

He (ﷺ) said, "Yes."

2389. Narrated Abū Hurairah عنه رضي الله عنه: Allāh's Messenger ﷺ said, "If I had gold equal to the mountain of Uḥūd, 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."

قُلْتُ: نَعَمْ، قَالَ: «أَتَانِي جَبْرِيلُ عَلَيَّهِ الصَّلَاةُ السَّلَامُ فَقَالَ: مَنْ مَاتَ مِنْ أُمَّتِكَ لَا يُشْرِكُ بِاللَّهِ شَيْئًا دَخَلَ الْجَنَّةَ»، قُلْتُ: وَمَنْ فَعَلَ كَذَا وَكَذَا؟ قَالَ: «نَعَمْ». [راجع: ١٢٣٧]

٢٣٨٩ - حَدَّثَنِي أَحْمَدُ بْنُ شَيْبَةَ بْنِ سَعِيدٍ: حَدَّثَنَا أَبِي، عَنْ يُونُسَ، قَالَ ابْنُ شِهَابٍ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُتْبَةَ قَالَ: قَالَ أَبُو هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ كَانَ لِي مِثْلُ أُحُدٍ ذَهَبًا مَا يَسُرُّنِي أَنْ لَا يَمُرَّ عَلَيَّ ثَلَاثٌ وَعِنْدِي مِنْهُ شَيْءٌ إِلَّا شَيْءٌ أَرِضُهُ لِدَيْنٍ». رَوَاهُ صَالِحٌ وَعُقَيْلٌ عَنِ الرَّهْرِيِّ. [انظر: ٧٢٢٨، ٦٤٤٥]

(4) CHAPTER. To buy camels on credit.

2390. Narrated Abū Hurairah عنه 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."

(٤) بَابُ اسْتِقْرَاضِ الْإِبِلِ  
٢٣٩٠ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنَا سَلَمَةُ بْنُ كُهَيْلٍ قَالَ: سَمِعْتُ أَبَا سَلَمَةَ يَمْنَى يُحَدِّثُ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَجُلًا تَقَاضَى رَسُولَ اللَّهِ ﷺ فَأَغْلَظَ لَهُ بِهِ فَهَمَّ أَصْحَابُهُ فَقَالَ: «دَعُوهُ فَإِنَّ لِصَاحِبِ الْحَقِّ مَقَالًا وَاشْتَرَوْا لَهُ بَعِيرًا فَأَعْطَوْهُ إِيَّاهُ»، وَقَالُوا: لَا نَجِدُ إِلَّا أَفْضَلَ مِنْ سِنِّهِ قَالَ: «اشْتَرَوْهُ فَأَعْطَوْهُ إِيَّاهُ فَإِنَّ خَيْرَكُمْ أَحْسَنُكُمْ قَضَاءً». [راجع: ٢٣٠٥]

(5) CHAPTER. Demanding debts handsomely.

2391. Narrated Hudhaifa رَضِيَ اللهُ عَنْهُ: I heard the Prophet ﷺ saying, "Once a man died and was asked, 'What did you use to say (or do) (in your lifetime)?' He replied, 'I was a businessman and used to give time to the rich to repay his debt and (used to) deduct part of the debt of the poor.' So he was forgiven (his sins)."

Abū Mas'ūd said, "I heard the same (Hadīth) from the Prophet ﷺ."

(6) CHAPTER. Can one give an older (camel) than that he owes?

2392. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: A man came to the Prophet ﷺ and demanded a camel (the Prophet ﷺ owed him). Allāh's Messenger ﷺ told his companions to give him (a camel). They said, "We do not find except an older and better camel (than what he demands)."

(The Prophet ﷺ ordered them to give him that camel).

The man said, "You have paid me in full and may Allāh also pay you in full." Allāh's Messenger ﷺ said, "Give him, for the best amongst the people is he who repays his debts in the most handsome manner."

(7) CHAPTER. Repaying debts handsomely.

2393. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ owed a camel of a certain age to a man who came to demand it back. The Prophet ﷺ ordered his companions to give him. They looked for a camel of the same age

(٥) بَابُ حُسْنِ التَّقَاضِي

٢٣٩١ - حَدَّثَنَا مُسْلِمٌ: حَدَّثَنَا شُعْبَةُ، عَنْ عَبْدِ الْمَلِكِ، عَنْ رَبِيعِي، عَنْ حُذَيْفَةَ رَضِيَ اللهُ عَنْهُ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «مَاتَ رَجُلٌ فَقِيلَ لَهُ: مَا كُنْتَ تَقُولُ؟ قَالَ: كُنْتُ أَبَايِعُ النَّاسَ فَأَتَجَوَّزُ عَنِ الْمُوسِرِ، وَأُخَفِّفُ عَنِ الْمُعْسِرِ، فَعُفِّرَ لَهُ». قَالَ أَبُو مَسْعُودٍ: سَمِعْتُهُ عَنِ النَّبِيِّ ﷺ.

[راجع: ٢٠٧٧]

(٦) بَابُ هَلْ يُعْطَى أَكْبَرَ مِنْ سِنِّهِ؟

٢٣٩٢ - حَدَّثَنَا مُسَدَّدٌ؛ عَنْ يَحْيَى، عَنْ سُفْيَانَ: حَدَّثَنِي سَلَمَةُ بْنُ كَهَيْلٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ يَتَقَاضَاهُ بَعِيرًا، قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «أَعْطُوهُ». فَقَالُوا: لَا نَجِدُ إِلَّا سِنًا أَفْضَلَ مِنْ سِنِّهِ، فَقَالَ الرَّجُلُ: أَوْفَيْتَنِي أَوْفَاكَ اللهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَعْطُوهُ فَإِنَّ مِنْ خِيَارِ الثَّامِنِ أَحْسَنَهُمْ قَضَاءً».

[راجع: ٢٣٠٥]

(٧) بَابُ حُسْنِ الْقَضَاءِ

٢٣٩٣ - حَدَّثَنَا أَبُو نَعِيمٍ: حَدَّثَنَا سُفْيَانَ، عَنْ سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ 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."

2394. Narrated Jābir bin 'Abdullāh رضي الله عنه: 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'āt* prayer, and then he repayed me the debt he owed me and gave me an extra amount.

(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 رضي الله عنه: My father was martyred on the day (of the battle) of Uḥud, 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.

كَانَ لِرَجُلٍ عَلَى النَّبِيِّ ﷺ سِنٌَّ مِنَ الْإِبِلِ فَجَاءَهُ يَتَفَاضَاهُ فَقَالَ ﷺ: «أَعْطُوهُ»، فَطَلَبُوا سِنَّهُ فَلَمْ يَجِدُوا لَهُ إِلَّا سِنًَّا قَوْفَهَا، فَقَالَ: «أَعْطُوهُ»، فَقَالَ: أَوْفَيْتَنِي أَوْفَى اللَّهِ بِكَ. قَالَ النَّبِيُّ ﷺ: «إِنَّ خِيَارَكُمْ أَحْسَنُكُمْ فَضَاءً». [راجع: ٢٣٠٥]

٢٣٩٤ - حَدَّثَنَا خَلَادٌ: حَدَّثَنَا مِسْعَرٌ: حَدَّثَنَا مُحَارِبُ بْنُ دِنَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَتَيْتُ النَّبِيَّ ﷺ وَهُوَ فِي الْمَسْجِدِ - قَالَ مِسْعَرٌ: أَرَاهُ قَالَ: ضُحَى - فَقَالَ: «صَلِّ رَكَعَتَيْنِ» وَكَانَ لِي عَلَيْهِ دَيْنٌ فَقَضَانِي وَزَادَنِي. [راجع: ٤٤٣]

(٨) بَابُ إِذَا قَضَى دُونَ حَقِّهِ أَوْ حَلَّلَهُ فَهُوَ جَائِزٌ

٢٣٩٥ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يُونُسُ، عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنِي ابْنُ كَعْبٍ بِنِ مَالِكٍ أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ أَنَّ أَبَاهُ قُتِلَ يَوْمَ أُحُدٍ شَهِيداً وَعَلَيْهِ دَيْنٌ فَاشْتَدَّ الْغُرَمَاءُ فِي حُقُوقِهِمْ، فَاتَيْتُ النَّبِيَّ ﷺ فَسَأَلْتُهُمْ أَنْ يَقْبَلُوا تَمْرَ حَائِطِي وَيَحْلُلُوا أَبِي فَأَبَوْا، فَلَمْ يُعْطِهِمُ النَّبِيُّ ﷺ حَائِطِي وَقَالَ: «سَعِدُوا عَلَيْكُمْ»، فَعَدَا عَلَيْنَا

حِينَ أَصْبَحَ فَطَافَ فِي النَّخْلِ وَدَعَا فِي تَمْرِهَا بِالْبَرَكَةِ فَجَدَدْتُهَا فَقَصَّيْتُهُمْ وَيَقِي لَنَا مِنْ تَمْرِهَا. [راجع: ٢١٢٧]

(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).

(٩) بَابُ إِذَا قَاصَرَ أَوْ جَارَفَهُ فِي اللَّذِينَ تَمَرًا يَتَمَرُ أَوْ غَيْرِهِ

2396. Narrated Jābir bin 'Abdullāh رضي الله عنه: 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 *Ṣalāt* (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 الْمُنْدَرِيِّ: حَدَّثَنَا أَنَسٌ، عَنْ هِشَامٍ، عَنْ وَهَبِ بْنِ كَيْسَانَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا أَنَّهُ أَخْبَرَهُ أَنَّ أَبَاهُ تُوْفِيَ وَتَرَكَ عَلَيْهِ ثَلَاثِينَ وَسَقًا لِرَجُلٍ مِنَ الْيَهُودِ، فَاسْتَنْظَرَهُ جَابِرٌ فَأَبَى أَنْ يُنْظَرَهُ، فَكَلَّمَ جَابِرٌ رَسُولَ اللَّهِ ﷺ لِيَشْفَعَ لَهُ إِلَيْهِ فَجَاءَ رَسُولُ اللَّهِ ﷺ وَكَلَّمَ الْيَهُودِيَّ لِيَأْخُذَ تَمْرَ نَخْلِهِ بِأَتِي لَهُ فَأَبَى فَدَخَلَ رَسُولُ اللَّهِ ﷺ النَّخْلَ فَمَشَى فِيهَا ثُمَّ قَالَ لِجَابِرٍ: «جِدْ لَهُ فَأَوْفِ لَهُ الَّذِي لَهُ»، فَجَدَّهُ بَعْدَ مَا رَجَعَ رَسُولُ اللَّهِ ﷺ فَأَوْفَاهُ ثَلَاثِينَ وَسَقًا وَفَضَّلَتْ لَهُ سَبْعَةَ عَشَرَ وَسَقًا، فَجَاءَ جَابِرٌ رَسُولَ اللَّهِ ﷺ لِيُخْبِرَهُ بِالَّذِي كَانَ فَوَجَدَهُ يُصَلِّي الْعَصْرَ، فَلَمَّا انْصَرَفَ أَخْبَرَهُ بِالْفَضْلِ فَقَالَ: «أَخْبِرْ ذَلِكَ ابْنَ الْخَطَّابِ»، فَذَهَبَ جَابِرٌ إِلَى عُمَرَ فَأَخْبَرَهُ، فَقَالَ لَهُ عُمَرُ: لَقَدْ عَلِمْتُ حِينَ مَشَى فِيهَا رَسُولُ اللَّهِ ﷺ لِيُبَارِكَ فِيهَا. [راجع: ٢١٢٧]

## (١٠) بَابٌ مِّنْ اسْتِعَاذٍ مِّنَ الدَّيْنِ

(10) CHAPTER. Whoever seeks refuge with Allāh from being in debt.

2397. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Allāh's Messenger ﷺ used to invoke Allāh in the *Ṣalāt* (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."

٢٣٩٧ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ ح وَحَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي أَحِي، عَنْ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ أَبِي عَتِيْقٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ أَنَّ عَائِشَةَ رَضِيَ اللهُ عَنْهَا أَخْبَرَتْهُ: أَنَّ رَسُولَ اللهِ ﷺ كَانَ يَدْعُو فِي الصَّلَاةِ وَيَقُولُ: «اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنْ الْمَأْتَمِ وَالْمَعْرَمِ». فَقَالَ قَائِلٌ: مَا أَكْثَرَ مَا تَسْتَعِينُ يَا رَسُولَ اللهِ مِنَ الْمَعْرَمِ! قَالَ: إِنَّ الرَّجُلَ إِذَا عَرِمَ حَدَّثَ فَكَذَبَ وَوَعَدَ فَأَخْلَفَ.

[راجع: ٨٣٢]

(11) CHAPTER. The funeral *Ṣalāt* (prayer) for a dead person in debt.

## (١١) بَابُ الصَّلَاةِ عَلَى مَنْ تَرَكَ دَيْنًا

2398. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: 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 حازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ تَرَكَ مَالًا فَلِوَرَثَتِهِ، وَمَنْ تَرَكَ كَلًّا فَلَيْنَا».

[راجع: ٢٢٩٨]

2399. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: 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:

٢٣٩٩ - حَدَّثَنِي عَبْدُ اللهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا أَبُو عَامِرٍ: حَدَّثَنَا فُلَيْحٌ، عَنْ هِلَالِ بْنِ عَلِيٍّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَمْرَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ

"The Prophet is closer to the believers than their own selves..." (V.33:6)

So, if a true believer dies and leaves

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."

**(12) CHAPTER. Procrastination (delay) in repaying debts by a wealthy person is injustice.**

2400. Narrated Abū Hurairah عنه رضي الله عنه: Allāh's Messenger ﷺ said, "Procrastination (delay) in repaying debts by a wealthy person is injustice."

**(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 عنه 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)."

قال: «ما مِنْ مُؤْمِنٍ إِلَّا وأنا أُولَى بِهِ فِي الدُّنْيَا وَالْآخِرَةِ، أَفْرَأُوا إِنْ شِئْتُمْ: ﴿الَّتِي أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ﴾ [الأحزاب: ٦] فَأَيُّمَا مُؤْمِنٍ مَاتَ وَتَرَكَ مَالًا فَلْيَرْتُهُ عَصَبَتُهُ مَنْ كَانُوا، وَمَنْ تَرَكَ دَيْنًا أَوْ ضَمَاعًا فَلْيَأْتِنِي فَأَنَا مَوْلَاهُ». [راجع: ٢٢٩٨]

**(١٢) بَابُ مَظْلِ الْعِنِيِّ ظُلْمٌ**

٢٤٠٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْأَعْلَى، عَنْ مَعْمَرٍ، عَنْ هَمَّامِ بْنِ مُنَبِّهٍ أَخِي وَهَبِ بْنِ مُنَبِّهٍ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَظْلُ الْعِنِيِّ ظُلْمٌ». [إراجع: ٢٢٨٧]

**(١٣) بَابُ لِصَاحِبِ الْحَقِّ مَقَالَ،**

وَيُذَكَّرُ عَنِ النَّبِيِّ ﷺ: «لِيَ الْوَاجِدِ يُجِلُّ عِرْضَهُ وَعُقُوبَتَهُ». قَالَ سُفْيَانُ: «عِرْضُهُ» يَقُولُ: مَظَلَّتْنِي، «وَعُقُوبَتُهُ»: الْحَبْسُ.

٢٤٠١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ شُعْبَةَ، عَنْ سَلَمَةَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَتَى النَّبِيَّ ﷺ رَجُلٌ يَتَقَاضَاهُ فَأَغْلَظَ لَهُ فَهَمَّ بِهِ أَصْحَابُهُ فَقَالَ: «دَعُوهُ فَإِنَّ لِصَاحِبِ الْحَقِّ مَقَالَ». [راجع: ٢٣٠٥]

(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'īd 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 رَضِيَ اللهُ عَنْهُ: 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."

(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

(١٤) بَابٌ إِذَا وَجَدَ مَالَهُ عِنْدَ مُفْلِسٍ فِي الْبَيْعِ وَالْقَرْضِ وَالْوَدِيْعَةِ فَهُوَ أَحَقُّ بِهِ،

وَقَالَ الْحَسَنُ: إِذَا أَفْلَسَ وَتَبَيَّنَ لَمْ يَجْزُ عِتْقُهُ وَلَا بَيْعُهُ وَلَا شِرَاؤُهُ. وَقَالَ سَعِيدُ بْنُ الْمُسَيَّبِ: فَضَى عُثْمَانُ: مَنْ أَفْتَضَى مِنْ حَقِّهِ قَبْلَ أَنْ يُفْلِسَ فَهُوَ لَهُ، وَمَنْ عَرَفَ مَتَاعَهُ بِعَيْنِهِ فَهُوَ أَحَقُّ بِهِ.

٢٤٠٢ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ قَالَ: أَخْبَرَنِي أَبُو بَكْرٍ بْنُ مُحَمَّدِ بْنِ عَمْرٍو بْنِ حَزْمٍ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ أَخْبَرَهُ أَنَّ أَبَا بَكْرٍ بْنَ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ ابْنَ هِشَامٍ أَخْبَرَهُ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ - أَوْ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ أَدْرَكَ مَالَهُ بِعَيْنِهِ عِنْدَ رَجُلٍ أَوْ إِنْسَانٍ قَدْ أَفْلَسَ فَهُوَ أَحَقُّ بِهِ مِنْ غَيْرِهِ».

(١٥) بَابٌ مَنْ أَخَّرَ الْغَرِيمَ إِلَيَّ الْعَدِيٍّ أَوْ نَحْوِهِ وَلَمْ يَرَ ذَلِكَ مَظْلَمًا

وَقَالَ جَابِرٌ: اشْتَدَّ الْغَرَمَاءُ فِي حُقُوقِهِمْ فِي دَيْنِ أَبِي فَسَأَلَهُمُ النَّبِيُّ ﷺ أَنْ يَقْبَلُوا ثَمَرَ حَائِطِي فَأَبَوْا فَلَمْ

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 رضي الله عنه: A man pledged that his slave would be manumitted after his death. The Prophet ﷺ asked, "Who will buy the slave from me?"<sup>(1)</sup> Nu'a'im 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."

'Aṭā' and 'Amr bin Dīnār said, "The lender has no right to demand his money before the due time of payment."

2404. Narrated Abū Hurairah رضي الله عنه: 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

يُعْطِيهِمُ الْحَائِظُ وَلَمْ يَكْسِرْهُ لَهُمْ، وَقَالَ: «سَاعِدُوا عَلَيَّكُمْ غَدًا»، فَعَدَا عَلَيْنَا حِينَ أَصْبَحَ فَدَعَا فِي ثَمَرِهَا بِالْبَرَكَهَ فَقَضَيْتُهُمْ.

(١٦) بَابٌ مِّنْ بَاعِ مَالِ الْمُفْلِسِ أَوْ الْمُعْدِمِ فَقَسَمَهُ بَيْنَ الْغُرَمَاءِ أَوْ أَعْطَاهُ حَتَّى يُنْفِقَ عَلَى نَفْسِهِ

٢٤٠٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا حُسَيْنُ الْمَعْلَمُ: حَدَّثَنَا عَطَاءُ بْنُ أَبِي رَبَاحٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَعْتَقَ رَجُلٌ غُلَامًا لَهُ عَنْ دُبُرٍ، فَقَالَ النَّبِيُّ ﷺ: «مَنْ يَشْتَرِيهِ مِنِّي؟» فَاشْتَرَاهُ نُعَيْمُ بْنُ عَبْدِ اللَّهِ فَأَخَذَ ثَمَنَهُ فَدَفَعَهُ إِلَيْهِ». [راجع: ٢١٤١]

(١٧) بَابٌ إِذَا أَقْرَضَهُ إِلَى أَجَلٍ مُّسَمًّى أَوْ أَجَلُهُ فِي الْبَيْعِ

وقال ابن عمر في القرض إلى أجل: لا بأس به، وإن أُعطي أفضل من ذراهيمه ما لم يشتراط. وقال عطاء وعمرو بن دينار: هو إلى أجله في القرض.

٢٤٠٤ - 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

(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 اللهُ 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: *I’dhāq 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.

**2406.** (On another occasion) I took part in one of *Ghazawāt* along with the Prophet ﷺ and I was riding one of our camels. The camel got tired and was lagging behind the others. The Prophet ﷺ hit it on its back. He said, “Sell it to me, and you have the right to ride it till Al-Madīna.” When we approached Al-Madīna, I took the permission from the Prophet ﷺ to go to my house, saying, “O Allāh’s Messenger! I am married recently.” The Prophet ﷺ asked, “Have you married a virgin or a matron (a widow or divorcee)?” I said, “I have married a matron, as ‘Abdullāh (my father) died and left behind daughters small in their ages, so I married a matron

أَنْ يُسَلِّفَهُ فَدَفَعَهَا إِلَيْهِ إِلَى أَجَلٍ مُسَمًّى، فَذَكَرَ الْحَدِيثَ. [راجع: ١٤٩٨]

**(١٨) بَابُ الشَّفَاعَةِ فِي وَضْعِ الدَّيْنِ**

٢٤٠٥ - حَدَّثَنَا مُوسَى: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ مُعِينَةَ، عَنْ عَامِرٍ، عَنْ جَابِرِ رَضِيَ اللهُ عَنْهُ قَالَ: أُصِيبَ عَبْدُ اللهِ وَتَرَكَ عِيَالاً وَدَيْنًا، فَطَلَبْتُ إِلَى أَصْحَابِ الدَّيْنِ أَنْ يَضَعُوا بَعْضًا فَأَبَوْا، فَأَتَيْتُ النَّبِيَّ ﷺ فَاسْتَشْفَعْتُ بِهِ عَلَيْهِمْ فَأَبَوْا، فَقَالَ: «صَنَّفْتُ تَمْرَكَ كُلِّ شَيْءٍ مِنْهُ عَلَى حِدَةٍ، عِذْقُ ابْنِ زَيْدٍ عَلَى حِدَةٍ، وَاللِّينَ عَلَى حِدَةٍ، وَالْعَجْوَةَ عَلَى حِدَةٍ ثُمَّ أَحْضَرْتُهُمْ حَتَّى آتَيْتُكَ»، فَفَعَلْتُ. ثُمَّ جَاءَ عَلَيْهِ السَّلَامُ فَفَعَدَ عَلَيَّ وَكَانَ لِكُلِّ رَجُلٍ حَتَّى اسْتَوْفَى وَبَقِيَ التَّمْرُ كَمَا هُوَ كَأَنَّهُ لَمْ يَمَسَّ. [راجع: ٢١٢٧]

٢٤٠٦ - وَعَزَوْتُ مَعَ النَّبِيِّ ﷺ عَلَى نَاضِحٍ لَنَا فَأَزْحَفَ الْجَمَلُ فَخَلَّفَ عَلَيَّ فَوَكَزَهُ النَّبِيُّ ﷺ مِنْ خَلْفِهِ، قَالَ: «بِعَيْنِهِ وَلَكَ ظَهْرُهُ إِلَى الْمَدِينَةِ»، فَلَمَّا دَنَوْنَا اسْتَأْذَنْتُ فَقُلْتُ: يَا رَسُولَ اللهِ، إِنِّي حَدِيثٌ عَهْدٍ بِعُرْسٍ. قَالَ ﷺ: «فَمَا تَزَوَّجْتَ؟ بِكْرًا أَمْ نَيْبًا؟» قُلْتُ: نَيْبًا. أُصِيبَ عَبْدُ اللهِ وَتَرَكَ جَوَارِيَ صِغَارًا، فَتَزَوَّجْتُ نَيْبًا تَعَلَّمَهُنَّ وَتَوَدَّهِنَّ، 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, corrupters)...” (V.10:81)

And the Statement of Allāh تعالى:

“Does your *Ṣalāt* (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 تعالى 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 عنهما: 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.

قَالَ: «إِنَّ أَهْلَكَ»، فَقَدِمْتُ فَأَخْبَرْتُ خَالِي بِبَيْعِ الْجَمَلِ فَلَامَنِي. فَأَخْبَرْتُهُ بِأَعْيَاءِ الْجَمَلِ، وَبِالَّذِي كَانَ مِنَ النَّبِيِّ ﷺ وَوَكْرَهُ إِيَّاهُ، فَلَمَّا قَدِمَ النَّبِيُّ ﷺ عَدَوْتُ إِلَيْهِ بِالْجَمَلِ فَأَعْطَانِي ثَمَنَ الْجَمَلِ وَالْجَمَلَ وَسَهْمِي مَعَ الْقَوْمِ.

[راجع: ٤٤٣]

(١٩) بَابُ مَا يُنْهَى عَنْ إِضَاعَةِ الْمَالِ

وَقَوْلِ اللَّهِ تَبَارَكَ وَتَعَالَى: ﴿وَاللَّهُ لَا يُحِبُّ الْفُسَادَ﴾ [البقرة: ٢٠٥] وَلَا يُصْلِحُ عَمَلَ الْمُفْسِدِينَ﴾ [يونس: ٨١] وَقَالَ فِي قَوْلِهِ تَعَالَى: ﴿أَصْلَوْلَكَ تَأْمُرَكَ أَنْ تَتْرَكَ مَا يَعْبُدُ آبَاؤُنَا أَوْ أَنْ نَعْمَلَ فِي أَمْوَالِنَا مَا نَشْتَوُونَ﴾ [هود: ٨٧] وَقَالَ تَعَالَى: ﴿وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ﴾ [النساء: ٥] وَالْحَجْرِ فِي ذَلِكَ وَمَا يُنْهَى عَنِ الْخِدَاعِ.

٢٤٠٧ - حَدَّثَنَا أَبُو نَعِيمٍ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ: سَمِعْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَجُلٌ لِلنَّبِيِّ ﷺ: إِنِّي أُخْدَعُ فِي الْبَيْعِ، فَقَالَ: «إِذَا بَايَعْتَ فَقُلْ: لَا خِلَابَةَ»، فَكَانَ الرَّجُلُ يَقُولُهُ. [راجع: ٢١١٧]