English Translation of
Jāmiʿ At-Tirmidhī

Compiled by:
Imām Hāfiz Abū 'Eisā Mohammad Ibn 'Eisā At-Tirmidhī

Volume 3
From Hadith no.1205 to 1896

Translated by:
Abu Khaliyl (USA)

Ahādith edited & referenced by:
Hāfiz Abu Tāhir Zubair 'All Za'ī

Final review by:
Islamic Research Section
Darussalam
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In the Name of Allâh, 
the Most Gracious, the Most Merciful
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Chapter 1. What Has Been Related About Matters That Are Not Clear

1205. An-Nu‘mān bin Bāshīr narrated that the Messenger of Allāh ﷺ said: “The lawful is clear and the unlawful is clear, and between that are matters that are doubtful (not clear); many of the people do not know whether it is lawful or unlawful. So whoever leaves it to protect his religion and his honor, then he will be safe, and whoever falls into something from them, then he soon will have fallen into the unlawful. Just like if someone grazes (his animals) around a sanctuary, he would soon wind up in it. Indeed for every king is a sanctuary (pasture), and indeed Allāh’s sanctuary is what He made unlawful.” (Ṣaḥīḥ)

(Another chain of narration) from the Prophet ﷺ, and its meaning is similar.

Abū ‘Eisā said: This Ḥadīth is Hasan Ṣaḥīḥ, it has been reported by more than one from Ash-Sha‘bī, from An-Nu‘mān bin Bāshīr.

Wasmīl, Ḥ: 1599 من حديث الشعبي بـ.
Pastures are green and full of grass and there is temptation for the animals in it. It is duty of the shepherd to stop the animals from going into the pastures if the owner of the pasture has prohibited grazing the animals in it. If the animals enter the pasture the shepherd will have to bear the punishment as prescribed. Similarly Allah has declared the unlawfulness of certain things, and whoever goes near them may be tempted by their attraction, and may knowingly or unknowingly commit the sin. So, it is recommended to avoid the doubtful things. It is also recommended to avoid the stimulating factors which lead to sinful actions.

Chapter 2. What Has Been Related About Consuming Ribā

1206. Ibn Mas'ūd narrated: "The Messenger of Allah ﷺ cursed the one who consumed Ribā, and the one who charged it, those who witnessed it, and the one who recorded it." (Hasan)

[He said:] There are narrations on this topic from 'Umar, 'Alī, Jābir [and Abū Juhaifah].

The Hadith of ‘Abdullāh (bin Mas'ūd) is a Hasan Sahih Hadith.

Comments:
This narration shows the severity of Ribā or usury (lending money on interest.) Dealing in Ribā is so abominable and such a grave sin that any kind of participation in it is a cause of curse from Allah. Whoever consumes Ribā, whoever charges it, whoever witnesses it and whoever records it — all are participants in this crime and liable to punishment. So, it is very essential to avoid such dealings.
Prophet ﷺ said about the major sins: “Associating partners with Allah, disobeying parents, killing oneself, and false speech.” (Ṣaḥīḥ)

[He said:] There are narrations on this topic from Ābu Bakrah, Ayman bin Khuraim, and Ibn ‘Umar.

[Ābū ‘Eisā said:] The Ḥadīth of Anas is a Ḥasan Ṣaḥīḥ Gharib Ḥadīth.

Comments:
‘Zūr’ means all those things which are against the truth. Any thing or action which causes a problem for others or creates trouble is Zūr.

Chapter 4. What Has Been Related About Those Who Deal In Trade And What The Prophet ﷺ Called Them

1208. Ābū Wā’il narrated that Qais bin Abī Gharazah said: “The Messenger of Allâh ﷺ came to us, and we were what was called ‘brokers,’ he said: ‘O people of trade! Indeed the Shaitān and sin are present in the sale, so mix your sales with charity.’” (Ṣaḥīḥ)

He said: There are narrations on this topic from Al-Barā’ bin ‘Āzīb and Rîfā’ah.

[Ābū ‘Eisā said:] The Ḥadīth of Qais bin Abī Gharazah (a narrator) is a Ḥasan Ṣaḥīḥ Ḥadīth.

Mansûr, Al-A’mash, Habīb bin Abī Thābit and others reported it...
from Abū Wā’il, from Qais bin Abī Gharzah, from the Prophet ﷺ. We do not know of anything from the Prophet ﷺ narrated by Qais other than this.

(Another chain of narration) from Qais bin Abī Gharzah, from the Prophet ﷺ, and it is similar in meaning, and there are narrations on this topic from Al-Barâ’ bin ‘Azib and Rifā‘ah.

[Abū ‘Eisā said:] This Hadith is Sahih.

1209. Abū Sa‘eed narrated that the Prophet ﷺ said: “The truthful, trustworthy merchant is with the Prophets, the truthful, and the martyrs.” (Da‘ūf)

[Abū ‘Eisā said:] This Hadith is Hasan, we do not know it except from this route, a narration of Āth-Thawrī from Abū Ḥamzah. [Abū Ḥamzah’s name is ‘Abdullāh bin Jābir, and he is a Shaikh from Al-Baṣrah.]

(Another chain) from Abū Ḥamzah, with this chain of narration, and it is similar.

Comments:

Business or trading is an honesty testing profession. Usually in business it appears that if the rule of honesty is applied it will lead to a loss and if the norms of expediency according to the need of the time are adopted it will
lead to profit, but, the businessman who has trust in Allāh and deals with honesty and in accordance with the standards of Islam, then it is he, in reality, who is successful in the test. For this reason on the Day of Judgement he will be with the Prophets, the truthful, and the martyrs.

1210. Ismā’īl bin ‘Ubaid bin Rifa’ah narrated from his father, from his grandfather, that he went with the Messenger of Allāh to the Musalla, and he saw the people doing business so he said: ‘O people of trade!’ and they replied to the Messenger of Allāh, turning their necks and their gazes towards him, and he said: ‘Indeed the merchants will be resurrected on the Day of Judgement with the wicked, except the one who has Taqwā of Allāh, who behaves charitably and is truthful.” (Hasan)

Comments:
Most people’s business depends on cheating, deceiving, and fraudulent tricks. So, the Prophet said that such businessmen will be raised with the wicked offenders. Those who abide by the Laws of Allāh and fulfill their promises with the people, and are honest in their dealings, will get their reward as has been mentioned in the preceding narration.

Chapter 5. What Has Been Related About One Who Makes A False Oath About His Merchandise

1211. Abū Dharr narrated that the Prophet said: “There are three whom Allāh will not look at on the Day of Judgement, nor will He purify them, and theirs is a painful punishment.” We said: “Who are

(المعجم 5 - باب ما جاء في مَالْ حَلَفٍ على سلامة كَاهِلِيٍّ (النَّصْحَة 5)

1210 - خَلَفَ حَدَّثَنَا أَبُو سَلَمَةَ بْنُ عَلِيٍّ: خَلَفَنَا

1211 - أَبُو دَاوْدُ قَالَ: أَنْبِيَأَنا عَلَىٰ عِلْيٍ بْنُ عِلْيٍ، بَلْ، أَنْبِيَأَنا عَلِيٍّ بْنُ مُلْكَ، قَالَ: بَلْ، أَنْبِيَأَنا عَلِيٍّ
they O Messenger of Allāh? For they have indeed failed and are lost!” He said: “The Ṣaḥāḥīn,\[1\] the one whose Ḳāfūr hangs (below the ankles) and the one who promotes his merchandise with false oath.” (Ṣaḥīh)

[He said:] There are narrations on this topic from Ibn Mas'ūd, ʿAbū Hurairah, ʿAbū Umāmah bin Tha'labah, ʿĪmān bin Ḥusayn, and Maqīl bin Yāsār. [ʿAbū ʿĪsā said:] The Ḥadīth of ʿAbū Dharr is a Ḥasan Ṣaḥīh Ḥadīth.

[Abū ʿĪsā said:] There are narrations on this topic from Ibn Mas'ūd, ʿAbū Hurairah, ʿAbū Umāmah bin Tha'labah, ʿĪm ān bin Ḥusayn, and Maqīl bin Yāsār.

[He said:] There are narrations on this topic from Ibn Mas'ūd, ʿAbū Hurairah, ʿAbū Umāmah bin Tha’labah, ʿĪmān bin Ḥusayn, and Maqīl bin Yāsār. [ʿAbū ʿĪsā said:] The Ḥadīth of ʿAbū Dharr is a Ḥasan Ṣaḥīh Ḥadīth.

Comments:

This narration points out that those who give something in charity and then boast and point out the favor conferred and remind of it time and again to the one they gave, those who keep their lower garment below the ankles, and those who promote their merchandise with false oaths, to these three types of people Allāh will not look at them with mercy on the Day of Judgement. Unfortunately today Muslims do not pay any heed to these.

Chapter 6. What Has Been Related About Doing Business Early

1212. ʿUmārah bin Ḥadīd narrated from Ṣaḥkh al-Ghāmidī that the Messenger of Allāh ﷺ said: “O Allāh bless my Ummah in what they do early (in the day).” He said: “Whenever he ﷺ would

[1] The one who does not give anything without obliging the one he gave it to. See Tuhfat Al-Ahwadhi.
dispatch a military expedition or an army, he would send them in the first part of the day.”

And Sakhir, a man who was a merchant, used to send his goods for trade during the beginning of the day, so he became rich, and his wealth increased.

[He said:] There are narrations on this topic from 'Ali, Buraidah, Ibn Mas'ud, Anas, Ibn 'Umar, Ibn 'Abbás, and Jābir. (Hasan)

[Abū ‘Eisā said:] The Hadith of Sakhir Al-Ghámidi is a Hasan Hadith. We do not know of a narration that Sakhir Al-Ghámidi reported from the Prophet other than this Hadith. Sufyān Ath-Thawrī reported this Hadith from Shu'bah, from Ya'lá bin ‘Aṭā'.

Comments:

This narration makes it clear that starting religious duties and worldly affairs early in the morning brings the blessings of Allāh in business and other worldly affairs. It means getting up early in the morning and starting the day is a secret of prosperity and well being.

Chapter 7. What Has Been Related About The Permission To Buy On Credit

1213. Ḥāshim b. 'Abdullāh narrated: “The Messenger of Allāh ﷺ was wearing...
two thick Qitri garments on. When he would sit, he would sweat since they were so heavy for him. Some clothes arrived from Ash-Shām for so-and-so, the Jew. I said: ‘Perhaps you could dispatch a request to him to buy some garments (on credit) from him until it is easy (to pay). So he sent a message to him and he said: ‘I know what he wants. He only wants to take away my wealth’ or ‘my Dirham.’ So the Messenger of Allah said: ‘He has lied, indeed he knows that I am the one with the most Taqwā among them, and the best at fulfilling trusts among them.”’ (Sahih)

(He said:) There are narrations on this topic from Ibn ‘Abbās, Anas, and Asmā’ bint Yazīd.

[Abū ‘Eisā said:] The Hadīth of ‘Aīshah is a Hasan Sahih Gharib Hadīth. Shu‘bāh has also reported it from ‘Umārah bin Abī Ḥafṣah.

He said: I heard Muḥammad bin Firās Al-Baṣrī saying: ‘I heard Abū Dawūd At-Taⱪalisi saying: ‘One day Shu‘bāh was asked about this Hadīth, and he said: ‘I will not narrate it to you (people) until you stand up before Haramī bin ‘Umārah [bin Ḥafṣah] to kiss his head.’ He said: ‘And Ḥaramī was there among the people.’’

[Abū ‘Eisā said:] meaning: “approving of this Hadīth.”

[1] A garment made with some coarseness and red designs in it. There was also a view that it is named after Qatār and that it comes from there. See Tuhfat Al-Ahwadhi and An-Nihayah.
The Jews were well aware of the honesty of character of the Prophet ﷺ but as they were resentful, they always talked ill of him.

1214. Ibn ‘Abbãs narrated: “The Prophet ﷺ died while his armour was pawned for twenty ُسا of food that he got for his family.” (Hasan)

[Abû ‘Eisã said:] This Hadith is Hasan Šâhîh.

1215. Anas narrated: “I walked to the Prophet ﷺ with some barley bread that had some rancid oil poured over it. The Prophet ﷺ had pawned his armour with a Jew for twenty ُسا of food that he got for his family. That day (he pawned it), I heard him saying: ‘Not for one evening has the household of Muhammad had a ُسا of dates or a ُسا of grain.’ And on that day he had nine wives.’” (Šâhîh)

[Abû ‘Eisã said:] This Hadith is Hasan Šâhîh.

Comments:

It is clear from this narration that buying the needful and basic necessities on loan is approved and lawful. Such deals with non-Muslims are also permissible. Pawning something at the time of need is also lawful.
Chapter 8. What Has Been Related About Recording The Conditions

1216. ‘Abbâd bin Laith Al-Karâbîsî [Al-Basri] narrated: “Abdul-Majîd bin Wahb narrated to us, he said: ‘Al-‘Addâ’ bin Khalid bin Hawdhah said to me: “Shall I not read to you a letter that was written for me from the Messenger of Allâh?’” He said: "I said: ‘Of course.’ So he took out a letter for me: ‘This is what Al-‘Addâ’ bin Khalid bin Hawdhah purchased from Muhammad, the Messenger of Allâh: He purchased from him a slave – or – a female slave, having no ailments, nor being a runaway, nor having any malicious behavior. Sold by a Muslim to a Muslim.’” (Hasan)

[Abû ‘Eisâ said:] This Hadîth is Hasan Gharîb, we do not know of it except from ‘Abbâd bin Laith. More than one of the people of Hadîth have reported this Hadîth from him.

Comments:
This narration points out that while doing a business deal, Muslims should make it transparent and clear. All the faults and good qualities of the property should be made clear to the buyer. As this deal mentioned in the narration was barter based, so in the deed sometimes the name of ‘Addâ’ is mentioned as buyer (Ashtarâ’) and sometimes the name of the Prophet is mentioned as buyer.
Chapter 9. What Has Been Related About Measures And Weights

1217. Ibn ‘Abbas narrated that the Messenger of Allah ﷺ said to the people of weights and measures: “Indeed you have been entrusted with two matters that nations preceding you in the past were destroyed for.” (Da‘if)

[Abū ‘Elsa said:] We do not know this Hadith to be Marfu‘ except through the narration of Husain bin Qais, and Husain bin Qais was graded weak in Hadith. This has been reported as a Maqüf narration from Ibn ‘Abbas with a Sahih chain of narration.

Comments:
The Qur’ān mentions the destruction and extermination of the people of Shu‘aib due to their cheating and deceiving in weights and measures. There were many tribes in this nation and all of them were involved in this vice and Allah destroyed them all.

Chapter 10. What Has Been Related About Auctioning

1218. Anas bin Malik narrated that the Messenger of Allah ﷺ sold a saddle blanket and a drinking bowl. He ﷺ said: “Who will buy this saddle blanket and drinking bowl?” So a man said: “I will take them for a Dirham.” So the Prophet ﷺ said: “Who will give more than a Dirham? Who will give more than a Dirham?” A man agreed to give him two Dirham, so...
he sold them to him. (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan. We do not know of it except from the narration of Al-Akhḍār bin ‘Ajlān, and ‘Abdullāh Al-Hanāfī who is reporting from Anas, is Abū Bakr Al-Hanāfī.

This is acted upon according to some of the people of knowledge, they did not see any harm in auctioning the spoils of war and inheritance.

Al-Mu‘tamir bin Sulaimān and others among the people of Hadith reported from Al-Akhḍār bin ‘Ajlān.

Comments:
In the view of Imām Awzā‘i and Ishaq and some other scholars, only spoils of war and the property of inheritance can be sold by bidding and auction. Most of the people of knowledge, Imam Shafi‘i and Imam Mālik are of view that all types of property and commodities can be sold by bidding and auction. It is not allowed to raise the price when the deal is over. (Tuhfat Al-Azwā‘i v. 2. p.230.)

Chapter 11. What Has Been Related About The Sale Of A Mudabbar

1219. Jābir narrated: “A man among the Ansār decided to free a slave of his after his death. He died but he left no wealth behind beside the slave. So the Prophet ﷺ sold him and Nu‘aim [bin ‘Abdullāh] bin An-Nabā‘ī bought him.” Jābir said: “He was a Coptic slave who died during the first year of the leadership of Ibn Az-Zubair.” (Ṣahih)

[Abū ‘Eisā said:] This Hadith is ...
Hasan Sahih and it has been reported through more than one route from Jābir ibn ‘Abdullāh.

This Hadīth is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They did not see any harm in the sale of a Mudabbar. This is the view of Ash-Shāfi‘ī, Ahmad and Ishāq. There are those among people of knowledge, among the Companions of the Prophet ﷺ and others, who disliked selling the Mudabbar. This is the view of Sufyān Ath-Thawrī, Mālik and Al-Awzā‘i.

Comments:
The slave who is promised by his owner to be freed after the owners’ death is called ‘Mudabbar.’ There are different opinions about the sale of Mudabbar. But according to a Sahih narration, the sale of a Mudabbar is proved (Tuhfat Al-Ahwadhi v.2. p. 231). A Mudabbar can only be sold in case of dire need.

Chapter 12. What Has Been Related About It Being Disliked To Meet The Owners Of The Goods

1220. Ibn Mas‘ūd narrated from the Prophet ﷺ: “He prohibited meeting the owners of the goods.”[1]

[He said:] There are narrations on this topic from ‘Ali, Ibn ‘Abbās, Abū Hurairah, Abū Sa‘eed, Ibn ‘Umar, and a man from the

[1] This is a situation when merchants from the town or city meet villagers before they arrive at city markets and inform them of depression and unsalability of their wares, with the intention of deceiving them into selling those wares at prices much cheaper than actual market prices.
Companions of the Prophet ﷺ.

(Sahih)

وَبِيْنِ عَمَّرِ وَرَجُلٍ مِّنْ أَصْحَابِ النَّبِيِّ ﷺ.


Comments:
The word ‘Talaqqa’ means to go out of a populace to meet the merchant caravan. Here ‘Al-Buyu’ stands for the merchandise or goods for sale.

1221. Abū Hurairah narrated:
“The Prophet ﷺ prohibited meeting the goods being brought (to the market). If someone were to meet them and buy them, then the owner of the goods retains the option when he reaches the market.” (Sahih)

[Abū ‘Eisā said:] This Hadīth is Hasan Gharīb narration of Ayyūb (a narrator). The Hadīth of Ibn Mas‘ūd is a Hasan Sahih Hadīth. There are those among the people of knowledge who disliked meeting the owners of the goods, saying that it is a type of deception. This is the view of Ash-Shāfi‘ī, and others among our companions.

Comments:
The Prophet ﷺ has prohibited the purchase of goods on the way while being brought to the market until they reach it. It is prohibited to go out of the village or town and meet the merchants on the way and purchase the goods at a low price as the owner is unaware of the market price.
Chapter 13. What Has Been Related About ‘The Dweller Of A Town Is Not To Sell On Behalf Of The Bedouin’

1222. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The dweller of the town is not to sell for the Bedouin.” (Ṣaḥīḥ)

[He said:] There are narrations on this topic from Ṭālḥah, Jābir, Anas, Ibn ‘Abbās, Ḥakīm bin Abī Yazīd from his father, ‘Amr bin ‘Awf Al-Muzanī the grandfather of Kāthīr bin ‘Abdullāh, and a man from the Companions of the Prophet ﷺ.

Comments:

There is great wisdom in this prohibition. This prevention is to eliminate the commission agents from in between the urban population and the residents of the rural area who come to the towns and cities to sell their produce and products. Usually the people of rural areas bring their goods to sell to the people of a town with the intention of fulfilling the needs of both areas. If they sell their goods directly to the dwellers of the town they will get the goods at a low price and the seller will get the money to fulfill his other needs. But if a third person from the town or city comes in between, it creates many problems. The seller gets his money late because the commission agent will not give him money until he sells it (since he likes to sell at a higher price) and the purchaser gets the goods at a high price and the commission agent makes the money for nothing. There are many other vices which emerge from this action. Hoarding, black marketing, problems of demand and supply etc., make life troublesome.
1223. Jābir narrated that the Messenger of Allāh (ﷺ) said: “The dweller of the town is not to sell for the Bedouin, leave the people; Allāh provides for some of them through others.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] The Hadīth of Abū Hurairah is a Ṣaḥīḥ Hadīth, and this Hadīth of Jābir is a Ṣaḥīḥ Hadīth as well.

This Hadīth is acted upon according to some of the people of knowledge among the Companions of the Prophet (ﷺ) and others. They dislike the dweller of the town to sell for the Bedouin, while some of them permitted the town dweller to purchase for the Bedouin. Ash-Shāfi‘ī said: “It is disliked for the dweller of the town to sell for the Bedouin, and if he does sell, then the sale is permissible.”

Comments:

This narration of Jābir makes the point clear; if the buyer and seller deal directly it is beneficial for both of them. When a person from a rural area brings his goods and sells them directly to the people of the town without any intervention of a third person, he sells them at the price which suits him and he gets the money on the spot. This encourages him to bring more things to the town and ultimately business flourishes and the residents of the town get needed things on reasonably low prices. But if there is an intervention of a third person, it complicates the whole business process. Supply and demand is affected. The third person or the commission agent does not supply the needed thing in time and raises the prices. The owners of the goods do not get their money on the spot and their needs are delayed. So, Islam has prevented such intervention.
Chapter 14. What Has Been Related About the Prohibition of Muḥaqalah and Muzābanah


[He said:] There are narrations on this topic from Ibn 'Umar, Ibn 'Abbās, Zaid bin Thābit, Sa'd, Jābir, Rāfī' bin Khadīj, and Abū Sa'eed. (Sahih)

[Abū 'Eisā said:] The Ḥadīth of Abū Hurairah is a Hasan Sahih Hadīth.

Muḥaqalah is selling crops for wheat, and Muzābanah is selling dates that are on the date-palm for dried dates. This is acted upon according to most of the people of knowledge, they disliked sales of Muḥaqalah and Muzābanah.

Comments:

There is a difference of opinion in the explanation of 'Muḥaqalah'. A) Selling of standing crops for cleaned and dry wheat. B) To give the land for cultivation on the basis of division of crop or on fixed amount of money. C) Selling of the standing crop before it is ready for reaping. 'Muzābanah' is selling of the fruits still on the trees for dried dates. Islam has prohibited both types of dealings because standing wheat crops when not yet ready for reaping, and fruits on the tree both, are not measurable or weighable. So, depending one's guess is not right, it may bring problems for one of the parties, that is why Islam has prohibited this kind of deal.
1225. ‘Abdullâh bin Yazîd narrated: “Zaid, Abû Ayyâsh asked Sa’d regarding white wheat in exchange for barley: which of them was better? He said the white, then he forbade that. Sa’d said: ‘I heard the Messenger of Allah being asked about selling dried dates for ripe dates and he said to those present: ‘Will the fresh dates shrink when they are dry?’ They said yes, so he forbade that.’” (Hasan)

(Another chain of narrators) with similar meaning.

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh, and this is acted upon according to the people of knowledge. It is the view of Ash-Shâfi‘î and our companions.

Comments:
The point made clear in this narration is that the exchange of the same kind of produce is not approved if there is a difference in the quality or the quantity of the produce in being exchanged. Imâm Abû Hanîfah allows the exchange of fresh and dried dates, whereas there is a difference of weight in this exchange. Fresh dates when dried up weigh less, for this reason the exchange of fresh dates and dried dates is prohibited. Most of the people act on the narration. (Tuhfat Al-Ahwadhî v. 2 p.233-234.)

Chapter 15. What Has Been Related About It Being Disliked To Sell Fruits Until They Begin To Blossom

1226. Ibn ‘Umar narrated: “The Messenger of Allah prohibited selling date-palms until they have blossomed.” (Sahîh)
1227. With this (same as no. 1226) chain: “The Prophet prohibited selling ears (of grain) until they have whitened (shown their kernels) and are safe from blight, he forbade it for the seller and the buyer.”

[He said:] There are narrations on this topic from Anas, 'Aishah, Abū Hurairah, Ibn 'Abbās, Jabir, Abū Sa'eed, and Zaid bin Thābit. (Ṣaḥīh)

[Abū ‘Eisā said:] The Ḥadīth of Ibn ‘Umar is a Ḥasan Sahīh Ḥadīth. This is acted upon according to the people of knowledge among the Companions of the Prophet and others. They dislike selling fruits before their usefulness appears, this is the view of Ash-Shafi‘i, Ahmad and Ishaq.

1228. Anas narrated: “The Messenger of Allah prohibited selling grapes until they appear and selling grains until they become firm.” (Da‘if)

[Abū ‘Eisā said:] This Ḥadīth is Hasan Gharib, we do not know of it being Marfu‘ except from the narration of Ḥammād bin Salamah.
The orders of not selling the grains and fruits until they are ripe enough and safe from blight, were given to stop the conflict between the buyer and the seller. Though it is prohibited to sell before it is ripe and safe but if the buyer wants to reap the crop and pick up the fruit from the trees before it is ready, then according to the Four A'immah it is approved and lawful to sell it.

Chapter 16. What Has Been Related About The Sale Of Ḥabalil-Habalah

1229. Ibn ‘Umar narrated: “The Prophet prohibited the sale of Ḥabalil-Habalah.” (Ṣahīh)

[He said:] There are narrations on this topic from ‘Abdullāh bin ‘Abbās and Abū Sa‘eed Al-Khudrī. [Abū ‘Eisā said:] The Ḥadīth of Ibn ‘Umar is a Ḥasan Ṣahīh Ḥadīth. This is acted upon according to the people of knowledge. And Ḥabalil-Habalah is the offspring of the offspring (of an animal). It is an invalid sale according to the people of knowledge and it is a type of Ḡharār sale.[1]

Shu‘bāh reported this Ḥadīth from Ayyūb, from Sa‘eed bin Jubair, from Ibn ‘Abbās. ‘Abdul-Wahhāb Ath-Thaqāfī and others reported it from Ayyūb, from Sa‘eed bin Jubair and Nāfi‘,

[1] See the next chapter.
The Chapters On Business

from Ibn ‘Umar, from the Prophet ﷺ, and this is more correct.

تخريج: [صحيح] وأخرجه النسائي في الكبرى، ح: 2119 عن قتيبة، والبهاري، ح: 2143
ومسلم، ح: 1514 من حديث نافع به وفيه: الباب عن عبدالله بن عباس [النسائي، ح: 4266]
وأبي سعيد الخدري [أبي مختصر، ح: 1563 وأبو ماجه، ح: 961].

Comments:
‘Habalah’ is plural of ‘Habi’ as ‘Katabah’ is plural of ‘Katab’ ‘Habailil Habalah’
is an offspring of the offspring of an animal. Explanation: A) To pay at the
time when the she-camel will give birth to a she-camel and that offspring she-
camel will give birth to a camel or she-camel. Imam Shafi’i and some others
support this explanation of ‘Habailil Habalah’. B) Others said it is to pay at the
time when the she-camel gives birth to a she-camel and that offspring she-
camel gets pregnant. In both situations the deal is unlawful and strictly
disapproved because of the time factor. Nobody knows what will happen
during this long period of time.

Chapter 17. What Has Been
Related About: Sales Of
Gharar[1] Are Disliked

1230. Abu Hurairah narrated:
“The Messenger of Allah ﷺ prohibited the Gharar sale, and the
Hasah sale.” (Sahih)

[He said:] There are narrations on
this topic from Ibn ‘Umar, Ibn
‘Abbâs, Abu Sa’eed, and Anas.

[Abu ‘Eisâ said:] The Hadith of
Abu Hurairah is a Hasan Šahîh Hadith.

This Hadith is acted upon
according to the people of
knowledge, they dislike the Gharar
sale. Ash-Sha’î said: “The Gharar
sale includes selling fish that are in
the water, selling a slave that has
escaped, selling birds that are in
the sky, and similar types of sales.
And the meaning of the Hasah sale
is when the seller says to the buyer:

[1] A sale involving uncertainty or deceit. It normally refers to the sale of what one does not
possess, or what cannot be defined, see the comments of the author.
‘When I toss the pebble at you, then the sale between you and I is final.’ This resembles the sale of Munābadhah and this is one of the selling practices of the people of Jahiliyyah.’

Then the sale between you and I is final. This resembles the sale of Munābadhah and this is one of the selling practices of the people of Jahiliyyah.’

Comments:
A sale involving uncertainty and deceitful tricks is called a sale of ‘Gharar’. All such sales that are based on deceiving others are unlawful and prohibited. All ‘Aimmah and scholars agree on this issue. The example of the sale of Gharar is selling an animal which is still in the womb of the mother or sale of the fish which is still in water and the net has been thrown for their catch, or selling a slave that has escaped, or sale of birds which are in the sky and sale of run away or lost animals.

Chapter 18. What Has Been Related About The Prohibition Of Two Sales In One

1231. Abū Hurairah narrated: “The Messenger of Allah prohibited two sales in one.”

There are narrations on this topic from ‘Abdullāh bin ‘Amr, Ibn ‘Umar, and Ibn Mas‘ūd. (Hasan)

[Abū ‘Eisā said:] The Hadith of Abū Hurairah is a Ḥasan Sahih Hadith.

This is acted upon according to the people of knowledge. Some of the people of knowledge have explained it by saying that two sales in one is when one says: “I will sell you this garment for ten in cash, and twenty on credit.” He does not distinguish between either of the two sales. But when he distinguishes it as being one of them, then there is no harm when
one of them is agreed upon.

Ash-Shafi'i said: “Included in the meaning of what the Prophet prohibited of regarding two sales in one, is if one said: ‘I will sell you this house of mine for that (price), upon the condition that you sell me your slave for this (price). When I get the slave, then you get the house.’ In this way the sales are distinguished without the prices being known, and neither of them knows what will happen at the conclusion of it (the agreement).’”

Comments:
Three explanations have been given of “two sales in one” by scholars. Imam At-Tirmidhi has already given two explanations of the narration and the third explanation is that a person pays another person one Dinar on the promise that he will give him ten kilos of wheat next month. After one month when he demands ten kilos of wheat the other man says that the wheat he owes him may be sold to him again and next month he will give him twenty kilos of wheat. All kinds of such sales are unlawful and strictly prohibited. It is also a kind of Ribā.

Chapter 19. What Has Been Related About It Being Disliked To Sell What One Does Not Have

1232. Hakim bin Hizäm narrated: “I asked the Messenger of Allah, I said: ‘A man came to me asking to buy something that I did not have. Can I buy it from the market for him and then give it to him?’ He said: ‘Do not sell what

[1] That is: Collect the money from him as in a sale, pay it in the market and then give it to him? See Tuhfat Al-Ahwadhī.
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1233. Ḥākim bin Ḥizām narrated:

“The Messenger of Allāh prohibited me from selling what was not with me.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan. He said: There is something on this topic from ‘Abdullāh bin ‘Umar.

Iṣḥāq bin Maṣūr said: “I said to Ahmad: ‘What is the meaning of the prohibition from a loan along with a sale?’ He said: ‘That he gives him a loan and then he makes a sale to him greater then it’s actual worth. And, it carries the meaning of him loaning it to him in exchange for something (as collateral), so he says: ‘If you are unable to pay it (the loan), then it (the collateral) will be a sale for you.’ Iṣḥāq [meaning Ibn Rahuwyah] said as he said. And I said to Ahmad: ‘What about selling what one does not possess?’ He said: ‘To me it does not apply except in cases of food – meaning when one has not taken possession of it.’ And Iṣḥāq said the same for all of what is measured or weighed. Ahmad said: ‘When he says: “I will sell you this garment, with the condition that I am the tailor for it, and I am the one who bleaches it.’ This is an example of two conditions in one sale. But if he says: “I am selling it to you with the
1234. Ayyūb narrated: ‘Amr bin Shu‘aib narrated to us, saying: My father narrated to me from his father’ until he mentioned ‘Abdullāh bin ‘Amr: “The Messenger of Allāh ﷺ said: ‘It is not lawful to lend and sell, nor two conditions in a sale, nor to profit from what is not possessed, nor to sell what one does not have.’” (Sahīh)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Sahīh.

[Abū ‘Eisā said:] The Ḥadīth of Ḥakīm bin Hizām is a Ḥasan Ḥadīth, it has been reported from him through other routes. Ayyūb As-Sakhtiyānī and Abū Bishr report from Yūsuf bin Māhak, from Ḥakīm bin Hizām.

[Abū ‘Eisā said:] ‘Awf and Hishām bin Ḥassān reported this Ḥadīth from Ibn Sirīn, from Ḥakīm bin Hizām from the Prophet ﷺ. And this is a Mursal Ḥadīth. Ibn Sirīn only reported it from Ayyūb As-Sakhtiyānī from Yūsuf bin Māhak, from Ḥakīm bin Hizām like this.
1235. Ḥakīm [bin Ḥizām] narrated: “The Messenger of Allāh prohibited me from selling what was not with me.” (Sahih)

[Abū ‘Eisā said:] Wāki’ reported this Ḥadīth from Ṭayyīb ibn ‘Abdullāh ibn Ṣirīn, from Ibn Yemen, from Ḥakīm ibn Ḥizām, and he did not mention in it: “From Yūsuf bin Māhāk.”

And the narration of ‘Abduṣ-Ṣamad (a narrator in the chain of Ḥadīth no. 1235) is more correct.

Yahyā bin Abī Kathīr reported this Ḥadīth from Ya‘lā bin Ḥakīm, from Yūsuf bin Māhāk, from ‘Abdullāh bin ‘Īsmah, from Ḥakīm ibn Ḥizām, from the Prophet ﷺ.

This Ḥadīth is acted upon according to most of the people of knowledge, they dislike for a man to sell what is not with him.

Comments:

According to Imām Aḥmad’s view it is related to grains only. It means that the grains which are not in possession, it is illegal to sell them. Imām Ishaq says all things that are measured and weighed and are not in possession are included in it. In the view of Imām Ash-Shāfi‘ī and Muḥammad, all the things which are not in possession are included in it. According to Imām Mālik it is not lawful to sell grains and fruits which are not in possession, and in the view of Imām Abū Ḥanifah, all moveable property which is not in possession, its sale is unlawful. (See for details: Sharh Muslim lin-Nawawī v.2. p5)
Chapter 20. What Has Been Related About It Being Disliked To Sell Walâ’ And To Confer It

Ibn ‘Umar narrated: “The Messenger of Allah prohibited selling the Walâ’ and conferring it.” (Ṣahîh)

[Abû ‘Eisâ said:] This Hadîth is Hasan Ṣahîh. We do not know of it except as a narration of ‘Abdullâh bin Dinâr, from Ibn ‘Umar.

This Hadîth is acted upon according to the people of knowledge.

Yahya bin Sulaim reported this Hadîth from ‘Ubaidullâh bin ‘Umar, from Nâfi’ from Ibn ‘Umar from the Prophet, (saying) “That he prohibited selling the Walâ’ and conferring it.”

But this is a mistake from Yahya bin Sulaim. Because ‘Abdul-Wahhâb Ath-Thaqafi, ‘Abdullâh bin Numair and others reported it from ‘Ubaidullâh bin ‘Umar, from ‘Abdullâh bin Dinâr, from Ibn ‘Umar, from the Prophet. And this is more correct than the narration of Yahya bin Sulaim.

Comments:
‘Walâ’ is the relationship between a slave and the one who manumits. By this relationship one who gets freedom is considered the family member of the one who frees. If the freed slave dies without having any legal heir his property goes to the one who manumited him. Arabs before the advent of Islam used to sell or confer this relationship of Walâ’. The Prophet prohibited it.

[1] Al-Walâ’ is the right for the one who freed a slave to inherit his or her property. It is not lawful to sell that right, nor give it to someone as a gift.
Chapter 21. What Has Been Related About It Being Disliked To Barter Animals For Animals On Credit

1237. Samurah narrated: “The Messenger of Allah prohibited bartering animals for animals on credit.” (Sahih)

[He said:] There are narrations on this topic from Ibn ‘Abbâs, Jâbir, and Ibn ‘Umar.

[Abû ‘Eîsa said:] The Hadith of Samurah is a Hasan Sahîh Hadith. It is correct that Al-Hasan heard from Samurah, this is what ‘Ali bin Al-Madînî and others said.

Regarding (the prohibition of) bartering animals for animals on credit, this is acted upon according to most of the people of knowledge among the Companions of the Prophet and others. This is the view of Sufyân Ath-Thawrî and the people of Al-Kûfah, and it is the view of Ahmad.

Some of the people of knowledge, among the Companions of the Prophet and others, permitted bartering animals for animals on credit. This is the view of Ash-Shâfi’î and Ishâq.

1238. Jâbir narrated that the Messenger of Allah said: “Animals [two for one] are not
proper on credit, and there is no harm in a hand to hand (exchange).” *(Da‘if)*

This Ḥadīth is Hasan [Sahih].

This Hadith is Hasan [Sahih].

Comments:

There is a narration in Sahih Al-Bukhari that the Prophet ﷺ bought a camel on credit from a Bedouin and later on returned a better camel to him. Imam Bukhari has written a ‘Chapter on Loan of Camels’. It proves that an animal can be bartered on credit. According to Ḥafiz Ibn Hajar most of the people of knowledge act upon this narration.

Chapter 22. What Has Been Related About Buying A Slave In Exchange For Two Slaves

1239. Jābir narrated: “A slave came to give the pledge to the Prophet ﷺ for Hijrah, but the Prophet ﷺ did not realize that he was a slave. So his master came to get him and the Prophet ﷺ said: ‘Sell him to me.’ So he purchased him for two black slaves. Then he would not take the pledge from anyone until he asked him if he was a slave.” *(Sahih)*

[He said:] There is something on this topic from Anas.

[Abū ‘Elsa said:] The Hadith of Jābir is a Hasan Sahih Hadith. This is acted upon according to the people of knowledge. There is no harm in a slave for two slaves in a hand to hand exchange, but they differ when it is on credit.
Chapter 23. What Has Been Related About That Wheat Is To Be Exchanged For Wheat, Kind For Kind, And That An Increase In It Is Disliked

1240. ‘Ubâdah bin Aṣ-Šâmit narrated that the Prophet ﷺ said: “Gold for gold, kind for kind; silver for silver, kind for kind; dried-dates for dried-dates, kind for kind; wheat for wheat, kind for kind; salt for salt, kind for kind; and barley for barley, kind for kind. Whoever increases or seeks an increase, then he has dealt with Ribâ. Sell gold for silver as you wish, hand to hand; and sell wheat for dried-dates as you wish, hand to hand; and sell barley for dried-dates as you wish, hand to hand.” (Sahih)

[He said:] There are narrations on this topic from Abû Sa‘eed, Abû Hurairah, Bilāl, [and Anas].

[Abû ‘Eisâ said:] The Hadith of ‘Ubâdah bin Aṣ-Šâmit is Hasan Sahîh. Some of them reported this Hadith from Khâlid, with this chain, and he said: “Sell wheat for barley as you wish, hand to hand.”

Some of them reported this Hadith from Khâlid, from Abû Qilâbah, from Ash‘ath, from ‘Ubadah from the Prophet ﷺ. In that Hadith, they added that Khâlid said: “Abû Qilâbah said: “Sell wheat for barley as you wish, hand to hand.”

This Hadith is acted upon...
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according to the people of knowledge, they do not think that one may sell wheat for wheat except when it is the same kind for the same kind, and (the same for) barely in exchange for barely, kind for kind. When the items are themselves different, then there is no harm in one being more than the other if it is hand to hand. This is the saying of most of the people of knowledge among the Companions of the Prophet and others. It is the view of Sufyān Ath-Thawrī, Ash-Shāfī‘ī, Ahmad, and Ishaq. Ash-Shāfī‘ī said: “And the proof for that is the saying of the Prophet: ‘Sell barely for wheat as you wish, hand to hand.’”

[Abū ‘Eisā said:] Some of the people of knowledge considered it disliked that wheat be sold for barely unless it was kind for kind. This is the view of Mālik bin Anas, but the first view is more correct.

Comments:

Ribā (Usury or Interest) is of two kinds. a) Direct and b) Indirect. The example of direct Ribā is very clear, it is to take money or anything else on loan and settle the terms and conditions of return in advance and to agree by both parties to pay more than the original loan taken, or to return a better thing than the thing taken on loan. This is unlawful. The second kind of Ribā is indirect interest for which the narration in the chapter has the basic standing. Ribā means increase. Exchange of one kind of grain with the same kind of grain with some addition is because it resembles the Direct Interest, therefore, it has been declared unlawful. (See for details: Hujjatullāh Al-Balighah v.2. p.106 - 107.)
Chapter 24. What Has Been Related About Exchange

1241. Nāfi' narrated: “Ibn ‘Umar and I went to Abū Sa‘eed and he narrated to us: ‘the Messenger of Allāh [SAW] said — and I heard him with these [two] ears: “Do not sell gold for gold except kind for kind, nor silver for silver except kind for kind, do not exchange more of one than the other, and do not sell what is not present from them for what is present.”’ (Sahih)


[He said:] the Hadith of Abū Sa‘eed, from the Prophet [SAW] about Ribā is a Hasan Sahih Hadith.

This is acted upon according to the people of knowledge among the Companions of the Prophet [SAW] and others, except for what has been related from Ibn ‘Abbas; he did not see any harm in exchanging gold for gold or silver for silver, more for less, when it is done hand to hand, and he said: “Ribā is only in credit.” Similar has been related from some of his companions. It has been related that Ibn ‘Abbās changed his opinion when Abū Sa‘eed narrated it to him from the Prophet [SAW]. The first view is more correct.

And this is acted upon according to the people of knowledge [among the...
Companions of the Prophet and others. It is the view of Sufyân Ath-Thawri, Ibn Al-Mubārak, Ash-Shāfi‘ī, Ahmad, and Ishāq. It has been reported that Ibn Al-Mubārak said: “There no difference over exchange.”

**Comments:**

“La Yushaffu” means making an increase or decrease during exchange. And “Nājiz” means present. Exchange of gold with silver, or silver with gold, or gold with gold, and silver with silver, on credit, is not lawful. It is unanimously agreed upon. An exchange of the same kind with increase or decrease is also unlawful. The command of the Prophet is that “Riba is in loan.” It means taking a loan and returning it with increase in it. This type of exchange was customary among the people of that time. The Prophet disapproved it and declared it unlawful. If the kind is not the same in the exchange there can be increase or decrease in it, and it is approved, but if the deal of exchange is on credit, it is unlawful.

1242. Ibn ‘Umar narrated: “I would sell camels at Al-Baqi’, so I would sell them for Dinar but take in place of them Dirham, and, I would sell for silver and take Dinar in its place. So I went to the Messenger of Allāh and found him leaving the house of ⁵⁴ and asked him about that and he said: ‘There is no harm in that when it (equals) the price.” (Hasan)

[Abū ‘Eīsa said:] We do not know of this Hadīth being Marfu‘ except from the narration of Simāk bin Ḥassān.
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Harb from Sa'eed bin Jubair, from Ibn 'Umar.

Dawûd bin Abi Hind narrated this Hadith form Sa'eed bin Jubair, from Ibn 'Umar in Mawqûf form.

This is acted upon according to some of the people of knowledge. There is no harm in paying for gold with silver and silver with gold. This is the view of Ahmad and Ishâq. Some of the people of knowledge, among the Companions and others, disliked that.

This is acted upon according to Li some of the people of knowledge.

There is no harm in paying for gold with silver and silver with gold. This is the view of Ahmad and Isâq. Some of the people of knowledge, among the Companions and others, disliked that.

Comments:

All A'immah, Malik, Abû Hanîfah, Shâfi'i, Ahmad, Ath-Thawrî, Al-Awzâ'i and Hasan, and others, agree and approve if a thing is sold in Dinar, and Dihrams are taken instead of Dinar, or vice versa, but the deal must be hand to hand. If the deal is on credit, it is unlawful.

1243. Ibn Shihâb narrated from Malik bin Aws bin Hadathãn that he said: “I once said: ‘Who can change some Dirham?’ So Ṭalhah bin 'Ubaidullâh - and he was with 'Umar bin Al-Khaṭṭâb - said: “Leave your gold with us, then return to us when our servant comes and we will give you your silver.” 'Umar bin Al-Khaṭṭâb said: “No! By Allah! Neither give him his silver or return his gold to him. Indeed the Messenger of Allah said: ‘Silver for gold is Ribâ, except for hand to hand; and wheat for wheat is Ribâ except for hand to hand; and barley for barley is Ribâ except for hand to hand; and dried-dates for dried-dates is Ribâ except
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for hand to hand.” (Sahih)

[Abū ‘Eisā said:] This Hadīth is Ḥasan Sahih. This is acted upon according to the people of knowledge. And the meaning of Ḥa’ Wa Ḥa’ is hand to hand.

Comments:

Nowadays, paper currency is in circulation instead of Dirham and Dinar, so their exchange comes under the orders of gold and silver. Currency of one country will be dealt on equal basis with the currency of another country. Taking or giving one hundred rupees (for example) in place of a lesser or greater amount of rupees is unlawful because it resembles Ribā. The currency of different countries can be exchanged with increase or decrease as in the exchange of Dollar or Pound or Riyal. This exchange is lawful because the kind is not the same. This exchange will be hand to hand and not on credit.

Chapter 25. What Has Been Related About Purchasing Date-Palms After Pollination And A Slave That Has Property

1244. Sālim narrated from his father that the Messenger of Allāh ﷺ said: “Whoever purchases a date-palm after it has been pollinated then its fruits are for the one who sold it, unless the buyer made it a condition. And whoever purchases a slave who has property, then his property is for the one who sold him, unless the buyer made it a condition.” (Sahih)

[He said:] There is something on this topic from Jābir. The Hadīth of Ibn ʿUmar is a Hasan Sahih Hadīth. Similarly, it has been reported by more than one route from Az-Zuhri, from Sālim, from Ibn ʿUmar, that the Prophet ﷺ said:
“Whoever purchases a date-palm after it has been pollinated, then its fruits are for the seller, unless the buyer made it a condition. And whoever purchases a slave who has property, then his property is for the seller, unless the buyer made it a condition.” And it has been reported from Nāfi’, from Ibn ‘Umar, that the Prophet said: “Whoever purchases a date-palm that has been pollinated, then its fruits are for the seller, unless the buyer made it a condition.”

It has been reported from Nāfi’, from Ibn ‘Umar, that he said: “Whoever sold a slave who has property, his property is for the seller, unless the buyer made it a condition.” This is how the two Aḥādith were reported by ‘Ubaidullāh bin ‘Umar and others from Nāfi’.

Some of them have also reported this Hadīth from Nāfi’, from Ibn ‘Umar, from the Prophet.

‘Ikrimah bin Khālid reported similar to the Hadīth of Sālim, from Ibn ‘Umar, from the Prophet.

This Hadīth is acted upon according to some of the people of knowledge. It is the view of Ash-Shāfi‘i, Ahmad, and Ishāq.

Muhammad bin Ismā’il said: “The Hadīth of Az-Zuhri from Sālim, from his father, from the Prophet is the most correct [of what has been reported on this topic].”

تخريج: متفق عليه، وأخرجه مسلم، البيوع، باب من باع نخلة عليها نمر، ح: 1543 عن عطية البخاري، ح: 379 من حديث الليث بن سعد به * وفي الباب عن جابر [لعه يشير إلى حديث مسلم، ح: 1536 وفي الباب أحاديث أخرى].
Comments:
"Tu‘abbár" means pollination. In the time of the Prophet ﷺ people used to take more produce with artificial pollination, as today trees are grafted to have more produce.

Chapter 26. What Has Been Related About ‘Both The Buyer And The Seller Retain The Option As Long As They Have Not Separated’

1245. Nāfī‘ narrated from Ibn ‘Umar, that the Messenger of Allāh ﷺ said: “Both the buyer and the seller retain the option as long as they have not separated or they give each other the option.”

He (Nāfī‘) said: “So when Ibn ‘Umar purchased something while he was sitting, he would stand to complete the sale.” (Sahih)

[Abū ‘Eisā said:] There are narrations on this topic from Abū Barzah, [Ḥakîm bin Ḥizām], ‘Abdullāh bin ‘Amr, Samurah, Abū Hurairah, and ‘Abdullāh bin ‘Abbās.

Abū ‘Eisā said: The Hadīth of Ibn ‘Umar is a Hasan Sahih Hadīth. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Ash-Shāfi‘i, Aḥmād, and Ishāq, they said: “The separation means parting, not in speech.”

Some of the people of knowledge held the view that the saying of the Prophet ﷺ: “As long as they have not separated” means making a separation in speech.[1]

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[1] Meaning when the seller says: “Sold” or the buyer says something similar.
first view is more correct, because Ibn ‘Umar – who narrated it from the Messenger of Allah — is more knowledgeable about the meaning of what he narrated, and it is reported that when he wanted to conclude a sale, he would walk away to conclude it.

**Comments:**

A bargain is not considered complete until the consent is given from both sides. There is the possibility of cancellation until the bargain is finished and agreed upon by both the parties. After giving the consent both the parties keep the right of cancellation of the deal as long as they are present at the place where the deal is taking place but if one of the parties, or both of them, left the place, they lose the right of cancellation and the deal is sealed.

**1246.** Hakîm bin Hizâm narrated that the Messenger of Allah — said: “Both the buyer and the seller retain the option as long as they have not separated. If they spoke the truth and clarified (any defects or conditions), then they would be blessed in their sale, and if they hid something and lied then their sale would be deprived of blessings.”

(Sahîh)

And this is a *Sahîh Hadith.*

This is how it was reported from Abû Barzâh Al-Aslami, that two men came disputing to him after the sale of a horse, and they were on a ship, so he said: “I did not see the two of you separate, and the Messenger of Allah — said: ‘The buyer and the seller retain the choice as long as they did not
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Some of the people of knowledge, among the people of Al-Kūfah and others, held the view that the separation refers to speech. This is the saying of [Sufyān] Ath-Thawrī. This has been reported from Mālik bin Anas, and it has been reported from Ibn Al-Mubārak that he said: “How could this be refuted?” And the Hadīth about it from the Prophet ﷺ is Sahīh, and it strengthens this view.

And the meaning of the saying of the Prophet ﷺ: “Except for the optional sale” is, that (while they are still together) the seller gives the buyer the option to cancel after the conclusion of the sale. If he chooses to agree to the sale, then he does not have the choice to cancel the sale after that, even if they did not separate. This is how Ash-Shāfi`ī and others explained it. And what strengthens the view of those who said that the separation refers to them parting, (and) it does not refer to speech, is the (following) Hadīth of ‘Abdullāh bin ‘Amr from the Prophet ﷺ.

And the meaning of the saying of [Sufyān] Ath-Thawrī: “Neither should the ḥijār ‘alayh the Prophet ﷺ say: ‘Except for the optional sale’—that they did not separate unless they agreed to making it optional. And it is not lawful for him to separate from his companion, fearing that he
will change his mind.” (Hasan)

[Abū ‘Eisā said:] This Ḥadīth is Hasan and this means separating from him after the sale, fearing that he will change his mind. And if the separation referred to speech, and there was no option left for him after the sale, then this Ḥadīth would be meaningless, since he said: “And it is not lawful for him to separate from his companion, fearing that he will change his mind.”

Comments:
Here “Iqālah” means the appeal for the cancellation of deal. Here it does not mean the demand of return of goods purchased after the deal is complete, because the return of purchased things is possible even after the separation, with consent of the two parties. One party does not have the choice alone.

Chapter 27. What Has Been Related About The Option Of The Buyer And The Seller

1248. Abū Hurairah narrated that the Prophet said: “They (the two) are not to separate from a sale except in agreement.” (Hasan)

[He said:] This Ḥadīth is Gharib.

1249. Jābir narrated: “The Prophet gave a Bedouin the option after a sale.” (Da’īf)

This Ḥadīth is Hasan Gharib.
The basis of a business deal according to Islamic Law (Sharī'ah) depends on mutual consent and good-will, as Allāh said: “But let there be among you trade by mutual good-will” (Sūrat An-Nisā’ 4:29). So, the Islamic Sharī'ah gives the option of annulment of a deal to all the parties before the conclusion of the meeting, and it also advises not to leave the meeting for the fear of the other party's appeal of cancelling the deal. If both parties agree on the final decision they are allowed to end the meeting. They are also allowed to give the option of cancellation of the deal to one or both the parties after the end of the meeting, but this choice is given in the meeting.

Chapter 28. What Has Been Related About Who Is Cheated In Business

1250. Anas narrated that there was a man who was not very sensible and he would make purchases. So his family came to the Prophet ﷺ and said: “O Messenger of Allāh! Stop him (from making purchases).” So Allāh’s Prophet ﷺ called him to prohibit him, and he said: “O Messenger of Allāh! I have no patience for business.” So he said: “When you are buying, say: ‘Hand to hand, and no cheating.’” (Ṣaḥīḥ)

[Abū ‘Eisā said:] There is a narration on this topic from Ibn ‘Umar.

The Hadith of Anas is a Ḥasan Ṣaḥīḥ Gharīb Hadith.

This is acted upon according to the people of knowledge. They say that the free man can be prevented from selling and buying when his
intellect is weak. This is the view of Ahmad and Ishāq. Some of the scholars did not think that the free person who had attained the age of responsibility could be prevented from that.

Comments:
As for a person of low calibre and less intelligence or not so smart for business and trade; if he says before making any bargain: ‘hand to hand and no cheating’ and he keeps the choice of cancellation of the deal if there is any cheating, he should be given this choice. The court of the country has the right to prevent such a person from doing business on the request of his heirs.

Chapter 29. What Has Been Related About The Animal That Has Not Been Milked

1251. Abū Hurairah narrated that the Prophet said: “Whoever purchased an animal that has not been milked, then he has the choice when he milks it, if he wishes he may return it, returning a ١٢٥١ سَأ‘ of dried-dates along with it.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] There are narrations on this topic from Anas, and a man from the Companions of the Prophet.

References:
[Al-Muṣarrāt: It is the camel, cow or sheep, whose milk has been retained in its udders. See Tuhfat Al-Ahwadhi and An-Nihayah.]
1252. Abū Hurairah narrated that the Prophet ﷺ said: “Whoever purchases an animal that has not been milked, then he retains the option for three days. If he returns it, then he is to return with it a ʿSāʾ of food, not ʿSamrāʾ.” (Sahih)

[Abū ‘Eisā sad]: The meaning of: “Not ʿSamrāʾ” is “not wheat.”

This Hadith is Hasan Sahih. This Hadith is acted upon according to our companions, among them Aḥmad, Abū Aḥmad, and Iṣḥāq.

Comments:
“Al-Muṣarrāt” is derived from ʿTaṣrāḥ’ which means to withhold or block.
“Al-Muṣarrāt” is a camel, cow or sheep whose milk is left in its udder to tempt the buyer that the animal gives plenty of milk.

Chapter 30. What Has Been Related About The Stipulation For Riding An Animal At The Time Of The Sale

1253. Jābir bin ʿAbdullāh narrated that he sold a camel to the Prophet ﷺ and made the condition that he could ride it to (return to) his family. (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih. It has been reported through other routes from Jābir.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They consider it allowed to make a condition in a sale when it is one condition. This is the view of
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Ahmad and Ishāq.

Some of the people of knowledge said that it is not allowed to make a condition in a sale, nor to complete a sale when there is a condition for it.

Comments:

Putting a condition on a sale by which only one party gets the benefit is lawful. For example the seller of a horse can make a condition that he would ride the horse to return to his house, or on the sale of a house the seller can make a condition that he will reside in this house for such a period and then the possession will be given. ‘Allāmah Taqi also approves of putting only one condition. (See Appendix of the Mujjalah Al-Ahkām Al-Adliyah (Urdu) v. 1 p.636. and p.49 and Saḥīḥ Muslim, Fawaid.)

Chapter 31. [What Has Been Related About] Using What Is Pawned

1254. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “A riding animal can be ridden while it is pawned, and a milking animal can be milked while it is pawned, and it is up to the one riding and drinking (the milk) to maintain it.” (Saḥīḥ)

[Abū ‘Eisā said:] This Hadīth is Hasan Saḥīḥ.

We do not know of it being Marfu‘ except by the narration of ‘Āmir Ash-Sha‘bī from Abū Hurairah. Others have reported this Hadīth from Al-A‘mash, from Abū Sāliḥ, from Abū Hurairah in Mawqūf form.

This is acted upon according to some of the people of knowledge, and it is the view of Ahmad and
Ishāq.

Some of the people of knowledge said that one may not benefit in any way from what is pawned.

Comments:

It is proved from this narration that the benefit of a pawned thing or animal be taken in proportion to the expenditure of maintenance. Imam Ahmad and Ishāq approve this view, and according to most of the people of knowledge this view is correct.

Chapter 32. What Has Been Related About Selling A Necklace Containing Gold And Jewels

1255. Fadālah bin ‘Ubaidah narrated: “On the Day of Khairbar I purchased a necklace that contained gold and jewels for twelve Dinar. I separated it and found that it was worth more than twelve Dinar. I mentioned that to the Prophet ﷺ and he said: ‘Do not sell it until it is separated.’” (Sahih)

(Another chain of narration) with similar meaning.

[Abū ‘Eisā said:] This Hadith is Hasan Sahih. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They did not think that an embellished (silver-gilded) sword could be sold for Dirham, nor a silver-plated waist-band, or something similar, until it (the silver) was distinguished and separated. This is the view of Ibn Al-Mubārak, Ash-Shāfi’i, Ahmad, and Ishāq.

Some of the people of knowledge,
Comments:

This narration shows that if anything is mixed with gold and it is being sold for the sake of gold, the gold must be separated from the object. The same formula is applied to silver. This has been commanded so that every metal is sold separately at its own price. In case of mixture of metals, it is not possible to weigh each metal exactly, and selling a thing based upon estimation is prohibited. To avoid this doubt, it has been ordered to separate the metals.

Chapter 33. What Has Been Related About Making A Condition To Retain Al-Walâ [1]
And The Rebuke For That

1256. Al-Aswad narrated from ‘Aishah that she wanted to purchase Barîrah, but they (her owners) made the condition that they would retain the Walâ’. So the Prophet ﷺ said: “Buy her; the Walâ’ is only for the one who gives the price, or for the one who grants the favor.” [2]

[He said:] There is something on this topic from Ibn ‘Umar. (Sahih)

[Abû ‘Eisâ said:] The Hadith of ‘Aishah is a Hasan Sahîh Hadîth. This is acted upon according to the people of knowledge. And Mansûr bin Al-Mu’tamîr’s Kunyah is Abû ‘Attâb.

Abû Bakr Al-‘Aţţâr Al-Başrî narrated to us from ‘Ali bin Al-Madînî who said: “I heard Yahya bin Sa’eed saying: ‘When you get a narration from Mansûr, then your

[1] See no. 1236.
[2] Meaning, the one who frees them. (Tuhfat Al-Ahwadhi)
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hand has been filled with goodness, without needing others.’ Then Yahya said: ‘I did not find anyone more reliable in (narrating from) Ibrâhim An-Nakha’i and Mujãhid than Mansûr.”

[He said:] Mùhammad informed me from ‘Abdullãh bin Abi Al-Asswad who said: “‘Abdur-Rahmân bin Mahdi said: ‘Mansûr is the most reliable of the people of Al-Kufah.”

Comments:
A person who frees a slave or a slave-girl, or makes the payment for their freedom, or buys them, has the right of their inheritance. At the time of selling a slave, putting a condition of Walâ’ is against the Sharî’ah, and whoever goes against the Islamic Law is liable to punishment and action performed. (See for details Fath Al-Bërî v. 5 p.335-336.)

Chapter 34. Contingent Purchases And Sales

1257. Habîb bin Abî Thãbit narrated from Hakîm bin Hizãm, that the Messenger of Allâh ﷺ sent Hakîm bin Hizãm with a Dinãr to buy an animal for Udhiyah (an animal for sacrifice) for him. He purchased an Udhiyah which he sold and profited a Dinãr from, so he purchased another in its place. And he returned to the Messenger of Allâh ﷺ with the Udhiyah and the Dinãr, so he said: ‘The sheep is for sacrifice and the Dinãr is for charity.’” (Da’îj)

[Abû ‘EIsâ said:] We do not know of the Hadîth of Hakîm bin Hizãm
except through this route, and Ḥabīb bin Ābi Thābit did not hear from Ḥakīm bin Hizām — in my view.


Comments:

The Prophet ﷺ gave one Dinār to Ḥakīm to buy an animal for sacrifice and not for the sake of business. Ḥakīm, in good faith and as a well-wisher of the Prophet ﷺ, earned one Dinār by a business transaction. He came to the Prophet ﷺ and presented the animal and the Dinār. The motive of the Prophet ﷺ was only to make a sacrifice and not any kind of business, so he ordered Ḥakīm to slaughter the animal and give a Dinār in charity.

1258. ‘Urwa Al-Bariqī said: “The Messenger of Allah ﷺ gave me one Dinār to purchase a sheep for him. So I purchased two sheeps for him, and I sold one of them for a Dinār. So I returned with the sheep and the Dinār to the Prophet ﷺ, and I mentioned what had happened and he said: ‘May Allah bless you in your business dealings.’ After that he went to Kunāsah in Al-Kūfah, and he made tremendous profits. He was among the wealthiest of the people of Al-Kūfah.” (Sahih)

(Another chain of narration) with similar meaning.

[Abū ‘Eīsā said:] Some of the people of knowledge followed this Hadith and stated their view accordingly. This is the view of Ahmad and Ishāq. Some of the people of knowledge did not use this Hadith, among them are Ash-Shāfi‘ī and Sa‘eed bin Zaid the brother of Ḥammād bin Zaid. And Abū Labīd’s (a narrator) name is Limāzah [bin Zabbār].
Comments:
Some A‘immah and scholars, on the basis of this narration, have approved of making a profit with the money of others without their permission, and giving the profit to them. ‘Urwah purchased two goats with the money given to him by the Prophet ﷺ, without the permission of the Prophet ﷺ, whereas the money was given to him for the purchase of one goat. He sold one goat and earned one Dinár. He returned to the Prophet ﷺ with a goat and Dinár. The Prophet ﷺ appreciated his sentiments and invoked Allah’s blessings for him.

Chapter 35. What Has Been Related About the Mukātab[1] Who Has What Will Fulfill (His Release)

1259. Ibn ‘Abbās narrated that the Prophet ﷺ said: “When the penalty (of blood money) goes to a Mukātab, or an inheritance, then he inherits in accordance with as much as he is freed from it.” And the Prophet ﷺ said: “The Mukātab is given the blood-money of a free person in accordance to what he has paid (for his freedom), and that of a slave in accordance to what remains.”[2] (Sahīh)

[He said:] There is something on this from Umm Salamah.

[Abū ‘Eisā said:] The Hadith of

[1] The Mukātab is the slave that has an agreement from his owner to free him for a price.
[2] If the Mukātab deserves some inheritance or he is to be paid some blood money, then the portions of these that he is due will depend on the portion of freedom that he has purchased from his owner.
Ibn ‘Abbās is a Hasan Hadith. This is how it was reported from Yahya bin Abī Kathīr from ‘Ikrimah, from Ibn ‘Abbās, from the Prophet ﷺ.

Khālid bin Al-Hadh-dhā’ reported it from ‘Ikrimah, from ‘Alī as his saying.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others.

Most of the people of knowledge among the Companions of the Prophet ﷺ and others said that the Mukātab remains a slave as long as he still owes a Dirham. This is the view of Sufyān Ath-Thawrī, Ash-Shāfi‘ī, Ahmad, and Ishāq.

1260. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that he heard the Messenger of Allāh ﷺ delivering a Khuṭbah in which he said: “Whoever gives a writ of emancipation to his slave, for one hundred Uqiyyah, and he pays it to him less ten Uqiyyah,” – or he said: “Ten Dirham” – “then he becomes incapable (of paying the remainder), then he remains a slave.” (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan Gharib. And this is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others: The Mukātab is a slave as long as something remains due from him for his Kitābah.
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Al-Ḥajjāj bin Ṭāt reported similarly from ‘Amr bin Shu‘aib.

Chapter 36. What Has Been Related About When A Man In Debt Becomes Bankrupt And One’s Goods Are Found With Him

1261. Umm Salamah narrated that the Messenger of Allāh said: 

> “When one of you (women) has a Mukātab who has with him what will fulfill (the Kitābah) then observe Hijāb from him.” (Hasan)

[Abū Isa said:] This Hadith is Hasan Sahih. And the meaning of this Hadith according to the people of knowledge is that of caution. They say that the Mukātab is not freed, even if he has the amount to pay, until he pays it.

Comments:

If a Mukātab slave has enough money to pay for his freedom, the woman master of the slave should observe Hijāb from him. The slave is not free until he pays the amount in full, though he has enough amount to pay for his freedom, so, one should observe Hijāb as a precaution as he has the ability to get freedom.
[He said:] There are narrations on this topic from Samurah and Ibn ‘Umar.

[Abū ‘Eisā said:] The Hadith of Abū Hurairah is a Hasan Ṣahih Hadith. This is acted upon according to some of the people of knowledge and it is the view of Ash-Shafi‘i, Ahmad, and Ishāq.

Some of the people of knowledge said that he is just like one of the debtors. This is the view of the people of Al-Kūfah.

Comments:

According to this narration, if a person becomes bankrupt and he still has another person’s merchandise with him, the owner of the goods can have his stock back because he is the real owner. Three A‘immah, Malik, Shafi‘i, and Ahmad, and most of the scholars and people of knowledge among the Companions approve of this view.

Chapter 37. What Has Been Related About The Prohibition For The Muslim To Give Wine To The Dhimmī When Bartering With Him

1263. Abū Al-Waddāk narrated that Abū Sa‘eed said: “We had some wine that belonged to an orphan. When Al-Mā‘īdah was revealed I asked the Messenger of Allah ‍‍about it, I said: ‘It belongs to an orphan.’ He said: ‘Spill it out.’” (Ṣahih)

[He said:] There is something on this topic from Anas bin Mālik.

[Abū ‘Eisā said:] The Hadith of
Abū Sa‘eed is a Ḥasan [Ṣahih] Ḥadīth. Similar to this has been reported through other routes from the Prophet ﷺ. Some of the people of knowledge stated according to this, they dislike the usage of wine for making vinegar. And the only thing that they disliked about it, and Allāh knows best, is for a Muslim to have wine in his house until it becomes vinegar. Some of them permitted wine vinegar when it is found that it has become vinegar. [Abū Al-Waddāk’s name is Jabr bin Nawf].

Comments:

Most of the people of knowledge do not approve of making vinegar from wine; they argue that if it had been acceptable why would the Prophet ﷺ order him to spill it out. This point is correct and most of the people act according to this. According to Imam Abū Ḥanifah and Imam Awzā‘ī it is approved to make vinegar from wine. (For details see Ṣahih Muslim.)
Some of the people of knowledge among the Tābi‘īn allowed that. This is the view of Sufyān Ath-Thawrī, he said: “If one man has some Dirham that belong to another, and the second has some Dinār belonging to the first, he may not withhold any in place of his Dirham, unless it so happens that he has some Dirham of his, then in that case he can withhold some of his Dirham equal to what he is owed by the first.”

**Comments:**

There are different views of different scholars on this issue of Al-Zafar. Al-Zafar is an issue concerning withholding of money of another person in place of one’s own money or property which he owes him. 1) According to Imām Shāfi‘ī one whose amount has been seized by another person, if by chance he gets his (the second’s) money, he is allowed to deduct equal to his amount from the amount he got by chance. 2) The Ahnaf are of the view that if the kind of the thing is same then it is allowed to deduct one’s due share. Imām Shāfi‘ī also approves of this viewpoint. 3) It is not allowed to cut one’s share without judicial verdict. 4) According to Ibn Uazm, in any case, one should cut his due share. It is not only his right but if he does not deduct his amount or due share he is a wrong-doer. He must get it or forgive. If he forgives he not only saves himself from a crime but also gets the reward from Allāh. (Tuhfat Al-Ahwadhi v.2 p.252.)

**Chapter 39. What Has Been Related About ‘The Borrowed Is To Be Returned’**

1265. Abū Umāmah narrated: “During the year of the Farewell Pilgrimage, I heard the Prophet saying during the Khujbah: ‘The borrowed is to be returned, and the guarantor is responsible, and the debt is to be repaid.’” (Hasan)
Abū ‘Eisā said: There are narrations on this topic from Samurah, Ṣafwān bin Umayyah, and Anas. [He said:] The Hadith of Abū Umāmah is a Hasan [Gharib] Hadith. It has also been reported through other routes besides this, from Abū Umāmah, from the Prophet ﷺ.

Comments:

This narration proves that it is necessary and essential to return the borrowed things. There should not be any delaying tactics in the payment. Making delay in return is a moral crime. The guarantor must manage and make sure that the debt is paid.

1266. Qatadah narrated from Al-Hasan, from Samurah, that the Prophet ﷺ said: “Upon the hand is what it took, until it is returned.” Qatadah said: “Then Al-Hasan forgot, so he said: ‘It is something you entrusted, he is not liable for it.’” Meaning the borrowed property. (Da‘f)

[Abū Isa said:] This Hadith is Ḥasan Šaḥīḥ. Some of the people of knowledge, among the Companions of the Prophet ﷺ and others, followed this Hadith. They said that the possessor of the borrowed thing is liable. This is the view of Ash-Shafi‘i and Ahmad. Some of the people of knowledge among the Companions and others said that the possessor of the borrowed thing is not liable unless there is a dispute. This is the view of Sufyān Ath-Thawrī and the
people of Al-Kufah, and it is the view of Ishâq.

Comments:
A borrowed thing must be returned even if it is damaged or lost unintentionally. Though there is no legal responsibility of the borrower as he had no intention to damage or loose the borrowed thing. It is his moral duty to return or compensate for it. The Alnâf and Mâliki have the same point of view that it must be returned or compensated in any case.

Chapter 40. What Has Been Related About Hoarding

1267. Muhammad bin Ibrahim narrated from Sa‘eed bin Al-Musayyab, from Ma‘mar bin Abdullah bin [Nadlah] who said:
“I heard the Messenger of Allah saying: ‘Hoarding is nothing but sin.’” So I (Muhammad) said to Sa‘eed: “O Abu Muhammad! You hoard?” He said: “And Ma‘mar would hoard.” (Sahih)

It has only been reported that Sa‘eed bin Al-Musayyab would hoard oil, (camel) fodder, and the like.

[Abu ‘Eisâ said:] There are narrations on this topic from ‘Umar, Ali, Abu Umâmah, and Ibn ‘Umar. The Hadith of Ma‘mar is a Hasan Sahih Hadith. This is acted upon according to the people of knowledge, they dislike hoarding food, and some of them make a concession for hoarding things other than food. Ibn Al-Mubârk said: “There is no harm in hoarding cotton, goat pelts and the like.”
"Ihtikār" is hoarding. According to Ḥāfīẓ Ibn Hajar it means to store the grains and stop their supply in the market to make the price rise. (Tuhfat Al-Ahwadhi v. 2. p. 253.) Most of the scholars disapprove of hoarding grains but are not against the hoarding of other things. The narrator of this narration is a Companion of the Prophet ﷺ, Ma‘mar and pupil Sa‘eed bin Al-Musayyab took this very meaning of this narration, and hoarded olive oil and fodder and other items. According to ‘Allāmāh Taqī all Four A‘immah also have the same view. (Tuhfat Al-Ahwadhi v.2. p. 257.)

Chapter 41. What Has Been Related About Selling
Al-Muhaffalat (Animals That Have Not Been Milked)

1268. Ibn ‘Abbas narrated that the Prophet ﷺ said: “Do not go out to meet the market (caravan), do not leave the animals un-milked (to deceive the buyer), nor out-spend one another.” (Hasan)

[Abū ‘Eisā said:] There are narrations on this topic from Ibn Mas‘ūd and Abū Hurairah. The Hadith of Ibn ‘Abbas is a Ḥasan Ṣaḥīh Hadith. This is acted upon according to the people of knowledge, they dislike selling the Muhaffalah, and it is the Musarrāh that has not been milked by its owner in days or more than that, so the milk accumulates in its udders to impress the purchaser. This is a type of deceit and misrepresentation.
Chapter 42. What Was Been Related About The False Oath To Deprive The Muslim Of His Wealth

1269. 'Abdullah bin Mas'ud narrated that the Messenger of Allah ﷺ said: "Whoever takes a false oath to deprive a Muslim of his wealth, he will meet Allah while He is angry with him."

Al-Ash'ath bin Qais said: "It is about me, by Allah! There was a dispute about some land between myself and a man from the Jews who denied my ownership of it, so I took him to the Prophet ﷺ. the Messenger of Allah ﷺ said to me: 'Do you have any proof?' I said: 'No.' So he said to the Jew: 'Take an oath.' I said: 'O Messenger of Allah! If he takes an oath then my property will be gone!' So Allah, Most High revealed: Verily those who purchase a small gain at the cost of Allah's Covenant and their oaths... until the end of the Ayah.”[1] (Sahih)

[Abū ‘Eīsā said:] There are narrations on this topic from Wā’il bin Ḥujar, Abū Mūsā, Abū Umāmah bin Tha’labah Al-Ansārī, and ‘Imrān bin Ḥuṣain. The Hadith of Ibn Mas‘ūd is a Hasan Sahih Hadith.

Comments:

This narration is a proof that if there is a dispute between two persons the claimant has to produce two witnesses in his favor, and if he fails to produce, the respondent will take an oath, and the decision will be given on the oath of the respondent, whether he swore a true oath or false.

Chapter 43. What Has Been Related About When The Buyer And Seller Disagree

1270. Ibn Mas'ūd narrated that the Messenger of Allāh ﷺ said: "When the two parties (in a deal) disagree then the seller's statement is taken as valid, and the purchaser retains the option." (Hasan)

[Abū ‘Eisā said:] This Ḥadīth is Mursal. ‘Awn bin ‘Abdullāh did not see Ibn Mas'ūd. This Ḥadīth has also been reported from Al-Qāsim bin ‘Abdur-Rahmān, from Ibn Mas'ūd, from the Prophet ﷺ. But that is also Mursal.

[Abū ‘Eisā said:] [Ishāq] Ibn Mansūr said: "I said to Ahmad: what if when the two parties disagree and there is no proof (what is done)?" He said: 'The saying of the owner of the merchandise is taken as valid or they both refuse.' And Ishāq said as he did, and that in every case where his saying is taken, he must swear."

[Abū ‘Eisā said:] Similar to this has been reported from some of [the people of knowledge among] the Tābi‘īn, Shuraih is among those.

(المعجم ٤٣) - بَابُ مَا جَاءَ إِذَا اخْتَلَفَ الْبِيْعَانُ (التحفة ٤٣)
Comments:
The basic cause of dispute is not clear in this narration. Disagreement of the parties was on the commodity itself, or on its price, or on some condition put on it. Many of the scholars generalize the application of this narration. This narration is applicable to all kinds of disputes, and according to ‘Allāmah Ibn Qudāmah, if someone has no witness, then both of the parties will take an oath.

Chapter 44. What Has Been Related About Selling Surplus Water

1271. Abū Al-Minhāl narrated from Iyās bin ‘Abd Al-Muzānī who said: “The Prophet prohibited selling water.” (Ṣaḥīḥ)

[He said:] There are narrations on this topic from Jābir, Buhaisah from her father, Abū Hurairah, ‘Āishah, Anas, and ‘Abdullāh bin ‘Amr.

[Abū ‘Eisā said:] The Ḥadīth of Iyās is a Ḥasan Sahīḥ Hadīth. This is acted upon according to most of the people of knowledge; they dislike selling water. This is the view of Ibn Al-Mubārak, Ash-Shāfi‘i, Aḥmad and Iṣḥāq. Some of the people of knowledge permitted selling water, Al-Ḥasan Al-Bāṣrī is one of them.

Comments:
Some of the scholars, in the context of this narration have taken the word ‘water’ in its entirety to mean water of all kinds, and in all senses, and they have prohibited its sale. According to Ibn Ḥazm and Imām Shawkānī, sale of water is unlawful. The correct sense of the word ‘water’ in this narration
seems to be the water which is free for all, and no one has to toil for bringing it up to the place of use. But the water brought from far off places by rented transport or by other means with an expenditure on it, can be sold. (For details see Nayl Al-Awtár v. 5. p. 259.)

1272. Abü Hurairah narrated that the Prophet ﷺ said: “Do not withhold surplus water so that it is prevented from the pasture.” (Ṣahih)

[Abū ‘Eīsā said:] This Hadith is Hasan Šahih.

[Abū Al-Munhal’s name is ‘Abdur-Rahmān bin Mu‘tím, he is from Al-Kufah, and he is the one that Ḥabib bin Abī Thābit reports from. Abū Al-Munhal Sayyār bin Salāmah is from Al-Baṣrah, he is the companion of Abū Barzah Al-Aslami.]

Comments:
One who has a well or source of water near a pasture, he is not allowed to put restrictions on his surplus water. He should allow the people to use the water for their animals and domestic needs.

Chapter 45. What Has Been Related About It Being Disliked To Sell The Sperm Of A Stallion

1273. Ibn ‘Umar narrated: “The Prophet ﷺ prohibited studding the stallion.” (Ṣahih)

[He said:] There are narrations on this topic from Abū Hurairah, Anas, and Abū Sa‘eed.

[Abū ‘Eīsā said:] The Hadith of Ibn ‘Umar is a Hasan Šahih Hadith. This is acted upon according to some of the people of knowledge.
There are those who made a concession for accepting an honorarium for that.

Comments:
In the view of Imam Abû Ḥanîfah, Imam Shâfi‘î and Imam Āhmad, the owner of the male animal is not allowed to take money or rent it out for mating purposes. In the view of Imam Màlik this is prohibited only because it is against the general welfare of the community. Norms of a civilized society do not allow receiving money for such purposes.

1274. Anas bin Mâlik narrated: “A man from (the tribe of) Kilâb asked the Messenger of Allâh about studding a stallion and he prohibited it. So he said: ‘O Messenger of Allâh! We stud the stallions so that we get honorarium!’ So he permitted it for the honorarium.” (Sahîh)

[Abû ‘Eisâ said:] This Hadîth is Hasan Gharîb, we do not know of it except as a narration of Ibrâhîm bin Ûmâd bin ‘Urwah.

Comments:
If some gift is given to the owner of the male animal, it can be accepted. Giving a gift is not a compulsion nor is this a fee for the male. This view is considered the correct view.

Chapter 46. What Has Been Related About The Price Of A Dog

1275. Râfî‘ bin Khadij narrated that the Messenger of Allâh said: “A dog’s price is doubled if it is male by birth.”
said: “The earnings of the cupper is filth, the earnings of the fornicator (from harlotry) is filth, and the price of a dog is filth.” (Sahih)

[He said:] There are narrations on this topic from 'Umar, ['Ali], Ibn Mas'ūd, [Abū Mas'ūd], Jābir, Abū Hurairah, Ibn ‘Abbās, Ibn ‘Umar, and ‘Abdullāh bin Ja'far.

[Abū 'Eisā said:] The Hadith of Rāfi' is a Hasan Sahih Hadith. This is acted upon according to most of the people of knowledge, they disliked the price of a dog. This is the view of Ash-Shāfi‘ī, Ahmad, and Ishaq. Some of the people of knowledge permitted the price of the hunting dog.

Comments:

Fornication is one of the greatest sins and the earnings of a fornicator is unanimously agreed upon as unlawful. The earnings of the soothsayer are also unlawful.

1276. Abū Mas'ūd Al-Ansārī narrated: “The Messenger of Allāh prohibited the price of a dog, the earnings of the fornicator (from harlotry), and the news of the fortune-teller.”[1] (Sahih)
This Hadith is Hasan Sahih.

[1] This Hadith preceded, no. 1133.
Chapter 47. What Has Been Related About The Earnings Of The Cupper

1277. Ibn Muḥayyisah of Banū Ḥarīthah narrated from his father, that he sought permission from the Prophet to take the wages for cupping and he forbade him from it. He continued asking him and seeking his permission until he said: “Use it to give fodder to your water-carrying camels, and to feed your slaves.” (Ṣahih)

(He said:) There are narrations on this topic from Rāfi’ bin Khadij, Abū Juhaifah, Jābir, and As-Sā’īb [bin Yazīd].

[Abū ‘Eisā said:] The Ḥadīth of Muḥayyisah is a Hasan [Ṣahih] Ḥadīth. This is acted upon according to some of the people of knowledge. Aḥmad said: “If I am asked for something by the cupper then I deny him, acting upon this Ḥadīth.

[ابن أبي حامد في عمل الحديث: 444، ح: 29].
Chapter 48. What Has Been Related About Permitting The Earnings Of A Cupper

1278. Anas narrated: “The Messenger of Allah ﷺ was cupped; Abū Taibah did the cupping. So he ordered that he be given two Sā‘ of food, and he spoke to his masters to reduce his taxes. He said: ‘The most virtuous of what you treat with is cupping.’ Or, he said: ‘The best of your treatements is cupping.’” (Sahih)

[He said:] There are narrations on this topic from ‘Ali, Ibn ‘Abbas, and Ibn ‘Umar.

[Abū ‘Eisā said:] The Hadith of Anas is a Hasan Sahih Hadith. Some of the people of knowledge among the Companions of the Prophet ﷺ and others permitted paying the cupper. This is the view of Ash-Šafi‘ī.

Comments:

According to Imam Nawawī most of the people of knowledge among the Companions of the Prophet ﷺ and their followers have allowed one to adopt this profession. According to some, a free man should not adopt this profession but a slave is allowed.

Chapter 49. What Has Been Related About The Price Of A Dog And A Cat

1289. Jābir narrated: “The Messenger of Allah ﷺ prohibited the price of the dog and the cat.” (Sahih)
Abū 'Eisā said: There is some confusion (Idtīrab) in the chain for this Hadith. [The price of a cat is not correct]. This Hadith has been reported from Al-A'mash, from some of his companions, from Jābir, and they caused some confusion for Al-A'mash in this narration.

There are those among the people of knowledge who disliked the price of a cat, and some of them permitted it. This is the view of Ahmad and Ishāq. It has been reported from Ibn Al-Fudail, from Al-A'mash, from Abū Ḥazīm, from Abū Hurairah from the Prophet ﷺ, through other than this route.

 distância: [Sahih] and A'immah consider this prohibition just a counsel and caution and no more. Taking the price of a cat is allowed but it is against good manners and politeness.

Comments:

Some Companions of the Prophet ﷺ and their followers have disapproved of accepting the price of a cat. Most of the scholars and all Four A'immah consider this prohibition just a counsel and caution and no more. Taking the price of a cat is allowed but it is against good manners and politeness.
Chapter 50. Permission Regarding The Price Of A Hunting Dog

1281. Abu Al-Muhazzim narrated from Abu Hurairah who said: “The price of a dog was prohibited, except for the hunting dog.” (Da’if)

[Abū ‘Eisā said:] This Hadith is not correct from this route. Abu Al-Muhazzim’s name is Yazid bin Sufyan, and Shu’bah bin Al-Ḥajjāj criticized him [and graded him weak]. Similar to this has been reported from Jābir, from the Prophet ﷺ, but its chain is also not correct.

Comments:
See the discussion about the weakness of this narration and the person who seconds it. (See Zād Al-Ma‘ād v. 5. p. 682-685.)

Chapter 51. What Has Been Related About It Being Disliked To Sell Singers

1282. Abu Umāmah narrated that the Messenger of Allah ﷺ said: “Do not sell the (slave) female singers, nor purchase them, nor teach them (to sing). And there is no good in trading in them, and their prices are unlawful. It was about the likes of this that this Ayah was revealed: And among mankind is he who purchases idle talk to divert from the way of Allah.”[1] (Da’if)

[He said:] There is narration about this from ‘Umar bin Al-
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Khaṭṭāb.

[Abū ‘Eisā said:] We only know of the Hadith of Abū Umāmah, like this, from this route. Some of the people of knowledge have criticized ‘Alī bin Yazīd (one of the narrators) and graded him weak, and he is from Ash-Shām.

نَخْرِيجُ: [إسناة ضعيف] وأخرجه أحمد: 264 من حديث بكر بن مصر، وأبن ماجه، ح: 218 من حديث أبي أمامة، على بن يزيد متروك وفي الباب عن عمر بن الخطاب.

Comments:

‘Qaynah’ means female singer. Here it means the slave girl who is a singer. As music and singing is prohibited, therefore, buying and selling a singing slave girl is also prohibited, otherwise the buying or selling of slaves is allowed. (Tuhfat Al-Ahwadhi. v.2. p. 259.)

Chapter 52. What Has Been Related About It Being Disliked To Separate Brothers, And A Mother And Her Child In Sales

1283. Abū Ayyūb narrated: “I heard the Messenger of Allāh ﷺ saying: ‘Whoever separates a mother from her child, Allāh separates him and his most beloved on the Day of Judgement.’” (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan Gharib.

Comments:

Relatives, like two brothers, a brother and sister, mother and her child; have very deep and strong feelings of love for each other. They are mutually interdependent, so it is not approved to separate them by selling one of them.
or giving one of them as a gift. When they are able to live independently, then it is allowed to sell them.

1284. ‘Alī narrated: "The Messenger of Allāh ﷺ gave me two boys who were brothers, so I sold one of them, and the Messenger of Allāh ﷺ said to me: 'O ‘Alī! What happened to your boy?' So I informed him, and he said: 'Return him, return him.'"

([Dā’if]
[Abū ‘Eisā said:] This Hadith is Ḥasan Gharib. Some of the people of knowledge among the Companions of the Prophet ﷺ and others, disliked separating between the captives when selling them.

Some of the people of knowledge permitted separating the children that were born in the land of Islām, but the first view is more correct. It has been related that Ibrahim An-Nakha‘ī separated a mother and her child in a sale, so he was asked about that. He said: “I sought her permission for that and she approved.”

Comments:

It is correct that a mother and her child or two brothers should not be separated by selling one of them, or giving one of them as gift to someone since they are interdependent. Separation may cause severe problems for them. Some of the scholars say that they can be separated if there is need for it. When they reach the age of maturity they can be separated. (Tuhfat Al-Ahwadhi v. 2. p. 259-260.)
Chapter 53. What Has Been Related About Someone Who Purchases A Slave And He Profited From Him, Then He Found A Defect In Him

1285. ‘Aishah narrated that the Messenger of Allah  judged: “The produce is for the responsible one.” (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan [Sahih]. This Hadith has been reported through routes other than this, and this is acted upon according to the people of knowledge. (transliteration of Arabic)

1286. ‘Aishah narrated: “The Prophet  judged that the produce is for the responsible one.” (Hasan)

[He said:] This Hadith is Hasan [Sahih], Gharib as a Hadith of Hishām bin ‘Urwah (a narrator).

[Abū ‘Eisā said:] Muslim bin Khālid Az-Zanjī reported this Hadith from Hishām, from ‘Urwah. Jarīr reported it from Hishām as well. It is said that the narration of Jarīr has Tadlis in it, that Jarīr commited the Tadlis; he did not hear it from Hishām bin ‘Urwah.

As for the meaning of “the produce is for the responsible one,” he is the man who purchased the slave then the slave produced
for him, and he found some defect in him so he returned him to the seller. Then the produce (of his work) is the purchaser's. In cases similar to this, the produce is for the responsible one.

[Abū ‘Eisā said:] Muḥammad bin Ismā‘il called this Ḥadīth Gharīb, as a narration of ‘Umar bin ‘Alī (one of the narrators). [I said: “Do you think that he committed Tadlis?”] He said: “No.”

Chapter 54. What Has Been Related About The Permission For Eating Fruit For The Passerby

1287. Ibn ‘Umar narrated that the Prophet ﷺ said: “Whoever enters an orchard then let him eat, but not take any in his garment.” (Da‘īf)

[He said:] There are narrations on this topic from ‘Abdullāh bin ‘Amr, ‘Abbād bin Shu‘aibbīl, Rāfī' bin ‘Amr, ‘Umar the freed slave of Ābi Al-Lahm, and Abū Hurairah.

[Abū ‘Eisā said:] The Ḥadīth of Ibn ‘Umar is a Gharīb Ḥadīth. We do not know of it from this route except from Yahya bin Sulaim. Some of the people of knowledge have permitted the wayfarer to eat from the fruits, and some of them disliked it without paying.

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Chapter 54.

What Has Been Related About The Permission For Eating Fruit For The Passerby

1287. Ibn ‘Umar narrated that the Prophet ﷺ said: “Whoever enters an orchard then let him eat, but not take any in his garment.” (Da‘īf)

[He said:] There are narrations on this topic from ‘Abdullāh bin ‘Amr, ‘Abbād bin Shu‘aibbīl, Rāfī' bin ‘Amr, ‘Umar the freed slave of Ābi Al-Lahm, and Abū Hurairah.

[Abū ‘Eisā said:] The Ḥadīth of Ibn ‘Umar is a Gharīb Ḥadīth. We do not know of it from this route except from Yahya bin Sulaim. Some of the people of knowledge have permitted the wayfarer to eat from the fruits, and some of them disliked it without paying.
Comments:

It depends on the custom of the area. In some areas, the owner of a garden allows the passerby to eat the fruit of his garden that has fallen from the trees, and in case someone is hungry, he is allowed to pick from the tree and eat. In some areas it is strictly prohibited by the owners. No one can have anything from the garden. In the areas where it is prohibited, first one should seek permission, and then take some fruit to eat. If the fruit is taken and eaten without prior permission, it is necessary to pay for it. According to Imam Ahmad if there is no fence around the garden it is permitted to take the fruit from there. (Tuhfat Al-Ahwadhi v. 2. p.261.)

1288. Râfi' bin 'Amr said: "I was throwing stones at a date-palm belonging to some of the Anṣâr.[1] They took me along with them to the Prophet ﷺ. He said: 'O Râfi'! Why were you throwing stones at their date-palm?'" He said: "I said: 'Out of hunger, O Messenger of Allah!' He said: 'Do not throw stones at them, eat what falls. May Allah fill you and quench your thirst.'" (Da'if)

This Hadith is Hasan Gharib Sahîh.

Comments:

It appears from this narration that a hungry person should be allowed to eat the fallen fruit from the garden, and in case of severe hunger he should be allowed to pick from the trees as is clear from the next narration.

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[1] He was throwing stones at it to get its fruits to fall so he could eat them. See 'Awn Al-Ma'bud by Al-'Azimabâdî.
1289. ‘Amr bin Shu‘aib narrated from his father, from his grandfather, that the Prophet was asked about hanging fruits (on the trees), so he said: “Whoever is in need and picks some of it without taking any in his garment, then there is no sin upon him.”

(Hasan)

[Abū ‘Eisā said:] This Hadīth is Ḥasan Ṣaḥīḥ.

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Chapter 55. What Has Been Related About The Prohibition From Making Exceptions

1290. Jābir narrated: “The Messenger of Allâh prohibited Al-Muhāqalah, Al-Muzābanah, Al-Mukhābarah, and making an exception (in a sale) unless it is made known.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Hadīth is Ḥasan Ṣaḥīḥ, Gharīb from this route as a narration of ʻYūnus bin ‘Ubaid, from ‘Aṭā’, from Jābir.

Comments:

“Al-Muhāqalah” is selling un-harvested grain in the field in exchange for harvested grain like wheat. “Al-Muzābanah” is selling an estimated amount of fresh dates on the tree for dried dates that are measured, or the same for grapes. “Al-Mukhābarah” is renting land in exchange for a portion of its produce. Making an exception in a sale means to make an exception for one item among those purchased, without telling the purchaser that seller did not include that item, or the like.
Chapter 56. What Has Been Related About It Being Disliked To Sell Food Until It Has Been Acquired

1291. Ibn ‘Abbās narrated that the Prophet ﷺ said: “Whoever buys food, then he is not to sell it until he takes possession of it.” Ibn ‘Abbās said: “All things are considered the same (in this regard).” (Sahih)

[He said:] There are narrations on this topic from Jābir, Ibn ‘Umar [and Abū Hurairah].

[Abū ‘Eisā said:] The Hadith of Ibn ‘Abbās is a Hasan Sahih Hadith.

Comments:
Some Sahih narrations also support the view of Ibn ‘Abbās, that until and unless the complete possession of a thing is obtained it should not be sold. So this is a correct view that the thing should be sold only when the complete possession is obtained.
Chapter 57. What Has Been Related About The Prohibition Of Selling Over The Sale Of One’s Brother

1292. Ibn ‘Umar narrated that the Messenger of Allâh ﷺ said: “None of you is to sell over the sale of others, nor to propose over the proposal of others.” (Sahîh)

[He said:] There are narration on this topic from Abû Hurairah and Samurah.

[Abû 'Eisâ said:] The Hadîth of Ibn ‘Umar is a Hasan Sahîh Hadîth.

And it has been reported from the Prophet ﷺ that he said: “Do not haggle in competition with your brother’s haggling.” And the meaning of sale in this Hadîth of the Prophet ﷺ, according to some of the people of knowledge is to haggle.

Comments:
When two parties have reached an agreement on price of a commodity, the third one should not enter the deal to offer less or more. Similarly, in the case of proposals of betrothals, it is not allowed to propose over the proposal of others. (Tuhfat Al-Ahwadh v. 2. p. 306-307.)

Chapter 58. What Has Been Related About The Sale Of Wine And The Prohibition Of That

1293. Anas narrated from Abû Ṭalhah that he said: “O Prophet of Allâh! I had purchased some wine for the orphans under my care. He said: ‘Spill out the wine, and break the jugs.’” (Sahîh)
There are narrations on this topic from Jābir, ‘Āishah, Abū Sa‘eed, Ibn Mas‘ūd, Ibn ‘Umar, and Anas.

Abū ‘Eisā said: The Hadith of Abū Ṭalḥah, Ath-Thawrī reported this Hadith from As-Suddī, from Yahya bin ‘Abbâd, from Anas: “That Abū Ṭalḥah was with him” and this is more correct than the narration of Al-Laith (no. 1293).

Comments:

Manufacturing, selling and purchasing and dealing in wine in any form is unlawful. It is unanimously agreed upon. According to Imām Abū ᦻanîfah business of wine through a Dhimmi disbeliever is approved, but this is not the correct view. (Al-Mughnî v. 6. p.320)

Chapter 59. The Prohibition To Use Wine To Make Vinegar

1294. Anas bin Mālik narrated: “I asked the Messenger of Allâh ﷺ: ‘Can wine be used for vinegar?’ He said: ‘No.’” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Hadith is Hasan Ṣaḥīḥ.

Comments:

In view of the three A‘immah and most of the scholars, it is not allowed to prepare vinegar from wine by some artificial methods, but if wine becomes vinegar by itself naturally it will be lawful and can be used. According to
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Imâm Abû Ĥanîfah and Imâm Awzâ’î and Laith preparing vinegar from wine by an artificial method is approved. We have not found any Sahîh narration infavor of this view.

1295. Anas bin Mâlik narrated: “The Messenger of Allâh ﷺ cursed ten involved with wine: The one who presses it, the one who has it pressed, its drinker, its carrier, and the one it is carried to, its server, its seller, the consumption of its price, the one who purchases it and the one it was purchased for.”

(Hasan)
[Abû ‘Eisâ said:] This Hadîth is Gharîb as a narration of Anas. Similar to this has been reported from Ibn Abbâs, Ibn Mas’ûd, and Ibn ‘Umar, from the Prophet ﷺ.

Comments:
This narration proves that the wine and its related business, and any kind of involvement in this business, is strictly disapproved. Verse no. 2 of Sûrat Al-Mâ’idah “...Do not help one another in sin and transgression.” is another proof of the disapproval and unlawfulness.

Chapter 60. What Has Been Related About Milking Livestock Without Permission Of The Owners

1296. Samurah bin Jundab narrated that the Prophet ﷺ said: “When one of you comes upon livestock, if its owner is with it then seek his permission. If he permits him then let him milk it and drink. If there is no one with it then call out three times, if someone answers then seek his permission.

المحسم (٦٠) - باب ما جاء في الخلل
المواشي يغفّر إذن الأزراب (التحفة)
If no one answers then let him milk it and drink without carrying (any of it away).” (Da‘îf)

[He said:] There are narrations on this topic from [Ibn] ‘Umar and Abû Sa‘eed.

[Abû ‘Eisâ said:] The Hadîth of Samurah is a Hasan Gharib Sahîh Hadîth. This is acted upon according to some of the people of knowledge, and it is the view of Ahmad and Ishâq.

[Abû ‘Eisâ said:] ‘Ali bin Al-Madîni said: “It is correct that Al-Hasan heard this from Samurah.” Some of the people of Hadîth criticized the narrations of Al-Hasan from Samurah, they said that he only narrated from a writing of Samurah.

Comments:
This kind of practice depends on the customary norms of the area. If according to the practice of the area it is allowed, then one can drink the milk of the animal in the absence of the owner, but in view of most of the scholars if the practice of the area does not allow that, then one can use the milk but he will pay for it. In the view of Imâm Ahmad and Ishaq, there is no need to pay the price if three calls have been uttered aloud. (Tuhfat Al-Ahwadhi v. 2. p.264.)

Chapter 61. What Has Been Related About Selling Skins Of Dead Animals And Idols

1297. Jâbir bin ‘Abdullâh narrated that during the Year of the Conquest, while he was in Makkah, he heard the Messenger of Allah ﷺ saying: “Indeed Allâh and His
Messenger made unlawful the sale of wine, dead carcasses, the pig, and idols.” They said: “O Messenger of Allāh! What about the fat of carcasses? For indeed it is used to coat the ships, skins are oiled with it, and people use it for lamps?” He said: “No. It is unlawful.” Then, with that, the Messenger of Allāh ﷺ said: “May Allāh fight (curse) the Jews! Indeed Allāh made the fat unlawful for them, they melted it, sold it, and consumed its price.” (Sahih)

[He said:] There are narrations on this topic from ‘Umar and Ibn ‘Abbās.

[Abū ‘Eisā said:] The Hadith of Jābir is a Hasan Sahih Hadith. This is acted upon according to the people of knowledge.

Comments:

Unlawfulness of the sale of dead carcasses, pigs and idols is unanimously agreed upon. According to three A‘immah Mālik, Ahmad, and Shāfi‘i dead carcasses and wine are unlawful due to their filthiness; therefore, the sale of anything filthy is unlawful and strictly prohibited.

Chapter 62. What Has Been Related About It Being Disliked To Take Back One’s Gift

1298. Ibn ‘Abbās, [may Allāh be pleased with them], narrated that the Messenger of Allāh ﷺ said: “Ours is not a bad example: The one who takes back his gift is like the dog who takes back his vomit.” (Sahih)

[He said:] On this topic, there is the narration from Ibn ‘Umar from
The Prophet ﷺ that he said: “It is not lawful for anyone that has given a gift to take it back, except for a father who gives something to his son.”

[قال: وَفِي الْبِابِ عَنْ أَبِي ْعُمَرَ عَنْ نَبِيِّ ﷺ قَالَ: لاِ يَجْلِلُ لَأَحَدٍ أَنْ يَعْطِي عُطَايَةً يُرْجِعُ فِيهَا، إِلاَ الْوَالِدَ فِي مَا يُعْطِي وَلَدُهُ.”]

تخريج: وأخرجه البخاري، الهبة وفضلها، والتحريض عليها، باب: لا يجلس أحد أن يرجع في هبته وصوته، ح: 1222 من حديث أبو بقية السختي به ورواه مسلم، ح: 1299 من حديث ابن عباس ﷺ وفي الباب عن ابن عمر ﷺ [أبو بكر ينوه: 1299].

1299. ‘Amr bin Shu’āib narrated that he heard Tāwus narrating from Ibn ‘Umar and Ibn ‘Abbās, and they both narrated this Hadith from the Prophet ﷺ. (a Hadith similar to no. 1298) (Sahih)

[Abū ‘EIsā said:] The Hadith of Ibn ‘Abbās, [may Allah be pleased with them], is a Hasan Sahih Hadith. This Hadith is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ. They said whoever gives a gift to a closely related relative, then he is not to take back his gift. And whoever gives a gift to someone other than a close relative, then he may take it back as long as it has not been reciprocated. This is the view of Ath-Thawrī. Ash-Shāfi‘ī said: “It is not lawful for any that has given a gift to take it back except for what the father gave to his son.” Ash-Shāfi‘ī argued with the Hadith of ‘Abdullāh bin ‘Umar from the Prophet ﷺ: “It is not lawful for anyone that has given a gift to take it back, except for a father who gives something to his son.”
Chapter 63. What Has Been Related About Al-'Arãyã And the Permission For That

1300. Ibn ‘Umar narrated from Zaid bin Thãbit that the Prophet prohibited Al-Muňãqalah and Al-Muzãbanah, except that he permitted those who practice Al-'Arãyã to sell it for a like estimation. (Sahih)

[He said:] There are narrations on this topic from Abû Hurairah and Jãbir.

[Abû ‘Elsa said:] The Hadith of Zaid bin Thãbit: This is how Muhammad bin Isňãq reported this Hadith. Ayyúb, ‘Ubaidullãh bin ‘Umar, and Mâlik bin Anas reported it [from Nãfi‘], from Ibn ‘Umar: “The Prophet prohibited Al-Muňãqalah and Al-Muzãbanah.”

With this chain of narration, it has been reported from Ibn ‘Umar, from Zaid bin Thãbit, from the Prophet that he permitted Al-'Arãyã in cases less than five Wasq. This is more correct than the narration of Muňßammad bin Isňãq.

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Chapter 63. What Has Been Related About Al-'Arãyã And the Permission For That

1300. Ibn ‘Umar narrated from Zaid bin Thãbit that the Prophet prohibited Al-Muňãqalah and Al-Muzãbanah, except that he permitted those who practice Al-'Arãyã to sell it for a like estimation. (Sahih)

[He said:] There are narrations on this topic from Abû Hurairah and Jãbir.

[Abû ‘Elsa said:] The Hadith of Zaid bin Thãbit: This is how Muhammad bin Isňãq reported this Hadith. Ayyúb, ‘Ubaidullãh bin ‘Umar, and Mâlik bin Anas reported it [from Nãfi‘], from Ibn ‘Umar: “The Prophet prohibited Al-Muňãqalah and Al-Muzãbanah.”

With this chain of narration, it has been reported from Ibn ‘Umar, from Zaid bin Thãbit, from the Prophet that he permitted Al-'Arãyã in cases less than five Wasq. This is more correct than the narration of Muňßammad bin Isňãq.
1301. Abū Hurairah narrated that the Messenger of Allāh ṣṣ permitted Al-ʿArāyā in cases less than five Wasq. Or similar. (Ṣaḥīḥ)

Similar was narrated to us by (another chain). This Ḥadīth has been related from Mālik: “The Prophet ṣṣ permitted Al-ʿArāyā in cases of five Wasq, or for what was less than five Wasq.”

1302. Ibn ʿUmar narrated from Zaid bin Thābit that the Messenger of Allāh ṣṣ permitted selling in Al-ʿArāyā by estimating it. (Ṣaḥīḥ)

[Abū ʿEisā said:] this Ḥadīth is Hasan Ṣaḥīḥ. The Ḥadīth of Abū Hurairah is Ṣaḥīḥ. And this is acted upon according to some of the people of knowledge. Among them Ash-Shāfiʿī, Ahmad and Ishāq. They said Al-ʿArāyā is an exception from the general scope of the prohibition of the Prophet ṣṣ when he prohibited Al-Muḥāqalah and Al-Muzābanah. They argued using the Ḥadīth of Zaid bin Thābit and the Ḥadīth of Abū Hurairah. They said that he may buy what is less than five Wasq.

According to some of the people of knowledge, this means that the Prophet ṣṣ wanted to make less restriction for them on this matter...
because they complained to him saying: “We don’t buy anything with dried dates except fruit.” So he permitted them to buy less than five Wasq worth so they could eat fresh dates.

تخريج: منتق علیه، وأخرجه البخاری، البیع، باب بیع الزَّیب والطعم بالطعام، ح: ١٥٣٩ من حديث نافع به.

Comments:
Different A’immah have different points of view regarding the explanation of Al-Araya — to sell something with estimation. 1) In view of Imam Malik if the owner of the garden makes a gift of the fruit of one or more trees to someone — one, and later on finds that his presence or his visits to the garden hinders the privacy of his family, in this situation he can barter fresh fruit with dried dates. 2) In the view of Imam Ash-Shafi’i, Al-Araya is to buy the fresh dates still on the tree from the owner of the garden by estimation in exchange of dried dates. 3) According to Imam Ahmad, Al-Araya means if someone gets less than five Wasq of fresh dates which are still on the trees he is allowed to barter these fresh dates with someone in exchange of dried dates.

Chapter 64. Something Else About That

1303. Bushair bin Yasar the freed slave of Banu Harithah narrated that Rafi’ bin Khadij and Sahl bin Abi Hathmah narrated to him that the Messenger of Allah prohibited Al-Muzabananah sales, (buying) fruits with dried dates, except for those who practice Al-‘Araya — for he permitted it for them — and from buying grapes with raisins, and from every fruit by its estimation. (Sahih)

[Abu ‘Eisah said:] This Hadith is Hasan Sahih Gharib from this route.

تخريج: منتق علیه، وأخرجه البخاری، البیع، باب بیع الرطبه بالتمر إلا في العرایا، ح: ٢٣٨٤ من حديث أبي أسامة به.
Chapter 65. What Has Been Related About An-Najsh Being Disliked (In Sales)

1304. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Do not practice An-Najsh.” (Sahih)

[He said:] There are narrations on this topic from Ibn ‘Umar and Anas.

[Abū ‘Eisā said:] The Hadīth of Abū Hurairah is a Ĥasan Sahīh Hadīth. This is acted upon according to the people of knowledge, they disliked An-Najsh.

[Abū ‘Eisā said:] An-Najsh is when a man who knows about the goods comes to the owner of the goods to offer him more than what it is worth, doing so in the presence of a buyer. He intends to seduce the buyer while he himself does not want to buy it, rather he only wants to deceive the buyer with his offer. And this is a type of deceit.

Ash-Shāfi‘ī said: “If a man commits An-Najsh then he has sinned due to what he has done, but the sale is permissible, because the buyer did not commit An-Najsh.”

Comments:
The literal meaning of ‘An-Najsh’ is to drive away the wild animals, but in the Shari‘ah it means to seduce the buyer by offering higher price of the thing, and posing as he is also a buyer, but actually he does not want to buy the thing. So the offer of the higher price is just to seduce the buyer.
Chapter 66. What Has Been Related About Giving More In Weights

1305. Suwaid bin Qais narrated: “Makhrafah Al-‘Abdi and I brought linens from Hajar. The Prophet came to us to bargain with us with some pants. There was someone with me who weighed (the goods) to determine the value. So the Prophet said to the one weighing: ‘Weigh and add more.”’ (Sahih)

(He said:) There are narrations on this topic from Jâbir and Abû Hurairah.

(Abû ‘Eisâ said:) The Hadith of Suwaid is a Hasan Sahîh Hadith. The people of knowledge consider it recommended to add more when weighing.

Shu’bah reported this Hadith from Simâk, so he said: “From Abû Ṣafwân” and he mentioned the narration.

Comments:
This narration proves that measure and weight should always be a little extra in favor of the buyer. A person who works as a professional for measuring and weighing can fix his wages for his work.

[1] There are many places with this name, one of which is a village close to Al-Madinah.
Chapter 67. What Has Been Related About Giving Respite To The Indigent And Being Kind To Him

1306. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever grants respite to an indigent or alleviates it for him, Allāh will shade him on the Day of Judgement under the shade of His Throne, a Day in which there is no shade except His shade.” (Ṣaḥīḥ)

[He said:] There are narrations on this topic from Abū Al-Yasar, Abū Qatādah, Ḥudhayfah, [Abū] Mas'ūd, ‘Ubādah, and Jābir.

[Abū ‘Eisa said:] The Hadith of Abū Hurairah is a Ṣaḥīḥ Gharīb Hadith from this route.


Comments:

In the Qur’ān it has been commanded to Muslims to be gentle and kind with a debtor who is in difficulty. It is better to forgive his debt. Sūrat Al-Baqarah Verse no. 280 says “If the debtor is in a difficulty grant him time till it is easy for him to repay, but if you remit by way of charity that is the best for you, if you know.” In this narration the reward of a virtuous deed has been mentioned. On the Day of Judgement, which will be a very hard day, and when there will be no shade at all except the Shade of Allāh, doers of virtuous deeds will get a place under this Shade.

1307. Abū Mas'ūd narrated that the Messenger of Allāh ﷺ said: “A man among those before you was called to reckon and nothing of good was found with him. Except that he was a wealthy man so he used to mix with the people and he would tell his servants to be lenient

١٣٠٧ - حَدَّثَنَا أَبُو مَعَاوَىَ عِنْ النَّافَعِ، عِنْ شَيْقِي، عِنْ أَبِي مُسْعُودٍ قَالَ: قَالَ رَسُولُ الله ﷺ: ﴿حَوَّلَ بِرَجَلٍ﴾ مِنْ كَانَ قَبْلَهُ، فَلَمْ يُوْجَدَ لَهُ مِنَ الْخَيْرِ وَقَالَ: إِنْ أَلَا كَانَ رَجُلًا مُوْسِيْرًا، فَكَانَ يُخَالِطُ النَّاسَ، فَكَانَ يَأْمُرُ غَلَامَانَةَ أَنَّ
with the insolvent. So Allâh, Mighty and Sublime is He, said: 'We are more worthy of that than him, so be lenient with him.'''

(Sahîh)

[Abû 'Eisâ said:] This Hadîth is Hasan Sahîh. [Abû Al-Yasar is Ka'b bin 'Amr.]

Comments:
In the light of this narration it is suggested to the well-off persons of the society and the business community to deal with kindness with poor debtors, and to give them time to repay their debts, and if possible, they should remit their debts. Allâh will give them good reward in the Hereafter.

Chapter 68. What Has Been Related About The Rich Person’s Procrastination (Paying Debt) Is Oppression

1308. Abû Hurairah narrated that the Prophet ﷺ said: "Procrastination (in paying a debt) by a rich person is oppression. So if your debt is transferred from your debtor to a rich debtor, you should agree."

(Sahîh)

[He said:] There are narrations on this topic from Ibn 'Umar, and Ash-Sharîd [bin Suwaid Ath-Thaqafi].

1309. [Ibn ‘Umar narrated that the Prophet ﷺ said: "Procrastination (in paying a debt) by a rich person is oppression. So if your debt is transferred from your debtor you
should agree, and do not make two sales in one sale.” (Sahih)

[Abū ‘Eisā said:] The Hadith of Abū Hurairah (no. 1308) is a Hasan Sahih Hadith. And its meaning is that when the debt of one of you is transferred then agree. Some of the people of knowledge said when a man is offered to transfer his debt to a rich man and he does so, then the transferor is free of it, he is not to seek its return from the transferor. This is the view of Ash-Shafi’i, Aḥmad, and Ishāq. Some of the people of knowledge said: “When this wealth could not be collected due to bankruptcy of the one it was transferred to, then he may seek its return to the first one.” They argue for this view with the saying of ‘Uthmān and others, when they said: “There is nothing due on a Muslim’s wealth that is lost.” Ishāq said: “The meaning of this Hadith: ‘There is nothing due on a Muslim’s wealth that is lost’ this is when a man transfers it to another whom he thinks is wealthy, then he becomes bankrupt, so there is nothing due on the Muslim’s wealth that is lost.”

Comments:

In this narration, ‘rich person’ means a person who has the ability to repay the debt. If the rich person procrastinates in the repayment of the debt, it is oppression. If the debtor refers the lender to another rich person who has the ability to pay the amount, he should accept this reference. He should demand his amount from him, and if he refuses to pay he can demand his amount from the debtor.
Chapter 69. What Has Been Related About Al-Munâbadhah And Al-Mulâmasah

1310. Abû Hurairah narrated: "The Messenger of Allâh prohibited sales of Al-Munâbadhah and Al-Mulâmasah." (Sâhih)

[He said:] There are narrations on this topic from Abû Sa'eed and Ibn ‘Umar.

[Abû ‘Eisâ said:] The Hadith of Abû Hurairah is a Hasan Sahih Hadith. And the meaning of (Munâbadhah in) this Hadith is when it is said: "When I throw something to you then the sale between you and I is concluded." And Al-Mulâmasah is that he says: "When you touch something then the sale is concluded." Even if he did not see it at all, like if it was inside of a bag or something else. These are merely sales practices of the people of Jâhilîyah so they were prohibited.

Chapter 70. What Has Been Related About Payment In Advance For Food And Fruits

1311. Ibn ‘Abbâs narrated: “When the Prophet arrived in Al-

Comments:

According to the Islamic Shari'ah, all kinds of transactions and commercial deals which are fraudulent, dishonest and treacherous are prohibited. Al-Munâbadhah and Al-Mulâmasah are also of the same category, since the buyer has no choice to examine the commodity.
Madinah, they were paying in advance for fruits. So he said: ‘Whoever pays in advance, then let him pay in advance for known measurements (of dates), and known weights for a specified period of time.’” (Sahih)

He said: There are narrations on this topic from Ibn Abi Awfā and ‘Abdur-Rahmān bin Abzā.

[Abū ‘Eisā said:] The Hadith of Ibn ‘Abbās is a Hasan Sahih Hadith. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. They allow for advanced payments on food, garments and other things in which the limits and description are known. They differed over delay in delivery of animals. Some of the people of knowledge among the Companions of the Prophet ﷺ and others thought that delay in delivery of animals is allowed. This is the view of Ash-Shāfī‘ī, Ahmad and Ishaq. Some of the people of knowledge among the Companions of the Prophet ﷺ and others, disliked delay in delivery of animals. This is the saying of Su‘yān and the people of Al-Kufah.

[And Abū Al-Minhāl’s (a narrator) name is ‘Abdur-Rahmān bin Mu‘īm].

Comments:
“Salam” or “Salaf” sale is to make the payment of fruits or edibles in advance. The people of Hijāz called it Salam sale and the people of ‘Irāq
named it Salaf sale. In this sale the price of the thing purchased is paid in advance according to its measurement or weight, as required, and the date and period of delivery is also fixed. All terms and conditions of the deal are clear beforehand to avoid the dispute that can arise later on. It is assured that nothing remains ambiguous. If the deal is about an animal, its gender, age and all related things are made clear.

Chapter 71. What Has Been Related About The Land That Is Owned By Partners When One Of Them Wants To Sell His Share

1312. Jābir bin ‘Abdulläh narrated that Allâh’s Prophet ﷺ said: “Whoever has a partner in an orchard, then he is not to sell his share of that until he proposes that to his partner.” (Sahih)

[Abû ‘Eisâ said:] The chain of this Hadith is not connected. I heard Muhammad bin Ismâ’il saying: It is said that “Sulaimân Al-Yashkuri: died during the lifetime of Jābir bin ‘Abdulläh.” He said: “And Qatâdah did not hear from him, nor did Abû Bishr.” Muhammâd said: “We do not know of any of them hearing from Sulaimân Al-Yashkuri, except that ‘Amr bin Dînâr possibly heard from him during the lifetime of Jābir bin ‘Abdulläh.” He said: “Qatâdah only narrated from a writing of Sulaimân Al-Yashkuri, and he had a book from Jâbir bin ‘Abdulläh.”

he said – ‘and they reported it. Then they took it to Qatadah and reported it, so they gave it to me but I did not report it [he said: ‘I refused it’]. This was narrated to us by Abū Bakr Al-‘Aṭṭār from ‘Alī bin Al-Madīnī.

Comment:

It is proven by this narration that a share holder in a property cannot sell his share until he consults his co-share holder regarding this issue. If the share is sold out without the consent of co-shareholder, he keeps the right of preemption.

Chapter 72. What Has Been Related About Al-Mukhabarah

And Al-Mu‘āwamah

1313. Abū Az-Zubair narrated from Jâbir that the Prophet prohibited Al-Muḥāqalah, Al-Muzābanah, Al-Mukhabarah, and Al-Mu‘āwamah, and he permitted it in the case of Al-‘Arāyā. (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Hadith is Hasan Ṣaḥīḥ.

Comment:

“Al-Muḥāqalah” is selling un-harvested grain in the field in exchange for harvested grain like wheat. “Al-Muzābanah is selling an estimated amount of fresh dates on the tree for dried dates that are measured, or the same for grapes. “Al-Mukhabarah” is renting land in exchange for a portion of its produce. Making an exception in a sale means to make an exception for one item among those purchased without telling the purchaser that seller did not include that item, or the like. Mu‘āwamah is selling two or three years worth of produce in advance. In “Al-Muḥāqalah” and “Al-Muzābanah” there is a chance of ending up with less or more of the produce which comes under Ribā, so it is unlawful. In the form of Mukhabarah and Mu‘awamah, deceiving and cheating are involved so it is also unlawful. See Tuhfat Al-Ahwadhi and An-Nihāyah.
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Chapter 73. What Has Been Related About Price Fixing

1314. Anas narrated: “Prices became excessive during the time of the Messenger of Allah صل الله عليه وسلم, so they said: ‘O Messenger of Allah! Set prices for us!’ So he said: ‘Indeed Allah is Al-Musa’ir, [2] Al-Qâbid, Al-Bâsit,[3] Ar-Razzaq. And I am hopeful that I meet my Lord and none of you are seeking (recompense from) me for an injustice involving blood or wealth.” (Sahîh)

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh.

Comments:

Rates of the market depend on demand and supply. If the required commodity is in surplus and freely available in the market the rate will drop. It is the duty of the buyer to be careful and observant and he should not buy more than his need, and it is better if the purchase of the item at the period of scarcity is avoided. This kind of behaviour of the customers can keep the price at a reasonable level. Deciding and fixing the rates of the commodities by the government is not the solution of the issue of high rates. Most of the scholars, in the light of various Sahîh narrations, disapproved the fixing of rates. (Tuhfat Al-Ahwâdhi. v. 2. p272.)

[1] That is when the authorities set a price limit on goods. See Tuhfat Al-Ahwâdhi.

[2] In An-Nihayah he said: ‘It is that He is the One who makes things inexpensive and expensive, He cannot be opposed by anyone. So because of that, it is not allowed to fix prices.’ (Tuhfat Al-Ahwâdhi).

[3] Meaning: He restricts sustenance and other than that from whom He wills, regarding what He wills, and how He wills, and He makes it unrestricted. (Tuhfat Al-Ahwâdhi).
Chapter 74. What Has Been Related About Cheating In Sales Is Disliked

1315. Abū Hurairah narrated that the Messenger of Allāh ﷺ passed by a pile of food. He put his fingers in it and felt wetness. He said: ‘O owner of the food! What is this?’ He replied: ‘It was rained upon O Messenger of Allāh.’ He said: ‘Why not put it on top of the food so the people can see it?’ Then he said: ‘Whoever cheats, he is not one of us.’” (Sahih)

[He said:] There are narrations on this topic from Ibn ‘Umar, Abū Al-Ḥamrā’, Ibn ‘Abbās, Buraidah, Abū Burdah bin Niyār, and Hudhaifah bin Al-Yamān.

[Abū ‘Eisa said:] The Hadith of Abū Hurairah is a Hasan Sahih Hadith. This is acted upon according to the people of knowledge. They dislike cheating and they say that cheating is unlawful.

Comments:
Cheating, deceiving and breaching the trust is against the faith, well being, and trust of the society. Therefore, the one who hides the defects and drawbacks of sale commodities acts against the norms of Islam. That is why the Prophet ﷺ said, “He is not from us.”
Chapter 75. What Has Been Related About Taking A Camel Or Other Animals On Loan

1316. Ābū Hurairah narrated: "The Messenger of Allāh ﷺ took a camel of a particular age on loan. He gave back to him a camel of a better age than the one he was given. He said: ‘The best among you is the best in repaying.’" (Ṣaḥīḥ)

[He said:] There is something on this topic from Ābū Rāfī‘.

[Ābū ‘Eisā said:] The Ḥadīth of Ābū Hurairah is a Ḥasan Ṣaḥīḥ Ḥadīth. Shu‘bāh and Sufyān reported it from Salamah.

This is acted upon according to some of the people of knowledge, they saw no harm in taking a camel of a particular age as a loan. This is the view of Ash-Shāfī‘ī, Ahmad, and Ishāq. But some of them disliked that.

Comments:

Obtaining an animal on the condition that it will be returned in the form of an animal is lawful, and returning a better animal without any prior commitment is also approved. Most of the scholars and Imām Shāfī‘ī, Mālik and Aḥmad approve of this deal in the light of the Ṣaḥīḥ narration.

1317. Ābū Hurairah narrated: “A man behaved in a rude manner while trying to collect a debt from the Messenger of Allāh ﷺ. So his Companions were about to harm him. The Messenger of Allāh ﷺ
said: ‘Leave him, for indeed the owner of the right has the right to speak.’ Then he said: ‘Purchase a camel for him and give it to him.’ So they searched but they did not find a camel but of a better age than his camel. So he said: ‘Buy it and give it to him. For indeed the best of you is the best in repaying.’” (Sahih)

(Another chain of narration with similar meaning)

[Abū ‘Eīṣā said:] This Hadith is Hasan Sahih.

Comments:

A creditor has the right to ask for the return of his debt. In this connection, if the debtor has the ability to return the amount but he makes lame excuses and delays the payment, the lender has the right to press him through society, and can take him to court. In the context of this narration, the lender had no genuine reason to utter harsh words to the Prophet, but as the occasion arose, the Prophet explained the details of the issue, and the behaviour of the Muslims as it ought to be in such situations.

1318. Abū Rāfī’, the freed slave of the Messenger of Allāh narrated: “The Messenger of Allāh got a camel on advance. Some camels came from the charity.” Abū Rāfī’ said: “So the Messenger of Allāh told me to pay the man back for his camel. I said: ‘I did not find among the camels but a superior selection of Rāba‘.”[1] the Messenger of Allāh said: ‘Give it to him, for indeed the best of people is the best of them in repaying.’” (Sahih)

[Abū ‘Eīṣā said:] This Hadith is Hasan Sahih.

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[1] A camel that has entered its seventh year. See Tuhfat Al-Ahwadhi and An-Nihayah.
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Comments:
If the Prophet had borrowed the camel for his personal need, he returned it after purchase, from the camels of charity, as it is clear from the narration of Abū Hurairah. If he borrowed it for fulfilling the needs of Muslims, a better camel was returned to him from the camels of the charity.

Chapter (...) What Has Been Related About Tolerance In Selling, Buying, And Repaying

1319. Abū Hurairah narrated that the Messenger of Allāh said: "Indeed Allāh loves tolerance in selling, tolerance in buying, and tolerance with repaying." (Dāf) [He said: There is something on this topic from Jābir.] [Abū ‘Eisā said:] This Hadīth is Gharib. Some of them reported this Hadīth from Yūnus, from Sa‘eed Al-Maqburi, from Abū Hurairah.

Comments:
In the light of this narration, a Muslim’s behavior as a buyer, seller, and in mutual dealings has been described. It is required to be tolerant in all kinds of commercial dealings. One should be truthful, easy and kind to the other party. Defects and drawbacks as well as good quality of the sale commodity should be made clear before the sale. Measure and weight should always be in favor of the customer. The lender is required to be easy and kind with the poor and needy debtor. He should be given time for repayment.

1320. Jābir narrated that the Messenger of Allāh said: “Allāh forgave a man who was before you: He was tolerant when selling, tolerant when purchasing, and tolerant when repaying.” (Hasan)
[He said:] This Hadith is Gharib Sahih Hasan from this route.

Comment:

It appears from a unanimously agreed upon Sahih narration, that one should be tolerant in buying, tolerant in selling and tolerant in repayment. His behaviour with people should be commendable, he must give time to people for repayment, and he must remit the debts of poor and needy.

Chapter 76. The Prohibition Of Selling In The Masjid

1321. Abü Hurairah narrated that the Messenger of Allâh ﷺ said: "When you see someone selling or buying in the Masjid then say: 'May Allâh not profit your business.' And when you see someone announcing about something lost then say: 'May Allâh not return it to you.'" (Sahih)

The Hadith of Abü Hurairah is Hasan Gharib. This is acted upon according to some of the people of knowledge. They dislike selling and buying in the Masjid. This is the view of Ahmad and Ishâq. Some of the people of knowledge permitted selling and buying in the Masjid.
Comments:

Mosques are Houses of Allâh, people go to mosques for performing obligatory prayers, remembrance of Allâh and recitation of the Qur'ân. If the dealings of the worldly affairs were permitted in the mosques, the real purpose of mosques would have suffered, therefore, it is not allowed in the mosques.
Chapter 1. What Has Been Related From The Messenger of Allāh About The Judge

1322. ‘Abdullāh bin Mawḥab narrated that ‘Uṭmān said to Ibn ‘Umar: “Go and judge between the people.” So he said: “Perhaps you can excuse me (from that) O Commander of the Believers!” He said: “Why do you have an aversion for that when your father judged?” He said: “I heard the Messenger of Allāh saying: ‘Whoever was a judge and judged with justice, it still would have been better for him to have turned away from it completely.’ What do I want after that?” (Da‘f)

There is a story with this Hadīth, and there is something on this topic from Abū Hurairah.

[Abū ‘Eisā said:] The Hadīth of Ibn ‘Umar is Ghārib. To me, its chain is not connected. ‘Abdul-Malik, the one from whom Al-Mu’tamir reported this, is ‘Abdul-Malik bin Abī Jamīlāh.
Comments:

"Whoever was a judge and judged with justice, it still would have been better for him to have turned away..." If there is no reward or punishment for him, then why should he accept this position. For this reason, Ibn ‘Umar refused to accept this post, though ‘Uthmân insisted that he accept it.

1322B. [Ibn Buraidah narrated from his father that the Prophet said: “The judges are three: Two judges that are in the Fire, and a judge that is in Paradise. A man who judges without the truth, and he knows that. This one is in the Fire. One who judges while not knowing, ruining the rights of the people. So he is in the Fire. A judge who judges with the truth, that is the one in Paradise.”] (Da’if)

Comments:

According to this narration a person who is incompetent of being a judge and has no ability and knowledge of Islamic Jurisprudence, and still takes the responsibility, will go to Hell. Similarly a judge who has all the qualities of being a judge, and knowingly passes wrong verdicts will go to Hell. Only the judge who is a just judge, and gives the judgements according to the standards of justice will go to Paradise. Becoming a judge and accepting this post is a very demanding job, as it is clear from the preceding narrations.

1322. Anas bin Mâlik narrated that the Messenger of Allâh said: “Whoever asks for a postion as a judge, then he is left on his own. And whoever is forced into it, Allâh sends an angel down to him so that he can be correct.” (Da’if)

Tahkim: [Ibn Hajar’s commentary] from an earlier transmission by Abû Da’ud, the transmitters, ‘Abd al-Mâlik b. ‘Abd Allâh, the Authentic, and his reliable source. According to this narration a person who is incompetent of being a judge and has no ability and knowledge of Islamic Jurisprudence, and still takes the responsibility, will go to Hell. Similarly a judge who has all the qualities of being a judge, and knowingly passes wrong verdicts will go to Hell. Only the judge who is a just judge, and gives the judgements according to the standards of justice will go to Paradise. Becoming a judge and accepting this post is a very demanding job, as it is clear from the preceding narrations.
The next narration makes it clear that whoever aspires to become a judge and acquire this post, with some influence or links and recommendations, he loses the guidance from Allāh and becomes the slave of one’s base self.

1324. Anas narrated that the Prophet ﷺ said: “Whoever seeks to be a judge, and asks others to intercede for him with it, then he will be left on his own. And whoever is coerced into it, Allāh sends an angel down to him so that he can be correct.” (Da'iJ)

[Abū ‘Eisā said:] This Hadith is Ḥasan Gharib. It is more correct than the narration of Isrā’il (no. 1323) from ‘Abdul-A’lā.

Comments:

This narration makes it clear that accepting the post of judge is to put oneself in big troubles. This post is a continuous and permanent test of one’s honesty. So one should not aspire to become a judge. If at all this position is entrusted to one, then he should seek Allāh’s help and guidance.

1325. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever takes the responsibility of judge, or is appointed as a judge between the people, then he has been slaughtered without a knife.” (Ḥasan)

[Abū ‘Eisā said:] This Hadith is Ḥasan Gharib from this route. It has also been reported through routes other than this from Abū Hurairah.

Comments:

This narration makes it clear that accepting the post of judge is to put oneself in big troubles. This post is a continuous and permanent test of one’s honesty. So one should not aspire to become a judge. If at all this position is entrusted to one, then he should seek Allāh’s help and guidance.
Chapter 2. What Has Been Related About The Judge That Is Correct And The Judge That Is Mistaken

1326. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “When the judge passes a judgement in which he strived and was correct, then he receives two rewards. And when he judges and is mistaken, then he receives one reward.” (Sahih)

He said: There are narrations on this topic from ‘Amr bin Al-‘Āṣ, and ‘Uqbah bin ‘Amir.

[Abū ‘Eisā said:] The Hadīth of Abū Hurairah is a Hasan Gharīb Hadīth from this route. We do not know of it as a narration of Sufyān Ath-Thawrī, from Yahyā bin Sa‘eēd, except through the narration of ‘Abdur-Razzāq from Ma’mar, from Sufyān Ath-Thawrī.

Comments:

This narration proves that a judge or a head of the state who has the qualities and abilities of doing justice, and he tries to know and understand the issue, and its inner intentions and details, and reaches the right decision, then he gets a double reward from Allāh; one for the right decision, and the other for pains taken to reach the right decision. In this process, if in spite of all his sincere efforts, and due to the complications of the issue, he does not reach the right decision he still gets one reward. This reward is for his sincere efforts to reach the truth.
Chapter 3. What Has Been Related About How The Judge Is To Make A Judgement

1327. Some men who were companions of Mu'ādh narrated from Mu'ādh that the Messenger of Allah sent Mu'ādh to Yemen, so he said: “How will you judge?” He said: “I will judge according to what is in Allah’s Book.” He said: “If it is not in Allah’s Book?” He said: “Then with the Sunnah of the Messenger of Allah.” He said: “If it is not in the Sunnah of the Messenger of Allah?” He said: “I will give in my view.” He said: “All praise is due to Allah, the One Who made the messenger of the Messenger of Allah suitable.” (Da'īf)


1328. (Another chain of narrators) from some people from the inhabitants of Hims, from Mu'ādh, from the Prophet, with similar. (Da'īf)

[Abū 'Eisā said:] We do not know of this Hadīth except from this route. To me, its chain is not connected. Abū 'Awn Ath-Thaqafi’s name is Muḥammad bin 'Ubaidullāh.
Chapter 4. What Has Been Related About The Just Imam

1329. Abu Sa’eed narrated that the Messenger of Allah said: “Indeed, the most beloved of people to Allah on the Day of Judgement, and the nearest to Him in status is the just Imam. And the most hated of people to Allah and the furthest from Him in status is the oppressive Imam.” (Da’if)

[He said:] There is something on this topic from ‘Abdullah Ibn Awfā.

[Abū ‘Eisā said:] The Hadith of Abu Sa’eed is a Ḥasan Gharib Hadith, we do not know of it except through this route.

Comments:
This narration gives good news and glad tidings to just, upright and honest rulers and the people in authority, that on the Day of Judgement they will be among the most beloved and nearest to Allah.

1330. [‘Abdullāh] Ibn Abī Al-Awfa narrated that the Messenger of Allah said: “[Indeed] Allah is with the judge as long as he is not unjust. So when he is unjust, He leaves him and he is attended by Shayṭān.” (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan Gharib, we do not know of it except as a narration of ‘Imrān Al-Qattān.
Allāh is with a head of state and a judge as long as he is not unjust, and he uses his authority only for truth, justice and the welfare of the society. Allāh’s help and guidance remains with him as long as he follows the right path of justice and honesty, but when he deviates from this path, Satan overcomes him and leads him to injustice and oppression.

Chapter 5. What Has Been Related About the Judge Not Judging Between Two Disputants Until He Has Heard Both Of Them

1331. ‘Aℓī narrated: “The Messenger of Allāh ﷺ said to me: ‘When two men come to you seeking judgement, do not judge for the first until you have heard the statement of the other. Soon you will know how to judge.’”

(‘Aℓī said: “I did not err since then.”

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan.

Chapter 6. What Has Been Related About The Imām Who Looks After People

1332. Abul-Ḥasan narrated that ‘Amr bin Murrah said to Mu‘āwiya: “I heard the Messenger of Allāh ﷺ saying: ‘No Imām closes his door on one in need, dire straits and poverty, except that Allāh closes the gates of the
Heavens from his dire straits, his needs, and his poverty.’ So Mu‘awiyah appointed a man to look after the needs of the people.” (Hasan)

[He said:] There is something on this topic from Ibn ‘Umar.

[Abū ‘Eisā said:] The Hadith of ‘Amr bin Murrah is a Gharīb Hadith. This Hadith has been reported from routes other than this one. ‘Amr bin Murrah Al-Juhni’s Kunyah is Abū Maryam.


1333. (Another chain) from Abū Maryam the Companion of the Prophet ﷺ, from the Prophet ﷺ. (Hasan)

And it is similar to this Hadith in meaning [Yazīd bin Abī Maryam (one of the narrators) is from Ash-Shām, and Buraid bin Abī Maryam is from Al-Kūfah, and Abū Maryam is ‘Amr bin Murrah Al-Juhni].


Comments:
The Four Guided Caliphs of the Prophet ﷺ, modeling after him, never stopped the general public from visiting and approaching them. Sometimes people came to see them at odd hours but they never hesitated to listen to them and solve their problems. When the Kharijities started terrorist attacks, and ‘Alī was martyred by them, and Mu‘awiyah was also attacked, he stopped this practice of admitting the people for his safety. ‘Amr bin Murrah came to know this news, so he approached him and narrated to him the words of the Prophet ﷺ. Mu‘awiyah, on hearing these words, appointed a person to listen to their complaints and inform him, and decided the problems of the people accordingly.
Chapter 7. What Has Been Related About 'The Judge Is Not To Pass A Judgement While He Is Angry'

1334. 'Abdur-Rahmān bin Abī Bakrah narrated: "My father wrote to 'Ubaidullāh bin Abī Bakrah who was a judge: "Do not pass a judgement between two people while you are angry, for indeed I heard the Messenger of Allāh ﷺ saying: 'The judge should not judge between two people while he is angry.'" (Ṣaḥīḥ)

[Abū 'Elsa said:] This Hadith is Ṣaḥīḥ, and Abū Bakrah’s name is Nufai‘.

Comments:
This narration is the best guidance for the judges. They should not sit on the seat of justice when they are in a state of anger. It is not possible for a person to think rationally and reach the right decision in rage and anger, so the judge should not resume his seat of justice until he is calm and rational.

Chapter 8. What Has Been Related About Gifts Taken By Governors

1335. Mu‘ādh bin Jabal narrated:
"The Messenger of Allāh ﷺ dispatched me to Yemen. When I had left, he sent a message after me, so I returned and he said: ‘Do you know why I sent a message to you? Do not take anything without my permission, for that will be Ghulūl,\(^1\) and whoever commits

\(^1\) See Hadith no. 1.
Ghulūl, he comes with what he took on the Day of Judgement. This is why I called you, so now go and do your job.” (Da‘ī)

[He said:] There are narrations on this topic from ʿAdi bin ʿUmar, Buraidah, Al-Mustawrid bin Shaddād, Abū Ḥumaid, and Ibn ʿUmar.

[Abū ʿEisā said:] The Hadīth of Muʿādh is a Hasan Gharib Hadīth, we do not know of it except from this route, as a narration of Abū Umāmah from Dāwūd Al-Awdi.

Comments:
When a person gets a post and position of authority in some government department, usually people from the general public go to visit him and offer congratulations, and present gifts as a token of good will. These gifts are not presented to him but to his authoritative post. So accepting such gifts is unlawful. These gifts, according to this narration, come under the category of bribery and misuse of authority.

Chapter 9. What Has Been Related About The One Who Gives A Bribe And The One Who Takes A Bribe For Judgement

1336. Abū Hurairah narrated: “The Messenger of Allāh ﷺ cursed the one who bribes and the one who takes a bribe for a judgement.” (Hasan)

[He said:] There are narrations on this topic from ʿAbdullāh bin ʿAmr, ʿĀishah, Ibn Ḥadīdah, and Umm Salamah.

[Abū ʿEisā said:] The Hadīth of Abū Hurairah is a Hasan [Sahīh]
Hadīth. This Hadīth was reported from Abū Salamah bin ‘Abdur-Rahmān, from ‘Abdullāh bin ‘Amr [from the Prophet ﷺ].

It has also been reported from Abū Salamah from the Prophet ﷺ but that is not authentic. He said: I heard ‘Abdullāh bin ‘Amr from the Prophet ﷺ saying: “The Hadīth of Abū Salamah from ‘Abdullāh bin ‘Amr, from the Prophet ﷺ is the best thing on this topic and the most correct.”

1337. ‘Abdullāh bin ‘Amr narrated: “The Messenger of Allah ﷺ cursed the one who bribes and the one who takes a bribe.”

(Hasan)

[Abū ‘Eisā said:] This Hadīth is Hasan Sahīh.

Comments:

‘Ar-Rāshi’ and ‘Al-Murtashi’ both the words are derived from root ‘Rāshā’ which means the cord or rope by means of which water is drawn from the well. ‘Rā’ish’ is that person who becomes a link or go-between among those who take and give a bribe for making wrong and dishonest decisions.
Chapter 10. What Has Been Related About Accepting The Gift And Accepting The Invitation

1338. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: “If trotter (lacking meat) were given to me I would accept, and if I was invited to (a meal of) it I would accept.” (Ṣaḥīḥ)

[He said:] There are narrations on this topic from ʿAbbās, ‘Āishah, Al-Mughirah bin Shu‘bah, Salmān, Mu‘āwiyyah bin Haidah, and ‘Abdur-Rahmān bin ‘Alqamah.

[Abū ‘Eisā said:] The Ḥadīth of Anas is a Ḥasan Ṣaḥīḥ Ḥadīth.

Comments:
A gift or present is that thing which is given to someone as a token of love. Mutual love and relations develop by exchange of gifts. For the development of understanding, good relations, and love, various ways and means have been suggested in Islam. Inviting friends, relatives and people to visit you and entertaining them with food etc., is also one way to develop good relations.

Chapter 11. What Has Been Related About The Severe Threat For One Who Is Awarded A Judgement For Something That Is Not His To Take

1339. Umm Salamah narrated that the Messenger of Allāh ﷺ said: “Indeed you come to me with your disputes, and I am only a human being; perhaps one of you is more
eloquent at presenting his argument than the other. If I judge for one of you, giving him something from the rights of his brother, then it is only a piece of the Fire that I am giving him, so do not take anything from it.” (Sahih)

[He said:] There are narrations on this topic from Abū Hurairah and ‘Aishah.

[Abū ‘Eisā said:] The Hadith of Umm Salamah is a Hasan Sahih Hadith.

Comments:
The Prophet ﷺ said; I am only a human being and know nothing about those events of the future, and things which are not yet present, without Allah's help and guidance. I judge the case presented before me like an ordinary judge on the basis of arguments presented. Maybe one of you is more eloquent and better in presenting the arguments than the other. Under the impression of his eloquence and better presentation of argument, I may give the verdict in his favor, which is actually not his right, and should have not been given in his favor. Such verdicts of mine will not make the things lawful for him in whose favor it has been given.

Chapter 12. What Has Been Related About ‘The Proof Is Required From The Claimant And The Oath Is Required From The One The Claim Is Against’

1340. ‘Alqamah bin Wā’il [bin Hujr] narrated from his father who said: “A man from Ḥadramawt and a man from Kindah came to the Prophet ﷺ. The Ḥadrami said: ‘O Messenger of Allāh! This person
took some land of mine.' The Kindi said: 'It is my land, It is in my possession, and he has no right to it.' So the Prophet \( \text{النبر} \) said to the Hadrami: 'Do you have proof?' He said: 'No.' He said: 'Then you will have the oath.' He said: 'O Messenger of Allah! This man is a liar, it makes not difference what he takes an oath for, he is not ashamed of doing anything!' He said: 'There is nothing you deserve from him except that.' He said: So the man was left to take an oath for it, and in the meantime, the Messenger of Allah \( \text{النبي} \) said: 'If he takes an oath [for your property] to wrongfully consume it, He will meet Allah while He is angry with him.' (\textit{Sahih})

[He said:] There are narrations on this topic from 'Umar, Ibn 'Abbas, 'Abdullâh bin 'Amr, and Al-Asha'th bin Qais.

[Abû 'Eisa said:] The \textit{Hadith} of Wa'îl bin Hujr is a \textit{Hasan Sahih Hadith}.

Comments:
If someone files a lawsuit against another person in the court, even though the plaintiff may be a trustworthy, pious and honourable in the society, the judge cannot give his judgement in his favor on the presumption of his piety and trustworthiness. Islamic Law requires that every claimant should bring witnesses in his favor. If the claimant is unable to produce witnesses before the judge, he can ask the respondent to swear an oath and if the respondent takes an oath, then the case will be decided according to his oath.
1341. ‘Amr bin Shu‘aib narrated from his father, from his grandfather, that during a Khutbah, the Prophet ﷺ said: “The proof is due from the claimant, and the oath is due from the one the claim is made against.” (Sahih)

There is some criticism in the chain of this Hadith, Muhammad bin ‘Ubaidullah Al-‘Arzami was graded weak in Hadith due to his memory - he was considered weak by Ibn Al-Mubarak and others.

1342. Ibn ‘Abbãs narrated that the Messenger of Allah ﷺ judged that the oath is due from the one the claim is made against. (Sahih)

[Abû ‘Eisã said:] This Hadith is Hasan Sahih. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others: The proof is due from the claimant, and the oath is due from the one the claim is made against.

Comments:
If someone lodges a lawsuit in the court, he has to produce witnesses in his favor, and the respondent needs not produce any witness against the claimant, swearing an oath will be enough for him.
Chapter 13. What Has Been Related About The Oath Along With A Witness

1343. Abū Hurairah narrated: “The Messenger of Allāh ﷺ passed judgement based on an oath along with one witness.” Rabi‘ah (one of the narrators) said: “A son of Ibn Sa‘d bin ‘Ubādah informed me saying: ‘We found in a book of Sa‘d that the Prophet ﷺ passed judgement based on an oath along with a witness.’” (Sahih)

He said: There are narrations on this topic from ‘Alī, Jābir, Ibn ‘Abbās, and Surraq.

[Abū ‘Eisā said:] The Hadith of Abū Hurairah, that the Prophet ﷺ passed judgement based on an oath along with a witness, is a Hasan Gharib Hadīth.

1344. Jābir narrated: “The Prophet ﷺ passed judgement based on an oath along with a witness.” (Sahih)

1345. Ja‘far bin Muhammad narrated from his father: “The Prophet ﷺ passed judgement
based on an oath along with one witness.” He said: “And ‘Ali judged between you based on it.” (Sahih)

[Abū ‘Eisā said:] This is more correct. This is how Sufyān Ath-Thawrī reported it from Jaʿfar bīn Muhammad, from his father, from the Prophet ﷺ, in Mursal form. ‘Abdul-ʿAzīz bīn ‘Abī Sulāmah and Yāya bīn Sulaim reported this Hadith from Jaʿfar bīn Muhammad, from his father, from ‘Ali, from the Prophet ﷺ.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They held the view that an oath along with one witness was acceptable in cases of rights and wealth. This is the view of Mālik bīn Anas, Ash-Shāfiʿī, Ahmad, and Ishāq. They said that a judgement is not passed based upon an oath and one witness except in cases of rights and property. Some of the people of knowledge among the people of Al-ʿUṯmān and others did not hold the view that a judgement could be based upon an oath along with one witness.

Comments:
If the claimant has only one witness, then in the light of the Sahih narration, the claimant will take an oath in place of the second witness. Imām Mālik, Imām Ash-Shāfiʿī, Imām Ahmad, Imām Ishāq and most of the scholars have the same view. One witness and an oath is only for monetary disputes, and for all other types of disputes two witnesses are required. (Muslim and Nawawī. v. 2. p. 74.).
Chapter 14. What Has Been Related About A Slave Owned By Two Men And One Of Them Frees His Portion Of Him

1346. Ibn ‘Umar narrated that the Prophet ﷺ said: “Whoever frees a portion” or, he said: “a part” or he said: “a share he owns of a slave, then he can afford the remainder of the price according to the reasonable price, then he will be free. Otherwise he has freed as much as he has freed (only).”

Ayyūb (one of the narrators) said: “Perhaps Nāfi said in this Hadith: ‘Meaning he has freed as much of him as he has freed.’” (Sahīh)

[Abū ‘Eisā said:] The Hadīth of Ibn ‘Umar is a Hasan Sahīh Hadīth. Sālim has reported similarly from his father, from the Prophet ﷺ.

1347. Sālim narrated from his father that the Prophet ﷺ said: “Whoever frees a portion of a slave he owns, then he can afford the remainder of the price, then he should free him with his wealth.” (Sahīh)

[Abū ‘Eisā said:] This Hadīth is Hasan Sahīh.
1348. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever frees a portion” or he said: “a part of a slave, then he should finish paying his price if he can afford it. If he can not afford to pay reasonable price then he should be allowed to work to earn the amount that will free him without overburdening him.”

[He said:] There is something on this topic from ‘Abdullāh bin ‘Amr.

(Another chain) with similar, and he said: “a part.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Ṣaḥīḥ.

This was reported by Abān bin Yazīd from Qatādah similar to the narration of Sa‘eed bin Abī ‘Arūbah (a narrator in the chain of this Ḥadīth). Shu‘bāh reported this Ḥadīth from Qatādah, but he did not mention the matter of working in it.

The people of knowledge differed over the issue of working. Some of them held the view that he could work to earn in this case, this is the view of Sufyān Ath-Thawrī, the people of Al-Kūfah, and it is the view of Ishāq.

Some of the people of knowledge said: When the slave is owned by two men, and one of them frees his portion of him, then he should pay off the portion of his brother and free the slave if he can afford it. If he can not afford it, then the slave will be free only as much as he freed him, and he is not permitted to work (for the remainder). They
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held the view according to what is reported by Ibn ‘Umar from the Prophet ﷺ, and this is the saying of the people of Al-Madinah, and it is the view of Mālik bin Anas, Ash-Shāfi‘i, Aḥmad, and Iṣḥāq.

Chapter 15. What Has Been Related About A Lifelong Gift (Al-'Umrā)

1349. Samurah narrated that the Prophet ﷺ said: “The lifelong gift is permitted for its inhabitant” or: “is an inheritance for its inhabitant.” (Sahih)

[He said:] There are narrations on this topic from Zaid bin Thābit, Jābir, Abū Hurairah, ‘Aishah, Ibn Az-Zubair, and Mu‘āwiyyah.

Comments:

‘Al-'Umrā’ means a gift given for a lifelong period. This word is derived from ‘Umr. This is a particular way of giving a gift. For example, saying, I give you this house to reside in during my entire life. This is lawful and approved by most of the scholars.

1350. Jābir narrated that the Prophet ﷺ said: “Whichever man is given a lifelong gift for himself and his offspring, then it belongs to the one whom it was given, it does not return to the one who gave it, for he has given a gift which shall
be included in the inheritance.”

(Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih. This is how it was reported from Ma’mar and others from Az-Zuhrī, similar to the narration of Mālik (a narrator in the chain of this Hadith). Some of them reported it from Az-Zuhrī, without mentioning “and his offspring” in it.

[And this Hadith has been reported through more than one route from Jābir from the Prophet ﷺ who said: “The lifelong gift is permitted for its inhabitant.” And it does not contain: “and his offspring.” This Hadith is Hasan Sahih.]

This is acted upon according to some of the people of knowledge. They said that when he says: “It is for you as long as you live, and for your offspring.” Then it is his for life, it does not return to the first person. When he does not say: “For your offspring” then it returns to the first person when the one to whom it was given to dies. This is the view of Mālik bin Anas and Ash-Shāfi‘ī.

It has been reported through more than one route that the Prophet ﷺ said: “The lifelong gift is permitted for its inhabitant” and this is acted upon according to some of the people of knowledge, in that they said: “When the one it was given to dies, then it is an inheritance of his, even if it was not allotted for his offspring.” This is the view of Sufyān Ath-Thawrī, Aḥmad, and Iṣḥāq.
Comments:

As it involves an element of waiting for another person's death, for this reason it has been called 'Ruqba'. According to 'Allãmah Ali Qari, in view of Imãm Abû Hãnifah and Imãm Muhammad, Ruqba is not approved. (Tuhfat Al-Aiwadhi, v. 2. p.284.) According to 'Allãmah Ibn Hajar most of the scholars deem Ruqba and 'Umrá to be the same. In view of Imãm Abû Hãnifah, Imãm Malik, and Imãm Muhammad and Imãm Abû Yûsuf, Ruqba is not lawful. (Fath Al-Bârî v. 5. p.295.)

Chapter 16. What Has Been Related About Ar-Ruqba

1351. Jâbir narrated that the Messenger of Allâh said: "The lifelong gift is permitted for its inhabitant, and the Ruqba is permitted for its inhabitant."

(Sahih)

[Abû 'Eisâ said:] This Hadîth is Hasan. Some of them reported it from Abû Az-Zubair [with this chain] from Jâbir in Mawqûf form [not Marfû'].

This is acted upon according to some of the people of knowledge among the Companions of the Prophet and others. (They say) Ar-Ruqba is permitted just like the lifelong gift is permitted. This is the view of Aḥmad and Ishâq. Some of the people of knowledge among the people of Al-Kufah distinguished between the lifelong gift and Ar-Ruqba; they allowed the lifelong gift but they did not allow Ar-Ruqba.

[Abû 'Eisâ said:] The explanation

[1] A donation with the provision that it will either belong to the one it was donated when the donor dies, or it will revert to the donor when the one it was donated to dies.
of *Ar-Ruqba* is when someone says: “This thing is yours as long as you live, if you die before me then it returns to me.” Ahmad and Ishâq said: “Ar-Ruqba is the same as the lifelong gift. It belongs to the one it was given, and it does not revert to the first person.”

Chapter 17. What Has Been Related From The Messenger Of Allâh About Reconciliation

1352. Kathîr bin ‘Amr bin ‘Awf Al-Muzani narrated from his father, from his grandfather, that the Messenger of Allâh ﷺ said: “Reconciliation is allowed among the Muslims, except for reconciliation that makes the lawful unlawful, or the unlawful lawful. And the Muslims will be held to their conditions, except the conditions that make the lawful unlawful, or the unlawful lawful.”

(Sâhîh)

[Abû ‘Eisâ said:] This Hadîth is Ḥasan Sâhîh.

Comments:

This narration has been discussed for its narrator, Kathîr bin ‘Abdullâh is regarded as a weak narrator and his narration cannot be accurate and acceptable, but the theme of this narration is correct.
Chapter 18. What Has Been Related About A Man Placing A Beam On His Neighbor's Enclosure Wall

1353. Al-A’raj narrated from Abū Hurairah, saying: “I heard him saying: ‘the Messenger of Allah said: “When one of you seeks his neighbor’s permission to affix a wooden beam in his wall, then do not prevent him.’” When Abū Hurairah narrated it, they tilted their heads, so he said: ‘Why do I see that you are averse to it? By Allah! I will continue to narrate it among you.” (Sahih)

[He said:] There are narrations on this topic from Ibn ‘Abbas and Mujammi’ bin Jāriyah.

[Abū ‘Eisā said:] The Hadith of Abū Hurairah is a Ḥasan Sahih Hadith. This is acted upon according to some of the people of knowledge. It is the view of Ash-Shâfi’i. It has been related from some of the people of knowledge; among them Mālik bin Anas, that they said: “He can prevent his neighbor from affixing a beam in his wall.” But the first view is more correct.

Comments:

Islam is a religion of peace and a great supporter of the wellbeing of the society. It preaches love and peace among the community members. Its basis are on mutual help, service and care for each other. For this reason it has been advised to allow neighbors to affix a wooden beam on your wall, provided it does not cause much damage.
Chapter 19. What Has Been Related About: The Oath Is Based Upon What Will Make His Companion Believe Him

1354. Abū Hurairah narrated that the Messenger of Allah ﷺ said: "The oath is based upon what will make your companion believe you." (ṣahīḥ)

[Qutaibah (one of the narrators) said: "What will make you believed by your companion."]

[Abū ‘Eisā said:] This Hadith is Ḥasan Gharib. We do not know of it except as a narration of Hushaim from ‘Abdullāh bin Abī Sālih. ‘Abdullāh bin Abī Sālih is the brother of Suhail bin Abī Sālih.

This is acted upon according to some of the people of knowledge, and it is the view of Ahmad and Ishāq.

It has been reported that Ibrāhim An-Nakha’i said: "When the one the oath is sought from is in the wrong, then the intention is the intention of the one giving the oath. When the one the oath is sought from is being wronged, then the intention is the intention of the one who caused the oath to be sought."

تخريج: وأخرج مسلم، الأعجوبية، باب اليمين على نية المستحلف، ح: 1653 من حديث هشيم بـ.
Chapter 20. What Has Been Related About The Road: When There Is A Disagreement About It, How Should It Be Made?

1355. Abū Hurairah narrated that the Messenger of Allah اسيد said: “Make the road seven forearm lengths.” (Sahih)


1356. Abū Hurairah narrated that the Messenger of Allah اسيد said: “When you disagree over the road, then make it seven forearm lengths.” (Sahih)

[Abū 'Eisā said:] This is more correct than the narration of Waki’ (a narrator in no. 1355). [He said:] There is something on this topic from Ibn 'Abbās.

[Abū ‘Eisā said:] The Hadith of Bashīr bin Ka'b [Al-Adawī] from Abū Hurairah is a Hasan Sahih Hadith. Some of them reported this from Qatādah, from Bashīr bin Nahīk, from Abū Hurairah, but it is not preserved.

تخريج: [ صحيح ] انظر الحديث السابق. وفي الباب عن ابن عباس [ابن ماجه، ح: ٢٣٣٩/١٢٢٣، ٠٨٣٦، ٠٥٥، ٠٣٠٢].

Comments:
A common street having residential buildings on both sides should be broad enough according to the needs of its residents. A street which is not open for heavy traffic, and there is only limited local use of the way, and the land of the lane is disputed, and there is more than one claimant the land, in this
Chapter 21. What Has Been Related About The Boy Choosing Between His Parents When They Separate

1357. Abū Maimūnah narrated from Abū Hurairah who said: “The Prophet ﷺ gave a boy the choice between his father and his mother.” (Sahih)

[He said:] There are narrations on this topic from 'Abdullāh bin 'Amr, and the grandfather of 'Abdul-Ḥamīd bin Ja'far.

[Abū ‘Eisā said:] The Hadith of Abū Hurairah is a Ḥasan Sahih Hadith. Abū Maimūnah’s name is Sulaim.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They said: The boy chooses between his parents when there is a disagreement between them over the custody of the child. This is the view of Ahmad and Ishāq. They said that if the boy is very young then the mother has more right, and when the boy reaches seven years old then he is given the choice between his parents.

Hilāl bin Abī Maimūnah (one of the narrators) is Hilāl bin ‘Ali bin Usāmah, of Al-Madīnah, Yaḥya bin Abī Kathīr, Mālik bin Anas and Fūliaḥ bin Sulaimān reported from him.
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Comments:
According to this narration a child of separated parents will live with the mother until the age of seven, or when he learns to eat and put on clothes by himself. After the age of seven, the child is given a choice to live with the mother or the father.

Chapter 22. What Has Been Related About The Father Can Take From The Wealth Of His Son

1358. ‘Aishah narrated that the Messenger of Allah said:

“Indeed the most wholesome of what you consume is from your earnings, and indeed your children are from your earnings.”

(Sahih)

[He said:] There are narrations on this topic from Jābir, and ‘Abdullāh bin ‘Amr.

[Abū ‘Eisā said:] This Hadith is Hasan [Sahih]. Some of them have reported this from ‘Umārah bin ‘Umar, from his mother, from ‘Aishah. Most of them said: “from his paternal aunt, from ‘Aishah.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet and others. They said that the father’s hand is free to take from the wealth of his son as he likes.

Some of them said that he is not to take from his son’s wealth except when there is a need for it.

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البوذ الفحامة

تخريج: [صحيح] وأخرجه ابن ماجه، الأحكام، باب تخير الصبي بين أبيه، ح: ٢٥٩٠ من حديث سفيان بن عيينة، وأبو داود، ح: ٢٧٧٨ وفي حديث زيد بن سعد بن معمري، وفيه الباب عن عبد الله بن عبد الحميد بن جعفر [أبو داود، ح: ٢٤٤٤].

Comments:
According to this narration a child of separated parents will live with the mother until the age of seven, or when he learns to eat and put on clothes by himself. After the age of seven, the child is given a choice to live with the mother or the father.
Chapter 23. What Has Been Related About When One’s Property Has Been Broken, What Is the Judgement For Him From The Property Of The One Who Broke It?

1359. Anas narrated: “One of the wives of the Prophet ﷺ gave the Prophet ﷺ some food in a bowl. Then ‘Aishah broke the bowl with her hand, and discarded what was in it. So the Prophet ﷺ said: “Food for food and vessel for vessel.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

Comments:
This narration proves that if someone breaks or deliberately damages the things of others, he must return the same kind of things, buying it new from the market, or paying them the price of those things.

1360. Anas narrated that the Messenger of Allāh ﷺ borrowed a bowl which broke, so he guaranteed (compensated) it for them. (Da’f)

[Abū ‘Eisā said:] This Hadith is not preserved. Suwaid (one of the narrators) only meant to narrate – according to me – the narration reported by Ath-Thawrī (no. 1359). And the narration of Ath-Thawrī is more correct. The name of Abū Dâwūd (one of the narrators of no. 1359) is ‘Umar bin Sa’d.
The Chapters On Judgements

Comments:
This narration is not preserved, but the preceding narration proves that if a thing is purposely and deliberately damaged, it must be returned or compensated for, in the form of a new thing of the same kind or with the market price. Similarly, if a borrowed thing is damaged or destroyed, the lender should be compensated. If the owner does not want to be compensated it is up to him.

Chapter 24. What Has Been Related About The Limits Of Responsibility For A Man And Woman

1361. Nāfi' narrated that Ibn 'Umar said: "I was reviewed before the Messenger of Allah in the army, and I was fourteen years old, but he did not accept me. Then I was reviewed before him in the army later while I was fifteen years old, and he accepted me." Nāfi' said: "I narrated this Hadith to "Umar bin 'Abdul-'Aziz and he said: 'This is the limit that distinguishes between childhood and adulthood.' Then he wrote to give salaries to whoever reached fifteen years old."

(Another chain) from Nāfi', from Ibn 'Umar from the Prophet, and it is similar, but he did not mention in it that 'Umar bin 'Abdul-'Aziz wrote that this is the limit that distinguishes between youth and childhood and adulthood. In his narration, Ibn 'Uyainah said (that Nāfi' said): "I narrated it to 'Umar bin 'Abdul-'Aziz and he said: 'This is the limit that distinguishes between children and soldiers.'" (Sahih)
[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Ṣahīh. This is acted upon according to the people of knowledge, and it is the view of [Sufyān] Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi‘ī, Ahmad and Ishāq. They held the view that when a boy reaches fifteen years of age then he is judged as a man is judged. If he were to have a wet dream before fifteen years then he would be judged as a man is judged. Ahmad and Ishāq said that there are three marks for responsibility: Reaching fifteen years of age or having a wet dream, when his age and his having wet dream cannot be ascertained, then Inbāt — that is — growing of pubic hairs.

Comments:

In view of the scholars, the age of puberty is fifteen years for both male and female. The other criterion of maturity or age of puberty is the start of the wet dream for boys and menstruating for girls. All A‘immah agree on this point. This narration appears again, see no. 1711. There the author added that it is Gharib, that is the first version he cited here.

Chapter 25. What Has Been Related About A Man Who Married A Woman His Father Was Married To (Previously)

1362. Al-Barā’ narrated: “My maternal uncle Abū Burdah Ibn Niyār passed by me and he had a flag with him. I said: ‘Where are you going?’ He said: ‘the Messenger of Allāh ﷺ dispatched me to a man who married a woman his father had been married to: that I should bring him his head.’” (Ṣahīh)
The Chapters On Judgements

[He said:] There is something on this topic from Qurrah [Al-Muzani].

[Abū ‘Eisā said:] The Hadīth of Al-Barā‘ is a Ḥasan Gharib Hadīth. Muhammad bin Ishāq reported this Hadīth from ‘Adī bin Thābit, from ‘Abdullāh bin Yazīd, from Al-Barā’. This Hadīth has also been reported from Ash‘ath, from ‘Adī, from Yazīd bin Al-Barā’, from his father. And it has been reported from Ash‘ath, from ‘Adī, from Yazīd bin Al-Barā’, from his maternal uncle, from the Prophet ﷺ.

Comments:
If someone goes against definite and decisive orders, for which the Shari‘ah awards capital punishment, and a judge, Imām or head of the state has the right to award him the death sentence. There is difference of opinion on the punishment of an offender who marries the wife of his father, which is strictly prohibited in Islamic law. In the view of Imām Mālik and Imām Shāfi‘i, Hadd will be imposed, but in view of Imām Ahmad and Ishāq, his punishment is death and confiscation of his property.

Chapter 26. What Has Been Related About The Case Of Two Men And One Of Them Lives Downstream From The Other

1363. ‘Abdullāh bin Az-Zubair narrated: “A man from the Anṣār disputed with Az-Zubair before the Messenger of Allāh ﷺ about the canals of Harrah which they used to irrigate the date-palms. The Anṣārī said: ‘Let the water pass.’ But he refused. So they brought
their dispute to the Messenger of Allah ﷺ, the Messenger of Allah ﷺ said to Az-Zubair: ‘O Zubair! Irrigate (your land) then let the water pass to your neighbor.’ The Ansār came angry and said: ‘[O Messenger of Allah!] Is this because he is your aunt’s son?’ The face of the Messenger of Allah changed color. Then he said: ‘O Zubair! Irrigate (your land) and then withhold the water until it reaches the walls.’ Az-Zubair said: ‘By Allah! I think that this Ayah was revealed about that: But no, by your Lord, they can have no Faith until they make you (O Muhammad) judge in all disputes between them, and find in themselves no resistance against your decisions and accept (them) with full submission.’[1] (Sahīh)

[Abū ‘Eisā said:] This Ḥadīth is Hasan [Sahr].

Shu’bah bin Abī Hamzah reported it from Az-Zuhrī, from ‘Urwah bin Az-Zubair, from Az-Zubair, and he did not mention “from ‘Abdullāh bin Az-Zubair” in it. ‘Abdullāh bin Wahb reported it from Al-Laith – and, Yūnus from Az-Zuhrī – from ‘Urwah, from ‘Abdullāh bin Az-Zubair, (and it) is similar to the first narration.

Comments:
This man from Ansār was a Companion who participated in the Battle of Badr. In anger, he was not patient, and uttered those offensive words. No Muslim ever dares to behave in such a way as he did. This event gives a lesson

to all the Muslims, that they must obey the orders of the Prophet ﷺ without any grumbling and muttering from the depth of their heart. This is the true faith and demand of the loyalty to faith.

Chapter 27. What Has Been Related About One Who Frees His Slaves When He Dies, While He Has No Wealth Aside From Them

1364. ‘Imrān bīn Ḥuṣain narrated: “A man from the Anṣār freed six slaves of his upon his death, and he did not have any wealth aside from them. That was conveyed to the Prophet ﷺ, and he said some harsh words about him.” He said: “Then he called for them and he divided them and had them draw lots. So he freed two of them and left four as slaves.” (Ṣaḥīḥ)

[He said:] There is something on this topic from Abū Hurairah.

[Abū ‘Eisā said:] The Ḥadīth of ‘Imrān bīn Ḥuṣain is a Ḥasan Ṣaḥīḥ Ḥadīth, and it has been reported through more than one route from ‘Imrān bīn Ḥuṣain.

This is acted upon according to some of the people of knowledge [among the Companions of the Prophet ﷺ]. It is the view of Mālik bin Anas, Ash-Shāfī‘ī, ʿAḥmad, and Iṣḥāq. They held the view that casting of lots could resorted to in this case and others. As for some of the people of knowledge among the people of Al-Kūfah and others, they did not approve of drawing lots. They said: Each one of the slaves should be freed one-third, and they should be allowed to work to earn the price of the other two-thirds.
Abū Al-Muhallab’s name is ‘Abdur-Rahmān bin ‘Amr [Al-Jarmī; he is not Abū Qilābah.] And they also say he is Mu‘āwiyyah bin ‘Amr, [and Abū Qilābah Al-Jarmī’s name is ‘Abdullāh bin Zaid.]

Comments:
The Anṣārī freed six slaves, whereas according to the Ṣarī’ah he had the right to free only two. Now everyone of the freed slaves desired to have freedom, but only two of them could get it. This was an issue that needed no witnesses for its solution, and nobody was ready to forgo his right, so it was solved by drawing lots, because there was no other choice for the solution of this issue. So in the light of this narration, such cases can be solved by drawing lots.

Chapter 28. What Has Been Related About One Who Owned A Mahram (A Close Relative)

1365. Samurah narrated that the Messenger of Allāh ﷺ said: “Whoever owns a related Mahram, then he is free.” (Hasan)

[Abū ‘Eisā said:] We do not know of this narration having a complete chain of narration, except as a narration of Hammad bin Salamah. Some have reported something about this from Qatādah, from Al-Hasan, from ‘Umar.

(Another chain) from Samurah that the Prophet ﷺ said: “Whoever owns a related Mahram, then he is free.”

[Abū ‘Eisā said:] We do not know of anyone who mentioned ‘Āsim Al-Āḥwal from Ḥammād bin Salamah in this narration, except for Muhammad bin Bakr.

And this is acted upon according
to some of the people of knowledge. It has also been reported from Ibn ‘Umar that the Prophet ﷺ said: “Whoever owns a related Mahram, then he is free.”

Damrah bin Rabī‘ah reported it from Sufyān Ath-Thawrī, from ‘Abdullāh bin Dīnār, from Ibn ‘Umar, from the Prophet ﷺ. But Damrah bin Rabī‘ah is not followed up in narrating this Hadith. And this Hadith is a mistake according to the scholars of Hadith.

Comments:

Mahram relatives are those who are prohibited to marry each other when one of them is male and the other is female, as father and son, paternal uncle and paternal nephew, maternal uncle and maternal nephew, etc. The father is prohibited from marrying his daughter, a son cannot marry his mother, a brother cannot marry his sister etc. Most of the people of knowledge among the Companions of the Prophet ﷺ and their followers acted according to this narration. The Ahnaf and Hanābilah also act upon this narration.

Chapter 29. What Has Been Related About One Who Farms A People’s Land Without Their Permission

1366. Rāfi‘ bin Khadij narrated that the Prophet ﷺ said: “Whoever farms a people’s land without their permission, then nothing he farms belongs to him, and its finances are due to him.”

(Da‘īf)

[Abū ‘Eisā said:] This Hadith is

[1] No one else narrates it from Sufyān, which would act as support for Damrah’s narration.
Hasan Gharib, we do not know it as a narration of Abū Iḥṣāq except from this route; the narration of Sharīk bin ʿAbdallāh.

This Hadith is acted upon according to some of the people of knowledge, and it is the view of Ahmad and Iṣḥāq.

I asked Muḥammad bin Ismāʿīl about this Hadith and he said: “It is a Ḥasan Hadith.” And he said: “I do not know of it as a narration of Abū Iḥṣāq except from the report of Sharīk.” Muḥammad said: “Maʿqil bin Mālik Al-BSrī narrated to us: ‘Uqbah bin Al-ʿĀṣam narrated to us from ʿAṭā’, from Rāfīʿ bin Khadij from the Prophet ﷺ, similarly.”

Comments:

This narration proves that if someone cultivates the land without the owner’s permission, the produce will belong to the owner of the land and the tiller will get only the expenditure he spent on the cultivation.

Chapter 30. What Has Been Related About Gifts And Equality Between Children

1367. An-Nuʿmān bin Bashīr narrated that his father gave a slave to a son of his. So he went to the Prophet ﷺ to have him witness it. He  ṣaid: ‘Have you given a gift similar to this one to all of your sons?’ He replied: ‘No.’ So he said: ‘Then take him back.’” (Sahih)

[Abū Ṭabī ibn ‘Aṣāsaid:] This Hadith is Ḥasan Ṣahih, and it has been
reported through more than one route from An-Nu'man bin Bashîr.

This is acted upon according to some of the people of knowledge. They consider it recommended to maintain equality among sons, to the degree that some of them said he is to treat his sons equally even in kissing. Some of them said he is to treat his sons equally in gifts and presents, [meaning] to treat the males and the females the same. This is the view of Sufyân Ath-Thawrî. Some of them said treating children equally is to give the males a similar portion as that of two females, similar to divisions of inheritance. This is the view of Âhmad and Ishâq.

**Comments:**

The subject of this narration proves that if someone wants to give something to his children in his life time, he will have to give an equal share to every one of them without any consideration of gender or standards of legacy distribution. Another narration made this point clear. The Prophet ﷺ said in an authentic narration, “Treat your children equally. If I want to give extra to one of them, I will give to a female.” (Baihaqi)

**Chapter 31. What Has Been Related About Preemption**

1368. Samurah narrated that the Messenger of Allâh ﷺ said: “The neighbor of a home has more right to the home.” (Hasan)

Abû ‘Eïsâ said: There are narrations on this topic from Ash-Sharid, Abû Râfi‘, and Anas.
The Hadith of Samurah is a Hasan Sahih Hadith. ‘Eisâ bin Yûnus reported similarly from Sa‘eed bin Abi ‘Arûbah, from Qatadah, from Anas, from the Prophet صل الله عليه وسلم.

It has also been reported from Sa‘eed bin Abi ‘Arûbah from Qatadah, from Al-Hasan, from Samurah, from the Prophet صل الله عليه وسلم. What is correct according to the people of knowledge is the narration of Al-Hasan from Samurah, and we do not know the report of Qatadah from Anas, except as a narration of ‘Eisâ bin Yûnus. The Hadith of ‘Abdullâh bin ‘Abdur-Rahmân At-Tâ’îfi from ‘Amr bin Ash-Sharîd, from his father, from the Prophet صل الله عليه وسلم – on this topic – is a Hasan Hadith. Ibrâhim bin Maisarah reported it from ‘Amr bin Ash-Sharîd, from Abû Râfî’, from the Prophet صل الله عليه وسلم.

He said: I heard Muhammamad saying: “Both of the Ahadith are Sahih to me.”

Comments:
In this narration, it has been made clear, that if a shareholder in a property sells his share without consulting or informing the co-shareholder, then the co-shareholder can buy back the share of property for the same price which it was sold. This is agreed upon; the neighbor looses the right of preemption in the presence of a co-shareholder of the property.
Chapter 32. What Has Been Related About Preemption For The Absent

1369. Jābir narrated that the Messenger of Allāh ﷺ said: “The neighbor has more right to his preemption. He is to be waited for even if he is absent, when their paths are the same.” (Hasan)

[Abū 'Eisā said:] This Ḥadīth is Hasan Gharib. We do not know of anyone reporting this Ḥadīth other than ‘Abdul-Mālik bin Abī Sulaimān from ‘Aṭā’, from Jābir.
[Shu‘bāh criticized ‘Abdul-Mālik bin Abī Sulaimān due to this Ḥadīth.]

‘Abdul-Mālik is trustworthy and honest according to the people of Ḥadīth. We do not know of anyone who criticized him except Shu‘bāh because of this Ḥadīth. Wākī’ reported this Ḥadīth from Shu‘bāh from ‘Abdul-Mālik [bin Abī Sulaimān]. And it has been reported from Ibn Al-Mubārak, from Sufyān Ath-Thawrī who said: “Abdul-Mālik bin Abī Sulaimān is a ‘scale.’” Meaning for knowledge.

This Ḥadīth is acted upon according to the people of knowledge. The person has more right to preemption even if he is absent, so when he arrives then the pre-emption is his even if he has gone for a long time.

Comments:

Though ‘Abdul-Mālik bin Abī Sulaimān is a reliable and secure narrator, but
The neighbor who is not a co-shareholder or does not share the way to the property, according to Islamic Law, has no right of preemption. If someone wants to sell his property, morally he is bound to consult his neighbour, and he should be given priority.

Chapter 33. (What Has Been Related About) When The Boundaries Are Defined And The Areas Are Fixed Then There Is No Preemption

1370. Jābir bin ‘Abdullāh narrated that the Messenger of Allāh Ṣallallāhu ‘alayhi wa Sallam said: “When the boundaries are defined and the streets are fixed, then there is no preemption.”

(Ṣahīh)

[Abū ‘Eisā said:] This Hadith is Hasan Ṣahīh, some of them reported it in Mursal form from Abū Salamah, from the Prophet Ṣallallāhu ‘alayhi wa Sallam.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet Ṣallallāhu ‘alayhi wa Sallam. Among them was ‘Umar bin Al-Khaṭṭāb and ‘Uthmān bin ‘Affān. It is also the view of some of the Fuqahā’ among the Tābi‘īn, like ‘Umar bin ‘Abdul-Azīz and others. It is the view of the people of Al-Madinah, among them Yaḥyā bin Sa‘eed Al-Anṣārī, Rabī‘ah bin Abī ‘Abdur-Rahmān, and Mālik bin Anas. It is the view of Ash-Shāfī‘ī, Ahmad, and Ishaq. They did not hold the view that there could be a preemption, except if there was an association (partnership). And they did not think that the neighbor had the right to preemption when there is no association.
Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that preemption is for the neighbour, and they argued using the Marfu’ Hadith of the Prophet ﷺ: “The neighbour of a home has more right to the home” and his saying: “The neighbor has more right because of his nearness.” This is the view of Ath‐Thawrî, Ibn Al‐Mubârak and the people of Al‐Kuṣfah.

Chapter 34. (What Has Been Related About The Partner Is The Preemtorm)

Ibn ‘Abbas narrated that the Messenger of Allah ﷺ said: “The partner is the preemptor, and preemption is in everything.”

(Hasan)

[Abû ‘Eisâ said:] We do not know of a Hadith like this, except from the narration of Abû Ḥamzah As‐Sukkârî. More than one narrator reported it from ‘Abdul‐'Azîz bin Rufai' from Ibn Abî Mulaikah, from the Prophet ﷺ in Mursal form, and this is more correct.

(Another chain) from Ibn Abî Mulaikah from the Prophet ﷺ with a similar meaning, but “from Ibn ‘Abbâs” is not in it. Similar to this was reported by more than one narrator from ‘Abdul‐'Azîz bin Rufai', “from Ibn ‘Abbâs” is not in it and this is more correct than the narration of Abû Ḥamzah. Abû Ḥamzah is trustworthy, it is
possible that the mistake is from someone other than Abū Ḥamzah.

(Another chain) from Ibn Abī Mulaikah from the Prophet ﷺ, and it is similar to the (last) narration of Abū Bakr bin ‘Ayyāsh (above).

Most of the people of knowledge said that preemption only takes place in homes and lands, they did not think that preemption was for everything. Some of the people of knowledge said that preemption was for everything. But the first view is more correct.

Comments:

It is correct and proven that on all types of immovable property, the right of preemption is applicable, and movable property is exempt. According to Imām ‘Āṭā, the right of preemption is applicable to all types of property. Imām Mālik also supports this point of view. According to Imām Ahmad, among the movable property, the right of preemption is applicable only on animals, and all other types of property are exempt.

Chapter 35. What Has Been Related About Lost Items, [1]

The Stray Camel And Sheep

1372. Zaid bin Khālid Al-Juhni narrated: “A man asked the Messenger of Allāh ﷺ about lost items. So he said: ‘Make a public announcement about it for one year. Remember its string, its container, and its sack. Then use it, and if its owner comes then give it to him.’ So he said to him: ‘O Messenger of Allāh! What about

[1] Meaning, items that are found about which it is apparent someone has lost them.
the stray sheep’? He said: ‘Take it, for it is either for you, your brother, or the wolf.’ He said: ‘O Messenger of Allah! What about the stray camel?’ He said: “Then the Prophet got angry until his cheeks became red or his face became red. He said: ‘What concern is it of yours? It has its feet and its water reserve until it reaches its owner.” (Sahih)

There are narrations on this topic from Ubayy bin Ka‘b, ‘Abdullāh bin ‘Umar, Al-Jārūd bin Al-Mu‘allā, Ýād bin Himār, and Jarîr bin ‘Abdullâh. The Hadith of Zaid bin Khālid is a Hasan Sahih Hadith, it has been reported from him through more than one route.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet and others. They permitted using the lost item when one announces it for a year and does not find who it belongs to. This is the view of Ash-Shâfi‘i, Ahmad, and Ishāq.

Some of the people of knowledge among the Companions of the Prophet and others said that he announces it for one year, then either its owner comes or he gives it in charity. This is the view of Sufyān Ath-Thawrî, ‘Abdullâh bin Al-Mubârik, and it is the view of the people of Al-Kufah. They did not think that the holder of the lost item should use it if he is wealthy. Ash-Shâfi‘i said he can use it even if he is wealthy, because during the time of the Messenger of Allâh, Ubayy
bin Ka'b found a sack with one hundred Dinār in it. The Messenger of Allāh ﷺ ordered him to announce it, then use it, and Ubayy had alot of wealth, he was one of the wealthy Companions of the Messenger of Allāh. So the Messenger of Allāh ﷺ ordered him to announce it, but he did not find anyone to claim it. So the Prophet ﷺ told him to use it. If the lost item was not lawful except for the one that charity is lawful for, then it would not be lawful for 'Alī bin Abī Ṭālib. While 'Alī bin Abī Ṭālib found some Dinār during the time of the Messenger of Allāh ﷺ and announced it, but he did not find anyone to claim it. So the Prophet ﷺ told him to use it. Charity was not lawful for 'Alī bin Abī Ṭālib. (Sahih)

When the lost item was of little value, some of the people of knowledge allowed using it without announcing it. Some of them said when it is less than a Dinār then it is to be announced on Friday, this is the view of Isḥāq bin Ibrāhīm.

Comments:
If the lost property is able to be secured or preserved, like an animal or handsome amount of money, and there is ample chance of its spoilage or misuse if not picked up or taken in custody, in such circumstances, it can be picked up and kept in custody. Sincere efforts should be made to find the owner, and it should be announced for the period of one full year. After the search of one year, the money can be used by the person who found it, no matter whether he is rich or poor. If later on the owner of the property is found, it must be returned to him.
1373. Zaid bin Khalid Al-Juhni narrated that the Messenger of Allah ﷺ was asked about the lost item. He said: “Make a public announcement about it for one year, if it is claimed then give it to him. Otherwise remember its sack, string, and its count. Then use it, and if its owner comes, give it to him.” (Sahih)

[Abū 'Eisā said:] This Hadith is Hasan Sahih Gharib from this route. Al-Jahim bin Ḥanbal said: “The most correct thing on this topic is this Hadith.”

Comments:
In the view of Imām Mālik, the amount can be returned after the recognition and identification of the owner. According to Imām Abū Ḥanīfah, if the owner appears genuine, the amount should be returned to him and there is no need to ask for his identification, but if there is a need then it may be requested. Without any genuine reason having doubts is not correct. (Fatah Al-Bāri v. 5. p 98.)

1374. Suwaid bin Ghafalah said: “I went out with Zaid bin Šāhān and Salmān bin Rabī‘ah, and found a whip.” In his narration Ibn Numair (one of the narrators) said: “I found a lost whip and took it. They said: ‘Leave it.’ I said: ‘I will not leave it to be eaten by the predators. I will take it to make use of it.’ So I met up with Ubayy bin Ka‘b and asked him about that. So he narrated the Hadith, he said: ‘That is fine. I found a sack containing one hundred Dinār during the lifetime of the Messenger of Allah ﷺ.’ He said: ‘So I brought it to him. He said to me: “Make a public announcement about it for one year.” So I
announced it for a year but did not find anyone to claim it. Then I brought it to him. He said to me: "Make a public announcement about it for another year." So I announced it for a year but did not find anyone to claim it. Then I brought it to him. He said: "Make a public announcement about it for another year." And he said: "Remember its amount, its container and its string. If someone comes seeking it and informs you of its amount and its string, then give it to him, otherwise use it."  

(Sahih)  

[He said:] This Hadith is Hasan Sahih.

Comments:
Announcement of lost and found items is necessary up to one year. If the amount is reasonably valuable, then just for precautionary measures, the announcement to find the owner can be extended for more than one year.

Chapter 36. What Has Been Related About A Waqf

1375. Ismā’il bin Ibrāhīm narrated from Ibni ‘Awn, from Nāfi’ that Ibn ‘Umar said: “Umar got some land from Khaibar and said: ‘O Messenger of Allah! I got some wealth from Khaibar and I never ever had any wealth as plentiful as it, so what do you order me (to do with it)?’ He said: ‘If you wish, make it a grant and give charity from it.’ So ‘Umar gave it in charity: That is not be sold entirely,
nor given away, nor inherited, to be used to produce charity for the needy, those who are near it, for freeing slaves, for the cause of Allah, the wayfarer, the guest, and that there is no harm on its custodian consuming what is customary from it, or eating from its charity, without trying to amass wealth from it.” (Sahih)

He (Ibn ‘Awn) said: “I mentioned it to Muhammad bin Sirin and he said: “Not to amass wealth.”

Ibn ['Awn] said: “Another man narrated it to me and he said that he read it on a piece of a tanned skin: ‘Not to amass wealth.’”

Ismã’il said: And I read it with Ibn ‘Ubaidullãh bin ‘Umar. It said in it: ‘Not to amass wealth.’”

[Abû ‘Eisâ said:] This Hadith is Hasan Sahîh. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. We do not know of any disagreement among the earlier ones among them over the allowance of granting lands or other things for Waqf.

Comments:

‘Waqf’ means to stop, and in the Shari’ah it means the property, a house or garden, given in charity in the name of Allâh. If the property given in charity is excluded from personal property, it is called an endowment of a trust.

1376. Abû Hurairah, may Allâh be pleased with him, narrated that the Messenger of Allâh ﷺ said: “When a person dies, his deeds are cut off except for three: Continuing charity, knowledge that others
benefited from, and a righteous son
who supplicates for him.” (Sahih)

[Abū 'Eisā said:] This Ḥadīth is Ḥasan Sahīh.

Comments:
Continuing charity is charity the benefit and reward of which continues even
after the death of the person. For example, if someone gives property in
charity to please Allāh, or does some other deed of charity, like construction
of a mosque, or establishes a school, or digs a well for the use of people, it is
all continuing charity. Knowledge means preaching, teaching or writing of
books for the guidance of people etc., are all deeds of continuing charity.

Chapter 37. What Has Been
Related About Injuries Caused
By Domestic Animals

1377. Abū Hurairah narrated that
the Messenger of Allāh ﷺ said:
“The injuries caused by the animal
are without liability,”[1] and wells
are without liability, and the Khumus
is due on Rikāz.”[2] (Sahih)

(Another chain) from Abū
Hurairah, from the Prophet ﷺ with similar meaning.

[He said:] There are narrations on
this topic from Jābir, ‘Amr bin
‘Awf Al-Muzanī, and ‘Ubādah bin
As-Sāmiṭ.

[Abū ‘Eisā said:] The Hadīth of
Abū Hurairah is a Ḥasan Sahīh
Hadīth.

Al-Ansārī narrated to us: Ma’n
narrated to us, he said: “Mālik bin

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[1] Meaning the owner of these is not liable for damages others suffer from them.
Anas said: ‘The explanation of the Hadith of the Prophet: “The injuries caused by the animals are without liability” it is said: “It is impunity that there is no blood money for.”

[Abū ‘Eisā said:] As for the meaning of his saying: “The injuries caused by the animal are without liability,” some of the people of knowledge explained it saying that Al-‘Ajma’ is the animal that has wandered away from its owner. So whatever it has damaged in its wandering, then it is no crime upon its owner. And: “mines” it is said that when a man excavates a mine and someone falls into it then there is no crime upon him. The same with a well, if a man digs a well by the road and someone falls into it then there is no crime upon the owner. And: “the Khumus is due on buried treasure” Ar-Rikaz (buried treasure) is something discovered that was buried by the people of Jāhiliyyah. Whoever finds such buried treasure, he pays one fifth of it to the Sultan, whatever remains belongs to him.

Comments:

If someone gets hurt by an animal or by falling into a well, there is no compensation for it from the owner of the animal and well.
Chapter 38. What Has Been Mentioned About Reviving Barren Land

1378. Sa’eed bin Zaid narrated that the Prophet ﷺ said: “Whoever revives a barren land then it is for him, and there is no right for the unjust root.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Gharīb. Some of them reported it from Hishām from ‘Urwah, from his father, from the Prophet ﷺ in Mursal form.

This [Hadīth] is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Ahmad and Ishāq. They said he may revive the barren land without the permission of the Sultan. Some of them said he is not to revive it without the permission of the Sultan. But the first view is more correct.

[He said:] There are narrations on this topic from Jābir, ‘Amr bin ‘Awf Al-Muzāni’s great-grandfather, and Samurah.

Abū Mūsā Muḥammad bin Al-Muthanna narrated to us, he said: “I asked Abul-Walid At-Ṭayālīsī about his saying: ‘and there is no right for unjust root’ he said: ‘The unjust root: The usurper who takes what is not his.’ I said: ‘So he is a man who farms a land that is not his?’ He said: ‘That is it.’”
1379. Jābir bin ‘Abdullāh narrated that the Prophet ﷺ said: “Whoever revives a barren land, then it is for him.” (Sahih)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Sahīh.

Comments:

Most of the scholars are of the view that if a cultivator cultivates barren and uncultivated land, which belongs to no one, it belongs to him. In the view of Imām Mālik, this land should be away from any habitation where it is not needed for common use of the community.

Chapter 39. What Has Been Related About Land Reserves

1380. Shumair narrated that Abyaṣr bin Uammal visited the Messenger of Allāh ﷺ who asked him to set aside a reserve of salt (a mine). So he reserved it for him. As he was turning away, a man in the gathering said: “Do you know what you reserved for him? You merely reserved stagnant water for him.” He (Shumair) said: “So he left him.” He (Shumair) said: “So he asked him (the Prophet ﷺ) about making a private pasture of Arāk (a type of tree).” He said: “As long as it is not harmed by the hooves of the camels.” (Hasan)

So I (At-Tirmidhī) recited that before Qutaibah and he said: “Yes.”
(Another chain) with similar meaning.

[He said:] There are narrations on this topic from Wā'il and Asmā' bint Abī Bakr.

[Abū 'Eisā said:] The hadith of Abyaad bin Hammāl is a Hasan Gharib Hadith. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others regarding reserved land. They thought that it was allowed for the imām (ruler) to reserve land for whomever he saw it fit.

Comments:

Common things which are in common use of the community, and their availability is also abundant, such things like water, grass, waste land in use of people, should not be given as a grant to one person. If such things are given as a grant, it will create a problem for the people.

1381. 'Alqamah bin Wā'il narrated from his father that the Prophet ﷺ set aside a land reserve for him in Ḥadramawt. (One of the narrators added): “And he sent Mu'āwiya with him to reserve it for him.” (Sahīh)

[Abū 'Eisā said:] This hadith is Hasan Sahīh.


Comments:
Real purpose of granting an estate to cultivators is to make the land useful for cultivation, and to improve the overall economic condition of the local community and country.

Chapter 40. What Has Been Related About The Virtue Of Planting

1382. Anas narrated that the Prophet said: “No Muslim plants a plant or sows a crop, then a person, or a bird, or an animal eats from it, except that it will be charity for him.” (Sahih)

[He said:] There are narrations on this topic from Abū Ayyūb, Umm Mubash-shir, Jābir, and Zaid bin Khālid.

[Abū ʿEisā said:] The Hadith of Anas is a Hasan Sahih Hadith.

Comments:
Cultivation of land and planting of trees provide multiple benefits to the society. The environment of the area is improved, fruits, food, grains and vegetables become easily available to the community, jobs are increased and commercial activities take place, and life becomes easier and more comfortable. Therefore, if a Muslim cultivates the land with the sincere intention of bringing benefit to the society, he gets reward from Allāh.

Chapter 41. What Has Been Related About Agriculture

1383. Ibn ʿUmar narrated: “The Prophet made a deal with the people of Khaibar for half of what was produced from it, whether fruits or crops.” (Sahih)
There are narrations on this topic from Anas, Ibn 'Abbâs, Zaid bin Thäbit, and Jâbir.

[Abü 'Elsa said:] This Hadîth is Hasan Sahîh.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They saw no harm in share-cropping for half, a third, or a quarter.

Some of them preferred that the owner of the land provide the seeds. This is the view of Ahmâd and Ishâq. Some of the people of knowledge disliked share-cropping for a third and a quarter, and they saw no harm in Musâqâh[1] with date-palms for a third or a quarter. This is the view of Mâlik bin Anas and Ash-Shâfi‘î. Some of them did not think that any share-cropping was correct, except for renting out the land for gold and silver.

Comments:

In Islam, there is no restriction or limit on personal property. All the A‘immah agree on this point. Giving the land or garden on lease is lawful, provided no party suffers unilateral loss. While giving the land on lease, selecting a particular piece of land by the landlord, or fixing the quantity of the produce beforehand, is not lawful. All the scholars and A‘immah agree that land or a garden can be leased with the aforesaid restrictions.

[1] Musâqâh is an agreement for someone to water and tend to date-palms for the owner, in exchange for a portion of the produce.
Chapter 42. About Share-Cropping

1384. Râfi' bin Khadij narrated: "The Messenger of Allâh forbade us from a matter that was of benefit to us. When one of us had some land and we would let someone use it for a portion of its produce or some Dirham. He said: 'When one of you has some land then let him grant it to his brother, or let him farm it.'" (Da'if)

Comments:

The main purpose of this narration is the same which has been explained in the preceding narration. 'Minhah' means to lend the land for a limited period. They used to lease the land for a certain amount of money. The Prophet suggested lending the land, without taking money for a certain period to Muslim brothers. This is only a moral suggestion and not a command of law.

1385. Ibn 'Abbas narrated: "The Messenger of Allâh did not prohibit share-cropping. But he ordered that they be helpful with each other." (Sahih)

[Abû 'Eisâ said:] This Hadith is Hasan Sahîh. The Hadîth of Râfi' contains confusion (Idtiráb). This Hadîth was reported from Râfi' bin Khadij from his uncles, and it has been reported from him, from Zuhair bin Râfi' who is one of his uncles. And this Hadîth has been reported from him with conflicting narrations. There are narrations on this topic from Zaid bin Thâbit and...
Jābir, may Allāh be pleased with them.

The Chapters On Judgements

أبواب الأحكام

جابر، رضي الله عنه، عن زياد بن ثابت وجابر رضي الله عنهما.

تخريج: منتق عليه، وأخرجه مسلم، البخاري، البهاع، باب الأرض تمنح، ح: 1500 من حديث الفضل بن موسى والبخاري، ح: 2242 من حديث عمر بن دينار به وثbroadcast {ثيث في الباب عن زياد بن ثابت} [أبو داود، ح: 3390 وغيره] وجابر [أبو داود، ح: 3415، 3414].
Chapter 1. What Has Been Related About Blood Money, How Many Camels Is It?

1386. Ibn Mas'ud narrated: "The Messenger of Allahṣṣ judged for the accidental blood-money: Twenty Bint Makhād, twenty male Ibn Makhād, twenty Bint Labūn, twenty Jadha’ah, and twenty Ḥiqqah.”[1]

There is something on this topic from ‘Abdullāh bin ‘Amr.

(Another chain) with similar meaning.

[Abū ‘Eisā said:] We do not know of the Ḥadīth of Ibn Mas'ud to be Marfu’, except from this route, and it has been reported from ‘Abdullāh in Mawqūf form.

Some of the people of knowledge have followed this, it is the view of Aḥmad and Ishaq.

The people of knowledge have agreed that the blood-money is taken in three years, each year a third of the blood-money (is paid). They held the view that the blood-money for accidental killing is due from the ‘Aqilah, and some of them held the view that the ‘Aqilah are

the near relatives of a man, on the side of his father. This is the view of Malik and Ash-Shafi'i. Some of them said the blood-money is due from men, not women or children of a tribe. Each man among them pays a quarter of a Dinár — and some of them said half a Dinár — to complete the blood-money. Otherwise the nearest of them in relation are required to pay it.

Comments:

'Aqil' means blood money and 'Aqilah' means the one who bears blood-money or who pays the blood money. 'Aqil' also means to stop or defend and safeguard. As Aqilah defends the murderer and pays on his behalf that is why the one who pays blood-money is called Aqilah. (For more details see Al-Mughni v. 12. p. 39-41.) according to Imam Abü Hanifah, for a deliberate murder, blood money must be paid within three years. Al-Mughni, v. 12 p. 13.)

1387. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that the Prophet said: “Whoever kills [a believer] deliberately, he is handed over to the guardians of the one killed. If they wish to, they have him killed, and if they wish to, they take the blood-money. That is thirty Ḥiqqah, thirty Jādha‘ahs and forty pregnant camels.

Whatever (amount more) they require from him, than that is for them (if they choose).” That is because of the severity of the blood-money. (Hasan)

[Abū ‘Eisā said:] The Hadith of ‘Abdullāh bin ‘Amr is a Ḥasan Gharib Hadith.
Chapter 2. What Has Been Related About Blood-Money, How Many Dirham Is It?

1388. ‘Ikrimah narrated from Ibn ‘Abbās that the Prophet ﷺ made the blood-money twelve thousand. (Hasan)

There is much more criticism than this for (this) narration of Ibn ‘Uyainah.

[Abū `Eisā said:] We do not know anyone who mentioned “from Ibn ‘Abbās” in this narration except for Muḥammad bin Muslim. This Hadīth is acted upon according to some of the people of
knowledge. It is the view of Aḥmad and ʾIshāq. Some of the people of knowledge held the view that blood-money is ten thousand, and this is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah. Ash-Shāfiʿī said: “I do not know of blood-money except from camels, and it is one hundred camels [or their value].”

Comments:
According to the opinion of Imām Shafiʿī, Tawās and Ibn Mundhir blood-money is only in the form of camels. One opinion of Imām Aḥmad is the same. According to Imām Ath-Thawrī, Imām Abū Ḥanīfah and others the blood-money is twelve thousand Dirham. One opinion of Imām Shafiʿī is the same. (Al-Mughnī v. 2 p. 6-8.)

Chapter 3. What Has Been Related About the Mawādiḥ

1390. ‘Amr bin Shuʿaib narrated from his father, from his grandfather that the Prophet said: “Regarding the Mawādiḥ; five, five.” [Hasan]

[Abū ʾEisā said:] This Hadith is Ḥasan Ṣahih. This is acted upon according to the people of knowledge. This is the view of Sufyān Ath-Thawrī, Ash-Shāfiʿī, Aḥmad and ʾIshāq: Five camels are due in the case of a bone-exposing wound.


[2] “That is, five camels for every one of them.” (Tuḥfat Al-Awadhī)
Comments:
The blood-money for a wound by which the whiteness of the bone is exposed is five camels. It is agreed upon provided the wounded person is a male. The blood money of a female’s wound is half. This is the view of Imam Shafi’i.

Chapter 4. What Has Been Related About Blood-Money For Fingers

1391. Ibn ‘Abbas narrated that the Messenger of Allah ﷺ said: “The blood-money for the fingers on the hands and (the toes of) the feet is the same: Ten camels for each finger.” (Sahih)

[Abu ‘Eisâ said:] There are narrations on this topic from Abû Mûsâ and ‘Abdullâh bin ‘Amr.

[Abû ‘Eisâ said:] The Hadith of Ibn ‘Abbâs is a Hasan Sahih Gharib Hadith from this route. This is acted upon according to the people of knowledge, and it is the view of Sufyân Ath-Thawrî, Ash-Shafi’î, Ahmâd, and Ishâq.

1392. Ibn ‘Abbâs narrated that the Prophet ﷺ said: “These and these are the same,” referring to the little finger and the thumb. (Sahih)

[Abû ‘Eisâ said:] This Hadith is Hasan Sahih.
Comments:

The blood-money for a finger or a toe is ten camels. One hundred camels is the blood-money for ten fingers or ten toes. When a fingertip is cut, a third of the blood-money of a finger is paid except with the fingertip of the thumb. This is because it has only two parts, and as such, a half is paid. There is no difference between the fingers (of the hand) and the toes (of the feet).

(Tuhfat Al-Ahwadhi).

Chapter 5. What Has Been Related About Pardoning

1393. Abū As-Safar said: “A man from the Quraish broke a tooth of a man from the Anṣār. So he appealed to Mu‘āwiyah against him. He said to Mu‘āwiyah: ‘O Commander of the Believers! This person broke one of my teeth.’ Mu‘āwiyah said: ‘We will try to get satisfaction for you.’ And the other person insisted that Mu‘āwiyah get him to agree [but he was not satisfied]. So Mu‘āwiyah said to him: ‘It is up to your companion.’ Abū Ad-Dardā’ was sitting with him, so Abū Ad-Dardā’ said: ‘I heard the Messenger of Allāh saying [he said: ‘My ears heard and my heart remembered’]: “There is no man who is struck in his body and he forgives for it, except that Allāh raises him a level and removes a sin from him.”’ The Anṣārī said: ‘Did you hear that from the Messenger of Allāh?’ He said: ‘My ears heard it and my heart remembered.’ He said: ‘Then I will leave it for him.’ Mu‘āwiyah said: ‘Surely you should not suffer.’ So he ordered that he be given some wealth.” (Da‘īf)

[Abū ‘Eisā said:] This Hadith is
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Gharib, we do not know of it except from this route. And I do not know that Abu As-Safar heard from Abu Ad-Dardaa’. Abu As-Safar’s name is Sa’eed bin Ahmad, and they say Ibn Yuhammad Ath-Thawri.

Comments:
A wounded person has the right of taking blood-money, compensation, retaliation in kind or forgiving. Forgiving someone is a deed of great reward, and the Ansari pardoned for the sake of a better reward from Allah.

Chapter 6. What Has Been Related About One Whose Head Was Fractured With A Rock

1394. Anas narrated that a girl went out in Al-Madinah wearing some silver ornaments. A Jew grabbed her and fractured her head with a stone, and he took the jewelry she had on. He said: “She was found with some spark of life in her, and was brought to the Prophet صل الله عليه وسلم and he said: ‘Did such and such person strike you?’ She nodded ‘no’ with her head. He said: ‘Such and such?’ until he named the Jew and she nodded ‘yes’ with her head.” He said: “He was brought and recognized so the Messenger of Allah صل الله عليه وسلم ordered that his head be crushed between two stones.” (Sahih)

[Abu ‘Eisa said:] This Hadith is Hasan Sahih. This is acted upon according to some of the people of knowledge. It is the view of Ahmad and Ishaaq. Some of the people of
knowledge said that there is no retaliation except with the sword.

Comments:
In the view of most of the A'immah a murderer should be killed with the same weapon by which he killed. This is an accepted and correct view. According to Imam Abū Ḥanifah, and the scholars of Al-Kūfah, killing in retaliation is only with a sword or anything which kills instantly. (Tuhfat Al-Ahwadhi v. 2, p. 305.307.)

Chapter 7. What Has Been Related About The Gravity Of Killing A Believer

1395. ‘Abdullāh bin ‘Amr narrated that the Prophet ﷺ said: “The world ceases to exist is less significant to Allāh than killing a Muslim man.” (Hasan)

(Another chain) from ‘Abdullāh bin ‘Amr, and it is similar but he did not narrate it in Marfu‘ form.

[Abū ‘Eisā said:] This is more correct than the narration of Ibn Abī ‘Adī (a narrator in no. 1395).

[He said:] There are narrations on this topic from Sa‘eeed, Ibn ‘Abbās, Abū Sa‘eed, Abū Hurairah, ‘Uqba bin ‘Amr, [Ibn Mas‘ūd] and Buraidah.

[Abū ‘Eisā said:] The Hadith of ‘Abdullāh bin ‘Amr was reported like this by Ibn Abī ‘Adī from Shu‘bah, from Ya‘lā bin ‘Atā [from his father, from ‘Abdullāh bin ‘Amr, from the Prophet ﷺ. And Muhammad bin Ja‘far as well as others, reported it from Shu‘bah, from Ya‘lā bin ‘Atā], so he did not narrate it in Marfu‘ form. Similarly,
Sufyān Ath-Thawrī reported it from Yālā bin ‘Aṭā’ in Mawqif form. This is more correct than the Marfu‘ Hadith.

**Comments:**

Allāh created this world as a test and trial for humans. Murder of a human being is actually a denial of the reality.

**Chapter 8. Judgements For Cases Involving Bloodshed**

1396. ‘Abdullāh narrated that the Messenger of Allāh ﷺ said: “Indeed the first cases to be judged between the people are those of bloodshed.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] The Ḥadīth of ‘Abdullāh is a Ḥasan Ṣaḥīḥ Ḥadīth. This is how it was reported by more than one narrator, from Al-A’āmash in Marfu‘ form. Some of them reported it from Al-A’āmash without narrating it Marfu‘.

(Another chain) from ‘Abdullāh who narrated that the Messenger of Allāh ﷺ said: “Indeed the first cases to be judged between the worshippers are those of bloodshed.”

**Tafsīr:**

منطق علیه، وسلم، القسمة والمحاربين، باب المجازاة بالدماء في الآخرب...
1397. ‘Abdullāh narrated that the Messenger of Allāh ﷺ said:
"Indeed the first cases to be decided between the worshippers are those of bloodshed." (ṣahīḥ)

Comments:
On the Day of Judgement, the first thing from the rights of Allāh, performance of the obligatory prayers, will be accounted for, and from the rights of human beings murder will be the first.

1398. Abū-Ḥakam Al-Bajalī said:
"I heard Abū Sa'eed Al-Khudrī and Abū Hurairah mentioning from the Messenger of Allāh ﷺ that he said: ‘If the inhabitants of the heavens and the inhabitants of the earth all took part in shedding the blood of a believer, then Allāh would cast them (all) in the Fire.’” (Ḍaʿīf)

[Abū ‘Eisā said:] This Ḥadīth is Gharīb. [Abū-Ḥakam Al-Bajalī is ‘Abdur-Rabman bin Abī Nu‘aym Al-Kūfī].

Comments:
Murder of a Muslim is so great a sin that if a group of people commit a murder, the whole group will be punished. Each one of them will pay the full blood-money or all of them will be killed in retaliation.

Chapter 9. What Has Been Related About A Man Who Kills His Son: Is He To Suffer Requital For Him Or Not?

1399. Surāqah bin Mālik bin [Ju'shum] narrated: “The Messenger of Allāh ﷺ judged that the son is to suffer retaliation for
[killing] his father, but the father is not to suffer retaliation for [killing] his son.” (Da‘if)

[Abū ‘Eisā said:] We do not know of this Hadith as a narration of Surāqah except from this route. Its chain is not correct. Ismā‘īl bin ‘Ayyāsh reported it from Al-Muthanna bin Aṣ-Ṣabbāh, and Al-Muthanna bin Aṣ-Ṣabbāh has been graded weak in Hadith. Ābu Khālid bin Al-Ahmār reported this Hadith from Al-Ḥajjāj [bin Artāh], from ‘Amr bin Shu‘bah, from his father, from his grandfather, from ‘Umar, from the Prophet ﷺ. This Hadith has also been reported from Shu‘bah in Mursal form. There is confusion (Idtirāb) in the narration of this Hadith.

This is acted upon according to the people of knowledge; the father is not to be killed for killing his son, and when he falsely accuses his son, he is not punished legally.

Comments:

Apparently the father is a cause of a son’s existence in this world; therefore, the son should not become the reason of the father’s demise. Imām Rabi‘ah, Ath-Thawrī, Al-Awzā‘ī, Ash-Shāfi‘ī, Ahmad, Ishāq, and Ābu Ḥanīfah all have the same point of view. (Al-Mughni v. 1 p. 483.)

1400. ‘Umar bin Al-Khaṭṭāb narrated that the Messenger of Allāh ﷺ said: “The father does not suffer retaliation for [killing] the son.” (Da‘if)
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1401. Ibn ‘Abbās narrated that the Prophet ﷺ said: ‘The Ḥudūd are not carried in the Masjid, and the father is not killed for the son.”

(Da‘īf)

[Abū ‘Eisā said:] We do not know of this Ḥadith to be Marfu’ except through the narration of Ismā‘īl bin Muslim. Some of the people of knowledge have criticized Ismā‘īl bin Muslim due to his memory.

Comments:
This narration, according to its chain is a weak narration, but its subject is correct and is in accordance with the Islamic Law. The purpose of killing in retaliation is to make a lesson for others so that nobody should dare to commit such a heinous crime. If the love and relationship of being a father did not stop him from murdering then even killing in retaliation will not work.

Chapter 10. What Has Been Related About ‘The Blood Of A Muslim Man Is Not Lawful Except For One Of Three Cases’

1402. ‘Abdullāh bin Mas‘ūd narrated that the Messenger of Allah ﷺ said: “The blood of a Muslim man, who testifies that none has the right to be worshipped but Allah, and that I am the Messenger of Allah, is not lawful except for one of three cases: The (previously married or) married adulterer, a life for a life, and the one who leaves his religion and parts from the Jamā‘ah (the
community of Muslims).” (Ṣahih)

[He said:] There are narrations on this topic from ʿUthmān, ʿAishah and Ibn ʿAbbās.

[Abū ʿEisā said:] The Hadith of Ibn Masʿūd is a Ḥasan Ṣahih Hadīth.

Comments:
According to the Qurʾān and various narrations of the Prophet ﷺ, and the consensus of the Muslim Ummah, killing a Muslim brother is one of the greatest sins. There are only three conditions which allow the killing of a Muslim. These three conditions have been mentioned in this narration. (Al-Mughnī. v. 11. p.443-444.)

Chapter 11. What Has Been Related About One Who Kills A Muʿāhid[1]

1403. Abū Hurairah narrated that the Prophet ﷺ said: “Indeed, whoever kills a Muʿāhid that has a covenant from Allāh and a covenant from His Messenger ﷺ, then he has violated the covenant with Allāh and the covenant of His Messenger, so he shall not smell the fragrance of Paradise; even though its fragrance can be sensed from the distance of seventy autumns.” (Ṣahih)

[He said:] There are narrations on this topic from Abū Bakrah.

[Abū ʿEisā said:] The Hadith of Abū Hurairah is a Hasan Ṣahih Hadīth, it has been reported through

[1] “One who has a treaty with the Imām to not fight, whether he is a Dhimmi or not.”
Tuhfat Al-Ahwadhi.
more than one route from Abū Hurairah, from the Prophet ﷺ.

**Comments:**

The fragrance of the Paradise will be sensed by the people in proportion of their good deeds done in this world, and according to their status in the Hereafter. The least distance from where it could be sensed is forty years, and the maximum one thousand years. (*Tuḥfat Al-Ḥawādith* v. 2, p. 308.)

**Chapter 12.**

1404. Ibn ‘Abbās narrated: “The Prophet ﷺ assigned the same blood-money for the two ‘Āmiris [1] as that of the Muslims, and they had a covenant from the Messenger of Allāh ﷺ.” (*Da’f*)

[Abū ‘Eisā said:] This Hadith is *Gharīb,* we do not know of it except from this route, and [one of the narrators] Abū Sa‘d al-Baqqāl’s name is Sa‘eēd bin Al-Marzūbān.

**Comments:**

There is no killing in retaliation of the murder of a disbeliever; but the blood-money is to be paid.

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[1] The two people killed by ‘Amr bin ‘Umayyah Al-Damrī. He was not aware of their covenant with the Messenger ﷺ. (*Tuḥfat Al-Ḥawādith*).
Chapter 13. What Has Been Related About The Guardian Of One Who Was Killed Deciding Between Qisâṣ or Pardon

1405. Abū Hurairah narrated: "When Allāh granted His Messenger victory over Makkah, he stood (to deliver an address) among the people. He thanked and praised Allāh, then he said: 'And for whomever (one of his relatives) was killed, then he has two options to choose from: Either to pardon or that he be killed.'" (Sahih)

[He said:] There are narrations on this topic from Wā'il bin Hujr, Anas, Ābu Shuraih, and Khūwailid bin ‘Ammr.

Comments:
In this narration, pardon means accepting blood-money instead of killing in retaliation. Sparing the murderer from death and accepting the blood-money is a kind of pardon.

1406. Ābu Shuraih Al-Ka‘bi narrated that the Messenger of Allāh said: "Indeed Allāh made Makkah sacred, it was not made sacred by the people. Whoever believes in Allāh and the Last Day, then let them not shed blood in it, nor cut down any of its trees. If one tries to make an excuse by saying: 'It was made lawful for the Messenger of Allāh,' then indeed Allāh made it lawful for me..."
but He did not make it lawful for the people, and it was only made lawful for me for an hour of a day. Then it is returned to being sacred until the Day of Judgement. Then, to you people of Khuza‘ah who killed this man from Hudhail: I am his ‘Aqil, so for whomever (one of his relatives) is killed after today, then his people have two options; either they have him killed, or they take the blood-money from him.”

(Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih. It was also reported by Shaibān from Yahya bin Abī Kathīr and it is similar to this, and it was reported by Abū Shuraib Al-Khuza‘i from the Prophet . But he said: “And for whomever (one of his relatives) was killed, then he may have him killed, or pardon him, or take the blood-money.”

Some of the people of knowledge followed this, and it is the view of Ahmad and Ishāq.

Comments:

This narration proves that the right of pardon, killing in retaliation or accepting the payment of blood-money is with the heirs. If one of them forgives the offender then killing in retaliation is cancelled, only blood-money will be taken.

1407. Abū Hurairah narrated: “A man was killed during the time of the Messenger of Allāh , so the killer was brought to the man’s guardian. The killer said: ‘O Messenger of Allāh! By Allāh! I did not mean to kill him. So the
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Messenger of Allah said: ‘Then if what he is saying is true, and you kill him, you would enter the Fire.’ So he let the man go.” He said: “His hands were bound behind him with a Nis’ah.” He said: “So he left, dragging his Nis’ah.” [He said:] “So he was called ‘Dhan-Nis’ah’.” (Sahih)

[Abu ‘Eisâ said:] This Hadith is Hasan Sahih. [And An-Nis’ah is a rope.]

Chapter 14. What Has Been Related About The Prohibition Of Mutilation

1408. Buraidah narrated from his father who said: “Whenever the Messenger of Allah dispatched a commander of an army he would exhort him personally; that he should have Taqwa of Allah, and regarding those of the Muslims who are with him; that he should be good to them. He would say: ‘Fight in the Name of Allah and in Allah’s cause. Fight those who disbelieve in Allah, and fight, do not be treacherous, nor mutilate, nor kill a child.’” (Sahih)

The Hadith is longer than this. [He said:] There are narrations on
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this topic from ['Abdullāh] bin Mas'ūd, Shaddād bin Aws, ['Imrān bin Husain, Anas] Samurah, Al-Mughirah, Ya'łā bin Murrah, and Abū Ayyūb.

[Abū 'Eisā said:] The Ḥadīth of Buraidah is a Ḥasan Ṣaḥīh Ḥadīth. The people of knowledge dislike mutilation.

Comments:
The purpose of Jihad is not the expansion of the Islamic State or creating some disturbance in the world. Creating any trouble in this world is against the spirit of Islam. Jihad is only to raise the Word of Allāh, and for subsiding the disturbances for the greater cause of society. So, the head of the army is required to work within the limits imposed by Allāh.

1409. Shaddād bin Aws narrated that the Prophet ﷺ said: “Indeed Allāh has decreed Iḥsān in everything. So when you kill, then do the killing well, and when you slaughter, then do the slaughtering well. Let one of you sharpen his blade, and let him comfort his animal (before slaughtering).”” (Ṣaḥīh)

[He said:] This Ḥadīth is Ḥasan Ṣaḥīh, Abū Al-Ash’āth’s name is [Ṣhurāḥil] bin Ādah.

Comments:
If Islam could command its adherents to show such great compassion to even animals when they are being lawfully slaughtered, one could then imagine how compassionate it would be with human lives.
Chapter 15. What Has Been Related About The Blood-Money For The Fetus

1410. Abū Hurairah narrated: “The Messenger of Allah judged that a Ghurrah male slave or female slave be given in the case of a fetus. The one the judgement was made against said: ‘Should we give something for one who did not drink, nor eat, nor cry out to shed a tear, the likes of which is useless?’ So the Prophet said: ‘This is the speech of a poet. Rather it requires a Ghurrah: a male slave or a female slave.’” (Sahih)

There are narrations on this topic from [Hamal] bin Mālik bin An-Nābighah [and Al-Mughirah bin Shu‘bah].

[Abū ‘Eisā said:] The Hadith of Abū Hurairah is a Ḥasan Sahih Hadith. This is acted upon according to the people of knowledge. Some of them said that Al-Ghurrah is a male or female slave, or five hundred Dirham. Some of them said it could also be a horse or a mule.

Comments:

The word ‘Ghurrah’ is used for every nice thing. The literal meaning of Ghurrah is ‘white spot on the forehead of a horse’ here it means a male or female slave. This word is usually used for horses and mules but here it means to free a slave or a slave woman as the punishment of purposeful abortion.
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1411. Al-Mughirah bin Shu'bah narrated: “Two women co-wives, (were fighting), and one of them hit the other with a stone or a tent post, causing her to have a miscarriage. The Messenger of Allah judged that a Ghurrah male or female slave should be given for the fetus, and he required it from the ‘Aṣabah[1] of the woman.” (Sahih)

(Another chain) for this Hadith [and it is similar to this. He said:] This Hadith is Hasan Ṣahih.

Comments:
These two ladies were the wives of Hamal bin Malik bin Nabighah. Umm Affif hit Malkiyah with a stone or with a tent post, causing her to miscarry. The Prophet ordered the relatives from her father’s side to pay a slave or a slave woman as compensation to Affif. (For details see Fawaid Muslim)

Chapter 16. What Has Been Related About: The Muslim Is Not Killed For The Disbeliever

1412. Abū Juhaifah said: “I said to ‘Alī: O Commander of the Believers! Do you have anything written that is not in Allah’s Book?’ He said: ‘By the One Who splits the seed and creates the soul, I have not learned from it except what understanding of the Qur’ān Allah gives to a man, and what is in this sheet of paper.’ I said: ‘What is in the paper?’ He said: ‘In it is the ‘Aql, [2] the (ransom for)

[1] The relatives from her father’s side of the family.
release of captives, and the  judgement that no believer is killed for a disbeliever." (Sahih)

[He said:] There is something on this topic from ‘Abdullah bin ‘Amr.

[Abu ‘Eissa said:] The Hadith of ‘Ali is a Hasan Sahih Hadith. This is acted upon according to some of the people of knowledge. It is the view of Sufyân Ath-Thawri, Mâlik bin Anas, Ash-Shâfi‘I, Ahmad, and Ishâq. They said that the believer is not killed for the disbeliever. Some of the people of knowledge said that the Muslim may be killed for the Mu‘ahid. But the first view is more correct.

Chapter (...) What Has Been Related About The Blood-Money For A Disbeliever

1413. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that the Messenger of Allah said: “The Muslim is not killed for the disbeliever.” (Hasan)

And with this chain, it has been narrated that the Prophet said: “The blood-money paid for the disbeliever is half of the blood-money paid for a believer.”

[Abu ‘Eissa said:] The Hadith of ‘Abdullah bin ‘Amr on this topic is a Hasan Hadith.

The people of knowledge disagree about the blood-money of the Jew and the Christian. Some of them followed what was reported from the Prophet [about the Jews and
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The blood-money of a Jew and a Christian is half of the blood-money of a Muslim. This is the view of Ahmad bin Hanbal. It has been reported that 'Umar bin Al-Khaṭṭāb said: "The blood-money of a Jew and a Christian is four thousand [Dirham]. The blood-money of a Zoroastrian is eight-hundred [Dirham]." This is the view of Malik [bin Anas], Ash-Shāfi‘i, and Ishāq. Some of the people of knowledge said that the blood-money of a Jew and a Christian is the same as the blood-money of a Muslim. This is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah.

Comments:
During the lifetime of the Prophet ﷺ, blood-money was eight hundred Dīnār or eight thousand Dirham. Accordingly, the blood-money of a non-Muslim is four thousand Dirham. In the view of Imām Ibn Qudamah, 'Umar bin ‘Abdul-'Azīz, ‘Urwah, Malik and ‘Amr bin Shu‘aib, the blood-money of a Jew or a Christian is half of the blood-money of a Muslim. According to the point of view of 'Umar, 'Uthmān, Sa'eed bin Musayyab, 'Atā, Ikrimah, 'Amr bin Dīnār, Shafi‘i and Ishāq, it is four thousand Dirham. According to ‘Alqamah, Mujāhid, Ash-Sha‘bī, Ath-Thawrī, and Abū Hanīfah, the blood-money of a Jew or Christian is equal to that of a Muslim.

Chapter 17. What Has Been Related About A Man Who Killed His Slave

1414. Samurah narrated that the Messenger of Allāh ﷺ said: "Whoever kills his slave, then we will kill him, and whoever maims his slave, then we will maim him." (Hasan)
Abū 'Eisā said:] This Ḥadīth is Ḥasan Gharib.

Some of the people of knowledge among the Tābi‘īn followed this, among them is Ibrāhīm An-Nakha‘ī. Some of the people of knowledge — among them Al-Hasan Al-Baṣrī, ‘Aṭā’ bin Abī Rabāḥ — said: “There is no retaliation between the free and the slave in cases of murder, or in cases less than murder.” This is the view of Ahmad and Ishaq. Some of them said: When a person kills his slave he is not killed for that, and when he kills the slave of someone else, then he is killed for that. This is the saying of Sufyān Ath-Thawrī [and the people of Al-Kūfah].

Chapter 18. What Has Been Related About The Woman: Does She Inherit What Is Due Of Her Husband’s Blood-Money?

1415. Sa‘eed bin Al-Musayyab narrated that ‘Umar would say: “The blood-money upon the tribe, and the wife does not inherit any of her husband’s blood-money.” Until Ad-Dahhāk bin Sufyān Al-Kulābī informed him that the Messenger of Allāh \(_{\text{sa}}\) wrote to me, that Ashaim Ad-Dībā‘ī’s wife inherited the blood-money of her husband. (Ṣaḥīh)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Ṣaḥīh. This is acted upon according to the people of knowledge.
Chapter 19. What Has Been Related About Qīsās

1416. ’Imrān bin Ḥuṣain narrated:
“A man bit the hand of another man. The man who was bitten pulled his hand out, causing two of his incisors (teeth) to fall out. They brought their case to the Prophet . So he said: “One of you bites his brother like the stallion bites? There is no blood-money for you.’
So Allāh Most High revealed:
Wounds, equal for equal.”[1]
(Sahih)
[He said:] There are narrations on this topic from Ya’lā bin Umayyah and Salamah bin Umayyah who are brothers.

[Abū ‘Eisā said:] The Hadīth of ‘Imrān bin Ḥuṣain is a Hasan Sahīh Hadīth.

Comments:
This narration proves that there is no blood-money if an assailant is hurt during his assault. If someone is defending himself, and the assailant is hurt, there is no blood-money for him.

Chapter 20. What Has Been Related About Imprisoning For An Accusation

1417. Bahz bin Hakim narrated from his father, from his grandfather, that the Prophet ﷺ imprisoned a man for an accusation, then he let him go. (Hasan)

He said: There is something on this topic from Abû Hurairah.

[Abû ‘Eisâ said:] The Hadith of Bahz from his father, from his grandfather is a Hasan Hadith. Ismā‘îl bin Ibrâhîm reported this Hadith from Bahz bin Hakim, but it was more complete than this and longer.

Comments:

This narration is proof that an accused person can be imprisoned for the purpose of investigation, and if the charges against him are not proven, he should be immediately freed from prison.

Chapter 21. What Has Been Related About: Whoever Is Killed Over His Wealth, Then He Is A Martyr

1418. Sa’eed bin Zaid bin ‘Amr bin Nufail narrated that the Prophet ﷺ said: “Whoever is killed over his wealth then he is a martyr. [And whoever steals a hand-span of land, he will bear seven earths on the Day of Resurrection.”] (Sahih)

Hâtim bin Siyâh Al-Marwazi narrated an addition in this Hadith. Ma’mar said: “It was conveyed to me by Az-Zuhri” and he did not
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hear him adding to this Hadith: “Whoever is killed over his wealth then he is a martyr.” This is how Shu’aib bin Abi Ḥamzah narrated this Hadith from Az-Zuhri, from Ṭahlah bin ‘Abdullāh, from ‘Abdur-Rahmān bin ‘Amr bin Sahl, from Sa’eed bin Zaid, from the Prophet ﷺ. Sufyān bin ‘Uyainah narrated it from Az-Zuhri, from Ṭahlah bin ‘Abdullāh, from Sa’eed bin Zaid from the Prophet ﷺ. Sufyān did not mention it: “From ‘Abdur-Rahmān bin ‘Amr bin Sahl.”

This Hadith is Ḥasan Ṣaḥīh.

الآرِضِ شَهِّرًا طَوْفَةٌ تَوَقَّا نَبَاتًا مِنْ سَبْعٍ أَرْضَيْنَ وَزَادَ حَامِيُّ بِنْ بِسَاءَةِ الْمُرْتُوْيِ فِي هَذَا الْحَدِيثِ. قَالَ غَمْرَةُ: يَلْبِعُ عَنْ الْزَّهْرِيَّ وَلَمْ يَسْمَعْ مِنْ زَادَ فِي هَذَا الْحَدِيثِ: مَنْ قَتَلَ دَوْنَ مَا لَى فَهُوَ شَهِيدٌ. وَهُكَذَا رُوِى شُعَبَ بْنُ عَيْبَةِ خَرَّ حَذَّةَ هَذَا الْحَدِيثِ عَنْ الزَّهْرِيَّ، عَنْ طَلَّحَةَ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ عَنْ الْبَيْنِ "وَلَمْ يَذْكُرْ فِيهِ شَفَيَةٌ، عَنْ عِبَادَةَ الْطَّيْخِ بْنِ عَيْبَةِ بْنِ سَهْلِّ.

أَنْ نَذْكُرْ حَسَنًا صَحِيحًا.


1419. ‘Abdullāh bin ‘Amr narrated that the Prophet ﷺ said: “Whoever is killed over his wealth, then he is a martyr.” (Ṣaḥīh)

[He said:] There are narrations on this topic from ‘Ali, Sa’eed bin Zaid, Abū Hurairah, Ibn ‘Umar, Ibn ‘Abbās, and Jābir.

[Abū ‘Eisā said:] The Hadith of ‘Abdullāh bin ‘Amr is a Ḥasan Hadith, and it has been reported from him through other routes. Some of the people of knowledge have made an exception in cases where a man kills to protect himself and his wealth. Ibn Al-Mubārak said that he may kill to
defend his wealth, even if it is only two Dirham.

Comments:
The religion of Islam gives extreme importance to the Muslim's faith, life, honor, and property. No one is allowed to rob or steal the property of others. Defending one's property is the duty of every Muslim, and according to most of the scholars, every Muslim has the right to defend his life and property even if he has to fight for it and kill the robber.

1420. 'Abdullãh bin 'Amr narrated that the Messenger of Allah ﷺ said: “If someone tries to get another's wealth without right, and he fights and is killed, then he is a martyr.” (Sahih)

[Abû 'Eisã said:] This Hadith is Hasan Sahih.

(Another chain of narration) from 'Abdullãh bin 'Amr, from the Prophet ﷺ, with similar meaning.

1421. Zaid narrated that he heard the Messenger of Allah ﷺ saying: "Whoever is killed over his wealth then he is a martyr, and whoever is killed over his religion, then he is a
martyr, and whoever is killed over his blood, then he is a martyr, and whoever is killed over his family, then he is a martyr.” (Sa‘îh)

[He said:] This Hadîth is Hasan Sa‘îh, and this is how it was reported by more than one narrator from Ibrâhim bin Sa‘id, and it is similar to this. Ya‘qûb (one of the narrators) is Ibn Ibrâhim bin Sa‘id bin Ibrâhim bin ‘Abdur-Rahmân bin ‘Awf Az-Zuhrî.

Chapter 22. What Has Been Related About Al-Qasâmah

1422. Sahl bin Abî Hathmah narrated – Yahya (one of the narrators) said: And I think it was from Râfi’ bin Khadij – that ‘Abdullâh bin Sahl bin Zaid and Mu‘ayyisah bin Mas‘ûd bin Zaid went out and when they reached Khâibar they separated while there. Then Mu‘ayyisah found ‘Abdullâh bin Sahl murdered [so he buried him]. Then he went to the Messenger of Allâh ﷺ along with Huwayyisah bin Mas‘ûd and ‘Abdur-Rahmân bin Sahl. The youngest of the people, ‘Abdurr-}

[1] It refers to the oath taken by a group of people about one of them who was killed, or it refers to the group of people who take the oath. See Tuhfat Al-Ahwadî.
Rahmān, went to speak ahead of his companions. The Messenger of Allāh ﷺ said to him: “Let the eldest of you speak.” So he was silent and his two companions spoke. So he conversed with them and they mentioned to the Messenger of Allāh ﷺ about the murder of ‘Abdullāh bin Sahl. He said to them: “If fifty of you can swear an oath then you will have the right against the murderer.” They said: “How can we take an oath when we did not witness it?” He said: “Then fifty of the Jews can swear to clear the charge with you?” They said: “How could we accept the oaths of a disbelieving people?” So when he saw that, the Messenger of Allāh ﷺ paid the blood-money. (Saḥīh)

(Another chain) from Sahl bin Abī Ḥathmah and Rāfī’ bin Khadij, and the meaning is similar to this Hadith.

[Abū ‘Eīsā said:] This Hadith is Hasan Sahīh.

This Hadith is acted upon in cases of Al-Qasāmah according to the people of knowledge. Some of the Fuqahā’ of Al-Madinah held the view that retaliation could be based upon Al-Qasāmah. Some of the people of knowledge among the people of Al-Kūfah and others said that there is no retaliation in Al-Qasāmah rather only blood-money.
Comments:

If there is a murder in an area or a village, and the people of that area or village have no enmity or dispute with the victim for which they could be charged, or a law-suit could be filed against them that they had committed the murder, in such circumstances the claimants have to produce some proof or witnesses against the people of that area, or fifty people from the defendants will swear an oath and the case will be decided accordingly.
In the Name of Allah, the Merciful, the Beneficent

15. The Chapters On Legal Punishments (Al-Hudūd)
From The Messenger Of Allah ﷺ

Comments:

“Hadd” means to stop or prevent, and in the Shari'ah it means the restrictive ordinance of Allah ﷻ and the punishment for non-observance thereof. Qisas or killing in retaliation is not included in Hudūd, as it is the right of human-beings and can be pardoned.

Chapter 1. What Has Been Related About Those From Whom Punishment Is Not Required

1423. ‘Ali narrated that the Messenger of Allah ﷺ said: “The pen has been lifted from three; for the sleeping person until he awakens, for the boy until he becomes a young man and for the mentally insane until he regains sanity.” (Hasan)

[He said:] There is something on this topic from ‘Āishah.

[Abū ‘Eisā said:] The Hadith of ‘Ali is a Hasan Gharīb Hadith from this route. It has been reported from more than one route from ‘Ali [from the Prophet ﷺ] and some of them mentioned: “from the boy until he has a wet dream” and we do not know that Al-Hasan (Al-Bāṣrī) heard from ‘Ali.

This Hadith has similarly been reported from ‘Atā’ bin As-Sā‘ib, from Abū Zibyān, from ‘Alī [bin
Abū Ṭālib], from the Prophet. It has also been reported from Al-A'mash from Abū Ziyān, from Ibn 'Abbās, from 'Alī in Mawqūf not Marfu' form. And this Hadith is acted upon according to the people of knowledge.

[Abū 'Eisā said: Al-Ḥasan was alive during the time of 'Alī and he saw him but we are not aware of him hearing from him.] Abū Ziyān's name is Husain bin Jundab.

Comments:
Most of the people of knowledge and scholars have accepted and agreed with this narration, but there is a difference of opinion on its details. All the scholars and the people of knowledge agree that these three kinds of people mentioned in the narration will not be considered sinners.

Chapter 2. What Has Been Related About Averting Legal Punishments

1424. 'Aishah narrated that the Messenger of Allāh ﷺ said: "Avert the legal penalties from the Muslims as much as possible, if he has a way out then leave him to his way, for if the Imām makes a mistake in forgiving it would be better than making a mistake in punishment." (Da'f)

(Another chain) which is similar to the narration of Muḥammad bin Rabī'ah (a narrator in no. 1424) but he did not narrate it in Marfu'.
form. [He said:] There are narrations on this topic from Abū Hurairah and ‘Abdullāh bin ‘Amr.

[Abū ‘Eisā said:] We do not know of the Ḥadīth of ‘Aishah to be Marfū‘ except from the report of Muhammad bin Rabī‘ah from Yazid bin Ziyād Ad-Dimashqī, from Az-Zuhri, from ‘Urwah, from ‘Aishah, from the Prophet ﷺ. Waki’ reported it from Yazid bin Ziyād similarly, and he did not narrate it in Marfū‘ form. The narration of Waki’ is more correct. Statements like this have been reported from more than one of the Companions of the Prophet ﷺ. Yazid bin Ziyād Ad-Dimashqī is weak in Ḥadīth and Yazid bin Abī Ziyad Al-Kūfi is more reliable than this one, and earlier.

Comments:
Such words and expressions of the Companions are moral and rescuing suggestions to the Imam, judge and the ruler. The judge or person in authority should always try to save the offender and should not apply the Ḥadd punishment if there is a chance to save the offender. Before imposing the Hudūd the judge is required to confirm that the offender is a sane person, and he committed the crime in that state. The judge must make sure that the offender is not under pressure, or he is not a drug addicted man. If the offence is proven and the witnesses are available, then the offender should be punished. *(Tuhfat Al-Ahwadhi v. 2. p.318.)*

Chapter 3. What Has Been Related About Covering (The Faults Of) The Muslim

1425. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever relieves a Muslim of a
burden from the burdens of the world, Allah will relieve him of a burden from the burdens of the Hereafter. And whoever covers (the faults of) a Muslim, Allah will cover (his faults) for him in the world and the Hereafter. And Allah is engaged in helping the worshipper as long as the worshipper is engaged in helping his brother.” (Sahih)

[He said:] There are narrations on this topic from ‘Uqbah bin ‘Amir and Ibn ‘Umar.

[Abū ‘Eisā said:] This is how the Hadith of Abū Hurairah was reported by more than one narrator; from Al-A’mask, from Abū Sāliḥ, from Abū Hurairah, from the Prophet , similar to the narration of Abū ‘Awānāh.

Asbāt bin Muhammad reported it from Al-A’mask, who said: “It has been narrated to me from Abū Sāliḥ, from Abū Hurairah, from the Prophet ,” and it is similar. [It is as if this is more correct than the first narration].

(Another chain) for this Hadith

1426. Ibn ‘Umar narrated that the Messenger of Allah  said: “The Muslim is the brother of the Muslim, he doesn’t oppress him and doesn’t put him into ruin, and whoever is concerned for the needs of his brother, Allah is concerned
for his needs, and whoever relieves a Muslim of a burden, Allāh will relieve him of a burden from the burdens of the Day of Judgement and whoever covers (the faults of) a Muslim, Allāh will cover (his faults) on the Day of Judgement." (Saḥīḥ)

[Abū ‘Eisā said:] This Hadith is Ḥasan Šaḥīḥ Gharīb as a narration of Ibn ‘Umar.

Chapter 4. What Has Been Related About Prompting In Cases Of The Legal Punishments

1427. Ibn ‘Abbās narrated that the Prophet ﷺ said to Mā‘īz bin Mālik: “Is what has reached me about you true?” He said: “What has reached you about me?” He said: “It has reached me that you had relations with the slave-maid of the family of so-and-so.” He said: “Yes.” So he testified four times, and he gave the order that he be stoned. (Ṣaḥīḥ)

[He said:] There is something on this topic from As-Sa‘īb bin Zaid.

[Abū ‘Eisā said:] The Hadith of Ibn ‘Abbās is a Ḥasan Hadith. Shu‘bah reported this Hadith from Simāk bin Ḥarb, from Sa‘eed bin Juba’ir in Mursal form without mentioning Ibn ‘Abbās in it.
Chapter 5. What Has Been Related About Averting The Legal Punishments From The One Who Confessed If He Changes His Mind

1428. Abû Hurairah narrated: “Mâ’iz Al-Aslami came to the Messenger of Allâh ﷺ and said that he had committed adultery, so he turned away from him. Then he approached from his other side and said: ‘O Messenger of Allâh! I have committed adultery.’ So he turned away from him. Then he came from his other side and said: ‘O Messenger of Allâh! I have committed adultery.’ So he gave the order (for stoning) upon the fourth time. He was taken to Al-Harrah and stoned with rocks. Upon being hit by the rocks, he ran swiftly until he passed a man with a camel whip who beat him with it, and the people beat him until he died. They mentioned to the Messenger of Allâh ﷺ, that he ran upon feeling the rocks at the time of death. So the Messenger of Allâh ﷺ said: ‘Why didn’t you leave him?’” (Hasan)

[Abû ‘Eisâ said:] This Hadith is Hasan. It has been reported through more than one route from Abû Hurairah. This Hadith has been reported from Az-Zuhri, from Abû Salamah, from Jâbir bin ‘Abdullâh from the Prophet ﷺ and it is similar.
1429. Jābir bin ‘Abdullāh narrated:
“A man from the tribe of Aslam came to the Prophet ﷺ and confessed to adultery. He turned away from him, then he confessed (again). Then he turned away from him (again) until he had testified against himself four times. So the Prophet ﷺ said: “Are you insane?” He said: “No” He said: “Are you married?” He said: “Yes.” So he gave the order and he was stoned at the Musalla. He ran when he was struck by the stones, and he was caught and stoned until he died. So the Messenger of Allāh ﷺ spoke well of him but he did not perform the (funeral) Salāt for him. (Sahih)

[Abū ‘Eīṣā said:] This Hadith is Hasan Sahih. This Hadith is acted upon according to some of the people of knowledge, the punishment is carried out for one who confesses against himself regarding adultery when he does so four times. This is the view of Ahmad and Ishāq. Some of the people of knowledge said that the punishment is carried out when he affirms it one time. This is the view of Mālik bin Anas and Ash-Shāfi‘ī. Those who hold this view use the Hadith of Abū Hurairah and Zaid bin Khālid as proof, in which two men disputed with the Messenger of Allāh ﷺ. One of them said: “O
Messenger of Allāh! My son had unlawful sexual relations with this man’s wife.” And it is a lengthy Hadīth. The Prophet ﷺ said: “O Unais! Go to this man’s wife and if she confesses then stone her.” And he did not say: “If she confesses four times.”

Comments:
An adulterer who admits his sin, but his sin is still hidden from the people, should be given a chance to refuse to admit his sin. If he refuses, he should be spared the punishment.

Chapter 6. What Has Been Related About It Being Disliked To Intercede In Legal Punishments

1430. ‘Aishah narrated: “The Quraish were troubled by the affair of a woman from the tribe of Makhzūm who stole. So they said: ‘Who will speak about her to the Messenger of Allāh ؑ?’ They said: ‘Who can do it other than Usāmah bin Zaid, the one dear to the Messenger of Allāh?’ So Usāmah spoke with him. the Messenger of Allāh ﷺ said: ‘Do you intercede about a penalty from Allāh’s penalties?’ Then he stood up and adressed the people saying: ‘Those before you were only destroyed because they used to leave a noble person if he stole. And if a weak person stole they would establish the penalty upon him. And by Allāh! If Fāṭimah bint Muḥammad stole, then I would cut off her hand.”’ (Sahih)

[He said:] There are narrations on
this topic from Mas‘ūd bin Al-‘Ajam’ [and they call him Ibn Al-A‘jam], Ibn ‘Umar and Jābir.

[Abū ‘Eisā said:] The Hadith of ‘Aishah is a Hasan Sahih Hadith.
[And they call him Mas‘ūd bin Al-A‘jam, and he narrated this Hadith.]

Comments:
The name of this woman was Fāṭimah bint Aswad bin ‘Abdullāh. She was the niece of Abū Salama. In the beginning, she used to borrow from people and did not return the borrowed money or other things, moreover she would deny that she had borrowed anything. She developed the habit of stealing, and her hand was cut off due to this habit. According to most of the scholars the punishment of cutting the hand cannot be imposed on refusal of return of the borrowed things, but in the view of Imām Ahmad and the Zāhiriyah, this punishment can be imposed if the borrowed things are not returned. (Minnat Al-Mun‘īm v.3. p. 138.)

Chapter 7. What Has Been Related About Confirming Stoning

1431. ‘Umar bin Al-Khaṭṭāb said: “The Messenger of Allāh ḥestone, Abū Bakr stoned, and I stoned. If I didn’t dislike that I add to the Book of Allāh, I would have written it in the Mushaf, for I fear that there will come a people and they will not find it in the Book of Allāh, so they will disbelieve in it.” (Sahih)

He said: There is something about this from ‘Alī.


Comments:
The name of this woman was Fāṭimah bint Aswad bin ‘Abdullāh. She was the niece of Abū Salama. In the beginning, she used to borrow from people and did not return the borrowed money or other things, moreover she would deny that she had borrowed anything. She developed the habit of stealing, and her hand was cut off due to this habit. According to most of the scholars the punishment of cutting the hand cannot be imposed on refusal of return of the borrowed things, but in the view of Imām Ahmad and the Zāhiriyah, this punishment can be imposed if the borrowed things are not returned. (Minnat Al-Mun‘īm v.3. p. 138.)

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He said: There is something about this from ‘Alī.
The fear, 'Umar had apprehended, proved true. The Khawārij, the Mu'tazilah and other modernists of today are against stoning.

1432. 'Umar bin Al-Khattāb said: "Verily Allah sent Muhammad with the truth, and he revealed the Book to him. Among what was revealed to him was the Ayah of stoning. So the Messenger of Allah stoned, and we stoned after him. I fear that time will pass over the people such that someone will say 'We do not see stoning in the Book of Allah.' They will be misguided by leaving an obligation which Allah revealed. Indeed stoning is the retribution for the adulterer if he was married and the evidence has been established, or due to pregnancy, or confession." (Sahih)

[There is something on this topic from 'Ali, Abū 'Eisā said:] This Hadith is Hasan Sahih. [It has been reported through more than one route from 'Umar bin Al-Khattāb.]

Comments:

Pregnancy will be deemed a proof of fornication if the woman is unmarried or her husband blames her. Though the recitation of this Verse is abrogated but its continuity is not essential for the implication. The presence of a Verse in the Qur'ān is considered a proof of its validity and continuity, therefore, rejecting a Sahih narration by declaring it information without any proof is not logical thinking.
Chapter 8. What Has Been Related About Stoning The Married Adulterer

1433. ‘Ubaidullah bin ‘Abdullãh bin ‘Utbah narrated that he heard from Abû Hurairah, Zaid bin Khâlid, and Shibi, that they were with the Prophet ﷺ and two men came to him disputing. So one of them stood before him and said: “I ask you by Allâh, O Messenger of Allâh! Only that you would judge between us by the Book of Allâh.”

So his disputant said – and he was more eloquent than him: “I agree O Messenger of Allâh! Judge between us by the Book of Allâh, and allow me to speak. My son was a servant for this man and he committed adultery with his wife. So they told me that my son was to be stoned. I paid him one hundred female sheep and a female slave. Then I met some people from the people of knowledge and they said that my son was to be lashed one hundred times, and to be banished for a year and that stoning is only for this man’s wife.” So the Prophet ﷺ said: “By the One in whose Hand is my soul! I will judge between you two by the Book of Allâh. The one hundred female sheep and the female slave should be returned to you. For your son is one hundred lashes and banishment for a year. O Unais! Go to this Man’s wife, and if she confesses then stone her.” He went to her and she confessed, so he stoned her. (Sahih)
(Another chain) with similar. And (Another chain) with similar.

[He said:] There are narrations on this topic from Abû Bakr, 'Ubâdah bin Aş-Sãmit, Abû Hurairah, Abû Sa'eed, Ibn 'Abbâs, Jâbir bin Samurah, Hazzâl, Buraidah, Samalah bin Al-Muḥābbâq, Abû Barzah, and 'Imrân bin Huṣāin.

[Abû 'Eisâ said:] The Hadîth of Abû Hurairah and Zaid bin Khâlid is a Hasan Sahîh Hadîth. This is how it was reported by Malik bin Anas, Ma'mar and others from Az-Zuhrî, from 'Ubaidullâh bin 'Abdullâh, from Abû Hurairah, and Zaid bin Khâlid, from the Prophet, they also reported with this chain from the Prophet that he said; “If a slave commits adultery lash her, if she commits adultery the fourth time sell her, even for a piece of twisted rope.” Sufyân bin 'Uyainah reported from Az-Zuhrî, from 'Ubaidullâh, from Abû Hurairah, Zaid bin Khâlid and Shibli, and they said: “We were with the Prophet.” This is how Ibn 'Uyainah reported the two Ahâdîth, from Abû Hurairah, Zaid bin Khâlid, and Shibli. But Ibn 'Uyainah’s narration is mistaken; Sufyân bin 'Uyainah made the mistake of entering one Hadîth in another Hadîth. What is correct is what was reported by [Muhammad bin Al-Walîd] Az-Zubâ'î, Yûnus bin Yazîd, and the son of Az-Zuhrî’s brother, from Az-Zuhrî, from 'Ubaidullâh, from Abû Hurairah and Zaid bin Khâlid,
from the Prophet ﷺ, that he said: “When the female slave commits adultery [then lash her].” And Az-Zuhri reported from ‘Ubaidullah from Shibli bin Khālid, from ‘Abdullāh bin Mālik Al-Awṣi, from the Prophet ﷺ, that he said: “When the female slave commits adultery.” And this is what is correct according to the people of Ḥadīth. Shibli bin Khālid did not see the Prophet ﷺ, Shibli only reported it from ‘Abdullāh bin Mālik Al-Awṣi, from the Prophet ﷺ. This is what is correct, and the narration of Ibn ‘Uyainah is not preserved. It was related that he said: “Shibli bin Ḥāmid” and this is a mistake, he is only Shibli bin Khālid, and he is also called Shibli bin Khulaid. [1]

Comments:

The Book of Allāh (here) means the Commands of Allāh and the decisions according to it. As the orders of stoning to death are not written in the Qur’ān, similarly the orders of exile for one year are also not written in the Qur’ān, but it is a Command of Allāh, because obeying the Prophet ﷺ is obeying Allāh.

1434. ‘Ubādah bin Aṣ-Ṣāmiṭ narrated: “The Messenger of Allāh ﷺ said: ‘Take from me. For Allāh
The Chapters On Legal Punishments

has a way made for them: For the married person who commits adultery with a married person is one hundred lashes, then stoning. And for the virgin who commits adultery with a virgin is one hundred lashes and banishment for a year.” (Sahih)

[Abū 'Eisā said:] This Hadith is Hasan Sahih. This is acted upon according to some of the people of knowledge among the Companions of the Prophet. Among them were ‘Ali bin Abī Ṭālib, Ubayy bin Ka'b, ‘Abdullāh bin Mas‘ūd, and others. They said the married is lashed and stoned. This was followed by some of the people of knowledge, and it is the view of Aḥmad and Iṣḥāq. Some of the people of knowledge among the Companions of the Prophet – among them were Abū Bakr and others – said that the married person is only stoned, not lashed. Similar to this has been reported from the Prophet in a Hadith other than this one, in the story of Mā‘iz and others, in which he ordered stoning and did not order that he be lashed before stoning. This is acted upon according to some of the people of knowledge. It is the view of Sufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi‘ī, and Aḥmad.

Comments:

Most of the A‘immah; Malik, Ash-Shāfi‘ī, and Aḥmad, are of the opinion that a married adulterer should not be lashed before the punishment of stoning to death. An-Nakha‘ī, Al-Awzā‘ī, Ath-Thawrī also have the same opinion.
Chapter 9. Something Else About That (Refraining From Stoning The Pregnant Woman Until She Gives Birth)

1435. 'Imrãn bin Husain narrated: "A woman from Juhainah confessed before the Prophet ﷺ that she had committed adultery, and she said: 'I am pregnant.' So the Prophet ﷺ called for her guardian and said: 'Be good to her and if she gives birth to her child then tell me.' So he did so, and then he ﷺ gave the order that her clothes be bound tightly around her. Then he ordered her to be stoned and she was stoned. Then he performed (funeral) Salãt for her. So 'Umar bin Al-Khattab said to him: 'O Messenger of Allah! You stoned her then you prayed for her?!' He said: 'She has repented a repentance that, if distributed among seventy of the people of Al-Madinah, it would have sufficed them. Have you ever seen something more virtuous than her sacrificing herself for the sake of Allah?" (Sahih)

[Abû 'Eisâ said:] This Hadîth is [Hasan] Sahih.

Comments:
The funeral prayer should be performed after stoning a fornicator. Most of the scholars support this point of view. According to Imâm Mâlik and Imâm Ahmad, elites of the society, the ruler, or head of the town, or city, should not perform the funeral prayer of a fornicator, but this is against a Sahih and
clear narration. (Saḥīḥ Muslim with An-Nawawī. v. 2. p. 68.) It is agreed upon that a woman will not be stoned to death until the birth of the child. This is to save the child who is innocent.

Chapter 10. What Has Been Related About Stoning The People Of The Book

1436. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ stoned a Jew and a Jewess. (Saḥīḥ)

[Abū ‘Īsā said:] There is a long story in this Ḥadīth, and this Ḥadīth is Ḥasan Saḥīḥ.

1437. Jābir bin Samurah narrated that the Prophet ﷺ stoned a Jew and a Jewess. (Saḥīḥ)

Abū ‘Eisā said: The Hadith of Jābir bin Samurah is a Hasan Gharib Hadith. This is acted upon according to most of the people of knowledge, they said that when the people of the Book dispute and they bring their case to the Muslim judge, then he judges between them according to the Book and the Sunnah with the laws of (Sharī‘ah) the Muslims. This is the view of Ahmad and Isḥāq. Some of them said that the punishment of adultery is not carried out on them. But the first view is more correct.

Comments:
It is clear from this narration that if a law-suit is lodged in an Islamic Court by non-Muslims, the case will be decided according to Islamic Law. They were asked to bring the Taurah (Torah) just to prove to them that Islamic punishment is the same which has been prescribed in the Taurah. (See for details Sahih Muslim v.2. p69. and Tuhfat Al—Ahwadhi v.2. p.325 and Takmilah. v.2. p471-474.)

Chapter 11. What Has Been Related About Banishment

1438. Ibn ‘Umar narrated that the Prophet ﷺ lashed and banished, Abū Bakr lashed and banished, and ‘Umar lashed and banished. (Sahih)

[He said:] There are narrations on this topic from Abū Hurairah, Zaid bin Khālid, and ‘Ubādah bin Aṣ-Šāmīt.
[Abū 'Eisā said:] The Hadīth of Ibn 'Umar is a Gharīb Hadīth. It was reported by more than one narrator from 'Abdullāh bin Idrīs in Marfū' form. Some of them reported this Hadīth from 'Ubaidullāh, from Nāfi', from Ibn 'Umar: that Abū Bakr lashed and banished, and that 'Umar lashed and banished.

This was narrated to us by Abū Al-Ashajj (who said): “Abdullāh bin Idrīs narrated to us” and this is how this Hadīth was reported in other narrations from Ibn Idrīs, from 'Ubaidullāh bin 'Umar and it is similar to this. Similarly; Muhammad bin Ishāq reported from Nāfi', from Ibn 'Umar, that Abū Bakr lashed and banished, and 'Umar lashed and banished. And he did not mention about the Prophet in it. It is correct that the Prophet banished. It was reported by Abū Hurairah, Zaid bin Khālid, 'Ubādah bin As-Sāmiṭ and others from the Prophet.

This is acted upon according to the people of knowledge among the Companions of the Prophet. Among them were Abū Bakr, 'Umar, 'Alī, Ubayy bin Ka'b, 'Abdullāh bin Mas'ūd, Abū Dharr and others. Similar has been reported from more than one of the Fuqahā' among the Tābi'īn. This is the view of Sufyān Ath- Thawrī, Mālik bin Anas, 'Abdullāh bin Al-Mubārak, Ash-Shāfi‘ī, Aḥmad, and Ishāq.
Chapter 12. What has Been Related About: The Legal Punishments Are Atonement For Those Who Receive Them

1439. 'Ubådah bin Aş-Såmit narrated: “We were with the Prophet [in a gathering] and he said: ‘Pledge to me that you will not associate [anything as] partners with Allah, and that you will not steal nor commit adultery.’ He recited to them the Ayah.\[1] (And he said:) ‘Whoever among you dies, then his reward is with Allah, and whoever among you does some of this and then he is punished, it is an atonement for him. And whoever does some of this and Allah covers it for him, then it is up to Allah; if He wills, He will punish him, and if He wills, He will forgive him.’” (Saḥīḥ)

[He said:] There are narrations on this topic from 'Alî, Jarîr bin 'Abdullâh, and Khuzaimah bin Thâbit.

[Abû ‘Eisâ said:] The Hâdîth of 'Ubådah bin Aş-Såmit is a Hasân Sahîh Hâdîth. Ash-Shâfi‘î said: “Regarding this topic – that the legal punishments serve as atonement for those who receive

Comments:
This issue has been discussed in the context of narration no. 1434. (For more details see Tuhfat Al-Ahwadhi v.2. p. 326-327.)

\[1\] This refers to Surat Al-Mumtâhinah (60:12). See Tuhfat Al-Ahwadhi.
them – I have not heard anything more appropriate than this Hadith.” Ash-Shafi’i said: It is recommended for anyone who suffers to commit a sin which Allâh conceals for him, that he too conceal it, and repent for whatever is between him and his Lord.” Similarly it has been reported from Abû Bakr and ‘Umar, that they ordered a man to cover (the sin he committed).

Comments:
The Hadd punishment serves as an atonement, but it will not serve as an atonement of the offence if an offender continues the vice and does not give it up. Yet, Allâh is Most Gracious and Merciful, and one can count on His Mercy and Guidance to avoid the vices and sins.

Chapter 13. What Has Been Related About Establishing Legal Punishments Upon The Slave Girl

1440. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: “If one of your slave girls commits illegal sexual intercourse, then whip her three times according to the Book of Allâh, and if she does it again then sell her, even if it is for a rope made of hair.” (Hasan)

[He said:] There are narrations on this topic from ‘Ali, Abû Hurairah, Zaid bin Khâlid, and Shîbl – from ‘Abdullâh bin Mâlik Al-Awsi.

The Hadith of Abû Hurairah is a Hasan Sahîh Hadith. It has been reported from him through other
routes, and this is acted upon according to some of the people of knowledge among the Companions of the Prophet and others. They held the view that a man could implement the legal punishments upon his slaves without resorting to the Sultan. This is the view of Ahmad and Ishāq. Some of them said that he has to bring them to the Sultan, and he may not implement the legal punishments himself. But the first view is more correct.

Comments:

According to the opinion of most of the people of knowledge, the owner of a slave is allowed to impose the Hadd punishment on his slave. In the view of Imam Mālik and some of the followers of Imām Shāfi‘ī, the owner of the slave is not allowed to impose the Hadd punishment of theft. According to Imām Ath-Thawrī and Al-Awzā‘ī, only the Hadd punishment of fornication can be imposed on the slave by his owner. The Ahnāf’s point of view is that only the court has the right to impose the punishment of Hadd. Some others say that if the crime is clearly established and proven, and the owner himself is a man of honor and prestige, he can impose the Hadd punishment, otherwise, the matter must be referred to the court of justice.

1441. Abū ‘Abdur-Rahmān As-Sulami narrated: “Aī gave a Khuṭbah and said: ‘O people, establish the penalties upon your slaves, those married from them and those unmarried. A slave girl of the Prophet comitted illegal sexual intercourse so he ordered me to whip her. I went to her and she was just experiencing her post-natal bleeding, so I feared that if I were to whip her I would kill her’ –
or he said: 'she would die' – 'so I went to the Messenger of Allâh' and I told that to him. So he said: 'You did well.'" (Saâhib)

[Abû ‘Eiśâ said:] This Hadîth is [Hasan] Saâhib. [As-Suddi’s (a narrator in this chain) name is Ismâ’il bin ‘Abdur-Rahmân, and he was one of the Tâbi’in. He heard from Anas bin Malik, and saw Husain bin ‘Ali bin Abî Ṭâlib, may Allâh be pleased with him].

Comments:
This narration indicates that a slave woman who gives birth to a child, Hadd punishment should not be applied on her immediately. She should be given enough time to suckle the baby. The same orders are for the punishment of a sick person. (Saâhib Muslim v. 2. P.71.)

Chapter 14. What Has Been Related About Legal Punishment For The Drunkard

1442. Abû Sa‘eđ Al-Khudî narrated that the Messenger of Allâh implemented the penalty by beating forty times, with two shoes – Mis’ar (one of the narrators) said: “I think it was for wine.” (Da‘îf)

[He said:] There are narrations on this topic from ‘Ali, ‘Abdur-Rahmân bin Azhar, Abû Hurairah, As-Sâ‘ib, Ibn ‘Abbâs, and ‘Uqbah bin Al-Hârîth.

[Abû ‘Eiśâ said:] The Hadîth of Abû Sa‘eđ is a Hasan Hadîth. Abû As-Siddîq An-Nâjî’s name is Bakr bin ‘Amr [and they also call him Bakr bin Qais].
Anas narrated that a man who had drank wine was brought to the Prophet, so he beat him about forty times with two stalks of a palm tree. So Abu Bakr did similarly, and by the time 'Umar became Khalifah he sought council from the people. And 'Abdur-Rahmân bin 'Awf said: ‘I see that the lightest penalty is eighty lashes,’ so ‘Umar ordered that. (Sahih)

Abû ‘Eisâ said:] The Hadîth of Anas is a Hasan Sahîh Hadîth. This is acted upon according to the people of knowledge among the Companions of the Prophet and others. The punishment for intoxication is eighty (lashes).

Comments:
A date palm stick without leaves is called ‘Jaridah’. Hitting by two sticks may mean hitting with by each stick for forty times, making a total eighty strikes, and it may also mean hitting with two sticks together forty times, that is eighty strikes with two sticks together. (Takmilah v. 2. p. 488 and Al-Mughni v. 3. p. 150.)

Chapter 15. What Has Been Related About: Whoever Drinks Wine Then Lash Him, And Whoever Does It A Fourth Time, Then Kill Him

Mu‘awiyah narrated that the Messenger of Allah said: “Whoever drinks wine, then lash him. If he returns to it, then on the fourth time kill him.” (Hasan)
[He said:] There are narrations on this topic from Abū Hurairah, Ash-Sharīd, Shurahbil bin Aws, Jarir, Abū Ar-Ramad Al-Balawi, and ‘Abdullāh bin ‘Amr.

[Abū ‘Eisā said:] The Hadīth of Mu‘awiyah was also reported like this by Ath-Thawri; from ‘Āsim, from Abū Ṣāliḥ, from Mu‘awiyah, from the Prophet ﷺ. Ibn [Juraij] and Ma‘mar reported it from Suhail bin Abī Ṣāliḥ, from his father, from Abū Hurairah, from the Prophet ﷺ. [He said:] I heard Muḥammad saying: “The Hadīth of Abū Ṣāliḥ from Mu‘awiyah from the Prophet ﷺ about this topic is more correct than the Hadīth of Abū Ṣāliḥ from Abū Hurairah from the Prophet ﷺ. This was only the earlier order, then it was abrogated later.” This is what was reported from Muhammad bin Ishāq, from Muḥammad bin Al-Munkadīr, from Jābir bin ‘Abdullāh, from the Prophet ﷺ who said: “Whoever drinks wine, then lash him, if he returns to it, then on the fourth time kill him.” He said: “Then a man who had been drinking was brought to the Prophet ﷺ a forth time, so he beat him, he did not kill him.” Similar was reported by Az-Zuhrī from Qabiṣah bin Dhu‘aib from the Prophet ﷺ, he (Qabiṣah) said: “so the order to kill was lifted, and that was a granted favor (from the Law-Giver).”

This Hadīth is acted upon according to the people of knowledge in general, we do not know of any disagreement between...
them about this, neither the earlier or the latter among them. What strengthens this is, what is reported from the Prophet ﷺ through many routes, that he said: “The blood of a Muslim man who testifies to Lā ilāha illallāh and, that I am the Messenger of Allah, is not lawful except for one of three: A life for a life, the (married) adulterer, and leaving his religion.”

الخراج: [حسن] وأخرجه أبو داود، الحددون، باب: إذا تتابع في شرب الخمر، ح: 4482


Comments:
The majority of the scholars hold the view that if a person who had been punished for drinking alcohol is found guilty of committing the same offence for the four time, he should not be given capital punishment, as opposed to Ibn Hazm who believed otherwise.

Chapter 16. What Has Been Related About: For How Much (Wealth) Is The Thief’s Hand Cut Off?

1445. ‘Aishah narrated that the Prophet ﷺ used to cut the hand for a fourth of a Dinár and beyond that. (Sahih)

[Abū ’Eisā said:] The Hadith of ‘Āishah is a Hasan Sahih Hadith. This Hadith has been reported through other routes from ‘Amrah, from ‘Āishah in Marfu’ form. Some
of them reported it from ‘Amrah, from ‘Aishah in Mawqaf form.

1446. Ibn ‘Umar narrated: “The Messenger of Allâh ﷺ cut the hand for a shield worth three Dirham.” (Sâhih)

[He said:] There are narrations on this topic from Sa’îd, ‘Abdullâh bin ‘Amr, Ibn ‘Abbâs, Abû Hurairah, and Ayman.

[Abû ‘Eisâ said:] The Hadîth of Ibn ‘Umar is a Hasan Sahih Hadîth. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. Among them were Abû Bakr As-Siddiq who cut for five Dirham. It has been reported that ‘Uthmân and ‘Ali cut for a fourth of a Dînâr. It has been reported that Abû Hurairah and Abû Sa’eed said that the hand is cut off for five Dirham. This is acted upon according to some of the Fuqahâ’ among the Tâbi’in, it is the view of Mâlik bin Anas, Ash-Shâfi’i, Ahmad, and Ishâq. They held the view that the hand was cut off for a fourth of a Dînâr and whatever was beyond that.

It has been reported that Ibn Mas’ûd said that it is not cut for less than a Dînâr or ten Dirham. And this is a Mursal Hadîth which was reported by Al-Qâsîm bin ‘Abdur-Rahmân from Ibn Mas’ûd, and Al-
Qāsim did not hear from Ibn Mas‘ūd. This is acted upon according to some of the people of knowledge, it is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah. They said that the hand is not cut off for less than ten Dirham.

[It has been reported that ‘Ali said that there is no cutting of hand for less than ten Dirham. But its chain of narration is not connected.]

Chapter 17. What Has Been Related About Hanging The Hand Of The Thief (Around His Neck)

1447. ‘Abdur-Raḥmān bin Muḥairiz said: “I asked Faḍālah bin ‘Ubaid about hanging the hand around the neck of the thief: ‘Is this from the Sunnah?’ He said: ‘A man came to the Messenger of Allah with a thief so his hand was cut off, and then he ordered that it be hung around his neck.’”

(Do‘ṣ) [Abū ‘Eisā said:] This Hadīth is Hasan Gharib, we do not know of it except as a narration of ‘Umar bin ‘Alī Al-Muqaddamī from Al-Hajjāj bin Artāh. ‘Abdur-Raḥmān bin Muḥairiz is the brother of ‘Abdullāh bin Muḥairiz and he is from Ash-Shām.

تخريج: متفق عليه، وأخرجه مسلم، الحديث، أيضًا، ح: 186 عن قتيبة البخازري، ح: 795 من حديث الليث بن سعد بن رَضيَ الله عنه، وفي الباب عن سعد بن إسحاق، في كتابología، ح: 782 وابن عباس، ح: 4280 أن أبى هريرة (مسلم، ح: 1687) وأبي عثمان (النسائي، ح: 4942)...

(المجمع 17) - باب ما جاء في تعليق يد السارق (التحفة 17)
Chapter 18. What Has Been Related About The Traitor, The Embezzler And The Plunderer

1448. Jābir narrated that the Prophet said: “There is no cutting of the hand for the traitor or the embezzler, nor the plunderer.” (Sahih)

[Abū ‘Eiswa said:] This Hadith is Hasan Sahih. This is acted upon according to the people of knowledge. Mughirah bin Muslim narrated it – just as Ibn Juraij did – from Abū Az-Zubair, from Jābir, from the Prophet, and it is similar. Mughirah bin Muslim is from Al-Baṣrah, and he is the brother of ‘Abdul-‘Aziz Al-Qasmalī. This is what ‘Ali bin Al-Madini said.

Comments:

According to Qāḍī ‘Iyād, cutting of hand is only the punishment for stealing; robbery, plunder or embezzlement is more than stealing. These offences are terrorist activities and cause of creating violence and disturbances in the society, so the state, on such actions, can award severe punishment in the light of Verse 34 of Surat Al-Mā‘idah. The punishment may be execution or crucifixion.
Chapter 19. What Has Been Related About Not Cutting The Hand For (Date) Fruits Or Palm Marrow

1449. رافي بن خديج narrated that he heard the Messenger of Allah ﷺ say: “There is no cutting of the hand for fruits or palm marrow.” (Sahih)

[Abū `Eīsā said:] This is what some of them reported from Yahyā bin Sa’eed, from Muḥammad bin Yahyā bin Ḥabbān, from his paternal uncle Wāsi’ bin Ḥabbān, from رافي [bin Khadij], from the Prophet صل الله عليه وسلم, and it is similar to the narration of Al-Laith bin Sa’d.

Mālik bin Anas and others reported this Hadīth from Yahya bin Sa’eed, from Muḥammad bin Yahya bin Ḥabbān, from رافي bin Khadij, from the Prophet صل الله عليه وسلم, and they did not mention: “from Wāsi’ bin Ḥabbān” in it.

Comments:

Here the fruit means those fruits which are still on trees. According to Imām Abū Ḥanīfah’s view, cutting the hand is not applicable for stealing edibles, but in the view of other ʿAimmah if these edibles are not secured and saved in a house, or by an enclosure, then there is no punishment of cutting the hand. This punishment is applicable for stealing a thing from a protected place. (Al-Mughni v. 12. p. 424. and ‘Arīḍhatul Ahwadhi v. 6. p. 229 & 437.)
Chapter 20. What Has Been Related About The Hands Not Being Cut In Battles

1450. Busr bin Arṭāh narrated that the Prophet ﷺ said: “The hands are not cut in battles.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Gharib. Others besides Ibn Lahi'ah reported similar to this with this chain, and he also said: “Busr bin Abī Arṭāt.”

This is acted upon according to some of the people of knowledge, among them Al-Awzā‘ī. They did not see that the legal punishments should be carried out in battles in the presence of the enemy, fearing that the one the punishment was implemented upon may join the enemy. So when the Imam has left the land of war, and returned to the land of Islam, he applies the punishment on those deserving. This was said by Al-Awzā‘ī.

Comments:

This narration 'Ubadah bin Aṣ-Samit describes that Hudūd punishments are to be carried out and implemented at all places, in travel and in dwellings. This narration reports that the Hadd punishment of cutting the hand is not implemented for stealing spoils because a pilferer thinks himself a shareholder of the spoils. In the case of cutting off his hand, there is the possibility that he may join the enemy’s lines and commit the crime of apostasy.
Chapter 21. What Has Been Related About A Man Having Relations With The Slave Girl Of His Wife

1451. Habib bin Salim said: "A man was brought to An-Nu'man bin Bashir who had relations with the slave girl of his wife. He said: 'I give you a judgement about her case according to the judgement of the Messenger of Allah ﷺ: If she made her lawful for him, then I will lash him one hundred times, and if she did not make her lawful, then I will stone him.'" (Hasan)

1452. (Another chain) from An-Nu'man bin Bashir with similar. [And it has been reported that Qatadah said: “Habib bin Salim wrote to me about him.” And, Abu Bash-shahr (one of the narrators) did not hear this from Habib bin Salim as well, he only reported it from Khalid bin 'Urfutah.] (Hasan) [He said:] There is something similar on this topic from Salamah bin Al-Muhabbaq.

[Abu ‘Eisa said:] The chain for the Hadith of An-Nu’man contains some confusion (Idtirab). He said: I heard Muhammad bin Isma'il saying: “Qatadah also did not hear this Hadith from Habib bin Salim, he only reported it from Khalid bin ‘Urfutah.”

[Abu ‘Eisa said:] The people of
knowledge differ over the case of a man who has relations with his wife's slave girl. It has been reported from more than one of the Companions of the Prophet – among them ‘Ali and Ibn ‘Umar – that he is to be stoned. Ibn Mas‘ūd said: “The legal punishment is not required for him, but he may be punished.” Ahmad and Ishāq followed what was reported from An-Nu‘mān bin Bashīr from the Prophet.

Comments:
When a woman gave her slave woman to her husband, and he, due to his ignorance, thought her lawful for himself, while according to the Shari‘ah she is not lawful for him, the Ḥadd punishment will not be implemented on him, but as a warning and teaching lesson to others he will be whipped.

Chapter 22. What Has Been Related About A Woman Who Is Forced To Commit Adultery

1453. ‘Abdul-Jabbar bin Wā’il bin Hujr narrated that his father said: “A woman was forced to commit illegal sexual relations during the time of the Messenger of Allāh. The Messenger of Allāh did not enforce the legal punishment upon her, but he enforced it upon the one who had done it to her.” And the narrator did not mention him assigning a dowry for her. (Da‘f)

[Abū ‘Eisā said:] This Hadith is Gharib, and its chain is not connected. This Hadith has been reported through more than one route. [He said:] I heard
Muhammad saying: “Abdul-Jabbar bin Wa'il bin Hujr did not hear from his father, nor did he see him.” They say that he was born a month after his father died.

This Hadith is acted upon according to the people of knowledge among the Companions of the Prophet and others, in that the legal punishment is not implemented upon the woman who is coerced into committing adultery.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الحدود، باب المستكروه، ح: 2598 من حديث الرفيق به * حجاج بن أرطاطة ضعيف مدلس وعبدالجبار بن وائل عن أبيه مقطع.

1454. ‘Alqamah bin Wa'il Al-Kindi narrated from his father: “A woman went out during the time of the Prophet to go to Salat, but she was caught by a man and he had relations with her, so she screamed and he left. Then a man came across her and she said: ‘That man has done this and that to me,’ then she came across a group of the Emigrants (Muhajirin) and she said: ‘That man did this and that to me.’ They went to get the man she thought had relations with her, and they brought him to her. She said: ‘Yes that’s him.’ So they brought him to the Messenger of Allah, and when he ordered that he be stoned, the man who had relations with her, said: ‘O Messenger of Allah, I am the one who had relations with her.’ So he said to her: ‘Go, for Allah has forgiven you.’ Then he said some nice words to the man (who was first brought). And he said to the man who had
relations with her: ‘Stone him.’ Then he said: ‘He has repented a repentance that, if the inhabitants of Al-Madinah had repented with, it would have been accepted from them.’” (Hasan)

[Abū ‘Eisā said:] This Hadīth is Hasan Gharīb Saḥīḥ. ‘Alqamah bin Wā’il bin Ḥujr heard from his father; he was older than ‘Abdul-Jabbār, and ‘Abdul-Jabbār did not hear from his father.

Comments:
If a rape is proven against the will of a woman, according to Imām Mālik and Shāfī’ī she deserves the dowry and the court has to help her in getting her right. In the view of Imām Abū Ḥanīfah and Sufyān she does not deserve the dowry.

Chapter 23. What Has Been Related About One Who Commits Bestiality

1455. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “Whomever you see having relations with an animal then kill him and kill the animal.” So it was said to Ibn ‘Abbās: “What is the case of the animal?” He said: “I did not hear anything from the Messenger of Allāh ﷺ about this, but I see that the Messenger of Allāh ﷺ disliked eating its meat or using it, due to the fact that such a (heinous) thing had been done with that animal.” (Hasan)

[Abū ‘Eisā said:] We do not know of this Hadīth except from the narration of ‘Amr bin Abī ‘Amr
from ‘Ikrimah, from Ibn ‘Abbās, from the Prophet ﷺ. Sufyān Ath-Thawrī reported from ‘Āṣim, from Abū Razīn, from Ibn ‘Abbās who said: “Whoever has relations with a beast, then there is no legal punishment for him.” That was narrated to us by Muhammad bin Bash-shār (who said): “‘Abdur-Rahmān bin Mahdī narrated to us, Sufyān Ath-Thawrī narrated to us.” This is more correct than the first Hadith. This is acted upon according to the people of knowledge, it is the view of Ahmad and Ishāq.

Comments:

Sexual intercourse with animals is one of the most disgusting acts. Though this is not considered fornication, yet the performer deserves a severe punishment. This punishment should be exemplary and a clear warning to others.

Chapter 24. What Has Been Related About The Punishment Of The Sodomite

1456. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “Whomever you find doing the actions of the people of Lūt then kill the one doing it, and the one it is done to.” (Hasan)

[He said:] There are narrations on this topic from Jābir and Abū Hurairah.

[Abū ‘Eisā said:] It is only through...
this route that we know of this to be a Hadith of Ibn ‘Abbâs from the Prophet ﷺ. Muḥammad bin Ishâq reported this Hadith from ‘Amr bin Abî ‘Amr, so he said: “Those who do the act of the people of Lût are cursed.” And he did not mention killing in it. He did mention: “Those who have relations with a beast are cursed.” This Hadith has been reported from ‘Āṣim bin ‘Umar, from Suhail bin Abî Sālih, from his father, from Abû Hurairah, from the Prophet ﷺ saying: “Kill the doer and the one it is done to.”

[Abû ‘Eisâ said:] There is some disparagement in its chain of narration, we do not know of anyone who reported it from Suhail bin Abî Sâlih besides ‘Āṣim bin ‘Umar Al-‘Umari, and ‘Āṣim bin ‘Umar was graded weak in Hadith due to his memory.

The people of knowledge differ over the legal punishment for the sodomite. Some of them held the view that he has to be stoned, whether married or not married. This is the view of Mâlik, Ash-Shâﬁ‘i, Aḥmad and Ishâq.

Some of the people of knowledge among the Fuqaha’ from the Tâbi‘în – among them Al-Hasan Al-Baṣrî, Ibrâhim An-Nakha‘i, ‘Ata’ bin Abî Rabâh, and others – said that the legal punishment for the sodomite is the legal punishment for illegal sexual relations. This is the view of Ath-Thawrî and the people of Al-‘Uṣâf.
Comments:
It is agreed upon that sodomy is unlawful, but there is difference of opinion among the scholars. The punishment of a sodomite, married or unmarried is stoning. ‘Ali, Ibn ‘Abbas, Jābir bin Zaid, Zuhri, Rabi‘ah, Malik, and Ishaq all support this view. One point of view of Imam Ahmad and Ash-Shafi‘i is also the same. This is the correct point of view.

1457. Jābir narrated that the Messenger of Allāh ﷺ said: “What I fear most from my Ummah is the behavior of the people of Lūt.”

(ḥadīth)

[Abū ‘Eisā said:] This Hadīth is Hasan Gharīb, we only know of it from this route, from ‘Abdullāh bin Muḥammad bin ‘Aqīl bin Abī Ṭālib, from Jābir.

Comments:
Sodomy and lesbianism are among the most disgusting forms of sexual satisfaction. Old civilizations were destroyed and stones were rained upon such people, as stated in Sūrat Hūd Verse 82. “We turned (the cities) upside down and rained down, on them stones of baked clay, spread layer on layer.”

Chapter 25. What Has Been Related About The Apostate

1458. ‘Ikrimah narrated that ‘Alī burnt some people who apostasized from Islām. This news reached Ibn ‘Abbās, so he said: “If it were me I would have killed them according to the statement of the Messenger
of Allah. The Messenger of Allah said: ‘Whoever changes his religion then kill him.’ And I would not have burned them because the Messenger of Allah said: ‘Do not punish with the punishment of Allah.’ So this reached ‘Ali, and he said: ‘Ibn ‘Abbás has told the truth.’ (Ṣaḥīḥ) [Abū ‘Eisā said:] This Hadith is Hasan Ṣaḥīḥ. This is acted upon according to the people of knowledge in cases of apostasy.

They disagree in the case of a woman who apostatizes from Islam. A group of the people of knowledge said she is to be killed. This is the view of Al-Awzā‘ī, Ahmad, and Ishāq. Another group said that she is imprisoned not killed. This is the view of Sufyān Ath-Thawrī and others from the people of Al-Kūfah.

Comments:

The people, who were burnt alive, were the followers of a Jew named ‘Abdullāh bin Sabah. They were hypocrites and they were involved in a heinous crime of preaching ‘Ali’s divinity, so ‘Ali giving a lesson for others, gave them such a severe punishment.

Chapter 26. What Has Been Related About One Who Brandishes A Weapon

1459. Abū Mūsā narrated that the Prophet said: “Whoever carries weapons against us, he is not from us.” (Ṣaḥīḥ)

He said: There are narrations on this topic from Ibn ‘Umar, Ibn Az-Zubair, Abū Hurairah, and
Chapter 27. What Has Been Related About The Legal Punishment For The Sâhir\footnote{1}

1460. Jundab narrated that he heard the Messenger of Allah ﷺ saying: “The punishment of the Sâhir is a strike of the sword.” (Pa‘if)

[Abū ‘Eisā said:] We do not know of this Hadith to be Marfū‘ except from this route. Ismā‘il bin Muslim Al-Makki was graded weak in Hadith due to his memory. As for Ismā‘il bin Muslim Al-Abdī Al- Başrī, Waki‘ said: “He is trustworthy.” It has been reported from Al-Hasan as well. What is correct is from Jundab in Mawqūf form.

This Hadith is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others, and

\footnote{1} It is a sorcerer, a witch, or a magician.
it is the view of Mālik bin Anas. Ash-Shāfi‘ī said that the Sāḥir is only killed when the magic he practises reaches the level of disbelief, when his behavior is less than disbelief, then he did not see that he should be killed.

Comments:
No doubt magic and sorcery is one of the grievous sins and its practise is strictly prohibited and unlawful. Sometimes the practices of sorcery reach the boundary of infidelity and disbelief, and sometimes it remains within the limits of grievous sin, therefore, it's teaching and learning are also unlawful. According to Ash-Shāfi‘ī a magician should not be killed until he enters the boundaries of disbelief, but Imām Abū Ḥanifah, Imām Ahmad and many Companions of the Prophet ﷺ and the followers of the Companions, think that the sorcerer is a disbeliever and that he does not deserve to be asked to repent. He should rather be killed. (See for details Al-Mughni v.12. P. 302-303.)

Chapter 28. What Has Been Related About The One Who Steals From The Spoils Of War, And What Is To Be Done To Him

1461. ‘Umar narrated that the Messenger of Allāh ﷺ said: “Whomever you find stealing from the spoils of war while in the path of Allāh, then burn his belongings.”

Sāliḥ (one of the narrators) said: “I entered upon Maslamah and with him was Sālim bin ‘Abdullāh. There was a man there who had stolen from the spoils of war, so Sālim narrated this Hadith. So he ordered accordingly, and his belongings were burnt. There was a Mushaf in his belongings, so Sālim said: ‘Sell this and give its proceeds
as charity.”” (Da‘if)

[Abū ‘Eisā said:] This Hadith is Gharib, we do not know of it except from this route. This is acted upon according to some of the people of knowledge. It is the view of Al-Awzā‘ī, Aḥmad and I rulers.

He said: I asked Muhammad about this Hadith and he said: “This was only reported by Sālih bin Muḥammad bin Zā‘idah, and he is Abū Wāqīd Al-Laithi, and he is Munkar in Hadith.”[1] Muhammad said: “There is another Hadith from the Prophet about stealing from the spoils of war and he did not order burning one’s goods in it.”

[Abū ‘Eisā said:] This Hadith is Gharib.

Comments:

Stealing from the spoils and embezzlement in it is a severe offence. The spoils of war are collective property of the Muslims, therefore, every one should be very careful about it, and no one is allowed to take anything from it until it is distributed. If someone takes anything from it before its distribution, he commits the crime of embezzlement.

Chapter 29. What Has Been Related About One Who Says To Another: “O You Effeminate!”

1462. Ibn ‘Abbās narrated that the Prophet said: “If a man says to another man: ‘O you Jew’ then beat him twenty times. If he says: ‘O you effeminate’ then beat him twenty times. And whoever has

relations with someone that is a Mahram then kill him." (Da'if)

[Abu 'Eisah said:] We do not know of this Hadith except from this route. Ibrahim bin Ismail was graded weak in Hadith.

It has been reported from the Prophet (SAW) through other routes; it has been reported from Al-Bara' bin 'Azib and Qurrah bin Iyaa Al-Muzani, that a man married a previous wife of his father, so the Prophet (SAW) ordered that he be killed. This is acted upon according to our companions. They say that whoever has relations with someone that is a Mahram and he knows, then he is to be killed.

Ahmad said whoever has relations with his mother then he is to be killed. Ishaq said that whoever has relations with someone who is a Mahram then he is to be killed.

Ahmad said whoever has relations with someone that is a Mahram then he is to be killed.

Comments:
In the light of this narration, if someone gives an offensive and objectionable nickname to a Muslim brother he can be punished under Islamic Law. Marrying a step mother or other close relatives (Maharim) is prohibited. Adultery is an extremely disgusting act and a capital offence. He who marries his step mother or fornicates with other close relatives, the punishment of Hadd is not applied on him, he is killed. In awarding this punishment there is no difference between married or unmarried person, punishment is the same and instant. (Tuhfat Al-Ahwadhi v. 2. p. 339.)

Chapter 30. What Has Been Related About At-Ta'zir (Unregulated Punishments)

1463. Abu Burdah bin Niyar
narrated that the Messenger of Allah ﷺ said: “No one is to be lashed more than ten lashes except for a legal punishment among Allah’s punishments.” (Sahih)

[He said:] Ibn Lahi‘ah reported this Hadith from Bukair and he was mistaken in it. He said: “From ‘Abdur-Rahmân bin Jâbir bin ‘Abdullâh, from his father, from the Prophet ﷺ.” This is a mistake. What is correct is the narration of Al-Laith bin Sa‘d. It should be: “Abdur-Rahman bin Jâbir bin ‘Abdullâh from Abû Burdah bin Niyâr, from the Prophet ﷺ.”

[Abû ‘Eisâ said:] This Hadith is [Hasan] Gharib, we do not know of it except as a narration of Bukair bin Al-Ashajj. The people of knowledge differ over At-Ta‘zir, and the best thing reported about At-Ta‘zir is this Hadith.

Comments:

This narration indicates that no offender should be given a physical punishment of more than ten lashes except if the offense he has committed is one for which a “Hadd” has been prescribed.
Chapter 1. What Has Been Related About What Is Eaten From The Game Caught By Dogs And What Is Not Eaten

1464. Abū Tha‘labah Al-Khushani said: “I said: ‘O Messenger of Allah! We are a people who hunt.’ He said: ‘If you send your dog and you mentioned the Name of Allah upon it, and he catches something for you, then eat it.’ I said: ‘Even if he kills it?’ He said: ‘Even if he kills it.’ I said: ‘We are a people who shoot (at game).’ He said: ‘What you catch with your bow, then eat it.’” He said: “Then I said: ‘Indeed we are a people who travel. We come across Jews, Christians, and Zoroastrians, and we do not find vessels other than theirs.’ He said: ‘If you do not find other than them, then wash them with water, then eat and drink from them.”’ (Sahih)

[He said:] There is something on this topic from ‘Adī bin Ḥātim.

[Abū ‘Eisā said:] This Ḥadīth is Hasan [Sahih]. ‘Ā’idhullāh [bin ‘Abdullāh] is Abū Idrīs Al-Khawlānī. [Abū Tha‘labah Al-]
Khushani's name is Jurthum – and they say it is Jurthum – bin Nashib. And they say it is Ibn Qais.

Comments:
A hunter who lets his trained hunting dog loose after a game, mentioned the Name of Allah, and the dog brought the catch to his master, it can be eaten even when they kill the game. Most of the scholars hold that if the dog eats part of the catch then it is prohibited to eat it.

1465. 'Adi bin Hatim narrated: “I said: ‘0 Messenger of Allah! We send our trained dogs to catch game for us.’ He said: ‘Eat what it catches for you.’ I said: ‘0 Messenger of Allah, and if they kill it?’ He said: ‘Even if they kill it, as long as they are not accompanied by some other dogs besides them.”’

He said: “I said: ‘0 Messenger of Allah! We hunt with the Mi'rad.’

He said: ‘Eat of the game that the Mi'rad pierces, but whatever is struck by its broad side, then do not eat it.” (Sahih)

(Another chain) except that he said: “And he was asked about the Mi'rad.”

[Abu 'Eisa said:] This Hadith is Hasan Sahih.

Comments:
As for the literal meaning of Mi'rad, there is a difference of opinion in the explanation of this word among the scholars. According to Imam Nawawi it

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[1] A sharp edged piece of wood, or a piece of wood with a sharp piece of iron attached.
Chapter 2. What Has Been Related About The Game Caught By A Zoroastrian’s Dog

1466. Jābir bin ‘Abdullāh narrated: “We have been forbidden from the game caught by a Zoroastrian’s dog.” (Da‘īf)

[Abū ‘Eisā said:] This Ḥadīth is Gharīb, we do not know of it except from this route. This is acted upon according to most of the people of knowledge. They do not permit the game caught by the Zoroastrian’s dog. Al-Qāsim bin Abī Bazzah (one of the narrators) is Al-Qāsim bin Nāfi‘ Al-Makki.

Comments:

It is unlawful and prohibited to eat the game hunted by the dogs of those non-Muslims whose slaughter is unlawful for Muslims, except that catch which is brought alive to the master, and a Muslim slaughters it by mentioning the Name of Allah. However if a Muslim let loose the dog of a non-Muslim, by mentioning the Name of Allah, the catch will be lawful to eat. If a non-Muslim let loose a dog of a Muslim if the game will be unlawful to eat, except the catch is brought alive and a Muslim slaughters it in the Name of Allah.

(Tuhfat Al-Ahwādī v.2. p.341.)

Chapter 3. What Has Been Related About The Game Caught By Falcons

1467. ‘Adi bin Ḥātim narrated: “I asked the Messenger of Allah  about the game caught by a falcon. So he said: ‘What it catches for you, then eat it.’” (Da‘īf)
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[Abū ‘Eisā said:] We do not know of this Hadith except as a narration of Mujālid from Ash-Sha‘bī. This is acted upon according to the people of knowledge. They do not see any harm in the game caught by a falcon or hawk. Mujāhid said about Al-Buzāh (falcons) that it is a bird that is used for hunting, it is one of the predators which Allāh Most High mentioned: And what you have trained of predators. This refers to the dogs and birds that are used for hunting. Some of the people of knowledge have permitted the game caught by falcons, even if they have eaten some of it. They said its training only refers to it responding (to calls to retrieve). Some of them disliked it. As for the Fuqaha', most of them said it can be eaten, even if the falcon ate from it.


Comments:
If a hunting dog eats a part of the catch, in the view of scholars it is prohibited and unlawful to eat, but the game hunted by the birds of prey is lawful to eat, even if the hunting bird eats a part of it.

Chapter 4. (What Has Been Related) About A Man Who Shoots Some Game Then He Loses Sight Of It

1468. ‘Adi bin Ḥātim narrated: “I said: ‘O Messenger of Allāh! I shoot some game and then find my arrow in it the next day.’ He said: ‘If you know that your arrow killed...”

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it, and you don’t see any marks of predators, then eat it.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih. This is acted upon according to some of the people of knowledge. Shu‘bah reported this Hadith from Abū Bishr and ‘Abdul-Mālik bin Maisarah, from Sa‘eед bin Jubair, from ‘Adī bin Ḥātim [and from Abū Ṭha‘labah Al-Khushani, and it is similar]. And both of the Ahādīth are Sahih.

Comments:

In case a hunter shoots an arrow and it hits the game, but the game disappears with the arrow, and the hunter is unable to find it, and if after one or two days he finds it dead and he finds his arrow in the body of the game, he recognizes his arrow and he is sure that the prey was killed by his arrow, and that no other wild animal has touched it, it is lawful to eat it. (Sharh Sahih Muslim & An-Nawawi v.2, p. 142 and (Tuhfat Al-Ahwadhi v.2. p. 342.)

Chapter 5. What Has Been Related About One Who Shoots Some Game, Then He Finds It Dead In The Water

1469. ‘Adī bin Ḥātim narrated: “I asked the Messenger of Allah ☻ about hunting, so he said: ‘Mention Allah’s Name when you shoot your arrow. Then, if you find it dead, eat from it, unless you found that it has fallen in (some body of) water. Then do not eat it, for you do not know if the water killed it, or your arrow.” (Sahih)
Chapter 6. What Has Been Related About The Dog Eating From The Game

1470. ‘Adi bin Hatim narrated: “I asked the Messenger of Allāh ﷺ about the game caught by a trained dog. He said: ‘If you mention the Name of Allāh when you send your trained dog, then eat from what it catches for you. But if it eats from it, then do not eat it, for he only caught it for himself.’ I said: ‘O Messenger of Allāh! What do you say about when our dogs get mixed with other dogs.’ He said: ‘You only mentioned the Name of Allāh over your dog, you did not mention it over the others.’”

Sufyān said: “He disliked for him to eat it.” (Sahih)

[Abū ‘Eisā said:] This is acted upon according to some of [the people of knowledge among] the Companions of the Prophet ﷺ and others, regarding hunted and slaughtered animals, when they fall in a body of water: It is not to be eaten.

Regarding slaughtered animals, some of them said when the pharynx is cut and then it falls in a body of water and dies in it, then it is to be eaten. This is the view of
[‘Abdullâh] Ibn Al-Mubârak.

The people of knowledge differed over the case of the dog when it eats from the game it caught. Most of the people of knowledge said when the dog eats from it then do not eat it. This is the view of Sufyân, ‘Abdullâh bin Al-Mubârak, Ash-Shâfi‘î, Ahmâd and Ishâq.

Some of the people of knowledge, among the Companions of the Prophet and others, permitted eating it even if the dog ate from it.

Chapter 7. What Has Been Related About Game Killed By The Mir‘âd

1471. ‘Adî bin Hátim narrated: “I asked the Prophet about game killed by the Mir‘âd. So he said: ‘What you kill by its sharp edge then eat it, and what you kill by its broad side then, it was killed by something blunt.’” (Sahîh)

Another chain with similar meaning.

[Abû ‘Elsâ said:] This Hadîth is Sahîh, and this is acted upon according to the people of knowledge.

Comments:

If the hunter is sure that the prey died from the arrow shoot before falling in the water, it can be eaten, but if it is suspected that the prey died after falling in the water it should not be eaten. (Minnat Al-Mun‘îm v.3, p.303.)
Chapter 8. What Has Been Related About Slaughtering With Al-Marwah (Granite)[1]

1472. Jābir bin ‘Abdullāh narrated that a man from his people hunted a rabbit or two and slaughtered them with Marwah. Then he hung them up until he met the Messenger of Allāh ﷺ, so he asked him about that, and he ﷺ told him to eat them. (Hasan)

[He said:] There are narrations on this topic from Muhammad bin Ṣafwān, Rāfī’, and ‘Adī bin Ḥātim.

[Abū ‘Eisā said:] Some of the people of knowledge permitted slaughtering with Marwah, and they did not see any harm in eating rabbits. This is the view of most of the people of knowledge. Some of them disliked eating rabbits.

The companions of Ash-Sha’bī conflicted in reporting this Hadīth. Dāwūd bin Abī Hind reported it from Ash-Sha’bī, “from Muḥammad bin Ṣafwān.” While ‘Āsim Al-Aḥwal reported from Ash-Sha’bī, “from Ṣafwān bin Muḥammad, or, Muḥammad bin Ṣafwān.” Muḥammad bin Ṣafwān is more correct.

Jābir Al-Ju’fī reported it from Ash-Sha’bī, “from Jābir bin ‘Abdullāh” and it is similar to the narration of Qatādah from Ash-Sha’bī (no. 1472). This implies that Ash-Sha’bī reported it from all of

[1] In Ḥadīth As-Sārī Ibn Ḥajar says that it is a sharp stone after which the mountain across from Ṣafā was named. In Tuhfat Al-Ahwadhi it is given the additional description of being “white.”
them. Muhammad said: “The Hadith of Ash-Sha’bī from Jābir is not preserved.”

**Comments:**

Most scholars and all Four A’immah say that eating rabbit meat is lawful, and it is allowed to hunt it with a sharp stone. (Sharh Muslim by An-Nawawī v. 2. p.152 and (Tuhfat Al-Ahwadhi v. 2. p343.)

**Chapter 9. What Has Been Related About It Being Disliked To Eat Maṣbūrah**

1473. Abū Ad-Dardā’ narrated: “The Messenger of Allah prohibited eating the Mujathamah, and it is what is trapped and killed by arrows.” (Hasan)

[He said:] There are narrations on this topic from ‘Irbaḍ bin Sāriyah, Anas, Ibn ‘Umar, Ibn ‘Abbās, Jābir, and Abū Hurairah.

[Abū ‘Eisā said:] the Hadith of Abū Ad-Dardā’ is a Gharib Hadith.

**References:**

1 Game that is tied or trapped, and then killed.
Comments:

‘Maṣbūrah’ and ‘Mujath-thamah’ is that animal which is tied for the purpose of making it a target and it dies as a result of shooting.

1474. Umm Ḥabibah bint al-‘Irbaḍ narrated from her father: “On the Day of Khāibār, the Messenger of Allâh ﷺ prohibited eating the meat of every predator that has canine teeth, the meat of every bird that has talons, the meat of the domestic donkey, the Mujath-thamah, the Khalīsah, and from having relations with a pregnant slave until she gives birth to what is in her womb.”

(Da‘f)

Muhammad bin Yahya said: “Abū ‘Āsim was asked about the Mujath-thamah and he said: “To ensnare a bird or something and then shoot it.” He was asked about Khalīsah, so he said: “(Prey) that a man finds with a wolf or a predator, then he takes it from him but it dies in his hand before it can be slaughtered.”

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Comments:

It is prohibited to use a tied animal or a living thing as a target for practice or play, because it causes extra pain to the animal and a lawful meat is wasted since it is not slaughtered. Having sexual relations with a pregnant slave woman is prohibited. ‘Khalīsah’ is prohibited because it dies before it is slaughtered.

1475. Ibn ‘Abbâs narrated: “The Messenger of Allâh ﷺ prohibited taking a living thing as a shooting target.” (Ṣahîh)

[Abū ‘Eisâ said:] This Ḥadîth is Hasan Ṣahîh. [This is acted upon according to the people of knowledge].
Chapter 10. What Has Been Related About Slaughtering the Fetus

1476. Abū Sa‘eed narrated that the Prophet ﷺ said: “Slaughtering the fetus is (achieved by) the slaughtering of its mother.” (Sahih)

[He said:] There are narrations on this topic from Jābir, Abū Umāmah, Abū Ad-Dardā’, and Abū Hurairah. [Abū ‘Eisā said:] This Hadith is Hasan [Sahih].

It has been reported from Abū Sa‘eed through routes other than this one. And this is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Sufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfī‘i, Ahmad, and Ishaq. Abū Al-Waddak’s (a narrator in the chain) name is Jabr bin Nawf.

Comments:

‘Al-Janin’ means fetus or embryo, here in this narration it means a baby that is still in the mother’s womb. With the exception of Imam Abū Hanifah, all other A‘immah, Companions of the Prophet ﷺ, followers of the Companions, and almost all the scholars agree and support this view; that if a pregnant animal is slaughtered, there is no need to slaughter the baby animal separately, it will be considered slaughtered with the mother. Imam Abū
Yūsuf and Imām Muḥammad also support this view, with the condition the fetus is completely formed. (See for details (Tuhfat Al-Ahwadhi v. 2. p.344-345.)

Chapter 11. What Has Been Related About It Being Disliked To Eat Anything That Possesses Canine Teeth Or Talons

1477. Abū Tha'labah Al-Khushanî narrated: “The Messenger of Allāh prohibited (eating) every predator possessing canine teeth.” (Ṣaḥīh)

(Another chain) with similar.

[Abū 'Eisā said:] This Hadith is Ṣaḥīh. Abū Idris Al-Khawlānī’s name is ‘Ā'idhullāh bin ‘Abdullāh.

Comments:
All wild animals having fangs and canines like lion, cheetah, or wolf etc., are included in this category. It is prohibited to eat their meat.

1478. Jābir narrated: “On the Day of Khairbar, the Messenger of Allāh prohibited eating domesticated donkeys, the meat of mules, every predator that possesses canine teeth, and every bird that possesses talons.” (Ṣaḥīh)
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[He said:] There are narrations on this topic from Abū Hurairah, Al-'Irbara bin Sāriyah, and Ibn ‘Abbās.

Comments:

Birds having talons like the kite, vulture, falcon, hawk, etc., are included in this category, and eating their meat is unlawful.

1479. Abū Hurairah narrated: “The Prophet prohibited every predator that possesses canine teeth.” (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan. This is acted upon according to most of the people of knowledge among the Companions of the Prophet and others.

This is the view of ‘Abdullāh bin Al-Mubārak, Ash-Shāfi‘ī, Ahmād, and Ishāq.

Comments:

According to the view of Imam Abū Ḥanīfah, Shāfi‘ī, Ahmād and other scholars, eating the meat of wild animals having canines and birds with talons, is not lawful. In the view of Imam Malik it is abominable and disliked but not unlawful. (Sharh Sahīh Muslim v.2. p. 146.) In view of Ibn Rasālān, Qurtubī and others eating their meat is lawful. (Tuhfat Al-Ahwadhi v.2. p. 346.)
Chapter 12. What Has Been Related About: Whatever Is Cut From Something Living, Then It Is Dead Flesh

1480. Abū Waqīd Al-Laithī narrated: “The Prophet came to Al-Madīnah and they were in the habit of cutting the humps off of the camels and cutting the buttocks from the sheep. He said: “Whatever is cut from an animal while it is alive, then it is dead flesh.” (Hasan)

(Another chain) with similar. [Abū ‘Īsā said:] This Hadith is Hasan Gharīb. We do not know of it except as a narration of Zaid bin Aslam. This is acted upon according to the people of knowledge. Abū Waqīd Al-Laithī’s name is Al-Hārith bin ‘Awf.

Comments:
Any cut off limb of an animal is unlawful for eating, because after amputation, the limb becomes lifeless and resembles a corpse. Before the advent of Islam, Arabs used to cut off the limbs of animals for eating, like humps of the camels and rump of rams etc., and used some parts as medicines to heal wounds. In this narration, the Prophet prohibited such a practice.

Chapter 13. (What Has Been Related) About Slaughtering At The Neck And Throat

1481. Abū Al-‘Usharā’ narrated from his father that he said: “I said: ‘O Messenger of Allāh! Is the cut off limb of an animal lawful for eating? I said: ‘It is not lawful to eat it, as it resembles a corpse.” (Hasan)
there no slaughtering except upon
the neck and the throat?’ He said:
‘If you stab its thigh it would be
accepted of you.’” (Da'if)

Ahmad bin Manî (one of the
narrators) said: “Yazîd bin Hârûn
said: ‘This is in cases of necessity.’”

[He said:] There is something on
this topic from Râfî’ bin Khadrîj.

[Abû ‘Eisâ said:] This Hadîth is
Gharîb, we do not know of it
except as a narration of Hammad
bin Salman, and we do not know
of Abû Al-‘Ushârâ’ reporting other
than this Hadîth from his father.
They differ about the name of Abû
Al-‘Ushârâ’, some of them said his
name is Usâmah bin Qhi'tam, they
also said [his name is] Yasîr bin
Barz, and they say; bin Balz, and
they say his name is ‘Utârid
[attributing him to his grandfather].

Comments:
A camel is slaughtered from the upper part of the chest and below the throat,
whereas all other animals are slaughtered from the throat. This is recommended
for the slaughter of a camel but if the camel goes wild at the time of
slaughtering, it is allowed to slaughter it from any part of its body. The real
purpose is to drain the blood out of its body. (Tulußfat Al-Ahwadhi v.2. p.347.)

Chapter 14. What Has Been
Related About Killing Geckos

1482. Abû Hurairah narrated that
the Messenger of Allâh جل جل said:
“Whoever kills a gecko in one
strike, he has such and such reward, and if he kills it on the second strike, he will have such and such reward, and if he kills it on the third strike, then he has such and such reward.” (Sahih)

[He said:] There are narrations on this topic from Ibn Mas'ūd, Sa'd, 'Āishah, and Umm Sharīk.

[Abū 'Eisā said:] The Hadith of Abū Hurairah is a Hasan Sahih Hadith.

Comments:

It is recommended to kill the gecko with the first strike otherwise it escapes. He who kills it with the first strike gets one hundred rewards and he who kills it with second or third gets less rewards accordingly. In other narrations, the reward for killing with the first strike is seventy. Therefore, it can be inferred that the number of rewards is not fixed at one hundred or seventy, it is merely to show the vastness of the reward.

Chapter 15. What Has Been Related About Killing Snakes

1483. Ibn 'Umar narrated that the Messenger of Allāh ﷺ said: “Kill snakes, and kill Dhu-Tufyatain[1] and Al-Abtar,[2] because they blind the sight and cause abortions of fetuses.” (Sahih)

[He said:] There are narrations on this topic from Ibn Mas'ūd, 'Āishah, Abū Hurairah, and Sahl bin Sa’d.

[Abū ‘Eisā said:] This Hadith is

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Hasan Sahih.

It has been reported from Ibn ‘Umar, from Abū Lubābah that after that, the Prophet prohibited killing snakes that are inhabiting one’s home. It has been reported from Ibn ‘Umar, from Zaid bin Al-Khaṭṭāb as well. ‘Abdullāh bin Al-Mubārak said “It is only disliked to kill snakes when the snake is small like a piece of silver and not wriggling in the walkway.”

Comments:

There are many kinds of snakes. Some of them are extremely poisonous and their bite can cause instant death, others can affect the eyesight and may cause blindness. The bite of some snakes may also cause abortion. Keeping in view the damages caused by them, it has been recommended to kill them.

(Tuhfat Al-Ahwādhi v. p.348.)

1484. Abū Sa‘eed Al-Khudrī narrated that the Messenger of Allāh ﷺ said: “Indeed there are others inhabiting your homes. So yell at them three times (to leave). If you see any of them after that, then kill them.” (Sahih)

[Abū ‘Elsa said:] This is how ‘Ubaidullāh bin ‘Umar reported this Ḥadīth: from Saifi, from Abū Sa‘eed. Mālik bin Anas reported this Ḥadīth from Saifi from Abū As-Sā`ib the freed slave of Hīshām bin Zuhrah, from Abū Sa‘eed from the Prophet ﷺ, and there is a story along with the Ḥadīth.

(Another chain) similar to the
narration of Mālik.

The event that has been referred to in this narration is given in detail in Sahīh Muslim (See Minnah Al-Mun'am v.3. p. 479. and Sharh Muslim & An-Nawawi v.2. p. 235) The summary of this event is given hereunder. It was the occasion of the Battle of Trench. A young man who was newly married sought permission from the Prophet ﷺ and went home. There he found his wife standing at the door of the house. She told him that a snake has entered their house. He went in and killed the snake by piercing it with his lance. When he was going to throw it out of the house it slipped from the lance and dropped on the young man. He died there and then. The narration of Sahīh Muslim also hints that sometimes these snakes are Jinns.

1485. Abū Lailā narrated that the Messenger of Allāh ﷺ said: “When a snake appears in your dwellings then say to it: ‘We ask you – by the covenant of Nūḥ and by the covenant of Sulaimān bin Dāwūd – that you do not harm us.’ If it returns, then kill it.” (Daʿf)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Gharib, we do not know of it as a narration of Thābit Al-Bunānī except with this route to Ibn Abī Lailā.

Comments:

There is difference of opinion among the scholars in killing snakes. Some people of knowledge say that every kind of snake should be killed immediately when and where it is seen. Some others say that the snakes living in residential houses should be warned before killing.
Chapter 16. What Has Been Related About Killing Dogs

1486. 'abdullāh bin Mughaffal narrated that the Messenger of Allāh ṣṣ said: "If it were not that dogs were part of a nation among the nations, then I would order that all of them be killed. So kill every one of them that is all black."

(Hasan)

[He said:] There are narrations on this topic from Ibn 'Umar, Jābir, Abu Rāfī', and Abu Ayyūb.

[Abū 'Eisā said:] The Hadīth of 'abdullāh bin Mughaffal is a Ḥasan Sahīh Hadīth. In some Hadīths it has been reported that the all black dog is a Shaitān. The Bahīm black dog is the one that does not have any white in it. Some of the people of knowledge disliked using the all black dog for hunting.

Comments:
Angels hate dogs, therefore, keeping dogs without any genuine reason and need is not allowed. There are some genuine needs when it is necessary to keep the dogs; therefore, it has not been allowed to kill all kinds of dogs.

Chapter 17. (What Has Been Related About) How Much Is Deducted from the Reward Of One Who Keeps A Dog

1487. Ibn 'Umar narrated that the Messenger of Allāh ṣṣ said: "Whoever keeps a dog" – or:
“acquires a dog” — “neither for hunting nor to guard livestock, then two Qirāt[1] are deducted from his reward, daily.” (Sahih)

[He said:] There are narrations on this topic from ‘Abdullāh bin Mughaffal, Abū Hurairah, and Sufyān bin Abi Zuhair.

[Abū 'Eisā said:] The Ḥadīth of Ibn ‘Umar is a Ḥasan Ṣahīh Ḥadīth. And it has been reported that the Prophet ﷺ said: “or a farm dog.”

Comments:
The angels of mercy hate dogs and do not enter that house where there are dogs. As a result, the resident of the house is deprived of the blessings of Allah. Therefore, keeping dogs in houses without a genuine cause should be avoided.

1488. Ibn ‘Umar narrated: “The Messenger of Allah ﷺ ordered killing dogs, except for the hunting dog, or the dog that guards livestock.” It was said to him: “Abū Hurairah would say: ‘or a farm dog’ so he (Ibn ‘Umar) said: “Abū Hurairah had a farm.” (Sahih)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Šāhīh.

[1] Qirāt is normally used to refer to a weight that is approximately 1/16th of a Dirham. The English word “carat” and its usage are related. In relation to rewards, it is also said to be much greater in size.
Comments:

It is human nature that a man tries to collect all information concerning his profession and interests. Abū Hurairah was a farmer by profession so he had more information about the issues of farmers.

1489. ‘Abdullāh bin Mughaffal narrated: “I was one of those who held up the branches from the tree away from the face of the Messenger of Allāh while he was delivering the Khuṭbah saying: ‘If it were not that dogs were a nation among nations, then I would order that they be killed. So kill every one among them that is all black. There is no one inhabiting a home in which they keep a dog but their deeds are decreased by one Qirāṭ every day – except for a hunting dog, or a farm dog, or a sheep dog.’” (Sahīh)

[Abū ‘Eisā said:] This Hadīth is Hasan. This Hadīth has been reported through other routes from Al-Ḥasan from ‘Abdullāh bin Mughaffal, from the Prophet ﷺ.

1490. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever acquires a dog – with the exception of a dog to guard livestock, a hunting dog, or a farm dog – each day a Qirāṭ is deducted from his reward.” (Hasan)

[Abū ‘Eisā said:] this Hadīth is Hasan Ṣahīh.
dog even if the man only had one sheep. Ishāq bin Manṣūr narrated that to us (saying): “Hajjāj bin Muhammad narrated that to us from Ibn Juraij from ‘Atā’.”

Chapter 18. (What Has Been Related) About Slaughtering With Reeds And The Like

1491. Rāfi‘ bin Khadij narrated: “I said: ‘O Messenger of Allah! We expect to meet the enemy tomorrow and we have no knives.’[1] So the Prophet said: ‘As long as it causes blood to flow, and Allah’s Name has been mentioned over it, then eat it, provided it was not done with a tooth or nail. And I will tell you why: As for the tooth it is a bone, and as for the nail it is the knife of the Ethiopians.’” (Sahih)

(Another chain) from Rāfi‘ bin Khadij [may Allah be pleased with him] from the Prophet and it is similar, but (the narrator) did not mention in it: “Abayah, from his father” and this is more correct. ‘Abayah heard from Rāfi‘.

This is acted upon according to the people of knowledge, they did not think that a tooth or bone could be used for slaughtering.

[1] This could mean that: When they meet the enemies and it happens that they have amongst the spoils, animals to slaughter. It could also mean that: they needed to slaughter animals to eat for strength to face the enemies. (Tuhfat Al-Ahwadhi)
Comments:

Physical strength and energy is required in fighting, and the meat is a source of strength and energy. The source of meat is animals, so they are slaughtered to meet the needs of energy and power. It has been ordered to slaughter them with sharp knives. The purpose of this order is to cause them less pain.

Chapter 19. What Has Been Related About Camels, Cows, and Sheep, When They Flee and Become Wild: Are They Shot With An Arrow Or Not?

1492. Râfi' [bin Khadij] narrated: "We were with the Prophet on a journey when the camel that belonged to some people ran away and they did not have a horse. So a man shot it with an arrow and Allâh stopped it. The Messenger of Allâh [saw] said: 'Of these beasts there are some that are as wild as wild animals. So if one of them does this, then treat it similarly.'" (Sahîh)

(Another chain) from Râfi' bin Khadij from the Prophet and it is similar, but (the narrator) did not mention in it "Abâyah from his father," (a narrator in the chain) and this is more correct.

This is acted upon according to the people of knowledge. Similarly it was reported by Shu'bah from Sa'eed bin Masrûq as in the narration of Sufyân.
Comments:

Those domestic animals which are panicky and try to run away and escape from their masters, they should be hunted like game, and if they die before they are captured due to excessive drainage of blood, they are considered slaughtered. (See for details Al-Mughni v.13. p. 291. and (Tuhfat Al-Ahwadhi v.2. p.352.)
Chapter 1. What Has Been Related About The Virtues Of Slaughtering

1493. ‘Aishah narrated that the Messenger of Allāh ﷺ said: “A human does no action from the actions on the Day of Nahr more beloved to Allāh than spilling blood. On the Day of Judgement, it will appear with its horns, and hair, and hooves, and indeed the blood will be accepted by Allāh from where it is received before it even falls upon the earth, so let your hearts delight in it.” (Da’if)

[He said:] There are narrations on this topic from ‘Imrān bin Ḥuṣain and Zaid bin Arqam.

[Abū ‘Eisā said:] This Hadīth is Hasan Gharib. We do not know of it as a narration of Hishām bin ‘Urwah except through this route. Abū Al-Muthanna’s (a narrator in the chain) name is Sulaimān bin Yazid, Ibn Abī Fudaik reports from him.

[Abū ‘Eisā said:] It has been reported that the Prophet ﷺ said about the Udhiyyah: “For the one who slaughters it there is a good
merit for every hair” and it has been reported that he said: “for its horns.”

Comments:
In the view of the people of knowledge, sacrifice is an emphasized Sunnah and leaving it, in spite of having the ability to perform it, is highly disapproved. Abu Bakr, ‘Umar, Bilal, Ibn Mas’ud, Sa’eed bin Musayyab, ‘Alqamah, Aswad, ‘Ata, Ash-Shafi’i, Ahmad, and Ishâq have the same view, that this is an emphasized Sunnah. Imam Rabi’ah, Malik, Ath-Thawri, Al-Awzâ’i, Al-Laith and Abu Hanîfah describe it as an obligation. (Al-Mughni v. 13. p.360.) Emphatic orders for performing this Sunnah show its superiority and excellence.

Chapter 2. What Has Been Related About Sacrificing Two Male Sheep

1494. Anas bin Mâlik narrated: “The Messenger of Allâh ﷺ slaughtered two horned male sheep which were mostly white. He slaughtered them with his hand and mentioned Allâh’s Name, and he said ‘Allâhu Akbar,’ and put his foot on their sides.” (Sahîh)

[He said:] There are narrations on this topic from ‘Alî, ‘Aishah, Abû Hurairah, Jâbîr, Abû Ayyûb, Abû Ad-Dardâ’, Abû Râfi’, Ibn ‘Umar, and Abû Bakrah [as well].

[Abu ‘Eisâ said:] This Hadith is Hasan Sahîh.
Chapter 3. What Has Been Related About Slaughtering (Offering Sacrifices) On Behalf Of The Deceased

1495. Hanash narrated that ‘Ali used to slaughter two male sheep, one for the Prophet ﷺ and the other for himself. When this was mentioned to him, he said: “He ordered me to” — meaning the Prophet ﷺ — “so I will never leave it.” (Da’if)

[Abū ‘Eisā said:] This Hadith is Gharib, we do not know of it except from the narration of Sharik.

Some of the people of knowledge have permitted slaughtering on behalf of the deceased, and some of them did not think that one could slaughter on their behalf. ‘Abdullāh bin Al-Mubārak said: “To me it is recommended that one give in charity on their behalf and not slaughter on their behalf. And if he were to slaughter, then he does not eat any of it, but gives it all in charity.” [Muhammad said: “Alī bin Al-Madīnī said: ‘It has been reported by other than Sharīk.’”]

I asked him: “What is Abul-Ḥasnā’s name?” But he did not know it. Muslim said: “His name is Al-Ḥasan.”]
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Chapter 4. (What Has Been Related About) What Is Recommended To Slaughter (As Sacrifice)

1496. Abû Sa‘eed Al-Khudri narrated: “The Messenger of Allah slaughtered a horned male ram of fine pedigree, (around) his mouth was black, and his legs were black, and (around) his eyes was black.” (Hasan)

[Abû ‘Eisá said:] This Hadith is Hasan Sahih Gharib, we do not know of it except from the narration of Hafs bin Ghiyath.

Comments:

It seems that some people think that a castrated male animal is not approved for sacrifice. This view is not correct. One authentic narration (Abû Dâwûd mentions two castrated rams).

Chapter 5. What Is Not Allowed For Slaughtering (As Sacrifice)

1497. Al-Barâ‘ bin ‘Azib narrated a Marfu‘ narration (from the Prophet), saying: “A crippled
animal whose limp is obvious is not to be slaughtered as sacrifice, nor an animal with a bad eye whose blindness is obvious, nor a sick animal whose sickness is obvious, nor an emaciated animal that has no marrow (in its bones).” (Sahih)

(Another chain) from the Prophet with similar meaning.

[Abū ‘Eisā said:] This Ḥadīth is Hasan Sahih, we do not know of it except through the narration of ‘Ubaid bin Fairūz from Al-Barā’. This Ḥadīth is acted upon according to people of knowledge.

Comments:

Four defects have been mentioned in this narration making any animal that has any of these defects unlawful for sacrifice. All the people of knowledge agree on this point. Actually the sacrifice is a demonstration of love and thanks to Allāh from His slave, that He made the animal under his control, therefore, a healthy and admirable animal should be selected for sacrifice.

Chapter 6. What Is Disliked
For Slaughtering (In Sacrifice)

1498. ‘Alī bin Abī Ṭalīb said: “The Messenger of Allāh ordered that we check the eyes and ears, and not to slaughter the Muqābalah, nor the Mudābarah, nor the Sharqā, nor the Kharqā” (Da’if)

(Another chain) from ‘Ālī, from
the Prophet ﷺ and it is similar, but he added: “The Muqābahah is the one whose ears have been severed, the Mudābarah is the one with the sides of its ears cut off, and the Sharqā is one with its ears split, and the Kharqa is the one whose ears have a hole pierced through them.”

[Abū ‘Eisā said:] This Hadith is Ḥasan Šaḥīḥ.

[Abū ‘Eisā said:] Shuraiḥ bin An-Nu’mān Aš-Šā’īdī is from Al-Kūfah [and he is one of the companions of ‘Alī]. Shuraiḥ bin Al-Kindī Al-Kūfī Al-Qādī’s Kunyah is Abū Ummayyah, [and he reported from ‘Alī]. Shuraiḥ bin Hānī is from Al-Kūfah, and Hānī was a Companion (of the Prophet ﷺ), while all of them are among the companions of ‘Alī, living during the same era.

[And his saying: “that we check” means to look and see if they are normal.]

Comments:
Sacrifice of a defective animal is unlawful and the selection of an animal with mutilated ears or with broken a leg etc., is not approved. There is a difference of opinion on shortened ears (See for details Al-Mughnī v. 13. p.370.)
Chapter 7. What Has Been Related About The *Jadha* Among Sheep For Slaughtering

1499. Abū Kibāsh narrated: “I brought a *Jadha* sheep to Al-Madinah (for sale) but it remained with me. I saw Abū Hurairah and I asked him about it, so he said: ‘I heard the Messenger of Allah saying: ‘The best male’ – or – ‘female Udhiyah is that from the *Jadha* sheep.” He said: “So the people took note of that (they became interested in buying).’”

(Ḍaʾf)

[He said:] There are narrations on this topic from Ibn ‘Abbās, Umm Bilāl bin Hilāl from her father, Jābir, ‘Uqbah bin ‘Amir, and a man from the Companions of the Prophet.

[Abū ‘Eisā said:] The Hadith of Abū Hurairah is a [Ḥasan] Gharīb Hadith. This has been reported from Abū Hurairah in Mawqūf form.

[‘Uthmān bin Wāqīd is Ibn Muhammad bin Ziyād bin ‘Abdullāh bin Al-Khaṭṭāb].

This is acted upon according to the people of knowledge among the Companions of the Prophet and others. The *Jadha* sheep is acceptable for Udhiyah.


[۱] See the explanation after no. 1500, and also no. 621.
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Comments:
The Jadha' sheep is acceptable for sacrifice but the Thaniyyah is better. In the view of most of the people, one year and above is best for the sacrifice, but a healthy lamb of six months is acceptable.

1500. 'Uqbah bin 'Amir narrated that the Messenger of Allâh  gave him sheep to distribute among his Companions as a sacrifice. "There remained a young male kid or a young billy goat, so I mentioned that to the Messenger of Allâh  and he said: 'Sacrifice it for yourself.'" (Sahîh)

Wâki' said: "The Jadha' among sheep is seven or six months." [Abû 'Eisâ said:] This Hadîth is Hasan Sahîh. Through routes other than this, it has been reported that 'Uqbah bin 'Amir said: "The Prophet  distributed the sacrificial animals and I was left with a Jadha', so I asked the Prophet  about it and he said: 'Sacrifice it for yourself.'" (Another chain) with this Hadîth.

Comments:
'Atood' is one year old healthy goat, and in view of Ibn Batâl, five months old is Atood. 'Jaddy' is a one year old male goat.
Chapter 8. [What Has Been Related About] Sharing In The Udhiyah (Sacrifice)

1501. Ibn ‘Abbās narrated: “We were with the Messenger of Allāh ﷺ on a journey when the (Day of) Adha came, so we shared seven for a cow and ten for a camel.”

(Hasan)

[Abū ‘Eīsā said:] There are narrations on this topic from Abū Al-Ashadd Al-Aslāmi, from his father, from his grandfather, and Abū Ayyūb.

[Abū ‘Eīsā said:] The Hadīth of Ibn ‘Abbās is a Hasan Gharib Hadīth, we do not know of it except through the narration of Al-Fadl bin Mūsā.

1502. Jābir narrated: “We performed the Nahr (Sacrifice) with the Messenger of Allāh ﷺ at Al-Hudaibiyah: A camel for seven (persons) and a cow for seven (persons).” (Sahih)

[Abū ‘Eīsā said:] This Hadīth is Hasan Sahih. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Sufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi‘ī, Ahmad, and Ishāq. Ishāq said: “A camel is acceptable for ten (persons) as well.” And he used the Hadīth of Ibn ‘Abbās as proof.
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Comments:

According to the view of most of the people of knowledge, seven persons can share a camel or cow for sacrifice. All Four 'A'immah support this point of view.

Chapter 9. Regarding A Sacrificial Animal With A Stump Horn Or Ear

1503. Ḥujayyah bin 'Adi narrated, “‘Alī said: ‘A cow is for seven.’ I said: ‘And if it is gives birth?’ He said: ‘Then slaughter its offspring with it.’ I said: ‘What if it is lame?’ He said: ‘When it has reached the place of the ritual.’ I said: ‘What if it is lame?’ He said: ‘There is no harm. We were ordered – or – ‘The Messenger of Allah ordered us, to check the two eyes and the two ears.” (Hasan)

[Abū 'Eisā said:] This Hādith is Hasan Sahih.

[Abū 'Eisā said:] Sufyān Ath-Thawrī has reported it from Salamah bin Kuhail.

Comments:

If an animal for sacrifice is pregnant and gives birth to a calf, it should be slaughtered with the animal. Imām Shāfi‘i supports this view, but in the view of Imām Abū Hanifah, the calf can be given alive to some needy and poor person. If it is slaughtered with the animal, atonement will be paid for it. (Al-Mughnî v. 13 p. 375.)

1504. ‘Alī narrated: “The Messenger of Allah prohibited that an animal with an A‘dab...
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(stump) horn or ear should be slaughtered as a sacrifice.’

Qatadah (one of the narrators) said: “So I mentioned this to Sa‘eed bin Al-Musayyab and he said: ‘The A‘dab is that which equals half or more than that.’

(Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan Šaḥīḥ.

After the narrator had finished, one of the narrators said: “So I mentioned this to Sa‘eed bin Al-Musayyab and he said: ‘The A‘dab is that which equals half or more than that.’

(Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan Šaḥīḥ.

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Chapter 10. What Has Been Related About: One Sheep Will Suffice For The People In The Household

1505. ‘Atā’ bin Yasār narrated: “I asked Abū Ayyūb [Al-Anṣārī] how the slaughtering was done during the time of the Messenger of Allāh [ṣ].’ He said: ‘A man would sacrifice a sheep for himself and the people in his household. They would eat from it and feed others, until the people (later) would boast about it and it became as you see now.” (Šaḥīḥ)

[Abū ‘Eisā said:] This Hadith is Hasan Šaḥīḥ. ‘Umarah bin ‘Abdullah (one of the narrators) is from Al-Madīnah. Mālik bin Anas reported from him.

This is acted upon according to some of the people of knowledge. It is the view of Aḥmad and Išāq.

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(المعجم 10) - باب ما جاء أن الشاة الواردة تجزى، عن أهل البیت

(المحقفة 10)
They used the Hadith of the Prophet as proof, which says that he would offer a horned sheep as a sacrifice and say: “This is for whoever did not offer a sacrifice in my Ummah.”

Some of the people of knowledge said that one sheep is not accepted for anyone but himself alone. This is the view of ‘Abdullāh bin Al-Mubārak and others among the people of knowledge.

Comments:

The Prophet used to sacrifice a lamb on behalf of his family.

Chapter 11. The Evidence That The Udhiyah (Sacrifice) Is A Sunnah

1506. Jabalāh bin Suḥaim narrated that a man asked Ibn ‘Umar about the Udhiyah, “Is it obligatory?” So he said: “The Messenger of Allāh performed the Udhiyah as did the Muslims.” He repeated the question. So he said: “Do you understand? The Messenger of Allāh slaughtered as did the Muslims.” (Da’if)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih. This is acted upon according to the people of knowledge, that the Udhiyah is not obligatory, but it is a Sunnah among the Sunan of the Prophet which it is recommended to perform. This is the view of Sufyān Ath-Thawrī and Ibn al-Mubārak.
Comments:
The Prophet regularly offered the sacrifice throughout his life, and his Companions followed him. One who is poor and has nothing is exempt from offering a sacrifice.

1507. Ibn ‘Umar narrated: “The Messenger of Allah stayed in Al-Madınah for ten years performing the Udhiyah.” (Da’if)

[Abū ‘Eisā said:] This Hadith is Hasan.

Comments:
The regular practice of the Prophet of offering a sacrifice every year is a model for every Muslim. Continuity in practice does not make it an obligation, but proves its significance.

Chapter 12. (What Has Been Related) About Slaughtering After The Ṣalāt

1508. Al-Bara’ bin ‘Āzib narrates: “The Messenger of Allah delivered a sermon to us on the Day of Nahhr and he said: ‘None of you should slaughter until he performs the Salāt.’” He said: “So my maternal uncle stood and said: ‘O Messenger of Allah, this is the day in which meat is disliked, and I hastened my sacrifice to feed my family and the people of my dwellings’ – or – ‘my neighbours.’ He said: ‘Repeat your slaughter with another.’ He said: ‘O Messenger of Allah I have a she-kid that has better meat than...”
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my sheep, should I slaughter it?" He said: ‘Yes, and it is better and it will suffice for you, but a Jadha‘ will not be accepted after you.’”

(Şahîh)

[He said:] There are narrations on this topic from Jābir, Jundab, Anas, ‘Uwaimir bin Ashqar, Ibn ‘Umar, and Abû Zaid Al-Ansâri.

[Abû ‘Eisâ said:] This Hadîth is Hasan Şahîh. This is acted upon according to [most of] the people of knowledge, in that there is to be no sacrifices in the city until the Imaam has performed the Ṣalât.

There are those among the people of knowledge who made an exception of allowance for the inhabitants of a town, that they could slaughter when Fajr began. This is the view of Ibn Al-Mubârak.

[Abû ‘Eisâ said:] The people of knowledge have agreed that the Jadha‘ among goats would not be acceptable, and they said that only the Jadha‘ among sheep would be acceptable.

Comments:
Since Abû Burdah bin Niyâr had already slaughtered his animal of sacrifice, he was allowed to sacrifice a well nourished suckling kid lamb instead. Similarly ‘Uqbah bin ‘Amir was also allowed, but this permission was not for all times and for all people. Regarding the time of sacrifice; there is no difference between the people living in towns and cities and the people living in rural areas.
Chapter 13. (What Has Been Related) About It Being Disliked To Eat From The Sacrificial Meat Beyond Three Days

1509. Ibn ‘Umar narrated that the Prophet ﷺ said: “None of you should eat from the meat of his sacrificial meat beyond three days.” (Sahih)

[He said:] There are narrations on this topic from ‘Āishah and Anas.

[Abū ‘Eisā said:] The Hadith of Ibn ‘Umar is a Hasan Sahih Hadith. The Prophet ﷺ only would prohibit that earlier, then he permitted it after that.

Chapter 14. (What Has Been Related) About The Permission To Eat From It Beyond Three Days

1510. Sulaimān bin Buraidah narrated from his father that the Messenger of Allāh ﷺ said: “I used to prohibit you from (eating) the meat of the Sacrifice beyond three days so that those who have the ability would give to those who do not have it. So (now), eat as you like, feed others, and save from it.” (Sahih)

[He said:] There are narrations on this topic from Ibn Mas‘ūd, ‘Āishah, Nubaishah, Abū Sa‘eed, Qatādah bin An-Nu‘mān, Anas, and Umm Salamah.

[Abū ‘Eisā said:] The Hadith of
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(Sulaiman bin) Buraidah is a Hasan Sahih Hadith. This is acted upon according to the people of knowledge among the Companions of the Prophet and others.

This is acted upon according to the people of knowledge among the Companions of the Prophet and others.

Comments:
Eating and storing the meat of sacrifice for more than three days is allowed and lawful, because its prohibition was temporary and later it was abrogated.

1511. ‘Abis bin Rab‘ah narrated: “I said to the Mother of the Believers: ‘Did the Messenger of Allah prohibit from the meat of the Sacrifice?’ She said: ‘No, but only a few people could slaughter, so he liked that they feed those who did not slaughter. (Later) we would store a leg to eat after ten days.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih. The Mother of the Believers is ‘Aishah, the wife of the Prophet. This Hadith was reported from her through more than one route.

Comments:
Ummul-Mu‘minin ‘Aishah explains that its purpose was to provide meat to those who were poor and needy, otherwise it is not prohibited to eat and store it after three days.
Chapter 15. (What Has Been Related) About The Fara' And The 'Atirah

1512. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “There is no Fara’ nor ‘Atirah.” (Sahih)

The Fara’ is the first of the offspring that would be born to them, so they would slaughter it.

[He said:] There are narrations on this topic from Nushaibah, Mikhnaf bin Sulaim, [and Ibn Al-‘Usharā’ from his father].

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

The ‘Atirah was an animal that they would slaughter during Rajab to honor the month of Rajab, since it was the first of the sacred months. The sacred months are Rajab, Dhul-Qa’dah, Dhul-Hijjah, and Al-Muharram. And the months of Hajj are Shawwāl, Dhul-Qa’dah, and the (first) ten (days) of Dhul-Hijjah. This is what was reported from some of the Companions of the Prophet ﷺ and others regarding the months of Hajj.

Comments:

As there is no performance of Hajj after the tenth of Dhul-Hijjah, therefore, it has been ended here, whereas other rites related to Hajj are performed after the tenth of Dhul-Hijjah. The Prophet ﷺ said that Al-Hajj is reaching 'Arafat, and the ninth of Dhul-Hijjah is the Day of 'Arafat, which lasts till the Fajr prayer of the tenth of Dhul-Hijjah.
Chapter 16. What Has Been Related About the 'Aqiqah

1513. Yuṣuf bin Māhak narrated they entered upon Hafṣah bint 'Abdur-Rahmān to ask her about the 'Aqiqah. She informed them that 'Āishah had informed her, that the Messenger of Allāh ﷺ ordered them that for a boy, two sheep were sufficient, and for a girl one sheep. (Hasan)

[He said:] There are narrations on this topic from 'Ali, Umm Kurz, Buraidah, Samurah, Abū Hurairah, 'Abdullāh bin 'Amr, Anas, Salmān bin 'Āmir, and Ibn 'Abbās.

[Abū 'Eīsā said:] The Hadith of 'Āishah is a Hasan Sahih Hadith. Hafṣah is the daughter of 'Abdur-Rahmān bin Abū Bakr As-Siddīq.

Comments:
According to Abū 'Ubaidah, 'Aqiqah' is the hair that is on the head of a newly born baby. As this hair is shaved on the seventh day after birth, and an animal is slaughtered, therefore, all this process is named 'Aqiqah'. According to Imām Aḥmad, slaughtering an animal for this particular event is called 'Aqiqah'.

Chapter (...) The Adhān In The Ear Of The Newborn

1514. 'Ubadullāh bin Abī Rāfī' narrated that his father said: “I saw
the Messenger of Allāh ﷺ say the Adhān in the ear of Al-Ḥasan bin ‘Alī – when he was born to Fāṭimah – the Adhān of Salāt.”

(Ḍa’īf)

[Abū ‘Eisā said:] This Hadīth is [Ḥasan] Sahih. And it is acted upon [regarding the ‘Aqiqah]. Through other routes, it has been reported from the Prophet ﷺ: For a boy two sheep are sufficient, and for a girl, one sheep. And it has also been reported: That he had one sheep for the ‘Aqiqah for Al-Ḥasan bin ‘Alī. Some of the people of knowledge followed this Hadīth.

Comments:

Immediately after the birth of a child, ‘Adhān should be called in the right ear of the baby. ‘Umar bin Abdul Azīz used to say the ‘Adhān in the right ear, and the Iqāmah in the left. Some of the scholars considered this action based on the various narrations which-although weak - strengthen eachother, in their view. Shaikh Al-Albānī’s last grade was that it is weak. See Ad-Da’īfah no. 6121.

1515. Salmān bin ‘Āmir Ad-Dabbī narrated that the Messenger of Allāh ﷺ said: “For a boy, there is an ‘Aqiqah. So spill blood for him, and remove the harm from him.”

(Ṣahīḥ)

(Another chain) with similar.

[Abū ‘Eisā said:] This Hadīth is [Ḥasan] Sahih

قولا: حَدَّثَنَا شَفِيٍّ بْنُ عَاصِمٍ بْنِ عَبْدِ اللَّهِ ﷺ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي رَافِعٍ عَنْ أَبِيهِ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ أَذَنَ فِي أَذْنِ الْحَسَنِ بْنِ عَلِيٍّ ﷺ بِضَحْجُهُ - جَينِ وَلَدَّتِهِ فَاطِمَةٌ - بِالْصَّلَاةِ.

قَالَ أَبُو عِيسِى: هُذَا حَدِيثٌ سَهِيٌّ.

وَالْعَمْلُ (فيَالْعِقَابَةِ) عَلَيْهِ، وَرُوِيَ عَنِ النَّبِيِّ ﷺ فيَالْعِقَابَةِ مِنْ عَيْنِ وَجْهٍ: عَنِ النَّعَمَ الْعَالَمِ دَانَا مَكَارِدَانَا، وَعَنِ الْجَرِيَّةِ شَأَّاً. وَرُوِيَ عَنِ النَّبِيِّ ﷺ أَيْضًا: أَنَّ اللَّهَ عَنِ الْحَسَنِ بْنِ عَلِيٍّ ﷺ وَلَدَلَّهُ.

وَقَدْ ذَهَبَ بَعْضُ أَهُلِّ الْعَلَمِ إِلَى هَذَا الْحَدِيثَ.


1515. Salmān bin ‘Āmir Ad-Dabbī narrated that the Messenger of Allāh ﷺ said: “For a boy, there is an ‘Aqiqah. So spill blood for him, and remove the harm from him.”

(Ṣahīḥ)

(Another chain) with similar.

[Abū ‘Eisā said:] This Hadīth is [Ḥasan] Sahih
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Chapter 17. ‘The Best Sacrifice Is The Male Sheep’

1516. Umm Kurz narrated that she asked the Messenger of Allah about the ‘Aqiqah. He said: “For the boy is two sheep, and for the girl is one, it will not harm you if they (i.e. the sheep) are male or female.” (Hasan)

[Abū ‘Eisā said:] This Hadith is Sahih.

1517. Abū Umāmah narrated that the Messenger of Allah said: “The best Udhiyah (Sacrifice) is a ram, and the best (burial) shroud is the Hullah.”[1] (Da’if)

1[“Meaning an Izãr and a Rida’. In An-Nihâyah it says: ‘Al-Hullah is singular for Hulal, a Yemeni Buríd. It will not be called “Hullah” unless it is two articles of clothing from the same cloth.’” (Tuhfat Al-Ahwadhi.)
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[Abū ‘Eisā said:] This Ḥadīth is Ḥarīb, and ‘Ufair bin Ma’dān was graded weak in Ḥadīth.

**Comments:**
Among the goat, lamb and ram, a ram is preferred and a better choice of sacrifice. Complete camel as a sacrifice for one person is appreciated and considered excellent choice. (Al-Mugni v. 13. p.366.)

Chapter 18. A Sacrifice Every Year

1518. Mīkhnaf bin Sulaim narrated: “We were standing with the Prophet ﷺ at ‘Arafāt when I heard him say: ‘O you people! For every household each year is Ḫudhiyāh (a sacrifice) and ‘Aṭirah. Do you know what an ‘Aṭirah is? It is that which you call Ar-Rajabiyah.” [1] (Ḍaf"

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Ḥarīb. We do not know of this Ḥadīth except through this route narrated by Ibn ‘Awn.

**Comments:**
One who has the ability and resources should offer an animal in sacrifice on behalf of his family every year, and if possible one should slaughter an animal in the month of Rajab to get the favor of Allāh. However, the majority of the scholars hold the view that the order for ‘Aṭirah is abrogated. (Tuhfat Al-Ahwadhi).

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[1] Shaikh Al-Albānī graded it Hasan, while the order for ‘Aṭirah is abrogated, meaning the order for Ḫudhiyāh remains.
Chapter 19. The ‘Aqiqah With One Sheep

1519. Muḥammad bin ‘Alī bin Al-Husain narrated that ‘Alī bin Abī Talib said: “The Messenger of Allah Ι had the ‘Aqiqah for Al-Hasan with one sheep, and said: ‘O Fāṭimah! Shave his head and give the weight of his hair in silver as charity.’ [He said:] “So I weighed it, and it was the weight of a Dirham or a bit of a Dirham.” (Ḥasan)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Gharīb. Its chain of narration is not connected. Abū Ja’far Muhammad bin ‘Alī [bin Al-Husain] did not see ‘Alī bin Abī Talib.

Comments:

It is inferred from the study of various narrations, that giving silver in charity is equal to the weight of hair is preferable and appreciated. (Al-Mughni v.13. p. 397.) According to an authentic narration, two lambs for a boy and one for a girl are recommended for sacrifice on the day of ‘Aqiqah. Sacrifice of one lamb is also allowed for the boy in case of tight financial circumstances. (Al-Mughni v.3. p. 396.)

Chapter (…) The Sacrifice With Two Male Sheep

1520. ‘Abdur-Rahmān bin Abī Bakrah narrated from his father, that the Prophet Ι gave a Khutbah, then he descended and called for two rams and slaughtered them. (Ṣaḥīh)

[Abū ‘Eisā said:] This Ḥadīth is [Ḥasan] Ṣaḥīh.
Chapter 20. What Is Said Upon Slaughtering

1521. Jâbir bin ‘Abdullâh narrated: “I attended the (‘Eid Al-Adhâ) with the Prophet at the Musâllâ. When he finished his Khubah, he descended from his Minbar and was given a male sheep. The Messenger of Allâh slaughtered it with his hand and said: ‘Bismillâh, Wa Allâhu Akbar, this is from me and whoever does not slaughter from my Ummah.”’

(Hasan)

[Abû ‘Eisâ said:] This Hadîth is Gharib from this route. This is acted upon according to the people of knowledge among the Companions of the Prophet and others. When a man slaughters, he says: “Bismillâh, Wa Allâhu Akbar.” This is the view of Ibn Al-Mubârak. As for (one of the narrators) Al-Muttalib bin ‘Abdullâh bin Hantab, it is said that he did not hear from Jâbir.

Comments:

At the time of slaughtering an animal of sacrifice, one mentions the Name of Allâh; “I start in the Name of Allâh and Allâh is the Greatest”. Most of the scholars add these words “O Allâh this is in Your Name and accept from me.” (Al-Mughni v. 13. p. 390.)
Chapter 21. About The ‘Aqiqah

1522. Samurah narrated that the Messenger of Allâh ﷺ said: “The boy is mortgaged by his ‘Aqiqah; slaughtering should be done for him on the seventh day, he should be given a name, and his head should be shaved.” (Sahih)

(Another chain) with similar meaning.

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh. This is acted upon according to the people of knowledge. They consider it recommended that the ‘Aqiqah be done for the boy on the seventh day. If it is not possible on the seventh day then it is done on the fourteenth day. If that is not possible, then an ‘Aqiqah is done for him on the twenty-first day. And they say that no sheep is acceptable for ‘Aqiqah which is not acceptable for Udhiyah.

Comments:

Some scholars say that because a child is a blessing of Allâh for man, the ‘Aqiqah is an acknowledgement and act of gratitude for this blessing. It remains due until it is acknowledged by sacrificing an animal in the Name of Allâh. Shaving the head of the baby is must at this time. The Messenger of Allâh ﷺ slaughtered on behalf of himself after he was forty, indicating it’s permissibility whenever one is able if it was not done on the seventh day.
Chapter 22. To Avoid Removing One’s Hair For Those Who Want To Offer Sacrifice

1523. Umm Salamah narrated that the Prophet ﷺ said: “Whoever sees the crescent of Dhul-Hijjah, and wants to slaughter (a sacrifice), he should not take from his hair nor from his nails.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan [Sahih]. What is correct (in the chain) is “‘Amr bin Muslim,” Muḥammad bin ‘Amr bin ‘Alqamah and others narrated from him. This Hadith has been reported from Sa’eed bin Al-Musayyab, from Umm Salamah, from the Prophet ﷺ, through routes other than this and it is similar in meaning. This is the saying of some of the people of knowledge, and it is the view of Sa’eed bin Al-Musayyab, and Ahmad and Ishāq went with this Hadith.

Some of the people of knowledge permitted that, they said that there is no harm if he takes from his hair and his nails. This is the view of Ash-Shafi’i, and he used the Hadith of ‘Āishah as proof; that the Prophet ﷺ would dispatch from Al-Madinah with the Hadi, and he would not avoid anything that the Muhrim would avoid.

Comments: 

According to Imām Ahmad and Sa’eed bin Musayyab it is unlawful to trim the hair, according to Mālik, Ash-Shafi’i and some Hanbalis trimming the hair is disliked. In the view of Abū Ḥanīfah, it is not disliked. See (Tuhfat Al-Ahwadhi)
Chapter 1. What Has Been Related From The Messenger Of Allah About 'There Is No Vowing For Disobedience'

1524. ‘Aishah narrated that the Messenger of Allah said: “There is no vowing for disobedience, and its atonement is the atonement of an oath.” (Sahih)

[He said:] There are narrations on this topic from Ibn ‘Umar, Jābir, and ‘Imrān bin Ḥuṣain.

[Abū ‘Eisā said:] This Hadith is not correct, because Az-Zuhrī did not hear this Hadith from Abū Salamah.

[He said:] I heard Muhammad saying: “It has been reported by more than one narrator – among them – Mūsā bin ‘Uqbah, and Ibn Abī ‘Atīq, from Az-Zuhrī: ‘from Sulaimān bin Arqam, from Yahyā bin Abī Kathīr, from Abū Salamah, from ‘Āishah, from the Prophet.’” Muhammad said: “And this is the Hadith.”
1525. 'Aishah narrated that the Prophet ﷺ said: “There is no vowing for disobedience to Allāh, and its atonement is the atonement of an oath.” (Sahih)

[Abū 'Eisā said:] This Hadith is Gharib, and it is more correct than the (previous) narration of Abū Sa'fawān from Yūnūs. [Abū Sa'fawān is from Makkah and his name is ‘Abdullāh bin Sa’eed bin ‘Abdul-Malik bin Marwān. Al-Humaidī and more than one of the esteemed people of Hadith reported from him].

There are those among the people of knowledge from the Companions of the Prophet ﷺ and others who said: “There is no vowing for disobedience to Allāh, and its atonement is the atonement of an oath.” This is the view of Ahmad and Ishāq and they used the Hadith of Az-Zuhrī from Abū Salamah from ‘Aishah as proof.

Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that there is no vowing for disobedience, and that there is no atonement for that. This is the view of Mālik and Ash-Shāfi‘ī.

Comments:

All the A‘immah agree on the point that fulfillment of a vow that is against
the Commands of Allâh and against the Laws of Islam is unlawful. It should never be fulfilled.

Chapter 2. Whoever Vows To Obey Allâh, Then He Should Obey Him

1526. ‘Âishah narrated that the Prophet ﷺ said: “Whoever vowed to obey Allâh, then he should obey Him. And whoever vowed to disobey Allâh, then he should not disobey Him.” (Sahîh) (Another chain) with similar meanings.

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh. Yahya bin Abî Kathîr reported it from Al-Qâsim bin Muḥammad.

It is the view of some of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the saying of Mâlik, and Ash-Shafi‘î. They said: He should not disobey Allâh, and there is no atonement of an oath when his vow was for disobedience.

Comments:
If a vow or pledge is taken in obedience to Allâh but with a condition of fulfillment of some particular need, it must be accomplished. For example someone says that he will fast for a number of days if Allâh cures him from this ailment, or he will give this much amount in charity in the Name of Allâh if he finds his lost property. After recovery or finding his lost property he must fulfill his vow. If the vow is taken without any condition, again it must be fulfilled. For example if someone says that he will fast for some days, or he will give such and such amount of money in charity, there is no condition attached to it, then it should be fulfilled. Most of the scholars agree on this point. (See for details Al-Mughnî v. 13. p. 622-623.)
Chapter 3. (What Has Been Related About) There Is No Vowing In That Over Which The Son Of Adam Has No Control

1527. Thabit bin Ad-Dahhak narrated that the Prophet ﷺ said: 

“It is not for a person to vow about that over which he has no control.” 

(Sahih)

[He said:] There are narrations on this topic from ‘Abdullãh bin ‘Amr and ‘Imran bin Husain.

[Abû ‘Eisã said:] This Hadith is Hasan Sahih.

Comments:

It is not allowed to take vow about something which does not belong to the person taking the vow. For example saying that if Allah cures him from the aliment he will manumit that particular slave which actually is not his property, or he will give that amount in charity which he does not have.

Chapter 4. (What Has Been Related) About Atonement For A Vow When It Was Not Specified

1528. ‘Uqbah bin ‘Amir narrated that the Messenger of Allah ﷺ said: 

“The atonement for a vow when it is not specified is the atonement for an oath.” 

(Da’f)

[Abû ‘Eisã said:] This Hadith is Hasan Sahih Gharib.
Chapter 5. (What Has Been Related) About Whoever Takes An Oath And Then Sees That Something Else Is Better Than It

1529. ‘Abdur-Raḥmān bin Samurah narrated that the Messenger of Allāh ﷺ said: “O ‘Abdur-Raḥmān! Do not ask for a position of leadership, for if you receive it due to asking, you will be left alone with it, and if you receive it without asking, then you will be aided in it. And if you take an oath and you see that something else is better than it, then do what is better, and make an atonement for your oath.” (Sahih)

There are narrations on this topic from [‘Alī, Jābir, ‘Adī bin Hātim, Abū Ad-Dardā’, Anas, ‘Āishah, ‘Abdullāh bin ‘Amr, Abū Hurairah, Umm Salamah, and Abū Mūsā. [Abū ‘Eisā said:] The Hadith of ‘Abdur-Raḥmān bin Samurah is a Hasan Sahih Hadith.

References: Tuhfat Al-Ahwādhi v.2. p.368.

Comments:
If a vow is made without a condition, the expiation is that of an oath. For example, while making a vow if it is not made clear that a fast will be kept or some amount will be given in charity, or voluntary prayers (Nawāfīl) will be performed, etc., in this case one has to pay the expiation for an oath.
Comments:

1. Whoever took an oath to do something and later found that something else is better, then it is advisable to do the better thing and make expiation for his oath.

2. Islam dislikes seeking positions of authority. He who acquires a position through some influence or links and recommendations; he looses guidance from Allah, and becomes the slave of his base self. But if a post of authority and power is offered by the government it can be accepted, and Allah’s help and guidance will lead the person to make the right decisions.

Chapter 6. (What Has Been Related) About The Atonement Before The Violation

1530. Abū Hurairah narrated that the Prophet said: “Whoever takes an oath, and then he sees that something else is better than it, then he should make atonement for his oath and then do it.” (Sahih)

[He said:] There are narrations on this topic from Umm Salamah.

[Abū ‘Eisā said:] The Hadīth of Abū Hurairah is a Ḥasan Sahih Hadīth. This is acted upon according to most of the people of knowledge among the Companions of the Prophet and others: Atonement before the violation is acceptable. This is the view of Mālik [bin Anas], Ash-Shāfi‘ī, Ahmad and Ishaq.

Some of the people of knowledge said that there is no atonement
until after the violation. Sufyän Ath-Thawrî said: "If he atones after the violation it is better to me, and if he atones before the violation it is acceptable."

Comments:

It is agreed upon that the payment of expiation is an obligation after breaking the oath because it is not an obligation before breaking it. There is a difference of opinion over the question. Can it be paid before breaking an oath? Most of the scholars support this, but it is better if the expiation is paid after breaking an oath.

Chapter 7. (What Has Been Related) About Making Exceptions In Oaths

1531. Ibn ‘Umar narrated that the Messenger of Allâh ﷺ said: “Whoever swears about an oath and says: ‘If Allâh wills (Inshâ’-Allâh)’, then there is no breaking of the oath against him.” (Sahih)

[He said:] There is something on this topic from Abû Hurairah.

[Abû ‘Elsa said:] The Hadith of Ibn ‘Umar is a Hasan Hadith. ‘Ubaiddullâh bin ‘Umar and others reported it from Nâfi’, from Ibn ‘Umar as a Mawqûf narration. Similarly, Sâlim reported it from Ibn ‘Umar [may Allâh be pleased with them] as a Mawqûf narration.

We do not know of anyone who narrated it in Marfu’ form except from Ayyûb As-Sakhtiyânî. Ismâ’il bin Ibrâhîm said: "Sometimes Ayyûb narrated it as Marfu’ and sometimes he did not narrate it as Marfu’.”

This is acted upon according to most of the people of knowledge
among the Companions of the Prophet \(\text{ﷺ} \) and others regarding making an exception when connecting it to an oath, then one will not be guilty of having broken the oath. This is the view of Sufyān Ath-Thawri, Al-Awzā’i, Mālik bin Anas, ‘Abdullāh bin Al-Mubārak, Ash-Shāfi’i, Āhmad, and Işhāq.

Comments:
In view of most of the scholars saying ‘Insha’-Allāh’ - if it is Will of Allāh - clears one from the oath and there is no expiation for breaking an oath in such case. In the view of some followers of the Companions of the Prophet \(\text{ﷺ} \), and according to Tawās and Hasān, Insha’-Allāh can be said as long as the gathering is there and when the assembly is dispersed, there is no choice of saying it.

1532. Abū Hurairah narrated that the Messenger of Allāh \(\text{ﷺ} \) said: “Whoever swears [about an oath] and says: ‘If Allāh wills (Inshā’ Allāh),’ then he will not have broken it.” (Sahih)

[Abū ‘Eisā said:] I asked Mūhammad bin Īsmā’il about this Hadīth, so he said: “This Hadīth is a mistake, ‘Abdur-Razzāq made the mistake of abbreviating it from the narration of Ma’mar, from Ibn Tawwus, from his father, from Abū Hurairah, from the Prophet \(\text{ﷺ} \) who said: ‘Indeed Sulaimān bin Dāwūd, peace be upon him, said: “Tonight I will sleep with seventy women, each woman giving birth to a boy.” So he slept with them, but no one woman among them gave
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birth except for a woman who gave birth to half a boy.' So the Messenger of Allah ﷺ said: ‘If he had said: “If Allah wills” (Inshâ’-Allah) then it would have been as he said.”

This is how it was reported from ‘Abdur-Razzâq, from Ma’mar, from Ibn Tâwus, from his father with this Hadith in its entirety, and he said: “Seventy women.”

This Hadith has been reported through more than one route from Abu Hurairah, from the Prophet ﷺ, that he said: “Sulaimân bin Dâwûd said: ‘Tonight I shall sleep with one-hundred women.”

Comments:

If someone says that he will do this thing, and adds the words Inshâ’-Allah, and later on the work is not done, his oath will not be considered broken, and he will not have to pay any expiation for it. The Prophet ﷺ had been informed by Revelation that if Sulaimân had added the words of Inshâ’-Allah to his oath, his desire would have been granted, it means that he would not have failed in fulfilling his desire. This also indicates the permissibility for Sulaimân to have more than four wives at a time, which is prohibited in the Shari‘ah of Muhammad ﷺ.

Chapter 8. (What Has Been Related) About It Being Disliked To Swear By Other Than Allah

1533. Sâlim narrated from his father (Ibn ‘Umar) that the Prophet ﷺ heard ‘Umar saying: “By my father! By my father!” So he said: “Verily Allah prohibits you from swearing by your fathers.” So ‘Umar said: “By Allah I did not swear by him after that, neither...
intentionally nor in narrating.” (Sahih)

[He said:] There are narrations on this topic from Thabit bin Ad-Dahhak, Ibn 'Abbas, Abu Hurairah, Qutailah, and ‘Abdur-Rahman bin Samurah.

This Hadith is Hasan Sahih.

[Abu 'Eisa said:] Abu 'Ubaid said: “The meaning of his saying: ‘Nor in narrating’ is as if he said: ‘I do not narrate it from others’ or saying: ‘I do not mention it from others.’”

Comments:
Taking an oath only by Allâh is lawful. Taking an oath by other than Allâh is unlawful.

1534. Ibn 'Umar narrated that the Messenger of Allâh ﷺ came across 'Umar while he was on his mount, and he was swearing by his father. So the Messenger of Allâh ﷺ said: “Verily Allâh prohibits you from swearing by your fathers. So let the one who swears, swear by Allâh, or be silent.” (Sahih)

[Abu 'Eisa said:] This Hadith is Hasan Sahih.

Comments:
This narration strictly prohibits taking an oath by other than Allâh. In the end of this narration the Prophet ﷺ generalized the command by saying either take the oath by Allâh or keep quiet. There is no other oath except the oath by Allâh.
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Chapter 9. What Has Been Related About ‘Whoever Swears By Other Than Allāh, He Has Committed Shirk’

1535. Sa’d bin ‘Ubaidah narrated that Ibn ‘Umar heard a man saying: “No by the Ka‘bah” so Ibn ‘Umar said: “Nothing is sworn by other than Allāh, for I heard the Messenger of Allāh ﷺ say: ‘Whoever swears by other than Allāh, he has committed disbelief or Shirk.’” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Hadith is Hasan.

According to some of the people of knowledge, the explanation of this Hadith is that his saying: “He has committed disbelief or Shirk” is to demonstrate its severity. The proof for that is the Hadith of Ibn ‘Umar: That the Prophet ﷺ heard ‘Umar saying: ‘By my father! By my father! So heif j said: “Verily Allah prohibits you from swearing by your fathers.” As well as the Hadith of Abū Hurairah from the Prophet ﷺ that he ﷺ said: “Whoever says in his oath: ‘By Al-Lāt! By Al-‘Uzza!’ Then let him say: ‘La Ilāha Illallāh (None has the right to be worshipped but Allāh).’”

[Abū ‘Eisā said:] This is similar to what has been reported from the Prophet ﷺ saying: “Indeed Riḍā is Shirk.”

Some of the people of knowledge explained this Ayah: So whoever hopes in meeting his Lord, then let him work righteous deeds[1] and

they said it means: “Do not commit 
Riyā’.”

Comments:
Intentionally taking an oath by false gods is a pure act of polytheism and whoever takes an oath by a false god as habit from the period of Jahiliyyah, he should say “Lā ilāha illallah” - none has the right to be worshipped but Allāh.

Chapter 10. (What Has Been Related) About One Who Takes An Oath To Walk And He Is Not Able To

1536. Anas narrated: “A woman vowed to walk to the House of Allāh, so the Prophet was asked about that, and he said: ‘Verily Allāh is in no need of her walking, order her to ride.’” (Sahih)

[He said:] There are narrations on this topic from Abū Hurairah, ‘Uqbah bin ‘Amir and Ibn ‘Abbas.

[Abū ‘Eisā said:] The Hadīth of Anas is a Hasan Sahih Gharib Hadīth [from this route].

1537. Anas narrated: “The Prophet passed by an old man walking (while supported) between his two sons, so he said: ‘What is the matter with this one?’ They said: ‘O Messenger of Allāh! He vowed to walk.’ He said: ‘Verily Allāh [the Mighty and Sublime] is
in no need of this person punishing himself.” He said: “So he ordered him to ride.” \((\text{Sahih})\)

(Another chain) from Anas that the Messenger of Allâh saw a man, and he mentioned similarly. This \textit{Hadîth} is \textit{Sahih}, and this is acted upon according to some of the people of knowledge. They say that when a woman vows to walk, she is to ride and offer a sheep as 
\textit{Hadi} (sacrifice as atonement).

**Comments:**

If someone vows to perform \textit{Haj} or \textit{Umrah} on foot, according to Ibn Al-Mundhir it is unanimously agreed upon that he has to fulfill his vow. Imam Mâlik, Ash-Shâfi‘î, Awzã‘î, and Ahmâd support this view. If he cannot walk he is allowed to ride. In the view of Imâm Ash-Shâfi‘î and Ahmâd, if he rides he will have to sacrifice an animal as atonement.

**Chapter 11. About Vows Being Disliked**

1538. Abû Hurairah narrated that the Messenger of Allâh said: “Do not vow, for the vow does not prevent what is decreed at all, and it only causes the miser to spend (of his wealth).” \((\text{Sahih})\)

[He said:] There is something about this from Ibn ‘Umar.

[Abû ‘Eisâ said:] The \textit{Hadîth} of Abû Hurairah is a \textit{Hasan Sahih \Hadîth}. This is acted upon according to some of the people of knowledge among the Companions of the Prophet and others, they disliked vows. ‘Abdullãh bin Al-Mubãrak said: “It is disliked to
make vows related to obedience and disobedience. So if he vows to do some obedience and fulfills it, then he will get a reward, while it was disliked for him to make a vow."

Comments:

Even though Allah has ordered fulfilling vows, this narration proves that taking a vow is disliked. So just as it is praiseworthy to pay back a loan quickly—yet no one claims a reward is due for merely taking a loan—then in the same way, taking a vow is not praiseworthy, but fulfilling it is required and praise—worthy in the event of its occurrence just as in the case of a loan.

Chapter 12. (What Has Been Related) About Fulfilling Vows

1539. ‘Umar narrated: “I said, ‘O Messenger of Allah! I had vowed to perform *I’tikāf* in *Al-Masjid Al-Harām* for a night during the era of *Jāhiliyyah.*’ He said: ‘Fulfill your vow.” (Ṣaḥīḥ)

[He said:] There are narrations on this topic from ‘Abdullāh bin ‘Amr, and Ibn ‘Abbās.

[Abū ‘Eīsā said:] The *Hadīth* of ‘Umar is a Hasan Ṣaḥīḥ Hadīth.

Some of the people of knowledge followed this *Hadīth*. They said that when a man accepts Islām and he had (previously) made a vow to do some act of obedience, then he is obliged to fulfill it.

Some of the people of knowledge among the Companions of the Prophet, and others, said that there is no *I’tikāf* without fasting. Others among the people of knowledge said that it is not...
required for the person performing *I’tikāf* to fast, unless he made fasting obligatory upon himself. They used the *Hadith* of ‘Umar as proof, in which he had vowed during *Jāhiliyyah* to perform *I’tikāf* for a night, and the Prophet ordered him to fulfill it. This is the view of Ahmad and Ishāq.

Comments:

Most of the scholars agree that even a vow of a virtuous deed brings no benefit to a disbeliever. This narration proves that if a disbeliever vows for something good and virtuous in nature, he will have to fulfill his vow if he accepts Islam.


1540. Sālim bin ‘Abdullāh narrated from his father (Ibn ‘Umar) who said: “The Messenger of Allāh often would swear with this oath: ‘No! By the Changer of the Hearts.’” *(Sahih)*

[Abū ‘Eisā said:] This *Hadith* is *Hasan Sahih*.

Comments:

It is lawful to swear by Allāh’s Names and Attributes. It is Allāh only Who changes the state of the heart and only He brings changes in the attitudes of people. *(Al-Mughni v. 13. p. 452-453.)*
Chapter 14. (What Has Been Related) About The Reward For Freeing A Slave

1541. Abū Hurairah narrated: “I heard the Messenger of Allah ﷺ saying: ‘Whoever frees a believing slave, then Allāh frees a limb from the Fire for each of his limbs, such that he frees his private parts in lieu of his private parts.’” (Ṣaḥīḥ)

[He said:] There are narrations on this topic from ‘Aishah, ‘Amr bin ‘Abasah, Ibn ‘Abbás, Wāthilah bin Al-Ashqā, Abū Umāmah, ‘Uqbah bin ‘Āmir, [and Ka‘b bin Murrah].

[Abū ‘Eisā said:] The Hadīth of Abū Hurairah is a Ḥasan Ṣaḥīḥ Gharīb Hadīth from this route. Ibn Al-Hād’s (a narrator in the chain of this Hadīth) name is Yazid bin ‘Abdullāh bin Usāmah bin Al-Hād, from Al-Madinah, and he is trustworthy. Mālik bin Anas and more than one of the people of knowledge reported from him.

Comments:
This narration suggests that an honest and physically fit slave should be freed in expiation for breaking an oath. This will cause freedom of every limb of the person who manumits him from the Hellfire.
Chapter 15. (What Has Been Related) About A Man Who Slaps His Servant

1542. Suwaid bin Muqarrin Al-Muzani said: “We were seven brothers without a servant except one, and one of us slapped her, so the Prophet ordered us to free her.” (Sahih)

[He said:] There is something on this topic from Ibn ‘Umar.

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

This Hadith has been reported by more than one from Husain bin ‘Abdur-Rahmān by others, and some of them mentioned in it: “Slapped her on her face.”

Comments:

Word ‘Khadim’ is used both for a male or female slave or servant. This narration shows that a slave or a slave woman should be treated with kindness. He or she should not be abused.

Chapter 16. What Has Been Related About It Being Disliked To Swear By A Religion Other Than Islam

1543. Thābit bin Ad-Ḍaḥḥāk narrated that the Messenger of Allāh said: “Whoever swears by a religion other than Islām while lying, then he is as he said.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

The people of knowledge differed about this: When a man swears by

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(المعجم) (15) - باب [ما جاء في كرائحة] (التحفة) (15) الرَّجُل يُلْمِنُ خَادَمَهُ (التحفة) (15) 1542 - حدَّثَنَا أَبُو كَرِيبٍ: حَدَّثَنَا المَخَابِرُ عَنْ شَهِيدٍ، عَنْ حُمَيْصِي، عَنْ هَلاَلٍ ابْنِ يَسَافٍ، عَنْ شُوَيْدِ بْنِ مُقْرَنِ المَزْرِي، قَالَ: لَقَدْ رَأۡيَتُمُ سَبۡعَةً إِخۡوَةً مَا لَنَا خَادِمٌ إِلَّا وَاحِدٌ فَلۡطُمُّهُ أَحَدُهُ، فَأَمَرَّا الْبَابِيَّةُ أَنَّهَا أَعۡقِبۡهَا. [قَالَ: وَفِي الْبَابِ عِنْ ابْنِ عَمَّرٍ. [قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسۡنٌ صَحِيحٌ. وَقَدْ رَوَى غَيۡرٌ وَاحِدٌ هَذَا الحَدِيثَ عَنْ حُصَيْنٍ بْنِ عَبۡدِ الرَّحۡمَٰنِ، وَذَكَّرُ بِعَضُوبِهِمْ فِي هَذَا الحَدِيثِ فَقَالَ: لَطَمۡهُ أَحۡلَى وَرَجَّهَا. تَحۡرِیخُ: وَأَخۡرِجَ مَسۡلِمُ، الأَلۡبَانِ، بَابُ صَحِبَةٍ المَمۡلِکَةِ، وَكَفَّارَةُ مِنْ لَغَمٍّ عِبۡدٍ ح. 1658 من حديث شعبة به * وفي الباب عن ابن عمر [مسلم، ح 1657].

Comments:

Word ‘Khadij’ is used both for a male or female slave or servant. This narration shows that a slave or a slave woman should be treated with kindness. He or she should not be abused.
a religion other than Islam, saying he is a Jew or a Christian if he were to do this or that. Then he does that thing. Some of them said that he has committed an atrocity and there is no atonement due from him. This is the view of the people of Al-Madînâh, and it is the saying of Mâlik bin Anas, and Abû ‘Ubaid followed this view.

Some of the people of knowledge among the Companions of the Prophet ﷺ, the Tâbi‘în, as well as others, said that he has to atone for that. This is the view of Suyfân, Aḥmad and Isḥâq.

Comments:

If a Muslim swears—when taking an oath—by another religion and says if he does this he would be a Christian or a Jew, then according to this narration, he surely is one of them. But if he vows to show the severity and abomination of the deed, even then it is strictly prohibited and strongly disapproved.

Chapter 17. What Has Been Related About One Who Vows To Perform Ḥajj By Walking

1544. ‘Uqbah bin ‘Āmîr narrated: “I said: ‘O Messenger of Allâh! My sister vowed that she would walk to the House barefoot and without any Khimâr (covering).’ The Prophet ﷺ said: ‘Verily Allâh will not do anything with the misery of your sister. She should ride, and cover, and fast three days.’” (Da’îf)

[He said:] There is something on this topic from Ibn ‘Abbâs.

[Abû ‘Eisâ said:] This Hadîth is
Hasan. This is acted upon according to the people of knowledge, and it is the view of Ahmad and Ishâq.

Chapter 18. The Mention Of What Eliminates Swearing By Al-Lat And Al-Uzza

1545. Abû Hurairah narrated that the Messenger of Allah said: “Whoever among you swears, saying in his oath: ‘By Al-Lat! By Al-Uzza!’ Then let him say ‘La ilâha illallah’ (None has the right to be worshipped but Allah).’ And whoever says: ‘Come let me gamble with you!’ Then let him give in charity.” (Sahih)

[Abû ‘Eisâ said:] This Hadith is Hasan Sahih. Abû Al-Mughirah is Al-Khawlâni, Al-Himsl, and his name is ‘Abdul-Quddûs bin Al-Hâjjáj.

Comments:

Before the advent of Islam, the people of Arabia used to take oaths by ‘Al-Lat’ and ‘Al-Uzza’, and after accepting Islam, sometimes while taking an oath they uttered these words unintentionally. For this reason they were advised to say “la ilâha illallah” (none has the right to be worshipped but Allah), to explain and confirm their faith.
Chapter 19. (What Has Been Related) About Fulfilling The Vow Of The Deceased

1546. Ibn ‘Abbās narrated that Sa‘d bin ‘Ubādah asked the Messenger of Allāh ﷺ about a vow that was due from his mother, who died before fulfilling it. The Prophet ﷺ said: “Fulfill it for her.”
(Saḥīh)

[Abū ‘Eisā said:] This Hadith is Ḥasan Saḥīh.

Comments:
According to the view of most of the scholars, if the vow is regarding money, and the deceased had left enough inheritance, it is an obligation upon the heirs to fulfill his vow. But if the inheritance is not enough, the heirs should try to fulfill his vow, but it is not an obligation. If the vow is about fasting, freeing a slave, sitting for I’tikaf or performing Hajj or ‘Umrah, they should try to fulfill it, though it is not an obligation on the heirs. According to the Zāhiriyah it is an obligation. (See for details Al-Mughni v. 13, p. 655-657.)

Chapter 20. What Has Been Related About The Virtue Of Freeing Slaves

1547. Abū Umāmah, and other than him from the Companions of the Prophet ﷺ, narrated that the Prophet ﷺ said: “Any Muslim man who frees a Muslim man, then it is his salvation from the Fire – each of his limbs suffices for a limb of himself. And any Muslim man that frees two Muslim women, they are his salvation from the Fire – each of their limbs suffices for a limb of
himself. And any Muslim woman that frees a Muslim woman, then she is her salvation from the Fire – each of her limbs suffices for a limb of herself.” (Sahih)

[Abū ‘Eīsā said:] This Hadith is Hasan Sahih Gharib from this route.

[Abū ‘Eīsā said: In this Hadith is the proof that freeing males is more virtuous for a man than freeing females, due to the saying of the Messenger of Allah ﷺ: “Any Muslim man who frees a Muslim man, then it is his salvation from the Fire – each of his limbs suffices for a limb of himself.” And the Hadith is correct in its routes of transmission.]

**Comments:**

This narration is a proof that manumission of a slave is a cause of freedom from the Hellfire for a Muslim. Freedom of a slave will not save an infidel from the Hellfire. Freedom of a male slave brings more reward than freeing a slave woman.
Chapter 1. What Has Been Related About Calling (To Islam) Before Fighting

1548. Abū Al-Bakhtārī narrated: “An army from the armies of the Muslims, whose commander was Salmān Al-Fārisī, besieged one of the Persian castles. They said: ‘O Abū ‘Abdullāh! Should we charge them?’ He said: ‘Leave me to call them (to Islām) as I heard the Messenger of Allāh ﷺ call them.’ So Salmān went to them and said: ‘I am only a man from among you, a Persian, and you see that the ‘Arabs obey me. If you become Muslims then you will have the likes of what we have, and from you will be required that which is required from us. If you refuse, and keep your religion, then we will leave you to it, and you will give us the Jizyah from your hands while you are submissive’ – He said to them in Persian: ‘And if you refuse then we will equally resist you.’ They said: ‘We will not give you the Jizyah, we will fight you instead.’ So they said: ‘O Abū ‘Abdullāh! Should we charge
them?’ He said: ‘No.’ He said: “So for three days he called them to the same (things), and then he said: ‘Charge them.’” He said: “So we charged them, and we conquered that castle.” (Da'if)

[He said:] There are narrations on this topic from An-Nu'man bin Muqarrin, Ibn 'Umar, and Ibn 'Abbas.

The Hadith of Salmân is a Hasan Hadith, we do not know of it except as a narration of ‘Ata’ bin As-Sâ‘ib.

I heard Muḥammad saying: “Abū Al-Bakhtārī did not see Salmân because he did not see ‘Alī, and Salmân died before ‘Alī.”

Some of the people of knowledge among the Companions of the Prophet and others followed this Hadith. They held the view of calling (the enemy to Islam) before fighting. This is the view of Ishaq bin Ibrāhīm. He said: “If they are first called then that is good, since it will be more intimidating.”

Some of the people of knowledge said there is no calling today. Aḥmad said: “I do not know of anyone who calls today.” Ash-Shāfī’ī said: “The enemy is not fought until they call them, unless they are in too much of a rush to do that, if it is not done, then the invitation would have been conveyed to them (previously).”

Chapter 2. The Prohibition Of Attacking If A Masjid Is Seen Or The Adhân Is Heard

1549. Ibn ‘Āsim Al-Muzâmi narrated from his father—who said: “When the Messenger of Allâh ﷺ dispatched an army or battalion, he would say to them: ‘If you see a Masjid, or hear someone calling the Adhân, then do not kill anyone.’”

This Hadîth is Gharib, and it is a Hadîth of Ibn ‘Uyainah.

Comments:
A mosque and call to prayer (Adhân) are signs of Islam, and shows the presence of Muslims in that habitation, so the place where there is a Masjid or call for prayer is heard, should not be attacked.

Chapter 3. Regarding Nighttime And Surprise Attacks

1550. Anas narrated: “When the Messenger of Allâh ﷺ set out for Khaibar, he approached it at night and when he came to a people during the night, he would not attack them until morning. So when the morning came, the Jews came out with their shovels and...
baskets, then when they saw him, they said: 'Muhammad! By Allah Muhammad has come with the Khamis (an army).’ So the Messenger of Allah ﷺ said: ‘Allahu Akbar! Khaibar is destroyed, for whenever we approach the land of a people – then what an evil morning for those who have been warned.’[1] (Sahih)

تخريج: وأخرج البخاري، الجهاد والسير، Bab Duaa النبي إلى الإسلام والثورة ...

Comments:

Night attack on enemy forces to defeat and to overpower them at the time of need is legal. Imam Ash-Shafi’i and Imam Abu Hanifah and most of the people of knowledge support this view. Unintentional killing of women and children in a night attack is excused but killing them intentionally is not allowed. (Sahih Muslim v.2, p.84-85 and Al-Mughni v. 13 p. 140-)

1551. Abu Talbah narrated: “When the Prophet ﷺ overtook a people he would stay at the outskirts of their city for three nights.” (Sahih)

This Hadith is Hasan Sahih. The (previous) narration of Humaid from Anas is a Hasan Sahih Hadith. Some of the people of knowledge permitted the surprise attack during the night. Some of them disliked it. Ahmad and Ishâq said that there is no harm in attacking the enemy during the night. And the meaning of: “Muhammad has come with the Khamis” it means the army is with him.

تخريج: وأخرج البخاري، الجهاد والسير، Bab Duaa النبي إلى الإسلام والثورة ...

ح: 3005 من حديث معاذ بن أبي سفيان.

Chapter 4. Regarding Burning And Destroying

1552. Ibn ‘Umar narrated: “The Messenger of Allâh ﷺ burnt the palm trees of Bani Nadîr and cut them down at Al-Buwairah. So Allâh revealed: Whatever you cut down of their palm trees, or you left them standing on their trunks, then it was by the permission of Allâh, and in order to disgrace the rebellious.”[^1] (Sahîh)

There is something on this topic from Ibn ‘Abbâs. And this Hadîth is Hasan Sahîh.

Some of the people of knowledge followed this, and they did not see any harm in cutting down the trees and destroying the fortresses.

Some of them disliked that. This is the view of Al-Awzâ’î. Al-Awzâ’î said: “Abû Bakr Aş-Şiddîq prohibited [Yazîd] from cutting fruit-bearing trees or destroying buildings, and the Muslims acted accordingly afterwards.”

Ash-Shâfi’î said: “There is no harm in burning in the land of the enemy, nor cutting down the trees and fruit-bearing trees.” Aḥmâd said: “There may be places in which they have no choice about that. But as for haphazardly, then there should be no burning.” Ishaq said: “Burning is Sunnah when it will be more offensive to them.”

Chapter 5. What Has Been Related About the Spoils Of War

1553. Abū Umãmah narrated that the Prophet ﷺ said: “Verily, Allah has honored me over the Prophets” – or, he said: “My nation over the nations, and He has made the spoils of war lawful for us.” (Hasan)

There are narrations on this topic from ‘Ali, Abû Dharr, ‘Abdulläh bin ‘Amr, Abû Mûsâ, and Ibn ‘Abbâs.

[Abû ‘Eisâ said:] The Hadith of Abû Umãmah is a Hasan Sahih Hadith. They say that this Sayyãr (a narrator) is Sayyâr the freed slave of Banû Mu‘awiyyah. Sulaimân At-Taïmi, ‘Abdulläh bin Bahîr and others reported from him.

(A n o t h e r c h a i n) from Abû Hurairah who narrated that the Prophet ﷺ said: “I have been honored over the Prophets with six (things): I have been given Jawâmi‘ Al-Kalam,[1] I have been aided by fright, the spoils of war have been made lawful for me, the earth has been made as a Masjid and purifier for me, and I have been sent to all creatures, and with me Prophethood is sealed.”[2]

[1] Speech that encompasses many meanings.
[2] Muslim 1167 also recorded this narration.
This Hadith is Hasan Sahih.

Comments:
The Prophet has superiority and many distinctions over previous Prophets.
In the second narration, that of Abü Hurairah, which is recorded by Muslim and others, six distinctions have been mentioned.

Chapter 6. The Shares Given

For The Horse

1554. Ibn ‘Umar narrated: “The Messenger of Allah divided the spoils as two shares for the horse and one share for the man.” (Sahih)

(Another chain) with similar meaning.

There are narrations on this topic from Mujammāʾ bin Jariyah, Ibn ‘Abbâs, and Ibn Abī ‘Amrah from his father. This Hadith of Ibn ‘Umar is a Hasan Sahih Hadith. This is acted upon according to most of the people of knowledge among the Companions of the Prophet and others.

This is the view of Sufyān Ath-Thawrī, Al-Awzāʾī, Mālik bin Anas, Ibn Al-Mubārak, Ash-Shāfiʿī, Ahmad, and Ishāq. They said that the horseman gets three shares, one share is for him and two shares for his horse. The foot soldiers get one share.

Comments:

In Jihad, the role of a horse is very important. Breeding, raising, and caring for horses is quite an expensive job, that is why the share of the horse has been prescribed in the spoils of war.

Chapter 7. What Has Been Related About the Sarayâ
(Military Unit)

1555. Ibn ‘Abbâs narrated that the Messenger of Allah  said: “The best companions are four, the best Sarayâ (military unit) is four hundred, the best army is four thousand, and twelve thousand will not be beaten due to being too few.” (Da‘î)

This Hadith is Hasan Gharib, it was not narrated with a chain by anyone important besides Jarir bin Hâzim, and this Hadith was only reported from Az-Zuhri, from the Prophet  in Mursal form. Hibbân bin ‘Uqail, from Az-Zuhri, from ‘Ubaidullah, from Ibn ‘Abbâs, from the Prophet , and Al-Laith bin Sa‘d reported it from Sa‘d, from ‘Uqail, from Az-Zuhri, from the Prophet  in Mursal form.

Comments:

There are needs and problems of long journeys, therefore, two or three persons feel it difficult to travel a long way on foot or on horseback. If many people are traveling together, it makes the journey easy. Similarly a small company of four hundred in a troop is just a precise and strong company. Any army of twelve thousand troops is a complete army.
Chapter 8. About Who Is Given Spoils Of War (Al-Fay')\(^{[1]}\)

1556. Yazid bin Hurmuz narrated that Najdah Al-Harûrî wrote to Ibn 'Abbás asking if the Messenger of Allâh would fight along with women, and if he would fix a share of the spoils of war for them. Ibn 'Abbás wrote to him: “You wrote to me asking me if the Messenger of Allâh would fight along with women. He did fight along with them, as they would treat the wounded. They received something from the spoils of war, but as for their share, then he did not fix a share for them.” (Sahîh)

There is something on this topic from Anas and Umm 'Atiyah. This Hadith is Hasan Sahîh. This is acted upon according to most of the people of knowledge. It is the view of Sufyân Ath-Thawrî and Ash-Shâfi'i. Some of them said that a share is given to the woman and the boy, and this is the view of Al-Awzâ'î.

Al-Awzâ'î said: “The Prophet gave a portion to the boys at Khaibar, and the A'immah of the Muslims gave a portion to every child born in the land of war.” Al-Awzâ'î said: “The Prophet gave a portion to the women at Khaibar, and that was followed by the Muslims after him.” This was Usually, Al-Fay' refers to goods captured without any fight, while Ghanimah refers to the spoils of war in general. Here, it is apparent that the author is using Al-Fay' to refer to Ghanimah as well.

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narrated to us by ‘Ali bin Khashram (who said): “Eisā bin Yūnus narrated this to us from Al-Awzā’ī.”

The meaning of his saying: “They received something from the spoils of war” it is said that he conferred something on them (the women) from the spoils of war.

Comments:

According to most of the people of knowledge, the women are not supposed to take part in war, and fighting with the enemy is not their duty, so their share has not been described in the spoils of war, but the army chief can give them a small share.

Chapter 9. Does The Slave Receive A Share?

1557. ‘Umair, the freed slave of Ābil-Lahm said: “I participated at Khaibar with my masters. They spoke about me to the Messenger of Allah and told him that I was a slave.” He said: “So he ordered me to take up the sword, and I found myself dragging it, so he ordered that I be given something from the goods. I presented a Ruqyah that I used to treat the possessed with, so he ordered me leave some of it and keep some of it.” [1] (Sahih)

There is something on this topic from Ibn ‘Abbās.

This Hadith is Hasan Sahih. This is acted upon according to some of

[1] That is: To discard some of it’s words that oppose the Qur’ān and Sunnah. See Tuhfat Al-Ahwadhi.
the people of knowledge. A (complete) portion is not given to the slave, but something is conferred upon him. This is the view of Ath-Thawri, Ah-Shafi'i, Ahmad, and Ishâq.

Comments:
Regarding the share of a slave in the spoils of war, the view of most of the people of knowledge is the same as has been explained in the preceding narration about women. This narration also proves that treatment of a patient with Ruqya which is not against the Holy Qur’ân and Sunnah of the Prophet ﷺ is lawful.

Chapter 10. What Has Been Related About Ahl Adh-Dhimmah Fighting With The Muslims, Are They To Receive A Share Of The Spoils Of War?

1558. ‘Aishah narrated that the Messenger of Allah ﷺ advanced towards Badr till he reached Ḥarrah Al-Wabr[1] where he was met by a man from the idolaters, about whom it was said he was brave and courageous. The Prophet ﷺ said to him: “Do you believe in Allah and his Messenger?” He said: “No.” He said: “Then return, because we do not seek aid from an idolater.” (Sahih)

The Hadith has more dialogue than this. And this is a Hasan Gharib Hadith. This is acted upon according to some of the people of knowledge. They say that the people of Adh-Dhimmah do not

[1] A location about four miles from Al-Madinah.
receive a share, even if they were to fight along with the Muslims against the enemy.

Some of the people of knowledge said that they are given a share when they attend the battle with the Muslims. It has been related by Az-Zuhri, that the Prophet ﷺ gave a portion to some people among the Jews who fought along with him. This was narrated to us by Qutaibah (who said): “Abdul-Wârith bin Sa’eed narrated to us from ‘Urwh bin Thâbit, from Az-Zuhri.” [This Ḥadîth is Hasan Gharîb].

Comments:
If any disbeliever takes part in the war on his own, he will be given something from the spoils. Imam Ahmad, Al-Awzâ’i, Az-Zuhri, and Ishâq support this view. According to Imâm Mâlik, Abû Hanifah and Ash-Shâfi’i, a disbeliever will get no share from the spoils of war. (Tuhfat Al-Ahwâdí v. 2. p.381. and Al-Mughni v. 13 p.97-98.)

1559. Abû Mûsâ narrated: “I arrived upon the Messenger of Allah ﷺ at Khaiâr along with a group of the Ash’ârî tribe. He gave us shares along with those that conquered it.” (Sahih)

This Ḥadîth is Hasan Sahih Gharîb. This is acted upon according to some of the people of knowledge. Al-Awzâ’i said: “Whoever meets up with the Muslims before the horses’, share is distributed, then he is given a share.” [And Buraid’s (a narrator) Kunyah is Abû Buraidah and he is trustworthy. Sufyân Ath-Thawri, Ibn ‘Uyainah and others report from him].
Comments:
A share from the spoils of war is the right of those who have participated in
the battle, if some people arrive late when the battle is over, and the spoils
have not yet distributed, keeping in view the circumstances and needs of the
latecomers just to comfort them, a small share can be given to them after
consultation, and with the consent of the other warriors. (Tuhfat Al-Ahwadhi
v.2. p.381 and Al-Mugni.)

Chapter 11. What Has Been
Related About Using The
Containers Of The Idolaters

1560. Abū Tha'labah Al-Khushani
narrated: “The Messenger of Allah
was asked about the pots of the
Zoroastrians. He said: ‘Clean them
by washing them, and then cook in
them.’ And he prohibited every
predator [and] possessor of
canines.” (Sahih)

This Hadith has been reported
through routes other than this from
Abū Tha'labah. Abū Idrīs Al-
Khawlānī reported it from Abū
Tha'labah. Abū Qilābāh did not
hear from Abū Tha'labah, he only
reported it from Abū Asmā‘, from
Abū Tha'labah.

(Another chain) from Abū Idrīs
Al-Khawlānī ‘Ai’dhullāh bin
‘Ubaidullāh who said: “I heard
Abū Tha'labah Al-Khushani saying:
‘I went to the Messenger of Allāh
and said: ‘O Messenger of Allāh!
We live in a land of the
People of the Book and we eat
from their containers.’ He said: ‘If
you find other containers than do
not eat from them. If you do not
find them, then wash them and eat
from them.’”
Abū 'Eisā said:] This Ḥadîth is Hasan Ṣâḥîh.

Comments:

Use of the utensils of non-Muslims should be avoided. In dire need it is allowed to use them after careful and thorough washing. (Tuhfat Al-Ahwâdhi v.2. p. 382 and Subul As-Salām v. 1 p.43-44.)

Chapter 12. Regarding The Nafl [1]

1561. ‘Ubadah bin Aṣ-Ṣāmiṭ narrated: “The Prophet used to confer a fourth of the spoils of war in the early part of the expedition, and a third during the return.” (Ṣâḥîh)

There are narrations on this topic from Ibn ‘Abbās, Ḥabīb bin Maslamah, Ma‘n bin Yazid, Ibn ‘Umar, and Salamah bin A1-Akwa’.

The Ḥadîth of ‘Ubâdah is a Hasan Ḥadîth. This Ḥadîth has also been reported from Abû Salâm from a man among the Companions of the Prophet .

(Another chain) from Ibn ‘Abbâs that the Prophet took his sword Dhul-Fiqâr on the Day of Badr, and it is the one that he saw in the dream on the Day of Uhud.

This Ḥadîth is Hasan Gharîb. We only know of it from this route through the report of Ibn Abî Az-Zinâd.

The people of knowledge differ

[1] An additional gift from the spoils of war that is given to particular fighters.
over giving the *Nafl* from the *Khumus*. Mālik bin Anas said: “It has not reached me that the Messenger of Allāh ﷺ gave the *Nafl* during every expedition, but it has been conveyed to me that he gave the *Nafl* in some of them. That is only done according to the discretion of the Imam during the beginning of the division of the spoils or the end of it.”

Ibn Manṣūr said: “I said to Ahmad: ‘The Prophet ﷺ gave the *Nafl* when he divided the fourth, after the *Khumus*, and when he was returning (he gave) the third from the *Khumus.’ So he said: ‘The *Khumus* is taken, and then the *Nafl* is given from what remains, nothing beyond this.’”

[Abū ‘Eisā said:] This Hadith is (understood) as Ibn Musayyab said: “The *Nafl* is from the *Khumus.*” Isḥāq said as he said.

Comments:

In the start when the army advances for the conflict, troops are fresh and on the way to battlefield. If a company of the Muslim army engages with some enemy regiment, and after defeating them, they acquire some spoils, one fourth share of this will be given to the company in action, and this will be equally distributed among the company members. Similarly on return, when the army is tired after the conflict, a company performing heroic deed on its way back gets a one third share of the spoils.
Chapter 13. What Has Been Related About: Whoever Kills Someone In Battle, Then His Goods Are His

1562. Abū Qatadah narrated that the Messenger of Allāh ﷺ said: “Whoever kills someone in battle, having a proof for that, then his goods are his.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] There is a story with this Ḥadīth.

(Another chain) with similar meaning.

There are narrations on this topic from ‘Awf bin Mālik, Khālid bin Al-Wālīd, Anas, and Samurah.

This Ḥadīth is Ḥasan Ṣaḥīḥ. Abū Muhammad is Nāfī’ the freed slave of Abū Qatadah.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Al-Awzā’i, Ash-Shafi‘i and Ahmad.

Some of the people of knowledge said that the Imām takes Ḳumūs from those goods. Ath-Thawrī said: “The Nafl is when the Imām says: ‘Whoever got something, then it is his. And whoever killed a fighter, then his goods are his.’ So it is allowed, and there is no Ḳumūs taken from it.” Ishāq said: “The goods are for the one who did the killing, unless it is something that is a large amount.” So he saw that the Imām could take the Ḳumūs from that, just as ‘Umar bin Al-Khattāb did.
Comments:

In battle, the personal belongings of a fallen enemy like his sword, clothes etc., when the fighter has a witness or some proof he keeps such goods. Imam Al-Awzâ‘î, Al-Laith, Ash-Shafi‘i, Ahmad, Ishâq, and others support this point of view and this is correct. If the personal belongings of the killed are precious or considerable in quantity, then the chief of the army is allowed to take one fifth of it for the state.

Chapter 14. About It Being Disliked To Sell The Spoils Of War Until It Has Been Distributed

1563. Abû Sa‘eed Al-Khudrî narrated: “The Messenger of Allah prohibited selling the spoils of war until it has been distributed.”

(Hasan)

There is something on this topic from Abû Hurairah.

[Abû ‘Eisâ said:] This Hadith is Gharib.

Comments:

Before distribution, the spoils are the property of the state, and the share of an individual is unknown prior to its division, therefore, its sale and purchase in this condition is unlawful.

Chapter 15. What Has Been Related About It Being Disliked To Have Intercourse With Pregnant Female Prisoners

1564. Umm Ḥabîbah bint ‘Irba‘d bin Sâriyah narrated from her father who told her that the
Messenger of Allâh禁止 intercourse with female prisoners, until they deliver what is in their wombs." (Hasan)

[Abû ‘Eîsâ said:] There is something on this topic from Ruwaifi bin Thãbit, and the Hadîth of ‘Irbãd is a Gharib Hadîth. This is acted upon according to the people of knowledge.

Al-Awzã’î said: “When a man purchases a slave girl from the captives and she is pregnant, then it has been related from ‘Umar bin Al-Khaṭṭâb that he said: ‘Do not have intercourse with the pregnant woman until she gives birth.” Al-Awzã’î said: “As for the free women, then the Sunnah about them has passed, in that the ‘Iddah be observed.” All of this was narrated to me by ‘Alî bin Khushram who said: “‘Eîsâ bin Yûnus narrated to us from Al-Awzã’î.”

**Comments:**

Having sexual intercourse with a pregnant slave woman who is given to a warrior as his share of the spoils is not allowed. Since the pregnancy is from someone else, the owner of the pregnant slave woman is not allowed to have sexual relations with her until she gives birth to the child.

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**Chapter 16. What Has Been Related About The Food Of The Idolaters**

1565. Qabîsah bin Hûl narrated from his father, who said: “I asked the Prophet about the food of the Christians. He said: ‘Do not
allow food to put uneasiness in your chest similar to the doubts of Christianity about it.” (Hasan)

[Abū ‘Eisâ said:] This Hadith is Hasan.

(Another chain) with similar narration.

(Another chain) with similar narration.

This is acted upon according to the people of knowledge regarding the permission for the food of the People of the Book.

Comments:

Christians, without any legal reason and genuine cause, used to avoid some lawful foods and make them unlawful for themselves. In this narration Muslims are advised not to follow the Christians regarding foods. They should eat what is lawful for them and should not have any hesitation in eating legal foods.

Chapter 17. About It Being Disliked To Separate (Related) Captives

1566. Abū Ayyūb narrated that he heard the Messenger of Allāh ﷺ say: “Whoever separates between a mother and her child, then Allāh will separate between him and his beloved on the Day of Judgement.” (Hasan)

[Abū ‘Eisâ said:] There is something on this topic from ‘Alî. This Hadith is Hasan Gharib.

This is acted upon according to the people of knowledge among
the Companions of the Prophet and others. They dislike separating the captives; the mother and her child, the son and the father, and brothers.

Comments:
The people of knowledge unanimously agree that a mother and child should not be separated until the child reaches the age of maturity. It is not allowed to separate the small children of a slave family from their parents or from each other.

Chapter 18. What Has Been Related About Killing Captives And Ransoming

1567. 'Ali narrated that the Messenger of Allâh said that Jibrâ‘îl had indeed descended upon him to say to him: “Tell them – meaning your Companions – to choose regarding the captives of Badr, between either killing them or ransoming them, so that the amount killed by them will correspond similarly to them.” So they said: “Ransom, even though some of us may be killed.” (Da‘f)

There are narrations on this topic from Ibn Mas‘ūd, Anas, Abû Barzah, and Jubair bin Mu‘tîm.

[Abû ‘Eisâ said:] This Hadîth is Hasan Gharîb as a narration of Atîr Thawrî. We do not know of it except through the report of Zâ‘îdah.

Abû Usâmah reported similar to this from Hîshâm, from Ibn Sirîn, from ‘Abîdah, from ‘Alî, from the Prophet .

Ibn ‘Awn reported it from Ibn
Sīrīn, from ‘Abīdah, from ‘Ali, from the Prophet ﷺ in Mursal form.
Abū Dāwūd Al-Hafri’s (a narrator in this chain) name is ‘Umar bin Sa‘d.

Comments:
The Companions of the Prophet ﷺ preferred the opinion of Abū Bakr against the opinion of ‘Umar. ‘Umar gave the opinion to kill the prisoners of Badr, but Abū Bakr’s opinion was to forgive them, and treat them with kindness as they were their relatives, and they should be released after receiving ransom from them. The money received from them as ransom could be used for religious works, and there was also possibility that in future they may accept Islam or their children may become Muslims. In the future if seventy of them were martyred, it would be their good fortune to attain the status of martyrs.

1568. ‘Imrān bin Ḥuṣain narrated that the Prophet ﷺ ransomed two men from the Muslims with a man from the idolaters. (Sahih)
[Abū ‘Eisā said:] This Hadith is Hasan Sahih.
The paternal uncle of Abū Al-Muhallab’s name is ‘Abdur-Rahmān bin ‘Amr, and they also say it was Mu‘āwiyyah bin ‘Amr. And Abū Qilābah’s name is ‘Abdullāh bin Zaid Al-Jarmī (narrator in the chain).
This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others. It is for the Imām to decide to be generous with whom he wills among the captives, or to kill whom he wills among them, or to ransom whom who.
he wills among them. Some of the people of knowledge preferred killing over ransoming.

Al-Awzā‘ī said: “It has been conveyed to me, that this Ayah is abrogated: Thereafter (is the time) either for generosity (to free them without ransom) or ransom. it was abrogated by: And kill them wherever you find them.” This was narrated to us by Hannād (who said): “Ibn Al-Mubārak narrated to us, from Al-Awzā‘ī.”

Iṣḥāq bin Mansūr said: “I said to ʿAbd Allāh: ‘When the captives are captured’ is killing or ransoming better to you?’ He said: ‘If they are able to ransom’ then there is no harm in it. And if they kill, then I do not know of any harm in it.’” Iṣḥāq said: “Wiping them out is better to me, unless it is someone well-known, so that it is hoped that a large amount will be obtained for him.”

Comments: Most of the people of knowledge say that it is the right and privilege of the Amīr or of the Head of the State to treat the prisoners according to the situation. He can put them in jail or forgive them after receiving ransom, or he can release them without receiving anything from them. This point of view is correct.

Chapter 19. What Has Been Related About The Prohibition Of Killing Women And Children

1569. Ibn ʿUmar narrated that a
woman was found killed in one of the expeditions of the Messenger of Allâh ﷺ, so the Messenger of Allâh ﷺ rebuked that, and he prohibited killing women and children. (Sahîh)

There are narrations on this topic from Buraidah and Rabâh – and they say he was Riyâh – bin Ar-Rabî’, Al-Aswad bin Sari’, Ibn ‘Abbâs, and Aṣ-Ša‘b bin Jaththâmah.

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They disliked killing women and children. This is the view of Sufyân Ath-Thawrî and Ash-Shâfî’i.

Some of the people of knowledge made an exception for killing the women who had children with them during night attacks, this is the view of Aḥmad and Ishâq, they permitted it in night attacks.

Comments:

Generally, if the women and children are not taking part in the fight, or they are becoming a hindrance in reaching the enemy, it is not allowed to kill them. In the case where the women are participating in the battle in any form, it is allowed to kill them. If they are unintentionally killed in night raids, when it is difficult then there is no violation.

1570. Ibn ‘Abbâs narrated: “I was informed by Aṣ-Ša‘b bin Jaththâmah who said: ‘I said: “O Messenger of Allâh our horses trampled over women and children

[Translation]:

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أبواب الشعر

نافع، عن ابن عميرُ أخبره: أن امرأة وجدت

في بعض معركة رست الله مبتولة فأنكر

رسول الله ذلك، ونهى عن قتل النساء

والصبيان

وفي الباء عن بريدة ورباح - وقال

رباح بن الربيع - والأسود بن سبيّر، وابن

عباس، والصغب بن جحشاء.

[نال أبو بسيس:] هذا حديث حسن

صحيح. والعمل على هذا عبّد أهل

العلم من أصحاب النبي ﷺ وغيرهم،

كرّهوا قتل النساء والولدان. وهو قول

شفاين الثوري، والشافعي.

وبرحص بعض أهل العلم في الباب

وقتل النساء فيهم والولدان، وهو قول

أحمد، وإشخاق، ورحصا في الباب.

تخريج من نهج عليه، وأخرجه البخاري، الجهاد والسير، باب قتل الصبيان في الحرب:

ح: 32/14 وصسلم، ح: 1744 من حديث الليث بن سعد به في الباء عن بريدة [يأتي: 122]


و 475/4 والدارمي، ح: 2466] وابن عباس [صسلم، ح: 1812] والصعاب بن جحشاء

[أيمن: 1070]
Chapter 20. The Prohibition Of Burning With Fire

1572. Abū Hurairah narrated: “The Messenger of Allāh ﷺ sent us with an army and said: ‘If you see so-and-so, and so-and-so’ referring to two men from the Quraish: ‘then burn them with fire.’ Then, upon our departure, the Messenger of Allāh ﷺ said: ‘I ordered you to burn so-and-so, and so-and-so with fire, and indeed, none punishes with fire except Allāh. So if you see them, then kill them.’” (Sahih)

There are narrations on this topic from Ibn ‘Abbās and Ḥamzah bin ‘Amr Al-Aslāmī.

[Abū ‘Eisā said:] The Hadith of Abū Hurairah is a Ḥasan Sahih Hadith. This is acted upon according to the people of knowledge. In this Hadith, Muhammad bin Ishāq mentioned a man (narrating) between Sulaimān bin Yasār and Abū Hurairah. Others reported this Hadith the same as Al-Laith reported it (here, without a man between them). The narration of Al-Laith bin Sa’d is more appropriate and more correct.
In view of 'Umar and Ibn ‘Abbas, burning alive is not allowed at all. In the view of some Companions, burning alive in retaliation is allowed to make it a lesson for others. The correct opinion is that no one should be burnt alive. In the case of defense in a battle, if the enemy is using firearms and fire spreading ordinance etc., it is allowed to use the same kind of weapons to kill the enemy. (Al-Mughni v. 13. p. 138-139.)

Chapter 21. What Has Been Related About Ghulul

1572. Thawbân narrated that the Messenger of Allah said: “Whoever dies and he is free of [three]: Kibr (Pride), Ghulul, and debt, he will enter Paradise.” (Sahih) There are narrations on this topic from Abū Hurairah and Zaid bin Khalid Al-Juhni.

Comments:
Being innocent and guiltless from these three things means that he is very careful about human rights. It is obvious that he who is careful about the rights of his fellow human beings must be more careful about the right of Allah, therefore, such a person hopes in Allah’s Mercy and Paradise.

1573. Thawbân narrated that the Messenger of Allah said: “Whoever’s soul departs from his body while he is free of three: Kanz (buried treasure), Ghulul, and debt,
then he will enter Paradise.” *(Da‘if)*

This is how Sa‘eed narrated it: “*Kanz*” while Abu ‘Awânah said in his narration: “*Kibr*” and he did not mention “from Ma‘dân” in it. But the narration of Sa‘eed is more correct.

**Comments:**

This narration makes it clear that a fighter who takes anything from the spoils of war without the permission of the army chief commits the crime of embezzlement, which eclipses the high status of martyrdom. He who is an offender of stealing from the spoils of war will not go to Paradise.
Chapter 22. What Has Been Related About Women Going Out For War

1575. Anas narrated: “The Messenger of Allah used to go to battle with Umm Sulaim, and other women with her, from the Ansar, who would give water and tend to the wounded.” (Sahih)

[Abū ‘Eisā said:] There is something on this topic from Ar-Rabi’ bin Mu’awwidh. This Hadith is Hasan Sahih.

Comments:

For the essential services of the forces like emergency medical help, care of the wounded, and transportation of martyrs to a safe place, it is allowed to take the women to the battlefield. For the purposes mentioned above, a very careful selection of females should be made. The military administration should make sure that the presence of female members is not a hindrance in the performance of duties or affecting the morals of the soldiers.

Chapter 23. What Has Been Related About Accepting Gifts From The Idolaters

1576. ‘Ali narrated from the Prophet, that Kisra sent him a gift so he accepted, and that kings gave him gifts and he accepted them. (Da’if)

There is something about this from Jābir. This is a Hasan Gharib Hadith. Thuwair (a narrator in the chain) is Ibn Abī Fākhitah, whose name was Sa’eed bin ‘Ilaqah, and Thuwair’s Kunyah was Abū Jahm.

Comments:

In accepting gifts from idolaters, the Prophet allowed to accept anything given as a gift. Thuwair (a narrator in the chain) is Ibn Abī Fākhitah, whose name was Sa’eed bin ‘Ilaqah, and Thuwair’s Kunyah was Abū Jahm.
Comments:
Gifts from non-Muslim kings and head of states can be accepted for diplomacy and to develop good relations to save the Muslims living near the borders. In the greater interest of Muslims it is allowed to accept gifts from non-Muslims.

Chapter 24. About The Gifts Of The Idolaters Being Disliked

1577. 'Iyāḍ bin Himār narrated that he gave the Prophet a gift or a camel, so the Prophet said: "Have you accepted Islām?" He said: "No." He said: "Then I have been prohibited from the Zabd (gifts) of the idolaters." (Hasan)
Abū 'Elsā said: This Hadīth is Hasan Sahīh. And the meaning of his saying: "I have been prohibited from the Zabd (gifts) of the idolaters" is their gifts.

It has been reported about the Messenger that he used to accept the gifts of the idolaters while a dislike for that is mentioned in this Hadīth.
And the implication is that this was after he used to accept from them, and then he later forbade their gifts.

Chapter 25. What Has Been Related About The Prostration of Gratitude (Sajdah Ash-Shukr)

1578. Abū Bakrah narrated: "The
Prophet was met by some affair that made him happy, so he prostrated to Allah.” (*Hasan*)

[Abū ‘Eisā said:] This Hadith is *Hasan Gharīb*, we do not know of it except from this route, as a narration of Bakkār bin ‘Abdul-'Azīz.

This is acted upon according to most of the people of knowledge, they held the view that one could perform the prostration of gratitude. [And Bakkār bin ‘Abdul-'Azīz bin Abi Bakrah is *Muqārib* (average) in Hadith.]

Comments:

On hearing good news, prostrating before Allah as an acknowledgement of His mercy and blessings is proved from Saeth'i narrations. Imām Shafi‘ī and Ahmad both have the same view. Some of the scholars say that this is not proven by any authentic narration from the Messenger of Allah. But this is not the case.

Chapter 26. What Has Been Related About The Assurance Of Protection Granted By A Woman And A Slave

1579. Abū Hurairah narrated that the Prophet said: “Indeed a woman grants (assurances of protection) to a people” – meaning it is to be honored – “from the Muslims.” (*Hasan*)

There is something on this topic from Umm Hāni, and this Hadith is *Hasan Gharīb*. [I asked Muhammad and he said: “This Hadith is Sahih. Kathīr bin Zaid heard from Al-Walīd bin Rabāh, and Al-Walīd bin Rabāh heard from Abū Hurairah, and he is *Muqārib* (average) in Hadith].

The Chapters On Military Expeditions
(Another chain) from Umm Hāni’ who said: “I granted asylum for two men among my brother-in-laws. So the Messenger of Allāh ﷺ said: ‘We grant security to whomever you have granted security.’” [1]

[Abū ‘Eisā said:] ThisHadīthisHasan Saḥīḥ.

This is acted upon according to the people of knowledge. They permit the assurance of protection granted by a woman. This is the view of Ahmad and Ishaq: They permitted the asylum of a woman and a slave.

It has been related [from other routes] from ‘Umar bin Al-Khaṭṭāb that he permitted the asylum granted by a slave.

(One of the narrators of this last narration) Abū Murrah is the freed slave of ‘Aqil bin Abī Talib – they also say that he was the freed slave of Umm Ḥāni’ – and his name was Yazid.

It has been related from ‘Alī bin Abī Talib and ‘Abdullāh bin ‘Amr that the Prophet ﷺ said: “The covenants of the Muslims are one, it covers the rest of them.” [2]

[Abū ‘Eisā said:] According to the people of knowledge, the meaning of this Hadīth is that whoever gives assurances of protection among the Muslims, then it is valid to all of them.

[Abū ‘Eisā said:] This Hadīth is occupied with an action with a woman, and it is also occupied with an action with a slave. It is the opinion of Ahmad and Ishaq: They permitted the asylum of a woman and a slave.

It has been related [from other routes] from ‘Umar bin Al-Khaṭṭāb that he permitted the asylum granted by a slave.

(One of the narrators of this last narration) Abū Murrah is the freed slave of ‘Aqil bin Abī Talib – they also say that he was the freed slave of Umm Hanî’ – and his name was Yazid.

It has been related from ‘Alī bin Abī Talib and ‘Abdullāh bin ‘Amr that the Prophet ﷺ said: “The covenants of the Muslims are one, it covers the rest of them.” [2]

[Abū ‘Eisā said:] According to the people of knowledge, the meaning of this Hadīth is that whoever gives assurances of protection among the Muslims, then it is valid to all of them.

Part of that version appears in number 2734, and it is authentic.

[1] It is also authentic, and appears in number 2127.
The meaning is that if one of the Muslims gives protection to a disbeliever, all of the Muslims are required to honor that protection. (See for details Al-Mughni v. 13. p.75-76.)

Chapter 27. What Has Been Related About Breaking Treaties

1580. Abū Al-Faid said: “I heard Sulaim bin ‘Āmir saying: ‘There was a treaty between Mu‘āwiyyah and the people of Rome. He was making an expedition into their lands so that when the period of the treaty was expires he could attack them. So when a man upon an animal’ – or – ‘upon a horse said: “Allâhu Akbar! Fulfillment not betrayal!” – and it turned out to be ‘Amr bin ‘Abasah – Mu‘āwiyyah asked him about that. He said: “I heard the the Messenger of Allah ﷺ: ‘Whoever has a treaty between himself and a people, then let him not violate the treaty nor try to change it until its time has passed, or, in retribution for a similar offense.’” He said: “So Mu‘āwiyyah returned with the people.” (Sahih)

[Abū ‘Eisā said:] This Ḥadith is Hasan Sahih.

Comments:

The Companions of the Prophet ﷺ helped each other in deeds of virtue and they would avoid breaking the promises and treaties. This narration also
proves Mu'awiyah's zeal for what is correct. If any law or legal command was not known to him, on knowing the real fact's he acted upon it according to the truth.


1581. Ibn ‘Umar narrated the Messenger of Allah ﷺ said:

"Indeed the one who betrays will have a banner erected for him on the Day of Judgement." (Ṣahih)

[He said:] There are narrations on this topic from ‘Ali, Abdullâh bin Mas‘ûd, Abû Sa‘eed Al-Khudrî, and Anas.

[Abû ‘Eisâ said:] This Hadith is Hasan Ṣahîh. [I asked Muhammad about the Hadith of Suwaid, from Abû Ishâq, from ‘Umârah bin ‘Umair, from ‘Ali, from the Prophet ﷺ who said: “For every person who betrays there will be a banner.” He said: “I do not know of this Hadith being Marjû.”][1]

Comments:

Breaking promises is a major crime and its punishment on the Day of Judgement is that the betrayer will be humiliated before the people and a flag indicating his vice of betrayal will be fixed to his body.

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[1] Meaning that version, while he recorded the narration of Ibn ‘Umar, as well as others, in his Ṣahîh.
Chapter 29. What Has Been Related About Cessation For Arbitration

1582. Jābir narrated: "On the day of (the battle of) Al-Ahzãb, Sa’d bin Mu’ādh was struck by an arrow such that the upper vein or lower vein of his forearm was severed. So the Messenger of Allâh tried to stop it with fire, but it made his arm bleed profusely so he left it. Then he did it another time but it caused it to bleed profusely. Upon seeing that he said: ‘O Allâh! Do not allow my soul to depart until my eyes are comforted by the elimination of Banû Quraizah.’ He pressed his vein closed and it did not bleed a drop before they surrendered to the arbitration of Sa’d bin Mu’ādh. He (the Prophet) sent for him (Sa’d) who judged that their men should be killed, their women should be spared, and that the Muslims may share them among themselves. With this, the Messenger of Allâh said: ‘You have judged according to Allâh’s Judgement for them.’ And they were four hundred. Then when he finished killing them, his vein opened up and he died."

(Ŝahîh)

[He said:] There are narrations on this topic from Abū Sa’eed and ‘Atiyyah Al-Quraţî.

[Abû ‘Elsâ said:] This Hadîth is Ḵāsim Šâhîh.

تخريج: [إسناده صحيح] وأخرجه أحمد: ٣٥٠ من حديث الليث بن سعد وسالم، ح: ٢٠٠٨ وسالم، ح: ١٧٦٨، وعثرة الفرظي (بأبي: ١٨٣)
Comments:
Banū Quraizah were an ally of the Muslims, but they deceived the Muslims on the occasion of the ‘Battle of Aḥzāb’ which caused many difficulties for Muslims. Sa’d who was their ally from the time of Jahiliyyah was shocked at their behaviour. He wanted to see Banū Quraizah punished for their offensive conduct.

1583. Samurah bin Jundab narrated that the Messenger of Allah ﷺ said: “Kill the elder men among the idolaters and spare the Sharkh among them.” (Da’if)

And the Sharkh are the boys who did not begin to grow pubic hair.

[Abū ‘Eisā said:] This Ḥadīth is Hasan Sahih.

Hajjāj bin Artāh narrated similarly from Qatadah.

1584. ‘Aṭiyyah Al-Qurazī narrated:
“We were presented to the Messenger of Allah ﷺ on the day of (the battle of) Quraizah. Whoever had pubic hair was killed and whoever did not was left to his way. I was of those who did not have pubic hair so I was left to my way.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih. This is acted upon according to some of the people of knowledge. They consider pubic hair an indication of the age of responsibility, if it is not known whether he has had a wet dream, or his age. This is the view of Ahmad and Ishāq.

তথ্যসূত্র: [সঠিক] এবং অন্যায়ের উপরের সীমারেখা, বাবা মনে না কর তোমার হাত, হ: ২৫৪: ৫ থেকে
This narration proves that if it has been decided to kill the enemy, then those among the enemy who are their leaders and those who are able to fight against the Muslims will be killed. It means only adults who are potential danger should be killed. Old persons and children who have not reached the age of puberty should not be killed. Discussion about the age of puberty has already been given in a previous narration.

Chapter 30. What Has Been Related About Oaths Of Allegiance

1585. ‘Amr bin Shu‘aib narrated from his father, from his grandfather, that the Messenger of Allah said during his Khutbah: “Fulfill the allegiances sworn in Jahiliyah for it” – meaning Islam – “does not add to them except in gravity. And do not initiate new allegiances in Islam.” (Hasan)

[He said:] There are narrations on this topic from ‘Abdur-Rahmân bin ‘Awf, Umm Salamah, Jubair bin Mu‘tîm, Abû Huraira, Ibn ‘Abbas, and Qais bin ‘Ašîm.

[Abû ‘Eisâ said:] This Hadîth is Ḥasan Ṣâḥîh.

Comments:

The religion of Islam is a religion of peace and brotherhood. There is no need for taking oaths of allegiance between tribes after its victory in a land.
Chapter 31. About Taking The Jizyah From The Zoroastrians

1586. Bajālah bin ‘Abdah narrated: “I was a scribe for Jaz’ bin Mu’āwiyah at Manādhir when ‘Umar’s letter came to us (saying): ‘Inspect the Zoroastrians around you to take the Jizyah from them. For indeed ‘Abdur-Rahmān bin ‘Awf informed me that the Messenger of Allah ﷺ took the Jizyah from the Zoroastrians of Hajar.”’ (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan.

1587. Bajālah narrated that ‘Umar would not take the Jizyah from the Zoroastrians until ‘Abdur-Rahmān bin ‘Awf informed him that the Prophet ﷺ took the Jizyah from the Zoroastrians of Hajar.” (Sahih)

There is more dialogue in the Hadith than this. And this Hadith is Hasan Sahih.

1588. Malik narrated from Az-Zuhri, that Sa’īb bin Yazīd said: “The Messenger of Allah ﷺ took the Jizyah from the Zoroastrians of Bahrain, and ‘Umar took it in Persia, and ‘Uthmān took it from the Persians.” (Hasan)
I asked Muhammad about this, so he said: “It is: ‘Mālik from Az-Zuhri from the Prophet’.”

Comments:
A tax (jizyah) is imposed on non-Muslims living in a Muslim country against the security and protection provided to them to live in peace. They are supposed to help the Muslims in defense of the country as well as paying the tax.

Chapter 32. What Has Been Related About What Is Lawful From The Wealth Of Ahl Adh-Dhimmah

‘Uqbah bin ‘Amir narrated:
“I said: ‘0 Messenger of Allah! We come across a people and they do not host us, and they do not give us our rights, and we do not take anything from them. So the Messenger of Allah said: ‘If they refuse such that you can only take by force, then take.’” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan. It has been reported by Al-Laith bin Sa’d from Yazīd bin Abī Habīb as well.

This Hadith only means that they would go out for battles and they would pass a people among whom they would not find any food to buy for a price. So the Prophet told them: If they refuse to sell to you, such that you have to take it forcefully, then take it. This is how the explanation has been related in some of the Ahādīth. And it has been related that ‘Umar bin Al-Khaṭṭāb, may Allāh be pleased with
Hospitality of Arabs was an exemplary tradition, but the conduct of non-Muslims was extraordinarily biased against the Muslims. They not only neglected their traditional hospitality, but also refused to sell food to Muslims to show their hatred against them. There was no way out against their harsh behaviour, so the Muslims were allowed to use force for obtaining food, as it is impossible to continue a journey without foodstuff.

Chapter 33. What Has Been Related About Hijrah

1590. Ibn 'Abbâs narrated that on the day of the Conquest of Makkah, the Messenger of Allâh ﷺ said: “There is no Hijrah after the conquest, there is only Jihad and intention, and when you are called to go forth (for battle), then go.” (Sahîh)

[He said:] There are narrations on this topic from Abû Sa‘eed, ‘Abdullâh bin ‘Amr, and ‘Abdullâh bin Hûbshi.

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh. Sufyân Ath-Thawrî reported it similarly from Mansûr bin Al-Mu’tamir.

Comments:

After the conquest of Makkah, the people started entering the religion of Islam, and there was no problem with manifesting one’s Islam in the land. People made homes where ever they wanted, and lived in different towns. Now there was no need for emigration, (from Makkah to Al-Madinah) but people moved from one place to another place for Hajj, ‘Umrah, Jihad and
the acquisition of knowledge, etc., this type of movement and travel is not migration. The place or country where it is not possible to protect one's faith, and there is no other choice except emigration, then it is necessary to emigrate to a safe place.

Chapter 34. What Has Been Related About Giving the Pledge To The Prophet

1591. Yahya bin Abī Kathîr narrated from Ābu Salamah, from Jâbir bin ‘Abdullâh about the statement of Allâh, Most High: Allâh was pleased with the believers when they gave the pledge to you under the tree.[1] that Jâbir said: “We pledged to the Messenger of Allâh that we would not flee, and we did not pledge to him for death.” (Sahih)

[He said:] There are narrations on this topic from Salamah bin Al-Akwa’, Ibn ‘Umar, ‘Ubâdah, and Jarîr bin ‘Abdullâh.

[Abî ‘Eisâ said:] This Hadîth has been reported from ‘Eisâ bin Yûnus, from Al-Awzâ’î, from Yahya bin Abī Kathîr who said: “Jâbir bin ‘Abdullâh said” and he did not mention Ābu Salamah in it.

[Abû ‘Eisâ said:] This Hadîth has been reported from ‘Eisâ bin Yûnus, from Al-Awzâ’î, from Yahya bin Abī Kathîr who said: “Jâbir bin ‘Abdullâh said” and he did not mention Ābu Salamah in it.

1592. Yazîd bin Abî ‘Ubaïd narrated: “I said to Salamah bin Al-Akwa’: ‘For what did you pledge to the Messenger of Allâh on the Day of Al-Hudaibiyah?’ He said: ‘For death.’ (Sahih)

This Hadith is Hasan Sahih.

This Hadith is Hasan Sahih.

1593. Ibn ‘Umar narrated: “We used to pledge to the Messenger of Allah to hear and obey,” So he would say to us: “As much as you are able.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

Comments:
The Shari‘ah never orders or expects anything from a person which is beyond his power or beyond his endurance. The words of the Prophet show his kindness, compassion and mercy for Muslims. (See also no. 1597.)

1594. Jābir bin ‘Abdullāh narrated: “We did not pledge to the Messenger of Allah for death, but only that we would not flee.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih, meaning both of the Ahādith are Sahih. Some of his Companions pledged to him for death, they said only: “We will not leave from in front of you as long as we are not killed.” While others pledged to him by saying: “We will not flee.”

This narration proves that the commander of the army can have an oath from troops that they will not flee from the battlefield, or that they will fight to the death if required, since those who do not flee may retreat and return. This pledge is totally different and has no links or likeness with the pledge of so-called spiritual guides.
Chapter 35. What Has Been Related About Violating A Pledge

1595. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Three will not be spoken to by Allāh on the Day of Judgement, nor will they be purified, and for them is a painful torment: A man that gave a pledge to an Imām, and if he gives to him he fulfills it, and if he does not give to him he does not fulfill it” (Sahih)

[Abū 'Eisā said:] This Hadith is Hasan Sahih.

Comments:
An honest person has the privilege that on the Day of Judgment Allāh will speak to him, and have mercy on him, his offences and faults will be pardoned. His unpardonable sins will be cleansed by Hellfire, and ultimately he will enter the Paradise.

Chapter 36. What Has Been Related About A Slave's Pledge

1596. Jābir narrated: “A slave came to give the pledge to the Prophet ﷺ for Hijrah, but the Prophet ﷺ did not realize that he was a slave. So his master came, and the Prophet ﷺ said: ‘Sell him to me.’ So he purchased him for two black slaves. After this he ﷺ would not take the pledge from anyone until he asked him if he was a slave.”[1] (Sahih)

[He said:] There is something on this topic from Ibn ‘Abbās.

[1] This Hadith preceded, see no. 1239.
Abū ‘Eisā said:] The Hadīth of Jābir is Hasan Gharīb Sahīh, we do not know of it except as a narration of Abū Az-Zubair.

**Comments:**

The Prophet ﷺ had taken an oath of emigration from him, and there is no return on an oath of emigration, therefore, the Prophet ﷺ bought him in exchange for two black slaves. This narration proves that increase and decrease is possible in the barter of slaves. Another thing which appears from this narration is that the Prophet ﷺ had no knowledge of hidden things until Allāh revealed it to him.

**Chapter 37. What Has Been Related About The Women’s Pledge**

1597. Ibn Al-Munkadir heard Umāimah bint Ruqaiqah saying: “I pledged to the Messenger of Allāh ﷺ along with some women. He said to us: ‘In as much as you are able and capable.’ I said: ‘Allāh and His Messenger are more merciful to us than we are to ourselves,’ then I said: ‘O Messenger of Allāh take the pledge from us.’” – Sufyān (one of the narrators) said: meaning: ‘shake (hands) on it with us’ – “so the Messenger of Allāh ﷺ said: ‘My statement to one hundred women is like my statement to one.’” (Sahīh)

[He said:] There are narrations on this topic from ‘Aishah, from ‘Abdullāh bin ‘Umar, and Asmā’ bint Yazīd.

[Abū ‘Eisā said:] This Hadīth is Hasan Sahīh, we do not know of it except as a narration of Muhammad
bin Al-Munkadir.

Sufyān Ath-Thawrī, Mālik bin Anas, and others reported this Hadīth from Muḥammad bin Al-Munkadir similarly. [He said: I asked Muḥammad about this Hadīth and he said: “I am not aware of a Hadīth other than this for Umaimah bint Ruqaiqah.”] There is another woman named Umaimah who narrated from the Messenger of Allāh ﷺ.


Comments:
The Prophet ﷺ used to hold the hand of men while taking the pledge from them, but from women, he always took a verbal pledge and never held their hand that is why he said that the words he uttered once will do for one woman or one hundred women at a time.

Chapter 38. What Has Been Related About The Number Of Companions Who Participated In The Battle Of Badr

1598. Al-Barā’said: “We used to say that the participants at Badr on the Day of Badr were like the number of the companions of Tālūt, three hundred and thirteen [men].” [Sahih]

[He said:] There is something on this topic from Ibn ʿAbbas.

[Abū ʿEisā said:] This Hadīth is Hasan Ṣahīh. Ath-Thawrī and others reported it from Abū Iṣḥāq.
Comments:
Companions of Tālūt means those honest and brave persons who crossed the canal and faced the enemy and stood by Tālūt. They were three hundred and thirteen, and those who participated in the battle of Badr were three hundred and thirteen. By some other counts they were three hundred and fourteen or three hundred and seventeen or three hundred and nineteen.

Chapter 39. What Has Been Related About The Khumus

1599. Ibn ‘Abbās narrated that the Prophet said to a delegation from ‘Abdul-Qais: “I order you to give the Khumus from your spoils of war.” (Sahih)
He said: There is a story with this Hadith.
[Abū 'Eisā said:] This Hadith is Ḥasan Sahih.
(Another chain) with similar narration.

Comments:
In Surat Al-Anfal, one-fifth of the spoils and its details are explained. The Prophet ordered the tribe of Abdul-Qais to pay this share. (See for details Sahih Muslim.)

Chapter 40. What Has Been Related About Looting Being Disliked

1600. ‘Abayah bin Rifa‘āh narrated from his father, from his grandfather Rāfī’ bin Khadij, who said: “We were with the Messenger of Allāh on a journey, when the hasty people went rushing ahead to
the sheep to cook them, while the Messenger of Allah ﷺ was in the rear of the people. Then he passed the kettles and ordered that they be weighed, then he distributed it between them and equated a camel to ten sheep.”  

(\textit{Sahih})

[\textbf{Abū ‘Eisā said:}] Sufyān Ath-Thawrī reported it from his father, from ‘Abāyah, from his grandfather Rāfī’ bin Khadij, and he did not mention “from his father” in it.

This was narrated to us by Mahmūd bin Ghailān (who said): “Wakī‘ narrated it to us from Sufyān.” And this is more correct. ‘Abāyah bin Rifā‘ah heard from his grandfather Rāfī’ bin Khadij.

He said: There are narrations on this topic from Tha‘labah bin Al-Hakam, Anas, Abū Riḥānah, Abū Ad-Dardā’, ‘Abdur-Rahmān bin Samurah, Zaid bin Khālid, Jābir, Abū Hurairah, and Abū Ayyūb.

Comments:

Most people of knowledge agree that when the warriors enter the land of the enemy, they are allowed to take food and fodder from there according to their needs, however it should be rationed as indicated in this narration. (\textit{Al-Mughnī} v. 13. p.176.)
Chapter 41. What Has Been Related About Greeting The People Of The Book With Salâm

1602. Abū Hurairah narrated that the Messenger of Allah ﷺ said: “Do not precede the Jews and the Christians with the Salâm. And if one of you meets one of them in the path, then force him to its narrow portion.” (Sahih)

[He said:] There are narrations on this topic from Ibn ‘Umar, Anas, and Abū Baṣra Al-Ghifārī the Companion of the Prophet ﷺ.

[Abū ‘Eisā said:] This Ḥadīth is Ṣaḥīh. And regarding the meaning of this Ḥadīth: “Do not precede the Jews and the Christians”: Some of the people of knowledge said that it only means that it is disliked because it would be honoring them, and the Muslims were only ordered to humiliate them. For this reason, when one of them is met on the path, then the path is not yielded for him, because doing so would amount to honoring them.

Comments:

Plundering and looting the property of others is an open violation of Islamic Law and against the basic concept of brotherhood in Islam, therefore, according to the words used in this narration “He is not from us”.

(المجمع (٤٠) ـ باب ماجاة في التّسليم على أهل الكتاب (التحفة (٤١)

و۱٦٠٢ حَدَّثَنَا عَبْدُ الْعَزِيزِ إِبْنُ مُحَمَّدٍ عَنْ سَهْيَلِ يَبْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: لَا بَدِّاءُوا الْيَهُودَةَ وَالْخَلِیۡفَةَ بِالْسَّلَامِ، وَإِذَا لَقِيْتِمُ أَحْدَهُمۡ فِي الْطَّرِیقِ فَاضْطُرُوهُ إِلَی اِضْطِلَعِّی. (١٦٠٢)

وَقَالَ: وَفِی الْبَابِ عَنِ ابْنِ عِمْرٍ، وَأَنَسٍ، وَأَبِی بَصَرةَ الْعَفْرَةِ صَاحِبُ الْبَیٓ. (١٦٠٢)

و۱٦٠٢ حَدَّثَنَا عَبْدُ الْعَزِيزِ إِبْنُ مُحَمَّدٍ عَنْ سَهْیَلِ يَبْنِ أَبِي صَالِحٍ، عَنْ أَبِیهِ عَنْ أَبِی هُرَیْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: لَا بَدِّاءُوا الْيَهُودَةَ وَالْخَلِیۡفَةَ بِالْسَّلَامِ، وَإِذَا لَقِیْتُمُ أَحْدَهُمۡ فِی الْطَّرِیقِ فَاضْطُرُوهُ إِلَی اِضْطِلَعۡی. (١٦٠٢)
Comments:

In normal conditions when Muslims are in power and they are not living as a minority, and they are not under any compulsion or subjugation, it is an order for Muslims that they should not give such leeway to the non-Muslims and they should not greet them first nor yield the way for them. Some of the people of knowledge said that it only means that it is disliked because it would amount to honoring them, and the Muslims were only to humiliate them. For this reason, when one of them is met on the path a Muslim is not to yield for him because doing so would amount to honoring them. In a country where Muslims are living as a minority, they are allowed to give such leeway to non-Muslim rulers for the greater interest of the Muslim community. (Tuhfat Al-Ahwadhi v.2. p.397.)

1603. Ibn ‘Umar narrated that the Messenger of Allah ﷺ said:

"Indeed when a Jew gives Salam to one of you, then he is only saying: ‘As-Sam ‘Alaikum (Death be upon you) so say: “Alaik (And upon you)’.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Ḥasan Sahīh.

Chapter 42. What Has Been Related About It Being Disliked To Live Among The Idolaters

1604. Qais bin Abī Hāzim narrated from Jarīr bin ‘Abdullaḥ that the Messenger of Allah ﷺ sent a military expedition to Khath’am. So some people (living there) sought safety by prostrating, but they were met quickly and killed. News of this reached the
The Chapters On Military Expeditions

The Prophet commanded that they be given half of the ‘Aqil (blood money). And he said: “I am free from every Muslim that lives among the idolaters.” They said: “O Messenger of Allâh: How is that?” He said: “They should not see each other’s campfires.” (Da’if)

Comments:
Emigrating and residing in a non-Muslim country for the sake of better livelihood is an extremely shameful action, but going there for the purpose of preaching, safeguarding Islamic interests and acquiring knowledge is admirable and appreciated, provided one may manifest his religion without fear.

1605. Qais bin Abî Hâzîm narrated similar to the narration of Abû Mu‘âwiyyah (no. 1604) but he did not mention in it: “from Jarîr” in it, and that is more correct. (Da’if)

There is something on this topic from Samurah.

[Abû ‘Eisâ said:] Most of the companions of Ismâ’il said: “From Ismâ’il, from Qais bin Abî Hâzîm, that the Messenger of Allâh sent a military expedition.” And they did not mention: “from Jarîr” in it.

Hammâd bin Salamah reported similar to the narration of Abû Mu‘âwiyyah, from Al-Ḥajjâj bin Arṭâh, from Ismâ’il bin Abî Khalîd, from Qais, from Jarîr.

[He said:] I heard Mūhammad saying: “What is correct is the narration of Qais from the Prophet
Samurah bin Jundab reported that the Prophet said: “Do not live among the idolaters, and do not assemble with them, for whoever lives among them or assembles with them then he is similar to them.” (Da‘if)

Chapter 43. What Has Been Related About Expelling The Jews And The Christians From The Arabian Peninsula

1606. ‘Umar bin Al-Khaṭṭāb narrated that the Messenger of Allāh said: “If I live – if Allāh wills – I will expel the Jews and the Christians from the Arabian Peninsula.” (Sahih)

1607. Jābir bin ‘Abdullāh narrated: “Umar bin Al-Khaṭṭāb informed me that he heard the Messenger of Allāh say: ‘I will expel the Jews and the Christians from the Arabian Peninsula, and I will not leave anyone in it except a Muslim.’” (Sahih)
The Prophet wanted to expel the Jews and Christians, who claim to be the People of the Book, from the Arabian Peninsula. Non-Muslims are only allowed to live in the Arabian Peninsula temporarily as a traveler or for some other important needs of the Society as determined by the leaders. (See for details Tuḥfat Al-Ahwādhi v. 2. p. 498.)

Chapter 44. What Has Been Related About What The Messenger Of Allāh Left Behind

1608. Abū Hurairah narrated: “Fāṭimah came to Abū Bakr and said: ‘Who will inherit from you?’ He said: ‘My family and my son.’ She said: ‘So what about me? I do not get inheritance from my father?’ So Abū Bakr said: ‘I heard the Messenger of Allāh say: ‘We are not inherited from’ but I support those whom the Messenger of Allāh used to support, and I spend upon those whom the Messenger of Allāh spent upon.’” (Hasan)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Umar, Ṭālhah, Az-Zubair, ‘Abdur-Rahmān bin ‘Awf, Sa’d and ‘Āishah.

The Hadīth of Abū Hurairah is Hasan Gharīb from this route. It is only reported with a chain by Ḥammād bin Salamah and ‘Abdul-Wahhāb bin ‘Aṭā’, from Muḥammad bin ‘Amr, from Abū Hurairah.

[I asked Muḥammad about this Hadīth and he said: “No one is known to have reported it from Muḥammad bin ‘Amr, from Abū
Salamah, from Abū Hurairah, except for Hammād bin Salamah. ‘Abdul-Wahhāb bin ‘Aţā reported it from Muḥammad bin ‘Amr, from Abū Salamah, and from Abū Hurairah and it is similar to the narration of Hammād bin Salamah.] And this Hadith has been reported through other routes from Abū Bakr Aṣ-Ṣiddīq, from the Prophet ُ.

1609. Abū Hurairah narrated that Fāṭimah came to Abū Bakr and ‘Umar, may Allāh be pleased with them both, to ask them about her inheritance from the Messenger of Allāh ُ. They said: “We heard the Messenger of Allāh ُ say: ‘I am not inherited from.’” So she said: ‘By Allāh! I will never talk to you two again.’ So she died having not talked to them.” (Hasan)

‘Alī bin ‘Eisā said: “The meaning of not speaking to you two is: ‘Never again regarding this inheritance, because you two are truthful.”

Comments:
The Prophet ُ is the spiritual father of a nation, his legacy is not wealth or property, his inheritance is knowledge which he receives through revelation. His (Ummah) nation is heir of his mission and knowledge. Prophets do not have any desire for wealth and property, they want acquittal from worldly affairs, and therefore, they do not collect wealth and do not have any heirs.
1610. Mālik bin Aws bin Al-Hadathān said: “I entered upon ‘Umar bin Al-Khaṭṭāb. (Then) ‘Uthmān bin ‘Affān, Az-Zubair, ‘Abdur-Rahmān bin Awf, and Sa‘d bin Abī Waqqās entered. Then ‘Alī and Al-‘Abbās came disputing. ‘Umar said to them: ‘I ask you, by Allāh the One by Whose Will the heavens and the earth are maintained, do you know that the Messenger of Allāh ﷺ said: “We are not inherited from, what we leave is charity?” They said: ‘Yes.’ ‘Umar said: ‘When the Messenger of Allāh ﷺ died, Abū Bakr said: “I am the caretaker of the Messenger of Allāh ﷺ.” So you and he went to Abū Bakr and you sought your inheritance from the son of your brother, and he sought the inheritance of his wife from her father. So Abū Bakr said that the Messenger of Allāh ﷺ said: “We are not inherited from, what we leave is charity.” And Allāh knows that he is truthful, innocent, instructing and following the truth.”’ (Ṣaḥīḥ)

[Abū ‘Eisā said:] There is a lengthy story along with the Ḥadīth. And this Ḥadīth is Hasan Ṣaḥīḥ Gharīb as a narration of Mālik bin Anas.

Comments:
There is a long story that has been discussed in this narration; for details see Fawa‘id Sahīh Muslim. ‘Abbās and ‘Ali brought this issue before ‘Umar for the second time, to know his point of view about this narration, as for the first time it was presented before Abū Bakr.
Chapter 45. What Has Been Related About What The Prophet ﷺ Said On The Day Of The Conquest: Verily This Is Not To Be Battled Over After Today

1611. Al-Hārith bin Mālik bin Al-Barṣâ Narrated: “On the day of the Conquest of Makkah, I heard the Prophet ﷺ saying: ‘This is not to be battled over after today, until the Day of Judgement.’” (Hasan)

[Abū ‘Eisā said:] There are narrations on this topic from Ibn ‘Abbās, Sulaimān bin Ṣurad, and Muṭṭī.

This Hadith is Hasan Sahih, and it is a narration of Zakariyyā bin Abī Zā’idah from Ash-Sha’bi, we do not know of it except from his narration.

Comments:

Respect and honor of Makkah is due to the House of Allah. It was freed from the occupation of infidels to restore its respect and honor. The disbelievers had made it an idol temple. Now Makkah, after its conquest, is a free place, respected and honored by Muslims of the world, therefore, making it a battlefield is unlawful. If some non-Muslim army or group of people attack the city, then Muslims are allowed to fight to save its honor.

Chapter 46. What Has Been Related About The Hour In Which It Is Recommend To Fight

1612. An-Nu’mān bin Muqarrin Narrated: “I fought along with the Prophet ﷺ, and if Fajr had begun he would wait until the sun rose, and when it rose he would fight.
And if it was the middle of the daytime, he would wait until the sun passed the zenith, and when it passed the zenith he would fight until ‘Asr. Then he would wait until he had prayed ‘Asr, then he would fight.” He said: “And it used to be said during that (time)\(^{[1]}\) that the wind of victory was raging, and the believers would supplicate for their armies in their Salāt.” (Daif)

[Abū ‘Eisā said:] This Hadith has been reported from An-Nu‘mān bin Muqarrin through a chain that is more connected than this. Qatadah did not see An-Nu‘mān bin Muqarrin. An-Nu‘mān died during the Khilāfah of ‘Umar.

Comments:
The Prophet used to start a battle after the Morning Prayer. Prayers and invocations are means for help, guidance and success. Winds of success blow as a result of prayer and invocations.

1613. Ma‘qil bin Yasār narrated: “Umar bin Al-Khaṭṭāb sent An-Nu‘mān bin Muqarrin to Al-Hurmuzān.” And he mentioned the Hadith in its entirety. An-Nu‘mān bin Muqarrin said: “I participated (in battles) with the Messenger of Allah. So when he did not fight in the beginning of the daytime, he would wait until the sun passed the zenith, and the wind of victory would rage, and victory would descend upon them.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Hadith is Ḥasan Ṣaḥīḥ. ‘Alqamah bin 1

\(^{[1]}\) That is during the time after the zenith as indicated in the following Hadith.
Chapter 47. What Has Been Related About At-Tiyarah (Bad Omens)

1614. 'Abdullâh [bin Mas'ûd] narrated that the Messenger of Allah said: "At-Tiyarah is from Shirk, and none among us (it influences) except that Allah will remove it with Tawakkul (reliance)." (Sahih)

Abû 'Eisâ said: I heard Muḥammad bin Ismâ'îl saying: "Sulaimân bin Ḥarb used to say about this Hadith: 'And none among us (it influences) except that Allah will remove it with Tawakkul (reliance)' - Sulaimân would say: 'To me, this is a saying of 'Abdullâh bin Mas'ûd.'"

There are narrations on this topic from Sa'd, Abû Hurairah, Ḥâbis At-Tamîmî, 'Āishah, and Ibn 'Umar.

This Hadith is Hasan Sahîh, we do not know of it except as a narration of Salamah bin Kuhail. Shu'bah also reported this Hadith from Salamah.

Tâhirî [Imam 'Abdillah bin Tudayl, 4th Century]: 'Abdullâh (one of the narrators) is the brother of Bakr bin 'Abdullâh Al-Muzani.
In the period of Jahiliyyah, Arabs, at the time of leaving home for some purpose, took the flight of birds from left to right or right to left as a bad omen. They believed that the flight of the birds will have have bad effects and the accomplishment of their pursuits will be influenced. This kind of thinking is a type of Shirk because no one has the power except Allâh to change a thing from good to bad or otherwise.

1615. Anas narrated that the Messenger of Allâh ﷺ said: “There is no ‘Adwa and no Tiyarah, and I like Fa’il.” They said: “O Messenger of Allâh! What is Fa’il?” He said: “A good statement.” (Sahîh)

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh.

Comments:

‘Adwa: Tranference of disease from the affected person to others. This narration makes it clear that disease does not pass on to another person by itself, but goes to another person by the Will of Allâh. As the first person gets some disease with the will of Allâh, the same way the second and third, and so-on get this disease by the Will of Allâh. A person, who gets sick and thinks that he got this disease from another person shows lack of trust in Allâh, he is advised instead to visit the patients and safeguard his faith and trust in Allâh. See Tuhfat Al-Ahwaḍî.

1616. Anas bin Mâlik narrated that the Prophet ﷺ used to like it when he set out upon an affair if he heard: “O directed one, O successful one.” (Da’îf)

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh Gharib.

Comments:

[إسناده ضعيف] وأخرجه الطحاوي في مسائل الآثار: 244/2 وأبو نعيم في أخبار أصبهان: 206/2 من حديث محمد بن رافع النيسابوري به صحî أحد الطويل مدلس وعنون.
Comments:

One should always be optimistic and hopeful of good results in this world and in the Hereafter. One should see the bright side of things and discard the dark side. The Prophet ﷺ always liked to have a good and happy kind of encouragement on hearing a good remark. There is no reality in a bad omen, and it is considered a kind of Shirk.

Chapter 48. What Has Been Related About The Exhortation Of The Prophet ﷺ Regarding Fighting

1617. Sulaimān bin Buraidah narrated from his father who said: “When the Messenger of Allāh ﷺ sent a commander of an army, he would exhort him concerning himself to have Ṭaqwa of Allāh, and he would exhort him to be good to those who are with him among the Muslims. He would say: ‘Fight in the Name of Allāh, in the cause of Allāh. Fight those who disbelieve in Allāh, and do not steal from the spoils of war or be treacherous, nor mutilate, and do not kill a child. When you meet your enemy among the idolaters, then call them to one of three options or choices, whichever of them they respond to then accept it from them, and refrain from them. Call them to Islām, and to relocate from their land to the land of the Emigrants. Inform them that if they do that, then they will have similar to what those who emigrated have, and from them will be required similar to what is required from those who have emigrated. And if they refuse to relocate, then inform them that they will be like the Bedouins among the Muslims, and they will
be treated the same as the Bedouins are treated. There is no war spoils or Fay[1] for them, unless they fight along with the Muslims. If they refuse then seek aid from Allâh against them and fight them. And if you lay siege to a fortress and they want you to grant them a covenant from Allâh and a covenant of His Prophet, then do not grant them the covenant of Allâh nor the covenant of His Prophet. Rather grant them your own covenant and the covenant of your companions. For if you break your covenant and the covenant of your companions, it will be better than breaking Allâh’s covenant and the covenant of His Messenger. And if you lay siege to the people of a fortress and they want you to lift the siege for negotiating upon the judgement of Allâh, then do not stop, but rather make them surrender to your judgement, for you do not know if you will come upon the judgement of Allâh regarding them or not.’ Or similar to that.” (Saḥîh)

[Abū ‘Eisâ said:] There is something on this topic from An-Nu’mân bin Muqarrin, and the Hadîth of Buraidah is a Hasan Saḥîh Hadîth.

Muḥammad bin Bash-shâr narrated to us (he said): “Abū Ahmad narrated to us from Sufyân (who said): ‘Alqamah bin Marthad narrated to us’ – and it is similar in its meaning, but he added in it: “If

they refuse, then take the *Jizyah* from them, and if they refuse then seek aid from Allāh against them.”

[Abū ‘Eisā said:] This is how it was reported from Wāki‘ and others from Sufyān. And other than Mūhammad bin Bash-shār reported it from ‘Abdur-Rahmān bin Mahdī, and he mentioned the matter of the *Jizyah* in it.

**Comments:**

Preaching and inviting to accept Islam is essential, it has been discussed in this narration the advice and guiding tips have been mentioned for the commander going on a venture. (See Book no. 17 Chapter 1)

1618. Anas bin Mālik narrated that the Prophet ﷺ would not attack except near the time of *Fajr*, so if he heard the *Adhān* he would refrain, and if not, then he would attack. So he listened one day and heard a man saying: “Allāhu Akbar, Allāhu Akbar,” so he said: “Upon the *Fitrah*.” Then he said: “I bear witness that none has the right to be worshipped but Allāh.” So he said: “You have departed from the Fire.” (Sahih)

(Another chain) with similar narration.

[Abū ‘Eisā said:] This *Hadith* is *Hasan Sahīh*.

**Comments:**

The purpose of lawful fighting is to make Allāh’s Word uppermost in the land. Hearing the Call for Prayer from the village or town is a sign that Muslims reside there, so it should not be attacked.
Chapter 1. (What Has Been Related About) The Virtue Of Jihad

1619. Abū Hurairah narrated: “It was said, ‘O Messenger of Allāh, what equals Jihad?’ He said: ‘Verily, you (people) are not capable of it.’ So they repeated it to him two or three times, each time he said, ‘You (people) are not capable of it.’ Then he said the third time: ‘The example of the Mujāhid in the path of Allāh is like the one who fasts and stands (in prayer) and does not slacken from Salāt, nor fasting, until the Mujāhid in the cause of Allāh returns.’”

(Saḥīḥ)

There are narrations on this topic from Ash-Shifā‘, ‘Abdullāh bin Hubši, Abū Mūsā, Abū Sa‘eed, Ūmm Mālik Al-Bahzīyyah, and Anas.

This Hadīth is a Hasan Saḥīḥ. And it has been reported through more than one route from Abū Hurairah from the Prophet ﷺ.
Abū ʿAbd al-Raḥmān as-Sanāʿī  

Comments:

**Jihad** (fighting in the cause of Allah) is an extremely important activity. Recompense and reward for the Mujāhid (he who undertakes Jihad in the cause of Allah) is continuous, spanning his entire mission in the sense that, be it his awakening or sleep or any other activity, it shall bring him continued reward. His reward, thus, keeps accumulating regardless of his activities during his dispatchment.

1620. Anas [bin Mālik] narrated:

"The Messenger of Allah said:"

meaning: Allah [Mighty and Sublime is He] says:  

‘The Mujāhid in My cause, he has a guarantee from Me. If I seize him, I cause him to inherit Paradise, and if I return him, I return him with a reward or spoils of war.” (Hasan)

[He said:] This Hadith is Gharib.

Sahih from this route.

Comments:

**Jihad** is an activity that never fails to achieve its objective. For instance, if a Mujāhid meets his martyrdom on the battlefield, he goes straight to Paradise. If, on the other hand, he returns from the battle front alive, he either gets his reward from Allah in the Hereafter or his share from the spoils of war in this world, or both. This means that, even if he receives no spoils of war in this world, his immense recompense and reward in the Hereafter are still assured.

Chapter 2. What Has Been Related About The Virtue

The One Who Dies Guarding The Frontier From The Enemy

1621. Fadālah bin ‘Ubaid narrated that the Messenger of Allah said:

"The One Who Dies Guarding The Frontier From The Enemy (metaqātul-mawāṣifāt, the joint-venturer)"

1621. Fadālah bin ‘Ubaid narrated that the Messenger of Allah said:

"The One Who Dies Guarding The Frontier From The Enemy (metaqātul-mawāṣifāt, the joint-venturer)"

[1] “It appears that the speaker is Anas, may Allah be pleased with him. That is, he means that “the Mujāhid in My path” is from the Ahādīth Qudsiyyah.” Tuhfat Al-Ahwadhi.
said: “The deeds of everyone who dies are sealed. Except for the one who dies guarding the frontier from the enemy, in the cause of Allāh. For indeed his actions are increased for him until the Day of Judgement, and he is secure from the tribulation of the grave.” And I heard the Messenger of Allāh ﷺ saying: “The Mujāhid is one who strives against his own soul.”

(Ṣahīh)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Uqbah bin ‘Āmir and Jābir.

The Hadīth of Faḍālah is a Hasan Ṣahīḥ Hadīth.

Comments:
A person, who cannot fight or wage Jihād against his own inner self, and instead of subduing the enemy within, falls prey to its whims and desires; he can never challenge the enemy without. The task of going out into the open and challenging the enemy for the pleasure of Allāh can only be accomplished by those who have first successfully subdued their own inciting souls. See no. 1664.

Chapter 3. What Has Been Related About The Virtue Of Fasting In The Cause Of Allāh

1622. Abū Al-Aswad narrated from ‘Urwh [bin Az-Zubair], and Sulaimān bin Yasār, that they reported to him from Abū Hurairah that the Prophet ﷺ said: “Whoever fasts a day in the cause of Allāh, Allāh shall distance him from the Fire by seventy autumns.” One of them said “seventy” and
the other said “forty.” (Hasan)

[Abū ‘Eisā said:] This Hadith is a Gharīb Hadith from this route. Abū Al-Aswād’s name is Muḥammad bin ‘Abdūr-Rahmān bin Nawfāl Al-Asadī Al-Madānī.

There are narrations on this topic from Abū Sa’eed, Anas, ‘Uqbah bin ‘Āmir, and Abū Umāmah.

Comments:

If the man out in the field for the sake of Allāh is so lion-hearted and of such a resolute mind that his day-long fasting does not deter him from performing any of the tasks connected with Jihād, then on the basis of his sincerity of intention and deed exemplified by his dual action of fasting for the sake of Allāh, and giving a distinguished performance in the field, he shall be kept at a distance of seventy or forty years from Hellfire. In some other Aḥādith the distance has been mentioned as one hundred years.

These variations in the distance are due to the qualitative difference in sincerity and the nature of pains and hardship sustained by the persons concerned in the process.

1623. Abū Sa’eed Al-Khudrī narrated that the Prophet ﷺ: “A worshipper does not fast a day in the cause of Allāh except that, that day (of fasting) distances the Fire from his face by seventy autumns.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Hadith is Ḥasan Ṣaḥīḥ.
The Chapters On The Virtues Of Jihad

1624. Abu Umamah [Al-Bahili] narrated that the Prophet said, “Whoever fasts a day in the cause of Allah, Allah shall put between him and the Fire a trench whose distance is like that between the heavens and the earth.” (Hasan)

This Hadith is Gharib as a narration of Abu Umamah. Comments:

Some of the scholars take the expression “in the cause of Allah” as used in the Hadith to mean “in obedience to Allah”. However, the fact of the matter is that it means Jihad. (Tuhfat Al-Ahwadhi, v.3, p.2).

Chapter 4. What Has Been Related About The Virtue Of Spending In The Cause Of Allah

1625. Khuraim bin Fathik narrated that the Messenger of Allah said: “Whoever spends a sum in the cause of Allah, it is recorded for him seven-hundred fold.” (Sahih)

[Abu ‘Eisa said:] There is something on this topic from Abu Hurairah.

This Hadith is Hasan, we only know of it from the narration of Ar-Rukain bin Ar-Rabi’ (a narrator in the chain of this Hadith).
Chapter 5. What Has Been Related About The Virtue Of Service In The Cause Of Allah

1626. ‘Adi bin Hātim At-Ṭā’ī narrated that he asked the Messenger of Allah ﷺ, “Which charity is the most virtuous?” He said, “The service of a worshipper in the cause of Allah, or providing the shade of a tent, or mount in the cause of Allah.” (Hasan)

[Abū ‘Eisā said:] This Hadith has been reported from Mu‘āwiyah bin Šāliḥ in Mursal form. And Zaid has been contradicted concerning part of its chain.

He said: And Al-Walim bin Jamil has reported this Hadith from Al-Qāsim Abū ‘Abdur-Rahmān, from Abū Umāmah, from the Prophet ﷺ.

1627. Abū Umāmah narrated that the Messenger of Allah ﷺ said: “The most virtuous of charitable spending is the shade of a tent in the cause of Allah, or giving a

Comments:
This Hadith tells us that Jihad is an act of such great virtue that, instead of the usual tenfold, its minimum reward is seven-hundred-fold.
servant in the cause of Allāh, or a riding camel in the cause of Allāh.”

(Hasan)

[Abū ‘Eisā said:] This Hadīth is Hasan Gharīb Sahih, and it is more correct to me than the narration of Mu‘āwiyah bin Sālih.

Comments:
That the most virtuous form of charitable spending is either to provide a servant to the fighter in the cause of Allāh, or donate a tent or pitch it for the warrior, or provide a serviceable mount for him.

Chapter 6. What Has Been Related About The One Who Prepares A Fighter

1628. Zaid bin Khālid Al-Juhāni narrated that the Messenger of Allāh ﷺ said, “Whoever prepares a fighter in Allāh’s cause, he has participated in a military expedition, and whoever looks after the family of a fighter, he has participated in a military expedition.” (Sahīh)

[Abū ‘Eisā said:] This Hadīth is Hasan Sahīh, and it has been reported through more than one route.

1629. Zaid bin Khālid Al-Juhāni narrated that the Messenger of Allāh ﷺ said, “Whoever prepares a fighter in Allāh’s cause, or looks after the family of a fighter, then he has participated in a military expedition.” (Sahīh)

[Abū ‘Eisā said:] This Hadīth is Ḥasan.
1630. زيد بن خالد الجهاني نARRATED THAT THE PROPHET ﷺ said similarly. (Sahih)

1631. زيد بن خالد الجهاني said: that the Messenger of Allah ﷺ said, “Whoever prepares a fighter in Allah’s cause, he has participated in a military expedition, and whoever watches after the family of a fighter, he has participated in a military expedition.” (Sahih)

[أبو إسحاق said:] This Hadith is Hasan Sahih.

Chapter 7. What Has Been Related About The Virtue Of The One Whose Two Feet Became Dusty In The Cause Of Allah

1632. يزيد بن أبى ماريام said: “أبي إسحاق بن رفيقا’ met me while I was walking to the Friday prayer. He said: ‘Have glad tidings, for indeed these footsteps
of yours are in the cause of Allâh. I heard Abû ‘Abs say: “The Messenger of Allâh ﷺ said, ‘Whoever gets his two feet dusty in the path of Allâh, then they are prohibited for the Fire.’” (Sahîh)

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh Gharîb. Abû ‘Abs’s name is ‘Abdur-Rahmân bin Jabr. There are narrations on this topic from Abû Bakr and a man from the Companions of the Prophet ﷺ.

He said: Yazîd bin Abî Maryam is a man from Ash-Shâm. Al-Walîd bin Muslim, Yahya bin Ụmzah, and some others among the people of Ash-Shâm report from him.

Burâid bin Abî Maryam is from Al-Kûfah. His father is one of the Companions of the Prophet ﷺ whose name was Mâlik bin Rabî‘ah. [Burâid bin Abî Maryam heard from Anas bin Mâlik. Abû Ishâq Al-Hamdânî, ‘Aṭâ’ bin As-Sâ’îb, Yûnus bin Abî Ishâq, and Shu‘bâh reported Ahâdîth from Burâid bin Abî Maryam].

Comments:
What transpires from the narrator’s report is that, in his view, anything done for the pleasure of Allâh is a deed done in the cause of Allâh. Now, if mere walking on foot toward a virtuous deed or with the intention of winning the pleasure of Allâh can earn so much reward, the extent of reward that one would get for taking pains and exerting one’s utmost energies for it can very well be imagined.
Chapter 8. What Has Been Related About The Virtue Of Dust In Allah’s Cause

1633. Abu Hurairah narrated that the Messenger of Allah ﷺ said, “A man who wept out of the fear of Allah shall not enter the Fire until the milk returns to the udder; and dust in the cause of Allah and the smoke of Hell shall not come together.” (Sahih)

[Abū 'Eisā said:] This Hadith is Hasan Sahih. Muhammad bin 'Abdur-Rahmān is the freed slave of Abu Ta'llāh, and he is from Al-Madinah.

Comments:
The welling up of tears in a person’s eye from the fear of Allah is an indication of how particular he is about obeying the commands of Allah and avoiding the things prohibited by Him. Surely, a man of this distinguished quality is of the people of Paradise. The dust of the road that rises up like smoke shall screen the raging fire of Hell. And just as it is inconceivable that milk, once taken out shall go back into the udders, it is impossible that a person fears Allah and enters the Hellfire. The statement is an example of what we call ‘attaching impossible conditions to the happening of an event’.

Chapter 9. What Has Been Related About The Virtue of Developing Gray Hair In Allah’s Cause

1634. Shurahbīl bin As-Simt said: "O Ka'b bin Murrah! Relate (something) to us from the Messenger of Allah ﷺ, and be
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cautious. He said: ‘I heard the Prophet say: “Whoever develops some gray hair in Islam, it shall be a light for him on the Day of Judgement.”’ (Da’if)

[Abu ‘Eisah said:] There is something on this topic from Fadlalab bin ‘Abd and ‘Abdullah bin ‘Amr. The narration of Ka’b bin Murrah was reported like this from Al-A’mash, from ‘Amr bin Murrah.

This Hadith has been reported from Mansur, from Salim bin Abu Al-Ja’d, and he included a man between him and between Ka’b bin Murrah in the chain. He is called: “Ka’b bin Murrah,” and he is called: “Murrah bin Ka’b Al-Bahzi,” and the one known among the Companions of the Prophet is Ka’b bin Murrah Al-Bahzi, he reported some Ahadith from the Prophet.

1635. ‘Amr bin ‘Abasah narrated that the Messenger of Allah said: “Whoever develops some gray hair in the cause of Allah, it shall be a light for him on the Day of Judgement.” (Sahih)

[Abu ‘Eisah said:] This Hadith is Hasan Sahih Gharib. As for Haiwah bin Shuraih, (the remainder of his name is) Ibn Yazid Al-Himsi.
Chapter 10. What Has Been Related About One Who Keeps And Prepares A Horse In The Cause Of Allāh

1636. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The forelocks of horses contain good until the Day of Judgement. The horse is for three (purposes): It is for one man a reward, and it is for one man a shelter (from poverty), and it is for one man a burden. As for the one whom it is a reward for, it is the one who acquires it for the cause of Allāh and then prepares it for that; it is for him a reward, nothing disappears into its stomach except that Allāh writes it for him as a reward.” [And there is a story in the Hadith. (Sahīḥ)]

[Abū ‘Īsā said:] This Hadith is Hasan Sahīḥ. Mālik bin Anas narrated similar to this Hadith from Zaid bin Aslam from Abū Sāliḥ from Abu Hurairah, from the Prophet ﷺ.

Comments:

The whiteness of the hair, shall illuminate the path of Paradise amidst the enveloping darkness of the Doomsday.
The Hadith promises in no uncertain terms that horses shall continue to be used for Jihad until the Last Day and shall be a means of reward for the believers from Allah in the Hereafter as well as the spoils of war in this world. The narration of the Hadith as quoted in Sahih Muslim, also mentions the three purposes connected with the horses and the three kinds of men who will keep them as referred to in the Hadith. It also narrates a story related to them. (Tuhfat Al-Ahwadhi: v.3, p.6. Also see notes and comments on the Hadith given in Sahih Muslim).

Chapter 11. What Has Been Related About The Virtue Of Archery In The Cause Of Allah

1637. ‘Abdulläh bin ‘Abdur-Rahmân bin Abū Hûsain narrated that the Messenger of Allah said: “Indeed, Allah will surely admit three into Paradise by a single arrow. Its maker who seeks good by his making it, the one who shoots it, and the one who holds arrows for him.” And he said: “Practice archery and practice riding, and that you should practice archery is more beloved to me than that you should ride. All idle pastimes that the Muslim man engages in are falsehood, except for his shooting of his bow, his training of his horse, and his playing with his wife, for they are from truth.” (Sahih)

(Another chain) from ‘Abdulläh bin Al-Azraq, from ‘Uqbah bin ‘Amir [Al-Juhanî] from the Prophet with similar meaning.

[Abū ‘Eisā said:] There are narrations on this topic from Ka‘b bin Murrah, ‘Amr bin ‘Abasah, and ‘Abdulläh bin ‘Amr. This Hadith is Hasan Sahih.

And this Hadith ḥasan ṣâḥîh.
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Comments:

Jihâd in the cause of Allah is an extremely virtuous act that fetches great reward from Allah. As a consequence of it, activities like (i) manufacturing weapons for it with purity of intention, (ii) providing those weapons to the fighter, and (iii) replenishing them for him and exerting one’s efforts in his defence, are all activities connected with Jihâd that shall fetch reward from Allah. And obviously, keeping the horses and training them for the purpose is also a part of that activity.

1638. Abū Najīh As-Sulāmī [may Allah be pleased with him] said, I heard the Messenger of Allah say: “Whoever shoots an arrow in the cause of Allah, then he has the reward of freeing a slave.” (Ṣaḥīh)

[Abū ‘Eisā said:] This Hadith is Ḥasan Ṣahīh. Abū Najīh is ‘Amr bin ‘Abasah As-Sulāmī, and ‘Abdullāh bin Al-Ẓarqā is ‘Abdullāh bin Zaid.

Comments:

Freeing slaves is an act of great virtue for which the promised reward is salvation from Fire. Equal in merit is a person using his weapons in the cause of Allah. Therefore, learning and practising the use of weapons must be regarded as superior to practising the art of riding.

Chapter 12. What Has Been Related About The Virtue Of Standing Guard In The Cause Of Allah

1639. Ibn ‘Abbās said: “I heard the Messenger of Allah saying, ‘There are two eyes that shall not be touched by the Fire: An eye that wept from the fear of Allah, and an eye that spent the night standing vigil in the cause of Allah.’” (Ṣaḥīh)
on guard in the cause of Allâh.”

(Hasan)

[Abû ‘Eisâ said:] There are narrations on this topic from ‘Uthmân and Abû Raihânah.

The Hadîth of Ibn ‘Abbâs is a Hasan Gharîb Hadîth, we do not know of it except through the narration of Shu’aîb bin Ruzaiq.

Comments:

An eye that sheds tears from the fear of Allâh protects its owner from the invasion of his own soul as well as of Satan. An eye that stands guard in the night, likewise, protects the believers from the invasion of the enemy. As a reward for this service, the eyes are saved from Fire. However, as is obvious, the eye can only be saved from Fire if its master is saved from it.

Chapter 13. What Has Been Related About The Martyr’s Reward


[Abû ‘Eisâ said:] There are narrations on this topic from Ka’b bin ‘Ujrah, Jâbir, Abû Hurairah, and Abû Qatadah. This Hadîth is Gharîb, we do not know of it as a Hadîth of Abû Bakr (a narrator) except from this Shaikh (Yahya bin Talhah).

He said: I asked Muḥammad bin Ismâ’il about this Hadîth and he
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**Comments:**

Although the *Hadith* from this chain is not authentic; from another chain it is correct and sound, which shows that even an act as exceptionally meritorious as *Jihād* cannot wipe off the violations of the rights of men. Yet, if the dying man had the sincere intention to pay back the debt, but could not because of his extreme penury, then Allāh will do it on his behalf. (See *Takmilat Fath Al-Mal‘*, v.3, p.413).

1641. Ka‘b bin Mālik narrated from his father that the Messenger of Allāh ﷺ said: “The souls of the martyrs are in green birds, suspended from the fruit of Paradise, or the trees of Paradise.”

(Da‘īf)

[Abū ‘Eisā said:] This *Hadith* is *Hasan Sahīh*.  

**Comments:**

Martyrs whose souls are prevented from entering Paradise on account of their unpaid debts or some other major sin, are lodged in the bellies of green birds and are free to go anywhere inside Paradise. They are also free to take their resort in the lamps suspended from the Mighty Throne. (For details regarding the sojourns of the souls, see *Kitāb Ar-Rūḥ* by Imām Ibn Qayyim. pp.143-145).
1642. Abū Hurairah narrated that the Messenger of Allāh ﷺ said, “I was shown the first of (every) three to enter Paradise: A martyr, an 'Affī, [1] who is a Muta‘affīf, [2] and a slave who perfected his worship of Allāh, and was sincere to his masters.” (Hasan)

[Abū ‘Eisā said:] This Ḥadīth is Hasan.

Comments:
The first person chosen (from amongst the first batch of three) for admittance into Paradise was a martyr. This shows what the exalted rank a martyr enjoys before Allāh.

1643. Anas narrated that the Prophet ﷺ said, “There is no person who dies having good (prepared for him) with Allāh, who wishes to return to the world, and to have the world and all that it contains, except for the martyr because of what he knows about the virtue of martyrdom. For, indeed he loves to return to the world so that he may be killed another time.” (Sahih)

[Abū ‘Eisā said:] This Ḥadīth is Hasan Sahīh.

[Ibn Abī 'Umar said: “Sufyān bin ‘Uyainah said: “Amr bin Dīnār was older than Az-Zuhri.””] [3]

[1] The one who avoids that which is prohibited. See Tuhfat Al-Ahwadhi.
[2] The one who refrains from asking, being content with the basic from seeking the better food or clothing. And it is said: The one who refrains from that which is not befitting for him, being patient in opposing his self and its desires. See Tuhfat Al-Ahwadhi.
Comments:

A place in Paradise to a person shall, in his sight, be a favor worth more than having the world and all that it contains. That is why no one in Paradise would ever like to go back to the world. The martyr, however, immensely pleased as he would be with the favors granted to him by Allah in Paradise, would wish to be given another chance to go back to the world and once again lay down his life in the cause of Allah, in order to secure even greater status in Paradise.

Chapter 14. What Has Been Related About The Excellence Of Martyrs With Allah

1644. Faḍālah bin ‘Ubaid narrated that he heard ‘Umar bin Al-Khaṭṭāb saying: “I heard the Messenger of Allah saying: ‘The martyrs are four: A believing man whose faith is good, he meets the enemy and proves faithful to Allah until he is killed. That is the one to whom the people will raise up their eyes like this on the Day of Judgement’ and he raised his head until his Qalansūwah fell – [he said:] I do not know if it was ‘Umar’s Qalansūwah or the Qalansūwah of the Prophet that fell – he said: ‘And a believing man whose faith is good (but not as brave as the first), he meets the enemy, but due to cowardice, it only appears that he was struck with a thorn of an acacia tree when an unexpected arrow comes to him, yet it kills him. He is among the second level. And a believing man who has mixed a righteous deed with another evil one, he meets his enemy and proves faithful to Allah until he is killed. This one is in the..."
third level. And a believing man who wasted himself (in wrongdoing), he meets the enemy and proves faithful to Allâh until he is killed. This one is in the fourth level.” (Da'if)

[Abû 'Eisâ said:] This Hadîth is Hasan Gharîb, it is not known except as a narration of ‘Atâ’ bin Dînâr.

He said: I heard Muḥammad saying: “Sa’eeed bin Aby Ayyûb reported this Hadîth from ‘Atâ’ bin Dînâr – from some Shaykhs of Khawlân – and he did not mention ‘from Abû Yazîd’ in it.” And he said: “‘Atâ’ bin Dînâr; there is no harm in him.”

Comments:
The Hadîth indicates that all the four martyrs are equal in faith. Yet the first one is courageous while the second is not as courageous as the first. Being a little below the first in rank, he is in the second level. The third and fourth are, likewise, equal in faith. However, the fourth has more wrongdoings in his account; therefore he ranks fourth in status.

Chapter 15. What Has Been Related About Naval Battles

1645. Iṣhâq bin ‘Abdullâh bin Abî Ṭalhah narrated that he heard Anas [bin Mâlik] saying: “The Messenger of Allâh ﷺ used to visit Umm Harâm bint Milhân, who would offer him meals. Umm Ḥarâm was the wife of ‘Ubâdah bin As-Ṣâmit. Once the Messenger of Allâh ﷺ visited her and she provide him with some food and started inspecting his head for lice. Then the Messenger of Allâh ﷺ
slept, and afterwards he awoke smiling.

She said: 'I said: “What causes you to smile, O the Messenger of Allâh?” He said: “Some of my followers who were displayed before me (in a dream) as fighters in Allâh’s cause, riding on a ship on this ocean who were kings upon thrones, or like kings upon thrones.” I said: “O Messenger of Allâh! Supplicate to Allâh to make me among them.”’ So he supplicated for her. Then he lay down his head to sleep. Then he woke up and he was smiling. She said: ‘So I said to him: “What causes you to smile, O the Messenger of Allâh?” He said: “Some of my followers who were displayed before me (in a dream) as fighters in Allâh’s cause,” and he said similar to what he said earlier. She said: ‘I said: “O Messenger of Allâh! Supplicate to Allâh to make me among them.” He said: “You are from the earlier ones.”’ He said: “So Umm Harâm rode on the sea during the time of Mu’âwiyyah bin Abi Sufyân. She was thrown from her riding animal after she arrived from the ocean voyage, and she died.” (Sahîh)

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh. Umm Harâm bint Mîlhân is the daughter of Umm Sulaim, the maternal aunt of Anas bin Mâlik.
Chapter 16. What Has Been Related About One Who Fights For Show And For Wordly Matters

1646. Abu Musa narrated: “The Messenger of Allah was asked about a man who fights out of bravery, one who fights out of protection (for himself or others), and one who fought to be seen. Which of them is in the cause of Allah? He said: ‘Whoever fought so that the Word of Allah is supreme, then he is in Allah’s cause.’” (Sahih)

[Abu ‘Eisah said:] There is something on this topic from ‘Umar. This Hadith is Hasan Sahih.

Comments:

A person’s going to war could be for several reasons: hope of getting the spoils of war; show of one’s valour and bravery; nationalistic motives; desire for revenge; search for personal glory; or for establishing the supremacy of Allah’s Word. The Prophet explained that only the person fighting for the supremacy of Allah’s Word is fighting in the cause of Allah.

1647. ‘Umar bin Al-Khattab narrated that the Messenger of Allah said: “Deeds are but with intentions, and for the man is only what he intended. So one whose emigration was to Allah and His Messenger, then his emigration was to Allah and His Messenger. And one whose emigration was to the world, to attain some of it, or a woman, to marry her, then his emigration was to what he emigrated.” (Sahih)
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[Abū Eīsā said:] This Hadīth is Hasan Sahih. Mālik bin Anas, Sufyān Ath-Thawrī and more than one of the Aʾīmmah narrated this Hadīth from Yaḥyā bin Saʿeed. And we do not know of it except as a narration of Yaḥyā bin Saʿeed [Al-Anṣārī. ʿAbdur-Rahmān bin Mahdī said: “It is necessary that we put this Hadīth in every chapter.”]

The Hadīth is explicit on the point that, in order to decide the right of an action from wrong or evaluate its acceptability, the motive or incentive that prompted the man to do it, is considered.

Chapter 17. What Has Been Related About Going Out In The Morning And The Afternoon In The Cause Of Allāh

1648. Sahl bin Saʿd As-Saʿīdī narrated that the Messenger of Allāh said: “Going out in the morning in the cause of Allāh is better than the world and what is in it. And the place (the size) of a whip in Paradise is better than the world and what is in it.” (Ṣaḥīḥ)

[Abū Eīsā said:] There are narrations on this topic from Abū Hurairah, Ibn ʿAbbās, Abū Ayyūb, and Anas.

This Hadīth is Hasan Sahih.
Comments:

Jihād is such a prized deed before Allāh, that going out in the morning or evening just for a little while in the cause of Allāh has merit that nothing, not even giving the whole world in charity, shall equal it in merit. Similarly, even getting the narrowest space for one’s abode in Paradise is worth more than the entire world and all that it contains.

1649. Abū Hurairah and Ibn ‘Abbās narrated that the Prophet said: “Going out in the morning in the cause of Allāh, or in the afternoon, is better than the world and what is in it.” (Sahīh)

[Abū ‘Eisā said:] This Hadith is Hasan Gharib.

[The Abū Häzīm who reported from Sahl bin Sa’d is Abū Häzīm Az-Zāhīd. He is from Al-Madīnah, and his name is Salamān bin Dīnār.] While [this] Abū Häzīm who reported from Abū Hurairah is [Abū Häzīm Al-Ashja’ī] Al-Kūfī, whose name is Salmān, and he is the freed slave of ‘Azzah Al-Ashja’īyyah.


تخريج: (صحيح) وأخرجه ابن ماجه، أيضًا ح: ٢٧٥ من حديث أبي خالد الأحمر به للحديث شواهد كثيرة منها الحديث السابق.

Comments:

Going out even for a short period of time, whether in the morning or afternoon, in the cause of Allāh is better than the world and all that it contains. The words “morning” and “afternoon” are used to describe the general practice of the people who set out on their journeys at these hours. It does not mean that going out at any other time of the day or night would not earn a reward from Allāh.

1650. Abū Hurairah narrated: “A man from the Companions of the Prophet passed by a ravine containing a small spring of thirst quenching water, so he was amazed by how pleasant it was. So he said: ‘I should leave the people and stay
in this ravine. But I will not do it until I seek permission from the Messenger of Allâh ﷺ.’ So he mentioned that to the Messenger of Allâh ﷺ and he said: ‘Do not do so. For indeed one of you standing in the cause of Allâh is more virtuous than his Salât in his house for seventy years. Do you not love that Allâh forgive your sins and admit you into Paradise? Then fight in the cause of Allâh, for whoever fights in Allâh’s cause for the time it takes for two milkings of a camel, then Paradise is obligatory for him.” (Hasan)

[Abû ‘Eisâ said:] This Hadîth is Hasan.

Comments:
The way to milk a she-camel is that they milk her for a while then give her a break so that its foal sucks her and the milk comes down again. The time between the two milkings is known as Fuwâq-u-Naqâh (literally, hiccups of the she-camel). It means that even a little period of time spent in Jihad is more meritorious than the voluntary Salât of seventy years in one’s house. It may be mentioned here that it is only the voluntary Salât that is performed at home.

1651. Anas narrated that the Messenger of Allâh ﷺ said: “To go out in the cause of Allâh in the morning, or the afternoon, is better than the world and what is in it. And the space that a bow of one of you – or the space that his hand – would occupy in Paradise is better than the world and what is in it. And if a woman among the women inhabiting Paradise were to appear to the people of the earth, then she would illuminate what is between
them (the heavens and the earth), and a pleasant scent would fill up what is between them, and the scarf on her head is better than the world and what is in it.” (Ṣahīh)

[Abū 'Eisā said:] This Hadīth is Ḥasan Ṣahīḥ.

تخريج: منافق عليه، أخرجه البخاري، الESCO, باب صفة الجنة والنار, ح: 2676, ح: 1880 من حديث أسن به مختصرًا.

Comments:
The Hadīth tells us that if a man of faith separates himself from his home and the women of the house even for a small period of time in Allāh’s cause, he will be admitted to Paradise whose smallest space shall be better than the entire world and all that is in it.

Chapter 18. What Has Been Related About Who Is The Best Of People

1652. Ibn ‘Abbās narrated that the Prophet ﷺ said: “Shall I not inform you of the best of the people? A man who takes hold of the reins of his horse in Allāh’s cause. Shall I not inform you of the one who comes after him? The man who secludes himself from the people with a small group of sheep of his, thereby fulfilling Allāh’s rights. Shall I not inform you about the worst of the people? A man who is asked by (the Name of) Allāh, but not given by Him.” [1] (Ḥasan)

[1] This narration is recorded by Ahmad (1:237 and others), An-Nasā’ī (no. 2570), Ibn Hibbān (no. 604/1594 - Mawārid) and others. See As-Sahīhah no.255. The last person: “A man who is asked by (the Name of) Allāh, but not give by Him” is also recited, alternatively with the meaning: “A man who asks...” many of the commentaries consider that to be more correct. Here, it has been translated according to the text.
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[Abū ‘Eisā said:] This Hadīth is Hasan Gharīb from this route. This Hadīth has been reported through other routes from Ibn ‘Abbās, from the Prophet.

Comments:
The best of all deeds is to keep oneself and one’s horses ready for the call of Jihad, and the best of all men is the one who fulfills this requirement. If prevailing conditions become so unfavorable as to make it impossible for a person to live in the midst of the people and keep one’s faith intact, and there is every likelihood that, far from reforming others, even his own adherence to faith is threatened, the second best thing after Jihad for him to do is to take to a life of seclusion with his small herd of sheep.

Chapter 19. What Has Been Related About One Who Asks For Martyrdom

1653. Sahl bin Abī Umāmah bin Sahl bin Hunaif narrated from his father, from his grandfather, that the Prophet said: “Whoever asks Allâh for martyrdom sincerely from his heart, Allâh will grant the status of martyrdom for him, even if he were to die in his bed.” (Sahih)

[Abū ‘Eisā said:] This Hadīth is Hasan Gharīb as a narration of Sahl bin Hunaif. We do not know of it except from the report of ‘Abdūr-Rahmān bin Shuraih. ‘Abdullāh bin Sālih reported it from ‘Abdūr-Rahmān bin Shuraih, and ‘Abdūr-Rahmān bin Shuraih’s Kunyah is Abū Shuraih, and he is from Iskandarānī.

There is something on this topic from Mu’ādh bin Jabal.
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1654. Mu‘ādh bin Jabal narrated that the Prophet ﷺ said:
“Whoever asks Allah to be killed for His cause sincerely from his heart, Allah shall give him the reward of martyrdom.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

Comments:
If a person sincerely desires to perform a virtuous deed but finds himself unable to do it, the sincerity of his resolve and the purity of his intention shall secure for him the reward of the intended deed, and he shall be reckoned among those who have actually performed it.

Chapter 20. What Has Been Related About The Mujāhid, The One Getting Married, And The Mukātab, And Allāh’s Help For Them

1655. Abū Hurairah narrated that the Messenger of Allah ﷺ said:
“There are three for whom it is a right upon Allah to help them: The Mujāhid in His cause, the Mukātab who intends to fulfill (the Kitābah), and the one getting married who intends chastity.” (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan.

تخرج: وأخرج مسلم، الإمارة، باب استحباب طلب الشهادة في سبيل الله تعالى، ح: 190: من حديث عبد الرحمن بن شريح بعم، وفي الباب عن معاذ بن جبل (يأتي: 1254).


Comments:
If a person sincerely desires to perform a virtuous deed but finds himself unable to do it, the sincerity of his resolve and the purity of his intention shall secure for him the reward of the intended deed, and he shall be reckoned among those who have actually performed it.
Comments:

It is Allâh who supports the endeavours of those who sincerely and earnestly wish and try to perform acts of virtue that are so demanding and difficult that no one can accomplish them without Allâh’s special support.

Chapter 21. What Has Been Related About One Who Is Wounded in Allâh’s Cause

1656. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: “None is wounded in Allâh’s cause - and Allâh knows better about who has been injured in His cause - except that he will come on the Day of Resurrection with his wound the color of blood but its scent will be the scent of musk.” (Sahih)

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahih. It has been reported through other routes from the Prophet ﷺ.

Comments:

On the Day of Resurrection, the color of the martyr’s blood shall remain red for anyone to see, but the scent coming from it shall be the scent of musk — proving that it was shed in the cause of Allâh.

1657. Mu‘âdh bin Jabal narrated that the Prophet ﷺ said: “Whoever fought in the cause of Allâh - a Muslim man - for the time it takes for two milkings of a camel, then Paradise is obligatory for him. And whoever suffered a wound in the cause of Allâh, or he suffers from an injury, then he will come on the Day of Resurrection while (his blood will be) more

Comments:
copius than it ever was, its color the color of saffron, and its scent like that of musk.” (Sahih)

This Hadith is Sahih.

Chapter 22. Which Deed Is The Most Virtuous?

1658. Abū Hurairah, may Allah be pleased with him, narrated: “The Messenger of Allah was asked: ‘Which deed is the most virtuous? And which deed is the best?’ He said: ‘Faith in Allah and His Messenger.’ It was said: ‘Then what?’ He said: ‘Jihād is the hump (the most prominent) of the deeds.’ Then what O the Messenger of Allah? He said: ‘Then Ijāj Mabrūr’[1] (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih, it has been reported through other routes from Abū Hurairah from the Prophet ﷺ.

Chapter 23. What Has Been Mentioned About ‘The Gates Of Paradise Are Under The Shadows Of The Swords’

1659. Abū Bakr bin Abī Mūsā Al-Ash’arī narrated: “I heard my

father saying in the presence of the enemy: ‘The Messenger of Allâh ﷺ said: “Indeed, the gates of Paradise are under the shadows of the swords.”’ A man among the people with a ragged appearance said: ‘Have you heard what you mentioned from the Messenger of Allâh ﷺ?’ He said: ‘Yes.’ So he returned to his comrades and bid them Salâm (farewell), broke the sheath of his sword, and began fighting with it until he was killed.” (Sâhih)

[Sa‘îd b. Muslim said:] This Hadîth is [Sâhih] Gharîb. We do not know it except as a narration of Ja‘far b. Sulaimân [Ad-‘Dubâ’î]. (One of the narrators) Abû ‘Imrân Al-Jawnî’s name is ‘Abdul-Malik b. Habib. As for Abû Bakr b. Abî Músâ, Ahmad b. Hanbal said: “That is his name.”

Transliteration: And another Muslime, the Self, Bâb, Nafât al-Nasr, 1662, 1922

Comments:
The Hadîth tells us that one of the paths leading straight to Paradise is to take part in Jihad and confront the enemy fearlessly, under the shadow of swords and other weapons.

Chapter 24. What Has Been Related About Which Of The People Are Most Virtuous

1660. Abû Sa‘eed Al-Khudrî narrated that the Messenger of Allâh ﷺ was asked: “Which of the people are most virtuous?” He said: “A man who take part in Jihad in Allâh’s cause.” They said: “Then whom?” He said: “Then a believer who stays in one of the mountain paths out of Taqwâ for his Lord, leaving the people secure from his evil.” (Sâhih)
The Chapters on The Virtues Of Jihād

[Abū ʿEisā said:] This Ḥadīth is Hasan Šahīh.

Comments:

Just as, together with doing one’s obligatory duties, it would be an act of great virtue to take part in Jihād in the cause of Allāh and risk one’s life and property in that endeavour, it would also, under special circumstances, be an act of virtue to go into seclusion in order to keep away from getting involved in a situation of internal dissent and strife. And the meaning of him fleeing to protect the people from his evil, is when if he were to stay, he would be compelled to pick and assist one side in cases of two Muslim groups fighting in Fitnah.

Chapter 25. Regarding (The Rewards For The Martyr)

1661. Anas bin Mālik narrated that the Messenger of Allāh  said: “None of the people of Paradise would wish to return to the world except for the martyr who indeed would love to return to the world saying that he would love to be killed ten times in Allāh’s cause because of what he has seen of the honor that He has given him.” (Šahīh)

Abū ʿEisā said: This Ḥadīth is Hasan Šahīh.

Comments:

See comments on no. 1643.

1662. (Another chain) from Anas, from the Prophet Ṭabār with similar in its meaning. (Šahīh)

Abū ʿEisā said: This Ḥadīth is Hasan Šahīh.
1663. Al-Miqdām bin Ma'diykarib narrated that the Messenger of Allāh ﷺ, said: “There are six things with Allāh for the martyr: He is forgiven with the first flow of blood (he suffers), he is shown his place in Paradise, he is protected from punishment in the grave, secured from the greatest terror, the crown of dignity is placed upon his head – and its gems are better than the world and what is in it – he is married to seventy-two wives among Al-Ḥūrīl-ʿAyn of Paradise, and he may intercede for seventy of his close relatives.” (Hasan)

[Abū ʿEisā said:] This Hadīth is Ḥasan Šahīḥ.

Comments:
The purpose behind recounting the special favors bestowed upon the martyr is to awaken in our hearts the desire to sacrifice our lives and all that belongs to us in the path of Allāh.

Chapter 26. What Has Been Related About The Virtue Of The Garrisons

1664. Sahl bin Saʿd narrated that the Messenger of Allāh ﷺ said: “(Ribāt) Guarding the frontier for a day in the cause of Allāh is better than the world and what is in it. And an afternoon the worshipper
spends in the cause of Allāh – or a morning – is better than the world and what is on it. And the space occupied by the whip of one of you in Paradise is better than the world and what is on it.” (Sahīh)
This Hadith is Hasan Sahīh.

Comments:
See comments under chapter 17.

1665. Muhammad bin Al-Munkadir said: “Salmān Al-Fārisī passed by Shurabīl bin As-Simṭ while he was in a garrison in which he and his companions were suffering from difficulties. He said to him: ‘Shall I narrate to you – O Ibn As-Simṭ – a Hadith I heard from the Messenger of Allāh?’ He said: ‘Of course.’ He said: ‘I heard the Messenger of Allāh saying: ‘(Ribāt) Guarding the frontier for a day in the cause of Allāh is more virtuous’ – and perhaps he said: ‘better, than fasting a month and standing (in prayer) for it. And whoever dies in it, he is protected from the trials of the grave, and his deeds (continuously) multiplied until the Day of Resurrection.’” (Sahīh)
[Abū ‘Eisā said:] This Hadith is Hasan.

Comments:
See comments under chapter 2.
1666. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever meets Allāh without any traces from Jihād he meets Allāh with a defect.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Ḥadīth is Gharīb as a narration of Al-Walīd bin Muslim from Ismā‘īl bin Rāfī‘. Ismā‘īl bin Rāfī‘ was graded weak by some of the people of Ḥadīth. I heard Muhammad saying: “He is trustworthy, average (Muqārib) in Ḥadīth.”

This Ḥadīth has been reported from Abū Hurairah from the Prophet ﷺ, through other than this route. Regarding the Ḥadīth of Salmān, its chain is not connected, Muhammad bin Al-Munkadīr did not see Salmān Al-Fārisī.

This Ḥadīth has been reported from Ayyūb bin Mūsā, from Makhūl, from Shurāḥbīl bin As-Simt, from Salmān, from the Prophet ﷺ.

Comments:

Whoever is ordered by the Muslim ruler to take part in Jihād for the cause of Allāh, but makes no preparation himself for it or avoids making any kind of physical or financial sacrifice for it, nor does he soil his body in it shall certainly find himself deprived of all the blessings and benefits promised for those who lay down their lives in the cause of Allāh.

1667. Abū Sālih, the freed slave of ‘Uthmān said: “I heard ‘Uthmān while on the Minbar saying: ‘I did not inform you about a Ḥadīth I had heard from the Messenger of Allāh ﷺ, out of dismay that you...”
might part from me. Then it occurred to me that I should narrate it to you so that one may himself choose from these matters accordingly. I heard the Messenger of Allâh ﷺ saying: ‘(Ribât) Guarding the frontier for a day in Allâh’s cause is better in status than a thousand days doing other than that.’” (Sahîh)

[Abû ‘EIsâ said:] This Hadîth is Hasan [Sahîh] Gharîb.

Muḥammâd [bin Ismâ’îl] said: “Abû Ṣâliḥ, the freed slave of ‘Uthmân’s name is Burkân.”

Comments:
Since those were the days when people’s eagerness for the doing of virtuous deeds was at its peak, it happened sometimes that the tidings of acts attracting abundant rewards from Allâh were kept from them, lest they should leave the capital city of Al-Madînah en masse in pursuit of those acts, thus creating problems for the administration of the city or state. But once the conditions changed, they were told of those matters in order to be clear of the blame of hiding a piece of information about their own religion.

1668. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: “The martyr does not sense the touch of death except as one of you senses the touch of a (bug) bite.” (Daʾîf)

[Abû ‘EIsâ said:] This Hadîth is Hasan Gharîb Sahîh.
Comments:

Whoever goes to the battlefield with purity of intention and a fondness for fighting in Allāh's cause, Allāh fills his heart with such a burning desire for martyrdom that he feels neither fatigue nor pain and is able to wage the war with full peace of mind and achieve the goal of attaining martyrdom.

1669. Abū Umāmah narrated that the Prophet ﷺ said: "There is nothing more beloved to Allāh than two drops and two traces: A teardrop shed out of fear of Allāh, and a drop of blood shed in Allāh's cause. As for the two traces: A trace resulting in Allāh's cause,\(^1\) and and a trace resulting from one of the duties that Allāh made obligatory." (Hasan)

[He said:] This Hadīth is Hasan Gharīb.

\(^1\) "Like footsteps, or becoming dusty, or being injured in Jihād or other barriers from seeking knowledge." (Tuhfat Al-Ahwādhi).
Chapter 1. (What Has Been Related) About The People Who Have An Excuse Not To Participate

1670. Al-Barâ’ bin ‘Azib narrated that the Messenger of Allah said: “Bring me a shoulder blade or tablet.” Then he wrote: [1] Not equal are those of the believers who sit. ‘Amr bin Umm Maktûm who was behind him said: “Is there an exemption for me?” So the following was revealed: Except those who are disabled. [2] (Sahih)

There are narrations on this topic from Ibn ‘Abbas, Jâbir, and Zaid bin Thâbit.

This Hadîth is Hasan Sahih. [and it is a Hadîth that is] Gharib from the narration of Sulaimân At-Taimî from Abû Ishâq.

And Shu‘bah and Ath-Thawrî reported this Hadîth from Abû Ishâq.

And this Hadîth is Sahih. [And it is] Sahih from the narration of An-Nisâ’ 4:95.

[1] Zaid bin Thâbit, as indicated in a narration of Muslim.

[2] All of which is from An-Nisâ’ 4.95.
Comments:
People who do have a passion and a desire for participation in *Jihād* but find themselves unable to do so for some reason beyond their control, their lagging behind shall not be counted as sin, and their passion for *Jihād* and their desire for it would make them equal partners in reward.

Chapter 2. What Has Been Related About One Who Goes Out For Battle Abandoning His Parents

1671. *Abdullāh bin ‘Umar* said: “A man came to the Prophet seeking permission to go for *Jihād*. So he said: ‘Do you have parents (living)?’ He said: ‘Yes.’ He said: ‘Then it is for them that you should perform *Jihād.*’” (*Sahih*)

*Abū ‘Eīsā* said: There is something on this topic from Ibn ‘Abbās.

This *Hadith* is *Hasan* *Şaḥīḥ*. (One of the narrators) Abūl-‘Abbās is the blind (Al-‘A’mā) poet (Ash-Shā’ir), from Makkah, and his name is As-Sā‘īb bin Farrūkh.

Comments:
Dutifulness towards parents and according respectful treatment to them is the bound duty of each individual. No one, therefore, is allowed to go out for *Jihād* without his parents’ consent except in cases where, under the conditions of the time, *Jihād* becomes everyone’s individual duty. Ibn Qudāmah has claimed unanimity among scholars on this point. The same view was held by the Companions, like ‘Umar and ‘Uthmān, and by the leading lights of succeeding generations, like Imām Malik, Al-Awzā‘i, Ath-Thawrī and Ash-Shaf‘i, just to name a few (*Al-Mughni*, v.13, p.2625).
Chapter 3. What Has Been Related About A Lone Man Being Sent (As A Commander) Over A Military Expedition

1672. Al-Hajjāj bin Muhammad narrated that Ibn Juraij commented on Allāh's Saying: Obey Allāh and obey the Messenger, and those in authority among you., he said: “Abdullāh bin Hudhafah bin Qais bin ‘Adī As-Sahmī was sent by the Messenger of Allāh  (as commander) over a military expedition. I was informed of that by Ya’lā bin Muslim, from Sa’eed bin Jubair, from Ibn ‘Abbās.” (Sahīh)

[Abū ‘Eisā said:] This Hadīth is Hasan Sahīh Gharīb. We do not know of it except as a narration of Ibn Juraij.

Comments:

Ibn Juraij’s comment on the Qur’ānic verse (4:59) is intended to highlight the fact that, since ‘Abdul-lāh bin Hudhāfah had been appointed commander of the expedition by the Prophet , for all intent and purposes he was one of the people in authority whose obedience has been made compulsory by the Qur’ān and Hadīth. A vast majority of scholars of the past and present also consider government functionaries (including the commander of the brigade) as the veritable “people of authority” of the community, and there is no doubt about that under an Islamic government, some scholars take the term to mean ‘men of learning’. (Tuhfat-Al-Ahwadhi, v. 3, p. 21).

Chapter 4. What Has Been Related About It Being Disliked For A Man To Travel Alone

1673. Ibn ‘Umar narrated that the

Comments:

Messenger of Allah ﷺ said: “If the people knew what I know about being alone, then a rider would not journey at night.” – meaning alone. *(Ṣaḥīḥ)*

Comments:

Going out alone would not be a thing of blemish if the exigencies of war demand that the person undertake the journey as a scout in order to monitor the activities of the enemy. But going all alone on an uncalled for, and unwarranted excursion, means inviting trouble for oneself. It would not, therefore, be advisable to embark on a journey that is long, or for a stay that is expected to be long, except in company or group.

1674. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that the Messenger of Allah ﷺ said: “The (lone) rider is a Shaitān. Three is a traveling party.” *(Ṣaḥīḥ)*

1674. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that the Messenger of Allah ﷺ said: “If the people knew what I know about being alone, then a rider would not journey at night.” – meaning alone. *(Ṣaḥīḥ)*

Tenant: *And leave the [people] be.*
Comments:
In view of the multiple types of needs during the journey, it would definitely be more prudent that a man journeys in a party of at least three, so that in the likely event of anyone’s sickness or death, the others might help each other, and inform those left behind, as well as fulfill the other needs of the journey through mutual help and assistance.

Chapter 5. What Has Been Related About The Permission To Lie And Be Deceitful In War

1675. Jābir bin ‘Abdullāh narrated that the Messenger of Allāh said: “War is deceit.” (Sahih)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Alī, Zaid bin Thābit, ‘Āishah, Ibn ‘Abbās, Abū Hurairah, Asmā’ bint Yazīd bin As-Sakān, Ka’b bin Mālik, and Anas bin Mālik.

This Hadith is Hasan Sahih.

Comments:
The Arabic word ‘Khād’āh’ means a hidden plan or strategy. Similarly, Tawriyah (equivocation) is also a manner of speech in which the speaker, although he does not lie, deliberately uses ambiguous words so that the addressee gets a different meaning from the one intended by the speaker.
Chapter 6. What Has Been Related About Battles Of The Prophet \(\text{﷕} \) And How Many There Were

1676. Abū Ịṣḥāq narrated: “I was next to Zaid bin Arqam when he was asked: ‘How many battles did the Prophet \(\text{﷕} \) fight?’ He said: ‘Nineteen.’ So I said: ‘How many battles did you take part in with him?’ he said: ‘Seventeen.’ I said: ‘Which of them was the first?’ He said: ‘Dhāt Al-'Ushairā’ or Al-'Usairā’.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Ṣaḥīḥ.

Comments:
In the vocabulary of Islam the word ‘Ghazwah’ (literally, invasion) means a military expedition personally led by the Prophet \(\text{﷕} \). Sāriyyah, on the other hand, is an expedition carried out under the orders of the Prophet \(\text{﷕} \) without his physical participation.

Chapter 7. What Has Been Related About Lining Up And Positioning At The Time Of Fighting

1677. ‘Abdur-Raḥmān bin ‘Awf narrated: “The Messenger of Allāh \(\text{﷕} \) positioned us during the night at Badr.” (Ḍa’if)

[Abū ‘Eisā said:] There is something on this topic from Abū Ayyūb.

This Ḥadīth is Gharīb, we do not know of it except from this route. I asked Muḥammad bin Ismā’īl
about this *Hadith*, but he did not know it, and he said: "Muhammad bin Ishâq heard from ‘Ikrimah.” And when I saw him, he had a good opinion about Muhammad bin Humaid Ar-Râzi, then he considered him weak later.

**Comments:**

Although the narration as such is weak, yet there is no doubt that the right way to fight a war is to make proper preparations and arrangements, as well as through the lining up of the troops for it in proper time. Once the hostilities have started, there will be little or no time left for doing those things.

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**Chapter 8. What Has Been Related About Supplicating At The Time Of Fighting**

1678. Ibn Abî Awfâ said: “I heard him saying” – meaning the Prophet - “while supplicating against the *Ahzâb*: ‘O Allâh, Revealer of the Book! Severe in reckoning! Rout the *Ahzâb* and shake them.’”

*(Saḥîh)*

[Abû ‘Eîsâ said:] There is something on this topic from Ibn Mas‘ûd.

This Hadith is Hasan Šâhîh.

**Comments:**

Supplication is a believer’s weapon. Success and prosperity in wars come from fortitude and courage of the heart as well as from the warriors’ steadfastness exhibited on the battlefield. If a warrior’s heart loses its courage and fortitude, his feet will refuse to support him. If a condition of this nature overtakes the battling army, defeat will be the only outcome of war.
Chapter 9. What Has Been Related About Standards[1]

1679. Jābir said: “The Messenger of Allāh entered Makkah, and his standard was white.” (Ḥasan)

[Abū ‘Eisā said:] This Hadīth is Gharib, we do not know of it except as a narration of Yahya bin Ādam from Shārīk. He said: I asked Muḥammad about this Hadīth, but he did not know it except as a narration of Yahya bin Ādam from Shārīk, he said: “More than one narrator has narrated to us from Shārīk from ‘Ammār from Abū Az-Zubair from Jābir: ‘The Prophet entered Makkah and he was wearing a black ‘Imāmah.’”[2] (Ḥasan)

Muḥammad said: “This is the Hadīth.”

[Abū ‘Eisā said:] Duhn is a branch of Bajilah (the tribe), and ‘Ammār Ad-Duhni (one of the narrators) is ‘Ammār bin Muʿāwiyyah Ad-Duhni, and his Kunyah is Abū Muʿāwiyyah, he is from Al-Kufah, and he is trustworthy according to the people of Hadīth.

Comments:

The Arabic Liwā’ (standard) (used here in its plural form Alwiyah) is a piece of cloth wrapped round the lance bar. Rayāḥ (flag), on the other hand, is that piece of cloth which, having tied at one end, is left fluttering loose. Rayāḥ is the for the entire army, while the one used by each individual company or brigade is called Liwā’.


Chapter 10. (What Has Been Related) About Flags

1680. Yūnus bin ‘Ubaid, the freed slave of Muḥammad bin Al-Qāsim said: “Muḥammad bin Al-Qāsim sent me to Al-Bard‘ bin ‘Āzib to ask him about the flag of the Messenger of Allāh ﷺ. He said: ‘It was a black square of Namirah.’” (Hasan)

[Abū ‘Eisā said:] There are narrations on this topic from ‘All, Al-Hārith bin Hassān, and Ibn ‘Abbās.

[Abū ‘Eisā said:] This Hadith is Hasan Gharīb, we do not know of it except from the report of Ibn Abī Zā’idah. And Abū Ya’qūb Ath-Thaqafi’s name is Ishāq bin Ibrāhīm. ‘Ubaidullāh bin Mūsā also reports from him.

Comments:

“Al-Qaḍī said: ‘The meaning of black is that most of the color of it was black, such that from a distance one could see black, not that its color was pure black. For he said: “of Namirah” which is a type of wool garment with black and white stripes or design that the Arabs wore. It is for that reason that it was called Namirah, because it resembled a Namir (a leopard or a tiger).’”

1671. Ibn ‘Abbās said: “The flag of the Messenger of Allāh ﷺ was black, and his standard was white.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Gharīb from this route, as a narration of Ibn ‘Abbās.
Chapter 11. What Has Been Related About Code Words

1682. Al-Muhallab bin Abi Sufrah reported from one who heard the Prophet saying: “If you suffer a surprise attack from the enemy then say: ‘Ha Mim, they will not be victorious.”” (Sahih)

[Abū ‘Eisā said:] There is something on this topic from Salamah bin Al-Akwa’. This is how some of them reported it from Abū Ishāq, the same as the narration of Ath-Thawri. And it has been reported from him, from Al-Muhallab bin Abi Sufrah from the Prophet in Mursal form.

During battle, special codes are introduced among comrades in order to identify the friend from foe, so that, in case of a surprise attack or ambush from the enemy in the darkness of the night, fellow fighters of the same army may not blindly clash with each other. The codes would also enable the guards to identify the enemy spies through demanding the code words from them. The codes, therefore, have to be changed from time to time.
Chapter 12. What Has Been Related About The Description Of The Sword Of The Messenger Of Allah

1683. 'Uthmān bin Sa'd narrated that Ibn Sirīn said: "I made my sword like the sword of Samurah bin Jundab. Samurah claimed that he made his sword like the sword of the Messenger of Allāh, and it was a Ḥanafīyah."[1] (Da'i')

[Abū ‘Eisā said:] This Hadīth is Ghārib, we do not know of it except through this route. Yahyā bin Sa'eed Al-Qattān has criticized 'Uthmān bin Sa'd the scribe, and he graded him weak due to his memory.

Comments:

Our virtuous predecessors would, as far as possible, model every action of theirs after the pattern of the Prophet. May Allāh enable us as well to follow their example!

Chapter 13. What Has Been Related About Breaking The Fast At The Time Of Fighting

1684. Abū Sa'eed Al-Khudrī narrated: "During the year of the conquest, when the Prophet reached Marr Zahrān,[2] he told us that we would meet the enemy. So he ordered us to break the fast, and we [all] broke our fast." (Sahīh)

[Abū ‘Eisā said:] This Hadīth is

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[1] That is, it had the appearance of one made by Banū Ḥanīfah, who were known for making swords. See Tuhfat Al-Ahwādhi.

The Chapters On Jihad

Hasan Sahih, and there is something on this topic from Ibn 'Umar.

Chapter 14. What Has Been Related About Going Out During The Time Of Fright

1685. Anas bin Malik narrated: “The Prophet ﷺ rode a horse belonging to Abu Talhah called Mandub. He said: ‘There is nothing to be frightened of, and we found him to be (quick) like the sea.’”

(Sahih)

[Abu 'Eisah said:] There is something on this topic from Ibn 'Amr bin Al-'As].

Comments:

At times of war, toughness and strength of the body is as important a requirement as high morale and courage of the heart. Hunger and thirst of the fast naturally dampens, this strength. Therefore, when the believers are face to face with the enemy and armed clash becomes imminent; fasting must be done away with. And should the situation demand, the fast already started should also be broken, even as the Prophet ﷺ had done while on his way to the Conquest of Makkah (Tuhfat Al-Ahwadhi, v.3: p.25).

Comments:

Sometimes, feelings of fear and panic grip the people because of some dubious happening or rumour. In a condition like this, it would be an act of great wisdom if a person goes out to investigate the matter and, on return, apprise the people of the correct situation and thus help them out of their unnecessary fear or panic.
1686. Anas [bin Malik] said: “There was a cause for fright in Al-Madinah. So the Messenger of Allah ﷺ borrowed a horse of ours called Mandūb. He said: ‘I have not seen anything to be frightened of, and we found him to be (quick) like the sea.’” (Ṣahīḥ)

[Abū ‘Eisā said:] This Hadith is Hasan Ṣaḥīḥ.

1687. Anas narrated: “The Prophet ﷺ was the nicest person among the people, the most generous of the people, and the bravest among the people.” He said: “The inhabitants of Al-Madinah became frightened one night upon hearing a loud noise.” He said: “So the Prophet ﷺ met them upon an unsaddled horse belonging to Abū Talhah, with a sword hanging around his neck. He said: ‘Do not fear, do not fear.’ The Prophet ﷺ said: ‘I found him to be (quick) like the sea.’” – meaning the horse. (Ṣahīḥ)

[Abū ‘Eisā said:] This Hadith is Hasan Ṣaḥīḥ.

Chapter 15. What Has Been Related About Standing Firm During The Time Of Fighting

1688. Abū Ishāq narrated from Al-Barā’ bin ‘Āzib who said: “A man
said to us: ‘Did you flee from the Messenger of Allâh O Abû ‘Umârah?’’ He said: “No. By Allâh! I did not flee from the Messenger of Allâh, but some hasty people fled and (the tribe of) Hawâzin assaulted them with arrows. The Messenger of Allâh was on his white mule, and Abû Sufyân bin Al-Ḥârîth bin ‘Abdul-Muṭṭalib was holding its reigns. The Messenger of Allâh was saying: ‘I am the Prophet without lie, I am the son of ‘Abdul-Muṭṭalib.’’” (Sahih)

[Abû ‘Eisâ said:] There are narrations on this topic from ‘Ali, and Ibn ‘Umar.

Comments:
An army unit or contingent is only dubbed as vanquished or retreated if the commander has run away from the field. In case the chief is holding his ground in the field, the fleeing fighters can easily return to him, and the army cannot be described as retreated or defeated.

1689. Ibn ‘Umar narrated: “Indeed we saw the Day of Hunain, and indeed the two armies fled from the Messenger of Allâh, and there did not remain one hundered men with the Messenger of Allâh.” (Sahih)

[Abû ‘Eisâ said:] This Hadith is Hasan Gharib as a narration of ‘Ubaidullâh. We do not know of it except from this route.

Initially, at the battle of Hunain, fighters from both groups - the Ansârs (Helpers) and Muhãjirs (Emigrants) had fled the battle field. The Prophet’s exemplary courage and fortitude, however, gave them the courage once again, and slowly but surely they returned and joined back the battle. It is reported on the authority of ‘Abdullãh bin Mas’ûd that there were eighty Emigrants with the Messenger of Allah ﷺ on that occasion. (Tuhfat Al-Ahwadhi, v.3, p.26)

Chapter 16. What Has Been Related About Swords And Their Ornamentation

1690. Tãlib bin Hujair narrated from Hûd bin ‘Abdullãh bin Sa’d, from his grandfather Mazidah, who said: “The Messenger of Allah ﷺ entered (Makkah) on the Day of the Conquest and there was gold and silver on his sword.” Tãlib said: “So I asked him about the silver and he said: ‘The hand-guard of his sword was of silver.’” (Hãsan)

[Abû ‘Eisã said:] There is something on this topic from Anas. This Hadith is Hasan Gharib. Hûd’s (great) grandfather’s name is Mazidah Al-‘Așari.

Comments:

In order to have a firm hold on the sword’s hand-guard, the fighters generally had gold, silver or iron plaited on it. Muslims, however, generally had iron, leather or polish on it. Some of them even had silver towards the end of the hand-guards. (Tufzfat Al-Ahwadhi, v.3, p.27).

1691. Anas said: “The hand-guard on the sword of the Messenger of Allah ﷺ was made from silver.” (Sahih)

[Abû ‘Eisã said:] This Hadith is Hasan Gharib. This is how it has been reported from Hamãm from Qatådah from Anas. While some of
them reported it from Qatādah, from Sa‘eed bin Abī Al-Ḥasan who said: “The hand-guard on the sword of the Messenger of Allāh was made from silver.”

Chapter 17. What Has Been Related About A Coat Of Mail

1692. Az-Zubair bin Al-‘Awwâm said: “On the Day of Uhud, the Prophet wore two coats of mail. He tried to get up on a boulder but was not able to, so Talhah squatted under him, lifting the Prophet upon it such that he could sit on the boulder. So he said: (Paradise) “It is obligated for Talhah.”” (Hasan)

[Abū ‘Eisā said:] There are narrations on this topic from Sa‘wân bin Umayyah and As-Sâ‘ib bin Yazid. This Hadîth is Hasan Gharîb, we do not know of it except through the narration of Muḥammad bin Ishaq.
Chapter 18. What Has Been Related About the Helmet

1693. Anas bin Mālik narrated: “The Prophet ﷺ entered (Makkah) during the year of the Conquest, and upon his head was a helmet (Mīghfar). It was said to him: ‘Ibn Khatal is clinging to the covering of the Ka’bah.’ So he said: ‘Kill him.’” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Ṣaḥīḥ [Gharīb]. We do not know of anyone important who reported it other than Mālik from Az-Zuhrī.

Comments:
As regards ‘Abdullāh bin Khaṭṭāl, he had first converted to Islam, then turned apostate. He was not only a war criminal, but also had gone as far as getting his two handmaids to sing verses of poetry lampooning the Prophet ﷺ. That is the reason why the Prophet ﷺ condemned him to death. (Tuhfat Al-Ahwādhi, v.3, p.28).

Chapter 19. What Has Been Related About The Virtue Of Horses

1694. ‘Urwah Al-Bāriqi narrated that the Messenger of Allāh ﷺ said: “Goodness will remain in the forelocks of horses until the Day of Judgement: (They bring about) Reward and spoils of war.” (Ṣaḥīḥ)

Comments:
As regards ‘Abdullāh bin Khaṭṭāl, he had first converted to Islam, then turned apostate. He was not only a war criminal, but also had gone as far as getting his two handmaids to sing verses of poetry lampooning the Prophet ﷺ. That is the reason why the Prophet ﷺ condemned him to death. (Tuhfat Al-Ahwādhi, v.3, p.28).
There are narrations on this topic from Ibn 'Umar, Abū Sa'eed, Jarīr, Abū Hurairah, Asma' bint Yazid, Al-Mughirah bin Shu'bah, and Jābir.

Abū 'Eisā said: This Hadīth is Hasan Ṣaḥīḥ. 'Urwah is Ibn Abī Al-Ja'ḍ Al-Bāriqī, and they say he is 'Urwah bin Al-Ja'ḍ. Ahmad bin Hanbal said: "The Fiqh of this Hadīth is that Jihad is with every Imām until the Day of Judgement."

Chapter 20. (What Has Been Related) About What Is Recommend Regarding Horses

1695. Ibn 'Abbās narrated that the Messenger of Allāh ﷺ said: "The blessing of the horse is in its redness." (Hasan)

Abū 'Eisā said: This Hadīth is Hasan Gharib, we do not know of it except from this route, from the narration of Shaibān.
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Comments:

Shuqr (in Arabic, the plural of Ashqar) means pure red. Other qualifying words mean as follows: Ad-ham: black; Aqrah: with black spot on the forehead; Artham: white on the upper lip, and according to some, whose nose is white; Al-Aqrah Al-Muhajjal: with some white on all the four legs; and Talq Al-Yamin: the one with no white on the right leg; and Kumait: red with black on its mane and ears. And some say it is merely a color that is reddish black — as this is the case when the term does not apply to horses.

1696. Abū Qatādah narrated that the Prophet ﷺ said: “The best horse is the black one with a spot on the face, and white on the upper lip. Then the one with some white on his lower legs, except for the right. So if it is not black, then the Kumait (red one with black on its ears and its mane) with these markings.”[1] (Hasan)

1697. (Another chain) with similar meaning (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan Gharib Sahih.

Chapter 21. (What Has Been Related) About What Is Disliked In Horses

1698. Abū Hurairah narrated that

[1] There are various definitions of the Arabic terms in this Hadith. See Tuhfat Al-Ahwadhi, and “these markings” refers to the previously mentioned markings.
the Prophet ﷺ disliked Shikāl\[1\] in horses. (Saḥīḥ)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Saḥīḥ. Shu’bābah reported similarly from ‘Abdullāh bin Yazīd Al-Khāth’āmī, from Abū Zur’āh (one of the narrators in the chain of this Ḥadīth), from Abū Hurairah, from the Prophet ﷺ. Abū Zur’āh bin ‘Amr bin Jarīr’s name is Harīm.

Muḥammad bin Ḥumaid Ar-Rāzī narrated to us (he said): “Jarīr narrated to us from ‘Umārah bin Al-Qā‘qā‘ who said: ‘Ibīrahīm An-Nakha‘ī said to me: “When you narrate from me, then narrate from me from Abū Zur’āh, for one time he narrated a Ḥadīth to me, then I asked him about it two years later, and he did not leave a letter out of it.”

Chapter 22. What Has Been Related About Contests (And Racing)

1699. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ arranged for the Muḍāmmar among horses to race from Al-Ḥāfṣā’ to Thaniyyah Al-Wāḍā‘, between which was a distance of six miles. And for whatever horse was not among the Muḍāmmar, they raced from Thaniyyah Al-Wāḍā‘ to the Part or all of either the right or left front leg is white, and for the many different opinions see Tuhfat Al-Ahwāḍī.
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Masjid of Banū Zuraiq, between which was a distance of a mile. I was among those who raced, and my horse jumped along with me over a wall.” (Sahih)

[Abū ‘Eśā said:] There are narrations on this topic from Abū Hurairah, Jābir, Anas, and ‘Aīshah.

This Ḥadīth is Hasan Sahih Gharib as a narration of Ath-Thawri.

Comments:

Muṣāmar in Arabic means a trained horse that is richly fed and allowed to grow fat and strong. Then, gradually, its supply of food is reduced and it is confined to a room so that it reduces its weight and runs very fast.

1700. Abū Hurairah narrated that the Prophet ﷺ said: “No stake is acceptable except in archery, racing a camel, and racing a horse.” (Hasan)

Comments:

The Ḥadīth confirms that stake and racing are only allowed in military-related rides and weaponry. (Tuhfat Al-Ahwadhi, v.3, p.31).

Chapter 23. What Has Been Related About It Being Disliked To Mate A Donkey With A Horse

1701. Ibn ‘Abbās narrated: “The Messenger of Allah ﷺ was a slave (of Allah), who would order as he had been ordered to. He did not
give an order to us[^1] instead of the people regarding anything except for three: He ordered us that we make our Wudū’ well (Isbāgh), that we not eat from charity, and that we not mate a donkey with a horse.” (Hasan)

[Abū ‘Eisā said:] There is something on this topic from ‘Ali.

This Ḥadīth is Hasan Sahīh.

Sufyān Ath-Thawrī reported this from Abū Jahdām, who said:

“From ‘Ubaydullāh bin ‘Abdullāh bin ‘Abbās.” [He said] I heard Muḥammad saying:

“The narration of Ath-Thawrī is not preserved. Ath-Thawrī made a mistake in it. What is correct is what Ismā‘īl bin ‘Ulaīyyah and Abū-Wa‘rīth bin Sa‘eed reported from Abū Jahdām, from ‘Abdullāh bin ‘Ubaydullāh bin ‘Abbās.”

[^1]: Meaning his relatives.

[^2]: The meaning of this Ḥadīth is: ‘Bring the poor and downtrodden people to me so that they can supplicate to Allāh. Because your provisions and aid against your enemy is in relation to your kind treatment to them and their supplications, due to their lack of attachment to worldly matters.’ See ‘Awn Al-Ma‘ūd and Tuhfat Al-Ahwādhi.
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[Abū ‘Eisā said:] This Ḥadīth is Hasan ʿSahih.

خَلَقَنِي رَبِّي بَنَّ أَرْضَةٍ عَنْ جَبْرِيْلَ بِنَّ نَبْرِيْعَ، عَنْ أَبِي الْذِّرَاذَاء قَالَ: سُمِّعْتُ النَّبِيَّ ۖ يَقُولُ: "لا يَعْقُوبُ فِي ضَعْفَائِكُمْ، إِلَّا نَزَّلَ لَّهُمَا وَتَصْرُّفُونَ فِي ضَعْفَائِكُمْ.

[قَالَ أَبُو عَبْدِ اللَّهِ ۖ] هَذَا حَدِيثُ حَنْسٍ صَحِيحٌ.


Comments:

'Weak and downtrodden' are those that, although less privileged in material prosperity and worldly glory, are honorable to Allāh thanks to the strength of their faith and the purity of their hearts. When they pray, they pray with full sincerity for the victory of the believers. Allāh, therefore, accepts their sincere petitions and supplications and grants victory to the Muslims, that brings in its wake the spoils of war, which has been made the sustenance of the believers.

Chapter 25. What Has Been Related About Bells On Horses (Being Disliked)

1703. Abū Hurairah narrated that the Messenger of Allāh said: "The angels do not accompany a group among whom there is a dog or a bell." (Ṣahih)

[Abū ‘Eisā said:] There are narrations on this topic from Ibn ‘Umar, ‘Āishah, Umm Ḥabībah, and Umm Salamah.

This Ḥadīth is Hasan ʿSahih.

(المعنى 25) - باب ما جاء في [كثرهية]
الأجرас على الخيلي (النحلة 51)

۱۷۰۳ - حَدَّثَنَا عَبْدُ العَزِيزٍ أبْنُ مَحْمُودٍ عَنْ سَهْيِلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ۖ قَالَ: "لا تَضُحِبُوا الصَّلايَةَ مَلائِكَةٍ فِيهَا كَلِبٌ ولَا جُرْسٍ.

[قَالَ أَبُو عَبْدِ اللَّهِ ۖ] وفي الْبَابِ عَنْ عُمَرٍ، وعائشة، وأم حبيبة، وأم سلمة.

[هَذَا حَدِيثُ حَنْسٍ صَحِيحٌ.

تخريج: وأخرجره مسلم، البخاري والنسائي، باب كرادة الكلب والجدرس في السفر، ح: 2112 من قبیله به * وفي الْبَابِ عَنْ عُمَرٍ (أَبُو دَاوْدُ، ح: 4230) وعائشة (أَبُو دَاوْدُ، ح: 4231) وأم حبيبة (أَبُو دَاوْدُ، ح: 5224) وأم سلمة (النسائي: 8/ 158، ح: 2554).

Comments:

Keeping the 'prohibited' dog is not permitted. Also prohibited is tying bells
around the necks of the animals, because the sound of the bell is the sound of Shaitân. And the angels of mercy do not enter the places inhabited by Shaitân.

Chapter 26. (What Has Been Related About) Who Is Placed In Charge During War

1704. Al-Barâ’ narrated: “The Prophet sent two armies, placing ‘Alî bin Abî Ṭalîb as the commander of one of them, and Khâlid bin Al-Walîd over the other. He said: ‘When there is fighting, then ‘Alî (is in command).’”[1] He said: “So ‘Alî conquered a fortress and took a slave girl. Khâlid [bin Al-Walîd] wrote a letter and sent me with it to the Prophet to read the letter. The color of his face changed, then he said: ‘What do you think about a man who loves Allâh and His Messenger, and Allâh and His Messenger love him?’” He said: “I seek refuge from angering Allâh and angering His Messenger, I am only the messenger.’ So he was silent.” (Da’îf)

[Abû ‘Eisâ said:] There is something about this from Ibn ‘Umar. This Hadîth is Hasan Gharîb, we do not know of it except from the narration of Al-Ahwâs bin Jawwâb. And his saying: “To speak against him for that” refers to An-Namîmah.
Comments:

The Hadith contains the golden rule that the army command must be placed in the hands of a pious and God-fearing individual who loves Allâh and His Messenger, and would be loved by Allâh and His Messenger for the virtuous traits of his character, which quality also endears him to the people. War, moreover, must be fought under one commander, although in the transitory phase more than one unit commander may be appointed for facility of administration.

Chapter 27. What Has Been Related About The Imam

Ibn ‘Umar narrated that the Prophet ﷺ said: “Indeed each of you is a shepherd and all of you will be questioned regarding your flock. The commander who is in authority over the Muslims is responsible and he will be questioned regarding his responsibility. The man is responsible over the inhabitants of his house and he is the one who will be questioned about them. The wife is responsible in her husband’s house and she will be questioned about it. The slave is responsible regarding his master’s property, and he will be questioned about it. Indeed each of you is a shepherd and each of you will be questioned about his flock.” (Sahih)

[Abû ‘Eisâ said:] There are narrations on this topic from Abû Hurairah, Anas, and Abû Mûsâ. The Hadith of Abû Mûsâ is not preserved, and the Hadith of Anas is not preserved. [And the Hadith of Ibn ‘Umar is a Hasan Sahih Hadith.]

Ibrâhim bin Bash-shâr Ar-Râmâdi reported it from Sufyân bin ‘Uyainah, from Buraid bin ‘Abdullâh bin Abû Burdah, from Abû Burdah, from Abû Mûsâ, from
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Muḥammad informed me of that, from Ibrāhīm bin Bash-shār [Ar-Ramāḍ]. Muḥammad said: “More than one has reported it from Sufyān, from Buraid bin Abū Burdah [from Abū Burdah,] from the Prophet ﷺ in Mursal form. This is more correct.” Muḥammad said: “Iṣḥāq bin Ibrāhīm reported from Mu‘ādh bin Hishām, from his father, from Qatadah, from Anas, from the Prophet ﷺ who said: ‘Indeed Allāh will question everyone who is responsible about his charge.’” I heard Muhammad saying: “This is not preserved. It is only correct from Mu‘ādh bin Hishām from his father, from Qatādah, from Al-Ḥasan, from the Prophet ﷺ, in Mursal form.”

Comments:
Each person must be ready for questioning in the Hereafter according to his position or status, and the extent of his responsibility as well as according to the number of people placed under his charge. And, obviously, the greater the burden of the responsibility a person holds the more extensive shall be his accountability.

Chapter 28. What Has Been Related About Obeying The Imām

1706. Umm Al-Ḥuṣain Al-Ahmasıyyah said: “I heard the Messenger of Allāh ﷺ delivering a Khutbah during the Farewell Hajj, and he was wearing a Burd which he had wrapped from under his
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armpit.” She said: “I was looking at the muscle of his upper arm quivering and I heard him saying: ‘O you people! Have Taqwa of Allāh. If a mutilated Ethiopian slave is put in command over you, then listen to him and obey him, as long as he upholds the Book of Allāh among you.’” (Ṣaḥīḥ)

[Abū ‘Eiswa said:] There are narrations on this topic from Abū Hurairah and ‘Irbaḍ bin Sāriyah.

This Ḥadīth is Hasan Ṣaḥīḥ, it has been reported through other routes from Umm Ḥusain.

Comments:
The Ḥadīth confirms that a ruler or the supreme authority of a country can appoint his governors and other high officials at his discretion. It is not essential that a subordinate appointee be a free person or belong to the clan of the Quraish. Thus, whoever is appointed by him in that capacity, it is incumbent that we give him our obedience in all his actions in the light of the Qur’ān and Sunnah. Ugly features or the slavery status of the appointee shall not be a valid excuse for opposing him.

Chapter 29. What Has Been Related About: No Obedience To The Created In Disobedience To The Creator

1707. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “Hearing and obeying is required from every Muslim man – in what he likes and what he dislikes – as long as he is not ordered with disobedience. If he is ordered with disobedience, then no hearing or obeying is required of him.” (Ṣaḥīḥ)
The real Lord, King and Ruler is only Allah. And since the temporal Muslim ruler also draws his authority from Him Who has commissioned him to implement His commands, we are commanded to hear and obey his orders, regardless of whether we like them or not. However, in case the ruler orders something that flouts the Commandments of Allah and His Messenger, then we are not allowed to obey him. The reason being that, by issuing such orders, he has made himself a rebel against the Supreme Authority. Therefore, we are not allowed to obey such an order issued by him.

Chapter 30. What Has Been Related About The Dislike Of Encouraging Beasts To Fight One Another [And Striking Them Or Branding Them On The Face]

1708. Abū Yahya reported from Mujāhid from Ibn ‘Abbās who said: “The Messenger of Allah prohibited instigating fights between beasts.” (Da‘īf)

Comments:
Instigating beasts to fight each other is an aimless pastime and a sinful act. It is not only a sheer waste of time but also a means of exposing the animals to unnecessary misery and pain. It is, moreover, used as a handy ploy for betting and gambling.
prohibited instigating fights between beasts.” And he did not mention “from Ibn ‘Abbās” in it. (Da‘īf)

It is said that this is more correct than the (previous) narration of Quṭbah. Sharīk narrated this Hadīth from Al-‘A‘mash, from Mujāhid, from Ibn ‘Abbās, from the Prophet ﷺ similarly, but he did not mention “from Abū Yāhya” in it. (This was narrated to us by Abū Kuraib from Yāhya bin Ādām, from Sharīk). Abū Mu‘āwiyyah reported it from Al-‘A‘mash, from Mujāhid, from the Prophet ﷺ similarly. (And Abū Yāhya is Al-Qāttāt Al-Kūfī, and it is said that his name was Zādān).

[Abū ‘Eisā said:] There are narrations on this topic from Ḥālḥah, Jābir, Abū Sa‘eed, and ‘Ikrāsh bin Dhuwaiyīn.

\[
\begin{align*}
\text{Chapter 31.} & \\
\text{1710. Jābir narrated: “The Prophet \textit{prohibited} branding on the face and striking (it).” (\textit{Sahīh})} & \\
\text{[Abū ‘Eisā said:] This \textit{Hadīth} is Hasan \textit{Sahīh}.}
\end{align*}
\]
The face, whether of a man or of an animal, is the centre of attraction. It is, moreover, among the most vulnerable parts of the body. It cannot stand the shock of beating. Striking the animal on the face means disfiguring it and making it look ugly. Branding the face or tattooing it also means the same—torturing the animal and disfiguring it.

Chapter 32. What Has Been Related About The (Age) Of Adulthood For A Man And When He Is To Receive A Salary

1711. Nafi' narrated that Ibn 'Umar said: “I was reviewed before the Messenger of Allah in the army, and I was fourteen years old, but he did not accept me. Then I was reviewed before him later in the army while I was fifteen years old, and he accepted me.”

Nafi' said: “I narrated this Hadith to 'Umar bin 'Abdul-'Aziz and he said: ‘This is the limit that distinguishes between youth and manhood.’ Then he wrote to give salaries to whoever reached fifteen years of age.”

(Another chain) with similar, but he (Nafi' said): “Umar [bin 'Abdul-'Aziz] said: ‘This is the limit that distinguishes between children and soldiers.” And he did not mention him writing about the salary.

(Sahih) [Abú 'Eisā said:] The Hadith of Ishâq bin Yûsuf is a Hasan Sahih Gharib Hadith as a narration of Sufyân Ath-Thawrî.

Notes:
When, in the days of the Muslim rulers, *Jihad* was performed as an Islamic duty, the names of war-worthy persons were entered into a military book, and they were given stipends from Public Treasury. On reaching the age of fifteen a person was considered fit for fighting. Discussion about the prescribed limit for the age of responsibility has been included in the Book of *Al-Akhām* (Judgements), in its Chapter on the Puberty of Man and Woman.

Chapter 33. What Has Been Related About One Who Is Martyred While In Debt

1712. ‘Abdullāh bin Abī Qatādah narrated that he heard his father, narrating a *Hadīth*, which he heard from the Messenger of Allāh ﷺ, in which he had stood among them, mentioning to them that *Jihād* in the cause of Allāh and faith in Allāh were the most virtuous of deeds. Then a man stood and said: “O Messenger of Allāh! If I were killed in the cause of Allāh, would my sins be forgiven?” So the Messenger of Allāh ﷺ said: “Yes. If you are killed in Allāh’s cause, and you are patient, seeking the reward, advancing, not fleeing.” Then the Messenger of Allāh ﷺ said: “What was it that you said?” So he replied: “If I were killed in the cause of Allāh, would my sins be removed (forgiven)?” So the Messenger of Allāh ﷺ said: “Yes. If you are patient, seeking the reward, advancing, not fleeing – except for debt. For Jibrā’il said that to me.” *(Ṣaḥīḥ)*

[Abū ‘Eisā said:] There are narrations on this topic from Anās, Muhammad bin Jaḥsh, and Abū Hurairah. This *Hadīth* is Ḥasan Ṣaḥīḥ. Some of them reported this...
Chapter 34. What Has Been Related About Burying The Martyrs

1713. Hishām bin ‘Amīr said: “On the Day of Uhud, the wounded complained to the Messenger of Allāh, so he said: ‘Dig, and make it wide, and appropriate, and bury two and three in one grave. And advance the one who knew the most Qurʾān.’ My father had died so he was placed before two men.”[1] (Sahih)

[Abū ‘Eisā said:] There are narrations on this topic from Khabbāb, Jābir, and Anas. This Hadith is Hasan Sahih.

Sufyān Ath-Thawrī and others reported this Hadith from Ayyūb, from Humaid bin Hilāl, from Hishām bin ‘Amīr. And Abū Ad-

[1] The complaint came from those who were to dig the graves because they were wounded and there were so many to bury. “And appropriate” either refers to the depth of the grave, or it means, “treat the deceased well” or, “wrap them well” (see nos. 995 & 1016). And “advance” means closest to the direction of the Ka’bah in the niche. See Tuhfat Al-Ahwadhi.
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Chapter 35. What Has Been Related About Consultation

1714. Abū ‘Ubaidah narrated that ‘Abdullāh said: “On the Day of Badr when the captives were gathered, the Messenger of Allāh said: ‘What do you (people) say about these captives?’” Then he mentioned the story in the lengthy Hadith. (Da’if)[1]

[Abū ‘Eīsā said:] There are narrations on this topic from ‘Umar, Abū Ayyūb, Anas, and Abū Hurairah.

This Hadith is Hasan, and Abū ‘Ubaidah did not hear from his father. It has been reported that Abū Hurairah said: “None was more apt to seek council of his master.”

Comments:
Like the martyrs, the number of those injured on the Day of Uhud was also very great and, being deeply wounded themselves, the Companions found it difficult to dig so many graves on that day; hence the query. What the Prophet said in reply means that there is no escape from giving burial to all of them. However, you can dig a spacious and appropriate grave for two or three of them, and put the one who excels in the knowledge of the Qur’ān closest to the direction of Ka‘bah so that the excellence of the Qur’ān is made manifest.

[1] Meaning this chain of narration, because it is disconnected, while what is mentioned in the text is recorded by Muslim and others. This narration appears again, in its complete form, See no. 3084.
Companions than the Messenger of Allah ﷺ,”

Comments:

It was in compliance with the Qur’anic injunction: “And consult them in the affairs” (3:159) that in all important matters where there was no Revelation from Allah، the Prophet ﷺ used to consult his close Companions and decide the matters accordingly. In the case of the prisoners of Badr، as well، he consulted his associates and took the decision in the light of that consultation.

Chapter 36. What Has Been Related About Not Ransoming A Captive’s Body

1715. Ibn ‘Abbās said: “The idolaters wanted to purchase the body of a man who was from the idolaters. But the Prophet ﷺ refused to trade with them [for him].” (Da’īf)

[Abū ‘Eisā said:] This Hadith is Ḥasan Gharib، we do not know of it except from the narration of Al-Ḥakam. Al-Ḥajjāj bin Arṭāh also reported it from Al-Ḥakam. Ahmad bin Al-Ḥasan said: “I heard Ahmad bin Hanbal saying: ‘Ibn Abī Lailā’s narrations are not used as proof.’”

Muḥammad bin Ismā‘īl said: “Ibn Abī Lailā is truthful، but his correct Ahādith are not recognizable from his weak ones. And I do not report anything from him.” Ibn Abī Lailā is truthful، and a Faqīh، the problem is only in the chain.

Naṣr bin ‘Ali narrated to us، [he said:] “Abdullāh bin Dāwud narrated to us، from Sūfyan Ath-Thawrī who said: ‘Our Fuqahā’ are Ibn Abī Lailā and ‘Abdullāh bin Shubrumah.’”
Comments:

Only the things of value are bought and sold. The corpse of an idolater has no worth or value. As such, when Nawfal bin 'Abdullâh bin Mughirah got killed, the Prophet ﷺ refused to accept any ransom money and released his dead body as it was. He even declared it unlawful to trade in dead bodies.

Chapter 37. What Has Been Related About Fleeing From An Advancing Army

1716. Ibn ‘Umar said: “The Messenger of Allâh sent us on a military expedition, and the people turned to escape. So we arrived in Al-Madinah and concealed ourselves in it and we said: ‘We are runied.’ Then we went to the Messenger of Allâh ﷺ and we said: ‘O Messenger of Allâh! We are those who fled.’ He said: ‘Rather you are Al- ‘Akkârûn (those who are regrouping) and I am your reinforcement.’” (Da‘if)

[Abû ‘Eisâ said:] This Hadîth is Hasan Gharîb. We do not know of it except as a narration of Yazîd bin Abî Ziyâd. And the meaning of his saying: “The people turned to escape” is that they fled from the fighting. As for the meaning of his saying: “Rather you are Al- ‘Akkârûn,” the ‘Akkâr is the one who flees to his Imâm in order that he may help him, it does not mean fleeing from the advancing army.

Comments:

The Prophet ﷺ sensed their feeling of shame and gave them the solace by saying: You are not deserters. You have only returned to your party for
regrouping. You are not, therefore, sinners and criminals. I am your leader, and you have come to me for reinforcement and not as those who flee from the field.

Chapter 38. What Has Been Related About Burying The One Killed Where He Was Killed

1717. Jâbir bin ‘Abdullâh said: “On the Day of Uhud, my father’s sister came with my father to bury him in a cemetery of ours. So one of the callers of the Messenger of Allâh ﷺ called out: ‘Return those killed to where they were lying.’” (Sahîh)

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh. [And (one of the narrators) Nubââî is trustworthy].

Comments:
The Hadîth contains the rule of Shari’ah that the martyrs are to be buried in the very place they are killed. However, in case of some impediment or necessity, or the fear of desecration, the body may be buried in some other place, otherwise not. (Tuhfat Al-Ahwâdhi, v.3, p.39)

Chapter 39. What Has Been Related About Meeting The One Who Was Away When He Arrives

1718. As-Sâ’îb bin Yazîd narrated: “When the Messenger of Allâh ﷺ arrived from Tabûk, the people went out to Thaniyyah Al-Wadå’ to meet him.” As-Sâ’îb said: “I went out with the people, and I was a boy.” (Sahîh)

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh.
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Comments:

The Hadith confirms that it is allowed to go out to welcome a noted religious figure or a person returning after performing some virtuous deed.

Chapter 40. What Has Been Related About Al-Fay' (Spoils of War)

1719. Umar bin Al-Khaṭṭāb said: “The wealth of Banū An-Nādir was among the spoils of war which Allāh granted upon His Messenger which the Muslims did not gain with the rush of their horses nor camels. So it was purely for the Messenger of Allāh, and the Messenger of Allāh would set aside a year’s worth of expenditure for his family, then he would use what remained of it for horses and weapons to be used in Allāh’s cause.” (Sahih)

[Abū ‘Eīsā said:] This Hadith is Hasan Sahih. [Sufyān bin ‘Uyainah reported this Hadith from Ma’mar, from Ibn Shihāb].

Comments:

The Hadith confirms that, during the days of the Messenger of Allāh, the distribution of all kinds of wealth, including the orchards seized from the enemy without combat, was the sole prerogative of the Messenger of Allāh who disposed of it according to his discretion. This is also the view of the majority of the scholars (Tuhfat Al-Ahwadhi, v.3, p.39). It must also be clarified that to set aside a year’s worth of expenditure for one’s family is not against the Islamic spirit of Tawakkul (reliance upon Allāh).
Chapter 1. What Has Been Related About Silk And Gold For Men

1720. Abū Mūsā Al-Ash'ārī narrated that the Messenger of Allah ﷺ said: “Wearing silk and gold has been made unlawful for the males of my Ummah and lawful for its females.” (Sahih)


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In the Name of Allāh, the Merciful, the Beneficent

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The Hadith stipulates the rule that wearing silk clothes and gold ornaments are lawful for women but unlawful for men. As for the use of gold and silver utensils, it is not allowed for anyone in Islam.

1721. Suwaid bin Ghafalah narrated that 'Umar gave a Khutbah at Al-Jabiyah and he said: “The Messenger of Allah prohibited silk except for two finger’s worth of space, or three, or four.” (Sahih) [Abu ‘Eisa said:] This Hadith is Hasan Sahih.

Comments: The Hadith tells us that if a piece of cloth contains two, three or four fingers’ width of silk thread, it is allowed to use it. More than four fingers width is prohibited (for men). An overwhelming majority of scholars holds this to be the right view. (Tuhfat Al-Ahwadhi, v.3, p.40).

Chapter 2. What Has Been Related (About Permitting) The Wearing Of Silk During War

1722. Anas bin Malik narrated that ‘Abdur-Rahman bin ‘Awf, and Az-Zubair bin Al-Awwam complained of lice to the Prophet during a battle that they participated in. So he permitted them to wear silk shirts. He (Anas) said: “I saw them wearing them.” (Sahih) [Abu ‘Eisa said:] This Hadith is Hasan Sahih.

Comments: من حديث همام، مسلم، ح: 1722 من حديث قنادة به.
Lice entering the clothes can result in severe itching for the wearers, so in order to remedy this problem, or some disease, wearing silk has been permitted in such cases.

Chapter 3. Touching Silk

Without Wearing It

1723. Wāqid bin 'Amr bin Sa'd bin Mu'ādh said: “Anas bin Mālik arrived. So I went to him and he said: ‘Who are you?’ I said: ‘I am Wāqid bin ‘Amr [bin Sa’d bin Mu’ādh].’” He said: “So he began to cry and he said: ‘You resemble Sa’d. Sa’d was one of the greatest people, and of the tallest. The Messenger of Allāh ḥ was sent a cloak of Dībāj[1] with gold woven into it. The Messenger of Allāh ḥ wore it and ascended the Minbar. Then he stood, or sat, and the people began touching it, and they said: ‘We never saw a garment like this before today.’ So he said: ‘Are you amazed at this? The handkerchiefs of Sa’d in Paradise are better than what you see.’”

(Hasan)

He said: There is something on this topic from Asmā’ bint Abu Bakr.

This Hadith is Sahih.

Comments:

The prohibition on wearing silk garment had not yet been revealed. That is why the Prophet ḥ ascended the Minbar with it on and, sensing the amazement of the people, informed them that the meanest wear in Paradise would be far superior to the best of this world.

[1] A type of silk cloth, or silk brocade.
Chapter 4. What Has Been Related About Permitting The Red Garment For Men

1724. Al-Barā’ said: “I have not seen anyone with hair past his shoulders in a red Hullah more handsome than the Messenger of Allah. He had hair that would flow on his shoulders, (and he had) broad shoulders (and he was) not too short and not too long.”

(Sahih)

[Abū ‘Eisā said:] There are narrations on this topic from Jābir bin Samurah, Abū Rimthah, and Abū Juhaifah. This Hadith is Hasan Sahih.

Comments:

Scholars have divergent views regarding wearing red, namely it is (i) lawful, (ii) unlawful, (iii) dark red is unlawful, light red is lawful, (iv) wearing for ornamentation or ostentation is prohibited, wearing inside one’s house and for sundry jobs is permitted, (v) dyeing red after manufacturing is not lawful, woven with red thread is lawful, (vi) dyed red with safflower is prohibited, dyed red with some other substance is permitted, (vii) striped red (with white or black threads) is permitted, pure red is prohibited (Tuhfat Al-Ahwadhi, v.3, p.43). The correct position in this regard seems to be that shining red garment as generally put on by the brides in the Indian subcontinent is not appropriate for men. Similarly cloth dyed red with safflower is also not allowed for men. There is, however, no harm in wearing a garment which is light red (instead of shining red) or has red straps woven into black or white threads. However, if red color becomes the hallmark of a non-Muslim community or people, then it will be unlawful for the faithful on grounds of similarity with those people (See Tuhfat Al-Ahwadhi, v.3, p.42 for details).
Chapter 5. What Has Been Related About It Being Disliked For Men To Wear Garments Dyed With ‘Usfur’

1725. ‘Ali narrated: “The Messenger of Allâh ﷺ prohibited wearing Al-Qassi and what was dyed with ‘Usfur.” (Sahih)

[Abū ‘Eisâ said:] There are narratives on this topic from Anas and ‘Abdullâh bin ‘Amr.

Comments:

Qassi: Cloth made in Qas (name of a place) that had predominantly silk texture.

Chapter 6. What Has Been Related About Wearing Furs

1726. Salmân narrated: “The Messenger of Allâh ﷺ was asked about fat, cheese, and furs, so he said: ‘The lawful is what Allâh made lawful in His Book, the unlawful is what Allâh made unlawful in his Book, and what He was silent about; then it is among that for which He has pardoned.’” (Hasan)

[Abū ‘Eisâ said:] There is something on this topic from Al-Mughîrah, and this Hadith is Gharib, we do not know of it being Marfû‘ except from this route.

[1] The red dye derived from safflowers.
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Sufyân and others reported it from Sulaimân At-Taimî, from Abû ‘Uthmân, from Sal mãn as his own saying. It is as if the Mawqûf narration is more correct. [I asked Al-Buhârî about this Hadith and he said: ‘I do not think it is preserved. Sufyân reported it from Sulaimân At-Taimî from Abû ‘Uthmân, from Sal mãn in Mawqûf form.’ Al-Buhârî said: “Saif bin Hârûn is Muqarib (average) in Hadith, and as for Saif bin Muḥâammad from ‘Āṣîm, his narrations are left.”

Comments:

Things, as to their permissibility and impermissibility, fall into four categories: (i) clearly lawful, whose permissibility has been clearly notified, (ii) clearly unlawful, that could not be declared lawful, (iii) matters which are not clear to many who are doubtful about them since they do not have the knowledge about it, and (iv) the pardoned ones, about which the Shari'ah is discreetly silent, and there is no categorical yes or no about them. Their permissibility or prohibition is, however, unmistakably evident and clear. So, the right course is to completely avoid the prohibited. As for the matters that one has doubt about them, avoiding them would mean guarding ones faith and honor against any blame or ignominy. Clearly lawful matters can be pursued without qualms of conscience. Pardoned matters are no doubt allowed.

Chapter 7. What Has Been Related About The Skins Of Dead Animals When They Are Tanned

1727. Ibn ‘Abbâs narrated: “A sheep died so the Messenger of Allah said to its owners: ‘Why don’t you remove its skin, then tan it so you can have something useful from it.’” [Sahîh] [Abû ‘Eisâ said:] There are...
narrations on this topic from Salamah bin Al-Muḥabbaq, Maimūnāh, and 'Āishah. The Hadīth of Ibn ‘Abbās is Hasan Ṣahīh. Similar to this has been reported through other routes from Ibn ‘Abbās from the Prophet ﷺ. And it has been related from Ibn ‘Abbās from Maimūnāh, from the Prophet ﷺ, and it has been related from him from Sawdah. I heard Muhammad saying the Hadīth of Ibn ‘Abbās from the Prophet ﷺ, and the Hadīth of Ibn ‘Abbās from Maimūnāh from the Prophet ﷺ were correct. And he said: “It implies that it was reported from Ibn ‘Abbās from Maimūnāh from the Prophet ﷺ, and that Ibn ‘Abbās reported it from the Prophet ﷺ, and he did not mention Maimūnāh in it.”

[Abū ‘Eisā said:] This is acted upon according to most of the people of knowledge, and it is the view of Ṣufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-Shaфи‘ī, Atīmād, and Ģūsāq.


Comments:
The correct position in the matter seems to be that the skins of noxious animals are not permitted to make use of since the Prophet ﷺ has said so, as would be clear from an ensuing exclusive chapter on the subject, even though tanning would turn the skin clean.

1728. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “Any skin that is tanned, then it has been made pure.” (Ṣahīh)
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This Hadith is Hasan Sahih. This is acted upon according to most of the people of knowledge, they say that when the skin of a dead animal has been tanned then it has been made pure.

[Abū ‘Eisā said:] Ash-Shafi‘ī said: “Any [dead animal’s] skin that is tanned, then it has been made pure, except for the dog and the pig.” Some of the people of knowledge among the Companions of the Prophet disliked skins of predators [even when tanned, and this is the view of ‘Abdullāh bin Al-Mubārak, Ahmad, and Ishaq], and they were firm about not wearing them and performing Salāt in them. Ishaq bin Ibrāhim said: “The saying of the Prophet: ‘Any skin that is tanned, then it has been made pure’ only refers to the skins of animals whose meat is eaten.” This is how it was explained by An-Naṣr bin Shumail.

And he said: “The word Ihāb is only used for a skin of an animal that is eaten,” and Ibn al-Mubārak, Ahmad, Ishaq and Al-Humaidi disliked performing Salāt in predator skins.

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تخريج: وأخرجه مسلم، الحبيش، باب طهارة جلود الميتة بالدباغ، ح: 366 عن قتيبة به.

1729. ‘Abdullāh bin ‘Ukaim said: “A letter came to us from the Messenger of Allāh (saying: ‘Do not use the skins of dead animals, nor tendons.’) (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan. This Hadith has been related from ‘Abdullāh bin ‘Ukaim
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from some *Shuyukh* of his, and this is not acted upon according to most of the people of knowledge. And this Hadith has been related from 'Abdullah bin 'Ukaim, that he said: “A letter came to us from the Messenger of Allah two months before he died.”

He said: I heard Ahmad bin Al-Hasan saying: “Ahmad bin Hanbal followed this Hadith due to it mentioning that it was two months before he died. Then Ahmad left this Hadith because of their Idtirab in its chain, since some of them reported it, saying: ‘From 'Abdullah bin 'Ukaim from some Shuyukh of his from Juhainah.”

Comments:

The majority of the scholars hold the Hadith to mean that it is not in order to make use of the dead skin before tanning.

Chapter 8. What Has Been Related About It Being Disliked To Drag The *Izär*

1730. 'Abdullah bin 'Umar narrated that the Messenger of Allah said: “On the Day of Judgement, Allah will not look at one who arrogantly drags his garment.” (Sahih)

[Abū 'Eisā said:] There are narrations on this topic from Ḥudhaifah, Abū Sa‘eed, Abū
Hurairah, Samurah, Abū Dharr, ‘Āishah, and Hubaib bin Mughfil.

The Hadith of Ibn ‘Umar is Hasan Ṣahih.

Comments:

To wear the garment so long that it comes down ones heels as a show of ones pride and arrogance is such a serious crime before Allāh that, on the day when each individual shall be in dire need of the mercy of his Gracious Lord, the fellow parading his robes of pride and arrogance in the world shall be deprived of even a passing glance from Him. Other narrations indicate the prohibition without the mention of arrogance.

Chapter 9. What Has Been Related About (Dragging) Women’s Hems

1731. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “Whoever arrogantly drags his garment, Allāh will not look at him on the Day of Judgement.” So Umm Salamah said: “What should the women do with their hems?” He said: “Slacken them a hand-span.”[1] So she said: “Then their feet will be uncovered.” He said: “Then slacken them a forearm’s length, and do not add to that.” (Ṣahīh)

He said: This Hadith is Hasan Ṣahih. In the Hadith there is a

[1] From the middle of the shin. See Tuhfat Al-Ahwādhi.
concession for women to drag their Izār because it covers them better.

**Comments:**
Since women are required to conceal their feet from view, they are allowed to drag their lower garments.

1732. Umm Salamah narrated: “The Prophet slackened Fātimah’s garment a hand-span.”

(Hasan)

[Abū ‘Eisā said:] Some of them reported it from Hammād bin Salamah, from ‘Ali bin Zaid, from Al-Ḥasan, from his father, from Umm Salamah.

**Comments:**
The Arabic word Nīṭāq means a kind of garment used by women as a girdle round the waist. The Prophet allowed it to be slackened down until a span from the feet. See Tuhfat Al-Ahwadhi.

**Chapter 10. What Has Been Related About Wearing Wool**

1733. Abū Burdah said: “Āishah brought a patched woolen Kīsā’ (cloak), and a thick Izār. She said: ‘The Messenger of Allah died in these.’” (Sahih)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Ali and Ibn Mas‘ūd. The Hadith of Āishah is a Ḥasan Sahih Hadith.
Since the Messenger of Allah ᵃˢ had no interest in gorgeous clothes and ostentatious living, he wore simple and coarse garments so that the poor and the under-privileged of the community took the Prophet ᵃˢ as their model and did not suffer from a feeling of deprivation or inferiority for want of expensive garments.

1734. Ibn Mas‘ūd narrated that the Prophet ᵃˢ said: “On the day that His Lord spoke to him, Mūsā was wearing a wool Kisā’, a wool Jubbaḥ, a wool Kummaḥ, wool pants, and his sandals were made of the skin of a dead donkey.”

[Abū ‘Eisā said:] This Hadith is Gharib, we do not know of it except from the narration of Humaid Al-A’raj. And Ḥumaid – Ibn ‘Alī Al-A’raj – [I heard Muhammad saying: “Humaid bin ‘Alī Al-A’raj] is Munkar in Hadith.” While Ḥumaid bin Qais Al-A’raj Al-Makki, the companion of Mujāhid is trustworthy. The Kummaḥ is a small cap.

Comments:
There is no harm in wearing the wool as such. However if, as pointed out by Imām Mālik, the idea is to make a show of ones abstinence and austerity before the people, it is by no means a praiseworthy act.

Chapter 11. What Has Been Related About The Black 'Imamah\(^{[1]}\)

1735. Jābir said: "On the Day of the Conquest, the Prophet \(\mathbb{A}\) entered Makkah, and he was wearing a black 'Imamah." (\(\mathcal{S}\abīh\))  

[He said:] There are narrations on this topic from ['Alī], ‘Amr bin Huraith, Ibn ‘Abbās, Rukānah.  

[Abū ‘Eisā said:] The Hadīth of Jābir is a \(\text{Hasan} \ \text{Sāhih} \ \text{Hadīth}\).

Comments:  
The Hadīth proves that it is quite permissible to wear black 'Imāmah (conveniently translated as a turban).

Chapter 12. (About) Hanging The 'Imamah Between the Shoulders

1736. Nāfi' narrated that Ibn ‘Umar said: "When the Messenger of Allah \(\mathbb{S}\) would wear an 'Imāmah, his 'Imāmah would hang between his shoulders." (\(\text{Hasan}\))  

Nāfi' said: "Ibn ‘Umar would hang his 'Imamah between his shoulders."  
‘Ubaidullāh said: "And I saw Al-Qāsim and Sālim doing that."  

[Abū ‘Eisā said:] This Hadīth is \(\text{Hasan} \ \text{Gharīb}\). [And there is

\(^{[1]}\) A turban, but not restricted to what is commonly thought of as a turban.
something on this topic from ‘Ali]
And the Hadith of ‘Ali about this is not correct due to its chain.

The Hadith tells us that the right way to wear the Imamah according to Sunnah is to put the end of it between the two shoulders since the Prophet used to hang its loose end between the shoulders. (For details see Tuhfat Al-Ahwadhi, v.3, ps.47-49)

Chapter 13. What Has Been Related About Gold Rings Being Disliked

1737. ‘Ali bin Abi Talib said: “The Messenger of Allah prohibited me from rings of gold, and from wearing Al-Qassi, and from reciting in the bowing and prostration positions, and from wearing what was dyed with ‘Usfur.” (Sahih)

[Abu ‘Eisâ said:] This Hadith is Hasan Sahih.

Comments:
Gold, silk and safflower are, as already discussed, are prohibited for men. Ruku (bowing) and Sujud (prostration) are also not meant for the recitation of the Qur‘ân. They are meant for the glorification and praise of Allâh as well as for seeking forgiveness from Him. Therefore, reciting the Qur‘ân is not right while bowing and prostrating. The prohibition to one in the Ummah by the Messenger is a prohibition to all of the Ummah except as otherwise stated.
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1738. ‘Imrân bin Ḥuṣain said: “The Messenger of Allâh prohibited us from (wearing) rings of gold.” (Hasan)

[He said:] There are narrations on this topic from ‘Ali, Ibn ‘Umar, Abû Hurairah, and Mu‘āwiyyah. [Abû ‘Eisâ said:] The Hadîth of ‘Imrân is a Hasan Hadîth. Abû At-Tayyâh’s (a narrator) name is Yazîd bin Humaid.

Comments:
Imâm Nawâwî has said: “There is consensus among Muslims on the point that rings of gold are permissible for women but prohibited for men”. (Sahîh Muslim, v.3, p.195; Tuhfat Al-Ahwadhi, v.3, p. 50)

Chapter 14. What Has Been Related About The Silver Ring

1739. Anas narrated: “The Prophet had a ring made of silver and its stone (Fâṣṣ) was Ethiopian.”[1] (Sahîh)

He said: There are narrations on this topic from Ibn ‘Umar, and Buraidah.

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh Gharib from this route.

Comments:
The meaning of Fâṣṣ is either what has the name of its owner engraved on it, or a stone. It was called “Ethiopian” because it was mined in Ethiopia. See Tuhfat Al-Ahwadhi.

[1] The meaning of Fâṣṣ is either what has the name of its owner engraved on it, or a stone.
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Comments:
The Hadith shows that the stone in the Prophet’s ring (probably agate) was from Ethiopia. However, the next chapter tells us that only the engraving on the silver in the ring was made after the Ethiopian model. It is also possible that at times it was from silver while at others it was of stone or agate (Tuhfat Al-Ahwadhi, v.3, p. 50)

Chapter 15. What Has Been Related About What Is Recommended For A Ring’s Fass

1740. Anas narrated: “The ring of the Messenger of Allâh ﷺ was made of silver, its Faṣṣ was from it.”[1] (Sahih)

[Abû ‘Eisâ said:] This Hadith is Hasan Šâhid Gharib from this route.

Chapter 16. What Has Been Related About Wearing The Ring On The Right Hand

1741. Ibn ‘Umar narrated: “The Prophet ﷺ had a ring of gold made for him which he wore on his right (hand). Then he sat on the Minbar and said: ‘I did indeed have this ring on my right hand’ then he discarded it, and the people discarded their rings.” (Sahih)

[He said:] There are narrations on this topic from ‘Ali, Jâbir,

[1] Part of the ring was engraved (or inlaid), or had a stone in it. See Tuhfat Al-Ahwadhi.
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[Abū ‘Eisā said:] The Hadith of Ibn ‘Umar is a Ḥasan Ṣaḥīḥ Hadith. This Ḥadīth has been reported similarly from Nāfi’, from Ibn ‘Umar, through routes other than this, and it was not mentioned in it that the ring was on his right hand.

Comments:

Scholars consider it allowed to wear the ring either on the right hand or the left. It may, however, be noted that if the ring is meant to be used at all times for decorative purposes, then it is better to wear it on the right. In case it is used for a shorter period and for a specific purpose like sealing the documents etc., then the best thing would be to wear it on the left.

1742. Aṣ-Ṣalt bin ‘Abdullāh bin Nawfal said, “Ibn ‘Abbās wore a ring on his right hand. And I do not doubt that he said; ‘I saw the Messenger of Allāh wearing a ring on his right hand.’” (Ḥasan)

[Abu ‘Eisā said:] Muḥammad bin Ismā‘il said: “The Ḥadīth of Muḥammad bin Ishāq from Aṣ-Ṣalt bin ‘Abdullāh bin Nawfal is a Ḥasan Ṣaḥīḥ Hadīth.

1743. Ja’far bin Muḥammad narrated from his father who said: “Al-Ḥasan and Al-Ḥusayn wore their ring on their left hand.” (Ḍa‘f)
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This Hadith is Hasan Şahih.

This Hadith is Hasan Şahih.

Chapter 17. What Has Been Related About Engraving On Rings

1744. Hammad bin Salamah narrated: “I saw Ibn Abi Râfi’ [and he is ‘Ubaidullâh bin Abî Râfî; the freed slave of the Messenger of Allâh - and Aslam was the name of Ibn Abi Râfi’] wearing a ring on his right, so I asked him about that. He said, ‘I saw ‘Abdullâh bin Ja’far wearing a ring on his right, and he [‘Abdullâh bin Ja’far] said; “The Messenger of Allâh wore a ring on his right hand.” (Şahîh)

[He said:] Muhammad [bin Ismâ’il] said: “This is the most correct thing related from the Prophet on this topic.”

Chapter 17. What Has Been Related About Engraving On Rings

1745. Anas bin Mâlik narrated: “The Messenger of Allâh had a ring made from silver, so he had ‘Muhammad, the Messenger of Allâh’ engraved on it. Then he said: ‘Do not engrave with it.” (Şahîh)

[Abû ‘Eisâ said:] This Hadith is Şahîh Hasan. As for the meaning of his saying: “Do not engrave with it” – he was prohibiting that anyone have “Muhammad,
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Messenger of Allâh” engraved on his ring.

Comments:

The Messenger of Allâh ﷺ used the ring to seal his letters etc. If others were also allowed to use the same inscription on their rings, it would create confusion through identity mix-up.

1746. Anas narrated: “When the Messenger of Allâh ﷺ entered the area in which he would relieve himself, he would remove his ring.”

(Òâ’f)

[Abû ‘Eisâ said:] This Hadîth is Hasan Şâhîh Gharîb.

Comments:

The Hadîth conveys by implication the abiding message that, with anything worthy of our reverence or respect on our person, we must never enter the toilets.

1747. Anas bin Mâlik narrated:

“The inscription on the ring of the Prophet ﷺ was in three lines: ‘Muḥammad’ on a line, ‘Messenger’ on a line, and ‘Allâh’ on a line.”

(Şâhîh)

1748. Anas bin Mâlik narrated:

“The inscription on the ring of the Prophet ﷺ was in three lines: ‘Muḥammad’ on a line, ‘Messenger’ on a line, and ‘Allâh’ on a line.”

And Muḥammad bin Yaḥyâ (one of...
the two who narrated this to him) did not say “Three lines” in his narration. *(Sahih)*
There are narrations on this topic from Ibn ‘Umar.
Abū ‘Eisā said: The Hadith of Anas is a Hasan Sahih Gharib Hadith.

Chapter 18. What Has Been Related About Images

1749. Jābir narrated: “The Messenger of Allāh prohibited having images in the house, and he prohibited making them.” *(Sahih)*
He said: There are narrations on this topic from ‘Ali, Abū Ṭalḥah, ‘Āishah, Abū Hurairah, and Abū Ayyūb.
[Abū ‘Eisā said:] The Hadith of Jābir is a Hasan Sahih Hadith.

Comments:
The very foundation of Islam is *Tawḥīd* (belief in singling out Allāh as He is with all His attributes). It is, thus, in direct opposition to the profession and practice of idolatry and polytheism in all its forms and manifestations. That is why anything and all things that could even remotely promote or lead to polytheism are prohibited in Islam. It is for this reason that the making of images of animate objects or keeping them in the house are prohibited in Islam. *(Sahih Muslim, Book of Dress and Ornaments & Tuhfat Al-Ahwadhi, v.2, p. 53)*
1750. Abū An-Nadr narrated from ‘Ubaidullāh bin ‘Abdullāh bin ‘Utbah, that he entered upon Abū Talḥah Al-Anṣārī to pay him a visit (while he was ill), and he found Sahl bin Ḥunaif with him. He said: “Abū Talḥah called for someone to remove a sheet that was under him. Sahl said to him: ‘Why did you remove it?’ He replied: ‘Because it contains images on it, and the Prophet ﷺ said about them what you know[1].’ Sahl said: ‘Did he not say: ‘Except for markings on a garment?’’ he said: ‘Yes, but this is better to me.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

Comments:
The word Raqm used in the Hadith means embroideries etc., woven into the cloth for beautification, which either do not contain the images of animate object or are in the form of separate parts of the body that do not make a complete picture.

Chapter 19. What Has Been Related About Imagemakers

1751. Ibn ‘Abbas narrated that the Messenger of Allāh ﷺ said: “Whoever fashions an image, he will be punished by Allāh until he breathes into it – meaning the soul – and he can not breath (a soul) into it. And whoever listens to a people’s conversation, while they have gone away from him for it, 

[1] That is - His statement that the angels do not enter houses wherein there are images or his prohibition of having images in the house.
then He will have lead poured into his ears on the Day of Judgement.”
(Sahih)

He said: There are narrations on this topic from 'Abdullâh bin Mas'ûd, Abû Hurairah, Abû Juhaifah, 'Aishah, and Ibn 'Umar.

[Abû 'Eisâ said:] The Hadîth of Ibn 'Abbâs is a Hasan Sahîh Hadith.

**Comments:**

Image making is like competing with God, since fashioning forms is a special attribute of Allah. Hence it is that one of His most beautiful Names given in the Qur'an is Musawwir (the Fashioner or Bestower of Forms). Thus, anyone who makes the image of a living thing, by implication makes the claim that he can also fashion the forms.

**Chapter 20. What Has Been Related About The Dye**

1752. Abû Hurairah narrated that the Messenger of Allah ﷺ said: “Change the gray, and do not resemble the Jews.” (Hasan)

[He said:] There are narrations on this topic from Az-Zubair, Ibn 'Abbâs, Jâbir, Abû Dharr, Anas, Abû Rîmthah, Al-Jahdâmah, Abû At-Tufail, Jâbir bin Samurah, Abû Juhaifah, and Ibn 'Umar.

[Abû 'Eisâ said:] The Hadîth of Abû Hurairah is a Hasan Sahîh Hadith, and it has been reported through other routes from Abû Hurairah from the Prophet ﷺ.
Comments:

The exhortation of the Prophet regarding dye, as pointed out by the noted scholar Shaikh Safiur-Rahmân, may Allah have mercy upon him, is, in fact, recommendatory not mandatory (Minnat Al-Mun‘im, v.3, p. 407).

1753. Abū Dharr narrated that the Prophet said: “Indeed the best of what the gray may be changed with is Henná” and Katam.” (Sahih)

[Abū ‘Eīsā said: This Hadith is Hasan Sahih. Abū Al-Aswad Ad-Dīlī’s (a narrator in this chain) name is Zālim bin ‘Amr bin Sufyān.

Comments:

Katam is a kind of herb that gives reddish black color. Mixed with Henna and applied to hair, it gives out color that is somewhere between red and black. The idea behind using the mixture of the two dyes is to avoid parading pure black and give a clear indication that the hair has in fact turned gray and the color now showing on it is not real.

Chapter 21. What Has Been Related About Hair Reaching The Shoulders And Cutting The Hair

1754. Anas narrated: “The Messenger of Allah was of average height, neither tall nor very short, he had a good build, brown
in complexion, his hair was neither curly nor straight, and when he walked he swayed slightly.” (Sahih)

He said: There are narrations on this topic from ‘Aishah, Al-Bara’, Abū Hurairah, Ibn ‘Abbās, Abū Sa‘eed,  Ja‘bīr, Wā’il bin  Ḥūr, and Umm Hāni’.

[Abū ‘Eisā said:] The Hadith of Anas is a Hasan Sahih Gharib Hadith from this route, as a narration of Humaid.

1755. ‘Aishah said: “I and the Messenger of Allāh would perform Ghusl using (water from) the same vessel. He had hair reaching above his shoulders and below his earlobes.” (Hasan)

This Hadith is Hasan Sahih Gharib from this route.

[Abū ‘Eisā said:] It has been reported from other routes that ‘Aishah said: “I and the Messenger of Allāh would perform Ghusl using (water from) the same vessel.” And the following statement is not mentioned in it: “He had hair reaching above his shoulders [and below his earlobes].”

It was only mentioned by ‘Abdur-Rahmān bin Abī Az-Zinād, and he is trustworthy, a Ḥāfiz, [and Mālik bin Anas stated that he was trustworthy and ordered recording
Chapter 22. What Has Been Related About The Prohibition Of Combing Except Every Other Day

1756. ’Abdullãh bin Mughaffal said: “The Messenger of Allah prohibited combing except every other day.” (Daif)\(^{[1]}\)

(Another chain) with similar meaning.

[Abu 'Eisã said:] This Hadith is Hasan Sahih. He said: There is something on this topic from Anas.

Comments:

The Hadith is explicit on the point that we should not comb our hair every day but every other day. The idea is that we should neither show too much concern to the hair, nor totally neglect it so as to make it look disheveled.

\(^{[1]}\) There are witnessing narrations for it, see An-Nasã'i nos. 5058-5061, and Aṣ-Sahihah no. 501 where it has been graded Sahih, and this prohibition forbids men from grooming like a woman.
Chapter 23. What Has Been Related About Using Kohl

1757. Ibn ‘Abbās narrated that the Prophet ﷺ said: “Use Ihmīd for Kohl, for it clears the vision and grows the hair (eye-lashes).” And he claimed that the Prophet ﷺ had a Kohl holder with which he would apply Kohl every night, three in this (eye) and three in this.

(Another chain) with similar meaning.

[He said:] There are narrations on this topic from Jābir and Ibn ‘Umar.

[Abū ‘Eisā said:] The Hadith of Ibn ‘Abbās is a Hasan Gharīb Hadīth, we do not know of it with this wording except from the narration of ‘Abbād bin Mansūr.

It has been reported through other routes that the Prophet ﷺ said: “Use Ihmīd for it clears the vision and grows the hair (eye-lashes).”

Comments:

Ihmīd (used as antimony) is a reddish black mineral procured from Isfahān. It is used to cure harmful substances in the eye and as a remedy for ailments of the eye. It clears the vision and nourishes the eye-lashes.

[1] It is the well known mineral used as Kohl.

[2] Meaning this chain, while there are authentic narrations mentioning this statement - using it - but not what comes after it in this narration - meaning: “And he claimed...” etc.
Chapter 24. What Has Been Related About The Prohibition Of Ishtimal As-Samma’ And Al-Ihtibā’

1758. Abū Hurairah narrated: “The Messenger of Allâh prohibited two types of dress: As-Samā’, and that a man sits with his legs drawn up in a garment, while there is nothing covering his private area.” (Sahih)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Ali, Ibn ‘Umar, ‘Āishah, Abū Sa‘eed, Jābir, and Abū Umāmah. The Hadith of Abū Hurairah is a Ḥasan Ṣaḥīḥ [Gharib Hadith from this route.]

This has been reported through other routes from Abū Hurairah from the Prophet ﷺ.

Comments:

As-Samā’ means to wrap the entire body with a garment so as to prevent even one hand from coming out even if there be a need for self defence. It also means to cover one — shoulder with a garment and leave the other bare.

The term Al-Ihtibā’ applies to a posture whereby a person sits on his behind with his legs to the chest and the garment wrapped in such a way as to expose his private area. See Tuhfat Al-Ahwadhi.

Chapter 25. What Has Been Related About Artificially Lengthening The Hair

1759. Ibn ‘Umar narrated that the Prophet ﷺ said: “Allâh has cursed the woman who artificially lengthens hair and the woman who
seeks to have her hair artificially lengthened, and the woman who tattoos and the woman who seeks to be tattooed.” Nāfi’ (one of the narrators) said: “Tattooing was on the gums.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

[He said:] There are narrations on this topic from Ibn Mas‘ūd, ‘Aishah, Asmā’ bint Abī Bakr, Maqīl bin Yasār, Ibn ‘Abbās, and Mu’āwiyyah.

Chapter 26. What Has Been Related About The Riding Mayāthir

1760. Al-Barā’ bin ‘Āzib narrated: “The Messenger of Allāh prohibited riding (while sitting on) Mayāthir.” (Sahih)

[He said:] There are narrations on this topic from ‘Alī and Mu‘āwiyyah. The Hadith of Al-Barā’ is Hasan Sahih. Shu’bah reported similarly from Ash’ath bin Abī Ash-Sha’tḥa’ in the lengthy Hadith.
Mayāthir (plural of Mīthara) is a type of saddlecloth or cushion made either of silk or of the skin of predatory animals, both of which are prohibited in Islam.

Chapter 27. What Has Been Related About The Bed Of The Prophet ﷺ

1761. ‘Aishah said: “The only bed that the Messenger of Allāh had which he slept on was [made of a tanned skin] stuffed with palm-fibers.” (Ṣaḥīḥ)

[Abū ‘Eīsā said:] This Ḥadīth is Ḥasan Ṣaḥīḥ.

[He said:] There are narrations on this topic from Ḥafṣah and Jābir.

Comments:

It shows that the Messenger of Allāh ﷺ used to sleep on a bed that was extremely simple and free from any finery.

Chapter 28. What Has Been Related About Shirts

1762. Umm Salamah said: “The most loved garment to the Messenger of Allāh ﷺ was the Qamīṣ (long shirt).” (Ḥasan)

[Abū ‘Eīsā said:] This Ḥadīth is Ḥasan Gharīb. We only know of it as a narration of ‘Abdul-Mu’min bin Khālid (a narrator in the chain of this Ḥadīth) who was alone in narrating it, and he is from Al-Marwaz. Some of them report this Ḥadīth from Abū Tumailah, from
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The hadith on Abû Tulaimah's wording:

1763. Umm Salamah said: “The most loved garment to the Messenger of Allâh ﷺ was the Qamîṣ (long shirt).” (Hasan)

1764. Umm Salamah said: “The most loved garment to the Messenger of Allâh ﷺ was the Qamîṣ (long shirt).” (Hasan)

1765. Asmâ’ bint Yazîd bin As-Sakan Al-Ansâriyyah said: “The sleeves of (the shirt) of the Messenger of Allâh ﷺ were to the wrist.” (Hasan)

[Abû ‘Eisâ said:] This Hadîth is Hasan Gharîb.
Comments:

The normal dress of the Arabs in the days of the Prophet ﷺ was a lower garment, an *Izãr*, and an upper-wrap known as a *Rida*. A long shirt was not as common. But it being more comfortable and more apt to conceal the body, the Prophet ﷺ liked it best of all.

1766. Abū Hurairah narrated:
“When the Messenger of Allâh ﷺ put on a *Qamîṣ* he began with the right side.” (Hasan)

[Abū ‘Eisā said:] Others have reported this *Hadîth* from Shu’bah with this chain, but they did not narrate it in *Marfû‘* form, only ‘Abduṣ-Ṣamad narrated it *Marfû‘*.

Comments:

The general practice of the Messenger of Allâh ﷺ was to begin doing things from the right side. Cases in point are: his performing *Wudū’* and *Tayammum* and the donning of garments, shoes, socks, and *Izar*, and so on.

Chapter 29. What To Say When Wearing A New Garment

1767. Abū Sa’eed said: “When the Messenger of Allâh ﷺ would wear a new garment he would mention what it was, whether an *‘Imâmah*, a *Qamîṣ*, or a *Rida*, then he would say: Allâhumma lakal-hamdu, Anta kasawtanih4 as ‘aluka khairahu wa khaira mâ suni’a lahu , wa a’ūdhu bika min sharrihi wa sharri ma suni’a lahu ”’ (‘O Allâh! For You is the praise, You have clothed me, I ask You for its good and the good for which it was made, and I...
seek refuge in You from its evil and the evil for which it was made.) (Hasan)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Umar, and Ibn ‘Umar.

(Another chain) with similar meaning.

And this Hadith is Hasan Gharib Sahih.

تخريج: [إسناده حسن] وأخرجه أبو داود، الباب، باب ما يقول إذا ليس نوى جديداً، ح: ٤٠٠٠ من حدث ابن المبارك، وهو سمع من الجبري قبل اختلافه * وفي الباب عن عمر.

Comments:
The supplication is intended to reaffirm the fact that whatever anyone of us achieves or gets is from Allāh. We must, therefore, pay our thanks and praises to Him.

Chapter 30. What Has Been Related About Wearing A Jubbah And Khuff

1768. ‘Urwah bin Al-Mughirah bin Shu‘bah narrated from his father: “The Prophet ﷺ wore a Roman Jubbah with tight sleeves.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

تخريج: [صحح] وأصله في صحيح البخاري، ح: ٥٧٩٨، ٥٧٩٩، ٥٧٩٩٠٠ من حدث المغيرة به.

Comments:
The Hadith makes it clear that it is allowed to wear the dresses made by the unbelievers provided they are not impure.

1769. Ash-Sha‘bī narrated from Al-Mughirah bin Shu‘bah: “Diyah Al-Kalbī gave a pair of Khuff to the Messenger of Allāh ﷺ, so he wore

زائدة عن الحسن بن عياش، عن أبي إسحاق – هو الشمياني – عن الشعبيّين، عن

them.” (Sahih)

[Abū ‘Eisā said:] Isrā’īl said: “From Jābīr, from ‘Amīr: ‘And a Jubbah, so he wore them until they tore. And the Prophet did not know whether they were from a slaughtered animal or not.”

This Ḥadīth is Ḥasan Gharīb. Abū Isbāq, the one who reported this from Ash-Sha’bī, is Abū Ishaq Ash-Saibāni, and his name is Sulaimān. Al-Ḥasan bin ‘Ayyāsh is the brother of Abū Bakr bin ‘Ayyāsh.

Comments:

Khuff are made from tanned leather. Hence it was that the Messenger of Allāh did not consider it necessary to enquire whether the leather was from a slaughtered animal or a dead animal, since tanning has the effect of purifying the leather.

Chapter 31. What Has Been Related About Bracing The Teeth With Gold

1770. ‘Urfajih bin As’ad said: “My nose was severed on the Day of Al-Kulāb during Jāhiliyyah. So I got a nose of silver which caused an infection for me, so the Messenger of Allāh ordered me to get a nose made of gold.” (Ḥasan)

(Another chain) with similar meaning.

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan [Gharīb], we only know of it as a narration of ‘Abdur-Rahmān bin Tarafah. Salm bin Zarīr reported similar to the narration of Abū Al-Ashhab from ‘Abdur-Rahmān bin Ṭarāqah – “from
‘Abdur-Rahmân bin Ṭaraqah.’ It has been related about more than one of the people of knowledge that they would brace their teeth with gold, and in this Hadith there was a proof for them.

[‘Abdur-Rahmân] bin Mahdî said: “Salm bin Zarîn” but that is an error, “Zarîn” is more correct, [and Abû Sa‘d Aş-Şan‘āni’s (a narrator in this chain) name is Muḥammad bin Muyassir].

Comments:

The Hadith confirms that in case of necessity or inevitability it is allowed to use gold for one's teeth or nose.

Chapter 32. What Has Been Related About The Prohibition Of Predator Skins

1770. (A). Abû Al-Malîh narrated from his father: “The Prophet prohibited using predator skins as a spread.” (Hasan)

(Another chain) from Abû Al-Malîh from his father: “The Prophet prohibited predator skins.”

[(Another chain): from Abû Al-Malîh, that he disliked predator skins. Abû ‘Eisâ said:] We do not know anyone who said: “From Abû Al-Malîh, from his father” except for Sa‘eed bin Abî ‘Arûbah.
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1771. Abū Al-Malīḥ narrated: "The Prophet prohibited predator skins." And this (chain) is more correct. (Hasan)

Comments:
The ruling about predator skins has been discussed in Chapter 7 under the heading: "The Skins Of Dead Animals When They Are Tanned".

Chapter 33. What Has Been Related About The Sandals Of The Prophet

1772. Qatadah said: "I asked Anas bin Mālik: ‘How were the sandals of the Messenger of Allāh?’ He said: ‘They had two straps.’" (Ṣaḥīḥ)

1773. Qatadah narrated from Anas: "The sandals of the Prophet had two straps." (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Hadīth is Hasan Sahih.

He said: There are narrations on this topic from Ibn ‘Abbās, and Abū Hurairah.
Chapter 34. What Has Been Related About It Being Disliked To Walk In One Sandal

1774. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Do not walk in one sandal; either wear both sandals, or go barefoot.” (Sahīh)

[Abū ‘Eisā said:] This Hadith is Hasan Sahīh.

[He said:] There is something on this topic from Jābir.

Comments:
Walking with wearing one shoe looks odd. It, moreover, disturbs the balance of the feet in walking. Therefore, the proper thing to do is either to wear the shoes on both feet or in neither.

Chapter 35. What Has Been Related About It Being Disliked For A Man To Don Sandals While Standing

1775. Abū Hurairah said: “The Messenger of Allāh ﷺ prohibited that a man should put on sandals while he is standing.” (Da’īf)

[Abū ‘Eisā said:] This Hadith is
Hasan Gharîb. 'Ubaidullâh bin 'Amr Ar-Raqqî reported this Hadîth from Ma'mar, from Qatadah, from Anas. Both of the Ahâdîth are not correct according to the people of Hadîth. Al-Hârîth bin Nabhan is not a Hâfîz according to them, and we do not know any basis for the narration of Qatadah from Anas.

Comments:
If for some reason one of us finds it difficult to tell the left shoe from right, then he should put them on while sitting down. The main consideration in this is the wearer's comfort. The Hadîth is also reported from other Companions. Sheikh Mubârakpurî has described the Hadîth as sound (Tuhfat Al-Ahwadhi, v.3, p. 67), as well as others.

1776. Anas narrated: “The Messenger of Allâh prohibited that a man should put on sandals while he is standing.” (Da'i')

[Abû ‘Eisâ said:] This Hadîth is Gharîb. Muhammad bin Ismâ'il said: “This Hadîth is not correct, nor the Hadîth of Ma’mar from ‘Ammar bin Abî ‘Ammâr, from Abû Hurairah (no. 1775).”
Chapter 36. What Has Been Related About The Permission (For Walking In) One Sandal

1777. ‘Āishah said: “Sometimes the Prophet ﷺ would walk in one sandal.” (Da’if)

Comments:
Walking in one sandal is against norms of decency, since obviously, it is not a happy sight to see a man walking in this manner. There is, however, no harm if one does it of necessity or because of any other pressing circumstance. It is also likely that the prohibition relates to general considerations of good behaviour and etiquette.

1778. ‘Abdur-Rahmān bin Al-Qāsim narrated from his father, about ‘Āishah that: “She would walk in one sandal.” (Sahih)

This is more correct. [Abū ‘Eisā said:] This is how it was reported by Sufyān Ath-Thawrī and others, from ‘Abdur-Rahmān bin Al-Qāsim, in Mawqūf form, and this is more correct.

Chapter 37. What Has Been Related About Which Foot Does One Start With When Wearing Sandals

1779. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “When one of you dons sandals, then let him begin with the right.
Chapter 38. What Has Been Related About Patching A Garment

1780. ʿĀishah said: “The Messenger of Allâh ﷺ said to me: ‘If you want to stick with me,[1] then suffice yourself in the world with the provisions of the rider. And beware of gatherings of the rich, and do not consider a garment to be worn out until it has been patched.”” (Daʿîf)

[Abū ʿEisâ said:] This Hadîth is Gharib, we do not know of it except as a narration of Ṣâliḥ bin Ḥassān. [He said:] I heard Muḥammad bin Ismāʿîl saying: “Ṣâliḥ bin Ḥassān is Munkar in Hadîth.”[2] And Ṣâliḥ bin Ḥassān – the one who Ibn Abî Dhîʾb reports from – is trustworthy.

[Abū ʿEisâ said:] The meaning of this saying: “And beware of gatherings of the rich” is similar to what was related from Abû Hurairah from the Prophet ﷺ, that

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[2] Meaning they abandoned him and it is not allowed to narrate from him.
he said: “Whoever sees one that has been more favored than him in appearance and provisions, then let him look at the one who is less than him, rather than one who is favored more than him. For indeed it is more appropriate so that he not scorn Allah’s favors [upon him].”

And it has been related from ‘Awn bin ‘Abdullāh who said: “I accompanied the rich, and did not see anyone with more troubles than me. I saw a beast that was better than my beast, and a garment that was better than by garment. And I accompanied the poor, and felt at ease.”

Chapter 39. The Entrance Of The Prophet In Makkah

1781. Umm Hãni’ said: “The Messenger of Allāh arrived in Makkah, and he had four braids.”

(Değ) [Abū ‘Eisā said:] This Hadith is Gharib.

(Another chain) from Umm Hãni’ who said: “The Messenger of Allāh arrived in Makkah, and he had four braids.”

And Abū Najīh’s (a narrator in the chain of this Hadith) name is Yasar.

[Abū ‘Eisā said:] This Hadith is Hasan [Gharib], ‘Abdullāh bin Abi Najīh is from Makkah, and Abū Najīh’s name is Yasar. Muhammad said: “I do not know of Mujahid (a
narrator) hearing from Umm Hāni'.”

Comments:
In view of the particular conditions of the journey, it is allowed for a traveler to braid his hair.

Chapter 40. How Were The Kimām (Caps) Of The Companions?

1782. Abū Sa‘eed – who is ‘Abdullāh bin Bushr – said: “I heard Abū Kabshah Al-Anmāri saying: ‘The Kimām (caps) of the Companions of the Messenger of Allah were Buthān (stretched over the head).’” (Da‘if)

[Abū ‘Elsa said:] This Hadith is Munkar, ‘Abdullāh bin Busr is from Al-Baṣrah, and he is weak according to the people of Hadith. Yahya bin Sa‘eed and others graded him weak. Buthun means expansive.

Comments:
If Kimām is the plural of Kum, then it means sleeves, and the Hadith shall mean that their sleeves were wide and spacious. If it be the plural of Kam, it would mean the cap, and the idea would be that their caps were clinging to their heads. Buth means stretched. Thus, the meaning would be that their caps clung to their heads, and were not elevated.

Chapter 41. Regarding The Length Of The Iẓār

1783. Ḥudhaifah narrated: “The Messenger of Allāh took hold of the calf of my shin – or his shin – and
he said: ‘This is the place of the *izār*,
if you must lower it, then the *izār* has no right to be on the ankles.’’

(*Sahih*)

[Abū ‘Eisā said:] This *Hadith* is
*Hasan Sahih*. *Ath-Thawrī* and
*Shu’bah* reported it from Abū Išāq.

Comments:

Men must in any case keep their waist-wrap or trousers etc. above their ankles. These should be below the upper half of the shin but above the ankles.

**Chapter 42. Wearing Turbans Over Caps**

1784. Abū Ja’far bin Muḥammad bin Rukānah narrated from his father that Rukānah wrestled the Prophet ﷺ and the Prophet ﷺ won the match. Rukānah said: “I heard the Messenger of Allāh ﷺ saying: ‘Indeed what distinguishes between us and between the idolaters is the turban over the cap.’”

(Da’f)

[Abū ‘Eisā said:] This *Hadith* is
*Hasan Gharib*. Its chain is not established, and we do not know of Abū Al-Ḥasan Al-‘Asqalānī, nor Ibn Rukānah.

Comments:

As stated by Imām Ibn Qayyim the Prophet’s ﷺ *‘Imāmah* had generally the cap tucked into it, although at times he wore the *‘Imāmah* without the cap or the cap without the *‘Imāmah* (*Zād Al-Ma‘ād*, v.1, p.130).
Chapter 43. What Has Been Related About The Iron Ring

1785. ‘Abdullāh bin Buraidah narrated from his father who said: “A man wearing an iron ring came to the Prophet ﷺ. So he said to him: ‘What is this I see on you, jewelry of the people of the Fire?’ Then he came wearing a ring of brass. So he said: ‘What is this smell of idols I sense on you?’ Then he came wearing a ring of gold. So he said to him: ‘What is this jewelry of the people of Paradise I see on you?’ So he said: ‘What should I use then?’ He said: ‘From silver, but not its entire weight.’”¹

(Hasan)

[Abū ‘Eisā said:] This Hadith is Gharib [and there are narrations on this topic from ‘Abdullāh bin ‘Amr], and ‘Abdullāh bin Muslim’s Kunyah is Abū Taibah, and he is from Al-Marwaz.

Comments:

Iron was the metal, of which the idolaters of Makkah made their rings, and iron is what their chains and girdles shall be made of in Hell. Their idols were from copper and brass. That is why it is not proper to wear rings made from these metals.

Chapter 44. Two Fingers Upon Which It Is Disliked To Wear Rings

1786. Ibn Abī Mūsā narrated: “I

¹ Meaning: ‘Not pure silver.’ See Tuhfat Al-Ahwadhi.
heard ‘Ali saying: ‘The Messenger of Allâh ﷺ prohibited Al-Qassi, the red Mitharah, and wearing rings on this and this.’ And he pointed to the index and middle fingers.”

(Saḥîh)

[Abû ‘Eisâ said:] This Hadîth is Hasan Saḥîh. Ibîn Abî Mûsâ is Abû Burdah bin Abî Mûsâ and his name is ‘Amîr bin [‘Abdullâh bin Qais].

Comments:

As pointed out by Îmâm Nawawî, the Prophet’s Sunnah is to wear the ring on the little finger (Tuḥfat Al-Ahwâdhi, v.3, p.71)

Chapter 45. What Has Been Related About The Garment
The Messenger Of Allâh ﷺ Liked Most To Wear

1787. Anas said: “The garment the Messenger of Allâh ﷺ liked most to wear was the Hibrah.” (Saḥîh)

[Abû ‘Eisâ said:] This Hadîth is Hasan Saḥîh Gharîb.

Comments:

Hibrah means striped cotton cloth having threads of different colors. Its main characteristic is that dirt in it does not quickly show itself, nor does it look gaudy.
The Chapters On Food

In the Name of Allah, the Merciful, the Beneficent

23. The Chapters On Food
From The Messenger
Of Allah

Chapter 1. What Has Been Related About What The Prophet Ate Upon

1788. Yūnус narrated from Qatādah, that Anas said: “The Messenger of Allah never ate on a table, nor on small plates, nor did he eat thin bread.” He (Yūnус) said: “I asked Qatādah: ‘So what did he eat on?’ He said: ‘On these leather dining sheets.’” (Sahih)

[Abū ‘Eisā said:] This Hadīth is Hasan Gharīb. Muhammad bin Bash-shār said: “This Yūnус is Yūnус Al-Iskāf.” And ‘Abdul-Wārith bin Sa‘eed reported similarly from Sa‘eed bin Abī ‘Arūbah, from Qatādah, from Anas [from the Prophet].

Comments:
The Messenger of Allah generally sat on a leather sheet (instead of a dining table) and ate simple, single-course food. He ate bread made from coarse, unsieved flour. He disliked eating multi-course lavish food arrayed on expensive dining tables as the rich do.
Chapter 2. What Had Been Related About Eating Rabbit

1789. Hishām bin Zaid said: “I heard Anas saying: ‘Once we provoked a rabbit at Marr Az-Zahrān. So the Companions of the Messenger of Allah ﷺ rushed after it, and I caught up to it and captured it. I brought it to Abū Talḥah who slaughtered it with Marwah.\[1\] He sent me with its legs – or its thighs – to the Prophet ﷺ so he could eat it.’” He (Hishām) said: “I said: ‘He ate it?’ He said: ‘He accepted it.”’ (Sahih)

[Abū 'Elsa said:] There are narrations on this topic from Jābir, ‘Ammār, Muhammad bin Ṣafwān, and they say: Muḥammad bin Saifi. This Hadith is Hasan Sahih. This is acted upon according to the people of knowledge. They saw no harm in eating rabbit. Some of the people of knowledge disliked eating rabbit, they said that it menstruates.

Comments:
The majority of scholars including the Four Aʾimmah consider eating the rabbit lawful, since its permissibility is proved from authentic Ahādīth. Its proneness to menstruation is no bar to its permissibility. It is reported that Abdullah bin Amr bin Al-ʿĀṣ, Ikrimah, and Muhammad bin Abi Lailā considered it as a disliked food (Tuhfat Al-Ahwadhi, v.3, p.73 & Ṣahih Muslim of Nawawi, v.2, p.152).

[1] A piece of granite or flint, used for cutting like a knife.
Chapter 3. (What Has Been Related) About Eating Mastigure

1790. Ibn ‘Umar narrated: “The Prophet was asked about eating mastigure and he said: ‘I do not eat it, and I do not prohibit eating it.’” (Sahih)

[He said:] There are narrations on this topic from ‘Umar, Abū Sa’eed, Ibn ‘Abbās, Thābit bin Wadī’ah, Jābir, and ‘Abdur-Rahmān bin Ḥasanah.

[Abū ‘Eisā said:] This Hadith is Ḥasan Sahih.

The people of knowledge have differed over eating mastigure. Some of the people of knowledge among the Companions of the Prophet and others permitted it, while others considered it disliked. It has been related that Ibn ‘Abbās said: “Mastigure was eaten on the dinning spread of the Messenger of Allah, and the Messenger of Allah only avoided it because it was distasteful to him.”

Comments:

An-Nawawī said: “There is a consensus among the Muslims that the mastigure is lawful and it is not disliked, except for what has been mentioned from the followers of Abū Hanifah about it being disliked, and what Al-Qādī ‘Iyād mentioned from some people that they said it is unlawful. But I do not

[1] A type of lizard (urostyx) that grows up to one or two feet in length.
think this is correct from any one of them, and if it were correct, then it is rejected due to the text and the consensus that occurred before it.”

Chapter 4. What Has Been Related About Eating Badger


[Abû ‘Eisâ said:] This Hadîth is Hasan Sâhîh.

Some of the people of knowledge followed this. They did not see any harm in eating badger. This is the view of Aḥmad and Ishâq. A Hadîth has been related from the Prophet indicating disapproval of eating badger but its chain is not strong. Some of the people of knowledge disliked eating badger. This is the view of Ibn Al-Mubârâk. Yahya bin Al-Qâṭîn said: “Jarir bin Häzim reported this Hadîth from ‘Abdullâh bin ‘Ubaid bin ‘Umair, from Ibn Abi ‘Ammâr, from Jâbir, from ‘Umar, as his saying. And the narration of Ibn Juraj (a narrator in the chain of this Hadîth) is more correct. [And Ibn Abi ‘Ammâr is ‘Abdur-Rahmân bin ‘Abdullâh bin Abî ‘Ammâr Al-Makki].


[قَالَ أَبُو عَبْسَى: هَذَا حَدِيثٌ حَسَنٌ صَدِيقٌ.

وَقَدْ ذَهَبْ بَعْضُ أَهْلِ الْعِلْمِ إِلَيْهِ هَذَا رَوَيْتُهُ يَأْثُرُوا بِأَثَّرِ الصُّمَّعِ بَيانًا، وَهُوَ قُولُ أَحَمَدٍ وإِشَاقٍ. وَرُوِيَ عَنْ النَّجِي، حَدِيثًا فِي كَرَاهِيَةِ أَكْلِ الصُّمَّعِ، وَلِئَلَّا إِسْتَنَادُهُ بِالْفَوْقِيِّ،

وَقَدْ كَرِهَ بَعْضُ أَهْلِ الْعِلْمِ أَكْلَ الصُّمَّعِ، وَهُوَ قُولُ ابن المبارك. قال يحيى بن القطان: وَرَوَى جَرِيرُ بْنُ حَازِمُ هَذَا الْحَدِيثُ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، وَهَذِهِ الْحُدَّاِثُ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ نَبِيَّ مُسْلِمٍ، عن ابن أبي عمارة، عن جابر، عن عمرة قُولُهُ. وَحَدِيثُ ابن جَرِيرُ أَصْحَبُ. [وَابْنِ أَبِي عَمَّارٍ هَوِىُ عَبْدُ اللَّهِ بْنِ عَبْدِ اللَّهِ].

[1] This narration preceded, see no. 851.
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Comments:
The *A’immah*: Ash-Shafi’i, Ahmad, Ishâq and ‘Aţâ consider the eating of badger lawful. Sad bin abi Waqqâs and Ibn Abbas are also reported to have considered it lawful. Imâm Ath-Thawrî, the People of Opinion, Mâlik and Sa’eed bin Musayyab consider the eating of it disliked (*Tuhfat Al-Ahwadhi*, v.3, p.75).


[Abû ‘Eisâ said:] The chain for this *Hadîth* is not strong. We do not know of it except as a narration of Ismâ’îl bin Muslim from ‘Abdul-Karîm Abî Umayyah. Some of the people of *Hadîth* have criticized Ismâ’îl and ‘Abdul-Karîm Abî Umayyah. And he is ‘Abdul-Karîm bin Qais, who is Ibn Abi Al-Mukhâriq. While ‘Abdul-Karîm bin Mâlik Al-Jazarî is trustworthy.

Comments:
The *Hadîth* being “weak” cannot be taken as proof of anything. As for the wolf, it being a predatory and ferocious animal it is forbidden to eat it. For more details please see *Tuhfat Al-Ahwadhi*, v.3, p.72-77.

Chapter 5. What Has Been Related About Eating Horse Meat

1793. Jâbir narrated: “The
Messenger of Allah allowed us to eat horse meat, and he forbade us from eating donkey meat.” (Sahih)

[He said:] There is something on this topic from Asmā’ bint Abī Bakr. Abū ‘Eisā said: This Hadith is Hasan Sahih. This is how it was reported by more than one narrator; from ‘Amr bin Dinār from Jābir. Ḥammād bin Zaid reported it from ‘Amr bin Dinār from Muhammad bin ‘Alī, from Jābir. The narration of Ibn ‘Uyainah (no. 1793) is more correct. He said: I heard Muhammad saying: “Sufyân bin ‘Uyainah is better at memorizing than Ḥammād bin Zaid.”

Comments:
The vast majority of scholars — past and present — allow the eating of horse meat. The same is the opinion of the two Imām, Abū Yūsuf and Muhammad. Ibrahim An-Nakha’ī and Ḥammād bin Abī Sulaimān also hold the same opinion. Imām Abū Ḥanifah and Mālik consider it disliked. Not only this, Imām Abū Ḥanifah considers it a sin to eat it.

Chapter 6. What Has Been Related About the Meat of Domesticated Donkey

1794. ‘Abdullāh and Al-Ḥasan, the sons of Muḥammad bin ‘Alī, narrated from their father, that ‘Alī said: “During the time of Khaibar, the Messenger of Allāh prohibited Mut’ah with women and eating the meat of domesticated donkeys.” (Sahih)
(Another chain) And 'Abdüllah bin Muḥammad’s kunyah is Abū Ḥāshim. Az-Zuhrī said: “Al-Ḥasan bin Muḥammad was the more acceptable of the two.” And he mentioned similarly. Others besides  Sa‘eed bin ‘Abdur-Rahmān narrated from Ibn ‘Uyainah: “And 'Abdullāh bin Muḥammad was the more acceptable of the two.”

[Abū ‘Eisā said:] This Hadīth is Ḥasan Sahih].

Comments:

There is now near unanimity among the People of Sunnah on the prohibition of (i) Mut’ah and (ii) the meat of the domesticated donkeys.

Note:The word Mut’ah (generally translated as temporary marriage) is an Arabic word meaning “usufruct” or “enjoyment”. It is a kind of marriage still legal among the Shi‘ah.!! To Shi‘ah, it rather has a deeper religious connotation. Shi‘ah scholars have defined Mut’ah as “a temporary marriage contracted for a fixed period in return for a compensation (to the woman)”. It is also sometimes translated as a “marriage of pleasure”.

1795. Abū Hurairah narrated: “On the Day of Khaibar, the Messenger of Allāh prohibited every predator possessing canines, and the Mujath-thamah,¹ and the domestic donkey.” (Hasan)

He said: There are narrations on

¹ An animal that is tied and then shot at.
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[Abū ‘Eisā said:] This Hadīth is Hasan Sahih.

‘Abdūl-‘Azīz bin Muḥammad and others reported this Hadīth from Muḥammad bin ‘Amr, and they only mentioned one phrase: “The Messenger of Allāh prohibited every predator possessing canines.”

[Abū ‘Eisā said:] This Hadīth is Hasan Sahih.

‘Abdūl-‘Azīz bin Muḥammad and others reported this Hadīth from Muḥammad bin ‘Amr, and they only mentioned one phrase: “The Messenger of Allāh prohibited every predator possessing canines.”

Comments:

Eating the meat of all the three types of animals has been prohibited here.

Chapter 7. What Has Been Related About Eating From Utensils Of The Disbelievers

1796. Abū Tha‘labah Al-Khushānī narrated: “The Messenger of Allāh was asked about the pots of the Zoroastrians. He said: ‘Clean them by washing them, and then cook in them.’ And he prohibited every predator possessing canines.”[1] (Sahih)

This is a well known Hadīth of Abū Tha‘labah, and it has been reported from him through routes other than this. And Abū Tha‘labah’s name is Jurthūm, and they say: Jurhum, and

[1] This Hadīth preceded under no. 1560.
they say: Nashib. This Ḥadīth has also been mentioned by Abū Qilabah from Abū Asmā’ Ar-Rahbī, from Abū Tha’labah.

Comments:
As far as possible we should avoid using the utensils used by the disbelievers, especially those in which they drink or cook prohibited articles of food and drink. If, however, we have no option but to use their utensils, we should thoroughly clean those particular pieces that they use for drinking or cooking prohibited items.

1797. Abū Tha’labah Al-Khushanī narrated that he said: “O Messenger of Allāh! We live in a land of the People of the Book and we cook in their containers, and drink from their vessels.” The Messenger of Allāh ﷺ said: “If you do not find other than them, then rinse them with water.”

Then he said: “O Messenger of Allāh! We live in a land of game, so what should we do?” He said: “When you send your trained dog, and you mentioned the Name of Allāh, and he kills it, then eat it. And when you shoot it with your bow, and you mentioned the Name of Allāh, and it is killed, then eat it.” (Sahih)

[Abū ‘Īsā said:] This Ḥadīth is Hasan Sahih.
Chapter 8. What Has Been Related About The Mouse That Dies In Cooking Fat

1798. Ibn ‘Abbãs narrated from Maimûnah that a mouse fell in some cooking fat and died. So the Prophet was asked about that and he said: “Remove it (the mouse) and what was around it and then eat it (the fat).” (Sahih)

[He said:] There is something on this topic from Abû Hurairah.

[Abû ‘Eisã said:] This Hadith is Hasan Sahih. This Hadith has been related from Az-Zuhri, from ‘Ubaidullãh, from Ibn ‘Abbãs, saying: “The Prophet was asked” and they did not mention Maimûnah in it. The narration of Ibn ‘Abbãs from Maimûnah is more correct. Ma‘mar reported similar from Az-Zuhri, from Sa’eed bin Al-Musayyab, from Abû Hurairah, from the Prophet. But this Hadith is not preserved.

[He said:] I heard Muhammad bin Ismã’il saying: “The Hadith of Ma‘mar from Az-Zuhri, from Sa’eed bin Al-Musayyab, from Abû Hurairah, from the Prophet” – [and he mentioned in it: ‘That he was asked about it, so he said: “When it (the cooking fat) is solid then remove it (the mouse) and what was around it. And when it is liquid then do not use it.”’] This is a mistake. [Ma‘mar made a mistake with it. And he said:] What is correct is the narration of Az-Zuhri from ‘Ubaidullãh, from Ibn ‘Abbãs, from Maimûnah.”
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Comments:
If the fat (or oil) is solid, then you can determine what is around the dead mouse. Therefore, the entire fat shall not be made impure. If, on the contrary, the cooking fat is in liquid form, there is no determining what particular part is around it, and the mouse might have floated all around. As such the entire fat shall become impure.

Chapter 9. What Has Been Related About The Prohibition Of Eating And Drinking With The Left Hand

1799. Ḥādīth:\n[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Sahīh. This is how Mālik and Ibn ‘Uyainah reported it from Az-Zuhri, from Abū Bakr bin Ḥaibūdullāh, from Ibn ‘Umar. Ma‘mar and ‘Uqail reported it from Az-Zuhri, from Sālim, from Ibn ‘Umar. And the narration of Mālik and Ibn ‘Uyainah is more correct.
Comments:
The Hadith proves that it does not behove a believer to eat or drink with his left hand without an imperative need or justification. It is the Shaitân and his disciples that eat and drink with the left. Muslims must not emulate their model. The Hadith obviously prohibits the use of left hand for eating and drinking (Tuhfat Al-Ahwadi, v.3, p.81).

1800. [Az-Zuhrî narrated from Sâlim, from his father, that the Messenger of Allâh ﷺ said: "When one of you eats, then let him eat with his right hand, and let him drink with his right hand, for indeed Ash-Shaitân eats with his left hand, and he drinks with his left hand."] (Saâhih)

Chapter 10. What Has Been Related About Licking The Fingers (After The Meal)

1801. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: "When one of you eats, then let him lick his fingers, for indeed he does not know in which of them is the blessing." (Saâhih)

[He said:] There are narrations on this topic from Jâbir, Ka'b bin Malik, and Anas.

[Abû 'Eisâ said:] This Hadith is Hasan Gharîb, we do not know of it except from this route, as a narration of Suhail. [I asked Muhammad about this Hadith, so he
said: “This is among the diverse narrations of ‘Abdul-‘Azīz, we do not know of it except from his narration.”

Comments:

Food is a blessing from Allāh. As such, each part of it must be accorded due respect and value, since we do not know in which part of our food is Allāh’s blessing. Therefore, whatever part of food remains stuck on the fingers or in the container must be consumed as a prized gift from Allāh. This will, on the one hand, be the demonstration of our gratitude for the provision bestowed by Allāh, and on the other, recognition of our own poverty and need before Allāh (Tuhfat Al-Ahwadhi, v.3, p.81).

Chapter 11. What Has Been Related About The Fallen Morsel

1802. Jābir narrated that the Prophet said: “When one of you eats food, and he drops a piece of it, then let him remove anything suspicious from it and eat it. Do not leave it for Ash-Shaitān.”

[Sahih]

[He said:] There is something about this from Anas.

1803. Anas narrated: “When the Prophet ate, he would lick his

[1] The meaning here is not clear, if it is correct. Some earlier publications - like ‘Āridat Al-Ahwadhi contain this addition, while others - like Tuhfat Al-Ahwadhi - do not. If it is correct, then “Al-Mukhtalaf” could mean “contradicted” but the statement after that indicates otherwise. In Al-‘Ital Al-Kabīr, the author quotes it as follows from Al-Bukhārī: “This Hadith of ‘Abdul-‘Azīz bin Al-Mukhtār, we do not know of it except from his narration.” So it appears this is what is correct and Allāh knows best.
three fingers, and he said: 'If one of you drops a piece (of food) then let him remove any harm (dirt) from it and eat it, and do not leave it for Ash-Shaitân.' And he would order us to finish (clean) the dish. And he said: 'Indeed you do not know in which part of your food is the blessing.' (Sahih)

[Abū 'Eisā said:] This Hadith is Hasan Gharib Sahih.

**Comments:**

If a piece of food drops from the hand, we must not leave it like an arrogant individual, but pick it up, clean it and eat it like a needy and respectful servant of the Supreme Master and Provider.

1804. Al-Mu'allā bin Rāshid narrated: “My grandmother, Umm 'Asim narrated to me – and she was the slave woman of Sinān bin Salamah – she said: ‘Nubaishah Al-Khair entered upon us while we were eating from a large bowl. He narrated to us that the Messenger of Allāh said: “Whoever eats from a Qas'a, then licks it, the Qas'a will seek forgiveness for him.” (Daīf)

[Abū ‘Eisā said:] This Hadith is Gharib, we do not know of it except through the narration of Al-Mu'allā bin Rāshid. And Yazid bin Hārūn and others among the A'immah reported this Hadith from Al-Mu'allā bin Rāshid.

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Comments:

Eating all of the food - without waste - is indicative of the person's modesty and his respect and gratitude for the provisions and blessings of Allah. On the other hand, it reflects his good sense in guarding Allah's gift against waste and neglect.

Chapter 12. What Has Been Related About It Being Disliked To Eat From The Middle Of The Food

1805. Ibn ‘Abbās narrated that the Prophet ﷺ said: “Indeed the blessing descends to the middle of the food, so eat from its edges, and do not eat from its middle.” (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan Sahīh. It is only known through the narration of ‘Aṭā’ bin As-Sā’īb. Shu’bah and Ath-Thawrī reported from ‘Aṭā’ bin As-Sā’īb.

There is something about this topic from Ibn ‘Umar.

Comments:

Blessing is a phenomenon hidden to the naked eye. The Messenger of Allah ﷺ was aware of it. It was on the basis of this knowledge that he informed the Companions that the blessing descends in the middle of the food, and then spreads to the edges. Diners must, therefore, avoid the middle and eat from the edges so that the blessing continues to descend on the middle.
Chapter 13. What Has Been Related About It Being Disliked To Eat Garlic And Onion

1806. Jābir narrated that the Messenger of Allāh ﷺ said: “Whoever eats from these – the first time he said garlic, then he said – garlic, onion, and leek, then let him not approach our Masjid.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Ḥadīth is Ṣaḥīḥ.

He said: There are narrations on this topic from ‘Umar, Abū Ayyūb, Abū Hurairah, Abū Sa’eed, Jābir bin Samurah, Qurrah [bin Iyās Al-Muzani] and Ibn ‘Umar.

Comments:

The Ḥadīth instructs us that a person should avoid entering the meeting places, especially the Masājid, if he has consumed items of food- even lawful food- that emits a foul odor and causes annoyance to the people.

1807. [Jābir bin Samurah narrated:] “The Messenger of Allāh ﷺ was staying with Abū Ayyūb. When he ate some food, he would send what was left to him. So one day he sent him some food but the Prophet ﷺ did not eat from it. So Abū Ayyūb went to the Prophet ﷺ and...
mentioned that to him. The Prophet ﷺ said: ‘It contained garlic.’ So he said: ‘O Messenger of Allah! Is it unlawful?’ He said: ‘No. I dislike it because of its odor.’”

(Šaiḥh)

He said: This Ḥadīth is Ḥasan Ṣahīh.

Comments:

There is no harm in consuming cooked garlic, onion and leek because cooking almost neutralizes their odor.

Chapter 14. What Has Been Related About The Permission To Eat Cooked Garlic

1808. Šaṙīk bin Ḥanbal narrated that ‘Aḷī said: “Eating garlic was prohibited except when cooked.”’

(Ḍaʿīf)

1809. Šaṙīk bin Ḥanbal narrated that ‘Aḷī said: “Eating garlic is no good, except when cooked.”’

[Abū ‘Eīsā said:] This chain for this Ḥadīth is not strong. It has been reported as a saying of ‘Aḷī, and it has been reported from Šaṙīk bin Ḥanbal from the Prophet ﷺ in Ṭaḥfah form. Muḥammad said: “Al-Jarrāḥ bin Malīḥ (one of the narrators) is truthful, and Al-Jarrāḥ bin ʿAḏ-Ḍaḥḥāk is Muqārib (average) in Ḥadīth.
1810. 'Ubaidullah bin Abi Buraidah narrated from his father that Umm Ayyub informed him that the Prophet had stayed with them, and they prepared some food for him containing some of these vegetables. But he disliked eating it, so he said to his Companions: "Eat it, for I am not like you are, I fear that I will offend my companion."[1] (Sahih)

[Abu ‘Eisa said:] This Hadith is Hasan Sahih Gharib. Umm Ayyub is the wife of Abu Ayyub Al-Ansari.

Comments:

Some foul odor lingers in garlic, even when cooked, and the Angels abhor foul odor. As such, the Prophet avoided eating even cooked garlic. He, however, allowed others to consume it because, cooking considerably decreases, even makes its bad odour almost imperceptible.

1811. Abu Khaldah narrated that Abu Al-Aliyah said: "Garlic is among the good provisions." Abu Khaldah’s name is Khalid bin Dinar, and he is trustworthy according to the people of Hadith. He saw Anas bin Malik and heard narrations from him. Abu Al-Aliyah’s name is Rufai’ and he is

Chapter 15. What Has Been Related About Covering The Vessels, And Extinguishing The Torches And Fires Prior To Sleeping

1812. Jābir narrated that the Prophet said: “Close the door, tie the water-skin, turn over the vessel, or cover the vessel, and extinguish the torch. Indeed Ash-Shaitān does not open what is closed, nor undo what is fastened, nor uncover a vessel, but the small vermin may cause a fire in people’s houses.” (Ṣaḥīḥ)

[He said:] There are narrations on this topic from Ibn ‘Umar, Abū Hurairah, and Ibn ‘Abbās.

[Abū ‘Elsā said:] This Hadīth is Ḥasan Ṣaḥīḥ, and it has been reported through other routes from Jābir.

Comments:

a. Another sound Hadīth tells us that while or before doing the stated tasks, Allāh’s Name must be invoked.

b. Fire, if left unattended, can easily break out and burn. Therefore, in order to forestall the potential danger to the house from burning fire, it must be extinguished before going to sleep.
1813. Sālim narrated from his father, that the Messenger of Allāh ﷺ said: “Do not leave the fire (burning) in your houses when you sleep.” (Ṣaḥīḥ)

[Abū ‘Eisā said:] This Ḥadīth is Ḥasan Ṣaḥīḥ.

Chapter 16. What Has Been Related About It Being Disliked Two Take To Dates At Once

1814. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ prohibited taking two dates at a time until seeking permission from one’s companion.” (Ṣaḥīḥ)

[He said:] There is something on this topic from Sa’d the freed slave of Abū Bakr.

[Abū ‘Eisā said:] This Hadīth is Ḥasan Ṣaḥīḥ.

Comments:
If a person is eating in a group, he must observe the etiquettes necessary for the occasion. Thus, if everyone else is eating a single date at a time, it will be highly inappropriate for him to start eating the dates in twos without first seeking their permission. The idea is that, while eating, we must show consideration to the feelings and sensitivities of others.
dates, its inhabitants will be hungry.” (Saḥīḥ)

[He said:] There are narrations on this topic from Salmā the wife of Abū Rāfi‘.

[Abū ‘Eisā said:] This Hadīth is Hasan Gharīb from this route. We do not know of it to be a narration of Ḥiṣām bin ‘Urwah except through this route. [He said: I asked Al-Bukhārī about this Hadīth and he said: “I do not know of anyone who reported it other than Yahya bin Ḥassān.”]

Comments:

Dates being blessed, and the normal food of Arabs at those times, the people who had no dates in their houses were most likely to go hungry. The Hadīth also conforms that keeping an appropriate supply of food stuff at home is perfectly in order, and that dates are an extremely recommended item for the purpose.

Chapter 18. (What Has Been Related) About Praising Allāh For The Food When One Is Finished Eating From It

1816. Anas bin Mālik narrated that the Prophet ﷺ said: “Indeed Allāh is pleased with the slave who, upon eating his food or drinking his drink, he praises Him for it.” (Saḥīḥ)

[He said:] There are narrations on this topic from ‘Uqbah bin ‘Amir, Abū Sa‘eed, ‘Aishah, Abū Ayyūb, and Abū Hurairah.

[Abū ‘Eisā said:] This Hadīth is
Hasan. More than one narrator has reported it from Zakariyya bin Abi Zaidah similarly, and we do not know of it except through the narration of Zakariyya bin Abi Zaidah.

Comments:

Food and drink is a great gift of Allah, and Allah loves those who pay their thanks and gratitude to Him. And to the grateful He gives more. He Himself says: "If you give thanks, I shall certainly give you more." (14:7)

Chapter 19. What Has Been Related About Eating With A Leper

1817. Jabir bin [Abdullah] narrated: "The Messenger of Allah took the hand of a leper and put it in the Qa'ah. Then he said: 'Eat in Allah's Name, trusting in Allah and relying upon Him.'" (Da't)

[Abu 'Eisā said:] This is a Gharib Hadith, we do not know of it except through the report of Yūnus bin Muḥammad, from Al-Mufadḍal bin Fadālah, a Shaikh from Al- Başrah. There is another Shaikh from Al- Başrah named Al- Mufadḍal bin Fadālah, who is more reliable than this one and more popular. Shu'bah reported this Hadith from Ḥabīb bin Ash-Shahīd, from Ibn Buraidah: "That Ibn `Umar took the hand of a leper" and the narration of Shu'bah is...
more appropriate to me and more correct.

Comments:
The Originator and Controller of all things in the universe is Allah. Nothing in the world can have any effect or efficacy without His bidding and permission.

Chapter 20. What Has Been Related About: The Believer Eats With One Intestine [And The Disbeliever Eats With Seven Intestines]

1818. Ibn ‘Umar narrated that the Prophet ﷺ said: “The disbeliever eats with seven intestines and the believer eats with one intestine.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahīh.

[He said:] There are narrations on this topic from Abū Hurairah, Abū Sa’eed, Abū Baṣrah Al-Ghifārī, Abū Mūsā, Jahjāh Al-Ghifārī, Maimūnāh, and ‘Abdullāh bin ‘Amr.

Translation:

1805. In the name of Allah, the Most Merciful, the Most Gracious.

Chapter 20: The Originator and Controller of All Things in the Universe is Allah. Nothing in the World Can Have Any Effect or Efficacy without His Bidding and Permission.

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The Chapters On Food

Comments:
The Hadith means to emphasize the idea that for a disbeliever eating and drinking is the very aim and purpose of life, while a true believer leads a life of abstinence and contentment. Eating and drinking is not his main concern in life. Hence it is that a disbeliever eats to his fill while a believer eats just as much as he needs.

1819. Abū Hurairah narrated:
“The Messenger of Allāh ﷺ had a disbeliever as a guest. So the Messenger of Allāh ﷺ ordered that a sheep be milked so he could drink. Then another was milked so he could drink, then another, so he drank until he had drunk the milk of seven sheep. Then he awoke the next morning and accepted Islam.

The Messenger of Allāh ﷺ said: ‘The believer drinks with one intestine and the disbeliever drinks with seven.’” (Saḥīḥ)

Abū ‘Eisā said: This Hadith is [Saḥīḥ] Ḥāsan Gharib as a narration of Suhail.

Chapter 21. What Has Been Related About: Food For One Is Sufficient For Two

1820. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The food of two is sufficient for three, and the food of three is sufficient for four.” (Saḥīḥ)

He said: There are narrations on this topic from Jābir, and Ibn ‘Umar.
Abū 'Eisā said: This *Hadith* is Ḥasan Ṣahīḥ.

It has been reported from Jābir bin ‘Abdullāh and Ibn ‘Umar that the Prophet ﷺ said: “The food of one is sufficient for two, and the food of two is sufficient for four, and the food of four is sufficient for eight.”

(Another chain) from Jābir that the Prophet ﷺ said similarly.

Comments:
The main idea to be deduced from the *Hadith* is that there is blessing in collectivity. We should, therefore, try to eat together since, apart from other things, it would also promote a feeling of self-sacrifice. While eating together, we should try our best to make our companions eat well.

Chapter 22. What Has Been Related About Eating Locust

1821. Abū Ya'fūr Al-'Abdi narrated that ‘Abdullāh bin Abī Awfā was asked about locust. He said: “I participated in six military expeditions with the Messenger of Allāh ﷺ, (and) we ate locust.”

(Ṣaḥīḥ) 

[Abū 'Eisā said:] This is how Sufyān bin ‘Uyainah reported this *Hadith* from Abū Ya'fūr. He said: “Six military expeditions,” while Sufyān Ath-Thawrī reported this *Hadith* from Abū Ya'fūr, and he said: “Seven military expeditions.”
[He said:] There are narrations on this topic from Ibn ‘Umar and Jâbir.

[He said:] This Hadith is Hasan Sahîh. Abû Ya‘fûr’s name is Wâqid. They also call him Waqdân. There is another Abû Ya‘fûr whose name is ‘Abdur-Rahmân bin Ubaid bin Nistas.

Comments:

Scholars unanimously declare the eating of locust lawful. It is not necessary to slaughter it. Its catching is its slaughtering. Mâliki according to a famous tradition, are believed to hold the view that the cutting of the locusts heads is its slaughtering (Tuhfat Al-Ahwadhi, v.3, p.78). Something regarding locusts preceded in no. 850.

1822. Abû Ya‘fûr narrated that Ibn Abî Awfã said: “We participated in seven military expeditions with the Messenger of Allâh, (and) we ate locust.” (Sahîh)

[Abû ‘Eisã said:] Shu‘bah reported this Hadith from Abû Ya‘fûr, from Ibn Abî Awfã and said: “We participated in military expeditions with the Messenger of Allâh, (and) we ate locust.”

This was narrated to us by Mu‘ammad bin Bash-shâr (who said): “Mu‘ammad bin Ja‘far narrated to us from Shu‘bah.”
Chapter 23. What Has Been Related About Supplicating Against Locusts

At-Tāmī narrated from Jābir ibn ‘Abdullāh and Anas ibn Mālik who said: “When the Messenger of Allāh supplicated against locusts he would say: ‘O Allāh! Destroy the locusts, kill the large among them, and destroy the small, spoil his core, and cut off his rear. Take their mouths from our livelihood and our sustenance. Verily, You indeed listen to the supplication!’ So a man said: ‘O Messenger of Allāh! How is it that you supplicate against one of Allah’s armies that He cut off their rear?’ He said: “So the Messenger of Allāh said: ‘They are but scattered from a fish in the ocean.”'(Da‘f)

[Abū ‘Eisā said:] This Hadith is Gharib. We do not know of it except from this route. And Mūsā ibn Muhammad ibn Ibrāhīm At-Tāmī has been criticized. He narrates many Gharib and Munkar narrations. His father Muḥammad ibn Ibrāhīm is trustworthy, and he is from Al-Madīnah.

تخريج: [إسناده ضعيف جدًا] وأخرجه ابن ماجه، الصيد، باب صيد الحيتان والجراد، ح: 221 من حديث أبي النضر بن موسى بن إبراهيم * موسى بن إبراهيم من الحديث كما في التقريبي وغيره.
Chapter 24. What Has Been Related About Consuming The Flesh Of The Jallâlah and Milking It

1824. Ibn ‘Umar narrated: “The Prophet prohibited eating the Jallâlah and milking it.” (Hasan)

[He said:] There is something on this topic from ‘Abdullâh bin ‘Abbâs.

[Abû ‘Eisâ said:] This Hadîth is Hasan Gharîb.

Ath-Thawrî reported it from Ibn Abî Najîh, from Mujâhid, from the Prophet in Mursal form.

(Another chain) from ‘Abdullâh bin ‘Amr.

Comments:

People of the Opinion as well as Imam Ash-Shâfi‘î and Ahmad suggest that such an animal be tied at one place for a few days and given clean food so that its meat becomes better.

1825. Ibn ‘Abbâs narrated: “The Prophet prohibited the Mujaththamah, the milk of the Jallâlah, and drinking from the spout of the water-skin.” (Sahîh)

(Another chain) from Ibn ‘Abbâs, from the Prophet, with similar meaning.

[Abû ‘Eisâ said:] This Hadîth is Hasan Sahîh.

There is something about this from ‘Abdullâh bin ‘Amr.

Comments:

*Mujath-thamah* is an animal shot at and killed without slaughtering while tied to the stake. It is prohibited to eat its meat. See nos. 1473 - 1474.

**Chapter 25. What Has Been Related About Eating Chicken**

1826. Zahdam Al-Jarmi said: “I entered upon Abū Mūsā while he was eating chicken, and he said: ‘Sit and eat, for indeed I saw the Messenger of Allah eating it.’” *(Sahih)*

[Abū ‘Eisā said:] This Hadith is Hasan. This Hadith has been reported through other routes from Zahdam, and we do not know of it except as a narration of Zahdam. (One of the narrators) Abū Al-‘Awwām is Ḥimrān Al-Qaṭṭān.

Comments:

Imām Malik and Ath-Thawrī consider it lawful to eat the meat of a chicken eating from a garbage dump. They only opposed it on account of natural abhorrence and aversion.

1827. Zahdam narrated from Abū Mūsā who said: “I saw the Messenger of Allāh eating chicken meat.” *(Sahih)*

[He said:] The Hadith has more statements than this. And this Hadith is Hasan Sahih. Ayyūb As-Sakhṭiyānī also reported this
Chapter 26. What Has Been Related About Eating Bustard

1828. Ibrāhīm bin ‘Umar bin Safinah, narrated from his father, from his grandfather that he said: “I ate bustard meat with the Messenger of Allāh,” (Da’īf) [Abū ‘Eṣā said:] This Hadith is Gharib, we do not know of it except from this route. Ibn Abī Fudāik reported from Ibrāhīm bin ‘Umar bin Safinah and he has been called Buraih bin ‘Umar bin Safinah.

Comments:
The Hubārā, in fact, means bustard, also called wader. It is a swift running wild bird of prey with a longish beak and a long neck and feet. Its meat tastes delicious.

Chapter 27. What Has Been Related About Eating Roasted Meat

1829. Umm Salamah narrated that she brought a side of roasted meat

[1] A large heavily-bodied terrestrial game bird capable of swiftrunning and flight. See Tuhfah Al-Ahwadhi.
to the Messenger of Allah ﷺ, so he ate from it and stood for Salāt, and did not perform Wuḍū’. (Ṣaḥīḥ)

[He said:] There are narrations on this topic from ‘Abdullāh bin Al-Ḥārith, Al-Mughirah and Abū Rāfī’.

[Abū ‘Eīsā said:] This Hadīth is Ḥasan Ṣaḥīḥ Gharīb from this route.

[Abū ‘Eīsā said:] There are narrations on this topic from ‘Abdullāh bin Al-Ḥārith, Al-Mughirah and Abū Rāfī’.

[He said:] There are narrations on this topic from ‘Abdullāh bin Al-Ḥārith, Al-Mughirah and Abū Rāfī’.

[Abū ‘Eīsā said:] This Hadīth is Hasan Ṣaḥīḥ Gharīb from this route.

Comments:

Eating roasted meat is doubtless indicative of financial prosperity. But it does not mean that a man of piety cannot eat it. In fact, the Messenger of Allāh ﷺ is reported to have eaten roasted meat on several occasions. But a whole animal, was never roasted for him.

Chapter 28. What Has Been Related About It Being Disliked To Eat While Reclining

1830. Abū Juḥaifah narrated that the Messenger of Allāh ﷺ said: “As for me, I do not eat while reclining.” (Ṣaḥīḥ)

[He said:] There are narrations on this topic from ‘Alī, ‘Abdullāh bin ‘Amr, and ‘Abdullāh bin Al-‘Abbās.

[Abū ‘Eīsā said:] This Hadīth is Hasan Ṣaḥīḥ, we do not know of it except as a narration of ‘Alī bin Al-Aqmar.

[1] There is a great deal of disagreement over the description of this reclining. However, it is safer to avoid every form of reclining since the prohibition in this narration is inclusive. See Tuhfat Al-Ahwāḍhī.
Chapter 29. What Has Been Related About: The Prophet ﷺ Liked Sweets and Honey

1831. ‘Aishah said: “The Prophet ﷺ liked sweets and honey.” (Sahih)

This Hadith is Hasan Sahih Gharib. ‘Ali bin Mus-hir reported it from Hishâm bin ‘Urwah, and there is more stated in the Hadith than this.

Chapter 30. What Has Been Related About Increasing (The Water In) The Broth

1832. ‘Alqamah bin Al-Muzani narrated from his father, who said that the Prophet ﷺ said: “When
one of you buys meat, then let him increase its broth. For, if he does not find any meat you’ll have broth; and it is one of the two meats.”[1] (Da’if)

And there are narrations on this topic from Abū Dharr.

[Abū ‘Eisā said:] This Hadith is Gharib, we do not know of it except through this route, as a narration of Muhammad bin Faḍā’, who is Muhammad bin Faḍā’ Al-Mu‘abbar, and he has been criticized by Sulaimān bin Harb. ‘Alqamah bin ‘Abdullāh is the brother of Bakr bin ‘Abdullāh Al-Muzānî.

Comments:

Meat is a delicious and much liked item of food. Increased quantity of broth could serve more people. It can also be offered to the neighbors. Broth, moreover, has all the taste and pleasing quality of the meat absorbed into it.

1833. Abū Dharr narrated that the Messenger of Allāh ﷺ said: “Let one of you not consider any good to be insignificant. If he has nothing, then let him meet his brother with a smiling face. If you buy some meat or cook something in a pot, then increase its broth, and serve some of it to your neighbor.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih. Shu‘bah reported it from Abū ‘Imrān Al-Jawnī.

[1] Because of the nutrients it contains from the meat. See Tuhfat Al-Ahwādhi.
Comments:

While cooking some delicious food one must also be mindful of his neighbor. It is especially important because the aroma of the food might even reach his house and he might feel enticed by it. That is why some of the preparation should be sent to him.

Chapter 31. What Has Been Related About The Virtue Of Tharid

1834. Abū Mūsā narrated that the Prophet said: "Many a man achieved perfection, but no woman achieved perfection except for Mariam the daughter of ‘Imrān, and ‘Āsiyah the wife of Fir‘awn. And the superiority of ‘Āishah over other women is like the superiority of Tharid over other foods.” (Sahih)

[He said:] There is something on this topic from ‘Āishah and Anas.

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

Comments:

Loaves of bread, if soaked into a well-cooked broth, become extremely delicious, palatable and digestible. This preparation is known as Tharid. As regards its good taste, its easy preparability and digestibility it is superior to all other foods. Similarly, with regard to the vastness of her knowledge and education, ‘Āishah was superior to all other women of her time.
Chapter 32. (That He Said):
Tear The Meat (With Your Teeth)

1835. ‘Abdullãh bin Al-Ḥarîth said: “My father had me married so he invited people, and Ṣafwân bin Umayyah was among them. So he said: ‘Indeed the Messenger of Allâh ﷺ said: ‘Bite the meat (with your teeth) for indeed it is more enjoyable and more wholesome.’”

(Ḍa‘f)

[He said:] There are narrations on this topic from ‘Āishah and Abû Hurairah.

[Abû ʿEisâ said:] We do not know of this Ḥadîth except through the narration of ‘Abdul-Karîm. Some of the people of knowledge have criticized ‘Abdul-Karîm Al-Mu‘allîm because of his memory, Ayyûb As-Sakhtiyânî was among them.

Comments:

*Nahasa* or *Nahasha* in Arabic means: to bite; to grab with teeth; to tear to pieces. In the context of meat, it means to bite it so that it becomes easy to digest.

Chapter 33. What Has Been Related From The Prophet ﷺ
Permitting One To Cut Meat With A Knife

1836. Ja‘far bin ‘Amr bin Umayyah Ad-Damrî narrated from his father who said that he saw the Prophet ﷺ making incisions (with
a knife) into a piece of a lamb shoulder which he ate from, then he went to perform Salāt without performing Wudū’. (Sahih)

[Abū ‘Eisā said:] This Hadīth is Hasan Sahīh and there is something on this topic from Al-Mughirah bin Shu’bah.

تخريج: منفق عليه، وأخرجه البخاري، الأطعمة، باب شاة مسموطة والكتف والتجنرب.

ح: 5427 من حديث معمرو وسلمة، ح: 355 عن حديث الزهري به وفي الباب عن المخبرة بين شعبة [الترمذي في الشمال، ح: 165 وأبو داود، ح: 188].

Comments:

There is no harm in cutting the big piece of meat with a knife, then putting it into the mouth with the hand.

Chapter 34. What Has Been Related About Which Meat The Messenger Of Allāh Used To Like Most

1837. Abū Hurairah narrated: “Some meat was brought to the Prophet and a foreleg was presented to him, and he used to like it, so he bit from it.” (Sahih)

[He said:] There are narrations on this topic from Ibn Mas‘ūd, ‘Āishah, ‘Abdullāh bin Ja‘far, and Abū ‘Ubaidah.

[Abū ‘Eisā said:] This Hadīth is Hasan Sahīh. Abū Hayyān’s (a narrator in the chain) name is Yahya bin Sa‘eed bin Hayyān At-Taimī. Abū Zur‘ah bin ‘Amr bin Jarir’s name is Harim.

1838. 'Aishah narrated: “The foreleg was not the part of the meat that the Messenger of Allah liked most, but he would not get meat but occasionally. So it would be hastened to him because it cooks quickly.” (Da'if)

[Abū 'Eisā said:] This Hadith is Hasan [Gharib], we do not know of it except from this route.

Comments:

a. Ghibban mentioned in the Hadith means: at intervals; occasionally.
b. The foreleg is soft and easy to eat and cooks sooner than most other parts.

Chapter 35. What Has Been Related About Vinegar

1839. Jābir narrated that the Prophet said: “What an excellent condiment vinegar is.” (Sahih)

Comments:

a. Idām’s plural form (Udum) also behaves like the singular.
b. Vinegar was in common use among the Arabs, and they ate it with bread.

There was a time in our part of the world as well when people used to eat bread with brown sugar, onion or pepper quite heartily.
1840. 'Āishah narrated that the Messenger of Allāh ﷺ said: “What an excellent condiment vinegar is.”

(Another chain) with similar except that he ﷺ said: “What an excellent condiment, or, (the most excellent of) condiments is vinegar.” (Sahih)

[Abū 'Eisā said:] This Hadith is Hasan Sahīh Gharib from this route. It is not known as a Hadith of Hishām bin Urwah except through the narration of Sulaimān bin Bilāl.

1841. Umm Hānī’ bint Ābī Ṭālib narrated: “The Messenger of Allāh ﷺ entered upon me and said: ‘Do you have anything?’ I said: ‘No, except for a piece of hard bread and vinegar.’ So he said: ‘Bring it, for a house that has vinegar is not impoverished of condiments.’” (Hasan)

[Abū ‘Eisā said:] This Hadith is Hasan Gharib from this route. We do not know of it as a Hadith of Umm Hānī’ except through this route. [Abū Ḥamzah Ath-Thumālī’s (a narrator in the chain) name is Thābit bin Ābī Ṣafīyyah.] And Umm Hānī’ died some time after ‘Alī bin Abī Ṭalib. [I asked Muhammad about this Hadith. He
said: “I do not know of Ash-Sha‘bī hearing from Umm Hānî.” So I said: “How is Abū Ḥamdzh according to you?” He said: “Āḥmad bin Ḥānbal criticized him, but he is Muqārib (average) in Ḥadīth to me.”

Comments:
The first of the four Ahādīth (Hadīth 1839) is from Mubārak bin Sa‘eed wherein Suﬁyān’s teacher is Abu Az-Zubair. In Hadīth 1842, however, his teacher is Muḥārib bin Dīthār.

1842. Jābir narrated that the Prophet ﷺ said: “What an excellent condiment vinegar is.” (Sahih)

There are narrations on this topic from ‘Āishah and Umm Hānî’, and this is more correct than the narration of Mubārak bin Sa‘eed (no. 1839).

Chapter 36. What Has Been Related About Eating Melon With Fresh Dates

1843. ‘Āishah narrated: “The Prophet ﷺ would eat melon with fresh dates.” (Sahih)

[Hesaid:] There is something about this from Anas.

[Abū ‘Elsā said:] This Hadīth is Hasan Gharib. Some of them reported it from Hishām bin ‘Urwah from his father in Mursal
form from the Prophet ﷺ, without mentioning "from ‘Aisha” in it. And Yazid bin Rümân reported this Hadith from ‘Urwah, from ‘Aishah.

Comments:
According to Eastern traditional medicine, property-wise, watermelon and different varieties of cucumber are cool while fresh dates are hot. Mixing the hot with cold would make anything temperate in nature.

Chapter 37. What Has Been Related About Eating Snake Cucumber With Fresh Dates

1844. ‘Abdullãh bin Ja’far said: “The Messenger of Allâh ﷺ would eat snake cucumber with fresh dates.” (Sahih)

[Abû ‘Eisã said:] This Hadith is Hasan Sahih Gharib, we do not know of it except as a narration of Ibrãhim bin Sa’d.

Chapter 38. What Has Been Related About Drinking Camel Urine

1845. Anas narrated: “Some people from ‘Urainah arrived in Al-Madinah, and they were uncomfortable (with the climate). So the Messenger of Allâh ﷺ sent
them some camels from charity. He told them: “Drink from their milk and urine.” (*Sahih*)

[Abū ‘Eisā said:] This Hadith is Hasan *Sahih Gharib* as a narration of Thābit. This Hadith has been reported through other routes from Anas. Abū Qilābah reported it from Anas, and Sa’eed bin Abī ‘Arūbah reported it from Qatādah, from Anas.

... Comments:
The Hadith has already been mentioned in detail in the Book Of Purification, Chapter 55, no.72.

Chapter 39. (What Has Been Related) About *Wudū’* Before Meals And Afterwards

1846. Salmān said: “I read in the Tawrāh that the blessing for food is in the *Wudū* after it. So I mentioned that to the Prophet, telling him what I read in the Tawrāh. So the Messenger of Allāh said: ‘The food’s blessing is in the *Wudū* before it and the *Wudū* after it.’” (*Da’f*)

He said: There are narrations on this topic from Anas and Abū Hurairah.

[Abū ‘Eisā said:] We do not know of this Hadith except as a narration of Qais bin Ar-Rabī’. Qais [bin Ar-Rabī’] was graded weak in *Hadith*. Abū Hāshim Ar-Rumānī’s (a narrator in the chain) name is Yahya bin Dinār.
The term *Wudū’* has been used here its literal meaning of washing the hands and mouth in connection with eating. This external etiquette when observed for eating also bears the internal fruit of *Barakah* (Allâh’s blessings).

Chapter 40. About Not Performing *Wudū’* Before Eating

1847. Ibn ‘Abbas narrated: “The Messenger of Allâh ﷺ came out from the toilet and some food was brought to him. They said: ‘Shall we bring you some water for *Wudū’*?’ He said: ‘I have only been ordered to perform *Wudū’* when standing for *Ṣalāt*.’” *(Sahih)*

[Abū ‘Eisâ said:] This Hadîth is *Hasan* *(Sahîh).* ‘Amr bin Dinâr has reported it from Sa’eed bin Al-Ḥuwairîth, from Ibn ‘Abbâs. ‘Ali bin Al-Madînî said: “Yahya bin Sa’eed said: ‘Sufîyân Ath-Thawrî disliked washing the hands before eating food, and he disliked placing the bread under the bowl.’”

Comments:

If a person has already washed his hands and is in a state of cleanliness, there is no need to wash the hands afresh for eating. Nevertheless, if the hands have been soiled from doing some work, then the hands must certainly be washed.
Chapter 41. What Has Been Related About The Tasmiyah For Eating

1848. ‘Ikrash bin Dhu’aib said: “Banû Murrah bin ‘Ubaid sent me to bring the Sadaqah from their wealth to the Messenger of Allah ﷺ. I arrived with him in Al-Madinah and found him sitting between the Muhãjirin and the Anºár.” He said: “Then he took my hand and brought me to the home of Umm Salamah and he said: ‘Do you have any food?’ So a bowl containing a lot of Tharid with pieces of meat was brought to us, and presented for us to eat from it. So I began wandering my hand around in it while the Messenger of Allah ﷺ ate from what was in front of him. He grabbed my right hand with his left hand, then he said: ‘O ‘Ikrash! Eat from one spot, for indeed the food is one.’ Then a plate containing various dried dates’ – or fresh dates – ‘Ubaídullãh (a narrator) was not sure. He said: “I began eating what was in front of me, while the hand of the Messenger of Allah ﷺ roamed about the plate. He said: ‘O ‘Ikrash! Eat from wherever you like, for indeed it is not all from the same variety.’ Then water was brought, so the Messenger of Allah ﷺ washed his hands, and with the wetness of his hands he wiped his face, his forearms, and his head, and he said: ‘O ‘Ikrash! This is the Wudü’ for that which has been altered by fire.”’ (Da’if)
[Abū ‘Eisā said:] This Hadīth is Gharīb, we do not know of it except through the narration of Al-‘Alā’ bin Al-Fadl, and Al-Alā’ was alone with this narration, and there is more in the story in the Hadīth.

[And we do not know a Hadīth from the Prophet ﷺ by ‘Ikrāsh except this.]

Comments:
Although the Hadīth is weak some the rules of etiquette contained in it are corroborated from other Ahādīth, some of which are to follow.

Chapter 42. What Has Been Related About Eating Gourd

1849. Abū Tālūt said: “I entered upon Anas bin Mālik while he was eating gourd, and he was saying: ‘O you tree! I do not like you but because the Messenger of Allāh ﷺ liked you.’” (Da‘if)

[He said:] There is something on this topic from Ḥakīm bin Jābir, from his father.

[Abū ‘Eisā said:] This Hadīth is Gharīb from this route.

Comments:
To love a vegetable or food because the Messenger of Allāh ﷺ liked it is evidence of a person’s love and reverence for the Prophet ﷺ himself, although the liking or eating of it has not been made an obligatory duty upon a believer in the Shari‘ah.
1850. Anas bin Malik said: “I saw the Messenger of Allāh taking from the sides around the dish — meaning the gourd. Since then I still like it.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih. This Hadith has been reported through more than one route from Anas bin Malik.

Chapter 43. What Has Been Related About Eating Olive Oil

1851. ‘Umar bin Al-Khaṭṭāb narrated that the Messenger of Allāh said: “Eat olive and use its oil, for indeed it is a blessed tree.” (Sahih)

[Abū ‘Eisā said:] We do not know of this Hadith except through the narration of ‘Abdur-Razzāq from Ma’mar (narrators in the chain of this Hadith). ‘Abdur-Razzāq would narrate this with Ḥadīth. Sometimes he mentioned in it: “From ‘Umar, from the Prophet” and sometimes he reported it indicating doubt, saying: “I think it is from ‘Umar from the Prophet.” And sometimes he said: “From Zaid bin Aslam, from his father, from the Prophet” in Mursal form.

(Another chain) from Zaid bin
Aslam, from his father, from the Prophet  with similar. And he did not mention “from ‘Umar” in it.

Comments:

In Surat An-Nur, 24 of the Qur’an, the olive tree has been described as a blessed tree, and praise has been given to its oil. That is why the Prophet  has exhorted the believers to make use of it.

1852. Abū Asīd said: “The Prophet  said: Eat of its oil and use it (the olives), for indeed it is from a blessed tree.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Gharib from this route. We only know of it from the narration [of Sufyān Ath-Thawrī, from] ‘Abdullāh bin ‘Eisā.

Chapter 44. What Has Been Related About Eating With Slaves (And Dependants)

1853. Ismā‘il bin Abī Khālid narrated from his father that Abū Hurairah informed them that the Prophet  said: “When the servant of one of you has endured
heat and smoke preparing his food for him, then let him take him by the hand and make him sit him down with him. If he refuses, then let him take a morsel and feed him with it." (Sahih)

[Abū 'Eisā said:] This Hadith is Hasan Sahih. Abū Khālid is the father of Ismā'il, his name is Sa'd.

Comments:
Since the slave or servant that toils for you, and endures all the hard work preparing the food for you and, in the process, perhaps develops a desire for eating the preparation made by him, and you have enough food with you, then it would certainly be most proper and pertinent that you also let him share the food with you.

Chapter 45. What Has Been Related About The Virtues Of Feeding Others

1845. Abū Hurairah narrated that the Prophet ﷺ said: "Spread the (greetings of) Salām, feed others, strike the heads (of the enemy disbelievers); you will inherit Paradise." (Da'if)

He said: There are narrations on this topic from 'Abdullāh bin 'Amr, Ibn 'Umar, Anas, 'Abdus-Salām, 'Abdur-Rahmān bin 'Āish, and Shuraih bin Hānī from his father.

[Abū 'Eisā said:] This Hadith is Hasan Sahih Gharīb as a narration of [Ibn Ziyād] from Abū Hurairah.
These characteristics, general in nature as they are, can well be regarded as highly commendable moral virtues in a man's character that make him deserving of a place in Paradise.

**1855.** ‘Abdullãh bin ‘Amr narrated that the Messenger of Allâh ﷺ said: “(All of you) worship Ar-Rahmãn, feed others, spread the (greeting of) Salâm, then you will enter Paradise in security.” (Sahih)

[He said:] This Hadith is Hasan Sahih.

Comments: That we worship Allâh (Ar-Rahmãn) alone is the right of Allâh upon us all. Similarly, greeting every known or unknown Muslim with Salâm and feeding the needy is the right of men upon us. Thus, anyone who fulfills the rights of both men and Allâh ﷺ, then he is of the people of Paradise.

**Chapter 46. What Has Been Related About The Virtue Of Al-’Asâh**

**1856.** Anas bin Malik narrated that the Messenger of Allâh ﷺ said: “Take the ‘Asâh’ meal, even if it is just with a handful of something to fill. For indeed avoiding the ‘Asâh’ is from senility.” (Da’if)

[Abû ‘Eisâ said:] This Hadith is Munkar, we do not know of it except from this route. ‘Anbasah was graded weak in Hadith. ‘Abdul-Malik bin ‘Allãq is unknown.

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[1] Dinner or supper.
If one feels a genuine need for eating but does not eat, he runs the risk of generating heat in his stomach. Hunger soon starts draining away the natural juices of the body as well as diminishing the appetite, which leads to the weakening of the body and, as a rule, a weak person ages faster. This is a medical truism mistaken for a Hadith.

Chapter 47. What Has Been Related About The Tasmiyah Over Food

1857. ‘Umar bin Abi Salamah narrated that he entered upon the Messenger of Allâh ﷺ while he had some food. He said: “Sit down my son! Mention Allâh’s Name and eat with your right hand, and eat what is nearest to you.” (Sahîh)

[Abû ‘Eisâ said:] It has been reported from Hishâm bin ‘Urwayh, from Abû Wajzah As-Sa’îdî, from a man from Muzainah, from ‘Umar bin Abî Salamah. The companions of Hishâm bin ‘Urwayh differed in reporting this Hadîth. Abû Wajzah As-Sa’îdî’s name is Yazîd bin ‘Ubayd.

Blessed will be the food over which is mentioned the name of Allâh, since the very mention of Allâh’s Name means scaring the Shâtîn away and keeping him from sharing the meals or working his wiles and mischief. It, moreover, awakens the realization in the mind of man that food is a special gift of Allâh, and it is through Allâh’s bounty and grace that he has been able to eat his food and enjoy its deliciousness and benefits.
1858. Umm KuithUm narrated from 'Aishah that the Messenger of Allah ﷺ said: “When one of you eats food, then let him say: ‘Bismillâh.’ If he forgets in the beginning, then let him say: ‘Bismillâhî Fi Awwalîhi Wa Akhirîhi’ (In the Name of Allah in its beginning and its end.)”

It is narrated with this chain of narration, from 'Aishah who said: “The Prophet ﷺ was eating food with six of his Companions. A Bedouin came and ate it in two mouthfuls. So the Messenger of Allah ﷺ said: “As for him, had he mentioned (Allah’s Name), it would have been enough for all of you.” (Sahîh)

[Abû ‘Eisâ said:] This Hadrîth is Hasan Sahîh. [Umm Kulthum is the daughter of Muhammad bin Abî Bakr As-Siddîq, may Allah be pleased with them.]

Comments:

One must begin his food with Bismillâh. In case a person forgets to say it in the beginning, let him remedy the lapse by saying Bismillâhi Fi Awwalîhi Wa Akhirîhi as soon as he is reminded of it.

Chapter 48. What Has Been Related About It Being Disliked
To Spend The Night While One Has A Smell On His Hand

1859. Abû Hurairah narrated that the Messenger of Allah ﷺ said: “Indeed Ash-Shaitân has a sense of taste, for which he licks, so beware of him. So whoever spends the
night with [a smell] on his hand and something happens to him, then let him not blame anyone but himself." (Mawdū')

[Abū 'Eisā said:] This Hadīth is Gharib from this route. It has also been reported in a narration of Suhail bin Abī Šālih, from his father, from Abū Hurairah, from the Prophet  


1860. Abū Hurairah narrated that the Messenger of Allāh  said: “Whoever spends the night with [a smell] on his hand and something happens to him, then let him not blame anyone but himself.” (Sahih)

[Abū 'Eisā said:] This Hadīth is Hasan Gharib, we do not know of it as a narration of Al-A’mash except through this route.

Chapter 1. What Has Been Related About Drinking Khamr

1861. Ibn ‘Umar narrated that the Messenger of Allah ﷺ said: “Every intoxicant is Khamr, and every intoxicant is unlawful. Whoever drinks Khamr in this world, and dies continuing it, he will not drink it in the Hereafter.” (Sahih)

[He said:] There are narrations on this topic from Abū Hurairah, Abū Sa‘eed, ‘Abdulläh bin ‘Amr, ‘Ubadah, Abū Mālik Al-Ash’arî, and Ibn ‘Abbãs.

[Abū ‘Eīsā said:] The Hadîth of Ibn ‘Umar is a Hasan Sahîh Hadîih. It has been reported through other routes from Nâfi’, from Ibn ‘Umar, from the Prophet ﷺ. Mâlik bin Anas reported it from Nâfi’ from Ibn ‘Umar in Mawqûf – not Marfû’ form.

(1) All alcoholic drinks.
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1862. 'Abdullāh bin 'Umar narrated that the Messenger of Allāh ﷺ said: "Whoever drinks Khamr, Salāt is not accepted from him for forty days. If he repents, then Allāh will accept his repentance. If he returns to it, then Allāh will not accept his Salāt for forty days. If he repents, then Allāh will accept his repentance. If he returns to it, then Allāh will not accept his Salāt for forty days. If he repents, then Allāh will accept his repentance. If he returns to it, then Allāh will not accept his Salāt for forty days. If he were to repent, Allāh would not accept his repentance, and he will be given to drink from the river of Al-Khabāl." They said: "O Abū 'Abdur-Rahmān! What is the river of Al-Khabāl?" He said: "A river of the pus from the inhabitants of the Fire." (Da'if)

[Abū 'Eisā said:] This Hadith is Hasan. Similar to this has been reported from 'Abdullāh bin 'Amr and Ibn 'Abbās from the Prophet ﷺ.

Comments:

Liquor (wine) is so harmful a substance that it takes away the drinker's faculty.
of thinking or reason for a while. And reason (or intellect) is a faculty that enables man to recognize his Master and Creator. And it is because of this faculty that man has been made accountable before Allah and ‘preferred them to many of those whom We have created with a marked preferment. (Sūrat Al-İsra’ 17:70).

Chapter 2. What Has Been Related About: Every Intoxicant Is Unlawful

1863. ‘Aishah narrated that the Prophet was asked about Bit, so he said: “All drinks that intoxicate are unlawful.” (Sahih)

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

Comments:
The Prophet’s declaration that every intoxicant is unlawful is a golden rule that decides once and for all that any object or substance that intoxicates is forbidden and unlawful for consumption. This is the view of the vast majority of our pious predecessors.

1864. Ibn ‘Umar narrated that the Prophet said: “Every intoxicant is unlawful.” (Sahih)


[Abū ‘Eisā said:] This Hadith is Hasan. Similar was reported from

Chapter 3. (What Has Been Related About) Whatever ALot Of It Intoxicates, A Little Of It Is Unlawful

1865. Jábir bin ‘Abdullāh narrated that the Messenger of Allāh ﷺ said: “Whatever a lot of it intoxicates, a little of it is unlawful.” (Hasan)

He said: There are narrations on this topic from Sa’d, ‘Āishah, ‘Abdullāh bin Amr, Ibn ‘Umar, and Khawwāt bin Jubair.

[Abū ‘Eisā said:] This Hadith is Hasan Gharīb as a narration of Jābir.
The purport of the Hadith determines that, if a great quantity of a beverage has the capacity to intoxicate a person, it is unlawful to consume even a small quantity of it. This is the view held by the vast majority of the scholars of religion.

1866. 'Aishah narrated that the Messenger of Allah ﷺ said: “Every intoxicant is unlawful. Whatever a Faraq[1] of it intoxicates, then a handful of it is unlawful.” (Hasan)

[Abū ‘Eisā said:] One of them said in his Hadith: “A sip of it is unlawful.”

[He said:] This Hadith is Hasan. Laith bin Abī Sulaim and Ar-Rabi’ bin Ṣabīḥ reported similar to the narration of Mahdī bin Maimūn from Abū ‘Uthmān Al-Anṣārī. Abū ‘Uthmān Al-Anṣārī’s (a narrator in this chain) name is ‘Amr bin Sālim, and they say: “Umar bin Sālim” [as well].

[1] “Faraq” is a measurement weighing about sixteen Rafl, and they say it is ‘Faraq’ which is one hundred and twenty Rafl.” (Tuḥfat Al-Ahwadhi). Today’s Rafl is anywhere between 500 plus grams, to 3 plus kilograms.
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Comments:
The Hadith confirms that regardless of whether a small quantity of an intoxicant does or does not intoxicate it is unlawful to consume it.

Chapter 4. What Has Been Related About Nabidh Prepared In Earthenware Containers

1867. Sulaiman At-Taimi narrated from Tawus, that a man came to Ibn ‘Umar and said: “Did the Messenger of Allah prohibit Nabidh prepared in earthenware vessels?” He said: “Yes.” So Tawus said: “I heard that from him, by Allah.” (Sahih)

[He said:] There are narrations on this topic from Ibn Abi Awfa, Abu Sa’eed, Suwaid, ‘Aishah, Ibn Az-Zubair, and Ibn ‘Abbás.

[Abu ‘Eisa said:] This Hadith is Hasan Sahih.

Comments:
The name Nabidh is applied to a preparation of dates, raisins, honey, barley or other grains if soaked in water in a vessel, and left there until its taste and sweetness pervades the water, but before it turns into an intoxicant.
Chapter 5. What Has Been Related About It Is Disliked To Prepare Nabidh In Ad-Dubbâ’, An-Naqir, And Al-Hantam[1]

1868. Zādhān said: “I asked Ibn ‘Umar about what containers the Messenger of Allāh prohibited. He informed us in your language, and he explained it to us in our language. He said: ‘The Messenger of Allāh prohibited Al-Hantamah, and it is an earthenware container, and he prohibited Ad-Dubbâ’, and it is a gourd, and he prohibited An-Naqir, and it is the trunk of a date-palm that is hollowed out or carved, and he prohibited Al-Muzaffat, and it is coated with pitch. And he ordered that Nabidh be prepared in water-skins.’” (Sahih)


[Abū ‘Eisā said:] This Hadith is Ḥasan Sahīh.


[1] Ad-Dubbâ’ is the gourd container, Al-Muzaffat is a bowl coated with pitch, Al-Hantam is a type of earthenware vessel whose description is obscure, and An-Naqir is a piece of date-palm trunk hollowed into a bowl.
Wine was like breath and soul for the Arabs’ daily life, and they usually prepared the beverage in the four containers named in the Hadith. After the prohibition of the alcoholic drinks was promulgated, the Messenger of Allah even forbade them to use those containers for preparing Nabidh because these containers absorb the liquid which, after some time will ferment and make whatever it is used for afterwards intoxicating.

Chapter 6. What Has Been Related Permitting That Nabidh Be Prepared In Containers

1869. Sulaiman bin Buraidah narrated from his father, that the Messenger of Allah said: “I had indeed forbidden you from using containers, but the container does not make anything lawful nor unlawful, rather every intoxicant is unlawful.” (Sahih)

[Abu ‘Eisā said:] This Hadith is Hasan Sahih.

Comments:
When the prohibition of wine became a matter of common knowledge and the dislike and hatred for it delved deep into the hearts of the people, and there remained no fear or doubt that the use of those containers would rekindle a desire for wine, and when the people had the realization that even Nabidh might in certain cases become intoxicant, the Prophet permitted the use of those containers with the condition that even Nabidh, if it acquires intoxicating property, would be prohibited.
1870. Jābir bin ‘Abdullāh narrated: "The Messenger of Allāh prohibited using (certain) containers. So the Ansār complained about that to him. They said: 'We will have no vessels!' So he said: 'If so then use them.'" (Sahih)

[He said:] There are narrations on this topic from Ibn Mas‘ūd, Abū Hurairah, Abū Sa‘eed, and ‘Abdullāh bin ‘Amr.

[Abū ‘Eisā said:] This Hadith is Hasan Sahīh.

Chapter 7. What Has Been Related About Preparing Nabidh In A Water-Skin

1871. ‘Aishah said: "We would prepare Nabidh for the Messenger of Allāh in a water-skin which was fastened at the top and it had a small hole.[1] We would prepare Nabidh in it during the morning, and drink it during the evening. And we would prepare Nabidh in it during the evening and drink it during the morning." (Sahih)

[He said:] There are narrations on this topic from Jābir, Abū Sa‘eed, and Ibn ‘Abbās.

[Abū ‘Eisā said:] This Hadith is Gharib, we do not know of it as a

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[1] ‘Azlā: A small hole, probably with a stopper or plug, at the bottom to drink from it. See Tuhfat Al-Ahwadhi.
narration of Yūnus bin ‘Ubaid except through this route. This Hadith has also been reported through routes other than this from ‘Āishah.

Comments:
There is unanimity of opinion about the lawfulness of Nabidh provided that it has no intoxicating capacity.

Chapter 8. What Has Been Related About Grains (And Berries) From Which Khamr Is Derived

1872. An-Nu‘mān bin Bashīr narrated that the Messenger of Allāh ﷺ said: “Indeed Khamr comes from wheat, Khamr comes from barely, Khamr comes from dates, Khamr comes from raisins, and Khamr comes from honey.” (Hasan)

[He said:] There are narrations on this topic from Abū Huriarah.

[Abū ‘Eisā said:] This Hadith is Gharib.

1873. ‘Umar said: “Indeed Khamr comes from wheat.” And he mentioned this Hadith. (Hasan)
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1874. ‘Umar bin Al-Khaṭṭāb said: "Indeed Khamr comes from wheat." (Ṣahih)

[After mentioning this, he said:] and this is more correct than the narration of Ibrāhīm bin Muhājīr (no. 1872). ‘Alī bin Al-Madīnī said: "Yaḥyā bin Sa‘eed said: ‘Ibrāhīm bin Al-Muhājīr is not strong [in Hadith].’ And it has also been reported through other routes from Ash-Ša‘bī, from An-Nu‘mān bin Bashīr.

Comments:
The Hadith proves that Khamr does not come only from grapes but from several other things as well, and they also fall under the definition of Khamr (wine).

1875. Abū Kāthīr As-Suḥaimī narrated that he heard Abū Hurairah saying that the Messenger of Allāh ﷺ said: "Khamr comes from these two trees (plants): The datepalm, and the grape (vine)." (Ṣaḥīḥ)

[Abū ‘Īsā said:] This Hadith is Hasan Šaḥīḥ. Abū Kāthīr As-Suḥaimī is Al-Ghubārī, and his name is Yazīd bin ‘Abdur-Raḥmān bin Ghufailah [and Shu‘bāh reported this Hadith from ‘Ikrimah bin ‘Ammār].
Comments:
The wealthy and well-to-do usually prepare their wine from these two, while the common people did it from many other substances. However, the best and the most pungent wines were only prepared from these two.

Chapter 9. What Has Been Related About Mixing Unripe Dates and Dates

1876. Jâbir bin 'Abdulläh narrated: "The Messenger of Allâh prohibited making Nabîdh from unripe dates and fresh dates together." (Sâhih)

[Abû 'Elsiâ said:] This Hadîth is Hasan Sâhih.

Comments:
The main reason behind prohibiting mixing certain substances to prepare Nabûdh is the fact that putting them together hastens their fermentation. That is why, as a precautionary measure, like in the case of certain containers, the Messenger of Allâh also prohibited the above mentioned formula for preparing Nabîdh, although he allowed the use of each of these ingredients separately for the purpose.

1877. Abû Sa'eed narrated: "The Prophet prohibited mixing of unripe dates and dates, and mixing of raisins and dates (for making Nabîdh), and he prohibited the jars that Nabîdh is made in." (Sâhih)

[He said:] There are narrations on this topic from Anas, Jâbir, Abû Qatâdah, Ibn 'Abbâs, Umm Salamah, and Ma'bad bin Ka'b from his mother.

[Abû 'Elsiâ said:] This Hadîth is Hasan Sâhih.
1878. Shu‘bah bin Al-Hakam narrated: “I heard Ibn Abi Lailā narrating that Hudhaifah asked for water, so someone brought him a vessel made from silver. He threw it, and said: ‘I have indeed forbade him, but he refused to stop! Indeed the Messenger of Allah prohibited drinking from silver and gold vessels, and from wearing silk and Dibaj, and he said: ‘It is for them in this world, and for you in the Hereafter.’” (Sahih)

[He said:] There are narrations on this topic from Umm Salamah, Al-Barā’, and ‘Āishah.

[Abū ‘Eisā said:] This Hadith is Hasan Sahih.

Comments:
Eating and drinking from gold and silver vessels as well as wearing silk and Dibaj (for men) smacks of propensity for ostentation, self-pride and a desire to make a show of one’s wealth and opulence. Hence the prohibition.
Chapter 11. What Has Been Related About The Prohibition Of Drinking While Standing

1879. Qatadah narrated from Anas: “The Prophet prohibited that a man should drink while standing.” (Qatadah said:) So it was said: “And eating?” He (Anas) said: “That is worse.” (Sahih)

[Abū 'Eisā said:] This Hadith is Hasan Sahih.

Comments:

It was the constant habit of the Messenger of Allah to eat while sitting. He even forbade others to eat or drink while standing. There is, therefore, no sanction for eating while standing, as is a common sight in public these days.

1881. Al-Jārūd bin Al-‘Alā’ narrated: “The Prophet prohibited drinking while standing.” (Sahih)

And there are narrations on this topic from Abū Sa‘eed, Abū Hurairah, and Anas. And this Hadith is Hasan Gharīb. This Hadith was reported from other narrators, from Sa‘eed, from Qatadah, from Abū Muslim, from Al-Jārūd, that the Prophet said: “The Muslim’s wandering (animal) stirs the Fire.”[1] Al-Jārūd bin Al-Mu‘allā is called Ibn Al-‘Alā’ but what is correct is Al-Mu‘allā.

[1] That is taking the Muslim’s wandering animal may lead to Hell. Tuhfat Al-Ahwadhi.
Chapter 12. What Has Been Related About The Permission For Drinking While Standing

1880. Ibn ‘Umar said: “We would eat during the time of the Messenger of Allah while we were walking, and we would drink while we were standing.” (Sahih)

[Abū ‘Eisā said:] This Hadīth is Hasan Sahīh Gharīb as a narration of ‘ Ubaidullāh bin ‘Umar, from Nāfi’, from Ibn ‘Umar. ‘ Imrān bin Ḥudair reported this Hadīth from Abū Al-Bazari, from Ibn ‘Umar. Abū Al-Bazari’s name is Yazid bin ‘Uṭārid.

1882. Ibn ‘Abbās said: “The Prophet drank from Zamzam while he was standing.” (Sahīh)

[He said]: There are narrations on this topic from ‘Ali, Sa’d, ‘Abdullāh bin ‘Amr, and ‘Aishah.

[Abū ‘Eisā said:] This Hadīth is Hasan Sahīh.
Comments:
Since there was a heavy rush around the well of Zamzam after circuiting the Ka'bah, and sitting was not easy, the Prophet drank while standing in order to indicate that if it is not convenient or possible to sit down for drinking, one could drink while standing ('Aridat Al-Ahwadhi, v.8, p.74). As such, as far as Zamzam is concerned, it is an established Sunnah to drink it while standing.

1883. ‘Amr bin Shu’bah narrated from his father, from his grandfather who said: “I saw the Messenger of Allah drinking while standing and sitting.” (Hasan)

[Abū ‘Eisā said:] This Hadīth is Hasan Šahīh.

Chapter 13. What Has Been Related About Breathing Into The Vessel

1884. Anas bin Mālik narrated that the Prophet would breathe three times in the vessel and say: “It is more wholesome and thirst quenching.” (Šahīh)

[Abū ‘Eisā said:] This Hadīth is Hasan [Gharib]. Hishām Ad-Dastawāl reported it from Abū ‘Iṣām, from Anas. And ‘Azrah bin Thābit reported it from Thumāmah, from Anas that: “The Prophet would breathe three times in the vessel.”

(Another chain) from Anas bin Mālik: “The Prophet would
breathe three times in the vessel.”

[He said:] This Ḥadīth is Ḥasan Ṣaḥīh.

Comments:

“Breathe three times in the vessel” means that, while drinking from the vessel, he used to draw the mouth away from the vessel three times and breathe outside. It is because there is a unanimous Sahih Hadith that the Messenger of Allah has prohibited from breathing in the vessel. The reason being that, by doing so, the foul smell of the mouth penetrates into the water or else, more often than not, the saliva finds its way into the water, which even the drinker himself would detest. Breathing outside the vessel, on the contrary, is more satisfying and healthy and pleasant for the stomach. It, moreover, as will be seen from the following Hadith, makes man distinct from the animal.

1885. Ibn ‘Abbas narrated that the Messenger of Allah said: “Let none of you drink all at once like the camel. But drink two or three times, mentioning Allāh’s Name when you drink, and praising Him when you (finish).” (Da‘iff)

[Abū ‘Eisā said:] This Ḥadīth is Gharib. Yazid bin Sinān Al-Jazārī is Abū Farwah Ar-Ruhāwī.

Comments:

Islamic etiquette for drinking demands that we (i) drink in three breaths, released and drawn outside the vessel, and (ii) start with the recitation of Bismillāh and end up with Al-hamdulillāh.
Chapter 14. What Has Been Related About Drinking With Two Breaths

1886. Ibn ‘Abbas said: “When the Prophet drank, he would breathe two times.” (Da’if)

[Abu ‘Eisah said:] This Hadith is Hasan Gharib, we do not know of it except as a narration of Rishdin bin Kuraib.

He said: I asked [Abu Muhammad] ‘Abdulläh bin ‘Abdur-Rahman [1] about Rishdin bin Kuraib: “Is he stronger (in narration), or Muhammed bin Kuraib?” He said: “Neither are better to me. Rishdin bin Kuraib is preferred over them to me.” He said: I asked Muhammad bin Ismail about this, so he said: “Muhammad bin Kuraib is preferred over Rishdin bin Kuraib.”

To me, the correct view is what Abu Muhammad ‘Abdulläh bin ‘Abdur-Rahman said: Rishdin bin Kuraib is more preferred and he is elder. He lived to see Ibn ‘Abbas, and they are brothers, and they both have Munkar narrations in their reports.”

Comments:

If one has the intention to drink to one’s fill, let him drink with three breaths.

In case he wishes to drink just a little, he may do it with one breath or two.

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Chapter 15. What Has Been Related About It Being Disliked To Blow Into The Drink

1887. Abū Sa‘eed Al-Khudrī narrated that the Prophet prohibited blowing into the drink. A man said: “What about if one sees something floating in the vessel?” He said: “Spill it out (removing that).” He said: “I can not drink in one breath.” He said: “Then remove the cup away from your mouth.” (Sahih)

[Abū ‘Eisā said:] This Hadīth is Hasan Sahih.

Comments:
If a straw etc., strays into the drinking water then, instead of blowing it away, we should remove it through some other method i.e., through spilling out some of the water or by means of a spoon etc. If one has a desire to drink to one’s fill and needs to breathe while doing so, let him draw the cup away from his mouth and breathe outside.

1888. Ibn ‘Abbās narrated: “The Messenger of Allāh prohibited breathing in the vessel, or blowing into it.” (Sahih)

[Abū ‘Eisā said:] This Hadīth is Hasan Sahih.

Comments:
It is not proper to breathe into the vessel or blow into it while drinking from it, be it for taking a fresh breath, or removing some straw from it or to cool a hot drink.
Chapter 16. What Has Been Related About It Being Disliked To Breath Into The Vessel

1889. ‘Abdullāh bin Abī Qatādah narrated from his father, that the Messenger of Allāh ﷺ said:
“When one of you drinks, then do not breathe into the vessel.”
(Sahih)

[Abū ‘Eisā said:] This Hadīth is Hasan Sahih.

Comments:

It is not only bad manners but also an unhealthy practice to breathe into the vessel while drinking. (Fath Al-Bārī, Prohibition of breathing into the vessel: 10).

Chapter 17. What Has Been Related About [The Prohibition Of] Bending The Mouths Of Water-Skins

1890. ‘Ubaiddullāh bin ‘Abdullāh narrated a report (of the Messenger of Allāh ﷺ) from Abū Sa‘eed, that he prohibited bending the mouths of the water-skins.
(Sahih)

[He said:] There are narrations on this topic from Jābir, Ibn ‘Abbās, and Abū Hurairah.

[Abū ‘Eisā said:] This Hadīth is Hasan Sahih.

Comments:

This Hadīth is Hasan Sahih.
The Chapters On Drinks

Comments:

A water-skin or any other container with a closed mouth could contain a harmful object in it. It has, therefore, been prohibited to drink from it without looking at what one is drinking.

Chapter 18. What Has Been Related Permitting That

1891. 'Eisā bin 'Abdullāh bin Unais narrated from his father who said: "I saw the Prophet standing at a hanging water-skin, so he bent it, then drank from it." (Da'īf)

[He said:] There is something on this topic from Umm Salamah.

[Abū 'Eisā said:] The chain for this Hadith is not Sahīh. 'Abdullāh bin 'Umar Al-'Umari (a narrator in the chain) was graded weak due to his memory, and I do not know if he heard from 'Eisā or not.

1892. 'Abdur-Rahmān bin Abī 'Amrah narrated from his grandmother Kabshah who said: "The Messenger of Allāh entered upon me. He drank from a hanging water-skin while standing. So I went to its mouth and cut it off."[1] (Hasan)

[Abū 'Eisā said:] This Hadith is Hasan Sahīh Gharib. Yazīd bin

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[1] This she did because the Prophet had drunk from it, and she wanted to keep it. See Tuhfat Al-Ahwādhi.
Yazid bin Jabir is the brother of 'Abdur-Rahman bin Yazid bin Jabir. He died earlier than him.

Comments:

The water-skin was hanging, and there was no vessel around, and obviously the Prophet (P) could not hold water in the palm of his hand and drink. It was under this circumstance that he had to drink directly from the mouth of the water-skin.

Chapter 19. What Has Been Related About Those On The Right Have More Right To The Drink

1893. Anas bin Malik narrated: “The Messenger of Allah (P) was brought some milk which was mixed with some water. On his right was a Bedouin and on his left was Abu Bakr. So he drank, then he gave it to the Bedouin and said: ‘The right then the right.’” (Sahih)

[He said:] There are narrations on this topic from Ibn ‘Abbas, Sahl bin Sa‘d, Ibn ‘Umar, and ‘Abdullah bin Busr.

[Abu ‘Elsa said:] This Hadith is Hasan Sahih.

Comments:

If the cup bearer finds no division of right and left among the people but finds them sitting reverentially before a prominent personality, then he starts offering the drink to the person in front. In case the drink has been brought especially for the prominent person, it shall be offered exclusively to him. If, however, it is meant to be given to others as well, then the cup bearer shall start from his right side.
Chapter 20. What Has Been Related About The One Providing Water For People Is The Last Of Them To Drink

1894. Abū Qatādah narrated that the Prophet ﷺ said: “The one providing water for people is the last of them to drink.” (Sahih)

[He said:] There is something on this topic from Ibn Abī Awfā.

[Abū ʿEisā said:] This Hadith is Hasan Sahih.

Comments:
Islamic etiquette is built on the principle that if a person is designated to provide some sort of service or relief to the people, let him first and foremost serve the people and avoid placing self-interest above that of others.

Chapter 21. What Has Been Related About Which Drink Was The Most Beloved To The Messenger Of Allâh ﷺ

1895. ʿAīshah narrated: “The drink most beloved to the Messenger of Allâh ﷺ was the sweet, cool drink.” (Daʿīf)

[Abū ʿEisā said:] This was reported similarly by more than one narrator from Ibn ʿUyainah from Maʿmar, from Az-Zuhrī, from ʿUrwah from ʿAīshah. What is correct is what was reported by Az-Zuhrī from the Prophet ﷺ in Mursal form.

Comments:
[إسناده ضعيف] And أخرجه النسابي في الكبرى, ح: 1844 من حديث سفيان بن عيينة به وصحح بالسماع عند الحمدي, ح: 258. الزهري مَدَل وعَنْه وَالحَدِيث شاهد ضعيف

عَنْ عَبْدُ أَبِي ٱلْوَلِيدِ يَاخْرُوجُ دَارَ بِخَالِدٍ ﺔُمَرَّ وَالبَالِدِيَةَ، عَنْ ٱبْنِ ٱلْيَزْرَعِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْنِهِ، عَنْ عَيْهِ، عَنْ عَيْ}
Almost every person has a natural inclination for cold and sweet drink. A person's liking for a certain item of food or drink, which is also consistent with human nature, is not against the principle of piety and freedom from distaste for worldly pleasures.

1896. Az-Zuhri narrated: “The Prophet was asked: ‘Which drink is the best?’ He said: ‘The sweet, cool drink.’” (Da'if)

[Abū 'Eisā said:] This is how 'Abdur-Razzāq reported it from Ma'mar, from Az-Zuhri, from the Prophet in Mursal form. This is more correct than the narration of Ibn 'Uyainah (no. 1895).