

## 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 'Alī and then ordered 'Alī to distribute them.

2299. Narrated 'Alī رضي الله عنه: Allāh's Messenger ﷺ ordered me to distribute the saddles and skins of the *Budn* which I had slaughtered.

2300. Narrated 'Uqba bin 'Āmir رضي الله عنه: 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-Raḥmān bin 'Aūf رضي الله عنه: I got an agreement written between me and Umaiyya bin K̄halaf that Umaiyya would look after my property (or family) in Makkah and I would look after his in Al-Madīna. When I mentioned the word 'Ar-Raḥmān' in the documents Umaiyya said, "I do not know 'Ar-Raḥmān.' Write down to me your name, (with which you

## ٤٠ - كتاب الوكالة

(١) بَابُ وَكَاةِ الشَّرِيكِ الشَّرِيكِ فِي الْقِسْمَةِ وَغَيْرِهَا

وَقَدْ أَشْرَكَ النَّبِيُّ ﷺ عَلِيًّا فِي هَدْيِهِ، ثُمَّ أَمَرَهُ بِقِسْمَتِهَا.

٢٢٩٩ - حَدَّثَنَا قَيْصَةُ: حَدَّثَنَا سُفْيَانُ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى عَنْ عَلِيٍّ رَضِيَ اللَّهُ عَنْهُ قَالَ: «أَمَرَنِي رَسُولُ اللَّهِ ﷺ أَنْ أَتَصَدَّقَ بِجِلَالِ الْبُذْنِ الَّتِي نُحَرِّثُ وَبِجُلُودِهَا». [راجع: ١٧٠٧]

٢٣٠٠ - حَدَّثَنَا عَمْرُو بْنُ خَالِدٍ: حَدَّثَنَا اللَّيْثُ، عَنْ يَزِيدَ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ أَعْطَاهُ عَنَمًا يَفْسِمُهَا عَلَى صَحَابَتِهِ فَبَقِيَ عَتُودٌ فَذَكَرَهُ لِلنَّبِيِّ ﷺ فَقَالَ: «صَحِّحْ بِهِ أَنْتَ». [انظر: ٢٥٠٠، ٥٥٤٧، ٥٥٥٥]

(٢) بَابُ إِذَا وَكَّلَ الْمُسْلِمُ حَرْبِيًّا فِي دَارِ الْحَرْبِ أَوْ فِي دَارِ الْإِسْلَامِ جَارًا

٢٣٠١ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي يُونُسُ بْنُ الْمَاجِشُونَ، عَنْ صَالِحِ ابْنِ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَاتَبْتُ أُمِّيَةَ بْنَ

called yourself) in the Pre-Islāmic 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<sup>(1)</sup> 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-Raḥmān 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 Raḥmān used to show us the trace of the wound on the back of his foot.”)

### (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 اللهُ عَنْهُمَا:

خَلَفَ كِتَابًا بِأَنْ يَحْفَظَنِي فِي صَاعِيَّتِي بِمَكَّةَ، وَأَحْفَظُهُ فِي صَاعِيَّتِهِ بِالْمَدِينَةِ. فَلَمَّا ذَكَرْتُ الرَّحْمَنَ قَالَ: لَا أَعْرِفُ الرَّحْمَنَ، كَاتِبِي بِي بِاسْمِكَ الَّذِي كَانَ فِي الْجَاهِلِيَّةِ. فَكَاتَبْتُهُ: عَبْدُ عَمْرٍو. فَلَمَّا كَانَ فِي يَوْمٍ بَدِرٍ خَرَجْتُ إِلَى جَبَلٍ لِأَحْرَزُهُ حِينَ نَامَ النَّاسُ، فَأَبْصَرُهُ بِلَالٌ فَخَرَجَ حَتَّى وَقَفَ عَلَيَّ مَجْلِسٍ مِنَ الْأَنْصَارِ، فَقَالَ: أُمِّيَّةُ ابْنِ خَلَفٍ لَا نَجُوتُ إِنْ نَجَا أُمِّيَّةُ، فَخَرَجَ مَعَهُ فَرِيقٌ مِنَ الْأَنْصَارِ فِي آثَارِنَا، فَلَمَّا حَشَيْتُ أَنْ يَلْحَقُونَا خَلَفْتُ لَهُمْ ابْنَهُ لِأَسْغَلَهُمْ فَقَتَلُوهُ ثُمَّ أَبَوْا حَتَّى يَتَّبِعُونَا، وَكَانَ رَجُلًا ثَقِيلًا، فَلَمَّا أَدْرَكُونَا قُلْتُ لَهُ: ابْرُكْ، فَبَرَكَ فَأَلْقَيْتُ عَلَيْهِ نَفْسِي لِأَمْنَعَهُ فَتَجَلَّلُوهُ بِالسُّيُوفِ مِنْ تَحْتِي فَقَتَلُوهُ، وَأَصَابَ أَحَدُهُمْ رَجُلِي بِسَيْفِهِ. وَكَانَ عَبْدُ الرَّحْمَنِ ابْنُ عَوْفٍ يُرِينَا ذَلِكَ الْأَثَرَ فِي ظَهْرِ قَدَمِهِ قَالَ أَبُو عَبْدِ اللَّهِ سَمِعَ يَوْسُفَ صَالِحًا وَإِبْرَاهِيمَ أَبَاهُ، [انظر: ٣٩٧١]

### (٣) بَابُ الْوَكَالَةِ فِي الصَّرْفِ

وَالْمِيرَانِ

وَقَدْ وَكَّلَ عُمَرُ وَابْنُ عُمَرَ فِي

الصَّرْفِ.

٢٣٠٢، ٢٣٠٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَوْسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ عَبْدِ

(1) (H. 2301) Umaiyya used to torture Bilāl severely when he was in Makkah because he had embraced Islām.

Allāh's Messenger ﷺ employed someone as a governor at Khaibar. When the man came to Al-Madīna, he brought with him dates called *Janīb*. The Prophet ﷺ asked him, "Are all the dates of Khaibar of this kind?" The man replied, "(No), we exchange two *Ṣā'* of bad dates for one *Ṣā'* of this kind of dates (i.e., *Janīb*), or exchange three *Ṣā'* 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 *Janīb* with the money." The Prophet ﷺ said the same thing about dates sold by weight.

[See *Ḥadīth* 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. 'Ubaiddullāh (a subnarrator) said, "I admire that girl, for though she was a slave-girl, she dared to slaughter the sheep."

المَجِيدِ ابْنِ سُهَيْلِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ وَأَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ اسْتَعْمَلَ رَجُلًا عَلَى خَيْرِ فِجَاءِهِمْ بِتَمْرٍ حَبِيبٍ فَقَالَ: «أَكُلْ تَمْرَ خَيْرٍ هَكَذَا؟» فَقَالَ: إِنَّا لَنَأْخُذُ الصَّاعَ بِالصَّاعَيْنِ، وَالصَّاعَيْنِ بِالثَّلَاثَةِ. فَقَالَ: «لَا تَفْعَلْ، بَعِ الْجَمْعَ بِالذَّرَاهِمِ ثُمَّ ابْتَغِ بِالذَّرَاهِمِ حَبِيبًا». وَقَالَ فِي الْمِيزَانِ مِثْلَ ذَلِكَ.

[راجع: ٢٢٠١، ٢٢٠٢]

(٤) بَابُ إِذَا أَبْصَرَ الرَّاعِي أَوْ الْوَكِيلُ شَاةً تَمُوتُ أَوْ شَيْئًا يَفْسُدُ دَبْحٌ أَوْ أَضْلَحَ مَا يَحَافُ عَلَيْهِ الْفَسَادَ

٢٣٠٤ - حَدَّثَنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ: سَمِعَ الْمُعْتَمِرَ: أَبْنَانَا عُبَيْدُ اللَّهِ، عَنْ نَافِعٍ: أَنَّهُ سَمِعَ ابْنَ كَعْبِ بْنِ مَالِكٍ يُحَدِّثُ عَنْ أَبِيهِ أَنَّهُ كَانَتْ لَهُ عَنَمٌ تَرَعَى بِسَلْعٍ. فَأَبْصَرَتْ جَارِيَةً لَنَا بِشَاةٍ مِنْ عَنَمِنَا مَوْتًا فَكَسَرَتْ حَجْرًا فَدَبَّحَتْهَا بِهِ فَقَالَ لَهُمْ: لَا تَأْكُلُوا حَتَّى أَسْأَلَ رَسُولَ اللَّهِ ﷺ أَوْ أُرْسِلَ إِلَى النَّبِيِّ ﷺ مَنْ يَسْأَلُهُ. وَأَنَّهُ سَأَلَ النَّبِيَّ ﷺ عَنْ ذَلِكَ أَوْ أُرْسِلَ فَأَمَرَهُ بِأَكْلِهَا. قَالَ عُبَيْدُ اللَّهِ: فَيَعْجِبُنِي أَنَّهَا أَمَةٌ وَأَنَّهَا دَبَّحَتْ، تَابَعُهُ عَبْدُهُ عَنْ عُبَيْدِ اللَّهِ. [انظر: ٥٥٠١، 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 اللهُ 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."

(6) CHAPTER. To depute a person to repay debts.

2306. Narrated Abū Hurairah رَضِيَ اللهُ 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."

(٥) بَابُ وَكَاةِ الشَّاهِدِ وَالغَائِبِ جَائِزَةٌ،

وَكَتَبَ عَبْدُ اللَّهِ بْنُ عَمْرٍو إِلَى قَهْرْمَانِيَهُ وَهُوَ غَائِبٌ عَنْهُ أَنْ يُرَكِّيَ عَنْ أَهْلِهِ الصَّغِيرِ وَالْكَبِيرِ .

٢٣٠٥ - حَدَّثَنَا أَبُو نَعِيمٍ: حَدَّثَنَا سُفْيَانُ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: كَانَ لَرَجُلٍ عَلَى النَّبِيِّ ﷺ جَمَلٌ سِنَّ مِنَ الْإِبِلِ فَجَاءَهُ يَتَقَاضَاهُ فَقَالَ: «أَعْطُوهُ»، فَطَلَبُوا سِنَّهُ فَلَمْ يَجِدُوا لَهُ إِلَّا سِنًّا فَوْقَهَا. فَقَالَ: «أَعْطُوهُ». قَالَ: أَوْفَيْتَنِي أَوْفَى اللهُ بِكَ. قَالَ النَّبِيُّ ﷺ: «إِنَّ خِيَارَكُمْ أَحْسَنُكُمْ قَضَاءً». [انظر: ٢٣٠٦، ٢٣٩٠، ٢٣٩٢،

٢٣٩٣، ٢٤٠١، ٢٦٠٦، ٢٦٠٩]

(٦) بَابُ الْوَكَاةِ فِي قَضَاءِ الدُّيُونِ

٢٣٠٦ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا شُعْبَةُ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ قَالَ: سَمِعْتُ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ يَتَقَاضَاهُ فَأَغْلَظَ فَهَمَّ بِهِ أَصْحَابُهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «دَعُوهُ فَإِنَّ لِصَاحِبِ الْحَقِّ مَقَالًا»، ثُمَّ قَالَ: «أَعْطُوهُ سِنًّا مِثْلَ سِنِّهِ»، قَالُوا: يَا رَسُولَ اللهِ إِلَّا أَمْتَلَ مِنْ سِنِّهِ. فَقَالَ: «أَعْطُوهُ، فَإِنَّ مِنْ

حَيْرِكُمْ أَحْسَنَكُمْ قَضَاءً.»

[راجع: ٢٣٠٥]

(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."

(٧) بَابُ إِذَا وَهَبَ شَيْئًا لوكيلٍ أَوْ شَفِيعِ قَوْمٍ جاز

لِقَوْلِ النَّبِيِّ ﷺ لَوْفَدَ هَوَازِنَ حِينَ سَأَلُوهُ الْمَغَانِمَ، فَقَالَ النَّبِيُّ ﷺ: «نَصِيبِي لَكُمْ».

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 Ṭāif. 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

٢٣٠٧، ٢٣٠٨ - حَدَّثَنَا سَعِيدُ بْنُ

عَفِيرٍ قَالَ: حَدَّثَنِي اللَّيْثُ قَالَ: حَدَّثَنِي عَقِيلٌ، عَنِ ابْنِ شِهَابٍ قَالَ: وَرَعَمَ عُرْوَةُ أَنَّ مَرْوَانَ بْنَ الْحَكَمِ وَالْمَسُورَ بْنَ مَحْرَمَةَ أَخْبَرَاهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَامَ حِينَ جَاءَهُ وَفَدَّ هَوَازِنَ مُسْلِمِينَ. فَسَأَلُوهُ أَنْ يَرُدَّ إِلَيْهِمْ أَمْوَالَهُمْ وَسَبْيَهُمْ، فَقَالَ لَهُمْ رَسُولُ اللَّهِ ﷺ: «أَحَبُّ الْحَدِيثِ إِلَيَّ أَصْدَقُهُ فَاخْتَارُوا إِحْدَى الطَّائِفَتَيْنِ: إِمَّا السَّبْيِ وَإِمَّا الْمَالِ. فَقَدْ كُنْتُ اسْتَأْتَيْتُ بِهِمْ»، وَقَدْ كَانَ رَسُولُ اللَّهِ ﷺ انْتَضَرَهُمْ بِضَعِ عَشْرَةَ لَيْلَةً حِينَ قَفَلَ مِنَ الطَّائِفِ. فَلَمَّا تَبَيَّنَ لَهُمْ أَنَّ رَسُولَ اللَّهِ ﷺ غَيْرُ رَادٍّ إِلَيْهِمْ إِلَّا إِحْدَى الطَّائِفَتَيْنِ قَالُوا: فَإِنَّا نَخْتَارُ سَبِينَا. فَقَامَ رَسُولُ اللَّهِ ﷺ فِي الْمُسْلِمِينَ فَأَثْنَى عَلَى اللَّهِ بِمَا هُوَ أَهْلُهُ ثُمَّ قَالَ: «أَمَّا بَعْدُ، فَإِنَّ إِخْوَانَكُمْ هَؤُلَاءِ قَدْ جَاؤُنَا تَائِبِينَ، وَإِنِّي قَدْ رَأَيْتُ أَنْ أُرَدَّ إِلَيْهِمْ سَبْيَهُمْ. 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 يُطَيَّبَ بِذَلِكَ فَلْيَفْعَلْ، وَمَنْ أَحَبَّ مِنْكُمْ أَنْ يَكُونَ عَلَى حَظِّهِ حَتَّى نُعْطِيَهُ إِيَّاهُ مِنْ أَوَّلِ مَا يُفِيءُ اللَّهُ عَلَيْنَا فَلْيَفْعَلْ». فَقَالَ النَّاسُ: قَدْ طَيَّبْنَا ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّا لَا نَدْرِي مَنْ أَذِنَ مِنْكُمْ فِي ذَلِكَ مِمَّنْ لَمْ يَأْذَنْ، فَارْجِعُوا حَتَّى يَرْفَعُوا إِلَيْنَا عُرْفَاؤَكُمْ أَمْرَكُمْ»، فَارْجَعَ النَّاسُ فَكَلَّمَهُمْ عُرْفَاؤُهُمْ ثُمَّ رَجَعُوا إِلَى رَسُولِ اللَّهِ ﷺ فَأَخْبَرُوهُ أَنَّهُمْ قَدْ طَيَّبُوا وَأَذِنُوا. [الحديث: ٢٣٠٧، انظر:

٢٥٣٩، ٢٥٨٤، ٢٦٠٧، ٣١٣١، ٤٣١٨، ٧١٧٦]؛ [الحديث: ٢٣٠٨، انظر: ٢٥٤٠،

٢٥٨٣، ٢٦٠٨، ٣١٣٢، ٤٣١٩، ٧١٧٧]

(8) CHAPTER. If someone deputs 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.

(٨) بَابُ إِذَا وَكَّلَ رَجُلٌ رَجُلًا أَنْ يُعْطِيَ شَيْئًا وَلَمْ يُبَيِّنْ كَمْ يُعْطِي فَأَعْطَى عَلَى مَا يَتَعَارَفُهُ النَّاسُ

2309. Narrated Jābir bin ‘Abdullāh رضي الله عنه: 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

٢٣٠٩ - حَدَّثَنَا الْمَكِّيُّ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا ابْنُ جُرَيْجٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ وَغَيْرِهِ، يَزِيدُ بَعْضُهُمْ عَلَى بَعْضٍ، وَلَمْ يُلْغُهُ كُلُّهُ، رَجُلٌ مِنْهُمْ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كُنْتُ مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ فَكُنْتُ عَلَى جَمَلٍ تَفَالٍ إِنَّمَا هُوَ فِي آخِرِ الْقَوْمِ، فَمَرَّ بِي النَّبِيُّ ﷺ فَقَالَ: «مَنْ هَذَا؟» قُلْتُ: جَابِرُ ابْنِ عَبْدِ اللَّهِ: قَالَ: «مَا لَكَ؟» قُلْتُ:

to me. I have bought it for four *Dīnār* (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 *Dīnār* and one *Qirāṭ* extra. (A subnarrator said): Jābir added. "The extra *Qirāṭ* of Allāh's Messenger ﷺ never parted from me." The *Qirāṭ* was always in Jābir bin 'Abdullāh's purse. <sup>(1)</sup>

إِنِّي عَلَى جَمَلٍ نَفَالٍ، قَالَ: «أَمَعَكَ قَضِيبٌ؟» قُلْتُ: نَعَمْ، قَالَ: «أَعْطَيْتَهُ»، فَأَعْطَيْتُهُ فَضَرَبَهُ فَزَجَرَهُ فَكَانَ مِنْ ذَلِكَ الْمَكَانِ مِنْ أَوَّلِ الْقَوْمِ. قَالَ: «بِعِينِهِ»، قَالَ: بَلْ هُوَ لَكَ يَا رَسُولَ اللَّهِ قَالَ: «بَلْ بِعِينِهِ، قَدْ أَخَذْتُهُ بِأَرْبَعَةِ دَنَانِيرٍ وَلَكِ ظَهْرُهُ إِلَى الْمَدِينَةِ». فَلَمَّا دَنَوْنَا مِنَ الْمَدِينَةِ أَخَذْتُ أَرْجُلُ، قَالَ: «أَيْنَ تُرِيدُ؟» قُلْتُ: تَزَوَّجْتُ امْرَأَةً قَدْ حَلَا مِنْهَا، قَالَ: «فَهَلَّا جَارِيَةً تُلَاعِبُهَا وَتُلَاعِبُكَ؟» قُلْتُ: إِنَّ أَبِي تُوفِّي وَتَرَكَ بَنَاتٍ فَأَرَدْتُ أَنْ أَنْكِحَ امْرَأَةً قَدْ جَرَّبْتُ حَلَا مِنْهَا. قَالَ: «فَذَلِكَ». فَلَمَّا قَدِمْنَا الْمَدِينَةَ قَالَ: «يَا بِلَالُ أَفْضِهِ وَزِدْهُ»، فَأَعْطَاهُ أَرْبَعَةَ دَنَانِيرٍ وَزَادَهُ قِيرَاطًا. قَالَ جَابِرٌ: لَا تُفَارِقُنِي زِيَادَةُ رَسُولِ اللَّهِ ﷺ فَلَمْ يَكُنِ الْقِيرَاطُ يُفَارِقُ قِيرَابَ جَابِرِ بْنِ عَبْدِ اللَّهِ.

[راجع: ٤٤٣]

(9) CHAPTER. A woman can depute the ruler in the matter of marriage.

(٩) بَابُ وَكَالَةِ الْامْرَأَةِ الْإِمَامَ فِي

النِّكَاحِ

2310. Narrated Sahl bin Sa'd رَضِيَ اللَّهُ عَنْهُ: 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."

٢٣١٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ. أَخْبَرَنَا مَالِكٌ، عَنْ أَبِي حَارِثٍ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنِّي قَدْ وَهَبْتُ

(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: زَوَّجْنِيهَا،  
قَالَ: «قَدْ زَوَّجْنَاكَهَا بِمَا مَعَكَ مِنَ  
الْقُرْآنِ». [انظر: ٥٠٢٩، ٥٠٣٠، ٥٠٨٧،  
٥١٢١، ٥١٢٦، ٥١٣٢، ٥١٣٥، ٥١٤١،  
٥١٤٩، ٥١٥٠، ٥٨٧١، ٧٤١٧]

(10) CHAPTER. If a person deposes 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).

(١٠) بَابُ إِذَا وَكَّلَ رَجُلًا فَتَرَكَ  
الْوَكِيلُ شَيْئًا فَأَجَارَهُ الْمُوَكَّلُ فَهُوَ  
جَائِزٌ. وَإِنْ أَقْرَضَهُ إِلَى أَجَلٍ مُسَمًّى  
جَارَ.

2311. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ deputed me to keep *Ṣadaqat (Al-Fiṭr)* of Ramaḍān. A comer<sup>(1)</sup> came and started taking handfuls of the foodstuff (of the *Ṣadaqa*) (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?"<sup>(2)</sup> 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

٢٣١١ - وَقَالَ عُمَانُ بْنُ الْهَيْثَمِ  
أَبُو عَمْرٍو: حَدَّثَنَا عَوْفٌ، عَنْ مُحَمَّدِ  
بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ  
عَنْهُ قَالَ: وَكَّلَنِي رَسُولُ اللهِ ﷺ  
بِحِفْظِ زَكَاةِ رَمَضَانَ فَأَتَانِي آتٍ فَجَعَلَ  
يَحْتُو مِنَ الطَّعَامِ فَأَخَذْتُهُ وَقُلْتُ:  
لَأَرْفَعَنَّكَ إِلَى رَسُولِ اللهِ ﷺ، قَالَ:  
إِنِّي مُحْتَاجٌ وَعَلَيَّ عِيَالٌ وَلِي حَاجَةٌ  
شَدِيدَةٌ. قَالَ: فَخَلَيْتُ عَنْهُ،  
فَأَضْبَحْتُ فَقَالَ النَّبِيُّ ﷺ: «يَا أَبَا  
هُرَيْرَةَ، مَا فَعَلَ أَسِيرُكَ الْبَارِحَةَ؟»  
قَالَ: قُلْتُ: يَا رَسُولَ اللهِ شَكَأَ حَاجَةٌ  
شَدِيدَةٌ وَعِيَالًا فَرَحِمْتُهُ فَخَلَيْتُ سَبِيلَهُ.  
قَالَ: «أَمَا إِنَّهُ قَدْ كَذَبَكَ وَسَيَعُودُ»،  
فَعَرَفْتُ أَنَّهُ سَيَعُودُ لِقَوْلِ رَسُولِ اللهِ  
ﷺ: «إِنَّهُ سَيَعُودُ». فَرَصَدْتُهُ، فَجَعَلَ  
يَحْتُو مِنَ الطَّعَامِ فَأَخَذْتُهُ 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 in 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 *Ayat-al-Kursī* - 'Allāhu lā ilāha illā Huwal-Ḥaiy-ul-Qaiyūm'<sup>(1)</sup> 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 *Ayat-al-Kursī* from the beginning to the end - *Allāhu lā ilāha illā Huwal-Ḥaiy-ul-Qaiyūm* -.' 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

لأَرْفَعَنَّكَ إِلَى رَسُولِ اللَّهِ ﷺ، قَالَ: دَعَنِي فَإِنِّي مُحْتَاجٌ وَعَلَيَّ عِيَالٌ، لَا أَعُودُ. فَرَحِمْتُهُ فَخَلَيْتُ سَبِيلَهُ. فَأَضْبَحْتُ فَقَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا أَبَا هُرَيْرَةَ، مَا فَعَلَ أُسَيْرُكَ؟» قُلْتُ: يَا رَسُولَ اللَّهِ. شَكَأ حَاجَةً شَدِيدَةً وَعِيَالًا فَرَحِمْتُهُ فَخَلَيْتُ سَبِيلَهُ. قَالَ: «أَمَا إِنَّهُ قَدْ كَذَبَكَ وَسَيَعُودُ». فَرَصَدْتُهُ الثَّالِثَةَ فَجَعَلَ يَحْشُو مِنْ الطَّعَامِ فَأَخَذْتُهُ، فَقُلْتُ: لَأَرْفَعَنَّكَ إِلَى رَسُولِ اللَّهِ ﷺ وَهَذَا آخِرُ ثَلَاثِ مَرَّاتٍ أَنَّكَ تَزْعُمُ لَا تَعُودُ ثُمَّ تَعُودُ. قَالَ: دَعَنِي أَعْلَمْتُكَ كَلِمَاتٍ يَنْفَعُكَ اللَّهُ بِهَا، قُلْتُ: مَا هُنَّ؟ قَالَ: إِذَا أَوَيْتَ إِلَى فِرَاشِكَ فَاقْرَأْ آيَةَ الْكُرْسِيِّ ﴿اللَّهُ لَا إِلَهَ إِلَّا هُوَ الْحَيُّ الْقَيُّومُ﴾ حَتَّى تَخْتَمَ الْآيَةَ فَإِنَّكَ لَنْ يَزَالَ عَلَيْكَ مِنَ اللَّهِ حَافِظٌ وَلَا يَقْرَبَنَّكَ شَيْطَانٌ حَتَّى تُصْبِحَ، فَخَلَيْتُ سَبِيلَهُ. فَأَضْبَحْتُ فَقَالَ لِي رَسُولُ اللَّهِ ﷺ: «مَا فَعَلَ أُسَيْرُكَ الْبَارِحَةَ؟» قُلْتُ: يَا رَسُولَ اللَّهِ، زَعَمَ أَنَّهُ يُعَلِّمُنِي كَلِمَاتٍ يَنْفَعُنِي اللَّهُ بِهَا فَخَلَيْتُ سَبِيلَهُ. قَالَ: «مَا هِيَ؟» قُلْتُ: قَالَ لِي: إِذَا أَوَيْتَ إِلَى فِرَاشِكَ فَاقْرَأْ آيَةَ الْكُرْسِيِّ مِنْ أَوَّلِهَا حَتَّى تَخْتَمَ الْآيَةَ ﴿اللَّهُ لَا إِلَهَ إِلَّا هُوَ الْحَيُّ الْقَيُّومُ﴾ 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 حَافِظٌ وَلَا يَتْرُبُكَ شَيْطَانٌ حَتَّى تُصْبِحَ. وَكَانُوا أَحْرَصَ شَيْءٍ عَلَى الْخَيْرِ. فَقَالَ النَّبِيُّ ﷺ: «أَمَا إِنَّهُ قَدْ صَدَقَكَ وَهُوَ كَذُوبٌ، تَعْلَمُ مَنْ تُحَاطَبُ مُدَّ ثَلَاثَ لَيَالٍ يَا أَبَا هُرَيْرَةَ؟» قَالَ: لَا، قَالَ: «ذَلِكَ شَيْطَانٌ». [انظر: ٣٢٧٥، ٥٠١٠]

(11) CHAPTER. If a deputy sells something (in an illegal manner), the transaction is invalid.

(١١) بَابُ إِذَا بَاعَ الْوَكِيلُ شَيْئًا فَاسِدًا فَبِعَهُ مَرْدُودٌ

2312. Narrated Abū Sa'īd al-Khudrī رضي الله عنه: Once Bilāl brought *Barnī* (i.e., a kind of dates) to the Prophet ﷺ and the Prophet ﷺ asked him, "From where have you brought these?" Bilāl replied, "I had some inferior type of dates and exchanged two *Sā'* of it for one *Sā'* of *Barnī* (dates) in order to give it to the Prophet ﷺ to eat." Thereupon the Prophet ﷺ said, "Beware! Beware! This is definitely *Ribā* (usury)! This is definitely *Ribā*<sup>(1)</sup> (usury). ! Don't do so, but if you want to buy (a superior kind of dates), sell the inferior kind of dates for money and then buy the superior kind of dates with that money."

٢٣١٢ - حَدَّثَنَا إِسْحَاقُ: حَدَّثَنَا يَحْيَى بْنُ صَالِحٍ: حَدَّثَنَا مُعَاوِيَةُ هُوَ ابْنُ سَلَامٍ، عَنْ يَحْيَى قَالَ: سَمِعْتُ عُقْبَةَ بْنَ عَبْدِ الْغَافِرِ: أَنَّهُ سَمِعَ أَبَا سَعِيدٍ الْخُدْرِيَّ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَاءَ بِلَالٌ إِلَى النَّبِيِّ ﷺ بِتَمْرٍ بَرْنِيِّ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «مِنْ أَيْنَ هَذَا؟» قَالَ بِلَالٌ: كَانَ عِنْدِي تَمْرٌ رَدِيءٌ فَبِعْتُ مِنْهُ صَاعَيْنِ بِصَاعٍ لِنُطْعَمَ النَّبِيَّ ﷺ. فَقَالَ النَّبِيُّ ﷺ عِنْدَ ذَلِكَ: «أَوْهَ أَوْهَ. عَيْنُ الرَّبَا، عَيْنُ الرَّبَا، لَا تَفْعَلْ. وَلَكِنْ إِذَا أَرَدْتَ أَنْ تَشْتَرِيَ فَبِعِ التَّمْرَ بِبَيْعٍ آخَرَ ثُمَّ اشْتَرِ بِهِ».

(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).

(١٢) بَابُ الْوَكَالَةِ فِي الْوَقْفِ وَنَفَقَتِهِ وَأَنْ يُطْعَمَ صَدِيقًا لَهُ وَيَأْكُلَ بِالْمَعْرُوفِ

2313. Narrated 'Amr concerning the *Waqf* of 'Umar رضي الله عنه: It was not sinful of the

٢٣١٣ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ:

(1) (H.2312) *Ribā*: See glossary.