

is irrevocable...

2288. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: 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' رَضِيَ اللهُ عَنْهُ: 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 *Ṣalāt* (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 *Ṣalāt* (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 *Ṣalāt* (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 *Ṣalāt* (prayer) and] said, "Then offer *Ṣalāt* (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 *Ṣalāt* (prayer).

رَجُلٍ جَارَ وَإِذَا أَحَالَ عَلَى مَلِيٍّ فَلَيْسَ لَهُ رَدٌّ

٢٢٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ يُونُسَ: حَدَّثَنَا سُفْيَانُ، عَنِ ابْنِ دَكْوَانَ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَطْلُ الْغَنِيِّ ظُلْمٌ. وَمَنْ أُتْبِعَ عَلَى مَلِيٍّ فَلْيَتَّبِعْ». [راجع: ٢٢٨٧]

(٣) بَابُ إِذَا أَحَالَ دَيْنَ الْمَيِّتِ عَلَى رَجُلٍ جَارَ

٢٢٨٩ - حَدَّثَنَا الْمَكِّيُّ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا يَزِيدُ بْنُ أَبِي عُبَيْدٍ، عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ رَضِيَ اللهُ عَنْهُ قَالَ: كُنَّا جُلُوسًا عِنْدَ النَّبِيِّ ﷺ إِذْ أَتَيْتْ بِجَنَازَةٍ فَقَالُوا: صَلِّ عَلَيْهَا، فَقَالَ: «هَلْ عَلَيْهِ دَيْنٌ؟» قَالُوا: لَا، قَالَ: «فَهَلْ تَرَكَ شَيْئًا؟» قَالُوا: لَا، فَصَلَّى عَلَيْهِ. ثُمَّ أَتَيْتْ بِجَنَازَةٍ أُخْرَى فَقَالُوا: يَا رَسُولَ اللهِ، صَلِّ عَلَيْهَا. قَالَ: «هَلْ عَلَيْهِ دَيْنٌ؟» قِيلَ: نَعَمْ، قَالَ: «فَهَلْ تَرَكَ شَيْئًا؟» قَالُوا: ثَلَاثَةٌ دَنَانِيرَ، فَصَلَّى عَلَيْهَا. ثُمَّ أَتَيْتْ بِالثَّالِثَةِ فَقَالُوا: صَلِّ عَلَيْهَا. قَالَ: «هَلْ تَرَكَ شَيْئًا؟» قَالُوا: لَا، قَالَ: «فَهَلْ عَلَيْهِ دَيْنٌ؟» قَالُوا: ثَلَاثَةٌ دَنَانِيرَ، قَالَ: «صَلُّوا عَلَى صَاحِبِكُمْ». فَقَالَ أَبُو قَتَادَةَ: صَلِّ عَلَيْهِ يَا رَسُولَ اللهِ وَعَلَيَّ دَيْنُهُ. فَصَلَّى عَلَيْهِ. [انظر: ٢٢٩٥]

39 - THE BOOK OF AL-KAFĀLA

كتاب الكفالة - ٣٩

(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-Aslamī that his father Ḥamza said: 'Umar Ḥamza sent him (i.e., Ḥamza) as a *Ṣadaqa/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⁾

(١) بَابُ الْكَفَالَةِ فِي الْقَرْضِ،
وَالذُّيُونِ بِالْأَبْدَانِ وَغَيْرِهَا

٢٢٩٠ - وَقَالَ أَبُو الرُّنَادِ، عَنْ
مُحَمَّدِ بْنِ حَمَزَةَ بْنِ عَمْرِو الْأَسْلَمِيِّ،
عَنْ أَبِيهِ: أَنَّ عُمَرَ رَضِيَ اللَّهُ عَنْهُ بَعَثَهُ
مُصَدِّقًا، فَوَقَعَ رَجُلٌ عَلَى جَارِيَةِ امْرَأَتِهِ
فَأَخَذَ حَمَزَةُ مِنَ الرَّجُلِ كُفْلًا حَتَّى قَدِمَ
عَلَى عُمَرَ وَكَانَ عُمَرُ قَدْ جَلَدَهُ مِائَةَ
جَلْدَةٍ فَصَدَّقَهُمْ وَعَذَرَهُمْ بِالْجَهَالَةِ.
وَقَالَ جَرِيرٌ وَالْأَشْعَثُ لِعَبْدِ اللَّهِ بْنِ
مَسْعُودٍ فِي الْمُزْتَدِينَ: اسْتَبَّهْمُ وَكَفَلَهُمْ
فَتَابُوا وَكَفَلَهُمْ. عَشَائِرُهُمْ. وَقَالَ
حَمَّادٌ: إِذَا تَكَفَّلَ بِنَفْسٍ فَمَاتَ فَلَا شَيْءَ
عَلَيْهِ. وَقَالَ الْحَكَمُ: يَضْمَنُ.

(1) (H. 2290) This is an abridged version of a long story which goes: 'Umar sent Hamza 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=

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-Ḥakam, his responsibility continues.

2291. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "An Isrā'ēli man asked another Isrā'ēli 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

٢٢٩١ - قَالَ أَبُو عَبْدِ اللَّهِ، وَقَالَ اللَّيْثُ: حَدَّثَنِي جَعْفَرُ بْنُ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ هُرْمَزٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ رَسُولِ اللَّهِ ﷺ: «أَنَّهُ ذَكَرَ رَجُلًا مِنْ بَنِي إِسْرَائِيلَ سَأَلَ بَعْضَ بَنِي إِسْرَائِيلَ أَنْ يُسَلِّفَهُ أَلْفَ دِينَارٍ فَقَالَ: اثْنَيْبِي بِالشُّهَدَاءِ أَشْهَدُهُمْ. فَقَالَ: كَفَى بِاللَّهِ شَهِيدًا قَالَ: فَأَتَيْتِي بِالْكَفِيلِ قَالَ: كَفَى بِاللَّهِ كَفِيلًا. قَالَ: صَدَقْتَ، فَدَفَعَهَا إِلَيْهِ إِلَى أَجَلٍ مُسَمًّى، فَفَرَجَ فِي الْبَحْرِ فَقَضَى حَاجَتَهُ ثُمَّ التَّمَسَ مَرْكَبًا يَرْكُبُهَا يَتَقَدَّمُ عَلَيْهِ لِلْأَجَلِ الَّذِي أَجَلَهُ فَلَمْ يَجِدْ مَرْكَبًا، فَأَخَذَ خَشَبَةً فَتَقَرَّهَا فَأَدْخَلَ فِيهَا أَلْفَ دِينَارٍ وَصَحِيفَةً مِنْهُ إِلَى صَاحِبِهِ ثُمَّ رَجَعَ مَوْضِعَهَا ثُمَّ أَتَى بِهَا إِلَى الْبَحْرِ فَقَالَ: اللَّهُمَّ إِنَّكَ تَعْلَمُ أَنِّي كُنْتُ تَسَلَّفْتُ فُلَانًا أَلْفَ دِينَارٍ فَسَأَلَنِي كَفِيلًا فَقُلْتُ: كَفَى بِاللَّهِ كَفِيلًا

=said, "I offered the morning prayer with 'Abdullāh bin Mas'ūd. When the *Ṣalāt* (prayer) ended, a man got up and informed him that he had gone to the mosque of Banī Ḥanīfa and heard the *Mu'adhḥin* 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-Ash'ath 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." (Ibid. 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'."

فَرَضِي بِكَ، وَسَأَلَنِي شَهِيدًا فَقُلْتُ: كَفَى بِاللَّهِ شَهِيدًا فَرَضِي بِذَلِكَ. وَإِنِّي جَهِدْتُ أَنْ أَجِدَ مَرَكَبًا أَبْعَثُ إِلَيْهِ الَّذِي لَهُ فَلَمْ أَقْدِرْ. وَإِنِّي أَسْتَوْدِعُكُمَا، فَرَمَى بِهَا فِي الْبَحْرِ حَتَّى وَلَجَتْ فِيهِ. ثُمَّ انْصَرَفَ، وَهُوَ فِي ذَلِكَ يَلْتَمِسُ مَرَكَبًا يَخْرُجُ إِلَى بَلَدِهِ فَخَرَجَ الرَّجُلُ الَّذِي كَانَ أَسْلَفَهُ يَنْظُرُ لَعَلَّ مَرَكَبًا قَدْ جَاءَ بِمَالِهِ فَإِذَا بِالْحَشْبَةِ الَّتِي فِيهَا الْمَالُ، فَأَخَذَهَا لِأَهْلِهِ حَظَبًا. فَلَمَّا نَشَرَهَا وَجَدَ الْمَالَ وَالصَّحِيفَةَ، ثُمَّ قَدِمَ الَّذِي كَانَ أَسْلَفَهُ فَأَتَى بِالْأَلْفِ دِينَارٍ. فَقَالَ: وَاللَّهِ مَا زِلْتُ جَاهِدًا فِي طَلَبِ مَرَكَبٍ لِإِتْيَاكِ بِمَالِكَ فَمَا وَجَدْتُ مَرَكَبًا قَبْلَ الَّذِي أَتَيْتُ فِيهِ قَالَ: هَلْ كُنْتُ بَعَثْتُ إِلَيْكَ بِشَيْءٍ؟ قَالَ: أُخْبِرُكَ أَنِّي لَمْ أَجِدْ مَرَكَبًا قَبْلَ الَّذِي جِئْتُ فِيهِ. قَالَ: فَإِنَّ اللَّهَ قَدْ آدَى عَنْكَ الَّذِي بَعَثْتَ الْحَشْبَةَ وَانْصَرَفَ بِالْأَلْفِ الدِّينَارِ رَاشِدًا.

[راجع: ١٤٩٨]

(2) CHAPTER. The Statement of Allāh جَلَّ جَلَّاهُ: "...To those also with whom you have made a pledge (brotherhood), give them their due portion by *Wasiya* (wills)..." (V. 4:33)

(٢) بَابُ قَوْلِ اللَّهِ عَزَّ وَجَلَّ: ﴿وَالَّذِينَ عَقَدْتَ أَيْمَانَكُمْ فَأَتَوْهُم بِمَا وَعَدْتَهُمْ﴾ [النساء: ٣٣].

2292. Narrated Sa'īd bin Jubair: Ibn 'Abbās رضي الله عنهما 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

٢٢٩٢ - حَدَّثَنَا الصَّلْتُ بْنُ مُحَمَّدٍ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ إِدْرِيسَ، عَنْ طَلْحَةَ بْنِ مُصَرِّفٍ، عَنْ

made a pledge,' Ibn 'Abbās said, "When the emigrants came to the Prophet ﷺ in Al-Madina, the emigrant would inherit the *Anṣārī*, 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 *Anṣār*). 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.

سَعِيدُ بْنُ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: ﴿وَلِكُلِّ جَعَلْنَا مَوْلَىٰ﴾ قَالَ: وَرَثَةً ﴿وَالَّذِينَ عَقَدْتَ أَيْمَنُكُمْ﴾ قَالَ: كَانَ الْمُهَاجِرُونَ لَمَّا قَدِمُوا عَلَى النَّبِيِّ ﷺ الْمَدِينَةَ وَرَثَ الْمُهَاجِرُ الْأَنْصَارِيَّ دُونَ ذَوِي رَجْمِهِ لِلْأُخُوَّةِ الَّتِي أَخَى النَّبِيُّ ﷺ بَيْنَهُمْ. فَلَمَّا نَزَلَتْ ﴿وَلِكُلِّ جَعَلْنَا مَوْلَىٰ﴾ نَسَخَتْ. ثُمَّ قَالَ: ﴿وَالَّذِينَ عَقَدْتَ أَيْمَنُكُمْ﴾ إِلَّا النَّصْرَ وَالرَّفَادَةَ وَالنَّصِيحَةَ. وَقَدْ ذَهَبَ الْمِيرَاثُ وَيُوصَى لَهُ. [انظر: ٤٥٨٠، ٦٧٤٧]

2293. Narrated Anas رَضِيَ اللَّهُ عَنْهُ 'Abdur-Raḥmān bin 'Aūf came to us and Allāh's Messenger ﷺ established a bond of brotherhood between him and Sa'd bin Rabī'.

٢٢٩٣ - حَدَّثَنَا قُتَيْبَةُ: 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. [راجع: ٢٠٤٩]

2294. Narrated 'Āṣim: 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 *Anṣār* in my house."

٢٢٩٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: حَدَّثَنِي إِسْمَاعِيلُ بْنُ زَكَرِيَّا: حَدَّثَنَا عَاصِمٌ، قَالَ: قُلْتُ لِأَنَسِ بْنِ مَالِكٍ: أَبْلَغَكَ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا حِلْفَ فِي الْإِسْلَامِ؟» فَقَالَ: قَدْ خَالَفَ رَسُولُ اللَّهِ ﷺ بَيْنَ قُرَيْشٍ وَالْأَنْصَارِ فِي دَارِي. [انظر: ٦٠٨٣،

(3) CHAPTER. He who undertakes to repay the debts of a dead person has not the right to change his mind.

Al-Ḥasan 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.

2296. Narrated Jābir bin 'Abdullāh رضي الله عنه: Once the Prophet ﷺ said (to me), "If the money of Baḥrain comes, I will give you so much and so much (a certain amount from it)." The Prophet ﷺ had breathed his last before the money of Baḥrain arrived. When the money of Baḥrain reached, Abū Bakr announced, "Whoever was promised by the Prophet ﷺ should come to us." I went to Abū Bakr and said, "The Prophet ﷺ promised me so-and-so." Abū Bakr gave me a handful of coins and asked me to count it. When I counted them, they were five hundred in number. Abū Bakr then said, "Take twice the amount you have taken (besides)."

(٣) بَابُ مَنْ تَكَفَّلَ عَنْ مَيِّتٍ دِينًا فَلَيْسَ لَهُ أَنْ يَرْجِعَ
وَبِهِ قَالَ الْحَسَنُ.

٢٢٩٥ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ
يَزِيدَ بْنِ أَبِي عُبَيْدٍ، عَنْ سَلَمَةَ بْنِ
الْأَكْوَعِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ
أَتِيَتْ بِجِنَازَةٍ لِيُصَلِّيَ عَلَيْهَا فَقَالَ: «هَلْ
عَلَيْهِ مِنْ دَيْنٍ؟» فَقَالُوا: لَا، فَصَلَّى
عَلَيْهِ. ثُمَّ أَتِيَتْ بِجِنَازَةٍ أُخْرَى فَقَالَ:
«هَلْ عَلَيْهِ مِنْ دَيْنٍ؟» قَالُوا: نَعَمْ،
قَالَ: «فَصَلُّوا عَلَيَّ صَاحِبِكُمْ». قَالَ
أَبُو قَتَادَةَ: عَلَيَّ دَيْنُهُ يَا رَسُولَ اللَّهِ،
فَصَلَّى عَلَيَّ. [راجع: ٢٢٨٩]

٢٢٩٦ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ
اللَّهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا عَمْرُو:
سَمِعَ مُحَمَّدَ بْنَ عَلِيٍّ، عَنْ جَابِرِ بْنِ
عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمْ قَالَ: قَالَ
النَّبِيُّ ﷺ: «لَوْ قَدْ جَاءَ مَالُ الْبَحْرَيْنِ
قَدْ أَعْطَيْتُكَ هَكَذَا وَهَكَذَا فَلَمْ يَجِئْ
مَالُ الْبَحْرَيْنِ حَتَّى قُبِضَ النَّبِيُّ ﷺ.
فَلَمَّا جَاءَ مَالُ الْبَحْرَيْنِ أَمَرَ أَبُو بَكْرٍ
فَنَادَى: مَنْ كَانَ لَهُ عِنْدَ النَّبِيِّ ﷺ
عِدَةٌ أَوْ دَيْنٌ فَلْيَأْتِنَا. فَأَتَيْتُهُ فَقُلْتُ: إِنَّ
النَّبِيَّ ﷺ قَالَ لِي كَذَا وَكَذَا، فَحَتَا
لِي حَثِيَّةٌ فَعَدَدْتُهَا فَإِذَا هِيَ خَمْسِمِائَةٌ
وَقَالَ: خُذْ مِنْهَا. [انظر: ٢٥٩٨،

٢٦٨٣، ٣١٣٧، ٣١٦٤، ٤٣٨٣]

(4) CHAPTER. The pledge of protection given to Abū Bakr (by someone) during the

(٤) بَابُ جَوَارِ أَبِي بَكْرٍ فِي عَهْدِ

رَسُولِ اللَّهِ ﷺ وَعَقْدِهِ

lifetime of Allāh's Messenger ﷺ.

2297. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا, 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-Daghina, 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-Daghina 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-Daghina 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-Daghina's guarantee of protection and told Abū Bakr that he was secure, and said to Ibn Ad-Daghina, "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-Daghina told Abū Bakr of all that. So, Abū Bakr continued worshipping his Lord in

٢٢٩٧ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ عَنْ عَقِيلٍ: قَالَ ابْنُ شِهَابٍ: فَأَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوْجَ النَّبِيِّ ﷺ قَالَتْ: لَمْ أَغْقِلْ أَبِيَّ إِلَّا وَهُمَا يَدِينَانِ الدِّينَ. وَقَالَ أَبُو صَالِحٍ: حَدَّثَنِي عَبْدُ اللَّهِ، عَنْ يُونُسَ، عَنِ الرَّهْرِيِّ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: لَمْ أَغْقِلْ أَبِيَّ قَطُّ إِلَّا وَهُمَا يَدِينَانِ الدِّينَ، وَلَمْ يَمَرَّ عَلَيْنَا يَوْمٌ إِلَّا يَأْتِينَا فِيهِ رَسُولُ اللَّهِ ﷺ طَرَفِي النَّهَارِ بُكْرَةً وَعَشِيَّةً. فَلَمَّا ابْتَلَى الْمُسْلِمُونَ خَرَجَ أَبُو بَكْرٍ مُهَاجِرًا قِبَلَ الْحَبَشَةِ حَتَّى إِذَا بَلَغَ بَرَكَ الْعِمَادِ لَقِيَهُ ابْنُ الدَّغِنَةَ وَهُوَ سَيِّدُ الْقَارَةِ فَقَالَ: أَيْنَ تُرِيدُ يَا أَبَا بَكْرٍ؟ فَقَالَ أَبُو بَكْرٍ: أَخْرَجَنِي قَوْمِي فَأَنَا أُرِيدُ أَنْ أَسِيحَ فِي الْأَرْضِ وَأَعْبُدَ رَبِّي، قَالَ ابْنُ الدَّغِنَةَ: إِنَّ مِثْلَكَ لَا يُخْرَجُ وَلَا يُخْرَجُ، فَإِنَّكَ تَكْسِبُ الْمَعْدُومَ وَتَصَلُّ الرِّجْمَ، وَتَحْمِلُ الْكَلَّ، وَتَقْرِي الضَّيْفَ، وَتُعِينُ عَلَى نَوَائِبِ الْحَقِّ. وَأَنَا لَكَ جَارٌ فَارْجِعْ فَاعْبُدْ رَبَّكَ بِيَلَادِكَ. فَارْتَحَلَ ابْنُ الدَّغِنَةَ فَرَجَعَ مَعَ أَبِي بَكْرٍ فَظَافَ فِي أَشْرَافِ كُفَّارِ قُرَيْشٍ فَقَالَ لَهُمْ: إِنَّ أَبَا بَكْرٍ لَا

his house and did not offer *Ṣalāt* (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 *Ṣalāt* (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-Daghina 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 *Ṣalāt* 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-Daghina 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-Daghina 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

يَخْرُجُ مِثْلَهُ وَلَا يُخْرَجُ. أَتَخْرَجُونَ رَجُلًا يَكْسِبُ الْمَعْدُومَ، وَيَصِلُ الرَّحِمَ وَيَحْمِلُ الْكَلَّ، وَيَقْرِي الضَّيْفَ، وَيُعِينُ عَلَى نَوَائِبِ الْحَقِّ؟ فَأَنْفَذَتْ قُرَيْشٌ جَوَارَ ابْنِ الدَّغِنَةِ وَأَمَنُوا أَبَا بَكْرٍ وَقَالُوا لابنِ الدَّغِنَةِ: مَرُّ أَبَا بَكْرٍ فَلْيَعْبُدْ رَبَّهُ فِي دَارِهِ، فَلْيَصِلْ، وَلْيَقْرَأْ مَا شَاءَ، وَلَا يُؤْذِنَا بِذَلِكَ، وَلَا يَسْتَعْلِنَ بِهِ فَإِنَّا قَدْ حَشِينَا أَنْ يَفْتِنَ أَتْبَاعَنَا وَنِسَاءَنَا. قَالَ ذَلِكَ ابْنُ الدَّغِنَةِ لِأَبِي بَكْرٍ، فَطَفِقَ أَبُو بَكْرٍ يَعْبُدُ رَبَّهُ فِي دَارِهِ، وَلَا يَسْتَعْلِنُ بِالصَّلَاةِ، وَلَا الْقِرَاءَةِ فِي غَيْرِ دَارِهِ. ثُمَّ بَدَأَ لِأَبِي بَكْرٍ فَابْتَنَى مَسْجِدًا بِفِنَاءِ دَارِهِ وَبَرَزَ فَكَانَ يُصَلِّي فِيهِ وَيَقْرَأُ الْقُرْآنَ، فَتَتَقَصَّفُ عَلَيْهِ نِسَاءَ الْمُشْرِكِينَ وَأَبْنَاؤُهُمْ يَعْبَجُونَ وَيَنْظُرُونَ إِلَيْهِ. وَكَانَ أَبُو بَكْرٍ رَجُلًا بَكَّاءً لَا يَمْلِكُ دَمْعَهُ حِينَ يَقْرَأُ الْقُرْآنَ، فَأَفْرَعَ ذَلِكَ أَشْرَافُ قُرَيْشٍ مِنَ الْمُشْرِكِينَ، فَأَرْسَلُوا إِلَى ابْنِ الدَّغِنَةِ فَقَدِمَ عَلَيْهِمْ فَقَالُوا لَهُ: إِنَّا كُنَّا أَجْرْنَا أَبَا بَكْرٍ عَلَى أَنْ يَعْبُدَ رَبَّهُ فِي دَارِهِ، وَإِنَّهُ جَاوَزَ ذَلِكَ فَابْتَنَى مَسْجِدًا بِفِنَاءِ دَارِهِ وَأَعْلَنَ الصَّلَاةَ وَالْقِرَاءَةَ، وَقَدْ حَشِينَا أَنْ يَفْتِنَ أَتْبَاعَنَا وَنِسَاءَنَا فَأَتَيْهِ، فَإِنْ أَحَبَّ أَنْ يَقْتَصِرَ عَلَى أَنْ يَعْبُدَ 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 يُعْلِنَ ذَلِكَ
فَسَلُّهُ أَنْ يَرُدَّ إِلَيْكَ ذِمَّتَكَ فَإِنَّا كَرِهْنَا
أَنْ نُخْفِرَكَ وَلَسْنَا مُقِرِّينَ لِأَبِي بَكْرٍ
الاسْتِعْلَانَ. قَالَتْ عَائِشَةُ: فَأَتَى ابْنُ
الدَّعْنَةِ أَبَا بَكْرٍ فَقَالَ: قَدْ عَلِمْتَ الَّذِي
عَقَدْتُ لَكَ عَلَيْهِ، فَإِنَّمَا أَنْ تَقْتَصِرَ عَلَى
ذَلِكَ، وَإِنَّمَا أَنْ تَرُدَّ إِلَيَّ ذِمَّتِي فَإِنِّي لَا
أُحِبُّ أَنْ تَسْمَعَ الْعَرَبُ أَنَّي أَخْفَرْتُ
فِي رَجُلٍ عَقَدْتُ لَهُ، قَالَ أَبُو بَكْرٍ:
فَأِنِّي أَرُدُّ إِلَيْكَ جِوَارِكَ وَأَرْضِي بِجِوَارِ
اللَّهِ، وَرَسُولِ اللَّهِ ﷺ يَوْمَئِذٍ بِمَكَّةَ
فَقَالَ رَسُولُ اللَّهِ ﷺ: «قَدْ أُرَيْتُ دَارَ
هِجْرَتِكُمْ، رَأَيْتُ سَبْخَةَ ذَاتِ نَخْلِ بَيْنَ
لَابَتَيْنِ» وَهُمَا الْحَرَّتَانِ. فَهَاجَرَ مَنْ
هَاجَرَ قَبْلَ الْمَدِينَةِ حِينَ ذَكَرَ ذَلِكَ
رَسُولُ اللَّهِ ﷺ، وَرَجَعَ إِلَى الْمَدِينَةِ
بَعْضُ مَنْ كَانَ هَاجَرَ إِلَى أَرْضِ
الْحَبَشَةِ. وَتَجَهَّزَ أَبُو بَكْرٍ مُهَاجِرًا
فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «عَلَى
رِسْلِكَ، فَإِنِّي أَرْجُو أَنْ يُؤَدَّنَ لِي»،
قَالَ أَبُو بَكْرٍ: هَلْ تَرْجُو ذَلِكَ بِأَبِي
أَنْتَ؟ قَالَ: «نَعَمْ»، فَحَبَسَ أَبُو بَكْرٍ
نَفْسَهُ عَلَى رَسُولِ اللَّهِ ﷺ لِصُحْبَةِ
وَعَلَفَ رِاحِلَتَيْنِ كَانَتَا عِنْدَهُ وَرَقَّ
السَّمَرُ أَرْبَعَةَ أَشْهُرٍ. [راجع: ٤٧٦]

(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 - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ:
حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ

(٥) بَابُ الدَّيْنِ،

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 rightful 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."

شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يُؤْتِي بِالرَّجُلِ الْمُتَوَفَّى عَلَيْهِ الدَّيْنُ فَيَسْأَلُ: «هَلْ تَرَكَ لِدَيْنِهِ فَضْلًا؟» فَإِنْ حَدَّثَ أَنَّهُ تَرَكَ لِدَيْنِهِ وَفَاءً صَلَّى وَإِلَّا قَالَ لِلْمُسْلِمِينَ: «صَلُّوا عَلَيَّ صَاحِبِكُمْ». فَلَمَّا فَتَحَ اللَّهُ عَلَيْهِ الْفَتْوحَ قَالَ: «أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ، فَمَنْ تُوَفِّيَ مِنَ الْمُؤْمِنِينَ فَتَرَكَ دَيْنًا فَعَلَيْ قَضَاؤُهُ، وَمَنْ تَرَكَ مَالًا فَلِوَرَثَتِهِ». [انظر:

٢٣٩٨، ٢٣٩٩، ٤٧٨١، ٥٣٧١، ٦٧٣١،

[٦٧٦٣، ٦٧٤٥