

93 – THE BOOK OF AL-AḤKĀM  
(JUDGEMENTS)

(1) CHAPTER. The Statement of Allāh تعالى: “(O you who believe!) Obey Allāh and obey the Messenger (Muḥammad ﷺ) and those of you (Muslims) who are in authority...” (V.4:59)

7137. Narrated Abu Hurairah رضي الله عنه: Allāh’s Messenger ﷺ said, “Whoever obeys me, he obeys Allāh, and whoever disobeys me, he disobeys Allāh; and whoever obeys my ruler (the ruler I appoint) he obeys me, and whoever disobeys my (appointed) ruler, he disobeys me.” (See H. 2957)

7138. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما: Allāh’s Messenger ﷺ said, “Surely! Everyone of you is a guardian and is responsible for his charges: The *Imām* (ruler) of the people is a guardian and is responsible for his subjects; a man is the guardian of his family (household) and is responsible for his subjects; a woman is the guardian of her husband’s home and of his children and is responsible for them; and the slave of a man is a guardian of his master’s property and is responsible for it. Surely, everyone of you is a guardian and responsible for his charges.” (See H. 893)

(١) بَابُ قَوْلِ اللَّهِ تَعَالَى: ﴿أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأَطِيعُوا أَوْلِيَّ الْأَمْرِ مِنْكُمْ﴾ [النساء: ٥٩]

٧١٣٧ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَبْدُ اللَّهِ، عَنْ يُونُسَ، عَنِ الزُّهْرِيِّ: أَخْبَرَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ: أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ أَطَاعَنِي فَقَدْ أَطَاعَ اللَّهَ، وَمَنْ عَصَانِي فَقَدْ عَصَى اللَّهَ، وَمَنْ أَطَاعَ أَمِيرِي فَقَدْ أَطَاعَنِي، وَمَنْ عَصَى أَمِيرِي فَقَدْ عَصَانِي». [راجع: ٢٩٥٧]

٧١٣٨ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَلَا كَلُّكُمْ رَاعٍ، وَكَلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ. فَالْإِمَامُ الْأَعْظَمُ الَّذِي عَلَى النَّاسِ رَاعٍ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ. وَالْمَرْأَةُ رَاعِيَةٌ عَلَى أَهْلِ بَيْتِ زَوْجِهَا وَوَلَدِهِ وَهِيَ مَسْئُولَةٌ عَنْهُمْ، وَعَبْدُ الرَّجُلِ رَاعٍ عَلَى مَالِ سَيِّدِهِ وَهُوَ مَسْئُولٌ عَنْهُ أَلَا فَكَلُّكُمْ رَاعٍ، وَكَلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ». [راجع: ٨٩٣]

## (2) CHAPTER. The (chief) rulers (of all Muslims must be) from the Quraish.

## (٢) بَابُ: الْأَمْرَاءُ مِنَ قُرَيْشٍ

7139. Narrated Muḥammad bin Jubair bin Muṭ'im that while he was included in a delegation of the Quraish staying with Mu'āwiyā, Mu'āwiyā heard that 'Abdullāh bin 'Amr had said that there would be a king from the Qaḥṭān tribe, whereupon he became very angry. He stood up, and after glorifying and praising Allāh as He deserved, said, "*Amma Ba'du* (to proceed), I have come to know that some of you men are narrating things which are neither in Allāh's Book (the Qur'ān), nor have been mentioned by Allāh's Messenger ﷺ. Such people are the ignorant among you. Beware of such vain desires that mislead those who have them. I have heard Allāh's Messenger ﷺ saying, 'This matter (of the caliphate) will remain with the Quraish, and none will rebel against them but Allāh will throw him down on his face as long as they stick to the rules and regulations of the religion (Islām).'"

٧١٣٩ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ قَالَ: كَانَ مُحَمَّدُ بْنُ جُبَيْرِ بْنِ مُطْعِمٍ يُحَدِّثُ أَنَّهُ بَلَغَ مُعَاوِيَةَ - وَهُمْ عِنْدَهُ فِي وَفْدٍ مِنْ قُرَيْشٍ - أَنَّ عَبْدَ اللَّهِ ابْنَ عَمْرٍو يُحَدِّثُ: أَنَّهُ سَيَكُونُ مَلِكٌ مِنْ قَحْطَانَ، فَغَضِبَ فَقَامَ فَأَتَى عَلَى اللَّهِ بِمَا هُوَ أَهْلُهُ ثُمَّ قَالَ: أَمَا بَعْدُ فَإِنَّهُ بَلَغَنِي أَنَّ رِجَالًا مِنْكُمْ يُحَدِّثُونَ أَحَادِيثَ لَيْسَتْ فِي كِتَابِ اللَّهِ وَلَا تُؤْتَرُ عَنْ رَسُولِ اللَّهِ ﷺ. وَأَوْلِيكَ جُهَالِكُمْ. فَإِيَّاكُمْ وَالْأَمَانِيَّ الَّتِي تُضِلُّ أَهْلَهَا، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ هَذَا الْأَمْرَ فِي قُرَيْشٍ، لَا يُعَادِيهِمْ أَحَدٌ إِلَّا كَبَّهَ اللَّهُ فِي النَّارِ عَلَى وَجْهِهِ مَا أَقَامُوا الدِّينَ». [راجع: ٣٥٠٠]

تَابَعَهُ نُعَيْمٌ، عَنِ ابْنِ الْمُبَارَكِ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ مُحَمَّدِ بْنِ جُبَيْرٍ.

7140. Narrated Ibn 'Umar رضي الله عنهما: Allāh's Messenger ﷺ said, "This matter (of the caliphate) will remain with the Quraish even if only two of them were still existing."<sup>(1)</sup>

٧١٤٠ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا عَاصِمُ بْنُ مُحَمَّدٍ: سَمِعْتُ أَبِي يَقُولُ: قَالَ ابْنُ عُمَرَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَزَالُ هَذَا الْأَمْرُ فِي قُرَيْشٍ مَا بَقِيَ مِنْهُمْ اثْنَانِ». [راجع: ٣٥٠١]

(1) (H.7140) The Prophet ﷺ meant (in this *Hadīth*) that the Muslims are obliged to appoint, as their chief ruler, someone from the tribe of Quraish even if there is only one Quraishī left who is fit (as regards the Islāmic religion) for the caliphate.

(3) CHAPTER. The reward of the person who judges according to (the principles of) *Al-Hikmah* (wisdom i.e., Laws of Allāh's Book), as (is understood from) the Statement of Allāh تعالى:

“...And whosoever does not judge by what Allāh has revealed, (then) such (people) are *Al-Fasiqūn* [the rebellious i.e., disobedient (of a lesser degree) to Allāh].” (V.5:47)

7141. Narrated ‘Abdullāh عنه رضي الله عنه: Allāh's Messenger ﷺ said, “Do not wish to be like anyone, except in two cases:

(1) A man whom Allāh has given wealth and he spends it righteously (in a just and right way according to what Allāh has ordered).

(2) A man whom Allāh has given *Al-Hikmah* (wisdom, knowledge of the Qur'ān and the *Sunna* — legal ways of the Prophet ﷺ) and he acts according to it and teaches it to others.”

(4) CHAPTER. To listen to and obey one's *Imām* (Muslim ruler) as long as his orders involve not one in disobedience (to Allāh).

7142. Narrated Anas bin Mālik عنه رضي الله عنه: Allāh's Messenger ﷺ said, “You should listen to and obey your *Imām* (Muslim ruler) even if he was an Ethiopian (black) slave whose head looks like a raisin.”

7143. Narrated Ibn ‘Abbās عنه رضي الله عنهما: The Prophet ﷺ said, “If somebody sees his Muslim ruler doing something he disapproves of, he should be patient, for whoever disunite from *Al-Jama'ah* (the Muslim group) [i.e., becomes separate from the Muslim group] even for a span and then dies, he will die as those who died in

(٣) **بَابُ أَجْرِ مَنْ قَضَى بِالْحِكْمَةِ**  
لِقَوْلِهِ تَعَالَى: ﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾ [المائدة: ٤٧]

٧١٤١ - حَدَّثَنَا شَهَابُ بْنُ عَبَّادٍ:

حَدَّثَنَا إِبْرَاهِيمُ بْنُ حُمَيْدٍ، عَنْ إِسْمَاعِيلَ، عَنْ قَيْسٍ، عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا حَسَدَ إِلَّا فِي اثْنَتَيْنِ: رَجُلٌ آتَاهُ اللَّهُ مَالًا فَسَلَّطَهُ عَلَى هَلَكْتِهِ فِي الْحَقِّ، وَآخَرُ آتَاهُ اللَّهُ حِكْمَةً فَهُوَ يَقْضِي بِهَا وَيَعْلَمُهَا». [راجع: ٧٣]

(٤) **بَابُ السَّمْعِ وَالطَّاعَةِ لِلْإِمَامِ مَا لَمْ تَكُنْ مَعْصِيَةً**

٧١٤٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا

يَحْيَى بْنُ سَعِيدٍ، عَنْ شُعْبَةَ، عَنْ أَبِي التَّيَّاحِ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اسْمَعُوا وَأَطِيعُوا، وَإِنْ اسْتَعْمَلَ عَلَيْكُمْ عَبْدٌ حَبَشِيٌّ كَأَنَّ رَأْسَهُ زَبِيْبَةٌ».

[راجع: ٦٩٣]

٧١٤٣ - حَدَّثَنَا سُلَيْمَانُ بْنُ

حَرْبٍ: حَدَّثَنَا حَمَادٌ، عَنِ الْجَعْدِ، عَنْ أَبِي رَجَاءٍ، عَنِ ابْنِ عَبَّاسٍ يَرُويهِ قَالَ: قَالَ النَّبِيُّ ﷺ: «مَنْ رَأَى مِنْ أَمِيرِهِ شَيْئًا يَكْرَهُهُ فَلْيَصْرِهِ، فَإِنَّهُ لَيْسَ

the Pre-Islāmic Period of Ignorance (as rebellious sinners).” [Fath Al-Bari]

[See *Hadīth* No. 7053]

**7144.** Narrated ‘Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, “A Muslim has to listen to and obey (the order of his Muslim ruler) whether he likes it or not, as long as his orders involve not one in disobedience (to Allāh), but if an act of disobedience (to Allāh) is imposed, one should not listen to it or obey it.” [See Vol. 4, *Hadīth* No. 2955]

**7145.** Narrated ‘Alī رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ sent an army unit (for some campaign) and appointed a man from the *Anṣār* as its commander and ordered them (the soldiers) to obey him. (During the campaign) he became angry with them and said, “Didn’t the Prophet ﷺ order you to obey me?” They said, “Yes.” He said, “I order you to collect wood and make a fire and then throw yourselves into it.” So they collected wood and made a fire, but when they were about to throw themselves into it they started looking at each other, and some of them said, “We followed the Prophet ﷺ to escape from the (Hell) Fire. (How) should we enter it now?” So while they were in that state, the fire extinguished and their commander’s anger abated. The event was mentioned to the Prophet ﷺ and he said, “If they had entered it (the fire) they would never have come out of it, for obedience is required only in what is *Al-Ma’rūf* (Islāmic Monotheism and all that Islām has ordained and all that is good).” [See Vol. 5, *Hadīth* No. 4340]

أَحَدٌ يُفَارِقُ الْجَمَاعَةَ شِبْرًا فَيَمُوتُ إِلَّا مَاتَ مَيِّتَةً جَاهِلِيَّةً». [راجع: ٧٠٥٣]

٧١٤٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا

يَحْيَى بْنُ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ: حَدَّثَنِي نَافِعٌ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «السَّمْعُ وَالطَّاعَةُ عَلَى الْمَرْءِ الْمُسْلِمِ فِيمَا أَحَبَّ وَكَرِهَ مَا لَمْ يُؤْمَرْ بِمَعْصِيَةٍ، فَإِذَا أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ». [راجع: ٢٩٥٥]

٧١٤٥ - حَدَّثَنَا عُمَرُ بْنُ حَفْصِ

بْنِ غِيَاثٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا الْأَعْمَشُ: حَدَّثَنَا سَعْدُ بْنُ عُبَيْدَةَ عَنْ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ عَلِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: بَعَثَ النَّبِيُّ ﷺ سَرِيَّةً وَأَمَرَ عَلَيْهِمْ رَجُلًا مِنَ الْأَنْصَارِ وَأَمَرَهُمْ أَنْ يُطِيعُوا، فَغَضِبَ عَلَيْهِمْ وَقَالَ: أَلَيْسَ قَدْ أَمَرَ النَّبِيُّ ﷺ أَنْ تُطِيعُونِي؟ قَالُوا: بَلَى. قَالَ: قَدْ عَزَمْتُ عَلَيْكُمْ لَمَّا جَمَعْتُمْ حَطَبًا وَأَوْقَدْتُمْ نَارًا ثُمَّ دَخَلْتُمْ فِيهَا، فَجَمَعُوا حَطَبًا فَأَوْقَدُوا نَارًا، فَلَمَّا هَمُّوا بِالْدُخُولِ فَقَامُوا يَنْظُرُونَ بَعْضُهُمْ إِلَى بَعْضٍ، فَقَالَ بَعْضُهُمْ: إِنَّمَا تَبِعْنَا النَّبِيَّ ﷺ فِرَارًا مِنَ النَّارِ، أَفَنَدْخُلُهَا؟ فَبَيْنَمَا هُمْ كَذَلِكَ إِذْ خَمَدَتِ النَّارُ وَسَكَنَ غَضَبُهُ فَذَكَرَ لِلنَّبِيِّ ﷺ فَقَالَ: «لَوْ دَخَلُوهَا مَا خَرَجُوا مِنْهَا أَبَدًا، إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ». [راجع: ٤٣٤٠]

(5) CHAPTER. If somebody does not seek authority of ruling, then Allāh will surely help him (if he is given such authority).

7146. Narrated 'Abdur-Raḥmān bin Samura: The Prophet ﷺ said, "O 'Abdur-Raḥmān! Do not seek to be a ruler, for if you are given authority on your demand, then you will be held responsible for it, but if you are given it without asking (for it), then you will be helped (by Allāh) in it. If you ever take an oath to do something and later on you find that something else is better, then you should expiate your oath and do what is better."

(٥) بَابٌ مَنْ لَمْ يَسْأَلِ الْإِمَارَةَ أَعَانَهُ اللَّهُ عَلَيْهَا

٧١٤٦ - حَدَّثَنَا حَجَّاجُ بْنُ

مِنْهَالٍ: حَدَّثَنَا جَرِيرُ بْنُ حَارِمٍ، عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمُرَةَ قَالَ: قَالَ لِي النَّبِيُّ ﷺ: «يَا عَبْدَ الرَّحْمَنِ، لَا تَسْأَلِ الْإِمَارَةَ فَإِنَّكَ إِنْ أُعْطِيَتْهَا عَنْ مَسْأَلَةٍ وُكِّلْتَ إِلَيْهَا، وَإِنْ أُعْطِيَتْهَا عَنْ غَيْرِ مَسْأَلَةٍ أُعِنْتَ عَلَيْهَا، وَإِذَا حَلَفْتَ عَلَى يَمِينٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا فَكَفَّرْ عَنْ يَمِينِكَ وَآتِ الَّذِي هُوَ خَيْرٌ». [راجع: ٦٦٢٢]

(6) CHAPTER. He who seeks to be a ruler will be held responsible for that (i.e., Allāh will not help him in his duty).

7147. Narrated 'Abdur-Raḥmān bin Samura: Allāh's Messenger ﷺ said, "O 'Abdur-Raḥmān bin Samura! Do not seek to be a ruler, for if you are given authority on your demand, you will be held responsible for it, but if you are given it without asking for it, then you will be helped (by Allāh) in it. If you ever take an oath to do something and later on you find that something else is better, then do what is better and make expiation for your oath."

٧١٤٧ - حَدَّثَنَا أَبُو مَعْمَرٍ: حَدَّثَنَا

عَبْدُ الْوَارِثِ: حَدَّثَنَا يُونُسُ، عَنِ الْحَسَنِ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ سَمُرَةَ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا عَبْدَ الرَّحْمَنِ بْنِ سَمُرَةَ، لَا تَسْأَلِ الْإِمَارَةَ فَإِنْ أُعْطِيَتْهَا عَنْ مَسْأَلَةٍ وُكِّلْتَ إِلَيْهَا، وَإِنْ أُعْطِيَتْهَا عَنْ غَيْرِ مَسْأَلَةٍ أُعِنْتَ عَلَيْهَا، وَإِذَا حَلَفْتَ عَلَى يَمِينٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا فَأَتِ الَّذِي هُوَ خَيْرٌ وَكَفَّرْ عَنْ يَمِينِكَ».

[راجع: ٦٦٢٢]

(7) CHAPTER. What is disliked regarding being keen to have the authority of ruling.

(٧) بَابٌ مَا يُكْرَهُ مِنَ الْجِرْصِ عَلَى الْإِمَارَةِ

7148. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "You people will be

٧١٤٨ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ:

keen to have the authority of ruling which will be a thing of regret for you on the Day of Resurrection. What an excellent wet nurse it is, yet what a bad weaning one it is!”<sup>(1)</sup>

حَدَّثَنَا ابْنُ أَبِي ذَيْبٍ، عَنْ سَعِيدِ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّكُمْ سَتَحْرِصُونَ عَلَى الْإِمَارَةِ وَسَتَكُونُ نَدَامَةً يَوْمَ الْقِيَامَةِ، فَنِعَمَ الْمُرْضِعَةُ وَبِئْسَتِ الْفَاطِمَةُ».

وَقَالَ مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ حُمْرَانَ: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ، عَنْ سَعِيدِ الْمَقْبُرِيِّ، عَنْ عُمَرَ بْنِ الْحَكَمِ، عَنْ أَبِي هُرَيْرَةَ قَوْلَهُ.

7149. Narrated Abū Mūsā رضي الله عنه: Two men from my tribe and I entered upon the Prophet ﷺ. One of two men said to the Prophet ﷺ, “O Allāh’s Messenger! Appoint me as a governor,” and so did the second. The Prophet ﷺ said, “We do not assign the authority of ruling to those who ask for it, nor to those who are keen to have it.”

٧١٤٩ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ بُرَيْدٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى رَضِيَ اللَّهُ عَنْهُ قَالَ: دَخَلْتُ عَلَى النَّبِيِّ ﷺ أَنَا وَرَجُلَانِ مِنْ قَوْمِي، فَقَالَ أَحَدُ الرَّجُلَيْنِ: أَمْرُنَا يَا رَسُولَ اللَّهِ، وَقَالَ الْآخَرُ مِثْلَهُ، فَقَالَ: «إِنَّا لَا نُؤَلِّي هَذَا مَنْ سَأَلَهُ وَلَا مَنْ حَرَصَ عَلَيْهِ».

[راجع: ٢٢٦١]

(8) CHAPTER. If somebody is assigned the authority of ruling some people but, he does not look after them in an honest manner!

(٨) بَابٌ مِنَ اسْتُرْعِيَ رَعِيَّةً فَلَمْ يَنْصَحْ

7150. Narrated Ma‘qil: I heard the Prophet ﷺ saying, “Any man whom Allāh has given the authority of ruling some people and he does not look after them in an honest manner, will never have even the smell of Paradise.”

٧١٥٠ - حَدَّثَنَا أَبُو نَعِيمٍ: حَدَّثَنَا أَبُو الْأَشْهَبِ، عَنِ الْحَسَنِ: أَنَّ عُبَيْدَ اللَّهِ بْنَ زِيَادٍ عَادَ مَعْقِلَ بْنَ يَسَارٍ فِي مَرَضِهِ الَّذِي مَاتَ فِيهِ. فَقَالَ لَهُ مَعْقِلٌ: إِنِّي مُحَدِّثُكَ حَدِيثًا سَمِعْتُهُ مِنْ

(1) (H.7148) The authority of ruling is like a wet nurse for the ruler, because it provides him with all sorts of pleasures, but as soon as he is dismissed or dies, he is weaned, i.e., deprived from all such pleasures and is taken to account.

رَسُولِ اللَّهِ ﷺ، سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «مَا مِنْ عَبْدٍ يَسْتَرِعِيهِ اللَّهُ رَعِيَّةً فَلَمْ يَحْطَظْهَا بِنُصْحِهِ لَمْ يَجِدْ رَائِحَةَ الْجَنَّةِ».

7151. Narrated Ma'qil: Allāh's Messenger ﷺ said, "If any ruler having the authority to rule Muslim subjects dies while he is deceiving them, Allāh will forbid Paradise for him."

٧١٥١ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا حُسَيْنُ الْجُعْفِيُّ: قَالَ زَائِدَةُ: ذَكَرَهُ هِشَامٌ، عَنِ الْحَسَنِ قَالَ: أَتَيْتَنَا مَعْقِلُ بْنُ يَسَارٍ نَعُودُهُ، فَدَخَلَ عَلَيْنَا عُبَيْدُ اللَّهِ فَقَالَ لَهُ مَعْقِلُ: أَحَدْتُكَ حَدِيثًا سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ ﷺ، فَقَالَ: «مَا مِنْ وَالٍ يَلِي رَعِيَّةً مِنَ الْمُسْلِمِينَ فَيَمُوتُ وَهُوَ غَاشٌّ لَهُمْ إِلَّا حَرَّمَ اللَّهُ عَلَيْهِ الْجَنَّةَ».

(٩) بَابٌ مِنْ شَأْنِ شَقِّ اللَّهِ عَلَيْهِ

(9) CHAPTER. Whoever puts the people into troubles and difficulties will be put into troubles and difficulties by Allāh.

7152. Narrated Ṭarīf Abū Tamīma: I saw Ṣafwān and Jundab and Ṣafwān's companions when Jundab was advising. They said, "Did you hear something from Allāh's Messenger ﷺ?" Jundab said, "I heard him saying, 'Whoever does a good deed in order to show off, Allāh will expose his intentions on the Day of Resurrection (before the people), and whoever puts the people into difficulties, Allāh will put him into difficulties on the Day of Resurrection.'" The people said (to Jundab), "Advise us." He said, "The first thing of the human body to putrefy is the abdomen, so he who can eat nothing but good food (*Ḥalāl* and earned lawfully) should do so, and he who does as much as he can that nothing intervenes between him and Paradise by not shedding even a handful of blood (i.e., murdering), should do so."

٧١٥٢ - حَدَّثَنَا إِسْحَاقُ الْوَاسِطِيُّ: حَدَّثَنَا خَالِدٌ، عَنِ الْجُرَيْرِيِّ، عَنْ طَرِيفِ أَبِي تَمِيمَةَ قَالَ: شَهِدْتُ صَفْوَانَ وَجُنْدَبًا وَأَصْحَابَهُ وَهُوَ يُوصِيهِمْ فَقَالُوا: هَلْ سَمِعْتَ مِنْ رَسُولِ اللَّهِ ﷺ شَيْئًا؟ قَالَ: سَمِعْتُهُ يَقُولُ: «مَنْ سَمِعَ سَمِعَ اللَّهُ بِهِ يَوْمَ الْقِيَامَةِ، قَالَ: وَمَنْ شَاقَّ شَقَّ اللَّهُ عَلَيْهِ يَوْمَ الْقِيَامَةِ». فَقَالُوا: أَوْصِنَا، فَقَالَ: إِنَّ أَوَّلَ مَا يُتَنَّنُ مِنَ الْإِنْسَانِ بَطْنُهُ، فَمَنْ اسْتَطَاعَ أَنْ لَا يَأْكُلَ إِلَّا طَيِّبًا فَلْيَفْعَلْ، وَمَنْ اسْتَطَاعَ أَنْ لَا يُحَالَ بَيْنَهُ وَبَيْنَ الْجَنَّةِ بِجِلْدٍ

كَفَّ مِنْ دَمٍ هَرَاقَهُ فَلْيَفْعَلْ». قُلْتُ  
لَأَبِي عَبْدِ اللَّهِ: مَنْ يَقُولُ: سَمِعْتُ  
رَسُولَ اللَّهِ ﷺ؟ جُنْدَبٌ؟ قَالَ: نَعَمْ،  
جُنْدَبٌ. [راجع: ٦٤٩٩]

**(10) CHAPTER. To give judgements and legal opinions on the road.**

Yahyā bin Ya'mar gave a judgement on the road; and Ash-Sha'bi gave a judgement at the gate of his house.

7153. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: While the Prophet ﷺ and I were coming out of the mosque, a man met us outside the gate. The man said, "O Allāh's Messenger! When will be the Hour?" The Prophet ﷺ asked him, "What have you prepared for it?" The man became afraid and ashamed and then said, "O Allāh's Messenger! I haven't prepared for it much of *Siyām* (fasting), *Salāt* (prayers) or charitable gifts but I love Allāh and His Messenger." The Prophet ﷺ said, "You will be with the one whom you love."

**(11) CHAPTER. It is mentioned that there was no gatekeeper for the Prophet ﷺ.**

7154. Narrated Thābit Al-Bunānī: Anas bin Mālik said to a woman of his family, "Do you know such and such a woman?" She replied, "Yes." He said, "The Prophet ﷺ passed by her while she was weeping over a grave, and he said to her, 'Be afraid of Allāh and be patient.' The woman said (to the Prophet ﷺ), 'Go away from me, for you do

(١٠) **بَابُ الْقَضَاءِ وَالْفُتْيَا فِي الطَّرِيقِ**

وَقَضَى يَحْيَى بْنُ يَعْمَرَ فِي الطَّرِيقِ،  
وَقَضَى الشَّعْبِيُّ عَلَى بَابِ دَارِهِ.

٧١٥٣ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ، عَنْ مَنصُورٍ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ: حَدَّثَنَا أَنَسُ بْنُ مَالِكٍ رَضِيَ اللهُ عَنْهُ قَالَ: بَيْنَمَا أَنَا وَالنَّبِيُّ ﷺ خَارِجَانِ مِنَ الْمَسْجِدِ فَلَقِينَا رَجُلًا عِنْدَ سُدَّةِ الْمَسْجِدِ، فَقَالَ: يَا رَسُولَ اللَّهِ، مَتَى السَّاعَةُ؟ قَالَ النَّبِيُّ ﷺ: «مَا أَعَدَدْتُ لَهَا؟» فَكَأَنَّ الرَّجُلَ اسْتَكَانَ، ثُمَّ قَالَ: يَا رَسُولَ اللَّهِ، مَا أَعَدَدْتُ لَهَا كَبِيرَ صِيَامٍ وَلَا صَلَاةٍ وَلَا صَدَقَةٍ، وَلَكِنِّي أُحِبُّ اللَّهَ وَرَسُولَهُ. قَالَ: «أَنْتَ مَعَ مَنْ أَحْبَبْتَ». [راجع: ٣٦٨٨]

(١١) **بَابُ مَا ذُكِرَ أَنَّ النَّبِيَّ ﷺ لَمْ يَكُنْ لَهُ بَوَابٌ**

٧١٥٤ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنصُورٍ: أَخْبَرَنَا عَبْدُ الصَّمَدِ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا ثَابِتُ الْبُنَانِيُّ، عَنْ أَنَسِ بْنِ مَالِكٍ يَقُولُ لَامْرَأَةٍ مِنْ أَهْلِهَا: تَعْرِفِينَ فُلَانَةَ؟ قَالَتْ: نَعَمْ. قَالَ: فَإِنَّ



not know my calamity.' ” Anas added, “The Prophet ﷺ left her and proceeded. A man passed by her and asked her, ‘What has Allāh’s Messenger ﷺ said to you?’ She replied, ‘I did not recognize him.’ The man said, ‘He was Allāh’s Messenger.’ ” Anas added, “So that woman came to the gate of the Prophet ﷺ and she did not find any gatekeeper there, and she said, ‘O Allāh’s Messenger! By Allāh, I did not recognize you!’ The Prophet ﷺ said, ‘No doubt, patience is at the first stroke of a calamity.’ ”

النَّبِيِّ ﷺ مَرَّ بِهَا وَهِيَ تَبْكِي عِنْدَ قَبْرِ  
فَقَالَ: «اتَّقِي اللَّهَ وَاصْبِرِي»، فَقَالَتْ:  
إِلَيْكَ عَنِّي، فَإِنَّكَ خَلَوُ مِنْ مُصِيبَتِي.  
قَالَ: فَجَاوَزَهَا وَمَضَى فَمَرَّ بِهَا رَجُلٌ  
فَقَالَ: مَا قَالَ لِكَ رَسُولُ اللَّهِ ﷺ؟  
قَالَتْ: مَا عَرَفْتُهُ. قَالَ: إِنَّهُ لَرَسُولُ  
اللَّهِ ﷺ، قَالَ: فَجَاءَتْ إِلَى بَابِهِ فَلَمْ  
تَجِدْ عَلَيْهِ بَوَابًا، فَقَالَتْ: يَا رَسُولَ  
اللَّهِ، وَاللَّهِ مَا عَرَفْتُكَ، فَقَالَ النَّبِيُّ  
ﷺ: «إِنَّ الصَّبْرَ عِنْدَ أَوَّلِ صَدْمَةٍ».

[راجع: ١٢٥٢]

(12) CHAPTER. A governor (of a province, etc.,) who is under the *Imām* can sentence to death a person who deserves such punishment without consulting the *Imām*.

(١٢) بَابُ الْحَاكِمِ يَحْكُمُ بِالْقَتْلِ  
عَلَى مَنْ وَجِبَ عَلَيْهِ دُونُ الْإِمَامِ الَّذِي  
فَوْقَهُ

7155. Narrated Anas رَضِيَ اللَّهُ عَنْهُ: Qais bin Sa'd was to the Prophet ﷺ like a chief police officer to an *Amir* (chief).

٧١٥٥ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ  
الذُّهَلِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ  
الْأَنْصَارِيُّ: حَدَّثَنِي أَبِي، عَنْ ثُمَامَةَ،  
عَنْ أَنَسٍ: أَنَّ قَيْسَ بْنَ سَعْدٍ كَانَ  
يَكُونُ بَيْنَ يَدَيْ النَّبِيِّ ﷺ بِمَنْزِلَةِ  
صَاحِبِ الشَّرْطَةِ مِنَ الْأَمِيرِ.

7156. Narrated Abū Mūsa that the Prophet ﷺ sent him and sent Mu'adh after him (as rulers to Yemen).

٧١٥٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا  
يَحْيَى، عَنْ قُرَّةَ بْنِ خَالِدٍ: حَدَّثَنِي  
حُمَيْدُ بْنُ هِلَالٍ: حَدَّثَنَا أَبُو بُرْدَةَ،  
عَنْ أَبِي مُوسَى: أَنَّ النَّبِيَّ ﷺ بَعَثَهُ  
وَأَتْبَعَهُ بِمُعَاذٍ. [راجع: ٢٢٦١]

7157. Narrated Abū Mūsa: A man embraced Islām and then reverted back to Judaism. Mu'adh bin Jabal came and saw the man with Abū Mūsa. Mu'adh asked, “What is wrong with this (man)?” Abū Mūsa

٧١٥٧ - حَدَّثَنِي عَبْدُ اللَّهِ بْنُ  
الصَّبَّاحِ: حَدَّثَنَا مَحْبُوبُ بْنُ الْحَسَنِ:  
حَدَّثَنَا خَالِدٌ، عَنْ حُمَيْدِ بْنِ هِلَالٍ،

replied, "He embraced Islām and then reverted back to Judaism." Mu'ādh said, "I will not sit down unless you kill him (as it is) the verdict of Allāh and His Messenger ﷺ."

عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى: أَنَّ رَجُلًا أَسْلَمَ ثُمَّ تَهَوَّدَ فَأَتَاهُ مُعَاذُ بْنُ جَبَلٍ وَهُوَ عِنْدَ أَبِي مُوسَى فَقَالَ: مَا لِهَذَا؟ قَالَ: أَسْلَمَ ثُمَّ تَهَوَّدَ، قَالَ: لَا أَجْلِسُ حَتَّى أَقْتُلَهُ، فَضَاءَ اللَّهُ وَرَسُولَهُ

ﷺ. [راجع: ٢٢٦١]

(13) CHAPTER. Can a judge give a judgement or a formal legal opinion while he is in an angry mood?

(١٣) بَابُ: هَلْ يَقْضِي الْقَاضِي أَوْ يُفْتِي وَهُوَ غَضْبَانٌ؟

7158. Narrated 'Abdur-Rahmān bin Abū Bakra: Abū Bakra wrote to his son who was in Sijistān: Do not judge between two persons when you are angry, for I heard the Prophet ﷺ saying, "A judge should not judge between two persons while he is in an angry mood."

٧١٥٨ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ عُمَيْرٍ: سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ أَبِي بَكْرَةَ قَالَ: كَتَبَ أَبُو بَكْرَةَ إِلَى ابْنِهِ - وَكَانَ بِسِجِسْتَانَ - بَأَنْ لَا تَقْضِي بَيْنَ اثْنَيْنِ وَأَنْتَ غَضْبَانٌ، فَإِنِّي سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «لَا يَقْضِيَنَّ حَكْمَ بَيْنِ اثْنَيْنِ وَهُوَ غَضْبَانٌ».

7159. Narrated Abū Mas'ūd Al-Anṣārī: A man came to Allāh's Messenger ﷺ and said, "O Allāh's Messenger! By Allāh, I fail to attend the morning congregational *Ṣalāt* (prayer) because so-and-so (i.e., Mu'ādh bin Jabal) prolongs the *Ṣalāt* (prayer) when he leads us for it." I had never seen the Prophet ﷺ more furious in giving advice than he was on that day. He then said, "O people! Some of you make others dislike [good deeds, i.e. *Ṣalāt* (prayer) etc.]. So whoever among you leads the people in *Ṣalāt* (prayer), he should shorten it (make it brief) because among them there are the old, the weak and the one who is in a state that requires urgent relief (having some urgent jobs to do)." [See *Ḥadīth* Vol. 1, No. 90]

٧١٥٩ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ، عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ، عَنْ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ قَالَ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ، فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي وَاللَّهِ لَأَتَأَخَّرُ عَنْ صَلَاةِ الْغَدَاةِ مِنْ أَجْلِ فُلَانٍ مِمَّا يُطِيلُ بِنَا فِيهَا. قَالَ: فَمَا رَأَيْتَ النَّبِيَّ ﷺ قَطُّ أَشَدَّ غَضْبَانًا فِي مَوْعِظَةٍ مِنْهُ يَوْمَئِذٍ. ثُمَّ قَالَ: «يَا أَيُّهَا النَّاسُ، إِنَّ مِنْكُمْ مُتَفَرِّقِينَ، فَأَيُّكُمْ مَا صَلَّى بِالنَّاسِ فَلْيُوجِزْ فَإِنَّ فِيهِمْ

الْكَبِيرِ وَالضَّعِيفِ وَذَا الْحَاجَةِ». [راجع: ٩٠]

7160. Narrated ‘Abdullāh bin ‘Umar رضي الله عنهما that he had divorced his wife during her menses. ‘Umar mentioned that to the Prophet ﷺ. Allāh’s Messenger ﷺ became angry and said, “He must take her back (his wife) and keep her with him till she becomes clean from her menses and then to wait till she gets her next period and becomes clean again from it; and only then, if he wants to divorce her, he may do so.”

٧١٦٠ - حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي يَعْقُوبَ الْكِرْمَانِيُّ: حَدَّثَنَا حَسَّانُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا يُونُسُ: قَالَ مُحَمَّدٌ: أَخْبَرَنِي سَالِمٌ أَنَّ عَبْدَ اللَّهِ بْنَ عَمَرَ أَخْبَرَهُ أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَذَكَرَ عَمَرٌ لِلنَّبِيِّ ﷺ فَتَغَيَّظَ فِيهِ رَسُولُ اللَّهِ ﷺ ثُمَّ قَالَ: «لِيُرَاجِعَهَا ثُمَّ يُمَسِّكَهَا حَتَّى تَظْهَرَ ثُمَّ تَحِيضَ فَتَظْهَرَ، فَإِنْ بَدَأَ لَهُ أَنْ يُطَلِّقَهَا فَلْيُطَلِّقَهَا». [راجع: ٤٩٠٨]

(14) CHAPTER. Whosoever thinks that a judge can give judgements for the people according to his knowledge if he is not afraid of being suspected or blamed.

As the Prophet ﷺ said to Hind (bint ‘Utba, the wife of Abū Sufyān), “Take (of your husband’s wealth) what is reasonably sufficient for you and your children, and that is if the case is a well-known matter.”

(١٤) بَابُ مَنْ رَأَى لِلْقَاضِي أَنْ يَحْكُمَ بِعِلْمِهِ فِي أَمْرِ النَّاسِ إِذَا لَمْ يَخَفِ الظُّنُونَ وَالثَّمَمَةَ، كَمَا قَالَ النَّبِيُّ ﷺ لَهْنِدٍ: «خُذِي مَا يَكْفِيكَ وَوَلَدَكَ بِالْمَعْرُوفِ»، وَذَلِكَ إِذَا كَانَ أَمْرًا مَشْهُورًا.

7161. Narrated ‘Āishah رضي الله عنها: Hind bint ‘Utba bin Rabī‘a came and said, “O Allāh’s Messenger! By Allāh, there was no family on the surface of the earth I like to see in degradation more than I did your family, but today there is no family on the surface of the earth whom I like to see honoured more than yours.” Hind added, “Abū Sufyān is a miser. Is it sinful of me to feed our children from his property?” The Prophet ﷺ said, “There is no blame on you if you feed them (thereof) in a just and reasonable manner.”

٧١٦١ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ: حَدَّثَنِي عُرْوَةُ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: جَاءَتْ هِنْدُ بِنْتُ عُتْبَةَ بْنِ رَبِيعَةَ فَقَالَتْ: يَا رَسُولَ اللَّهِ، وَاللَّهِ مَا كَانَ عَلَى ظَهْرِ الْأَرْضِ أَهْلٌ خِبَاءٍ أَحَبَّ إِلَيَّ أَنْ يَذُلُّوا مِنْ أَهْلِ خِبَانِكَ، وَمَا أَصْبَحَ الْيَوْمَ عَلَى ظَهْرِ الْأَرْضِ أَهْلٌ خِبَاءٍ أَحَبَّ إِلَيَّ أَنْ يَعْزُوا مِنْ

(15) CHAPTER. To bear witness as to the writer of a stamped letter, and to what extent it is permissible or forbidden to (bear such witness). The letter of a ruler sent to his governor, and similarly of a judge to a judge.

Some people said, "The letter of a ruler can be relied upon except in cases involving a legal punishment (prescribed by Allāh)." The same people then said, "If the case involves an accidental homicide, the letter can be taken into consideration." Because the case becomes one of money in their opinion. But the case becomes one of money only when the homicide is proved. Therefore both an accidental homicide and a premeditated murder are the same (in this respect).

'Umar bin 'Abdul-'Aziz wrote (to his governor) regarding the case of a tooth that had been broken. Ibrāhīm said, "It is permissible to depend on the letter from the judge to the judge as long as the latter knows the handwriting and the stamp of the former.

And Ash-Sha'bī used to make orders according to stamped letters including the ones sent by a judge. Ibn 'Umar is said to have done so.

Mu'āwiya bin 'Abdul Karīm Ath-Thaqafi said, "I witnessed 'Abdul-Malik (bin Ya'lā), the judge of Baṣrah, Ayās bin Mu'āwiya, Al-Ḥasan, Thumāma bin 'Abdullāh bin Anas, Bīlāl bin Abū Burda, 'Abdullāh bin Buraida Al-Aslamī, Amīr bin 'Ubaida and 'Abbād bin

أهل خبائِكَ. ثُمَّ قَالَتْ: إِنَّ أَبَا سُفْيَانَ رَجُلٌ مَسِيكٌ، فَهَلْ عَلَيَّ مِنْ حَرْجٍ أَنْ أُطْعِمَ مِنَ الَّذِي لَهُ، عِيَالُنَا؟ قَالَ لَهَا: «لَا حَرْجَ عَلَيْكَ أَنْ تُطْعِمِيَهُمْ مِنْ مَعْرُوفٍ». [راجع: ٢٢١١]

(١٥) بَابُ الشَّهَادَةِ عَلَى الْخَطِّ الْمَخْتُومِ، وَمَا يَجُوزُ مِنْ ذَلِكَ وَمَا يَضِيقُ عَلَيْهِ، وَكِتَابِ الْحَاكِمِ إِلَى عَمَلِهِ وَالْقَاضِي إِلَى الْقَاضِي

وَقَالَ بَعْضُ النَّاسِ: كِتَابُ الْحَاكِمِ جَائِزٌ إِلَّا فِي الْحُدُودِ، ثُمَّ قَالَ: إِنْ كَانَ الْقَتْلُ خَطَأً فَهَوَّ جَائِزٌ لِأَنَّ هَذَا مَالٌ بِرِغْمِهِ. وَإِنَّمَا صَارَ مَالًا بَعْدَ أَنْ ثَبَتَ الْقَتْلُ. فَالْخَطُّ وَالْعَمْدُ وَاحِدٌ. وَقَدْ كَتَبَ عُمَرُ إِلَى عَامِلِهِ فِي الْحُدُودِ، وَكَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ فِي سِنِّ كُسَيْرْتِ. وَقَالَ إِبْرَاهِيمُ: كِتَابُ الْقَاضِي إِلَى الْقَاضِي جَائِزٌ إِذَا عَرَفَ الْكِتَابَ وَالْخَاتِمَ. وَكَانَ الشَّعْبِيُّ يُجِيزُ الْكِتَابَ الْمَخْتُومَ بِمَا فِيهِ مِنَ الْقَاضِي. وَيُرْوَى عَنِ ابْنِ عُمَرَ نَحْوَهُ. وَقَالَ مُعَاوِيَةُ بْنُ عَبْدِ الْكَرِيمِ الثَّقَفِيُّ: شَهِدْتُ عَبْدَ الْمَلِكِ بْنِ يَعْلَى قَاضِيًا الْبَصْرَةَ، وَإِيَّاسَ ابْنَ مُعَاوِيَةَ، وَالْحَسَنَ، وَثُمَّامَةَ بْنَ عَبْدِ اللَّهِ بْنِ أَنَسٍ، وَبِلَالَ بْنَ أَبِي بُرْدَةَ، وَعَبْدَ اللَّهِ بْنَ بُرَيْدَةَ الْأَسْلَمِيَّ، وَعَامِرَ بْنَ عَبْدِةَ، وَعَبَّادَ بْنَ مَنْصُورٍ: يُجِيزُونَ

Mansūr giving their judgements, depending on the letters of the judges without the presence of witnesses. If the person, against whom the letter is intended, claims that it is false, he is ordered to try to find a way out of it. The first person who asked for witnesses to confirm the letter of the judge was Ibn Abī Laila and Sawār bin ‘Abdullāh. And Abū Nu‘aīm said to us, “‘Ubaidullāh bin Muḥriz said to us, ‘I brought a letter from Mūsa bin Anas (the judge of Baṣrah) after I had presented witnesses before him that such and such a person who was in Kūfa owed me such and such property. I took the letter to Al-Qāsim bin ‘Abdur-Raḥmān (the judge of Kūfa) who accepted it (as a valid basis for his judgement).’”

Al-Ḥasan and Abū Qilāba disliked that one be a witness in the cases of a will, unless one knew what it contained, for there might be some injustice in it.

The Prophet ﷺ wrote to the Khaibar people: You should either pay the blood-money of your (murdered) companion, otherwise receive our warning of war.

Az-Zuhrī said regarding bearing witness as to the identity of a woman staying behind a curtain, “If you know her give witness otherwise don’t give witness.”

**7162.** Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: When the Prophet ﷺ intended to write to the (rulers of) Byzantines, the people said, “They do not read a letter unless it is sealed (stamped).” Therefore the Prophet ﷺ took a silver ring, as if I am looking at its glitter now and its engraving was: Muḥammad, Messenger of Allāh.

كُتِبَ الْقَضَاةَ بِغَيْرِ مَحْضَرٍ مِنَ الشُّهُودِ، فَإِنْ قَالَ الَّذِي جِيءَ عَلَيْهِ بِالْكِتَابِ: إِنَّهُ زُورٌ. قِيلَ لَهُ: اذْهَبْ فَالْتَمِسِ الْمَخْرَجَ مِنْ ذَلِكَ. وَأَوَّلُ مَنْ سَأَلَ عَلَى كِتَابِ الْقَاضِي الْبَيْتَةَ ابْنُ أَبِي لَيْلَى وَسَوَّارُ بْنُ عَبْدِ اللَّهِ. وَقَالَ لَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا عَيْدُ اللَّهِ بْنُ مُحْرِزٍ: جِئْتُ بِكِتَابٍ مِنْ مُوسَى بْنِ أَنَسٍ قَاضِي الْبَصْرَةِ وَأَقَمْتُ عِنْدَهُ الْبَيْتَةَ أَنَّ لِي عِنْدُ فُلَانٍ كَذَا وَكَذَا وَهُوَ بِالْكَوْفَةِ، وَجِئْتُ بِهِ الْقَاسِمَ بْنَ عَبْدِ الرَّحْمَنِ فَأَجَارَهُ. وَكَرِهَ الْحَسَنُ وَأَبُو قِلَابَةَ أَنْ يَشْهَدَ عَلَى وَصِيَّةٍ حَتَّى يَعْلَمَ مَا فِيهَا لِأَنَّهُ لَا يَدْرِي لَعَلَّ فِيهَا جَوْرًا. وَقَدْ كَتَبَ النَّبِيُّ ﷺ إِلَى أَهْلِ خَيْبَرَ: «إِمَّا أَنْ تَدُوا صَاحِبِكُمْ، وَإِمَّا أَنْ تُؤَدِّنُوا بِحَرْبٍ». وَقَالَ الزُّهْرِيُّ فِي الشَّهَادَةِ عَلَى الْمَرْأَةِ مِنَ السَّرِي: إِنْ عَرَفْتَهَا فَاشْهَدْ وَإِلَّا لَا تَعْرِفْهَا فَلَا تَشْهَدُ.

٧١٦٢ - حَدَّثَنِي مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عُندَرٌ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: لَمَّا أَرَادَ النَّبِيُّ ﷺ أَنْ يَكْتُبَ إِلَى الرُّومِ قَالُوا: إِنَّهُمْ لَا يَقْرَأُونَ كِتَابًا إِلَّا مَحْتُمًا، فَاتَّخَذَ النَّبِيُّ ﷺ خَاتَمًا مِنْ فِضَّةٍ كَأَنِّي أَنْظُرُ إِلَى وَيْبِصُهُ، وَنَقَشَهُ: مُحَمَّدٌ رَسُولُ اللَّهِ. [راجع: ٦٥]

(16) CHAPTER. When is a man entitled to be a judge?

And Al-Ḥasan said, “Allāh has enjoined an obligation on all the rulers that they should not follow the lust of their hearts and should not be afraid of the people and should not sell Allāh’s Verses for a low price.”

Al-Ḥasan then recited Allāh’s Verses :

“O Dāwūd (David)! Verily! We have placed you as a successor on earth, so judge you between men in truth (and justice) and follow not your desire – for it will mislead you from the Path of Allāh. Verily! Those who wander astray from the Path of Allāh (shall) have a severe torment, because they forget the Day of Reckoning.” (V.38:26)

And then he recited :

“Verily! We did send down the Torah (to Moses); therein was guidance and light, by which the Prophets, who submitted themselves to Allāh’s Will, judged for the Jews. And the rabbis and the priests (too judged for the Jews by Taurāt after those Prophets), for to them was entrusted the protection of Allāh’s Book, and they were witnesses thereto. Therefore, fear not men but fear Me (O Jews) and sell not My Verses for a miserable price. And whosoever does not judge by what Allāh has revealed, (then) such are the *Kafirūn* (i.e., disbelievers – of a lesser degree)...” (V.5:44)

And then he recited the Verses :

“And (remember) Dāwūd (David) and Sulaimān (Solomon), when they gave judgement in the case of the field in which the sheep of certain people had pastured at night and We were witness to their judgement. And We made Sulaimān to understand (the case), and to each of them We gave *Hukm* (right judgement of the

(١٦) بَابُ مَتَى يَسْتَوْجِبُ الرَّجُلُ الْقَضَاءَ؟

وَقَالَ الْحَسَنُ: أَخَذَ اللَّهُ عَلَى الْحُكَّامِ أَنْ لَا يَتَّبِعُوا الْهَوَى وَلَا يَخْشَوْا النَّاسَ، وَلَا يَشْتَرُوا بِآيَاتِي ثَمَنًا قَلِيلًا. ثُمَّ قَرَأَ: ﴿يَدَاوُدُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَى فَيُضِلَّكَ عَنْ سَبِيلِ اللَّهِ إِنَّ الَّذِينَ يَصِلُونَ عَنْ سَبِيلِ اللَّهِ لَهُمْ عَذَابٌ شَدِيدٌ يَوْمَ الْحِسَابِ ﴿٣٨﴾﴾ [ص: ٢٦] وَقَرَأَ ﴿إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ يَحْكُمُ بِهَا الَّذِينَ آسَلَمُوا لِلَّذِينَ هَادُوا وَالرَّشَاقِيْنَ وَالْأَحْزَابِ﴾ بِمَا اسْتَحْفَظُوا مِنْ كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ شُهَدَاءَ فَلَا تَخْشَوُا النَّكَاسَ وَأَخْشَوُا اللَّهَ وَلَا تَشْتَرُوا بِآيَاتِي ثَمَنًا قَلِيلًا وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴿٤٤﴾ [المائدة: ٤٤] بِمَا اسْتَحْفَظُوا: اسْتَوْدِعُوا مِنْ كِتَابِ اللَّهِ الْآيَةَ، وَقَرَأَ ﴿وَدَاوُدَ وَسُلَيْمَانَ إِذْ يَحْكُمَانِ فِي الْحَرْثِ إِذْ نَفَسَتْ فِيهِ غَنَمُ الْقَوْمِ وَكَانَ لِحُكْمِهِمْ شَاهِدِينَ ﴿٧٨﴾﴾، فَفَهَّمْنَاهَا سُلَيْمَانَ وَكَلَّمْنَا آدِينَ حُكْمًا وَعِلْمًا ﴿٧٨-٧٩﴾ [الأنبياء: ٧٨-٧٩] فَحَمِدَ سُلَيْمَانَ وَلَمْ يَلْمُ دَاوُدَ، وَلَوْلَا مَا ذَكَرَ اللَّهُ مِنْ أَمْرِ هَذَيْنِ لَرَأَيْتُ أَنَّ الْقَضَاءَ هَلَكَوْا. فَإِنَّهُ أَتَى عَلَى هَذَا بِعِلْمِهِ وَعَدَّرَ هَذَا بِاجْتِهَادِهِ.

وَقَالَ مُرَاجِمٌ بِنُ زُفَرٍ: قَالَ لَنَا

affairs and Prophethood); and (religious) knowledge...” (V.21:78,79)

Ḥasan added, “Allāh praised Sulaimān and did not blame Dāwūd for his mistake. And if Allāh had not mentioned the case of these two persons you would have seen all the judges destroyed, but Allāh praised one for his knowledge and excused the other because he judged by what he had thought to be the fairest.”

Muzāḥim bin Zufar said, “Umar bin ‘Abdul-‘Azīz said to us, ‘There are five qualities (which a judge should possess), and if he does not have one of them then he has one defect; and those qualities are: He must be an intelligent, patient, honest, stern and a learned religious scholar and knowledge seeking.’”

(17) CHAPTER. The salaries of rulers and those employed to administer the funds.

Shuraiḥ, the judge, used to take a salary for his working as a judge.

‘Āishah رضي الله عنها said, “A guardian can take (of the orphan’s wealth) in a reasonable and just manner according to his efforts. Abū Bakr and ‘Umar رضي الله عنهما took salaries (for their jobs as caliphs).

7163. Narrated ‘Abdullāh bin As-Sa’dī that when he went to ‘Umar during his caliphate, ‘Umar said to him, “Haven’t I been told that you do certain jobs for the people but when you are given payment you refuse to take it?” ‘Abdullāh said, “Yes.” ‘Umar said, “Why do you do so?” I said, “I have horses and slaves and I am living in prosperity and I wish that my payment should be kept as a charitable gift for the Muslims.” ‘Umar said, “Do not do so, for I intended to do the same as you do. Allāh’s Messenger ﷺ used to give me gifts and I used to say to him, ‘Give it to a more needy one than me.’ Once

عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: حَمَسَ إِذَا أَخْطَأَ الْقَاضِي مِنْهُنَّ خُطَّةً كَانَتْ فِيهِ وَصْمَةٌ، أَنْ يَكُونَ فَهَمًا حَلِيمًا عَفِيفًا ضَلِيلًا عَالِمًا سَوُولًا عَنِ الْعِلْمِ.

(١٧) بَابُ رِزْقِ الْحُكَّامِ وَالْعَامِلِينَ عَلَيْهَا،

وَكَانَ شَرِيحَ الْقَاضِي يَأْخُذُ عَلَى الْقَضَاءِ أَجْرًا، وَقَالَتْ عَائِشَةُ: يَأْكُلُ الْوَصِيَّ بِقَدْرِ عَمَلَتِهِ، وَأَكَلَ أَبُو بَكْرٍ وَعُمَرُ.

٧١٦٣ - حَدَّثَنَا أَبُو الْيَمَانِ:

أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ: أَخْبَرَنِي السَّائِبُ بْنُ يَزِيدَ ابْنَ أُخْتِ نَمِرٍ: أَنَّ حُوَيْطَبَ بْنَ عَبْدِ الْعَزَى أَخْبَرَهُ: أَنَّ عَبْدَ اللَّهِ بْنَ السَّعْدِيِّ أَخْبَرَهُ: أَنَّهُ قَدِمَ عَلَى عُمَرَ فِي خِلَافَتِهِ فَقَالَ لَهُ عُمَرُ: أَلَمْ أُحَدِّثْ أَنَّكَ تَلِي مِنْ أَعْمَالِ النَّاسِ أَعْمَالًا فَإِذَا أُعْطِيتَ الْعَمَالَهَ كَرِهْتَهَا؟ فَقُلْتُ: بَلَى، فَقَالَ عُمَرُ: مَا

he gave me some money and I said, 'Give it to a more needy person than me,' whereupon the Prophet ﷺ said, 'Take it and keep it in your possession and then give it in charity. Take whatever comes to you of this money while you are not keen to have it and not asking for it; otherwise (i.e., if it does not come to you) do not seek to have it yourself.'"

تُرِيدُ إِلَى ذَلِكَ؟ فَقُلْتُ: إِنَّ لِي أَفْرَاسًا  
وَأَعْبُدًا وَأَنَا بَخِيرٌ، وَأُرِيدُ أَنْ تَكُونَ  
عُمَالِي صَدَقَةً عَلَى الْمُسْلِمِينَ. قَالَ  
عُمَرُ: لَا تَفْعَلْ فَإِنِّي كُنْتُ أَرَدْتُ  
الَّذِي أَرَدْتَ وَكَانَ رَسُولُ اللَّهِ ﷺ  
يُعْطِي الْعَطَاءَ فَأَقُولُ: أَعْطِهِ أَفْقَرَ إِلَيْهِ  
مَنِّي، حَتَّى أَعْطَانِي مَرَّةً مَالًا فَقُلْتُ:  
أَعْطِهِ أَفْقَرَ إِلَيْهِ مِنِّي، فَقَالَ النَّبِيُّ ﷺ:  
«خُذْهُ فَتَمَوَّلْهُ وَتَصَدَّقْ بِهِ، فَمَا جَاءَكَ  
مِنْ هَذَا الْمَالِ - وَأَنْتَ غَيْرُ مُشْرِفٍ  
وَلَا سَائِلٍ - فَخُذْهُ وَإِلَّا فَلَا تُتْبِعْهُ  
نَفْسَكَ». [راجع: ١٤٧٣]

7164 Narrated 'Abdullāh bin 'Umar: I have heard Umar saying, "The Prophet ﷺ used to give me some money (grant) and I would say (to him), 'Give it to a more needy one than me.' Once he gave me some money and I said, 'Give it to a more needy one than me.' The Prophet ﷺ said (to me), 'Take it and keep it in your possession and then give it in charity. Take whatever comes to you of this money while you are not keen to have it and not asking for it; take it, but you should not seek to have what you are not given.'"

٧١٦٤ - وَعَنْ الزُّهْرِيِّ قَالَ:  
حَدَّثَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ: أَنَّ عَبْدَ اللَّهِ  
بْنَ عُمَرَ قَالَ: سَمِعْتُ عُمَرَ يَقُولُ:  
كَانَ النَّبِيُّ ﷺ يُعْطِي الْعَطَاءَ فَأَقُولُ:  
أَعْطِهِ أَفْقَرَ إِلَيْهِ مِنِّي، حَتَّى أَعْطَانِي  
مَرَّةً مَالًا فَقُلْتُ: أَعْطِهِ مَنْ هُوَ أَفْقَرُ  
إِلَيْهِ مِنِّي فَقَالَ النَّبِيُّ ﷺ:  
«خُذْهُ فَتَمَوَّلْهُ وَتَصَدَّقْ بِهِ، فَمَا جَاءَكَ مِنْ  
هَذَا الْمَالِ - وَأَنْتَ غَيْرُ مُشْرِفٍ وَلَا  
سَائِلٍ - فَخُذْهُ، وَمَا لَا فَلَا تُتْبِعْهُ  
نَفْسَكَ». [راجع: ١٤٧٣]

(18) CHAPTER. Whoever gave judgements of *Li'an*<sup>(1)</sup> in the mosque.

(١٨) بَابٌ مَنْ قَضَى وَلَاعَنَ فِي  
الْمَسْجِدِ،

And 'Umar passed the judgement of *Li'an* near the pulpit of the Prophet ﷺ.

وَلَاعَنَ عُمَرُ عِنْدَ مَنْبَرِ النَّبِيِّ ﷺ،  
وَقَضَى شُرَيْحٌ وَالشَّعْبِيُّ وَيَحْيَى بْنُ

(1) (Ch.18) *Li'an* means taking of oaths by the husband accusing his wife of illegal sexual intercourse and by the wife defending herself. See V.24:6-9.



Shuraiḥ Aṣh-Sha'bī and Yaḥyā bin Ya'mar passed judgements in the mosque. And Marwān passed the judgement that Zaid bin Thabit should take an oath near the pulpit. Al-Ḥasan and Zurāra bin Aufa used to pass judgements in the open space outside the mosque.

7165. Narrated Sahl bin Sa'd: I witnessed a husband and a wife who were involved in a case of *Li'an*. Then (the judgement of) divorce was passed. I was fifteen years of age, at that time.

7166. Narrated Sahl, the brother of Banī Sā'ida: A man from the *Anṣār* came to the Prophet ﷺ and said, "If a man finds another man sleeping with his wife, should he kill him?" That man and his wife then did *Li'an*<sup>(1)</sup> in the mosque while I was present.

(19) CHAPTER. Whosoever passed a judgement in the mosque and when the actual legal punishment was to be put to action, he ordered the guilty person to be taken outside the mosque so that the punishment might be carried out.

'Umar said (to two men), "Take him (the criminal) out of the mosque." Then he beat him. It is said that 'Alī said the same.

7167. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: A man came to Allāh's Messenger ﷺ while he was in the mosque, and called him, saying, "O Allāh's Messenger! I have

يَعْمَرُ فِي الْمَسْجِدِ، وَقَضَى مَرَوَانَ عَلَى زَيْدِ بْنِ ثَابِتٍ بِالْيَمِينِ عِنْدَ الْمُنْبَرِ، وَكَانَ الْحَسَنُ وَزُرَّارَةُ بْنُ أَوْفَى يَقْضِيَانِ فِي الرَّحْبَةِ خَارِجًا مِنَ الْمَسْجِدِ.

٧١٦٥ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ: قَالَ الزُّهْرِيُّ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: شَهِدْتُ الْمُتْلَاعَيْنِ وَأَنَا ابْنُ خَمْسِ عَشْرَةَ سَنَةً وَفُرِّقَ بَيْنَهُمَا. [راجع: ٤٢٣]

٧١٦٦ - حَدَّثَنَا يَحْيَى: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي ابْنُ شِهَابٍ، عَنْ سَهْلِ أَخِي بَنِي سَاعِدَةَ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ جَاءَ إِلَى النَّبِيِّ ﷺ فَقَالَ: أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا، أَيَقْتُلُهُ؟ فَتَلَاعَنَا فِي الْمَسْجِدِ وَأَنَا شَاهِدٌ. [راجع: ٤٢٣]

(١٩) بَابٌ مِّنْ حَكَمِ فِي الْمَسْجِدِ حَتَّى إِذَا أَتَى عَلَى حَدِّ أَمْرٍ أَنْ يُخْرَجَ مِنَ الْمَسْجِدِ فَيَقَامَ،

وَقَالَ عُمَرُ: أَخْرِجَاهُ مِنَ الْمَسْجِدِ، وَضْرِبَهُ. وَيُذَكَّرُ عَنْ عَلِيٍّ نَحْوَهُ.

٧١٦٧ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ وَسَعِيدِ بْنِ

(1) (H.7166) *Li'an*: See the glossary.

committed illegal sexual intercourse." The Prophet ﷺ turned his face to the other side, but when the man confessed the crime four times against himself, the Prophet ﷺ said to him, "Are you mad?" The man said, "No." So the Prophet ﷺ said (to his Companions), "Take him away and stone him to death."

المُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: أَتَى رَجُلٌ رَسُولَ اللَّهِ ﷺ وَهُوَ فِي الْمَسْجِدِ فَنَادَاهُ فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي زَنَيْتُ، فَأَعْرَضَ عَنْهُ فَلَمَّا شَهِدَ عَلَى نَفْسِهِ أَرْبَعًا قَالَ: «أَبِكَ جُنُونٌ؟» قَالَ: لَا، قَالَ: «أَذْهَبُوا بِهِ فَارْجُمُوهُ».

[راجع: ٥٢٧١]

7168. [H. 7167 contd.] Narrated Jābir bin Abdullāh: I was one of those who stoned him at the *Muṣalla* in Al-Madina. (See H. 5272)

٧١٦٨ - قَالَ ابْنُ شِهَابٍ: فَأَخْبَرَنِي مَنْ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ قَالَ: كُنْتُ فِي مَنْ رَجَمَهُ بِالْمُصَلَّى. رَوَاهُ يُونُسُ وَمَعْمَرٌ وَابْنُ جُرَيْجٍ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ فِي الرَّجْمِ.

[راجع: ٥٢٧٠]

(20) CHAPTER. The advice of the *Imām* (ruler) to the litigants.

(٢٠) بَابُ مَوْعِظَةِ الْإِمَامِ لِلْخُصُومِ

7169. Narrated Umm Salama رَضِيَ اللَّهُ عَنْهَا: Allāh's Messenger ﷺ said, "I am only a human being, and you people (opponents) come to me with your cases; and it may be that one of you can present his case eloquently in a more convincing way than the other, and I give my verdict according to what I hear. So, if ever I judge (by error) and give the right of a brother to his other (brother) then he (the latter) should not take it, for I am giving him only a piece of (Hell) Fire." [See Vol. 3, *Ḥadīth* No. 2458]

٧١٦٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ زَيْنَبِ بِنْتِ أَبِي سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّمَا أَنَا بَشَرٌ وَإِنَّكُمْ تَخْتَصِمُونَ إِلَيَّ، وَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونَ أَلْحَنَ بِحُجَّتِهِ مِنْ بَعْضٍ فَأَقْضِي عَلَى نَحْوِ مَا أَسْمَعُ، فَمَنْ قَضَيْتُ لَهُ بِحَقِّ أَخِيهِ شَيْئًا فَلَا يَأْخُذْهُ، فَإِنَّمَا أَقْطَعُ لَهُ قِطْعَةً مِنَ النَّارِ».

[راجع: ٢٤٥٨]

(21) CHAPTER. If a judge has to witness in favour of a litigant when he is a judge or he

(٢١) بَابُ الشَّهَادَةِ تَكُونُ عِنْدَ

had it before he became a judge (can he pass a judgement in his favour accordingly or should he refer the case to another judge before whom he would bear witness?).

And the judge Shuraih said to a person who sought his witness, "Go to the ruler so that I may bear witness (before him) for you."

And 'Ikrima said, "Umar said to 'Abdur-Rahmān bin 'Auf, 'If I saw a man committing illegal sexual intercourse or theft, and you were the ruler (what would you do)?' 'Abdur-Rahmān said, 'I would regard your witness as equal to the witness of any other man among the Muslims.' 'Umar said, 'You have said the truth.' 'Umar added, 'If I were not afraid of the fact that people may say that 'Umar has added to the Qur'an extra (Verses), I would have written the Verse of *Ar-Rajm* (stoning to death of married adulterers) with my own hands.' "

And Mā'iz confessed before the Prophet ﷺ that he had committed illegal sexual intercourse, whereupon the Prophet ﷺ ordered him to be stoned to death. It is not mentioned that the Prophet ﷺ sought witness of those who were present there.

Hammād said "If an adulterer confesses before a ruler once only, he should be stoned to death." But Al-Hakam said, "He must confess four times."

7170. Narrated Abū Qatāda: Allāh's Messenger ﷺ said on the Day of (the battle of) Hunain, "Whosoever has killed an infidel and has a proof or a witness for it, then the *Salb* (arms and belongings of that deceased) will be for him." I stood up to seek a witness to testify that I had killed an infidel but I could not find any witness and then sat down. Then I thought that I should mention the case to Allāh's Messenger ﷺ (and when I did so) a man from those who were sitting with

الْحَاكِمِ فِي وِلَايَةِ الْقَضَاءِ، أَوْ قَبْلَ ذَلِكَ لِلْخَصْمِ،

وَقَالَ شُرَيْحُ الْقَاضِي، وَسَأَلَهُ  
إِنْسَانٌ الشَّهَادَةَ فَقَالَ: ائْتِ الْأَمِيرَ  
حَتَّى أَشْهَدَ لَكَ. وَقَالَ عِكْرِمَةُ: قَالَ  
عُمَرُ لِعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ: لَوْ  
رَأَيْتَ رَجُلًا عَلَى حَدِّ - زِنَا أَوْ سَرِقَةٍ  
- وَأَنْتَ أَمِيرٌ؟ فَقَالَ: شَهَادَتُكَ شَهَادَةُ  
رَجُلٍ مِنَ الْمُسْلِمِينَ، قَالَ: صَدَقْتَ.  
وَقَالَ عُمَرُ: لَوْلَا أَنْ يَقُولَ  
النَّاسُ: زَادَ عُمَرُ فِي كِتَابِ اللَّهِ  
لَكُنْتُ آيَةَ الرَّجْمِ بِيَدِي. وَأَقْرَأَ مَا عَزَّ  
عِنْدَ النَّبِيِّ ﷺ بِالرَّزَا أَرْبَعًا فَأَمَرَ  
بِرَجْمِهِ، وَلَمْ يُذَكَّرْ أَنَّ النَّبِيَّ ﷺ أَشْهَدَ  
مَنْ حَضَرَهُ. وَقَالَ حَمَّادٌ: إِذَا أَقْرَأَ مَرَّةً  
عِنْدَ الْحَاكِمِ رُجِمَ. وَقَالَ الْحَكَمُ:  
أَرْبَعًا.

٧١٧٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا

اللَيْثُ بْنُ سَعْدٍ، عَنْ يَحْيَى عَنْ عُمَرَ  
بْنِ كَثِيرٍ، عَنْ أَبِي مُحَمَّدٍ مَوْلَى أَبِي  
قَتَادَةَ: أَنَّ أَبَا قَتَادَةَ قَالَ: قَالَ رَسُولُ  
اللَّهِ ﷺ يَوْمَ حُنَيْنٍ: «مَنْ لَهُ بَيِّنَةٌ عَلَى  
قَتِيلٍ قَتَلَهُ فَلَهُ سَلْبُهُ». فَقُمْتُ لِأَلْتَمِسَ  
بَيِّنَةً عَلَى قَتِيلٍ فَلَمْ أَرِ أَحَدًا يَشْهَدُ لِي

him said, "The arms of the killed person he has mentioned, are with me, so please satisfy him on my behalf." Abū Bakr said, "No, he will not give the arms to a 'bird' of Quraish and deprive one of Allāh's lions of it who fights for the Cause of Allāh and His Messenger." Allāh's Messenger ﷺ stood up and gave it to me, and I bought a garden with its price, and that was my first property which I owned through the war booty.

The people of Hijāz said, "A judge should not pass a judgement according to his knowledge, whether he was a witness at the time he was the judge or before that." And if a litigant gives a confession in favour of his opponent in the court, in the opinion of some scholars, the judge should not pass a judgement against him till the latter calls two witnesses to witness his confession. And some people of 'Irāq said, "A judge can pass a judgement according to what he hears or witnesses (the litigant's confession) in the court itself, but if the confession takes place outside the court, he should not pass the judgement unless two witnesses witness the confession." Some of them said, "A judge can pass a judgement depending on his own knowledge of the case as he is trustworthy, and that a witness is required just to reveal the truth. The judge's knowledge is more than the witness." Some said, "A judge can judge according to his knowledge only in cases involving property, but in other cases he cannot." Al-Qāsim said, "A judge ought not to pass a judgement depending on his own knowledge if other people are ignorant of what he knows, although his knowledge is more than the witness of somebody else as he might expose himself to suspicion by the Muslims and cause the Muslims to have unreasonable doubt."

فَجَلَسْتُ، ثُمَّ بَدَأَ لِي فَذَكَرْتُ أَمْرَهُ إِلَى رَسُولِ اللَّهِ ﷺ، فَقَالَ رَجُلٌ: مِنْ جُلَسَائِهِ: سِلَاحُ هَذَا الْقَتِيلِ الَّذِي يَذْكُرُ عِنْدِي، قَالَ: فَأَرْضِيهِ مِنْهُ، فَقَالَ أَبُو بَكْرٍ: كَلَّا لَا يُعْطِيهِ أُصْبِغَ مِنْ قُرَيْشٍ وَيَدْعَ أَسَدًا مِنْ أَسَدِ اللَّهِ يُقَاتِلُ عَنِ اللَّهِ وَرَسُولِهِ. قَالَ: فَقَامَ رَسُولُ اللَّهِ ﷺ فَأَدَاهُ إِلَيَّ، فَاشْتَرَيْتُ مِنْهُ خِرَافًا، فَكَانَ أَوَّلَ مَالٍ تَأْتَلْتُهُ. قَالَ عَبْدُ اللَّهِ، عَنِ اللَّيْثِ: فَقَامَ النَّبِيُّ ﷺ فَأَدَاهُ إِلَيَّ. وَقَالَ أَهْلُ الْحِجَازِ: الْحَاكِمُ لَا يَقْضِي بِعِلْمِهِ، شَهِدَ بِذَلِكَ فِي وَلَايَتِهِ أَوْ قَبْلَهَا. وَلَوْ أَقْرَأَ حَضَمٌ عِنْدَهُ لِآخَرَ بِحَقٍّ فِي مَجْلِسِ الْقَضَاءِ فَإِنَّهُ لَا يَقْضِي عَلَيْهِ فِي قَوْلِ بَعْضِهِمْ حَتَّى يَدْعُوَ بِشَاهِدَيْنِ فَيُحْضِرُهُمَا إِفْرَارَهُ. وَقَالَ بَعْضُ أَهْلِ الْعِرَاقِ: مَا سَمِعَ أَوْ رَأَى فِي مَجْلِسِ الْقَضَاءِ قَضَى بِهِ، وَمَا كَانَ فِي غَيْرِهِ لَمْ يَقْضِ إِلَّا بِشَاهِدَيْنِ يُحْضِرُهُمَا إِفْرَارَهُ. وَقَالَ آخَرُونَ مِنْهُمْ: بَلْ يَقْضِي بِهِ لِأَنَّهُ مُؤْتَمَنٌ، وَإِنَّهُ يُرَادُ مِنَ الشَّهَادَةِ مَعْرِفَةُ الْحَقِّ، فَعَلِمَهُ أَكْثَرُ مِنَ الشَّهَادَةِ. وَقَالَ بَعْضُهُمْ: يَقْضِي بِعِلْمِهِ فِي الْأَمْوَالِ وَلَا يَقْضِي فِي غَيْرِهَا. وَقَالَ الْقَاسِمُ: لَا يَنْبَغِي لِلْحَاكِمِ أَنْ يَقْضِيَ قَضَاءً بِعِلْمِهِ دُونَ عِلْمِ غَيْرِهِ مَعَ أَنَّ عِلْمَهُ أَكْثَرُ مِنْ شَهَادَةِ غَيْرِهِ وَلَكِنَّ فِيهِ

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!”<sup>(1)</sup> 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 الْعَقْدِيُّ: حَدَّثَنَا شُعْبَةُ، عَنْ  
سَعِيدِ بْنِ أَبِي بُرْدَةَ قَالَ: سَمِعْتُ أَبِي  
قَالَ: بَعَثَ النَّبِيُّ ﷺ أَبِي وَمُعَاذَ 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 Mūsā 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 تُتَفِّرَا، 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 Mūsā: 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'idī: 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 سُفْيَانُ، 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 we 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 وَأُمِّهِ 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 إِنْطَيْهِ. 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 ﴿تَجْتَوُونَ﴾ [النحل: ٥٣]، كَصَوْتِ الْبَقَرَةِ. [راجع: ٩٢٥]

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

(٢٥) بَابُ اسْتِفْضَاءِ 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'<sup>(1)</sup> 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 نُعَيْمٍ: 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 رَيْتَبَ 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 بِنِ 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 عَامُ 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: «اِخْتَجِبِي 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 اللَّهُ 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: «أَلَاكَ 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*<sup>(1)</sup> 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*,”<sup>(1)</sup> but they said, “*Ṣabā’nā! Ṣabā’nā!*”<sup>(2)</sup> 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.<sup>(3)</sup> I said, “By Allāh, I shall

إِمَارَتِهِ وَقَالَ: «إِنْ تَطَعْتُمْ فِي إِمَارَتِهِ فَقَدْ كُنْتُمْ تَطَعُونَ فِي إِمَارَةِ أَبِيهِ مِنْ قَبْلِهِ، وَإِيْمُ اللَّهِ إِنْ كَانَ لَخَلِيقًا لِلْإِمْرَةِ، 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: 197]. 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: صَبَأْنَا صَبَأَنَا، 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 فَيُصْلِحُ 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 يُصْلِحُ 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 وَكَانَ أَبُو بَكْرٍ إِذَا دَخَلَ فِي الصَّلَاةِ لَمْ يَلْتَفِتْ حَتَّى يَفْرُغَ، فَلَمَّا رَأَى التَّصْفِيحَ لَا يُمَسِّكُ عَلَيْهِ التَّفَتَّ فَرَأَى النَّبِيَّ ﷺ خَلْفَهُ، فَأَوْمَأَ إِلَيْهِ النَّبِيُّ ﷺ أَنْ امْضُ - وَأَوْمَأَ بِيَدِهِ هَكَذَا - وَلَبَّثَ أَبُو بَكْرٍ

steps backwards. When the Prophet ﷺ saw that, he went ahead and led the people in *Ṣalāt* (prayer). When he finished the *Ṣalāt* (prayer), he said, “O Abū Bakr! What prevented you from carrying on with the *Ṣalāt* (prayer) after I beckoned you to do so?” Abū Bakr replied, “It does not befit the son of Abu Quḥāfa to lead the Prophet ﷺ in *Ṣalāt* (prayer)”. Then the Prophet ﷺ said to the people, “If some problem arises during *Ṣalāt* (prayer), then the men should say, *Subhān Allāh!*; and the women should clap.” [See Vol.1, *Ḥadīth* No. 684]

(37) CHAPTER. It is desirable that a scribe should be honest and wise.

7191. Narrated Zaid bin Thabit: Abū Bakr sent for me, owing to the large number of casualties in the battle of Al-Yamāma, while ‘Umar was sitting with him. Abū Bakr said (to me), ‘Umar has come to me and said, “A great number of *Qurra’* (those who know the Qur’an by heart) of the Qur’an were killed on the day (of the battle) of Al-Yamāma, and I am afraid that the casualties among the *Qurra’* of the Qur’an may increase on other battlefields whereby a large part of the Qur’an may be lost. Therefore, I consider it advisable that you (Abū Bakr) should have the Qur’an collected.” I said, “How dare I do something which Allāh’s Messenger ﷺ did not do?” ‘Umar said, “By Allāh, it is something beneficial.” ‘Umar kept on pressing me for that till Allāh opened my chest for that for which He had opened the chest of ‘Umar and I had in that matter the same opinion as ‘Umar had. Abū Bakr then said to me (Zaid), “You are a wise young man and we do not have any suspicion about you, and you used to write the Divine

هُنِيَّةً فَحَمِدَ اللَّهُ عَلَى قَوْلِ النَّبِيِّ ﷺ ثُمَّ مَسَى الْقَهْقَرَى، فَلَمَّا رَأَى النَّبِيَّ ﷺ ذَلِكَ تَقَدَّمَ فَصَلَّى النَّبِيَّ ﷺ بِالنَّاسِ، فَلَمَّا قَضَى صَلَاتَهُ قَالَ: «يَا أَبَا بَكْرٍ، مَا مَنَعَكَ إِذْ أَوْمَأْتُ إِلَيْكَ أَنْ لَا تَكُونَ مَضِيئًا؟» قَالَ: لَمْ يَكُنْ لِابْنِ أَبِي قُحَافَةَ أَنْ يَوْمَ النَّبِيِّ ﷺ، وَقَالَ لِلْقَوْمِ: «إِذَا نَابَكُمْ أَمْرٌ فَلْيُسَبِّحِ الرَّجَالَ، وَلْيُصَفِّحِ النِّسَاءَ». [راجع: ٦٨٤]

(٣٧) بَابُ: يُسْتَحَبُّ لِلْكَاتِبِ أَنْ يَكُونَ أَمِينًا عَاقِلًا

٧١٩١ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدِ اللَّهِ أَبُو ثَابِتٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنِ ابْنِ شَهَابٍ، عَنْ عُبَيْدِ بْنِ السَّبَّاقِ، عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: بَعَثَ إِلَيَّ أَبُو بَكْرٍ مَقْتَلَ أَهْلِ الْيَمَامَةِ وَعِنْدَهُ عُمَرُ، فَقَالَ أَبُو بَكْرٍ: إِنَّ عُمَرَ أَتَانِي فَقَالَ: إِنَّ الْقَتْلَ قَدْ اسْتَحَرَّ يَوْمَ الْيَمَامَةِ بِقُرَاءِ الْقُرْآنِ، وَإِنِّي أَخْشَى أَنْ يَسْتَحَرَّ الْقَتْلُ بِقُرَاءِ الْقُرْآنِ فِي الْمَوَاطِنِ كُلِّهَا، فَيَذْهَبَ قُرْآنٌ كَثِيرٌ وَإِنِّي أَرَى أَنْ تَأْمُرَ بِجَمْعِ الْقُرْآنِ. قُلْتُ: كَيْفَ أَفْعَلُ شَيْئًا لَمْ يَفْعَلَهُ رَسُولُ اللَّهِ؟ فَقَالَ عُمَرُ: هُوَ وَاللَّهِ خَيْرٌ، فَلَمْ يَزَلْ عُمَرُ يُرَاجِعُنِي فِي ذَلِكَ حَتَّى شَرَحَ اللَّهُ صَدْرِي لِلَّذِي شَرَحَ لَهُ صَدْرَ عُمَرَ، وَرَأَيْتُ فِي ذَلِكَ الَّذِي

(1) (H.7191) *Qārī*; the one who knows the Qur’an by heart.

Revelation for Allāh's Messenger ﷺ. So you should search for the fragmentary scripts of the Qur'ān and collect it (in one Book).” Zaid further said: By Allāh, if Abū Bakr had ordered me to shift a mountain among the mountains from one place to another it would not have been heavier for me than this ordering me to collect the Qur'ān. Then I said (to 'Umar and Abū Bakr), “How can you do something which Allāh's Messenger ﷺ did not do?”

Abū Bakr said, “By Allāh, it is something beneficial.” Zaid added: So he (Abū Bakr) kept on pressing me for that, until Allāh opened my chest for that for which He had opened the chests of Abū Bakr and 'Umar, and I had in that matter the same opinion as theirs. So I started compiling the Qur'ān by collecting it from the leafless stalks of the date-palm tree and from the pieces of leather and hides and from the stones, and from the chests of men (who had memorized the Qur'ān). I found the last Verses of *Sūrat At-Tauba*:

“Verily there has come unto you a Messenger (Muḥammad ﷺ) from amongst yourselves...” (V.9:128,129) from *Khuzaima* or Abu *Khuzaima* and I added it to the rest of the *Sūrah*. The manuscripts of the Qur'ān remained with Abū Bakr till Allāh took him unto Him. Then it remained with 'Umar till Allāh took him unto Him, and then with Ḥaḥṣa bint 'Umar.

(38) CHAPTER. The writing of a letter by the ruler to his representatives (in the provinces), and by the judge to his workers who look after the problems of the people.

7192. Narrated Abū Laila bin 'Abdullāh bin 'Abdur-Raḥmān bin Sahl: Sahl bin Abu

رَأَى عُمَرُ. قَالَ زَيْدٌ: قَالَ أَبُو بَكْرٍ: وَإِنَّكَ رَجُلٌ شَابٌ عَاقِلٌ لَا تَنْتَهِمُكَ، قَدْ كُنْتَ تَكْتُبُ الْوَحْيَ لِرَسُولِ اللَّهِ ﷺ، فَتَتَّبِعُ الْقُرْآنَ وَاجْمَعُهُ. قَالَ زَيْدٌ: فَوَاللَّهِ لَوْ كَلَّفَنِي نَقْلَ جَبَلٍ مِنْ الْجِبَالِ مَا كَانَ بِأَثْقَلٍ عَلَيَّ مِنْ مِمَّا كَلَّفَنِي مِنْ جَمْعِ الْقُرْآنِ. قُلْتُ: كَيْفَ تَقْعَلَانِ شَيْئًا لَمْ يَفْعَلْهُ رَسُولُ اللَّهِ ﷺ؟ قَالَ أَبُو بَكْرٍ: هُوَ وَاللَّهِ خَيْرٌ، فَلَمْ يَزَلْ يَبْحَثُ مُرَاجَعَتِي حَتَّى شَرَحَ اللَّهُ صَدْرِي لِلَّذِي شَرَحَ اللَّهُ لَهُ صَدْرَ أَبِي بَكْرٍ وَعُمَرَ، وَرَأَيْتُ فِي ذَلِكَ الَّذِي رَأَيْتُ، فَتَتَّبَعْتُ الْقُرْآنَ أَجْمَعُهُ مِنْ الْعُسْبِ وَالرَّقَاعِ وَاللِّخَافِ وَصُدُورِ الرِّجَالِ، فَوَجَدْتُ آخِرَ سُورَةِ التَّوْبَةِ ﴿لَقَدْ جَاءَكُمْ رَسُولٌ مِنْ أَنْفُسِكُمْ﴾ إِلَى آخِرِهَا مَعَ حَزِيمَةَ - أَوْ أَبِي حَزِيمَةَ - فَأَلْحَقْتُهَا فِي سُورَتِهَا. فَكَانَتْ الصُّحُفُ عِنْدَ أَبِي بَكْرٍ حَيَاتِهِ حَتَّى تَوَفَّاهُ اللَّهُ عَزَّ وَجَلَّ، ثُمَّ عِنْدَ عُمَرَ حَيَاتِهِ حَتَّى تَوَفَّاهُ اللَّهُ، ثُمَّ عِنْدَ حَفْصَةَ بِنْتِ عُمَرَ. [راجع: ٢٨٠٧]

قَالَ مُحَمَّدُ بْنُ عَبِيدِ اللَّهِ: اللَّخَافُ: يَعْني الحَرْفُ.

(٣٨) بَابُ كِتَابِ الْحَاكِمِ إِلَى عُمَّالِهِ وَالْقَاضِي إِلَى أُمَّنَائِهِ

٧١٩٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ



Hathma and some great men of his tribe said, 'Abdullāh bin Sahl and Muḥaiyiṣa went out to Khaibar as they were struck with poverty and difficult living conditions. Then Muḥaiyiṣa was informed that 'Abdullāh had been killed and thrown in a pit or a spring. Muḥaiyiṣa went to the Jews and said, "By Allāh, you have killed my companion." The Jews said, "By Allāh, we have not killed him." Muḥaiyiṣa then came back to his people and told them the story. He, his elder brother Huwaiyiṣa and 'Abdur-Raḥmān bin Sahl came (to the Prophet) and he who had been at Khaibar, proceeded and started to speak, but the Prophet ﷺ said to Muḥaiyiṣa, "The eldest! The eldest!" meaning, "Let the eldest of you speak." So Huwaiyiṣa spoke first and then Muḥaiyiṣa. Allāh's Messenger ﷺ said, "The Jews should either pay the blood-money of your (deceased) companion or be ready for war." After that, Allāh's Messenger ﷺ wrote a letter to the Jews in that respect, and they wrote that they had not killed him. Then Allāh's Messenger ﷺ said to Huwaiyiṣa, Muḥaiyiṣa and 'Abdur-Raḥmān, "Can you take an oath by which you will be entitled to take the blood-money?" They said, "No." He said (to them), "Shall we ask the Jews to take an oath before you?" They replied, "But the Jews are not Muslims." So Allāh's Messenger ﷺ gave them one hundred she-camels as blood-money from himself. Sahl added: When those she-camels were made to enter the house, one of them kicked me with its leg.

يُوسُفَ: أَخْبَرَنَا مَالِكٌ عَنْ أَبِي لَيْلَى  
ح.  
وَحَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنِي مَالِكٌ  
عَنْ أَبِي لَيْلَى بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ  
الرَّحْمَنِ بْنِ سَهْلٍ، عَنْ سَهْلِ بْنِ أَبِي  
حَنَمَةَ: أَنَّهُ أَخْبَرَهُ هُوَ وَرِجَالٌ مِنْ  
كِبْرَاءِ قَوْمِهِ أَنَّ عَبْدَ اللَّهِ بْنَ سَهْلٍ  
وَمُحَيِّصَةَ خَرَجَا إِلَى خَيْبَرَ مِنْ جِهْدٍ  
أَصَابَهُمْ، فَأَخْبَرَ مُحَيِّصَةُ أَنَّ عَبْدَ اللَّهِ  
قُتِلَ وَطُرِحَ فِي فَقِيرٍ - أَوْ عَيْنٍ -  
فَأَتَى يَهُودَ فَقَالَ: أَنْتُمْ وَاللَّهِ قَتَلْتُمُوهُ.  
قَالُوا: مَا قَتَلْنَاهُ وَاللَّهِ. ثُمَّ أَقْبَلَ حَتَّى  
قَدِمَ عَلَى قَوْمِهِ فَذَكَرَ لَهُمْ، فَأَقْبَلَ هُوَ  
وَأَخُوهُ حُوَيْصَةُ - وَهُوَ أَكْبَرُ مِنْهُ -  
وَعَبْدُ الرَّحْمَنِ بْنِ سَهْلٍ، فَذَهَبَ  
لِيَتَكَلَّمَ وَهُوَ الَّذِي كَانَ بِخَيْبَرَ، فَقَالَ  
لِمُحَيِّصَةَ: «كَبِّرْ كَبِّرَ»، يُرِيدُ السَّنَّ.  
فَتَكَلَّمَ حُوَيْصَةُ ثُمَّ تَكَلَّمَ مُحَيِّصَةُ.  
فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا أَنْ يَدُوا  
صَاحِبِكُمْ، وَإِنَّمَا أَنْ يُؤْذِنُوا بِحَرْبٍ».  
فَكَتَبَ رَسُولُ اللَّهِ ﷺ إِلَيْهِمْ بِهِ،  
فَكَتَبَ: مَا قَتَلْنَاهُ، فَقَالَ رَسُولُ اللَّهِ  
ﷺ لِحُوَيْصَةَ وَمُحَيِّصَةَ وَعَبْدِ  
الرَّحْمَنِ: «اتَّحْلِفُونَ وَتَسْتَحِقُّونَ دَمَ  
صَاحِبِكُمْ؟» فَقَالُوا: لَا، قَالَ:  
«أَفْتَحْلِفُ لَكُمْ يَهُودُ؟» قَالُوا: لَيْسُوا  
بِمُسْلِمِينَ، فَوَدَّاهُ رَسُولُ اللَّهِ ﷺ مِنْ  
عِنْدِهِ مِائَةَ نَاقَةٍ حَتَّى أُدْخِلَتْ الدَّارَ.

قَالَ سَهْلٌ: فَرَكَصْتَنِي مِنْهَا نَاقَةً.

[راجع: ٢٧٠٢]

(39) CHAPTER. Is it permissible for a ruler to send one man only to manage certain affairs?

7193, 7194. Narrated Abū Hurairah and Zaid bin Khālid Al-Juhānī: A bedouin came and said, "O Allāh's Messenger! Judge between us according to Allāh's Book (Laws)." His opponent stood up and said, "He said the truth, so judge between us according to Allāh's Laws." The bedouin said, "My son was a labourer for this man and committed illegal sexual intercourse with his wife. The people said to me, 'Your son is to be stoned to death,' so I ransomed my son for one hundred sheep and a slave-girl. Then I asked the religious learned men and they said to me, 'Your son has to receive one hundred lashes and also one year of exile.'" The Prophet ﷺ said, "I shall judge between you according to Allāh's Book (Laws)! As for the slave-girl and the sheep, it shall be returned to you, and your son shall receive one hundred lashes and be exiled for one year." "O you, Unais!", the Prophet ﷺ addressed the man, "Go in the morning to the wife of this man and (if she confessed) stone her to death." So Unais went to her the next morning (she confessed) so he stoned her to death. (See H. 6859)

(٣٩) بَابٌ: هَلْ يَجُوزُ لِلْحَاكِمِ أَنْ يَبْعَثَ رَجُلًا وَحَدَهُ لِلنَّظَرِ فِي الْأُمُورِ؟

٧١٩٣، ٧١٩٤ - حَدَّثَنَا آدَمُ:

حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ: حَدَّثَنَا الزُّهْرِيُّ، عَنْ عَبْدِ اللَّهِ ابْنِ عَبْدِ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدِ الْجُهَيْنِيِّ قَالَا: جَاءَ أَعْرَابِيٌّ فَقَالَ: يَا رَسُولَ اللَّهِ، أَقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ. فَقَامَ خَصْمُهُ فَقَالَ: صَدَقَ، فَأَقْضِ بَيْنَنَا بِكِتَابِ اللَّهِ، فَقَالَ الْأَعْرَابِيُّ: إِنَّ ابْنِي كَانَ عَسِيفًا عَلَى هَذَا فَرَزْتَنِي بِامْرَأَتِهِ. فَقَالُوا لِي: عَلَى ابْنِكَ الرَّجْمُ. فَقَدَيْتُ ابْنِي مِنْهُ بِمَاءَةٍ مِنَ الْعَنَمِ وَوَلِيدَةٍ. ثُمَّ سَأَلْتُ أَهْلَ الْعِلْمِ فَقَالُوا: إِنَّمَا عَلَى ابْنِكَ جَلْدٌ مِائَةٌ وَتَغْرِيبٌ عَامٌ، فَقَالَ النَّبِيُّ ﷺ: «لَأَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللَّهِ. أَمَّا الْوَلِيدَةُ وَالْعَنَمُ فَرُدَّ عَلَيْكَ، وَعَلَى ابْنِكَ جَلْدٌ مِائَةٌ وَتَغْرِيبٌ عَامٌ. وَأَمَّا أَنْتَ يَا أُنَيْسُ - لِرَجُلٍ - فَأَعُدَّ عَلَى امْرَأَةٍ هَذَا فَارْجُمَهَا». فَعَدَا عَلَيْهَا أُنَيْسٌ فَرَجَمَهَا. [راجع: ٢٣١٤،

[٢٣١٥]

(40) CHAPTER. The translators of a ruler; and is it permissible to keep one translator?

7195. Khārija bin Zaid bin Thabit said that Zaid bin Thābit said, "The Prophet ﷺ ordered me to learn the writing of the Jews. I

(٤٠) بَابٌ تَرْجَمَةَ الْحُكَّامِ، وَهَلْ يَجُوزُ تَرْجُمَانٌ وَاحِدٌ؟

٧١٩٥ - وَقَالَ خَارِجَةُ بْنُ زَيْدٍ

بْنِ ثَابِتٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ أَنَّ النَّبِيَّ

even wrote letters for the Prophet ﷺ (to the Jews) and also read their letters when they wrote to him.”

And ‘Umar said in the presence of ‘Alī, ‘Abdur-Raḥmān and ‘Uthmān, “What is this woman saying?”<sup>(1)</sup> ‘Abdur-Raḥmān bin Ḥātib said, “She is informing you about her companion who has committed illegal sexual intercourse with her.”

Abū Jamra said, “I was an interpreter between Ibn ‘Abbās and the people.” Some people said, “A ruler should have two interpreters.”

7196. Narrated ‘Abdullāh bin ‘Abbās that Abū Sufyān bin Ḥarb told him that Heraclius had called him along with the members of a Quraish caravan and then said to his interpreter, “Tell them that I want to ask this (Abū Sufyān) some questions, and if he tries to tell me a lie, they should contradict him.” Then Abū Sufyān mentioned the whole narration and said that Heraclius said to the interpreter, “Say to him (Abū Sufyān), ‘If what you say is true, then he (the Prophet ﷺ) will take over the place underneath my two feet.’” [See Vol. 1, *Hadith* No. 7, for details].

(41) CHAPTER. The ruler calling his employees to account.

7197. Narrated Abū Humaid As-Sā‘idi: The Prophet ﷺ employed Ibn Al-Utabiyya to collect *Zakāt* from Banī Sulaim, and when he returned (with the money) to Allāh’s Messenger ﷺ, the Prophet ﷺ called him to account, and he said, “This (amount) is for

عَلَيْهِ أَمْرُهُ أَنْ يَتَعَلَّمَ كِتَابَ الْيَهُودِ حَتَّى كَتَبَتْ لِلنَّبِيِّ ﷺ كُتُبَهُ وَأَقْرَأَتْهُ كُتُبَهُمْ إِذَا كَتَبُوا إِلَيْهِ. وَقَالَ عُمَرُ - وَعِنْدَهُ عَلِيٌّ وَعَبْدُ الرَّحْمَنِ وَعُثْمَانُ - : مَاذَا تَقُولُ هَلِ هَذِهِ؟ قَالَ عَبْدُ الرَّحْمَنِ بْنُ حَاطِبٍ: فَقُلْتُ: تُخْبِرُكَ بِصَاحِبِهَا الَّذِي صَنَعَ بِهَا». وَقَالَ أَبُو جَمْرَةَ: كُنْتُ أُتْرَجِمُ بَيْنَ ابْنِ عَبَّاسٍ وَبَيْنَ النَّاسِ. وَقَالَ بَعْضُ النَّاسِ: لَا بُدَّ لِلْحَاكِمِ مِنْ مُتْرَجِمِينَ.

٧١٩٦ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ: أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ أَخْبَرَهُ: أَنَّ أَبَا سُفْيَانَ بْنَ حَرْبٍ أَخْبَرَهُ: أَنَّ هِرَقْلَ أَرْسَلَ إِلَيْهِ فِي رُكْبٍ مِنْ قُرَيْشٍ ثُمَّ قَامَ لِيُتْرَجِمَ بِهِ: قُلْ لَهُمْ: إِنِّي سَأَلْتُ هَذَا فَإِنْ كَذَّبَنِي فَكَذَّبُوهُ - أَخْبَرَ الْحَدِيثَ - فَتَالَ لِلتُّرْجِمَانِ: قُلْ لَهُ: إِنْ كَانَ مَا تَقُولُ حَقًّا فَسَيَمْلِكُ مَوْضِعَ قَدَمَيَّ هَاتَيْنِ. [راجع: ٧]

(٤١) بَابُ مُحَاسَبَةِ الْإِمَامِ عَمَّالِهِ

٧١٩٧ - حَدَّثَنَا مُحَمَّدٌ: حَدَّثَنَا عَبْدَةُ: حَدَّثَنَا إِسْحَامُ بْنُ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ أَبِي حُمَيْدٍ السَّاعِدِيِّ: أَنَّ النَّبِيَّ ﷺ اسْتَعْمَلَ ابْنَ اللَّتْبِيَةِ عَلَى

(1) (H.7195) The woman was a non-Arab.

you, and this was given to me as a gift.” Allāh’s Messenger ﷺ said, “Why don’t you stay at your father’s house or your mother’s house to see whether you will be given gifts or not, if you are telling the truth?” Then Allāh’s Messenger ﷺ stood up and addressed the people, and after glorifying and praising Allāh, he said, “*Ammā Ba’du* (then after) I employ some men from among you for some job which Allāh has placed in my charge, and then one of you comes to me and says, ‘This (amount) is for you and this is a gift given to me.’ Why doesn’t he stay at the house of his father or the house of his mother and see whether he will be given gifts or not, if he was telling the truth? By Allāh, none of you takes anything of it (i.e., *Zakāt*) for himself (Hishām added: unlawfully) but he will meet Allāh on the Day of Resurrection carrying it over his neck! I do not want to see any of you carrying a grunting camel or a mooing cow, or a bleating sheep on meeting Allāh.” Then the Prophet ﷺ raised both his hands, till I saw the whiteness of his armpits, and said, “(No doubt)! Haven’t I conveyed Allāh’s Message!”

صَدَقَاتِ نَبِيِّ سَلِيمٍ. فَلَمَّا جَاءَ إِلَى النَّبِيِّ ﷺ وَحَاسِبُهُ قَالَ: هَذَا الَّذِي لَكُمْ وَهَذِهِ هَدِيَّةٌ أُهْدِيَتْ لِي. فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَهَلَّا جَلَسْتَ فِي بَيْتِ أَبِيكَ وَبَيْتِ أُمِّكَ حَتَّى تَأْتِيَكَ هَدِيَّتِكَ إِنْ كُنْتَ صَادِقًا؟» ثُمَّ قَامَ رَسُولُ اللَّهِ ﷺ فَحَطَبَ النَّاسَ وَحَمِدَ اللَّهَ وَأَنْبَى عَلَيْهِ ثُمَّ قَالَ: «أَمَا بَعْدُ، فَإِنِّي اسْتَعْمَلُ رِجَالًا مِنْكُمْ عَلَى أُمُورٍ مِمَّا وَلَانِي اللَّهُ، فَيَأْتِي أَحَدُكُمْ فَيَقُولُ: هَذَا لَكُمْ، وَهَذِهِ هَدِيَّةٌ أُهْدِيَتْ لِي. فَهَلَّا حَلَسَ فِي بَيْتِ أَبِيهِ وَبَيْتِ أُمِّهِ حَتَّى تَأْتِيَهُ هَدِيَّتُهُ إِنْ كَانَ صَادِقًا؟» فَوَاللَّهِ لَا يَأْخُذُ أَحَدُكُمْ مِنْهَا شَيْئًا - قَالَ هِشَامٌ: بِغَيْرِ حَقِّهِ - إِلَّا جَاءَ اللَّهُ بِحِمْلِهِ يَوْمَ الْقِيَامَةِ. أَلَا فَلَا عُرْفَانَ مَا جَاءَ اللَّهُ رَجُلًا بِبَعِيرٍ لَهُ رُغَاءٌ أَوْ بَقَرَةٌ لَهَا خُورٌ، أَوْ شَاةٌ تَبْعُرُ - ثُمَّ رَفَعَ يَدَيْهِ حَتَّى رَأَيْتُ بَيَاضَ إِبْطِئِهِ - أَلَا هَلْ بَلَّغْتُ؟»

[راجع: ٩٢٥].

(42) CHAPTER. The courtiers and advisers of the *Imām* (ruler).

(٤٢) بَابُ بَطَانَةِ الْإِمَامِ وَأَهْلِ مَشُورَتِهِ، الْبَطَانَةُ: الدُّخَلَاءُ.

7198. Narrated Abū Sa’id Al-Khudrī رضي الله عنه: The Prophet ﷺ said, “Allāh never sends a Prophet or gives the caliphate to a caliph but that he (the Prophet or the caliph) has two groups of advisers: A group advising him to do good and exhorts him to do it, and the other group advising him to do evil and exhorts him to do it. But the protected

٧١٩٨ - حَدَّثَنَا أَصْبَغُ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ عَنِ النَّبِيِّ ﷺ قَالَ: «مَا بَعَثَ اللَّهُ مِنْ نَبِيٍّ وَلَا اسْتَخْلَفَ

person (against such evil advisers) is the one protected by Allāh.”

مِنْ خَلِيفَةٍ إِلَّا كَانَتْ لَهُ بَطَانَتَانِ: بَطَانَةٌ تَأْمُرُهُ بِالْمَعْرُوفِ وَتَحُضُّهُ عَلَيْهِ وَبَطَانَةٌ تَأْمُرُهُ بِالشَّرِّ وَتَحُضُّهُ عَلَيْهِ. قَالَ الْمَعْصُومُ مَنْ عَصَمَ اللَّهُ تَعَالَى. وَقَالَ سُلَيْمَانُ، عَنْ يَحْيَى: أَخْبَرَنِي ابْنُ شِهَابٍ بِهَذَا. وَعَنِ ابْنِ أَبِي عَتِيقٍ وَمُوسَى، عَنِ ابْنِ شِهَابٍ مِثْلَهُ. وَقَالَ شُعَيْبٌ، عَنِ الزُّهْرِيِّ: حَدَّثَنِي أَبُو سَلَمَةَ، عَنْ أَبِي سَعِيدٍ قَوْلَهُ. وَقَالَ الْأَوْزَاعِيُّ وَمُعَاوِيَةُ بْنُ سَلَامٍ: حَدَّثَنِي الزُّهْرِيُّ: حَدَّثَنِي أَبُو سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ. وَقَالَ ابْنُ أَبِي حُسَيْنٍ وَسَعِيدُ بْنُ زِيَادٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدٍ قَوْلَهُ.

وَقَالَ عُبَيْدُ اللَّهِ بْنُ أَبِي جَعْفَرٍ: حَدَّثَنِي صَفْوَانُ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي أَيُّوبَ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ. [راجع: ٦٦١]

(43) CHAPTER. How do the people give the Bai'a (pledge) to the Imām (ruler)?

(٤٣) بَابُ كَيْفَ يُبَايِعُ الْإِمَامُ النَّاسَ؟

7199. Narrated 'Ubāda bin Aṣ-Ṣāmit : We gave the Bai'a (pledge) to Allāh's Messenger ﷺ that we would listen to and obey him both at the time when we were active and at the time when we were tired.

٧١٩٩ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنِي مَالِكٌ، عَنْ يَحْيَى بْنِ سَعِيدٍ قَالَ: أَخْبَرَنِي عُبَادَةُ بْنُ الْوَلِيدِ: أَخْبَرَنِي أَبِي، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: بَايَعْنَا رَسُولَ اللَّهِ ﷺ عَلَى السَّمْعِ وَالطَّاعَةِ، فِي الْمَنْشَطِ وَالْمَكْرُوهِ. [راجع: ١٨]

7200. [H. 7199 contd.] And that we would not fight against the ruler or disobey him,

٧٢٠٠ - وَأَنْ لَا تُنَازِعَ الْأَمْرَ

and would stand firm for the truth or say the truth wherever we might be, and in the Way of Allāh we would not be afraid of the blame of the blamers.

[See *Hadīth* No.7213]

7201. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ went out on a cold morning while the *Muhājirūn* (emigrants) and the *Anṣār* were digging the trench. The Prophet ﷺ then said,

“O Allāh! The real goodness is the goodness of the Hereafter, so please forgive the *Anṣār* and the *Muhājirūn*.” They replied, “We are those who have given the *Bai'a* (pledge) to Muḥammad ﷺ to observe *Jihād* as long as we remain alive.”

أَهْلَهُ، وَأَنْ تَقُومَ، أَوْ نَقُولَ بِالْحَقِّ حَيْثُمَا كُنَّا لَا نَخَافُ فِي اللَّهِ لَوْمَةً لَائِمَةً. [راجع: ٧٠٥٦]

٧٢٠١ - حَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا حُمَيْدٌ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: خَرَجَ النَّبِيُّ ﷺ فِي غَدَاةٍ بَارِدَةٍ، وَالْمُهَاجِرُونَ وَالْأَنْصَارُ يَحْفِرُونَ الْخَنْدَقَ. فَقَالَ: «اللَّهُمَّ إِنَّ الْخَيْرَ خَيْرُ الْآخِرَةِ فَأَغْفِرْ لِلْأَنْصَارِ وَالْمُهَاجِرَةِ»

فَأَجَابُوا:

نَحْنُ الَّذِينَ بَايَعُوا مُحَمَّدًا عَلَى الْجِهَادِ مَا بَقِينَا أَبَدًا

[راجع: ٢٨٣٤]

7202. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللهُ عَنْهُمَا: Whenever we gave the *Bai'a* (pledge) to Allāh’s Messenger ﷺ for to listen and obey, he used to say to us, “For as much as you can” (i.e., whatever is in your ability).

٧٢٠٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كُنَّا إِذَا بَايَعْنَا رَسُولَ اللَّهِ ﷺ عَلَى السَّمْعِ وَالطَّاعَةِ يَقُولُ لَنَا: «فِيمَا اسْتَطَعْتُمْ».

7203. Narrated ‘Abdullāh bin Dīnār: I witnessed Ibn ‘Umar when the people gathered around ‘Abdul-Mālik. Ibn ‘Umar wrote: “I gave the *Bai'a* (pledge) that I will listen to and obey Allāh’s slave, ‘Abdul-Mālik, chief of the believers, according to Allāh’s Laws and the *Sunna* of His Messenger as much as I can; and my sons too, give the same pledge.”

٧٢٠٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ سُفْيَانَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ دِينَارٍ قَالَ: شَهِدْتُ ابْنَ عُمَرَ حَيْثُ اجْتَمَعَ النَّاسُ عَلَى عَبْدِ الْمَلِكِ قَالَ: كَتَبَ: «إِنِّي أَقْرُ بِالسَّمْعِ وَالطَّاعَةِ لِعَبْدِ اللَّهِ عَبْدِ الْمَلِكِ أَمِيرِ الْمُؤْمِنِينَ عَلَى

سُنَّةَ اللَّهِ وَسُنَّةَ رَسُولِهِ مَا اسْتَطَعْتُ،  
وَأَنَّ بَنِيَّ قَدْ أَقْرُوا بِمِثْلِ ذَلِكَ. [انظر:

[٧٢٧٢، ٧٢٠٥]

**7204.** Narrated Jarīr bin ‘Abdullāh رضي الله عنه: I gave the *Bai'a* (pledge) to the Prophet ﷺ that I would listen and obey, and he told me to add: “As much as I can, 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 forbid them from *Al-Munkar* (i.e. disbelief, polytheism, and all that Islam has forbidden), and to help them and to be merciful and kind to them.” (See H. 57)

٧٢٠٤ - حَدَّثَنَا بَعْقُوبُ بْنُ  
إِبْرَاهِيمَ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا سَيَّارٌ،  
عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ  
قَالَ: بَايَعْتُ النَّبِيَّ ﷺ عَلَى السَّمْعِ  
وَالطَّاعَةِ. فَلَقَّنْتَنِي: «فِيمَا اسْتَطَعْتُ،  
وَالنُّصْحَ لِكُلِّ مُسْلِمٍ». [راجع: ٥٧]

**7205.** Narrated ‘Abdullāh bin Dinār: When the people gave the *Bai'a* (pledge) to ‘Abdul-Mālik, ‘Abdullāh bin ‘Umar wrote to him: “To Allāh’s slave, ‘Abdul-Mālik, chief of the believers, I gave the *Bai'a* that I will listen to and obey, according to Allāh’s Laws and *Sunna* (legal ways) of His Messenger in whatever is within my ability; and my sons, too, give the same pledge.”

٧٢٠٥ - حَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ:  
حَدَّثَنَا يَحْيَى، عَنْ سُفْيَانَ قَالَ:  
حَدَّثَنِي عَبْدُ اللَّهِ بْنُ دِينَارٍ قَالَ: لَمَّا  
بَايَعَ النَّاسُ عَبْدَ الْمَلِكِ كَتَبَ إِلَيْهِ عَبْدُ  
اللَّهِ بْنُ عُمَرَ: إِلَى عَبْدِ اللَّهِ عَبْدِ الْمَلِكِ  
أَمِيرِ الْمُؤْمِنِينَ، إِنِّي أَقْرُ بِالسَّمْعِ  
وَالطَّاعَةِ لِعَبْدِ اللَّهِ عَبْدِ الْمَلِكِ أَمِيرِ  
الْمُؤْمِنِينَ عَلَى سُنَّةِ اللَّهِ وَسُنَّةِ رَسُولِهِ  
فِيمَا اسْتَطَعْتُ، وَأَنَّ بَنِيَّ قَدْ أَقْرُوا  
بِذَلِكَ. [راجع: ٧٢٠٣]

**7206.** Narrated Yazīd: I said to Salama, “For what did you give the *Bai'a* (pledge) to the Prophet ﷺ on the Day of *Hudaibiya*?” He replied, “For death.”

٧٢٠٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ  
مَسْلَمَةَ: حَدَّثَنَا حَاتِمٌ، عَنْ يَزِيدَ قَالَ:  
قُلْتُ لِسَلَمَةَ: عَلَى أَيِّ شَيْءٍ بَايَعْتُمُ  
النَّبِيَّ ﷺ يَوْمَ الْحُدَيْبِيَّةِ؟ قَالَ: عَلَى  
الْمَوْتِ. [راجع: ٢٩٦٠]

**7207.** Narrated Al-Miswar bin Makhrama: The group of people whom ‘Umar had selected as candidates for the

٧٢٠٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ  
مُحَمَّدِ بْنِ أَسْمَاءَ: حَدَّثَنَا جُوَيْرِيَةُ،

caliphate gathered and consulted each other. 'Abdur-Raḥmān said to them, "I am not going to compete with you in this matter, but if you wish, I would select for you a caliph from among you." So all of them agreed to let 'Abdur-Raḥmān decide who will be the new caliph. So when the candidates placed the case in the hands of 'Abdur-Raḥmān, the people went towards him and nobody followed the rest of the group nor obeyed any after him. So the people followed 'Abdur-Raḥmān and consulted him all those nights till there came the night we gave the *Bai'a* (pledge) to 'Uthmān. Al-Miswar (bin Makḥrama) added: 'Abdur-Raḥmān called on me after a portion of the night had passed and knocked on my door till I got up, and he said to me, "I see you have been sleeping! By Allāh, during the last three nights I have not slept enough. Go and call Az-Zubair and Sa'd." So I called them for him and he consulted them and then called me saying, "Call 'Alī for me." I called 'Alī and he held a private talk with him till very late at night, and then 'Alī got up to leave having had much hope (to be chosen as a caliph) but 'Abdur-Raḥmān was afraid of something concerning 'Alī. 'Abdur-Raḥmān then said to me, "Call 'Uthmān for me." I called him and he kept on speaking to him privately till the *Mu'adh-dhin* put an end to their talk by calling the *Ādhān* for the *Fajr* prayer. When the people finished their morning *Ṣalāt* (prayer) and that (six men) group gathered near the pulpit, 'Abdur-Raḥmān sent for all the *Muhājirūn* (emigrants) and the *Anṣār* present there, and sent for the army chief who had performed the *Hajj* with 'Umar that year. When all of them had gathered, 'Abdur-Raḥmān said, "*Lā ilaha illallāh* (none has the right to be worshipped but Allāh), then said,

عَنْ مَالِكٍ، عَنِ الزُّهْرِيِّ: أَنَّ حُمَيْدَ  
بْنَ عَبْدِ الرَّحْمَنِ أَخْبَرَهُ: أَنَّ الْمَسُورَ  
بْنَ مَخْرَمَةَ أَخْبَرَهُ أَنَّ الرَّهْطَ الَّذِينَ  
وَلَاهُمُ عَمْرٌ اجْتَمَعُوا فَتَشَاوَرُوا. فَقَالَ  
لَهُمْ عَبْدُ الرَّحْمَنِ: لَسْتُ بِالَّذِي  
أُنَافِسُكُمْ عَنْ هَذَا الْأَمْرِ، وَلَكِنَّكُمْ إِنْ  
شِئْتُمْ اخْتَرْتُمْ لَكُمْ مِنْكُمْ. فَجَعَلُوا  
ذَلِكَ إِلَى عَبْدِ الرَّحْمَنِ، فَلَمَّا وَلَّوْا  
عَبْدَ الرَّحْمَنِ أَمْرَهُمْ، فَمَالَ النَّاسُ  
عَلَى عَبْدِ الرَّحْمَنِ حَتَّى مَا أَرَى أَحَدًا  
مِنَ النَّاسِ يَتَّبِعُ أَوْلِيكَ الرَّهْطَ وَلَا يَطَأُ  
عَقْبَهُ. وَمَالَ النَّاسُ عَلَى عَبْدِ الرَّحْمَنِ  
يُشَاوِرُونَهُ تِلْكَ اللَّيَالِي حَتَّى إِذَا كَانَتْ  
اللَّيْلَةُ الَّتِي أَصْبَحْنَا مِنْهَا فَبَايَعْنَا  
عُثْمَانَ، قَالَ الْمَسُورُ: طَرَفَنِي عَبْدُ  
الرَّحْمَنِ بَعْدَ هَجْعٍ مِنَ اللَّيْلِ فَضَرَبَ  
الْبَابَ حَتَّى اسْتَبَقْتُ فَقَالَ: أَرَأَيْكَ  
نَائِمًا، فَوَاللَّهِ مَا اكْتَحَلْتُ هَذِهِ الثَّلَاثَ  
بِكَثِيرٍ نَوْمٍ، انْطَلِقْ فَادْعُ الزُّبَيْرَ وَسَعْدًا  
فَدَعَوْتُهُمَا لَهُ فَشَاوَرَهُمَا ثُمَّ دَعَانِي  
فَقَالَ: ادْعُ لِي عَلِيًّا فَدَعَوْتُهُ فَجَاجَاهُ  
حَتَّى ابْهَارَ اللَّيْلُ. ثُمَّ قَامَ عَلِيٌّ مِنْ  
عِنْدِهِ وَهُوَ عَلَى طَمَعٍ. وَقَدْ كَانَ عَبْدُ  
الرَّحْمَنِ يَخْشَى مِنْ عَلِيٍّ شَيْئًا. ثُمَّ  
قَالَ: ادْعُ لِي عُثْمَانَ فَدَعَوْتُهُ فَجَاجَاهُ  
حَتَّى فَرَّقَ بَيْنَهُمَا الْمُؤَدِّدُ بِالصُّبْحِ،  
فَلَمَّا صَلَّى لِلنَّاسِ الصُّبْحَ وَاجْتَمَعَ  
أَوْلِيكَ الرَّهْطَ عِنْدَ الْمِنْبَرِ، فَأَرْسَلَ إِلَيَّ



“*Amma Ba'du*, O 'Alī, I have looked at the people's tendencies and noticed that they do not consider anybody equal to 'Uthmān, so you should not incur blame (by disagreeing).” Then 'Abdur-Raḥmān said (to 'Uthmān), “I gave the *Bai'a* (pledge) to you on condition that you will follow Allāh's Laws and the *Sunna* of Allāh's Messenger ﷺ and the legal ways of the two caliphs after him.” So 'Abdur-Raḥmān gave the *Bai'a* to him, and so did the people including the *Muhājirūn* (emigrants) and the *Ansār* and the chiefs of the army staff and all the Muslims.

**(44) CHAPTER. Whosoever gave the *Bai'a* (pledge) twice.**

7208. Narrated Salama: We gave the *Bai'a* (pledge) to the Prophet ﷺ under the tree. He said to me, “O Salama! Will you not give the *Bai'a*?” I replied “O Allāh's Messenger! I have already given the *Bai'a* for the first time.” He said, “(Give it again) for the second time.”

**(45) CHAPTER. The giving of the *Bai'a* (pledge) by the bedouins.**

7209. Narrated Jābir bin 'Abdullāh رضي الله عنه: A bedouin gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ for Islām and the bedouin got a fever where upon he said to the Prophet ﷺ “Cancel my pledge.” But the Prophet ﷺ refused. He came to him (again) saying, “Cancel my pledge.” But the Prophet ﷺ refused. Then he (the bedouin) left (Al-Madina). Allāh's Messenger ﷺ said, “Al-

مَنْ كَانَ حَاضِرًا مِنَ الْمُهَاجِرِينَ وَالْأَنْصَارِ، وَأُرْسِلَ إِلَى أَمْرَاءِ الْأَجْنَادِ وَكَانُوا وَأَفُوا تِلْكَ الْحِجَّةَ مَعَ عُمَرَ. فَلَمَّا اجْتَمَعُوا تَشَهَّدَ عَبْدُ الرَّحْمَنِ ثُمَّ قَالَ: أَمَّا بَعْدُ، يَا عَلِيُّ إِنِّي قَدْ نَظَرْتُ فِي أَمْرِ النَّاسِ فَلَمْ أَرَهُمْ يَعْدِلُونَ بِعُثْمَانَ، فَلَا تَجْعَلَنَّ عَلَيَّ نَفْسِكَ سَبِيلًا. فَقَالَ: أَبَايَعُكَ عَلَى سُنَّةِ اللَّهِ وَرَسُولِهِ وَالْخَلِيفَتَيْنِ مِنْ بَعْدِهِ، وَبَايَعَهُ عَبْدُ الرَّحْمَنِ، وَبَايَعَهُ النَّاسُ: الْمُهَاجِرُونَ وَالْأَنْصَارُ، وَأَمْرَاءُ الْأَجْنَادِ وَالْمُسْلِمُونَ. [راجع: ١٣٩٢]

**(٤٤) بَابٌ مِنْ بَايَعِ مَرَّتَيْنِ**

٧٢٠٨ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنْ زَيْدِ بْنِ أَبِي عُبَيْدٍ، عَنْ سَلْمَةَ قَالَ: بَايَعْنَا النَّبِيَّ ﷺ تَحْتَ الشَّجَرَةِ فَقَالَ لِي: «يَا سَلْمَةُ، أَلَا تُبَايِعُ؟» قُلْتُ: يَا رَسُولَ اللَّهِ قَدْ بَايَعْتُ فِي الْأَوَّلِ، قَالَ: «وَفِي الثَّانِي». [راجع: ٢٩٦٠]

**(٤٥) بَابٌ بَيَعَةِ الْأَعْرَابِ**

٧٢٠٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ جَابِرِ ابْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ أَعْرَابِيًّا بَايَعَ رَسُولَ اللَّهِ ﷺ عَلَى الْإِسْلَامِ، فَأَصَابَهُ وَعْكٌ فَقَالَ: أَقْلِنِي بَيْعَتِي، فَأَبَى، ثُمَّ

Madīna is like a pair of bellows (furnace). It cleanses its impurities and brightens and clears its good." (See H. 7322)

(46) CHAPTER. The *Bai'a* (pledge) of a child.

7210. Narrated 'Abdullāh bin Hishām, who was born during the lifetime of the Prophet ﷺ, that his mother, Zainab bint Ḥumaid had taken him to Allāh's Messenger ﷺ and said, "O Allāh's Messenger! Take his *Bai'a* (pledge) (for Islām)." The Prophet ﷺ said, "He ('Abdullāh bin Hishām) is a little child," and passed his hand over his head and invoked Allāh for him. 'Abdullāh bin Hishām used to slaughter one sheep as a sacrifice on behalf of all of his family.

(47) CHAPTER. Whoever gave the *Bai'a* (pledge) and then cancelled it.

7211. Narrated Jabīr bin 'Abdullāh رضي الله عنه: A bedouin gave the *Bai'a* (pledge) to Allāh's Messenger ﷺ for Islam. Then the bedouin got fever at Al-Madīna, he came to Allāh's Messenger ﷺ and said: "O Allāh's Messenger! Cancel my pledge." But Allāh's Messenger ﷺ refused. Then he came to him (again) and said, "O Allāh's Messenger! Cancel my pledge." But the Prophet ﷺ refused. The bedouin finally went out (of Al-Madīna) whereupon Allāh's Messenger ﷺ said, "Al-Madīna is like a pair of bellows (furnace), it cleanses its impurities and brightens and clears its good."

جاءه فقال: أفلني بيّعتي، فأبى، فخرج فقال رسول الله ﷺ: «المدينة كالكبير تنفي خبئها، وتنصع طيبها».

[راجع: ١٨٨٣]

(٤٦) باب بيعة الصغير

٧٢١٠ - حدثنا علي بن عبد الله: حدثنا عبد الله بن يزيد: حدثنا سعيد بن أبي أيوب قال: حدثني أبو عقيل زهرة بن معبد، عن جده عبد الله بن هشام، وكان قد أدرک النبي ﷺ، وذهبت به أمه زينب ابنة حميد إلى رسول الله ﷺ، فقالت: يا رسول الله بايعه، فقال النبي ﷺ: «هو صغير» فمسح رأسه ودعا له. وكان يضحى بالشاء الواحدة عن جميع أهله. [راجع: ٢٥٠١]

(٤٧) باب من بايع ثم استقال البيعة

٧٢١١ - حدثنا عبد الله بن يوسف: أخبرنا مالك، عن محمد بن المنكدر، عن جابر بن عبد الله: أن أعرابياً بايع رسول الله ﷺ على الإسلام، فأصاب الأعرابي وعك بالمدينة. فأتى الأعرابي إلى رسول الله ﷺ فقال: يا رسول الله، أفلني بيّعتي، فأبى رسول الله ﷺ ثم جاء فقال: أفلني بيّعتي، فأبى، ثم جاءه فقال:

أَقْلَنِي بِيَعْتِي فَأَبَى فَخَرَجَ الْأَعْرَابِيُّ  
فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا الْمَدِينَةُ  
كَالْكَبِيرِ تَنْفِي حَبْنَهَا وَتَنْصَعُ طَبِيهَا».

[راجع: ١٨٨٣]

(48) CHAPTER. The person who gives the *Bai'a* (pledge) to a man just for worldly benefits.

7212. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "There are three types of people Allāh will neither speak to them on the Day of Resurrection nor will purify them from sins, and they shall have a painful punishment. They are:

(1) A man possessing superfluous water (more than he needs) on a way and he withholds it from the travellers.

(2) A man who gives a *Bai'a* (pledge) to an *Imām* (ruler) and gives it only for worldly benefits; if the *Imām* gives him what he wants, he abides by his pledge, otherwise he does not fulfil his pledge.

(3) A man who sells something to another man after the 'Aṣr prayer and swears by Allāh (a false oath) that he has been offered so much for it whereupon the buyer believes him and buys it although in fact, the seller has not been offered such a price." [See Vol.3, *Hadīth* No. 2672]

(49) CHAPTER. The *Bai'a* (pledge) given by women.

Ibn 'Abbās narrated this from the Prophet ﷺ.

7213. Narrated 'Ubāda bin Aṣ-Ṣāmit: Allāh's Messenger ﷺ said to us while we were in a gathering, "Give me the *Bai'a* (pledge) for:

(1) Not to join anything in worship along with Allāh.

(2) Not to steal.

(3) Not to commit illegal sexual intercourse.

(٤٨) بَابٌ مِّنْ بَايَعِ رَجُلًا لَا يَبِيعُهُ  
إِلَّا لِلدُّنْيَا

٧٢١٢ - حَدَّثَنَا عَبْدَانُ، عَنْ أَبِي  
حَمَزَةَ، عَنِ الْأَعْمَشِ، عَنْ أَبِي  
صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ  
رَسُولُ اللَّهِ ﷺ: «ثَلَاثَةٌ لَا يُكَلِّمُهُمُ اللَّهُ  
يَوْمَ الْقِيَامَةِ وَلَا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ  
أَلِيمٌ: رَجُلٌ عَلَى فَضْلِ مَاءٍ بِالطَّرِيقِ  
يَمْنَعُ مِنْهُ ابْنَ السَّبِيلِ، وَرَجُلٌ بَايَعَ  
إِمَامًا لَا يَبِيعُهُ إِلَّا لِلدُّنْيَا، إِنْ أَعْطَاهُ  
مَا يُرِيدُ وَفَى لَهُ، وَإِلَّا لَمْ يَفِ لَهُ.  
وَرَجُلٌ بَايَعَ رَجُلًا بِسَلْعَةٍ بَعْدَ الْعَصْرِ،  
فَحَلَفَ بِاللَّهِ لَقَدْ أُعْطِيَ بِهَا كَذَا وَكَذَا  
فَصَدَّقَهُ فَأَخَذَهَا وَلَمْ يُعْطَ بِهَا».

[راجع: ٢٣٥٨]

(٤٩) بَابُ بَيْعَةِ النِّسَاءِ،

رَوَاهُ ابْنُ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ.

٧٢١٣ - حَدَّثَنَا أَبُو الْيَمَانِ .  
أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ. وَقَالَ  
اللِّثُ: حَدَّثَنِي يُونُسُ، عَنِ ابْنِ  
شِهَابٍ: أَخْبَرَنِي أَبُو إِدْرِيسَ  
الْحَوْلَانِيُّ: أَنَّهُ سَمِعَ عُبَادَةَ بْنَ

(4) Not to kill your children.

(5) Not to utter slander intentionally, forging falsehood or not to accuse an innocent person and to spread such an accusation among people.

(6) Not to be disobedient (when ordered) for *Ma'raf* (Islamic Monotheism and all that Islam has ordained).

The Prophet ﷺ added, "Whoever amongst you fulfils his pledge, his reward will be with Allāh, and whoever indulges in any of those sins and receives the legal punishment in this world for that sin, then that punishment will be an expiation for that sin', and whoever commits any of those sins and Allāh does not expose (his sin), then it is up to Allāh, if He wishes He will punish him or if He wishes, He will forgive him." So we gave the pledge for that. [See Vol.1, *Hadīth* No. 18]

7214. Narrated 'Āishah رضي الله عنها: The Prophet ﷺ used to take the *Bai'a* (pledge) from the women by words only after reciting this Holy Verse: "... that they will not associate anything in worship with Allāh..." (V.60:12) And the hand of Allāh's Messenger ﷺ did not touch any woman's hand except the hand of the woman that his right hand possessed (i.e., his captives or his lady-slaves).

7215. Narrated Umm 'Āṭiyya رضي الله عنها: We gave the *Bai'a* (pledge) to the Prophet ﷺ and he recited to me the Verse: "...that they will not associate anything in worship with Allāh..." (V.60:12)<sup>(1)</sup> And he also

نَصَائِرٍ يَقُولُ: قَالَ لَنَا رَسُولُ اللَّهِ ﷺ رَنَحْنُ فِي مَجْلِسٍ: «تَبَايَعُونِي عَلَى أَنْ لَا تُشْرِكُوا بِاللَّهِ شَيْئًا، وَلَا تَسْرِقُوا، وَلَا تَزْنُوا، وَلَا تَقْتُلُوا وِلْدَانَكُمْ، وَلَا تَأْتُوا بِبَهْتَانٍ تَفْتَرُونَهُ بَيْنَ أَيْدِيكُمْ وَأَرْجُلِكُمْ، وَلَا تَعْصُوا فِي مَعْرُوفٍ. فَمَنْ وَفَى مِنْكُمْ فَأَجْرُهُ عَلَى اللَّهِ، وَمَنْ أَصَابَ مِنْ ذَلِكَ شَيْئًا فَعُوبٌ فِي الدُّنْيَا فَهُوَ كَفَّارَةٌ لَهُ، وَمَنْ أَصَابَ مِنْ ذَلِكَ شَيْئًا فَسَتَرَهُ اللَّهُ فَأَمْرُهُ إِلَى اللَّهِ، إِنْ شَاءَ عَاقِبَهُ، وَإِنْ شَاءَ عَفَا عَنْهُ، فَبَايَعْنَاهُ عَلَى ذَلِكَ».

[راجع: ١٨]

٧٢١٤ - حَدَّثَنَا مُحَمَّدٌ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ غَائِشَةَ قَالَتْ كَانَ النَّبِيُّ ﷺ يَبَايِعُ النِّسَاءَ بِالْكَلَامِ بِهَذِهِ الْآيَةِ ﴿لَا يُشْرِكُ بِاللَّهِ شَيْئًا﴾ قَالَتْ: وَمَا مَسَّتْ يَدَ رَسُولِ اللَّهِ ﷺ يَدَ امْرَأَةٍ إِلَّا امْرَأَةٌ يَمْلِكُهَا.

[راجع: ٢٧١٣]

٧٢١٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَارِثِ، عَنْ أَيُّوبَ، عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةَ قَالَتْ: بَايَعَنَا النَّبِيُّ ﷺ فَقَرَأَ عَلَيْنَا ﴿أَنْ لَا يُشْرِكَ

(1) (H.7215) "O Prophet! When believing women came to you to give the *Bai'a* (pledge), 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 =

prevented us from wailing and lamenting over the dead. A woman from us withdrew her hand and said, "Such and such a woman wailed over a dead person belonging to my family and I want to compensate her for that wailing."<sup>(1)</sup> The Prophet ﷺ did not say anything in reply and she left and returned. None of those women abided by her pledge except Umm Sulaim, Umm Al-'Alā', and the daughter of Abu Sabra, the wife of Al-Mu'ādh, or the daughter of Abu Sabra, and the wife of Mu'ādh.

(50) CHAPTER. Whoever violates a *Bai'a* (pledge).

The Statement of Allāh تعالى:

"Verily, those who give the *Bai'a* (pledge) to you (O Muḥammād ﷺ), they are giving the *Bai'a* to Allāh. The Hand of Allāh is over their hands. Then whosoever breaks his pledge, breaks only to his own harm, and whosoever fulfils what he has covenanted with Allāh, He (Allāh) will bestow on him a great reward." (V.48:10)

7216. Narrated Jābir: A bedouin came to the Prophet ﷺ and said, "Please take my *Bai'a* (pledge) for Islām." So the Prophet ﷺ took from him the *Bai'a* for Islām. He came the next day with a fever and said to the Prophet ﷺ, "Cancel my pledge." But the Prophet ﷺ refused. And when the bedouin went away, the Prophet ﷺ said, "Al-Madīna is like a pair of bellows (furnace). It cleanses its impurities and brightens and clears its good."

يَاللَّهِ شَيْئًا ﴿ وَنَهَانَا عَنِ النَّيَاحَةِ .  
فَقَبَضَتْ امْرَأَةٌ مِّنَّا يَدَهَا فَقَالَتْ: فَلَانَةٌ  
أَسْعَدْتَنِي وَأَنَا أُرِيدُ أَنْ أُجْزِيَهَا، نَلَمْ  
يَقُلْ شَيْئًا. فَذَهَبَتْ ثُمَّ رَجَعَتْ فَمَا  
وَقَّتْ امْرَأَةٌ إِلَّا أُمَّ سَلِيمٍ وَأُمَّ الْعَلَاءِ  
وَابْنَةَ أَبِي سَيْرَةَ امْرَأَةً مُعَاذٍ، أَوْ ابْنَةَ  
أَبِي سَيْرَةَ وَامْرَأَةً مُعَاذٍ. [راجع: ١٣٠٦]

(٥٠) بَابٌ مِّنْ نَّكَثِ بَيْعَةٍ،

قَالَ اللَّهُ تَعَالَى: ﴿إِنَّ الَّذِيْنَ  
يُبَايِعُونَكَ إِنَّمَا يُبَايِعُونَ اللَّهَ﴾ الْآيَةَ .  
[الفتح: ١٠]

٧٢١٦ - حَدَّثَنَا أَبُو نَعِيمٍ: حَدَّثَنَا  
سُفْيَانُ، عَنْ مُحَمَّدِ بْنِ الْمُتَكَدِّرِ:  
سَمِعْتُ جَابِرًا قَالَ: جَاءَ أَعْرَابِيٌّ إِلَى  
النَّبِيِّ ﷺ فَقَالَ: بَايَعْنِي عَلَى  
الْإِسْلَامِ، فَبَايَعَهُ عَلَى الْإِسْلَامِ. ثُمَّ  
جَاءَ الْغَدَّ مَحْمُومًا فَقَالَ: أَقْلِنِي،  
فَأَبَى، فَلَمَّا وَلَّى قَالَ: «الْمَدِينَةُ  
كَالْكَبِيرِ تَنْفِي خَبَثَهَا، وَتَنْصَعُ طَيِّبَهَا» .

[راجع: ١٨٨٣]

=children belonging to their husbands), and that they will not disobey you in any *Ma'rūf* (Islāmic Monotheism and all that Islām ordains), then accept their *Bai'a* (pledge), and ask Allāh to forgive them. Verily Allāh is Oft-Forgiving, Most Merciful." (V.60:12).

(1) (H.7215) She wanted to wail over a dead person belonging to the family of the other woman.

## (51) CHAPTER. The appointment of a caliph (to succeed another).

## (٥١) بَابُ الْاِسْتِخْلَافِ

7217. Narrated Al-Qasim bin Muḥammad: ‘Āishah رَضِيَ اللهُ عَنْهَا said, “O my head!”<sup>(1)</sup> Allāh’s Messenger ﷺ said, “If that (i.e., your death) should happen while I am still alive, I would ask Allāh to forgive you and would invoke Allāh for you.” ‘Āishah said, “O my life which is going to be lost! By Allāh, I think that you wish for my death, and if that should happen then you would be busy enjoying the company of one of your wives in the last part of that day.” The Prophet ﷺ said, “But I should say, ‘O my head!’ I feel like calling Abū Bakr and his son and appoint (the former as my successor) lest people should say something or wish for something.<sup>(2)</sup> Allāh will insist (on Abū Bakr becoming a caliph) and the believers will prevent (anyone else from claiming the caliphate),” or “...Allāh will prevent (anyone else from claiming the caliphate) and the believers will insist (on Abū Bakr becoming the caliph).”

٧٢١٧ - حَدَّثَنَا يَحْيَى بْنُ يَحْيَى : أَخْبَرَنَا سُلَيْمَانُ بْنُ بِلَالٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ قَالَ: سَمِعْتُ الْقَاسِمَ بْنَ مُحَمَّدٍ قَالَ: قَالَتْ عَائِشَةُ رَضِيَ اللهُ عَنْهَا: وَارَأَسَاهُ! فَقَالَ رَسُولُ اللهِ ﷺ: «ذَلِكَ لَوْ كَانَ وَأَنَا حَيٌّ فَأَسْتَغْفِرُ لَكَ، وَأَدْعُو لَكَ»، فَقَالَتْ عَائِشَةُ: وَائْتِكَلِيَاهُ. وَاللهُ إِنِّي لِأُظَنُّكَ تُحِبُّ مَوْتِي، وَلَوْ كَانَ ذَلِكَ لَظَلَلْتُ آخِرَ يَوْمِكَ مُعْرَساً بَعْضُ أَرْوَاجِكَ. فَقَالَ النَّبِيُّ ﷺ: «بَلْ أَنَا وَارَأَسَاهُ، لَقَدْ هَمَمْتُ أَوْ أَرَدْتُ أَنْ أُرْسِلَ إِلَى أَبِي بَكْرٍ وَابْنِهِ فَأَعْهَدَ، أَنْ يَقُولَ الْقَائِلُونَ، أَوْ يَتَمَنَّى الْمُتَمَنِّونَ، ثُمَّ قُلْتُ: يَا أَيُّ اللهُ وَيَدْفَعُ الْمُؤْمِنُونَ، أَوْ يَدْفَعُ اللهُ وَيَأْتِي الْمُؤْمِنُونَ». [راجع: ٥٦٦٦]

7218. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللهُ عَنْهُمَا : It was said to ‘Umar, “Will you appoint your successor?” ‘Umar said, “If I appoint a caliph (as my successor) it is true that somebody who was better than I (i.e., Abū Bakr) did so, and if I leave the matter undecided, it is true that somebody who was better than I (i.e., Allāh’s Messenger ﷺ) did so.” On this, the people praised him. ‘Umar said, “People are of two kinds: Either one who is keen to take over the caliphate or one who is afraid of assuming such a

٧٢١٨ - حَدَّثَنَا مُحَمَّدُ بْنُ يُونُسَ: أَخْبَرَنَا سُفْيَانُ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ قَالَ: قِيلَ لِعُمَرَ: أَلَا تَسْتَخْلِفُ؟ قَالَ: إِنْ اسْتَخْلِفَ فَقَدْ اسْتَخْلَفَ مَنْ هُوَ خَيْرٌ مِنِّي: أَبُو بَكْرٍ، وَإِنْ أَتْرَكَ فَقَدْ تَرَكَ مَنْ هُوَ خَيْرٌ مِنِّي: رَسُولُ اللهِ ﷺ، فَأَتَيْنَاهُ عَلَيْهِ. فَقَالَ: رَاغِبٌ

(1) (H.7217) ‘Āishah complained of a headache.

(2) (H.7217) Lest some people should say that the right of ruling belongs to them, or some others should wish for becoming the caliph instead of Abū Bakr.

responsibility. I wish I could be free from its responsibility in that I would receive neither reward nor retribution. I won't bear the burden of the caliphate in my death as I do in my life.”<sup>(1)</sup>

7219. Narrated Anas bin Mālīk رَضِيَ اللهُ عَنْهُ that he heard ‘Umar’s second speech he delivered when he sat on the pulpit on the day following the death of the Prophet ﷺ ‘Umar recited the *Tashah-hud*<sup>(2)</sup> while Abū Bakr was silent. ‘Umar said, “I wish that Allāh’s Messenger ﷺ had outlived all of us, i.e., had been the last (to die). But if Muḥammad ﷺ is dead, Allāh تعالى nevertheless has kept the light amongst you from which you can receive the same guidance as Allāh تعالى guided Muḥammad ﷺ with that. And Abū Bakr is the Companion of Allāh’s Messenger ﷺ. He is the second of the two in the cave. He is the most entitled person among the Muslims to manage your affairs. Therefore get up and give the *Bai’a* (pledge) to him.” Some people had already given the *Bai’a* (pledge) to him in the shed of Banī Sā’ida but the *Bai’a* given by the public was at the pulpit. I heard ‘Umar saying to Abū Bakr on that day, “Please ascend the pulpit,” and kept on urging him till he ascended the pulpit whereupon, all the people gave the *Bai’a* to him.

وَرَاهِبٌ وَوَدِدْتُ أَنِّي نَجَوْتُ مِنْهَا كَفَافًا  
لَا لِي وَلَا عَلَيَّ، لَا أَتَحْمَلُهَا حَيًّا  
وَمَيِّتًا.

٧٢١٩ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ  
مُوسَى: أَخْبَرَنَا هِشَامٌ، عَنِ مَعْمَرِ،  
عَنِ الزُّهْرِيِّ: أَخْبَرَنِي أَنَّهُ بَرَأَ مَالِكِ  
رَضِيَ اللهُ عَنْهُ. أَنَّهُ سَمِعَ خُصْبَةَ عُمَرَ  
الْآخِرَةَ حِينَ جَلَسَ عَلَى الْمِنْبَرِ وَذَلِكَ  
الْعَدَا، مِنْ يَوْمِ تُوْفِيَ النَّبِيَّ ﷺ،  
فَتَشَهَّدَ وَأَبُو بَكْرٍ صَامِتٌ لَا يَتَكَلَّمُ،  
قَالَ: كُنْتُ أَرْجُو أَنْ يَعِيشَ رَسُولُ اللهِ  
ﷺ حَتَّى يَذُبُّنَا - يُرِيدُ بِذَلِكَ أَنْ  
يَكُونَ آخِرَهُمْ - فَإِنْ يَكُ مُحَمَّدٌ ﷺ  
قَدْ مَاتَ إِنَّ اللَّهَ تَعَالَى تَدَّ جَعَلَ بَيْنَ  
أَطْهَرِكُمْ نُورًا تَهْتَدُونَ بِهِ بِمَا هَدَى اللهُ  
مُحَمَّدًا ﷺ. وَإِنَّ أَبَا بَكْرٍ صَاحِبَ  
رَسُولِ اللهِ ﷺ ثَانِيِ اثْنَيْنِ فَإِنَّهُ أَوْلَى  
الْمُسْلِمِينَ بِأُمُورِكُمْ، فَقُومُوا قَبَائِعُوهُ.  
وَكَانَ طَائِفَةٌ مِنْهُمْ قَدْ بَايَعُوهُ قَبْلَ ذَلِكَ  
فِي سَقِيْفَةِ بَنِي سَاعِدَةَ، وَكَانَتْ بَيْعَةُ  
الْعَامَّةِ عَلَى الْمِنْبَرِ. قَالَ الزُّهْرِيُّ، عَنِ  
أَسْبَرَ، بْنِ مَالِكٍ: سَمِعْتُ عُمَرَ يَقُولُ  
لِأَبِي بَكْرٍ يَوْمَئِذٍ: اضْعُدِ الْمِنْبَرَ. فَلَمْ  
يَزَلْ بِهِ حَتَّى صَعِدَ الْمِنْبَرَ فَبَايَعَهُ النَّاسُ  
عَامَّةً. [انظر: ٧٢٦٩]

- (1) (H.7218) ‘Umar refused to appoint his successor lest he should be held responsible for the mistakes in future.  
(2) (H.7219) i.e., none has the right to be worshipped but Allāh, and Muḥammad ﷺ is His slave and His Messenger.

7220. Narrated Jubair bin Muʿim: A woman came to the Prophet ﷺ and spoke to him about something and he told her to return to him. She said, "O Allāh's Messenger! If I come and do not find you?" (As if she meant, "...if you die?") The Prophet ﷺ said, "If you should not find me, then go to Abū Bakr."

٧٢٢٠ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا إِسْرَاهِيمُ بْنُ سَعْدٍ، عَنْ أَبِيهِ، عَنْ مُحَمَّدِ بْنِ جُبَيْرِ بْنِ مُطْعَمٍ، عَنْ أَبِيهِ قَالَ: أَتَيْتِ النَّبِيَّ ﷺ امْرَأَةٌ فَكَلَّمَتْهُ فِي شَيْءٍ فَأَمَرَهَا أَنْ تَرْجِعَ إِلَيْهِ، قَالَتْ: يَا رَسُولَ اللَّهِ، أَرَأَيْتَ، إِنْ جِئْتُ وَلَمْ أَجِدْكَ؟ - كَأَنَّهَا تُرِيدُ الْمَوْتَ - قَالَ: «إِنْ لَمْ تَجِدْنِي فَأْتِي أَبَا بَكْرٍ». [راجع: ٣٦٥٩]

7221. Narrated Ṭāriq bin Shihāb: Abū Bakr Ṛaṣī said to the delegate of Buzākha<sup>(1)</sup>, "Follow the tails of the camels till Allāh shows the caliph (successor) of His Prophet ﷺ and *Al Muhājirūn* (emigrants) something because of which you may excuse yourselves."

٧٢٢١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ سُفْيَانَ: حَدَّثَنِي قَيْسُ بْنُ مُسْلِمٍ، عَنْ طَارِقِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُ، قَالَ لَوْفَدِ بُرَاخَةَ: تَتَّبِعُونَ أَذْنَابَ الْإِبِلِ حَتَّى يُرِيَ اللَّهُ خَلِيفَةَ نَبِيِّ ﷺ وَالْمُهَاجِرِينَ أَمْرًا يَعْذُرُونَكُمْ بِهِ.

## CHAPTER.

## بَابُ

7222, 7223. Narrated Jābir bin Samura: I heard the Prophet ﷺ saying, 'There will be twelve Muslim rulers (who will rule all the Islāmic world).' He then said a sentence which I did not hear. My father said that the Prophet ﷺ said, "All of them (those rulers) will be from Quraiṣh."

٧٢٢٢، ٧٢٢٣ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عُذْرٌ: حَدَّثَنَا شُعْبَةُ، عَنْ عَبْدِ الْمَلِكِ: سَمِعْتُ جَابِرَ بْنَ سَمُرَةَ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «تَكُونُ اثْنَا عَشَرَ أَمِيرًا» فَقَالَ كَلِمَةً لَمْ أَسْمَعْهَا، فَقَالَ أَبِي: إِنَّهُ قَالَ: «كُلُّهُمْ مِنْ قُرَيْشٍ».

(52) CHAPTER. The expulsion of quarrelsome people and people accused of

(٥٢) بَابُ إِخْرَاجِ الْخُصُومِ وَأَهْلِ

(1) (H.7221) Buzākha were the tribes who turned apostates after the death of the Prophet ﷺ. Some of them came to the Caliph Abū Bakr after they had regretted their dissention from Islām. 'Umar ordered them to stay in the desert taking care of their camels till he and the other Muslims decided their case.



something, from houses after having a firm proof against them.

‘Umar turned out the sister of Abū Bakr when she cried loudly over a dead person.

7224. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh’s Messenger ﷺ said, “By Him in Whose Hand my soul is, I intended to (or was about) to order for collecting firewood and then order someone to pronounce the *Ādhān* for *Aṣ-Ṣalāt* (the prayer) and then order someone to lead the people in *Ṣalāt* (prayer) and then I would go from behind and burn the houses of men who did not present themselves for the (compulsory congregational) *Ṣalāt* (prayer). By Him, in Whose Hand my soul is, if anyone of them had known that he could find a bone covered with good meat, or two (small) pieces of meat present in between two ribs, he would come for ‘*Ishā*’ prayer.” [See Vol. 1, *Hadith* No.644]

الرَّيْبِ مِنَ الْبُيُوتِ بَعْدَ الْمَعْرِفَةِ،  
وَقَدْ أَخْرَجَ عُمَرُ أُخْتَ أَبِي بَكْرٍ  
حِينَ نَاحَتْ.

٧٢٢٤ - حَدَّثَنَا إِسْمَاعِيلُ:  
حَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ  
الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ  
عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «وَالَّذِي  
نَفْسِي بِيَدِهِ لَقَدْ هَمَمْتُ أَنْ أُمَرَ بِحَطَبٍ  
يُحْتَطَبُ، ثُمَّ أُمَرَ بِالصَّلَاةِ فَيُؤَدَّنَ لَهَا،  
ثُمَّ أُمَرَ رَجُلًا فَيَوْمَ النَّاسِ، ثُمَّ أَخَالَفَ  
إِلَى رِجَالٍ فَأَحْرَقَ عَلَيْهِمْ بُيُوتَهُمْ.  
وَالَّذِي نَفْسِي بِيَدِهِ، لَوْ يَعْلَمُ أَحَدُهُمْ  
أَنَّهُ يَجِدُ عَرَقًا سَمِيمًا أَوْ مِرْمَاتَيْنِ  
حَسَنَتَيْنِ لَشَهِدَ الْعِشَاءَ». قَالَ مُحَمَّدٌ  
بْنُ يُوسُفَ: قَالَ يُونُسُ: قَالَ مُحَمَّدٌ  
بْنُ سُلَيْمَانَ: قَالَ أَبُو عَبْدِ اللهِ:  
مِرْمَاةٌ: بَيْنَ ظِلْفِ الشَّاةِ مِنَ اللَّحْمِ،  
مِثْلُ مِئْسَاةٍ وَمِئْصَاةٍ، الْمِيمُ مَحْفُوضَةٌ.

[راجع: ٦٤٤]

(53) CHAPTER. Is it legal for the *Imām* to forbid the criminals and those who commit sins to talk to or visit him, etc.?

7225. Narrated ‘Abdullāh bin Ka‘b bin Mālik who was Ka‘b’s guide from among his sons when Ka‘b became blind: I heard Ka‘b bin Mālik saying, “When some people remained behind and did not join Allāh’s Messenger ﷺ in the battle of Tabūk...” and then he described the whole narration and said, “Allāh’s Messenger ﷺ forbade the Muslims to speak to us, and so we (I and

(٥٣) بَابُ: هَلْ لِلْإِمَامِ أَنْ يَمْنَعَ  
الْمُجْرِمِينَ وَأَهْلَ الْمَعْصِيَةِ مِنَ الْكَلَامِ  
مَعَهُ وَالزِّيَارَةَ وَنَحْوَهُ؟

٧٢٢٥ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ:  
حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ  
شِهَابٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللهِ  
بْنِ كَعْبِ بْنِ مَالِكٍ: أَنَّ عَبْدَ اللهِ بْنَ  
كَعْبِ بْنِ مَالِكٍ، وَكَانَ قَائِدَ كَعْبِ بْنِ  
بَيْنِهِ حِينَ عَمِيَ، قَالَ: سَمِعْتُ كَعْبَ

my companions) stayed fifty nights in that state, and then Allāh's Messenger ﷺ announced Allāh's Acceptance of our repentance." (See H. 4418)

بِئْسَ مَا لِكِ قَالَ: لَمَّا تَخَلَّفَ عَنْ رَسُولِ  
 اللَّهِ ﷺ فِي غَزْوَةِ تَبُوكَ - فَذَكَرَ  
 حَدِيثَهُ، وَنَهَى رَسُولُ اللَّهِ ﷺ  
 الْمُسْلِمِينَ عَنْ كَلَامِنَا، فَلَبِثْنَا عَلَى  
 ذَلِكَ خَمْسِينَ لَيْلَةً، وَأَذَنَ رَسُولُ اللَّهِ  
 ﷺ بِتَوْبَةِ اللَّهِ عَلَيْنَا. [راجع: ٢٧٥٧]