

(4) CHAPTER. It is permissible for the seller to stipulate that he should ride the (sold) animal up to a certain place.

2718. Narrated Jābir رَضِيَ اللهُ عَنْهُ: While I was riding a (slow) and tired camel, the Prophet ﷺ passed by and beat it and prayed for Allāh's Blessings for it. The camel became so fast as it had never been before. The Prophet ﷺ then said, "Sell it to me for one *Uqīya* (of gold)." I said, "No." He again said, "Sell it to me for one *Uqīya* (of gold)." So I sold it and stipulated that I should ride it to my house. When we reached (Al-Madīna) I took that camel to the Prophet ﷺ and he gave me its price. I returned home but he sent for me (and when I went to him) he said, "I was not going to take your camel. So, take your camel as a gift for you."

(Various narrations are mentioned here with slight variations in expressions relating the condition that Jābir had the right to ride the sold camel up to Al-Madīna).

(٤) بَابُ إِذَا اشْتَرَطَ الْبَائِعُ ظَهَرَ

الدَّابَّةَ إِلَى مَكَانٍ مُسَمًّى جَازَ

٢٧١٨ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا

زَكَرِيَّا قَالَ: سَمِعْتُ عَامِرًا يَقُولُ:

حَدَّثَنِي جَابِرٌ رَضِيَ اللهُ عَنْهُ: أَنَّهُ كَانَ

يَسِيرُ عَلَى جَمَلٍ لَهُ قَدْ أَغْيَا فَمَرَّ النَّبِيُّ

ﷺ فَضَرَبَهُ فَدَعَا لَهُ فَسَارَ سِيرًا لَيْسَ

بَسِيرٌ مِثْلَهُ. ثُمَّ قَالَ: «بِعْنِيهِ بِأَوْقِيَّةٍ»

قُلْتُ: لَا ثُمَّ قَالَ: «بِعْنِيهِ بِأَوْقِيَّةٍ»

فَبِعْتُهُ فَاسْتَنْتَبِتُ حُمْلَانَهُ إِلَى أَهْلِي.

فَلَمَّا قَدِمْنَا أَتَيْتُهُ بِالْجَمَلِ وَتَقَدَّنِي ثَمَنَهُ

ثُمَّ انْصَرَفْتُ فَأَرْسَلَ عَلَيَّ أَتْرَبِي قَالَ:

«مَا كُنْتُ لِأُخَذَ جَمَلَكَ فَخُذْ جَمَلَكَ

ذَلِكَ فَهُوَ مَالُكَ». [راجع: ٤٤٣]

قَالَ شُعْبَةُ، عَنْ مُغِيرَةَ، عَنْ

عَامِرٍ، عَنْ جَابِرٍ: أَفْقَرَنِي رَسُولُ اللهِ

ﷺ ظَهْرَهُ إِلَى الْمَدِينَةِ. وَقَالَ إِسْحَاقُ

عَنْ جَرِيرٍ، عَنْ مُغِيرَةَ: فَبِعْتُهُ عَلَيَّ أَنْ

لِي فَقَارَ ظَهْرِهِ حَتَّى أَبْلُغَ الْمَدِينَةَ.

وَقَالَ عَطَاءٌ وَغَيْرُهُ: «وَلَكَ ظَهْرُهُ إِلَى

الْمَدِينَةِ». وَقَالَ مُحَمَّدُ بْنُ الْمُثَنَّى،

عَنْ جَابِرٍ: سَرَطَ ظَهْرَهُ إِلَى الْمَدِينَةِ.

وَقَالَ زَيْدُ بْنُ أَسْلَمَ، عَنْ جَابِرٍ:

«وَلَكَ ظَهْرُهُ حَتَّى تَرْجِعَ». وَقَالَ أَبُو

الرُّبَيْرِ، عَنْ جَابِرٍ: «أَفْقَرْنَاكَ ظَهْرَهُ

إِلَى الْمَدِينَةِ». وَقَالَ الْأَعْمَشُ، عَنْ

سَالِمٍ، عَنْ جَابِرٍ: «تَبَلَّغَ بِهِ إِلَى

أَهْلِكَ». قَالَ أَبُو عَبْدِ اللهِ: الْأَشْتِرَاطُ

the *Zakāt* and to be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (i.e. Islamic Monotheism and all that Islam has ordained) and to forbid them from *Al-Munkar* (i.e. disbelief, polytheism and all that Islam has forbidden), and to help them, to be kind and merciful to them].

(2) CHAPTER. (What is said regarding) the sale of pollinated date-palms.

2716. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُمَا said, "If someone sells pollinated date-palms, their fruits will be for the seller, unless the buyer stipulates the contrary."

(3) CHAPTER. The conditions of selling.

2717. Narrated 'Urwa رَضِيَ اللهُ عَنْهَا 'Āishah told me that Barīra came to seek her help in writing for emancipation and at that time she had not paid any part of her price. 'Āishah said to her, "Go to your masters and if they agree that I will pay your price (and free you) on condition that your *Walā'* will be for me, I will pay the money." Barira told her masters about that, but they refused, and said, "If 'Āishah wants to do a favour she could, but your *Walā'* will be for us."

'Āishah informed Allāh's Messenger ﷺ of that and he ﷺ said to her, "Buy and manumit Barīra as the *Walā'* will go to the manumitter."

قَيْسُ ابْنُ أَبِي حَازِمٍ، عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: بَايَعْتُ رَسُولَ اللَّهِ ﷺ عَلَى إِقَامِ الصَّلَاةِ وَإِتْيَانِ الزَّكَاةِ وَالتَّضَحِّيِّ لِكُلِّ مُسْلِمٍ.

[راجع: ٥٧]

(٢) بَابُ إِذَا بَاعَ نَخْلًا قَدْ أُبْرَتْ

٢٧١٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ بَاعَ نَخْلًا قَدْ أُبْرَتْ فَتَمَرُهَا لِلْبَائِعِ إِلَّا أَنْ يَشْتَرِطَ الْمُتَبَاعُ». [راجع: ٢٢٠٣]

(٣) بَابُ الشَّرْطِ فِي الْبَيْعِ

٢٧١٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ: حَدَّثَنَا اللَّيْثُ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَخْبَرَتْهُ أَنَّ بَرِيرَةَ جَاءَتْ عَائِشَةَ تَسْتَعِينُهَا فِي كِتَابَتِهَا. وَلَمْ تَكُنْ قَضَتْ مِنْ كِتَابَتِهَا شَيْئًا، قَالَتْ لَهَا عَائِشَةُ: ارْجِعِي إِلَى أَهْلِكَ فَإِنْ أَحْبَبُوا أَنْ أَقْضِيَ عَنْكَ كِتَابَتِكَ وَيَكُونَ وَلَاؤُكَ لِي فَعَلْتُ، فَذَكَرْتُ ذَلِكَ بَرِيرَةَ إِلَى أَهْلِهَا فَأَبَوْا. وَقَالُوا: إِنْ شَاءَتْ أَنْ تَحْتَسِبَ عَلَيْكَ فَلْتَمَعَلْ وَيَكُونَ لَنَا وَلَاؤُكَ. فَذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ لَهَا: «إِبْتَاعِي فَأَعْتَقِي فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ». [راجع: ٤٥٦]

الْمُؤْمِنَاتِ مَهْجِرَاتٍ فَاْمْتَحُوْنَهُنَّ ۗ اَللّٰهُ اَعْلَمُ
بِاِيْمٰنِهِنَّ ۗ اِلَى قَوْلِهِ: ﴿وَلَا هُمْ يَحْلُوْنَ
لَهُنَّ﴾ [الممتحنة: ١٠]. [راجع: ١٦٩٤،
١٦٩٥]

2713. Narrated 'Urwa: 'Aishah told me, "Allāh's Messenger ﷺ used to examine them according to this Verse:

'O you who believe! When believing women come to you as emigrants, examine them... (upto)... Oft-Forgiving, Most Merciful.'" (V.60:10-12)

'Aishah رضي الله عنها said, "When any of them agreed to that condition⁽¹⁾ Allāh's Messenger would say to her, 'I have accepted your *Bai'a* (pledge).' He would only say that, but, by Allāh he never touched the hand of any woman (i.e., never shook hands with them) while taking the *Bai'a* (pledge) and he never took their *Bai'a* (pledge) except by his words (only)."

2714. Narrated Jarir رضي الله عنه: When I gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ, he stipulated that I should be sincere and true to every Muslim [i.e. order them for *Al-Ma'rūf* (i.e. Islamic Monotheism and all that Islam has ordained) and to forbid them from *Al-Munkar* (i.e. disbelief, polytheism and all that Islam has forbidden), and to help them, to be kind and merciful to them].

(See H. 57 and its chapter)

2715. Narrated Jarir bin 'Abdullāh رضي الله عنه: I gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ for *Iqāmat-aṣ-Ṣalāt*,⁽²⁾ paying

٢٧١٣ - قال عُرْوَةُ: فَأَخْبَرْتَنِي عَائِشَةُ أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَمْتَحِنُهُنَّ بِهَذِهِ الْآيَةِ ﴿يَأْتِيَنَّكَ الْإِيمَانُ﴾ إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مَهْجِرَاتٍ فَاْمْتَحُوْنَهُنَّ ۗ اِلَى ﴿عَفْوَرٌ رَّجِيمٌ﴾ قَالَ عُرْوَةُ: قَالَتْ عَائِشَةُ: فَمَنْ أَقْرَبَ بِهَذَا الشَّرْطِ مِنْهُنَّ قَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «قَدْ بَايَعْتِكِ»، كَلَامًا يَكْلُمُهَا بِهِ، وَاللَّهُ مَا مَسَّتْ يَدُهُ يَدَ امْرَأَةٍ قَطُّ فِي الشُّبَايِعَةِ وَمَا بَايَعَهُنَّ إِلَّا بِقَوْلِهِ. [انظر: ٢٧٣٣، ٤١٨٢، ٤٨٩١، ٥٢٨٨، ٧٢١٤]

٢٧١٤ - حَدَّثَنَا أَبُو نَعِيمٍ: حَدَّثَنَا سُفْيَانُ، عَنْ زِيَادِ بْنِ عِلَاقَةَ قَالَ: سَمِعْتُ جَرِيرًا رَضِيَ اللَّهُ عَنْهُ يَقُولُ: بَايَعْتُ رَسُولَ اللَّهِ ﷺ فَاشْتَرَطَ عَلَيَّ: «وَالصَّحِّحِ لِكُلِّ مُسْلِمٍ». [راجع: ٥٧]

٢٧١٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ إِسْمَاعِيلَ قَالَ: حَدَّثَنِي

(1) (H. 2713) The condition mentioned in the Verse, i.e., that they will not associate anything in worship with Allāh, that they will not steal, that they will not commit illegal sexual intercourse, that they will not kill their children, that they will not utter slander intentionally forging falsehood (i.e., by making illegal children belonging to their husbands), and that they will not disobey you in any *Ma'rūf* (Islamic Monotheism and all that which Islam ordains).... (V.60:12).

(2) (H. 2715) *Iqāmat-aṣ-Ṣalāt*: See the glossary.

54 - THE BOOK OF CONDITIONS

٥٤ - كتاب الشروط

(1) CHAPTER. The conditions permissible on embracing Islām,⁽¹⁾ and in contracts and transactions.

2711, 2712. Narrated Marwān and Al-Miswar bin Makhrama رَضِيَ اللهُ عَنْهُمَا from the Companions of Allāh's Messenger ﷺ: When Suhail bin 'Amr agreed to the Treaty (of Ḥudaibiya), one of the things he stipulated then, was that the Prophet ﷺ should return to them (i.e., the *Al-Mushrikūn*) anyone coming to him from their side, even if he was a Muslim; and would not interfere between them and that person. The Muslims did not like this condition and got disgusted with it. Suhail did not agree except with that condition. So, the Prophet ﷺ agreed to that condition and returned Abū Jandal to his father Suhail bin 'Amr. Thenceforth the Prophet ﷺ returned everyone in that period (of truce) even if he was a Muslim. During that period some believing women emigrants including Umm Kulthūm bint 'Uqba bin Abū Mu'ait who came to Allāh's Messenger ﷺ and she was a young lady then. Her relative came to the Prophet ﷺ and asked him to return her, but the Prophet ﷺ did not return her to them for Allāh had revealed the following Verse regarding women:

"...When believing women come to you as emigrants, examine them, Allāh knows best as to their Faith.. (up to).. nor are the disbelievers lawful (husbands) for them..." (V.60:10)

(١) بَابُ مَا يَجُوزُ مِنَ الشَّرُوطِ فِي
الإسلام والأحكام والمبايعة

٢٧١١، ٢٧١٢ - حَدَّثَنَا يَحْيَى
بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ،
عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ
بْنُ الزُّبَيْرِ: أَنَّهُ سَمِعَ مَرْوَانَ وَالْمِسْوَرَ
بْنَ مَخْرَمَةَ رَضِيَ اللهُ عَنْهُمَا يُخْبِرَانِ
عَنْ أَصْحَابِ رَسُولِ اللهِ ﷺ قَالَ:
لَمَّا كَاتَبَ سُهَيْلُ بْنُ عَمْرٍو يَوْمَئِذٍ كَانَ
فِيمَا اشْتَرَطَ سُهَيْلُ بْنُ عَمْرٍو عَلَى
النَّبِيِّ ﷺ: أَنَّهُ لَا يَأْتِيكَ مِنَّا أَحَدٌ وَإِنْ
كَانَ عَلَى دِينِكَ إِلَّا رَدَدْتَهُ إِلَيْنَا
وَخَلَيْتَ بَيْنَنَا وَبَيْنَهُ. فَكَرِهَ الْمُؤْمِنُونَ
ذَلِكَ وَامْتَعْضُوا مِنْهُ، وَأَبَى سُهَيْلٌ إِلَّا
ذَلِكَ فَكَاتَبَهُ النَّبِيُّ ﷺ عَلَى ذَلِكَ فَرَدَّ
يَوْمَئِذٍ أَبَا جَنْدَلٍ إِلَى أَبِيهِ سُهَيْلِ بْنِ
عَمْرٍو، وَلَمْ يَأْتِهِ أَحَدٌ مِنَ الرِّجَالِ إِلَّا
رَدَّهُ فِي تِلْكَ الْمُدَّةِ وَإِنْ كَانَ مُسْلِمًا.
وَجَاءَتِ الْمُؤْمِنَاتُ مَهْجِرَاتٍ وَكَانَتْ
أُمَّ كَلْثُومُ بِنْتُ عُقْبَةَ بْنِ أَبِي مُعَيْطٍ مَمَّنْ
خَرَجَ إِلَى رَسُولِ اللهِ ﷺ يَوْمَئِذٍ وَهِيَ
عَاتِقٌ، فَجَاءَ أَهْلُهَا يَسْأَلُونَ النَّبِيَّ ﷺ
أَنْ يَرْجِعَهَا إِلَيْهِمْ فَلَمْ يَرْجِعْهَا إِلَيْهِمْ
لِمَا أَنْزَلَ اللهُ فِيهِنَّ ﴿إِذَا جَاءَكُمْ

(1) (Ch. 1) Some conditions are permissible, others are not; for example, a non-Muslim on embracing Islām has the right to stipulate that he shall not be ordered to move from one country to another, but he cannot stipulate that he may not perform the *Ṣalāt* (prayers). (*Fath Al-Bārī*)

from Ibn Abū Hadrad in the mosque. Their voices grew louder till Allāh's Messenger ﷺ heard them while he was in his house. So, he lifted the curtain of his room and called Ka'b bin Mālik saying, "O Ka'b!" He replied, "Labbaik! O Allāh's Messenger!" He beckoned to him with his hand suggesting that he deduct half the debt. Ka'b said, "I agree, O Allāh's Messenger!" Allāh's Messenger ﷺ then said (to Ibn Abū Hadrad), "Get up and pay him the rest."

أَخْبَرَنَا يُونُسُ، وَقَالَ اللَّيْثُ: حَدَّثَنِي يُونُسُ، عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ كَعْبٍ أَنَّ كَعْبَ بْنَ مَالِكٍ أَخْبَرَهُ: أَنَّهُ تَقاضَى ابْنُ أَبِي حَدْرَدٍ دَيْنًا كَانَ لَهُ عَلَيْهِ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فِي الْمَسْجِدِ، فَارْتَفَعَتْ أَصْوَاتُهُمَا حَتَّى سَمِعَهَا رَسُولُ اللَّهِ ﷺ وَهُوَ فِي بَيْتِهِ فَخَرَجَ رَسُولُ اللَّهِ ﷺ إِلَيْهِمَا حَتَّى كَشَفَ سِجْفَ حُجْرَتِهِ فَنَادَى كَعْبَ بْنَ مَالِكٍ فَقَالَ: «يَا كَعْبُ»، فَقَالَ: لَبَّيْكَ يَا رَسُولَ اللَّهِ، فَأَشَارَ بِيَدِهِ أَنْ ضَعِ السُّطْرَ، فَقَالَ كَعْبٌ: قَدْ فَعَلْتُ يَا رَسُولَ اللَّهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَمَ فَاقْضِهِ». [راجع: ٤٥٧]

(i.e., dates) of my garden in lieu of the debt of my father, but they refused the offer, as they thought that it would not cover the full debt. So, I went to the Prophet ﷺ and told him about it. He (ﷺ) said (to me), "When you pluck the dates and collect them in the *Mirbad* (i.e., a place where dates are dried), call me." Finally, he came accompanied by Abū Bakr and 'Umar and sat on the dates and invoked Allāh to bless them. Then he said, "Call your creditors and give them their full rights." So, I paid all my father's creditors in full and yet thirteen extra *Wasq* of dates remained, seven of which were *Ajwa* and six were *Laun*, or six of which were *Ajwa* and seven were *Laun*. I met Allāh's Messenger ﷺ at sunset and informed him about it. On that he smiled and said, "Go to Abū Bakr and 'Umar and tell them about it." They said, "We perceived that that was going to happen, as Allāh's Messenger ﷺ did what he did."

عَبِيدُ اللَّهِ، عَنْ وَهَبِ بْنِ كَيْسَانَ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: تُوفِّيَ أَبِي وَعَلَيْهِ دَيْنٌ، فَعَرَضْتُ عَلَى عُرْمَائِهِ أَنْ يَأْخُذُوا التَّمَرَ بِمَا عَلَيْهِ فَأَبَوْا، وَلَمْ يَرَوْا أَنْ فِيهِ وِفَاءٌ. فَأَتَيْتُ النَّبِيَّ ﷺ فَذَكَرْتُ ذَلِكَ لَهُ فَقَالَ: «إِذَا جَدَدْتَهُ فَوَضَعْتَهُ فِي الْمِرْبَدِ أَذَنْتَ رَسُولَ اللَّهِ ﷺ» فَجَاءَ وَمَعَهُ أَبُو بَكْرٍ وَعُمَرُ فَجَلَسَ عَلَيْهِ وَدَعَا بِالْبَرَكَاتِ، ثُمَّ قَالَ: «ادْعُ عُرْمَاءَكَ فَأُوفِيَهُمْ». فَمَا تَرَكْتُ أَحَدًا لَهُ عَلَى أَبِي دَيْنٌ إِلَّا قَضَيْتُهُ وَقَضَلَ ثَلَاثَةَ عَشَرَ وَسَقًا، سَبْعَةَ عَجْوَةٍ وَسِتَّةَ لَوْنٍ، أَوْ سِتَّةَ عَجْوَةٍ وَسَبْعَةَ لَوْنٍ، فَوَافَيْتُ مَعَ رَسُولِ اللَّهِ ﷺ الْمَعْرَبَ فَذَكَرْتُ لَهُ ذَلِكَ فَصَحَّحَ، فَقَالَ: «إِنِّي أَبَا بَكْرٍ وَعُمَرُ فَأَخْبِرُهُمَا»، فَقَالَا: لَقَدْ عَلِمْنَا إِذْ صَنَعَ رَسُولُ اللَّهِ ﷺ مَا صَنَعَ أَنْ سَيَكُونُ ذَلِكَ، وَقَالَ هِشَامٌ، عَنْ وَهَبِ، عَنْ جَابِرٍ: صَلَاةَ الْعَصْرِ وَلَمْ يَذْكُرْ: أَبَا بَكْرٍ، وَلَا صَحَّحَ، وَقَالَ: وَتَرَكَ أَبِي عَلَيْهِ ثَلَاثَيْنِ وَسَقًا دَيْنًا. وَقَالَ ابْنُ إِسْحَاقَ، عَنْ وَهَبِ، عَنْ جَابِرٍ: صَلَاةَ الظُّهْرِ. [راجع: ٢١٢٧]

(14) CHAPTER. Bringing about reconciliation in case of dispute concerning debts.

2710. Narrated 'Abdullāh bin Ka'b that Ka'b bin Mālik told him that in the lifetime of Allāh's Messenger ﷺ he demanded his debt

٢٧١٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا عُثْمَانُ بْنُ عُمَرَ:

both of them used for irrigation. Allāh's Messenger ﷺ said to Az-Zubair, "O Zubair! Irrigate (your garden) first, and then let the water flow to your neighbour." The *Anṣārī* became angry and said, "O Allāh's Messenger! Is it because he is your cousin?" On that the complexion of Allāh's Messenger ﷺ changed (because of anger) and he said (to Az-Zubair), "Irrigate (your garden) and then withhold the water till it reaches the walls (surrounding the palms)." So, Allāh's Messenger ﷺ gave Az-Zubair his full right. Before that Allāh's Messenger ﷺ had given a generous judgement beneficial for Az-Zubair and the *Anṣārī*, but when the *Anṣārī* irritated Allāh's Messenger ﷺ he gave Az-Zubair his full right according to the evident law. Az-Zubair said, "By Allāh! I think the following Verse was revealed concerning that case :

'But no, by your Lord, they can have no Faith, until they make you (O Muḥammad ﷺ) judge in all disputes between them...' (V.4:65)

الأنصارِ قَدْ شَهِدَ بَدْرًا إِلَى رَسُولِ اللَّهِ ﷺ فِي شِرَاجٍ مِنَ الْحَرَّةِ كَانَا يَسْقِيَانِ بِهِ كِلَاهُمَا. فَقَالَ رَسُولُ اللَّهِ ﷺ لِلزُّبَيْرِ: «اسْقِ يَا زُبَيْرُ ثُمَّ أَرْسِلْ إِلَى جَارِكَ»، فَغَضِبَ الْأَنْصَارِيُّ، فَقَالَ: يَا رَسُولَ اللَّهِ أَنْ كَانَ ابْنُ عَمَّتِكَ؟ فَتَلَوْنَ وَجْهَ رَسُولِ اللَّهِ ﷺ ثُمَّ قَالَ: «اسْقِ ثُمَّ أَحْبِسْ حَتَّى يَبْلُغَ الْجَدْرَ»، فَاسْتَوْعَى رَسُولُ اللَّهِ ﷺ حَقَّهُ لِلزُّبَيْرِ، وَكَانَ رَسُولُ اللَّهِ ﷺ قَبْلَ ذَلِكَ أَشَارَ عَلَى الزُّبَيْرِ بِرَأْيِ سَعَةِ لَهُ وَلِلْأَنْصَارِيِّ، فَلَمَّا أَحْفَظَ الْأَنْصَارِيُّ رَسُولَ اللَّهِ ﷺ اسْتَوْعَى لِلزُّبَيْرِ حَقَّهُ فِي صَرِيحِ الْحُكْمِ. قَالَ عُرْوَةُ: قَالَ الزُّبَيْرُ: وَاللَّهِ مَا أَحْبِسُ هَذِهِ الْآيَةَ نَزَلَتْ إِلَّا فِي ذَلِكَ: ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحْكَمُوا لَكَ فِيمَا شَجَرَ بَيْنَهُمْ﴾. الْآيَةُ [النساء: 65].

[راجع: ٢٣٦٠]

(13) CHAPTER. Reconciliation between the creditors and between the inheritors and the repayment of debts by giving an amount that is not specified or counted.

(١٣) بَابُ الصُّلْحِ بَيْنَ الْغُرَمَاءِ وَأَصْحَابِ الْمِيرَاثِ وَالْمُجَارَفَةِ فِي ذَلِكَ

Ibn 'Abbās said, "There is no harm if two partners agree that one of them takes the debts and the other takes the assets, but if the property of any of them is ruined the loser has no right to claim it from the other partner."

وقال ابنُ عَبَّاسٍ: لَا بَأْسَ أَنْ يَتَخَارَجَ الشَّرِيكَانِ، فَيَأْخُذَ هَذَا دَيْنًا وَهَذَا عَيْنًا، فَإِنْ تَوَيَّ لِأَحَدِهِمَا، لَمْ يَرْجِعْ عَلَى صَاحِبِهِ.

2709. Narrated Jābir bin 'Abdullāh رضي الله عنه: My father died and was in debt. I suggested that his creditors take the fruits

٢٧٠٩ - حَدَّثَنِي مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الْوَهَّابِ: حَدَّثَنَا

voices grew very loud. The Prophet ﷺ passed by them and said, "O Ka'b," beckoning with his hand as if intending to say, "Deduct half the debts." So, Ka'b took half what the other owed him and remitted the other half.

كَعْبُ بْنُ مَالِكٍ، عَنْ كَعْبِ بْنِ مَالِكٍ أَنَّهُ كَانَ لَهُ عَلَى عَبْدِ اللَّهِ بْنِ أَبِي حَدْرَدٍ الْأَسْلَمِيِّ مَالٌ، فَلَقِيَهُ فَلَزِمَهُ حَتَّى ارْتَفَعَتْ أَصْوَاتُهُمَا، فَمَرَّ بِهِمَا النَّبِيُّ ﷺ فَقَالَ: يَا «كَعْبُ»، فَأَشَارَ بِيَدِهِ كَأَنَّهُ يَقُولُ: النِّصْفَ، فَأَخَذَ نِصْفَ مَا لَهُ عَلَيْهِ وَتَرَكَ نِصْفًا.

[راجع: ٤٥٧]

(11) CHAPTER. The superiority of making peace and establishing justice among the people.

(١١) بَابُ فَضْلِ الْإِصْلَاحِ بَيْنَ النَّاسِ وَالْعَدْلِ بَيْنَهُمْ

2707. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ said, "There is a *Ṣadaqa* to be given for every joint of the human body; and for every day on which the sun rises there is a *Ṣadaqa* (i.e., charitable gift to be given), the one who establishes justice among people⁽¹⁾ is considered as a *Ṣadaqa*.

٢٧٠٧ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنْ هَمَّامٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلُّ سَلَامَى مِنَ النَّاسِ عَلَيْهِ صَدَقَةٌ، كُلَّ يَوْمٍ تَطْلُعُ فِيهِ الشَّمْسُ، يَعْدِلُ بَيْنَ النَّاسِ صَدَقَةٌ». [انظر:

[See Vol. 4, *Hadith* No.2891, 2989]

[٢٨٩١، ٢٩٨٩]

(12) CHAPTER. If the *Imām* (i.e., ruler) suggests a (re)conciliation but the defendant refuses it, he is to be judged by the evident valid law.

(١٢) بَابُ إِذَا أَشَارَ الْإِمَامُ بِالصُّلْحِ فَأَبَى حَكَمَ عَلَيْهِ بِالْحُكْمِ الْبَيِّنِ

2708. Narrated 'Urwa bin Az-Zubair رَضِيَ اللَّهُ عَنْهُ: Az-Zubair told me that he quarrelled with an *Anṣārī* man who had participated in (the battle of) Badr in front of Allāh's Messenger ﷺ about a water stream which

٢٧٠٨ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي عُرْوَةُ ابْنُ الزُّبَيْرِ: أَنَّ الزُّبَيْرَ كَانَ يُحَدِّثُ أَنَّهُ خَاصَمَ رَجُلًا مِنْ

(1) (H. 2707) One is supposed to thank Allāh for the many favours Allāh has bestowed upon one; one of these numberless favours is the miraculous creation of the three hundred and sixty joints of man's body. Allāh rewards those who bring about peace among people with their justice, and such good deeds compensate for the *Ṣadaqa* which one should pay as a sign of gratitude to Allāh.

Muslims through him.”

عَلَى الْمُنْبِرِ وَالْحَسَنُ بْنُ عَلِيٍّ إِلَى جَنْبِهِ وَهُوَ يُقْبِلُ عَلَى النَّاسِ مَرَّةً وَعَلَيْهِ أُخْرَى وَيَقُولُ: «إِنَّ ابْنِي هَذَا سَيِّدٌ وَلَعَلَّ اللَّهَ أَنْ يُصْلِحَ بِهِ بَيْنَ فِئَتَيْنِ عَظِيمَتَيْنِ مِنَ الْمُسْلِمِينَ». قَالَ أَبُو عَبْدِ اللَّهِ: قَالَ لِي عَلِيُّ بْنُ عَبْدِ اللَّهِ: «إِنَّمَا تَبَّتْ لَنَا سَمَاعُ الْحَسَنِ مِنْ أَبِي بَكْرَةَ بِهَذَا الْحَدِيثِ». [انظر: ٣٦٢٩، ٣٧٤٦]

(10) CHAPTER. Should the Imām suggest reconciliation?

(١٠) بَابٌ: هَلْ يُشِيرُ الْإِمَامُ بِالصُّلْحِ؟

2705. Narrated ‘Āishah رَضِيَ اللَّهُ عَنْهَا: Once, Allāh’s Messenger ﷺ heard the loud voices of some opponents quarrelling at the door. One of them was appealing to the other to deduct his debt and asking him to be lenient, but the other was saying, “By Allāh, I will not do so.” Allāh’s Messenger ﷺ went out to them and said, “Who is the one who was swearing by Allāh that he would not do a favour?” That man said, “I am that person, O Allāh’s Messenger! I will give my opponent whatever he wishes.”

٢٧٠٥ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ: قَالَ حَدَّثَنِي أَحْيَى عَنْ سُلَيْمَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي الرَّجَالِ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ: أَنَّ أُمَّهُ عَمْرَةَ بِنْتُ عَبْدِ الرَّحْمَنِ قَالَتْ: سَمِعْتُ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا تَقُولُ: سَمِعَ رَسُولُ اللَّهِ ﷺ صَوْتَ حُصُومٍ بِالْبَابِ عَالِيَةً أَصْوَاتَهُمْ، وَإِذَا أَحَدُهُمَا يَسْتَوْضِعُ الْآخَرَ وَيَسْتَرْفِقُهُ فِي شَيْءٍ وَهُوَ يَقُولُ: وَاللَّهِ لَا أَفْعَلُ، فَخَرَجَ عَلَيْهِمَا رَسُولُ اللَّهِ ﷺ فَقَالَ: «أَيْنَ الْمُتَأَلِّي عَلَى اللَّهِ لَا يَفْعَلُ الْمَعْرُوفَ؟» فَقَالَ: أَنَا يَا رَسُولَ اللَّهِ فَلهِ أَيُّ ذَلِكَ أَحَبُّ.

2706. Narrated ‘Abdullāh bin Ka’b bin Mālik from Ka’b bin Mālik: ‘Abdullāh bin Abū Hadrad Al-Aslamī owed Ka’b bin Mālik some money. One day the latter met the former and demanded his right, and their

٢٧٠٦ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، عَنِ الْأَعْرَجِ قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ

