

تَعْرَضًا لِتُهُمَةِ نَفْسِهِ عِنْدَ الْمُسْلِمِينَ،
وَأَيْقَاعًا لَهُمْ فِي الظُّنُونِ، وَقَدْ كَرِهَ
النَّبِيُّ ﷺ الظَّنَّ فَقَالَ: «إِنَّمَا هَذِهِ
صَفِيَّةٌ». [راجع: ٢١٠٠]

7171. Narrated 'Alī bin Ḥusain : Safīyya bint (daughter of) Ḥuyai came to the Prophet ﷺ (in the mosque) and when she returned (home) the Prophet ﷺ accompanied her. It happened that two men from the *Anṣār* passed by them and the Prophet ﷺ called them saying, “She is Ṣafīyya!”⁽¹⁾ Those two men said, “*Subhān Allāh!*” The Prophet ﷺ said, “Satan circulates in the human body as blood does.”

٧١٧١ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ
عَبْدِ اللَّهِ الْأَيْسِيُّ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ
سَعْدٍ، بن سُوْحَرٍ عَنْ ابْنِ شَهَابٍ، عَنْ
عَلِيِّ بْنِ حُسَيْنٍ: أَنَّ النَّبِيَّ ﷺ أَتَتْهُ
صَفِيَّةُ بِنْتُ حَيٍّ فَلَمَّا رَجَعَتْ انْطَلَقَ
مَعَهَا فَمَرَّ بِهِ رَجُلَانِ مِنَ الْأَنْصَارِ
فَدَعَاهُمَا فَقَالَ: «إِنَّمَا هِيَ صَفِيَّةٌ».
قَالَ: سُبْحَانَ اللَّهِ. قَالَ: «إِنَّ
الشَّيْطَانَ يَجْرِي مِنَ ابْنِ آدَمَ مَجْرَى
الدَّمِّ».

رَوَاهُ شُعَيْبُ بْنُ وَائِلٍ مُسَافِرٍ وَابْنُ
أَبِي عَتِيْقٍ وَإِسْحَاقُ بْنُ يَحْيَى، عَنْ
الزُّهْرِيِّ، عَنْ عَلِيٍّ - يَعْنِي ابْنَ
حُسَيْنٍ - عَنْ صَفِيَّةَ عَنِ النَّبِيِّ ﷺ.

[راجع: ٧١٧١]

(22) CHAPTER. The order of the *Wāli* (chief ruler) sending two *Amīr* (governors) to one place that they should cooperate and agree with each other and should not differ with one another.

(٢٢) بَابُ أَمْرِ الْوَالِي إِذَا وَجَّهَ
أَمِيرَيْنِ إِلَى مَوْضِعٍ أَنْ يَتَطَاوَعَا وَلَا
يَتَعَاصِيَا

7172. Narrated Abū Burda : The Prophet ﷺ sent my father and Mu'adh bin Jabal to Yemen and said (to them), “Make things easy for the people and do not put hurdles in their way, and give them glad tiding, and don't let them have aversion (i.e., to make

٧١٧٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ:
حَدَّثَنَا الْعَقَدِيُّ: حَدَّثَنَا شُعْبَةُ، عَنْ
سَعِيدِ بْنِ أَبِي بُرْدَةَ قَالَ: سَمِعْتُ أَبِي
قَالَ: بَعَثَ النَّبِيُّ ﷺ أَبِي وَمُعَادَ بْنَ

(1) (H.7171) The Prophet ﷺ disliked suspicion and said, “She is Ṣafīyya ., i.e., my wife.”

people to hate good deeds) and you both should work in cooperation and mutual understanding". Abū Mūsa said to Allāh's Messenger ﷺ, "In our country a special alcoholic drink called *Al-Bit'*, is prepared (for drinking)." The Prophet ﷺ said, "Every intoxicant is prohibited."

جَبَلٍ إِلَى الِیْمَنِ فَقَالَ: «يَسْرًا وَلَا تُعَسِّرَا، وَبَسْرًا وَلَا تُتَفَّرَا، وَتَطَاوَعًا». فَقَالَ لَهُ أَبُو مُوسَى: إِنَّهُ يُصْنَعُ بِأَرْضِنَا الْبِنْعِ. فَقَالَ: «كُلُّ مُسْكِرٍ حَرَامٌ». وَقَالَ النَّضْرُ وَأَبُو دَاوُدَ وَيَزِيدُ بْنُ هَارُونَ وَوَكَيْعٌ، عَنْ شُعْبَةَ، عَنْ سَعِيدِ بْنِ أَبِي بُرْدَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَنِ النَّبِيِّ ﷺ. [راجع: ٢٢٦١]

(23) CHAPTER. The ruler's acceptance of invitation.

'Uthmān accepted the invitation of a slave of Al-Mughhira bin Shu'ba.

7173. Narrated Abū Mūsa: The Prophet ﷺ said, "Set free the captives and accept invitations."

(٢٣) بَابُ إِجَابَةِ الْحَاكِمِ الدَّعْوَةَ وَقَدْ أَجَابَ عُثْمَانُ بْنُ عَفَّانَ عَبْدًا لِلْمُغِيرَةِ بْنِ شُعْبَةَ.

٧١٧٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنْ سُفْيَانَ: حَدَّثَنَا مَنْصُورٌ، عَنْ أَبِي وَائِلٍ، عَنْ أَبِي مُوسَى عَنِ النَّبِيِّ ﷺ قَالَ: «فُكُّوا الْعَانِيَّ وَأَجِيبُوا الدَّاعِيَ». [راجع: ٣٠٤٦]

(24) CHAPTER. The gifts taken by the employees.

7174. Narrated Abū Humaid As-Sā'idi: The Prophet ﷺ appointed a man from the tribe of Banī Asad, called Ibn Al-Utabiyya, to collect the *Zakāt*. When he returned (with the money) he said (to the Prophet ﷺ), "This is for you and this has been given to me as a gift." The Prophet ﷺ stood up on the pulpit (Shufyān said he ascended the pulpit), and after glorifying and praising Allāh, he said, "What is wrong with the employee whom we send (to collect *Zakāt* from the public) that he returns to say, 'This is for you and that is for me?' Why didn't he stay at his father's and mother's house to see whether he will be

(٢٤) بَابُ هَدَايَا الْعُمَّالِ

٧١٧٤ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانَ، عَنِ الزُّهْرِيِّ: أَنَّهُ سَمِعَ عُرْوَةَ: أَخْبَرَنَا أَبُو حُمَيْدٍ السَّاعِدِيُّ قَالَ: اسْتَعْمَلَ النَّبِيُّ ﷺ رَجُلًا مِنْ بَنِي أَسَدٍ يُقَالُ لَهُ: ابْنُ الْأَتْبِيِّ، عَلَى صَدَقَةٍ. فَلَمَّا قَدِمَ قَالَ: هَذَا لَكُمْ، وَهَذَا أَهْدَيْتِي لِي. فَقَامَ النَّبِيُّ ﷺ عَلَى الْمِنْبَرِ - قَالَ سُفْيَانُ أَيْضًا: فَصَعِدَ الْمِنْبَرِ - فَحَمِدَ اللَّهُ

given gifts or not? By Him in Whose Hand my soul is, whoever takes anything illegally will bring it on the Day of Resurrection by carrying it over his neck; if it is a camel, it will be grunting; if it is a cow, it will be mooing; and if it is a sheep it will be bleating!" The Prophet ﷺ then raised both his hands till he saw the whiteness of his armpits (and he said), "No doubt! Haven't I conveyed Allāh's Message?" And he repeated it three times.

وَأَنْتَى عَلَيْهِ، ثُمَّ قَالَ: «مَا بَالُ الْعَامِلِ تَبَعْتُهُ فَيَأْتِي فَيَقُولُ: هَذَا لَكَ، وَهَذَا لِي؟ فَهَلَّا جَلَسَ فِي بَيْتِ أَبِيهِ وَأُمَّهُ فَيَنْظُرُ أَيُّهُدَى لَهُ أُمٌّ لَأ؟ وَالَّذِي نَفْسِي بِيَدِهِ لَا يَأْتِي بِشَيْءٍ إِلَّا جَاءَ بِهِ يَوْمَ الْقِيَامَةِ يَحْمِلُهُ عَلَى رَقَبَتِهِ. إِنْ كَانَ بَعِيرًا لَهُ رَعَاءٌ، أَوْ بَقَرَةٌ لَهَا حُورًا، أَوْ شَاةٌ تَيْعُرُ. ثُمَّ رَفَعَ يَدَيْهِ حَتَّى رَأَيْنَا عُفْرَتِي إِنْطِيهِ. أَلَا هَلْ بَلَّغْتُ؟ ثَلَاثًا.

قال سُفْيَانُ: فَصَّهُ عَلَيْنَا الزُّهْرِيُّ، وَزَادَ هِشَامٌ، عَنْ أَبِيهِ، عَنْ أَبِي حُمَيْدٍ قَالَ: سَمِعَ أُذُنَايَ، وَأَبْصَرْتُهُ عَيْنِي. وَسَلُوا زَيْدَ بْنَ ثَابِتٍ فَإِنَّهُ سَمِعَهُ مَعِيَ. وَلَمْ يَقُلِ الزُّهْرِيُّ: سَمِعَ أُذُنِي.

﴿حُورًا﴾ [الأعراف: ١٤٨، وطه: ٨٨]: صَوْتُ. وَالْجُورُ: مِنْ ﴿تَجْتَرُونَ﴾ [النحل: ٥٣]، كَصَوْتُ الْبَقَرَةِ. [راجع: ٩٢٥]

(25) CHAPTER. To appoint the *Maulā* (freed slaves) as judges and officials.

(٢٥) بَابُ اسْتِقْضَاءِ الْمَوَالِي وَاسْتِعْمَالِهِمْ

7175. Narrated Ibn 'Umar رضي الله عنهما: Sālim, the freed slave of Abū Ḥudhaifa used to lead in *Ṣalāt* (prayer) the early *Muhājirun* (emigrants) and the Companions of the Prophet ﷺ in the *Qubā'* mosque. Among those [who used to offer *Ṣalāt* (prayer) behind him] were Abū Bakr, 'Umar, Abū Salama, and 'Āmir bin Rabī'a.

٧١٧٥ - حَدَّثَنَا عُثْمَانُ بْنُ صَلَاحٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ قَالَ: أَخْبَرَنِي ابْنُ جُرَيْجٍ: أَنَّ نَافِعًا أَخْبَرَهُ: أَنَّ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ قَالَ: كَانَ سَالِمٌ مَوْلَى أَبِي حُدَيْفَةَ يَوْمَ الْمُهَاجِرِينَ الْأَوَّلِينَ، وَأَصْحَابَ النَّبِيِّ ﷺ فِي مَسْجِدِ قُبَاءٍ،

فِيهِمْ أَبُو بَكْرٍ وَعُمَرُ وَأَبُو سَلَمَةَ وَزَيْدٌ
وَعَامِرُ بْنُ رَبِيعَةَ. [راجع: ٦٩٢]
(٢٦) بَابُ الْعُرْفَاءِ لِلنَّاسِ

(26) CHAPTER. The 'Urafā'⁽¹⁾ appointed to look after the people's affairs.

7176, 7177. Narrated 'Urwa bin Az-Zubair: Marwān bin Al-Ḥakam and Al-Miswar bin Makhrama told him that when the Muslims were permitted to set free the captives of Hawāzin, Allāh's Messenger ﷺ said, "I do not know who amongst you has agreed (to it) and who has not. Go back so that your 'Urafā' may submit your decision to us." So the people returned and their 'Urafā' talked to them and then (their 'Urafā') came to Allāh's Messenger ﷺ and told him that the people had given their consent happily and permitted (their captives to be freed).

٧١٧٦، ٧١٧٧ - حَدَّثَنَا
إِسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ: حَدَّثَنِي
إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ عَمْرِ
مُوسَى بْنِ عُقْبَةَ: قَالَ ابْنُ شِهَابٍ:
حَدَّثَنِي عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ مَرْوَانَ بْنَ
الْحَكَمِ وَالْمِسْوَرَ بْنَ مَخْرَمَةَ أَخْبَرَاهُ:
أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ حِينَ إِذِنَ لَهُمُ
الْمُسْلِمُونَ فِي عِثْقِ سَبْيِ هَوَازِنَ
فَقَالَ: «إِنِّي لَا أَذْرِي مَنْ مِنْ إِذِنَ
فِيكُمْ مِمَّنْ لَمْ يَأْذَنَ. فَارْجِعُوا حَتَّى
يَرْفَعَ إِلَيْنَا عُرْفَاؤُكُمْ أَمْرُكُمْ». فَارْجَعَ
النَّاسُ فَكَلَّمَهُمْ عُرْفَاؤُهُمْ. فَارْجِعُوا
إِلَى رَسُولِ اللَّهِ ﷺ فَأَخْبَرُوهُ أَنَّ النَّاسَ
قَدْ طَيَّبُوا وَأَذِنُوا». [راجع: ٢٣٠٧،

[٢٣٠٨

(27) CHAPTER. What is disliked as regards praising the *Sultān* (ruler) (in his presence) and saying something different after leaving him.

(٢٧) بَابُ مَا يُكْرَهُ مِنْ ثَنَاءِ
السُّلْطَانِ، وَإِذَا خَرَجَ قَالَ غَيْرَ ذَلِكَ

7178. Narrated Muḥammad bin Zaid bin 'Abdullāh bin 'Umar: Some people said to Ibn 'Umar, "When we enter upon our ruler(s) we say in their praise what is contrary to what we say when we leave them." Ibn 'Umar said, "We used to

٧١٧٨ - حَدَّثَنَا أَبُو نَعِيمٍ: حَدَّثَنَا
عَاصِمُ بْنُ مُحَمَّدٍ بْنِ زَيْدِ بْنِ عَبْدِ اللَّهِ
بْنِ عُمَرَ، عَنْ أَبِيهِ: قَالَ أَنَسُ بْنُ لَابِنِ
عُمَرَ: إِنَّا نَدْخُلُ عَلَى سُلْطَانِنَا فَتَقُولُ

(1) (Ch.26) 'Urafā' is the plural of 'Arīf, the title of a person who is appointed to head a group of people to find out their problems and needs and inform his seniors about it. It is a rank below *Amīr*.

consider this as hypocrisy.”

7179. Narrated ‘Abū Hurairah عنه الله رضي الله عنه: Allāh’s Messenger ﷺ said, “The worst of all mankind is the double-faced one, who comes to some people with one countenance and to others, with another countenance.”

(28) CHAPTER. Passing a judgement against an absent person.

7180. Narrated ‘Āishah عنها الله رضي الله عنها: Hind (bint ‘Utba) said to the Prophet ﷺ, “Abū Sufyān is a miserly man and I need to take some money of his wealth.” The Prophet ﷺ said, “Take reasonably what is sufficient for you and your children.”

(29) CHAPTER. Whoever is given the right of his brother (by error) through a judicial decision, then he should not take it as the judge’s judgement cannot render what is illegal, legal or what is legal, illegal.

7181. Narrated Umm Salama, the wife of the Prophet ﷺ: Allāh’s Messenger ﷺ heard some people quarrelling at the door of his dwelling, so he went out to them and said, “I am only a human being, and litigants with cases of dispute come to me, and someone of you may happen to be more eloquent (in presenting his case) than the other, whereby I may consider that he is truthful and pass a judgement in his favour. If ever I pass a judgement in favour of somebody whereby he

لَهُمْ بِخِلَافٍ مَا نَتَكَلَّمُ إِذَا خَرَجْنَا مِنْ عِنْدِهِمْ، قَالَ: كُنَّا نَعُدُّهَا نِفَاقًا.

٧١٧٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عِرَاكِ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ شَرَّ النَّاسِ ذُو الْوَجْهَيْنِ الَّذِي يَأْتِي هُوَ لَا بِوَجْهِ، وَهُوَ لَا بِوَجْهِ». [راجع: ٣٤٩٤]

(٢٨) بَابُ الْقَضَاءِ عَلَى الْغَائِبِ

٧١٨٠ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: حَدَّثَنَا سُفْيَانُ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ هِنْدًا قَالَتْ لِلنَّبِيِّ ﷺ: «إِنَّ أَبَا سُفْيَانَ رَجُلٌ شَحِيحٌ وَأَحْتَاجُ أَنْ أَخْذَ مِنْ مَالِهِ، قَالَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «خُذِي مَا يَكْفِيكِ وَوَلَدِكَ بِالْمَعْرُوفِ». [راجع: ٢٢١١]

(٢٩) بَابُ مَنْ قُضِيَ لَهُ بِحَقِّ أَخِيهِ فَلَا يَأْخُذُهُ، فَإِنَّ قَضَاءَ الْحَاكِمِ لَا يُحِلُّ حَرَامًا، وَلَا يُحَرِّمُ حَلَالًا

٧١٨١ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ صَالِحٍ، عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ زَيْنَبَ بِنْتُ أَبِي سَلَمَةَ أَخْبَرَتْهُ: أَنَّ أُمَّ سَلَمَةَ زَوْجَ النَّبِيِّ ﷺ أَخْبَرَتْهَا عَنْ رَسُولِ اللَّهِ ﷺ: أَنَّهُ سَمِعَ خُصُومَةَ بِيَابِ

takes a Muslim's right unjustly, then whatever he takes is nothing but a piece of (Hell) Fire, and it is up to him to take or leave."

حُجْرَتِهِ فَخَرَجَ إِلَيْهِمْ فَقَالَ: «إِنَّمَا أَنَا بَشَرٌ، وَإِنَّهُ يَأْتِينِي الْحَصْمُ فَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونَ أْبْلَغَ مِنْ بَعْضٍ، فَأَحْسِبُ أَنَّهُ صَادِقٌ فَأَقْضِي لَهُ بِذَلِكَ. فَمَنْ قَضَيْتُ لَهُ بِحَقِّ مُسْلِمٍ فَإِنَّمَا هِيَ قِطْعَةٌ مِنَ النَّارِ فَلْيَأْخُذْهَا أَوْ لِيَتْرُكْهَا».

[راجع: ٢٤٥٨]

7182. Narrated 'Aishah رَضِيَ اللهُ عَنْهَا, the wife of the Prophet ﷺ: 'Utba bin Abi Waqqāṣ said to his brother Sa'd bin Abi Waqqāṣ, "The son of the slave-girl of Zam'a is from me, so take him into your custody." So in the year of conquest of Makkah, Sa'd took him and said, "(This is) my brother's son whom my brother has asked me to take into my custody." 'Abd bin Zam'a got up before him and said, "(He is) my brother and the son of the slave-girl of my father, and was born on my father's bed." So they both submitted their case before Allāh's Messenger ﷺ. Sa'd said, "O Allāh's Messenger! This boy is the son of my brother and he entrusted him to me." 'Abd bin Zam'a said, "This boy is my brother and the son of the slave-girl of my father, and was born on the bed of my father." Allāh's Messenger ﷺ said, "The boy is for you, O 'Abd bin Zam'a!" Then Allāh's Messenger ﷺ further said, "The child is for the owner of the bed, and the stone is for the adulterer." He then said to Sauda bint Zam'a, "Veil (screen) yourself before him," when he saw the boy's resemblance to 'Utba. The boy did not see her again till he met Allāh تعالى (i.e., died).

٧١٨٢ - حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنِي مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ أَنَّهَا قَالَتْ: كَانَ عَتْبَةُ بْنُ أَبِي وَقَّاصٍ عَهْدَ إِلَى أَخِيهِ سَعْدِ بْنِ أَبِي وَقَّاصٍ أَنْ ابْنَ وَوَلِيدَةَ زَمْعَةَ مِنِّي فَأَقْبَضَهُ إِلَيْكَ، فَلَمَّا كَانَ عَامَ الْفَتْحِ أَخَذَهُ سَعْدٌ، فَقَالَ: ابْنُ أَخِي قَدْ كَانَ عَهْدَ إِلَيَّ فِيهِ، فَقَامَ إِلَيْهِ عَبْدُ بْنُ زَمْعَةَ فَقَالَ: أَخِي وَابْنُ وَوَلِيدَةَ أَبِي، وَوُلِدَ عَلِيَّ فِرَاشِهِ، فَتَسَاوَفَا إِلَى رَسُولِ اللَّهِ ﷺ، فَقَالَ سَعْدٌ: يَا رَسُولَ اللَّهِ، ابْنُ أَخِي كَانَ عَهْدَ إِلَيَّ فِيهِ. وَقَالَ عَبْدُ بْنُ زَمْعَةَ: أَخِي وَابْنُ وَوَلِيدَةَ أَبِي، وَوُلِدَ عَلِيَّ فِرَاشِهِ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «هُوَ لَكَ يَا عَبْدُ بْنُ زَمْعَةَ». ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ». ثُمَّ قَالَ لِسُودَةَ بِنْتِ زَمْعَةَ: «اِحْتَجِي مِنْهُ»، لِمَا رَأَى مِنْ شَبَهِهِ بِعَتْبَةَ. فَمَا رَأَاهَا حَتَّى لَقِيَ اللَّهَ تَعَالَى. [راجع: ٢٥٥٣]

(30) CHAPTER. Judgement regarding the cases involving wells, etc.

7183. Narrated ‘Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, “If somebody on the demand of a judge takes an oath to grab (a Muslim’s) property and he is liar in what he is saying, he will meet Allāh Who will be angry with him.” So Allāh revealed:

“Verily! Those who purchase a small gain at the cost of Allāh’s Covenant and their oaths...” (V.3:77)

7184. [H. 7183 contd.]: ‘Al-Ash’ath came while ‘Abdullāh was narrating (this) to the people. Al-Ash’ath said, “This Verse was revealed regarding me and another man with whom I had a quarrel about a well. The Prophet ﷺ said (to me), ‘Do you have an evidence?’ I replied, ‘No.’ He said, ‘Let your opponent take an oath.’ I said, ‘I am sure he would take a (false) oath.’ Thereupon it was revealed:

“Verily! Those who purchase a small gain at the cost of Allāh’s Covenant...” (V.3:77)

(31) CHAPTER. To judge (all) cases involving wealth, whether it is much or little in amount, in one and the same.

And Ibn ‘Uyaina stated on the authority of Ibn Shubruma, “It is the same to judge a case involving a little or a big amount of wealth.”

7185. Narrated Umm Salama: The Prophet ﷺ heard the voices of some people quarrelling near the door of his dwelling, so he went to them and said, “I am only a human being; and litigants with cases of disputes come to me, and may be one of them presents his case eloquently in a more convincing and impressive way than the

(٣٠) بَابُ الْحُكْمِ فِي الْبُئْرِ وَنَحْوِهَا

٧١٨٣ - حَدَّثَنَا إِسْحَاقُ بْنُ نَصْرِ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا سُنَيْانُ، عَنْ مَنْصُورٍ وَالْأَعْمَشِ، عَنْ أَبِي وَائِلٍ قَالَ: قَالَ عَبْدُ اللَّهِ: قَالَ النَّبِيُّ ﷺ: «لَا يَحْلِفُ عَلَى يَمِينٍ صَبْرٍ يَقْتَطِعُ مَالاً وَهُوَ فِيهَا فَاجِرٌ إِلَّا لِقِيَّ اللَّهِ وَهُوَ عَلَيْهِ غَضَبَانٌ». فَأَنْزَلَ اللَّهُ ﴿إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلًا﴾ الْآيَةَ. [راجع: ٢٣٥٦]

٧١٨٤ - فَجَاءَ الْأَشْعَثُ وَعَبَدُ اللَّهِ يُحَدِّثُهُمْ فَقَالَ: فِيَّ نَزَلَتْ وَفِي رَجُلٍ خَاصَمْتُهُ فِي بُئْرٍ، فَقَالَ النَّبِيُّ ﷺ: «أَلَيْكَ بَيِّنَةٌ؟» قُلْتُ: لَا، قَالَ: «فَلْيَحْلِفْ». قُلْتُ: إِذَا يَحْلِفُ، فَتَزَلَّتْ ﴿إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ﴾ الْآيَةَ [آل عمران: ٧٧]. [راجع: ٢٣٥٧]

(٣١) بَابُ الْقَضَاءِ فِي كَثِيرِ الْمَالِ وَقَلِيلِهِ،

وَقَالَ ابْنُ عُيَيْنَةَ، عَنِ ابْنِ شُبْرُمَةَ: الْقَضَاءُ فِي قَلِيلِ الْمَالِ وَكَثِيرِهِ سَوَاءٌ.

٧١٨٥ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ أَخْبَرَتْهُ عَنْ أُمِّهَا أَمِّ سَلَمَةَ قَالَتْ: سَمِعَ النَّبِيَّ ﷺ جَلَبَةً خِصَامٍ

other, whereby I may consider that he is truthful and pass a judgement in his favour. So if I give a Muslim's right to another (by mistake), then that (property) is a piece of (Hell) Fire, and it is up to him to take it or leave it." [See also *Hadīth* No. 7181]

عَنْدَ بَابِهِ فَخَرَجَ إِلَيْهِمْ فَقَالَ لَهُمْ: «إِنَّمَا أَنَا بَشَرٌ، وَإِنَّهُ يَأْتِينِي الْحِصْمُ فَلَعَلَّ بَعْضًا أَنْ يَكُونَ أَوْلَعَ مِنْ بَعْضٍ أَقْضِي لَهُ بِذَلِكَ وَأَحْسِبُ أَنَّهُ صَادِقٌ، فَمَنْ قَضَيْتَ لَهُ بِحَقِّ مُسْلِمٍ فَإِنَّمَا هِيَ قِطْعَةٌ مِنَ النَّارِ، فَلْيَأْخُذْهَا أَوْ لِيَدَعْهَا». [راجع: ٢٤٥٨]

(32) CHAPTER. The selling of the people's real or personal estates by the ruler on their behalf.

(٣٢) بَابُ بَيْعِ الْإِمَامِ عَلَى النَّاسِ أَمْوَالَهُمْ وَضِيَاعَهُمْ، وَقَدْ بَاعَ النَّبِيُّ ﷺ مُدَبَّرًا مِنْ نَعِيمِ بْنِ النَّحَامِ.

The Prophet ﷺ sold a *Mudabbar*⁽¹⁾ slave of Nu'aim bin Naḥḥām.

7186. Narrated Jābir: The Prophet ﷺ came to know that one of his Companions had given the promise of freeing his slave after his death, but as he had no other property than that slave, the Prophet ﷺ sold that slave for 800 Dirham and sent the price to him.

٧١٨٦ - حَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشِيرٍ: حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنَا سَلْمَةُ ابْنُ كُهَيْلٍ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: بَلَغَ النَّبِيُّ ﷺ أَنَّ رَجُلًا مِنْ أَصْحَابِهِ أَعْتَقَ غُلَامًا لَهُ عَنْ دُبُرٍ لَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُ، فَبَاعَهُ بِثَمَانِمِائَةِ دِرْهَمٍ، ثُمَّ أَرْسَلَ بِثَمَنِهِ إِلَيْهِ. [راجع: ٢١٤١]

(33) CHAPTER. Whoever does not care about slanders made by ignorant people against the *Amīrs* (leaders).

(٣٢) بَابُ مَنْ لَمْ يَكْتَرِثْ بِطَعْنِ مَنْ لَا يَعْلَمُ فِي الْأَمْرَاءِ حَدِيثًا

7187. Narrated Ibn 'Umar رضي الله عنهما: Allāh's Messenger ﷺ sent an army unit headed by Usāma bin Zaid and the people criticised his (Usāma's) leadership. The Prophet ﷺ said (to the people), "If you are criticising his leadership now, then you used to criticise his father's leadership before. By Allāh, he (Usāma's father) deserved the leadership and used to be of the most

٧١٨٧ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُسْلِمٍ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ دِينَارٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ: بَعَثَ رَسُولُ اللَّهِ ﷺ بَعْثًا وَأَمَرَ عَلَيْهِمْ أُسَامَةَ بْنَ زَيْدٍ، فَطُعِنَ فِي

(1) (Ch.32) A slave promised to be freed after his master's death.

beloved persons to me, and now his son (Usāma) is one of the most beloved persons to me after him.” [See Vol. 5, *Ḥadīth* No.4469]

(34) CHAPTER. The one who is the most contentious of enemies; and that is, the most quarrelsome person of the opponents.

7188. Narrated ‘Āishah رضي الله عنها: Allāh’s Messenger ﷺ said, “The most hated man (person) to Allāh, is the one who is the most quarrelsome of the opponents.” (See H. 2457)

(35) CHAPTER. If a judge passes an unjust judgement or a judgement which differs from that of the learned religious men, such a judgement is to be rejected.

7189. Narrated Ibn ‘Umar رضي الله عنهما: The Prophet ﷺ sent (an army unit under the command of) Khālīd bin Al-Walīd to fight against the tribe of Banī Jadhīma and those people could not express themselves by saying, “*Aslamnā*,”⁽¹⁾ but they said, “*Ṣabā’nā! Ṣabā’nā!*”⁽²⁾ Khālīd kept on killing some of them and taking some others as captives, and he gave a captive to everyone of us and ordered everyone of us to kill his captive.⁽³⁾ I said, “By Allāh, I shall

إِمَارَتِهِ وَقَالَ: «إِنْ تَطَعْتُمْ فِي إِمَارَتِهِ فَقَدْ كُنْتُمْ تَطَعُونَ فِي إِمَارَةِ أَبِيهِ مِنْ قَبْلِهِ، وَإِيْمُ اللَّهِ إِنْ كَانَ لَخَلِيفًا لِلْأَمْرَةِ، وَإِنْ كَانَ لَمَنْ أَحَبَّ النَّاسَ إِلَيَّ، وَإِنْ هَذَا لَمَنْ أَحَبَّ النَّاسَ إِلَيَّ بَعْدَهُ». [راجع: 3730]

(34) بَابُ الْأَلْدِّ الْخَصِمِ، وَهُوَ الدَّائِمُ فِي الْخُصُومَةِ، ﴿وَلَدًا﴾ [مریم: 149]: عَوَجًا

7188 - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ، عَنِ ابْنِ جُرَيْجٍ: سَمِعْتُ ابْنَ أَبِي مُلَيْكَةَ يُحَدِّثُ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَبْغَضُ الرِّجَالِ إِلَى اللَّهِ الْأَلْدُّ الْخَصِمُ». [راجع: 2457]

(35) بَابُ إِذَا قَضَى الْحَاكِمُ بِجَوْرٍ، أَوْ خِلَافِ أَهْلِ الْعِلْمِ فَهُوَ رَدٌّ

7189 - حَدَّثَنَا مَحْمُودٌ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنِ ابْنِ عُمَرَ: بَعَثَ النَّبِيُّ ﷺ خَالِدَ بْنَ خَالِدٍ ح. وَحَدَّثَنِي أَبُو عَبْدِ اللَّهِ نَعِيمٌ بْنُ حَمَادٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ قَالَ: بَعَثَ النَّبِيُّ ﷺ خَالِدَ بْنَ الْوَلِيدِ إِلَى

(1) (H.7189) “We have embraced Islām!”

(2) (H.7189) “We have come out of one religion to another.”

(3) (H.7189) Khālīd killed those people because he thought that they should have expressed their conversion to Islām explicitly by saying, “*Aslamnā*!”

not kill my captive and none of my companions shall kill their captives!" Then we mentioned that to the Prophet ﷺ and he said, "O Allāh! I am free from what Khālīd bin Al-Walīd has done," and repeated it twice.

بَنِي جَدِيمَةَ فَلَمْ يُحْسِنُوا أَنْ يَقُولُوا: أَسْلَمْنَا، فَقَالُوا: صَبَّأْنَا صَبَّأْنَا، فَجَعَلَ خَالِدٌ يَقْتُلُ وَيَأْسِرُ، وَدَفَعَ إِلَى كُلِّ رَجُلٍ مِّنَّا أَسِيرَهُ فَأَمَرَ كُلَّ رَجُلٍ مِّنَّا أَنْ يَقْتُلَ أَسِيرَهُ. فَقُلْتُ: وَاللَّهِ لَا أَقْتُلُ أَسِيرِي وَلَا يَقْتُلُ رَجُلٌ مِّنْ أَصْحَابِي أَسِيرَهُ. فَذَكَرْنَا ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «اللَّهُمَّ إِنِّي أَبْرَأُ إِلَيْكَ مِمَّا صَنَعَ خَالِدُ بْنُ الْوَلِيدِ» مَرَّتَيْنِ.

[راجع: ٤٣٣٩]

(36) CHAPTER. The *Imām* (ruler) going to some people to establish peace among them.

(٣٦) بَابُ الْإِمَامِ يَأْتِي قَوْمًا فَيُضِلِّحُ بَيْنَهُمْ

7190. Narrated Sahl bin Sa'd As-Sā'idī: There was some quarrel (fighting) among Banī 'Amr, and when this news reached the Prophet ﷺ, he offered the *Zuhr* prayer and went to establish peace among them. In the meantime the time of 'Aṣr prayer was due, Bilāl pronounced the *Ādhān* and then the *Iqāma* for the *Ṣalāt* (prayer) and requested Abū Bakr (to lead the *Ṣalāt*) and Abū Bakr went forward. The Prophet ﷺ arrived while Abū Bakr was still in *Ṣalāt* (prayer). He entered the rows of people offering prayer till he stood behind Abū Bakr in the (first) row. The people started clapping, and it was the habit of Abū Bakr that whenever he stood for *Ṣalāt* (prayer), he never glanced sideways till he had finished the *Ṣalāt* (prayer), but when Abū Bakr observed that the clapping was not coming to an end, he looked and saw the Prophet ﷺ standing behind him. The Prophet ﷺ beckoned him to carry on by waving his hand. Abū Bakr stood there for a while, thanking Allāh for the saying of the Prophet ﷺ and then he retreated, taking his

٧١٩٠ - حَدَّثَنَا أَبُو التَّعْمَانِ: حَدَّثَنَا حَمَادٌ: حَدَّثَنَا أَبُو حَازِمٍ الْمَدِينِيُّ عَنْ سَهْلِ بْنِ سَعْدِ السَّاعِدِيِّ قَالَ: كَانَ قِتَالٌ بَيْنَ بَنِي عَمْرِو فَبَلَغَ ذَلِكَ النَّبِيَّ ﷺ فَصَلَّى الظُّهْرَ، ثُمَّ أَتَاهُمْ يُضِلِّحُ بَيْنَهُمْ، فَلَمَّا حَضَرَتْ صَلَاةُ الْعَصْرِ فَادَّزَنَ بِلَالٌ وَأَقَامَ وَأَمَرَ أَبَا بَكْرٍ فَتَقَدَّمَ وَجَاءَ النَّبِيُّ ﷺ وَأَبُو بَكْرٍ فِي الصَّلَاةِ، فَشَقَّ النَّاسَ حَتَّى قَامَ خَلْفَ أَبِي بَكْرٍ فَتَقَدَّمَ فِي الصَّفِّ الَّذِي يَلِيهِ، قَالَ: وَصَفَحَ الْقَوْمَ وَتَكَانَ أَبُو بَكْرٍ إِذَا دَخَلَ فِي الصَّلَاةِ لَمْ يَلْتَفِتْ حَتَّى يَفْرُغَ، فَلَمَّا رَأَى التَّضْفِيفَ لَا يُمَسِّكُ عَلَيْهِ التَّفَتَّ فَرَأَى النَّبِيَّ ﷺ خَلْفَهُ، فَأَوْمَأَ إِلَيْهِ النَّبِيُّ ﷺ أَنْ امْضُ - وَأَوْمَأَ بِيَدِهِ هَكَذَا - وَلَبَّثَ أَبُو بَكْرٍ