفعَ أبو بكر يدَهُ فحمدَ الله ثمَّ رجعَ المهمّرَي و راءَهُ حتّى دخلَ في الصّفّ فتقدّمَ الشّيْءِ بِهِ فصلّى بالنّاسِ. فلما فرغَ أقبلَ على النّاسَ فقالَ: «يا أئمّا النّاسُ إِذَا نابُوكُمْ شَيْءٌ فِي صَلَاتِكُمْ أَخْذُتُمْ بِالتَّضيّعِ؟ إِنَّمَا التَّضيّع للنساء. مَنْ نابَهُ شَيْءٌ فِي صَلَاتِهِ فَلْيُقْلِلْ: سُبْحَانَ اللهِ. فَإِنَّهُ لَا يسْمَعُهُ أَحَدٌ إِلَّا التّفتَ. يا أبا بكر، ما مَنَعَكَ حِينَ أَشَرْتُ إِلَيْكَ لِمَ تُصْلِلَ بالنّاسِ؟» فقالَ: ما كانَ يَبْغِي لابن أبي قحافةَ أنْ يُصلّي بَيْنَ يَدَيِ الْيَتِيمِ بِهِ. [راجع: ٦٨٤]

٢٦٩١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا مُعْتَمِرٌ قالَ: سَمِعْتُ أَبِي أَنَّ أَسَّا رَضِيَ اللهُ عَنْهُ قَالَ: قَبْلَ لِلنَّبِيِّ بِهِ: لَوْ أَتَيْتَ عَبْدَ اللهِ ابْنَ أَبِي، فَانْطَلَقَ إِلَيْهِ النَّبِيُّ بِهِ وَرَكِبَ حَمَاراً فَانْطَلَقَ الْمُسْلِمُونَ يَمْشُونَ مَعَهُ، وَهِيَ أَرْضُ سَيْحَةٍ. فَلَمَّا أَتَاهُ النَّبِيُّ بِهِ قَالَ: إِلَيْكَ عَنِّي، وَاللهِ لَقَدْ آذَانِي نَتْنَ حَمَارِكَ. قَالَ رَجُلٌ مِّنَ الْأَنْصَارِ مِنْهُمْ: وَاللهِ لَحِمَارُ رَسُولِ اللهِ بِهِ

2691. Narrated Anas: It was said to the Prophet ﷺ: “Would that you see ‘Abdullāh bin Ubāi.” So, the Prophet ﷺ went to him, riding a donkey, and the Muslims accompanied him, walking on salty barren land. When the Prophet ﷺ reached ‘Abdullāh bin Ubāi, the latter said, “Keep away from me! By Allāh, the bad smell of your donkey has harmed me.” On that an *Anṣārī* man said (to ‘Abdullāh), “By Allāh! The smell of the donkey of Allāh’s Messenger ﷺ is better than your smell.” On that a man from ‘Abdullāh’s tribe got angry for ‘Abdullāh’s sake, and the two men abused each other which caused the friends of the

53 - THE BOOK OF PEACEMAKING [OR (RE)CONCILIATION]

(1) CHAPTER. What has been said regarding (re)conciliation between the people.

And the Statement of Allāh : جَلْ جَلَّهُ :

"There is no good in most of their secret talks, save (in) him who orders Ṣadaqa (charity in Allāh's Cause), or Ma'rūf (Islāmic Monotheism and all the good and righteous deeds which Allāh has ordained), or conciliation between mankind; and he who does this, seeking the good Pleasure of Allāh, We shall give him a great reward." (V.4:114)

And the going of the ruler to the places (where disputes arise) to bring about a reconciliation between people through his companions.

2690. Narrated Saḥl bin Sa‘d : رَضِيَ اللَّهُ عَنْهُ ثَوْبَانَ بْنَ عَاصِمَ الْمَرِيمِ: There was a dispute amongst the people of the tribe of Banī ‘Amr bin ‘Auf. The Prophet ﷺ went to them along with some of his companions in order to make peace between them. The time for the Salāt (prayer) became due but the Prophet ﷺ did not turn up ; Bilāl pronounced the Adhān (call for Salāt) for the Salāt (prayer), but the Prophet ﷺ did not turn up, so Bilāl went to Abū Bakr and said, "The time for the Salāt (prayer) is due and the Prophet ﷺ is detained, would you lead the people in the Salāt (prayer)?" Abū Bakr replied, "Yes, if you wish." So, Bilāl pronounced the Iqāma of the Salāt (prayer) and Abū Bakr went ahead [to lead the Salāt (prayer)], but the Prophet ﷺ came walking among the rows till he joined the first row. The people started clapping and they clapped too much, and Abū Bakr used not to look hither and thither in the Salāt (prayer), but

٥٣ - كتاب الصلح

(١) باب ما جاء في الإصلاح بين الناس

وقول الله عز وجل : ﴿ لَا حَيَّرَ فِي كَثِيرٍ مِنْ تَجْوِيلِهِمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ وَمَنْ يَفْعَلُ ذَلِكَ أَبْتِغَاهُ مَرْضَاتٍ ﴾ [النساء: ١١٤] وَخُرُوجِ الْإِمَامِ إِلَى الْمَوَاضِعِ لِيُضْلَعَ بَيْنَ النَّاسِ بِأَصْحَابِهِ .

٢٦٩٠ - حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرِيمٍ: حَدَّثَنَا أَبُو عَسَانَ قَالَ: حَدَّثَنِي أَبُو حَازِمٍ، عَنْ سَهْلِ بْنِ سَعِيدٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ أَنَاسًا مِنْ بَنْيِ عَمْرُو بْنِ عَوْفٍ كَانَ يَبْيَهُمْ شَيْءًا فَخَرَجَ إِلَيْهِمُ النَّبِيُّ ﷺ فِي أَنَاسٍ مِنْ أَصْحَابِهِ يُضْلَعُ بَيْنَهُمْ، فَحَضَرَتِ الصَّلَاةُ وَلَمْ يَأْتِ النَّبِيُّ ﷺ فَأَدْنَى بِلَالٍ بِالصَّلَاةِ وَلَمْ يَأْتِ النَّبِيُّ ﷺ فَجَاءَ إِلَيْهِ أَبُو بَكْرٍ فَقَالَ: إِنَّ النَّبِيَّ ﷺ حُسْنٌ وَقَدْ حَضَرَتِ الصَّلَاةُ فَهَلْ لِكَ أَنْ تَؤْمِنَ النَّاسَ؟ فَقَالَ: نَعَمْ إِنْ شِئْتَ، فَأَقَامَ الصَّلَاةَ فَقَدِمَ أَبُو بَكْرٍ ثُمَّ جَاءَ النَّبِيُّ ﷺ يَمْشِي فِي الصُّفُوفِ حَتَّى قَامَ فِي

بَعْدَهُ أَبْدًا، فَأَخْرَزَنِي ذَلِكَ، قَالَتْ: فَنِيمْتُ فَأَرِيْتُ لِعُثْمَانَ عَيْنَا تَجْرِي فَجِئْتُ إِلَى رَسُولِ اللَّهِ ﷺ فَأَخْبَرْتُهُ قَالَ: «ذَلِكَ عَمَلُهُ». [راجع: ١٢٤٣]

٢٦٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقاوِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يُونُسُ، عَنِ الرُّهْرِيِّ قَالَ: أَخْبَرَنِي عُرُوْةُ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَرَادَ سَفَرًا أَفْرَغَ بَيْنَ نِسَائِهِ فَإِتَّهُنَّ خَرَجَ سَهْمَهُمَا خَرَجَ بِهَا مَعَهُ، وَكَانَ يَقْسِمُ لِكُلِّ امْرَأَةٍ مِنْهُنَّ يَوْمَهَا وَلَيْلَتَهَا. عِيرَ أَنَّ سَوْدَةَ بِنْتَ زَمْعَةَ وَهَبَّتْ يَوْمَهَا وَلَيْلَتَهَا لِعَائِشَةَ رَفْحَ النَّبِيِّ ﷺ تَبَغِي بِذَلِكَ رِضَا رَسُولِ اللَّهِ ﷺ.

[راجع: ٢٥٩٣]

٢٦٨٩ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي مَالِكُ، عَنْ سُمَيْيٍ مُؤْلِي أَبِي بَكْرٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَوْ يَعْلَمُ النَّاسُ مَا فِي النِّدَاءِ وَالصَّفَّ الْأَوَّلِ ثُمَّ لَمْ يَجِدُوا إِلَّا أَنْ يَسْتَهِمُوا عَلَيْهِ لَا سَتَهِمُوا، وَلَوْ يَعْلَمُونَ مَا فِي التَّهْجِيرِ لَا سَبَقُوا إِلَيْهِ، وَلَوْ يَعْلَمُونَ مَا فِي الْعَيْمَةِ وَالصُّبْحِ لَا تَوَهُمُوا وَلَوْ حَبُّوا». [راجع: ٦١٥]

2688. Narrated ‘Āishah: رَضِيَ اللَّهُ عَنْهَا ‘Āishah: Whenever Allāh’s Messenger ﷺ intended to go on a journey, he used to draw lots among his wives and would take with him the one on whom the lot fell. He also used to fix for everyone of his wives a day and a night, but Sauda bint Zam‘a gave her day and night to ‘Āishah, the wife of the Prophet ﷺ intending thereby to please Allāh’s Messenger ﷺ.

2689. Narrated Abū Hurairah: رَضِيَ اللَّهُ عَنْهُ Abū Hurairah said, “If the people knew what is (the reward of) pronouncing the *Adhān* [call for the *Salāt* (prayers)] and (of being in) the first row (in the Congregational prayer), and if they found no other way to get this privilege except by casting lots, they would certainly cast lots for it. If they knew (the reward of) the noon prayer, they would race for it, and if they knew (the reward of) the morning (i.e., *Fajr*) and ‘Ishā’ (late evening) *Salāt* (prayers), they would present themselves for the *Salāt* (prayers) even if they had to crawl to reach there.” (See H. 615)

boat. The people of the upper part came and asked him, (saying), ‘What is wrong with you?’ He replied, ‘You have been troubled much by me (coming up to you), and I have to get water.’ Now, if they prevent him from doing that they will save him and themselves, but if they leave him (to do what he wants), they will destroy him and themselves.”⁽¹⁾

(See H. 2493)

2687. Narrated Umm Al-‘Alā that when the *Anṣār* drew lots as to which of the emigrants should dwell with which of the *Anṣār*, the name of ‘Uthmān bin Maz‘un came out (to be in their lot). Umm Al-‘Alā further said, “‘Uthmān stayed with us, and we nursed him when he got sick, but he died. We shrouded him in his clothes, and Allāh’s Messenger ﷺ came to our house and I said, (addressing the dead ‘Uthmān), ‘O Abū As-Sā’ib! May Allāh be Merciful to you. I testify that Allāh has blessed you.’ The Prophet ﷺ said to me, ‘How do you know that Allāh has blessed him?’ I replied, ‘I do not know O Allāh’s Messenger! May my parents be sacrificed for you.’ Allāh’s Messenger ﷺ said, ‘As regards ‘Uthmān, by Allāh he has died and I really wish him every good, yet, by Allāh, although I am Allāh’s Messenger, I do not know what will be done to him.’” Umm Al-‘Alā added, “By Allāh, I shall never attest the piety of anybody after him. And what Allāh’s Messenger ﷺ said made me sad.” Umm Al-‘Alā further said, “Once I slept and saw in a dream, a flowing stream for ‘Uthmān. So, I went to Allāh’s Messenger ﷺ and told him about it, he said, ‘That is (the symbol of) his (good) deeds.’”

فَتَأْدُوا يِهِ فَأَخَذَ فَأَسَا فَجَعَلَ يَنْقُرُ
أَسْفَلَ السَّفِيَّةَ فَأَتَوْهُ قَالُوا: مَا لَكَ؟
قَالَ: تَأْدِيمُنِي بِي وَلَا بُدُّ لِي مِنَ الْمَاءِ،
فَإِنْ أَخْذُوا عَلَى يَدِيهِ أَنْجُوْهُ وَنَجُوْهَا
أَنْفَسَهُمْ، إِنْ تَرْكُوهُ أَهْلُكُوهُ وَأَهْلَكُوا
أَنْفَسَهُمْ“.

٢٦٨٧ - حَدَّثَنَا أَبُو الْيَمَانُ:
أَخْبَرَنَا شُعَيْبٌ: عَنِ الرُّهْرِيِّ قَالَ:
حَدَّثَنِي خَارِجَةُ بْنُ زَيْدِ الْأَنْصَارِيُّ:
أَنَّ أُمَّ الْعَلَاءِ، امْرَأَةً مِنْ نِسَائِهِمْ قَدْ
بَايَعَتِ النَّبِيَّ ﷺ أَخْبَرَنَاهُ أَنَّ عُثْمَانَ بْنَ
مَطْعُونٍ طَارَ لَهُ سَهْمٌ فِي السُّكْنَى
حِينَ افْتَرَغَتِ الْأَنْصَارُ سُكْنَى
الْمُهَاجِرِينَ، قَاتَلَتْ أُمُّ الْعَلَاءِ: فَسَكَنَ
عِنْدَنَا عُثْمَانُ بْنُ مَطْعُونٍ فَاشْتَكَى
فَمَرَّ صَنَاهُ، حَتَّى إِذَا تُوْفِيَ وَجَعَلْنَا فِي
ثِيابِهِ دَخَلَ عَلَيْنَا رَسُولُ اللَّهِ ﷺ
فَقُلْتُ: رَحْمَةُ اللَّهِ عَلَيْكَ أبا السَّائِبِ،
فَشَهَادَتِي عَلَيْكَ لَقَدْ أَكْرَمَكَ اللَّهُ
فَقَالَ لِي النَّبِيُّ ﷺ: «وَمَا يُدْرِيكَ أَنَّ
اللَّهُ أَكْرَمُهُ؟» فَقُلْتُ: لَا أَدْرِي بِأَيِّ
أَنْتَ وَأَمِّي يَا رَسُولَ اللَّهِ. قَالَ رَسُولُ
اللَّهِ ﷺ: «أَمَّا عُثْمَانُ فَقَدْ جَاءَهُ وَاللَّهُ
الْيَقِينُ، وَإِنِّي لَأَرْجُو لَهُ الْخَيْرَ، وَاللَّهُ
مَا أَدْرِي وَأَنَا رَسُولُ اللَّهِ مَا يُفْعَلُ
يِهِ». قَاتَلَ: فَوَاللَّهِ لَا أَزَّكِي أَحَدًا

(1) (H. 2686) This means that one should not only avoid violating Allāh’s limits but should prevent others from doing so; otherwise the whole society gets corrupted and the good and the evil people are destroyed without discrimination.

مِنْهُمْ قَطُّ يَسْأَلُكُمْ عَنِ الَّذِي أَنْزَلَ عَلَيْنُكُمْ . [انظر: ٧٣٦٣ ، ٧٥٢٢ ، ٧٥٢٣]

(٣٠) باب القرعة في المُسْكِلَاتِ

(30) CHAPTER. Drawing lots to solve problems.

And the Statement of Allāh : جَلَ جَلَانِه :

“...When they cast lots with their pens as to which of them should be charged with the care of Maryam (Mary)...” (V.3:44)

Ibn ‘Abbās (explaining the Verse) said, “They drew lots (by throwing their pens in the river); the pens went along the stream except Zakariyā’s pen which stood stationary against the flow of the stream, and so Zakariyā was charged with the care of Maryam.”

Allāh also said, “*Fasāhama!* He (Prophet Jonah عليه السلام) (agreed to) cast lots, and he was among the losers,” means, “the lot fell on him”. (V.37:141)

Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ : “The Prophet ﷺ ordered some people to take an oath, and all of them hurried to take it, but he ordered that lots be cast as to which of them should take the oath (first).”

2686. Narrated An-Nu‘mān bin Bashīr بن عاصي : The Prophet ﷺ said, “The example of the person abiding by Allāh’s Orders and Limits (or the one who abides by the limits and regulations prescribed by Allāh) in comparison to the one who do wrong and violate Allāh’s Limits and orders is like the example of people drawing lots for seats in a boat. Some of them got seats in the upper part while the others in the lower part; those in the lower part have to pass by those in the upper one to get water, and that troubled the latter. One of them (i.e., the people in the lower part) took an axe and started making a hole in the bottom of the

وَقَوْلُهُ عَزَّ وَجَلَّ : «إِذْ يَلْقَوْنَ أَقْتَلُهُمْ أَيُّهُمْ يَكْفُلُ مَرِيمَ» [آل عمران: ٤٤] وَقَالَ ابْنُ عَبَّاسٍ : أَفْتَرَعُوا فَجَرَتِ الْأَقْلَامُ مَعَ الْجِرْجِيرَةِ وَعَالَ قَلْمَنْ زَكْرِيَاً الْجِرْجِيرَةَ فَكَفَلَهَا زَكْرِيَاً . وَقَوْلُهُ : «فَسَاهُمْ» : أَفْرَغَ «فَكَانَ مِنَ الْمُدْحَسِينِ» [الصافات: ١٤١] : مِنَ الْمَسْهُومِينَ . وَقَالَ أَبُو هُرَيْرَةَ : عَرَضَ النَّبِيُّ ﷺ عَلَى قَوْمٍ الْيَمِينَ فَأَسْرَعُوا . فَأَمَرَ أَنْ يُسْهِمَ بَيْنَهُمْ أَيُّهُمْ يَحْلِفُ .

٢٦٨٦ - حَدَّثَنَا عُمَرُ بْنُ حَفصٍ بن غِياثٍ : حَدَّثَنَا أَبِي : حَدَّثَنَا الْأَعْمَشُ قَالَ : حَدَّثَنِي الشَّعْبِيُّ أَنَّهُ سَمِعَ النَّعْمَانَ بْنَ بَشِيرٍ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ : قَالَ التَّبَّيِّنُ بْنُ عَاصِي : «مَثُلُ الْمُدْهِنِ فِي حُدُودِ اللَّهِ وَالْوَاقِعِ فِيهَا مَثُلُ قَوْمٍ اسْتَهْمُوا سَفِينَةً فَصَارَ بَعْضُهُمْ فِي أَسْفَلِهَا وَصَارَ بَعْضُهُمْ فِي أَعْلَاهَا، فَكَانَ الَّذِينَ فِي أَسْفَلِهَا يَمْرُونَ بِالْمَاءِ عَلَى الَّذِينَ فِي أَعْلَاهَا

فَقَالَ: قَضَى أَكْثَرُهُمَا وَأَطْبَيْهِمَا، إِنَّ رَسُولَ اللَّهِ يَعْلَمُ إِذَا قَالَ فَعَلَ.

(٢٩) بَابٌ: لَا يُسْأَلُ أَهْلُ الشَّرْكِ عَنِ الشَّهَادَةِ وَغَيْرِهَا

وَقَالَ الشَّعْبِيُّ: لَا تَجُوزُ شَهَادَةُ أَهْلِ الْمِلَلِ بَعْضُهُمْ عَلَى بَعْضٍ، لِقَوْلِهِ عَزَّ وَجَلَّ: «فَأَغْنَيْنَا بَيْنَهُمُ الْمَدَاوَةُ وَالْبَغْضَةُ» [المائدة: ١٤]. وَقَالَ أُبُو هُرَيْرَةَ عَنِ النَّبِيِّ يَعْلَمُ: «لَا تُصَدِّقُوا أَهْلَ الْكِتَابِ وَلَا تُكَذِّبُوهُمْ. وَقُولُوا: «إِنَّمَا يَأْتِيُ اللَّهُ وَمَا أَنْزَلَ»» [البقرة: ١٣٦].

٢٦٨٥ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا الْلَّيْثُ، عَنْ يُونُسَ، عَنْ ابْنِ شَهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: يَا مَعْشَرَ الْمُسْلِمِينَ، كَيْفَ تَسْأَلُونَ أَهْلَ الْكِتَابِ؟ وَكَيْفَ كُمْ الَّذِي أَنْزَلَ عَلَى نَبِيِّهِ يَعْلَمُ أَخْدُثُ الْأَخْبَارَ بِاللَّهِ تَقْرُونَهُ لَمْ يُشَبِّهْ. وَقَدْ حَدَّثَكُمُ اللَّهُ أَنَّ أَهْلَ الْكِتَابِ بَدَّلُوا مَا كَتَبَ اللَّهُ وَعَيَّرُوا بِأَيْدِيهِمُ الْكِتَابَ فَقَالُوا: «هَذَا مِنْ عِنْدِ اللَّهِ لِيَشْرُوَوْا بِهِ، ثُمَّنَا قَلِيلًا» [البقرة: ٧٩]. أَفَلَا يَنْهَاكُمْ مَا جَاءَكُمْ مِنَ الْعِلْمِ عَنْ مُسَأَلَتِهِمْ؟ وَلَا وَاللَّهِ مَا رَأَيْنَا رَجُلًا

(29) CHAPTER. ‘Al-Mushrikūn (idolaters, polytheists, and pagans) should not be asked to give witness or the like (i.e., their witnesses are not acceptable).

Ash-Sha'bī said, “The witnesses of the people of the different religions against one another is not valid,⁽¹⁾ as Allāh عَزَّ وَجَلَّ says:

‘So, We planted amongst them enmity and hatred...’ (V.5:14)

Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, “The Prophet ﷺ said, ‘Neither believe the people of the Scriptures, nor disbelieve them, but say: We believe in Allāh and whatever was revealed by Him.’”

2685. Narrated ‘Ubaidullah bin ‘Abdullāh bin ‘Utba : Ibn ‘Abbās رَضِيَ اللَّهُ عَنْهُمَا said, “O assembly of Muslims! How do you ask the people of the Scriptures, though your Book (i.e., the Qur’ān) which was revealed to His Prophet ﷺ is the most recent information from Allāh and you recite it, (the Qur’ān) that has not been distorted? Allāh has informed you that the people of the Scriptures distorted and changed what was revealed to them, with their own hands and they said (as regards their changed Scriptures): ‘This is from Allāh,’ in order to get some worldly benefit thereby.” Ibn Abbās added, “Isn’t the knowledge revealed to you sufficient to prevent you from asking them? By Allāh, I have never seen any one of them asking you (Muslims) about what has been revealed to you.”

(1) (Ch. 29) Al-Ḥasan and some other scholars say that the witness of somebody against someone belonging to another religion, is not valid, but it is valid if the two persons belong to the same religion. Ash-Sha'bī permits the witness of Muslims in cases involving non-Muslims.

to be dishonest,

(3) Whenever he promises, he breaks his promise." (See H. 33)

عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «أَيُّهُ الْمُنَافِقُ ثَلَاثٌ: إِذَا حَدَّثَ كَذَبَ، وَإِذَا أُتْسِمَ حَانَ، وَإِذَا وَعَدَ أَخْلَفَ». [راجع: ٣٣]

2683. Narrated Muḥammad bin ‘Alī: Jābir bin ‘Abdullāh رَضِيَ اللَّهُ عَنْهُما said, "When the Prophet ﷺ died, Abū Bakr received some property from Al-‘Alā bin Al-Haḍramī. Abū Bakr said to the people, 'Whoever has a money claim on the Prophet ﷺ, or was promised something by him, should come to us (so that we may pay him his right).' " Jābir added, "I said (to Abū Bakr), 'Allāh's Messenger ﷺ promised me that he would give me this much, and this much, and this much (spreading his hands three times)'." Jābir added, "Abū Bakr counted for me and handed me five hundred (gold pieces), and then five hundred, and then five hundred."

٢٦٨٣ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى: أَخْبَرَنَا هِشَامٌ، عَنِ ابْنِ جُرَيْجٍ قَالَ: أَخْبَرْنِي عَمْرُو بْنُ دِينَارٍ، عَنْ مُحَمَّدٍ بْنِ عَلَيٍّ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمْ قَالَ: لَمَّا مَاتَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَاءَ أَبَا بَكْرٍ مَالٌ مِنْ قَبْلِ الْعَلَاءِ بْنِ الْحَاضِرِمِيِّ فَقَالَ أَبُو بَكْرٍ: مَنْ كَانَ لَهُ عَلَى الْبَيْتِ صِلَوةً دِينَ أَوْ كَانَتْ لَهُ قِيلَةً عِدَّةً فَلِيأَتِنَا، قَالَ جَابِرٌ: قُلْتُ: وَعَدْنِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُعْطِينِي هَكَذَا وَهَكَذَا وَهَكَذَا، فَبَسَطَ يَدِيهِ ثَلَاثَ مَرَاتٍ. قَالَ جَابِرٌ: قَعَدَ فِي يَدِي خَمْسَيْمَائَةً، ثُمَّ خَمْسَيْمَائَةً، ثُمَّ خَمْسَيْمَائَةً.

[راجع: ٢٢٩٦]

2684. Narrated Sa‘id bin Jubair: A Jew from Ḥira asked me which one of the two periods Müsa (i.e., Prophet Moses) عليه السلام completed. I said, "I don't know, (but wait) till I see the most learned Arab and enquire him about it." So, I went to Ibn ‘Abbās and asked him. He replied, "Müsa completed the longer and better period." Ibn ‘Abbās added, "No doubt, a Messenger of Allāh always does what he says."

٢٦٨٤ - حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ الرَّحِيمِ: أَخْبَرَنَا سَعِيدُ بْنُ سُلَيْمانَ: حَدَّثَنَا مَرْوَانُ بْنُ شُجَاعٍ، عَنْ سَالِمِ الْأَفْطَسِ، عَنْ سَعِيدِ بْنِ جُبَيرٍ قَالَ: سَأَلْنِي يَهُودِيٌّ مِنْ أَهْلِ الْحِيرَةِ: أَيَّ الْأَجْلَيْنِ قَصَّى مُوسَى؟ قُلْتُ: لَا أَدْرِي حَتَّى أُقْدِمَ عَلَى حِبْرِ الْعَرَبِ فَأَسْأَلَهُ. فَقَدِمْتُ فَسَأَلْتُ ابْنَ عَبَّاسٍ

فَضَيْثُ لَهُ بِحَقِّ أَخِيهِ شَيْئاً يَقُولُهُ فَإِنَّمَا
أَقْطَعُ لَهُ قِطْعَةً مِنَ النَّارِ فَلَا يَأْخُذُهَا».

[راجع: ٢٤٥٨]

(28) CHAPTER. Whoever sees that promises should be fulfilled.

Al-Hasan supported this judgement.
(Allāh says:)

“And mention in the Book (the Qur’ān) Isma’il (Ishmael): Verily! He was true to what he promised.” (V.19:54)

Ibn Al-Ashwa’ judged that promises should be fulfilled, and he mentioned that Samura adopted the same opinion.

Narrated Al-Miswar bin Makhrama رضي الله عنهما : I heard the Prophet ﷺ saying: (about one of his sons-in-law), “He promised me and fulfilled his promise.” Narrated Abū ‘Abdullāh (Al-Bukhārī): I saw Ishāq bin Ibrāhīm depending on Ibn Ashwa’s narration in giving verdicts.

2681. Narrated ‘Abdullāh bin ‘Abbās رضي الله عنهما : Abū Sufyān told me that Heraclius said to him, “When I enquired you what he (i.e., Muḥammad ﷺ) ordered you, you replied that he ordered you to establish the Ṣalāt (prayer), to speak the truth, to be chaste, to keep promises and to pay back trusts.” Then Heraclius added, “These are really the qualities of a Prophet.” (See H. 7)

2682. Narrated Abū Hurairah رضي الله عنهما : Allāh’s Messenger ﷺ said, “The signs of a hypocrite are three:

- (1) Whenever he speaks, he tells a lie,
- (2) Whenever he is entrusted, he proves

(٢٨) بَابُ مَنْ أَمْرَ بِإِنْجَازِ الْوَعْدِ،
وَفَعَلَهُ الْحَسْنُ «وَذَكَرَ فِي الْكِتَابِ
إِسْمَاعِيلَ إِنَّمَا كَانَ صَادِقَ الْوَعْدِ» [مريم: ٥٤] وَقَصَّى ابْنُ الْأَشْوَعِ بِالْوَعْدِ وَذَكَرَ
ذَلِكَ عَنْ سَمْرَةَ بْنِ جُنَاحَ، وَقَالَ
الْمَسْوُرُ بْنُ مَحْرَمَةَ: سَمِعْتُ النَّبِيَّ ﷺ
وَذَكَرَ صَهْرَارَا لَهُ فَقَالَ: وَعَدْنِي
فَوَفَانِي. قَالَ أَبُو عَبْدِ اللَّهِ: رَأَيْتُ
إِسْحَاقَ بْنَ إِبْرَاهِيمَ يَحْتَاجُ بِحَدِيثِ ابْنِ
الْأَشْوَعِ.

٢٦٨١ - حَدَّثَنِي إِبْرَاهِيمُ بْنُ
حَمْزَةَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ
صَالِحٍ، عَنْ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ
اللَّهِ بْنِ عَبْدِ اللَّهِ: أَنَّ عَبْدَ اللَّهِ بْنَ
عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ قَالَ:
أَخْبَرَنِي أَبُو سُفْيَانُ أَنَّ هُرَقْلَ قَالَ لَهُ:
سَأَلْتُكَ مَاذَا يَأْمُرُكُمْ؟ فَرَعَمْتَ أَنَّهُ يَأْمُرُ
بِالصَّلَاةِ وَالصَّدْقَةِ وَالعَفْافِ وَالوَفَاءِ
بِالْعَهْدِ وَأَدَاءِ الْأَمَانَةِ، قَالَ: وَهَذِهِ
صِفَةُ نَبِيٍّ. [راجع: ٧]

٢٦٨٢ - حَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ:
حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ أَبِي
سُهَيْلٍ نَافِعِ بْنِ مَالِكٍ بْنِ أَبِي عَامِرٍ،

during the month of Ramadan.” The man said, “Am I to fast any other days?” Allāh’s Messenger ﷺ said, “No, unless you wish to observe the optional fast voluntarily.” Then Allāh’s Messenger ﷺ told him about the compulsory *Zakāt*. The man asked, “Do I have to give anything besides?” Allāh’s Messenger ﷺ said, “No, unless you wish to give in charity voluntarily.” So, the man departed saying, “By Allāh I will neither do more nor less than that.” Allāh’s Messenger ﷺ said, “If he has said the truth he will be successful.” (See H. 46)

2679. Narrated ‘Abdullāh رضي الله عنه: The Prophet ﷺ said, “Whoever has to take an oath should swear by Allāh or keep quiet.” (i.e., He should not swear by other than Allāh.)

(27) CHAPTER. Whoever produces the proof after (the defendant) has taken the oath.

The Prophet ﷺ said, “Perhaps some of you are more eloquent and persuasive in presenting their arguments than their opponents.” Tāwūs، Ibrahim and Shuraih said, “A clear, just evidence (produced by the plaintiff) is more valid than a false oath (taken by the defendant).”

2680. Narrated Umm Salama رضي الله عنها: Once Allāh’s Messenger ﷺ said, “You people present your cases to me and some of you may be more eloquent and persuasive in presenting their arguments. So, if I give some one’s right to another (wrongly) because of the latter’s (tricky) presentation of the case, I am really giving him a piece of fire; so he should not take it.”

قال: «لَا إِلَّا أَنْ تَطْوَعَ». فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَصِيَامُ شَهْرِ رَمَضَانَ»، فَقَالَ: هَلْ عَلَيَّ غَيْرُهَا؟ قَالَ: «لَا إِلَّا أَنْ تَطْوَعَ». قَالَ: وَذَكْرُهُ لَهُ رَسُولُ اللَّهِ ﷺ: الرِّزْكَةَ، قَالَ: هَلْ عَلَيَّ غَيْرُهُ؟ قَالَ: «لَا إِلَّا أَنْ تَطْوَعَ». قَالَ: فَأَذْبَرَ الرَّجُلُ وَهُوَ يَقُولُ: وَاللَّهِ لَا أَزِيدُ عَلَى هَذَا وَلَا أَنْفَصُ. قَالَ رَسُولُ اللَّهِ ﷺ: «أَفْلَحَ إِنْ صَدَقَ». [راجع: ٤٦]

٢٦٧٩ - حَدَثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَثَنَا جُوَيْرِيَةُ قَالَ: ذَكَرَ نافعٌ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ السَّيِّدَيْنِ ﷺ قَالَ: «مَنْ كَانَ حَالِفًا فَلْيُحَلِّفْ بِاللَّهِ أَوْ لِيَضْمُنْ». [انظر: ٣٨٣٦، ٣٨٣٧، ٦١٠٨، ٦٦٤٦، ٦٦٤٨]

(٢٧) بَابُ مَنْ أَقَامَ الْبَيِّنَةَ بَعْدَ الْيَمِينِ

وقال السَّيِّدَيْنِ ﷺ: «لَعْنَ بَعْضَكُمْ الْحَنْ يُحْجِّيَهُ مَنْ بَعْضُ». وقال طَاؤُسٌ وَابْرَاهِيمُ وَشَرِيعَةُ الْبَيِّنَةِ الْعَادِلَةُ أَحَقُّ مَنْ الْيَمِينِ الْفَاجِرَةِ.

٢٦٨٠ - حَدَثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ هِشَامَ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ زَيْنَبَ عَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّكُمْ تَعْتَصِمُونَ إِلَيَّ وَلَعَلَّ بَعْضَكُمْ الْحَنْ يُحْجِّيَهُ مَنْ بَعْضُ»، فَمَنْ

by revealing the Divine Verse :

'Verily, those who purchase a small gain at the cost of Allāh's Covenant and their oaths.. (up to).. a painful torment' " (V.3:77)

Al-Ash'ath met me and asked, "What did 'Abdullāh tell you today?" I said, "Such and such." He said, "The Verse was revealed regarding my case."

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ قال: «مَنْ حَكَفَ عَلَى بَيْنِ كَادِبًا لِيَقْتَطِعَ مَا مِنَ الرَّجُلِ، أَوْ قَالَ: أَخِيهِ، لَقِيَ اللَّهَ وَهُوَ عَلَيْهِ غَضِبًا، وَأَنْزَلَ اللَّهُ تَصْدِيقَ ذَلِكَ فِي الْقُرْآنِ ۝ إِنَّ الَّذِينَ يَشْرُكُونَ بِهِنَّ اللَّهَ وَإِنْتَ هُنَّ شَمَّانٌ قَلِيلًا ۝ إِلَى قَوْلِهِ ۝ عَذَابُ أَلِيمٌ ۝» الآية [آل عمران: ٧٧] فَلَقِينِي الْأَشْعَثُ فَقَالَ: مَا حَدَّثْتُكُمْ عَدْدُ اللَّهِ الْيَوْمَ؟ قُلْتُ: كَذَّا وَكَذَا، قَالَ: فِي أَنْزِلْتُ. [راجع: ٢٣٥٦، ٢٣٥٧]

(26) CHAPTER. How (and with what) to swear?

Allāh said :

"They swear by Allāh..." (V.9:56, 62, 74, 95).

And Allāh said :

"...They come to you swearing by Allāh: 'We meant no more than goodwill and conciliation'." (V.4:62)

The expressions used in Arabic for 'By Allāh' are : *Bil-lāhi*, *Tal-lāhi*, *Wal-lāhi*.

The Prophet ﷺ said, "And a man who takes a false oath in the Name of Allāh after the 'Aṣr prayer. The Prophet ﷺ said, "One should not swear except by Allāh."

2678. Narrated Ṭalḥa bin 'Ubaidullāh رضي الله عنه أبا عنة : A man came to Allāh's Messenger ﷺ asking him about Islām, Allāh's Messenger ﷺ said,

(1) "You have to offer five compulsory congregational *Salāt* (prayers) in a day and a night (24 hours)." The man asked, "Are there any more compulsory *Salāt* (prayers) for me?" Allāh's Messenger ﷺ said, "No, unless you like to offer *Nawāfiḍ* (i.e., optional *Salāt*)."
Allāh's Messenger ﷺ then added,

(2) "You have to observe *Saum* (fasts)

بَابُ : كَيْفَ يُسْتَحْلِفُ؟
قالَ تَعَالَى: ۝ يَعْلَمُونَ بِاللَّهِ ۝
[النُّور: ٦٢] وَقُولَ اللَّهِ عَزَّ وَجَلَّ: ۝ ثُمَّ جَاءُوكَ يَعْلَمُونَ بِاللَّهِ إِنْ أَرَدْنَا إِلَّا إِحْسَنَنَا وَتَوْفِيقًا ۝ [النَّسَاء: ٦٢] يُقَالُ:
بِاللَّهِ، وَتَاهَلَهُ، وَوَاهَلَهُ. وَقَالَ النَّبِيُّ **بِسْمِ اللَّهِ**: «وَرَجُلٌ حَلَفَ بِاللَّهِ كَادِبًا بَعْدَ
الْعَصْرِ». وَلَا يُحْلِفُ بِعَيْرِ اللَّهِ.

٢٦٧٨ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ قال: حَدَّثَنِي مالِكٌ، عَنْ عَمِّهِ أَبِيهِ: أَنَّهُ سَمِعَ طَلْحَةَ بْنَ عُبَيْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهِ يَقُولُ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ **بِسْمِ اللَّهِ** فَإِذَا هُوَ يَسْأَلُهُ عَنِ الْإِسْلَامِ؟ فَقَالَ رَسُولُ اللَّهِ **بِسْمِ اللَّهِ**: «خَمْسُ صَلَواتٍ فِي الْيَوْمِ وَاللَّيْلَةِ». فَقَالَ: هَلْ عَلَيَّ غَيْرُهُ؟

(24) CHAPTER. If (some people have to take an oath) and each of them wants to take it first.

2674. Narrated Abū Hurairah : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ asked some people to take an oath, and they hurried for it. The Prophet ﷺ ordered that lots should be drawn amongst them as to who would take the oath first.

(25) CHAPTER. The Statement of Allāh تعالى :

“Verily, those who purchase a small gain at the cost of Allāh’s Covenant and their oaths, they shall have no portion in the Hereafter (Paradise). Neither will Allāh speak to them, nor look at them on the Day of Resurrection nor will He purify them, and they shall have a painful torment.” (V.3:77)

2675. Narrated ‘Abdullāh bin Abū Aufā : رَضِيَ اللَّهُ عَنْهُ A man displayed some goods in the market and took a false oath that he had been offered so much for them, though he was not offered that amount. Then the following Divine Verse was revealed:

“Verily, those who purchase a small gain at the cost of Allāh’s Covenant and their oaths.” (V.3:77)

Ibn Abū Aufā added, “Such person as described above is a treacherous *Ribā*-eater (i.e., eater of usury).”

2676, 2677. Narrated Abū Wā'il from ‘Abdullāh : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, “Whoever takes a false oath in order to grab another man’s (or his brother’s) property, then Allāh will be angry with him when he will meet Him.” Then Allāh confirmed this

(٢٤) بَابُ إِذَا تَسَارَعَ قَوْمٌ فِي اليمين

٢٦٧٤ - حَدَّثَنِي إِسْحَاقُ بْنُ نَصْرٍ : حَدَّثَنَا عَبْدُ الرَّزَاقُ : أَخْبَرَنَا مَعْمَرٌ، عَنْ هَمَامَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ : أَنَّ النَّبِيَّ ﷺ عَلَى قَوْمِ اليمينِ فَأَسْرَعُوا فَأَمَرَ أَنْ يُسْهَمَ بِيَمِّهِمْ فِي اليمينِ أَيُّهُمْ يَحْلِفُ .

(٢٥) بَابُ : قَوْلِ اللَّهِ تَعَالَى :

﴿إِنَّ الَّذِينَ يَشْرُونَ بِعَهْدِ اللَّهِ وَأَنْتَمْ تَمَنُّتُمْ ثُمَّ كَفَلْتُمْ أُولَئِكَ لَا خَلَقَ لَهُمْ فِي الْآخِرَةِ وَلَا يُكَلِّمُهُمُ اللَّهُ وَلَا يَنْظُرُ إِلَيْهِمْ يَوْمَ الْقِيَمةِ وَلَا يُرَكِّبُهُمْ وَلَهُمْ عَذَابٌ أَلِيمٌ﴾ [آل عمران: ٧٧].

٢٦٧٥ - حَدَّثَنِي إِسْحَاقُ : أَخْبَرَنَا

يَزِيدُ بْنُ هَارُونَ : أَخْبَرَنَا العَوَامُ : حَدَّثَنِي إِبْرَاهِيمُ أَبُو إِسْمَاعِيلَ السَّكَسَكِيُّ : سَمِعَ عَبْدَ اللَّهِ بْنَ أَبِي أُوفِي رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ : أَقَامَ رَجُلٌ سُلْعَةً فَحَلَفَ بِاللَّهِ لَنَدْ أَعْطَى بِهَا مَا لَمْ يُعْطِهَا . فَنَزَّلَتْ ﴿إِنَّ الَّذِينَ يَشْرُونَ بِعَهْدِ اللَّهِ وَأَنْتَمْ تَمَنُّتُمْ ثُمَّ كَفَلْتُمْ﴾ وَقَالَ أَبُنْ أَبِي أُوفِي : النَّاجِشُ أَكْلُ رِبَا خَائِنٌ . [راجع: ٢٠٨٨]

٢٦٧٦ ، ٢٦٧٧ - حَدَّثَنَا يَسْرُرُ بْنُ خَالِدٍ : أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ، عَنْ شُعْبَةَ، عَنْ سُلَيْمانَ، عَنْ أَبِي وَائِلٍ عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ

them (from the sins), and they shall have a painful torment. (They are):

(1) A man possessed superfluous water on a way and he withheld it from the travellers,

(2) A man who gives a *Bai'a* (pledge) to a Muslim ruler and gives it only for worldly gains. If the ruler gives him what he wants, he remains obedient to it, otherwise he does not abide by it, and

(3) A man bargains with another man after the 'Aṣr prayer and the latter takes a false oath in the Name of Allāh claiming that he has been offered so much for the thing and the former (believes him and) buys it."

(23) CHAPTER. The defendant has to take an oath wherever it becomes legally compulsory, and it is not imperative to take him from his place to another place (i.e., a sacred place like a mosque) for this purpose.

Marwān ordered Zaid bin Thābit to take an oath on the pulpit, but the latter said, "I will take an oath at my place," and started taking the oath and refused to take it on pulpit. Marwān was surprised at his refusal. The Prophet ﷺ said to the plaintiff, "Produce your two witnesses, or else the defendant has to take an oath." But he did not specify (where the oath was to be taken).

2673. Narrated Ibn Mas'ūd : رَضِيَ اللَّهُ عَنْهُ The Prophet ﷺ said, "Whoever takes a (false) oath in order to grab (others) property, then Allāh will be angry with him when he will meet Him."

أبى هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : «ثَلَاثَةٌ لَا يُكَلِّمُهُمُ اللَّهُ وَلَا يَنْتَظِرُ إِلَيْهِمْ وَلَا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ : رَجُلٌ عَلَى فَضْلٍ مَاءِ بِطْرِيقٍ يَمْسَعُ مِنْهُ ابْنُ السَّيْلِ . وَرَجُلٌ بَايَعَ رَجُلًا لَا يُبَايِعُهُ إِلَّا لِلَّدُنْهَا ؛ فَإِنْ أَعْطَاهُ مَا يُرِيدُ وَفَى لَهُ وَإِلَّا لَمْ يَفْعَلْ لَهُ . وَرَجُلٌ سَاوَمَ رَجُلًا بِسُلْعَةٍ بَعْدَ الْعَصْرِ فَحَلَّفَ بِاللَّهِ لَقَدْ أَعْطَى بِهَا كَذَّا وَكَذَّا ، فَأَخْذَهَا ». [راجع: ٢٣٥٨]

(٢٣) **بابٌ يَحْلِفُ الْمُدَعَى عَلَيْهِ حَيْثُماً وَجَبَّتْ عَلَيْهِ الْيَمِينُ** وَلَا يُضْرَفُ مِنْ مَوْضِعِهِ إِلَى غَيْرِهِ .

قَضَى مَرْوَانُ بِالْيَمِينِ عَلَى زَيْدِ بْنِ ثَابِتٍ عَلَى الْمُنْبَرِ قَالَ : أَخْلَفَ لَهُ مَكَانِي ، فَجَعَلَ زَيْدًا يَحْلِفُ وَأَبِي أَنْ يَحْلِفَ عَلَى الْمُنْبَرِ ، فَجَعَلَ مَرْوَانُ يَعْجَبُ مِنْهُ . وَقَالَ النَّبِيُّ ﷺ : شَاهِدَاكَ أَوْ يَمِينُهُ وَلَمْ يَحُصَّ مَكَانًا دُونَ مَكَانٍ .

٢٦٧٣ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ : حَدَّثَنَا عَبْدُ الْوَاحِدِ ، عَنِ الْأَعْمَشِ ، عَنْ أَبِي وَاثِلٍ ، عَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ عَنِ الْبَيْتِ ﷺ قَالَ : مَنْ حَلَّفَ عَلَى يَمِينٍ لِيُقْطَعَ بِهَا مَالًا لَقَيَ اللَّهُ وَهُوَ عَلَيْهِ عَصْبَانُ ». [راجع: ٢٣٥٦]

Prophet ﷺ said, ‘Whoever takes a false oath in order to grab (other’s) property, then Allāh will be angry with him when he will meet Him. Then Allāh revealed its confirmation. Al-Ash’ath then recited the above Divine Verse.’” (V.3:77)

فَقَالَ النَّبِيُّ ﷺ: «مَنْ حَلَّفَ عَلَىٰ
بَيْمِينِ يَسْتَحْقُ بِهَا مَالًاٰ وَهُوَ فِيهَا فَاجْرَأْ
لَقِيَ اللَّهَ وَهُوَ عَلَيْهِ عَذَابٌ». فَأَنْزَلَ
اللَّهُ تَصْدِيقَ ذَلِكَ ثُمَّ افْتَرَاهُ هَذِهِ الْآيَةِ.

[راجع : ٢٢٥٧ ، ٢٣٥٦]

(٢١) بَابُ إِذَا أَدْعَىٰ أَوْ قَذَفَ فَلَهُ أَنْ
يَلْتَمِسَ الْبَيِّنَةَ وَيَنْظُلِقَ لِطَلْبِ الْبَيِّنَةِ

(21) CHAPTER. If someone claims something or accuses somebody of illegal sexual intercourse, he should search for the proof and he is to be given a respite to get an evidence.

2671. Narrated Ibn ‘Abbās رضي الله عنهما: Hilāl bin Umaiyya accused his wife before the Prophet ﷺ of committing illegal sexual intercourse with Sharīk bin Saḥma’. The Prophet ﷺ said, “Produce a proof, or else you would get the legal punishment (by being lashed) on your back.” Hilāl said, “O Allāh’s Messenger! If anyone of us saw another man over his wife, would he go to search for a proof?” The Prophet ﷺ went on saying, “Produce a proof or else you would get the legal punishment (by being lashed) on your back.” The Prophet ﷺ then mentioned the narration of *Li’ān*⁽¹⁾ (as in the Holy Book). (*Surat An-Nūr*: No.24)

(22) CHAPTER. The taking of an oath after the ‘Aṣr prayer.

2672. Narrated Abū Hurairah رضي الله عنه: Allāh’s Messenger ﷺ said, “There are three types of people whom Allāh will neither speak to them nor look at them nor purify

٢٦٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ شَبَّارٍ:
حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ هَشَامٍ،
عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ
عَنْهُمَا: أَنَّ هَلَالَ بْنَ أُمَّةَ قَدَّفَ امْرَأَةَ
عِنْدَ النَّبِيِّ ﷺ بِشَرِيكَ بْنَ سَحْمَاءَ،
فَقَالَ النَّبِيُّ ﷺ: «الْبَيِّنَةُ أَوْ حَدًّا فِي
ظَهْرِكَ». قَالَ: يَا رَسُولَ اللَّهِ، إِذَا
رَأَىٰ أَحَدُنَا عَلَىٰ امْرَأَتِهِ رَجَلًا يَنْظُلُ
يَلْتَمِسُ الْبَيِّنَةَ؟ فَجَعَلَ يَقُولُ: «الْبَيِّنَةُ
وَإِلَّا حَدًّا فِي ظَهْرِكَ»، فَذَكَرَ حَدِيثَ
اللَّعَانِ. [انظر: ٤٧٤٧ ، ٤٧٤٨]

(٢٢) بَابُ الْيَمِينِ بَعْدَ الْعَصْرِ

٢٦٧٢ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ
اللَّهِ: حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ،
عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ

(1) (H. 2671) Literally, *Li’ān* means cursing, legally it means an oath by which a husband claims that his wife has committed illegal sexual intercourse. The wife in her turn denies the accusation and takes a similar oath. In both oaths Allāh is invoked to curse the liar. The case ends with divorce but no punishment is imposed on any of the two because there are no witnesses to confirm the accusation.

men. And if there are not two men (available), then a man and two women, such as you agree for witnesses, so that if one of them (two women) errs, the other can remind her...” (V.2:282)

I added, “If one witness and the oath of the plaintiff were sufficient, there would be no need for one of the two women to remind the other.”

2668. Narrated Ibn Abū Mulaika: Ibn ‘Abbās wrote that the Prophet ﷺ gave his verdict on the basis of the defendant’s oath.

2669, 2670. Narrated Abū Wā'il: ‘Abdullāh (bin Mas‘ūd) said, “Whoever takes a (false) oath in order to grab some property (unjustly), Allāh will be angry with him when he will meet Him. Allāh confirmed that through His Divine Revelation:

‘Verily, those who purchase a small gain at the cost of Allāh’s Covenant and their oaths.. (up to).. a painful torment.’” (V.3:77)

Al-As̄h̄'ath bin Qais came to us and asked, “What is Abū ‘Abdur-Rahmān (i.e., ‘Abdullāh) telling you?” We told him what he was narrating to us. He said, “He was telling the truth; this Divine Verse was revealed in connection with me. There was a dispute between me and another man about something and the case was presented before Allāh’s Messenger ﷺ who said, ‘Produce your two witnesses or else the defendant is to take an oath.’ I said, The defendant will surely take a (false) oath without heed.’ The

رَجُلٍ فَرَجُلٌ وَأَمْرًا كَانَ مِنْ تَرْضَوْنَ مِنَ
الشَّهَادَةِ أَنْ تَضَلَّ إِحْدَاهُمَا فَتَذَكَّرَ
إِحْدَاهُمَا الْأُخْرَى﴾ [البقرة: ٢٨٢] قُلْتُ :
إِذَا كَانَ يُكْتَفِي بِشَهَادَةِ شَاهِيدٍ وَيَمْنِينَ
الْمُدَعِّي فَمَا يَحْتَاجُ أَنْ تُذَكَّرَ إِحْدَاهُمَا
الْأُخْرَى ، مَا كَانَ يَضْطَعُ بِذِكْرٍ هَذِهِ
الْأُخْرَى؟

٢٦٦٨ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا
نافعُ بْنُ عُمَرَ، عَنِ ابْنِ أَبِي مُلِيقَةَ
قَالَ: كَتَبَ ابْنُ عَبَّاسَ رَضِيَ اللَّهُ
عَنْهُمَا إِلَيَّ: أَنَّ النَّبِيَّ ﷺ قَضَى
بِالْيَمِينِ عَلَى الْمُدَعِّي عَلَيْهِ . [راجع:
٢٥١٤]

٢٦٦٩ - حَدَّثَنَا عُثْمَانُ
بْنُ أَبِي سَيِّدَةٍ: حَدَّثَنَا جَرِيرٌ، عَنْ
مُنْصُورٍ، عَنْ أَبِي وَائِلٍ قَالَ: قَالَ عَبْدُ
اللَّهِ: مَنْ حَلَفَ عَلَى يَمْنِينَ يَسْتَحْقُ بِهَا
مَا لَا يَقِيَ اللَّهُ وَهُوَ عَلَيْهِ عَظِيمٌ . ثُمَّ
أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ تَصْدِيقَ ذَلِكَ:
﴿إِنَّ الَّذِينَ يَشْرُونَ بِعَهْدِ اللَّهِ وَأَيْمَنِهِمْ﴾
إِلَى ﴿عَذَابِ أَلِيمٍ﴾ [آل عمران: ٧٧] ثُمَّ
إِنَّ الْأَشْعَثَ بْنَ قَيْسَ خَرَجَ إِلَيْنَا ،
فَقَالَ: مَا يُحَدِّثُكُمْ أَبُو عَبْدِ الرَّحْمَنِ؟
فَحَدَّثْنَاهُ بِمَا قَالَ ، فَقَالَ: صَدَقَ ، لَنَفِيَ
أَنْزِلْتُ: كَانَ بَيْنِي وَبَيْنَ رَجُلٍ حُصُومَةٍ
فِي شَيْءٍ فَاخْتَصَمْنَا إِلَى رَسُولِ اللَّهِ
ﷺ فَقَالَ: «شَاهِدَاكَ أَوْ يَمِينَهُ» ،
فَقُلْتُ لَهُ: إِنَّهُ إِذَا يَحْلِفُ وَلَا يُبَالِي .

(19) CHAPTER. The question of the judge to the plaintiff, "Have you a proof?" before asking the defendant to take an oath.

رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ said, "If somebody takes a false oath in order to grab the property of a Muslim (unjustly) by that oath, then Allāh will be angry with him when he will meet Him." Al-Ash'ath informed me, "By Allāh! This was said regarding me. There was a dispute about a piece of land between me and a man from the Jews who denied my right. I took him to the Prophet ﷺ. Allāh's Messenger ﷺ asked me, 'Do you have an evidence?' I replied in the negative. He said to the Jew, 'Take an oath.' I said, 'O Allāh's Messenger! He will surely take an oath and take my property unjustly.' So, Allāh revealed:

"Verily! those who purchase a small gain at the cost of Allāh's Covenant and their oaths..." (V.3:77)

(20) CHAPTER. The defendant must take an oath in matters concerning property or legal punishments.

The Prophet ﷺ said, (that the plaintiff must have) "Two witnesses, otherwise (the defendant) should take the oath."

Ibn Shubruma said, "When Abū Az-Zinād asked me my opinion about the verdict that one witness and the oath of the plaintiff are sufficient, I said, "Allāh عَزَّ وَجَلَّ stated:

'... And get two witnesses out of your own

(١٩) بَابُ سُؤالِ الْحَاكِمِ الْمُدَعِّي: هَلْ لَكَ بَيْتَةً؟ قَبْلَ الْيَمِينِ

٢٦٦٦ - حَدَّثَنَا مُحَمَّدٌ:

أَخْبَرَنَا أَبُو مُعاوِيَةُ، عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ حَلَفَ عَلَى يَمِينٍ وَهُوَ فِيهَا فَاجْرَى لِيَتَضَعَّفَ بِهَا مَا لَمْ يَرِيْ مُسْلِمٌ لَعْنَ اللَّهِ وَهُوَ عَلَيْهِ عَصْبَانٌ». قَالَ: فَقَالَ الْاَشْعَثُ بْنُ فَيْسٍ: فِي وَاللهِ كَانَ ذَلِكَ. كَانَ يَبْيَنِي وَبَيْنَ رَجُلٍ مِنَ الْيَهُودِ أَرْضًا فَجَحَدَنِي فَقَدَّمْتُهُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَلَكَ بَيْتَةً؟» قَالَ: قُلْتُ: لَا، قَالَ: فَقَالَ لِيَهُودِيَّ: «الْحَلْفُ». قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، إِذَا يَحْلِفُ وَيَدْعَبُ بِسَمَاءِي. قَالَ: فَإِنَّ رَبَّ الْأَنْوَارَ عَالَمَ: «إِنَّ الَّذِينَ يَشْرُونَ عِهْدَ اللَّهِ وَأَنْكَثُوهُمْ ثُمَّ كَفَّلُوا إِلَى آخِرِ الْآيَةِ» [آل عمران: ٧٧].

[راجع: ٢٣٥٦، ٢٣٥٧]

(٢٠) بَابُ الْيَمِينِ عَلَى الْمُدَعِّي عَلَيْهِ فِي الْأَمْوَالِ وَالْحُنُودِ

وَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «شَاهِدَكَ أَوْ يَمِينَهُ». وَقَالَ قُتْبَيَةُ، حَدَّثَنَا سُقِيَانُ، عَنْ ابْنِ شُبُرْهَةَ: كَلَّمَنِي أَبُو الرَّنَادِ فِي شَهَادَةِ الشَّاهِدِ، وَيَمِينِ الْمُدَعِّي فَقُلْتُ: قَالَ اللَّهُ عَزَّ وَجَلَّ: «وَاسْتَهْدِوَا شَهِيدَيْنِ مِنْ رِجَالِكُمْ إِنْ لَمْ يَكُونَا

referred to by the Statement of Allāh :

“And those of your women as have passed the age of monthly courses, (up to) until they deliver (their burdens)...” (V.65:4)

Al-Hasan bin Ṣāliḥ said, “I saw a neighbouress of mine who became a grandmother at the age of twenty-one.”⁽¹⁾

2664. Narrated Ibn ‘Umar رضي الله عنهما : Allāh’s Messenger ﷺ called me to present myself in front of him on the eve of the battle of Uhud, while I was fourteen years of age at that time, and he did not allow me to take part in that battle, but he called me in front of him on the eve of the battle of the Trench when I was fifteen years old, and he allowed me (to join the battle).” Nafī said, “I went to ‘Umar bin ‘Abdul Aziz who was caliph at that time and related the above narration to him. He said, “This age (fifteen) is the limit between childhood and manhood,” and wrote to his governors to give salaries to those who reached the age of fifteen.⁽²⁾

منَ الْمُجِيبِ مِنْ نِسَائِكُمْ إِلَى قَوْلِهِ:
«أَنْ يَصْعَنَ حَمْلَهُنَّ» [الطلاق: ٤]
وقالَ الحَسَنُ بْنُ صَالِحٍ: أَدْرَكْتُ
جَارَةً لَنَا جَدَّةً بِنْتَ إِحْدَى وَعِشْرِينَ.

٢٦٦٤ - حَدَّثَنَا عَبْيُدُ اللَّهِ بْنُ سَعِيدٍ: حَدَّثَنَا أَبُو أَسَامَةَ قَالَ: حَدَّثَنِي عَبْيُدُ اللَّهِ قَالَ: حَدَّثَنِي نَافِعُ قَالَ: حَدَّثَنِي ابْنُ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ عَرَضَهُ يَوْمَ أُحْدِي وَهُوَ ابْنُ أَرْبَعَ عَشْرَةَ سَنَةً فَلَمْ يُجِزِّنِي، ثُمَّ عَرَضَنِي يَوْمَ الْخَنْدَقِ وَأَنَا ابْنُ خَمْسَ عَشْرَةَ فَأَجَازَنِي. قَالَ نَافِعُ: فَقَدِيمْتُ عَلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ وَهُوَ خَلِيفَةٌ فَحَدَّثَنِي هَذَا الْحَدِيثُ فَقَالَ: إِنَّ هَذَا لَحَدٌ بَيْنَ الصَّغِيرِ وَالكَبِيرِ، وَكَتَبَ إِلَى عَمَالِيهِ أَنْ يَفْرِضُوا لِمَنْ بَلَغَ خَمْسَ عَشْرَةَ. [انظر: ٤٠٩٧]

٢٦٦٥ - حَدَّثَنَا عَلَيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا صَفَوَانُ بْنُ سُلَيْمَانَ، عَنْ عَطَاءِ ابْنِ يَسَارٍ عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ، يَتَلَعَّبُ بِهِ النَّبِيُّ ﷺ قَالَ: «غُسْلٌ يَوْمَ الْجُمُعَةِ وَاحِبٌ عَلَى كُلِّ مُحْتَلِمٍ».

[راجع: ٨٥٨]

2665. Narrated Abū Sa‘īd Al-Khudrī رضي الله عنه . The Prophet ﷺ said, “Taking a bath on Friday is compulsory for those who have attained the age of puberty.”

(1) (Ch. 18) This woman attained puberty at the age of nine and married to give birth to a daughter at ten; the daughter had the same experience.

(2) (H. 2664) When a Muslim reached the age of fifteen, he was regarded as a soldier ready to carry arms when required; on this basis he was given a salary.

2662. Narrated Abū Bakra : رَضِيَ اللَّهُ عَنْهُ A man praised another man in front of the Prophet ﷺ. The Prophet ﷺ said to him, "Woe to you, you have cut off your companion's neck, you have cut off your companion's neck," repeating it several times and then added, "Whoever amongst you has to praise his brother should say, 'I think that he is so-and-so, and Allāh knows exactly the truth, and I do not confirm anybody's good conduct before Allāh, but I think him so-and-so,' if he really knows what he says about him."

٢٦٦٢ - حَدَّثَنَا مُحَمَّدُ بْنُ سَلَامٍ : حَدَّثَنَا عَبْدُ الْوَهَابٍ : حَدَّثَنَا خَالِدُ الْحَدَاءَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ قَالَ: أَتَنِي رَجُلٌ عَلَى رَجُلٍ عِنْدَ النَّبِيِّ ﷺ فَقَالَ: «وَيْلَكَ، قَطَعْتَ عُنْقَ صَاحِبِكَ»، قَطَعْتَ عُنْقَ صَاحِبِكَ، مِرَارًا. ثُمَّ قَالَ: «مَنْ كَانَ مِنْكُمْ مَادِحًا أَخَاهُ لَا مَحَالَةَ فَلِيقْلُ: أَحْسِبْ فُلَانًا وَاللهُ حَسِيبُهُ، وَلَا أَزْكِي عَلَى اللهِ أَحَدًا، أَخْسِبُهُ كَذَا وَكَذَا، إِنْ كَانَ يَعْلَمُ ذَلِكَ مِنْهُ». [انظر: ٦١٦٢، ٦٠٦١]

(١٧) بَابُ ما يُكْرَهُ مِنَ الْإِظْنَابِ فِي المَدْحِ، وَلِيُقْلِلُ مَا يَعْلَمُ

٢٦٦٣ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحَ : حَدَّثَنَا إِسْمَاعِيلُ بْنُ رَّجَبَيَا: حَدَّثَنِي بُرِيْدُ ابْنُ عَبْدِ اللَّهِ، عَنْ أَبِي بُرَدَةَ، عَنْ أَبِي مُوسَى رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعَ النَّبِيُّ ﷺ رَجُلًا يُنْبِئُ عَلَى رَجُلٍ وَيُظْرِيهِ فِي مَدْحِهِ فَقَالَ: «أَهْلَكُمْ، أَوْ قَطَعْتُمْ ظَهَرَ الرَّجُلِ». [انظر: ٦٠٦٠]

(١٨) بَابُ بُلوغِ الصِّبَّيَانِ وَشَهَادَتِهِمْ وَقُولُ اللَّهِ تَعَالَى: «وَلَا يَكُنْ أَطْفَلُ مِنْكُمْ الْحُلُمُ فَلِيَسْتَهْنُوا» [النور: ٥٩] وَقَالَ مُعِيرَةُ: احْتَلَمْتُ وَأَبْنَيْتُ شَيْئيْ عَشْرَةَ سَنَةً. وَبُلُوغُ النِّسَاءِ إِلَى الْحِيْضُ لِقَوْلِهِ عَزَّ وَجَلَّ: «وَالَّتِي يَسْنَ

(17) CHAPTER. What is hated of exaggeration in praising, and one should say only what he knows.

2663. Narrated Abū Müsa Al-Ash'arī رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ heard someone praising another and exaggerating in his praise. The Prophet ﷺ said, "You have ruined or cut the man's back (by praising him much)."

(18) CHAPTER. The boys attaining the age of puberty and the validity of their witness.

And the Statement of Allāh تَعَالَى :

"And when the children among you come to puberty, then let them (also) ask for permission." (V.24:59)

Al-Mughira said, "I attained puberty at the age of twelve." The attaining of puberty by women is with the start of menses, as is

أَتُؤْلِمُ الْفَضْلَ مِنْكُمْ وَالسَّعْدَةَ أَنْ يُؤْتُوْنَا» إِلَى قَوْلِهِ: «عَفْوُرُ رَجِيمٌ» فَقَالَ أَبُو بَكْرُ الصَّدِيقِ: بَلِي وَاللَّهِ، إِنِّي لَأُحِبُّ أَنْ يَعْفُرَ اللَّهُ لِي. فَرَجَعَ إِلَى مِسْطَحِ الَّذِي كَانَ يُخْرِي عَلَيْهِ. وَكَانَ رَسُولُ اللَّهِ ﷺ سَأَلَ رَبِيعَ بْنَتَ جَحْشٍ عَنْ أَمْرِي، فَقَالَ: «يَا رَبِيعَ، مَا عَلِمْتَ، مَا رَأَيْتَ؟» فَقَالَتْ: يَا رَسُولَ اللَّهِ، أَحْمِي سَمْعِي وبَصَرِي، وَاللَّهُ مَا عَلِمْتُ عَلَيْها إِلَّا خَيْرًا. قَالَتْ: وَهِيَ الَّتِي كَانَتْ تُسَامِينِي فَعَصَمَهَا اللَّهُ بِالْوَرَعِ.

قَالَ: وَحَدَّثَنَا فُلَيْحٌ، عَنْ هَشَامِ بْنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ وَعَبْدِ اللَّهِ ابْنِ الرَّبِيعِ مِثْلَهُ. قَالَ: وَحَدَّثَنَا فُلَيْحٌ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ وَيَحْيَى بْنِ سَعِيدٍ، عَنْ القَاسِمِ بْنِ مُحَمَّدٍ بْنِ أَبِي بَكْرٍ مِثْلَهُ.

[راجع: ٢٥٩٣]

(١٦) بَابُ إِذَا زَكَّى رَجُلٌ رَجُلًا كَفَاهُ

وَقَالَ أَبُو جَمِيلَةَ: وَجَدْتُ مَنْبُوذًا فَلَمَّا رَأَيْتِهِ قَالَ: عَسَى الْعُوَيْرُ أَبُو سَأَّا، كَانَهُ يَتَهَمُّنِي. قَالَ عَرِيفِي: إِنَّهُ رَجُلٌ صَالِحٌ، قَالَ: كَذَاكَ، اذْهَبْ وَعَلَيْنَا نَفْقَهُ.

(16) CHAPTER. If only one man attests the (good) conduct of another, then it is sufficient.

Abū Jamilā said, "I found a foundling, and when 'Umar saw me he said (what may mean), 'Perhaps what you intend to do will cause you trouble,' as if he was accusing me (of denying my paternity of the child and claiming falsely that he was a foundling). My monitor said, 'He is really a pious man.' 'Umar said to me, 'If it is so, then go (and be the child's guardian) and we will provide for it (from the Muslim's treasury).'"

slander (against 'Āishah -- رَضِيَ اللَّهُ عَنْهَا the wife of the Prophet ﷺ) are a group among you...’ (V.24:11)

“When Allāh gave the declaration of my innocence, Abū Bakr, who used to provide for Mistah bin Athatha, for he was his relative, said, ‘By Allāh, I will never provide Mistah with anything because of what he said about ‘Āishah.’ But Allāh later revealed:

‘And let not those among you who are blessed with graces and wealth swear not to give (any sort of help).. up to.. Oft-forgiving, Most-Merciful.’ (V.24:22)

“After that Abu Bakr said, ‘Yes! By Allāh! I like that Allāh should forgive me,’ and resumed helping Mistah whom he used to help before.”

'Āishah added: “Allāh's Messenger ﷺ also asked Zainab bint Jahsh (i.e., the Prophet's wife) about me saying, ‘What do you know and what did you see?’ She replied, ‘O Allāh's Messenger! I refrain to claim hearing or seeing what I have not heard or seen. By Allāh, I know nothing except goodness about 'Āishah'.” 'Āishah further added, “Zainab was competing with me (in her beauty and the Prophet's love), yet Allāh protected her (from being malicious), for she had piety.”

اعْرَفْتُ لَكُمْ بِأَمْرٍ وَاللَّهُ يَعْلَمُ أَنِّي بِرَبِّي لَتَصْدِقُونِي . وَاللَّهُ مَا أَجِدُ لِي وَلَكُمْ مَثَلًا إِلَّا أَبَا يُوسُفَ إِذْ قَالَ : ﴿فَصَبَرَ جَمِيلٌ وَاللَّهُ الْمُسْتَعَانُ عَلَىٰ مَا تَصْنَعُونَ﴾ [يوسف: ١٨] ثُمَّ تَحَوَّلْتُ عَلَىٰ فِرَاشِي وَأَنَا أَرْجُو أَنْ يُبَرِّئَنِي اللَّهُ . وَلَكِنَّ اللَّهَ مَا ظَنَّتُ أَنْ يُنَزِّلَ فِي شَأْنِي وَحْيًا وَلَأَنَا أَخْفَرُ فِي نَفْسِي مِنْ أَنْ يُتَكَلَّمُ بِالْقُرْآنِ فِي أُمْرِي ، وَلِكِنِّي كُنْتُ أَرْجُو أَنْ يَرَى رَسُولُ اللَّهِ ﷺ فِي النَّوْمِ رُؤْيَا تُبَرِّئُنِي ، فَوَاللَّهِ مَا زَانَ مَجْلِسَهُ وَلَا خَرَجَ أَحَدٌ مِنْ أَهْلِ الْبَيْتِ حَتَّىٰ أُنْزِلَ عَلَيْهِ الْوَحْيُ فَأَخَذَهُ مَا كَانَ يَأْخُذُهُ مِنَ الْبُرَحَاءِ حَتَّىٰ إِنَّهُ لَيَتَحَدَّرُ مِنْهُ مِثْلُ الْجُمَانِ مِنَ الْعَرَقِ فِي يَوْمِ شَاتٍ ، فَلَمَّا سُرِّيَ عَنْ رَسُولِ اللَّهِ ﷺ وَهُوَ يَضْحَكُ فَكَانَ أَوَّلَ كَلِمَةً تَكَلَّمُ بِهَا أَنَّ قَالَ لِي : «يَا عَائِشَةُ ، احْمَدِي اللَّهَ فَقَدْ بَرَأَكِ اللَّهُ». قَالَتْ لِي أُمِّي : فُوْمِي إِلَى رَسُولِ اللَّهِ ﷺ ، فَقُتِّلَتْ : لَا وَاللَّهِ لَا أُفُرمُ إِلَيْهِ وَلَا أَحْمَدُ إِلَّا اللَّهُ ، فَأَنْزَلَ اللَّهُ تَعَالَى : ﴿إِنَّ الَّذِينَ جَاءُوا يَأْتُوكُمْ عَصَبَةً مِنْكُمْ﴾ الْآيَاتِ . فَلَمَّا أُنْزِلَ اللَّهُ هَذَا فِي بَرَاءَتِي قَالَ أَبُو بَكْرٍ الصَّدِيقُ رَضِيَ اللَّهُ عَنْهُ وَكَانَ يُنْفَقُ عَلَىٰ مِسْطَحِ بَنِ أَثَاثَةَ لِغَرَابَتِهِ مِنْهُ : وَاللَّهُ لَا أُنْفَقُ عَلَىٰ مِسْطَحِ بَشَيْءٍ أَبْدَأْ بَعْدَ مَا قَالَ لِعَائِشَةَ . فَأَنْزَلَ اللَّهُ تَعَالَى ﴿وَلَا يَأْتِي

girl and did not have much knowledge of the Qur'ān. I said, 'I know, by Allāh, that you have listened to what people are saying and that has been planted in your minds and you have taken it as a truth. Now, if I told you that I am innocent, and Allāh knows that I am innocent, you would not believe me, and if I confessed to you falsely that I am guilty, and Allāh knows that I am innocent, you would believe me. By Allāh, I cannot find for you and I, an example, except that of Yūsuf's (Joseph's) father [i.e., Yaqūb (Jacob) عليه السلام who said, "... So, (for me) patience is most fitting. And it is Allāh (Alone) Whose help can be sought against that (lie) which you describe." (V.12:18). Then I turned to the other side of my bed hoping that Allāh would prove my innocence. By Allāh, I never thought that Allāh would reveal Divine Revelation in my case, as I considered myself too inferior to be talked of in the Qur'ān. I had hoped that Allāh's Messenger ﷺ might have a dream in which Allāh would prove my innocence. By Allāh, Allāh's Messenger ﷺ had not got up and nobody had left the house before the Divine Revelation came to Allāh's Messenger ﷺ. So, there overtook him (i.e., the Prophet ﷺ) the same state which used to overtake him, (when he used to have, on being inspired Divinely). He was sweating so much so that the drops of the sweat were dropping like pearls though it was a (cold) wintry day. When that state of Allāh's Messenger ﷺ was over, he was smiling and the first word he said, 'Aīshah! Thank Allāh, for Allāh has declared your innocence.' My mother told me to go to Allāh's Messenger ﷺ. I replied, 'By Allāh I will not go to him and will not thank but Allāh.'

So Allāh revealed:

'Verily! Those who brought forth the

عَنِّي أَبْوَايَ وَقَدْ بَكَيْتُ لِلَّيْلَيْ وَيَوْمًا
حَتَّى أَطْنَأَ أَنَّ الْبُكَاءَ فَالْقُبَدِيْ.
قَالَتْ: فَبَيْنَا هُمَا جَالِسَانِ عَنِّي وَأَنَا
أَبْكِي إِذْ اسْتَأْذَنْتُ امْرَأَةً مِنَ الْأَنْصَارِ
فَأَدِنْتُ لَهَا فَجَلَسَتْ تَبَكِي مَعِيْ. فَبَيْنَا
نَحْنُ كَذَلِكَ إِذْ دَخَلَ رَسُولُ اللَّهِ ﷺ
فَجَلَسَ وَلَمْ يَجْلِسْ عَنِّي مِنْ يَوْمِ قِيلَ
فِيَ مَا قِيلَ قَبْلَهَا، وَقَدْ مَكَثَ شَهْرًا لَا
يُوْحَى إِلَيْهِ فِي شَأْنِي شَيْئًا. قَالَتْ:
فَشَهَدَ ثُمَّ قَالَ: «يَا عَاشَةً إِنَّهُ بِلَغْتِي
عَنْكِ كَذَا وَكَذَا، فَإِنْ كُنْتِ بِرِبِّيَّةِ
فَسَيُبَرِّئُكَ اللَّهُ، وَإِنْ كُنْتِ الْمُمْتَ
بِذِنْبِ فَاسْتَغْفِرِي اللَّهُ وَتُوبِي إِلَيْهِ، فَإِنَّ
الْعَبْدَ إِذَا اعْتَرَفَ بِذِنْبِهِ ثُمَّ تَابَ تَابَ
اللَّهُ عَلَيْهِ». فَلَمَّا قَضَى رَسُولُ اللَّهِ ﷺ
مَقَالَتْهُ قَلْصَ دَمْعِيَ حَتَّى مَا أُحِسَّ مِنْهُ
قَطْرَةً. وَقُلْتُ لِأَبِي: أَجِبْ عَنِي
رَسُولُ اللَّهِ ﷺ. قَالَ: وَاللَّهِ مَا أَدْرِي
مَا أُفُولُ لِرَسُولِ اللَّهِ ﷺ، فَقُلْتُ
لِأُمِّي: أَجِبْيَ عَنِي رَسُولُ اللَّهِ ﷺ
فِيمَا قَالَ. قَالَتْ: وَاللَّهِ مَا أَدْرِي مَا
أُفُولُ لِرَسُولِ اللَّهِ ﷺ. قَالَتْ: وَأَنَا
جَارِيَةُ حَدِيثَةِ السَّنَنِ لَا أَفْرُأُ كَثِيرًا مِنَ
الْقُرْآنِ، فَقُلْتُ: إِنِّي وَاللَّهِ لَقَدْ عَلِمْتُ
أَنَّكُمْ سَمِعْتُمْ مَا يَتَحَدَّثُ بِهِ النَّاسُ
وَوَقَرَ فِي أَنْفُسِكُمْ وَصَدَقْتُمْ بِهِ، لَئِنْ
قُلْتُ لَكُمْ: إِنِّي بِرِبِّيَّةِ، وَاللَّهُ يَعْلَمُ أَنِّي
لِبَرِّيَّةِ، لَا تُصَدِّقُونِي بِذَلِكَ، وَلَئِنْ

hypocrites.' On this, the two tribes of 'Aūs and Khazraj got excited and were about to fight each other, while Allāh's Messenger ﷺ was standing on the pulpit. He got down and quietened them till they became silent and he kept quiet. (‘Āishah رَضِيَ اللَّهُ عَنْهَا continued:) On that day I kept on weeping so much so that neither did my tears stop, nor could I sleep.

In the morning my parents were with me and I had wept for two nights and a day, till I thought my liver would burst from weeping. While they were sitting with me and I was weeping, an *Anṣārī* woman asked my permission to enter, and I allowed her to come in. She sat down and started weeping with me. While we were in this state, Allāh's Messenger ﷺ came and sat down and he had never sat with me since the day they forged the accusation. No revelation regarding my case came to him for a month. He recited *Shahādah* (i.e., *Lā ilāha illallāh wa anna Muhammād-ar-Rasul Allāh*—none has the right to be worshipped but Allāh, and Muḥammad is Allāh's Messenger) and then said, 'O ‘Āishah! I have been informed such and such about you; if you are innocent, then Allāh will soon reveal your innocence, and if you have committed a sin, then repent to Allāh and ask Him to forgive you, for when a person confesses his sin and asks Allāh for forgiveness, Allāh accepts his repentance.' When Allāh's Messenger ﷺ finished his speech, my tears ceased completely and there remained not even a single drop of it. I requested my father to reply to Allāh's Messenger ﷺ on my behalf. My father said, 'By Allāh, I do not know what to say to Allāh's Messenger ﷺ.' I said to my mother, 'Talk to Allāh's Messenger ﷺ on my behalf.' She said, 'By Allāh, I do not know what to say to Allāh's Messenger ﷺ.' I was a young

فيها شَيْئاً يَرِيُّكُ؟» فَقَالَتْ بَرِيرَةُ: لَا، وَالَّذِي بَعْثَكَ بِالْحَقِّ، إِنْ رَأَيْتُ مِنْهَا أَمْرًا أَعْصَمُهُ عَلَيْهَا قَطُّ أَكْثَرَ مِنْ أَنَّهَا جَارِيَةٌ حَدِيثَةُ السَّنَنِ تَنَامُ عَنِ الْعَجِيْنِ فَتَأْتِي الْدَّاجِنُ فَتَأْكُلُهُ. فَقَامَ رَسُولُ اللَّهِ ﷺ مِنْ يَوْمِهِ فَاسْتَغْفَرَ مِنْ عَبْدِ اللَّهِ بْنِ أَبِي ابْنِ سَلْوَانَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ يَعْذِرُنِي مِنْ رَجُلٍ بَلَغَنِي أَدَاءً فِي أَهْلِي؟ فَوَاللَّهِ مَا عَلِمْتُ عَلَى أَهْلِي إِلَّا خَيْرًا. وَقَدْ ذَكَرُوا رَجُلًا مَا عَلِمْتُ عَلَيْهِ إِلَّا خَيْرًا، وَمَا كَانَ يَدْخُلُ عَلَى أَهْلِي إِلَّا مَعِي». فَقَامَ سَعْدُ بْنُ مَعَاذٍ فَقَالَ: يَا رَسُولَ اللَّهِ! وَاللَّهِ أَنَا أَعْذِرُكَ مِنْهُ، إِنْ كَانَ مِنْ الْأُوسِ ضَرَبَنَا عُنْقَهُ، وَإِنْ كَانَ مِنْ إِخْرَانَا مِنَ الْحَرْجِ أَمْرَتَنَا فَفَعَلْنَا فِيهِ أَمْرَكَ. فَقَامَ سَعْدُ بْنُ عُبَادَةَ وَهُوَ سَيِّدُ الْحَرْجِ، وَكَانَ قَبْلَ ذَلِكَ رَجُلًا صَالِحًا، كَانَ احْتَمَلَتْهُ الْحَمِيمَةُ، فَقَالَ: كَذَّبْتُ لَعْنَرَ اللَّهِ، وَاللَّهُ لَا تَقْتُلُهُ وَلَا تَقْدِرُ عَلَى ذَلِكَ. فَقَامَ سَيِّدُ بْنِ الْحُصَيرِ فَقَالَ: كَذَّبْتُ لَعْنَرَ اللَّهِ، وَاللَّهُ لَنَقْتُلَنَّهُ، فَإِنَّكَ مُنَافِقٌ تُجَاهِدُ عَنِ الْمُنَافِقِينَ. فَشَارَ الْحَيَّانُ الْأُوسُ وَالْحَرْجُ حَتَّى هَمُوا وَرَسُولُ اللَّهِ ﷺ عَلَى الْمِنْبَرِ فَنَزَلَ فَحَقَّصَهُمْ حَتَّى سَكَّتُوا وَسَكَّتَ. وَيَكِيدُتْ يَوْمِي لَا يَرْفَأُ لِي دَمْعٌ وَلَا أَكْتَحِلُ بِنَوْمٍ فَأَضْبَحَ

added, ‘O Allāh’s Messenger! Keep your wife, for, by Allāh, we know nothing about her but good.’ ‘Ali bin Abī Tālib said, ‘O Allāh’s Messenger! Allāh has not imposed restrictions on you, and there are many women other than she, yet you may ask the woman-servant who will tell you the truth.’ On that Allāh’s Messenger ﷺ called Barīra and said, ‘O Barīra! Did you ever see anything which roused your suspicions about her?’ Barīra said, ‘No, by Allāh Who has sent you with the Truth, I have never seen in her anything faulty except that she is a girl of immature age, who sometimes sleeps and leaves the dough for the goats to eat.’ On that day Allāh’s Messenger ﷺ ascended the pulpit and requested that somebody support him in punishing ‘Abdullāh bin Ubai bin Salūl. Allāh’s Messenger ﷺ said, ‘Who will support me to punish that person (‘Abdullāh bin Ubai bin Salūl) who has hurt me by slandering the reputation of my family? By Allāh, I know nothing about my family but good, and they have accused a person about whom I know nothing except good, and he never entered my house except in my company.’

Sa’d bin Mu‘ādh got up and said, ‘O Allāh’s Messenger! By Allāh, I will relieve you from him. If that man is from the tribe of the ‘Aūs, then we will chop his head off, and if he is from our brothers, the Khazraj, then order us, and we will fulfill your order.’ On that Sa’d bin ‘Ubada, chief of the Khazraj and before this incident, he had been a pious man, got up, motivated by his zeal for his tribe and said, ‘By Allāh, you have told a lie; you cannot kill him, and you will never be able to kill him.’ On that Usaid bin Al-Hudair got up and said (to Sa’d bin ‘Ubada), ‘By Allāh! you are a liar. By Allāh, we will kill him; and you are a hypocrite, defending the

بَدْرًا؟ فَقَالَتْ: يَا هَنْتَاهُ، أَلْمَ تَسْمَعِي
ما قَالُوا؟ فَأَخْبَرَتْنِي بِمَوْلِ الْإِفْكِ
فَأَرْدَدْتُ مَرَضًا عَلَى مَرَضِي. فَلَمَّا
رَجَعْتُ إِلَى بَيْتِي، دَخَلَ عَلَيَّ رَسُولُ
اللهِ ﷺ فَسَلَّمَ فَقَالَ: «كَيْفَ تِيكُمْ؟»
فَقَلَّتْ: ائْدَنْ لِي إِلَى أَبَوَيِّ، قَالَتْ:
وَأَنَا حِينَذِدُ أُرِيدُ أَنْ أُسْتَيْقِنَ الْحَبْرَ مِنْ
قِلْهَمَا. فَأَؤْنَ لِي رَسُولُ اللهِ ﷺ فَأَنْتِ
فَأَنْتِ أَبَوَيِّ، فَقَلَّتْ لِأُمِّي: مَا
يَتَحَدَّثُ بِهِ النَّاسُ؟ فَقَالَتْ: يَا بَنِيهِ،
هُونِي عَلَى نَفْسِكِ الشَّانَ، فَوَاللهِ لَقَلَّمَا
كَانَتِ امْرَأَةً قَطْ وَضَيْنَهُ عِنْدَ رَجُلٍ
يُحِبُّهَا وَلَهَا ضَرَائِيرٌ إِلَّا أَكْثُرُنَّ عَلَيْها.
فَقَلَّتْ: سُبْحَانَ اللهِ وَلَقَدْ يَتَحَدَّثُ
النَّاسُ بِهَذَا؟ قَالَتْ: فَيُثْ تِلْكَ الْيَلَهُ
حَتَّى أَصْبَحَتْ لَا يَرْقَأُ لِي دَمْعٌ وَلَا
أَكْحَلُ بَنْوَمٍ. ثُمَّ أَصْبَحَتْ فَدَعَا
رَسُولُ اللهِ ﷺ عَلَيَّ بْنَ أَبِي طَالِبٍ
وَأَسَامَةَ بْنَ زَيْدٍ حِينَ اسْتَأْتَبَتِ الْوَحْيُ
يَسْتَشِيرُهُمَا فِي فِرَاقِ أَهْلِهِ. فَأَمَّا
أَسَامَةُ فَأَشَارَ عَلَيْهِ بِالَّذِي يَعْلَمُ فِي
نَفْسِهِ مِنَ الْوُدُّ لَهُمْ. فَقَالَ أَسَامَةُ:
أَهْلُكَ يَا رَسُولَ اللهِ، وَلَا تَعْلَمُ وَاللهُ
إِلَّا خَيْرًا. وَأَمَّا عَلَيَّ بْنُ أَبِي طَالِبٍ
فَقَالَ: يَا رَسُولَ اللهِ، لَمْ يُصْبِغِ اللهُ
عَلَيْكَ وَالنِّسَاءُ سِوَاهَا كَثِيرٌ، وَسَلِ
الْجَارِيَةَ تَصْدُقُكَ. فَدَعَا رَسُولُ اللهِ
ﷺ بِرِيرَةَ فَقَالَ: «يَا بَرِيرَةُ، هَلْ رَأَيْتَ

But he would come, greet and say, ‘How is that (girl)?’ I did not know anything of what was going on till I recovered from my ailment and went out with Umm Mistah to the Manāsi where we used to answer the call of nature, and we used not to go to answer the call of nature except from night to night and that was before we had lavatories near to our houses. And this habit of ours was similar to the habit of the old Arabs in the open country (or away from houses). So, I and Umm Mistah bin Ruhm went out walking. Umm Mistah stumbled because of her long dress and on that she said, ‘Let Mistah be ruined.’ I said, ‘You are saying a bad word. Why are you abusing a man who took part in (the battle of) Badr?’ She said, ‘O Hantā (you there), didn’t you know what they said?’ Then she told me the rumours of the false accusers. My sickness was aggravated, and when I returned home, Allāh’s Messenger ﷺ came to me, and after greeting he said, ‘How is that (girl)?’ I requested him to allow me to go to my parents. I wanted then to be sure of the news through them. Allāh’s Messenger ﷺ allowed me, and I went to my parents and asked my mother, ‘What are the people talking about?’ She said, ‘O my daughter! Don’t worry much about this matter. By Allāh, never is there a charming woman loved by her husband who has other wives, but the women would forge false news about her.’ I said, ‘Glorified is Allāh! Are the people really talking of this matter?’ That night I kept on weeping and could not sleep till morning. (The subnarrator added:) In the morning Allāh’s Messenger ﷺ called ‘Alī bin Abī Tālib and Usāma bin Zaid, when he saw the Divine Revelation delayed, to consult them about divorcing his wife (i.e., ‘Aishah). Usāma bin Zaid said what he knew of the good reputation of his wives and

فِيهِ فَظَنَتْ أَنَّهُمْ سَيَقْدُونِي فَيُرْجِعُونَ إِلَيَّ. فَبَيْنَا أَنَا جَالِسَةٌ عَلَبْتِي عَيْنَاهِي فَنَفَتْ، وَكَانَ صَفْوَانُ بْنُ الْمَعَظَلِ السُّلَمِيُّ، ثُمَّ الدَّكْوَانِيُّ مِنْ وَرَاءِ الْجَيْشِ، فَأَصْبَحَ عِنْدَ مَنْزِلِي، وَكَانَ يَرَانِي سَوَادَ إِبْسَانَ نَائِمَ فَأَتَانِي، وَكَانَ يَرَانِي قَبْلَ الْحِجَابِ، فَاسْتَيْقَظْتُ بِاسْتِرْجَاعِهِ حِينَ أَنَّا خَرَجْنَا فَوْطَئِي يَدَهَا فَرَكِبْتُهَا فَانْطَلَقَ يَقُودُ بِي الرَّاحِلَةَ حَتَّى أَتَيْنَا الْجَيْشَ بَعْدَ مَا تَرَلُوا مُعَرَّسِينَ فِي تَحْرِيرِ الظَّهِيرَةِ فَهَلَكَ مَنْ هَلَكَ، وَكَانَ الَّذِي تَوَلَّ إِلَيْكَ عَبْدُ اللَّهِ بْنُ أَبِي بْنِ سَلْوَلِ، فَقَدِيمُنَا الْمَدِيَّةُ فَاسْتَكْبَتْ بِهَا شَهْرًا وَالنَّاسُ يُفِيضُونَ مِنْ قَوْلِ أَصْحَابِ الْإِلْفَكِ، وَيَرَبُّنِي فِي وَجْهِي أَنِّي لَا أَرَى مِنْ النَّبِيِّ ﷺ الْلَّطْفَ الَّذِي كُنْتُ أَرَى مِنْهُ حِينَ أَمْرَضُ، إِنَّمَا يَدْخُلُ فَيْسَلُمُ، ثُمَّ يَقُولُ: «كَيْفَ تَيْكُمْ؟» لَا أَشْعُرُ بِشَيْءٍ مِنْ ذَلِكَ حَتَّى نَفَهَتْ فَحَرَجْتُ أَنَا وَأُمُّ مِسْطَحٍ قَبْلَ الْمَنَاصِعِ مُتَبَرِّزَنَا، لَا تَخْرُجُ إِلَّا لِيَلَا إِلَيْلِ، وَذَلِكَ قَبْلَ أَنْ تَنْخَذَ الْكُنْفَرَ قَرِيبًا مِنْ بُيُوتِنَا، وَأَمْرُنَا أَمْرُ الْعَرَبِ الْأُولَى فِي الْبَرَّيَّةِ أَوْ فِي التَّنْزَهِ، فَأَقْبَلْتُ أَنَا وَأُمُّ مِسْطَحٍ بِنْتُ أَبِي رُهْمَ نَمْشِي فَعَثَرْتُ فِي مِرْطِهَا فَقَالَتْ: تَعْسَ مِسْطَحٍ، فَقُلْتُ لَهَا: بِئْسَ مَا قُلْتِ أَتَسْبِّبَنَ رَجُلًا شَهِيدَ

returned to look for it and was delayed because of that. The people who used to carry me on the camel, came to my *Hawdaj* and put it on the back of the camel, thinking that I was in it, as, at that time, women were light in weight, and thin and lean, and did not use to eat much. So, those people did not feel the difference in the heaviness of the *Hawdaj* while lifting it, and they put it over the camel. At that time I was a young lady (less than 15 years old). They set the camel moving and proceeded on. I found my necklace after the army had gone, and came to their camp to find nobody. So, I went to the place where I used to stay, thinking that they would discover my absence and come back in my search. While in that state, I felt sleepy and slept. Safwān bin Mu'aṭṭal As-Sulamī *Adh-Dhakwāni* was behind the army and reached my abode in the morning. When he saw a sleeping person, he came to me, and he had seen me before veiling. So, I got up when I heard him saying, ‘*Inna lillāhi wa inna ilaihi rāji'ūn* (Truly to Allāh we belong and truly to Him we shall return)... (2:156).’ He made his camel kneel down. He got down from his camel, and put his leg on the front legs of the camel and then I rode and sat over it. Safwān set out walking, leading the camel by the rope till we reached the army who had halted to take rest at midday. Then whoever was meant for destruction, fell into destruction, (some people accused me falsely) and the leader of the false accusers was 'Abdullāh bin Ubai bin Salūl. After that we returned to Al-Madina, and I became ill for one month while the people were spreading the forged statements of the false accusers. I was feeling during my ailment as if I were not receiving the usual kindness from the Prophet ﷺ which I used to receive from him when I got sick.

الَّذِي حَدَّنِي عَنْ عَايَشَةَ وَبَعْضُ حَدِيثِهِمْ يُصَدِّقُ بَعْضًا. رَأَمُوا أَنَّ عَايَشَةَ قَالَتْ: كَانَ رَسُولُ اللهِ ﷺ إِذَا أَرَادَ أَنْ يَخْرُجَ سَفَرًا أَفْرَغَ بَيْنَ أَزْوَاجِهِ فَإِيَّهُنَّ خَرَجَ سَهْمُهَا أَخْرَجَ بِهَا مَعْهُ. فَأَفْرَغَ بَيْتَنَا فِي غَزَّةِ غَزَّاهَا فَخَرَجَ سَهْمِي فَخَرَجْتُ مَعْهُ بَعْدَ مَا أَنْزَلَ الرِّحْمَانُ، فَأَنَا أَحْمَلُ فِي هَوْدَجٍ وَأَنْزَلُ فِيهِ فَسِرْنَا حَتَّى إِذَا فَرَغَ رَسُولُ اللهِ ﷺ مِنْ غَرْوَتِهِ تِلْكَ وَقَلَّ وَدَنَا مِنَ الْمَدِينَةِ، آذَنَ لَيْلَةً بِالرَّاحِيلِ. فَقَمْتُ حِينَ آذَنُوا بِالرَّاحِيلِ فَمَسَيْتُ حَتَّى جَاءَرْتُ الْجَيْشَ فَلَمَّا قَضَيْتُ شَأْنِي أَقْبَلْتُ إِلَى الرَّاحِلِ، فَلَمَسْتُ صَدْرِي، فَإِذَا عِقْدُ لِي مِنْ جَرْعِ أَطْفَارِ قَدِ انْقَطَعَ، فَرَجَعْتُ فَالْمَسْتُ عَقْدِي فَحَبَسَنِي ابْتِغَاوُهُ. فَأَقْبَلَ الَّذِينَ يَرْحَلُونَ لِي فَاحْتَمَلُوا هَوْدَجِي فَرَحَلُوهُ عَلَى بَعِيرِي الَّذِي كُنْتُ أَرْكُبُ، وَهُمْ يَحْسِبُونَ أَنِّي فِيهِ، وَكَانَ النَّسَاءُ إِذَا كَحْفَافَا لَمْ يَتَقْلُنَّ، وَلَمْ يَعْشَهُنَّ اللَّحْمُ، وَإِنَّمَا يَأْكُلُنَّ، الْعُلْقَةَ مِنَ الطَّعَامِ، فَلَمْ يَسْتَكِرِ الْقَوْمُ، حِينَ رَقَعُوهُ، ثَقَلَ الْهَوْدَجُ فَاخْتَمَلُوهُ. وَكُنْتُ جَارِيَةً حَدِيثَةَ السُّنْنَ فَبَعْثَوْنَا الْجَمَلَ وَسَارُوا فَوَجَدْتُ عَقْدِي بَعْدَمَا اسْتَمَرَ الْجَيْشُ فَجَبَتْ مَنِلَّهُمْ وَلَيْسَ فِيهِ أَحَدٌ، فَأَمْمَتُ مَنِلِي الَّذِي كُنْتُ

سُوداءَ فَقَالَتْ: قَدْ أَرْضَعْتُكُمَا،
فَذَكَرْتُ ذَلِكَ لِلَّهِيَّ اللَّهُ فَأَغْرَضَ عَنِي.
قَالَ: فَتَسْخَيْتُ فَذَكَرْتُ ذَلِكَ لَهُ، قَالَ:
وَكَيْفَ وَقَدْ زَعَمْتُ أَنَّهَا قَدْ
أَرْضَعْتُكُمَا؟» فَنَهَاهُ عَنْهَا. [راجع: ٨٨]

(١٤) بَابُ شَهَادَةِ الْمُرْضِعَةِ

٢٦٦ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ
عُمَرَ بْنِ سَعِيدٍ، عَنْ ابْنِ أَبِي مُلِيقَةَ،
عَنْ عُقْبَةَ بْنِ الْحَارِثِ قَالَ: تَرَوَجْتُ
إِمْرَأَةً فَجَاءَتِ امْرَأَةً فَقَالَتْ: إِنِّي قَدْ
أَرْضَعْتُكُمَا، فَأَتَيْتُ النَّبِيَّ اللَّهُ عَزَّلَهُ فَقَالَ:
وَكَيْفَ وَقَدْ قِيلَ؟ دَعْهَا عَنْكَ» أَوْ
نَحْوُهُ. [راجع: ٨٨]

(١٥) بَابُ تَعْدِيلِ النِّسَاءِ بَعْضُهُنَّ
بَعْضًا

٢٦٦١ - حَدَّثَنَا أَبُو الرَّبِيعِ
سُلَيْمَانُ ابْنُ دَاوُدَ وَأَفْهَمَنِي بَعْضُهُ
أَحْمَدُ قَالَ: حَدَّثَنَا فُلَيْحُ ابْنُ سُلَيْمَانَ،
عَنِ ابْنِ شَهَابِ الرَّهْرِيِّ، عَنْ عُرْوَةَ
بْنِ الرَّبِيعِ، وَسَعِيدِ ابْنِ الْمُسَيْبِ،
وَعَلْقَمَةَ بْنِ وَقَاسِيِّ اللَّهِيَّيِّ، وَعُبَيْدِ اللَّهِ
بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، عَنْ عَائِشَةَ
رَضِيَ اللَّهُ عَنْهَا زَوْجِ النَّبِيِّ اللَّهُ عَزَّلَهُ جِينَ
قَالَ لَهَا أَهْلُ الْإِلْفَكَ مَا قَالُوا فَبَرَأَهَا
اللَّهُ مِنْهُ، قَالَ الزُّهْرِيُّ: وَكُلُّهُمْ حَدَّثَنِي
طَافِئَةً مِنْ حَدِيثِهَا، وَبَعْضُهُمْ أَوْعَى
مِنْ بَعْضٍ، وَأَبْتَأَ لَهُ اقْصَاصًا، وَقَدْ
وَعَيْتُ عَنْ كُلِّ وَاحِدٍ مِنْهُمْ الْحَدِيثَ

(14) CHAPTER. The witness of a wet nurse.

2660. Narrated 'Uqba bin Al-Hârith رَضِيَ اللَّهُ عَنْهُ: I married a woman and later on a woman came and said, "I suckled you both." So, I went to the Prophet ﷺ (to ask him about it). He said, "How can you (keep her as a wife) when it has been said (that you were foster brother and sister)? Leave (divorce) her."

(15) CHAPTER. The women's attesting the honourable record of each other.

2661. Narrated 'Aishah (the wife of the Prophet ﷺ): "Whenever Allâh's Messenger ﷺ intended to go on a journey, he would draw lots amongst his wives and would take with him the one upon whom the lot fell. During a Ghazwa of his, he drew lots amongst us and the lot fell upon me, and I proceeded with him after Allâh had decreed the use of the veil by women. I was carried in a Hawdaj (on the camel) and dismounted while still in it. When Allâh's Messenger ﷺ had finished his Ghazwa and returned home, and we approached the city of Al-Madîna, Allâh's Messenger ﷺ ordered us to proceed at night. When the order of setting off was given, I walked till I left the army (camp) behind to answer the call of nature. After finishing I returned (to the camp) to depart (with the others) and suddenly realized that my necklace over my chest was missing. So, I

(12) CHAPTER. The witness of women.

And the Statement of Allāh: تعالى : ... And if there are not two men (available), then a man and two women..." (V.2:282)

2658. Narrated Abū Sa'īd Al-Khudrī رضي الله عنه : أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "إِنَّ شَهَادَةَ امرأَةٍ مُّؤْمِنَةٍ لَّمْ يَكُونَا بِهِ شَهَادَةُ رَجُلٍ وَّمَرْأَتَيْهِ" [البقرة: ٢٨٢].

(١٢) باب شهادة النساء،
وقول الله تعالى: «فَإِنْ لَمْ يَكُونَا بِهِ شَهَادَةُ رَجُلٍ وَّمَرْأَتَيْهِ» [البقرة: ٢٨٢].

٢٦٥٨ - حَدَّثَنَا أَبْنُ أَبِي مَرْيَمَ أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: أَخْبَرَنِي رَبِيعٌ دُعْدُعَ، عَنْ عِيَاضٍ أَبْنِ عَبْدِ اللَّهِ عَنْ أَبِي سَعِيدٍ رَضِيَ اللَّهُ عَنْهُ عَنْ الْبَيْهِيِّنِ أَنَّهُ قَالَ: «أَلَيْسَ شَهَادَةُ الْمَرْأَةِ مِثْلَ نِصْفِ شَهَادَةِ الرَّجُلِ؟» قُلْنَا: بَلَى، قَالَ: «فَذَلِكَ مِنْ نُقْصَانٍ عَقْلِهَا».

[راجع: ٣٠٤]

(13) CHAPTER. The witness of male and female slaves.

Anas said, "The witness of a slave is to be trusted, provided he is a just, well-reputed man." Shuraiḥ and Zurara bin Aūfa considered it permissible. Ibn Sirīn considered the witness of a slave permissible except when in favour of his master. A. Ḥasan and Ibrāhīm considered it permissible in minor matters. Shuraiḥ said, "You are all the sons of slaves and slave-girls."

2659. Narrated 'Uqba bin Al-Hārith that he had married Umm Yahyā bint Abū Ihāb. He said, "A black slave-lady came and said, 'I suckled you both.' I then mentioned that to the Prophet ﷺ who turned his face aside." Uqba further said, "I went to the other side and told the Prophet ﷺ about it. He said, 'How can you (keep her as your wife) when the lady has said that she suckled both of you (i.e., you and your wife)?" So, the Prophet ﷺ ordered him to divorce her.

(١٣) باب شهادة الإماء والعبد
وقال أنس: شهادة العبد جائزةٌ إذا كان عدلاً. وأجازه شريح وزراراً بن أوفى. وقال ابن سيرين: شهادته جائزة إلا العبد ليس بيده، وأجازه الحسن وإبراهيم في الشيء التافه. وقال شريح: كلكم بـنـو عـبـيدـ وـإـمـاءـ.

٢٦٥٩ - حَدَّثَنَا أَبُو عَاصِمَ، عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بْنِ الْحَارِثِ. حَدَّثَنَا عَلَيْهِ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنِ ابْنِ جُرَيْجٍ قَالَ: سَمِعْتُ ابْنَ أَبِي مُلَيْكَةَ قَالَ: حَدَّثَنِي عُقْبَةَ بْنَ الْحَارِثِ أَوْ سَعِيدَهُ مِنْهُ: أَنَّهُ تَزَوَّجَ أَمْ يَحْمِي بِنْتَ أَبِي إِهَابٍ، قَالَ: فَجَاءَتْ أَمَّةُ

فَسَمِعَ صَوْتَ عَبَادٍ يُصَلِّي فِي الْمَسْجِدِ
فَقَالَ: «يَا عَائِشَةُ، أَصَوْتُ عَبَادِ
هذَا؟» قُلْتُ: نَعَمْ، قَالَ: «اللَّهُمَّ
اَرْحَمْ عَبَادًا». [انظر: ٥٠٣٧، ٥٠٣٨]
[٦٢٣٥، ٥٠٤٢]

[۶۳۳۰ ، ۰۰۴۲]

2656. Narrated 'Abdullah bin 'Umar رضي الله عنهما : The Prophet ﷺ said, "Bilal pronounces the *Adhān* when it is still night (before dawn), so eat and drink till the next *Adhān* is pronounced (or till you hear Ibn Umm Maktūm's *Adhān*)."¹ Ibn Umm Maktūm was a blind man who would not pronounce the *Adhān* till he was told that it was dawn.

٢٦٥٦ - حَدَّثَنَا مَالِكُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي سَلَمَةَ: أَخْبَرَنَا ابْنُ شَهَابٍ، عَنْ سَالِمَ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ النَّبِيُّ ﷺ: «إِنَّ بِلَالًا يُؤَذَّنُ بِلَيْلٍ فَكُلُّو وَاشْرِبُوا حَتَّى يُؤَذَّنُ»، أَوْ قَالَ: «حَتَّى تَسْمَعُوا أَذَانَ ابْنِ أُمِّ مَكْتُومٍ»: وَكَانَ ابْنُ أُمِّ مَكْتُومٍ رَجُلًا أَعْمَى لَا يُؤَذَّنُ حَتَّى يَقُولَ لَهُ النَّاسُ: أَصْسَخْتَ.

[راجع : ۶۱۷]

2657. Narrated Al-Miswar bin Makhrama رَضِيَ اللَّهُ عَنْهُمَا : Some outer garments were presented to (or received by) the Prophet ﷺ and my father (Makhrama) said to me, "Let us go to the Prophet ﷺ so that he may give us something from the garments." So, my father stood at the door and spoke. The Prophet ﷺ recognized his voice and came out carrying a garment and telling Makhrama the good qualities of that garment, adding, "I have kept this for you, I have kept this for you."

٢٦٥٧ - حَدَّثَنَا زِيَادُ بْنُ يَحْيَى : حَدَّثَنَا حَاتِمٌ بْنُ وَرْدَانَ : حَدَّثَنَا أَبْيُوبُ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي مُلَيْكَةَ، عَنِ الْمُسْوَرِ بْنِ مَحْرَمَةَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَدِيمَتْ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَفْيَةٌ فَقَالَ لِي أَبِي مَحْرَمَةَ: اُنْظِلْنِي إِلَيْهِ عَسَى أَنْ يُعْطِينَا مِنْهَا شَيْئاً، فَقَامَ أَبِي عَلَى الْبَابِ فَتَكَلَّمَ فَعَرَفَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَوْتَهُ خَرَجَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمَعَهُ قَبَاءُ وَهُوَ يُرِيهِ مَحَاسِنَهُ وَهُوَ يَقُولُ: «خَيْرٌ هَذَا لَكَ، خَيْرٌ هَذَا لَكَ». [راجٍ]

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(11) CHAPTER. The witness of a blind man, his marriage, his affairs, the marriage conducted by him, and his buying and selling; and accepting his call for the *Salāt* (prayer), etc., and what can be known by sound or voice.

Al-Qāsim, Al-Ḥasan, Ibn Sīrīn, Az-Zuhri and ‘Aṭā’ permitted the witness of the blind. Ash-Sha’bī said, “The witness of a blind man is valid if he is intelligent and witty.” Al-Hakam said, “The witness of a blind man in certain things is to be accepted.” Az-Zuhri said, “Suppose Ibn ‘Abbās gave a witness against me, would you reject his witness?” Ibn ‘Abbās used to send a man to watch the sunset so that he might break his fast. He would ask about the dawn, and if he was informed that it was dawn, he would offer two *Rak‘āt* prayer. Sulaiman bin Yasar said, “I asked ‘Āishah to admit me into her house, and she recognized my voice and said, “Sulaiman! Come in, as you are still a slave so long as you still owe part of the price of your manumission.” Samura bin Jundab accepted the evidence of a veiled woman.

(١١) بَابُ شَهادَةِ الْأَعْمَى وَنِكَاحِهِ،
وَأُمِرِهِ، وَإِنْكَاحِهِ، وَمُبَايَتِهِ، وَقَبْولِهِ
فِي التَّأْذِينِ وَغَيْرِهِ، وَمَا يُعْرَفُ
بِالْأَصْوَاتِ

وَأَجَازَ شَهادَةُ الْقَاسِمِ وَالْحَسَنِ
وَابْنِ سِيرِينَ وَالزُّهْرِيِّ وَعَطَاءَ. وَقَالَ
الشَّعْبِيُّ: تَجُوزُ شَهادَتُهُ إِذَا كَانَ
عَاقِلًا. وَقَالَ الْحَكَمُ: رُبَّ شَيْءٍ
تَجُوزُ فِيهِ. وَقَالَ الزُّهْرِيُّ: أَرَأَيْتَ ابْنَ
عَبَّاسَ لَوْ شَهِدَ عَلَى شَهادَةِ، أَكُنْتَ
تَرْدِهِ؟ وَكَانَ ابْنُ عَبَّاسٍ يَعْثُرُ رَجُلًا
إِذَا غَابَتِ الشَّمْسُ أَفْطَرَ وَيَسْأَلُ عَنِ
الْفَجْرِ، فَإِذَا قَبَلَ: طَلَعَ، صَلَى
رَكْعَتِينَ. وَقَالَ سُلَيْمَانُ ابْنُ يَسَارٍ:
اسْتَأْذَنْتُ عَلَى عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا
فَعَرَفَتْ صَوْتِي، فَقَالَتْ: سُلَيْمَانُ
اذْخُلْنِي فَإِنَّكَ مَمْلُوكٌ مَا بَقَيَ عَلَيْكَ
شَيْءٌ. وَأَجَازَ سَمْرَةُ بْنُ جُنْدِبٍ شَهادَةَ
امْرَأَةٍ مُنْتَقِبَةَ.

٢٦٥٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَيْنَدٍ
بْنُ مَيْمُونَ: أَخْبَرَنَا عَيْسَى بْنُ بُوئْسَ،
عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ
رَضِيَ اللَّهُ عَنْهَا قَالَتْ: سَمَعَ النَّبِيُّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلًا يَقْرَأُ فِي الْمَسْجِدِ، فَقَالَ:
أَرَحْمَةُ اللَّهُ، لَقَدْ أَذْكَرَنِي كَذَا آتَيَ
أَسْقَطْتُهُنَّ مِنْ سُورَةِ كَذَا وَكَذَا.
وَزَادَ عَبَّادُ بْنُ عَبْدِ اللَّهِ عَنْ
عَائِشَةَ: تَهَجَّدَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي بَيْتِي

2655. Narrated ‘Āishah: The Prophet ﷺ heard a man (reciting the Qur’ān) in the mosque, and he said, “May Allāh bestow His Mercy upon him. No doubt, he made me remember such and such Verses of such and such *Sūrah* which I dropped (from my memory).”

Narrated ‘Āishah: The Prophet ﷺ performed the *Tahajjud* prayer in my house, and then he heard the voice of ‘Abbād who was offering *Salāt* (prayer) in the mosque, and said, “O ‘Āishah! Is this ‘Abbād’s voice?” I said, “Yes.” He said, “O Allāh! Be Merciful to ‘Abbād!”

Allah is All-Knower of what you do.”
(V.2:283)

“... And if you distort your witness
(V.4:135) means ‘distort your witness with
your tongues...’”

2653. Narrated Anas رضي الله عنه: The Prophet ﷺ was asked about the great sins, He said, “They are:

- (1) To join others in worship with Allāh,
- (2) To be undutiful to one's parents,
- (3) To kill a person (which Allāh has forbidden to kill) (i.e., to commit the crime of murdering).

(4) And to give a false witness.”

2654. Narrated Abū Bakra رضي الله عنه: The Prophet ﷺ said thrice, “Should I inform you about the greatest of the great sins?” They said, “Yes, O Allāh's Messenger!” He said,

“(1) To join others in worship with Allāh
(2) and to be undutiful to one's parents.”
The Prophet ﷺ then sat up after he had been reclining (on a pillow) and said,

“(3) And I warn you against giving a lying speech (false statement),” and he kept on saying that warning till we thought he would not stop.

[See Vol. 8, *Hadīth* No.5976]

﴿تَلُوا﴾ [النساء: ١٣٥] أَلْسِنَتُكُمْ
بِالشَّهادَةِ. ٢٨٣

٢٦٥٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُنْبِرٍ:
سَمِعَ وَهْبَ بْنَ جَرِيرٍ وَعَبْدَ الْمَلِكِ بْنَ
إِبْرَاهِيمَ قَالَا: حَدَّثَنَا شُعْبَةُ عَنْ عُبَيْدِ
اللَّهِ ابْنِ أَبِي بَكْرٍ بْنِ أَنَسٍ، عَنْ أَنَسٍ
رَضِيَ اللَّهُ عَنْهُ قَالَ: سُئِلَ النَّبِيُّ ﷺ
عَنِ الْكَبَائِرِ قَالَ: «الإِشْرَاكُ بِاللَّهِ،
وَعُقُوقُ الْوَالَّدَيْنِ، وَقَتْلُ النَّفْسِ،
وَشَهَادَةُ الرُّؤْرِ».
تابَعَهُ عُنَيْدُرُ وَأَبُو عَامِرٍ وَبَهْزُ وَعَبْدُ
الصَّمَدِ عَنْ شُعْبَةَ. [انظر: ٥٩٧٧، ٦٨٧١]

٢٦٥٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
إِشْرُونَ بْنَ الْمُفَضَّلِ: حَدَّثَنَا الْجُرَيْرِيُّ،
عَنْ عَبْدِ الرَّحْمَنِ ابْنِ أَبِي بَكْرَةَ، عَنْ
أَبِيهِ رَضِيَ اللَّهُ عَنْهُ: قَالَ النَّبِيُّ ﷺ:
«أَلَا أَبْيَكُمْ بِأَكْبَرِ الْكَبَائِرِ؟» ثَلَاثَةٌ
قَالُوا: بَلَى يَا رَسُولَ اللَّهِ، قَالَ:
«الإِشْرَاكُ بِاللَّهِ، وَعُقُوقُ الْوَالَّدَيْنِ».
وَجَلَسَ وَكَانَ مُتَكَبِّراً «أَلَا وَقَوْلُ
الرُّؤْرِ». قَالَ: فَمَا زَالَ يُكَرِّرُهَا حَتَّى
قُلْنَا: لَيْهُ سَكَتَ.

وَقَالَ إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا
الْجُرَيْرِيُّ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ.
[انظر: ٥٩٧٦، ٦٢٧٣، ٦٢٧٤، ٦٩١٩]

and then those coming after [the second century (generation)].” ‘Imran said, “I do not know whether the Prophet ﷺ mentioned two or three centuries (generations) after your present century (generation). The Prophet ﷺ added, ‘There will be some people after you, who will be dishonest and will not be trustworthy and will give witness (evidences) without being asked to give witness, and will vow but will not fulfil their vows, and fatness will appear among them’.”

عَمَرَانَ بْنَ حُصَيْنَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ النَّبِيُّ ﷺ: «خَيْرُكُمْ قَرْنَيْ، ثُمَّ الَّذِينَ يَلُونَهُمْ، ثُمَّ الَّذِينَ يَلُونَهُمْ». قَالَ عِمَرًا: لَا أَدْرِي أَذْكَرَ النَّبِيُّ ﷺ بَعْدَ قَرْنَيْ أَوْ ثَلَاثَةَ قَرْنَيْ: إِنَّ بَعْدَكُمْ قَوْمًا يَحْوِنُونَ وَلَا يُؤْتَمِنُونَ وَيَسْهُدُونَ وَلَا يُسْتَشْهِدُونَ وَيَنْدِرُونَ وَلَا يَقُولُونَ، وَيَظْهَرُ فِيهِمُ السَّمْنُ». [انظر: ٣٦٥٠، ٦٤٢٨، ٦٦٩٥]

2652. Narrated ‘Abdullāh : The Prophet ﷺ said : “The best people are the people of my century (generation), then those coming after them, and then those coming after the latter. After that there will come some people whose witness will precede their oaths, and their oaths will precede their witness.” Ibrāhīm (a sub-narrator) said, “We used to be beaten for taking oaths by saying, ‘I bear witness by the Name of Allāh or by the Covenant of Allāh’.”⁽¹⁾ (See H. 3651, 6429, 6658)

٢٦٥٢ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ أَخْبَرَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَبْيَادَةَ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ عَنِ الْجَيْشِ ﷺ قَالَ: «خَيْرُ النَّاسِ قَرْنَيْ ثُمَّ الَّذِينَ يَلُونَهُمْ، ثُمَّ الَّذِينَ يَلُونَهُمْ، ثُمَّ يَجِيءُ أَقْوَامٌ تَسْبِقُ شَهَادَةً أَحَدِهِمْ بِمِيَّنَهُ وَبِمِيَّنَهُ شَهَادَتَهُ». قَالَ إِبْرَاهِيمُ: وَكَانُوا يَضْرِبُونَا عَلَى الشَّهَادَةِ وَالْعَهْدِ. [انظر: ٣٦٥١، ٦٤٢٩، ٦٦٩٨]

(10) CHAPTER. What has been said about false witness.

In respect of the Saying of Allāh : تعالى
“And those who do not bear witness to falsehood...” (V.25:72)

What is said about hiding or concealing evidences, as Allāh تعالى says :

“... And conceal not the evidence for he, who hides it, surely his heart is sinful. And

لِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: ﴿وَالَّذِينَ لَا يَشْهُدُونَكَ الْأُرْوَةَ﴾ [الفرقان: ٧٢] وَكَثِيرٌ الشَّهَادَةُ لِقَوْلِهِ تَعَالَى: ﴿وَلَا يَكُمُوا الشَّهَدَةَ﴾ وَمَنْ يَكُمُّهَا فَإِنَّهُ ظَالِمٌ فَبِئْرُهُ وَاللَّهُ يَعْلَمُ مَا تَعْمَلُونَ عَلَيْهِ﴾ [آلْبَرِي]

(1) (H. 2652) Ibrāhīm means that when they were still boys, their elders would beat them if they took oaths, so that they would not get accustomed to taking oaths on all occasions even needlessly. (*Fath Al-Bārī*)

[انظر: ٣٤٧٥، ٣٤٧٦، ٣٧٣٢، ٣٧٣٣، ٤٣٠٤]

[٦٨٠٠، ٦٧٨٨، ٦٧٨٧]

2649. Narrated Zaid bin Khalid رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ ordered that an unmarried man who committed illegal sexual intercourse be scourged one hundred lashes and sent into exile for one year.

٢٦٤٩ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا الْلَّيْثُ، عَنْ عَفَيْلٍ، عَنْ أَبِي شِهَابٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ زَيْدِ بْنِ خَالِدٍ رَضِيَ اللَّهُ عَنْهُ عَنْ رَسُولِ اللَّهِ ﷺ: أَنَّهُ أَمَرَ فِيمَنْ زَنَى وَلَمْ يُخْصِنْ بِجَلْدٍ مائَةً وَتَعْرِيبٍ عَامٍ.

[راجع: ٢٣١٤]

(٩) CHAPTER. Do not be a witness for injustice, if asked for that.

(٩) بَابٌ: لَا يَشَهِدُ عَلَى شَهَادَةِ جَوْرٍ إِذَا أَشْهَدَ

2650. Narrated An-Nu'mān bin Bashīr عَنْهُ: My mother asked my father to present me a gift from his property; and he gave it to me after some hesitation. My mother said that she would not be satisfied unless the Prophet ﷺ is made a witness to it. I being a young boy, my father held me by the hand and took me to the Prophet ﷺ. He said to the Prophet ﷺ, "His mother, bint Rawaha, requested me to give this boy a gift." The Prophet ﷺ said, "Do you have other sons besides him?" He said, "Yes." The Prophet ﷺ said, "Do not make me a witness for injustice."

Narrated Ash-Sha'bī that the Prophet ﷺ said, "I will not become a witness for injustice."

٢٦٥٠ - حَدَّثَنَا عَبْدَانُ: حَدَّثَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا أَبُو حَيَّانَ التَّمِيُّثِ، عَنِ الشَّعْبِيِّ، عَنِ التُّعْمَانِ بْنِ بَشِيرٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: سَأَلْتُ أُمِّي أُمِّي بَعْضَ الْمَوْهِبَةِ لِي مِنْ مَالِهِ، ثُمَّ بَدَا لَهُ فَوَهْبَهَا لِي فَقَالَتْ: لَا أَرْضِي حَتَّى تُشَهِّدَ النَّبِيُّ ﷺ، فَأَخَذَ بِيَدِي وَأَنَا غَلَامٌ فَأَتَى بِي النَّبِيُّ ﷺ فَقَالَ: إِنَّ أُمَّةَ بَنْتِ رَوَاحَةَ سَأَلَنِي بَعْضَ الْمَوْهِبَةِ لِهَا. قَالَ: «أَلَكَ وَلْدٌ سِوَاهُ؟» قَالَ: نَعَمْ، قَالَ: فَأَرْأَاهُ قَالَ: لَا تُشَهِّدْنِي عَلَى جَوْرٍ». وَقَالَ أَبُو حَرِيزٍ، عَنِ الشَّعْبِيِّ: لَا أَشْهُدُ عَلَى جَوْرٍ». [راجع: ٢٥٨٦]

٢٦٥١ - حَدَّثَنَا آدُمُ: حَدَّثَنَا شَعْبَةُ: حَدَّثَنَا أَبُو جَمْرَةَ: قَالَ سَيْفُتُ زَهْدَمَ بْنَ مُضْرِبٍ: قَالَ سَيْفُتُ

2651. Narrated Zahdām bin Mudarrib: I heard 'Imrān bin Huṣain رَضِيَ اللَّهُ عَنْهُما saying, "The Prophet ﷺ said, 'The best amongst you people are those living in my century (generation), then those coming after them,

but his (future) witness will be accepted."

Ath-Thaurī said, "If a slave is scourged (for falsely accusing others of illegal sexual intercourse) and later on he is manumitted, then his (future) witness is to be accepted. If somebody who has received such punishment is made a judge, his decisions will be valid."

Some people said, "The witness of a false-accuser is not to be accepted even if he repented." They added: "The marriage is not legal unless it is witnessed by two witnesses; it is permissible that the two witnesses can be those who have received such punishments, but the slaves are not to be accepted as witnesses to marriage." He accepts the witness of the person who has received the punishment (for falsely accusing others of illegal sexual intercourse) and the witness of a male slave and a female slave concerning the appearance of the new moon (i.e., crescent) (of the month of fasting etc.). How to know the repentance of a person who has received the punishment of false accusation and no doubt, the Prophet ﷺ kept an adulterer in exile for one year. The Prophet ﷺ did not allow anybody to talk to Ka'b bin Mālik and his two companions for fifty days.

2648. Narrated 'Urwa bin Az-Zubair: A woman committed theft in the *Ghazwa* of the Conquest (of Makkah) and she was taken to the Prophet ﷺ who ordered her hand to be cut off. 'Aishah said, "Her repentance was perfect and she was married (later) and used to come to me (after that) and I would present her needs to Allāh's Messenger ﷺ."

الْعَبْدُ ثُمَّ أَعْقَبَ حَازَتْ شَهَادَتُهُ، وَإِنْ اسْتُفْضِيَ الْمَحْدُودُ فَقَضَاهَا جَائِزَةً، وَقَالَ بَعْضُ النَّاسِ: لَا تُجُوزُ شَهَادَةُ الْقَادِفِ إِنْ تَابَ، ثُمَّ قَالَ: لَا يُجُوزُ نِكَاحٌ بِغَيْرِ شَاهِدَيْنِ إِنْ تَرَوْجَ بِشَهَادَةِ مَحْدُودَيْنِ جَازَ، وَإِنْ تَرَوْجَ بِشَهَادَةِ عَبْدَيْنِ لَمْ يَجُزْ. وَأَجَازَ شَهَادَةُ الْعَبْدِ وَالْمَحْدُودِ وَالْأَمْمَةِ لِرُؤْيَةِ هَلَالِ رَمَضَانَ وَكَيْفَ تُعْرَفُ تَوْبَتُهُ. وَنَفَى النَّبِيُّ ﷺ الزَّانِي سَتَّةً، وَنَهَى النَّبِيُّ ﷺ عَنْ كَلَامِ كَعْبِ بْنِ مَالِكٍ وَصَاحِبِيهِ حَتَّى مَضَى خَمْسُونَ لَيْلَةً.

٢٦٤٨ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي أَبُو وَهْبٍ عَنْ يُونُسَ . وَقَالَ الْلَّيْثُ: حَدَّثَنِي يُونُسٌ عَنْ أَبْنَ شِهَابٍ: أَخْبَرَنِي عُرْوَةُ بْنُ الزَّبِيرِ: أَنَّ امْرَأَةً سَرَقَتْ فِي عَزْوَةِ الْفَتحِ فَأَتَتْ بِهَا رَسُولُ اللَّهِ ﷺ ثُمَّ أَمَرَ بِهَا فَقُطِعَتْ يَدُهَا، قَالَتْ عَائِشَةُ: فَحَسِنْتْ تَوْبَتُهَا وَتَرَوَجَتْ وَكَانَتْ تَأْتِي بَعْدَ ذَلِكَ فَأَرْفَقْتُهَا إِلَى رَسُولِ اللَّهِ ﷺ .

this (man)?" I replied, "My foster brother." He said, "O 'Aishah! Be sure about your foster brothers, as fostership is only valid if it takes place in the suckling period (before two years of age as the child sucks with hunger)."

الشَّعْنَاءُ، عَنْ أَبِيهِ، عَنْ مَسْرُوقٍ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: دَخَلَ عَلَيَّ النَّبِيُّ ﷺ وَعَنْدِي رَجُلٌ فَقَالَ: يَا عَائِشَةُ، مَنْ هَذَا؟ قَلَّتْ: أَخِي مِنَ الرَّضَاةِ، قَالَ: يَا عَائِشَةَ انْطُرْنَ مَنْ إِخْوَانُكُنَّ فَإِنَّمَا الرَّضَاةَ مِنَ الْمَجَاعَةِ . تَابَعَهُ ابْنُ مَهْدِيٍّ عَنْ سُعْيَانَ . [٥١٠٢]

(8) CHAPTER. The witness of a person falsely accusing somebody of illegal sexual intercourse and the witness of a thief or an adulterer.

The Statement of Allāh: "...And reject their testimony forever, they indeed are the *Fāsiqūn* (liars, rebellious, disobedient to Allāh). Except those who repent thereafter and do righteous deeds..." (V.24:4,5)

(٨) بَابُ شَهَادَةِ الْقَادِفِ وَالسَّارِقِ وَالرَّزَانِيِّ ،

وَقَوْلُ اللَّهِ عَزَّ وَجَلَّ: ﴿وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَزْيَاضٍ شَهَدَهُمْ أَجْلِيلُهُمْ ثَمَّيْنِ جَلَدَةً وَلَا نَقْلُبُ لَمَّا شَهَدَهُمْ أَبْدَأْنَا وَأُولَئِكَ هُمُ الظَّافِرُونَ ﴾ إِلَّا الَّذِينَ تَابُوا مِنْ بَعْدِ ذَلِكَ وَأَصْلَحُوا فَإِنَّ اللَّهَ غَفُورٌ رَّحِيمٌ ﴾ [النور: ٤ - ٥] وَجَلَدَ عُمَرُ أَبَا بَكْرَةَ وَشِبْلَ بْنَ مَعْبُدٍ وَنَافِعًا بِقَذْفِ الْمُغَيْرَةِ، ثُمَّ اسْتَتَاهُمْ . وَقَالَ: مَنْ تَابَ قِيلَتْ شَهَادَتُهُ . وَأَجَازَهُ عَبْدُ اللَّهِ أَبْنُ عَثْمَةَ، وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ، وَسَعِيدُ بْنُ جُبَيرٍ، وَطَاؤُسٌ وَمُجَاهِدٌ وَالشَّعْبِيُّ وَعِكْرَمَةُ وَالرَّهْرَهِيُّ وَمُحَارِبٌ بْنُ دَنَارٍ وَشَرِيكٌ وَمُعاوِيَةُ بْنُ فُرَةَ، وَقَالَ أَبُو الرَّنَادَ: الْأَمْرُ عِنْدَنَا بِالْمَدِينَةِ إِذَا رَجَعَ الْقَادِفُ عَنْ قَوْلِهِ فَاسْتَغْفِرَ رَبِّهِ قِيلَتْ شَهَادَتُهُ . وَقَالَ الشَّعْبِيُّ وَقَنَادَةُ: إِذَا أَكْذَبَ نَفْسَهُ جَلَدَ وَقِيلَتْ شَهَادَتُهُ . وَقَالَ الشَّوَّرِيُّ: إِذَا جَلَدَ

2645. Narrated Ibn ‘Abbās : رَضِيَ اللَّهُ عَنْهُمَا أَبْنَاءُ الْمُحَاجِرِ : The Prophet ﷺ said about Ḥamza’s daughter, “I am not legally permitted to marry her, as foster suckling relations are treated like blood relations (in marital affairs). She is the daughter of my foster brother.”

٢٦٤٥ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ : حَدَّثَنَا هَمَّامٌ : حَدَّثَنَا قَتَادَةُ، عَنْ جَابِرٍ بْنِ زَيْدٍ، عَنْ ابْنِ عَبَاسٍ، رَضِيَ اللَّهُ عَنْهُمَا قَالَ : قَالَ النَّبِيُّ ﷺ فِي بَنْتِ حَمْرَةَ : « لَا تَحْلُّ لِي، يَخْرُمُ مِنَ الرَّضَاعَةِ مَا يَخْرُمُ مِنَ النَّسَبِ، هِيَ ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ ». [انظر: ٥١٠٠]

2646. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا , the wife of the Prophet ﷺ : While the Prophet ﷺ was with me (in my house), I heard a man asking Ḥafṣa’s permission to enter her house. ‘Āishah further said, “I said, ‘O Allāh’s Messenger! I think the man is Ḥafṣa’s foster uncle.’” ‘Āishah added, “O Allāh’s Messenger! There is a man asking the permission to enter your house.” Allāh’s Messenger ﷺ replied, “I think the man is Ḥafṣa’s foster uncle.” ‘Āishah said, “If so-and-so were living (i.e., her foster uncle) would he be allowed to visit me?” Allāh’s Messenger ﷺ said, “Yes, he would, as the foster suckling relations are treated like blood relations (in marital affairs).” [i.e., those things which are illegal because of blood relations are to be considered as illegal because of the corresponding foster suckling relations].

٢٦٤٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ : أَخْبَرَنَا مَالِكُ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عُمَرَ بْنِ عَبْدِ الرَّحْمَنِ : أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا رَوَجَ النَّبِيُّ ﷺ أَخْبَرَهَا : أَنَّ النَّبِيَّ ﷺ كَانَ عِنْدَهَا وَأَنَّهَا سَعَتْ صَوْتَ رَجُلٍ يَسْتَأْذِنُ فِي بَيْتِ حَفْصَةَ، قَالَتْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا : فَقُلْتُ : يَا رَسُولَ اللَّهِ، أَرَاهُ فُلَانًا، لِعَمِ حَفْصَةَ مِنَ الرَّضَاعَةِ. فَقَالَتْ عَائِشَةُ : يَا رَسُولَ اللَّهِ، هَذَا رَجُلٌ يَسْتَأْذِنُ فِي بَيْتِكَ. قَالَتْ : فَقَالَ رَسُولُ اللَّهِ ﷺ : « أَرَاهُ فُلَانًا لِعَمِ حَفْصَةَ مِنَ الرَّضَاعِ ، فَقَالَتْ عَائِشَةُ : لَوْ كَانَ فُلَانُ - حَيَا لِعَمِهَا مِنَ الرَّضَاعَةِ - دَخَلَ عَلَيَّ ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ : « نَعَمْ إِنَّ الرَّضَاعَةَ يَخْرُمُ مِنْهَا مَا يَخْرُمُ مِنَ الولادة ». [انظر: ٥٠٩٩، ٣١٥٠]

2647. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا : Once the Prophet ﷺ came to me while a man was in my house. He said, “O ‘Āishah! Who is

٢٦٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ : أَخْبَرَنَا سُفْيَانُ، عَنْ أَشْعَثَ بْنِ أَبِي

praised the deceased. ‘Umar said, “It has been affirmed (Paradise).” Then a third funeral procession passed by and the people talked badly of the deceased. ‘Umar said, “It has been affirmed (Hell).” I asked ‘Umar, “O chief of the believers! What has been affirmed?” He said, “I have said what the Prophet ﷺ said. He ﷺ said, ‘Allāh will admit into Paradise any Muslim whose good character is attested by four persons.’ We asked the Prophet ﷺ, ‘If there were three witnesses only?’ He said, ‘Even three.’ We asked, ‘If there were two only?’ He said, ‘Even two.’ But we did not ask him about one witness.”

دَرِيعاً فَجَلَسْتُ إِلَى عُمَرَ رَضِيَ اللَّهُ عَنْهُ فَمَرَأْتُ جَنَارَةً فَأُثْنَيْ خَيْرَاً، فَقَالَ عُمَرُ: وَجَبَتْ. ثُمَّ مَرَأْ بَاخْرَى فَأُثْنَيْ خَيْرَاً فَقَالَ: وَجَبَتْ. ثُمَّ مَرَأْ بِالثَّالِثِ فَأُثْنَيْ شَرَّاً فَقَالَ: وَجَبَتْ، فَقُلْتُ: مَا (وَجَبَتْ) يَا أَمِيرَ الْمُؤْمِنِينَ؟ قَالَ: قُلْتُ كَمَا قَالَ النَّبِيُّ ﷺ: «أَيُّمَا مُسْلِمٌ شَهَدَ لَهُ أَرْبَعَةُ بَحْيَرٍ أَذْخَلَهُ اللَّهُ الْجَنَّةَ». قُلْنَا: وَشَلَاثَةً؟ قَالَ: «وَشَلَاثَةً»، قُلْنَا: وَاثْنَانِ؟ قَالَ: «وَاثْنَانِ»، ثُمَّ لَمْ نَسْأَلْهُ عَنِ الْوَاحِدِ.

[راجع: ١٣٦٨]

(٧) بَابُ الشَّهَادَةِ عَلَى الْأَنْسَابِ وَالرَّضَاعِ الْمُسْتَفَيِضِ وَالْمَوْتِ الْقَدِيمِ وَقَالَ النَّبِيُّ ﷺ: «أَرْضَعْتَنِي وَأَبَا سَلَمَةَ ثُوَيْبَةَ»، وَالشَّيْتُ فِيهِ.

(7) CHAPTER. To give witness concerning lineage, foster suckling relations and dead persons, who died long before.

The Prophet ﷺ said, “I and Abū Salama were suckled by Thuwāiba.”

The necessity of being sure of the witness in such cases.

2644. Narrated ‘Aishah: Aflah asked the permission to visit me but I did not allow him. He said, “Do you veil yourself before me although I am your uncle?” ‘Aishah said, “How is that?” Aflah replied, “You were suckled by my brother’s wife with my brother’s milk.” I asked Allāh’s Messenger ﷺ about it, and he said, “Aflah is right, so permit him to visit you.”

٢٦٤٤ - حَدَّثَنَا أَدْمُ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنَا الْحَكَمُ، عَنْ عِرَالِكَ بْنِ مَالِكٍ، عَنْ عُرْوَةَ بْنِ الزُّبِيرِ، عَنْ عَايَشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: أَسْأَدْنَنِي أَفْلَحُ فَلَمْ آذَنْ لَهُ. فَقَالَ: أَتَحْتَجِينَ مِنِّي وَأَنَا عَمُّكِ؟ فَقُلْتُ: وَكَيْفَ ذَلِكَ؟ فَقَالَ: أَرْضَعْتِكَ امْرَأَهُ أَخِي بْنِ أَخِي. فَقَالَتْ: سَأْلُتُ عَنْ ذَلِكَ رَسُولَ اللَّهِ ﷺ فَقَالَ: «صَدَقَ أَفْلَحُ، أَثْدَنِي لَهُ». [انظر: ٤٧٩٦]

[٦١٥٦، ٥١١١، ٥٢٣٩]

you practise publicly, so we will trust and favour the one who does good deeds in front of us, and we will not call him to account about what he is really doing in secret, for Allah will judge him for that; but we will not trust or believe the one who presents to us with an evil deed even if he claims that his intentions were good.

سَمِعْتُ عُمَرَ بْنَ الْخَطَّابَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: إِنَّ أَنَاسًا كَانُوا يُؤْخَذُونَ بِالْوَحْيِ فِي عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ وَإِنَّ الْوَحْيَ قَدْ انْقَطَعَ، وَإِنَّمَا نَأْخُذُكُمُ الْآنَ بِمَا ظَهَرَ لَنَا مِنْ أَعْمَالِكُمْ، فَمَنْ أَظْهَرَ لَنَا خَيْرًا أُمِّيَّةً وَقَرْبَيَّةً، وَلَئِنْ إِلَيْنَا مِنْ سَرِيرَتِهِ شَيْءٌ، اللَّهُ يُحَاسِبُ فِي سَرِيرَتِهِ، وَمَنْ أَظْهَرَ لَنَا سُوءًا لَمْ نَأْمِنْهُ وَلَمْ نُصَدِّفْهُ، وَإِنْ قَالَ: إِنَّ سَرِيرَتَهُ حَسَنَةً.

(٦) بَابُ تَعْدِيلِ كَمْ يَجُوزُ؟

(6) CHAPTER. How many witnesses are sufficient to attest one's good or bad record?

2642. Narrated Anas: رَضِيَ اللَّهُ عَنْهُ A funeral procession passed in front of the Prophet ﷺ and the people praised the deceased. The Prophet ﷺ said, "It has been affirmed (Paradise)." Then another funeral procession passed by and the people talked badly of the deceased. The Prophet ﷺ said, "It has been affirmed (Hell)." Allah's Messenger ﷺ was asked, "O Allah's Messenger! You said it has been affirmed for both?" The Prophet ﷺ said, "The testimony of the people (is accepted), (for) the believers are Allah's witnesses on the earth."

2643. Narrated Abū Al-Aswad: Once I went to Al-Madina and at that time there was an outbreak of disease and the people were dying rapidly. I was sitting with 'Umar رَضِيَ اللَّهُ عَنْهُ and a funeral procession passed by. The people praised the deceased. 'Umar said, "It has been affirmed (Paradise)." Then another funeral procession passed by. The people

٢٦٤٢ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ ثَابِتٍ، عَنْ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: مَرَّ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ حَيْرَاً، فَقَالَ: «وَجَبَتْ». ثُمَّ مَرَّ بِأُخْرَى فَأَنْتَوْا عَلَيْهَا شَرَّاً، أَوْ قَالَ: عَيْرَ ذَلِكَ. فَقَالَ: «وَجَبَتْ». فَقَيْلَ: يَا رَسُولَ اللَّهِ، قُلْتَ لِهَذَا: «وَجَبَتْ» وَلِهَذَا: «وَجَبَتْ» قَالَ: «شَهَادَةُ الْقَوْمِ، الْمُؤْمِنُونَ شُهَدَاءُ اللَّهِ فِي الْأَرْضِ». [راجع: ١٣٦٧]

٢٦٤٣ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا دَاؤُدُّ بْنُ أَبِي الْفُرَّاتِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بُرْيَدَةَ عَنْ أَبِي الْأَسْوَدِ قَالَ: أَتَيْتُ الْمَدِينَةَ وَقَدْ وَقَعَ بِهَا مَرَضٌ وَهُمْ يَمُوتُونَ مَوْتًا

(prayer) inside the Ka'bah while Al-Faḍl said that he had not offered *Salāt*, so the people accepted Bilāl's assertion. Similarly, if two persons give witness that such a person owes another one thousand Dirham, but two other witnesses state that he owes him one thousand and five hundred Dirham then the judgement will be based on the higher amount.

2640. Narrated ‘Abdullāh bin Abū Mulaika from ‘Uqba bin Al-Hārith: ‘Uqba married the daughter of Abū Ihāb bin ‘Azīz, and then a woman came and said, “I suckled ‘Uqba and his wife.” ‘Uqba said to her, “I do not know that you have suckled me, and you did not inform me.” He then sent someone to the house of Abū Ihāb to enquire about that but they did not know that she had suckled their daughter. Then ‘Uqba went to the Prophet ﷺ in Al-Madina and asked him about it. The Prophet ﷺ said to him, “How (can you keep your wife) after it has been said (that both of you were suckled by the same woman)?” So, he divorced her and she was married to another man.

شَاهِدَانِ أَنَّ لِفُلَانِ عَلَى فُلَانِ الْفَرْدَسِ
دَرْهَمٌ وَشَهَدَ آخَرَانِ بِأَلْفِ وَخَمْسَمَائَةِ
يُقْضَى بِالزِّيَادَةِ.

٢٦٤٠ - حَدَّثَنَا جِبَانُ: أَخْبَرَنَا
عَبْدُ اللَّهِ: أَخْبَرَنَا عَمْرُو بْنُ سَعِيدٍ بْنِ
أَبِي حُسْنَى قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ
أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بْنِ الْحَارِثِ:
أَنَّهُ تَرَوَّجَ ابْنَةَ لَأْبِي إِهَابٍ ابْنَ عَزِيزٍ
فَأَتَتْهُ امْرَأَةٌ فَقَالَتْ: قَدْ أَرْضَعْتُ عُقْبَةَ
وَالَّتِي تَرَوَّجَ، فَقَالَ لَهَا عُقْبَةُ: مَا
أَعْلَمُ أَنِّكِ أَرْضَعْتِنِي وَلَا أَخْبُرْتِنِي،
فَأَرْسَلَ إِلَى آلِ أَبِي إِهَابٍ يَسْأَلُهُمْ،
فَقَالُوا: مَا عِلْمُنَا أَرْضَعْتَ صَاحِبَتَنَا،
فَرَكِبَ إِلَى النَّبِيِّ ﷺ بِالْمَدِينَةِ فَسَأَلَهُ،
فَقَالَ رَسُولُ اللَّهِ ﷺ: كَيْفَ وَقَدْ
قِيلَ؟ فَفَارَقَهَا وَنَكَحَتْ زَوْجًا غَيْرَهُ.

[راجع: ٨٨]

(5) CHAPTER. The just witnesses. And the Statement of Allāh تعالى:

“And take as witness two just persons from among you (Muslims)...” (V.65:2)

“... such as you agree for witnesses...” (V.2:282)

2641. Narrated ‘Umar bin Al-Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ: People were (sometimes) judged by the revealing of a Divine Revelation during the lifetime of Allāh's Messenger ﷺ, but now there is no longer any more (new revelation). Now, we judge you by the deeds

(٥) بَابُ الشُّهَدَاءِ الْمَدْعُولِ،
وَقَوْلُ اللَّهِ تَعَالَى: «وَأَشِدُّوا ذَرَوْنِي
عَذَلَيْ مِنْكُمْ» [الطلاق: ٢] وَ«مَنْ
رَضَوْنَ مِنَ الشُّهَدَاءِ» [البقرة: ٢٨٢].

٢٦٤١ - حَدَّثَنَا الْحَكَمُ بْنُ نَافِعٍ،
أَخْبَرَنَا شُعَيْبٌ، عَنْ الرُّهْبَرِيِّ قَالَ:
حَدَّثَنِي حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ
عَوْفٍ: أَنَّ عَبْدَ اللَّهِ بْنَ عُقْبَةَ قَالَ:

would have revealed his reality.”

[See Vol. 4, *Hadīth* No.3055, 3056, for details]

رَمْزَمَةً. فَرَأَتْ أُمُّ ابْنِ صَيَّادِ النَّبِيِّ ﷺ
وَهُوَ يَقِيْ بِجُذُوعِ النَّخْلِ، فَقَالَتْ
لِابْنِ صَيَّادٍ: أَيْ صَافِ، هَذَا مُحَمَّدٌ،
فَتَنَاهَى ابْنُ صَيَّادٍ. قَالَ النَّبِيُّ ﷺ:
«لَوْ تَرَكْتُهُ بَيْنَ». [راجع: ١٣٥٥]

٢٦٣٩ - حَدَّثَنِي عَبْدُ اللهِ بْنُ
مُحَمَّدٍ: حَدَّثَنَا سُفِيَّانُ، عَنِ الرَّهْبَرِيِّ،
عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا
قَالَتْ: جَاءَتِ امْرَأَةٌ رِفَاعَةَ الْقُرَاطِيِّ
إِلَى النَّبِيِّ ﷺ فَقَالَتْ: كُنْتُ عِنْدَ
رِفَاعَةَ فَظَلَّقْنِي فَأَبْتَ طَلَاقِيِّ،
فَتَرَوَّجْتُ عَبْدَ الرَّحْمَنِ بْنَ الزَّبِيرِ، إِنَّمَا
مَعَهُ مِثْلُ هُدْبَةِ الشَّوْبِ. فَقَالَ:
«أَتُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا،
حَتَّى تَذَوَّقِي عُسَيْلَاتَهُ وَيَذُوقَ
عُسَيْلَاتِكِ»، وَأَبْوُ بَكْرٍ جَالِسٌ عِنْدَهُ
وَخَالِدُ بْنُ سَعِيدٍ بْنُ الْعَاصِ بِالْبَابِ
يَسْتَطِرُ أَنْ يُؤْذَنَ لَهُ . فَقَالَ: يَا أَبَا بَكْرٍ،
أَلَا تَسْمَعُ إِلَى هَذِهِ مَا تَجْهَرُ بِهِ عِنْدَ
النَّبِيِّ ﷺ؟ [انظر: ٥٢٦٠، ٥٢٦١، ٥٢٦٥،
٦٠٨٤، ٥٧٩٢، ٥٣١٧، ٥٨٢٥]

(٤) بَابُ إِذَا شَهَدَ شَاهِدٌ، أَوْ شَهُودٌ
بِشَيْءٍ. وَقَالَ آخَرُونَ: مَا عَلِمْنَا
بِذَلِكَ؛ يُحْكَمُ بِقَوْلِ مَنْ شَهِدَ.

قَالَ الْحَمِيدِيُّ. هَذَا كَمَا أَخْبَرَ
بِلَالٌ أَنَّ النَّبِيِّ ﷺ صَلَّى فِي الْكَعْبَةِ.
وَقَالَ الْفَاضِلُ: لَمْ يُصْلَلُ، فَأَخْذَ النَّاسُ
بِشَهَادَةِ بِلَالٍ. كَذَلِكَ إِنْ شَهِدَ

(4) CHAPTER. When a witness or witnesses give an evidence.

And some people say that they do not know such an evidence, then the case will be decided according to the statement of the witnesses. A-Ḥumaidi said, “This (judgement) was adopted when Bilāl said that the Prophet ﷺ had offered *Salāt*

harmed me by defaming the reputation of my family? By Allāh, I have not known about my family anything except good, and they mentioned (i.e., accused) a man about whom I did not know anything except good.”

نَعْلَمُ إِلَّا خَيْرًا، وَقَالَتْ بَرِيرَةُ: إِنْ رَأَيْتُ عَلَيْهَا أَمْرًا أَغْمَصْهُ أَكْثَرُ مِنْ أَنَّهَا جَارِيَّةٌ حَدِيثَةُ السَّنَنِ تَنَامُ عَنْ عَجِينِ أَهْلِهَا، فَقَاتَى الدَّاجِنُ فَتَأَكُلُُهُ.

فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ يَعْذِرُنَا فِي رَجُلٍ بَلَغَنِي أَذَاهُ فِي أَهْلِ بَيْتِي؟ فَوَاللَّهِ مَا عَلِمْتُ مِنْ أَهْلِي إِلَّا خَيْرًا، وَلَقَدْ ذَكَرُوا رَجُلًا مَا عَلِمْتُ عَلَيْهِ إِلَّا خَيْرًا». [راجع: ٢٥٩٣]

(٣) بَابُ شَهَادَةِ الْمُخْتَيَّ

وَأَجَازَهُ عَمْرُو بْنُ حُرَيْثٍ قَالَ: وَكَذَلِكَ يَفْعَلُ بِالْكَاذِبِ الْفَاجِرِ، وَقَالَ الشَّعْبِيُّ وَابْنُ سِيرِينَ وَعَطَاءُ وَقَاتَةُ: السَّمْعُ شَهَادَةُ. وَكَانَ الْحَسْنُ يَقُولُ: لَمْ يُشَهِّدُنِي عَلَى شَيْءٍ وَلَكِنْ سَيَعْتَ كَذَا وَكَذَا.

(3) CHAPTER. The witness of an eavesdropper.

‘Amr bin Huraith allowed such a witness and said, “This is the way to be followed to discover the reality of an evil person.” Ibn Sīrīn, ‘Aṭā’ and Qatādā said, “A witness can be based on hearing only (i.e., even if the hearer does not see the speaker.)” Al-Hasan used to say at the time of giving evidence, “They did not make me a witness but I heard such and such.”

2638. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللَّهُ عَنْهُ : Allāh’s Messenger ﷺ and Ubaī bin Ka'b Al-Anṣārī went to the garden where Ibn Saiyyād used to live. When Allāh’s Messenger ﷺ entered (the garden), he (i.e., Allāh’s Messenger ﷺ) started hiding himself behind the date-palms as he wanted to hear secretly the talk of Ibn Saiyyād before the latter saw him. Ibn Saiyyād wrapped with a soft decorated sheet was lying on his bed murmuring. Ibn Saiyyād’s mother saw the Prophet ﷺ hiding behind the stems of the date-palms. She addressed Ibn Saiyyād saying, “O Ṣāf, this is Muḥammad.” Hearing that Ibn Saiyyād stopped murmuring (or got cautious), the Prophet ﷺ said, “If she had left him undisturbed, he

٢٦٣٨ - حَدَّثَنَا أَبُو الْيَمَانُ: أَخْبَرَنَا شَعِيبٌ، عَنِ الرَّهْبَرِيِّ: قَالَ سَالِمٌ: سَمِعْتَ عَبْدَ اللَّهِ بْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: انْطَلَقَ رَسُولُ اللَّهِ ﷺ وَأَبْيَ ابْنَ كَعْبِ الْأَنْصَارِيِّ يُؤْمَنُ النَّخْلُ الَّتِي فِيهَا ابْنُ صَيَّادٍ حَتَّى إِذَا دَخَلَ رَسُولُ اللَّهِ ﷺ طَفَقَ رَسُولُ اللَّهِ ﷺ يَتَّقِيُ بِمَدْلُونِ النَّخْلِ وَهُوَ يَخْتَلُ أَنْ يَسْمَعَ مِنْ ابْنِ صَيَّادٍ شَيْئًا قَبْلَ أَنْ يَرَاهُ، وَابْنُ صَيَّادٍ مُضْطَبِعٌ عَلَى فِرَاسَيْهِ فِي قَطِيفَةٍ لَهُ فِيهَا رَمَرْمَةً، أَفَ

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٥٢ - كتاب الشهادات

(1) CHAPTER. What is said regarding the rule that the plaintiff has to produce a proof.
The Statement of Allāh : تَعَالَى :

“O you who believe! When you contract a debt for a fixed period, write it down...”
(V.2:282)

And the Statement of Allāh : بِحُكْمِ جَلَّ جَلَّ :

“O you who believe! Stand out firmly for justice, as witnesses to Allāh... (to the end of the verse) Ever Well-Acquainted with what you do.” (V.4:135)

(2) CHAPTER. If a person attests the honourable record of a witness by saying, “I do not know except good about him.”

In the narration of the forged story (i.e., the accusation of ‘Āishah when the Prophet ﷺ consulted Usāma (regarding ‘Āishah), Usāma said, “Keep your wife, as we know nothing about her except good.”

2637. Narrated ‘Urwa bin Al-Musaiyab, ‘Alqama bin Waqqās and ‘Ubaidullāh bin ‘Abdullāh about the story of ‘Āishah and their narrations were similar attesting each other, when the liars said what they invented about ‘Āishah, and the Divine Revelation was delayed, Allāh’s Messenger ﷺ sent for ‘Alī and Usāma to consult them in divorcing his wife (i.e., ‘Āishah). Usāma said, “Keep your wife, as we know nothing about her except good.” Barira said, “I cannot accuse her of any defect except that she is still a young girl who sleeps, neglecting her family’s dough which the domestic goats come to eat (i.e., she was too simple-minded to deceive her husband).” Allāh’s Messenger ﷺ said, “Who can help me to take revenge over the man who has

(١) بَابٌ مَا جَاءَ فِي الْبَيِّنَةِ عَلَى
الْمُدَعِّيِ، لِقَوْلِهِ تَعَالَى: «يَا أَيُّهَا
الَّذِينَ آمَنُوا إِذَا تَدَافَنُ مِنْكُمْ إِلَى أَجْلٍ
مُسْكَنٍ فَاتَّشُبُّهُ» [البقرة: ٢٨٢].
وَقَوْلُ اللَّهِ عَزَّ وَجَلَّ: «يَا أَيُّهَا الَّذِينَ
آمَنُوا كُوْنُوا فَوَّارِينَ إِلَيْقُسْطَ شَهَادَةَ اللَّهِ»
إِلَى قَوْلِهِ «إِنَّمَا تَعْلَمُونَ حَسِيرًا»
[النساء: ١٣٥].

(٢) بَابٌ إِذَا عَدَلَ رَجُلٌ رَجُلًا فَقَالَ:
لَا نَعْلَمُ إِلَّا خَيْرًا، أَوْ: مَا عَلِمْتُ إِلَّا
خَيْرًا.

وَسَاقَ حَدِيثَ الْإِلْفِكِ فَقَالَ الْبَيِّنُ
لِأَسَامَةَ حِينَ اسْتَشَارَهُ فَقَالَ:
أَهْلُكَ وَلَا نَعْلَمُ إِلَّا خَيْرًا.

٢٦٣٧ - حَدَثَنَا حَجَّاجٌ: حَدَثَنَا
عَبْدُ اللَّهِ بْنُ عُمَرَ النَّمِيرِيُّ: حَدَثَنَا
ثُوبَانُ. وَقَالَ الْلَّيْثُ: حَدَثَنِي يُونُسُ،
عَنْ أَبْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرُوهَةُ
بْنُ الرَّبِيعِ وَابْنُ الْمُسَيْبِ وَعَلْقَمَةُ بْنُ
وَقَاصِ وَعَبْيَدُ اللَّهِ بْنُ عَبْدِ اللَّهِ عَنْ
حَدِيثِ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا،
وَبَعْضُ حَدِيثِهِمْ يُصَدِّقُ بَعْضًا حِينَ
قَالَ لَهَا أَهْلُ الْإِلْفِكِ مَا قَالُوا، فَدَعَا
رَسُولُ اللَّهِ ﷺ عَلَيْهِ السَّلَامُ عَلَيْهَا وَأَسَامَةَ حِينَ
اسْتَلْبَثَ الْوَحْيُ يَسْتَأْمِرُهُمَا فِي فِرَاقِ
أَهْلِهِ، فَأَمَّا أَسَامَةُ فَقَالَ: أَهْلُكَ وَلَا

2635. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ said, “The Prophet Ibrāhīm (Abraham عليه السلام migrated with Sārah. The people (of the town where they migrated) gave her Ājar (i.e., Hājar). Sārah returned and said to Ibrāhīm, “Do you know that Allāh has humiliated that disbeliever and he has given a slave-girl for my service?”

٢٦٣٥ - حَدَّثَنَا أَبُو الْيَمَانُ : أَخْبَرَنَا شَعِيبٌ : حَدَّثَنَا أَبُو الرَّنَادُ ، عَنِ الْأَعْرَجَ ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ : أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ قَالَ : «هَاجَرَ إِبْرَاهِيمُ بِسَارَةَ فَأَعْطَوْهَا آجَرًا فَرَجَعَتْ قَالَتْ : أَشَعَّرْتَ أَنَّ اللَّهَ كَبَّتِ الْكَافِرَ وَأَخْدَمَ وَلِيَدَةً؟». .

وَقَالَ أَبْنُ سِيرِينَ ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ : «فَأَخْدَمَهَا هَاجَرَ». .

[راجع: ٢٢١٧]

(37) CHAPTER. If somebody gives another person a horse (as a gift) then the rule is the same as that concerning the ‘Umra or Ṣadaqa (i.e., the giver has no right to claim restitution).

فَهُوَ كَالْعُمْرَى وَالصَّدَقَةِ

وَقَالَ بَعْضُ النَّاسِ : لَهُ أَنْ يَرْجِعَ فِيهَا .

٣٧ - بَابُ إِذَا حَمَلَ رَجُلٌ عَلَى فَرَسٍ

Some people said, “The giver retains the right to claim restitution.”

2636. Narrated ‘Umar bin Al-Khaṭṭāb رَضِيَ اللَّهُ عَنْهُ : Once I gave a horse (for riding) in Allāh’s Cause. Later, I saw it being sold. I asked Allāh’s Messenger ﷺ (whether I could buy it). He said, “Don’t buy it, for you should not get back what you have given in charity.”

٢٦٣٦ - حَلَّتَنَا الْحُمَيْدِيُّ :

أَخْبَرَنَا شُفَيْيَانُ قَالَ : سَوْفَتُ مَالِكًا يَسْأَلُ زَيْدَ بْنَ أَسْلَمَ فَقَالَ : سَمِعْتُ أَبِي يَقْوُلَ : قَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ : حَمَلْتُ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ فَرَأَيْتُهُ يُبَاعُ ، فَسَأَلْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ فَقَالَ : «لَا تَشْتَرِهِ وَلَا تَعْدُ فِي صِدْقَتِكِ». .

[راجع: ١٤٩٠]

bedouin came to the Prophet ﷺ and asked him about emigration. The Prophet ﷺ said to him, "May Allāh be Merciful to you. The matter of emigration is difficult. Have you got some camels?" He replied in the affirmative. The Prophet ﷺ asked him, "Do you pay their Zakāt?" He replied in the affirmative. He asked, "Do you lend (give) some of them to others (as gratis) so that their milk may be utilized by others?" The bedouin said, "Yes." The Prophet ﷺ asked, "Do you milk them on the day of watering them?" He replied, "Yes." The Prophet ﷺ said, "Do good deeds beyond the merchants (or the sea) and Allāh will never disregard any of your deeds." (See *Hadīth* No.3923, Vol.5)

2634. Narrated Tāwūs that he was told by the most learned one amongst them, i.e., Ibn ‘Abbās, رَضِيَ اللَّهُ عَنْهُمَا, that the Prophet ﷺ went towards some land which was flourishing with vegetation and asked to whom it belonged. He was told that such and such a person took it on rent. The Prophet ﷺ said, "If he had given it to him gratis rather than charging him a fixed rent."

يُوسُف: حَدَّثَنَا الأَوْزَاعِيُّ: حَدَّثَنِي الرَّهْبَرِيُّ: حَدَّثَنِي عَطَاءُ بْنُ يَزِيدَ: حَدَّثَنِي أَبُو سَعِيدٍ قَالَ: جَاءَ أَغْرَابِيَ إِلَى النَّبِيِّ ﷺ فَسَأَلَهُ عَنِ الْهِجْرَةِ فَقَالَ: «أَوْيَحَكَ إِنَّ الْهِجْرَةَ شَانُهَا شَدِيدٌ فَهَلْ لَكَ مِنْ إِبْلٍ؟» قَالَ: نَعَمْ. قَالَ: «فَتَعْطِي صَدَقَتَهَا؟» قَالَ: نَعَمْ، قَالَ: «فَهَلْ تَمْنَحُ مِنْهَا شَيْئًا؟» قَالَ: نَعَمْ، قَالَ: «فَتَخْلُبُهَا يَوْمَ وِرْدَهَا؟» قَالَ: نَعَمْ. قَالَ: «فَاعْمَلْ مِنْ وَرَاءِ الْبَحَارِ فَإِنَّ اللَّهَ لَنْ يَتَرَكَ مِنْ عَمَلِكَ شَيْئًا». .

٢٦٣٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الْوَهَابِ: حَدَّثَنَا أَيُوبُ، عَنْ عَمْرُو، عَنْ طَاؤُسٍ قَالَ: حَدَّثَنِي أَعْلَمُهُمْ بِذَلِكَ، يَعْنِي ابْنَ عَبَاسٍ رَضِيَ اللَّهُ عَنْهُمَا، أَنَّ النَّبِيِّ ﷺ خَرَجَ إِلَى أَرْضِ تَهْرُزَ زَعْعاً، فَقَالَ: «لِمَنْ هَذِهِ؟» فَقَالُوا: أَكْتَرُهَا فُلَانٌ. فَقَالَ: «أَمَا إِنَّهُ لَوْ مَنَحَهَا إِيَاهُ كَانَ خَيْرًا لَهُ مِنْ أَنْ يَأْخُذَ عَلَيْهَا أَجْرًا مَعْلُومًا». .

[راجع: ٢٢٣٠]

(٣٦) **بَابُ إِذَا** قَالَ: أَخْدَمْتَكَ هَذِهِ الْجَارِيَةَ، عَلَى مَا يَتَعَارَفُ النَّاسُ، فَهُوَ جَائِزٌ

وَقَالَ بَعْضُ النَّاسِ: هَذِهِ عَارِيَةٌ. وَإِنْ قَالَ: كَسَوْتُكَ هَذَا الثُّوبَ، فَهَذِهِ هِبَةٌ.

(36) CHAPTER. It is permissible if somebody says, "I give this slave-girl to you for your service according to the prevalent convention known amongst the people."

Some people said, "She is regarded as something lent temporarily, but if someone says, 'I give you this garment to wear,' then it is a gift.."

أبِي، عَنْ يُونُسَ بِهَذَا، وَقَالَ:
مَكَانَهُنَّ مِنْ خَالِصِهِ. [انظر: ٣١٢٨،
٤١٢٠، ٤٠٣٠]

2631. Narrated 'Abdullâh bin 'Amr رَضِيَ اللَّهُ عَنْهُمَا that Allâh's Messenger ﷺ said, "There are forty good qualities (virtuous deeds) and the best of them is the *Manîha* of a she-goat; and anyone who does one of these virtuous deeds, hoping for Allâh's Reward with firm confidence that he will get it, then Allâh will make him enter Paradise because of it."

Hassan (a subnarrator) said, "We tried to count those good deeds below the *Manîha*; we mentioned replying to the sneezer, removing harmful things from the road, etc., but we failed to count even fifteen."

٢٦٣١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْيَسَى ابْنُ يُونُسَ : حَدَّثَنَا الْأَوْزَاعِيُّ ، عَنْ حَسَانَ بْنِ عَطِيَّةَ ، عَنْ أَبِي كَبِيْرَةَ السَّلْوَلِيِّ سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَمْرِو رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ : قَالَ رَسُولُ اللَّهِ ﷺ : «أَرْبَعُونَ حَضْلَةً أَعْلَاهُنَّ مَبْيَحَةً الْعَنْزِ . مَا مِنْ عَامِلٍ يَعْمَلُ بِحَضْلَةٍ مِنْهَا رَجَاءً ثَوَابَهَا وَتَضَيِّقُ مَوْعِدِهَا إِلَّا دَخَلَهُ اللَّهُ بِهَا الْجَنَّةَ ». قَالَ حَسَانٌ : فَعَدَّنَا مَا دُونَ مَبْيَحَةِ الْعَنْزِ مِنْ رَدِّ السَّلَامِ ، وَتَشْمِيمِ الْعَاطِسِ ، وَإِمَاطَةِ الْأَذَى عَنِ الظَّرِيقِ وَنَحْوِهِ ، فَمَا اسْتَطَعْنَا أَنْ تَبْلُغَ خَمْسَ عَشْرَةَ حَضْلَةً .

2632. Narrated Jâbir رَضِيَ اللَّهُ عَنْهُ: Some men had excess land (more than they can cultivate themselves) and they said that they would give it to others to cultivate on the condition that they would get one-third or one-fourth or half of its yield. The Prophet ﷺ said "Whoever has land should cultivate it himself or give it free to his brother for cultivation, but if his brother refuses then he should or keep it uncultivated."⁽¹⁾

٢٦٣٢ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ : حَدَّثَنَا الْأَوْزَاعِيُّ : حَدَّثَنِي عَطَاءً ، عَنْ جَابِرِ رَضِيَ اللَّهُ عَنْهُ قَالَ : كَانَتْ لِرِجَالٍ مِنَّا فُضُولُ أَرْضِينَ فَقَالُوا : نُواجِرُهَا بِالثُّلُثِ وَالرُّبُعِ وَالنَّصْفِ ، فَقَالَ التَّبَّيِّنَ ﷺ : «مَنْ كَانَ لَهُ أَرْضٌ فَلْيَزَرَهَا أَوْ لِيَمْنَحَهَا أَخَاهُ فَإِنْ أَبَى فَلْيُسِّكْ أَرْضَهُ ». [انظر: ٢٣٤٠]

2633. Narrated Abû Sa'îd A: رَضِيَ اللَّهُ عَنْهُ It is said that to rent the land for its yield was not allowed by the Prophet ﷺ but to rent it for money was allowed. [See *Hadîth* No. 2346]

(1) (H. 2632) It is said that to rent the land for its yield was not allowed by the Prophet ﷺ but to rent it for money was allowed. [See *Hadîth* No. 2346]

given birth and which gives profuse milk) is, and (what a good *Manīha*) (the sheep which gives profuse milk, a bowl in the morning and another in the evening) is!"

Narrated Mālik : *Manīha* is a good deed of charity.

الأُرْجَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «نَعَمْ مِنْيَحَةُ الْقَسْحَةِ الصَّفْفَيِّ مِنْكَهَةُ، وَالشَّاهَةِ الصَّفْفَيِّ تَغْدُو بِلَانِي وَتَرُوْخُ بِلَانِي». .

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ وَاسْمَاعِيلُ عَنْ مَالِكٍ قَالَ: «نَعَمْ الصَّدَقَةُ». [انظر: ٥٦٠٨]

٢٦٣٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا أَبْنُ وَهْبٍ: حَدَّثَنَا يُونُسُ، عَنْ أَبْنِ شَهَابٍ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: لَمَّا قَدِمَ الْمُهَاجِرُونَ الْمَدِينَةَ مِنْ مَكَّةَ وَلَيْسَ بِأَيْدِيهِمْ وَكَانَتِ الْأَنْصَارُ أَهْلَ الْأَرْضِ وَالْعَقَارِ فَقَاتَسُوهُمُ الْأَنْصَارُ عَلَى أَنْ يُعْطُوْهُمْ ثِمَارَ أَمْوَالِهِمْ كُلَّ عَامٍ وَيَكْفُوْهُمُ الْعَمَلُ وَالْمُؤْنَةُ. وَكَانَتْ أُمَّهُ أَمْ أَنَسُ أُمُّ سُلَيْمَ كَانَتْ أُمُّ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ. فَكَانَتْ أَعْطَتْ أُمُّ أَنَسٍ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ عَذَاقًا فَأَعْطَاهُنَّ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أُمَّ أَيْمَنَ مَوَلَّتَهُ أُمُّ أَسَمَّةَ بْنِ زَيْدٍ. قَالَ أَبْنُ شَهَابٍ فَأَخْبَرَنِي أَنَسُ بْنُ مَالِكٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا فَرَغَ مِنْ قَتْلِ أَهْلِ خَيْرٍ فَانْصَرَفَ إِلَى الْمَدِينَةِ رَدَّ الْمُهَاجِرُونَ إِلَى الْأَنْصَارِ مَنَّاهُمْ الَّتِي كَانُوا مَنْتَهُوْهُمْ مِنْ ثِمَارِهِمْ، فَرَدَّ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أُمَّ أَيْمَنَ مَكَانَهُنَّ مِنْ حَائِطِهِ. وَقَالَ أَخْمَدُ بْنُ شَبَّابٍ أَخْبَرَنَا

2630. Narrated Ibn Shihāb Az-Zuhri: Anas bin Mālik said, "When the emigrants came to Al-Madina from Makkah they had nothing, whereas the *Anṣār* had land and property. The *Anṣār* gave them their land on condition that the emigrants would give them half the yearly yield and work on the land and provide the necessaries for cultivation." His (i.e., Anas') mother, who was also the mother of 'Abdullāh bin Abū Talhā, gave some date-palms to Allāh's Messenger ﷺ who gave them to his freed slave-girl (Umm Aimān) who was also the mother of Usāma bin Zaid. When the Prophet ﷺ finished from the fighting against the people of Khaibar and returned to Al-Madina, the emigrants returned to the *Anṣār* the fruit gifts which the *Anṣār* had given them. The Prophet ﷺ also returned to Anas' mother the date-palms. Allāh's Messenger ﷺ gave Umm Aimān other trees from his garden in lieu of the old gift.