English Translation of
Sunan An-Nasâ’i
Volume 4

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In the Name of Allâh,
the Most Gracious, the Most Merciful

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25. The Book Of Jihād

Chapter 1. The Obligation Of Jihād

3087. It was narrated that Ibn ‘Abbās said: “When the Prophet ﷺ was expelled from Makkah, Abū Bakr said to him: ‘They have driven out their Prophet, verily to Allāh we belong and to Him we return. They are surely doomed.’ Then it was revealed: ‘Permission to fight (against disbelievers) is given to those (believers) who are fought against, because they have been wronged; and surely, Allāh is able to give them (believers) victory.’[1] Then I knew that there would be fighting.” Ibn ‘Abbās said: “This is the first Verse that was revealed concerning fighting.” (Sahīh)


Comments:

Jihād or striving in the cause of Allāh is an obligation from among the obligations of Islam. But there are various levels and categories of it. The author has made an effort to mention many of them.

3088. It was narrated from Ibn ‘Abbās that ‘Abdur-Rahmān bin ‘Awf and some his companions came to the Prophet ﷺ in Makkah and said: “O Messenger of Allāh! We were respected when we were idolators and when we believed, we were humiliated.” He said: “I have been commanded to pardon, so do not fight.” Then, when Allāh caused us to move to Al-Madīnah, He commanded us to fight, but they refrained. Then Allāh, the Mighty and Sublime, revealed: Have you not seen those who were told to hold back their hands (from fighting) and perform As-Salāh?[1]

(Sahīḥ)


Comments

Had the Muslims been permitted to resist or to retaliate in response at that time, the newly born movement of Islam and its priceless personages might have been exterminated. Instead, by commanding them to remain patient and forgiving, their power of endurance was enhanced to its immense height. Thus they became capable of enduring the hardships of the upcoming battles, and their moral training too, reached the pinnacle of its perfection.

3089. It was narrated that Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘I have been sent with concise speech and I have been supported with fear. While I was sleeping, the keys to the treasures of the Earth were brought to me and placed in my hands.’” Abū Hurairah

said: “The Messenger of Allâh ﷺ has gone and you are acquiring them.” (Sahih)
Allâh has gone and you are acquiring them.” (Sahîh)

**Comment**

Except by its': Means any legal punishment or retribution required by law.

---

**Translation**

3092. Sa'eed bin Al-Musayyab narrated that Abû Hurairah told him that the Messenger of Allâh ﷺ said: “I have been commanded to fight the people until they say Là ilâha illallâh (there is none worthy of worship except Allâh). Whoever says Là ilâha illallâh, his life and his property are safe from me, except by its right (in cases where Islamic laws apply), and his reckoning will be with Allâh.” (Sahîh)

**Comment**

3093. It was narrated that Abû Hurairah said: “When the Messenger of Allâh ﷺ died and Abû Bakr was appointed as the Khalifah, and some of the ‘Arabs disbelieved, ‘Umar said: ‘O Abû Bakr! How can you fight the people when the Messenger of Allâh ﷺ said: I have been commanded to fight the people until they say Là ilâha illallâh (there is none worthy of worship except Allâh). Whoever says Là ilâha illallâh, his life and his property are safe from me, except for its right, and his reckoning will
be with Allâh?’ Abû Bakr, may Allâh be pleased with him, said: ‘By Allâh, I will surely fight those who separate prayer and Zakâh, for Zakâh is what is due on wealth. By Allâh, if they withhold from me a small she-goat that they used to give to the Messenger of Allâh ﷺ I will fight them for withholding it.’ (‘Umar said) ‘By Allâh, when I realized that Allâh, the Mighty and Sublime, had opened the chest of Abû Bakr to fighting, then I knew that it was the truth.’” (Sahîh)

Comments
This narration and its elucidation have preceded. (See Hadîth 2445)
What he meant to state was that I am not at all prepared to allow any reduction or change to take place in the matter of the payment of Zakâh.

3094. It was narrated from ‘Ubaidullâh bin ‘Abdullâh bin ‘Utbah bin Mas‘ûd that Abû Hurairah said: “When the Messenger of Allâh ﷺ died and Abû Bakr (was appointed Khâlîfah) after him, and some of the ‘Arabs disbelieved, ‘Umar, may Allâh be pleased with him, said: ‘O Abû Bakr, how can you fight the people when the Messenger of Allâh ﷺ said: I have been commanded to fight the people until they say Lâ ilâha illallâh (there is none worthy of worship except Allâh). Whoever says Lâ ilâha illallâh, his life and his property are safe from me, except for its right, and his reckoning will be with Allâh?’” Abû Bakr, may Allâh be pleased with him, said: “I will surely fight those who separate prayer and
Zakāh, for Zakāh is what is due on wealth. By Allāh, if they withhold from me a small she-goat that they used to give to the Messenger of Allāh, I will fight them for withholding it.' (‘Umar said) ‘By Allāh, when I realized that Allāh, the Most Mighty and Sublime, had opened the chest of Abū Bakr to fighting, then I knew that it was the truth.”’ The wording is that of Aḥmad. (Ṣaḥīḥ)

3095. It was narrated that Abū Hurairah said: “When Abū Bakr mobilized to fight them, ‘Umar said: ‘O Abū Bakr, how can you fight the people when the Messenger of Allāh said: ‘I have been commanded to fight the people until they say Lā ilāha illallāh (there is none worthy of worship except Allāh). Whoever says Lā ilāha illallāh, his life and his property are safe from me, except for its right, and his reckoning will be with Allāh?’” Abū Bakr, may Allāh be pleased with him, said: ‘By Allāh, I will surely fight those who separate prayer and Zakāh, for Zakāh is what is due on wealth. By Allāh, if they withhold from me a small she-goat that they used to give to the Messenger of Allāh, I will fight them for withholding it.’ (‘Umar said) ‘By Allāh, when I realized that Allāh, the Most High, had opened the chest of Abū Bakr to fighting them, then I knew that it was the truth.”’ (Ṣaḥīḥ)
3096. It was narrated that Anas bin Mālik said: “When the Messenger of Allāh ﷺ died, some of the ‘Arabs apostatized. ‘Umar said: ‘O Abū Bakr, how can you fight the ‘Arabs? Abū Bakr replied: ‘The Messenger of Allāh ﷺ said: I have been commanded to fight the people until they testify that Lā ilāha illallāh (there is none worthy of worship except Allāh) and that I am the Messenger of Allāh, and establish prayer and pay Zakāh?’ By Allāh, if they withhold from me a small she-goat that they used to give to the Messenger of Allāh ﷺ I will fight them for withholding it.’ (‘Umar said) ‘By Allāh, when I realized that (Abū) Bakr was confident about this idea, then I knew that this was the truth.’” (Saḥāḥ)

Abū ‘Abdūr-Rahmān (An-Nasā’ī) said: ‘Imlān Al-Qaṭṭān is not strong in Ḥadīth, and this narration is a mistake. The one that is before it is the correct narration of Az-Zuhri, from ‘Ubaidullāh bin ‘Abdullāh bin ‘Utbah, from Abū Hurairah.

Comments

‘Apostatized’: Apostates are of many kinds, but here the conflict is concerning those who refused to pay Zakāh, who maintained that the Zakāh was to be paid specifically to the Messenger of Allāh ﷺ, and that no one else could levy it.

3097. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “I have been commanded to fight the
people until they say *Lâ ilâha illâllâh* (there is none worthy of worship except Allâh). Whoever says it, his life and his property are safe from me, except for its right, and his reckoning will be with Allâh.” *(Sâhih)*

**Chapter 2. Stern Warning Against Forsaking Jihâd**

3099. It was narrated from Abû Hurairah that the Prophet ﷺ said: “Whoever dies without having fought or having thought of fighting, he dies on one of the branches of hypocrisy.” *(Sâhih)*

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3098. It was narrated from Anas that the Prophet ﷺ said: “Strive against the idolators with your wealth, your hands and your tongues.” *[Da’îf]*

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[1] Its chain has defects while its meaning is supported by other chains.
Chapter 3. Concession Allowing A Person Not To Join A Campaign

3100. Abū Hurairah said: "I heard the Messenger of Allāh ﷺ say: 'By the One in Whose hand is my soul, were it not for the fact that there are some believing men who would not feel happy to stay behind (when I go out on a campaign) and I do not have the means to provide them with mounts (so that they can join me), I would not have stayed behind from any campaign or battle in the cause of Allāh. By the One in Whose hand is my soul, I wish that I could be killed in the cause of Allāh, then brought back to life, then be killed, then be brought back to life, then be killed then be brought back to life, then be killed.'" (Sahih)

Comments

1. The benefit of longing for martyrdom is that he would gain the recompense, whether he dies in bed. Thus, Allāh, Most High, would bestow on him the rank of the martyr.

2. We learn that it is not essential for everyone to go forth to the battlefield. One should essentially pay proper regard to the means and necessities.
Chapter 4. The Superiority Of The Mujāhīdīn Over Those Who Do Not Go Out To Fight

3101. It was narrated that Sahl bin Sa’d said: “I saw Marwān bin Al-Ḥakam sitting and I came and sat with him. He told us that Zaid bin Thābit told him, that the following was revealed to Allāh’s Messenger ﷺ:

(Not equal are those of the believers who sit (at home) and those who strive hard and fight in the cause of Allāh), then Ibn Umm Maktūm came when he was dictating it to me (Zaid), and said: ‘O Messenger of Allāh! If I were able to go for Jihād I would go out for Jihād.’ Then Allāh, the Mighty and Sublime, revealed to him – while his thigh was against mine, and became so heavy that I thought my thigh would break, until (the revelation) stopped –: ‘Except those who are disabled (by injury or are blind or lame).’”[1] (Sahih)

Abū ‘Abdur-Rahmān (An-Nāṣā’ī) said: This ‘Abdur-Rahmān bin Ishāq is tolerable, while ‘Abdur-Rahmān bin Ishāq, from whom reports ‘Alī bin Mushīr, Abū Mu’āwiyyah, and ‘Abdul-Wāhid bin Ziyād from An-Nu’mān bin Sa’d – he is not trustworthy.

Comments

Ibn Maktūm was blind. A blind man is called ‘Maktilm’ in Arabic. There is a

disagreement concerning his real name. The majority of researchers have shown it to be Abdullah. Some have stated 'Umar also. And Allâh knows best!

3102. It was narrated that Ibn Shihâb said: "Sahl bin Sa'd said: 'I saw Marwân sitting in the Masjid so I went and sat beside him, and he told us that Zaid bin Thâbit had told him, that the Messenger of Allâh ﷺ dictated to him the words: [Not equal are those of the believers who sit (at home) and those who strive hard and fight in the cause of Allâh]. Then Ibn Umm Maktûm came to him while he was dictating it to me (Zaid) and said: 'O Messenger of Allâh! If I were able to go for Jihâd I would go out for Jihâd.' But he was a blind man. Then Allâh revealed to His Messenger ﷺ – while his thigh was against my thigh, and (it became so heavy that) I thought my thigh would break, then it was lifted from him, and Allâh, the Mighty and Sublime, revealed: 'Except those who are disabled (by injury or are blind or lame)."[1] (Saheîh)

3103. It was narrated from Al-Barâ' that the Prophet ﷺ said: "Bring me a shoulder blade of a camel, or a tablet, and write: Not equal are those of the believers who sit (at home)."[2] 'Amr bin

Umm Maktûm was behind him and he said: “Is there a concession for me?” Then the following was revealed: “Except those who are disabled (by injury or are blind or lame).”[1] (Ṣaḥīḥ)

Chapter 5. Concession Allowing The One Who Has Two Parents To Stay Behind

3105. It was narrated that 'Abdullâh bin 'Amr said: “A man came to the Messenger of Allâh ﷺ and asked him for permission to go for Jihâd. He said: ‘Are your parents alive?’ He said: ‘Yes.’ He said: ‘Then strive for their sake.’” (Ṣaḥīḥ)

Comments
1. If one’s staying at home is necessary, for instance, to look after one’s parents, etc., then one should not proceed for Jihad.
2. Then strive... means the fulfillment of the household obligations is more important for him than going for Jihad. Therefore, even for fulfilling these obligations, he would be given the recompense of Jihad.

Chapter 6. Concession Allowing One Who Has A Mother To Stay Behind

3106. It was narrated from Mu‘āwiyyah bin Jāhīmah As-Sulami, that Jāhīmah came to the Prophet ﷺ and said: “O Messenger of Allâh! I want to go out and fight (in Jihad) and I have come to ask your advice.” He said: “Do you have a mother?” He said: “Yes.” He said: “Then stay with her, for Paradise is beneath her feet.” (Saḥīḥ)

Comments
‘Paradise is beneath her feet’: Meaning by serving her, you will gain Paradise.

Chapter 7. The Virtue Of The One Who Strives In The Cause Of Allâh With Himself And His Wealth

3107. It was narrated from Abû
Sa‘eed Al-Khudri that a man came to the Messenger of Allāh ﷺ and said: “O Messenger of Allāh! Which of the people is best?” He said: “One who strives with himself and his wealth in the cause of Allāh.” He said: “Then who, O Messenger of Allāh?” He said: “Then a believer (isolating himself) in one of the mountain passes, who fears Allāh and spares the people his evil.” (Ṣaḥīḥ)

Comment

‘In the cause of Allāh’ means with the pure intention of gaining the good pleasure of Allāh. Dissimulation, acquiring fame, or worldly gain will not acquire the promised reward.

Chapter 8. The Virtue Of The One Who Strives In The Cause Of Allāh On His Feet

3108. It was narrated that Abū Sa‘eed Al-Khudri said: “In the year of Tabūk, the Messenger of Allāh ﷺ addressed the people, while leaning against his mount. He said: ‘Shall I not tell you of the best of the people and the worst of the people? Among the best of the people is a man who strives in the cause of Allāh on the back of his horse, or on the back of his camel, or on his own two feet, until death comes to him. And among the worst of the people, is an immoral man (Fājir) who reads the Book of Allāh but he does not refrain from doing anything bad because of it.’” (Ḥasan)
3109. It was narrated that Abū Hurairah said: "No man who weeps for fear of Allāh will be touched by the Fire until the milk goes back into the udders. And the dust (of Jihād) in the cause of Allāh, and the smoke of Hell, will never be combined in the nostrils of a Muslim." (Sahih)

Comments

'Until the milk returns to the udders': This is impossible, rationally as well as customarily. The purpose is to posit that the one who weeps out of the fear of Allāh, Most High, his entering Hell is impossible.

3110. It was narrated from Abū Hurairah that the Prophet ﷺ said:

"No man will enter the Fire who weeps for fear of Allāh, Most High, until the milk goes back into the udders. And the dust (of Jihād) in the cause of Allāh, and the smoke of Hell will never be combined." (Sahih)

3111. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ said: "Two will never be..."
gathered together in the Fire: A Muslim who killed a disbeliever then tried his best and did not deviate. And two will never be gathered together in the lungs of a believer: Dust in the cause of Allâh, and the odor of Hell. And two will never be gathered in the heart of a slave: Faith and envy.”

(Hasan)

3112. It was narrated that Abû Hurairah said: “The Messenger of Allâh said: ‘The dust in the cause of Allâh and the smoke of Hell will never be combined in the lungs of a slave, and stinginess and faith can never be combined in a slave’s heart.’”

(Hasan)

3113. It was narrated from Abû Hurairah that the Prophet said: “The dust in the cause of Allâh and the smoke of Hell will never be combined in a man’s face, and stinginess and faith can never be combined in a slave’s heart.”

(Hasan)
3114. It was narrated that Abū Hurairah said: "The Messenger of Allāh ﷺ said: 'The dust in the cause of Allāh and the smoke of Hell will never be combined in a slave’s lungs, and stinginess and faith can never be combined in a slave’s heart.'" (Hasan)

3115. It was narrated from Abū Hurairah that the Prophet ﷺ said: "The dust in the cause of Allāh, the Mighty and Sublime, and the smoke of Hell will never be combined in the nostrils of a Muslim." (Hasan)

3116. It was narrated that Abū Hurairah said: "The Messenger of Allāh ﷺ said: 'The dust in the cause of Allāh and the smoke of Hell will never be combined in the nostrils of a Muslim, and stinginess and faith will never be combined in a Muslim man’s heart.'" (Hasan)

3117. It was narrated from Abū Al-‘Alā’ bin Al-Lajlāj that he heard
Abū Hurairah say: “Allāh will never combine the dust in the cause of Allāh, the Mighty and Sublime, and the smoke of Hell, in the lungs of a Muslim man, and Allāh will never combine faith in Allāh, and stinginess in the heart of a Muslim man.” *(Hasan)*

**Chapter 9. The Reward Of The One Whose Feet Become Dusty In The Cause Of Allāh**

3118. Yazīd bin Abī Mariam said: “Abāyah bin Rāfī‘ met me when I was walking to Friday prayers, and he said: ‘Rejoice, for these steps you are taking are in the cause of Allāh. I heard Abū ‘Abs say: The Messenger of Allāh ﷺ said: Anyone whose feet become dusty in the cause of Allāh, he will be forbidden to the Fire.’” *(Sahīh)*

**Comments**

In this narration, the phrase ‘in the way of Allāh’ has been used in its general sense; every good deed or work. Lexically, it is absolutely correct, but the customary meaning happens to be more reliable. And the customary meaning of the Qur’ān and the Ḥadīth of the expression ‘in the way of Allāh’ uses it in the sense of Jihād.

**Chapter 10. The Reward Of Eyes That Stay Awake At Night In The Cause Of Allāh, The Mighty and Sublime**

3119. Abū ‘Alī At-Tujībī (said) that he heard Abū Raiḥānah say:
"I heard the Messenger of Allâh ﷺ say: ‘The eye that stays awake in the cause of Allâh will be forbidden to the Fire.’” (Hasan)

Chapter 11. The Virtue Of Going Out Before Noon In The Cause Of Allâh, The Mighty and Sublime

3120. It was narrated that Sahl bin Sa’d said: “The Messenger of Allâh ﷺ said: ‘Going out before noon or after noon, in the cause of Allâh, the Mighty and Sublime, is better than this world and everything in it.’” (Sahih)

Comments

Because the recompense of going for Jihâd is something ‘abiding’, and everything of this world is ‘ephemeral’ or short-lived. Where does the ‘ephemeral’ stand in comparison to the ‘abiding’ or everlasting?

Chapter 12. The Virtue Of Going Out After Noon In The Cause Of Allâh, The Mighty And Sublime

3121. It was narrated from Abû ‘Abdur-Rahmân Al-Hubuli that he heard Abû Ayyûb Al-Ansârî say: “The Messenger of Allâh ﷺ said: ‘Going out before noon and after
noon, in the cause of Allâh, is better that everything on which the sun rises and sets.” (Sahîh)

**3122.** It was narrated from Abû Hurairah that the Prophet ﷺ said: “There are three, all of whom have a promise of help from Allâh: ‘The Mujâhid who strives in the cause of Allâh, the Mighty and Sublime; the man who gets married, seeking to keep himself chaste; and the slave who has a contract of manumission and wants to buy his freedom.’” (Hasan)

**Comments**

‘A promise of help from Allâh’: And this is the grace of Allâh. If Allâh wills not to help someone, no one can raise an objection against Him.

**Chapter 13. The Warriors Are The Guests Of Allâh, Most High**

3123 Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘The guests of Allâh, the Mighty and Sublime, are three: The warrior, the pilgrim performing Hajj, and the pilgrim performing ‘Umrah.’” (Sahîh)
The Book Of Jihad

Chapter 14. What Allâh, The Mighty And Sublime, Guarantees To One Who Strives In His Cause

3124. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Allâh, the Mighty and Sublime, has guaranteed to the one who strives in His cause, only going out for Jihad in His cause, and believing in His Word, that He will admit him to Paradise, or bring him back to his home from which he emerged, with whatever he has earned of reward, or spoils of war."

(Sâhih)

Comments

'Reward or spoils (Ajrin Aw Ghanimatun)' means he will definitely receive one of the two things. It could be both, because of the recompense he shall gain in every condition.

3125. Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'Allâh has guaranteed: 'For the one who goes out in the cause of Allâh, and nothing makes him do that except faith in Me, and Jihad in My cause - that He will admit him to Paradise whether he is killed or he dies, or He will return him to his home from which he departed with whatever he has earned of reward.
or spoils of war.”’ (Hasan)

3126. Abū Hurairah said: “I heard the Messenger of Allāh ﷺ say: ‘The parable of Mujāhid (who strives in the cause of Allāh) – and Allāh knows best who strives in the cause of Allāh – is that of one who fasts and prays Qiyām (continually). Allāh has promised Mujāhid (who strives in His cause), that He will either cause him to die and admit him to Paradise, or, He will bring him back safely with whatever he has earned of reward or spoils of war.’” (Sahih)

Comments

Allāh knows best because the intention is, and Allāh, Most High, sees the heart. Only the one who goes for Jihād for the sake of Allāh, Most High, shall gain the promised reward. If he struggles for other motives, such Jihād could potentially become the means of going to the Hellfire instead of Paradise.

Chapter 15. The Reward Of The Raiding Party That Fails To Achieve Its Goal

3127. ‘Abdullāh bin ‘Amr said: “I heard the Messenger of Allāh ﷺ say: ‘There is no raiding party that goes out in the cause of Allāh and acquires some spoils of war, but they have been given two-thirds of their reward in this world instead of in the Hereafter, and there

remains one-third (in the Hereafter). And if they do not acquire any spoils of war, then all of their reward (will come in the Hereafter).” (Sahih)

Comments
We learn that the achiever of the spoils deserves the recompense, even if his intention has not been to gain the spoils. Only such shall receive the full recompense, in the Hereafter alone, who does not receive any worldly gain.

3128. It was narrated from Ibn ‘Umar, from the Prophet ﷺ, of what he related from his Lord, the Mighty and Sublime: “Any of My slaves who goes out as a Mujāhid striving in the cause of Allāh, seeking My pleasure, I guarantee that I will bring him back with whatever he has earned as reward or spoils of war, and if I take his (soul) I will forgive him and have mercy on him.” (Sahih)

Comments

‘From His Lord, the Mighty and Sublime’: Such a narration is called a Hadith Qudsi or Sacred Hadith, in which it is related that Allāh, Most High, has been explicitly stated this or that.

Chapter 16. The Parable Of A Mujāhid (Who Strives In the Cause of Allāh, The Mighty And Sublime)

3129. It was narrated that Abū Hurairah said: “I heard the Messenger of Allāh ﷺ say: ‘The parable of a Mujāhid who strives in the cause of Allāh – and Allāh knows best who in His cause – is
that of one who fasts, prays Qiyām, focuses with proper humility, bows and prostrates.” (Sahih)

Chapter 17. What Is Equal To Jihād In The Cause Of Allāh, The Mighty And Sublime?

3130. Abū Hurairah said: “A man came to the Messenger of Allāh ﷺ and said: ‘Tell me of an action that is equal to Jihād.’ He said: ‘I cannot. When the Mujāhid goes out, can you enter the Masjid and stand in prayer and never rest, and fast and never break your fast?’ He said: ‘Who can do that?’” (Sahih)

3131. It was narrated from Abū Dharr that he asked the Prophet of Allāh ﷺ which deed was best. He said: “Belief in Allāh and Jihād in the cause of Allāh, the Mighty and Sublime.” (Sahih)

Chapter 18. The Status Of A Mujâhid (Who Strives In The Cause Of Allâh, The Mighty And Sublime)

3133. It was narrated from Abû Sa’eed Al-Khudrî that the Messenger of Allâh ﷺ said: “O Abû Sa’eed! Whoever is content with Allâh as Lord, Islam as his religion and Muḥammad as Prophet, then he is guaranteed Paradise.” Abû Sa’eed found this amazing and said: “Say it to me again, O Messenger of Allâh.” So he did that, then the Messenger of Allâh ﷺ said: “And there is something else by means of which a person may be raised one hundred degrees in Paradise, each of which is like that which is between the Heaven and the Earth.” He said: “What is it, O Messenger of Allâh?” He said: “Jihâd in the cause of Allâh, Jihâd in the cause of Allâh.” (Sahîh)

[1] Hajj, that is accepted, or free of sin. See No. 2625.
Comments

'Found this amazing' because for an apparently easy or effortless thing, the promise of the Paradise has been given, although in actuality it is a difficult task. This is because the knowledge or proof of contentment would emerge from actions. And to furnish evidence from action is itself a hard task.

3134. It was narrated that Abu Ad-Dardâ said: "The Messenger of Allâh ﷺ said: 'Whoever establishes Salâh, pays Zakâh, and dies not associating anything with Allâh, he has a right from Allâh the Mighty and Sublime, that He will forgive him, whether he emigrated, or died in his birthplace.' We said: 'O Messenger of Allâh! Shall we not tell the people about it so that they may rejoice?' He said: 'In Paradise there are one hundred levels, (the distance) between each two of which is like (the distance) between the Heaven and the Earth; Allâh has prepared them for the Mujâhidîn who strive in His cause. Were it not that it would be too difficult for the believers and I cannot find mounts for them - and they do not like to stay behind if I go out (on a campaign) - I would not have stayed behind from any expedition. I wish that I could be killed then brought back to life, then killed again.'" (Hasan)
Chapter 19. What Reward Is There For The One Who Accepts Islam, Emigrates And Strives For Jihad?

3135. It was narrated from 'Amr bin Mālik Al-Janbī that he heard Fadālāh bin 'Ubad say: “I heard the Messenger of Allah ﷺ say: ‘I am a Za‘īm – and the Za‘īm is the guarantor – for the one who believes in me and accepts Islam, and emigrates: A house on the outskirts of Paradise and a house in the middle of Paradise. And I am a guarantor, for the one who believes in me and accepts Islam, and strives in the cause of Allah: A house on the outskirts of Paradise and a house in the middle of Paradise and a house in the highest chambers of Paradise. Whoever does that and seeks goodness wherever it is, and avoids evil wherever it is, may die wherever he wants to die.”’ (Hasan)

3136. It was narrated that Sabrah bin Abī Fākīh said: “I heard the Messenger of Allah ﷺ say: ‘The Shaitān sits in the paths of the son of Adam. He sits waiting for him, in the path to Islam, and he says: Will you accept Islam, and leave your religion, and the religion of your forefathers? But he disobeys him and accepts Islam. Then he sits waiting for him, on the path to emigration, and he says: Will you
emigrate and leave behind your land and sky? The one who emigrates is like a horse tethered to a peg. But he disobeys him and emigrates. Then he sits, waiting for him, on the path to Jihad, and he says: Will you fight in Jihad when it will cost you your life and your wealth? You will fight and be killed, and your wife will remarry, and your wealth will be divided. But he disobeys him and fights in Jihad.’ The Messenger of Allah ἄ said: ‘Whoever does that, then he has a right from Allah, the Mighty and Sublime, that He will admit him to Paradise. Whoever is killed, he has a right from Allah, the Mighty and Sublime, that He will admit him to Paradise. If he is drowned, he has a right from Allah, that He will admit him to Paradise, or whoever is thrown by his mount and his neck is broken, he has a right from Allah, that He will admit him to Paradise.’” (Hasan)

Comments

‘A tethered horse’, this is the utterance of the devil or Shaitân; it means one’s being away from one’s homeland is like being fettered and imprisoned. As a tethered horse cannot walk around freely, in the same way, an emigrant also becomes a captive in his own home, or a homebound captive.

Chapter 20. The Virtue Of The One Who Spends On A Pair (Of Things) In The Cause Of Allah, The Mighty And Sublime

3137. Abū Hurairah used to narrate that the Messenger of Allah ἄ said: “Whoever spends on a pair (of things) in the cause of
Allah, he will be called in Paradise: ‘O slave of Allah, here is prosperity.’ Whoever is one of those who pray, he will be called from the gate of Paradise. Whoever is one of those who participated in Jihad, he will be called from the gate of Paradise. Whoever is one of those who gave charity, he will be called from the gate of Paradise. Whoever is one of those who fasts, he will be called from the gate of Ar-Rayyan.” Abû Bakr As-Siddîq said: “O Messenger of Allah! No distress, or need will befall the one who is called from these gates. Will there be anyone who will be called from all these gates?” The Messenger of Allah ﷺ said: “Yes, and I hope that you will be one of them.” (Sahîh)

Chapter 21. Whoever Fights So That The Word Of Allah Will Be Supreme

3138. Abû Mûsa Al-Âsh’ârî said: “A Bedouin came to the Messenger of Allah ﷺ and said: ‘A man fights for fame, or he fights for the spoils of war, or he fights to show off. Who is the one who is fighting in the cause of Allah?’ He said: ‘The one who fights so that the word of Allah will be supreme is the one who is fighting in the cause of Allah, the Mighty and Sublime.’” (Sahîh)
Chapter 22. The One Who Fights So That It Will Be Said That So-And-So Was Brave

3139. It was narrated from Abū Hurairah, that one of the people of Ash-Shām said to him: “O Shaikh, tell me of a Hadith that you heard from the Messenger of Allāh ﷺ.” (He said: “Yes; I heard the Messenger of Allāh ﷺ) say: The first of people for whom judgment will be passed on the Day of Resurrection are three. A man who was martyred. He will be brought and Allāh will remind him of His blessings and he will acknowledge them. He will say: What did you do with them? He will say: I fought for Your sake until I was martyred. He will say: You are lying. You fought so that it would be said that so-and-so is brave, and it was said. Then He will order that he be dragged on his face and thrown into the Fire. And (the second will be) a man who acquired knowledge and taught others, and read Qur’ān. He will be brought, and Allāh will remind him of His blessings, and he will acknowledge them. He will say: What did you do with them? He will say: I acquired knowledge and taught others, and read the Qur’ān for Your sake. He will say: You are lying. You acquired knowledge so
that it would be said that you were a scholar; and you read Qur'ān, so that it would be said that you were a reciter, and it was said. Then He will order that he be dragged on his face and thrown into the Fire. And (the third will be) a man whom Allāh made rich and gave him all kinds of wealth. He will be brought and Allāh will remind him of His blessings, and he will acknowledge them. He will say: What did you do with them? He will say: I did not leave any way that You like wealth to be spent – Abū `Abdur-Rahmān (An-Nasâ‘) said: I did not understand “what You like,” as I wanted to[1] – “but I spent it.” He will say: “You are lying. You spent it so that it would be said that he was generous, and it was said.” Then He will order that he be dragged on his face and thrown into the Fire.” (Ṣaḥīḥ)

Comments
The significance is that actions might have been extremely good; but if the intention is not right, such actions would then become the means of punishment rather than reward.

Chapter 23. The One Who Fights In The Cause Of Allāh, Intending Only To Get An 'Iqāt'[2]

3140. It was narrated from Yahya

[1] That is, he did not hear or understand what came after it as well as he wanted to, but it was similar to what follows regarding the spending. Similar was stated by Shaikh `Abdur-Rahmān Al-punjānī in his notes on the text, according to Al-Funjānī in his commentary At-Ta‘īqāt As-Salafyyah (2:51)

[2] Al-'Iqāt: The rope by which the camel’s fore-leg is fettered. (As-Sindi). Some of them will say that it is symbol of wealth in general.
bin Al-Walîd bin ‘Ubâdah bin Aş-Sâmit that his grandfather said: “The Messenger of Allâh ﷺ said: ‘Whoever fights in the cause of Allâh intending only to get an ‘Iqâl, he will have what he intended.’” (Hasan)

Comments
‘What intended’ means he shall not gain the recompense in the Hereafter, because he never intended it. So far as the worldly goods and chattels remain, he might acquire them. He might probably not get them also.

Chapter 24. The One Who Fights Seeking Reward And Fame

3142. It was narrated that Abû ‘Umâmah Al-Bâhili said: “A man came to the Prophet ﷺ and said: ‘What do you think of a man who fights seeking reward and fame – what will he have?’ The Messenger of Allâh ﷺ said: ‘He will not have anything.’ He repeated it three times, and the Prophet ﷺ said to him: ‘He will not have anything.’
Then he said: 'Allâh does not accept any deed, except that which is purely for Him, and seeking His Face.'” (Hasan)

Chapter 25. The Reward Of The One Who Fights In The Cause Of Allâh For The Length Of Time Between Two Milkings Of A She-Camel

3143. Mu‘âdhd bin Jabal said that he heard the Prophet ﷺ say: "Whoever fights in the cause of Allâh, the Mighty and Sublime, for the length of time between two milkings of a she-camel, Paradise is guaranteed for him. Whoever asks Allâh to be killed (in Jihâd) sincerely, from his heart, then dies or is killed, he will have the reward of a martyr. Whoever is wounded or injured in the cause of Allâh, it will come on the Day of Resurrection bleeding the most it ever bled, but its color will be like saffron, and its fragrance will be like musk. Whoever is wounded in the cause of Allâh, upon him is the seal of the martyrs.” (Sahîh)

Comments

A she-camel’s udders are small and hard. After milking her a little bit, one gets tired. The flow of milk also stops temporarily. After a little rest or pause, the supply of milk returns and the milk gets collected again in her udders, and
one starts to milk once again. Thus this task is accomplished after many pauses and rests. A rest or pause between two milkings is called *Fuwâq* in Arabic. This rest lasts for a few minutes, not more. Allâh, Most High, does not look at the time and the quantity. Allâh, Most High, sees the intention and the condition of the heart. It forms the very basis of the recompense too.

**Chapter 26. The Reward Of The One Who Shoots An Arrow In The Cause Of Allâh, The Mighty And Sublime**

3144. It was narrated from Shurâhûbin As-Simîth that he said to ‘Amr bin ‘Abasîth: “O ‘Amr! Tell us a *Hadîth* that you heard from the Messenger of Allâh ﷺ,” He said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever develops one gray hair in the cause of Allâh, Most High, it will be light for him on the Day of Resurrection. Whoever shoots an arrow in the cause of Allâh, Most High, whether it reaches the enemy or not, it will be as if he freed a slave. Whoever frees a believing slave, it will be a ransom for him from the Fire, limb by limb.’” *(Saḥîh)*

**فِي سِنِيلِ اللَّهِ ﺍٓذَّ ﻭَجَلُّ (التحفة 26)**

3145. It was narrated that Abû Najîh As-Sulâmî said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever shoots an arrow in the cause of Allâh and it hits the target, it will raise him one level in Paradise.’ That day I shot sixteen arrows that hit their targets.” He said: “And I heard the Messenger of Allâh ﷺ say: ‘Whoever shoots an arrow in the cause of Allâh, it is
equal to the reward of freeing a slave.” (Sahih)

3146. It was narrated that Shurāḥbil bin As-Simṭ said to Kaʾb bin Murrah: “O Kaʾb! Tell us a Hadīth from the Messenger of Allāh ﷺ and be careful.” He said: “I heard him say: ‘Whoever develops one gray hair in Islam, in the cause of Allāh, it will be light for him on the Day of Resurrection.’” He said to him: “Tell us about the Prophet ﷺ and be careful.” He said: “I heard him say: ‘Shoot, and whoever hits the enemy with an arrow, Allāh will raise him one degree in status thereby.’” Ibn An-Nabhān said: ‘O Messenger of Allāh, what is a degree?’ He said: ‘It is not like the doorstep of your mother;[1] rather the distance between two degrees is (that of) a hundred years.’” (Daʾīf)

3147. It was narrated that Shurāḥbil bin As-Simṭ said: “I said: ‘O ‘Amr bin ‘Abasah! Tell us a Hadīth that you heard from the Messenger of Allāh ﷺ without

[1] As explained after it; the degree of distance is greater than such a degree in this world.
forgetting or omitting anything.' He said: 'I heard the Messenger of Allâh ﷺ say: Whoever shoots and arrow in the cause of Allâh, and it reaches the enemy, whether it misses or hits, it will be as if he freed slave. Whoever frees a believing slave, that will be a ransom for him, limb by limb, from the Fire of Hell. Whoever develops a gray hair in the cause of Allâh, it will be light for him on the Day of Resurrection.’ (Ṣaḥîḥ)

3148. It was narrated from ‘Uqbah bin ʿÂmir that the Prophet ﷺ said: "Allâh, the Mighty and Sublime, will admit three people into Paradise for one arrow: The one who makes it, intending it to be used for a good cause, the one who shoots it, and the one who passes it to him.” (Ḥasan)

Comments

'The one who passes it': The Arabic term used is ‘Munâbil’. It might also include the one who supplies arrows from his own wealth, or the one who retrieves arrows, to be reused.
Chapter 27. The One Who Is Wounded In The Cause Of Allâh, The Mighty And Sublime

3149. It was narrated from Abû Hurairah that the Prophet ﷺ said: “No one is wounded in the cause of Allâh – and Allâh knows best who is wounded in His cause – but he will come on the Day of Resurrection with his wounds bleeding the color of blood, but with the fragrance of musk.” (Sâhîh)

Chapter 28. What Is To Be Said By The One Who Is Stabbed By The Enemy

3150. It was narrated that ‘Abdullâh bin Tha’labah said: “The Messenger of Allâh ﷺ said: ‘Wrap them up with their blood, for there is no wound incurred in the cause of Allâh, but he will come on the Day of Resurrection bleeding with the color of blood, but its fragrance will be that of musk.’” (Sâhîh)

3151. It was narrated that Jâbir bin ‘Abdullâh said: “On the day of Uhîd, the people ran away, and the Messenger of Allâh ﷺ was in one position among twelve men of the Anşâr, one of whom was Talhah bin Ubâdullâh. He said: ‘Who will face the people?’ Talhah
said: 'I will.' The Messenger of Allâh ﷺ said: 'Stay where you are.' One of the Ansâr said: 'I will, O Messenger of Allâh ﷺ.' He said: 'You (go ahead).' So he fought until he was killed. Then he turned and saw the idolators. He said: 'Who will face the people?' Talhâ said: 'I will.' The Messenger of Allâh ﷺ said: 'Stay where you are.' One of the Ansâr said: 'I will, O Messenger of Allâh ﷺ.' He said: 'You (go ahead).' So he fought until he was killed. This carried on, and each man of the Ansâr went out to face them and fought like the one before him, and was killed, until only the Messenger of Allâh ﷺ and Talhâ bin 'Ubaidullâh were left. The Messenger of Allâh ﷺ said: 'Who will face the people?' Talhâ said: 'I will.' So Talhâ fought like the eleven before him, until his hand was struck, and his fingers were cut off, and he exclaimed in pain. The Messenger of Allâh ﷺ said: 'If you had said Bismillâh (in the Name of Allâh), the angels would have lifted you up with the people looking on.' Then Allâh drove back the idolaters.” (Hasan)

Comments

'Twelve Helpers': This incident is related to a particular period of time; otherwise quite a number of Emigrants also had remained steadfast. They were, nevertheless, showing their feats of bravery in other regions of Uhud. Coincidentally, Allâh's Messenger ﷺ happened to be present among a group of the Helpers. They were eleven Helpers in all. Counting Talhâ (the Emigrant), the number was said to reach twelve.
Chapter 29. The One Who Fights In The Cause Of Allāh And His Sword Recoils Upon Him And Kills Him

3152. Salamah bin Al-Akwa' said: "On the day of Khaybar, my brother fought fiercely alongside the Messenger of Allāh, then his sword recoiled upon him and killed him. The Companions of the Messenger of Allāh, complaining about that, said: 'A man has died by his own weapon.' Salamah said: 'The Messenger of Allāh returned from Khaybar and I said: 'O Messenger of Allāh, do you permit me to recite some lines of Rajaz verse to you?' The Messenger of Allāh gave him permission but 'Umar bin Al-Khaṭṭāb, may Allāh be pleased with him, said: 'Think what you are saying.' I said:

'By Allāh, if Allāh had not guided us we would not have been guided.
We would not have given in charity nor prayed.'

The Messenger of Allāh said: 'You have spoken the truth.'

(I continued:)

'Send down tranquillity upon us,
And make us steadfast when we meet the enemy.

For the idolators have transgressed against us.'

When I completed my Rajaz verse, the Messenger of Allāh said: 'Who said that?' I said: 'My brother.'

The Messenger of Allāh said: 'May Allāh have mercy on him.' I said: 'O Messenger of Allāh, some
people are afraid to offer the (funeral) prayer for him, and they are saying that he is a man who died by his own weapon.’ The Messenger of Allâh ﷺ said: ‘He died striving as a Mujâhid.” Ibn Shihâb said: ‘Then I asked a son of Salamah bin Al-Akwa‘, and he narrated a similar report to me from his father, except that he said: ‘When I said: Some people are afraid to offer the (funeral) prayer for him, the Messenger of Allâh ﷺ said: They lied. He died striving as a Mujâhid, and he will have a twofold reward, and he gestured with two of his fingers.”’ (Sâhîh)

Comments

The one whose intention is to combat the unbelievers, and he gets killed in the battle, whether at the hands of the enemy, or due to the mistake of his companions, or due to his own mistake by his own hands, he shall be considered a martyr.

Chapter 30. Wishing To Be Killed In The Cause Of Allâh

3153. It was narrated from Abû Hurairah that the Prophet ﷺ said: “Were it not that it would be too difficult for my Ummah, I would not have stayed behind from any expedition. But they could not find mounts, and I could not find any mounts for them, and it would be too hard for them to stay behind when I went out. And I wish that I could be killed in the cause of Allâh, then brought back to life, then killed, then brought back to life, then killed,” three times. (Sâhîh)
Comments
(See Hadith 3100)

3154. It was narrated that Abū Hurairah said: "I heard the Messenger of Allāh ﷺ say: 'By the One in Whose hand is my soul, were it not that some men among the believers would not like to stay behind when I went out (to fight), and I could not find any mounts for them, I would not have stayed behind from any campaign that fought in the cause of Allāh. By the One in Whose hand is my soul, I wish that I could be killed in the cause of Allāh, then brought back to life, then killed, then be brought back to life, then killed.'" (Sahih)

3155. It was narrated from Ibn Abī 'Amirah that the Messenger of Allāh ﷺ said: "There is no Muslim soul among the people that is taken by its Lord and wishes it could come back to you, even if it had this world and everything in it, except the martyr.'" Ibn Abī 'Amirah said: "The Messenger of Allāh ﷺ said: 'If I were to be killed in the cause of Allāh, that would be dearer to me than if all the people of the deserts and the cities were to be mine.'"[1] (Sahih)

[1] Meaning: If they were all my slaves and I set them free.
The Muslim will be happy and joyful before Allâh, Most High, whereas a disbelieving hypocrite would implore that he returned so that he could make amends for his sins. But his request will not be granted.

Chapter 31. The Reward Of The One Who Was Killed In The Cause Of Allâh

3156. It was narrated that ‘Amr said: “I heard Jâbir say: ‘A man said on the day of Uhud: If I am killed in the cause of Allâh, where do you think I will be? He said: In Paradise. He threw down some dates that were in his hand and fought until he was killed.’”

(Sahîh)

Chapter 32. The One Who Fights In The Cause Of Allâh But Owes A Debt

3157. It was narrated that Abû Hurairah said: “A man came to the Prophet ﷺ while he was delivering a Khutbah from the Minbar, and he said: ‘If I fight in the cause of Allâh with patience and seeking reward, facing the enemy and not running away, do you think that Allâh will forgive my sins?’ He said: ‘Yes.’ Then he fell silent for a while. Then he said: ‘Where is the one who was asking just now?’ The man said: ‘Here I am.’ He said: ‘What did you say?’ He said: ‘If I fight in the cause of Allâh with patience and seeking reward,
facing the enemy and not running away, do you think that Allâh will forgive my sins?' He said: 'Yes, except for debt. Jibrîl told me that just now.'" (Sahîh)

Comments
We learn that when even the most meritorious deeds of the rank of martyrdom cannot become the reason or the cause of the forgiveness of the obligations that a man owes to mankind (Huqooq Al-'âd); then how could other righteous deeds obliterate man's obligations to humankind?

3158. It was narrated from 'Abdullâh bin 'Abî Qatâdah that his father said: "A man came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, if I am killed in the cause of Allâh with patience and seeking reward, facing the enemy and not running away, do you think that Allâh will forgive my sins?' The Messenger of Allâh ﷺ said: 'Yes.' When the man turned away, the Messenger of Allâh ﷺ called him back and said: 'What did you say?' He repeated his question, and the Messenger of Allâh ﷺ said: 'Yes, except debt. Jibrîl told me.'" (Sahîh)

تخريج: [صحيح] أخرجه ابن أبي عاصم في الجهاد: 12 من حديث ابن عجلان به، وتابعه عبان بن إسحاق، وأبو صخر حميد بن زياد، وأبو إسحاق عن سعيد المقبري عن أبي هريرة، والرواية الآتية هي الراحلة عند الدارقطني، وأبي حاتم الرازي وغيرهما، والحديث في الكبرى

ح: 4363، وله شواهد كثيرة جدًا.
3159. It was narrated from 'Abdullâh bin Abî Qatâdah that he heard Abî Qatâdah narrate from the Messenger of Allâh ﷺ, that he stood up among them and said that Jihâd in the cause of Allâh and belief in Allâh are the best of deeds. Then a man stood up and said: “O Messenger of Allâh, if I am killed in the cause of Allâh, will Allâh forgive my sins?” The Messenger of Allâh ﷺ said: “Yes, if you are killed in the cause of Allâh, and you are patient and seek reward, and you are facing the enemy, not running away – except for debt. Jibrîl (peace be upon him) told me that.” (Sahîh)

3160. It was narrated from 'Abdullâh bin Abî Qatâdah that his father said: “A man came to the Prophet ﷺ when he was on the Minbar and said: ‘O Messenger of Allâh, do you think that if I wield this sword of mine in the cause of Allâh, with patience and seeking reward, facing the enemy, and not running away, will Allâh forgive my sins?’ He said: ‘Yes.’ When he turned away, he called him back and said: ‘Jibrîl says: unless you are in debt.’” (Sahîh)
Chapter 33. Hoping To Die In The Cause Of Allâh

3161. It was narrated from Kathîr bin Murrah that ‘Ubâdah bin As-Sâmit told them that the Messenger of Allâh ﷺ said: “There is no soul on Earth that dies, and is in a good position before Allâh, that would like to come back to you, even if it had all this world, except the one who is killed (in the cause of Allâh); he wishes that he could come back and be killed again.” (Hasan)

Chapter 34. What The People Of Paradise Wish For

3162. It was narrated that Anas said: “The Messenger of Allâh ﷺ said: ‘A man from among the people of Paradise will be brought and Allâh, the Mighty and Sublime, will say: “O son of Adam, how do you find your place (in Paradise)?” He would say: “O Lord, it is the best place.” He will say: “Ask and wish (for whatever you want).” He would say: “I ask You to send me back to the world so that I may be killed in Your cause ten times” – because of what he sees of the virtue of martyrdom.” (Sahîh)
Chapter 35. What The Martyr Feels Of Pain

3163. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ said: "The martyr does not feel the pain of being killed, except as any one of you feels a pinch.” (Da'if)

Comments

The pleasure of martyrdom and the intensity of Faith is stronger than any pain for the martyr.

Chapter 36. Asking For Martyrdom

3164. Sahl bin Abī Umāmah bin Sahl bin Ḥunaif narrated from his father, from his grandfather, that the Messenger of Allāh ﷺ said: “Whoever asks Allāh, the Mighty and Sublime, sincerely for martyrdom, Allāh will cause him to reach the status of the martyrs even of he dies in his bed.” (Ṣaḥīḥ)

Comments

1. ‘Sincerely': Not for just boastful showing off or eloquence, as is the common customary practice.
2. ‘Whoever asks': This is not supplicating for death, but it is a supplication for
an excellent death, whenever it might come. And this is desirable or commendable.

3165. It was narrated from 'Uqbah bin 'Amir that the Messenger of Allâh ﷺ said: "There are five things, whoever dies of any of them is a martyr. The one who is killed in the cause of Allâh is a martyr; the one who drowns in the cause of Allâh is a martyr; the one who dies of an abdominal complaint in the cause of Allâh is a martyr; the one who dies of the plague in the cause of Allâh is a martyr; and the woman who dies in childbirth in the cause of Allâh is a martyr."

(Sahîh)

Comments

In this narration, for every martyr, the condition of being 'in the cause of Allâh' has been laid down, while in other narrations such a condition does not exist.

3166. It was narrated from Al-'Irbâd bin Sâriyah that the Messenger of Allâh ﷺ said: "The martyrs and those who died in their beds referred a dispute to our Lord concerning those who died of the plague. The martyrs said: 'Our brothers were killed as we were killed.' And those who died in their beds said: 'Our brothers died on their beds as we did.' Our Lord said: 'Look at their wounds; if their wounds are like the wounds of those who were killed then they are of them and belong with them.' And their wounds were like their (the martyrs') wounds." (Hasan)
The Book Of *Jihād*

**Chapter 37. Meeting In Paradise Of The One Who Killed And The One Who Was Killed In The Cause Of Allāh**

3167. It was narrated from Abū Hurairah that the Prophet ﷺ said: "Allāh, the Mighty and Sublime, likes it when there are two men, one of whom killed the other, then they both enter Paradise." And another time he said: "He laughs at two men, one of whom killed the other, then they both entered Paradise." *(Sahīh)*

Comment:

What is outwardly apparent is that this dispute will take place before entering the Paradise, in front of the Lord of the worlds. The basis of this dispute will not be with any grudge or envy, rather the martyrs would wish that the rank of those who had died of plague will be elevated, and they should remain with us. On the other hand, those who had met their death upon their beds would desire that if they (who had died of plague) are getting the rank of the martyrs, we should also be given it, because they equal us in death.

Chapter 38. Explanation Of That

3168. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ said: "Allāh laughs at two men, one of whom killed the other but they both entered Paradise. The first one fought in the cause of Allāh and was killed, then Allāh
accepted the repentance of the one who killed him, and he fought and was martyred.” (Ṣahīh)

Comments

In the narrations above, there is mention of astonishment, laughter, and becoming glad. Therefore, the usage of these words for Allāh, Most High, is undoubtedly correct. Whatever it might signify; as the matters concerning the Self of Allāh, Most High, and His Attributes is beyond our understanding.

Chapter 39. The Virtue Of Ar-Ribāṭ (Guarding The Frontier)

3169. It was narrated from Salmān Al-Khārī that the Messenger of Allāh ﷺ said: “Whoever guards Ribāṭ (the frontier) for one day and one night, will be given a reward like that for fasting and praying Qiyām for a month, and whoever dies at Ribāṭ (guarding the frontier) will be rewarded, and he will be given provision, and he will be kept safe from Al-Fattān.”[1] (Ṣahīh)

Comments

Acquiring training to fight, making ready for combat, and to remain well-equipped and prepared to counter the enemy, also constitute Jihād.

[1] According to As-Sinīd, the preferred pronunciation is Al-Fattān, plural of Fātan referring to Al-Munkar and An-Nakīr, while Al-Fattān would refer to Ash-Shaiṭān or the like, among the punishment of the grave, or, the angels of chastisement.
3170. It was narrated that Salmān said: “I heard the Messenger of Allāh ﷺ say; ‘Whoever guards Ribāt (the frontier) in the cause of Allāh for one day and one night, he will have (a reward) like that of fasting and praying Qiyām for a month. If he dies he will continue to receive reward for what he did, and he will be kept safe from Al-Fattān, and he will be given provision.’” (Ṣahīḥ)

Comments

‘Provision:’ Means as Allāh said: “Nay, they are alive, with their Lord, and they have provision.” (Al-Imrān 3:169) And the Prophet ﷺ explained: “Their souls are in the crops of green birds which have lamps hanging from the throne, and they roam freely wherever they want in the Paradise...” (Muslim no. 4885)

3171. It was narrated from Zuhrah bin Ma‘bad: “Abū Ṣāliḥ, the freed slave of ‘Uthmān, said: I heard ‘Uthmān bin ‘Affān say: I heard the Messenger of Allāh ﷺ say: Ribāt (guarding the frontier) for one day in the cause of Allāh is better in rank than a thousand days spent within the residence.’” (Ṣahīḥ)

3172. It was narrated that Abū Ṣāliḥ, the freed slave of ‘Uthmān, said: “‘Uthmān bin ‘Affān said: I heard the Messenger of Allāh ﷺ say: A day in the cause of Allāh is better than a thousand days doing...”
anything else.’” (Sahih)

The Book Of Jihad

Chapter 40. The Virtue Of Jihad By Sea

3173. It was narrated that Anas bin Malik said: “When the Messenger of Allah went to Qubâ’ he used to come to Umm Harâm bint Milhâną and she would feed him. Umm Harâm was married to ‘Ubâdah bin As-Sâmit. The Messenger of Allah entered upon her and she fed him and checked his head for lice. The Messenger of Allah fell asleep, then he woke up smiling. She said: ‘What is making you smile, O Messenger of Allah?’ He said: ‘Some people of my Ummah were shown to me, fighting in the cause of Allah and riding across the sea like kings on thrones.’ I said: ‘O Messenger of Allah, pray to Allah to make me one of them.’ So the Messenger of Allah prayed for her, then he slept again.” (One of the narrators) Al-Hârith, said (in his narration): “He slept then he woke up smiling. I said to him: ‘What is making you smile, O Messenger of Allah?’ He said: ‘Some people of my
Ummah were shown to me, fighting in the cause of Allâh and riding across the sea like kings on thrones, as he had said the first time. I said: 'O Messenger of Allâh, pray to Allâh to make me one of them.' He said: 'You will be one of the first.' And she traveled by sea at the time of Mu‘âwiyyah, then she fell from her mount when she came out of the sea and died." (Sahîh)

Comments

1. Umm Harâm bint Milhân ﷺ was the Prophet's unmarriageable kin (a Mahram), related to his mother's side of the family. The Prophet's visits to her frequently, sleeping at her house, her searching his sacred head for lice, etc., all are understood by the relationship. Otherwise, Allâh's Messenger did not visit other houses of the Helpers in such a way.

2. Allâh's Messenger never had lice in his blessed head. He kept himself clean and tidy. He always remained fragrant and sweet-smelling. Her attempting to find lice in his head is linked to the customary common habit.

3174. It was narrated from Anas bin Mâlik that Umm Harâm bint Milhân said: "The Messenger of Allâh came to us and took a nap in our house, then he woke up smiling. I said: 'O Messenger of Allâh, may my father and mother be ransomed for you, what has made you smile?' He said: 'I saw some people of my Ummah riding on the sea like kings on thrones.' I said: 'Pray to Allâh to make me one of them.' He said: 'You will be one of them.' Then he slept again, and woke up smiling. I asked him and he said the same thing. I said:"
‘Pray to Allâh to make me one of them.’ He said: ‘You will be one of the first.’ Then ‘Ubaydah bin Aš-Šāmit married her, and he traveled by sea, and she traveled with him, but when she came ashore a mule was brought to her and she mounted it, and it threw her off and broke her neck.” (Ṣaḥīḥ)

Chapter 41. Invading India

3175. It was narrated that Abû Hurairah said: “The Messenger of Allâh promised us that we would invade India. If I live to see that, I will sacrifice myself and my wealth. If I am killed, I will be one of the best of the martyrs, and if I come back, I will be Abû Hurairah Al-Muḥarrar.”[1] (Da‘f)

Comments

The Muslims mounted an attack on India (lit. Hindustân), in the year 44H, during the Caliphate of Mu‘awiyyah. Later, the expedition of Muhammad bin Qāsîm, which took place during the Caliphate of Walid bin Abdul Malik is well-known.

3176. It was narrated that Abû Hurairah said: “The Messenger of

Allāh promised that we would invade India. If I live to see that I will sacrifice myself and my wealth. If I am killed, I will be one of the best of the martyrs, and if I come back, I will be Abū Hurairah Al-Muharrar."

(Da‘f)

Chapter 42. Fighting The Turks And The Ethiopians

3177. It was narrated that Thawbān, the freed slave of the Messenger of Allāh, said: "The Messenger of Allāh said: "There are two groups of my Ummah whom Allāh will free from the Fire: The group that invades India, and the group that will be with ‘Isa bin Maryam, peace be upon him.'"

(Hasan)

3178. It was narrated from ‘Abū Sukainah, a man from among the Muharrarīn, that a man among the Companions of the Prophet said: "When the Prophet said:"

[1] Al-Muharrarīn: Those who were freed from the Fire.
commanded them to dig the trench (Al-Khandaq), there was a rock in their way preventing them from digging. The Messenger of Allâh صلّى الله عليه وآله وسلم stood, picked up a pickaxe, put his ريدâ (upper garment) at the edge of the ditch and said: ‘And the Word of your Lord has been fulfilled in truth and in justice. None can change His Words. And He is the All-Hearer, the All-Knower.’ One-third of the rock broke off while Salmân Al-Fârisî was standing there watching, and there was a flash of light when the Messenger of Allâh صلّى الله عليه وآله وسلم struck (the rock). Then he struck it again and said: ‘And the Word of your Lord has been fulfilled in truth and in justice. None can change His Words. And He is the All-Hearer, the All-Knower.’ And another third of the rock broke off and there was another flash of light, which Salmân saw. Then he struck (the rock) a third time and said: ‘And the Word of your Lord has been fulfilled in truth and in justice. None can change His Words. And He is the All-Hearer, the All-Knower.’ The last third fell, and the Messenger of Allâh صلّى الله عليه وآله وسلم came out, picked up his ريدâ and sat down. Salmân said: ‘O Messenger of Allâh صلّى الله عليه وآله وسلم, Each time you struck the rock there was a flash of light.’ The Messenger of Allâh صلّى الله عليه وآله وسلم said to him: ‘O Salmân, did you see that?’ He said: ‘Yes, by the One Who sent you with the truth, O Messenger of

Allāh. He said: ‘When I struck the first blow, the cities of Kisra and their environs were shown to me, and many other cities, and I saw them with my own eyes.’ Those of his Companions who were present said: ‘O Messenger of Allāh, pray to Allāh to grant us victory and to give us their lands as spoils of war, and to destroy their lands at our hands.’ So the Messenger of Allāh ﷺ prayed for that. (Then he said:) ‘Then I struck the second blow and the cities of Caesar and their environs were shown to me, and I saw them with my own eyes.’ They said: ‘O Messenger of Allāh, pray to Allāh to grant us victory and to give us their lands as spoils of war, and to destroy their lands at our hands.’ So the Messenger of Allāh ﷺ prayed for that. (Then he said:) ‘Then I struck the third blow and the cities of Ethiopia were shown to me, and the villages around them, and I saw them with my own eyes.’ But the Messenger of Allāh ﷺ said at that point: ‘Leave the Ethiopians alone so long as they leave you alone, and leave the Turks alone so long as they leave you alone.’” (Hasan)

Comments
1. ‘A Companion or one Companion’: it appears that Companion is Salmān only.
2. The import of reciting the above-mentioned Verse of the Qur’ān during all the three blows which the Prophet ﷺ struck is that the victory of Islam is the absolutely definite decision of Allāh, Most High, which would surely come to pass. No one would be able to alter it.
3179. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ said: "The Hour will not begin until the Muslims fight the Turks, a people with faces like hammered shields who wear clothes made of hair and shoes made of hair." (Sahih)

Comments
1. 'Their faces' means they would be insolently stern and thick, as if hide is mounted over iron.
2. Since the Turks are the habitants of cold regions, they need to wear furred clothes and shoes.

Chapter 43. Seeking The Support Of Allāh By The Supplications Of The Weak

3180. It was narrated from Muṣ'ab bin Sa'd, from his father, that he thought he was better than other Companions of the Prophet ﷺ. The Prophet of Allāh ﷺ said: "Rather, Allāh supports this Ummah because of its weak ones, because of their supplication, their Salāh, and their sincerity." (Sahih)

Comments
'Superiority or precedence (over others)' because he belonged to the group of early Muslims. He used to call himself one-third Islam (the third part of Islam) that means numerically he had been the third to become a Muslim.
Bring me the weak, for you only receive provision and Divine support by virtue of your weak ones.” (Sahih)

Comments
Allah, Most High, wishes to provide subsistence to those weak and feeble folks and desires to do well to them. But since they are dependent on you in some ways, Allah, Most High, gives you also subsistence in order to provide subsistence to them. And He succours you in order to do good to them.

Chapter 44. The Virtue Of The One Who Equips A Warrior

It was narrated from Zaid bin Khâlid that the Messenger of Allah ﷺ said: “Whoever equips a warrior in the cause of Allah has fought, and whoever looks after his family in his absence has fought.” (Sahih)

Comments
While some people join the armed forces, and curb the enemy, the rest of the population contributes from wages and salaries for weapons and other necessities. In this way, the whole community fulfills the obligatory duty of Jihad. And all are rightfully entitled for the reward or recompense.
3183. It was narrated that Zaid bin Khalid Al-Juhanî said: "The Messenger of Allâh ﷺ said: ‘Whoever equips a warrior has fought, and whoever looks after his family in his absence has fought.’” (Saḥîh)

3184. It was narrated that Al-Ahnaﬁ bin Qais said: “We set out as pilgrims and came to Al-Madînah intending to perform Ḥajj. While we were in our camping place unloading our mounts, someone came to us and said: ‘The people have gathered in the Masjid and there is panic.’ So we set out and found the people gathered around a group in the middle of the Masjid, among whom were ‘Alî, Zubayr, Ṭahlîh and Sa’d bin Abî Waqqâs. While we were like that, ‘Uthmân, may Allâh be pleased with him, came, wearing a yellow cloak with which he had covered his head. He said: ‘Is Ṭahlîh here? Is Az-Zubair here? Is Sa’d here?’ They said: ‘Yes.’ He said: ‘I adjure you by the One beside Whom there is none worthy of worship, didn’t the Messenger of Allâh ﷺ say: Whoever buys the Mirbad[1] of Banu so-and-so, Allâh will forgive him, and I bought it for

twenty or twenty-five thousand, then I came to the Messenger of Allâh ﷺ and told him, and he said: Add it to our Masjid and the reward for it will be yours?’ They said: ‘By Allâh, yes.’ He said: ‘I adjure you by the One beside Whom there is none worthy of worship, didn’t the Messenger of Allâh ﷺ say: Whoever buys the well of Rûmah, Allâh will forgive him, so I bought it for such and such an amount, then I came to the Messenger of Allâh ﷺ and told him, and he said: Give it to provide water for the Muslims, and the reward for it will be yours?’ They said: ‘By Allâh, yes.’ He said: ‘I adjure you by the One beside Whom there is none worthy of worship, didn’t the Messenger of Allâh ﷺ say: Whoever equips these (men) – meaning the army of Al-‘Usrah (Tabûk) – Allâh will forgive him, so I equipped them until they were not lacking even a rope or a bridle?’ They said: ‘By Allâh, yes.’ He said: ‘O Allâh, bear witness, O Allâh, bear witness, O Allâh, bear witness.’” (Hasan)

Comments

This incident occurred to the period of the Caliphate of ‘Uthmân ﷺ, and in the final year of his life, when the rebels and corrupted people had ganged up in order to dismember the Caliphate, and had thronged around the city of Al-Madinah. Based on false allegations, they had demanded ‘Uthmân’s abdication and his resignation. They had threatened him with assassination if he did not comply. However, a few days after Hajj and, before the return of the pilgrims.
Chapter 45. The Virtue Of Spending In The Cause Of Allâh

3185. It was narrated from Abû Hurairah that the Prophet ﷺ said: “Whoever spends on a pair (of things) in the cause of Allâh will be called in Paradise: ‘O slave of Allâh, here is prosperity.’ Whoever is one of the people of Salâh, he will be called from the gate of Paradise. Whoever is one of the people of Jihad, he will be called from the gate of Paradise. Whoever is one of the people who fast, he will be called from the gate of Ar-Rayyân.” Abû Bakr, may Allâh be pleased with him, said: “O Messenger of Allâh, no distress or need will befall the one who is called from those gates. Will there be anyone who will be called from all these gates?” The Messenger of Allâh ﷺ said: “Yes, and I hope that you will be one of them.”

(Sahîh)

Comments

This narration has preceded, see No. 2240.

3186. It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘Whoever spends on a pair (of things) in the cause of Allâh, the gatekeepers of Paradise will call him from the gates of Paradise (saying): O So-and-so, come and enter!’ Abû Bakr said:
'O Messenger of Allâh, such a person will never perish or be miserable.' The Messenger of Allâhﷺ said: 'I hope that you will be one of them.' (Sahîh)

3187. It was narrated that Ṣa‘ṣa‘ah bin Mu‘âwiyyah said: 'I met Abû Dharr and said: 'Tell me a Hadîth.' He said. Yes, the Messenger of Allâhﷺ said: There is no Muslim worshipper who spends from each type of his wealth on a pair (of things) in the cause of Allâh, but the keepers of Paradise will welcome him, all of them calling him to what they have (of reward).'

I said: "How is that?" He said: "If it is camels, he gives two, and if it is cows, he gives two." (Sahîh)

3188. It was narrated that Khuraim bin Fâtîk said: "The Messenger of Allâhﷺ said: 'Whoever spends in the cause of Allâh, it will be recorded for him seven hundred fold.'" (Sahîh)
Comments

A tenfold recompense for any righteous deed is certain. In excess of it is in accordance with the sincerity of each individual concerned. There are some unadulterated sincere bondsmen who gain seven-hundredfold recompense.

Chapter 46. The Virtue Of Charity In The Cause Of Allâh

3189. It was narrated from Abû Mas‘ûd that a man gave a bridled camel in charity in the cause of Allâh. The Messenger of Allâh ﷺ said: “On the Day of Resurrection seven hundred bridled camels will come to you.” (Sahîh)

3190. It was narrated from Mu‘âdh bin Jabal that the Messenger of Allâh ﷺ said: “Campaigns are of two types. As for the one who seek the Face of Allâh, obeys the imâm, spends what is precious to him, is easy-going with his companion and avoids mischief, when he is asleep and when he is awake, it will all bring reward. But as for the one who fights to show off, and he disobeys the imâm and does mischief in the land, he will not come back the same as when he left.”[1]  

[1] It will not simply be the case that he comes back with no good deeds to his credit, rather he will have a number of evil deeds on his record.
Comments
Fighting for ostentation and fame would become the cause of punishment instead of recompense. Hence, he would be in the loss compared to his former condition, because the wrong he would have done would exceed the good.

Chapter 47. The Sanctity Of The Wives Of The Mujāhidīn

3191. It was narrated from Sulaimān bin Buraidah that his father said: “The Messenger of Allāh ﷺ said: 'The sanctity of the wives of the Mujāhidīn to those who stay behind is like the sanctity of their mothers. There is no man who takes on the responsibility of looking after the wife of one of the Mujāhidīn and betrays him with her but he (the betrayer) will be made to stand before him on the Day of Resurrection and he will take whatever he wants of his (good) deeds. So what do you think?'”

(Ṣaḥīḥ)

تخريج: آخره مسلم، الإمارة، باب حرمة نساء المجاهدين، وثام من خانهم فيهن، ح: 1897 من حديث وكيع، وهو في الكبرى، ح: 4398.

Chapter 48. The One Who Betrays A Warrior With His Wife

3192. It was narrated from Sulaimān bin Buraidah, from his father, that the Messenger of Allāh ﷺ said: “The sanctity of the wives of the Mujāhidīn to those who stay behind is like the sanctity of their mothers. If he takes on the responsibility of looking after his wife then betrays him, it will be said to him on the Day of Resurrection: ‘This one betrayed you with your wife, so take
whatever you want of his good deeds.' So what do you think?" 

(Student)

3193. It was narrated from Ibn Buraidah, from his father, that the Messenger of Allâh ﷺ said: "The sanctity of the wives of the Mujâhidâın to those who stay behind is like the sanctity of their mothers. There is no man among those who stay behind who takes on the responsibility of looking after the wife of one of the Mujâhidâín (and betrays him) but he (the betrayer) will be made to stand before him on the Day of Resurrection and it will be said: 'O So-and-so, this is so-and-so, take whatever you want from his good deeds.'" Then the Prophet ﷺ turned to his Companions and said: "What do you think: Will he leave him any of his good deeds?" (Student)

Comments

This and the upcoming narrations are apparently not related to the previous chapter. They rather fall under the category of miscellaneous or diversified (Al-Mutafâriqât), which have some or the other relationship with the concept

of Jihad. Jihad with hands is fighting; Jihad with the tongue is conveying the message; Jihad with wealth is to financially assist the fighters.

3195. It was narrated from ‘Abdullāh (may Allāh be pleased with him) that the Messenger of Allāh ﷺ commanded that snakes be killed and he said: “Whoever fears their vengeance is not one of us.” (Da‘if)

3196. It was narrated from ‘Abdullāh bin ‘Abdullāh bin Jabr, from his father, that the Messenger of Allāh ﷺ visited Jabr (when he was sick). When he entered he heard the women crying and saying: “We thought that your death would come when fighting in the cause of Allāh.” He said: “You think that martyrdom only comes when one is killed in the cause of Allāh. In that case your martyrs would be few. Being killed in the cause of Allāh is martyrdom, dying of an abdominal complaint is martyrdom, being burned to death is martyrdom, drowning is martyrdom, being crushed beneath a falling wall is martyrdom, dying of pleurisy is martyrdom, and the woman who dies along with her fetus is a martyr.” A man said: “Are you weeping when the Messenger of Allāh ﷺ is sitting
here?” He said: “Let them be, but if he dies no one should weep for him.” (Sahîh)

**Comment:**
The Prophet’s saying, ‘let them weep’ is the evidence that wailing loudly over the dead is forbidden; there is no harm in crying, because crying or weeping is out of sympathy or compassion. It does not constitute wailing. And wailing is forbidden, not absolute weeping.

**3197.** It was narrated from Jabr that he entered with the Messenger of Allah upon someone who was dying, and the women were weeping. Jabr said: “Are you weeping when the Messenger of Allah is sitting here?” He said: “Let them weep so long as he is among them, but if he dies no one should weep for him.” (Sahîh)
Chapter 1. Mentioning The Command Of The Messenger Of Allah Concerning Marriage, His Wives And What Allah, The Mighty And Sublime, Permitted To His Prophet When It Is Forbidden To Other People, Because Of His Virtue And High Status

3198. It was narrated that ‘Atâ’ said: “We attended the funeral of Maimunah, the wife of the Prophet, with Ibn ‘Abbâs in Sarif. Ibn ‘Abbâs said: ‘This is Maimunah; when you lift up her bier, do not rock it nor shake it. The Messenger of Allah had nine wives and he used to give a share of his time to eight of them and not to one.’” (Sahih)

Comments:
Maymûnah’s marriage, bridal escort to the Prophet’s household, and death; all these events took place in Sarf. She was laid to rest in the same tent from where she was escorted to live with the Prophet. Maimûnah was the sister of Ibn ‘Abbâs’ mother.

3199. It was narrated that Ibn ‘Abbâs said: “When the Messenger of Allah died he had nine wives; he used to be intimate with all of them except one, who had given her day and night to ‘Aishah.” (Sahih)
If someone relinquishes one's right out of free will, then there is nothing wrong in it. Her passion had declined. She, therefore, sacrificed her turn and gifted it to 'Aishah, who had been the only virgin wife among all the other wives of the Prophet محمد (صلى الله عليه وسلم).

3200. Anas narrated that the Prophet محمد (صلى الله عليه وسلم) used to go around to his wives in a single night, and at that time he had nine wives. (Sahih)

Comments:
There is a disagreement whether the Messenger of Allah محمد (صلى الله عليه وسلم) was obliged to apportion his time among his wives or not. But it is unanimously agreed upon that he used to apportion his time and visit all his wives by turns or in rotation.

3201. It was narrated that 'Aishah said: "I used to feel jealous of those (women) who offered themselves (in marriage) to the Prophet محمد (صلى الله عليه وسلم) and I said: 'Would a free woman offer herself?' Then Allāh, the Mighty and Sublime, revealed: 'You can postpone whom you will of them, and you may receive whom you will.'[1] I said: 'By Allāh, I see that your Lord is quick to respond to your wishes.'" (Sahih)

Comments:
"[Exegesis: [It is Sahih]] and he is in the majority."

Tafsīr: [أخرج البخاري، الفضل، باب: الب حرجة ويمشي في السوق وغيره، ح: 5307.]

384. From Anas it was narrated that the Prophet محمد (صلى الله عليه وسلم) used to feel jealous of those (women) who offered themselves (in marriage) to the Prophet محمد (صلى الله عليه وسلم) and I said: 'Would a free woman offer herself?' Then Allāh, the Mighty and Sublime, revealed: 'You can postpone whom you will of them, and you may receive whom you will.'[1] I said: 'By Allāh, I see that your Lord is quick to respond to your wishes.'"

Comments:

Allāh, Most High, had made it permissible for the Prophet ﷺ, that if any believing emigrant woman offers herself to Allāh’s Messenger ﷺ to contract marriage, he could marry her without her guardians; because in the first place, the guardians of the Emigrant women were disbelievers. Their guardianship, therefore, stood annulled. Secondly, in the event of the absence of genealogical guardians, he was their legal guardian on account of him being the ruler. Therefore, in the event of a woman’s offering herself, the Prophet’s ﷺ marriage with her fulfilled all the prerequisites or conditions. But Allāh’s Messenger ﷺ did not take any such woman in marriage, who had offered herself on her own, so that no idle good-for-nothing person could make any accusation, although it was lawful for the Prophet ﷺ according to the rule of the Divine law, from every dimension, legal as well as moral.

3202. It was narrated that Sahl bin Sa’d said: “I was among the people when a woman said: ‘I offer myself (in marriage) to you, O Messenger of Allāh, see what you think of me.’ A man stood up and said: ‘Marry me to her.’ He said: ‘Go and find (something), even if it is an iron ring.’ So he went, but he could not find anything, not even an iron ring. So the Messenger of Allāh ﷺ said: ‘Do you have (memorized) any Sūras of the Qurʾān?’ He said: ‘Yes.’ So he married him to her on the basis of what he knew of Sūras of the Qurʾān.” (Ṣaḥīḥ)

Comments:

This woman was also destitute. She had no guardians. That is why Allāh’s Messenger ﷺ gave her in marriage, becoming her guardian, in his capacity as the ruler. It transpires from this narration that if someone possessed no amount of money to be given as dower (Mahr), the marriage could be contracted in substitution of education. This is because education also consists of wages or remuneration, and remuneration constitutes wealth. Therefore, there is nothing wrong in it.
Chapter 2. What Allāh Enjoined Upon His Prophet and Forbade To Other People In Order To Bring Him Closer To Him

3203. It was narrated from ‘Aishah, the wife of the Prophet ﷺ, that the Messenger of Allāh ﷺ came to her when Allāh commanded him to give his wives the choice. ‘Aishah said: “The Messenger of Allāh ﷺ started with me and said: ‘I am going to tell you something, but you do not have to rush until you consult your parents.’” She said: “He knew that my parents would not tell me to leave him.” Then the Messenger of Allāh ﷺ said: ‘O Prophet! Say to your wives: If you desire the life of this world, and its glitter, then come! I will make a provision for you and set you free in a handsome manner.’”[1] “I said: ‘Do I need to consult my parents about this? I choose Allāh and His Messenger, and the abode of the Hereafter.'” (Saḥīḥ)

Comments:

An-Nasā’i has reckoned this as specific to the Messenger of Allāh ﷺ, because it is obligatory upon us to provide our wives with food, drink, and clothing in every condition. Therefore, we cannot tell our wives to go hungry with us, otherwise they will be divorced. Within the household of the Prophet ﷺ, only women characterized by the Prophetic temperament are appropriate, so that Allāh’s Messenger ﷺ might not encounter any inconvenience.

3204. It was narrated that ‘Āishah, may Allāh be pleased with her, said: “The Messenger of Allāh ﷺ gave his wives the choice (of staying with him) was it divorce?”” (Sahih)

Comments:
Some advocate that if a husband (in the situation mentioned above) offers a choice of divorce to his wife, then the divorce would take place; under all circumstances, even if she chooses to remain in her husband’s house. ‘Āishah ﷺ negated this notion that when the wife gives precedence to her husband: where does the question of divorce arise?

3205. It was narrated that ‘Āishah said: “The Messenger of Allāh ﷺ gave us the choice, and we chose him, so there was no divorce.”” (Sahih)

3206. It was narrated that ‘Aṭā’ said: “Āishah said: ‘The Messenger of Allāh ﷺ did not die until women had been made lawful to him.’”[1] (Sahih)

Comments:
[Sahih] Aḥrār al-bayyari, the divorce, and divorce, are both invalid. ‘Āl al-bayyari, where does the question of divorce arise?

3206. It was narrated that ‘Aṭā’ said: “Āishah said: ‘The Messenger of Allāh ﷺ did not die until women had been made lawful to him.’”[1] (Sahih)

Comments:
[Sahih] Aḥrār al-bayyari, the divorce, and divorce, are both invalid. ‘Āl al-bayyari, where does the question of divorce arise?

1 See Al-Aḥzāb 33:50.
Comments:
When the pure wives of the Prophet ﷺ were proved absolutely successful in the above-mentioned test of volition, Allâh’s Messenger ﷺ was prohibited from divorcing any of his wives, or taking any other wife in addition of them; ‘with a view to underscore their esteemed rank.’ But since the objective was not to impose any restriction upon the Prophet ﷺ, the objective was rather to highlight the sublimity of the pure wives of the Prophet ﷺ, after a little while, it was made clear that there is no restriction upon the Prophet ﷺ concerning the matter of marriage and divorce. You may retain whomever you wish, divorce whomever you want, and take in marriage whomever you desire. But Allâh’s Messenger ﷺ did not make use of this choice. He ﷺ rather retained all his current wives and held them in high esteem.

3207. It was narrated that ‘Âishah said: “The Messenger of Allâh ﷺ did not die until Allâh permitted him to marry whatever women he wanted.” (Sahîh)

Chapter 3. Encouragement To Marry

3208. It was narrated that ‘Alqamah said: “I was with Ibn Mas‘ûd while he was with ‘Uthmân, may Allâh be pleased with him, and ‘Uthmân said: ‘The Messenger of Allâh ﷺ came out to some Fityah (young men) —Abû ‘Abdur-Rahmân said, ‘I did not understand (the word) Fityah as I would want’ — and said: ‘Whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity, and whoever cannot, then fasting will
be a restraint (Wijâ) for him.”

(Sahîh)

Comments:
See No. 3345.

3209. It was narrated from ‘Alqamah, that ‘Uthmân said to Ibn Mas‘ûd: “Shall I arrange for you to marry a young girl?” ‘Abdullâh called ‘Alqamah and he told the people that the Prophet said: “Whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity. And whoever cannot afford it, then let him fast, for it will be restraint for him.” (Sahîh)

Comments:
In this narration the ability to marry denotes financial capability, and not the bodily strength; otherwise, what is the use of fasting in the latter situation?

3210. It was narrated from ‘Alqamah and Al-Aswad that ‘Abdullâh said: “The Messenger of Allâh said to us: ‘Whoever among you can afford it, let him get married, and whoever cannot then he should fast, for it will be a restraint (Wijâ) for him.”’ (Sahîh)

Abû ‘Abdur-Râhîmân said: (The mention of) Al-Aswad in this Hadîth is not preserved.

3211. It was narrated that...
‘Abdullāh said: “The Messenger of Allāh ﷺ said to us: ‘O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity, and whoever cannot then he should fast, for it will be a restraint (Wījā’) for him.’” (Sahih)
Chapter 4. Prohibition Of Celibacy

3214. It was narrated that Sa‘d bin Abī Waqqās said: “The Messenger of Allāh forbade ‘Uthmān to be celibate. If he had given him permission we would have castrated ourselves.” (Sahih)

Comments:
‘Uthman bin Ma‘zūn was young. He had been extremely devoted to worship. He sought the permission of the Prophet to remain preoccupied with worship all the time, and not get involved in the tumult of womenfolk, but Allāh’s Messenger did not grant him permission.

3215. It was narrated from ‘A’ishah that the Messenger of Allāh forbade celibacy. (Sahih)

3216. It was narrated from Samurah bin Jundab that the Prophet forbade celibacy. (Sahih)

Abū ‘Abdur-Raḥmān said: Qatādah is more reliable and better preserves narrations than Ash‘ath but the Hadīth of Ash‘ath (here) appears to be the correct one. Allāh, Most High, knows best.
It was narrated from Abū Salamah that Abū Hurairah said: 

"I said: 'O Messenger of Allāh, I am a young man and I fear hardship for myself, but I cannot afford to marry; should I castrate myself?'" The Prophet ﷺ turned away from him until he said it three times. Then the Prophet ﷺ said: "O Abū Hurairah, the pen is dried concerning what you are going to face, so (it is up to you whether) you castrate yourself or not."[1] (Sahīh)

Abū 'Abdur-Rahmān (An-Nasāʿī) said: Al-Awzāʿī did not hear this narration from Az-Zuhri, and this Ḥadīth is Sahīh, Yûnus reported it from Az-Zuhri.

Comments:

The gist of the Prophet's ﷺ statement is: Allāh, Most High, has the foreknowledge of your upcoming actions. Hence, what good will the forbidden act of castration do to you? It is, therefore, better that you should supplicate to Allāh to grant you abundance or plentifulness, and do every effort to keep away from sinning.

It was narrated from Sa'd bin Hishām that he came to the Mother of the Believers, 'Aīshah. He said: "I want to ask you about celibacy, what do you think about it?" She said: "Do not do that; have you not heard that Allāh, the Mighty and Sublime, says: 'And indeed We sent Messengers before
you, and made for them wives and offspring.?[1] So do not be celibate.” (Sahih)

Comments:

‘Yet, marriage is the Sunnah of the prophets. And whoever dislikes my exemplary way or Sunnah is not of me’ (the upcoming Hadith). To abandon the agreed upon way of the Prophet is an evident misguidance, and severing ties with the Prophets is .

3219. It was narrated from Anas that there was a group of the Companions of the Prophet, one of whom said: “I will not marry women.” Another said: “I will not eat meat.” Another said: “I will not sleep on a bed.” Another said: “I will fast and not break my fast.” News of that reached the Messenger of Allâh and he praised Allâh then said: “What is the matter with people who say such and such? But I pray and I sleep, I fast and I break my fast, and I marry women. Whoever turns away from my Sunnah is not of me.” (Sahih)

Tafsîr: أخْرِجْ أَخْرِجَ مَسْلِمَ النَّكَاحَ، بَابِ اسْتِحَابِ النَّكَاحِ لِمَنْ نَخَّاهُ فَنَخَاهُ إِلَيْهِ وَجَدَ مَوْتَهُ . . . إِنْخُ، ح: 1401 من حديث حماد بن سلمة به، وهو في الكبرى، ح: 524.5.

Comments:

The concluding words of the Hadith are in the form of admonition. In other words, such a person has no relation with me.

Chapter 5. Allâh Will Help The One Who Marries, Seeking To Keep Himself Chaste

3220. It was narrated from Abû...
Hurairah that the Messenger of Allâh ﷺ said: “There are three who are promised the help of Allâh: The Mukâtab[1] who wants to buy his freedom, the one who gets married seeking to keep himself chaste, and the Mujâhid who fights in the cause of Allâh.”

(Hasan)

Comments:
This narration has preceded in the Book of Hajj (No. 3122). There, along with these three, there is mention of one who performs the Hajj and ‘Umrah.

Chapter 6. Marrying Virgins

3221. It was narrated that Jâbir said: “I got married then I came to the Prophet ﷺ and he said: ‘Have you got married, O Jâbir?’ I said: ‘Yes.’ He said: ‘To a virgin or to a previously married woman?’ I said: ‘To a previously-married woman.’ He said: ‘Why not a virgin, so you could play with her and she could play with you?”’ (Sahih)

3222. It was narrated that Jâbir said: “The Messenger of Allâh ﷺ met me and said: ‘O Jâbir, have you got married to a woman since I last saw you?’ I said: ‘Yes, O Messenger of Allâh ﷺ.’ He said:

[1] The slave who has made a contract of manumission.
"To a virgin or to a previously married woman?" I said: "To a previously married woman." He said: "Why not a virgin, so she could play with you?" (Sahih)

Comments:
See No. 3228.

Chapter 7. A Woman Marrying Someone Who Is Similar In Age To Her

3223. It was narrated from 'Abdullâh bin Buraîdah that his father said: "Abû Bakr and 'Umar, may Allâh be pleased with them, proposed marriage to Fâtimah but the Messenger of Allâh ﷺ said: 'She is young.' Then 'Aîf proposed marriage to her and he married her to him." (Sahih)

Comments:
Abû Bakr and 'Umar ﷺ had sent the proposal of marriage with Fatimah ﷺ in order to acquire the honor of being a son-in-law of the Prophet ﷺ.

Chapter 8. A Freed Slave Marrying An 'Arab Woman

3224. It was narrated from 'Ubaidullâh bin 'Abdullâh bin 'Utba that during the reign of Marwân, 'Abdullâh bin 'Amr bin 'Uthmân, who was a young man, issued a final divorce to the
daughter of Sa'eed bin Zaid, whose mother was Bint Qais. Her maternal aunt, Fātimah bint Qais, sent word to her telling her to move from the house of ‘Abdullah bin ‘Amr. Marwân heard of that and sent word to the daughter of Sa'eed, telling her to go back to her home, and asking her why she had moved from her home before her ‘Iddah was over? She sent word to him telling him that her maternal aunt had told her to do that. Fātimah bint Qais said that she had been married to Abī ‘Amr bin Ḥafs, and when the Messenger of Allāh appointed Abī lbn Abī Ṭālib as governor of Yemen, he went out with him and sent word to her that she was divorced with the third Talaq. He told Al-Hârith bin Hishâm and ‘Ayyâsh bin Abî Rai'ah to spend on her. She sent word to Al-Hârith and ‘Ayyâsh asking them what her husband had told them to spend on her, and they said: 'By Allāh, she has no right to any maintenance from us, unless she is pregnant, and she cannot come into our home without our permission.' She said that she came to the Messenger of Allāh and told him about that, and he stated that they were correct. Fātimah said: 'Where should I move to, O Messenger of Allāh?' He said: 'Move to the home of Ibn Umm Maktûm, the blind man whom Allāh, the Mighty and Sublime, named in His Book.' Fātimah said: 'So I observed my ‘Iddah there. He was a man who
has lost his sight, so I used to take off my garments in his house, until the Messenger of Allāh ﷺ married me to Usāmah bin Zaid.’ Marwan criticized her for that and said: ‘I have never heard this Ḥadīth from anyone before you. I will continue to follow the ruling that the people have been following.’” (Ṣaḥīḥ)

Comments:

‘Final divorce’: The third divorce is absolute because following it, one cannot take one’s wife back.

3225. It was narrated from ‘Āishah that Abū Hudhaifah bin ‘Utbah bin Rabī‘ah bin ‘Abd Shams – who was one of those who had been present at Badr with the Messenger of Allāh ﷺ – adopted Sālim and married him to his brother’s daughter, Hind bint Al-Walid bin ‘Utbah bin Rabī‘ah bin ‘Abd Shams, and he was a freed slave of an Anṣārī woman – as the Messenger of Allāh ﷺ had adopted Zaid. During the Jāhiliyyah, if a man adopted someone, the people would call him his son, and he would inherit from his legacy, until Allāh, the Mighty and Sublime, revealed about that: ‘Call them by (the names of) their fathers, that is more just with Allāh. But if you know not their fathers’ names, call them) your brothers in Faith and Mawālīkum (your freed slaves).”[1]

Then if a person’s father’s name

was not known, he would be their freed slave and brother in faith. (Sahih)

3226. It was narrated from 'Aishah the wife of the Prophet ﷺ, and Umm Salamah the wife of the Prophet ﷺ that Abû Hudhaifah bin Utbah bin Rabī'ah bin Abd Shams — who was one of those who had been present at Badr with the Messenger of Allâh ﷺ — adopted Sālim — who was the freed slave of an Ḍunyâni woman — as the Messenger of Allâh ﷺ had adopted Zaid bin Ḥaḍîthah. Abû Hudhaifah bin Utbah married Sālim to his brother's daughter Hind bint Al-Wâlid bin Utbah bin Rabī'ah. Hind bint Al-Wâlid bint Utbah was one of the first Muhâjir women, and at that time she was one of the best single women of the Quraysh. When Allâh, the Mighty and Sublime, revealed the following concerning Zaid bin Ḥaḍîthah: 'Call them by (the names of) their fathers, that is more just with Allâh. But if you know not their fathers (names, call them) your brothers in Faith and Mawâlîkum (your freed slaves).'[1] each of them went back to being called after his father, and if a person's father was unknown, he was named after his former masters. (Sahih)

Chapter 9. Nobility

It was narrated from Ibn Buraidah that his father said: “The Messenger of Allâh ﷺ said: ‘The nobility of the people of this world, that which they (always) go to, is wealth.’”[1] (Sahîh)

Chapter 10. For What Should A Woman Be Married?

It was narrated from Jâbir that he married a woman at the time of the Messenger of Allâh ﷺ, and the Prophet ﷺ met him and said: ‘Have you got married, O Jâbir? He said: ‘Yes.’ He said: ‘A virgin or a previously-married woman?’ I said: ‘A previously married woman.’ He said: ‘Why not a virgin who would play with you?’ I said: ‘O Messenger of Allâh, I have sisters, and I did not want her to come between them and I.’ He said: ‘That’s better then. A woman may be married for her religious commitment, her wealth or her beauty. You should choose the one who is religiously committed, may.

[1] They say that the meaning is that nobility is usually judged based upon wealth and treatment of it, where as honor is based upon Taqwa.
your hands be rubbed with dust
(may you prosper).”’ (Sahîh)

Comments:

“May your hands become dusty (Taribat Yadîk): Primarily this phrase is uttered to admonish, but it is sometimes spoken to express affection and compassion also. (According to the Arabic lexicographers, to say that a person’s hands became dirty, means “he became rich,” as though he became possessor of wealth equal to the dust of the earth (Turâb).

Chapter 11. It Is Disliked To Marry One Who Is Infertile

(السّمّس) 3٢٢٩ - أخبرنا عبّد الرّحمان بن حيي قال: حدّثنا يزيد بن هارون قال: أخبرنا المتسلم بن سعيد عن منصور بن زاذان، عن معاوية بن قروة، عن معقل بن يسار قال: جاء رجل إلى رسول الله ﷺ فقال: إنّي أصيبت امرأة ذات حساب فلصبت إلا أنها لا تلد أنت ترجوها؟ فقال: أمّي آتى الله فينة، ثمّ آتى الله فينة، ثمّ آتى الله فينة، فقال: ترزّجوا الولاد المودّة فإنّي مكافئٌ لكم.” (Hasan)

Comments:

‘But she does not bear children’: Certain things become popular. There is no need to investigate. May be a woman does not get her monthly period, or she might have previously married, and she had no children.
Chapter 12. Marrying An Adulteress

3230. It was narrated from ‘Amr bin Shu‘aib, from his father, from his grandfather, that Martha bin Abī Martha Al-Ghanawī—a strong man who used to take the prisoners from Makkah to Al-Madīnah—said: “I arranged with a man to bring him (from Makkah to Al-Madīnah). There was a prostitute in Makkah who was called ‘Anîq, and she was his friend. She came out and saw my shadow on the wall, and said: ‘Who is this? Martha? Welcome, O Martha, come tonight and stay at our place.’ I said: ‘O ‘Anîq, the Messenger of Allâh has forbidden adultery.’ She said: ‘O people of the tents, this porcupine is the one who is taking your prisoners from Makkah to Al-Madīnah!’ I headed toward (the mountain of) Al-Khandamah, and eight men came after me. They came and stood over my head, and they urinated, and their urine reached me, but Allâh caused them not to see me. Then I went to my companion (the prisoner) and brought him to Al-Arâk, where I undid his fetters. Then I came to the Messenger of Allâh and said: ‘O Messenger of Allâh, shall I marry ‘Anîq?’ He remained silent and did not answer me, then the following was revealed: ‘And the adulteress—fornicator, none marries her except an adulterer—fornicator or an idolater.’[1] He

called me and recited them to me
and said: ‘Do not marry her.’”
(Hasan)

Comments:
‘Strong man’: He lived by theft and robbery during the period of ignorance or
Jāhiliyyah. Allâh’s Messenger ﷺ assigned him the task of retrieving Muslim
captives, in view of his vocation. May Allâh be well-pleased with him.

3231. It was narrated from Ibn ‘Abbâs that a man came to the
Messenger of Allâh ﷺ and said: “I have a wife who is one of the most
beloved of the people to me, but
she does not object if anyone
touches her.” He said: “Divorce
her.” He said: “I cannot do without
her.” He said: “Then stay with her
as much as you need to.” (Sahih)

Abû ‘Abdur-Rahmân (An-Nasâ’i) said: This Hadith is not reliable.
‘Abdul-Karîm is not that strong (a
narrator) and Hârûn bin Râbah is
more reliable than him, and he
narrated it in Mursal form. Hârûn
is trustworthy, and his narration is
more worthy of being considered
correct than ‘Abdul-Karîm’s
narration.
Chapter 13. The Prohibition Of Marrying Adulteresses

3232. It was narrated from Abū Hurairah that the Prophet ﷺ said: “Women are married for four things: Their wealth, their nobility, their beauty and their religious commitment. Choose the one who is religiously-committed, may your hands be rubbed with dust.” (Sahih)

Comments:
In this narration, there is no explicit mention of contracting marriage with adulterers/adulteresses. But the conclusion of the Prophet stating: “Go for the one with religious disposition (bi Dhā'tid dīn)” is very much the same, that an adulteress should not be taken in marriage, because she does not possess a religious disposition.

Chapter 14. Which Woman Is Best?

3233. It was narrated that Abū Hurairah said: “It was said to the Messenger of Allah ﷺ: ‘Which woman is best?’ He said: ‘The one makes him happy when he looks at her, obeys him when he commands her, and she does not go against his wishes with regard to herself nor her wealth.”’ (Hasan)

Comments:
Social relations cannot remain in harmony without the harmonious concord between husband and wife. If both of them are of equal status, the chances of accord are bleak.
Chapter 15. The Righteous Woman

3234. It was narrated from ‘Abdullāh bin ‘Amr bin Al-‘Āṣ that the Messenger of Allāh ﷺ said: “This world is all temporary conveniences, and the best temporary convenience of this world is a righteous woman.” (Sahih)

Comments:
Of the property of the world, the best thing is a virtuous woman, because the husband has constant relations with his wife. If she is virtuous, life would pass in peace, security, and tranquility. If she is not virtuous, then a perpetual dispute would ensue, distress would prevail, and life would become full of discord.

Chapter 16. The Jealous Woman

3235. It was narrated from Anas that they said: “O Messenger of Allāh, why don’t you marry a woman from the Anṣār?” He said: “They are very jealous.” (Sahih)

Comments:
The Helpers (Anṣār) were the people of calm temperament. This is why their womenfolk were domineering upon them. They feared them. Thus, a sort of sharpness had developed in the temperament of the womenfolk of the Helpers. Allāh’s Messenger ﷺ had already had wives previously. The fiery-tempered women generally find it hard to bear themselves with their co-wives.
and husband; rather they turn into a potential headache. Allâh’s Messenger ﷺ did not contact marriage with any woman of the Helpers.

Chapter 17. It Is Permissible To Look Before Marriage

3236. It was narrated that Abû Hurairah said: “A man proposed marriage to a woman from among the Ansâr and the Messenger of Allâh ﷺ said to him: ‘Have you seen her?’ He said: ‘No.’ So he told him to look at her.” (Sahîh)

Comments:
Casting epicurean glances at women is forbidden. Needfully doing so is not prohibited. Marriage is a significant essentiality. Besides, it is a companionship of the whole life. It, therefore, is appropriate to see her in order to avoid any probable future unpleasantness. It does not, however, mean that one should go into her house making demands.

3237. It was narrated that Al-Mughirah bin Shu'bah said: “I proposed marriage to a woman during the time of the Messenger of Allâh ﷺ, and the Prophet ﷺ said: ‘Have you seen her?’ I said: ‘No.’ He said: ‘Look at her, for that is more likely to create love between you.”’ (Sahîh)

Chapter 18. Getting Married In Shawwâl

3238. It was narrated from
The Book Of Marriage

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‘Urwa, that ‘Aīshah said: “The Messenger of Allāh ﷺ married me in Shawwāl and my marriage was consummated in Shawwāl.” – ‘Aīshah liked for her women’s marriages to be consummated in Shawwāl – “and which of his wives was more beloved to him than me?” (Sahih)

Comments:

The literal meaning of the term Shawwāl is a bit ignominious. The Arabs, therefore, regarded this month ill-fated during the period of ignorance. Hence, why they used to regard the making of marriage contracts in this month as an evil omen, as some people nowadays do not consider marriage contracts permissible in the month of Muharram, which, according to them, is the month of mourning. But Islam does not entertain such superstitions.

Chapter 19. Proposal Of Marriage

3239. ‘Āmir bin Shurahbīl Ash-Sha‘bī narrated that he heard Fāṭimah bint Qais – who was one of the first Muhājir women – say: ‘Abd-Rahmān bin ‘Awf proposed marriage to me, along with others of the Companions of Muhammad ﷺ. And the Messenger of Allāh ﷺ proposed that I marry his freed slave, Usāmah bin Zaid. I was told that the Messenger of Allāh ﷺ had said: ‘Whoever loves me, let him love Usāmah.’ When the Messenger of Allāh ﷺ spoke to me I said: ‘My affairs are in your hands; marry me to whomever you wish.’ He said: ‘Go to Umm Sharīk.’ Umm Sharīk was a rich Anṣārī woman who used to spend a great deal in the cause of Allāh,
and she always had a lot of guests. I said: ‘I will do that.’ He said: ‘Do not do that, for Umm Sharîk has a lot of guests, and I would not like your Khîmâr to fall off, or your shins to become uncovered, and the people see something of you that you do not want them to see. Rather go to your cousin (son of your paternal uncle) ‘Abdullâh bin ‘Amr bin Umm Maktûm, who is a man of Banû Fihr.’ So I went to him.” This is an abridged form of it. (Saḥîh)

Comments:
To propose a marriage is not something blameworthy, nor should one get annoyed at it. How could one achieve something without one's asking? However, the proposal ought to be made to the woman's guardian.

Chapter 20. Prohibition Of Proposing Marriage To A Woman When Someone Else Has Already Proposed To Her

3240. It was narrated from Ibn ‘Umar that the Prophet ﷺ said: “None of you should propose marriage to a woman when someone else has already proposed to her.” (Saḥîh)

Comments:
Proposal over proposal (making a proposal while that of another person is still being weighed) is repugnant to sincerity; it also reveals or unmasks jealousy and selfishness. But, if a proposal is turned down then there is no harm in it.

3241. It was narrated that Abû Hurairâh said: “The Messenger of
Allâh ﷺ said: ‘Do not artificially inflate prices, a resident should not sell for a Bedouin, a man should not offer more for something that has already been bought by his brother, no one should propose marriage to a woman when someone else has already proposed to her, and no woman should try to bring about the divorce of her sister, in order to deprive her of the blessings that she has.”’ (Sâhih)

3242. It was narrated from Abû Hurairah that the Prophet ﷺ said: “None of you should propose marriage to a woman when someone else has already proposed to her.” (Sâhih)

3243. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “None of you should propose marriage to a woman when someone else has already proposed to her, unless he marries (and he gives up the idea), or gives him permission.” (Sâhih)
Comments:

‘Unless he marries’: This signifies the other person should wait and watch. If the negotiations succeed and the marriage contract takes place, it is well and good. If the proposal aborts, then the other person may make the proposal.

3244. It was narrated from Abû Hurairah that the Prophet ﷺ said: “None of you should propose marriage to a woman when someone else has already proposed to her.” (Sahih)

Chapter 21. Proposing Marriage When The Other Suitor Gives Up The Idea Or Gives Permission

3245. ‘Abdullâh bin ‘Amr used to say: “The Messenger of Allâh ﷺ forbade offering more for something that has already been bought by his brother, or for a man to propose marriage to a woman when someone else had already proposed to her, unless the previous suitor gave up the idea or gave him permission.” (Sahih)

Comments:

If someone is negotiating a deal, it is not lawful for someone else to begin negotiations. The deal might have already been concluded.

3246. It was narrated from Muhammad bin ‘Abdur-Rahmân bin Thawbân that they asked Fâtimah bint Qais about her story
and she said: “My husband divorced me three times, and he used to provide me with food that was not good.” She said: “By Allâh, if I were entitled to maintenance and accommodation I would demand them and I would not accept this.” The deputy said: “You are not entitled to accommodation or maintenance.” She said: “I came to the Prophet and told him about that, and he said: You are not entitled to accommodation nor maintenance; observe your ‘Iddah in the house of so-and-so.’ She said: ‘His Companions used to go to her. Then he said: ‘Observe your ‘Iddah in the house of Ibn Umm Maktûm, who is blind, and when your ‘Iddah is over, let me know.’” She said: “When my ‘Iddah was over, I let him know. The Messenger of Allâh said: ‘Who has proposed marriage to you?’ I said: ‘Mu‘âwiyyah and another man from the Quraysh.’ He said: ‘As for Mu‘âwiyyah, he is a boy among the Quraysh and does not have anything, and as for the other he is a bad man with no goodness in him. Rather you should marry Usâmah bin Zaid.’” She said: “I did not like the idea.” But he said that to her three times so she married him. (Sahîh)

Comments:

(Similar preceded earlier, see Nos. 3224, 3239)
In the preceding narrations, proposal over a proposal was forbidden. In this narration, Allâh’s Messenger ﷺ made the proposal of marriage with Usama over the proposals of Mu’awiyah and Jahm. In actuality, she had gone to the Prophet ﷺ to consult him. Allâh’s Messenger ﷺ counseled her sincerely. As a matter of fact, her marriage with Usamah proved full of blessings.

Chapter 22. If a Woman Consults a Man Concerning the One Who Has Proposed Marriage To Her, Should He Tell Her Of What He Knows?

3247. It was narrated from Fâtîmah bint Qais that Abû ‘Amr bin Hâfîs issued a final divorce to her while he was absent. His deputy sent some barley to her but she did not like it. He said: “By Allâh, you have no rights over us.” She went to the Messenger of Allâh ﷺ and told him about that, and he said: “You have no right to maintenance.” He told her to observe her ‘Iddah in the house of Umm Sharîk, then he said: “She is a woman whose house is frequented by my Companions. Observe your ‘Iddah in the house of Ibn Umm Maktûm, for he is a blind man and you can take off your garment. And when your ‘Iddah is over, let me know.” She said: “When my ‘Iddah was over I told him that Mu’âwiya bin Abû Sufyân and Abû Jahm had proposed marriage to me. The Messenger of Allâh ﷺ said: ‘As for Abû Jahm, his stick never leaves his shoulder,[1] and as for

[1] This has been interpreted by the scholars as meaning that he traveled a great deal, or that he habitually beat his wives; a third suggestion, that he was a man of high sexual energy, is regarded as being farfetched.
Mu‘awiyyah he is a poor man who has no wealth. Rather you should marry Usâmah bin Zaid.' I did not like the idea, then he said: 'Marry Usâmah bin Zaid.' So I married him and Allâh created a lot of good in him, and others felt jealous of my good fortune.” (Sahîh)

Comments:
In the event of someone’s seeking counsel, one may describe good and bad characteristics of the person concerned. This does not fall under slander or backbiting.

Chapter 23. If A Man Consults Another Man About A Woman, Should He Tell Him What He Knows?

3248. It was narrated that Abû Hurairah said: “A man of the Ansâr came to the Messenger of Allâh and said: ‘I have married a woman.’ He said: ‘Did you look at her? For there is something in the eyes of the Ansâr.’” (Sahîh)

Abû ‘Abdur-Rahmân (An-Nasâ‘î) said: I found this Hadîth in another place, from Yazîd bin Kaisân, that Jâbir bin ‘Abdullâh narrated it, and what is correct is Abû Hurairah.

3249. It was narrated from Abû Hurairah that a man wanted to marry a woman and the Prophet said: “Look at her, for there is...
Chapter 24. A Man Offering His Daughter In Marriage To Someone Whom He Likes

3250. It was narrated that ‘Umar said: “Hafṣah bint ‘Umar became single when (her husband) Khunais – meaning bin Ḥudhâfah – (died). He was one of the Companions of the Prophet ﷺ who had been present at Badr, and he died in Al-Madinah. I met ‘Uthmân bin ‘Affân and offered Hafṣah in marriage to him. I said: ‘If you wish, I will marry you to Hafṣah.’ He said: ‘I will think about it.’ A few days passed, then I met him and he said: ‘I do not want to get married at the moment.’” ‘Umar said: “Then I met Abû Bakr Aṣ-Ṣîdîq, may Allâh be pleased with him, and said: ‘If you wish, I will marry Hafṣah to you.’ He did not give me any answer, and I felt more upset with him than I had with ‘Uthmân, may Allâh be pleased with him. Several days passed, then the Messenger of Allâh ﷺ proposed marriage to her, and I married her to him. Abû Bakr met me and said: ‘Perhaps you felt upset with me when you offered Hafṣah in marriage to me and I did not give you any answer?’
I said: ‘Yes.’ He said: ‘Nothing prevented me from giving you an answer when you made the offer to me except the fact that I had heard the Messenger of Allâh speak of her, and I did not want to disclose the secret of the Messenger of Allâh; if he had left her, then I would have married her.’” (Sahîh)

Comments:

Allâh’s Messenger’s secret: in the event of responding, there was chance of letting out the secret. On the other hand, Allâh’s Messenger had not made any definite decision. He might possibly have changed his mind. In this situation, revelation of the secret could have become the cause of bad feelings between the two groups. Abû Bakr, therefore, chose to remain silent. May Allâh be pleased with him and he with Him.

Chapter 25. A Woman Offering Herself In Marriage To One Whom She Likes

3251. Thâbit Al-Bunânî said: “I was with Anas bin Mâlik and a daughter of his was with him. He said: ‘A woman came to the Messenger of Allâh and offered herself in marriage to him. She said: O Messenger of Allâh, do you want to marry me?’” (Sahîh)

Comments:

Earlier it has preceded that during the period of emigration (from Makkah to Al-Madinah), some women had no parental or original guardians. Therefore, they were compelled to talk about their marriage themselves. In such conditions, there is nothing blameworthy or objectionable.
3252. It was narrated from Anas that a woman offered herself in marriage to the Prophet ﷺ. The daughter of Anas laughed and said: "How little was her modesty." Anas said: "She was better than you; she offered herself in marriage to the Prophet ﷺ." (Sahih)

Comments:
The daughter of Anas had, perhaps, not reflected upon the aforementioned Hadith (3251). Otherwise, making proposal for one's own marriage is not immodesty, especially with the Messenger of Allâh ﷺ; who was her legal and lawful guardian in accordance with the rule of the Divine law.

Chapter 26. A Woman Doing Istikhârah If She Receives A Proposal Of Marriage

3253. It was narrated that Anas said: "When the ‘Iddah of Zainab was over, the Messenger of Allâh ﷺ said to Zaid: ‘Propose marriage to her on my behalf.’ Zaid went and said: O Zainab, rejoice, for the Messenger of Allâh ﷺ has sent me to you to propose marriage on his behalf.’" She said: ‘I will not do anything until I consult my Lord.’ She went to her prayer place and Qur'ân was revealed, then the Messenger of Allâh ﷺ came and entered upon her without any formalities." (Sahih)

Comments:
Zainab had already been married to Zaid bin Harithah, but it turned out to be discordant or disharmonious. Ultimately, it reached the point of divorce.
Zaid was the Prophet’s adopted son. Earlier, a Command had descended that an adopted son in reality is not a son. Allāh, Most High, Willed to promulgate this Command practically. Hence, Allāh, Most High, commanded the Messenger of Allāh to take Zainab in marriage if Zaid divorces her, so that it might become practically evident that an adopted son is not one’s son in actuality.

3254. Anas bin Mālik said: Zainab bint Jahsh used to boast to the other wives of the Prophet and say: “Allāh married me to him from above the Heavens.” And the Verse of Ḥijāb was revealed concerning her. (Ṣahīh)

Comments:
The apparent wording of the Noble Qur’ān “Zawwajnākaha” corroborates that her marriage was not solemnized on the Earth. Rather, by these words of Allāh, Most High, the rite of marriage came to be concluded.

Chapter 27. How To Do

Istikhârah

3255. It was narrated that Jābir bin ‘Abdullāh said: “The Messenger of Allāh used to teach his Companions to perform Istikhârah in all matters, just as he used to teach them Sūrahs from the Qur’ān. He said: ‘If any one of you is deliberating about a decision he has to make, then let him pray two Rak‘ahs of non-obligatory prayer, then say: Allāhumma inni astakhiruka bi ‘ilmika wa astaqdiruka bi qudratika wa as‘atuka min faḍlika, fa innaka taqdiru wa lā aqdir, wa ta‘lamu wa lā a‘lam, wa...”
anta ‘allām al-ghuyūb. Allāhumma in kunta tala’amu anna ādīhal-amra khayrun li fi dīnī wa ma’āshī wa ‘aqibati amrī (or: ḍaijīl amrī wa ḍajīli) faqdurhu li wa yassirhu li thumma bānīk li fihi. Allāhumma, wa in kunta tala’amu annahu sharun li fi dīnī wa ma’āshī wa ‘aqibati amrī (or: ḍaijīli amrī wa ḍajīli) faṣrīshu ‘annī wasrīnī ‘anhu waqdur li al-khayr haythu kāna, thumma rađinī bihi (O Allāh, I seek Your guidance (in making a choice) by virtue of Your knowledge, and I seek ability by virtue of Your power, and I ask You of Your great bounty. You have power, I have none. And You know, I know not. You are the Knower of hidden things. O Allāh, if in Your knowledge, this matter (then it should be mentioned by name) is good for me in my religion, my livelihood and my affairs (or: both in this world and in the Hereafter), then ordain it for me, make it easy for me, and bless it for me. And if in Your knowledge it is bad for me and for my religion, my livelihood and my affairs (or: for me both in this world and the next), then turn it away from me and turn me away from it, and ordain for me the good wherever it may be and make me pleased with it).” (Sahih)

Comments:

Istikhārah means to supplicate Allāh, Most High, for good, and this is done in matter whose goodness or evil is not certain or which contains wavering or hesitation. Therefore, the Istikhārah cannot be done in any obligatory, Sunnah, or prohibited act. This is because the goodness of an obligatory duty,
or a Sunnah and the evil of a forbidden act, is explicitly clear, from the beginning.

Chapter 28. A Son Conducting The Marriage For His Mother

3256. It was narrated from Umm Salamah, that when her ‘Iddah had ended, Abû Bakr sent word to her proposing marriage to her, but she did not marry him. Then the Messenger of Allâh ﷺ sent ‘Umar bin Al-Khattâb with a proposal of marriage. She said: “Tell the Messenger of Allâh ﷺ that I am a jealous woman and that I have sons, and none of my guardians are present.” He went to the Messenger of Allâh ﷺ and told him that. He said: “Go back to her and tell her: As for your saying that you are a jealous woman, I will pray to Allâh for you to take away your jealousy. As for your saying that you have sons, your sons will be taken care of. And as for your saying that none of your guardians are present, none of your guardians, present or absent, would object to that.” She said to her son: “O ‘Umar, get up and perform the marriage to the Messenger of Allâh ﷺ, so he performed the marriage.”

An abridged form. (Hasan)

Comments:

1. ‘When her ‘Iddah had ended’: This woman of lofty rank was married to Abû Salamah, who was a Companion of the Prophet ﷺ, and had participated in the Battle of Badr. When he died, she became a widow.
2. “O ‘Umar! get up and perform the marriage”: ‘Umar was the son of Umm Salamah.

Chapter 29. A Man Marrying Off His Young Daughter

3257. It was narrated from ‘Aishah that the Messenger of Allah Ｍ Ｍ Ｍ Ｍ married her when she was six years old, and consummated the marriage with her when she was nine. (Sahih)

Comments:
There is absolutely no difference of opinion concerning contracting marriage of one’s non-adult or minor daughter. The disagreement, however, exists in the matter whether the daughter has the right to retain the marriage or not, when she reaches puberty. But the girl has the right to dissolve her marriage when she attains puberty, if the marriage contract was made effective by a guardian other than her father. There is consensus over it.

3258. It was narrated that ‘Aishah said: “The Messenger of Allah Ｍ Ｍ Ｍ Ｍ married me when I was seven years old, and he consummated the marriage with me when I was nine.” (Sahih)

Comments:
There is no conflict between six and seven. She had attained the age of six years. The seventh year had commenced.

3259. It was narrated that Abū ‘Ubaidah said: “Āishah said: ‘The Messenger of Allah Ｍ Ｍ Ｍ Ｍ married me when I was nine and I lived with him for nine years.” (Sahih)
Comments:

Her bridal escort took place in the second year of Hijrah and the Prophet lived in Al-Madinah for ten years. Then he passed away. In this narration; “Married me when I was nine” means “I began living with him when I was nine.”

3260. It was narrated from ‘Aishah that the Messenger of Allah married her when she was nine and he died when she was eighteen years old. (Sahih)

Some individuals, who ostensibly claim to be researchers, deny the aforementioned narrations concerning the age of ‘Aishah. These narrations are, however, authentic. It is the statement of ‘Aishah herself, which her various pupils have transmitted from her. A great majority of her pupils cannot make the same mistake.

Chapter 30. A Man Marrying Off His Grown Up Daughter

3261. ‘Umar bin Al-Khattab, may Allah be pleased with him, narrated: “Hafṣah bint ‘Umar became single when (her husband) Khunais bin Ḥudhāfah As-Sahmi (died). He was one of the Companions of the Prophet, and he died in Al-Madinah.” ‘Umar said: “I went to ‘Uthmān bin ‘Affān and offered Hafṣah in marriage to him. I said: ‘If you wish, I will marry you to Hafṣah bint ‘Umar.’ He said: ‘I will think about it.’ A few days passed, then I met him and he said: ‘It seems that

Comments:
I do not want to get married at the moment.” ‘Umar said: “Then I met Abû Bakr Aṣ-Ṣiddîq, may Allâh be pleased with him, and said: ‘If you wish, I will marry Ḥafṣah bint ‘Umar to you.’ Abû Bakr remained silent, and did not give me any answer, and I felt more upset with him than I had with ‘Uthmân. Several days passed, then the Messenger of Allâh proposed marriage to her and I married her to him. Abû Bakr met me and said: ‘Perhaps you felt upset with me when you offered Ḥafṣah in marriage to me, and I did not give you any answer?’ I said: ‘Yes.’ He said: ‘Nothing prevented me from giving you an answer when you made the offer to me, except the fact that I had heard the Messenger of Allâh speak of her, and I did not want to disclose the secret of the Messenger of Allâh. If he had left her, then I would have married her.” (Sahîh)

Comments:

We learn from this narration that the marriage of a widow would also be contracted by her guardian. She would not do it herself.

Chapter 31. Asking A Virgin For Permission With Regard To Marriage

3262. It was narrated from Ibn ‘Abbâs that the Messenger of Allâh said: “A previously married woman has more right to decide about herself (with regard to marriage) than her guardian, and a virgin should be asked for permission with regard to marriage,
and her permission is her silence.”

(Sahih)

 Though the consent of the guardian is a prerequisite for the woman, the consent of the woman herself is equally essential.

3263. It was narrated from Ibn 'Abbâs that the Prophet  said: “A previously married woman has more right to decide about herself (with regard to marriage) than her guardian, and an orphan girl should be consulted, and her permission is her silence.” (Sahih)

3264. It was narrated from Ibn 'Abbâs that the Messenger of Allâh  said: “A previously married woman has more right (to decide) about herself (with regard to marriage) than her guardian, and an orphan girl should be consulted with regard to marriage, and her permission is her silence.” (Sahih)

3265. It was narrated from Ibn 'Abbâs that the Prophet  said: “The guardian has no right (to force) the previously married woman (into a marriage). And an orphan girl should be consulted, and her silence is her approval.” (Sahih)
Comments:
'The guardian has no right': The wording of this report explicitly corroborates the requisite of the guardian. The guardian, however, has no right to create any obstacle. He should rather give precedence to the opinion of the woman.

Chapter 32. Father Seeking
The Consent Of A Virgin With Regard To Marriage
3266. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "A previously married woman has more right (to decide) about herself (with regard to marriage), and a virgin should be consulted by her father, and her permission is her silence." (Sahîh)

Chapter 33. Seeking The Consent Of A Previously Married Woman With Regard To Marriage
3267. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A previously married woman should not be married until her permission has been sought, and a virgin should not be married until her consent is sought." They said: "O Messenger of Allâh ﷺ, how does she give permission?" He said: "Her permission is if she keeps silent." (Sahîh)
Chapter 34. The Permission Of A Virgin

3268. It was narrated from 'Aishah that the Prophet ﷺ said: “Seek the permission of women with regard to marriage.” It was said: “What if a virgin is too shy and remains silent?” He said: “That is her permission.” (Sahih)

Comments:
Since Islam is an instinctively natural religion, the rights of women have been given due consideration in it. It prohibits a woman’s marriage without her consent. Islam gave women these rights at a time when, previously, women were considered pet animals; rather they were tied, untied, and sold like animals.

3269. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “A previously married woman should not be married until her consent has been sought, and a virgin should not be married until her permission has been sought.” They said: “O Messenger of Allāh, what is her permission?” He said: “If she remains silent.” (Sahih)
Chapter 35. Father Marrying Off A Previously Married Woman When She Is Unwilling

3270. It was narrated from Khansā’ bint Khidhām that her father married her off when she had been previously married, and she was unwilling. She went to the Messenger of Allâh ﷺ and he annulled the marriage. (Sahîh)

Comments:
It was astonishing in that period of time, that a marriage by a father was annulled because a girl did not like it.

Chapter 36. Father Marrying Off A Virgin When She Is Unwilling

3271. It was narrated from ’Âishah: “A girl came to her and said: ‘My father married me to his brother’s son so that he might raise his own status thereby, and I was unwilling.’ She said: ‘Sit here until the Prophet ﷺ comes.’ Then the Messenger of Allâh ﷺ came, and I told him (what she had said). He sent word to her father, calling him, and he left the matter up to her. She said: ‘O Messenger of Allâh, I accept what my father did, but I wanted to know whether...”
women have any say in the matter.” (Sahîh)

تخريج: [إسناده صحيح] أخرجه أحمد: 1/136/1 من طريق آخر عن كهمس به، وهو في الكبرى، ح: 5390.

Comments:
1. This narration clearly indicates that a father may not commit the marriage of a virgin without her consent. If he does so and the girl is not prepared, the marriage may be annulled.
2. ‘I accept what my father did.’ This demonstrates that the girl was prudent and virtuous.

3272. It was narrated that Abû Hurairah said: “The Messenger of Allâh said: ‘An orphan girl should be consulted with regard to marriage, and if she remains silent, that is her permission. If she refuses then she is not to be forced.’” (Hasan)


Chapter 37. The Concession Allowing A Muhrim To Marry

المحرَم (التحفة 37) - الرخصة في نكاح

3273 It was narrated that Ibn ‘Abbâs said: “The Messenger of Allâh married Maimûnah bint Al-Hâríth when he was a Muhrîm. According to the Ḥadîth of Ya‘îla (one of the narrators): “In Sarît.” (Sahîh)

تخريج: [صحيح] أخرجه أحمد: 1/136/1 من حديث سعيد بن أبي عروبة به، وتابعه عبدالوهاب، والحديث في الكبرى، ح: 5410، وهو متواتر عن ابن عباس رضي الله عنهما.
3274. It was narrated from Abū Ash-Sha‘thā that Ibn ‘Abbās told him: “The Prophet ﷺ married Maimūnā when he was a Muhrim.” (Ṣaḥīḥ)

3275. It was narrated from Ibn ‘Abbās that the Prophet ﷺ married Maimūnā when he was a Muhrim, and she appointed Al-‘Abbās in charge of her marriage, and he married her to him. (Ṣaḥīḥ)

3276. It was narrated from Ibn ‘Abbās that the Messenger of Allāh ﷺ married Maimūnā when he was a Muhrim. (Ṣaḥīḥ)

Comments:
See Nos. 2840, 2845.

Chapter 38. Prohibition Of Marriage For The Muhrim

3277. ‘Uthmān bin ‘Affān, may Allāh be pleased with him, said: “The Messenger of Allāh ﷺ said: ‘The Muhrim should not get married, or arrange a marriage for someone else, or propose marriage.’” (Ṣaḥīḥ)
3278. 'Uthmān bin 'Affān, may Allāh be pleased with him, narrated that the Prophet ﷺ said: "The Muḥrim should not get married, arrange a marriage for someone else, nor propose marriage." (Ṣaḥīḥ)

Chapter 39. What Is Recommended To Say On The Occasion Of Marriage

3279. It was narrated that 'Abdullāh said: "The Messenger of Allāh ﷺ taught us the Tashahhud for Ṣalāh and the Tashahhud upon Al-Ḥājah.\[1\] He said: 'The Tashahhud upon the occasion of marriage is: Alḥamdu lillāhi nasta'īnahu wa nastaghfiruhu, wa na‘ūdhu billāhi min shurūrī anfusinā, man yahdih Illāhu falā muḍilla lahu wa man yudhil Illāhu falā hādiya lahu, wa asḥadu an lā ilāha illallāh, wa asḥadu anna Muḥammadan ‘abdūhu wa rasūluhu

\[1\] This refers to occasions of marriage, during trade agreements, at the commencement of speeches, among others.
(Praise be to Allah, we seek His help and His forgiveness. We seek refuge with Allah from the evil of our own souls. Whomsoever Allah guides will never be led astray, and whomsoever Allah leaves astray, no one can guide. I bear witness that there is none worthy of worship but Allah, and I bear witness that Muhammad is His slave and Messenger.)' Then he recited three Verses.” (Da'if)

3280. It was narrated from Ibn 'Abbas that a man spoke to the Prophet about something and the Prophet said: “Innal-hamda lillahi nahmaduhu wa nasta'inah, man yahdih Illa hu falah mudilla lahu, wa man yudil Illa hu falah hadiyya lahu, wa ashkhadu an la ilaha illallahi (wahdahu lasharika lahu) wa ashkhadu anna Muhammadan 'abduhu wa rasuluhu. Amma ba'd (Praise be to Allah, we seek His help. Whomsoever Allah guides will never be led astray, and whomsoever Allah leaves astray, no one can guide. I bear witness that there is none worthy of worship but Allah (alone with no partners) and I bear witness that Muhammad is His slave and Messenger. To proceed).” (Sahih)
Chapter 40. What Is Disliked In The Khutbah

3281. It was narrated that ‘Adiyy bin Ḥātim said: “Two men recited a Tashahhud before the Prophet and one of them said: ‘Whoever obeys Allāh and His Messenger has been guided aright and whoever disobeys them has gone astray.’ The Messenger of Allāh said: ‘What a bad speaker you are!’” (Sahih)

Comments:

“What a bad speaker you are.” The Prophet’s rebuke was because the man mentioned Allāh, Most High, and His Messenger in one pronoun (Ya’silzinzB), “disobeys”, which creates the notion that Allāh and His Messenger are equivalent in rank, while there is absolutely no comparison between the Creator and the created. As for the Messenger saying “them” in reference to himself and Allāh, this can only be said by him. This is because in such cases he is not saying ‘us’ but speaking about himself in the third person. And this is not the case if others say “them” regarding Allāh and His Messenger.

Chapter 41. The Words By Which The Marriage Tie Is Completed

3282. Sahl bin Sa’d said: “I was among the people with the Prophet when a woman stood up and said: ‘O Messenger of Allāh, she has offered herself in marriage to you, so see what you think of her.’ He remained silent and the Prophet did not give any answer. Then she stood up (again) and said: ‘O Messenger of Allāh, she has offered herself in marriage to you, so see what you think of

Comments:

The woman in the Hadith mentioned Allāh and His Messenger in one pronoun (Ya’silzinzB), “disobeys”, which creates the notion that Allāh and His Messenger are equivalent in rank, while there is absolutely no comparison between the Creator and the created. As for the Messenger saying “them” in reference to himself and Allāh, this can only be said by him. This is because in such cases he is not saying ‘us’ but speaking about himself in the third person. And this is not the case if others say “them” regarding Allāh and His Messenger.
Chapter 42. Conditions In Marriage

3283. It was narrated from ‘Utba b. ‘Amir that the Messenger of Allah, ﷺ, said: “The conditions that are most deserving of fulfillment, are those by means of which the private parts become allowed to you.” (Sahih)

Comments:

From the outward wording, it is understood that the conditions stipulated at the time of contracting a marriage must be fulfilled.

3284. It was narrated from ‘Utba b. ‘Amir that the Messenger of Allah, ﷺ, said: “The conditions that are most deserving of fulfillment are those by means of which the private parts become permitted to you.” (Sahih)
Chapter 43. The Type Of Marriage After Which, A Thrice-Divorced Woman May Return To Her First Husband

3285. It was narrated that ‘Ā’ishah said: “The wife of Rifā‘ah came to the Messenger of Allāh ﷺ and said: ‘Rifā‘ah divorced me and made it irrevocable. Then I married ‘Abdur-Rahmān bin Az-Zubair, and what he has is like the fringe of a garment.’ The Messenger of Allāh ﷺ smiled and said: ‘Do you want to go back to Rifā‘ah? No, not until he (‘Abdur-Rahmān) tastes your sweetness and you taste his sweetness.’” (Sahih)

Comments:
‘Like the fringe of a garment’: This alludes to the lack of his virility.

Chapter 44. A Stepdaughter Who Is In One’s Care Is Forbidden For Marriage

3286. ‘Urwah narrated that Zainab bint Abī Salamah – whose mother was Umm Salamah, the wife of the Prophet ﷺ – told him that Umm Habībah bint Abī Sufyān told her that she said: “O Messenger of Allāh, marry my sister, the daughter of Abū Sufyān.” She said: “The Messenger of Allāh ﷺ said: ‘Would you like that?’ I said: ‘Yes;
I do not have you all to myself and I would like to share this goodness with my sister.' The Prophet ﷺ said: 'Your sister is not permissible for me (to marry).’ I said: ‘By Allāh, O Messenger of Allāh ﷺ, we have been saying that you want to marry Durrāh bint Abī Salamah.’ He said: ‘The daughter of Umm Salamah?’ I said: ‘Yes.’

He said: ‘By Allāh, even if she were not my stepdaughter who is in my care, she would not be permissible for me (to marry), because she is the daughter of my brother through breast-feeding. Thuwaibah breastfed Abū Salamah and I. So do not offer your daughters or sisters to me in marriage.’” (Sahih)

Chapter 45. The Prohibition Of Being Married To Both A Mother And Daughter

3287. It was narrated from Zainab bint Abī Salamah that Umm Habibah, the wife of the Prophet ﷺ said: “O Messenger of Allāh, marry the daughter of my father” – meaning her sister. The Messenger of Allāh ﷺ said: “Would you like that?” She said: “Yes; I do not have you all to myself, and I would like to share this goodness with my sister.” The Prophet ﷺ said: “That is not permissible for me.” Umm Habibah said: “O Messenger of Allāh ﷺ, Your sister is not permissible for me (to marry).’ I said: ‘By Allāh, O Messenger of Allāh ﷺ, we have been saying that you want to marry Durrāh bint Abī Salamah.’ He said: ‘The daughter of Umm Salamah?’ I said: ‘Yes.’

He said: ‘By Allāh, even if she were not my stepdaughter who is in my care, she would not be permissible for me (to marry), because she is the daughter of my brother through breast-feeding. Thuwaibah breastfed Abū Salamah and I. So do not offer your daughters or sisters to me in marriage.’” (Sahih)
Allāh ﷺ, by Allāh, we have been saying that you want to marry Durrah bint Abī Salamah.” He said: “The daughter of Umm Salamah?” I said: “Yes.” He said: “By Allāh, even if she were not my stepdaughter who is in my care, she would not be permissible for me (to marry), because she is the daughter of my brother through breast-feeding, Thuwaibah breast-fed Abū Salamah and I. So do not offer your daughters or sisters to me in marriage.” (Ṣahīh)

Comments:
The purpose of the chapter is to demonstrate that it is forbidden to marry one’s wife’s daughter. It transpires from the outward phrasing of the chapter that it is forbidden to unite them both in marriage. Even if the wife dies, marriage with her daughter is forbidden. Likewise, contracting marriage with the wife’s mother is not permissible in any circumstance, whether the wife is alive or dead.

3288. It was narrated from ‘Irāk bin Mālik that Zainab bint Abī Salamah told him, that Umm Habībah said to the Messenger of Allāh ﷺ: “We have been saying that you want to marry Durrah bint Abī Salamah.” The Messenger of Allāh ﷺ said: “As a co-wife to Umm Salamah? Even if I were not married to Umm Salamah, she would not be permissible to me, for her father is my brother through breast-feeding.” (Ṣahīh)

Chapter 46. The Prohibition Of Being Married To Two Sisters

3289. It was narrated from Umm Ḥabībah that she said: “O Messenger
of Allâh, what do you think of my sister?” He said: “What for?” She said: “For marriage.” He said: “Would you like that?” She said: “Yes; I do not have you all to myself, and I would like to share this goodness with my sister.” He said: “She is not permissible for me (to marry).” She said: “But I heard that you want to marry Durrah, the daughter of Umm Salamah.” He said: “The daughter of Abû Salamah?” She said: “Yes.” He said: “By Allâh, even if she were not my stepdaughter she would not be permissible for me (to marry), because she is the daughter of my brother through breast-feeding. Do not offer your daughters and sisters to me in marriage.” (Sahih)

Comments:
It is forbidden to contract marriage with two sisters simultaneously, although one after the divorce of the other is permitted. That means, if one of them dies or is divorced, then it is permitted to marry the other sister.

Chapter 47. Being Married To A Woman And Her Paternal Aunt At The Same Time

3290. It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘(A man should not be married to) a woman and her paternal aunt nor to a woman and her maternal aunt at the same time.’” (Sahih)

Comments:
A niece (brother’s daughter), paternal aunt, niece (sister’s daughter), and
maternal aunt are very close relations. It is unlawful to turn such close relations into co-wives, while these relations demand utmost love, affection, and sincerity.

3291. Qabīṣah bin Dhu’aib said that he heard Abū Hurairah say: “The Messenger of Allāh ﷺ forbade (being married to) a woman and her paternal aunt or to a woman and her maternal aunt at the same time.” (Ṣahīh)

3292. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ forbade being married to a woman and her paternal aunt or maternal aunt at the same time.

(Sahih)

3293. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ forbade being married to four kinds of women at the same time: a woman and her paternal aunt or a woman and her maternal aunt.

(Sahih)

Comments:

‘Four women’: The outward wording could cause a grave misunderstanding, because contracting marriage with two of them simultaneously is forbidden.
3294. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt.” (Sahih)

3295. It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ forbade taking a woman as a co-wife to her paternal aunt or her maternal aunt.” (Sahih)

3296. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt.” (Sahih)
Chapter 48. The Prohibition Of Being Married To A Woman And Her Maternal Aunt At The Same Time

3297. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt.” (Sâhîh)

3298. It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ forbade taking a woman as a co-wife to her paternal aunt or her maternal aunt.” (Sâhîh)

Comments:
It is forbidden to contract marriage with a paternal aunt and her niece (brother’s daughter) simultaneously; irrespective of the fact whether the paternal aunt was first committed to marriage or the niece (brother’s daughter). The ruling concerning the maternal aunt and her niece (sister’s daughter) is the same.

3299. ‘Âsîm said: “I read a book to Ash-Sha’bî in which it was narrated from Jâbir that the Prophet ﷺ said: ‘A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt.’ He said: ‘I heard that from Jâbir.'” (Sâhîh)
3300. Jābir bin ‘Abdullāh said: “The Messenger of Allāh ﷺ forbade taking a woman as a co-wife to her paternal aunt or maternal aunt.” (Sahīh)

3301. It was narrated that Jābir said: “The Messenger of Allāh ﷺ forbade taking a woman as a co-wife to her paternal aunt or maternal aunt.” (Sahīh)

Chapter 49. What Becomes Unlawful As A Result Of Breast-feeding

3302. It was narrated from ‘Āishah that the Prophet ﷺ said: “What becomes unlawful (for marriage) through birth becomes unlawful through breast-feeding.” (Sahīh)

Comments:
The same categories of relatives who are unlawful for one to marry because of one’s relation to them are also unlawful to one by foster relationship (through having been breastfed by a particular wet-nurse in infancy). But it
should, however, be kept clearly in mind that those categories of relatives would be unlawful only to the child who has been breast-fed; they would not be unlawful to his other kinship relations. For instance, it is unlawful for the one breastfed in infancy to marry his foster mother and sister, but to marry them is not unlawful to his other brothers. In other words, the whole household of the foster-mother is unlawful to the child who has been breastfed, but the household of the breastfed child are not unlawful to his foster-mother and the other relatives of her household.

3303. It was narrated from ‘A’ishah that her paternal uncle through breast-feeding, whose name was Allah, asked permission to meet her, and she observed Hijab before him. The Messenger of Allah was told about that and he said: “Do not observe Hijab before him, for what becomes unlawful (for marriage) through breast-feeding is that which become unlawful through lineage.” (Sahih)

Comments: ‘A’ishah was under the impression that the establishment of relationship to one who suckles and the one who is suckled is reasonable, but how could it extend to other relatives of her household? Allah’s Messenger explained that in the milk of a woman, there is a share of her husband also. Therefore, the woman’s husband and his relatives also stand in relationship to that male or female child who is suckled.

3304. It was narrated from ‘A’ishah that the Prophet said: “What becomes unlawful (for marriage) through breast-feeding is that which becomes unlawful through lineage.” (Sahih)
3305. It was narrated that ‘Amrah said: “I heard ‘Aishah say: The Messenger of Allah said: ‘What becomes unlawful (for marriage) through breast-feeding is that which becomes unlawful through birth.’” (Sahih)

Chapter 50. The Daughter Of One’s Brother Through Breast-feeding Is Forbidden For Marriage

3306. It was narrated that ‘Ali, may Allah be pleased with him, said: “I said: ‘O Messenger of Allah, why do you choose wives from among Quraish and not from among us?’ He said: ‘Do you have anyone in mind?’ I said: ‘Yes, the daughter of my brother through breast-feeding.’” (Sahih)

3307. It was narrated that Ibn ‘Abbâs said: “Mention was made to the Messenger of Allah of the daughter of Hamzah (as a potential wife). He said: ‘She is the daughter of my brother through breast-feeding.’” (One of the narrators) Shu’bâh said: “Qatâdah heard this from Jâbir bin Zaid.” (Sahih)
3308. It was narrated from Ibn ‘Abbâs that the daughter of Hamzah was suggested to Messenger of Allâh ﷺ (as a potential wife). He said: “She is the daughter of my brother through breast-feeding, and what becomes unlawful (for marriage) through breast-feeding is the same as that which becomes unlawful through lineage.” (Sahîh)

Comments:
The daughter of Hamza was the Prophet’s sister from the side of his uncle, by reason of genealogy; the Prophet’s marriage to her was lawful. This is why Ali proposed her marriage with the Prophet. But she was the Prophet’s foster niece also. This was because Thawbiyah had suckled the Messenger of Allâh and Hamza. Hence, Hamza was the Prophet’s brother by reason of fosterage.

Chapter 51. The Amount Of Breast-feeding That Makes Marriage Prohibited

3309. It was narrated that ‘Aishah said: “One of the things that Allâh, the Mighty and Sublime, revealed” – (one of the narrators) Al-Hârîth said (in his narration): “One of the things that were revealed in the Qur’ân” – “was that ten known breast-feedings make marriage prohibited, then that was abrogated and changed to five known breast-feedings. Then the Messenger of Allâh passed away when this was something that was still being recited in the Qur’ân.” (Sahîh)
3310. It was narrated from Umm Faḍl that the Prophet of Allāh ﷺ was asked about breast-feeding and said: "Suckling (Al-Imlâjâh) once or twice does not make (marriage) prohibited." And (one of the narrators) Qatâdah said (in his narration): "Suckling (Al-Massâh) once or twice does not make (marriage) prohibited." (Sâhîh)

Comments:
This narration is authentic, that one or two suckles do not make a prohibition, until the infant suckles a few more times. In view of the previous narration, it would mean at the most five sucklings so that all the narrations could be acted upon.

3311. It was narrated from ‘Abdullâh bin Az-Zubair that the Prophet ﷺ said: "Suckling once or twice does not make (marriage) prohibited." (Sâhîh)

3312. It was narrated that ‘Âishah said: "The Messenger of Allâh ﷺ said: 'Suckling once or twice does not make (marriage) prohibited.'" (Sâhîh)
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Comments:
Various wordings have occurred in the reports: Massah, Imlâjah, Khatifah, etc. The import of all these expressions is identical. That means to take the breast into the mouth once, and to continue to suckle until the breast is removed from the infant’s mouth. In the same way, the breast milk is considered of no consequence.

3313. Sa‘eed narrated from Qatâdah: “We wrote to Ibrâhîm bin Yazîd An-Nakha‘î asking him about breast-feeding. He wrote back saying that Shurâ‘î had narrated that ‘Ali and Ibn Mas‘ûd used to say: ‘A little or a lot of breast-feeding makes marriage prohibited.’” In his book, it said that Abu Ash-Sha‘th‘â Al-Muhâribî narrated that ‘Aishah had told him that the Prophet of Allâh said: “Suckling (Al-Ehâfah) once or twice does not make (marriage) prohibited.” (Sahîh)

3314. It was narrated that Masrûq said: “‘Aishah said: ‘The Messenger of Allâh entered upon me and there was a man sitting with me. He got upset about that, and I saw the anger in his face.’ I said: ‘O Messenger of Allâh, he is my brother through breast-feeding.’ He said: ‘Be careful who you count as your brothers’ – or: ‘be careful who you count as your brothers through breast-feeding’ – “for the breast-feeding (which makes marriage prohibited) is from hunger.” (Sahîh)
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Comments:
The relationship established by breast-feeding takes place in that period of time when the infant solely depends on milk, and its whole subsistence consists of milk only. If it eats any other thing, it is very little. His primary genuine food ought to be milk. And this is valid until the child is two years old.

Chapter 52. The Breast Milk Belongs To The Husband

3315. It was narrated from ‘Amrah that ‘Aishah told her that the Messenger of Allâh ﷺ was with her, and she heard a man asking permission to enter Hafṣah’s house. ‘Aishah said: “I said: ‘O Messenger of Allâh ﷺ, there is a man asking permission to enter your house.’ The Messenger of Allâh ﷺ said: ‘I think it is so-and-so the paternal uncle of Hafṣah through breast-feeding.’ ‘Aishah said: ‘If so-and-so (her own paternal uncle through breast-feeding) were alive, would he be allowed to enter upon me?’ The Messenger of Allâh ﷺ said: ‘What becomes unlawful (for marriage) through breast-feeding is that which becomes unlawful through birth.’” (Sahîh)

Comments:‘Aishah was under the impression that consequent to breast-feeding or fosterage, the infant’s relationship is established to the woman, because it has suckled from her. But it does not have any relation with the woman’s husband, because the infant has no connection with him. The woman, nonetheless, lactates as a result of a man’s intercourse with her and her pregnancy with his child. Therefore, the relationship of the breast-fed infant would be established with both the woman and her husband. And this is the
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intent of the name of the chapter; that the milk is a result of the father.

3316. It was narrated from ‘Urwah that ‘A’ishah told him: “My paternal uncle through breast-feeding, Abû Al-Ja’d, came to me, and I sent him away. – He (one of the narrators) said: “Hishâm said: ‘He was Abû Al-Qu’ais.’” – “Then the Messenger of Allâh came, and I told him. The Messenger of Allâh said: ‘Give him permission (to enter).’” (Sahîh)

Comments:

A foster uncle could be of two kinds: the real brother of the foster father, or the foster brother of the real father. Marriage is forbidden with both of them.

3317. It was narrated from ‘A’ishah that the brother of Abû Al-Qu’ais asked permission to enter upon ‘A’ishah after the Verse of Hijâb had been revealed, and she refused to let him in. Mention of that was made to the Prophet and he said: “Let him in, for he is your paternal uncle.” She said: “The woman breast-fed me, not the man.” He said: “He is your paternal uncle, so let him visit you.” (Sahîh)

3318. It was narrated that ‘A’ishah said: “Aflah, the brother of Abû Al-Qu’ais, who was my paternal uncle through breast-feeding, used to ask permission to enter upon me, and I refused to let him in
until the Messenger of Allâh ἣ came, and I told him about that. He said: ‘Let him in, for he is your paternal uncle.’’ ‘Aishah said: ‘That was after the (Verse of) Hijâb had been revealed.’ (Saheeh)

Comments:

Marriage is forbidden with one’s uncle. Therefore, there is no observation of Hijâb from him. He may go to the house of his niece, but after obtaining permission, because no one may enter anyone’s house without first obtaining permission. Only the husband could enter his own house without permission.

3319. It was narrated that ‘Aishah said: ‘My paternal uncle Aflâh asked permission to enter upon me after the (Verse of) Hijâb had been revealed, but I did not let him in. The Prophet ἣ came to me and I asked him (about that) and he said: ‘Let him in, for he is your paternal uncle.’ I said: ‘O Messenger of Allâh, the woman breast-fed me, not the man.’ He said: ‘Let him in, may your hands be rubbed with dust, for he is your uncle.’’ (Saheeh)

3320. It was narrated that ‘Aishah said: ‘Aflâh, the brother of Abû Al-Qu’aîs, came and asked permission to enter, and I said: ‘I will not let him in until I seek the permission of the Prophet of Allâh.’ When the Prophet of Allâh came, I said to him: ‘Aflâh, the brother of Abû Al-Qu’aîs, came and asked permission to enter, but I refused to let him in.’ He said:
'Let him in, for he is your paternal uncle.' I said: 'The wife of Abū Al-Qa'īs breast-fed me; the man did not breast-feed me.' He said: 'Let him in, for he is your paternal uncle.' (Sahih)

Chapter 53. Breast-feeding An Adult

3321. Zainab bint Abi Salamah said: 'I heard 'Āishah, the wife of the Prophet ﷺ say: 'Sahlah bint Suhail came to the Messenger of Allāh ﷺ and said: 'O Messenger of Allāh, I see (displeasure) in the face of Abū Hudhaifah when Sālim enters upon me.' The Messenger of Allāh ﷺ said: 'Breast-feed him.' She said: 'He has a beard.' He said: 'Breast-feed him, and that will take away (the displeasure) in the face of Abū Hudhaifah.' She said: 'By Allāh, I never saw that on the face of Abū Hudhaifah after that.' (Sahih)

Comments:

Abū Hudhaifah ﷺ had adopted Sālim (son). He dwelt in the house like sons and used to frequent the house. When the command that an adopted son does not become a son in the real sense of the word, or the rulings of son are applied to him descended, observing Hijāb around him became obligatory. That is why the afore-mentioned situation materialized.

3322. It was narrated that 'Āishah said: 'Sahlah bint Suhail came to the Messenger of Allāh ﷺ and said: 'I
see (displeasure) in the face of Abû Hudhaifah when Sâlim enters upon me.' The Messenger of Allâh ﷺ said: ‘Breast-feed him.’ She said: ‘How can I breast-feed him when he is a grown man?’ He said: ‘Don’t I know that he is a grown man?’ Then she came after that and said: ‘By the One Who sent you with the truth as a Prophet, I have never seen anything I dislike on the face of Abû Hudhaifah after that.’” (Sahîh)

It was narrated that ‘Aishah said: ‘The Messenger of Allâh ﷺ commanded the wife of Abû Hudhaifah to breast-feed Sâlim, the freed slave of Abû Hudhaifah, so that the protective jealousy of Abû Hudhaifah would be dispelled. She breast-fed him when he was a man.’ (One of the narrators) Rabî’ah said: ‘That was a concession granted to Sâlim.’ (Sahîh)

Comments:

It could be stated that at the present time also, if non-Muslims embrace Islam and if they encounter this problem, they also may benefit from this dispensation, provided it solves the problem, as the problem of Abû Hudhaifah was solved.
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Comment:

See No. 3321.

3325. It was narrated from 'Āishah that Sālim, the freed slave of Abū Hudhaifah was with Abū Hudhaifah and his family in their house. The daughter of Suhail came to the Prophet and said: "Sālim has reached the age of manhood, and understands what men understand. He enters upon us, and I think that Abū Hudhaifah is not happy about that." The Prophet said: "Breast-feed him, and you will become unlawful to him" So she breast-fed him, and the displeasure of Abū Hudhaifah disappeared. She came back to him and said: "I breast-fed him and the displeasure of Abū Hudhaifah has disappeared." (Sahih)

3326. It was narrated that 'Urwah said: "The rest of the wives of the Prophet refused for anyone to enter upon them on the basis of that type of breast-feeding, meaning breast-feeding of an adult. They said to 'Āishah: 'By Allāh, we think that what the Messenger of Allāh said:' Breast-feed him, and you will become unlawful to him thereby.' (Ibn Abi Mulaikah, one of the narrators said:) For a year I did not narrate this, then I met Al-Qāsim and he said: 'Narrate it and do not worry about it.'" (Sahih)
Allāh told Sahlah bint Suhail to do was a concession which was granted by the Messenger of Allāh only with regard to breast-feeding Sālim. By Allāh, no one will enter upon us, nor see us on the basis of this type of breast-feeding.” (Sahih)

3327. Zainab bint Abī Salamah narrated that her mother Umm Salamah, the wife of the Prophet, used to say: “The rest of the wives of the Prophet refused for anyone to enter upon them on the basis of that type of breast-feeding, meaning breast-feeding of an adult. They said to ‘Āishah: ‘By Allāh, we think that this is a concession which the Messenger of Allāh granted only to Sālim. No one will enter upon us, nor see us on the basis of this type of breast-feeding.” (Sahih)

Comments:
This conception and inference of the wives of the Prophet is absolutely correct. ‘Āishah used to hold this view. (For further details, see Hadith 3323).

Chapter 54. Al-Ghīlah
(Intercourse With A Breast-feeding Woman)

3328. It was narrated from ‘Āishah that Judūmah bint Wahb told her that the Messenger of Allāh
Chapter 55. Coitus Interruptus

3329. It was narrated from 'Abdur-Rahmân bin Bishr bin Mas'ûd, who attributed the Hadîth to Abû Sa'eed Al-Khudri, that mention of that (coitus interruptus) was made to the Messenger of Allâh ﷺ and he said: "Why do you do that?" We said: "A man may have a wife, and he has intercourse with her, but he does not want her to get pregnant, or he may have a concubine, and he has intercourse with her, but he does not want her to get pregnant." He said: "It does not make any difference if you do that, for it is the matter of Al-Qadar." (Sahîh)

Comments:

1. Al-Azl or coitus interruptus means that a man has intercourse with his wife or slave-woman, but does not allow emission of semen; he ejaculates outside. The objective is to prevent pregnancy.

2. Permissibility or impermissibility of the coitus interruptus depends upon one's intention. If the intention is good, for instance, so the infant's (nursing) health is not injured, or the woman's health does not permit pregnancy, then coitus interruptus is permissible. But if the intention is bad as in concerns for providing for the children, etc., then coitus interruptus is not permissible.
3330. It was narrated from Abû Sa‘îed Az-Zuraqî that a man asked the Messenger of Allâh ﷺ about coitus interruptus and said: “My wife is breast-feeding and I do not want her to get pregnant.” The Prophet ﷺ said: “What has been decreed in the womb will come to be.” (Hasan)

Comments:
In spite of it, Allâh’s Messenger ﷺ did not forbid coitus interruptus, because like other means, this is also a means to prevent pregnancy, which could be made use of. Though, the ultimate verdict lies in the hands of Allâh, Most High.

Chapter 56. Rights And Status Of The Breast-feeding Mother

3331. It was narrated from Hajjâj bin Hajjâj that his father said: “I said: ‘O Messenger of Allâh, how can I pay back the dues of the one who breast-fed me?’ He said: ‘By giving a male or female slave.’” (Hasan)

Comments:
The right of the real mother can never be fulfilled. That will be fulfilled by Allâh Himself. However, for the woman whom one has suckled, if a slave or a slave woman is given to her to serve her, this would fulfill her right.
Chapter 57. Testimony With Regard To Breast-feeding

3332. It was narrated that ‘Uqbah bin Al-Hārith said: I married a woman, then a black woman came to us and said: I breast-fed you both. I went to the Prophet ﷺ and said: I married so and so and a black woman came to me and said: I breast-fed you both. He turned away from me so I came to him from the other side and said: She is lying. He said: “How can you be intimate with your wife when she says that she breast-fed you both? Leave her (divorce her).” (Ṣahih)

Comments:
‘Leave her’: because fosterage is a concealed matter. To find witnesses for it is not possible. It is specifically so when the breast-feeding woman is a slave-woman. This is because the slave women usually frequent houses. If they observe any child crying, they readily set about suckling it. Apparently, witnesses are not expected on such occasions. Therefore, seeking witnesses upon fosterage is futile. Rather, the claim of a nursing woman would be substantiated by swearing an oath.

Chapter 58. Marrying Those Whom One’s Father Married

3333. It was narrated that Al-Barâ’ said: “I met my maternal uncle who was carrying a flag (for an expedition) and I said: ‘Where are you going?’ He said: ‘The Messenger of Allâh ﷺ is sending
me to a man who has married his father’s wife after he died, to strike his neck or kill him.” (Sahih)

Comments:

‘No one can marry one’s own mother’: This means the wife of one’s father (stepmother). One might think she is not one’s (real) mother, so one could marry her. That is why Allāh’s Messenger ﷺ unequivocally negated it. The Command: “And do not marry the women whom your fathers manied” (An-Nisa: 22) is applicable to one’s paternal as well as maternal grandparents. This is because according to the custom prevalent in the society, they equal fathers. ‘Strike his neck’: Whether he had intercourse with her or not. This punishment is for the unlawful marriage.

3334. It was narrated from Yazīd bin Al-Barā’ that his father said: “I met my maternal uncle who was carrying a flag (for an expedition) and I said: ‘Where are you going?’ He said: ‘The Messenger of Allāh ﷺ is sending me to a man who has married his father’s wife, and he has commanded me to strike his neck (kill him) and seize his wealth.”’ (Sahih)

Comments:

1. ‘A flag’ means the banner of Allāh’s Messenger ﷺ, which served as a sign that he had really been sent by the Messenger of Allāh ﷺ.

2. ‘Seize his wealth’: Committing marriage with the wife of one’s father warrants capital punishment, and that his property shall be seized.

3335. It was narrated from Abū Sa‘eed Al-Khudrī that the Prophet of Allāh ﷺ sent an army to Awrās. They met the enemy, fought them, and prevailed over them. They acquired female prisoners who had husbands among the idolaters. The Muslims felt reluctant to be intimate with them. Then Allāh, the Mighty and Sublime revealed: “Also (forbidden are) women already married, except those (slaves) whom your right hands possess,[2] meaning, this is permissible for you once they have completed their ‘Iddah. (Sahih)

Comments:  
1. ‘The Muslims felt reluctant’ because they were married, and their husbands were alive.  
2. ‘Completed their ‘Iddah’: And this waiting period is one menstrual cycle. If the menses start, sexual intercourse would be permitted when it ends. But if the menses stop coming, it would be indicative of pregnancy. Until the childbirth, sexual intercourse is not permitted, nor marriage.

Chapter 60. Ash-Shighār[3]  

3336. It was narrated from Ibn ‘Umar that the Messenger of Allāh ﷺ forbade Ash-Shighār. (Sahih)
Comments:

Ash-Shigār is one of the many forms of marriage that prevailed during the time of ignorance. For details, see below.

3337. It was narrated from 'Imlān bin Ḥusain that the Messenger of Allāh ﷺ said: “There is no ‘bringing’, no ‘avoidance’[1] and no Shīghār in Islam, and whoever robs, he is not one of us.” (Sahih)

٣٣٣٧ - حَذَرَنَا حُمَيْدٌ بْنُ مَسْمَعَةَ قَالَ: حَذَّرَنَا يَسَرُّ قَالَ: حَذَّرَنَا حُمَيْدٌ عَنْ الْحُسَنِ، عَنْ عُمْرَانَ بْنِ حُبَيْشٍ قَالَ: أُنَّ رَسُولَ اللَّهِ ﷺ قَالَ: لَا جَلَبٌ وَلَا جَنَبٌ وَلَا شَيْءٌ فِي الإِلَامَةِ، وَمَنْ أَتَهْبَ تَنَأَسُ فَلَسْنَا يَتَّهِبُونَ.


3338. It was narrated that Anas said: “The Messenger of Allāh ﷺ said: ‘There is no ‘bringing’, no ‘avoidance’ and no Shīghār in Islam, and whoever robs, he is not one of us.’” (Sahih)

٣٣٣٨ - أَخْرَجَهُ عَلِيٌّ بْنُ مُحَمَّدٍ بْنَ عَلِيٍّ قَالَ: حَذَّرَنَا مُحَمَّدٌ بْنُ كَيْثَرٍ عَنْ الْقَرَآرِيٍّ، عَنْ حُمَيْدٍ، عَنْ أَسْبَيْ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا جَلَبٌ وَلَا جَنَبٌ وَلَا شَيْءٌ فِي الإِلَامَةِ، قَالَ أَبُو عَبْدِ الرَّحْمَٰنِ: هَذَا خَطَا فَاجْحُّ، وَالصَّوْابُ كَلِبِّيْثُ بِشَرُّ.

تخريج: [صحيح] وهو في الجوهري، ح: ٥٤٩٦، والحديث سابق شهيد له * محمد بن كثير هو المصيصي، القرآري هو إبراهيم بن محمد بن الحارث، وعلي بن محمد هو ابن أبي المضاء.

[١] Bringing (Jalab) and avoidance (Janab): meaning, the Zakāh collector should not stop in one place and demand that the people bring their goods and livestock to him to assess them and determine how much is due. Conversely, the people should not go to remote areas away from where they are expected to be, so that the Zakāh collector has to travel far and face undue hardship in doing his job.
Chapter 61. Explanation Of Ash-Shighār

3339. It was narrated from Ibn 'Umar that the Messenger of Allāh forbade Ash-Shighār. Ash-Shighār means when a man marries his daughter to another man, on the condition that that man marries his daughter to him, and no dowry is exchanged between them. (Sahih)

3340. It was narrated that Abū Hurairah said: “The Messenger of Allāh forbade Ash-Shighār.” (One of the narrators) ʿUbaydullāh said: “Ash-Shighār means when a man gives his daughter in marriage on condition that (the other man) gives him his sister in marriage.” (Sahih)

Comments:

‘Sister’: This is just to illustrate the point. It might be the condition of the marriage of any, whether it be daughter or sister, brother’s daughter, or sister’s daughter. It makes no difference whatsoever.

Chapter 62. Marriage For Sūrahs Of The Qur'ān

3341. It was narrated from Sahl bin Sa‘d that a woman came to the Messenger of Allāh and said: “O Messenger of Allāh, I have...
come to offer myself to you (in marriage)." The Messenger of Allah looked her up and down then lowered his head. When the woman saw that he was not saying anything about her, she sat down. A man among his Companions stood up and said: "O Messenger of Allah, if you do not want to marry her, then marry me to her."

He said: "Do you have anything?"

He said: "No, by Allah, I do not have anything."

He said: "Look, even if it is only an iron ring." He went, then he came back and said: "No, by Allah, O Messenger of Allah, not even an iron ring, but this is my Izār (lower garment)."

Sahl said: "He did not have a Ridā (upper garment)" – "she can have half of it." The Messenger of Allah said: "What could she do with your Izār? If you wear it, she will not have any of it, and if she wears it, you will not have any of it." The man sat down for a long time, then he got up, and the Messenger of Allah saw him leaving, so he ordered that he be called back. When he came, he said: "What do you know of the Qur'ān?"

He said: "I know Sūrah such-and-such, and Sūrah such-and-such," and listed them. He said: "Can you recite them by heart?"

He said: "Yes."

He said: "Then I marry you to her on the basis of what you know of the Qur'ān." (Ṣaḥīḥ)
Chapter 63. Marriage For Islam

3342. It was narrated that Anas said: "Abū Talḥah married Umm Sulaim and the dowry between them was Islam. Umm Sulaim became Muslim before Abū Talḥah, and he proposed to her but she said: 'I have become Muslim; if you become Muslim I will marry you.' So he became Muslim, and that was the dowry between them.”

(Sahih)

Comments:

It transpires from this Ḥadīth that there was no other dower, except for Abū Talḥah’s Islam. The upcoming narrations further elucidate it. Therefore, any gain or benefit could become a dower; it could either be religious or worldly, as there is mention of the teaching of the Glorious Qur’ān in the previous narration.

3343. It was narrated that Anas said: "Abū Talḥah proposed marriage to Umm Sulaim and she said: 'By Allāh, a man like you is not to be rejected, O Abū Talḥah, but you are a disbeliever and I am a Muslim, and it is not permissible for me to marry you. If you become Muslim, that will be my dowry, and I will not ask you for anything else.' So he became Muslim and that was her dowry.” (one of the narrators) Thabīt said: "I have never heard of a woman whose dowry was more precious than Umm Sulaim (whose dowry was) Islam. And he consummated the marriage with her, and she bore him a child.”

(Hasan)
Comments:
This Hadith clearly indicates that there was no dower except Islam. So to say, if the woman consents, such religious gain or benefit could also become a dower. Wealth is not essential.

Chapter 64. Marriage For Manumission

3344. It was narrated from Anas that the Messenger of Allah ﷺ manumitted Safiyyah and made that her dowry. (Sahih)

Comments:
The Hanafites, etc., do not consider this method adequate. They consider the afore-mentioned incident specifically affiliated to the Prophet ﷺ. The noble Companions, however, did not particularise it.

3345. It was narrated from Anas that the Messenger of Allah ﷺ manumitted Safiyyah and made her freedom her dowry. (Sahih)
This is the wording of Muhammad (one of the narrators).

Chapter 65. A Man Manumitting His Slave Woman, Then Marrying Her

3346. It was narrated that Abû Mūsā said: “The Messenger of Allah ﷺ said: ‘There are three who will be given a twofold reward: A man who has a slave woman whom he disciplines and disciplines her well, and teaches and teaches her well, then he manumits her and marries her; a slave who fulfills his duty toward Allah and toward his masters; and a believer from among the People of the Book.’” (Ṣahīh)

Comments:
1. ‘Twofold reward’: This is because they have performed a twofold righteous deed: emancipation and marriage.
2. ‘Marry her’: means with her consent. Thereupon, whether he pays her the dower, or an agreement is finally reached between them, then the emancipation would be considered the dower.

3347. It was narrated that Abû Mūsā said: “The Messenger of Allah ﷺ said: ‘Whoever manumits his female slave, then marries her, he will have two rewards.’” (Ṣahīh)

Comments:
This is because commitment of marriage after the emancipation is also a favor. Moreover, it is the charity of the two spouses or the couple.
Chapter 66. Fairness In Giving Dowries

3348. ‘Urwah bin Az-Zubair narrated that he asked ‘Aishah about the saying of Allâh, the Mighty and Sublime: “And if you fear that you shall not be able to deal justly with the orphan girls then marry (other) women of your choice.”[1] She said: “O son of my sister, this refers to a female orphan who is in the care of her guardian, and her wealth is joined to his, and he is attracted to her wealth and her beauty. So her guardian wants to marry her without being fair with regard to her dowry, and without giving her what someone else would give her. So they were forbidden to marry them unless they were fair to them and gave them the highest possible dowry that is customarily given, and they were commanded to marry other women of their choice.”

‘Urwah said: “‘Aishah said: ‘Then later on, Allâh, the Mighty and Sublime, revealed concerning them: ‘They ask your legal instruction concerning women, say: Allâh instructs you about them, and about what is recited unto you in the Book concerning the orphan girls whom you give not the prescribed portions and yet whom you desire to marry.’[2] ‘Aishah said: ‘What Allâh, Most High, mentioned here that is recited in the Book is the first Verse in which it says: And if you

fear that you shall not be able to deal justly with orphan girls then marry (other) women of your choice.[1]

'Aishah said: ‘What is referred to in the other Verse – and yet whom you desire to marry[2] – is the desire of one of you not to marry orphan girl who is under his care if she is lacking in wealth and beauty. So they were forbidden to marry those orphan women to whose wealth they were attracted unless they were fair, because of their desire not to marry (those who were lacking in wealth and beauty).” (Sahih)

Comments:
We learn the dower of women ought to be such that it does not take advantage of their social status.

3349. It was narrated that Abû Salamah said: “I asked 'Aishah about that and she said: ‘The Messenger of Allâh ﷺ got married (and married his daughters) for twelve Uqiyah and a Nashsh’” which is five hundred Dirhams. (Sahih)

3350. It was narrated that Abû Hurairah said: “The dowry, when the Messenger of Allâh ﷺ was among us, was ten Awâq.” (Sahih)

Comments:
'Ten Uqiyah': Twelve and a half Uqiyah has reported above. The fractions might probably have been dropped, or the dower in general might be that much! The dower for the Messenger of Allāh might have been five hundred dirhams (silver coins) in view of his specific status. Ten Uqiyah equal four hundred dirhams. This is not the prescribed measure or amount of the dower. It rather might have been an appropriate measure of dower according to the customary practice. Its measure would rise and fall based upon circumstances.

3351. It was narrated that Abū Al-‘Aţfâ’ said: “Umar bin Al-Khaṭṭāb said: ‘Do not go to extremes with regard to the dowries of women, for if that were a sign of honor and dignity in this world, or a sign of piety before Allāh, the Mighty and Sublime, then Muhammad would have done that before you. But he did not give any of his wives, and none of his daughters were given, more than twelve Uqiyah. A man may increase the dowry until he feels resentment against her and says: You cost me everything I own (‘Alaqul-Qirbah’)’ ‘And I was a man born among the ‘Arabs, but I did not know the meaning of ‘Alaqul-Qirbah’ and

[1] In *Musnad Al-Humaidi* (23) it is: “And I was a young man.”

[2] Meaning, due to the ambiguity of the expression: ’Alaqul-Qirbah. A Qirbah is a very large water skin that only a very strong man could carry. So the meaning is that I gave you everything until I even carried a giant water skin to your family, or, did so much that I even sweated enough to fill such a water-skin. In *Al-‘Ilal wa Marâfat Ar-Rijâl* (No. 95) Ahmad narrated regarding this, from Sufyân, who is one of those who narrated this Hadîth as recorded by others: “Until I carried a Qirbah from far away.”
others of you are saying – about those killed in this or that battle of yours, or who died: “So-and-so was martyred,’ or ‘so and so died as a martyr.’ While perhaps he merely overloaded the backside of his beast, or lined his saddle with gold or silver seeking trade. So do not say that, rather say as the Prophet ﷺ said: ‘Whoever is killed in the cause of Allâh, or dies, then he is in Paradise.’” (Hasan)

Comments:

‘Twelve’: mean twelve and a half as has preceded in another Hadith. However, the fractions have been dropped here. This narration also demonstrates the abhorrence of calling so-and-so “Shahîd” as clearly indicated and prohibited by the statement of ‘Umar, in spite of whoever opposes him after him.

3352. It was narrated from Umm Habîbah that the Messenger of Allâh ﷺ married her when she was in Ethiopia. An-Nâji‘î performed the marriage for her and gave her a dowry of four thousand, and he fitted her out from his own wealth, and sent her with Shurâhîl bin Hasanah. The Messenger of Allâh ﷺ did not send her anything, and the dowry of his wives was four hundred Dirhams. (Da‘îf)
Comments:

'She was in Ethiopia': In reality, she had emigrated to Ethiopia along with her husband Ubaidullah bin Jahsh. A little later, Ubaidullah bin Jahsh became a Christian, and died in the state of apostasy. Umm Habibah remained constant in Islam. When Allâh's Messenger ﷺ came to know about the course of events, he sent 'Amr bin Umayyah Ad-Dhamari to An-Najâshī, the emperor of Ethiopia, with his marriage proposal to her.

Chapter 67. Marriage For A Nawâh Of Gold (Five Dirhams)

3353. It was narrated from Anas bin Mâlik that 'Abdur-Rahmân bin 'Awf came to the Prophet ﷺ with traces of yellow perfume on him. The Messenger of Allâh ﷺ asked him (about that) and he told him that he had married a woman from among the Anṣâr. The Messenger of Allâh ﷺ said: "How much did you give her?" He said: "A Nawâh (five Dirhams) of gold." The Messenger of Allâh ﷺ said: "Give a Walimah (wedding feast) even if it is with one sheep." (Sahih)

Comments:

1. 'He married a woman from Al-Ansâr': Some of the saffron or the like which she was wearing, got on him.

2. "Nawâh" was a weight of gold. Its value was three or according to some people, five dirhams. In other words, the dower could be that amount.

3354. 'Abdur-Rahmân bin 'Awf said: "The Messenger of Allâh ﷺ saw me looking cheerful as I had just got married." I said: "I have gotten married to a woman of the
Anṣār.” He said: “How much did you give her as a dowry?” He said: “A Nawāḥ (five Dirhams) of gold.”

(Ṣaḥīḥ)

3355. It was narrated from ‘Abdūr-Raḥmān bin ʿAmr: “The Messenger of Allāh ﷺ said: ‘Whatever is given as a dowry, or gift or is promised her before the marriage belongs to her. Whatever is given after the marriage belongs to the one to whom it was given. And the most deserving for which a (man) is to be honored is (when marrying off) his daughter or sister.’” This is the wording of ‘Abdullāh (one of the narrators).

(Hasan)

Chapter 68. Permission To Get Married Without A Dowry

3356. It was narrated that ‘Alqamah and Al-Aswad said: “A man was brought to ‘Abdullāh who had married a woman without naming a dowry for her, then he died before consummating the marriage with her. ‘Abdullāh said: ‘Ask whether they can find any
report about that.’ They said: ‘O Abū ‘Abdur-Rahmān, we cannot find any report about that.’ He said: ‘I will say what I think, and if it is correct then it is from Allāh. She should have a dowry like that of her peers and no less, with no injustice, and she may inherit from him, and she has to observe the ‘Iddah.’ A man from Ashja stood up and said: ‘The Messenger of Allāh passed a similar judgment among us concerning a woman called Birwa’ bint Wāshiq. She married a man who died before consummating the marriage with her, and the Messenger of Allāh ruled that she should be given a dowry like that of her peers, and she could inherit, and she had to observe the ‘Iddah.’ ‘Abdullāh raised his hands and said the Takbīr.” (Ṣaḥīḥ)

Abū ‘Abdur-Rahmān (An-Nasā’ī) said: I do not know anyone who said “Al-Aswād” in this Ḥadīth, other than Zā’idah.


Comments:

A marriage could be concluded without fixing the dower. But the dower should be determined, agreed, and paid even after conducting the marriage. If the dower is negated, the marriage would be invalid.

3357. It was narrated from ‘Abdullāh that a woman was brought to him who had married a man then he had died without naming any dowry for her and without consummating the marriage with her. They kept coming to him for...
nearly a month, and he did not issue any ruling to them. Then he said: "I think that she should have a dowry like that of her peers no less, with no injustice and she may inherit from him and she has to observe the 'Iddah.'"

Ma'qil bin Sinân Al-Ashja'i testified: "The Messenger of Allâh ﷺ passed a similar judgment concerning Birwa' bint Wâshiq." (Saḥîh)

خريج: [صحيح] أخرجه أبو داود والترمذي من حديث يزيد بن هارون به (انظر الحديث السابق)، وهو في الكبير، ح: 5516.

3358. It was narrated that 'Abdullâh said, concerning a man who married a woman, then died before consummating the marriage with her, and without naming a dowry: "She should have the dowry, and she has to observe the 'Iddah, and she may inherit."

Ma'qil bin Sinân said: "I heard the Prophet ﷺ pass the same judgment concerning Birwa' bint Wâshiq." (Saḥîh)


3359. (Another chain) with a similar narration. (Saḥîh)


3360. It was narrated from 'Abdullâh that some people came to him and said: "A man among us married a woman, but he did not
name a dowry for her, and he did not have intercourse with her before he died. ‘Abdullâh said: ‘Since I left the Messenger of Allâh, I have never been asked a more difficult question than this. Go to someone else.’ They kept coming to him for a month, then at the end of that they said: ‘Who shall we ask if we do not ask you? You are one of the most prominent Companions of Muhammâd in this land and we cannot find anyone else.’ He said: ‘I will say what I think, and if it is correct then it is from Allâh alone, with no partner, and if it is wrong then it is from me and from the Shijân, and Allâh and His Messenger have nothing to do with it. I think that she should be given a dowry like that of her peers and no less, with no injustice, and she may inherit from him, and she has to observe the ‘Iddah, four months and ten days.’’ He said: ‘And that was heard by some people from Ashja’, who stood up and said: ‘We bear witness that you have passed the same judgment as the Messenger of Allâh did concerning a woman from among us who was called Birwa’ bint Wâshiq.’’ He said: ‘‘Abdullâh was never seen looking so happy as he did on that day, except with having accepted Islam.’’ (Sahîh)
Chapter 69. A Woman Giving Herself In Marriage To A Man With No Dowry

3361. It was narrated from Sahl bin Sa'd that a woman came to the Messenger of Allâh and said: "O Messenger of Allâh, I give myself in marriage to you." She stood for a long time, then a man stood up and said: "Marry her to me if you do not want to marry her." The Messenger of Allâh said: "Do you have anything?" He said: "I cannot find anything." He said: "Look (for something), even if it is only an iron ring." So he looked but he could not find anything. The Messenger of Allâh said to him: "Have you (memorized) anything of the Qur'ân?" He said: "Yes, such and such and such and such," naming them. The Messenger of Allâh said: "I marry her to you for what you know of the Qur'ân." (Sahîh)

Comments:
This Hadîth has been mentioned earlier several times. Here the purpose is that the woman had used the term Hibah (gift) and Hibah generally means gratis. Hence, this proposal would also be without dower.

Chapter 70. Allowing Intimacy

3362. It was narrated from An-Nu'mân bin Bashîr that the Prophet said, concerning a man who had intercourse with his wife's slave woman: "If she let him do that, I will flog him with one
hundred stripes, and if she did not let him, I will stone him (to death).” (Hasan)

An unlawful thing does not become lawful by someone’s making it so. If a woman renders her slave woman lawful for her husband, the slave woman would not become lawful for him. This is because the slave woman belongs to the wife; she is not his (husband’s) slave woman. But, if the wife gives him the slave woman as a gift and subsequently she becomes his slave woman, or if the wife marries off the slave woman to the husband, then she would become lawful.

3363. It was narrated from An-Nu‘mân bin Bashîr that a man called ‘Abdur-Rahmân bin Hunain or Yunbazar Qurqûr had intercourse with his wife’s slave woman, and it was brought to An-Nu‘mân bin Bashîr. He said: “I will pass the same judgment concerning her as the Messenger of Allâh did. If she let you do that, I will flog you, but if she did not let you do that, I will stone you (to death).” She had let him do that so he flogged him with one hundred stripes. (One of the narrators) Qatâdah said: “I wrote to Ḥābîb bin Sâlim and he wrote back to me with this information.” (Hasan)

3364. It was narrated from An-Nu‘mân bin Bashîr that the Messenger of Allâh said, concerning a man who had intercourse with his wife’s slave woman: “If she let him do that, I
will flog him with one hundred stripes, and if she did not let him do that, I will stone him (to death).” (Hasan)

3365. It was narrated that Salamah bin Al-Muhabbaq said: “The Prophet passed judgment concerning a man who had intercourse with his wife’s slave woman: ‘If he forced her, then she is free, and he has to give her mistress a similar slave as a replacement; if she obeyed him in that, then she belongs to him, and he has to give her mistress a similar slave as a replacement.’” (Hasan)

Comments:
It is probable that this Hadith was uttered before the revelation of the commands prescribing the legal penalty (Hudud). Now the implementation of the prescribed legal penalty is inevitable. In such a situation, the man involved shall be stoned to death, whether the slave woman had consented or she was raped. The slave woman, however, would be forgiven in the case of rape. In the event of consensual intercourse, she shall receive fifty lashes, as has preceded in the afore-mentioned narrations.

3366. It was narrated from Salamah bin Al-Muhabbaq that a man had intercourse with a slave woman belonging to his wife, and was brought to the Messenger of Allah. He said: “If he forced her, then she is free at his expense and he has to give her mistress a similar slave as a replacement. If she obeyed him in that, then she
belongs to her mistress, and he has to give her mistress a similar slave as well.” (Hasan)

Chapter 71. The Prohibition Of Mut’ah (Temporary Marriage)

3367. It was narrated from Al-Hasan and ‘Abdullâh, the sons of Muhammad, from their father, that ‘Alî heard that a man did not see anything wrong with Mut’ah (temporary marriage). He said: “You are confused, the Messenger of Allâh forbade it, and the meat of domestic donkeys on the day of Khaibar.” (Sahîh)

Comments:

1. Mut’ah (recreational) means a marriage contracted for a specified period of time, or temporary marriage, whether it be for a few hours, days, or years. This sort of marriage automatically ends when its stipulated time finishes. No divorce is required. If the husband dies during the stipulated time, the woman inherits nothing, nor is any waiting period applied to her. In other words, no ruling concerning marriage applies to it, except for intercourse. This, therefore, is not a Shari’ or lawful marriage. It was, however, one form of several practiced marriages of the period of Jahiliyyah. No appropriate action was taken against it in the early period of Islam. But later on, it was forbidden (at the time of Campaign of Khaibar or the Conquest of Makkah); and now it stands forbidden until the Day of Judgment. Such a marriage would be considered null and void, and if it is continued, it would be synonymous with adultery. The Shi’ites still consider it lawful, but even ‘Alî calls its validators lunatics and misguided.

2. ‘A man”: it means Ibn ‘Abbâs. He had earlier thought it was permissible in times of need and compulsion, though generally it is prohibited; whereas other Companions considered it absolutely and eternally forbidden. And this is what is correct. Later on, the misunderstanding of Ibn ‘Abbâs was cleared,
and he reconciled with the other Companions.

3. On the day of the Campaign of Khaibar, according to some venerable individuals, the Day of Khaibar is affiliated with the prohibition of domestic donkeys and not with temporary marriage, because the form of temporary marriage was declared unlawful at the time of the Conquest of Makkah. It is possible a preventive measure was taken on the Day of Khaibar, and later it was declared unlawful at the time of the Conquest of Makkah, or that some were aware at Khaibar, and others heard it as it was mentioned again after the Conquest of Makkah.

4. Domestic donkey: The wild donkey, or onager, which in reality happens to be a cow, is called a wild donkey on account of the similarity of its legs with those of a donkey. Otherwise, in actuality, it is a wild cow and is lawful.

3368. It was narrated from 'Abdullāh and Al-Hasan, the sons of Muḥammad bin 'Alī, from their father, from 'Alī bin Abī Ṭālib, that the Messenger of Allāh ṣallallāhu 'alaihi wa sallam on the Day of Khaibar forbade temporary marriage to women, and (he also forbade) the meat of tame donkeys. (Ṣaḥīḥ)

Comments:
Domesticated donkeys are the very same asses which men keep for their needs. Hence, both these terms are synonymous. Concerning donkeys, they are eternally unlawful. It is the view of the majority of the people of knowledge. It has been ascribed to Imām Mālik ḥasan that he considered some donkeys lawful when kept in inhabitations, if they abstained from eating filth.

3369. Mālik bin Anas narrated that Ibn Shihāb told him that 'Abdullāh and Al-Hasan, the sons of Muḥammad bin 'Alī, told him, that their father Muḥammad bin 'Alī told them, that 'Alī bin Abī Ṭālib, may Allāh be pleased with him, said: “The Messenger of Allāh
on the Day of Khaibar forbade temporary marriage to women.”
(One of the narrators) Ibn Al-Muthanna said: “The Day of Hunain.” He said: “This is what ‘Abdul-Wahhab narrated to us from his book.” (Sahih)

Comments:
Seemingly Hunain is substituted for Khaibar, because in the early period, there were no diacritical marks on letters. There was virtually no difference in the mode of writing the letters Nın and Rà. Khaibar and Hunain looked alike when written. This is why the transmitters made an error. Even if we assume that it was the Day of Hunain, then it would signify the Conquest of Makkah. This is because the Day of Hunain and the Conquest of Makkah are close in time. The Campaign of Khaibar took place in the beginning of the year 7H, whereas the Conquest of Makkah took place toward the end of Ramadan in the year 8H, and the Campaign of Hunain in the beginning of Shawwal in the year 8H.

3370. It was narrated from Ar-Rabi` bin Sabrah Al-Juhani that his father said: “The Messenger of Allah  gave permission for Mut’ah, so I and another man went to a woman from Bani ‘Amir and offered ourselves to her (for Mut’ah). She said: ‘What will you give me?’ I said: ‘My Ridâ’ (upper garment).’ My companion also said: ‘My Ridâ.’ My companion’s Ridâ was finer than mine, but I was younger than him. When she looked at my companion’s Ridâ she liked it, but when she looked at me, she liked me. Then she said: ‘You and your Ridâ are sufficient for me.’ I stayed with her for three (days), then the Messenger of Allah  said: ‘Whoever has any of these women whom he married..."
temporarily should let them go.”

(Sahih)

Comments:
In other words, it is the final command of the Prophet to abandon temporary marriage. It is, therefore, forbidden.

Chapter 72. Announcing The Wedding By Singing And Beating The Duff

3371. It was narrated that Muhammad bin Hāṭib said: “The Messenger of Allâh said: ‘What differentiates between the lawful and the unlawful is the Duff, and the voice (singing) for the wedding.’”

(Hasan)

Comments:
The purpose of this Hadith is to demonstrate that the marriage ought not to be contracted secretly. It should rather be announced in a public way. Besides, marriage is an occasion of rejoicing and on the occasion of celebration, children like singing and playing the Duff. Hence, children should be permitted to play the Duff and sing suitable songs on such happy occasions so that the marriage becomes well publicized. This is lawful for children and women, provided the women are not heard or seen by men. The use of musical instruments other than the Duff is forbidden. The Duff is an extremely simple instrument. Its sound is also low and plain. It is, therefore, allowed. Playing the drums, etc., is forbidden.

3372. It was narrated that Abû Balj said: “I heard Muhammad bin Hāṭib say: ‘What differentiates between the lawful and the unlawful is the voice (singing).’”

(Hasan)
Chapter 73. How To Congratulate A Man When He Gets Married

3373. It was narrated that Al-Hasan said: “Aqîl bin Abî Ţâlib married a woman from Banu Jusham, and it was said to him: ‘May you live in harmony and have many sons.’ He said: ‘Say what the Messenger of Allâh ﷺ said: Bârak Allâhu fikum, wa bâraka lakum. (May Allâh bless you and bestow blessings upon you.)’” (Hasan)

Comments:
The former way of congratulation was a ritual of the time of ignorance; hence, it was changed.

Chapter 74. The Supplication Of The One Who Did Not Attend The Wedding

3374. It was narrated that Anas said: “The Messenger of Allâh ﷺ saw traces of yellow perfume on ‘Abdur-Rahmân and said: ‘What is this?’ He said: ‘I married a woman for a Nawâdh (five Dirhams) of gold.’ He said: ‘May Allâh bless you. Give a Walîmah (wedding feast) even if it is with one sheep.’” (Saḥîh)

Comments:
(See Hadîth 3353)
Chapter 75. Concession
Allowing Yellow Perfume At
The Time Of Marriage

3375. It was narrated from Anas that ‘Abdur-Rahmân bin ‘Awf came with a trace of saffron on him, and the Messenger of Allâh ﷺ said: “What’s this for?” He said: “I have married a woman.” He said: “What dowry did you give?” He said: “The weight of a Nawâh (five Dirhams) of gold.” He said: “Give a Walimah (wedding feast) even if it is with one sheep.” (Sahîh)

Comments:
Earlier in Hadîth 3353, it is reported that ‘Abdur-Rahmân bin ‘Awf might not necessarily have applied saffron deliberately; what is more probable is, while in the company of his wife, his body and clothes might have received marks (of colored perfume) from her garments as hued adornment is forbidden for men. But it transpires from the style of Imâm An-Nasâ’î, that he considers grooms exempt from it. From the aspect of the same understanding, some jurists consider application of henna also, although henna is purely symbolic for women. And Allâh knows best!

3376. It was narrated that Anas said: “The Messenger of Allâh ﷺ saw a trace of yellow perfume on me” – as if he meant ‘Abdur-Rahmân bin ‘Awf – “and said: ‘What’s this for?’ He said: ‘I have married a woman from among the Anşâr.’ He said: ‘Give a Walimah (wedding feast) even if it is with one sheep.’” (Sahîh)
Chapter 76. A Gift Given Before Consummation Of The Marriage

3377. It was narrated from Ibn ‘Abbâs that ‘Ali said: “I got married to Fâtîmah, may Allâh be pleased with her, and I said: ‘O Messenger of Allâh, let me consummate the marriage.’ He said: ‘Give her something.’ I said: ‘I do not have anything.’ He said: ‘Where is your Ḥutamî armor?’ He said: ‘It is with me.’ He said: ‘Give it to her.’” (Sahîh)

Comments:
1. The method adopted by Imâm An-Nasâ’î in the divisions of chapter demonstrates that he considers the afore-mentioned armor separate from the dower, and holds it to be a special gift, while according to many people of knowledge, it was the dower which was given at the time of the couple living together instead of the time when the marriage was agreed. And Allâh knows best!
2. Ḥutamîyyah armor: Ḥutamîyyah probably might allude to its manufacturer or perhaps to its characteristics, which means the breaker of swords, spears, and arrows.

3378. It was narrated that Ibn ‘Abbâs said: “When ‘Ali, may Allâh be pleased with him, married Fâtîmah, may Allâh be pleased with her, the Messenger of Allâh said to him: ‘Give her something.’ He said: ‘I do not have anything.’ He said: ‘Where is your Ḥutamî armor?’” (Sahîh)

Chapter 77. Consummating The Marriage In Shawwāl

3379. It was narrated that 'Āishah said: "The Prophet ﷺ married me in Shawwāl, and he consummated the marriage with me in Shawwāl, and which of his wives find more favor with him than me?" (Sahih)

Chapter 78. Consummation Of Marriage With A Girl Of Nine

3380. It was narrated that 'Āishah said: "The Messenger of Allāh ﷺ married me when I was six, and consummated the marriage with me when I was nine, and I used to play with dolls." (Sahih)

Comments:
1. During the period of ignorance, the people considered the month of Shawwal ill-boding on account of its inherent meaning, and did not consider appropriate to marry or make any construction in this month. It is mere superstition, there is no truth in it. The name of the month casts no effect on its days. Islam is against such superstitions and any hindrance brought on its account in human relations. Islam considers it bad belief. Alas! Nowadays some Muslims also hold such views regarding the month of Muharram. The term Shawwal is derived from Shaul, which connotes a horse's shaking its tail rebelliously and raising it.

2. ‘In Shawwal’: There was an interval of three years between the marriage and then living together. May Allāh be well-pleased with her.

Comments:
Due to climatic conditions and her own physical wholesomeness, she had reached puberty at the age of nine years. There is, therefore, no ambiguity in
3381. It was narrated that 'Aishah said: "The Messenger of Allâh ﷺ married me when I was six, and consummated the marriage with me when I was nine." (Hasan)

Chapter 79. Consummation Of Marriage While Travelling

3382. It was narrated from Anas: "The Messenger of Allâh ﷺ invaded Khaibar and we prayed Al-Ghâdah (Fajr) there (early in the morning) when it was still dark. Then the Prophet ﷺ rode and Abû Tâhâ rode, and I was riding behind Abû Tâhâ. The Prophet of Allâh ﷺ passed through the lane of Khaibar quickly, and my knee was touching the thigh of the Messenger of Allâh ﷺ, and I could see the whiteness of the thigh of the Prophet ﷺ. When he entered the town he said: 'Allâhu Akbar, Khaibar is destroyed! Whenever we approach a (hostile) nation to fight, evil will be the morning for those who have been warned.'[1] He said

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this three times. The people came out for their work.” (One of the narrators) ‘Abdul-‘Azîz said: “They said: ‘Muḥammad (has come)!’” ‘Abdul-‘Azîz said: “Some of our companions said: ‘With his army.’” “We conquered Khaibar and gathered the captives. Dîhyah came and said: ‘O Prophet of Allâh, give me a slave girl from among the captives.’ He said: ‘Go and take a slave girl.’ He took Šâfiyyah bint Ḥuyayy. Then a man came to the Prophet ﷺ and said: ‘O Messenger of Allâh, you gave Dîhyah Šâfiyyah bint Ḥuyayy, and she is the chief mistress of Qurâizah and An-Nâdîr, and she is fit for no one but you.’ He said: ‘Call him to bring her.’ When the Prophet ﷺ saw her, he said: ‘Take any other slave girl from among the captives.” He said: “The Prophet of Allâh ﷺ set her free and married her.” (One of the narrators) Thâbît said to him: “O Abû Ḥamzah, what dowry did he give her?” He (Anas) said: “Herself; he set her free and married her.” He said: “While on the road, Umm Sulaim fitted her out and presented her to him in the night, and the following morning he was a bridegroom. He said: ‘Whoever has anything, let him bring it.’ He spread out a leather cloth and men came with cottage cheese, dates, and ghee, and they made Ḥais, and that was the ṭalîmaḥ (wedding feast) of the Messenger of Allâh ﷺ.” (Ṣâḥîh)
Comments:

1. When other necessities of life could be fulfilled while traveling, marriage and its consummation also could take place, because they are also necessities; particularly so when the travels of those days lasted several weeks, rather months.

2. ‘The thigh’: while riding a mount, the dress might slide due to wind. The thigh, therefore, might be uncovered. It does not mean the Prophet had deliberately uncovered his thighs. This is because baring one’s thighs in populated places is blameworthy even for a common man, except for one who is traveling. While traveling, people generally roll up their hemlines in front of their companions and servants, for a whiff or two of breeze. It is possible in the company of very close companions, because the thigh is not similar to private parts. It should be kept covered because of its nearness to private parts. In the ritual prayer, covering of the thigh constitutes one of the parts which are required to be concealed obligatorily. If the thigh is bare, the prayer shall not be valid.

3. “Khaibar is destroyed!”: Did the Prophet state it on account of Revelation or other than that? Some people of knowledge consider it to have been a supplication, may Khaibar be conquered.

4. ‘Safiyyah bint Huyayy’: She was the daughter of Huyayy bin Akhtab, who was the leader of the entire Jewish community. She was married to another prominent chief. The marriage had recently been contracted. Her husband was killed in the battle and she was taken captive. Seemingly, such a woman of eminent rank was not adequate for any common man. Therefore, the Prophet took her back from Dahiyah and chose her for himself; particularly so, because she was descended from the progeny of Prophet Harun. From the progeny of a Prophet and named to yet another Prophet. What a lofty rank! May Allah be pleased with her and she with Him!

5. No one is allowed to have immediate intercourse with a woman who is married to someone when taken captive, before the expiry of one period or cycle of menses, in order to ensure that she is not pregnant. In case of pregnancy, intercourse is allowed only after the delivery of the child. The Safiyyah coincidentally had been in the state of menses when she was taken captive. The menses ended while traveling. It became certain that she was not pregnant, because pregnancy terminates menses. Hence, cohabitation became permissible for the Prophet.

6. ‘That was the Walimah of the Messenger of Allah’: Only such sort of wedding feast was possible while traveling.

3383. It was narrated from Humaid that he heard Anas say: “The Messenger of Allah stayed
The Book Of Marriage

with Safiyyah bint Huyayy bin Akhtab on the way (back from) Khai bar for three days when he married her, then she was among those who were commanded to observe Hijab.” (Sahih)

Comments:
1. ‘Three days’: This is because the one who already has a wife and marries thereupon another woman, he would stay with her particularly for a period of three days and nights. If she is a virgin, he would stay with her for a period of seven days. Then he would fix turns. Safiyyah was a widow. Allâh’s Messenger ﷺ, therefore, stayed with her for three days. Thereupon, he fixed her turn.

2. ‘She was among those’: means she was not the Prophet’s-slave woman. She was rather included among the wives of the Prophet ﷺ, because the Prophet ﷺ had emancipated her before marrying her. Hijab was required for free women. This is why the words were made use of.

It was narrated that Anas said: “The Prophet ﷺ stayed between Khai bar and Al-Madinah for three days when he consummated his marriage to Safiyyah bint Huyayy, and I invited the Muslims to his Walimah, in which there was no bread or meat. He commanded that a leather cloth (be spread) and dates, cottage cheese and ghee were placed on it, and that was his Walimah. The Muslims said: ‘(Will she be) one of the Mothers of the Believers, or a female slave whom his right hand possesses?’ They said: ‘If he has a Hijab for her, then she will be one of the Mothers of the Believers and if she does not have a Hijab then she will be a female slave whom his right hand possesses.’ When he rode on,
he set aside a plate for her behind him and extended a Hijāb between her and the people.” (Sahih)

Chapter 80. Entertainment And Singing At Weddings

3385. It was narrated that ‘Āmir bin Sa’d said: “I entered upon Qurazah bin Ka’b and Abū Mas‘ūd Al-Anṣārī during a wedding and there were some young girls singing. I said: ‘You are two of the Companions of the Messenger of Allāh Ṭābi‘ī who were present at Badr, and this is being done in your presence!’ They said: ‘Sit down if you want and listen with us, or if you want you can go away. We were granted a concession allowing entertainment at weddings.’” (Sahih)

Comments:
(See No. 3371)

Chapter 81. A Man Fitting Out His Daughter (For Marriage)

3386. It was narrated that ‘Alī, may Allāh be pleased with him, said: “The Messenger of Allāh Ṭābi‘ī fitted out Fāṭimah with a velvet dress, a water-skin and a pillow stuffed with Idhkhar.” (Sahih)
Chapter 82. Beds

3387. It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ said: “A bed for a man, a bed for his wife, a third for his guest and the fourth is for the Shâitân.” (Sâhih)

Comments: (See No. 3352)

‘For the Satan or devil’ means the thing which does not come into use is forbidden to keep. It is the work of Satan. If there are children and other individuals also, there is no harm even if one keeps scores of beds. It is permitted, because they are being used. ‘The fourth’ denotes those which are not used.

Chapter 83. Anmât[1]

3388. It was narrated that Jâbir said: “The Messenger of Allâh ﷺ said to me: ‘Have you got married?’ I said: ‘Yes.’ He said: ‘Have you got any Anmât?’ I said: ‘How can we afford Anmât?’ He said: ‘You will be able to.’” (Sâhih)


[1] Curtains, bedding sheets, etc.
Comments:
And the Prophet's prediction soon proved true. Here the sheets mean bed-sheets, which are spread over mattresses as an outer covering. The purpose of the chapter might also have been to posit that it is permissible to keep bed-sheets in homes. (See Al-Bukhari, No. 5161)

Chapter 84. Giving A Gift To The One Who Has Got Married

3389. It was narrated from Al-Ja'd bin Abi 'Utihman, that Anas bin Malik said: “The Messenger of Allah (ﷺ) got married and consummated the marriage with his wife.” He said: “My mother Umm Sulaim made some Hais, and I bought it to the Messenger of Allah (ﷺ) and said: ‘My mother sends you greetings of Salam, and says to you: ‘This is a little from us.’” He said: ‘Put it down.’ Then he said: ‘Go and call so-and-so, and so-and-so, and whoever you meet,’ and he named some men. So I called those whom he named, and those whom I met.” I said to Anas: “How many were they?” He said: “About three hundred. Then the Messenger of Allah (ﷺ) said: ‘Let them sit around the dish of food in groups of ten, one after the other, and let each person eat from what is closest to him.’ They ate until they were full, then one group went out and another group came in. He said to me: ‘O Anas, clear it away.’ So I cleared it away, and I do not know whether there was more when I cleared it away, or when I put it down.” (Saheeh)
Comments:

On the occasion of marriage, to bestow nuptial gifts to the groom and his bride, to give clothes and other presents, to invite the couple later for a meal, etc., all these things come under this narration. One should, however, guard against excess. Giving gifts to the couple for their new life together also falls in this category. This constitutes fraternal and friendly mutual exchange which comes in good stead for the couple. It increases affection, perpetuates relationships, and strengthens bonds.

3390. It was narrated from Ḥumaid At-Tawil that he heard Anas say: "The Messenger of Allāh ﷺ established the bond of brotherhood between (some of) the Quraysh and (some of) the Anṣār, and he established the bond of brotherhood between Sa‘d bin Ar-Rabī‘ and ‘Abd-Raḥmān bin ‘Awf. Sa‘d said to him: ‘I have wealth, which I will share equally between you and me. And I have two wives, so look and see which one you like better, and I will divorce her, and when her ‘Iddah is over you can marry her.’ He said: ‘May Allāh bless your family and your wealth for you. Show me – i.e., where the market is.’ And he did not come back until he brought some ghee, and cottage cheese that he had left over. He said: ‘The Messenger of Allāh ﷺ saw traces of yellow perfume on me and he said: ‘What is this for?’ I said: ‘I have married a woman from among the Anṣār.’ He said: ‘Give a Walīmah (wedding feast) even if it is with one sheep.’" (Ṣaḥīh)
No other religion, dogmatic theory, or movement can present its equal, which bound together people non-related in a bond more effective and substantial than blood relationship - more effective and substantial than what is found among mothers - begotten real brothers, particularly at a time when people used to be each other's enemies without any reason. Is there any man around who can present to his real brother what Sa'd bin Rabi' presented? May Allâh be pleased with them.

2. The name of the woman mentioned is Umm Aws bint Anas.
36. The Book Of The Kind Treatment Of Women[1]

Chapter 1. Love Of Women

3391. It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'In this world, women and perfume have been made dear to me, and my comfort has been provided in prayer.'" (Hasan)

Comments:

'Coolness of my eyes' means my genuine pleasure and contentment reside in prayer, which are impossible for one to obtain from one's wife and fragrance. This is because ritual prayer is conversing with the Lord of the worlds, Who is the beloved of all, and the remembrance of the beloved is superior to everything.

3392. It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'Women and perfume have been made dear to me, but my comfort has been provided in prayer.'" (Hasan)

Comments:

Hands of the historian in the verification: 3/116.

Manuscripts differ over the location of this book, as well as the order of its narrations. Take note that the number of the book (36) is out of sequence, this is because (36) is its number according to Al-Mu'jam Al-Mufahris li-Alfâz Hadîth, whose book and chapter numbers were followed for our edition.
3393. It was narrated that Anas bin Mâlik said: “Nothing was dearer to the Messenger of Allâh after women than horses.” (Da‘îf)

Comments:
The horse is a brave and courageous animal, which surpasses even the bravery of man. Hence, the horse is immensely beneficial to human life. One of the reasons for Allâh’s Messenger’s love of horses was their use in Jihad. That is why a horse receives two portions of the spoils of war, while man receives one. See No. 3623.

Chapter 2. A Man Being Inclined To Favor One Of His Wives Over Another

3394. It was narrated from Abû Hurairah that the Prophet said: “Whoever has two wives and is inclined to favor one of them over the other, he will come on the Day of Resurrection with half of his body leaning.” (Da‘îf)

Comments:
The reward of deeds is similar to the deeds. Since this man maintained one-sided behavior in the life of this world on the Day of Judgment his gait would lack equilibrium or balance, he would but walk like a lame person, whose one leg is shorter than the other. His tilt (in the world) does not denote the inclination of his heart. It rather signifies his outer behavior for instance, taking turns, subsistence, etc., because the domain of the heart belongs to Allâh. It is in the hands of Allâh. Man proves himself helpless in many a matter of the heart. Hence, one will not face any reproof over it.
3395. It was narrated that ‘Aishah said: “The Messenger of Allâh ﷺ used to divide his time equally among his wives then he would say: ‘O Allâh, this is what I have done with regard to that over which I have control, so do not blame me for that over which You have control and I do not.’” (Sahîh) Hammâd bin Zaid narrated it in Mursal form.[1]

Comments:

“That over which I have no control” means the love of heart, because this is affiliated to the personality, attributes, and demeanor of the person concerned. Individuals are not equal to each other in this domain. The love also, therefore, cannot be of the same depth and intensity.

Chapter 3. When A Man Loves One Of His Wives More Than Another

3396. ‘Aishah said: “The wives of the Prophet ﷺ sent Fâtimah, the daughter of the Messenger of Allâh ﷺ, to the Messenger of Allâh ﷺ. She asked permission to enter when he was lying with me under my cover. He gave her permission to enter, and she said: ‘O Messenger of Allâh, your wives have sent me to you to ask you to

[1] Meaning: This Hadîth, which the author cited, is narrated by Hammâd bin Salamah, from Ayyûb from Abû Qilâbah, from ‘Abdullâh bin Yazîd, from ‘Aishah, while Hammâd bin Zaid has narrated it from Ayyûb, from Abû Qilâbah, without mention of ‘Abdullâh Nor ‘Aishah. See At-Thimidi’s discussion of it after No. 1140, and Tuhfat Al-Ashrâf No. 16290.
be equitable with regard to the matter of the daughter of Abū Quḥāfah.’ I (ʿĀishah) kept quiet and the Messenger of Allāh ﷺ said to her: ‘O my daughter! Do you not love the one whom I love?’ She said: ‘Yes.’ He said: ‘Then love this one.’ Fāṭimah stood up when she heard this and left the Messenger of Allāh ﷺ, and went back to the wives of the Prophet ﷺ. She told them what she had said, and what he had said to her. They said to her: ‘We do not think that you have been of any avail to us. Go back to the Messenger of Allāh ﷺ and say to him: Your wives are urging you to be equitable with regard to the matter of the daughter of Abū Quḥāfah.’” Fāṭimah said: ‘No, by Allāh; I will never speak to him about her again.’ ʿĀishah said: “So the wives of the Prophet ﷺ sent Zainab bint Jahsh to the Messenger of Allāh ﷺ; she was one who was somewhat equal to me in rank in the eyes of the Messenger of Allāh ﷺ. And I have never seen a woman who was better in religious commitment than Zainab, more fearing of Allāh, more honest in speech, more dutiful in upholding the ties of kinship, more generous in giving charity, and devoted in giving of herself in acts of charity, by means of which she sought to draw closer to Allāh. But she was quick-tempered; however, she was also quick to calm down. She asked permission to enter upon the Messenger of Allāh ﷺ when he
was with 'Aishah under her cover, in the same situation as when Fāṭimah had entered. The Messenger of Allâh ﷺ gave her permission to enter and she said: 'O Messenger of Allâh, your wives have sent me to ask you to be equitable with regard to the matter of the daughter of Abū Quḥāfah.' Then she verbally abused me at length, and I was watching the Messenger of Allâh ﷺ to see if he would allow me to respond. Zainab went on until I realized that the Messenger of Allâh ﷺ would not disapprove if I responded. Then I spoke back to her in such a way, until I silenced her. Then the Messenger of Allâh ﷺ said: 'She is the daughter of Abū Bakr.'” (Sahîh)

Comments:
1. ‘The daughter of Abū Quḥāfah’: This was uttered with a view to humiliate, because when they wanted to express their dislike toward someone, the Arabs used to attribute the object of their contempt to non-popular parentage. Abū Quḥāfah was actually the name of Abū Bakr’s father, who had till then not accepted Islam. Kinship was ascribed to the grandfather instead of father.
2. ‘Some what equal to me’ because she belonged to the household of the Prophet ﷺ. She was the daughter of the Prophet’s ﷺ paternal aunt. Besides, she had come into the Prophet’s ﷺ wedlock by Allâh’s command.
3. ‘The daughter of Abū Bakr’: Praised her; she was extolled as of having excellent moral character, patience, endurance, terse and to-the-point speech, fluent and eloquent, which compelled Zainab to become silent. Abū Bakr too possessed these qualities, to the point of their perfection. He, therefore, attributed her to him. He could have otherwise simply stated: She is ‘Aishah. (May Allâh be pleased with her).

3397. It was narrated that ‘Aishah mentioned a similar report and said: “The wives of the Prophet ﷺ...
sent Zainab and she asked him permission to enter and she entered.” (Ṣaḥīḥ) And she said something similar. Ma'āmar contradicted the two of them;[1] he reported it from Az-Zuhrī, from ‘Urwah, from ‘Āishah:

3398. It was narrated that ‘Āishah said: “The wives of the Prophet  got together and sent Fāṭimah to the Prophet . They told her to say: ‘Your wives’” - and he (the narrator) said something to the effect that they are urging you to be equitable with regard to the matter of the daughter of Abū Quháfah. She said: “So she entered upon the Prophet  when he was with ‘Āishah under her cover. She said to him: ‘Your wives have sent me and they are urging you to be equitable with regard to the matter of the daughter of Abū Quháfah.’ The Prophet  said to her: ‘Do you love me?’ She said: ‘Yes.’ He said: ‘Then love her.’ So she went back to them and told them what he said. They said to her: ‘You did not do anything; go back to him.’ She said: ‘By Allāh, I will never go back (and speak to him) about her again.’ She was truly the daughter of the Messenger of Allāh . So

[1] That is Shu‘aib and Sālih who reported the last two narrations from him.
they sent Zainab bint Jahsh.

`Aishah said: "She was somewhat my equal among the wives of the Prophet ﷺ. She said: 'Your wives have sent me to urge you to be equitable with regard to the matter of the daughter of Abū Qhāfah.' Then she swooped on me and abused me, and I started watching the Prophet ﷺ to see if he would give me permission to respond to her. She insulted me and I started to think that he would not disapprove if I responded to her. So I insulted her and I soon silenced her. Then the Prophet ﷺ said to her: 'She is the daughter of Abū Bakr.'" `Aishah said: "And I never saw any woman who was better, more generous in giving charity, more keen to uphold the ties of kinship, and more generous in giving of herself in everything by means of which she could draw closer to Allāh than Zainab. But she had a quick temper; however, she was also quick to calm down."

(Sahih)

Abū `Abdur-Rahmān (An-Nasài) said: This is a mistake, and what is correct is the one which is before it.

Comments:

1. Fatimah’s calling `Aishah ‘the daughter of Abū Qhāfah’ in actuality was in order to report the speech of the wives of the Prophet ﷺ verbatim. Otherwise, it was not possible for her to perpetrate such disrespect in her prestigious standing, because `Aishah enjoyed the rank of being her mother. The rest of the Prophet’s wives equaled her. She was in a position to speak to them thusly.

2. ‘Toward his eyes’: In expectation that he would perhaps make a suggestion.
But the Messenger of Allâh ﷺ was not used to make any secret indication with his eyes, as it falls under the category of deception for the other party. And he was innocent and pure of such things.

3. ‘She was truly the daughter’ means who loved the Prophet ﷺ deeply and sincerely. She greatly respected him and possessed his habits and traits. (May Allâh be pleased with her and she with Him).

3399. It was narrated from Abû Mûsa that the Prophet ﷺ said: “The superiority of ‘Âishah to other women is like the superiority of Tharîd to other kinds of food.” (Sahîh)

Comments:

Tharîd, a popular dish of the Arabs consisting of very thin bread soaked in a broth of meat, is easy to prepare and easy to digest. The knowledge of ‘Âishah ﷺ was easily obtainable for the nation. The fact of the matter is that the knowledge of ‘Âishah ﷺ gave benefit to the Ummah, which other women could not give, even a portion of. Even men could not surpass her in memory, intelligence, sagacity, prudence, fluency, eloquence, education, and oratory, May Allâh be pleased with her. It transpires from other narrations that the best of the women of the nation is the Prophet’s ﷺ first wife, Khadijah ﷺ, whom the Prophet ﷺ could not forget till the last breath of his life.

3400. It was narrated from ‘Âishah that the Prophet ﷺ said: “The superiority of ‘Âishah to other women is like the superiority of Tharîd to other kinds of food.” (Hasan)

Comments:

3401. It was narrated that ‘Aishah said: “The Messenger of Allâh said: ‘O Umm Salamah, do not bother me about ‘Aishah, for by Allâh, the Revelation has never come to me under the blanket of any of you apart from her.’”

(Sâhîh)

Comments:
And the Wahiy or Revelation is from Allâh, Most High. “Her rank is more to Allâh than the rank of all of you.” In this narration, however, there is no comparison of her with Khadîjah . This is because she was not alive at the time, and Allâh’s Messenger  has said: Minkann, which means “any of you women”.

3402. It was narrated from Umm Salamah that the wives of the Prophet  asked her to speak to the Prophet  and tell him, that the people were trying to bring their gifts to him when it was ‘Aishah’s day, and to say to him: “We love good things as much as ‘Aishah does.” So she spoke to him, but he did not reply her. When her turn came again, she spoke to him again, but he did not reply her. They said to her: “How did he respond?” She said: “He did not answer me.” They said: “Do not leave him alone until he answers you or you comprehend what he says.” When her turn came again, she spoke to him and he said: ‘Do not bother me about ‘Aishah, for the Revelation has never come to me under the
blanket of any of you apart from the blanket of 'Aishah.” *(Sahih)*

Abū 'Abdur-Rahmān (An-Nasāʾ) said: These two Ḥadīths of ‘Abdah are Sahih.[1]

Comments:

1. This is an elaborated narration from which the occasion and the place of the previous narration became known. Deliberately sending the presents on the day of ‘Aishah’s turn was due to the fact that they knew that Allāh’s Messenger loved her so much, and sending presents there would make him happy. The Companions, knowing the Prophet’s great love for ‘Aishah, chose those particular days in order to please him. The objective of his other wives was that the presents should also be sent to their apartments. They thought that Allāh’s Messenger should, therefore, command the people to send presents everywhere, or he should love all of them equally, so that people might send gifts to all the houses.

2. ‘But he did not reply’ because the Prophet’s asking the people on his own that they should bring him their gifts wherever he may be, was below his dignity. Shame and modesty were preventing him, and equivalent love was not possible. It is something beyond one’s control, as has preceded.

3403. It was narrated that ‘Aishah said: “The people used to try to bring their gifts (to the Prophet) on ‘Aishah’s day, hoping thereby to earn the pleasure of the Messenger of Allāh.” *(Sahih)*

3404. It was narrated that ‘Aishah said: “Allāh sent Revelation to the Prophet when I was with him, so I got up and closed the door

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[1] Meaning this one, and the following (Nos. 3402 and 3403), in Al-Kubra the author stated this after the following narration.
between him and I. When it was taken off him,[1] he said to me: ‘O ‘Aishah, Jibrîl sends greetings of Salâm to you.’’ (Da’îf)

Comments:

‘‘Aishah’s rising from the place, and closing the door might have been with a view not to disturb the coming of the Revelation, or it might have been for the reason of Hijâb, or she might perhaps have been afraid, because at the time of Revelation, Allâh’s Messenger’s ð condition would change. The Angel Jibrîl’s offering her his greeting corroborates her lofty rank.

3405. It was narrated from ‘‘Aishah that the Prophet said to her: “Jibrîl sends greetings of Salâm to you.” She said: “And upon him be peace and the mercy of Allâh and His blessings; you see what we do not.” (Sâhîh)

Comments:

‘You see what we do not’: Meaning. Allâh’s Messenger could see him, but ‘‘Aishah could not see him.

3406. It was narrated that ‘‘Aishah said: “The Messenger of Allâh said: ‘O ‘Aishah, this is Jibrîl and he is sending greetings of Salâm to you.’” The same. (Sâhîh)

Abû ‘Abdur-Rahmân (An-Nasâ’t) said: This is correct, and the one that is before it is a mistake.

[1] Meaning; the pressure of the revelation.
Chapter 4. Jealousy

3407. Anas said: "The Prophet was with one of the Mothers of the Believers when another one sent a wooden bowl in which was some food. She struck the hand of the Prophet and the bowl fell and broke. The Prophet picked up the two pieces and put them together, then he started to gather up the food and said: 'Your mother got jealous; eat.' So they ate. He waited until she brought the wooden bowl that was in her house, then he gave the sound bowl to the messenger and left the broken bowl in the house of the one who had broken it." (Sahih)

Comments:

From this narration we learn patience with wives. Imagine a man today if his wife smacked his hand causing him to drop something belonging to someone else. How would the average person behave in such a case? Also, it demonstrates justice, since he took one of her bowls to replace the broken one. Lastly, no man can hope for a wife equal to 'Aishah, may Allâh be pleased with her, and she was a woman. So take note.

3408. It was narrated from Umm Salamah that she brought some food in a dish of hers to the
Messenger of Allâh ﷺ and his Companions, then 'Aishah came, wrapped up in a garment, with a stone pestle and broke the dish. The Prophet ﷺ gathered the broken pieces of the dish and said: "Eat; your mother got jealous," twice. Then the Messenger of Allâh ﷺ took the dish of 'Aishah and sent it to Umm Salamah and he gave the dish of Umm Salanah to 'Aishah. (Sahîh)

3409. It was narrated that 'Aishah said: "I never saw any woman who made food like Safiyyah. She sent a dish to the Prophet ﷺ in which was some food, and I could not keep myself from breaking it. I asked the Prophet ﷺ what the expiation was for that, and he said: 'A dish like that dish, and food like that food.'" (Hasan)

3410. 'Aishah said that the Messenger of Allâh ﷺ used to stay with Zainab bint Jahsh and drink honey at her house. Hafṣah and I agreed that if the Prophet ﷺ entered upon either of us, she would say: "I perceive the smell of Maghâfîr (a nasty-smelling gum) on you; have you eaten Maghâfîr?" He came in to one of them, and she said that to him. He said: "No, rather I drank honey at the house.
of Zainab bint Jahsh, but I will never do it again." Then the following was revealed: 'O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you.'[1] 'If you two turn in repentance to Allâh, (it will be better for you)'[2] about 'A'ishah and Hafsa, 'And (remember) when the Prophet disclosed a matter in confidence to one of his wives'[3] refers to him saying: "No, rather I drank honey." (Sahih)

Comments:

1. 'Used to stay with Zainab': After performing the 'Asr prayer, Allâh's Messenger used to visit all his wives in their apartments for a little while, so that he could know if they had any problem or need, and daily contact with each one could be maintained. Allâh's Messenger stayed with Zainab more than his usual stay to drink some honey she had. This disturbed 'A'ishah and Hafsa.

2. Maghâfir is a glutinous substance, which secretes from the trees like the Urfit - a tree of a shrub variety. It tastes sweet but its smell is revolting. It lingers in the eater's mouth and the Prophet detested bad smells. Hence, the Prophet decided not to drink honey.

3. 'If you turn in repentance': To err is human. The wives of the Prophet were not infallible. They repented no sooner than they committed the mistake. "He who repents of a sin is like him who has committed no sin." Repentance obliterates sin. Therefore, no blame could be leveled against them. Their turning in repentance is their superior merit.

4. 'Disclosed a matter': The Prophet had stated: I will not drink honey at her place, but do not divulge it to anyone. But Hafsa committed the mistake and told 'A'ishah about it.

3411. It was narrated from Anas, that the Messenger of Allâh had a female slave with whom he had intercourse, but 'A'ishah and Hafsa would not leave him alone until he said that she was forbidden

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for him. Then Allâh, the Mighty and Sublime, revealed: “O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you.”[1] until the end of the Verse. (Sahih)

Comments:

In the previous narration, the occasion of the Revelation of this Qur’ânic Verse was said to be the incident of honey; whereas in this narration is a slave woman. It is possible both these incidents might have taken place close to each other in time. Hence, both could have been the occasion of the Revelation of this Verse.

3412. It was narrated from Ubâdah bin Al-Wâfî bin Ubâdah bin As-Sâmît that ‘Âishah said: “I looked for the Messenger of Allâh ﷺ and I put my hand on his hair.” He said: “Your Shaitân has come to you.” I said: “Don’t you have a Shaitân?” He said: “Yes, but Allâh helped me with him, so he submitted.” (Sahih)

Comments:

It used to be dark in the houses at night. When ‘Âishah did not feel the Prophet ﷺ around, she began to grope hither and thither. She began to have misgivings that the Prophet ﷺ might have gone to the apartment of some other wife. That is why the Prophet ﷺ made mention of the Satan, because the prompting was the handiwork of the devil.

3413. It was narrated that ‘Âishah said: “I noticed that the Messenger of Allâh ﷺ was not there one night, and I thought that he had gone to one of his other wives, so I

reached out for him, and found him bowing or prostrating, and saying: 'Subḥānaka wa bi ḥamdika là ilāha illa anta (Glory and praise be to You, there is none worthy of worship but You).' I said: 'May my father and mother be sacrificed for you; you were doing one thing, and I was thinking of something else.'"

(Sahih)

3414. 'Āishah said: 'I noticed that the Messenger of Allāh ﷺ was not there one night, and I thought that he had gone to one of his other wives. I looked for him then I came back, and there he was, bowing or prostrating and saying: 'Subḥānaka wa bi ḥamdika là ilāha illa anta (Glory and praise be to You, there is none worthy of worship but You).' I said: 'May my father and mother be sacrificed for you; you were doing one thing, and I was thinking of something else.'"

(Sahih)
覆盖了自己并穿上我的伊扎尔(下体遮护)，然后出来朝他走去，一直走到巴基，他举起手三次，然后站在那里很长时间。然后他离开了，我也离开了，他匆匆赶路，我也匆匆赶路，他奔跑，我也奔跑，我比他先到那里，进入了房子。我刚躺下，他进来说：‘欧麦尔，你是怎么出来的？’其中一个记者说：‘赛义德说：我本想听伊本瓦希德说：‘气短。’他说：‘你会告诉我，还是安拉，全知全能的会告诉我。’我说：‘欧麦尔，安拉的使者，愿他的父母亲被安拉赐福，我为你牺牲。’然后我告诉他这个故事。他说：‘我是你在面前看到的黑影吗？’我说：‘是的。’他说：‘他给了我一掌，痛得我，他说：‘你以为安拉和他的使者会对你不公平？’他说：‘无论什么，安拉，全知全能的，都知道。’他说：‘吉布里来见我，当你看到我离开时，但他没有进入你，因为你把衣服脱了。他叫我，但他没有告诉你，我想你睡着了，我不想叫醒你，我害怕你会孤独。’他说：‘我去巴基，祈求他们原谅。’哈贾杰本穆罕默德反驳了他(伊本瓦希德)，他说：‘我……’"
3416. 'A'ishah said: “Shall I not tell you about the Prophet ﷺ and I?” We said: “Yes.” She said: “When it was my night when he” – meaning the Prophet ﷺ – “was with me, he came in, placed his shoes by his feet, lay down his Ridda (upper garment), and spread the edge of his Izar (lower garment) on his bed. As soon as he thought that I had gone to sleep, he put his shoes on slowly, and picked up his Ridda slowly. Then he opened the door slowly, went out and shut it slowly. I put my garment over my head, covered myself and put on my Izar (lower garment), and I set out after him until he came to Al-Baqi’, raised his hands three times and stood there for a long time. Then he left and I left, he hurried and I hurried, he ran and I ran, and I got there before him and entered (the house). I had only just laid down when he came in and said: ‘O ‘A’ishah, why are you out of breath?’ She said: ‘No.’ He said: ‘Either you tell me or Allâh, the All-Aware, All-Knowing, will tell me.’ I said: ‘O Messenger of Allâh, may my father and mother be sacrificed for you;’ and I told him the story. He said: ‘You were the black shape I saw in front of me?’ I said: ‘Yes.’” She said: “He gave me
a shove in the chest that hurt me and said: 'You thought that Allâh and His Messenger would be unfair to you.'” She said: “Whatever people conceal, Allâh knows it.” He said: ‘Yes.’ He said: ‘Jibrîl came to me when you saw (me leave) but he did not enter upon you because you have taken off your garments. So he called me but he concealed himself from you, and I answered him, but I concealed it from you. I thought that you had gone to sleep and I did not want to wake you, and I was afraid that you would feel lonely. He told me to go to Al-Baqî‘ and pray for forgiveness for them.” (Sahîh) ‘Âsîm reported it from ‘Abdullâh bin ‘Âmir, from ‘Âishah, with a wording different from this.
Chapter 1. Divorce At The Time When Allah Has Stated That Women May Be Divorced

3418. Nafi’ narrated from ‘Abdullah, that he divorced his wife while she was menstruating. ‘Umar asked the Messenger of Allah about that and said: “Abdullah has divorced his wife while she was menstruating.” He said: “Tell Abdullah to take her back, then leave her until she becomes pure from this menstrual period, then menstruates again, then when she becomes pure again, if he wishes he may separate from her before having intercourse with her, or if he wishes he may keep her. This is the time when Allah, the Mighty and Sublime, has stated that women may be divorced.” (Sahih)

Comments:

1. Sexual intercourse during menstruation is forbidden. Man normally feels no desire for his wife in this condition. It is quite possible one might rush to pronounce divorce. Hence, the Divine law has forbidden divorcing in this condition. If someone commits this mistake, he shall have to resort to “returning” or taking the woman back. A divorce would, however, be counted, whether or not he takes her back. But if he does not pronounce the third divorce, the marriage would not be terminated. If it is the third divorce, returning would not be permitted. The marriage is over!

2. During menstruation, the returning would take place verbally. At the end of menstruation the returning would be practical, that is to say one ought to have sexual intercourse. Thereupon, if one desires, one may resort to divorce.
during the next purity.

3. We learn that the appropriate time of divorcing is in the state of purity, during which the husband has not had sexual intercourse with her. This is why the Prophet ﷺ commanded the divorce be given after the intervention of one more menstrual cycle, in the state of purity, because in the first period of purity, returning was done in the form of sexual intercourse.

3419. It was narrated from Ibn ‘Umar that he divorced his wife while she was menstruating, during the time of the Messenger of Allâh ﷺ. ‘Umar bin Al-Khattâb, may Allâh be pleased with him, asked the Messenger of Allâh ﷺ about that, and the Messenger of Allâh ﷺ said: “Tell him to take her back and keep her until she becomes pure, then menstruates again and becomes pure again. Then if he wishes he may keep her, or if he wishes, he may divorce her before he touches (has intercourse with) her. This is the time when Allâh, the Mighty and Sublime, has stated that women may be divorced.” (Sahîh)

3420. Sâlim bin ‘Abdullâh bin ‘Umar narrated that ‘Abdullâh bin ‘Umar said: “I divorced my wife during the lifetime of the Messenger of Allâh ﷺ while she was menstruating. ‘Umar mentioned that to the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ got angry about that and said: ‘Let him take her back, then keep her until she has menstruated again and become pure again.
Then if he wants to divorce her when she is pure and before he touches her (has intercourse with her), then that is divorce at the prescribed time as Allâh, the Mighty and Sublime, has revealed.” ‘Abdullâh bin ‘Umar said: “So I took her back, but I still counted the divorce that I had issued to her.” (Sahîh)

The Book Of Divorce

Then if he wants to divorce her when she is pure and before he touches her (has intercourse with her), then that is divorce at the prescribed time as Allâh, the Mighty and Sublime, has revealed.” ‘Abdullâh bin ‘Umar said: “So I took her back, but I still counted the divorce that I had issued to her.” (Sahîh)

Comments:
The majority of the people of knowledge maintain that although divorcing in the state of menstruation is sinful and forbidden and returning or taking back of the wife is essential, but such kind of divorce would be reckoned as one divorce. Now two more divorces remain. Some researchers, however, have ruled such kind of divorce null and void, because returning in it is essential. Even so, Allâh’s Messenger ﷺ could not have counseled Ibn ‘Umar ﷺ to give two divorces instead of one. Although this argumentation appears rationally strong, the wording of the relevant narrations, the statements of the Companions, and in addition the schools of thoughts of various scholars are contrary to it.

3421. ‘Abdullâh bin Ayman asked Ibn ‘Umar while Abû Az-Zubair was listening: “What did you think about a man who divorces his wife when she is menstruating?” He said to him: “Abdullâh bin ‘Umar divorced his wife when she was menstruating during the time of the Messenger of Allâh ﷺ. ‘Umar asked the Messenger of Allâh ﷺ (about that) and said: “Abdullâh bin ‘Umar has divorced his wife while she was menstruating.” The Messenger of Allâh ﷺ said: ‘Let him take her back.’ So he made me take her back. He said: ‘When she becomes pure, let him divorce her or keep her.’ Ibn ‘Umar said: ‘The Prophet ﷺ said: ‘O Prophet! When
you divorce women, divorce them before their 'Iddah (prescribed period) elapses."[1] (Sahih)

**Comments:**
Because the waiting period is counted from menstruation. Hence, the waiting period would not commence if the divorce is given in the state of menstruation. If the menstrual cycle is counted, the waiting period would fall short, and if it is not counted, the waiting period would become long. Hence, the divorce should take place in the state of purity so that the waiting period could commence with menses.

3422. It was narrated from Ibn 'Abbas, concerning the saying of Allâh, the Mighty and Sublime: “O Prophet! When you divorce women, divorce them at their 'Iddah (prescribed periods).”[2] Ibn 'Abbas, may Allâh be pleased with him, said: “Before their 'Iddah elapses.”[3] (Sahih)

**Comments:**
The purpose of Ibn ‘Abbas saying this is that divorce should take place well before the waiting period; that means during the state of purity, because the waiting period commences with menstruation. If divorce takes place during menses, it would be during the waiting period, which is not right.

Chapter 2. The Sunnah Divorce

3423. It was narrated from 'Abdullâh that he said: “The Sunnah divorce is a divorce issued when she is pure (not menstruating) without having had intercourse with her. If

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[1] It is a reference to At-Talâq 65:1, while the wording is different.
[3] That is, when they become pure following menstruation, before intercourse.
she menstruates and becomes pure again, give her another divorce, and if she menstruates and becomes pure again, give her another divorce, then after that, she should wait for another menstrual cycle.” (Hasan)
(One of the narrators) Al-A‘mash said: “I asked Ibrāhīm, and he said something similar.”

Comments:
This narration demonstrates the clear guidelines for an irrevocable divorce.

3424. It was narrated that ‘Abdullāh said: “The Sunnah divorce is to divorce her when she is pure (not menstruating) without having had intercourse with her.” (Hasan)

Chapter 3. What Should Be Done If The Husband Issues A Divorce When The Wife Is Menstruating

3425. It was narrated from ‘Abdullāh that he issued a divorce to his wife when she was menstruating. So ‘Umar went to inform the Prophet about that. The Prophet said to him: “Tell ‘Abdullāh to take her back, then, when she has performed Ghusl, let him leave her alone, until she menstruates (again). Then, when she performs Ghusl following that she menstruates and becomes pure again, give her another divorce, and if she menstruates and becomes pure again, give her another divorce, then after that, she should wait for another menstrual cycle.” (Hasan)

(One of the narrators) Al-A‘mash said: “I asked Ibrāhīm, and he said something similar.”

Comments:
This narration demonstrates the clear guidelines for an irrevocable divorce.
second period, he should not touch her until he divorces her. And if he wants to keep her, then let him keep her. That is the time when Allâh has stated that women may be divorced.” (Sâhih)

3426. It was narrated from Ibn ‘Umar that he divorced his wife while she was menstruating. He mentioned that to the Prophet ﷺ and he said: “Tell him to take her back, then divorce her while she is pure (not menstruating) or pregnant.” (Sâhih)

Comments:
From this, we learn that divorcing in the state of pregnancy is also permitted.

Chapter 4. Divorce Without The ‘Iddah

3427. It was narrated from Ibn ‘Umar that he divorced his wife when she was menstruating, but the Messenger of Allâh ﷺ told him to take her back, and divorce her when she was pure (not menstruating). (Sâhih)

Comments:
‘Take her back’ means he ﷺ did not consider this divorce right according to the rule of the Divine law and commanded that she be taken back. It does not mean that he did not consider this divorce valid or he did not reckon it, as is argued by some.
Chapter 5. Divorce Without The 'Iddah And What Is Counted As A Divorce

3428. It was narrated that Yûnus bin Jubair said: "I asked Ibn 'Umar about a man who divorced his wife while she was menstruating. He said: ‘Do you know ‘Abdullâh bin ‘Umar?’ He divorced his wife while she was menstruating, and ‘Umar asked the Prophet about that, and he told him to take her back, then wait for the right time. I said to him: ‘Was that divorce counted?’ He said: ‘Be quiet! What do you think if some becomes helpless and behaves foolishly?’” (Sahîh)

3429. It was narrated that Yûnus bin Jubair said: “I said to Ibn ‘Umar: ‘A man divorced his wife while she was menstruating.’ He said: ‘Do you know ‘Abdullâh bin ‘Umar?’ He divorced his wife when she was menstruating, and ‘Umar went to the Prophet and asked him about that, and he told him to take her back then wait for the right time.’ I said to him: ‘Was that divorce counted?’ He said: ‘Be quiet! What do you think if some becomes helpless and behaves foolishly?’” (Sahîh)
Chapter 6. Three Simultaneous Divorces And A Stern Warning Against That

3430. Makhrmah narrated that his father said: “I heard Mahmûd bin Labîd say: ‘The Messenger of Allâh was told about a man who had divorced his wife with three simultaneous divorces. He stood up angrily and said: Is the Book of Allâh being toyed with while I am still among you? Then a man stood up and said: ‘O Messenger of Allâh, shall I kill him?’” (Saḥîh)

Comments:
1. In view of men’s frailties and haste, the Divine law has stipulated three phases of divorce and, subsequent to the first two fold divorces, has kept the provision of returning or taking one’s wife back so that such deep relationship does not become the prey of human hastiness. A man who divorces rather should reflect and contemplate and make a decision keeping the passionate emotions at bay. The one who pronounced a threefold divorces simultaneously lost, as it were, all these three opportunities, and turned the matter of eminent relationship into sport and relinquished it to hastiness. So much so that now no possibility of reunion with the woman remained. He, therefore, openly disobeyed or violated the clearly manifest Qur’ânic guidance that the divorce be given separately.

2. It becomes known that giving threefold divorce together or simultaneously is contrary to the Divine law. Imâm Abû Hanîfah is the proponent of this viewpoint, but Imâm Shafi does not consider it forbidden, because man has the right of three pronouncements of divorce. He made use of it, as he desired it. If he has lost the phased opportunities, it is his loss.

3. If someone commits this sacrosanct act (of pronouncing threefold divorces simultaneously), according to the dominant majority of scholars, all the divorces shall be considered effected, and the woman shall become forbidden for him.

Chapter 7. Concession Allowing That

3431. Sahl bin Sa’d As-Sâ’idî narrated that ‘Uwaimîr Al-‘Ajlânî
came to 'Āsim bin 'Adiy and said: “What do you think, O 'Āsim! If a man finds another man with his wife, should he kill him, and be killed in retaliation, or what should he do? O 'Āsim! Ask the Messenger of Allāh about that for me.” So 'Āsim asked the Messenger of Allāh about that, and the Messenger of Allāh disapproved of the question, and criticized the asking of too many questions until 'Āsim felt upset. When 'Āsim went back to his people, 'Uwaimir came to him and said: “O 'Āsim, what did the Messenger of Allāh say to you?” 'Āsim said: “You have not brought me any good. The Messenger of Allāh disapproved of the question you asked.” 'Uwaimir said: “By Allāh, I will go and ask the Messenger of Allāh.” So he went to the Messenger of Allāh and found him in the midst of the people. He said: “O Messenger of Allāh, what do you think if a man finds another man with his wife – should he kill him, and be killed in retaliation or what should he do?” The Messenger of Allāh said: “Something has been revealed concerning you and your wife, so go and bring her here.” Sahl said: “So they engaged in the procedure of Li'ān, and I was among the people in the presence of the Messenger of Allāh. When 'Uwaimir finished he said: “I would have been telling lies about her, O Messenger of Allāh, if I keep her.” So he divorced her.
thrice before the Messenger of Alläh  told him to do so. (Sahih)
This narration has appeared in the book at various places. Some narrations say “He divorced me three times, some contain “He gave me an irrevocable ultimate divorce,” while some have “He gave me the final divorce of three divorces’. Hence, deriving legal ruling about the permissibility of giving a threefold divorce simultaneously from this narration is not right, because by putting together all the narrations, it emerges that her husband had conveyed the third divorce. Two divorces he had already used earlier. See Hadith 3224.

Comments:

This narration too makes no mention of giving three divorces together.

3433. It was narrated from Fāṭimah bint Qais that the Prophet ﷺ said: “The thrice-divorced woman is not entitled to provision and shelter.” (Sahih)

3434. Fāṭimah bint Qais narrated that Abū ‘Amr bin Ḥafṣ Al-Makhzūmî divorced her thrice. Khālid bin Al-Walîd went with a group of (the tribe of) Makhzûmî to the Messenger of Allāh ﷺ and said: “O Messenger of Allāh! Abū ‘Amr bin Ḥafṣ has divorced Fāṭimah thrice, is she entitled to provision?” He said: “She is not entitled to provision nor shelter.” (Sahih)
It is not clear whether she was given three divorces together or separately. The wordings contain the possibility of dual meaning. It emerges by putting together other reports that the third divorce was given. It is also called the absolutely separating divorce (lit. Battah). Putting together the previous two divorces, the figure three was stated. This reconciliation is essential so that all the related narrations be understood, especially when Alläh's Messenger has expressed his displeasure over giving three divorces together. (See No. 3430).

Chapter 8. Three Separate Divorces Before Consummation Of The Marriage

3435. It was narrated from Ibn Tawûs, from his father, that Abû As-Sahbâ’ came to Ibn ‘Abbâs and said: “O Ibn ‘Abbâs! Did you not know that the threefold divorce during the time of the Messenger of Alläh and Abû Bakr, and during the early part of ‘Umar’s Caliphate, used to be counted as one divorce?” He said: “Yes.” (Sahîh)

Comments:
This Hadîth does not specify whether (the divorce was pronounced) before the first coition in marriage or following it (pre-coital or post-coital). Imâm An-Nasâ‘î has interpreted this Hadîth in order to make it coherent with the dominant majority of the people of knowledge that the three divorces mentioned in this narration are of that woman with whom one has not yet had sexual intercourse. (See Hadîth 3430)
Chapter 9. The Divorce Of A Woman Who Married A Man, But He Did Not Consummate The Marriage With Her

3436. It was narrated that 'Āishah said: "The Messenger of Allāh ﷺ was asked about a man who divorced his wife, and she married another man who had a closed meeting with her then divorced her, before having intercourse with her. Is it permissible for her to remarry the first husband? The Messenger of Allāh ﷺ said: 'No, not until the second one tastes her sweetness and she tastes his sweetness.'" (Paif)

Comments:
(See Hadith 3238).

3437. It was narrated that 'Āishah said: "The wife of Rifā'ah Al-Qurazi came to the Messenger of Allāh ﷺ and said: 'O Messenger of Allāh! I got married to 'Abdur-Rahmān bin Az-Zabir, and what he has is like this fringe.' The Messenger of Allāh ﷺ said: 'Perhaps you want to go back to Rifā'ah? No, not until he ('Abdur-Rahmān) tastes your sweetness and you taste his sweetness.'" (Ṣahih)
Chapter 10. The Irrevocable Divorce

3438. It was narrated that ‘Aishah said: “The wife of Rif‘ah Al-Qurashi came to the Prophet when Abū Bakr was with him, and she said: ‘O Messenger of Allāh! I was married to Rif‘ah Al-Qurashi and he divorced me, and made it irrevocable. Then I married ‘Abdur-Rahmān bin Az-Zabir, and by Allāh, O Messenger of Allāh, what he has is like this fringe;’ and she held up a fringe of her Jilbāb. Khālid bin Sa‘eed was at the door and he did not let him in. He said: ‘O Abū Bakr? Do you not hear this woman speaking in such an audacious manner in the presence of the Messenger of Allāh?’ He said: ‘Do you want to go back to Rif‘ah? No, not until you taste his sweetness and he tastes your sweetness.’” (Sahih)

Comments:
(See Hadīth 3285)

Chapter 11. It Is Up To You

3439. Hammād bin Zaid said: “I said to Ayyūb: ‘Do you know anyone who said concerning the phrase ‘It is up to you’ that it is equivalent to three (divorces) except Al-Hasan?’ He said: ‘No.’ Then he said: ‘O
Allah! Grant forgiveness, sorry.” Qatadah narrated to me from Kathîr the freed slave of Ibn Samurah, from Abû Salamah, from Abû Hurairah, that the Prophet ﷺ said: “Three.” I met Kathîr and asked him, and he did not know of it. I went back to Qatadah and told him, and he said: “He forgot.” (Da'if)

Abû 'Abdur-Raḥmân (An-Nasâ‘î) said: This Hadîth is Munkar.

Comments:
1. If the husband addresses his wife saying, ‘Your matter or command is in your hand’ means you have the choice to take divorce; if you desire, you may take it. If the wife states, “I have taken the divorce,” how many divorces shall have to be given her? Some individuals are the proponents of three divorces, which means such a woman would be permanently separated from him. But according to the majority of the people of knowledge, only one divorce will be effected upon her, because the term divorce is meaningfully indicative of only one divorce.

2. ‘O Allah! Grant forgiveness!’ means I made a mistake, and I said “no” in haste. He sought forgiveness for his hastiness; otherwise the wrong committed out of forgetfulness or done unwittingly stands forgiven by Allah, Most High.

3. ‘Kathîr forgot’: If some transmitter forgets the Hadîth after transmitting it, but his pupil who transmits the Hadîth is trustworthy, the narration would be reliable. Forgetfulness would not cast any effect upon the authenticity of the report.

Chapter 12. Making A Thrice-Divorced Woman Lawful (To Return To Her First Husband) And The Marriage That Makes This Lawful

3440. It was narrated that 'Aishah said: “The wife of Rifâ‘ah came to the Messenger of Allah ﷺ and said: ‘My husband divorced me and made it irrevocable. After that I married ‘Abdur-Raḥmân bin Az-
Zabir and what he has is like the fringe of a garment.’ The Messenger of Allâh ﷺ smiled and said: ‘Perhaps you want to go back to Rifâ‘ah? No, not until he tastes your sweetness and you taste his sweetness.’” (Sahîh)

**3441.** It was narrated from ‘Aîshah that a man divorced his wife three times and she married another husband who divorced her, before having intercourse with her. The Messenger of Allâh ﷺ was asked: “Is she permissible for the first (husband to remarry her)?” He said: “No, not until he tastes her sweetness as the first tasted her sweetness.” (Sahîh)

Comments:
(For the detail of this issue, please turn to Hadîth 3285)

**3442.** It was narrated from ‘Abdullâh bin ‘Abbâs[1] that Al-Ghumais or Ar-Rumaisa came to the Prophet ﷺ complaining that her husband would not have intercourse with her. It was not long before her husband came and said: “O Messenger of Allâh, she is lying; he is having intercourse with her, but she wants to go back to her first husband.” The Messenger

[1] In the narration of Ahmad (1:214, No.1837) and others through the same route, the narrator is ‘Ubaiddullâh bin Al-‘Abbâs rather than ‘Abdullâh. Also, in reference to the odd manner in which the man spoke about himself; in the narration of Al-Îmam Ahmad and others, the statement is about what the man said, not a quote of what the man said.
of Allāh ﷺ said: “She cannot do that until she tastes his sweetness.”

(Sahih)

Comments:

1. That woman according to her claim could not return to her (former) husband in marriage, because according to her, her (new) husband was not able to copulate with her. Unless he copulates with her and divorces her, she cannot return to her former husband. Hence, her own statement went against her.

2. Rumaisī was the title of Umm Salim, the mother of Anas. But she was another woman.

3443. It was narrated from Ibn 'Umar that the Prophet ﷺ said, concerning a man who had a wife and he divorced her, then she married another man who divorced her before consummating the marriage with her, and (it was asked) whether she could go back to her first husband: “No, not until she tastes his sweetness.” (Sahih)

3444. It was narrated that Ibn 'Umar said: “The Prophet ﷺ was asked about a man who divorced his wife three times, then another man married her and he closed the door and drew the curtain, then divorced her before consummating the marriage with her. He said: “She is not permissible for the first one (to remarry her) until the

الترجمة: [إسناد صحيح] آخره أحمد: ٢١٤ عن هشيم بن أبي عبد الله بن عباس، وهو الصواب، وكذا في تحقیق الأشراف، ح: ٧٩٤، والنسخة الخطیة من السنّة الکبیرة للنسائی، (الورقة ٢٧٢) وفی المطبعة، ح: ٥٦٦٦ "عبد الله"، وهو رحمه.
second one has had intercourse with her.” (Sahih)

Abū 'Abdur-Rahmān (An-Nasā’ī) said: This is more worthy of being correct.

Chapter 13. Making A Thrice-Divorced Woman Lawful (To Return To Her First Husband), And The Stern Warning Concerning That

3445. It was narrated that 'Abdullāh said: "The Messenger of Allāh ﷺ cursed the woman who tattoos and the one tattooed, the woman who fixed hair extensions and the one who had her hair get extended, the consumer of Ribā and the one who pays it, and Al-Muḥallil and Al-Muḥallal Lahu.”[1] (Sahih)

Comments:

1. Since such people violate the inherent instinctive nature, they are deserving of the curse.
2. ‘The joiner or fastener of hair’: To add artificial hair to one’s genuine hair (hair extensions) is cheating and deception, which is contrary to the human innate nature.
3. ‘The taker and giver of Ribā (interest)’: The bedrock of interest is miserliness and selfishness, which is contrary to the innate human nature. Since the giver of interest is conducive to keeping the corrupt system of interest in perpetuity, he was also associated within the ruling of interest.
4. ‘The one who makes the woman lawful’ means the man who marries a woman who has been irrevocably divorced on the condition of his divorcing her after copulating with her, in order that she may become lawful to (be married to) the former husband.

[1] Al-Muḥallil is the man who marries a woman in order to divorce her, so that she can go back to her first husband. Al-Muḥallal Lahu is the first husband for whom this is done.
Chapter 14. A Man Divorcing His Wife Face To Face

3446. It was narrated from 'Aīshah that when the Kilâbî woman entered upon the Prophet she said: “I seek refuge with Allâh from you.” The Messenger of Allâh said: “You have sought refuge with One Who is Great. Go back to your family.” (Sahih)

Comments:
1. ‘The Kilâbî woman’: Her name was Fatimah bint Dhahhâk. Her father had contracted her marriage with the Messenger of Allâh. The controversy is: why did she utter these words? (I seek Allâh’s refuge from you). It occurs in some reports that someone had deceptively told her that if she uttered these words in her first meeting with the Prophet, he would become very glad. Or she was probably not happy about the marriage committed by her father, and she, therefore, uttered these words. Whatever the situation might have been, the Prophet divorced her.
3. ‘Go back to your family’: If these words are uttered with the intention of divorcing, the divorce shall come into effect.

Chapter 15. A Man Sending Word To His Wife That She Is Divorced

3447. It was narrated that Abû Bakr – the son of Abû Al-Jahm – said: “I heard Fâtimah bint Qais say: ‘My husband sent word to me that I was divorced, so I put on my garments and went to the Prophet. He said: ‘How many times did he divorce you?’ I said: ‘Three.’ He said: ‘You are not entitled to maintenance. Observe your ‘Iddah in the house of your paternal
cousin Ibn Umm Maktûm, for he is blind and you can take off your garments there. And when your 'Iddah is over let me know.’” This is an abridgement. (Sahih)

Comments:

“You can take off your garments” means superfluous garments, not all. (For details see Hadîth 3424).

3448. A similar report was narrated from Tamîm, the freed slave of Fâtîmah, from Fâtîmah. (Sahih)

3449. It was narrated that Ibn ‘Abbâs said: “A man came to him and said: ‘I have made my wife forbidden to myself.’ He said: ‘You are lying, she is not forbidden to you.’ Then he recited this Verse: ‘O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you.’” (Hasan)

Comments:
1. 'You are lying' means your calling your wife unlawful to yourself is a lie and something wrong, because how could a wife be unlawful?
2. 'The severest form' because you have said the most detestable thing. The wife would not become unlawful, but you will have to undergo a severe punishment for having uttered such words. (See Hadith 3411).
3. 'Freeing a slave': The apparent wording of the Glorious Qur'an corroborates Kaffarah Al-Yamin (atonement for swearing) in such situations, which consist of, in addition to freeing of a slave, feeding people who are poor or short of money, or to provide clothing, or fasting also.

Chapter 17. Another Explanation Of The Meaning Of This Verse

3450. 'Ubaid bin 'Umair narrated from 'Aishah, the wife of the Prophet ﷺ: "The Prophet ﷺ used to stay with Zainab bint Jahsh and drink honey at her house. Hafsah and I agreed that if the Prophet ﷺ came to either of us, she would say: 'I detect the smell of Maghâfîr (a nasty-smelling gum) on you; have you eaten Maghâfîr?' He came to one of them and she said that to him. He said: 'No, rather I drank honey at the house of Zainab bint Jahsh, but I will never do it again.' Then the following was revealed: 'O Prophet! Why do you forbid (for yourself) that which Allah has allowed to you? If you two turn in repentance to Allah, (it will be better for you). [1] addressing 'Aishah and Hafsah; 'And

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(remember) when the Prophet disclosed a matter in confidence to one of his wives.⁹ refers to him saying: "No, rather I drank honey." (Ṣaḥīḥ)

Chapter 18. “Go to your family” Does Not Necessarily Mean Divorce

3451. & 3452. Ka‘b bin Mālik narrated the Ḥadīth about when he stayed behind, and did not join the Messenger of Allāh ﷺ on the expedition to Tabūk. He told the story, and said: “The envoy of the Messenger of Allāh ﷺ came to me and said: ‘The Messenger of Allāh ﷺ commands you to stay away from your wife.’ I said: ‘Shall I divorce her or what?’ He said: ‘No, just keep away from her and do not approach her.’ I said to my wife: ‘Go to your family and stay with them until Allāh, the Mighty and Sublime, decides concerning this matter.’” (Ṣaḥīḥ)

Comments:
If the unequivocal term divorce is uttered, it would invariably signify divorce, whether it was intended or not. But there are certain statements which could be meant to signify divorce. At the same time some other meanings could also be meant.

3453. 'Abdur-Rahmān bin 'Abdul-lāh bin Ka'b bin Mālik narrated that his father said: "I heard my father Ka'b bin Mālik – who was one of the three whose repentance was accepted – say: 'The Messenger of Allāh ﷺ sent word to me and to my two companions saying: The Messenger of Allāh ﷺ commands you to keep away from your wives. I said to his envoy: Shall I divorce my wife, or what should I do? He said: No, just keep away from her, and do not approach her. I said to my wife: Go to your family and stay with them. So she went to them.'" (Ṣaḥīḥ)
had become an individual obligatory duty. Hence, those who did not participate were interrogated. The hypocrites saved face by telling lies, but became the fuel of Hellfire. Three sincere Muslims had also stayed back slothfully. They admitted their mistake. They did not contrive any excuse, and surrendered themselves to the Messenger of Allāh ﷺ. Allāh’s Messenger ﷺ commanded the community to shun them. No one greeted or until the earth, despite all its vastness, had become too narrow for them, and their souls had become utterly constricted - but they remained loyal to the Messenger of Allāh ﷺ. Finally, after fifty days, the revelation of the acceptance of their repentance descended, and their ordeal ended. These venerable personages became the dwellers of Paradise by undergoing the most severe hardship. Their names are Ka'b bin Mālik, Murah bin Rabi’a, and Hilal bin Umayyah - May Allāh be pleased with them all. May Allāh shower His mercy upon them.

3454. ‘Abdur-Rahmān bin ‘Abdullāh bin Ka'b bin Mālik narrated that ‘Abdullāh bin Ka'b said: “I heard Ka'b narrate the Hadīth about when he stayed behind and did not join the Messenger of Allāh ﷺ on the expedition to Tabūk. He said: ‘The envoy of the Messenger of Allāh ﷺ came to me and said: ‘The Messenger of Allāh ﷺ commands you to keep away from your wife.’ I said: ‘Shall I divorce her, or what should I do?’ He said: ‘No, just keep away from her and do not approach her.’ And he sent similar instructions to my two companions. I said to my wife: ‘Go to your family and stay with them until Allāh, the Mighty and Sublime, decides concerning this matter.’ They were contradicted by Ma'qil bin ' Ubaidullāh.[1] (Sahih)


[1] He contradicted Yūnus bin Yazid Al-Allī, Iṣḥāq bin Rāshid and 'Uqail bin Khālid - all of whom reported from Az-Zuhri, from 'Abdur-Rahmān bin 'Abdullāh, from 'Abdullāh, from Ka'b bin Mālik. Ma'qil mentioned Az-Zuhri, from ‘Abdur-Rahmān from ‘Ubaidullāh, from Ka'b bin Mālik.
3455. It was narrated from Ma‘qil, from Az-Zuhrî who said: “Abdur-Rahmân bin ‘Abdullâh bin Ka‘b narrated that his paternal uncle ‘Ubaidullâh bin Ka‘b said: ‘I heard my father Ka‘b say: The Messenger of Allah ﷺ sent word to me and my two companions saying: The Messenger of Allah ﷺ commands you to keep away from your wives. I said to the envoy: Should I divorce my wife, or what should I do? He said: No, just keep away from her and do not come near her. I said to my wife: Go to your family and stay with them until Allah, the Mighty and Sublime, decides (concerning me). So she went to them.” (Saḥîh)

3456. It was narrated from ‘Abdur-Rahmân bin Ka‘b bin Mâlik that his father said: “The envoy of the Messenger of Allah ﷺ came to me and said: ‘Keep away from your wife.’ I said: ‘Should I divorce her?’ He said: ‘No, but do not approach her.’” And he (the narrator) did not mention (the words): “Go to your family.” (Saḥîh)

Chapter 19. Divorce Of A Slave

3457. It was narrated from ‘Umar bin Mu‘attib that Abû Ḥasan, the
freed slave of Banu Nawfal, said: "My wife and I were slaves, and I divorced her twice, then we were both set free. I asked Ibn ‘Abbâs and he said: 'If you take her back, you have two divorces left. This is how the Messenger of Allâh ﷺ ruled.'" (Da‘f)

Ma‘mar contradicted him.[1]

Comments:
A free man has three pronouncements of divorce, but a slave has two. The transmitter of this Hadîth had already given two divorces when he was still a slave. But both of them were freed during the period of waiting. The freedom invested him with the right to the third pronouncement of divorce. Hence, he had the privilege of returning and contracting a new marriage upon the expiration of the period of waiting.

3458. It was narrated that Abû Al-Hasan, the freed slave of Banu Nawfal, said: 'Ibn ‘Abbâs was asked about a slave who divorced his wife twice, then they were set free; could he marry her? He said: ‘Yes.’ He said: ‘From whom (did you hear that)?’ He said: ‘The Messenger of Allâh ﷺ issued a Fatwa to that effect.’" (Da‘f)

(One of the narrators) ‘Abdur-Razzâq said: "Ibn Al-Mubârak said to Ma‘mar: ‘Which Al-Hasan is this?’ He has taken on a heavy burden.”

1. Banu Quraizah was a Jewish clan which had entered an allegiance of loyalty with the Muslims. But on the fragile occasion of the Battle of Trench, they allied with the pagan Quraish and indulged an internal rebellion. When the Battle of Trench ended, Allâh’s Messenger ﷺ besieged Banu Quraizah so that they could be punished for their rebellion. Hence, he handed over the verdict into the hands of Sa’d bin Mu’az. He returned the verdict that all their adults would be killed and the minors would be taken captive.

2. The purpose of mentioning this narration under this chapter is to demonstrate that the prescribed legal punishment is not implemented upon a non-adult or minor; hence, his pronouncement of divorce would not be valid. He may divorce on reaching the age of puberty.

3. There are three signs of puberty: wet dreams, pubic hair, or when one reaches the age of fifteen years. Since it is difficult to determine the exact age in males, other signs are evidence. They will, therefore, be relied upon.

3460. It was narrated that ‘Atîyyah Al-Quraqî said: “On the day that Sa’d passed judgment on Banu
Quraizah I was a young boy and they did not know me, but they did not find any pubic hair, so they let me live, and here I am among you.” (Sahih)


3461. It was narrated from Ibn ‘Umar that he presented himself to the Messenger of Allah ﷺ on the Day of Uhud when he was fourteen years old, but he did not permit him (to join the army). He presented himself on the Day of Al-Khandaq when he was fifteen years old, and he permitted him (to join the army). (Sahih)

Tafsir: أخرجه البخاري، المغازي، باب غزوة الخندق وهي الأحزاب، ح: 407 من حديث يحيى بن سعيد القطان به، وهو في الكبرى، ح: 5624.

Comments:
In government official documents, a boy of the age of fifteen years would be recorded as an adult, and less than that a minor. This is because governments do keep records of birth, etc.

Chapter 21. The Husband Whose Divorce Is Not Valid

(المعجم) 571 - بَابُ مِنْ لا يَقْعُ طْلَاقُ مِنْ الأَزْوَاجِ (التتحفة 21)

3462. It was narrated from ‘Aishah that the Prophet ﷺ said: “The pen has been lifted from three: From the sleeper until he wakes up, from the minor until he grows up, and from the insane until he comes back to his senses or recovers.” (Hasan)
Chapter 22. The One Who Utters A Divorce To Himself (Without Uttering The Words Loudly)

3463. It was narrated from Abî Hurairah that — (one of the narrators) ‘Abdur-Rahmân said: “The Messenger of Allâh ﷺ – said: ‘Allâh, the Most High, has forgiven my Ummah for everything that enters the mind, so long as it is not spoken of or put into action.’” (Sahîh)

3464. It was narrated that Abî Hurairah said: “The Messenger of Allâh ﷺ said: ‘Allâh, the Mighty and Sublime, has forgiven my Ummah for what is whispered to them or what enters their minds, so long as they do not act upon it or speak of it.’” (Sahîh)

3465. It was narrated from Abî Hurairah that the Prophet ﷺ said: “Allâh, the Most High, has forgiven my Ummah for whatever
enters the mind, so long as it is not spoken of or put into action.”

(Šahīh)

Chapter 23. Divorce With A Clear Gesture

3466. It was narrated that Anas said: “The Messenger of Allāh ﷺ had a Persian neighbor who was good at making soup. He came to the Messenger of Allāh ﷺ one day when ‘Aishah was with him, and gestured to him with his hand to come. The Messenger of Allāh ﷺ gestured toward ‘Aishah – meaning: ‘What about her?’ – and the man gestured to him like this, meaning, ‘No,’ two or three times.” (Šahīh)

Comments:
The speech-impaired also might need to divorce. But since they can communicate by gestures only, the gesticulation ought to be held reliable. The gesture, however, should be clear so that the intention or the implicit meaning is unmistakably comprehended.

Chapter 24. Speaking When One Means What The Words Appear To Mean

3467. It was narrated that ‘Umar bin Al-Khaṭṭāb, may Allāh be pleased with him, said that the Messenger of Allāh ﷺ said: “Actions are but by intentions, and each man will have but that which he intended. Whoever emigrated for the sake of
Allâh and His Messenger, his emigration was for the sake of Allâh and His Messenger, and whoever emigrated for the sake of some worldly gain or to marry some woman, his emigration was for that for which he emigrated.” (Sâhih)

Comments:
The purpose of Imam An-Nasâ'î is that when someone utters a word which bears the possibility of divorcing and also some other connotation, then the divorce would be considered to have been effected only when the speaker had intended it. Otherwise the divorce would be considered ineffective. For instance, somebody tells his wife, “Go away from my house.” (This hadith has preceded in detail earlier - see Hadith 75).

Chapter 25. Saying Something, And Intending Something Other Than The Apparent Meaning, Carries No Weight

3468. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: “Look at how Allâh diverts the insults and curses of Quraish from me. They insult 'Mudhamam' and curse 'Mudhamam'—but I am Muḥammad.” (Sāhih)

[1] Mudhamam was an offensive play on words, as Mudhamam means “blameworthy,” the opposite of the meaning of the name “Muḥammad” (praiseworthy).
When the Makkah Quraysh failed in their plots, they would fume with indignation and abuse the Messenger of Allāh ﷺ. But while cursing and defaming, they would utter the word Mudhammal instead of Muhammad, because Muhammad signifies a person whom everyone praises. Therefore, they used to substitute the word Muhammad with Mudhammal (reprehensible) and would revile him. Thus, Allāh, Most High, saved the Prophet ﷺ from such abuse and maligning.

Chapter 26. Setting A Time Limit For Making A Choice

3469. It was narrated that ‘Āishah, the wife of the Prophet ﷺ, said: “When the Messenger of Allāh ﷺ was commanded to give his wives the choice, he started with me and said: ‘I am going to say something to you and you do not have to rush (to make a decision) until you consult your parents.’” She said: “He knew that my parents would never tell me to leave him.” She said: “Then he recited this Verse: ‘O Prophet! Say to your wives: If you desire the life of this world, and its glitter, then come! I will make a provision for you and set you free in a handsome manner.’” She said: “Do I need to consult my parents concerning this? I desire Allāh, the Mighty and Sublime, and His Messenger, and the home of the Hereafter.” ‘Āishah said: “Then the wives of the Prophet ﷺ all did the same as I did, and that was not counted as a divorce, when the Messenger of Allāh ﷺ gave

them the choice and they chose him.” (Sahih)

Comments:
1. A husband may give the choice of divorce to his wife, saying: “If you so desire, you may be divorced.” If the woman responds and says, “I want the divorce”, the divorce would become effective. There is, however, a disagreement whether such a divorce would be revocable or irrevocable.

2. The purpose of the author in saying this is that it is not necessary that the woman should reply immediately upon being given the choice. If the husband fixes a time period, in that duration she can acquire the divorce. As the Messenger of Allah ﷺ gave ‘Aishah  a respite that there is no harm if she does not respond at once, she might respond after consulting her parents. (See No. 3203).

3470. It was narrated that ‘Aishah said: “When the following was revealed: ‘But if you desire Allah and His Messenger,’[1] the Prophet ﷺ came and started with me. He said: ‘O ‘Aishah, I am going to say something to you and you do not have to rush (to make a decision) until you consult your parents.’” She said: “He knew, by Allah, that my parents would never tell me to leave him. Then he recited to me: ‘O Prophet! Say to your wives: If you desire the life of this world, and its glitter.”[2] “I said: ‘Do I need to consult my parents concerning this? I desire Allah and His Messenger.’” (Sahih)

Abû ‘Abdur-Rahmân (An-Nasâ’i) said: This is a mistake, and the first is more worthy of being correct. And Allah, Glorious is He and Most High, knows best.

Chapter 27. When A Woman Is Given The Choice And Chooses Her Husband

3471. It was narrated that 'Aishah said: “The Messenger of Allâh ﷺ gave us the choice and we chose him; was that a divorce?” (Sahih)

Comments:
This means the divorce does not become effective by granting.

3472. It was narrated that 'Aishah said: “The Messenger of Allâh ﷺ gave his wives the choice but that was not a divorce.” (Sahih)

3473. It was narrated from Masrûq that 'Aishah said: “The Prophet ﷺ gave his wives the choice and that was not a divorce.” (Sahih)

3474. It was narrated that 'Aishah said: “The Messenger of Allâh ﷺ gave his wives the choice; was that a divorce?” (Sahih)
3475. It was narrated that 'Aishah said: "The Messenger of Allâh ﷺ gave us the choice and we chose him, and that was not counted as anything." (Sahîh)

Chapter 28. Choosing Which Of The Two Married Slaves To Free First

3476. It was narrated that Al-Qâsim bin Muâammad said: "'Aishah had a male slave and a female slave. She said: 'I wanted to set them free, and I mentioned that to the Messenger of Allâh ﷺ. He said: Start with the male slave before the female slave.'" (Hasan)

Comments:
Emancipation enhances the status. Therefore, if a married slave woman is freed, and her husband is still a slave, the woman shall have the right to decide whether she would like to remain in the wedlock of a slave or not. If the husband is, however, a free man, the woman does not acquire this right after being freed. That is why Allâh's Messenger ﷺ had commanded her to set the husband free first, so that the woman might not terminate the marriage. Breaking the tie of marriage becomes the cause of many evils.

Chapter 29. Giving A Slave Woman The Choice

3477. It was narrated that 'Aishah, the wife of the Prophet ﷺ, said: "Three Sunan were established
because of Barirah. One of those Sunan was that she was set free and was given the choice concerning her husband; the Messenger of Allâh ﷺ said: ‘Al-Wala’ is to the one who set the slave free;’ and the Messenger of Allâh ﷺ entered when some meat was being cooked in a pot, but bread and some condiments were brought to him. He said: ‘Do I not see a pot in which some meat is being cooked?’ They said: ‘Yes, O Messenger of Allâh, that is meat that was given in charity to Barirah and you do not eat (food given in) charity.’ The Messenger of Allâh ﷺ said: ‘It is charity for her and a gift for us.’” (Sahîh)

Comments:
1. ‘She was given an option in regard to her husband’ because her husband Mûgîth was a slave. Barîrah had ended the marriage.
2. ‘The right of inheritance of a slave (Al-Walâ)’ means the right of the emancipator, which he has over his freed slave. Barîrah asked ‘Aisârah concerning her freedom. The owner consented to sell her, but began to demand the right of inheritance (Al-Walâ) for himself, although this right belongs to the emancipator who sets the captive free.
3. ‘It is a gift for us’: From this we understand that the thing which in itself is not contaminated or forbidden, its status may change. And the details regarding this are lengthy.

3478. It was narrated that ‘Aisârah said: ‘Three judgments were established because of Barîrah. Her masters wanted to sell her but they stipulated that Al-Wala, should still be to them. I mentioned that to the Prophet ﷺ and he said: ‘Buy her and set her free, for Al-Wala, is to
the one who sets the slave free.’ She was set free and the Messenger of Allâh gave her the choice, and she chose herself.[1] And she used to be given charity and she would give some of it as a gift to us. I mentioned that to the Prophet and he said: ‘Eat it for it is charity for her and a gift for us.’” (Sahîh)

Chapter 30. Giving The Choice To A Slave Woman Who Is Set Free And Whose Husband Is A Free Man

3479. It was narrated that ‘Âishah said: “I bought Barâ’rah and her masters stipulated that her Wala’ should go to them. I mentioned that to the Prophet and he said: ‘Set her free, and Al-Wala’ is to the one who pays the silver.’ So I set her free and the Messenger of Allâh called her and gave her the choice concerning her husband. She said: ‘Even if you gave me such and such, I would not stay with him,’ so she chose herself and her husband was a free man.” (Sahîh)

Comments:
1. ‘The one who pays’ means the right of Al-Walâ’ is for the one who buys and emancipates.

[1] Meaning, she did not want to go back to her husband who was still a slave.
2. 'Her husband was a free man': These are not the words of 'Āishah, but
Aswad, who is a successor (Tabi‘ī) and he was not present on the occasion. A
manifest clarification has been transmitted from 'Āishah and Ibn 'Abbās that
he was a slave.

3480. It was narrated from 'Āishah that she wanted to buy Barirah, but
her masters stipulated that her Wala' should go to them. She
mentioned that to the Prophet and he said: “Buy her and set her free, for Al-Wala' is to the one who
sets the slave free.” Some meat was brought and it was said: “This is
some of that which was given in charity to Barirah.” He said: “It is
charity for her and a gift for us.”

And the Messenger of Allāh gave her the choice, and her
husband was a free man. (Sahih)

Comments:
(For details, see Hadith 3476, 3477, and 3479)

Chapter 31. Giving The Choice
To A Slave Woman Who
Has Been Set Free And Whose
Husband Is Still A Slave

3481. It was narrated that 'Āishah said: “Barirah made a contract[1]
that she would be freed in return for nine Awāq, one Uqiyah to be
paid each year.” She came to 'Āishah asking for help and she
said: “No, not unless they agree to accept the sum in one payment,
and that the Wala' will go to me.” Barirah went and spoke to her

[1] Kitabah; a writ of emancipation, when a price for freedom is agreed upon. The author
has provided a sample of such in the section of contracts, in the Book of Agriculture,
Chapter 48.
masters but they insisted that the Wala’ should be for them. She came to ‘Aīshah and the Messenger of Allāh ﷺ came, and she told her what her masters had said. She said: “No, by Allāh, not unless Wala’ is to me.” The Messenger of Allāh ﷺ said: “What is this?” She said: “O Messenger of Allāh, Barīrah came to me and asked me to help her with her contract of manumission, and I said no, not unless they agree to accept the sum in one payment, and that the Wala’ will be for me. She mentioned that to her masters and they insisted that the Wala’ should be for them.” The Messenger of Allāh ﷺ said: “Buy her, and stipulate that the Wala’ is for the one who sets the slave free.” Then he stood up and addressed the people and said: “What is the matter with people who stipulate conditions that are not in the Book of Allāh, the Mighty and Sublime? They say: ‘I set so-and-so free but the Wala’ will be to me.’ Every condition that is not in the Book of Allāh, the Mighty and Sublime, is a false condition, even if there are a hundred conditions.” And the Messenger of Allāh ﷺ gave her the choice with regard to her husband who was still a slave, and she chose herself. ‘Urwh said: “If he had been free the Messenger of Allāh ﷺ would not have given her the choice.” (Sahih)
Comments:

1. ‘Nine Uqiyahs’: One Uqiyah consisted of forty dirhams. Nine Uqiyah add up to three hundred and sixty dirhams.

2. From the apparent Arabic phrasing of this narration, it appears that ‘Aishah wanted to acquire the right of Al-Walâ’ by paying the full amount in one installment to Barirah with a view to helping her. But this perception is not right. The sermon of Allâh’s Messenger and other narrations corroborate that ‘Aishah wanted to buy and emancipate her. Had it been the former case, the viewpoint of the (Barirah’s) owners would have been appropriate.

3. ‘The condition which is not found in the Book of Allâh is not valid’ means the conditions which go against the explicit elucidation of the Book of Allâh. Otherwise it is not necessary that every condition be found in the Book of Allâh.

3482. It was narrated that ‘Aishah, may Allâh be pleased with her, said: “The husband of Barirah was a slave.” (Sahih)

3483. It was narrated from ‘Aishah that she bought Barirah from some of the Ansâr who stipulated that her Wala’ should go to them. The Messenger of Allâh said: “Al-Walâ’ is to the one who did the favor (of setting the slave free).” The Messenger of Allâh gave her the choice, as her husband was a slave. And she gave some meat to ‘Aishah as a gift, and the Messenger of Allâh said: “Why don’t you give me some of this meat?” ‘Aishah said: “It was given in charity to Barirah.” He said: “It is charity for her, and a gift for us.” (Sahih)
3484. Yahya bin Abî Bukair Al-Karmânî said: “Shu’bah narrated to us, from ‘Abdur-Rahmân bin Al-Qâsim, from his father, from ‘Aishah. He (Shu’bah) said: “And he (‘Abdur-Rahmân) was the executor for his father.” He (Shu’bah) said: “I was afraid to say to him: ‘Did you hear this from your father.’” – ‘Aishah said: “I asked the Messenger of Allâh ﷺ about Barîrah, as I wanted to buy her but it was stipulated that the Wala’ would go to her (former) masters. He said: ‘Buy her, for the Wala’ is to the one who sets the slave free.’ And she was given the choice, as her husband was a slave.” Then he said, after that: “I do not know.”[1] – “And some meat was brought to the Messenger of Allâh ﷺ and they said: ‘This is some of that which was given in charity to Barîrah.’ He said: ‘It is charity for her and a gift for us.’” (Sahîh)

Comments:

‘I do not know’: Whether he had been a free man or a slave. By one transmitter’s forgetfulness, the sound report of the rest of the narrators does not become weak. The rest of the details have already been discussed in two or three chapters, which have preceded earlier.

[1] This refers to whether her husband was a slave or not. In a narration of Al-Bukhârî (2578) it is: “‘Abdur-Rahmân said: ‘Her husband was free, or, a slave.’” Shu’ubah said: “I asked ‘Abdur-Rahmân about her husband, he said: ‘I do not know, was he free or a slave.’”
Chapter 32. The Oath Of Abstinence

3485. Ibn 'Abbas said: "One morning, we saw the wives of the Prophet ﷺ weeping, and each one of them had her family with her. I entered the Masjid and found it filled with people. Then 'Umar, may Allah be pleased with him, came, and went to the Prophet ﷺ who was in his room. He greeted him with the Salâm but no one answered. He greeted him again but no one answered. He greeted him (a third time) but no one answered. So he went back and called out: 'Bilāl!' He came to the Prophet ﷺ and said: 'Have you divorced your wives?' He said: 'No, but I have sworn an oath of abstention from them for a month.' So he stayed away from them for twenty-nine days, then he came and went into his wives." (Sahih)

Comments:
1. 'Ilâ' in its literal sense signifies to vow, but here it means swearing to abstain from intercourse with one's wife. If the husband is angry with his wife and swears in this manner, he may only maintain the vow for four months. On expiration of the duration of four months, he must either copulate with his wife, breaking the oath and pay the expiation for the oath, or he will be obliged to divorce her. If he denies both these things, the current ruler (or a magistrate, etc.) would bring into effect the divorce, using their own authority. Thus the wife would become separated from her husband. Allah's Messenger ﷺ had sworn off of his wives for one month only, and he fulfilled it.

2. 'They (the Prophet's ﷺ wives) were weeping': It had occurred to them that perhaps taking such a vow equals a divorce, or they were weeping because of the Prophet's ﷺ displeasure and separation.
3. ‘No one answered’ means permission to enter was not given. They might have returned the greeting in a low voice.

4. ‘Twenty-nine days’ because a month could consist of twenty-nine days as well as thirty days. The Divine law has ruled twenty-nine days as a full month. Hence, if the vow is for one month, upon the expiration of twenty-nine days, the vow would be fulfilled, for whatever objective it might have been.

3486. It was narrated that Anas said: “The Prophet ﷺ swore an oath of abstention from his wives for a month and stayed in his room for twenty-nine days. It was said: ‘O Messenger of Allâh, did you not swear an oath of abstention for a month?’ He said: ‘This month is twenty-nine days.’” (Sahih)

3487. It was narrated from Ibn ‘Abbâs that a man came to the Prophet ﷺ who had declared Zihâr from his wife, then he had intercourse with her. He said: “O Messenger of Allâh, I declared Zihâr on my wife, then I had intercourse with her before I offered the expiation.” He said: “What made you do that, may Allâh have mercy on you?” He said: “I saw her anklets in the light of the moon.” He said: “Do not approach her until you have done that which Allâh, the Mighty and Sublime, has commanded.” (Sahih)

Chapter 33. Az-Zihâr[1]

[1] When a man says to his wife: “You are to me as my mother’s back.” Intimacy with her thus becomes forbidden, but she was left in a kind of limbo, as she was not fully divorced or allowed to seek marriage with another.
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Comments:

Zihār means someone tells his wife, 'You are like my mother's back to me.'
The objective happens to be to forbid one's wife upon oneself. If some other words are used to forbid her, then expiation for the oath is enough. But if someone forbids (one's wife upon oneself) by comparing her with one's mother's back, a very severe expiation shall have to be given, because the mother is an extremely revered person. To call one's wife one's mother in order to forbid her, is a grave insult to mother. The expiation for Zihār consists of freeing a slave; if not possible, to fast the days of two consecutive months; if this is not possible, then the expiation is to feed sixty poor people. Sexual intercourse is forbidden until the expiation is performed.

3488. It was narrated that 'Ikrimah said: "A man declared Zihār to his wife, then had intercourse with her before he had offered the expiation. He mentioned to the Prophet ﷺ. The Prophet ﷺ said to him: 'What made you do that?' He said: 'May Allāh have mercy on you, O Messenger of Allāh. I saw her anklets, or her calves, in the light of the moon.' The Messenger of Allāh ﷺ said: 'Keep away from her until you have done that which Allāh, the Mighty and Sublime, has commanded.' (Hasan)


Comments:

1. If someone copulates with one's wife after having committed Zihār and before performing the prescribed expiation, then it is a sin. But only one expiation shall have to be performed, because the Zihār was committed only once. Some have imposed upon him a dual expiation, but it is not correct.

2. 'May Allāh have mercy on you': In the previous narration, Allāh's Messenger ﷺ had supplicated for him even though he had perpetrated a sin. But Allāh's Messenger ﷺ was the most excellent teacher, and an affectionate leader. The Prophet corrected the wrongdoers by his excellent character.

3489. 'Ikrimah said: "A man came to the Prophet of Allāh ﷺ and said: 'O Prophet of Allāh,' and that
he had declared *Zihār* to his wife, then he had intercourse with her before he did what he had to do. He said: ‘What made you do that?’ He said: ‘O Prophet of Allāh! I saw the whiteness of her calves in the moonlight.’ The Prophet ﷺ said: ‘Keep away until you have done what you have to do.’ (One of the narrators) Iṣḥāq said in his *Ḥadīth*: “Keep away from her until you have done what you have to do.” The wording is that of Muhammad. *(Ḥasan)*

Abū ‘Abdur-Raḥmān (An-ʿNasāʿī) said: The *Mursal* is more worthy of being considered correct than the *Musnad* (of this narration),[1] and Allāh, Glorious is He and Most High, knows best.

**3490.** It was narrated from ʿAʾisha that she said: “Praise be to Allāh Whose hearing encompasses all voices. Khawlah came to the Messenger of Allāh ﷺ complaining about her husband, but I could not hear what she said. Then Allāh, the Mighty and Sublime, revealed: ‘Indeed Allāh has heard the statement of her that disputes with you concerning her husband, and complains to Allāh. And Allāh hears the argument between you both.’”[2] *(Ṣaḥīḥ)*

**Tafsīr:** [Ṣanadah Ḥasan] انظر الحديث السابق، وهو في الكربى، ح: 563

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[1] The second version which he reported here is from ʿIkrimah (which is *Mursal*), while the first is also from him, but attributed to Ibn ʿAbbās.

Comments:
Khawla’s husband had also declared *Zihār* to her. She thought she had perhaps become forbidden for her husband. It moreover causes humiliation to the Children. Allāh, Most High, prescribed expiation out of His infinite mercy. He did not render the wife unlawful. And praise be to Allāh!

Chapter 34. What Was Narrated Concerning *Khulʿ*

3491. It was narrated from Ayyūb, from Al-Hasan, from Abū Hurairah, that the Prophet ﷺ said: “Women who seek divorce and *Khulʿ*[1] are like the female hypocrites.” Al-Hasan said: “I did not hear it from anyone other than Abū Hurairah.” (Ṣaḥīḥ)


**(Ṣaḥīḥ)**

خُلُق مَن تَحَرَّى بِالْخُلُقِ
(المحجم ١٣٤)
(الترمئة ٣٤)

3492. It was narrated from Yahya bin Sa‘eed, from ‘Amrah bint ‘Abdur-Rahmān, that she told him about Ḥabibah bint Sahl: “She was married to Thābit bin Qais bin...”

[1] Meaning, for no legitimate reason. The author has supplied a sample of an agreement for *Khulʿ* in the section of contracts prior to chapter 48 of the Book of Agriculture.
Shammâs. The Messenger of Allâh ﷺ went out to pray As-Subh and he found Hâbîbah bint Sahl at his door at the end of the night. The Messenger of Allâh ﷺ said: ‘Who is this?’ She said: ‘I am Hâbîbah bint Sahl, O Messenger of Allâh.’

He said: ‘What is the matter?’ She said: ‘I cannot live with Thâbît bin Qais’ – her husband. When Thâbît bin Qais came, the Messenger of Allâh ﷺ said to him: ‘Here is Hâbîbah bint Sahl and she has said what Allâh willed she should say.’

Hâbîbah said: ‘O Messenger of Allâh, everything that he gave me is with me.’ The Messenger of Allâh ﷺ said: ‘Take it from her.’ So he took it from her and she stayed with her family.” (Sahîh)

Comments:
1. A woman’s demand to be let go by her husband is called Khul’. In such a situation, the husband may demand the return of the dower and other gifts given to his wife, if he so desires. He, however, may not take anything in addition to it from her personal possessions or wealth. Now the husband would not be able to take her back. If, however, both of them so desire, they may contract a new marriage after the expiration of the waiting period.

2. The waiting period of a woman who acquires Khul’ is three menstrual cycles only, according to the Hanafites. While lmâm Ash-Shâfi‘î, maintains that the waiting period is only one menstrual cycle, so that pregnancy is verified. This is supported by a narration that follows later, see No. 3527.

3493. It was narrated from Ibn ‘Abbâs that the wife of Thâbît bin Qais came to the Prophet ﷺ and said: “O Messenger of Allâh, I do not find any fault with Thâbît bin Qais regarding his attitude or religious commitment, but I hate
Kufr after becoming Muslim.” The Messenger of Allâh ﷺ said: “Will you give him back his garden?” She said: “Yes.” The Messenger of Allâh ﷺ said: “Take back the garden and divorce her once.” (Sâhih)

Comments:

'I detest Kufr after becoming Muslim': Meaning she did not like him and was afraid she might not show him the respect due to a husband. Kufran, translated unbelief, can also mean ingratitude. To abhor the husband while residing in his house, to quarrel with him, and to displease him are deeds which are all prohibited in Islam. Conversely, they are the deeds of Kufr. But Kufr also means ingratitude toward the husband. Ingratitude is also called Kufr in the Arabic language.

3494. It was narrated that Ibn ‘Abbâs said: “A man came to the Messenger of Allâh ﷺ and said: ‘My wife does not object if anyone touches her.’ He said: ‘Divorce her if you wish.’ He said: ‘I am afraid that I will miss her.’ He said: ‘Then stay with her as much as you need to.’” (Sâhih)

Comments:

(See Hadîth 3231)

3495. It was narrated from Ibn ‘Abbâs that a man said: “O Messenger of Allâh, I have a wife who does not object if anyone

Comments:

(See Hadîth 3231)
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Chapter 35. The Beginning Of Al-Li‘ân (The Curse)

3496. It was narrated from Sahl bin Sa‘d, from ‘Âсим bin ‘Adiyy who said: “Uwaimir, a man from Banu ‘Ajlân, came and said: ‘O ‘Âсим, what do you think if a man sees another man with his wife, should he kill him and be killed in retaliation, or what should he do? O ‘Âсим, ask the Messenger of Allâh about that for me.’” So ‘Âсим asked the Messenger of Allâh about that, and the Messenger of Allâh disapproved of the question and criticized the asking of too many questions. Then ‘Uwaimir came to him and said: “What happened, O ‘Âсим?” ‘Âсим said to ‘Uwaimir: “What happened?! You have not brought me any good. The Messenger of Allâh disapproved of the question I asked.” ‘Uwaimir

Comments:
Both the above-recorded narrations seem to have no relevance with the chapter. They are, however, relevant to the issue of divorce. For instance, it is not necessary to resort to divorce upon such petty circumstances. (See Hadith 3231)

[1] He explains in Al-Kubra, that this particular chain going through Ḥamam ad bin Salamah has a mistake in it, in that others narrated it from him, without the mention of Ibn ‘Abbâs.
said: “By Allâh, I will go and ask the Messenger of Allâh ﷺ.” So he went to the Messenger of Allâh ﷺ and asked him. The Messenger of Allâh ﷺ said: “Allâh the Mighty and Sublime has revealed (something) concerning you and your wife, so bring her here.” Sahl said: “I was among the people in the presence of the Messenger of Allâh ﷺ and he brought her and they engaged in the procedure of Li'ân. He said: ‘O Messenger of Allâh, by Allâh! If I keep her I would have been telling lies about her.’ So he parted from her before the Messenger of Allâh ﷺ told him to separate from her, and that became the way of Li'ân.” (Sahîh)


Comments:
A man who witnesses his wife in the state of adultery, and has no other witnesses except himself, then the Divine law has made special provision for the husband to deal with such a situation. An ordinary person may not disclose the matter to anyone. He shall have to remain silent. But the husband is permitted to present himself before the court of law. The court would summon the wife also. Both of them would take oaths. If one of them refuses to take oath, he or she shall be punished: the man will be punished for accusation, and the woman for adultery. If both of them take oaths, the court would annul their marriage, and would say nothing to either of them. The method of Li'ân (mutual cursing) is coming up. (See also Hadîth 3431).

Chapter 36. Li'ân Because Of Pregnancy

(المعجم 36 - باب اللعان بالحيلي)

(التحفة 36)

3497. It was narrated that Ibn 'Abbâs said: “The Messenger of Allâh ﷺ conducted the procedure of Li'ân between the 'Ajlânî and his wife, who was pregnant.” (Sahîh)
Comments:
1. If a woman becomes pregnant and her husband has certainty that the pregnancy is the result of adultery and not caused by him, he may go to the court of law to bring a suit against the woman. The court would summon the woman and bring about the invocation of the curse.
2. Li‘ân is supplicating for the curse of Allâh upon the liar. Since, while swearing, man usually curses the liar, this process was named Li‘ân.

Chapter 37. Li‘ân Because Of
The Man Accusing His Wife (Of Adultery) With A Specific Person

3498. It was narrated that Muḥammad said: “I asked Anas bin Mâlik about that, as I thought that he had knowledge of that. He said: ‘Hilâl bin Umayyah accused his wife (of committing adultery) with Sha‘rîk bin As-Sahmā’, who was the brother of Al-Barâ‘ bin Mâlik through his mother. He was the first one who engaged in the procedure of Li‘ân. The Messenger of Allâh Ḥim conducted the procedure of Li‘ân between them, then he said: “Look and see, if she produces a child who is white, with straight hair and Qâdiyâ’ eyes,[1] then he belongs to Hilâl bin Umayyah, and if she produces a

[1] Ibn Al-Athîr (An-Nihâyah), Ibn Al-Manzûr (Lisân Al-‘Arab), An-Nawawî (Sharh Muslim), As-Suyûtî, and As-Sîndî, and As-Ṣan‘ânî, all said it means his eyes are bad, due to redness, being too small, or excessive tearing, or the like. See the definition in the text after No. 3499.
child who has dark lines around his eyes, curly hair and narrow calves, then he belongs to Sharîk bin As-Saĥmā’.” I was told that she produced a child who has dark lines around his eyes, curly hair and narrow calves.” (Saḥîh)

Comments:
We get to learn that Hilâl bin Umayyah told the truth. But since both the wife and the husband had taken the oath, Allâh’s Messenger ﷺ did not punish the woman, because punishment is meted out based only on the testimony of the witnesses or confession. Here neither existed. In such situations, the punishment is consigned to the Will of Allâh.

Chapter 38. How Li‘ân Is Carried Out

3499. It was narrated that Anas bin Mâlik said: “The first Li‘ân in Islam was when Hilâl bin Umayyah accused Sharîk bin As-Saĥmā’ (of committing adultery) with his wife. He came to the Prophet ﷺ and told him about that. The Prophet ﷺ said: ‘(Bring) four witnesses, otherwise (you will feel) the Hadd punishment on your back.’ And he repeated that several times. Hilâl said to him: ‘By Allâh, O Messenger of Allâh! Allâh, the Mighty and Sublime, knows that I am telling the truth, and Allâh, the Mighty and Sublime, will certainly reveal to you that which will spare my back from the whip.’ While they were like that, the Verse of Li‘ân was revealed to him: As to those who accuse their wives.\[1] He called Hilâl and he bore witness four times by Allâh that he was telling the truth, and the fifth

time he invoked the curse of Allāh upon him if he were lying. Then he called the woman and she bore witness four times by Allāh that he was lying. When it came to the fourth or fifth time, the Messenger of Allāh [SAW] said: ‘Stop her, for it will inevitably bring the punishment of Allāh upon the liar.’ She hesitated until we thought that she was going to confess, then she said: ‘I will not dishonor my people today.’ Then she went ahead with the oath. The Messenger of Allāh [SAW] said: ‘Wait and see. If she produces a child who is white, with straight hair and Qadhiyya eyes, then he belongs to Hilāl bin Umayyah, but if she produces a child who is dark with curly hair, of average size and with narrow calves, then he belongs to Sharīk bin As-Sāhmi.’ She produced a child who was dark with curly hair, of average size and with narrow calves. The Messenger of Allāh [SAW] said: ‘Had not the matter been settled by the Book of Allāh, I would have punished her severely.’” (Sahih)

The Shaikh[1] said: Qadhiyya eye: Long eye lashes, not the opening of the eye or their protrusion. And Allāh, Glorious is He and Most High, knows best. (Sahih)

Comments:
1. ‘Punishment on your back’: because the accuser shall be whipped for accusing a person of adultery without proof (Qadhf).
2. ‘Oath for the fifth time’: The wife’s fifth oath would be: ‘if he (my husband) is truthful, the curse of Allāh be upon me.’

[1] It is apparent that it refers to An-Nasā’ī.
3. When such allegation is made four witnesses are required.

Chapter 39. The Imam Saying: "O Allah, Make It Clear To Me"

3500. It was narrated that Ibn Abbâs said: "Mention of Li‘ân was made in the presence of the Messenger of Allah ﷺ and ‘Âsîm bin ‘Adiyy said something about that, then he went away. A man from among his people came to him, complaining that he had found a man with his wife. ‘Âsîm said: 'I was only put to this test because of what I said.' He took him to the Messenger of Allah ﷺ and told him of the situation in which he found his wife. That man was pale and slim with straight hair, and the one whom he claimed to have found with his wife was dark and well built. The Messenger of Allah ﷺ said: 'O Allah, make it clear to me.' Then she gave birth to a child who resembled the one whom her husband said he had found with her. So the Messenger of Allah ﷺ conducted the procedure of Li‘ân between them.'

A man in the gathering said to Ibn Abbâs: "Was she the one of whom the Messenger of Allah ﷺ said: 'If I were to have stoned anyone without evidence I would have stoned this one?"' Ibn Abbâs said: "No, that was a woman who used to do mischief even after becoming Muslim." (Saheeh)
It was narrated that 'Abdullâh bin 'Abbân said: "Mention of Li'ân was made in the presence of the Messenger of Allâh Ālîh and 'A'sîm bin 'Adîyy said something about that, then he went away. He was met by a man from among his people who told him that he had found a man with his wife. He took him to the Messenger of Allâh Ālîh and told him of the situation in which he found his wife. That man was pale and slim with straight hair, and the one whom he claimed to have found with his wife was dark and well built, with very curly hair. The Messenger of Allâh Ālîh said: 'O Allâh, make it clear to me.' Then she gave birth to a child who resembled the one whom her husband said he had found with her. So the Messenger of Allâh Ālîh conducted the procedure of Li'ân between them." A man in the gathering said to Ibn 'Abbân: "Was she the one of whom the Messenger of Allâh Ālîh said: 'If I were to have stoned anyone without evidence I would have stoned this one?'" Ibn 'Abbân said: "No, that was a woman who used to do mischief even after becoming Muslim." (Sâhih)
Chapter 40. The Command To Place The Hand Over The Mouth Of The Two Who Are Engaging In Li‘ân When They Utter The Fifth Oath

3502. It was narrated from Ibn ‘Abbâs: “When the Prophet commanded the two who were engaging in Li‘ân to utter the fifth oath, he commanded a man to place his hand over his mouth, and he said: “It will inevitably bring the punishment upon the liar.”[1] (Sahih) 

Comments:

Before the fifth oath, there is possibility of retraction; retraction is not possible after the fifth oath. Thereupon the matter is consigned to Allâh Most High. That is why a hand should be placed over the swearer’s mouth that if he or she is lying, they should stop at that. A woman would place her hand upon a woman’s mouth.

Chapter 41. The Imam Exhorting The Man And Woman At The Time Of Li‘ân

3503. ‘Abdul-Malik bin Abî Sulaimân said: “I heard Sa‘eed bin Jubair say: ‘I was asked about the two who engage in Li‘ân during the governorship of Ibn Az-Zubair – should they be separated? I did not know what to say, so I got up and went to the house of Ibn ‘Umar and said: ‘O Abû ‘Abdur-Rahmân, should the two who engage in Li‘ân

[1] The wordings of the text differ slightly from the wordings of the chapter heading, so take note. As-Sindi said: “Meaning the mouth of the man, who was involved in the Li‘ân. And it does not refer to the woman, except if he is a Mahram to her.” And the meaning of this Hadith is similar to No. 3499, from Anas, where the Messenger of Allâh ﷺ said: “Stop her, for it will inevitably bring the punishment of Allâh upon the liar.”
be separated?” He said: “Yes, Subhān-Allāh! The first one who asked about that was so-and-so the son of so-and-so who said: ‘O Messenger of Allāh, what do you think if a man among us sees his wife committing immoral actions, and if he speaks of it, he will be speaking of a grave matter, but if he keeps quiet, he will be keeping quiet about a grave matter?’ He did not answer him, then after that, he came to him and said: ‘I was tried with the matter that I asked you about, so Allāh, the Mighty and Sublime, revealed these Verses in Sūrat An-Nūr: ‘And for those who accuse their wives until he reached’: ‘And the fifth (testimony) should be that the Wrath of Allāh be upon her if he (her husband) speaks the truth.’ So he started with the man, exhorting him, reminding him, and telling him that the punishment in this world was less severe than the punishment in the Hereafter. He said: ‘By the One Who sent you with the truth, I am not lying.’ Then he turned to the woman and exhorted her and reminded her. She said: ‘By the One Who sent you with the truth, he is lying.’ So he started with the man, and he bore witness four times by Allāh that he was telling the truth, and the fifth time (he invoked) the curse of Allāh upon himself if he was lying. Then he turned to the woman and she bore witness four times by Allāh that he was lying, and the fifth time (she invoked) the wrath of Allāh upon

herself if he was telling the truth. Then he separated them.” (Sahih)

Comments:
1. ‘Punishment of this world’ means the Hadd. If the husband has lied, the penalty for hurling accusation would be eighty lashes, and if the wife has indulged in adultery, her penalty for adultery would be stoning to death. Whereas, the torment of the Hereafter is Hellfire, except what Allah will.

2. He then effected separation between the two, because after such accusations, their remaining together as husband and wife is disgraceful, and this is an agreed upon issue.

Chapter 42. Separating The Two Who Engage In Li‘an

3504. It was narrated that Sa‘eed bin Jubair said: “Al-Mus’ab did not separate the two who engaged in Li‘an.” Sa‘eed said: “I mentioned that to Ibn ‘Umar and he said: ‘The Messenger of Allah separated the couple from Banu ‘Ajlan.’” (Sahih)

Comments:
Mus‘ab refers to Mus‘ab bin Zubayr. He was the brother of Abdullah bin Zubair and was the governor of Iraq on behalf of Abdullah bin Zubair.

Chapter 43. Asking The Two Who Engaged In Li‘an To Repent After Li‘an

3505. It was narrated from Ayyûb, that Sa‘eed bin Jubair said: “I said to Ibn ‘Umar: ‘A man accused his wife.’ He said: ‘The Messenger of Allah separated the couple from Banu ‘Ajlan and said: Allah knows that one of you is lying, so will
either of you repent? He said that to them three times and they did not respond, then he separated them.” (One of the narrators) Ayyûb said: “Amr bin Dînâr said: ‘In this Hadîth there is something that I think you are not narratives.’ He said: ‘The man said: My wealth. He said: You are not entitled to any wealth. If you are telling the truth, you have consummated the marriage with her, and if you are lying then you are even less entitled to it.” (Sâhîh)

Comments:
‘My wealth’: His design was that since this marriage is being ended on account of the woman’s crime, I should get back the dower that I paid her at the time of marriage. The gist of the Prophet’s command is that there is no certitude concerning your lying or telling the truth. It is possible you are truthful, and it is also possible she is guiltless. Therefore, the dower cannot be returned. If you are truthful, you have benefited a lot from her. Hence, the demand of dower does not beyou.

Chapter 44. Can The Two Who Have Engaged In The Procedure Of Li’ân Stay Together?

3506. It was narrated that ‘Amr said: “I heard Sa’eed bin Jubair say: ‘I asked Ibn ‘Umar about the two who engage in Li’ân.’ He said: ‘The Messenger of Allâh said to the two who engaged in Li’ân: Your reckoning will be with Allâh. One of you is lying, and you cannot stay with her. He said: O Messenger of Allâh, my wealth! He said: You are not entitled to any wealth. If you are

[1] Meaning, so, she is entitled to the Mahr.
telling the truth about her, then it is in return for having been allowed intimacy with her, and if you are lying then you are even less entitled to it.” (Sahih)

Comments:
In no circumstances could they remarry. This is the view of the majority of the people of knowledge. It has, however, been attributed to Imam Abū Hanifah that he did not see it as absolute. And Allah knows best.

Chapter 45. Denying The Child Through Li‘ān, And Attributing Him To His Mother

3507. It was narrated that Ibn ‘Umar said: “The Messenger of Allah conducted the procedure of Li‘ān between a man and his wife, and he separated them and attributed the child to his mother.” (Sahih)

Comments:
Because the real contention was the child itself, the husband had been refuting any suggestion that the child was his. The mother, however, could never deny it. Hence, the child would be handed over to her. And the child would be attributed to the mother. This is because the husband is refusing to admit the paternity of the child, and paternity cannot be proved with an adulterer.

Chapter 46. If A Man Hints An Accusation About His Wife, And Wanted To Disown The Child

3508. It was narrated from Abū Hurairah that a man from Banu Fazārah came to the Messenger of Allah and said: “My wife has given birth to a black boy.” The
Messenger of Allāhﷺ said: “Do you have camels?” He said: “Yes.” He said: “What color are they?” He said: “Red.” He said: “Are there any gray ones among them?” He said: “There are some gray ones among them.” He said: “Where do you think they come from?” He said: “Perhaps it is hereditary.” He said: “Likewise, perhaps this is hereditary.” (Sahih)

Comments:

This man had doubt lest the child be illegitimate. But since he did not explicitly charge his wife with adultery or refute the child’s paternity, the need for Li’ān did not arise. He, however, placed the issue before the Prophetﷺ that from the dimension of comprehension, the child is totally different. Allāh’s Messengerﷺ removed his confusion by giving an extremely clear example, that sometimes the child resembles to a distant genealogical father. “It is possible one of your grandfathers or great grandfathers might have been dark.”

3509. It was narrated that Abū Hurairah said: “A man from Banū Fazārah came to the Prophetﷺ and said: ‘My wife has given birth to a black boy’ – and he wanted to disown him. He said: ‘Do you have camels?’ He said: ‘Yes.’ He said: ‘What color are they?’ He said: ‘Red.’ He said: ‘Are there any gray ones among them?’ He said: ‘There are some gray camels among them.’ He said: ‘Why is that do you think?’ He said: ‘Perhaps it is hereditary.’ He said: ‘Perhaps this is hereditary.’ And he did not permit him to disown him.” (Sahih)
3510. It was narrated that Abū Hurairah said: “While we were with the Prophet ﷺ, a man stood up and said: ‘O Messenger of Allâh, a black boy has been born to me.’ The Messenger of Allâh ﷺ said: ‘How did that happen?’ He said: ‘I do not know.’ He said: ‘Do you have camels?’ He said: ‘Yes.’ He said: ‘What color are they?’ He said: ‘Red.’ He said: ‘Are there any gray camels among them?’ He said: ‘There are some gray camels among them.’ He said: ‘Where do they come from?’ He said: ‘I do not know O Allâh’s Messenger! Perhaps it is hereditary.’ He said: ‘Perhaps this is also a hereditary.’ Because of this, the Messenger of Allâh ﷺ decreed the following: ‘It is not allowed for a man, to disown a child who was born on his bed, unless he claimed that he had seen an immoral act (Fahishah).’” (Sahîh)

Comments:
1. Several kinds of resemblances could be found in a newborn child genealogically - distant or near. Hence, a child cannot be disowned on account of color, complexion, eyes, or features, unless there is certitude of adultery - with an eye of certainty. If someone negates the child, he shall have to perform Li‘ân, or would be considered worthy of the punishment of Hadd.
2. ‘On his bed’ means born to his wife or his slave woman.

Chapter 47. Stern Warning Against Disowning One’s Child

3511. It was narrated from Abū Hurairah that he heard the Messenger of Allâh ﷺ say when the Verse of Mulâ’anah (Li‘ân) was revealed: “Any woman who falsely
attributes a man to people to whom he does not belong, has no share from Allāh, and Allāh will not admit her to His Paradise. Any man who denies his son while looking at him (knowing that he is indeed his son), Allāh, the Mighty and Sublime, will cast him away, and disgrace him before the first and the last on the Day of Resurrection.” (Hasan)

Comments:
1. ‘To whom he does not belong’ means it is the result of adultery, but the woman ascribes it to her husband.
2. ‘She has nothing to do with Allāh’: The meaning is that it is a great sin, it could become the cause of one’s deprivation of Allāh’s mercy. Or it could be the explanation of the sentence that follows: ‘Allāh will not admit her into Paradise’.
3. ‘When he is looking at him’: It could be ‘when the man is looking at the child, thinking: “This is my child!”

Chapter 48. Attributing The Child To The Bed If The Owner Of The Bed Does Not Disown Him

3512. It was narrated from Abū Hurairah that the Prophet said: “The child is the bed’s and for the fornicator is the stone.” (Sahih)

[T1 Meaning, a child born of adultery.]
[T2 That is – the man to whom the woman is actually married. He lies on her as a bed is laid upon.]
Comments:

1. The child born to a married woman would be conceived as belonging to her husband. In the same way, a child born to a slave woman would be conceived as belonging to her owner, unless the husband or the owner negates it, irrespective of whether there is probable proof of the child being illegitimate. This is because the child's legitimacy or illegitimacy is a concealed matter. It is difficult to get to the bottom of it.


3513. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "The child is the bed's and for the fornicator is the stone." (Sahîh)

3514. It was narrated that 'Aishah said: "Sa'd bin Abî Waqqâs and 'Abd bin Zam'ah disputed over a boy. Sa'd said: 'O Messenger of Allâh! This is the son of my brother 'Utbah bin Abî Waqqâs, who made me promise to look after him because he is his son. Look at whom he resembles.' 'Abd bin Zam'ah said: 'He is my brother who was born on my father's bed to his slave woman.' The Messenger of Allâh ﷺ looked to determine at whom he resembled, and saw that he resembled 'Utbah. He said: 'He is for you O 'Abd! The child is the bed's and for the fornicator is the stone. Veil yourself from him, O Sawdah bint Zam'ah.' And he never saw Sawdah again." (Sahîh)
Comments:

1. The disputed child was born to the slave woman of Zam'ah. In fact he was fathered by Utbah. During the period of ignorance (Jahiliyyah), children born adulterously to slave-girls were attributed to the claiming adulterer. The claim made by Sa’d had its roots in the custom of the past. But Islam ended this ignominious practice, so that now the child shall not be attributed to the adulterer. If the husband of the woman, or her owner makes no denial, the child will be considered his. If he negates, the child shall be attributed to the mother who has given it birth.

2. Allâh's Messenger’s ﷺ wife Sawdah was also the daughter of Zam'ah. On account of this relation, the child was in a way, her brother. But since he was in reality fathered by Utbah, Sawdah was commanded to observe Hijâb from him, in spite of his being a blood brother to her, because he was not a legitimate brother. This dispute had taken place at the time of the Conquest of Makkah.

3515. It was narrated that 'Abdullâh bin Az-Zubair said: "Zam'ah had a slave woman with whom he used to have intercourse, but he suspected that someone else was also having intercourse with her. She gave birth to a child who resembled the one whom he suspected. Zam'ah died when she was pregnant, and Sawdah mentioned that to the Messenger of Allâh ﷺ. The Messenger of Allâh ﷺ said: "The child is the bed's, but veil yourself from him, O Sawdah, for he is not a brother of yours."" (Hasan)

Comments:

'The child is the bed’s': Now when the owner of the bed (owner of the slave woman) was deceased, there was no possibility of denial. Had he been alive and had denied the paternity of the child, the child would not have been ascribed to him. It would rather have been attributed to the slave woman.

3516. It was narrated from 'Abdullâh that the Messenger of Allâh ﷺ said: "The child is the
Chapter 49. The Bed Of The Slave Woman

3517. It was narrated that ‘Aishah said: “Sa’d bin Abi Waqqâs and ‘Abd bin Zam‘ah disputed concerning a son of Zam‘ah. Sa’d said: ‘My brother ‘Utbah urged me, if I came to Makkah: Look for the son of the slave woman of Zam‘ah, for he is my son.’ ‘Abd bin Zam‘ah said: ‘He is the son of my father’s slave woman who was born on my father’s bed.’ The Messenger of Allâh, Most High, saw that he resembled ‘Utbah, but he said: ‘The child is the bed’s. Veil yourself from him, O Sawdah.”’ (Sahîh)

Comments:
The purpose of the chapter is that as the children born to the wife are considered the husband’s children, in the same manner the children born to a slave woman would be considered those of the owner; provided the husband or the owner does not disown them.
Chapter 50. Drawing Lots For A Child If Several Men Dispute Over Him

3518. It was narrated that Zaid bin Arqam said: “Three men were brought to ‘Ali while he was in Yemen; they all had intercourse with a woman during a single menstrual cycle. He asked two of them: ‘Do you affirm that this child belongs to (the third man)?’ And they said: ‘No.’ He asked another two of them: ‘Do you affirm that this child belongs to (the third man)?’ And they said: ‘No.’ So he cast lots between them, and attributed the child to the one whom the lot fell, and obliged him to pay two-thirds of the Diyah.[1] The Prophet was told of this, and he laughed so much that his back teeth became visible.” (Da‘if)

Comments:

1. The original incident belonged to the period of ignorance, because in Islam three people’s copulating with one woman in her single purity is not possible. Since prescribed legal punishment could not be meted out upon the deeds of the period of ignorance, therefore, solving this problem was required after the fact.

2. ‘The one to whom the lot fell’: when several individuals hold equal right, and if it cannot be given to everyone, then the matter is decided by drawing lots or performing sortilege.

3. ‘He imposed two-thirds of the Diyah upon him’ because they did not get the child. They were, therefore, given a sum of money.

4. ‘He began to laugh’: At the intellect of ‘Ali or at this wonderful incident.

[1] This refers to the value of the woman, who was a slave.
3519. It was narrated that Zaid bin Arqam said: "While we were with the Messenger of Allâh ﷺ, a man came to him from Yemen and started telling him (about an incident) while ‘Alî was still in Yemen. He said: 'O Messenger of Allâh, three men were brought to ‘Alî who were disputing about a child, and they all had intercourse with a woman during a single menstrual cycle.’ And he quoted the same Hadîth. (Da‘îf)


3520. It was narrated that Zaid bin Arqam said: "I was with the Messenger of Allâh ﷺ, and ‘Alî, may Allâh be pleased with him, was in Yemen at that time. A man came to him and said: 'I saw ‘Alî when three men were brought to him who all claimed (to be the father) of a child. ‘Alî said to one of them: Will you give the child up to him? And he refused. He said to the next one: Will you give the child up to him? And he refused. He said to (the next one): Will you give the child up to him? And he refused. ‘Alî said: You are disputing partners. I will cast lots among you, and whoever wins the draw, the child is for him, and he has to pay two-thirds of the Diyyah.' The Messenger of Allâh ﷺ laughed so much that his back teeth became visible."
3521. It was narrated from a man from Ḥadramawt, that Zaid bin Arqam said: “The Messenger of Allāh ﷺ sent ‘Alī to (be the governor of) Yemen, and a child was brought to him concerning whom three men were disputing.” (Daʿīf) Then he quoted the same Ḥadīth. Salamah bin Kuhail contradicted them.

3522. Salamah bin Kuhail said: “I heard Ash-Shaʿbī narrating from Abū Al-Khalīl or Ibn Abī Al-Khalīl that three men had intercourse (with the same woman) during a single menstrual cycle;” and he mentioned something similar, but he did not mention Zaid bin Arqam or attribute anything to the Prophet ﷺ. (Daʿīf)

Abū ‘Abdur-Rahmān (An-Nasāʾī) said: This is correct, and Allāh, Glorious is He and Most High knows best.

Chapter 51. Detecting Family Likenesses

3523. It was narrated that ‘Āishah said: “The Messenger of Allāh ﷺ came to me looking happy and cheerful, and he said: ‘Did you not see that Mujazziz looked at Zaid bin Ḥārithah and Usāmah and said: These feet belong to one another.’” (Sahih)
It was narrated that ‘Âishah, may Allâh be pleased with her, said: “The Messenger of Allâh ﷺ came to me one day looking happy and said: ‘O ‘Âishah! Did you not see that Mujazziz Al-Mudlijî came to me when Usâmah bin Zaid was with me. He saw Usâmah bin Zaid and Zaid with a blanket over them; their heads were covered but their feet were exposed, and he said: These feet belong to one another.’” (Sahîh)

Chapter 52. When One Parent Becomes Muslim, And The Child Is Given The Choice

It was narrated from ‘Abdul-Hamid bin Salamah Al-Ansâri, from his father, from his grandfather, that he became Muslim but his wife refused to become Muslim. A young son of theirs, who had not yet reached puberty, came, and the Prophet ﷺ seated the father on one side and the mother on the other side, and he gave him the choice. He said: “O Allâh, guide him,” and (the child) went to his father. (Hasan)
Comments:

If a husband and wife decide to go their separate ways, the child should remain in the custody of mother till the age of seven years. Thereupon, the child shall be offered an option - he or she may choose to remain with the mother or the father. In the afore-mentioned incident, the father was a Muslim, while the mother was an unbeliever. A child instinctively inclines toward his mother. Therefore, Allâh’s Messenger ﷺ supplicated the child should not go to the mother, otherwise the child had the danger of falling into disbelief.

3526. It was narrated that Abû Maimûnah said: “While I was with Abû Hurairah he said: ‘A woman came to the Messenger of Allâh ﷺ and said: May my father and mother be ransomed for you! My husband wants to take my son away, but he helps me, and brings me water from the well of Abû ‘Inabah. Her husband came and said: Who is going to take my son from me? The Messenger of Allâh ﷺ said: “O boy, this is your father and this is your mother; take the hand of whichever of them you want.” He took his mother’s hand and she left with him.”’ (Sahih)

Chapter 53. The ‘Iddah Of A Woman Separated By Khulʿ

3527. Ar-Rubayy’ bint Mu’awwidh bin ‘Afrâ’ narrated that Thâbit bin
Qais bin Shammās hit his wife and broke her arm - her name was Jamīlah bint 'Abdullāh bin Ubayy. Her brother came to the Messenger of Allāh ﷺ to complain about him, and the Messenger of Allāh ﷺ sent for Thābit and said: “Take what she owes you and let her go.” He said: “Yes.” And the Messenger of Allāh ﷺ ordered her to wait for one menstrual cycle and then go to her family. (Hasan)

The Book Of Divorce

3528. 'Ubādah bin Al-Walid bin 'Ubādah bin Aṣ-Ṣāmit narrated from Rubayy bint Mu'awwidh. He said: "I said to her: 'Tell me your Ḥadīth.' She said: 'I was separated from my husband by Khul', then I came to 'Uthmān and asked him: What 'Iddah do I have to observe? He said: You do not have to observe any 'Iddah, unless you had intercourse with him recently, in which case you should stay with him until you have menstruated. He said: In that I am following the ruling of the Messenger of Allāh ﷺ concerning Mariam Al-Maghāliyyah, who was married to Thābit bin Qais and was separated by Khul' from him.” (Hasan)
Comments:
1. From the verdict of ‘Uthman, it transpires that the waiting period of one menstrual cycle is also for acquittal from pregnancy or to verify that she is not pregnant. If sexual intercourse has not taken place during the woman’s current purity (the Tuhur, or the state of purity following menstruation), there is no waiting period even of one menstrual cycle. But since copulation is a concealed matter, the fact of the matter is that the woman granted a Khul’ from her husband should wait for one menstrual cycle to intervene, so that nothing is left to doubt or suspicion.

2. It should be borne in mind that returning (taking back) is not possible in Khul’. Later, remarriage is possible because it does not fall in the category of a third divorce.

Chapter 54. Exceptions To The Iddah Of Divorced Women

3529. It was narrated from Ibn ‘Abbas with regard to Allâh’s saying: “Whatever a Verse (revelation) do We abrogate or cause to be forgotten, We bring a better one or similar to it.”[1] and He said: “And when We change a Verse in place of another — and Allâh knows best what He sends down.”[2] and He said: “Allâh blots out what He wills and confirms (what He wills). And with Him is the Mother of the Book.”[3] “The first thing that was abrogated in the Qur’ân was the Qiblah.” And He said: “And divorced women shall wait (as regards their marriage) for three menstrual periods.”[4] and He said: “And those of your women as have passed the age of monthly

courses, for them the 'Iddah, if you have doubt (about their periods), is three months.'\(^1\) So (some) of that was abrogated, (according to) His, Most High, saying: “And then divorce them before you have sexual intercourse with them, no 'Iddah have you to count in respect of them.”\(^2\) (Hasan)

Chapter 55. The 'Iddah Of A Woman Whose Husband Dies

3530. It was narrated that Zainab bint Umm Salamah said: “Umm Habibah said: ‘I heard the Messenger of Allâh ﷺ say: It is not permissible for a woman who believes in Allâh and the Last Day to mourn for anyone who dies for more than three days, except for a husband; (she mourns for him for) four months and ten (days).’” (Sahih)

3531. It was narrated from Zainab bint Umm Salamah – I (the narrator) said: “From her mother?” He said: “Yes” – “that the Prophet ﷺ was asked about a woman whose husband had died but they were worried about her

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\(^1\) At-Talâq 65:4.
\(^2\) Al-Atzâb 33:49. See no. 3584.
eyes— could she use kohl?' He said: ‘One of you used to stay in her house wearing her shabbiest clothes for a year, then she would come out. No, (the mourning period is) four months and ten (days).’” \(\text{\textit{(Sahih)}}\)

\textbf{Comments:}

1. The waiting period of a woman whose husband dies, is four months and ten days. There is consensus over this matter, provided the woman is not pregnant. She shall have to remain in the state of mourning during this period, in which she will have to abstain from all sorts of adornment. Kohl or collyrium is also an adornment. She, therefore, may not apply collyrium during mourning. If there is any trouble in one’s eyes, some other medication could be utilized, which is not generally used as a means of adornment.

2. During the period of ignorance, it was a custom to keep the woman, whose husband had died, secluded in a room for a period of one year. She was not even permitted to bathe and wash herself, to the extent that she could not take a bath after menstruation. She also wore the same clothes the entire period. That is why they (the clothes) are called the worst garments in the \textit{Hadith}. They used to smell so bad that if some animal touched her body, it would die. She used to be taken out of her room after one year. She was then handed camel’s dung, which she would throw back over her head. So to say, now her bad condition has come to an end, as a sign of the end of her waiting period. Islam prevented a widow from adornment only. She would continue to reside with the other members of the household. She would take a bath and wash herself. She would, however, abstain from new or attractive garments, jewelry, make-up, and other adornments, and remain indoors as far as possible.

\textbf{3532.} It was narrated from Zainab bint Umm Salamah, that Umm Salamah and Umm Habibah said:

\textit{‘A woman came to the Prophet \(\text{\textit{\(\&\)}}\) and said: ‘My daughter’s husband has died, and I am worried about her eyes. Can I apply kohl to her?’ The Messenger of Allâh \(\text{\textit{\(\&\)}}\) said: ‘One of you used to stay (in mourning) for a year. Rather (the mourning period is) four months and ten (days). And when that year}
had passed she would go out and fling a piece of dung behind her.” [1] (Sahih)

3533. It was narrated from Safiyyah bint ‘Abî ‘Ubaid that she heard Hafsah bint ‘Umar, the wife of the Prophet , (narrate) that the Prophet said: “It is not permissible for a woman who believes in Allâh and the Last Day to mourn for anyone who dies for more than three days except for a husband; she should mourn for him for four months and ten (days).” (Sahih)

Comments:
Mourning (Arabic - Hidâd) signifies abstaining from something lawful, for instance, taking bath, washing, sleeping, etc. It does not signify perpetrating unlawfulness, for example screaming, shrieking, wailing, whining, slapping the chest, shaving the head, etc. Mourning for more than three days is also not permitted for men. Women were specially mentioned because they generally indulge in mourning more than men.

3534. It was narrated from Safiyyah bint Abî ‘Ubaid from one of the wives of the Prophet , and from Umm Salamah, that the Prophet said: “It is not permissible for a woman who believes in Allâh and the Last Day to mourn for anyone who dies for more than three days except for a husband; she should mourn for him for four months and ten (days).” (Sahih)

The objective behind repetition of the narration concerning mourning is to display that in one place this report is transmitted on the authority of Umm Habibah ۴۳۲۸, in another on the authority of Umm Salamah, in some other from Hafsah ۴۳۲۸ and in another on the authority of one of the other wives of the Prophet ۴۳۲۸. There is no conflict in them.

Chapter 56. The 'Iddah Of A Pregnant Woman Whose Husband Dies

3536. It was narrated from Al-Miswar bin Makhramah that Subai'ah Al-Aslamiyah gave birth one day after her husband died. She came to the Messenger of Allâh ۴۳۲۸ and asked his permission to marry, and he gave her permission to marry and she married. (Sahîh)

Comments:
If a woman's husband dies, and if she is pregnant, her waiting period, according to the majority of the people of knowledge, instead of four months and ten days, ends when she delivers her burden. When the child is born, she
is free when her postnatal bleeding (Nifās) ceases. She may further marry. No mourning is required of her. It was the opinion of Ibn ‘Abbās [2] that the latter is the waiting period of the two: that means if the child is born before the expiration of the period of four months and ten days, the waiting period shall be four months and ten days; and if the four months and ten days intervene first or come to an end before the birth of the child, the waiting period shall be the childbirth. So to speak, he thought mourning has its own place and the childbirth has its own.

3537. It was narrated from Al-Miswar bin Makhramah that the Prophet [3] commanded Subai’ah to get married when her Nifās[1] ended. (Ṣaḥīḥ)

3538. It was narrated that Abū As-Sanābīl said: “Subai’ah gave birth twenty-three or twenty-five days after her husband died, and when her Nifās ended she expressed her wish to remarry and was criticized for that. Mention of that was made to the Messenger of Allâh [4] and he said: “There is nothing to stop her; her term has ended.” (Hasan)

3539. Abû Salamah said: “Abû Hurairah and Ibn ‘Abbâs differed concerning the widow who gives birth after her husband’s death. Abû Hurairah said: ‘She may be

married.' Ibn 'Abbās said: ‘(She has to wait) for the longer of the two periods.'[1] They sent word to Umm Salamah and she said: ‘The husband of Subai‘ah died and she gave birth fifteen days – half a month – after her husband died.’ She said: ‘Two men proposed marriage to her, and she was inclined toward one of them. When they feared that she was becoming single-minded (on this issue, and not consulting her family), they said: It is not permissible for you to marry. She went to the Messenger of Allāh ﷺ and he said: ‘It is permissible for you to marry, so marry whomever you want.’’’ (Sahīh)

**3540.** It was narrated that Abī Salamah said: ‘Ibn ‘Abbās and Abū Hurairah were asked about the woman whose husband dies when she is pregnant. Ibn ‘Abbās said: ‘(She should wait) for the longer of the two periods.’ Abū Hurairah said: ‘When she gives birth it becomes permissible for her to marry.’ Abū Salamah went to Umm Salamah and asked her about that, and she said: ‘Subai‘ah Al-Aslamiyyah gave birth half a month after her husband died, and two men proposed to her. One was young and one was old, and she...”

[1] The longer of the two periods: The dispute here is whether the pregnant widow’s ‘Iddah ends when she gives birth, even if that is only a few days after her husband’s death, or when four months and ten days have passed since her husband’s death.
was inclined toward the young one. So the old one said: 'It is not permissible for you to marry. Her family was not there, and he hoped that if he went to her family they would marry her to him. She went to the Messenger of Allâh and he said: 'It is permissible for you to marry, so marry whomever you want.'" (Sahîh)

3541. Abû Salamah bin 'Abdur-Rahmân said: "It was said to Ibn 'Abbâs concerning a woman who gives birth one day after her husband dies: 'Can she get married?' He said: 'No, not until the longer of the two periods has ended.'" He said: 'Allâh says: And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden.'[1] He said: 'That only applies in the case of divorce.' Abû Hurairah said: 'I agree with my brother's son' — meaning, Abû Salamah. He sent his slave Kuraib and told him: 'Go to Umm Salamah and ask her: Was this the Sunnah of the Messenger of Allâh?' He came back and said: 'Yes, Subâ'î'ah Al-Aslamiyyah gave birth twenty days after her husband died, and the Messenger of Allâh told her to get married, and Abû As-Sanâbîl was one of those who proposed marriage to her.'" (Sahîh)

Ibn ‘Abbâs maintained that the mourning period is essential in every condition and the childbirth too. But the command of the Messenger of Allâh ﷺ was different. Hence, Ibn ‘Abbâs ﷺ retracted his statement. May Allâh ﷺ be pleased with him.

3542. It was narrated from Sulaimân bin Yâsir that Abû Hurairah, Ibn ‘Abbâs, and Abû Salamah bin ‘Abdur-Rahmân were talking about the Iddah of a woman whose husband dies, and she gives birth after her husband dies. Ibn ‘Abbâs said: “She should observe Iddah for the longer of the two periods.” Abû Salamah said: “No, it becomes permissible for her to marry when she has given birth.” Abû Hurairah said: “I agree with my brother’s son.” So they sent word to Umm Salamah, the wife of the Prophet ﷺ, and she said: “Subai’ah Al-Aslamiyyah gave birth shortly after her husband died; she consulted the Messenger of Allâh ﷺ and he told her to get married.” (Sahîh)

3543. It was narrated that Umm Salamah said: “Subai’ah gave birth a few days after her husband died, and the Messenger of Allâh ﷺ told her to get married.” (Sahîh)
3544. It was narrated from Sulaiman bin Yasir that ‘Abdullah bin ‘Abbâs and Abû Salamah bin ‘Abdur-Rahmân disagreed concerning a woman who gave birth one day after her husband died. ‘Abdullah bin ‘Abbâs said: "(She should wait) for the longer of the two periods." Abû Salamah said: "When she has given birth, it becomes permissible for her to remarry." Abû Hurairah came and said: "I agree with my brother's son" — meaning Abû Salamah bin ‘Abdur-Rahmân. They sent Kuraib, the freed slave of Ibn ‘Abbas, to Umm Salamah to ask her about that. He came back to them and told them that she said: "Subai'ah gave birth one day after her husband died," she mentioned that to the Messenger of Allah ﷺ and he said: "It has become permissible for you to marry." (Sahih)

3545. Abû Salamah bin ‘Abdur-Rahmân said: "Ibn ‘Abbâs, Abû Hurairah and I were together, and Ibn ‘Abbâs said: 'If a woman gives birth after her husband dies, her Iddah is the longer of the two periods.'" Abû Salamah said: "We sent Kuraib to Umm Salamah to ask her about that. He came to us and told us from her that the husband of Subai'ah died and she gave birth a few days after her
husband died, and the Messenger of Allah ﷺ told her to get married.” (Sahih)

3546. It was narrated from Abû Salamah bin ‘Abdur-rahmân that Zainab bint Abî Salamah told him, from her mother, Umm Salamah, the wife of the Prophet ﷺ: “That a woman from Aslam who was called Subai’ah was married to her husband, and he died while she was pregnant. Abû As-Sanâbil bin Ba’kak proposed to her but she refused to marry him. He said: ‘You cannot get married until you have observed ‘Iddah for the longer of the two periods.’ Approximately twenty days later she gave birth. She went to the Messenger of Allah ﷺ and he said: ‘Get married.’” (Sahih)

Comments:

It transpires from the outward wordings (of the Hadith) that Abû Al-Sanâbil had made the proposal immediately after the husband’s death, but this is not correct. In actuality, he had proposed after the birth of the child.

3547. Abû Salamah bin ‘Abdur-rahmân said: “While Abû Hurairah and I were with Ibn ‘Abbâs, a woman came and said that her husband had died while she was pregnant, then she had given birth less than four months after the day he died. Ibn ‘Abbâs said: ‘You have
to wait) for the longer of the two periods.’” Abū Salamah said: “A man from among the Companions of the Prophet ﷺ told me that Suba‘īrah Al-Aslamiyyah came to the Messenger of Allāh ﷺ and said that her husband died while she was pregnant, and she gave birth less than four months after he died. The Messenger of Allāh ﷺ told her to get married. Abū Hurairah said: ‘And I bear witness to that.’” (Sahih)

5348. ‘Ubaidullāh bin ʿAbdullāh narrated that his father wrote to ʿUmar bin ʿAbdullāh bin Arqam Az-Zuhri, telling him to go to Suba‘īrah bint Al-Ḥārith Al-Aslamiyyah and ask her about her Ḥadīth and what the Messenger of Allāh ﷺ had said to her when she consulted him. ʿUmar bin ʿAbdullāh wrote back to ʿAbdullāh bin ʿUtbah telling him that Suba‘īrah told him, that she was married to Sahl bin Khawlah – who was from Banu ʿĀmir bin Luʿayy and who was one of those who had been present at Badr – and her husband died during the Farewell Pilgrimage while she was pregnant. She gave birth soon after he died, and when her Nifās ended she adorned herself to receive proposals of marriage. Abū As-Sanābil bin Baʿkak – a man from Banu ʿAbd Ad-Dār – went to her and said to her: ‘Why do I see you
adorned? Perhaps you want to get married, but by Allāh you will not get married until four months and ten days have passed.' Subai'ah said: ‘When he said that to me, I put on my clothes in the evening and went to the Messenger of Allāh ﷺ and asked him about that. He ruled that it had become permissible for me to marry when I gave birth, and he told me to get married if I wanted to.’” (Saḥīḥ)

Comments:

Upon delivery (birth of a child), the waiting period ends. But since marriage is not generally committed in the state of postnatal bleeding (Nifā'īs), it comes in some reports ‘when you become pure.’ Otherwise the postnatal bleeding is not included in the waiting period.

3549. It was narrated that Yazīd bin Abī Ḥabīb that Muhammad bin Muslim Az-Zuhrī wrote to him mentioning that ‘Ubaidullāh bin ‘Abdullāh told him, that Zufar bin Aws bin Al-Hadāthān An-Nasrī told him that Abū As-Sanā‘ī bin Ba'kak bin As-Sabbāq said to Subai‘ah Al-Aslamiyyah: “It is not permissible for you to get married until four months and ten days, the longer of the two periods, have passed.” She went to the Messenger of Allāh ﷺ and asked him about that. She said that the Messenger of Allāh ﷺ ruled that she could get married when she had given birth. She was nine months pregnant when her husband died, and she was married to Sa‘d bin Khawlah, who died
during the Farewell Pilgrimage with the Messenger of Allâh ﷺ. She married a young man from her people when she had given birth to (the child).” (Sâhih)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبی، ح: 571.

3550. It was narrated from 'Ubaídullâh bin 'Abdullâh that 'Abdullâh bin 'Utbâh wrote to 'Umar bin 'Abdullâh bin Al-Arqam Az-Zuhrî, telling him: “Go to Subâ'âh bint Al-Jârîth Al-Aslamiyyah, and ask her about the ruling of the Messenger of Allâh concerning her pregnancy.” He said: “So 'Umar bin 'Abdullâh went to her and asked her. She told him that she was married to Sa’d bin Khâwâlah, who was one of the Companions of the Messenger of Allâh who had been present at Badr. He died during the Farewell Pilgrimage, and she gave birth before four months and ten days had passed since her husband’s death. When her Nifâs ended, Abû As-Sanâbîl – a man from Banu 'Abd Ad-Dâr – went to her and saw that she had adorned herself. He said: ‘Perhaps you want to get married before four months and ten days have passed?’ She said: ‘When I heard that from Abû As-Sanâbîl, I went to the Messenger of Allâh ﷺ and told him my story. The Messenger of Allâh ﷺ said: ‘It permissible for you to marry when you gave birth.’” (Sâhih)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبی، ح: 5714.

Comments:

Sa’d bin Khâwâlah was an emigrant, but died in Makkah at the time of the
Farewell Pilgrimage. Allâh’s Messenger ﷺ had expressed sorrow also over this incident.

3551. It was narrated that Muhammad said: “I was sitting with some people in Al-Kufah in a large gathering of the Anṣâr, among whom was ‘Abdur-Rahmân bin Abî Laila. They spoke about the story of Suba‘î and I mentioned what ‘Abdullâh bin ‘Utbah bin Mas‘ûd had said in meaning.” (One the narrators) Ibn ‘Awn’s saying was: “when she gives birth.” Ibn Abî Layla said: ‘But his (paternal) uncle did not say that.’ I raised my voice and said: ‘Would I dare to tell lies about ‘Abdullâh bin ‘Utbah when he is in the vicinity of Al-Kufah?”’ He said: “Then I met Mâlik and said: ‘What did Ibn Mas‘ûd say about the story of Suba‘î?’ He said: ‘He said: ‘Are you going to be too strict with her and not allow her the concession (with regard to the I‘dâh)? The shorter Sûrah about women (Al-Talâq) was revealed after the longer one (Al-Baqarah).” (Sahîh)

Comments:

1. ‘Be too strict?’ means if the woman is made to adhere to the ultimate waiting period, then it is placing undue hardship upon her. That means if she gives birth to a child first, then she should complete four months and ten days; and if four months and ten days end first, she should wait for the child to be born. So to speak, ‘Abdullâh bin Mas‘ûd did not approve of this. For a pregnant woman, he used to stipulate the delivery as the waiting period also.

2. ‘Shorter Sûrah about women’ means Sûrat At-Talâq in which the Verse occurs: “And those who are with child, the end of their waiting period shall come when they deliver their burden (birth of a child).” (An-Nisâ: 4)

3. The longer one’ signifies that long or detailed Sûrah in which women’s issues have been delineated. This means Sûrat Al-Baqarah, in which it has been mentioned that a woman whose husband dies, should wait for a period of four
months and ten days (before she may remarry).

4. The purpose of 'Abdul-lah bin Mas'ud is that the Command concerning the pregnant woman was mentioned later; therefore, they are exempt from the restriction or command of four months and ten days, and this appears to be the best view.

3552. It was narrated from 'Alqamah bin Qais that Ibn Mas'ud said: “Whoever wants, I will meet and debate with him and invoke the curse of Allâh upon those who lie. The Verse: And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden.”[1] was only revealed after the Verse about women whose husbands die. ‘When a woman whose husband has died gives birth, it becomes permissible for her to marry.’” (Sahîh) This is the wording of Mâmûn (one of the narrators).

3553. It was narrated from 'Abdul-lah that the shorter Sûrah, that speaks of women (Al-Talâq), was revealed after Al-Baqarah. (Sahîh)

Chapter 57. The ‘Iddah Of A Woman Whose Husband Dies Before Consummating The Marriage

3554. It was narrated from Ibn Mas‘úd, that he was asked about a man who married a woman, but did not name a Mahr or consummate the marriage before he died. Ibn Mas‘úd said: “She should have a Mahr like that of women like her, no less and no more; she has to observe the ‘Iddah, and she is entitled to inherit.” Ma‘qil bin Sinán Al-Ashja’i stood up and said: “The Messenger of Allāh ﷺ passed a similar judgment among us concerning Birwa‘ bint Wāshiq.” And Ibn Mas‘úd rejoiced at that. (Sahih)

Comments:
Despite not having had copulation, she would be considered a wife, because the marriage has been contracted. Non-fixation of the dower is not the negation of the marriage contract, although the dower should not be put off absolutely. (See Hadith 3556).

Chapter 58. Mourning

3555. It was narrated from ‘Āishah that the Messenger of Allāh ﷺ said: “It is not permissible for a woman to mourn for anyone who dies for more than three days, except for her husband.” (Sahih)

Comments:
تخريج: أخرج مسلم، الطلاق، باب وجوب الإخود في عدة الوفاة وتحريمه في غير ذلك.
3556. It was narrated from ‘Āishah that the Prophet ﷺ said: “It is not permissible for a woman who believes in Allāh and the Last Day to mourn for more than three days, except for her husband.”” (Ṣaḥīḥ)

Comments:

‘Who believes in Allāh’: The denial of faith for an action indicates the act is unlawful.

Chapter 59. Mourning Is Waived For A Kītābī Widow

3557. It was narrated from Zainab bint Abī Salamah that Umm Ḥabībah said: “I heard the Messenger of Allāh ﷺ say on this Ṣaḥīḥ: ‘It is not permissible for any woman who believes in Allāh and His Messenger to mourn for anyone who dies for more than three days, except for a husband, (for whom the mourning period is) four months and ten days.’” (Ṣaḥīḥ)

Comments:

The deduction of evidence from this Ḥadīth for this chapter is based upon its apparent wordings.
Chapter 60. The Woman Whose Husband Has Died Staying In Her House Until It Becomes Permissible For Her To Remarry

3558. It was narrated from Al-Fārî’ah bint Mālik that her husband went out to pursue some slaves and they killed him. Shu‘bah and Ibn Juraij said: “She was in a remote house. She came with her brothers to the Messenger of Allâh ﷺ and told him (about the situation) and he granted her a concession. When she was leaving he called her back and said: ‘Stay in your house until the term prescribed is fulfilled.’” (Sahîh)

Comments:
1. From this we learn that during the waiting term caused by death, it is essential for the widow to remain in the house of her deceased husband. This is exactly the view adopted by the majority of the people of knowledge. But it is transmitted from ‘Aḥâ, Ibn ‘Abbâs, A‘ishah and Jâbir that she could spend her waiting term anywhere she likes. But this Ḥadîth corroborates spending the waiting term in the husband’s house. And Allâh knows best!

2. ‘Remote house’: Remote from habitation or from the kith and kin of the woman.

3559. It was narrated from Al-Furai‘ah bint Mālik that her husband hired some slaves to work for him and they killed him. She mentioned that to the Messenger of Allâh ﷺ and said: “I am not living in a house that belongs to him, and I do not receive
maintenance from him; should I move to my family with my two orphans and stay with them?” He said: “Do that.” Then he said: “What did you say?” So she told him again and he said: “Observe your ‘Iddah where the news came to you.” (Sahih)

Comments:

‘Furai’ah’: In the previous narration, her name is mentioned as Fari’ah. There is no conflict in it. Furai’ah is the diminution of Fari’ah. She was called both.

May Allah be pleased with her.

3560. It was narrated from Furai’ah that her husband went out to pursue some slaves of his and he was killed on the edge of Al-Qadum. She said: “I came to the Prophet and mentioned moving to (join) my family.” She told him about her situation. She said: “He allowed me, then, when I turned to leave, he called me back and said: ‘Stay with your family until the term prescribed is fulfilled.’” (Sahih)

Comments:

‘Stay with your family’: The home was not owned by her husband, but she was also not told to leave it.

Chapter 61. Concession
Allowing A Woman Whose Husband Has Died To Observe Her ‘Iddah Wherever She Wants

3561. It was narrated from Ibn ‘Abbâs that this Verse abrogated the woman’s ‘Iddah among her family, and she may observe her ‘Iddah wherever she wants. That is
the saying of Allâh, the Mighty and Sublime: without turning them out.\(^1\) (\textit{Sahîh})

\textit{Furai'ah bint Mâlik, the sister of Abû Sa'eed Al-Khadrî, said: "My husband died in Al-Qadûm, so I went to the Prophet and told him that our house was remote."} He gave her permission then he called her back and said: "Stay in your house for four months and ten days, until the term prescribed is fulfilled." (\textit{Sahîh})

**Chapter 62. The Iddah Of A Woman Whose Husband Has Died, Starts From The Day The News Reached Her**

\(3562.\) Furai'ah bint Mâlik, the sister of Abû Sa'eed Al-Khadrî, said: "My husband died in Al-Qadûm, so I went to the Prophet and told him that our house was remote." He gave her permission then he called her back and said: "Stay in your house for four months and ten days, until the term prescribed is fulfilled." (\textit{Sahîh})

**Comments:**

Since he did not say: ‘minus the number of days that passed since his death’ the author has used it to prove the chapter heading.

**Chapter 63. Putting On Adornment Is For The Grieving Muslim Women, Not For Jewish Or Christian Women**

\(3563.\) It was narrated from Humaid bin Nâfi' that Zainab bint Abî Salamah told him these three Hâdîths. Zainab said: "I entered

\[^{1}\] \textit{Al-Baqarah} 2:240.
upon Umm Ḥabībah, the wife of the Prophet ﷺ, when her father Abū Sulaymān bin Ḥarb died. Umm Ḥabībah called for some perfume and put some on a young girl, then she put some on her cheeks. Then she said: ‘By Allāh, I do not have any need for perfume but I heard the Messenger of Allāh ﷺ say: It is not permissible for any woman who believes in Allāh and the Last Day to mourn for anyone who dies for more than three days, except for a husband, (for whom the mourning period is) four months and ten days.’

Zainab said: “Then I went into Zainab bint Jāḥsh when her brother died, and she called for some perfume and put some on. Then she said: ‘By Allāh, I do not have any need for perfume but I heard the Messenger of Allāh ﷺ say on the Minbar: It is not permissible for any woman who believes in Allāh and the Last Day to mourn for anyone who dies for more than three days, except for a husband, (for whom the mourning period is) four months and ten days.”

Zainab said: “I heard Umm Salamah say: ‘A woman came to the Messenger of Allāh ﷺ and said: O Messenger of Allāh, my daughter’s husband has died and she has a problem in her eye; can I put kohl on her? The Messenger of Allāh ﷺ said: No. Then he said: “It is four months and ten days. During the Jāhiliyyah one of you would throw a piece of dung at the
end of the year.' Humaid said: 'I said to Zainab: ‘What is this throwing a piece of dung at the end of the year?’ She said: ‘If a woman’s husband died, she would enter a small room (Hifsh) and wear her worst clothes, and she would not put on perfume or anything until a year. Then an animal would be brought, a donkey or sheep or bird, and she would end her ‘Iddah with it (clean herself with it), and usually any animal used for that purpose would die. Then she would come out and would be given a piece of dung which she would throw, then she would go back to whatever she wanted of perfume, etc.’”

In the narration of Muhammad (bin Salamah) Mālik said: Hifsh means hut. (Sahih)

Comments:

1. ‘I do not have any need for perfume because my husband has long been dead.’ Besides, applying perfume after three days’ mourning is not essential either. In order to end suspicion of mourning, it is, however, recommended to apply perfume, etc. (For further details, see Hadith 3531-32)

Chapter 64. What Dyed Clothes Should Be Avoided By The Woman In Mourning

3564. It was narrated that Umm ‘Atiyah said: “The Messenger of Allāh ﷺ said: ‘No woman should mourn for anyone who dies for more than three days, except for a husband, for whom she should mourn for four months and ten days.
She should not wear garments that are dyed or patterned, or put on kohl or comb her hair, and she should not put on any perfume except when purifying herself after her period, when she may use a little of Qust or Aẓūr.\(^1\) (Ṣahīḥ)

Comments:
1. ‘A dyed garment’ means the garment which has been dyed after it has been woven. Generally, such color happens to be bright.
2. ‘Patterned’: The original Arabic term used is Ṭhaub asab, which means the garment which has been dyed before it has been woven.
3. ‘Can use a little perfume’: Such a perfume is not meant for adornment; it is meant for hiding or preventing the unpleasant smell of menses. Moreover, such a perfume would be applied under the belly after menstruation, and not on the rest of the body.

3565. It was narrated from Ṣafiyah bint Shaibah, from Umm Salamah, the wife of the Prophet ﷺ, that the Prophet ﷺ said: "The woman whose husband has died should not wear clothes that are dyed with safflower or red clay,\(^2\) and she should not use dye nor kohl." (Ḥasan)

Comments:
The garment which is dyed after being woven is forbidden to wear, irrespective of whether it is dyed with any stuff or substance, or any color. The term Mishq means fairly red in color, with which they used to dye

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\(^1\) Two types of incense.
\(^2\) Mumashshaah.
garments. Nowadays, flower-patterned clothes are also dyed later. Hence, they are not permitted. Plain, colorless garments should be used in mourning.

Chapter 65. A Woman In Mourning Dyeing Her Hair

3566. It was narrated from Umm 'Atiyyah that the Prophet said: “It is not permissible for a woman who believes in Allâh and the Last Day, to mourn for anyone who dies for more than three days, except for a husband; she should not use kohl, dye nor wear dyed clothes.” (Sahîh)

Chapter 66. Concession Allowing A Woman In Mourning To Comb Her Hair With Lote Leaves

3567. Umm Hakîm bint Asid narrated from her mother that her husband died and she had a problem in her eye, so she applied kohl to clear her eyes. She sent a freed slave woman of hers to Umm Salamah to ask her about using kohl to clear her eyes. She said: “Do not use kohl unless it cannot be avoided. The Messenger of Allâh entered upon me when Abî Salamah died and I had put some aloe juice on my eyes. He said: ‘What is this, O Umm Salamah?’ I said: ‘It is aloe juice, O Messenger of Allâh, there is no perfume in it.’ He said: ‘It makes the face look bright, so only use it
at night, and do not comb your hair with perfume or henna, for it is a dye.' I said: 'With what can I comb it, O Messenger of Allâh?' He said: 'With lotus leaves - cover your head with them.'” (Da'îf)

**Comment:**

Anything that brings color, for instance, collyrium or henna or anything that beautifies the face and makes it glow, for instance, aloe or anything that emanates fragrance, scented soap, scent, etc., are forbidden to women during the mourning period. One could, however, take a bath and use unscented soap.

**Chapter 67. Prohibition Of Kohl For A Woman In Mourning**

3568. Zainab bint Abî Salamah narrated that her mother Umm Salamah said: “A woman from the Quraish came and said: ‘O Messenger of Allâh, my daughter's eyes are inflamed; shall I apply kohl to her?’ (The daughter’s) husband had died so (the Prophet ﷺ) said: ‘Not until four months and ten days (have passed).’ Then she said: ‘I fear for her sight.’ He said: ‘No, not until four months and ten days (have passed). During the Jâhiliyyah one of you would mourn for her husband for a year, then when one year had passed she would throw a piece of dung.’” (Saḥîḥ)

3569. It was narrated from Zainab bint Abî Salamah, from her mother, that a woman came to the Prophet ﷺ and asked him about
The Book Of Divorce

her daughter whose husband had
died and she was ill. He said: “One
of you used to mourn for a year,
then throw a piece of dung when a
year had passed. Rather it (the
mourning period) is four months
and ten days.” (Sahih)

3570. It was narrated from Zainab
bint Abî Salamah, from Umm
Salamah that a woman from the
Quraish came to the Messenger of
Allâh ﷺ and said: “My daughter’s
husband has died, and I am worried
about her eyes; she needs kohl.” He
said: “One of you used to throw a
piece if dung after a year had passed.
Rather it (the mourning period) is
four months and ten days.” I (the
narrator) said to Zainab: “What
does ‘after a year had passed’
mean?” She said: “During the
Jâhiliyyah, if a woman died she
would go to the worst room she had
and stay there, then, when a year
had passed, she would come out and
throw a piece of dung behind her.”
(Sahih)

3571. It was narrated from Zainab
that a woman asked Umm Salamah
and Umm Ḥabibah whether she
could put on kohl during her
Iddah following her husband's death. She said: "A woman came to the Prophet and asked him about that, and he said: 'During the Jāḥiliyyah, if her husband died, one of you would stay (in mourning) for a year, then she would throw a piece of dung then come out. Rather it (the mourning period) is four months and ten days, until the term prescribed is fulfilled.'" (Saḥīḥ)

Chapter 68. Qust And Azfār
For The Woman In Mourning

3572. It was narrated from Ḥafṣah, from Umm ʿAtiyah, from the Prophet, that he granted a concession to the woman whose husband has died, allowing her to use Qust and Azfār when purifying herself following her menses. (Saḥīḥ)

Comments:

Qust and Azfār are the kinds of incense, which were used in that period of time. The ruling concerning other perfumes is also the same; the use of which is forbidden during the waiting period. Their use, however, at the end of menstruation is permitted. Qust means costus (ṭād); a certain substance or perfume, Indian wood and also Arabian, with which one fumigates. Azfār is a certain odoriferous substance called unguis olerati. It is black, resembling finger nails.

Chapter 69. Abrogation Of Maintenance And Residence For The Widow, Which Are Replaced By The Share Of Inheritance That Is Allotted To Her

3573. It was narrated from Ibn ‘Abbâs, with regard to Allâh’s saying: “And those of you who die and leave behind wives should bequeath for their wives a year’s maintenance and residence without turning them out.”[1] This was abrogated by the Verse on inheritance, which allocated to her one-quarter or one-eighth. And the appointed time (‘Iddah) of one year was abrogated and replaced with the (‘Iddah) term of four months and ten days. (Hasan)

3574. It was narrated from ‘Ikrimah with regard to the saying of Allâh, the Mighty and Sublime: “And those of you who die and leave behind wives should bequeath for their wives a year’s maintenance and residence without turning them out,”[2] that he said: “This was abrogated by: ‘And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten days.”[3] (Sahîh)

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Chapter 70. Concession
Allowing An Irrevocably-
Divorced Woman To Leave Her
House During Her ‘Iddah

3575. ‘Abdur-Rahmân bin ‘Âsim narrated that Fâṭimah bint Qais – who was married to a man of Banu Makhzûm – told him that he divorced her three times. He went out on a military campaign and told his representative to give her some provision. She thought it was too little, so she went to one of the wives of the Prophet ﷺ, and the Messenger of Allâh ﷺ came in while she was with her. She said: “O Messenger of Allâh, this is Fâṭimah bint Qais who has been divorced by so-and-so. He sent her some provision but she rejected it. He said that it was something he did not have to do (a favor).” He said: “He is telling the truth.” The Prophet ﷺ said: “Go to Umm Kulthûm and observe your ‘Iddah in her house.” Then he said: “Umm Kulthûm is a woman who has a lot of visitors. Go to ‘Abdullâh bin Umm Maktrûm for he is blind.” So she went to ‘Abdullâh and observed her ‘Iddah in his house, until her ‘Iddah was over. Then Abû Al-Jahm and Mu‘âwiyyah bin Abî Sufyân proposed to her. So she came to the Messenger of Allâh ﷺ to consult him about them. He said: “As for Abû Al-Jahm, he is a man the waving of whose stick I fear for you. And as for Mu‘âwiyyah he is a man
who does not have any money.” So she married Usâmah bin Zaid after that. (Hasan)

Comments:
‘Umm Salamah’: This is not correct. In other reports, there is mention of Umm Sharîk, and this is correct. (For the rest of the details, please turn to narration 3224, 3239, 3246, and 3247)

3576. It was narrated from Abû Salamah bin ‘Abdûr-Ra‘mân that Fâṭimah bint Qais told him that she was married to Abû ‘Amr bin Ḥâfîz bin Al-Mughirah, who divorced her by giving her the last of three divorces. Fâṭimah said that she came to the Messenger of Allâh ﷺ and consulted him about leaving her house. The Messenger of Allâh ﷺ told her to move to the house of Ibn Umm Maktûm, the blind man. Marwân refused to believe Fâṭimah about the divorced woman leaving her house. ‘Urwa said: ‘Aishah denounced Fâṭimah for that.’ (Sahîh)

Comments: (See the references of the previous Hadîth)

3577. Hishâm narrated from his father that Fâṭimah said: “I said: ‘O Messenger of Allâh! My husband has divorced me three times and I am afraid that my house be broken into.’ So he told her to move.” (Sahîh)

Comments: (See the references of the previous Hadîth)
The house of the husband was farther from the habitation. The husband was not at home. The woman was young. So to speak, there were many dangers.

3578. It was narrated that 'Ash-Sha'bi said: “I came to Fatimah bint Qais and asked her about the ruling concerning her. She said that her husband divorced her irrevocably, and she referred her dispute with him, concerning accommodation and maintenance, to the Messenger of Allâh. She said: ‘He did not give me (the right to) accommodation and maintenance, and he told me to observe my ‘Iddah in the house of Ibn Umm Maktûm.’” (Sahîh)

3579. It was narrated that Fâtîmah bint Qais said: “My husband divorced me and I wanted to move, so I went to the Messenger of Allâh and he said: ‘Move to the house of your paternal cousin ‘Amr bin Umm Maktûm, and observe your ‘Iddah there.’” Al-Aswad hit him (Ash-Sha’bi) with a pebble and said: “Woe be to you! Why do you issue such a Fatwa? ‘Umar said: ‘If you bring two witnesses who will testify that they heard that from the Messenger of Allâh (we will believe you), otherwise, we will not leave the Book of Allâh for the word of a woman.’ ‘And turn them not out of their (husband’s) homes nor shall they (themselves) leave, except in case they are guilty of..."
some open Fāhishah.”[1] (Ṣahih)

Comments:

1. It has previously been pointed out that numerous Companions of the Prophet did not acknowledge the apparent result of this narration (that the lodging and maintenance of an irrevocably divorced woman are not incumbent upon the husband). They consider this incident as specific to Fatimah bint Qais, which means there must have been some distinct reason. (See the details in Ḥadīth 3224). Fatimah bint Qais used to say, in response to this Verse, that the description here pertains to those divorces in which ‘returning’ is possible. It transpires from “after that Allāh may well cause something new to come about.” In the upcoming words “when an irrevocably divorced woman cannot be taken back,” is asked what is the good in her residing in the (husband’s) house? There are rather numerous perils in it.

2. ‘Umar did not consider it essential that for each Ḥadīth, two witnesses be produced, and only then it shall be accepted. On the contrary, he considered this narration contrary to what he was certain of. That is why he stated like this. Otherwise on numerous occasions, one man’s narration has been acknowledged and acted upon. For instance, narrations concerning levying the protection tax from a Magian and about exiting a plague-stricken province.

Chapter 71. Widow Going Out During The Day

3580. It was narrated from Jābir that his maternal aunt was divorced, and she wanted to go out to some date palms of hers, but she met a man who told her not to do that. She went to the Messenger of Allāh Ḥ and he said: “Go out and take the harvest of your date palms, for perhaps you will give Zakāh or do some good (give voluntary charity).” (Ṣahīh)

Comments:

If necessary, a mourning woman may work at home, and on a farm. It is quite possible she might have no one to work on her behalf. And the Divine law

Chapter 72. Maintenance Of An Irrevocably-Divorced Woman

3581. It was narrated that Abū Bakr bin Ḥafṣ[1] said: Abū Salamah and I entered upon Fātimah bint Qais, who said: “My husband divorced me and he did not give me any accommodation or maintenance.” She said: “He left with me ten measures (Aqfizah) (of food) with a cousin of his: Five of barley and five of dates. I went to the Messenger of Allāh ṣaw and told him about that. He said: ‘He has spoken the truth.’ And he told me to observe my ‘Iddah in the house of so-and-so.” And her husband had divorced her irrevocably. (Sahih)

Comments:

Aqfiz is plural of Qafiz. They say that a Qafiz is equal to about four kilos.

Chapter 73. Maintenance Of A Pregnant Woman Who Has Been Irrevocably Divorced

3582. ‘Ubaidullāh bin ‘Abdullāh bin ‘Utbah narrated that ‘Abdullāh bin ‘Amr bin ‘Uthmān divorced the daughter of Sa’eed bin Zaid – whose mother was Hannah bint Qais – irrevocably. Her maternal aunt Fātimah bint Qais told her to move from the house of ‘Abdullāh [1] This is considered an error by one of the copyists, what is correct is Abū Bakr bin Abī Al-Jahm, as found for this narration in Al-Kubra, and affirmed in Tuhfat Al-Ashrāf (12:469).’ See No. 3447.
bin 'Amr. Marwān heard of that, so he sent a word to her, telling her to go back to her home until her 'Iddah was over. She sent a word to him telling him that her maternal aunt Fāṭimah had issued a Fatwā to that effect, and she told her that the Messenger of Allāh ﷺ had issued a Fatwā to her, telling her to move when Abū 'Amr bin Ḥaḍīṣ Al-Makhzūmī divorced her. Marwān sent Qabīṣah bin Dhu’āib to Fāṭimah to ask her about that. She said that she had been married to Abū 'Amr when the Messenger of Allāh ﷺ appointed 'Ali bin Abī Tālib as governor of Yemen, and he went out with him, then he sent word to her divorcing her, and that was the final divorce for her. He told her to ask Al-Ḥārith bin Hishām and 'Ayyāsh for her provisions that her husband had allocated for her. They said: “By Allāh, she is not entitled to any provision. So, she sent to Al-Ḥārith bin Hishām and ‘Ayyāsh asking them for the provisions from us unless she is pregnant, and she has no right to live in our house unless we permit her.” Fāṭimah said that she went to the Messenger of Allāh ﷺ and told him about that and he said that they had told the truth. She said: “I said: ‘Where shall I move to, O Messenger of Allāh?’ He said: ‘Move to the house of Ibn Umm Maktûm’ – who was the blind man, concerning whom Allāh rebuked him in His Book. I moved to his house, and I used to take off my outer garments. Then the
Messenger of Allâh ﷺ married her to Usâmah bin Zaid.” (Sahîh)

Chapter 74. Periods

3583. It was narrated from ‘Amr bin Az-Zubair that Fâtimah bint Abî Hubaish told him that she came to the Messenger of Allâh ﷺ and complained to him about (continual) bleeding. The Messenger of Allâh ﷺ said to her: “That is a vein. Look and when your period comes, do not pray, and when your period ends, then purify yourself and pray during the time between one period and the next.” (Hasan)

Chapter 75. Abrogation Of The Permission To Take Back One’s Wife After The Three Divorces

3584. It was narrated from Ibn ‘Abbâs, regarding Allâh’s saying: “Whatever a Verse do We abrogate or cause to be forgotten, We bring a better one or similar to it,”[1] and “And when We change a Verse in place of another — and Allâh knows

best what He sends down” (Al-Nahl 16:101) and “Allāh blots out what He wills and confirms (what He wills). And with Him is the Mother of the Book.”[1] The first thing that was abrogated in the Qur’ān was the Qiblah. And He said: “And divorced women shall wait (as regards their marriage) for three menstrual periods, and it is not lawful for them to conceal what Allāh has created in their wombs, if they believe in Allāh and the Last Day.” “And their husbands have better right to take them back in that period, if they wish for reconciliation.”[2] – that is because when a man divorced his wife, he had more right to take her back, even if he had divorced her three times. Then (Allāh) abrogated that and said: “The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness.”[3] (Hasan)

Chapter 76. Taking The Wife Back

3585. Ibn ‘Umar said: “I divorced my wife when she was menstruating. ‘Umar went to the Prophet and

[3] Al-Baqarah 2:229. It should be noted that the same chain and text preceded (3529), although there are some differences in the wording.
told him about that. The Prophet said: "Tell him to take her back, then when she becomes pure, if he wants to, let him divorce her." I said to Ibn 'Umar: "Did that count as one divorce?" He said: "Why not? What do you think if some becomes helpless and behaves foolishly." (Sahih)

Comments:

'When she becomes pure': There is clarification in other narrations that when she is purified, and she again enters the period of menstruation, and she is again purified (after passing through the period of menses), and then if he so desires, he may keep her, and if he desires, can divorce her. And this intervening period of purity is meant for the act of returning or taking back. During the state of menstruation, only verbal returning or taking back is possible. (For details, see Hadith 3418)

3586. It was narrated from Ibn 'Umar that he divorced his wife when she was menstruating. 'Umar, may Allâh be pleased with him, mentioned that to the Prophet and he said: "Tell him to take her back until she menstruates again, then when she becomes pure, if he wants he may divorce her and if he wants he may keep her. This is the divorce that Allâh has enjoined. Allâh, the Mighty and Sublime, says: 'The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness.'" (Sahih)

3587. When Ibn 'Umar was asked about a man who divorced his wife when she was menstruating, he would say: “If it is the first or second divorce, the Messenger of Allâh ﷺ would tell him to take her back and keep her until she has menstruated again and purified herself, then divorce her before having intercourse with her. But if it was three simultaneous divorces, then you have disobeyed Allâh with regard to the way in which divorce should be conducted and your wife has become irrevocably divorced.” (Sahîh)

Comments:

‘And you have disobeyed Allâh with regard to the divorce of your wife what He had commanded you’ means by divorcing in the state of menstruation. But that divorce counts. When it is the third divorce, final separation between the couple would take place.

3588. It was narrated from Ibn ‘Umar that he divorced his wife when she was menstruating, and the Messenger of Allâh ﷺ told him to take her back. (Sahîh)

3589. Ibn Tawüs narrated from his father that he heard ‘Abdullâh bin ‘Umar being asked about a man who divorced his wife when she was menstruating. He said: “Do you know ‘Abdullâh bin ‘Umar?”
He said: “Yes.” He said: “He divorced his wife when she was menstruating, and ‘Umar went to the Prophet and told him about that. He ordered him to take her back until she became pure,” and I did not hear him adding anything to that. (Sa‘îdî)

Tafsîr: أخرجه مسلم, الطلاق, باب تحريم طلاق الحائض بنى رضاها ... إلخ

٣٥٩٠ It was narrated from ‘Umar that the Prophet – ‘Amr (one of the narrators) said: “The Messenger of Allâh – had divorced Hafsa, then he took her back.” And Allâh knows best. (Sa‘îdî)

28. The Book Of Horses, Races And Shooting

Chapter 1. “Goodness Is Tied To The Forelocks Of Horses Until The Day Of Judgment”

3591. It was narrated that Salamah bin Nufail Al-Kindi said: “I was sitting with the Messenger of Allâh when a man said: ‘O Messenger of Allâh! The people have lost interest in horses and put down their weapons, and they say there is no Jihad, and that war has ended.’ The Messenger of Allâh turned to face him and said: ‘They are lying, now the fighting is to come. There will always be a group among my Ummah who will fight for the truth, for whom Allâh will cause some people to deviate, and grant them provision from them, until the Hour begins and until the promise of Allâh comes. Goodness is tied to the forelocks of horses until the Day of Resurrection. It has been revealed to me that I am going to die and will not stay long, and you will follow me group after group, striking one another’s necks. And the place of safety for the believers is Ash-Shâm.”[1] (Sahih)
Comments:
1. 'The war has ended' signifies that now the Arabian Peninsula has been purified of polytheism; and the House of Allâh has come into their possession.
2. Fighting is to come: After the conquest, and the death of the Messenger, the fighting will increase.
3. 'Khâir': recompense, spoils, etc.
4. 'Ash-Shâm': It transpires from some traditional reports that close to the Day of Judgment, Ash-Shâm would be the place of victory for the believers.

3592. It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘There is goodness tied to the forelocks of horses until the Day of Resurrection. And horses are of three types: Those that bring reward to a man, those that are a means of protection for a man, and those that are a burden (of sin) for a man. As for those that bring reward, they are kept for the cause of Allâh and for Jihâd. No fodder enters their stomach but for everything that enters their stomachs, reward is written for him, even if he puts them out to pasture.’” And he quoted the Ḥadîth. (Ṣaḥîh)

3593. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “Horses may bring reward to a man, or they may be a means of protection, or they may be a burden (of sin). As for that which brings reward, it is a man who keeps it for the cause of Allâh and ties it
with a long rope in a pasture or a garden; whatever it eats or drinks in that pasture or garden will count as good deeds for him. If it breaks its rope and jumps over one or two hills, its footsteps” – and according to the Hadith of Al-Hārith, “its dung will count as good deeds for him. If it passes by a river and drinks from it, even though (its owner) did not intend to give it water from that river, that will also bring him reward. If a man keeps a horse in order to earn an independent living and avoid asking others for help, and he does not forget his duty toward Allāh with regard to their (the horses’) necks and backs, then they will be a means of protection for him. If a man keeps horses out of pride, to show off before others and to fight the Muslims, then that will be a burden (of sin) for him.” The Prophet ﷺ was asked about donkeys and he said: “Nothing has been revealed to me concerning them except this Verse which is comprehensive in meaning: ‘So whosoever does good equal to the weight of an atom (or a small ant) shall see it. And whosoever does evil equal to the weight of an atom (or a small ant) shall see it’”[1] (Ṣaḥīh)
Chapter 2. Love Of Horses

3594. It was narrated that Anas said: “There was nothing dearer to the Messenger of Allâh ﷺ after women than horses.” (Da’îf)

Chapter 3. Desirable Physical Qualities In Horses

3595. It was narrated that Abû Wâbâb, who was a Companion of the Prophet ﷺ, said: “The Messenger of Allâh ﷺ said: ‘Call (your children) by the names of the prophets. And the most beloved names to Allâh, the Mighty and Sublime, are ‘Abdullâh and ‘Abdur-Rahmân. Keep horses; wipe their forelocks and posteriors, and prepare them for Jihâd, but do not prepare them to seek vengeance for people killed during the Jâhilîyâh.’[1] You should seek out Kumâi’,[2] horses with a white mark on the face and white feet, or red with a white mark on the face and white feet, or black with a white mark on the face and white feet.” (Da’îf)

тхриж: [Эсанаде ضعيف] آخرجه أبو داود المجمّع، باب: فيما يستحب من ألوان الخيل،

[1] This is the interpretation of Ibn Al-Athîr in An-Nihâyâh. Alternatively it is: “And garland them, but not with bowstrings.” Because they used to put bowstrings around the horses neck to ward off the evil eye, and this has been prohibited in other narrations.

[2] Chestnut colored, a color between black and red.
Comments:
1. A name also exerts a strong influence upon human personality. Good names should, therefore, be given.
2. ‘Wipe their forelocks’: Another meaning could be: Keep them clean and tidy; take care of them.

Chapter 4. Shikâl[1] Horses

3596. It was narrated that Abû Hurairah said: The Prophet ﷺ used to dislike the Shikâl among horses. And the wording is that of Imam ‘Abdur-Rahmân (An-Nasâ‘i).[2] (Sahîh)

3597. It was narrated from Abû Hurairah that the Prophet ﷺ used to dislike the Shikâl among horses. (Sahîh)

Abû ‘Abdur-Rahmân (An-Nasâ‘i) said: The Shikâl among horses is when three of its feet have white markings and one of them does not, or three of them are not and one of them has white markings. And Ash-Shikâl (hobbled) is not used except in the case of feet, not hands.

[1] See the author’s explanation after the two narrations, and Shikâl also refers to the animal that was “hobbled.”

[2] That is, one of the two from whom Imam An-Nasâ‘i heard the narration.
Chapter 5. Seeing Horses As An Omen

3598. It was narrated from Sālim, from his father, that the Prophet (ﷺ) said: “Omens are only in three things: A woman, a horse or a house.” (Sahih)

Comments:
Meaning, if a man sees something bad in any of these, he will never rest and always be suspicious of harm from them.

3599. It was narrated from ‘Abdullāh bin ‘Umar that the Messenger of Allāh (ﷺ) said: “Omens are in houses, women and horses.” (Sahih)

3600. It was narrated from Jābir that the Messenger of Allāh (ﷺ) said: “If there are (omens) in...
anything, they are in houses, women and horses.” (Sahih)

Chapter 6. The Blessing Of Horses

3601. It was narrated that Anas bin Mâlik said: “The Messenger of Allâh ﷺ said: ‘Blessing is in the forelocks of horses.’” (Sahih)

Chapter 7. Twisting The Forelocks Of Horses

3602. It was narrated that Jarîr said: “I saw the Messenger of Allâh ﷺ twisting the forelock of a horse with his two fingers, and saying: ‘Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war.’” (Sahih)
Comments:
1. The Prophet's plaiting the horse's forelock with his own blessed hands was due to his love of horses.
2. 'Till the Day of Resurrection': From this it inevitably yields that the Jihād would continue until the Day of Resurrection; and it should be continued, irrespective of whether the ruler is good or bad.

3603. It was narrated from Ibn 'Umar that the Prophet said:
"There is goodness in the forelocks of horses until the Day of Resurrection." (Sahih)

3604. It was narrated that 'Urwah Al-Bāriqi said: "The Messenger of Allāh said: 'Goodness is tied to the forelocks of horses until the Day of Resurrection.'" (Sahih)

3605. It was narrated from 'Urwah bin Abī Al-Ja'd that he heard the Prophet say: "Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war." (Sahih)
3606. It was narrated that 'Urwah said that he heard the Messenger of Allāh ﷺ say: “Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war.” (Ṣaḥīḥ)

3607. It was narrated from 'Urwah bin Abī Al-Jaʿd that the Prophet ﷺ said: “Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war.” (Ṣaḥīḥ)

Chapter 8. A Man Training His Horse

3608. It was narrated that Khālid bin Yazīd Al-Juḥānī said: “Uqbah bin ‘Āmir used to pass by me and say: ‘O Khālid, let us go out and shoot arrows.’ One day I came late and he said: ‘O Khālid, come and I will tell you what the Messenger of Allāh ﷺ said.’ So I went to him and he said: ‘The Messenger of Allāh ﷺ said: Allāh will admit three people to Paradise because of one arrow: The one who makes it seeking good thereby, the one who shoots it and the one who
hands it to him. So shoot and ride, and if you shoot that is dearer to me than if you ride. And play is only in three things: A man training his horse, and playing with his wife, and shooting with his bow and arrow. Whoever gives up shooting after learning it because he is no longer interested in it, that is a blessing for which he is ungrateful – or that he has rejected.” (Hasan)

Comments:
1. ‘That is dearer to me’ because if someone does not know the skill of archery, horse riding would not be of any benefit; whereas archery is beneficial by itself.
2. ‘Play’ means one attains reward through them, because one gets the pleasure of Allâh on account of them. On the other hand, other sports provide only physical recreation, which do not serve any useful purpose.
3. ‘For which he is ungrateful’: If one, however, abandons it on account of one’s other preoccupations, then there is no harm in it.

Chapter 9. The Supplication Of The Horse

3609. It was narrated that Abû Dharr said: “The Messenger of Allâh ﷺ said: ‘There is no Arabian horse but it is allowed to offer two supplications every Sahâr (end of the night): O Allâh, You have caused me to be owned by whoever You wanted among the sons of Adam, and you have made me belong to him. Make me the dearest of his family and wealth to him, or among the dearest of his family and wealth to him.”’ (Saîîh)
The Book Of Horses, Races...

Comments:

1. It is unequivocally proved through the Glorious Qur'an and the Traditions (Ahadith) that even animals too speak in their language. Since we do not understand their language, we consider them dumb. Everything communicates, especially with Allah, Most High.

2. ‘Sahar (end of the night)’ because this is the time when supplications are responded to or granted.

Chapter 10. Stern Warning Against Mating A Donkey With A Horse

3610. It was narrated that ‘Ali bin Abi Talib, may Allah be pleased with him, said: “A mule was given as a gift to the Messenger of Allah ﷺ and he rode it.” ‘Ali said: “If we mate a donkey with a horse, we will have one like this.” The Messenger of Allah ﷺ said: “That is only done by those who do not know.” (Sahih)

Comments:

Why is this forbidden? Either it might be for the reason that it corrupts the pedigree, or it might be because in it an attempt has been made to obtain something inferior by discarding something superior. If such a thing, however, falls into one’s hand effortlessly, then its use is not forbidden. This is because the mule in itself is not a harmful or a blameworthy animal. Some people have held this process permissible, because the Glorious Qur'an makes mention of mules along with horses and donkeys, to express His bounties upon humankind. But it is contrary to the command of the Messenger of Allah ﷺ.

3611. It was narrated that ‘Abdullah bin ‘Ubaidullah bin ‘Abbâs said: I was with Ibn ‘Abbâs and a man asked him: “Did the
Messenger of Allâh ἱ said: “No.” He said: “Perhaps he used to recite to himself?” He said: “May your face be scratched! This question is worse than the first one. The Messenger of Allâh ἱ was a slave whose Lord commanded him and he conveyed (the message). By Allâh, the Messenger of Allâh ἱ did not specify anything for us above the people, except for three things: He commanded us to perform Wudâ’ properly,[1] not to consume charity, and not to mate donkeys with horses.” (Hasan)

Comments:
1. Other Companions reported that the Prophet ἱ recited quietly or inaudibly in the Zuhr and ‘Asr prayers.
2. ‘May your face be scratched’: He said this to express his displeasure.

Chapter 11. The Feed Of Horses

3612. It was narrated from Abû Hurairah that the Messenger of Allâh ἱ said: “Whoever keeps a horse for the cause of Allâh out of faith in Allâh and believing the promise of Allâh, its feed, water, urine and dung will all count as Hasanât in the balance of his deeds.” (Sahîh)

[1] “An Nusbig Al-Wudâ’,” Isbâq Al-Wudâ’ means washing each limb three times. Because performing it well or completely is not restricted to the family of the Messenger ἱ.
Chapter 12. Finish Line Of A Race For Horses That Have Not Been Made Lean

3613. It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ organized a horse race and sent them from Al-Ḥafyā‘ and its finish line was Thaniyyat Al-Wadâ‘; and he organized a race for horses that had not been made lean, and the course stretched from Ath-Thaniyyah to the Masjid of Banu Zuraiq. (Sahih)

Comments:

1. ‘Horses made lean’: means horses which were specially prepared for racing. The process of training for making a horse lean was that it was earlier fattened with rich food for a period of time. Then its food was gradually reduced and it was put in closed housing, where it was covered with clothes until it perspired. Consequently, it became firm and gained strength. It would then run well, and would not sweat, and would not become breathless. Such horses proved very beneficial in battles.

2. The distance from Al-Ḥafyā‘ to Thaniyyat Al-Wadâ‘ was six miles, and from Thaniyyat Al-Wadâ‘ to the mosque of Banu Zuraiq was one mile. Such was the difference between trained and untrained horses.

Chapter 13. Making Horses Lean For Racing

3614. It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ organized a race for horses that had been made lean, from Al-Ḥafyā‘ and its finish line was Thaniyyat Al-Wadâ‘; and he organized another race for horses that had not been made lean, from
Ath-Thaniyyah to the Masjid of Banu Zuraqa, and `Abdullâh was among those who took part in the race. (Sahîh)

Chapter 14. Awards (For Victory In Competition)

3615. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “There should be no awards (for victory in a competition) except a arrows, camels or horses.” (Hasan)

Comments:
1. By organizing such events or competitions, military power would strengthen.
2. ‘Not appropriate’: Probably, the apparent meaning might have been that other sports and games are not worthy that prizes could be instituted over them. Or it might be in order to pronounce its excellence that the institution of prizes is commendable as well as deserving of recompense.

3616. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “There should be no awards (for victory in a competition) except on arrows, camels or horses.” (Hasan)

3617. It was narrated that Abû Hurairah said: “Now award (for victory in a competition) is permissible except over camels or...”
(سورة)

except over camels or horses.

Allah said, “There should be no human Lord in heaven other than the Messenger of Allah.”

46:19. It was narrated from Abu

Comment:

The Messenger of Allah.

Nothing is asked in this world except what Allah desires. Allah’s Messenger asked the people to say, “Al-Abbar bin Banu Batain,” because they said, “O Messenger of Allah, we have business with Abbad when he sees the expression on their faces, they were upset by that, and Muslims were upset by that.”

The Messenger of Allah said, “The Messenger of Allah.”

36:18. It was narrated that among

(ب)[Hussein]
Chapter 15. Jalab (Bringing)

3620. It was narrated from ‘Imrân bin Ḥusain that the Messenger of Allâh ﷺ said: “There is no ‘bringing’, no ‘avoidance’ and no Shîghâr[2] in Islam, and whoever robs is not one of us.” (Sâhîh)

Comments:
(Concerning details about Jalab and Janab, see Hadîth 3337)

Chapter 16. Janab (Avoidance)

3621. It was narrated from ‘Imrân bin Ḥusain that the Messenger of Allâh ﷺ said: “There is no ‘bringing’, no ‘avoidance’ and no Shîghâr in Islam.” (Sâhîh)

3622. It was narrated that Anas bin Mâlik said: “The Messenger of Allâh ﷺ raced with a Bedouin and (the latter) won. It was as if the Companions of the Messenger of Allâh ﷺ were not looking.” (Sâhîh)

[1] Jalab and Janab: i.e., the Zakâh collector should not stop in one place and demand that the people bring their goods and livestock to him for him to assess them, and determine how much Zakâh is due. Conversely the people should not go to remote areas away from where they are expected to be, so that the Zakâh collector has to travel far and face undue hardship in doing his job.

Allah were upset by this, so he said: 'It is a right upon Allah that there is nothing that raises itself in this world except that He lowers it.'" *(Sahih)*

**Comments:**

See No. 3618.

Chapter 17. Two Shares For The Horse

3623. It was narrated from Yahya bin 'Abbâd bin 'Abdullâh bin Az-Zubâir, from his grandfather, that he used to say: 'In the year of Khaibar, the Messenger of Allah allocated four shares to Az-Zubâir bin Al-'Awwâm: A share of Az-Zubâir, a share for the relatives of Safiyyah bint 'Abdul-Muţţâlib, the mother of Az-Zubâir, and two shares for the horse.' *(Sahih)*

**Comments:**

1. Zubair was related to the Prophet from the side of his paternal aunt. The Divine law had earmarked a rightful share for the members of the Prophet's household in the *Khumus*. This *Khumus* or a fifth part was taken from the spoils of war.

2. The majority of the people of knowledge maintain that a horse would receive two shares from the spoils of war. In other words, a rider would get three shares, whereas a footman would receive one.
29. The Book Of Endowments (Al-Iḥbās)

An endowment signifies setting apart a thing for the countenance of Allāh. It should, therefore, not be made a property of anyone else. It is rather left without an owner, so that it could neither be sold, nor substituted, nor inherited. It would stay as it is till the Day of Resurrection. However, the income accruing from such endowments would be spent on people for whom the property is endowed, for instance, travelers, kith and kin, the poor, or the widows, etc. The person establishing an endowment would appoint an administrator, irrespective of whether he appoints himself, someone else, or the government, or any other organization.

Chapter 1. (What The Messenger Of Allāh ☪ Left Behind When He Died)

3624. It was narrated that ‘Amr bin Al-Ḥarīth said: “The Messenger of Allāh ☪ did not leave behind a Dirār nor a Dirham, or any slave, male or female; except his white mule which he used to ride, his weapon and some land which he left to be used for the cause of Allāh.”

(One of the narrators) Qutaibah said on one occasion: “In charity.”

(Sahih)

Comments:
1. The Messenger of Allāh ☪ did not keep any property. He merely ate and drank (in order to sustain himself), kept things which were needed for use, as it clearly transpires from the above-mentioned narration.
2. If no administrator has been appointed over the endowment, then the current ruler shall be its administrator.

3625. Abū Ishāq narrated: “I heard ‘Amr bin Al-Ḥārith say: ‘The Messenger of Allāh ☪ did not leave behind anything except his white mule, his weapon and some land which he left as a charity.”” (Sahih)
Chapter 2. Endowments: How The Endowment Is To Be Recorded, And Mentioning The Differences Reported From Ibn 'Awn In The Narration Of Ibn 'Umar

3627. It was narrated from Sufyān Ath-Thawrī, from Ibn 'Awn, from Nāfi', from Ibn 'Umar, from 'Umar, that they said: "I was allocated some land of Khāibar. I came to the Messenger of Allāh ḥ ﷺ and said: 'I have acquired some land and I have never acquired any wealth that is dearer to me or more precious than it.' He said: 'If you wish, you can give it in charity.'" So he gave it in charity on condition that it would not be bought or given away, for the poor, relatives, slaves, guests and wayfarers. And there is no sin on the administrator if he eats from it or feeds others on a reasonable basis, with no intention of becoming wealthy from it. (Sahīh)
Comments:
Behold the selflessness of 'Umar. He endowed his most precious property in the way of Allâh. Only such people attain high ranks. May Allâh be pleased with him and he be with Him.

3628. A similar report was narrated from Abû Ishâq Al-Fazârî, from (Ayyûb) bin 'Awn, from Nâfi', from Ibn 'Umar, from 'Umar, may Allâh be pleased with him, from the Prophet (Sâhih).

3629. It was narrated that Yazid – Ibn Rusaiq – said: "Ibn 'Awn narrated to us, from Nâfi', from Ibn 'Umar, from 'Umar, who said: 'I acquired some land at Khâibar. He came to the Prophet (Sâhih) and said: I have acquired some land at Khâibar, and I have never been given any wealth that is more precious to me than it. What do you command me to do with it? He said: If you wish, you can 'freeze' it and give it in charity. So he gave it in charity on condition that it would not be sold, given away or inherited, to the poor, relatives, slaves, for the cause of Allâh, guests and wayfarers. There is no sin on the one who administers it if he eats from it on a reasonable basis and feeds his friend, with no intention of becoming wealthy from it." (Sâhih)
Comments:

Zakāh is not taken from an endowment. On the contrary, those for whom the endowment is established may derive benefit out of it, irrespective of whether they are wealthy. ‘Kith and kin’ probably mean the relatives of ‘Umar or the people of the Prophet’s family. ‘Administrator’: The administrator of the endowment may take a remuneration commensurate with his responsibilities, which has been described in the Hadith by the use of the term Ma‘rūf (well-known, universally recognized, that which is good or beneficial). The administrator’s hand ought not to remain liberal in the matters of the endowment. Otherwise, it might pave the way to misappropriation.

3630. It was narrated from Bishr, from Ib n ‘Awn, from Nāfi’, from Ib n ‘Umar who said: “Umar acquired some land at Khaibar. He came to the Prophet and consulted him about it. He said: ‘I have acquired a great deal of land, and I have never acquired any wealth that is more precious to me than it. What do you command me to do with it?’ He said: ‘If you wish, you may freeze it and give it in charity.’ So he gave it in charity on condition that it would not be sold or given away, and he gave it in charity to the poor, relatives, to emancipate slaves, for the cause of Allâh, for wayfarers and guests. There is no sin – on the administrator – if he eats (from it) or feeds a friend, with no intention of becoming wealthy from it.’” These are the wordings of Ismā‘īl.[1]

(Sahīh)


Comments:

The land was given to ‘Umar by way of spoils consequent to the Campaign of Khaibar.

3631. It was narrated from Azhār As-Sammān, from Ib n ‘Awn, from Nāfi’, from Ib n ‘Umar, that ‘Umar

[1] That is, one of the two from whom the author heard this narration.
acquired some land at Khaibar. He came to the Prophet ﷺ and consulted him about that. He said: "If you wish, you may ‘freeze’ it and give it in charity." So he ‘froze’ it, stipulating that it should not be sold, given as a gift or inherited, and he gave it in charity to the poor, relatives, slaves, the needy, wayfarers and guests. There is no sin on the administrator if he eats from it on a reasonable basis or feeds a friend with no intention of becoming wealthy from it. (Sahih)

3632. It was narrated that Anas said: "When this Verse was revealed – ‘By no means shall you attain Al-Birr (piety, righteousness — here it means Allah’s reward, i.e. Paradise), unless you spend (in Allah’s cause) of that which you love. ’ [1] Abû Ṭalḥah said: ‘Our Lord will ask us about our wealth. I adjure you, O Messenger of Allah! I am giving my land to Allah.’ The Messenger of Allah ﷺ said: ‘Make it for your relatives, Hassan bin Thabit and Ubayy bin Ka‘b.’’ (Sahih)

Comments:

‘My land’: In reality it was a garden, which was situated in front of the Prophet’s mosque in the north. It was immensely fertile and dense.

Chapter 3. Endowment
Benefiting Everyone

3633. It was narrated that Ibn ‘Umar said: “Umar said to the Prophet ﷺ: ‘The one hundred shares that I acquired in Khaibar — I have never acquired any wealth that I like more than that, and I want to give it in charity. The Prophet ﷺ said: Freeze it and donate its fruits.’” (Sahih)

3634. It was narrated that ‘Umar, may Allāh be pleased with him, said: “Umar came to the Messenger of Allāh ﷺ and said: ‘O Messenger of Allāh, I have acquired some wealth the like of which I have never acquired before. I had one hundred head (of livestock) with which I bought one hundred shares of Khaibar from its people. I wanted to draw closer to Allāh, the Mighty and Sublime, by means of it.’ He said: ‘Freeze it and donate its fruits.’” (Sahih)

3635. It was narrated that ‘Umar said: “I asked the Messenger of Allāh ﷺ about some land of mine in Thamgh. He said: ‘Freeze it and donate its fruits.’” (Sahih)
Chapter 4. An Endowment (Waqf) For Masjids

3636. Al-Ahnaf said: ‘I came to Al-Madînah, and I was performing Ḥajj, and while we were in our camping place unloading our mounts, someone came to us and said: ‘The people have gathered in the Masjid.’ I looked and found the people gathered, and in the midst of them was a group; there I saw ‘Alî bin Abî Tâlib, Az-Zubair, Ṭalhah and Sa’d bin Abî Waqqâs, may Allâh have mercy on them. When I got there, it was said that ‘Uthmân bin Affân had come. He came, wearing a yellowish cloak. I said to my companion: ‘Stay where you are until I find out what is happening.’

‘Uthmân said: Is ‘Alî here? Is Az-Zubair here? Is Ṭalhah here? Is Sa’d here? They said: Yes. He said: I adjure you by Allâh, besides Whom there is none worthy of worship, are you aware that the Messenger of Allâh  said: Whoever buys the Mirbad[1] of Banu so and so, Allâh will forgive him, and I bought it, then I came to the Messenger of Allâh  and told him, and he said: Add it to our Masjid and the reward for it will be yours? They said: Yes. He said: I adjure you by Allâh,

beside Whom there is none worthy of worship, are you aware that the Messenger of Allah ﷺ said: Whoever buys the well of Rūmah, Allah will forgive him, so I came to the Messenger of Allah ﷺ and said: I have bought the well of Rūmah. He said: Give it to provide water for the Muslims, and the reward for it will be yours? They said: Yes. He said: ‘I adjure you by Allah, beside Whom there is none worthy of worship, are you aware that the Messenger of Allah ﷺ said: Whoever equips the army of Al-'Usrah (i.e., Tabūk), Allah will forgive him, so I equipped them until they were not lacking even a rope or a bridle? They said: Yes. He said: O Allah, bear witness, O Allah, bear witness, O Allah, bear witness.” (Hasan)

Comments:

See No. 3184.

3637. It was narrated that Al-Ahnaf bin Qais said: “We set out for Hajj, and came to Al-Madimah intending to perform Hajj. While we were in our camping place unloading our mounts, someone came to us and said: ‘The people have gathered in the Masjid and there is panic.’ So we set out and found the people gathered around a group in the middle of the Masjid, among whom were ‘Ali, Az-Zubair, Taḥḥah and Sa’d bin Abī Waqqāṣ. While we were like that, ‘Uthmān came, wearing a yellowish cloak with which he had covered his head. He said: Is ‘Ali here? Is Taḥḥah here? Is
Az-Zubair here? Is Sa’d here? They said: Yes. He said: I adjure you by Allāh, beside Whom there is none worthy of worship, are you aware that the Messenger of Allāh ṣa said: Whoever buys the Mirbad of Banu so and so, Allāh will forgive him, and I bought it for twenty or twenty-five thousand, then I came to the Messenger of Allāh ṣa and told him, and he said: Add it to our Masjid and the reward for it will be yours? They said: By Allāh, yes. He said: ‘I adjure you by Allāh, beside Whom there is none worthy of worship, are you aware that the Messenger of Allāh ṣa said: Whoever buys the well of Rūmah, Allāh will forgive him, so I bought it for such and such an amount, then I came to the Messenger of Allāh ṣa and told him, and he said: Give it to provide water for the Muslims, and the reward for it will be yours? They said: By Allāh, yes. He said: ‘I adjure you by Allāh, beside Whom there is none worthy of worship are you aware that the Messenger of Allāh ṣa said: Whoever equips these (men), Allāh will forgive him, – meaning the army of Al-‘Usrah (i.e., Tabūk) – so I equipped them until they were not lacking even a rope or a bridle? They said: ‘By Allāh, yes. He said: O Allāh, bear witness, O Allāh, bear witness.” (Hasan)

3638. It was narrated that Thumāmah bin Ḥazn Al-Qushairī said: “I was present at the house when ‘Uthmān looked out over
them and said: 'I adjure you by Allâh and by Islam, are you aware that when the Messenger of Allâh ﷺ came to Al-Madinah, and it had no water that was considered sweet (suitable for drinking) except the well of Rûmah, he said: "Who will buy the well of Rûmah and dip his bucket in it alongside the buckets of the Muslims, in return for a better one in Paradise?"' and I bought it with my capital and dipped my bucket into it alongside the buckets of the Muslims? Yet today you are preventing me from drinking from it, so that I have to drink salty water.' They said: 'By Allâh, yes.' He said: 'I adjure you by Allâh and by Islam, are you aware that I equipped the army of Al-'Usrah (Tabûk) from my own wealth?' They said: 'By Allâh, yes.' He said: 'I adjure you by Allâh and by Islam, are you aware that when the Masjid became too small for the people and the Messenger of Allâh ﷺ said: Who will buy the plot of the family of so and so and add it to the Masjid, in return for a better plot in Paradise? I bought it with my capital and added it to the Masjid? Yet now you are preventing me from praying two Rak'ahs therein.' They said: 'By Allâh, yes.' He said: 'I adjure you by Allâh and by Islam, are you aware that when the Messenger of Allâh ﷺ was atop Thabîr – the Thabîr in Makkah – and with him were Abû Bakr, 'Umar and myself, the mountain shook, and the Messenger of Allâh ﷺ kicked it with his foot and said: Be still Thabîr, for upon you are a Prophet,
a Siddîq and two martyrs?” They said: ‘By Allâh, yes.’ He said: ‘Allâhu Akbar! They have testified for me, they have testified for me, by the Lord of the Ka’bah’ – i.e., that I am a martyr.” (Hasan)

Comments:

‘I am a martyr’: While it is absolutely clear that a martyr happens to be tyrannized, and his killers are at least the oppressors. So to say, they themselves are bearing witness that we would tyrannically murder the Caliph of the Muslims.

3639. It was narrated from Abû Salamah bin ‘Abdur-Rahmân that ‘Uthmân looked out over them when they besieged him and said: “By Allâh, I adjure a man who heard the Messenger of Allâh ﷺ, on the day when the mountain shook with him, and he kicked it with his foot and said: ‘Be still, for there is no one upon you but a Prophet or a Siddîq or two martyrs,’ and I was with him.” Some men responded and affirmed that. Then he said: “By Allâh, I adjure a man who witnessed the Army of Allâh ﷺ, on the day of Bai‘at Al-Riḍwân, say: ‘This is the Hand of Allâh and this is the hand of ‘Uthmân.’” Some men responded and affirmed that. He said: “By Allâh, I adjure a man who heard the Messenger of Allâh ﷺ, say, on the day of the army of Al-Usrah (i.e., Tabûk): ‘Who will spend and it will be accepted?’ And I equipped half of the army from
my own wealth.’ Some men responded and affirmed that. Then he said: “By Allâh, I adjure a man who heard the Messenger of Allâh say: ‘Who will add to this Masjid in return for a house in Paradise,’ and I bought it with my own wealth.” Some men responded and affirmed that. Then he said: “By Allâh, I adjure a man who witness Rûmah being sold, and I bought it from my own wealth and allowed wayfarers to use it.” Some men responded and affirmed that. (Hasan)

Comments:

1. The purpose of ‘Uthman in presenting these witnesses was not to take pride in self, ostentation, or to seek fame. On the contrary, at that moment, he wanted to prove that he was on the right, and the rebels were on the wrong. Allâh’s Messenger’s commands concerning this are very clear and explicit.

2. The Prophet’s striking the mount with his foot and addressing it, is his Prophetic rank.

3. ‘Bait ar-Rûdwin’: The Pledge of (Allâh’s) Goodly Acceptance; as a result of it, those who pledged gained the pleasure of Allâh, Most High, and its formal announcement was made in the Glorious Qur’ân. This incident took place during the Truce of Hudaybiyyah, on account of a rumor that ‘Uthman had been martyred, which reached the Muslim camp (at Hudaybiyyah).

4. This is Allâh’s Hand and this is ‘Uthman’s, because ‘Uthman was not present on the occasion, and Allâh’s Messenger had certitude that he was alive. That is why Allâh’s Messenger stated, placing his one hand upon the other. This pledge is on behalf of ‘Uthman. He affirmed his one hand as the hand of Uthman and his other as the Hand of Allâh, because the Pledge was being sworn under the Command of Allâh, Most High. It occurs in the Glorious Qur’ân too: “Behold, all who pledge their allegiance to you, pledge their allegiance to Allâh, the Hand of Allâh is over their hands.” (48: 10) The sublime exaltedness of ‘Uthman and of the Prophet himself is well-displayed in this Ayah of the Qur’ân.

5. ‘Half the army’: So to speak, he had a considerable share in the preparation or the equipment of this army.
3640. It was narrated that ‘Abdur-Rahmân Al-Sulâmî said: “When ‘Uthmân was besieged in his house, the people gathered around his house and he looked out over them” and he quoted the same Hadîth. (Sàhih)
30. The Book Of Wills

Comments:
A bequest (Wasiyyah) or will signifies matters to come into operation, concerning his wealth and children after the testator's death. A bequest in a third of one’s wealth shall be carried out. More than this depends upon the consent of the heirs. Action upon a bequest concerning children also depends upon the consent of the relevant individuals. A property or estate bequest cannot be made in favor of any heir; meaning an heir’s share may neither decrease nor increase on account of the bequest.

Chapter 1. It is Disliked To Delay Making A Will

3641. It was narrated that Abû Hurairah said: “A man came to the Prophet and said: ‘O Messenger of Allâh, what kind of charity brings the greatest reward?’ He said: ‘To give in charity when you are healthy and feeling miserly, and fearing poverty and hoping for a long life. Do not wait until the (death rattle) reaches the throat and then say: “This is for so and so,” and it nearly became the property of so and so (the heirs).’” (Sahîh)

Comments:
1. The best charity is that you give when you yourself are in need of it, because this sort of charity affords conclusive evidence to one’s sincerity of intention. If one gives charity at a time when one is not in need of it, or when there is no hope of one’s surviving, then such a charity is the charity given out of superfluous wealth, which is of no value or consequence.

2. The signification of this Hadîth in this chapter is that one should make it a constant practice to give charity, which would not necessitate the bequeathing. Moreover, delay would also not intervene.

3. “Became the property of so and so. No sooner do you die than your heirs would become the owner of your wealth, and it would be under their jurisdiction, or at their disposal. In other words, it is no longer yours!”
3642. It was narrated that 'Abdullāh said: “The Messenger of Allāh ﷺ said: ‘For whom among you is the wealth of his heirs dearer to him than his own wealth?’ They said: ‘O Messenger of Allāh, there is no one among us for whom his own wealth is not dearer to him than the wealth of his heirs.’ The Messenger of Allāh ﷺ said: ‘Know that there is no one among you for whom the wealth of his heirs is not dearer than his own wealth. Your wealth is that which you have sent on ahead, and the wealth of your heirs is that which you have kept.’” (Ṣaḥīḥ)

3643. It was narrated from Muṭarrif, from his father, that the Prophet ﷺ said: “The mutual rivalry (for piling up of worldly things) diverts you, ‘Until you visit the graves (i.e. till you die).’” The son of Ādam says: ‘My wealth, my wealth,’ but your wealth is what you eat and consume, or what you wear and it wears out, or what you give in charity and send on ahead (for the Hereafter).” (Ṣaḥīḥ)

3644. Abū Ḥabībah At-Ṭā’ī said: “A man made a will leaving some Dinārs (to be spent) in the cause of Allāh. Abū Ad-Dardā’ was asked

about that, and he narrated that the Prophet ﷺ said: “The likeness of the one who frees a slave or gives some charity when he is dying, is that of a man who gives a gift after he has eaten hisfill.” (Hasan)

Comments:
The purpose is that the charity given at the time of one’s death is lesser from the dimension of recompense than that which is given in the state of good health. It does not mean it has absolutely no benefit or reward, because righteousness is always beneficial.

3645. It was narrated that Ibn ‘Umar said: “The Messenger of Allah ﷺ said: ‘It is not befitting for a Muslim who has anything concerning which a will should be made, to abide for two nights without having a written will with him.’” (Sahih)

Comments:
This is because life has no certainty. Death could strike at any moment. Therefore, the required bequest should be made soon. Moreover, one should also appoint witnesses upon the bequest so that dispute might not surface later on. The bequest ought to be made in writing in order to avoid any future disagreement. From the mention of two nights, one realizes that a night’s delay is admissible. And Allah knows best! The mention of two might possibly have been incidental; as in some upcoming narrations, there is mention of three also. So to say, a night’s delay is also not permissible without need.

3646. It was narrated from Ibn ‘Umar that the Messenger of Allah ﷺ said: “It is not befitting for a Muslim who has anything concerning which
a will should be made, to abide for two nights without having a written will with him." (Sahih)

3647. (The same) was narrated from Ibn 'Awn, from Nafi', from Ibn 'Umar. (Sahih)

3648. It was narrated from 'Abdullâh bin 'Umar that the Prophet ﷺ said: “It is not befitting for a Muslim to abide for three nights without having his will with him.” 'Abdullâh bin 'Umar said: “Since I heard this from the Messenger of Allâh ﷺ, I have always had my will with me.” (Sahih)

3649. It was narrated from Sâlim bin 'Abdullâh, from his father, that the Messenger of Allâh ﷺ said: “It is not right for a Muslim who has anything concerning which a will should be made, to abide for more than three nights without having a written will with him.” (Sahih)
Chapter 2. Did The Prophet Make A Will?

3650. Ṭālḥa said: “I asked Ibn Abī Awfa: ‘Did the Messenger of Allāh leave a will?’ He said: ‘No.’ I said: ‘How come it is prescribed for the Muslims to make wills?’ He said: ‘He left instructions urging the Muslims to adhere to the Book of Allāh.’” (Ṣahih)

Comments:
‘No’: That means he did not make any bequest for wealth.

3651. It was narrated that ‘Āishah said: “The Messenger of Allāh did not leave behind a Dīnār or a Dirham, or a sheep or a camel, and he did not leave any will.” (Ṣahih)

Comments:
(See Hadith 3624)

3652. It was narrated that ‘Āishah said: “The Messenger of Allāh did not leave behind a Dirham or a Dīnār, or a sheep or a camel, and he did not leave any will.” (Ṣahih)
3653. It was narrated that 'Aishah said: “The Messenger of Allâh did not leave behind a Dirham or a Dinâr, or a sheep or a camel, and he did not leave any will.” Ja'far[1] did not mention “Dinâr or Dirham.” (Saḥîh)

3654. It was narrated that ‘Aishah said: “They say that the Messenger of Allâh made a will concerning ‘Ali, may Allâh be pleased with him. But he called for a vessel in which to urinate, then he went limp without me realizing it. So to whom did he leave a will?” (Saḥîh)

3655. It was narrated that ‘Aishah said: “The Messenger of Allâh died when no one was with him except me.” She said: “And he called for a vessel.” (Saḥîh)

[1] Meaning one of the two from whom the author heard the narration.
Chapter 3. Bequeathing One-Third

3656. It was narrated from ‘Âmir bin Sa’d that his father said: “I became ill with a sickness from which I later recovered. The Messenger of Allâh ﷺ came to visit me, and I said: ‘O Messenger of Allâh, I have a great deal of wealth and I have no heir except my daughter. Shall I give two-thirds of my wealth in charity?’ He said: ‘No.’ I said: ‘Half?’ He said: ‘No.’ I said: ‘One-third?’ He said: ‘(Give) one-third, and one-third is a lot. It is better to leave your heirs independent of means, than to leave them poor and holding out their hands to people.’” (Sahîh)

Comments:
1. This Makkan incident belongs to the period of the Conquest of Makkah.
2. ‘Except my daughter’, which means from among my offspring.
3. ‘Though one-third is also too much’: From this (phrasing) some venerable individuals have deduced that the bequest should be made only for less than one-third. Some others understand it to mean that ‘one-third is much’ so to say, a bequest could be made in one-third of the wealth.

3657. It was narrated that Sa’d said: “The Prophet ﷺ came to visit me when I was in Makkah. I said: ‘O Messenger of Allâh, shall I bequeath all my money?’ He said: ‘No.’ I said: ‘One half?’ He said: ‘No.’ I said: ‘One-third?’ He said: ‘(Bequeath) one-third, and one-third is a lot. If you leave your heirs independent of means, that is better than if you leave them poor and holding out
their hands to people."” (Sahih)
3660. ‘Amir bin Sa’d (narrated) from his father that he fell sick in Makkah and the Messenger of Allâh ﷺ came to him. When Sa’d saw him, he wept and said: “O Messenger of Allâh, am I to die in the land from which I emigrated?” He said: “No, if Allâh wills.” He said: “O Messenger of Allâh, shall I bequeath all of my wealth in the cause of Allâh?” He said: “No.” He said: “Two-thirds?” He said: “No.” He said: “Half of it?” He said: “No.” He said: “One-third of it?” The Messenger of Allâh ﷺ said: “One-third, and one-third is a lot. If you leave your sons independent of means that is better than if you leave them poor, holding out their hands to people.” (Sahîh)

3661. It was narrated that Sa’d bin Abi Waqqâs said: “The Messenger of Allâh ﷺ visited me when I was sick, and said: ‘Have you made a will?’ I said: ‘Yes.’ He said: ‘How much?’ I said: ‘For all of my wealth to be given in the cause of Allâh.’ He said: ‘What have you left for your children?’ I said: ‘They are rich (independent of means).’ He said: ‘Bequeath one-tenth.’ And we kept discussing it until he said: ‘Bequeath one-third, and one-third is much or large.’” (Hassan)

تَحْرِيق: [إسناده صحيح] وهو في الكبرى، ح: 1457، وأصله متفق عليه كما قصد.
3662. It was narrated from Sa’d that the Prophet visited him when he was sick, and he said: “O Messenger of Allâh, shall I bequeath all of my wealth?” He said: “No.” He said: “Half?” He said: “No.” He said: “One-third?” He said: “One-third, and one-third is a much or large.” (Sahîh)

3663. It was narrated from ‘Âishah that the Messenger of Allâh came to visit Sa’d (when he was sick). Sa’d said to him: “O Messenger of Allâh, shall I bequeath two-thirds of my wealth?” He said: “No.” He said: “Shall I bequeath half?” He said: “No.” He said: “Shall I bequeath one-third?” He said: “Yes, one-third, and one-third is much or large. If you leave your heirs independent of means that is better than if you leave them poor, holding out their hands.” (Hasan)

3664. It was narrated that Ibn ‘Abbâs said: “If the people were to reduce (their bequests) to one-quarter (of their wealth, that would be better), because the Messenger of Allâh said: ‘One-third, and one-third is much or large.’” (Sahîh)
3665. It was narrated from Muhammad bin Sa’d, from his father Sa’d bin Mālik, that the Prophet said: “I do not have any children apart from one daughter. Shall I bequeath all my wealth?” The Prophet said: “No.” He said: “Shall I bequeath half of it?” The Prophet said: “No.” He said: “Shall I bequeath one-third of it?” He said: “One-third, and one-third is much or large.” (Sahih)

3666. Jābir bin ‘Abdullāh narrated that his father was martyred on the Day of Uhud, and he left behind six daughters, and some outstanding debts. When the time to pick the dates came, I went to the Messenger of Allah and said: “You know that my father was martyred on the Day of Uhud and he left behind a great deal of debt. I would like the creditors to see you”. He said: “Go and pile up the dates in separate heaps.” I did that, then I called him. When they saw him, it was as if they started to put pressure on me at that time. When he saw what they were doing, he went around the biggest heap three times, then he sat on it and then said: “Call your companions (the creditors).” Then he kept on weighing out for them, until Allāh cleared all my father’s debts. I am pleased that Allāh cleared my
father's debts without even a single date being missed. (Saḥīḥ)

Comments:
1. ‘Six daughters’: In some reports, there is mention of nine. Probably they might have been married already. That is why they were not mentioned. These six were unmarried, whose responsibility rested with Jābir.
2. ‘Put pressure on me’: Originally, they were the Jews, and the Jews are an extremely selfish, hard hearted and unsympathetic community. Rather every interest-devouring person happens to be so!
3. ‘Went around’: For blessing, or blessedness, or in order to gather a correct estimate of the quality of dates.
4. ‘Without even a single date being missed’: This was one of the Prophet’s miracles.

Chapter 4. Paying Off Debts Before Distributing Inheritance And Mentioning The Difference In The Wordings Of The Reporters Of The Narration

3667. It was narrated from Jābir that his father died owing debts. “I came to the Prophet (ﷺ) and said: ‘(O Messenger of Allāh!) My father has died owing debts, and he has not left anything but what his date-palms produce. What his date-palms produce will not pay off his debts for years. Come with me, O Messenger of Allāh, so that the creditors will not be harsh with me.’ The Messenger of Allāh (ﷺ) went to each heap, saying Salāms and supplicating for it, then sitting on it. He called the creditors and paid them off, and what was left was as much as what they had taken.” (Saḥīḥ)
3668. It was narrated that Jābir said: "Abdullāh bin ‘Amr bin Ḥarām died, leaving behind debts. I asked the Messenger of Allāh ﷺ to intercede with his creditors so that they would waive part of the debt. He asked them to do that but they refused. The Prophet ﷺ said to me: ‘Go and sort your dates into their different kinds: The ‘Ajwāh on one side, the cluster of Ibn Zaid on another side, and so on. Then send for me.’ I did that, then the Messenger of Allāh ﷺ came and sat at the head or in the middle of the heaps. Then he said: ‘Measure them out for the people.’ So I measured them out for them until I had paid them all off, and my dates were left as if nothing had been taken from them.” (Sahih)

3669. It was narrated that Jābir bin ‘Abdullāh said: "My father owed some dates to a Jew. He was killed on the Day of Uhūd and he left behind two gardens. The dates owed to the Jew would take up everything in the two gardens. The Prophet ﷺ said: ‘Can you take half this year and half next year?’ But the Jew refused. The Prophet ﷺ said: ‘When the time to pick the dates comes, call me.’ So I called him and he came, accompanied by Abū Bakr. The dates were picked and weighed from the lowest part of the palm-trees, and the Messenger of Allāh ﷺ was praying for blessing, until we paid off
everything that we owed him from the smaller of the two gardens, as calculated by ‘Ammār. Then I brought them some fresh dates and water and they ate and drank, then he said: ‘This is part of the blessing concerning which you will be questioned.’” (Sahih)

3670. It was narrated that Jābir bin ‘Abdullāh said: “My father died owing debts. I offered to his creditors that they could take the fruits in lieu of what he owed them, but they refused as they thought that it would not cover the debt. I went to the Messenger of Allāh and told him about that. He said: ‘When you pick the dates and have put them in the Mirbad (place for drying dates), call me.’ When I had picked the dates and put them in the Mirbad, I went to the Messenger of Allāh and he came, accompanied by Abū Bakr and ‘Umar. He sat on (the dates) and prayed for blessing. Then he said: ‘Call your creditors and pay them off.’ I did not leave anyone to whom my father owed anything but I paid him off, and I had thirteen Wasqs left over. I mentioned that to him and he smiled and said: ‘Go to Abū Bakr and ‘Umar and tell them about that.’ So I went to Abū Bakr and ‘Umar and told them about that, and they said: ‘We knew, when the Messenger of Allāh did what he did, that this would happen.’” (Sahih)
Chapter 5. Invalidating Bequests To Heirs

3671. It was narrated that ‘Amr bin Khārijah said: “The Messenger of Allāh ﷺ delivered a Khutbah and said: ‘Allāh has given every person who has rights his due, and there is no bequest to an heir.”’ (Hasan)

Comments:
In the early period, one’s offspring used to become heirs. For parents and other kith and kin, a bequest used to be made. Their right was not specified. In the same period, this Verse was revealed: “It is prescribed when death approaches any of you if he leaves any goods that he makes a bequest to parents and next of kin.” (Al-Baqarah: 180) Then Allāh, Most High, specified in Surat An-Nisa the portions of parents, children, husband, wife, sister, and brother. Henceforth, the bequest did not remain necessary for heirs. So the will remained for those not assigned a portion of the inheritance.

3672. It was narrated from Shahr bin Hawshab that Ibn Ghanm mentioned that Ibn Khārijah told him that he saw the Messenger of Allāh ﷺ addressing the people from atop his mount, which was chewing its cud and its saliva was dripping down. The Messenger of Allāh ﷺ said in his Khutbah: “Allāh has given each person a share of the inheritance, and it is not permissible to give bequests to an heir.” (Hasan)
Comments:
1. ‘Saliva was dripping...’ meaning he was standing below the she-camel’s neck. He might have probably been holding her reins.
2. ‘Each person’ meaning the one who is considered worthy of inheritance. The description of most of the heirs occurs in the Glorious Qur’an. The mention of portions of some heirs occurs in traditional reports; for instance, the portion of a paternal grandmother and a maternal grandmother.

3673. It was narrated that ‘Amr bin Khārijah said: “The Messenger of Allāh said: ‘Allāh, Mighty is His Name has given every person who has rights his due, and there is no bequest to an heir.”’ (Hasan)

3674. It was narrated that Abū Hurairah said: “When the following was revealed: ‘And warn your tribe (O Muḥammad) of near kindred,’[1] the Messenger of Allāh called the Quraiḥ and they gathered, and he spoke in general and specific terms, then he said: ‘O Banu Ka’b bin Lu’ayy! O Banu Murrah bin Ka’b! O Banu ‘Abd Shams! O Banu ‘Abd Manāf! O Banu Hishām! O Banu ‘Abdul-Muṭṭalib! Save yourselves from the Fire! O Fāṭimah! Save yourself from the Fire. I cannot avail you anything before Allāh., but I will uphold the ties of kinship with you.” (Ṣaḥīḥ)

Chapter 6. When One Exhorts His Closest Kinsmen

The author mentions this narration as the will, bequest, or wasiyah of Allâh’s Messenger to his relatives. This is because ‘Wasiyyah’ is used for a will that is written, as well as statements of order or encouragement.

3675. It was narrated that Musâ bin Talhah said: “The Messenger of Allâh said: ‘O Banu ‘Abd Manâf! Buy your souls from your Lord. I cannot avail you anything before Allâh. O Banu ‘Abdul-Mu’ttalib! Buy your souls from your Lord. I cannot avail you anything before Allâh. But between me and you there are ties of kinship which I will uphold.’” (Sahîh)

3676. It was narrated that Abû Hurairah said: “The Messenger of Allâh said, when the Verse: ‘And warn your tribe (O Muhammammad) of near kindred.’[1] was revealed: ‘O Quraish! Buy your souls from your Lord; I cannot avail you anything before Allâh. O Banu ‘Abdul-Mu’ttalib! I cannot avail you anything before Allâh. O ‘Abbâs bin ‘Abdul-Mu’ttalib! I cannot avail you anything before Allâh. O Safiyyah, paternal aunt of the Messenger of Allâh! I cannot avail you anything before Allâh. O Fatimah bint Muhammad! Ask me for whatever you want, I cannot avail you anything before Allâh.’” (Sahîh)

3677. Abū Hurairah said: “The Messenger of Allāh ﷺ stood up when the following was revealed to him: ‘And warn your tribe (O Muḥammad) of near kindred’;[1] and said: ‘O Quraish! Buy your souls from your Lord, I cannot avail you anything before Allāh. O Banu ‘Abd Manāf! I cannot avail you anything before Allāh. O ‘Abbās bin ‘Abdul-Muṭṭalib! I cannot avail you anything before Allāh. O Ṣafīyyah, paternal aunt of the Messenger of Allāh ﷺ! I cannot avail you anything before Allāh. O Fāṭimah! Ask me for whatever you want, I cannot avail you anything before Allāh.’” (Ṣaḥīḥ)

3678. It was narrated that ‘Āishah said: “When this verse – ‘And warn your tribe (O Muḥammad) of near kindred’[2] – was revealed, the Messenger of Allāh ﷺ said: ‘O Fāṭimah daughter of Muḥammad! O Ṣafīyyah bint ‘Abdul-Muṭṭalib! O Banu ‘Abdul-Muṭṭalib! I cannot
avail you anything before Allâh; ask me for whatever you want of my wealth.”” (Sahîh)

Chapter 7. If A Person Dies Unexpectedly, It Is Recommended For His Family To Give Charity On His Behalf

3679. It was narrated from ‘Âishah that a man said to the Messenger of Allâh ﷺ: “My mother died unexpectedly; if she had been able to speak she would have given charity. Should I give charity on her behalf?” The Messenger of Allâh ﷺ said: “Yes.” So he gave charity on her behalf. (Sahîh)

Comments:
He was Sa’d bin ‘Ubâdah. Both he and his honorable mother were extremely generous. That pious and generous woman had suddenly died in his absence. Details follow in the upcoming Hadîth.

3680. It was narrated from Sa’eeed bin ‘Amr bin Shurâhbiil bin Sa’eeed bin Sa’d bin ‘Ubâdah, from his father, that his grandfather said: “Sa’d bin ‘Ubâdah went out with the Prophet ﷺ on one of his campaigns, and death came to his mother in Al-Madinah. It was said to her (as she was dying): ‘Make a will.’ She said: ‘To whom shall I make a will? The wealth belongs to Sa’d.’ Then she died before Sa’d came. When Sa’d
came, he was told about that and he said: ‘O Messenger of Allâh, will it benefit her if I give in charity on her behalf?’ The Prophet (ﷺ) said: ‘Yes.’ Sa’d said: ‘Such and such a garden is given in charity on her behalf’—regarding a garden that he named.” (Sahîh)

Chapter 8. The Virtue Of Charity Given On Behalf Of The Deceased

3681. It was narrated from Abû Hurairah that the Messenger of Allâh (ﷺ) said: “When a man dies all his good deeds come to an end except three: Ongoing charity (Sadaqah Jâriyyah), beneficial knowledge and a righteous son who prays for him.” (Sahîh)

Comments:
1. ‘Ongoing charity’ means such charity which continues to benefit people even after the death of the charity-giver.
2. ‘Knowledge’: For instance, the books which were written or trained pupils or audio-cassettes, etc.
3. ‘Righteous son’ whom the deceased had trained and educated, and had accustomed them to doing good deeds. (Further details could be seen in the previous report).

3682. It was narrated from Abû Hurairah said that a man said to the Prophet (ﷺ): “My father died and left behind wealth, but he did not leave a will. Will it expiate for him if I give charity on his behalf?”
3683. It was narrated that Ash-Sharid bin Suwaid Ath-Thaqafi said: “I came to the Messenger of Allah ﷺ and said: ‘My mother left a will saying that a slave should be freed on her behalf. I have a Nubian slave girl; will it suffice if I free her on her behalf?’ He said: ‘Bring her here.’ The Prophet ﷺ said to her: ‘Who is your Lord?’ She said: ‘Allah.’ He said: ‘Who am I?’ She said: ‘The Messenger of Allah.’ He said: ‘Set her free, for she is a believer.’” (Hasan)

Comments:
We get to learn that it is superior to emancipate a believer. Besides, emancipating a slave woman equals emancipation of a slave. We also get to know that belief in the Oneness of Allah and the Prophethood is sufficient for one to be a believer. One ought not to delve deep into it.

3684. It was narrated from Ibn ‘Abbás that Sa’d asked the Prophet ﷺ: “My mother died and did not leave a will; shall I give charity on her behalf?” He said: “Yes.” (Sahih)

3685. It was narrated from Ibn ‘Abbás that a man said: “O
Messenger of Allah, my mother died; will it benefit her if I give in charity on her behalf?” He said: “Yes.” He said: “I have a garden and I ask you to bear witness that I am giving it in charity on her behalf.” (Sahih)

3686. It was narrated from Sa’id bin ‘Ubâdah that he came to the Prophet ﷺ and said: “My mother has died and she had a vow to fulfill. Will it suffice if I free a slave on her behalf?” He said: “Free a slave on behalf of your mother.” (Sahih)

Comments:
See No. 3848.

3687. It was narrated from Sa’did bin ‘Ubâdah that he consulted the Prophet ﷺ about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allah ﷺ said: “Fulfill it on her behalf.” (Sahih)

تخريج: [صحيح] أخرج البخاري، ح. 267 من حديث روح بن عبادة به (انظر الحديث السابق)، وهو في الكبير، ح. 1482.

تخريج: [صحيح] أخرجه الطبراني في الكبير: 1/18، ح. 3688 من حديث سليمان بن كثير عليه، وهو في الكبير، ح. 1483، وله الحديث شواهد كثيرة جدًا عند البخاري، ح. 2761، وسلم، ح: 1638 وغيرهما.

تخريج: [صحيح] أخرجه الطبراني في الكبير: 1/18، ح. 3688 من حديث سليمان بن كثير عليه، وهو في الكبير، ح. 1483، وله الحديث شواهد كثيرة جدًا عند البخاري، ح. 2761، وسلم، ح: 1638 وغيرهما.
3688. It was narrated from Sa‘d bin ‘Ubādah that he consulted the Prophet about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allāh said: “Fulfill it on her behalf.” (Sahih)

3689. It was narrated that Ibn ‘Abbās said: “Sa‘d consulted the Messenger of Allāh about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allāh said: ‘Fulfill it on her behalf.’” (Sahih)

Chapter 9. Mentioning The Different Reports From Sufyân

3690. It was narrated that Al-Hārith bin Miskin said, it being read to him while I was listening: “From Sufyân, from Az-Zuhrî, from ‘Ubadullâh bin ‘Abdullâh, from Ibn ‘Abbâs, that Sa‘d bin ‘Ubâdah consulted the Prophet about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allāh said:“Fulfill it on her behalf.””
said: ‘Fulfill it on her behalf.’”

(Sahih)

3691. Muḥammad bin ʿAbdullāh bin Yazīd said: “Sufyān narrated to us from Az-Zuhrī, from ʿUbaidullāh bin ʿAbdullāh, from Ibn ʿAbbās, that Saʿd said: ‘My mother died and there was an (outstanding) vow that she had to fulfill. I asked the Prophet ﷺ and he told me to fulfill it on her behalf.’” (Sahih)

3692. It was narrated that Ibn ʿAbbās said: “Saʿd bin ʿUbadah Al-Anṣārī consulted the Messenger of Allāh ﷺ about an (outstanding) vow that his mother had to fulfill, but she died before doing so. The Messenger of Allāh ﷺ said: ‘Fulfill it on her behalf.’”[1] (Sahih)

Comments:
Saʿd was the chieftain of the well-known tribe of Banu Khazraj.

3693. It was narrated that Ibn ʿAbbās said: Saʿd bin ʿUbadah came to the Prophet ﷺ and said: “My mother has died and she had a vow to fulfill but she did not do so. He said: ‘Fulfill it on her behalf.’”

(Sahih)

[1] This, and the remainder in the chapter, are not narrated by Sufyān.
3694. It was narrated that Sa‘d bin ‘Ubâdah said: “I said: ‘O Messenger of Allâh, my mother has died; shall I give in charity on her behalf?’ He said: ‘Yes.’ I said: ‘What kind of charity is best?’ He said: ‘Providing drinking water.’” (Da‘if)

3695. It was narrated that Sa‘d bin ‘Ubâdah said: “I said: ‘O Messenger of Allâh, what kind of charity is best?’ He said: ‘Providing drinking water.’” (Da‘if)

3696. It was narrated from Sa‘d bin ‘Ubâdah that his mother died. He said: “O Messenger of Allâh, my mother has died; can I give charity on her behalf?” He said: “Yes.” He said: “What kind of charity is best?” He said: “Providing drinking water.” And that is the drinking-fountain of Sa‘d in Al-Madinah. (Da‘if)
Chapter 10. The Prohibition Of Guardianship Over An Orphan's Property

3697. It was narrated that Abū Dharr said: "The Messenger of Allāh said to me: 'O Abū Dharr, I think that you are weak, and I like for you what I like for myself. Do not accept a position of Amīr over two people, and do not agree to be the guardian of an orphan’s property.’" (Sahīh)

Comments:
1. Guardianship of the wealth of an orphan entails enormous responsibilities. It, therefore, demands a high sense of piety, compassion, and a sincere spirit of sacrifice. Not everyone possesses such lofty characteristics. Hence, hastiness and proactiveness in it are forbidden. If, however, someone is forced to take on such a responsibility, it shall have to be fulfilled. The one who does not find himself in a position to fulfill its demands, should decline to accept it.

2. ‘Weak’: Because the strong person is better suited for responsibility.

Chapter 11. What The Guardian Is Entitled To Of An Orphan’s Property If He Takes Care Of It

3698. It was narrated from ‘Amr bin Shu‘ailb, from his father, from his grandfather, that a man came to the Prophet and said: "I am poor and I do not have anything, and I have an orphan (under my care).” He said: “Eat from the property of your orphan without being extravagant, wasteful or keeping it as capital for yourself.” (Hasan)
3699. It was narrated that Ibn ‘Abbâs said: “When these Verses were revealed — ‘And come not near to the orphan’s property, except to improve it,’[1] and ‘Verily, those who unjustly eat up the property of orphans’[2] — the people avoided the property and food of the orphans. That caused hardship to the Muslims and they complained about that to the Prophet ﷺ. Then Allah ﷻ 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. And Allah ﷻ knows him who means mischief (e.g. to swallow their property) from him who means good (e.g. to save their property). And if Allah ﷻ had wished, He could have put you into difficulties’[3] (Da‘î)

3700. It was narrated that Ibn ‘Abbâs said — concerning the Verse: “Verily, those who unjustly eat up the property of orphans”[4] — A man would have an orphan in

his care, and he would keep his food, drink and vessels separate. This caused hardship to the Muslims, so Allah, 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] (in religion), so it is permissible for you to mix with them. (Hasan)

**Comments:**

In every society, if there is an orphan or two they reside together with the other members of the household. They eat and drink jointly. This sort of arrangement is advantageous to them also, because if they eat and drink separately, it would entail more expenses. The Arabs also followed the same system. When this Verse was revealed, people were frightened, lest anything belonging to orphans enter our bellies. They, therefore, separated the wealth for the food and drink of the orphans, out of piety and heedfulness of Allah, though such was not the objective of the Divine law. When this produced several hardships in the society, Allah, Most High, clarified the situation by revealing another Verse - that if the intention is of well being and sympathy or compassion, there is no harm in keeping them together. The primary objective is the well being of the orphans, whatever way it is achieved.

**Chapter 12. Avoiding Consuming The Orphan’s Property**

3701. It was narrated from Abu Hurairah that the Messenger of Allah ﷺ said: “Avoid the seven sins that doom one to Hell.” It was said: “O Messenger of Allah, what are they?” He said: “Associating others with Allah (Shirk), magic, killing a soul whom Allah has forbidden killing, except in cases

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dictated by Islamic law, consuming Ribâ, consuming the property of orphans, fleeing on the day of the march (to battlefield), and slandering chaste women who never even think of anything touching their chastity and are good believers.” (Sahih)

النّسي الّذي خَرَّم الله إلاّ بالحَّرَّمِ، وَأَذْلَ الرِّبَاءِ، وَأَذَلُّ مَالِ الْبَيْتِمِ، وَالْتَزْوِيِّ يَوْمِ الرَّجْحِ، وَقَذْفُ المُخْضَشّاتِ الْفَائِلَاتِ، الْمُؤْمِناتِ».

تخريج: أخرجه مسلم، الإيمان، باب الكبائر وأكبرها، ح: 89 من حديث ابن وهب، والبخاري، الوصايا، باب قول الله تعالى: ﴿إِنَّ الَّذين يَأكُلون أمور النَّاس ظلمًا، ﴿ إِلَّاٰ خِزَيْنِ ﴾ ح: 2498 من حديث سليمان بن بلال به، وهو في الكبيرة، ح: 2766.
Chapter 1. Different Versions
Of The Report Of Nu'mān Bin Bashīr Concerning Presents

3702. It was narrated from An-Nu'mān bin Bashīr that his father gave him a slave as a present, then he came to the Prophet to ask him to bear witness (to that). He said: “Have you given a present to all of your children?” He said: “No.” He said: “Then take it back.” This wording is that of (one of the narrators) Muḥammad. (Sahīh)

Comments:
1. The tie of relationship between children and father is very close. A slight diversion of it becomes the cause of many evils. Hence, there is guidance from the Divine law that a man ought to treat his children equally so that no one has the feeling of deprivation. Giving a present to one son only might create a feeling of hatred among the other sons toward this son (to whom the present was given) and the father. And its consequences could be formidable. That is why one is forbidden from indulging in such practices, and it has been commanded that a man ought to treat his children equally in giving presents, and not prefer some over others. If one desires to give, each one should be given equally. There is, however, disagreement over whether a daughter and a son be given equally or a son should be given twofold, as is done in the case

\[1\] An-Nihāl or presents; most of the linguists explain that it is something given without expecting something in return. Similar was stated by Ibn Hajar in explanation of Nos. 2586-2587 of Al-Bukhārī. It is often used as a synonym for other words that mean “gift.”
of inheritance.

2. This equality is only in the matter of gifts and presents. So far as the disbursement of maintenance remains, therein the portion shall be decided accordingly. For instance, each one's expenses concerning food, drink, clothes, education, and marriage, etc., cannot be equal. These would be governed by necessity.

3703. It was narrated from An-Nu‘mân bin Bashîr that his father brought him to the Messenger of Allâh ﷺ and said: “I have given my son a slave of mine as a present.” The Messenger of Allâh ﷺ said: “Have you given a present to all of your children?” He said: “No.” The Messenger of Allâh ﷺ said: “Then take (your present) back.” (Sahih)

Comments:

In an authentic Hadith, taking back a present after giving is forbidden. But a father may take it back from his own children.

3704. It was narrated from An-Nu‘mân bin Bashîr that his father Bashîr bin Sa‘d brought An-Nu‘mân with him and said: “O Messenger of Allâh, I have given this son of mine a slave who belonged to me as a present.” The Messenger of Allâh ﷺ said: “Have you given a present to all your children?” He said: “No.” He said: “Then take (your present) back.” (Sahih)

3705. It was narrated from Bashîr bin Sa'd that he brought An-Nu'mân to the Prophet ﷺ and said: "I want to give this son of mine a slave as a present, and if you think that I should go ahead with it, I will go ahead." The Messenger of Allah ﷺ said: "Have you given a present to all your children?" He said: "No." He said: "Then take (your present) back." (Sahîh)

3706. It was narrated from An-Nu'mân bin Bashîr that his father gave him a present, and his mother said: "Ask the Prophet ﷺ to bear witness to what you have given to my son." So he came to the Prophet ﷺ and told him about that, and the Prophet ﷺ did not want to bear witness to it. (Sahîh)

Comments:
1. 'In order to make him (the Prophet ﷺ) a witness lest other sons might begin to dispute it in future.
2. (The Prophet ﷺ) did not like to bear witness over it because it was an injustice, and to bear witness over injustice is synonymous with participation in the act of injustice.

3707. It was narrated from Bashîr that he gave his son a slave as a present, then he came to the Prophet ﷺ and he wanted the Prophet ﷺ to bear witness to that. He said: "Have you given a similar present to all of your children?" He said: "No." He said: "Then take (your present) back." (Sahîh)
3708. It was narrated from Hishâm bin ‘Urwh, from his father, that Bashîr came to the Prophet ﷺ and said: “O Prophet of Allâh, I have given An-Nu‘mân a present.” He said: “Have you given something to his brothers?” He said: “No.” He said: “Then take it back.” (Sahîh)

3709. It was narrated that An-Nu‘mân said that his father took him to the Prophet ﷺ and said: “Bear witness that I have given An-Nu‘mân such and such of my wealth as a gift.” He said: “Have you given all your children a present like that which you have given to An-Nu‘mân?” (Sahîh)

3710. It was narrated from An-Nu‘mân that his father brought him to the Prophet ﷺ to bear witness to a present that he gave to him. He said: “Have your given all you children a present like that which you have given to him?” He said: “No.” He said: “I will not bear witness to anything. Will it not please you if they were all to treat you with equal respect?” He said: “Of course.” He said: “Then no (I will not do it).” (Sahîh)
3711. An-Nu‘mân bin Bashîr Al-Ansârî narrated that his mother, the daughter of Rawâhâh, asked his father to give some of his wealth to her son. He deferred that for a year, then he decided to give it to him. She said: “I will not be pleased until you ask the Messenger of Allah ﷺ to bear witness.” He said: “O Messenger of Allah, the mother of this boy, the daughter of Rawâhâh, insisted that I give a gift to him.”

The Messenger of Allah ﷺ said: “O Bashîr, do you have any other children besides this one?” He said: “Yes.” The Messenger of Allah ﷺ said: “Have you given all of them a gift like that which you have given to this son of yours?” He said: “No.” The Messenger of Allah ﷺ said: “Then do not ask me to bear witness, for I will not bear witness to unfairness.” (Sahîh)

Comment:
‘Call me not as witness’: This does not signify that one should call someone else as witness, rather this is a way of scolding not to do such a thing. It occurs in the Qur’ân: “Let, then, him who wills, believe in it, and let him who wills, reject it.” (18: 29) That is why it was called injustice, and injustice is forbidden.

3712. It was narrated that An-Nu‘mân said: “My mother asked my father for a gift and he gave it to me. She said: ‘I will not be contented until you ask the Messenger of Allah ﷺ to bear witness.’ So my father took me by
the hand, as I was still a boy, and went to the Messenger of Allāh ﷺ. He said: ‘O Messenger of Allāh, the mother of this boy, the daughter of Rawāḥah, asked me for a gift, and she wanted me to ask you to bear witness to that.’ He said: ‘O Bashîr, do you have any other child apart from this one?’ He said: ‘Yes.’ He said: ‘Have you given him gifts like that which you have given to this one?’ He said: ‘No.’ He said: ‘Then do not ask me to bear witness, for I will not bear witness to unfairness.’” (Ṣaḥīḥ)

3713. It was narrated that ʿĀmir said: “I was told that Bashîr bin Saʿd came to the Messenger of Allāh ﷺ and said: ‘O Messenger of Allāh, my wife ʿAmrah bint Rawāḥah told me to give a gift to her son Nuʿmān, and she told me to ask you to bear witness to that.’ The Prophet ﷺ said: ‘Do you have any other children?’ He said: ‘Yes.’ He said: ‘Have you given them something like that which you have given to this one?’ He said: ‘No.’ He said: ‘Then do not ask me to bear witness to unfairness.’” (Ṣaḥīḥ)

3714. It was narrated from ‘Abdullāh bin ‘Utbah bin Masʿūd that a man came to the Prophet ﷺ and said: “I have given a gift to my son, so bear witness.” He said: “Do
you have any other children?" He said: "Yes." He said: "Have you given them something like that which you have given him?" He said: "No." He said: "Shall I bear witness to unfairness?" (Sahih)

3715. An-Nu‘mân bin Bashîr said:

“My father took me to the Prophet to ask him to bear witness to something that he had given to me. He said: ‘Do you have any other children?’ He said: ‘Yes.’ He gestured with his hand held horizontally like this, (saying): ‘Why don’t you treat them all equally?’” (Sahih)

3716. An-Nu‘mân said, when he was delivering a Khutbah: “My father took me to the Messenger of Allâh to ask him to bear witness to a gift that he had given me. He said: ‘Do you have any other children besides him?’ He said: ‘Yes.’ He said: ‘Treat them equally.’” (Sahih)
3717. An-Nu‘mân bin Bashîr delivered a Khutbah and said: ‘The Messenger of Allâh ﷺ said: ‘Treat your children fairly, treat your children fairly.’” (Sahîh)
32. The Book Of Gifts
(Al-Hibah)\footnote{A more general term for “gift” than Niḥal, and it is used in the previous chapter, where the narrations state a “gift” rather than a present.}

Chapter 1. A Gift Given To Everyone

Comments:

A Hiba is defined as the transfer of the possession of property from one person to the other, providing it is done without the intention of getting reward. If it is done with the intention of gaining reward or Thawāb, then it is called charity or Sadaqah. Sometimes, both these terms are used interchangeably for each other.

3718. It was narrated from ‘Amr bin Shu‘a‘ib, from his father, that his grandfather said: “We were with the Messenger of Allāh when the delegation of Hawāzīn came to him and said: ‘O Muhammad! We are one of the ‘Arab tribes and a calamity has befallen us of which you are well aware. Do us a favor, may Allāh bless you.’ He said: ‘Choose between your wealth or your women and children.’ They said: ‘You have given us a choice between our families and our wealth; we choose our women and children.’ The Messenger of Allāh said: ‘As for that which was allocated to myself and to Banu ‘Abdul-Muṭtalib, it is yours. When I have prayed Zuhr, stand up and say: “We seek the help of the Messenger of Allāh in dealing with the believers, or the Muslims, with
regard to our women and children.”

So when they prayed Zuhr, they stood up and said that. The Messenger of Allâh ﷺ said: ‘As for that which was allocated to myself and to Banu ‘Abdul-Muţṭalib, it is yours.’ The Muhâjîrûn said: ‘That which was allocated to us is for the Messenger of Allâh ﷺ.’ The Anṣâr said: ‘That which was allocated to us is for the Messenger of Allâh ﷺ.’ Al-Aqra‘ bin Ḥâabis said: ‘As for myself and Banu Tamîm, then no (we will not give it up).’ ‘Uyaynah bin Ḥîşn said: ‘As for myself and Banu Fazârah, then no (we will not give it up).’ Al-‘Abbâs bin Mirdâs said: ‘As for myself and Banu Sulâim, then no (we will not give it up).’ Banu Sulâim stood up and said: ‘You lied; whatever was allocated to us, it is for the Messenger of Allâh ﷺ.’ The Messenger of Allâh ﷺ said: ‘O people, give their women and children back to them. Whoever gives back anything of these spoils of war, he will have six camels from the spoils of war that Allâh grants us next.’ Then he mounted his riding-animal and the people surrounded him, saying: ‘Distribute our spoils of war among us.’ They made him go back toward a tree on which his Ridâ’ (upper-wrap) got caught. He said: ‘O people! Give me back my Ridâ’. By Allâh! If there were cattle as many in number as the trees of Tihâmah I would distribute them among you, then you would not find me a miser, a coward or a liar.’ Then he went to a camel and took a hair from its hump between two of his
fingers and said: 'Look! I do not have any of the spoils of war. All I have is the Khums, and the Khums will be given back to you.' A man stood up holding a ball of yarn made from goat hair and said: 'O Messenger of Allah, I took this to fix my camel-saddle.' He said: 'What was allocated to myself and to Banu ‘Abdul-Muttalib is for you.' He said: 'Is this so important? I don’t need it! And he threw it down.' He said: 'O people! Give back even needles large and small, for Al-Ghulāt[1] will be (a source of) shame a disgrace for those who took it on the Day of Resurrection.'” (Hasan)

Comments:
1. This incident belongs to the Battle of Hunain. After the Conquest of Makkah, Allah’s Messenger came to know that Banu Hawizīn, etc., were assembling an army to challenge the Muslims. Allah’s Messenger decided to fight them. When the battle was fought, Banu Hawizīn met with defeat. Their wives, children, camels, goats, almost everything fell into the hands of the Muslims, because of their foolhardiness.
2. ‘Myself and to Banu Abdul Muttalib’: These words posit the theme of the chapter that the shares of his (the Prophet) and Abdul Muttalib’s household were not separate. It was rather included in its totality, which Allah’s Messenger gifted or pardoned. Hence, making a gift of a shared thing is lawful.

Chapter 2. A Father Taking Back That Which He Gave To His Son, And Mentioning The Varying Reports Of The Narrators For The Report On That

3719. It was narrated from ‘Amr bin Shu‘aib, from his father, that

[1] Things pilfered from the spoils of war prior to their distribution.
his grandfather said: “The Messenger of Allâh ﷺ said: ‘No one should take back his gift except a father (taking back a gift) from his son. The one who takes back his gift is like one who goes back to his vomit.’” (Sahîh)

Comments:

We learn two issues from this narration: (1) Taking back or returning in the matter of gift is unlawful. (2) For a father, returning or taking back is permissible.

3720. It was narrated from Ibn ‘Umar and Ibn ‘Abbâs, who attributed the Hadîth to the Prophet ﷺ: “It is not permissible for a man to give a gift and then take it back except a father taking back what he gave to his son. The likeness of the one who gives a gift then takes it back is that of the dog which eats until it is full, then it vomits, and goes back to its vomit.” (Hasan)

3721. It was narrated that Ibn ‘Abbâs said: “The Messenger of Allâh ﷺ said: ‘The one who takes back his gift is like the dog which vomits then goes back to its vomit.’” (Sahîh)
3722. It was narrated that Tawus said: “The Messenger of Allâh ﷺ said: ‘It is not permissible for anyone to give a gift then take it back, except from one’s son.’”

Tawus said: “When I was young I used to hear (the phrase), ‘The one who goes back to his vomit,’ but we did not realize that this was a similitude.” He said: “The likeness of the one who does that is that of a dog which eats then vomits, then goes back to its vomit.” (Sahîh)

Chapter 3. Mentioning The Different Reports From ‘Abdullâh Bin ‘Abbâs About It

3723. ‘Abdullâh bin ‘Abbâs said: “The Messenger of Allâh ﷺ said: ‘The likeness of the one who takes back his gift, is that of a dog which goes back to its vomit and eats it.’” (Sahîh)
“The likeness of the one who gives a gift then takes it back, is that of a dog which vomits, then goes back to its vomit and eats it.” (Saḥīḥ)

3725. It was narrated from ‘Abdullāh bin ‘Abbās that the Messenger of Allāh ﷺ said: “The likeness of the one who takes back his gift is that of a dog which vomits, then goes back to its vomit.” (One of the narrators) Al-Awzā’ī said: “I heard him[1] narrating this Hadīth to ‘Āṭā’ bin Abī Rabāh.” (Saḥīḥ)

3726. It was narrated from Ibn ‘Abbās that the Prophet ﷺ said: “The one who takes back his gift is like the one who goes back to his vomit.” (Saḥīḥ)

3727. It was narrated that Ibn 'Abbas said: "The one who takes back his gift is like the one who goes back to his vomit." (Sahih)

3728. It was narrated that Ibn 'Abbas said: "The Messenger of Allah said: 'It does not befit us to leave bad examples. The one who takes back his gift is like the one who goes back to his vomit.'" (Sahih)

3729. It was narrated that Ibn 'Abbas said: "The Messenger of Allah said: 'It does not befit us to leave bad examples. The one who takes back his gift is like the dog which goes back to its vomit.'" (Sahih)

3730. It was narrated that Ibn 'Abbas said: "The Messenger of Allah said: 'It does not befit us to leave bad examples. The one who takes back his gift is like a dog with its vomit.'" (Sahih)
Chapter 4. Mentioning The Different Reports From Tawus About The One Who Takes Back His Gift

3731. It was narrated from 'Abdullâh bin Tawûs, from his father, from Ibn 'Abbâs, that the Messenger of Allâh ﷺ said: "The one who takes back his gift, is like the dog which vomits then goes back to its vomit." (Sahîh)

3732. It was narrated from Abû Az-Zubair, from Tawûs, that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: ‘The one who takes back his gift, is like the one who goes back to his vomit.’” (Sahîh)

3733. It was narrated from 'Amr bin Shu'aib, from Tawûs, from Ibn 'Umar and Ibn 'Abbâs, that they said: ‘The Messenger of Allâh ﷺ said: ‘It is not permissible for anyone to give a gift then take it back, except a father with regard to what he gives to his son. The likeness of the one who gives a gift then takes it back, is that of the dog which eats then when it is full it vomits, then it goes back to its vomit.” (Sahîh)
The Book Of Gifts (Al-Hibah)

Comments:
The detail has preceded in Hadīth 3719. Taking back or returning for father is permissible, because he might need it for disciplining his children. Teaching manners to children is far more meritorious than giving them presents.

3734. It was narrated from Ibn Juraij, from Al-Ḥasan bin Muslim, from Tawūs that the Messenger of Allāh ﷺ said: “It is not permissible for anyone to give a gift then take it back, except a father.” Tawūs said: “I used to hear the boys say: ‘O you who goes back to his vomit!’ But I did not realize that the Messenger of Allāh ﷺ had said this as parable, until we heard that he used to say: ‘The likeness of the one who gives a gift then takes it back, is that of the dogs which eats its vomit.”’ (Sahih)

3735. It was narrated from Hanzalah that he heard Tawūs say: “Some of those who met the Prophet ﷺ told us that he said: ‘The likeness of the one who gives (something), then takes back his gift, is that of a dog which eats, then vomits, then eats its vomit.”’ (Sahih)
Chapter 1. Mentioning The Different Reports From Ibn Abî Najîh Concerning The Narration Of Zaid Bin Thâbit

3736. Hilâl bin Al-‘Alâ` informed us: “My father narrated to us: Ubaidullâh – he is, Ibn ‘Amr – narrated to us, from Sufyân, from Ibn Abî Najîh, from Tâwûs, from Zaid bin Thâbit, that the Prophet ﷺ said: ‘Ar-Ruqba is permissible.’” (Hasan)

Comments:
That property becomes their de facto possession. That means it would not return to the donor.

3737. Muḥammad bin ‘Alî bin Maimûn informed us, he said: “Muḥammad – he is, Ibn Yûsuf – narrated to us, he said: ‘Sufyân narrated to us from Ibn Abî Najîh, from Tâwûs, from a man, from Zaid bin Thâbit that the Prophet ﷺ ruled that the Ruqba belongs to the one to whom it is given.’” (Hasan)

3738. Zakâriyyâ bin Yaḥyâ informed us, he said: “Abdul-Jabbâr bin Al-‘Alâ` narrated to us, he said: ‘Sufyân narrated to us

[1] A gift given, subject to the condition, that if the giver dies first, the gift will belong to the recipient, but if the recipient dies first, the gift reverts to the giver.
from Ibn Abi Najih, from Tāwūs, and perhaps it is from Ibn ‘Abbās, who said: There is no Ruqba, and whoever gives a gift on the basis of Ruqba, it is part of his estate.”

(Hasan)

تخريج: [حسن] وهو في الكبرى، ح: ۶۵۹، ولهديت شواهد.

Comments:
‘There is no Ruqba’ means the prevalent form of Ruqba is not reliable or valid. Another meaning could be one should not practice Ruqba because it is not a good form of giving gifts. But if someone at all practices it, then the condition of ‘returning’ would be null and void or invalid. It would rather go down as inheritance to his heirs after his death (the recipient’s death).

Chapter 2. Mentioning The Differences Reported From Abū Az-Zubair

3739. Zaid narrated from Abū Az-Zubair, from Tāwūs, from Ibn ‘Abbās that the Messenger of Allāh ﷺ said: “Do not give away your property on the basis of Ruqba, for whoever gives a gift on that basis, it belongs to the one to whom he gave it.” (Ṣaḥīḥ)

تخريج: [صحيح] أخرجه أحمد: ۲۵۰ من حديث أبي الزبير به، ولهديت شواهد، وهو في الكبرى، ح: ۶۴۱، ولهديت شواهد.

3740. Hajjāj narrated from Abū Az-Zubair, from Tāwūs, from Ibn ‘Abbās, who said: “The Messenger of Allāh ﷺ said: ‘Umra (life-long gift) is permissible for the one to whom it is given, and Ruqba is permissible to the one to whom it is given, and the one who takes back his gift is like the one who goes back to his vomit.”’ (Ṣaḥīḥ)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ۶۵۴۱.
Comment:
The details concerning 'Umra (life-grant) occurs in the upcoming chapter. 'Umra is similar to Ruqba and Hibâ. Taking back or returning a Hibâ is not permissible, therefore, in these forms, taking back or returning is not permissible. The condition of returning is null and void.

3741. Sufyân narrated from Abû Az-Zubair, from Tâwûs, from Ibn 'Abbâs, who said: "'Umra and Ruqba are the same." (Sahîh)

3742. (A different chain) from Sufyân, from Abû Az-Zubair, from Tâwûs, from Ibn 'Abbâs, who said: "Ruqba and Umra are not permissible; whoever is given something on the basis of Umra, it is his, and whoever is given something on the basis of Ruqba, it is his." (Sahîh)

Comment:
'Are not permissible' means in its prevalent form. Even otherwise, it is not a good form of giving presents.

3743. (A different chain) from Hajjâj, from Abû Az-Zubair, from Tâwûs, from Ibn 'Abbâs, who said: "'Umra and Ruqba are not proper. Whoever gives something on the basis of Umra or Ruqba, it belongs to the one to whom he gave it on that basis, both during his lifetime and after his death." Hânzâlah narrated it in Mursal form: (Sahîh)

3744. Hânzâlah narrated that he heard Tâwûs say: "The Messenger of Allâh ﷺ said: 'Ruqba is not permissible. Whoever is given
something on the basis of Ruqba, it is part of his estate.” (Sahih)
Comment:
Meaning the one who was given ‘Umra, it would go to his heirs in the event of his death. It would not be returned to the donor.

3749. (A different chain) from Ma’mar who said: “I heard ‘Amr bin Dīnār, narrating from Tāwūs, from Ḥujr Al-Madari, from Zaid bin Thābit, that the Messenger of Allāh ﷺ said: ‘Umra (a gift given for life) belongs to the heir.” And Allāh knows best. (Ṣaḥīḥ)
34. The Book Of 'Umra (Lifelong Gift) [1]

Chapter 1. ["'Umra (A Gift Given For Life) Belongs To The Heir"]

'Umra is a form of giving a gift in which a condition of age or the duration of life is stipulated. The declaration of this gift is made by the giver of the gift thus: "I gave you this thing for... Sometimes it is also stated: "If you die, it shall come back to me." But since the condition is against the Divine law, it is invalid, because a thing which remained with someone for the whole life until his last breath, it would be considered his heritage or legacy, and it would go to his heirs. Besides, it is a gift and the condition of taking back in the matter of a Hibā is unlawful, according to the Divine law.

3750. It was narrated from Zaid bin Thābit that the Prophet said: "'Umra (a gift given for life) belongs to the heir." (Sahīḥ)

3751. It was narrated from Zaid bin Thābit that the Messenger of Allāh said: "'Umra (a gift given for life) belongs to the heir." (Sahīḥ)

3752. It was narrated from Zaid bin Thābit that the Prophet said: "'Umra (a gift given for life) belongs to the heir." (Sahīḥ)

[1] A gift given only until the recipient dies, whereupon it reverts to the giver, or to whomever is stipulated in the conditions.
ruled that 'Umra (a gift given for life) belongs to the heir.  

\[
\textit{The Book Of 'Umra (Lifelong Gift)}  
\]

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3753. It was narrated from Zaid bin Thâbit that the Prophet \(\text{\textit{}}\) ruled that 'Umra (a gift given for life) belongs to the heir.  

\(\text{\textit{}}\) \[\text{\textit{}}\]

3754. It was narrated that Zaid bin Thâbit said: The Messenger of Allâh \(\text{\textit{}}\) said: "Whoever gives a life-long gift, it belongs to the one to whom he gave it, both during his life and after his death. And do not give things on the basis of Ruqba, for whoever is given something on the basis of Ruqba, it becomes part of his estate."  

\(\text{\textit{}}\) \[\text{\textit{}}\]

3755. It was narrated from 'Abdullâh bin 'Abbâs that the Prophet \(\text{\textit{}}\) said: "'Umra is permissible."  

\(\text{\textit{}}\) \[\text{\textit{}}\]

3756. It was narrated from Ibn 'Abbâs that the Prophet \(\text{\textit{}}\) said: "Indeed 'Umra is permissible."  

\(\text{\textit{}}\)
3757. It was narrated from Tāwūs that the Messenger of Allāh made ‘Umra and Ruqba binding. (Ṣaḥīḥ)

Chapter 2. Mentioning The Different Versions Of The Report Of Jābir Concerning ‘Umra

3758. Mālik bin Dīnār narrated from ‘Aṭā’, from Jābir that the Messenger of Allāh addressed them one day and said: “‘Umra is permissible.” (Ṣaḥīḥ)

3759. ‘Abd-ul-Karīm narrated from ‘Aṭā’, who said: “The Messenger of Allāh forbade ‘Umra and Ruqba.” I said: “What is Ruqba?” He said: “When one man says to another: ‘This belongs to you for the rest of your life.’ But if you do that, it is permissible.” (Ṣaḥīḥ)
3760. Shu'bah said: "I heard Qatadah narrating from 'Atâ', from Jâbir that the Prophet ﷺ said: "Umra is permissible." (Sahih)

3761. 'Abdul-Malik bin Abî Sulaimân narrated from 'Atâ' who said: "The Messenger of Allâh ﷺ said: 'Whoever is given something for the rest of his life, it belongs to him for as long as he lives and after he dies.'" (Sahih)

3762. Sufyân narrated from Ibn Jurâj, from 'Atâ', from Jâbir that the Messenger of Allâh ﷺ said: "Do not give things on the basis of Ruqba or Umra. Whoever is given something on the basis of Ruqba or Umra, it belongs to his heirs." (Sahih)

3763. Ibn Jurâj narrated from 'Atâ': "Habîb bin Abî Thâbit informed us from Ibn 'Umar, that the Messenger of Allâh ﷺ said: 'There is no Umra and no Ruqba. Whoever is given something on the basis of Umra or Ruqba, it belongs..."
to him for the rest of his life and after he dies.” (Sahih)

3764. Ibn Juraij said: “Atâ’ informed me, from Habib bin Abî Thâbit, from Ibn ‘Umar – and he did not hear it from him – he said: ‘Allâh’s Messenger ﷺ said: “There is no ‘Umra and no Ruqba. Whoever is given something on the basis of ‘Umra or Ruqba, it belongs to him for the rest of his life and after he dies.”’ Atâ’ said: “It belongs to the other.” (Sahih)

3765. Yazîd bin Ziyâd bin Abî Al-Ja’d narrated from Habib bin Abî Thâbit, who said: “I heard Ibn ‘Umar say: ‘The Messenger of Allâh ﷺ forbade Ruqba and said: “Whoever is given something on the basis of Ruqba, it belongs to him.”’ (Sahih)

3766. Ibn Juraij said: “Abû Az-Zubair informed me that he heard Jâbir saying: ‘The Messenger of Allâh ﷺ said: “Whoever is given something on the basis of ‘Umra it belongs to him for the rest of his life and after he dies.”’ (Sahih)

3767. Al-Hajjâj bin Aṣ-Sawwâf narrated from Abû Az-Zubair, who
الحجاج الصراف عن أبي الزبير قال: حذركا
جاجر قال: قال رسول الله ﷺ: يا معمر
الأنصاروا أمسكوا علّكمهم - يعني أمّواتكم -
لا تعمروها، فإنّه من أعمّر شيئا فإنّه لين
أعمرة حياتان ومساندته.

تختير: أخرجه مسلم، ح: 27/1625 من حديث الحجاج الصراف بن (النحو الحديث
السابق)، وهو في الكبرى، ح: 2568.

3768. Hishâm narrated from Ābû Az-Zubair, from Jâbir, that the Messenger of Allâh ﷺ said: “Hold on to your wealth and do not give it on the basis of ‘Umra. For whoever gives something on the basis of ‘Umra, it belongs to the one to whom he gave it on that basis, for the rest of his life and after he dies.” (Sahîh)

3769. Khâlid narrated from Dâwûd bin Abî Hind, from Ābû Az-Zubair, from Jâbir, who said: “The Messenger of Allâh ﷺ said: ‘Rugba belongs to the one to whom it is given.’” (Sahîh)

3770. Hushaïm narrated from Dâwûd, from Ābû Az-Zubair, from Jâbir, who said: “The Messenger of Allâh ﷺ said: ‘Umra is permissible for the one to whom it is given, and Rugba is permissible for the one to whom it is given.’” (Sahîh)
Chapter 3. Mentioning The Different Reports From Az-Zuhri About It

3771. Al-Awzā'ī narrated from Az-Zuhri, from `Urwhah, from Jābir, who said: "The Messenger of Allâh ﷺ said: "Whoever is given something on the basis of `Umra, it belongs to him and to his descendants, and is inherited by those who inherit from him." (Sahih)

3772. (A different chain) from Abū `Amr,[1] from Ibn Shihāb,[2] from Abū Salamah, from Jābir, who said: "The Messenger of Allâh ﷺ said: "Umra (a lifelong gift) belongs to the one to whom it was given; it belongs to him and to his heirs, and is inherited by those among his descendents who inherit from him." (Sahih)

3773. (A different chain) from Al-Awzā’ī, from Az-Zuhri, from `Urwhah and Abū Salamah, from Jābir, who said: "The Messenger of Allâh ﷺ said: "Umra (a lifelong gift) belongs

to the one to whom it was given; it belongs to him and to his descendents, and is inherited by those who inherit from him.” (Sahih)

3774. It was narrated from Hishâm bin ‘Urwah, from his father, from ‘Abdullâh bin Az-Zubair, that the Messenger of Allâh ﷺ said: “Any man who gives a lifelong gift to another man, it belongs to him (the recipient) and to his descendents, and to those who inherit from him.” (Sahih)

Comments:
Even if he does not state, ‘for your children or descendants,’ even then it would go to his children in inheritance. The previous narrations contain its clarification.

3775. Al-Laith narrated from Ibn Shihâb, from Abû Salamah bin ‘Abdur-Râhîmân, from Jâbir, who said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever gives a lifelong gift to a man, it belongs to him and to his heirs; his words (when he gave the gift) put an end to his rights over it, and it belongs to the one to whom it was given on the basis of ‘Umra, and to his heirs.’” (Sahih)

3776. Mâlik narrated from Ibn Shihâb, from Abû Salamah, from Jâbir that the Messenger of Allâh ﷺ said: “Any man who is given a
gift on the basis of 'Umra, it belongs to him and to his descendents. It belongs to the one to whom he gave it, and it cannot be taken back by the one who gave it, because he has given a gift, and it comes to the heirs of the one to whom it was given.” (Sahih)

3777. Shua‘îb narrated from Az-Zuhri, who said: “Abû Salamah bin `Abdur-Rahmân narrated to me, that Jâbîr told him: ‘The Messenger of Allâh ﷺ ruled that whoever gives a lifelong gift to a man, it belongs to him and to his heirs. It belongs to the one to whom it was given, on the basis of 'Umra. It will be inherited from its recipient according to Allâh’s (injunctions on) inheritance and its rights.’” (Sahih)

3778. Ibn Abî Dhi‘b narrated from Ibn Shihâb, from Abû Salamah, from Jâbîr, that the Messenger of Allâh ﷺ ruled – concerning a person who has been given a lifelong gift ('Umra) – that it belongs to him and to his descendants: “It is undoubtedly his, and it is not permissible for the giver to stipulate any conditions or exceptions.” Abû Salamah said: “Because he gave it as a gift and thus, it is subject to the same ruling as the estate, and the condition (that it will revert to the giver on the death of recipient) has become invalid.” (Sahih)
3779. Sālīh narrated from Ibn Shīhāb, that Abū Salamah informed him from Jābir, that the Messenger of Allāh ﷺ said: “Any man who gives a lifelong gift to another man, it belongs to him (the recipient) and his descendents. He said: ‘I have given it to you and to your descendents so long as any of you are still alive.’ So it belongs to the one to whom it was given, and it cannot revert to the first owner, since he has given it as a gift, and as such, it becomes subject to the same ruling as the estate.” (Sahih)

Chapter 4. Mentioning The Different Reports Narrated From Abū Salamah By Yahya Bin Abī Kathīr And Muḥammad Bin ‘Amr

3780. Yazīd bin Abī Ḥabīb narrated from Ibn Shīhāb, from Abū Salamah, from Jābir, that the Messenger of Allāh ﷺ ruled concerning ‘Umra – when a man gives a gift to another man, and his descendents, but stipulates that if something happens to you and your descendents, then it will belong to me and my descendents – “It belongs to the one to whom it was given, and to his descendents.” (Sahih)
Jābir say: 'The Messenger of Allâh ﷺ said: "A lifelong gift belongs to the one to whom it was given."' (Ṣaḥīḥ)

3782. Abû Ismâ‘îl said: “Yahya narrated to us that Abû Salamah narrated to him, from Jâbir bin ‘Abdullâh, from the Prophet of Allâh ﷺ who said: ‘A lifelong gift belongs to the one to whom it was given.’” (Ṣaḥīḥ)

3783. Ismâ‘îl narrated from Muhammad, from Abû Salamah, from Abû Hurairah, that the Messenger of Allâh ﷺ said: “There is no lifelong gift. Whoever is given something as a life-long gift, it belongs to him.” (Ḥasan)

3784. Muhammad bin ‘Amr said: “Abû Salamah narrated to us, from Abû Hurairah that the Messenger of Allâh ﷺ said: ‘Whoever is given something as a lifelong gift, it belongs to him.’” (Ḥasan)

3785. Bashîr bin Nahîk narrated from Abû Hurairah that the Prophet ﷺ said: “A lifelong gift (‘Umra) is permissible.” (Ṣaḥīḥ)
3786. It was narrated that Qatâdah said: "Sulaimân bin Hishâm asked me about a lifelong gift. I said: ‘Muhammad bin Sîrîn narrated that Shuraîh said: “The Prophet of Allah ﷺ ruled that a lifelong gift is permissible.” (Sahîh)

Qatâdah said: “I said: ‘And An-Nâdhr bin Anas narrated to me, from Bashîr bin Nahîk, from Abû Hurairah, that the Prophet of Allah ﷺ said: “A lifelong gift is permissible.”

Qatâdah said: “I said: ‘Al-Hasan used to say: “A lifelong gift is permissible.”

Qatâdah said: “Az-Zuhîr said: ‘A lifelong gift is when it is stipulated that it is for the one to whom it is given and his descendents, but if his descendents were not mentioned then the condition is valid (and it reverts to the one who gave it).”’

Qatâdah said: “So ‘Atâ‘ bin Abî Rabâh was asked, and he said: ‘Jâbir bin ‘Abdullâh narrated to me that Allâh’s Messenger ﷺ said: “‘Umra is permissible.”

Qatâdah said: “Az-Zuhîr said: ‘The Caliphs (Khulafâ’) did not rule according to this.”

‘Atâ‘ said: “Abdul-Malik bin Marwân ruled according to this.”

Comments:

Qatâdah ﷺ has narrated all these statements in order to make the understanding of this issue plain. A Caliph’s not passing verdict according to
an authentic narration in no way makes that *Hadith* weak. However, it transpires from these statements that it is a controversial issue. But the fact of the matter is exactly that one which is proved by *Hadith*, as has already been described in detail.

**Chapter 5. A Woman Giving A Gift Without Her Husband’s Permission**

3787. It was narrated from ‘Amr bin Shu‘aib, from his father, from his grandfather, that the Messenger of Allâh ﷺ said: “It is not permissible for a woman to give a gift from her wealth, once her husband has marital authority over her.” This is the wording of (one of the narrators) Muhammad.” ([Hasan])

Comments:

It transpires from this *Hadith* that a woman may not give presents from her own wealth also, without the permission or approval of her husband.

3788. It was narrated from ‘Amr bin Shu‘aib, from his father, that his grandfather said: “When the Messenger of Allâh ﷺ conquered Makkah, he stood up to address (the people) and said in his *Khuṭbah*: ‘It is not permissible for a woman to give (a gift) except with her husband’s permission.” ([Da‘if])
It was narrated that `Abdur-Rahmân bin `Alqamah Ath-Thaqafî said: “The delegation of Thaqîf came to the Messenger of Allâh ﷺ, bringing a gift with them. He said: ‘Is it a gift or charity?’ If it was a gift it would be for the sake of the Messenger of Allâh ﷺ and to have their needs met, and if it was charity then it would be in the cause of Allâh. They said: ‘It is a gift.’ So he accepted it from them, and sat with them, and they asked questions, until he prayed Zuhr with ‘Asr.” (Da’îf)

Comments:
The reason for this command was that a Bedouin once made a gift of a camel to the Prophet ﷺ. Allâh’s Messenger ﷺ in return, gave him six she-camels, but still he was not pleased. That is why he uttered this statement.
3791. It was narrated from Anas that some meat was brought to the Messenger of Allah ﷺ and he said: “What is this?” “It was said: “It was given in charity to Barîrah.” He said: “It is charity for her and a gift for us.”” (Sahîh)

Comments:
The purpose or objective of this Hadîth is: a poor person may give a present out of the wealth of charity; and it could be accepted by one and all; whether he be rich or poor.
35. The Book Of Oaths And Vows

Note:

To swear an oath is called *Yamin* in Arabic. Lexically *Yamin* signifies the right hand. The Arabs used to place their right hand upon the hand of the other party in order to ascertain a bargain or promise. One swears in order to make a matter certain. That is why they placed their hand upon the hand of others at the time of swearing. *Nadhr* or vow, means making some lawful act obligatory upon oneself that was not made obligatory by Allâh, Most High. It could either be a physical or monetary act.

Chapter 1. (The Oath Of The Prophet ﷺ)

3792. It was narrated that Ibn 'Umar said: “The oath[1] by which the Messenger of Allâh ﷺ used to swear was: ‘No, by the Controller of the hearts.’” (Sahih)

Comments:

The relevance of this phrasing is that to remain steadfast upon one’s oath depends upon the strength and the perseverance of the heart. And the heart happens to be in Allâh’s control.

Chapter 2. Swearing By The Controller Of The Hearts

3793. It was narrated from Sâlim that his father said: “The oath by which the Messenger of Allâh ﷺ swore was: ‘No, by the Controller of the hearts.’”

[1] Here the term *Half* means when swearing, one says: “By Allâh...” or similar. In the translation we usually distinguished it from *Yamin* by: “Swearing by...” It is often mentioned with *Yamin* as in this narration.
used to swear was: 'No, by the Controller of the hearts.'" (Da'if)

Chapter 3. Swearing By The Glory (Izzah)\footnote{Izzah: Might, honor, glory, or similar meanings, depending upon the context.} Of Allah

3794. It was narrated from Abu Hurairah that the Messenger of Allah  said: "When Allah created Paradise and Hell, He sent Jibril, peace be upon him, to Paradise and said: 'Look at it and at what I have prepared for its people in it.' He looked at it, then he came back and said: 'By Your Glory, no one will hear of it but he will enter it.' So He commanded that it be surrounded by hardships and said: 'Go and look at it and at what I have prepared for its people in it.' He looked at it and saw that it had been surrounded with hardships. He (Jibril) said: 'By Your Glory, I fear that no one will enter it.' He (Allah) said: 'Go and look at the Fire and at what I have prepared for its people in it.' So he looked at it and parts of it were piled upon other parts. He came
back and said: ‘By Your Glory, no one will enter it.’ So He commanded that it be surrounded with pleasures and said: ‘Go and look at it.’ So he looked at it and saw that it was surrounded with pleasures. He came back and said: ‘By Your Glory, I fear that no one will be saved from it and all will enter it.” (Hasan)

Chapter 4. The Stern Warning Against Swearing By Anything Other Than Allāh

3795. It was narrated that Ibn 'Umar said: “The Messenger of Allāh ﷺ said: ‘Whoever swears, let him not swear by anything other than Allāh.’” The Qurashi used to swear by their forefathers, and so he said: “Do not swear by your forefathers.” (Ṣahīh)

Chapter 5. Swearing By One's Forefathers

3797. It was narrated from Sālim, from his father, that on one occasion the Prophet \( \mathbb{P} \) heard 'Umar saying: "By my father and by my mother." He said: "Allāh forbids you to swear by your forefathers." 'Umar said: "By Allāh, I never swore by them again, whether saying it for myself or reporting it of others." (Ṣaḥīḥ)

Comments:

'For myself' means intentionally, on his own, and he never quoted someone else having taken an oath like this.

3798. It was narrated from 'Umar that the Prophet \( \mathbb{P} \) said: "Allāh forbids you to swear by your forefathers." 'Umar said: "By Allāh, I never swore by them again, whether saying it for myself or reporting it of others." (Ṣaḥīḥ)

3799. It was narrated from Sālim, from his father, that he told him from 'Umar: "The Messenger of Allāh \( \mathbb{P} \) said: 'Allāh forbids you to..."
swear by your forefathers.”’ Umar said: “By Allāh, I never swore by them again, whether saying it for myself or reporting it of others.” (Ṣaḥīḥ)

Chapter 6. Swearing By One’s Mother

3800. It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘Do not swear by your fathers, nor by your mothers nor by the idols. Swear only by Allâh, and do not swear unless you are sincere.’” (Ṣaḥīḥ)

Comments:
‘Or by idols’: The Arabic term used in the report is Andād (equals or rivals) (singular is Nīd), which signifies any object of adoration to which some or all of Allâh’s qualities are ascribed. It denotes (literally) those people whom people consider worthy of worship, or treat them in that way, irrespective of whether they are dead or alive.

Chapter 7. Swearing By A Religion Other Than Islam

3801. It was narrated that Thâbit bin Ad-Ḍaḥḥâk said: “The Messenger of Allâh ﷺ said: ‘Whoever swears by a religion other than Islam, telling a lie, will be as he said.’” (Ṣaḥīḥ)

In his narration, Qutaibah said: “Intentionally.” Yazīd said:
“Telling a lie will be as he said, and whoever kills himself with something. Allāh will punish him with it in the Fire of Hell.”

Comments:

The form of such an oath is that someone says: “By Christianity...” or the like. And they also say it is when he says: (By Allāh) if I do so and so work, I may turn a Jew or Christian, etc.’ He has, however, already done that work, and he remembers it also. Or he says: ‘If I do such and such work, I am a Jew or Christian.’ While his intention is to do that work, he is swearing only to deceive. Apparently, he has chosen to turn a Jew or Christian. So to speak, he is actually a Jew or Christian.

3802. Thābit bin ʿAbd-Confik narrated that the Messenger of Allāh ﷺ said: “Whoever swears by a religion other than Islam, telling a lie, will be as he said, and whoever kills himself with something will be punished with it in the Hereafter.” (Sahih)

3803. It was narrated from ʿAbdullāh bin Buraidah that his father said: “The Messenger of Allāh ﷺ said: ‘Whoever says: I have nothing to do with Islam, if he is lying then he is as he said, and if he is telling the truth, his Islam will not be sound.’” (Hasan)
Comments:

'This Islam will not be sound' means he would be considered to have sinned on account of uttering such words, because these are extremely ignominious words; as it were, he considered Islam very insignificant. Even if he is truthful, there is no room for such insensitivity.

Chapter 9. Swearing By The Ka'bah

3804. It was narrated from 'Abdullāh bin Yasār, from Qutailah, a woman from Juhaibah, that a Jew came to the Prophet ﷺ and said: "You are setting up rivals (to Allāh) and associating others (with Him). You say: ‘Whatever Allāh wills and you will,’ and you say: ‘By the Ka'bah.’" So the Prophet ﷺ commanded them, if they wanted to swear an oath, to say: "By the Lord of the Ka'bah," and to say: "Whatever Allāh wills, then what you will." (Ṣaḥīḥ)

Comments:

The Ka'bah is a created being, and swearing or taking an oath by something which is created (by Allāh) is not lawful.

Chapter 10. Swearing By False Gods (At-Tawāghīt)

3805. It was narrated from 'Abdur-Rahmān bin Samurah that the Prophet ﷺ said: "Do not swear by your forefathers or by false gods (At-Tawāghīt)." (Ṣaḥīḥ)
Chapter 11. Swearing By Al-Lât

3806. It was narrated that Abû Hurairah said: "The Messenger of Allâh said: 'Whoever among you swears and says: By Al-Lât, let him say: Lâ ilâha illallâh (There is none worthy of worship except Allâh). And whoever says to his companion: Come, let us gamble, then let him give in charity.'"

(Ṣaḥîḥ)

Comments:
Ut was the name of an idol, which was placed on Mount Safa. Swearing by Lât is to imitate the polytheists. Hence, to end such imitative behavior and to remove the doubt of the listener, the command to pronounce Lâ ilâha illallâh was given.

Chapter 12. Swearing By Al-Lât And Al-'Uzza

3807. It was narrated from Muṣ'ab bin Sa'd that his father said: "We were talking about something, and I had only recently left Jâhilîyyah behind, so I swore by Al-Lât and Al-'Uzza. The Companions of the Messenger of Allâh said to me: 'What a bad thing you have said!

Comments:
Lât was the name of an idol, which was placed on Mount Safa. Swearing by Lât is to imitate the polytheists. Hence, to end such imitative behavior and to remove the doubt of the listener, the command to pronounce Lâ ilâha illallâh was given.
Go to the Messenger of Allâh ﷺ and tell him, for we think that you have committed Kûfû. So I went to him and told him, and he said to me: ‘Say: Lâ ilâha illallâh wahdahû là sharîka lah. (There is none worthy of worship except Allâh alone, with no partner) three times, and seek refuge with Allâh from the Shaytân three times, and spit dryly to your left three times, and do not say that again.’’ (Sâhih)

Comments:
Sa’d ﷺ was the Muslim of the very early period of Islam. He is included among the first Muslims. A very few venerable personages had embraced Islam earlier than him. According to his own description, he was the third to embrace Islam. He belonged to the ten to whom, in their lifetime, Paradise had been announced. May Allâh be pleased with him, and he be with Him.

3808. Muṣ’ab bin Sa’d narrated that his father said: ‘I swore by Al-Lât and Al-‘Uzza and my companions said to me: ‘What a bad thing you have said! You have said something horrible.’ So I went to the Messenger of Allâh ﷺ and told him about that. He said: ‘Say: Lâ ilâha illallâh wahdahû là sharîka lah, lahu mulk wa lahu hamd wa huwa ‘ala kulli shay’in qadîr (There is none worthy of worship except Allâh with no partner or associate; His is the Dominion, to Him be all praise, and He is able to do all things). Spit to your left three times, seek refuge with Allâh from the Shaytân, and do not say that again.’’ (Sâhih)
Chapter 13. Fulfillment Of An Oath (When One Is Adjured To Do Something)

3809. Al-Barâ’ bin ‘Azib said: “The Messenger of Allâh ﷺ commanded us to do seven things: He commanded us to attend funerals, visit the sick, to reply (say: Yarlaamuk Allâh (may Allâh have mercy on you)) to one who sneezes, to accept invitations, to support the oppressed, to fulfill oaths (when adjured by another) and to return greetings of Salâm.” (Sâhih)

Comments:
Meaning: when you are requested to take an oath to fulfill a matter and you swear to do such, then you must fulfill it.

Chapter 14. One Who Swears An Oath And Then Sees That Something Else Is Better

3810. It was narrated from Abû Mûsâ that the Prophet ﷺ said: “There is nothing on Earth that I swear an oath upon, and I see that something else is better, but I do that which is better.” (Sâhih)

تخريج: أخرجّه مسلم، الأيمنان، باب ندب من حلف يمينًا فرأى غيرها خيرًا منها... إِنْخْرِيْجٌ: أَخْرَجْهُ مَسْلُومُ، الْأَيْمَانُانِ، بَابُ نَدْبٍ مِنْ حَلَفِ يَمِينٍ فَرَأَى غَيْرَهَا خِيْرًا مِنْهَا... إِلْخَ، ح: 475.0 * أبو السليم هو ضريح بن ثقيف.
Chapter 15. Expiation Before Breaking An Oath

3811. It was narrated that Abū Mūsā Al-Ash'arī said: "I came to the Messenger of Allāh ﷺ with a group of the Ash'arī people and asked him to give us animals to ride. He said: ‘By Allāh, I cannot give you anything to ride and I have nothing to give you to ride.’ We stayed as long as Allāh willed, then some camels were brought to him. He ordered that we be given three fine-looking camels. When we left, we said to one another: ‘We came to the Messenger of Allāh ﷺ to ask him for animals to ride, and he swore by Allāh that he would not give us anything to ride, then he gave us something.’” Abū Mūsā said: “We came to the Prophet ﷺ and told him about that. He said: ‘I did not give you animals to ride, rather Allāh gave you them to ride. By Allāh, I do not swear an oath and then see something better than it, but I offer expiation for my oath and do that which is better.’” (Sahih)

Comments:

Ash'ar was a clan, on account of which Abū Mūsā is called Ash'arī. The moment they had reached him, he was incidentally in the state of anger over some matter. Otherwise, he did not have any mounts at that time.

3812. ‘Amr bin Shu‘ailb narrated from his father, from his grandfather, that the Messenger of
Allāh said: “Whoever swears an oath, then sees something better than it, let him do that which is better.” (Ḥasan)

3813. It was narrated from ‘Abdur-Rahmān bin Samurah that the Messenger of Allāh said: “If any one of you swears an oath, then he sees something better than it, let him offer expiation for his oath, and look at what is better and do it.” (Ẓahīḥ)

3814. ‘Abdur-Rahmān bin Samurah said: “The Messenger of Allāh said: ‘If you swear an oath, offer expiation for your oath, then do that which is better.’” (Ẓahīḥ)

3815. It was narrated from ‘Abdur-Rahmān bin Samurah that the Prophet said: “If you swear an oath, then you see something better than it, then offer expiation for your oath, and do that which is better.” (Ẓahīḥ)
Chapter 16. Expiation After Breaking An Oath

3816. It was narrated that ‘Adiyy bin Hâtim said: “The Messenger of Allâh ﷺ said: ‘Whoever swears an oath, then sees something better than it, let him do that which is better and offer expiation for his oath.” (Sahîh)

Comments:
In the previously recorded narrations, atonement was mentioned before breaking an oath, whereas in this report (and in the upcoming reports), the mention of breaking an oath precedes that of atonement. So to say, both ways are permissible.

3817. It was narrated that ‘Adiyy bin Hâtim said: “The Messenger of Allâh ﷺ said: ‘Whoever swears an oath, then sees something better than it, let him leave his oath, and do that which is better, and offer expiation for it.’” (Sahîh)

3818. It was narrated that ‘Adiyy
bin Hâtim said: “The Messenger of Allâh ﷺ said: ‘Whoever swears an oath, then sees something better than it, let him do that which is better and leave his oath.’” (Sahîh)

3819. It was narrated from Abû Al-Alâwas that his father said: “I said: ‘O Messenger of Allâh, I have a cousin, and I come to him and ask him (for help) but he does not give me anything, and he does not uphold the ties of kinship with me. Then, when he needs me, he comes to me and asks me (for help). I swore that I would not give him anything, nor uphold the ties of kinship with him.’ He commanded me to do that which is better and to offer expiation for my oath.” (Sahîh)

3820. It was narrated that ‘Abdurrâhîm bin Samurah said: “The Prophet ﷺ said to me: ‘If you swear an oath, and you see something that is better, then do that which is better and offer expiation for your oath.’” (Sahîh)


3821. 'Abdur-Rahmân bin Samurah said: "The Messenger of Allah said: 'If you swear an oath, then you see something that is better, then do that which is better offer expiation for your oath.'" (Sahîh)

3822. 'Abdur-Rahmân bin Samurah said: "The Messenger of Allah said to me: 'If you swear an oath, then you see something that is better, do that which is better, and offer expiation for your oath.'" (Sahîh)

Chapter 17. Oaths Concerning That Which One Does Not Possess

3823. 'Amr bin Shu'aib narrated from his father, from his grandfather, that the Messenger of Allah said: "There is no vow and no oath concerning that which one does not possess, nor to commit sin, nor to sever the ties of kinship." (Hasan)

Comments:

'No vow and no oath...' means; it is not allowed to do that.
Chapter 18. Whoever Swears An Oath And Says: “If Allâh Wills”

3824. It was narrated from Ibn ‘Umar that the Prophet ﷺ said: “Whoever swears an oath and says: ‘If Allâh wills,’ then if he wishes he may go ahead, and if he wishes he may not, without having broken his oath.” (Sahîh)

Comments:

Insha’ Allâh signifies ‘If Allâh Wills it so!’ It transpires from these words that the swearer has not sworn an absolute oath. In other words, he is saying in effect, if he is able to perform that act, he would perform it. Otherwise it, would be understood that Allâh did not will it. Therefore, he could not do it. How would he apparently incur a sin?

Chapter 19. Intention In Oaths

3825. It was narrated from ‘Umar bin Al-Khaṭṭâb that the Prophet ﷺ said: “Actions are but by intentions, and each person will have but that which he intended. Thus, he whose emigration was for the sake of Allâh and His Messenger, his emigration was for the sake of Allâh and His Messenger, and he whose emigration was to achieve some worldly gain or to take some woman in marriage, his emigration was for that for which he emigrated.” (Sahîh)

Comments:

An oath also forms a part of the affairs of the world. Hence, an oath shall be
considered reliable or valid according to the intention of the one who takes it, or the signification of an oath would be interpreted and considered trustworthy, according to the signification intended by the taker of the oath.

(This Hadith and its details have preceded earlier. See Hadith 75)

Chapter 20. Forbidding That Which Allâh, The Mighty And Sublime, Has Permitted

3826. `Ubaid bin `Umair said: I heard `Aishah say: "The Prophet used to stay with Zainab bint Jâhsh and drink honey at her house. Hafsan and I agreed that if the Prophet came to either of us, she would say: 'I detect the smell of Maghâfîr (a nasty-smelling gum) on you. Have you eaten Maghâfîr?' He went to one of them and she said that to him. He said: 'No, rather I drank honey at the house of Zainab bint Jâhsh, but I will never do it again.' Then the following was revealed: 'O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you up to: 'If you two turn in repentance to Allâh' (remember) when the Prophet disclosed a matter in confidence to one of his wives." (Sahih)

(المعجم 20) - تحرِّيمُ مَا أحلَّ الله عزّ وجلّ (التحفة 20)

Comments:

(Similar to Hadith 3410)

To declare that this or that lawful thing will now be unlawful for oneself, as unlawful is similar to taking a vow or an oath.

Chapter 21. If A Person Swears Not To Eat Any Condiment With Bread, Then He Eats Bread And Vinegar

3827. It was narrated that Jâbir said: “I entered the house of the Prophet ﷺ with him and there was some bread and vinegar. The Messenger of Allâh ﷺ said: ‘Eat; what a good condiment is vinegar.’” (Sahîh)

Chapter 22. Swearing Oaths And Lying When One Does Not Believe In What He Is Swearing About

3828. It was narrated that Qais bin Abi Gharazah said: “At the time of the Messenger of Allâh ﷺ we used to be called Samâsîr (brokers). The Messenger of Allâh ﷺ came to us when we were selling and called us by a name that was better than that. He said: ‘O merchants (Tâjjîr), this selling involves lies and (false) oaths, so mix some charity with it.’” (Sahîh)

Translation:

Chapter 21.

If a person swears not to eat any condiment with bread, then he eats bread and vinegar, he will have violated the oath, since this narration proves that vinegar is a condiment. Otherwise, it is not known that the Prophet ﷺ swore such an oath.
The Book Of Oaths And Vows

Comments:
'Samâsirah' is the plural of Simsâr. It is a non-Arabic expression. It denotes people who sell people's commodities for a wage (it signifies a broker, agent or middleman). The non-Arabs were involved in such trade and commerce. Hence, this expression came to be used for all sorts of traders. Allâh's Messenger ﷺ did not like the word; he, therefore, changed it with 'traders or businessmen.'

3829. It was narrated that Qais bin Abî Gharazah said: "We used to sell in Al-Baqî', and the Messenger of Allâh ﷺ came to us. We used to be called Samâsîr (brokers) but he said: 'O merchants!' And called us by a name that was better than our name. Then he said: 'This selling involves (false) oaths and lies, so mix some charity with it.'" (Sahîh)

3830. It was narrated that Qais bin Abî Gharazah said: "The Prophet ﷺ came to us when we were in the marketplace and said: 'This marketplace is filled with idle talk and (false) oaths, so mix some charity with it.'" (Sahîh)

3831. It was narrated that Qais bin Abî Gharazah said: "In Al-Madinah we used to buy and sell Wasq (of goods), and we used to call ourselves Samâsîr (brokers), and the people used to call us like that. The
Messenger of Allâh ﷺ came out to us one day, and called us by a name that was better than that which we called ourselves and which the people called us. He said: ‘O Tujjâr (traders), your selling involves (false) oaths and lies, so mix some charity with it.’” (Sahîh)

Comments:
Imâm An-Nasâ’î indicates from this chapter, that apart from trade and commerce, any work in which futile din and bustle is involved or in which there are possibilities of swearing needlessly, it is advisable to give charity in that activity.

Chapter 24. The Prohibition Against Vows

3832. It was narrated from ‘Abdullâh bin ‘Umar that the Messenger of Allâh ﷺ forbade vows and said: “They do not bring any good; they are just a means of taking wealth from the miserly.” (Sahîh)

3833. It was narrated that ‘Abdullâh bin ‘Umar said: “The Messenger of Allâh ﷺ forbade vows and said: ‘They do not change anything; they are just a means of taking wealth from the miserly.’” (Sahîh)
Chapter 25. A Vow Does Not Bring Anything Forward Nor Put It Back

3834. It was narrated that Ibn 'Umar said: "The Messenger of Allah ﷺ said: 'A vow does not bring anything forward or put it back; it is just a means of taking wealth from the miserly." (Sahih)

3835. It was narrated from Abû Hurairah that the Messenger of Allah ﷺ said: "A vow does not bring anything to the son of Adam that has not been decreed for him. It is just a means of taking wealth from the miserly." (Sahih)

Chapter 26. A Vow Is A Means Of Taking Wealth From The Miserly

3836. It was narrated from Abû Hurairah that the Prophet ﷺ said: "Do not make vows, for a vow does not have any impact on the Qadar. Rather it is just a means of taking wealth from the miserly." (Sahih)
Chapter 27. Vows To Do Acts Of Worship

3837. It was narrated from ‘Aishah that the Messenger of Allâh ﷺ said: “Whoever vows to obey Allâh, let him obey Him, and whoever vows to disobey Allâh, let him not disobey Him.” (Sahîh)

Chapter 28. Vows To Commit Sin

3838. It was narrated that ‘Aishah said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever vows to obey Allâh, let him obey Him, and whoever vows to disobey Allâh, let him not disobey Him.”” (Sahîh)

Comments:
Disobedience is reprehensible in all conditions, and indulging in disobedience after having taken a vow is further ignominious. Taking a vow does not transform an evil deed into a good deed. Therefore, disobeying Allâh, Most High, by using vows as an excuse, shall not be good. On the contrary, it would be considered a graver offence.

3839. It was narrated that ‘Aishah said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever vows to
obey Allāh, let him obey Him, and whoever vows to disobey Allāh, let him not disobey Him.”” (Sahih)

Chapter 29. Fulfilling Vows

3840. ‘Imrān bin Huṣain said: “The Messenger of Allāh ﷺ said: ‘The best of you are my generation, then those who come after them, then those whom after them, then those who come after them.’ – I do not know if he said two times after him or three. Then he mentioned some people who betray and cannot be trusted, who bear witness without being asked to do so, who make vows and do not fulfill them, and fatness will prevail among them.’” (Sahih)

Abū ‘Abdur-Rahmān (An-Nasā’ī) said: This (one of the narrators) is Naṣr bin ‘Imrān, Abū Ḥanzah.

“Of my generation’ means the Companions of the Prophet ﷺ are the most excellent among the Muslim nation, and it is an agreed upon issue. This is because they directly and bountifully received the Prophetic grace. ‘Thereafter those who will follow them’: This means the successors or the Tabi’īn. ‘Thereafter’ signifies the followers of the successors or the Tabi’ Tabi’īn.
Chapter 30. Vows Which Are Not Meant For The Face Of Allâh

3841. It was narrated that Ibn 'Abbâs said: “The Messenger of Allâh ﷺ passed by a man who was leading another man by a rope. The Prophet ﷺ took it, and cut it, and he said: ‘It is a vow.’” (Saîhîh)

Comments:
See No. 2923.

3842. It was narrated from Ibn 'Abbâs: “The Prophet ﷺ passed by a man who was circumambulating the Ka'bah, led by another man with a reign in his nose. The Prophet ﷺ took him by the hand and commanded him to lead him by his hand.” Ibn Juraij said: “Sulaimân told me that Tawûs told him, from Ibn 'Abbâs, that the Prophet ﷺ passed by him when he was circumambulating the Ka'bah, and a man had tied his hand to another man with some string or thread or whatever. The Prophet ﷺ cut it with his hand then said: ‘Lead him with your hand.’” (Saîhîh)

Comments:
See No. 2923.
Chapter 31. A Vow Concerning Something That One Does Not Own

3843. It was narrated from ‘Imrān bin ʿHusayn that the Prophet ﷺ said: “There is no vow to commit an act of disobedience, and no vow concerning that which the son of ʿAdam does not possess.” (Sahih)

Comments:
(See No. 3823)

3844. It was narrated from Thabit bin Ad-Ḍaḥḥāk, that the Messenger of Allâh ﷺ said: “Whoever swears by a religion other than Islam, telling a lie, will be as he said, and whoever kills himself with something, he will be punished with it in the Hereafter, and there is no vow concerning that which a man does not possess.” (Sahih)

Comments:
(See No. 3801)

Chapter 32. Whoever Vows To Walk To The House of Allâh

3845. It was narrated that ‘Uqbah bin ʿAmir said: “My sister vowed to walk to the House of Allâh, and she told me to ask the Messenger
of Allāh about that. So I asked the Prophet for her and he said: ‘Let her walk, and let her ride.’” (Sahih)

Comments:
Going on foot is not beneficial, and it is not prohibited either. Besides, going on foot is possible. Therefore, this vow should be fulfilled, or one may perform expiation or the Kaffārah. There is no mention of expiation in this report. But some other narrations provide evidence for expiation.

Chapter 33. If A Woman Vows To Walk Barefoot And Bareheaded

3846. ‘Uqbah bin ‘Amir narrated that he asked the Prophet about a sister of his who had vowed to walk, barefoot and bareheaded. The Prophet said to him: “Tell her to cover her head and ride, and fast for three days.” (Dā‘īf)

Comments:
Walking bareheaded is prohibited for a woman. It is, therefore, forbidden to fulfill such a vow. Walking barefoot is permissible and possible also. But since the other part of the vow was forbidden, she was commanded to break the vow and perform expiation.
Chapter 34. Whoever Vows To Fast Then Dies Before Fasting

3847. It was narrated that Ibn ‘Abbâs said: “A woman traveled by sea and vowed to fast for a month, but she died before she could fast. Her sister came to the Prophet and told him about that, and he told her to fast on her behalf.” (Sahîh)

Comments:

We learn here that the people associated with the deceased may fast on behalf of the dead; his unperformed obligatory or vowed fasts provided the deceased should have got an opportunity to fast but was not able to do so.

Chapter 35. If A Person Dies With A Vow Unfulfilled

3848. It was narrated from Ibn ‘Abbâs that Sa’d bin ‘Ubâdah asked the Messenger of Allâh ﷺ about a vow which his mother had sworn, but she died before she could fulfill it. He said: “Fulfill it on her behalf.” (Sahîh)

Comments:

There is no clarification what that vow was for. Some venerable persons have derived an inference from a narration that it was a vow for freeing a slave. But in this report also, there is no elucidation that this vow was for the emancipation of a slave.
3849. It was narrated that Ibn ‘Abbâs said: “Sa’d bin ‘Ubâdah asked the Messenger of Allâh ﷺ about a vow which his mother had sworn, but she died before she could fulfill it. The Messenger of Allâh ﷺ said: ‘Fulfill it on her behalf.’” (Sahîh)

3850. It was narrated that Ibn ‘Abbâs said: “Sa’d bin ‘Ubâdah came to the Prophet ﷺ and said: ‘My mother died and she had sworn a vow, but she did not fulfill it.’ He said: ‘Fulfill it on her behalf.’” (Sahîh)

Comments:
(See Nos. 3696, 3680)

Chapter 36. If A Person Makes A Vow Then Becomes Muslim Before Fulfilling It

3851. It was narrated from Ibn ‘Umar, that ‘Umar had vowed to spend a night in ‘I’tikâf during the Jâhiliyyah. He asked the Messenger of Allâh ﷺ about that, and he ordered him to perform the ‘I’tikâf. (Sahîh)
Comments:
'A night in Ḥajj: It may be used as proof by some that one could perform Ḥajj without fasting, because there is no fast during the night. While it may be argued that this narration does not prove that, since 'night' could have been used to signify a day and its night, as appears in No. 3853

3852. It was narrated that Ibn 'Umar said: "Umar had made a vow to spend a night in Ḥajj in Al-Masjid Al-Ḥarām. He asked the Messenger of Allāh ﷺ about that, and he ordered him to perform the Ḥajj." (Ṣahih)

3853. It was narrated from Ibn 'Umar that 'Umar had vowed – during the Jāhilyyah – to spend a day in Ḥajj. He asked the Messenger of Allāh ﷺ about that, and he commanded him to perform the Ḥajj. (Ṣahih)

3854. 'Abdullāh bin Ka'b bin Ubayy narrated from his father, that he said to the Messenger of Allāh ﷺ – when his repentance was accepted: "O Messenger of Allāh! I want to give all my wealth in charity for Allāh and His Messenger." The Messenger of Allāh ﷺ said to him: "Keep some of your wealth for yourself; that is better for you." (Ṣahih)

Abū 'Abdūr-Rahmān (An-Nasā’i)
said: It appears that Az-Zuhri heard this Hadith from ‘Abdullāh bin Ka’b and from ‘Abdur-Rahmān[1] from him; in this Hadith is the long narration about the repentance of Ka’b.

Comments:
The incident belongs to the expedition of Tabuk. Ka’b did not participate in this battle on account of inadvertence and procrastination. Thereupon, he was punished. Then an announcement of the acceptance of his repentance was made in the Glorious Qur’ān.

Chapter 37. Giving Away One’s Wealth Because Of A Vow

3855. ‘Abdur-Rahmān bin Ka’b bin Mālik narrated that ‘Abdullāh bin Ka’b said: “I heard Ka’b bin Mālik narrating his Hadith about when he stayed behind and did not join the Messenger of Allāh on the campaign to Tabuk. He said: ‘When I sat down before him I said: ‘O Messenger of Allāh, as part of my repentance I want to give my wealth in charity to Allāh and His Messenger.’ The Messenger of Allāh said: ‘Keep some of your wealth for yourself; that is better for you.’ I said: ‘I will keep my share that is in Khaibar.’” (Sahih)

Comments:

"Sat before him (the Prophet ﷺ)"; This occurred at the time when the announcement of the acceptance of his repentance was already made, and he had gone anxiously to meet the Prophet ﷺ. Fifty days had already passed.

3856. ‘Abdullâh bin Ka‘b bin Mâlik said: “I heard Ka‘b bin Mâlik narrating his Hadîth about when he stayed behind and did not join the Messenger of Allâh ﷺ on the campaign to Tabûk. (he said) I said: ‘As part of my repentance I want to give my wealth in charity for Allâh and His Messenger.’ The Messenger of Allâh ﷺ said: ‘Keep some of your wealth for yourself; that is better for you.’ I said: ‘I will keep for myself my share that is in Khaibar.’” (Sahîh)

Comments:

"For Allâh and His Messenger ﷺ": because Allâh and his Messenger ﷺ were displeased with him, on that occasion.

3857. It was narrated from ‘Ubaydullâh bin Ka‘b: “I heard my father Ka‘b bin Mâlik narrate: ‘I said: O Messenger of Allâh, Allâh, the Mighty and Sublime, has saved me by my being truthful, and as part of my repentance I want to give my wealth in charity to Allâh and His Messenger. He said: Keep some of your wealth for yourself; that is better for you. I said: I will keep my share that is in Khaibar.’” (Sahîh)
Chapter 38. Is Land Included If A Person Vows To Give Up Wealth?

3858. It was narrated that Abū Hurairah said: “We were with the Messenger of Allāh in the year of Khaybar, and we did not get any spoils of war except for wealth, goods and clothes. Then a man from Banu Aḍ-Ḍubaib, who was called Rifā'ah bin Zaid, gave the Messenger of Allāh a black slave who was called Mid'am. The Messenger of Allāh set out for Wadi Al-Qura. When we were in Wadi Al-Qura, while Mid'am was unloading the luggage of the Messenger of Allāh, an arrow came and killed him. The people said: ‘Congratulations! You will go to Paradise,’ but the Messenger of Allāh said: ‘No, by the One in Whose hand is my soul! The cloak that he took from the spoils of war on the day of Khaybar is burning him with fire.’ When the people heard that, a man brought one or two shoelaces to the Messenger of Allāh and the Messenger of Allāh said: ‘One or two shoelaces of fire.’” (Saḥīh)
Comments:
Meaning; while they did acquire some land, Abū Hurairah said: “We did not get any spoils of war except...” and he did not mention, land. Thereby, the author intends to imply that the term: ‘wealth’ (Amwā) can include land.

Chapter 39. Saying: “If Allāh Wills”

3859. ‘Abdullāh bin ‘Umar said: “The Messenger of Allāh ﷺ said: ‘Whoever swears an oath and says: If Allāh wills, then he has made an exception.”’ (Sahih)

3860. It was narrated that Ibn ‘Umar said: “The Messenger of Allāh ﷺ said: ‘Whoever swears an oath and says: If Allāh wills, then he has made an exception.”’

3861. It was narrated from Ibn ‘Umar that the Messenger of Allāh ﷺ said: “Whoever swears an oath and says, ‘If Allāh wills,’ then he has the choice: If he wishes, he may go ahead, and if he wishes he may not.” (Sahih)
Chapter 40. If A Man Swears An Oath And Someone Says To Him, “If Allâh Wills,” Does That Count For Him?

3862. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: “Sulaimân bin Dâwûd said: ‘Tonight I will go around ninety women, each of whom will bear a horseman who will perform Jihâd in the cause of Allâh.’ His companion said to him: ‘If Allâh wills.’ But he did not say: ‘If Allâh wills.’ Then he went around to them all, but none of them got pregnant except a woman who bore half a man. By the One in Whose Hand is my soul! If he had said, ‘If Allâh wills,’ they would all have performed Jihâd in cause of Allâh as horsemen.” (Sahîh)

Comments:
The purpose of the chapter is that a companion’s uttering ‘If Allâh Wills it so’ would not avail the swearer of the oath the benefit of exemption. And this matter is evident from this Hadîth.

Chapter 41. Expiation For Vows

3863. It was narrated from ‘Uqbah bin ‘Amîr that the Messenger of Allâh ﷺ said: “The expiation for vows is the expiation for an oath.” (Sahîh)
Comments:

And the expiation of an oath is explicitly mentioned in the Glorious Qur'an. To feed ten people who are needy, or to clothe them (provide them with clothing), or to free a slave. If one is unable to do any of the three, one shall have to fast for three days. And this is the expiation for a vow or Nadhr, provided one has not vowed for more than this. If the vow is concerning food, clothes, money, or freeing of a slave, then the stipulated vow shall have to be fulfilled. This expiation is in the event when the vow is dubious, or is concerning some other work, and the taker of the vow does not find himself capable of fulfilling that vow, or the vow relates to disobedience. If the vow is regarding something good, and if one is capable of fulfilling it, then one ought to fulfill the vow itself.

3864. It was narrated that 'Aishah said: “The Messenger of Allâh ﷺ said: ‘There is no vow to commit an act of disobedience.’” (Sahîh)

3865. It was narrated from 'Aishah that the Messenger of Allâh ﷺ said: “There is no vow to commit an act of disobedience and its expiation is the expiation for an oath.” (Sahîh)

3866. It was narrated that 'Aishah said: “The Messenger of Allâh ﷺ said: ‘The expiation for a vow is明确 من عهدك، إن تحلّى به.’” (Sahîh)
said: ‘There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.”’ (Sahih)

3867. It was narrated from 'Aishah that the Messenger of Allâh ﷺ said: ‘There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.’” (Sahih)

3868. It was narrated that ‘Aishah said: “The Messenger of Allâh ﷺ said: ‘There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.”’ (Sahih)

Abû 'Abdur-Rahmân (An-Nasâ’î) said: It was said: “Az-Zuhîrî did not hear this from Abû Salamah.”

3869. It was narrated from ‘Aishah that the Messenger of Allâh ﷺ said: ‘There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.” (Sahih)

3870. It was narrated from ‘Aishah
that the Messenger of Allâh ﷺ said: “There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.” (Sâhih)

Abû ‘Abdur-Raḥmân (An-Nasâ’î) said: Sulaimân bin Arqâm (one of the narrators) is Matrik[1] in Ḥadîth and Allâh knows best. More than one of the companions of Yahya bin Abî Kathîr contradicted him in this narration.

٣٨٧١. It was narrated that ‘Imrân bin Ḥuṣain said: “The Messenger of Allâh ﷺ said: ‘There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.’” (Sâhih)

٣٨٧٢. It was narrated that ‘Imrân bin Ḥuṣain, may Allâh be pleased with him, said: “The Messenger of Allâh ﷺ said: ‘There is no vow to

[1] Abandoned; they do not narrate from him in most cases.
commit an act of disobedience, and its expiation is the expiation for an oath.” (Saḥīḥ)

3873. It was narrated that ‘Imrān bin Ḥuṣain said: “The Messenger of Allāh said: ‘There is no vow at a moment of anger and its expiation is the expiation for an oath.” (Da‘f)

Abū ‘Abdūr-Rahmān (An-Nasā‘ī) said: Muhammad bin Az-Zubair is weak in Hadīth, his likes cannot be relied upon as proof. He has been contradicted in this Hadīth.

3874. It was narrated that ‘Imrān said: The Messenger of Allāh said: “There is no vow at a moment of anger and its expiation is the expiation for an oath.” (Da‘f)

3875. It was narrated that ‘Imrān said: The Messenger of Allāh said: “There is no vow at a moment of anger and its expiation is the expiation for an oath.” It was said: “Az-Zubair did not hear this Hadīth from ‘Imrān bin Ḥuṣain.” (Da‘f)
3876. It was narrated from Muḥammad bin Az-Zubair, from his father, from a man from the inhabitants of Al- Başrah, who said: “I accompanied ‘Imrān bin Ḥūṣain, who said: I heard the Messenger of Allāh  say: Vows are of two types: A vow that is made to do an act of obedience to Allāh; that is for Allāh and must be fulfilled, and a vow that is made to do an act of disobedience to Allāh; that is for the Shaitān and should not be fulfilled, and its expiation is the expiation for an oath.” (Sahih)

3877. It was narrated that Muḥammad bin Az-Zubayr Hanzali said: My father told me that a man told him, that he asked ‘Imrān bin Ḥūṣain about a man who made a vow not to attend the prayers in the mosque of his people. ‘Imrān said: I heard the Messenger of Allāh  say: There is no vow at a moment of anger and its expiation is the expiation for an oath.” (Da’if)

3878. It was narrated that ‘Imrān bin Ḥūṣain said: The Messenger of Allāh  said: “There is no vow to commit an act of disobedience or at the time of anger, and its expiation is the expiation for an oath.” (Da’if)
3879. It was narrated that 'Imrân bin Huṣain said: The Messenger of Allâh ﷺ said: “There is no vow to commit an act of disobedience and its expiation is the expiation for an oath.” Manṣūr bin Zâdḥân contradicted him in its wording. (Sahîh)

3880. It was narrated that 'Imrân bin Huṣain said: The Messenger of Allâh ﷺ said: “There is no vow for the son of Adam with regard to that which he does not possess, or to do an act of disobedience to Allâh, the Mighty and Sublime.” (Sahîh) 'Alî bin Zaid contradicted him – for he reported it from Al-Hasan from 'Abdur-Raḥmân bin Samurah.

تخريج: [صحيح] تقدم شاهده ح: 3879.

But if he takes a vow it is forbidden to fulfill the vow in both the cases. The expiation shall have to be performed as has preceded above.

3881. It was narrated from 'Abdur-Raḥmân bin Samurah that the Prophet ﷺ said: “There is no vow to commit an act of disobedience or with regard to that which the son of Adam does not possess.” (Sahîh)

Abû 'Abdur-Raḥmân (An-Nasā’î) said: 'Alî bin Zaid is weak, and this Hadîth is a mistake, and what is correct is: (from) 'Imrân bin Huṣain. This Hadîth has been reported from 'Imrân bin Huṣain

Contents:
3882. It was narrated that ‘Imrān bin Ḥuṣain said: The Messenger of Allāh ﷺ said: “There is no vow to commit an act of disobedience or with regard to that which the son of ᴬḏām does not possess.” (Sahih)

Chapter 42. What Is The Requirement Upon One Who Made A Vow That Something Would Be Obligatory For Him, Then He Is Unable To Do It?

3883. It was narrated that Anas said: “The Prophet ﷺ saw a man being supported by two others and said: ‘What is this?’ They said: ‘He vowed to walk to the House of Allāh.’ He said: ‘Allāh has no need for this man to torture himself. Tell him to ride.’” (Sahih)
3885. It was narrated that Anas bin Mâlik said: "The Messenger of Allah ﷺ came to a man who was being supported by two others and said: 'What is the matter with him?' It was said: 'He vowed to walk to the Ka'bah.' He said: 'Allâh does not benefit from his torturing himself.' And he told him to ride.” (Sahîh)

3886. It was narrated that Abû Hurairah said: "The Messenger of Allah ﷺ said: 'Whoever swears an oath and says: ‘If Allâh wills, then he has made an exception.'” (Sahîh)

3887. It was narrated from Abû Hurairah, who attributed it to the Prophet ﷺ: "Sulaimân said: ‘I will certainly go around to ninety
women tonight, each of whom will bear a child who will fight in the cause of Allāh.’ It was said to him: ‘Say: If Allāh wills,’” but he did not say it. He went around to them but none of them bore a child except for one woman who bore half a person.” The Messenger of Allāh ﷺ said: “If he had said, ‘If Allāh wills,’ he would not have broken his vow, and this would have been a means to help him to get what he wanted.” (Sahih)
Chapter 44. The Third Of The Conditions, In It Is Sharecropping (Muzâra'ah)
And Contracting[^1]

3888. It was narrated that Abû Sa'eed said: “When you hire a worker, tell him what his wages will be.” (Da'f)

3889. It was narrated from Al-Hasan that he disliked to hire a man without telling him what his wages would be. (Da'f)

3890. It was narrated from Hammâd – Ibn Abî Sulaimân – that he was asked about a man who

[^1]: In his Sunan Al-Kubra the author named the chapter in which these narrations are included: “Regarding Hiring” and prior to that is the chapter: “Mentioning The Differences Regarding Proxies” and prior to that is the chapter on sharecropping which is Chapter 46 in this book. So it is possible that by “The Third of Conditions” he is referring to what was mentioned in the two chapters previous to it in Al-Kubra. However, As-Sindi interpreted the meaning of: “The Third of The Conditions” here to refer to the fact that both Muzâra'ah and contracting involve something that is openended, and for that reason they have a relationship to the discussion of vows and oaths. The author has cited examples of contracts at the end of this book as well. See a sample for this topic after No. 3959. And Allâh knows best.
hired a worker in return for food and he said: “No, not until he tells him (what his wages will be).” (Hasan)

\[\text{462}\]

The objective is that if the mount ran fast and it took less time, I would pay you more money; but if the mount did not run fast, and took more time, then I would pay you less. The former situation is permissible because in it the condition of giving a prize or reward is found; and obviously giving reward is permitted. The latter situation is forbidden, because it is a form of wronging the owner of the mount. It took more time, on one hand; and on the other hand, he got less rent. Tyranny or oppression is not allowed.

\[\text{3891. It was narrated from Hammâd and Qatâdah, concerning a man who said to another man: “I will lease (something) from you until I reach Makkah for such and such a payment, and if I travel for a month or such and such – something that he named – I will give you such and such in addition.” They did not see anything wrong with that, but they did not like it if he said: “If I travel for more than a month I will deduct such and such from your lease.” (Sahih)}\]

Comments:

The objective is that if the mount ran fast and it took less time, I would pay you more money; but if the mount did not run fast, and took more time, then I would pay you less. The former situation is permissible because in it the condition of giving a prize or reward is found; and obviously giving reward is permitted. The latter situation is forbidden, because it is a form of wronging the owner of the mount. It took more time, on one hand; and on the other hand, he got less rent. Tyranny or oppression is not allowed.

\[\text{3892. It was narrated that Ibn Juraîj said: “I said to ‘Atâ: ‘What if I hire a slave for a year in return for his food, and for another year, in return for such and such?’ He said: ‘There is nothing wrong with that, and you may stipulate your conditions of hiring even for a few days.’ ‘How about if I make a deal to hire him when part of the year has passed?’ He said: ‘Do not hold}\]
me to account for what has passed.” (Sahih)

Comments:
The objective behind narrating the above-mentioned report is to demonstrate that the wage of a servant ought to be known and fixed, irrespective of whether it be in the form of food, etc. Besides, one should abstain from stipulating a condition which is detrimental to the servant or the employee.

Chapter 45. Mentioning The Differing Hadiths Regarding The Prohibition Of Leasing Out Land In Return For One-Third, Or One Quarter Of The Harvest, And The Different Wordings Reported By The Narrators

3893. It was narrated from Usaid bin Zuhair that he went out to his people, Banu Hârithah, and said: “O Banu Hârithah, a calamity has befallen you.” They said: “What is it?” He said: “The Messenger of Allah has forbidden leasing land.” We said: “O Messenger of Allah, what if we lease it in return for some of the grain?” He said, “No.” He said: “We used to lease it in return for straw.” He said: “No.” We used to lease it in return for what is planted on the banks of a stream that is used for irrigation.” He said: “No. Cultivate it (yourself) or give it to your brother.” (Da'if)
3894. It was narrated that Usaid bin Zuhair said: “Râfi’ bin Khadij came to us and said: ‘The Messenger of Allâh has forbidden for you Al-Haql. Al-Haql is the third and the fourth.’ And Al-Muzâbanah. Al-Muzâbanah is to buy what is at the top of the date-palm trees in return for a certain number of Wasqs of dried dates.” (Sahîh)

Comments:

The reason for forbidding Muzâbanah is that in it there is a greater possibility of a loss for one of the parties. The fruit yet hanging on a tree may or may not equal the fixed quantity of dried fruit. It was forbidden on account of this possibility. (Muzâbanah implies the selling of fresh dates for dry dates by measuring them out, and selling raisins for the measure of grapes).

3895. It was narrated that Usaid bin Zuhair said: “Râfi’ bin Khadij came to us and said: ‘The Messenger of Allâh has forbidden something that was beneficial for us, but obedience to the Messenger of Allâh is better for you. He has forbidden Al-Haql (renting land in return for one-third or one-quarter of the produce) to you, and says: Whoever has land, let him give it (to someone else to cultivate it) or leave it. And he has forbidden Al-Muzâbanah. Al-Muzâbanah means when a man has a lot of date-palm trees and another man comes and

[1] Meaning the third or fourth of yield paid to lease the land. And it is not clear if this is the explanation of Râfi’, or one of the narrators, while it appears – from the various narrations – that it is from Râfi’ and is mentioned again.

[2] This definition is similar to Al-Araya (see No. 3910) which was an exception.
takes it in return for a certain number of *Wasqs* of dried dates.”

(Sahih)

3896. It was narrated that Usaid bin Zuhair said: “Raf‘i’ bin Khadij came to us and I was not sure what he meant. He said: ‘The Messenger of Allâh ﷺ has forbidden to you something that used to benefit you, but obedience to the Messenger of Allâh ﷺ is better for you than that which benefits you. The Messenger of Allâh ﷺ has forbidden *Al-Haql* for you. *Al-Haql* means share-cropping the land in return for one-third or one-quarter (of the yield). So whoever has land that he does not need, let him give it to his brother (to cultivate it) or let him leave it. And he has forbidden to you *Al-Muzâbanah*. *Al-Muzâbanah* means when a man has a great number of datepalms and says: ‘Take it in return for (a certain number of) *Wasqs* of dried dates this year.’” (Sahih)

Abdul-Karîm bin Malik

3897. Usaid bin Raf‘i’ bin Khadij said: “Raf‘i’ bin Khadij said: ‘The Messenger of Allâh ﷺ has forbidden something for you that used to be beneficial for us, but obedience to the Messenger of Allâh ﷺ is more beneficial for us. He said: “Whoever has land let him cultivate it, and if he is unable to do so, let him give it to his brother to cultivate.” (Sahih)
contradicted him. [1]

 Contents:
‘He should lend it for cultivation’ means if it is lying surplus with him.

3898. It was narrated that Mujāhid said: ‘I took Tāwūs by the hand and brought him to Ibn Rāfī‘ bin Khadīj, and he told him, narrating from his father, that the Messenger of Allāh forbid leasing land. Tāwūs rejected that and said: ‘I heard Ibn ‘Abbās (say) that he did not see anything wrong with that.’” (Sahih)

It was reported by Abū ‘Awānah, from Abū ʿUsain, from Mujāhid who said: “He said” from Rāfī‘, in Mursal form.

Comments:
In this narration, he mentioned leasing. That is; renting and for payment of wealth. It differs with forms of sharecropping because the amount of payment is certain and can be agreed upon. See No. 3904, and 3921, and 3929.

3899. (The previously mentioned chain) from Mujāhid who said: “Rāfī‘ bin Khadīj said: ‘The Messenger of Allāh forbid us to do something that was beneficial for us, (but we respect and obey the command of the Messenger of Allāh.)’ [2] He forbade us to lease land in return for some of its produce.” (Sahih)

[1] That is: contradicted Sa‘eed bin ‘Abdur-Rahmān, both of whom narrated it from Mujāhid, as will be seen in the next chain of narration.

[2] He said an expression interpreted to infer that is based upon the other versions: “The order of the Messenger of Allāh is upon the head and the eye.” And in this version he mentioned leasing a long with sharecropping as the means of payment. See No. 3904.
Ibrāhīm bin Muhājir followed him in (narrating) that.

3900. It was narrated that Ṳâfî bin Khādīj said: "The Prophet passed by the land of a man from among the Ḍa‘lā who he knew was in need and said: 'Whose is this land?' He said: 'So and so's; he has given it to us in return for rent.' He said: 'Why did he not give it to his brother?' Ṳâfî came to the Ḍa‘lā and said: "The Messenger of Allāh has forbidden something for you which was beneficial, but obedience to the command of the Messenger of Allāh is more beneficial for you." (Sahih)

3901. It was narrated that Ṳâfî bin Khādīj said: "The Messenger of Allāh forbade Al-Haql (renting land in return for one-third or one-quarter of the produce)." (Sahih)

3902. Ṳâfî bin Khādīj said: "The Messenger of Allāh came out to us and forbade something for us that had been beneficial for us. He said: 'Whoever has land, let him cultivate it or give it to someone else (to cultivate), or leave it.'" (Sahih)
3903. It was narrated from Tâwûs and Mujâhid, that Râfî' bin Khadîj said: "The Messenger of Allâh ﷺ came out to us and forbade something for us that had been beneficial for us, but the command of Messenger of Allâh ﷺ is better for us. He said: 'Whoever has land, let him cultivate it or leave it or give it (to someone else to cultivate)."'(Sahîh)

And among that which proves that Tâwûs did not hear this Hadîth from Râfî'.

3904. It was narrated that 'Amr bin Dînâr said: "Tâwûs regarded it disliked renting out land for gold and silver, but he did not see anything wrong with leasing it in return for one-third or one-quarter (of the yield). Mujâhid said to him: 'Go to Ibn Râfî' bin Khadîj and listen to his Hadîth.' He said: 'By Allâh, if I knew that the Messenger of Allâh ﷺ had forbidden that I would not have done it. But my Hadîth comes from one who is more knowledgeable than him. Ibn 'Abbâs (said) that the Messenger of Allâh ﷺ said: "If one of you were to give his land to his brother (to cultivate it), that would be better than taking an agreed portion of the yield."'(Sahîh)

And there is a disagreement among the narrators from 'Aţâ' about this Hadîth, so 'Abdul-Mâlik bin Maisarah said: "From 'Aţâ', from Râfî'" and we mentioned that

3905. It was narrated from ‘Atâ’ from Jâbir, that the Messenger of Allâh ﷺ said: “Whoever has land, let him cultivate it. If he is unable to cultivate it, let him give it to his Muslim brother and not share-crop it with him.” (Sahîh)

Comments:
‘Give it’ from Manâh; which could mean he should lend it to him for one or two years, so that he could acquire some of its produce. The land would continue to remain the property of its original owner. The owner would take it back upon the expiration of the fixed period of time.

3907. It was narrated that Jâbir said: “Some people had some extra land which they leased out in return for half of the yield, or one-third, or one-quarter. The Messenger of Allâh ﷺ said: ‘Whoever has land, let him cultivate it, or give it to his
brother to cultivate or keep it (without cultivating it).”  
(Sahih)

And Matar bin Tahmân was in accord with him.

3908. It was narrated that Jábir bin 'Abdullâh said: “The Messenger of Allâh addressed us and said: ‘Whoever has land, let him cultivate it or give it to someone else to cultivate, and let him not rent it out.’”  
(Sahih)

3909. It was narrated from Jábir who attributed it to the Prophet: “That he forbade leasing out land.”  
(Sahih)

‘Abdul-Mâlik bin ‘Abdul-'Aţîz bin Juraij was in accord with him in (narrating) the prohibition of leasing land.

Comments:

There are two types of rental agreements: A fixed sum of money, or a fixed share of a fixed produce; for instance, one-half, one-third, or one-fourth, etc. In common practice, the former is called rental or lease, and the latter sharecropping.

3910. It was narrated from Jábir that the Prophet forbade Al-
Mukhâbarah, Al-Muzâbanah and Al-Muhâqalâh, and selling fruit until it is fit to eat (ripe enough), except in the case of Al-‘Arâyâ.[4]

(Sahih)

Yûnus bin ‘Ubaid followed him (in narrating).

3911. It was narrated from Jâbir that the Prophet forbade Al-Muhâqalâh, Al-Muzâbanah, Al-Mukhâbarah and exceptions when selling, unless they were well-defined. (Hasan)

And in the narration of Hammâm bin Yahya is what acts as the proof that ‘Aṭâ‘ did not hear Jâbir’s Hadîth from the Prophet: “Whoever has land, then let him cultivate it”.

الرَّئِبِ، عَنْ جَابِرَ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْمُحَافَّلَةِ وَالْمُؤَمَّمَةِ وَالْمُحَافَّلَةِ وَالْقُرُبِ النَّمْرُ وَتَحْتَهُ يَطَعَمُ إِلَّا الْعَزَّارَاءَ. تَابِعَهُ يُوسُفُ بْنُ عَقِيلٍ.


عن زيد بن أيوب به، وقال: “حسن صحيح غريب”، وهو في الكبير، ح: 460/7.

[1] A definition follows after No. 3914, and some of them say it is leasing the land for cultivation, while the owner will get whatever is produced from one area of it, and another area is for the cultivator. See the commentary of As-Sindi. In Fath Al-Bâri (after No. 2327) Ibn Hajar mentioned the view that Al-Mukhâbarah refers to share-cropping when the seeds are supplied by the cultivator, while Al-Muzâranâh refers to share-cropping when the seeds are supplied by the owner of the land.


[3] Renting land in return for one-third or one-quarter of the produce.

[4] ‘Arâyâ (singular. ‘Arâyâ): This refers to when the fruits of a designated tree were given as a gift to another person, then the giver was troubled by the recipient’s coming to his garden to gather the dates, so he was permitted to buy the fresh dates in return for dried dates.
Comments:

‘Exceptions, unless...’: For instance, one says at the time of selling the fruit of an orchard that he would take the fruit of its trees for himself, without specifying which trees; such dubious exception could later become a cause of dispute. This is why it was forbidden.

3912. Jâbîr narrated that the Messenger of Allâh ﷺ said: “Whoever has land, let him cultivate it or give it to his brother to cultivate, and not lease it to his brother.” (Sahîh)

And Yazîd bin Nu‘aim reported the prohibition from Al-Muhâlaqah from Jâbîr bin ‘Abdullâh.

3913. It was narrated from Jâbîr bin ‘Abdullâh: “The Prophet ﷺ forbade Al-Haqîl and it is Al-Muẓâbanah.” (Sahîh)

Hîshâm contradicted him; for he reported it from Yahyâ, from Abû Salamah, from Jâbîr.

3914. It was narrated from Jâbîr bin ‘Abdullâh that the Prophet ﷺ forbade Al-Muẓâbanah and Al-Mukhâdarah.” He (one of the narrators) said: “Al-Mukhâdarah means selling fruit before it ripens and Al-Mukhâbarah means selling grapes in return for a certain
number of Sā‘s.” (Saḥiḥ)
‘Umar bin Abī Salamah contradicted him; he said: “From His father, from Abū Hurairah.”

3915 It was narrated that Abū Hurairah said: “The Messenger of Allāh forbade Al-Muḥāqalah and Al-Muẓābanah. (Saḥiḥ)
Muḥammad bin ‘Amr contradicted the two of them; so he said: “From Abū Salamah, from Abū Sa‘eed.”

3916. It was narrated that Abū Sa‘eed Al-Khudrī said: “The Messenger of Allāh forbade Al-Muḥāqalah and Al-Muẓābanah.” (Hasan)
Al-Aswād bin Al-‘Alā’ contradicted all of them; so he said: “From Abū Salamah, from Rāfī‘ bin Khadīj.”

3917. It was narrated from Rāfī‘ bin Khadīj that the Messenger of Allāh forbade Al-Muḥāqalah and Al-Muẓābanah. (Hasan)
Al-Qāsim bin Muḥammad
reported it from Râfi‘ bin Khadij.

It was narrated from ‘Uthmân bin Murrah who said: “I asked Al-Qâsim about Al-Muzâra‘ah, so he narrated from Râfi‘ bin Khadij that the Messenger of Allâh forbade Al-Muhâqalâh and Al-Muzâbanâh.”

(Hasan)

Abû ‘Abdur-Rahmân (An-Nasâ’î) said: Another time.[1]

And there is some disagreement in what is narrated from Sa‘eed bin Al-Musayyab on it.

Râfi‘ bin Khadij said that the Messenger of Allâh forbade leasing land. (Hasan)

And there is some disagreement in what is narrated from Sa‘eed bin Al-Musayyab on it.

It was narrated that Abû Ja‘far Al-Khaṭmî – whose name was ‘Umair bin Yazîd – said: “My paternal uncle sent me with a slave of his, to Sa‘eed bin Al-Musayyab to ask him about Al-Muzâra‘ah. He

[1] That is, on another occasion the same Shaikh narrated the same chain of narration to him, but with the wordings that follow.
said: 'Ibn 'Umar did not see anything wrong with it, until he heard the Hadith from Râfi' bin Khâdij. Then he met him, and Râfi' said: "The Prophet came to Banu Hârîtah and saw some crops. He said: 'How good are the crops of Zuhair.' They said: 'It is not Zuhair's, and he said: 'Is the land not Zuhair's?' They said: 'No (it is not his), rather he is leasing it.' The Messenger of Allâh said: 'Take your crops and give him what he spent.' So we took our crops, and gave him what he had spent." (Sahîh)

Târiq bin 'Abdur-Rahmân reported it from Sa'eed, and there is disagreement in what is narrated from him.

3921. It was narrated that Râfi' bin Khâdij said: "The Messenger of Allâh forbade Al-Muhâqalah and Al-Muzâbanah, and said: 'Only three may cultivate: A man who has land which he cultivates; a man who was given some land and cultivates what he was given; and a man who takes land on lease for gold or silver.'" (Hasan)

Isrâ'il narrated it in a distinct manner from Târiq, so he narrated the statement in Mursal form first, and later, as a statement of Sa'eed.

نظرج: [إسناده صحيح] أخرجه أبو داود، الب.LinearLayoutManager، في التشديد في ذلك، ح: ٣٣٩٩.

من حديث يحيى بن سعيد القطان به، وهو في الكبرى، ح: ٤٦١٦.

**The Book Of Agriculture**

كتاب المزرعة

المُزَرَّعة، قَالَ: كَانَ ابْنُ عُمَرَ لا يُرِيْ بِهَا
ثَنَاءاً حَتَّى بَلَغَهُ عَنْ رَافِعٍ بْنِ حَذَيْحٍ حَدِيثٍ
فَقَالَهُ، قَالَ: رَافِعٌ. أَنَى الْبَيْنِ بْنُ بَنَيَةٍ حَارِيَةٍ
فَرَأَى زَهَرًا قَالَ: فَمَا أُحْنَى زَهَرُ ظَهْرَهُ
قَالُوا: لَسْنَ لِظَهْرِهِ قَالَ: أَلَّا أَرْضُ
ظَهْرُهُ قَالُوا: لَسْنَ لِظَهْرِهِ قَالَ: أَلَّا أَرْضُ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَرَحْمَتِهِ
الْبَيْنِ بْنِ بَنَيَةٍ قَالَ: فَلِلَّيْلَةِ زَهَرَتَهُ وَرَدَوْا إِلَيْهِ
قَالُوا: فَاخْتَلَفْتُ بَيْنَا زَهَرَتَهُ وَرَدَوْا إِلَيْهِ
قَالُوا: وَرَحَّلَهُ طَارِقُ بْنُ عَبْدِ الْرَّحْمَنِ عِنْ سَعِيدٍ
وَأَخْلَفْنَاهُ عِلْيَهُ فِي هِوَاءِهِ.
3922. It was narrated that Sa'eed said: “The Messenger of Allâh ﷺ forbade Al-Muḥâqalah.” Sa'eed said: “And he narrated something similar.” And Sufyân Ath-Thawrî reported it from Târiq: (Hasan)

3923. It was narrated that Târiq said: “I heard Sa'eed bin Al-Musayyab say: ‘Cultivating land is not allowed except in three cases: Land which one owns, land which is given to one, or land which one rents in return for gold and silver.’” (Hasan)

And Az-ZuMúra reported the first statement from Sa'eed, narrating it in Mursal form.

3924. It was narrated from Sa'eed bin Al-Musayyab that the Messenger of Allâh ﷺ forbade Al-Muḥâqalah and Al-Muẓâbanah. (Sahîh)

And Muḥammad bin 'Abdur-Râhîmân bin Labibah reported it from Sa'eed bin Al-Musayyab; so he said: “From Sa'd bin Abî Waqqâs.”

3925. It was narrated that Sa'd bin Abî Waqqâs said: “At the time of
the Messenger of Allâh ﷺ landowners used to lease their arable land in return for whatever grew on the banks of the streams used for irrigation. They came to the Messenger of Allâh ﷺ and referred a dispute concerning such matters to him, and the Messenger of Allâh ﷺ forbade them to lease land on such terms, and said:

"Lease it for gold or silver." (Da‘îf)

And Sulaimân reported this Hadîth from Râfî, so he said: "From a man among his paternal uncles:

3926. It was narrated that Râfî bin Khadîj said: "At the time of the Messenger of Allâh ﷺ we used to lease land on the basis of Al-Muhâqalah, so we would lease it in return for one-third or one-quarter of the yield, or a specified amount of food (produce). One day, a man among my paternal uncles came and said: 'The Messenger of Allâh ﷺ has forbidden me to do something that was beneficial for us, but obedience to Allâh and His Messenger is more beneficial for us. He has forbidden us to lease land on the basis of Al-Muhâqalah and to lease it in return for one-third or one-quarter of the yield, and for a specific amount of food
And he commanded the landowner to cultivate it (himself) or to give it to someone else to cultivate. He did not like leasing it or anything else.” (Sahih)

Ayyūb (one of the narrators) did not hear from Ya'la.

3927. It was narrated from Ayyūb who said: “Ya'la bin Al-Hakim wrote to me (saying): 'I heard Sulaimān bin Yasār narrating from Rāfī' bin Khadij, who said: 'We used to lease land on the basis of Al-Muhāqalah, leasing it in return for one-third or one-quarter of the yield, and a specified amount of food (produce). (Sahih)

(And) Sa'eed reported it from Ya'la bin Hakīm.

3928. It was narrated that Rāfī' bin Khadij said: “We used to lease land on the basis of Al-Muhāqalah during the time of the Messenger of Allah ﷺ. He said that one of his paternal uncles came to them and said: "The Messenger of Allah ﷺ has forbidden me to do something that was beneficial for us, but obedience to Allah and His Messenger is more beneficial. We said: "What is that?" He said: "The Messenger of Allah ﷺ said: “Whoever has land, let him cultivate it (himself) or give it to his brother to cultivate, and not lease it
in return for one-third or one-quarter of the yield nor a specified amount of food (produce).” (Sahih)

Hanžalāh bin Qais reported it from Rāfi'; and there is a difference over Rabī'ah's narration of it.

3929. It was narrated that Rāfi' bin Khadīj said: “My paternal uncle told me that they used to lease land at the time of the Messenger of Allah ﷺ in return for what grew on the banks of the streams, and a share of the crop stipulated by the owner of the land. But the Messenger of Allah ﷺ forbade us to do that.” I (Hanžalāh) said to Rāfi': “How about leasing it in return for Dinārs and Dirhams?”

Rāfi' said: “There is nothing wrong with (leasing it) for Dinārs and Dirhams.” (Sahih)

Al-Awzā'ī differed with him.

3930. It was narrated that Hanžalāh bin Qais Al-Anṣāri said: ‘I asked Rāfi' bin Khadīj about leasing land in return for Dinārs and silver. He said: ‘There is nothing wrong with that. During the time of the Messenger of Allah ﷺ they used to rent land to one another in return for what grew on the banks of streams and where the springs emerged – some areas of which might give good produce and
some might give none at all—and the people did not lease land in any other way. So that was forbidden. But as for leases where the return is known and guaranteed, there is nothing wrong with that.” (Sahih)

Mālik bin Anas was in accord with the chain, but he differed in the wordings.

Comments:

In other words, the cause of prohibition was the existence of oppressive conditions, on account of which the farmers were incurring an absolute loss. They deceptively used to specify for themselves the harvest produced by the fertile portions of the field, while the harvest produced by the infertile and bad portions was thrown to the farmers by way of good riddance.

3931. It was narrated that Hanzalah bin Qais said: “I asked Rāfi’ bin Khadīj about leasing land. He said: ‘The Messenger of Allāh forbade leasing land.’ I said: ‘For gold and silver?’ He said: ‘No, rather he forbade leasing it in return for what the land produces. As for gold and silver, there is nothing wrong with that.” (Sahih)

Sufyān Ath-Thawrī, may Allāh be pleased with him, reported it from Rābi’ah, but he did not narrate it in Marfū’ form.

3932. It was narrated that Hanzalah bin Qais said: “I asked Rāfi’ bin Khadīj about leasing uncultivated land in return for gold and silver. He said: ‘(It is) permissible and there is nothing
wrong with that. That is the due of the land.” (Ṣahīh)

Yahya bin Sa‘eed reported it from Hanzalah bin Qais and in Marfū‘ form; just as Mālik did from Rabī‘ah.

3933. It was narrated that Rāfi‘ bin Khadij said: “The Messenger of Allāh forbade us to lease our land. At that time there was no gold nor silver. A man would lease his land in return for what grew on the banks of streams and where the springs emerged, and in return for something specific.” (Ṣahīh)

And he quoted the rest of it. Sālim bin ‘Abdullāh bin ‘Umar reported it from Rāfi‘ bin Khadij, and there is a difference over Az-Zuhri’s narration of it.

3934. It was narrated from Az-Zuhri that Sālim bin ‘Abdullāh narrated something similar. (Ṣahīh)

‘Uqail bin Khālid followed him up in that.

3935. Sālim bin ‘Abdullāh narrated that ‘Abdullāh bin ‘Umar used to lease his land until he heard that Rāfi‘ bin Khadij forbade leasing land. ‘Abdullāh met him
and said: "O Ibn Khādīj, what do you narrate from the Messenger of Allāh ﷺ about leasing land?" Rāfī‘ said to ‘Abdullāh: "I heard two of my uncles, who had been present at Badr, telling the people in the house, that the Messenger of Allāh ﷺ forbade leasing land." ‘Abdullāh said: "I knew that at the time of the Messenger of Allāh ﷺ land used to be leased." Then ‘Abdullāh was concerned that the Messenger of Allāh ﷺ had decreed something and he (‘Abdullāh) had not known about it, so he stopped leasing land. (Sahih)

Shu‘aib bin Abī Hamzah narrated it in Mursal form.

3936. It was narrated that Az-Zuhrī said: "We heard that Rāfī‘ bin Khādīj used to narrate that his paternal uncles – whom he said had been present at Badr – (said) that the Messenger of Allāh ﷺ forbade leasing land." (Sahih)

‘Uthmān bin Sa‘eed reported it from Shu‘aib, but he did not mention his two uncles.

3937. It was narrated from Shu‘aib: "Az-Zuhrī said: ‘Ibn Al-Musayyab used to say: ‘There is nothing wrong with leasing land in return for gold and silver, and Rāfī‘ bin Khādīj used to narrate that the Messenger of Allāh ﷺ forbade
that.” (Ṣaḥīḥ)

‘Abdul-Karīm bin Al-Hārith was in accord in his narrating it in Mawqūf form.

3938. It was narrated from Ibn Shihāb that Rāfī‘ bin Khadhīj said: "The Messenger of Allāh forbade leasing land." Ibn Shihāb said: "Rāfī‘ was asked after that: "How did they lease land?" He said: "In return for a set amount of food (produce), and it was stipulated that we would have whatever grew on the banks of the streams and springs." (Ṣaḥīḥ)

Nāfī‘ reported it from Rāfī‘ bin Khadhīj, and there are differences over his narration of it.

Comments:

These forms are absolutely forbidden because such conditions fall in the group of oppression or tyranny, and in which there is nothing but utter loss for the farmer.

3939. Rāfī‘ bin Khadhīj told ‘Abdullāh bin ‘Umar that his paternal uncles went to the Messenger of Allāh, then they came back and told them that the Messenger of Allāh had forbidden leasing arable land. ‘Abdullāh said: "We knew that he owned some arable land that he leased at the time of the Messenger of Allāh in return for whatever grew on the banks of the streams of water, and for a certain amount of straw, I do not
know how much it was.” Ibn ‘Awn reported it from Nāfī’ but he said: “From some of his paternal uncles.” (Sahih)

Comments:
It is the opinion of Imām ibn Taymiyyah that ‘Abdullāh ibn ‘Umar considered permissible the form of sharecropping described in this Hadīth, and he used to practice it, because he was not aware of its prohibition. Later on, he had stopped doing it when Rāfī’ bin Khādij informed him about its having been forbidden as is mentioned in Hadīth 3935.

3940. It was narrated from Nāfī’:
“İbn ‘Umar used to take rent for some land, then he heard something from Rāfī’ bin Khādij. He took me by the hand and went to Rāfī’, and I was with him. Rāfī’ narrated to him from some of his paternal uncles, that the Messenger of Allāh forbade leasing land, so ‘Abdullāh stopped (doing that) afterward.” (Sahih)

3941. It was narrated from Ibn ‘Umar that he used to take rent for land until Rāfī’ narrated to him, from some of his paternal uncles, that the Messenger of Allāh forbade leasing land. So he stopped doing that afterward. (Sahih)

Ayyūb reported it from Nāfī’ from Rāfī’, and he did not mention: “His paternal uncles.”
3942. It was narrated from Nafi' that Ibn 'Umar used to lease out his arable land until he heard at the end of Mu'awiyah's Khilafah, that Rabi' bin Khadidj used to narrate, that the Messenger of Allah had forbidden that. He went to him - and I (Nafi') was with him - and asked him (about that). He said: “The Messenger of Allah used to forbid leasing arable land.” So Ibn 'Umar stopped (doing that) afterward. When he was asked about it he said: “Rafi' bin Khadidj said that the Prophet forbade that.” (Sahih)

‘Ubaidullah bin ‘Umar, Kathir bin Farqad, and Juwairiyah bin Asma’ were in accord with him.

3943. It was narrated from Nafi' that ‘Abdullah bin ‘Umar used to lease arable land, then he was told that Rabi' bin Khadidj narrated from the Messenger of Allah that he forbade that. Nafi' said: “He went out to him (and met him) in Al-Balat, and I was with him. He asked him (about that), and he said: ‘Yes, the Messenger of Allah forbade leasing arable land.’ So ‘Abdullah stopped leasing it.” (Sahih)
3944. It was narrated from Nāfī':
"A man told Ibn 'Umar that Râfî‘
bin Khadîj had narrated a Hadîth
concerning leasing of land. He and
I, along with the man who had told
him that, went to Râfî‘, and he told
us that the Messenger of Allâh ﷺ
had forbidden leasing land. So
‘Abdullâh stopped leasing land.”

(Sahîh)

3945. It was narrated from Nâfī‘
that Râfî‘ bin Khadîj told ‘Abdullâh
bin ‘Umar that the Messenger of
Allâh ﷺ forbade leasing arable
land. (Sahîh)

3946. It was narrated from Nâfī‘
that he narrated: “Ibn ‘Umar used
to lease his land in return for some
of its produce. Then he heard that
Râfî‘ bin Khadîj warned against
that. He said: ‘The Messenger of
Allâh ﷺ forbade that.’ He said: ‘We
used to lease our land before we
came to know Râfî‘.’ Then he (Ibn
‘Umar) became unsure, so he put
his hand on my shoulder and we
went to Râfî‘. ‘Abdullâh said to him:
‘Did you hear the Prophet ﷺ forbid
leasing land?’ Râfî‘ said: ‘I heard the
Prophet ﷺ say: Do not lease land in
return for anything.” (Sahîh)
3947. It was narrated from Râfî' bin Khâdîj that the Messenger of Allâh ﷺ forbade leasing land. (Sahîh)

Ibn 'Umar reported it from Râfî' bin Khâdîj, but there is disagreement is (reported from) 'Amr bin Dînâr (for it).

3948. It was narrated that 'Amr bin Dînâr said: "I heard Ibn 'Umar say: 'We used to sell grain before it was ripe and before it was evident that it was free of disease and blight (by means of Al-Mukhabarah). We did not see anything wrong with that, until Râfî' bin Khâdîj said that the Messenger of Allâh ﷺ had forbidden Al-Mukhabarah.'" (Sahîh)

3949. 'Amr bin Dînâr said: "I bear witness that I heard Ibn 'Umar asking about Al-Khîbr (the agreement to Al-Mukhabarah) and he said: 'We did not see anything wrong with that, until Ibn Khâdîj told us earlier that he heard the Messenger of Allâh ﷺ forbidding Al-Khîbr.'" Hammâd bin Zaid was in accord with the two of them. (Sahîh)

Comments:
"The first year": It has preceded in Hadith 3942 that this belongs to the final days of Mu‘awiyyah. Hence, the first year might probably mean here the first year of the time of Yazid, or the time of Ibn Zubair. And Allâh knows best!

3950. It was narrated that ‘Amr bin Dînâr said: “I heard Ibn ‘Umar say: ‘We did not see anything wrong with Al-Khibr until last year, when Râfi’ said that the Prophet of Allâh ﷺ forbade it.’” (Sahîh)
‘Arim differed with him; so he said: “From Hammâd, from ‘Amr, from Jâbîr.”

3951. It was narrated from Jâbîr bin ‘Abdullâh that the Prophet ﷺ forbade leasing land. (Sahîh)
Muḥammad bin Muslim At-Tâ’îf followed him up (in narrating it).

3952. It was narrated that Jâbîr said: “The Messenger of Allâh ﷺ forbade Al-Mukhâbarah, Al-Muḥâqalah and Al-Muzâbanah.” (Hasan)
Sufyân bin ‘Uyainah combined the two Hadîths, so he said: “From Ibn ‘Umar and Jâbîr.”


وغيره # شريف يأب النعمان
3953. It was narrated from Ibn ‘Umar and Jābir that the Messenger of Allāh forbade selling fruits until it was clear that they were free of blemish, and (he forbade from) Al-Mukhābarah; leasing land in return for one-third or one-quarter (of the yield).” 

(Sahīh)

Abū An-Najāshī, ‘Ātā’ bin Șuhaib reported it, and disagreement is reported from him in it.

3954. Rāfi‘ bin Khadīj narrated that the Messenger of Allāh said to Rāfi‘: “Do you rent out your arable land?” I said: “Yes, O Messenger of Allāh. We rent it out in return for one-quarter, and in return for (a number of) Wasqs of barley.” The Messenger of Allāh said: “Do not do that. Cultivate it (yourselves), or lend it, or keep it.” (Sahīh)

Al-Awzā‘ī differed with him; he said: “From Rāfi‘, from Zuhair bin Rāfi‘.”

3955. It was narrated that Rāfi‘ said: “Zuhair bin Rāfi‘ came to us and said: ‘The Messenger of Allāh forbade me to do something that was convenient for us.’ I said:
'What was that?' He said: 'The command of the Messenger of Allāh ﷺ is true. He asked me: What do you do with your land? I said: We rent it out in return for one-quarter (of the yield) and a number of Wasqs of dates or barley. He said: Do not do that. Cultivate it, give it to someone else to cultivate, or keep it.' (Sunan)

Bukair bin 'Abdullah bin AlAshajj reported it from Usaid bin Rāfī', and he reported it as a narration of Rāfī's brother.

3956. It was narrated from Usaid bin Rāfī' bin Khadīj that the brother of Rāfī' said to his people: "Today the Messenger of Allāh ﷺ has forbidden something which was convenient for you, but following his command is an act of obedience (to Allāh) and is good. He forbade Al-Haql." (Sunan)

3957. It was narrated that 'Abdur-Rahmān bin Hurmuz said: "I heard Usaid bin Rāfī' bin Khadīj Al-Ansārī say that they did not allow Al-Muhāqalah, which is land that is cultivated in return for some of its produce." (Sunan)

'Eīsa bin Sahl bin Rāfī' reported it.
3958. ‘Eisa bin Sahl bin Râfi’ bin Khadîj narrated said: “I was an orphan in the care of my grandfather Râfi’ bin Khadîj. I reached puberty and became a man, and I performed Hajj with him. My brother ‘Imrân bin Sahl bin Râfi’ bin Khadîj came and said: ‘O my father, we have leased our land to so and so (a woman) for two hundred Dirhams.’ He said: ‘O my son, leave that (do not do it), for Allâh will give you other provision. The Messenger of Allâh forbid leasing land.’”

(Ta’lîf)

3959. It was narrated that ‘Urwa bin Az-Zubair said: “Zaid bin Thâbit said: ‘May Allâh forgoe Râfi’ bin Khadîj. By Allâh, I have more knowledge of the Hadîth than him. We were two men who fought and the Messenger of Allâh said: If this is how it is between you, then do not lease land. And he only heard the words: Do not lease land.”” (Hasan)

Abû ‘Abdur-Rahmân (An-Nasâ’i) said: (this is an example of) A sharecropping contract based on the condition that the seeds and expenses be provided by the owner of the land, and the share cropper will have one-quarter of whatever Allâh brings forth from the land:
This contract was written by so and so the son of so and so the son of so and so, while he is still in good health, and in full control of his wealth. (It is addressed to) so and so the son of so and so; stating that you will give me all of your land that is situated in such and such location, in such and such city, to cultivate it on the basis of sharecropping. This is the (piece of) land that is known as such and such, defined by four boundaries that enclose the entire area (he defines the four boundaries). You have given to me all of the land defined in this contract, within the boundaries specified, and everything in it, water, rivers and streams, uncultivated, empty land with no crops planted therein, for a complete year, starting at the beginning of such and such month of such and such year, and ending at the end of such and such month of such and such year, on the basis that I will cultivate all of the land specified in this contract, the location of which is described herein, from beginning to end. I may cultivate anything I want and see fit of wheat, barley, sesame, rice, cotton, fresh dates, herbs, chickpeas, beans, lentils, cucumbers, melons, carrots, radishes, onions, garlic, and any other kind of winter or summer produce, using your seeds which are all to be provided by you and not by me, on the basis that I will do the work myself, or with...
whomever I want of my helpers, and hired workers, my oxen, and my tools, and equipment. I will cultivate it and take care of it so that it will grow well and yield the best produce, plowing the land and clearing it of brush, supplying water and manure to those crops that need them, digging irrigation ditches, picking whatever needs to be picked, harvesting whatever needs to be harvested, gathering it, threshing and winnowing what needs to be threshed and winnowed. All of that will be done at your expense and not mine, and it will be done by me and my helpers, and not by you. From all that Allâh brings forth from all of that, during the period specified in this contract, from beginning to end, you will have three quarters in return for your land, your water, your seeds and your spending, and I will have the remaining quarter of all that in return for my cultivation and labor, done by myself and my helpers. You have given me all the land of yours defined in this contract, with all its rights and facilities, and I have accepted all of that from you on such and such a day in such and such a month, of such-and-such a year. All of that has come under my control, but I do not own any of it, and I have no claim to any of it except this sharecropping as described in this contract, during the year described therein. Once that time ends, then it all reverts to you and to your control, and you have the right to
expel me from it when that year is over, and to take it out of my control, and out of the control of anyone who had anything to do with it because of me. Signed by so and so and so and so. Two copies were made of this contract.

Comments:

In other words, one reason for prohibiting the current form of sharecropping of that period was that it was the cause of disputes; and Allâh's Messenger highly detested disputes, and quarrels.

Chapter 46. Mentioning The Different Wordings With Regard To Sharecropping

Comments:

The above-mentioned document would be operational in the event when it has been decided or agreed upon that the seed and the expenses shall be provided by the owner of the land; and it is determinately specified that the total produce shall be divided between the partners in the ratio of 1:3.

3960. Ibn 'Awn said: "Muhammad used to say: 'In my view land is like the wealth put into a Muḍārabah (limited partnership) contract. Whatever is valid with regard to the wealth put into a Muḍārabah partnership, is valid with regard to land, and whatever is not valid with regard to the wealth put into a Muḍārabah partnership, then it is not valid with regard to land.'" He said: "He did not see anything wrong with giving all of his land to the plowman on the basis that he would work with it himself, or with his children, and helpers, and oxen, and, that he would not spend anything on it; all expenses were to be paid by the owner of the land." (Sahih)
3961. It was narrated from Ibn 'Umar that the Prophet gave the datepalms of Khaibar and their land to the Jews of Khaibar, on condition that they would take care of them at their expense, and the Messenger of Allâh would have half of whatever they produced. (Sahîh)

Comments:

Entrusting of the date-palms or any other fruit tree to some person on the condition that he would take it upon himself to water them, look after the trees, or manage and culture them, and when they give fruit, he would get half of their produce (or any other determinately specified portion). Such an arrangement is called Musâqâtî in the Arabic language.

3962. It was narrated from Ibn 'Umar that the Prophet gave the datepalms of Khaibar and their land to the Jews of Khaibar on condition that they would take care of them at their expense, and the Messenger of Allâh would have half of their fruits. (Sahîh)

3963. It was narrated from Nâfi' that 'Abdullah bin 'Umar used to say: "Arable land used to be leased out at the time of the Messenger of Allâh on condition that the owner of the land would have whatever grew on the banks of the streams and a share of straw, I do not know how much it was." (Sahîh)
It was narrated that 'Abdur-Rahmān bin Al-Aswad said: "Two of my paternal uncles used to cultivate (land) in return for one-third or one-quarter of the crop, and my father was their partner. 'Alqamah and Al-Aswad knew about that and did not change anything." (Da‘īf)

Comments:
The objective is to demonstrate that sharecropping was common among the Tabi‘īn - the followers of the Companions of the Prophet.

Sa‘eed bin Jubair said: "Ibn 'Abbās said: 'The best thing you can do is for one of you to rent his land out in return for gold and silver."' (Sahih)

It was narrated from Ibrāhīm and Sa‘eed bin Jubair that they did not see anything wrong with renting uncultivated land. (Sahih)

It was narrated that Muḥammad said: "I do not know that Shuraih ever ruled on
Mudāribah disputes except in two ways. He would say to the Mudārib (the one who contributed his labor to the partnership): ‘You must provide proof that a calamity befell you so that you may be excused.’ Or he would say to the one who invested his money in the partnership: ‘You must provide proof that your trustee betrayed his trust, otherwise his oath sworn by Allāh that he did not betray you is sufficient.’” (Sahih)

Comments:
When a person gives a sum of money to another to do business on condition that the gain should be between them two; this is called Mudārabah. The giver of the sum of money is the owner of the property, and the taker is called the Mudārib or the one who is employed by another in trade for him with his (the latter’s) property. Now, if the Mudārib informs the owner of the property that the complete principal wealth or a part of it is stolen or lost, what verdict would be given? The following narrations discuss that.

3968. It was narrated that Sa’eed bin Al-Musayyab said: “There is nothing wrong with renting uncultivated land for gold and silver.” (Da’if)

He (An-Nasā‘ī) said: “If a man gives money to another in a Mudārabah partnership, and he wants to write a contract concerning that, he should write:

‘This is contract written by so and so the son of so and so, with no compulsion, while he is still in good health and in full control of his wealth; (addressed to) so-and-so the son of so and so, stating that you have given to me, at the beginning of such-and-such month, in such and such year, ten thousand Dirhams, non-counterfeit, and
weighing seven Qirād as an investment in a Mudārābah partnership, on the basis of fear of Allāh in secret and in public, and on the basis of honesty. I will buy with it whatever I want and as I see fit to buy, and I will dispose of it and whatever I want of it as I see fit in all kinds of trade. I will dispose of whatever I want to whenever I want to and I will sell whatever I see fit of the goods I have bought for cash or on credit. I will do all of that at my discretion and will delegate that to whomever I see fit. All bounty and profits that Allāh bestows on that after the capital that you have paid – as described – to me, the amount of which is stated in this contract, will be shared half and half between you and I. You will have half in return for your capital and I will have half in return for my work. Any losses incurred will be borne by the capital. I have taken this ten thousand, non-counterfeit, from you at the beginning of such and such month in the year such and such, and it is a Mudārābah investment, based on the conditions stipulated in this contract. Signed by so and so, and so and so." If he wanted to give him free rein to buy and sell on credit, he would have written that, but you told me not to buy and sell on credit.”
Comments:
Since sharecropping is deeply connected with financing a profit-sharing venture, and both are similar or identical, financing profit-sharing was mentioned along with sharecropping.

Chapter... The ‘Anân
Partnership Between Three Persons
This is a partnership between so and so, and so and so, and so and so, who are in good health, and in full control of their wealth, having formed a partnership with thirty thousand Dirhams, non-counterfeit and weighing seven, each one of them contributing ten thousand Dirhams which they have put together and combined, so that they are now held in common between them on the basis of three equal shares, on the condition that they will work on the basis of fear of Allâh and of honesty, each one of them fulfilling the trust toward each of the others. They will all buy whatever they see fit with it, cash or credit, whatever they see fit of different goods. Each one of them may buy on his own without consulting his companions, whatever he sees fit to buy with cash, he may do so, and whatever he sees fit to buy on credit, he may do so. They may work together, or each may work independently of his partners as he sees fit. All of that is binding on them individually, and on the two others, with regard to decisions taken collectively, or individually. Whatever commitment any of them makes, whether small or great, it is
binding on each of the other partners, and is binding on all of them. All bounty and profits that Allah bestows over the capital amount, which is stated in this contract, is to be divided into three equal parts. Any loss is to be borne by all three partners proportionate to their capital investment. Three identical copies of this document have been made, and one given to each of the three partners. Signed by so and so, so and so and so and so.

Chapter... A Proxy Partnership Between Four Persons According To Those Who Permit It

Allah says: O you who believe! Fulfill (your) obligations. This is a partnership formed between so and so, so and so, so and so and so and so, based on capital which they have collected of one type, and currency, and have combined it, so that it is now mixed, and none of them can tell which is his money. The share and rights of each partner are equal, and they will use this money for trade, whether buying or selling, for cash, or on credit, in all transactions, making decisions collectively or individually, each working independently of the others based on his own opinion, and what he

sees fit. Whatever commitment or loan any one of the persons mentioned in this contract makes, then it is binding on each of his companions mentioned in this contract. All bounty and profits that Allâh bestows over the capital amount, which is stated in this contract, is to be divided equally between all four. Any loss is to be borne equally by each of them. Each of the four persons mentioned in this contract appoints the others as his deputy (Wakil) who may demand every right, and debt, and deal with every dispute, concerning this contract, to dispute on behalf of the others with anyone who is disputing with them, or seek their dues. And each of them makes the others his executor (to act on his behalf after he dies), pay off his debts, and carry out the instructions in his will. Signed by so and so, and so and so, and so and so and so.

Comments:
If a few individuals trade together, it is called partnership. The majority Fuqha have shown partnership to be of four kinds:

1) Cooperative partnership;
2) Comprehensive partnership;
3) Craftsmanship, Manufacturing or handicraft partnership;
4) Well-known partner partnership (Sharika Al-Wujâh)

The discussion here pertains to cooperative partnership, in which every partner happens to be the authorized representative of the other, not the
sponsoring. There is leeway or flexibility in this form of partnership. It is not necessary that two shares of capital put up by the partners be equal in amount, they could be more or less. In the same way, equality is not essential in manufacturing partnership; irrespective of whether the wealth or the capital is equal. Likewise, there could be equalization in manufacturing or handicraft, even if the capital is not equal. One might have contributed dinars and the other dirhams. The rest of the details are given in the above-mentioned document. It should, however, be borne in mind that partnership could exist between the two individuals, and the mention of three in the aforementioned document is incidental.

2. Comprehensive partnership (Sharika Al-Mufawada) whose detail appears in the forthcoming document. This partnership is distinct from the cooperative partnership. In it, each partner happens to be the other’s authorized representative and sponsor too, by which the partners share whatever they earn from their respective separate principal funds and labor; mutually covering the debts or financial liabilities incurred by either. The document makes mention of four partners, but this partnership could be struck between two partners also.

Chapter 47. Labor Partnership (Abdân)

Comments:
The overall or summary definition of the comprehensive partnership (Sharika Al-Mufawada) has already been spelled out under the previous Hadith, but its detail has been explained in this document.

3969. It was narrated that ‘Abdullâh said: “I formed a partnership with ‘Ammâr and Sa’d on the day of Badr. Sa’d brought two prisoners but ‘Ammâr and I did not bring anything.” (Da‘îf)

Comments:
This form of partnership (Sharika Al-Abdân or manual partnership) is called manufacturing or handicraft or workmanship’s partnership, which means two persons (or more) agree to work together on a particular job or venture, and
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... distribute its gain equally among themselves, although it is possible that one partner might work more on the project, while the other less.

3970. It was narrated from Az-Zuhri concerning two slaves who were partners, and one of them quit, that he said: "One of them may cover for the other if they were partners." (Sahih)

Comments:
In the comprehensive partnership (Sharikat Al-Mufawada), two partners share their entire wealth, benefits, and profits. They are each other's authorized representative and sponsors, to the extent that one's financial liability could be demanded of the other. In this situation, therefore, if one specifies one's price of emancipation from his master, the other would also cooperate with him and share his burden.

Chapter... Partners Dissolving
A Partnership

This is a contract drawn up by so and so, and by so and so and so and so, and signed by each one of them, and each of his companions mentioned alongside him in this contract, who are in good health, and in full control of their wealth. There has taken place among us, dealing and trading, buying and selling, sharing of wealth and different types of dealing, loans, trusts, partnerships, debts, leases and sharecropping. We are dissolving the partnership by mutual consent and are content with all that we did. All that was between us of partnership and dealing has to do with money and wealth and we have settled all of that in all types of dealings. We have explained all of that in every
category. Each one of us has taken all his dues, and it is now in his possession. None of those named in this contract owes anything to any of the others, nor to anyone else connected to the others, because each one of us has taken all his dues, and it has come into his possession. Signed by So-and-so, So-and-so, so and so and so and so.

Chapter... Separation Of The Married Couple

Allâh, Blessed and Most High, says: And it is not lawful for you (men) to take back (from your wives) any of your (bridal-money) which you have given them, except when both parties fear that they would be unable to keep the limits ordained by Allâh. Then if you fear that they would not be able to keep the limits ordained by Allâh, then there is no sin on either of them for what they give back.[1]

This writ was written by so and so, the daughter of so and so, who is in good health and in full control of her wealth, to so and so the son of so and so and so.

was a wife to you, and you came in to me, and consummated the marriage with me. Then I did not like your company, and I wanted to leave you, without your having done any harm to me, nor having withheld any of my rights. I asked you, when we feared that we would not be able to keep the limits ordained by Allâh, to free me (Khul‘) and to divorce me irrevocably in return for all my Sadâq (Mâhîr) that is due from you to me, which is such-and-such a number of Dînârs, non-counterfeit, and such-and-such a number of Dînârs, non-counterfeit, that I gave you in addition to that, apart from my Sadâq. You did what I asked of you, and you gave me an irrevocable divorce in return for what was left of my Sadâq, as stated in this writ, and in return for the additional Dînârs as stated. I accepted that from you verbally when we were talking about it, and in response to what you said before we finished our discussion, and departed. I gave you all the Dînârs mentioned in this contract in return for which you granted me Khul‘, except for my Sadâq. Thus I became irrevocably divorced from you, and now I am in control of my own affairs, based on this Khul‘ which is described in this contract. Thus you have no control over me, you cannot make demands of me, and you cannot take me back. I have taken from you all that is due to a woman like me at the time of Tiddah, and I took all that I need in
full, which a woman like me would take from a husband like you. Neither of us has any further rights, nor claims over the other. If any one of us makes any claim on the other, this claim is totally and utterly false, and the one against whom the claim is made is innocent, and has nothing to do with this claim. Each one of us accepts everything that the other party offers, and all that the other party relieves him of, as described in the contract, verbally when we were talking about it, and before we spoke of anything, or parted from our meeting that took place. Signed by so and so (the wife) and so and so (the husband).

Comments:
According to the dominant majority of the people of knowledge, a husband cannot take anything away from his wife, except for the dower, in the event of Khul' as has been explicitly mentioned in the noble Verse of the Qur'an.

Chapter 48. Contract Of Manumission

Allâh, the Mighty and Sublime says: "And such of your slaves as seek a writing (of emancipation), give them such writing, if you find that there is good and honesty in them."[1]

This is a contract written by so and so the son of so and so, who is in good health and in full control of his wealth, to his Nubian slave who is called so and so, who at this time is in his possession and owned by him. I have agreed to manumit

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you in return for three thousand Dirhams, non-counterfeit and weighing seven, to be paid in installments by you over six consecutive years, starting at the beginning of such and such month in such and such year. You will pay me the amount of money stated in this contract in installments, then you will be free in return for that, with the same rights and duties as all free men. If you default on any of these installments, this contract will be null and void, and you will remain a slave with no contract of manumission. I have accepted your contract of manumission based on the conditions stipulated in this contract before we finished talking, and departed from our meeting, which took place between us. Signed by So-and-so and So-and-so.

Comments:

In many an issue of the Divine law, emancipation of slave has been made a part of expiation or Kaffarah. For a slave who is able to earn a living and is capable of paying for his freedom, it has been made incumbent upon his owner that he enters into a contract with him for his freedom. (The original term used in this context is Kitābat (or Mukātabat) which means ‘a contract of a slave with his master’ that he would pay a certain sum as a price for himself and on payment thereof, he would be free).

Chapter 49. Tadbir (Leaving Instructions That One’s Slave Be Freed After One’s Death)

This is a contract written by so and so the son of so and so, to his Sicilian slave, the baker and cook, who is called so and so, and who at this time is in his possession and owned by him. I have arranged for your manumission following my death,
seeking thereby the Face of Allāh, the Mighty and Sublime, and hoping for His reward. You will be free after I die, and no one will have any control over you after I die, except by way of Al-Walā' (loyalty of a freed slave to his former masters), which will be to me and my descendents after me. So-and-so the son of So-and-so affirms all that is mentioned in this contract, without compulsion, while in good health, and in full control of his wealth, after all of that was read to him in the presence of the witnesses named therein. He affirmed in their presence that he had heard it, and understood it, and called upon Allāh to bear witness to it, and Allāh is sufficient as a witness, then the witnesses who were present. So-and-so the Sicilian cook, who is sound in mind and body, affirmed that everything that is stated in this contract is true and correct according to the way it is written.

Comments:

'Mudabbar': The term Mudabbar signifies a slave made to be free, not yet but after his owner’s death, to whom his master has said, ‘You are free after my death,’ whose emancipation has been made to depend on his master’s death. No sooner does the owner die than the slave would become free.

Chapter 50. Manumission

This is a contract written by so and so the son of so and so, without compulsion, while he is in good health and in full control of his wealth, in such-and-such month of such and such year, to his Byzantine slave who is called so and so, who at this time is in his
possession and owned by him. I have set you free as an act of worship, seeking thereby the great reward of Allâh, the Mighty and Sublime, granting you complete and definite freedom with no conditions and no right to take you back. You are free for the Face of Allâh, and the Hereafter, and neither I nor anyone else has any control over you, except by way of Al-Walâ’ (loyalty of a freed slave to his former masters), which is to me and my descendents after me.

Comments:
1. ‘Exemption’ means no condition was stipulated. You are free unconditionally. Condition could also be called exemption.
2. The right of inheritance of a slave - Al-Walâ’: The right which an emancipator is vested with over his emancipated slave, after his emancipation, is called Al-Walâ’. It is a relationship. Any alteration in this relationship amounts to a major sin or an enormity.