English Translation of

Sunan Abu Dawud

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Volume 3

From Hadith no. 2175 to 3241

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In the Name of Allah, the Merciful, the Beneficent

13. THE BOOK OF DIVORCE

Chapter 1. Regarding Someone Who Ruins A Wife For Her Husband

2175. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “He who ruins a woman for her husband, or a slave for his master, is not of us.” (Hasan)

Chapter 2. Regarding A Woman Who Asks Her Husband To Divorce Another Wife Of His

2176. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Let not any woman ask for the divorce of her sister, so that she may empty her sister’s plate. And let her marry, for she will get what

Chapter 3. Regarding The Abhorrence Of Divorce

2177. It was reported from Ma'rūf, from Muḥārib, that the Messenger of Allāh ﷺ said: “Allāh has not permitted anything that is more detestable to Him than divorce.” (Hasan)

2178. It was reported from Muḥārib bin Dithār, from Ibn ‘Umar, that the Prophet ﷺ said: “The most detestable of all permitted matters to Allāh the Exalted is divorce.” (Hasan)

Chapter 4. Regarding The Divorce According To The Sunnah

2179. It was reported from Mālik, from Nāfi‘, from ‘Abdullāh bin ‘Umar that he divorced his wife while she was menstruating, during the time of the Messenger of Allāh ﷺ. ‘Umar bin Al-Khaṭṭāb asked the Messenger of Allāh ﷺ regarding this, so the Messenger of Allāh ﷺ said: “Command him to
take her back, then keep her until she is pure and then menstruates, and then becomes pure (again). Then, if he desires, he may keep her after that, and if he desires, he may divorce her before touching her. And that is the waiting period that Allāh has commanded to divorce women in.” (Sahih)

2180. It was reported from Al-Lāith, from Nāfi' that Ibn ‘Umar divorced one of his wives while she was menstruating with one divorce — narrating the same meaning as the narration of Mālik (no. 2179). (Sahih)

2181. It was reported from Muhammad bin ‘Abdur-Rahmān the freed slave of the family of Tālhāh, from Sāilm, from Ibn ‘Umar, that he divorced his wife while she was in her menses. ‘Umar mentioned this to the Prophet ﷺ, who said: “Command him to take her back, and then divorce her after she is pure or pregnant.” (Sahih)

2182. It was reported from Ibn Shihāb, that Sālim bin ‘Abdullāh informed him, from his father (Ibn ‘Umar), that he divorced his wife...
while she was in her menses. 'Umar mentioned this to the Messenger of Allah, and he became very angry with that. He then said: “Command him to take her back, then, let him keep her until she becomes pure, then has her menses, then becomes pure (again). Then, if he wishes, he can divorce her while she is in her state of purity and before he touches her. And that is the divorce in the proper waiting period that Allah the Exalted has commanded.” (Sahih)

2183. It was reported from Ayyūb, from Ibn Sirīn that Yusūn bin Jubiar informed him that he asked Ibn 'Umar: “How many times did you divorce your wife?” He replied: “Once.” (Sahih)

Comments:

1. These *Ahādīth* are related to the meaning of the first Verse of the Sūrat At-Talāq: Divorce them during their (legal waiting) period (65:1), that is, divorce them during the time they are in a state of purity, provided no intercourse takes place during this time.

2. Divorcing a woman during the period of her menstruation is contrary to Sunnah. However, if one divorces one's wife during those days, the majority of scholars consider it a valid divorce.

3. If a woman has been divorced during her period of menses, that divorce shall be considered as one divorce, and the husband shall be told to retract. The right to retract rests with the husband, not with the legal guardian.
2184. It was reported from Yazīd bin Ibrāhīm, from Muḥammad bin Sirīn, that Yūnus bin Juba'r narrated to him: "I asked 'Abdullāh bin 'Umar regarding a man who divorces his wife while she was in her menses. He said: 'Do you know Ibn 'Umar?' I replied: 'Yes.' He said: "'Abdullāh bin 'Umar divorced his wife while she was in her menses, so 'Umar went to the Prophet ﷺ and asked him about that. He replied: "Command him to take her back, then, divorce her at the beginning of her waiting period."' I said: 'So should that (divorce) be counted?' He replied: 'And what else? Do you suppose he was incapable and acted like a fool?"' (Sahih)

2185. It was reported from Abū Az-Zubair that he heard 'Abdur-Rahmān bin Ayman, the freed slave of 'Urwah, asking Ibn 'Umar — while Abū Az-Zubair was listening: "What is your opinion regarding a man who divorced his wife while she was in her menses?" He replied: "'Abdullāh bin 'Umar divorced his wife while she was in her menses during the life of the Messenger of Allāh ﷺ. So 'Umar asked the Messenger of Allāh ﷺ and said: 'Abdullāh bin 'Umar divorced his wife while she was menstruating.' 'Abdullāh (Ibn 'Umar) said: "So he (ﷺ) returned her to me, and did not consider it to be anything. And he said: 'Once
she is pure, let him divorce her, or let him keep her.” Ibn ‘Umar added: “And the Prophet recited: O Prophet, if you divorce women, then divorce them at the beginning of their waiting periods.” (Sahih)

Abū Dāwūd said: This Hadith was reported from Ibn ‘Umar by Yūnus bin Jubair, Anas bin Sirin, Sa’eed bin Jubair Zaid bin Aslam, Abū Az-Zubair, and Mansūr who reported it from Abū Wā’il, and with all of them is the meaning that the Prophet commanded him to take her back until she became pure, then, if he desired, he should divorce her, or if he desired, he should keep her.

Abū Dāwūd said: And this is how Muhammad bin ‘Abdur-Rahmān reported it from Sālim, from Ibn ‘Umar. As for the narration of Az-Zuhri from Sālim, and that of Nāfi’ from Ibn ‘Umar, (its meaning is) that the Prophet commanded him to take her back until she became pure, and then menstruated, and then became pure, and then if he wished, he could divorce her or keep her.

Abū Dāwūd said: And it has been related from ‘Atā’ Al-Khurāsānī, from Al-Hasan, from Ibn ‘Umar, similar to the narration of Nāfi’ and Az-Zuhri, and all of these narrations contradict what Abū Az-Zubair said.

نخرج: أخرج حديث مسلم من حديث عبدالرزاق به وانظر ح: 2183 وقوله: "ولم يرها شيئا."

Chapter 5. A Man Takes His Wife Back Without Any Witnesses

2186. ‘Imrân bin Ḥuṣain was asked about a person who divorces his wife, and then engages (in intercourse) with her, without any witnesses of the divorce or of taking her back. He replied: “You have divorced contrary to the Sunnah, and you have taken her back contrary to the Sunnah. Have her divorce and your taking her back witnessed, and don’t repeat this.” (Hasan)

Comments:
If he decides to return to his wife, it is recommended to have two witnesses informed of that.

Chapter 6. Regarding The Sunnah For Divorcing Slaves

2187. Abū Ḥasan, a freed-slave from Banū Nawfal, informed that he asked Ibn ʿAbbās regarding a slave who was married to a slave-girl but had divorced her twice; they were then both freed, so is it allowed for him to propose to her? He replied: “Yes, this is what the Messenger of Allâh  decreed.” (Da‘if)


Comments:
If he decides to return to his wife, it is recommended to have two witnesses informed of that.
2188. (Another chain) with its meaning (similar to no. 2187), without saying: “informed.” Ibn ‘Abbas said: “One (option of divorce) remains for you. The Messenger of Allah decreed accordingly.” (Daif)

Abū Dāwūd said: I heard Ahmad bin Ḣanbal say: ‘Abdur-Razzāq said: ‘Ibn Al-Mubārak said to Ma‘mar: “Who is this Abū Al-Ḥasan? He has indeed taken a great responsibility!”

Abū Dāwūd said: Az-Zuhrī reports from this Abū Al-Ḥasan. Az-Zuhrī said: “He was one of the Ḥadiths.” Az-Zuhrī reports a number of narrations from Abū Al-Ḥasan.

Abū Dāwūd said: (Though this Abū Al-Ḥasan is well known, but this narration is not acted upon.)

2189. It was reported from Muzāhir, from Al-Qāsim bin Muḥammad, from ‘Āishah, that the Prophet ﷺ said: “The divorce of a slave-woman is two (times), and her (waiting period) is two cycles.” (Daif)

Abū ‘Āṣim (one of the narrators) said: “Muzāhir narrated to me: ‘Al-Qāsim narrated to me from ‘Āishah, from the Prophet ﷺ’.” similarly, except that he said: “And her waiting period is two (menstruation) cycles.”

Abū Dāwūd said: It is an unknown narration. (Abū Dāwūd said: Neither of these two Hadiths are acted upon.)
Chapter 7. Regarding A Divorce Before The Marriage

2190. It was reported from 'Amr bin Shu'aib, from his father, from his grandfather, that the Prophet ﷺ said: “There is no divorce except with (someone) in your possession, and there is no freeing (of a slave) except someone you own, and there is no transaction except with something that you own.” Ibn As-Sabbãh (one of the narrators) added: “And there is no fulfilling of a vow except with what you own.” (Hasan)

Abü Dāwud said: Mużãhir is not well known.

2191. (Another chain) from ‘Amr bin Shu’aib, with his chain and its meaning (similar to no. 2190), and he added: “And whoever took an oath to do (an act of) disobedience, then there is no swearing (Yamin) upon him, and whoever took an oath to sever the ties of the womb (kinship) then there is no swearing (Yamin) upon him.”[1] (Hasan)

[1] “No swearing (Yamin)” meaning either, he may not do what he swore to do, but he must atone for that, or, he is not considered one who swore, that is, the oath does not count, and he need not atone for it. See nos. 3272-3274.
2192. (Another chain) from ‘Amr bin Shu‘aib, from his father, from his grandfather that the Prophet said — for this narration (similar to no. 2190) — he added: “And there is no vow except for what is done seeking the Face of Allāh, Most High.” (Hasan)

Chapter 8. Regarding Divorcing By Mistake

2193. ‘Āishah narrated that the Messenger of Allāh ﷺ said: “There is no divorce, nor freeing (of a slave) in the state of Ighlāq.” (Hasan)

Abū Dāwūd said: I think that Ghīlāq is anger.

Comments:

Ighlāq, means; “closed”. In the matter of divorce, it means “a deranged state of mind.” It may be due to drunkenness, a fit of demonic possession, or an uncontrollable fit of rage.
Chapter 9. Regarding A Divorce That Was Said In Jest

2194. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: “Three things, when done in earnest are counted as earnest, and when done in jest, are also counted as earnest: Marriage, divorce, and taking (a divorcee) back.” (Hasan)

Chapter 9,10. The Abrogation Of Taking Back A Wife After The Third Divorce

2195. It was reported from ‘Alî bin Husain bin Wâqid, from his father, from Yazîd An-Nâhîwî, from ‘Ikrimah, from Ibn ‘Abbâs, that he recited (the Verse): “And divorced women shall wait regarding themselves for three menstrual periods. And it is not lawful for them to conceal what Allâh has created in their wombs”[1] and said: “This was because a person who had divorced his wife was entitled to take her back, even if he had divorced her three times. But then that was abrogated, and (Allâh) said: Divorce is two times.”[2] (Hasan)

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It was reported from Ibn Juraïj that one of the sons of Abû Rãfi‘, the freed slave of the Prophet ﷺ, informed him from ‘Ikrimah, the freed slave of Ibn ‘Abbãs, from Ibn ‘Abbãs, that he said: “Abd Yazid, the father of Rukãnah, and his brothers, divorced Umm Rukãnah, and married a woman from Muzainah. She (the woman from Muzainah) came to the Prophet ﷺ and said: ‘He is as useful to me as this hair,’ and plucked a hair from her head: ‘So separate us from each other.’ The Prophet ﷺ became angry at that, so he called for Rukãnah and his brothers, and asked those who were seated with him: ‘Do you see that so-and-so resembles Abd Yazid in this way, and this one resembles him in that way?’ They said: ‘Yes.’ So the Prophet ﷺ said to Abd Yazid: ‘Divorce her,’ and he did so. Then he said: ‘Take back your wife, the mother of Rukãnah and his brothers.’ He said: ‘I divorced her three times, O Messenger of Allah!’ He replied, ‘I know. Take her back,’ and then recited: O Prophet! If you divorce women, then divorce them at their prescribed times…”[1] (Da‘îJ)

Abû Dâwûd said: the Hadîth of Nãfi‘ bin ‘Ujair and ‘Abdullãh bin ‘Ali bin Yazïd bin Rukãnah, from
his father, from his grand father — that Rukānah divorced his wife irrevocably (Al-Battah), and the Prophet ﷺ returned her to him\[1\] — it is more correct, because the son and family of a man are more knowledgeable of him. So Rukānah only divorced his wife with an irrevocable divorce and the Prophet ﷺ counted it as one.

2197. It was reported from ‘Abdullāh bin Kathir, from Mujāhid who said: "I was with Ibn ‘Abbas, when a man came to him and said that he had divorced his wife three times. Ibn ‘Abbās remained quiet, until I thought that he would return her to him. Then he said: ‘One of you goes and commits a foolish act, and then cries out, “O Ibn ‘Abbās! O Ibn ‘Abbās!” even though Allāh says: And whoever has Taqwā of Allāh, Allāh will make a way out for him.\[2\] So you did not have Taqwā of Allāh, and I do not find any way out for you. You have disobeyed your Lord, and your wife has become completely separated from you. And Allāh has said: O Prophet! If you divorce your wives, then divorce them\[3\] — at the beginning of their prescribed times” (Sahih)

\[1\] He is referring to no. 2206.
\[2\] At-Talaq 65:2.
\[3\] At-Talaq 65:1.
Abū Dāwud said: This Hadith was reported by Ḥumaid Al-A'rāj and others, from Mujāhid, from Ibn ‘Abbās. And Shu'bah reported it from ‘Amr bin Murrah, from Sa'eed bin Jubair, from Ibn ‘Abbās. Ayyūb and Ibn Juraij both reported it from ‘Ikrimah bin Khālid, from Sa'eed bin Jubair, from Ibn ‘Abbās. And Ibn Juraij reported it from ‘Abdūl-Hamīd bin Rāfī’, from ‘Atā’, from Ibn ‘Abbās. And Al-A’mash reported it from Mālik bin Al-Hārith, from Ibn ‘Abbās. And Ibn Juraij reported it from ‘Amr bin Dīnār, from Ibn ‘Abbās. All of these said, regarding the three divorces, that they are valid. And he said: “And she is completely separated from you.” Similar to the narration of Ismā’il from Ayyūb, from ‘Abdullāh bin Kathīr.[1]

Abū Dāwud said: Ḥammād bin Zaid reported from Ayyūb, from ‘Ikrimah, from Ibn ‘Abbās: “If he said: ‘You are divorced three times’ — at once — then it is counted as one.”

And Ismā’il bin Ibrāhīm reported it from Ayyūb, from ‘Ikrimah, as his own saying, not mentioning Ibn ‘Abbās.

2198. It was reported from Muḥammad bin Iyās that Ibn ‘Abbās, Abū Hurairah, and ‘Abdullāh bin ‘Amr bin Al-‘Āṣ were all asked regarding a virgin whose husband divorced her three times. They all replied: “She is not permitted for him until after she has married another husband (and that husband divorces her).” (Ṣaḥīḥ)

Abū Dāwūd said: ʿAlī bin ʿAbd al-Rahmān bin ʿAmr reported from Yāḥyā bin ʿAbdullāh, from Muḥammad bin Iyās bin Abī ʿAmr, that he was asked regarding this issue. They both replied: “She is not permitted for him until after she has married another husband (and that husband divorces her).” (Ṣaḥīḥ)

Abū Dāwūd said: And the saying of Ibn ʿAbbās that a triple divorce is irrevocable, regardless of whether the marriage has been consummated or not, and that she is not permitted for her husband until she marries another person, is similar to another narration from him, regarding Sarf, then Ibn ʿAbbās retracted from that.\(^1\)

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\(^1\) See no. 3348.
2199. It was reported from Ayyūb and others, from Tāwūs, that a man by the name of Abū Aṣ-Ṣahbā’ would frequently ask Ibn ‘Abbās questions. Once, he said: “Are you not aware of the fact that if a man divorced his wife thrice, before he consummated the marriage with her, they would consider it as one during the time of the Messenger of Allāh ﷺ, and Abū Bakr, and the early period of ‘Umar?” Ibn ‘Abbās replied: “Yes, they would consider that if a man divorced his wife thrice before he consummated the marriage with her, it would be counted as one during the time of the Messenger of Allāh ﷺ, and Abū Bakr, and the early period of ‘Umar. But when they saw people doing this (frequently), he said: ‘Consider it all upon them.’” (Daʿīf)

2200. It was reported from Ibn Juraj, that Ibn Tāwūs informed him from his father, that Abū Aṣ-Ṣahbā’ said to Ibn ‘Abbās: “Do you not know that three (divorces) were considered as one during the time of the Prophet ﷺ, and Abū Bakr, and three (years) from the rule of ‘Umar?” Ibn ‘Abbās replied: “Yes.” (Ṣahih)

Chapter 10/11. Regarding Statements That Equate To Divorce, And Intentions

2201. 'Umar bin Al-Khattab narrated that the Messenger of Allah ﷺ said: "Actions are only done with intentions, and every person will only obtain what he intended. So whoever intended to emigrate for the sake of Allah and His Messenger, then his emigration is for Allah and His Messenger. And whoever emigrated due to a worldly benefit that would come to him, or because he wished to marry a woman, then his emigration will be for that which he emigrated."

(Sahih)

2202. It was reported from Ibn Shihab who said: ‘Abdur-Rahman bin ‘Abdulläh bin Ka'b bin Mâlik informed me that ‘Abdulläh bin Ka'b — who was the guide for Ka'b bin Mâlik when he became blind — said: "I heard Ka'b bin Mâlik" and he narrated his story regarding the incident of Tabûk. He said: "So when forty of those fifty (days) had passed, a messenger came from the Messenger of Allah ﷺ and said: 'The Messenger of Allah ﷺ has commanded you to leave your wife.' I said: 'Should I divorce her, or what?' He said: 'No, just leave her, and do not approach her.' So I
said to my wife: 'Go to you family, and stay with them until Allāh, Most High, decides in this matter.' [1] (Sahih)

Comments:
If a husband tells his wife to go to her family with the intent of divorcing her, she will be divorced.

Chapter 11/12. Regarding Allowing The Wife To Choose

2203. ‘Āishah narrated: “The Messenger of Allāh ﷺ gave us the right to choose, so we all chose him, and that was not counted as anything.” (Sahih)

Comments:
If a husband says to his wife: “Either choose me or yourself” and by that he means divorce, then she will be divorced if she chooses herself.

Chapter 12/13. Regarding The Phrase: ‘Your Matter Is In Your Hands’

2204. Ḥammad bin Zaid said that he asked Ayyūb: “Do you know anyone who agreed with Al-Ḥasan regarding his opinion on the phrase: ‘Your matter is in your hands?’” He said: ‘No, except for something narrated to us by Qatādah, from Kathīr, the freed

[1] See nos. 4600, 4915 and 4916. See a long version in Al-Bukhāri (4418) and Muslim (7016).
slave of Ibn Samurah, from Abū Salamah, from Abū Hurairah, from the Prophet, with its like.’ Ayyūb said: ‘But then, when Kathīr came to us and we asked him about it, he said that he had never narrated any such thing. And when we mentioned this to Qatādah, he said: Yes, he had, but he forgot.’”

(Ta’rīf)

Chapter 13/14. Regarding An Irrevocable (Al-Battah) Divorce

2205. It was reported from Hishām, from Qatādah, from Al-Hasan, regarding the phrase: “Your matter is in your hands,” — he said: “(It counts as) three.”

(Ta’rīf)

2206. It was reported from Nāfī’ bin ‘Ujair bin ‘Abd Yazīd bin Rukānah, that Rukānah bin ‘Abd Yazīd divorced his wife Suhaimah irrevocably (Al-Battah), and he then informed the Prophet about that, and said: “By Allāh, I only intended one!” The Messenger of Allāh said: “You swear by Allāh that you only intended one?” He replied: “I swear by Allāh that I only intended one.” So the Messenger of Allāh returned her to him. He then divorced her the second time during the era of ‘Umar, and then the third time during the era of
‘Uthmãn. (Hasan)
Abû Dâwud said: The beginning of it is the wording of Ibrâhim (one of the narrators) while the end of it is the wording of Ibn As-Sarh (one of the narrators).

٢٢٠٧. (Another chain) from Nafi’ bin ‘Ujairah, from Rukãnah bin ‘Abd Yazíd, from the Prophet ﷺ for this Hadith. (Hasan)

٢٢٠٨. (Another chain) from ‘Abdullâh bin ‘Alî bin Yazíd bin Rukãnah, from his father, from his grandfather, that he irrevocably divorced his wife. He then came to the Messenger of Allâh ﷺ, who asked him: “What did you intend?” He replied, “One.” He said: “By Allâh?” He replied, “By Allâh.” So the Prophet ﷺ said: “It is as you intended.” (Daفى)

Abû Dâwud said: This is more correct than the narration of Ibn Juraij,[1] which says that Rukãnah divorced his wife three times. Because these are people (the narrators) from his family and they are more knowledgeable about his

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[1] That is, no. 2196.
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affairs. And the narration of Ibn Jura'aj was reported from someone from the sons of Abū Rāfî', from 'Ikrimah, from Ibn 'Abbās.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الطلاق واللمعان، باب ما جاء في الرجل يطلق امرأته البنتة، ح: 177 و 205. من حديث جرب بن حازم بن الزبير بن سعد: لين الحديث، والحديث السابق يغني عنه.

Comments:
The Battah divorce means the irrevocable divorce, wherein there remains no right of return.

Chapter 14/15. Regarding Whisperings Of Divorce

2209. Abū Hurairah narrated that the Prophet ﷺ said: “Allah has overlooked for my nation what it does not say or act upon, and what it (only) thinks about.” (Ṣaḥīḥ)

تخريج: أخرج البخاري، العتاقة، باب الخطأ والنسيان في العتاقة والطلاق ونحوه... إلخ، ح: 258 و مسلم، الإيمان، باب تجاوز الله عن حديث النفس والخواطر بالقلب إذا لم تستقر، ح: 127 من حديث قتادة به.

Comments:
Divorce does not become valid until a person articulates the meaning of divorce, verbally or in writing. Just thinking of divorce does not make it valid.

Chapter 15/16. Regarding A Man Calling His Wife: “My Sister”

2210. It was reported from Khalid At-Ṭahān, from Abū Tamīmah Al-Hujaimī, that a man said to his wife: “O little sister of mine!” at which the Messenger of Allāh ﷺ said: “Is she your sister?” So he

Comments:
[1] Meaning thinking about these matters in one’s mind, or the whisperings of Shaitan that occur in one’s heart.
disliked that and forbade it. (Da'if)

2211. It was reported from Khalid Al-Hadh-dha', from Abū Tamīmah, from a man among his people, that he heard the Prophet ﷺ, who heard a man saying to his wife: “O little sister of mine!” So he forbade him from doing so. (Da'if)

Abū Dāwūd said: ‘Abdul-'Azīz bin Al-Mukhtar reported it from Khalid, and Shu'bah reported it from Khalid, from a man, from Abū Tamīmah, from the Prophet ﷺ.

2212. It was reported from Hishām, from Muḥammad, from Abū Hurairah, from the Prophet ﷺ, that (Prophet) Ibrāhīm never lied except thrice: Twice for the sake of Allah, when he said: I am feeling sick[1] and when he said, ‘Rather, the largest of them did it.’[2] And (the third) was when he was travelling through a land that was ruled by a tyrant. When he camped, the tyrant was approached and told: “A man has camped here with a woman who is of the most beautiful of mankind.” So the

tyrant called for him and asked him about her, to which he replied, "She is my sister." When he returned, he said: "He asked me about you, and I told him that you are my sister, and there is no Muslim today besides you and me, and you are my sister according to the Book of Allah, so do not make (him think) that I was lying." And he quoted the remainder of the narration. (*Sahih*)

Abū Dāwūd said: Shu‘aib bin Abī Hamzah reported this narration from Abū Az-Zinād, from Al-A‘raj, from Abū Hurairah, from the Prophet , similarly.

**16/17. Chapter: Regarding Az-Zihār**

2213. It was reported from Salamah bin Ṣakhir (Al-Bayāḍhi), who said: "I was a man who used to be effected by women much more than others. So when the month of Ramadan came, I feared that I would do with my wife an act that would remain with me until morning. Therefore, I pronounced Zihār on her until the end of the month of Ramadān. Once, while she was helping me one night, I saw a portion of her (body), and could not refrain from falling upon her. The next morning, I went out to my people and informed them of what had occurred, and said:
'Come with me to the Messenger of Allah ✅.' They said: 'No, by Allah!' So I went to the Prophet ✅ and informed him (of what occurred). He said: 'You are the one, O Abū Salamah?' I said: 'I am the one, O Messenger of Allah,' twice, 'and I will bear patiently the Decree of Allah, the Mighty and Sublime, so judge upon me however Allah wishes you to.' He said: 'Free a slave.' I said, placing my hand on my back: 'I swear by the One Who has send you with the truth, I own no back except this.' He said: 'Then fast for two consecutive two continuous months.' I replied: 'And how else was this caused except because of fasting?!' He said: 'Then feed a Wasaq of dates among sixty needy people.' I said: 'I swear by the One Who has send you with the truth, we spent the night hungry, having no food.' So he said: 'Then go to the one who is in charge of the charity of Banū Zuraiq, and ask him to give it to you, and feed sixty needy people with a Wasaq of dates, and feed yourselves and your family the remainder of it.' So I returned to my people and said: 'I found with you narrowness and evil opinion, and I found with the Prophet ✅ ease and good opinion. And he commanded me to take your charity.' (Da'īf)

(One of the narrators) Ibn Al-Aqlī' added: "Ibn Idrīs said: 'Bayādah is a branch of Banū Zuraiq.'"

نحريج: [إسناده ضعيف] أخرجه الترمذي، الطلاق واللعنان، باب ما جاء في المظاهر بواقع قبل أن يكفر، ح: 1198 وابن ماجه، ح: 2027 من حديث محمد بن إسحاق بن يسار به ولم أجد.
Comments:

One Wasq equals sixty Sā and one Sā equals four Mudd.

2214. It was reported from Muḥammad bin Ishāq, from Maʿmar bin ʿAbdullāh bin Ḥanzalah, from Yūsuf bin ‘Abdus-Salām, from Khuwailah bint Mālik bin Thaʿlabah, she said: “My husband, Aws bin As-Sāmit, pronounced Zihār upon me, so I went to the Messenger of Allāh ﷺ in order to complain to him. But the Messenger of Allāh ﷺ was defending him against me, and saying: ‘Fear Allāh, for he is the son of your uncle.’ And I did not move until Allāh revealed: ‘Allāh has indeed heard the statement of she who disputes with you about her husband...’[1] until it was made obligatory (the ruling of Zihār). So the Prophet ﷺ said: ‘Let him free a slave.’ I said: ‘He can’t do that.’ So he said: ‘Then let him fast for two consecutive months.’ I said: ‘He is an old man, and cannot fast.’ He said: ‘Then let him feed sixty needy people.’ I said: ‘He has nothing to give as charity.’ But at that very moment, a bushel (ʿAraq)[2] of dates came. I said: ‘O Messenger of Allāh, I will help him with another ʿAraq.’ The Prophet ﷺ said: ‘You have done well. Go and feed sixty needy people on his behalf, and return to the son of

[2] A type of basket made of plant fiber, the volume of which is mentioned by one of the narrators at the end of the narration.
your uncle.” He said: [1] “An ‘Araq is sixty Ṣā’s. (Da‘if)

Abū Dāwūd said: She paid the expiation for him without asking his permission.

Abū Dāwūd said: He is the brother of ‘Ubdah bin As-Sāmit.


2215. (Another chain) from Ibn Ishāq, with this chain, similarly, except that he said: “An ‘Araq is thirty Ṣā’s.” (Da‘if)

Abū Dāwūd said: This is more correct than the narration of Yahyā bin Ādam.[2]


Comments:

According to Shaikh Al-Albānī, the correct definition of the ‘Araq (large basket) is fifteen Ṣā’s, as the following Hadith indicates.

2216. (Another chain) from Abū Salamah bin ‘Abdūr-Rahmān who said: “An ‘Araq is a basket that holds twenty-five Ṣā’s.” (Da‘if)

تخريج: [إسحاق ضعيف] أخرجه البهيفي: 7/290 من حديث أبي داود به * أبان هو ابن يزيد العطار ويحيى هو ابن أبي كثير وهو مدرس وعند

2217. It was reported from Bukair bin Al-Ashajj, from Sulaīmān bin

تخريج: [إسحاق ضعيف] أخرجه البهيفي: 7/291 من حديث أبي داود به * أبان هو ابن أخبرني ابن أخيه وعمرو بن الحارث.

[1] It is not clear which of the narrators said this, it appears that it may be attributed to Muḥammad bin Ishāq.

Yasîr, with this narration, he said: “So some dates were brought to the Messenger of Allah ﷺ, and he gave them to him, and it was approximately fifteen Šâ’s. He said: ‘Give this as charity.’ He replied: ‘O Messenger of Allah! To someone who is poorer than my family and I?’ So the Messenger of Allah ﷺ replied: ‘Eat it yourself, and your family.’” (Da’îf)

It was reported from Al-Awzâ‘î, that ‘Aṭâ‘ narrated to them from Aws, the brother of ‘Ubâdah bin As-Šâmit, that the Prophet ﷺ gave him fifteen Šâ’s of barely to feed sixty needy people. (Da’îf)

Abû Dâwûd said: ‘Aṭâ‘ did not meet Aws, and Aws was of those who attended (the Battle of) Badr, whose death was much earlier. The Hadith is Mursal, they only reported it “from Al-Awzâ‘î, from ‘Aṭâ‘, that Aws.”[1]

Hishâm bin ‘Urwah narrated that Jamîlah was married to Aws bin As-Šâmit, and he was a man who was very easily roused. So when his passions would become strong, he would pronounce Zihâr on his wife, and because of that Allâh, the Mighty and Sublime,

[1] Meaning, it was narrated with wording that does not indicate ‘Aṭâ‘ was witness to it.
revealed the expiation for Zihār.  

**Tafsīr:** [Ṣaḥīḥ] انظر الحديث الآتي.  

**Comments:**  
Jamilah is the same woman who has been called Khuwailah in an earlier narration.

2220. (Another chain) from Hishām bin 'Urwah, from 'Urwah, from 'Aishah, may Allah be pleased with her, with similar (to no. 2219). (Ṣaḥīḥ)  

2221. It was reported from Sufyān, that Al-Hakam bin Abān narrated from ʿIkrimah, that a man pronounced Zihār on his wife, and then engaged in intercourse with her before paying the expiation. He came to the Prophet ﷺ and informed him. The Prophet ﷺ said: "Why did you do what you did?" He said: "I saw the whiteness of her shin in the moonlight!" So he said: "Then stay away from her until you pay the expiation." (Daʿīf)

**Tafsīr:** [إسناده صحيح] أخرجه الحاكم: ٢/٤٨١ من حديث محمد بن الفضل: عارم به وصحبه على شرط مسلم ووافقهذهبي.  

**Comments:**  
In case of Zihār, it is not permissible for one to come near his wife before expiation.

2222. (Another chain) from Sufyān bin ʿUyainah, from Al-Ḥakam bin Abān, from ʿIkrimah that a man pronounced Zihār on his wife, and then saw the beauty of her shin in the moonlight and so he fell upon her. He then came to the Prophet ﷺ, who commanded him to pay the expiation. (Daʿīf)
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Chapter 17/18. Regarding Khul'

2225. Thawbân reported that the Messenger of Allâh ﷺ said: "Any woman who asks her husband for a

مَثَلَتْ ﻋَن ﺎَﻴْوُب، ﻋَن ﺎَبِي ﻗَﻼَة، ﻋَن ﺎَبِي

Comments:
In the case of Zihâr, one has to fulfill the expiation before one may return to relations with his wife.
divorce without any cause will be prohibited from smelling the fragrance of Paradise.” (Sahih)

Comments:

In case there is no conjugal felicity or harmony among couples, and the husband is unwilling to divorce and the wife is insisting on separation, there is no other way for the wife except to go to a Qādi (judge) and present her case before him. If the judge, after reviewing the facts of the case, asks the wife to return the Mahr the husband gave her, and then he revokes the marriage agreement binding them, this kind of separation is called Khul' (dislocation, discharge, etc) in Islamic law.

2227. It was reported from ‘Amrah bint ‘Abdur-Rahmān bin Sa‘d Ibn Zurārah, that Habibah bint Sahl Al-Anṣāriyyah was married to Thābit bin Qais bin Shamās. Once the Messenger of Allāh ﷺ came out (of his house) in the early morning and found her at his door. He asked: “Who is this?” She replied: “I am Habibah bint Sahl.” He said: “And what is the matter?” She replied: “Thābit bin Qais and I cannot (remain together).” So when Thābit bin Qais came, the Messenger of Allāh ﷺ said to him: “This is Habībah bint Sahl, and she has said whatever Allāh has willed her to say.” And Habibah said: “O Messenger of Allāh! I (still) have everything that he has given me.” So the Messenger of Allāh ﷺ said to Thābit bin Qais: “Take it from her,” so he took it from her, and she then went to her house. (Sahih)
2228. It was reported from 'Amrah, from 'Aishah that Habibah bint Sahl was married to Thabit bin Qais bin Shammās. He once hit her, and broke (some bones). So she came to the Prophet after Subh and complained to him about Thabit. The Prophet called Thabit and said: “Take some of her wealth, and let go of her.” He asked: “Will this rectify the matter, O Messenger of Allah?” He said: “Yes.” He said: “I gave her two gardens as her dowry, and she owns them now.” The Prophet said: “Take them from her, and let her go.” So he did that. (Hasan)

2229. It was reported from 'Ikrimah, from Ibn 'Abbās that the wife of Thabit bin Qais asked Khul' from him, so the Prophet made her waiting period one menstrual cycle. (Hasan)

Abū Dāwūd said: This Hadith has also been reported by 'Abdur-Razzāq, from Ma'mar, from 'Amr bin Muslim, from 'Ikrimah from the Prophet in Mursal form.
2230. It was reported from Nafi', from Ibn 'Umar who said: “The waiting period of the women who asks for a *Khul’* is one menstrual cycle.” (*Sahih*)

2231. It was reported from Khālid Al-Ḥadhdāḥ, from ‘Ikrimah, from Ibn ‘Abbās that Mughith was a slave, and he said: “O Messenger of Allāh, intercede on my behalf with her.”[1] So the Messenger of Allāh ﷺ said: “O Barirah; fear Allāh, for he is your husband, and the father of your children.” She said: ‘O Messenger of Allāh, are you commanding me with that?” He replied: “No, I am only an intercessor.” And his tears were flowing down his cheeks, so the Messenger of Allāh ﷺ said to ‘Abbās: “Does it not amaze you how much Mughith loves her, yet she hates him so?” (*Sahih*)

Comments:

If a slave man and a slave woman are united in marriage but, later on, the slave-girl is set free before her husband, she has the right to stay or not to stay with her husband.

2232. It was reported from Qatādah, from ‘Ikrimah, from Ibn

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[1] These narrations are about Barirah who was freed by ‘Āishah, may Allāh be pleased with them.
‘Abbâs that Barîrah’s husband was a black slave called Mughîth, so the Prophet ﷺ gave her the option (of remaining his wife or leaving him), and then commanded her to observe the waiting period. (Sahih)

2233. It was reported from Hîshâm bin ‘Urwaḥ, from his father, from ‘Âishah — regarding the story of Barîrah — “Her husband was a slave, so the Prophet ﷺ gave her the option (of remaining his wife), and she chose herself. And had he been a free man, the Prophet ﷺ would not have given her the option.” (Sahih)

2234. It was reported from ‘Abd-Rahmân bin Al-Qâsim, from his father, from ‘Âishah that the Prophet ﷺ gave Barîrah the option (to remain with him or leave him), and her husband was a slave. (Sahih)

Chapter 19/20. Whoso Said That He Was A Free Man

2235. It was reported from Al-Awswad, from ‘Âishah, that Barîrah’s husband was a free man when she was freed, and she was
given the option (of remaining his wife or leaving him). She replied: “Even if I were to have such and such, I would not like to be with him.” (Da‘f)

Comments:
According to Shaikh Al-Albānī, the statement “he was a free man” is an interpolation, being merely the statement of Al-Aswad bin Yazid, and, according to Imam Al-Bukhārī, Munqala’ (an interrupted chain of narration), while Ibn ‘Abbās’ statement “her husband was a slave” is more correct.

Chapter 20/21. When Will She Have Such An Option?

2236. It was reported from Abān bin Ṣāliḥ from Mujāhid — and from Hishām bin ‘Urwah from his father — (both of them) from ‘Āishah, that Barirah was set free while she was married to Mughith, a slave of the family of Abū Ahmad. So the Messenger of Allāh allowed her the option, and told her, “If he approaches you, then you do not have any option.” (Da‘f)

Chapter 21/22. If Two Slaves Are Set Free Together, Does The Wife Have The Option?

2237. It was reported from ‘Ubaidullāh bin ‘Abdur-Raḥmān bin Mawhab, from Al-Qāsim, from ‘Āishah that she desired to set free slaves who were married (to one
another), so she asked the Prophet about that. He commanded her to start with the man before the woman. *(Hasan)*

Chapter 22/23. If One Of The Two Who Are Married Accepts Islam

2238. It was reported from Ibn 'Abbas that a man accepted Islam and came to the Messenger of Allah. Then his wife came as a Muslim after him. He said: "O Messenger of Allah, she accepted Islam along with me so return her to him." *(Da’if)*

Comments:
Wedlock effected before Islam continues to be valid even after Islam. No renewal is needed.

2239. *(Another chain)* from Ibn 'Abbas who said: "A woman accepted Islam during the time of the Prophet, and then married. Her husband came to the Prophet and said: 'O Messenger of Allah! I had accepted Islam, and she knew of my conversion.' So the Messenger of Allah took her
away from her second husband, and returned her to her first husband.” *(Da'if)*

Chapter 23/24. Up Till When Will She Be Returned To Her Husband If He Accepts Islam After Her?

2240. It was reported from ‘Ikrimah from Ibn ‘Abbas who said: “The Messenger of Allâh returned his daughter Zainab to Abû Al-‘Âs with their first marriage, and did not do anything again.”

In his narration Muhammad bin ‘Amr (one of the narrators) said: “...after six years,” Al-Hasan bin ‘Ali (one of the narrators) said: “...after two years.” *(Da'if)*

Chapter 24/25. Regarding A Man Who Was Married To More Than Four Women, Or To Two Sisters, And Then He Accepts Islam

2241. Al-Hârith bin Qais narrated: “I accepted Islam and I had eight wives. I mentioned that to the Prophet who said: ‘Choose four
among them.” (Da‘if)

Abū Dāwūd said: Aḥmād bin Ibrāhīm narrated to us (saying): “Hushaim narrated it to us.” He said: “Qāis bin Al-Ḥārith” instead of Al-Ḥārith bin Qāis. Aḥmād bin Ibrāhīm said: “This is what is correct.” Meaning Qāis bin Al-Ḥārith.

2242. It was reported from Humaidah bin Ash-Shamardhal, from Qāis bin Al-Ḥārith, with its meaning (similar to no. 2241). (Da‘if)

2243. It was reported from Ad-Dāḥhāk bin Fairūz, from his father, who said, “I asked: O Messenger of Allāh! I have accepted Islam, and I am married to two sisters.” So the Prophet s.a.w. said: “Divorce whichever of them you wish.” (Hasan)
Chapter 25/26. If One Of The Parents Accepts Islam, Who Is The Child Given To?

2244. Râfi’ bin Sinân narrated that he accepted Islam, but his wife refused to do so. So she went to the Prophet ﷺ and said: “She is my daughter, and she is weaned, or almost weaned.” And Râfi’ said: “She is my daughter.” So the Prophet ﷺ told him, “Sit on this side,” and told her, “Sit on that side,” and then placed the girl between them. He then said to both of them: “Call her.” The girl went towards her mother, but the Prophet ﷺ said: “O Allah! Guide her,” so she went to her father, and he took her. (Hasan)

Comments:

In case, the couple are separated, their child, providing he is of sound judgment, shall be given the right to choose any of the two. As for the child lacking such ability, scholars have different opinions. For example, a male child will remain in custody of his mother for seven years and a female child for nine years. Later, they will be handed over to the father.

Chapter 26/27. Regarding Li’ân (Mutual Cursing)

2245. It was reported from Mâlik, from Ibn Shihâb that Sahl bin Sa’d As-Sâ’iđî informed him, that
‘Uwaimir bin Ashqar Al-‘Ajlānī went to ‘Asim bin ‘Adī and said: “O ‘Asim, what do you think if a man found another man with his wife — should he kill him, in which case you would then execute him, or what else should he do? ‘Asim, ask the Messenger of Allāh ﷺ on my behalf regarding this.” So ‘Asim asked the Messenger of Allāh ﷺ, but the Messenger of Allāh dis liked this issue, and criticized it, so much so that ‘Asim felt distressed because of what he heard from the Messenger of Allāh ﷺ. When ‘Asim returned to his family, ‘Uwaimir came to him and said: “O ‘Asim! What did the Messenger of Allāh ﷺ say to you?” He replied: “You did not bring me any good! The Messenger of Allāh ﷺ disliked the issue that I asked him about.” ‘Uwaimir said: “I swear by Allāh, I will not stop until I ask him myself about it.” So ‘Uwaimir then went to the Messenger of Allāh ﷺ while he was sitting among the people, and said: “O Messenger of Allāh! What do you think if a man found another man with his wife — should he kill him, in which case you would then execute him, or what else should he do?” So the Messenger of Allāh ﷺ said: “Some (Verses of the) Qur’ān has been revealed regarding you and your spouse, so go and bring her.” Sahl continued: “So they then pronounced the curse upon one another, and I was present along with the people in front of the
Messenger of Allâh ﷺ. When they both finished, ‘Uwaimir said: ‘O Messenger of Allâh, if I keep her (after this), it would be as if I lied against her.’ So he divorced her three times before being ordered by the Prophet ﷺ.”

Ibn Shihâb said: “So this became the practice of those who pronounced Li‘ân.” [1] (Sahîh)

Comments:

If a husband discovers adultery committed by a wife but he does not have four witnesses to testify to that, he may go to the court and swear four times before the judge that his wife has committed adultery, and swears the fifth time invoking Allâh’s curse upon himself if he were lying. Then the woman swears four times that he is a liar, and she swears a fifth time invoking Allâh’s wrath upon herself in case his allegation is true. This procedure is called Li‘ân (cursing). This is followed by a permanent separation of the husband and wife, and the marriage is dissolved.

2246. It was reported from Muhammad bin Ishâq, that ‘Abbâs bin Sahl bin Sa’d narrated to him, from his father, that the Prophet ﷺ said to ‘Asim bin ‘Adi: “Keep the woman with you until she gives birth.” (Hasan)

Comments:

It came to be known later that the woman was pregnant. Hence, the inference is that the Li‘ân is also possible in the case of pregnant women.

2247. It was reported from Yûnus, from Ibn Shihâb, from Sahl bin Sa’d As-Sâ’îdî, who said: “I witnessed them cursing one another in front of the Messenger of Allâh ﷺ, and I was only fifteen

[1] Issues related to inheritance in such case are discussed later, see no. 2906.
at the time...” and he cited the narration (as no. 2247), and he also said: “It turned out that she was pregnant, and the child was then named after its mother.” (Sahih)

2248. It was reported from Ibrãîhîm, meaning Ibn Sa’d, from Az-Zuhrî, from Sahl bin Sa’d — regarding the narration of the two who pronounced the curse — he said: “The Prophet ﷺ said: ‘Watch her closely: If she gives (birth to a child) whose eyes are very black, and whose buttocks are large, then I can only conclude that he told the truth. And if she gives (birth) to one who is reddish in complexion, like a Waharah,[¹] then I can only conclude that he lied.’” And then she gave (birth) according to the objectionable characteristics. (Sahih)

2249. (Another chain) From Al-Awzã‘î, from Az-Zuhrî, from Sahl bin Sa’d As-Sâ‘îdî, with this narration (similar to no. 2247). He said: “And so it — meaning the child — was given its mother’s name.” (Sahih)

Comments:

Illegitimate children are named after their mothers.

[¹] A type of small reptile.
2250. (Another chain) from Ibn Shihāb, from Sahl bin Sa’d regarding this narration, he said: “So he divorced her three times in the presence of the Messenger of Allāh, and the Messenger of Allāh discharged it. And what was done in the presence of the Prophet became a Sunnah.” Shī said: “And I was present when this occurred in the presence of the Messenger of Allāh, so it became the Sunnah after this, that those who pronounced Li’ān be separated, and never be allowed to join together (in marriage) again.”

(Ḍaʿīf)

2251. (Another chain) from Sufyān (Ibn ‘Uyainah) from Az-Zuhri, from Sahl bin Sa’d. Musad-dad (one of the narrators) said (he said): “I witnessed the two people pronounce Li’ān in front of the Messenger of Allāh while I was only fifteen (years old). After they had cursed one another, the Messenger of Allāh separated between them.” Up to the completion of Musad-dad’s narration.

The others (among the narrators) said that he witnessed the Prophet separating between the two who pronounced Li’ān. The man said: “O Messenger of Allāh, if I keep her (after this), it would be as if I lied against her.” (Ṣaḥīḥ)

Abū Dāwūd: Some of them did not...
say: “Against her.”

Abū Dāwūd said: No one has followed after Ibn ‘Uyainah narrating that he separated between the two who pronounced the curse on one another. (Sahīh)

Comments:

The couple were separated because the marriage agreement had been revoked by Li‘ān, not by divorce. The Messenger of Allāh ﷺ did not give him a command to divorce his wife. There was no need for that. The Messenger of Allāh ﷺ ruled that they were to be separated. This separation is permanent and irrevocable. This obviates the need to utter the statement of divorce.

2252. (Another chain) from Fūlah, from Az-Zuhrī, from Sahl bin Sa’d for this narration; “And she was pregnant, but he denied her pregnancy (that he was the father of the child). So her son was named after her. Then the practice was taken that the child inherit from her, and she inherit from him, whatever Allāh, the Mighty and Sublime, had willed for her.” (Sahīh)

Comments:

The inference is that a husband who refuses to claim the unborn baby in the womb of his wife (that is, denies he is the biological father of the unborn baby), the judge has the right to separate the couple through Li‘ān. In this case, the child shall be related to (and named after) its mother.

2253. It was reported from ‘Alqamah, from ‘Abdullāh (Ibn Mas‘ūd): “Once, we were sitting in the Masjid on the night of (before) Friday, when a person from the Ansār entered upon us and said: ‘If a man finds another man with his wife,
and speaks about it, then you would lash him. And if he kills him, then you would kill him. And if he remains silent, he will remain silent while he is incensed with anger. I swear by Allāh, I will ask the Messenger of Allāh about it.’ The next day, he came to the Messenger of Allāh and asked him: ‘If a man finds another man with his wife, and speaks about it, then you would lash him. And if he kills him, then you would kill him. And if he remains silent, he will remain silent while he is incensed with anger.’

“The Prophet said: ‘O Allāh! Open up (a solution),’ and he continued to supplicate, so the Verses of Li‘ân were revealed: ‘And those who accuse their wives, and have no witnesses besides themselves....’[1]

“And it was this man who was afflicted with this (problem) from among the people. So he came with his wife to the Messenger of Allāh, and they pronounced the curse on one another. The man swore four times by Allāh that he is among the truthful ones, and then invoked Allāh’s curse upon himself if he were among the liars. She then went to pronounce the curse, but the Prophet said to her; ‘Be cautious!’ But she refused, and did it. When they both turned away, the Prophet said: ‘Perhaps she will come with it (the child being) black and curly-haired.’ And she did bring him black and curly-

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2254. It was reported from Hishām bin Hassān, that 'Ikrimah narrated to him, from Ibn 'Abbās that Hilāl bin Umayyah accused his wife of committing adultery with Sharīk bin Saḥmā'. He made this accusation in front of the Prophet ﷺ, who then said: “Bring the evidence, or else the penalty (will be inflicted) on your back.” He said: “O Messenger of Allah, if a person sees another man on his wife, should he go and find evidence?” But the Prophet ﷺ continued to say: “Bring the evidence, or else the penalty (will be inflicted) on your back.” Hilāl said: “I swear by the One Who has sent you with the truth as a Prophet, I am indeed telling the truth. And of a surety, Allah will reveal about me something which will free the penalty from my back.” So the following was revealed: “And those who accuse their wives, and have no witnesses besides themselves...” and he continued reciting until; “he is among the truthful ones.” The Prophet ﷺ then turned away and called for both of them. They both came, and Hilāl bin Umayyah stood and testified. And the Prophet ﷺ said: “Allāh knows that one of you two is lying, so will either of you repent?” She then stood up and testified, but when she was at the fifth one — that may the anger of Allāh be upon her if he is telling the
truth — they said to her: “This is the one that will inflict it (the anger of Allah upon you).” So she faltered, and hesitated, until we thought that she would recant, but she said: “I will not humiliate my people for the rest of time!” And she went ahead (with the curse). So the Prophet ﷺ said: “Watch her carefully: if she brings forth (a child) whose eyes are very black, with large buttocks and heavy shins, then it is Sharîk bin Sahmâ’s (child).” And she came with (a child) with those descriptions, so the Prophet ﷺ said: “Were it not for the fact that the (rulings) of the Book of Allah have already preceded, I would have had another matter (to deal) with her.” (Sahîh)

Abû Dâwwud said: This is among that which the people of Al-Madînah are alone in narrating; the narration of Ibn Bash-shâr, regarding the Hadîth of Hilâl.

2255. It was reported from ‘Âshîm bin Kulaib, from his father, from Ibn ‘Abbâs, that the Prophet ﷺ told a man — when he commanded two people to pronounce Li‘ân — to place his hand on his mouth, saying for the fifth one: “This is the one that will inflict (the punishment).” (Sahîh)

তখ্রিঃ: অর্জেঞ্জা ভক্স্যারি, শহাদাত, বাব: এই আদেশ করা গেছে ফেরলে অনেক বান্ধবী আকাঙ্শে... ৫৩৭. এই অনুসারী শাহিদ বাহাদুর, হামার জাদুতে বান্ধবী ২২৬৫৫. এটি করা গেছে একটি ‘আশম বিন কুলাইব, তার পিতার হাতে, তার সহকারী হামার ভক্স্যারি, যে মক্তের ঐতিবাদের কাছে বিন এই আদেশ করা গেছে ফেরলে অনেক বান্ধবী আকাঙ্শে...
Comments:

A judge should keep admonishing the couple from time to time, and tell them to desist from proceeding further, because invoking the curse of Allah is a tremendous matter.

2256. It was reported from ‘Abbād bin Manṣūr, from Ḥikāmah, from Ibn ‘Abbās, who said: “Hilāl bin Umayyah — and he was one of the three whose repentance was accepted by Allāh[1] — returned from his land at night, and saw a man with his wife. So he saw it (the act) with his eyes and heard it with his ears. But he did not do anything until the next morning. He then went to the Messenger of Allāh ﷺ and said: ‘O Messenger of Allāh, I came to my wife at night and found a man with her, and I saw (it) with my own eyes and heard with my own ears.’ But the Messenger of Allāh ﷺ disliked what he said, and found it difficult. At that, it was revealed: ‘And those who accuse their wives, and have no witnesses besides themselves...’[2] both Verses. When (the revelation) was complete from the Messenger of Allāh ﷺ, he said: ‘Rejoice, O Hilāl. Allāh, the Glorious and Exalted, has made a way out and a passage for you.’ Hilāl said: ‘That was what I was hoping for from my Lord.’ The Messenger of Allāh ﷺ said: ‘Call for her.’ When she came, the Messenger of Allāh ﷺ recited (these Verses), and reminded them, and informed

The Messenger of Allah ﷺ said: ‘Have the two of them pronounce the Li‘ān.’ Hilāl was told: ‘Testify,’ so he swore by Allāh four times that he was telling the truth. He then testified that the curse of Allāh would be upon him if he were of the liars. She was then asked to testify, so she swore by Allāh four times that he was lying. When it was time for the fifth, she was told: ‘Fear Allāh, for the punishment of this world is easier (to bear) than the punishment of the Hereafter. And this (the fifth curse) is the one that inflicts the punishment upon you.’ So she hesitated for some time, then said: ‘By Allāh, I will not disgrace my people.’ She then testified the fifth time that the punishment of Allāh would be upon her if he were telling the truth.

“The Messenger of Allāh ﷺ then separated between them, and ruled that her child not be named after

them that the punishment of the Hereafter was more severe than the punishment of this world.

“Hilāl said: ‘I swear by Allāh I have told the truth regarding her.’ She replied: ‘He has lied.’ The Messenger of Allāh ﷺ said: ‘Have the two of them pronounce the Li‘ān.’ Hilāl was told: ‘Testify,’ so he swore by Allāh four times that he was telling the truth. When it was time for the fifth, it was said to him: ‘O Hilāl! Fear Allāh, for the punishment of this world is easier (to bear) than the punishment of the Hereafter. And this (the fifth curse) is the one that inflicts the punishment upon you.’ He said: ‘I swear by Allāh, Allāh will not punish me regarding her, just as He will not whip me due to her.’ He then testified that the curse of Allāh would be upon him if he were of the liars. She was then asked to testify, so she swore by Allāh four times that he was lying. When it was time for the fifth, she was told: ‘Fear Allāh, for the punishment of this world is easier (to bear) than the punishment of the Hereafter. And this (the fifth curse) is the one that inflicts the punishment upon you.’ So she hesitated for some time, then said: ‘By Allāh, I will not disgrace my people.’ She then testified the fifth time that the punishment of Allāh would be upon her if he were telling the truth.
any father, and that she not be accused (of adultery), nor her child (of being illegitimate), and that whoever accuses her or her child (of that) should be punished. And he also ruled that she does not have the right of a house or any sustenance from him, since they were to be separated without a divorce or death. And he said: ‘If she brings him (the child) having a reddish complexion, with small buttocks, and thin frame and skinny shins, then he is Hilãl’s. And if she brings him dark in color, with curly hair, and a heavy frame, having thick shins and large buttocks, then he is (the son) of the one she was accused (of adultery with).’

“So she delivered him, dark in color, with curly hair, and a heavy frame, having thick shins and large buttocks. The Messenger of Allah ﷺ said: ‘Were it not for the testimonies, I would have had a matter (to deal) with her.”

‘Ikrimah said: He (the child) later became a governor over a [Misr (city)], and he was not named after any father. (Da’if)

Comments:

Scholars differ over the historical background of the Verses of Li‘ân, and about whose case they were revealed.

2257. It was reported from ‘Amr that he heard Sa‘eed bin Jubair saying: “I heard Ibn ‘Umar saying: ‘The Messenger of Allah ﷺ said to the two who pronounced Li‘ân:
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"Your judgment is with Allâh. One of you two is lying." (And he said to the man): "You have nothing to do with her." He replied: "O Messenger of Allâh, my wealth!"
He said: "No wealth (is due) to you. If you have told the truth about her, then it is that with which have permitted of her private parts, and if you have lied against her, then that is even further away from you." (Sahîh)

Comments:
If Li`ân takes place, the husband loses his right to get back any part of the dowry (Mahr).

2258. It was reported from Ayyub, from Sa`eed bin Jubair, who said: "I said to Ibn `Umar: 'What is the case of a man who accused his wife of adultery?'
He replied: 'The Messenger of Allâh separated between the two members of Banû Al-`Ajîlân, and he said: 'Allâh knows that one of you two is lying, so will either of you repent?' He said this three times, but both of them refused. So he separated between them.'" (Sahîh)

2259. It was reported from Mâlik, from Nâfi`, from Ibn `Umar, that a person pronounced Li`ân against his wife during the time of the Messenger of Allâh, and negated her child (being his). So the Messenger of Allâh

"Your judgment is with Allâh. One of you two is lying." (And he said to the man): "You have nothing to do with her." He replied: "O Messenger of Allâh, my wealth!"
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separated between them, and he gave the right of the child to the mother. (Sahih)

Abū Dāwūd said: Mālik is alone with saying: “And he gave the right of the child to the mother.”

Yūnus reported from Az-Zuhri, from Sahl bin Sa‘d, in the Hadith about Li‘ān: “He rejected her pregnancy, so her son was named after her.” [1]

Chapter 27/28. Doubting The Child’s Paternity

2260. It was reported from Sufyān, from Az-Zuhri, from Sa‘eed, from Abū Hurairah who said: “A man from the tribe of Banū Fazārah came to the Prophet ﷺ and said: ‘My wife has given birth to a black child.’ He said: ‘Do you have any camels?’ He said: ‘Yes.’ He asked: ‘What colors are they?’ He said: ‘Red.’ He asked: ‘Are there any that are dark?’ He said: ‘Indeed, there is one that is dark.’ He said: ‘So where do you think that is from?’ He replied: ‘Perhaps it acquired it (the dark color) from one of its ancestors.’ He then said: ‘And this one — perhaps it (too) acquired it from one of its ancestors?’” (Sahih)

Comments:

A mere difference of complexion or a different color of skin is no valid basis to deny one’s child, unless there is some clear ground. For example, the birth

[1] That is no. 2247.
of a baby while the husband has been away from home for such a long period, or a birth in too short of a time after the marriage.

2261. It was reported from Ma'mar, from Az-Zuhri, with his chain and its meaning, he said: “And he was, at that time, insinuating that he would deny him (as his child).” (Ṣaḥīḥ)

2262. It was reported from Yūnus, from Ibn Shihāb, from Abū Salamah, from Abū Hurairah that a Bedouin came to the Prophet ﷺ and said: ‘My wife gave birth to a black boy, and I have denied him...’” and he mentioned its meaning (similar to no. 2260). (Ṣaḥīḥ)

Chapter 28/29. Severe Reprimand Regarding Negating One's Child

2263. It was reported from Abū Hurairah, that he heard the Messenger of Allāh ﷺ say, when the Verses of Li‘ān were revealed: “Any woman who introduces into a people someone who is not of them, Allāh has nothing to do with her, and Allāh will not admit her into His Paradise. And any man who denies his child while he is looking at him will be obstructed from Allāh, and he will be disgraced in front of the creation — the first of them and the last of them.” (Ḥasan)
Chapter 29/30. Claiming An Illegitimate Son

2264. It was reported from Salm, meaning Ibn Abi Adh-Dhayyal that some of his companions narrated to him from Sa’eed bin Jubair, from Ibn ‘Abbãs, that he said: “The Messenger of Allãh ﷺ said: ‘There is no prostitution of slave-girls in Islam. And whoever engaged in prostitution in Jahiliyyah (and a child was born), then it will be ascribed to his owners (the owners of the slave-girl). And whoever claims a child outside of marriage, he will not inherit from him (the child), nor will the child inherit from him.”” (Da’if)

2265. ‘Amr bin Shu’ain narrated from his father, from his grandfather, that the Prophet ﷺ ruled regarding those who wished to be considered as inheritors after their father’s death — meaning those whom they ascribed themselves to. He ruled that any child that was born to a slave owned by her master, when he engaged in intercourse with her, would be considered as a part of the one who considered him (as a son). But he will not be given any inheritance that
had already been distributed before him. He will, however, be given his portion of the inheritance that has not yet been distributed. And such (a child) will not be considered a son if his father denied him. And if the child was from a slave whom he did not own, or from a free woman whom he had fornicated with, then the child will not be considered as his, nor will he inherit from him, even if the one who is considered his father accepts that he is the father, and that is because he is the child of fornication, regardless of whether it was from a free woman or a slave-girl. (Hasan)

Comments:
In the pre-Islamic Age of Jahiliyah, men kept slave-girls to make them earn money or for sexual indulgence. Often they would wrangle over the ownership of a child born of a slave-girl, the owner of a slave-girl and the adulterer each claiming the child to be his own. Islam ruled that the child belongs to the owner (of the slave-girl), not the adulterer.

Chapter 30/31. Regarding Al-Qafah\(^1\)

2267. It was reported from Sufyān

\(^1\) Referring to those who examine a person’s traits to determine parentage.
(Ibn ‘Uyainah), from Az-Zuhri, from ‘Urwah, from ‘Aishah, who said: “One day, the Messenger of Allah ﷺ came to me very happy (one narrator said: happiness could be seen on his face), and he said: ‘O ‘Aishah! Do you know that Mujazziz Al-Mudlijji saw Zaid and Usâmah while their heads were covered with a cloth and their feet were exposed, and he said: ‘These feet are from one another.’” (Sahih)

Abû Dâwud said: Usâmah was black, and Zaid was white.

Comments:
The art of judging character from features of face or form of body is known as physiognomy.

2268. It was reported from Al-Laith, from Ibn Shihâb, with his chain and its meaning, he said: “She said: ‘He came to me very happy, the happiness was visible on his face.’” (Sahih)

Abû Dâwud said: The statement “happiness was visible on his face” is not preserved by Ibn ‘Uyainah.

Abû Dâwud said: “Happiness was visible on his face” was added by Ibn ‘Uyainah he did not hear it from Az-Zuhri, he only heard it from someone other than Az-Zuhri. He said: “the happiness was visible” is in the narration of Al-Laith and others.

Abû Dâwud said: I heard Ahmad bin Šâlih saying: ‘Usâmah was very black like coal, and Zaid was as
white as cotton.”

Comments:
If a child is claimed by several persons or a woman is suspected of having slept with several persons, it being unclear whose child it is, an expert and honest physiognomist may be asked to decide the issue. If physiognomy were a false science, the Messenger of Allah ﷺ would not rejoice at the statement of the physiognomist.

Chapter 31/32. Those Who Said That Lots Should Be Drawn If They Differ About The Child

2269. It was reported from ‘Abdullâh bin Al-Khalil, from Zaid bin Arqam, who said: “I was sitting with the Prophet ﷺ when a person came from Yemen and said: ‘Three people from the people of Yemen came to ‘Ali arguing over a child. And they all had intercourse with a woman, in the same time frame, between two cycles. He asked two of them: ‘Give up the child to this one,’ but they became argumentative. Then he said to another two: ‘Give up the child to this one,’ but they became argumentative. The he said to another two: ‘Give up the child to this one,’ but they became argumentative. So he said: ‘You are a group of partners (in the act) who are differing with each other. I am going to draw lots between you, so whoever pulls (the correct) lot will get the child, and he must pay the other two companions two-thirds of the blood money.’ And he then gave (the child) to the one who won the lot.’ At this, the Messenger of Allah ﷺ laughed (so
hard) that his molar teeth, or his incisors, could be seen.” (Da'if)

نخريج: [إسناده ضعيف] أخرجه النسائي، الطلاق، باب الفرعة في الولد إذا تنازعوا فيه. 

٢٥١٩: ﷺ من حديث الأجلج، وصححه الحاكم: ١٣٦٦-١٣٥٣. 

٢٢٧٠. It was reported from ‘Abd Khair, from Zaid bin Arqam, who said: “When ‘Ali, may Allâh be pleased with him, was in Yemen, three people were brought to him. They had all engaged in intercourse with a woman, in the same time frame, between two cycles. He asked two of them: ‘Will you agree to give the child to this one?’ They both replied: ‘No.’ And he asked all of them similarly, but every time he would ask any two, they would respond, ‘No.’ So he drew lots between them, and then gave the child to the one who drew the lot, and also made him pay two thirds of the blood money. This was then mentioned to the Prophet ﷺ, who laughed until his molars could be seen.” (Hasan) 

٢٢٧١. It was reported from Salamah, that Ash-Sh‘abī heard from Al-Khalil or Ibn Al-Khalil, who said: “A woman was brought
to ‘Alî, may Allâh be pleased with him, and she had given birth from three men.” He narrated similarly, but he did not mention Yemen, nor the Prophet ﷺ, nor ‘Alî’s asking the other two to give up the child (to the third). (Da‘îf)

Chapter 32/33. Regarding The Types Of Marriages That Were Practiced Before Islam

2272 ‘Aishah, may Allâh be pleased with her, the wife of the Prophet ﷺ, narrated that there were four types of marriages that were practiced in Jâhiliyyah. There was a type which is what the people do today: A man would propose to another man (guardian) for his female ward’s (hand in marriage), and would give her a dowry and then marry her. Another type was that a man would say to his wife, after she had finished her menses: ‘Call so-and-so, and mate with him,’ and her husband would avoid her until it was clear that she was pregnant from that other man whom she was mating with. After her pregnancy was apparent, her husband could then enjoy her if he pleased. And they would only do that type because they desired a bright (and noble) child. This type of marriage was called: ‘Mating marriage.’ Another type of marriage was that a group of men, less than ten, would visit a woman, all of them enjoying her. So if she became pregnant and gave birth, then a few nights after her delivery,
she would call for all of them, and none of them could refuse to come. When they would all gather, she would say to them: 'You know (the result) of what you have done, and I have given birth, and he is your child: O so-and-so,' and she would name whomever she pleased, so her child would be considered his. And the fourth type was that a lot of men would enter upon a woman, for she would not turn away any that came to her — and these were the prostitutes. They would place flags on their doors, and these would act as signs; whoever wanted them would enter in upon them. If she became pregnant and gave birth, then after her delivery, they would all gather and call a Qāfāh. Then the child would be given to the one whom he saw fit, and so it would be given to him, and called his son. None could refuse that. So when Allah sent Muhammad ﷺ, he obliterated all the marriages of the People of Jāhiliyyah except for the marriage of the Muslims today.

(Sahih)

Chapter 33/34. “The Child Belongs To The Bed”

2273. ‘Aishah narrated: “Sa’d bin Abî Waqqâs and ‘Abd bin Zam‘ah contended in front of the Messenger of Allah ﷺ regarding a son that was born to the slave woman of Zam‘ah. Sa’d said: ‘My
brother ‘Utbah commanded me to find the son of the slave woman of Zam‘ah when I arrive in Makkah and take him, because he is his son.’ And ‘Abd bin Zam‘ah said: ‘He is my brother, the son of my father’s slave woman. He was born in my father’s bed.’ The Messenger of Allāh ᵇᵃ🔬 saw clearly that he resembled ‘Utbah, but said: ‘The child is ascribed to the bed, and the Ḥajar (stone) is for the ‘Āhir (fornicator).’[1] O Sawdah! Wear your Hijāb in front of him.” Musad-dad (one of the narrators) added: “He is your brother, O ‘Abd.” (Ṣaḥīḥ)

Comments:
All these cases date back to the Age of Jāhiliyyah when such nasty things were common and the pagans did not feel ashamed of children born out of wedlock. But Islam has ruled the child “belongs to the owner of the bed.” From the face of the child in the afore-mentioned case, it appeared that he was the son of ‘Utbah, and that he was an illegitimate child, but in his case the rule was followed and he was given over to “the owner of the bed.”

2274. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that a man stood up in front of the Messenger of Allāh ᵇᵃ🔬 and said: “So-and-so is my son, for I fornicated with his mother in the times of Jāhiliyyah.” The Messenger of Allāh ᵇᵃ.Ultra said: ‘There is no prescribing (of genealogies) in

[1] Some scholars are of the opinion that: “The Ḥajar (stone) is for the ‘Āhir (fornicator)” refers to stoning, but others explained that stoning is not for the fornicator, but the one who has been married and fornicates, and that the Ḥadīth means the fornicator does not get anything; no rights over the child, nor inheritance, etc. See the commentary of An-Nawawi on Sahīh Muslim (no. 3613,316,1457); Ibn Ḥajar in Fath Al-Bārī (no. 6750); ‘Awn Al-Ma‘bud; and Minnat Al-Mun‘īm the commentary on Sahīh Muslim by our Shaikh Ṣafīur-Rahmān Al-Mubarakpūrī, may Allah have mercy upon him.
Islam. The customs of Jāhiliyyah have all gone. The child is ascribed to the bed, and the Ḥajar (stone) is for the ‘Āhir (fornicator).” (Hasan)

تخريج: [إسناده حسن] أخرجه أحمد: 2/207 عن يزيد بن هارون.

2275. It was reported from Rabãh the slave of Al-Hasan bin ‘Alî bin Abî Talib, that he said: “My family (those who owned him) married me to a Roman slave-girl of theirs, so I had intercourse with her. She gave birth to a black son, like me, and I named him ‘Abdullâh. Then I engaged in intercourse with her, and she gave birth to a black son like me, and I named him ‘Ubaidullâh. But then a Roman slave of my master’s, by the name of Yuhannah, ruined her, and spoke with her in their language. She gave birth to a boy who looked like a lizard. I said to her: ‘What is this?’ She replied: ‘This is Yuhannah’s (child).’ So we complained to ‘Uthmân regarding the both of them. He asked them, and they both confessed (to the fornication). He said to them: ‘Are you willing that I judge between you with the judgment of the Messenger of Allah خير؟ The Messenger of Allah خير ruled that the child is ascribed to the bed’” — (one of the narrators said) I think he said: “So he lashed him, and lashed her, and they were both slaves.” (Da‘îf)

تخريج: [إسناده ضعيف] أخرجه أحمد: 2/328 وقال: "لا أ对着 من هو ولا ابن من هو."
Chapter 34/35. Who Has More Right To Take The Child?

2276. ‘Amr bin Shu’aib narrated from his father, from his grandfather that a woman said: “O Messenger of Allâh! This son of mine: My womb was a protective bag for him, and my breasts were his sustenance, and my house was a protection for him. Now, his father has divorced me, and wishes to take him away from me.” The Messenger of Allâh ﷺ said to her: “You have more right to him, as long as you do not re-marry.” (Hasan)

Comments:
This authentic Hadith proves that, until a mother marries again, she has the right to keep the child more than the father and, even after marriage, she has the right to keep the child with her with the consent of the father. In case he does not agree, the child will be given over to the father.

2277. It was reported from Abû Maimûnah Salmâ, the freed-slave of some people of Al-Madinah, a truthful man, that he said: “Once, while I was sitting with Abû Hurairah, a Persian lady came to him with a son of hers. Her husband had divorced her, and both of them were claiming him. She said, speaking to him in Farsi, ‘My husband wishes to take my son.’ Abû Hurairah replied: ‘Draw lots over him,’ and he spoke to her (in her language). Her husband then came and said: ‘Who is trying to snatch my child away from me?’ Abû Hurairah said: ‘O Allâh! I am
only saying this because I heard a woman who had come to the Messenger of Allāh ﷺ while I was sitting with him who said: “O Messenger of Allāh, my husband wishes to take my son away from me, even though he gives me water from the well of Abū ‘Inabah, and is of benefit to me.” So the Messenger of Allāh ﷺ replied: “Draw lots over him.” But her husband said: “Who is trying to snatch my child away from me?” The Prophet ﷺ then said: “This is your father, and this is your mother. Take the hand of whichever you please.” And he took the hand of his mother, so she took him away.” (Ṣaḥīḥ)磨

Children may be given the right of choice in the afore-mentioned conditions if they have grown up to an age of sound judgment.

2278. It was reported from Nāfi’ bin ‘Ujairah, from his father, from ‘Aли, may Allāh be pleased with him, who said: “Zaid bin Ḥārithah left for Makkah, and brought back Ḥāzmah’s daughter. Ja’far said: ‘I will take her, for I have more right to her. She is the daughter of my uncle, and I am married to her maternal aunt, and a maternal aunt is (like) a mother.’” But ‘Aли said: “I have more right to her. She is the daughter of my uncle, and I am married to the daughter of the Messenger of Allāh ﷺ, and she has more right to her.” Zaid said: “I have more right to her. I was the
one who left to (get) her, and traveled for her, and brought her back.” The Prophet ﷺ came out — and he mentioned the narration — he said: “And as for the little girl, I rule that she should go to Ja‘far so that she will be with her maternal aunt. And verily, the maternal aunt is a mother.”

(Hasan)

Comments:

In the matter of bringing up and taking care of children, priority is given to the mother, as mentioned in the foregoing Hadith, followed by the maternal aunt, followed by paternal relatives. According to Ibn Taimiyyah and Ibn Al-Qayyim, while keeping in view this order of priority, it is also very important to take into account the interest of the child, his present and his future.

2279. (Another chain) from ‘Abdur-Rahmān bin Abī Lailā with this narration, not its complete form, he said: “So he ruled that she be given to Ja‘far, since her maternal aunt was with him.” (Hasan)

2280. (Another chain) from Hānī and Hubairah, from ‘Ali, who said: “When we left Makkah, Hāmzā’s daughter followed us, crying: ‘O uncle, O uncle!’” So ‘Ali took her hand and brought her, and said (to Fāṭimah): “Take your uncle’s daughter,” so she took her. And Ja‘far said: “My uncle’s daughter, and her maternal aunt is with me!”

So the Prophet ﷺ ruled that she be given to her maternal aunt, and said: “The maternal aunt is similar in status to a mother.” (Da‘f)
Chapter 35/36. Regarding The Waiting Period Of A Divorced Woman

2281. Asmā’ bint Yazīd bin As-Sakan Al-Anṣāriyyah narrated that she was divorced (by her husband) during the time of the Messenger of Allāh ﷺ, and at that time there used to be no waiting period for the divorcee. So when she was divorced, Allāh revealed the waiting period for the divorced lady. Therefore, she was the first regarding whom these Verses of the waiting period for divorced women were applied. (Hasan)

Comments:

It is said that Asmā’ bint Yazīd was the (paternal) cousin of Mu’ādh bin Jabal. She had given the pledge of loyalty to the Messenger of Allāh ﷺ and was a message-bearer for women, carrying their messages to the Messenger of Allāh ﷺ. In the Battle of Yarmūk, she killed nine Romans using a tent pole taken from her tent.

Chapter 37. The Abrogation Of The Waiting Period For One Type Of Divorcee

2282. Ibn ‘Abbās said, regarding the (two verses): “And divorced women should wait regarding themselves three cycles”[1] and: “If you are in doubt regarding women who have given up hope of menses, then their waiting period is three

months,"^{[1]} that this was abrogated, and Allah said: (So if you divorce them before touching them, then you will have no waiting period for them that they have to wait.)” (Hasan)

Comments:
The 'Iddah of a normal divorcee is three turns of menses and purity. The 'Iddah of a woman in a state of menopause or of a girl with irregular menses not fixed as of yet, is three months. There is no 'Iddah for a woman divorced before the consummation of marriage. A pregnant woman divorced or widowed, shall wait until the delivery of the child. The 'Iddah of a widow is four months and ten days.

Chapter 36/38. Regarding Taking Divorced Women Back

2283. It was reported from Ibn 'Abbas, from 'Umar, that the Prophet ﷺ divorced Hafsah and then took her back. (Sahih)

Comments:
One may take her back after the first and the second divorce, during a wife’s 'Iddah period. A man shall also call two persons to bear witness that he has withdrawn the divorce.

^{[1]} At-Talaq 65:4.
Chapter 37/39. Regarding The Maintenance Of One Who Has Been Irrevocably Divorced

2284. It was reported from Sufyān, from Abū Salamah bin ‘Abdur-Rahmān from Fāṭimah bint Qais, that Abū ‘Amr bin Ḥafṣ divorced her irrevocably, and he was not present (in the city). So he sent his representative to her with some barley, but she considered this to be very little. He replied: “I swear by Allāh, you do not have the right to (receive) anything from me!” So she went to the Messenger of Allāh and mentioned that to him. He told her: “You do not have the right of maintenance from him.” And he commanded her to observe her waiting period in the house of Umm Sharīk, then he said: “She is a woman whom my Companions visit. Observe your waiting period in the house of Ibn Umm Maktūm, for he is a blind man and you may take off your garments. When you have completed (your waiting period), inform me.” She said: “So when I had finished (the waiting period), I mentioned to him that Mu‘āwiyah bin Abī Sufyān and Abū Jahm both proposed for my hand. The Messenger of Allāh said: ‘As for Abū Jahm, his stick never leaves his shoulders. And as for Mu‘āwiyah, he is poor, having no wealth. Marry Usāmah bin Zaid.’ But I disliked that, so he said (again): ‘Marry Usāmah bin Zaid.’ So I married him, and Allāh made much good come out of that, and
other (women) became jealous of me because of him.” *(Sahih)*

2285. It was reported from Yahyā bin Abī Kathīr, that Abū Salamah bin ‘Abdur-Rahmān narrated to him that Fāṭimah bint Qais narrated to him, that Abū Ḥafṣ bin Al-Mughirah divorced her three times. And he cited the narration, in it: “Khālid bin Al-Walid and others from the tribe of Banū Makhzūm came to the Prophet  and said: “O Prophet of Allāh! Abū Ḥafṣ bin Al-Mughirah has divorced his wife three times, and he has left her a very insignificant amount of maintenance.” So he replied: “She is not entitled to any maintenance.” and he cited the rest of the narration, but the (previous) narration of Mālik is more complete. *(Sahih)*

2286. It was reported from ‘Amr bin Yahyā, that Abū Salamah narrated to him, that Fāṭimah bint Qais narrated to him, that Abū ‘Amr bin Ḥafṣ Al-Makhzūmī divorced her three times. And he cited the narration, and the part about Khālid bin Al-Walid. He said: “The Prophet  responded: ‘She is not entitled to any provision or a place of residence.’” And he said in it: “The Messenger of Allāh  sent (a messenger) to her, saying: “Do not do anything with
yourself before (consulting with) me.” (Sahih)

Comments:
1. In marriage and other important matters, one should take the counsel of the devout and the wise. Prayer of Guidance (Istikhārah) is another important means to reach a decision in such matters.
2. Fāṭimah bint Qais’ husband was Abū Ḥafṣ bin Al-Mughirah, according to most narrations.

2287. It was reported from Muhammad bin ‘Amr from Yahya, from Abū Salamah, from Fāṭimah bint Qais, she said: “I was married to a man from the Banū Makhzūm, and he divorced me irrevocably.” And then he cited similar to the narration of Mālik.[1] But he said in it: “Do not give yourself to anyone without (asking) me.” (Sahih)

Abū Dawud said: Ash-Sha‘bī, Al-Bahī, and ‘Atā’ reported it like that from ‘Abdur-Rahmān bin ‘Āsim, and Abū Bakr bin Abī Al-Jahm, all of them from Fāṭimah bint Qais; that her husband divorced her for the third time.

2288. It was reported from Ash-Sha‘bī, from Fāṭimah bint Qais, that her husband divorced her for the third time, so the Prophet did not assign her any maintenance or residence. (Sahih)

2289. It was reported from 'Uqail, from Ibn Shihãb, from Abü Salamah, from Fãtimah bint Qais, that she was married to Abü Hafṣ bin Al-Mughãirah, and he divorced her the final of the three divorces. So she went to the Messenger of Allãh and asked him regarding leaving her house. He commanded her to go to the house of Ibn Umm Maktûm, who was blind. But Marwãn refused to believe this narration of hers — that the divorced woman leaves her house. 'Urwah said: And 'Aishah also rejected this from Fãtimah bint Qais.

Abü Dãwud said: Šãlih bin Kaisãn, Ibn Juraij, and Shu'aib bin Abî Ḥamzah all reported it from Az-Zuhãri.

Comments:
This narration is brief but the following Hadîth is more detailed. Marwãn had sent someone to gather this information.

2290. It was reported from Ma'mar from Az-Zuhãri, from 'Ubaidullâh, who said: "Marwãn sent (Qabîsah) to Fãtimah bint Qais to ask her (about her story). She informed him that she was married to Abû Ḥafṣ, and the Prophet Ùä had made 'Alî a governor over a part of Yemen. So Abû Ḥafṣ went with him, and sent
her a divorce that was remaining (the third divorce). And he commanded Ayyāsh bin Abī Rabī‘ah and Al-Harith bin Hishām to support her, but they both said: ‘By Allāh! She is not entitled to any maintenance, unless she be pregnant.’ So she went to the Prophet ﷺ, who said: ‘You are not entitled to any maintenance unless you are pregnant.’ She asked his permission to move (to another house), and he gave her permission. She then said: ‘Where shall I move to, O Messenger of Allāh?’ He replied: ‘To (the house) of Ibn Umm Maktūm — and he was a blind man — for you can take off (change) your garments in front of him and he will not see you.’ She remained there until her waiting period finished, and then the Prophet ﷺ married her to Usāmah.

“Qabīşah then returned to Marwān and informed him of this. Marwān replied: ‘We have not heard this Hadith except from (this) woman, so we will take the safer opinion which we found the people following.’ When Fāṭimah heard this, she replied: ‘(The judge) between us is the Book of Allāh, for Allāh says: Divorce them for their waiting periods..., until... perhaps Allāh will bring something new to pass.’ She said: ‘So what new thing can happen after the third?’” (Sahih)

Abū Dāwūd said: Yūnus reported

it like that from Az-Zuhri. As for Az-Zubaidi, he reported both of the Ahadith; that of Ubaidullah, with the meaning narrated by Ma'mar, and that of Abu Salamah with the meaning narrated by Uqail.

Abu Dawud said: Muhammad bin Ishaq reported it from Az-Zuhri; that Qabishah bin Dhuwaib narrated to him, with a meaning supporting the narration of Ubaidullah bin Abdullah when he said: “So Qabishah returned to Marwan and informed him of this.”

Comments:
The opinion of Marwan bin Hakam, Aishah, and Umar bin Al-Khattab was that an irrevocably divorced woman had a right to be provided a place to live during her 'Iddah, and that the husband must provide that. But the statement of Fatimah bint Qais is clearer and has more weight, especially because she was the woman in this case, and it was she who had been divorced. So, obviously, her statement, quoting the Prophet, that an irrevocably divorced woman had no right to maintenance and housing' has more weight. The foregoing Verses of the Qur'an seem to suggest that they concern women who have been given revocable divorces, not those irrevocably divorced.

Chapter 38/40. Whoever Rejected What Fatimah Bint Qais Said

2291. It was reported from Ammar bin Ruzaq, from Abu Ishaq, who said: “I was in Al-Masjid Al-Jami with Al-Aswad, who said: Fatimah bint Qais came to Umar bin Al-Khattab, may Allah be pleased with him, and he said: We are not going to leave the Book of our Lord and the Sunnah of our Prophet because of the
statement of a woman regarding whom we do not know: Did she memorize this or not.” (Sahih)

2292. It was reported from Hishām bin ‘Urwah, from his father, who said: “‘Āishah, may Allah be pleased with her, disapproved of that very strongly, and said: ‘She was in an isolated place, so her safety was feared for. And it was because of this that the Messenger of Allah allowed her.’” (Hasan)

2293. It was reported from ‘Abdūr-Rahmān bin Al-Qāsim, from his father, from ‘Urwah bin Az-Zubair that ‘Aishah was asked: “Don’t you see the statement of Fatimah?” She replied: “Indeed, there is no good in her mentioning that.” (Sahih)

2294. It was reported from Yahyā bin Sa‘eed, from Sulaimān bin Yasār, regarding Fāṭimah’s leaving the house: “That was due to bad character.” (Da‘if)

2295. (Another chain) from Yahyā bin Sa‘eed, from Al-Qāsim bin
Muhammad and Sulaimān bin Yasār, that he heard the two of them mentioning that Yahyā bin Sa‘eed bin Al-‘Āṣ divorced his wife, the daughter of Abdur-Rahmān bin Al-Hakam — irrevocably — and ‘Abdur-Rahmān made her leave (the house). So 'Aishah, may Allāh be pleased with her, sent (a messenger) to Marwān bin Al-Hakam — and he was the Amīr of Al-Madīnah — and she said: “Fear Allāh, and return the woman to her house.” Marwān replied — in the narration of Sulaimān (one of the narrators): “‘Abdur-Rahmān overcame me (in argument about it),” — in the narration of Al-Qāsim (one of the narrators): “Have you not heard the incident of Fāṭimah bint Qais?” — ‘Aishah said: “There is no harm if you leave the narration of Fātimah.” Marwān replied: “If you think that (the reason) was the evil, then the evil that happened between these two is sufficient.” (Ṣaḥīḥ)

2296. Maimūn bin Mihrān narrated: “I came to Al-Madīnah, and made my way to Sa‘eed bin Al-Musayyab. I said: ‘Fātimah bint Qais was divorced and left her house.’ Sa‘eed replied: ‘She is a woman who spread confusion among the people. She was a woman who had a sharp tongue, so she was placed in the hands of Ibn Umm Maktūm, the blind man.’” (Ḍa‘īf)
Chapter 39/41. An Irrevocably Divorced Woman Leaving Her House During The Day

2297. It was reported from Abu Az-Zubair, from Ja'bir, who said: "My maternal aunt had been divorced for the third time. She left (her house) to harvest (the fruits) of a date palm that she owned, but a man met her and prevented her. So she went to the Prophet and mentioned it to him. He told her, ‘Go out and harvest your tree, for it is possible that you may give charity from it, or do some other good.’" (Sahih)

Comments:
A divorcee may go out of her house for important work but she must spend the night in her house.

Chapter 40/42. The Abrogation Of Maintenance For A Widowed Woman Because Of The Inheritance Due To Her

2298. Ibn 'Abbas stated that the Verse: “And those who die among you and leave wives (should) bequeath for their wives sustenance for one year, without expelling them (from their homes)” was abrogated with the Verses of inheritance, for she had been assigned a fourth or an eighth. And the period of one year was abrogated, making her waiting
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Comments:

A widow inherits one-eighth of her husband’s property in case he has left children, or else one-fourth thereof.

Chapter 41/43. The Rulings Of Mourning For Woman Whose Husband Has Died

2299. It was reported from Humaid bin Nafi’, from Zainab bint Salamah that she informed him: “I visited Umm Habibah when her father Abu Sufyan had died. She called for some perfume that had some yellow Khaluq in it, or something else, and she put its oil on a little girl, then rubbed it on her cheeks. She then said: ‘I swear by Allah, I have no desire for perfume, except that I heard the Messenger of Allah 
\[r\] say: “It is not permissible for a woman who believes in Allah and the Last Day that she mourns for a dead person more than three days, except for her husband (in which case she mourns) four months and ten days.” (Zainab continued:) And I also visited Zainab bint Jahsh when her brother had died, and she called for perfume and applied it. She then said: ‘I swear by Allah, I have no desire for perfume, except that I heard the Messenger of Allah 
\[r\] say, while he was standing on the Minbar: “It is not
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permissible for a woman who believes in Allah and the Last Day that she mourns for a dead person more than three days, except for her husband (in which case she mourns) four months and ten days.” (Zainab continued:) And I heard my mother, Umm Salamah, say: ‘A woman came to the Messenger of Allah ﷺ and said: “O Messenger of Allah, my daughter’s husband has died, and her eyes hurt, so can we apply kohl to them?” The Messenger of Allah ﷺ said: “No,” twice, or thrice, repeating it. Then he said: “It is only four months and ten days. And one of you — in the days of Jahiliyyah — would throw camel dung after one year!”

Humaid said: “So asked to Zainab: ‘What does it mean to “throw camel dung after one year?”’ Zainab replied: ‘In the past, when a woman’s husband had died, she would enter a Hifsh, and wear her worst clothes, and would not touch any perfume or anything else until an entire year had passed. Then an animal would be brought to her — a donkey, or sheep, or bird — and she would cleanse (Taftadd) herself with it.[1] And hardly would she cleanse (Taftadd) herself with anything except that it would die. She would then exit (that house), and camel dung would be brought to her, and she would fling it away. After that, she could use anything, perfume or otherwise, that she

[1] They say the meaning of Taftadd is that she would rub it on the front of herself.
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pleased.” (Ṣaḥīḥ)
Abū Dāwūd said: A Ḥīfṣh is a small house.

Chapter 42/44. Regarding Such A Woman Moving To Another Residence

2300. It was reported from Zainab bint Ka‘b bin ‘Ujrah, that Al-Furai‘ah bint Mālik bin Sinān — the sister of Abū Sa‘eed Al-Khudrī — narrated that she went to the Messenger of Allāh ﷺ in order to seek his permission to go to her family’s house in Banū Khudrah. And that was because her husband had gone out in order to find some slaves of his that had run away, but when he reached the beginning of Al-Qadūm, they (slaves) caught up with him and killed him. She said: “So I asked the Messenger of Allāh ﷺ about returning to my family since I had no house that I owned, nor any sustenance. The Messenger of Allāh ﷺ said, ‘Yes,’ so I left, until I was at his house, or at the Masjid, when he called me, or called for me. I went back to him, and he said: ‘What did you say?’ So I repeated the story of what happened to my husband. He said: ‘Remain in your house until the appointed time finishes.’ So I stayed there for the waiting period of four months and ten days. Then, during the (rule) of ‘Uthmān bin Affān, he called me and asked me
about that. I informed him, and he followed it and judged by it.”

(Sahih)

Comments:
It is obligatory upon a widow to spend her 'Iddah period in the same house where her husband died, except in abnormal circumstances making it impossible for her to live there.

Chapter 43/45. Those Who Allowed Her To Change Her Residence

2301. ‘Atā’ narrated that Ibn ‘Abbas said: “This Verse has abrogated her waiting period at her house. Therefore, she may pass her waiting period wherever she pleases.” And this was in reference to the statement of Allāh:... “without expelling her.”[1]

‘Atā’ said: “(In the beginning), if she had wished, she could pass the waiting period in his house and be provided maintenance based on his will. And if she had wished, she could leave, based on Allāh’s statement: “So if they leave, there is no sin upon you regarding what they do.”[2] Then, the (laws) of inheritance were revealed, so the ruling of living (at her husband’s house) was abrogated. She may pass her waiting period wherever she wishes.” (Sahih)

Chapter 44/46. What Should A Woman Whose Husband Has Died Avoid During Her Waiting Period?

2302. Umm `Atiyyah narrated that the Prophet said: “A woman should not mourn for anyone for more than three (days), except for her husband. For him, she must mourn four months and ten days. And she should not wear dyed cloth except for ‘Asb cloth." And she should not apply kohl, nor any perfume except when she is about to become pure from her menses, (for she may use) a small amount of Qust or Azfār.” — Instead of ‘Asb, Ya’qūb (one of the narrators) said: “washed” and Ya’qūb added: “and she should not use dye.” (Sahih)

[1] A certain type of cloth whose strands of fabric are dyed and rinsed well before being woven.

And I do not know except that “and she should not use dye” is part of it.” And Hārūd added: "Nor should she wear dyed cloth, except for ‘Aṣb cloth.” (Ṣaḥīḥ)

2304. It was reported from Ṣafīyyah bint Šaibah, from Umm Salamah, the wife of the Prophet, from the Prophet that he said: "A woman whose husband has died should not wear garments dyed with safflower, dyed with Mishq, or jewellery, nor should she use dye, nor kohl.” (Ḥasan)

Comments:
These things fall under the category of cosmetics and shall be avoided during the period of mourning.

2305. Umm Ḥakīm bint Asad narrated from her mother, that her husband died, and her eyes were hurting. (She wished to know) if she could apply Jīlā as kohl.[2] So she sent a slave of her’s to Umm Salamah, and he asked her about applying Jīlā as kohl. She replied: “Do not use it as kohl, unless it be for something that you cannot

[1] A reddish clay which was used to dye cloth.
[2] It means brightening or elucidation kohl, referring to Ithmiq.
avoid — if it becomes difficult. If that occurs, apply it at night, and wipe it away during the day.” Then she added: “The Messenger of Allah visited me when Abi Salamah had died, and I had placed some aloe in my eyes. He said: ‘What is this, O Umm Salamah?’ I said, ‘It is only aloe, O Messenger of Allah. It has no perfume in it.’ He said: ‘It beautifies the face, so do not apply it except at night, and take it off during the day. And do not comb with perfume, nor with henna, for it colors (the hair).’ She said: ‘So what should I comb with, O Messenger of Allah?’ He replied: ‘With Sidr leaves. You may paste your hair with it.’”[1] (Da’if)

Chapter 45/47. The Waiting Period Of A Pregnant Woman

2306. It was reported from Ibn Shihab, that ‘Ubadulläh bin ‘Abdulläh bin ‘Utbah narrated to him, that his father wrote to ‘Umar bin ‘Abdulläh bin Al-Arqam Az-Zuhri, telling him to visit Subai‘ah bint Al-Häricht Al-Aslamiyyah and ask her about her narration, and what the Messenger of Allah visited her when she asked him her question. So ‘Umar bin ‘Abdulläh

[1] Sidr; the lote tree, its leaves were used with water or other substances for their clean smell.
wrote back to ‘Abdullāh bin ‘Utba informing him that Subai‘ah said that she was married to Sa‘d bin Khawlah, and he was of the tribe of Bani ‘Āmir bin Lu‘ai, and had attended the Battle of Badr. He passed away during the Farewell Pilgrimage, and she was pregnant at the time. Soon after his death, she gave birth. Once she had purified from her bleeding, she beautified herself for suitors. Abū As-Sanābil bin Ba‘kak visited her, and he was of the tribe of ‘Abdu-Dār. He said to her: “How come I see you having beautified yourself? Perhaps you wish to get married? I swear by Allāh, you will not get married until four months and ten days pass.” Subai‘ah said: “When he told me that, then as soon as night fell, I grabbed my garments and went to the Messenger of Allāh, and asked him about that. He gave me the verdict that I had become permissible (for marriage) as soon as I had given birth, and he commanded me to get married if I so desired.”

Ibn Shihāb said: “I don’t see any problem if she gets married after her delivery, even if she is still bleeding. However, her husband should not approach her until she becomes pure.” (Sahih)

2307. It was reported from ‘Abdullāh (Ibn Mas‘ūd), that he...
said: “Whoever wishes, I am willing to exchange mutual curses with him. Of a surety, the smaller chapter of women was revealed after (the ruling) of four months and ten days.” (Da'if)

Comments:
The law that a widow shall wait for a period of four months and ten days, and the law that a pregnant woman shall wait until she has delivered the child are not contradictory to each other. The former period (four months and ten days) is for women who are not pregnant. As for pregnant women, the 'Iddah period continues until the delivery of the child.


2308. It was reported from ‘Amr bin Al-‘As, that he said: “Don’t try to confuse us about Sunnah” — Ibn Al-Muthanna (one of the narrators) said: “The Sunnah of our Prophet ﷺ — The waiting period — meaning for an Umm Al-Walad — is four months and ten days.” (Da'if)

Comments:
1. A slave woman who is the mother of her owner’s child is called an Umm Walad (mother of a child).

[1] Referring to Sūrat At-Talāq.
[2] Slave woman who has borne a child.
2. There is a difference of opinion among scholars as to the 'Iddah period of the Umm Walad whose master has died. Some say that the 'Iddah period for her is three menses, and others say it is one menstrual cycle. But according to those scholars who maintain that this narration is authentic, her 'Iddah period is four months and ten days. Allāh knows best.

Chapter 47/49. The Thrice Divorced Woman Cannot Return To Her Husband Until She Re-Marries

2309. 'Aishah narrated that the Messenger of Allāh ﷺ was asked about a man who divorced his wife for the third time, so she married another husband, who then divorced her before engaging in intercourse with her: Is she permissible for her first husband? The Prophet ﷺ replied: “She is not permissible for her first husband until she tastes his pleasure and he tastes hers.” (Daʿif)

Comments:
It is inferred from this Hadith that just another wedding is not enough, but normal marital relation between the divorced wife and her second husband must take place. If the second husband divorces her without this marital relationship, the woman shall not be lawful for her first husband. Hence, those who marry a thrice divorced woman with the intention to make her lawful for her first husband, in fact, commit adultery, since this conditional marriage is not a valid marriage.

Chapter 48/50. The Gravity Of Fornication

2310. 'Abdullāh (Ibn Masʿūd) narrated that he asked the Messenger of Allāh ﷺ: “What is the greatest sin?” He replied:
“That you make a partner along with Allâh, even though He is the One who created you.” He said: “Then what?” He replied: “That you kill your child out of fear that he will eat with you.” He said: “Then what?” He replied: “That you fornicate with your neighbour’s wife.” ‘Abdullâh said: “And Allâh revealed the affirmation of the Prophet’s saying: And those who do not call out to others besides Allâh, and do not kill the soul that Allâh has prohibited, and do not fornicate.”[1] *(Sahîh)*

2311. It was reported from Abû Az-Zubair, from Jâbir bin ‘Abdullâh, that he said: “Musaikah came to some of the Anṣâr, and said: ‘My master forces me to prostitution.’ So because of that, it was revealed: And do not force your slave girls into prostitution.”[2] *(Sahîh)*

2312. It was reported from Sa‘eed bin Abi Al-Hasan, that he said, regarding the Verse:...and whoever forces them, then indeed, after their compelling, Allâh is Ever-

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Forgiving, Extremely Merciful [1]

“Allāh is forgiving to those who were forced (into this act).” (Da‘īf)

The End of the Book of Divorce.

2313. Ibn ‘Abbãs said, regarding the following (Verse): O you who believe! Fasting is prescribed for you, as it was prescribed for those before you...[1] “During the lifetime of the Prophet ﷺ, when the people prayed Al-‘Atamah (Salat Al-‘Ishã’) it became unlawful for them to eat and drink and have intercourse with women. They would fast till the next sunset. A man deceived himself by having intercourse with his wife after he had prayed 'Ishã’, and did not break his fast. So Allah, the Mighty and Sublime, intended to make that easier for those who remained, and grant them permission, and benefit. Allah, the Glorious, said (the Verse): Allah knows that you used to deceive yourselves...[2] And by this Allah benefited people, a grant for them and ease.”[3] (Hasan)

Comments:

Sawm or Siyãm (an Arabic infinitive) means abstinence. As an Islamic term it means fasting — a special act of devotion — in which a believer, in obedience

[3] Another part of this narration, with the same chain of narrators, preceded. See no. 2090.
to the command of Allāh, abstains, from dawn to sunset, from all things that would invalidate his fast, such as food, drink, and sexual activity. These things are normally permitted in life but prohibited during the fast.

2314. Abū Ishāq reported from Al-Barāʾ, who said: “When a man fasted, then slept, he would not eat until the next (sunset). Širmah bin Qais Al Anṣārī[1] was fasting, and he came to his wife and asked her: ‘Do you have anything (to eat)?’ She replied: ‘No, but I will go and seek something for you.’ While she was away, sleep overpowered him. When she saw him asleep upon her return, she said: ‘What a disappointment for you!’ Thus by midday of the following day he fainted, as he used to work all day long on his land. That was mentioned to the Prophet, and the following was revealed: It is made lawful for you to have sexual relations with your wives on the night of fast....’ He recited up to: of dawn.[2] (Ṣahih)

Comments:
On the face of it, this Ḥadīth seems to be in conflict with the one before it, for it states that until then, the rule was that even if a person that had fasted in the day had a nap after Iftār (regardless of whether he had performed his ‘Ishā’ prayer or not), the door of having food, drink and sexual relations was legally closed for him. Scholars of Ḥadīth, however, see no conflict between the two and suggest that either of the two actions (sleep or ‘Ishā’ prayer) was cause enough to bar a person from indulging in those acts until the next Iftār time. Thereafter, Allāh granted the permission to perform those acts from

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[1] Al-Ḥāfīz Ibn Ḥajar (after no. 1915 of Al-Bukhārī) discussed, at length, the variations reported for his name. His preference was, Abū Qais, Širmah bin Abī Anas, and he indicated that all of the variations indicating differently are merely mistakes in citing his name.

after sunset until dawn, which was a great relief for them.


2315. Salamah bin Al-Akwa‘ narrated: “When this Verse was revealed: “And as for those who can fast with difficulty, (e.g. an old man), they have (a choice either to fast or) to feed a poor person (for every day).”[1] Those of us who wanted to not to fast and pay a ransom would do so, until the Verse after it was revealed, abrogating it.” (Sahih)

2316. ‘Ikrimah reported from Ibn ‘Abbās: “And as for those who can fast with difficulty, (e.g. an old man), they have (a choice either to fast or) to feed a poor person (for every day).”[2] (He said): “So whoever among them wanted to, he could pay the ransom, feeding a poor person, and hence his fast would be complete. Then Allāh, the Mighty and Sublime, said: “But whoever does good of his own accord, it is better for him. And that you fast is better.”[3] — and He said: “So whoever of you sights
(the crescent on the first night of) the month (of Ramadan i.e. is present at his home), he must observe fast that month, and whoever is ill or on a journey, the same number (of days which one did not observe fast must be made up) from other days.”[1] (Hasan)

Chapter 3. Whoever Said That It Applies To The Elderly And Pregnant

2317. Qatādah narrated that ‘Ikrimah narrated to him, that Ibn ‘Abbas said: “It applies to the pregnant and breast-feeding (women).” (Sahih)

2318. It was reported from Sa‘eed bin Jubair, from Ibn ‘Abbas: “And as for those who can fast with difficulty, (e.g. an old man), they have (a choice either to fast or) to feed a poor person (for every day).”[2] He said: “It was a concession, allocated for the elderly man and woman who were able to fast (but with difficulty), not to fast and feed one poor person for each day, and also for the pregnant and breast-feeding (women) if they fear.” (Da‘f)

Abū Dāwud said: Meaning: “(fear) for their children;” then the two of them do not fast, and they feed.

Comments:
There is an allowance for men and women who are either too old or are not able to bear fasting, to pay the compensation in lieu of the missed fast. The concession also applies to pregnant and breast-feeding women whose babies might be at risk if they fast. Such women can forgo the fast for the time being. There is, however, a difference of opinion in this later case, as to whether or not they shall make up for their missed fasts later on.

Chapter 4. The Month May Be Twenty-Nine Days

2319. It was reported from Sa'eed bin 'Amr, meaning Ibn Sa'eed bin Al-'As, from Ibn 'Umar, who said: “Allāh’s Messenger said: ‘We are an unlettered nation, we cannot write nor calculate. The month is thus, and thus, and thus.” (One of the narrators) Sulaimān closed one of his fingers the third time, indicating that a month is twenty-nine days, and (sometimes) thirty. (Sahih)

Comments:
“We are an illiterate nation” may be understood in the historical context that reading and writing was rare in the Arab society of those days. Very few people knew it.

2320. Nāfi reported from Ibn 'Umar, who said: “Allāh’s Messenger said: ‘The month consists of twenty-nine days. Do not fast until you see it (the crescent) and do not break the fast until you see it (the crescent). If it is cloudy, then complete thirty days.” He said: “So when it was the twenty-ninth of Sha'bān, Ibn 'Umar

تخريج: أخرج البخاري، الصوم، باب قول النبي ﷺ: "لا نكتب ولا نحسب"، ح. 1913 و المسلم، الصيام، باب وجوب صوم رمضان لرؤية الهلال ... إلخ، ح. 1/1080 من حديث شعبة.

Comments:
"We are an illiterate nation" may be understood in the historical context that reading and writing was rare in the Arab society of those days. Very few people knew it.
would appoint somebody to sight the crescent for him. If it was sighted then so (he would fast). If it was not sighted, and there was no cloud or dust on the horizon, he would not fast the next morning. If it was not sighted due to clouds or dust, he would fast the next morning.” He said: “And Ibn ‘Umar would end his fasting along with the people, without counting this way. (Sahih)

2321. Ayyûb said: “‘Umar bin ‘Abdul-‘Azîz wrote to the people of Al-Barâgh: ‘It has been conveyed to us, from the Messenger of Allah ...’” — similar to the (previous) narration of Ibn ‘Umar, from the Prophet. And he added: “The best means of calculation is that if we sight the crescent of Sha'bân on such and such date, then Allah Willing, the fast will begin on such and such date unless the crescent is sighted before that.” (Da'îf)

2322. Ibn Mas'ûd said: “We fasted with the Prophet for twenty-nine days, more often than we fasted with him for thirty days.” (Sahih)

[1] Meaning: “If we sight it on the thirtieth night of Rajab.”
The Book Of Fasting

Comments:
Twenty-nine days of fasting carries as much merit and reward as of thirty days since the deciding factor is one’s sincerity and obedience to the commands of Allah.

2323. It was reported from ‘Abdur-Rahmān bin Abī Bakrah, from his father, from the Prophet that he said: “The two months of ‘Eid are never incomplete; Ramadān and Dhul-Hijjah.” (Sahih)

Comments:
Meaning, even if the month is less than thirty days, the reward will not be diminished.

Chapter 5. When The People Are Mistaken In Sighting The Crescent.

2324. It was reported from Muhammad bin Al-Munkadir, from Abū Hurairah — and he mentioned the Prophet in it, he said: “Your breaking of the fast (‘Eid Al-Fitr) is the day that (all of) you break your fast, and your sacrificing (‘Eid Al-Adhā), is on the day that (all of) you sacrifice, and all of ‘Arafat is a place of standing, and all of Minā is a place for slaughtering, and all of the mountain paths of Makkah are a place of slaughtering, and all of Jam‘ (Muzdalifah) is a place of halting.” (Sahih)

Comments:
[Explanatory Notes]
Chapter 6. When (Sighting the Crescent for) The Month Was Obscured

2325. ‘Abdullāh bin Abī Qais said: “I heard ‘Aishah, may Allāh be pleased with her, saying: ‘The Messenger of Allāh ﷺ used to be more tentative in ascertaining the days of Shabbān then any other month. Then he would fast upon the sighting (of the crescent) of Ramdān. If it was obscured from him,[1] he would complete thirty days (of Shabbān) and then fast.’” (Sahih)

2326. It was reported from Rib‘ī bin Hirāş, from Hudhaifah, who said: “The Messenger of Allāh ﷺ said: ‘Do not precede the month (by fasting) until you sight the crescent, or you have completed the count (of thirty days). Then fast until you sight the crescent, or you have completed the count (of thirty days).’” (Sahih)

Abū Dāwūd said: Sufyān and others reported from Mansūr, from Rib‘ī, from a man among the Companions of the Prophet ﷺ — without naming Hudhaifah.

[1] Meaning if it were cloudy or the like and the crescent was not visible.
Chapter 7. Whoever Said That If It Is Obscured From You (The Crescent), Then Fast Thirty Days

2327. It was reported from Simak, from 'Ikrimah, from Ibn 'Abbâs, who said: “The Messenger of Allah ﷺ said: ‘Do not precede the month by fasting a day or two, except if one has been in practice of fasting on a particular day, and do not fast until you sight it (the crescent), then fast until you sight it. If it is obscure due to weather, then complete the count of thirty (days), and then break the fast. The month (may be) twenty-nine days.” (Da‘if)

Abû Dâwûd said: It was reported with similar meaning by Hâtim bin Abî Sagîrah, Shu‘bah and Al-Hasan bin Šâlih, from Simak, but they did not mention: “and then break the fast.”

Abû Dâwûd said: He is Hâtim bin Muslim bin Abî Sagîrah, and Abû Sagîrah is his mother’s husband.

Chapter 8. Regarding Preceding (Ramadân By Fasting At The End of Sha‘bân)

2328. 'Imrân bin Hushain said: “The Messenger of Allah ﷺ asked
a man: ‘Did you fast from the last days (Sarar) of Sha'ban?’ He said: ‘No.’ The Prophet ﷺ said: ‘After completing (the fast of Ramadân) fast a day.’ One of the two of them (the narrators) said: “Two days.” (Sahîh)

Comments:
This Hadîth might apparently seem to be in conflict with the preceding one. The disparity, however, is resolved when we consider the fact that this permission or instruction is only meant for the person who is already under a vow to observe the fasts, or has constantly been observing those fasts on those particular days. No other person who is neither under a vow nor has been accustomed to observing those fasts but wishes to keep them as voluntary fasts is allowed to do so.

2329. Abû Al-Azhâr Al-Mugîrah bin Farwah said: “Mu‘awiyah stood among the people in Dair Misbal which is at the gate of Himis. He said: ‘O people! We have sighted the crescent (of Sha’bân) on such and such day. We will fast in advance (in Sha’bân before Ramadân). Anyone who likes to do so, he may do so.’” He said: “Mâlik bin Hubairah As-Saba‘î stood up and said: ‘O Mu‘awiyah! Did you hear this from Allah’s Messenger ﷺ or is it something from your opinion?’ He replied: ‘I heard the Messenger of Allah ﷺ saying: “Fast the (beginning of the) month, and Sirrahu (its end).”’ (Hasan)

2331. Ahmad bin ‘Abdul-Wãhid narrated to us (saying): “Abû Mushhir narrated to us, he said: ‘Sa’eed meaning Ibn ‘Abdul-‘Azîz said: “Sîrîhu (means): its beginning.” (Sa‘îh)

Abû Dâwud said: Some of them said: Sîrîhu is its middle, and they say that it is its end.

Comments:
The preferable interpretation would be “in the last days of the month.”

Chapter 9. When The Crescent Is Sighted In A Land A Night Before It Is Sighted In Other Lands

2332. It was reported from Mu‘âmmad bin Abî Harmalah, who said: “Kuraib informed me that Umm Al-Fadi, the daughter of Al-‘Hârith sent him to Mu‘âwiyyah in Ash-Shâm. He said: ‘I arrived in Ash-Shâm and took care of her affairs. The crescent for Ramâdân was sighted while I was in Ash-Shâm. We sighted the crescent on the night of Friday. Then I arrived
in Al-Madīnah at the end of the month. Ibrāhīm ibn ‘Abbās questioned me, then asked me about the crescent; “When did you sight the crescent?” I said: “I saw it on the night of Friday.” He said: “Did you see it yourself?” I said: “Yes, and the people (also) saw it, and they fasted, and Mu‘āwiyah fasted.” He said: “But we saw it on the night of Saturday, so we will not stop fasting until we complete thirty, or we see it.” So I said: “Is not the sighting of Mu‘āwiyah, and his fasting sufficient for you?” He said: “No; this is how Allāh’s Messenger ﷺ commanded us.” (Ṣaḥīh)

Comments:

“This is how Allāh’s Messenger ﷺ commanded us” meaning, as Ibn ‘Abbās narrated from him in no. 2327.

2333. Al-Ash‘ath reported from Al-Ḥasan (Al-Baṣrī), regarding a man who was in a certain land and he fasted on Monday. Two men testified that they sighted the crescent on the night of Sunday. He said: “That man does not make that day up, nor do the people of his land, unless they knew that the people of a land of the Muslims had fasted on Sunday; only then will they make it up.” (Ṣaḥīh)

Comments:

This narration of Al-Ḥasan Al-Baṣrī is not found in most of the manuscripts of Sunan Abū Dāwūd.
Chapter 10. That It Is Disliked To Fast The Day of Doubt

2334. It was reported from Abū Ishaq, from Silah, who said: "We were with 'Ammār on the day of doubt. A sheep was brought and some of the people avoided eating it. 'Ammār said: 'Anyone who fasts on this day disobeys Abul-Qāsim Allah's Messenger.'" (Da'if)

Comments:
"The day of doubt" means the day when the appearance or otherwise of the new crescent is uncertain.

Chapter 11. Regarding Whoever Connected Sha'bān With Ramadān

2335. It was reported from Abū Salamah, from Abū Hurairah, from the Prophet that he said: "Do not precede fasting Ramadān by fasting a day or two, except for a fast that a man fasts (as a habit); (if it is so) then let him fast that fast." (Sahih)

Comments:
Meaning, whoever fasted during the last days of Sha'bān as well as the first of Ramadān.

[1] Meaning, whoever fasted during the last days of Sha'bān as well as the first of Ramadān.
Chapter 12. About That Being Disliked

2337. It was reported from ‘Abdul-‘Aziz bin Muhammad who said: “‘Abbād bin Kathīr arrived in Al-Madinah and went to a gathering of Al-‘Ala‘. He took Al-‘Ala‘ by his hand and made him stand up. ‘Abbād said: ‘O Allah! He is narrating from his father, from Abū Hurairah, that the Messenger of Allah said: “When the middle of Sha‘bān comes, then do not fast.”’ Al-‘Ala‘ said: ‘O Allah! Indeed my father narrated that to me, from Abū Hurairah, from the Prophet.” (Sahih)

Abū Dāwūd said: Ath-Thawrī, Shībī bin Al-‘Ala‘, Abū ‘Umais, and Zuhair bin Muhammad reported it from Al-‘Ala‘.


Comments:
The statements of Umm Salamah, and ‘Āishah (see no. 2431) may be construed as referring to the Prophet’s practice of fasting on many more days of Sha‘bān than in any other month of the year except Ramaḍān.

asked Ahmad: "Why is that?" He said: "Because of the narration which he had, that the Prophet \(\text{سُنَّةُ الْفَتَرَة} \) used to connect Sha'bān with Ramadān, and he reported from the Prophet \(\text{سُنَّةُ الْفَتَرَة} \) what contradicts it."

Abū Dāwūd said: According to me, this does not contradict that, and no one except Al-'Alā narrated this from his father.

Comments:
Ruling about the undesirability of fasting in the second half of Sha'bān applies only to those persons who have not been observing fasts as a habit during those days. Those habituated to doing so are exempt from this ruling.

Chapter 13. Testimony Of Two Men About Sighting The Crescent Of Shawwāl

2338. It was reported from Abū Mālik Al-Asha'ī, that Husain bin Al-Ḥārith Al-Jadali — from the tribe of Jadilah Qais — narrated: "A governor of Makkah delivered a speech, he said: 'The Messenger of Allah \(\text{سُنَّةُ الْفَتَرَة} \) took an oath from us, that we perform our rites after sighting the crescent. If we do not sight it, and two just persons testify to (seeing) it, we should perform the rites on the basis of their testimony.' — (Abū Mālik said:) 'I asked Al-Husain bin Al-Ḥārith: 'Who is this governor of Makkah?' He said: 'I don't know.' Sometime later he met me and said: 'He is Al-Ḥārith bin Ḥātīb, the brother of Muhammad bin Ḥātīb.'" — "The governor then said: 'Among you is
a person who is more knowledgeable about Allâh and His Messenger than me. He testified to this, from the Messenger of Allâh، and then pointed with his hand towards a man.” Al-Husain said: “I said to an older man beside me: ‘Who is this, that the governor has pointed to?’ He said: ‘This is ‘Abdullâh bin ‘Umar, and he spoke the truth. He (‘Abdullâh bin ‘Umar) was more knowledgeable about Allâh then him. He (‘Abdullâh bin ‘Umar) said: “Allâh’s Messenger ordered us with that.” (Hasan)

2339. It was reported from Ribî’ bin Hirâsh, from a man among the Companions of the Prophet، who said: “The people differed (about sighting the crescent of Shawwâl) on the last day of Ramâdân. Then two Bedouins arrived and testified before the Prophet، that they had seen the crescent the previous evening. The Messenger of Allâh ordered the people to break their fast.”

In his narration, Khalaf (one of the narrators) added: “And that they go to the Musalla the (following) morning.” (Sahîh)

Comments:
The beginning of Ramâdân is proved either, through the completion of thirty days of Sha‘bân, or through sighting the crescent, even though it be by a single trustworthy Muslim.

2340. It was reported (from Al-Walid bin Abi Thawr and Zaidah) from Simak, from 'Ikrimah, from Ibn Abbás, who said: “A Bedouin came to the Prophet ﷺ and said: ‘I have sighted the crescent.’” — In his narration, Al-Hasan (one of the narrators) added: “Meaning: ‘of Ramadân.’” —

“The Prophet ﷺ said: ‘Do you testify that none has the right to be worshipped but Allah?’ He said: ‘Yes.’ The Prophet ﷺ said: ‘Do you testify that Muhammed is the Messenger of Allah?’ He said: ‘Yes.’ The Prophet ﷺ said: ‘O Bilal! Call out to the people that they must fast tomorrow.’” (Da‘if)

2341. It was reported from Hammad, from Simak bin Harb, from 'Ikrimah, that he said: “Once the people were in doubt about the sighting of the crescent of Ramadân. They decided not to offer the (voluntary) night prayers (Tarawih), nor fast. Then a Bedouin came from Al-Harrah and testified that he had seen the crescent. He was brought to the Prophet ﷺ. The Prophet ﷺ asked
him: ‘Do you testify that none has the right to be worshipped but Allah, and I am the Messenger of Allah?’ He said: ‘Yes,’ and he testified that he sighted the crescent. He (the Prophet 
) ordered Bilal to announce among the people to pray and to fast.”

(Đa’if)
Abū Dāwud said: A group of narrators reported it from Simāk, from ‘Ikrimah, in Mursal form; and no one mentioned night prayer (Tarawīh) except Hammad bin Salamah.

**Chapter 15. Stressing The Sahūr (The Pre-Dawn Meal)**

2343: It was reported from ‘Amr bin Al-‘Āṣ, who said: “The
Messenger of Allah ﷺ said: ‘The difference between our fasting and fasting of the people of Book is eating the pre-dawn meal (As-Sahar).’ (Saḥīḥ)

Chapter 16. Whoever Called Sahur; “Al-Ghada” (Breakfast)

2344. Al-‘Irbaḍ bin Sāriyah said: “The Messenger of Allah ﷺ invited me to the Sahūr during Ramadān, and said: “Come to the blessed breakfast.” (Hasan)

Comments:

It goes without saying that the Prophet ﷺ does not speak of his own desire, but only speaks what has been revealed to him. It is, therefore, necessary that even if a person feels no desire for food so early in the morning, he should at least have a date or a morsel or two, or even a few draughts of water, in order to be a recipient of the blessing promised by the Prophet ﷺ.

2345. Abū Hurairah reported that the Prophet ﷺ said: “Dates are a preferred Sahūr for the believer.” (Saḥīḥ)
The date-palm is through and through a blessed tree, and it is desirable to make it a part of our menu for *Suḥūr* and *Iftār*.

Chapter 17. The Time Of *Suḥūr*

2346. It was reported from ‘Abdullāh bin Sawādah Al-Qushairi, from his father who said: “I heard Samurah bin Jundab delivering a sermon in which he said: ‘The Messenger of Allāh ṣallallāhu 'alayhi wa sallam said: “The *Adhān* of Bilāl should not prevent you from your *Saḥūr*, neither should the whiteness of horizon which is like this (vertical), until it spreads out horizontally.”” *(Sahih)*

تخريج: أخرجه مسلم، الصيام، باب بيان أن الدخول في الصوم يحصل بطول الفجر . . .

إلقح، ح: 1094 من حديث عبد الله بن سوادة به.

Comments:

The dawn is of two types: The false dawn, and the true dawn. *Suḥūr* may be eaten as long as the false dawn lasts, but its time ends as soon as the true dawn appears. Bilāl used to call the *Adhān* during the false dawn, in order to alert the people. The false dawn is when the whiteness of light begins to ascend towards the sky, but then a more enduring whiteness appears and spreads horizontally all around. This signals the true dawn of the morning.

2347. ‘Abdullāh bin Mas‘ūd said: “The Messenger of Allāh ṣallallāhu 'alayhi wa sallam said: ‘The *Adhān* of Bilāl should not prevent one of you from his *Saḥūr*, for he says the *Adhān*’” — or he said: ‘call’ — “so that those praying can return, and to wake the sleeping among you. Dawn is not like this” — Musad-dad (one of the narrators) said: “And Yaḥyā
joined his (fingers to his) palm”[1] ‘Until it is like this’ —
And Yahya extended his two index fingers.”[2] (Sahih)

2348. It was reported from Qais bin Talaq, from his father who said: “The Messenger of Allah ﷺ said: ‘Eat and drink, and the ascending white light should not prevent you from it, so continue to eat and drink till the redness appears horizontally.’” (Hasan)
Abû Dâwud said: This is among that which the people of Yamamah are alone with (in narrating).

Comments:
That the time to stop eating is when whiteness begins to spread all around. Nevertheless, if the sky is overcast, some kind of redness also becomes evident in the sky. However, as a general rule, it is whiteness alone that appears in the sky.

2349. ‘Adî bin Hátim said: “When this Verse was revealed: ‘Until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night)”[3] — I took a white rope and a black rope, and kept them under my pillow. I observed them

[1] Motioning with his hand toward the earth, meaning vertically.
[2] Holding them extended with the tips together, indicating; horizontally, according to a version recorded by Muslim.
but could not distinguish between then. Then I mentioned that to the Messenger of Allâh ﷺ. He laughed and said: 'Your pillow must be very long and broad. It is only the night and the day.'

And (in his version) 'Uthmân (one of the narrators) said: "It is only the blackness of night and the whiteness of day." (Ṣaḥīḥ)

Comments:

What we conclude from this Ḥadîth is that even an 'Arab would misunderstand the meanings of the Qur'ān, without the guidance of the Messenger of Allâh ﷺ explaining its meanings.

Chapter 18. A Man Who Hears The Call While A Vessel Is In His Hand

2350. Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'If one of you hears the call for prayer and the vessel is in his hand, he should not put it down till he fulfills his need from it.'" (Ḥasan)

Comments:

If the end-time for Suhûr has approached and the call to the morning prayer has begun, it is still allowed for the fasting person to finish what he has in his hand.
Chapter 19. The Time For The Fasting Person To Break (His Fast)

2351. It was reported from 'Asîm bin 'Umar, from his father who said: "The Prophet said: ‘When the night approaches from here (the east), and the day retreats from here (the west)’" — Musaddad (one of the narrators) added: "and the sun sets" — it is time for the fasting person to break the fast." (Sâhih)

2352. It was reported from `Abdullâh bin Abî Awfâ, that he said: "We accompanied the Messenger of Allâh on a journey while he was fasting. When the sun set he said: "O Bilal! Dismount and mix some Sawîq for us." He said: "O Messenger of Allâh! If you waited till the evening!" He said: "Dismount and mix some Sawîq for us." He said: "O Messenger of Allâh! The day still remains with you." He said: "Dismount and mix some Sawîq for us." He got down and prepared it. The Messenger of Allâh drank from it and then said: "If you see the night approaching from here, it is time for a fasting person to break the fast," and he pointed towards east with his finger. (Sâhih)
Comments:
The time for Iftâr begins immediately upon the setting of the sun. Waiting after sunset or delaying Iftâr as a precautionary measure has no meaning. The Hadîth also gives us the golden rule that, in order to remove any possible doubts in the minds of the people, it is sometimes a good idea to let people have further clarification even regarding "obvious" matters.

Chapter 20. The Recommendation Of Hastening To Break The Fast

2353. It was reported from Abû Hurairah, from the Prophet ﷺ, that he said: “The religion (of Islam) will continue to be manifest as long as people hasten to break their fast (at its earlier time) because the Jews and Christians delay it.”

(Hasan)

Tahreem: [Esnâdeh ‘Hasn] Another from ‘Aishah, the Prophet’s wife, that she said: “The religion will continue to manifest as long as the Prophet hastens to break his fast at its earlier time.”

2354. It was reported from Abû Atiyyah, who said: “Masruq and I entered upon ‘Aishah, and said: ‘O Mother of the Believers! There are two men from the Companions of Muhammad ﷺ. One of them hastens to break his fast and hastens the prayer, and the other delays breaking his fast and delays the prayer.’ She asked: ‘Which one of the two hastens to break the fast and hastens to pray?’ We said: ‘Abdullâh (Ibn Mas’ûd).’ She said: ‘The Messenger of Allah ﷺ used to do so.’” (Sahîh)
Chapter 21. What To Use To Break One's Fast

2355. It was reported from Ar-Rabbâb, from Salmân bin ‘Amir — her paternal uncle — he said: “The Messenger of Allah said: ‘When one of you fasts, then let him break his fast with dates (Tamr), and if he does not find dates, then with water for indeed water is purifying.’” (Sahih)

Comments:
Fast, as a rule, can be broken with any type of food or drink that is permissible, while dates or water are the most blessed for that purpose.

2356. It was reported from Thãbit Al-Bunäni, that he heard Anas bin Mâlik saying: “The Messenger of Allah would break his fast with fresh dates (Ruab) before praying, if there were no fresh dates, then with dried dates (Tamr), if he did not have dried dates, then he would take some mouthfuls of water.” (Hasan)
Chapter 22. The Saying At The Time Of Breaking The Fast

2357. Marwān — meaning Ibn Sālim Al-Muqaffa‘ — said: “I saw Ibn ‘Umar take hold of his beard and trim whatever exceeded the palm. He said: The Prophet ﷺ used to say, when breaking his fast: "Dhahabaz-zamã ‘u wabattallil-‘urüqu wa thabatal-ajru in shã ‘Allah (The thirst is gone, and the veins are quenched, and the reward is assured — if Allāh wills).” (Hasan)

Comments:
The practice of trimming the part of the beard beyond the fistful is reported, with authentic chains of narration, from other Companions aside from Ibn ‘Umar, and he also is one of those that reported the order to grow the beard from the Messenger of Allāh ﷺ. See no. 4199.

2358. It was reported from Husain, from Mu‘ādh bin Zahrah that he conveyed to him that the Prophet ﷺ used to say when breaking fast: “Allāhumma! Laka šumtu wa ‘ala rizqika aftartu (O Allāh! For You I have fasted, and upon your provision I have broken my fast).” (Da‘if)

Chapter 23. Breaking The Fast Before Sunset

2359. It was reported from Abū Usāmah, from Hishām bin 'Urwah, from Fāţīmah bint Al-Mundhir, from Asmā’ bint Abi Bakr who said: “We broke fast one day during the month of Ramadān, while it was cloudy, during the lifetime of the Messenger of Allah ﷺ, then the sun came out.”

Abū Usāmah said: “I asked Hishām: ‘Were they ordered to make it up?’ He said: ‘Is anything else possible?’” (Ṣahih)

Comments:
There is difference of opinion among the scholars on the necessity of making up in such case. The dominant opinion, however, is that making it up is required.

Chapter 24. Al-Wiṣāl
(Continuous Fasting)[1]

2360. Ibn ‘Umar said: “The Messenger of Allah ﷺ prohibited us from Wiṣāl. They said: ‘But you practice Wiṣāl O Messenger of Allah?’ He said: ‘I am not like you, I am provided with food and drink.’” (Ṣahih)

[1] Meaning, not breaking one’s fast at night, nor eating before dawn, and continuing days on end like that.
2361. Abū Sa‘eed Al-Khudhrī reported that he heard the Messenger of Allāh ﷺ saying: “Do not fast ṭīsāl. If any one of you wants to fast continuously, he should only do so until prior to dawn.” They said: “But you practice ṭīsāl.” He said: “I am not like you, I have One who provides me with food, and provides me with drink.” (Saḥīḥ)

Chapter 25. A Fasting Person Backbiting

2362. It was reported from Abū Hurairah, who said: “The Messenger of Allāh ﷺ said: ‘If one does not avoid speaking ṭīrā, and acting upon it, Allāh is in no need of him abstaining from his food and his drink.’” Ahmad (Ibn Yunus, one of the narrators) said: “I learned the chain of narrators from Ibn Abī Dhi‘b, but a man beside him made me understand Hadīth. I think he was his nephew.” (Saḥīḥ)

2363. Abū Hurairah reported that the Prophet ﷺ said: “When one of you fasts, you should not behave

[1] It appears to mean that he did hear it from Ibn Abī Dhi‘b, but he was not sure of some of the details of the chain of narration, and the man did hear it and explained what was not clear for him.
immorally nor arrogantly. If some one fights him, or abuses him, he should say: 'I am fasting, I am fasting.'" (Sahih)

Comments:
A Muslim, as a rule, is commanded to abstain from things like vulgar and obscene talk and other activities of the Days of Ignorance. And when he is fasting, it is all the more important that he observe abstinence from all evil activities in all circumstances. Rather than engaging in disputes, he is advised to plainly declare to his opponent that he is fasting, so that all doors to any bad conduct are shut.

Chapter 26. The Siwâk For The Fasting Person

2364. It was reported from 'Ubaidullâh bin 'Amir bin Rabî‘ah, from his father who said: "I saw the Messenger of Allâh using a Siwâk while he was fasting." Musad-dad (one of the narrators) added: "He did it so often that I lost count of it." (Da‘f)

Comments:
Provided that no external substance be swallowed, there is no harm in cleaning the mouth by any means while fasting.

Chapter 27. The Fasting Person Pouring Water Upon Himself Due To Thirst, And Exaggerating In Sniffing Water Into The Nose

2365. It was reported from Abû Bakr Ibn 'Abdur-Râhîmân, from
someone from among the Companions of the Prophet ﷺ; “I saw the Prophet ﷺ ordering people, while traveling during the Year of the Conquest of Makkah, to break the fast. He said: ‘Energize for your enemy.’ And the Messenger of Allah ﷺ (himself) fasted.” Abū Bakr said: “The one who narrated to me said: ‘I saw the Messenger of Allah ﷺ at Al-‘Araj pouring water over his head while he was fasting, due to thirst or the heat.’” (Sahih)

Comments:

In order to fight extreme heat or thirst, a fasting person is allowed to pour water on his head or body, or take a shower, or put a wet cloth on his body.

2366. ‘Āṣim bin Laqīṭ bin Ṣabrāh reported from his father, Laqīṭ bin Ṣabrāh, who said: “The Messenger of Allah ﷺ said: ‘Exaggerate in sniffing water,[1] unless you are fasting.’” (Sahih)

Chapter 28. The Fasting Person Being Cupped

2367. It was reported from Thawbān, from the Prophet ﷺ that he said: “The one who cups, and

[s1] Meaning: into the nose, when performing Wudū’.
the one who is cupped, have broken their fast.”

In his narration, Shaibân (one of the narrators) said: “Abû Qilâbah informed me that Abû Asmâ’ Ar-Raḥabî informed him, that Thâwblân, the freed slave of the Messenger of Allâh, informed him that he heard it from the Prophet. (Saḥîh)

2368. (Another chain) from Shaibân, from Yahyâ: “Abû Qilâbah Al-Jarmî narrated to me, that he was informed, that Shaddâd bin Aws was walking along with the Prophet... so he mentioned similarly (to no. 2367). (Saḥîh)

2369. (Another chain) From Ayyûb, from Abû Qilâbah, from Al-Ash’ath, from Shaddâd bin Aws, that Messenger of Allâh came to a man at Al-Baqi’ while he was cupping when eighteen (days) had passed of Ramadân. The Prophet was holding my hand. He said: “The one who cups and the one who is cupped have broken their fast.” (Saḥîh)

Abû Dâwûd said: Khâlid Al-Hadh-dhâ’ narrated similarly, from Abû
Qilabah, with Ayyub’s chain of narrators.

2370. It was reported from Ibn Juraij, who said: “Makhül informed me that a Shaikh from Al-Hayy — in his narration ‘Uthmãn (one of the narrators) said: (who is truthful) — informed him: ‘Thawbãn, the freed slave of the Prophet, informed him that the Prophet of Allah said: “The one who cups and the one who gets cupped have broken their fast.” (Sahih)

2371. It was reported from Al-‘Ala’ bin Al-Hârith, from Makhül, from Abû Asmã’ Ar-Rahabi, from Thawbãn, from the Prophet that he said: “The one who cups and the one who gets cupped (both) have broken their fast.” (Sahih)

Abû Dâwud said: Ibn Thawbãn reported similarly with his chain of narration, from his father, from Makhül.

Chapter 29. Regarding The Allowance For That

2372. It was reported from ‘Abdul-Wârith, from Ayyûb, from ‘Ikrimah, from Ibn ‘Abbâs, that the
Messenger of Allâh ﷺ was cupped while he was fasting. (Sahîh)

Abû Dâwûd said: Wuhaib bin Khâlid reported it from Ayyûb, similarly with his chain, and Ja’far bin Rabî’ah and Hîshâm, meaning Ibn Hassân, reported it from ‘Ikrimah, from Ibn ‘Abbâs, similarly.

2373. It was reported from Miqsam, from Ibn ‘Abbâs that the Messenger of Allâh ﷺ was cupped while he was fasting, and in a state of Ihram. (Da’îf)

2374. It was reported from ‘Abdur-Rahmân Ibn Abî Lailâ, who said:

“A man from among the Companions of the Prophet ﷺ narrated to me, that the Messenger of Allâh ﷺ prohibited cupping and continuous fasting, but he did not make them (absolutely) unlawful, out of mercy to his Companions. He was asked: “O Messenger of Allâh! But you observe continuous fast until prior to dawn. He said: “I fast continuously until prior to dawn, and my Lord provides me food and drink.” (Da’îf)
2375. It was reported that Anas said: “We would not avoid cupping for the fasting person except if it caused a difficult hardship.” *(Sahih)*

Comments:
The Hadith means that cupping, as a rule, does not break the fast. The only consideration is that it might entail weakness to the fasting person. If no such fear exists, then it is permissible.

Chapter 30. Regarding The Fasting Person Having A Wet Dream During The Day In Ramadân.

2376. It was reported from Zaid bin Aslam, from a man from his companions, from a man among the Companions of the Prophet who said: “The Messenger of Allah said: ‘The fast is not broken for one who vomited, nor had a sexual dream, nor being cupped.’” *(Da’if)*

Comments:
As to the meaning, the Hadith is correct, i.e., the things mentioned in it are proved from other sound Ahadith. It may be mentioned here that deliberate vomiting invalidates the fast although unintentional vomiting will not harm it.

Chapter 31. Regarding A Fasting Person Using Kohl At The Time Of Sleeping

2377. It was narrated by ‘Abdur-Rahmân bin An-Nu‘mân bin Ma‘bad bin Hawdhah, from his father, from his grandfather, from the Prophet that he ordered

Comments:

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2375 - حَدَّثَنَا عَبْدُ اللهِ بْنُ مُسْلِمَةُ: حَدَّثَنَا شَيْمَانُ بْنُ عَبْدُ اَلْمَعَبِيرَةُ عَنْ نَابِيٍّ قَالَ: قَالَ أَنَسُ: مَا كَانَ نَذَرُ الْحَجَاجِةَ لِلْضَّيْمِ إِلَّا كَراَحِيَةَ الْجَهَدِ.

تخريج: [إسناده صحيح] رواه البخاري، ح: 1940 من حديث نابت به بغير هذا اللفظ.

(المعجم 30 باب: في الصائم يُحْلَمُ نَهَارًا في رَمَضَانَ (التحفة 30)

2376 - حَدَّثَنَا مُحَمَّدُ بْنُ كَبِيرٍ أَخْرَجَهُ شَيْمَانٌ عَنِ رَوْدَةَ بْنَ أَسْلَمَ عَنْ رَجُلٍ مِنَ الْأَصْحَابِ، عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيٍّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: اَلْيُقَطَّرُ مِنْ قَآءَ وَلَا مِنْ الْحَاجِّةَ وَلَا مِنْ الْحَاجِّةَ.


Comments:
As to the meaning, the Hadith is correct, i.e., the things mentioned in it are proved from other sound Ahadith. It may be mentioned here that deliberate vomiting invalidates the fast although unintentional vomiting will not harm it.
scented *Ithmid*¹ be used at the time of sleep, and said: “A person fasting should abstain from it.”

( потомка)

Abu Dawud said: Yahya bin Ma'in said to me: “It is a *Munkar Hadith*” meaning the *Hadith* about kohl.

 تخريج: [إسناده ضعيف] أخرجه أحمد: 499 عن علي بن ثابت به # النعمان بن معد: مجهول الحال. لم يروه غير ابن حبان.

2378. It was reported from 'Ubaidullah bin Abi Bakr bin Anas, from Anas bin Malik, that he used to apply kohl while fasting. ( потомка)

تخريج: [إسناده ضعيف] أخرجه ابن أبي شيبة: 273 عن أبي معاوية الضرير به وهو مدلس ولم يذكر في هذه الرواية سماحًا.

2379. It was reported from Al-A'mash, who said: “I did not see any of our companions dislike using kohl for a fasting person. Ibrahim permitted the use of kohl with aloe for a fasting person.” ( потомка)

تخريج: [إسناده حسن] السندر حسن إلى الأعمش وضعيف إلى إبراهيم لأن الأعمش لم يصرح بالسمع.

Comments:

It is permitted for a fasting person to apply antimony or put medicinal drops in his eyes.

Chapter 32. The Fasting
Person Who Intentionally Vomits

2380. Abu Hurairah said: “The

المجم (32) - بُابُ الصَّائِمِ يُسْتَقِيءُ
عمادًا (النحاسة 32)

2380 - خَذْتَا عِيسى بُنُ
The Book Of Fasting

Messenger of Allah ﷺ said: ‘Whoever is overcome with vomiting, there is no making up upon him, but if he vomits intentionally, then he must make it up.’ (Da’if)

Abū Dāwūd said: This was also reported by Ḥafṣ bin Ghiyāth from Hishām.

2381. It was narrated from Ma’dān bin Ṭalḥah that Abū Ad-Dardā’ narrated to him: “The Messenger of Allah ﷺ vomited, and broke his fast.” I met Thawbān, the freed slave of the Messenger of Allah ﷺ in a Masjid in Damascus, and said to him: ‘Abū Ad-Dardā’ narrated to me: ‘The Messenger of Allah ﷺ vomited and broke his fast.’” He said: “He spoke the truth, and I poured water for him for his Wudu’.” (Hasan)

Comments:

There is no doubt that, unlike involuntary or sudden vomiting, deliberate vomiting will break the fast, and that day must be made up.
Chapter 33. Kissing For A Fasting Person

2382. It was reported from Al-Aswad and ‘Alqamah, from ‘Aishah, that she said: “The Messenger of Allâh used to kiss and embrace while fasting, but He had most control over his desire.” (Sahih)

2383. It was reported from ‘Amr bin Maimûn, from ‘Aishah, may Allâh be pleased with her, she said: “The Prophet used to kiss during the month of fasting.” (Sahih)

2384. It was reported from Talbâh bin ‘Abdullâh, meaning Ibn ‘Uthmân Al-Qurashî, from ‘Aishah, that she said: “The Messenger of Allâh used to kiss me while he was fasting, and I was fasting.” (Da’îf)

Comments:

It is allowed for a fasting husband and wife to kiss each other on condition that they keep control over themselves. However, if they fear that they will not be able to keep within limits, they must abstain from it, similarly, it may be disliked for the young people in general. See no. 2387.
Chapter 34. The Fasting
Person Swallowing Saliva

2386. It was reported from Misda' Abī Yahyā, from 'Āishah that the Prophet ﷺ used to kiss her while he was fasting, and suck her tongue.

(Ibn Al-Aʿrābī said: “It has been conveyed to me from Abū Dāwūd, that he said: “This chain is not Sahih.”)”[2] (Daʿif)

تخريج: [إسناده صحيح] أخربه أحمد 1/11 والنسائي في الكبرى، ح: 5048 من حديث
اليث بن سعد بن وصاخه ابن خزيمة، ح: 1999 وابن حبان، ح: 905 والحاكم: 431/1 على
شرح الشيخين وواقفه الذهبي.

(المعجم 34 - باب الصائم يلنغ الزيق) (التحفة 344)
Chapter 35. That It is Disliked In The Case Of A Young Person (While Fasting)

2387. It was reported from Abu Hurairah, that he said: “A man asked the Prophet about embracing (a woman) while fasting? The Prophet allowed him. Another one came and asked him, the Prophet prohibited him. The one whom he allowed was an old man, and the one whom he prohibited was a young man.”

(Hasan)

Chapter 36. Whoever Awoke in the Morning In A State Of Sexual Impurity During Ramadān

2388. It was reported from ‘Aishah and Umm Salamah, the wives of the Prophet, that they said: “The Messenger of Allah would awake in the morning in a state of sexual impurity.” — in his narration, ‘Abdullāh Al-Adhramī (one of the narrators) said: “during Ramadān” — “due to sexual intercourse, not due to a wet dream, then he would fast.”

(Saḥīḥ)

Abū Dāwūd said: So few are those who narrate this statement, meaning: “he would awake in the morning, in a state of sexual impurity, during Ramadān.” While the Hadīth is only: “That the Prophet would awake in the
morning in the state of sexual impurity, and he would fast.”

Comments:
A fast is not invalid merely because the one fasting began it in a state of impurity.

2389. It was reported from 'Āishah, the wife of the Prophet ﷺ, that a man said to the Messenger of Allâh ﷺ, while he was standing at the door: “O Messenger of Allâh! I woke up in the morning while I was in a state of sexual impurity, and I want to fast.” The Messenger of Allâh ﷺ said to him: “And I also wake up in the morning while I was in a state of sexual impurity, and I want to fast, so I performed Ghusl and fast.” The man said: “O Messenger of Allâh! You are not like one of us, Allâh has forgiven your past and future sins.” The Messenger of Allâh ﷺ got angry and said: “I swear by Allâh! I hope that I am the most fearful of Allâh, and most knowledgeable of you all in what I follow.” (Sahih)

Chapter 37. Expiation For A Man Who Has Sexual Intercourse With His Wife During Ramaḍân

2390. It was reported from Sufyān (Ibn 'Uyaynah), from Az-Zuhri, from Ḥumaid bin ‘Abdur-Rahmān,
from Abū Hurairah, who said: “A man came to the Prophet ﷺ and said: ‘I am ruined.’ He said: ‘What is the matter with you?’ He said: ‘I had sexual intercourse with my wife in Ramādān (in daytime while fasting).’ He said: ‘Do you have the means of freeing a slave?’ He said: ‘No.’ He said: ‘Can you fast for two consecutive months?’ He said: ‘No.’ He said: ‘Can you feed sixty poor people?’ He said: ‘No.’ He said: ‘Sit down.’

A bushel (‘Arak) of dates was brought to the Prophet ﷺ. Then he said: ‘Give this in charity.’ He said: ‘O Messenger of Allāh! There is nobody between the two lava fields of it (Al-Madinah) poorer than my family.’” He said: “The Messenger of Allāh ﷺ laughed till his eye-teeth were visible, and he said: ‘Feed it to your family.’” (One of the narrators) Musaddad, said, in another place: “His premolar teeth.” (Sahih)

2391. Ma'mar reported this Ḥadīth, with its meaning, from Az-Zuhri, and (in it) Az-Zuhri added: “This was only a special concession for him specifically. So if a man were to do that today, he will have no choice but to expiate for it.” (Sahih)

Abū Dāwūd said: It has been reported by Al-Laith bin Sa'd, Al-Awzā'i, Ma'nūr bin Al-Mu'tamīr
and ‘Irāk bin Mālik with the same meaning as what was reported by Ibn Uuyaynah. In his narration, Al-‘Awzā‘ī added, “And seek forgiveness from Allāh.”

2392. It was reported from Mālik, from Ibn Shihāb (Az-Zuhri), from Ḥumaid bin ʿAbdur-Raḥmān, from Abū Hurairah, that a man broke his fast (intentionally) during Ramadān, so the Messenger of Allāh ﷺ ordered him to emancipate a slave, or fast for two consecutive months, or feed sixty poor people. He said: “I am not able.” The Messenger of Allāh ﷺ said to him: “Sit down.” A bushel (‘Araq) of dates was brought to the Messenger of Allāh ﷺ. Then he said: “Take this and give it in charity.” He said: “O Messenger of Allāh! There is no one needier than I am.” The Messenger of Allāh ﷺ laughed till his pre-molar teeth were visible, and he said to him: “Eat it yourself.”(Sahih)

Abū Dāwud said: Ibn Juraij reported it from Az-Zuhrī, with the wording of Mālik; that a man broke his fast, and he said in it: “or emancipate a slave, or fast for two months or feed sixty poor people.”

نَخْرِيج: أَخْرِجَهُ الْبَخَارِيُّ، كُفَاتُ الأَيْمَانِ، بَابُ مِنَ أَعْنَاءَ الْمَعْرِضُ فِي الْكِتَابَةِ، ح: ٢٣٩٠ وَهُوَ فِي الْمَوْطِئِ.

١١١١١ مُسْلِمُ، ح: ٢٣٩٠ وَهُوَ فِي الْمَوْطِئِ.
The sequential order indicated in the Hadith has to be maintained in performing expiation, since the Messenger of Allah only suggested the second and third modes of expiation after the questioner’s expression of inability to implement the first.

**2393.** It was reported from Hishâm bin Sa’d, from Ibn Shihâb (Az-Zuhri), from Abû Salamah bin ‘Abdur-Rahmân, from Abû Hurairah, who said: “A man who broke his fast in Ramadân came to the Prophet, then narrated the rest of the Hadith (as no. 2392) and said: “A bushel (‘Araq) containing fifteen Šâ’ of dates was brought to the Prophet.” And he said in it: “Eat it yourself, and (feed) your family, and fast for a day, and seek forgiveness from Allâh.” (Da’îf)

**Comments:**

It is compulsory to redeem a broken fast.

**2394.** It was reported from ‘Abbâd bin ‘Abdullâh bin Az-Zubair, that he heard ‘Aishah, the wife of the Prophet, saying: “A man came to the Prophet in the Masjid during Ramadân, and said: ‘O Messenger of Allâh! I have been burnt (ruined).’ The Prophet asked him: ‘What happened to him?’ He said: ‘I had sexual intercourse with my wife.’ He said: ‘Give charity.’ He said: ‘I swear by Allâh! I do not have anything, and I am not able.’ He said: ‘Sit down,’ then he sat down. While he was sitting a man came driving a donkey loaded with food. The...
Messenger of Allâh ﷺ said: ‘Give this in charity.’ He asked: ‘O Messenger of Allâh, to other than us? I swear by Allâh! We are hungry, we do not have anything.’ He said: ‘Eat it yourselves.’” (Sahîh)

2395. (Another chain) from ‘Abbâd bin ‘Abdullâh, from ‘Âishah, with this story. He (the narrator) said: “A bushel (‘Araq) containing twenty Sâ‘ of dates was brought.” (Hâsân)

Chapter 38. The Severe Threat
For One Who Intentionally Breaks His Fast

2396. It was reported from Abû Hurairah, that he said: “The Messenger of Allâh ﷺ said: ‘Whoever breaks his fast during a day of Ramadân, without any permission granted by Allâh, it will never be made up, even if he fasted for all his life.’” (Da‘îf)
2397. (Another chain) from Abū Hurairah who said: “The Prophet ﷺ said” and it is similar to the (previous) narration of (the narrators) Ibn Kathīr and Sulaimān. (Dařf)
Abū Dāwud said: Those who reported the narration from Sufyān and Shubābah differed in how they reported it from them; (saying) “Ibn Al-Mutawwīs” and “Abū Al-Muṭawwīs.”[1]

Chapter 39. Whoever Ate Forgetfully

2398. Abū Hurairah said: “A man came to the Prophet ﷺ and said: ‘O Messenger of Allāh! I ate and drank out of forgetfulness while I was fasting.’ He said: ‘Allāh fed you and gave you drink.’” (Ṣaḥīḥ)

Comments:
Eating and drinking forgetfully does not invalidate one’s fast or their requirement to complete it if they realize that.

Chapter 40. Delay In Making Up (Missed Days Of) Ramaḍān

2399. ‘Aishah said: “If there was (al-muṣāfin) ﷺ said” and it is similar to the (previous) narration of (the narrators) Ibn Kathīr and (al-suḥrā).
some fast due upon me from Ramadan, I would not be able to make it up until Sha'ban came.” (Sahih)

Chapter 41. Regarding Whoever Died And Some Fast Was Still Due Upon Him

2400. 'Aishah said: “The Prophet said: ‘Whoever dies while he still has some fast due on him, his heir should fast for him.’” (Sahih)

Abū Dāwud said: This is in the case of a vow, and this is the saying of Ahmad bin Hanbal.

Comments:
This narration appears again in the Book of Vows (number 3311), and before that (3310) is a Hadith narrated by Ibn 'Abbās in which the Messenger of Allāh said: “order making up the fast by a sister of one who died and it was due. Ibn 'Abbās interpreted these to refer to when one vowed to fast, as did Ahmad and apparently the author.

2401. Ibn 'Abbās said: “If a man falls ill during Ramadān and dies without recovering from it (so that he could fast), a poor person should
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be fed on his behalf. There is no making up due upon him. If he made a vow, then his heir should make it up on his behalf." (Da‘f) 

Chapter 42. Fasting During A Journey

2402. It was reported from ‘Āishah that Ḥamzah Al-Aslāmī asked the Prophet ﷺ: “O Messenger of Allah! I am a man who fasts regularly, can I fast while on a journey?” He said: “You can fast if you wish, and you can break your fast if you wish.” (Sahih)

Chapter (...)(The Person Involved In Trade Breaking The Fast)  

2403. It was reported from Ḥāmzah bin Muhammad bin Ḥamzah Al-Aslāmī, from his father who informed him from his grandfather, who said: “I said: ‘O Messenger of Allah! I own mounts, which I use, and I travel on them, and I also rent them out. Sometimes this month (Ramadān) comes to me while I am on a journey. I find myself strong enough to fast, as I am young. I find it easier to fast, O Messenger of Allah, then to postpone it, and it becomes a debt due on me. Will I get more reward if I fast O
Messager of Allah! Or if I break it? He said: ‘Whichever you wish, O Hamzah.’” (Da‘if)

Comments:
Most editions of Abu Dawud do not mention a chapter here.

2404. It was reported from Tawus, from Ibn ‘Abbas who said: “The Prophet left Al-Madinah for Makkah. When he reached ‘Usfân he asked for a vessel of water, and raised it up to his mouth, to show it to the people. And that was during Ramadân.”

So Ibn ‘Abbas used to say: “The Prophet fasted and broke his fast. Whoever wishes to fast can do so, and whoever wishes to break his fast can do so.” (Sahih)

Comments:
This happened while the Prophet and his Companions were on their way for the Conquest of Makkah. This Hadith proves that if a person on journey intends to fast for that day, he can break it at any time for a genuinely valid reason.

2405. It was reported from Anas, who said: “We traveled with the Messenger of Allah in Ramadân. Some of us fasted and others did not. Those who fasted did not find fault with those who broke their fast, neither did those who broke their fast find fault with those who fasted.” (Sahih)
2406. It was reported from Qaza’ah, who said: “I came to Abū Sa’eed Al-Khudri, while he was giving Fatwa for the people and they were surrounding him, so I waited until he was alone. When he was alone, I asked him about fasting during Ramadān while traveling. He said: ‘We went out with the Prophet ﷺ during Ramadān in the Year of the Conquest of Makkah. The Messenger of Allāh ﷺ fasted, and we fasted with him until we reached a certain stage. He (ﷺ) said: “You have come near your enemy, and you will be stronger if you break your fast.” When morning came, some of us fasted, and others broke their fast.’ He said: ‘We proceeded further and dismounted at a stage. He (ﷺ) said: “You are going to attack your enemy tomorrow morning, and by breaking the fast, you will be stronger, so break your fast.” So this was a resolute order of the Messenger of Allāh ﷺ.’ Abū Sa’eed said: ‘I found myself fasting along the Prophet ﷺ before and after that.’” (Sahih)

Comments:
Fasting or not while on a journey is dependent on the individual’s situation and judgment.
Chapter 43. The Preference To Break The Fast (While On A Journey)

2407. It was reported from Jābir bin ‘Abdullāh that the Prophet ﷺ saw a man being shaded while surrounded by a crowd of people. He said: “It is not part of righteousness to fast on a journey.” (Ṣaḥīḥ)

2408. Ibn Sawādah Al-Qushairi narrated from Anas bin Malik — a man from Banū ‘Abdullāh bin Ka‘b, brethren of Banū Qushair — who said: “A contingent from the cavalry of the Messenger of Allāh ﷺ raided us. I reached, or he said: ‘I went to the Messenger of Allāh ﷺ while he was taking his meal. He said: ‘Sit down and share some of this meal of ours.’ I said: ‘I am fasting.’ He said: ‘Sit down, I will tell you about Salāt and about fasting. Allāh has remitted a portion of the prayer, or half of the prayer, and fasting from a traveler, and a suckling mother, or pregnant woman.’ By Allāh! He mentioned both of them, or one.’” He said: “I regretted not eating from the meal of the Messenger of Allāh ﷺ.” (Hasan)

تخريج: أخرج البخاري، الصوم، باب قول النبي ﷺ لمن ظل عليه واسنه الحرم... ح: 1946: وسلم، الصيام، باب جواز الصوم والفطر في شهر رمضان للمسافر في غير معصية... إلخ... ح: 1115 من حديث شعبة به...
Chapter 44. Whoever Preferred To Fast (While On A Journey)

2409. Abū Ad-Dardā’ said: “We accompanied the Messenger of Allāh ﷺ in one of his battles during extreme heat. It was so hot that we used to put our hands on our head or our palms on our head. Nobody among us was fasting except the Messenger of Allāh ﷺ and 'Abdullāh bin Rawāḥah. (Sahīh)

2410. Sinān bin Salamah bin Al-Muhābbaq Al-Hudhali reported from his father, who said: “The Messenger of Allāh ﷺ said: ‘If anyone has a riding beast which can carry him to where he can get sufficient food, then let him fast Ramāḍān, wherever he is when it (Ramāḍān) reaches him.” (Da‘īf)

2411. It was reported from Salamah bin Al-Muhābbaq, who said: “The Messenger of Allāh ﷺ
said: 'Whoever is on a journey when Ramadhan comes...’ then he mentioned its meaning. (Dā‘if)

Chapter 45. When Does The Traveler Break His Fast After Setting Out?

2412. Ja‘far (Ibn Musâfîr) said: (‘Ubaid Ibn) Jubair said: Kulaib bin Dhuuhl Al-Hâdramî narrated from ‘Ubaid (Ibn Jabr), he said: “I accompanied Abû Baṣrah Al-Ghifârî, a Companion of the Messenger of Allâh ﷺ, on a ship departing from Al-Fustât during the month of Ramadân. He boarded the ship, and then his meal was served.” — in his narration, (one of the narrators) Ja‘far said: “He did not go beyond the houses, but asked for dinning sheet.” — “He said: ‘Come forward.’ I said: ‘Do you not see the houses?’ Abû Baṣrah said: ‘Do you object to the Sunnah of the Messenger of Allâh ﷺ?’” — Ja‘far said in his version: “Then he ate.” (Dā‘if)

Comments:
It is allowed to break the fast as soon as the journey begins. Reaching a certain distance from home is not a condition for availing oneself of the concession.
Chapter 46. The Extent Of The Distance For Breaking The Fast

2413. It was reported from Mansûr Al-Kâlîbî, that once Dihyâh bin Khalîfah left from a village of Damascus a distance as much as is between the village of ‘Aqabah and Al-Fustâṭ in Râmadaân, and that is three miles. He then broke his fast, and some people broke their fast along with him, but some of them did not like to break their fast. When he returned to his village, he said: “By Allâh! Today I saw something which I never dreamt of seeing. Some people detested the guidance of the Messenger of Allâh and his Companions,” addressing it to those who fasted. He then said: “O Allâh! Take me to You!” (Ḥasan)

2414. It was reported from Nâfi’, who said: “Ibn ‘Umar used to leave to go to Al-Ghâbah (a place near Al-Madînah). He would not break his fast, neither would he shorten his Šalāt.” (Ṣâhih)

Comments:

‘Aqabah is a place at a distance of about twenty-two km. from Al-Madînah towards Syria, and as such both breaking the fast and performing the shortened Šalāt are allowable at such distance.
Chapter 47. Whoever Said: "Indeed I Fasted All Of Ramadân"

2415. Abû Bakrah said: "The Messenger of Allâh ﷺ said: 'One of you should not say: 'Indeed I fasted all of Ramadân, and stood (in the voluntary night prayer) for all of Ramadân.'" (Dâ'î)

He (Al-Hasan, one of the narrators) said: "I do not know whether he disliked the sanctification of (saying) that, or he said: 'He must have slept or rested.'"

Chapter 48. Regarding Fasting On The Two ‘Eid

2416. It was reported from Abû ‘Ubaid, who said: "I attended the ‘Eid with ‘Umar. He began with the Salât before the sermon, and then said: 'The Messenger of Allâh ﷺ prohibited us from fasting on these two days. As for the Day of Al-Adhâ, then it is when you eat the meat of your sacrificed animals, and as for the Day of Al-Fîr it is the breaking of your fast.'" (Sâhih)


(الصفحه 48)

2417. It was reported from Abû Sa’eed Al-Khudrî, who said: "The Messenger of Allâh prohibited..."
fasting on two days: On the Day of Al-Fitr and Al-Adhā, and (he prohibited) two kinds of clothes: As-Sammā', and for a man to sit with his legs drawn up in a single garment (Al-Ihtibã‘), and (he prohibited from) Salât during two hours: After As-Subh, and after Al-‘Asr.” (Ṣahih)

Comments:
The three days after ‘Eid Al-Adha (meaning the 11th, 12th, and 13th of Dhul-Hijjah) are known as the Days of Tashriq and especially for those performing Ḥajj; the Days of Minā. The reason why they are called Days of “Tashriq” is because the dried pieces of the flesh of sacrificial animals appear shining in the sun during these days.

Chapter 49. Fasting The Days Of At-Tashriq

2418. It was reported from Mālik, from Yazīd bin Al-Hād, from Abū Murrah, the freed slave of Umm Hanī‘, that he entered along with ‘Abdullāh bin ‘Amr upon his father, ‘Amr bin ‘Al-‘Āṣ. He served the two of them some food, and said: “Eat.” He said: “I am fasting.” ‘Amr said: “Eat, as these are the days in which the Messenger of Allāh ﷺ ordered us to eat our meals and prohibited us from fasting.” Mālik said: They were the days of Tashriq. (Ṣahih)

2419. ‘Uqbah bin ‘Amir said: “The Messenger of Allâh ﷺ said: ‘The day of ‘Arafah, the day of Nahr (sacrifice) and the days of Tashrîq are the days of celebration for us, the people of Islam, and they are days of eating and drinking.” (Hasan)

Comments:
The Days of Tashrîq are in fact part of ‘Eid Al-Adha. In general, it is not allowed to observe optional fasts during these days. Nevertheless, for a person who is performing Hajj At-Tamattu’ and does not have the capacity to offer an animal in sacrifice, the rule is that he has to observe ten compensatory fasts — three during the period of Hajj and seven on reaching back home. Such a person is allowed to fast three days during the Days of Tashrîq. See no. 1999 of Al-Bukhârî.

Chapter 50. The Prohibition Of Specifying Friday For Fasting

2420. Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘Do not fast on Friday, unless you fast a day before or after it.” (Sahîh)

Comments:
Akhraj: خارجه مسلم, الصيام, باب كراهة إفراد يوم الجمعة بصوم لا يوافق عادته, ح: 1144 من حديث أبي معاوية الضرير والبخاري, الصوم, باب صوم يوم الجمعة ... الخ.
ح: 1185 من حديث الأعمش به.
Chapter 51. The Prohibition Of Specifying Saturday For Fasting

2421. ‘Abdullâh bin Busr As-Sulamî reported from his sister, — (one of the narrators) Yazid said: (His sister's name is) As-Sammâ' — that the Prophet ﷺ said: “Do not fast on Saturday, except what has been made obligatory on you. If one of you cannot find anything but a skin of a grape, or a piece of wood from a tree, then let him chew it.” (Hasan)

Abû Dâwûd said: This Hadîth is abrogated.

(Abû Dâwûd said: 'Abdullâh bin Busr is from Hîms, and this Hadîth is abrogated by the Hadîth of Juwairiyah.)

Comments:

The majority of the scholars consider it disliked to single out Saturday for fasting by itself.

Chapter 52. The Permission For That

2422. It was reported from Juwairiyah bint Al-Hârith, that the Prophet ﷺ entered upon her on Friday while she was fasting. He said: “Did you fast yesterday?” She said: “No.” He said: “Do you intend to fast tomorrow?” She said: “No.” He said: “Then break your fast.” (Sahîh)

تخريج: [إسناده حسن] أخرجه الترمذي، الصوام، باب ما جاء في صوم يوم السبت، ح: ۴۴۴ وابن ماجه، ح: ۱۷۲۲ عن حميد بن مسعدة بن وقال الترمذي: "حسن".

(المعجم) (التحفة)
It was reported from Ibn Wahb who said: “I heard Al-Laith saying: ‘Whenever it was mentioned to Ibn Shihāb that it is prohibited to fast on Saturday, he would say: ‘This is a Hımşî Hadith.’” (Sahih)

2424. It was reported from Al-Walîd, from Al-Awzâ‘î, who said: “I did not cease from hiding it, until it started to spread.” Meaning the Hadith of Ibn Busr about fasting on Saturday.[1] (Da‘îf)

Abû Dâwûd said: Mâlik said: “This is a lie.”[2]

Chapter 53. Regarding Continuous Voluntary Fasting

2425. It was reported from ‘Abdullâh bin Ma‘bad Az-Zimmâni, from Abû Qatâdah who said: “A man came to the Prophet ﷺ and said: ‘O Messenger of Allâh! How do you fast?’ The

[1] It appears to mean he was not narrating it, considering it to be not correct, but later he would narrate that he heard it, after he found it was being spread about.

Messenger of Allah ﷺ got angry at what he said. When ‘Umar observed this (his anger), he said: ‘We are satisfied with Allah as our Lord, Islam as our religion and Muhammad as our Prophet. We seek refuge in Allah from the anger of Allah and the anger of His Messenger.’ Umar kept on repeating these words until the anger of Prophet ﷺ receded. He then said: ‘O Messenger of Allah! What about a person who fasts continuously?’ He said: ‘He is neither fasting, nor breaking fast.” — in his narration, Musaddad said: “He has never fasted nor broke his fast, or; he has neither fasted, nor broke fast.” Ghailan (one of the narrators) was in doubt. — “He said: ‘O Messenger of Allah! What about a person who fasts two days, and does not fast one day?’ He said: ‘Is there anybody who can do that?’ He said: ‘O Messenger of Allah! What about a person who fasts for a day, and breaks his fast for a day?’ He said: ‘That is the fast of Dawud.’ He said: ‘O Messenger of Allah! What about a person who fasts for a day and breaks his fast for two days?’ He said: ‘I wish I could do that.’ Then the Messenger of Allah ﷺ said: ‘(Fasting) three days from every month, and Ramadân to Ramadân, this is fasting all the time. And fasting the Day of ‘Arafah; I hope from Allah that it may expiate for (the sins of) the preceding and the following year. And fasting the Day of ‘Ashūra; I
hope from Allâh that it may atone for the sins of the preceding year.”

(Šahîh)

2426. (Another chain) from ‘Abdullâh bin Ma‘bad Az-Zimmâni, from Abû Qatâdah, with this Hadîth. He added: “He said: ‘O Messenger of Allâh! What about fasting on Monday and Thursday?’ He said: ‘I was born on it (Monday), and on it (Monday) the Qur’ân was (first) revealed to me.’” (Šahîh)

2427. It was reported from ‘Abdullâh bin ‘Amr bin Al-‘As, who said: “The Messenger of Allâh  met me and said: ‘Have I not been informed that you said: “I will pray the whole night and fast during the day?”’ — He (one of the narrators) said: “I think he said: ‘Yes O Messenger of Allâh! I did say that.’” — “He ( ) said: ‘Stand (in prayer at night) and sleep, fast and break your fast, and fast from each month three days, and that is equivalent to fasting all the time.’” He said: “I said: ‘O Messenger of Allâh! I can do more than that.’ He said: ‘Then fast for a day and break fast for two days.’” He said: “I said: ‘I can do more than that.’ He said: ‘Then fast one day, and break fast one day; it is the most just fast, and it is the fast of Dâwûd.’ I said: ‘I can do more than that.’ The Messenger of Allâh  would stick to the practice of fasting three days in each month. He then added: ‘I will fast one day and break fast one day; it is the most just fast, and it is the fast of Dâwûd.’ The Messenger of Allâh  would stick to the practice of fasting three days in each month. He then added: ‘I will fast one day and break fast one day; it is the most just fast, and it is the fast of Dâwûd.’
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said: 'There is no fast better than that.'" (Sahih)

Chapter 54. Regarding Fasting In The Sacred Months

2428. It was reported from Mujibah Al-Bahiliyyah, from her father, or her paternal uncle, that he came to the Messenger of Allâh ﷺ, then he left and returned after one year when his condition and appearance had changed. He said: "O Messenger of Allâh! Do you not recognize me?" He said: "And who are you?" He said: I am Al-Bahili, who came to you last year.

He said: "What made you change, you used to be good in appearance?" I said: “I have not eaten food since I left you, except at night.” The Messenger of Allâh ﷺ said: “Why did you torture yourself?” Then he said: “Fast the month of patience (Ramadân) and one day from each month.” He said: “Increase for me, for I have more power.” He said: “Fast for two days.” He said: “Increase for me.” He said: “Fast for three days”. He said: “Increase for me.”

He said: “Fast during the sacred months and (then) leave it, fast during the sacred months and (then) leave it, fast during the sacred months, and (then) leave it.” He indicated by his three fingers, he joined them, and then opened them, (indicating to fast at
most three days continuously).

**Tafsir:** [Exegesis of the Verse] أخرجه ابن ماجه ـ الصواب، باب صيام أشهر الحرم، ح: 1461

**Comments:**
The four sacred months are: Dhul-Qa'dah, Dhul-Hijjah, Muharram, and Rajab.

**Chapter 55. Regarding Fasting**

**In Muharram**

2429. Abū Hurairah said: "The Messenger of Allah ﷺ said: 'The most virtuous fast, after the month of Ramadan, Allah's month Al-Muharram, and the most virtuous Salāt after the obligatory Salāt is prayer during the night.'"

In his narration, Qutaibah (one of the narrators) did not say: "month," he (merely) said: "Ramadān." (Sahih)

2430. It was reported from Uthman, meaning Ibn Ḥakīm, that he said: I asked Sa'eed bin Jubair about fasting during Rajab. He said: "Ibn 'Abbās informed me: 'The Messenger of Allah ﷺ used to fast to such an extent that we would say (to ourselves): He will never break his fast. And he would go without fasting to such an extent that we would say: He will never fast.'" (Sahih)

**Tafsir:** أخرجه مسلم، الصواب، باب فضل صوم المحرّم، ح: 1163 عن قتيبة بن مسعد.

2431. From ٦٥٣. Ibn 'Abbas reported: "The Messenger of Allah ﷺ said: 'The most virtuous fast, after the month of Ramadan, Allah's month Al-Muharram, and the most virtuous Salāt after the obligatory Salāt is prayer during the night.'"

In his narration, Qutaibah (one of the narrators) did not say: "month," he (merely) said: "Ramadān." (Sahih)
Rajab is one of the four sacred months, and it can be said in the light of this Hadith that the Messenger of Allah ﷺ fasted many days of this month. It may also mean that, like other months, in this month as well he fasted and did not fast, in turns. Thus there is no special ruling nor command concerning fasting during this month.

Chapter 56. Regarding Fasting
In Ша’бан

2431. ‘Aishah, may Allah be pleased with her, said: “The most beloved of months to fast for the Messenger of Allah ﷺ was Ша’бан, then he would join it with Рамазан.” [11] (Sahih)

Comments:

Sha’бан is a month of immense excellence. The Messenger of Allah ﷺ was wont to fasting excessively in this month. He is also known to have said that the deeds of men are presented before Allah in this month, and that he also wished that his deeds were presented while he was fasting. (Sunan An-Nasã‘ī, no. 2359).

Chapter 57. Regarding Fasting
In Ша́вваль

2432. ‘Ubadulläh bin Muslim Al-Qurashi reported from his father: “I asked” — or “the Prophet ﷺ was asked about fasting all the time. He said: ‘Your family has a right over you. Fast during Рамазан, and the following month, and every Wednesday and Thursday. Then you will have

[1] See also no. 2336.
fasted all the time.” *(Da'if)*

Abū Dāwūd said: Zaid Al-‘Ukālī agreed with him, (in the name of the narrator ‘Ubaydullāh bin Muslim), but Abū Nu‘aim said: Muslim bin ‘Ubaydullāh.

Abū Dawūd said: Zaid Al-‘Ukālī agreed with him, (in the name of the narrator ‘Ubaydullāh bin Muslim), but Abū Nu‘aim said: Muslim bin ‘Ubaydullāh.

**Chapter 58. Regarding Fasting**

**Six Days In Shawwāl**

2433. ‘Umar bin Thābit Al-Ansārī reported from Abū Ayyūb, a Companion of the Prophet ﷺ, from the Prophet ﷺ, that he said: “Whoever fasted Ramadān, then followed with six days in Shawwāl, it will be as if he had fasted all the time.” *(Sahih)*

**Comments:**

These six days may be consecutive, or separate days after ‘Eid Al-Fitr.

**Chapter 59. How The Prophet ﷺ Would Fast**

2434. It was reported from Abū Salamah bin ‘Abdur-Rahmān, from ‘Āishah, the wife of the Prophet ﷺ, who said: “The Messenger of Allāh ﷺ used to fast to such an extent that we would say (to ourselves): ‘He will never break his fast,’ and he would go without fasting to such an extent that we...
would say: ‘He will never fast.’ I never saw the Messenger of Allâh ﷺ fast a complete month except in Ramâdân and I never saw him fast more in any other month than Sha'bân.” (Sâhîh)

(Another chain) from Abû Salamah, from Abû Hurairah, from the Prophet ﷺ, with its meaning (as no. 2434). He added: “He would fast it, except for a little, rather, he would fast all of it.” (Hâsân)

Chapter 60. Regarding Fasting Monday And Thursday

2436. It was reported from the freed slave of Usâmah bin Zaid, that he accompanied Usâmah to the valley of Al-Qur‘ân, in pursuit of his wealth (camels). He used to fast on Mondays and Thursdays. He said to him: “Why do you fast on Mondays and Thursdays while you are an old man?” He said: “The Prophet of Allâh ﷺ used to fast on Mondays and Thursdays, and he was asked about it. He said: ‘The deeds of the servants (of Allâh) are presented to Allâh on Monday and Thursday.’” (Dâ‘îf)

Abû Dâwûd said: This is how it was said by Hishâm Ad-Dastawã’i, from
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Chapter 61. Regarding Fasting The Ten (Days)

2437. It was reported from Al-Hurr bin (As-Sayyâh), from Hunaidah bin Khâlid, from his wife, from one of wives of the Prophet ﷺ, who said: “The Messenger of Allâh ﷺ used to fast (the first) nine days of Dhul-Hijjah, and the day of ‘Ăshûrã’, and three days every month: the first Monday of the month, and Thursday.”[2] (Sahih)

2438. Ibn ‘Abbãs said: “The Messenger of Allâh ﷺ said: ‘There are no days in which the righteous deeds are more beloved to Allâh than these days’ meaning the (first) ten days (of Dhul-Hijjah). They asked: ‘O Messenger of Allâh! Not

2437 - حَدَّثَنَا أَبُو عُوَانَةَ عِنْ حَدَّثَنَا أَبُو عُوَانَةَ عِنْ النَّبِيِّ ﷺ عَنَّهُ رَسُولُ اللَّهُ ﷺ عَنْ هُمْدَةٍ بْنِ الصُّبَاحِ، عَنْ حَمَّادَةٍ بْنِ خَالِدٍ عَنْ امْرَأَيْهِ، عَنْ يَعُوْضَةَ أَزْوَاجِ النَّبِيِّ ﷺ قَالَ: كَانَ رَسُولُ اللَّهُ ﷺ يُصْوِمُ يَبْعَثُ ذِي الحَجَةَ، وَيَبْعَثُ عَشْرَاءَ، وَثِلَاثَةَ أَيَامٍ مِّنْ كُلِّ شَهْرٍ أَوَّلَ اثْنَيْنِ مِنْ الشُّهُرِ وَالحَجِّ، وَالجَمِيصِ.

2438 - حَدَّثَنَا عُمْرَانُ بْنُ أُبَيْ يَسْبِبَةَ حَدَّثَنَا أَبُو صَالِحٍ عَنْ أُبِي صَالِحٍ وَمَجَاهِدٍ وَسُلَيْمَ الْبَطْنِيِّ عَنْ سَعِيَدٍ بْنِ حَبْنِيَّةَ عَنْ أَبِي عَبْدِ اللَّهِ، قَالَ رَسُولُ اللَّهُ ﷺ: اَنْعَمَ مِنْ أَيَامِ الْعَمَلِ الْصَّالِحِ فِي هَذِهِ أَحْبَبَ إِلَى

[1] Meaning, he narrated it similarly, from the same narrators.
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even Jihād in Allāh’s cause? He said: ‘Not even Jihād in Allāh’s cause.’ He said: ‘Except for a man who goes out, himself and his wealth, and does not return with any of that.’ (Sahih)

Comments:

These Ahādīth are proof of the fact that there is great merit in fasting and doing other virtuous deeds during the first nine days of Dhul-Hijjah.

Chapter 62. Regarding Not Fasting During The Ten (Days of Dhul-Hijjah)

2439. ‘Aishah said: “I never saw the Messenger of Allāh ﷺ fasting during the (first) ten (days of Dhul-Hijjah).” (Sahih)

Comments:

What is popularly known as the ‘ten days of Dhul-Hijjah’ in fact means the first nine days of that month. It is among the most desirable acts of devotion to observe fasts in these nine days.

Chapter 63. Regarding Fasting On (The Day Of) ‘Arafah At ‘Arafat

2440. It was reported from ‘Ikrimah, who said: “We were in the house of Abū Hurairah when he narrated to us that the Messenger of Allāh ﷺ prohibited fasting the day of ‘Arafah at ‘Arafat.” (Hasan)
The ninth day of Dhul-Hijjah on which those performing Hajj stand or halt on the plains of 'Arafat is called the Day of 'Arafah.

2441. It was reported from 'Abdullâh bin 'Abbâs, from Umm Al-Fadl bint Al-Hârîth, that some people disputed in front of her on the day of 'Arafah about whether the Messenger of Allâh was fasting or not, some of them said: 'He is fasting,' and some of them said: 'He is not fasting.' So I sent to him a cup of milk while he was halted atop his camel at 'Arafât, and he drank from it." (Sâhih)

Chapter 64. Regarding Fasting
The Day of 'Ashûrâ'

2442. 'Aishah said: "The day of 'Ashûrâ' was a day that the people of Quraish used to fast during Jahiliyyah (the days of pre-Islamic Ignorance), and the Messenger of Allâh used to fast it in Jahiliyyah. When the Messenger of Allâh arrived in Al-Madînah, he fasted it and ordered others to fast it. When fasting in Ramadân was enjoined, it became the obligation, and 'Ashûrâ' was abandoned. Whoever wanted to, he would fast, and whoever wanted to, he would leave it." (Sâhih)
2443. Ibn Umar said: “‘Ashūrā’ was a day we used to fast during Jāhiliyyah. When (the obligation of fasting) Ramaḍān was revealed, the Messenger of Allāh ﷺ said: “This day is among Allāh’s days,” so whoever wanted to, he would fast it, and whoever wanted to, he would leave it.” (Sahih)

2444. Ibn ‘Abbās said: “When the Prophetﷺ arrived in Al-Madīnah, he found the Jews fasting on ‘Ashūrā’. They were asked about it. They said: ‘It is the day in which Allāh granted victory to Mūsā over Fir’āwn, and we fast it out of reverence for it.’ The Messenger of Allāh ﷺ said: ‘We are more worthy of Mūsā than you people,’ and he ordered fasting it.” (Sahih)

Chapter 65. What Has Been Related Regarding ‘Ashūrā’ Being The Ninth Day (Of Muḥarram)

2445. It was reported from Abū Ghatafān who said: “I heard ‘Abdullāh bin ‘Abbās saying:
When the Prophet ﷺ fasted the day of ‘Ashūrā’ and ordered us to fast, they said: “O Messenger of Allah! It is a day revered by the Jews and Christians.” The Messenger of Allah ﷺ said: “When the next year comes, we will fast on the ninth.” The Messenger of Allah ﷺ died before the arrival of next year.” (Sahih)

Comments:

Based upon other Ahādīth narrated by Ibn ‘Abbas, as well as authentic narrations from him, the meaning of these narrations is fasting the ninth along with the tenth of Muḥarram.

2446. It was reported from Al-Hakam bin Al-A’raj, who said: “I came to Ibn ‘Abbās while he was reclining with his head on his Rīḍā’ in Al-Masjid Al-Ḥarām. I asked him about fasting on the day of ‘Ashūrā’. He said: ‘When you see the crescent of Muḥarram, then count (the days), when it is the ninth day, then arise fasting in the morning.’ I said: ‘Is that how Muḥammad ﷺ fasted?’ He said: ‘That is how Muḥammad ﷺ fasted.’” (Sahih)

Chapter 66. The Virtues Of Fasting It (‘Ashūrā’)

2447. ‘Abdur-Rahmān bin ...
Maslamah narrated from his paternal uncle, that the people of the tribe of Aslam came to the Prophet ﷺ. He said: “Are you people fasting today?” They said: “No.” He said: “Complete the rest of the day, and make it up.” (Da’if)

Abū Dāwud said: Meaning; the day of ‘Āshūrā’.

تخريج: [إسناده ضعيف] أخرجه أحمد ١٤٨٠٨ والنسائي في الكبرى، ح: ١٧٦٥٢
من حديث سعيد بن أبي عروبة رضي الله عنه، وسفيان بن مسلمه: مستور لم يوثقه غير ابن حبان وجهله ابن القطان.

Comments:

It is a ‘weak’ narration. Sahih Muslim (nos. 1135 & 1136) contains Ahādīth of the same meaning but they make no mention of completing the day’s fast.

Chapter 67. Fasting A Day, And Not Fasting A Day

٢٤٤٨. ‘Abdullāh bin ‘Amr said: “The Messenger of Allāh ﷺ said to me: ‘The most beloved fast to Allāh is fast of (Prophet) Dāwūd, and the most beloved Salāt to Allāh is Salāt of Dāwūd, he used to sleep half of the night, then pray for one third, and sleep one sixth, and he would go without fasting for one day, and fast the next day.’” (Sahīh)

تخريج: أخرجه البخاري، النسائي، باب من نام عند السحر، ح: ١١٣١، ومسلم، الصيام، باب النهي عن صوم الدهر لمن تضرر به ... إلخ، ح: ١٨٩/١١٥٩ من حديث سفيان بن عيينة رضي الله عنه.

Chapter 68. Regarding Fasting Three Days Every Month

٢٤٤٩. It was reported from Ibn
Mihǎn Al-Qaisi, from his father, who said: "The Messenger of Allâh ordered us to fast on the white days; the thirteenth, fourteenth and fifteenth." He said: "And He (the Prophet) said: 'It is like fasting all the time.'" (Da7j)

Comments:
The reason why 13th, 14th and 15th of the lunar month are called the "white days" is because the moon is full during these days.

2450. 'Abdullah bin Mas'ûd said: "The Messenger of Allâh used to fast — meaning from the Ghurrah (beginning) of each month — three days. (Hasan)

Chapter 69. Whoever Said Monday And Thursday

2451. Hafsah said: The Messenger of Allâh used to fast three days every month; Monday and Thursday, and Monday of the following week. (Hasan)
2452: It was reported from Hunaidah Al-Khuzai from his mother, that she said: “I entered upon Umm Salamah and asked her about fasting. She said: ‘The Messenger of Allah used to order me to fast three days every month, the first of them were Monday and Thursday.’” (Saheeh)

Chapter 70. Whoever Said That There Is No Concern To Specify (The Day Of Fasting) Of The Month

2453. It was reported from Mu‘adhah, who said: “I said to ‘Aishah: ‘Did the Messenger of Allah fast three days every month?’ She said: ‘Yes.’ I said: ‘Which days of the month would he fast?’ She said: ‘He was not specific about any particular day of the month he fasted.’” (Saheeh)

Chapter 71. The Intention For Fasting

2454. It was reported from Hafshah, the wife of the Prophet, that the Messenger of Allah said: “Whoever did not intent to fast before Fajr, then there is no fast for him.” (Da‘if)

Abu Dawud said: Al-Laith and Ishaaq bin Hazzim also reported it
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from 'Abdullâh bin Abî Bakr, similarly. Ma'mar, Az-Zubaidî, Ibn 'Uyaynah and Yûnus Al-Ayli, all reported it from Az-Zuhri in Mawqûf form from Hafsah.

Comments:

In case of obligatory fasts it is necessary to have the intention before Fajr, and it is preferable to do it separately for each day. It must, however, be noted that intention means the determination of the heart.

Chapter 72. Regarding The Allowance For That

2455. It was reported from ‘Aishah, may Allah be pleased with her, who said: “When the Prophet would entering upon me, he would say: ‘Do you have food?’ If we say no, he would say: ‘(Then) I am fasting.’” (One of the narrators) Wâki’ added: “(‘Aishah said:) When he entered upon us another day we said to him: ‘O Messenger of Allah! Some Hais has been given to us and we kept it for you.’ He said: ‘Bring it to me.’” (Talhâh said:) “He was fasting since morning, but then broke his fast.” (Saḥîh)
2456. It was reported from Umm Häni', who said: “On the Day of the Conquest — the Conquest of Makkah — Fātimah came and sat on the left of the Messenger of Allah ﷺ, and Umm Häni’ on his right.” She said: “A slave-girl came with a — vessel containing some drink, and gave it to the Prophet ﷺ, who drank from it. He then gave it to Umm Häni’, who drank from it.” She said: “O Messenger of Allah! I broke my fast, I was fasting.” He said to her: “Were you making up something?” She said: “No.” He said: “If it is voluntary, it will not harm you.” (Da'if)

Chapter 73. Whoever Held The View That Such Person Has To Make It Up

2457. It was reported from Zumail, the freed slave of ‘Urwah, from ‘Urwah bin Az-Zubair, from ‘Aishah, who said: “Some food was presented to myself and Ḥafṣah, while we were fasting. We broke our fast. Then the Messenger of Allah ﷺ entered upon us, and we said to him: ‘O Messenger of Allah! A gift was presented to us, so we desired it, and broke our fast.’ The Messenger of Allah ﷺ said: ‘There is nothing required of you, (just) fast another day in its place.’” (Abū
Chapter 74. A Woman Fasting Without Permission Of Her Husband

2458. It was reported from Ma’mar, from Hammām bin Munābbih, that he heard Abū Hurairah saying: “The Messenger of Allāh ﷺ said: ‘A woman is not to fast in the presence of her husband without his permission, except (the fasting of) Ramadan, and she is not to allow anyone in his house in his presence without his permission.’” (Ṣaḥīh)

2459. It was reported Abū Sa’eed, who said: “A woman came to the Prophet ﷺ while we were with him. She said: ‘O Messenger of Allāh! My husband Ṣafwān bin Al-Mu’attal beats me if I pray, and he makes me break my fast if I fast, and he does not pray Fajr (dawn) prayer until the sun rises.”’ He (Abū Sa’eed) said: “And Ṣafwān was present.” He said: “He was asked about his wife’s statement. He said: ‘O Messenger of Allāh! As far as her statement: ‘He beats...”
me if I pray,” she recites two Sūrahs, and I prohibited her from that.” He said: “Then he (the Prophet ﷺ) said: ‘If one Sūrah was recited it would be sufficient for the people.’ And about her statement: “He makes me break my fast,” she keeps on fasting and I am a young man, and I am not that patient.’ Upon that the Messenger of Allah ﷺ said: ‘A woman is not to fast except with her husband’s permission.’ And about her statement that I do not pray until sunrise; we are from a class of people known for it, we cannot wake up till the sun rises.’ He said: ‘Then when you wake up, pray.’”

(Ḍaʿf)

Abū Dāwūd said: Ḥammād — meaning Ibn Salamah — reported it; “from Ḥumaid or Thābit, from Abū Al-Mutawakkil.”

Comments:

The rule for the one who overslept or forgot (as preceded) is to perform the Ṣalāt as soon as they wake up or remember.

Chapter 75. Regarding A Fasting Person Who Is Invited To A Walīmah (Wedding Feast)

2460. It was reported from Abū Khalīd, from Ḥishām, from Ibn Sīrīn, from Abū Hurairah who said: “The Messenger of Allah ﷺ said: ‘If one of you is invited (for a meal) then let him accept (the invitation), if he is not fasting, then
let him eat, and if he is fasting, then let him pray (Falūṣalli).”

Hishām said: “And the Salāt means to supplicate (for the host).”  
(Sahih)

Abū Dāwūd said: Ḥafṣ bin Ghiyāth also reported it from Hishām.

Comments:

The implication here is that the fasting person should also join the meal and supplicate for the host. If it is an optional fast, it is also allowed to break it in such a situation.

Chapter 76. What A Fasting Person Says When Invited To A Meal

2461. Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘If one of you is fasting, and is invited to a meal, then let him say: ‘I am fasting.’’”  
(Sahih)

Comments:

It is preferable to attend the meal to which one is invited. Nevertheless, it is also permissible that the person informs the hosts that he is fasting.

Chapter 77. Al-I’tikāf

2462. ‘Aishah said: “The Prophet ﷺ used to observe I’tikāf in the last ten days of Ramadān until Allāh took him, then his wives observed I’tikāf after him.””  
(Sahih)

Comments:

خراج: أخرجه مسلم، النکاح، باب الأمر بإجابة الداعی إلى دعوة، ح: 1431 من حديث

حفص بن غیاث عن هشام بن عروة به.

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(Sahih)

Comments:
Comments:
Confining oneself in a Masjid for prayers and invocation to Allah is known as I'tikaf. A woman can also perform I'tikaf with the permission of her husband. The place of I'tikaf, even for the woman, is not her home but only the Masjid.

2463. Ubayy bin Ka'b said: “The Prophet ﷺ used to observe I'tikaf in the last ten of Ramadān, then he did not observe it for a year, when the next year came, he observed it for twenty nights.” (Sahih)

2464. It was reported from Yahyā bin Sa'eed, from ‘Amrah, from ‘Aishah, who said: “When the Messenger of Allah ﷺ wanted to observe I'tikaf, he would pray Fajr and enter his place of I'tikaf.” She said: “On one occasion, he wanted to observe I'tikaf during the last ten of Ramadān.” She said: “He ordered his tent to be pitched and it was pitched. When I saw that, I also ordered for my tent to be pitched, and it was pitched.” She said: “And other wives of the Prophet ﷺ ordered it to be pitched and it was pitched. After he prayed Fajr, he saw the tents and said: ‘What is this? Is it righteousness that you seek?’” She
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Chapter 78. Where Is Al-I’tikaf (Observed)?

2465. It was reported from Yūnus that Nāfi’ informed him, from Ibn ‘Umar: “The Prophet ﷺ used to observe I’tikaf in the last ten of Ramadān.” Nāfi’ said: “‘Abdullāh (Ibn ‘Umar) showed me the place where the Messenger of Allāh ﷺ used to observe I’tikaf in the Masjid.” (Sahih)

2466. Abū Hurairah said: “The Prophet ﷺ used to observe I’tikaf in every Ramadān, for ten days. During the year in which he died, he observed I’tikaf for twenty days.” (Sahih)
What we infer from this is that *I’tikāf* can also be performed in the middle of Ramadan.

Chapter 79. The Person

Observing *I’tikāf* Entering His House For A Need

2467. It was reported from Malik, from Ibn Shihāb (Az-Zuhri), from ‘Urwah bint ‘Abdur-Rahmān, from ‘Āishah, who said: “While the Messenger of Allāh ﷺ was observing *I’tikāf*, he would bring his head near me to comb it, and he would not enter the house except for a person’s needs.” *(Sahih)*

2468. *(Another chain)* from Al-Laith, from Ibn Shihāb, from ‘Urwah and ‘Amrah, from ‘Āishah, from the Prophet ﷺ, with similar (to no. 2467). *(Sahih)*

Abū Dāwūd said: And Yūnus reported it from Az-Zuhri like that. No one followed up Malik with; “Urwah from ‘Amrah.” Ma’mar, Ziyād bin Sa’d, and others reported it from Az-Zuhri: “from ‘Urwah, from ‘Āishah.”

2469. It was reported from ‘Āishah, who said: “The Messenger of Allāh ﷺ used to observe *I’tikāf* in the
Masjid, and would put his head through the opening in the house, and I would wash his head.” And Musad-dad (one of the narrators) said: “And I would comb it, while I was menstruating.” (Sahih)

2470. It was reported from Ma’mar from Az-Zuhri, from ‘Ali bin Husain, from Safiyyah, who said: “While the Messenger of Allah was observing I’tikaf I came to visit him at night. I spoke to him and then got up to return. He stood up with me to see me to the house.” Her dwelling was in the abode of Usâmah bin Zaid. Two men from the Ansâr passed by (while he was with her). When they saw the Prophet they hastened on. The Prophet said: “Take it easy, she is Safiyyah bint Huyay.” They said: ‘Glory be to Allah! O Messenger of Allah!’ He said: ‘The Shaitân flows through the human like the flow of blood, so I was afraid that it might have cast something in your hearts,’ or he said: ‘evil.” (Sahih)
us.” Then he (the narrator) cited its meaning for the remainder of the narration. (Sahih)

تخریج: خرجه البحاري، الاعتکاف، باب: هل يخرج المعتکف لحواره إلى باب المسجد؟ ح: 205 عن أبي اليمان بن

Chapter 80. A Person Observing I'tikâf Visiting The Sick

2472. (A chain narrated by ʿAbdullāh bin Muḥammad An-Nufailî up to) ʿĀishah, that she said: “The Prophet  would pass by a sick person, while he was observing Iʿtikāf, so he would pass by on his way, without stopping to ask about him.” (The same chain, but narrated by Muḥammad bin ʿEisā up to ʿĀishah) She said: “If the Prophet  was visiting the sick, and he was observing Iʿtikāf.” (Daʾîj)

2473. It was reported from ʿĀishah, that she said: “The Sunnah is not to visit a sick person while observing Iʿtikāf, not to attend the funeral, not to touch or embrace a woman, not to exit for a need, except out of necessity, and there is no Iʿtikāf without fasting, and no Iʿtikāf except in a Jāmiʿ Masjid.” (Daʾîj)

Abū Dāwud said: It was not said that she said: “The Sunnah” by other than ʿAbdur-Rahmān bin Ishāq (a narrator).

Abū Dāwud said: He stated it as a statement of ʿĀishah.

(المعجم 80) -  باب المُعتکف بعُود) 

المَرْضَى (النحافة 80)

2472 - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ التَّقْلِبِيُّ وَمُحَمَّدُ بْنُ عُيِّسَى قَالَ حَدَّثَنَا عَبْدُ المنَّامَ ابْنُ حْرَبُ: أَخْبَرُنَا ُلْيَكَ بْنُ أَبِي سَلِيْمٍ عَنْ عَلِيِّ الرَّضُّمِنَّ بْنِ الْقَافِسِيَّ عَنْ أَبِيهِ عَن عَائِشَةُ قَالَتْ كَانَ الْبَنَٰٰ(Dense) يُبْرِرُ بالمَرْضِى وَهُوَ مُعتَكَفٌ فَيُبْرِرُ كَمَا هُوَ وَلَا يُعَرَجُ بِنَسَأَ عُنَّهُ وَقَالَ ابْنُ عُيِّسَى قَالَ: إِنَّ كَانَ الْبَنَٰٰٰٰ يُبْرِرُ بالمَرْضِى وَهُوَ مُعتَكَفٌ 


2473 - حَدَّثَنَا وَهُبُّ بْنُ بِنَيَّةٍ أَخْبَرُنَا حَدَّثَنَا عَبْدُ الرَّضُّمِنَّ بْنِ إِسْحَاقَ عَن الزِّهْرِيْرَ عَن غُرْوَا عَن عَائِشَةُ أَنْ هَوَّاءُ قَالَتْ: الْشَّهَى عَلَى الْمَعْتِكَفِ يَقُولُ أَنَّهُ لَا يُعَرَجُ مَرْضًا وَلَا يُبْرِرُ جَنَازَةً وَلَا يَمَسُّ امْرَأَةً وَلَا يَجْلَسُ بَيْنَاهَا إِلَّا لَمْ يَلْبَسْهَا وَلَا يَعْتِكَفُ إِلَّا يَضْصُوُّ وَلَا يُعَتِّكَفُ إِلَّا فِي مَسْجِدِ جَامِعِ قَالَ ُبْنُ عَدْوَةَ: عَيْنُ عَلِيِّ الرَّضُّمِنَّ بْنِ إِسْحَاقَ لَا يُقُولُ فِيهِ قَالَتْ: الْشَّهَى. قَالَ ُبْنُ عَدْوَةَ: جَعْلَهُ قَواْلَ عَائِشَةُ.
2474. It was reported from Abū Dāwud, that 'Abdullāh bin Budail narrated from 'Amr bin Dīnār, from Ibn 'Umar, who said: "During Jahiliyyah, 'Umar, may Allah be pleased with him, vowed to observe Ḥajj near the Ka'bah for a night or a day. He asked the Prophet about that. He said: 'Observe Ḥajj and fast.'" (Da'īf)

2475. (Another chain) from 'Amr bin Muhammad, meaning Al-Anqari, from 'Abdullāh bin Budail, with his chain, similarly (as no. 2474). He said: "So while he was observing Ḥajj, people began saying 'Allāhu Akbar.' 'Umar said: 'What is this O 'Abdullāh?' He said: 'Captives from Hawāzin have been set free by the Messenger of Allāh.' He ('Umar) said: 'Send that slave girl with them.'" (Da'īf)

Chapter 81. The Woman Suffering From Istīḥādah Observing Ḥajj

2476. 'Āishah said: "A woman among the wives of the Messenger

[2] Meaning, she was from that tribe, and he wanted to set her free as well.
of Allah observed I'tikāf with him. She used to see something yellowish and reddish. Sometimes we might put a vessel under her while she was praying." (Ṣaḥīh)

The End of the Book of Fasting and I'tikāf
Chapter 1. What Has Been Reported About Hijrah (Emigration) And Living In The Desert Areas

2477. Abū Sa‘eed Al-Khudrī said: “A Bedouin asked the Prophet about Hijrah (emigration). He said: ‘May mercy of Allah be on you, the matter of Hijrah is severe. Do you have any camels?’ He said: ‘Yes.’ He said: ‘Do you pay the Sadaqah (Zakat) due on them?’ He said: ‘Yes.’ He said: ‘Then do deeds from beyond the sea (in your land), indeed Allah will not leave any of your deeds (unrewarded).’” (Sahih)

Comments:

Hijrah literally means to abandon, to renounce, to forgo. In this context Hijrah refers to leaving the land of disbelievers for the land of the Muslims. Hijrah is also mentioned in Ahādīth with the meaning of abandoning disobedience for obedience.

2478. It was reported from Al-Miqdām bin Shurahī, from his father, who said: “I asked ‘Āishah, may Allah be pleased with her about...”

Transliteration:

2477. Abū Sa‘eed Al-Khudrī said: “A Bedouin asked the Prophet about Hijrah (emigration). He said: ‘May mercy of Allah be on you, the matter of Hijrah is severe. Do you have any camels?’ He said: ‘Yes.’ He said: ‘Do you pay the Sadaqah (Zakat) due on them?’ He said: ‘Yes.’ He said: ‘Then do deeds from beyond the sea (in your land), indeed Allah will not leave any of your deeds (unrewarded).’” (Sahih)

Translation:

Comments:

Hijrah literally means to abandon, to renounce, to forgo. In this context Hijrah refers to leaving the land of disbelievers for the land of the Muslims. Hijrah is also mentioned in Ahādīth with the meaning of abandoning disobedience for obedience.
living in the desert. She said: ‘The Messenger of Allāh used to go out to these torrential streams. He once intended to go out to the desert. He sent me a Muharramah[1] camel from the camels of Sadaqah, and said: “O ‘Aishah! Be gentle, for indeed gentleness is not found in anything at all, except that it will beautify it, and it is not removed from anything at all except that it mars it.” (Sahih)

Chapter 2. Regarding Hijrah: Has It Ended?

2479. Mu‘awiyah said: “I heard the Messenger of Allāh say: ‘Hijrah will not end until repentance ends, and repentance will not end until the sun rises from the west.”’ (Hasan)

2480. Ibn ‘Abbās said: “On the Day of the Conquest — the Conquest of Makkah — the Messenger of Allāh said: ‘There is no Hijrah, but Jihād and with intention, and if you are called up (for troops by the leader) then deploy.”’ (Sahih)

[1] It appears again (see no. 4808) where the author explains that it means that which has not been ridden.
Before the conquest of Makkah, it was compulsory for the Muslims to emigrate to Al-Madinah if they were able. After the conquest of Makkah, it was no longer an obligation to emigrate to Al-Madinah.

2481. ‘Amir said: “A man came to ‘Abdullâh bin ‘Amr while there were some people with him, so he sat with him. He said: ‘Inform me of something you heard from the Messenger of Allâh ﷺ.’ He said: ‘I heard the Messenger of Allâh ﷺ say: “The Muslim is the one from whose tongue and hands the Muslims are safe, and the Muhâjir (emigrant) is the one who abandons what Allâh has prohibited.”’ (Šâhîh)

Chapter 3. Regarding Residing In Ash-Shâm.

2482. ‘Abdullâh bin ‘Amr said: “I heard the Messenger of Allâh ﷺ say: ‘There will be a Hijrah (to Shâm) after Hijrah (to Al-Madinah), and the best of the inhabitants of the earth will be those most adherent to the Ibrâhîm’s Hijrah. And there shall remain in the earth the evillest of its inhabitants, cast out by their lands, abhorred by Allâh, and gathered by the fire along with apes and swine.”’ (Hasan)
2483. Ibn Hawālah said: “The Messenger of Allāh ﷺ said: ‘A time will come when you will be armed troops: One in Ash-Shām, one in Yemen, one in ‘Iraq.” Ibn Ḥawālah said: “Choose for me O Messenger of Allāh! If I reach (live) that time.” He said: “Go to Ash-Shām, for it is Allāh’s chosen land, to which His chosen servants will be gathered. But if you refuse, then go to your Yemen, and draw water from your ponds, for Allāh has entrusted Ash-Shām and its people to me.” (Ṣaḥīḥ)

In the Ḥadīth literature, Ash-Shām refers to the area north of the Arabian Peninsula. It includes Lebanon, Jordan, Palestine north western ‘Iraq, and the present day Syria.

Chapter 4. Regarding The Continuance Of Jihād.

2484. ‘Imrān bin Ḥūṣain said: “The Messenger of Allāh ﷺ said: ‘There always will remain a group from my Ummah fighting upon the truth, victorious over those who oppose them, until the last of them fight Al-Mashiḥ-Dajjāl.’” (Ṣaḥīḥ)

Comments:

In the Ḥadīth literature, Ash-Shām refers to the area north of the Arabian Peninsula. It includes Lebanon, Jordan, Palestine north western ‘Iraq, and the present day Syria.
The implication of this narration in relation to the chapter heading is that Jihād will remain as the group that is victorious upon the truth will fight the Dajjāl. It is the belief of Ahl As-Sunnah Wal-Jamā‘ah that Jihād with every Muslim leader of a land abides.

Chapter 5. Regarding The Reward Of Jihād.

2485. It was reported from Abū Sa‘eed that the Prophet ﷺ was asked: “Who among the believers are most perfect in Faith?” He said: “A man who fights (jihād) in the cause of Allāh with himself and his wealth, and a man who worships Allāh in a pass among the mountain passes, who has protected the people from his evil.” (Sahih)

Comments: This Hadith mentions two traits of Faith, which appear unrelated. The first listed is Jihād in the Cause of Allāh. The second is seclusion to protect people from one’s evil. These are in reality related, because the one who flees to seclusion protects the people from his evil, by not lending his hand to sectarian strife and bloodshed which they claim is Jihād, demanding him to participate in.

Chapter 6. Regarding The Prohibition Of Wandering (As-Siyāhah)

2486. Abū Umāmah said: “A man (muṣmāt) in the wilderness in the houses of ‘Amrūr (civilized lands, or large cities) and settling in the wilderness, and not attending the Friday prayer and the congregations.” (An-Nihāyah)

[1] As-Sayāhah; living life as a wander; a wandering traveler, a vagabond or the like. “It is said: ‘Sāha in the earth, yasīhū, sayahatin’ when he goes throughout it. Its root is from As-Sayyah, and it is the flowing water spreading upon the face of the earth. It means leaving the ‘Amrūr (civilized lands, or large cities) and settling in the wilderness, and not attending the Friday prayer and the congregations.” (An-Nihāyah)
said: 'O Messenger of Allah! Permit Sayyâh for me.' The Prophet ﷺ said: 'Indeed the Sayyâh for my people is Jihad in the cause of Allah, the Mighty and Sublime.'” (Hasan)

Chapter 7. Regarding The Virtues Of Returning Home From An Expedition

2487. ‘Abdullâh bin ‘Amr reported: “The Prophet ﷺ said: ‘Returning home is like going on an expedition (in reward).’” (Sahih)

Chapter 8. The Virtues Of Fighting The Romans Compared To Other Nations

2488. ‘Abdul-Khabîr bin Thâbit bin Qais bin Shammâs reported from his father, from his grandfather, who said: “A woman came to the Prophet ﷺ, she was called Umm Khallâd, and she had her face covered, she asked about her son who had been killed in a battle. Some of the Companions of the Prophet ﷺ said: ‘You came to
ask about your son while you have your face covered?’ She said: ‘While I am afflicted by the loss of my son, I will never suffer the loss of my modesty.’ The Messenger of Allah ﷺ said: ‘Your son has the reward of two martyrs.’ She said: ‘And why is that O Messenger of Allah?’ He said: ‘Because he has been killed by the People of Book.” (Da`if)

Chapter 9. Regarding Sailing On The Sea While Going On An Expedition

2489. ‘Abdullãh bin ‘Amr said: “The Messenger of Allah ﷺ said: ‘There is no sailing the seas except for a person going on Hajj, or ‘Umrah, or a fighter in the cause of Allah, for under the sea is fire, and under the fire is sea.”’ (Da`if)

Chapter (...) The Virtues Of Jihad At Sea

2490. It was reported from Muhammad bin Yahyã bin Habbãn, from Anas bin Mâlik (may Allah be pleased with him), who said: “Umm Ḥârâm bint Milbân, the sister of Umm Sulaim, narrated to me that the Messenger of Allah
took midday nap with them. He then awoke laughing. She said: ‘I said: “O Messenger of Allah! What made you laugh?” He replied: “I saw some people who will ride the surface of this sea, like kings upon their thrones.”’ She said: ‘I said: “O Messenger of Allah! Invoke Allah that He make me among them.” He said: “You are one of them.”’ She said: ‘Then he slept, and awoke laughing.’ She said: ‘I said: “O Messenger of Allah! What made you laugh?”’ He replied as he had said the first time. She said: ‘I said: “O Messenger of Allah! Invoke Allah that He may make me among them.” He said: “You are among the first.”

He said: ‘Ubadah bin As-Samit married her. He sailed on the sea for Jihād and took her with him. When he returned, a female mule was brought near her to ride, but it threw her off. Her neck broke, and she died.” (Sahih)

Comments:
This happened during the Khilāfah of ‘Uthmān, may Allah be pleased with him, during the year 28 H. Mu‘āwiyyah bin Abī Sufyān, may Allah be pleased with him, was the Commander of this naval expedition. The Hadith thus proves the excellence and merit of Mu‘āwiyyah as well as of those Companions who accompanied him in this voyage.

2491. It was reported from ‘Abdullah bin Abī Ṭalḥah, from Anas bin Malik, who said: “Whenever the Messenger of Allah would go to Qubā’, he would
visit Umm Ḥarām bint Milḥān, who was married to ‘Ubdādah bin As-Ṣāmit. He visited her one day, so she fed him, and started searching his head for lice.” Then he cited this Hadith (no. 2490). (Ṣaḥīḥ) Abū Dāwud said: Bint Milḥān died in Cyprus.

2492. It was reported from ‘Aṭā’ bin Yasār, from the sister of Umm Sulaim, Ar-Rumaīsā’, she said: “The Prophet was sleeping, and awoke while she was washing her head. He awoke laughing. She said: ‘O Messenger of Allah! Are you laughing at my head?’ He said: ‘No.’” And he cited the narration with some additions and deletions. (Ṣaḥīḥ) Abū Dāwud said: Ar-Rumaīsā’ was the foster-sister of Umm Sulaim.

2493. It was reported from Ya‘lā bin Shaddād, from Umm Ḥarām, from the Prophet, that he said: “A person who gets dizzy at sea and vomits will get the reward of a martyr, and a person who drowns will get the reward of two martyrs.” (Ḥasan)
Chapter 10. Regarding the Virtue of Killing a Disbeliever

2495. Abu Hurairah said: The Messenger of Allah ﷺ said: “A man who enters his house with Salām is under the protection of Allah, the Mighty and Sublime.” [1] (Ṣaḥīḥ)

[$^{[1]}$ “With Salām:” Scholars have listed this narration, and explained it, relating to two topics. They say: “bi-salām” can mean: “with Salām” as translated here, and it means he gives the greeting of Salām when entering his house. And they say that bi-salām means he enters his house, to stay there, and to avoid Fitnah that appears. In this case the translation would be: “And a man who enters his house for security” or similar to that, and its meaning is, that he does so to keep the people safe from his participation in one side or another during the Fitnah.
disbeliever and the one who killed him will never be together in the Fire.” (Ṣaḥīḥ)

Chapter 11. Regarding The Sanctity Of the Womenfolk Of The Mujāhidīn To Those Who Do Not Participate

2496. It was reported from Sufyān, from Qan‘ab, from ‘Alqamah bin Marthad, from Ibn Buraidah, from his father, who said: “The Messenger of Allāh ﷺ said: ‘The sanctity of the womenfolk of the Mujāhidīn to those who do not participate (in the military expedition) is like that of their own mothers. And there is no man among those who do not participate entrusted by a man among the Mujāhidīn, to look after his family, (and he betrays him) except that he will be stood up for him on the Day of Judgment. It will be said to him: ‘This one was entrusted to (look after) your family (and he betrayed), take whatever you want from his good merits.’’” The Messenger of Allāh ﷺ turned towards us and said: ‘So what do you think?’” (Ṣaḥīḥ)

(Abū Sa‘eed said: “Abū Dāwud said: ‘Qa‘nab was a righteous man, and Ibn Abī Lailā wanted to appoint him as a judge.’ He said: ‘Qa‘nab refused, and Qan‘ab said: “I may have a need for a Dirham and seek help from someone for it, and who among us does not seek
help in time of need.” He said: “Let me leave so I can think about it.” He was sent away and he went in hiding. Sufyan said: “While he was in hiding, the house fell down upon him, and he died.”

Chapter 12. Regarding A Detachment That Returns Without Any Spoils

2497. ‘Abdullāh bin ‘Amr said: “The Messenger of Allāh ﷺ said: ‘There is no detachment fighting in the cause of Allāh that acquires spoils of war, except they have hastened to two-thirds of their rewards of the Hereafter, and one-third remains for them. And if they do not acquire any spoils, their rewards will be complete for them (in the Hereafter).” (Sahih)

Chapter 13. Doubling (The Reward For) The Remembrance In The Cause Of Allāh, The Mighty And Sublime

2498. It was reported from Zabbān bin Fā’id, from Sahl bin Mu‘ādh, from his father, who said: “The Messenger of Allāh ﷺ said: ‘(The reward of) Salāt, fasting, and remembrance is increased seven..."
hundred times over spending in the cause of Allāh, the Mighty and Sublime.” (Da‘f)

Chapter 14. Regarding One Who Died In Battle

2499. It was reported that Abū Malik Al-Ash‘ārī said: “I heard the Messenger of Allāh ﷺ say: ‘The one who goes forth in the cause of Allāh, the Mighty and Sublime, and dies or is killed, then he is a martyr, or he is thrown by the horse or camel and breaks his neck, or any poisonous creature stings him, or dies on his bed, or dies with any other means as Allāh wills: Then he is a martyr, and Paradise is for him.’” (Da‘f)

Chapter 15. Regarding The Virtue Of Ribāṭ

2500. Fadālāh bin ‘Ubaid reported that the Messenger of Allāh ﷺ said: “The deeds of every deceased person are sealed upon his death, except the one guarding the frontier, for his deeds will keep on

[1] Meaning, guarding the frontier or post.
increasing until the Day of Judgment, and he will be safe from the trial in the grave.” (Ṣaḥīḥ)

Chapter 16. Regarding The Virtue Of Keeping Watch In The Cause Of Allah, The Mighty And Sublime

2501. Sahl bin Al-Ḥanzaliyyah narrated that they traveled with the Messenger of Allāh ﷺ on the day of Ḥunain, so they traveled (in a caravan of camels) for a long time until evening came. (He said) “I attended a prayer along with the Messenger of Allāh ﷺ when a horseman came and said: ‘O Messenger of Allāh! I traveled ahead of you until I ascended such and such mountain, and I saw Ḥawāzin, all together with their women, cattle, and sheep gathered at Hunain.’ The Messenger of Allāh ﷺ smiled and said: ‘That will be spoils for the Muslims tomorrow, if Allāh wills.’ Then he said: ‘Who will stand guard for us tonight?’ Anas bin Abī Marthaḍ Al-Ganawī said: ‘I will do it O Messenger of Allāh!’ He said: ‘Then mount.’ So he mounted his horse and came to the Messenger of Allāh ﷺ. The Messenger of Allāh ﷺ said to him: ‘Go through this mountain pass until you come to the peak. We should not be exposed to any danger from your direction tonight.’ In the
morning the Messenger of Allāh ﷺ came out to his place of prayer and offered two Rak‘ahs, then said: ‘Have you seen any sign of your horseman?’ They said: ‘O Messenger of Allāh! We have not heard from him.’ The call for the prayer was made, and while the Messenger of Allāh ﷺ was praying, he began to glance towards the mountain pass. After he finished the prayer and said the Salām, he said: ‘Cheer up for your horseman has come.’ We started to look through the trees in the ravine, and sure enough he had come. He stood by the side of the Messenger of Allāh ﷺ and said the Salām to him, and said: ‘I went until I reached the top of this mountain pass as ordered by the Messenger of Allāh ﷺ. In the morning I checked both of the ravines but saw no one.’ The Messenger of Allāh ﷺ said to him: ‘Did you dismount during the night?’ He said: ‘No, except to pray or to relieve myself.’ The Messenger of Allāh ﷺ said: ‘You have earned (Paradise); if you do not do anything after today, you will not be blamed for it.’”[1] (Hāsan)

Chapter 16. That It Is Disliked To Abandon Fighting

2502. It was reported from Abū Hurairah, from the Prophet ﷺ,

[1] An abridged form of this narration preceded, see no. 916.
2503. It was reported from Abū Umāmah, from the Prophet ﷺ, who said: “Anyone who does not go to battle, nor equip a fighter, nor look after the family of a fighter while he is away, Allāh will strike him with a sudden calamity.”

In his narration, (one of the narrators) Yazīd bin ‘Abd Rabbīh said: “...Before the Day of Resurrection.” (Ḥasan)

2504. It was reported from Anas, that the Prophet ﷺ said: “Perform Jihād against the idolators, with your wealth, yourselves, and your tongues.” (Ḥasan)

Comments:
Since all of the religions is commanding good and forbidding evil, the Messenger of Allāh ﷺ explained many of its elements with the same levels of commanding good and forbidding evil; that is, changing the evil into goodness with the hand if one is able, if not then with the tongue, and if not then in the
heart (see nos. 1140, and 4340). Similar is the case with Hijrah and Jihād, all of it is commanding good and forbidding evil, and it is required upon every Muslim, within their ability.

Chapter 18. Regarding Abrogation Of The Command For Mass Deployment By Specific Deployment

2505. It was reported from ‘Ikrimah, from Ibn ‘Abbās who said: “If you march not forth, He will punish you with a painful torment...”[1] and “...It was not becoming of the people of Al-Madinah...” up to: “...What they used to do...” has been abrogated by the following Verse: “And it is not (proper) for the believers to go out to fight all together.”[2] (Hasan)

Comments:

Meaning, the command given earlier to set out all together for Jihād was later abrogated.

2506. It was reported from ‘Abdul-Mu‘īn bin Khālid Al-Ḥanāfī, who said: “Najdah bin Nufai‘ narrated to me, he said: ‘I asked Ibn ‘Abbās about this Verse: “If you march not forth, He will punish you with a painful torment.” He replied: “The rain was withheld from them, and that was their punishment.”’[3] (Da‘f)

تخريج: [إسناده حسن] أخرجه البيهي: 96/47 من حديث أبي داود.

تخريج: [إسناده ضعيف] أخرجه عبد بن حميد في منسوذه، ح: 182 عن زيد بن حياث بِـ

نجدة بن نفيض: مجهول (تقريب).

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Chapter 19. The Allowance To Stay Behind Due To An Excuse

2507. Zaid bin Thâbit said: "I was beside the Messenger of Allah when divinely-inspired tranquility overtook him. The thigh of the Messenger of Allah fell down on my thigh, and I didn't find anything heavier than the thigh of the Messenger of Allah. He then regained his composure and said: 'Write.' So I wrote down on a shoulder (blade): Not equal are those of the believers who sit (at home) among the believers, and the Mujãhidin in Allah's cause until the end of the Verse. Ibn Umm Maktûm — who was a blind man — stood up when he heard the superiority of the Mujahidin, and said: 'O Messenger of Allah! What about those believers who are not able to perform Jihãd?' As soon as he finished asking, divinely inspired tranquility overtook the Messenger of Allah. His thigh fell down on my thigh, and I felt the heavy weight for the second time as I had felt it the first time. Then the Messenger of Allah regained his composure, and said: 'Read O Zaid.' So I read: Not equal are those of the believers who sit (at home). The Messenger of Allah said: Except those who are disabled' (reciting) the complete Verse."[1] Zaid said: "Allah, the Mighty and Sublime,}

revealed it separately and I attached it. By Him in whose Hands is my soul! I can still see the place of attachment near the crack in the shoulder (blade).” (Hasan)

Comments:

There is no sin if the people who are either sick or blind or disabled, or have some other genuine excuses stay behind from *Jihâd*.

2508. It was reported from Mûsâ bin Anas bin Mâlik, from his father, that the Messenger of Allâh ḳ所述 said: “You left behind people in Al-Madînah, you do not journey anywhere, nor do you spend (in charity), nor do you cross a valley, except that they are with you in it.” They said: “O Messenger of Allâh! And how can they be with us while they are still in Al-Madînah?” He replied: “They were detained by a valid excuse.” (Ṣahîh)

Chapter 20. What Is Accepted
As Participation in Battle

2509. It was reported from Zaid bin Khâlid Al-Juhanî that the Messenger of Allâh ḳ所述 said: “Whoever equips a fighter in the cause of Allâh, (it is as if) he has fought, and whoever looks after his family in goodness, then he has fought.”[1] (Ṣahîh)

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[1] Something related appears again, see no. 2526.
2510. It was reported from Abū Sa‘eed Al-Khudrī that the Messenger of Allāh ﷺ sent a detachment to Banū Liḥyān, and said: "From every two men, one should go." Then he said to the one staying behind: “If anyone of you looks after the family and wealth of one who goes forth, he will get the likes of half the reward of the one going forth.” (Sahih)

Comments:
If the person staying behind has willingly volunteered himself for this role, he will only get half of the reward. In case both of them were equally eager to participate in Jihād, but it was the Commander who picked one of them for the campaign and assigned the duty of looking after the family to the other, both will get equal rewards. And Allāh knows best.

Chapter 21. Regarding Bravery and Cowardice

2511. Abū Hurairah said: I heard the Messenger of Allāh ﷺ say: “The most evil (trait) in a man are severe stinginess and uninhibited cowardice.” (Sahih)
Comments:

In Arabic the meanings of the word *Shuth* includes greed and miserliness.


2512. It was reported from Aslam Abū ‘Imrān, who said: “We went on a military expedition from Al-Madīnah headed for Constantinople, and ‘Abdur-Rahmān bin Khalid bin Al-Walid was (commander) over the group. The Romans had gathered before the wall of the city (ready to fight). So a man went to attack the enemy. Thereupon the people said: ‘Stop, stop! None has the right to be worshiped but Allah! He is throwing himself into destruction!’ Thus Abū Ayyūb said: ‘This Verse was revealed about us, the people of the Ansār, when Allah granted victory to His Prophet and gave Islam dominance, we said: “Come, let us stay with our wealth (and properties) and improve it.” Thereupon, Allah, the Mighty and Sublime, revealed: “And spend in the cause of Allah, and do not throw yourselves into destruction.” So, to “throw oneself into destruction”

means: To stay with our wealth and improve it, and abandon Jihad.”

Abū ‘Imrān said: “Abū Ayyūb continued to engage himself in Jihad in the cause of Allāh, the Mighty and Sublime, until he was buried in Constantinople.” (Sahih)

Comments:
When the circumstances behind the revelation of a Verses of the Qur’ān are known, then it is important to learn them to know its interpretation. What we learn from the facts mentioned above is that too much occupation with worldly affairs and neglecting commanding good and forbidding evil is a recipe for self-destruction.

Chapter 23. Regarding Shooting

2513. It was reported from ‘Uqbah bin Āmir, who said: “I heard the Messenger of Allāh ﷺ say: ‘Allāh, the Mighty and Sublime, will admit three people into Paradise by one arrow: The one made it and seeks good (in reward) by his making it; the one who shoots it, and the one who hands it to him. So shoot and ride, but your shooting is dearer to me than your riding. Every kind of amusement is futile except three: A man’s training his horse, playing with his wife, and his shooting with his bow and arrow. A person who abandons shooting after learning it, out of an aversion for it, then it is a favor he has abandoned” or he said: “(it is a favor) for which he was ungrateful.” (Hasan)
Chapter 24. Regarding A Person Who Fights For Worldly Gain

2515. It was reported from Mu‘ādh bin Jabal that the Messenger of Allah said: “Military campaigns are of two types: As for the one who fights (in the cause of Allah) seeking His Countenance, obeys the Imām, spends what is precious, deals with ease with his associates, and avoids mischief, whether he is asleep or awake, he is earning reward. But as for the one who fights out of pride, and in order to show off and gain a reputation, and disobeys the Imām, and spreads mischief in the land, he comes back empty-handed.” (Da‘ff)

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2514. ‘Uqbah bin ‘Amir Al-Juhani said: I heard the Messenger of Allah recite on the Minbar: “And make ready against them all you can of power” (Al-Anfal: 60) Oh indeed power is shooting. Oh indeed power is shooting. Oh indeed power is shooting”. (Sahih)

Chapter 24. Regarding A Person Who Fights For Worldly Gain

2515. It was reported from Mu‘ādh bin Jabal that the Messenger of Allah said: “Military campaigns are of two types: As for the one who fights (in the cause of Allah) seeking His Countenance, obeys the Imām, spends what is precious, deals with ease with his associates, and avoids mischief, whether he is asleep or awake, he is earning reward. But as for the one who fights out of pride, and in order to show off and gain a reputation, and disobeys the Imām, and spreads mischief in the land, he comes back empty-handed.” (Da‘ff)
2516. It was reported from Ibn Mikraz, a man from the people of Ash-Sham, from Abü Hurairah, that a man said: "O Messenger of Allah! A man wants to engage in Jihad in the cause of Allah, while he seeks some worldly gains?" The Prophet ﷺ said: "He will have no reward." So this was very difficult on the people. They said to the man: "Go back to the Messenger of Allah and ask him again, for you might not have been able to make him understand properly." He came back and said: "O Messenger of Allah! A man wants to engage in Jihad in the cause of Allah while he seeks some worldly gains?" The Prophet ﷺ said: "He will have no reward." They said to the man: "Go back to the Messenger of Allah, so he said it to him for a third time. He said: "He will have no reward." (Hasan)

Chapter (...) Whoever Fights So That The Word Of Allâh Is Uppermost

2517. It was reported from Shu'bah, from ‘Amr bin Murrah, from Abü Wâ'il, from Abû Mûsâ, that a Bedouin came to the Messenger of Allâh ﷺ and said: "A man fights for reputation, one who fights to spread the word of Allâh in the uppermost degree."


کلمة الله هي العليّة (التحفة ٢٦) - باب من قائل ليكون (المعجم...)
fights to be praised, one fights for the spoils of war, and one fights to show his bravery?” The Messenger of Allah ﷺ said: “The one who fights so that the Word of Allah is uppermost, then he is in the cause of Allāh, the Mighty and Sublime.”

(Sahih)

2518. (Another chain) from Shu’bah, from ‘Amr, who said: “I heard Abū Wā’il narrate a Hadith which amazed me,” he then mentioned it in meaning (Similar to no. 2517). (Sahih)

2519. It was reported from ‘Abdullāh bin ‘Amr, may Allāh be pleased with him, who said: “O Messenger of Allāh! Inform me about Al-Jihād and military expeditions.” He said: “O ‘Abdullāh bin ‘Amr! If you fight with endurance seeking from Allāh your reward, Allāh will resurrect you showing endurance and seeking your reward from Allāh, and if you fight showing off, seeking to acquire much (of worldly gains), Allāh will resurrect you with your showing off seeking to acquire much. O ‘Abdullāh bin ‘Amr, with whatever intention you fight or are killed, Allāh will resurrect you in that condition.”

(Hasan)
Chapter 25. Regarding The Virtue Of Martyrdom

2520. It was reported from Sa’eed bin Jubair, from Ibn ‘Abbâs, who said: “The Messenger of Allâh said: “When your brothers were struck down at Uhud, Allâh placed their souls inside green birds who frequent the rivers of Paradise, eating from its fruits and nestling in golden lamps hanging in the shade of the Throne (of Allâh). When they experienced the sweetness of their food, drink and rest, they said: ‘Who will inform our brethren about us, that we are alive in Paradise provided with...’ Allâh Most High said: ‘I shall inform them.”’ He (the narrator) said: “Then Allâh, the Mighty and Sublime revealed: ‘Think not of those who are killed in the cause of Allâh as dead...’”[1] (Hasan)


2521. Hasnâ’ bint Mu‘âwiyah As-Sârîmîyyah said: My paternal uncle (Aslam bin Sulaim) narrated to me, he said: I asked the Prophet: “Who is in the Paradise?” He said: “The Prophet is in the Paradise, the martyr is in the Paradise, the

infant is in the Paradise, and a child buried alive is in the Paradise.” (Da'īf)

Chapter 26. Regarding The Acceptance Of The Martyr’s Intercession

2522. It was reported from Al-Walîd bin Rabāh Adh-Dhamârî (who said): “My paternal uncle, Nimrân bin ‘Utbah Adh-Dhamârî said: ‘We entered upon Umm Ad-Darda’ while we were orphans. She said: ‘Be delighted, for I have heard Abû Ad-Darda’ saying: ‘The Messenger of Allâh said: The intercession of a martyr will be accepted for seventy of his family members.’ ”[1] (Da’īf)

Abû Dâwûd said: What is correct is Rabâh bin Al-Walîd (not Al-Walîd bin Rabâh as mentioned in the chain of narrators).

Chapter 27. Regarding The Visible Light At The Martyr’s Grave

2523. It was reported from ‘Urwah, from ‘Aîshah, may Allâh be pleased with her, that she said: “When An-Najâshî died, we used

[1] Meaning, their fathers were martyred according to other versions.
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[Image 0x0 to 399x623]

[38x570]The Book Of *Jihād* 218

[101x570]JI

[39x544]to say that the visibility of light at the grave would not cease.”

*(Hasan)*

*(Abū Sa‘eed said to us: “And Ahmad bin Abdul-Jabbar narrated to us: He said: ‘Yūnus bin Bukair narrated from Ibn Ishāq’” similarly.)*

[208x515]LS

[228x516]LJ

[327x518]L~

[289x461]L- :J 	 LJU

[39x388]2524. Ubaid bin Khalid As-Sulami said: “The Messenger of Allāh ﷺ made a bond of brotherhood between two men, one of them was killed, and the other one died after him by a week or thereabout. We performed *(the Janāzah) Salāh* for him. The Messenger of Allāh ﷺ asked: ‘What did you say?’ We said: ‘We supplicated for him, and we said: “O Allāh! Forgive him and join him with his companion.”’ The Messenger of Allāh ﷺ said: “So where is his *Salāt* in comparison to his (companion’s) *Salāt*, and his fasting in comparison to his (companion’s) fasting — *(one of the narrators) Shu’bah was not sure about: “his fasting” — “And his deeds in comparison to his (companion’s) deeds. Indeed the distance between them is like the distance between the heavens and the earth.” *(Hasan)*

*تَخْرِيج: [إِسْنَادِ حَسَن] أَخْرِجَ إِبْنِ حَسَنُ فِي الْسَيْرَةَ ۵۴۴ (بِتَحْقِيقِ) عَنْ مُحَمَّدٍ بْنِ عُلْيَةَ بْنِ جَعْفرَةَ.

2524. إِسْحَاقُ بْنُ عُبَيْدٍ بْنُ عُلْيَةَ بْنِ جَعْفرَةَ.

*تَخْرِيج: [إِسْنَادِ حَسَن] أَخْرِجَ إِبْنِ حَسَنُ فِي الْسَيْرَةَ ۵۴۴ (بِتَحْقِيقِ) عَنْ مُحَمَّدٍ بْنِ عُلْيَةَ بْنِ جَعْفرَةَ.

[50x84]-

That is Abû Sa‘eed Ibn Al-A‘rābi, who heard the text from Abû Dāwud.

Comments:
A martyr is doubtless accorded a special status and rank, but some non-martyrs also can secure higher ranks by virtue of their unfailing sincerity, piety and abundant virtuous deeds. It is understood by some of the commentaries, that in this narration, the mention of the more exalted of deeds is regarding the second one who died, and that perhaps the Messenger of Allāh ἡ knew of his sincerity in his good deeds. It appears that the author considered the meaning to be the opposite, based upon where he narrated it, that is, that the second man’s deeds were below that of the first. And Allāh knows best.

Chapter 28. Regarding Fighting For Wages

2525. It was reported from the paternal nephew of Abū Ayyūb, from Abū Ayyūb, that he heard the Messenger of Allāh ἡ saying: “The lands will be conquered by you, and you will be groups of armies, levied for deployments. A man will be unwilling to take part in the deployment, so he will escape from his people. Then he will go around offering himself to various tribes (for wages), saying: ‘Who will hire me to take his place in such and such expedition? Who will hire me to take his place in such and such expedition?’ Lo! He is a hireling until the last drop of his blood.” (Daʿīf)

Chapter 29. The Allowance To Take Wages

2526. 'Abdullāh bīn 'Amr reported the Messenger of Allāh ἡ as saying: "The lands will be conquered by you, and you will be armies, levied for deployments. A man will be unwilling to take part in the deployment, so he will escape from his people. Then he will go around offering himself to various tribes (for wages), saying: ‘Who will hire me to take his place in such and such expedition? Who will hire me to take his place in such and such expedition?’ Lo! He is a hireling until the last drop of his blood.”
Chapter 30. A Man Who Fights For The Wages Of His Service

2527. It was reported from Ya’lã bin Munyah, who said: “The Messenger of Allah announced an expedition, and I was an old man and I had no servant. I looked for someone to hire who could take my place, and he would receive his share. So I found a man who at the time of departure came to me and said: ‘I do not know, what are the shares? And what will my share be? So fix an amount (as wages) for me, whether there are any shares or not.’ So I offered him three Dinars. When the spoils of war arrived, I wanted to offer him his share, but then I remembered the Dinars. I came to the Prophet and mentioned the issue to him. He said: ‘I do not find for him — in this expedition of his — in this world and in the Hereafter, except for those Dinars which were offered.” (Sahih)

Comments:

In case of need, a believer is allowed to engage a hireling to perform Jihad etc. on his behalf. The reward for his participation in such an expedition shall, however, depend on the purity of his intention and the degree of his sincerity in performing the act. If he really means to achieve the pleasure and closeness to the mercy of Allah through his action, he would get a double benefit, viz. spoils of war and reward from Allah in the Hereafter.

Chapter 31. Regarding A Man Who Goes To Battle While His Parents Object

2528. It was reported from Sufyân, (who said): “‘Atâ’ bin As-Sâ’ib narrated to us, from his father, from ‘Abdullãh bin ‘Amr who said: ‘A man came to the Messenger of Allah, and said: “I came to you to pledge allegiance to emigrate and I have left behind my parents weeping.” He said: “Go back to them, and make them smile as you have made them weep.”” (Hasan)

2529. It was reported from Sufyân, from Habîb bin Abî Thãbit, from Abul-‘Abbãs, from ‘Abdullãh bin ‘Amr, who said: “A man came to the Prophet and said: ‘O Messenger of Allah! Shall I engage in Jihad?’ He said: ‘Do you have parents?’ He said: ‘Yes.’ He said: ‘Strive in looking after them.’” (Sahih)

Abû Dâwud said: This Abul-‘Abbãs is Ash-Shã’ir (the poet), his name is As-Sâ’ib bin Farrûkh.
Looking after and taking care of one’s parents is the foremost duty of Muslim children. Such service is given preference over any fighting.

2530. It was reported from Abū Al-Haithām, from Abū Sa‘eed Al-Khudrī, that a man emigrated to the Messenger of Allāh ﷺ from Yemen. He asked: “Do you have anybody in Yemen?” He said: “My parents.” He asked: “Did they give you permission?” He said: “No.” He said: “Go back and seek their permission. If they give you permission, then go for Jihād, and if not, then devout yourself to their wellbeing.” (Da‘īf)

Chapter 32. Regarding Women Participating In Battle

2531. It was reported from Anas, who said: “The Messenger of Allāh ﷺ used to take Umm Sulaim and few other women from the Ansār on expeditions. They would supply water and tend to the injured.” (Ṣaḥīḥ)

Comments:

Women can attend to the needs of fighters in the cause of Allāh. These duties may be performed by women in proper Hijāb. It is, therefore, necessary that the women chosen for the job should have been trained for the purpose.
Chapter 33. Regarding Fighting Against The Tyrant Rulers

2532. It was reported from Anas bin Malik, that he said: “The Messenger of Allâh (ﷺ) said: ‘Three things are from the basis of Faith: To refrain from (killing) a person who utters: None has the right to be worshiped but Allâh, and not to declare a person a disbeliever for committing a sin, and not to expel him from Islam by an action. And, Jihâd abides, since the day Allâh dispatched me (as a Prophet) until the last of my nation fight Ad-Dajjâl. Jihâd will not be invalidated by the tyranny of a tyrant nor the justice of one who is just. And, to have Faith in the Divine Decree.”

(.toCharArray)

2533. It was reported from Makhûl from Abû Hurairah, that he said: “The Messenger of Allâh (ﷺ) said: ‘Jihâd is obligatory on you with every commander, righteous or wicked, and the prayer is binding behind every Muslim, righteous or wicked, even if he commits major sins. And (funeral) prayer is obligatory for every Muslim, whether, righteous or wicked even if he commits major sins.’”¹⁷

(.toCharArray)

¹⁷ Part of this narration preceded, see number 594.
Chapter 34. A Person Being Transported For Battle At The Expense Of Others

2534. It was reported from Nubaib Al-'Anazi from Jābir bin `Abdullāh, that he narrated from the Messenger of Allāh ﷺ, when he intended to go on an expedition, he said: "O people of the Emigrants (Muhājirūn) and Helpers (Anṣār)! Among your brothers are some who do not have wealth, nor any family. All of you should share your riding beast with two or three others." So there was none of us with a ride but he shared it equally with others in turns. That is, with one of them. He (Jābir) said: "I therefore took two or three persons with me. I rode on my camel taking turns like one of them." (Hasan)

Chapter 35. Regarding A Person Going To Battle, Seeking Reward And Spoils Of War

2535. Ibn Zugb Al-Ayādī reported that `Abdullāh bin Hawālah Al-Azdī visited him, and narrated to him saying: "The Messenger of Allāh ﷺ sent us on foot to get the spoils, but we returned without any spoils. When he saw the signs of grief in our faces, he stood up and said: 'O Allāh! Do not make them dependent on me, for I would be too weak to take care of them, and do not make them dependent on
themselves, for they will be incapable of that. And do not make them dependent on people, as they will choose the best for themselves.’ Then he placed his hands on my head, and said: ‘O Ibn Hawālah! When you see the Khalīfah has settled in the Holy Land, then earthquakes, sorrows and tremendous events have drawn near. And on that day, the last hour will be nearer to mankind than this hand of mine from your head.’ (Hasan)

Abū Dāwūd said: ‘Abdullāh Ibn Hawālah is Himsi.

Chapter 36. A Person Who Sells His Self (For The Sake Of Allāh)

2536. It was reported from Murrah Al-Hamdānī from ‘Abdullāh bin Mas‘ūd, who said: “The Messenger of Allāh ﷺ said: ‘Our Lord, the Mighty and Sublime, admires a man who goes to battle in the cause of Allāh, the Mighty and Sublime, and they retreat’ — meaning his companions — ‘but he knows what is required of him, so he returns until his blood is shed. Allāh, the Mighty and Sublime, says to His Angels: “Look at my slave. He came back desiring what I have for him (reward), and fearing what I have (punishment), until his blood was shed.”’ (Hasan)
Chapter 37. A Person Who Accepts Islam, And Is Killed In The Same Spot, In The Cause Of Allâh, The Most High

2537. It was reported from Muhammad bin 'Amr, from Abû Salamah, from Abû Hurairah, that 'Amr bin Uqais had dealt in Ribâ during Jâhiliyyah, so he did not like to accept Islam without retrieving it. He came during the battle of Uhud and said: "Where are my paternal cousins?" They replied: "At Uhud." He said: "Where is so-and-so?" They replied: "At Uhud." He said: "Where is so-and-so?" They replied: "At Uhud." He then got dressed in his coat of armor, mounted his horse and proceeded towards them. When the Muslims saw him they said: "Stay away from us O 'Amr!" He said: "I have become a believer." He fought until he was wounded. He was carried to his family, injured. Sa'd bin Mu'âdh visited him, and said to his sister: "Ask him, why did he fight; out of partisanship for his people, or out of anger for them, or out of anger of Allâh?" He said: "Out of anger of Allâh and His Messenger." He then died, and entered Paradise, and he had not performed a single Salât for Allâh.

(Hasan)
Chapter 38. Regarding A Man Who Dies By His Own Weapon

2538. It was reported from Salamah bin Al-Akwa' who said: "In the battle of Khaibar my brother fought fiercely. His sword rebounded back upon him and killed him, thus the Companions of the Messenger of Allah  started talking about that and having doubts, saying: 'A man dieing by his own weapon.' The Messenger of Allah  said: 'He died striving as a Mujahid.'" — (One of the narrators) Ibn Shihab said: "Then I asked the son of Salamah bin Al-Akwa', and he narrated it to me from his father, similarly, except that he said: 'Then the Messenger of Allah  said: 'They lied, he died striving as a Mujahid, so he will have his rewards, twice.'" (Sahih)

2539. It was reported from Mu'awiyah bin Abi Sallam, from his father, from his grandfather Abû Sallâm, from a man among the Companions of the Prophet , who said: "We attacked a tribe..."
from Juḥainah. One of the Muslims pursued a man from them. He struck at him but missed, and injured himself with the sword. The Messenger of Allāh ﷺ said: ‘Your brother, O group of Muslims!’ The people rushed towards him, but found him dead. So the Messenger of Allāh ﷺ wrapped him in his garments with his blood, and offered the (funeral) prayer for him, and buried him. They said: ‘O Messenger of Allāh! Is he a martyr?’ He said: ‘Yes, and I am a witness for him.” (Daʿīf)

Chapter 39. Supplication When Meeting (The Enemy)

2540. It was reported from Mūsā bin Yaʿqūb Az-Zamʿī, from Abū Ḥazīm, from Sahl bin Saʿd who said: “The Messenger of Allāh ﷺ said: ‘Two supplications are not turned back,’ or ‘rarely turned back: The supplication at the time of the call (to prayer), and at the time of battle when the two sides engage.’” (Sahīh)

Mūsā said: “And Rizq bin Saʿeed bin ‘Abdūr-Raḥmān narrated to me, from Abū Ḥazīm, from Sahl bin Saʿd, from the Prophet ﷺ: ‘...and during the rain.’”

तयार की गई समस्त सांख्यिकीय विवरण, एवं मापदंडों के आधार पर प्रदान की गई सूची, एवं उसके साथ दिया गया सारांश (अंग्रेजी)
Comments:
Calling the Adhān and engaging in Jihād are both means of exalting the Word of Allāh. Therefore, supplications made at these times are blessed with acceptance by Allāh.

Chapter 40. Regarding A Person Who Asks Allāh For Martyrdom

2541. It was reported from Mu‘ādh bin Jabal that he heard the Messenger of Allāh ﷺ say: “Whoever fights in the cause of Allāh as long as the time between two milkings of a she-camel, Paradise is guaranteed for him. And whoever asks Allāh with sincerity in his soul to be killed, and then dies, or is killed, he will have the reward of a martyr.”

(One of the narrators) Ibn Al-Muṣaffā added in his narration from here onwards: “And whoever gets wounded in the cause of Allāh, or suffers injury, it (the injury) will come on the Day of Resurrection flowing more abundantly than ever, its color will be the color of saffron, and its fragrance the fragrance of musk. And whoever suffers from an ulcerated wound in the cause of Allāh, the Mighty and Sublime, then upon him will be the stamp of the martyrs.” (Sahih)

Comments:
A she-camel once milked is given a few minutes’ respite before being milked again. The Arabic term for this interval is Fuwāq. Sincerity of intention can take a man to such great height and ranks where no one, in the ordinary course of action, would even hope to reach.
Chapter 41. Regarding It Being Disliked To Clip The Forelocks and Tails of Horses

2542. It was reported from ‘Utba bin ‘Abd As-Sulam, that he heard the Messenger of Allah saying: “Do not clip the forelocks, manes, or tails of horses. For they use their tails to drive away flies, and their manes provide them with warmth, and the goodness is tied in their forelocks.” (Da‘if)

Chapter 42. Regarding What Colors Are Recommended In Horses

2543. It was reported from Muhammad bin Muhãjir Al-Ansãri, (he said): “‘Aqil bin Shabîb narrated to me, from Abû Wahb Al-Jushami, who was a Companion, who said: ‘The Messenger of Allãh said: “You should seek out Kumaitt[1] horses with a white mark on the face and white feet, or red (Ashqar) with a white mark on the face and white feet, or black with a white mark on the face and white feet.” (Da‘if)

[1] Chestnut colored, a color between black and red.
The noted scholar At-Tibi points out, among other things, the difference in the names of horses on the basis of their colors saying that Ashqar is wherein the black dominates the red, while Kumait is the one that has black hair on its neck and tail.

2544. (Another chain) from Muḥammad bin Muhājir Al-Anṣārī (who said): “‘Aqil bin Ṣhabīb narrated to us, from Abū Wahb, who said: ‘The Messenger of Allāh ﷺ said: ‘You should seek out red (Ashqar) horses with a white mark on the face and white feet.’” So he mentioned similarly. Muḥammad — meaning Ibn Muhājir said: “And I asked him: ‘Why are the Ashqar more superior?’ He replied: ‘Because the Prophet ﷺ sent an expedition, and the one who first brought the news of victory was the rider on an Ashqar horse.’” (Da‘īf)

2545. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “The blessing of the horse is in its redness.” (Hasan)
Chapter (...) Can A Mare Be Called A (Faras) Horse?

2546. It was reported from Abū Hurairah who said: “The Messenger of Allāh ﷺ used to call a female horse: Faras (horse).”

2547. It was reported from Abū Hurairah who said: “The Prophet ﷺ used to dislike the Shikāl among horses.” As-Shikāl is a horse which has white on its right hind-leg and left fore-leg, or on its right fore-leg and left hind-leg. (Sahīh)

Abū Dāwud said: Meaning; alternate (legs).

Chapter 43. What is Disliked Among Horses

2547. It was reported from Abū Hurairah who said: “The Prophet ﷺ used to dislike the Shikāl among horses.” As-Shikāl is a horse which has white on its right hind-leg and left fore-leg, or on its right fore-leg and left hind-leg. (Sahīh)

Abū Dāwud said: Meaning; alternate (legs).

Chapter 44. What Has Been Commanded Regarding Proper Care For Riding Beasts And Cattle

2548. It was reported from Sahl bin Al-Ḥanzaliyyah who said: “The Messenger of Allāh ﷺ passed by a
camel whose back had fallen to its stomach. He said: ‘Fear Allāh in regards of these animals. Ride them when they are in good condition, and consume them when they are in good condition.’ *(Sahih)*
2550. It was reported from Abū Hurairah that the Messenger of Allah ﷺ said: “Once while a man was walking on the road, he became extremely thirsty. He found a well and went down into it. He drank from the water and came out. He saw a dog panting heavily and eating soil due to its thirst. The man said: ‘This dog must be in the same condition of thirst as I was,’ so he went down into the well, and filled his Khuff with water, and held it by his mouth until he climbed up. He gave water to the dog to drink. Allah accepted his deed and forgave him.” They said: “O Messenger of Allah! Are there rewards for us in our animals?” He said: “For every moist liver (living creature) there is a reward.” (Sahih)

Chapter (...) Regarding Dismounting At Camps

2551. Anas bin Mālik said: “Whenever we dismounted at a camp, we would not perform any voluntary prayer (Nusabbiḥ) until we let the mounts graze.”[1]

[1] Commentaries on Sunan Abū Dāwūd explain that Nusabbiḥ means perform voluntary prayer. This is the statement of Al-Khaṭṭābī and it is cited by Al-‘Aţīmahbādī in ‘Awn Al-Ma‘būd. In ‘Amal Al-Yawm wal-Lailah, Ibn As-Sunni narrated it from a different route, from Shu‘bah (who narrated this version), and after it: “Meaning we said the Tasbih with
Chapter 45. Regarding Garlanding Horses With Bowstrings

2552. It was reported from 'Abbād bin Tamīm that Abū Bashīr Al-Ansārī informed him, that he was with the Messenger of Allāh ﷺ on one of his journeys. He said: “The Messenger of Allāh ﷺ sent a messenger,” (one of the narrators) 'Abdullāh bin Abī Bakr said: “I think he said: ‘And the people were still sleeping’” (saying:) “No garland of bowstrings or garlands (of any sort) are to be left on the neck of a camel, except that they be severed.”

Mālik (one of the narrators) said: “It think that was because of the (evil) eye.” (Ṣahīh)

Comments:

The prominent scholar Al-Khattābī noted that Imām Mālik explained that the people used to tie the bow strings round the necks of the animals as amulets, in order to protect them from the evil eye, since they considered those strings effective for the purpose.
Chapter (...) Being Kind To Horses, And Keeping Them, And Rubbing Down Their Rump.

2553. It was reported from Abū Wahb Al-Jushamī, who was a Companion, who said: “The Messenger of Allāh ﷺ said: ‘Keep horses, rub down their forelocks and their backs’” or he said: “their rumps, and garland them, but do not garland them with bowstrings.”[1] (Daʿīf)

Chapter 46. Regarding Hanging Bells (From The Necks of Animals)

2554. It was reported from Umm Habībah, from the Prophet ﷺ that he said: “The Angels do not accompany a group who have bells.” (Ṣāhih)

2555. It was reported from Suhail bin Abī Ṣāliḥ, from his father, from Abu Hurairah who said: “The Messenger of Allāh ﷺ said: ‘The angels do not accompany a group who have a dog, or a bell.’” (Ṣāhih)

2556. It was reported from Al-‘Alâ’ bin ‘Abdur-Râhmân, from his father, from Abû Hurairah, that the Prophet ﷺ said about the bell: “It is a wind instrument of Shaytân.” (Sahîh)

Comments:
Tying things like bells and rattles round the necks of animals is prohibited. Keeping a dog simply as a symbol of ostentation and awe is also prohibited although there is permission to keep a hunting dog, a sheepdog, and for protecting fields and crops, as follows later.

Chapter 47. Regarding Riding Al-Jallâlah (Animals That Eat Dung and Filth)

2557. It was reported from Nâfi’, from Ibn ‘Umar who said: “It has been prohibited to ride Al-Jallâlah.” (Sahîh)

Comments:
The prohibition of consuming the milk and meat of such animals is also proven from other Ahâdîth. (See no. 3785)
Chapter 48. Regarding A
Person Naming His Riding
Beast

2559. It was narrated from Mu‘ādh, who said: “I was riding
behind the Prophet on a donkey
called: ‘Ufair.” (Sahih)

Comments:
It is allowed to give names to animals. In case of need, two persons can ride a
beast.

Chapter 49. Regarding Calling
Out During The Time Of
Departure (For Battle): “O
Allāh’s Horseman! Ride!”

2560. It was reported from
Samurah bin Jundab who said: “To
proceed: The Prophet named
our horsemen, ‘Allah’s horsemen’
when we became frightened, and
when we became frightened, the
Messenger of Allāh used to
order us to be united, have
patience and tranquility, and (the
same) when we fought.”[1] (Da‘īf)

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[1] See no. 456, wherein it is clarified that he had written a letter to them. Part of it
appears in no. 975 as well.
Chapter 50. The Prohibition Of Cursing An Animal

2561. ‘Imrân bin Ḥuṣain said: “The Prophet ﷺ was on a journey, and he heard somebody cursing something, so he asked: ‘What is this?’ They said: ‘This is so-and-so (woman) who has cursed her riding animal.’ The Prophet ﷺ said: ‘Remove its saddle, for it is cursed,’ so they removed it.” ‘Imrân said: “As if I can still see it, an ash colored she-camel.” (Sahih)

Chapter 51. Regarding The Prohibition of Instigating Fights Among Beasts

2562. It was reported from Abû Yahyâ Al-Qattât, from Mujâhid, from Ibn ‘Abbâs, who said: “The Messenger of Allah ﷺ prohibited instigating fights between beasts.” (Da’if)

Comments:
Since provoking the animals to fight with each other is prohibited, the act of provoking humans to fight against each other is all the more reprehensible.

Chapter 52. Regarding Branding Animals

2563. It was reported from Hishâm
bin Zaid, from Anas who said: “I came to the Prophet with a brother of mine when he was born to perform Tahnik for him. I found him in sheep pen branding sheep.” I (Hishâm) think he said: “On their ears.”

**Comments:**

Branding was done through marking by burning the body of the animal with a hot iron. It is allowed to brand the bodies of the animals but not allowed to brand them on the face. The ear, which is not a part of the face can, however, be branded.

**Chapter (…) The Prohibition of Branding The Face, And Striking The Face**

**2564.** It was reported from Abû Az-Zubair, from Jâbir who said: “A donkey, which had been branded in the face, passed by the Prophet. He said: ‘Has it not reached you people, that I have cursed those who brand animals on their faces, or strike them on their faces?’ so he prohibited that.” *(Sahîh)*

**Comments:**

The face, whether of man or animal, is the most respectable part of the body. It is, therefore, prohibited to strike it.

**Chapter 53. The Prohibition Of Studding Donkeys With Mare Horses**

**2565.** It was reported from Abû Al-Khair, from Ibn Zurair, from
‘Alī bin Abī Ṭālib who said: “The Messenger of Allāh ﷺ was given a she-mule as a gift which he rode.” ‘Alī said: “If we studded donkeys with mare horses we would have animals of this type?” The Messenger of Allāh ﷺ said: “Those who don’t know do that.” (Sahīh)

Chapter 54. Regarding Three People Riding An Animal

2566. ‘Abdullāh bin Ja'far said: “Whenever the Prophet ﷺ arrived from a journey we would be taken to receive him, so whoever was first to meet him, he will put him in front of him. As I was the first to meet him, he put me in front of him. Then Hasan or Husain was brought to him, so he put him behind him. We entered Al-Madinah, while we were like that.” (Sahīh)

Comments:

It is allowed to come out of the town in order to welcome dignitaries and respectable personalities. The Messenger of Allāh ﷺ loved the children and gave them due regard as well.

Chapter 55. Regarding Remaining Halted Atop An Animal

2567. It was reported from Abū Hurairah, from the Prophet ﷺ who said: “Do not use the backs of
your beasts as Minbars. Allâh has subjugated them for you to transport your to a land that you cannot reach without difficulty yourselves. And He made the earth (spread out) for you, so fulfill your needs upon it.” (Hasan)

The Messenger of Allah ﷺ delivered his famous Sermon on his last Pilgrimage atop his she-camel, but it was an exceptional case that happened due to the exigency of the occasion.

Chapter 56. On Side camels.

2568. It was reported from Sa‘eed bin Abî Hind who said: “Abû Hurairah said: ‘The Messenger of Allah ﷺ said: ‘There are camels for the devils, and there are houses for the devils. As for camels for the devils, I have seen them. One of you goes out with fattened extra camels at his side, riding none of them, nor giving a ride to a tired brother when he passes by him. As for the houses for devils I have not seen them.” Sa‘eed would say: “I think they are those enclosures which people cover with Dîbâj (brocade).” (Da‘îf)

Some of the scholars consider this the end of the Hadîth, and that what follows is the statement of Abû Hurairah, others consider all of it — up to the statement of Sa‘eed, to be from the Hadîth.
Chapter 57. Regarding Traveling Fast, And The Prohibition Of Staying On Roads At Night

2569. It was reported from Abū Hurairah that the Messenger of Allâh ﷺ said: “When you travel in a fertile land, then grant the camels their due (of grazing), and when you travel in time of drought, then travel quickly, and when you want to camp for the night, keep off the road.” (Saḥīḥ)

2570. It was reported from Al-Ḥasan, from Jābir bin ‘Abdullâh, from the Prophet ﷺ, similar to this (no. 2569). After his saying: “their due” he said: “and do not go beyond the camps.” (Daʿf)

Chapter (...) Traveling At Night

2571. It was reported from Anas who said: “The Messenger of Allâh ﷺ said: ‘Travel by night, for the earth is rolled up (shorter) during the night.’” (Hasan)
Chapter 58. The Owner Of The Animal Is More Entitled To Ride In The Front

2572. It was reported from Buraidah who said: “While the Messenger of Allâh was walking, a man with a donkey came to him and said: ‘O Messenger of Allâh! Ride.’ And the man moved to the back of the animal. The Messenger of Allâh said: ‘No. You are more entitled to ride in front of your animal then me, unless you grant me the right.’ He said: ‘I have granted it to you.’ So he rode.” (Hasan)

Comments:
The same rule holds good with regard to the front seats of cars and jeeps etc.

Chapter 59. Regarding The Animal That Is Hamstrung During War

2573. It was reported from ‘Abbâd bin ‘Abdullah bin Az-Zubair who said: “My foster father, who is from Banû Murrah bin ‘Awf, narrated to me, and he was present at the Battle of Mu’tah: ‘By Allâh! It is as if I can still see Ja’far when he hamstrung his red horse, then he fought until he was killed.’” (Da’if) Abû Dawud said: This Hadîth is
not strong.

Comments:
If, during the course of fighting, there comes a stage when the warrior feels that he is at the verge of getting overpowered or killed, he may destroy his conveyance and equipment to prevent their falling into the hands of the enemy.

Chapter 60. Regarding Stakes
In Racing

2574. It was reported from Nâfi', from Abû Hurairah who said: “The Messenger of Allâh ﷺ said: ‘Stakes are only allowed in races between camels, horses, and shooting arrows.’” (Hasan)

2575. It was reported from Malik, from Nâfi', from ‘Abdullâh bin ‘Umar, that the Messenger of Allâh ﷺ organized a race for horses that had been made lean, from Al-‘Hafyâ’ to Thaniyyat Al-Wadâ’, and he organized another race for horses that had not been made lean, from Ath-Thaniyyah to the Masjid of Banû Zuraiq, and ‘Abdullâh was among those who took part in the race.” (Sahîh)
2576. It was reported from Al-Mu'tamir, from 'Ubaidullah, from Naфи', from Ibn 'Umar that the Prophet of Allah ﷺ would lean horses to be used for races. (Sahih)

2577. It was reported from 'Uqbah bin Khâlid, from 'Ubaidullah, from Naфи', from Ibn 'Umar that the Prophet ﷺ held a race between horses, and kept the horses which were in the fifth year at a longer distance. (Sahih)

Chapter 61. Regarding Foot Races

2578. It was reported from 'Aishah, that she was with the Prophet ﷺ on a journey, she said: “And I raced with him on foot, and I beat him. When I gained weight, I (again) raced him, and he beat me. He said: ‘This (win) is for that race.’” (Sahih)
Chapter 62. Regarding Al-Muhallil (Entering A Third Horse In A Race With Two Other Horses For A Stake)

2579. It was reported from Az-Zuhri, from Sa’eed bin Al-Musayyab, from Abú Hurairah, from the Prophet, who said: “Whoever enters a horse (in a race) between two other horses — meaning not knowing whether it will win — then that is not gambling. But whoever enters a horse (in a race) between two other horses, and he is certain that it will win, then that is gambling.”

2580. (Another chain) from Az-Zuhri, with the chain of ‘Abbãd, with its meaning (similar to no. 2579). (Du’af)

Abû Dâwud said: Ma’mar, Shu’aib and ‘Aqil reported it from Az-Zuhri, from some men from the people of knowledge. And this (narration) is more correct according to us.

Chapter 63. Practicing Al-Jalab With Horses In Racing

2581. It was reported from Al-
Hasan, from 'Imrân bin Ḥuṣain, from the Prophet ﷺ who said: “There is no Jalab, nor Janab.” In his narration, Yahyā (one of the narrators) added: “in competition.”

\[\text{(Hasan)}\]


Chapter 64. Regarding Embellishing The Sword With Silver

2583. It was reported from Qatadah, from Anas who said: “The hand guard on the sword of the Messenger of Allâh ﷺ was made from silver.” (Sahîh)

\[\text{تخصيص [صحيح] أخرجه النسائي، الزينب، باب حلة السيف، ح: 376 5 والتمذي، ح: 1291 من حديث جريب بن حازم به وقال: }\]
\[\text{حسن غريب، }\]
\[\text{وتحديت شاهد عند النسائي، }\]
\[\text{ح: 375 وسنده صحيح وصححه ابن الملقين في تحفة المحتج: 1/147، ح: 19.}\]

explained Al-Jalab (Ma‘ālam As-Sunan): “This is explained as; that the horse should not be yelled at during the race, nor goaded by any kind of goading to make it run faster. It is only required that their riders prod them by moving the bridle and pulling the reins, and prodding them on with the whip and spurs, and similar to that, without yelling at them with the voice. And it has been said that its meaning is that people congregate, lining up, standing along the two sides, and yelling, so they were prohibited from that. As for Al-Janab, it is said that they would have a horse run alongside, until when they were near the finish, they would alternate from the mount which had fatigued, mounting the horse that was not ridden yet. So that was prohibited.” In An-Nihâyah Ibn Al-Athîr said about Al-Jalab: “It is that a man follows behind his horse encouraging it, yelling and screaming at it, to goad it to continue, so that was prohibited.” And about Al-Janab, he said similar to Al-Khattâbî.
2584. (Another chain) from Qatādah, from Sa‘eed Ibn Abī Al-Hasan, who said: “The hand guard on the sword of the Messenger of Allāh was made from silver.” (Ṣahīḥ)

Qatādah said: “I do not know anyone who followed him up in (narrating) that.”[1]

2585. It was reported from ‘Uthmān bin Sa‘d, from Anas bin Malik, who said: — and he mentioned similarly (as no. 2584). (Ṣahīḥ)

Abū Dāwud said: The strongest of these Ḥadīths is the Ḥadīth of Sa‘eed bin Abī Al-Hasan, and the rest are weak.

Chapter 65. Regarding Entering The Masjid With An Arrow

2586. Jābir narrated that the Messenger of Allāh ordered a man who used to give out arrows in charity in the Masjid, not to pass through unless he was holding them by their heads. (Ṣahīḥ)

[1] Some of the commentaries consider this to be a mistake, and that it should be “Abū Dāwud said:” and the meaning would be that Abū Dāwud does not know of anyone else who narrated it like this, except for Jarir bin Ḥazim, who narrated number 2583; meaning — if this is correct — that the author considers the correct narration from Qatādah to be the one he narrated from Sa‘eed, who is the brother of Al-Hasan Al-Baṣrī.
Abū Mūsā narrated that the Messenger of Allāh ﷺ said: “If one of you passes through our Masjid, or our marketplace, with an arrow, he should hold it 'head'” or he said: “he should hold it with his palm,” or he said: “he should hold it with his palm so that no harm is done to any Muslims.” (Sahih)

Chapter 66. Regarding The Prohibition Of Passing An Unsheathed Sword

Jābir narrated: “The Prophet ﷺ prohibited passing an unsheathed sword.” (Da'iJ)

Comments:
It is a safety measure against the possibility of the sword accidentally injuring someone.

Chapter 67. The Prohibition Of Cutting A Strap Between Two Fingers

It was reported from Al-Hasan, from Samurah bin Jundab that the Messenger of Allāh ﷺ
prohibited cutting a strap between two fingers.

Comments:

This method of cutting something is fraught with the risk of injuring the cutter's hand in the process. The leather must be put on a piece of stone or wood for cutting. So it resembles, in its meaning, his prohibition of handing someone an unsheathed sword.

**Chapter 68. Regarding Wearing Coats Of Mail**

2590. It was reported from As-Sâ’ib bin Yazid, from a man whom he named: “The Messenger of Allah used two coats of mail on the Day of (the battle of) Uhud,” or: “he wore two coats of mail.”[1] (Sahih)

**Chapter 69. On Flags And Banners**

2591. It was reported from Yûnus bin ‘Ubaid, the freed slave of Muhammad bin Al-Qāsim (who said): “Muhammad bin Al-Qāsim sent me to Al-Barã’ bin ‘Āzib to ask him about the flag of the Messenger of Allah. He said: ‘It was black and square, made...

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[1] That is, the narrator was not sure if it was; “Zâhara” (used) or; “Labisa” (wore).
It was reported from Abū Az-Zubair, from Jābir, and he attributed it to the Prophet, that when he entered Makkah, his banner was white. (Hasan)

It was reported from Simãk, from a man among his people, from another man among them: “I saw that the flag of the Messenger of Allah was yellow.” (Da'r')

It was reported from Zaid bin Artãh Al-FazãrI, from Jubair bin Nufair Al-Hadrami that he heard Abü Ad-Dardã' saying: “I heard the Messenger of Allah say: Seek (and bring for) me your

Chapter 70. Seeking Assistance From Allah By (Supplication, Worship Etc.) Of Weak Horses and Weak People

Namirah is a type of Burd made of wool with black and white designs, and some of them say it may have reddish color, meaning, resembling a leopard. In this case, they say it is being used to mean black and white design.
weak ones, for you are only provided with sustenance and granted assistance through your weak.”[1] (Saḥīḥ)
Abū Dāwūd said: Zaid bin Ārādah is the brother of ʿAdī bin Ārādah.

Chapter 71. Regarding A Man Who Calls Out A Code Word

2595. It was reported from Al-Hasan, from Samurah bin Jundab who said: “The code word of the Muhājirīn (Emigrants) was ‘Abdullāh,’ and that of the Ḥāḍīr (Helpers) was “Abdur-Rahmān.” (Dāʿf)

2596. It was reported from Iyās bin Salamah, from his father, who said: “We went on an expedition with Abū Bakr (may Allāh be pleased with him) during the life of the Messenger of Allāh, and our code word was: Amit, Amit (‘put to death, put to death.’).”[2] (Hasan)


2597. It was reported from Al-Muhallab bin Abi Sufrah who said:

"I was informed by someone who heard the Prophet saying: ‘If you suffer a surprise attack from the enemy then say: ‘Ha Mim, they will not be victorious.’" (Sahih)

Comments:
The advantage accruing from fixing a code word is that, even in dark hours, it helps identify the ally from the enemy. Also it makes it possible to apprehend the spy and the intruder.

Chapter 72. What A Man Should Say When Setting Out On A Journey

2598. It was reported from Abü Hurairah: “When proceeding on a journey, the Messenger of Allâh would say: ‘Allâhumma antas-sâhibu fis-Safari wal-khaiifatu fil-ahli. Allâhumma innî a'udhubika min wa'thâ’is-safari wa ka’abatil-munqalab wa sâw’il-munzarî fil-ahli wal-mâl. Allâhumma'âbi lanal-arâda wa hawwin 'alainas-safar (O Allâh, You are the Companion on the journey, and the Caretaker for the family. O Allâh, I seek refuge in You from the difficulties of journey, and from returning in great sadness, and from someone looking with evil at our families and wealth. O Allâh, gather for us the earth, and ease for us the journey).’"
2599. It was reported from Abū Az-Zubair, that ‘Alī Al-Azdī informed him, that Ibn ‘Umar taught him; “When the Messenger of Allah would go on a journey, after sitting on the back of the camel, he would say ‘Allāhu Akbar’ (Allah is the Most Great) three times, then say: ‘Subhān-Allāhī sakhkhara lanā hādhā wāmā kunnā lahu muqrinīn, wa innā ilā rabbīnā lamunqabilūna. Allāhumma innī as’aluka fi safarīnā hādhā al-birāwa wat-taqwā, wa minal-amali mā tarzā. Allāhumma hawwīn ‘alīnā safarīnā hādhā. Allāhumma atnās-sāhibū fīs-safarī, wal-khalīfatū fil-ahli wal-māl (Glory is to Allah Who has placed this transport at our service and we ourselves would not have been capable of that, and to our Lord is our final destiny.) O Allah, indeed I ask You for righteousness and piety in this journey of ours, and we ask You for deeds which please You. O Allah, make our journey easy and let us cover its distance quickly. O Allah, You are the Companion on the journey and the Caretaker for the family and wealth.’ And when he returned he would say that, and add: ‘Aībūnā tā’ībūn ‘ābidūn līrabbīnā ĥāmidūn (We are) Returning, repenting, worshiping our Lord, praising).’ And whenever the Prophet and his armies ascended high ground they

\[\text{[1] Az-Zukhruf 43: 13,14.}\]
would say: ‘Allāhu Akbar (Allāh is the Most Great),’ and when they descended, they would say: ‘Subhān Allāh (Glory is to Allāh).’ So the Salāt has been organized according to that.[1] (Sahih)

Chapter 73. Regarding the Supplication During A Farewell

2600. It was reported from Qaza’ah, who said: “Ibn ‘Umar said to me: ‘Come, I will bid you farewell, as the Messenger of Allāh bid farewell to me: “Astawdi’ulldha dinak wa amanatak, wa khawātima a’mālik (I entrust to Allah your religion, your responsibilities, and your final deeds).’” (Sahih)

2601. It was reported from ‘Abdullāh Al-Khaṭmī who said: “When the Prophet wanted to bid farewell an army, he would say to them: ‘Astawdi’ullāha dinakum wa amānatakum, wa khawātima a’malikum (I entrust to Allah your religion, your responsibilities and your final deeds).’” (Sahih)

[1] That is, saying Allāhu Akbar while rising, and saying glorifications of Allāh during prostration. Something similar is narrated in no. 2770.
Chapter 74. Supplication At The Time Of Mounting An Animal

2602. 'Ali bin Rabi’ah said: “I witnessed ‘Ali having an animal brought to him to ride. When he placed his foot in the stirrup he said: ‘In the Name of Allah’. So then, once he had ascended upon its back, he said: ‘All praise is due to Allah,’ then he said: Glory is to Allah Who has placed this (transport) at our service and we ourselves would not have been capable of that, and to our Lord is our final destiny.[1] Then he said: ‘All praise is due to Allah (Al-Hamdulillah)’ — three times — then he said: ‘Allah is the Most Great (Allahu Akbar)’ — three times then he said: ‘Glory is to You, indeed I have wronged myself, so forgive me, indeed none forgives sins except for You. (Subhâ’ana inni qad zalamu nafs fâghfirli fa-Innahu lâ yaghfirudh-dhunuba illâ Anta).’ Then he laughed. So I said: ‘O Commander of the Believers! What made you to laugh?’ He said: ‘I saw Allah’s Messenger do as I did then laugh so I said, ‘O Messenger of Allah! What caused you to laugh?’ He said: ‘Indeed, your Lord, Most High, is pleased with His worshiper when he says: “Forgive me my sins,” (saying) “knowing that

none forgives sins other than Me.”

(Sahih)

Comments:
Islam desires to cultivate in man a culture in which he lets no moment of life go by without being mindful of his Master and Creator. It, therefore, behooves all of us in all the circumstances of life to pay our thanks and gratitude to Allah for the favours He has bestowed upon us. Likewise, it is necessary that, to the best of our ability, we try to emulate the example of the Messenger of Allah in whatever he practised or performed.

Chapter 75. What A Man Says When Dismounting At Camp

2603. It was reported from Az-Zubair bin Al-Walid, from ‘Abdullãh bin (‘Umar), who said: “Whenever the Messenger of Allah was traveling and night approached, he would say: ‘Ya Arâl! Rabbi wa Rabbukillah, a’udhu billahi min sharri wa sharri mä fiki, wa sharri mä khulida fiki, wa min sharri mä yadibbu ’alaiki. Wa a’udhu billahi min asadin wa aswada, wa minal-hayyiati walarqabi, wa min säkinil-balad, wa min wâlidin wa mäwalad (0 earth! My Lord and your Lord is Allah, I seek refuge in Allah from your evil, from the evil of what you contain, from the evil of what has been created in you, from the evil of what creeps on you, and I seek refuge in Allah from lions and large snakes, and from other snakes and scorpions, and from the evil of those who (Jinn and human)
inhabit the land, and from the evil of what gives birth and his offspring).” (Ḥasan)

Comments:
The phrase “inhabitants of this land” is said to refer to Jinns. It is also suggested that the phrase “what gives birth and his offspring” refers to Shaitān and his progeny.

Chapter 76. Regarding The Disapproval Of Traveling At The Beginning Of The Night

2604. It was reported from Abū Az-Zubair, from Jābir who said: “The Messenger of Allāh said: ‘Do let your animals (Fawāshikum) loose when the sun has just set until the darkness of the night prevails, for the devils cause mischief when the sun has just set until the darkness of the night prevails.’” (Sahih) Abū Dāwud said: Al-Fawāshī is anything which spreads out.

Chapter 77. Regarding Which Day Is Recommended For Travel

2605. It was reported from Ka‘b bin Malik, who said: “It was rare that the Messenger of Allāh would set out to travel any day other than Thursday.” (Sahih)
All the days are the days of Allāh. Still Thursday has a special significance inasmuch as it is on this day of the week that the deeds of men are presented before Allāh. (See no. 2571).

Chapter 78. Regarding Setting Out On A Journey During The Early Hours Of The Day

2606. It was reported from Šakhir Al-Ghāmīdi, from the Prophet who said: “Allāhumma! Bārik li ‘ummatī fi bukārīhā (O Allāh! Bless my Ummah in their early mornings).” And when he sent out a detachment or an army, he would do so in the beginning of the day. Šakhir was a businessman and he used to send his merchandise at the beginning of the day, and he became rich, acquiring a lot of wealth. (Hasan)

Abū Dāwūd said: He is Šakhir bin Wadā‘ah.

Chapter 79. Regarding A Man Traveling Alone

2607. It was reported from ‘Amr bin Shu‘aib, from his father, from his grandfather, who said: “The Messenger of Allāh said: ‘A single rider is a Shaitān, a pair of riders are a pair of Shaitān, and three riders are a company of riders.” (Hasan)
Chapter 80. A Group Of People Traveling Together Putting One Of Them In Charge

2608. It was reported from Abū Sa‘eed Al-Khudrī that the Messenger of Allāh ﷺ said: "When three people go out on a journey they should put one of them in charge of them." (Da‘īf)

2609. It was reported from Nāfi‘, from Abū Salamah, from Abū Hurairah, that the Messenger of Allāh ﷺ said: "When there are three people on a journey, they should put one of them in charge of them." (Da‘īf)

Nāfi‘ said: "We said to Abū Salamah: ‘So you are our commander.’"

Chapter 81. Regarding Traveling To The Territory Of The Enemy With The Mushaf

2610. It was reported from Mālik, from Nāfi‘ that ‘Abdullāh bin ‘Umar said: “The Messenger of Allāh ﷺ prohibited traveling with the Qur‘ān to the territory of the
The Book Of Jihad

Chapter 82. Regarding Calling The Idolators To Islam

2612. It was narrated from Sulaimān bin Buraidah that his father said: “When the Messenger of Allāh ﷺ dispatched a commander for an expedition or an army, he would advise them...

Chapter (...) Regarding What Is Recommended In Armies, Companies, and Expeditions

2611. It was reported from ‘Ubaidullāh bin ‘Abdullāh, from Ibn ‘Abbās, from the Prophet ﷺ, who said: “The best number of companionship is four, the best number of expedition is four hundred, and the best number of an army is four thousand. Twelve hundred will never be defeated due to being too few in number.”

Abū Dāwud said: What is correct is that it is Mursal.
personally to fear Allâh, and to be
good to those of the Muslims who
were under their command. And
he (س) said: "When you meet your
enemies among the idolators, call
them to one of three matters, and
whichever one they respond to you,
then accept it from them and
refrain from (fighting) them. Invite
them to Islam, and if they respond,
then accept it from them and
refrain from (fighting) them. Then
invite them to emigrate from their
land to the land of the Muhãjîrin
(Al-Madînah), and tell them that if
they do that, they will have the
same rights and duties as the Muhãjîrin have. If they refuse, and
chose their homes, then tell them
that they are like the Muslim
Bedouin and subject to the
judgment of Allâhs, as the believers
are subject to it, but they will have
no share of the booty (Fai') and
spoils (Ghanîmah), unless they
perform Jihåd alongside the
Muslims. If they refuse, then call
them to pay the Jizyah. If they
respond, then accept it from them
and refrain from (fighting) them. If
they refuse that, then seek the help
of Allâh and fight them. If you lay
siege to a stronghold, and the
people want to make a deal on the
basis of the ruling of Allâh, do not
make a deal on the basis of the
ruling of Allâh, for you cannot be
certain that you will be able to
work out a deal with them that is
in accordance with Allâh’s ruling.
Rather make a deal on the basis of
your own ruling, then do with them

على سبيلٍ أو جيشٍ أو وصيٍّ يُقُومُ الله في
خاضعة لله وبدين متعٍ من المسلمين حيّزاً
و قال: إذاً لقيت عدوكم من المشركين
فاذفعهم إلى إحدى ثلاث حصالٍ أو خلاض،
فأتيها أعناكم إليها فاقفوا منهم وكتب عنهم
اذفعهم إلى الإسلام، فإن أجراوا فاقفوا منهم
وكتب عنهم - ممّا اذفعهم إلى التحول من
دارهم إلى دار المهاجرين، وأغلبهم أنهم
إن فعلوا ذلك أن لهم ما للمهاجرين وأن
عليهم ما على المهاجرين، فإن أجراوا
واختاروا دارهم فأغلبهم أنهم يعودون
كأعراب المسلمين يجزى عليهم حكم الله
الذي يجري على المؤمنين ولا يكون لههم
في الفئى والغصنة قضى إلا أن يجابهوا
مع المسلمين فإنهم أذفعهم إلى
إعطاء الجرحية فإن أجراوا فاقفوا منهم وكتب
عليهم، فإن أجراوا فاستعين بالله وقاتلهم.
و إذا
حاصروا أهل خيبر فأرادوا أن نزلوا عليهم
حكم الله فلا تتركون فإكمكم لا تذروون ما
يحكم الله فيهم، ولكن أتركون على
حكمكم ثم اختصوا فيهم بعد ما يسيطرون فان
سمعٍ بن عبيدة: قال علقمة: فذكرت هذا
الحديث لمقلأ بن حيان وقال: خذتني
مظلمة.
قال أبو داود: هو ابن هبحم بن النعمان
ابن مقرن بن النبي مسلم بن خليج بن سليمان
ابن بريدة.
after that as you will.”

Sufyān būn Uyainah said:
“Alqamah said: ‘I mentioned this Ḥadīth to Muqatil bin Ḥayyān, so he said: “Muslim narrated it to me.” (Ṣaḥīḥ)

Abū Dāwūd said: He is Ibn Haisam, from An-Nu‘mān būn Muqrin, from the Prophet ﷺ, similar to the narration of Sulaimān būn Buraidah.[1]

Comments:

The rulings and decisions made by the Commanders of the Islamic army (or the jurists and scholars) are always fraught with the possibility of either being right or wrong. As such any notion or claim about the infallibility of a particular judgment or the claim of it being the unquestionable command of Allah will be absolutely misplaced and wrong.

2613. (Another chain) from Sulaimān būn Buraidah, from his father, that the Prophet ﷺ said: “Fight in the Name of Allah, in the cause of Allah. Fight those who disbelieve in Allah. Fight, but do not steal from the spoils of war, and do not break your promises, and do not mutilate (the dead enemy) and do not kill children.” (Ṣaḥīḥ)

2614. It was reported from Khālid būn Al-Fīzr (who said): “Anas būn Mālik narrated to me that the Messenger of Allah ﷺ said:
'Proceed in Allâh’s Name, relying upon Allâh, and upon the religion of the Messenger of Allâh. Do not kill a frail old man, nor an infant, nor a young child, nor a woman. Do not steal from the spoils of war, but gather your spoils, and set right and do well, for Allâh loves those who do well."  

Comments:  
As a rule it is not allowed to kill people who are old and decrepit. Exempt, however, from this rule are those old men that are found involved in devising war plans and programs and those women that are found engaged in spying activities.

Chapter 83. Regarding Burning In Enemy Territories

2615. It was reported from Näfi', from Ibn 'Umar, who said: "The Messenger of Allâh ﷺ burnt and cut down the date-palm trees of Banû An-Nadîr which were at Al-Buwairah. So Allâh, the Mighty and Majestic, revealed: "What you (O Muslims) cut down of the palm-trees (of the enemy)..."[1] (Ṣâhih)

2616. It was reported from 'Urwah, who said: "Usâmah told me that the Messenger of Allâh ﷺ enjoined upon him to attack Ubnâ in the morning and to burn."  

Chapter 84. Regarding Sending Spies

2618. It was reported from Anas, who said: "The Prophet sent Busaisah to spy on the caravans of Abu Su'fyan." (Sahih)

Chapter 85. Regarding A Wayfarer Eating Dates And Drinking Milk He Passes By

2619. It was reported from Al-Hasan, from Samurah bin Jundab that the Prophet of Allah said: "If one of you comes by a grazing animal, and the owner happens to be there, you should seek his permission, and if he permits then you can milk it and drink it. If he is not there, then you should call him three times, and if he answers then..."
you should take his permission, and if he does not, then you may milk it and drink from it, and you should not carry any of it.” (Da'if)

نتخريج: [إسناده ضعيف] أخرجه الترمذي، البصري، باب ما جاء في احتلال الموawi بن أبي سعيد بن بشير، ضعيف وسعيد بن أبي عروبة: مدنية وقادة: عن عثمان بن صهيد إلى الله وللحديث.

2620. It was reported from Abū Bishr, from ‘Abbâd bin Shurâhbil, who said: “I suffered from hunger during a drought, so I went to one of the farms in Al-Madinah, I rubbed an ear (of grain) and ate from it, and carried some in my garment. The owner of the farm came and hit me and took my garment. I came to the Messenger of Allah سلسلة من حديث عبد العزيز بن عبد الله بن معاذ العميري، حديثنا أبي: kepada سمعة عن أبي سفيان، عن عبد بن شراحيل قال: أصابني سنة، فدخلت حانات بن حيطان المدينة، فقرت أكلت وأكلت في نفتي، فجعل صاحب فضري وأخذ نفتي، فأنيب رسول الله علمنا أنه: ما علمنا إذ كان جاهلًا، ولا أطمعت إذ كان جاهزًا، أو قال: شعبي، وأمرو قرر علي نفتي وأعطاوني وصفي أو نفطي وصفي من طعامي.

(Ṣahih)


Comments:
A person hard-pressed with hunger or thirst is allowed to eat or drink from a farm or garden without the permission of the owner, but not allowed to carry anything outside with him. This text also indicates the importance of educating people to what is correct, and that it is a duty to do so.

2621. (Another chain) from Abū Bishr, who said: “I heard ‘Abbâd bin Shurâhbil, a man among us, from Banu Gubār.” And he narrated its meaning (Similar to
Chapter (...)

Whoever Said That He May Eat From What Has Fallen

2622. It was reported from Râfî’ bin ‘Amr Al-Ghifârî, who said: “I was a young boy. I used to throw stones at the date-palm trees of the Anṣâr. I was brought to the Prophet ﷺ, who said: ‘O boy! Why do you throw stones at the date palm-trees?’ I said: ‘So I can eat.’ He said: ‘Do not throw stones at the date-palm trees, but eat from what has fallen beneath them.’ Then he wiped his head and said: ‘O Allâh! Fill his belly.’” (Da’îf)

Chapter 86. Regarding Whoever Said That He May Not Milk (An Animal Without Permission)

2623. It was reported from Ibn ‘Umar that the Messenger of Allâh ﷺ said: “No one should milk a milch animal without permission. Would one of you like to have their food storage approached, broken into and the food taken away? Likewise, the udders of their animals store food for them, so no one is allowed to milk anyone’s cattle without permission.” (Sâhîh)
Chapter 87. Regarding Obedience

2624. It was reported from Ibn Jurajj, that (the Verse): “O you who believe! Obey Allāh and obey the Messenger, and those of you (Muslims) who are in authority”\(^1\) was revealed about ‘Abdullāh bin Qais bin ‘Adī, who was sent by the Prophet ﷺ on a military expedition. (He said): “Ya’lā informed me of it, from Sa’eed bin Jubair from Ibn ‘Abbās.” (Sahih)

2625. It was reported from ‘Alî, who said: “The Messenger of Allāh ﷺ sent an army and appointed a man as commander over them. He ordered them to listen to him and obey him. The man ignited a fire and ordered them to jump into it. Some of them refused to enter it, and said: ‘We escaped from the fire.’ Some of them wanted to enter it. When the Prophet ﷺ was told about it he said: ‘If they had entered it — or entered into it’ — ‘they would never have come out of it.’ And he said: ‘There is no obedience in disobedience to Allāh, obedience is only in Ma’rūf (good).’” (Sahih)

\(^1\) An-Nisā’ 4:59.
2626. It was reported from Nafi‘ from ‘Abdullãh, from the Messenger of Allah, that he said: “Hearing and obeying is obligatory upon the Muslim man, in what he likes and dislikes, as long as he is not ordered disobedience (to Allãh). And if he is ordered to disobey Allãh then he is not to hear nor obey.” (Sahih)

2627. It was reported from Bishr Ibn ‘Asim, from ‘Uqbah bin Malik— who was from his tribe—who said: “The Prophet sent a military expedition, so I gave a man among them a sword. When he returned, he said: ‘If you had seen the way the Messenger of Allãh scolded us, saying: ‘When I sent out a man who could not fulfill my command, were you unable to put in his place somebody who could fulfill my command?’” (Hasan)

Chapter 88. What Has Been Ordered Regarding Keeping the Army Close Together (When Camping)

2628. It was reported from Abû
Tha'labah Al-Khushanî, who said: "When the people dismounted to camp" — 'Amr (one of the narrators) said: "When the Messenger of Allâh dismounted to camp, the people" — "used to break up in mountain paths and valleys. So the Messenger of Allâh said: 'Your scattering in these mountain passes and valleys is only from Shaitân.' So after that, they would not halt to camp, except that they were so close together that it would be said: 'If a piece of cloth was spread over them, it would cover them all.' (Sahîh)

Comments:

Travelers' and fighters' action of keeping close together (especially during an expedition) has many apparent and hidden (moral and spiritual) advantages but only as long as they do not cause inconvenience to one another, as will be evident from the following Hadîth.

2629. It was reported from Sahl bin Mu'âdh bin Anas Al-Juhani, from his father, who said: "I fought in such and such battle with Allâh's Prophet. The camp was over crowded and the people started to block the road. The Prophet sent a caller to announce among the people: 'Whoever crowds the camp or blocks the road, then there is no Jihâd for him.'" (Hasan)
2630. (Another chain) from Sahl bin Mu‘adh, from his father: “We went to battle along with Allah’s Prophet ﷺ.” and he narrated it in meaning (Similar to no. 2629). *(Hasan)*

**Comments:**

In all matters of life, the rule is that one must obey the commands of Allah and His Messenger ﷺ, and this includes behaving with one’s Muslim brothers, associates and companions in the best manner possible.

**Chapter 89. Regarding The Disapproval Of Desiring To Encounter The Enemy**

2631. It was reported from Sālim bin Abī An-Nadr, the freed slave of ‘Umar bin ‘Ubaiddullāh meaning, Ibn Ma‘mar — and he was his scribe — he said: ‘‘Abdullāh bin Abī Awfā wrote to him (‘Umar bin ‘Ubaiddullāh) when he went out to Al-Harūriyyah: ‘The Messenger of Allah ﷺ said once when he faced the enemies: ‘O people! Do not desire to encounter the enemy, and ask Allah for ‘Āfiyah. And when you encounter them, then be patient, and know that Paradise is under the shade of the swords.’ Then he said: ‘Allāhumma! Munzilal-Kitābī wujūr al-aḥzābī wa hāzimal-aḥzābī ithlimhum wansūnā ‘alaihim (O Allah! Revealer of the Book, mover of the rain clouds, vanquisher of the confederates,
defeat them, and aid us over them).” (Ṣaḥīḥ)

Comments:
The Harūriyah refers to the Khawārij or a group of them. They were so named because, while returning from the battle of Siffin, they parted company with ‘Ali, may Allah be pleased with him, and assembled at a place known as Ḥarūra‘ outside Al-Kūfah, which became their first center.

Chapter 90. What Supplication Is Made When Encountering The Enemy

2632. It was reported from Al-Muthanna bin Sa‘eeed, from Qatādah, from Anas bin Mālik, who said: “When the Messenger of Allah went to fight, he would say: ‘Allāhumma! Anta ‘adudi wa nasiri bika ahūlu wa bika asūlu wa bika uqātil (0 Allah! You are my aid and my support, by You I defend, by You I attack, and by You I fight).’” (Da‘īf)

Chapter 91. Calling The Idolators (To Accept Islam)

2633. Ibn ‘Awn said: “I wrote to Nāfi‘ asking him about calling the idolators (to accept Islam) before battle. He replied to me: ‘It was in the early days of Islam, and Allāh’s Prophet initiated a surprise attack on Banū Al-Muṣṭalaq, taking them completely by surprise,
and they were taking their cattle to the water to drink. He killed the fighters, and took captives. On that day, Juwairiyah bint Al-Ḫārith was captured. ‘Abdullah narrated that to me, and he was part of that army.’" (Ṣaḥīḥ)

Abū Dāwūd said: This is an outstanding Ḥadīth. Ibn ‘Awn narrated it from Nāfī‘, and no one shared with him in (narrating) it.

2634. It was reported from Anas, who said: “The Prophet used to attack at the time of the Ẓūb (Fajr) prayer. He used to listen; if he heard the ʿAdhān, he would not attack, otherwise he would attack.” (Ṣaḥīḥ)

Comments:
The sound of the ʿAdhān heard in a locality indicated that its inhabitants were Muslims.

2635. It was reported from Ibn Iṣām Al-Muzani, from his father, who said: “The Messenger of Allāh sent us on a military expedition, and said: ‘If you see a Masjid, or hear a Muʿadh-dhīn do not kill anybody.” (Daʿīf)
Chapter 92. Deception During War

2636. It was reported from Jābir that the Messenger of Allāh ﷺ said: “War is deception.” (Sahīh)

2637. It was reported from Ma’mar, from Az-Zuhri, from ‘Abdur-Rahmān bin Ka‘b bin Mālik, from his father that whenever the Prophet ﷺ wanted to go on a military expedition, he made it appear as if he was headed somewhere else, and he used to say: ‘War is deception.” (Sahīh)

Abū Dāwūd said: No one came with this (narration) except for Ma’mar, meaning his saying: “War is deception” with this chain of narrators. It was only related from the Hadīth of ‘Amr bin Dīnār, from Jābir, and from the Hadīth of Ma’mar, from Hammām bin Munabbih, from Abū Hurairah.

Chapter 93. Attacking The Enemy During The Night

2638. It was reported from Iyās bin Salamah, from his father, who said: “The Messenger of Allāh ﷺ appointed Abū Bakr as commander over us to fight a battle against
some people among the idolators. So we attacked at night, killing them, and our code word that night was: ‘Amit, amit’ (put to death, put to death). Salamah said: “That night, I killed seven idolators in their homes with my own hand.”

Comments:
If the exigencies of war demand, there is nothing wrong in carrying out a night attack. A night attack is not construed as an act of deception or of cowardice.

Chapter 94. Staying In The Rear Guard

2639. It was reported from Abû Az-Zubair, from Jâbir bin ‘Abdullâh, who said: “The Messenger of Allâh \( \text{سُـبْحَـانَـهُ} \) used to be at the rear while traveling, to urge the weak ones, to let someone ride on his mount behind him, and to supplicate for them.” (Saḥîḥ)

Chapter 95. What The Idolators Are To Be Fought For

2640. It was reported from Abû Hurairah, who said: “The Messenger of Allâh \( \text{سُـبْحَـانَـهُ} \) said: ‘I have been ordered to fight the people until they say; “Lâ ilâha illallâh (None has the right to be worshiped but Allâh).’” When they say that, their blood and wealth will be safe from me — except by its right — and thier reckoning is

footnote:[1] Something similar preceded, see no. 2596.
The Book Of Jihād

2641. It was reported from Anas who said: “The Messenger of Allāh ﷺ said: ‘I have been ordered to fight the people until they bear witness to; Lā ilāha illallāh (None has the right to be worshiped but Allāh) and Annā Muhammadan ‘abdhu wa rasūluh (that Muhammad is His slave and His Messenger), and that they face our Qiblah, to eat from what we slaughter, and perform our Salāt. When they do this their blood and wealth become unlawful upon us, except for its right. For them is what is for the rest of the Muslims, and (required) upon them is what is upon the rest of the Muslims have.”” (Ṣahih)

2642. (Another chain) from Anas bin Mālik who said: “The Messenger of Allāh ﷺ said: ‘I have been ordered to fight the idolators’’’ with its meaning (Similar to no. 2641). (Ṣahih)

2643. It was reported from Usāmah bin Zaid who said: “The Messenger of Allāh ﷺ sent us on
an expedition to Al-Huraqat. They warned each other of us and fled. We reached a man from them and when we attacked him, he said: ‘Lā ilāha illallāh (None has the right to be worshiped but Allah),’ but we struck him until we killed him. I told this to the Prophet ﷺ. He said: ‘Who will save you from Lā ilāha illallāh on the Day of Judgment?’ I said: ‘O Messenger of Allah! He only uttered it out of fear of the weapon.’ He said: ‘Did you split open his heart so you know whether he said it for that or not? Who will save you from: Lā ilāha illallāh, on the Day of Judgment?’ He kept on repeating it until I wished I had not accepted Islam before that day.” (Ṣahīḥ)

٢٦٤٤. It was reported from ‘Ubaidullah bin ‘Adī bin Al-Khiyār, from Al-Miqdād bin Al-Aswad, who informed him that he said: “O Messenger of Allah! Tell me, if I meet a disbeliever and he fights me and strikes one of my hands with the sword, and then takes refuge by a tree, and says: ‘I submit to Allah.’ Can I kill him O Messenger of Allah after what he said?” The Messenger of Allah ﷺ said: “Do not kill him.” I said: “O Messenger of Allah! But he cut off my hand!” The Messenger of Allah ﷺ said: “Do not kill him. If you kill him, he will be in your position before you...
killed him, and you will be in his position before the words which he uttered.” (Sahih)

Comments:
These texts inform of the gravity of killing someone who has professed Islam in such circumstances.

Chapter (...) The Prohibition Of Fighting A Person Who Seeks Protection By Prostrating

2645. It was reported from Ismā'il, from Qais, from Jarīr bin 'Abdullāh, that he said: “The Messenger of Allāh ﷺ sent an expedition to Kath'am, where some people sought protection by prostrating. They were killed quickly.” He said: “The Prophet ﷺ was told about the incident, and he ordered that half of the blood money to be paid for them, and he said: 'I am not responsible for any Muslim who lives among idolators.' They said: 'O Messenger of Allāh! Why?' He said: ‘They should not see each other's fires.’” (Da'if)

Abū Dāwud said: It was reported by Hushaim, Ma'mar, Khažîl Al-Wâsîtî and a group of narrators, but they did not mention Jarīr.

Comments: [İstehâdeh Payzûf] Aırırîhe, al-Rumî, the sāhib, related the following: In the mosque, two men were arguing, and one of them said: ‘If we can only put a nail through his temple, we will not be responsible for any Muslim who lives among idolators.’ The Prophet ﷺ said: ‘They should not see each other’s fires.’
Chapter 96. Fleeing On The Day Of The March

2646. It was reported from ‘Ikrimah, from Ibn ‘Abbâs who said: “When the following Verse was revealed: ‘If there are twenty steadfast persons amongst you, they will overcome two hundred,..., it became very difficult on the Muslims since Allâh decreed upon them, that one should not flee from ten. Then a lighter decree was revealed, He said: Now Allâh has lightened your (task). — (The narrator) Abû Tawbah recited it up to; ‘They shall overcome two hundred,[1] — when Allâh lightened upon them the numbers, patience also decreased according to the number lightened from them.” (Sahîh)

Comments:

This indicates that according to these figures it is required to resist with persistence or allowed to retreat.

2647. It was reported from ‘Abdur-Rahmân bin Abî Lailâ who narrated that ‘Abdullâh bin ‘Umar narrated to him that he was in an expedition with the Messenger of Allâh سُنّ، and the people turned to flee, and I was among those who fled. After we were safe, we said: “What should we do, for we fled the battlefield and we deserve Allâh’s anger!” We said: “Let us

enter Al-Madinah and stay there, and then go while no one sees us.” Then we entered and said to ourselves: “If we present ourselves to the Messenger of Allah ﷺ, and if there is a possibility of repentance for us, we will stay (in Al-Madinah), and if it is something else we will go away.” We sat down waiting for the Messenger of Allah ﷺ before the Fajr prayer. When he came out, we stood up and said to him: “We are those that fled.” He turned to us, and said, “Rather you are Al-‘Akkārūn (those who are regrouping) and I am your reinforcement.” (Da‘f)


2648. It was reported from Abū Nadrah, from Abū Sa‘eed, who said: “The following was revealed on the Day of Badr: ‘...And whoever turns his back to them on such a day....’”1 (Ṣaḥīh)

٢٦٤٨ - حَدَّثَنَا مُحَمَّدٌ بْنُ هِشَامِ الْبَصَرِيُّ: حَدَّثَنَا يَسْرَارُ بْنُ الْمُفْضَّلِ: حَدَّثَنَا دَاوُدُ عَنْ أَبِي نَضْرَةٍ، عَنْ أَبِي سُعْيَدٍ قَالَ: "تَزَلُّتْ فِي بُيُومٍ بَدْرٍ، وَمَنْ يَزَلُّ فَلْيَضْعِفْ لَهُمْ "[الأنفال:١٦].

بسم الله الرحمن الرحيم أَحَبَّنَا الْإِمَامُ الحَافِضُ أَبَو بُكْرٍ أَحْمَدُ بْنُ عَلِيٍّ بْنُ تَأِب أَحْمَدُ بْنُ عُمَرَ بْنِ عَبْدِ الِإِعْلَامِ النَّافِضِيُّ قَالَ: أَحْكَمْنَا أَبَو عَلِيَّ مُحَمَّدٌ بْنُ أَحْمَدٍ بْنُ عُمَرَ الْنَّافِضِيُّ قَالَ: حَدَّثَنَا أَبُو دَاوُدُ سَلِيمَانُ بْنُ الأَشْعَثِ السَّجَشَشُقِيُّ فِي الْمُحَرَّمِ.

[1] Al-Anfāl 8:16. What follows here is a chain of narration from Al-Baghdādī for the next section. Through this chain, Al-Lu’lu’i informs that he heard the following from the author in Muharram of the year 275 H.
Chapter 97. Regarding A Captive Being Compelled Into Disbelief

2649. It was reported from Khabbab who said: “We came to the Messenger of Allah (ﷺ) while he was reclining on a *burdah* (an outer garment) in the shade of Ka'bah. We complained to him saying: ‘Will you not seek help for us, will you not supplicate to Allah for us?’ He sat up straight, his face turned red, and he said: ‘Among those who were before you, a man would be taken, and a pit would be dug for him in the earth, and then a saw would be brought, and he would be sawed into two halves from his head, yet that would not make him change his religion, and his flesh would be torn from his bones with an iron comb, yet that would not make him change his religion. By Allah! Allah will complete this matter, until a rider will (travel) from *San‘ā‘* to Hadramawt, fearing no one but Allah, and the wolf, regarding his sheep, but you surely are a hasty people.’” (*Sahih*)
Chapter 98. Regarding The Judgment For The Spy When He Is A Muslim

2650. It was narrated from ‘Ubaidullāh bin Abī Rāfi‘, who was a scribe for ‘Ali bin Abī Ṭālib, who said: “I heard ‘Ali saying: ‘The Messenger of Allāh ﷺ sent myself, Az-Zubair, and Al-Miqdād, and he said: “Proceed until you come to the garden of Khākh where you will find a woman with a letter, take it from her.” We proceeded racing each other on our horses until we came to the garden, where we found the woman. We said: “Give us the letter.” She said: “I don’t have any letters.” I said: “Either you take out the letter, or we will strip you off your clothes (to search for the letter).”” He said: ‘She took it out from a braid in her hair. We brought it to the Prophet ﷺ. It was addressed from Ḥāṭib bin Abī Balṭa‘ah to some people from the idolaters, informing them about some of the affairs of the Messenger of Allāh ﷺ. He asked: “What is this O Ḥāṭib?” He replied: “O Messenger of Allāh! Do not be hasty with me, I am a man who was attached to the Quraish, while I am not one of them. Whereas those of the Quraish (emigrants living in Al-Madīnah), they have a relationship with them through which they get protection for their families in Makkah. As I did not have that
protection, I wanted to give them some support, so they may protect my relatives. By Allâh! O Messenger of Allâh! I am not guilty of disbelief nor of apostasy.’ The Messenger of Allâh ﷺ said: ‘He told you the truth.’ ‘Umar said: ‘Give me permission to strike the neck of this hypocrite.’ The Messenger of Allâh ﷺ said: ‘He attended (the battle of) Badr, and what do you know; perhaps Allâh has looked upon those who were present at Badr and said: ‘Do whatever you wish, for I have forgiven you.’’ (Sahîh)

Comments:

Al-Khattâbî said: ‘From the Fiqh of this Hadîth, is that the judgment regarding a person who has some kind of interpretation when permitting a forbidding matter, is different than the judgment upon one who intentionally makes it lawful, without some kind of interpretation. And it also indicates that when one is involved in something from the forbidden matters, and he claims it is due to a matter that is implied by some kind of interpretation, then it is to be understood in accordance with what he said, even if the dominant suspicion is contrary to that. Do you not see that when the affair was such that it implied, and was possible, that the reality was as Háṭîb said, and it was also possible that the reality was as ‘Umar said, may Allah be pleased with him; Allâh’s Messenger ﷺ employed Husnâz-zann (gave him the benefit of doubt) in his case, and he accepted what he claimed in his saying. And in it, is the evidence, that when the spy is a Muslim, he is not to be killed. And they (scholars) differ over what punishment is to be applied to him. So the people of opinion (Aṣḥâb Ar-Ra’î) said; in the case of a Muslim, when he has written to the enemy and instructed them about the secret affairs of the Muslims, he is to be inflicted with a (physical) punishment and imprisoned for a long period. Al-Awzâ’î said, if he is a Muslim, then the Imam is to punish him with a punishment that makes an example of him, and banish him to a remote area while bound, and if he is a Dhîmmî (a non-Muslim with a covenant) then his covenant is revoked. Mâlik said: ‘I have not heard anything about it, and I think it is up to the independent judgment of the Imam.’ Ash-Shâfi‘î said: ‘When this occurs with a man of high rank, out of ignorance, as happened with Háṭîb, out of ignorance; and he was not considered to be lying, then I
like that he be left alone. And if he is not a person of high rank, then it is for the Imam to apply Ta'zir (punishment) on him.' Also among the Fiqh of the Hadith, is the allowance of looking at what is exposed of women in establishing a punishment, or establishing testimony affirming a right, and what resembles that of matters. And in it, is evidence that whoever alleges Kufr or Nifaq about a Muslim via some interpretation, and he is among the people of Ijtihad, then punishment is not warranted for him. Do you not see that ‘Umar, may Allâh be pleased with him, said: ‘Give me permission to strike the neck of this hypocrite’ while he was a believer, for whom Allâh’s Messenger attested to what he claimed about that, then, he was not harsh with ‘Umar for what he had said. And that was because, ‘Umar was not acting out of hostility in this saying, which was based on the apparent judgment of the religion; since the hypocrite is the one who manifests aid to the religion in the open, and internally aids the disbelievers, and in this incident, what Hätíb did, resembled what the hypocrites do. Except that Allâh’s Messenger informed that Allâh, Most High, had pardoned him for what he did in that incident, and so he (also) pardoned him, so the application of hypocrisy ceased being applicable in his case. And Allâh knows best.”

2651. It was reported from Abû ‘Abdur-Rahmân As-Sulamî, from ‘Ali with this story. He said: “Hätíb left and wrote to the people of Makkah. ‘Muḥammad (ﷺ) is going to proceed towards you.’” And he said in it: “She said: ‘I do not have a letter.’ We made her camel kneel down to search her, but we did not find any letter with her.” ‘Ali said: “By Him in whose Name the oath is taken! I will kill you, or you take out the letter.” And he narrated the rest of the Hadith (Similar to no. 2650). (Sahih)

Chapter 99. Regarding A Spy That Is A Dhimmi

2652. It was reported from Furât bin Hayyân that the Messenger of
Allāh ordered that he (i.e., a spy who is not a Muslim but is Dhīnmī, having a covenant with Muslims) be killed. He was a spy for Abū Sufyān and an ally of a man from the Ansār. He passed by a circle of the Ansār and said: "I am a Muslim." A man from the Ansār said: "O Messenger of Allāh! He claims that he is a Muslim." The Messenger of Allāh said: "Among you are people in whose faith we trust, among them are Furāt bin Hayyān." (Da'f)

Comments:
Furāt bin Hayyān had been a spy prior to accepting Islam. He also emigrated to Al-Madinah and continued to take part in Jihād with the Prophet until his (Prophet's) death. He later settled down at Al-Kūfah.

Chapter 100. Regarding A Spy Who Is Under Protection (In A Muslim Territory)

2653. It was reported from Salamah bin Al-Akwa', who said: "A spy from the idolaters came to the Prophet while he was in a journey. He sat near his Companions and then slipped away. The Prophet said: 'Find him and kill him.'" He said: "I raced ahead of them and killed him. I took his belongings back, which the Prophet gave me." (Sahih)
2654. It was reported from Iyās bin Salamah (who said): “My father narrated to me, he said: “I fought in the battle against Hawāzin with the Messenger of Allāh ﷺ, and while we were having a meal in the morning — as most of us were on foot and some of us were weak — a man came on a red camel. He took out a leather strap from the loin of the camel, and tied his camel with it, then came to eat with the people. When he saw their weakness, and lack of mounts, he went hastily to his camel, untied it, made it kneel down, and sat on it, he then left, galloping quickly. A man from Aslam followed him on a brown she-camel which was among the best mounts they had. I went out galloping till I caught up with him. The head of the she-camel was at the hip of the camel, and I was at the hip of the she-camel, then I proceeded further, until I was at the hip of the camel, then I proceeded further, until I was able to take the reign of the camel and make it kneel down. As soon as it put its knee down on the earth, I drew my sword and hit the man on his head and he fell down. I then came back, leading the camel with the equipment on top. The Messenger of Allāh ﷺ met me with the people. He said: ‘Who killed the man?’ They said: ‘Salamah bin Al-Akwa’. Then he said: ‘He gets all his spoils.’”

Hārūn (one of the narrators) said:
“This is Hāshim’s version.” (Sāḥīḥ)

Chapter 101. Regarding What Time Is Recommended For The Encounter

2655. It was reported from An-Nu’mān, meaning Ibn Muqarrin, who said: “I observed the Messenger of Allâh ﷺ. If he did not fight at the beginning of the day; he would delay the fighting until the sun passes the zenith, the wind blows and the aid descends.” (Sāḥīḥ)

Comments:

The time of the decline of the sun from its zenith is the time of the descent of help from Allâh. This is why performing Salāt Az-Zuhr in its early time is preferred.

Chapter 102. Regarding The Order To Keep Silent At The Time Of The Encounter

2656. It was reported from Al-Hasan, from Qais bin ’Ubād who said: “The Companions of the Prophet ﷺ used to dislike raised voices when fighting.” (Da‘īf)
2657. It was reported from Abū Burdah, from his father, from the Prophet ﷺ; similar that. (Da’īf)

Chapter 103. Regarding A Man Walking During The Encounter

2658. Al-Barā’ said: “When the Prophet ﷺ encountered the idolators on the Day of Hunain, and they (Muslims) retreated, he dismounted his mule, and walked on foot.” (Sahih)

Chapter 104. Regarding Pride During Battle

2659. It was reported from Jābir bin ‘Atīq that Allāh’s Prophet ﷺ said: “From Al-Ghairah is what Allāh loves, and from it what Allāh hates. As for that which Allāh, the Mighty and Sublime, loves, it is Ghairah in matters of doubt; and as for that which Allāh hates, it is Ghairah in matters in which there is no doubt. And indeed from pride there is some which Allāh hates, and some which Allāh loves. As for the pride which Allāh loves, it is the pride of man during the time of battle, and his pride at the time of
giving charity; and as for the one which Alläh, the Mighty and Sublime hates, it is the pride shown through oppression.” (One of the narrators) Mûsâ said: “and by boasting.” (Hasan)

Comments:

Al-Ghairah is a sense of honor and jealousy regarding one's women-folk. Al-Ghairah in matters of doubt would be like when a man sees a person of no close blood relation with his wife or daughter, etc. An example of when there is no doubt would be when someone wants to marry his sister or widowed (or divorced) mother in a legal way, then he should not be over protective of her if the one who proposed has good conduct and is religious.

Chapter 105. Regarding A Man Being Taken Captive

2660. It was reported from Abû Hurairah, who said: “The Prophet ﷺ sent out ten spies and appointed ‘Ašîm bin Thâbit as their commander. About one hundred archers from the tribe of Hudhail came out to attack them. When ‘Ašîm became aware of them, they took refuge on a hillock. They said: ‘Come down and surrender yourselves and we give our promise and covenant not to kill anyone of you.’ ‘Ašîm said: ‘As for me, I will not descend into the protection of a disbeliever.’ Then they shot at them with their arrows and killed a group of seven, including ‘Ašîm. Three of them came down accepting their promise and covenant. They were Khûbaib, Zaid bin Ad-Dâthînah, and
another man. As soon as they got hold of them, they took off the strings on their bows, using them to tie them up. The third man said: ‘This is their first act of treachery, by Allāh! I am not going to accompany you people. In them (my companions who died) I take my example.’ They dragged him, but he refused to go with them, so they killed him. Khubaib stayed as their captive, until they finally agreed to kill him. He asked for a razor to shave his pubes. When they took him outside to kill him, he said to them: ‘Let me pray two Rak‘ah.’ Then he said: ‘By Allāh! If it was not that you people might think that I was afraid I would have increased (the length of prayer).”’

(Sahih)

Comments:
Khubaib, may Allāh be pleased with him, had killed Hārith bin ‘Amir during the Battle of Badr. The children of Hārith then decided to quench their thirst for revenge, and so they killed Khubaib. It is one thing to kill an adversary on the battlefield and quite another to kill someone in revenge during peace time, which amounts to pure treachery.
Chapter 106. Regarding Lying In Ambush

2662. Al-Bara' said: “The Messenger of Allah made 'Abdullah bin Jubair commander over the archers on the day of the battle of Uhud, and they were fifty men. He said: ‘Even if you see birds snatching us, do not leave your positions until I send for you, and if you see that we have defeated them and made them flee, do not leave your positions until I send for you.’” He (Al-Bara’) said: “Allah then routed them. By Allah, I saw the women hastening to climb the mountain. The companions of 'Abdullah bin Jubair said: ‘The spoils, O people! The spoils! Your companions have been victorious, so what are you waiting for?’ 'Abdullah bin Jubair said: ‘Have you forgotten what the Messenger of Allah ordered you?’ But they said: ‘By Allah, we are going down to the people to take the spoils.’ So they came down, and their faces were turned away (from the enemies) and they were defeated.” (Sahih)

Comments:

To lay in ambush for purposes of attack or defense in a battle is a legitimate and lawful activity, and it is considered an important tactic in war.

Chapter 107. Regarding Rows

2663. It was reported from
Hamzah bin Abi Usaid, from his father who said: “The Messenger of Allâh said to us, when we made our rows for the battle of Badr: ‘When they come near you, then shoot them with arrows, but do not use up all of your arrows.’”

(Sahih)

Chapter 108. Regarding Drawing Swords During The Encounter

2664. It was reported from Mâlik bin Ḥamzah bin Abî Usaid As-Sâ‘îdî, from his father, from his grandfather: “The Prophet said, on the Day of Badr: ‘When they come near you, then shoot them with arrows, and do not draw your swords until they are upon you.’”

(Da`īf)

Chapter 109. Regarding Duals

2665. ‘Ali said: “‘Utbah bin Rabî‘ah came forward, followed by his son and his brother, and called out: ‘Who will engage in a dual?’ Some of the youths of the Ansâr (Helpers) replied to him. But he said: ‘Who are you?’ They replied to him. Then he said: ‘We do not want you, but we only want our cousins.’ The Prophet said: ‘Get up O Ḥamzah! Get up O ‘Ali! Get up O ‘Ubaidah bin Al-Ḥârîth!’

(The Book Of Jihad 293)
Hamzah went forward to ‘Utbah, and I went forward to Shaibah, and ‘Ubaidah and Al-Walid exchanged two blows, injuring one another severely. Then we turned towards Al-Walid and killed him, and we carried ‘Ubaidah away.” (Da’if)

Comments:
It is lawful to cry out or challenge adversaries for a dual during battle. This instills fear in the mind of the enemy.

Chapter 110. Regarding The Prohibition Of Mutilation

2666. It was reported from ‘Alqamah, from ‘Abdullãh, who said: “The Messenger of Allah ﷺ said: ‘Those with most mercy at the time of killing are the people of Faith.’” (Da’if)

2667. Al-Hayyaj bin ‘Imrãn reported that a slave of ‘Imrãn ran away. He vowed, by Allah, that if he catches him, he will cut off his hand. Then he sent me to ask about that. I came to Samurah bin Jundab and asked him. He said: “The Messenger of Allah ﷺ used to urge us to give charity and prohibit us from mutilation.” So I came to ‘Imrãn bin Ḥuşain and...
asked him. He said: “The Messenger of Allāh used to urge us to give charity and prohibit us from mutilation.” (Daʿīf)

Comments:
Mutilating the body of the enemy after death, or mutilating the face while he lives, are both prohibited in Islam. Exceptions are in cases of Qisās (legal punishment of requital).

Chapter 11. Regarding Killing Women

2668. It was reported from Nāfī‘, from ‘Abdullāh who said: “A woman was found slain in one of the battles of the Messenger of Allāh. So the Messenger of Allāh censured the killing of women and children.” (Sahih)

2669. It was reported from Rabāḥ bin Rabī‘, who said: “We were with the Messenger of Allāh in a battle. He saw some people gathered around something, so he sent a man, and said: ‘Go and see what they have gathered for.’ He came back and said: ‘It was a woman who has been killed.’ So he said: ‘She would not have been fighting.’ Khālid bin Al-Walid was in the advanced guard, so he sent a man saying: ‘Tell Khālid: “Do not kill a woman or a hired hand.”’ (Sahih)
2670. It was reported from Al-Hasan, from Samurah bin Jundab who said: "The Messenger of Allah said: ‘Kill the old polytheist men, but spare their children.’" (Da‘if)

2671. ‘Aishah said: No woman from Banū Quraizah was killed except one. She was talking with me laughing so hard, rolling on her back and belly, while the Messenger of Allah was killing the men of her tribe at the market. Suddenly a man called her name: ‘Where is so-and-so?’ She said: ‘Here I am.’ I said: ‘What did you do?’ She said: ‘Something unprecedented.’ She was taken away and killed. I cannot forget her — surprised by her behavior — she was talking with me, and laughing so much; rolling around on her back and belly, while she knew she will be killed.” [1] (Hasan)

Comments: If a woman plays no part in fighting, then it is prohibited to kill her. The same rule holds good in the case of servants and elderly people.

[1] This appears again, see no. 5268.
Comments:

It is said that the woman had verbally abused and insulted the Messenger of Allah ﷺ.

2672. It was reported from Az-Zuhri, from ‘Ubaidullah, meaning Ibn ‘Abdullâh, from Ibn ‘Abbas, from As-Sâ‘b bin Jaththâmah, that he asked the Messenger of Allah ﷺ about the settlements of the idolaters when they are under attack at night, and their children and women are killed. The Prophet ﷺ said: “They are from them.” And ‘Amr, meaning Ibn Dînâr used to say: “They are from their parents.” Az-Zuhri said: “After that the Messenger of Allah ﷺ prohibited killing of women and children.” (Sahîh)

Comments:

Deliberate killing of women and children is prohibited. However, it may happen unintentionally during a night attack when it is difficult to tell the one from the other.

Chapter 112. Regarding The Abhorrence Of Burning The Enemy With Fire

2673. It was reported from Muhammad bin Hamzah Al-Aslâmî from his father, that the Messenger of Allah ﷺ appointed him as a commander over a military expedition. He said: “So I went along with them, and he (the Prophet) said: ‘If you find so-and-so, then burn him with fire.’ Then I turned to depart. He called me to
come back, so I came back to him. He said: 'If you find so-and-so, then kill him, and do not burn him, for nobody punishes with fire except the Lord of the Fire.'” (Hasan)

2674. It was reported from Abū Hurairah that he said: “The Messenger of Allah ﷺ sent us on an expedition, and said: ‘If you find so-and-so...’ Then he mentioned it in meaning (as no. 2673). (Sahih)

Comments: Burning a convict or war prisoner alive is prohibited although there is no harm in burning the forts and buildings if warranted by the exigencies of war.

2675. It was reported from ‘Abdur-Rahmān bin ‘Abdullāh, from his father who said: “We were with the Messenger of Allāh ﷺ in a journey. He went to relieve himself. We saw a Humrah with two chicks of hers, and we took one of her chicks The Humrah came and started shaking her spread out wings. The Prophet ﷺ came and said: ‘Who distressed her because of her chicks, give her chick back to her.’ And he also saw an ant colony which we had burnt, so he said: ‘Who burnt this down?’ We said: ‘We did.’ He said: ‘It is not allowed to punish with fire, except for the Lord of the Fire.’”[1] (Hasan)

[1] This appears again, see no. 5268.
Chapter 113. Regarding A Man Who Rents His Riding Animal For Half Or A Share (Of The Spoils)

2676. It was reported from Wāthilah bin Al-Asqa' who said: "The Messenger of Allah announced the expedition to Tabuk. I went to my family, and then came back. The first of the Companions of the Messenger of Allah were already on the way. I started to announce loudly in Al-Madinah: 'Is there any one who can transport a man, and he will get a share (from the spoils). An old man from the Ansār replied loudly: 'We will have his share of the spoils if we transport him by turns, and he will share the food with us?' I said: 'Yes.' He replied: 'Then proceed on the journey, with the blessings of Allah, the Exalted.' So I went with good companionship until Allāh granted us (spoils), and I was given young female camels as my share of the spoils. I drove them till I reached him. He came out, and sat on one of the saddles of his camel, and said: 'Drive them backwards.' Again he said: 'Drive them forward.' Then he said: 'I find your young female camels very gentle.' I said: This is your spoils which I..."
have shared out you.’ He said: ‘Take back your young female camels O my nephew. It was not your share that we wanted!’” (Hasan)

Comments:
The Hadith sheds light on a singular trait of the Companions’ character, that they valued the good of the Hereafter more than the good of this world.

Chapter 114. Regarding Shackling Captives

2677. It was reported from Abū Hurairah who said: “I heard the Messenger of Allāh ﷺ saying: ‘Our Lord, the Exalted, is amazed with a people who are lead into Paradise in chains.’” (Sahih)

Comments:
Meaning those disbelievers who are captured and chained by the Muslim military, but then they later accept Islam, as a result of which they are admitted to Paradise. We can deduce from the contents of the Hadith that chaining captives is permissible in war. The Hadith has also been interpreted to refer to those Muslims that are taken captive and chained, then either die or are assassinated in captivity.

2678. It was reported from Muslim bin ‘Abdullāh, from Jundab bin Makith who said: “The Messenger of Allāh ﷺ sent ‘Abdullāh bin Gālib Al-Laithi on an expedition, and I was with them. He ordered them to raid Banū Al-Mulawwā in
Kadid. So we set out, until we arrived in Kadid, where we met Al-Hārith bin Al-Barṣā’ Al-Laithī whom we took captive. He said: ‘I only came intending to accept Islam, and I only came out to go to the Messenger of Allāh ﷺ.’ We said: ‘If you are a Muslim, our tying you up for a day and a night will not harm you, and if you are not, then we will have you tied up.’ So we tied him up.” *(Da‘īf)*

2679. It was reported from Sa‘eed bin Abī Sa‘eed, that he heard Abū Hurairah saying: “The Messenger of Allāh ﷺ sent a cavalry troop towards Najd. They returned with a man from Banū UanIfah by the name of Thumāmah bin Uthal, who was the chief of the people of Al-Yamāmah. They tied him to one of the pillars in the Masjid. The Messenger of Allāh ﷺ went out to him and said: ‘What do you have to say O Thumāmah?’ He said: ‘Something good O Muḥammad! If you kill me you are going to kill someone whose blood will be avenged, but if you show leniency, you will be showing leniency to one who is grateful. If you want wealth, just ask for it, and you will be given it as you wish.’ The Messenger of Allāh ﷺ left him alone. When the following day came he asked him again: ‘What do you have to say O Thumāmah?’
He repeated what he had said before. The Messenger of Allah ﷺ left him alone. When the next day after the following day came, he mentioned the same words as before. The Messenger of Allah ﷺ then said: ‘Set Thumamah free.’ He went off to some date palm trees near the Masjid and performed Ghusl and returned to the Masjid. Then he said: ‘I bear witness that there is none has the right to be worshipped but Allah, and I bear witness that Muḥammad is His servant and His Messenger.’” And (he cited) the Ḥadīth.

(One of the narrators) ‘Eisā said: “Al-Laith informed us” and he said: “A protected man.” (Ṣahīh)

Comments:

If considered expedient, a disbeliever may be brought into the Masjid.

2680. It was reported from Yahyā bin ‘Abdullāh bin ‘Abdūr-Raḥmān bin Sa’d bin Zurarah, who said: “When the captives arrived, Sawdah bint Zam’ah was with the family of ‘Afrah’, at the halting place for their camels, with ‘Awf and Mu’awwidh the sons of ‘Afrah’. This happened before the Hijāb was prescribed. Sawdah said: ‘By Allāh! I was with them, and when I came from them (the family of ‘Afrah’), I was told: “These people are the captives that have just arrived.” I returned to my house, and the Messenger of Allāh was in it, and Abū Yazīd — Suhail bin ‘Amr — was in a corner of the room, his
hands tied up to his neck with a rope.” Then he mentioned the rest of the Hadith. (Hasan)

Abū Dāwūd said: And they (‘Awf and Mu‘awwidh) killed Abū Jahl bin Hishām. They had deputed themselves to kill him while they did not know him, and they killed him at the battle of Badr.

Comments:

They mortally wounded Abū Jahl, and Ibn Mas‘ūd delivered the final blows, see no. 2709.

Chapter 115 Regarding Abusing And Beating A Captive, (And Confession)

2681. Anas said: The Messenger of Allah ﷺ called his Companions to proceed towards Badr. Suddenly they came across the water-carrying camels of the Quraish, among them was a black slave belonging to Banū Al-Ḥajjāj. The Companions of the Messenger of Allah ﷺ took him captive and started asking him where Abū Sufyān was. He said: ‘By Allah! I don’t know anything about him, but this is the Quraish who have come here, and among them are Abū Jahl, ‘Utbah and Shaibah the two sons of Rabi‘ah, and Umayyah bin Khalaf.’ When he said that to them, they beat him. Then he said: ‘Leave me alone, leave me alone, I will tell you.’ When they stopped, he said: ‘By Allah! I don’t know anything about him, but this is the Quraish who have come here, and
among them are Abū Jahl, ‘Utbah and Shaibah the two sons of Rabi‘ah and Umayyah bin Khalaf. They have come.’ All this happened while the Prophet was praying and hearing all the conversation. After he finished the prayer, he said: ‘By Him in whose Hand my soul is! You people are beating him when he tells the truth, and leaving him when he tells a lie. This is the Quraish who have come here to protect Abū Sufyan.’

Anas said: “The Messenger of Allāh said: ‘This is the place where so-and-so will fall tomorrow,’ and he placed his hand on the ground; ‘this is the place where so-and-so will fall tomorrow,’ and he placed his hand on the ground; ‘This is the place where so-and-so will fall tomorrow,’ and he placed his hand on the ground.” He (Anas) said: ‘By Him in whose Hand my soul is! Nobody advanced beyond the place of the hand of the Messenger of Allāh. The Messenger of Allāh ordered that they be dragged by their feet and thrown into a well at Badr.”

(Sahih)

Chapter 116. Regarding Compelling A Captive To Accept Islam

2682. It was reported from Ibn ‘Abbās who said: “When a woman was Miglāh (her children did not survive), she would vow that if her child survives she will make him a Muslim, and if her child does not survive she will make him a Jew or Christian.”
Jew. When Banu An-Nadir were expelled (from Arabia) there were some children of the Ansār among them. They said: ‘We shall not leave our children.’ So Allāh, the Mighty and Sublime, revealed: There is no compulsion in religion. Verily, the right path has become distinct from the wrong path.” 11

(Sahih)

Abū Dāwud said: Al-Miqlāh means a woman whose children do not survive.

Chapter 117. Killing A Captive Without Inviting Him To Islam

2683. It was reported from Sa‘d, who said: “On the Day of the conquest of Makkah, the Messenger of Allāh ﷺ granted protection to all the people except four men and two women,” and he named them. Ibn Abī Sarḥ was one of them. Then he mentioned the Hadīth. He said: ‘As for Ibn Abī Sarḥ, he hid himself with ʿUthmān bin Affān. When the Messenger of Allāh ﷺ called people to give him their pledge of allegiance, he brought him and made him stand in front of the Messenger of Allāh ﷺ, then he said: ‘O Prophet of

Allāh! Receive the pledge of allegiance from ‘Abdullāh.’ He raised his head and looked at him three times, each time refusing him. Then he received pledge after the third time. Then he faced towards his Companions, and said: ‘Was there not among you an intelligent man, whom when he saw me not accepting his pledge would stand up and kill him?’ They said: ‘O Messenger of Allāh! We do not know what is in your soul, why did you not hint to us with your eye?’ He said: ‘It is not proper for a Prophet to have a treacherous eye.’\[1\] (Hasan)

Abū Dāwūd said: ‘Abdullāh was a foster-brother of ‘Uthmān, and Al-Walid bin ‘Uqbah was ‘Uthmān’s brother, through his mother, and ‘Uthmān imposed the Hadd (of lashes) beating on him for drinking wine.

2684. It was reported from ‘Amr bin ‘Uthmān bin ‘Abdur-Rahmān bin Sa‘eēd bin Yarbū’ Al-Makhzūmī, who said: ‘My grandfather narrated to me, from his father, that on the day of the Conquest of Makkah, the Messenger of Allāh ﷺ said: ‘There are four to whom I will not grant protection, neither in Hill, nor Haram\[2\] then he named them. There were two singing slave-girls belonging to Maqīs: One of them

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\[1\] See also no. 4359.

\[2\] Meaning, in the Haram — sacred precincts — or out of it, and also in a state of Ihrām or not.
was killed, and the other escaped, and she accepted Islam. *(Da‘īf)*

Abū Dāwūd said: I did not understand its chain of narration from Ibn Al-‘Alā’ the way I would like to.[1]

**Chapter 118. To Kill A Captive While Imprisoned**

**2685.** Anas bin Mālik said: “The Messenger of Allāh ﷺ entered Makkah in the Year of Conquest wearing a helmet *(Mighfar)* on his head. When he took it off, a man came and said to him: Ibn Khaṭal is clinging to the curtains of the Ka‘bah. He said: ‘Kill him.’ *(Sahih)*

Abū Dāwūd said: Then name of Ibn Khaṭal is ‘Abdullāh, and Abū Barzah A-Aslāmi killed him.

**2686.** It was reported from Ibrāhīm, who said: “Ad-Dāḥḥāk bin Qais wanted to give Masrūq a post. ‘Umārah bin ‘Uqbah said to him: ‘Do you want to appoint someone from among the remnants of the murderers of ‘Uthmān?’ Masrūq said to him: “Abdullāh bin Mas‘ūd narrated to us, and he was trustworthy according to us, in Ḥadīth: ‘When the Prophet ﷺ wanted to kill your father, he said: ‘Who will look after my children?”

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He replied: "The Fire." I approve for you what the Messenger of Allah ﷺ approved for you." (Da‘if)

Comments:

‘Uqbah bin Mu‘āj was an absolutely wicked person. He had crossed all limits in his enmity towards the Messenger of Allah ﷺ. It was he who had thrown the entrails of a camel on the back of the Messenger of Allah ﷺ while he was performing Salāt. He was put to the sword in captivity while returning from Badr to Al-Madinah.

Chapter 119. To Kill A Captive With An Arrow

2687. It was reported from Ibn Tīlā, who said: “We fought along with ‘Abdur-Rahmān bin Khālid bin Al-Walid. Four who were strong among the enemies were brought. He ordered them to be killed in confinement.” (Da‘if)

Abū Dāwud said: Others, aside from Sa‘eed, said to us, in this Ḥadith, from Ibn Wahb: “With arrows in confinement. So when that reached Abū Ayyūb Al-Ansārī, he said: ‘I heard the Messenger of Allah ﷺ prohibit killing a person in confinement. By the One in whose Hand my soul is! Even if it is a chicken I will not kill it in confinement.’ So this reached ‘Abdur-Rahmān bin Khālid bin Al-Walid, so he freed the four slaves.”

تخريج: [إسناده ضعيف] أخرجه البهقي في دلائل النبوة: ۶/۳۹۷ من حديث أبي داود به، للحديث طرق كثير في العقد النام في تخريج السيرة لأبي وهب، ص:۲۱۵ يسر الله لي طبعه

إبراهيم النجفي مدلس وعنعن، وللحديث شواهد ضعيفة كلها.
Chapter 120. Regarding The Generosity In Freeing A Captive Without Any Ransom

2688. Anas said: “Eighty men from the people of Makkah came down from the mountains of Tan‘im to kill the Prophet ﷺ and his Companions at the time of the Fajr prayer. The Messenger of Allah ﷺ took them captive without fighting, and he freed them. Therefore, Allah, the Mighty and Sublime revealed: ‘And He it is Who has withheld their hands from you, and your hands from them in the midst of Makkah...’ till the end of the Verse.”[1] (Sahih)

Comments:
Mut‘im bin ‘Adī had provided protection to the Messenger of Allah ﷺ and pledged to defend him against persecution by the Quraish, while he was on his way back from At-Tā‘if to Makkah.

Chapter 121. Regarding Ransoming Captives With Wealth

2690. It was reported from Simāk Al-Hanafi who said: “Ibn ‘Abbās narrated to me, he said: ‘Umar bin Al-Khaṭṭāb said: ‘On the day of (the battle of) Badr, the Prophet  accepted ransom, so Allāh, the Mighty and Sublime, revealed: ‘It is not for a Prophet that he should have prisoners of war (and free them with ransom) until he had made a great slaughter (among the enemies) in the land...’ up to His saying: ‘...(a severe torment) would have touched you for what you took...’ of the ransom, then (later) Allāh made the spoils of war lawful for them.” (Ṣaḥīḥ)

Abū Dāwūd said: I heard Ahmad bin Ḥanbal being asked Abū Nuḥ’s (one of the narrators) name: He said: “What do you want to do with his name? His name is a bad one.” Abū Dāwūd said: His name is Qurād, and what is correct is that his name is ‘Abdur-Rahmān bin Gazwān.”

2691. It was reported from Abū Ash-Shaṭhā’, from Ibn ‘Abbās that the Prophet  fixed the ransom for the people of Jāhilīyyah on the Day of Badr at four hundred. (Ḥasan)

2692. It was reported from 'Aishah that she said: “When the people of Makkah sent ransom to free their families from captivity, Zainab sent some wealth to free Abū Al-'Āṣ, along with her necklace, which was Khadijah’s and she had given to Zainab at the time of her marriage to Abū Al-'Āṣ.” She said: “When the Messenger of Allah saw it, he was overwhelmed with compassion for her, and said: ‘If you (wish) consider freeing the captive (i.e., Abū Al-'Āṣ), and also return back to her what belongs to her.’ They said: ‘Yes.’ The Messenger of Allah had taken oath from him, or he promised him, to let Zainab come to him. The Messenger of Allah sent Zaid bin Hārithah and another man from the ‘Ansār, and told them: ‘Be in the valley of Ya’jij until Zainab passes you, then accompany her until you bring her.” (Hasan)

Comments:
If considered expedient, it is allowed to free the prisoner of war without ransom. The marriage of Zainab with Abū Al-'Āṣ had taken place before the Messenger of Allāh’s advent as a Prophet. He, however, accepted Islam as late as the days of Al-Ḥudaibiyah. The Valley of Ya’jij was situated at a distance of eight miles from Makkah.
2693. Marwân and Al-Miswar bin Makhramah said: “When the delegates of Hawâzin came as Muslims, they requested that their wealth be returned back to them. The Messenger of Allâh ﷺ said to them: ‘There are others with me as you see, and the dearest speech to me is that which is most true. So choose either the captives or the wealth.’ They said: ‘We choose our captives.’ The Messenger of Allâh ﷺ stood up, praised Allâh and then said: ‘To proceed: Indeed your brethren have come with repentance, and I see it appropriate to return back to them their captives. Whoever among you would like to do that as a favor, then he should do so, and whoever amongst you wants to keep his share, until we give him something from the first Faî’ which Allâh grants us, he may do so.’ The people said: ‘We would like to (release) the captives for them! The Messenger of Allâh ﷺ said to them: ‘We do not know who amongst you have given the permission and who did not, so return back until your leaders may come back to me with your affair.’ So the people went away, and they were spoken to by their leaders. They informed that they agree to give the captives back and have granted the permission.” (Sahîh)
It was reported from ‘Amr bin Shu’aib, from his father, from his grandfather — about this narrative — he said: “Then the Messenger of Allāh ﷺ said: ‘Return their women and children to them, and anyone who keeps anything from this Fat̂’ he will be compensated for it by six camels from the first Fat̂ which Allāh, Most High, grants us.’ Then the Prophet ﷺ went to a camel and took some hair of it’s hump, and said: ‘O people! I am not taking anything from this Fat̂, not even this (hair),’ he raised his two fingers, and said: ‘except the Khumus (the fifth), and this Khumus is returned among you, so give back even the threads and the needles.’ A man stood up with a ball of hair in his hand, and said: ‘I had taken this to fix my saddle blanket with it.’ The Messenger of Allāh ﷺ then said: ‘Whatever belongs to me and Banū ‘Abdul-Muṭṭalib, you can take it.’ He said: ‘After what I have seen transpire, then I have no desire for it at all, and discarded it.”[1] (Hasan)

Chapter 122. Regarding The Leader Remaining At The Battlefield After Victory Over The Enemy

It was reported from Abū...
Tallāhah, who said: “After being victorious over any people, the Messenger of Allāh s.a.w. would stay at the battlefield for three nights.”

(In his version) Ibn Al-Muthannah said: “If he was victorious over any people, he liked to stay in their battlefield for three days.” (Sahih)

Abū Dāwūd said: Yahyā bin Sa‘eed used to criticize this Hadith because it is not among the early Hadith of Sa‘eed, since his memory became distorted in the year forty-five, and this Hadith was not narrated except later than that.

Abū Dāwūd said: It is said that Wākī reported from him after he became mixed up (in narrating).

**Chapter 123. Regarding Separating Captives**

2696. It was reported from Maimūn bin Abī Shabib, from ‘All, may Allāh be pleased with him, that he separated between a slave woman and her child. The Prophet prohibited him from doing that, and withdrew the sale. (Da‘īf)

Abū Dāwūd said: Maimūn did not meet ‘All. He (Maimūn) was killed in the battle of Al-Jamājim, and Al-Jamājim was in the year eighty-three.

Abū Dāwūd said: And the battle of Al-Ḥarrah was in the year sixty-three, and Ibn Az-Zubair was killed in the year seventy-three.
Comments:

Other narrations support the ruling that it is not allowed to separate a slave woman from her child.

Chapter 124. The Permission To Separate In The Case Of Those (Captives) Who Reached Puberty

2697. It was reported from Iyās bin Salamah, who said: “My father narrated to me, he said: ‘We went out on an expedition with Abū Bakr, whom the Messenger of Allāh ﷺ had appointed commander over us. We attacked Fazārah, then I saw a group of people, among which were children and women. I shot an arrow towards them, which fell between them and the mountain, so they stood there. I brought them to Abū Bakr. Among them there was a woman from Fazārah, and she was wearing a leather coat. She had her daughter with her, who was the most beautiful of the Arabs. Abū Bakr awarded me her daughter. When I arrived in Al-Madinah, the Messenger of Allāh ﷺ met me and said: ‘O Salamah! Grant me the woman.’ I said: ‘By Allāh! I like her, but I have not removed her garments.’ He kept quite, and when the next day came, the Messenger of Allāh ﷺ met me in the market, and said to me: ‘O Salamah! Grant me the woman by Allāh! By your father.’[1] So I said: ‘O Messenger of Allāh! I do not know why you did not grant me this way before...’”

[1] This is a custom of swearing that was later prohibited.
of Allâh! By Allâh! I have not removed her garment, and she is for you.' He sent her to the people of Makkah who had some (Muslim) captives. They were released (in exchange) for this woman.” (Sahîh)

Comments:

If the enemy prisoners of war are grown up men and women, they can be separated from each other.

Chapter 125. Regarding Muslims' Wealth That The Enemy Acquires, Then Its Owner Finds In Among The Spoils

2698. It was reported from Ibn Abî Za‘îdah, from ‘Ubaidullâh, from Nâfi’, from Ibn ‘Umar that a male slave of Ibn ‘Umar ran away to the enemy, and then the Muslims were victorious over them. The Messenger of Allâh returned him back to Ibn ‘Umar, and he was not part of the distribution (of the spoils). (Da‘îf)

Abû Dawûd said: It was said by other than him: “Khâlid bin Al-Walid returned him to Ibn ‘Umar.”

2699. It was reported from Ibn Numair, from ‘Ubaidullâh, from Nâfi’, from Ibn ‘Umar, who said that a horse of his fled away and was captured by the enemy. Then the Muslims were victorious over them, and it was returned back to him during the life-time of the
Messenger of Allah ﷺ; and a male slave of his ran away and joined the territory of the Romans. The Muslims were victorious over them and Khalid bin Al-Walid returned him to him after the Prophet ﷺ.

2700. It was reported from Ribi’ bin Hirash, from ‘Ali bin Abi Talib who said: “Some slaves went to the Messenger of Allah ﷺ on the Day of Al-Ḥudaibiyyah before the treaty, so their masters wrote to the Prophet ﷺ and said: ‘O Muhammad! By Allah! They did not come to you hoping for your religion, but they have gone to you running away from slavery.’ So some people said: ‘They are saying the truth, O Messenger of Allah! Return them back to them.’ The Messenger of Allah ﷺ got angry and said: ‘I do not see you people desisting O people of Quraish! Until Allah sends those over you who will strike your neck because of this’ and he refused to send them back, and he said: ‘They are emancipated (slaves) of Allah, the Mighty and Sublime.”’ (Da’if)

Chapter 126. Regarding Slaves Of The Idolaters Who Join The Muslims And Accept Islam

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أول كتاب الجهاد

Message: [ صحيح ] أخرجه ابن ماجه، الجهاد، باب ما أحرز العدو ثم ظهر عليه المسلمون.

تحريج: 328/7 من حديث ابن نمير بن يحيى، وعلمه البخاري، ح: 7/206.

 것صر:يَبَّابُ: في عبيد المشركين يلتحقو بالمسلمين

فُصِّلُوا (الحجة 136): 3700 - حَدَّثَنَا عَبْدُ العَزِيزِ بنَ يَحْيَى الحَرْازِي وَقَالَ: حَدَّثَنَا مُحَمَّدٌ يَعْنِي ابْنَ سَلْمَةَ عَنْ مُحَمَّدٍ بْنِ إِسْحَاقَ عَنْ أَبَاهُ بْنِ صَالِحٍ عَنْ مُنْصُوْرٍ بْنِ الْمُغْتَمِرِ عَنْ رَبِّيَّةِ بْنِ جَرَاشٍ عَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ قَالَ: "خَرَّ جِبَارُ أَلَا رَسُولُ اللَّهِ يَا بُني الْحَدِيثِيَّةُ فَشِبَّلَ الْسَّلَحَ فَكَتَبَ إِلَيْهِ مَوَالِيَهُمُ فَقَالُوا: بَيْنَكَ وَاللَّهِ! ما خَرَّجُوا إِلَيْكَ غَرَبَةً فِي دِينِكَ وَلَنَّا خَرَّجْنَا هُمْنَا مِنَ الْرَّقَّ فَقَالَ نَاسٌ: ضُعِفْنَا بِرَسُولِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ فَغَفَّضَ رَسُولُ اللَّهِ ﷺ وَقَالَ: "مَا أُرَأَكُمْ تَنْهِيْنَ بِمَعْنَى فَرْطٍ! حَتَّى يَعْمَلُ اللَّهُ عَلَيْكُمْ مِنْ يَضْرِبُ رِقَابَكُمْ عَلَى هَذَا" وَأَيْنَ أَنْ يُرُدُّهُمْ وَقَالَ: "هَمْ عَقِبَةُ اللَّهِ عَزَّوَجَالِل".
Chapter 127. Permitting Food In The Land Of The Enemy

2701. It was reported from Ibn ‘Umar, that during the time of the Messenger of Allāh ﷺ, an army acquired some food and honey in spoils; the Khumus was not taken from it. (Sahih)

2702. It was reported from ‘Abdullāh bin Mughaffal who said: “A skin-full of fat was thrown away on the day of Khaibar. I came to it and clung to it, and then said: ‘I will not give anyone anything from this today.’ When I turned around, I saw the Messenger of Allāh ﷺ smiling at me.” (Sahih)

Chapter 128. Regarding The Prohibition of Plundering When Food Is Scarce In The Land of the Enemy

2703. It was reported from Abū Labid who said: “We were with ‘Abdur-Raḥmān bin Samurah in Kābul. The people acquired spoils and began plundering through it.
He stood up and addressed the people: ‘I heard the Messenger of Allah prohibit plundering.’ So they returned whatever they had taken, and he distributed it among them.” (Sahih)

2704. It was reported from Muhammad bin Abi Mujalid, from Abdullah Ibn Abi Awfâ, he (Ibn Abi Mujalid) said: “I said: ‘Were you people setting aside one-fifth of the spoils, meaning the food, during the time of the Messenger of Allah?’ He replied: ‘We got some food on the Day of Khaibar. A man would come and take the amount he needed from it, and go away.” (Sahih)

2705. It was reported from ‘Asim, meaning Ibn Kulaib, from his father, from a man among the Ansâr: “We went out on a journey with the Messenger of Allah. The people endured extreme hardship and struggled. They acquired some spoils which they plundered. While our pots were boiling, the Messenger of Allah came with his bow touching the ground. He turned down our pots over with his bow, and started to smear the meat with dust, and then said: ‘Plundering is not more lawful than Maitah,’ or he said: ‘Maitah is
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not more lawful then plundering.”"

The doubt is from Hannād (one of the narrators). (Sahih)

Chapter 129. Regarding Carrying Food Out Of The Land Of The Enemy

2706. It was reported from Al-Qāsim, the freed slave of ‘Abdur-Rahmān, from some of the Companions of the Prophet, he said: “We would eat from the Jazr during an expedition, and would not divide it until we were ready to come back to our dwellings. Then we would fill our saddlebags with it.” (Da’īf)

Chapter 130. Regarding Selling Food When There Is A Surplus For The People In The Land Of The Enemy

2707. It was reported from ‘Abdur-Rahmān bin Ghanm, who said: “We were stationed in the frontiers of the city of Qinnasrin with Shurahbil bin As-Simt. When he conquered it, he acquired sheep and cows from it. He distributed a group of them among us, and placed the rest in the spoils. Then I met Mu‘ādh bin Jabal and told him about that. He said: ‘We fought along with the Messenger of Allāh at Khaibar and we got sheep
Chapter 131. Regarding A Man Benefits From Something In TheSpoils

2708. It was reported from Ruwaïfi' bin Thābit Al-Anṣārī that the Prophet said: “Whoever believes in Allāh and in the Last Day, then he does not ride any animal among the group of the Muslims, and when he emaciates it, he returns it back. And whoever believes in Allāh and in the Last Day, then he does not wear any garment from among the group of the Muslims, and when he wears it out he puts it back.” (Hasan)

Chapter 132. Regarding The Permissibility Of Using The Weapons That Have Been Used For Fighting In The Battlefield

2709. It was reported from Abū ‘Ubaidah, from his father who said: “I was passing by when I saw Abū Jahl laying down, as his leg had been struck. I said: ‘O enemy of
Allāh! O Abū Jahl! Allāh has disgraced the disgraced one.' I was not afraid of him at that time. He said: 'Is there a man better than one who has been killed by his own people?' So I struck him with a blunt sword, but it was of no use. When his sword fell down, I struck him with it until he died." (Da‘f)

Comments:
‘Abdullāh bin Mas‘ūd, may Allah be pleased with him, killed Abū Jahl by the very sword snatched from him. He made use of the sword before the distribution of the spoils of war. A detailed account of Abū Jahl’s killing preceded, see no. 2680.

Chapter 133. Regarding The Gravity Of Ghulūl

2710. It was reported from Zaid bin Khālid Al-Juhanī that a man from the Companions of the Prophet ﷺ died on the Day of Khaibar. They mentioned it to the Messenger of Allāh ﷺ. He said: “Offer (funeral) prayers for Your companion.” When the faces of the people looked perplexed, he said: “Your companion misappropriated spoils in the cause of Allāh,” so we looked in his belongings and found in it some pearls belonging to Jews, not worth even two Dirham. (Ḥasan)
2711. Abū Hurairah said: “We went out along with the Messenger of Allāh صلی الله علیه وآلہ وسلم in the Year of Khaibar. We did not acquire gold or silver in the spoils, but clothes, equipment and property. The Messenger of Allāh صلی الله علیه وآلہ وسلم went towards the valley of Al-Qura. The Messenger of Allāh صلی الله علیه وآلہ وسلم was presented a black slave called Mid'am. While they were in the valley of Al-Qura, and Mid'am was unsaddling the animal of the Messenger of Allāh صلی الله علیه وآلہ وسلم, he was struck by an arrow which killed him. The people said: ‘Congratulations for him, he will go to Paradise.’ But the Messenger of Allāh صلی الله علیه وآلہ وسلم said: ‘Not at all, by Him in whose Hand my soul is! The cloak which he had taken on the Day of Khaibar, which was not distributed among the spoils, will ablaze with fire upon him.’ When they heard this, a man came with one or two sandal straps to the Messenger of Allāh صلی الله علیه وآلہ وسلم. The Messenger of Allāh صلی الله علیه وآلہ وسلم said: ‘A sandal strap of fire,’ or he said: ‘Two sandal straps of the fire.’” (Sahih)
Chapter 134. Regarding The Imam Leaving The Ghulūl
When It Is Minimal, And Not Burning The Equipment

2712. It was reported from ‘Abdullāh bin ‘Amr who said: “When the Messenger of Allāh acquired some spoils of war, he would order Bilāl to make a public announcement. So he announced to the people to bring the spoils, and he took the Khumu and the rest was distributed. A man came after that with a camel halter of hair and said: ‘O Messenger of Allāh! This is part of what we had gained as spoils.’ He said: ‘Did you hear Bilāl’s announcement?’ (He said this) Three times. He said: ‘Yes.’ He said: ‘What prevented you from bringing it (then)?’ He made some excuses. He said: ‘You may bring it on the Day of Judgment, for I shall not accept it from you.’” (Hasan)

Chapter 135. Regarding Punishing The One Who Commits Ghulūl

2713. It was reported from Šāliḥ bin Muḥammad bin Zā‘idah — Abū Dāwud said: This Šāliḥ is Abū Wāqid — who said. “I entered the territory of the Romans with Maslamah. A man who had committed Ghulūl was brought to him. He asked Sālim about him. He (Sālim) said: ‘I heard my father
narrating from 'Umar bin Al-Khattāb that the Prophet ﷺ said:
“If you find a man who committed Ghulul, then burn his goods and beat him.” He said: “We found a Mushaf (a copy of the Qur’an) among his belongings, so we asked Sālim about it. He said: ‘Sell it and give its price in charity.’” (Da’if)

2714. It was reported from Sālh bin Muhammad, who said: “We went on an expedition with Al-Walid bin Hishām, in the company of Sālim bin ‘Abdullāh bin ‘Umar and ‘Umar bin ‘Abdul-Aziz. A man (among us) committed Ghulul. Al-Walid ordered his goods to be burnt, and he was paraded around (the people) and his share of the spoils was not given to him.” (Da’if)

Abū Dāwud said: This is the more correct of the two Ahādīth. More than one (narrator) reported that Al-Walid bin Hishām burnt the camel-saddle of Ziyād bin Sa’d, and that he had committed Ghulul, and that he beat him.

2715. It was reported from Al-Walid bin Muslim (who said): “Zuhair bin Muhammad narrated to us, from ‘Amr bin Shua’ib, from his father, from his grandfather, that the Messenger of Allāh ﷺ,
Abû Bakr and ‘Umar burnt the goods of one who committed Ghulûl, and beat him.” (Da’f)

Abû Dâwud said: ‘Ali bin Bahr added (in his narration) from Al-Walîd — and I did not hear it from him — “and they denied his share.”

Abû Dâwud said: Al-Walîd bin ‘Utbah and ‘Abdul-Wahhâb bin Najdah narrated it to us, they said: “Al-Walîd narrated to us from Zuhair bin Muḥammad, from ‘Amr bin Shua‘ib as his saying, and ‘Abdul-Wahhâb bin Najdah Al-Hawî did not mention that his share was denied.

Chapter (...) The Prohibition Of Harboring A Person Who Committed Ghulûl

2716. It was reported from Samurah bin Jundab who said: “To proceed: ‘And the Messenger of Allâh used to say: Whoever harbors a person who committed Ghulûl, then he is like him.’”\(^1\) (Da’f)

\(^1\) See no. 456, and 2787.
Chapter 136. Regarding The Salab (Spoils) Being Given To The Person Who Killed

2717. It was reported from Abū Qatādah that he said: "We went to in an expedition with the Messenger of Allâh ﷺ in the Year of Hunain. When the two armies met, the Muslims retreated. I saw a man from idolaters overcoming a man from the Muslims. I went around until I came to him from behind, and struck him with the sword on the vein between his neck and shoulder. He came towards me and grasped me so firmly that I smelt death. Then death overtook him, and he let me go. I caught up to 'Umar bin Al-Khattâb and said to him: 'What happened to the people?' He replied: 'It is what Allâh has decreed.' Then later on the people came back, and the Messenger of Allâh ﷺ sat down and said: 'Anyone who has killed a man and can prove it, he will have his spoils (Salab).' I stood up and said: 'Who will bear witness for me?' Then I sat down. He (the Prophet ﷺ) said it again: 'Anyone who has killed a man and can prove it, he will have his spoils (Salab).' I stood up and said: 'Who will bear witness for me?' Then I sat down. He (the Prophet ﷺ) said it for the third time. I stood up, so the Messenger of Allâh ﷺ said:

Salab refers to the goods that were with an enemy that one has killed. Some of these goods will be awarded to the one that fought and killed him, and they will not be considered Ghanimah or war spoils, divided among the troops. Scholars differ over the conditions for awarding Salab, as well as the items included in that.
'What is the matter with you O Abū Qatadah!?' So I related to him the whole story. A man from among the people said: 'He is telling the truth O Messenger of Allāh! And the spoils (Salab) of that dead person are with me. Make him an offer so he will accept that.' Abū Bakr Aṣ-Ṣiddiq said: 'No, by Allāh! What you said will not be done. A lion from among the lions of Allāh who fights for the sake of Allāh and His Messenger, and you want him to give you his spoils (Salab)!' The Messenger of Allāh ﷺ said: 'He has said the truth. Hand it over to him.' Abū Qatadah said: "He gave it to me. I sold the coat of mail, and bought a farm with (the proceeds) among Banū Salamah. It was the first wealth I acquired in Islam." (Ṣaḥīḥ)

Tafsīr: أخرجه البخاري، البیوع، باب بيع السلاح في الفتنة وغيرها، ح: 2100 عن القطبي وسالم، الجهاد والسير، باب استحقاق القاتل سلب الفتيل، ح: 1751 من حديث مالك بن وهو في الموطأ (بيهي): 2/454، 455.

2718. It was reported from Anas bin Mālik, who said: "On that day" meaning on the Day of Ḥunain" the Messenger of Allāh ﷺ said: ‘Anyone who kills a disbeliever, he shall have his spoils (Salab).’

On that day, Abū Ṭalḥah killed twenty men and took their spoils. Abū Ṭalḥah met Umm Sulaim who had a dagger with her. He said: 'O Umm Sulaim! What is this with you?' She said: 'By Allāh! I intended, that if anyone of them got near to me, to pierce their
stomach with it.’ Abū Ṭalḥah told this to the Messenger of Allāh. (Sahih)
Abū Dāwūd said: This Hadith is Ḥasan.
Abū Dāwūd said: We meant by this the dagger, because the weapon of the non-Arabs at that time was the dagger.

Chapter 137. Regarding The Imam Denying The Spoils (Salab To The Person Who Killed, If He Sees Fit To, And The Horse And Weapon Are Part Of The Spoils (Salab)

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2719. ‘Awf bin Mālik Al-Asjja’ī said: “I went with Zaid bin Ḥārithah in the battle of Mu’tah. I was accompanied by a man from Yemen who was part of the reinforcements, and he only had a sword with him. A Muslim man slaughtered a camel. The man from the reinforcements asked him for some piece of its skin, so he gave it to him. He made it in the shape of a shield. We proceeded until we met the Roman army. Among them was a man on a reddish horse, with a golden saddle, who started fiercely attacking and killing the Muslims. The man from the reinforcements sat behind a rock lying in wait to attack him. When the Roman passed by him, he hamstrung his horse and it fell down. He overpowered him and killed him, and he took his horse.
and weapons. When Allāh, the Mighty and Sublime, granted victory to the Muslims, Khālid bin Al-Walid sent for him, and took his spoils (Salab). ‘Awf said: “I went to Khālid and said to him: ‘O Khālid! Do you not know that the Messenger of Allāh has decreed the spoils (Salab) be given to the one who kills?’ He said: ‘Yes indeed, but I thought it was too much for him.’ I said: ‘You should give it back to him, or else I will inform the Messenger of Allāh about it.’ He refused to give it back to him. When we gathered with the Messenger of Allāh, I told him the story of the man from the reinforcements, and what Khālid did. The Messenger of Allāh said: ‘O Khālid! What made you do that?’ He said: ‘O Messenger of Allāh! I thought it was too much for him.’ The Messenger of Allāh said: ‘O Khālid! Return to him what you took from him.’” ‘Awf said: “I said to him: ‘Take it O Khālid! Did I not deliver what I promised you.’ The Messenger of Allāh said: ‘And what is that?’ I then informed him. The Messenger of Allāh got angry, and said: ‘O Khālid! Do not return it back to him. Are you people not going to leave my commanders alone. You people take the best for yourself and leave him the worst.”’ (Sahih)
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Chapter 138. The Spoils
(Salab) Are Not Be Subjected To The Khumus

2720. (Another chain) from ‘Awf bin Mālik Al-Aṣja‘i, similarly.

Comments:

A commander capable of exercising independent judgment has certain discretionary powers in matters of administration, and it is not proper that the people criticize him for each and everything he does.

Chapter 139. Whoever Finishes Off A Severely Wounded Person, He Is Granted Some Of His Spoils (Salab)

2722. It was reported from ‘Abdullāh bin Mas‘ūd who said: “On the Day of Badr, the Messenger of Allāh swore to me Abū Jahl’s sword” as he (‘Abdullāh) had killed him. (Da‘f)
Comments:

Injury to Abū Jahl was initially inflicted by Mu‘ādh and Mu‘awwadh (the sons of ‘Afra’) and Mu‘ādh bin ‘Amr bin Jamūh. Then it was ‘Abdullāh bin Mas‘ūd who finished him off.

Chapter 140. Regarding Whoever Comes After The Spoils Of War Are Distributed, Then There Is No Share For Him

2723. It was reported from Az-Zuhrī that ‘Anbasah bin Sa‘eed informed him, that he heard Abū Hurairah narrating to Sa‘eed bin Al-‘Aṣ, that the Messenger of Allāh ﷺ sent Abān bin Sa‘eed bin Al-‘Aṣ[1] in an expedition from Al-Madinah towards Najd. Abān bin Sa‘eed and his companions came to the Messenger of Allāh ﷺ at Khaibar after it was conquered. The girths of their horses were made of palm-leaf fibers. Abān said: ‘Give us a share (from the spoils) O Messenger of Allāh!’ Abū Hurairah said: ‘Do not give them a share O Messenger of Allāh! Abān said: ‘This is what you say, O you Wābir!’[2] You have come to us from the peak of Dāl!’[3] The Messenger of Allāh ﷺ said: ‘Sit down O Abān!’ The Messenger of Allāh ﷺ did not give them any share.’ (Ṣaḥīḥ)

[1] This Abān is actually the uncle of the Sa‘eed bin Al-‘Aṣ whom Abū Hurairah narrated it to.
[2] A Wābir is a small rare hairy animal whose Latin name is hyrax, while it is not classified such, it resembles a rodent, similar to a guinea pig, or a rabbit.
[3] Some narrations of this Hadith have the word Ad-Dāl and some have it Ad-Da‘n. They differ over its meaning, it is either the name of a location or a mountain where Abū Hurairah’s tribe is from, as some say, or it is an insult relating to the rustling of leaves of a lote-tree.
2724. It was reported from Az-Zuhri that he heard 'Anbasah bin Sa'eed Al-Qurashi narrating from Abu Hurairah, who said: "I came to Al-Madinah when the Messenger of Allah was in Khaibar, after he had conquered it. I asked him to give me a share from the spoils. A son of Sa'eed bin Al-'As spoke and said: 'Do not give him a share O Messenger of Allah!' I said: 'This is the murderer of Ibn Qawqal.' Sa'eed bin Al-'As said: 'Wonderful O Wabr, you have come down to us from the peak of Dāl, blaming me for killing a Muslim man whom Allah, the Exalted, honored with martyrdom at my hands, and did not disgrace me by his hands.'" (Ṣahih)

(Abū Dawūd said: They were about ten persons, six of them were killed and the rest of them came back).

Comments:

Nu'mān bin Qawqal of the Anṣār, was a Companion of the Prophet. He was killed at the hands of Abūn bin Sa'eed who only embraced Islam after the treaty of Al-Ḥudaybiyyah, and the battle of Khaibar took place after Al-Ḥudaybiyyah.

2725. It was reported from Abū Mūsā, who said: "We arrived just at the time when the Messenger of Allah had captured Khaibar. He gave us a share," or he said: "he gave us something from it, and he did not allot anybody any share if
he was not present at the time of the capture of Khaibar, giving only to those who were present with him. Except those who were in our ship; Ja'far and his companions, to whom he gave a share from the spoils.” (Sahih)

2726. It was reported from Ibn 'Umar who said: “The Messenger of Allah stood up” — meaning on the Day of Badr — and said: ‘Indeed ‘Uthmân has gone off for a matter for Allah and His Messenger, and I am giving the pledge of allegiance on his behalf.’ The Messenger of Allah allotted him a share of the spoils and he did not allot any to anyone else who was absent.” (Hasan)

Comments:
On the occasion of the Battle of Badr, Ruqayyah, the daughter of the Prophet who was the wife of ‘Uthmân, may Allah be pleased with them both, was critically ill, and the Prophet had detailed him to attend to Ruqayyah. The incident proves that if a person is prevented from participating in a battle due to some duty assigned to him, he shall also be granted his share of the spoils.

Chapter 141. Regarding A Woman And A Slave Being Given Something From The Spoils

2727. It was reported from Yazid bin Hurmuz who said: “Najdah wrote to Ibn ‘Abbâs asking about such and such, and he mentioned..."
some matters. He also asked about the slave; if they are entitled to any share of the spoils and also about the women; whether they used to go out (for battle) with the Messenger of Allāh ﷺ? And are they, too, entitled to any share of the spoils? Ibn ‘Abbās said: ‘Had I not sensed indiscretion from him I would not have written to him. As for the slave he was given some of the spoils (as a reward), and as for the women they used to treat the wounded and supply water.’”

(Saḥīḥ)

ةَخْرِيج: أخرجه مسلم، الجهاد والسير، باب النساء الغازيات برضخ لهن ولا يسمهم ...

Elx, ح: ١٨١٢ من حديث زائدة به.

2728. Yazid bin Hurmuz said: “Najdah Al-Harûrî wrote to Ibn ‘Abbâs asking about whether women used to participate in battles with the Messenger of Allāh ﷺ, and whether he used to allot them a share of the spoils.” He (Yazid) said: “I wrote a letter (of reply) on behalf of Ibn ‘Abbâs to Najdah: ‘They used to participate in the battles with the Messenger of Allāh ﷺ, but no specified portion was given to them. They were given only a small gift.’”[1] (Saḥīḥ)

Comments:

There is no share stipulated as such for women and other helpers in the spoils. They may, however, be given appropriate rewards etc.

[1] Another version proceeded see no. 2727.
2729. It was reported from Ḥashraj bin Ziyād, from his grandmother — his father’s mother — that she went out along with the Messenger of Allāh for the Battle of Khaibar. She was one of the six women. (She said): “When the Messenger of Allāh found out about it he sent for us, so we came to him and saw him angry. He said: ‘Whom did you come out with, and with whose permission did you come out?’ We said: ‘O Messenger of Allāh! We came out to spin the hair[1] and support with it in the cause of Allāh, we have remedies for the injured ones, we hand over arrows and supply Sawāq to drink.’ He said: ‘Then continue.’ When Allāh granted him victory over Khaibar he gave us a share from the spoils as he gave to the men.” He (Hashraj) said: “I said to her: ‘O grandmother! And what was that?’ She replied: ‘Dates.”’

(Ḍaʿf)


2730. It was reported from Muḥammad bin Zaid who said: “‘Umair, the freed slave of Ābī Al-Lahm narrated to me: ‘I participated in the Battle of Khaibar with my masters who spoke to the Messenger of Allāh regarding me. He ordered (me) to don the sword which I was dragging. He was then informed
that I was a slave. He therefore ordered some inferior goods to be given to me.” (Sahih)

Abū Dāwūd said: It means that he was not given any specified portion.

Abū Dāwūd said: Abū 'Ubaid said: He had declared meat unlawful for himself, him that is why he was called Abī Al-Laḥm.[1]

Comments:

Abī Al-Laḥm’s name was ‘Abdullāh bin ‘Abdul-Mālik bin ‘Abdullāh bin Ghifār. (Al-Isabah).

He was probably given something as reward for this service. And Allah knows best.

2731. It was reported from Jābir who said: “I was supplying water to my companions on the Day of Badr.” (Da'if)

Chapter 142. Regarding An Idolater Being Allotted A Share

2732. It was reported from ‘Urwah that ‘Aishah said: — Yahyā (one of the narrator) said: — “A man from the idolators accompanied the Prophet ﷺ to fight along with him. He said: ‘Go back.’” — Then both of them were in accord.[2] “We do


[2] That is both Yahyā bin Ma‘īn and Musad-dad, from whom Abū Dāwūd heard it.
Chapter 143. Allotting Two Shares For The Horse

2733. It was reported from Ibn ‘Umar who said: “The Messenger of Allah allotted three shares for the man and his horse: one share for him, and two shares for his horse.” (Sahih)

2734. It was reported from Al-Mas‘üdī (who said): “Abū ‘Amrah narrated to me from his father who said: “We came to the Messenger of Allah as a group of four, and we had a horse. He allotted each one of us a share, and allotted two shares for the horse.’” (Da‘f)

2735. (Another chain) from Al-Mas‘üdī, from a man from the family of Abū ‘Amrah, from Abū ‘Amrah, with its meaning, except that he said: “As a group of three,” and added: “The horseman got three portions.” (Da‘f)
Chapter 143, 144. Regarding Giving Only One Portion (For The Horse)

2736. It was reported from ‘Abdur-Rahmān bin Yazīd Al-Anṣārī, from his paternal uncle, Mujammā bin Jāriyah Al-Anṣārī — he was one of the Qur’ān reciters — who said: “We were present with the Messenger of Allāh at Al-Hudaybiyyah. When we started returning to Al-Madīnah people were driving their camels quickly. Some people said to others: ‘What is the matter with the people?’ They said: ‘Revelation has come down to the Prophet.’ So we went out with the people hastily, and we saw the Prophet standing on his mount at Kurā Al-Ghaim. When the people gathered around him, he recited: Verily, We have given you a manifest victory. A man said: ‘O Messenger of Allāh! Is it really a victory?’ He said: ‘Yes, by Him in whose Hand Muhammad’s soul is! Indeed it is a victory.’ Later on the spoils of Khaibar were distributed among those who had been at Al-Hudaybiyyah. The Messenger of Allāh divided it into eighteen shares. The army consisted of one-thousand and five hundred, of which, three hundred were cavalry. He gave two shares to a horseman and one share to a foot soldier.” (Hasan)

Abū Dāwūd said: The Ḥadīth of

(المعجم 143، 144) باب: فيمن أسهم
له سهمًا (التحفة 155)

2736 - حديثنا محمد بن عيسى: حديثنا
مجمع بن يعقوب بن مجمع بن تریذ
الأنصاری قال: سمعت أبي يعقوب بن
المجمع بذكر عن عمرو بن عبد الرحمان بن تریذ
الأنصاری، عن عمه مجمع بن جارية
الأنصاری قال: وكان أحد الفراء الалиين
قرروا الفرار - قال: سهينا الحبلية مع
رسول الله صلى الله عليه وسلم، فلما انصرفنا عنها إذا الناس
بهزوا الأباعر، فقال بعض الناس لبعض:
ما للناس؟ قالوا: أمنى إلى النبي
فخرجنا مع الناس نحن جنود النبي، وقال:
وافقا على راجلته عند نماع العمي فلما
اجتمع عليه الناس قرأ عليهم في النون
فهمين واللسان. فقال رجل: يا رسول الله! أفتيح
هؤلاء؟ قال: فصمتة خبير على أهل الحديثة
فقطمها رسول الله صلى الله عليه وسلم، فعرف
ثمما، وكان الجبين أقا وخشیماءة، فيهم
ثلاث مائة فارس، فأعطى الفارس سهمين،
وأعطى الرجل سهماً.
قال أبو داود: حديث أبي معاوية أضح
والعمل علیه وأذى الوهم في حدیث مجمع، ابنه
قال: ثلاث مائة فارس وكانوا مائة فارس.

Abū Mu‘āwiyah\(^1\) is more correct and it is the one that is acted upon. I think there is an error in the Hadith of Mujammi‘, as he said: “Three hundred horsemen,” while they were only two hundred.

Chapter 144, 145 Regarding
The Nafl\(^2\)

2737. It was reported from Khālid, from Dāwūd, from ‘Ikrimah, from Ibn ‘Abbās who said: “On the Day of Badr, the Messenger of Allāh ﷺ said: ‘A person who does this and that, will have a bonus of this and that.’ So youth went ahead and the elders remained where the flag was, and they did not leave it. When Allāh granted them victory, the elders said: ‘We were reinforcements for you people. If you were defeated you would have retreated to us, so do not take away all the spoils and leave us behind with nothing.’ The youth refused, and said: ‘The Messenger of Allāh ﷺ has given it to us.’ So Allāh, the Exalted, revealed: They ask you about the spoils of war. Say: “The spoils are for Allāh and the Messenger...” up to His saying: “...As your Lord caused you to go out from your home with the truth; and verily, a party among the

\(^{1}\) That is, no. 2733.

\(^{2}\) A bonus, or reward; an extra portion granted to some soldiers.
believers disliked it...”[1] He (Ibn ‘Abbās) said: “(Meaning:) So that was better for them. — And similarly (it means) so you should obey Me, as I know the consequences of this better than you.” (Ṣaḥīḥ)

2738. It was reported from Hushaim (who said): “Dāwūd bin Abī Hind narrated to us, from ‘Ikrimah, from Ibn ‘Abbās who said: ‘On the Day of Badr, the Messenger of Allāh ﷺ said: “Anyone who kills a man will have this and that, and anyone who captures a man will have this and that.” Then he (the narrator) cited similarly, and the (previous) Ḥadīth of Khālid is more complete. (Ṣaḥīḥ)

2739. It was reported from Yaḥyā bin Zakariyyā bin Abī Zā‘idah, he said: “Dāwūd narrated to us...” this Ḥadīth, with his chain; he said: “The Messenger of Allāh ﷺ divided it equally.” And the Ḥadīth of Khālid (no. 2737) is more complete. (Ṣaḥīḥ)

2740. It was reported from Mu‘āt bin Sa‘d, from his father: “I came to the Messenger of Allāh ﷺ on the Day of Badr with a sword and said: ‘O Messenger of Allāh! Indeed Allāh has healed my breast from the enemy today, so grant me this sword.’ He said: ‘This sword is neither mine, nor yours.’ So I went away saying: ‘Today this sword will be given to somebody who has not been put to trial like me.’ Meanwhile a messenger came to me, and said: ‘Respond (to the call).’ I thought something had been revealed about me because of my speech. When I came, the Prophet ﷺ said to me: ‘You asked me for this sword. It is neither mine, nor yours. Now Allāh has given it to me, hence it is yours.’ Then he recited: They ask you about the spoils of war. Say: ‘The spoils are for Allāh and the Messenger…” until the end of the Verse.”[1] (Ṣaḥīḥ)

Abū Dāwūd said: Ibn Mas‘ūd would recite it: “Yasa‘lukan-nafla (They ask you for a gift.)”

Chapter 145. Regarding The Nafl In The Case Of A Detachment Of The Army

2741. It was reported from Shu‘aib bin Abī Ḥamzah, from Nāfi‘, from

Ibn 'Umar who said: “The Messenger of Allah sends us with an army towards Najd, (and he sent) a detachment from it (towards the enemy). The share for the whole army was twelve camels per person, and he gave the detachment a Nafl of one additional camel each. Thus their share was thirteen camels each. (Sahih)

Comments:
If a detachment of the army performs some special feat, its members may be awarded something special in addition to their normal share from the spoils.

2742. Al-Walid bin 'Utba Ad-Dimashqi narrated to us, he said: “Al-Walid, meaning Ibn Muslim, said: ‘I narrated this Hadith[1] to Ibn Al-Mubarak. I said: “And similarly Ibn Abi Farwah narrated it to us from Nafi’.” He (Ibn Al-Mubarak) said: “Those whom you mentioned are not equal to Malik,” or something similar to that.”” Meaning Malik bin Anas.[2] (Sahih)

2743. It was reported from Muhammad, meaning Ibn Ishaq, from Nafi', from Ibn ‘Umar who said: “The Messenger of Allah sends us with an army towards Najd, (and he sent) a detachment from it (towards the enemy). The share for the whole army was twelve camels per person, and he gave the detachment a Nafl of one additional camel each. Thus their share was thirteen camels each. (Sahih)

[1] Meaning, the narration of Shu'aib.
[2] Meaning, Malik's version (which follows in no. 2744) is more correct in his view, than that of Shu'aib and Ibn Abi Farwah, and Al-Walid bin Muslim is one of those that narrated no. 2741 from Shu'aib.
sent a detachment towards Najd, and I went along with them. We acquired a lot of camels. Our commander rewarded us with a Nafl of one camel for each person. Then when we arrived, the Messenger of Allāh ﷺ divided our spoils among us. Each one of us got twelve camels, after the Khumus taken out. The Messenger of Allāh ﷺ did not take any account regarding what our commander had given us, neither did he blame him for what he had done. Thus, each one of us got thirteen camels, along with his Nafl.” (Sahih)

2744. (Mālik and Laith) reported from Nāfi‘, from ‘Abdullāh bin Umar, that the Messenger of Allāh ﷺ sent a detachment towards Najd with ‘Abdullāh bin Umar in it. They acquired a large number of camels in the spoils. Every one of them got twelve camels as their share, and they were each rewarded a Nafl of one additional camel.

Ibn Mawhab (who narrated it from Al-Laith) said in his version: “The Messenger of Allāh ﷺ did not change that.” (Sahih)
2745. It was reported from 'Ubaidullāh (who said): “Nāfi’ narrated to me, from ‘Abdullāh, who said: ‘The Messenger of Allāh sent us in a detachment towards Najd. Our share of the spoils was twelve camels each, and the Messenger of Allāh rewarded us with a Nafl of one additional camel each.”' (Sahih)

Abū Dāwūd said: Burd bin Sinān reported it from Nāfi’, similar to the narration of ‘Ubaidullāh, and Ayyūb reported it from Nāfi’, similarly, except that he said: “And we were rewarded a Nafl of one camel each” without mentioning the Prophet.

Comments:
The two apparently conflicting version may be reconciled if we conclude that whatever reward the commander gave, the Prophet confirmed it. It is because of this ratification by him that the bestowal has been directly attributed to him.

2746. It was reported from Al-Laith from ‘Aqīl, from Ibn Shihāb, from Sālim, from ‘Abdullāh bin ‘Umar, that the Messenger of Allāh used to give a specific Nafl to some of the detachments which he sent out, other than the general share of the whole army. And the Khumus was required from all of that. (Sahih)
2747. It was reported from Abū 'Abdur-Rahmān Al-Ḥubuli, from 'Abdullāh bin 'Amr, that the Messenger of Allāh ﷺ went out on the Day of Badr with three hundred and fifteen (men). The Messenger of Allāh ﷺ said: “O Allāh they are on foot, provide them with mounts, O Allāh they are naked, clothe them, O Allāh they are hungry, provide food for them.” Allāh then granted them victory on the Day of Badr. When they returned back, there was no man among them but he returned with a camel or two, was clothed, and had eaten his fill. (Hasan)

Chapter 146. Regarding Whoever Said That The Khumus Is Before The Nafl

2748. It was reported from Ḥabīb bin Maslamah Al-Fihri that the Messenger of Allāh ﷺ would grant a Nafl of a third after deducting the Khumus. (Sahih)

2749. (Another chain) from Ḥabīb bin Maslamah that the Messenger of Allāh ﷺ used grant a Nafl of a fourth after deducting the Khumus, and a third after deducting the
Khums of the spoils when he returned. (Sahih)

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2750. It was reported that Makhlūl said: “I was a slave in Egypt belonging to a woman from Banū Hudhail. She freed me, but I did not leave Egypt, while there was knowledge in it, without (first) attaining it, as far as I could. Then I went to Al-Hijāz, and I did not leave it while there was knowledge in it without attaining it, as far as I could. Then I went to Al-‘Irāq, and I did not leave it while there was knowledge in it without attaining it, as far as I could. Then I came to Ash-Shām, and I sifted through it. (In all of those places) I asked everyone about the Nafl. I did not find anybody who could tell me anything about it, until I found an old man by the name of Ziyād bin Jāriyah At-Tamīmī. I said to him: ‘Did you hear anything about the Nafl?’ He said: ‘Yes, I heard Ḥabīb bin Maslamah Al-Fihrī saying: “I witnessed the Prophet giving a fourth in Nafl at the outset, and one third upon the return (from the journey).”’ (Hasan)
Chapter 147. The Spoils
Acquired By A Detachment
Should Be Divided Among The Whole Army

2751. It was reported from ‘Amr bin Shua‘ib, from his father, from his grandfather who said: “The Messenger of Allâh ﷺ said: ‘All the Muslims are equal in respect of blood. The protection given even by the least among them is to be honored, and reaches to the furthest of them. They should be united as one over their enemies. Those who have fleet-footed mounts should share their spoils with those who have slow mounts and those who go in a detachment should share the spoils with those who were stationed (as reinforcement). A believer is not killed (in retaliation) for a disbeliever, nor a one who has a covenant during the covenant.’”

Ibn Ishaq (one of the narrators) did not mention retaliation and equality in respect of blood.

(Hasan)

2752. It was reported from Iyās bin Salamah, from his father: “‘Abdur-Rahmān bin ‘Uyainah raided the camels of the Messenger of Allâh ﷺ, killed their herdsman and drove them away with some people who were with him on their horses. I turned my face towards Al-Madînah and shouted three times: ‘A morning raid! Then I started to
chase them, while shooting them with arrows and hamstringing their animals. Whenever a horseman returned towards me, I sat at the foot of a tree, until there was no mounting animals created by Allah for the Prophet but I kept it behind my back (i.e., I got them all back). They (the enemies) threw away more than thirty lances and thirty cloaks to lighten their load. Then reinforcements from ‘Uyainah came for them. They said: ‘A few of you should go to him.’ Four of them stood and came towards me, and they climbed the mountain. When I could make them hear me, I said: ‘Do you people know me?’ They said: ‘And who you are?’ I said: ‘I am son of Al-Akwa! By Him Who blessed the face of Muhammad! Any one of you who seek me, will not be able to get me, and whomever I seek, he will not get away.’ While I was still there, I saw the horsemen of the Messenger of Allah coming through the trees. The first among them was Al-Akhram Al-Asadi. He caught up with ‘Abdur-Rahmân bin ‘Uyainah and ‘Abdur-Rahmân turned towards him. They attacked each other with lances. Al-Akhram hamstringed the horse of ‘Abdur-Rahmân and ‘Abdur-Rahmân pierced a lance into his body and killed him. Then ‘Abdur-Rahmân turned to the horse of Al-Akhram. Abü Qatâdah caught up with ‘Abdur-Rahmân and they attacked each other with their lances. He hamstringed the horse of
Abū Qatādah and Abū Qatādah killed him. Then Abū Qatādah turned toward the horse of Al-Akhram. I came to the Messenger of Allah, who was at the same place of water from where I drove them away, called Dhu Qard. Allah’s Prophet was among five hundred men. He gave me the share of a horseman and a footman.” (Ṣaḥīḥ)

Comments:

Ya Sabāḥah, translated here as ‘A morning raid!’ is in fact a cry of alarm. It is normally called from a place of eminence to attract the attention of the populace.

Chapter 148. Regarding The Nafl Of Gold And Silver, And From The Spoils Gained In The Beginning (Of The Battle)

2753. Abū Al-Juwairiyah Al-Jarmī said: “I found a red container containing Dinārs in the territory of the Romans during the leadership of Mu‘āwiyyah. Our commander was a man from the Companions of the Prophet from Banū Sulaim named Ma‘ās bin Yazīd. I brought it to him, and he distributed it among the Muslims (those who were in the battle) and gave me the same portion as he had given to each of them. Then he said: ‘If I had not heard the Messenger of Allah saying: “There is no Nafl except after the Khumus” — I would have given to you. He then presented his own share to me but I refused. (Ṣaḥīḥ)
 Chapter 149. Regarding The Imam Taking Something From The Fal' For Himself

2754. (Another chain) with its meaning. (Sahih)

2755. It was reported from 'Amr bin 'Abasah who said: “The Messenger of Allâh ﷺ led us in a prayer facing towards a camel belonging to the spoils. After he said the Taslim, he took hold of some of the hair on the side of the camel and said: “The likes of this, from your spoils, is not lawful for me, except for the Khumus, and the Khumus is returned back to you.””[1] (Sahih)

Chapter 150. Regarding Fulfilling The Covenant

2756. It was reported from Ibn 'Umar that the Messenger of Allâh ﷺ said: “Indeed the treacherous person will have a banner planted for him on the Day of Judgment, and it will then be announced: “This is treachery of so-and-so, son of so-and-so.”” (Sahih)

[1] Similar preceded in a different narration (no. 2694) with the word Fal' instead of “your spoils” (Ghana 'imikum) as it is here.
Comments:

It means the person concerned shall be humiliated in this way and it will be announced that what he is getting is the punishment for his treachery.

Chapter 151. Regarding The Imam Is The Shield Of The Covenant

2757. It was reported from Abū Hurairah that the Messenger of Allāh ﷺ said: “The Imam is only a shield that is fought for.” (Hasan)

Comments:

It is, therefore, essential that all the people respect the treaties that the leader concluded with any disbelievers.

2758. It was reported from Bukair bin Al-Ashajj, from Al-Hasan bin ‘Alī bin Abī Rāfī’, that Abī Rāfī informed him, he said: “The Quraish sent me to the Messenger of Allāh ﷺ. So when I saw the Messenger of Allāh ﷺ, Islam radiated in my heart, so I said: ‘O Messenger of Allāh! By Allāh! I will not go back to them ever.’ The Messenger of Allāh ﷺ said: ‘I do not break a covenant, nor imprison a messenger, return back. If you still feel in yourself then what you feel now, then you can return.’” He said: ‘So I went, and then came back to the Prophet ﷺ and accepted Islam.” (Ṣaḥīḥ)

Bukair said: “And he informed me that Abū Rāfī was a Coptic.”

Abū Dāwud said: That was during that time, but today there is no benefit in it.
Comments:
Regarding the author's statement "That was during that time" — it is not clear which part of the narration he intends, it is said that it means that he only sent him back because of a treaty, but the general rule is not to do so now.

Chapter 152. Regarding There Being A Covenant Between The Imam And The Enemy, And He Advances Towards Them (To Attack)

2759. It was reported from Shu'bah, from Abū Al-Faid, from Sulaim bin 'Āmir — a man from Himyar — who said: "There was a covenant between Mu'āwiyah and the Romans. He started to proceed towards their country, so that when the covenant came to an end, he would attack them. A man came on a horse, or a Turkish horse. saying: 'Allāhu Akbaru, Allāhu Akbar. Fulfill (the convenant) and do not be treacherous.' When they looked towards him, they saw he was 'Amr bin 'Abasah. Mu'āwiyah sent for him and questioned him. He said: 'I heard the Messenger of Allāh ﷺ saying: "Anyone who has a covenant with people, he is not to strengthen it nor loosen it, until the covenant has expired, or both parties bring it to an end."' So Mu'āwiyah returned. (Sahīth)
Chapter 153. Regarding
Fulfilling The Agreement For
One Who Has A Covenant, And
The Sanctity Of His Protection

2760. It was reported from Abū Bakrah who said: “The Messenger of Allah ﷺ said: ‘Anyone who kills a person to whom a covenant was granted prior to its expiration, Allâh will forbid him from entering Paradise.’” (Saḥîh)

Chapter 154. Regarding
Sending Messengers

2761. It was reported from Salamah, meaning Ibn Al-Fadl, from Muḥammad bin Ishāq, who said: “Musalîmah wrote to Allâh’s Messenger ﷺ.” He said: “And Muḥammad bin Ishāq narrated to me, from a Shaikh, from Ashja’ named Sa’d bin Ṭāriq, from Salamah bin Nu’aim bin Mas’ūd Al-Ashja’ī, from his father, Nu’aim, who said: ‘I heard the Messenger of Allâh ﷺ say to the two of them (the messengers) after he was read the letter from Musalîmah: “What do you to believe (in)?” They said: “We believe as he believes.” He said: “By Allâh! If it wasn’t that the messengers are not to be killed, I would have cut off their heads.” (Hasan)
Islam forbids the killing of an envoy or messenger sent by his leader even if he speaks words of disbelief before the Muslim ruler.

2762. It was reported from Hářithah bin Muḍarrrib that he came to ‘Abdullãh, and said: “There is no hatred between myself and any of the Arabs. I passed by a Masjid of BanÚ Hanífah, and found them believing in Musailimah (as a Prophet).” ‘Abdullãh sent for them. They were brought to him. He advised them to repent, which they did, except for Ibn An-Nawwãhah. He said to him: “I heard the Messenger of Allâh ﷺ say: ‘If it wasn’t that you are a messenger I would have cut off your neck’ and you are not a messenger today. He ordered Qarazãh bin Ka‘b to cut off his head at the market. Then he said: ‘Whoever wants to see Ibn An-Nawwãhah, (he can go and see him) killed in the market.’” (Da‘îf)

Chapter 155. Regarding Protection Granted By A Woman

2763. Ibn ‘Abbâs said: “Umm Hani‘, daughter of AbÚ Tâlib narrated to me, that she granted protection to a man from among the idolaters on the Day of the Conquest (of Makkah). She came to the Messenger of Alalh ﷺ and
told him about it. He said: ‘We have given protection and security to those whom you have given it.’”

(Hasan)

2764. It was reported from ‘Aishah, who said: “A woman from the believers would give protection and it was allowed.” (Da‘f)

Comments:
A protection granted by the least of Muslims to a non-believer becomes binding on all Muslims.

Chapter 156. Regarding Treaties With The Enemy

2765. Al-Miswar bin Makhramah said: The Messenger of Allâh ﷺ went out during the Year of Al-Hudaibiyah with more than ten hundred of his Companions. When they arrived at Dhul-Hulaifah, he garlanded and marked the sacrificial animals and entered Ihram for ‘Umrah.” He (the narrator) then cited the Ḥadith. “The Prophet ﷺ continued on his journey until he arrived to the mountain pass from where one descends them (in Makkah), where his mount knelt down. People said: ‘Go on, go on! Al-Qâşwâ has become obstinate!’ — twice — the
Prophet ﷺ said: ‘She has not become obstinate, and it is not her character, but she has been restrained by the One who restrained the elephant.’ Then he said: ‘By Him in whose Hand is my soul! Anything they ask me today, by which they honor what Allah has made sacred, I would grant it to them.’ Then he rebuked her and she leapt up. He turned aside from them until he came to the farthest side of Al-Hudaibiyyah to a pool with little bit of water. Budail bin Warqā’ Al-Khuzā’i came to him, and then ‘Urwah bin Mas‘ūd joined him. He started to speak to the Prophet ﷺ. Whenever he spoke a word to him, he took hold of his beard while Al-Mughirah bin Shu‘bah was standing guard for the Prophet ﷺ with a sword, wearing a helmet. He hit his (‘Urwah’s) hand with the lower end of his sheath and said: ‘Take your hands off of his beard.’ ‘Urwah raised his head and said: ‘Who is this?’ They replied: ‘Al-Mughirah bin Shu‘bah.’ He said: ‘O treacherous one! Did I not endeavour to distinguish the evil of your treachery?’ — During Jāhiliyyah Al-Mughirah accompanied some people, murdered them, took their wealth and then he came and accepted Islam. The Prophet ﷺ said: ‘As for your Islam we have accepted it, but in regard to the property, it is wealth of treachery, we have no need of it.’” He mentioned the Ḥadīth. — “So the Prophet ﷺ said: ‘Write down: This is what...
Muhammad, the Messenger of Allah has decided.” — And he mentioned the story. — “Then Suhail said: ‘If any man from among us comes to you, even if he follows your religion, you should return him back to us.’ When the document was concluded the Prophet said to his Companions: ‘Get up, sacrifice and then shave (your heads).’ Thereafter, some believing women came emigrating, (he mentioned the) Verse. So Allah forbade sending them back, and he ordered the dowry to be returned to their husbands. Then he returned back to Al-Madinah. Abū Baṣīr — a man from the Quraish (who was a Muslim) — came to him. They (the Quraish) sent (two men) looking for him. He handed him to the two men. They took him away, and when they reached Dhul-Hulaifah they dismounted to eat from the dates they had. Abū Baṣīr said to one of the two men: ‘By Allah! What an excellent sword you have!’ The other one drew the sword and said: ‘Yes I have tried it.’ Abū Baṣīr said: ‘Let me see it.’ He gave it to him, and he struck him with it until he died. The other man fled away until he entered Al-Madinah, and entered the Masjid running. The Prophet said: ‘He has seen something frightening.’ He said: ‘By Allah! My companion has been killed and I am very close to being killed.’ Then Abū Baṣīr arrived,

and said: 'Alläh has fulfilled your covenant. You returned me back to them, but Alläh saved me from them.' The Prophet ﷺ said: 'Woe to his mother, inciter of war, if he has kinfolk.' When he heard this, he knew that he would send him back to them (again). So he left, until he arrived at the seashore, meanwhile Abû Jandal also escaped and joined Abû Baṣîr, until a band of them gathered.'” (Sahîh)

Comments:

Al-Qâṣwâ’ was the name of the she-camel of the Prophet ﷺ.

2766. Al-Miswar bin Makhramah and Marwân bin Al-Ḥâkam said: “They made a treaty to forsake war for ten years, during which the people would have security, and that we should be sincere to the stipulations of the covenant and should not steal or commit treachery.” (Hasan)

2767. Hassân bin ‘Atiyyah said: “Makhûl and Ibn Abî Zakariyyâ went to Khâlid bin Ma’ûtân, and I went along with them. He narrated to us from Jubair bin Nufair, he said: ‘Jubair said: ‘Let’s go to Dhu Mikhbar’ — a man from the Companions of the Prophet ﷺ. ‘We came to him and Jubair asked
him the about peace treaty. He said: 'I heard the Messenger of Allah saying: “You people will make a peace treaty with the Romans, and then you and they will fight an enemy behind you.”' (Sahih)

Comments:
If expediency demands, a treaty of peace may be concluded with the enemy.

Chapter 157. To Attack The Enemy By Surprise And To Imitate Them

2768. It was reported from Jābir who said: “The Messenger of Allah said: ‘Who will kill Ka'b bin Al-Ashraf, for he has insulted Allah and His Messenger.’ Muḥammad bin Maslamah stood up and said: ‘I will, O Messenger of Allah! Would you like me to kill him?’ He said: ‘Yes.’ He said: ‘Will you permit me to say something (against you)?’ He said: ‘Yes, say it.’ He then came to him (Ka'b) and said: ‘This man (Muḥammad) has asked us to give charity and has put us through difficulties. He (Ka'b) said: ‘And he is going to cause more grief for you.’ He (Muḥammad bin Maslamah) said: ‘As we have already followed him, we do not like to desert him as yet, until we see where his matter ends up. We wish if you could lend us a Wasq or two.’ Ka'b said: ‘What would you leave me as collateral?’ He said: ‘What do you want from us?’ He
(Ka‘b) said: ‘Your women.’ They said: ‘Subhān Allāh! You are the most beautiful of the Arabs. If we leave our women as collateral with you, it will be a disgrace for us.’ He said: ‘So leave your children as collateral with me.’ They said: ‘Subhān Allāh! Our children may be abused. It might be said: “You were collateral for a Wasq or two.”’ They said: ‘We will leave our armour’ — they meant by these weapons. ‘He said: ‘Yes.’ When he came, and called him, he came outside to meet him. He had applied perfume, and it was spreading fragrance from his head. When he (Ka‘b) sat beside him — he had come with three or four persons with him — they said something to him about his perfume. He said: ‘I have such and such woman with me. She is the most fragrant of the women among the people.’ He (Mu‘ammad bin Maslamah) said: ‘Would you give me permission to smell it?’ He said: ‘Yes.’ He (Mu‘ammad bin Maslamah) then entered, put his hand in his hair and smelled it. He said: ‘Can I do it again?’ He said: ‘Yes.’ He put his hand in his hair. When he got a hold of him, he said: ‘Take him.’ They struck him until they killed him.” (Sahih)

Comments:

Ka‘b bin Ashraf was from the Jewish tribe of Banu Nadir. He was a poet, and an extremely rich man. He rabidly hated the Muslims and exhorted the
people to rise against the Messenger of Allâh ﷺ, and he slandered the Messenger of Allâh ﷺ. He committed a breach of treaty and, rather than join the Muslims in their defense against the disbelievers, he went all the way to Makkah and tried to persuade the polytheists to wage a war against the Muslims.

2769. It was reported from Abû Hurairah, from the Prophet ﷺ, who said: “Faith has prevented treacherous assassination. A believer does not commit treacherous assassination.” (Hasan)

تخريج: [حسن] أخرجه البخاري في الترتيب الكبير: 403 من حديث إسحاق بن منصور ب، وصححه الحاكم على شرط مسلم: ۴/۲۵۲ ووافية الديهي للحديث شواهد.

Chapter 158. Regarding Saying “Allâhu Akbar” When Reaching Every High Ground During A Journey

2770. It was reported from Näfi’, from ‘Abdullâh bin ‘Umar who said: “Whenever the Messenger of Allâh ﷺ would return from a battle, or Hajj, or ‘Umrah he would say ‘Allâhu Akbar’ on every high ground. And he would say: ‘Lâ ilâha illallâh, wahdah lâ shari/ca lahu, lahul-mulku wa lahul-hamdu, wa huwa ‘alâ kulli shai’in qadir. A’ibûna tâ’ibûna ‘abidûna sâjidûna lirabbinâ hâmidûn. Sadaqallâhu wa’adahu, wa nâsara ‘abdahu, wa hazamal-ahzâba wahdah (None has the right to be worshiped but Allâh Alone, without partner, to Whom belongs the dominion, to Whom all praise is due, and He has power over all things. We are returning; repenting, worshiping, prostrating and praising our Lord. Allâh has
kept His promise, supported His servant, and defeated the confederate alone).\[^{[1]}\]

Chapter 159. Regarding The Permission For Returning From The Battle After It Had Been Prohibited

2771. It was reported from Ibn 'Abbās, who said: “The Verse those who believe in Allah and the Last Day would not ask your leave...\[^{[2]}\] was abrogated by the Verse in (Sūrah) An-Nur: ‘The believers are only those, who believe in Allah and His Messenger...’ up to His saying: ‘Oft-forgiving, Most Merciful.’”\[^{[3]}\]

(Hasan)

Chapter 160. On Sending A Person Carrying Good News

2772. It was reported from Jarīr who said: “The Messenger of Allah ﷺ said to me: ‘Will you not relieve me of Dhul-Khalasah?’” So he went to it, and burnt it down, then he sent a man from Ahmas whose Kunyah was Abū Artāh to the Prophet ﷺ to give him the good news. (Sahih)
**Chapter 161. Regarding Giving A Present To The One Who Delivers Good News**

2773. 'Abdullāh bin Ka'b said: “I heard Ka'b bin Mālik saying: ‘Whenever the Prophet arrived from a journey he would start with the Masjid; he would pray two Rak'ahs, and then sit to receive people.’” (The narrator) Ibn As-Sarḥ then narrated rest of the Hadith. — “The Messenger of Allah forbade the Muslims from talking to the three of us. After substantial time elapsed I ascended the wall of Abū Qatādah — who was my paternal cousin, and gave him Salām. By Allāh! He did not return my Salām. When I performed the Subh prayer on the morning of the fiftieth night on the roof of one of our houses, I heard a caller saying: 'O Ka'b bin Mālik! Receive the good news!' When the man whose voice I heard with the good news came to me, I took off my garments and clothed him with them, then I went on until I entered the Majid and saw the Messenger of Allāh sitting. Ṭālḥah bin 'Ubaidullāh stood up and came hastily towards me,
shook my hands and congratulated me.” (Sahih)

Comments:
The reference is to the incident relating to Ka'b bin Malik, may Allah be pleased with him, during the military campaign of Tabuk, which took place after the Conquest of Makkah when he was ostracized from the society at the behest of the Prophet ﷺ.

Chapter 162. Regarding Prostration Out Of Gratitude

2774. It was reported from Abū Bakrah who said: "Whenever any good news or a glad tiding was told to the Prophet ﷺ, he would prostrate, in gratitude to Allah.” (Hasan)

2775. It was reported from ‘Amir bin Sa’d from his father, who said: "We went out with the Messenger of Allah ﷺ from Makkah headed for Al-Madinah. When we arrived near ‘Azwara, he dismounted, then raised his hands supplicating to Allah for a time, and then he prostrated and stayed like that for a long time. Then he stood up, and raised his hands and supplicated to Allah, the Exalted, for a time, and then he prostrated and stayed like that for a long time. Then he stood up and raised his hands for a time, then prostrated” — Ahmad (one of the narrators) mentioned it three
times. "He then said: ‘I asked my Lord and interceded for my people, and He gave me a third of my people, so I prostrated out of gratitude to My Lord. Then I raised my head and asked my Lord for my people, and He gave me one third of my people, so I prostrated out of gratitude to My Lord. Then I raised my head and asked my Lord for my people, and He gave me the last third of my people, so I prostrated out of gratitude to My Lord.’” (Da‘if)

Abū Dāwūd said: Ash‘ath bin Ishāq omitted Ahmad bin Sālih when he narrated it to us. Mūsā bin Sahl Ar-Ramlī narrated it to us from him.

**Chapter 163. Regarding At-Ṭurūq (Returning From A Journey To The Family At Night)**

2776. It was reported from Muhārib bin Dithār, from Jābir bin ‘Abdullāh who said: “The Messenger of Allāh disliked that a man (on journey) return back to his family at night.” (Sahih)

2777. It was reported from Mughirah, from Ash-Sha‘bī, from Jābir, from the Prophet, that he...
Chapter 164. Regarding Reception

2779. It was reported from As-Sā‘ib bin Yazid, who said: “When the Prophet returned from the Battle of Tābūk, the people went to receive him, so

Comments:
Whenever the Messenger of Allāh returned home from journey and arrived near his destination, he would send a word and it was announced among the people that the fighters were returning to the town, and would reach there by such-and-such time.
I went along with the children to meet him at Thaniyah Al-Wadā’. "(Sahih)

Chapter 165. Regarding What Is Recommended Of Spending All The Supplies In Battle Upon The Return Of The Warrior

2780. It was reported from Anas bin Malik who said: “A young man from Aslam said: ‘O Messenger of Allah! I want to go out on an expedition, and I do not have any wealth to equip myself. He said: ‘Go to so-and-so Al-Ansari, for he had equipped himself, but he fell ill. Tell him: “The Messenger of Allah is conveying his Salâm to you,” and tell him: “Give me what you had equipped yourself with.”’ So he went to him and told him. He said to his wife: ‘O so-and-so! Give him what you had equipped me with, and do not detain anything from it at all. By Allah! If you keep anything out of it, Allah will not bless it.” (Sahih)

Chapter 166. Regarding The Salât Performed Upon Returning From A Journey

2781. It was reported from Ka’b bin Malik who said: “The Prophet would not return from a journey...”
but only during the daytime.” — Al-Hasan (one of the narrators) said: “In the morning.” — “When he would arrive from a journey, he would come to the Masjid and pray two Rak’ahs in it, and then he would sit down in it.” (Sahih)

2782. It was reported from Nafi’, from Ibn ‘Umar who said: “When the Messenger of Allah returned back from his Hajj, he entered Al-Madinah, and made his camel kneel down at the gate of his Masjid, then he entered it and prayed two Rak’ahs in it, then he returned to his home.” Nafi’ said: “Ibn ‘Umar also used to do that.” (Hasan)

Comments:
It is among the desirable acts that, on return from a journey, he first goes to Masjid and performs two Rak’ahs and then enters his house.

Chapter 167. Regarding Wages For The One Who Distributes The Spoils

2783. It was reported from Abū Sa’eed Al-Khudrī that the Messenger of Allah said: “Beware of the wages of the
Qusamah (one who distributes the spoils).” He said: “We asked: ‘And what is the Qusamah?’ He replied: ‘It is something which is supposed to be shared by the people, and then a portion of it is reduced.’” (Daif)

2784. ‘Ata’ bin Yasār reported similar (as no. 2783) from the Prophet ﷺ, he said (in it): “A man is appointed among a group of people, and he takes (as wages) from the share of this one, and from the share of this one.” (Daif)

Chapter 168. Engaging In Trade During Battle

2785. ‘Ubaidullāh bin Salmān reported from a man among the Companions of the Prophet ﷺ: “When we conquered Khaibar, they took out their share of the spoils from the goods and the captives. The people started trading; buying and selling their spoils. A man from them came to the Messenger of Allāh ﷺ after he had prayed, and said: ‘O Messenger of Allāh! I have gained so much today, nobody in this valley has gained such.’ He said: ‘Woe to you! How much did you gain?’ He said: ‘I kept on selling and buying until I gained three
The Book Of *Jihād*

hundred *Uqiyah.*’ The Messenger of Allāhﷺ said: ‘I will tell you about a man who gained more than you.’ He asked: ‘What is that O Messenger of Allāh!’ He replied: ‘Two *Rak‘ahs* after the (obligatory) prayers.’” (Ṣahīḥ)

Chapter 169. Regarding Carrying Weapons To The Land Of The Enemy

2786. Dhul-Jawshan — a man from Ad-Ḍabāb — said: “After the Prophetﷺ had finished with the people of Badr, I came to him with a colt from my mare called Al-Qarḥā’. I said: ‘O Muhammad! I have brought you Ibn Al-Qarḥā’, so take it.’ He said: ‘I have no need of it, but if you wish I can give you a selected coat of mail from the spoils of Badr.’ I said: ‘I would not take even a *Ghurrah* for it today. He said: “Then I have no need for it.”” (Da‘f)

Comments:
The author’s purpose in quoting the *Hadīth* is to prove the fact that it is allowed to give some weapon etc., to a non-Muslim knowing that he would take it to the territory of disbelievers. It may be noted here that Dhul-Jawshan was a disbeliever at that time.

[1] *Ghurrah* is used for slave, and sometimes for a horse, or mule or some animal in general.
Chapter 170. Regarding Residing In The Land Of Shirk

2787. Samurah bin Jundab said: “To proceed: ‘The Messenger of Allah said: ‘Anyone who associates with a polytheist and lives with him, then he is like him.’”  

[1] See no. 456, and no. 2716.

The End of the Book of Jihād
16. The Book Of Sacrifices

Comments:

Dahāyā is the plural of Dahiyah, Adāhī is the plural of Udhīyāh and Adhā is the plural of Adhāt. They all refer to the animal sacrificed on the 10th of Dhul-Hijjah, or after that during the days of Tashriq (the three days after 'Eid Al-Adhā; the 11th, 12th & 13th of Dhul-Hijjah) as part of the 'Eid celebration with the intention of seeking the pleasure and drawing nearer to Allah.

Chapter 1. What Has Been Reported Regarding The Obligation Of The Sacrifices

2788. Mikhnaf bin Sulaim said: “While we were standing with the Messenger of Allah at ‘Arafāt he said: ‘O people! It is obligatory on each family to offer every year an Udhīyāh (sacrifice) and an ‘Atirah. Do you know what Al-‘Atirah is? It is what people call Ar-Rajabiyyah.”

(Da‘if)
Abū Dāwūd said: Al-‘Atirah was abrogated. This narration is abrogated.

2789. ‘Abdullāh bin ‘Amr bin Al-‘Āṣ narrated that the Prophet said: “I have been commanded to take the Day of Adhā as ‘Eid,
which Allāh has appointed for this nation.” A man said: “What if I can only find a female Maniāh,[1] can I sacrifice it?” He said: “No, but take (clip) from your hair, and nails, and trim your moustache, and shave your pubes. That will complete your Uthayyath before Allāh.” (Sahih)

Comments:
If a person does not have the means to offer a sacrifice, he is excused.

Chapter 1.2. Sacrificing On Behalf Of A Deceased Person

2790. It was reported from Hanash, that he said: “I saw ‘Alī, may Allāh be pleased with him, sacrificing two rams, so I said to him: ‘What is this?’ He replied: ‘The Messenger of Allāh entrusted me to sacrifice on his behalf, so I am sacrificing on his behalf.’” (Paif)
Chapter 2.3. A Man Clipping His Hair During The (First) Ten Days Of (Dhul-Hijjah), While He Intends To Sacrifice

2791. It was reported from 'Amr bin Muslim Al-Laithī: “I heard Sa‘eed bin Al-Musayyab saying: ‘I heard Umm Salamah saying: “The Messenger of Allah ﷺ said: ‘If anyone has an animal for slaughter (as sacrifice), then when the crescent of Dhul-Hijjah is sighted, then he is not to take (cut) from his hair nor his nails until he has sacrificed.”’" (Sahih)

Abū Dāwūd said: Those who reported it from Mālik and Muḥammad bin ‘Amr differed over (the name of) ‘Amr bin Muslim. Some of them said: ‘Umar, and most of them said ‘Amr.

Abū Dāwūd said: He is ‘Amr bin Muslim bin Ukaimah Al-Laithī Al-Junda’ī.

Comments:

Anyone who intends to offer a sacrifice, he must refrain from trimming his hair and clipping his nails during the first ten days of Dhul-Hijjah, until after they have performed the sacrifice.

Chapter 3.4. What Is Recommended Regarding Sacrifices

2792. It was reported from ‘Aishah, that the Messenger of Allāh ﷺ ordered for a horned ram with black on its legs, black around its eyes and black on its underside, and it was brought forward for him
to sacrifice it. He said: “O ‘Aishah! Get me a knife.” Then he said: “Sharpen it with a stone.” So she did it. He took the knife and the ram, and placed it on the ground to slaughter it, and said: “In the Name of Allāh. O Allāh! Accept it for Muḥammad, Muḥammad’s family, and for the Ummah of Muḥammad.” Then he sacrificed it. (Sahih)

Comments:
1. The sacrificial animal, in order to be a good offering, must be able-bodied and good looking.
2. The blade used must be sufficiently sharp.
3. Offering sacrifices on behalf of the entire Ummah was exclusive for the Prophet ﷺ. As for others of the community, they should offer sacrifices on their own behalf as well on behalf of their family members.

2793. It was reported from Abū Qilābah, from Anas that the Prophet ﷺ performed ṣaḥāb (sacrificed) seven camels that were standing, with his own hands, and Uḍḥiyah (sacrificed) in Al-Madinah two horned, white rams, with black markings. (Sahih)

Comments:
1. As is well-known, the Messenger of Allāh ﷺ led an austere life, and was wont to giving away anything and everything he had in charity. Still, he never failed to offer the stipulated sacrifice.
2. The camel is slaughtered in a particular way known as ṣaḥāb, which means using a spear to cut in the hollow of its throat near the breastbone, this process may also be used for other large and dangerous animals like the cow for example.
3. The camel is slaughtered while it is in the standing position, with its left leg fettered in such a way as to prevent it from moving.

تخريج: أخرجت، الأضاحي، باب استحبات استحسان الصحة وذبحها مباشرة…
2794. It was reported from Qatadah, from Anas that the Prophet performed Uthayyih (sacrificed) two horned, white rams, with black markings. He slaughtered them while saying the Takbir, and mentioning the Name of Allah, and he put his foot on their sides. (Sahih)

2795. It was reported from Jabir bin 'Abdullah who said: “On the Day of Slaughter, the Prophet searched two horned, castrated, white rams, with black markings. When he made them face the Qiblah, he said: ‘I have turned my face towards He Who created the heavens and the earth, upon the Millat (religion) of Ibraheem, Hanifan (staying away from Shirk), and I am not from the idolaters. Indeed, my Salat, my sacrifice, my life and my death all are for Allah, the Lord of the Universe, Who has no partner. That is what I have been commanded, and I am one of the Muslims.[1] O Allah it is from You, and is for You, on behalf of Muhammad and his Ummah. In the Name of Allah, the Most Great.’ He then slaughtered it.” (Hasan)

2796. It was reported from Abū Sa’eed who said: “The Messenger of Allāh used to sacrifice a select, horned, ram, black around the eyes, the mouth and the feet.” (Sahih)

2797. It was reported from Abū Az-Zubair, from Jābir who said: “The Messenger of Allāh said: ‘Do not slaughter but a Musinnah, unless it is difficult for you, in which case you can slaughter a Jadh’ah lamb.”’ (Sahih)

2798. It was reported from Zaid bin Khālid Al-Juhani, he said: “The Messenger of Allāh divided some sacrificial animals among his Companions. He gave me a Jadh’ah goat.” He (Zaid) said: “I went back with it to him, and said: ‘It is only a Jadha.’” He replied:
في اضحائه ضحاء فأعطاني عذراً جدعاً،
قال: فجعلت إلى فقتل له: إن جدعاً,
فقال: صارص، فصحبه.

تحرير: [حسن] أخرجه أحمد 194 من حديث محمد بن إسحاق به وصححه ابن حبان،
ح: 1109 وللحديث شهود.

2799. It was reported from ‘Āsim bin Kulaib, from his father who said: “We were with a man from the Companions of the Prophet who was called Mujāshi’, from Banū Sulaim. Full grown goats were scarce so he ordered a man to announce that the Messenger of Allah said: ‘A Jadh’ah fulfills whatever a Thanī fulfills.” (Sahih)

3140 من حديث عبد الرزاق به وصححه الحاكم 226 103 قبله به، وللحديث شهود كثيرة عند النسائي، ح: 4288 وغيره.

2800. It was reported from Al-Barā’ who said: “On the Day of An-Nahr, the Messenger of Allah delivered a Khutbah after the Salāt, and said: ‘Anyone who prays our prayer and sacrifices our sacrifice, his sacrifice is accepted. If anyone sacrifices before the prayer, then it is only meat of a sheep.’ Abū Burdah bin Niyār stood up and said: ‘O Messenger of Allah! By Allah! I sacrificed before I went to the prayer. As I know that today is a day of eating and drinking, so I made haste and ate and fed my family and neighbors.’ The Messenger of Allah said: ‘That
is only the meat of a sheep.' He said: 'I have a female goat that is a Jadh'ah, and it is better than the meat of two sheep, will it be acceptable for me?' He said: 'Yes, but it will not be acceptable from anyone after you.'" (Sahih)

2801. It was reported from Al-Barā' bin 'Azib who said: "A maternal uncle of mine, called Abu Burdah, sacrificed before the (Eid) prayer. So the Messenger of Allah ﷺ said to him: 'Your sheep only counts as meat.' He said: 'O Messenger of Allah! I have a (domestic) Jadh'ah goat with me.' He said: 'Sacrifice it, but it will be of no benefit for other than you.'"

(Sahih)

Comments:
These may be interpreted as meaning that it is allowed to slaughter the Jadh'ah sheep but not the Jadhah goat.

Chapter 5.6. What Is Disliked For Udhiyyah

2802. It was reported from 'Ubaid bin Fairūz who said: 'I asked Al-Barā' bin 'Azib about what is not allowed for Udhiyyah. He said: 'The Messenger of Allah ﷺ stood among us — and my fingers are smaller than his fingers, and my fingertips are smaller than his finger tips — and said (while pointing with his fingers): "Four
kinds of animals are not accepted for *Udhiyyah*: The ‘Awrã’ which has lost the sight of one eye, a sick animal which is obviously sick, a lame animal which obviously limps, and the Kasir (an animal with a bad leg) with no Tanga (marrow).” I said: ‘I also dislike an animal which has defective teeth.’ He said: ‘What you dislike, then leave it, but do not make it unlawful for anyone.’”

(Sahih)

Abû Dâwud said: It does not have marrow.[1]

2803. It was reported from Yazîd Dhû Miṣr who said: “I came to ‘Utbah bin ‘Abd As-Sulâmi, and said: ‘O Abûl-Walid! I went out seeking an *Udhiyyah* but I could not find anything to my liking apart from an animal whose teeth had fallen out, which I disliked. What do you say about it?’ He replied: ‘Why did you not bring it for me?’ I said: ‘Subhân Allâh! It is allowed for you, and not allowed for me?’ He said: ‘Yes, because you have doubt about it, and I do not have doubt in it. The Messenger of Allâh only prohibited the *Musfarrah*, the *Musta’salah*, the *Bakhqa’, the *Mushayy’ah*, and the *Kasrã*. So the *Musfarrah* is the one whose whole ear has been

[1] He is defining Tanga.
uprooted (cut, ar missing) and its hole appears outwardly. The Musta'salah is the one whose horn has been broken from the root. The Bakhqâ' is the one whose eye has been damaged.[1] The Mushayy'ah is the one that cannot follow the rest of the herd due to it being emaciated and weak, and the Kasrâ' is the one with a broken leg.” (Daţf)

2804. It was reported from Zuhair, who said: “Abû Ishâq narrated to us, from Shuraih bin Nu'mân — and he was a truthful man — from 'Ali, who said: ‘The Messenger of Allah (saas) ordered us to pay great attention to the eye and both the ears, and not to sacrifice the ‘Awrâ’ (blind in one eye), nor a Muqâbalah, nor a Mudâbaharah, nor a Kharqâ’, nor a Sharqâ’.”’ Zuhair said: “I said to Abû Ishâq: ‘Did he mention the ‘Aibâ’?’ He replied: ‘No.’ I said: ‘What is the Muqâbalah?’ He replied: ‘The edge of its ear has been cut.’ I said: ‘What about the Mudâbaharah?’ He replied: ‘It has been cut from the back of its ear.’ I said: ‘What about the Sharqâ’?’ He replied: ‘The ear has been split.’ I said: ‘What about the Kharqâ’?’ He replied: ‘A hole is made (in its ears) as a distinguishing mark.”’ (Hasan)

[1] Tabkhaqu ‘ainuhâ: They say it means blind in one eye, or; some other obvious deformities of the eye, or that its eye has been gouged out.
The Book Of Sacrifices

Chapter 6.7. How Many People Can Share A Cow And A Camel?

2805. It was reported from Qatadah, from Jurayj bin Kulaib, from ‘Ali, that the Prophet prohibited sacrificing the ‘Adbā’ (mutilated) ear and horn animals. (Hasan)

Abū Dāwūd said: Jurayj is Sadūsī from Al-Basrah; no one reported from him except Qatadah.

2806. It was reported from Hishām from Qatadah who said: “I said to Sa’eed bin Al-Musayyab: ‘What is the A’dab?’ He replied: ‘Half, or more than that.’” (Sahih)

Chapter 6.7.

2807. It was reported from ‘Abdul-Malik, from ‘Aṭā’, from Jābir bin ‘Abdullāh who said: “We used to perform Tamatta‘u during the lifetime of the Messenger of Allah ﷺ; we would sacrifice a cow on behalf of seven people, and share it.” (Sahih)

اول كتاب الصخرين 

والنسائي، ح: 487-488 489 م، ح: 3142 من حديث أبي إسحاق به. وقال الترمذي:

"حسن صحيح" وصححه الحاكم: 4/244 ووافقه الذهبي * أبو إسحاق سمعه من ابن أشوع (ثقة)

عن شريح به في رواية قيس بن الربع وهو ضعيف عند الحاكم وللحديث شاهد حسن عند الترمذي، ح: 1503.

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2808. It was reported from Qais, from 'Ata', from Jâbir bin 'Abdullãh, that the Prophet said: "A cow suffices for seven, and a camel suffices for seven."  (Sahîh)

2809. It was reported from Abû Az-Zubair Al-Makki, from Jâbir bin 'Abdullãh, who said: "We performed the Nahr along with the Messenger of Allah at Al-Hudaibiyyah: A camel for seven people, and a cow for seven people."  (Sahîh)

Comments:
1. The Hadîth confirms that slaughtering the cow, the ox, the camel and the she-camel for sacrifice is proven from the Sunnah of the Messenger of Allah .
2. As for the cow as a sacrifice, seven people can share it for a Hadi and Udhiyyah. As for the camel, however, seven people can share it for a Hadi, and ten can share it for Udhiyyah as proven from other narrations. See no. 1501 of Jâmi' At-Tirmidhi.
Minbar, and a ram was brought which the Messenger of Allah slaughtered with his own hands, and he said: "In the Name of Allah, Allah is the Most Great; this sacrifice is on behalf of me, and on behalf of those among my Ummah who did not sacrifice." (Hasan)

Comments:
The fact that one goat suffices for all the members of a family is authentically proven, but it being 'on behalf of others' as well, is exclusive to the Messenger of Allah.

Chapter 8,9. The Imām
Slaughtering At The Musalla

2811. It was reported from Nāfi', from Ibn 'Umar that the Prophet used to slaughter his sacrifice at the Musalla, and Ibn 'Umar would do the same. (Sahih)

Comments:
It is desirable to offer his sacrifice at the Musalla, but valid if performed at another location.

Chapter 9,10. Storing The Meat Of The Sacrifice

2812. It was reported from 'Aishah who said: "A delegation of Bedouins attended Al-Adhā during the time of the Messenger of Allah. The Messenger of Allah said: 'Store three days (worth of meat), and give what remains in charity.'" She said: "After that, the
people said to the Messenger of Allāh ﷺ: ‘O Messenger of Allāh! People used to use their sacrifices, melting the fat from them, and making water skins.’ The Messenger of Allāh ﷺ said: ‘And what is the problem?’ — or as he said — they replied: ‘O Messenger of Allāh! You have prohibited us from keeping the meat of the Udhiyah for more than three days.’ The Messenger of Allāh ﷺ said: ‘I only prohibited you (from that) due to the delegation that came to you; so eat, give in charity and store.’” (Sahih)

2813. It was reported from Nubaishah who said: “The Messenger of Allāh ﷺ said: ‘I only prohibited you from eating its meat beyond three days so that everybody could get a share of it. As Allāh has blessed us with plenty now; then eat, store, and seek rewards (by giving in charity). Indeed, these days are days of eating, drinking and remembrance of Allāh, the Mighty and Sublime.’” (Sahih)

Comments:
The inference that we get from the Hadith is that where the poor and the needy are in large numbers, one should not store more than three days worth of meat, but rather distribute what is beyond that among the population. If, however, the situation is reverse, one may keep more than three days worth of the meat.
Chapter 10, 11. Regarding The Prohibition Of The Animals Being Confined (To Be Shot At), And, Being Gentle With The Animal To Be Slaughtered

2814. It was reported from Shaddad bin Aws who said: “There are two things I heard from the Messenger of Allâh ﷺ: ‘Indeed Allâh has ordained Ihsân (beneficence) in everything; so when you kill, then do it in the best manner.’” — Other narrators aside from Muslim said: “So kill in a good manner,” — “and when you slaughter, then do it in the best manner, and let one of you sharpen his knife and provide comfort to the animal.” (Sâhih)

Comments: It means that it is unlawful to use an animal as target practice, by confining it or fettering it, and shooting at it.

2815. It was reported from Hishâm bin Zaid, who said: “I entered along with Anas upon Al-Hakam bin Ayyûb. He saw some youths — or boys — who had confined a chicken which they were shooting at. Anas said: ‘The Messenger of Allâh ﷺ prohibited confining an animal (to shoot at).’” (Sâhih)

Comments: It means that it is unlawful to use an animal as target practice, by confining it or fettering it, and shooting at it.
Chapter 11,12. Regarding A Traveler Slaughtering

2816. It was reported from Thawbân who said: “The Messenger of Allah sacrificed, and then said: ‘O Thawbân! Prepare the meat of this sheep for us.’” He said: “I then kept on feeding him from it, until we reached Al-Madinah.” (Sahîh)

Chapter 12,13. Regarding the Animals Slaughtered By The People of Book

2817. It was reported from Yazîd An-Nahwî, from ‘Ikrimah, from Ibn ‘Abbâs, who said: The Verse “So eat of that upon which Allah’s Name has been mentioned”[1] and the Verse “Eat not of that upon which Allah’s Name has not been mentioned”[2] were abrogated, and an exception was granted for that, so He said: The food of the people of the Book is lawful to you, and yours is lawful to them.”[3] (Hasan)

تخريج: أخرجه مسلم، الأشجعي، باب بيان ما كان من النهي عن أكل لحوم الأشجعي بعد ثلاث في أول الإسلام ... إلّه، ح 19/5 من حديث معاوية بن صالح به.

2818. It was reported from Simāk, from ʿIkrīmah, from Ibn ʿAbbās, regarding Allāh’s saying: The Shaiātīn (devils) do inspire their friends (from mankind)\[1\] — they used to say: “You do not eat what Allāh has slaughtered, but you eat what you have slaughtered.” So Allāh revealed: Eat not of that upon which Allāh’s Name has not been mentioned.\[2\] (Daʾīf)

2819. It was reported from Saʿeed bin Jubair, from Ibn ʿAbbās who said: “The Jews came to the Prophet ﷺ, and they said: ‘We eat from what we kill, and we do not eat from what Allāh kills.’ So Allāh, the Exalted, revealed: ‘Eat not of that upon which Allāh’s Name has not been mentioned...’ until the end of the Verse.” (Daʾīf)

Chapter 13,14. What Has Been Reported About Eating The Muʿāqarah Of The Bedouins.

2820. It was reported from Abū Raiḥānah, from Ibn ʿAbbās, who said: “The Messenger of Allāh ﷺ prohibited the Muʿāqarah of the
Bedouins.”[1] (Da’if)
Abû Dâwûd said: Gundar (another narrator) has narrated this in Mawqûf form from Ibn ‘Abbâs.
Abû Dâwûd said: Abû Raihânâ’s name is ‘Abdullâh bin Ma’târ.

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Chapter 14,15. Slaughtering With Marwah[2]

2821. It was reported from Râfî’ bin Khadij who said: “I came to the Messenger of Allâh ﷺ and said: ‘O Messenger of Allâh! We shall be meeting the enemy tomorrow, and we have no knives. Can we slaughter with Marwâh and with a splinter of a staff?” The Messenger of Allâh ﷺ said: ‘Make the slaughtering quick, (using) whatever makes the blood flow, and (when) Allâh’s Name has been mentioned, then eat from it, except for the tooth and nail. I will tell you about it. As for the tooth, it is a bone, and the nail is the knife of the Ethiopians.’ Some people hastened and went forward. They hurried and got spoils. The Messenger of Allâh ﷺ was in the

[1] It was a custom that two men would compete in hospitality with each other, slaughtering as many camels as they could, whoever slaughtered the most for the other, he was the victor. It was disliked because the animals were slaughtered only to show off and to boast. See no. 3222 for a related narration.

[2] A type of stone, like marble or granite, and they say that Al-Marwâh, the mount opposite As-Šafa, was made of it.
rear. And they set up cooking pots. The Messenger of Allâh ﷺ passed by the pots and ordered them to be turned over. He then divided the spoils among them, and he equated a camel to ten sheep. One of the camels of the people ran away, and they had no horses with them at the time. A man shot an arrow at it, and Allâh prevented it from escaping. The Messenger of Allâh ﷺ said: ‘Some of these animals bolt like wild animals, so whenever any of them does so, do like this with it.”’ (Sahîh)

Comments:

It is allowed to slaughter an animal with any blade, be it made of flint, marble, etc., as well as a stake or other than that which will make the blood flow. Slaughtering with teeth, bones and fingernails is, however, prohibited since it is a practice of idolaters.

2822. It was reported from Ash-Sha’bî, from Muhammad bin Şafwân — or Şafwân bin Muhammad — who said: “I hunted two rabbits and slaughtered them with a Marwah, then I asked the Messenger of Allâh ﷺ about it. He told me to eat it.” (Hasan)

Comments:

The hare is permissible to eat. In the absence of a knife, it is permitted to slaughter it with a sharp object.
2823. 'Atâ’ bin Yasâr narrated from a man from Banû Ḥārithah; “While he was grazing a Litqâh in one of the mountain passes of Uḥud, he saw that it was about to die. He could not find anything to slaughter the animal with. He took a stake and stabbed it in the upper part of the breast till the blood gushed out. Then he came to the Prophet  and informed him about it. He told him to eat it.”

(Sahîh)

2824. It was reported from 'Adî bin Ḥâtim who said: “I said: ‘O Messenger of Allâh! What if one of us catches some game and he does not have a knife, can he slaughter it with a Marwâh and a splinter of a staff?’ He said: ‘Cause the blood to flow with whatever you want, and mention the Name of Allâh.’”

(Hasan)

Comments:
As proved from the previous Ahâdîth, it is not allowed in Islam to slaughter an animal with human teeth or fingernails. Barring these two methods, the animal slaughtered in Allâh’s Name with any sharp device would be legitimate and permitted to eat.

Chapter 15/16. Regarding Slaughtering The Mutaraddiyah

2825. It was reported from Abû
Al-‘Ushrã’ from his father, that he said: “O Messenger of Allâh! Is the slaughtering only done in the upper part of the chest or the throat?”

The Messenger of Allâh replied: “If you pierce its thigh it will be acceptable from you.” (Da’f)

Abû Dâwud said: This is valid only for the Mutaraddiyah, or a wild animal.

Chapter 16/17. Regarding Exaggeration When Slaughtering

2826. It was reported from ‘Amr bin ‘Abdullah, from ‘Ikrimah, from Ibn ‘Abbâs (one of the narrators) added: and Abû Hurairah — who said: “The Messenger of Allâh prohibited the Shaitân’s skinning.” Ibn ‘Eisâ added in his narration: “This refers to a slaughtered animal whose skin is cut off, without slitting its jugular veins, and then it is left to die.” (Da’f)

Abû Dâwud said: They call this one ‘Amr Barq. ‘Ikrimah stayed with his father in Yemen. Whenever Ma’mar narrated anything from him he would say: “‘Amr bin ‘Abdullâh,” and when the people of Yemen narrated from him he would not be named.

Chapter 17/18. Regarding Slaughtering The Fetus

2827. It was reported from Abū Sa‘eed, who said: “I asked the Messenger of Allāh (ﷺ) about the fetus. He replied: ‘Eat it if you wish.’” — Musad-dad (one of the narrators) had it: “We said: ‘O Messenger of Allāh we perform Nahr (slaughter) a she-camel, a cow and a sheep, and we find a fetus in its womb. Do we throw it away or can we eat it?’ He said: ‘Eat it if you wish, for the slaughter of its mother serves as its slaughtering.’” (Ṣaḥīḥ)

2828. It was reported from Abū Az-Zubair, from Jābir bin ‘Abdullāh, from the Messenger of Allāh (ﷺ), who said: “It is enough for the slaughtering of the fetus that its mother is slaughtered.” (Ḥasan)

Comments:
If the calf is taken out alive, it would be necessary to slaughter it as well; otherwise being the part of the mother it would also be the part of the mother.
Chapter 18/19. What Has Been Reported About Eating Meat While Not Knowing Whether the Name of Allah Was Mentioned Upon It Or Not

2829. It was reported from Hishâm bin 'Urwah, from his father, from 'Aishah, who said — and Hammâd and Malik (two of the narrators) did not mention: “from 'Aishah” — that they (the people) said: “O Messenger of Allah! There are people here who are recent converts from Jahiliyyah, and they bring us meat. We do not know whether the Name of Allah has been mentioned upon it or not, can we eat from it?” The Messenger of Allah ﷺ said: “Mention Allah’s Name and eat it.” (Sahih)

Comments:
It is unlawful to deliberately omit pronouncing Allah’s Name at the time of slaughter. To omit it through forgetfulness is, however, pardonable, and there should be no doubt about the legality and permissibility of such slaughter.

Chapter 19/20 Regarding Al-'Atirah

2830. It was reported from Nubaishah who said: “A man called out to the Messenger of Allah ﷺ: ‘We used to sacrifice the ‘Atirah during Jahiliyyah in the month of Rajab, so what do you order us about it?’ He said: ‘Sacrifice for the sake of Allah in
any month you wish, be obedient to Allah and feed (the people).’ He (the man) said: ‘We used to sacrifice the Fara during Jãhiiyyah, so what do you order us about it?’ He said: ‘For every Sã’imah (flock of grazing animals), feed the firstborn as you feed the rest of your flock until it reaches an age where it could be used to carry loads.’ — Naṣr (one of the narrators) said: ‘carry loads for those performing Hajj’ — ‘Then sacrifice it, and give its meat in charity.’

Khãlid (one of the narrators) said: ‘I think he said: ‘(You may give it) to a wayfarer, as that is better.’’

Khãlid said: ‘I said to Abû Qilabah: ‘How many is Sã’imah?’ He said: ‘One hundred.’” (Ṣahih)

**2831.** It was reported from Az-Zuhri, from Sa’eed, from Abû Hurairah that the Prophet said: ‘There is no Fara and no ‘Atfrah.” (Ṣahih)

**2832.** It was reported from Az-Zuhri from Sa’eed, who said: ‘Al-Fara was the firstborn (to the animal), which after being born they would sacrifice it.” (Da’if)
2833. It was reported from 'Aishah, who said: “The Messenger of Allah ordered us to sacrifice a sheep for every fifty sheep.” (Hasan)

Abū Dāwūd said: Some of them said that Fara' is the firstborn to the camel, which they used to sacrifice for their false deities, and then eat it, and its skin was thrown on a tree; and the 'Atīrah was (sacrificed) during the first ten days of Rajab.

Comments:
The popular view is that the Fara' and 'Atīrah were allowed, then later prohibited. It is reported from Imām Ash-Shāfi‘ī, and some of the Salaf before him, that they considered it recommended or did it, and Shaikh Al-Albāni endorses its allowance in Irwā‘ Al-Ghallīl (no. 1181) as did Imām Ash-Shawkānī in Nail Al-Awar. Shaikh Al-Albāni said: “These Aḥādīth imply the allowance of Al-Fara‘, and it is to slaughter the firstborn (animal) for the sake of Allāh; and (they imply) the allowance of the slaughter in Rajab and other than it, without distinguishing and specifying Rajab over other months. There is no contradiction between that and the preceding Ḥadīth: ‘There is no Fara‘ and no 'Atīrah' because in that, he only invalidated the Fara' which the people of Jāhilīyah performed for their idols, and the 'Atīrah which is the animal that they slaughtered specifically for Rajab. And Allāh knows best.”

Chapter 20,21. The ‘Aqīqah

2834. It was reported from Ḥabībah bint Maisarah, from Umm Kurz Al-Ka‘bīyyah who said: “I heard the Messenger of Allāh saying: ‘For a boy; two sheep that are Mukāfi‘ātān, and for a girl one sheep.’” (Ṣaḥīḥ)
Abū Dawūd said: I heard Ahmad saying: “Mukāfi’atān means: Both equal or close (in age).”

Comments:
The animal slaughtered on behalf of a new baby is called ‘Aqīqah. Lexically, the word means: to cleave, to split. The term is also applied to the hair of the newborn, and it is for this reason that this particular slaughter is also known as ‘Aqīqah.

2835. It was reported from Sufyān, from ‘Ubaidullāh bin Abī Yazīd, from his father, from Sibā’ bin Thābit, from Umm Kurz, who said: “I heard the Prophet saying: ‘Leave the bird in its perch.’”[1] She said: “I also heard him say: ‘For a boy, two sheep, and for a girl, one sheep. And it will be of no harm to you whether they are male or female.’” (Hasan)

2836. It was reported from ‘Ubaidullāh bin Abī Yazīd, from Sibā’ bin Thābit, from Umm Kurz who said: “The Messenger of Allāh said: ‘For a boy, two sheep that are similar, and for a girl, one sheep.’” (Hasan)

Abū Dawūd said: This is the Hadīth, and the narration of Sufyān (no. 2835) is a mistake.

[1] Al-Khaṭṭābī cites an explanation of Imām Ash-Shāfī‘i; that if Arabs set out from their house on some matter, and they saw a bird flying, they would derive an omen from the direction of flight. If the bird was sitting on its perch, they would startle it so it would fly, so they could determine the omen. Al-Khaṭṭābī also added, that it has been said that the Hadīth shows that it is disliked to hunt birds during the night, meaning, that they should not be hunted while they are nesting.
Comments:

What Imam Abu Dawud means to say is that the words “from his father” occurring after 'Abdullah, in the previous narration from Sufyan, are wrongly inserted in the chain of narrators.

2837. It was reported from Hammam who said: “Qatadah narrated to us, from Al-Hasan, from Samurah, from the Messenger of Allah, that he said: ‘Each boy is in mortgage by his ‘Aqiqah, which is sacrificed on the seventh day, his head shaved and bloodied (Yudamma).’”

When Qatadah was asked about the blood, and what to do with it, he said: “When you slaughter the ‘Aqiqah take some of its wool, and place it on its veins, then place it in the middle of the head of the infant so that the blood flows on the hair like a thread, and then his (the infants) head is washed and shaved.” (Dafs)

Abu Dawud said: This is a mistake from Hammam: “Yudamma.”

Abu Dawud said: Hammam has been opposed (by other narrators) in narrating this word, and it is an error from Hammam. They only said: “Yusamma” (named) but Hammam said: “Yudamma” (bloodied).

Abu Dawud said: And this is not adhered too.
The fact of the matter is that giving the name to the child on the seventh day of his birth is the Sunnah. To read it as Yudamma (bloodied) would be wrong, as is clear from the next Hadith.

2838. It was reported from Sa’eed, from Qatādah, from Al-Hasan, from Samurah bin Jundab that the Messenger of Allāh ﷺ said: “Each boy is mortgaged by his Aqīqah, which is sacrificed on the seventh day, his head is shaved and he is named.” (Sahih)

Abū Dāwud said: And ‘Yusamma’ (named) is more correct. This is how it was said by Sallām bin Abī Mut‘ from Qatādah, and Iyās Ibn Dagfal, and Ash’ath, from Al-Hasan, that he said: “And Yusamma.” And Ash’ath narrated it from Al-Hasan, from the Prophet ﷺ, that he said: “And Yusamma.”

Comments:
Al-Khaṭṭābī said: “Ahmad said: ‘This is regarding intercession’ meaning, if there was no ‘Aqīqah for him and the child dies, he will not intercede for his parents.” It has also been suggested that the expression ‘mortgaged’ has been used to emphasize the necessity and the obligatory nature of the ‘Aqīqah.

2839. It was reported from Salmān bin ‘Amir Ad-Ḍabbi who said: “The Messenger of Allāh ﷺ said: ‘Along with the boy there is Aqīqah, so shed blood on his behalf, and remove any harm from him.’” (Sahih)
2840. It was reported from Hishãm, from Al-flasan that he said: “Removing harm is shaving the head.”  
(Da’if)

2841. It was reported from Ibn ‘Abbãs that he said: “The Messenger of Allãh sacrificed a ram each for Al-Hasan and Al-Husain, may Allãh be pleased with them.”  
(Sa’îh)

Comments:
In terms of the chain of narration this Hadith is sound. An-Nasã’î (no. 4224), however, narrates it with the wording “two rams” (instead of one) and Shaîkh Al-Albãnî, as well as others, considers it more correct.

2842. It was reported from Dãwud bin Qais, from ‘Amr bin Shu’aib that the Prophet said — (another chain) from Dãwud from ‘Amr bin Shu’aib from his father — I think it is from his grandfather — who said: “The Prophet was asked about the ‘Aqîqah? He replied: ‘Allãh does not like Al- ‘Uqãq’ — as if he did not like the name. And he said: ‘If a child is born to anyone of you, and he likes to sacrifice for him, then let him sacrifice two sheep that are Mukãfã’atãn (comparable) for a
boy, and one sheep for a girl.' And he was asked about *Al-Fara*? He replied: ‘*Al-Fara* is *Haqq*.[1] if you leave it to grow until it becomes a healthy strong *Ibn Makhâd* or *Ibn Labûn*, then you give it to a widow, or to be ridden in the cause of Allah, this is better than you slaughtering it at the age when the meat is stuck to its fur, and you turn over your milking vessel and irritate your she-camel.” *(Hasan)*

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2843. It was reported from *‘Abdullâh bin Buraidah* who said: “I heard my father, Buraidah, saying: ‘During *Jâhiliyyah*, if a boy was born to one of us, we sacrificed a sheep and smeared his head with its blood. When Allah brought Islam, we would sacrifice a sheep, and we would shave his head, and smear saffron on it.” *(Hasan)*

Comments:

As for the ruling concerning the *Fara*, see the comments after no. 2833.
Chapter 21, 22. Using A Dog For Hunting And Other Than That

2844. It was reported from Abū Hurairah, from the Prophet ﷺ, who said: “Anyone who acquires a dog except for a dog for (herding) cattle, or hunting or farming (as a guard dog), his reward will be diminished every day by one Qirāt.” (Sahih)

Comments:
Keeping a dog for purposes other than those mentioned in the Hadith is a sin, and a losing bargain, since the equivalent of one Qirāt is deducted from his reward every day, and only Allah knows the exact weight of the reward of the person concerned. See no. 3168, and the glossary.

2845. It was reported from ‘Abdullāh bin Mughaffal who said: “The Messenger of Allāh ﷺ said: ‘If it was not that dogs were one of the Ummah, I would have ordered them to be killed. But kill the pure black ones among them.’” (Hasan)

2846. It was reported from Abū Az-Zubair, from Jābir who said: “The Prophet of Allāh ﷺ ordered...
us to kill dogs, even if a woman would bring a dog from the desert we would kill it. Then later on he prohibited us from killing them, and said: 'Stick to the black ones.'” *(Sahih)*

**Chapter 22,23. Regarding Hunting**

2847. It was reported from Hammãm, from ‘Adî bin Hâtîm who said: “I asked the Prophet ﷺ; and said: ‘I set off trained dogs and they catch (game) for me, can I eat it?’ He replied: ‘If you set off trained dogs and mention the Name of Allâh, then eat what they catch for you,’ I said: ‘Even if they killed (the game)?’ He replied: ‘Even if they killed (the game), as long as they were not joined by some other dog that was not among them.’ I said: ‘I shoot with the Mi’râd, and it strikes the target, can I eat it?’ He replied: ‘If you shoot with a Mi’râd and mention the Name of Allâh, and it strikes the target and pierces it, eat it, and if it strikes it with its blunt side then do not eat it.’” *(Sahih)*

2848. It was reported from Bayân, from ‘Amîr, from ‘Adî bin Hâtîm who said: “I asked the Messenger ﷺ
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of Allah; I said: ‘We hunt with these dogs.’ He replied: ‘If you set off your trained dogs and mention the Name of Allah on it, then eat what they catch for you, even if it kills it, except if the dog eats from it. If the dog eats from it, then do not eat, for I am afraid it has captured it for itself.’” (Sahih)

Comments:

Hunting with the dog is permissible in Islam provided that:
1. The dog is trained and fully obeys the commands of its master.
2. The Name of Allah has been mentioned when dispatching it for the prey.

2849. It was reported from Hammād, from ‘Āṣim Al-Aḥwal, from Ash-Sh‘abī, from ‘Adī bin Ḥātim that the Prophet ﷺ said: “When you shoot your arrow and mention the Name of Allah, and you find it (the game) the next day, and you did not find it (having fallen) in the water, and there is no other mark aside from the mark of your arrow, then eat it. But if some other dog joins your dogs then do not eat, for you do not know, perhaps it was killed by one that was not yours.” (Sahih)

Comments:

It is not allowed to eat of any game if one is unsure of such matters.

2850. It was reported from Yahyā bin Zakariyyā bin Abī Zā‘idah, he said: “Āṣim Al-Aḥwal informed
me, from Ash-Sha'bi, from 'Adi bin Ḥātim that the Prophet ﷺ said: 'If your target (animal) falls in the water, drowns and dies, then do not eat it.'” (Ṣaḥīḥ)

2851. It was reported from Mujâlid, from Ash-Sha'bi, from 'Adi bin Ḥātim that the Prophet ﷺ said: "If you have trained a dog or a falcon and then you set it off, and mention the Name of Allāh; eat whatever it catches for you." I said: “Even if it kills it?” He said: “(Even) if it kills it, and has not eaten anything from it, then it has caught it for you.” (Pa'īf)

Abū Dāwūd said: If a falcon eats from it, then there is no harm in eating it, but if the dog eats from it then it is disliked, and if it drinks the blood, then there is no harm.


2852. It was reported from Bishr bin 'Ubaidullāh, from Abū Idrīs Al-Khawlānī, from Abū Tha'labah Al-Khushānī who said: "The Prophet ﷺ said, about the game hunted by a dog: ‘If you set off your dog and mention the Name of Allāh, the Exalted, then eat it, even if it eats from it, and eat whatever is returned to you by your hands.’” (Ḥasan)
2853. It was reported from Dāwūd, from ‘Āmir, from ‘Adī bin Ḥātim that he said: “O Messenger of Allah! One of us shoots game, and then he tracks it for two or three days and finds it dead, and his arrow is in it; can he eat it?” He said: “Yes, if he wants to,” or he said: “He can eat it, if he wants to.” (Ṣahīh)

Comments:
If there are reasons to believe that the animal was killed by the hunter’s own arrow, eating it is lawful provided that the meat has not gone bad.

2854. It was reported from ʿAbdullāh bin Abī As-Safar, from Ash-Shaʿbī, who said: “ʿAdī bin Ḥātim said: ‘I asked the Prophet ṣ about the Miʿrād. He replied: “If it strikes with the sharp end then eat it, and if it strikes with the blunt side then do not eat it, for it died from a blow.” I said: “What about when I set off my dog?” He replied: “If you mention the Name of Allāh, then eat, otherwise do not eat. And if it eats from it, then do not eat, for it has caught it for itself.” I said: “I set off my dog and find another dog with it.” He (ṣ) replied: “Do not eat, for you have mentioned Allāh’s Name for your dog only.” (Ṣahīh)
2855. It was reported from Rabi‘ah bin Yazid Ad-Dimashqī that he said: “Abū Idris Al-Kawlānī ‘Aidhullāh informed me, he said: ‘Abū Tha‘labah Al-Khushānī said: “I said: ‘O Messenger of Allāh! I hunt with my trained dog and with my untrained dog?’ He replied: ‘What you hunt with your trained dog, mention Allāh’s Name, and eat, and what you hunt with your untrained dog, if you manage to slaughter it, then eat it.” (Ṣahīh)

2856. It was reported from Yūnus bin Saif who said: “Abū Idris Al-Kawlānī said: ‘Abū Tha‘labah Al-Khushānī said: “The Messenger of Allāh said to me: ‘O Abū Tha‘labah! Eat from what you retrieve by your bow and your dog.’ Ibn Harb (one of the narrators) added: “The trained (dog), and your hand, eat it whether it is slaughtered or not slaughtered.” (Ṣahīh)

2857. It was reported by ‘Amr bin Shu‘aib from his father, from his grandfather, that a Bedouin called Abū Tha‘labah said: “O Messenger of Allāh! I have trained dogs, so give me a Fatwā regarding hunting..."
with them.” The Prophet replied: “If you have trained dogs then eat what they catch for you.” He said: “Slaughtered or not slaughtered?” He replied: “Yes.” He said: “What about if it eats from it?” He replied: “Even if it eats from it.” He said: “O Messenger of Allah! Give me a Fatwa regarding my bow.” He replied: “Eat from what you retrieve with your bow.” He said: “Slaughtered and not slaughtered?” And he added: “And even if it goes out of my sight?” He replied: “Even if it goes out of your sight, provided it does not have stench, or you find a mark from other than your arrow in it.” He said: “Give me a Fatwa regarding the vessels of the Zoroastrians when we are forced to use them.” He replied: “Wash it and eat in it.”

(Hasan)

Comments:

If one has no option but to use the vessels of the disbelievers, he must wash them before use.

Chapter 23, 24. When A Piece Is Cut From the Game

2858. It was reported from Abū Wāqid who said: “The Prophet said: ‘Whatever is cut off an animal while it is alive, then it is dead flesh (Maitah).’” (Hasan)
Chapter 24, 25. On Following Game

2859. It was reported from Sufyān who said: “Abū Mūsā narrated to me from Wahb bin Munabbih, from Ibn ‘Abbās, from the Prophet ﷺ — and one time Sufyān said: “And I do not know it to be except from the Prophet ﷺ” — he said: “He who resides in the desert will become ill-mannered, and he who follows game will become heedless, and he who visits the Sulṭān (ruler) will be tried.” (Hasan)

2860. It was reported from ‘Adi bin Thābit, from a Shaikh from the Ansār, from Abū Hurairah, from the Prophet ﷺ — with the meaning of what was narrated by Musad-dad (a narrator in no. 2859) — He said: “He who clings to the Sulṭān (ruler) will be tried.” — he added: “A worshipper does not get nearer to the Sulṭān (ruler) except that he increases in distance from Allāh.” (Tāfī)

2861. It was reported from Abū Tha‘labah Al-Khushānī, from the Prophet ﷺ [that he said]: “If you shoot a game, and then find it after
three nights with your arrow in it, then eat it, provided it does not stink.” (Sahih)

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Chapter 1. what Has Been Related About What Is Commanded About The Will

2862. It was reported from Nafi', from 'Abdullãh, meaning Ibn 'Umar, from the Messenger of Allah ﷺ, he said: “A Muslim who has anything with him to will, has no right to spend three nights except that his will is written with him.” (Sahih)

Comments:
Meaning if he has property that he wants to will to other than his heirs, he must record that will.

2863. It was reported from 'Aishah who said: “The Messenger of Allah ﷺ did not leave behind any Dinârs, Dirhams, camels or sheep, and he did not willed anything.” (Sahih)

Chapter 2. What Has Been Related Regarding What Is Allowed For A Testator To Give From His Wealth

2864. ‘Amir bin Sa'd reported
from his father (Sa’d bin Abī Waqqāṣ), who said that when he fell sick — Ibn Abī Khalaf (one of the two narrators) said: “In Makkah,” then they were in accord — which brought him very near to death, the Messenger of Allāh ﷺ visited him. He said: “O Messenger of Allāh! I have a lot of wealth, and I only have a daughter to inherit it, can I give two-third of it in charity?” He replied: “No”. He said: “What about one-half?” He replied: “No”. He said: “What about one-third.” He replied: “(You may bequeat for) one third, though one-third is a lot. If you leave your heirs rich it is better than leaving them poor, begging from the people. And whatever you spend, seeking to please Allāh, you will be rewarded for that, even a morsel you put in your wife’s mouth.” I said: “O Messenger of Allāh! Will I have stayed behind from emigration?” He said: “If you live after me and do righteous deeds for the sake of Allāh, you will but increase in rank and degree. Perhaps you will live until some people will benefit from you, and others will be harmed by you.” Then he said: “O Allāh complete the emigration for my Companions, and do not turn them back, but the one who suffered is Sa’d bin Khawlah.” The Messenger of Allāh ﷺ felt sorry for him as he had died in Makkah. (Sahih)
The wealthy person has a duty to take care of his family and near relatives, and Sa’d was afraid of dying in Makkah before emigrating to Al-Madinah, which is why he asked Allah’s Messenger if he would be among those that stayed behind. Sa’d lived for forty-four years after the death of the Prophet.

Chapter 3. What Has Been Related About It Being Disliked To Cause Harm With The Will

2865. It was reported from Abū Hurairah who said: “A man said to the Messenger of Allah ﷺ: ‘O Messenger of Allah! Which kind of charity is best?’ He replied: ‘To spend (in charity) while you are healthy, aspiring, hoping to survive, and fearing poverty, and not delaying until death comes to you, then you say: “This and this is for so-and-so, this and this is for so-and-so,” while it already belongs to so-and-so.’” (Sahih)

Comments:
The best charity is that given by a person in spite of his own need for it, and in a state of good health.

2866. It was reported from Abū Sa’eed Al-Khudrī, that the Messenger of Allah ﷺ said: “For a person to give one Dirham in charity during his lifetime is better than one hundred Dirham in charity at the time of his death.” (Da’īf)
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2867. It was reported from Al-Ash’ath bin Jābir who said: “Shahr bin Hawshab narrated to me that Abū Hurairah narrated to him, that the Messenger of Allah ﷺ said: ‘A man or a woman does the deeds of obedience to Allah for sixty years, then when death comes to them they cause detriment through the bequest, and the Fire becomes mandatory on them.’” He (Shahr) said: ‘Abū Hurairah recited to me from: ‘After the payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone)’ until the Verse: ‘that will be the great success.’” [Hasan]

Abū Dāwud said: Al-Ash’ath bin Jābir is the grandfather of Naṣr bin ‘Alī (one of the narrators).

Comments:
The Hadith is clear on the point that to seek to harm the interest of the legal heirs through one’s will is a major sin; it amounts to transgressing the bounds of Allah, which is unlawful in Islam.

Chapter 4. What Has Been Related About Accepting The Position Of Executing A Will

2868. Abū Dharr said: “The Messenger of Allah ﷺ said to me:
'O Abū Dharr! I see you as weak, and I love for you what I love for myself. Do not take command over two persons, and do not be a guardian over an orphan's property.” (Sahih)

Abū Dāwūd said: The people of Egypt are alone with it.[1]

Comments:

There can be no doubt that a position of leadership or responsibility is a weighty task in both this world and the Hereafter. Anyone aware of his weaknesses must decline to shoulder such a responsibility at the very outset, and spare himself the ignominy and disgrace in this world as well as in the Hereafter.

Chapter 5. What Has Been Related About Abrogating The Will For The Parents And Near Relatives

2869. It was reported from Ibn ‘Abbās: “If he leaves wealth, that he makes a bequest to parents and next of kin”[2] (he said) the bequest was made in this way until the Verse of inheritance abrogated it. (Hasan)

Chapter 6. What Has Been Related About Willing To An Heir

2870. It was reported from Abū Umāmah, that he said: “I heard the Messenger of Allāh ﷺ saying: ‘Allāh has allotted to every rightful person what is due to him, so there is no willing to an heir.”’ (Hasan)

Chapter 7. Mixing One’s Food With The Food Of An Orphan

2871. It was reported from Ibn ‘Abbas, who said: “When Allāh, the Mighty and Sublime, revealed: “And come not near to the orphan’s property, except to improve it”’ and: “Verily, those who unjustly eat up the property of orphans.” until the end of the Verse, whoever had an orphan with him, went and separated his food from the food of the orphan, and his drink from the drink of the orphan. The food of the orphan started to become surplus, which he would keep for him to eat, or until it spoiled. That became difficult on them, so they mentioned this to the Messenger of Allāh ﷺ. So Allāh, the Mighty and
Sublime, revealed: “And they ask you concerning orphans. Say: “The best thing is to work honestly in their property, and if you mix your affairs with theirs, then they are your brothers.”[1] Then they mixed their food with his food, and their drink with his drink.”

Comments:
The elevated position of guardianship, upbringing and well-wishing towards an orphan, bestowed upon a person, also demands that he sees to it that the orphan is treated with special kindness, leaving no room in his mind for a feeling of alienation in the household.

Chapter 8. What Has Been Related About What Is Allowed For The Guardian Of The Orphan To Take From His Wealth

2872. It was reported from ‘Amr bin Shu‘aib, from his father, from his grandfather, that a man came to the Prophet ﷺ, and said: “I am a poor person, I have nothing with me, and I have an orphan.” He said: “Eat from the wealth of your orphan without extravagance, nor haste, nor using it for trade.” (Hasan)

Chapter 9. What Has Been Related About When One Ceases Being An Orphan

2873. It was reported from ‘Ali bin

Abi Ṭalib, that he said: “I memorized from the Messenger of Allah ﷺ: ‘There is no orphan after attaining puberty, and there is no observance of silence for the whole day until night.’” (Da’if)

Comments:
On reaching the age of puberty, the child ceases to be legally an “orphan,” and therefore should be responsible for his own affairs. Thus, if he is found to be possessed of sound judgment, his say will be preferable and decisive in matters relating to business and marriage arrangements. But if it is found that the orphan has not developed the capacity of sound judgment, the guardian shall, for some additional time, remain in-charge of his affairs.

As regards the vow of silence, people were wont to observing it in the pre-Islamic era. When Islam came, it was prohibited. Instead, it was encouraged for the people to use their gift of speech to articulate the praises of Allah and speak other good things.

Chapter 10. What Has Been Related About The Severity Of Consuming The Wealth Of An Orphan

2874. It was reported from Abul-Ghaith, from Abú Hurairah that the Messenger of Allah ﷺ said: “Avoid the seven destroyers.” They said: “O Messenger of Allah! And what are they?” He replied: “Committing Shirk with Allāh, magic, to kill someone that Allāh has prohibited — except by right — consuming Ribā, consuming the wealth of an orphan, to flee on the
day of the march (to battle), and to slander the chaste, unaware, believing women.” (Sahih)

Abū Dāwūd said: Abū Al-Ghaith Sālim, the freed slave of Ibn Muṭrī.

Comments:
The seven acts mentioned in the Hadith are regarded as major sins, but according to other narrations the number of such deeds is more than seven.

2875. It was reported from ‘Ubaid bin ‘Umair, from his father, that he narrated to him — and he was a Companion of the Prophet — that a man asked: “O Messenger of Allāh! What are the major sins?” He replied: “They are nine.” And he mentioned its meaning (as preceded), and added: “disobeying Muslim parents, and violating Al-Bait Al-Ḥarām (the Sacred House) which is your Qiblah during life and after death.” (Da’īf)
Chapter 11. What Has Been Related Of Evidence That The Shroud Is From One’s Wealth

2876. It was reported from Khabbāb who said: “Muṣ’ab bin ‘Umair was killed on the Day of Uhud, and he had nothing but a Namirah. When we covered his head with it his legs were exposed, and when we covered his legs with it his head was exposed. So the Messenger of Allāh ﷺ said: “Cover his head with it, and put some Idhkhir over his legs.”” (Ṣaḥīḥ)

Chapter 12. What Has Been Related About A Man Who Gives A Gift, Then It Is Bequeathed To Him, Or He Inherits It

2877. It was reported from Buraidah that a woman came to the Messenger of Allāh ﷺ and said: “I gave a slave-girl to my mother as charity, and she died and left behind that slave-girl.” He said: “Your reward has been granted and she is returned back to you in inheritance.” She said: “She died and a month’s fasting was due on her. Will it be sufficient” — or “fulfilled for her if I fast it for her?” He replied: “Yes.” She said:
“And she has not performed Hajj, will it be sufficient” — Or “fulfilled for her if I perform Hajj for her?”
He replied: “Yes.” (Sahih)

Comments:
It is lawful to accept, as inheritance, the things previously given in charity or as gift. This does not fall under the category of taking back gifts and charity. If the deceased person had some missed fasts, they should be made up by his heirs. Some of the scholars held the view that making up such fasts was only in the case when the person had vowed to perform those fasts other than the prescribed fast of Ramadan, and died prior to having the chance.

Chapter 13. What Has Been Related About A Man Who Institutes An Endowment

2878. It was reported from Näfi’, from Ibn ‘Umar who said: ‘‘Umar acquired some land in Khaibar, so he came to the Prophet and said: ‘I acquired some land and I have never acquired a property more precious than it, so what do you advise me to do with it?’ He replied: ‘If you wish institute an endowment of it and give in charity from its (profit).’ So ‘Umar gave it in charity, and stated that the property is not to be sold entirely, nor given away, nor inherited but it is (to be used) for the poor, and near kindred, and freeing slaves, and in the cause of Allah, and for the wayfarers” — and he added from Bishr: [1] “and the guests.” Then they were in accord: “There will be no sin on the administrator of the property to eat from it

[1] That is, Musad-dad added that Bishr said, because Musad-dad narrated it from more than one person.
within what is customary, and to feed a friend from it without making it his own property.” And he added from Bishr: “And Muhammad[^1] said: ‘Without trying to amass wealth from it.’” (Sahih)

2879. It was narrated from Yahyā bin Sa‘eed, regarding the endowment of ‘Umar bin Al-Khattāb, he said: “‘Abdul-Hamīd bin ‘Abdullāh bin ‘Abdullāh bin ‘Umar bin Al-Khattāb copied it (the document) for me: ‘In the Name of Allah, Most Gracious, Most Merciful. This is what the worshiper of Allah, ‘Umar, has written about Thamgh.’” He narrated in the report similar to the Hadith of Nāfi’ (no. 2878). He added: “Without amassing wealth, whatever surplus there is from its fruits, then it is for the beggars and the deprived ones.” He said: “And he cited the narration. He said: ‘If the administrator of Thamgh wishes to buy a slave from its fruits for the work then he may do so.’ It was written by Mu‘a‘iqīb and witnessed by ‘Abdullāh bin Al-Arqa‘m. In the Name of Allah, Most Gracious, Most Merciful. This is what has been directed by the worshiper of Allah, ‘Umar, the Commander of the Believers, if anything happens to him, then Thamgh, ‘Sirmah bin Al-Akwa’, and

[^1] That is, ‘Abdul-lāh bin ‘Awn narrated it to Muhammad bin Sirīn, and he said this. See Al-Bukhari no. 2737, Muslim no. 4224, and At-Tirmidhi no. 1375.
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the slave who is there, and the hundred shares which are in (the land of) Khaibar, the slave who is there, and the hundred shares which Muhammad donated to him in the valley, will remain in the custody of Hafṣah during her lifetime, then will go in the custody of a man of insight from her family. These will neither be sold, nor purchased. It (the produce) will be spent on where he sees it is appropriate, for the beggars, the deprived ones, and those near kindred. There is no harm for the one administering to eat, feed, and buy a slave from it.” (Hasan)

Comments:

The standard definition of Waqf (endowment or trust), is something or some property that is kept in tact, and the income accrued from it is given in charity. In all cases of Waqf, the conditions imposed on the property as well as on the administrator have to be clearly stipulated.

A person allotting a high-yielding property as a Waqf, so that even after his death, the expenditures concerned continue to benefit by it, is an act of great virtue, since Allāh says in the Qur’ān: “By no means shall you attain righteousness (and reward from Allāh) unless you spend (in His cause) of that which you love.” (Al 'Imran 3:92)

The administrator of the trust has the right to spend, within the accepted norms for himself in his work for the Waqf, and his guests, from its income.

The will, as well as the trust deed, must be in the form of a written document, with signatures of witnesses affixed to it, so as to obviate the possibility of misappropriation and waste in it.

Chapter 14. What Has Been Related About Giving Charity On Behalf Of The Deceased

2880. It was reported from Abū Hurairah that the Messenger of Allāh ﷺ said: “When a person dies his deeds discontinue, except for three things: Ongoing charity,
knowledge which people benefit from, and a righteous son who prays for him.” *(Sahih)*

**Comments:**
Acts like placing properties of ‘continuous benefit’ for the people under charitable trust, building *Masâjid* and rest-houses for travelers, disseminating beneficial knowledge, training pupils, writing and publishing books, and engaging in other works of public good are all excellent forms of charitable work. Upbringing children on the principles of the *Shari‘ah* may, however, be considered among the best form of charity.

**Chapter 15. What Has Been Related About Giving In Charity For One Who Died Without Leaving A Will**

2881. It was reported from `Aishah that a woman said: “O Messenger of Allah! My mother died suddenly, if it were not for that, she would have given in charity and donated. Will it suffice if I give charity on her behalf?” The Prophet ﷺ said: “Yes, give in charity on her behalf.” *(Sahih)*

2882. It was reported from Ibn `Abbâs that a man said: “O Messenger of Allah! His mother died; will it benefit her if he gave charity on her behalf?” He replied: “Yes.” He said: “I have a garden, and I make you a witness that I have given it in charity on her behalf.” *(Sahih)*
Chapter 16. What Has Been Related About The Will Of A Combatant Disbeliever Who Dies, And His Executor Accepts Islam, Does He Have To Carry Out The Will?

2883. It was reported from 'Amr bin Shu'aib, from his father, from his grandfather, that Al-'As bin Wã'il instructed in his will that one hundred slaves be freed on his behalf. His son Hishãm freed fifty slaves, and his son 'Amr wanted to free the remaining fifty on his behalf. He said: “I will not do it until I ask the Messenger of Allâh.” So he came to the Prophet and said: “O Messenger of Allâh! My father instructed in his will to free one hundred slaves on his behalf. Hishãm has freed fifty slaves on his behalf, and fifty remain. Can I free them on his behalf?” The Messenger of Allâh said: “If he had been a Muslim; and you freed the slaves on his behalf, gave charity on his behalf, and performed Hajj (pilgrimage) on his behalf it would have reached him.” (Hasan)

Comments:

Such good deeds done on their behalf by their descendants, will only benefit the Muslims after their death.
Chapter 17. What Has Been Related About A Man Who Dies And Leaves Behind A Debt, And He Has What Will Fulfill The Debt, The Creditors Will Be Asked To Defer Repayment For A While, And The Heirs Should Be Treated with Leniency

2884. It was reported from Jābir bin ‘Abdullāh who said that his father died and left a debt he had with a Jew for thirty Wāsq. Jābir requested him to defer payment for a while but he refused, so Jābir requested the Messenger of Allāh ﷺ to intercede with him on his behalf. The Messenger of Allāh ﷺ came and spoke to the Jew to take dates instead of the debt that he was owed, but he refused. Then the Messenger of Allāh ﷺ spoke to him to defer it for a while, but he refused. — Then he narrated the rest of the Hadith. (Sahih)

Comments:
Outstanding debts of the deceased person must be paid at the first possible opportunity. Interceding in such matters on behalf of the descendants is a desirable act.

The End of the Book of Wills
18. The Book Of Inheritance

Chapter 1. What Has Been Related About Teaching The Knowledge Of Inheritance

2885. It was reported from ‘Abdullah bin ‘Amr bin Al-‘As, that the Messenger of Allah said: “Knowledge is in three categories; and whatever is beyond that is considered a surplus: A Muhkam Verse; an established Sunnah, and justice with inheritance.” (Da‘if)

Chapter 2. Regarding Al-Kalālah

2886. It was reported from Ibn Munkadir, that he heard ‘A‘ishah saying: “I became ill, so the Prophet and Prophet came to visit me with Abū Bakr on foot. I was unconscious and I could not speak to him. He performed Wudu’ and sprinkled water on me, and I became conscious. I said: ‘O Messenger of Allah! What am I
supposed to do with my wealth, as I have sisters?’” He said: “Then Allāh revealed the Verse about inheritance: They ask you for a legal verdict. Say: “Allāh directs (thus) about Al-Kalālah.”[1] (Sahih)

Comments:
Kalālah refers to the case of a deceased person who leaves behind neither ascendants (parents) nor descendants (children) in the direct line, regardless of whether he has or does not have other relations.

Chapter 3. A Person Who Has No Son But He Has Sisters

2887. It was reported from Abū Az-Zubair, from Jābir, who said: “I became ill and I had seven sisters. The Messenger of Allāh ﷺ visited me and blew on my face. I became conscious, and said: ‘O Messenger of Allāh! Can I will one third of my property to my sisters?’ He replied: ‘Make it better’ I said: ‘One half?’ He replied: ‘Make it better.’ Then he left me and went away. Then he said: ‘O Jābir! I do not see you dying from this illness? And Allāh has revealed, and He described the shares of your sisters, Allāh has allocated two thirds for them.’” Jābir used to say: “This verse was revealed on me: “They ask you for a legal verdict. Say: “Allāh directs (thus) about Al-Kalālah”[2]

2888. It was reported from Shu'bah, from Abū Ishāq, from Al-Barā’ bin ‘Āzib who said: “The last Verse revealed was about Kalālah: ‘They ask you for a legal verdict. Say: Allāh directs (thus) about Al-Kalālah.”’\[1\] (Ṣahih)

2889. It was reported from Abū Bakr, from Abū Ishāq, from Al-Barā’ bin ‘Āzib who said: “A man came to the Prophet ﷺ and said: ‘O Messenger of Allāh! They ask you for a legal verdict about Al-Kalālah — what is Al-Kalālah?’ He replied: ‘The Verse revealed in summer is sufficient for you.’” I asked Abū Ishāq: “Does it mean the one who dies and did not leave behind a son or father. He replied: ‘That is it, that is what they used to think.’” (Hasan)

Chapter 4. What Has Been Related About The Inheritance For Descendants

2890. It was reported from Huzail bin Shurahbil Al-Awdi who said: “A man came to Abū Mūsā Al-Ash’arī..."
and Salmān bin Rabī’ah and asked
them about (the case where a
person dies and leaves behind) a
daughter, a son’s daughter, and a
sister from the father and the
mother. They replied: ‘His daughter
gets half, and the sister from the
father and mother gets half’ — and
they did not allot any inheritance
to the son’s daughter — ‘Go to Ibn
Mas‘ūd and you will see that he
agrees with me.’ So the man came
to him and asked him, and told him
of their saying. He replied: ‘I would
be misguided then, not among those
who are guided. Rather, I am going
to decide on the matter according
to the decision of the Messenger of
Allah ﷺ: For the daughter; half, and
the son’s daughter gets one
share, which completes two-thirds,
and what remains goes to the sister
from the father and the mother.’”
(Sahih)

Comments:
The reply given by ‘Abdullāh bin Mas‘ūd is based on what is known as the
Verse of Inheritance that reads: If (there are) women (only daughters), two or
more, their share is two-thirds of the inheritance (An-Nisā’ 4:11). Thus, once
a single daughter has been given one-half of the inheritance, what the
granddaughter gets is only one-sixth of the share. They will thus both
complete the share meant for two daughters.

2891. It was reported from
‘Abdullāh bin Muhammad bin
‘Aqīl, from Jābīr bin ‘Abdullāh,
who said: “We went out with the
Messenger of Allah ﷺ until we
came to a woman from the Ansār
in Al-Aswāf.”[1] The woman came

with her two daughters, and said: 'O Messenger of Allâh! These two are the daughters of Thâbit bin Qais who was killed in the battle of Uhûd where he was with you, and their paternal uncle has taken all their property and inheritance and did not leave anything behind for them at all. What do you say about it, O Messenger of Allâh! By Allâh! They cannot get married unless they have some property.'

The Messenger of Allâh ﷺ replied: 'Allâh will decide about that.' He said: "Then (the Verse of) Sûrat An-Nisâ' was revealed: 'Allâh commands you as regards your children's (inheritance) until the end of the Verse.'[1] The Messenger of Allâh ﷺ said: 'Call the woman and her husband's brother for me,' then he said to their paternal uncle: 'Give them two-thirds, and give their mother one-eighth, and whatever remains is yours.' (Dâ'î)

Abû Dâwûd said: Bishr (one of the narrators) made a mistake, they were the daughters of Sa'd bin Rabî'. Thâbit bin Qais was killed in the battle of Al-Yamamah.

Comments:

To arrive at the correct distribution formula in this case the inheritance is divided into 24 shares: 16 shares (two-thirds) shall go to the daughters, 3 shares (1/8) to the wife, and the remaining 5 shares shall go to the uncle.

2892. (Another chain) from 'Abdullāh bin Muḥammad bin 'Aqīl, from Jabīr bin 'Abdullāh who said: "The wife of Sa'd bin Rabī' died and left behind two daughters..." Then he cited similarly. (Ḍaʾf)

Abū Dāwūd said: This (chain) is more correct.

2893. It was reported from Al-Aswād bin Yazīd that Muʿādh bin Jabal distributed the shares of inheritance to a sister and a daughter. He gave each one of them one-half. He was at that time in Yemen, while the Prophet of Allāh was alive. (Ṣaḥīḥ)

Chapter 5. Regarding The Grandmother

2894. It was reported from Qabīšah bin Dhuʾaib who said: "A grandmother came to Abū Bakr, may Allāh be pleased with him,
asking him about her share of inheritance. He replied, ‘There is nothing prescribed for you in the Book of Allāh, and I do not know of anything for you in the Sunnah of Allāh’s Prophet ﷺ. Go back, until I ask the people about it.’ Then he asked the people about it. Al-Mughirah bin Shu‘bah said: ‘I was with the Messenger of Allāh ﷺ and he gave her one-sixth.’ Abū Bakr said: ‘Do you have anybody else with you (to testify)?’ Muhammad bin Maslamah stood up and said the same as what Al-Mughirah bin Shu‘bah had said, so Abū Bakr implemented it for her. Then another grandmother came to ‘Umar bin Al-Khattāb asking about her inheritance. He said: ‘There is nothing prescribed for you in the Book of Allāh, and the decision made before you for a grandmother was for other than you. I am not going to add anything in the shares of inheritance, but it is only one-sixth. If the two of you remain together then you share it, and whichever of you two is left alone, then it is for her.” (Ṣahīh)

Comments:
The Arabic word Jiddah applies to both, paternal and maternal grandmothers who get one-sixth portion of the inheritance.
2895. It was reported from Ibn Buraidah, from his father that the Prophet gave one sixth to a grandmother if there is no mother left to inherit before her. (Hasan)

2896. It was reported from Qatādah, from Al-Ḥasan, from ʿImrān bin Ḥuṣain, that a man came to the Prophet and said: "My son's son has died, what do I get from his estate?" He said: "You will get one-sixth." When he started to go away, he called him, and said: "You also have another sixth." When he started to go away again, he called him, and said: "The other one-sixth is for food (Tuʿmah)." (Daʿīf)

Qatādah said: "They (the Companions) did not know the heirs with whom he was given (one-sixth)."

Qatādah said: "The minimum share given to a grandfather is one-sixth."

Chapter 6. What Has Been Related About The Grandfather’s Inheritance

Translation:

2895 - حَدَّثَنَا مُحَمَّدُ بن عَبْدِ العَزِيزِ بْن
أبي رَمَةٍ قَالَ: أَخْبَرَنا أَبِي قَالَ: حَدَّثَنَا عَبْدُ
الله أَبُو الْعَيْبِ الْمَهْتَكِيُّ عَنِ ابن بَرَيْدَة، عَن
أبيه: أن النبي ﷺ جَعَلَ لِلْجَدَّةِ السَّدْسَ إِذَا
لَمْ تَكُنْ دُوْنَهَا أَمْ. تَخْرِيج
[إسناده حسن] أخرجه النسائي في الكبرى، ح: ٣٣٨ من حديث أَبِي الْعَيْبَةٍ بِهِ.

وصحبه ابن الجارود، ح: ١٩٦.

2896 - حَدَّثَنَا مُحَمَّدُ بن كَبْرِيَّ قَالَ:
أخبرنا هَمَامُ عَن قَنَادِةٍ، عَن الْحَسَنِ، عَن
عُمَرَانٍ بْن حُصَيْنِ: أَن رَجَلًا أَتى الْبَنِي ﷺ
فَقَالَ: إِنَّ ابْنَ الْبَنٍّ مَا تَمَ فَمَا لِي مِنْ مِزَارِيْهِ؟
قَالَ: لَكَ السَّدْسُ، فَلَمَا أَشْتَرَ ذَغَاهُ فَقَالَ:
لَكَ السَّدْسُ أَخَرُ، فَلَمَا أَشْتَرَ ذَغَاهُ فَقَالَ: إِنَّ
السَّدْسُ الأَخَرُ طَعْمَةٌ، قَالَ قَنَادِةٌ: فَلا
يَذْوِرُونَ مَعِي أَيْ بَيْتُ وَزَرَةٍ، قَالَ قَنَادِةٌ: أَقْلُ
شَيْءٍ وَيَرْتُ السَّدْسَ.

تَخْرِيج
[إسناده ضعيف] أخرجه الترمذي، الفراء، باب ما جاء في ميراث الجد،
ح: ٢٠٩٩ من حديث همام به وقال: "حسن صحيح" وصحبه ابن الجارود، ح: ٩٦١ # قنادة
والحسن: عن عائشة ومحليط طرق ضعيفة، أنظر مسند الحمدي (بتحقيق): ٥٨٣٥، ٨٣٦.
Chapter 7. Regarding The Inheritance For Al-‘Asabah[1]

2897. It was reported from Al-Hasan that ‘Umar said: “Does anybody know what the Messenger of Allâh gave to the grandfather from the estate?” Ma‘qil bin Yasâr said: “I do. The Messenger of Allâh gave him one-sixth.” He asked: “Along with whom?” He replied: “I do not know.” He said: “If you do not know, then what good is it.” (Da‘îf)


Chapter 8. Regarding The Inheritance For Those Related Due To The Womb

2898. Ibn ‘Abbâs narrated the Messenger of Allâh as saying: “Divide the wealth among the heirs according to the Book of Allâh, then whatever inheritance remains, goes to the nearest male heir.” (Sahîh)


2899. It was reported from Al-Miqdâm who said: “The Messenger of Allâh said: ‘Whoever leaves

[1] Al-‘Asabah refers to those who are not assigned inheritance by other regulations, but remain after the deceased while no legal heirs remain.
behind a burden, then refer it to me — and perhaps he said: "to Allâh and to His Messenger" — "And whoever leaves wealth, then it is for his heirs. And I am the heir for the one who has none, paying blood money for him and inheriting from him, and a maternal uncle is the heir for the one who has none, paying blood money for him, and inheriting from him." (Hasan)

2900. (Another chain) from Al-Miqdâm Al-Kindi that he said: "The Messenger of Allâh ﷺ said: 'I am more worthy of every believer than himself. So whoever leaves behind a debt or dependants (Dai'ah), then refer it to me. And whoever leaves behind any wealth, it is for his family. And I am the Mawla of those who have no Mawla, I inherit his wealth, and fulfill his liabilities. A maternal uncle is a Mawla for those who have no Mawla. He inherits his wealth and fulfills his liabilities.'[1] (Hasan)

Abû Dâwud said: Ad-Dai'ah means dependants.

Abû Dâwud said: Az-Zubaidî reported it from Râshid bin Sa'd, from Ibn 'Â'idh, from Al-Miqdâm. It has also been reported by Mu'âwiyah bin Sâlih from Râshid, who said: "I heard Al-Miqdâm..."

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The Book Of Inheritance

2901. It was reported from Šalih bin Yahyā bin Al-Miqdām, from his father, from his grandfather who said: "I heard the Messenger of Allah ἡ saying: 'I am the heir of the one who has no heir, I fulfill his liabilities, and I inherit from him. And a maternal uncle is the heir of the one who has no heir, fulfilling his liabilities, and inheriting his wealth.'" (Hasan)

Comments:
These and similar narrations appear again, see no. 2954. Scholars differ over whether this responsibility is specific to the Messenger of Allah ἡ or does it apply to the leaders after him. According to Al-Hafiz Ibn Ḥajar, it also applies to the leaders after him.

2902. It was reported from ‘Āishah, who said: "A freed slave of the Prophet ἡ died and left something behind, and he did not leave any child nor any relative, so the Messenger of Allah ἡ said: ‘Give his wealth to a man belonging to his village.’" (Hasan)
Abū Dāwūd said: The Ḥadīth of Sufyān is more complete. And Musad-dad said:[1] "He said: 'The Prophet ἡ said: 'Is there anybody here belonging to his land?' They replied: 'Yes.' He said: 'Then give him his inheritance.'"

[1] The author narrated it from two chains; one from Musad-dad reaching Shu'bah, and another from ‘Uthmān bin Abī Shaibah, reaching Sufyān.
2903. It was reported from ‘Abdullâh bin Buraidah, from his father, who said: “A man came to the Messenger of Allâh ﷺ and said: ‘I have some inheritance left by a man from Azd, and I cannot find anybody from Azd so that I can give it to him.’ He said: ‘Search for a man of Azd for a year.’ He came to him after a year, and said: ‘O Messenger of Allâh! I could not find any man from Azd so that I can give it to him.’ He replied: ‘Go and find a person from Khuza‘ah, the first person you get from them give it to him.’ When he turned away, he (the Prophet ﷺ) said: ‘Call the man for me.’ When he came back, he said: ‘Find the eldest man of Khuza‘ah and give it to him.’” (Da‘if)

2904. (Another chain) from Ibn Buraidah, from his father who said: “A man from Khuza‘ah died, and his estate was brought to the Prophet ﷺ, so he said: ‘Search for an heir of his, or a relation of the womb (maternal relative).’ They did not find any heir for him nor any relation of the womb. The Messenger of Allâh ﷺ said: ‘Give it to the elder of Khuza‘ah.’” (Da‘if) Yahyâ (one of the narrators)
said:[1] “I heard him once say in this narration: ‘Look for the eldest man of Khuzā’ah.’”

 препарат: [ضيف] أخرجه أحمد: 5/347 والنسائي في الكبرى، ح: 394 من حدث شريك

2905. It was reported from Ibn ‘Abbās who said: “A man died and did not leave behind an heir except a boy slave of his whom he had freed. The Messenger of Allāh صلّى الله عليه وسلم asked: ‘Does he have any heir?’ They replied: ‘No, except a slave of his whom he had freed.’ The Messenger of Allāh صلّى الله عليه وسلم allocated the property to him.” (Hasan)


Chapter 9. Inheritance For The Child In The Case Of Li‘an[2]

2906. It was reported from Wāthilah bin Al-Asqa‘ from the Prophet ﷺ who: “A woman can inherit from the following three: One she has freed, a foundling she found, and her child about whom the Li‘an was invoked.” (Da‘f)

 препарат: [إسناده ضيف] أخرجه الترمذي، الفرسان، باب ما جاء ما يث فت النساء من الولاء، ح: 2115 وابن ماجه، ح: 2742 من حدث محمد بن حرب به وقال الترمذي: "حسن غريب" وقال البهقي: 240/2. هذا غير ثابت" وقال ابن عدي في عمر بن روبة: "إنما أكرموا

[1] He narrated no. 2904, from Sharīk, from Jibrīl bin Aḥmar Abū Bakr, from Ibn Buraidah.
2907. It was reported from Makhul, who said: “The Messenger of Allah assigned the inheritance of a child in the case of Li‘an to his mother, and to her heirs after her.” (Da‘if)

2908. It was reported from ‘Amr bin Shu‘aib, from his father, from his grandfather, from the Prophet, similarly (as no. 2907). (Da‘if)

Chapter 10. Can a Muslim Inherit From a Disbeliever?

2909. It was reported from Usāmah bin Zaid, from the Prophet, that he said: “The Muslim does not inherit from the disbeliever, and the disbeliever does not inherit from the Muslim.” (Sahih)

2910. (Another chain) from Usāmah bin Zaid, who said: “I said: ‘O Messenger of Allah! Where are you going to stay

حتخيض: أخرجه البهق: 259/6 من حديث أبي داود به وقال: "حديث مكحول مقطع" فاستُه سبيع ونل الحديث شاهد كثيرة عند البهق وغيره، كلها سبيعة.
tomorrow?’ — during his Hajj. He replied: ‘And has ‘Aqil left any house for us?’ Then he said: ‘We are going to descend in the Khaif of Banû Kinānah, the place where the Quraish swore upon disbelief.’”

Meaning: Al-Muhassab, and that was because Banû Kinānah gave their oath along with the Quraish against Banû Hāshim that they will not intermarry, nor do any business transactions with them, nor will grant them any refuge. (Sahih)

Az-Zuhri (one of the narrators) said: “Khaif means a valley.”

Comments:
This narration and its comments preceded, see no. 2010.

2911. It was reported from ‘Abdullāh bin ‘Amr who said: “The Messenger of Allāh ᴩ said: ‘The people of two religions do not inherit (each other) at all.’” (Ḥasan)

2912. It was reported from ‘Abdullāh bin Buraidah, that two brothers (brought their) dispute to Yahyā bin Ya’mar; a Jew and a Muslim. He made the Muslim heir among them. He (Yahyā) said: “Abū Al-Aswad narrated to me, that a man narrated to him that Mu‘ādh said: ‘I heard the Messenger of Allāh ᴩ saying:
Islam increases (one) and does not decrease (one).” So he made the Muslim the heir. (Da‘īf)

Chapter 11. Regarding One Who Accepts Islam Before The Distribution Of The Inheritance

2914. It was reported from Abū Ash-Sh‘athā‘, from Ibn ‘Abbās, may Allâh be pleased with him, who said: “The Prophet ﷺ said: ‘Every division (of inheritance) that was allocated according to (the rules of) Jâhiliyyah, stands as it is; and every division that was allocated after the advent of Islam stands according to the rules of (inheritance of) Islam.’” (Hasan)

Chapter 12. Regarding Al-Walā’

2915. It was reported from Ibn ‘Umar, that ‘Aishah, the Mother of
the Believers, may Allâh be pleased with her, wanted to buy a slave-girl so that she could free her. Her people (owners) said: “We will sell her to you on the condition that the Walâ’ (right of inheriting from her) will be ours.’ She mentioned it to the Messenger of Allâh ﷺ. He said: ‘That should not prevent you, for the Walâ’ is for whoever freed (the slave).’” (Sahîh)

Comments:
In Arabic the word Mawâlā applies to both the one who freed the slave, and the freed slave (as well). Al-Walâ’ refers to the relationship between them after the freeing of the slave. The relationship is immutable that can neither be changed or gifted nor bought or sold, and due to this relationship, the one freed takes on the tribal affinity of the one who freed him, and the one who freed him is his heir.

2916. It was reported from Al-Aswad, from ‘Aishah, who said: “The Messenger of Allâh ﷺ said: ‘The Walâ’ is for whoever paid the price and conferred the favor.’” (Sahîh)


2917. (A) It was reported from Ḥusain Al-Mu‘allîm, from ‘Amr bin Shu‘aib, from his father, from his grandfather, that Ri’ab bin Ḥudhaifah married a woman, and three sons were born to her from him. Their mother then died. They inherited her property and the Walâ’ of her freed slaves. ‘Amr bin Al-‘Āṣ was an ‘Asabah among them. He sent them to Ash-Shâm,
where they died. When ‘Amr bin Al-‘Äs arrived, a freed slave of hers had died and left some property behind for him. Her brothers dispute took their before ‘Umar bin Al-Khaṭṭāb. ‘Umar said: “The Messenger of Allah ﷺ said: ‘Whatever property a son or a father gains as an heir will be for his ‘Äsabah after him, whomever they may be.’” He said: “He wrote a document for him, witnessed by ‘Abdur-Rahmān bin ‘Awf and Zaid bin Thābit, and another man. When ‘Abdul-Malik became the Khalīfah, they presented the case to Hishām bin Ismā‘il — or Ismā‘il bin Hishām. He sent them to ‘Abdul-Malik. He said: ‘This is from the decision which I had seen.’” He said: “Then he made the decision based on the document of ‘Umar bin Al-Khaṭṭāb, and we are following that until this time.” (Hasan)

2917 (B). [It was reported from Hammād, from Ḥumaid who said: “People have accused ‘Amr bin Shu‘aib for this (no. 2917 A) Hadith.” (Hasan) Abū Dāwūd said: It was reported from Abū Bakr, ‘Umar and ‘Uthmān, contrary to this Hadith, and it was reported similar to this from ‘Alī bin Abī Ṭalīb.]

٢٩١٧ (ب) - {حَدَّثَنَا أَبُو دَاوُدُ قَالَ: حَدَّثَنَا أَبُو سُلَيْمَةُ قَالَ: حَدَّثَنَا حَمَادَةٌ عِنْ حُمَيْدٍ قَالَ: النَّاسُ يَتَقَدَّمُونَ عَمَّوْرًا بَنْ شَيْخٍ فِي هِذَا الْحَدِيثِ. قَالَ أَبُو دَاوُدُ: وَوَزَّى عَنْ أَبِي بَكْرٍ وَعُمَّرٍ وَعُمْرَانَ خَلَفَ هَذَا الْحَدِيثِ إِلَّا أَنَّهُ رَوَى عَن عَلِيٍّ بْنِ أَبِي طَالِبٍ بِمَثَلِ هَذَا.}

تَحْرِيرِهِ: [إِسْتَادُ حَسَن] أَخْرَجْنَا أَبِنَ مَاجِيَّةَ، الفَرَائِضَ، بَابَ مِيرَاتِ الْوَلَاءِ، ح٢٧٣٢: حَدِيثُ حَسِينٌ المَعْلُومُ بِهِ ﻋِنْ حَمِيدٍ الطَّوْلِيَّ: مَدْلُوسَ وَلَمْ يَذْكُرَ الْنَّاسُ الذُّينَ كَانُوا يَتَقَدَّمُونَ عَمَّوْرًا بِنَّ شَيْخٍ رَحْمَةَ اللَّهِ عُلَيْهِ، وَبَأَيْ شَيْءٍ كَانُوا يَتَقَدَّمُونَهُ؟
Chapter 13. Regarding A Man Who Accepts Islam At The Hands Of Another

2918. It was reported from Qabişah bin Dhu’aireb — Hishâm (one of the narrators) said: “From Tamîm ad-Dârî, that he said: ‘O Messenger of Allâh!’” — And Yazid (one of the narrators) said: “That Tamîm said: ‘O Messenger of Allâh! What is the Sunnah in regards of a man who accepts Islam at the hands of a man among the Muslims?’” He replied: ‘He is the most worthy of the people in his life and after his death.’” (Hasan)

Comments:
Abû Hanîfah and Ishâq hold the view that the one who accepts Islam may agree to Walâ’ with the one by whom he accepted it. Others explain that the narration does not clearly state that they inherit from each other, and they cite the Hadîth: “The Walâ’ is for the one who freed.” Meaning, in the case where a slave accepted Islam at the hands of this man, and another man paid to have him freed, then which of the two has the Walâ’, so this narration explains that the Walâ’ is for the one who freed.

Chapter 14. Regarding Selling Al-Walâ’

2919. It was reported from Ibn ‘Umar, may Allâh be pleased with him, that he said: “The Messenger of Allâh prohibited selling the Walâ’ and giving it as a gift.” (Sahîh)
Chapter 15. Regarding A Newborn Who Raises His Voice And Then Dies

2920. It was reported from Abū Hurairah, may Allah be pleased with him, that the Prophet ﷺ said: “If a newborn raises its voice, and then dies, it will be treated as an heir.” (Da’īf)

Chapter 16. The Abrogation Of Inheritance Due To Alliances By Inheritance Due To Relations

2921. It was reported from ‘Ikrimah, from Ibn ‘Abbās, may Allah be pleased with him, he said: (To those also with whom you have made a pledge (brotherhood), give them their due portion.)[1] A man would make an agreement with another man with no relationship between them, that they will inherit from one another. It was abrogated by (the following Verse of Surah) Al-Anfal: “But kindred by blood are nearer to one another (regarding inheritance).”[2]

2922. It was reported from Sa‘eed bin Jubair, from Ibn ‘Abbâs, regarding Allah’s Saying: (To those also with whom you have made a pledge (brotherhood), give them their due portion) He said: “When the Muhãjirûn came to Al-Madînah they used to inherit from the Ansâr instead of their blood relatives, due to the brotherhood which the Messenger of Allah  had established between them. When the following Verse was revealed: ‘And to everyone We have appointed heirs of that (property) left,’ it abrogated: (To those also with whom you have made a pledge (brotherhood), give them their due portion) — of help, advice and cooperation, an a will would be made for him, but the right of inheritance had gone (was abrogated).” (Sâhih)

Comments:
The Messenger of Allah had established the relationship of brotherhood between individuals among the Ansâr and Muhãjirûn. It was on the basis of this pledge of brotherhood that the two parties became heirs of each other, superseding the relationships based on genealogy and adoption. Another customary way of mutual inheritance prevailing in pre-Islamic Arabia was through tribal alliances that bound the individuals, as well as the tribes to help each other in all exigencies. The custom continued for a time early in Islam. Allah abolished all such relationships once and for all by apportioning the shares of inheritors in the Qur’ân. However, the obligation to help each other on moral grounds and for the sake of Islamic brotherhood, or for purposes of implementing the lawful will of a person, if any, is still in force in Islam.

2923. It was reported from Dâwûd bin Al-Îhusain, who said: “I was

reciting (the Qur'an) before Umm Sa'd bint Ar-Rabi', and she was an orphan under the guardianship of Abū Bakr. I recited to her: (To those also with whom you have made a pledge). She said: "Do not read: (To those also with whom you have made a pledge). This was revealed about Abū Bakr and his son 'Abdur-Rahmān when he refused to accept Islam. Abū Bakr took an oath never to give him any share of inheritance. When he accepted Islam, Allāh’s Prophet ordered him to give his share. ‘Abdul-'Azīz (one of the narrators) added: "He did not accept Islam until he was urged by sword."

(Ḍa‘īf)

Abū Dāwūd said: Whoever said 'Aqadat it means a pact, and whoever said: 'Aqadat it means the party who made the pact. The Ḥadīth of Ṣa‘īd b. ‘Abd Allāh bin Ṭalḥah is correct: 'Aqadat."

[1] That is, in narration no. 2922, Ṣa‘īd bin Mu‘arrif reported it from Sa‘īd bin Jubair with that recitation.

not inherit from him. Then it was
abrogated, so Allâh said: But
kindred by blood are nearer to one
another.”[1] (Hasan)

Chapter 17. Regarding
Allegiances

2925. It was reported from Jubair
bin Muṭ‘im who said: “The
Messenger of Allâh ﷺ said: ‘There
is no alliance (Hilf) in Islam, and
whatever alliances existed during
Jâhilîyah; Islam only strengthened
them.’” (Sahîh)

Comments:
A pledge or pact of mutual cooperation and support concluded between two
persons, or peoples, is known as Hilf in Arabic.

2926. It was reported from Anas
bin Malik that he said: “The
Messenger of Allâh ﷺ established
alliance (of brotherhood) between
the Muhãjirîn and the Anṣâr in our
house.” Somebody asked him: “Did
the Messenger of Allâh ﷺ not say:
‘There is no alliance in Islam.’ He
replied: ‘The Messenger of Allâh ﷺ
established an alliance (of
brotherhood) between Muhãjirîn
and the Anṣâr in our house.’ He
said it two or three times. (Sahîh)

Comments:
Whatever pact or treaty Muslims conclude in keeping with Allah’s saying: Help you one another in righteousness and piety (Al-Mā‘idah 5:2) is allowed and permissible, but there is no sanction for treaties built on the foundations of tribalism.

Chapter 18. Regarding A Woman Inheriting From The Blood Money Of Her Husband

2927. It was reported from Sa‘eed who said: “‘Umar bin Al-Khattāb used to say: ‘Blood money is only for the Aqilah, and the wife will not inherit anything from it’ until Ad-Ḍahhāk bin Sufyān said: ‘The Messenger of Allāh wrote to me to give a share from the blood money of Ashyam Ad-ibabi to his wife.’ So ‘Umar withdrew (his ruling).” (Ṣahīḥ)

Ahmād bin Sāliḥ (one of the narrators) said: “‘Abdur-Razzāq narrated this Ḥadīth to us, from Ma‘mar, from Az-Zuhrī, from Sa‘eed. He said in it: “The Prophet had put him in authority over the Bedouins.”

Comments:
The blood money paid for the murder of a person becomes in fact, the property of the deceased person. It has, therefore, to be distributed among his legal heirs, the wife being one of them.

The End of the Book of Inheritance
Chapter 1. What Is Required Upon The Imam In The Case Of Those Under Him

2928. It was reported from ‘Abdullãh bin ‘Umar, that the Messenger of Allah said: “Each one of you is a shepherd, and each one of you is responsible over his flock. So the Amir that is over the people, is a shepherd, and he will be questioned about them. A man is a shepherd over the people of his household, and he will be questioned about them. A woman is a shepherd over the house of her husband and children, and she will be questioned about them. A slave is a shepherd over his master’s wealth, and he will be questioned about it. Each one of you is a shepherd, and each of you will be questioned about his flock” (Sahih)
Chapter 2. What Has Been Related About Seeking A Position Of Leadership

2929. It was reported from ‘Abdur-Rahmân bin Samurah who said: “The Messenger of Allâh ﷺ said to me: ‘O ‘Abdur-Rahmân bin Samurah! Do not ask for a position of leadership, for if you are given leadership after asking for it, you will be left to discharge it all by yourself, but if you are given leadership without asking it, you will be helped in it.’” (Sahih)

Comments:
There is not a single affair of man that can go in his favor without Allâh’s special blessing and help. As for an office of leadership, it is a very difficult and demanding job. Therefore, craving for it, and asking for it is to deprive oneself from the Mercy of Allâh.

2930. It was reported from Abû Mûsá, may Allâh be pleased with, who said: “I went with two men to the Prophet ﷺ. One of them addressed him, and then said: ‘We came to you so that you may employ us in your work.’ The other one said similar to the first one. He replied: ‘The most disloyal among you is the one who asks for it (a post of responsibility).’” Abû Mûsá apologized to the Prophet ﷺ and said: ‘I did not know their reason for coming. He (the Prophet) did not employ them for anything until he died. (Da’îf)
Chapter 3. Regarding A Blind Man Being Given A Position Of Leadership

2931. It was reported from Anas who said: “The Prophet left Ibn Umm Maktum in charge over Al-Madinah twice.” (Sahih)

Chapter 4. Regarding Appointing A Minister

2932. It was reported from ‘Aishah, may Allah be pleased with her, that the Messenger of Allah said: “When Allah deems good for an Amir, He grants him a truthful minister; if he forgets, he will remind him, and if he remembers him, he helps him. And when Allah wants other than that for an Amir, He grants an evil minister. If he forgets, he will not remind him, and he will not help him if he remembers.” (Sahih)

Chapter 5. Regarding Al-‘Arafah

2933. It was reported from Šāliḥ

[1] It is plural for ‘Arif, and the ‘Arif is the one that informs the leader of matters related to the people and governs them for the leader.
bin Yahyā bin Al-Miqdām, from his grandfather Al-Miqdām bin Ma‘dikarib, that the Messenger of Allah struck upon his shoulder, and then said: “You will be successful O Qudaim! If you die without being an Amīr, nor secretary, or an ‘Arif.” (Da‘īf)

Comments:

The Messenger of Allah and the Caliphs that followed him, had adopted various methods for the management and representation of different sections of the society. Sometimes, the responsibility of educating the new Muslims on religious lines was entrusted to these representatives. At times, representatives or chiefs of the previous dispensations were retained on their posts with new directives. At other times, people from groups already trained were either deputed for the purpose, or they were sent just to train the new entrants to Islam, and came back after doing their task.

2934. It was reported from Ghalib Al-Qattān, from a man, from his father, from his grandfather, that they were staying at one of the springs. When the Message of Islam reached them, the owner of the spring told his people that he will give them one hundred camels if they accept Islam. They accepted Islam, and he divided the camels between them. Then it occurred to him to take his camels back from them. He sent his son to the Prophet and instructed him: “Go to the Prophet and say to him: ‘My father is sending his Salām to you. He had allocated one hundred camels for his people if they accepted Islam. They
accepted Islam, so he divided the camels among them. Now it occurred to him that he wants his camels back. Is he more entitled to them or are they? If he says to you: ‘Yes,’ or ‘No,’ say to him: ‘My father is an old man and he is the ‘Arif of the water, and he is requesting you (the son) to make the ‘Arif after him.’ He came to him and said: ‘My father is sending his Salām to you.’ He replied: ‘May peace be upon you and your father.’ He said: ‘My father had allocated one hundred camels for his people if they accept Islam. They became Muslims, and made their Islam good (being steadfast on Islam). Now it occurred to him that he wants his camels back. Is he more entitled to them or are they?’ He said: ‘If he likes to give it to them he may do so, and if he likes to take it back then he is more entitled to it than his people. If they accept Islam then for them is Islam, but if they do not accept Islam, then they will be fought for Islam.’ He said: ‘My father is an old man, and he is the ‘Arif of the water, and he is requesting you to make me the ‘Arif after him.’ He replied: ‘The role of the ‘Arif is important, and people must have ‘Arifs, but the ‘Arif are in the Fire.’” (Da'if)
Chapter 6. Regarding Appointing A Secretary (Katib)

2935. It was reported from Ibn 'Abbas, that he said: As-Sijil was a secretary Katib) for the Prophet (Da'if)

2936. It was reported from Rafi' bin Khadij: "I heard the Messenger of Allah saying: 'The one who works in collecting charity in truth is like the one who fights in the cause of Allah until he returns.'" (Hasan)

Chapter 7. On Collecting Charity

2937. It was reported from 'Uqbah bin 'Amir who said: "I heard the Messenger of Allah saying: 'Sahib Maks will not enter the Here the meaning is the one who collects Zakat, and it may also be understood to apply to collecting charity in general.

Footnotes:
[1] Here the meaning is the one who collects Zakat, and it may also be understood to apply to collecting charity in general.
[2] One who wrongfully takes what is not due from the people, as in one who institutes or is employed to take an unlawful tax.
Paradise” (Da’if)

2938. It was reported from Ibn Ishäq who said: “The one who takes the tithe from people.” Meaning, in defining “Sahib Maks” (Hasan)

Chapter 8. Regarding The Appointment Of The Khalifah

2939. It was reported from Ibn ‘Umar who said: “‘Umar said: ‘If I do not appoint a Khalifah (I may do so), for the Messenger of Allâh had not appointed a Khalifah. If I appoint a Khalifah (I may do so) for Abü Bakr appointed a Khalifah.”’ He (Ibn ‘Umar) said:“By Allâh! As soon as he mentioned the Messenger of Allâh and Abü Bakr, I knew that he will not equate anyone with the Messenger of Allâh, and that he is not going to appoint a Khalifah.” (Sahih)
Chapter 9. What Has Been Related About The Bai‘ah (Pledge Of Allegiance)

2940. It was reported from Ibn ‘Umar who said: “We used to pledge allegiance to the Prophet to hear and to obey, and he used to tell us: ‘In what you people are able to.’” (Sahih)

2941. It was reported from ‘Urwah, that ‘Aishah, may Allah be pleased with her, told him about the pledge of allegiance taken by the Messenger of Allah from the woman. She said: ‘The Prophet never touched a woman with his hand, ever. But he would take the pledge of allegiance from them. If he took it from her and she gave it, he would say: ‘You may go, for I have taken your pledge.’” (Sahih)

2942. It was reported from Abū ‘Aqil Zuhrah bin Ma‘bad, from his grandfather, ‘Abdullāh bin Hishām, he said: “And he saw the Prophet, and his mother Zainab bint Humaid took him to the Messenger of Allah, and said: ‘O Messenger of Allah! Receive the pledge of allegiance from him.’ The Messenger of Allah said: ‘He is a child.’ Then he wiped his head.” (Sahih)
Chapter 9,10. Regarding Granting Provision To (Government) Employees

2943. It was reported from 'Abdullãh bin Buraidah, from his father, from the Prophet آüp, who said: “If we appoint somebody to do any (administrative) work and grant him a provision, anything he takes beyond that is Ghulül.”

(Hasan)

2944. It was reported from Ibn As-Sä’idi, who said: “Umar appointed me to collect the Sadaqah (Zakat). When I finished collecting it, he ordered some payment to be given to me. I said: ‘I only did it for Allah.’ He replied: ‘Take what you are given, for I worked (in some administrative position) in the time of the Messenger of Allah ﷺ and he paid me for it.’” (Sahih)

Comments:
These texts are proof enough for the allowance of paying government workers for their duties, even though they do their work for Allah’s sake.

2945. It was reported from Al-Mustawrid bin Shaddãd who said: “I heard the Prophet ﷺ saying: ‘Anyone who is employed by us may get a wife, if he has no servant, then he may get a servant,”
and if he has no dwelling, then he may get a dwelling.’”

He said: “Abū Bakr said: ‘I have been informed that the Prophet ﷺ said: “Anybody who takes anything else, then he is treacherous or a thief.”’” (Sahih)

Chapter 10,11 Regarding Gifts For An Employee (In Government)

2946. It was reported from Abū Humaid As-Sā‘īdī who said: “The Prophet ﷺ appointed a man from Al-Azd called Ibn Al-Lutbiyyah — Ibn As-Sarh (one of the narrators) said: Ibn Al-Utbiyyah — to collect the Sadaqah. When he returned, he said: ‘This is for you, and this has been given to me as a gift.’ So the Prophet ﷺ stood up on the Minbar, praised and glorified Allāh, and then said: ‘What is the matter with the employee; we send him, and he comes back saying: “This is for you (the collection of Zakat), and this has been given to me as gift.” Why does he not sit in the house of his mother or father and in ’Awn Al-Ma‘būd, the author said: “It appears that it is Abū Bakr As-Ṣiddiq, may Allāh be pleased with him.” But in Sahih Ibn Khuzaimah (no. 2370), Ibn Khuzaimah narrated it through the same route as the author, via Al-Mu’āfa, who is Al-Mu’āfa bin ‘Imrān Al-Mawṣili. Here Ibn Khuzaimah has: “Abū Bakr” — that is Al-Mu’āfa — said.

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then see if he is given a gift or not. None of you will take anything of that, except that he will come along with it on the Day of Resurrection, if it is a camel: it will be grunting, or a cow; it will be mooing, or a sheep; it will be bleating.' Then he raised his arms up until we saw the whiteness of his armpits, and he said: ‘O Allah! Have I not conveyed? O Allah! Have I not conveyed?’” (Sahih)

Chapter 11, 12. Ghulul In Charity

2947. It was reported from Abū Mas'ūd Al-Anṣāri who said: “The Prophet dispatched me to collect the Zakāh, then he said: ‘Proceed Abū Mas'ūd, I should not find you on the Day of Judgment, and on your back you are carrying a grunting camel from the Sadaqah which you acquired deceitfully’ He said: ‘Then I will not go.’ He replied: ‘Then I will not force you.”’ (Sahih)

Chapter 12, 13. Regarding Matters Of Those Who Are Under Imām, His Duties, And Him Secluding Himself From Them

2948. It was reported from Abū Mariam Al-Azdi, who said: “I entered upon Mu‘āwiyyah, and he...
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said: ‘What a good moment this visit of yours is for us O father of so-and-so’ — which was a phrase used by the Arabs. I replied: ‘It is a Hadith that I heard, which I will inform you of. I heard the Messenger of Allâh ™ saying: “Whomever Allâh, the Mighty and Sublime, appoints over some affairs of the Muslims, then he secludes himself (from them) not fulfilling their needs, wants and poverty, Allâh will seclude Himself from his needs, wants and poverty.” He said: “He (Mu‘āwiya) then appointed a man to look after the needs of the people.”’ (Hasan)

2949. It was reported from Abû Hurairah who said: “The Messenger of Allâh ™ said: ‘Whatever I give to you people, and whatever I withhold, all I am but only a treasurer, putting it where I have been ordered.’” (Sâhîh)

2950. It was reported from Mâlik bin Aws bin Al-Ḥadathân, who said: “One day ‘Umar mentioned the Fai’ and said: ‘I am not more entitled to this Fai’ than any of you, and none of us is more entitled to it than others, except that we are superior (to each other) based upon the
Book of Allâh, the Mighty and Sublime, and the divisions made by the Messenger of Allâh ﷺ; so there is the man, and his precedence in accepting Islam; and the man, and his hardships, and the man; and his family, and the man; and his needs.”

Chapter 13,14. Regarding Dividing the Fai’

Comments:

The term Fai’ is used in the Qur’ân and Sunnah for spoils obtained without actual fighting. Ghanîmah, on the other hand, refers to the spoils obtained after conquering the territory by fighting. Fai’ is sometimes used to mean Ghanîmah.

2951. It was reported from Zaid bin Aslam, that ‘Abdullâh bin ‘Umar entered upon Mu‘âwiyah. He (Mu‘awiyah) said: “Tell me what you need O Abû Abdur-Rabman!” He replied: “That which is given to the freed slaves, for I have seen the Messenger of Allâh ﷺ whenever anything came he would start with the freed slaves.”

Comments:

Prior to being set free, their names did not get separate entries in the account books, but only as clients of their masters. Now that they are free, they are awarded something from the Fai’.

2952. It was reported from ‘Aishah, may Allâh be pleased with her, that the Prophet ﷺ was brought a pouch containing some beads which he divided among the free women and the slave women.

Comments:
‘Aishah said: “My father, may Allah be pleased with him, would divide (something) among the free men and slaves.” (Sahih)

Comments:

Meaning, even though they do not get a specified share of the spoils of war, the Messenger of Allah (ﷺ) would designate something for them.

2953. It was reported from ‘Awf bin Mālik, that whenever the Fai’ came, the Messenger of Allah (ﷺ) would divide (distribute) it the same day. He would give a married man two shares, and one share to a single person. Ibn Al-Muṣaffā (one of the narrators) added (in his version): “We were summoned, and I used to be summoned before ‘Ammār was. I was summoned, and he gave me two portions for I had a family, then he summoned ‘Ammār bin Yāsir after me, and he was given one portion.” (Sahih)

Chapter 14,15. Regarding Providing For Offspring

2954. It was reported from Jābir bin ‘Abdullāh who said: “The Messenger of Allah (ﷺ) used to say: ‘I am more worthy of every believer than himself, so whoever leaves any wealth behind, it is for his family, and whoever leaves a debt or
dependant behind, then it is upon me and to my responsibility.”

\[\text{(Sahih)}\]

**Translation:** [Exegesis] After a man's death, the responsibility of his wealth is for his heirs and that of his burden is for the Messenger of Allah if it is impossible to refer it to the heirs.

**2955.** Abu Hurairah narrated that the Messenger of Allah said: "Whoever leaves behind wealth, then it is for his heirs, and whoever leaves a burden behind, then it is to be referred to us." (Sahih)

**2956.** It was reported from Jābir bin `Abdullāh, from the Prophet, that he would say: “I am more worthy of every believer than himself. So any man who dies, and leaves a debt behind, then it is referred to me, and whoever leaves wealth behind, it is for his heirs.” (Hasan)

**Chapter 15.16. The Age Upon Which A Man Is Entitled (To A Share) Due To Fighting**

**2957.** It was reported from Nāfi', from Ibn `Umar that he was presented before the Prophet on the Day of Uhud, and he was fourteen, and he did not allow him (to fight). He was presented to him on the Day of Khandaq, when...

\[\text{[1] Similar preceded, see no. 2899.}\]
he was fifteen, and he allowed him.

(Sahih)

Comments:

Some scholars use this narration to specify the age for fighting, as the author named the chapter.

Chapter 16, 17. The Disapproval Of Taking Share In Later Times

2958. It was reported from Sulaim bin Mu’tair, who was a Shaikh from the people of Wādī Al-Qurā, he said: “Abū Mu’tair narrated to me, that he went to perform Hajj. When he reached As-Suwwāda’, a man came searching for a remedy or some Ḥudaḍ. He said: ‘I was informed by someone who heard the Messenger of Allah during his farewell Hajj addressing the people, commanding and prohibiting them, so he said: ‘O people! Accept presents if they are presented, but if the Quraish quarrel about taking over the rule, and the presents are given for the religion of any one of you, then leave it.’” (Da’if)

Abū Dāwud said: Ibn Al-Mubārak reported it from Muḥammad bin Yasār, from Sulaim bin Mu’tair.

2959. (Another chain) from Sulaim

[1] It is a type of remedy, and they disagree to exactly what it was, whether it was from camel urine, or from a particular tree or shrub.
bin Mutair, who was from the people of Wādī Al-Qurā, from his father, that he narrated to him; he said: “I heard a man say: ‘I heard the Messenger of Allāh ﷺ, during his farewell Ḥajj commanding people and prohibiting them. Then he said: ‘O Allāh! Have I not conveyed?’ They said: ‘O Allāh! Yes.’ Then he said: ‘When the Qurаish quarrel among themselves about taking over the rule, and presents return — or becomes — as bribery, then leave it.’” It was said: “Who is this (the narrator)?” They said: “This is Dhuz-Zawā’id, a Companion of the Messenger of Allāh ﷺ.” (Da’īf)

Chapter 17,18 Registering The Names Of Those Who Are Given Something

2960. It was reported from ‘Abdullāh bin Ka‘b bin Malik Al-Anṣārī, that an army from the Anṣār was in the land of Persia with their commander. ‘Umar used to send detachments every year in turns. ‘Umar forgot (the rotator of troops) about them. When the time period passed, the detachment from the frontier returned back. He (‘Umar) took serious action against them, and threatened them, though they were Companions of the Messenger of Allāh ﷺ. They replied: “O ‘Umar! You forgot about us and neglected what the Messenger of Allāh ﷺ has ordered; to send detachments by turns.” (Hasan)
During the Khilafah of 'Umar, may Allâh be pleased with him, lists of Islamic fighters and others entitled to receive their shares from the spoils of war, were regularly prepared and categorized, in order of merit lest anyone be left out, and so that everyone gets his due. The delay on the part of 'Umar, may Allâh be pleased with him, was caused by the process of the preparation of these lists.

2961. It was reported by a son of 'Adi bin 'Adi Al-Kindi, that 'Umar bin 'Abdul-'Aziz wrote (to his governors): “Anybody who asks about the usages of the Fai’, then tell them it should be according to what 'Umar bin Al-Khattab, may Allâh be pleased with him, decided. The believers saw it a just ruling, in accordance with the saying of the Prophet ﷺ: ‘Allâh has placed the truth upon Umar’s tongue and in his heart.’ He fixed stipends for the Muslims, and provided protection for the people of other religions by levying the Jizyah on them. He did not deduct one fifth from it, nor did he consider it spoils of war.” (Da’if)
Chapter 18,19. Regarding Allocating A Special Portion (Safâyã) For The Messenger Of Allâh From Wealth

2963. It was reported form Mâlik bin Aws bin Al-Ḥadathãn said: “Umar sent for me when the day rose high, so I came to him. I found him lying on his mattress, reclining on a leather pillow. He said to me when I entered: ‘O Mâl (Mâlik)! Some people of your tribe who have families have come here. I have ordered some things to be given to them, so divide it among them.’ I said: ‘If you order someone else to do that (it would be better).’ He replied: ‘Take it.’ Then Yarfa’ came and said: ‘O Commander of the Believers! Will you permit ‘Uthmân bin ‘Affân, ‘Abdur-Raḥmân bin ‘Afw, Az-Zubair bin Al-‘Awwâm and Sa’d bin Abî Al-‘Ās to enter?’ He said: ‘Yes.’ So he permitted, them and they entered. Then again Yarfa’ came and said: ‘O Commander of the Believers! Will you permit Al-‘Abbâs and ‘Alî to enter?’ He replied: ‘Yes.’ So he permitted them, and they entered. Al-‘Abbâs said: ‘O Commander of the Believers! Give your ruling between myself and this person,’ meaning ‘Alî. Some of them said:
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'Yes, O Commander of the Believers! Decide between them and relieve them.' — Mālik bin Aws said: "It occurred to me that they had sent these two ahead for this purpose. 'Umar, may Allāh be pleased with him, said: 'Take it easy and show patience.' Then he faced towards those who were present there and said: 'I adjure you by Allāh, the One by Whose order the heaven and the earth stand. Do you know that the Messenger of Allāh 

\textit{سَدَاقَة} (charity)?’" They said: 'Yes.' Then he faced towards 'Ali and Al-'Abbās, may Allāh be pleased with them, and he said: 'I adjure you by Allāh, the One by Whose order the heaven and the earth stand. Do you two know that the Messenger of Allāh 

\textit{سَدَاقَة} (charity)?’” Both of them said: 'Yes.' He said: 'Allāh has appointed for the Messenger of Allāh 

\textit{سَدَاقَة} (charity) which He has not appointed to anyone. Allāh, Most High said: 'And what Allāh gave as \textit{Fai’} to His Messenger from them — for this you made no exception with either cavalry or camelry. But Allāh gives power to His Messengers over whomsoever he wills. And Allāh is Able to do all things.' Allāh had bestowed on His Messenger the property of Banū An-Naḍīr. By

\footnote{Al-\textit{Hashr} 59:6.}
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Allāh! He did not reserve it for himself, neither did he take it and exclude you. The Messenger of Allāhﷺ used to take expenses for one year from it, or he used to take of the expenses for himself and his family for a year. Then he would take whatever surplus there was and deal with it as the rest of Allāh’s property.’ Then he turned towards those people and said: ‘I adjure you by Allāh, the One by Whose order the heaven and the earth stand. Do you know that?’ They said: ‘Yes.’ Then he faced towards Al-‘Abbās and ‘Ali, may Allāh be pleased with them, and said: ‘I adjure you by Allāh, the One by Whose order the heaven and the earth stand. Do you two know that?’ Both of them said: ‘Yes.’ (He said) ‘After the death of the Messenger of Allāhﷺ, Abū Bakr said: “I am the *Wāli* of the Messenger of Allāhﷺ.” You and this one (‘Ali) came to Abū Bakr, may Allāh be pleased with him; you demanding your share of the inheritance, from your nephew and him demanding the share of the inheritance for his wife, from her father. Abū Bakr said: “The Messenger of Allāhﷺ said: ‘We (the Messenger’s of Allāh) do not have heirs, whatever we leave is *Sadaqah* (charity)?’ Allāh knows best that he was sincere, faithful, rightly guided and a follower of the truth. Abū Bakr then administered the property. When he died I said: “I am the *Wāli* of the Messenger of Allāhﷺ and the *Wāli* of Abū...
Bakr." Then I administered whatever Allâh wished me to administer. Then you and this one (‘Alî) came, and both of you are as one, and your matter is the same. You asked me for it (the property) and I said: "If you wish I would give it to you two, on the condition that the covenant of Allâh is binding upon you two; that you will administer it the way the Messenger of Allâh ﷺ used to do. You two accepted it from me on that condition. Then, now you two come to me so that I can decide between you two other than that. By Allâh! I will not decide between you two with anything else until the Hour is established. If you two cannot fulfill it then return it back to me." (Sahih)

Abû Dâwud said: They had requested to divide it equally between them, not that they were ignorant of the fact that the Prophet ﷺ said: "We do not have heirs, whatever we leave is Sadaqah (charity)." They were only seeking what is correct. So ‘Umar said: "I do not want to apply the term ‘division’ to it. I will leave it as it is."

تخريج: أخرجه مسلم، الجهاد والسير، باب حكم القيّم، ج: 1757 من حديث مالك والبخاري، الاعتدام بالكتاب والسنة، باب ما يكره من التمكّن والتنازع في العلم... إلخ.

2964. (Another chain) from Mâlik bin Aws, with this narration, and he said: "‘Ali and Al-‘Abbâs were of different opinion about what Allâh had bestowed on His...
The Book Of Kharāj, Fai' ...

2965. It was reported from 'Umar, who said: “The properties of Banū An-Naḍîr were part of what Allâh had bestowed on His Messenger from that which the Muslims had not ridden horses or camels to get (i.e., without a fight). It belonged specifically to the Messenger of Allâh ﷺ. He would take his annual expenses from it for his family members” — Ibn 'Abdah (one of the narrators) said: “spending it on his family” — “and then whatever remained, he would use it for horses and necessary arrangements in the cause of Allâh.” Ibn ‘Abdah said: “For horses and weapons.” (Sahih)

2966. It was reported from Az-Zuhri, who said: “‘Umar, said: “And what Allâh gave as Fai’ to His Messenger from them — for this you made no exception with either cavalry or camelry”[1] — “This belongs specifically to the Messenger of Allâh ﷺ. Lands of ‘Urainah, Fadak and thus, and thus...
(What Allâh gave as Fai’ to His Messenger from the people of the townships — it is for Allâh, His Messenger, the kindred (of the Messenger Muhammad ﷺ), the orphans, Al-Maṣākin (the poor), and the wayfarer)[1] And to the indigent emigrants who were expelled from their homes and their properties. And those who, before them, had homes (in Al-Madînah), and had faith in their hearts, and those who came after them. This verse has covered all of the people. There was no Muslim left but had a right in it.” — Ayyûb (one of the narrators) said (in his version): “or share — except for the slaves.” (Da‘îf)

2967. (Another chain) from Mâlik bin Aws bin Al-Ḥadathân, who said: “Among the arguments which ‘Umar put forward was: ‘The Messenger of Allâh ﷺ had received three things exclusively for himself. (The properties at) Banû An-Nadîr, Khaibar and Fadak. Banû An-Nadîr was kept for his apparent needs. Fadak was kept for travelers. Khaibar was divided by the Messenger of Allâh ﷺ into three parts: Two parts were for Muslims, and one part for expenses on his family. Whatever remained after the expenses on his family, he would divide it among the poor emigrants.’” (Da‘îf)
2968. It was reported from 'Āishah, the wife of the Prophet ﷺ, that she said: “Fāṭimah, the daughter of the Messenger of Allāh ﷺ, sent someone to Abū Bakr demanding her inheritance from the Messenger of Allāh ﷺ from what Allāh had bestowed on him from Al-Madīnah, Fadak and whatever remained of the Khumus of Khaibar. Abū Bakr said: ‘The Messenger of Allāh ﷺ said: “We do not have heirs, whatever we leave is Sadaqah (charity). The family of Muḥammad shall only eat from this property.” By Allāh! I will not change anything in the Sadaqah (charity) of the Messenger of Allāh ﷺ from what it was in the time of the Messenger of Allāh ﷺ. I will deal with it the way the Messenger of Allāh ﷺ did.’ Abū Bakr refused to give anything to Fāṭimah from it.” (Ṣaḥīḥ)

2969. It was reported from ‘Urwah bin Zubair, that ‘Āishah, the wife of the Prophet ﷺ, informed him of this Ḥadīth. He said: “Fāṭimah was seeking the Sadaqah (charity) of Abū Bakr. But Abū Bakr refused to give anything to Fāṭimah from his property.” (Ṣaḥīḥ)
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the Messenger of Allah *which was in Al-Madinah, Fadak and whatever remained of the Khumus of Khaibar. 'Aishah said: 'Abu Bakr replied: "The Messenger of Allah said: We do not have heirs, whatever we leave is Sadaqah (charity). The family of Muhammad shall only eat from this property." That is from the property of Allah. They are not entitled to more than their provision." (Sahih)

2970. It was reported from Ibn Shihab, that 'Urwah informed him, that 'Aishah informed him of this Hadith, she added: "Then Abu Bakr refused to grant her, and said: 'I am not going to leave anything which the Messenger of Allah used to do, but I shall do it. I fear that if I leave any matter which he used to do then I will deviate (from the Right Path).' As regards to the Sadaqah (charity) in Al-Madinah; 'Umar gave it to 'Ali and 'Abbas, which was dominated by 'Ali. As for Khaibar and Fadak; 'Umar held it and said: 'They are Sadaqah (charity) of the Messenger of Allah. It was exclusively reserved for his expenditures and urgent needs. Their management was entrusted to the one in authority (after The Prophet). He (Az-Zuhri) said: "And it remain like that until today." (Sahih)
2971. It was reported from Az-Zuhri, regarding Allah’s saying: “For this you made no exception with either cavalry or camelry”[1] He said: “The Prophet concluded a treaty of peace with the people of Fadak — and townships he mentioned which I do not remember — while he was blockading other people. They sent a message to surrender.” He said: “For this you made no exception with either cavalry or camelry — it means without a fight.” Az-Zuhri said: “Banû An-Nadir used to be exclusively for the Prophet, as they had not conquered it by fighting. They had conquered them by capitulation, so the Prophet divided it among the Muhājirīn and he did not give anything to the Ansār, except for two men, as they were needy.” (Da‘īf)

2972. It was reported from Al-Mughirah who said: “‘Umar bin ‘Abdul-‘Azīz gathered the family of Marwān when he was appointed as the Khalīfah, and he said: ‘Fadak belonged to the Messenger of Allah. He used to disburse from it, and showing kindness to the young of Banū Hāshim, contributing towards the marriage of those who were not married. Fāṭimah requested to grant it to

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her, but he refused. The matter was like that in the life of the Messenger of Allāh ﷺ until he died. When Abū Bakr became the Khalifah, he resumed what the Prophet ﷺ did in his lifetime until he died. When ‘Umar became the Khalifah he resumed what they had done until he died. Then it was taken by Marwan, and then it came afterwards to ‘Umar bin ‘Abdul-‘Azīz.’ ‘Umar, meaning Ibn ‘Abdul-‘Azīz’ said: ‘I regard that I have no right to something which the Prophet ﷺ did not give Fāṭimah. I make you all witness that I am returning it back to its former condition.’ Meaning (as it was) during the time of the Messenger of Allāh ﷺ.” (Da‘if)

Abū Dāwud said: When ‘Umar bin ‘Abdul-‘Azīz became Khalifah its revenue was forty thousand Dinārs, and when he died it was four hundred Dinārs. Had he lived longer it would have become less.
2974. Abū Hurairah narrated the Messenger of Allāh ﷺ as saying: “None of my heirs will divide any Dinārs. Whatever I leave after the expenses for my wives and my employees will be Ṣadāqah (charity).” (Ṣaḥīḥ)
Abū Dāwūd said: “Expenses for my employees” means workers or laborers on the land.

2975. It was reported from Abū Al-Bakhtārī who said: “I heard a man narrating a Ḥadīth which amazed me, so I said to him: ‘Write it down for me.’ So he brought it to me written clearly: ‘Al-ʿAbbās and ‘Alī entered upon ʿUmar while they were disputing. Talhah, Az-Zubair, Saʿd and ‘Abdur-Raḥmān were present. ʿUmar said to Ṭalḥah, Az-Zubair, ‘Abdur-Raḥmān and Saʿd: ‘Do you not know that the Messenger of Allāh ﷺ said: ‘All the wealth of the Prophet ﷺ is Ṣadāqah (charity) except what he provided in sustenance to his family and clothed them with. We have no heirs?’’ They said: ‘Yes, indeed.’ He said: ‘The Messenger of Allāh ﷺ used to spend from his property on his family, and give the remaining in charity. Then the Messenger of Allāh ﷺ died, and Abū Bakr ruled for two years. He managed it in the same way as the
Messenger of Allâh ﷺ did.” Then he mentioned something from the Hadîth of Mâlik bin Aws. (Da‘îf)

2976. It was reported from Ibn Ash-Shihâb, from ‘Urwhah, from ‘Aisshah, who said: “After the death of the Messenger of Allâh ﷺ the wives of the Prophet intended to send ‘Uthmân bin Affân to Abû Bakr As-Siddîq, asking for their one-eight from the (inheritance of the) Messenger of Allâh ﷺ. ‘Aisshah said to them: “Did the Messenger of Allâh ﷺ not say: ‘We do not have heirs. What we leave is Sâdâqah (charity)?’” (Sahîh)

2977. (Another chain) from Ibn Shihâb, with his chain, and it is similar (to no. 2976). (In it she said) “I said: ‘Do you not fear Allâh? Did you not hear the Messenger of Allâh ﷺ saying: ‘We are do not have heirs. What we leave is Sâdâqah (charity). This property belongs to the family of Muhammad for their needs and their guests. When I die it will go to the one who becomes the ruler after me.’” (Hasan)
Chapter 19, 20. The Division Of The Khumus And The Share Of His Relatives

2978. It was reported from Jubair bin Mu’tim that he and ‘Uthmān bin ‘Affān came to speak to the Messenger of Allāh about the division of the Khumus among Banū Hāshim and Banū Al-Muṭṭalib. I said: “O Messenger of Allāh, you gave a share to our brethren of Banū Al-Muttalib and you did not give us anything, but our relationship to you is the same as theirs.” The Prophet said: “Rather, Banū Hāshim and Banū Al-Muṭṭalib are the same thing.” Jubair said: “He did not give a share of that Khumus to Banū ‘Abd Shams or Banū Nawfal as he gave to Banū Hāshim and Banū Al-Muṭṭalib.” He said: “Abū Bakr used to divide the Khumus as the Messenger of Allāh used to give it, except that he did not give to the relatives of the Messenger of Allāh what the Prophet used to give them.” He said: “And ‘Umar bin Al-Khaṭṭāb and ‘Uthmān gave them some of it after him.” (Ṣaḥīḥ)

Comments:

‘Uthmān, may Allāh be pleased with him, belonged to Banū ‘Abd Shams while Jubair, may Allāh be pleased with him, was a member of Banū Nawfal. These two tribes did not have the kind of close association with Banū Hāshim as Banū Al-Muṭṭalib did.
2979. (Another chain) Jubair bin Mut‘im narrated that the Messenger of Allah  did not give a share of the Khumus to Banū ‘Abd Shams or Banū Nawfal as he gave shares to Banū Hāshim and Banū Al-Muṭṭalib. He said: “Abū Bakr used to divide the Khumus as the Messenger of Allah  did, except that he did not give to the relatives of the Messenger of Allah  as the Messenger of Allah gave to them, but ‘Umar and those who came after him gave them some of it.” (Sahih)

2980. (Another chain) Jubair bin Mut‘im said: “On the Day of Khāibār, the Messenger of Allah  gave the share of the relatives to Banū Hāshim and Banū Al-Muṭṭalib, and he did not give Nawfal and Banū ‘Abd Shams. ‘Uthmān bin ‘Affān and I went to the Prophet  and said: ‘O Messenger of Allah, we do not deny the virtue of Banū Hāshim because of your relationship to them, but what about our brethren of Banu Al-Muṭṭalib — you have given to them and not to us, although our relationship is the same?’ The Messenger of Allah  said: ‘There is no distinction between myself and Banū Al-Muṭṭalib, in Jahiliyyah nor in Islam. We and they are the same thing.’ And he interlaced his fingers.” (Sahih)
2981. It was narrated from As-Suddi, concerning the relatives, that he said: "They are Banû 'Abdul-Muṭṭalîb." (Hasan)

2982. It was narrated that Ibn Shihãb said: "Yazid bin Hurmuz informed me, he said: 'When Najdah Al-Ḥarūrî performed Ḥajj during the turmoil of Ibn Az-Zubair, he sent word to Ibn 'Abbâs asking him about the share of the relatives, saying: 'For whom do you think it is?' Ibn 'Abbâs said: 'It is for the relatives of the Messenger of Allâh ّ; the Messenger of Allâh ّ allocated it to them. 'Umar offered some of it to us, but we found it to be less than what was our due, so we returned it to him and refused to accept it.'" (Sahih)

2983. It was reported from 'Abdur-Rahmân bin Abî Laila, that he said: "I heard 'Alî say: 'The Messenger of Allâh ّ allocated to me one-fifth of the Khumus and I spent it as it was supposed to be spent during the life of the Messenger of Allâh ّ, and the life of Abû Bakr, and the life of 'Umar. Then some wealth was brought to 'Umar and he called me and said: "Take it." I said: "I do not want
it.” He said: “Take it, for you are more entitled to it.” I said: “We have no need of it.” So he put it in the *Bait Al-Māl* (state treasury).

(Hasan)

**Tafsīr:** *[Hasan]* Annotates the hadith with his notes and interpretations.

2984. *(Another chain)* from *Abdūr-Rahmān bin Abī Lailā* who said: “I heard ‘Alī say: ‘Al-‘Abbās, Fātimah, Zaid bin Ḥārithah and I met with the Prophet ﷺ. I said: ‘O Messenger of Allāh, if you wish, you may put me in charge of our share of this *Khumus*, as mentioned in the Book of Allāh, so that I may divide it while you are still alive, so that no one will dispute with me after you are gone?’” So he did that. He said: “So I divided it when the Messenger of Allāh ﷺ was still alive. Then Abū Bakr put me in charge of it, until the last year of the *Khilāfah* of ‘Umar, when a great deal of wealth came to him, and he took out our share, then he sent for me,” and I said: We have no need of it this year, but the Muslims are in need of it, so give it to them.” So he did that. Then no one called me to it after ‘Umar. I met Al-‘Abbās after I had left ‘Umar, and he said: “O ‘Alī, today you have deprived us of something that will never be returned to us.” He was very smart.” *(Da‘īf)*
2985. 'Abdul-Muţţalib bin Rabî'ah bin Al-Ḥārith bin 'Abdul-Muţţalib narrated that his father, Rabî'ah bin Al-Ḥārith, and 'Abbâs bin 'Abdul-Muţţalib said to 'Abdul-Muţţalib bin Rabî'ah and Al-Faḍl bin 'Abbâs: “Go to the Messenger of Allâh  and say to him: ‘O Messenger of Allâh, we have reached the age, as you can see, and we want to get married. O Messenger of Allâh, you are the kindest of people and you are the best in upholding the ties of kinship. Our fathers do not have anything with which to pay the Mahr for us, so appoint us, O Messenger of Allâh, to collect the Ṣadaqât, and we will give you what the other employees give you and we will benefit from it as well.’”

‘Ali bin Abî Ṭâlib came while we were there, and he said to us: “No, by Allâh, the Messenger of Allâh  will not appoint either of you in charge of the Ṣadaqah.” Rabî'ah said to him: “This is what you want; you have attained a relationship with the Messenger of Allâh  through marriage, and we do not begrudge you for it.” ‘Ali spread out his Ridā’ and lay down upon it, and said: “I am Abû Ḥasan and I know what is going to happen, by Allâh, and I shall not leave until your sons come back to you with the answer to the question that you were sent to the Prophet .” ‘Abdul-Muţţalib said: “Al-Faḍl and I went, and arrived at the time when Zuhr prayer was about to begin, so we prayed with the
people, then Al-Fadl and I hastened to the door of the Prophet's apartment; that day he was staying in the house of Zainab bint Jahsh. We stood at the door, until the Messenger of Allâh came and took hold of my ear, and the ear of Al-Fadl, then he said: 'Tell me what is on your mind.' Then he went in and gave permission to Al-Fadl and I to enter, so we entered, and urged each other to speak for a while, then I spoke to him, or Al-Fadl spoke — 'Abdullâh (one of the narrators) was uncertain about that — and he spoke of what our fathers had told us to speak about. The Messenger of Allâh remained silent for a while, then he looked up towards the ceiling of the house for so long, that we thought he would not answer us, and we saw Zainab gesturing from behind the curtain with her hand, telling us not to be hasty, and that the Messenger of Allâh was thinking about our request. Then the Messenger of Allâh lowered his head and said to us: 'This Sadaqah is no more than the dirt of the people, and it is not permissible for Muḥammad or the family of Muḥammad. Call Nawfal bin Al-Ḥarîth for me.' So Nawfal bin Al-Ḥarîth was called for him, and he said: 'O Nawfal, give your daughter in marriage to 'Abdul-Muţţalib.' So Nawfal gave his daughter in marriage to me. Then the Prophet said: 'Call Mahmiyeh bin Jaz' for me.'
was a man of Banū Zubaid, whom the Messenger of Allah ﷺ had appointed in charge of the Khumus. The Messenger of Allah ﷺ said to Maḥmiyāh: ‘Give your daughter in marriage to Al-Fadl.’ So he gave his daughter in marriage to him. Then the Messenger of Allah ﷺ said: ‘Go and pay their Mahr from the Khumus, such and such’”‘Abdullāh bin Al-Ḥarīth did not mention the amount of the dowry. (Ṣaḥīḥ)

2986. It was reported from ‘Ālī bin Ābī Ṭālib who said: “I had an old she-camel that was my share of the spoils of war on the Day of Badr, and the Messenger of Allāh ﷺ gave me another old she-camel from the Khumus on that day. When I wanted to consummate my marriage to Fāṭimah, the daughter of the Messenger of Allah ﷺ, I made arrangements with a man who was a goldsmith from Banū Qainuqā’ to go with me to collect Idhkhir that I wanted to sell to the goldsmiths, to help pay for the wedding feast. While I was collecting the gear for my two she-camels, such as saddles, baskets and ropes, the two camels were sitting by the house of an Ṭā’if man. When I had collected the things I needed, I came to my two camels and found that their humps had been cut off, their flanks slashed open and their livers...
removed. I could not hold back my eyes (tears) when I beheld that scene. I said: ‘Who did this?’ They said: ‘Hamzah bin ‘Abdul-Muttalib.’ He is in this house drinking with some of the Ansâr, with a singing-girl, singing for him and his companions. She said in her song: “O Ḥamzah, go and deal with these fat she-camels,” and he rushed to his sword and cut off their humps, slashed their flanks and removed their livers.’” ‘Ali said: “I went and entered upon the Messenger of Allah مسجد, and Zaid bin Harithah was with him. The Messenger of Allah مسجد realized from my expression that something had happened to me, and the Messenger of Allah مسجد said: ‘What is the matter with you?’ I said: ‘O Messenger of Allah, I have never seen anything like today. Hamzah has transgressed against my camels, cutting off their humps and slashing their flanks. He is there in a house drinking with some other people.’ The Messenger of Allah مسجد called for his ṣadr and put it on, then he went walking, and Zaid bin Harithah and I followed him, until he came to the house where Hamzah was. He asked for permission to enter, and permission was given to him, and he found them drunk. The Messenger of Allah مسجد began to rebuke Hamzah for what he had done, and Hamzah was intoxicated and red-eyed. Hamzah looked at the Messenger of Allah مسجد, then he lifted his gaze, and looked at his
knees, then he lifted his gaze, and
looked at his navel, then he lifted
his gaze, and looked at his face.
Then Hamzah said: ‘Aren’t you no
more than the slaves of my father?’
The Messenger of Allah \( \text{SAW} \)
realized that he was intoxicated, so
he moved backwards and left, and
we left with him.” (\textit{Sahih})

Comments:
The incident occurred before the prohibition of intoxicants.

2987. It was reported from Umm Al-Hakam — or Duba‘ah, the two
dughters of Az-Zubair bin ‘Abdul-Mu‘tala– that one of them said:
“The Messenger of Allah \( \text{SAW} \) got
some female captives, so my sister
and I, and Fātimah, the daughter
of the Messenger of Allah \( \text{SAW} \), went
and complained to him about our
situation, and asked him to order
that some of the captives be given
to us. The Messenger of Allāh \( \text{SAW} \)
said: ‘The orphans of Badr have
precedence over you. But I shall
tell you of something that is better
for you than that. Say \textit{Allāhu Akbar}
following every prayer thirty-three
times, and say \textit{Subhān-Allāh}
(Glorious is Allāh) thirty three
times, and say \textit{Al-Hamdu Lillāh}
(All praise is due to Allāh) thirty three
times, and say \textit{Lā ilāha ill-Allāh wahdahu lā sharika lah, lahu-
mulk wa luhul-ḥamd wa huwa ‘ala kulli shai’in qadīr} (None has the
right to be worshiped but Allāh,
alone with no partner; to Him is
the dominion and praise, and He is

\textit{Allāhu Akbar} thirty three
times, and say \textit{Subhān-Allāh}
(Glorious is Allāh) thirty three
times, and say \textit{Al-Hamdu Lillāh}
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mulk wa luhul-ḥamd wa huwa ‘ala kulli shai’in qadīr} (None has the
right to be worshiped but Allāh,
alone with no partner; to Him is
the dominion and praise, and He is
Able to do all things).” (Hasan)

‘Ayyāsh (one of the narrators) said:

“They were the daughters of the paternal uncle of the Prophet ﷺ.”

Comments:

In the matter of providing financial assistance, the Prophet ﷺ gave priority to the needy people and especially to the families of martyrs in the cause of Allah. As for his own kinsmen, he liked them to lead a frugal life and be content with the little that they had, and to remember Allah often and express their gratitude to Him.

2988. It was narrated from Abū Al-Ward, that Ibn A’bud said: “‘Ali said to me: ‘Shall I not tell you about me and Fāṭimah, the daughter of the Messenger of Allāh ﷺ, who was the most beloved of his family to him?’ I said: ‘Yes.’ He said: ‘She turned the grindstone until it left marks on her hands, and she carried water in a water skin until it left marks on her upper chest, and she swept the house until her garment got dusty. Some slaves were brought to the Prophet ﷺ, and I said: “Why don’t you go to your father and ask him for a slave?” She went to him, but she found some people with him, talking to him, so she came back. The next day he came to her, and said: “What did you want?” but she remained quiet. I said: “I will tell you, O Messenger of Allāh. She turned the grindstone until it left marks on her hands, and she carried water in a water skin until it left marks on her upper chest. When the slaves were brought to you, I told her to go to you, and ask you
for a slave to spare her from what she is suffering.” He said: “Fear Allāh, O Fāţimah, perform your duty towards your Lord, and do work for your family. When you go to bed, say Subhān Allāh thirty-three times, and say Al-Ḥamdu Lillāh thirty-three times, and say Allāhu Akbar thirty-four times. That will make one hundred, and that will be better for you than a slave.”

She said: “I am content with Allāh and His Messenger.” (Da’if)

2989. (Another chain) from ‘Alī bin Husain, with this story, (as no. 2988) he said: “And he did not give her a slave.” (Da’if)

2990. It was narrated from Hilāl bin Sirāj bin Mujjā’ah, from his father, from his grandfather Mujjā’ah, that he came to the Prophet ﷺ to ask for blood money for his brother, who had been killed by Banū Sadūs of Banū Dhuwl. The Prophet ﷺ said: “If I were to order blood money for an idolater, I would have ordered it for your brother, but I shall give you compensation for him.” The Prophet ﷺ wrote a document ordering that he be granted one hundred camels from the first Khumus to be taken from the idolaters of Banū Dhuwl. He took
part of that, then Banū Duhl accepted Islam. Mujjā'ah asked Abū Bakr for them later on, and brought him the document of the Prophet ﷺ, and Abū Bakr ordered that he be given twelve thousand Śā' from the Sadaqah of Al-Yamāmah: Four thousand Śā' of wheat, four thousand Śā' of barley, and four thousand Śā’ of dates. In the document of the Prophet ﷺ to Mujjā’ah, it said: “In the Name of Allah, the Most Gracious, the Most Merciful, this is a letter from Prophet Muḥammad ﷺ to Mujjā’ah bin Murārah of Banū Sulmā. I have granted him one hundred camels from the first Khumus taken from the idolaters of Banū Duhl, as compensation for his brother.” (Da’īf)

Chapter 20,21. The Special Portion (As-Safi) Of The Prophet ﷺ That Was Taken From The Spoils Of War

2991. It was narrated that ‘Âmir Ash-Sha’bī said: “The Prophet ﷺ had a special share called As-Safi, which would be a slave or a slave woman or a horse, according to his wishes, and he would choose it before the Khumus was taken out.” (Da’īf)
2992. Ibn ‘Awn said: “I asked Muḥammad about the special portion of the Prophet, and the ʿṢafī. He said: ‘A share would be set aside for him with the Muslims, even if he was not present. The ʿṢafī was a head (a slave, or a female slave or a horse) that was set aside for him from the Khums before everything else.’” (Daʿīf)

2993. It was narrated that Qatadah said: “When the Messenger of Allāh fought in battle, he would have a special share which he would take from wherever he wanted. Ṣafīyyah was part of that share. If he did not take part in the battle, his share would be allocated for him and he did not choose.” (Daʿīf)

2994. It was narrated that ‘Āʾishah said: “Ṣafīyyah was part of the ʿṢafī.” (Daʿīf)

2995. It was narrated that Anas bin Mālik said: “We came to Khaibar and when Allāh, Exalted is He, granted us victory over the fortress, mention of the beauty of Ṣafīyyah bint Huyayy was made to him (the Prophet). Her husband...”
had been killed while she was a newly-wed. The Messenger of Allah chose her for himself, and took her out, then when we reached Sudd Aṣ-Ṣahbā’, she became permissible, and he consummated (the marriage) with her.” (Ṣahih)

Comments:
Sudd Aṣ-Ṣahbā’ was the name of a place outside Khaibar.

2996. It was narrated that Anas bin Malik said: “Ṣafyayah initially fell to the lot of Dihyah Al-Kalbī, then she fell to the lot of the Messenger of Allah.” (Ṣahih)

2997. It was narrated that Anas said: “A beautiful girl fell to the lot of Dihyah, then the Messenger of Allah bought her for seven slaves. Then he gave her to Umm Sulaim to adorn her and prepare her.” Ḥammād (one of the narrators) said: “And I think he said: ‘And Ṣafyayah, the daughter of Huyayy, observed her ‘Iddah in her house.”’ (Ḍaʿif)

2998. It was narrated that Anas said: “The captives were gathered, meaning at Khaibar, and Dihyah came, and said: ‘O Messenger of Allah, give me a slave woman from among the captives.’ He said: ‘Go and take a slave woman.’” He took
Safiyyah the daughter of Huyayy. A man came to the Prophet ﷺ and said: ‘O Messenger of Allah, did you give Dihyah’—Ya‘qūb (one of the narrators) said: ‘Safiyyah the daughter of Huyayy’—‘the lady of Quraizah and An-Nadir?’ Then the two of them (narrators) were in accord: ‘She is not worthy for anyone but you.’ He said; ‘Call him and tell him to bring her.’ When the Prophet ﷺ saw her, he said to him: ‘Take another slave woman from among the captives.’ And the Prophet ﷺ freed her, and married her.” (Sahih)

2999. Yazīd bin ‘Abdullāh said: “We were in Al-Mirbad, and a man with dishevelled hair came, with a piece of red leather in his hand. We said: ‘It is as if you are one of the people of the desert?’ He said: ‘Yes.’ We said: ‘Give us this piece of leather that is in your hand.’ He gave it to us, and we read what was on it. It said: ‘From Muḥammad the Messenger of Allah to Banū Zuhair bin Uqaish. If you bear witness that ‘none has the right to be worshiped but Allah, and that Muḥammad is the Messenger of Allah, establish the Salāt, pay the Zakāt, pay the Khumus from the spoils of war, and give the share of the Prophet ﷺ and the special portion (As-Sa‘fī), then you will be protected with the protection of
Allâh and His Messenger.’ We said: ‘Who wrote this document for you?’ He said: ‘The Messenger of Allâh ﷺ.’” (Sâhib)

Chapter 21,22. How Were the Jews Expelled from Al-Madinah?

3000. It was narrated from ‘Abdur-Rahmân bin ‘Abdullah bin Ka’b bin Mâlik, from his father, who was one of the three whose repentance was accepted: “Ka’b bin Al-Ashraf used to lampoon the Prophet ﷺ and incite the disbelievers of the Quraish against him. When the Prophet ﷺ came to Al-Madinah, its people were a mixture of Muslims, idolaters who worshipped idols, and Jews, who used to annoy the Prophet ﷺ and his Companions. Allâh, Glorified and Exalted is He, commanded His Prophet ﷺ to be patient and tolerant. Concerning them, Allâh revealed the words: ‘And you shall certainly hear much that will grieve you from those who received the Scripture before you (Jews and Christians).’[1] When Ka’b bin Al-Ashraf persisted in annoying the Prophet ﷺ, the Prophet ﷺ ordered Sa’d bin Mu’adh to send a group of men to kill him, and he

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sent Muhammad bin Maslamah.” He told the story of his killing. “When they killed him, the Jews and idolators panicked, so they rushed to the Prophet right away, and said: ‘Our companion was attacked at night and killed.’ The Prophet reminded them of what he used to say, and the Prophet invited them to write a document between him and them, to serve as a point of reference between him and them. So the Prophet wrote a document between him and them, and the Muslims in general.” (Da’if)

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والمشركون، فَعَدُوا عَلَى النَّبِيَّ ﷺ، قَالُوا: طَورِق صَاحبًا فَقَالُوا فَذَكَرُ لَهُم النَّبِيَّ ﷺ الَّذِي كان يَنْصُرُ وَدَعَاهم النَّبِيَّ ﷺ إِلَّا أن يَكُنَّ بِنَيَّةً وَبَيَّنَهُمْ كِتَابًا يَنْتَهُونَ إِلَى ما يَوْمَ يَوْمٍ. كَتَبَ النَّبِيَّ ﷺ بِنَيَّةً وَبَيَّنَهُمْ وَبَيَّنَ النَّسَبَاءِ عَامَةً. ضِحْفِه.

تَحْرِيضٌ: [إِسْنَادٌ ضَعِيفٌ] أَخْرَجَهُ البَيْهَقِيُّ فِي دَلَّالَتِ النَّبْوَةِ: 198/3 مِن حُدِيثِ أَبي دَاوُدُ بْنُ عَبْدُ عَزْ. وَلِلْحَدِيثِ شَوَاهِدٌ اَلْبَرَاءِ مَدِلَسٍ وَعَمْرَةُ.

3001. It was narrated that Ibn ‘Abbâs said: “When the Messenger of Allah ﷺ defeated the Quraish on the Day of Badr, and arrived in Al-Madinah, he assembled the Jews in the market place of Banû Qainuqâ‘ and said: ‘O Jews, become Muslim before there befalls you something like that which befell the Quraish.’ They said: ‘O Muḥammad, do not be haughty because you defeated a group of the Quraish who were insignificant, and did not know how to fight. If you fought us, you would have known that we are the people, and you had never met people like us.’ Then Allâh revealed: ‘Say to those who disbelieve: “You will be defeated.”’ Musârrâf (one of the narrators) recited as far as: ‘One was fighting in the Cause of Allâh. — at Badr
— and as for the other, (they) were disbelievers.” [1] (Da‘īf)

3002. It was reported from the daughter of Muhayyisah, that she narrated from her father, Muhayyisah that the Messenger of Allah said: “If you gain victory over any Jewish man, then kill him.” Muhayyisah jumped on Shuwaibah — a Jewish merchant who used to mix with them — and killed him. Huwayyisah had not become a Muslim at that time, and was older than Muhayyisah. When he killed him, Huwayyisah started beating him (his brother) and saying: “O enemy of Allah, by Allah you prospered a great deal from his wealth.” (Da‘īf)

3003. It was narrated from Abū Hurairah that he said: “While we were in the Masjid, the Messenger of Allah came out to us, and said: ‘Let us go to the Jews.’ So we set out with him, and when we came to them, the Messenger of Allah started calling out to them, saying: ‘O Jews! Accept Islam and you will be safe.’ They said: ‘You have conveyed the message, O Abul-Qasim.’ The Messenger of Allah said to them: ‘Accept Islam and you will

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be safe.’ They said: ‘You have conveyed the message, O Abul-Qāsim.’ The Messenger of Allāh ᴩ said to them: ‘That is what I want.’ Then he said it a third time: ‘Understand that the land belongs only to Allāh and His Messenger, and I intend to expel you from this land. Whoever among you has property, let him sell it, otherwise you should understand that the land belongs only to Allāh and His Messenger.’” (Ṣaḥīḥ)

تَخْرِيج: أَخْرَجَ مَسْلاَمَةُ، الْجَهَادُ وَالسَّبِيرُ، بَابِ إِجْلَاءِ الْيَهُودِ مِنِّالْحَجَازِ، حُ: ١٧٦٥٠، وَبَابِ إِخْرَاجِ الْيَهُودِ مِنِّجزِرَةِ الْ عَرْبِ، حُ: ٣١٦٧٠، مِنْ حَدِيثِ الْلِّبَیثِ ابْنِ سَعْدِ بِهِ.

Chapter 22,23. Regarding The Incidents With An-Nādīr

٣٠٠٤٠. I t was narrated from ‘Abdur-Rahmān bin Ka‘b bin Mālik, from a man among the Companions of the Prophet ᴩ, that the disbelievers of the Quraish wrote to Ibn Ubayy and the people with him of Al-Aws and Al-Khazraj, who used to worship idols. The Messenger of Allāh ᴩ was in Al-Madīnah at that time, before the Battle of Badr. (In their letter, they said): “You have given protection to our companion, but we swear by Allāh that you should fight him or expel him, or we shall come to you with full force and kill your warriors and capture your womenfolk.” When that reached ‘Abdullāh bin Ubayy and the idol-worshippers who were with him, they gathered to fight the
Messenger of Allah ﷺ. When news of that reached the Prophet ﷺ, he met with them, and said: “The threat of the Quraish to you has affected you greatly. Their plot cannot do you more harm than the harm you could bring upon yourselves. Do you want to fight your sons and brothers?” When they heard that from the Prophet ﷺ, they dispersed. News of that reached the disbelievers of the Quraish. After the Battle of Badr, the disbelievers of the Quraish wrote to the Jews saying: “You are people of weapons and fortresses; you should fight our companion, or we shall do such and such, and nothing will come between us and the anklets of your womenfolk.” When news of their letter reached the Prophet ﷺ, Banū An-Nadir decided on treachery. They sent word to the Prophet ﷺ saying: “Send thirty of your men out to us, and we will send out thirty of our rabbis, so that they may meet in a place half way between us and you, and they will listen to what you have to say. If they accept it, and believe in you, then we will believe in you.” And he told the story. “The next day the Messenger of Allah ﷺ came to them with the troops and besieged them. He said to them: ‘By Allah, you will not be safe from me unless you conclude a treaty with me.’ But they refused to give him a covenant, so he fought them that day. Then the next day, he went with the army to Banū Quraizah, and
left Banû An-Nadîr alone. He called (Banû Quraizah) to make a covenant with him, and they made a covenant with him, so he left them alone, and went back to Banû An-Nadîr with the army, and fought them until they agreed to go in exile. So Banû An-Nadîr left, and they took with them whatever their camels could carry of their belongings, (even) the doors of their houses and their wood. The palm trees of Banû An-Nadîr were exclusively for the Messenger of Allâh \(\text{ }\); Allâh granted them to him alone. Allâh said: ‘And what Allâh gave as Fai to His Messenger from them — for this you made no expedition with either cavalry or camelry’\(^{[1]}\) meaning, without fighting. The Prophet \(\text{ }\) gave most of it to the Muhajirin and divided it among them, and he gave shares to two Ansâr men who were in need, but he did not give shares to any other Ansâr apart from them. And some of it remained as charity on behalf of the Messenger of Allâh \(\text{ }\), and was administered by the sons of Fâtimah, may Allâh be pleased with her.” (Da‘îf)

Comments:

Since no armed conflict or fighting took place with Banû An-Nadîr, but just a siege by the Muslims, and the Jews agreed to vacate the city without a fight, the movable and immovable properties left behind by them fell under the category of Fai’, and therefore the disposal thereof was the sole prerogative of the Prophet \(\text{ }\). The Messenger Allâh utilized the Fai’ proceeds for the help

\(^{[1]}\) *Al-Hashr* 59: 6.
of those rendered orphans during the Battle of Badr, and others who were needy.

3005. It was narrated from Nafi', from Ibn 'Umar, that the Jews of An-Nadîr and Quraizah fought the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ expelled Banû An-Nadîr, but he let Quraizah stay, and he showed kindness to them until Quraizah fought (the Muslims) after that. Then he killed their men and distributed their womenfolk, wealth and children among the Muslims, apart from some of them who came to the Messenger of Allâh ﷺ, so he granted them safety, and they accepted Islam. The Messenger of Allâh ﷺ expelled all the Jews of Al-Madinah: Banû Qainuqa', who were the people of 'Abdullah bin Salâm, the Jews of Banû Hârîthah, and every Jew who was in Al-Madinah. (Sahîh)

Chapter 23, 24. What Has Been Related About The Ruling On The Land Of Khaibar

3006. It was narrated from ۴۹۸: ۴۲۸ مسلم, Hammad bin Salâmah from ‘Ubaiddullah bin ‘Umar, he said: “I think it was from Nâfi’, from Ibn ‘Umar, that the Prophet ﷺ fought the people of Khaibar and captured their land and palm trees. He besieged them in their fortresses, and they made a
covenant, stating that the Messenger of Allâh ﷺ would have the gold, silver and weapons, and they would have whatever their mounts could carry, so long as they did not conceal anything or hide anything; if they did that, they would have no protection or covenant. They hid the purse of Huyayy bin Akhtab who had been killed before Khaybar, which he had taken away with him on the day of Banu An-Na’dir when An-Na’dir were expelled. In it were their adornments. The Prophet ﷺ said to Sa’yah: ‘Where is the jewellery of Huyayy bin Akhtab?’ He said: ‘Wars and other expenses exhausted it.’ But they found the jewellery, so Ibn Abi Al-Huqaiq was executed, and their women and children were taken captive. He wanted to expel them, but they said: ‘O Muhammad, let us work this land and half of the yield will be for us — as you see fit — and half will be for you.’ The Messenger of Allâh ﷺ gave eighty Wasq of dates, and twenty Wasq of barley to each of his wives.” (Da’îf)

3007. It was narrated from ‘Abdullâh bin ‘Umar that ‘Umar said: “O people, the Messenger of Allâh ﷺ made a covenant with the Jews of Khaybar saying: ‘We will expel them whenever we wish, so whoever has property let him take it back, for I am going to expel the Jews.’ Then he expelled them.” (Hasan)
It was narrated from Usâmah bin Zaid Al-Laithî, from Nâfî', from 'Abdullâh bin 'Umar, who said: "When Khaibar was conquered, the Jews asked the Messenger of Allâh \( 	ext{سُلْطَانُ } \) to let them stay on the condition that they would work the land in return for half of the yield. The Messenger of Allâh \( 	ext{سُلْطَانُ } \) said: 'I will let you stay on that condition for as long as we wish.' So they followed that. The dates from the yield of Khaibar would be divided into shares, and the Messenger of Allâh \( 	ext{سُلْطَانُ } \) would take the Khumus. The Messenger of Allâh \( 	ext{سُلْطَانُ } \) would give each of his wives one hundreds Wasq of dates and twenty Wasq of barley from the Khumus. When 'Umar wanted to expel the Jews, he sent word to the wives of the Prophet \( 	ext{سُلْطَانُ } \), and said to them: 'Whoever among you would like, I will allocate to her palm trees based on the yield of one hundred Wasq; and the trees, the land and the water in that land will belong to her, along with land that may yield twenty Wasq (of barley). And whoever wishes to take out her portion from the Khumus as she used to, we shall do that.'" (Sahih)

**Translation:**

It was narrated from Usâmah bin Zaid Al-Laithî, from Nâfî', from 'Abdullâh bin 'Umar, who said: "When Khaibar was conquered, the Jews asked the Messenger of Allâh \( 	ext{سُلْطَانُ } \) to let them stay on the condition that they would work the land in return for half of the yield. The Messenger of Allâh \( 	ext{سُلْطَانُ } \) said: 'I will let you stay on that condition for as long as we wish.' So they followed that. The dates from the yield of Khaibar would be divided into shares, and the Messenger of Allâh \( 	ext{سُلْطَانُ } \) would take the Khumus. The Messenger of Allâh \( 	ext{سُلْطَانُ } \) would give each of his wives one hundreds Wasq of dates and twenty Wasq of barley from the Khumus. When 'Umar wanted to expel the Jews, he sent word to the wives of the Prophet \( 	ext{سُلْطَانُ } \), and said to them: 'Whoever among you would like, I will allocate to her palm trees based on the yield of one hundred Wasq; and the trees, the land and the water in that land will belong to her, along with land that may yield twenty Wasq (of barley). And whoever wishes to take out her portion from the Khumus as she used to, we shall do that.'" (Sahih)
3009. It was narrated from Anas bin Mālik that the Messenger of Allāh ﷺ attacked Khaibar, and conquered it by force, and gathered the captives. (Ṣahih)

Comments:
Imām Abū Dāwūd's purpose in recording this Hadith here, is to indicate that some part of Khaibar was captured through fighting, while the other was gained through a treaty of peace.

3010. It was narrated that Sahil bin Abī Ḥathmah said: “The Messenger of Allāh ﷺ divided (the yeild of) Khaibar into two halves: One half for his emergencies and needs, and one half to be distributed among the Muslims, which he divided among them into eighteen portions.” (Ḥasan)

Comments:
The Prophet ﷺ divided the lands of Khaibar into two parts, one for the emergency needs of Muslims, and the other for the Prophet and his family.

3013. It was narrated from Abū Khālid, meaning Sulaimān, from Yahya bin Sa‘eed, from Bushair bin Yasar who said: “When Allāh granted Khaibar to His Prophet ﷺ as Fai’, he divided it into thirty-six portions, each of which included
one hundred shares. He kept half for emergencies and Al-Watīḥah and Al-Kutaibah and their environs, and the other half he divided among the Muslims, which was Ash-Shaqqah and An-Natāḥ and their environs (these were fortresses in Khaibar), and the share of the Messenger of Allāh ﷺ was among the latter.” (Hasan)  

Comments:  
The last of the fortresses that the Muslims conquered through fighting were in areas known as An-Natāḥ and Ash-Shaqqah. The Jews fled for life from there and took refuge in the section of the city known as Al-Kutaibah. When the Muslims laid siege around the fortresses and the siege prolonged, the Jews surrendered them to the Prophet ﷺ, on conditions of pardon from death for the fighters and freedom for their children.

3011. It was narrated from Abū Shihāb, from Yahya bin Sa‘eed, from Bushair bin Yasār, that he heard a group of Companions of the Prophet ﷺ say... and he quoted this Hadith. He said: “Half of it was shares for the Muslims and a share for the Messenger of Allāh ﷺ, and he kept half for the Muslims, for any calamity that might befall them and for emergencies.” (Hasan)  

3012. It was narrated from Muḥammad bin Fudail, from Yahya bin Sa‘eed, from Bushair bin Yasār, a freed slave of the Ansār, from one of the Companions of the Prophet ﷺ, that when the Messenger of Allāh ﷺ was victorious at Khaibar, he divided it into thirty-six shares, each of which
included one hundred portions. Half of that was for the Messenger of Allah ﷺ and the Muslims, and the other half was for delegations who came and stayed there, and for other matters and emergencies. (Hasan)

3014. It was narrated from Sulaimān, meaning Ibn Bilāl, from Yahyā bin Sa‘eed, from Bushair bin Yasār, that when Allah granted the Fai’ at Khaibar, the Messenger of Allah ﷺ divided it into thirty-six shares and kept half, eighteen shares, for the Muslims, and each share contained one hundred portions. The Prophet ﷺ had a share like one of theirs. And the Messenger of Allah ﷺ kept eighteen shares — half of it — for his own emergencies and whatever befell the Muslims, and that was the shares of Al-Watīḥ and Al-Kutaibah and Al-Sulālim (names of fortresses) and their environs. When property fell into the hands of the Prophet ﷺ and the Muslims, they did not have sufficient labor to work it, so the Messenger of Allah ﷺ called the Jews and made a deal with them. (Hasan)

3015. It was narrated that Mujammī’ bin Jariyah Al-Ansārī — who was one of the reciters of the Qur’ān — said: “Khaibar was divided among the people of Al-Hudaibiyyah. The Messenger of Allah ﷺ called the Jews and made a deal with them. (Hasan)
Allāh ð divided it into eighteen shares, and the army was one thousand and five hundred strong, including three hundred horsemen. He gave each horseman two shares, and each foot soldier one share.” (Hasan)

3016. It was narrated that Az-Zuhri, and ‘Abdullāh bin Abī Bakr, and one of the sons of Muḥammad bin Maslamah said: “There remained some of the people of Khāibār who holed up in their fortresses. They asked the Messenger of Allāh ð to grant them protection, and let them move elsewhere, and he did that. The people of Fadak heard about that, and they accepted a similar deal, and it (Fadak) was reserved exclusively for the Messenger of Allāh ð, because he had not captured it by means of cavalry and camelry.” (Dā’f)

3017. It was narrated from Az-Zuhri that Sa‘eed bin Al-Musayyab told him, that the Messenger of Allāh ð conquered part of Khāibār by force. (Dā’f)

Abū Dāwūd said: This was read to Al-Hārith bin Miskin when I was present: “Ibn Wahb informed you, he said: ‘Mālik narrated to me, from Ibn Shīhāb, that Khāibār was
conquered partly by force and partly by means of a peace treaty, and most of Al-Kutaibah was conquered by force, but some of it was conquered by means of a peace treaty. I said to Mālik: "What is Al-Kutaibah?" He said: 'Land in Khaibar that had forty thousand palm trees.'  

It was narrated from Ibn Wahb who said: "Yūnus informed me, from Ibn Shihāb who said: 'It was conveyed to me that the Messenger of Allāh conquered Khaibar by force after fighting, and those of its people who came down (from the fortresses) to be expelled, came down after the fighting ended.'"  

Comments:  
See no. 3006. Later, these very people consented through a treaty that they would till the lands and give half the produce to the Muslims.

(Another chain) from Ibn Shihāb who said: "The Messenger of Allāh took the Khumus from Khaibar, then he divided the rest of it among the people of Al-Hudaibiyyah who had been present, and those who were absent."  

It was narrated that ‘Umar said: “Were it not for the coming generations of the Muslims, I..."
would not have conquered any town, but I would have divided it as the Messenger of Allāh \(\mathbb{S}\) divided Khaibar.” (\textit{Sāhih})

Chapter 24,25. The Conquest Of Makkah

3021. It was narrated from ‘Ubadullāh bin ‘Utbaḥ, from Ibn ‘Abbās that during the Conquest of Makkah, Al-‘Abbās bin ‘Abdul-Muṭṭalib brought Abū Sufyān bin Harb to the Messenger of Allāh \(\mathbb{S}\), and he accepted Islam in Marr Az-Zahrān. Al-‘Abbās said to him: “Ō Messenger of Allāh, Abū Sufyān is a man who likes to be honored, so why not do something for him?” He said: “Yes. Whoever enters the house of Abū Sufyān will be safe, and whoever closes his door behind him will be safe.” (\textit{Sāhih})

3022. It was narrated from Al-‘Abbās bin ‘Abdullāh bin Ma’bad, from some of his family, from Ibn ‘Abbās who said: “When the Messenger of Allāh \(\mathbb{S}\) stopped in Marr Az-Zahrān, Al-‘Abbās said: ‘I thought, by Allāh, if the Messenger of Allāh \(\mathbb{S}\) enters Makkah by force before the Quraish come to him and
seek protection, the Quraysh will be doomed. So I rode on the mule of the Messenger of Allah and said: “Perhaps I will find someone coming on an errand who can go to the people of Makkah and tell them where the Messenger of Allah is, so that they can come out and seek his protection.” While I was going, I heard the voice of Abū Sufyān and Budail bin Warqā’. I said: “O Abū Hanzalah!” And he recognized my voice, and said: “Abul-Fadl?” I said: “Yes.” He said: “What is the matter with you, may your father and mother be ransomed for you?” I said: “The Messenger of Allah and the people are coming.” He said: “What should we do?” So he rode behind me, and his companion went back. The following morning, I brought him to the Messenger of Allah, and he accepted Islam. I said: “O Messenger of Allah, Abū Sufyān is a man who likes to be honored, so why not give him something?” He said: “Yes. Sufyān will be safe; whoever shuts his door behind him will be safe; whoever enters the Masjid will be safe.” So the people scattered, heading for their houses or the Masjid.” (Hasan)

3023. It was narrated that Wahb bin Munabbih said: “I asked Jābir: ‘Did they take any spoils of war on the day of the conquest (of Makkah)?’ He said: ‘No.’” (Hasan)
It was narrated from Abu Hurairah that when the Prophet entered Makkah he left Az-Zubair bin Al-Awwam, Abu Ubaidah bin Al-Jarrah, and Khalid bin Al-Walid in charge of the cavalry, and said: “O Abu Hurairah, call the Ansar.” He said: “Go this way, and whoever appears before you, kill him.” A caller cried out: “The Quraish will be no more after this day.” The Messenger of Allah said: “Whoever enters a house will be safe, and whoever throws down his weapon will be safe.” The chieftains of the Quraish went and entered the Ka’bah, which was filled with them. The Prophet performed Tawaf (around the Ka’bah) and prayed behind the Maqam, then he took hold of the two sides of the door, and they came out pledging allegiance to the Prophet upon Islam. (Sahih)

Abu Dawud said: “I heard a man asking Ahmad bin Hanbal: ‘Was Makkah taken by force?’ He said: ‘What does it matter to you if it was?’ He said: ‘Then was it by a treaty?’ He said: ‘No.’” (Sahih)

Chapter 25,26. The Conquest Of At-Ta’if

It was narrated that Wahb
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said: "I asked Jabir about the condition of Thaqif when they gave their pledge?" He said: "They stipulated to the Prophet ﷺ that they should not have to pay Sadaqah (Zakat) or engage in Jihad," and that he heard the Prophet ﷺ saying after that: "They will give the Sadaqah (Zakat) and they will engage in Jihad if they accept Islam." (Hasan)

Comments:

After the completion of the Battle of Hunain, the Messenger of Allah ﷺ headed towards At-Ta’if in Shawwal of 8 AH. Those people closeted themselves inside the fort, which the Muslims besieged, and the siege continued for 18 or 20 days and, according to one version, for as long as forty days. However, before the Prophet’s arrival at Al-Madinah, their chief, ‘Urwah bin Mas‘ud Ath-Thaqafi, came to the Prophet ﷺ and embraced Islam. His people, however, formally sent their delegation as late as Ramadan of the year 9 AH and accepted Islam.

3026. It was narrated from ‘Uthmãn bin Abi Al-‘As: “When the delegation of Thaqif came to the Messenger of Allah ﷺ, he made them stay in the Masjid so that their hearts might be softened. They stipulated that they should not be mobilized to fight, or be made to pay the ‘Ushur or pray. The Messenger of Allah ﷺ said: “I grant you that you should not be made to fight or pay the ‘Ushur, but there is no good in a religion in which there is no bowing (meaning, prayer).” (Da’if)
Chapter 26,27 The Ruling on the Land of Yemen

3027. It was narrated that ‘Amir bin Shahr said: “When the Messenger of Allah came (with Islam), Ḥamdān said to me: ‘Will you go to this man and negotiate for us? If you approve of anything for us, we will accept it, and if you dislike anything, we will reject it.’ I said: ‘Yes.’ So I went to the Messenger of Allah, and I was pleased with his message, and my people accepted Islam, and the Messenger of Allah wrote this letter to ‘Umair Dhu Murrān.” He said: “And he sent Mālik bin Murārah Ar-Rahāwī to all of Yemen, and ‘Akk Dhu Khaiwān accepted Islam.” He said: “It was said to ‘Akk: ‘Go to the Messenger of Allah, and take protection from him for your town and property.’ He came, and the Messenger of Allah wrote for him: ‘In the Name of Allah, the Most Gracious, the Most Merciful. From Muhammad, the Messenger of Allah, to ‘Akk Dhu Khaiwān. If he is sincere, then he and his land, wealth and slaves will be secure, and he will have the protection of Allah and the protection of Muhammad, the Messenger of Allah.’ It was written down by Khalid bin Sa‘eed bin Al-‘Āṣ.” (Da‘if)
3028. It was narrated from Abyaḍ bin Ḥammāl that he spoke to the Messenger of Allāh about Ẓadāqah (Zakāt) when he came to him. He said: “O brother of Saba’, Ẓadāqah (Zakāt) is inevitable.” He said: “We cultivated cotton, O Messenger of Allāh; the people of Saba’ have scattered, and only a few of them are left in Mā’rib.” So the Prophet of Allāh made a pact with them, on the basis that they would give seventy Hullahs equivalent in value to the Hullah known as Bazz Al-Ma’afir every year, on behalf of those people of Saba’ who remained in Mā’rib. They continued to pay that until the Messenger of Allāh passed away. After the Messenger of Allāh died, the governors broke the deal that had been made by Abyaḍ bin Ḥammāl with the Messenger of Allāh, concerning the seventy Hullahs. But Abū Bakr restored it according to the conditions made with the Messenger of Allāh, until Abū Bakr died. When Abū Bakr died, it was discontinued, and they began to pay Ẓadāqah (Zakāt) (on the yield of their land).

Chapter 27,28. The Expulsion Of The Jews From Arabia

3029. It was narrated from Sa‘eed bin Jubair, from Ibn ‘Abbās that the Prophet left behind three
instructions: “Expel the idolaters from the Arabian Peninsula, and reward the delegations as I used to do.”

Ibn ‘Abbās said: “He was silent about the third,” or he said: “I have been caused to forget it.”

Al-Ḥumaidi narrated it from Sufyān, that Sulaimān said: “I do not know whether Sa‘eed mentioned the third and I forgot it, or he did not mention it.” (Sahih)

**3030.** It was reported from Ibn Juraij, that Abū Az-Zubair informed them, that he heard Jābir bin ‘Abdullāh saying that ‘Umar bin Al-Khattāb informed, that he heard the Messenger of Allāh ﷺ say: “I shall certainly expel the Jews and Christians from the Arabian Peninsula, and I shall not leave anyone there but Muslims.” (Sahih)

**3031.** It was reported from Sufyān, from Abū Az-Zubair, from Jābir, from ‘Umar who said: “The Messenger of Allāh ﷺ said...” a similar Hadith (as no. 3030), but the former is more complete. (Sahih)
3032. It was narrated from Qâbus bin Abî Zîbyân, from Ibn ‘Abbâs who said: “The Messenger of Allâh said: ‘There cannot be two Qiblah in one land.’” (Da’îf)

3033. It was reported from Sa’eed, meaning Ibn ‘Abdul-‘Azîz, who said: “The Arabian Peninsula is that which is between Al-Wâdi up to the farthest part of Yemen, to the border of Al-‘Iraq, to the sea.” (Sâhih)

3034. Abû Dâwud said: This was read to Al-Hârîth bin Miskîn while I was present; “Ashhab bin ‘Abdul-‘Azîz informed you, he said: ‘Mâlik said: “Umar expelled the people of Najrân but he did not expel them to Taimâ because it is not part of Arabia. As for Al-Wâdi, I think that he did not expel the Jews who lived there because they did not think it was part of Arabia.”’ (Another chain) that Mâlik said: “Umar expelled the Jews of Najrân and Fadak.” (Sâhih)
Chapter 28,29. Making Endowments Of The Lands Of As-Sawād, And The Lands That Were Conquered By Force

3035. It was narrated that Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘Al-‘Irāq will withhold its Qafiz (its measure) and its Dirhams, and Ash-Shām will withhold its Mudd (its measure) and its Dinārs, and Egypt will withhold its Irdab (its measure) and its Dinārs. Then you will return to where you started.”

Zuhair (one of the narrators) said it three times “and the flesh and blood of Abū Hurairah bear witness to that.” (Sahih)

Comments:

As-Sawād is a name which was used for a very large portion of Al-‘Irāq which was frequented by date-palms and farms, the exact limits of the area that the name was applied to differed over time. This Hadith is a Prophetic prophecy. The first part of it, contains the glad tiding that these areas shall be conquered, and spoils and tributes shall accrue from them. Thereafter there shall come a time when the inhabitants of the area shall withhold their payments, either through their blank refusal to pay, or because they will accept Islam, thus removing themselves from paying the Jizyah, ‘Ushur or other than that, or because they will rebel after entering Islam. A number of the earlier commentaries, like that of Imam An-Nawawi, mention that these things had occurred by his time, with the people of those lands accepting Islam, which according to their view at that time, indicates that the truth of the Hadith had already come to light by their time.
stay there, then you have your share in it, but any town that disobeys Allāh and His Messenger (and is seized by force), its Khumus is for Allāh and His Messenger, then the rest is for you.” (Sahih)

Chapter 29,30. Regarding Levying The Jizyah

3037. It was narrated from Anas bin Mālik and 'Uthmān bin Abī Sulaimān that the Prophet sent Khalid bin Al-Walīd to Ukaidir (the ruler) of Dūmah. They seized him and brought him (to the Prophet), who granted him protection and concluded a treaty with him on the basis that he would pay the Jizyah. (Da'iJ)

Comments:

Jizyah is a tax collected from people of the Book and Zoroastrians, when Muslims conquer their land by war or treaty.

3038. It was narrated from Mu‘ādh, that when the Prophet sent him to Yemen, he ordered him to take, from everyone who had reached the age of puberty, a Dinār, or its equivalent in the Ma‘āfiri garments that were to be found in Yemen. (Da'iJ)
3039. A similar report (as no. 3038) was narrated from Mu'ādh from the Prophet ☪. (Da'īf)

3040. It was narrated that Ziyād bin Hudair said: “‘Ali said: ‘When I get the chance to deal with the Christians of Banū Taghlib, I shall kill the fighters and take their children captive, for I wrote down the covenant between them and the Prophet ☪ to the effect that they would not make their children Christians.” (Da'īf)

Abū Dāwūd said: This is a Munkar Hadith. It was conveyed to me from Ahmad that he regarded this Hadith as severely Munkar.

Abū 'Ali said: Abū Dāwūd did not recite it in the second reading.

3041. It was narrated from Ismā'īl bin ‘Abdūr-Rahmān Al-Qurashi, from Ibn ‘Abbās that he said: “The Messenger of Allāh ☪ made a treaty with the people of Najrān on the basis that they would give to the Muslims two thousand Hullahs, half in Safar, and half in Rajab. And that they would lend the Muslims thirty coats of mail, thirty horses, thirty camels, and thirty of every type of weapon, for use in their campaigns, for which, the
Muslims would stand surety until they returned it to them, lest there be any plot or treachery in Yemen. In return for that, no church of theirs would be destroyed, and no priest would be expelled, and they would be left to practise their religion, provided they did not do something wrong or consume Ribâ.” Ismā‘īl said: “They consumed Ribâ.” (Da'i')

Abū Dāwud said: If they broke some of the conditions that were stipulated upon them, then they would have initiated (a violation).

**Chapter 31. Levying Jizyah On The Zoroastrians**

3042. It was reported from Abū Jamrah, from Ibn ‘Abbās that he said: “When the Prophet of the people of Persia died, Iblīs misled them to Zoroastrianism.” (Hasan)

Comments:

This statement of Ibn ‘Abbās, may Allāh be pleased with him, is an indication of why it was allowed to treat them as people of the Book when it comes to Jizyah, while not in the case of marriage and food.

3043. It was narrated that ‘Amr bin Dinār heard Bajālah telling ‘Amr bin Aws and Abū Ash-Sha’thā: “I was the scribe of Jaz’ bin Mu‘āwiyah, the paternal uncle of Al-Ahnaf bin Qais, when the letter of ‘Umar came to us one
year before his death (saying): ‘Kill every practitioner of witchcraft, and separate all Mahram couples among the Zoroastrians, and forbid them to murmur.’ In one day we killed three practitioners of witchcraft, and we separated every Zoroastrian man from his wife who was forbidden to him in marriage according to the Book of Allâh. He made a great deal of food and invited them, then he placed his sword on his thigh, and they ate but they did not murmur, and they threw on the ground one or two mule-loads of silver. ‘Umar did not take the Jizyah from the Zoroastrians until ‘Abdur-Rahmân bin ‘Awf bore witness that the Messenger of Allâh had taken it from the Zoroastrians of Hajar. (Saḥîh)

It was reported from Bajãlah bin ‘Abdah, from Ibn ‘Abbâs who said: “A man from among the Asbadhîs of Bahrain, who were Zoroastrians of Hajar, came to the Messenger of Allâh and stayed with him for a while, then he came out. I asked him: ‘What was the decree of Allâh and His Messenger concerning you (meaning, Zoroastrians)?’ He said: ‘Bad.’ I said: ‘Be quiet.’ He said: ‘Islam or execution.’”

He said: “And ‘Abdur-Rahmân bin ‘Awf said: ‘He accepted the Jizyah from them.”
Chapter 30, 32 Harshness In Taking Jizyah

3045. It was narrated from ‘Urwah bin Az-Zubair, that Hishām bin Ḥakim bin Ḥizām found a man who was governor of Ḥims making some Coptic people stand in the sun for not paying the Jizyah. He said: “What is this? I heard the Messenger of Allah say: ‘Allah, the Mighty and Sublime, will punish those who punish the people in this world.’” (Sahih)

Comments:

To punish any creature, without justification is an act of great injustice and sin. If the person concerned is unable to pay the tax, he must be given appropriate time for the purpose.

Chapter 31, 33 Levying The ‘Ushūr On Ahl Adh-Dhimmah If They Deal In Trade

3046. It was narrated from Harb bin ‘Ubaidullāh, from his grandfather, the father of his mother, that his father said: “The Messenger of Allah said: ‘The
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'Aībīh Qa’ll: Qul Rūsułlllah: "Irthā tālūlū fī ilāhī biyād. 'Ushūr is only to be levied on the Jews and Christians; there is no 'Ushūr for the Muslims.” (Da’īf)

3047. A similar report was narrated from ‘Ubaidullāh from the Prophet, but he said “Kharāj” instead of ‘Ushūr. (Da’īf)

3048. It was narrated from ‘Atā’, from a man of Bakr bin Wā’il, that his maternal uncle said: “I said: ‘O Messenger of Allāh, shall I levy the ‘Ushūr on my people?’ He said: ‘The ‘Ushūr is only for the Jews and Christians.”’ (Da’īf)

3049. It was narrated from Harb bin ‘Ubaidullāh bin ‘Umair Ath-Thaqafi, that his grandfather — a man of Banū Taghlib — said: “I came to the Prophet and accepted Islam, and he taught me Islam, and taught me how to collect the Sadaqah (Zakāt) from my people who accept Islam. Then I came back to him, and said: ‘O Messenger of Allāh, everything you taught me I have remembered...
except the *Sadaqah*. Should I levy the ‘*Ushür* on them?’ He said: ‘No; the ‘*Ushür* is only to be levied on the Jews and Christians.’” *(Daʾīf)*

3050. It was narrated that Al-‘Irbaḍ bin Sāriyah As-Sulami said: “We stayed with the Prophet ﷺ at Khaibar, and some of his Companions were with him. The chief of Khaibar was a stubborn and evil man. He came to the Prophet ﷺ and said: ‘O Muhammad, do you have the right to slaughter our donkeys, eat our fruits and beat our women?’ The Prophet ﷺ got angry and said: ‘O son of ‘Awf, ride your horse, and call out that Paradise is permissible for no one but a believer, and that they (the people) should gather for prayer.’ They gathered, and the Prophet ﷺ led them in prayer, then he stood up and said: ‘Would any one of you imagine, while reclining on his couch, that Allah has not prohibited anything but that which is in this Qurʾān? No, by Allah, I have preached and commanded and forbidden things that are as numerous as what is in the Qurʾān or more. Allah has not permitted you to enter the houses of the People of the Book except with their permission, or to beat their women or eat their fruits, if they give you what is due from them.’” *(Daʾīf)*
3051. It was narrated from Hilãl, from a man of Thaqif, that a man of Juhainah said: “The Messenger of Allãh ã said: ‘You may fight some people, and defeat them, but they may save themselves and their children with their wealth.’” — Sa’eed (one of the narrators) said in his Hadith: “Then they will make a peace treaty with you.” — Then they (the two narrators) were in accord: “So do not take anything more than that from them, for you have no right to do that.” (Da’if)

Comments:

The Mu’âhid is the non-Muslim who has a treaty or covenant of the Muslims.
Chapter 32/24. If A Dhimmî Becomes Muslim During Part Of The Year, Does He Have To Pay Jizyah?

3053. It was narrated that Ibn 'Abbās said: “The Messenger of Allah said: ‘There is no Jizyah due from a Muslim.”” (Da’īf)

3054. Muḥammad bin Kathîr said: “Sufyān was asked about the meaning of this (i.e., no. 3053), and he said: ‘If he becomes Muslim, there is no Jizyah due from him.”” (Ṣahîh)

Chapter 33,35. Regarding The Imām Accepting Gifts From Idolaters

3055. ‘Abdullâh Al-Hawzanî said: ‘I met Bilâl, the Mu’âdh-dhîn of the Messenger of Allâh in Ḥalâb (Aleppo), and said: ‘O Bilâl, tell me how the spending of the Messenger of Allâh was.’ He said: ‘He did not have anything. I was the one who dealt with that on his behalf, from the time his Mission began, until the Messenger of Allâh died. If a Muslim came to him, and he saw he was poorly clothed, he would order me to go and borrow money, and buy a Burdah for him, and I would clothe him and feed him. Then an idolater..."
man met me, and said: “O Bilāl, I am well off, so do not borrow from anyone but me.” So I did that. One day, I performed Wūdū’ and stood up to call the Aḍhān for the prayer, and I saw that the idolator had come with a group of merchants. When he saw me he said: “O Ethiopian!” I said: “Here I am.” He frowned at me, and spoke harshly to me, and said to me: “Do you know how many days are left until the end of the month?” I said: “A few.” He said: “There are only four, then I shall take you back (into slavery) in return for what you owe me, and you will go back to tending sheep as you did before.” I got distressed, as anyone would in such a situation. I prayed Al-‘Atamah (‘Ishā’) and the Messenger of Allāh ﷺ went back to his family, then I asked for permission to enter upon him, and he gave me permission. I said: “O Messenger of Allāh, may my father and mother be sacrificed for you. The idolater from whom I used to borrow money said such and such to me, and neither you nor I have anything with which to pay him, and he will disgrace me. Give me permission to run away to one of these tribes who have accepted Islam, until Allāh provides His Messenger ﷺ with something with which he can pay it off on my behalf.” I left for my house and I put my sword, water-skin, shoes and shield by my head, intending to leave as soon as dawn broke. But a man came running and said: “O
Bilāl, go and see the Messenger of Allah ﷺ. So I went to him, and there were four camels kneeling with their loads on their backs. I asked permission to enter, and the Messenger of Allah ﷺ said to me: “Be of good cheer, for Allah has send something with which to pay off your debt.” Then he said: “Do you not see these four camels kneeling?” I said: “Yes.” He said: “They and their loads are for you; they are carrying clothing and food that was given to me by the ruler of Fadak; take them, and pay off your debt.” So I did that. Then I went to the Masjid and saw the Messenger of Allah ﷺ sitting in the Masjid. I greeted him with Salām and he said: “How was the wealth you had (i.e., was it enough to pay off the debt)?” I said: “Allah, Exacted is He, has paid off everything that was due from the Messenger of Allah ﷺ, and there is nothing left to pay.” He said: “Is there anything left over?” I said: “Yes.” He said: “See if you can relieve me of it, for I will not enter upon any of my family until you relieve me of it.” When the Messenger of Allah ﷺ had prayed Al-ʿAtamah (ʿIshā’), he called me and said: “What happened to the wealth you had with you?” I said: “It is (still) with me; no one has come to me.” The Messenger of Allah ﷺ spent the night in the Masjid, then when he had prayed Al-ʿAtamah (ʿIshā’) the following night, he called me, and said: “What happened to the wealth you had with you?” I said:
"Allāh has relieved you of it, O Messenger of Allāh." He exclaimed the greatness of Allāh, and praised Him, fearing that death would come upon him while he still had that wealth. Then I followed him, and he went to his wives and greeted each of them, one by one, until he came to the place where he was to spend the night. This is what you asked me about." (Hasan)

Comments:
Gifts are allowed to be accepted from idolaters and the People of the Book, provided there is no harm in accepting it from a religious point of view.

3056. Mu‘āwiyah narrated a similar report with the (previous) chain of Abū Tawbah. After the phrase “and neither you nor I have anything with which to pay him” he said: “The Messenger of Allāh kept quiet and I was somewhat concerned.” (Hasan)

3057. It was narrated that ʿIyāḍ bin Ḥimār said: “I gave the Prophet a she-camel and he said: ‘Have you accepted Islam?’ I said: ‘No.’ He said: ‘I have been forbidden (to accept) the Zabd (gifts) of the idolaters.’” (Hasan)


تخريج: [حسن] انظر الحديث السابق.

Comments:
Since exchanging gifts is a means of creating mutual proximity and love, one must be cautious in freely exchanging gifts with polytheists and disbelievers. However, there is no harm in accepting such gifts if it is considered religiously expedient.

Chapter 34.36. Allocation Of Land

3058. It was narrated from ‘Alqamah bin Wā’il, from his father that the Prophet \( \saw \) allocated him some land in Hadramawt. (Sahih)

\[ \text{Comments:} \]

If a Muslim ruler donates free and uninhabited land to someone, then that person shall have more right to cultivate that land than others. The Hadith has also been taken to mean that a plot of land may be allotted to a person for a limited period of time, in order that he may draw some income from it.

3059. A similar report (as no. 3058) was narrated from ‘Alqamah bin Wā’il with this chain. (Sahih)

3060. It was narrated that ‘Amr bin Hurayth said: “The Messenger of Allah \( \saw \) demarcated a house for me in Al-Madīnah, with a bow, and said: ‘I shall give you more, I shall give you more.’” (Da’‘f)

3061. It was narrated from Rabī’ah bin Abī ‘Abdur-Rahmān, from more than one person, that the Prophet \( \saw \) allocated the mines of Al-Qabāliyyah, which are in the
region of Al-Fur’, to Bilāl bin Al-Hārīth Al-Muzani, and only Zakāt is taken from these mines to this day. (Hasan)

3062. Kathīr bin ‘Abdullāh bin ‘Amr bin ‘Awf Al-Muzani narrated from his father, from his grandfather, that the Prophet allocated to Bilāl bin Al-Hārīth Al-Muzani the mines of Al-Qabaliyyah, both the upper and lower parts.

Someone other than (the narrators) Al-‘Abbās said: “Both its upper and lower parts, and where the land is suitable for cultivation, but he did not give him that which rightfully belonged to any Muslim. The Prophet wrote for him: ‘In the Name of Allah, the Most Gracious the Most Merciful. This is what Muhammad, the Messenger of Allah, has given to Bilāl bin Hārīth Al-Muzani; he has given him the mines of Al-Qabaliyyah, both the upper and lower parts.’”

Someone else said: “Both its upper and lower parts, and where the land is suitable for cultivation, but he did not give him that which rightfully belonged to any Muslim.”

Abū Owais (one of the narrators) said: “A similar report was narrated to me by Thawr bin Zaid the freed slave of Banū Ad-Dil bin Bakr bin Kinānah, more than
once," meaning, the letter about the allocation of the Prophet ﷺ.

(Hasan)

٣٠٦٣. Muhammad bin An-Nadr narrated to us (he said): “I heard Al-Hunaini say: ‘I read it more than once,’” meaning, the letter of allocation from the Prophet ﷺ.

(Hasan)

Abu Dawud said: More than one person narrated to us that Husain bin Muhammad said: “Abu Owais informed me: ‘Kathir bin ‘Abdullâh narrated to me, from his father, from his grandfather, that the Prophet ﷺ allocated to Bilâl bin Harith Al-Muzani the mines of Al-Qabaliyyah, both the upper part and lower part’” — Ibn An-Nadr said: “which included Jars and Dhât An-Nusub” — then they (the two narrators) were in accord: “and where the land is suitable for cultivation, but he did not give Bilâl bin Al-Harith that which rightfully belonged to any Muslim. The Messenger of Allah ﷺ wrote for him: ‘This is what the Messenger of Allah has given to Bilâl bin Al-Harith Al-Muzani. He has given him the mines of Al-Qabaliyyah, the upper part and lower part, and where the land is suitable for cultivation, but he did not give him that which rightfully belonged to any Muslim.’” (Hasan)

Abu Owais said: “Thawr bin Zaid narrated to me a similar report
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from ‘Ikrimah, from Ibn ‘Abbās, from the Prophet ﷺ.

تاريخ: [حسان] أخرجه البهذقي: ٦/١٥١ من حديث ثور بن زيد ﷺ.

3064. It was narrated from Abyad bin Hammāl that he came to the Messenger of Allāh ﷺ, and asked him to allocate the salt mines to him.

Ibn Al-Mutawakkil (one of the narrators) said: “Which were in Ma’rib, and he allocated them to him. When he left, a man who was in the gathering said: ‘Do you know what you have allocated to him? You have only allocated to him a permanent spring.’ So he took it back from him. And he asked him about land to be protected containing Arāk trees, and he said: ‘So long as hooves do not tread upon it.’” Ibn Al-Mutawakkil said: “the hooves of camels.” (Hasan)

Comments:
It has been argued on the basis of this Hadith that, unlike mines whose yield can only be procured with great effort or difficulty, mines whose profitably is self-evident and are of value to the common people, should not be given to the exclusive possession of any particular individual.

3065. Hārūn bin ‘Abdullāh said: “Muhammad bin Al-Hasan Al-Makhzūmi said (regarding no. 3064): ‘So long as the hooves of camels do not tread upon it’” meaning that camels eat whatever
is in reach of their heads, and whatever is beyond that is protected. (Ṣaḥīḥ)

**Tafsīr:** [إسناده صحيح] إلى محمد بن الحسن المخزومي وهو منهم بالكشف.

3066. It was narrated from Abyāçl bin Ḥammāl that he asked the Messenger of Allāh ﷺ about protected land containing Ārāk trees, and the Messenger of Allāh ﷺ said: “There is no ownership of Ārāk trees.” He said: “There are Ārāk trees within its boundaries.” The Prophet ﷺ said: “There is no ownership of Ārāk trees.” (Ḍaʿīf)

Comments:

Even if a certain neglected piece of land has either been granted to a person by the Islamic government, or the said person has himself taken and cultivated it, the trees, if any, standing in the land from before, shall not be the exclusive property of the man in question, in the sense that he cannot deprive the common people of their right of access to those trees.

3067. ‘Uthmān bin Abī Ḥāzim narrated from his father, from his grandfather Ṣāḥhr that the Messenger of Allāh ﷺ raided Thaqīf, and when Ṣāḥhr heard of that, he set out with some cavalry to join the Prophet ﷺ, but he found that the Prophet of Allāh ﷺ had left, and had not conquered (Aṭ-Ṭāʿīf). At that time Ṣāḥhr made a promise to Allāh, and a covenant, that he would not leave
this fortress until they surrendered to the rule of the Messenger of Allah. And he did not leave until they surrendered to the rule of the Messenger of Allah. After that, Sakhr wrote to him saying: “Thaqif have surrendered to your rule, O Messenger of Allah, and I am going to them, and they have horses with them.” The Messenger of Allah ordered (the Adhân be called) for the prayer, then he supplicated for Aḥmas, ten times, saying, “O Allah, bless the cavalry and infantry of Ahmas.” The people came to him, and Al-Mughirah bin Shu’bah spoke, saying: “O Prophet of Allah, Sakhr has captured my paternal aunt, but she has embraced Islam like other Muslims.” He called him, and said: “O Sakhr, when the people accept Islam, their lives and property are protected. Hand over Al-Mughirah’s aunt to him.” So he handed her over to him, and he asked the Prophet of Allah: “What about Banu Sulaim? They have fled from Islam, and left this oasis.” And he said: “O Prophet of Allah, allow me and my people to settle there.” He said: “Yes.” So he settled there. Then Banū Sulaim accepted Islam, and they came to Sakhr, and they asked him to give back the oasis, but he refused. They came to the Prophet of Allah and said: “O Prophet of Allah, we have accepted Islam, and we came to Sakhr, so that he might give our oasis back to us, but he
refused.” He called him, and said: “O Şakhir, when people accept Islam, their property and lives are protected; give the people back their oasis.” He said: “Yes, O Prophet of Allah.” I saw the face of the Messenger of Allah turning red at that point, distressed about the taking of the slave woman and the oasis.” (Da‘if)


3068. It was reported from Ibn Wahb, that Sabrah bin ‘Abdul-‘Azîz bin Ar-Rabi‘ Al-Juhainî narrated from his father, from his grandfather, that the Prophet stopped in the place where the Masjid was built beneath a large tree, and he stayed there for three days. Then he set out for Tabûk. Juhainah caught up with him on a wide plain, and he said to them: “Who are the people of Dhul-Marwah?” They said: “Banû Rifâ‘ah of Juhainah.” He said: “I have allocated it (Dhul-Marwah) to Banû Rifâ‘ah.” So they distributed it. Some of them sold (their shares) and some kept them, and worked (the land). Then I asked his father, ‘Abdul-‘Azîz, about this Hadîth, and he narrated some of it to me, but he did not narrate all of it. (Da‘if)

تخريج: [إسناده ضعيف] أخرجه البهى: 149/16 من حديث أبي داود به * عبد العزيز بن الربيع بن سيره بن معد بن السابعة، لم يذكر جده فطأ. 
3069. It was narrated from Asmâ’ bint Abi Bakr that the Messenger of Allâh ﷺ allocated some palm trees to Az-Zubair. (ṣâhîh)

3070. ‘Abdullâh bin Hassân Al-‘Anbarî said: “My two grandmothers, Ṣafîyyah and Duhaibah the daughters of ‘Ulaibah — who were the stepdaughters of Qâilah bint Makhramah, who was their father’s grandmother — narrated that she (Qâilah) told them: ‘We came to the Messenger of Allâh ﷺ and my companion, meaning Hurâith bin Hassân, went forward as a delegate from Bakr bin Wâ’il, and pledged allegiance upon Islam to him, on behalf of himself, and his people. Then he said: ‘O Messenger of Allâh, write a document giving us the land between us and Banû Tamîm in Ad-Dahnâ’, and that none of them will pass it and come to us, except a traveler or passer-by.” He said: “Write for him, O young man, in Ad-Dahnâ’. When I saw that he had ordered him, I became very upset, as it was my native land and home. I said: ‘O Messenger of Allâh, he did not ask you for regular (barren) land, rather this Dahnâ’ is the place where the camels and sheep graze; the women and children of Banû Tamîm are just
3071. It was narrated that Asmar bin Mudarris said: "I came to the Prophet and pledged allegiance to him. He said: 'Whoever reaches that which no other Muslim has reached before him, it is his.' He said: "The people went out rushing and competing to mark the land." (Da'if)

3072. It was narrated from Ibn Umar that the Prophet allocated to Az-Zubair land as far as his horse could run, so he made his horse run until it stopped, then he threw his whip. He said: "Give him (land) as far as his whip reached." (Hasan)
Chapter 35/37 Reviving Dead Land

3073. It was narrated from Sa'eed bin Zaid that the Prophet ﷺ said: “Whoever revives dead land, it is his, and that which is unlawfully planted confers no rights.” (Hasan)

3074. It was narrated from Yahyā bin ‘Urwah from his father, that the Messenger of Allāh ﷺ said: “Whoever revives dead land, it is his.” He mentioned something similar, then he said: “The one who narrated this Hadith to me said: ‘Two men referred a dispute to the Messenger of Allāh ﷺ, one of whom had planted palm trees on the land of the other. He ruled that the land belonged to the owner of the land, and he ordered the owner of the palm trees to take his trees out.’ He said: ‘I saw them when their roots were being struck with the hoe, and they were fully grown, until they were removed.’” (Da'if)

3075. It was narrated with the same chain and meaning from Ibn Ishāq (as no. 3074), except that instead of saying “the one who” the chain continues: “And when their roots were struck, they were fully grown, until they were removed.” (Mujadilah)
narrated this to me,” he said: “One of the Companions of the Prophet ﷺ, and I think it was most likely Abū Sa‘īd Al-Khudrī, said: ‘I saw the man striking the roots of the palm trees.’” (Ḍa‘if)

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 который говорил следующее: "Его жена принесла мне это: Пророк ﷺ сказал: 'Если человек вырывет корни пальм, то я не позволю ему иметь этого.'" (Ḍa‘if)

الذي حدثني هذا: فقال رجل من أصحاب النبي ﷺ: أخبرني ابنته أن النبي ﷺ قال: "إذا رفع الرجل الوالد، فلن يسمح له." (Ḍa‘if)

نيصر الفتح.

٣٠٧٦. It was narrated that ‘Urwah b. ‘Azīz said: “I bear witness that the Messenger of Allāh ﷺ ruled, that the land belongs to Allāh, and people are the slaves of Allāh. Whoever revives dead land, he has more right to it. This came to us from the Prophet ﷺ from those that the prayer came to us.” (Ḥasan)

٣٠٧٧. It was reported from Malik, U. b. ‘Uqaiqī, who said: “Hishām b. Abī Umayr said: ‘That which is unlawfully planted refers to a man who plants things on someone else’s land, so that he may be entitled to it.’” Malik said: “That which is unlawfully planted

٣٠٧٨. It was reported from Mālik, who said: “Hishām b. Abī Umayr said: ‘That which is unlawfully planted refers to a man who plants things on someone else’s land, so that he may be entitled to it.’” Malik said: “That which is unlawfully planted
refers to all land that is taken, dug, and farmed unlawfully.” (Sahih)

3079. It was narrated that Abū Ḥumaid As-Sāʿīdī said: “I went on the campaign to Tabūk with the Messenger of Allāh ﷺ. When he came to Wādī Al-Qurā, he saw a woman in a garden of hers. The Messenger of Allāh ﷺ said to his Companions: ‘Estimate (the yield).’ The Messenger of Allāh ﷺ estimated it at ten Wāṣiqs, and he said to the woman: ‘Count the yield.’ We arrived in Tabūk, and the king of Aylah gave the Messenger of Allāh ﷺ a white mule, and the Prophet ﷺ gave him a Burdah, and he wrote a document to him, meaning, approving him as ruler of his land on the coast. When we returned to Wādī Al-Qurā, he said to the woman: ‘How much was there in your garden?’ She said: ‘Ten Wāṣiq, as the Messenger of Allāh ﷺ had estimated.’ The Messenger of Allāh ﷺ said: ‘I am going to hasten on to Al-Madīnah. Whoever wants to hasten on with me, let him do so.’” (Sahih)

3080. It was narrated from Kulthūm from Zainab that she was combing the hair of the Messenger of Allāh ﷺ, and the wife of ‘Uthmān bin ‘Affān and some
Muhājir women were with him, complaining about being evicted from their houses. The Messenger of Allâh ﷺ ordered that the houses of the Muhājirīn were to be inherited by their wives. When ‘Abdullâh bin Mas‘ūd died, his wife inherited a house in Al-Madinah.

(Da‘if)

**Comments:**
The Messenger of Allâh ﷺ had granted plots of land to the Emigrants in Al-Madinah in order that they build their houses there. And since these were barren portions of land that were developed by these people, they were declared as their own. This explains the author’s incorporation of this Hadîth under this chapter. The decision to grant the houses to the widows of their husbands was specific to the wives of the Emigrants at that time.

Chapter 36, 38. What Has Been Related About Entering Kharāj

3081. It was narrated that Mu‘adh said: “Whoever contracts payment of Jizyah upon himself, he has nothing to do with the way of the Messenger of Allâh ﷺ.” (Da‘if)

3082. It was reported from Sinân bin Qais (who said): Shabib bin Nu‘aim narrated to me (he said):

(1) The amount of yield or produce of the land that a non-Muslim resident of a conquered land pays to the treasury is known as Kharāj (tribute).
Yazid bin Khumair narrated to me (he said): Abū Ad-Dardā' said: The Messenger of Allāh ṣallallāhu 'alayhi wa sallam said: "Whoever takes land on which Kharāj is paid, it is as if he has renounced his Hijrah, and whoever removes humiliation from a disbeliever, and takes it upon himself, then he has turned his back on Islam." He said: "Khālid bin Ma’dān heard this Hadith from me, and he said to me: ‘Did Shabīb narrate it to you?’ I said: ‘Yes.’ He said: ‘If you go to him, ask him to write the Hadith for me.’ I said: ‘Yes.’” He said: “He wrote it for him, and when I came, Khālid bin Ma’dān asked me for the paper, and I gave it to him. After he read it, he gave up the land that was in his possession when he heard that.”

Chapter 37,39. Land Protected By A Ruler Or By A Man

3083. It was narrated from As-Sa‘b bin Jath-thāmah that the Messenger of Allāh ṣallallāhu 'alayhi wa sallam said: “There is no protection of land except for Allāh and His Messenger.” Ibn Shihāb said: “I heard that the Messenger of Allāh ṣallallāhu 'alayhi wa sallam protected An-Naqī‘.” (Sahīh)
3084. It was narrated that As-Sa'b bin Jaththãmah said: “The Prophet protected An-Naqi’ and said: ‘There is no protection (of land) except for Allâh, the Mighty and Sublime.’” (Sahih)

Comments:
It was a place used for keeping the camels donated as Zakât. A Muslim ruler has the authority to particularize a certain pasture or piece of land for a particular purpose. The general public is not given any such authority.

Chapter 38, 40. Ar-Rikãz (Buried Treasure) And The Levy Due On It

3085. It was narrated from Sa'eed bin Al-Musayyab and Abû Salamah, that they heard Abû Hurairah narrate that the Prophet said: “The Khumus is due on buried treasure (Ar-Rikàz).” (Sahih)

Comments:
A treasure of unknown ownership found buried in a desolate piece of land, or in a previously inhabited area is known as Rikàz. Anyone who finds such a treasure becomes the rightful owner of it, after paying the prescribed one-fifth part of it to the ruler.

3086. It was narrated that Al-Hasan said: “Ar-Rikãz is treasure
that was buried in early times (Jâhilyyah).” (Daʿīf)

3087. It was narrated that Duba‘ah bint Az-Zubair bin ‘Abdul-Muṭṭalib bin Hāshim said: “Al-Miqdād went out to relieve himself in Baqi‘ Al-Khabkhabah, and suddenly he saw a rat bringing a Dinār out of a hole. It kept bringing out Dinārs until it had brought out seventeen Dinārs. Then it brought out a red purse, in which was another Dinār, so there were eighteen Dinārs in all. He took them to the Prophet ﷺ, and told him (what had happened) and said: ‘Take the Sadaqah that is due on it.’ The Prophet ﷺ said to him: ‘Did you reach your hand towards the hole?’ he said: ‘No.’ The Messenger of Allah ﷺ said to him: ‘May Allah bless it for you.’” (Daʿīf)
same punishment as had befallen his people in this place, and he was buried there. The sign of that is that a limb of gold was buried with him. If you open up the grave, you will find it with him.' The people hastened to dig, and took out the limb.” (Da‘f)

The End of the Book of *Kharāj, Fai’* and *Imārah*
BOOK 20. THE BOOK OF FUNERALS

Common Practices Having No Proof In The Shari'ah:
1. Putting either a copy of the Qur'an or a collection of supplications or other devotional texts at the head of the dying person's bedstead.
2. Reciting supplications and poetic eulogiums for the Prophet by the bedstead.
3. Laying wreaths or embellished sheets of cloth or sheets with Qur'anic Verses inscribed in them.
4. Chanting the Confession of the Islamic Faith by the participants of the funeral procession.
5. Transporting the dead body from one city to another without a valid reason.
6. Acts like decorating the grave or inscribing Qur'anic Verses and other religious texts on it.
7. Calling the Adhān or reciting Sūrat Al-Baqarah at the grave.
8. Particularizing Mondays, Thursdays or the 10th of Muḥarram for visits to the grave.
9. Singing poetic tributes to the Prophet or poetic odes, or placing earthen (or metallic) lamps beside the grave.
10. Organizing celebrations on the third, seventh or fortieth days after the death, or giving public feasts supposedly for conveying the rewards of these acts to the departed soul.
11. Performing what is termed as Qul (reciting the Qur'an in the midst of a feast held to commemorate the death of the deceased person) on the 2nd or 3rd day of the death.
12. Hiring professionals to recite the Qur'an or organizing annual rituals of Khatm (recitation of the whole Qur'an) as a means of conveying the reward thereof to the deceased person.

Chapter 1. Sicknesses Which Expiate For Sins

It was narrated from ʿĀmir Ar-Rām, the brother of Al-Khūdr — Abū Dāwūd said: An-Nufailī said: “He is Al-Khūdr. But that is how he said it.” — He said: “I was in our country when the flags and
banners were raised. I said: ‘What is this?’ They said: ‘This is the banner of the Messenger of Allah.’ I came to him when he was beneath a tree; a cloak had been spread out for him, and he was sitting on it, and his Companions had gathered around him, I sat with them and the Messenger of Allah mentioned illnesses. He said: ‘When the believer is stricken with an illness, then Allah heals him of it, it is an expiation for his past sins, and a warning for the future. But when the hypocrite is stricken with an illness, then recovers, he is like a camel whose owners tethered it, then let it loose, and it does not know why they tethered it, nor why they let it loose.’ One of the men who were around him said: ‘O Messenger of Allah, what are illnesses? By Allah, I have never fallen sick.’ The Prophet said: ‘Get up and leave us, for you are not one of us.’ While we were with him, a man came wearing a cloak, and carrying in his hand something over which he had wrapped part of his cloak. He said: ‘O Messenger of Allah, when I saw you I came to you, and I passed through a thicket of trees, where I heard the voices of some chicks. I took them and put them in my cloak, and their mother came and started hovering above my head. I uncovered them and she swooped down on them, and I wrapped them all up in the cloak and they are with me here.’ He said: ‘Put them down.’ So he put them down, but their mother persisted on...
staying close to them. The Messenger of Allah ﷺ said to his Companions: 'Are you surprised by the compassion of the chicks’ mother towards her chicks?' They said: 'Yes, O Messenger of Allah.' He said: 'By the One Who sent me with the truth, Allah is more compassionate towards His slaves than the mother of the chicks towards her chicks. Take them and put them back where you took them from, and their mother with them.' So he took them back.” (Da‘f)

Comments:

There is no doubt that the pains, sorrows and illnesses suffered by men are generally the result of their own misdeeds. On a positive note, however, as may be seen from the ensuing Ahadith, these very trials become atonement for the sins of the believers.

3090. It was narrated from Muhammad bin Khālid — Abū Dāwud said: Ibrāhīm bin Mahdī said: “As-Sulām!” — from his father, that his grandfather, who was a Companion of the Messenger of Allah ﷺ, said: “I heard the Messenger of Allah ﷺ say: ‘If a certain status has previously been decreed by Allah for a person, and he does not attain it by his deeds, Allah afflicts him in his body, or wealth, or children.’” (Hasan)

Abū Dāwūd said: Ibn Nufail (one of the narrators) added: “Then He makes him bear it with patience.” Then they (the two narrators) were in accord: “Until He causes him to reach the status that Allah had
previously decreed for him.”

Chapter (...) If A Man Used To Do A Righteous Deed Then Is Interrupted By Sickness Or Travel

3091. It was narrated that Abū Mūsā said: “I heard the Prophet say on more than one or two occasions: ‘If a person used to do a righteous deed, then he is distracted from it by sickness or travel, there will be (a reward) recorded for him like that for what he used to do when he was healthy or not traveling.’” (Sahih)

Chapter (...) Visiting Sick Women

3092. It was narrated that Umm Al-'Alā’ said: “The Messenger of Allah visited me when I was sick, and said: ‘Be of good cheer, O Umm Al-'Alā’, for when a Muslim falls sick, Allah takes away his sins as the fire takes away the dross of gold and silver.’” (Hasan)
It was narrated that ‘Aishah said: “I said: ‘O Messenger of Allah, I know the severest Verse in the Book of Allah, the Mighty and Sublime.’ He said: ‘Which Verse is that, O ‘Aishah?’”’ She said: The Verse in which He says: Whosoever does evil deeds, he will have the recompense thereof.\footnote{An-Nisâ’ 4:123.}\footnote{Al-Inshiqaq 84:8.}

He said: ‘Do you not know, O ‘Aishah, that if a Muslim is afflicted with a calamity or a thorn, that will expiate the worst of his deeds, for the one who is called to account will be punished?’ She said: ‘Does not Allah say: He surely, will receive an easy reckoning?\footnote{An-Nisâ’ 4:123} He said: ‘That is the presentation (of his deeds), O ‘Aishah; if a person’s deeds are put to account, he will be punished.’’\footnote{(Hasan)}

\textit{Comments:}

Besides this, other \textit{Ahādīth} also confirm the fact that not only the pains, trials and sicknesses suffered in this world, but also the agony of death, the punishment of the grave and the trying conditions on the Day of Judgment shall, for some believers, be the cause of the atonement of their sins, while for others they shall become the source of the raising of their ranks in the Hereafter. As a result, a party of the believers shall emerge absolutely cleansed of all their sins and enter Paradise.

\textbf{Chapter (...) Visiting The Sick}

It was narrated that Usâmah An-Nisa’ 4:123.\footnote{Al-Inshiqaq 84:8.}
bin Zaid said: “The Messenger of Allah set out to visit 'Abdullah bin Ubayy during his final illness. When he entered upon him, he realized that he was dying. He said: ‘I forbade you to love the Jews.’ He said: ‘As'ad bin Zurarah hated them, but what (good did it do him)?’ When he died, his son came and said: ‘O Prophet of Allah, 'Abdullah bin Ubayy has died; give me your Qamis so that I may shroud him in it. The Messenger of Allah took off his Qamis and gave it to him.’” (Da’if)

Chapter 2. Visiting A Sick Dhimmi

3095. It was narrated from Anas that a Jewish boy fell sick and the Prophet went to visit him. He sat by his head and said: “Accept Islam.” He looked at his father, who was also by his head, and his father said to him: “Obey Abul-Qasim.” So he accepted Islam, and the Prophet stood up saying: “Praise be to Allah Who has saved him from the Fire.” (Sahih)

Comments:

Paying visits to the ill among the non-Muslims is permissible in Islam, provided the Muslim visiting fulfills the rights of the Shari'ah demanded of him.
Chapter (...) Going On Foot To Visit The Sick

3096. It was narrated that Jâbir said: “The Prophet used to visit me (when I was sick) and he did not ride a mule or a horse. (Sahih)

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Chapter 3. Virtue Of Visiting The Sick While In A State Of Wudū'

3097. It was narrated from Thâbit Al-Bunâni from Anas bin Mâlik, who said: “The Messenger of Allâh said: ‘Whoever performs Wudū’ and does it well, and visits his (sick) Muslim brother, seeking reward, he will be removed from Hell a distance of seventy Kharifs travel.’” I (Thâbit) said: “O Abû Hamzah! What is Kharif?” He said: “A year.”[1] (Da’îf)

Abû Dâwud said: And that those from Al-Basrah are alone in narrating for it is “visiting the sick while in a state of Wudū.”

Comments:

Although technically classified as Mawquf, the narration is correct. The next Hadith of the same meaning is Marjî‘.

[1] Kharif refers to an autumn, and Abû Hamzah is Anas, and he explained that the meaning of seventy autumns here is seventy years.
3098. It was narrated from ‘Abdullâh bin Nâfi’, from ‘Ali who said: There is no man who visits a sick person in the evening but seventy thousand angels go out with him, praying for forgiveness for him until morning, and he will have a garden in Paradise. And whoever visits him (the sick person) in the morning, seventy thousand angels go out with him, praying for forgiveness for him until evening, and he will have a garden in Paradise. (Hasan)

3099. A similar report (as no. 3098) was narrated from ‘Ali, from the Prophet ﷺ, but he did not mention the garden. (Hasan)

3100. It was narrated that Abû Ja’far ‘Abdullâh bin Nâfi’ — and Nâfi’ was the slave of Al-Hasan bin ‘Ali — said: “Abû Mûsâ came to Al-Hasan bin ‘Ali to visit him (when he was sick). (Hasan) Abû Dûwûd said: And he quoted a Hadîth like that of Shu’bâh.[1]

[1] That is, no. 3098.
Abū Dāwūd said: This has been reported from ʿAlī, from the Prophet, through other Sahih routes of transmission.

Chapter 4. Repeated Visits (To A Sick Person)

3101. It was narrated that ʿAishah said: “When Saʿd bin Muʿādh was injured on the Day of Al-Khandaq, a man shot him in the medial arm vein. The Messenger of Allāh set up a tent for him in the Masjid, so that he could visit him from close by.” (Sahih)

Comments:

Paying repeated visits to the sick is reflective of the Islamic characteristic of love and excellent behaviour.

Chapter 5. Visiting One Who Suffering From Ramad

3102. It was narrated that Zaid bin Arqam said: “The Messenger of Allāh visited me when I had a pain in my eye.” (Sahih)

Comments:

A sort of inflammation of the eyes; ophthalmia.
Chapter 6. Fleeing From The Plague

3103. It was narrated that ʿAbdullāh bin ʿAbbās said: “ʿAbdur-Rahmān bin ʿAwf said: “I heard the Messenger of Allāh ﷺ say: If you hear of it (the plague) in a land, do not go there, and if it occurs in a land where you are, do not depart, fleeing from it.” (Ṣaḥīḥ)

Chapter 7. Supplicating For The Sick Person To Be Cured When Visiting Him

3104. It was narrated from ʿĀishah bint Saʿd that her father said: “I fell sick in Makkah and the Messenger of Allāh ﷺ came to visit me. He put his hand on my forehead, then he wiped my chest and stomach, then he said: ‘O Allah, cure Saʿd and enable him to complete his emigration.’” (Ṣaḥīḥ)
Comments:
While visiting a sick person, we should try to give him as much comfort as possible, as well as supplicating to Allāh to grant him a speedy recovery.

3105. It was narrated that Abū Mūsā Al-Ashʿarī said: “The Messenger of Allāh ﷺ said: ‘Feed the hungry, visit the sick and free the ‘Ant (captive).’” Sufyān (one of the narrators) said: “The ‘Ant means the captive.” (Ṣaḥīḥ)

3106. It was narrated from Ibn ‘Abbās that the Prophet ﷺ said: “Whoever visits a sick person whose time of death has not come, and says in his presence, seven times ‘As’alullāhul-ʿAzm, rabbal-ʿārshilʿātmi an yaftka (I ask Allah the Magnificent, Lord of the Magnificent Throne, to cure you) Allāh will heal him of that sickness.” (Ṣaḥīḥ)

Chapter 8. Supplicating For The Sick Person When Visiting Him

3107. It was narrated that Ibn ‘Amr said: “The Prophet ﷺ said: ‘When a man comes to visit a sick person, let him say: Allāhummasṣūbta, yanka 'it laka 'aduwwan, aw yamshi laka ilā janāzah (O Allāh, cure Your slave so that he might ...
wreak havoc on an enemy for Your sake, or follow a Janâzah for Your sake)." (Hasan)
Abû Dâwûd said: Ibn As-Sarîh (one of the narrators) said: "Ilaṣ-salât (To the Salât)."[1]

**Chapter 9. It Is Disliked To Wish For Death**

3108. It was narrated that Anas bin Mâlik said: "The Messenger of Allâh ﷺ said: 'None of you should pray for death because of some harm that has befallen him. Rather let him say: 'Allâhumma ahyini ma kânatîl-ḥayâtî khairanî, wa tawaffanî idha kânatîl-wafâtî khairanî' (O Allâh, give me life so long as living is good for me, and cause me to die when dying is good for me)." (Sahîh)

3109. It was narrated from Anas bin Mâlik that the Prophet ﷺ said: "None of you should wish for death," and he narrated a similar report (as no. 3008). (Sahîh)

Chapter 10. Sudden Death

3110. It was narrated that ‘Ubaid bin Khalid As-Sulami, one of the Companions of the Prophet, said that the Prophet said: “Sudden death is a seizing by (divine) wrath.” (Sahih)

Comments:
If a man falls ill and slowly and gradually proceeds towards death, he has a chance to make amends and repent. A sudden death, however, eliminates all such possibility.

Chapter 11. The Virtue Of One Who Dies Of The Plague

3111. Jābir bin ‘Atīk narrated that the Messenger of Allâh came to visit ‘Abdullâh bin Thâbit, and found him unconscious. The Messenger of Allâh called loudly to him, and he did not respond, so the Messenger of Allâh said “Innâ Lillahi wa inna ilaihi râji’un (Verily, to Allah we belong and unto Him is our return),” and he said: “The Divine Decree has overpowered us concerning you, O Abû Ar-Rabî’.” The women screamed and wept, and Ibn ‘Atīk started telling them to be quiet, but the Messenger of Allâh said: “Let them be, for when he falls, no woman should weep.” They said: “What does falling mean, O Messenger of Allâh?” He said:
"Death." His daughter said: "By Allah, we were hoping that you would be a martyr, for you had just finished making preparations (for Jihad)." The Messenger of Allah ﷺ said: "Allah, the Mighty and Sublime, will give him his reward according to his intention. What do you regard as martyrdom?" They said: "Being killed in the cause of Allah." The Messenger of Allah ﷺ said: "Martyrdom is seven things, besides being killed in the cause of Allah. The one who dies of the plague is a martyr, the one who drowns is a martyr, the one who dies of pleurisy is a martyr, the one who dies of a stomach ailment is a martyr, the one who is burned to death is a martyr, the one who dies beneath a collapsed building is a martyr, and the woman who dies in pregnancy is a martyr." (Hasan)

Chapter 11, 12. Clipping The Nails And Shaving The Pubes Of A Sick Person

3112. It was narrated that Abû Hurairah said: "Banû Al-Ḥarîth bin ‘Āmir bin Nawfal bought Khubaib, and Khubaib was the one who had killed Al-Ḥarîth bin ‘Āmir on the Day of Badr. Khubaib stayed with them as a prisoner, until they decided to kill him. He asked to borrow a razor from the daughter
of Al-Ḥārith with which to shave his pubes, and she lent it to him. A small child of hers crawled away when she was not looking and went to him, and she found him alone with the child on his lap, and the razor in his hand. She panicked and he noticed that, and said: ‘Are you afraid that I will kill him? I would not do that.’” (Sahih)

Abū Dawūd said: This story was narrated by Shu‘aib bin Abī Ḥamzah from Az-Zuhri who said: ‘Ubaiddullah bin ‘Iyād informed me that the daughter of Al-Ḥārith informed him that when they agreed to kill him, he asked to borrow a razor from her, with which to shave his pubes, and she lent it to him.”

Chapter 12, 13. It Is Recommended To Think Positively Of Allāh At The Time Of Death

3113. It was narrated that Jābir bin ‘Abdullāh said: “I heard the Messenger of Allāh ﷺ say, three days before he died: ‘None of you should die but when he is thinking positively about Allāh.’” (Sahih)

Comments:

We are not allowed to make comments about the final end of anyone, except in respect of what is proven, from the Qur’an and Sunnah.
Chapter 13, 14. It Is Recommended To Purify The Clothes Of The Dying Person At The Time Of Death

3114. It was narrated from Abū Salamah that when Abū Sa'eed Al-Khudrī was dying, he called for new clothes and put them on, then he said: “I heard the Messenger of Allah say: ‘The deceased will be resurrected in the clothes in which he died.’” (Hasan)

Comments:

The hallmark of a believer is that he loves to remain clean and pure. Allah too loves those who cleanse and purify themselves. It is, therefore, only appropriate that both the body and the dress of the Muslim in his last journey, leading up to his meeting with Allah, are in their best state of cleanliness and purity.

Chapter 14, 15. What Should Be Said At The Time Of Death

3115. It was narrated that Umm Salamah said: The Messenger of Allah said: “If you are in the presence of one who is dying, say good words, for the angels say Amin to whatever you say.” When Abū Salamah died, I said: “O Messenger of Allah, what should I say?” He said: “Say: ‘Allahummaghfirlahu, wa a’qibna ’uqbā’īsālihah (O Allah, forgive him and compensate us with something good in return).’” She said: “And
Allah compensated me for him with Muhammad (Sahih)

Comments:
However high and mighty be a man’s aspirations and dreams, he cannot even think of the standards Allah has set to recompense His chosen servants.

Chapter 15, 16. Prompting The Dying Person

3116. It was narrated that Mu’adh bin Jabal said: “The Messenger of Allah (S) said: ‘The one whose last words are La ilaha illallah will enter Paradise.’” (Hasan)

3117. It was narrated that Abu Sa’eed Al-Khudri said: “The Messenger of Allah (S) said: ‘Prompt your dying ones to say La ilaha illallah.’” (Sahih)

Comments:
The Sunnah of Talqin (instruction or exhortation to utter) is to prompt the dying person to say La Ilaha Illallah.
Chapter 16, 17. Closing the Eyes Of The Deceased

3118. It was narrated that Umm Salamah said: “The Messenger of Allah entered upon Abū Salamah and his eyes were fixed open, so he closed them. Some of his family cried aloud and he said: ‘Do not supplicate, but only for good things, for the angels say Āmīn to whatever you say.’ Then he said: ‘Allāhumma ḍafūr li abī Salamata warfa‘ darajatuhu fil-mahdiyyīn, ṭakhlufu fi ‘aqibihī fil-ghābirīna waghfīrlana wa lahu. (Yā) Rabīthumma! Allāhumma! Ifsah lahu fi qabrihi wa nawwir lahu fīh (O Allāh, forgive Abū Salamah and raise him in status among those who are guided, and take care of his family who are left behind, and forgive him and us, O Lord of the worlds. O Allāh, make his grave spacious for him and fill it with light).’” (Sahih)

Abū Dāwūd said: Closing the eyes of the deceased is to be done after the soul departs. I heard Muhammad bin Muhammad bin An-Nūmān Al-Muqri say: “I heard Abū Maisarah — a man who was devoted to worship — say: ‘I closed the eyes of Ja‘far Al-Mu‘allim — who was a man devoted to worship — when he was dying, and I saw him in my dream the night he died, saying: “The hardest thing for me was that you closed my eyes before I died.”’

Chapter 17, 18. Saying Inna Lillahi Wa Inna Ilaihi Râji'ün
(Verily, To Allâh We Belong And Unto Him Is Our Return)

3119. It was narrated that Umm Salamah said: “The Messenger of Allâh ﷺ said: ‘If one of you is afflicted with a calamity, let him say: “Inna Lillahi wa inna ilaihi râji’ün. Allahumma! ‘Indaka ahtasibu musibati fa’jurni fihâ wa abdil lî bihâ khairan-minha (Verily to Allah we belong and unto Him is our return; 0 Allah, I seek reward for my calamity with You, so reward me for it and compensate me with something better than it).’” (Hasan)

Chapter 18, 19. Covering The Deceased

3120. It was narrated from ‘Âishah that the Prophet ﷺ was covered with a Hibarah (striped Yemeni) cloth. (Sahih)
Chapter 19, 20. Reciting Qur'an For One Who Is Dying

3121. It was narrated that Ma'qil bin Yasãr said: “The Messenger of Allah said: ‘Recite Ya Sin for your dying ones.’” (Da'iJ)

Comments:
The people around the deceased should close his eyes after his soul departs, and supplicate to Allah on behalf of the deceased and his family, and completely cover his body. The narrations concerning the recitation of Surah Ya Sin are not authentic. We should instead supplicate to Allah to grant the deceased ease.

Chapter 20, 21. Sitting Down When Calamity Strikes

3122. It was narrated that ‘Aishah said: “When Zaid bin Hārithah, Ja'far and ‘Abdullãh bin Rawãhah were killed, the Messenger of Allah sat in the Masjid, and grief could be seen in his face.” And he narrated the story. (Šahîh)
Comments:

It is a desirable act that the family, friends, and relatives of the deceased gather and sit together on this occasion. There is no requirement, however, that they sit only on the ground. They may sit on mats, cots, chairs and the like. To consider it something like a compulsory ritual to sit in waiting to receive condolences from the people for three days is improper; there is no injunction for this in the Shari'ah.

Chapter 21, 22. Offering Condolences

3123. It was narrated that 'Abdullãh bin ‘Amr bin Al-'As said: “One day, we buried a deceased person with the Messenger of Allãh, and when we had finished, the Messenger of Allãh came back, and we came back with him. When he drew near his door, he stopped, and we saw a woman coming (towards him).” He said: “I think he recognized her, and when she reached him, we saw that it was Fãtimah. The Messenger of Allãh said to her: ‘What brought you out of your house, O Fãtimah?’ She said: ‘I have come to the people of this house, O Messenger of Allãh, to pray for mercy for their deceased one, or to offer them condolences.’ The Messenger of Allãh said to her: ‘Perhaps you reached Al-Kuda (the graveyard) with them?’ She said: ‘Allãh forbid! I heard you say what you said about it.’ He said: ‘If you had reached the graveyard with them,’ and he spoke stern words concerning that.” (Al-Mufãdãl — one of the narrators said) “I asked Rabã’ãh about Al-Kuda, he said: ‘The graves, as far as I reckon.’” (Hasan)
The Book Of Funerals

Comments:
The Hadith seems to suggest that it is unlawful for women to visit the graveyards. Some scholars, however, suggest that the interdiction belongs to the early days of Islam when people in general were prevented from visiting graveyards. But once the Prophet gave his permission to visit, the permission covered men as well as women.

Chapter 22, 23. Patience At The Time Of Calamity

3124. It was narrated that Anas said: “The Prophet of Allah came to a woman who was weeping for a son of hers, and said to her: ‘Have Taqwa of Allah and be patient.’ She said: ‘What do you care about my calamity?’ It was said to her: ‘This is the Prophet.’ She came to him, and she did not find any doorkeeper at his door, and she said: ‘O Messenger of Allah, I did not recognize you.’ He said: ‘Patience is only when the calamity first strikes.” (Sahih)

Comments:
The great rewards for patience come only if the patience is observed from the onset of the affliction.

Chapter 23, 24. Weeping For The Deceased

3125. It was narrated from Usâmah bin Zaid that a daughter of the Messenger of Allah sent word to him, when Sa‘d and I, and I think Ubayy, were with him,
(saying): “My son” or “daughter is dying; come to us.” He sent word to her, conveying his Salām, and he said: “Say: ‘Lālāhī mā akhadha wa mā a’ta, wa kullu shā‘īn ‘indahu ‘ajal (To Allāh belongs that which He takes and that which He gives, and everything has an appointed time with Him).’” She sent word adjoining him to come, so he went to her, and the child was placed in the lap of the Messenger of Allāh ﷺ, and his soul was rattling. The eyes of the Messenger of Allāh ﷺ overflowed with tears, and Sa‘d said to him: “What is this?” He said: “This is compassion which Allāh places in the hearts of whomever He wills, and Allāh only shows mercy to the merciful among His slaves.” (Ṣaḥīḥ)

Comments:

Tears upon a loved one’s death, are natural. There is nothing wrong in it. It is rather a sign of mercy and the tenderness of the heart.

3126. It was narrated that Anas bin Malik said: “The Messenger of Allāh ﷺ said: ‘Last night a son was born to me, and I have named him after my father, Ibrāhīm,’” and he narrated the Ḥadīth.

Anas said: “I saw him (i.e., Ibrāhīm) there in front of the Messenger of Allāh ﷺ at the point of death, and tears fell from the eyes of the Messenger of Allāh ﷺ, and he said: ‘The eyes weep and
the heart grieves, but we do not say anything but that which pleases our Lord. Verily we are grieved at your departure, O Ibrāhīm.” (Sahih)

Chapter 24, 25. Wailing

3127. It was narrated that Umm `Atiyah said: “The Messenger of Allah forbid us from wailing.” (Sahih)

3128. It was narrated that Abū Sa‘eed Al-Khudrī said: “The Messenger of Allah cursed the woman who wails and the one who listens to her.” (Da‘if)

Comments:
1. The tradition is weak. Yet, the correct position in the light of other sound Aḥādīth is that we are prohibited even to listen to other people’s bewailing, loud lamentation and mourning over the dead.
2. The Arabic term Niyāhah or Nuwaḥ means lamenting and wailing loudly for the dead, or indulging in acts like pulling one’s hair, throwing dust over one’s head or tearing at one’s clothes, and so on. As for the crying itself, there is nothing blameworthy about it.

3129. It was narrated from ‘Urwah, from his father, from Ibn ‘Umar
that he said: “The Messenger of Allah ﷺ said: ‘The deceased is tormented because of his family’s weeping for him.’” That was mentioned to ‘Aishah and she said: “Do you mean Ibn ‘Umar narrated that? All that happened is that the Prophet ﷺ passed by a grave and said: ‘The occupant of this (grave) is being tormented and his family is weeping for him.’” Then she recited: ‘And no bearer of burdens shall bear another’s burden.’[1] He (the author said) — from Abü Mu‘awiyah (in his narration): “(He passed) by the grave of a Jew.” (Sahih)

Comments:

If the deceased person is a disbeliever, or even the sort of Muslim that has left a will for the family to wail for him after his death, he will be punished for the act. Punishing under these circumstances does not go against the meaning of the quoted Verse. In case he disliked any such act and had commanded his people not to do it, but they did it anyway, the deceased person will be exempt from all blame and punishment.

3130. It was narrated that Yazid bin Aws said: “I entered upon Abû Mûsâ as he was dying, and his wife began to weep, or was about to weep. Abû Mûsâ said to her: ‘Did you not hear what the Messenger of Allah ﷺ said?’ She said: ‘Yes.’” Then she fell silent. When Abû Mûsâ died, Yazid said: “I met his wife and said to her: ‘What did Abû Mûsà mean when he said to you: “Did you not hear what the

Messenger of Allâh ﷺ said?” Then you fell silent?’ She said: ‘The Messenger of Allâh ﷺ said: “He is not one of us who shaves his head, or shouts or tears his garment (at the time of calamity).”’ (Sahîh)

3131. Asîd bin Abî Asîd narrated that one of the women who pledged allegiance (to the Prophet ﷺ) said: “One of the covenants that the Messenger of Allâh ﷺ took from us, and that we swore not to disobey him in, was that we would not scratch our faces, or wail, or tear our garments, or dishevel our hair.” (Hasan)

Chapter 25, 26. Preparing Food For The Family Of The Deceased

3132. It was narrated that ‘Abdullâh bin Ja’far said: “The Messenger of Allâh ﷺ said: ‘Prepare food for the family of Ja’far, for there has come to them which is preoccupying them.’” (Hasan)
Chapter 26, 27. Should The Martyr Be Washed?

3133. It was narrated that Jābir said: “A man was shot with an arrow in his chest or throat and he died. He was shrouded in his clothes as he was.” He said: “And we were with the Messenger of Allāh ﷺ.” (Da‘if)

3134. It was narrated that Ibn ‘Abbās said: “The Messenger of Allāh ﷺ ordered that the weapons, shields and furs[1] of the slain of Uhud be removed, and that they be buried with their blood on their garments.” (Da‘if)

3135. It was narrated from Anas bin Mālik that the martyrs of Uhud were not washed, and they were buried with their blood, and the funeral prayer was not performed for them. (Hasan)

[1] Al-Julūd plural of Jild, meaning an animal skin that is tanned or a fur or pelt, etc. It is possible that it means leather protective gear for battle, for which reason it was translated as “armour” in our translation of Ibn Majah (no. 1515).
As proven from some of the previous *Ahādīth*, the correct position with regard to the person martyred in *Jihād* is that he be buried unwashed, with the very blood and clothes in which he was martyred. Some of the *Ahādīth* also affirm the holding of the funeral prayer for him.

3136. (Another chain) from Anas bin Mālik who said that the Messenger of Allāh ﷺ passed by Hamzah, who had been mutilated, and said: “Were it not that Ṣafīyyah would be grieved, I would have left him for the scavengers to eat, so that he would be resurrected from their bellies.” Shrouds were few and the slain were many, so one or two, or three men, were shrouded in a single cloth.

Qutaibah (one of the narrators) added: “Then they were buried in a single grave, and the Messenger of Allāh ﷺ would ask: ‘Which of them knew more Qur’ān?’ Then he would place him closer to the Qiblah.” (*Da‘īf*)

3137. (Another chain) from Anas who said that the Prophet ﷺ passed by Hamzah when he had been mutilated, and he did not perform the funeral prayer for any
of the martyrs except him. *(Hasan)*

وَقَدْ مُتَلَّىٰ يَهُوَ، وَلَمْ يُضَلْ عَلَى أَحَدٍ مِنْ

المُتَفَسِّيْنَ عِيْنَهُ.

تخريج: [حسن] أخرج الطحاوي في معاني الآثار: ١/١ ١٠٣/١٠٣ عند غيره أسامة هو ابن زيد الليلي، وشيخه صرح بالسماح عند الطحاوي في رواية أخرى.

3138. It was narrated from Laith, from Ibn Shihāb, from ‘Abdur-Rahmān bin Ka‘b bin Mālik that Jābir bin ‘Abdullāh informed him, that the Messenger of Allāh would put two of the slain of Uhud together, and he would say: “Which of them had learned more Qur’ān?” If one of them was pointed out to him, he would put him into the *Lahd* (niche) first. And he said: “I shall be a witness for them on the Day of Resurrection.” And he ordered they be buried with their blood, and not washed. *(Sahih)*

تخريج: أخرج البخاري، الجاحظ، باب الصلاة على الشهيد، ح: ١٣٤٣٢ من حديث اللبيب ابن سعد.

3139. (Another chain) from Laith, with this *Hadīth*, with its meaning (similar to no 3138), he said: “He put two of the slain of Uhud together in a single cloth.” *(Sahih)*

تخريج: [صحيح] انظر الحديث السابق.

Chapter 27, 28. Covering The Deceased When Washing Him

3140. It was narrated from ‘Ali that the Prophet said: “Do not uncover your thigh and do not look
at the thigh of anyone, living or dead.” *(Da‘īf)*

**3141.** Yahyā bin ‘Abbād narrated that his father ‘Abbād bin ‘Abbūdāh bin Az-Zubair said: “I heard ‘Aishah say: ‘When they wanted to wash the Prophet ﷺ, they said: ‘By Allāh, we do not know whether we should remove the garments of the Messenger of Allāh ﷺ, as we remove the garments from our own deceased, or wash him with his garments on him.’ When they differed, Allāh caused them to sleep until there was no man among them whose chin was not on his chest. Then a voice came to them from the corner of the house, and they did not know who it was, telling them to wash the Messenger of Allāh ﷺ with his garments on him. So they washed him, and he was wearing his Qamīṣ. They poured the water over the Qamīṣ and rubbed him with the Qamīṣ, not their hands.’ ‘Aishah used to say: ‘If I had known beforehand what I know now, no one but his wives would have washed him.’” *(Hasan)*

تخرج: [إسناده حسن] أخرجه ابن ماجه، البخاري، باب ما جاء في غسل الرجل امرأته وغسل المرأة زوجها، ح: 1464 من حديث محمد بن إسحاق بن محمد بن عبد الله بن ابنا، قالما أرادوا غسل النبي ﷺ قالوا: والله ما ندري أنحرأ رسول الله ﷺ من يباؤه كما ينجرد موتانا أم نغسله وعليه تابعنا فلمنا لعلهم الله عليهم النوم حتى ما منهم رجل إلا وفوقه في صدره، ثم كلهم مكشوفين من ثوبه النبي ﷺ وعليه تابعنا، فقاموا إلى رسول الله ﷺ فغسلوه وعليه قيصر يصبوون الماء فوق القيصر ويذكرون بالقيصر دون أبديهم، وكانت عائشة تقول: أم استقبلت من أمر القيصر استدبرت ما غسلت إلا وفوقه.
1. It is not allowed to unveil or expose the entire body of the deceased when washing him or her. We are commanded to cover the concealable parts of the body of the deceased.

2. It is permissible for the husband to wash his wife, and for the wife to wash her husband.

Chapter 28, 29. How The Deceased Is To Be Washed

3142. It was narrated from Muhammad bin Sirîn, from Umm 'Atiyyah, that she said: “The Messenger of Allah entered upon us when his daughter died and said: ‘Wash her three or five times, or more than that, if you see fit, with water and lote leaves, and put camphor (in the water) the last time, or a little camphor. And when you have finished, call me.’ When we had finished, we called him, and he gave us his Haqwa and said: Put it next to her body.”

(Sahih)

(Abû Dawûd) said: Mâlik said: “Meaning his Izâr”[1] and Musaddad did not say: “entered upon us.”

Comments:
1. It is a Sunnah to wash the deceased person at least thrice. If considered necessary, he may even be washed five times or more.

2. It is preferable to put some leaves of a lote tree while boiling the water for washing the dead. It is, likewise, desirable to put some camphor in the water in the last phase of washing.

[1] That is, explaining the meaning of the word Haqwa, also pronounced Hiqâ see no. 3156.
3143. (Another chain) from Muhammad bin Sîrîn, from his sister Hâfshah, from Umm ‘Atiyah, who said: “...And we braided her hair in three braids.” (Sahîh)

3144. It was narrated from Ayyûb, from Hâfshah bint Sîrîn, from Umm ‘Atiyah, who said: “We braided her hair in three braids, and put them behind her, one from the front and two from the sides.” (Sahîh)

3145. It was narrated from Khâlid, from Hâfshah bint Sîrîn, from Umm ‘Atiyah that the Messenger of Allah said to them, concerning washing his daughter: “Start on her right side, and the places of Wudû’.” (Sahîh)

3146. (Another chain) from Ayyûb, from Muhammad, from Umm ‘Atiyah, with the meaning of the Hadîth of Mâlik (no. 3142).

In the Hadîth of Hâfshah from Umm ‘Atiyah, which is similar, he added: “Or seven, or more than that if you see fit.” (Sahîh)
Comments:

It is extremely important to know the rules of washing the deceased.

3147. (Another chain) from Muḥammad bin Sirīn that he learned how to wash the deceased from Umm ‘Ātiyyah. He washed with lotus leaves twice, and the third time with water and camphor. (Da‘f)

3148. It was narrated from Abū Az-Zubair, that he heard Jābir bin ‘Abdullāh narrating from the Prophet ﷺ, that he gave a Khutbah one day and mentioned one of his Companions who had died, and had been shrouded in cloth of poor quality, and buried at night. The Prophet ﷺ said that no man should be buried at night before the funeral prayer had been performed for him, except if one was forced to do that. And the Prophet ﷺ said: “When one of you shrouds his brother, let him use a shroud of good quality.” (Ṣaḥīḥ)

Comments:

It does not mean giving an expensive shroud, but only a simple, neat and clean shroud.
3149. It was narrated from Al-Qasim bin Muhammad, from 'Aishah who said: “The Messenger of Allah ﷺ was shrouded in a Hijabah (striped Yemeni) cloth, then it was removed.” (Sahih)

3150. It was narrated from Wahab, meaning Ibn Munabbih, from Jabir who said: “I heard the Messenger of Allah ﷺ say: ‘If one of you dies and can afford it, let him be shrouded in a Hijabah (striped Yemeni) cloth.” (Hasan)

3151. It was narrated from Hisham who said: “My father informed me, he said: ‘Aishah informed me, saying: The Messenger of Allah ﷺ was shrouded in three pieces of white Yemeni cloth, among which there was no Qamish nor ‘Imamah.'”[1] (Sahih)

Tafsir: [Sunnah] A Report in the book of the Prophet in the Hadith Biography: 3150 from Hadith Abu Daud, which is the 46th Hadith and has a Sahih chain.

3152. (Another chain) from Hisham bin 'Urwah, from his father from 'Aishah (similar to no. 3151). He added: “Of cotton.”

[1] Meaning, headcover or turban, or the like.
Their saying “In two pieces of cloth and a Hibarah Burd” was mentioned to ‘Aishah and she said: “The Burd was brought, but they gave it back, and did not shroud him in it.” (Sahih)

3153. It was narrated that Ibn ‘Abbas said: “The Messenger of Allah ﷺ was shrouded in three pieces of Najrani cloth, the two pieces of the Hullah and his Qamis that he died in.” (Da’if)

Abu Daud said: ‘Uthman (one of the narrators) said: “In three pieces of cloth: ‘A red Hullah and his Qamis that he had died in.”

Chapter 30, 31. It Is Disliked To Be Extravagant In Shrouding

3154. It was narrated that ‘Ali bin Abi Talib, may Allah be pleased with him, said: “Do not be extravagant in shrouding, for I heard the Messenger of Allah ﷺ say: ‘Do not be extravagant in shrouding, for it will quickly decay.”’ (Da’if)
3155. It was narrated that Khabbãb said: “Mus’ab bin ‘Umair was killed on the Day of Uhud, and there was nothing (to shroud him with) but a Namirah.[1] When we covered his head with it, his feet were left bare, and when we covered his feet with it, his head was left bare. The Messenger of Allah said: “Cover his head with it, and put some Idhkhâr[2] on his feet.” (Sahih)

Comments:
1. The shroud must be from the deceased person’s own property or wealth.
2. Just one sheet of cloth could as well suffice for the shroud.
3. If the cloth available for the shroud is too short, the head should be covered with the cloth and the feet with grass, etc.

3156. It was narrated from ‘Ubâdah bin As-Samit that the Messenger of Allah said: “The best shroud is a Hullah and the best Udhiyyah (sacrifice) is a horned ram.” (Hasan)

[1] See the glossary.
[2] See the glossary.
Chapter 31, 32. Shrouding A Woman

3157. Lailâ bint Qânif Ath-Thaqafiyah said: “I was among those who washed Umm Kulthûm, the daughter of the Messenger of Allah ﷺ, when she died. The first thing that the Messenger of Allah ﷺ gave us was a Hiqâ, then the Qamîs, then the Khimâr, then the wrap, then after that she was shrouded in the last cloth. And the Messenger of Allah ﷺ was sitting at the door with her shroud, passing it to us piece by piece.” (Da‘îf)
Comments:
Putting some kind of perfume on the deceased is desirable. It is, however, better that it be musk.

Chapter 33, 34. Hastening With The Janāzah; And It Is Disliked To Delay It

3159. It was narrated from Al-Husayn bin Wahwah that Taḥṣah bin Al-Bara’ fell ill, and the Prophet came to visit him, and said: “I think that Taḥṣah is dying. Tell me (when he dies) and hasten (the Janāzah), for it is not befitting for the body of a Muslim to be kept amidst his family.” (Da’f)

3160. It was narrated that ‘Aishah said that the Prophet used to perform Ghusl for four reasons: Janābah (sexual impurity), Friday, after cupping, and after washing a deceased person. (Hasan)
3161. It was narrated from Abū Hurairah that the Messenger of Allah ﷺ said: “Whoever washes a deceased person, let him perform Ghusl, and whoever carries him, let him perform Wudū’.” (Hasan)

Comments:
As will be seen from the Ahadith narrated from Ibn ‘Abbas and Ibn ‘Umar, the action suggested here is recommended, but not mandatory.

3162. It was narrated from Suhail bin Abī Sālih, from his father, from Ishāq, the freed slave of Zā’idah, from Abū Hurairah, from the Prophet ﷺ, with its meaning (similar to no. 3160). (Hasan)

Abū Dāwud said: This was abrogated. I heard Ahmad bin Ḥanbal say, when he was asked about Ghusl after washing a deceased person: “Wudū’ is sufficient.”

Abū Dāwud said: In this Hadith Abū Sālih entered a narrator between himself and Abū Hurairah, meaning Ishāq, the freed slave of Zā’idah. He (Abū Dāwud) said: And the Hadith of Mu‘āj[1] is weak, containing things that are not acted upon.

[1] Meaning Mu‘āj bin Abī Dhi‘b, one of the narrators of no. 3161.
Chapter 35, 36. Kissing The Deceased

3163. It was narrated that `Aishah said: “I saw the Messenger of Allâh kissing ‘Uthmãn bin Ma‘Un when he had died, and I saw his tears flowing.” (Da‘îf)

Comments:
Kissing the deceased is not an improper or objectionable act.

Chapter 36, 37. Burial At Night

3164. Jâbir bin `Abdullâh said: “The people saw a fire (light) in the graveyard and they came, and they saw that the Messenger of Allâh was in a grave and he was saying; ‘Give me your companion.’ It was a man who used to raise his voice in Dhikr.” (Hasan)

Comments:
Depending on the expediency of the situation, the deceased may even be buried during the night. The reasons for the displeasure of the Prophet as reported in the previous Hadîth and others, was that the burial was done...
without informing the Prophet or requesting him to lead the funeral prayer.

Chapter 37, 38. Moving The Deceased From One Land To Another — Which Is Disliked

3165. It was narrated that Jābir bin ‘Abdullāh said: “We were moving the slain on the Day of Uhud in order to bury them, and the caller of the Prophet came and said: ‘The Messenger of Allāh is commanding you to bury the slain where they fell.’ So we took them back.” (Sahih)

Comments:
Moving the deceased from one place to another after burial is not desirable. There is however, no harm in moving the deceased to another place before burial. It is desirable to bury the martyrs at the very place they met their martyrdom.

Chapter 38, 39. Rows In The Funeral Prayer

3166. It was narrated that from Marthad Al-Yazānī, from Mālik bin Hubairah who said: “The Messenger of Allāh said: ‘There is no one who dies, and three rows of Muslims offer the funeral prayer for him, but (Paradise) is his due.’” If Mālik regarded the attendees at a funeral as too few, he would divide them into three rows, because of this Hadith. (Daif)
Chapter 39, 40. Women Accompanying The Janāzah

3167. It was narrated that Umm 'Atiyah said: “We were forbidden to follow the Janāzah, but this was not emphasized.” (Ṣaḥīḥ)

Comments:
It is certainly better that women do not follow the Janāzah. If they do, they must fulfill all the requirements of Shari'ah in this regard, meaning that there be no violation of the rules of Hijāb, no demonstration of impatience and no wailing or show of mourning.

Chapter 40, 41. The Virtue Of Performing The Funeral Prayer And Accompanying The Janāzah

3168. It was narrated that Abū Hurairah said, narrating it (from the Prophet ﷺ): “Whoever follows the Janāzah and performs the funeral prayer, he will have one Qirāt and whoever follows it until (the burial) is finished, he will have two Qirāts, the smaller of which is like Uhuds” — or “one of which is like Uhud.” (Ṣaḥīḥ)

Comments: [إسناده صحح] أخرجه الحمدي في مسنده ح: 1027 عن سفيان بن عبيدة، ورواه مسلم ح 45/945 من حدث أبي صالح.
3169. Dawud bin ‘Amir bin Sa’d bin Abī Waqqās narrated that his father was with Ibn ‘Umar bin Al-Khaṭṭāb, when Khabbāb, the owner of the Maqsūrah[1] came and said: “O ‘Abdullāh bin ‘Umar, have you not heard what Abū Hurairah is saying, that he heard the Messenger of Allāh ﷺ say: ‘Whoever goes out with the Jana'ah from its house and offers the funeral prayer...’” and he mentioned a Hadith like (a narrator in no. 3168) that of Sufyān. Ibn ‘Umar sent word to ‘Aishah, and she said: Abū Hurairah spoke the truth. (Sahih)

[1] A large compound fortified by walls, as if it is a fortress, or fortified small village of homes.
Chapter 41, 42. Carrying Fire With The Janāzah

3171. It was narrated from Abū Hurairah that the Prophetﷺ said: "The Janāzah should not be followed with any sound (i.e., wailing) or with fire (i.e., incense and so on)." (Daʿīf)

Abū Dāwud said: Ḥārūn (one of the narrators) added: "And it should not be preceded (with those things) either."

Comments:
There should be no mourners with the funeral procession. It is also prohibited to carry fire along with the procession such as the Christians do, when they carry torches on such occasions, or how people do when they light incense or the like on graves.

Chapter 42, 43. Standing Up For A Funeral

3172. It was narrated from ‘Āmir bin Rabi‘ah, narrating from the Prophetﷺ: "If you see a funeral, stand up for it until it passes you or (the the deceased) is put down." (Ṣaḥīḥ)

Comments:
However, other Ahādīth have it that the Prophetﷺ later commanded the people to sit and not stand on the occasion. It is on this basis that Shaikh Al-Albānī considers the earlier order to stand for the funeral as abrogated. Other scholars, however, consider both the options as permitted.
3173. It was narrated from the son of Abū Sa'eed Al-Khudrī that his father said: “The Messenger of Allāh  said: ‘If you follow a Janāzah, do not sit down until it is put down.’” (Sahih)

Abū Dāwud said: Ath-Thawrī narrated this Hadith from Suhail, from his father, from Abū Hurairah, and he said in it: “Until it is placed on the ground.” Abū Mu‘āwiyyah narrated it from Suhail, and he said: “Until it is placed in the Lahd.”

Abū Dāwud said: Sufyān had a better memory than Abū Mu‘āwiyyah.

3174. Jābir said: “We were with the Prophet  when a funeral passed by us and he stood up for it. When we went to carry it, we realized that it was the Janāzah of a Jew. We said: ‘O Messenger of Allāh, it is the Janāzah of a Jew.’ He said: ‘Death is something that is dreadful, so when you see a funeral, stand up.’” (Sahih)

Comments:

This Hadith mentions the Prophet’s  command to stand up. The next Hadith, however, is explicit on the fact that later on the Prophet  had started to remain sitting, which indicates the earlier ruling was abrogated, and the reason thereof.
3175. It was narrated from ‘Ali bin Abi Ṭāliḥ that the Prophet ﷺ stood up for a funeral, then after that, he sat down. (Ṣaḥīh)

3176. It was narrated that ‘Ubādah bin As-Ṣāmit said: “The Messenger of Allah ﷺ would stand up during a funeral until (the body) was placed in the Lāḥad. A Jewish rabbi passed by him, and said: ‘This is what we do.’ So the Prophet ﷺ sat down, and said: ‘Sit down; be different from them.’” (Da’if)

Chapter 43, 44. Riding During A Funeral

3177. It was narrated from Thawbān that a mount was brought to the Messenger of Allah ﷺ when he was at a funeral, and he refused to ride. When the funeral was over,
a mount was brought and he rode it. He was asked about that, and he said: “The Angels were walking, and I would not have ridden when they were walking. When they left, I rode.” (Da'if)

3178. Jabir bin Samurah said:
“The Prophet ﷺ offered the funeral prayer for Ibn Ad-Daldah when we were present, then a horse was brought, and it was held until he mounted it, then it started to trot with him, and we were running around him ﷺ.” (Sahih)

3179. It was narrated from Sâlim that his father said: “I saw the Prophet ﷺ, Abû Bakr and 'Umar, walking in front of the Janâzah.” (Sahih)

Chapter 44, 45. Walking In Front Of The Janâzah

3180. It was narrated from Ziyâd bin Jubair, from his father, that Al-
Mughirah bin Shu'bah said — and I (the narrator) think that the family of Ziyād told me that he attributed it to the Prophet — “The rider should travel behind the Janāzah, and the one who is on foot should walk behind it, in front of it, on its right or on its left, close to it. The funeral prayer should be offered for the miscarried fetus, and supplications for forgiveness and mercy should be made for its parents.” (Sahih)

Comments:

There is a difference of opinion concerning the funeral prayer for the miscarried fetus. Imām Ahmad bin Ḥanbal and Ishaq bin Ibrāhīm hold the view that if the fetus is older than four months and ten days, and soul has been breathed into it, it is necessary to perform the funeral prayer for it. Ibn ‘Abbās, however, is of the view that if a child is born with signs of life in it, the funeral prayer must be held for it.

Chapter 45, 46. Hastening With The Janāzah

3181. It was narrated from Abū Hurairah, who attributed it to the Prophet: “Hasten with the Janāzah, for if (the deceased) was righteous, it is something good to which you are sending him, and if he was otherwise, it is an evil of which you are taking off of your necks (ridding yourselves).” (Sahih)

Comments:

أول كتاب الجنائز

عن يُونس، عن زيَّاد بن جيَّير، عن أبيه، عن المُحيَّرة بن مُغَيْب، قال: وَجَعَلَ أَنَّ أَهْلَ زَيَّاد أَخْبَرُوهُ أَنَّهُ رَفَعُهُ إِلَى النَّبِيِّ ﷺ. قال: الَّذِي كَابَنَ خَلَفَ الْجَنازةَ وَالْمَحْيَيْنِ. فَأَمَّنَهَا وَأَمْنَاهَا وَأَمُّتَيْنِهَا وَأَمِّيْنَهَا وَعَمِّيْنَهَا قُرُبًا مِّنْهَا وَالْمَسْقُطُ يُصُلِّ عَلَيْهِ. وَيَلَوَّنَّهُ إِلَيْهِ مَعْلُوْماً مَّالًا رَاحِمًا.


(المعجم) 46.45- باب الإسراع

بالجنازة (التحفة) 50

3181 - حَدَّثَنَا مُسْبَد: حَدَّثَنَا سُفِيَانُ عِنْ الزُّهْرَيْنِ، عَنْ سَعِيدٍ بْنِ النَّمِيْبِ، عَنْ أَبِيهِ هَرْمِيْزَةَ، يَبْلُغُهُ النَّبِيُّ ﷺ. قال: "أَمَرُّوكُمْ بِالجَنازةَ فَإِنْ نَفْسٌ صَالِحَة فَحَيْثُ قَدْ قَدَمَتْهَا إِلَيْهِ، وَإِنْ نَفْسٌ سَمِئَ ذَلَّلْ فِي نَفْسٍ تَصِغُّوْنَهُ عَنْ رَقَاهُمْ.

تخريج: أخرجه البخاري، الجنائز، باب السرعة بالجنازة، ح: 1315 ومسلم، الجنائز، باب الإسراع بالجنازة، ح: 944 من حديث سفيان بن عيينة به.
3182. It was narrated from ‘Uyainah bin ‘Abdur-Rahmân from his father, that he attended the funeral of ‘Uthmãn bin Abî Al-‘Âs and we were walking slowly. Abû Bakrah joined us and raised his whip, and said: “I remember when we were with the Messenger of Allah and walked rapidly.” (Saḥîh)

3183. This Hadîth was narrated from ‘Uyainah. They (the narrators) said: “The funeral of ‘Abdur-Rahmân bin Samurah.” He said: “He made his mule run faster and wielded his whip.” (Saḥîh)

3184. It was narrated that Ibn Mas‘ûd said: “We asked our Prophet about walking with the Janâzah. He said: ‘A rapid walk. If (the deceased) was good then send him quickly (to what is good for him) and if he was otherwise then may the people of Hell be doomed. And the Janâzah should be followed, rather than follow; those who walk ahead of it are not accompanying it.’” (Da‘îf)

Abû Dâwûd said: He (one of the narrators) is weak; he is Yaḥyâ bin
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‘Abdullāh, and he is (also called) Yahyā Al-Jābir.
Abū Dāwūd said: This one is from Al-Kūfah, and Abū Mājidah (whom Yahyā narrated it from) is from Al-Baṣrah.
Abū Dāwūd said: This Abū Mājadah is not known.

Chapter 46, 47. The Ruler Should Not Perform The Funeral Prayer For One Who Killed Himself

3185. Jābir bin Samurah said: “A man fell ill, and a cry was raised about his death. His neighbour came to the Messenger of Allāh ﷺ, and said to him: ‘He has died’. He said: ‘How do you know?’ He said: ‘I saw him.’ He said: ‘He has not died.’ So he went back, but a cry was raised for him, so he came back to the Messenger of Allāh ﷺ and said: ‘He has died.’ The Prophet ﷺ said: ‘He has not died.’ He went back, and a cry was raised for him, and his wife said: ‘Go to the Messenger of Allāh ﷺ and tell him.’ The man said: ‘O Allāh, curse him.’ Then the man went and saw that he had killed himself with an arrowhead that he had with him. He went to the Prophet ﷺ, and told him that he had died. He said: ‘How do you know?’ He said: ‘I saw him killing himself with an arrowhead that he had with him.’ He said: ‘Did you (really) see
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that?’ He said: ‘Yes.’ He said: ‘Then I shall not offer the (funeral) prayer for him.’” *(Sahih)*

Chapter 47, 48. Funeral Prayer For One Who Was Executed As A Legal Punishment

3186. It was narrated from Abū Barzah Al-Aslamī that the Messenger of Allāh ﷺ did not offer the funeral prayer for Mā'īz bin Malik, but he did not forbid (us) offering the funeral prayer for him. *(Da‘īf)*

Comments:

In the light of other narrations, it is known that the funeral prayer may be held for the child that is born alive, but it is not obligatory to do so.
3188A. Wā’il bin Dāwūd said: “I heard Al-Bahī say: ‘When İbrahim the son of the Prophet died, the Messenger of Allah offered the funeral prayer for him in the place where they used to sit.’” (Da’if)

3188 B. Abū Dāwūd said: I read to Sa’eed bin Ya’qūb al-Tālaqānī: “Ibn Al-Mubārak narrated to you, from Ya’qūb bin Al-Qa’qā’, from ‘Atā’, that the Prophet offered the funeral prayer for his son İbrahim when he was seventy days old.” (Da’if)

Chapter 49, 50. Offering The Funeral Prayer In The Masjid

3189. It was narrated that ‘Aishah said: “By Allah, the Messenger of Allah offered the funeral prayer for Suhail bin Al-Baida’ nowhere but in the Masjid.” (Sahih)

3190. It was narrated that ‘Aishah said: “By Allah, the Messenger of Allah offered the funeral prayer for the two sons of Baida’, Suhail...
and his brother, in the Masjid.”

(Sahih)

Chapter 50, 51. Burial At Sunrise And Sunset

3191. It was narrated that Abu Hurairah said: “The Messenger of Allah (ﷺ) said: ‘Whoever offers the funeral prayer in the Masjid, there is nothing upon him.’”[1] (Hasan)

3192. ‘Uqbah bin ‘Amir said: “There are three times in a day when the Messenger of Allah (ﷺ) forbade us from performing Salât or burying our dead: When the sun is rising until it is fully risen; when it is overhead at midday until it has passed the meridian; and when the sun starts to set, until it has fully set.” Or words to that effect. (Sahih)

[1] It is said it means: “Nothing wrong with that” or “He gets no special reward.”
Chapter 52. If There Are Janâzahs For Men And Women, Who Is Put In Front?

3193. ‘Ammâr, the freed slave of Al-Ḥârîth bin Nawfâl narrated that he was present at the funeral of Umm Kulthûm and her son. “The son was placed next to the Imâm, and I objected to that. Ibn ‘Abbâs, Abû Sa‘eeḍ Al-Khudrî, Abû Qatâdâh and Abû Hurairah were present among the people, and they said: ‘This is the Sunnah.’” (Sahîh)

Chapter 51, 53. Where Should The Imam Stand In Relation To The Deceased When Offering The Funeral Prayer?

3194. It was narrated that Nâfî‘ Abû Ghâlib said: “I was in an alley of Al-Mirbad, and a funeral passed by, followed by many people. They said: ‘(It is) the funeral of ‘Abdullâh bin ‘Umair.’ I followed it, and I saw a man wearing a thin cloak, riding his horse, with a piece of cloth on his head to protect him from the sun. I said: ‘Who is this important man?’ They said: ‘This is Anas bin Malîk.’ When the Janâzah was placed on the ground, Anas stood and offered the funeral prayer for (the deceased), and I was behind him with no one in between myself and
him. He stood by his head, and said the *Takbîr* four times, and he did not make (the prayer) long or nor in a hurry. Then he went and sat down. They said: ‘O Abū Ḥamzah, the *Anṣârî* woman.’ They brought her near, and she was covered with a green bier. He stood in line with her buttocks and offered the funeral prayer for her, as he had done for the man, then he sat down. Al-‘Alâ’ bin Ziyâd said: ‘O Abū Ḥamzah, did the Messenger of Allâh (ﷺ) offer the funeral prayer as you did, with four *Takbîr*, and standing by the head of a man, and by the buttocks of a woman?’ He said: ‘Yes.’

He said: ‘O Abū Ḥamzah, did you go out on a campaign with the Messenger of Allâh (ﷺ)?’ He said: ‘Yes, I went out on the campaign with him to Ḥunain, and the idolaters came out and attacked us (so fiercely) that we fled faster than our horses. Among the people, there was a man who was attacking us, smashing us and wounding us. But Allâh defeated them, and they were brought and started giving him (the Prophet) their pledge for Islam. One of the Companions of the Prophet (ﷺ) said: ‘I take a vow, that if Allâh brings me the man who was smashing us all day, I shall strike his neck.’ The Messenger of Allâh (ﷺ) remained silent, and that man was brought. When he saw the Messenger of Allâh (ﷺ), he said: ‘O Messenger of Allâh, I have repented to Allâh.’ The Messenger
of Allāh  refrain from accepting his pledge of allegiance so that the other man might fulfill his vow. The man (who had made the vow) began watching the Messenger of Allāh , expecting the order to kill him, but he did not dare to take action without the permission of the Messenger of Allāh . When the Messenger of Allāh saw that he was not going to do anything, he accepted (the other man's) pledge of allegiance. The man said: 'O Messenger of Allāh, my vow!' He said: 'I only refrained (from accepting his pledge of allegiance) just now so that you could fulfill your vow.' He said: 'O Messenger of Allāh, why did you not give me a wink?' The Prophet  said: 'It is not befitting for a Prophet to wink.'

(Hasan)

Abū Ghālib said: "I asked about Anās's actions when he stood by the woman's buttocks, and they told me that it was because there used to be no biers, so the Imām would stand by the buttocks in order to screen her from the people."

Comments:

There is no difference between funeral prayers for a man and woman except that for a woman the Imām will stand facing the middle of her body, while for a man, he will stand facing his head or chest.

3195. It was narrated that Samurah bin Jundab said: "I offered the funeral prayer behind the Prophet  for a woman who
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had died in childbirth, and he stood in line with her middle to pray for her.” (Sahih)

Chapter 52, 54. Saying The Takbir Over The Deceased

3196. It was reported from Abū Ishāq, from Ash-Sha'bī that the Messenger of Allāh ﷺ passed by a freshly-filled grave, and they formed rows, and he said the Takbir four times over it. I (Abū Ishāq) said to Ash-Sha'bī: “Who told you that?” He said: “The trustworthy one who was present, ‘Abdullāh bin ‘Abbas.” (Sahih)

3197. It was narrated that Ibn Abī Lailā said: “Zaid, meaning Ibn Arqam, would say the Takbir four times over our Janāzah, but then he said the Takbir five times over a Janāzah. I asked him (about that) and he said: “The Messenger of Allāh ﷺ used to do that.” (Sahih)

Comments:

The majority of the scholars hold the view of saying four Takbirs during the
Janāzah prayer. The formula of the prayer after each Takbīr is this: After the first, recitation of Al-Fātihah; after the second, saying Salāt upon the Prophet ﷺ; after the third, supplication for the deceased; and after the fourth, the final Taslīm.

Chapter 53, 55. What Is To Be Recited Over The Deceased

3198. It was narrated from Ṭalḥah bin ‘Abdullāh bin ‘Awf: “I performed the funeral prayer with Ibn ‘Abbās, and he recited Fāṭihat Al-Kitāb (Sūrat Al-Fātihah) and said: ‘This is Sunnah.’” (Ṣaḥīḥ)

Comments:
When a Companion says: “This is the Sunnah” or similar saying, it means this is the Sunnah of Allāh’s Messenger ﷺ, so even though it is a statement of a Companion, its ruling is as if it was said by the Prophet ﷺ.

Chapter 54, 56. The Supplication For The Deceased

3199. It was narrated that Abū Hurairah said: “I heard the Messenger of Allāh ﷺ say: ‘When you offer the funeral prayer for the deceased, supplicate sincerely for him.’” (Ḥasan)

Comments:
[Elaborate on comments related to supplication]

3200. ‘Alī bin Shammākh said: “I saw Marwān ask Abū Hurairah:”
الجلاس غلاب بن سيار أو منان: حديثي
أبى ذاوق: أخلصًا مغفرة في اسم علي بن شماع قال فيته: عثمان بن شماس.
قال أبو ذاوق: سمعت أحمد بن إبراهيم المؤسلي يحدث أحمد بن حبيب قال: ما أعظم أنّي جلست من حداد بن زيد يجلبنا إلا أنه في عن عبد الوارث وجعفر بن سليمان.

تخريج: [إسناده حسن] أخرجه أحمد: ٣٦٣ والنسائي في عمل اليوم والليلة، ح ١٠٨ من حديث عبد الواحدة ب علي بن شماع ذكره ابن حبان في الثقات وبه سعيد بن العاص إلى المدينة وحسن له الحافظ في الفتحات الربانية: ١٧٦/٥.

٣٢٠١. It was narrated that أبو حريرة said: "The Messenger of Allâh ﷺ offered the funeral prayer and said: ‘Allâhummaghfirli-hayyñâ wa mayyitinâ, wa śaghirinâ wa
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kabīrinā, wa dhakarīnā wa unthānā, wa shāhidinā wa ghā’ibinā. Allāhumma man ahyaitahu minnā fa ahyihi ‘alal-Īmān, wa man tawaffitahu minnā fatawaffahu ‘alal-Īslām. Allāhumma! Lā tahrīmna ajrahu wa lā tudillanā ha’dahu (O Allāh, forgive our living and our dead, our young and our old, our male and our female, our present and our absent ones. O Allāh, whomever You give life among us, cause him to live upon faith, and whomever You cause to die among us, cause him to die upon Islam. O Allāh, do not deprive us of his reward and do not cause us to go astray after that).”

(Hasan)

Tafsīr: [إسناده حسن] أخرجه الترمذي، الجاحظ، باب ما يقول في الصلاة على الميت، ح: 1024 من حديث الأوزاعي به وذكر كلامًا، وصححه ابن حبان، ح: 275 والحاكم: 358/1

على شرط الشهيدين وواقفة الذهاب، وللحديث شواهد * يحيى بن أبي كثير: صرح بالسماح.

3202. It was narrated that Wāthilah bin Al-Asqa’ said: “The Messenger of Allāh ﷺ led us in offering the funeral prayer for a Muslim man, and I heard him say: ‘Allāhumma! Inna fulāna bin fulāna dhimmatika faqihi fitnatal-qabr (O Allāh, so-and-so, the son of so-and-so is under Your protection; protect him from the trial of the grave).’ ‘Abdur-Rahmān (one of the narrators) said: “Fi dhimatika wa habli jiwārīka, faqihi min fitnatal-qabrī wa ‘adhābin-nār, wa anta ahlul-wafā’r wal-haq q. Allāhummaghfirahu warhamhu, innaka antal-ghafirur-rāhīm (under Your protection and care, so

سلمةً، عن أبي هريرة قال: ضلأ رسلٍ الله ﷺ على جناته فقال: ‘اللهُمَّ اغفر ليحييَّا’ ورُبْيَّا، وضَعِفْيَّا وكِرِيبَيْنَا، وذُكِرْنَا وأتَّنَا، وشَاهِدَا وغَيْيَانَا. اللَّهُمَّ! من أَحْيَا مِنْ نَفْسِي فَأَحْيَاهُ على الإسلام، وَمَنْ تَوْفَقَ مِنْ نَفْسِي فَوْفَقُهُ على الإسلام. اللَّهُمَّ! لا تَحْمِرَنَا أَجْرُهُ، وَلا تُضِلْنَا بَعْدَهُ.”

(Hasan)
protect him from the trial of the grave and the torment of Hellfire, for verily You are faithful to Your promise and You are the Truth. O Allah, forgive him and have mercy on him, for You are the Most Forgiving, Most Merciful.)”” (Sahih)

Chapter 55, 57. Praying At The Graveside

3203. It was narrated from Abū Hurairah that a black woman or a man used to sweep the Masjid, and the Prophet noticed that he was missing so he asked about him. It was said that he had died. He said: “Why did you not tell me about him?” He said: “Show me where his grave is.” So they showed him, and he performed the funeral prayer for him. (Sahih)

Comments:

It is permissible to perform the funeral prayer beside the deceased person’s grave, if need be.

Chapter 56, 58. Performing The Funeral Prayer For A Muslim Who Dies In The Land Of Shirk

3204. It was narrated from Abū Hurairah that the Messenger of Allah announced the death of
An-Najāšī to the people on the day that he died, and he led them out to the Musalla and aligned them in rows, and said four Takbīr. (Sahih)

3205. It was narrated from Abū Burdah that his father said: “The Messenger of Allāh ﷺ commanded us to go out to the land of An-Najāšī,” and he quoted the Hadīth. An-Najāšī said: “I bear witness that he is the Messenger of Allāh ﷺ and that he is the one foretold by ‘Īsā bin Maryam. Were it not for the position of kingship that I am in, I would come to him and carry his shoes.” (Da’īf)

Chapter 57, 59. Putting More Than One Deceased Person In A Grave And Marking The Grave

3206. It was reported from Kathīr bin Zaid Al-Madānī, from Al-Muṭṭalīb who said: “When ‘Uṯmān bin Ma‘zūn died, his Janāzah was brought out and he was buried. Then the Messenger of Allāh ﷺ told a man to bring him a rock but he could not carry it, so the Messenger of Allāh ﷺ stood up and rolled up his sleeves” — Kathīr said: “Al-Muṭṭalīb said: ‘The
one who informed me of that from the Messenger of Allāh ﷺ said: ‘It is as if I can see the whiteness of the forearms of the Messenger of Allāh ﷺ — when he rolled up (his sleeves) then he carried it and put it at his head, and said: “I am marking the grave of my brother with it, and I shall bury here whoever dies of my family.”’

(Hasan)

Comments:

It is permissible to put some sort of a mark on someone’s grave so it will be known that it is a grave and where it is. But putting inscriptions on an erected stone, or pitching a flag on it is not permissible. Each one of us should try to keep the company of virtuous people. Even in death it is desirable to be in the company of pious people.

Chapter 58, 60. If A Gravedigger Finds Bones, Should He Leave That Place?

3207. It was narrated from ‘Āishah that the Messenger of Allāh ﷺ said: “Breaking the bone of one who is dead is like breaking it when he is alive.” (Hasan)

Comments:

If, while digging a grave, the excavator discovers that someone else is buried there, it is desirable to move to another place. Scholars who hold the view that it is not allowed to take organs from the deceased, use this Hadith among their proofs as well, arguing that if this is the case with the bones, that it is even more so with the rest of the body.
Chapter 59, 61. The Lahd (Niche)

3208. It was narrated that Ibn 'Abbâs, may Allâh be pleased with him, said: “The Messenger of Allâh ( ﷺ ) said: ‘The Lahd is for us and the ditch is for others.’” (Da’îf)

Comments:

The Lahd is a niche, it is made by first digging a ditch and then excavating a horizontal area to act like a shelf on the side of that ditch, to insert the deceased. If there is no niche or shelf, it is referred to as a Shaqq or ditch.

Chapter 60, 62. How Many People Should Enter The Grave?

3209. It was narrated that ‘Āmir said: “The Messenger of Allâh ( ﷺ ) was washed by ‘Ali, Al-Fadl and Usâmah bin Zaid, and they are the ones who placed him in his grave.” He (‘Āmir) said: “And Marhâb” or “Ibn Abî Marhâb narrated to me that they brought ‘Abdur-Rahmân bin ‘Awf in with them, and when ‘Ali had finished, he said: ‘Only the family of the man takes care of him.’” (Da’îf)

تخريج: [إسناده ضعيف] أخرجه الترمذي، الجنائز، باب ما جاء في قول النبي ﷺ:
'اللحد لنا والشق لغيرنا', ح: 64 من حديث حكâm به وقال: "حسن غريب" ورواه ابن ماجه، ح: 154 والنسائي، ح: 1101 وللحديث شواهد ضعيفة، وأَلَّهَد لرسول الله ﷺ كما في صحيح مسلم، ح: 976.
3210. It was narrated from Ash-Sh'abî, from Abû Marhâb that 'Abdur-Rahmân bin 'Awf went down in the grave of the Prophet. He said: "It is as if I can see the four of them." (Da'i' bâtib)

Chapter 61, 63. How The Deceased Should Be Placed Into His Grave

3211. It was narrated that Abû Ishaq said: "A1-Uarith told me that 'Abdullâh bin Yazid should offer the funeral prayer for him, so he offered the prayer for him, then he placed him in the grave from the side where his feet would rest, and said: 'This is the Sunnah.'" (Sâhih)

Chapter 62, 64. How to Sit by the Grave

3212. It was narrated that Al-Barâ' bin 'Âzib said: "We went out with the Messenger of Allâh for the funeral of an Ansârî man, but when we reached the grave, the Lahd (niche) had not yet been dug. The Prophet sat down facing the Qiblah and we sat with him." (Hasan)
Chapter 63, 65. Supplicating For The Deceased When He Is Placed In His Grave

3213. It was narrated from Ibn 'Umar that when the deceased was placed in the grave, the Prophet would say: “Bismillah, wa 'ala sunnatir rasûlillah sall Allahu 'alaihi wa sallam (In the Name of Allah and in accordance with the Sunnah of the Messenger of Allah).” This is the wording of Muslim. (Sahih)

Chapter 64, 66. If A Man’s Idolater Relative Dies

3214. It was narrated from Nâjiyah bin Ka‘b, from ‘Ali, who said: “I said to the Prophet: ‘Your paternal uncle, the misguided old man, has died.’ He said: ‘Go and bury your father, then do not do anything until you come to me.’ So I went and buried him, then I came to him, and he told me to perform Ghusl and supplicated for me.” (Hasan)
Chapter 65, 67. Making The Grave Deep

3215. It was narrated from Humaid, meaning Ibn Hilal, from Hisham bin ‘Amir that he said: “The Ansar came to the Messenger of Allah (ﷺ) on the Day of Uhud, and said: ‘We are wounded and exhausted; what do you command us to do?’ He said: ‘Dig and make it wide, and put two or three men in one grave.’ It was said: ‘Which of them should we put first?’ He said: ‘The one who knew more Qur’an.’”

He said: “My father, ‘Amir, was killed that day, and he was buried between two others,” or he said: “with another.” (Ṣaḥīḥ)

3216. (Another chain) from Humaid bin Hilal with his chain and its meaning, and he added in: “And make it deep.” (Ṣaḥīḥ)
Chapter 66, 68. Leveling The Grave

3218. It was narrated that Abū Hayyāj Al-Asadī said: “Ālī sent me (on a mission) and said to me: ‘I am sending you on the same mission as the Messenger of Allāh ﷺ sent me: ‘Do not leave any raised grave without leveling it, or any image without obliterating it.’” (Ṣaḥīḥ)

3219. Abū ‘Alī Al-Hamdanī said: “We were with Fadālāh bin ‘Ubaid in Rūḏhis (Rhodes), in the land of the Byzantines, and a companion of ours died. Fadālāh ordered that his grave be leveled, then he said: ‘I heard the Messenger of Allāh ﷺ enjoining that they be leveled.’” (Ṣaḥīḥ)

Abū Dāwūd said: Rudhis is an island in the sea.

Comments:

Rhodes is 19 kilometers to the southwest of Turkey, and is situated at the confluence of the Mediterranean and the Lake of Ixia. Muslims first entered it in 53 AH during the time of Mu‘āwiyah.

3220. It was narrated that Al-Qāsim said: “I entered upon ‘Āishah and said: ‘O mother, show me the grave of the Messenger of Allāh ﷺ, and his two Companions, may Allāh be pleased with them.’ She showed me three graves which were neither high nor low, covered
with soft red pebbles in an open space.” (Hasan)

Abū ‘Alī (Al-Lu’lu’i) said: “It was said that the Messenger of Allāh was in front, with Abū Bakr by his head and ‘Umar by his feet, and his head was by the feet of the Messenger of Allāh.”

Chapter 67, 69. Praying For Forgiveness For The Deceased By The Grave At The Time Of Departing (Burial)

3221. It was narrated from Hāni’, the freed slave of ‘Uthmān, that ‘Uthmān bin ‘Affān said: “When the Prophet had finished burying a deceased person, he would stand over him, and say: ‘Pray for forgiveness for your brother, and ask that he be made steadfast, for he is being questioned now.”’ (Hasan)

3222. It was narrated that Anas said: “The Messenger of Allāh

Comments:
Before retreating from the grave after burial, it is Sunnah to supplicate to Allāh to forgive the deceased person and make him steadfast.
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said: ‘There is no ‘Aqr in Islam.’” (Sahih)

‘Abdur-Razzāq said: They used to perform ‘Aqr by slaughtering cows and other things at graves.

Chapter 69, 71. Offering The Funeral Prayer At Graves After A While

3223. It was narrated from Yazid bin Abī Habib, from Abū Al-Khair, from ‘Uqbah bin ‘Amir that the Messenger of Allāh ﷺ went out one day and offered the funeral prayer for the dead people of Uhud. Then he left. (Sahih)

3224. (Another chain) from Yazid bin Abī Habib, with this Hadith. He said: “The Prophet ﷺ offered the funeral prayer for the slain of Uhud eight years later, as if bidding farewell to the living and the dead. (Sahih)

Chapter 70, 72. Building Structures Over Graves

3225. Abū Az-Zubair narrated that he heard Jābir say: “I heard the
Prophet forbid sitting on graves and plastering or building structures over them.” (Sahih)

3226. (Another chain) from Ibn Abi Az-Zubair, from Jābir, with this Hadith (Similar to no. 2225). (Sahih)

Comments:
Putting an inscription on the grave containing the deceased person's name and lineage or words of praise for him, or writing the names of Allah or His Messenger, or Verses from the Qur’an, all this is prohibited in Islam. Nevertheless, putting up some sort of a marker, like what the Allah’s Messenger did when he put a stone on the grave of ‘Uthmān bin Ma‘thūn, is permissible.

3227. It was narrated from Abū Hurairah that the Messenger of Allah said: “May Allah curse the Jews, for they took the graves of their Prophets as places of Masjid (prostration).” (Sahih)

Comments:
Akhūrj: After the prayer, the Friday prayer, and the prayer on the sick, the prayer of the dead is also included in the prayer of the sick. It is said that the Prophet himself offered this prayer. (Majma’ al-Zahab)
Building places of worship over graves is among the things prohibited in Islam.

Chapter 71, 73. It Is Disliked To Sit On Graves

3228. It was narrated that Abū Hurairah said: “The Messenger of Allah ﷺ said: ‘If one of you were to sit on a live coal and have it burn his clothes until it reached his skin, that would be better for him than sitting on a grave.'” (Sahih)

3229. It was narrated that Busr bin ‘ Ubaidullãh said: “I heard Wãthilah bin Al-Asqa' say: ‘I heard Abû Marthad Al-Ghanawi say: The Messenger of Allah ﷺ said: Do not sit on graves and do not perform Salât facing them.’” (Sahih)

Comments:
It is unlawful to perform Salât either facing the grave or inside the graveyard. There is, however, an exception, as we have seen before, in the case of the funeral prayer which has no bowing and no prostration.

Chapter 72, 74. Walking Between Graves While Wearing Shoes

3230. It was narrated from Bashir,
the freed slave of the Messenger of Allah was Zahm bin Ma’bad, and he emigrated to join the Messenger of Allah who said: “What is your name?” He said: “Zahm.” He said: “No, you are Bashir.” He said: “While I was walking with the Messenger of Allah, he passed by the graves of some idolaters. He said: ‘These people missed out on great goodness’ three times. Then he passed by the graves of some Muslims and said: ‘These people attained great goodness.’ Then the Messenger of Allah saw a man who was walking among the graves wearing shoes. He said: ‘O you with the shoes (Sibtiyatain)[1], woe to you! Take off your shoes.’ The man looked, and when he recognized the Messenger of Allah, he took off the shoes and threw them away.” (Sahih)

3231. It was narrated from Anas that the Prophet said: “When a person is placed in his grave and his companions depart from him, he hears the sound of their shoes.” (Sahih)

Comments:
As proven from this Hadith, it is better for anyone walking among the graves to take off his shoes. There must be separate graveyards for Muslims and non-Muslims.

3231. They say the meaning here is two hairless sandals. See An-Nasâ’i no. 1483, and no. 2050.
Chapter 73, 75. Moving The Deceased From His Burial Site Because Of Something That Happened

3232. It was narrated that Jâbir said: "A man was buried with my father, but six months later I needed to exhume him for some reason. I took him out, and I did not see any change in him apart from a few hairs in his beard that were in contact with the ground."

(Sahih)

Comments:
In case there is a valid reason, the deceased can be transferred from one grave to another.

Chapter 74, 76. Praising The Deceased

3233. It was narrated that Abû Hurairah said: "A funeral passed by the Messenger of Allâh ﷺ and they spoke well (of the deceased). He said: '(Paradise is) guaranteed for him.' Then another funeral passed by and they spoke ill (of the deceased). He said: '(Hell is) guaranteed for him.' Then he said: "Some of you are witnesses over others."

(Hasan)
Chapter 75, 77. Visiting Graves

3234. It was narrated that Abu Hurairah said: “The Messenger of Allah (ﷺ) came to the grave of his mother and wept, and those who were around him also wept. Then the Messenger of Allah (ﷺ) said: ‘I asked my Lord, Exalted is He, for permission to pray for forgiveness for her, but He did not give me permission. Then I asked for permission to visit her grave, and He gave me permission. So visit graves, for they remind one of death.’” (Sahih)

Comments:

A visit to the graves makes man remember the transient nature of the world and of the certainty of the Hereafter, and it also imparts tenderness to the heart.

3235. It was narrated from Ibn Buraidah that his father said: “The Messenger of Allah (ﷺ) said: ‘I forbade you from visiting graves, but now visit them, for in visiting them there is a reminder.’” (Sahih)

Comments:

Visiting graves is a legitimate act proven in the Sunnah.

Chapter 76, 78. Women Visiting Graves

3236. It was narrated that Ibn ‘Abbás said: “The Messenger of Allah (ﷺ) said: ‘Women visit the graves of their relatives, but they do not enter them.” (Sahih)

Comments:

Women visiting graves is acceptable in Islam, as they are allowed to visit the graves of their relatives, but they should not enter them.
Allāh cursed women who visit graves and those who set up Masjids and lamps over them.”

(Da’if)

Comments:

There is no restriction on women visiting the graves provided they abide by the code of Islamic dress and conduct, as can be deduced from the aforesaid Ahādith that give blanket permission to Muslims to visit the graves. However, if women violate the Islamic morals, make loud lamentations, prostrate themselves before the graves or hoist lamps over them, they invite the curse of Allāh. All such activities must be avoided, and those women who persist in such activities are not allowed to visit the graves.

Chapter 77, 79. What To Say When Passing Graves

3237. It was narrated from Abū Hurairah that the Messenger of Allāh went out to the graveyard and said: “As-salamu ‘alaikum dara qawmin mu’mīnina wa innã inshã ‘-Allãh bikum lāhīqūn (Peace be upon you, abode of believing people, and we shall join you if Allâh wills.)” (Ṣaḥīḥ)

Chapter 78, 80. What Should Be Done With The Muhrim If He Dies?

3238. It was narrated from ‘Amr bin Dinâr, from Sa’eed bin Jubair, from Ibn ‘Abbâs who said: “A man’s she-camel had thrown him, and his neck was broken, and he...
died while he was in \textit{Ihram}; he was brought to the Prophet. He said: ‘Shroud him in his two garments and wash him with water and lote leaves, but do not cover his head, for Allah will raise him on the Day of Resurrection reciting the \textit{Talbiyah}.” (\textit{Sahih})

Abū Dāwūd said: I heard Ahmad bin Ḥanbal say: “There are five \textit{Sunnahs} in this \textit{Hadith}: ‘Shroud him in his two garments,’ meaning, the deceased should be shrouded in two cloths; ‘wash him with water and lote leaves,’ meaning, there should be lote leaves in every washing; ‘do not cover his head and do not bring any perfume near him.’ And the shroud is from his own wealth.

\textit{Tahrij}: أخرج ح Filed, الحج، باب ما يفعل بالمحرم إذا مات، ح: 126 في حديث سفيان، والبخاري، الجنازة، باب: كيف يكفن المحرم؟ ح: 127 من حديث عمرو بن دينار به.

٣٢٣٩. It was narrated from ‘Amr and Ayyūb, from Sa’eed bin Jubair, from Ibn ‘Abbās, similarly (as in no. 3238). He said: “And shroud him in two garments.” (\textit{Sahih})


\textit{Tahrij}: أخرج سفيان، والبخاري، الجنازة، باب: كيف يكفن المحرم؟ ح: 127 من حديث عمرو بن دينار به.
3240. (Another chain) from Ayyûb, from Sa'eed bin Jubair, from Ibn 'Abbâs, with similar to the meaning narrated by Sulaimân (no. 3239): "In two garments." (Sâhih)

3241. It was reported from Al-Hakam, from Sa'eed bin Jubair, from Ibn 'Abbâs who said: "A man in Ihram was thrown by his she-camel and was killed. He was brought to the Messenger of Allah, and he said: 'Wash him and shroud him, but do not cover his head, nor bring any perfume near him, for he will be raised reciting the Talbiyah.'"

Comments:
It is a good sign for Muslim to die in a state of Ihram since his good deed shall perpetuate until the Day of Resurrection.

The End of The Book of Funerals