

### 53 - THE BOOK OF PEACEMAKING [OR (RE)CONCILIATION]

(1) CHAPTER. What has been said regarding (re)conciliation between the people.

And the Statement of Allāh جل جلاله :

“There is no good in most of their secret talks, save (in) him who orders *Ṣadaqa* (charity in Allāh’s Cause), or *Ma’rūf* (Islāmic Monotheism and all the good and righteous deeds which Allāh has ordained), or conciliation between mankind; and he who does this, seeking the good Pleasure of Allāh, We shall give him a great reward.” (V.4:114)

And the going of the ruler to the places (where disputes arise) to bring about a reconciliation between people through his companions.

2690. Narrated Saḥl bin Sa’d عنه رضي الله عنه: There was a dispute amongst the people of the tribe of Banī ‘Amr bin ‘Aūf. The Prophet ﷺ went to them along with some of his companions in order to make peace between them. The time for the *Ṣalāt* (prayer) became due but the Prophet ﷺ did not turn up; Bilāl pronounced the *Adhān* (call for *Ṣalāt*) for the *Ṣalāt* (prayer), but the Prophet ﷺ did not turn up, so Bilāl went to Abū Bakr and said, “The time for the *Ṣalāt* (prayer) is due and the Prophet ﷺ is detained, would you lead the people in the *Ṣalāt* (prayer)?” Abū Bakr replied, “Yes, if you wish.” So, Bilāl pronounced the *Iqāma* of the *Ṣalāt* (prayer) and Abū Bakr went ahead [to lead the *Ṣalāt* (prayer)], but the Prophet ﷺ came walking among the rows till he joined the first row. The people started clapping and they clapped too much, and Abū Bakr used not to look hither and thither in the *Ṣalāt* (prayer), but

### ٥٣ - كتاب الصلح

(١) باب ما جاء في الإصلاح بين الناس

وقول الله عز وجل: ﴿لَا خَيْرَ فِي كَثِيرٍ مِّن نَّجْوَاهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ وَمَن يَفْعَلْ ذَلِكَ ابْتِغَاءَ مَرْضَاتِ اللَّهِ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا﴾ [النساء: ١١٤] وخروج الإمام إلى المواضع ليصلح بين الناس بأصحابه.

٢٦٩٠ - حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرِيَمَ: حَدَّثَنَا أَبُو عَسَانَ قَالَ: حَدَّثَنِي أَبُو حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ أَنَسًا مِنْ بَنِي عَمْرٍو بْنِ عَوْفٍ كَانَ بَيْنَهُمْ شَيْءٌ فَخَرَجَ إِلَيْهِمُ النَّبِيُّ ﷺ فِي أَنَاسٍ مِنْ أَصْحَابِهِ يُصَلِّحُ بَيْنَهُمْ، فَحَضَرَتِ الصَّلَاةُ وَلَمْ يَأْتِ النَّبِيُّ ﷺ فَأَدَّنَ بِلَالٌ بِالصَّلَاةِ وَلَمْ يَأْتِ النَّبِيُّ ﷺ فَجَاءَ إِلَى أَبِي بَكْرٍ فَقَالَ: إِنَّ النَّبِيَّ ﷺ حُبِسَ وَقَدْ حَضَرَتِ الصَّلَاةُ فَهَلْ لَكَ أَنْ تُوِّمَّ النَّاسَ؟ فَقَالَ: نَعَمْ إِنْ شِئْتَ، فَأَقَامَ الصَّلَاةَ فَتَقَدَّمَ أَبُو بَكْرٍ ثُمَّ جَاءَ النَّبِيُّ ﷺ يَمْشِي فِي الصُّفُوفِ حَتَّى قَامَ فِي

he turned round and saw the Prophet ﷺ standing behind him. The Prophet ﷺ beckoned him with his hand to keep on offering *Ṣalāt* (prayer) where he was. Abū Bakr raised his hand and praised Allāh and then retreated till he came in the (first) row, and the Prophet ﷺ went ahead and lead the people in the *Ṣalāt* (prayer). When the Prophet ﷺ finished the *Ṣalāt* (prayer), he turned towards the people and said, “O people! When something happens to you during the *Ṣalāt* (prayer), you start clapping, infact clapping is (permissible) for women only. If something happens to one of you in his *Ṣalāt* (prayer), he should say: ‘*Subhan Allāh*’, (Glorified be Allāh), for whoever hears him (saying so) will direct his attention towards him. O Abū Bakr! What prevented you from leading the people in the *Ṣalāt* (prayer) when I beckoned to you (to continue)?” Abū Bakr replied, “It did not befit the son of Abū Quḥāfa to lead the *Ṣalāt* (prayer) in front of the Prophet ﷺ.”

**2691.** Narrated Anas عنه رضي الله عنه: It was said to the Prophet ﷺ: “Would that you see ‘Abdullāh bin Ubāi.” So, the Prophet ﷺ went to him, riding a donkey, and the Muslims accompanied him, walking on salty barren land. When the Prophet ﷺ reached ‘Abdullāh bin Ubāi, the latter said, “Keep away from me! By Allāh, the bad smell of your donkey has harmed me.” On that an *Anṣārī* man said (to ‘Abdullāh), “By Allāh! The smell of the donkey of Allāh’s Messenger ﷺ is better than your smell.” On that a man from ‘Abdullāh’s tribe got angry for ‘Abdullāh’s sake, and the two men abused each other which caused the friends of the

الصَّفِّ الأوَّلِ. فَأَخَذَ النَّاسُ فِي التَّصْفِيحِ حَتَّى أَكْثَرُوا وَكَانَ أَبُو بَكْرٍ لَا يَكَادُ يَلْتَفِتُ فِي الصَّلَاةِ، فَالْتَفَتَ فَإِذَا هُوَ بِالنَّبِيِّ ﷺ وَرَأَاهُ فَأَشَارَ إِلَيْهِ بِيَدِهِ فَأَمَرَهُ أَنْ يُصَلِّيَ كَمَا هُوَ. فَرَفَعَ أَبُو بَكْرٍ يَدَهُ فَحَمِدَ اللَّهَ ثُمَّ رَجَعَ الْفَهَقَرِيُّ وَرَأَاهُ حَتَّى دَخَلَ فِي الصَّفِّ فَتَقَدَّمَ النَّبِيُّ ﷺ فَصَلَّى بِالنَّاسِ. فَلَمَّا قَرَعَ أَقْبَلَ عَلَى النَّاسِ فَقَالَ: «يَا أَيُّهَا النَّاسُ إِذَا نَابَكُمْ شَيْءٌ فِي صَلَاتِكُمْ أَخَذْتُمْ بِالتَّصْفِيحِ؟ إِنَّمَا التَّصْفِيحُ لِلنِّسَاءِ. مَنْ نَابَهُ شَيْءٌ فِي صَلَاتِهِ فَلْيَقُلْ: سُبْحَانَ اللَّهِ. فَإِنَّهُ لَا يَسْمَعُهُ أَحَدٌ إِلَّا التَّفَتَّ. يَا أَبَا بَكْرٍ، مَا مَنَعَكَ حِينَ أَشْرْتُ إِلَيْكَ لَمْ تُصَلِّ بِالنَّاسِ؟» فَقَالَ: مَا كَانَ يَنْبَغِي لِابْنِ أَبِي قُحَاةٍ أَنْ يُصَلِّيَ بَيْنَ يَدَيِ النَّبِيِّ ﷺ. [راجع: ٦٨٤]

٢٦٩١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا مُعْتَمِرٌ قَالَ: سَمِعْتُ أَبِي أَنَّ أَنَسًا رَضِيَ اللَّهُ عَنْهُ قَالَ: قِيلَ لِلنَّبِيِّ ﷺ: لَوْ أَتَيْتَ عَبْدَ اللَّهِ ابْنَ أَبِي، فَانطَلَقَ إِلَيْهِ النَّبِيُّ ﷺ وَرَكِبَ حِمَارًا فَانطَلَقَ الْمُسْلِمُونَ يَمْشُونَ مَعَهُ، وَهِيَ أَرْضٌ سَبِيحَةٌ. فَلَمَّا أَنَاهُ النَّبِيُّ ﷺ فَقَالَ: إِلَيْكَ عَنِّي، وَاللَّهِ لَقَدْ آدَانِي نَتْنُ حِمَارِكَ. فَقَالَ رَجُلٌ مِنَ الْأَنْصَارِ مِنْهُمْ: وَاللَّهِ لِحِمَارِ رَسُولِ اللَّهِ ﷺ

two men to get angry, and the two groups started fighting with sticks, shoes and hands. We were informed that the following Divine Verse was revealed (in this concern):

“And if two parties or groups among the believers fall to fighting, then make peace between them both...” (V.49:9)

أَطْيَبُ رِيحاً مِنْكَ، فَغَضِبَ لِعَبْدِ اللَّهِ رَجُلٌ مِنْ قَوْمِهِ فَشْتَمَا فَغَضِبَ لِكُلِّ وَاحِدٍ مِنْهُمَا أَصْحَابُهُ، فَكَانَ بَيْنَهُمَا ضَرْبٌ بِالْجَرِيدِ وَالنَّعَالِ وَالْأَيْدِي، فَبَلَّغْنَا أَنَّهَا نَزَلَتْ ﴿وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا﴾ [الحجرات: ٩].

(2) CHAPTER. He who makes peace between the people is not a liar.

(٢) بَابٌ: لَيْسَ الْكَاذِبُ الَّذِي يُصْلِحُ بَيْنَ النَّاسِ

2692. Narrated Umm Kulthūm bint Uqba رَضِيَ اللَّهُ عَنْهَا that she heard Allāh's Messenger ﷺ saying, “He who makes peace between the people by inventing good information or saying good things, is not a liar.”

٢٦٩٢ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ صَالِحٍ، عَنِ ابْنِ شِهَابٍ: أَنَّ حُمَيْدَ بْنَ عَبْدِ الرَّحْمَنِ أَخْبَرَهُ أَنَّ أُمَّهُ أُمَّ كَلْثُومِ بِنْتِ عُقْبَةَ أَخْبَرَتْهُ: أَنَّهَا سَمِعَتْ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَيْسَ الْكَاذِبُ الَّذِي يُصْلِحُ بَيْنَ النَّاسِ فَيُنَبِّئُ خَيْرًا أَوْ يَقُولُ خَيْرًا».

(3) CHAPTER. The saying of the ruler to his companions, “Let us go to bring about a (re)conciliation (between people).”

(٣) بَابٌ قَوْلِ الْإِمَامِ لِأَصْحَابِهِ: اذْهَبُوا بِنَا نُصْلِحْ

2693. Narrated Sahl bin Sa'd رَضِيَ اللَّهُ عَنْهُ: Once the people of Quba' fought with each other till they threw stones on each other. When Allāh's Messenger ﷺ was informed about it, he said, “Let us go to bring about a (re)conciliation between them.”

٢٦٩٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ الْأَوْسِيُّ، وَإِسْحَاقُ بْنُ مُحَمَّدٍ الْقُرَوِيُّ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ، عَنْ أَبِي حازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ عَنْهُ: أَنَّ أَهْلَ قُبَاةٍ اقْتَتَلُوا حَتَّى تَرَامَوْا بِالْحِجَارَةِ، فَأَخْبَرَ رَسُولُ اللَّهِ ﷺ بِذَلِكَ فَقَالَ: «اذْهَبُوا بِنَا نُصْلِحْ بَيْنَهُمْ». [راجع: ٦٨٤]

(4) CHAPTER. The Statement of Allāh  
عَزَّ وَجَلَّ:  
“...If they make terms of peace between  
themselves; and making peace is better...”  
(V.4:128)

2694. Narrated ‘Āishah رَضِيَ اللهُ عَنْهَا: The  
following Verse:

“And if a woman fears cruelty or desertion  
on her husband’s part...” (V.4:128)

This Verse means if the husband notices  
something unpleasant about his wife, such as  
old age or the like, and wants to divorce her,  
but she asks him to keep her and provide for  
her as he wishes).

(5) CHAPTER. If some people are  
(re)conciled on illegal basis, their  
(re)conciliation is rejected.

2695, 2696. Narrated Abū Hurairah and  
Zaid bin Khālīd Al-Juhani رَضِيَ اللهُ عَنْهُمَا: A  
bedouin came and said, “O Allāh’s  
Messenger! Judge between us according to  
Allāh’s Laws.” His opponent got up and  
said, “He is right. Judge between us  
according to Allāh’s Laws.” The bedouin  
said, “My son was a labourer working for this  
man, and he committed illegal sexual  
intercourse with his wife. The people told  
me that my son should be stoned to death;  
so, in lieu of that, I paid a ransom of one  
hundred sheep and a slave-girl to save my  
son. Then I asked the learned scholars who  
said, ‘Your son has to be lashed one hundred  
lashes and has to be exiled for one year.’”  
The Prophet ﷺ said, “No doubt, I will judge  
between you according to Allāh’s Laws. The

(٤) بَابُ قَوْلِ اللَّهِ تَعَالَى: ﴿أَنْ  
يُصَلِّحَا بَيْنَهُمَا صَلْحًا وَأَصْلِحَ حَيْرًا﴾  
[النساء: ١٢٨].

٢٦٩٤ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ:

حَدَّثَنَا سُفْيَانُ، عَنْ هِشَامِ بْنِ عُرْوَةَ،  
عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا  
﴿وَأَنَّ امْرَأَةً خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ  
إِعْرَاضًا﴾ [النساء: ١٢٨] قَالَتْ: هُوَ  
الرَّجُلُ يَرَى مِنْ امْرَأَتِهِ مَا لَا يُعْجِبُهُ  
كِبَرًا أَوْ غَيْرَهُ فَيُرِيدُ فِرَاقَهَا، فَتَقُولُ:  
أَمْسِكْنِي، وَأَقْسِمُ لِي مَا شِئْتِ.  
قَالَتْ: وَلَا بِأَسْ إِذَا تَرَأَّصِيَا.

[راجع: ٢٤٥٠]

(٥) بَابُ إِذَا اضْطَلَّحُوا عَلَى صَلْحٍ  
جَوْرٍ فَالْصُلْحُ مَرْدُودٌ

٢٦٩٥، ٢٦٩٦ - حَدَّثَنَا آدَمُ:

حَدَّثَنَا ابْنُ أَبِي ذُنَيْبٍ: حَدَّثَنَا الزُّهْرِيُّ،  
عَنْ عُيَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي  
هُرَيْرَةَ، وَزَيْدِ ابْنِ خَالِدِ الْجُهَنِيِّ رَضِيَ  
اللَّهُ عَنْهُمَا قَالَا: جَاءَ أَعْرَابِيٌّ فَقَالَ:  
يَا رَسُولَ اللَّهِ، أَقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ،  
فَقَامَ خَصْمُهُ فَقَالَ: صَدَقَ، أَقْضِ بَيْنَنَا  
بِكِتَابِ اللَّهِ. فَقَالَ الْأَعْرَابِيُّ: إِنَّ ابْنِي  
كَانَ عَسِيفًا عَلَى هَذَا فَرَزْنِي بِامْرَأَتِهِ:  
فَقَالُوا لِي: عَلَى ابْنِكَ الرَّجْمُ،  
فَفَدَيْتُ ابْنِي مِنْهُ بِمِائَةِ مِنَ الْعَنَمِ  
وَوَلِيدَةٍ، ثُمَّ سَأَلْتُ أَهْلَ الْعِلْمِ فَقَالُوا:

slave-girl and the sheep are to go back to you, and your son will get a hundred lashes and one year exile.” He then addressed somebody, “O Unais! Go to the wife of this (man) and stone her to death.” So, Unais went and stoned her to death.

2697. Narrated ‘Āishah رَضِيَ اللهُ عَنْهَا: Allāh’s Messenger ﷺ said, “If somebody innovates something which is not present in our religion (of Islāmic Monotheism), then that thing will be rejected.

(6) CHAPTER. How to write: These are the terms on which so-and-so, the son of so-and-so reconciled with so-and-so, the son of so-and-so, without mentioning the name of the tribe or the family name.

2698. Narrated Al-Barā’ bin ‘Āzib رَضِيَ اللهُ عَنْهُ: When Allāh’s Messenger ﷺ concluded a peace treaty with *Al-Muṣhrikūn* (polytheists, idolaters, pagans) at Al-Hudaibiya, ‘Alī bin Abi Tālib رَضِيَ اللهُ عَنْهُ wrote the document and he mentioned in it, “Muḥammad, Allāh’s Messenger ﷺ.” The *Al-Muṣhrikūn* said, “Don’t write: ‘Muḥammad, Allāh’s Messenger’, for if you were a Messenger we would not fight with you.” Allāh’s Messenger ﷺ asked ‘Alī to rub it out, but ‘Alī said, “I will not be the person

إِنَّمَا عَلَى ابْنِكَ جَلْدُ مِائَةٍ وَتَغْرِيبُ عامٍ. فَقَالَ النَّبِيُّ ﷺ: «لَأَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللَّهِ، أَمَّا الْوَالِدَةُ وَالْغَنَمُ فَرَدُّ عَلَيْكَ. وَعَلَى ابْنِكَ جَلْدُ مِائَةٍ وَتَغْرِيبُ عامٍ. وَأَمَّا أَنْتَ يَا أُنَيْسُ - لِرَجُلٍ - فَأَعُدُّ عَلَى امْرَأَةٍ هَذَا فَارْجُمُهَا»، فَعَدَا عَلَيْهَا أُنَيْسٌ فَارْجَمَهَا. [راجع: ٢٣١٤، ٢٣١٥]

٢٦٩٧ - حَدَّثَنَا يَعْقُوبُ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ أَبِيهِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَحْدَثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ فِيهِ فَهُوَ رَدٌّ»، رَوَاهُ عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الْمَخْرَمِيُّ وَعَبْدُ الْوَاحِدِ ابْنُ أَبِي عَوْنٍ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ.

(٦) بَابٌ: كَيْفَ يُكْتَبُ: هَذَا مَا صَالِحٌ فُلَانٌ بْنُ فُلَانٍ وَفُلَانٌ بْنُ فُلَانٍ، وَإِنْ لَمْ يَنْسُبْهُ إِلَى قَبِيلَتِهِ أَوْ نَسَبِهِ

٢٦٩٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عُندَرٌ: حَدَّثَنَا شُعْبَةُ، عَنْ أَبِي إِسْحَاقَ قَالَ: سَمِعْتُ الْبَرَاءَ بْنَ عَازِبٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: لَمَّا صَالَحَ رَسُولُ اللَّهِ ﷺ أَهْلَ الْحُدَيْبِيَّةِ كَتَبَ عَلِيُّ بْنُ أَبِي طَالِبٍ رِضْوَانَ اللَّهِ عَلَيْهِ بَيْنَهُمْ كِتَابًا. فَكَتَبَ: مُحَمَّدٌ رَسُولُ اللَّهِ ﷺ، فَقَالَ الْمُسْرِكُونَ: لَا

to rub it out.” Allāh’s Messenger ﷺ rubbed it out and made peace with them on the condition that the Prophet ﷺ and his companions would enter Makkah (next year) and stay there for three days, and that they would enter with their weapons in cases. [See . *Ḥadīth* No. 2731, 2732].

2699. Narrated Al-Barā’ رضي الله عنه: When the Prophet ﷺ intended to perform ‘Umra in the month of Dhul-Qa’da, the people of Makkah did not let him enter Makkah till he settled the matter with them by promising to stay in it for three days only. When the document of treaty was written, the following was mentioned: ‘These are the terms on which Muḥammad ﷺ, the Messenger of Allāh agreed (to make peace).’ They said, “We will not agree to this, for if we believed that you are Allāh’s Messenger we would not prevent you, but you are Muḥammad bin ‘Abdullāh.” The Prophet ﷺ said, “I am Allāh’s Messenger and also Muḥammad bin ‘Abdullāh.” Then he said to ‘Alī, “Rub off (the words) ‘Allāh’s Messenger’”, but ‘Alī said, “No, by Allāh, I will never rub off your name.” So, Allāh’s Messenger ﷺ took the document and wrote, ‘This is what Muḥammad bin ‘Abdullāh has agreed upon: No arms will be brought into Makkah except in their cases, and nobody from the people of Makkah will be allowed to go with him (i.e., the Prophet ﷺ) even if he wished to follow him and he (the Prophet ﷺ) will not prevent any of his companions from staying back in Makkah if the latter wants to stay.’ When the Prophet ﷺ entered Makkah

تَكْتُبُ: مُحَمَّدٌ رَسُولُ اللَّهِ، لَوْ كُنْتَ رَسُولًا لَمْ نَفَاتِكَ. فَقَالَ لِعَلِيٍّ: «أَمْحُهُ»، قَالَ عَلِيٌّ: مَا أَنَا بِالذِّي أَحْمَاهُ، فَمَحَاهُ رَسُولُ اللَّهِ ﷺ، وَصَالِحُهُمْ عَلَى أَنْ يَدْخُلَ هُوَ وَأَصْحَابُهُ ثَلَاثَةَ أَيَّامٍ، وَلَا يَدْخُلُوهَا إِلَّا بِجُلْبَانِ السَّلَاحِ، فَسَأَلُوهُ: مَا جُلْبَانُ السَّلَاحِ؟ فَقَالَ: الْقِرَابُ بِمَا فِيهِ. [راجع: ١٧٨١]

٢٦٩٩ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ رَضِيَ اللَّهُ عَنْهُ قَالَ: اعْتَمَرَ النَّبِيُّ ﷺ فِي ذِي الْقَعْدَةِ فَأَبَى أَهْلُ مَكَّةَ أَنْ يَدْخُلَ مَكَّةَ، حَتَّى قَاضَاهُمْ عَلَى أَنْ يُقِيمَ بِهَا ثَلَاثَةَ أَيَّامٍ. فَلَمَّا كَتَبُوا الْكِتَابَ كَتَبُوا: هَذَا مَا قَاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللَّهِ ﷺ، فَقَالُوا: لَا نُقِرُّ بِهَا، فَلَوْ نَعْلَمُ أَنَّكَ رَسُولُ اللَّهِ مَا مَنَعْنَاكَ، لَكِنْ أَنْتَ مُحَمَّدٌ بْنُ عَبْدِ اللَّهِ. قَالَ: «أَنَا رَسُولُ اللَّهِ، وَأَنَا مُحَمَّدٌ بْنُ عَبْدِ اللَّهِ»، ثُمَّ قَالَ لِعَلِيٍّ: «أَمْحُ: رَسُولُ اللَّهِ» قَالَ: لَا، وَاللَّهِ لَا أَمْحُوكَ أَبَدًا. فَأَخَذَ رَسُولُ اللَّهِ ﷺ الْكِتَابَ فَكَتَبَ: «هَذَا مَا قَاضَى عَلَيْهِ مُحَمَّدٌ بْنُ عَبْدِ اللَّهِ: لَا يَدْخُلُ مَكَّةَ سِلَاحٌ إِلَّا فِي الْقِرَابِ، وَأَنْ لَا يَخْرُجَ مِنْ أَهْلِهَا بِأَحَدٍ إِنْ أَرَادَ أَنْ يَتَّبِعَهُ، وَأَنْ لَا يَمْنَعَ أَحَدًا مِنْ

(the next year) and the time limit passed, the Makkans went to 'Ali and said, "Tell your friend (i.e., the Prophet ﷺ) to go out, as the period (agreed to) has passed." So, the Prophet ﷺ went out of Makkah. The daughter of Ḥamza ran after them (i.e., the Prophet ﷺ and his companions), calling, "O Uncle! O Uncle!" 'Ali رضي الله عنه received her and led her by the hand and said to Fāṭima رضي الله عنها, "Take your uncle's daughter." Zaid and Ja'far quarrelled about her. 'Ali said, "I have more right to her as she is my uncle's daughter. Ja'far said; "She is my uncle's daughter, and her aunt is my wife." Zaid said, "She is my brother's daughter." The Prophet ﷺ judged that she should be given to her aunt, and said that the aunt was like the mother. He then said to 'Ali, "You are from me and I am from you", and said to Ja'far, "You resemble me both in character and appearance", and said to Zaid, "You are our brother (in faith) and our freed slave."<sup>(1)</sup>

أَصْحَابِهِ أَرَادَ أَنْ يُقِيمَ بِهَا. فَلَمَّا دَخَلَهَا وَمَضَى الْأَجْلُ أَتَوْا عَلِيًّا فَقَالُوا: قُلْ لِصَاحِبِكَ: اخْرُجْ عَنَّا فَقَدْ مَضَى الْأَجْلُ، فَخَرَجَ النَّبِيُّ ﷺ فَتَبِعَتْهُمُ ابْنَةُ حَمْزَةَ: يَا عَمُّ يَا عَمُّ، فَتَنَاوَلَهَا عَلِيٌّ فَأَخَذَ بِيَدِهَا، وَقَالَ لِفَاطِمَةَ: دُونَكَ ابْنَةُ عَمِّكَ، احْمِلِيهَا، فَاخْتَصَمَ فِيهَا عَلِيٌّ وَزَيْدٌ وَجَعْفَرٌ، فَقَالَ عَلِيٌّ: أَنَا أَحَقُّ بِهَا وَهِيَ ابْنَةُ عَمِّي. وَقَالَ جَعْفَرٌ: ابْنَةُ عَمِّي وَخَالَتُهَا تَحْتِي. وَقَالَ زَيْدٌ: ابْنَةُ أُخِي، فَقَضَى بِهَا النَّبِيُّ ﷺ لِخَالَتِهَا، وَقَالَ: «الْخَالَةُ بِمَنْزِلَةِ الْأُمِّ». وَقَالَ لِعَلِيٍّ: «أَنْتَ مِنِّي وَأَنَا مِنْكَ»، وَقَالَ لَجَعْفَرٍ: «أَشْبَهْتَ خَلْقِي وَخَلْقِي»، وَقَالَ لَزَيْدٍ: «أَنْتَ أَخُونَا وَمَوْلَانَا».

[راجع: ١٧٨١]

**(7) CHAPTER. To make peace with Al-Mušhrikūn (polytheists, idolaters, pagans).**

**(٧) بَابُ الصَّلْحِ مَعَ الْمُشْرِكِينَ**

This chapter includes Abū Sufyan's narration.

Narrated 'Aūf bin Mālik: The Prophet ﷺ said, "There will be a peace treaty between you and Banī Al-Aṣfar (the Byzantines)."

فِيهِ عَنِ أَبِي سُفْيَانَ، وَقَالَ عَوْفُ بْنُ مَالِكٍ عَنِ النَّبِيِّ ﷺ: «ثُمَّ تَكُونُ هَذِهِ بَيْنَكُمْ وَبَيْنَ بَنِي الْأَصْفَرِ». وَفِيهِ سَهْلُ بْنُ حَنِيفٍ لَقَدْ رَأَيْتُنَا يَوْمَ أَبِي جَنْدَلٍ وَأَسْمَاءَ وَالْمِسُورَ عَنِ النَّبِيِّ ﷺ.

2700. Narrated Al-Bara' bin 'Azib رضي الله عنه

٢٧٠٠ - وَقَالَ مُوسَى بْنُ

(1) (H. 2699) The Prophet ﷺ had established the bond of brotherhood between Zaid, his freed slave, and Ḥamza, the Prophet's uncle. This is why Zaid said, "She is my brother's daughter." The Prophet ﷺ in addressing the three persons claiming the right of taking Ḥamza's daughter, is consoling them by relating them to himself, so that they would not be dissatisfied with his judgement.

عَنْهُمَا: On the day of *Hudaibiya*, the Prophet ﷺ made a peace treaty with the *Al-Mushrikūn* on three conditions:

1. The Prophet ﷺ would return to them any person from *Al-Mushrikūn* (polytheists, idolaters, pagans)
2. *Al-Mushrikūn* pagans would not return any of the Muslims going to them, and
3. The Prophet ﷺ and his companions would come to Makkah the following year and would stay there for three days and would enter Makkah with their weapons in cases, e.g., swords, arrows, bows, etc.

Abū Jandal came hopping, his legs being chained, but the Prophet ﷺ returned him to *Al-Mushrikūn*.

مَسْعُودٍ: حَدَّثَنَا سُفْيَانُ بْنُ سَعِيدٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ الْبَرَاءِ بْنِ عَازِبٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: صَلَّحَ النَّبِيُّ ﷺ الْمَشْرِكِينَ يَوْمَ الْحُدَيْبِيَّةِ عَلَى ثَلَاثَةِ أَشْيَاءَ: عَلَى أَنْ مَنْ أَتَاهُ مِنْ الْمَشْرِكِينَ رَدَّهُ إِلَيْهِمْ. وَمَنْ أَتَاهُمْ مِنَ الْمُسْلِمِينَ لَمْ يَرُدُّوهُ. وَعَلَى أَنْ يَدْخُلَهَا مِنْ قَابِلٍ وَيُقِيمَ بِهَا ثَلَاثَةَ أَيَّامٍ. وَلَا يَدْخُلَهَا إِلَّا بِحِلْبَانِ السَّلَاحِ: السَّيْفِ وَالقَوْسِ وَنَحْوِهِ. فَجَاءَ أَبُو جَنْدَلٍ يَحْجُلُ فِي قِيوده فَرَدَّهُ إِلَيْهِمْ. [راجع: ١٧٨١]

قال أبو عبد الله: لَمْ يَذْكُرْ مُؤَمَّلٌ عَنْ سُفْيَانَ أَبَا جَنْدَلٍ، وَقَالَ: إِلَّا بِحِلْبَانِ السَّلَاحِ.

٢٧٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا سُرَيْجُ بْنُ التَّعْمَانِ قَالَ: حَدَّثَنَا فُلَيْحٌ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ مُعْتَمِرًا فَحَالَ كُفَّارٌ قُرَيْشِيٌّ بَيْنَهُ وَبَيْنَ الْبَيْتِ فَتَحَرَ هَدْيُهُ وَحَلَقَ رَأْسَهُ بِالْحُدَيْبِيَّةِ وَقَاضَاهُمْ عَلَى أَنْ يَعْتَمِرَ الْعَامَ الْمُقْبِلَ وَلَا يَحْمِلَ سِلَاحًا عَلَيْهِمْ إِلَّا سُوفًا، وَلَا يُقِيمَ بِهَا إِلَّا مَا أَحْبَبُوا. فَاعْتَمَرَ مِنَ الْعَامِ الْمُقْبِلِ فَدَخَلَهَا كَمَا كَانَ صَالِحُهُمْ، فَلَمَّا أَقَامَ بِهَا ثَلَاثًا أَمَرُوهُ أَنْ يَخْرُجَ فَخَرَجَ.

[انظر: ٤٢٥٢]

2701. Narrated Ibn 'Umar رضي الله عنهما:

Allāh's Messenger ﷺ set out for the 'Umra but the disbelievers of Quraysh prevented him from reaching the Ka'bah. So, he slaughtered his sacrifice and got his head shaved at Al-Hudaibiya, and agreed with them that he would perform 'Umra the following year and would not carry weapons except swords, and would not stay in Makkah except for the period they allowed. So, the Prophet ﷺ performed the 'Umra in the following year and entered Makkah according to the treaty, and when he stayed for three days, the disbelievers ordered him to depart, and he departed.



2702. Narrated Sahl bin Abū Hathma: ‘Abdullāh bin Sahl and Muḥaiyisa bin Mas’ūd bin Zaid went to Kḥaibar when it had had a peace treaty (with the Muslims).

٢٧٠٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا بِشْرٌ: حَدَّثَنَا يَحْيَى، عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ قَالَ: انْطَلَقَ عَبْدُ اللَّهِ ابْنُ سَهْلٍ وَمُحَيِّصَةُ بِنْتُ مَسْعُودِ بْنِ زَيْدٍ إِلَى خَيْبَرَ وَهِيَ يَوْمَئِذٍ صُلْحٌ. [انظر: ٣١٧٣، ٦١٤٣، ٦٨٩٨،

[٧١٩٢

(8) CHAPTER. Agreement about *Diya* (blood money).

(٨) بَابُ الصُّلْحِ فِي الدِّيَةِ

2703. Narrated Anas رضي الله عنه: Ar-Rabi', the daughter of An-Naḍr broke the tooth of a girl, and the relatives of Ar-Rabi' requested the girl's relatives to accept the *Arsh* (compensation for wounds etc.) and forgive (the offender), but they refused. So, they went to the Prophet ﷺ who ordered them to bring about retaliation. Anas bin An-Naḍr asked, "O Allāh's Messenger! Will the tooth of Ar-Rabi' be broken? No, by Him Who has sent you with the Truth, her tooth will not be broken." The Prophet ﷺ said, "O Anas! Allāh's Law ordains retaliation." Later the relatives of the girl agreed and forgave her. The Prophet ﷺ said, "There are some of Allāh's slaves who, if they take an oath by Allāh, are responded to by Allāh (i.e., their oath is fulfilled)." Anas added, "The people agreed and accepted the *Arsh*."

٢٧٠٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ قَالَ: حَدَّثَنِي حُمَيْدٌ: أَنَّ أَنَسًا حَدَّثَهُمْ: أَنَّ الرَّبِيعَ وَهِيَ ابْنَةُ النَّضْرِ كَسَرَتْ ثَنِيَّةَ جَارِيَةٍ، فَطَلَبُوا الْأَرْضَ وَطَلَبُوا الْعَفْوَ فَأَبَوْا، فَأَتُوا النَّبِيَّ ﷺ فَأَمَرَهُمْ بِالْقِصَاصِ فَقَالَ أَنَسُ بْنُ النَّضْرِ: أَتُكْسَرُ ثَنِيَّةُ الرَّبِيعِ يَا رَسُولَ اللَّهِ؟ لَا وَالَّذِي بَعَثَكَ بِالْحَقِّ لَا تُكْسَرُ ثَنِيَّتُهَا. فَقَالَ: «يَا أَنَسُ كِتَابُ اللَّهِ الْقِصَاصُ»، فَرَضِيَ الْقَوْمُ وَعَفَوْا فَقَالَ النَّبِيُّ ﷺ: «إِنَّ مِنْ عِبَادِ اللَّهِ مَنْ لَوْ أَقْسَمَ عَلَى اللَّهِ لِأَبْرَةٍ».

رَادَ الْفَرَارِيُّ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: فَرَضِيَ الْقَوْمُ وَقَبِلُوا الْأَرْضَ. [انظر: ٢٨٠٦، ٤٤٩٩، ٤٥٠٠، ٤٦١١،

[٦٨٩٤

(9) CHAPTER. The saying of the Prophet ﷺ to Al-Ḥasan bin ‘Alī رضي الله عنهما, "This son of mine is *Saiyid* (a noble) and may Allāh make peace between two big groups (of Muslims) through him." And the Statement of

(٩) بَابُ قَوْلِ النَّبِيِّ ﷺ لِلْحَسَنِ بْنِ عَلِيٍّ رَضِيَ اللَّهُ عَنْهُمَا: «إِنَّ ابْنِي هَذَا سَيِّدٌ وَلَعَلَّ اللَّهَ أَنْ يُصَلِّحَ بِهِ بَيْنَ فِئَتَيْنِ



Muslims through him.”

عَلَى الْمُنْبِرِ وَالْحَسَنُ بْنُ عَلِيٍّ إِلَى جَنْبِهِ وَهُوَ يُقْبَلُ 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 حُضُومٍ 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

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<sup>(1)</sup> 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:

[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.

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 شَهَدَ 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 أَحْبَبْتُ هَذِهِ الْآيَةَ نَزَلَتْ إِلَّا فِي ذَلِكَ: ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ 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

(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 أَذْنَتْ 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 فَأَخْبِرْهُمَا»، 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:

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 ابْنَ 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 كَعْبُ: قَدْ فَعَلْتُ يَا رَسُولَ اللَّهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَمَ فَاقْضِهِ». [راجع: ٤٥٧]