

اسْتُسْعِيَ غَيْرَ مَشْفُوقٍ عَلَيْهِ». [انظر:

[٢٥٠٤، ٢٥٢٦، ٢٥٢٧]

(6) CHAPTER. Can one draw lots for divisions and shares?

2493. Narrated An-Nu'mān bin Bashīr رضي الله عنهما: The Prophet ﷺ said, "The example of the person abiding by Allāh's Orders and Restrictions in comparison to those who violate them is like the example of those persons who drew lots for their seats in a ship. Some of them got seats in the upper part, and the others in the lower. When the latter needed water, they had to go up to bring water (and that troubled the others), so they said, 'Let us make a hole in our share of the ship (and get water) saving those who are above us from trouble. So, if the people in the upper part left the others do what they had intended, all of them would be perished, but if they prevented them (from doing so), both parties would be saved."

(٦) بَابٌ: هَلْ يُفْرَعُ فِي الْقِسْمَةِ وَالِاسْتِهَامِ فِيهِ؟

٢٤٩٣ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا زَكَرِيَّا قَالَ: سَمِعْتُ عَامراً يَقُولُ: سَمِعْتُ التُّعْمَانَ ابْنَ بَشِيرٍ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «مَثَلُ الْقَائِمِ عَلَى حُدُودِ اللَّهِ وَالْوَاقِعِ فِيهَا كَمَثَلِ قَوْمٍ اسْتَهَمُوا عَلَى سَفِينَةٍ، فَأَصَابَ بَعْضُهُمْ أَعْلَاهَا وَبَعْضُهُمْ أَسْفَلَهَا، فَكَانَ الَّذِينَ فِي أَسْفَلِهَا إِذَا اسْتَقَمُوا مِنَ الْمَاءِ مَرُّوا عَلَى مَنْ فَوْقَهُمْ فَقَالُوا: لَوْ أَنَا حَرَفْنَا فِي نَصِيبِنَا حَرْفًا وَلَمْ نُؤْذِ مَنْ فَوْقَنَا، فَإِنْ يَتْرُكُوهُمْ وَمَا أَرَادُوا هَلَكُوا جَمِيعاً، وَإِنْ أَخَذُوا عَلَى أَيْدِيهِمْ نَجَوْا وَنَجَّوْا جَمِيعاً».

[انظر: ٢٦٨٦]

(7) CHAPTER. The partnership of orphans and other inheritors.

2494. Narrated 'Urwa bin Az-Zubair that he had asked رضي الله عنها 'Aishah about the meaning of the Statement of Allāh تعالى:

"And if you fear that you shall not be able to deal justly... (up to)... or four..." (V.4:3)

She said, "O my nephew! This is about the orphan girl who lives with her guardian and shares his property. Her wealth and beauty may tempt him to marry her without giving her an adequate *Mahr* (bridal-money) which might have been given by another suitor. So, such guardians were forbidden to marry such

(٧) بَابُ شَرِكَةِ الْيَتِيمِ وَأَهْلِ الْمِيرَاثِ

٢٤٩٤ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ الْعَامِرِيُّ الْأَوْسِيُّ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ صَالِحٍ، عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ أَنَّهَا سَأَلَتْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا. وَقَالَ اللَّيْثُ: حَدَّثَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ أَنَّهَا سَأَلَتْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا عَنْ قَوْلِ اللَّهِ

orphan girls unless they treated them justly and gave them the most suitable *Mahr* ; otherwise they were ordered to marry any other woman.” ‘Aishah further said, “After that Verse the people again asked the Prophet ﷺ (about the marriage with orphan girls), so Allāh تعالى revealed the following Verses :

‘They ask your legal instruction concerning women... (up to)... and yet whom you desire to marry...’ (V.4:127)

What is meant by Allāh’s Saying :

‘And about what is recited unto you’ is the former Verse which goes :

‘And if you fear that you shall not be able to deal justly with the orphan girls, then marry (other) women of your choice...’

‘Aishah رضي الله عنها said, “Allāh’s Saying in the other Verse :

‘...Yet whom you desire to marry...’ means the desire of the guardian to marry an orphan girl under his supervision when she has not much property or beauty (in which case he should treat her justly). The guardians were forbidden to marry the orphan girls under their care possessing property and beauty without being just to them, as they generally refrain from marrying them (when they are neither beautiful nor wealthy).”

تعالى: ﴿وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا﴾ إلى قوله: ﴿وَرَبِّعْ﴾ [النساء: ٣] فقالت: يا ابن أختي، هي اليتيمة تكون في حجرٍ ولها تُشاركه في مالٍ فيعجبهُ مالها وجمالها فيريدُ ولها أن يتزوجها بغير أن يقسط في صداقها فيعطيهما مثل ما يعطيها غيرهُ، فهوا أن ينكحوهنَّ إلا أن يقسطوا لهنَّ ويبلغوا بهنَّ أعلى سننهنَّ من الصداق، وأمروا أن ينكحوا ما طاب لهم من النساء سواهنَّ. قال عروة: قالت عائشة: ثم إن الناس استفتوا رسول الله ﷺ بعد هذه الآية فأُنزل الله: ﴿وَسَنَفْتُوكَ فِي النِّسَاءِ﴾ إلى قوله: ﴿وَرَبِّعُونَ أَنْ تَنكِحُوهُنَّ﴾ [النساء: ١٢٧] والذي ذكر الله أنه يُنلى عليكم في الكتابِ الآية الأولى التي قال فيها: ﴿وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَى فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ﴾ قالت عائشة: وقول الله في الآية الأخرى: ﴿وَرَبِّعُونَ أَنْ تَنكِحُوهُنَّ﴾ هي رغبة أحدكم يتيمته التي تكون في حجره حين تكون قليلة المال والجمال، فهوا أن ينكحوا ما رغبوا في مالها وجمالها من يتامى النساء إلا بالقسط من أجل رغبتهنَّ عنهنَّ. [انظر: ٢٧٦٣، ٤٥٧٣، ٤٥٧٤، ٤٦٠٠، ٥٠٩٢، ٥٠٦٤، ٥٠٩٨، ٥١٢٨،

(8) CHAPTER. Sharing land, etc.

2495. Narrated Jābir bin ‘Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ established the right of *Shuf'a* (i.e., pre-emption) in joint properties; but when the land is divided and the ways are demarcated, then there is no pre-emption.

(9) CHAPTER. If partners divide the houses, etc., none of them has the right of backing out or the right of pre-emption.

2496. Narrated Jābir bin ‘Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, “The right of pre-emption is valid in every joint property, but when the land is divided and the way is demarcated, then there is no right of pre-emption.”

(10) CHAPTER. Sharing gold, silver and other articles used in money exchange.

2497, 2498. Narrated Sulaimān bin Abū Muslim: I asked Abū Mīnhāl about money exchange from hand to hand. He said, “I and a partner of mine bought something partly in cash and partly on credit.” Al-Barā’ bin ‘Āzib passed by us and we asked about it. He replied, “I and my partner Zaid bin Al-Arqam did the same and then went to the Prophet ﷺ and asked him about it. He ﷺ said, ‘Take what was from hand to hand and leave what was on credit.’”

(٨) بَابُ الشَّرْكََةِ فِي الْأَرْضَيْنِ وَغَيْرِهَا

٢٤٩٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا هِشَامٌ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا، قَالَ: إِنَّمَا جَعَلَ النَّبِيُّ ﷺ الشُّفْعَةَ فِي كُلِّ مَا لَمْ يُقَسَّمْ. فَإِذَا وَقَعَتِ الْحُدُودُ وَضُرِّقَتِ الطَّرِيقُ فَلَا شُفْعَةَ.

[راجع: ٢٢١٣]

(٩) بَابُ إِذَا قَسَمَ الشُّرَكَاءُ الدُّورَ وَغَيْرَهَا فَلَيْسَ لَهُمْ رُجُوعٌ وَلَا شُفْعَةٌ

٢٤٩٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَضَى النَّبِيُّ ﷺ بِالشُّفْعَةِ فِي كُلِّ مَا لَمْ يُقَسَّمْ، فَإِذَا وَقَعَتِ الْحُدُودُ وَضُرِّقَتِ الطَّرِيقُ فَلَا شُفْعَةَ. [راجع: ٢٢١٣]

(١٠) بَابُ الْإِشْتِرَاكِ فِي الذَّهَبِ وَالْفِضَّةِ وَمَا يَكُونُ فِيهِ الصَّرْفُ

٢٤٩٧، ٢٤٩٨ - حَدَّثَنِي عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ عُثْمَانَ يَعْنِي ابْنَ الْأَسْوَدِ قَالَ: أَخْبَرَنِي سُلَيْمَانُ بْنُ أَبِي مُسْلِمٍ قَالَ: سَأَلْتُ أَبَا الْإِمْهَالِ عَنِ الصَّرْفِ يَدًا بِيَدٍ فَقَالَ: اشْتَرَيْتُ أَنَا وَشَرِيكَ لِي شَيْئًا يَدًا بِيَدٍ وَنَسِيئَةً، فَجَاءَنَا الْبَرَاءُ بْنُ

عازِبٍ فَسَأَلْنَاهُ فَقَالَ: فَعَلْتُ أَنَا
وَشَرِيكِي زَيْدُ بْنُ أَرْقَمَ وَسَأَلْنَا النَّبِيَّ
ﷺ عَنْ ذَلِكَ، فَقَالَ: «مَا كَانَ يَدًا
بِيَدٍ فُحْدُوهُ، وَمَا كَانَ نَسِيئَةً فَرُدُّوهُ».

[راجع: ٢٠٦٠، ٢٠٦١]

(11) CHAPTER. Partnership with a *Dhimmi*
(A Jew or a Christian under the protection of
a Muslim Government and *Al-Mushirkun*
(polytheists, idolaters, pagans) in share-
cropping.

(١١) بَابُ مُشَارَكَةِ الدِّمِّيِّ
وَالْمُشْرِكِينَ فِي الْمَرْاعَةِ

2499. Narrated 'Abdullah رَضِيَ اللهُ عَنْهُ
Allāh's Messenger ﷺ rented the land of
Khaibar to the Jews on the condition that
they would work on it and cultivate it and
take half of its yield.

٢٤٩٩ - حَدَّثَنَا مُوسَى بْنُ
إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَةُ بْنُ أَسْمَاءَ،
عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللهُ عَنْهُ
قَالَ: أُعْطِيَ رَسُولُ اللهِ ﷺ خَيْرَ
الْيَهُودِ أَنْ يَعْمَلُوهَا وَيَزْرَعُوهَا وَلَهُمْ
شَطْرُ مَا يَخْرُجُ مِنْهَا. [راجع: ٢٢٨٥]

(12) CHAPTER. Distribution of sheep and
dividing them justly.

(١٢) بَابُ قِسْمَةِ الْغَنَمِ وَالْعَدْلَ فِيهَا

2500. Narrated 'Uqba bin 'Amir رَضِيَ اللهُ عَنْهُ
that Allāh's Messenger ﷺ gave him some
sheep to distribute among his companions in
order to sacrifice them and a kid was left. He
told the Prophet ﷺ about it and the Prophet
ﷺ said to him, "Sacrifice it on your behalf."

٢٥٠٠ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ:
حَدَّثَنَا اللَّيْثُ، عَنْ يَزِيدَ بْنِ أَبِي
حَبِيبٍ، عَنْ أَبِي الْحَيْرِ، عَنْ عُقْبَةَ بْنِ
عَامِرٍ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ
ﷺ أَعْطَاهُ غَنَمًا يَقْسِمُهَا عَلَى صَحَابَتِهِ
صَحَابِيًا فَبَقِيَ عَتُودٌ فَذَكَرَهُ لِرَسُولِ اللهِ
ﷺ فَقَالَ: «صَحِّحْ بِهِ أَنْتَ».

[راجع: ٢٣٠٠]

(13) CHAPTER. The sharing of food, etc.

(١٣) بَابُ الشَّرِكَةِ فِي الطَّعَامِ وَغَيْرِهِ
وَيُذَكَّرُ أَنَّ رَجُلًا سَاوَمَ شَيْئًا فَعَمَّرَهُ
آخَرٌ فَرَأَى عُمَرُ أَنَّ لَهُ شَرِكَةً.

It is said that a man offered some price for
something and another man signalled him to
buy it. When 'Umar noticed that, he

considered the second man as a partner of the first.

2501, 2502. Narrated ‘Abdullāh bin Hishām, that his mother Zainab bint Ḥumaid took him to the Prophet ﷺ and said, “O Allāh’s Messenger! Take the *Bai’a* (pledge) from him.” But he said, “He is still too young for the pledge,” and passed his hand on his (i.e., ‘Abdullāh’s) head and invoked for Allāh’s Blessing for him. Zuhra bin Ma’bad stated that he used to go with his grandfather, ‘Abdullāh bin Hishām, to the market to buy foodstuff. Ibn ‘Umar and Ibn Az-Zubair would meet him and say to him, “Be our partner, as the Prophet ﷺ invoked Allāh to bless you.” So, he would be their partner, and very often he would win a camel’s load and send it home.

٢٥٠١، ٢٥٠٢ - حَدَّثَنَا أَصْبَغُ
بْنُ الْفَرَجِ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ
وَهْبٍ قَالَ: أَخْبَرَنِي سَعِيدٌ، عَنْ زُهْرَةَ
بِنِ مَعْبِدٍ، عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ هِشَامٍ
وَكَانَ قَدْ أَدْرَكَ النَّبِيَّ ﷺ وَذَهَبَتْ بِهِ
أُمُّهُ زَيْنَبُ بِنْتُ حُمَيْدٍ إِلَى رَسُولِ اللَّهِ
ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ، بَايِعْهُ،
فَقَالَ: «هُوَ صَغِيرٌ»، فَمَسَحَ رَأْسَهُ
وَدَعَا لَهُ. وَعَنْ زُهْرَةَ بِنِ مَعْبِدٍ أَنَّهُ كَانَ
يَخْرُجُ بِهِ جَدُّهُ عَبْدُ اللَّهِ بْنُ هِشَامٍ إِلَى
السُّوقِ فَيَشْتَرِي الطَّعَامَ فَيَلْقَاهُ ابْنُ عُمَرَ
وَابْنُ الزُّبَيْرِ فَيَقُولَانِ لَهُ: أَشْرَكْنَا، فَإِنَّ
النَّبِيَّ ﷺ قَدْ دَعَا لَكَ بِالْبَرَكَةِ
فَيَسْرِكُهُمْ، فَرَبَّمَا أَصَابَ الرَّاحِلَةَ كَمَا
هِيَ فَيَبِعْتُ بِهَا إِلَى الْمَنْزِلِ. [الحديث:
٢٥٠١، انظر: ٧٢١٠]؛ [الحديث:

٢٥٠٢، انظر: ٦٣٥٣]

(14) CHAPTER. Sharing the slaves.

2503. Narrated Ibn ‘Umar رضي الله عنهما: The Prophet ﷺ said, “Whoever manumits his share of a jointly possessed slave, it is imperative on him to manumit the slave completely if he has sufficient money to pay the rest of its price which is to be estimated justly. He should pay his partners their shares and release him.”

(١٤) بَابُ الشَّرِكَةِ فِي الرِّقِيِّ
٢٥٠٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
جُوَيْرِيَةُ بِنُ أَسْمَاءَ، عَنْ نَافِعٍ، عَنِ
ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ
ﷺ قَالَ: «مَنْ أَعْتَقَ شُرَكَاءَ لَهُ فِي
مَمْلُوكٍ وَجَبَ عَلَيْهِ أَنْ يُعْتِقَ كُلَّهُ إِنْ
كَانَ لَهُ مَالٌ قَدَّرَ ثَمَمَهُ يُقَامُ قِيمَةً عَدْلٍ،
وَيُعْطَى شُرَكَاءُوهُ حِصَّتَهُمْ وَيُخَلَّى سَبِيلُ
الْمُعْتَقِ». [راجع: ٢٤٩١]

2504. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Whoever manumits his share of a jointly possessed slave, it is essential for him to manumit the slave completely if he has sufficient money. Otherwise he should look for some work for the slave (to earn what would enable him to emancipate himself), without overburdening him with work."

٢٥٠٤ - حَدَّثَنَا أَبُو التُّعْمَانِ: حَدَّثَنَا جَرِيرُ بْنُ حَارِظٍ، عَنْ قَتَادَةَ، عَنِ النَّصْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهْيِكَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْتَقَ شِقْصًا فِي عَبْدٍ أَعْتَقَ كُلَّهُ إِنْ كَانَ لَهُ مَالٌ وَإِلَّا يُسْتَسَعَّ غَيْرَ مَشْقُوقٍ عَلَيْهِ».

[راجع: ٢٤٩٢]

(15) CHAPTER. Sharing the *Hady* and *Budn*. (Is it permissible for one) to share the *Hady* with somebody else after it has been slaughtered?

(١٥) بَابُ الْأَشْتِرَاكِ فِي الْهَدْيِ وَالْبُدْنِ، وَإِذَا اشْرَكَ الرَّجُلُ رَجُلًا فِي هَدْيِهِ بَعْدَ مَا أَهْدَى

2505, 2506. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ (along with his companions) reached Makkah in the morning of the fourth of Dhul-Hijjah assuming *Ihrām* for *Hajj* only. So when we arrived at Makkah, the Prophet ﷺ ordered us to change our intentions of the *Ihrām* for 'Umra and that we could finish our *Ihrām* after performing the 'Umra and could go to our wives (for sexual intercourse). The people began talking about that⁽¹⁾. Jābir said surprisingly, "Shall we go to Mina while semen is dribbling from our male organs?"⁽²⁾ Jābir moved his hand while saying so. When this news reached the Prophet ﷺ he delivered a *Khuṭba* (religious talk) and said, "I have been informed that some people were saying so-and-so. By Allāh I fear Allāh more than you do, and am more obedient to Him than you. If I had known what I know now, I would not have brought

٢٥٠٥، ٢٥٠٦ - حَدَّثَنَا أَبُو التُّعْمَانِ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ: أَخْبَرَنَا عَبْدُ الْمَلِكِ بْنُ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ وَعَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا قَالَا: قَدِمَ النَّبِيُّ ﷺ صُبْحَ رَابِعَةِ مِنْ ذِي الْحِجَّةِ مُهْلِينَ بِالصَّحْحِ لَا يَخْلِطُهُمْ شَيْءٌ، فَلَمَّا قَدِمْنَا أَمَرْنَا فَجَعَلْنَاهَا عُمْرَةً وَأَنْ نَحِلَّ إِلَى نِسَائِنَا، فَفَشَّتْ فِي ذَلِكَ الْقَائِلَةَ. - قَالَ عَطَاءٌ فَقَالَ جَابِرٌ -: فَيَرُوحُ أَحَدُنَا إِلَى مَنَى وَذَكَرَهُ يَقَطُرُ مَنِيًّا، - فَقَالَ جَابِرٌ بِكَفِّهِ - بَلَغَ ذَلِكَ النَّبِيَّ ﷺ فَقَامَ حَظِييًّا فَقَالَ: «بَلَغَنِي أَنْ أَقْوَامًا يَقُولُونَ كَذَا وَكَذَا،

(1) (H. 2505) People thought that it was sinful to perform 'Umra during the months of Hajj, so when the Prophet ﷺ ordered them to perform 'Umra with Hajj (i.e., Hajj-at-Tamattu'), they were astonished.

(2) (H. 2505) Jābir thought that it would be inconvenient to assume *Ihrām* for *Hajj* and go to Mina shortly after having had sexual relation with one's wife.

the *Hady* (sacrifice) with me and had the *Hady* not been with me, I would have finished the *Ihrām*." At that, Surāqa bin Mālik stood up and asked, "O Allāh's Messenger! Is this permission for us only or is it forever?" The Prophet ﷺ replied, "It is forever." In the meantime 'Alī bin Abī Ṭālib came from Yemen and was saying *Labbaik* for what the Prophet ﷺ has intended. (According to another man, 'Alī was saying *Labbaik* for *Hajj* similar to Allāh's Messenger ﷺ). The Prophet ﷺ told him to keep on the *Ihrām* and let him share the *Hady* with him.

والله لأننا أبرُّ وأتقى لله منهم، ولو أني استقبلت من أمري ما استدبرت، ما أهديت ولولا أن معي الهدى لأحلت. فقام سراقَةُ بن مالك بن جُعشم فقال: يا رسول الله، هي لنا أو للأبد؟ فقال: «لا، بل للأبد». قال: وجاء علي بن أبي طالب فقال: أحدهما يقول: لبيك بما أهلَّ به رسول الله ﷺ، وقال الآخر: لبيك بحجة رسول الله ﷺ، فأمر النبي ﷺ أن يُقيم على إحرامه وأشركه في الهدى. [راجع: ١٠٨٥،

[١٥٥٧]

(16) CHAPTER. Whoever regarded ten sheep as equal to one camel in distribution.

2507. Narrated 'Abāya bin Rifā'a: My grandfather, Rāfi' bin Khadīj عنه الله said, "We were in the valley of Dhul-Hulaifa of Tihāma in the company of the Prophet ﷺ and had some camels and sheep (of the booty). The people hurried (in slaughtering the animals) and put their meat in the pots and started cooking. Allāh's Messenger ﷺ came and ordered them to upset the pots, and distributed the booty considering one camel as equal to ten sheep. One of the camels fled and the people had only a few horses, so they got worried. (The camel was chased and) a man stopped the camel by throwing an arrow at it. Allāh's Messenger ﷺ said, 'Some of these animals are untamed like wild animals, so if anyone of them went out of your control, then you should treat it as you have done now.'" My grandfather said, "O Allāh's Messenger! We fear that we

(١٦) بَابُ مَنْ عَدَلَ عَشْرَةَ مِنَ الْعَنَمِ

بِحِزْوَرٍ فِي الْقِسْمِ

٢٥٠٧ - حَدَّثَنِي مُحَمَّدٌ: أَخْبَرَنَا وَكَيْعٌ، عَنْ سُفْيَانَ، عَنْ أَبِيهِ، عَنْ عَبَايَةَ ابْنِ رِفَاعَةَ، عَنْ جَدِّهِ رَافِعِ بْنِ خَدِيجِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ بِبَيْدِ الْحَلِيفَةِ مِنْ تِهَامَةَ فَأَصْبْنَا عَنَمًا وَإِبِلًا فَعَجَلِ الْقَوْمِ فَأَعْلَوْا بِهَا الْقُدُورَ، فَجَاءَ رَسُولُ اللَّهِ ﷺ فَأَمَرَ بِهَا فَأُكْفِئَتْ ثُمَّ عَدَلَ عَشْرَةَ مِنَ الْعَنَمِ بِحِزْوَرٍ. ثُمَّ إِنَّ بَعِيرًا مِنْهَا نَدَّ وَلَيْسَ فِي الْقَوْمِ إِلَّا خَيْلٌ يَسِيرَةٌ، فَرَمَاهُ رَجُلٌ فَحَبَسَهُ بِسَهْمٍ فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ لَهُدْيَهُ الْبَهَائِمِ أَوْابِدٌ كَأَوْابِدِ الْوَحْشِ. فَمَا غَلَبَكُمْ مِنْهَا

may meet our enemy tomorrow and we have no knives, could we slaughter the animals with reeds?" The Prophet ﷺ said, "Yes, or you can use what would make blood flow (slaughter) and you can eat what is slaughtered and the Name of Allāh is mentioned at the time of slaughtering. But don't use teeth or fingernails (in slaughtering). I will tell you why, as for teeth, they are bones, and fingernails are used by Ethiopians for slaughtering."

[See *Ḥadīth* No. 2488]

فاصْنَعُوا بِهِ هَكَذَا، قَالَ: قَالَ جَدِّي: يَا رَسُولَ اللَّهِ، إِنَّا نَرْجُو وَنَخَافُ أَنْ نَلْقَى الْعَدُوَّ عَدَاً وَلَيْسَ مَعَنَا مُدَى، أَفَنَذْبِحُ بِالْقَصَبِ؟ قَالَ: «اعْمَلْ أَوْ أَرْنِي مَا أَنْتَهَرَ الدَّمَ وَذَكَرَ اسْمَ اللَّهِ عَلَيْهِ فَكُلُوا، لَيْسَ السِّنُّ وَالظُّفْرُ. وَسَأُحَدِّثُكُمْ عَنْ ذَلِكَ، أَمَّا السِّنُّ فَعَظْمٌ، وَأَمَّا الظُّفْرُ فَمُدَى الْحَبَسَةِ».

[راجع: ٢٤٨٨]

**48 - THE BOOK OF MORTGAGING
IN PLACES OCCUPIED BY SETTLED
POPULATION (TOWNS, CITIES, ETC.)**

(1) CHAPTER. The mortgaging in places occupied by settled population and the Statement of Allāh تعالى :

“And if you are on a journey and cannot find a scribe, then let there be a pledge taken (i.e., mortgaging)...” (V.2:283)

2508. Narrated Anas رضي الله عنه : No doubt, the Prophet ﷺ mortgaged his armour for barley grains. Once, I took barley bread with some dissolved fat on it to the Prophet ﷺ and I heard him saying, “The household of Muḥammad (ﷺ) did not possess except a *Sā'* (of food grain, barley, etc.) for both the morning and the evening meals, although they were nine houses.”

(2) CHAPTER. Mortgaging an armour.

2509. Narrated 'A'ishah رضي الله عنها : The Prophet ﷺ bought some foodstuff on credit for a limited period and mortgaged his armour for it.

(3) CHAPTER. Mortgaging the arms.

2510. Narrated Jābir bin 'Abdullāh رضي الله عنه : Allāh's Messenger ﷺ said, “Who would kill Ka'b bin Al-Ashraf as he has

٤٨ - كتاب الرهن

(١) **بَابُ فِي الرَّهْنِ فِي الْحَضَرِ**
وَقَوْلِ اللَّهِ عَزَّ وَجَلَّ: ﴿وَإِنْ كُنْتُمْ عَلَى سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرِهَانٌ مَّقْبُوضَةٌ﴾
[البقرة: ٢٨٣]

٢٥٠٨ - حَدَّثَنَا مُسْلِمٌ بْنُ
إِبْرَاهِيمَ: حَدَّثَنَا هِشَامٌ، حَدَّثَنَا قَتَادَةُ،
عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: وَلَقَدْ
رَهَنَ رَسُولُ اللَّهِ ﷺ ذِرْعَهُ بِشَعِيرِ
وَمَسَّنْتُ إِلَى النَّبِيِّ ﷺ بِخُبْزِ شَعِيرِ
وَإِهَالَةٍ سَنِيخَةٍ، وَلَقَدْ سَمِعْتُهُ يَقُولُ:
«مَا أَصْحَحَ لَالٍ مُحَمَّدٍ ﷺ إِلَّا صَاعٌ
وَلَا أَمْسَى، وَإِنَّهُمْ لَيَسْعَعُهُ أَيْبَاتٍ».
[راجع: ٢٠٦٩]

(٢) **بَابُ مَنْ رَهَنَ ذِرْعَهُ**

٢٥٠٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ
الْوَاحِدِ: حَدَّثَنَا الْأَعْمَشُ قَالَ:
تَدَاكَرْنَا عِنْدَ إِبْرَاهِيمَ الرَّهْنِ وَالْقَيْلِ
فِي السَّلَفِ، فَقَالَ إِبْرَاهِيمُ: حَدَّثَنَا
الْأَسْوَدُ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا:
أَنَّ النَّبِيَّ ﷺ اشْتَرَى مِنْ يَهُودِيٍّ
طَعَامًا إِلَى أَجَلٍ وَرَهَنَهُ ذِرْعَهُ.
[راجع: ٢٠٦٨]

(٣) **بَابُ رَهْنِ السَّلَاحِ**

٢٥١٠ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ
اللَّهِ: حَدَّثَنَا سُفْيَانُ: قَالَ عَمْرُو:

harmed Allāh and His Messenger ﷺ?" Muḥammad bin Maslama (got up and) said, "I will kill him." So, Muḥammad bin Maslama went to Ka'b and said, "I want a loan of one or two *Wasq* of foodgrains." Ka'b said, "Mortgage your women to me." Muḥammad bin Maslama said, "How can we mortgage our women, and you are the most handsome among the Arabs?" He said, "Then mortgage your sons to me." Muḥammad said, "How can we mortgage our sons, as the people will abuse them for being mortgaged for one or two *Wasq* of foodgrains? It is shameful for us. But we will mortgage our arms to you." So, Muḥammad bin Maslama promised him that he would come to him next time. They (Muḥammad bin Maslama and his companions) came to him as promised and murdered him. Then they went to the Prophet ﷺ and told him about it.

سَمِعْتُ جَابِرَ ابْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ لِكَعْبِ بْنِ الْأَشْرَفِ؟ فَإِنَّهُ آذَى اللَّهِ وَرَسُولَهُ ﷺ». فَقَالَ مُحَمَّدُ بْنُ مَسْلَمَةَ: أَنَا، فَاتَاهُ فَقَالَ: أَرَدْنَا أَنْ تُسَلِّفَنَا وَسَقَا أَوْ وَسَقَيْنَ، فَقَالَ: ارْزُهْنُونِي نِسَاءَكُمْ. قَالُوا: كَيْفَ نَرْزُهْنُكَ نِسَاءَنَا وَأَنْتَ أَجْمَلُ الْعَرَبِ؟ قَالَ: فَارْزُهْنُونِي أَبْنَاءَكُمْ، قَالُوا: كَيْفَ نَرْزُهْنُكَ أَبْنَاءَنَا فَيَسِبُّ أَحَدُهُمْ فَيُقَالُ: رُزِهْنُ يَوْسِقِي أَوْ وَسَقَيْنَ؟ هَذَا عَارٌ عَلَيْنَا، وَلَكِنَّا نَرْزُهْنُكَ اللَّأَمَةَ - قَالَ سُفْيَانُ: يَعْنِي السَّلَاحَ - فَوَعَدَهُ أَنْ يَأْتِيَهُ فَفَقَلُّوهُ ثُمَّ أَتَوْا النَّبِيَّ ﷺ فَأَخْبَرُوهُ. [انظر: ٣٠٣١، ٣٠٣٢،

[٤٠٣٧

(4) CHAPTER. It is permissible to mortgage an animal used for riding or milking.

Mughira narrated that Ibrāhīm said: One can ride and milk the lost animal in proportion to the amount of food one gives to it; this is valid also for mortgaged animals.

2511. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "One can ride the mortgaged animal because of what one spends on it, and one can drink the milk of a milch animal as long as it is mortgaged."

(٤) بَابُ الرَّهْنِ مَرْكُوبٍ وَمَحْلُوبٍ

وقال مغيرة عن إبراهيم: تركب الضالة بقدر علفها، وتحلب بقدر علفها، والرهن مثله.

٢٥١١ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا زَكَرِيَّا، عَنْ عَامِرٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ أَنَّهُ كَانَ يَقُولُ: «الرَّهْنُ يُرْكَبُ بِتَفْتِهِ، وَيُسْرَبُ لَبْسُ الدَّرِّ إِذَا كَانَ مَرْهُونًا».

[انظر: ٢٥١٢]

2512. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ said, "The mortgaged animal can be used for riding as long as it is

٢٥١٢ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ: