

a dispute about the land.

(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.

2475. Narrated Abū Hurairah رَضِيَ اللهُ 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."

عَنِ الرَّبِيرِ بْنِ خَرِيتٍ، عَنْ عِكْرِمَةَ، سَمِعْتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: فَصَى النَّبِيُّ ﷺ إِذَا تَسَاجَرُوا فِي الطَّرِيقِ الْمَيْتَاءِ بِسَبْعَةِ أذْرَعٍ.

(٣٠) بَابُ النَّهْيِ بِغَيْرِ إِذْنِ صَاحِبِهِ

وَقَالَ عُبَادَةُ: بَايَعْنَا النَّبِيَّ ﷺ أَنْ لَا نَنْتَهَبَ.

٢٤٧٤ - حَدَّثَنَا آدَمُ بْنُ أَبِي إِيَاسٍ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا عَدِيُّ بْنُ ثَابِتٍ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ يَزِيدَ الْأَنْصَارِيَّ وَهُوَ جَدُّهُ أَبُو أُمِّهِ قَالَ: نَهَى النَّبِيُّ ﷺ عَنِ النَّهْبِ وَالْمُتْلَةِ.

[راجع: ٥٥١٦]

٢٤٧٥ - حَدَّثَنَا سَعِيدُ بْنُ عُفَيْرٍ قَالَ: حَدَّثَنِي اللَّيْثُ: حَدَّثَنَا عُقَيْلٌ، عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَزْنِي الزَّانِي حِينَ يَزْنِي وَهُوَ مُؤْمِنٌ، وَلَا يَشْرَبُ الْخَمْرَ حِينَ يَشْرَبُ وَهُوَ مُؤْمِنٌ، وَلَا يَسْرِقُ حِينَ يَسْرِقُ وَهُوَ مُؤْمِنٌ وَلَا يَنْتَهَبُ نَهْبَةً يَرْفَعُ النَّاسُ إِلَيْهِ فِيهَا أَبْصَارَهُمْ حِينَ يَنْتَهَبُهَا وَهُوَ مُؤْمِنٌ».

وَعَنْ سَعِيدِ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ مِثْلَهُ إِلَّا النَّهْبَةَ. قَالَ الْفَرَزَبَرِيُّ: وَجَدْتُ بِحَظِّ أَبِي

جَعْفَرٍ: قَالَ أَبُو عَبْدِ اللَّهِ: تَفْسِيرُهُ أَنْ يُنْزَعَ مِنْهُ، يُرِيدُ الْإِيمَانَ. [انظر: ٥٥٧٨، ٦٧٧٢، ٦٨١٠]

(31) CHAPTER. The breaking of the cross and the killing of the pigs.

(٣١) بَابُ كَسْرِ الصَّلِيبِ وَقَتْلِ الْخَنزِيرِ

2476. Narrated Abū Hurairah رَضِيَ اللهُ 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 *Fath Al-Bārī*]

٢٤٧٦ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا الرَّهْرِيُّ قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيْبِ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «لَا تَقُومُ السَّاعَةُ حَتَّى يَنْزِلَ فِيكُمْ ابْنُ مَرْيَمَ حَكَمًا مُقْسِطًا فَيَكْسِرَ الصَّلِيبَ وَيَقْتُلَ الْخَنزِيرَ وَيَضَعَ الْجُزْيَةَ وَيَقْبِضَ الْمَالَ حَتَّى لَا يَقْبَلَهُ أَحَدٌ». [راجع: ٢٢٢٢]

(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)?

(٣٢) بَابُ هَلْ تُكْسَرُ الدَّنَانُ الَّتِي فِيهَا الْخَمْرُ أَوْ تُحْرَقُ الرَّقَاقُ؟ فَإِنْ كَسَرَ صَمًا أَوْ صَلِيبًا أَوْ طُبُورًا أَوْ مَا لَا يَنْتَفَعُ بِحَشَبِهِ وَأَتَى شَرِيحَ فِي طُبُورٍ كَسِرَ فَلَمْ يَقْبَضْ فِيهِ شَيْءٌ.

A case of a drum broken by somebody was presented to Shuraih who did not impose a compensation on the person who had broken it.

2477. Narrated Salama bin Al-Akwa رَضِيَ اللهُ 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

٢٤٧٧ - حَدَّثَنَا أَبُو عَاصِمٍ الصَّحَّاحُ بْنُ مَخْلَدٍ، عَنْ بَرِيدِ بْنِ أَبِي عُبَيْدٍ، عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ رَأَى نِيرَانًا تُوْقَدُ يَوْمَ خَيْبَرَ. قَالَ: «عَلَامَ تُوْقَدُ هَذِهِ

(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."

النَّيرَانُ؟» قَالُوا: عَلَى الْحُمْرِ الْإِنْسِيَّةِ، قَالَ: «أَكْسِرُوهَا وَهَرِيْقُوهَا»، قَالُوا: أَلَا نَهْرِيقُهَا وَنَعْسِلُهَا؟ قَالَ: «اغْسِلُوهَا». قَالَ أَبُو عَبْدِ اللَّهِ: كَانَ ابْنُ أَبِي أُوَيْسٍ يَقُولُ: الْحُمْرُ الْأَنْسِيَّةُ. [انظر: ٤١٩٦، ٥٤٩٧، ٦١٤٨، ٦٣٣١، ٦٨٩١]

2478. Narrated 'Abdullāh bin Mas'ūd 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'an or Jihad against polytheists) has come and Bātil (falsehood, i.e., Satan or polytheism) has vanished." (V.17:81)

٢٤٧٨ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا ابْنُ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، عَنْ أَبِي مَعْمَرٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: دَخَلَ النَّبِيُّ ﷺ مَكَّةَ وَحَوْلَ الْبَيْتِ ثَلَاثِمِائَةٍ وَسِتُّونَ نَصْبًا، فَجَعَلَ يَطْعُنُهَا بِعُودٍ فِي يَدِهِ، وَجَعَلَ يَقُولُ: ﴿جَاءَ الْحَقُّ وَزَهَقَ الْبَاطِلُ﴾ الْآيَةَ [الإسراء: ٨١]. [انظر: ٤٢٨٧، ٤٧٢٠]

2479. Narrated Al-Qāsim : 'Āishah 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 أَنَسُ بْنُ عِيَاضٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ الْقَاسِمِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّهَا كَانَتْ اتَّخَذَتْ عَلَى سَهْوَةٍ لَهَا سِتْرًا فِيهِ تَمَاثِيلُ فَهَتَكَهُ النَّبِيُّ ﷺ فَاتَّخَذَتْ مِنْهُ نَمْرُقَتَيْنِ فَكَانَتَا فِي الْبَيْتِ يَجْلِسُ عَلَيْهِمَا. [انظر: ٥٩٥٤، ٥٩٥٥، ٦١٠٩]

(33) CHAPTER. (What is said about) one who fights to protect his property?

2480. Narrated 'Abdullāh bin 'Amr رضي الله عنهما: I heard the Prophet ﷺ saying,

٢٤٨٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ

“Whoever is killed while protecting his property, then he is a martyr.”

يَزِيدُ: حَدَّثَنَا سَعِيدٌ - هُوَ ابْنُ أَبِي
أَيُّوبَ - قَالَ: حَدَّثَنِي أَبُو الْأَسْوَدِ،
عَنْ عِكْرِمَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو
رَضِيَ اللَّهُ عَنْهُمَا قَالَ: سَمِعْتُ النَّبِيَّ
ﷺ يَقُولُ: «مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ
شَهِيدٌ».

(34) CHAPTER. If a person breaks a wooden bowl or something else belonging to somebody, (should he give a compensation)?

(٣٤) بَابُ إِذَا كَسَرَ قَصْعَةً أَوْ شَيْئًا
لِغَيْرِهِ

2481. Narrated Anas رَضِيَ اللَّهُ عَنْهُ: While the Prophet ﷺ was with one of his wives, one of the Mothers of the believers (i.e., one of his wives) sent a wooden bowl containing food with a servant. The wife (in whose house he was sitting) stroke the bowl with her hand and broke it. The Prophet ﷺ collected the shattered pieces and put the food back in it and said, “(Help yourselves and) eat.” He kept the servant and the bowl till he had eaten the food. Then the Prophet ﷺ gave another unbroken bowl to the servant and kept the broken one.

٢٤٨١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
يَحْيَى ابْنُ سَعِيدٍ، عَنْ حُمَيْدٍ، عَنْ
أَنْسِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ
كَانَ عِنْدَ بَعْضِ نِسَائِهِ، فَأَرْسَلَتْ
إِخْدَى أُمَّهَاتِ الْمُؤْمِنِينَ مَعَ خَادِمٍ
بِقَصْعَةٍ فِيهَا طَعَامٌ فَضَرَبَتْ بِيَدِهَا
فَكَسَرَتْ الْقَصْعَةَ فَصَمَّهَا وَجَعَلَ فِيهَا
الطَّعَامَ. وَقَالَ: «كُلُوا»، وَحَبَسَ
الرَّسُولَ وَالْقَصْعَةَ حَتَّى فَرَعُوا فَدَفَعَ
الْقَصْعَةَ الصَّحِيحَةَ وَحَبَسَ الْمَكْسُورَةَ.

وقال ابن أبي مرزيم: أخبرنا يحيى بن
أيوب: حدثنا حميد: حدثنا أنس عن
النبي ﷺ. [انظر: ٥٢٢٥]

(35) CHAPTER. If one pulls down a wall, one should build a similar one in its place.

(٣٥) بَابُ إِذَا هَدَمَ حَائِطًا فَلْيَبْنِ مِثْلَهُ

2482. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: Allah'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

٢٤٨٢ - حَدَّثَنَا مُسْلِمٌ بِنُ
إِبْرَاهِيمَ: حَدَّثَنَا جَرِيرٌ هُوَ ابْنُ حَارِمٍ،
عَنْ مُحَمَّدِ بْنِ سَبْرِينَ، عَنْ أَبِي
هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ
اللَّهِ ﷺ: «كَانَ رَجُلٌ فِي بَنِي إِسْرَائِيلَ

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: جُرَيْجٌ، يُصَلِّي فَجَاءَتْهُ أُمُّهُ
فَدَعَتْهُ فَأَبَى أَنْ يُجِيبَهَا فَقَالَ: أُجِيبُهَا
أَوْ أَصَلِّي؟ ثُمَّ أَتَتْهُ فَقَالَتْ: اللَّهُمَّ لَا
تُؤْتِهِ حَتَّى تَرِيَهُ وَجُوهَ الْمُؤْمِسَاتِ.
وَكَانَ جُرَيْجٌ فِي صَوْمَعَتِهِ فَقَالَتْ
امْرَأَةٌ: لِأَقْتِنَنَّ جُرَيْجًا، فَتَعَرَّضَتْ لَهُ
فَكَلَّمَتْهُ، فَأَبَى. فَأَتَتْ رَاعِيًا فَأَمَكَّتَهُ
مِنْ نَفْسِهَا فَوَلَدَتْ غُلَامًا فَقَالَتْ: هُوَ
مِنْ جُرَيْجٍ. فَأَتَتْهُ وَكَسَرُوا صَوْمَعَتَهُ
فَأَنْزَلُوهُ وَسَبُّوهُ، فَتَوَضَّأَ وَصَلَّى ثُمَّ أَتَى
الْغُلَامَ فَقَالَ: مَنْ أَبِيكَ يَا غُلَامٌ؟
قَالَ: الرَّاعِي، قَالُوا: نَبِيِّ صَوْمَعَتِكَ
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 '*Urūd* (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 اللهُ عَنْهُمَا: "Allāh's Messenger ﷺ sent an army towards the sea coast and appointed Abū 'Ubaida bin Al-Jarrāh 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) بَابُ الشَّرِكَةِ فِي الطَّعَامِ وَالنَّهْدِ وَالْعُرُوضِ، وَكَيْفَ قَسَمَهُ مَا يُكَالُ وَيُوزَنُ مُجَارَفَةً، أَوْ قَبْضَةً قَبْضَةً لِمَا لَمْ يَرِ الْمُسْلِمُونَ فِي النَّهْدِ بِأَسَا أَنْ يَأْكُلَ هَذَا بَعْضًا وَهَذَا بَعْضًا، وَكَذَلِكَ مُجَارَفَةَ الذَّهَبِ وَالْفِضَّةِ، وَالْقِرَانُ فِي التَّمْرِ

٢٤٨٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ وَهْبِ بْنِ كَيْسَانَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا أَنَّهُ قَالَ: بَعَثَ رَسُولُ اللَّهِ ﷺ بَعْنَا قَبْلَ السَّاحِلِ، فَأَمَرَ عَلَيْهِمْ أَبَا عُبَيْدَةَ بْنَ الْجَرَّاحِ وَهُمْ ثَلَاثُمِائَةٍ وَأَنَا فِيهِمْ، فَحَرَجْنَا حَتَّى إِذَا كُنَّا بِبَعْضِ الطَّرِيقِ فِينِي الرَّأْدُ. فَأَمَرَ أَبُو عُبَيْدَةَ بِأَزْوَادِ ذَلِكَ الْجَيْشِ فَجُمِعَ ذَلِكَ كُلُّهُ، فَكَانَ مِرْوَدِي تَمْرٍ. فَكَانَ يُفَوِّتُنَا كُلَّ يَوْمٍ قَلِيلًا قَلِيلًا حَتَّى فَنِي، فَلَمْ يَكُنْ يُصِيبُنَا إِلَّا تَمْرَةٌ تَمْرَةٌ، فَقُلْتُ: وَمَا تُعْنِي تَمْرَةٌ؟ فَقَالَ: لَقَدْ وَجَدْنَا فَقْدَهَا جَيْنَ فَيَنْتُ. قَالَ: ثُمَّ أَنْتَهِنَا إِلَى الْبَحْرِ فَإِذَا حُوتٌ مِثْلُ الطَّرْبِ

two ribs (forming an arch) without touching them.”

2484. Narrated Salama رضي الله عنه: 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 رضي الله عنه 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 Khadij رضي الله عنه: 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.

فَأَكَلَ مِنْهُ ذَلِكَ الْجَيْشُ ثَمَانِي عَشْرَةَ لَيْلَةً ثُمَّ أَمَرَ أَبُو عُبَيْدَةَ بِضَلْعَيْنِ مِنْ أَضْلَاعِهِ فَنَصَبَا ثُمَّ أَمَرَ بِرَاحِلَةٍ فَرَحَلَتْ ثُمَّ مَرَّتْ تَحْتَهُمَا فَلَمْ تُصِبْهُمَا .
[٢٩٨٣، ٤٣٦٠ - ٤٣٦٢، ٥٤٩٣، ٥٤٩٤]

٢٤٨٤ - حَدَّثَنَا بِشْرُ بْنُ مَرْحُومٍ : حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ ، عَنْ يَزِيدَ بْنِ أَبِي عُبَيْدٍ ، عَنْ سَلَمَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ : خَفَّتْ أَرْوَادُ الْقَوْمِ وَأَمْلَقُوا فَاتُوا النَّبِيَّ ﷺ فِي نَحْرِ إِبِلِهِمْ فَأَذِنَ لَهُمْ ، فَلَقِيَهُمْ عُمَرُ فَأَخْبَرُوهُ فَقَالَ : مَا بَقَاؤُكُمْ بَعْدَ إِبِلِكُمْ؟ فَدَخَلَ عَلَى النَّبِيِّ ﷺ فَقَالَ : يَا رَسُولَ اللَّهِ ، مَا بَقَاؤُهُمْ بَعْدَ إِبِلِهِمْ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ : « نَادِ فِي النَّاسِ يَا تُونَ بِفَضْلِ أَرْوَادِهِمْ . فَبَسِطْ لِذَلِكَ نِطْعَ وَجَعَلُوهُ عَلَى النَّطْعِ فَقَامَ رَسُولُ اللَّهِ ﷺ فَدَعَا وَبَرَكَ عَلَيْهِ ، ثُمَّ دَعَاهُمْ بِأَوْعِيَّتِهِمْ فَاحْتَسَى النَّاسُ حَتَّى فَرَعُوا ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ : « أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنِّي رَسُولُ اللَّهِ » . [انظر: ٢٩٨٢]

٢٤٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ يُونُسَ : حَدَّثَنَا الْأَوْزَاعِيُّ : حَدَّثَنَا أَبُو النَّجَّاشِيِّ قَالَ : سَمِعْتُ رَافِعَ بْنَ خَدِيجٍ رَضِيَ اللَّهُ عَنْهُ قَالَ : « كُنَّا نُصَلِّي مَعَ النَّبِيِّ ﷺ الْعَصْرَ فَتَنَحَّرَ جُزُورًا . فَتُقَسَّمُ عَشْرَ قِسْمٍ ، فَنَأْكُلُ لَحْمًا نَضِيجًا قَبْلَ أَنْ تَغْرُبَ الشَّمْسُ » .

2486. Narrated Abū Mūsa رَضِيَ اللهُ عَنْهُ: 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."

٢٤٨٦ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا حَمَادُ بْنُ أَسَامَةَ، عَنْ بُرَيْدٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى قَالَ: قَالَ النَّبِيُّ ﷺ: «إِنَّ الْأَشْعَرِيِّينَ إِذَا أَرْمَلُوا فِي الْعَزْوِ أَوْ قَلَّ طَعَامُ عِيَالِهِمْ بِالْمَدِينَةِ جَمَعُوا مَا كَانَ عِنْدَهُمْ فِي ثَوْبٍ وَاحِدٍ ثُمَّ اقْتَسَمُوهُ بَيْنَهُمْ فِي إِنَاءٍ وَاحِدٍ بِالسَّوِيَّةِ، فَهُمْ مِنِّي وَأَنَا مِنْهُمْ».

(2) CHAPTER. Partners possessing joint property (sheep) have to pay its *Zakāt* equally.⁽¹⁾

2487. Narrated Anas that Abū Bakr Aṣ-Ṣiddīq 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.

(٢) بَابُ مَا كَانَ مِنْ خَلِيطَيْنِ فَإِنَّهُمَا يَتَرَاجَعَانِ بَيْنَهُمَا بِالسَّوِيَّةِ فِي الصَّدَقَةِ

٢٤٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ ابْنِ الْمُثَنَّى قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي ثُمَامَةُ ابْنُ عَبْدِ اللَّهِ بْنِ أَنَسٍ: أَنَّ أَنَسًا حَدَّثَهُ: أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ رَضِيَ اللَّهُ عَنْهُ كَتَبَ لَهُ فَرِيضَةَ الصَّدَقَةِ الَّتِي فَرَضَ رَسُولُ اللَّهِ ﷺ قَالَ: «وَمَا كَانَ مِنْ خَلِيطَيْنِ فَإِنَّهُمَا يَتَرَاجَعَانِ بَيْنَهُمَا بِالسَّوِيَّةِ».

[راجع: ١٤٤٨]

(3) CHAPTER. Division of sheep.

2488. Narrated 'Abāya bin Rifā'a bin Rāfi' bin Khadij: 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

(٣) بَابُ قِسْمَةِ الْغَنَمِ

٢٤٨٨ - حَدَّثَنَا عَلِيُّ بْنُ الْحَكَمِ الْأَنْصَارِيُّ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ سَعِيدِ ابْنِ مَسْرُوقٍ، عَنْ عَبَّادَةَ بْنِ رِفَاعَةَ بْنِ رَافِعِ بْنِ خَدِيجٍ، عَنْ جَدِّهِ قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ بِذِي الْحُلَيْفَةِ. فَأَصَابَ النَّاسَ جُوعٌ فَأَصَابُوا إِبِلًا

(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)."

وَعَنَّمَا. قَالَ: وَكَانَ النَّبِيُّ ﷺ فِي أُخْرِيَاتِ الْقَوْمِ فَعَجَلُوا وَذَبَحُوا وَنَصَبُوا الْقُدُورَ، فَأَمَرَ النَّبِيُّ ﷺ بِالْقُدُورِ فَأُكْفِئَتْ. ثُمَّ قَسَمَ فَعَدَلَ عَشْرَةَ مِنَ الْغَنَمِ بِبَعِيرٍ فَدَدَّ مِنْهَا بَعِيرٌ فَطَلَبُوهُ فَأَعْيَاهُمْ. وَكَانَ فِي الْقَوْمِ خَيْلٌ يَسِيرَةٌ فَأَهْوَى رَجُلٌ مِنْهُمْ بِسَهْمٍ فَحَبَسَهُ اللَّهُ. ثُمَّ قَالَ: «إِنَّ لَهُذِهِ الْبَهَائِمِ أَوْابِدَ كَأَوْابِدِ الْوَحْشِ فَمَا غَلَبَكُمْ مِنْهَا فَاصْطَوْا بِهِ هَكَذَا»، فَقَالَ جَدِّي: إِنَّا نَرُجُو - أَوْ نَخَافُ - الْعَدُوَّ غَدًا وَلَيْسَتْ مَعَنَا مَدَى، أَفَنَذْبِحُ بِالْقَصَبِ؟ قَالَ: «مَا أَنْهَرَ الدَّمَ، وَذَكَرَ اسْمُ اللَّهِ عَلَيْهِ فُكُلُوهُ، لَيْسَ السِّنُّ وَالظُّفْرُ، وَسَأُحَدِّثُكُمْ عَنْ ذَلِكَ: أَمَّا السِّنُّ فَعَظْمٌ وَأَمَّا الظُّفْرُ فَمُدَى الْحَبَسَةِ».

[انظر: ٢٥٠٧، ٣٠٧٥، ٥٤٩٨، ٥٥٠٣،

٥٥٠٦، ٥٥٤٣، ٥٥٤٤]

(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: 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).

(٤) بَابُ الْقِرَانِ فِي التَّمْرِ بَيْنَ الشُّرَكَاءِ حَتَّى يَسْتَأْذِنَ أَصْحَابَهُ

٢٤٨٩ - حَدَّثَنَا خَلَادُ بْنُ يَحْيَى: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا جَبَلَةُ بْنُ سَحِيمٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: نَهَى النَّبِيُّ ﷺ أَنْ يَقْرَنَ الرَّجُلُ بَيْنَ التَّمْرَتَيْنِ جَمِيعًا حَتَّى يَسْتَأْذِنَ أَصْحَابَهُ. [راجع: ٢٤٥٥]

2490. Narrated Jabala: While at Al-

٢٤٩٠ - حَدَّثَنَا أَبُو الْوَلِيدِ:

(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."

حَدَّثَنَا شُعْبَةُ عَنْ جَبَلَةَ قَالَتْ: كُنَّا بِالْمَدِينَةِ فَأَصَابَتْنَا سَنَةٌ فَكَانَ ابْنُ الزُّبَيْرِ يَرْزُقُنَا التَّمْرَ. وَكَانَ ابْنُ عُمَرَ يَمُرُّ بِنَا فَيَقُولُ: لَا تَقْرِنُوا فَإِنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْأَقْرَانِ إِلَّا أَنْ يَسْتَأْذِنَ الرَّجُلُ مِنْكُمْ أَحَاهُ. [راجع: ٢٤٥٥]

(5) CHAPTER. To get a joint property evaluated with an adequate price.

(٥) بَابُ تَقْوِيمِ الْأَشْيَاءِ بَيْنَ الشَّرَكَاءِ بِقِيَمَةِ عَدْلِ

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.'"

٢٤٩١ - حَدَّثَنَا عِمْرَانُ بْنُ مَيْسَرَةَ: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا أَيُّوبُ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَعْتَقَ شَقِصًا لَهُ مِنْ عَبْدٍ - أَوْ شِرْكَ أَوْ قَالَ: نَصِيبًا - وَكَانَ لَهُ مَا يَبْلُغُ ثَمَنَهُ بِقِيَمَةِ الْعَدْلِ فَهُوَ عَتِيقٌ وَإِلَّا فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ». قَالَ: لَا أَدْرِي قَوْلُهُ: «عَتَقَ مِنْهُ مَا عَتَقَ» قَوْلٌ مِنْ نَافِعٍ أَوْ فِي الْحَدِيثِ عَنِ النَّبِيِّ ﷺ؟. [انظر: ٢٥٠٣، ٢٥٢١ -

(Ayyūb, a subnarrator is not sure whether the saying "... otherwise he will be partially manumitted" was said by Nāfi' or the Prophet ﷺ).

[٢٥٢٥

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)".

٢٤٩٢ - حَدَّثَنَا بَشْرُ بْنُ مُحَمَّدٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهْيكٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْتَقَ شَقِصًا مِنْ مَمْلُوكِهِ فَعَلَيْهِ خَلَاصُهُ فِي مَالِهِ. فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ قَوْمَ الْمَمْلُوكِ قِيَمَةَ عَدْلِ، ثُمَّ