

وَجَعَلَ لِلْمَرْأَةِ الثَّمَنَ وَالرُّبْعَ، وَلِلزَّوْجِ
الشُّطْرَ وَالرُّبْعَ. [انظر: ٤٥٧٨، ٦٧٣٩]

(7) CHAPTER. Giving in charity at the time of death.

2748. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: A man asked the Prophet ﷺ, “O Allāh’s Messenger! What kind of charity is the best?” He replied, “To give in charity when you are healthy and greedy, hoping to be wealthy and afraid of becoming poor. Don’t delay giving in charity till the time comes when you are on the deathbed when you say, ‘Give so much to so-and-so and so much to so-and-so,’ and at that time the property is not yours but it belongs to so-and-so (i.e., your inheritors).”

(٧) بَابُ الصَّدَقَةِ عِنْدَ الْمَوْتِ

٢٧٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ سُفْيَانَ، عَنْ عُمَارَةَ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ رَجُلٌ لِلنَّبِيِّ ﷺ: يَا رَسُولَ اللهِ، أَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: «أَنْ تَصَدَّقَ وَأَنْتَ صَحِيحٌ حَرِيصٌ، تَأْمُلُ الْغِنَى، وَتَخْشَى الْفَقْرَ، وَلَا تُمَهِّلُ حَتَّى إِذَا بَلَغَتِ الْحُلُقُومَ قُلْتَ: لِفُلَانٍ كَذَا، وَلِفُلَانٍ كَذَا، وَقَدْ كَانَ لِفُلَانٍ».

[راجع: ١٤١٩]

(8) CHAPTER. The Statement of Allāh عزَّ وجلَّ: “...After the payment of legacies he may have bequeathed or debts...” (V.4:11)

It is mentioned that Shuraiḥ, ‘Umar bin ‘Abdul-‘Azīz, Ṭāwūs, ‘Aṭā’ and Ibn Udhaina regarded as valid the acknowledgement of a debt by a sick man. Al-Ḥasan said, “The most valid charity is what is given on the last day of one’s present life and the first day of the life to come (i.e., on the day one dies).”

Ibrāhīm and Al-Ḥakam said, “If a sick person absolves an heir from debt, the heir is regarded as absolved.” Rāfi‘ bin Khadīj made a will that his Fazāriyya wife should not let anybody share with her the contents of her house.

Al-Ḥasan said, “If somebody on his deathbed says to his slave, ‘I have freed

(٨) بَابُ قَوْلِ اللهِ عَزَّ وَجَلَّ: ﴿مَنْ بَعَدَ وَصِيَّتَهُ يُوصِي بِهَا أَوْ دَيْنًا﴾

[النساء: ١١]

وَيُذَكِّرُ أَنْ شَرِيحًا، وَعُمَرَ بْنَ عَبْدِ الْعَزِيزِ، وَطَاوُوسًا، وَعَطَاءَ وَابْنَ أُدَيْنَةَ أَجَازُوا إِقْرَارَ الْمَرِيضِ بِدَيْنٍ. وَقَالَ الْحَسَنُ: أَحَقُّ مَا تَصَدَّقَ بِهِ الرَّجُلُ آخِرَ يَوْمٍ مِنَ الدُّنْيَا وَأَوَّلَ يَوْمٍ مِنَ الْآخِرَةِ. وَقَالَ إِبْرَاهِيمُ وَالْحَكَمُ: إِذَا أَبْرَأَ الْوَارِثُ مِنَ الدَّيْنِ بَرِيءٌ. وَأَوْصَى رَافِعُ بْنُ خَدِيجٍ أَنْ لَا تُكْشَفَ امْرَأَتُهُ الْفَزَارِيَّةُ عَمَّا أَعْلَقَ عَلَيْهِ بِأَبِهَا. وَقَالَ الْحَسَنُ: إِذَا قَالَ لِمَمْلُوكِهِ عِنْدَ

you', the manumission is valid."

Ash-Sha'bī said, "If a dying woman says, 'My husband has paid what he owed me and I have received it,' her confession is valid." Some people say, "The dying person's confession (of debt to some of his heirs) is not valid because such a confession rouses suspicion." But they approve of a confession concerning a trust, goods, and silent partnership, but the Prophet ﷺ said, "Avoid suspicion, suspicion is the worst of false tales."

It is not legal for one to eat up the Muslims' wealth (unjustly), for the Prophet ﷺ said, "The sign of a hypocrite is that when he is entrusted with something he proves treacherous." And Allāh تعالى said:

"Verily! Allāh commands that you should render back the trusts to those to whom they are due..." (V.4:58), without restricting this order to the heirs or some other people.

2749. Narrated Abū Hurairah عنه رضي الله عنه: The Prophet ﷺ said, "The signs of a hypocrite are three: (1) Whenever he speaks, he tells a lie; (2) whenever he is entrusted he betrays (proves dishonest); (3) whenever he promises, he breaks his promise." (See H. 33)

(9) CHAPTER. The explanation of the Statement of Allāh تعالى: "...After payment of legacies that they may have bequeathed or debts..." (V.4:12)

The Prophet ﷺ is reported to have judged that the debt should be paid before the execution of the will.

المَوْتِ: كُنْتُ أَعْتَمْتُكَ، جَارًا. وَقَالَ الشَّعْبِيُّ: إِذَا قَالَتِ الْمَرْأَةُ عِنْدَ مَوْتِهَا: إِنَّ زَوْجِي قَضَانِي وَقَبِضْتُ مِنْهُ جَارًا. وَقَالَ بَعْضُ النَّاسِ: لَا يَجُوزُ إِفْرَاؤُهُ لِسُوءِ الظَّنِّ بِهِ لِلْوَرْتَةِ ثُمَّ اسْتَحْسَنَ فَقَالَ: يَجُوزُ إِفْرَاؤُهُ بِالْوَدِيعَةِ وَالْبِضَاعَةِ وَالْمُضَارَبَةِ. وَقَدْ قَالَ النَّبِيُّ ﷺ: «إِيَّاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ». وَلَا يَحِلُّ مَالُ الْمُسْلِمِينَ لِقَوْلِ النَّبِيِّ ﷺ: «آيَةُ الْمُنَافِقِ إِذَا اثْمَنَ خَانَ». وَقَالَ اللَّهُ تَعَالَى: ﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا﴾ [النساء: ٥٨] فَلَمْ يَحْصُصْ وَارثًا وَلَا غَيْرَهُ. فِيهِ عَبْدُ اللَّهِ بْنُ عَمْرٍو عَنِ النَّبِيِّ ﷺ.

٢٧٤٩ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ أَبُو الرَّبِيعِ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ: حَدَّثَنَا نَافِعُ ابْنُ مَالِكِ بْنِ أَبِي عَامِرٍ أَبُو سَهْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «آيَةُ الْمُنَافِقِ ثَلَاثٌ: إِذَا حَدَّثَ كَذَبَ، وَإِذَا اثْمَنَ خَانَ، وَإِذَا وَعَدَ أَخْلَفَ». [راجع: ٣٣]

(٩) بَابُ تَأْوِيلِ قَوْلِهِ تَعَالَى: ﴿مِنْ بَعْدِ وَصِيَّتِهِ يُوصَىٰ بِهَا أَوْ دَيْنٍ﴾ [النساء: ١١]

وَيُذَكَّرُ أَنَّ النَّبِيَّ ﷺ قَضَىٰ بِالذَّيْنِ قَبْلَ الْوَصِيَّةِ. وَقَوْلُهُ عَزَّ وَجَلَّ: ﴿إِنَّ

عَزَّ وَجَلَّ: The Statement of Allāh

“Verily! Allāh commands that you should render back the trusts of those, to whom they are due;...” (V.4:58).

So, returning the trust must take precedence over the execution of the voluntary will.

The Prophet ﷺ said, “No giving in charity is recommended except if one is wealthy.” Ibn ‘Abbās said, “A slave cannot make a will without his master’s consent.” The Prophet ﷺ said, “A slave is a guardian of the property of his master.”

2750. Narrated ‘Urwa bin Az-Zubair: Ḥakīm bin Ḥizām رَضِيَ اللهُ عَنْهُ said, “I asked Allah’s Messenger ﷺ for something, and he gave me, and I asked him again and he gave me and said, ‘O Ḥakīm! This wealth is green and sweet (i.e., as tempting as fruits), and whoever takes it without greed then he is blessed in it, and whoever takes it with greediness, he is not blessed in it and he is like one who eats and never gets satisfied.

“The upper (i.e., giving) hand is better than the lower (i.e., taking) hand.” Ḥakīm added, “I said, ‘O Allāh’s Messenger! By Him Who has sent you with the Truth I will never demand anything from anybody after you till I die.’” Afterwards, Abū Bakr used to call Ḥakīm to give him something but he refused to accept anything from him. Then ‘Umar called him to give him (something) but he refused. Then ‘Umar said, “O Muslims! I offered to him (i.e., Ḥakīm) his share which Allāh has ordained for him from this booty and he refuses to take it.” Thus Ḥakīm did not ask anybody for anything after the Prophet ﷺ, till he died - may Allāh bestow His Mercy upon him.

اللَّهُ يَأْمُرُكُمْ أَنْ تُؤَدُّوا أَلْأَمَانَتِ إِيَّاهِ أَهْلِهَا ﴿٥٨﴾ [النساء: ٥٨] فَأَدَاءُ الْأَمَانَةِ أَحَقُّ مِنْ تَطَوُّعِ الْوَصِيَّةِ. وَقَالَ النَّبِيُّ ﷺ: «لَا صَدَقَةٌ إِلَّا عَنِ ظَهْرٍ عَنِّي». وَقَالَ ابْنُ عَبَّاسٍ: لَا يُوصِي الْعَبْدُ إِلَّا بِإِذْنِ أَهْلِهِ. وَقَالَ النَّبِيُّ ﷺ: «الْعَبْدُ رَاعٍ فِي مَالِ سَيِّدِهِ».

٢٧٥٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: أَخْبَرَنَا الْأَوْزَاعِيُّ، عَنِ الرَّهْرِيِّ، عَنِ سَعِيدِ بْنِ الْمُسَيْبِ، وَعُرْوَةَ بْنِ الزُّبَيْرِ: أَنَّ حَكِيمَ بْنَ حِزَامٍ رَضِيَ اللهُ عَنْهُ قَالَ: سَأَلْتُ رَسُولَ اللهِ ﷺ فَأَعْطَانِي، ثُمَّ سَأَلْتُهُ فَأَعْطَانِي، ثُمَّ قَالَ لِي: «يَا حَكِيمُ، إِنَّ هَذَا الْمَالَ خَضِرٌ حُلْوٌ، فَمَنْ أَخَذَهُ بِسَخَاوَةٍ نَفْسٍ بُورِكَ لَهُ فِيهِ، وَمَنْ أَخَذَهُ بِإِشْرَافٍ نَفْسٍ لَمْ يُبَارَكْ لَهُ فِيهِ، وَكَانَ كَالَّذِي يَأْكُلُ وَلَا يَسْبَعُ. وَالْيَدُ الْعُلْيَا خَيْرٌ مِنَ الْيَدِ السُّفْلَى». قَالَ حَكِيمٌ: فَقُلْتُ: يَا رَسُولَ اللهِ، وَالَّذِي بَعَثَكَ بِالْحَقِّ لَا أَرِزُّ أَحَدًا بَعْدَكَ شَيْئًا حَتَّى أَفَارِقَ الدُّنْيَا. فَكَانَ أَبُو بَكْرٍ يَدْعُو حَكِيمًا لِيُعْطِيَهُ الْعَطَاءَ فَيَأْبَى أَنْ يَقْبَلَ مِنْهُ شَيْئًا، ثُمَّ إِنَّ عُمَرَ دَعَاهُ لِيُعْطِيَهُ فَأَبَى أَنْ يَقْبَلَهُ، فَقَالَ: يَا مَعْشَرَ الْمُسْلِمِينَ، إِنِّي أَعْرِضُ عَلَيْهِ

حَقَّهُ الَّذِي قَسَمَ اللَّهُ لَهُ مِنْ هَذَا الْفَيْءِ
فَأَبَى أَنْ يَأْخُذَهُ، فَلَمْ يَزُرْ أَحَدًا مِنْ
النَّاسِ بَعْدَ النَّبِيِّ ﷺ حَتَّى
تُوَفِّيَ رَحْمَةُ اللَّهِ. [راجع: ١٤٧٢]

2751. Narrated Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا : I heard Allāh’s Messenger ﷺ saying, “Everyone of you is a guardian and is responsible for his charges: the ruler (i.e., *Imām*) is a guardian and responsible for his subjects; and a man is a guardian of his family and is responsible for his charges; and a lady is a guardian in the house of her husband and is responsible for her charge; and a servant is a guardian of the property of his master and is responsible for his charge.” I think he also said, “And a man is a guardian of the property of his father.”

٢٧٥١ - حَدَّثَنَا بِشْرُ بْنُ مُحَمَّدٍ
السَّخْتِيَانِيُّ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا
يُونُسُ، عَنِ الرَّهْرِيِّ قَالَ: أَخْبَرَنِي
سَالِمٌ، عَنِ ابْنِ عَمْرٍ، عَنِ أَبِيهِ رَضِيَ
اللَّهُ عَنْهُمَا قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ
يَقُولُ: «كُلُّكُمْ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ،
وَالْإِمَامُ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ،
وَالرَّجُلُ رَاعٍ فِي أَهْلِهِ وَمَسْئُولٌ عَنْ
رَعِيَّتِهِ، وَالْمَرْأَةُ فِي بَيْتِ زَوْجِهَا رَاعِيَةٌ
وَمَسْئُولَةٌ عَنْ رَعِيَّتِهَا، وَالْخَادِمُ فِي مَالِ
سَيِّدِهِ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ». قَالَ:
وَأَحْسِبُ أَنْ قَدْ قَالَ: «وَالرَّجُلُ رَاعٍ
فِي مَالِ أَبِيهِ». [راجع: ٨٩٣]

(10) CHAPTER. If somebody finds an endowment (or bequeathes) his relatives by a will (is it permissible?). And who are considered as relatives.

(١٠) بَابُ إِذَا وَقَفَ، أَوْ أَوْصَى
لِأَقَارِبِهِ، وَمِنْ الْأَقَارِبِ؟

Narrated Anas رَضِيَ اللَّهُ عَنْهُ : The Prophet ﷺ said to Abū Ṭalḥa, “Give (your garden) to the poor amongst your relatives.” So he gave it to Ḥassān and Ubaī bin Ka’b.

Anas added in another narration, “So he gave it to Ḥassān and Ubaī bin Ka’b who were nearer relatives to him than I.” The relation between Ḥassān and Ubaī to Abū Ṭalḥa was as follows: Abū Ṭalḥa’s name was Zaid, the son of Sahl, the son of Al-Aswad, the son of Ḥarām, the son of ‘Amr, the son of Zaid Manāt, the son of ‘Adī, the son of

وَقَالَ ثَابِتٌ: عَنِ أَنَسِ، قَالَ النَّبِيُّ ﷺ
لِأَبِي طَلْحَةَ: «اجْعَلْهُ لِفُقَرَاءِ
أَقَارِبِكَ»، فَجَعَلَهَا لِحَسَّانَ وَأُبَيِّ بْنِ
كَعْبٍ، وَقَالَ الْأَنْصَارِيُّ: حَدَّثَنِي
أَبِي، عَنِ ثُمَامَةَ، عَنِ أَنَسِ بِمِثْلِ
حَدِيثِ ثَابِتٍ. قَالَ: «اجْعَلْهَا لِفُقَرَاءِ
قَرَابَتِكَ». قَالَ أَنَسٌ: فَجَعَلَهَا لِحَسَّانَ
وَأُبَيِّ بْنِ كَعْبٍ وَكَانَا أَقْرَبَ إِلَيْهِ مِنِّي،

‘Amr, the son of Mālik, the son of An-Najjār. Ḥassān was the son of Thābit, the son of Al-Mundhir, the son of Ḥarām, this means that Abū Ṭalḥa and Ḥassān had a common great grandfather (i.e., Ḥarām, the third in the line of descent). Ḥassān and Abū Ṭalḥa and Ubāi had a common ancestor, ‘Amr bin Mālik, the sixth in the lineage, as Ubāi was the son of Ka‘b, the son of Qais, the son of ‘Ubaid, the son of Zaid, the son of Mu‘āwīya, the son of ‘Amr, the son of Mālik, the son of An-Najjār.

Some scholars say, “If one wants to will some of his wealth to one’s relatives, they must be among those who share a Muslim common ancestor with one.”

2752. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said to Abū Ṭalḥa, “I recommend that you divide (this garden) amongst your relatives.” Abū Ṭalḥa said, “O Allāh’s Messenger! I will do the same.” So, Abū Ṭalḥa divided it among his relatives and cousins.

Ibn ‘Abbās said, “When the Qur’ānic Verse:

‘And warn your tribe (O Muhammad ﷺ) of near kindred’ (V.26:214) was revealed, the Prophet ﷺ started calling the various big families of Quraysh, ‘O Banī Fihri! O Banī ‘Adī!’”

Abū Hurairah said, “When the Verse: ‘And warn your tribe (O Muhammad ﷺ) of near kindred’, was revealed, the Prophet ﷺ said (in a loud voice), ‘O people of Quraysh!’”

وَكَانَ قَرَابَةُ حَسَّانَ وَأَبِيٍّ مِنْ أَبِي طَلْحَةَ، وَاسْمُهُ زَيْدُ بْنُ سَهْلٍ بْنِ الْأَسْوَدِ ابْنِ حَرَامِ بْنِ عَمْرِو بْنِ زَيْدِ مَنَاةَ بْنِ عَدِيِّ بْنِ عَمْرِو بْنِ مَالِكِ بْنِ النَّجَّارِ، وَحَسَّانُ بْنُ ثَابِتِ ابْنِ الْمُنْدِرِ بْنِ حَرَامِ، فَيَجْتَمِعَانِ إِلَى حَرَامٍ وَهُوَ الْأَبُ الثَّلَاثُ. وَحَرَامُ بْنُ عَمْرِو بْنِ زَيْدِ مَنَاةَ بْنِ عَدِيِّ بْنِ عَمْرِو بْنِ مَالِكِ بْنِ النَّجَّارِ، وَهُوَ يُجَامِعُ حَسَّانَ وَأَبَا طَلْحَةَ وَأَبِيٍّ إِلَى سِتَّةِ آبَاءٍ إِلَى عَمْرِو بْنِ مَالِكٍ وَهُوَ أَبُو بْنُ كَعْبِ بْنِ قَيْسِ بْنِ عُيَيْدِ بْنِ زَيْدِ بْنِ مُعَاوِيَةَ بْنِ عَمْرِو بْنِ مَالِكِ بْنِ النَّجَّارِ. فَعَمَّرُوهُ بْنُ مَالِكٍ يَجْمَعُ حَسَّانَ وَأَبَا طَلْحَةَ وَأَبِيًّا. وَقَالَ بَعْضُهُمْ: إِذَا أَوْصَى لِقَرَابَتِهِ فَهَوَّ إِلَى آبَائِهِ فِي الْإِسْلَامِ.

٢٧٥٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ ابْنِ أَبِي طَلْحَةَ: أَنَّهُ سَمِعَ أَنَسًا رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ لِأَبِي طَلْحَةَ: «أَرَى أَنْ تَجْعَلَهَا فِي الْأَقْرَبِينَ» فَقَالَ أَبُو طَلْحَةَ: أَفْعَلُ يَا رَسُولَ اللَّهِ، فَقَسَمَهَا أَبُو طَلْحَةَ فِي أَقَارِبِهِ وَبَنِي عَمِّهِ. وَقَالَ ابْنُ عَبَّاسٍ: لَمَّا نَزَلَتْ ﴿وَأَنْذِرْ عَشِيرَتَكَ الْأَقْرَبِينَ﴾ [الشعراء: ٢١٤] جَعَلَ النَّبِيُّ ﷺ يُنَادِي: «يَا بَنِي فَهْرٍ، يَا بَنِي عَدِيِّ»، لِيُطَوِّنَ قُرَيْشًا. وَقَالَ أَبُو

هُرَيْرَةَ: لَمَّا نَزَلَتْ ﴿وَأَنْذِرْ عَشِيرَتَكَ
الْأَقْرَبِينَ﴾ [الشعراء: ٢١٤] قَالَ
النَّبِيُّ ﷺ: «يَا مَعْشَرَ قُرَيْشٍ». [راجع:
١٤٦١]

(11) CHAPTER. Are children and women included under the term of relatives (concerning wills)?

(١١) بَابُ: هَلْ يَدْخُلُ النِّسَاءُ
وَالْوَالِدُ فِي الْأَقْرَابِ؟

2753. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: When Allāh revealed the Verse: “And warn your tribe (O Muhammad ﷺ) of near kindred,” Allāh’s Messenger ﷺ got up and said, “O Quraysh people (or said similar words)! Buy (i.e., save) yourselves (from the Hell-fire) as I cannot save you from Allāh’s punishment; O Banī Abd Manāf! I cannot save you from Allāh’s punishment; O ‘Abbās bin ‘Abdul Muṭṭalib! I cannot save you from Allāh’s punishment; O Ṣafīyya, the aunt of Allāh’s Messenger! I cannot save you from Allāh’s punishment: O Fāṭima bint Muḥammad! Ask me anything from my wealth, but I cannot save you from Allāh’s punishment.”⁽¹⁾

٢٧٥٣ - حَدَّثَنَا أَبُو الْيَمَانِ:
أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ:
أَخْبَرَنِي سَعِيدُ ابْنِ الْمُسَيَّبِ، وَأَبُو
سَلْمَةَ بْنُ عَبْدِ الرَّحْمَنِ: أَنَّ أَبَا هُرَيْرَةَ
رَضِيَ اللهُ عَنْهُ قَالَ: قَامَ رَسُولُ اللهِ
ﷺ حِينَ أَنْزَلَ اللهُ عَزَّ وَجَلَّ ﴿وَأَنْذِرْ
عَشِيرَتَكَ الْأَقْرَبِينَ﴾ [الشعراء: ٢١٤]
قَالَ: «يَا مَعْشَرَ قُرَيْشٍ - أَوْ كَلِمَةً
نَحْوَهَا - اشْتَرُوا أَنْفُسَكُمْ، لَا أُغْنِي
عَنْكُمْ مِنَ اللهِ شَيْئًا. يَا بَنِي عَبْدِ
مَنَافٍ، لَا أُغْنِي عَنْكُمْ مِنَ اللهِ شَيْئًا،
يَا عَبَّاسُ بْنُ عَبْدِ الْمُطَّلِبِ، لَا أُغْنِي
عَنْكَ مِنَ اللهِ شَيْئًا. وَيَا صَفِيَّةُ عَمَّةَ
رَسُولِ اللهِ، لَا أُغْنِي عَنْكَ مِنَ اللهِ
شَيْئًا. وَيَا فَاطِمَةُ بِنْتُ مُحَمَّدٍ ﷺ،
سَلِّينِي مَا شِئْتِ مِنْ مَالِي، لَا أُغْنِي
عَنْكَ مِنَ اللهِ شَيْئًا».

تَابَعَهُ أَصْبَعُ، عَنِ ابْنِ وَهْبٍ، عَنْ
يُونُسَ، عَنِ ابْنِ شِهَابٍ. [انظر:

[٤٧٧١، ٣٥٢٧]

(1) (H. 2753) Every person should try to protect himself from Allāh’s punishment by doing good deeds and by showing obedience to Allāh and to Allāh’s Messenger’s ﷺ orders. Nobody, can do him any good in this respect no matter how close a relative he may be.

(12) CHAPTER. Can the founder of an endowment have the benefit of his endowment?

'Umar رَضِيَ اللهُ عَنْهُ stipulated that the administrator of an endowment could eat from the yield of the endowment. The founder of an endowment or somebody else may be the trustee of the endowment. Similarly, if one offers a *Badana* (i.e., camel for sacrifice) or something else in Allāh's Cause, he is allowed to benefit by it in the same way as others benefit by it even if he did not stipulate that.

2754. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ saw a man driving a *Badana* and said to him, "Ride on it." The man said, "O Allāh's Messenger! It is a *Badana*." (The Prophet ﷺ repeated his order) and on the third or fourth time he said, "Ride it, woe to you" or said: "May Allāh be Merciful to you."

2755. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ saw a man driving a *Badana* and said to him, "Ride on it," and on the second or the third time he added, "Woe to you."

(13) CHAPTER. If one declares his wish to found an endowment, his endowment is valid even before its conveyance (to those for whom it is intended).

As 'Umar رَضِيَ اللهُ عَنْهُ founded an endowment and said that it was not sinful for its administrator to eat from its yield, but

(١٢) بَابُ هَلْ يَنْتَفِعُ الْوَاقِفُ بِوَقْفِهِ؟

وَقَدْ اشْتَرَطَ عُمَرُ رَضِيَ اللهُ عَنْهُ:
لَا جُنَاحَ عَلَى مَنْ وَلِيَهُ أَنْ يَأْكُلَ
مِنْهَا، وَقَدْ يَلِي الْوَاقِفُ وَغَيْرُهُ.
وَكَذَلِكَ كُلُّ مَنْ جَعَلَ بَدَنَةً أَوْ شَيْئًا لِلَّهِ
فَلَهُ أَنْ يَنْتَفِعَ بِهَا كَمَا يَنْتَفِعُ غَيْرُهُ وَإِنْ
لَمْ يَشْرَطْ.

٢٧٥٤ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ:
حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسِ
رَضِيَ اللهُ عَنْهُ: «أَنَّ النَّبِيَّ ﷺ رَأَى
رَجُلًا يَسُوقُ بَدَنَةً فَقَالَ لَهُ: ارْكَبْهَا،
فَقَالَ: يَا رَسُولَ اللهِ إِنَّهَا بَدَنَةٌ، فَقَالَ
فِي الثَّلَاثَةِ أَوْ فِي الرَّابِعَةِ: ارْكَبْهَا
وَيْلَكَ أَوْ وَيْحَكَ». [راجع: ١٦٩٠]

٢٧٥٥ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنَا
مَالِكٌ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ،
عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: «أَنَّ
رَسُولَ اللهِ ﷺ رَأَى رَجُلًا يَسُوقُ بَدَنَةً
فَقَالَ: ارْكَبْهَا، قَالَ: يَا رَسُولَ اللهِ
إِنَّهَا بَدَنَةٌ، قَالَ: ارْكَبْهَا وَيْلَكَ، فِي
الثَّلَاثَةِ أَوْ فِي الثَّلَاثَةِ». [راجع: ١٦٨٩]

(١٣) بَابُ إِذَا وَقَفَ شَيْئًا قَبْلَ أَنْ
يُدْفَعَهُ إِلَى غَيْرِهِ فَهُوَ جَائِزٌ،

لأنَّ عُمَرَ رَضِيَ اللهُ عَنْهُ أَوْقَفَ
فَقَالَ: لَا جُنَاحَ عَلَى مَنْ وَلِيَهُ أَنْ

he did not specify whether he (i.e., 'Umar) or someone else would be its administrator. The Prophet ﷺ said to Abū Ṭalḥa, "I recommend that you should divide it (i.e., the garden) among your relatives." So Abū Ṭalḥa agreed and distributed it among his relatives and his cousins.

(14) CHAPTER. When someone says, "My house is *Ṣadaqa* (i.e., gift of charity) for Allāh's sake," and does not specify whether it is for the poor or for some other people, then the *Ṣadaqa* is valid and he can give it to his relatives or whomever he wishes.

The Prophet ﷺ allowed Abū Ṭalḥa when he said, "The most beloved of my property is (the garden of) Bairuhā and I wish to give it in charity for Allāh's sake." The Prophet ﷺ considered his deed valid. Some say that it is invalid unless it is specified as to whom the *Ṣadaqa* is to be given. But the first statement (i.e., that it is valid) is more correct.

(15) CHAPTER. If someone says, "My land or my garden is *Ṣadaqa* for Allāh's sake on my mother's behalf," his *Ṣadaqa* is valid even if he did not specify to whom it is to be given.

2756. Narrated Ibn 'Abbās رضي الله عنهما: The mother of Sa'd bin 'Ubāda died in Sa'd's absence. He said, "O Allāh's Messenger! My mother died in my absence; will it be of any benefit for her if I give *Ṣadaqa*⁽¹⁾ on her behalf?" The Prophet ﷺ said, "Yes," Sa'd said, "I make you a witness that I gave my garden called Al-Mikhṛāf in charity on her behalf."

يَأْكُلَ، وَلَمْ يُحْصَ أَنْ وَلِيَهُ عُمَرُ أَوْ غَيْرُهُ. وَقَالَ النَّبِيُّ ﷺ لِأَبِي طَلْحَةَ: «أَرَى أَنْ تَجْعَلَهَا فِي الْأَقْرَبِينَ، فَقَالَ: أَفْعَلُ، فَقَسَمَهَا فِي أَقَارِبِهِ وَبَنِي عَمِّهِ».

(١٤) **بَابُ إِذَا قَالَ: دَارِي صَدَقَةٌ لِلَّهِ وَلَمْ يُبَيِّنْ لِلْفُقَرَاءِ أَوْ غَيْرِهِمْ فَهُوَ جَائِزٌ. وَيُعْطِيهَا لِلْأَقْرَبِينَ أَوْ حَيْثُ أَرَادَ،**

قَالَ النَّبِيُّ ﷺ لِأَبِي طَلْحَةَ حِينَ قَالَ: أَحَبُّ أَمْوَالِي إِلَيَّ بَيْرُحَاءَ وَإِنَّهَا صَدَقَةٌ لِلَّهِ، فَأَجَازَ النَّبِيُّ ﷺ ذَلِكَ. وَقَالَ بَعْضُهُمْ: لَا يَجُوزُ حَتَّى يُبَيِّنَ لِمَنْ، وَالْأَوَّلُ أَصَحُّ.

(١٥) **بَابُ إِذَا قَالَ: أَرْضِي أَوْ بُسْتَانِي صَدَقَةٌ لِلَّهِ عَنْ أُمِّي، فَهُوَ جَائِزٌ وَإِنْ لَمْ يُبَيِّنْ لِمَنْ ذَلِكَ**

٢٧٥٦ - حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا مُحَمَّدُ بْنُ يَزِيدَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي يَعْلَى: أَنَّهُ سَمِعَ عِكْرِمَةَ يَقُولُ: أَبْنَانَا ابْنُ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ سَعْدَ بْنَ عَبَادَةَ رَضِيَ اللَّهُ عَنْهُ تُوْفِيَتْ أُمُّهُ وَهُوَ غَائِبٌ عَنْهَا فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّ أُمَّي تُوْفِيَتْ وَأَنَا غَائِبٌ عَنْهَا، أَيَنْفَعُهَا شَيْءٌ إِنْ تَصَدَّقْتُ بِهَ عَنْهَا؟ قَالَ: «نَعَمْ»، قَالَ:

(1) (H. 2756) *Ṣadaqa*: here means charity. [See H. No. 2762].

فَاتِي أَشْهَدُكَ أَنَّ حَائِطِي الْمِحْرَافَ
صَدَقَةٌ عَلَيْهَا. [انظر: ٢٧٦٢، ٢٧٧٠]

(16) CHAPTER. It is permissible for one to give part of his wealth or some of his slaves or animals in charity or as an endowment.

(١٦) بَابٌ إِذَا تَصَدَّقَ أَوْ وَقَفَ بَعْضُ
مَالِهِ أَوْ بَعْضُ رَقِيقِهِ أَوْ دَوَابِّهِ فَهُوَ
جَائِزٌ

2757. Narrated Ka'b bin Mālik رَضِيَ اللهُ عَنْهُ :
I said, "O Allāh's Messenger! For the acceptance of my repentance I wish to give all my property in charity for Allāh's sake through His Messenger ﷺ." He said, "It is better for you to keep some of the property for yourself." I said, "Then I will keep my share in Khaibar."

٢٧٥٧ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ :
حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ
شِهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ
عَبْدِ اللَّهِ بْنِ كَعْبٍ أَنَّ عَبْدَ اللَّهِ بْنَ
كَعْبٍ قَالَ: سَمِعْتُ كَعْبَ بْنَ مَالِكٍ
رَضِيَ اللَّهُ عَنْهُ يَقُولُ: قُلْتُ: يَا رَسُولَ
اللَّهِ، إِنَّ مِنْ تَوْبَتِي أَنْ أَنْحَلِجَ مِنْ مَالِي
صَدَقَةً إِلَى اللَّهِ وَالِي رَسُولِهِ ﷺ.
قَالَ: «أُمْسِكْ عَلَيْكَ بَعْضَ مَالِكَ،
فَهُوَ خَيْرٌ لَكَ»، قُلْتُ: فَإِنِّي أُمْسِكُ
سَهْمِي الَّذِي بِخَيْبَرَ. [انظر: ٢٩٤٧ -
٢٩٥٠، ٣٠٨٨، ٣٥٥٦، ٣٨٨٩، ٣٩٥١،
٤٤١٨، ٤٦٧٣، ٤٦٧٦، ٤٦٧٧، ٤٦٧٨،
٦٢٥٥، ٦٦٩٠، ٧٢٢٥]

(17) CHAPTER. Whoever gave something to his representative to give in charity and then the latter returned it to him.

2758. Narrated Anas رَضِيَ اللهُ عَنْهُ : When the Holy Verse: 'By no means shall you attain *Al-Birr* (piety, righteousness, it means here Allāh's Reward i.e., Paradise), unless you spend of that which you love...', (V.3:92) was revealed, Abū Ṭalḥa went to Allāh's Messenger ﷺ and said, "O Allāh's Messenger! Allāh, the Blessed, the Superior states in His Book: 'By no means shall you attain *Al-Birr*, unless you spend of that which you love...', (V.3:92) and the

(١٧) بَابٌ مَنْ تَصَدَّقَ إِلَى وَكِيلِهِ،
ثُمَّ رَدَّ الْوَكِيلُ إِلَيْهِ

٢٧٥٨ - وَقَالَ إِسْمَاعِيلُ:
أَخْبَرَنِي عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ بْنِ
أَبِي سَلَمَةَ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ
ابْنَ أَبِي طَلْحَةَ، لَا أَعْلَمُهُ إِلَّا عَنْ
أَنْسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: لَمَّا نَزَلَتْ:
﴿لَنْ نَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا مَحَبُوبٌ﴾
[آل عمران: ٩٢] جَاءَ أَبُو طَلْحَةَ إِلَى

most beloved property to me is Bairuhā' (which was a garden where Allāh's Messenger ﷺ used to go to sit in its shade and drink from its water).⁽¹⁾ I give it to Allāh and His Messenger ﷺ hoping for Allāh's Reward in the Hereafter. So, O Allāh's Messenger! Use it as Allāh orders you to use it." Allāh's Messenger ﷺ said, "Bravo! O Abū Ṭalḥa, it is fruitful property. We have accepted it from you and now we return it to you. Distribute it amongst your relatives." So, Abū Ṭalḥa distributed it amongst his relatives, amongst whom were Ubāi and Ḥassān. When Ḥassān sold his share of that garden to Mu'awiya, he was asked, "How do you sell Abū Ṭalḥa's *Ṣadaqa*?" He replied, "Why should not I sell a *Sā'* of dates for a *Sā'* of money?"⁽²⁾ The garden was situated in the courtyard of the palace of Banī Jadila built by Mu'awiya.

رَسُولِ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ، يَقُولُ اللَّهُ تَبَارَكَ وَتَعَالَى فِي كِتَابِهِ: ﴿لَنْ تَنَالُوا الْبِرَّ حَتَّى تُنْفِقُوا مِمَّا مَحَبُوبٌ﴾ [آل عمران: ٩٢] وَإِنَّ أَحَبَّ أَمْوَالِي إِلَيَّ بَيْرِحَاءٌ - قَالَ: وَكَانَتْ حَدِيقَةً كَانَ رَسُولُ اللَّهِ ﷺ يَدْخُلُهَا وَيَسْتِظِلُّ فِيهَا وَيَشْرَبُ مِنْ مَائِهَا - فَهِيَ إِلَى اللَّهِ عَزَّ وَجَلَّ وَإِلَى رَسُولِهِ ﷺ، أَرْجُو بَرَّهُ وَذُخْرَهُ، فَضَعَهَا أَيُّ رَسُولُ اللَّهِ ﷺ حَيْثُ أَرَاكَ اللَّهُ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «بِخْ يَا أبا طَلْحَةَ، ذَلِكَ مَالٌ رَابِحٌ قَبْلِنَا مِنْكَ وَرَدَدْنَاهُ عَلَيْكَ فَاجْعَلْهُ فِي الْأَقْرَبِينَ». فَتَصَدَّقَ بِهِ أَبُو طَلْحَةَ عَلَى ذَوِي رَجَمِهِ، قَالَ: وَكَانَ مِنْهُمْ أَبِي وَحَسَّانُ، قَالَ: وَبَاعَ حَسَّانُ حِصَّتَهُ مِنْهُ مِنْ مُعَاوِيَةَ، فَقِيلَ لَهُ: تَبِيعَ صَدَقَةَ أَبِي طَلْحَةَ؟ فَقَالَ: أَلَا أُبِيعُ صَاعًا مِنْ تَمْرٍ بِصَاعٍ مِنْ دَرَاهِمٍ؟ قَالَ: وَكَانَتْ تِلْكَ الْحَدِيقَةُ فِي مَوْضِعٍ قَصْرِ بَنِي حُدَيْلَةَ الَّذِي بَنَاهُ مُعَاوِيَةُ.

[راجع: ١٤٦١]

(18) CHAPTER. The Statement of Allāh تعالى:
 "And when the relatives and the orphans and *Al-Masākīn* (the poor) are present at the time of division, give them out of the property..."
 (V.4:8)

(١٨) بَابُ قَوْلِ اللَّهِ عَزَّ وَجَلَّ: ﴿وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينُ فَأَرْزُقُوهُمْ مِنْهُ﴾ [النساء: ٨]

2759. Narrated Ibn 'Abbās رضي الله عنهما:

٢٧٥٩ - حَدَّثَنَا مُحَمَّدُ بْنُ الْقَاضِي

(1) (Ch. 17) The description between brackets is said by Anas.

(2) (Ch. 17) This shows that Ka'b did not give his garden as an endowment, otherwise Ḥassān could not have sold it.