English Translation of
Sunan An-Nasâ’i

Compiled by:
Imâm Hâfiz Abû Abdur Rahmân
Ahmad bin Shu’âib bin ‘Ali An-Nasâ’i

Volume 5

From Hadith no. 3971 to 4987

Ahâdith edited & referenced by:
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Translated by:
Nâsiruddin al-Khattâb (Canada)

Final review by:
Abû Khaliyl (USA)
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In the Name of Allâh,
the Most Gracious, the Most Merciful

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46. The Book Of Cutting Off The Hand Of The Thief

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37. The Book Of Fighting
[The Prohibition Of Bloodshed]

Chapter 1. The Prohibition Of Bloodshed

3971. It was narrated from Anas bin Malik that the Prophet ﷺ said: “I have been commanded to fight the idolators until they bear witness to Ļâ ilâha illallâh (there is none worthy of worship except Allâh) and that Muḥammad is His slave and Messenger. If they bear witness to Ļâ ilâha illallâh and that Muḥammad is His slave and Messenger, and they pray as we pray and face our Qiblah, and eat our slaughtered animals, then their blood and wealth becomes forbidden to us except for a right that is due.”

(Sahîh)

Comments:
‘I have been commanded’: The fighting a battle against unbelievers is permitted. But if they become Muslims, then fighting them is not permissible, provided they bring into practice the fundamental commands of Islam, and live like Muslims.

3972. It was narrated from Anas bin Malik that the Messenger of Allâh ﷺ said: “I have been commanded to fight the idolators until they bear witness to Ļâ ilâha illallâh (there is none worthy of
worship except Allâh) and that Muhammad is the Messenger of Allâh ﷺ. If they bear witness to Lâ ilâha illallâh and that Muhammad is the Messenger of Allâh ﷺ, and they face our Qiblah, eat our slaughtered animals, and pray as we do, then their blood and wealth become forbidden except for a right that is due, and they will have the same rights and obligations as the Muslims.” (Sahîh)

3973. Maimûn bin Siyâh asked Anas bin Mâlik: “O Abû ʿHamzah, what makes the blood and wealth of a Muslim forbidden?” He said: “Whoever bears witness to Lâ ilâha illallâh (there is none worthy of worship except Allâh) and that Muhammad is the Messenger of Allâh ﷺ, faces our Qiblah, prays as we pray, and eats our slaughtered animals, he is a Muslim, and has the same rights and obligations as the Muslims.” (Sahîh)

3974. It was narrated that Anas bin Mâlik said: “When the Messenger of Allâh ﷺ died, the ‘Arabs apostatized, so ‘Umar said: ‘O Abû Bakr, how can you fight the ‘Arabs?’ Abû Bakr said: ‘The Messenger of Allâh ﷺ said: ‘I have been commanded to fight the people until they bear witness to
Lā ilāha illallāh (there is none worthy of worship except Allāh) and that I am the Messenger of Allāh, and they establish Salāh and pay Zakāh.” By Allāh, if they withhold from me a young goat that they used to give to the Messenger of Allāh, I will fight them for it.’ ‘Umar said: ‘By Allāh, as soon as I realized how certain Abū Bakr was, I knew that it was the truth.’” (Sahih)

Comments:
(See No. 2445)

3975. It was narrated that Abū Hurairah said: “When the Messenger of Allāh died and Abū Bakr became the Khalifah after him, and some of the ‘Arabs reverted to Kufri, ‘Umar said to 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 but Allāh). Whoever says Lā ilāha illallāh, his wealth and his life are safe from me except for a right that is due, and his reckoning will be with Allāh.’” Abū Bakr said: ‘By Allāh, I will fight whoever separates Salāh and Zakāh, for Zakāh is the compulsory right to be taken from wealth. By Allāh, if they withhold from me a rope that they used to give to the Messenger of Allāh, I will fight them for withholding it.’ ‘Umar, may Allāh be pleased with him, said: ‘By Allāh, as soon as I realized that
Allāh has expanded the chest of Abū Bakr for fighting, I knew that it was the truth.” (Ṣaḥīḥ)

Comments:

This narration is brief or concise. There is, therefore, a possibility of misunderstanding. For elaborate detail, please turn to Ahādīth 2445, 3093, and 3096. Here, there is description of fighting against those who refuse to give Zakāt, and not of general or common apostates.

3976. It was narrated that Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘I have been commanded to fight the people until they say Lā ilāha illsallāh. If they say it then their blood and their wealth are safe from me, except for a right that is due, and their reckoning will be with Allāh.’ When the people apostatized, ‘Umar said to Abū Bakr: ‘Will you fight them when you heard the Messenger of Allāh ﷺ say such and such?’ He said: ‘By Allāh, I do not separate Ṣalāh and Zakāh, and I will fight whoever separates them.’ So we fought alongside him, and we realized that that was the right thing.” (Ṣaḥīḥ)

Abū ‘Abdurrāḥman (An-Nasā’ī) said: Sufyān is not strong in (his narrations from) Az-Zuhrī, and he is Sufyān bin Ḥusayn.

3977. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “I have been commanded to fight the people until they say Lā ilāha illsallāh (there is none worthy of worship but Allāh). Whoever says
Là ilâha illallâh, his wealth and his life are safe from me except for a right that is due, and his reckoning will be with Allâh.” (Saîhîh) Shu’aib bin Abî Ḥamzah combined the two Hadîthfs together:

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3978. It was narrated that Abû Hurairah said: “When the Messenger of Allâh ﷺ died, and Abû Bakr (became Khalîfah) after him, and the ‘Arabs reverted to Kufr, ‘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, and whoever says Là ilâha illallâh, his wealth and his life are safe from me, except for a right that is due, and his reckoning will be with Allâh, the Mighty and Sublime?’ Abû Bakr said: ‘I will fight whoever separates Salâh and Zakât, for Zakât is the compulsory right to be taken from wealth. By Allâh, if they withhold from me a young goat that they used to give to the Messenger of Allâh ﷺ, I will fight them for withholding it.’ ‘Umar said: ‘By Allâh, as soon as I saw that Allâh has expanded the chest of Abû Bakr to fighting, I knew that it was the truth.’” (Saîhîh)
Comments:

'Their reckoning rests with Allâh': means whether they have recited the testimony of faith with sincere heart, or merely to save their life, or regarding other obligations.

3979. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: "I have been commanded to fight the people until they say Lâ ilâha illsâhâ, and whoever says it, his life and his wealth are safe from me, except for a right that is due, and his reckoning will be with Allâh." (Sâhîh) Al-Walîd bin Muslim contradicted him.[1]

3980. It was narrated that Abû Hurairah said: "So Abû Bakr decided to fight them, then '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 Lâ ilâha illsâhâ, and if they say it, their blood and their wealth will be safe from me except for a right that is due.'" Abû Bakr said: 'I will fight whoever separates prayer and Zakâh. By Allâh, if they withhold from me a young goat that they used to give to the Messenger of Allâh ﷺ, I will fight them for withholding it.' 'Umar said: 'By Allâh, as soon as I realized that Allâh has expanded the chest of

Abū Bakr to fight them, I knew that it was the truth.” (Sahih)

Comments:

‘Had expanded the chest of Abū Bakr’ means he has reached an explicitly clear conclusion on the basis of evidences, and he was not in any doubt or suspicion in that regard.

3981. It was narrated that Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘I have been commanded to fight the people until they say Lā ilāha illāllāh. If they say it, then their blood and wealth are prohibited for me, except for a right that is due, and their reckoning will be with Allāh, the Mighty and Sublime” (Sahih)

3982. It was narrated that Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘I have been commanded to fight the people until they say Lā ilāha illāllāh. If they say it, then their blood and wealth are prohibited for me, except for a right that is due, and their reckoning will be with Allāh.” (Sahih)

3983. It was narrated from Abū Hurairah that the Messenger of
Allâh ﷺ said: “We will fight the people until they say La ilâha illallâh. If they say La ilâha illallâh then their blood and their wealth become forbidden to us, except for a right that is due, and their reckoning will be with Allâh.” (Sahîh)
came to us while we were in a tent inside the Masjid of Al-Al-Madinah, and he said to us: 'It has been revealed to me that I should fight the people until they say Lâ ilâha illallâh.' A similar narration. (Sahîh)

3986. It was narrated that An-Nu'mân bin Sâlim said: "I heard Aws say: 'The Messenger of Allâh  ﷺ came to us when we were in a tent.'" And he quoted the same Hadîth. (Sahîh)

3987. It was narrated that An-Nu'mân bin Sâlim said: "I heard Aws say: 'I came to the Messenger of Allâh  ﷺ among the delegation of Thaqîf and I was with him in a tent. Everyone in the tent had gone to sleep except him and I. A man came and whispered to him, and he said: Go and kill him. Then he said: Does he not bear witness to Lâ ilâha illallâh (there is none worthy of worship except Allâh) and that I am the Messenger of Allâh? He said: He does bear witness to that. The Messenger of Allâh  ﷺ said: Leave him alone. Then he said: I have been commanded to fight the people...
until they say \( \text{Lā ilāha illāllāh} \). If they say it, then their blood and their wealth become forbidden to me, except for a right that is due.

(One of the narrators) Muhammad said: I said to Shu‘bah: ‘Doesn’t the Hadîth contain: Does he not testify to \( \text{Lā ilāha illāllāh} \) (there is none worthy of worship except Allâh) and that I am the Messenger of Allâh?’ He said: ‘I think it is both, but I do not know.’” (Sahîh)

3988. It was narrated from An-Nu‘mân bin Sâlim that ‘Amr bin Aws told him that his father Aws said: “The Messenger of Allâh ﷺ said: ‘I have been commanded to fight the people until they bear witness to \( \text{Lā ilāha illāllāh} \) (there is none worthy of worship except Allâh), then their blood and their wealth become forbidden to me, except for a right that is due.”” (Sahîh)

Comments:

‘Become forbidden’: Neither could they be slain, nor harmed, nor humiliated, nor could their property be usurped. Although if there is any obligation required by the law it will have to be carried out.

3989. It was narrated that Abû Idrîs said: “I heard Mu‘âwiyyah delivering a Khutbah, and he narrated a few Hadîths from the Messenger of Allâh ﷺ.” He said: “I heard him delivering a Khutbah and he said: ‘I heard the Messenger of Allâh ﷺ say: Every sin may be forgiven by Allâh except...”
a man who kills a believer deliberately, or a man who dies as disbeliever.” (Ṣaḥīḥ)

Comments:
Killing a Muslim intentionally is an enormously hateful sin. In the Glorious Qur’ān, its punishment has been mentioned to be eternal abode in Hellfire, Allāh’s wrath, curse, and a terrible chastisement. No such punishment has been mentioned for any other sin. That is why it has been transmitted on the authority of Ibn ‘Abbās, may Allāh be pleased with him and his father that the repentance of such a person is not accepted. He shall have to hear the above-mentioned punishments; or else he offers retribution in the life of this world. See Nos. 4867, 4873 for more details related to this.

3990. It was narrated from ʿAbdullāh that the Prophet ﷺ said:
“No person is killed wrongfully, but a share of responsibility for his blood will be upon the first son of ʿĀdam, because he was the first one to set the precedence, of killing.” (Ṣaḥīḥ)

Comments:
The first son of ʿĀdam murdered the second and it was the first murder in the world. Before, that this sinful evil was not committed. In other words, murder was first introduced by him. Now every murderer is his follower, therefore, he has a share in every murder.

Chapter 2. The Gravity Of The Sin Of Shedding Blood

3991. It was narrated that ʿAbdullāh bin ʿAmr bin Al-ʿĀṣ said:
“The Messenger of Allāh ﷺ said:
‘By the One in Whose Hand is my...
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soul, killing a believer is more grievous before Allâh than the extinction of the whole world.”

(Hasan)

Abû ‘Abdur-Rahmân (An-Nasâ’î) said: (One of the narrators)

Ibrâhîm bin Al-Muhâjjir is not strong.

Comments:

If we assume the world without believers, the destruction of the world and what is contains, it would seem less significant to Allâh than unjustly taking the life of a believer. Or if we assume the world empty of believers, and if someone kills one and all the people other than believers, his sin is lesser in gravity than that of unjustly killing a believer. The purpose is to stress the significance of a believer and his faith, which was made vividly clear by this example.

3992. It was narrated from ‘Abdullâh bin ‘Amr that the Prophet ﷺ said: “The extinction of the whole world is less significant before Allâh than killing a Muslim man.” (Hasan)

3993. It was narrated that ‘Abdullâh bin ‘Amr said: “Killing a believer is more grievous before Allâh than the extinction of the whole world.” (Hasan)
3994. It was narrated that ‘Abdullâh bin ‘Amr said: “Killing a believer is more grievous before Allâh than the extinction of the whole world.” (Hasan)

3995. It was narrated from ‘Abdullâh bin Buraidah that his father said: “The Messenger of Allâh ﷺ said: ‘Killing a believer is more grievous before Allâh than the extinction of the whole world.’” (Hasan)

3996. It was narrated that ‘Abdullâh said: “The Messenger of Allâh ﷺ said: ‘The first thing concerning which a person will be brought to account will be the Salâh, and the first thing concerning which scores will be settled among the people, will be bloodshed.’” (Sahîh)

Comments:
Meaning: on the Day of Resurrection. Among the rights of Allâh, the most important is the ritual prayer. It will, therefore, be accounted for first of all. If one achieves victory or success in it, then there is hope that he would gain reprieve in other rights of Allâh. But if he fails in the matter of ritual prayer; there would not remain any need for reckoning the remaining rights of Allâh; or it means he would not be successful in it. Among the rights of human beings, the most important is the sanctity of human life.
3997. It was narrated that ‘Abdullâh said: “The Messenger of Allâh ﷺ said: ‘The first matter concerning which judgment will be passed among the people will be bloodshed.’” (Sahîh)

3998. It was narrated from ‘Abdullâh that the Messenger of Allâh ﷺ said: “The first matter concerning which scores will be settled among the people on the Day of Resurrection will be bloodshed.” (Sahîh)

3999. It was narrated that ‘Abdullâh said: “The first matter concerning which scores will be settled among the people on the Day of Resurrection will be bloodshed.” (Sahîh)

4000. It was narrated that ‘Amr bin Shurahbîl said: “The Messenger of Allâh ﷺ said: ‘The first matter concerning which scores will be settled among the people on the Day of Resurrection will be bloodshed.’” (Sahîh)
4001. It was narrated that 'Abdullāh said: “The first matter concerning which scores will be settled among the people will be bloodshed.” (Sahih)

4002. It was narrated from 'Abdullāh bin Mas‘ūd that the Prophet ﷺ said: “A man will come, holding another man’s hand, and will say: ‘O Lord, this man killed me.’ Allāh will say to him: ‘Why did you kill him?’ He will say: ‘I killed him so that the glory would be to you.’ He will say: ‘It is to Me.’ Then (another) man will come holding another man’s hand, and will say: ‘This man killed me,’ Allāh will say to him: ‘Why did you kill him?’ He will say: ‘So that the glory would be to so and so.’ He will say: ‘It is not to so and so,’ and the burden of sin will be upon him.”[1] (Sahih)

4003. It was narrated that Abū ‘Imrān Al-Jawnī said: “Jundab said: ‘So and so told me that the Messenger of Allāh ﷺ said: The slain will bring his killer on the Day of Resurrection and will say: Ask him why he killed me. He will say: I killed him defending the kingdom

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[1] This may mean that the sin of the murderer is confirmed, or that the murderer will be made to bear the sins of his victim as a punishment for killing him.
of so and so.” Jundab said: “So be careful.” (Sahih)

Comments:

‘Be careful’ means do not kill anyone for the sake of your own or for the sake of someone else’s worldly affairs; otherwise on the Day of Resurrection, you would not know how to defend yourself, or you would be made to bear the punishment for bloodshed, and that ‘so and so’ would be of no avail to you.

4004. It was narrated from Sâlim bin Abî Ja’d that Ibn ʿAbbâs was asked about someone who killed a believer deliberately, then he repented, believed and did righteous deeds, and followed true guidance. Ibn ʿAbbâs said: “There is no way the repentance could avail him! I heard the Prophet say: ‘He (the victim) will come hanging onto his killer, with his jugular veins flowing with blood and saying: O Lord, ask him why he killed me. Then he said: By Allâh, Allâh revealed it and never abrogated anything of it.” (Sahih)

Comments:

See Nos. 4867, 4873.

4005. It was narrated that Saʿeed bin Jubair said: “The people of Al-Kûfah differed concerning this Verse: “And whoever kills a believer intentionally.”[1] So I

went to Ibn ‘Abbâs and asked him, and he said: ‘It was revealed among the last of what was revealed, and nothing of it was abrogated after that.” (Sahîh)

Comments:
See Nos. 4867, 4873.

4006. It was narrated that Sa’eed bin Jubair said: “I said to Ibn ‘Abbâs: ‘Can a person, who killed a believer intentionally, repent?’ He said: ‘No.’ I recited the Verse from Al-Furqân to him: ‘And those who invoke not any other ilâh (god) along with Allâh, or kill such person as Allâh has forbidden, except by right, [1] he said: ‘This Verse was revealed in Makkah and was abrogated by a Verse that was revealed in Al-Madînah: ‘And whoever kills a believer intentionally, his recompense is Hell.” [2] (Sahîh)

Comments:
See Nos. 4867, 4873.

4007. It was narrated that Sa’eed bin Jubair said: “Abdur-Rahmân bin [1] Al-Furqân 25:68.
Abi Laila told me to ask Ibn ‘Abbâs about two Verses: ‘And whoever kills a believer intentionally, his recompense is Hell.’[1] I asked him and he said: ‘Nothing of this has been abrogated.’ (And I asked him about the Verse): ‘And those who invoke not any other ilâh (god) along with Allâh, or kill such person as Allâh has forbidden, except by right,’[2] he said: ‘This was revealed concerning the people of Shîrkh.” (Sahîh)

4008. It was narrated from Ibn ‘Abbâs that some people used to kill, and they did a great deal of it, and they used to commit adultery and they did a great deal of it, and they committed violations.[3] They came to the Prophet ﷺ and said: “O Muhammad, what you say and call people to is good, if only you could tell us that there is any expiation for what we have done.” Then Allâh, the Mighty and Sublime, revealed: “And those who invoke not any other ilâh (god) along with Allâh up to for those, Allâh will change their sins into good deeds.”[4] he said: “So Allâh will change their Shîrkh into faith,

and their adultery into chastity. And the Verse: “Say: O 'Ibâdî (My slaves) who have transgressed against themselves (by committing evil deeds and sins)”[1] was revealed. (Hassan)

Tahrij: [Hasan] وهو في الكبيرة، ح: 3466 - ابن جريج مدلس كما قال التساني، (سير أعلام النبلاء: 74)، وعندن، وعند الأعلى الظاهري تقدم، ح: 1201، والحديث الآتي شاهد له:

4009. It was narrated from Ibn 'Abbâs that some of the people of Shirk came to Muhammad and said: “What you say and call people to is good, if only you could tell us that there is any expiation for what we have done.” Then the Verses: “And those who invoke not any other ilân (god) along with Allâh, or kill such person as Allâh has forbidden, except by right.”[2] and “Say: O 'Ibâdî (My slaves) who have transgressed against themselves (by committing evil deeds and sins)”[3] were revealed. (Sahîh)

Tahrij: أخرجه مسلم، الإيمان، باب كون الإسلام يهدم ما قبله وكذا الهجرة والحج، ح: 122 من حديث حجاج، وأخرجه البخاري، التفسير، باب قوله: فاعبادي الذين أسنوا على أنفسهم... إلخ، ح: 4810 من حديث ابن جريج به، وهو في الكبيرة، ح: 3467.

4010. It was narrated from Ibn 'Abbâs that the Prophet said: “The slain will bring his killer on the Day of Resurrection with his forelock and his head in his hand, and with his jugular veins flowing with blood, and will say: ‘O Lord, he killed me,’

until he draws near to the Throne.”

They mentioned repentance to Ibn ‘Abbás and he recited this Verse: “And whoever kills a believer intentionally, his recompense is Hell”[1] He said: “It has not been abrogated since it was revealed; there is no way he could repent.”

(Sahih)

4011. It was narrated that Zaid bin Thâbit said: “This Verse – ‘And whoever kills a believer intentionally, his recompense is Hell’[2] – was revealed six months after the Verse which was revealed in Sûrat Al-Furqân.” (Hasan) Abû ‘Abdur-Rahmân (An-Nasâ’î) said: Muhammad bin ‘Amr did not hear it from Abû Az-Zinâd:

4012. It was narrated from Zaid with regard Allâh’s saying: “And whoever kills a believer intentionally, his recompense is Hell”[3] that he said: “This Verse was revealed eight months after the Verse that is in Tabârak Al-Furqân:

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"And those who invoke not any other ilâh (god) along with Allâh, or kill such person as Allâh has forbidden, except by right."[1] (Hasan) Abû ‘Abdur-Rahmân (An-Nasâ‘) said: Abû Az-Zinâd put Mujâlid bin ‘Awf between himself and Khârijah.

4013. It was narrated that Mujâlid bin ‘Awf said: "I heard Khârijah bin Zaid bin Thâbit narrate that his father said: (The Verse) ‘And those who invoke not any other ilâh (god) along with Allâh, or kill such person as Allâh has forbidden, except by right.’[2] was revealed and we became worried about it. Then the Verse in Al-Furqân ‘And those who invoke not any other ilâh (god) along with Allâh, or kill such person as Allâh has forbidden, except by right.’[3] was revealed.” (Hasan)

تفتح: [إسناده حسن] أخرجه أبو داود، عن مسلم بن إبراهيم به، انظر الحديث
المقدم: 1104، وهو في الكبير، ح: 2471.

Comments:
‘We became worried about it’ because this Verse contains a severe warning that the slayer will remain in Hell forever.

Chapter 3. Mentioning The Major Sins

Comments:

Sins are primarily of two kinds: minor and major. In reality, every sin is an enormity which entails either a threat of punishment in the Hereafter, explicitly mentioned in the Glorious Qur'ān or hadith, or which entails a prescribed legal punishment (hadād), or which is considered synonymous with egression from the fold of Islam, or which is explicitly called an enormity, or which is equal to another major sin.

4014. 'Abū Ayyūb Al-Ansārī narrated that the Messenger of Allāh ﷺ said: "Whoever comes worshipping Allāh and not associating anything with Him, establishing Salāh, paying Zakāh and avoiding major sins, Paradise will be his." They asked him about major sins and he said: "Associating others with Allāh, killing a Muslim soul, and fleeing (from the battlefield) on the day of the march." (Sahīh)

4015. It was narrated that 'Ubaiddullāh bin Abī Bakr said: "I heard Anas say: 'The Messenger of Allāh ﷺ said: The major sins are: Associating others with Allāh (Shirk), disobeying one's parents, killing a soul (murder) and speaking falsely.'" (Sahīh)
Comments:

Major sins may be understood to be of three kinds: (1) The gravest of major sins (Kabir Al-Kabâ'ir), for instance, polytheism (Shirk) or the denial of an absolute command of the Divine law. (2) Those sins which violate the rights of other human beings, for example, murder. (3) Violation of orders or prohibitions of Allâh, for instance, adultery, drinking wine, etc.

4016. It was narrated from 'Abdullâh bin 'Amr that the Prophet ﷺ said: “The major sins are: Associating others with Allâh, disobeying parents, killing a soul (murder) and swearing a false oath knowingly.” (Da'if)

Comments:

‘The false oath’: The expression used in Arabic is Ghamus. It is termed (engulfing) or false, because it whelms its swearer in sins or it plunges its swearer into the Hellfire.

4017. It was narrated from ‘Ubaid bin ‘Umair that his father – who was one of the Companions of the Prophet ﷺ – told him: “A man said: ‘O Messenger of Allâh, what are the major sins?’ He said: ‘They are seven; the most grievous of which are associating others with Allâh, killing a soul unlawfully and fleeing (from the battlefield) on the
day of the march.” It is abridged.


4018. It was narrated that ‘Abdullâh said: “I said: ‘O Messenger of Allâtâh, which sin is the most grievous?’ He said: ‘Setting up a rival to Allâtâh while it is He that has created you.’ I said: ‘Then what?’ He said: ‘Killing your child for fear that he may eat with you.’ I said: ‘Then what?’ He said: ‘Committing adultery with your neighbor’s wife.”’ (Sahîh)

4019. It was narrated that ‘Abdullâh said: “I said: ‘O Messenger of Allâtâh, which sin is mot grievous?’ He said: ‘Setting up a rival to Allâtâh while it is He that has created you.’
a rival to Allâh while it is He that created you.’ I said: ‘Then what?’ He said: ‘Killing your child so that he will not eat with you.’ I said: ‘Then what?’ He said: ‘Committing adultery with your neighbor’s wife.’” (Sahîh)

4020. It was narrated that ‘Abdullâh said: “I asked the Messenger of Allâh which sin is most grievous?” He said: “Shirk, setting up a rival to Allâh, committing adultery with your neighbor’s wife, and killing your child for fear of poverty, and that he may eat with you.” Then ‘Abdullâh recited the Verse: “And those who invoke not any other Ilâh (god) along with Allâh.”” (Hasan) Abû ‘Abdur-Rahmân (An-Nasâî) said: This is a mistake, and what is correct is the one before it. This narration of Yazîd is a mistake, it should be Wâsîl.[2]

Chapter 5. Mentioning What Circumstances Allow Shedding The Blood Of A Muslim

4021. It was narrated that ‘Abdullâh said: “The Messenger of

[2] Meaning, in No 4019, it is from Wâsîl, from Abû Wâ’il, from ‘Abdullâh Ibn Mas’ûd. In No. 4020, Yazîd bin Hârûn narrated it, “Âsim, from Abû Wâ’il...” and the mention of ‘Âsim is incorrect according to the author.
Allāh said: ‘By the One besides Whom there is no other god, it is not permissible to shed the blood of a Muslim who bears witness to Lā ilâha illallāh (there is none worthy of worship except Allāh) and that I am the Messenger of Allāh, except in three cases: One who leaves Islam and splits away from the Jamā‘ah, a person who has been married and then commits adultery, and a life for a life.” (Sahīh)

Al-A‘mash said: “I narrated it to Ibrāhīm, and he narrated it to me from Al-Aswad, from ‘Āishah, similarly.”

Comments:

There is mention of shedding the blood of a Muslim in this Ḥadīth, meaning unlawfully. As for legal punishments, and fighting the rebs, this is a different matter.

4022. It was narrated that ‘Amr bin Ghālib said: “‘Āishah said: ‘Do you not know that the Messenger of Allāh said: It is not permissible to shed the blood of a Muslim, except a man who committed adultery after being married, or one who reverted to Kufr after becoming Muslim, or a life for a life.”’ (Sahīh) Zuhair was in accord with him.

تخريج: أخرج مسلم، القاسم، باب ما يباح به دم المسلم، ح 26/176 من حديث عبد الرحمان بن مهدي به، والخياري، الديات، باب قول الله تعالى: "إن النفس بالنفس والعين بالعين"، ح 1878 من حديث الأعشى به، وهو في الكبيرة، ح 3479.

[1] According to the various wordings in similar narrations (see Nos. 4022, 4024, 4025, 4026, etc.) the meaning is, those who leave Islam, and, those who rebel against the Muslim ruler, or the innovators in general who are founded upon separation from the consensus of the people of the Sunnah.
4023. It was narrated that ‘Amr bin Ghālib said: “Aīshah said: ‘O ‘Amr! Do you not know that it is not permissible to shed the blood of a Muslim except in three cases: A life for a life, a man who commits adultery after being married.”’ (Sahih) and he quoted the Ḥadīth.

4024. Abū Ummāmah bin Sahl and Abūdullāh bin ‘Amir bin Rabi‘ah said: “We were with ‘Uthmān when he was under siege and we could hear what was said from Al-Balāt. ‘Uthmān came in one day, then he came out, and said: ‘They are threatening to kill me.’ We said: ‘Allāh will suffice you against them.’ He said: ‘Why would they kill me? I heard the Messenger of Allāh say: It is not permissible to shed the blood of a Muslim except in one of three cases: A man who reverts to Kufr after becoming Muslim, or commits adultery after being married, or one who kills a soul unlawfully. By Allāh, I did not commit adultery during the Jāhilīyyah or in Islam, I never wished to follow any other religion since Allāh guided me, and I have never killed anyone, so why do they want to kill me?”’ (Sahih)

Chapter 6. Killing One Who Splits Away From The Jamā'ah (Main Body Of Muslims) And Mentioning The Differences Reported From Ziyād Bin ‘Ilāqah From ‘Arafah About That

4025. It was narrated that ‘Arafah bin Shuraiḥ Al-Asqaja'i said: “I saw the Prophet سلسلة البخاري addressing the people. He said: ‘After me there will be many calamities and much evil behavior. Whoever you see splitting away from the Jamā'ah or trying to create division among the Ummah of Muhammad ﷺ, then kill him, for the Hand of Allāh is with the Jamā'ah, and the Shaitān is with the one who splits away from the Ummah, running with him.’” (Saḥīh)

Comments:

This person signifies either an apostate or a rebel. An apostate is the one who exits the fold of Islam after becoming a Muslim. Such a person would become an enemy for Islam, and would assist unbelievers against Muslims. Rebels mean people who join together in a group in opposition, after the Muslims have unanimously shown allegiance to one ruler or Amīr.

4026. It was narrated that ‘Arafah bin Shuraiḥ said: “The Prophet ﷺ...
said: ‘After me there will be many calamities and much evil behavior.’

He raised his hands (and said):
‘Whomever you see trying to create division among the Ummah of Muhammad when they are all united, kill him, no matter who he is among the people.’” (Sahih)

Comments:
The solidarity and the unity of the (Muslim) nation is of first and foremost importance above everything else. An attempt to create disunity and discord over petty and trivial matters, and raise such things to standards by which to test truth from falsehood, is a grave crime. If the nation reaches an overall consensus over a ruler, then to create discord and disunity by needlessly criticizing and raising protests against the Amir unequivocally falls under the category of rebellion. The ruler is after all a human being. He is likely to have deficiencies. He might probably make mistakes, but deficiencies, weaknesses, or mistakes do not justify rebellion and corruption.

4027. It was narrated that ‘Arafajah said: “I heard the Messenger of Allah say: ‘After me there will be many calamities and much evil behavior. Whoever wants to create division among the Ummah (of Muhammad) when they are all united, strike him with the sword.’” (Sahih)

4028. It was narrated that Usâmah bin Sharîk said: “The Messenger of Allah said: ‘Any man who goes out and tries to create division
among my *Ummah*, strike his neck (kill him)." (Hasan)

Comments:
Fighting such people is the responsibility of the Muslim government. The common masses may not slay him, because it entails the risk of dissenion or sedition and corruption in the society. In the same way, prescribed legal penalties (the *Hadd*) are also implemented by the government. *Jihād* is also ordered by the government. In this context, it cannot be done by individuals.

Chapter 7. The Meaning Of The Saying Of Allāh, The Mighty And Sublime: "The recompense Of Those Who Wage War Against Allāh And His Messenger, And Do Mischief In The Land, Is Only That They Shall Be Killed, Or Crucified, Or Their Hands And Their Feet Be Cut Off From Opposite Sides, Or Be Exiled From The Land."[1] And Concerning Whom It Was Revealed, And Mentioning The Different Wordings Reported From Anas Bin Mālik About That

4029. Anas bin Mālik narrated that a group of eighty people from ‘Ukl came to the Prophet ﷺ, but the climate of Al-Madhūnah did not suit them and they fell sick. They complained about that to the Messenger of Allāh ﷺ and he said: "Why don’t you go out with our herdsmen and drink the milk and urine of the camels?" They said: "Yes (we will do that)." They went

out and drank some of the (camels') milk and urine, and they recovered. Then they killed the herdsman of the Messenger of Allah ﷺ, so he sent (men after them) and they caught them and brought them back. He had their hands and feet cut off and branded their eyes, and left them in the sun to die. (Sahih)

**Comments:**
'To die': Allah's Messenger ﷺ had not inflicted upon them this severe punishment without a reason. Their crimes were more than one. They had turned apostate. They had killed a herdsman. They did not stop at slaying him, but they tore his hands and feet apart, and poked his eyes with heated iron. Thereupon they cast the guiltless herdsman upon burning rocks, hungry and thirsty, to die. The punishment which Allah's Messenger ﷺ inflicted upon them was for their maltreatment of the herdsman. The punishment for their other crimes too fell under it.

4030. It was narrated from Anas that some people from 'Ukā came to the Prophet ﷺ but the climate of Al-Madinah did not suit them. The Prophet ﷺ told them to go to the camels that had been given in Sadaqah and drink some of their milk and urine. They did that, then they killed their herdsman and drove off the camels. The Prophet ﷺ sent (men) after them, and they were brought to him. He had their hands and feet cut off, and their eyes gouged out, and he did not have (their wounds) cauterized.

[1] *Sammara* or *Samara* means poking their eyes with hot rods until their sight had gone. See the commentary of As-Sindî. As for *Samala*, some versions have it, Al-Khattâbî said: "Gouging out the eye, by whatever means." See *Fadh Al-Bâri* (No. 253 of Al-Bukhârî). We used "branded" for *Sammara* and *Samara* and "gouged" for *Samala* in the translation.

[2] This narration says *Samala*. 
and he left them to die. Then Allâh, the Mighty and Sublime, revealed: "The recompense of those who wage war against Allâh and His Messenger."[1] (Sâhîh)

4031. It was narrated that Anas said: "Eighty men from ‘Ukl came to the Messenger of Allâh ﷺ and he (the narrator) mentioned a similar report up to the words: “And he did not have (their wounds) cauterized.” And he said: “They killed the herdsman.” (Sâhîh)

4032. It was narrated that Anas said: “A group of men from ‘Ukl, or ‘Uraynah, came to the Prophet ﷺ, and when the climate of Al-Madînah did not suit them, he told them to go to some camels and drink their milk and urine. Then they killed the herdsman and stole the camels. He sent (men) after them, and had their hands and feet cut off, and their eyes gouged out.” (Sâhîh)

Chapter 8. Mentioning The Differences Reported From Humaid, From Anas Bin Mâlik

4033. It was narrated from Anas

bin Mālik that some people from ‘Uraynah came to the Messenger of Allāh ﷺ, but the climate of Al-Madinah did not suit them. The Prophet ﷺ sent them to some camels of his, and he drank some of their milk and urine. When they recovered, they apostatized from Islam and killed the herdsman of the Messenger of Allāh ﷺ, who was a believer, and drove the camels off. The Messenger of Allāh ﷺ sent (men) after them, and they were caught. He had their hands and feet cut off, their eyes gouged out, and had them crucified. (Da’f)

Comments:

Hanging is mentioned only in this narration; hence, it is not right, although hanging a criminal by way of punishment is allowed, so that people might learn a lesson by the desecration of corpse.

4034. It was narrated that Anas said: “Some people from ‘Uraynah came to the Messenger of Allāh ﷺ and the Messenger of Allāh ﷺ said to them: ‘Why don’t you go out to our camels and stay with them and drink their milk and urine?’ So they did that. and when they recovered, they went to the herdsman of the Messenger of Allāh ﷺ and killed him. They reverted to being disbelievers, and drove off the camels of the Prophet ﷺ. He sent (men) after them, and they were brought to him. He had their hands and feet cut off, and their eyes gouged out.” (Ṣaḥīḥ)
4035. It was narrated that Anas said: “Some people from 'Uraynah came to the Messenger of Allâh ﷺ, but the climate of Al-Madînah did not suit them. The Messenger of Allâh ﷺ said to them: ‘Why don’t you go out to our camels and drink their milk?’” — (One of the narrators) Qatâdah said: ‘And their urine.’ — “So they went out to the camels of the Messenger of Allâh ﷺ, but when they recovered they killed the herdsman of the Messenger of Allâh ﷺ, who was a believer, and drove off the camels of the Messenger of Allâh ﷺ, and left as those at war. He sent (men) after them and they were caught. Then he had their hands and feet cut off, and branded their eyes.” (Sahîh)

4036. It was narrated that Anas said: “Some people from 'Uraynah became Muslim, but the climate of Al-Madînah did not suit them. The Messenger of Allâh ﷺ said to them: ‘Why don’t you go out to some camels of ours and drink their milk?’” — (One of the narrators) Hûmaid said: “And Qatâdah said, narrating from Anas: ‘And their urine.’” — “So they did that, and when they recovered they reverted to disbelief after their Islam, killed the herdsman of the Messenger of Allâh ﷺ, who was a believer, drove off the camels of
the Messenger of Allâh ﷺ, and fled as those at war. The Messenger of Allâh ﷺ sent someone to bring them and they were caught. He had their hands and feet cut off and their eyes branded, then he left them in Al-Harrah until they died.” (Sahîh)

Comments:
In the east and the west of Al-Madînah, there are two stony, vast grounds. Each one of them is called Harrah.

4037. Anas bin Mâlik narrated that some people or some men from ‘Ukl, or ‘Uraynah came to the Messenger of Allâh ﷺ and said: “O Messenger of Allâh, we are herdsmen, not tillers,” the climate of Al-Madînah did not suit them. So the Messenger of Allâh ﷺ ordered that they be allocated some camels and a herdsman, and he told them to go out with them and drink their milk and urine. When they recovered and they were in the vicinity of Al-Harrah, they reverted to disbelief after their Islam, killed the herdsman of the Messenger of Allâh ﷺ and drove off the camels. He sent (men) after them and they were brought, and he had their eyes gouged out, and their hands and feet cut off. Then he left them in Al-Harrah in that state until they died.” (Sahîh)
4038. A similar report was narrated from 'Abdul-A'la.

4039. It was narrated from Anas that some people from 'Uraynah camped in Al-Harrah and came to the Messenger of Allâh ﷺ. The climate of Al-Madînah did not suit them, so the Messenger of Allâh ﷺ told them to go and stay near the camels that had been given in Sadaqah, and to drink their milk and urine. Then they killed the herdsman and apostatized from Islam, and drove off the camels. The Messenger of Allâh ﷺ sent (men) after them, who brought them, then he had their hands and feet cut off, and their eyes gouged out, and left them in Al-Harrah. Anas said: "I saw one of them biting at the ground from thirst, until they died." (Sahîh)

Chapter 9. Mentioning The Differences Reported By Talhah Bin Muşarrif And Mu‘âwiyyah Bin Şâlih From Yahya Bin Sa‘ėed In This Hadîth

4040. It was narrated that Anas bin Mâlik said: "Some Bedouin from 'Uraynah came to the Prophet of Allâh ﷺ and accepted Islam, but the climate of Al-Madînah did not suit them; their..."
skin turned yellow and their bellies became swollen. The Prophet of Allah sent them to some milk camels of his and told them to drink their milk and urine until they recovered. Then they killed their herdsmen and drove off the camels. The Prophet of Allah sent (men) after them and they were brought back, then he had their hands and feet cut off, and their eyes were branded.’ The Commander of the Believers, ‘Abdul-Malik, said to Anas, when he was narrating this Hadith: “Was that (punishment) for Kufr or for sin?” He said: “For Kufr.” (Saheeh)

Comments:

‘For Kufr (disbelief)’: Meaning; because of leaving the religion they were killed, otherwise, the punishments they suffered were in retribution to what they did to the herdsman.

4041. It was narrated that Sa’eed bin Al-Musayyab said: “Some ‘Arab people came to the Messenger of Allah and accepted Islam, then they became sick. The Messenger of Allah sent them to some milk camels to drink their milk. While they were with them, they attacked the herdsman, who was a slave of the Messenger of Allah, and killed him. They drove off the camels, and claimed that the Messenger of Allah had said: ‘O Allah, make thirsty the one who makes the family of Muhammad thirsty tonight.’ The Messenger of Allah sent (men) after them, and they were caught. Then he had their
hands and feet cut off, and their eyes gouged out.” Some of them (the narrators) added more than others, except that in his narration of this Hadith, Mu’âwiyah said: “They drove them off to the land of Shirk.” (Da’if)

4042. It was narrated that ‘Āishah said: “Some people raided the milk camels of the Messenger of Allâh ﷺ. He caught them and had their hands and feet cut off and their eyes gouged out.” (Sahih)

Comments:
This narration is the short version of the incident narrated in the aforementioned report, because Allâh’s Messenger ﷺ had not meted out the punishment for merely plundering the camels. Even otherwise, as penalty for highway robbery carried out by force, more than one hand and foot could be amputated, as mentioned in the Verse about Combat or Warfare.

4043. It was narrated from ‘Āishah: “Some people raided the milk camels of the Messenger of Allâh ﷺ. They were brought to the Prophet ﷺ, and the Prophet ﷺ had their hands and feet cut off and their eyes gouged out.” This is the wording of Ibn Al-Muthanna. (Sahih)
4044. It was narrated from Hishâm, from his father, that some people raided he camels of the Messenger of Allâh ﷺ. He had their hands and feet cut off and their eyes gouged out. (Sahîh)

4045. It was narrated that ‘Urwah bin Az-Zubair said: “Some people from ‘Uraynah raided the milk camels of the Messenger of Allâh ﷺ and drove them off, and killed a slave of his. The Messenger of Allâh ﷺ sent (men) after them, and they were caught, and he had their hands and feet cut off, and their eyes gouged out.” (Sahîh)

4046. It was narrated from ‘Abdullâh bin ‘Umar from the Messenger of Allâh ﷺ: “The Verse about Al-Muhârabah was revealed concerning them.” (Da’îf)

Comments: The Verse about the Combat or Warfare is the very same Verse which has
preceded above these narrations: 'The recompense of those who wage war against Allâh and His Messenger, and do mischief in the land...' (5: 33) The purpose is that this Verse makes mention of the punishment which was meted out to the people of 'Uraynah.

4047. It was narrated from Abû Az-Zinâd that the Messenger of Allâh ἡ had the (hands and feet) of those who drove off his camels cut off, and their eyes gouged out with fire. Allâh rebuked him for that, and Allâh, Most High, revealed the entire verse: "The recompense of those who wage war against Allâh and His Messenger."[1] (Dâ'î)  

4048. It was narrated that Anas said: "The Prophet ἡ only had the eyes of those people gouged out, because they had gouged out the eyes of the herdsmen." (Sâhih)  

Comments:

'Herdsmen': The term has occurred in the form of a plural in one or two narrations only, of the recorded twenty traditional reports. In all the rest of narrations, there is mention of only one herdsmen.

4049. It was narrated from Anas bin Mâlik that a Jewish man killed an Anṣârî girl for her jewelry, and threw her in an empty well, and crushed her head with a rock. He  

was caught and the Messenger of Allâh ﷺ ordered that he be stoned to death. (Sâhih)

Comments:
This narration also corroborates that in whichever way a man slays the person, the slayer ought to be slain the same way. The term Qisas, or just retaliation, also demands the same thing.

4050. It was narrated from Anas that a man killed an Anșârî girl for her jewelry, then he threw her in an empty well, and crushed her head with a rock. The Prophet ﷺ ordered that he be stoned to death. (Sâhih)

Comments:
The man had crushed the girl's head, had snatched her ornaments, and had thrown her into a pit. He took her for dead, but she still had some breath left in her. Her gesticulation aided in his arrest.

4051. It was narrated that Ibn ‘Abbâs said, concerning the statement of Allâh, the Most High: The recompense of those who wage war against Allâh and His Messenger.\(^1\) "This Verse was revealed concerning the idolators.

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\(^1\) *Al-Mâ’idah* 5:33.
Whoever among them repents before he is captured, you have no way against him. This Verse does not apply to the Muslims. Whoever kills, spreads mischief in the land, and wages war against Allâh and His Messenger, then joins the disbelievers before he can be caught, there is nothing to prevent the Hadd punishment being carried out on him because of what he did.” (Hâsan)

Chapter 10. The Prohibition Of Mutilation

4052. It was narrated from Anas who said: “The Messenger of Allâh used to stress charity in his sermons, and prohibit mutilation.” (Saîhîh)

Comments:
Mutilation means cutting or tearing off the limbs of the person slain (ear, nose private parts, etc.) so that the corpse is debased or desecrated. In battles, it was a common practice. The disbelievers prided over it. Allâh’s Messenger prohibited general mutilation of enemies as well as in battles.

Chapter 11. Crucifixion

4053. It was narrated from ‘Aishah that the Messenger of Allâh said: “It is not permissible to shed the blood of a Muslim except in three cases: A adulterer who had
been married, who should be stoned to death; a man who killed another man intentionally, who should be killed; and a man who left Islam and waged war against Allâh, the Mighty and Sublime, and His Messenger, who should be killed, or crucified, or banished from the land.” (Sahih)

Comments:
We learn that a ruler has the authority to choose any of the afore-mentioned punishments in the case of highway robber, rebellion, and apostate from Islam, which means he may decrease or increase the punishment in accordance with the gravity of the crime. And Allâh knows best!

Chapter 12. A Slave Who Runs Away To The Land Of Shirk

4054. It was narrated that Jarîr said: “The Messenger of Allâh ﷺ said: ‘If a slave runs away, no Salâh will be accepted from him until he goes back to his masters.’” (Sahih)

Comments:
‘No Salâh will be accepted’: This signifies he will not gain its reward or recompense, although his prayer would be considered sufficient to fulfill his obligatory duty, which means he would not have to restitute it. This is because the conditions of the ritual prayer were fulfilled.
4055. Jarîr used to narrate from the Prophet ﷺ: "If a slave runs away, no Ṣalâh will be accepted from him, and if he dies he will die a disbeliever." A slave of Jarîr's ran away, and he caught him and struck his neck (killing him). (Ṣahîh)

Comments:
Here is the description of a specific situation when the slave runs away and joins with the unbelievers, as transpires from the caption of the chapter. In this situation, he would either be an apostate or a rebel.

4056. It was narrated that Jarîr bin 'Abdullâh said: "If a slave runs away to the land of Shirk, there is no protection (or immunity) for him." (Ṣahîh)

Chapter 13. The Differences
Reported From Abû Ishâq

4057. It was narrated that Jarîr said: "The Messenger of Allâh ﷺ said: 'If a slave runs away to the land of Shirk, it becomes permissible to shed his blood.'" (Ṣahîh)

4058. It was narrated from Jarîr that the Prophet ﷺ said: "If a slave
runs away to the land of Shirk, it becomes permissible to shed his blood.” (Saḥīḥ)

4059. It was narrated that Jarīr said:
“Any slave who runs away to the land of Shirk, it becomes permissible to shed his blood.” (Saḥīḥ)

4060. It was narrated that Jarīr said:
“Any slave who runs away to the land of Shirk, it becomes permissible to shed his blood.” (Saḥīḥ)

4061. It was narrated that Jarīr said: “Any slave who runs away from his masters and joins the enemy, he has made it permissible to shed his blood.” (Saḥīḥ)

Chapter 14. The Ruling On Apostates

4062. It was narrated from Ibn ‘Umar that ‘Uthmān said: “I heard the Messenger of Allāh ﷺ say: It is not permissible to shed the blood
of a Muslim except in three cases: A man who commits adultery after having married; or one who kills intentionally, in which case he deserves retaliation; or one who apostatizes after having become Muslim, in which case he deserves to be killed.” (Hasan)

Comments:

If an apostate adheres to his apostasy, then there is a general consensus that he would be killed. Abū Bakr al-Siddīq, the successor of the Messenger of Allah ﷺ, fought against the apostates. Not a single Companion raised a protest against it. In other words, there is consensus of the Companions over this matter.

4063. It was narrated that 'Uthmān bin 'Affān said: “I heard the Messenger of Allah ﷺ say: ‘It is not permissible to shed the blood of a Muslim except in three cases: A man who commits adultery after having married; or one who kills another person, who is to be killed; or who reverts to Kufr after having accepted Islam, who is to be killed.”’ (Sahih)


تخريج: [أخرج البخاري، الجهاد، باب: لا يعذب بعذاب الله، ح: 217 من حديث أبوب السختياني به طوله، وهو في الكبرى، ح: 3522).
It was narrated from Ikrîmah: “Some people apostatized after accepting Islam, and ‘Alî burned them with fire. Ibn ‘Abbâs said: ‘If it had been me, I would not have burned them; the Messenger of Allâh ﷺ said: ‘No one should be punished with the punishment of Allâh.’ If it had been me, I would have killed them; the Messenger of Allâh ﷺ said: ‘Whoever changes his religion, kill him.'” (Sâhih)

Comments:

‘No one should be punished...' means burning in fire. This sort of punishment is the prerogative of Allâh, Most High, alone. Not even a beast could be set on fire.

It was narrated that Ibn ‘Abbâs said: “The Messenger of Allâh ﷺ said: ‘Whoever changes his religion, kill him.'” (Sâhih)

It was narrated that Ibn ‘Abbâs said: “The Messenger of Allâh ﷺ said: ‘Whoever changes his religion, kill him.'” (Sâhih)
4068. It was narrated that Al-Hasan said: "The Messenger of Allâh ﷺ said: ‘Whoever changes his religion, kill him.’" (Sahîh)

Abû ‘Abdur-Rahmân (An-Nasâ’î) said: This is more likely correct than the narration of ‘Abbâd.\(^1\)

4069. It was narrated from Anas that Ibn ‘Abbâs said: “The Messenger of Allâh ﷺ said: ‘Whoever changes his religion, kill him.’” (Sahîh)

4070. It was narrated from Anas that ‘Âli came to some people of Az-Zutt, who worshipped idols, and burned them. Ibn ‘Abbâs said: “But the Messenger of Allâh ﷺ said: ‘Whoever changes his religion, kill him.’” (Sahîh)

4071. It was narrated from Abû Burdah bin Abî Mûsâ Al-Ash’ârî, from his father: “That the Prophet ﷺ sent him to Yemen, then he sent Mu‘âdh bin Jabal after that. When he arrived he said: ‘O people, I am the envoy of the Messenger of Allâh ﷺ.”

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\(^1\) That is, the previous narration.
Abu Musa gave him a cushion to sit down, then a man was brought who had been a Jew, then he became a Muslim, then he reverted to Kuf. Mu’adh said: ’I will not sit down until he is killed; this is the decree of Allah and His Messenger,’ (saying it) three times. When he was killed, he sat down.”

(Sahih)

Comments:

It appears as though this man must have refused to repent and revert to Islam. Otherwise, the criminal of apostasy should be first asked to repent. If he refuses, he should be killed.

4072. It was narrated from Musaab bin Sa’d that his father said: “On the day of the Conquest of Makkah, the Messenger of Allah granted amnesty to the people, except four men and two women. He said: ‘Kill them, even if you find them clinging to the covers of Ka’bah.’ (They were) ‘Ikrimah bin Abi Jahl, ‘Abdullah bin Khatal, Miqyas bin Subbah and ‘Abdullah bin Sa’d bin Abi As-Sarh. ‘Abdullah bin Khatal was caught while he was clinging to the covers of Ka’bah. Sa’eed bin Huraith and ‘Ammar bin Yasir both rushed toward him, but Sa’eed, who was the younger of the two, got there before ‘Ammar, and he killed him. Miqyas bin Subbah was caught by the people in the marketplace, and they killed him. ‘Ikrimah traveled by sea, and he was caught in a storm. The crew of the
ship said: 'Turn sincerely toward Allâh, for your (false) gods cannot help you at all in this situation.'
'Ikrîmah said: 'By Allâh, if nothing came to save me at sea except sincerity toward Allâh then nothing else will save me on land. O Allâh, I promise You that if You save me from this predicament I will go to Mûhammad and put my hand in his, and I am sure that I will find him generous and forgiving.' So he came, and accepted Islam.

'Abdullâh (bin Sa'd) bîn Abî Sarh hid in the house of 'Uthmân bîn 'Affân, and when the Messenger of Allâh called the people to give their Oath of Allegiance, he brought him, and made him stand before the Prophet. He ('Uthmân) said: 'O Messenger of Allâh! Accept the allegiance of 'Abdullâh.' He raised his head and looked at him three times, refusing his allegiance each time, then he accepted his allegiance after three times. Then he turned to his Companions and said: 'Was there not any sensible man among you who would get up when he saw me refusing to give him my hand and kill him?' They said: 'We did not know, O Messenger of Allâh, what was in your heart. Why did you not gesture to us with your eyes?' He said: 'It is not befitting for a Prophet that his eyes be deceitful.'" (Hasan)

تخريج: ([إسناده حسن] أخرجه أبو داود، الجهاد، باب قتل الأمير ولا يرضع عليه الإسلام، ح: 268، و4359 من حدوث أحمد بن مفضل به، وهو في الكبرى، ح: 2540 # أسباب هو ابن نصر.)
Comments:
‘Four men and two women’: In other narrations, there is mention of some other men and women also; for instance, Wahshi bin Harb, and Mufsid, etc. However, no other man or woman was slain. From among these four men and women, some were granted pardon.

Chapter 15. The Repentance Of The Apostate

4073. It was narrated that Ibn ‘Abbâs said: “A man from among the Ansâr accepted Islam, then he apostatized and went back to Shirk. Then he regretted that, and sent word to his people (saying): ‘Ask the Messenger of Allâh ﷺ, is there any repentance for me?’ His people came to the Messenger of Allâh ﷺ and said: ‘So and so regrets (what he did), and he has told us to ask you if there is any repentance for him?’ Then the Verses: ‘How shall Allâh guide a people who disbelieved after their Belief up to His saying: Verily, Allâh is Oft-Forgiving, Most Merciful’[1] was revealed. So he sent word to him, and he accepted Islam.” (Sahîh)

4074. It was narrated that Ibn ‘Abbâs said concerning Sûrat An-Nahl – “Whoever disbelieved in Allâh after his belief, except him who is forced thereto and whose heart is at rest with Faith; but such as open their breasts to disbelief, on
them is wrath from Allāh, and theirs will be a great torment.”[1] “This was abrogated, and an exception was made, as Allāh said: “Then, verily, your Lord for those who emigrated after they had been put to trials and thereafter strove hard and fought (for the Cause of Allāh) and were patient, verily, your Lord afterward is, Oft-Forgiving, Most Merciful.”[2] This was ‘Abdullāh bin Sa’d bin Abī As-Sarḥ who was the governor of Egypt and used to write to the Messenger of Allāh ﷺ. The Shaitān misled him and he went and joined the unbelievers. So he (the Prophet ﷺ) commanded that he be killed on the day of the Conquest of Makkah. Then, ‘Uṯmān bin ‘Afaṇ sought protection for him, and the Messenger of Allāh ﷺ granted him protection.” (Hasan)

Chapter 16. The Ruling On The One Who Defames The Prophet ﷺ

4075. Ibn ‘Abbās narrated that there was a blind man during the time of the Messenger of Allāh ﷺ who had an Umm Walad[3] by whom he had two sons. She used to slander and defame the Messenger of Allāh ﷺ a great deal, and he

[3] Umm Walad: a concubine who has borne a child to her master.
would rebuke her, but she would not pay heed, and he would forbid her to do that, but she ignored him. (The blind man said) One night I mentioned the Prophet ﷺ, and she slandered him. I could not bear it so I went and got a dagger which I thrust into her stomach and leaned upon it, and killed her. In the morning she was found slain. Mention of that was made to the Prophet ﷺ and he gathered the people and said: "I adjure by Allâh; a man over whom I have the right, that he should obey me, and he did what he did, to stand up." The blind man started to tremble and said: "O Messenger of Allâh ﷺ, I am the one who killed her. She was my Umm Walad and she was kind and gentle toward me, and I have two sons like pearls from her, but she used to slander and defame you a great deal. I forbade her, but she did not stop, and I rebuked her, but she did not pay heed. Finally, I mentioned your name and she slandered you, so I went and got a dagger which I thrust into her stomach, and leaned on it until I killed her. The Messenger of Allâh ﷺ said: "I bear witness that her blood is permissible." (Sahîh)

4076. It was narrated that Ābû Barzah Al-Aslâmî said: "A man spoke harshly to Ābû Bakr Aś-Ṣiddîq, and I said: 'Shall I kill
him? He told me off, and said:

‘That is not for anyone after the Messenger of Allah ﷺ.” (Hasan)

Chapter 17. Mentioning The Different Reports From Al-A‘mash In This Hadith

4077. It was narrated that Abū Barzah said: “Abū Bakr got infuriated with a man, and I said: ‘Who is he, O Khalifah of the Messenger of Allah?’ He said: ‘Why?’ I said: ‘So that I might strike his neck (killing him) if you tell me to.’ He said: ‘Would you really do that?’ I said: ‘Yes. By Allah,’ the seriousness of what I said took away his anger. Then he said: ‘That is not for anyone after Muhammad ﷺ.”’ (Hasan)

4078. It was narrated that Abū Barzah said: “I passed by Abū Bakr and he was furious with one of his companions. I said: ‘O Khalifah of the Messenger of Allah, who is the one with whom you are furious?’ He said: ‘Why are you asking about him?’ I said: ‘I will strike his neck (kill him).’ By Allah, the seriousness of what I said took away his anger. Then he said: ‘That is not for anyone after the Messenger of Allah ﷺ.”’
after Muḥammad ﷺ."

(Hasan)

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4079. It was narrated that Abū Barzah said: “Abū Bakr became infuriated with a man.” He said: “If you tell me to, I will do it.” He said: “By Allāh, that is not for any human being after Muḥammad ﷺ.”

(Hasan)

4080. It was narrated from Abū Nadrah, that Abū Barzah said: “Abū Bakr got very angry with a man, so much so that his color changed. I said: ‘O Khalīfah of the Messenger of Allāh, if you tell me to, I will strike his neck (kill him).’ It was as if cold water had been poured on him and he became calm. He said: ‘May your mother be bereft of you, Abū Barzah! That is not for anyone after the Messenger of Allāh ﷺ.’” (Hasan) Abū ‘Abdūr-Rahmān (An- Nassā’ī) said: This is a mistake, and what is correct is Abū Naṣr, and his name is Humaid bin Hilāl. Shu‘bah contradicted him.

4081. Abū Naṣr narrated from Abū Barzah, that he said: “I came to Abū Bakr when he had spoken harshly to a man who had answered back. I said: ‘Shall I not
strike his neck (kill him)?’ He rebuked me, and said: ‘That is not for anyone after the Messenger of Allâh ﷺ.’” (Hasan)

Abû ‘Abdûr-Râhîmân (An-Nasî) said: Abû Naṣr is Hûmaid bin Hilâl, and Yûnûs bin ‘Ubayd reported it from him with his chain:

4082. It was narrated from Yûnûs bin ‘Ubayd, from Hûmaid bin Hilâl, from ‘Abdullâh bin Mûturîf bin Ash-Shikkhîr, from Abû Barzah Al-Aslâmî, that he said: “We were with Abû Bakr As-Ṣiddîq, and he got angry with a man from among the Muslims, and became very angry indeed. When I saw that, I said: ‘O Khalîfah of the Messenger of Allâh, shall I strike his neck?’ When I mentioned killing him, he stopped being angry with him and changed the subject. When we parted, he sent for me and said: ‘O Abû Barzah, what did you say?’ I said: ‘I have forgotten what I said; remind me.’ He said: ‘Do you not remember what you said?’ I said: ‘No, by Allâh.’ He said: ‘Don’t you remember, when you saw me angry with a man, and said, ‘I will strike his neck O Khalîfah of the Messenger of Allâh?’ Don’t you remember that? Would you really have done that?’ I said: ‘Yes, by Allâh, and if you tell me to do it now, I will do it.’ He said: ‘By Allâh, that is not for anyone after Muhammad ﷺ.’” (Hasan)
Abū ‘Abdur-Rahmān (An-Nasā‘ī) said: This Hadīth is the best and most distinguished of the narrations.

Comments:
This is a detailed narration, which dispels all the ambiguities of the above-quoted narrations. Concerning this issue there is a separate well-researched book written by Allama Ibn Taymiyyah. The title of the book is As Sārim Al-Malā‘ Alā Shātim Ar-Rasūl - The unsheathed sword upon the neck of the Blasphemer of the Messenger (Allama Ibn Taymiyyah died in 728 A.H.)

Chapter 18. Magic

4083. It was narrated that Šafwān bīn ‘Assāl said: “A Jew said to his companion: ‘Let us go to this Prophet.’ His companion said to him: ‘Do not say Prophet; if he hears you, he will become big-headed.’ So they came to the Messenger of Allāh and asked him about nine clear signs. He said to them: ‘Do not associate anything with Allāh, do not steal, do not commit adultery, do not kill any soul whom Allāh has forbidden you to kill, except by right, do not speak falsely about an innocent man before a ruler, do not engage in magic, do not consume Ribā (usury), do not slander chaste women, and do not flee on the day of the march (to battle). And for you Jews especially, do not break the Sabbath.’ They kissed his hands and feet and said: ‘We bear witness that you are a Prophet.’ He said: ‘What is keeping you from following me?’ They said: ‘Dāwūd prayed that there would always be a Prophet among his descendants,
and we are afraid that if we follow you, the Jews will kill us.” (Hasan)

Chapter 19. Ruling On Practitioners Of Magic

4084. It was narrated that Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘Whoever ties a not and blows on it, he has practiced magick; whoever practices magick, he has committed Shirk; and whoever hangs up something (as an amulet) will be entrusted to it.’” (Da’if)

Comments:
‘The one who ties a knot’: sorcerers generally cast spell by tying knots. That is why the act of tying knots was specifically mentioned. Otherwise, on whichever way a magical spell is cast, it is unequivocally magic.

Chapter 20. The Magicians Among The People Of The Book

4085. It was narrated that Zaid bin Arqam said: “A Jewish man cast a spell on the Prophet ﷺ, and he fell ill as a result of it, for several days. Then Jibrā’il, peace be upon him, came to him and said: ‘A Jewish man has put a spell on you. In such and such a well there is a knot that he tied for you.’ The Messenger of Allāh ﷺ sent them to take it out and bring it to him. Then the Messenger of Allāh ﷺ got up as if he had been released from some bonds. No mention of that was made to that
Jew, and he did not see that in hisace at all."[1] (Sahih)

Comments:

1. This narration is concise. This narration is reported on the authority of 'Aishah in Sahih Al-Bukhari in detail.

2. This spell was cast by the Jewish magician Labid bin al-A'sam the accursed, at the strong insistence of Jews, for exchange of three dinars. And this incident took place in the month of Muharram in the year 7 A.H. He acquired the Prophet's comb and his hairs through a Jewish boy, and utilized them to cast a spell. His purpose was (May Allah fill his mouth with dust) to end the Prophet's life, but he could not succeed.

Chapter 21. What Should A Man Do If Someone Comes To Take His Wealth?

4086. It was narrated from Qubas bin Mukhariq that his father said: "I heard Suyyân Ath-Thawri narrating this Hadith. He said: 'A man came to the Prophet (S) and said: "What if a man comes to me and wants to take my wealth?" He said: "Remind him of Allah." He said: "What if he pays no heed?" He said: "Seek the help of the Muslims around you against him." He said: "What if there are no Muslims around me?" He said: "Seek the help of the Muslims against them." He said: "What if the Muslims is far away from me?" He said: "Fight to defend your wealth until you either become one of the martyrs of the Hereafter, or you protect your wealth (successfully)." (Sahih)

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[1] In his comments on Musnad Ahmad (4:367), As-Sindi said: "That is: The Jew did not see that in his face, (meaning) any manifestation of displeasure or bad treatment."
Comments:

From this, we learn that to fight is the last resort. One ought to avoid fighting through all possible means, because fighting is harmful. If absolutely no alternative is left, one may resort to fighting.

4087. It was narrated that Abû Hurairah said: “A man came to the Messenger of Allâh ﷺ and said: ‘O Messenger of Allâh, what do you think if someone comes to steal my wealth?’ He said: ‘Urge him by Allâh.’ He said: ‘What if he persists?’ He said: ‘Urge him by Allâh.’ He said: ‘What if he persists?’ He said: ‘Then fight. If you are killed you will be in Paradise, and if you kill him, he will be in the Fire.’” (Sahîh)

Comments:

‘He will enter the Fire’: The purpose is that if defending oneself, and not intending to kill, no indemnity shall have to be paid for such killing.

4088. It was narrated from Abû Hurairah that a man came to the Messenger of Allâh ﷺ and said: “O Messenger of Allâh, what do you think if someone comes to steal my wealth?” He said: “Urge him by Allâh.” He said: “What if he persists?” He said: “Urge him by Allâh.” He said: “What if he persists?” He said: “Urge him by
Allâh.” He said: “What if he persists?” He said: “Then fight. If you are killed you will be in Paradise and if you kill him, he will be in the Fire.” (Sahîh)

Comments:

‘Will be in the Fire’: Robbers are included among the combatants or fighters. When such a criminal gets killed in fighting, his punishment is dealt to him. He would be a denizen of the fire of Hell in the Hereafter.

Chapter 22. The One Who Is Killed Defending His Wealth

4089. It was narrated that ‘Abdullâh bin ‘Amr said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever fights to protect his wealth and is killed, he is a martyr.’” (Sahîh)

4090. It was narrated that ‘Abdullâh bin ‘Amr said: “I heard the Messenger of Allâh ﷺ say: ‘Whoever fights to protect his wealth and is killed, he is a martyr.’” (Sahîh)

4091. It was narrated from ‘Abdullâh bin ‘Amr bin Al-‘Aş that the Messenger of Allâh ﷺ said: “Whoever is killed defending his wealth and is killed unjustly, Paradise will be his.” (Sahîh)
4092. It was narrated that 'Abdullāh bin 'Amr said: “The Messenger of Allāh said: ‘Whoever is killed defending his wealth, he is a martyr.’” (Ṣaḥīḥ)

4093. It was narrated from Ibrāhīm bin Muḥammad bin Ṭalḥah that he heard 'Abdullāh bin 'Amr narrating from the Prophet, that he said: “If a person’s wealth is sought without right, and he fights (to protect it) and is killed, he is a martyr.” (Ṣaḥīḥ)

This is a mistake, and what is correct is (the previous) the narration of Su‘ār bin Al-Khims.

4094. It was narrated that 'Abdullāh bin 'Amr said: “The Messenger of Allāh said: ‘Whoever is killed defending his wealth, he is a martyr.’” (Ṣaḥīḥ)
4095. It was narrated from Sa‘eed bin Zaid that the Prophet ﷺ said: “Whoever is killed defending his wealth, he is a martyr.” This is an abridgement of it. (Sahih)

4096. It was narrated from Sa‘eed bin Zaid that the Prophet ﷺ said: “Whoever is killed defending his wealth, he is a martyr.” (Sahih)

4097. It was narrated from Sulaimān bin Buraidah that his father said: “The Messenger of Allāh ﷺ said: ‘Whoever is killed defending his wealth, he is a martyr.’” (Sahih)

4098. It was narrated that Abū Ja‘far said: “The Messenger of Allāh ﷺ said: ‘Whoever is killed defending his wealth and is killed unjustly, he is a martyr.’” (Sahih)
Chapter 23. The One Who Is Killed Defending His Family

4099. It was narrated from Sa‘eed bin Zaid that the Prophet ﷺ said: “Whoever fights to protect his wealth and is killed, he is a martyr. Whoever fights to protect himself, he is a martyr. Whoever fights to protect his family is a martyr.” (Sahih)

Comments:
The purpose is to demonstrate that the one who is killed, irrespective of whether he was killed while protecting his own self, or protecting his property or wealth, or his honor, or his wife and children, or guarding his religion, is a martyr. That means he would be forgiven and he would enter Paradise.

Chapter 24. The One Who Fights To Protect His Religion

4100. It was narrated that Sa‘eed bin Zaid said: “The Messenger of Allah ﷺ said: ‘Whoever is killed protecting his wealth, he is a martyr. Whoever is killed protecting his family, he is a martyr. Whoever is killed protecting his religion, he is a martyr.’” (Sahih)
Chapter 25. The One Who Fights To Protect Himself Against Injustice

4101. It was narrated that Abū Ja’far said: “I was sitting with Suwaid bin Muqarrin, and he said: The Messenger of Allāh ﷺ said: “Whoever is killed defending himself against injustice, he is a martyr.” (Sahih)

Chapter 26. The One Who Unsheathes His Sword And Starts To Strike The People With It

4102. It was narrated from Ibn Az-Zubair that the Messenger of Allāh ﷺ said: “Whoever unsheathes his sword and starts to strike the people with it, it is permissible to shed his blood.” (Sahih)
Comments:

Absolutely no one has any right to terrorize the society by reason of any religious, political, or social disagreement. Likewise, no one may kill a criminal on his own, irrespective of whether he apprehends him red-handed. This is because the right of retribution is vested with the government, not with individuals. If someone indulges in such activity on his own, he would be slain by way of retribution, even if he is right.

4103. 'Abdur-Razzâq narrated a similar report with the same chain, but he did not attribute it to the Prophet. (Sâhîh)

4104. It was narrated that Ibn Az-Zubair said: “Whoever wields a weapon and starts to strike (the people) with it, it is permissible to shed his blood.” (Sâhîh)

Comments:

‘Whoever wields a weapon’, irrespective of whether anyone gets killed or not; but the punishment for the brandisher or wielder of weapons is that he be slain. This is because he is bent on killing.

4105. It was narrated from 'Abdollâh bin 'Umar that the Prophet said: “Whoever bears weapons against us, he is not one of us.” (Sâhîh)
Comments:

‘Not one of us’ means outwardly. This is because killing Muslims is the act of unbelievers. If such a person goes on a killing spree: killing Muslims around as rebels do, then he would be included among the enemy combatants (who fight against Allâh and His Messengers).

4106. It was narrated that Abû Sa‘eed Al-Khûdri said: “When ‘Alî was in Yemen, he sent some gold that was still enclosed in rock to the Prophet ﷺ, who distributed it among Al-Aqra‘ bin Ḥâbis Al-Ḥanzâlî, who belonged to Banu Mujâshi, ‘Uyaynah bin Badr Al-FAzârî, ‘Alqâmah bin ‘Ulâthah Al-‘Amîrî, who belonged to Banu Kilâb and Zaid Al-Khaîl At-Tâ‘î, who belonged to Banu Nabîhân. The Quraish and the Anşâr became angry and said: ‘He gives to the chiefs of Najd and ignores us!’ He said: ‘I am seeking to win them over (firmly to Islam).’ Then a man with sunken eyes, a bulging forehead, a thick beard and a shaven head came and said: ‘O Muḥammad, fear Allâh!’ He said: ‘Who will obey Allâh if I do not? He trusts me with the people of this Earth but you do not trust me.’ A man among the people asked for permission to kill him, but he did not let him do that. When (the man) went away, he (the Prophet ﷺ) said: ‘Among the offspring of this man there will be people who will recite the Qur’ân but it will not go beyond their throats, and they will go out of Islam as an arrow goes through the target. They will kill the Muslims and leave the idol-worshippers alone. If I live to see them, I will kill them as the killing of ‘Âd.’” (Sahîh)
Comments:

The four were the chiefs of some four prominent tribes. They had not yet been nurtured by the Prophet ﷺ. Iman or the true faith had not yet penetrated into their hearts. Such people become delighted when they get wealth and turn faithful. If they do not get wealth, they begin to create trouble, and there remains a fear of their apostatizing (as it happened after the death of the Messenger of Allah ﷺ). Allah's Messenger ﷺ, therefore, gave them a lot of gifts. From the spoils of the Battle of Hunain too, he gave them one hundred camels, and several other gifts. Allah's Messenger's objective was to reconcile their hearts, so that faith takes root in their hearts and they become devout believers. Since the Quraish and the Helpers possessed strong faith, Allah's Messenger ﷺ gave them nothing.

4107. It was narrated that 'Ali said: "I heard the Messenger of Allah ﷺ say: 'At the end of time there will appear young people with foolish minds. Their faith will not pass through their throats, and they will go out of Islam as an arrow goes through the target. If you meet them, then kill them, for killing them will bring reward to the one who killed them on the Day of Resurrection.'" (Sahih)

Comments:

'Young people': Generally in young age, intellect happens to be less or raw, knowledge also does not happen to be ripe, and there happens to be the rule of emotions. Experience is not deep, while knowledge becomes mature by means of advancement in age, experience, and learning. That is why the scholar of young age should abstain from indulging in giving or issuing edicts; particularly so when edicts are different from the edicts given by the dominant majority of the people of knowledge.

4108. It was narrated that Sharîk bin Shihâb said: "I used to wish that
I could meet a man among the Companions of the Prophet \& and ask him about the *Khawārij*. Then I met Abū Barzah on the day of *Id*, with a number of his companions. I said to him: ‘Did you hear the Messenger of Allāh \& mention the *Khawārij*?’ He said: ‘Yes. I heard the Messenger of Allāh \& with my own ears, and saw him with my own eyes.

Some wealth was brought to the Messenger of Allāh \& and he distributed it to those on his right and on his left, but he did not give anything to those who were behind him. Then a man stood behind him and said: “O Muḥammad! You have not been just in your division!” He was a man with black patchy (shaved) hair,[1] wearing two white garments. So Allāh’s Messenger \& became very angry and said: “By Allāh! You will not find a man after me who is more just than me.” Then he said: “A people will come at the end of time; as if he is one of them, reciting the Qur’ān without it passing beyond their throats. They will go through Islam just as the arrow goes through the target. Their distinction will be shaving. They will not cease to appear until the last of them comes with Al-Masih *Ad-Dajjāl*. So when you meet them, then kill them, they are the worst of created beings.” *(Hasan)*

Abū ‘Abdur-Rahmān (An-Nasā’i) said: Sharīk bin Shihāb is not that popular.

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[1] *Matn*: They say it means shaved, and Al-Jawhari included “braided.” *(See Lisān Al-‘Arab).*

If it were completely shaved, then why mention its color? Yet, the remainder of the *Hadīth* clearly mentions shaving, and other versions clearly mention that his head was shaved.
 Comments:
1. ‘You would not find’: There cannot be anybody doing justice better than the Messenger of Allah  irrespective of whether one might be an immensely justice-loving person.
2. ‘Shaving the head’: Shaving the head is, however, permitted and it is recommended in Hajj but to raise something permissible to the rank of indispensability or requisteness to consider it an issue of the Divine law and to needlessly render it commendable is absolutely not appropriate or legitimate. Some people would make shaving the head their distinguishing mark and would consider it incumbent.

Chapter 27. Fighting Muslims

4109. Sa’d bin Abi Waqas told us that the Messenger of Allah  said: “Fighting a Muslim is Kufr and defaming him is evildoing.” (Sahih)

4110. It was narrated that ‘Abdullâh said: “Defaming a Muslim is evildoing and fighting him is Kufr.” (Sahih Mawqif)

4111. It was narrated from Shu‘bah, from Abû Ishâq who said: “I heard Abû Al-Ahwâs (narrate) that ‘Abdullâh said: ‘Defaming a Muslim is evildoing and fighting him is Kufr.’” So Abân said to him:
“O Abū Ishāq! You heard it only from Abū Al-Alwas?” He said: “Rather, I heard it from Al-Aswad and Hubairah.” (*Ṣaḥīḥ*)

4112. It was narrated that ‘Abdullāh said: “Defaming a Muslim is evil-doing and fighting him is Kufr.” (*Ṣaḥīḥ Mawqīf*)

4113. It was narrated from ‘Abdur-Rahmān bin ‘Abdullāh, from his father, that the Messenger of Allāh ﷺ said: “Defaming a Muslim is evil-doing and fighting him is Kufr.” (*Ṣaḥīḥ*)

4114. It was narrated from Shu’bāh who said: “I said to Ḥammād: ‘I heard Manṣūr, and Sulaimān, and Zubaid narrating from Abū Wā’il, from ‘Abdullāh, that the Messenger of Allāh ﷺ said: “Defaming a Muslim is evil-doing and fighting him is Kufr.” – Who are you worried about? Are you worried about Manṣūr? Are you worried about Zubaid? Are you worried about Sulaimān?’ He said: ‘No, but I am worried about Abū Wa’il.’” (*Ṣaḥīḥ*)
The Book Of Fighting...

Comments:
The purpose behind repetition (of this narration) is to demonstrate that some
transmitters have narrated this Hadith, Marfu' (from the Messenger of Allâh ﷺ); while some have narrated it Mawqûf (from a Companion). This is not an injurious disagreement, because such a narration is invariably considered Marfu'.

Chapter 28. Seriousness Of Fighting For A Cause That Is Not Clear

4119. It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘Whoever parts from obedience, and splits away from the Jamâ'ah and dies, then he has died a death of Jâhiliyyah. Whoever rebels against my Ummah, killing good and evil people alike, and does not try to avoid killing the believers, and does not pay attention to those who are under a covenant, then he is not of me. Whoever fights for a cause that is not clear, advocating tribalism getting angry for the sake of tribalism, and he is killed, then he has died a death of Jâhiliyyah.’” (Sahîh)

Comments:

Splits away from the Jamâ'ah; see No. 4021.

4120. It was narrated that Jundab bin ‘Abdullâh said: “The Messenger of Allâh ﷺ said: ‘Whoever fights for a cause that is not clear, advocating tribalism, getting angry for the sake of tribalism, then he has died a death of Jâhiliyyah.’” (Sahîh)

Abû ‘Abdurrâhîmân (An-Nasâ’î) said: ‘Imrân Al-Qaṭṭân (one of the narrators) is not that strong.
Chapter 29. The Prohibition Of Killing

4121. It was narrated that Abû Bakrah said: “The Messenger of Allâh ﷺ said: ‘If a Muslim points a weapon at his fellow Muslim, then they are on the brink of Hell, and if he kills him, then they will both fall into it.’” (Saḥîḥ)

4122. It was narrated that Abû Bakrah said: “If two Muslim men bear weapons against each other, then they are both on the brink of Hell. And if one of them kills the other, they will both be in Hell.” (Saḥîḥ)

4123. It was narrated from Abû Mûsâ that the Prophet ﷺ said: “If two Muslims confront each other with swords, and one kills the other, they will both be in Hell.” It was said: “O Messenger of Allâh, (we understand about) the killer,
but what about the one who is killed?” He said: “He wanted to kill his companion.” (Sahih)

4124. It was narrated from Abû Mûsâ Al-Ash'ârî that the Prophet ﷺ said: “If two Muslims confront each other with swords and one of them kills the other, they will both be in Hell.” (Sahih)

4125. It was narrated from Abû Bakrah that the Prophet ﷺ said: “If two Muslims confront each other with swords, each of them wanting to kill the other, they will both be in Hell.” It was said to him: “O Messenger of Allâh, (we understand about) the killer, but what about the one who is killed?” He said: “He was determined to kill his companion.” (Sahih)

4126. It was narrated that Abû Bakrah said: “The Messenger ﷺ said: ‘If two Muslims meet (and fight) with their swords and one of
them kills the other, the killer and the slain will both be in Hell.”

(Sahih)

4127. It was narrated that Abū Bakrah said: “I heard the Messenger of Allāh ﷺ say: ‘If two Muslims confront each other with their swords and one of them kills the other, both the killer and the slain will be in Hell.’” They said: “O Messenger of Allāh, (we understand about) the killer, but what about the one who is killed?” He said: “He wanted to kill his companion.” (Sahih)

4128. It was narrated that Abū Bakrah said: “The Messenger of Allāh ﷺ said: ‘If two Muslims fight with swords, and one of them kills the other, then the killer and the slain will both be in Hell.’” (Sahih)

4129. It was narrated from Abū Mūsā Al-Āsh’arî that the Messenger of Allāh ﷺ said: “If two Muslims confront each other with swords and one of them kills the other, then the killer and the slain will both be in Hell.” A man said:
"O Messenger of Allāh, (we understand about) the killer, but what about the one who is killed?"
He said: "He wanted to kill his companion." (Sahih)

4130. It was narrated from Ibn 'Umar that the Prophet ﷺ said: "Do not revert to disbelievers after I am gone, striking the necks of one another (killing one another)."
(Sahih)

Comments:
Fighting against the Muslims is the affair of unbelievers. If Muslims fight Muslims, they would resemble unbelievers. Consequently, this would serve the purpose of the deniers of truth. Now there is no need for them (the unbelievers) to fight.

4131. It was narrated that Ibn 'Umar said: "The Messenger of Allāh ﷺ said: 'Do not revert to disbelievers after I am gone, striking the necks of one another (killing one another). No man is to be punished for the sins of his father, or for the sins of his brother.'" (Sahih)

Abū 'Abdur-Rahmān (An-Nasā‘ī) said: This is a mistake, and what is correct is that it is Mursal.

Comments:
This is a mistake, and what is correct is that it is Mursal.
4132. It was narrated that ‘Abdul lah said: “The Messenger of Allah ﷺ said: ‘Do not revert to disbelievers after I am gone, striking the necks of one another (killing one another). No man is to be punished for the sins of his father, or the sins of his brother.”’ (Sahih)

4133. It was narrated that Mas‘ûq said: “The Messenger of Allah ﷺ said: ‘I do not want to see you after I am gone reverting to disbelievers, striking the necks of one another (killing one another). No man is punished for the crime of his father, or the crime of his brother.’” This is correct. (Sahih)

4134. It was narrated from Mas‘ûq that the Messenger of Allah ﷺ said: “Do not revert to misguidance after I am gone.” It is Mursal. (Sahih)

4135. It was narrated from Abû Bakrah that the Prophet ﷺ said: “Do not revert to misguidance after I am gone, striking the necks of one another (killing one another).” (Sahih)
4136. It was narrated from Jarîr that during the Farewell Pilgrimage, the Messenger of Allâh asked the people to be quiet and listen, and said: “Do not revert to disbelievers after I am gone, striking the necks of one another (killing one another).” (Sahîh)

4137. It was narrated that Jarîr bin 'Abdullâh said: “The Messenger of Allâh said to me: ‘Ask the people to be quiet and listen.’ Then he said: ‘I do not want to see you after I am gone reverting to disbelievers, striking the necks of one another (killing one another).’” (Sahîh)
4138. It was narrated from Yazid bin Hurmuz that when Najdah Al-Harûriyyah rebelled during the Fitnah of Ibn Az-Zubayr, he sent word to Ibn 'Abbâs asking him about the share of the relatives (of the Messenger of Allâh ﷺ) – to whom did he think it should be given? He replied: “It is for us, because of our blood ties to the Messenger of Allâh ﷺ. The Messenger of Allâh ﷺ allocated it to them, but ‘Umar offered us something we thought was less than what was our due, and we refused to accept it. What he offered to them was to help those among them who wanted to get married, and to help the debtors pay off their debts, and he gave to their indigent. But he refused to give them more than that.” (Sahîh)

Comments:
Harûrî: This is in relation to the habitation called Harûrâ, where the first meeting or conference of the Khawârij was held. Due to this ascription, every Khârijî is usually called a Harûrî, irrespective of whether or not he belongs to Harûrâ. (For detail concerning the Khârijîte, please turn to Hadîth 4107, 4108).

4139. It was narrated that Yazid bin Hurmuz said: “Najdah wrote to
Ibn ‘Abbās and asked him about the share of the relatives (of the Messenger of Allāh ﷺ), to whom should it be given?’ Yazid bin Hurmuz said: “I wrote down the letter of Ibn ‘Abbās to Najdah in which he said: ‘You have written asking me about the share of the relatives (of the Messenger of Allāh ﷺ), to whom should it be given? It is for us, the members of the household (Ahl Al-Bait). ‘Umar used to offer to help the single among us (to get married), and to give some to our poor and to pay off the debts of our debtors. We insisted that he should give it to us, but he refused, and we left it at that.” (Sahih)

4140. It was narrated that Al-Awzā’i said: “Umar bin ‘Abdul-Azīz wrote a letter to ‘Umar bin Al-Walīd in which he said: ‘The share that your father gave to you was the entire Khumus, but the share that your father is entitled to is the same as that of any man among the Muslims, on which is due the rights of Allāh and His Messenger, and of relatives, orphans, the poor and wayfarers. How many will dispute with your father on the Day of Resurrection! How can he be saved who has so many disputants? And your openly allowing musical instruments and wind instruments is an innovation“

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in Islam. I was thinking of sending someone to you who would cut off your evil long hair.” *(Sahih)*

**Comments:**

‘Umar bin Wali‘d was the son of the Caliph Walid bin Abdul Malik. ‘Umar bin ‘Abdul-‘Aziz’s view was that the *Khunus* was to be divided only among the categories mentioned in the Qur‘an. As for his mention of “evil long hair” it is *Jummat As-Sawi*’ (and they say *Sawii*) As-Sindi said: “There is nothing disliked about having *Jummah*. Perhaps, he disliked it because it was a means of pride from him...” As for the meaning of *Jummah*; it is the hair that extends beyond the ear lobes, and the Messenger of Allah ﷺ has been described with such.

4141. Sa‘eed bin Al-Muṣâyyab narrated that Jubair bin Mut‘im told him: “He and ‘Uthmân bin ‘Affân came to the Messenger of Allah ﷺ to speak to him about what he had distributed of the *Khunus* of Ḥunain to Banu Ḥâshim and Banu Al-Muṭṭalib bin ‘Abd Manâf. They said: ‘O Messenger of Allah, you distributed it to our brothers; Banu Al-Muṭṭalib bin ‘Abd Manâf, and you did not give us anything, and our relationship to you is the same as theirs.’ The Messenger of Allah ﷺ said to them: ‘I think that Ḥâshim and Al-Muṭṭalib are the same.”’ Jubair bin Mut‘im said: “The Messenger of Allah ﷺ did not allocate anything to Banu ‘Abd Shams or Banu Nawfal from that *Khunus*, as he allocated to Banu Ḥâshim and Banu Al-Muṭṭalib.” *(Sahih)*
The purpose of Imam An-Nasawi in mentioning this Hadith is to display that Allah's Messenger distributed his kith and kin from the Khumus or the one-fifth part of the spoils of war. This corroborates that the Prophet's kith and kin have a share in the Khumus. But the problem which needs to be solved is: Does the right of the people of the Prophet's household over the Khumus still exist, this is a matter of disagreement.

4142. It was narrated that Jubair bin Mu'tim said: "When the Messenger of Allah distributed the share for his relatives to Banu Hashim and Banu Al-Muttalib, I came to him with 'Uthman bin Affan and we said: 'O Messenger of Allah, no one denies the virtue of Banu Hishim because of the relationship between you and them. But how come you have given (a share) to Banu Al-Muttalib and not to us? They and we share the same degree of relationship to you.' The Messenger of Allah said: 'They did not abandon me during the Juhaynah or in Islam. Banu Hishim and Banu Al-Muttalib are the same thing,' and he interlaced his fingers." (Sahih)

4143. It was narrated that Ubada bin Al-Samit said: "On the day of Hunain the Messenger of Allah took a hair from the side of a camel and said: 'O you people, it is not permissible for me to take even the equivalent of this from the Fay' that Allah has bestowed upon you, except the Khumus, and the Khumus will come back to you."

Abu 'Abdur-Rahman (An-Nasawi) said: Abu Sallam's name is Mamtuir
and he is Ethiopian, and Abû Umâmah’s name is Sudaî bin ‘Ajlân.

Comments:
Will come back to you because he used to spend it on the needs of the people. See Nos. 4147, 4148 etc.

4144. It was narrated from ‘Amr bin Shu‘aib, from his father, from his grandfather, that the Messenger of Allâh went to a camel, and took a hair from its hump between his fingers and said: “I am not entitled to take anything from the Fay’ not even this, except the Khumus, and the Khumus will come back to you.” (Sahîh)

4145. It was narrated that ‘Umar said: “The wealth of Banu An-Naďfîr was among the Fay’ that Allâh bestowed upon His Messenger, in cases where the Muslims did not go out on an expedition with horses and camels. From it he kept for himself food for one year, and what was left he
spent on cavalry and weapons, equipment for the cause of Allâh.”
(Sâhîh)

Comments:

Bani Nadîr was a Jewish tribe. It was expelled from Al-Madinah on account of their breach of pledge. They had taken their belongings, etc. with them, but their lands had fallen into the possession of Muslims.

4146. It was narrated from ‘Aishah that Fâtimah sent word to Abû Bakr asking for her inheritance from the Prophet ﷺ, from his charity and what was left of the Khumus of Khairî. Abû Bakr said: “The Messenger of Allâh ﷺ said: ‘We are not inherited from.’”
(Sâhîh)

Comments:

1. It has preceded above that the people of the Prophet’s household considered one-fifth share of the spoils of war their right. But according to other Companions, the Khumus was the state property. However, the needy people of the Prophet’s household could be aided from the wealth of the state treasury, by way of assistance.

2. ‘We (Prophets) leave no heritage’: This is because the Prophet ﷺ did not develop any property, nor did he take any share from the spoils of war. Rather, he used to acquire the Khumus out of the spoils of war, which was utilized by him to fulfill his own needs and then it was spent for the public welfare. In other words, Allâh’s Messenger ﷺ had merely fulfilled his bare necessities out of that wealth.
4147. It was narrated that 'Atā said concerning the saying of Allāh, the Mighty and Sublime: “And know that whatever of spoils of war that you may gain, verily, (1/5th) of it is assigned to Allāh, and to the Messenger, and to the near relatives (of the Messenger (Muḥammad))”[1] “The Khumus (one-fifth) of Allāh and of His Messenger is the same. The Messenger of Allāh used to provide mounts (for Jihād) with it, and give some (to the poor), and distribute it however he wanted, and do with it whatever he wanted.”

(Hasan)

تخريج: [إسناده حسن] أخرجه البيهائي 339، 338، من حديث عبدالله بن مختصر.

Comments:

‘The same’: The meaning is there is no separate share of Allāh, Most High. That is to say; not two shares of 1/5th each, but one share.

4148. It was narrated that Qais bin Muslim said: “I asked Al-Hasan bin Muhammad about the saying of Allāh, the Mighty and Sublime: ‘And know that whatever of spoils of war that you may gain, verily, one-fifth of it is assigned to Allāh.’[2] He said: ‘This is the key to the Speech of Allāh. This world and the Hereafter belong to Allāh.’ He said: ‘They differed concerning these two shares after the death of the Messenger of Allāh, the share of the Messenger and the share of the near relatives (of the Messenger of Allāh). Some said that the share of the near relatives...”

was for the relatives of the Messenger ﷺ, and some said that the share of the near relatives was for the relatives of the Khalifah. Then they agreed that these two shares should be spent on horses and equipment in the cause of Allâh, and they were allocated for this purpose during the Khiilafah of Abû Bakr and ‘Umar.” (Sahîh)

4149. It was narrated that Mûsâ bin Abî ‘Âishah said: “I asked Yahya bin Al-Jazzâr about this Verse: And know that whatever of spoils of war that you may gain, verily, one-fifth of it is assigned to Allâh, and to the Messenger [1].” He said: “I said: ‘How much of the Khumus did the Prophet ﷺ take?’ He said: ‘One-fifth of the Khumus.’” (Sahîh)

4150. It was narrated that Muţarrif said: “Ash-Sha‘bî was asked about the share of the Prophet ﷺ and what he chose for himself. He said: ‘The share of the Prophet ﷺ was like the share of any Muslim man, and what he chose for himself was something precious; he chose whatever he wanted to.” (Da‘f)

4151. It was narrated that Yazīd bin Ash-Shīkhkūr said: "While I was with Muṭṭarīf in Al-Mīrbad, it was said: 'There was a man who came carrying a piece of leather and said: 'This was written to me by the Messenger of Allāh. Is there anyone among you who can read?' I said: 'I can read.' And it was (a letter) from Muhammad the Prophet  to Banū Zuhair bin Uqaysh, who had testified to Lā ilāha illāllāh, and that Muhammad is the Messenger of Allāh, and had left the idolaters, and had agreed to give the Khumus from their spoils of war, and the share of the Prophet  and whatever he chose for himself, so they became safe and secure by the covenant of Allāh and His Messenger." (Sahih)

Comments:
The fact of the matter is that the Prophet's general and specific shares also were included in the one-fifth portion of the booty, although the outward phrasing makes these shares appear separate from the quint. It is, therefore, essential to keep other narrations in sight. (See Hadith 4143-4144)

4152. It was narrated that Mujāhid said: "The Khumus that is for Allāh and His Messenger was for the Prophet  and His relatives; they did not take anything from the Sadaqah. The Prophet  was allocated one-fifth of the Khumus;
his relatives were allocated one-fifth of the Khumus; the same was allocated to orphans, the poor and the wayfarers.” *(Da’if)*

Abū ‘Abdūr-Rahmān (An-Nasā’ī) said: Allāh, the Majestic is He and Praised, said: “And know that whatever of spoils of war that you may gain, verily, one-fifth of it is assigned to Allāh, and to the Messenger, and to the near relatives (of the Messenger (Muhammad)), (and also) the orphans, Al-Masāikh (the poor) and the wayfarer.”[1]

His, the Mighty and Sublime, saying to Allāh starts the speech since everything is of Allāh, the Mighty and Sublime. And perhaps He only opened His speech about the Fāy’ and the Khumus, mentioning Himself, because that is the noblest of earnings. And He did not attribute Sadaqah to Himself, the Mighty and Sublime, because that is the dirt of people. And Allāh knows best.

It was said that something should be taken from the spoils of war and placed inside the Ka’bah, and this is the share that is for Allāh, the Mighty and Sublime. The share of the Messenger is to be given to the imām to buy horses and weapons, and to give to whomever he thinks will benefit the people of Islam, and to the people of Hadith, knowledge, Fiqh and the Qur’ān. The share that is for near relatives should be given to Banu Hashim

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and Banu Al-Muṭṭalib, rich and poor alike, or it was said that it should be given to the poor among them and not to the rich, such as orphans and wayfarers. This is the view that is more appropriate in my view, and Allāh knows best. And the young and the old, male and female, are equal in that, because Allāh, the Mighty and Sublime, has allocated it to them and the Messenger of Allāh distributed it among them, and there is nothing in the Ḥadīth to indicate that he preferred some of them over others. And there is no scholarly dispute, as far as we know, to suggest that if a man bequeaths one-third of his wealth to such and such a tribe, to be distributed out among them equally, that it should be done otherwise, unless the giver stipulated otherwise. And Allāh is the source of strength. And (there is) a share for the orphans among the Muslims, and a share for the poor among the Muslims, and a share for the wayfarers among the Muslims. No one should be given both a share for the poor and a share for the wayfarer; it is to be said to him: “Take whichever of them you want.” And the other four-fifths are to be divided by the īnām among those adult Muslims who were present in the battle.

(Ḍaʿīf)

4153. It was narrated that Mālik bin Aws bin Al-Ḥadathān said: “Al-‘Abbās and ‘Ālī came to ʿUmar with a dispute. Al-ʿAbbās said: ‘Pass judgment between him and I.’ The people said: ‘Pass judgment between them.’ ʿUmar said: ‘I will not pass judgment between them. They know that the Messenger of Allāh 老旧小区 said: We are not inherited from, what we leave behind is charity. He said: And (in his narration of it) Az-Zuhri said: ‘It (the Khumus) was under the control of the Messenger of Allāh 老旧小区, and he took provision for himself and for his family from it, and disposed of the rest of it as he disposed of other wealth (belonging to the Muslims). Then Abū Bakr took control of it, then I took control of it after Abū Bakr, and I did with it what he used to do. Then these two came to me and asked me to give it to them so that they could dispose of it as the Messenger of Allāh老旧小区 did disposed of it, and as Abū Bakr disposed of it, and as I disposed of it. So I gave it to them and I took promises from them that they would take proper care of it. Then they came to me and this one said: ‘Give me my share from my brother’s son, and this one said: ‘Give me my share from my wife. If they want me to give it to them on the condition that they would dispose of it in the same manner as the Messenger of Allāh老旧小区 did, and as Abū Bakr did, and as I did, I would give it to them, but if they refuse, then they...’
do not have to worry about it.' Then he said: 'And know that whatever of spoils of war that you may gain, verily, one-fifth of it is assigned to Allāh, and to the Messenger, and to the near relatives (of the Messenger (Muḥammad)), (and also) the orphans, Al-Masâkin (the poor) and the wayfarer' (Al-Anfūl 8:41) – this is for them. 'As-Ṣadaqāt (here it means Zakāh) are only for the Fuqarā’ (poor), and Al-Masâkin (the poor) and those employed to collect (the funds); and to attract the hearts of those who have been inclined (toward Islam); and to free the captives; and for those in debt; and for Allāh’s cause (i.e. for Mujāhīdīn — those fighting in a holy battle)[1] – this is for them. ‘And what Allāh gave as booty (Fay’) to His Messenger (Muḥammad) from them — for this you made no expedition with either cavalry or camels.[2] Az-Zuhri said: This applies exclusively to the Messenger of Allāh [s] and refers to an ‘Arab village called Faḍak, and so on. What Allāh gave as booty (Fay’) to His Messenger (Muḥammad) from the people of the townships — it is for Allāh, His Messenger (Muḥammad), the kindred (of Messenger Muḥammad), the orphans, Al-Masâkin (the poor), and the wayfarer (And there is also a share in this booty) for the poor.

emigrants, who were expelled from their homes and their property. And (it is also for) those who, before them, had homes (in Al-Madinah) and had adopted the Faith. And those who came after them. These Verses apply to all the people. There is no one left among the Muslims but he has some right to this wealth, except for some of the slaves whom you own. If I live, if Allâh wills, I will give every Muslim his right.” Or he said: “His share.” (Sahîh)

Comments:
The view of ‘Umar was that if it is distributed, it would create an impression that perhaps it is their property (particularly so when it is distributed according to the laws of inheritance). While this portrayal is not correct, ‘I do not distribute it so that you may both organize it together. If they are not able to do so, it should be handed over to me. I would myself continue to look after it.’ Sahîh Al-Bukhârî (see No. 3094) contains a detailed clarification regarding this.

39. The Book Of Al-Bay’ah (Oath Of Allegiance)\[1\]

Comments:

Bay’at is derived from the root Bay’a, which signifies conclusion of a bargain. While concluding a bargain or making the contract of sale and purchase, generally, the parties hold each other’s hand, or they say one smacks his hand on the other’s hand. From the angle of this correlation, pledge of allegiance or making a covenant is also called Bay’ah. Bay’ah is in reality a contract or covenant. The custom of taking an oath of allegiance existed even before the advent of Islam. Different kinds of pledges or oaths were taken by the Messenger of Allah ﷺ: The pledge of allegiance at the time of accepting Islam, the pledge of allegiance at the time of going for Jihād; allegiance concerning the commandments and prohibitions of the Sharī’ah or the Divine law, and perhaps this is the same as the first, while the different types are forthcoming.

The pledge was also given to the Khalifah after the Prophet ﷺ. The pledge of allegiance for Jihād also remained established, which was generally taken by the military chief or commander, but it was very rare. The pledge of allegiance sworn at the time of embracing Islam and the pledge of allegiance for obedience (adherence to the commandments and prohibitions of the Divine law) ceased. It seems the Companions of the Prophet ﷺ considered these two pledges specific to the Messenger of Allah ﷺ. Though this thing is not explicitly proved from the Companions of the Prophet ﷺ, but their action or customary practice provides evidence. It is, therefore, superior that one should refrain from practicing these two kinds of pledges (the pledge of allegiance of Islam and the pledge of obedience). However, the pledge for Jihād and the pledge of allegiance concerning the ruler\[2\] are legitimate and still valid.

The chain allegiance, however, taken by the Shāikh or the spiritual mentor, when someone desires to become his disciple (mārid or the seeker), is an innovation. Thereupon they think that the disciple has now entered their order; for instance, the Chishtiyah Order, the Naqshbandiyah Order, etc. This kind of pledge of allegiance is purely a human invention. No evidence or proof is available to support it in the lives of the noble Companions, the mighty successors, the leaders of religion, the traditionists, and the jurists.

\[1\] Some manuscripts have: “From Al-Mujātaba.” The meaning in Sunan Al-Kubra of this section appears in a different location.

\[2\] Meaning, the Muslim ruler of the land.
Chapter 1. Pledging To Hear And Obey

4154. It was narrated that ‘Ubadah bin As-Sâmit said: “We pledged to the Messenger of Allah to hear and obey, both in times of ease and hardship, when we felt energetic and when we felt tired, that we would not contend with the orders of whomever was entrusted with it, that we would stand firm in the way of truth wherever we may be, and that we would not fear the blame of the blamers.” (Sahih)

4155. It was narrated that ‘Ubadah bin As-Sâmit said: “We pledged to the Messenger of Allah to hear and obey, both in times of hardship and ease.” And he mentioned similarly. (Sahih)

Chapter 2. Pledging Not To Contend With The Orders Of Those In Authority

4156. It was narrated that ‘Ubadah said: “We pledged to the Messenger of Allah to hear and obey both in times of hardship and ease, when we felt energetic and when we felt tired, that we would
not contend with the orders of whomever was entrusted with it, that we would speak the truth or stand firm in the way of truth wherever we may be, and that we would not fear the blame of the blamers.” (Sahih)

Chapter 3. Pledging To Speak The Truth

4157. It was narrated from ‘Ubâdah bin Al-Walîd bin ‘Ubâdah bin As-Sâmît, from his father, that his grandfather said: “We pledged to the Messenger of Allâh ﷺ to hear and obey both in times of hardship and ease, when we felt energetic and when we felt tired, and when others are preferred over us, that we would not contend with the orders of whomever was entrusted with it, and that we would speak the truth wherever we may be.” (Sahih)

Comments:

‘Wherever we may be’: Whether we are at home, or outside of home; in the marketplace or in the court.

Chapter 4. Pledging To Speak Justly

4158. It was narrated that ‘Ubâdah bin As-Sâmît said: “We pledged to
Chapter 5. Pledging Obedience
Even When Others Are Preferred Over Us

4159. It was narrated from Shu'bah, from Sayyâr and Yahya bin Sa'eed that they heard 'Ubâdah bin Al-Walid narrating from his father. Sayyâr said: “From his father,” and Yahya said: “From his father, from his grandfather, who said: ‘We pledged to the Messenger of Allâh ﷺ to hear and obey during our hardship and our ease, when we felt energetic and when we felt tired, and when others are preferred over us, that we would not contend with the orders of whomever was entrusted with it, that we would stand for justice wherever we may be, and that we would not fear the blame of any blamer for the sake of Allâh.” (Sahih)

Shu'bah said: “Sayyâr did not mention this statement: ‘Wherever it may be’ while Yahya mentioned it.” Shu'bah said: “If I have added...
anything to it, then it is from Sayyâr or from Yahya.”

**Comments:**

“When others are given preference over us”: It is apparent that everybody cannot be given a post of responsibility or an important office, irrespective of whether he be worthy of it.

4160. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “You have to obey when you feel energetic and when you feel tired, during your ease and your hardship, and when others are preferred over you.” (Sahîh)

Chapter 6. Pledging To Be Sincere Toward Every Muslim

4161. It was narrated that Jarîr said: “I pledged to the Messenger of Allâh ﷺ to be sincere toward every Muslim.” (Sahîh)

4162. Jarîr said: “I pledged to the Prophet ﷺ to hear and obey and to be sincere toward every Muslim.” (Sahîh)
Chapter 7. Pledging Not To Flee (From The Battlefield)

4163. Jâbir said: “We did not give our pledge to the Messenger of Allâh for death, rather we pledged not to flee (from battle).”

(Sâhîh)

Comments:

‘Pledge of allegiance to fight to death’: Taking an oath to fight till death also means the same thing that ‘we would remain steadfast and would not flee from the battlefield, even if fatal conditions befall.’ The purpose of Jâbir is ‘we did not say at the time of taking an oath that even if we die in the course of it; we had merely said that we would not flee from the battlefield.’ In a way, there is a difference between the implied meaning and its result. It is possible some of the Companions might have uttered the word death, saying, ‘we will not flee from the battlefield even if we die’ as is elucidated in the forthcoming narration, or perhaps this is how they interpreted it.

Chapter 8. Pledging For Death

4164. It was narrated that Yazîd bin Abî ‘Ubaid said: “I said to Salamah bin Al-Akwa: ‘What pledge did you make to the Prophet on the Day of Al-Hudaibiyyah?’ He said: ‘For death.’”

(Sâhîh)

Comments:

تخريج: أخرجه البخاري، المغازي، باب غزوة الحديبية ... إلخ، ح: 4169، ومسلم، الإمارة، باب استجاب مابعة الإمام الجيش عند إرادة القتال ... إلخ، ح: 1860 عن قتيبة بن حرب، وهو في الكبرى، ح: 778.
Chapter 9. Pledging To Engage In Jihād

4165. It was narrated that Ya‘lā bin Umayyah said: "I came to the Messenger of Allāh ﷺ with my father Umayyah on the Day of the Conquest (of Makkah) and said: ‘O Messenger of Allāh, accept my father’s pledge for emigration (Al-Hijrah).’ The Messenger of Allāh ﷺ said: ‘I will accept his pledge to fight in Jihād, for the emigration (Al-Hijrah) has ceased.’" (Ḥasan)

Comments:

‘Has ceased’: Meaning, after the Conquest of Makkah, it is no longer required to emigrate to Al-Madinah.

4166. It was narrated that ‘Ubādah bin As-Ṣāmit said: “While there was a group of his Companions around him, the Messenger of Allāh ﷺ said: ‘Pledge to me, that you will not associate anything with Allāh, nor steal, nor commit unlawful sexual relations, nor kill your children; you will not utter slander, fabricating from between your hands and feet, and you will not disobey me in goodness (Ma’rūf). Whoever fulfills (this pledge), his reward will be with Allāh, and whoever commits any of these actions and is punished for it, it will be an expiation for him.
Whoever commits any of these actions then Allâh conceals him, then his affair is up to Allâh; if He wills, He will forgive him, and if He wills, He will punish him.” (Sahîh) Ahmad bin Sa’eed contradicted him.

Comments:
1. ‘Ma’rûf’: This is mentioned by way of common usage. Otherwise it is absolutely impossible that Allâh’s Messenger ﷺ could give command to do something bad, or it includes those he puts in authority; and that there is no obedience to them in disobedience to Allâh. An-Nawawi said similarly.

2. ‘That will be an expiation': It is argued, using similar narrations as proof, that the prescribed legal punishment meted out in the life of the world would...
Chapter 10. Pledging To Emigrate (Al-Hijrah)

4168. It was narrated from ‘Abdullāh bin ‘Amr that a man came to the Prophet ṣ and said: “I have come pledging to emigrate (Hijrah), and I have left my parents weeping.” He said: “Go back to them, and make them smile as you made them weep.” (Hasan)

Comments:

It is apparent that this was after the Conquest of Makkah, or he told him to return only because of the status of the parents.

Chapter 11. The Importance Of Emigration (Hijrah)

4169. It was narrated from Abū Sa‘eed that a Bedouin asked the Messenger of Allāh ṣ about emigration (Hijrah). He said: “Woe to you, emigration is very important. Do you have any camels?” He said: “Yes. He said: “Do you pay Ṣadaqah on them?” He said: “Yes.” He said: “Do righteous deeds no matter how far away[1] you are from the Muslims, for Allāh, the Mighty and

[1] “From beyond the Bihār”, while Bihār means “seas,” they say the meaning is lands or cities in this context.
Sublime, will never cause any of your deeds to be lost.”

Comments:
The commentaries explain this narration in a way similar to the previous. It could have occurred after the Conquest of Makkah, or it was understood that it would be too difficult for this person. This could be implied by his saying that Hijrah is a “Shadid” matter, meaning – in this case – difficult.

Chapter 12. Emigration (Hijrah) Of A Bedouin

4170. It was narrated that ‘Abdulâh bin ‘Amr said: “A man said: ‘O Messenger of Allah! Which emigration (Hijrah) is best?’ He said: ‘To leave what your Lord, the Mighty and Sublime, dislikes.’ He said: ‘There are two kinds of emigration, the emigration of the town dweller and the emigration of the Bedouin. As for the Bedouin, when he is called (to fight in jihad) he must respond, and he must obey when he is commanded, and as for the town dweller, he is the one who is more severely tested and more greatly rewarded.’” (Saheeh)

Comments:
The lexical meaning of the term Hijrah is ‘to renounce, to dissociate, to keep away, or part company’. Commonly known emigration entails one’s giving up one’s home, kith and kin, property, and chattels. From this dimension, the Messenger of Allah stated that the most meritorious emigrations is to abandon sins.
Chapter 13. The Explanation Of Emigration (Hijrah)

4171. It was narrated that Jābir bin Zaid said: “Ibn ‘Abbâs said: ‘The Messenger of Allâh ﷺ, Abû Bakr and ‘Umar were among the Muhâjîrîn (emigrants), because they forsook (Hajâm) the idolators, and some of the Ansâr were Muhâjîrîn because Al-Madhâbah was a land of Shirk, and they came to the Messenger of Allâh ﷺ on the Night of Al-‘Aqabah.’” (Hasan)

Chapter 14. Encouragement To Emigrate

4172. It was narrated from Kâthîr bin Murrah that Abû Fâtimah told him that he said: “O Messenger of Allâh, tell me of an action that I may do and persist in it.” The Messenger of Allâh ﷺ said to him: “You should emigrate, for there is nothing like it.” (Sahîh)

Comments:

Things are dictated by the turn of time and circumstances. At times, emigration is superior, at other times the Jihâd, and sometimes one thing and at another time another thing. Likewise, persona too differs from man to man. For someone, emigration is meritorious, for someone else something else; as the Messenger of Allâh ﷺ had prevented the Bedouin from emigrating, see Ahâdîth 4168-69.
Chapter 15. Mention Of The Difference Of Opinion As To Whether Emigration Is Still Obligatory Or Not

4173. It was narrated from 'Amr bin 'Abdur-Rahmān bin Umayyah that his father told him that Ya'la said: “I came to the Messenger of Allāh ﷺ with my father on the day of the Conquest (of Makkah) and said: ‘O Messenger of Allāh, accept my father's pledge to emigrate.' The Messenger of Allāh ﷺ said: ‘I will accept his pledge for Jihād, for the emigration (Hijrah) has ceased.”' (Hasan)

Comments:
(For details please see Hadīth 4165)

4174. It was narrated that Saflwān bin Umayyah said: “I said: ‘O Messenger of Allāh, they are saying that no one will enter Paradise except a Muḥājir.’” He said: “There is no more emigration (Hijrah) after the Conquest of Makkah, rather there is Jihād and intention. When you are called to mobilize (for Jihād) then do so.” (Sahīh)

4175. It was narrated that Ibn 'Abbās said: “The Messenger of Allāh ﷺ said on the Day of the Conquest (of Makkah): ‘There is no more emigration (Hijrah), rather there is Jihād and intention.
When you are called to mobilize (for Jihād) then do so.” (Ṣaḥīḥ)

Comments:

In other words, now conclusive abandonment of one's household is not necessary, although one should go from one's home when called for mobilization.

4176. It was narrated that Nu‘āím bin Dijājah said: "I heard ‘Umar bin Al-Khaṭṭāb say: 'There is no more emigration (Hijrah) after the death of the Messenger of Allāh ﷺ.'" (Ṣaḥīḥ)

Comments:

The purpose of ‘Umar ﷺ was that now there is no need to emigrate and come to Al-Madīnah, because the number of Muslims during the lifetime of the Messenger of Allāh ﷺ was less, and therefore, it was the exigency of time that Muslims came to Al-Madīnah in as many number as possible. This was so that enough individuals might be available according to the requirements of Jihād.

4177. It was narrated that ‘Abdullāh bin Waqdān As-Sa‘dī said: "We came in a delegation to the Messenger of Allāh ﷺ, each of us with a question to ask him. I was the last of them to come in to the Messenger of Allāh ﷺ, and I said: 'O Messenger of Allāh, I have left people behind me, and they are saying that emigration (Hijrah) has ceased.' He said: 'Emigration will not cease so long as the disbelievers
are being fought.”” (Ṣaḥīḥ)

Comments:

‘Ḥijrah will not cease’, because so long as the disbelievers engage the Muslims, the Muslims would remain tyrannized, overcome, and afflicted in one or the other regions. Hence, emigration from the domain of disbelief to the domain of Islam in itself would continue.

4178. It was narrated that ‘Abdullāh bin As-Sa’dī said: “We came in a delegation to the Messenger of Allāh ﷺ and my companions entered and asked their questions. I was the last of them to enter, and he said: ‘What is your question?’ I said: ‘O Messenger of Allāh, when will emigration end?’ The Messenger of Allāh ﷺ said: ‘Emigration will not cease so long as the disbelievers are being fought.’” (Ṣaḥīḥ)

Chapter 16. Pledge To Obey Whether One Likes It Or Not

4179. Jarīr said: “I came to the Prophet ﷺ and said to him: ‘I pledge to you to hear and obey in what I like and what I dislike.’ The Prophet ﷺ said: ‘Can you do that, O Jarīr,’ or, ‘Are you able for that?’ He said: Say: As much as I
can.’ So he accepted my pledge (for that), and that I be sincere toward every Muslim.” (Saḥīḥ)

Comments:
‘As much as I can’: the Messenger of Allāh ﷺ himself showed us the path of ease through his tenderness and mercy.

Chapter 17. Pledging To
Forsake The Idolaters

4180. It was narrated that Jarīr said: “I pledged to the Messenger of Allāh ﷺ, to perform ʿĪbāda, to perform Salāḥ, pay the Zakāh, be sincere toward every Muslim and forsake the idolaters.” (Saḥīḥ)

4181. It was narrated that Jarīr said: “I came to the Messenger of Allāh ﷺ and he mentioned something similar. (Saḥīḥ)

4182. Jarīr said: “I came to the Prophet ﷺ when he was accepting (the people’s) pledge, and said: ‘O Messenger of Allāh, extend your hand so that I may give you my pledge, and state your terms, for you know best.’ He said: ‘I accept your pledge that you will worship Allāh,
establish Salāh, pay the Zakāh, be sincere toward the Muslims, and forsake the idolaters.” (Ṣaḥiḥ)

4183. It was narrated that Abū Idrīs Al-Khawlānī said: “I heard ‘Ubdah bin Aṣ-Ṣāmit say: ‘I pledged to the Messenger of Allāh ﷺ among a group of people, and he said: I accept your pledge that you will not associate anything with Allāh, you will not steal, you will not have unlawful sexual relations, you will not kill your children, you will not utter slander, fabricating from between your hands and feet, and you will not disobey me when commanded with goodness. Whoever fulfills (this pledge), his reward will be with Allāh, and whoever commits any of these actions and is punished for it, it will be purification for him. Whoever (commits any of these actions then) Allāh conceals him, it is up to Allāh; if He wills He will forgive him, and if He wills, He will punish him.’” (Ṣaḥiḥ)

Chapter 18. The Women’s Pledge

4184. It was narrated that Umm Ṭiyyāh said: “When I wanted to give pledge to the Messenger of Allāh ﷺ, I said: ‘O Messenger of
Allâh, a woman helped me (in wailing for the dead) during the Jâhilîyyah; shall I go and help her (in wailing) and then come to you and give you my oath of allegiance?" He said: 'Go and help her.' So I went and helped her, then I came, and gave my pledge to the Messenger of Allâh ﷺ." (Sahîh)

Comments:
‘Go, and help her’: The question arises: Why did Allâh’s Messenger ﷺ give her permission to perform a forbidden act? See Nos. 1306, 4892, and 7215 of Sahih Al-Bukhârî. The scholars have offered various explanations of it. The most endorsed views are that this occurred during the process of the prohibition of wailing, meaning it was being prohibited, but not absolutely at that time; or that this was a specific exemption for them in this case. See Fath Al-Bârî (Nos. 1306, 4892, 7215) and the commentary of An-Nawawi.

4185. It was narrated that Umm ‘Atiyyah said: “The Messenger of Allâh ﷺ accepted our pledge that we would not wail (for the dead).” (Sahîh)

4186. It was narrated that Ummaimah bint Ruqaiqah said: “I came to the Prophet ﷺ with some other Ansârî women to give our pledge. We said: ‘O Messenger of Allâh, we give you our pledge that we will not associate anything with Allâh, we will not steal, we will not have unlawful sexual relations, we will not utter slander, fabricating
from between our hands and feet, and we will not disobey you in goodness.' He said: 'As much as you can and are able.' We said: 'Allāh and His Messenger are more merciful toward us. Come, let us give you our pledge, O Messenger of Allāh!' The Messenger of Allāh  said: 'I do not shake hands with women. Rather my word to a hundred women is like my word to one woman.'” *(Saḥīḥ)*

**Comments:**
‘I do not shake hands with women’: For the followers of the Prophet  this is a clear example against, clasping the hands of women unrelated. In the same way, sitting of women before men, unveiled, in discourses and recital sessions is contrary to the Divine law.

**Chapter 19. The Pledge Of The One Who Has A Deformity**

4187. It was narrated from a man from Al-Ash-Sharīd, who was called ‘Amr, that his father said: "Among the delegation of Thaqīf there was a man who suffered from leprosy. The Prophet  sent word to him saying: 'Go back, for I have accepted your pledge.'" *(Saḥīḥ)*

**Chapter 20. The Pledge Of A Child**

4188. It was narrated that Al-Hirmās bin Ziyād said: "I stretched forth my hand to the Prophet  for him to accept my pledge, when
I was a child, but he did not accept my pledge.” (Ṣahīḥ)

Comments:
The Islamic pledge of allegiance is the name of a covenant, which is a responsibility in itself. It calls upon the swearer of the pledge to strive. It does not absolve man of all his responsibilities, as is commonly held: ‘Pledge allegiance to so and so holy man and you would attain salvation. Fulfillment of the obligatory duties made incumbent by the Divine law is not necessary.’ In other words, every sort of responsibility is taken upon the one to whom the pledge of allegiance is given. And when a child is not accountable before the law, then there is no justice in requiring that from him.

Chapter 21. The Pledge Of Slaves

4189. It was narrated that Jābir said: “A slave came and pledged to the Prophet ﷺ to emigrate, and the Prophet ﷺ did not realize that he was a slave. Then his master came looking for him. The Prophet ﷺ said: ‘Sell him to me,’ and he bought him for two black slaves. Then he did not accept the pledge from anyone until he asked: ‘Is he a slave?’” (Ṣahīḥ)

Comments:
A slave is not free to do whatever he pleases. He is subservient to his master’s command. A slave’s Islam is, however, valid, but his taking the pledge of allegiance for emigration, or Jihād, etc. is not valid.

Chapter 22. Canceling The Pledge

4190. It was narrated from Jābir bin ‘Abdullāh that a Bedouin pledged Islam to the Messenger of Allāh ﷺ, then the Bedouin was stricken with the fever in Al-
Madīnah. So he came to the Messenger of Allāh ﷺ and said: "O Messenger of Allāh, cancel my pledge," but he refused. Then he came to him again and said: "Cancel my pledge," but he refused. Then the Bedouin left (Al-Madinah) and the Messenger of Allāh ﷺ said: "Al-Madinah is like the bellows; it expels its dross and brightens its good." (Sahīh)

**Comments:**

When Islam spread far and wide, some people began to embrace it for achieving monetary gains. So long as they received monetary gains, they remained steadfast upon it; and if they encountered any affliction, or if they received no monetary benefits, they used to loathe the religion. This Bedouin also belonged to this genre. Probably, he might also have taken the pledge of emigration. Fever might have frightened him, and he wanted to abandon Al-Madinah and not Islam itself.

**Chapter 23. Returning To The Desert Life After Having Emigrated**

4191. It was narrated from Salamah bin Al-Akwa’ that he entered upon Al-Hajjāj who said: "O son of Al-Akwa’, you have turned on your heels (i.e., deserted Islam) by staying in the desert with the Bedouins." He said: "No; the Messenger of Allāh ﷺ gave me permission to stay in the desert with the Bedouins." (Sahīh)

**Comments:**

Hajjaj was a governor at that time. He questioned Salamah on the basis that the Messenger of Allāh ﷺ had prohibited returning to Bedouin life after Hijrah, in a narration mentioning the curse on one who does that. See No.
5105. But Salamah was particularly exempt from this matter, and in similar cases when Fitnah erupts. See No. 5039 and Al-Bukhārī’s 7088, who narrated these in the same chapter.

Chapter 24. Pledging To Do As Much As One Can

4192. It was narrated that Ibn ‘Umar said: “We used to pledge to the Messenger of Allāh ﷺ to hear and obey, then he said: ‘In as much as you can.”’ (Sahih)

Comments:
The purpose of the chapter is at the time of pledging allegiance, one should make mention of one’s capability also. It might also have been the objective to demonstrate that in the act of one’s swearing allegiance, one’s ability and range of capabilities are implied, irrespective of whether one makes mention of it or not. No one may be obligated to compliance beyond one’s ability.

4193. Ibn ‘Umar said: “When we gave our pledge to the Messenger of Allāh ﷺ to hear and obey, he would say to us: ‘In as much as you can.”’ (Sahih)

4194. It was narrated that Jarîr bin ‘Abdullâh said: “I gave my pledge to the Prophet ﷺ to hear and obey, and he told me to add the words: ‘In as much as you can, and to be
sincere toward every Muslim.”

(Sahih)

Chapter 25. Mentioning The Obligation Of The One Who Gives His Pledge To A Ruler, And Gives The Grasp Of His Hand and The Sincerity Of His Heart

4196. It was narrated that ‘Abdur-Rahmān bin ‘Abd Rabb Al-Ka’bah said: “I came to ‘Abdullāh bin ‘Amr bin Al-‘Ās while he was sitting in the shade of Ka’bah, and the people were gathered around him, and I heard him say: ‘While we were with the Messenger of Allāh on a journey, we stopped to camp, and some of us were pitching tents, some were competing in shooting arrows, and some were taking the animals out to race them. Then the caller of the Prophet called out: As-Salātū Jāmī’ah (prayer is about to begin). So we gathered, and the Messenger of Allāh stood up and addressed us. He said: There has never been a prophet before me who was not obliged to tell his nation of what he knew was good for them, and to warn against what he knew was bad for them. With regard to this
Ummah of yours, soundness (of religious commitment) has been placed in its earlier generations, and the last of them will be afflicted with calamities and things that you dislike. Then there will come tribulations which will make the earlier ones pale into insignificance, and the believer will say: This will be the end of me, then relief will come. Then (more) tribulations will come and the believer will say: This will be the end of me, then relief will come. Whoever would like to be taken far away from the Fire and admitted to Paradise, let him die believing in Allah and the Last Day, and let him treat people as he would like to be treated. Whoever pledges to a ruler and gives him the grasp of his hand and the sincerity of his heart, then let him obey him as much as he can, and if another comes and challenges him, let them strike the neck of (i.e., kill) the second one.”

He said: “I drew near to him and said: ‘Did you hear the Messenger of Allah say that?’ He said: ‘Yes,’ and quoted the Hadith without interruption (in the chain).” (Sahih)

Comments:
1. ‘In its earliest generations’: We learn here, that the Companions were the most excellent people of their nation. Their religion was protected and secure.
2. ‘Pale into insignificance’ means the turmoil that follows would be substantially more massive than the previous one; the former turmoil would appear to be lighter in comparison with the latter, although in reality it would be immensely colossal, as is elaborated in the Hadith.
Chapter 26. The Exhortation To Obey The Imám

4197. It was narrated that Yaḥya bin Ḥuṣain said: “I heard my grandmother say: ‘I heard the Messenger of Allāh say, during the Farewell Pilgrimage: If an Ethiopian slave is appointed over you who rules according to the Book of Allāh, then listen to him and obey.’” (Sahih)

Chapter 27. Encouragement To Obey The Imám

4198. Abū Hurairah said: “The Messenger of Allāh said: ‘Whoever obeys me, obeys Allāh, and whoever disobeys me, disobeys Allāh. Whoever obeys my governor (Amīr), he has obeyed me, and whoever disobeys my governor, he has disobeyed me.’” (Sahih)

Comments:

When the ruler appoints a commander or governor of a province, he must be obeyed regardless of his origin and previous status. In this case an example of Ethiopian slave was given.

Comments:

1. The Messenger of Allāh conveyed the message of Allāh, Most High. He
did not fabricate the commands on his own. That is why obedience to the Prophet ﷺ is in reality obedience to ﷲ.

2. ‘My Amīr’ means the one whom ﷲ’s Messenger ﷺ appointed. For instance, ﷲ’s Messenger ﷺ appointed Mu‘adh bin Jabal, ‘Ali, and Abū Mūsā Al-Ash’arī as Amīr and sent them to Yemen.

Chapter 28. The Saying Of Allāh, The Most High: “And those of you (Muslims) who are in authority”[1]

4199. It was narrated from Ibn ‘Abbās (concerning the Verse): “O you who believe! Obey Allāh and obey the Messenger (Muhammad).”[2] that he said: This was revealed concerning ‘Abdullāh bin Hudhaifah bin Qais bin ‘Adīyy, whom the Messenger of Allāh ﷺ appointed in charge of an expedition.” (Ṣaḥīḥ)

Chapter 29. The Stern Warning Against Disobeying The Imām

4200. It was narrated from Mu‘adh bin Jabal that the Messenger of Allāh ﷺ said: “Military campaigns are of two types: As for the one who seeks the Face of Allāh, obeys the imām, spends what is precious and avoids mischief, whether he is asleep or awake, he is earning reward. But as for the one who fights in order to show off and gain a reputation, and disobeys the imām and spreads...”

mischief in the land, he comes back empty-handed." *(Da'if)*

**Comments:**

*Jihād* in the way of Allāh is an act of great merit, provided it is done under the guidance of the *Amīr*. Disobedience to the *Amīr* ruins even an act of *Jihād*. Next to the purity or sincerity of intention, obedience to the commander is of immense significance.

**Chapter 30. Rights And Duties Of The Imām**

4201. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The *imām* is like a shield whose orders should be obeyed when they (the Muslims) fight, and where they should seek protection. If he enjoins fear of Allāh and behaves justly, then he will be rewarded, but if he enjoins otherwise, then it will be a burden (of sin) on him.” *(Sahīḥ)*

(المجمع 30) - ذكر ما يحب للإمام وما يحب عليه (التحفة 30)

4202. It was narrated that Tamīm Ad-Dārī said: “The Messenger of Allāh ﷺ said: ‘Religion is sincerity *(An-Naṣīḥah).*’ They said: ‘To whom, O Messenger of Allāh?’ He

**Comments:**

‘Is a shield’: The *imām* or *Amīr* happens to be the precious capital of the country. He should be protected in every condition, because battles are fought congruent with his opinion and reflection. If he, Allāh forbid, is killed, the whole military strategy of the country is likely to go awry.
said: "To Allâh, to His Book, to His Messenger, to the imâms of the Muslims, and to their common folk." (Saḥîh)

Comments:

An-Naqîlah implies sincere advice to the truth and what is best. If there is no sincerity, polytheism, hypocrisy, ostentation, and treachery will emerge. And sincerity to Allâh is that one worships only Allâh, Most High, calls upon Him only, reposes trust in Him alone, and fears Him alone. Sincerity to the Book of Allâh is that one acts upon it and respects it. Sincerity to the Messenger of Allâh is that one obeys him, loves him more than any other person, and is prepared to lay down his life for the sake of compliance with his commands and cares for no one in his stead. Sincerity with the rulers consists in pledging one’s allegiance to them, remaining loyal to them, obeying them as far as possible, staying within the limits of the Divine law, not rising in rebellion against them, and giving them good advice. And sincerity with common Muslims is that one remains their well-wisher, does not deceive them, does not cause them any harm, keeps others away from his own evil, and gives them good advice.

4203. It was narrated that Tamîm Ad-Dârî said: "The Messenger of Allâh ﷺ said: 'Religion is sincerity (An-Naṣîhah).’ They said: ‘To whom, O Messenger of Allâh?’ He said: ‘To Allâh, to His Book, to His Messenger, to the imâms of the Muslims and to their common folk.’” (Saḥîh)

4204. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “Religion is sincerity,
Religion is sincerity (**An-Nasîlah).** They said: "To whom, O Messenger of Allâh?" He said: "To Allâh, to His Book, to His Messenger, to the **imâms** of the Muslims and to their common folk." (**Sâhîh**)

4205. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Religion is sincerity (**An-Nasîlah**)." They said: "To whom, O Messenger of Allâh?" He said: "To Allâh, to His Book, to His Messenger, to the **imâms** of the Muslims and to their common folk." (**Sâhîh**)

Chapter 32. The Inner Circle
Of The Imam

4206. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'No ruler is appointed but he has two groups of advisers: A group which urges him to do good and tells him not to do evil, and a group which does its best to corrupt
him. Whoever is protected from their evil is indeed protected. And he (the ruler) belongs to the group that has the greater influence over him.” (Sahih)

4207. It was narrated from Abū Sa‘eed that the Messenger of Allāh ﷺ said: “Allāh never sends a prophet or appoints a Khalīfah but he has two groups of advisers: A group that tells him to do good and a group that tells him to do evil and urges him to do it. And the one who is truly protected is the one who is protected by Allāh, the Mighty and Sublime.” (Sahih)

Comments:
This thing is not specific to a Prophet or Caliph. Everyone invariably encounters with such situation. He gets good companions and bad as well. Fortunate is the one upon whom good companions and advisers are dominant and this does not come to pass without the Mercy of Allāh, Most High.

4208. It was narrated that Abū Ayyūb said: “I heard the Messenger of Allāh ﷺ say: ‘No prophet has ever been sent, nor has there been any Khalīfah after him, but he has two groups of advisers, a group that tells him to do good and a group that tells him to do evil. Whoever is protected from the evil
group, then he is indeed protected.” (Sahih)

Comments:

‘Adviser’: The Arabic term used in the text is Bitinah. The lexical meaning of the term Bitinah is the one who possesses knowledge of the inward, or the intrinsic state or circumstances of the case, or affair of someone: a particular person, or special, intimate, friend or associate. This expression is applied to the adviser also; the friend is also so called because both of them happen to be aware of each other’s secrets.

Chapter 33. The Minister Of The Imam

4209. It was narrated that Al-Qasim bin Muhammad said: “I heard my paternal aunt say: ‘The Messenger of Allah ﷺ said: ‘Whoever among you is appointed to a position of authority, if Allah wills, he will give him a righteous minister who will remind him if he forgets, and help him if he remembers.’ (Sahih)

Comments:

‘Helper’ is an Arabic expression. Its lexical meaning is the one who takes upon himself a burden. It means a companion or a supporter, and the one appointed by a leader. A good companion and supporter is also great bounty of Allah. Most Sahih.

Chapter 34. The Punishment Of One Who Is Commanded To Commit Sin And Obeys The Command

4210. It was narrated from Abū
'Abdur-Rahmân from 'Aī that the Messenger of Allâh ﷺ sent an army and appointed a man in charge of them. He lit a fire and said: "Enter it." Some people wanted to enter it, and others said: "We are trying to keep away from it." They mentioned that to the Messenger of Allâh ﷺ, and he said to those who had wanted to enter it: "If you had entered it you would have stayed there until the Day of Resurrection." And he spoke good words to the others. And he said: "There is no obedience if it involves disobedience toward Allâh. Rather obedience is only (required) in that which is good." (Sahîh)

Comments:

'You would have remained it fire until the Day of Resurrection' means they would have been punished in their graves.

4211. It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'The Muslim must hear and obey whether he likes it or not, unless he is commanded to commit an act of disobedience. If he is commanded to commit an act of disobedience, then he is not required to hear and obey.'" (Sahîh)
Chapter 35. Mentioning The Warning To Those Who Help The Leader To Do Wrong

4212. It was narrated that Ka‘b bin ‘Ujrah said: “The Messenger of Allāh ﷺ came out to us, and there were nine of us. He said: ‘After me there will be rulers, whoever believes in their lies and helps them in their wrongdoing is not of me, and I am not of him, and he will not come to me at the Cistern. Whoever does not believe their lies and does not help them in their wrongdoing, he is of me, and I am of him, and he will come to me at the Cistern.’” (Sahih)

Comments:

‘After me’ meaning after a long period of time, because Allāh’s Messenger ﷺ himself had predicted a thirty-year long rule of Caliphate, following the Prophetic model.

Chapter 36. Those Who Do Not Help The Leader To Do Wrong

4213. It was narrated that Ka‘b bin ‘Ujrah said: “The Messenger of Allāh ﷺ came out to us and we were nine, five and four, some ‘Arabs and some non-‘Arabs. He said: ‘Listen. Have you heard that after me there will be rulers, whoever enters upon them and believes their lies and helps them in their wrongdoing is not of me, and I am not of him, and he will
not come to me at the Cistern? Whoever does not enter upon them or believe their lies or help them in their wrongdoing is of me and I am of him, and he will come to me at the Cistern.” (Sahih)

Chapter 37. The Virtue Of The One Who Speaks The Truth Before An Unjust Ruler

4214. It was narrated from Ṭāriq bin Shihāb that a man asked the Prophet ﷺ, when he had put his leg in the stirrup: “Which kind of Jihād is best?” He said: “A word of truth spoken before an unjust ruler.” (Hasan)

Comments:
It is the best form of Jihād, because it is likely that one will lose his life by it. On the other hand, a person could defend himself in a battle, but here that is not possible. Hands rise against him from every direction, and he is killed in a very ruthless manner.

Chapter 38. The Reward Of The One Who Fulfills The Pledge He Made

4215. It was narrated that ʿUbādah bin Aṣ-Ṣāmit said: “We were with the Prophet ﷺ in a gathering and he said: ‘Pledge to me that you will..."
not associate anything with Allāh, you will not steal, and you will not have unlawful sexual relations.’ He recited the Verse to them (and said): Whoever does any of these things, and Allāh conceals him, then it is up to Allāh, the Mighty and Sublime: If He wills, He will punish him, and if He wills, He will forgive him.’” (Ṣaḥīḥ)

Comments:
See No. 4166.

Chapter 39. It Is Disliked To Be Eager For Positions Of Authority

4216. It was narrated from Abū Hurairah that the Prophet ﷺ said: “You will become keen for positions of authority, but that will become a regret and loss. What a good life they will live, but how hard it will be for them when they die.” (Ṣaḥīḥ)

Comments:
‘Regret and loss:’ Because it is the source of fighting, division, and bloodshed and the like.
40. The Book Of 
\textit{Al-‘Aqîqah}

Issues concerning \textit{Aqîqah} or sacrifice for a newborn.

\textit{Aqîqah} refers to the animal which is sacrificed on behalf of the newborn by way of thankfulness (to \textit{Allâh}) on the seventh day after the birth of the child. This is a \textit{Sunnah} of the Prophet \textit{\Saw}. The one who is able to do it must do the \textit{Aqîqah}, otherwise a burden remains over the child. If one is not capable of doing it, then it is a different matter.

(Chapter 1. For A Boy, Two Sheep)

4217. It was narrated from ‘Amr bin Shu‘aib, from his father, that his grandfather said: “The Messenger of \textit{Allâh \textit{\Saw}} was asked about the \textit{‘Aqîqah} and he said: ‘\textit{Allâh}, the Mighty and Sublime, does not like \textit{Al-‘Uqîq}’ – as if he disliked the word (\textit{Al-‘Aqîqah}). He said to the Messenger of \textit{Allâh \textit{\Saw}}: ‘But one of us may offer a sacrifice when a child is born to him.’ He said: ‘Whoever wants to offer a sacrifice for his child, let him do so, for a boy; two sheep, \textit{Mukâṣfâ’atân}, (of equal age), and for a girl, one.’ (One of the narrators) Dâwûd said: ‘I asked Zaid bin Aslam about the word \textit{Mukâṣfâ’atân} and he said: ‘Two similar sheep that are slaughtered together.’” (\textit{Hasan})

\textbf{Comments:}

1. ‘As if he disliked the word’ means he did not like the term \textit{‘Uqîq} as has already been explained by the transmitter. The expression \textit{‘Uqîq} means disobedience. It is not a good term.

2. Sacrificing two sheep in \textit{Aqîqah} if the baby is male and one sheep if the baby
is female is an agreed upon matter; there is no vagueness in it. In the matter of inheritance also, there is a difference in the matter of male and female heirs.

4218. It was narrated from 'Abdullāh bin Buraidah, from his father, that the Messenger of Allāh ﷺ offered the 'Aqīqah for Al-Hasan and Al-Husain. (Hasan)

Chapter 2. The 'Aqīqah For A Boy

4219. It was narrated from Salmān bin 'Āmir Ad-Ḍabbi that the Messenger of Allāh ﷺ said: "For a boy there should be an 'Aqīqah, so shed blood for him, and remove the harm from him." (Ṣaḥīḥ)

Comments:

"Shed blood for him": It is a command. Hence, minimally it is the Sunnah of the Prophet ﷺ. Some people of knowledge have deemed it compulsory on account of this, and similar command. And Allāh knows best!

4220. It was narrated from Umm Kurz that the Messenger of Allāh ﷺ said: "For a boy two sheep, Mukāfā'atān (of equal age), and for a girl, one sheep." (Ṣaḥīḥ)
Chapter 3. The ‘Aqiqah For A Girl

4221. It was narrated from Umm Kurz that the Messenger of Allâh ﷺ said: "For a boy two sheep, Mukâfa’atân (of equal age), and for a girl, one sheep." (Sahîh)

Chapter 4. How Many Sheep Should Be Slaughtered As An ‘Aqiqah For A Girl?

4222. It was narrated that Umm Kurz said: "I came to the Prophet ﷺ and asked him about the sacrificial meat. I heard him say: 'For a boy, two sheep, and for a girl, one sheep, and it does not matter if they are male or female.'" (Hasan)

4223. It was narrated from Umm Kurz that the Messenger of Allâh ﷺ said: "For a boy, two sheep, and for a girl, one sheep, and it does not matter if they are male or female." (Hasan)
The Book Of Al-'Aqiqah

Chapter 5. When Should The ‘Aqiqah Be Performed?

4224. It was narrated that Ibn ‘Abbâs said: “The Messenger of Allah ﷺ offered an ‘Aqiqah for Al-Hasan and Al-Husain, may Allah be pleased with them, two rams for each.” (Saḥîh)

4225. It was narrated from Qatâdah, from Al-Hasan, from Samurah bin Jundab that the Messenger of Allah ﷺ said: “Every boy is in pledge for his ‘Aqiqah, so slaughter (the animal) for him on the seventh day, and shave his head, and name him.” (Hasan)

Comments:
1. ‘In pledge’: As it is essential to pay the recompense in order to get one’s collateral or pledge released, in the same manner, the ‘Aqiqah is essential for the liberation of the newborn baby.
2. ‘On the seventh day’: In other words, the ‘Aqiqah cannot be performed before it.
3. If the baby dies before the seventh day, what is apparent is that there is no need to perform its ‘Aqiqah, because it did not survive till the day of ‘Aqiqah.
4226. It was narrated from Ḥabīb bin Ash-Shāhīd: “Muḥammad bin Sirān said to me: ‘Ask Al-Ḥasan (Al-Basīrī) from whom he heard this Hadīth about the ‘Aqīqah.’ I asked him about that and he said: ‘I heard it from Samurah.’”

(Hasan)

(Chapter 1. There Is No Fara' And No 'Atirah)

4227. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ said: "There is no Fara' and no 'Atirah." (Sahih)

4228. It was narrated that Abū Hurairah said: "The Messenger of Allāh ﷺ forbade Fara' and 'Atirah," or, "There is no Fara' and no 'Atirah." (Sahih)

4229. Mikhnaq bin Sulaim said: "While we were standing with the Messenger of Allāh ﷺ at 'Arafat, he said: 'O people, it is upon each

[1] *Al-Fara*: This refers to pre-Islamic sacrifices that were common in Arabia, and may mean one of three things: (i) the first offspring of camels or sheep, which the people used to sacrifice to their idols; (ii) a sacrifice offered when one's herd of camels reached the number one wanted; (iii) a meal given on the occasion of the birth of camels.

[2] *Atirah*: A sacrifice which the people of pre-Islamic Arabia used to offer to their idols during the month of Rajab.
family to offer a sacrifice \textit{(Udhiyyah)} and an \textit{Af`irah} each year." (One of the narrators) Mu‘ādh said: "Ibn `Awn used to offer slaughter the \textit{Af`irah}, and I saw that with my own eyes during Rajab." \textit{(Da`if)}

Comments:

The first half is another proof by those who hold the view that the \textit{Udhiyyah} is required; because he said: "\textit{Ala Ahi} baitin.." meaning; it is required upon every household. They also consider the second half, mentioning \textit{Af`irah}, to be either abrogated, or merely recommended.

4230. `Amr bin Shu‘aib bin Muhammad bin `Abdullāh bin `Amr (narrated) that his father and Zaid bin Aslam said: "O Messenger of Allāh! (What about) the \textit{Fara}?" He said: "It is a duty,\footnote{"Haqqu", it carries the meaning of: ‘it is not falsehood,’ as well, and perhaps this is the intent.} but if you leave it (the animal) until it becomes half-grown and you load upon it (in \textit{Jihād}) in the cause of Allāh or give it to a widow, that is better than if you slaughter it (when it is just born) and its flesh is difficult to separate from its skin, then you turn your vessel upside down (because you will no longer be able to get milk from the mother) and you cause your she-camel to grieve (at the loss of its young)." They said: "O Messenger of Allāh, (what about)
the 'Atirah?' He said: "The 'Atirah is a duty."[1] (Hasan)

Abū 'Abdur-Rahmān (An-Nasā‘ī) said: Abū 'Alī Al-Ḥanāfī (one of the narrators); they are four brothers: One of them is Abū Bakr, and Bishr, and Shārīk, and the other.

Comments:

The import of the Prophet is sacrificing or slaughtering in Allāh's name is well and good, but one should do something which is more beneficial. The young one was slaughtered no sooner than it was born. But it gave no benefit.

4231. It was narrated that Yahyā - bin Zurārah bin Karīm bin Al-Ḥārīth bin 'Amr Al-Bāhili - said: 'I heard my father say, that he heard his grandfather Al-Ḥārīth bin 'Amr, narrate that he met the Messenger of Allāh during the Farewell Pilgrimage, when he was atop his slit-eared camel. (He said): 'I said: O Messenger of Allāh, May my father and mother be ransomed for you; pray for forgiveness for me. He said: May Allāh forgive you (plural). Then I came to him from the other side, hoping that he would supplicate just for me alone, and not them. I said: O Messenger of Allāh, pray for forgiveness for me. He said: May Allāh forgive you (plural). Then a man among the people said: O Messenger of Allāh, (what about) the 'Atirah and Fara'? He said: Whoever wishes to offer an 'Atirah may do so, and whoever does not wish to, may not. Whoever wishes to offer a Fara' may do so, and whoever

[1] See the previous footnote.
does not wish to, may not. And with regard to sheep, a sacrifice should be offered. And he clasped between his fingers except for one.’” (Hasan)

4232. Yaḥya bin Zurārah As-Sahmî said: “My father narrated to me from his grandfather, Al-Ḥārith bin ‘Amr that he met the Messenger of Allāh during the Farewell Pilgrimage and said: ‘May my father and mother be sacrificed for you! O Messenger of Allāh; pray for forgiveness for me.’ He said: ‘May Allāh forgive you (plural).’ He was atop his slit-eared camel and I came around to the other side’” and he quoted the Hadith. (Hasan)

Chapter 2. The Explanation Of ‘Aṭrarah

4233. It was narrated that Nubaishah said: “It was said to the Prophet: ‘During the Jāhiliyyah we used to offer the ‘Aṭrarah.’ He said: ‘Slaughter for the sake of Allāh, the Mighty and Sublime, no matter what month it is; do good for the sake of Allāh, the Mighty and Sublime, and feed the poor.”’ (Ṣahīḥ)
The purpose is to emphasize that there is no restriction of a particular month. The poor could be fed anytime. The restriction of the month of Rajab is not adequate. Specifying a particular month on our own and thereupon holding it compulsory or meritorious is not appropriate.

4234. It was narrated that Nubaijah said: “A man called out while he was in Mina and said: ‘O Messenger of Allâh, we used to sacrifice the ‘Afîrah during the Jâhilîyyah in Rajab; what do you command us to do?’ He said: ‘Sacrifice during whatever month it is, do good for the sake of Allâh, the Mighty and Sublime, and feed (the poor).’ They said: ‘O Messenger of Allâh, we used to sacrifice the ‘Afîrah during the Jâhilîyyah; what do you command us to do?’ He said: ‘For every flock of grazing animals, feed the firstborn as you feed the rest of your flock until it reaches an age where it could be used to carry loads, then sacrifice it, and give its meat in charity.’” (Salîhî)

4235. It was narrated from Nubaijah, a man of Hudhâil, that the Prophet ﷺ said: “I used to forbid you to store the meat of the sacrifices for more than three days so that there would be enough for everyone. But now Allâh, the Mighty and Sublime, has bestowed plenty upon us, so eat some, give some in charity and store some. For these days are the days of eating, drinking and remembering
Allāh.” A man said: “O Messenger of Allāh, we used to sacrifice the 'Atīrah during the Jāhiliyyah in Rajab; what do you command us to do?” He said: “Sacrifice to Allāh, the Mighty and Sublime, whatever month it is, do good for the sake of Allāh, the Mighty and Sublime, and feed (the poor).” He said: “O Messenger of Allāh, we used to sacrifice the Fara' during the Jāhiliyyah; what do you command us to do?” He said: “For every flock of grazing animals, feed the firstborn as you feed the rest of your flock, until it reaches an age where it could be used to carry loads, then sacrifice it, and give its meat in charity to the wayfarer, for that is good.” (Saḥīh)

Chapter 3. The Explanation Of Fara'
your flock until it reaches an age where it could be used to carry loads, then sacrifice it, and give its meat in charity, for that is good.’” (\textit{Sahih})

\textbf{4237. It was narrated that} Nubaishah Al-Hudaili said: “A man said: ‘O Messenger of Allah, we used to sacrifice the ‘
\textit{Aftarah} during the J\=ahiyyah in Rajab; what do you command us to do?’ He said: ‘Sacrifice to Allah, the Mighty and Sublime, whatever month it is, do good for the sake of Allah, the Mighty and Sublime, and feed (the poor).’” (\textit{Sahih})

\textbf{4238. It was narrated that} Ab\={u} Raz\=in Laqit bin Amr Al-Uqaili said: “I said: ‘O Messenger of Allah, we used to offer sacrifices during the J\=ahiyyah in Rajab, and eat of (their meat) and offer some to those who came to us.’ The Messenger of Allah \textbf{\textit{saw}} said: ‘There is nothing wrong with that.’” (One of the narrators) Waki bin Udus said: “I will not leave it.” (\textit{Hasan})

\textbf{Comments:} For achieving the pleasure of Allah, Most High, and for one’s food, an animal could be slaughtered at any time. It could also be given to others to eat.
Chapter 4. The Skin Of Dead Animals (Those Not Slaughtered Or Killed Properly)

4239. It was narrated from Ibn 'Abbás, from Maimūnah, that the Prophet passed by a dead sheep that had been thrown aside. He said: "Who does this belong to?" They said: "Maimūnah." He said: "Why didn't she not make use of its skin?" They said: "It is dead meat (i.e., it was not slaughtered properly)." He said: "Allāh, the Mighty and Sublime, has only forbidden us to eat it." (Sahih)

4240. It was narrated that Ibn 'Abbás said: "The Messenger of Allāh passed by a dead sheep that he had given to a freed slave woman of Maimūnah, the wife of the Prophet. He said: 'Why don't you make use of its hide?' They said: 'O Messenger of Allāh, it is dead meat.' The Messenger of Allāh said: 'It is only forbidden to eat it.'" (Sahih)

4241. Ibn 'Abbás said: "The Messenger of Allāh saw a dead sheep that belonged to the freed slave woman of Maimūnah, and
had come from the Sadaqah.” He said: “Why don’t you take off its hide and make use of it?” They said: “It is dead meat.” He said: “It is only unlawful to eat it.” (Sahih)

4242. It was narrated from Ibn ‘Abbâs: “Maimûnah told me that a sheep died, and the Prophet said: ‘Why don’t you tan its skin and make use of it?’” (Sahih)

4243. Ibn ‘Abbâs said: “The Prophet passed by a sheep belonging to Maimûnah that had died and said: ‘Why don’t you take its skin and tan it and make use of it?’” (Sahih)

4244. Ibn ‘Abbâs said: “The Prophet passed by a dead sheep and said: ‘Why don’t you make use of its skin?’” (Sahih)
4245. It was narrated that Sawdah, the wife of the Prophet ﷺ, said: “A sheep of ours died, and we tanned its skin, and continued to make Nabidh in it until it wore out.” (Sahih)

4246. It was narrated that Ibn ‘Abbás said: “The Messenger of Allâh ﷺ said: ‘Any skin that is tanned has been purified.’” (Sahih)

4247. It was narrated from Ibn Wa’lah that he asked Ibn ‘Abbás: “We are attacking the Maghrib, and they are people who worship idols, and they have waterskins in which they keep milk and water.” Ibn ‘Abbás said: “Tanning is purification.” Ibn Wa’lah said: “Is this your own opinion, or something that you heard from the Messenger of Allâh ﷺ?” He said: “No, (I heard it) from the Messenger of Allâh ﷺ.” (Sahih)

Comments:
From such narrations, we learn that the animal slaughtered by a polytheist is not lawful, but if one tans the hide (of the animal), then the hide is pure.
4248. It was narrated from Salamah bin Al-Muḥabbaq that during the campaign of Tabūk, the Prophet of Allāh ﷺ called for water from a woman. She said: “I only have a waterskin of mine made from a dead animal.” He said: “Didn’t you tan it?” She said: “Of course.” He said: “Tanning it purifies it.” (Daʿīf)

4249. It was narrated that ʿĀishah said: “The Prophet ﷺ was asked about the hides of dead animals.” He said: “Tanning it purifies it.” (Saḥīh)

Comments:
Tanning could be done by means of anything which ends the moisture of the hide, and erases its bad odor.

4250. It was narrated that ʿĀishah said: “The Messenger of Allāh ﷺ was asked about the hides of dead animals.” He said: “Tanning it purifies it.” (Saḥīh)
4251. It was narrated from 'Aishah that the Prophet ﷺ said: "The dead animal is purified by tanning it." (Sahih)

4252. It was narrated that 'Aishah said: "The Prophet ﷺ said: "The dead animal is purified by tanning it."" (Sahih)

Chapter 5. With What The Skin Of A Dead Animal Is Tanned

4253. It was narrated from Maimunah, the wife of the Prophet ﷺ, that some men of Quraysh passed by the Messenger of Allah ﷺ dragging a sheep the size of a donkey. He said to them: "Why don't you take its skin?" They said: "It is dead meat." The Messenger of Allah ﷺ said: "Purify it with water and Qaraz."[1] (Hasan)

[1] Qaraz: the leaves of mimosa flava used for tanning
Comments:

Some scholars have argued on the basis of this narration that during the process of tanning, it is essential to make use of water. And Allâh Knows best!

4254. It was narrated that 'Abdullâh bin 'Ukaim said: “The letter of the Messenger of Allâh ﷺ was read to us when I was a young boy: ‘Do not make use of the skins and sinew of dead animals.’” (Hasan)

Comments:

'Abdullâh bin Hakim is not a Companion (of the Prophet ﷺ), although he lived during the lifetime of the Prophet ﷺ and was a Muslim. But he did not meet the Prophet ﷺ. In the terminology of the science of Hâdîth, such a person is called Mukhâdhar. Mukhâdhar means the one who is cut off or separated from being called one of the Companions of the Prophet, in spite of belonging to that period of time.

4255. It was narrated that 'Abdullâh bin 'Ukaim said: “The Messenger of Allâh ﷺ wrote to us: ‘Do not make use of the skins and sinew of dead animals.’” (Hasan)

Comments:

It has been transmitted from 'Abdullâh bin Hakim that Allâh’s Messenger ﷺ wrote to the tribe of Juhainah commanding them not to utilize the skin of dead animals (untanned) and their ligaments or sinews.
4256. It was narrated that 'Abdullâh bin 'Ukaim said: “The Messenger of Allâh ﷺ wrote to Juhainâh: ‘Do not make use of the skin and sinew of dead animals.’” (Hasan) Abû ‘Abdur-Râhîm (An-Nasâ‘î) said: The most correct about this topic, regarding the skins of the dead animal when it is tanned, is the narration of Az-Zuhrî, from ‘Ubaidullâh bin ‘Abdullâh, from Ibn ‘Abbâs, from Maimûnah, and Allâh knows best.[1]

Chapter 6. Concession Allowing Use Of The Hides Of Dead Animals If They Have Been Tanned

4257. It was narrated from ‘Â’ishah that the Messenger of Allâh ﷺ ordered that the hides of dead animals be made use of if they had been tanned. (Dâ’îf)

Comments:

‘Allâh’s Messenger ﷺ ordered’ means gave them permission, granted them.

[1] No. 4239.
concession. It might probably have been a command, because wastage of property is not permitted.

Chapter 7. Prohibition Of Making Use Of The Hides Of Predators

4258. It was narrated from Abū Al-Malīḥ, from his father, that the Prophet forbade (the use of) the hides of predators. (Hasan)

Comments:
The hides or skins of beasts are generally utilized by arrogant people. Therefore, its use was forbidden, in the same way as silk and gold have been forbidden to Muslim men.

4259. It was narrated that Al-Miqdām bin Ma‘dī Karīb said: "The Messenger of Allāh forbade silk, gold and saddlecloths (Miyāthīr) made of leopard skin. (Hasan)

4260. It was narrated that Khālid said: "Al-Miqdām bin Ma‘dī Karīb came to visit Mu‘āwiyyah and said to him: 'I adjure you by Allāh, do you know that the Messenger of Allāh forbade wearing the Hides of predators and riding on them?' He said: 'Yes.'" (Hasan)
Chapter 8. The Prohibition Of Using The Fat Of Dead Animals (Al-Maitah)

4261. It was narrated from Jābir bin ‘Abdullāh that, during the year of the Conquest, while he was in Makkah, he heard the Messenger of Allāh ﷺ say: “Allāh, the Mighty and Sublime, and His Messenger have forbidden the sale of alcohol, dead meat, pigs and idols.” It was said to him: “O Messenger of Allāh, what do you think of the fat of dead animals, for it is used to caulk ships, it is daubed on animal skins, and people use it to light their lamps?” He said: “No, it is unlawful.” Then the Messenger of Allāh ﷺ said: “May Allāh, the Mighty and Sublime, curse the Jews, for Allāh forbade them the fat (of dead animals) but they rendered it, sold it and consumed its price.” (Sahīh)


4262. It was narrated that Ibn ‘Abbas said: “It reached ‘Umar that Samurah had sold some wine, and he said: ‘May Allāh ruin Samurah! Does he not know that the Messenger of Allāh ﷺ said: May Allāh curse the Jews, for animal fat was forbidden to them, but they rendered it. Sufyān (one
of the narrators) said: “Meaning: They melted it down.” (Sahih)

(المحعم 10) - باب الفائرة تعج في

Chapter 10. If A Mouse Falls Into The Cooking Fat

4263. It was narrated from Ibn ‘Abbâs, from Maimûnah, that a mouse fell into some cooking fat and died. The Prophet ﷺ was asked (about that) and he said: “Throw it away, and whatever is around it, and eat (the rest).” (Sahih)

4264. It was narrated from Ibn ‘Abbâs, from Maimûnah, that the Prophet ﷺ was asked about a mouse that had fallen into some solid cooking fat. He said: “Take it, and whatever is around it, and throw it away.” (Sahih)

4265. It was narrated from Ibn ‘Abbâs, from Maimûnah, that the Prophet ﷺ was asked about a mouse that fell into the cooking fat. He said: “If it (the fat) is solid, then throw it away, and whatever is around it. If it is liquid then do not
use it at all.” *(Da‘if)*

Comments:

If the clarified butter is, however, liquefied, the mouse is likely to float in it after having died. In this instance, the whole clarified butter would be considered its surrounding. It shall, therefore, have to be completely destroyed. Even otherwise, in the liquefied clarified butter, it is difficult to ascertain the purity of the clarified butter close to the mouse.

4266. Ibn ‘Abbās said: “I heard Sa‘eed bin Jubair say: ‘The Messenger of Allâh ﷺ passed by a dead goat and said: ‘Why didn’t the owners of this sheep make use of its skin?’

Chapter 11. If A Fly Falls Into A Vessel

4267. It was narrated from Abū Sa‘eed Al-Khudrî that the Prophet ﷺ said: “If a fly falls into the vessel of one of you, let him dip it in.” *(Hasan)*
Comments:
1. 'Let him dip it in': Of course, if it is immersed, it is likely to die (especially when the food is hot). Thus, we learn that in the case of the fly, etc., the drink does not become polluted if they die in it.

2. In another version, Allâh's Messenger explained that in one of the fly's wings is disease, in the other is a cure. When it falls into anything, the fly dips its wing containing disease. You, therefore, immerse the other wing also, so that it would work as a cure or antidote against that disease.
Chapter 1. The Command To Mention The Name Of Allâh When Hunting

4268. It was narrated from 'Adiyy bin Ḥātim that he asked the Messenger of Allâh about hunting. He said: “When you release your dog, mention the name of Allâh over him, and if you catch up with him and he has not killed (the game), then slaughter it and mention the name of Allâh over it. If you catch up with him and he has killed (the game) but has not eaten any of it, then eat, for he caught it for you. If you find that he has eaten some of it, then do not eat any of it, for he caught it for himself. If there are other dogs with your dog and they have killed (the game) but have not eaten any of it, then do not eat any of it, because you do not know which of them killed it.” (Sahîh)

Chapter 2. The Prohibition Of Eating That Over Which The Name Of Allâh Has Not Been Mentioned

4269. It was narrated that 'Adiyy bin Abî Ḥātim said: “I asked the Messenger of Allâh about
Chapter 3. Hunting With A Trained Dog

4270. It was narrated from ‘Adiyy bin Hātim that he asked the Messenger of Allāh ﷺ: “I release my trained dog and he catches (game).” He said: “If you release the trained dog and you say the name of Allāh over him, and he catches (something), then eat.” I said: “Even if he kills it?” He said: “Even if he kills it.” I said: “And I shoot with the Mi‘rād.” He said: “If it hits (the game) with its sharp point, then eat, but if it hits it with its broad side, then do not eat.”

(Sahih)

[1] A hunting instrument, part of which has a sharp or metal end, and part of which does not, it is sometimes referred to as a hunting adz.
Comments:
The sign of a trained hunting dog is it catches the game, it does not eat it. Even so, it catches it with its mouth and claws. The game caught by such a trained dog is lawful, even if one does not get a chance to slaughter it. If the hunting dog is not trained, then slaughtering the game is a prerequisite.

Chapter 4. Hunting With A Dog That Has Not Been Trained

4271. Abū Tha‘labah Al-Khushâni said: "I said: ‘O Messenger of Allāh, we live in a land where people hunt, and I hunt with my bow and with my trained dog, and with my dog which is not trained.' He said: ‘Whatever you catch with your bow, mention the name of Allāh over it and eat. Whatever you catch with the trained dog, mention the name of Allāh over it and eat. Whatever you catch with your untrained dog and you reach it while it is still alive, then slaughter it, and eat.'” (Sahīh)

Chapter 5. If The Dog Kills The Game

4272. It was narrated that ‘Adīyy bin Hātim said: "I said: ‘O Messenger of Allāh, I release my
trained dogs and they catch (game) for me; can I eat it? He said: 'When you release your trained dogs and they catch (game) for you, then eat.' I said: 'Even if they kill it?' He said: 'Even if they kill it.' He said: 'So long as no other dogs have joined them.' I said: 'I shoot with the Mi'râd and they penetrate (the game).’ He said: 'If they penetrate it, then eat, but if the broad side strikes it, then do not eat.'” (Sahih)

Chapter 6. If He Finds Another Dog With His Dog Over Which He Did Not Mention The Name Of Allâh

4273. It was narrated from ‘Adiyy bin Hâtim that he asked the Messenger of Allâh ﷺ about hunting and he said: “If you release your dog and other dogs over which you have not mentioned the name of Allâh join him, then do not eat (what they catch), because you do not know which of them killed it (the game).” (Sahih)

Comments:

We learn that if the name of Allâh is recited while releasing them, even if it is recited by someone else, the game is lawful.

Chapter 7. If He Finds Another Dog With His Dog

4274. It was narrated that ‘Adiyy bin Hâtim said: “I asked the Messenger of Allâh ﷺ about dogs...
and he said: ‘If you release your dog and say the name of Allâh, then eat, but if you find another dog with your dog then do not eat, for you only said the name of Allâh over your dog, not any other.’” (Sahîh)

4275. It was narrated from Ash-Sha‘bî that; “Adîyy bin ʿHâtîm – who was a neighbor, Dakhîlan and Rabîtan[1] at An-Nahrâin[2] – narrated that he asked the Prophet ﷺ, saying: ‘I release my dog and I find another dog with my dog, and I do not know which of them caught (the game).’ He said: ‘Do not eat, for you only said the name of Allâh over your dog, and not over any other dog.’” (Sahîh)

4276. A similar report was narrated from ‘Adîyy bin ʿHâtîm. (Sahîh)

[1] An-Nawawî said: “The people of language say: ‘The Dakhîl and the Dakhîl is the one who comes into a person and mixes with him in his affairs. And Rabî, here means Murâbît and it means to stay (somewhere), and Ribât means staying (somewhere). They say the meaning here is clinging himself to worship and away from the world.”

[2] “The two rivers” what is apparent is that it refers to the Tigris and the Euphrates since they lived in Al-Kûfah. This was stated by Shaikh Šafiu-Rahmân Al-Mubârakpûrî in Minnat Al-Munîm.”
4277. It was narrated that ‘Adiyy bin Ḥātim said: “I asked the Messenger of Allāh ﷺ: ‘I release my dog.’ He said: ‘If you release your dog and mention the name of Allāh, then eat. But if he has eaten some of it, then do not eat, for he caught it for himself. If you release your dog then you find another dog with it, then do not eat for you said the name of Allāh over your dog, and not over any other.’” (Sahih)

4278. It was narrated that ‘Adiyy bin Ḥātim said: “I asked the Messenger of Allāh ﷺ: ‘I release my dog, and I find another dog with mine, and I do not know which of them caught (the game).’ He said: ‘Do not eat it, for you said the name of Allāh over your dog, but not over any other.’” (Sahih)

Chapter 8. If The Dog Eats
From The Game

4279. It was narrated that ‘Adiyy bin Ḥātim said: “I asked the Messenger of Allāh ﷺ about...
hunting with the Mi'rad. He said: 'Whatever is struck with the sharp edge, eat, and whatever is hit with its broad side, it is an animal killed by a blow.'" He said: "And I asked him about hunting dogs. He said: 'If you release your dog and mention the name of Allâh over it, then eat.' I said: 'Even if he kills it?' He said: 'Even if he kills it. But if he has eaten some of it, then do not eat. And if you find another dog with your dog and he has killed (the game), then do not eat, for you only said the name of Allâh over your dog, not over any other.'" (Sahîh)

4280. It was narrated from 'Adiy bin Hâtim At-Tâ'î that he asked the Messenger of Allâh about hunting. He said: "If you release your dog and mention the name of Allâh over him, and he kills (the game) but does not eat any of it, then eat. But if he has eaten from it, then do not eat, for he caught it for himself, and not for you." (Sahîh)

Comments:

'Not for you': The purpose is to state that such dog is not trained. Hence, its hunt is not permitted. Repetition of the Tradition to such an extent is to bring out all the minute details concerning the matter to the fore. Moreover, the purpose is also to demonstrate that this tradition is not Gharib or strange. (In Hadîth terminology, Gharib refers to Hadîth which comes through only one source).
Chapter 9. The Command To Kill Dogs

4281. It was narrated that Az-Zuhri said: “Ibn As-Sabbâq said: “Maimûnâh told me that Jibrîl, peace be upon him, said to the Messenger of Allâh ﷺ: ‘We (Angels) do not enter a house in which there is a dog or a picture.’ The next day the Messenger of Allâh ﷺ commanded that all dogs be killed, even small dogs.” (Sahîh)

Comments:
1. ‘Do not enter’ scholars say that it refers to the angels of mercy. Otherwise, the Recording Angels, the Guarding Angels, and the Angels of Death do enter every house.
2. ‘Picture’ means the picture of a living being, because pictures or portraits are often worshipped, irrespective of whether they are in the form of statues, photographs, or hand-painted portraits. But it is so when the pictures are hung or mounted with reverence; for instance, they are hung on walls or they are on curtains.

4282. It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ commanded that dogs be killed, except those which were exempted. (Sahîh)

Comments:
The description concerning the exempt dogs appears in the forthcoming Tradition.

4283. Sâlim bin ‘Abdullâh narrated that his father said: “I heard the Messenger of Allâh ﷺ raise his voice with the command
to kill dogs. All dogs were to be killed except dogs used for hunting or herding livestock." (Sahih)

Chapter 10. The Kind Of Dogs Which Are To Be Killed

4285. It was narrated from ‘Abdullâh bin Mughaffal that the Messenger of Allâh ﷺ said: “Were it not that dogs form one of the communities (or nations – of creatures), I would have commanded that they be killed. But kill those that are all black. Any people who keep a dog, except for dogs used for farming, hunting or herding livestock, one Qurât[1] will be deducted from their reward each day.” (Hasan)

[1] Some versions mention two, and a Qurât is a weight, and scholars differ in its precise description for this narration.
Comments:

‘One of the communities’: (Ummah min al-Umam). Allâh, Most High, has not created any community or creation in vain, irrespective of whether it might prove harmful to someone momentarily, but collectively each and every creation is beneficial to man either directly or indirectly. For instance, the dogs serve in giving protection, they do hunting also; there are certain places where hunting without dogs is not possible at all. There are several other benefits of them, which are known to Allâh alone. He is the Creator, the Provider of sustenance.

Chapter 11. The Abstinence Of The Angels From Entering A House In Which There Is A Dog

4286. It was narrated from ‘Alî bin Abî Tâlib that the Prophet said: “The angels do not enter a house in which there is a picture, a dog or a person who is Junub.” (Hasan)

Comments:

Staying in the state of major ritual impurity needlessly is disliked.

4287. It was narrated that Abû Tâlîh said: “The Messenger of Allâh said: ‘The angels do not enter a house in which there is a dog or a picture.’” (Saîîh)

Comments:

4288. Maimûnah, the wife of the Prophet, narrated: “The Messenger of Allâh was upset one morning and Maimûnah said...”
to him: ‘O Messenger of Allâh, you look upset today.’ He said: ‘Jibrîl, peace be upon him, had promised to meet me last night but he did not come, and by Allâh, he never failed to keep an appointment.’

The day passed, then he thought of a puppy that was beneath a table of ours. He ordered that it be taken out, then he took some water in his hand and sprinkled it over the place where it had been. That evening, Jibrîl, peace be upon him, came and met him. The Messenger of Allâh ﷺ said to him: ‘You promised to meet me last night.’ He said: ‘Yes, but we do not enter a house in which there is a dog or a picture.’ The next day the Messenger of Allâh ﷺ commanded that dogs be killed.” (Sahîh)

Chapter 12. The Concession
For Keeping Dogs For Herding Livestock

4289. It was narrated that ‘Umar said: “The Messenger of Allâh ﷺ said: ‘Whoever keeps a dog, two Qirât will be detracted from his reward each day, except a trained hunting dog, or a dog for herding livestock.’” (Sahîh)
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Comments:

This detailed discussion has preceded above in the Hadīth 4285. Although there was mention of one Qirâṭ there, here is mentioned two Qirâts. It is possible this might have been due to the difference between one dog and another. It means the reward decreases to the measure of two Qirâts when the dog is more harmful, and when the dog is less injurious, the decrease in the reward is to the measure of one Qirâṭ. Or it might be the difference of one place to another. In the urban population, two Qirâts whereas in the desert or an open place one Qirâṭ, etc. (The term Qirâṭ (pl. Qavdrît) means a measure of weight with various meanings, either a twelfth of a dirham or particularly in following the funeral until the burial, it has been said to be a huge weight like that of Mount Uhud).

4290. As-Sâ‘îb bin Yazîd narrated that Sufyân bin Abî Zuhair Ash-Shanâ’î came to visit them and said: “The Messenger of Allâh ﷺ said: ‘Whoever keeps a dog which he does not need for farming or livestock, one Qirâṭ will be deducted from his (good) deeds each day.’ It was said to him: ‘Did you hear this from the Messenger of Allâh ﷺ?’ He said: ‘Yes, by the Lord of this Masjid.’” (Sahîh)

Chapter 13. The Concession For Keeping Dogs For Hunting

4291. It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ said: ‘Whoever keeps a dog except one that is trained for hunting or a dog for herding livestock, two Qirâts will be deducted from his reward each day.”’ (Sahîh)
Chapter 14. The Concession For Keeping A Dog For Farming

4292. It was narrated from Sâlim, from his father, that the Messenger of Allâh ﷺ said: “Whoever keeps a dog, except a dog for hunting or herding livestock, two Qîrât will be deducted from his reward each day.” (Ṣaḥîh)

4293. It was narrated from `Abdullâh bin Mughaffal that the Prophet ﷺ said: “Whoever keeps a dog, except a dog for hunting, herding livestock or farming, one Qîrât will be deducted from his reward each day.” (Hâsân)

Comments:
The decrease in the reward is either due to hardship caused to people or due to the angels not entering the house, because the arrival of angels creates an inclination in the people of the house to perform good deeds.

4294. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “Whoever keeps a dog except a dog for hunting, farming or herding livestock, one Qîrât will be deducted from his good deeds each day.” (Ṣaḥîh)
4295. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “Whoever keeps a dog that is not a dog used for hunting, herding livestock or guarding land, two Qîrât will be deducted from his reward each day.” (Saḥîh)

Comments:
A hunting dog signifies the dog which is practically used for hunting, meaning hunting is done by means of it, not that it is of hunting dogs pedigree as is nowadays understood.

Chapter 15. The Prohibition Of
The Price Of A Dog

4297. It was narrated from Abû Bakr bin ‘Abdur-Rahmân bin Al-Ḥârîrî bin Hishâm that he heard Abû Mas‘ûd ‘Uqbah say: “The Messenger of Allâh ﷺ forbade the
price of a dog, the gift of a female fornicator[1] and the fees of a forunteteller.” (Ṣaḥīḥ)

Comments:
1. According to the dominant majority of the people of knowledge, buying and selling of dogs is forbidden, irrespective of whether keeping it is permissible or not permissible.
2. ‘The earnings of a prostitute’, because adultery is a crime, an enormity. Therefore, its earning is also unlawful. And this is an agreed upon matter.
3. ‘The fees of a fortuneteller’: Kāhin signifies one who predicts the future. They used to have connections with jinn or genii and devils. Hence, they used to misguide people. Since such a vocation is forbidden, its earnings are also forbidden. And Ḥulwān, translated as fees, refers to gifts or bribes as well.

4298. Abū Hurairah said: “The Prophet Ṣaḥīḥ said: ‘The price of a dog, the fees of a forunteteller and the gift of a female fornicator are not permissible.’” (Hāsan)

4299. It was narrated that Wāqī’ bin Khādīj said: “The Messenger of Allāh Ṣaḥīḥ said: ‘The worst of earnings are the gift of a female fornicator, the price of a dog and the earnings of a cupper.’” (Ṣaḥīḥ)

[1] And it is also understood to be prostitute due to the context.
Comments:

‘Hajjam or cupper’: In those days, the person who practiced cupping used to be called a Hajjam. Since the cupper is required to suck the bad blood, Allâh’s Messenger ﷺ did not consider this vocation appropriate for earning a livelihood. For earning a livelihood, some good vocation should be adopted. But, if someone practices cupping out of beneficence or compassion, it ought to be done gratis, so that one may gain a recompense (from Allâh).

Chapter 16. The Concession For The Price Of A Hunting Dog

4300. It was narrated from Jâbir that the Prophet ﷺ forbade the price of cats and dogs, except a hunting dog. (Da‘îf)

Abû Abdur-Rahmân (An-Nasâ‘î) said: The Hadîth of Hajjâj from Hammâd bin Salâmah is not authentic:

Comments:

Imâm An-Nasâ‘î states that this report is not authentic or sound. Other traditionists or Muhaddithûn also have supported the view of Imâm An-Nasâ‘î. The contention is over the portion that says: ‘Except a hunting dog’ meaning; its price is allowed. The preserved version recorded by Muslim and others does not mention that.

4301. It was narrated from ‘Amr bin Shu‘aib, from his father, from his grandfather, that a man came to the Prophet ﷺ and said: “O Messenger of Allâh, I have trained dogs; advise me concerning them.” He said: “Whatever your dogs catch for you, eat,” I said: “Even if they kill it?” He said: “Even if they
kill it.” He said: “Advise me about my bow.” He said: “Whatever your arrow returns to you, eat.” He said: “Even if it gets away from me?” He said: “Even if it gets away from you, so long as you do not find the mark of an arrow other than yours on it, or you find that it has gone rotten.” (Another chain). *(Hasan)*

Comments:

‘Has gone rotten’: From the outward phrasing, it appears that it should not be eaten if it smells bad, although stench does not render an animal or meat unlawful. But since in foul-smelling substances, pollution occurs from the medical point of view, it is inappropriate to eat them. It should be utilized only in very compelling situations.

Chapter 17. Domesticated Animals That Turn Wild

4302. It was narrated that Râfi' bin Khâdîj said: “While we were with the Messenger of Allâh ﷺ, at Dhul-Hulaifah in Tihâmah, they acquired some camels and sheep (as spoils of war). The Messenger of Allâh ﷺ was among the last of the people, and the first of them hastened to slaughter (the animals) and set up pots (for cooking the meat). The Messenger of Allâh ﷺ came and ordered that the pots be overturned, then he divided it making ten sheep equivalent to one camel. While they were like that, a camel ran away. The people had only a few horses, so they went
after it and it got away from them. A man shot an arrow at it and stopped it. The Messenger of Allâh ﷺ said: ‘Some of these animals are untamed like wild animals, so if one of them goes out of your control, do the same.’” (Sâhîh)

Comments:
The root of the matter is that the domestic animals should be slaughtered at the throat, after overpowering them, small animals after laying them on their sides on the ground and the camel should be slaughtered while in its standing posture, having one of its knees tied down. Domestic animals may not be slaughtered like game by shooting them arrows, because it is not certain where the arrow would strike them. But since wild animals cannot be overpowered by men easily, they must be shot with arrows or the like, having mentioned the name of Allâh or Bismillâh. It matters not, where they are hit. When they become weak because of loss of blood, they should be caught and slaughtered. But even if they fall dead due to the bleeding caused by the arrow, there is no harm in eating them.

Chapter 18. One Who Shoots At The Game And It Falls Into Water

4303. It was narrated that ‘Adîyy bin Hûtim said: “I asked the Messenger of Allâh ﷺ about hunting and he said: ‘When you shoot your arrow, mention the name of Allâh, and if you find that it (the game) has been killed, then eat it, unless you find that it fell into some water, and you do not know whether the water killed it or your arrow.’” (Sâhîh)
4304. It was narrated from ‘Adiyy bin Ḥātim that he asked the Messenger of Allāh  about hunting and he said: “When you release your arrow or your dog, mentioned the name of Allāh, and when your arrow kills (the game), then eat.” He said: “What if it gets away from me for a night, O Messenger of Allāh?” He said: “If you find your arrow, and you do not find the mark of anything else, then eat it. But if it falls into the water, do not eat it.” (Sahih)

Chapter 19. The One Who Shoots An Arrow But (The Game) Gets Away From Him

4305. It was narrated that ‘Adiyy bin Ḥātim said: “I said: ‘O Messenger of Allāh, we are a people who hunt, and one of us may shoot his arrow but (the game) gets away from him for a night or two. What if he follows its tracks, and finds it dead with his arrow in it?’ He said: ‘If you find the arrow in it, and you do not find any sign of predators, and you know that your arrow killed it, then eat it.’” (Sahih)

Comments:
See No. 4301.

4306. It was narrated from ‘Adiyy bin Ḥātim that the Messenger of
Allāh ﷺ said: “If you see your arrow in it, and you do not see any other mark, and you know that (your arrow) killed it, then eat it.” (Sahih)

4307. It was narrated that ‘Adiyy bin Ḥātim said: “I said: ‘O Messenger of Allāh, I shoot game and I follow its tracks after one night. He said: ‘If you find your arrow in it, and no predator has eaten from it, then eat it.”’ (Sahih)

Chapter 20. If The Game Has Turned Rotten

4308. It was narrated from Abū Tha‘labah from the Prophet ﷺ, that the one who catches up with the game (he shot) after three days may eat from it, unless it has turned rotten. (Sahih)

Comments:
(For details please turn to Hadīth 4301)

4309. It was narrated that ‘Adiyy bin Ḥātim said: “I said: ‘O Messenger of Allāh, I release my dog and he catches the game, but I
cannot find anything with which to slaughter it, so I slaughter it with a sharp-edged stone or a stick.’ He said: ‘Shed the blood with whatever you want, and mention the name of Allâh.’” (Hasan)

Comments:
‘Shed the blood with whatever you want’: For an animal to be slaughtered, it is essential to cause its blood to flow from the neck, whether it is done with whatever thing is available - iron, stone, stick, etc. But it should necessarily be sharp-edged, so that it does not cause needless hardship to the animal. The exception to such items includes teeth and nails; see No. 4408.

Chapter 21. Hunting With A Mi’râd

4310. It was narrated that ‘Adiyy bin Ḥâtim said: “I said: ‘O Messenger of Allâh, I release my trained dogs and they catch (the game) for me – should I eat of it?’ He said: ‘If you release your trained dogs, and mention the name of Allâh, and they catch it for you, then eat.’ I said: ‘Even if they kill it?’ He said: ‘Even if they kill it, so long as another, strange dog has not joined them.’ I said: ‘And I shoot the game with the Mi’râd and I hit it – should I eat?’ He said: ‘If you shoot the Mi’râd and say the name of Allâh, and it penetrates (the target), then eat, but if it hits it with its broad edge, then do not eat it.”’ (Ṣaḥīḥ)

Comments:
(For details please turn to Hadîth 4269)
Chapter 22. What Is Stuck With The Broad Edge Of The Mi‘rād

4311. It was narrated that Ash-Sha‘bīn said: “I heard ‘Adîyy bin Ḥātim say: ‘I asked the Messenger of Allâh about the Mi‘rād and he said: ‘If the sharp point hits (the game), then eat, but if the broad edge of it hits it, and it is killed, then it has been killed by a blow, so do not eat.’” (Sahîh)

Chapter 23. What Is Struck With The Sharp Side Of The Mi‘rād

4312. It was narrated that ‘Adîyy bin Ḥâtim said: “I asked the Messenger of Allâh about hunting with the Mi‘rād and he said: ‘If the sharp edge hits (the game), then eat, but if the broad edge of it strikes it, do not eat it.’” (Sahîh)

4313. It was narrated that ‘Adîyy bin Ḥâtim said: “I asked the Messenger of Allâh about hunting with Mi‘râd and he said: ‘If the sharp edge hits (the game), then eat, but if the broad edge of it strikes it, then it has been killed by a blow.’” (Sahîh)
Chapter 24. Following Game

4314. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: “Whoever lives in the desert, he becomes hard-hearted, and whoever follows game becomes preoccupied with it (and neglectful toward other duties), and whoever follows the ruler will put himself through trial.” (Sahîh)

The wording is of Ibn Al-Muthanna.

Comments:

‘Hard-hearted’: Environment casts great influence upon human temperament. The desert life happens to be very toilsome. It makes man hard-tempered; making a living in the desert is not possible. Besides, such a person rarely runs into people. He, therefore, lacks tenderness and refinement of character.

Chapter 25. Rabbits

4315. It was narrated that Abû Hurairah said: “A Bedouin brought a rabbit to the Messenger of Allâh ﷺ that he had grilled and placed it before him. The Messenger of Allâh ﷺ refrained from eating but he told the people to eat. The Bedouin also refrained from eating, and the Messenger of Allâh ﷺ said...” (al-Muhimm)
to him: 'What is keeping you from eating?' He said: 'I fast three days of each month.' He said: 'If you are going to fast, then fast the bright days (Al-Ghurr).’” (Sahih)

4316. It was narrated that Ibn Al-Hawtakiyyah said: “Umar, may Allâh be pleased with him, said: ‘Who was present with us on the day when we stopped at Al-Qâhah?’[1] Abû Dharr said: ‘I was. A rabbit was brought to the Messenger of Allâh ﷺ, and the man who brought it said: I saw it bleeding (menstruating). The Prophet ﷺ did not eat, then he said: “Eat.” A man said: “I am fasting.” He said: “What fast are you observing?” He said: “Three days each month.” He said: “Why don’t you fast the bright shining days, the thirteenth, fourteenth and fifteenth.”” (Hasan)

**Comments:**

‘Nights brightly illuminated throughout by the moon or the moonlit nights': Even so, fasting these days is meritorious. Why? Allâh knows best! It is possible that due to the full moon, human temperament might probably be remaining full of agility and vitality, during these nights and days; for instance, the sea. Mention here is made of the nights, but the days are meant, because fasts are during the days, not the nights. Well, the fast begins in darkness.

4317. Anas said: “We disturbed a rabbit in Marr Az-Zahrân so I
caught it, and brought it to Abū Ṭalḥah who slaughtered it, and sent me with its thighs and haunches to the Prophet ﷺ, and he accepted it.” (Ṣaḥīḥ)

Comments:
1. The Arabic terms used in the text of the narration are Fakhzayn and Warkayn. Fakhzayn means thighs. But the expression Fakhzayn (two-thighs) with regard to the animal denotes fore-legs. In the same way, the term Warkayn (singular. Wark) means hips or haunches. But the Warkayn of an animal signifies its hind legs.

2. ‘And he accepted it’: This is a conclusive evidence that eating the hare is lawful.

4318. It was narrated that Ibn ʿSafwān said: “I caught two rabbits but I could not find anything with which to slaughter them, so I slaughtered them with a sharp-edged stone. I asked the Prophet ﷺ about that and he commanded me to eat them.” (Hasan)

4319. It was narrated from Ibn ʿUmar that the Messenger of Allāh ﷺ was asked about mastigures when he was on the Minbar and he said: “I do not eat them, but I do not say that they are Ḥarām.” (Ṣaḥīḥ)

[1] It is a lizard which grows to be of a foot length or longer. They are not the same as the gecko for which there are orders, or encouragement, to kill. Its scientific name is Uromastyx.
Comments:
The Arabic expression used is *Dhabb*, which is generally taken to mean lizard. The species of lizard referred to here is large, somewhat akin to the size of the iguana of South America, or the sand lizard.

**4320.** It was narrated from Ibn ‘Umar that a man said: “O Messenger of Allâh, what do you think about mastigures?” He said: “I do not eat them but I do not say that they are *Harâm*.” (Sahîh)

**4321.** It was narrated from Khâlid bin Al-Walîd that a grilled mastigure was brought to the Messenger of Allâh and was placed near to him. He reached out his hand to eat it, and someone who was present said: “O Messenger of Allâh, it is the meat of a mastigure.” He withdrew his hand and Khâlid bin Al-Walîd said to him: “O Messenger of Allâh, is mastigure *Harâm*?” He said: “No, but it is not found in the land of my people, and I find it distasteful.” He said: “Then Khâlid bent over the mastigure and ate some of it, and the Messenger of Allâh was looking at him.” (Sahîh)

**4322.** It was narrated from Ibn ‘Abbâs that Khâlid bin Al-Walîd said that he entered upon Maimûnâh bint Al-Hârîth, who was his maternal
aunt, with the Messenger of Allah, and some meat of a mastigure was offered to the Messenger of Allah. The Messenger of Allah would not eat anything until he knew what it was. One of the women said: "Why don’t you tell the Messenger of Allah what he is eating?" So she told him that it was the meat of a mastigure, and he stopped eating. Khālid said: "I asked the Messenger of Allah: ‘Is it Ḥarām?’ He said: ‘No, but it is a food that is not known in the land of my people, and I find it distasteful.’" Khālid said: "I pulled it over toward myself and ate it, and the Messenger of Allah was watching me." And Ibn Al-Asamm narrated it from Maimūnah, and he was in her apartment. (Ṣaḥīḥ)

4323. It was narrated that Ibn ‘Abbās said: "My maternal aunt gave some cottage cheese, cooking fat, and mastigures to the Messenger of Allah. He ate some of the cottage cheese and cooking fat, and left the mastigures, as he found them distasteful. But they were eaten upon the table-spread of the Messenger of Allah, and if they were Ḥarām they would not have been eaten upon the table-spread of the Messenger of Allah, and he would not have told others to eat them." (Ṣaḥīḥ)
4324. It was narrated from Ibn ‘Abbâs that he was asked about eating mastigures. He said: “Umm Hufaid gave some cooking fat, cottage cheese, and mastigures to the Messenger of Allâh ﷺ, and he ate some of the cooking fat and cottage cheese, but he did not eat the mastigures because he found them distasteful. If they were Ḥarām they would not have been eaten at the table-spread of the Messenger of Allâh ﷺ and he would not have told others to eat them.” (Ṣâhîh)

Comments:
Umm Hufayd was the sister of Maimunah ﷺ, and they both were also the maternal aunts of Ibn ‘Abbâs and Khalid bin Al-Walid. From these narrations, it becomes unequivocally clear that the Dabb is not unlawful, although Allâh’s Messenger ﷺ did not like it.

4325. It was narrated that Thâbit bin Yazîd Al-Ansârî said: “We were with the Prophet ﷺ on a journey. We stopped to camp and the people caught some mastigures. I took a mastigure and grilled it, and brought it to the Prophet ﷺ. He took a palm stalk, and started counting his fingers with it, and said: ‘A nation from among the Children of Israel was turned into beasts of the Earth, and I do not know what kind of animals they were.’ I said: ‘O Messenger of Allâh, the people have eaten some of them.’ He did not tell them to eat it, and he did not forbid them from eating it.” (Ṣâhîh)

4326. It was narrated that Thabit bin Wadi‘ah said: “A man brought a mastigure to the Messenger of Allâh ﷺ and he started looking at it, and turning it over. He said: ‘A nation was transformed, it is not known what they did, and I do not know if this is one of them.’” (Ṣahîh)

4327. It was narrated from Al-Barâ’ bin ‘Àzib, from Thabit bin Wadi‘ah, that a man brought a mastigure to the Prophet ﷺ and he said: “A nation was transformed, and Allâh knows best.” (Ṣahîh)

Comments:

From the Traditions occurring under this chapter, it is clearly evident that the Dhabb is lawful. It could be eaten without any doubt or suspicion. Allâh’s Messenger ﷺ was, however, not inclined toward it.

Chapter 27. Hyenas

4328. It was narrated that Ibn Abî ‘Ammâr said: “I asked Jâbir bin ‘Abdullâh about hyenas and he told me to eat them. I said: ‘Are they game (that can be hunted)?’ He said: ‘Yes.’ I said: ‘Did you hear that from the Messenger of Allâh ﷺ?’ He said: ‘Yes.’” (Ṣahîh)

Comments:

See No. 2839.
Chapter 28. Prohibition Against Eating Predators

4329. It was narrated from Abū Hurairah that the Prophet (ﷺ) said: “Every predator possessing fangs is forbidden to eat.” (Sahih)

4330. It was narrated from Abū Tha‘labah Al-Khushanî that the Prophet (ﷺ) forbade eating any predator that has fangs.” (Sahih)

4331. It was narrated that Abū Tha‘labah said: “The Messenger of Allâh (ﷺ) said: ‘Wealth taken by force is (not permissible), any predator that has fangs is not permissible, and any animal used for target practice is not permissible.’” (Sahih)

Comments:
Every beast of prey invariably possesses fangs, and in hunting the fangs play a vital role. They happen to be four in all: a pair on each jaw, upper and lower. It has molars on the back of its middle teeth, next to the fangs.

Comments:
‘Any animal used for target practice’: This signifies an animal which is caught...
and tied or confined in such a way that it may not run away; then it is killed
tortuously by pelting stones at it or shooting arrows. This method, besides
being tyrannical, is contrary to the principles of slaughtering and hunting.

Chapter 29. Permission To Eat

Horse Meat

4332. It was narrated that Jābir said: “On the Day of Khaibar, the
Messenger of Allāh ﷺ forbade the flesh of donkeys but he permitted
the flesh of horses.” (Ṣaḥīḥ)

Comments:
According to the dominant majority of the people of knowledge, the horse is
a lawful or Halāl animal, because the narrations concerning its lawfulness are
evidently explicit; and are authentic of superior rank. Among the various
imāms, only Imām Abū Hanīfah ﷺ is the proponent of its unlawfulness, but
many of his followers did not agree with him on this issue.

4333. It was narrated that Jābir said: “The Messenger of Allāh ﷺ
allowed us to eat the flesh of horses but he forbade the flesh of
donkeys.” (Ṣaḥīḥ)

4334. It was narrated that Jābir said: “On the Day of Khaibar, the
Messenger of Allāh ﷺ allowed us to eat the flesh of horses but he
forbade us from the flesh of donkeys.” (Ṣaḥīḥ)
4335. It was narrated that Jâbir said: "We used to eat horse meat during the time of the Messenger of Allâh ﷺ."

(Ṣâhîh)

Chapter 30. Prohibition Against Eating Horse Meat

4336. It was narrated from Khâlid bin Al-Walîd that he heard the Messenger of Allâh ﷺ say: "It is not permissible to eat the flesh of horses, mules or donkeys." (Ḍâfî)

Comments:

Imâm An-Nawawî has stated that this narration is weak. Imâm An-Nasa’î has mentioned in the Sunan Al-Kubra that the previous narration is more authentic. Even if this one is authentic, it is abrogated, because the wordings giving permission which occur in the report of permisibility corroborate its abrogation.

4337. It was narrated from Khâlid bin Al-Walîd that the Messenger of Allâh ﷺ forbade eating the flesh of horses, mules and donkeys, and any predator that has fangs. (Ḍâfî)
4338. It was narrated from ‘Atâ’, that Jâbir said: “We used to eat horseflesh.” I said: “And mules?” He said: “No.” (Sahîh)

Chapter 31. Prohibition Of Eating The Flesh Of Domesticated Donkeys

4339. It was narrated from Al-Hasan bin Muḥammad, and ‘Abdullâh bin Muḥammad, that their father said: “Ali said to Ibn ‘Abbâs, may Allâh be pleased with them both: ‘The Prophet forbade Mut’ah marriage, and the flesh of domesticated donkeys on the Day of Khâibar.’” (Sahîh)

Comments:
(For details please turn to Hadîth 3367)

4340. It was narrated from Al-Hasan bin Muḥammad, and ‘Abdullâh bin Muḥammad, from their father, that ‘Ali bin Abî Ţâlib, may Allâh be pleased with him, said: “The Messenger of Allâh forbade Mut’ah and the flesh of domesticated donkeys on the Day
of Khaibar.” (Sahih)

4341. It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ forbade (the flesh of) domesticated donkeys on the Day of Khaibar. (Sahih)

4342. A similar report was narrated from Ibn ‘Umar, but he did not mention Khaibar. (Sahih)

4343. It was narrated that Al-Barâ’ said: “On the Day of Khaibar, the Messenger of Allâh ﷺ forbade the flesh of domesticated donkeys, cooked or raw.” (Sahih)

4344. It was narrated that ‘Abdullâh bin Abî Awfâ said: “On the Day of Khaibar we caught...
some donkeys outside the village and we cooked them. Then the caller of the Prophet ﷺ called out: ‘The Messenger of Allâh ﷺ has forbidden the flesh of donkeys, so turn over your cooking pots with whatever is in them.’ So we turned them over.” (Sahih)

Comments:
So we turned them over meaning we threw away the meat and destroyed it. This negates the viewpoint of those people who are under the impression that donkeys are not unlawful in themselves.

4345. It was narrated that Anas said: “The Messenger of Allâh ﷺ reached Khaiwar in the morning, and they came out to us carrying their shovels. When they saw us they said: ‘Muhammad and the army!’ And they rushed back into the fortress. The Messenger of Allâh ﷺ raised his hands, then he said: ‘Allâhu Akbar, Allâhu Akbar, Khaiwâr is destroyed. Verily, when we descend in field of a people (i.e. near to them), evil will be the morning for those who had been warned!’[1] We acquired some donkeys there and we cooked them. Then the caller of the Prophet ﷺ called out: ‘Allâh and His Messenger forbid you to eat the flesh of donkeys, for it is an abomination.’” (Sahih)

Comments:
See No. 69.

4346. It was narrated from Abū Thaʿlabah Al-Khushâlī that they went on a military campaign with the Messenger of Allâh ﷺ to Khaibar, and the people were starving. They found some domesticated donkeys there, so the people slaughtered some of them. The Prophet ﷺ was told about that, and he ordered ‘Abdur-Rahmân bin ‘Awf to announce to the people: “The flesh of domesticated donkeys is not permissible for the one who testifies that I am the Messenger of Allâh.” (Sâhîh)

4347. It was narrated from Abû Thaʿlabah Al-Khushâlī that the Messenger of Allâh ﷺ forbade eating any predator with fangs, and the flesh of domesticated donkeys. (Sâhîh)

Comments:
Domestic donkeys means those people keep in their houses. The explicit mention of ‘domestic’ is due to the reason that the wild donkey is not forbidden or Ḥarâm, as follows.

Chapter 32. Permissibility Of Eating The Flesh Of Onagers (Wild Donkeys)

4348. It was narrated that Jâhir said: “On the Day of Khaibar we ate the flesh of horses, and onagers, but the Prophet ﷺ forbade us (from eating) donkeys.” (Sâhîh)
The Book Of Hunting...

**Comments:**

It is called a wild donkey and its hooves only are like those of the donkey. Otherwise, in reality, it is a wild cow, which happens to be a cow from the angle of its feature and form.

4349. It was narrated that ‘Umair bin Salamah Ad-Damrî said: “While we were traveling with the Prophet in part of Athâyâh Ar-Rawhâ’, and they were in *Ihram*, we saw a wounded onager. The Messenger of Allâh said: ‘Leave it, for soon the one who wounded it will come.’ Then a man from Bahz came, and he was the one who had wounded the onager. He said: ‘O Messenger of Allâh, it is up to you what you do with this onager.’ The Messenger of Allâh ordered Abû Bakr to distribute it among the people.”

(Sâhih)

4350. It was narrated that from Ibn Abî Qatâdah, from Abû Qatâdah, that he caught an onager and brought it to his companions who were in *Ihram* whereas he was not, and they ate from it. Then they said to one another: “Let us ask the Messenger of Allâh about it.” So we asked him and he said: “You did well.” Then he said to us: “Do you have anything left of it?” We said: “Yes.” He said: “Give us some.” So we brought him some, and he ate from it, while he was in *Ihram*.

(Sâhih)
Chapter 33. Permissibility Of Eating The Flesh Of Chickens

4351. It was narrated from Zahdam that some chicken was brought to Abū Mūsā and a man moved away from the people. He said: “What is the matter with you?” He said: “I saw it eating something that I consider filthy, and I swore I would not eat it.” Abū Mūsā said: “Come and eat, for I saw the Messenger of Allāh eating it.” And he told him to offer expiation for his vow (Kāfarat Al-Yamin). (Ṣaḥīḥ)

Comments:
‘I saw it’: It does not mean that particular chicken which was brought roasted. It rather signifies chickens in general. The purpose of Abū Mūsā was to stress that it was not something new or unusual. Chickens may eat some or the other kind of filth. Nevertheless, ‘I have witnessed the Messenger of Allāh partaking the chicken.’ We learn from this, that a small quantity of filth in such case makes no difference. If an animal, however, eats filth to the extent that the color, smell, or the taste of its filth appears on its flesh or milk, then it is Ḥarām to eat its flesh or drink its milk. If it is less than this, there is no harm at all.

4352. It was narrated that Zahdam Al-Jarmī said: “We were with Abū Mūsā and his food was brought, including chicken. Among the people there was a man from Banu Ta'imullāh who had a reddish
complexion, as if he were a freed slave. He did not come close and Abū Mūsā said: ‘Come (and eat) for I saw the Messenger of Allāh ﷺ eating it.’” (Ṣahīḥ)

4353. It was narrated from Ibn ‘Abbās that on the Day of Khailbar, the Prophet of Allāh ﷺ forbade eating any birds with talons and any predators with fangs. (Ḍa‘f)

Comments:
The relevance of this narration with the chapter is that the chicken is not a bird that catches its prey with its talons. Hence, it is lawful.

Chapter 34. Permissibility Of Eating Small Birds

4354. It was narrated from ‘Abdullāh bin ‘Amr that the Messenger of Allāh ﷺ said: “There is no person who kills a small bird or anything larger for no just reason, but Allāh, the Mighty and Sublime, will ask him about it.” It was said: “O Messenger of Allāh, what does ‘just reason’ mean?” He said: “That you slaughter it and eat it, and do not cut off its head and throw it aside.”[1] (Ḥasan)

[1] This appears again, see Nos. 4450 and 4451.
Chapter 35. Dead Meat From The Sea

4355. It was narrated from Abū Hurairah, that the Prophet (said), concerning the water of the sea: “Its water is pure (and purification) and its ‘dead meat’ is permissible (to eat).” (Sahih)

Comments:
The seawater, from the angle of its taste, happens to be different from common water. The filth of the creatures that live in it, and of those who travel by sea, mixes in the seawater and dissolves. If any of them dies, it rots and dissolves invariably in it. This might create a doubt that the seawater is perhaps impure. That is why Allah’s Messenger stated it. Because there is an immense amount of water and, secondly, Allah, Most High, has, out of His Perfect Power, devised such a plan that the water neither gets polluted nor contaminated, nor does the filth leave any trace in it. And Allah is Most Powerful and Wise.

4356. It was narrated that Jābir bin ‘Abdullāh said: “The Prophet sent us, a group of three hundred, and we carried our provision on our mounts. Our supplies ran out until each man of us had one date per day.” It was said to him: “O Abū ‘Abdullāh, what good is one date for a man?” He said: “When we ran out of dates it became very difficult for us. Then we found a whale that had been cast ashore by the sea, and we ate from it for eighty days.” (Sahih)

تخرج: أخرجه البخاري، الجهاد، باب حمل الرزد على الرقاب، ح: 483 من حديث عبده
Comments:
Further detail of this Hadith appears in the forthcoming narration. It proves that sea creatures are lawful, irrespective of whether they are caught or cast out by the waves or float dead on the surface of the sea. This is because the sea generally throws out dead creatures.

4357. It was narrated that ‘Amr said: “I heard Jābir say: ‘The Messenger of Allāh ﷺ sent us, three hundred riders led by ‘Ubaidah bin Al-Jarrāḥ, to lie in wait for the caravan of the Quraish. We stayed on the coast and became very hungry, so much so that we ate Khabar. [[1] Then the sea cast ashore a beast called (Al-‘Anbar), and we ate from it for half a month, and daubed our bodies with its fat, and our health was restored. Abū ‘Ubaidah took one of its ribs and looked for the tallest camel and the tallest man in the army, and he passed beneath it. Then they got hungry again and a man slaughtered three camels, then they got hungry and a man slaughtered three camels, then they got hungry and a man slaughtered three camels. Then Abū ‘Ubaidah told him not to do that.” (One of the narrators) Sufyān said: “Abū Az-Zubair said, narrating from Jābir: “We asked the Prophet ﷺ and he said: ‘Do you have anything left of it?’” He said: “We took out, such-and-such an amount of fat from its (the whale’s) eyes, and four men could fit into its eye socket. Abū ‘Ubaidah had a sack of

[[1] The leaves of a thorny desert tree.]
dates and he used to give them out by the handful, then he started to give one date at a time, and when we ran out of dates it became very difficult for us.” (Sahih)

Comments:
1. In this narration, there is an inversion of the sequence of events; the aquatic animal (the whale) already existed before the army reached the shore. In the same manner, the event of slaughtering the camels belongs to the period before the discovery of the aquatic animal. The incident of distributing the dates also belongs to the period prior to the discovery of the whale. The incident of extracting fat from the whale also is related to the seashore, and not to Al-Madinah, as is apparently explicit.
2. The purpose behind mentioning the rib, fat, and the cavity of the eye socket of the aquatic creature is to point out its huge size, that it was a colossal creature.

4358. It was narrated that Jâbir said: “The Prophet ﷺ sent us with Abû ‘Ubaidah on a campaign. Our supplies ran out, then we passed by a whale that had been cast ashore by the sea. We wanted to eat from it, but Abû ‘Ubaidah told us not to. Then he said: ‘We are the envoys of the Messenger of Allah ﷺ for the sake of Allah: so eat.’ So we ate from it for several days. When we came to the Messenger of Allah ﷺ we told him about that and he said: ‘If you have anything left of it then send it to us.’” (Sahih)

4359. It was narrated that Jâbir said: “The Messenger of Allah ﷺ sent us with Abû ‘Ubaidah and we numbered over three hundred men.
He supplied us with a sack of dates and gave them out by the handful. When he ran short, he gave us one date at a time, until we used to suck on it like an infant, and we would drink water with it. When we ran out of it it became very difficult for us. We used to hit the Khbat leaves with our bows (to knock them down) and swallow them, then drink water with it. We became known as Jaish Al-Khabat (the Khabat army). Then, when we were about to turn inland, we saw a beast like a hill, called Al-'Anbar. Abū ‘Ubaidah said: ‘It is dead meat, do not eat it.’ Then he said: ‘The army of the Messenger of Allāh in the cause of Allāh, the Mighty and Sublime, and we are forced by necessity; eat in the name of Allāh.’ So we ate from it and we made some of it into jerked meat. Thirteen men could sit in its eyeocket. Abū ‘Ubaidah took one of its ribs and seated a man on the biggest camel that the people had, and they passed beneath it. When we came to the Messenger of Allāh, he said: ‘What kept you so long?’ We said: ‘We were waiting for the caravans of the Quraish,’ and we told him about the beast. He said: ‘That is provision that Allāh granted to you. Do you have anything of it with you?’ We said: ‘Yes.’” (Sahih)

Comments:
1. ‘We were more than three hundred and ten,’ meaning less than three hundred and twenty.
2. ‘Thirteen men’: In the previous narration, ‘four’ was mentioned, but the number four does not negate the thirteen. Four might have been walking around it, and thirteen might have sat in it together.
3. ‘Al-Anbar’: Whale. It is a colossal creature, which is capable of shattering a ship if it strikes a blow to it. Only Allâh knows what sort of tremendous creatures are concealed in the depths of the sea. The whale is also such a creature. Glory be to Allâh!

Chapter 36. Frogs

4360 It was narrated from ‘Abdur-Rahmân bin ‘Uthmân that a physician made mention of the use of frogs in a remedy in the presence of the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ forbade killing them. (Sahih)

Comments:
Since it is proved that it is unlawful to kill the frog, then it is also unlawful to consume.

Chapter 37. Locusts

4361. It was narrated from Abû Ya’fûr that he heard ‘Abdullâh bin Abî Awfa say: “We went on seven campaigns with the Messenger of Allâh ﷺ, and we used to eat locusts.” (Sahih)

Comments:
Locust need not be slaughtered because it does not contain flowing blood.

4362. It was narrated that Abû Ya’fûr said: “I asked ‘Abdullâh bin Abî Awfa about killing locusts and he said: ‘I went on six campaigns with the Messenger of Allâh ﷺ, and we ate locusts.”’ (Sahih)
Chapter 38. Killing Ants

4363. It was narrated from Abū Hurairah from the Messenger of Allāh ﷺ: “An ant bit one of the prophets, and he ordered that the ant nest be burned. Then Allāh revealed to him: ‘One ant bit you, and you destroyed one of the nations that glorify Allāh.’” (Sahih)

Comments:
1. To kill ants unnecessarily is not permitted. If they become harmful to human beings, then they could be killed. Allāh, Most High, did not express His displeasure upon the killing of one single ant but upon killing numerous of them, because they were guiltless.
2. Burning them with fire might probably have been allowed in their Shari'ah or the Divine law; it is forbidden in our Shari'ah.
3. Forbiddance to kill is the evidence of its being unlawful.

4364. It was narrated from Al-Hasan: “One of the prophets stopped beneath a tree and an ant bit him, so he gave instructions that their nest be burned with all the ants inside it. Then Allāh revealed to him: ‘Why did you not punish just one ant?’” Al-As'ṭāth said: “A similar report was narrated from Ibn Sirīn, from Abū Hurairah, from the Prophet, in which were added the words: ‘For they glorify Allāh.’” (Sahih)
4365. A similar report was narrated from Abū Hurairah, but was not attributed to the Prophet (Ṣaḥīḥ).

4365. أُخْبِرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا مُعَمَّرُ بْنُ هَشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ قَاْدِثٍ، عَنِ الْخَسَّامِ، عَنِ أَبِي هَرْبَةَ نَخْوَةُ وَلَمْ يُرَفْعَةُ.

تَجْرِيْجُ: [صحيح] تقدم قبّله، وهو في الكبّر، ح:٤٨٧، ورواه حبيب بن الشهيد وسلمة ابن علامة عن محمد بن سيرين عن أبي هريرة بد مؤفّفا، فالطريقان المنوفق والموقف صحيحان، والله أعلم.
The Book Of
Aḍ-Ḍahāyā (Sacrifices)

(Chapter 1. The One Who
Wishes To Offer A Sacrifice
Should Not Remove Any Of
His Hair)

4366. It was narrated from Umm
Salamah that the Prophet ﷺ said:
“Whoever sees the new crescent of
Dhul-Hijjah and wants to offer a
sacrifice, let him not remove any of
his hair or nails until he has
offered the sacrifice.” (Ṣaḥīḥ)

Comments:
‘Whoever sees the new crescent of Dhul-Hijjah’: The meaning is when the
crescent of the month of Dhul-Hijjah appears. It is, however, not necessary
that everyone sights it.

4367. It was narrated that ‘Amr
bin Muslim said: ‘Ibn Al-Musayyab
told me that Umm Salamah, the
wife of the Prophet ﷺ, told him
that the Messenger of Allāh ﷺ said:
‘Whoever wants to offer a
sacrifice, let him not remove
anything from his nails or cut his
hair for the first ten days of Dhul-
Hijjah.’” (Ṣaḥīḥ)
Comments:

'Ten days': means until slaughtering the sacrificial animal on the tenth day. One ought to have his haircut after the animal is slaughtered.

4368. It was narrated that Sa'eed bin Al-Musayyab said: "Whoever wants to offer a sacrifice when Dhul-Hijjah begins, let him not remove anything from his hair or nails." I (the narrator) mentioned that to 'Ikrimah, and he said: "Should he not also keep away from women and perfume?"[1] (Sahih)

Comments:
The intent of 'Ikrimah is that when one is required to avoid having his hair cut, the use of women and fragrance should also be forbidden, because resemblance with the Muhrim would be complete only in that event. He might originally have considered it the personal utterance or statement of Sa'eed bin Musayyab and perhaps the Marfu' narration might not have reached him.

4369. It was narrated from Umm Salamah that the Messenger of Allah ﷺ said: "When the (first) ten (days of Dhul-Hijjah) begin, and one of you wants to offer a sacrifice, let him not remove anything from his hair or skin." (Sahih)


[1] The Shaikh has graded this narration Sahih, and said that it preceded in No. 4366. Perhaps he means that it is Sahih in meaning. As for the chain—he and it contains that—it is statement of 'Ikrimah, weak by itself since it is narrated by Shaikh bin 'Abdullāh. Similarly, Shaikh Al-Albānī and others graded it weak, and removed the need to speculate about why 'Ikrimah made such statement. And Allāh knows best.
Chapter 2. The One Who Cannot Find A Sacrifice

4370. It was narrated from ‘Abdullāh bin ‘Amr bin Al-‘Āṣ that the Messenger of Allāh ﷺ said to a man: “I have been instructed to take the Day of Sacrifice as an ‘Īd which Allāh, the Mighty and Sublime, has ordained for this Ummah.” The man said: “What do you think if I cannot find anything but a female sheep that has been loaned to me so that I may benefit from its milk – should I sacrifice it?” He said: “No. Rather cut something from your hair and your nails, trim your mustache and shave your pubic hairs, and you will have a complete reward with Allāh, the Mighty and Sublime, as if you had offered the sacrifice.” (Sāḥīḥ)

Comments:

We learn from this, that even the one who does not have the ability to offer a sacrifice should, as far as possible, try to follow the rulings of those offering sacrifices; for instance, he should not get his hair cut, etc., from the moment of the sighting of the crescent. And when those offering sacrifices go for their hair cut, he should also have his hair cut, along with them. Thereupon, he would also get the recompense of the sacrifice.

Chapter 3. The ‘Imām
Slaughtering His Sacrifice In The Prayer Place

4371. It was narrated from Nāfī’ that ‘Abdullāh told him that the Messenger of Allāh ﷺ used to offer the sacrifice at the prayer place. (Sāḥīḥ)
4372. It was narrated from ‘Abdullāh bin ‘Umar that the Messenger of Allāh ﷺ offered the sacrifice on the Day of Sacrifice in Al-Madinah. He said: “If he did not offer the Naḥr (sacrifice a camel) he would have offered Dhabīḥah (sacrificed a sheep) at the prayer place.” (Hasan)

4373. It was narrated that Jundub bin Sufyān said: “I attended (the day of) sacrifice with the Messenger of Allāh ﷺ. He led the people in prayer, then when he finished praying he saw some sheep that had been sacrificed. He said: ‘Whoever slaughtered (his sacrifice) before the prayer, let him slaughter a sheep in its place, and whoever has not slaughtered, let him offer a sacrifice in the name of Allāh, the Mighty and Sublime.’” (Ṣaḥīḥ)
Comments:
The time for offering sacrifice is prescribed. Slaughtering animals prior to that is invalid, as the times for ritual prayers are prescribed. A ritual prayer performed before its prescribed time shall have to be re-prayed. In the same manner is the time for slaughtering sacrificial animals after the Eid prayer.

Chapter 5. Animals That Are Not Allowed For Sacrifice: The Animal With One Bad Eye

4374. It was narrated that Abū Ad-Dāhḥāk ‘Ubad bin Fairūz, the freed slave of Banu Shaibān, said: “I said to Al-Barā’ bin ‘Āzīb: ‘Tell me of the sacrificial animals that the Messenger of Allāh ﷺ disliked or forbade.’ He said: ‘The Messenger of Allāh ﷺ stood up, and my hands are shorter than his, and he said: “There are four that will not do as sacrifices: The animal that clearly has one bad eye; the sick animal that is obviously sick; the lame animal with an obvious limp; and the animal that is so emaciated that it is as if there is no marrow in its bones.” I said: ‘I dislike that the animal should have some fault in its horns or teeth.’ He said: ‘What you dislike, forget about it and do not make it forbidden to anyone.’” (Sahih)

Comments:
‘Do not make it for bidden for anyone’ means do not give an edict of unlawfulness to anyone. A slight defect deserves to be overlooked, although the one who offers the sacrifice should slaughter the best animal on his own. The details concerning the horns and ears appear in the forthcoming narration.
Chapter 6. Lame Animals

4375. ‘Ubad b. Fairûz said: “I said to Al-Bara‘ b. ‘Azîb: ‘Tell me of the sacrificial animals that the Messenger of Allâh disliked or forbade. He said: “The Messenger of Allâh gestured like this with his hand, and my hands are shorter than the hand of the Messenger of Allâh. (and he said): ‘There are four that will not do as sacrifices: The animal that clearly has one bad eye; the sick animal that is obviously sick; the lame animal with an obvious limp; and the animal that is so emaciated that it is as if there is no marrow in its bones.” He said: “And I dislike that the animal should have some fault in its horns or ears.” He said: “What you dislike, forget about it, and do not make it forbidden to anyone.” (Sahîh)

Comments:
Here we learn that a slight limp which is not discernible without investigating or if it is felt when the camel runs, then it is not a defect for a sacrifice.

Chapter 7. Emaciated Animals

4376. It was narrated from ‘Ubad b. Fairûz that Al-Bara‘ b. ‘Azîb said: “I heard the Messenger of Allâh say” — and he gestured with his fingers, but his fingers were shorter than the fingers of the Messenger of Allâh — he said: “It is not permissible to offer as a sacrifice an animal that clearly has one bad eye, a lame animal that is...

(Exegesis: [Iṣnâd Sahîh] an opinion of the previous chapter, and what is in the book, 460.)
obviously lame, a sick animal that is obviously sick, or an animal that is so emaciated that it is as if there is no marrow in its bones.” (Sahih)

Chapter 8. An Animal With Its Ears Slit From The Front

4377. It was narrated that ‘Ali, may Allâh be pleased with him, said: “The Messenger of Allâh commanded us to examine the eyes and ears (of animals), and not to sacrifice an animal with its ears slit from the front, an animal with its ears slit from the back, a animal with its tail cut, nor an animal with a round hole in its ear.” (Hasan)

Comments:
The polytheists used to cut the ears of the animals which they sacrificed in the name of their idols. In the matter of an animal whose ear is slit, there remains apprehension that it might have been earmarked for some idol. Therefore, every animal of this sort is forbidden for a sacrifice.

Chapter 9. An Animal With Its Ears Slit From The Back

4378. It was narrated that ‘Ali said: “The Messenger of Allâh commanded us to examine the eyes and ears (of animals) and not to
sacrifice an animal with a bad eye, nor an animal with its ears slit from the front, nor an animal with its ears slit from the back, nor an animal with its ears slit lengthwise, nor an animal with a round hole in its ear. (Hasan)

Chapter 10. An Animal With A Round Hole In Its Ear

4379. It was narrated that ‘Alî bin Abî Tâlib, may Allâh be pleased with him, said: “The Messenger of Allâh ﷺ forbade sacrificing an animal with its ears slit from the front, an animal with its ears slit from the back, an animal with its ears slit lengthwise, an animal with a round hole in its ear, or an animal with its nose cut off.” (Hasan)

Comments:
A nose, ear, lip, etc. In the Arabic language, an animal with such blemish is called Jada’â.

Chapter 11. An Animal With Its Ears Slit Lengthwise

4380. It was narrated from ‘Alî bin Abî Tâlib, may Allâh be pleased with him, that the Messenger of Allâh ﷺ said: “Do not sacrifice an animal with its ears slit from the front, an animal with its ears slit from the back, an animal with its ears slit lengthwise, an animal with a round hole in its ears, or an animal with one bad eye.” (Hasan)
Chapter 12. An Animal With A Broken Horn

4381. ‘Ali said: “The Messenger of Allâh ﷺ commanded us to examine the eyes and ears (of animals for sacrifice).” (Hasan)

4382. ‘Ali said: “The Messenger of Allâh ﷺ forbade us from sacrificing an animal with a broken horn.” I (the narrator) mentioned that to Sa‘eed bin Al-Musayyab and he said: “Yes, unless half or more of the horn is missing.” (Hasan)

Comments:
The Arabic term used in the text of the report is A‘adab. Sa‘eed bin Al-Musayyab has offered the explanation of this very expression. He states that an animal whose horn is slightly broken is not called A‘adab. Rather if half or more than half part of the horn is broken, then sacrificing such an animal is forbidden. In other words, the position of the horns is not like that of the ears. In them, a slight defect is excused.

Chapter 13. The Músânnah And The Jadh’ah

4383. It was narrated that Jâbir
said: "The Messenger of Allâh ﷺ said: 'Do not slaughter anything but a Musinnah, unless that is difficult, in which case you can slaughter a Jadh'ah sheep.'" (Sahîh)

4384. It was narrated from 'Uqbah bin 'Amir that the Messenger of Allâh ﷺ gave him some sheep to distribute among his Companions. A small goat was left over and he mentioned that to the Messenger of Allâh ﷺ. He said: "Sacrifice it yourself." (Sahîh)

Comments:
'A small goat': The term used is the Atûd, which signifies a kid or a young goat which grazes around without its mother, and reaches the age of one year.

The Jadh'ah or the young sheep also happens to be similar to it.

4385. It was narrated from 'Uqbah bin 'Amir that the Messenger of Allâh ﷺ divided some sacrificial animals among his Companions, and I got a Jadh'ah sheep. I said: 'O Messenger of Allâh, I got a Jadh'ah sheep.' He said: 'Sacrifice it.'" (Sahîh)
4386. It was narrated that 'Uqbah bin 'Amir said: “The Messenger of Allâh ﷺ divided some sacrificial animals among his Companions, and I got a Jadh'ah sheep. I said: ‘O Messenger of Allâh, I got a Jadh'ah sheep.’ He said: ‘Sacrifice it.’” (Sahîh)

4387. It was narrated that 'Uqbah bin 'Amir said: “We sacrificed a Jadh'ah sheep with the Messenger of Allâh ﷺ.” (Sahîh)

4388. It was narrated from 'Âsîm bin Kulaib that his father said: “We were on a journey and the day of Al-Adha came, so we started to buy sheep, a Musinnah for two or three Jadh'ahs. A man from Muzainah said to us: ‘We were with the Messenger of Allâh ﷺ on a journey when this came, and we started to look for sheep, (offering to buy) a Musinnah for two or three Jadh'ahs. Then the Messenger of Allâh ﷺ said: “A Jadh'ah is sufficient for that which a Thanî is sufficient.”” (Sahîh)

4389. It was narrated that ‘Āṣim bin Kulaib said: “I heard my father narrating from a man who said: ‘We were with the Messenger of Allāh ﷺ two days before Al-Adhā and we started to offer two Jadīḥāhs for one Thaniyah. Then the Messenger of Allāh ﷺ said: ‘A Jadīḥ is sufficient for that for which a Thaniyah is sufficient.’” (Ṣahih)

4390. It was narrated from Anas that the Messenger of Allāh ﷺ used to sacrifice two rams. And Anas said: “And I sacrifice two rams.” (Ṣahih)

4391. It was narrated that Anas said: “The Messenger of Allāh ﷺ sacrificed two Amlaḥ[1] rams.” (Ṣahih)

4392. It was narrated that Anas said: “The Prophet ﷺ sacrificed two horned, Amlaḥ rams, slaughtering

[1] They disagree over its description, most of them say it is black and white, while its whiteness is more than its blackness, and they also say that it is pure white.
them with his own hand, pronouncing the name of Allâh, and saying: 'Allâhu Akbar,' and placing his foot on their sides." (Sahîh)

Comments:
The objective for placing the foot on the side of the neck was in order to confine the animal, so that when the knife plunges it, it may not rise to its feet; also so that the knife could move rapidly and vigorously. The head might not move hither and thither, and the animal feels minimal pain.

4393. It was narrated that Anas bin Mâlik said: "The Messenger of Allâh ﷺ addressed us on the Day of Sacrifice, and he went toward two Amlâh rams and sacrificed them." An abridgement. (Sahîh)

4394. It was narrated from 'Abdur-Rahmân bin Abî Bakrah that his father said: "Then he" – meaning the Prophet ﷺ on the Day of Sacrifice – "went toward two Amlâh rams and sacrificed them, then (he went toward) a small flock of sheep and distributed them among us." (Sahîh)

4395. It was narrated that Abû Sa'eed said: "The Messenger of Allâh ﷺ sacrificed a horned, intact ram, with black feet, some black at the stomach and black around its eyes." (Sahîh)
Chapter 15. What Is Equivalent To A Camel For Sacrifice

4396. It was narrated that Râfiʿ bin Khâdîj asked: “When distributing the spoils of war, the Messenger of Allah  used to make ten sheep equivalent to one camel.” Shuʿbah said: “I know most of it from what I heard from Saʿeēd bin Mârsûq, and Suḥyān narrated it to me.” (Sahîh)

Comments:

Animals offered as sacrifice may be camels, cows, goats, and sheep. Since everyone is not capable of sacrificing a big animal; sacrificing a small animal is compulsory (Wâjib), meaning a sheep or goat. Sacrificing a cow and a camel is commendable. In the same manner, sacrificing one animal is compulsory; more than one is commendable.

4397. It was narrated that Ibn ʿAbbâs asked: “We were with the Messenger of Allah  on a journey, when the Day of Sacrifice came, so we shared a camel among ten men, and a cow among seven.” (Hasan)
Comments:
We learn from this, that the sacrifice should be offered while traveling also, as is done at one's home. It should be borne in mind that upon one whole house or family, only one sacrifice is compulsory, and not upon each individual. A single cow suffices for seven men and their families and one single camel for ten men and their families. A house signifies the husband, wife and their children, or an individual or two staying with them. A married man would be reckoned as a separate household, irrespective of whether several married brothers might have been residing together. They would all be considered as separate households.

Chapter 16. What Is Equivalent To A Cow For Sacrifice

4398. It was narrated that Jâbir said: “We would make Tamattu’ when the Prophet was with us, and we would sacrifice a cow on behalf of seven people, sharing it among ourselves.” (Sahih)

Comments:
This sort of sharing could be practiced in sacrifices only, not in Aqiqâ (sacrifice for a newborn), because for offering the sacrifice only one time period is prescribed; whereas the Aqiqâ is done congruent to each newborn baby.

Chapter 17. Slaughtering One’s Sacrifice Before The Imam

4399. It was narrated that Al-Barâ’ bin ‘Âzib said: “The Messenger of Allah stood up on the Day of Sacrifice and said: ‘Whoever turns toward our Qiblah and prays as we pray and offers the same sacrifice as we do, let him not offer his sacrifice until he has prayed.’ My maternal uncle stood up and said:
‘O Messenger of Allâh, I hastened to slaughter my sacrifice, so that I could feed my family, and the members of my household,’ or ‘my family and my neighbors.’ The Messenger of Allâh ﷺ said: ‘Offer another sacrifice.’ He said: ‘I have a suckling she-goat kid that is dearer to me than two sheep raised for meat.’ He said: ‘Sacrifice it, for it is the better of your two sacrifices. But no Jadîdah will do as a sacrifice for anyone after you.’”

(Saḥîh)

4400. It was narrated that Al-Barâ’ bin ‘Azib said: “The Messenger of Allâh ﷺ addressed us on the Day of Sacrifice and said: ‘Whoever prays as we pray and offers the sacrifice as we do, has done the rituals properly. Whoever offered the sacrifice before the prayer, that is just a sheep for meat.’”’ Abû Burdah said: ‘O Messenger of Allâh, by Allâh, I offered my sacrifice before I went out to pray. I knew that this day is a day of eating and drinking, so I hastened to eat and to feed my family and my neighbors.’ The Messenger of Allâh ﷺ said: ‘That was just a sheep for meat.’ He said: ‘I have a

Comments:

There is no mention in this narration that one ought not to offer sacrifice before the imâm or the prayer leader. But since Allâh’s Messenger ﷺ used to slaughter his sacrificial animals in front of the people, after performing the Eid prayer, the rest of the people used to sacrifice afterward. It could be said that the sacrifice should be offered after the imâm. But if the imâm does not offer the sacrifice, or if he does not do so in the Eid Musalla (place of the Eid prayer) even after the sermon, then there is no restriction upon the people that they should sacrifice their animals only after the Imâm has done so.
Jadh'ah she-goat that is better than two sheep for meat; will it suffice for me (as a sacrifice)?’ He said: ‘Yes, but it will never suffice for anyone after you.’” (Sahih)

4401. It was narrated that Anas said: “The Messenger of Allâh ﷺ said on the Day of Sacrifice: ‘Whoever slaughtered his sacrifice before the prayer, let him repeat it.’ A man stood up and said: ‘O Messenger of Allâh, this is a day when people want to eat meat.’ He mentioned that his neighbors were poor and it was as if the Messenger of Allâh ﷺ believed him. He said: ‘I have a Jadh'ah that is dearer to me than two sheep for meat.’ So he granted him a concession (allowing him to sacrifice it) but I do not know whether it applied to anyone else or not. Then he went toward two rams and sacrificed them.” (Sahih)

4402. It was narrated from Abû Burdah bin Niyâr that he slaughtered (his sacrifice) before the Prophet ﷺ, and the Prophet ﷺ told him to repeat it. He said: “I have a Jadh'ah she-goat that is dearer to me than two Musinnahs.” He said: “Sacrifice it.” According to the Hadith of ‘Ubaidullâh, he said: “I cannot find anything but a Jadh'ah,” and he told him to slaughter it. (Sahih)
4403. It was narrated that Jundab bin Sufyân said: “We slaughtered the sacrifice with the Messenger of Allâh ☦ one day, and the people slaughtered their sacrifices before the prayer. When he finished (the prayer) the Prophet ☦ saw that they had slaughtered their sacrifices before the prayer. He said: “Whoever slaughtered his sacrifice before the prayer, let him slaughter another in its place, and whoever did not slaughter his sacrifice until we had prayed, let him slaughter it in the name of Allâh, the Mighty and Sublime.”

(Sâhîh)

Comments:
When complete details are not mentioned in a single narration, it is recorded with various chains of transmitters, so that all the details are known to come to. While making a decision, all the details are kept in view.

Chapter 18. Permissibility Of Slaughtering With Marwah (Granite)[1]

4404. It was narrated from Muhammad bin Ṣafwân that he caught two rabbits and he could not find a knife with which to slaughter them, so he slaughtered them with Marwah. Then he came to the Prophet ☦ and said: “O Messenger of Allâh! I caught two rabbits but I could not

[1] In Ḥâdî As-Sârî, Ibn Ḥajar says that it is a sharp stone after which the mountain across from Ṣâfâ was named. In Tuhfat Al-Ahwâdî, it is given the additional description of being “white.”
find a knife with which to slaughter them, so I slaughtered them with Marwah; can I eat them?” He said: “Eat (them).” (Hasan)

Comments:
The objective of Ad-Dhabh is to cause the blood to flow; with whatever object it is made to flow with, provided it is sharp-edged and slaughters at one go. One should not exert pressure upon the throat, but one should rather slay quickly, so that the animal feels minimal pain.

4405. It was narrated from Zaid bin Thâbit that a wolf bit a sheep so he slaughtered it with Marwah, and the Prophet allowed him to eat it. (Hasan)

4406. It was narrated that ‘Adiyy bin Ḥâtîm said: “I said: ‘O Messenger of Allâh, I release my dog and I catch the game, but I cannot find anything to slaughter it with, so I slaughter it with a Marwah or a stick.’ He said: ‘Shed the blood with whatever you wish, and say the name of Allâh.’” (Hasan)
4407. It was narrated that Abū Sa‘eed Al-Khudrī said: “A man from among the Ansār had a she-camel which used to graze in front of Uhud. Something happened to it, and he slaughtered it with a stake.” – (Ayyūb, one of the narrators, said) I said to Zaid: “A stake of wood or of iron?” He said: “No, of wood.” – “Then he went to the Prophet and asked him, and he told him to eat it.” (Sahih)

Comments:

‘He told him to eat it’ means he gave him permission to eat it or in reality it signifies a command, because from the point of view of the Divine law it is not allowed to waste lawful things.

Chapter 20. Prohibition Of Slaughtering With Nails

4408. It was narrated from Râfi’ bin Khadîj that the Messenger of Allâh ﷺ said: “If the blood is shed and the name of Allâh is mentioned, then eat, unless (it is slaughtered) with teeth or nails.” (Sahih)

Comments:

Teeth and nails are not meant for slaughtering, rather they serve other objectives. Hence, slaughtering by means of teeth or nails is a beastly act, as Allâh’s Messenger ﷺ mentioned in the following report, that nails are the knife of the Abyssinians or the Ethiopians.
Chapter 21. Slaughtering With The Teeth

4409. It was narrated that Râfi' bin Khâdîj said: "I said: 'O Messenger of Allâh, we are going to meet the enemy tomorrow and we do not have any knives.' The Messenger of Allâh ﷺ said: 'If the blood is shed and the name of Allâh is mentioned, then eat, unless (it is slaughtered) with teeth or nails, and I will tell you about that. As for teeth, they are bones, and as for nails, they are the knives of the Ethiopians.'" (Ṣâhiḥ)

Chapter 22. The Command To Sharpen The Blade

4410. It was narrated that Shâddâd bin Aws said: "There are two things that I memorized from the Messenger of Allâh ﷺ, who said: 'Allâh has decreed proficiency in all things, so when you kill, kill well, and when you slaughter, slaughter well. Let one of you sharpen his blade and spare suffering to the animal he slaughters.'" (Ṣâhiḥ)

Comments:

Good behavior with every creation (of Allâh) is essential. Hence, if someone is to be killed retributively, he should not be tortured to death. He should rather be killed by means of an easiest possible manner. In the same way,
animals also should be slaughtered by inflicting upon them the most minimal pain.

Chapter 23. Concession
Allowing The Process of Nahr
For What Is Normally Slaughtered By Dhabh And Dhabh For What is Normally Slaughtered By Nahr

4411. It was narrated that Asmâ’ bint Abî Bakr said: “We slaughtered (Naharna) a horse during the time of the Messenger of Allâh (Saw) and ate it.” (Sahîh)

Chapter 24. Slaughtering That Which Has Been Bitten By A Beast Of Prey

4412. It was narrated from Zaid bin Thâbit that a wolf attacked a sheep so they slaughtered it with a Manwah, and the Prophet (Saw) allowed it to be eaten. (Hasan)

[1] Nahr is normally used for camels, while Dhabh for smaller animals. Nahr refers to poking the jugular vein with a spear or sharp item, while Dhabh involves cutting, and more than cutting the jugular vein.
Chapter 25. Mention Of An Animal That Fell Into A Well And Its Throat Cannot Be Reached

4413. It was narrated from Abû ‘Ushara’ that his father said: “I said: ‘O Messenger of Allâh, is slaughtering only in the throat or upper chest?’ He said: ‘If you stab it in the thigh, that will suffice.’” *(Da‘îf)*

Chapter 26. An Animal That Runs Away And No One Can Catch It

4414. It was narrated that Râfî’ said: “I said: ‘O Messenger of Allâh, we are going to meet the enemy tomorrow, and we do not have any knives.’ He said: ‘If the blood is shed and the name of Allâh is mentioned, then eat, unlike (it is slaughtered) with teeth or nails.’ Then the Messenger of Allâh ﷺ got some spoils of war and a camel ran away. A man shot an arrow at it and stopped it. He (the Prophet ﷺ) said: ‘Some of these animals – or ‘these camels’ – are untamed like wild animals, so if one of them goes out of your control, do the same.’” *(Sahîh)*

Comments:
(For detail please turn to *Hadîth* 4302)
4415. It was narrated that Râfî' bin Khadîjî said: 'I said: 'O Messenger of Allâh, we are going to meet the enemy tomorrow, and we do not have any knives.' He said: 'If the blood is shed and the name of Allâh is mentioned, then eat, unlike (it is slaughtered) with teeth or nails, and I will tell you about that. As for teeth, they are bones, and as for nails, they are the knives of the Ethiopians.' We acquired some spoils of war including sheep or camels, and a camel ran away, so a man shot an arrow at it and stopped it. The Messenger of Allâh ﷺ said: 'Some of these animals' – or 'these camels' – 'are untamed like wild animals, so if one of them goes out of your control, do the same.'" (Saḥîh)

Comments:
(For the details concerning the beginning this narration, please turn to Hadîth 4408)

4416. It was narrated that Shaddâd bin Aws said: 'I heard the Messenger of Allâh ﷺ say: 'Allâh, the Mighty and Sublime, has decreed proficiency in all things, so when you kill, kill well, and when you slaughter, slaughter well. Let one of you sharpen his blade and spare suffering to the animal he slaughters.'" (Saḥîh)
Chapter 27. Slaughtering Well

4417. It was narrated that Shaddād bin Aws said: "The Messenger of Allāh ﷺ said: 'Allāh has decreed proficiency in all things, so when you kill, kill well, and when you slaughter, slaughter well. Let one of you sharpen his blade and spare suffering to the animal he slaughters.'" (Sahih)

4418. It was narrated that Shaddād bin Aws said: "I heard two things from the Messenger of Allāh ﷺ. He said: 'Allāh, the Mighty and Sublime, has decreed proficiency in all things, so when you kill, kill well, and when you slaughter, slaughter well. Let one of you sharpen his blade and spare suffering to the animal he slaughters.'" (Sahih)

4419. It was narrated that Shaddād bin Aws said: "Two things that I memorized from the Messenger of Allāh ﷺ: 'Allāh, the Mighty and Sublime, has decreed proficiency in all things, so when you kill, kill well, and when you slaughter, slaughter well. Let one of you sharpen his blade and spare suffering to the animal he slaughters.'" (Sahih)
Chapter 28. A Man Placing His Foot On The Side Of The Sacrificial Animal

4420. Anas said: "The Messenger of Allâh ﷺ sacrificed two horned, Amlâh rams, saying: 'Allâhu Akbar' and pronouncing the Name of Allâh. I saw him slaughtering them with his own hand, and placing his foot on their sides."

I said: You heard it from him?\[1\] He said: Yes. (Sâhîh)

Chapter 29. Saying The Name Of Allâh, The Mighty And Sublime, Over The Sacrificial Animal

4421. Anas bin Mâlik said: "The Messenger of Allâh ﷺ used to sacrifice two horned, Amlâh rams. He used to pronounce the name of Allâh and say: ‘Allâhu Akbar,’ and I saw him slaughtering them with his own hand, and placing his foot on their sides." (Sâhîh)

\[1\] It appears that the one asking the question was Shurâb bin Hajjâj and the one responding was Qatâdah bin Dî‘amah.
Comments:

In a way, it is essential to recite Bismillah wallahzir ilkbar over every animal to be slaughtered. A common sacrificial animal would be considered lawful if one forgets to recite the name of Allâh over it, although it should not be abandoned deliberately.

Chapter 30. The Takbîr
(Saying: Allâhu Akbar) Over It

6722. It was narrated that Anas said: “I saw him” – meaning the Prophet – “slaughtering them with his own hand, and placing his foot on their sides, pronouncing the name of Allâh and saying: ‘Allâhu Akbar,’ (sacrificing) two horned, Amlah rams.” (Sahîh)

Chapter 31. A Man Slaughtering His Sacrificial Animal With His Own Hand

4423. It was narrated that Anas bin Mâlik told them that the Prophet sacrificed two Amlah horned rams, putting his foot on their sides and slaughtering them, pronouncing the name of Allâh, and saying: Allâhu Akbar.”” (Sahîh)

Comments:

Offering a sacrifice of an animal is a worship; it cannot be done vicariously. Hence, the sacrificial animal should be slaughtered by one's own hand by formulating the intention in one's own heart. The tasks following the slaughter, for instance, taking the skin off the animal, cutting the flesh, etc., are tasks which are advantageous to one's own self or the poor. They are not included in worship. Hence, these tasks could be carried out by anyone else also.
Chapter 32. Someone Else Slaughtering A Man’s Sacrificial Animal

4424. It was narrated from Jābir bin ‘Abdullāh that the Messenger of Allāh ﷺ slaughtered some of his sacrificial animals with his own hand, and someone else slaughtered some of them. (Ṣaḥīḥ)

Comments:
This event took place during the Farewell Pilgrimage. Allāh’s Messenger ﷺ had sacrificed one hundred camels. Out of them, Allāh’s Messenger ﷺ slaughtered sixty-three camels with his own blessed hand, and the remaining thirty-seven were slaughtered by ‘Abī, on behalf of the Prophet ﷺ.

Chapter 33. Nahr For What Is Normally Slaughtered By Dhabh

4425. It was narrated that Asmā’ said: “We slaughtered (Naḥamā) a horse during the time of Messenger of Allāh ﷺ and ate it.” In his Ḥadīth Qutaibah (one of the narrators) said: “And we ate its meat.” (Ṣaḥīḥ)

‘Abdah bin Sulaimān contradicted him.

Comments:
(For detail, see Ḥadīth 4411)

4426. It was narrated that Asmā’ said: “We slaughtered (Naḥamā) a horse during the time of the Messenger of Allāh ﷺ, while we were in Al-Madīnah, and we ate it.” (Ṣaḥīḥ)
Chapter 34. The One Who Offers A Sacrifice To Other Than Allâh

4427. It was narrated that ‘Âmir bin Wâthilah said: “A man asked ‘Âli: ‘Did the Messenger of Allâh used to tell you anything in secret that he did not tell the people?’ ‘Âli got so angry that his face turned red, and he said: ‘He used not to tell me anything in secret that he did not tell the people except that he told me four things when he and I were alone in the house. He said: Allâh curses the one who offers a sacrifice to anyone other than Allâh, Allâh curses the one who gives refuge to an offender[1] and Allâh curses the one who changes boundary markers.”” (Sahîh)

Comments:

Some irreligious people had made some very strange things popular. One of them was that Allâh’s Messenger ﷺ had imparted the original teaching, concerning the Revelation, only to ‘Âli ﷺ, which far exceeds the teaching contained in the Qur’ân. This is pure absurdity. That is why ‘Âli became angry. May Allâh be pleased with him, and he be with Him. Then ‘Âli stated that no such specific teaching was imparted exclusively to him, ‘but it is quite possible that I was all alone with him incidentally at the time when he gave certain commands. But that command is also meant for the whole nation, it is not exclusively for me.’

[1] Muḥdiṭhan and it is also reported Muḥdštân, the first means: Who has committed an offence for which Qisâs or retaliation is due. The second refers to an innovator. The first pronunciation is more popular, as it is here.
Chapter 35. The Prohibition Against Eating The Meat Of Sacrificial Animals After Three Days, And Storing It

4428. It was narrated from Ibn 'Umar that the Messenger of Allâh forbid eating the meat of sacrificial animals after three days. (Sahîh)

Comments:

‘After three days’ means after the three days following the Day of Sacrifice. This restriction was in the beginning, when the people offering sacrifices were very few. The poor and the needy were numerous. The objective of the Messenger of Allâh was that all the poor and the needy should benefit from the sacrifices. The prohibition was a temporary measure, with a view to meeting the demand of those poor people who flocked to the town for meat. But as the number of people offering sacrifices increased, the number of poor people dwindled. This prohibition also underwent change, as follows. See No. 4437.

4429. It was narrated that Abû 'Ubaid – the freed slave of Ibn ‘Awf – said: “I saw ‘Ali bin Abî Tâlib – may Allâh honor his face – on the day of ‘I’d. He started with the prayer before the Khutbah, then he prayed with no Adhân and no Iqámah. Then he said: ‘I heard the Messenger of Allâh forbidding anyone from keeping anything of his sacrificial animal for more than three days.’” (Sahîh)
4430. ‘Ali bin Abî Tâlib said: “The Messenger of Allâh ﷺ has forbidden you from eating the meat of your sacrificial animals for more than three days.” (Sahîh)

4431. It was narrated from Jâbir bin ‘Abdullâh that the Messenger of Allâh ﷺ forbade eating the meat of the sacrificial animals after three days, then he said: “Eat, take some with you (if travelling), and store some.” (Sahîh)

Chapter 36. Permission To Do That

4432. It was narrated from Ibn Khabbâb – who is ‘Abdullâh bin Khabbâb – that Abû Sa‘eed Al-Khudrî arrived from a journey and his family offered him some meat from the sacrificial animal. He said: “I am not going to eat it until I ask about it.” So he went to his half-brother through his mother, Qatâdah bin An-Nu‘mân, who had been present at Badr, and asked him about that. He said: “The opposite of what you were
forbidden occurred after that, and (permission was granted) to eat the sacrificial meat after three days.”

(Sahih)

4433. It was narrated from Abū Sa‘eed Al-Khudrī that the Messenger of Allāh forbade (eating) the meat of sacrificial animals after three days. Then Qatādah bin An-Nu‘mān, who was the brother of Abū Sa‘eed through his mother, and had been present at Badr, came and they offered him (some of the meat). He said: “Didn’t the Messenger of Allāh forbid it?” Abū Sa‘eed said: “Something happened later. The Messenger of Allāh forbade us to eat it for more than three days, then he allowed us to eat it and store it.”

(Sahih)

Comments:
This narration is contrary to the above-quoted narration. In the former narration, the report concerning the permission is transmitted by Abū Qatadah and Abū Sa‘eed is refusing to eat; whereas in the latter narration, the transmitter of the report giving permission is Abū Sa‘eed, while Abū Qatadah is refusing. The former narration is authentic, because it is consistent with the one is Sahih Al-Bukhārī.

4434. It was narrated from Ibn Buraidah that his father said: “The Messenger of Allāh said: ‘I used to forbid you from doing three things: To visit graves, but now visit them, for you may benefit from that. And I used to forbid you (from eating) the meat of sacrificial...”
animals after three days, but now eat it, and keep whatever you want. A and I forbade you to drink from (certain kinds of) vessels, but now drink from whatever kind of vessel you want but do not drink any kind of intoxicant.” (Sahih)

Muhammad (one of the narrators) did not mention: “Keep (whatever you want).”

4435. It was narrated from Ibn Buraidah that his father said: “The Messenger of Allah ﷺ said: ‘I used to forbid you (from eating) the meat of sacrificial animals after three days, and to (make) Nabidh except in a waterskin, and to visit graves. But now eat whatever you want of the meat, or take some with you (when traveling) or store it; and whoever wants to visit graves, it will remind him of the Hereafter; and drink, but beware of any kind of intoxicant.” (Sahih)

Chapter 37. Storing Meat
From The Sacrificial Animals

4436. It was narrated that ‘Aishah said: “Some Bedouins came to Al-Madīnāh at the time of (‘Eid) Al-
Adha and the Messenger of Allâh ﷺ said: 'Eat, and store (the meat) for three days.' After that they said: 'O Messenger of Allâh, the people used to benefit from their sacrifices by melting down the fat, and (also) making waterskins from them.' He said: 'Why are you asking?' He said: 'Because you forbade us from keeping the meat of the sacrificial animals.' He said: 'I only forbade that because of the Bedouins who came. (Now) eat it, store it and give it in charity.'” (Sahih)

**Comments:**
This Hadith demonstrates that the prohibition in the previous year was due to special circumstances, which were created on account of the arrival of the desert convoy. Otherwise, in principle everything belonging to the sacrificial animal; for instance, meat, fat, and hide, etc., could be taken advantage of for a long period of time.

4437. It was narrated from 'Abdur-Rahmân bin 'Âabis that his father said: “I came in to 'Âishah and said: 'Did the Messenger of Allâh ﷺ forbid (eating) the meat of the sacrificial animals after three days?' She said: 'Yes. Hardship had befallen the people, and the Messenger of Allâh ﷺ wanted the rich to feed the poor.' Then she said: 'I remember the family of Muhammad ﷺ eating the trotters after fifteen days.' I said: 'Why is that?' She laughed and said: 'The family of Muhammad never ate their fill of bread and something to go with it, for three days in row, until he met Allâh, the Mighty and Sublime.'” (Sahih)
Comments:

Due to his extremely generous nature, the condition of the Prophet’s household thus remained simple.

4438. It was narrated from ‘Abdur-Rahmān bin ‘Abīs that his father said: “I asked ‘Āishah about the meat of the sacrificial animals and she said: ‘We used to keep the trotters for the Messenger of Allāh for a month, then he would eat them.’” (Sahih)

4439. It was narrated that Abū Sa‘eed Al-Khudrī said: “The Messenger of Allāh forbade keeping the meat of the sacrificial animals for more than three days, then he said: ‘Eat and feed others.’” (Sahih)

Chapter 38. Animals Slaughtered By The Jews[1]

4440. ‘Abdullāh bin Mughaffal said: “A bag of fat was thrown on the Day of Khāibar, and I caught it and said: ‘I will not give anything of this to anyone.’ I turned around and...”

[1] Here, the author began mentioning a number of topics that relate to slaughtering in general, and some of them preceding it the previous book.
and saw the Messenger of Allâh ﷺ there, smiling.” \textit{(Sahîh)}

Chapter 39. The Slaughter Performed By The One Who Is Unknown

4441. It was narrated from 'Âishah that some Bedouin people used to bring us meat, and we did not know whether they had mentioned the Name of Allâh (when slaughtering it) or not. The Messenger of Allâh ﷺ said: “Mention the Name of Allâh and eat.” \textit{(Sahîh)}

Comments:
The purpose of the chapter is that the slaughterer in actuality is either a Muslim or one of the People of the Book, but it is not known whether he recited \textit{Bismillah} at the time of slaughtering the animal or not. In such situation, one should not entertain any doubt, because concerning a Muslim or one belonging to the People of the Book, it is assumed that he must have been slaughtering taking the name of Allâh, Most High.

Chapter 40. Interpretation Of The Saying Of Allâh, The Mighty and Sublime: “Eat Not Of That On Which Allâh’s Name Has Not Been Pronounced”\textsuperscript{[1]}

4442. Hârûn bin Abî Wakî' – who is Hârûn bin 'Antarah – narrated from his father, from Ibn 'Abbâs, concerning the saying of Allâh, the

\textsuperscript{[1]} \textit{Al-An’âm} 6:121.
Mighty and Sublime: “Eat not of that on which Allâh’s name has not been pronounced”[1] – that he said: “The idolators argued with them and said: ‘Whatever Allâh kills you do not eat, and whatever you kill you eat!’” (Hasan)

Chapter 41. Prohibition Of (Eating) An Animal Which Was Used As A Target

4443. It was narrated that Abû Tha’labah said: “The Messenger of Allâh ﷺ said: ‘An animal that has been taken as a target is not lawful.’” (Sahîh)

Comments: Mujaththama signifies a bird, a hare, or any animal that is confined or tied or set up, and then shot at, or cast at, until it is dead. (For details, please turn to Hadîth 4431).

4444. It was narrated that Hishâm bin Zaid said: “Anas and I entered upon Al-Ḥakam – that is, Ibn Ayyûb – and there were some people shooting at a chicken in the house of the governor. He said: ‘The Messenger of Allâh ﷺ forbade using animals as targets’.” (Sahîh)

4445. It was narrated that `Abdullâh bin Ja’âfar said: “The Messenger of Allâh ﷺ passed by some people who were shooting arrows at a ram. He denounced that and said: ‘Do not disfigure animals (by using them as targets).’” (Hasan)

Comments:
Mathl is to disfigure or mutilate someone. Targeting an animal and shooting arrows at it would constitute mutilation while it is still living.

4446. It was narrated that Ibn `Umar said: “The Messenger of Allâh ﷺ cursed those who take anything that has a soul as a target.” (Sahih)

4447. It was narrated that Ibn `Umar said: “I heard the Messenger of Allâh ﷺ say: ‘May Allâh curse the one who disfigures an animal.’” (Sahih)
4448. It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ said: “Do not take anything that has a soul as a target.” (Sahîh)

4449. It was narrated that Ibn ‘Abbâs said: “The Messenger of Allâh ﷺ forbade us from using anything with a soul as a target.” (Sahîh)

Comments:

To target a living being is tyranny and tyranny is Ḥarâm or unlawful, whether it is done to man or animal so much so that upon inanimate objects also. (For details, please turn to Hadîth 4331).

Chapter 42. The One Who Kills A Small Bird For No Reason

4450. It was narrated from 'Abdullâh bin 'Amr, who attributed it to the Messenger of Allâh ﷺ: “There is no person who kills a small bird or anything larger, for no just reason, but Allâh will ask him about it.” It was said: “O Messenger of Allâh, what does 'just reason' mean?” He said: “That you slaughter it and eat it, and do not cut off its head and throw it aside.” (Hasan)
4451. It was narrated that 'Amr bin Sharîd said: "I heard Sharîd say: 'I heard the Messenger of Allah say: Whoever kills a small bird for no reason, it will beseech Allah on the Day of Resurrection saying: O Lord, so and so killed me for no reason, and he did not kill me for any beneficial purpose."' (Hasan)

4452. It was narrated from 'Amr bin Shu‘aib, from his father, from his father Muḥammad bin 'Abdullâh bin 'Amr – or on one occasion he said: from his father, from his grandfather – that on the Day of Khaibar, the Messenger of Allah forbade the flesh of domesticated donkeys and of Al-Jallâlah (animals that eat dung), and (he forbade) riding them and eating their meat." (Hasan)

Chapter 43. The Prohibition Against Eating The Flesh Of Al-Jallâlah[1]

Comments:
So far as the flesh of domestic donkeys is concerned, it is absolutely unlawful, whether or not they eat filth, although riding them is permitted. Its sweat, etc., is pure. But the filth-eating animal, whichever it might be, if it eats filth to such an extent that its traces are sensed in its flesh, for instance, if it stinks or tastes bad, or its color changes, then its eating is unlawful. And riding such animals is also unlawful.

Chapter 44. Prohibition Of The Milk Of Al-Jallâlah

4453. It was narrated that Ibn ‘Abbás said: “The Messenger of Allâh ﷺ forbade (eating) animals that had been taken as targets, the milk of Al-Jallâlah (animals that eat dung), and drinking directly from waterskins.” (Sahîh)
Chapter 1. Encouragement To Earn A Living

4454. It was narrated that 'Aishah said: "The Messenger of Allâh ﷺ said: "The best (most pure) food that a man eats is that which he has earned himself, and a man's child (and his child's wealth) is part of his earnings."" (Sahîh)

Comments:
'A man's child is also part of his earnings': In other words, a man should eat from the earnings of his own hands, or from the earnings of his children.

4455. It was narrated from 'Aishah that the Prophet ﷺ said: "Your children are part of the best of your earnings, so eat from what your children earn." (Sahîh)

Comments:
'Meaning, corresponding to one's needs, not that one goes around squandering or wasting one's children's wealth, or needlessly harasses them.'

4456. It was narrated that 'Aishah said: "The Messenger of Allâh ﷺ said: 'The best (most pure) food that a man eats is that which he
has earned himself, and his child (and his child’s wealth) is part of his earnings.”” (Sahih)

Comments:
What type of work and earning is best? The erudite scholars have specified it variously from the point of view of their own viewpoints. Some have deemed trade as the best profession, because it is a clean, tidy, and respectable profession. Allah’s Messenger had adopted it. Some scholars deem the work of a man’s own hand as the best, because the Prophet generally did one or another type of manual labor. Some consider agriculture as the best earning. The root of the matter is that one may adopt any vocation according to Allah-bestowed capability and disposition, provided it is lawful.

Chapter 2. Avoiding Doubtful Sources Of Earning

It was narrated that ‘Aishah said: “The Messenger of Allah said: ‘The best (most pure) food that a man eats is that which he has earned himself, and his child (and his child’s wealth) is part of his earnings.”’ (Sahih)
Indeed Allâh, the Mighty and Sublime, has established a sanctuary, and the sanctuary of Allâh is that which He has forbidden. Whoever approaches the sanctuary is bound to transgress upon it.’ Or he said: ‘Whoever grazes around the sanctuary will soon transgress upon it, and whoever indulges in matters that are not clear, he will soon transgress beyond the limits.’” (Saâîhîh)

Comments:

‘That which is lawful is plain and clear’ means the lawfulness of certain things is absolutely clear. The Divine law contains clear commands concerning their lawfulness. In the same manner, there are certain things which are absolutely unlawful. There exists a clear command regarding their unlawfulness. Lawful things could be done without any wavering in the mind, while it is obligatory to avoid unlawful things. Certain things, however, happen to be dubious which contain within them rational causes of their being lawful as well as of their being unlawful. Or there happens to be arguments based on the Divine law on both the sides, or there happens to be the difference of opinions of the jurists. That thing becomes doubtful in these situations. It is necessary to avoid it, because its lawfulness is not absolute. The heart does not happen to be at peace. The doubt of unlawfulness remains. Hence, such a thing ought to be avoided, so that one’s heart might remain at peace.

4459. It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘There will come a time when a man will not care where his wealth comes from, whether (the source is) Ḥalâl or Ḥaram.’” (Saâîhîh)
In other words, people's sole aim would become to earn wealth. Wealth would come, albeit from anywhere. There would remain no distinction between the lawful and the unlawful. Today, this atmosphere generally prevails. Numerous departments, associations, and organizations deem achievement of wealth their first and foremost goal. Lawfulness and unlawfulness comes later. So much so that various religious institutions and establishments also have dyed themselves in the same color. Indeed we belong to Allâh and are going to return to Him.

4460. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'There will come a time when there will be no one left who does not consume Ribâ, and whoever does not consume it will nevertheless be affected by residue.'" (Daif)

Comments:
Most of the business world runs on interest. Monetary establishments manufacturing houses deal in usury, as well as the so-called Halâl mortgage or lending companies.

Chapter 3. Trade

4461. It was narrated that ‘Amr bin Taghlib said: 'The Messenger of Allâh ﷺ said: 'One of the portents of the Hour will be that wealth becomes widespread and
abundant, and trade will become widespread, but knowledge will disappear.\footnote{Literally, the text says: “Knowledge will be manifest.” Most manuscripts have \textit{Al-Ilm} (knowledge) here. Some have \textit{Al-Jahl} (ignorance); and in \textit{Al-Kubra} it is \textit{Al-Qalm} (the pen). In accord with other narrations, scholars explained that it means much will be written down, but of little benefit. See \textit{As-Saḥīḥah}, No. 2767.} A man will try to sell something and will say: “No, not until I consult the merchant of banu so and so.” And people will look throughout a vast area for a scribe, and will not find one.’’ (\textit{Saḥīḥ})

\textbf{Chapter 4. What Traders Must Avoid In Their Dealings}

\textbf{4462.} It was narrated that Hakim bin Hizam said: “The Messenger of Allah \textit{和平}\textit{宝} said: ‘The two parties to a transaction have the choice so long as they have not separated. If they are honest and open, their transaction will be blessed, but if they tell lies and conceal anything, the blessing of their transaction will be lost.’’ (\textit{Saḥīḥ})

\textbf{Comments:}

‘Widespread and abundant’: ‘Widespread’ signifies all the people will have wealth and abundant means everyone will have a lot of wealth.
Comments:
Both buyer and seller have the option to cancel at the place of the agreement the bargain at anytime before they physically part company. If either of them cancels the bargain, it will be incumbent upon the other party to accept it. But if the place of bargain changes then the bargain could be annulled only with the consent of both the parties.

Chapter 5. The One Who Sells His Product By Means Of False Oaths

4463. It was narrated from Abū Dharr that the Prophet ﷺ said: "There are three to whom Allâh will not speak on the Day of Resurrection, or will He look at them, or sanctify them, and theirs will be a painful torment." Abū Dharr said: "May they be lost and doomed." He said: "The one who drags his Izâr (below the ankles) the one who sells his product by means of false oaths, and the one who reminds others (Al-Mannân) of what he has given to them.” (Sâhih)

4464. It was narrated from Abû Dharr that the Prophet ﷺ said: "There are three at whom Allâh will not look on the Day of Resurrection, or will He sanctify them, and theirs will be a painful torment: the one who does not give anything but he reminds (the recipient of his gift), the one who drags his Izâr (below the ankles), and the one who sells his product by means of false oaths.” (Sâhih)
4465. It was narrated from Abû Qatâdah Al-Ansârî that he heard the Messenger of Allâh ﷺ say: “Beware of taking oaths a great deal when selling, for it may help you to make a sale but it destroys the blessing.” (Sahîh)

4466. It was narrated from Abû Hurairah that the Prophet ﷺ said: “Taking oaths may help you to make a sale but it takes (blessing) away from the earnings.” (Sahîh)

Comments:
Swearing false oaths in order to sell commodities is something far from a believer, and one should not even swear truthful oaths, because when swearing oaths becomes someone’s customary practice, the distinction between truth and falsehood disappears, and the sanctity of the name of Allâh ends. An oath should only be sworn when one absolutely cannot do without it. Concerning the understanding of obliteration of blessedness, please turn to Hadîth 4462.

Chapter 6. Taking Oaths To Cheat In Selling

4467. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: “There are three to whom Allâh will not speak on the Day of Resurrection, or will He look at them, or sanctify them, and theirs will be a painful torment: A
man who has surplus water when traveling but he withholds it from a wayfarer; a man who swears allegiance to an imām for worldly gains, and if he gives him what he wants he is loyal to him but if he does not give him anything he is not loyal to him; and a man who sells a man his product after 'Aṣr, swearing by Allāh that he bought it for such and such a price, and the other believes him.” (Sahih)

Chapter 7. The Command To Give Charity For The One Who Did Not Believe That What He Swore About Was True

4468. It was narrated that Qays bin Abī Gharazah said: “We used to trade in the markets of Al-Madinah and we used to call ourselves As-Samāsir (brokers) and the people called us that, but the Messenger of Allāh ﷺ came out to us and called us by a name that was better than what we called ourselves. He said: ‘O merchants (Tujjār)! Selling involves (false) oaths and idle talk, so mix some charity with it.’” (Sahih)

Comments:
(For detail, please turn to Hadith 3828)
Chapter 8. The Two Parties To A Transaction Have The Choice Before They Separate

4469. It was narrated that Ḥākīm bin Ḥīzām said: "The Messenger of Allāh ﷺ said: ‘The two parties to a transaction have the choice so long as they have not separated. If they are honest and open, their transaction will be blessed, but if they tell lies and conceal anything, the blessing of their transaction will be lost.’” (Sahih)

Comments:
(For detail, please turn to Hadith 4462)

Chapter 9. Mentioning The Differences Reported From Nāfi’

4470. It was narrated from Mālik, from Nāfi’, from ‘Abdullāh bin ‘Umar that the Messenger of Allāh ﷺ said: “The two parties to a transaction both have the choice so long as they have not separated, otherwise they have both chosen to conclude the transaction.” (Sahih)

4471. It was narrated from Yaḥya, from ʿUbaidullāh who said: ‘Nāfi’ narrated to me from Ibn ʿUmar, that the Messenger of Allāh ﷺ said: “The Book Of Financial Transactions 261

(المعجم 8) - وَجُوحُ الْخِيَارِ (المكتبة 8) 

4469 - أَخْبَرَ أَبُو الْأَشْعَبْ عَنْ خَالِدٍ قَالَ: حَكَّامُ نَيْسَبَ - وَهُوَ أَبُو عَبْدَ اللَّهِ عُوْذُبُ - عَنْ صَحَابَةَ، عَنْ صَالِحٍ أَبِي الْخَيلِلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْخَلَائِثِ، عَنْ حَكِيمٍ بْنِ جَزَامِ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: الْبِنَانُ بِالْخِيَارِ مَا لَمْ يَضْرِبْ، فَإِنَّ بِنَانًا وَصَدَفًا يَبْرُكْ لَهُمَا فِي بَيْعِهَا، وَإِنَّ ذَلِكَ وَكَتَابًا مُّجَّحَكَ بَرَكَةً بَيْعِهَا”.

تَحْرِيرَ: [صحيح] تقدم، ح: 4469، وهو في الكبرى، ح: 2111، وسماء، 
البيع، باب البيع بالخيار مال وتمير، ح: 1531 من حديث مالك به، وهو في الموطأ (البيبي) 217/6، والكربي، ح: 4457. 

4471. It was narrated from Yaḥya, from ʿUbaidullāh who said: ‘Nāfi’
said: 'The two parties to a transaction both have the choice so long as they have not separated, or they have chosen.' (Sahih)

4472. It was narrated from Ismā‘īl, from Nāfi‘, that Ibn ‘Umar said: ‘The Messenger of Allâh ﷺ said: ‘The two parties to a transaction both have the choice so long as they have not separated, unless they have both chosen to conclude the transaction. If they have both chosen to conclude the transaction, then the transaction is binding.’’ (Sahih)

4473. It was narrated from Ibn Juraij: ‘Nāfi‘ dictated to me, from Ibn ‘Umar who said: The Messenger of Allâh ﷺ said: ‘The two parties to a transaction both have the choice so long as they have not separated, unless they have both chosen to conclude the transaction. If they have both chosen to conclude the transaction, then the transaction is binding.’’ (Sahih)

4474. It was narrated from Ayyūb, from Nāfi‘, from Ibn ‘Umar that the Messenger of Allâh ﷺ said: ‘The two parties to a transaction
both have the choice so long as they have not separated or one of them says to the other: ‘Decide!’”

(Sahih)


4475. It was narrated from Ayyūb, from Nāfi', from Ibn ‘Umar, who said: “The Messenger of Allâh ﷺ said: ‘The two parties to a transaction both have the choice so long as they have not separated or chosen to conclude the transaction.’” Or perhaps Nāfi' said: “Or one of them has said to the other: ‘Decide!’” (Sahih)


4476. It was narrated from Al-Laith, from Nāfi', from Ibn ‘Umar who said: “The Messenger of Allâh ﷺ said: ‘The two parties to a transaction both have the choice so long as they have not separated or they have chosen to conclude the transaction.’” Or perhaps Nāfi' said: “Or one of them has said to the other: ‘Decide!’” (Sahih)


4477. It was narrated from Al-Laith, from Nāfi', from Ibn ‘Umar that the Messenger of Allâh ﷺ said: “When two men enter into a transaction, each of them has the choice until they separate.” On one
occasion he said: “So long as they have not separated and one has not told the other to decide. If one tells the other to decide and they agree upon something, then the transaction is binding. If they separate after entering into a transaction and neither of them has canceled the transaction, then the transaction is binding.” (Sahih)

4478. It was narrated from Yahya bin Sa’eed who said: “I heard Nafi’ narrating from Ibn ‘Umar, from the Messenger of Allâh [Saw] that: ‘The two parties to a transaction both have the choice so long as they have not separated unless they have chosen to conclude the transaction.’ Nafi’ said: ‘When ‘Abdullâh bought something he liked, he would leave straightaway.’” (Sahih)

4479. It was narrated from Yahya bin Sa’eed, who said: “Nafi’ narrated to us from Ibn ‘Umar, who said: ‘The Messenger of Allâh [Saw] said: There is no transaction between the two parties until they separate, unless they have chosen to conclude the transaction.”’ (Sahih)

Chapter 10. Mentioning The Differences Reported From ‘Abdullâh bin Dînâr

4480. It was narrated from Ismâ’il,
from ‘Abdullâh bin Dînâr, from Ibn ‘Umar, who said: “The Messenger of Allâh ﷺ said: ‘When two people meet to engage in trade, the transaction between them is not binding until they separate, unless they have chosen to conclude the transaction.’” (Sahîh)

4481. It was narrated from Ibn Al-Hâd, from ‘Abdullâh bin Dînâr, from ‘Abdullâh bin ‘Umar, that he heard the Messenger of Allâh ﷺ say: “When two people meet to engage in trade, the transaction between them is not binding until they separate, unless they have chosen to conclude the transaction.” (Sahîh)

4482. It was narrated from Sufyân, from ‘Amr bin Dînâr, from Ibn ‘Umar, who said: The Messenger of Allâh ﷺ said: “When two people meet to engage in trade, the transaction between them is not binding until they separate, unless they have chosen to conclude the transaction.” (Sahîh)

4483. It was narrated from Yazîd bin ‘Abdullâh, from ‘Abdullâh bin Dînâr, from Ibn ‘Umar, that he...
heard the Messenger of Allâh ﷺ say: "When two people meet to engage in trade, the transaction between them is not binding until they separate, unless they have chosen to conclude the transaction."

(Sahîh)

4484. It was narrated from Shu‘bâh who said: “Abdullâh bin Dînâr narrated to us, from Ibn ‘Umar, who said: The Messenger of Allâh ﷺ said: "When two people meet to engage in trade, the transaction between them is not binding until they separate, unless they have chosen to conclude the transaction." (Sahîh)

4485. It was narrated from Sufyân, from ‘Abdullâh bin Dînâr, from Ibn ‘Umar, from the Prophet ﷺ who said: “Two traders have the choice as long as they have not separated, or, they have chosen to conclude the transaction.” (Sahîh)

4486. It was narrated from Al-Hasan, from Samurah, that the Prophet of Allâh ﷺ said: "Two traders have the choice as long as they have not they separated, or until they reach a deal that suits both of them and they confirm it three times." (Hasan)
Comments:

Both of them should make it explicitly clear. In this instance, the option of return would not exist even if the seller and the buyer physically remain in the company of the other.

4487. It was narrated from Al-Hasan, from Samurah, who said: “The Messenger of Allâh ﷺ said: ‘Two traders have the choice as long as they have not separated, or until they reach a deal that suits both of them or that is satisfactory (to both).’” (Hasan)

Chapter 11. Requirement For The Two Parties To A Transaction To Choose Before They Physically Part

4488. It was narrated from ‘Amr bin Shu‘aib, from his father, from his grandfather, that the Prophet ﷺ said: “The two parties to a transaction have the choice so long as they have not separated, unless they reach an agreement before parting, and it is not permissible to hasten to leave for fear that the other party may change his mind.” (Hasan)

Comments:

Both parties in a transaction have a right to annul it so long as they have not separated or parted company. Even attempting to destroy this right falls into the category of annihilation, or infringement upon one’s rights. Well-wishing
and sincerity demands that the second party should be given full opportunity
to exercise his right.

Chapter 12. Cheating When Trading

4489. It was narrated from Ibn 'Umar that a man told the Messenger of Allâh ﷺ that he was always being cheated. The Messenger of Allâh ﷺ said to him: "When you make a deal, say: 'There is no intention of cheating.'" So, whenever the man engages in a deal he says, "There is no intention of cheating."" (Sahîh)

4490. It was narrated from Anas that there was a man whose mental faculties were lacking, and he used to buy and sell. His family came to the Prophet ﷺ and said: "O Prophet of Allâh, stop him." So the Prophet of Allâh ﷺ called him, and told him not to do that. He said: "O Prophet of Allâh, I cannot bear to be away from business." He said, "If you engage in a deal, then say: 'There is no intention to deceive.'"[1] (Sahîh)

[1] The Prophet ﷺ told him to do that so that people would realize that he was not very smart, so they would be kind to him and treat him fairly, as people at that time were like brothers and cared for others more than they cared for themselves.
Chapter 13. Al-Muḥaffalah
(Animals That Have Not Been Milked)

4491. Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘If any one of you sells a sheep or a milch-camel, let him not refrain from milking it.’”[1] (Sahih)

Chapter 14. Prohibition Of (Selling) Al-Musarrāḥ, And It Is To Bind The Udders Of The Camel Or The Sheep, And To Avoid Milking Them For Two Or Three Days, Until the Milk Gathers In Them, Increasing The Profits Of The Sale When It Is Seen That It Has A Great Amount Of Milk

4492. It was narrated from Abū Hurairah that the Prophet ﷺ said: “Do not go out to meet the riders,[2] and do not bind the udders of camels and sheep. Whoever has bought anything in that manner has two choices: If he wishes he may keep it, or if he wants to return it he may return it, along with a Sā‘ of dates.” (Saḥīḥ)

[1] That is, for a day or to prior to sale, to make it appear to produce more milk than it actually does.

[2] Meaning the merchants coming to the city, in order to buy from them before they reach the market.
Comments:

1. The explanation of the term مسارح has already been provided in the heading of the chapter. Since the objective of this tricky method is to deceive the buyer, and one is thus highly likely to be deceived, the Divine law, therefore, gives the buyer a right to annul the bargain. There is no vagueness in it at all.

2. A سئ of dates: (The سئ is a volume measure equaling approximately 2.03 liter). This is by way of compensation of the milk which had collected in the udders and which was utilized by the buyer. A question is likely to arise in one’s mind. The quantity of the milk could be more or less; why was the compensation specified? This, in fact, is in order to eliminate the possibility of dispute. Otherwise, if the price is specified, it is likely to give rise to mutual disagreement.

3. In the regions where dates are not common, the staple food of that region, wheat in our province would be given. In our place, a سئ of dates would be very expensive. Specification of dates is in consonance with the Arabic environment where dates were their staple food, and which were abundant and easy to obtain.

4493. It was narrated from Abū Hurairah that the Messenger of Allah ﷺ said: “Whoever buys a مسارح, if he is pleased with it when he milks it, he may keep it, and if he is not pleased with it, he may return it, along with a سئ of dates.” (Sahih)

4494. Abū Hurairah said: Abū Al-Qāsim said: “Whoever buys a مسارح, he has the choice (of annulling the deal) for three days. If he wishes to keep it, he may keep it, and if he wishes to return it, he may return it, along with a سئ of dates.”
Comments:
1. ‘Abūl Qāsim was the agnomen of the Messenger of Allāh ﷺ.
2. ‘For three days’ because one becomes aware of the genuine milk within these days, and the deception becomes unmasked.

Chapter 15. A Slave’s Earnings Belong To His Guarantor

4495. It was narrated that ‘Āishah said: “The Messenger of Allāh ﷺ ruled that what a slave earns belongs to his guarantor.” (Hasan)

Chapter 16. The Muhājir Selling For A Bedouin

4496. It was narrated that Abū Hurairah said: “The Messenger of Allāh ﷺ forbade meeting (the traders on the way), a Muhājir selling for a Bedouin, keeping the milk in the udder of an animal (so as to increase its price), artificially inflating prices, a man to urge the cancellation of sale already agreed

[1] Meaning, his master who put him to work at the time he earned that income.
upon, and a woman to ask that her sister (in faith) be divorced.”

Chapter 17. The Town-Dweller Selling For A Desert-Dweller

4497. It was narrated from Anas that the Prophet forbade a town-dweller to sell for a desert-dweller, even if he was his father or brother. (Sahih)

4498. It was narrated that Anas bin Mâlik said: “It was forbidden to us for a town-dweller to sell for a desert-dweller, even if he was his father or brother.” (Sahih)

4499. It was narrated that Anas said: “It was forbidden to us for a town-dweller to sell for a desert-dweller.” (Sahih)
4500. Jâbir said: “The Messenger of Allâh Ṣâliḥ said: ‘A town-dweller should not sell for a desert-dweller. Leave the people alone and let Allâh provide for them from one another.” (Sahîh)

Comments:
The objective is that transactions and commercial dealings should run in natural unconstrained fashion. Inflation should not be generated by creating shortage, using tricky artificial means or hoarding. Rather, as the products or merchandise reach the market, they ought to be sold on their arrival and thus the needs of people should be continued to be met. Apparently, if the townsman would sell the merchandise of the villager, he would assuredly practice hoarding and create artificial shortage.

4501. It was narrated from Abû Hurairah that the Messenger of Allâh Ṣâliḥ said: “Do not go out to meet the riders, and do not urge someone to cancel a sale he has already agreed upon so as to sell him your own goods, do not artificially inflate prices, and let not a town-dweller sell for a desert-dweller.” (Sahîh)

4502. It was narrated from ‘Abdullâh that the Messenger of Allâh Ṣâliḥ forbade artificially inflating prices, meeting traders on the way, and for a town-dweller to sell for a desert-dweller.” (Sahîh)
Chapter 18. Meeting Traders

On The Way

4503. It was narrated from Ibn ‘Umar that the Messenger of Allâh ﷺ forbade meeting traders on the way. (Sahih)

4503 (B). It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ forbade meeting traders on the way, until one enters the market with them?” Abû Usâmah acknowledged it and said: Yes. (Sahih)

4504. It was narrated from Ibn Tâwûs, from his father, that Ibn ‘Abbâs said: “The Messenger of Allâh ﷺ forbade meeting the riders, and for a town-dweller to sell for a desert-dweller.” I said to Ibn ‘Abbâs: “What does a town-dweller (selling) for a desert-dweller mean?” He said: “He should not act as a broker for him.” (Sahih)

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Comments:

‘He should not work as a broker for him’ means he should not sell his things by taking commission, because prices will be inflated in this way. The amount of commission will also be included in the price of the commodity.

4505. Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘Do not meet the traders on the way, and whoever meets any of them and buys from him, the vendor has the choice of annulling the transaction when he comes to the marketplace.’” (Ṣaḥīḥ)

Comments:

‘He should not work as a broker for him’ means he should not sell his things by taking commission, because prices will be inflated in this way. The amount of commission will also be included in the price of the commodity.

Chapter 19. Urging A Seller To Cancel A Sale Already Agreed Upon With Another Buyer, So As To Buy The Goods Oneself

4506. It was narrated that Abū Hurairah said: The Messenger of Allāh ﷺ said: “No town-dweller should sell for a desert-dweller, do not artificially inflate prices, no man should urge a seller to cancel a sale already agreed upon with another buyer so as to buy the goods himself, no one should make a proposal over the proposal of his brother and no woman should ask for her sister (in faith) to be divorced so as to turn over what is
in her vessel (deprive her of her share of maintenance) and so that she may get married in her place; she will have what Allâh has decreed for her." (Sahîh)

Chapter 20. Urging Someone To Cancel A Sale He Has Already Agreed Upon So As To Sell Him Your Own Goods

4507. It was narrated from Ibn `Umar that the Prophet ﷺ said: "No one of you should urge someone to cancel a sale he has already agreed upon with his brother so as to sell him his own goods." (Sahîh)

Chapter 21. Artificially Inflating Prices

4508. It was narrated from Ibn `Umar that the Messenger of Allâh ﷺ forbade artificially inflating prices. (Sahîh)
4510. It was narrated that Abū Hurairah said: “I heard the Messenger of Allāh ﷺ say: ‘No man should urge anyone to cancel a sale he has already agreed upon with his brother so as to sell him his own goods; no town-dweller should sell for a desert-dweller; do not artificially inflate prices; no man should outbid his brother; and no woman should ask for her sister (in faith) to be divorced so as to turn over what is in her vessel (deprive her of her share of maintenance).’” (Sahih)

4511. It was narrated from Abū Hurairah that the Prophet ﷺ said: “No town-dweller should sell for a desert-dweller; do not artificially inflate prices; no man should outbid his brother; and no woman should ask for her sister (in faith) to be divorced so as to turn over what is in her vessel (deprive her of her share of maintenance).” (Sahih)

Chapter 22. Selling By Auction

4512. It was narrated from Anas bin Mālik that the Messenger of
Allāh sold a drinking bowl and a blanket (for a horse or camel) to the highest bidder. (Hasan)

Comments:
1. A needy person came to the Messenger of Allāh to beg something from him. Allāh’s Messenger said to him, ‘I would show you a better way than this; go and fetch whatever is available in your home.’ He brought these things. The Prophet sold them and purchased an ax and rope, and gave them to him. And the Prophet said, ‘Go into the forest, cut wood and sell it. This is more superior to begging.’

2. ‘He sold... set’: The Prophet announced, ‘Who will buy these?’ A man said, ‘I will buy them for 1 dirham.’ The Prophet said, ‘Who will pay more?’ Another person said, ‘I will buy them for two dirhams.’ The Prophet sold these things.

Chapter 23. Mulâmasah

4513. It was narrated from Abû Hurairah that the Messenger of Allâh forbade Mulâmasah and Munâbadhah. (Hasan)

(المعجم 23 - بيع الملامسة (التحفة 21)

4514. It was narrated from Abû ...ح: 2146، وسالم، البيع، باب إيطال بيع الملامسة والمتاعب، ح: 1511 باختلاف في السند من حديث مالك به، وهو في الموطأ (بيحيى): 2/66، والكبرى، ح: 1100.

Chapter 24. Explanation Of That

4514. It was narrated from Abû ...ح: 22 – أخبرنا إبراهيم بن يعقوب بن
Sa‘eed Al-Khudrî that the Messenger of Allâh ﷺ forbade *Mulâmasah*, which means touching a garment without looking at it, and *Munâbadhah*, which is where one man sells his garment to another man, by throwing it to him, without him checking it or looking at it. (Ṣâhih)

**Chapter 25. Munâbadhah**

4515. It was narrated that Abû Sa‘eed Al-Khudrî said: "The Messenger of Allâh ﷺ forbade selling by *Mulâmasah* and *Munâbadhah*." (Ṣâhih)

4516. It was narrated that Abû Sa‘eed Al-Khudrî said: "The Messenger of Allâh ﷺ forbade two kinds of transactions: *Mulâmasah* and *Munâbadhah*." (Ṣâhih)
Chapter 26. Explanation Of That

4517. Abû Hurairah said: "The Messenger of Allâh forbidâ Munâbadhah and Mulâmâsah. Mulâmâsah is when two men trade garments with each other under cover of night, each man touching the garment of the other with his hand. And Munâbadhah is when one man throws a garment to another and the other throws a garment to him, and they trade them with each other in that manner." (Sahîh)

Comments:

Cloth has been mentioned of by way of illustration. Otherwise, whatever commodity is sold or purchased in this fashion would be called Mulâmâsah and Munâbadhah. It is also not necessary that on both the sides should be commodities of the same sort or variety as is mentioned in the interpretation. Rather, if the bargain is made with cash, then also its ruling would be the same. The purpose is whichever bargain that contains any sort of dubiousness or bears possibility of deception, is forbidden. This is because such bargain later on becomes the cause of dispute. Moreover, such bargains are founded upon selfishness and deception, and both these things are contrary to humanity and Islam.

4518. It was narrated that Abû Sa‘eed Al-Khudrî said: "The Messenger of Allâh forbidâ Mulâmâsah. And Mulâmâsah means touching a garment without looking at it; (and he forbidâ) Munâbadhah, and Munâbadhah means when a man throws his garment to another man without him checking it." (Sahîh)
4519. It was narrated that Abù Sa‘eed Al-Khudrî said: “The Messenger of Allâh ﷺ forbade two kinds of garments and two kinds of transactions. As for the two kinds of transactions, they are Mulâmasah and Munâbadhah. Munâbadhah is when a man says, ‘I throw this garment, and the transaction becomes binding.’ And Mulâmasah is when a man touches it with his hand, without spreading it out and checking it, and once he touches it, the transaction becomes binding.”
(Sahîh)

تخريج: أخرجه البخاري، البيع، باب يع السنابذة، ح: 1145 ; و428 من حديث الزهري به، وهو في الكبرى، ح: 1376، وأخرجه أبو داود، ح: 378 من حديث عبدالله زقاق به.

4520. It was narrated from Sâlim that his father said: “The Messenger of Allâh ﷺ forbade two kinds of garments, and he forbade two kinds of transactions for us: Munâbadhah and Mulâmasah, which are kinds of transactions which were common during the Jâhiliyyah.”
(Sahîh)

تخريج: [صحيح] أخرجه أبو داود، الأضعف، باب الجلوس على مائدة عليها بعض ما يكربه، ح: 3774 من حديث جعفر بن يزنقان به، وهو في الكبرى، ح: 16707، وللحمد شواهد كثيرة، منها الحديث السابق.

4521. It was narrated from Ḥafṣ bin ‘Āсим, from Abû Hurairah that the Prophet ﷺ forbade two kinds of transactions: Munâbadhah and Mulâmasah. And he said that
Mulâmasah means when one man says to another: “I will sell you my garment for your garment,” and neither of them looks at the garment of the others, rather he just touches it. And Munâbadhah is when he says: “I will throw what I have and you throw what you have,” so that they buy from one another, and neither of them knows how much the other has, and so on. (Saḥîh)

Comments:
The Mulâmasah and Munâbadhah could be interpreted in various ways, but one thing is common between them. Apart from touching and throwing, it contains no room for further assurance and certainty. In fact, this very element of dubiousness is the cause of its being forbidden. While along with this, a passion to deceive is found in all these forms of transactions.

Chapter 27. The Ḥaṣâḥ Transaction

4522. It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ forbade Gharar transactions and Ḥaṣâḥ transactions.” (Saḥîh)

(المعجم 27) - بِّيْعُ الحَصَاةٍ (التحفة 45)

 coment: A transaction that involves throwing pebbles, which may be understood in three ways: (i) the seller throws pebbles onto the goods and gives the buyer whatever the pebbles land on; (ii) the seller sells land then tells the purchaser that he will get the land as far as a pebble thrown by the seller reaches; (iii) the seller tells the purchaser that he has the option to change his mind until he (the seller) throws a pebble, at which point the transaction becomes binding. Gharar: Selling goods which appear sound but contain some hidden fault, or concerning which something is unclear.
Chapter 28. Selling Fruits
Before Their Condition Is Known

4523. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: “Do not sell fruits until their condition is known.” And he forbade (both) the seller and the purchaser (to engage in such a transaction). (Sahîh)

Comments:
1. Fruits are meant to be eaten when they are ripe; raw fruits are not eaten. If raw fruits are bought, several calamities are likely to befall them before they ripen. They are likely to ‘dry up’; germs might infect them, etc. Hence, one morning it might give rise to a dispute that the fruits are destroyed. What shall one pay for? In such bargains, payment is generally made at the time of reaping the harvest. In view of these disputes, such deals were prohibited.

2. Here ripening of the fruit signifies its modality, after which there is no possibility of any calamity befalling them. It does not mean their condition when they are ready to be eaten. For instance, when mango grows to its full size, it is picked. Thereupon, some seasoning is applied to it, which helps to ripen it, and so it becomes worthy of eating. So in this condition, buying and selling of mango fruit is appropriate.

4524. It was narrated from Sâlim, from his father, that the Messenger of Allâh ﷺ forbade selling fruits until their condition is known. (Sahîh)

4525. It was narrated that Abî Hurairah said: “The Messenger of Allâh ﷺ said: ‘Do not sell fruits until their condition is known, and do not sell fresh dates (still on the
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Comments:

‘Do not buy fresh dates against dry dates’ because when the same sort or variety happens to be on either side, deficiency or perfection is not pronounced appropriately. Equality is essential. But in the matter of dry and fresh dates equality is not possible, because when fresh dates dry up, their weight lightens. Therefore, both the varieties should be sold and purchased separately.

4526. ‘Abdullāh bin ‘Umar said: “The Messenger of Allāh ﷺ stood up among us and said: ‘Do not sell fruits until their condition is known.’” (Sahih)

4527. It was narrated from ‘Aṭā’: ‘I heard Jābir bin ‘Abdullāh (narrate) from the Prophet ﷺ that he forbade Mukhābarah, Muzābanah and Mukhāqalah, and (he forbade) selling fruits until their condition is known, and that they should only be sold for Dinārs and Dirhams, but he granted a concession regarding the sale of...” similarly. (Sahih)
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4528. It was narrated from Jābir that the Prophet forbade Muhkhâbarah, Muzâbanah and Mühâqalah, and selling fruits until they were fit to eat, except in the case of ‘Arâyâ. (Sâhih)

4529. It was narrated that Jâbir said: “The Messenger of Allâh forbade selling the fruit of date palms until they are fit to eat.” (Sâhih)

Chapter 29. Buying Fruits
Before Their Condition Is
Known On Condition That He
Will Pick Them And Not Leave
Them Until They Ripen

4530. It was narrated from Anas bin Mâlik that the Messenger of Allâh forbade selling fruits before they ripen. It was said: “O Messenger of Allâh, what does ripen mean?” He said: “When they turn red.” And the Messenger of Allâh said: “What do you think if Allâh withholds the fruits (causes it not to ripen), why would any one

[1] ‘Arâyâ refers to trees from the coming harvest which are given as a gift, but the giver will be troubled by the recipient’s coming to his garden to collect the dates, so he offers to sell him dried, measured dates in return for the coming harvest.
of you take his brother’s wealth?”

(Sahih)

Comments:

1. ‘Until it becomes red’ means when the fruit begins to change its color; whether it turns red or yellow. This demonstrates that ripening does not signify complete ripening, but its becoming secure of the danger of blight.

2. ‘Why would any one of you take his brother’s wealth?’ - In other words, if the buyer intends to pick the fruit immediately, then the seller might take the price. This is because Allâh’s Messenger has forbidden taking the price in the event that the fruits stop ripening. If they are harvested immediately, the question of their ripening does not arise at all. The very argument forms the basis of this chapter, and it is perfectly sound.

Chapter 30. Annulling A Transaction In The Event Of Crop Failure

4531. Jâbir said: “The Messenger of Allâh said: ‘If you sell fruits to your brother then the crop fails, it is not permissible for you to take anything from him. Why would you take the wealth of your brother unlawfully?’” (Sahih)

4532. It was narrated from Jâbir bin ‘Abdullâh that the Messenger of Allâh said: “Whoever sells fruit then his crop fails, he should not take (anything) from his brother.” (And he said something along the lines of) “Why would any
one of you consume the wealth of his Muslim brother?” (Saḥīḥ)

It was narrated from Jābir that the Prophet annulled transactions in the event of crop failure. (Saḥīḥ)

It was narrated from Abū Sa‘eed Al-Khudrī said: “At the time of the Messenger of Allāh, a man suffered loss of some fruit that he had purchased, and his debts increased. The Messenger of Allāh said: ‘Give him charity.’ So the people gave him charity, but that was not enough to pay off his debts. The Messenger of Allāh said: ‘Take what you find, but you have no right to more than that.’” (Saḥīḥ)

Comments:

It has been argued on the basis of this report that forgiving damage is not essential, otherwise, the need to give command for charity would not have arisen. Although, according to this Tradition, only the existing commodity has been given. Concerning the remaining part, it has been made explicitly clear that ‘you have no right to more than that’. So to say, the damage was forgiven but not in its entirety.

Chapter 31. Selling The Harvest For A Number Of Years To Come

It was narrated from Jābir that the Prophet forbade selling...
the harvest for a number of years (in advance). (Sahih)

Chapter 32. Selling Fresh Dates Still On The Tree For Dried Dates

4536. It was narrated from Sâlim, from his father, that the Prophet forbade selling fresh dates still on the tree for dried dates. Ibn 'Umar said: "Zaid bin Thâbit narrated to me, that Allâh's Messenger permitted that in the case of 'Arâyâ." (Sahih)

Comments:
See No. 3910.

4537. It was narrated from Ibn 'Umar that the Messenger of Allâh forbade Muzâbanah. And Muzâbanah is when what is at the tops of the trees is sold for a certain amount of dried dates; if there are more then I gain, and if there are less then I lose. (Sahih)
Chapter 33. Selling Fresh Grapes For Raisins

4538. It was narrated from Ibn 'Umar that the Messenger of Allâh (ǂ) forbade Muzâbanah, and Muzâbanah means selling fresh dates still on the tree for dried dates by measure, and selling fresh grapes for raisins by measure. (Saâhih)

The Muzâbanah form of sale is forbidden, because there is the possibility of loss to one of the two parties. It is possible that the trees yield less quantity of dates. Even otherwise, the dates become light in their weight on drying up.

4539. It was narrated that Râfi' bin Khâdîj said: “The Messenger of Allâh (ǂ) forbade Muhaqalah and Muzâbanah.” (Hasan)

4540. It was narrated from Sâlim that his father said: “Zaid bin Thâbit told me that the Messenger of Allâh (ǂ) granted a concession regarding the sale of ‘Arâyâ.” (Saâhih)

4541. Khârijah bin Zaid bin Thâbit narrated from his father that the Messenger of Allâh (ǂ) granted a concession regarding ‘Arâyâ sales regarding dried dates and fresh dates.
Chapter 34. ‘Arâyâ Sales For Dried Dates By Estimation

4542. It was narrated from Zaid bin Thâbit that the Messenger of Allâh ﷺ granted a concession allowing ‘Arâyâ sales by estimation. (Sâhîh)

Comments:
(For further details, please see Hadîth 3910)

Chapter 35. ‘Arâyâ Sales For Fresh Dates

4544. It was narrated that Zaid bin Thâbit said: “The Messenger of Allâh ﷺ granted a concession allowing ‘Arâyâ sales for fresh dates and for dried dates, but he did not allow anything other than that.” (Sâhîh)
4545. It was narrated from Abū Hurairah that the Prophet ﷺ granted a concession allowing estimating for ‘Arayyā sales, so long as they were five Wasq or less than that. (Sahih)

Comments:
1. One Wasq is equal to 60 Sa’, and Sa’ used to be a volume of measure equaling two or two and a half kilograms. This sort of sale is permitted, because this quantity of dates is generally meant for eating, while greater quantities are kept for trade. Since this dispensation is in view of the compelling situation of the poor, it is not permitted in larger quantities.
2. ‘Five Wasqs or less than five’: The purpose is to underscore that in the quantity of more than five Wasqs, one should not derive benefit from this dispensation.

4546. It was narrated from Sahl bin Abi Ḥathamaḥ that the Prophet ﷺ forbade selling fruits before their condition was known, but he granted a concession allowing ‘Arayyā sales by estimate, so its people could eat fresh dates. (Sahih)
Comments:
'So that they could eat fresh dates': because the dates that are still on the trees would be acquired later.

4547. Râfi‘ bin Khâdîj and Sahl bin Abî Hathâmah narrated that the Messenger of Allâh ﷺ forbade Muzâbanah, which means selling fresh dates still on the tree for dried dates, except in cases of ‘Arâyâ, for which he gave permission. (Ṣaḥîh)

4548. It was narrated from Bâshîr bin Yâsâr that the Companions of the Messenger of Allâh ﷺ said: "The Messenger of Allâh ﷺ granted a concession allowing ‘Arâyâ sales by estimate." (Ṣaḥîh)

Chapter 36. Buying Dried Dates With Fresh Dates

4549. It was narrated that Sa’d said: "The Messenger of Allâh ﷺ was asked about (buying) fresh dates with dried dates, and he said to those who were around him: ‘Will fresh dates decrease (in weight or volume) when they dry out?’ They said ‘Yes,’ so he forbade that.” (Ḥasan)
Comments:

Allah’s Messenger’s inquiring of the people who were present was not because he was not aware of it. Rather the Prophet’s question was to make evident the cause of the command itself, because on both the sides, the same species is involved. In such instances, deficiency or excess is not permitted. In the hereunder quoted instance, there is possibility of deficiency or excess.

4550. It was narrated that Sa’d bin Mālik said: “The Messenger of Allah was asked about (buying) fresh dates with dried dates and he said: ‘Will fresh dates decrease (in weight or volume) when they dry out?’ They said ‘Yes,’ so he forbade that.” (Hasan)

Chapter 37. Selling A Heap Of Dried Dates Whose Volume Is Unknown For A Heap Of Dried Dates Whose Volume Is Known

4551. Jābir bin ‘Abdullāh said: “The Messenger of Allah forbade selling a heap of dried dates whose volume is unknown for known volume of dried dates.” (Ṣaḥīh)

Comments:

The reason for forbiddance is the same which has preceded in the previous narrations, when there is the same species on either side; deficiency or excess would become interest or usury. Since the weight of the heap is not known, the deficiency or excess is incumbent and this if forbidden.
Chapter 38. Selling A Heap Of Grain For A Heap Of Grain

4552. Abū Zubair narrated that he heard Jābir bin ‘Abdullāh say: “The Prophet ﷺ said: ‘A heap of grain should not be sold for a heap of grain, or for a heap of grain of known measure.’” (Sahih)

Comments:
Providing there is on either side the same variety of grain, because deficiency or excess is forbidden only when the variety of the commodity is the same. But if the species changes, for instance, there is wheat on one side and dates on the other, then there is no harm in deficiency, excess, or dubiousness.

Chapter 39. Selling Grain In The Field For Grain (That Has Been Harvested)

4553. It was narrated that Ibn 'Umar said: “The Messenger of Allāh ﷺ forbade Musabānah, which refers to when a man sells the dates of his grove while they are still on the trees, for a measure of dry dates, estimating the amount (of dates on the trees). Or, if it is grapes, he sells them when they are still on the vines, for a measure of raisins, estimating the amount (of grapes on the vines). Or if it is grain in the field, he sells it for grain that has been harvested, estimating the amount (of grain in the fields). He forbade all of that.” (Sahih)
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Comments:

Such sales are called Muzābanah and Muhāqalah. The reason for prohibition has preceded in Hadith 4538. (For further details, see Hadith 3910)

4554. It was narrated from Jābir that the Messenger of Allāh forbade Mukhābarah, Muzābanah and Muhāqalah, and selling dates before they are fit for eating, and selling them for anything except Dīnārs and Dirhams. (Sahih)

4555. It was narrated from Ibn ‘Umar that the Messenger of Allāh forbade selling dates on the trees before they ripen, or selling ears of corn before the grains become visible and there is no fear of blight. He forbade that to the seller and the buyer. (Sahih)

4556. It was narrated from Abū Sālih that a man from among the Companions of the Prophet told him, he said: “O Messenger of Allāh, we cannot buy Sāhih dates or lādhq dates for the same amount of mixed dates (which are of inferior quality). Should we increase (the
amount we give in payment for the better quality dates?"

The Messenger of Allâh ﷺ said: "Sell them for silver then buy with it." (Hasan)

Chapter 41. Selling Dates For Dates Of Different Quality

4557. It was narrated from Abû Sa'eed Al-Khadrî and Abû Hurairah that the Messenger of Allâh ﷺ appointed a man in charge of Khaibar and he brought some Janîb dates. The Messenger of Allâh ﷺ said: "Are all the dates of Khaibar like this?" He said: "No, (by Allâh, O Messenger of Allâh ﷺ.) We take a Sa' of these for two for three Sa's (of other types of dates)." The Messenger of Allâh ﷺ said: "Do not do that. Sell the mixed dates for Dirhams then buy the Janîb dates with the Dirhams." (Sahîh)

Comments:
The Janîb was a variety of superior dates; and Jam' used to be of inferior quality, which did not contain a stone. Or Jam' might mean mixed variety of dates; some of this variety, some of this variety, some of that. Since in Khaibar, portions of various varieties of dates were levied, therefore, they were mixed.
4558. It was narrated from Abū Sa‘eed Al-Khudrī that some dates from trees that were irrigated artificially were brought to the Messenger of Allāh ﷺ, and the dates of the Messenger of Allāh ﷺ were dates from trees that were nourished by their roots. He said: “Where did you get these from?” They said: “We bought a Sā‘ of them for two Sā’s of our dates.” He said: “Do not do that, for this is not right. Rather sell your dates and but what you need of these.” (Sahih)

4559. Abū Sa‘eed Al-Khudrī said: “We used to be given mixed dates during the time of the Messenger of Allāh ﷺ, and we would sell two Sā’s for one Sā‘. News of that reached the Messenger of Allāh ﷺ and he said: ‘(Do not sell) two Sā’s of dates for a Sā‘, or two Sā’s of wheat for a Sā‘, or a Dirham for two Dirhams.’” (Sahih)

4560. Abū Sa‘eed said: “We used to sell two Sā’s of mixed dates for a Sā‘ but the Prophet ﷺ said: ‘(Do not sell) two Sā’s of dates for a Sā‘, or two Sā’s of wheat for a Sā‘, or two Dirhams for a Dirham.’” (Sahih)
4561. Abū Sa‘eed said: “Bilāl brought some Barī dates to the Messenger of Allāh ﷺ and he said: ‘What is this?’ He said: ‘I bought a Ṣā‘ of them for two Ṣā’s.’ The Messenger of Allāh ﷺ said: ‘O! The essence of Ribā, do not approach it.’” (Sahih)

4562. ‘Umar bin Al-Khaṭṭāb said: “The Messenger of Allāh ﷺ said: ‘(Exchanging) gold for silver is Ribā unless it is done on the spot. (Exchanging) dates for dates is Ribā unless it is done on the spot. (Exchanging) wheat for wheat is Ribā unless it is done on the spot. (Exchanging) barley for barley is Ribā unless it is done on the spot.’” (Sahih)

Chapter 42. Selling Dates For Dates

for dates, wheat for wheat, barley for barley, salt for salt, exchanged hand to hand. Whoever gives more or takes more has engaged in Ribā, unless they are of different types." (Sahih)

'These if they are of different types': For instance, exchange of dates for wheat, wheat for barley, barley for salt. In such situations, the occurrence of increase or decrease is permissible. However, the deal should be hand-to-hand or instant (such that the deal does not involve any delay in the exchange even if brief).

Chapter 43. Selling Wheat For Wheat

It was narrated that Muslim bin Yásår and 'Abdullāh bin 'Atīk said: "Ubādah bin Aṣ-Ṣāmit and Mu‘āwiya met at a stopping place on the road. Ubādah told them: ‘The Messenger of Allāh forbade selling gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates’ – one of them said: “salt for salt,” but the other did not say it – “unless it was like for like, hand to hand. And he commanded us to sell gold for silver and silver for gold, and wheat for barley and barley for wheat, hand to hand, however we wanted.” And one of them said: “Whoever gives more or asks for more has engaged in Ribā.” (Sahih)

4564. It was narrated that Muslim bin Yásår and 'Abdullāh bin 'Atīk said: “Ubādah bin Aṣ-Ṣāmit and Mu‘āwiya met at a stopping place on the road. Ubādah told them: ‘The Messenger of Allāh forbade selling gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates’ – one of them said: “salt for salt,” but the other did not say it – “unless it was like for like, hand to hand. And he commanded us to sell gold for silver and silver for gold, and wheat for barley and barley for wheat, hand to hand, however we wanted.” And one of them said: “Whoever gives more or asks for more has engaged in Ribā.” (Sahih)

Comments:

For more information, see the next page.
Muslim bin Yasâr and 'Abdullâh bin 'Ubaid who was called Ibn Hurmuz narrated that 'Ubâdah bin Aš-Šâmit and Mu‘âwiyyah met at a stopping place on the road. 'Ubâdah told them: “The Messenger of Allâh ﷺ forbade selling gold for gold, silver for silver, dates for dates, wheat for wheat, barley for barley” — one of them said: “salt for salt,” but the other did not say it — “unless it was equal amount for equal amount, like for like.” One of them said: “Whoever gives more or takes more has engaged in Ribâ,” but the other one did not say it. “And he commanded us to sell gold for silver and silver for gold, and wheat for barley and barley for wheat, hand to hand, however we wanted.” (Ṣaḥîh)

Comments:

Allâh, Most High, has created gold and silver for trading, and they constitute value or price. In them also, decrease or increase is prohibited when there is gold in return for gold and silver in return for silver. Hence, those things which constitute price, decrease or increase would be prohibited in them also. For instance, currency notes, bonds, promissory certificates, etc. A bond or promissory certificate of the value of one hundred cannot be purchased in exchange for more than one hundred; otherwise it would constitute interest.

Chapter 44. Selling Barley For Barley

Muslim bin Yasâr and 'Abdullâh bin 'Ubaid said: “‘Ubâdah bin Aš-Šâmit and Mu‘âwiyyah met at a stopping place on the road. ‘Ubâdah said: The Messenger of Allâh ﷺ forbade us...”
to sell gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates” — one of them said: “salt for salt,” but the other did not say it — “unless it was equal amount for equal amount, like for like.” One of them said: “Whoever gives more or takes more has engaged in Ribâ,” but the other one did not say it. “And he commanded us to sell gold for silver and silver for gold, and wheat for barley and barley for wheat, hand to hand, however we wanted.” News of this Hadith reached Mu‘awiyyah and he stood up and said: ‘What is the matter with men who narrate Hadâths from the Messenger of Allâh ﷺ when we accompanied him and we never heard him say it?’ News of that reached ‘Ubâdah bin As-Sâmît and he stood up and repeated the Hadîth, then he said: ‘We will narrate what we heard from the Messenger of Allâh ﷺ, whether Mu‘awiyyah likes it or not.”’ Qatâdah contradicted him, he reported it from Muslim bin Yasnâr, from Abû Al-Ash’âth, from ‘Ubâdah. (Sahîh)

Comments:

Ubâdah bin As-Sâmît was one of the Nuqaba (Naqib), or headman of the Aqabah Pledge. He is included among the earliest of the Ansâr. The period of his educational training and nurturing under the shade of the Messenger of Allâh ﷺ is greater than that of Mu‘awiyyah. Mu‘awiyyah embraced Islam in 7H, a year after the Truce of Hudaybiyyah. Therefore, there is nothing astonishing that Mu‘awiyyah might not have heard this command from the Messenger of Allâh ﷺ. This command is also transmitted by Abû Hurairah, ‘Umar, and some other Companions (may Allâh be pleased with them all). And it is authentic without a grain of doubt.
4567. It was narrated from 'Ubadah bin As-Samit – who had been present at Badr and had given his pledge to the Prophet – not to fear the blame of any blamer for the sake of Allâh – that 'Ubadah stood up to deliver a speech and said: “O people, you have invented kinds of transactions, I do not know what they are, but make sure it is gold for gold, of the same weight, or silver for silver, of the same weight. There is nothing wrong with selling silver for gold, hand to hand, giving more silver than gold, but no credit is allowed. When you sell wheat for wheat and barley for barley, it should be measure for measure, but there is nothing wrong with selling barley for wheat, hand to hand, giving more barley than wheat, but no credit is allowed. And when you sell dates for dates, it should be measure for measure, and whoever gives more or asks for more has engaged in Riba.” (Sahih)

4568. It was narrated that 'Ubadah bin As-Samit said: “The Messenger of Allâh ﷺ said: ‘Gold for gold, of equal measure; silver for silver, of equal measure; salt for salt, dates for dates, wheat for wheat, barley for barley, like for like. Whoever gives more or takes more has engaged in Riba.’” (Sahih)
The wording is that of Muhammad. Ya'qūb did not mention - “Wheat for wheat.”

4569. It was narrated from Sulaimān bin ‘Alī: “Abū Al-Mutawakkil passed by them in the market and some people, including me, stood up to greet him. We said: ‘We have come to you to ask you about transactions.’ He said: ‘I heard a man say to Abū Sa‘eed Al-Khudrī: ‘Is there anyone between you and the Messenger of Allāh (in the chain of narrators) apart from Abū Sa‘eed Al-Khudrī?’ He said: ‘There is no one else between him and I. He said: Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, equal amounts. Whoever gives more than that or takes more has engaged in Ribā, and the taker and the giver are the same.’” (Ṣaḥīḥ)

4570. It was narrated that ‘Ubādah bin Aṣ-Ṣamīt said: “I heard the Messenger of Allāh ﷺ say: ‘Gold, equal amount.’” (One of the narrators) Ya’qūb did not mention:
“Equal amount.” Muʿāwiyah said:
“This does not mean anything.”
‘Ubâdah said: “By Allâh I do not care if I am in a land where Muʿāwiyah is not present. I bear witness that I heard the Messenger of Allâh س‌الل‌ه‌و‌ب‌س say that.” (Sahîh)

Comments:
(See No. 4566.)

Chapter 45. Selling Dînârs For Dînârs

4571. It was narrated from Abû Hurairah that the Messenger of Allâh س‌الل‌ه‌و‌ب‌س said: “Dinar for Dînâr, Dirham for Dirham, no difference between them.” (Sahîh)

Comments:
In olden times, the dinar was minted out of gold, and the dirham out of silver. Whatever the ruling for gold was, the same would apply to dinar. Whatever the ruling for silver was, the same ruling would apply to dirham.

Chapter 46. Selling Dirhams For Dirhams

4572. It was narrated that Mujîhid said: “Umar said: Dînâr for Dînâr, Dirham for Dirham, no difference
between them, this is the obligation that our Prophet মেহেদিস্ট এনজিয়েম ইউনিয়ন ইউনিয়ন ইউনিয়ন ইউনিয়ন enjoined upon us.” (Sahih)


4573. It was narrated that Abû Hurairah said: “The Messenger of Allâh মেহেদিস্ট এনজিয়েম ইউনিয়ন ইউনিয়ন ইউনিয়ন ইউনিয়ন said: ‘Gold for gold, weight for weight, like for like; and silver for silver, weight for weight, like for like. Whoever gives more or takes more has engaged in Ribâ.’” (Sahih)

تخريج: أخرجه مسلم، ح: 1584/86 (انظر الحديث المتقدم: 221) عن وآصل به، وهو في الكبيرة، ح: 1167.

Chapter 47. Selling Gold For Gold

4574. It was narrated from Abû Sa'eed Al-Khudri that the Messenger of Allâh মেহেদিস্ট এনজিয়েম ইউনিয়ন ইউনিয়ন ইউনিয়ন ইউনিয়ন said: “Do not sell gold for gold except like for like and do not differentiate. Do not sell silver for silver except like for like, and do not sell it in return for something to be paid later.” (Sahih)


Comments:

The prices of gold and silver and their proportional relation goes on changing. In such an event, there is possibility of dispute.
4575. It was narrated that Abū Sa‘eed Al-Khudrī said: “My eyes saw and my ears heard the Messenger of Allāh ﷺ. And he mentioned the prohibition of (selling) gold for gold and silver for silver, unless it is equal amounts, like for like. And do not sell it in return for something to be paid later, and do not differentiate.” (Sahih)

4576. It was narrated from ‘Aṭā’ bin Yāsir that Mu‘āwiyyah sold a cup of gold or silver for more than its weight. Abū Ad-Dardā’ said: “I heard the Messenger of Allāh ﷺ forbid such transactions unless it was like for like.” (Sahih)

Comments:

‘More than its weight’: Because, apart from its gold content, the manufacturing charges of the vessel are also included in it. But in the Divine law, in the bargain of gold for gold, increase and decrease both are forbidden. Hence, the way to solve this problem is that if a gold vessel is to be purchased in exchange for gold, gold equal to the vessel should be given. And making charges ought to be given separately in the form of silver, etc.

Chapter 48. Selling A Necklace Containing Gems And Gold For Gold

4577. It was narrated that Fadālah bin ‘Ubaid said: “On the Day of Khaibar I bought a necklace...
containing gold and gems for twelve Dinārīs. Then I took it apart and found that it contained more than twelve Dinārīs. Mention of that was made to the Prophet ﷺ and he said: ‘It should not be sold until it is taken apart.’” (Sahih)

Comments:
When a necklace of this kind is studded with pearls and jewels, its gold should be separated from those things, if it is possible to do so without spoiling the article. Each material then should be sold separately; gold separately, which would be equal to its weight and other things separately, so that dubiousness concerning the transaction could be avoided as far as possible. But if the necklace gets spoiled due to separating its jewels and pearls, then the gold necklace should be bought in exchange for silver; that is to say dirhams and the silver necklace should be bought in exchange for gold, that is dinars, as has preceded in Hadith 4576.

4578. It was narrated that Fadālah bin ‘Ubaid said: “On the Day of Khaibar I got a necklace containing gold and gems, and I wanted to sell it. Mention of that was made to the Prophet ﷺ and he said: ‘Take it apart, then sell it.’” (Sahih)

Chapter 49. Selling Silver For Gold On Credit

4579. It was narrated that Abū Al-Minhāl said: “Sharīk sold some silver on credit for me. He came to me and told me. And I said: ‘This
is not correct.' He said: 'By Allâh, I did this transaction in the market and no one criticized me.' So I went to Al-Barâ’ bin ‘Àzib and asked him about that. He said: 'The Prophet ﷺ came to us in Al-Madinah and we used to do this kind of transaction, but he said: Whatever is hand to hand, there is nothing wrong with it, but whatever is on credit, is Rîbû. Then he said to me: 'Go to Zaid bin Arqam.' So I went to him and asked him, and he said the same thing.'” (Sahîh)

4580. Abû Al-Minhâl said: “I asked Al-Barâ’ bin ‘Àzib and Zaid bin Arqam and they said: 'We were merchants at the time of the Messenger of Allâh ﷺ, and we asked the Prophet of Allâh ﷺ about money exchange. He said: "If it is done hand to hand there is nothing wrong with it, but if it is done on credit then it is not right."' (Sahîh)

Comments:

The exchange of gold for silver or vice versa signifies the sale of gold for silver and silver for gold; in other words, taking of dirhams in exchange for dinars and dinars in exchange for dirhams. Since the mutual proportionate ratio of the rate of gold and silver goes on rising and falling, and the rate goes on fluctuating, their exchange is permitted if the payment is made on the spot. But if the payment is to be made in future, it is not permitted. This is because till the time of payment, the rates are likely to fluctuate. It would then give rise to a possible dispute.
4581. Abû Al-Minhâl said: “I asked Al-Barâ’ bin ‘Azîb about money exchange. He said: ‘Ask Zaid bin Arqam, for he is better than me and more knowledgeable.’ So I asked Zaid and he said: ‘Ask Al-Barâ’ for he is better than me and more knowledgeable.’ And they both said: ‘The Messenger of Allâh ﷺ forbade (selling) silver for gold on credit.’” (Sâhih)

Comments:

‘He is better than me’: This is the selflessness and humility of the noble Companions that they used to consider others better and more erudite than themselves.

Chapter 50. Selling Silver For Gold And Selling Gold For Silver

4582. ‘Abdur-Rahmân bin Abî Bakrah narrated that his father said: “The Messenger of Allâh ﷺ forbade selling silver for silver and gold for gold, unless it was of equal amounts. And he told us to sell gold for silver however we wanted, and silver for gold however we wanted.” (Sâhih)

Tafsîr: [صحيح] - [Sahih]
4583. It was narrated from 'Abdur-Rahmān bin Abī Bakrah that his father said: "The Messenger of Allāh ﷺ forbade us from selling silver for silver unless it was of equal amounts, or selling gold for gold unless it was of equal amounts. The Messenger of Allāh ﷺ said: 'Sell gold for silver however you want, and silver for gold however you want.'" (Sahih)

4584. Usāmah bin Zaid narrated that the Messenger of Allāh ﷺ said: "There is no Ribā except in credit."\[1\] (Sahih)

Comments:
But this is when there is a different species or commodity on either side; for instance, gold in exchange for silver, or silver in exchange for gold. Otherwise, if the species is the same, decrease and increase would be considered as interest or usurious gain, as is unequivocally corroborated by the narrations.

4585. It was narrated that Abū Sālih heard Abū Sa‘eed Al-Khudrī say: "I said to Ibn ‘Abbās: 'Do you think that what you are saying is something that you found in the Book of Allāh, or something that

[1] Meaning, when there is credit or delay of payment.
you heard from the Messenger of Allah ﷺ? He said: 'I did not find it in the Book of Allah, nor did I hear it from the Messenger of Allah ﷺ, rather Usâmah bin Zaid told me that the Messenger of Allah ﷺ said: 'Ribâ is only in credit.'" (Sahîh)

Comments:

'What you say': In reality, a misunderstanding had occurred to Ibn 'Abbâs on account of the narration of Usâmah bin Zaid that gold in exchange for gold and silver in exchange for silver increase or decrease in them, provided it is not on credit.

4586. It was narrated that Ibn 'Umar said: "I used to sell camels at Al-Baqi' and I would sell Dinârs in exchange for Dirhams. I came to the Prophet ﷺ in the house of Hafsah and said: 'O Messenger of Allah, I want to ask you: I sell camels in Al-Baqi' and I sell Dinârs in exchange for Dirhams.' He said: 'There is nothing wrong with it if you take the price on that day, unless you depart when there is still unfinished business between you both (buyer and seller)."' (Hasan)

Comments:

When the sale of gold and silver is legal, payment in dirhams proportionate to the value of dinars could be accepted, instead of dinars. In the same manner, dinars could be accepted in place of dirhams. Nowadays, the same situation prevails concerning the various currencies of different countries.
Chapter 51. Exchanging Silver
For Gold And Gold For Silver,
And Mentioning The Different
Wordings Reported In The
Narration Of Ibn 'Umar

4587. It was narrated that Ibn 'Umar said: “I used to sell gold for silver, or silver for gold. I came to the Messenger of Allâh ﷺ and told him about that, and he said: 'If you make a deal with your companion, do not leave him when there is still any ambiguity (in the deal) between you.’” (Hasan)

Comments:
Meaning the payment ought to be made on the spot. It should not be on credit, as has preceded in elaborate detail above.

4588. It was narrated from Sa'eed bin Jubair that he did not like to exchange Dinârs for Dirhams or Dirhams for Dinârs. (Hasan)

4589. It was narrated from Sa’eed bin Jubair, from Ibn ‘Umar, that he did not see anything wrong with paying Dirhams for Dinârs. (Hasan)

4590. It was narrated from Ibrâhîm, with regard to exchanging Dinârs for Dirhams, that he disliked
it (this transaction) if it was done on credit. *(Da'if)*

**Comments:**

This is because in the case of loan, there is a possibility that the creditor might attempt to derive benefit from the debtor as a price for giving him loan, and when any benefit is derived from loan, it becomes usury. But this is merely a possibility. Exchanging dirhams for dinars cannot be forbidden merely on this count, provided no usurious gain is derived, as it comes in the following *Hadith*.

4591. It was narrated from Sa'eed bin Jubair that he did not see anything wrong with it even if it was on credit. *(Hasan)*

4592. Something similar was narrated from Sa'eed bin Jubair. Abū 'Abdur-Rahmān (An-Nasā‘ī) said: This is what I have found on this topic. *(Hasan)*

**Comments:**

Imām An-Nasā‘ī is, perhaps, indicating some weakness in this version of *Hadith* 4588. It was reported that even in general conditions, he did not like to exchange dirhams for dinars and dinars for dirhams.

**Chapter 52. Exchanging Silver For Gold**

4593. It was narrated that Ibn ‘Umar said: “I came to the Prophet
and said: ‘Wait, I want to ask you something. I sell camels in Al-Baqi’ with a price set in Dinârs but I accept Dirhams instead.’ He said: ‘There is nothing wrong with it if you take the price on that day, unless you depart when there is still unfinished business between you both (buyer and seller).’” (Hasan)

Comments:

(See No. 4586)

Chapter 53. Giving More When Weighing

4594. It was narrated that Jâbir said: “When the Prophet came to Al-Madinah, he called for a scale and weighed (something) for me and gave me more.” (Sahîh)

تخريج: أخرج الجاحظ، الخليل، باب الديوانة غير المقرونة ... إلخ، ح: ٢٦٤٥، ومسلم، صلاة المعاذين، باب استجاب ركعتين في المسجد ومن قدم من سفر أول قدمه، ح: ١٨٢٨ من حديث شعبة به، وهو في الكبير، ح.

Comments:

1. Allâh’s Messenger had bought a camel from him during the course of journey. Forty dirhams were fixed as its price. The payment was made on his arrival to Al-Madinah.

2. ‘Called for a scales’: In that period of time, coins of dirhams and dinars did exist but were few in currency. The common transactions were rather carried out for gold and silver, and gold and silver was weighed and given in payment.

4595. It was narrated that Jâbir said: “The Messenger of Allâh paid off what he owed me, and gave me more.” (Sahîh)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبير، ح: ١٨٣٤.
Chapter 54. Allowing More When Weighing Goods For Sale

4596. It was narrated that Suwaid bin Qais said: "Makhrufah Al-'Abdi and I brought some cloth from Hajar, and the Messenger of Allah came to us while we were in Mina where there was a man who weighed (goods) in return for payment. He bought some trousers from us, and said to the man who weighed: 'Weigh it, and allow more.'" (Sahih)

Comments:

'Was weighing for payment' means he was weighing gold and silver for a price, and he used to charge money for weighing. This provided comfort and convenience to the buyer in making payment. This is because the weight of the price is the responsibility of the seller. It might also mean the man who weighed was levying price after price by weighing. In this instance, the seller might have appointed him.

4597. It was narrated that Simâk bin Ḥarb said: "I heard Abî Safwân say: 'I bought a pair of trousers from the Messenger of Allah before the Hijrah, and he weighed it for me and allowed more.'" (Sahih)

4598. It was narrated that Ibn 'Umar said: "The Messenger of Allah said: 'Volume is to be measured according to the system of the people of Al-Madinah, and weight is to be measured according..."
to the system of the people of Makkah.” (Sahih)

This is the wording of Ishâq (one of the narrators).

Chapter 55. Selling Food
Before Taking Possession Of It

4599. It was narrated that Ibn ‘Umar said: “The Messenger of Allâh ﷺ said: ‘Whoever buys food, let him not sell it until he has taken possession of it.’” (Sahih)

4600. It was narrated from ‘Abdullâh bin ‘Umar that the Messenger of Allâh ﷺ said: “Whoever buys food, let him not sell it until he has taken possession of it.” (Sahih)

4601. It was narrated that Ibn ‘Abîbâs said: “The Messenger of Allâh ﷺ said: ‘Whoever buys food, let him not sell it until he has checked its weight.’” (Sahih)
4602. It was narrated that Ibn ‘Abbās said: “I heard the Prophet ﷺ say” – something similar to the preceding two reports – “until he takes possession of it.” (Ṣaḥīḥ)

4603. It was narrated that Ṭawūs said: “I heard Ibn ‘Abbās say: ‘As for that which the Messenger of Allāh ﷺ forbade, (it is) selling before taking possession of food.’” (Ṣaḥīḥ)

4604. It was narrated that Ibn ‘Abbās said: “The Messenger of Allāh ﷺ said: ‘Whoever buys food, let him not sell it until he takes possession of it.’” Ibn ‘Abbās said: “I think the same applies to everything else as to food.” (Ṣaḥīḥ)

4605. It was narrated that Ḥākīm bin Hizām said: “The Messenger of Allāh ﷺ said: ‘Do not sell food until you have bought it and taken possession of it.” (Ṣaḥīḥ)
Ibn Jurayj said: “Atâ’ told me that from ‘Abdullâh bin ‘Ismah Al-Jushâmî from Ḥâkim bin Ḥizâm from the Prophet ﷺ. (Sahîh)

4606. Ibn Jurayj said: “Atâ’ told me that from ‘Abdullâh bin ‘Ismah Al-Jushâmî from Ḥâkim bin Ḥizâm from the Prophet ﷺ.” (Sahîh)

4607. Ḥâkim bin Ḥizâm said: “I bought some food and made a profit on it (by selling it) before I took possession of it. I came to the Messenger of Allâh ﷺ and told him about that and he said: ‘Do not sell it until you take possession of it.’” (Sahîh)

Chapter 56. Prohibition Of Selling Food That One Has Bought By Measure Until One Has Taken Possession Of It

4608. It was narrated from Ibn ‘Umar that the Prophet ﷺ forbade anyone to sell food that he bought...
by measure, until he took possession of it. *(Da'if)*

Comments:

'Bought by measure': This is because it might have been first weighed by the seller, as is the common practice. Now the buyer also should measure it. The purpose of this chapter is to underscore the point that the weighing by the seller should not be held enough. Rather the buyer also should measure it so that he could sell it further with certainty and confidence.

Chapter 57. Selling Food That One Has Bought Unmeasured Before Removing It From The Place Of Sale

4609. It was narrated that `Abdullāh bin `Umar said: "During the time of the Messenger of Allāh ﷺ, we used to buy food, and he sent someone to tell us to remove it from the place where we had bought it, to another place, before selling it." *(Sahih)*

4610. It was narrated from Ibn `Umar that they used to buy and sell during the time of the Messenger of Allāh ﷺ at the top
of the marketplace without measuring. The Messenger of Allâh ﷺ forbade them to sell it in the place where they had bought it until they moved it. (Sahîh)

4611. It was narrated from Nâfî‘ that Ibn ‘Umar told them, that they used to buy food from the riders at the time of the Messenger of Allâh ﷺ, and he forbade them to sell it in the place where they had bought it until they moved it to the food market. (Sahîh)

4612. It was narrated from Sâlim that his father said: “I saw people being beaten (in punishment) at the time of the Messenger of Allâh ﷺ for buying food unmeasured and selling it before bringing it to their own camp.” (Sahîh)
Chapter 58. A Man Buying Food With Payment To Be Made Later, And The Seller Asking For Something As Collateral For This Price

4613. It was narrated that 'Aishah said: “The Messenger of Allâh ﷺ bought some food from a Jew with payment to be made later, and he put his shield in pledge for that.” (Sahîh)

Comments:
Collateral is a piece of saleable property put up as security for a financial obligation to cover the amount. The collateral is returned to the buyer as soon as he meets his financial obligation. This is called collateral in the terminology of the Divine law. Since there is no ignominy in it, it is permissible according to the canonical law of Islam, whether at residence or on a journey. The restriction of one’s being on a journey stipulated by the Glorious Qur’ân is incidental. It is, however, not allowed to gain an advantage from collateral. It would otherwise become interest or usurious gain, except for the expenses incurred for maintaining the article put up as collateral. One may gain an advantage after making such expenditure (such as fodder for livestock or wages of a person watering trees, etc.)

Chapter 59. To Pawn While A Resident

4614. It was narrated from Anas bin Mâlik that he brought some barley bread and rancid oil to the Messenger of Allâh ﷺ. He said: “He put his armor in pledge for that with a Jew in Al-Madhînah, and he took some barley from him for his family.” (Sahîh)

تخرج: أخرج البخاري، البىوع، باب شراء النبي ﷺ بالسمية، ح: 209 من حديث هشام الدستوائي به، وهو في الكبرى، ح: 262.
Comments:

This armor was retrieved from the Jew by Abū Bākr ابی بكر, after the death of the Messenger of Allāh ﷺ; after paying him the price of the food grain.

Chapter 60. Selling What The Seller Does Not Have

4615. It was narrated from 'Amr bin Shu'āib, from his father, from his grandfather, that the Messenger of Allāh ﷺ said: “It is not permissible to lend on the condition of a sale, or to have two conditions in one transaction, or to sell what you do not have.” (Sahih)


خ: 2644، وصححه ابن الجوزي، ح: 201، والحاكم: 2/17، ووافقه الذهبي.

4616. It was narrated from 'Amr bin Shu'āib, from his father, that his grandfather said: “The Messenger of Allāh ﷺ said: ‘No man is bound by a transaction involving the sale of something that he does not possess.’” (Hasan)


Comments:

Merchandise belonging to someone else may not be sold by anyone else, if he sells it; the transaction will not be considered to have been effected. The merchandise shall continue to belong to its rightful original owner. The buyer, therefore, ought to make it certain whether the seller is in reality the owner of the article. Otherwise, the purchaser’s money is likely to go waste, because the article would ultimately go to its rightful owner. If the buyer is able to retrieve

[1] The author explains this in Chapter 72.
his money from the seller, it would be well and good, otherwise, it would go waste since the money cannot be demanded from the real owner of the article.

4617. It was narrated that Ḥakīm bin Ḥizām said: "I asked the Prophet ﷺ: 'O Messenger of Allāh, a man may come to me and ask me to sell him something that I do not have. Can I sell it to him then go and buy it from the market?' He said: 'Do not sell what you do not have.'" (Hasan)

Comments:
It is quite possible that you fail to obtain that thing from the market, or you might get it at a price higher than that stipulated.

Chapter 61. Paying In Advance For Food

4618. It was narrated that ‘Abdullāh bin Abū Al-Mujālid said: "I asked Ibn Abī Awfā about paying in advance. He said: 'We used to pay in advance during the time of the Messenger of Allāh ﷺ and Abū Bakr and ‘Umar, for wheat, barley and dates, paying people whom we did not know if they had those things or not.'" Ibn Abzā said – meaning, similarly. (Ṣaḥīḥ)
Chapter 62. Paying In Advance For Raisins

4619. Ibn Abî Al-Mujālid – on one occasion he (the narrator) said 'Abdullâh, and on another occasion he said Muḥammad – said: "Abû Burdah and 'Abdullâh bin Shaddâd argued about payment in advance. They sent me to Ibn Abî Awfâ and I asked him (about that). He said: 'We used to pay in advance during the time of the Messenger of Allâh and Abû Bakr and 'Umar, for wheat, barley, raisins and dates, paying people whom we did not see it with them.'" And I asked Ibn Abza and he said something similar to that. (Sahih)

Chapter 63. Paying In Advance For Fruit

4620. It was narrated that Abû Al-Minhâl said: "I heard Ibn 'Abbâs say: 'When the Prophet came (to Al-Madînah), they used to pay in advance for dates, two or three years in advance. He forbade them that and said: 'Whoever pays in advance for dates, let him pay for a known amount or a known weight, to be delivered at a known time.'" (Sahih)
Comments:
'Specified measure' the quantity of food grain or fruits whose sale is being made, while specified weight means the quantity of gold and silver which is being paid by way of price. That means these should be specified upon fixing the price. Specified period means the time when the food grain or the fruits would be delivered as per the agreement. So to say, everything ought to be made clear. Dubiousness should be there concerning the deal, so that the possibility of dispute does not arise.

Chapter 64. Borrowing Animals

4621. It was narrated from Abū Rāfi' that the Messenger of Allāh borrowed a young camel from a man, then he came to get his camel back. He said to a man: “Go and buy a young camel for him.” He came and said: “I could only get a Rubūt camel of good quality.” He said: “Give it to him, for the best of the Muslims is the one who is best in repaying.” (Sahih)

Comments:
We get to learn that an animal could be taken on loan. A similar animal should be returned on the specified time, as an amount of money is returned after taking it as a loan for a specified period of time.

4622. It was narrated that Abū Hurairah said: “A man had lent a camel of a certain age to the Prophet and he came to get it back. He said: “Give it to him.” But they could only find a camel that was older than it. He said: “Give it to him.” He said: “You have repaid me well.”
Messenger of Allâh ﷺ said: “The best of you is the one who is best in repaying.” (Sahîh)

Comments:

‘A camel of a particular age’: He was due a young camel below six years of age. Allâh’s Messenger ﷺ gave him a camel of six years of age. In other words, Allâh’s Messenger ﷺ gave him a pretty good and an expensive camel in return.

4623. Irbâd bin Sâriyah said: “I lent a young camel to the Messenger of Allâh ﷺ, and I came to ask him to repay me. He said: ‘Yes, I will only repay you with a superior she-camel.’ So he repaid me and repaid me well. Then a Bedouin came to him to ask him to repay him a camel of a certain age, and the Messenger of Allâh ﷺ said; ‘Give him a camel of a certain age.’ On that day they gave him a mature camel and he said: ‘This is better than my camel.’ He (The Prophet ﷺ) said: ‘The best of you is the one who is best in repaying.’” (Sahîh)

Chapter 65. Selling Animals In Exchange For Animals On Credit

4624. It was narrated from Samurah that the Messenger of Allâh ﷺ forbade selling animals in exchange for animals on credit. (Sahîh)
Comments:

The narrations in the preceding chapter were about taking an animal on loan, and that is permitted. This chapter and this Hadith is related to the sale of the animal. A loan is an outstanding debt. Though, transaction could be made by paying hand to hand and on credit too. The sale of an animal in exchange for an animal concluded on the spot is permissible and appropriate; irrespective of whether there occurs any decrease or increase, for example on one side there is only one animal, while on the other there are two or three. There is no harm in it, as there is clarification to that effect in the forthcoming chapter. But the sale of an animal in exchange for animal on credit is not appropriate.

Chapter 66. Selling Animals
For Animals Of Different
Amounts Or Quality, Hand To
Hand

4625. It was narrated that Jābir said: “A slave came and gave his pledge to the Messenger of Allâh to emigrate, and the Prophet did not realize that he was a slave. Then his master came looking for him. The Prophet said: ‘Sell him to me.’ So he bought him for two black slaves, then he did not accept the pledge of anyone after that until he had asked: ‘Is he a slave?’”

(Sâhih)
In mutual sale and exchange of animals, increase and decrease is permissible. This is because some difference does generally often occur in the kind of animals. So to speak, they all are a distinct species, and when species or classes are different, increase and decrease is permissible. And it is clear, that the author has used this to prove the ruling for living creatures. See No. 4189 as well.

Chapter 67. Selling The Offspring Of The Offspring Of A Pregnant Animal (Habal Al-Habalah)

4626. It was narrated from Ibn 'Abbás that the Prophet ﷺ said: “Paying in advance for the offspring of the offspring of a pregnant animal (Habal Al-Habalah) is Ribâ.” (Sahih)

Comments:
These sorts of transactions were common during the pre-Islamic period. A man would be the owner of a pregnant she-camel. Someone would strike a deal with him, saying: ‘When your pregnant she-camel gives birth, and then the calf becomes young, and pregnant, and consequently gives birth to offspring; that offspring, would be mine. I pay you this much price for that would-be offspring in advance.’

4627. It was narrated from Ibn 'Umar that the Prophet ﷺ forbade selling the offspring of the offspring of a pregnant animal (Habal Al-Habalah). (Sahih)

Comments:

4628. It was narrated from Ibn 'Umar that the Prophet ﷺ forbade selling the offspring of the offspring
Chapter 68. Explanation Of That

4629. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade selling the offspring of a pregnant animal (Habal Al-Habalah), which was a transaction practiced by the people of the Jâhilîyah, whereby a man would buy camel to slaughter, but he would wait until the she-camel had produced offspring and the offspring in her belly had then produced offspring. (Saḥîh)


Comments:
This period of time is dubious. It is not known whether the she-camel would beget female or male offspring. See No. 4626.

Chapter 69. Selling The Produce Several Years In Advance

4630. It was narrated that Jâbir said: “The Messenger of Allâh ﷺ forbade selling the produce several years in advance.” (Saḥîh)

Tafsîr: أخرج وجه الحمداني، ح: ۱۲۹۱ (بتحقيق) عن سفيان بن عبيدته به، وهو في الکبرى، ح: ۲۷۶۲، والحديث الآخر فإن شاهد له.

4631. It was narrated from Jâbir that the Messenger of Allâh ﷺ forbade selling the produce several years in advance. (Saḥîh)
Chapter 70. Selling With Payment To Be Made At A Certain Time

4632. It was narrated that ‘Aishah said: “The Messenger of Allah ﷺ was wearing two Qīrī garments[1] which, if he sat and sweated, would become heavy (and uncomfortable). A Jewish man got some fabric from Ash-Shām so I said: ‘Why don’t you send word to him to buy two garments from him, and pay him when things get easier?’ So he sent word to him, but he said: ‘I know what Muhammad wants; he wants to go away with my money and take them (the two garments).’ The Messenger of Allah ﷺ said: ‘He is lying; he knows that I am one of the ones who fear Allah the most, and are most honest in fulfilling trusts.”’ (Sahih)


Comments:
1. ‘When things are easier’: Allah’s Messenger ﷺ had not specified any duration of time, while in the chapter there is mention of specified period of time.
2. ‘Qīrī: A garment manufactured in an area of Bahrain.

Chapter 71. Lending On Condition Of Buying Or Selling

4633. It was narrated from ‘Amr bin Shu‘aib, from his father, from his grandfather, that the Messenger of

Allāh prohibited lending on the condition of a sale, or to have two conditions in one transaction, or to profit from what you do not possess. (Hasan)

Chapter 72. Two Conditions In One Transaction, Which Is When One Says: “I Will Sell You This For This Price, If You Pay After One Month, And Another Price If You Pay After Two Months”

4634. ‘Amr bin Shu‘aib said: “My father told me, narrating from his father, from his father (and he mentioned ‘Abdullāh bin ‘Amr) that he said: ‘The Messenger of Allāh said: “It is not permissible to lend on the condition of a sale, or to stipulate two conditions in one transaction, or to make a profit on that which you do not possess.” (Saḥīḥ)

4635. It was narrated from ‘Amr bin Shu‘aib, from his father, that his grandfather said: “The Messenger of Allāh forbade lending on the condition of a sale, selling what you do not have, and profiting on what you do not possess.” (Saḥīḥ)
Chapter 73. Two Transactions
In One, Which Is Where A Person Says: “I will Sell You This Produce For One Hundred Dirhams In Cash And Two Hundred Dirhams On Credit.”

4636. It was narrated that Abû Hurairah said: “The Messenger of Allâh forbade two transactions in one.” (Hasan)

Chapter 74. Prohibition Of Selling With An Exception, Unless It Is Defined

4637. It was narrated from Jâbir that the Prophet forbade Muḥâqalah, Muzâbanah, Mukhâbarah and selling with an exception unless it is defined. (Hasan)

Comments:

(See Nos. 4615).

Comments:

‘An exception’ signifies that the seller says to the buyer: I will sell you the fruits of this orchard for this price, but the fruits of ten trees would be mine. Since it is not known which those ten trees are, such exception is likely to become the cause of dispute and disagreement. Such a transaction, therefore, is forbidden.
4638. It was narrated that Jâbir said: "The Messenger of Allâh forbade Muhâqalah, Muzâbanah, Mukhâbarah, Mu‘âwamah,\textsuperscript{[1]} and selling with an exception unless it is defined but he gave concession allowing ‘Arâya.

\(\text{ Comments:} \)
\(\text{(See Nos. 3910, 4630 and 4542).}\)

Chapter 75. Selling A Tree But Not Its Produce

4639. It was narrated from Ibn ‘Umar that the Prophet said: "Any man who pollinates a date-palm tree then sells it, the fruits of the tree are for the one who pollinated it, unless the purchaser stipulated otherwise." (\textit{Sahih})

\(\text{Comments:}\)
\(\text{ (See Nos. 3910, 4630 and 4542).}\)

Chapter 76. When A Slave Is Bought Or Sold But His Possessions Are Exempt

4640. It was narrated from Sâlim, from his father, that the Prophet said: "Whoever buys a date-palm tree after it has been pollinated, its fruits belong to the

\[\text{[1]}\] Selling the produce of a tree for many years ahead.
Chapter 77. A Sale In Which There Is A Condition And Both The Sale And The Condition Are Valid

4641. It was narrated that Jābir bin ‘Abdullāh said: “I was with the Prophet ﷺ on a journey, and my camel got tired. I thought I wanted to let it go, but the Messenger of Allāh ﷺ met me and prayed for it (the camel) and hit it. Then it started to run like never before. He said: ‘Sell it to me for one Uwqiyah’ I said: ‘No.’ He said: ‘Sell it to me.’ So I sold it to him for one Uwqiyah but stipulated an exception, to ride it until we reached Al-Madinah. When we reached Al-Madinah, I brought the camel to him and asked him for its price, then I went back. He sent word to me saying: ‘Do you think I bargained with you to take your camel?’ Take your camel and your Dirhams.’” (Sahih)

Comments:
Allāh’s Messenger ﷺ wanted to extend the hand of cooperation toward Jābir ﷺ, because his father had been martyred. The burden of six sisters was on his
head, as well as his father’s debt. Besides, he had recently married. Allāh’s Messenger ﷺ, therefore, used buying of the camel as a means to help him, so that he might not feel hurt.

4642. It was narrated that Jābir said: “I went on a campaign with the Messenger of Allāh ﷺ, riding a camel of ours,” then he quoted the whole Hadīth. Then he said words to the effect that: “The camel got tired and the Prophet ﷺ hit it, so it became energetic and came to the front of the army. The Prophet ﷺ said: ‘O Jābir, I see that your camel has become energetic.’ I said: ‘It is because of your blessing, O Messenger of Allāh.’ He said: ‘Sell it to me, and you can ride it till we arrive (in Al-Madīnah).’ So I sold it to him. I was in great need of it myself but I felt too shy to refuse. When we finished our campaign, and we were close to Al-Madīnah, I asked his permission to go on ahead. I said: ‘O Messenger of Allāh, I am newly married.’ He said: ‘Have you married a virgin or a previously married woman?’ I said: ‘A previously married woman, O Messenger of Allāh. ‘Abdullāh bin ‘Amr died and left behind young daughters, and I did not like to bring to them someone who was like them, so I married a previously married woman who could teach them, and raise them with good manners.’ So he gave me permission, and said to me: ‘Go to your family at the end of the day.’ When I arrived, I told my maternal uncle that I had sold the camel and he scolded me. When the Messenger of Allāh ﷺ came, I
brought the camel to him, and he gave me the price of the camel, and the camel, and a share (of the spoils of war) with the rest of the people.” (Sahih)

Comments:

'Make it a point to reach your family in the evening’ means do not go to them at night, because it is not permitted to return at night time, after a long journey.

4643. It was narrated that Jâbir bin ‘Abdullâh said: ‘I was with the Messenger of Allâh  on a journey, and I was riding a camel. He said: ‘Why are you at the back of the people?’ I said: ‘My camel is tired.’ He took hold of its tail and shouted at it, then I was at the front of the people, worrying that it would go ahead of the others. When we drew close to Al-Madînah he said: ‘What happened to the camel? Sell it to me.’ I said, ‘No, it is yours O Messenger of Allâh.’ He said, ‘No, sell it to me.’ I said, ‘No, it is yours, O Messenger of Allâh.’ He said: ‘No, sell it to me. I will take it for one Uwqiyah but you (continue to) ride it. Then when you reach Al-Madînah, bring it to us.’ So when I reached Al-Madînah, I brought it to him. He said to Bilâl: ‘O Bilâl, weigh out for him one Uwqiyah and add a Qirât.’ I said: ‘This is something extra that the Messenger of Allâh  gave to me.’ I kept it with me and put it in a bag, and it stayed with me until the people of Ash-Shâm came on the Day of Al-Harrah and took from us what they took.” (Sahih)
Comments:
1. *Qirāt:* twentieth part of a dinar or half a dirham.
2. ‘It stayed with me’: It was the blessed object given by the Messenger of Allāh ﷺ.
3. ‘The Day of Al-Harrah’: This refers to the period of Yazīd. The people of Al-Madinah had broken the Pledge of Allegiance of Yazīd, after the martyrdom of Husain ﷺ. Yazīd sent an army from Syria. The fighting took place in the stony plain of Al-Harrah on the outskirts of Al-Madinah.

4644. It was narrated that Jābir said: “The Messenger of Allāh ﷺ caught up with me when I was riding a bad camel of ours, and I said: ‘We have a bad camel, more’s the pity!’ The Prophet ﷺ said: ‘Will you sell it to me, O Jābir?’ I said, ‘No, it is yours, O Messenger of Allāh.’ He said: ‘O Allāh, forgive him; O Allāh, have mercy on him. I will buy it for such and such, and I will lend it to you to ride until (we reach) Al-Madinah.’ When I reached Al-Madinah, I prepared it, and brought it to him, and he said: ‘O Bilāl, give him its price.’ When I turned to leave, he called me back, and I was afraid that he would give it back, but he said: ‘It is yours.’” (Ṣahīḥ)

4645. It was narrated that Jābir bin ‘Abdullāh said: “We were traveling with the Messenger of Allāh ﷺ and I was riding a camel. The Messenger of Allāh ﷺ said to me: ‘Will you sell it to me for such and such, may Allāh forgive you?’ I said, ‘Yes, it is yours, O Prophet of
Allāh.’ He said: ‘Will you sell it to me for such and such, may Allāh forgive you?’ I said: ‘Yes, it is yours, O Prophet of Allāh.’ He said: ‘Will you sell it to me for such and such, may Allāh forgive you?’ I said: ‘Yes, it is yours.’” (One of the narrators) Abū Nadrah said: “This became a phrase that was used by the Muslims: ‘Do such and such, may Allāh forgive you.’” (Sahih)

Comments:
1. The Prophet’s ﷺ asking him over and over again was in order to bless him abundantly and it was by way of affection also. This is has been discussed above (Hadith 4641).
2. ‘May Allāh forgive you’: This expression could be an invocation as well as a prediction and a promise that Allāh, Most High, would grant you forgiveness. In both the situations, it is a matter of excellence for Jābir. May Allāh be pleased with him and he be with Him.

Chapter 78. If There Is An Invalid Condition In A Transaction, The Transaction Is Valid But That Condition Is Invalid

7043. It was narrated that ‘Aishah said: “I bought Barîrah and her masters stipulated that her loyalty (Walâ’) should be to them. I mentioned that to the Prophet ﷺ and he said: ‘Set her free, and loyalty belongs to the one who pays the silver.’” She said: “So I set her free. The Messenger of Allāh ﷺ called her and gave her the choice regarding her husband, and she chose herself. Her husband was a free man.” (Sahih)
4647. It was narrated from 'Aishah that she wanted to buy Barirah to set her free, but they stipulated that her loyalty (Walâ') should be to them. She mentioned that to the Messenger of Allâh ﷺ and the Messenger of Allâh ﷺ said: “Buy her, and set her free, and loyalty (Walâ’) belongs to the one who sets the slave free.” Some meat was brought to the Messenger of Allâh ﷺ and it was said that this had been given in charity to Barirah. He said: “It is charity for her, and a gift for us.” And she was given the choice. (Sahîh)

4648. It was narrated from 'Abdullâh bin 'Umar that 'Aishah wanted to but a slave woman to set her free, but her people said: “We will sell her to you on condition that her loyalty (Walâ’) be to us.” She mentioned that to the Messenger of Allâh ﷺ and he said: “That should not stop you. Loyalty belongs to the one who sets the slave free.” (Sahîh)

Chapter 79. Selling Something From The Spoils Of War Prior To Its Distribution

4649. It was narrated that Ibn 'Abbâs said: “The Messenger of
Chapter 80. Selling Something
In Which Someone Else Has A Share

4650. It was narrated that Jâbir said: “The Messenger of Allah forbade selling something from the spoils of war prior to its distribution, having intercourse with a pregnant woman until she gives birth, and (eating) the flesh of any predator that has fangs.” (Sahih)

Chapter 81. It Is Not Essential To Call Witnesses When Buying Or Selling

4651. It was narrated from ‘Umârah bin Khuzaimah that his paternal uncle, who was one of the Companions of the Prophet, told him, that the Prophet bought a horse from a Bedouin and asked him to follow him, so that he could
The Prophet hastened but the Bedouin was slow. Men started to talk to the Bedouin and make offers for the horse, and they did not realize that the Prophet had bought it, until some of them offered more than the Prophet had bought it for. Then the Bedouin called out to the Prophet and said: “Are you going to buy this horse or shall I sell it?” The Prophet stood up when he heard him calling and said: “Have I not bought it from you?” He said: “No, by Allâh, I have not sold it to you,” and the Prophet said “I bought it from you.” The people started to gather around the Prophet and the Bedouin as they were talking, and the Bedouin started to say: “Bring a witness who will testify that you bought it.” Khuzaimah bin Thâbit said: “I bear witness that you bought it.” The Prophet turned to Khuzaimah and said: “Why are you bearing witness?” He said: “Because I know that you are truthful, O Messenger of Allâh.” So the Messenger of Allâh made the testimony of Khuzaimah equivalent to the testimony of two men. (Sahih)

Comments:

There is an unequivocal command in the Noble Qur’ân: ‘And have witnesses whenever you trade with one another.’ (2: 282) The apparent wordings render it essential to have witnesses over every transaction, but since this constitutes an impossible obligation, it is not possible to bring it into practice. There is,
therefore, the general consensus of the nation that here desirability is meant.
The dealings of the Messenger of Allāh ﷺ and his noble Companions also bear witness that it is not necessary to set up witnesses. Imām An-Nāṣirī is also pointing to the same reality, although if the deal is being made on terms of credit, or if a loan is involved, or if conditions are stipulated in the sale, or if there is apprehension of forgetfulness and disputes, then setting up witnesses, rather putting the deal in black and white would be emphatically confirmed.

Chapter 82. When The Two Parties To A Transaction Disagree About The Price

4652. ‘Abdullāh said: “I heard the Messenger of Allāh ﷺ say: 'If the two parties to a transaction disagree, and neither of them has any proof, then it is as the owner of the goods says, or they may cancel it.'” (Hasan)

نَفَاعُ المُتَبَيِّعِينَ فِي
(المعجم 82) - (التحفة 80)


Comments:
Quoting the price is the owner's right. If the buyer consents to it, well and good! Otherwise, the deal would not be concluded. If a disagreement occurs that according to the buyer, the transaction was concluded upon a lower price, and the seller says that the deal was concluded upon a higher price, in such an eventuality, if there is any witness to the deal, the verdict would be given in accordance with the witness. If there is no witness, the seller would be made to swear an oath in the capacity as a defendant. If he swears an oath, the buyer would have the option to concede to his swearing, or he might swear an oath against him.

4653. It was narrated that ‘Abdul-Malik bin ‘Ubaid said: “We were with Abū ‘Ubaidah bin ‘Abdullāh bin Mas‘ūd when two men who were involved in a transaction came to him. One of them said: ‘I
bought it for such and such,’ and the other said: ‘I sold it to him for such and such.’ Abû ‘Ubaidah said: ‘Something like this was brought to Ibn Mas‘ûd, and he said: I was with the Messenger of Allâh ﷺ when something like this was brought to him. He told the seller to swear an oath, then he gave the purchaser the choice: If he wished, he could buy it, and if he wished he could cancel (the transaction).’” (Hasan)

Chapter 83. Doing Business
With The People Of The Book

4654. It was narrated that ‘Aishah said: “The Messenger of Allâh ﷺ bought some food from a Jew on credit, and he gave him a shield of his as a pledge.” (Sahîh)

4655. It was narrated that Ibn ‘Abbâs said: “The Messenger of Allâh ﷺ died when his shield was in pledge with a Jew for thirty Sâ’s of barley for his family.” (Hasan)

Comments:
The detailed discussion pertaining to this narration has preceded above (Hadiîh 4614). The intent of Imâm An-Nasâ’î is that commercial relations
with non-Muslims could be kept. Dealings and transactions could be done with them.

Chapter 84. Selling A Mudabbar[1]

4656. It was narrated that Jābir said: “A man from Banu ‘Adhrāh stated that a slave of his was to be set free after he died. News of that reached the Messenger of Allāh and he said: ‘Do you have any other property besides him?’ He said: ‘No.’ The Messenger of Allāh said: ‘Who will buy him from me?’ Nu‘aim bin ‘Abdullāh Al-Adawī bought him for eight hundred Dirhams, which the Messenger of Allāh brought and gave to him (the former owner). Then the Messenger of Allāh said: ‘Start with yourself and give charity to (yourself). If there is anything left over, then give it to your family; if there is anything left over from your family, then give it to your relatives; if there is anything left over from your relatives, then give it to such and such,’ saying ‘In front of you, to your right and to your left.’” (Sahih)

Comments:

1. ‘Do you have any other property?’ He had only one slave. He had no other estate or sums of money. He had, therefore, no right to emancipate his slave. That is why Allāh’s Messenger ruled his behavior illegal, and sold his slave.

2. Al-Mudabbar is the slave concerning whose owner declares that he will be free upon his death. Such a slave would become free no sooner than his master dies. Hence, the sale of such a slave is not permitted, because if he is sold, he would consequently be deprived of his promised freedom.

[1] Mudabbar: A slave whose master has stated he is to be set free after he dies.
4657. It was narrated from Jâbir that a man from among the Ansâr who was called Abû (Madhkûr) stated that a slave of his who was called Ya'qûb was to be set free after he died, and he did not own any other property apart from him. The Messenger of Allâh ﷺ called for him (the slave) to be brought and he said: “Who will buy him?” Nu‘ânim bin ‘Abdullâh bought him for eight hundred Dirhams, and he gave it to him and said: “If one of you is poor, let him start with himself; if there is anything left over, (let him give it) to his dependents; if there is anything left over, (let him give it) to his relatives; and if there is anything left over, (let him give it) here and there.” (Sahîh)

Суда: Это рассказали нам о Любу, который был рассказан в исполнении лица, и он сказал: “Кто купит его?” Нуэим, сын 'Abdullâh купил его за восемьсот динаров, и он дал его ему и сказал: “Если один из вас беден, пусть он начнет с себя; если у него останется что-то, пусть он даст его своим близким; если останется что-то, пусть он даст его своим родственникам; если у него останется что-то, пусть он даст его здесь и там.” (Саих)

4658. It was narrated from Jâbir that the Prophet ﷺ sold a Mudabbar. (Sahîh)

Суда: Это рассказали нам о Любу, который был рассказан в исполнении лица, и он сказал: “Кто купит его?” Человек, называемый Мудаббар, купил его за восемьсот динаров, и он дал его ему и сказал: “Если один из вас беден, пусть он начнет с себя; если у него останется что-то, пусть он даст его своим близким; если у него останется что-то, пусть он даст его своим родственникам; если у него останется что-то, пусть он даст его здесь и там.” (Саих)

Chapter 85. Selling A Mukâtib[1]

4659. It was narrated from 'Aishah that Barîrah came to 'Aishah asking her to help her with her contract of

[1] Mukâtib: A slave who has writ of manumission to buy his freedom from his master.
manumission. ‘Aishah said: “Go back to your masters, and if they agree to let me pay off your contract of manumission, and let your loyalty be to me, then I will do it.” Barirah told her masters about that, but they refused and said: “If she wants to seek reward (with Allah) by freeing you, let her do so, but your loyalty will be to us.” She told the Messenger of Allah about that, and the Messenger of Allah said to her: “Buy her and set her free, and loyalty belongs to the one who set the slave free.” Then the Messenger of Allah said: “What is the matter with people who stipulate conditions that are not in the Book of Allah? Whoever stipulates something that is not in the Book of Allah, it is not valid even if he stipulates one hundred conditions. The condition of Allah is more deserving of being followed and is more binding.” (Sahih)

Comments:

This narration has preceded in Hadith 3481. Here, matter worth exploring is: Could a Mukatab slave be sold? Mukatab is a slave whose owner makes a settlement with him that if he pays this much sum of money in so many installments (or full payment at one go), over a stretch of time, he would gain freedom. Apparently, it is an agreement which cannot be breached.

Chapter 86. If A Mukatab Is Sold Before He Pays Off His Contract Of Manumission...

4660. It was narrated that ‘Aishah said: “Barirah came to me and said: ‘O ‘Aishah, I have drawn up a
contract of manumission with my masters, (to buy my freedom) in return for nine Uwqiyyahs, one Uwqiyyah to be paid each year; help me.' She had not yet paid anything toward her contract of manumission.' 'Aishah, who liked her and wanted to help her, said: 'Go back to your masters and if they agree to let me pay the whole sum and that your loyalty will be to me, I will do it.' So Barira went to her masters and suggested that to them, but they refused and said: 'If she wants to seek reward (with Allâh) by freeing you, let her do so, but (your loyalty) will be to us.' 'Aishah told the Messenger of Allâh about that and he said: 'Do not let that stop you. Buy her and set her free, and loyalty belongs to the one who sets the slave free.' So she did that, then the Messenger of Allâh stood up before the people, praised and glorified Allâh, then said: 'What is the matter with people who stipulate conditions that are not in the Book of Allâh? Whoever stipulates a condition that is not in the Book of Allâh, it is invalid, even if there are a hundred conditions. The decree of Allâh takes priority, and the condition of Allâh is more binding. And loyalty belongs to the one who sets the slave free.' (Saheeh)
Chapter 87. Selling Loyalty (Al-Walâ’)

4661. It was narrated from ‘Abdullâh that the Messenger of Allâh forbade selling loyalty or giving it away. (Sâhih)

Comments:

Walâ or the right of inheritance of a slave is the connection and relationship, which is established between the emancipator and the emancipated slave upon the latter’s emancipation. Apparently, relationships and linkages could neither be sold nor could they be gifted to someone.

4662. It was narrated from Ibn ‘Umar that the Messenger of Allâh forbade selling loyalty or giving it away. (Sâhih)

4663. It was narrated that Ibn ‘Umar said: “The Messenger of Allâh forbade selling loyalty or giving it away.” (Sâhih)

Chapter 88. Selling Water

4664. It was narrated from Jâbîr that the Messenger of Allâh forbade selling water. (Sâhih)
Water is the basic necessity of humans and animals. Survival without water is not possible. Besides, Allâh, Most High, has made available abundant water free of cost. If there is water in excess of quenching one's thirst, it is one's obligatory duty to provide it to others free of cost. And if it is in excess after meeting one's needs of taking a bath and making ablution, it is essential to provide it to others for bath and ablution, free of cost.

4665. Abû Al-Minhâl said: "I heard Iyâs bin ‘Umar’ – and on one occasion he said: ‘Ibn ‘Abd – say: ‘I heard the Messenger of Allâh forbade the sale of water.’" (Sahîh) Qutaibah (one of the narrators) said: “I did not understand some of the statement of Abû Al-Minhâl as I wanted to.”

Comments:

Chapter 89. Selling Surplus Water

4666. It was narrated from Iyâs that the Messenger of Allâh forbade selling surplus water. The keeper of Al-Wahât sold the surplus water of Al-Wahât, and ‘Abdullâh bin ‘Amr disapproved of that. (Sahîh)

**Chapter 90. Selling Wine**

4669. It was narrated that 'Aishah said: "When the Verses of *Ribâ* (المعجم 90) - بيع الخمر (التحفة 88) (مجمعة 1427 - 4668) - خبرنا نبية عن مالك. عن زيد بن أسلم، عن ابن وعلة البضيري، أن الله سأل ابن عباس: أهدا رجلاً يشترى النبيّ رأياً خمرًا، فقال له النبيّ: حلمت أن نبيّنا ذكره فيقول لنا: نظرت لقلبه في يدحُمُه (ما ساء) كما أدركت، فسألت إسناداً إلى جهين، فقال له النبيّ: أتينا إلى الله ثمَّ أتينا إلى النبيّ. أخبرنا أن نبيّنا، فقال النبيّ: إنَّ اللّه حرم شربها حرم بيعها فهد المواريد حتى ذهب ما فيها.

4668. It was narrated from Ibn Wa‘lāh Al-Misrī that he asked Ibn ‘Abbās about what is produced from grapes. Ibn ‘Abbās said: "A man gave the Messenger of Allāh a skin full of wine, and the Prophet forbade drinking it also forbade selling it. Then he opened the vessels and poured out their contents." (Sahih)
were revealed, the Messenger of Allâh ﷺ stood up on the Minbar and recited them to the people, then he forbade dealing in wine.” (Sahîh)

Chapter 91. Selling Dogs

4670. Abû Mas'ûd 'Uqbah bin 'Amr said: “The Messenger of Allâh ﷺ forbade the price of a dog, the gift of a female fornicator, and the fee of a fortuneteller.” (Sahîh)

Comments:
(See No. 4697).

4671. It was narrated that Ibn 'Abbâs said: “The Messenger of Allâh ﷺ said — among the things that he forbade — ‘And the price of a dog.’” (Sahîh)

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Chapter 92. Exceptions From That

4672. It was narrated from Jābir bin `Abdullāh that the Messenger of Allāh forbade the price of dogs and cats, except hunting dogs. (Da’f)

Abū ‘Abdur-Raḥmān (An-Nasā’ī) said: This is Munkar.

Chapter 93. Selling Pigs

4673. It was narrated from Jābir bin `Abdullāh that he heard the Messenger of Allāh say, when he was in Makkah during the Year of the Conquest: “Allāh and His Messenger have forbidden the sale of wine, dead animals, pigs and idols.” It was said: “O Messenger of Allāh, what do you think about the fat of the dead animal, for ships are caulked with it, skins are daubed with it and people use it in their lamps.” He said: “No, it is Ḥarām.” And the Messenger of Allāh then said: “May Allāh curse the Jews, for when Allāh, the Mighty and Sublime, forbade the meat (of dead animals) to them, they melted it down and sold it, and consumed its price.” (Sahih)

Comments:
(See No. 4261).
Chapter 94. Stud Fees For A Male Camel

4674. Jâbir said: "The Messenger of Allâh forbade charging stud fees for a camel, the sale of water, the renting of land for cultivation. Selling one’s land and water, this is what the Prophet forbade." (Saḥîh)

4675. It was narrated that Ibn ‘Umar said: "The Messenger of Allâh forbade charging stud fees for a stallion." (Saḥîh)

4676. It was narrated that Anas bin Mâlik said: "A man from Banu As-Ša‘q, one of Banu Kilâb, came to the Messenger of Allâh and asked him about charging stud fees for a stallion. He forbade him to do that, but he said: ‘We give payment for that.’" (Saḥîh)
4677. Abû Hurairah said: “The Messenger of Allâh forbade the earnings of a cupper, the price of a dog and stud fees for a stallion.” (Sahîh)

4678. It was narrated that Abû Sa’eed Al-Khudrî said: “The Messenger of Allâh forbade charging stud fees for a stallion.” (Sahîh)

4679. It was narrated that (Abû Hurairah) said: “The Messenger of Allâh forbade the price of a dog and stud fees for a stallion.” (Sahîh)
Chapter 95. If A Man Buys A
Product Then Becomes
Bankrupt, And The Product
Itself Is Found With Him

4680. It was narrated from Abū
Hurairah that the Messenger of
Allāh س riding: “If a person
becomes bankrupt, then a man
finds the goods that he sold to him
with him, he has more right to
them than anyone else.” (Sahih)

4681. It was narrated from Abū
Hurairah from the Prophet س, that
if a man becomes bankrupt, then a
specific item is found with him, and
is recognized, then it belongs to the
one who sold it to him. (Sahih)

4682. It was narrated that Abū
Sa'eed Al-Khudrī said: “At the
time of the Messenger of Allāh س
a man suffered loss of some fruit
that he had purchased, and his
debts increased. The Messenger of
Allâh said: ‘Give him charity.’ So the people gave him charity, but that was not enough to pay off his debts. The Messenger of Allâh said: ‘Take what you find, but you have no right to more than that.’” (meaning his creditors). (Sahîh)

Chapter 96. If A Man Sells An Item And A Third Party Has More Right To It

4683. Usaid bin Hudair bin Simâk narrated that the Messenger of Allâh ruled that if a man found (his goods) in the possession of a man who was not guilty, then if he wished he could give the man what he had paid for it, or if he wished he could go after the one who had stolen it. Abû Bakr and ‘Umar passed similar judgments. (Sahîh)

4684. Usaid bin Zuhair Al-Ansârî, who was one of Banu Ḥârîthah narrated that there was the governor of Al-Yamâmah, and Marwân wrote to him saying that Mu‘âwiyah had written to him, saying that any man who had something stolen from him had more right to it wherever he found it. Then Marwân wrote saying that to me (Usaid). I wrote to Marwân...
saying that the Prophet ﷺ had ruled that if the one who bought it from the one who stole it is not guilty of anything (and did not realize that it was stolen goods), then the owner has the choice: If he wishes, he may buy it from the one who bought it from the thief, or if he wishes he may go after the thief. Abû Bakr, ‘Umar and ‘Uthmân also passed judgment along these lines. Marwân sent my letter to Mu‘âwiyyah, and Mu‘âwiyyah wrote to Marwân (saying): ‘Neither you nor Usaid are in a position to tell me what to do, rather I am the one who tells you what to do because I am superior in rank to you, so do what I tell you.’ Marwân sent the letter of Mu‘âwiyyah to me, and I said: ‘I will not judge according to Mu‘âwiyyah’s opinion as long as I am the governor.’” (Sahih)

4685. It was narrated from Samurah that the Messenger of Allâh ﷺ said: “A man has more right to his own wealth when he finds it, and the buyer should pursue the one who sold it to him.” (Da’îf)
married off by two guardians, then the first marriage is the one that counts, and if a man sells something to two men, it belongs to the first one.” (Hasan)

Chapter 97. Borrowing

4687. It was narrated from Ismā‘īl bin Ibrāhīm bin ‘Abdullāh bin Abī Rabī‘ah, from his father, that his grandfather said: “The Prophet borrowed forty thousand from me, then some wealth came to him, and he paid me back and said: ‘May Allāh bless your family and your wealth for you; the reward for lending is praise and repayment.’” (Hasan)

Comments:

It is permissible to take a loan in times of need, particularly for the needs of the community.

Chapter 98. Stern Warning Concerning Debt

4688. It was narrated that Muhammad bin Ja‘sh said: “We were sitting with the Messenger of Allāh when he raised his head toward the sky, and put his palm on his forehead, then he said: ‘Subhān Allāh, what a stern warning has been revealed!’ We fell silent and were scared. The
following day I asked him: ‘O Messenger of Allâh, what is this stern warning that has been revealed?’ He said: ‘By the One in Whose hand is my soul, if a man were to be killed in the cause of Allâh then brought back to life, then killed, then brought back to life, then killed, but he owed a debt, he would not enter Paradise until his debt was paid off.’”

(Sahih)

4689. It was narrated that Samurah said: “We were with the Prophet at a funeral, and he said: ‘Is there anyone from banu so and so here?’ He said this three times. Then a man stood up, and he said to him: ‘What kept you from answering the first two times? I am not going to say anything but good to you, so and so (mentioning the name of a man from among them) has died and he is being detained (from entering Paradise) because of his debt.”’ (Da`f)
Chapter 99. Leniency Concerning That

4690. It was narrated that 'Imrân bin Hudaifah said: “Maimūnā used to take out loans frequently, and some of her family criticized her and denounced her for that. She said: ‘I will not stop taking loans, for I heard my close friend and my beloved say: “There is no one who takes out a loan, and Allāh knows that he intends to pay it back, but Allāh will pay it back for him in this world.”’ (Hasan)

Comments:

Allāh grants him a graceful success and helps him repay the debt, or causes a righteous person to pay his debt on his behalf.

4691. It was narrated from ‘Ubaidullāh bin ‘Abdullāh bin ‘Utba that Maimūnā, the wife of the Prophet ﷺ, took a loan, and it was said to her: “O Mother of the Believers, why have you taken a loan when you do not have the means to pay it off?” She said: “I heard the Messenger of Allāh ﷺ say: ‘Whoever takes a loan intending to pay it back, Allāh, the Mighty and Sublime, will help him.’” (Hasan)

Chapter 100. When A Rich Man Takes A Long Time To Repay A Debt

4692. It was narrated that Abū Hurairah said: “The Messenger of Allāh ﷺ said to ‘Ubaidullāh bin ‘Abdullāh bin ‘Utba: ‘If a rich man takes a loan and is slow in repaying it, Allāh will order a man who is not righteous to repay it so that Allāh will accept his repentance and glorify His splendor.”

Comments:

This hadith emphasizes the importance of prompt repayment of debts, and the role of a righteous person in helping those who are unable to repay. Allāh grants a graceful success and helps repay the debt, or causes a righteous person to pay his debt on behalf of the debtor.
Allâh ﷺ said: ‘If one of you is referred to a rich man (to help repay a debt), he should accept that referral, and (wrongdoing) is when a rich man takes a long time to repay a debt.’” (Sahîh)

Chapter 101. Transferring Debts

4695. It was narrated that Abû Hurairah said: “The Messenger of Allâh ﷺ said: ‘Wrongdoing is when a rich man takes a long time to repay a debt, and if one of you is referred to a rich man (to help repay a debt), he should accept that referral, and (wrongdoing) is when a rich man takes a long time to repay a debt.’”
repay debt), he should accept that referral.” (Sahih)

Chapter 102. Taking On Another’s Debt

4696. It was narrated from ‘Abdullāh bin Abī Qatadāh, from his father, that a man from among the Ansār was brought to the Prophet for him to offer the funeral prayer, and he said: “Your companion owes a debt.” Abū Qatadāh said: “I will guarantee it for him.” The Prophet said: “In full?” He said: “In full.” (Sahih)

Chapter 103. Encouragement To Pay Off Well

4697. It was narrated from Abū Hurairah that the Messenger of Allāh said: “The best of you is the one who is best in repaying.” (Sahih)

Chapter 104. Being Kind When Asking For Repayment

4698. It was narrated from Abū
Hurairah that the Messenger of Allah ﷺ said: “There was a man who never did any good deed, but he used to lend to people and he would say to his messenger: ‘Take what can be paid easily and leave what is difficult; let them off, and perhaps Allah, the Most High, will let us off.’ When he died, Allah, the Mighty and Sublime, said to him: ‘Did you ever do any good deed?’ He said: ‘No, but I had a slave and I used to lend to people. When I sent him to collect the debts I said to him: Take what can be paid easily and leave what is difficult; let them off, and perhaps Allah will let us off.” Allah, the Most High, said: ‘I have let you off.’” (Sahih)


4699. Abû Hurairah said: The Prophet ﷺ said: “A man used to lend to people, but if he realized that someone was going through hardship, he would say to his slave: ‘Let him off, perhaps Allah, the Most High, will let us off.’ And when he met Allah, He let him off.” (Sahih)

تخير: [صحح] أخرجه أحمد: ٢٦٨/٣ من حديث الليث بن سعد به، وهو في البهشتي، ح: ٢٦٣، وصحب الحاكم على شرط مسلم: ٢/٢٨، ووافقه الذهبي في ابن عجلان عن ح: ٢٦٦ مختصرًا، وللحديث شواهد منها البهشتي الآتي:

傍边的说明：الbuyer，البيع، باب من أنظار معرَّضًا، ح: ٢٠٨ عن هشام بن عمر، ومسلم، المصافحة، باب فضل إنكار المعرض والتجزأ في الأقضية من الموسر والمصير، ح: ٢٦٢ من حديث الزهري، وهو في البهشتي، ح: ٢٦٤ # بحث أبوّ بن حمزة.
4700. It was narrated that 'Uthmân bin 'Affân said: “The Messenger of Allâh ﷺ said: 'Allâh, the Mighty and Sublime, admitted to Paradise a man who was easygoing in buying and selling, in paying off debts and asking for repayment.” (Sâhîh)

Chapter 105. Partnership
Without Contributing

4701. It was narrated that 'Abdullâh said: “Sa’d, 'Ammâr and I entered into a partnership on the Day of Badr, (agreeing to share) whatever was allotted to us. 'Ammâr and I did not get anything, but Sa’d got two prisoners.” (Da’âf)

Comments:

'Partnership signifies whatever portion one receives; 'we would distribute it equally among us.' There is no harm in this kind of partnership when a couple of people work together and they become equal partners in whatever income they procure.

4702. It was narrated from Sâlim, from his father, that the Messenger of Allâh ﷺ said: “Whoever sets free his share of a slave should set him free completely from his own wealth, if he has enough wealth to cover the price of the slave.” (Sâhîh)
Chapter 106. Shared Ownership Of Slaves

4703. It was narrated that Ibn Umar said: “The Messenger of Allah said: ‘Whoever sets free his share of a slave, and he has sufficient wealth to set him free completely by paying the price of the slave, then he should set him free with his own wealth.’” (Sahih)

Chapter 107. Shared Ownership Of Date Palms

4704. It was narrated from Jabir that the Prophet said: “Any one of you who has land, or date palm trees, he should not sell them until he offers them to his partner first.” (Sahih)

Chapter 108. Shared Ownership Of Houses

4705. It was narrated that Jabir said: “The Messenger of Allah said: ‘A slave’s estate will be divided among his heirs, unless there is a special agreement to the contrary.’”
ruled that pre-emption is to be given in everything that is shared in which the division is not clear, whether it is a house or a garden.

It is not permissible to sell it before informing one's partner, who may take it or leave it, as he wishes. He (the share-owner) sells it without informing him, then he has more right to it.” (Sahih)

Comments:
(See No. 4650).

Chapter 109. Pre-Emption And Its Rulings

4706. It was narrated that Abû Râfi' said: "The Messenger of Allâh ἰ said: ‘The neighbor has more right to property that is near.”

Comments:
In the Sunan and Musnad Ahmad, there occurs a narration of the same signification, transmitted Jâbir ు. It also contains the condition provided their pathway is one. So to speak, a neighbor has the right of pre-emption (Shuf’a) if he is a partner in the pathway, etc. In this way, all the narrations would be acted upon or brought into practice. Some venerable individuals bestow the right of pre-emption to a neighbor irrespective of whether or not he is a partner from any dimension. But this would contravene the agreed upon narrations of the two Sahîhs (Al-Bukhârî and Muslim), in which there is negation of pre-emption after the formal distribution of property and the pathways having been separate (for instance, see No. 4708).

4707. It was narrated from ‘Amr bin Ash-Sha‘îd, from his father, that a man said: “O Messenger of Allâh, no one else has any share in
my land, but there are neighbors.”
He said: “The neighbor has more right to property that is near.”
(Sahih)

Comments:
Provided the pathway is one and the same.

4708. It was narrated from Abû Salamah that the Messenger of Allah ﷺ said: “Pre-emption takes effect in all cases where land has not been divided. But if the boundaries have been set, and the roads laid out, then there is no pre-emption.” (Sahih)

4709. It was narrated that Jâbir said: “The Messenger of Allah ﷺ decreed the principle of pre-emption, and the (rights of) neighbors.” (Sahih)
Chapter 1. Qasāmah During The Jāhiliyyah

4710. It was narrated that Ibn ‘Abbās said: “The first instance of Qasāmah during the Jāhiliyyah involved a man from Banu Ḥāshim who was employed by a man from Quraish, from another branch of the tribe. He went out with him, driving his camels, and another man from Banu Ḥisām passed by them. The leather rope of that man’s bag broke, so he said (to the hired worker): ‘Help me by giving me a rope with which to tie the handle of my bag, lest the camels run away from me.’ So he gave him a rope and he tied his bag with it. When they halted, all the camels’ legs were hobbled except one camel. The one who had hired him said: ‘Why is this camel, out of all of them, not hobbled?’ He said: ‘There is no rope for it.’ He said: ‘Where is its rope?’ He said: ‘A man from Banu Ḥisām passed by and the leather rope of his bag had broken, and he asked me to help him; he said: “Help me by giving me a rope with which to tie the handle of my bag lest the camels run away from me, so I gave him a

\[1\] Qasāmah: an oath taken by some people concerning the accusation of having killed somebody.
rope." He struck him with a stick, which led to his death. Then a man from Yemen passed by him (the man from Banu Ḥāshim, just before he died) and he (the Ḥāshim man) said: 'Are you going to attend the Pilgrimage?' He said: 'I do not think I will attend it, but perhaps I will attend it.' He said: 'Will you convey a message from me once in your lifetime?' He said: 'Yes.' He said: 'If you attend the Pilgrimage, then call out, 0 family of Qua'ā!' And they said: 'Here is Quraish.' He said: '0 family of Banu Hāshim!' They said: 'Here are Banu Hāshim.' He said: 'Where is Abū Ṣāliḥ?' He said: 'Here is Abū Ṣāliḥ.' He said: 'so and so asked me to convey a message to you, that so and so killed him for a camel's rope.' Abū Ṣāliḥ went to him and said: 'Choose one of three alternatives that we are offering you. If you wish, you may give us
one hundred camels, because you killed our companion by mistake; or if you wish, fifty of your men may swear an oath that you did not kill him; or if you wish, we will kill you in retaliation.’ He went to his people and told them about that, and they said: ‘We will swear the oath.’ Then a woman from Banu Ḥāshim, who was married to one of their men and had borne him a child, came to Abū Ṭālib and said: ‘O Abū Ṭālib, I wish that my son, who is one of these fifty men, should be excused from having to take the oath.’ So he excused him. Then one of the men came to him and said: ‘O Abū Ṭālib, you want fifty men to take the oath in lieu of one hundred camels, which means that each man may give two camels instead, so here are two camels; take them from me, and do not make me take the oath.’ So he accepted them, and did not make him take the oath. Then forty-eight men came and took the oath.” Ibn ‘Abbās said: “By the One in Whose hand is my soul, by the time a year had passed, none of those forty-eight men remained alive.” (Ṣaḥīḥ)

Comments:

Qasāmah is a particular form of oath, and it means when someone is found slain in some region, and the slayer is not identified, or some people are under suspicion that they are involved in the killing, but evidence is not available, then an oath is taken from fifty trustworthy individuals from amongst the people of that region, that they have neither killed the person nor do they know the killer. In this way the people of that region are absolved from the accusation or suspicion of the murder. In the above-quoted incident, the killer was not confessing, and there was no evidence either. There was
only a verbal message. The whole incident, therefore, was suspicious. Hence, the oath was taken.

Chapter 2. Qasâmah

4711. Abû Salamah and Sulaimân bin Yasâr narrated from one of the Companions of the Messenger of Allâh ﷺ, one of the Ansâr, that the Messenger of Allâh ﷺ approved of Qasâmah as it had been during the Jâhiliyyah. (Sahih)

(المعجم ۳) - القسماء (التحفة ۲)

4712. It was narrated from Abû Salamah and Sulaimân bin Yasâr, from some of the Companions of the Messenger of Allâh ﷺ, that Qasâmah existed during the Jâhiliyyah and the Messenger of Allâh ﷺ approved of it as it had been during the Jâhiliyyah, and he ruled accordingly among some of the Ansâr concerning a victim whom they claimed the Jews of Khaibar had killed. (Sahih)

Ma‘mar contradicted the two of them.

Comments:

Islam has ended only the evil customs of the time of Jâhiliyyah, not each and every custom.

4713. It was narrated that Ibn Al-Musâyyab said: “Qasâmah existed during the Jâhiliyyah, then the
Messenger of Allâh ﷺ confirmed it in the case of an Anṣârî who was found slain in the dry well of the Jews, and Anṣâr said: “The Jews killed our companion.” (Sahîh)

Chapter 3. Family Of The Victim Should Swear The Oath First, In The Case Of Qasâmah

4714. It was narrated from Sahl bin Abî Ḥathmah that ‘Abdullâh bin Sahîl and Muḥayyâsah set out for Khaibar because of some problem that had arisen. Someone came to Muḥayyâsah and he told him that ‘Abdullâh bin Sahîl had been killed and thrown into a pit, or a well. He came to the Jews and said: “By Allâh, you killed him.” They said: “By Allâh, we did not kill him.” Then he went back to the Messenger of Allâh ﷺ and told him about that. Then he and Muḥayyâsah – his brother who was older than him – and ‘Abdur-Raḥmân bin Sahîl, came (to the Prophet ﷺ). Muḥayyâsah, who was the one who had been at Khaibar, began to speak, but the Messenger of Allâh ﷺ said: “Let the elder speak first.” So Muḥayyâsah spoke, then Muḥayyâsah spoke. The Messenger of Allâh ﷺ said: “Either (the Jews) will pay the Diwâh for your companion, or war will be declared on them.” The Messenger of Allâh ﷺ sent a letter to that effect (to the Jews) and they wrote...
back saying: “By Allâh, we did not kill him.” The Messenger of Allâh ﷺ said to Huwayysah, Muḥayyysah and 'Abdur-Rahmân: “Will you swear an oath establishing your claim to the blood money of your companion?” They said: “No.” He said: “Should the Jews swear an oath for you?” They said: “They are not Muslims.” So the Messenger of Allâh ﷺ paid (the Diyâh) himself, and he sent one hundred she-camels to their abodes. Sahl said: “A red she-camel from among them kicked me.” (Saḥīh)

Comments:

1. ‘Abdullâh bin Sahl and Muhayyysah were cousin brothers. They owned land in Khaibar, which they had received by way of the spoils of Khaibar.

2. In some narrations, mention of taking an oath from the Jews comes first because they were the defendants and the oath is the right of the defendant. In this narration, taking the oath from the claimants (plaintiffs) comes first. Though majority of the narrations are harmonious with the latter form, and Imam Ahmad has given precedence to these narrations, based on this principle of narration. And Allâh knows best!

4715. It was narrated from Abû Laila bin 'Abdullâh bin 'Abdur-Rahmân bin Sahl, from Sahl bin Abî Hathmah, that he informed him, and some men among the elders of his people, that ‘Abdullâh bin Sahl and Muḥayyysah set out for Khaibar because of some problem that had arisen. Someone came to Muḥayyysah, and he told him that ‘Abdullâh bin Sahl had been killed and thrown into a pit or well. He came to the Jews and said: “By Allâh, you killed him.” They said: “By Allâh, we did not kill him.”
Then he went back to his people and told them about that. Then he and his brother Huwayyṣah, who was older than him, and ‘Abdur-Rahmān bin Sahl, came (to the Prophet ﷺ). Muḥayyṣah, who was the one who had been at Khāibar, began to speak, but the Messenger of Allāh ﷺ said: “Let the elder speak first.” So Ḥuwayyṣah spoke, then Muḥayyṣah spoke. The Messenger of Allāh ﷺ said: “Either (the Jews) will pay the Dīyah for your companion, or war will be declared on them.” The Messenger of Allāh ﷺ sent a letter to that effect (to the Jews) and they wrote back saying: “By Allāh, we did not kill him.” The Messenger of Allāh ﷺ said to Ḥuwayyṣah, Muḥayyṣah and ‘Abdur-Rahmān: “Will you swear an oath establishing your claim to the blood money of your companion?” They said: “No.” He said: “Should the Jews swear an oath for you?” They said: “They are not Muslims.” So the Messenger of Allāh ﷺ paid it himself, and he sent one hundred she-camels to their abodes. Sahl said: “A red she-camel from among them kicked me.”

Chapter 4. Mentioning The Different Wordings In The Report Of Sahl

4716. It was narrated from Yahya, from Bushair bin Yasā, from Sahl bin Abī Ḥathmah who said – and I think he said: and from Rāfī’ bin Khadīj, the two of them said – :
“Abdullāh bin Sahl bin Zaid and Muḥayyṣah bin Masʿūd went out until when they reached Khaibar, they went their separate ways. Then Muḥayyṣah found ‘Abdullāh bin Sahl slain, so he buried him. Then he came to the Messenger of Allāh ﷺ, along with Huwayyṣah bin Masʿūd and ‘Abdur-Raḥmān bin Sahl, who was the youngest of them. ‘Abdur-Raḥmān started to speak before his two companions, but the Messenger of Allāh ﷺ said to him: “Let the elder speak first.” So he fell silent and his two companions spoke, then he spoke with them. They told the Messenger of Allāh ﷺ about the killing of ‘Abdullāh bin Sahl, and he said to them: “Will you swear fifty oaths, then you will receive compensation, or be entitled to retaliate?” They said: “How can we swear an oath when we did not witness what happened?” He said: “Then can the Jews swear fifty oaths declaring their innocence?” They said: “How can we accept the oath of a disbelieving people?” When the Messenger of Allāh ﷺ saw that, he paid the blood money (himself).

(Sahīh)

Comments:

‘Allāh’s Messenger ﷺ himself paid the blood money’: This was the compassion of the Messenger of Allāh ﷺ, shown to the heirs of the slain. Otherwise, they did not deserve the blood-wit, because they were not prepared to take the oath, nor were they prepared to acknowledge the oaths of the defendants.

4717. It was narrated from Sahl bin Abī Ḥathmah and Rāfīʿ bin Khadij that Muḥayyṣah bin Masʿūd and ‘Abdullāh bin Sahl went to Khaibar...
for some need they had there, and they parted among the palm trees. Abdullah bin Sahl was killed, and his brother ‘Abdur-Rahmân bin Sahl, and Huwayysah, and Muḥayyṣah, his paternal cousins, came to the Messenger of Allâh ﷺ. ‘Abdur-Rahmân spoke about his brother’s case, but he was the youngest of them, so the Messenger of Allâh ﷺ said: “Let the elders speak first.” So they spoke about their companion, and the Messenger of Allâh ﷺ said: “Let fifty of you swear an oath.” They said: “O Messenger of Allâh, it is something that we did not witness; how can we swear an oath?” He said: “Then let the Jews swear fifty oaths to their innocence.” They said: “O Messenger of Allâh, (they are) a disbelieving people.” So the Messenger of Allâh ﷺ paid the blood money himself. Sahl said: “I entered a Mirbad of theirs, and one of those camels kicked me.” (Saḥîh)

4718. It was narrated from Sahl bin Abî Ḥathmah that ‘Abdullâh bin Sahl and Muḥayyṣah bin Mas‘ûd bin Zaid went to Khaibar, and at that time there was a peace treaty. They went their separate ways to go about their business, then Muḥayyṣah came upon ‘Abdullâh bin Sahl lying dead in a pool of blood. He buried him, then he came to Al-Madînah. ‘Abdur-Rahmân bin Sahl, Huwayysah, and Muḥayyṣah came to the Messenger of Allâh ﷺ, and ‘Abdur-Rahmân
started to speak, but he was the youngest of them, so the Messenger of Allah ﷺ said: “Let the elders speak first.” So he fell silent and they (the other two) spoke. The Messenger of Allah ﷺ said: “Will you swear fifty oaths, then you will receive compensation or be entitled to retaliate?” They said: “O Messenger of Allah, how can we swear an oath when we did not witness, and did not see (what happened)?” He said: “Then can the Jews swear fifty oaths declaring their innocence?” They said: “O Messenger of Allah, how can we accept the oath of a disbelieving people?” So the Messenger of Allah ﷺ paid the blood money himself. (Sahîh)

4719. It was narrated that Sahl bin Abî Ḥathmah said: “Abdullâh bin Sahl and Muḥayyâsah bin Mas‘ûd bin Zaid went to Khâibar, and at that time there was a peace treaty. They went their separate ways to go about their business, then Muḥayyâsah came upon ‘Abdullâh bin Sahl lying dead in a pool of blood. He buried him, then he came to Al-Madînah. ‘Abdur-Rahmân bin Sahl and Huwâhîyâsah, and Muḥayyâsah, the two sons of Mas‘ûd, came to the Messenger of Allah ﷺ, and ‘Abdur-Rahmân started to speak, but the Messenger of Allah ﷺ said: “Let the elders speak first,” for he was the youngest of them. So he fell silent and they (the other two) spoke. The Messenger of Allah ﷺ said:
“Will you swear fifty oaths, then you will receive compensation or be entitled to retaliate?” They said: “O Messenger of Allâh, how can we swear an oath when we did not witness and did not see (what happened)?” He said: “Then can the Jews swear fifty oaths declaring their innocence?” They said: “O Messenger of Allâh, how can we accept the oath of a disbelieving people?” So the Messenger of Allâh ﷺ paid the blood money himself. (Sahîh)

4720. It was narrated from Sahl bin Abî Hathmah that ‘Abdullâh bin Sahl Al-Ansârî and Muhayyâsah bin Masûd went out to Khaibar and went their separate ways to go about their business. ‘Abdullâh bin Sahl Al-Ansârî was killed, and Muhayyâsah, ‘Abdur-Rahmân, who was the brother of the victim, and Huwayyâsah, came to the Messenger of Allâh ﷺ. ‘Abdur-Rahmân started to speak, but the Prophet ﷺ said to him: “Let the elders speak first.” So Muhayyâsah and Huwayyâsah spoke and told him about the case of ‘Abdullâh bin Sahl. The Messenger of Allâh ﷺ said: “Will you swear fifty oaths, then you will receive compensation or be entitled to retaliate?” They said: “How can we swear an oath when we did not witness (what happened) and we were not there?” The Messenger of Allâh ﷺ said: “Then can the Jews swear fifty oaths declaring their innocence?” They said: “O Messenger of Allâh, how can we
accept the oath of a disbelieving people?” So the Messenger of Allâh ﷺ paid the blood money himself. (One of the narrators) Bushair said: “Sahl bin Abî Ḥathmah told me: ‘One of those camels kicked me in a Miṣrâd of ours.’” (Ṣaḥîh)

4721. It was narrated that Sahl bin Abî Ḥathmah said: “Abdullâh bin Sahl was found slain, and his brother, and two paternal uncles, Huwayysah and Huwayisah, who were the paternal uncles of ‘Abdullâh bin Sahl, came to the Messenger of Allâh ﷺ. ‘Abdur-Rahmân started to speak, but the Messenger of Allâh ﷺ said: “Let the elders speak first.” They said: “O Messenger of Allâh, we found ‘Abdullâh bin Sahl slain in one of the dry wells of Khairbar.” The Prophet ﷺ said: “Whom do you suspect?” They said: “We suspect the Jews.” He said: “Will you swear fifty oaths saying that the Jews killed him?” They said: “How can we swear an oath about something that we did not see?” He said: “Then can the Jews swear fifty oaths declaring that they did not kill him?” They said: “How can we accept their oaths, when they are Mushrikûn?” So the Messenger of Allâh ﷺ paid the blood money himself. (Ṣaḥîh)

Mâlik narrated this in Mursal form.

4722. It was narrated from Bushair bin Yasār that 'Abdullāh bin Sahl Al-Anṣārī and Muḥayyṣṣah bin Masʿūd went out to Khaibar, where they went their separate ways to go about their business. 'Abdullāh bin Sahl was killed, and Muḥayyṣṣah came (to Madīnāh) and went with his brother Ḥuwayṣṣah and 'Abdur-Rahmān bin Sahl to the Messenger of Allāh ﷺ. 'Abdur-Rahmān started to speak, because of his position as brother (of the slain man) but the Messenger of Allāh ﷺ said: "Let the elders speak first." So Ḥuwayṣṣah and Muḥayyṣṣah spoke, and told him about what happened to 'Abdullāh bin Sahl. The Messenger of Allāh ﷺ said to them: "Will you swear fifty oaths, then you will receive compensation or be entitled to retaliate?" (In his narration) Mālik said: "Yahya said: 'Bushair said that the Messenger of Allāh ﷺ paid the blood money himself, but Saʿeēd bin 'Ubaid At-Ṭāʾī disagreed with them (in reporting that)." (Sahih)

4723. It was narrated from Saʿeēd bin 'Ubaid At-Ṭāʾī from Bushair bin Yasār who said: "A man from among the Ansār who was called Sahl bin Abī Ḥathmah told him that some of his people went to Khaibar, where they went their separate ways. Then they found one of their number slain. They said to those in whose land they
found him: 'You killed our companion!' They said: 'We did not kill him and we do not know who killed him.' They went to the Prophet of Allâh ﷺ and said: 'O Prophet of Allâh, we went to Khaibar and we found one of our number slain.' The Messenger of Allâh ﷺ said: 'Let the elders speak first.' And he said to them: 'Bring proof of the one whom you suspect killed him.' They said: 'We do not have any proof.' He said: 'Then let them swear an oath to you.' They said: 'We will not accept the oath of the Jews.' The Messenger of Allâh ﷺ did not want his blood to have been shed with no justice done, so he paid a Diyâh of one hundred camels from the Sadaqah. 'Amr bin Shu‘aib differed with them. (Sahîh)

Comments:

This narration is in accord with the general principle that the claimant or the plaintiff should furnish the evidence. If they fail to furnish any evidence, the defendants would be asked to take the oath. Some people have tried to reconcile stating that first of all the plaintiff shall be asked to produce the evidence. If there is no evidence, oaths shall be demanded from the heirs of the slain. If they refuse, then the oaths shall be taken from the defendants. In this manner also, all the narrations would conform to each other.

4724. It was narrated from 'Amr bin Shu‘aib, from his father, from his grandfather, that the younger son of Muhayyâsah was found slain one morning at the gates of Khaibar. The Messenger of Allâh ﷺ said: "Bring two witnesses to (say) who killed him, and he will hand him over to you." He said: "O Messenger of Allâh, where shall I get two witnesses? He was found

ما قُتِّلَ ؟ وَلَا عَلَمَتَا قَاتِلاً، فَأُفْطِلُوا إِلَى نَبِيِّ الله ﷺ قَالُوا: فَاللَّهُ ﷺ أَنْطَلَقْنا إِلَى أَخِيّي ﷺ رَسُولُ اللَّه ﷺ قَالَ ﷺ أَخَوُنا أَخِيّي ﷺ قَالَ رَسُولُ اللَّه ﷺ: لَا أَخْبَرُكُمْ عَلَى مَنْ قَتَلَ قَالُوا: هُمُّ نَا بُنيٌّ، قَالَ: فَيَمْلَؤُونَ لَكُمْ قَالُوا: لَا نُنَزِّلُ إِلَى أَبِيّي الْيَهُودِ وَكَرَبَ رَسُولُ اللَّه ﷺ أَنْ يُكْتَلِفَ دَمُّهُ فَوَقَّاً مَّا، إِلَيْهِ الصَّدَقَةُ، عَلَّيْهِمْ عَمُوُّ بْنُ شُعَيْبٍ.

slain in the morning at their gates.”

He said: “Will you swear fifty oaths?” He said: “O Messenger of Allâh, how can I swear concerning something I do not know?” The Messenger of Allâh said: “Then will you accept fifty oaths from them?” He said: “O Messenger of Allâh, how can we accept their oaths when they are Jews?” So the Messenger of Allâh told them (the Jews) to pay the Diyâh and he would help them with half.” (Hasan)

Comments:

This narration differs in two things from the rest of the narrations. In this narration, the slain has been shown to be the brother of Muhayyasah, and in the rest of the narrations Abdulah bin Sahl. If this is one incident, then this narration is not correct. What is evident is that the incident is one only. It is, therefore, an error of the transmitter. Secondly, casting the one-half blood-wit upon the Jews is also in contravention of the other narrations.

Chapter 5, 6. Retaliation

4725. It was narrated from 'Abdullâh that the Messenger of Allâh said: “It is not permissible to shed the blood of a Muslim except in one of three cases: A soul for a soul, a adulterer who has been married, and one who separates leaving his religion.” (Sahîh)
4726. It was narrated that Abū Hurairah said: "A man was killed during the time of the Messenger of Allāh ﷺ, and the killer was brought to the Prophet ﷺ. He handed him over to the heir of the victim, but the killer said: 'O Messenger of Allāh, by Allāh I did not mean to kill him.' The Messenger of Allāh ﷺ said to the next of kin: 'If he is telling the truth and you kill him, you will go to the Fire.' So he let him go. He had been tied with a string and he went out dragging his string, so he became known as Dhul-Nis‘āh (the one with the string). (Ṣaḥīḥ)

Comments:

1. According to the Divine law, the right of retribution belongs to the heirs of the slain. If they desire they might slay him, or if they so desire, they might forgive him. That is why Allāh’s Messenger ﷺ handed over the slayer to the guardian of the slain. It is not essential that the killer be killed by the government itself.

2. Only a deliberate killer could be killed by way of retribution. According to the statement of the killer, he had not killed the man intentionally. Hence, he did not deserve to be slain. But the Prophet’s ﷺ handing over the slayer to the heirs of the slain shows that the appearance of the killing was that it was deliberate. Of the intention of the killer, only Allāh is aware. So to speak, in such a situation also, the heirs of the slain should forgive the killer so that one may not be killed without right.

4727. It was narrated from ‘Alqamah bin Wâ’il Al-Hadramî that his father said: "A man who had killed someone was brought to the Messenger of Allāh ﷺ, and he was brought by the heir of the victim. The Messenger of Allāh ﷺ
said to him: 'Will you forgive him?' He said: 'No.' He said: 'Will you kill him?' He said: 'Yes.' He said: 'Go away.' Then when he went away, he called him back and said: 'Will you forgive him?' He said: 'No.' He said: 'Will you accept the Diyah?' He said: 'No.' He said: 'Will you kill him?' He said: 'Yes.' He said: 'Go away.' Then when he had gone he said: 'If you forgive him, he will carry your sin and the sin of your companion (the victim).' So he forgave him and let him go." He said: "And I saw him dragging his string." (Sahih)

Comments:

'Your own sin and the sin of your companion' means in the event of forgiveness, the sins of the slain would also be cast upon the killer, and he (the slain) would become an inhabitant of Paradise. Conversely, in the instance of taking retribution, the killer's sin of killing would be forgiven; while there is no surety concerning the forgiveness of the slain person's sins.

Chapter 6, 7. Mentioning The Differences Reported In The Narration Of 'Alqamah Bin Wâ'il

4728. It was narrated that Wâ'il said: 'I saw the Messenger of Allâh when the heir of a victim brought the killer, leading him by a string. The Messenger of Allâh said to the heir of the victim: 'Will you forgive him?' He said: 'No.' He said: 'Will you accept Diyah?' He said: 'No.' He said: 'Will you kill him?' He said: 'Yes.' He said: 'Take him away (to kill him).' When he took him and turned
away, he turned to those who were with him, and called him back, and said to him: ‘Will you forgive him?’ He said: ‘No.’ He said: ‘Will you accept Diyah?’ He said: ‘No.’ He said: ‘Will you kill him?’ He said: ‘Yes.’ He said: ‘Take him away.’ Then the Messenger of Allâh ﷺ said: ‘If you forgive him, he will carry your sin and the sin of your companion (the victim).’ So he forgave him and left him, and I saw him dragging his string.” (Sahîh)

4729. A similar report was narrated from ‘Alqamah bin Wâ’il from his father, from the Prophet ﷺ. Yahya (one of the narrators) said: “He is better than him.”[3] (Sahîh)

4730. It was narrated from ‘Alqamah bin Wâ’il that his father said: “I was sitting with the Messenger of Allâh ﷺ when a man came with a string around his neck and said: ‘O Messenger of Allâh, this man and my brother were digging a hole, and he raised his pickax and struck his companion in the head, killing him.’ The Prophet ﷺ said: ‘Forgive him,’ but he refused and said: ‘O Prophet of Allâh, this man and my brother

[1] Meaning, Jâmi’ bin Matar from whom he heard this version, is better as a narrator than ‘Awf bin Abî Jamilah, from whom he heard the previous narration.
were digging a hole, and he raised his pickax and struck his companion in the head, killing him.' The Prophet said: 'Forgive him,' but he refused, then he stood up and said: 'O Messenger of Allah, this man and my brother were digging a hole, and he raised his pickax and struck his companion in the head, killing him.' The Prophet said: 'Forgive him,' but he refused. He (the Prophet) said: 'Go, but if you kill him, you will be like him.' So he took him out, and they called out to him: 'Didn't you hear what the Messenger of Allah said?' So he came back and he said: 'If I kill him will I be like him?' He said: 'Yes. Forgive him.' Then he went out, dragging his string, until he disappeared from our view.'

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Comments:
The apparent connotation is: If you kill him, then you would also become an illegitimate killer, but this signification is not meant here, because killing a killer is not a crime. So far as the statement of the killer that it was not his intention to kill is concerned, only Allah, Most High, is aware of the intention. But the gist of the Prophet's saying was that you would not gain any superiority over him.

4731. 'Alqamah bin Wâ'il narrated from his father that he was sitting with the Messenger of Allah when a man came leading another man by a string. He said: "O Messenger of Allah, this man killed my brother." The Messenger of Allah said to him: "Did you kill him?" He said: "O Messenger of Allah, even if he did not confess I would have brought proof against
him.” He said: “Yes, I killed him.” He said: “How did you kill him?” He said: “He and I were chopping firewood from a tree and he insulted me, so I got angry and struck him with the ax on the forehead.” The Messenger of Allâh ﷺ said: “Do you have any wealth with which you can pay the Diyâh to save yourself?” He said: “O Messenger of Allâh, I do not have anything but my ax and my clothes.” The Messenger of Allâh ﷺ said to him: “Do you think your people will pay to save you?” He said: “I am too insignificant to them for that.” He threw the string to the man and said: “Here, take him.” When he turned to go, the Messenger of Allâh ﷺ said: “If he kills him, he will be like him.” They caught up with the man, and said: “Woe to you! The Messenger of Allâh ﷺ said: ‘If he kills him, he will be like him.’” So he went back to the Messenger of Allâh ﷺ and said: “O Messenger of Allâh, I have been told that you said: ‘If he kills him, he will be like him.’ But I only took him because you told me to. He said: ‘Don’t you want him to carry your sin and the sin of your companion (the victim)?’ He said: ‘Yes, if that is the case.’ He said: ‘And that is how it is.”’ (Shahîh)

4732. It was narrated from Simâk bin Harb that ‘Alqâmah bin Wâ’il told him that his father said: “I was sitting with the Messenger of Allâh ﷺ...
when a man came leading another” (and he narrated) a similar report. (Sahih)

4733. It was narrated from 'Alqamah bin Wâ'il that his father told them that a man who had killed another man was brought to the Prophet and he handed him over to the heir of the victim to kill him. Then the Prophet said to those who were sitting with him: “The killer and the slain will both be in Fire.” A man went after him and told him that, and when he told him that, he left him. He (the narrator) said: “I saw him dragging his string when he let him go. I mentioned that to Hâbîb and he said: ‘Sa'eed bin Ashwa' told me that the Prophet commanded the man to forgive him.”’ (Sahih)

Comments:

'The killer and the slain, will both be in the Fire': This does not mean that if he kills him, then both would enter the Fire. Such a connotation is against the accepted postulates, because in the event of getting slain, the heir of the slayer would be forgiven and the one who seeks retribution would gain his right. Why should he be doomed to Fire? But the meaning is that if the slayer and the slain are both bent on taking each other's life, then both of them would be doomed to Hellfire. The killer might not necessarily be in the wrong. Hence, one should resort to forgiveness. By the usage of such words, it is meant to arouse the feelings of forgiveness, and that objective was fulfilled.

4734. It was narrated from Anas bin Mâlik that a man brought the killer of his kinsman to the Messenger of Allâh and the Prophet said: “Forgive him.” But he refused. He said: “Take the
Diyah,” but he refused. He said: “Go and kill him then, for you are just like him.” So he went away, but some people caught up with the man and told him that the Messenger of Allâh ﷺ had said: “Kill him for you are just like him.” So he let him go, and the man passed by me dragging his string.

(ṣaḥīḥ)

تخريج: [إسناده صحيح] أخرجه ابن ماجه، الديبات، باب العفو عن القاتل، ح: ٢٦١٥ عن عيسى بن يونس بن أبان الفاخوري أبي موسى الرملي به، وهو في الكبرى، ح: ٦٣٦٦ ضمرة هو ابن ربيعة الرملي.

Comments:

‘Dragging his string’ means he did not even delay to pause to undo his cord. He fled away like that.

4٧٣٥. It was narrated from ‘Abdullâh bin Buraidah, from his father, that a man came to the Prophet ﷺ and said: “This man killed my brother.” He said: “Go and kill him as he killed your brother.” The man said to him: “Fear Allâh and let me go, for that will bring you a greater reward and will be better for you and your brother on the Day of Resurrection.” So he let him go. The Prophet ﷺ was told about that, so he asked him about it, and he told him what he had said. He said: “Pardoning him would be better for you than what he would have done for you on the Day of Resurrection when he said: ‘O Lord, ask him why he killed me.’” (ḥasan)
Chapter 7, 8. The Meaning Of
The Saying Of Allâh, The Most
High: “And If You Judge, Judge
With Justice Between Them”[1]

Chapter 8, 9. Different Reports
From 'Ikrimah Concerning
That'[2]

4736. It was narrated from Simāk,
from 'Ikrimah, that Ibn 'Abbâs said:
“There were (the two tribes of)
Quraïšah and An-Nâḍîr, and An-
Naḍîr was nobler than Quraïšah. If a
man of Quraïšah killed a man of An-
Naḍîr, he would be killed in return,
but if a man of An-Nâḍîr killed a man
of Quraïšah, he would pay a Dîyâh of
one hundred Wasqs of dates. When
the Prophet ﷺ was sent, a man of
An-Nâḍîr killed a man of Quraïšah,
and they said: ‘Hand him over to us
and we will kill him.’ They said:
‘Between us and you (as judge) is the
Prophet ﷺ.’ So they came to him,
then the following was revealed:
“And if you judge, judge with justice
between them.”[3] Al-Qist (justice)
means a soul for a soul. Then the
following was revealed: “Do they
then seek the judgment of (the days
of) Ignorance?”[4] (Da‘if) 

[2] What appears in most versions is that this chapter heading is part of the previous. The
same is the case in Sunan Al-Kubra.
4737. It was narrated from Dāwud bin Al-Ḥuṣain, from ʿIkrimah, from Ibn ʿAbbās, that the Verses in Al-Māʿī dah, in which Allāh, the Mighty and Sublime, says: “Either judge between them, or turn away from them. If you turn away from them up to: those who act justly.”[1] — were revealed concerning the matter of blood money between An-Nadir and Quraizah. That was because the slain of An-Nadir were of noble status, so the blood money would be paid in full for them, but for Banu Quraizah only half of the blood money would be paid. They referred the matter to the Messenger of Allāh for judgment, then Allāh, the Mighty and Sublime, revealed that concerning them, so the Messenger of Allāh told them to do the right thing and he made the blood money equal. (Daʿif)

Comments:
As for non-Muslims living under an Islamic government, their personal affairs would be determined on their own, according to their customary practices. But the affairs which are connected with the judiciary, the verdict in them would be returned according to the law of the country. The law of the country means the Islamic Shariʿah or the Divine law.

Chapter 9, 10. Cases Of Retaliation Between Free Men And Slaves

4738. It was narrated that Qais bin ʿUbad said: “Al-Ashtar and I went to ‘Ali, may Allāh be pleased with...
him, and said: 'Did the Prophet of Allâh tell you anything that he did not tell to all the people?' He said: 'No, except what is in this letter of mine.' He brought out a letter from the sheath of his sword and it said therein: 'The lives of the believers are equal in value, and they are one against others, and they hasten to support the asylum granted by the least of them. But no believer may be killed in return for a disbeliever, nor one with a covenant while his covenant is in effect. Whoever commits an offense then the blame is on himself, and whoever gives sanctuary to an offender, then upon him will be the curse of Allâh, the angels and all the people.' (Sahîh)

٤٧٣٩. It was narrated from ‘Alî, may Allâh be pleased with him, that the Prophet said: 'The lives of the believers are equal in value, and they are one against others, and they hasten to support the asylum granted by the least of them. But no believer may be killed in return for a disbeliever, nor one with a covenant while his covenant is in effect.' (Sahîh)
Chapter 10, 11. Retaliating Against The Master For The Slave

4740. It was narrated from Samurah that the Messenger of Allah said: “Whoever kills his slave, we will kill him; whoever mutilates (his slave), we will mutilate him, and whoever castrates (his slave), we will castrate him.” (Hasan)

4741. It was narrated from Samurah that the Prophet said: “Whoever kills his slave, we will kill him, and whoever mutilates his slave, we will mutilate him.” (Hasan)

4742. It was narrated that Samurah said: “The Prophet said: ‘Whoever kills his slave, we will kill him, and whoever mutilates his slave, we will mutilate him.’” (Hasan)
Chapter 11, 12. Killing A Woman In Return For A Woman

4743. ‘Amr bin Dīnār narrated that he heard Tāwūs narrate from Ibn ‘Abbās, from ‘Umar, may Allāh be pleased with him, that he asked about the ruling of the Messenger of Allāh (ﷺ) concerning that. Ḥamal bin Mālik stood up and said: “I was married to two women, and one of them struck the other with a tent pole and killed her and her fetus. The Prophet (ﷺ) ruled that a slave be given (as Diyyah) for her fetus and that she be killed (for killing the other woman).” (Sahih)

Chapter 12, 13. Retaliation If A Man Kills A Woman

4744. It was narrated from Anas that a Jew killed a young girl for her jewelry, so the Messenger of Allāh (ﷺ) killed him in retaliation for her. (Sahih)

4745. It was narrated from Anas bin Mālik that a Jew took some jewelry from a girl, then he crushed her head between two rocks. They found her as she was breathing her last, and they took her around among the people (saying): “Was it
this one? Was it this one?” (When) she said yes, the Messenger of Allāh ﷺ ordered that his head be crushed between two rocks. (Sahih)

4746. It was narrated that Anas bin Mālik said: “A girl went out wearing some jewelry and a Jew caught her, crushed her head between two rocks and took the jewelry that she was wearing. She was found as she was breathing her last, and she was brought to the Messenger of Allāh ﷺ who said: ‘Who killed you? Was it so and so?’ She gestured no with her head, and he continued asking until he named the Jew, and she gestured yes with her head. He was caught and he confessed (to his crime), then the Messenger of Allāh ﷺ ordered that his head be crushed between two rocks.” (Sahih)

Chapter 13, 14. No Retaliation Is To Be Carried Out If A Muslim Kills A Disbeliever

4747. It was narrated from ‘Aishah, the Mother of the Believers, that the Messenger of Allāh ﷺ said: “It is
not permissible to kill a Muslim except in one of three cases: A adulterer who has been married, who is to be stoned; a man who kills a Muslim deliberately; and a man who leaves Islam and wages war against Allâh, the Mighty and Sublime, and His Messenger, who is to be killed, crucified or banished from the land.” (Sahîh)

Comments:
The author’s proof is founded on the apparent wordings that apart from these three crimes, it is not permissible to take anyone’s life; and the second crime among these three crimes is to kill some Muslim, not an unbeliever.

4748. It was narrated that Ash-Sha’bî said: “I heard Abû Juhaifah say: ‘We asked ‘Ali: “Do you have anything from the Messenger of Allâh ♦ apart from the Qur’ân?” He said: “No, by the One who splits the seeds and creates the soul, unless Allâh gives a slave understanding of His Book, or except this sheet.” I said: “What is in the sheet?” He said: “In it are (the regulations concerning) blood money and the freeing of captives, and (the rule) that no Muslim should be killed for killing a disbeliever.” (Sahîh)

Comments:
1. This narration has preceded. See Hadîth 4738.
2. ‘Freeing of captives’ means that captive who falls into the captivity of unbelievers.

4749. It was narrated that Abî Hassân said: “‘Ali said: ‘The Messenger of Allâh ♦ did not tell
me anything that he did not tell the people, except what is in a sheet in the sheath of my sword.' They did not leave him alone until he brought out the sheet, and in it (were the words): 'The lives of the believers are equal in value, and they hasten to support the asylum granted by the least of them, and they are one against others. But no believer may be killed in return for a disbeliever, nor one with a covenant while his covenant is in effect.' (Sahih)

4750. It was narrated from Al-Ashhtar that he said to 'Ali: "What the people have been hearing from you has become widespread. If the Messenger of Allah ﷺ told you anything, then tell us." He said: "The Messenger of Allah ﷺ did not tell me anything that he did not tell the people, except that in the sheath of my sword there is a sheet, in which it says: 'The lives of the believers are equal in value, and they hasten to support the asylum granted by the least of them. But no believer may be killed in return for a disbeliever, nor one with a covenant while his covenant is in effect.'" It is an abridgement of it. (Sahih)
Chapter 14, 15. Seriousness Of Killing The One With A Covenant (Al-Mu’ahad)\[1\]

4751. Abū Bakrah said: “The Messenger of Allāh ﷺ said: ‘Whoever kills a Mu’ahad with no justification, Allāh will forbid Paradise to him.’” (Ṣahih)

4752. It was narrated that Abū Bakrah said: The Messenger of Allāh ﷺ said: “Whoever kills a Mu’ahad with no justification, Allāh will forbid Paradise to him and he will not even smell its fragrance.” (Ṣahih)

4753. It was narrated from Al-Qāsim bin Al-Mukhaimirah, from a man among the Companions of the Prophet ﷺ, that the Prophet ﷺ said: “Whoever kills a man from among Ahl Adh-Dhinmah,\[2\] he will not smell the fragrance of Paradise, and its fragrance may be detected from a distance of seventy years.” (Ṣahih)

\[1\] A non-Muslim who has a treaty with the Muslims, or, is living under Muslim protection.
\[2\] A non-Muslim living under Muslim protection.
4754. It was narrated that 'Abdullâh bin 'Amr said: “The Messenger of Allâh ﷺ said: ‘Whoever kills a person from among Ahl Adh-Dhimmah, he will not smell the fragrance of Paradise, and its fragrance may be detected from a distance of forty years.’” (Sahîh)

Chapter 15, 16. There Is No Retaliation Between Slaves For Offenses Less Than Killing

4755. It was narrated from 'Imrân bin Hûsain that a slave belonging to some poor people cut off the ear of a slave belonging to some rich people. They came to the Prophet ﷺ but he did not give them anything. (Da'îf)
Chapter 16, 17. Al-Qiṣāṣ For A Tooth

4756. It was narrated from Anas that the Messenger of Allāh ḳṣṣ ruled that Qiṣāṣ should be given for a tooth. The Messenger of Allāh ḳṣṣ said: “What Allāh has decreed is retaliation.” (Ṣaḥīḥ)

Comments:

If the whole tooth is pulled out, then the tooth of the one who has broken the tooth could be retributively pulled out. But it would be done in such a way that his other teeth are not weakened, and whichever tooth is pulled out, the same tooth of the second party shall be pulled out. On the other hand, if the whole tooth is not knocked out, but a part of it is broken, adequate compensation shall have to be paid. The retribution shall not be brought into play in this regard. This is because it would not be possible to break exactly that much of the tooth, and to break in excess is not permissible. Therefore, compensation would be paid.

4757. It was narrated from Samurah that the Prophet of Allāh ḳṣṣ said: “Whoever kills his slave, we will kill him, and whoever mutilates his slave, we will mutilate him.” (Hasan)

Comments:

When there could be retribution in the matter of nose and ear, then it could take place in the matter of tooth also. The relevance of this Ḥadīth to the Chapter is from that dimension.

4758. It was narrated from Samurah that the Prophet of Allāh ḳṣṣ said: “Whoever castrates his slave, we will castrate him, and whoever mutilates his slave, we will mutilate him.” This is the wording of Ibn Bashshār (one of the
4759. It was narrated from Anas that the sister of Ar-Rubah' Umm Hārithah injured a person and they referred the dispute to the Messenger of Allāh ﷺ. The Messenger of Allāh ﷺ said: “Retaliation, retaliation (Qīṣāṣ).” Umm Ar-Rubah' said: “O Messenger of Allāh, how could retaliation be carried out against so and so? No, by Allāh, retaliation will never be carried out against her!” The Messenger of Allāh ﷺ said: “Subhān Allāh, O Umm Ar-Rubah’! Retaliation is something that is decreed by Allāh.” She said: “No, by Allāh, retaliation will never be carried out against her!” And she carried on until they accepted Diyāh (blood money). He (the Prophet ﷺ) said: “There are among the slaves of Allāh who, if they swear by Allāh, Allāh fulfills their oath.” (Ṣaḥīḥ)

Chapters 17, 18. Al-Qīṣāṣ For A Front Tooth

4760. Anas narrated that his paternal aunt broke the front tooth of a girl and the Prophet of Allāh ﷺ decreed retaliation. Her brother, Anas bin An-Nadr, said:
"Will you break the front tooth of so and so? No, by the One Who sent you with the truth, the front tooth of so and so will not be broken!" Before that, they had asked her family for forgiveness and blood money. When her brother - who was the paternal uncle of Anas and was martyred at Uhud - swore that oath, the people agreed to forgive. The Prophet (ﷺ) said: "There are among the slaves of Allâh who, if they swear by Allâh, Allâh fulfills their oath." (Sahih)

4761. It was narrated that Anas said: "Ar-Rubâ’î broke the front tooth of a girl, and they asked them (her people) to forgive her, but they refused. They offered them blood money, but they refused. Then they went to the Prophet (ﷺ) and he decreed retaliation. Anas bin An-Nadr said: "O Messenger of Allâh, will you break the front tooth of Ar-Rubâ’î? No, by the One Who sent you with the truth, it will not be broken!" He said: "O Anas, what Allâh has decreed is retaliation." But the people agreed to forgive her. He (the Prophet (ﷺ)) said: "There are among the slaves of Allâh who, if they swear by Allâh, Allâh fulfills their oath." (Sahih)
Chapters 18, 19. Retaliation
For A Bite And Mentioning
The Differences In The Report
Of The Narrators Of The
Narration Of Имран bin
Husain Concerning That

4762. It was narrated from Имран bin Husain that a man bit the hand of another man, who pulled his hand away, and the man’s front tooth (or front teeth) fell out. He complained about that to the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ said: "What do you want? Do you want me to tell him to put his hand in your mouth, so that you can bite it like a stallion bites? Or, do you want to give him your hand so that he may bite it, then you can pull it away if you want?" (Sahih)

Comments:
The tooth was not pulled out deliberately. It was pulled out as a result of drawing the hand out. Besides, aberration was committed by the person who lost the tooth. He had bit the hand of the other person. The opposite party had every right to withdraw his hand. The question of retaliation, therefore, does not arise at all. That is why Allâh’s Messenger ﷺ was displeased.

4763. It was narrated from Имран bin Husain that a man bit another man on the forearm; he pulled it away and a front tooth fell out. The matter was referred to the Messenger of Allâh ﷺ and he canceled (the Diyah) and said: “Did you want to bite your brother’s flesh as a stallion bites?” (Sahih)

(معجم 18، 19) - القرض من العضّة
وذكر اختلاف الفاظ النافعين لمحرّر عمران بن حصن في ذلك (الحجة 15)

4762 - أخبرنا أحمد بن عثمان بن أبو الْجَوْرَاء قَالَ: أخبرنا أُزِيد بن أنس عن ابن عُمّان عن ابن سيرين عن عمران بن حضين: أن رجلا عض بن رجل، فانحرّر رجٍّ، فسقطت ثُنَىٰ، أو قال: نهى أن استدعى عليه رسول الله ﷺ، فقال له رسول الله ﷺ: وما أتمّني أن أُمْرِك أن يَدْعُ بَدْهٍ في فِيك تقصّها كما يُغَضِّمُ الفِنْحٍ إِن شَدَّت فَأُذْعَفْ إِلَيْهِ يَدْكُ حَتَّى يُقَضِّحَها، ثمّ اتّرّفها إِن شِئتَ.

تخريج: أُخرِج مَسْلِم، القسامة، باب المصالح على نفس الإنسان وعضوه، إذا دفعه المصول عليه... إلخ، ح: 1673 عن أحمد بن عثمان النوفي، وهو في الكبير، ح: 1960.

4763 - أخبرنا عمرو بن عليّ قَالَ: حدثنا بَرَدُ قَالَ: أخبرنا سعيد بن أبي عروبة عن فقدانه، عن زرارة بن أَوْفِي، عن عمْران ابن حضين: أن رجلا عض آخر على ذراعه، فأخذت فانحرّر ثُنَىٰ، فوقع ذلك إلى النبي ﷺ فَأَطْلَقَهَا، وقال: أردت أن تقصم أشهر أَحْيَكَ كَمَا يُقَصّمُ الفِنْحٍ؟
4764. It was narrated that `Imrân bin Ḥusain said: “Ya’la fought with a man, and one of them bit the other, who pulled his hand away from his mouth, and a front tooth fell out. They referred their dispute to the Messenger of Allâh and he said: ‘Would one of you bite his brother as a stallion bites? There is no Diyah for that.”’ (Sahîh)

4765. It was narrated from `Imrân bin Ḥusain that Ya’la said, concerning the one who bit (another), and his front tooth fell out, that the Prophet said: “There is no Diyah for you.” (Sahîh)

4766. It was narrated from `Imrân bin Ḥusain that a man bit another man in the forearm, and his front tooth fell out, so he went to the Prophet and told him about that. He said: “Do you want to bite your brother’s forearm as a stallion bites?” And he judged it to be invalid. (Sahîh)
Chapters 19, 20. Self-Defense

4767. It was narrated from Ya’la bin Munyah that he fought a man and one of them bit the other, who pulled his forearm away from his mouth, and a front tooth fell out. The matter was referred to the Prophet and he said: “Would one of you bite his brother as a young camel bites?” And judged it to be invalid. (Sahih)

Comments:

When someone is assaulted, he has every right to defend himself. If the harm is done to the attacker by the victim, even if he dies while defending himself, no retribution, compensation, or penalty shall have to be paid. If the victim indulges in excess of defending himself, he will be accountable. And the verdict concerning accountability shall be returned by the court of law, making sure whether he merely defended himself or went beyond the bounds of defense.

4768. It was narrated from Ya’la bin Munyah that a man from Banu Tamim fought with another man, and he bit his hand, so he pulled it away and a front tooth fell out. They referred the dispute to the Messenger of Allâh, who said: “Would one of you bite his brother as a young camel bites?” and he thwarted it, meaning he judged it to be invalid. (Sahih)

Chapters 20, 21. Mentioning
The Differences Reported From ‘Atâ’ In This Hadîth

4769. It was narrated from Safwân
bin 'Abdullāh that his two paternal uncles, Salamah and Ya'la, the sons of Umayyah, said: "We went out with the Messenger of Allāh on the campaign of Tabūk, and there was a friend of ours with us, who fought with a man from among the Muslims. The man bit him on the forearm, so he pulled it away from his mouth and a tooth fell out. The man came to the Prophet, seeking blood money, but he said: "Would one of you go to his brother and bite him like a stallion bites, then come and demand blood money? There is no blood money for that." And the Messenger of Allāh judged it to be invalid. (Hasan)

4770. It was narrated from Ṣafwān bin Ya'la, from his father, that a man bit the hand of another man and his front tooth fell out. He came to the Prophet but he considered it in vain. (Ṣaḥīḥ)

4771. It was narrated from Ya'la that he hired a worker who fought with a man and bit his hand, and his front tooth fell out. So he referred the dispute to the Prophet...
who said: “Do you want to bite his hand as a stallion bites?”

(Sahih)

It was narrated from Safwān bin Ya’la that his father said: “I went on the campaign to Tabūk with the Messenger of Allāh ﷺ, and I hired a worker. My hired man fought with another man. The other one bit him, and his front tooth fell out. He went to the Prophet ﷺ and told him about that, but the Prophet ﷺ considered it to be in vain. (Sahih)

Nahj: [Saheeh] 

4773. It was narrated that Ya’la bin Umayyah said: “I went on a campaign with the Messenger of Allāh ﷺ in the Army of Hardship, and this was the deed of which I was most sure. I had a hired man who fought with another person. One of them bit the finger of the other, who pulled his finger away and a front tooth fell out. He went to the Prophet ﷺ who considered the tooth to be in vain, and said: “Would he put his hand in your mouth for you to bite it?”

(Sahih)

Nahj: [Saheeh] 

Comments:

‘The Army of Hardship’: This means the army of the Expedition of Tabuk, [1] Meaning, the campaign to Tabuk.
because it was a time of hardship and scarcity. The weather was extremely hot. The fruits and harvests had even ripened. The previous stocks of fruits and food grains had been exhausted. The journey was long. The enemy was formidable and in plenty. Marching forth in such circumstances was very hard. That is why he deemed his going forth with the army his most weighty of deeds. This is because recompense is bestowed proportionate to hardship.

4774. A similar report to that of the one who bit (another man) and his front tooth fell out was narrated from Ibn Ya’lā from his father, in which the Prophet ﷺ said: “There is no Diyah for you.” (Saḥīḥ)

4775. It was narrated from Ṣafwān bin Ya’lā bin Munyah that a hired man of Ya’lā bin Munyah was bitten by another on his forearm, and he pulled it away from his mouth. The matter was referred to the Prophet ﷺ, as his front tooth had fallen out, but the Messenger of Allāh ﷺ considered it an invalid claim, and said: “No; should he put (his forearm) in your mouth for you to bite it as a stallion bites?” (Saḥīḥ)

4776. It was narrated from Ṣafwān bin Ya’lā that his father went on the campaign of Tabūk with the Messenger of Allāh ﷺ, and he hired a man who fought with another man. The man bit his forearm, and when it hurt him, he pulled it away, and the man’s front tooth fell out. The matter was referred to the Messenger of Allāh ﷺ.
who said: "Would one of you deliberately bite his brother as a stallion bites?" And he judged it to be invalid. (Ṣaḥiḥ)

Comments:
Repeatedly bringing one and the same narration with different chains of transmitters has brought all the minute details of the incident to the fore that this incident belongs to the journey of the Expedition of Tabuk. The fighting individuals were the servant of Ya'la and one other person. The other person bit the servant, and his own tooth fell out. He only was reprimanded.

Chapters 21, 22. Retaliation
For Stabbing

4777. It was narrated that Abū Sa'eed Al-Khudrī said: "While the Messenger of Allâh ﷺ was distributing something, a man came and leaned over him, and the Messenger of Allâh ﷺ hit him with a stick that he had with him. The man went out, and the Messenger of Allâh ﷺ said: 'Come and ask for retaliation.' He said: 'No, I pardon you, O Messenger of Allâh.'" (Da'if)

4778. It was narrated that Abû Sa'eed Al-Khudrī said: "While the Messenger of Allâh ﷺ was distributing something, a man came and leaned over him, and the Messenger of Allâh ﷺ hit him with a stick that he had with him. The
man shouted, and the Messenger of Allâh ﷺ said: ‘Come and ask for retaliation.’ He said: ‘No, I pardon you, O Messenger of Allâh.’” \( (Dâ’îf) \)

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Comments:
1. Although in the act of poking with a stick, there is possibility of severity and softness, still one could avenge oneself. This difference is ignorable.
2. ‘Ask for retaliation’: Though Allâh’s Messenger’s ﷺ poking him with a stick was disciplinary, the man had shown hastiness and impatience and created disorder. But it is possible he was suprised.

Chapters 22, 23. Retaliation
For A Slap

4779. Ibn ‘Abbâs narrated that a man slandered one of his forefathers from the time of the Jâhiliyyah, and Al-‘Abbâs slapped him. His people came and said: “Let him slap him as he slapped him,” and they prepared for quarrel. News of that reached the Prophet ﷺ, and he ascended the Minbar and said: “O people, which of the people of the Earth do you know to be the most noble before Allâh?” They said: “You.” He said: “Al-‘Abbâs belongs to me and I to him. Do not defame our dead or offend our living.” Those people came and said: “O Messenger of Allâh, we seek refuge with Allâh from your anger; pray to Allâh to forgive us.” \( (Dâ’îf) \)

The purpose of the author (May Allâh’s mercy be upon him) is to underscore that one may demand retribution in the act of slapping, because Allâh’s Messenger ﷺ did not object upon its demand.

Chapters 23, 24. Retaliation
For Pulling Roughly On A Person’s Clothes

4780. It was narrated that Abu Hurairah said: “We would sit with the Messenger of Allâh ﷺ in the Masjid and when he stood up, we would stand up too. One day he stood up and we stood up with him, and when he reached the middle of the Masjid, a man caught up with him and pulled roughly on his Ridâ’ (upper-wrap) from behind. His Ridâ’ was of rough material, and that left a red mark on his neck. He said: ‘O Muhammad! Load up these two camels of mine, for you are not giving me anything from your wealth or the wealth of your father!’ The Messenger of Allâh ﷺ said: ‘No, and I pray for Allâh’s forgiveness. I will not load anything (onto your camels) until you let me retaliate for your pulling roughly (on my cloak and leaving a mark on) my neck.’ The Bedouin said: ‘No, by Allâh, I will not let you retaliate.’ The Messenger of Allâh ﷺ said that three times, and each time the man said: ‘No, by Allâh, I will not let you retaliate.’ When we heard what the Bedouin said, we turned toward him quickly. The Messenger of Allâh ﷺ turned to us and said: ‘I urge anyone who hears me not to leave his place until I give him permission.’ Then...
the Messenger of Allâh ﷺ said: ‘O so and so, load one of his camels with barley and the other with dates.’ Then the Messenger of Allâh ﷺ said: ‘Leave.’”

تخريج: [إسناده ضعيف] أخرجه أبو داود، الأنصار، باب: في الحلم و الخلق النبي ﷺ.

ح: 4775 من حديث محمد بن هلال، ولم يرثه من المتقدمين غير ابن حبان فما أعلم، وقال الذهبي: "لا يعرف"، وحسن له النووي في رياض الصالحين، ح: 1599، والحديث في الكبرى، ح: 278، والله أعلم به.

Comments:

He had brought these camels along with him, and was demanding food grains.

Chapters 24, 25. Retaliation Against People In Authority

4781. It was narrated from Abû Firâs that ‘Umar said: “I saw the Messenger of Allâh ﷺ allowing others to seek retaliation against him.”

تخريج: [إسناده ضعيف] أخرجه أبو داود، الديبات، باب الفرد من الضرر وقص الأميز من نفسه، ح: 4572 من حديث الجريري به، وهو في الكبرى، ح: 2769 من أبو فراس الناهدي مستور، ولم يعرفه أبو زرعة.

Comments:

All are equal in Islam - ruler and beggar. Anyone could be called to account for his aberrations and made to pay retribution. ‘Umar had made this observation in one common assembly in which some governors were also present.

Chapters 25, 26. Intervention Of The Ruler

4782. It was narrated from ‘Âishah that the Messenger of Allâh ﷺ sent Abû Jahm bin Hudhaifah to collect Zakâh and a man argued with him about his Sâdaqah, so Abû Jahm struck him. They came to the Prophet ﷺ and he said:
“Diyah, O Messenger of Allāh.” He said: “You will have such and such,” but they did not accept it. The Messenger of Allāh ﷺ said: “You will have such and such,” and they accepted it. The Messenger of Allāh ﷺ said: “I am going to address the people and tell them that you accepted it.” They said: “Yes.” So the Prophet ﷺ addressed (the people) and said: “These people came to me seeking compensation, and I offered them such and such, and they accepted.” They said: “No.” The Muhājrūn wanted to attack them, but the Messenger of Allāh ﷺ ordered them to refrain, so they refrained. Then he called them and said: “Do you accept?” They said: “Yes.” He said: “I am going to address the people and tell them that you accepted it.” They said: “Yes.” So the Prophet ﷺ addressed (the people), then he said: “Do you accept?” They said: “Yes.” (Da’if)

Comments:
The beating had not caused any wound that would make the Prophet ﷺ offer them retribution. But since aberration or excess had come to pass, they were made happy by giving them something or the other. And this was the lofty character of the Messenger of Allāh ﷺ. Despite their breach of promise, the Prophet ﷺ did not show any displeasure. He rather stopped the Companions from taking any action. May my own self and soul be his ransom.

Chapters 26, 27. Retaliation With Something Other Than The Sword
4783. It was narrated from Anas, that a Jew saw some jewelry on a
girl, so he killed her with a rock. She was brought to the Prophet as she was breathing her last, and he said: “Did so and so kill you?” – Shu’bah (one of the narrators) gestured with his head, to show that she had gestured no. – He said: “Did so and so kill you?” – Shu’bah (one of the narrators) gestured with his head to show that she had gestured yes. – So the Messenger of Allâh called for him, and killed him with two rocks. (Sahîh)

Comments:
From this we learn that it is not necessary that the killer be put to death by sword only. But if the killer has killed his victim in a brutal way, then he also should be killed in the same cruel manner.

4784. It was narrated from Qais that the Messenger of Allâh sent a detachment of troops to some people of Khath’am, who sought to protect themselves by prostrating (to demonstrate that they were Muslims), but they were killed. The Messenger of Allâh ruled that half the Diyah should be paid, and said: “I am innocent of any Muslim who (lives with) a Mushrik.” Then the Messenger of Allâh said: “Their fires should not be visible to one another.” (Da‘if)

تخريج: [إسناده ضعيف] وهو في الكبرى، ح: 1982، وهذا مرسل، ورواه أبو داود
Chapters 27, 28. Interpreting The Saying Of Allâh, The Mighty And Sublime: But If The Killer Is Forgiven By The Brother (Or The Relatives) Of The Killed Against Blood Money, Then Adhering To It With Fairness And Payment Of The Blood Money To The Heir Should Be Made In Fairness”[1]

4785. It was narrated that Ibn 'Abbâs said: “There was Qiṣâṣ among the Children of Israel, but Diyâh was unknown among them. Then Allâh, the Mighty and Sublime, revealed: “Al-Qiṣâṣ (the law of equality in punishment) is prescribed for you in case of murder: the free for the free, the slave for the slave, and the female for the female...” up to His saying: “But if the killer is forgiven by the brother (or the relatives) of the killed against blood money, then adhering to it with fairness and payment of the blood money to the heir should be made in fairness.”[2] Forgiveness means accepting the Diyâh in the case of deliberate killing. Adhering to it in fairness means asking him to pay the Diyâh in a fair manner, and payment in fairness means giving the Diyâh in a fair manner. This is an alleviation and a mercy from

your Lord,\[1\] means: This is easier than that which was prescribed for those who came before you, which was *Qisāṣ* and not *Diyah.*” (Sahih)

Comments:
1. ‘Is prescribed for you’ means to take just retribution is permissible. The Divine Law of Islam has legislated it as legal; not obligatory. Rather, in ordinary conditions, forgiveness is better.
2. ‘(The free for the free, the slave for the slave, literally) are equal’: During the time of Ignorance or *Jahiliyyah*, some mighty clans considered their own slave equal to freeman of others, and their woman equal to a man of other people.

4786. It was narrated that Mujāhid said: "*Al-Qisāṣ* (the Law of Equality in punishment) is prescribed for you in case of murder: the free for the free\[2\] The rule for the Children of Israel was *Qisāṣ*, and not *Diyah*. Then Allāh, the Mighty and Sublime, revealed the *Diyah* to them, and He revealed this ruling to this *Ummah* as an alleviation of the ruling that applied to the Children of Israel.” (Sahih)

4787. It was narrated that Anas said: “A case requiring *Qisāṣ* was brought to the Messenger of Allāh ﷺ, and he enjoined them to pardon.” (Sahih)

Comments:
In the Hadîth, the term Amr or command occurs. In the Arabic language, it has various meanings. One of them is counsel or advice. Retribution is the legal right of the guardians of the slain person, legislated by the Divine law. They are, therefore, not being commanded to abandon retribution, although forgiving is superior. However, an advice could be given. Hence, here this connotation is given precedence.

4788. It was narrated that Anas bin Mâlik said: “No case requiring Qisâs was ever brought to the Messenger of Allâh - but he would enjoin pardoning.” (Sahîh)

4789. Abû Hurairah said: “The Messenger of Allâh - said: ‘If a person’s relative is killed, he has the choice of two things: Either he may retaliate, or he may take the ransom.” (Sahîh)
4790. Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘If a person’s relative is killed, he has the choice of two things: Either he may retaliate, or he may take the ransom.’” (Ṣāhih)

4791. Abū Salamah narrated that the Messenger of Allāh ﷺ said: “If a person’s relative is killed...” In Mursal form. (Ṣāhih)

Comments:
In the terminology of the science of Hadith, Mursal means a narration in which the original transmitter, the name of the Prophet’s Companion is not given. But his pupil himself narrated it on his own. ‘Relative’: Every relative cannot claim to be the guardian of the slain person. The first and foremost people entitled are the person’s sons and grandsons, then the father and grandfather, then the brothers, nephews, then the uncles, etc.

Chapters 30, 31. Women Pardoning In Cases Of Blood

4792. It was narrated from ‘Āishah that the Messenger of Allāh ﷺ said: “And it is upon those (relatives) of the killed one to block (any punishment) the first (in line) then the first, even if that one is a woman.” (Daʿīf)
Comments:
So to say, forgiveness is more beneficial than dispute and quarrel. And the right to forgive is vested with his relatives, who are closer in relationship with the deceased, as has been described in the previous narration; a woman, for instance daughter (in the absence of son), mother (in the absence of father), sister (in the absence of brother), and wife (when there is no other relative).

Chapters 31, 32. One Who Is Killed With A Stone Or A Whip

4793. It was narrated that Ibn `Abbâs said: “The Messenger of Allâh ﷺ said: ‘Whoever is killed in the blind or by something thrown,[1] while between them is a rock, a whip, or a stick, then the blood money to be paid for him is the blood money for accidental killing. Whoever kills deliberately, then retaliation is upon him, and whoever tries to prevent that, upon him is the curse of Allâh, the Angels, and all the people, and Sarf nor `Adl will be accepted from him.’”[2] (Sahîh)

Comments:
1. In this narration, a spectacle of unruly mob has been described, when there is tumult on either side. People are fighting among themselves. Someone is

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[1] That is, when no one saw what occurred.

[2] That is: “Exchange or substitute.” And the meaning is either: ‘no repentance or ransom,’ or ‘no obligatory or voluntary deed.’ See An-Nîhiyâh, Hâdî As-Sûrî, Tulghat Al-Awâdhi (No. 2127), and An-Nawawi’s commentary on Muslim (No. 3323/1366/463)
flinging a stone, the other a stick. Someone is cracking a whip, while some other is empty-handed. In such a violent mob, the slayer cannot be identified. Even otherwise, the objective of such fighting is not to kill anyone. If anyone is killed, it would then be reckoned as an accidental killing, and the second party would pay the blood money. If, however, weapons are used in such fighting, and if the killers are not identified, blood wit for deliberate killing shall be taken from the second party, because the use of weapons is invariably to kill. And if the killer is identified, then retribution would be taken. Likewise, if one man's intention is only to kill another man, then in every circumstance, retribution would be taken from him, irrespective of whether he makes use of firearms, a stone, a stick, a hammer, etc., as is separately mentioned in this narration.

2. ‘The curse’, because becoming an open obstacle in the way of the rule of the Divine law is synonymous with declaring open war against Allâh and His Messenger ﷺ.

4794. It was narrated that Ibn ‘Abbâs, who attributed it to the Prophet ﷺ, said: “Whoever is killed in the blind or by something thrown, with a rock, a whip, or a stick, then the blood money to be paid for him is the blood money for accidental killing. Whoever kills deliberately, then retaliation is upon him, and whoever tries to prevent that, upon him is the curse of Allâh, the Angels and all the people, and Allâh will not accept any Sarf nor ‘Adl from him.”

(Saḥîḥ)

تخريج: [إسناده صحيح] انظر الحديث السابق، وهو في الكبيرة، ح: 1993

Chapters 32, 33. The Amount Of The Diyah For Seemingly Intentional Killing And Mentioning The Differences Reported From Ayyūb In The Narration Of Al-Qâsim bin Rabî‘ah About That

4795. It was narrated from Al-Qâsim bin Rabî‘ah, from ‘Abdullâh bin ‘Amr, that the Prophet ﷺ said: “The accidental killing, which
seems intentional, with a whip or stick, (the *Diyah*) is one hundred camels, of which forty should be (she-camels) with their young in their wombs.” (*Sahih*)

4796. It was narrated from Al-Qāsim bin Rabī‘ah that the Messenger of Allāh ﷺ delivered a speech on the Day of the Conquest. (And he mentioned it) in *Mursal* form. (*Sahih*)

Chapters 33, 34. Mentioning The Differences Reported From Khālid Al-Ḥadḥā’

4797. It was narrated from ‘Abdullāh bin ‘Amr that the Prophet ﷺ said: “Indeed the accidental killing, which seems intentional, with a whip or a stick, (the *Diyah*) is one hundred camels, of which forty should be (she-camels) with their young in their wombs.” (*Sahih*)

4798. It was narrated from ‘Uqbah bin Aws, that a man from among the Companions of the Prophet ﷺ said: “The Prophet ﷺ delivered a speech on the Day of the Conquest of Makkah and said: ‘Indeed the
accidental killing, which seems intentional, with a whip, a stick, or a rock, (the Diyāh) is one hundred camels, of which forty should be pregnant she-camels between the ages of six and nine years old, all in the middle of their pregnancies.”  

(Saḥīḥ)

4799. It was narrated from ‘Uqbah bin ‘Aws, that the Messenger of Allāh ﷺ said: “Indeed the accidental killing, the killing with a whip or stick, for it (the Diyāh) is one hundred camels – a severe penalty – of which forty should be (she-camels) with their young in their wombs.” (Saḥīḥ)

4800. It was narrated from Ya’qūb bin Aws, from a man among the Companions of the Prophet ﷺ that when the Messenger of Allāh ﷺ entered Makkah on the Day of the Conquest, he said: “Indeed, every accidental killing on purpose, or resembling on purpose – killing with a whip or stick, for it are forty (she-camels) with their young in their wombs.” (Saḥīḥ)

4801. It was narrated from Ya’qūb bin Aws that a man from among the Companions of the Prophet ﷺ told him, that when the Messenger of Allāh ﷺ came to Makkah, in the Year of the Conquest, he said:
“Indeed, accidental killing on purpose, is killing with a whip or stick, for which forty (she-camels) with their young in their wombs.”

(Ṣahih)

4802. It was narrated from Ya‘qūb bin Aws that a man from among the Companions of the Prophet ﷺ narrated to him that the Prophet ﷺ entered Makkah during the Year of the Conquest, and said: “Indeed, accidental killing on purpose, is killing with a whip or stick, for which forty (she-camels) with their young in their wombs.”

(Ṣahih)

4803. It was narrated that Ibn ‘Umar said: “The Messenger of Allāh ﷺ stood up on the Day of the Conquest of Makkah, on the steps of Ka‘bah. He praised and glorified Allāh, then he said: ‘Praise be to Allāh Who has fulfilled His promise, granted victory to His slave and defeated the confederates alone. The one who is killed purposefully by mistake, with a whip or a stick, resembling on purpose, for that (the Diyah) is one hundred camels – a severe penalty – of which forty should be pregnant she-camels with their young in their wombs.’” (Da‘if)

4804. It was narrated from Al-Qâsim bin Rabî‘ah that the Messenger of Allâh ﷺ said: "The accident that resembles on purpose, meaning (killing) with a stick or a whip, (for which the Diyâh is) one hundred camels, of which forty should be (pregnant she-camels) with their young in their wombs.” (Sahîh)

Comments:
In some of the above-quoted narrations, the term 'Amad or 'deliberate' occurs along with the expression accidental killing. Both these expressions are the opposites of each other.

4805. It was narrated from ‘Amr bin Shu‘aib, from his father, from his grandfather, that the Messenger of Allâh ﷺ said: “Whoever is killed by mistake, his ransom is one hundred camels: Thirty Bint Makhäd, thirty Bint Labûn, thirty Hîqqah and ten Bin Labûn.”[1]

The Messenger of Allâh ﷺ used to fix the value (of the Diyâh for accidental killing) among town-dwellers at four hundred Dinârs or the equivalent value in silver. When he calculated the price in terms of people with camels (for Bedouin), it would vary from one time to another. When prices rose, the value in Dinârs would rise, and when prices fell the value in Dinârs would fall. At the time of the Messenger of Allâh ﷺ the value was between four hundred and eight hundred Dinârs, or the equivalent value in silver, eight

[1] See the Book of Zakâh for the descriptions of these animals.
thousand Dirhams. And the Messenger of Allâh ﷺ ruled that if a person’s blood money was paid in cattle, among those who kept cattle, the amount was two hundred cows; and if a person’s blood money was paid in sheep, among those who kept sheep, the value was two thousand sheep. The Messenger of Allâh ﷺ ruled that the blood money is part of the estate, to be divided among the heirs of the victim according to their allotted shares, and whatever is left over is for the ‘Asâbah. And the Messenger of Allâh ﷺ ruled that if a woman commits murder then her ‘Asâbah, whoever they may be, must pay the blood money, but they do not inherit anything except that which is left over from her heirs; if a woman is killed then her blood money is to be shared among her heirs, and they may kill her killer. (Hasan)

**Chapters 34, 35. Mentioning The Ages Of Camels To Be Given In Diyah For Accidental Killing**

4806. Ibn Mas‘ûd said: “The Messenger of Allâh ﷺ ruled that the Diyah for accidental killing is twenty Bint Makhâd, twenty Bin Makhâd, twenty Bint Labûn, twenty Jadh’ah, and twenty Hiqqah.” (Da‘îf)
Comments:
The distribution for blood-wit for accidental killing is appropriate, but there should be twenty *ibn Labûn* (two year-old he-camels), instead of twenty *ibn Makhadh* (one year old he-camel); as it occurs in other more authentic narrations.

Chapters 35, 36. Mention Of The *Diyah* In Silver

4807. It was narrated that Ibn 'Abbas said: "A man killed another man during the time of the Messenger of Allah ﷺ, and the Prophet ﷺ set the *Diyah* at twelve thousand. And he mentioned His saying: And they could not find any cause to do so except that Allah and His Messenger had enriched them of His Bounty, "[1] — concerning them taking the *Diyah.*" (Hasan)

This is the wording of Abu Dawûd.
Comments:
The original blood-wit consists of camels, while elaborate detail preceded above. If the blood-wit is to be given in the form of gold, silver, or coins, then the price of camels possessing attributes described above shall have to be given, which goes on changing from province to province and time. The sum of twelve thousand dirhams stipulated by the Prophet in the above-quoted incident was the price of camels prevailing in that period of time. Now the price would be fixed in accordance with the prices prevalent during the present period, whatever it adds up to.

4808. It was narrated from Ibn ‘Abbâs that the Prophet ruled that twelve thousand (should be given) as Diyah. (Hasan)

4809. It was narrated from ‘Amr bin Shu’aib, from his father, that his grandfather said: “The Messenger of Allah said: ‘The blood money of a woman (in the event of injury) is like the blood money of a man, up to one-third of the Diyah (for her life).”’ (Da’îf)

Chapters 36, 37. The Diyah Of A Woman

Chapters 37, 38. The Diyah For A Disbeliever
Dhimmah is half that of the blood money for the Muslims, and they are the Jews and Christians.”

(Hasan)

4811. It was narrated from ‘Amr bin Shu‘aib, from his father, from ‘Abdullāh bin ‘Amr, that the Messenger of Allāh ﷺ said: “The blood money for a disbeliever is half the blood money for the believer.”

(Hasan)

4812. It was narrated that Ibn ‘Abbās said: “The Messenger of Allāh ﷺ ruled that the Diyah for a Mukātab who is killed should be (equivalent) to the Diyah for a free man, proportionate to the amount he had paid off (toward buying his freedom).”

(Da‘if)

4813. It was narrated from Ibn ‘Abbās that the Prophet of Allāh ﷺ ruled that the Diyah for a Mukātab should be (equivalent) to
the Diyah for a free man, proportionate to the amount he had paid off (toward buying his freedom). \((\text{Da'if})\)

4814. It was narrated that Ibn 'Abbâs said: “The Messenger of Allah \(\text{SAW}\) ruled that in the case of a Mukâtab, the Diyah should be (equivalent) to the Diyah for a free man, proportionate to the amount he had paid off (towards buying his freedom).” \((\text{Da'if})\)

4815. It was narrated from Ibn 'Abbâs that the Prophet \(\text{SAW}\) said: “The Mukâtab is free to the extent that he has paid off (toward buying his freedom); the Hadd punishment should be carried out on him proportionate to the amount he has paid off (toward buying his freedom); and he inherits proportionate to the amount he has paid off (toward buying his freedom).” \((\text{Sahîh})\)

Comments:
So to speak, so far as he has paid the purchase money, he would be considered emancipated to that extent. If he has paid half, he is half free.
4816. It was narrated from Ibn ‘Abbās that a Mukātab was killed at the time of the Messenger of Allāh ﷺ and he commanded that the Diyah be paid (equivalent) to the Diyah for a free man, (proportionate to the amount he had paid off towards buying his freedom). (Sahih)

Comments:
Mukātab means a slave who has made an agreement with his owner to pay a certain sum of money in order to purchase his freedom. This covenant or agreement is called Kitābah.

Chapters 39, 40. The Diyah For A Woman’s Fetus

4817. It was narrated from ‘Abdullāh bin Buraidah, from his father, that a woman threw some pebbles and stuck another woman, and she miscarried. The Messenger of Allāh ﷺ stipulated (a Diyah of) fifty sheep for her child. And on that day, he forbade throwing pebbles. (Sahih)

Abū Nu‘aim narrated it in Mursal form.

4818. ‘Abdullāh bin Buraidah narrated that a woman threw pebbles at another woman and the woman who was struck miscarried. The matter was referred to the Prophet ﷺ and he set the blood money for her child at five hundred (Sahih)

Comments: [إسناده صحيح] وانظر الحديث السابق، وهو في الكبرى، ح: 7510.

4819. It was narrated from ‘Abdullāh bin Buraidah that a woman threw pebbles at another woman and the woman who was struck miscarried. The matter was referred to the Prophet ﷺ and he set the blood money for her child at five hundred (Sahih)

sheep. And on that day, he forbade throwing pebbles. *(Sahih)*

Abū 'Abdur-Rahmān (An-Nasāʾi) said: This is an error, and it must be that the intent was one hundred camels. And the prohibition of throwing pebbles has been related from 'Abdullāh bin Buraidah, from 'Abdullāh bin Mughaffal.

4819. *It was narrated from 'Abdullāh bin Mughaffal that he saw a man throwing pebbles and he said: “Do not throw pebbles, for the Prophet of Allāh forbade throwing pebbles,” or “he disliked the throwing of pebbles.” Kahmās (one of the narrators) was not sure. *(Sahih)*

4820. Ḥamal bin Mālik said: “The Messenger of Allāh ruled that a slave (should be given as *Diyāh*) for a fetus.” Ṭawūs said: “A horse would do in place of a slave.” *(Sahih)*

Comments:

In the Traditions, the expression *Ghurah* has been explained to signify a slave man or a slave woman. Ta'wūs included the horse also. The price might probably have been kept in view, and the horse might have been equal to a slave or slave woman in their value.
4821. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ ruled that a male or female slave should be given (as Diyah) to a woman of Banû Liyân whose child was miscarried and died. Then the woman to whom he had decreed that the slave should be given died, and the Messenger of Allâh ﷺ ruled that her estate belonged to her children and husband, and that the blood money was to be paid by her 'Asâbah." (Sâhih)

Comments:
In the event of an accidental killing, the payment of blood-wit is the responsibility of the killer; but in the act of its payment all his paternal relations participate. From the legal point of view, each one of them shall be made liable for payment of a particular fixed sum of money in installments, and they would be compelled to pay it, because in the act of accidental killing, the killer does not happen to be guilty. Although in the event of deliberate or premeditated killing, the payment of indemnity would be the responsibility of the killer, and he alone would be required to pay it, because he happens to be wholly responsible, while in the act of accidental killing, it is incumbent upon the relatives to cooperate with him. And Allâh knows best!

4822. It was narrated that Abû Hurairah said: "Two women of Hudhail had a fight, and one of them threw a rock at the other and killed her and the child in her womb. They referred the dispute to the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ ruled that the Diyah for her fetus was a male or female slave, and that the Diyah of the woman be paid by her 'Aqilah (male relatives on the father's side), and he made her
children and those who were with them her heirs. Hamal bin Mālik bin An-Nābihah Al-Hudhali said: “O Messenger of Allāh, how can I pay blood money for one who neither ate nor drank, or shouted or cried (at the moment of birth)? Such a one should be overlooked.” The Messenger of Allāh ﷺ said: “This is one of the brothers of the soothsayers” because of the rhyming way in which he spoke. (Sāhih)

Comments:
During the time of ignorance, with every idol there used to be a soothsayer also. In the matter of cure or medical treatment, people used to contact him. These people (the soothsayers) used to be very tricky and vagrant. They had links with the jinn. They used words with dual meanings in their speech. They used to make predictions also, but they used to do so very cautiously, so that they do not face any difficulties in the forthcoming circumstances. They would talk charmingly. They would utter pithy, sophisticated short words, ornamented with rhyming phrases. People were overawed on listening to them.

4823. It was narrated from Abū Hurairah that there were two women of Hudhail during the time of the Messenger of Allāh ﷺ, one of whom threw something at the other and caused her to miscarry. The Messenger of Allāh ﷺ ruled that (Diyah of) a male or female slave be paid for that. (Sāhih)
4824. It was narrated from Sa'eed bin Al-Musayyab that the Messenger of Allâh ﷺ ruled that for a fetus which is killed in the mother's womb, a male or female slave be given (as Diyâh). The one against whom he passed this ruling said: “How can I pay blood money for one who neither ate nor drank, or shouted or cried (at the moment of birth)? Such a one should be overlooked.” The Messenger of Allâh ﷺ said: “This is one of the soothsayers.” (Sahîh)

4825. It was narrated from Al-Mughirah bin Shu'bah that a woman struck her co-wife with a tent pole and killed her, and she (the slain woman) was pregnant. She was brought to the Prophet ﷺ, and the Messenger of Allâh ﷺ ruled that the 'Asabah of the killer should pay the Diyâh, and a slave (should be paid) for the fetus. Her 'Asabah said: “Should Diyâh be paid for one who neither ate nor drank, or shouted or cried (at the moment of birth)? Such a one should be overlooked.” The Prophet ﷺ said: “Rhyming verse like the verse of the Bedouins.” (Sahîh)
Chapters 40, 41. The Description Of Killing That Resembles Intentional Killing, And Who Is To Pay The Diyah For A Fetus And For A Killing That Resembles Intentional Killing, And Mentioning The Different Wordings Reported In The Narration Of Ibrahim From Ubaid Bin Nu'dailah From Al-Mughirah

4826. It was narrated that Al-Mughirah bin Shu'bah said: “A woman struck her co-wife, who was pregnant, with a tent pole and killed her. The Messenger of Allah ruled that the ‘Asabah of the killer was to pay the Diyah and to give a slave (as Diyah) for the child in her womb. One of the ‘Asabah of the killer said: ‘Am I to pay blood money for one who neither ate nor drank, or shouted or cried (at the moment of birth)? Such a one should be overlooked.’ The Messenger of Allah said: ‘Rhyming verse like the verse of the Bedouin?’ and he made them pay the Diyah.” (Saheeh)

4827. It was narrated from Al-Mughirah bin Shu'bah that there were two co-wives, one of whom struck the other with a tent pole and killed her. The Messenger of Allah ruled that the Diyah was to be paid by the ‘Asabah of the killer, and that a slave should be given (as Diyah) for the child in her womb. The Bedouin said: “Are you
penalizing me for one who neither ate nor drank, or shouted or cried (at the moment of birth)? Such a one should be overlooked.” He said: “Rhyming verse like the verse of the Jāhiliyyah,” and he ruled that a slave should be given (as Diyah) for the child in her womb. (Sahih)

4828. It was narrated that Al-Mughirah bin Shu’bah said: “A woman of Banu Liyân struck her co-wife with a tent pole and killed her, and the slain woman was pregnant. The Messenger of Allâh ﷺ ruled that the Diyah was to be paid by the ‘Asabah of the killer, and that a slave should be given (as Diyah) for the child in her womb.” (Sahih)

4829. It was narrated from Al-Mughirah bin Shu’bah that two women were married to a man of Hudhail, and one of them threw a tent pole at the other and caused her to miscarry. They referred the dispute to the Prophet ﷺ and they said: “How can we pay the Diyah for one who neither shouted nor cried (at the moment of birth), or ate or drank? Such a one should be overlooked.” He said: “Rhyming verse like the verse of the Bedouins?” And he ruled that the ‘Aqilah of the women should give a slave (as Diyah). (Sahih)
4830. It was narrated from Al-Mughirah bin Shu‘bah that a man of Hudhayl had two wives, and one of them threw a tent pole at the other and caused her to miscarry. It was said: “What do you think of one who neither ate or drank, or shouted nor cried (at the moment of birth)?” He said: “Rhyming verse like the verse of the Bedouins.” And the Messenger of Allâh ﷺ ruled that a male or female slave should be given (as Diyah) for him (the unborn child), to be paid by the Aqilah of the woman. (Sahîh) Al-A‘mash reported it in Mursal form.

4831. It was narrated from Al-A‘mash, from Ibrâhîm who said: “I woman struck her co-wife, who was pregnant, with a rock and killed her. The Messenger of Allâh ﷺ ruled that a slave should be given (as Diyah) for the child in her womb, and that her Diyah should be paid by her ‘Asabah. They said: ‘Should we be penalized for one who neither ate nor drank, or shouted or cried (at the moment of birth)? Such a one should be overlooked.’ He said: ‘Rhyming verse like the verse of the Bedouins? It is what I say to you.”’ (Sahîh)

4832. It was narrated that Ibn ‘Abbas said: “There were two women neighbors between whom there was some trouble. One of them threw a tent pole at the other and caused her to miscarry. It was said: “What do you think of one who neither ate or drank, or shouted nor cried (at the moment of birth)?” He said: “Rhyming verse like the verse of the Bedouins.” And the Messenger of Allâh ﷺ ruled that a male or female slave should be given (as Diyah) for him (the unborn child), to be paid by the Aqilah of the woman.” (Sahîh)
them threw a rock at the other and she miscarried a boy – whose hair had already grown – who was born dead, and the woman died too. He ruled that the 'Aqilah had to pay the Diyah. Her paternal uncle said: 'O Messenger of Allâh, she miscarried a boy whose hair had grown.' The father of the killer said: 'He is lying. By Allâh he never cried or shouted (at the moment of birth), nor drank nor ate. Such a one should be overlooked.' The Prophet ﷺ said: 'Rhyming verse like the verse of the Jâhiliyyah and of its soothsayers? A slave must be given (as Diyah) for the boy.'” Ibn ‘Abbas said: “One of them was Mulaikah and the other was Umm Ghatif.”

4833. Jâbir said: “The Messenger of Allâh ﷺ ruled that every clan should take part in paying the blood money, and it is not permissible for a freed slave to take a Muslim (other than the one who freed him) as his Mawla (patron) without the permission (of his former master who set him free).” (Saheeh)

4834. It was narrated from ‘Amr
bin Shu‘aib, from his father, that his grandfather said: “The Messenger of Allâh ﷺ said: “Whoever practices medicine when he is not known for that, he is liable.” (Da‘if)

4835. A similar report was narrated from ‘Amr bin Shu‘aib, from his father, from his grandfather. (Da‘if)

4836. It was narrated that Abû Rimthah said: “I came to the Prophet ﷺ with my father and he said: ‘Who is this with you?’ He said: ‘My son, I bear witness (that he is my son).’ He said: ‘You cannot be affected by his sin or he by yours.’” (Sahîh)

Comments:
During the time of Jahiliyyah, apart from father and son, each and every member of the clan was held responsible for each other’s crime. If anyone belonging to any clan would commit a crime, they would catch hold of any man of the clan and would kill him. Thereupon, they would claim that they have now retaliated. Islam ended this evil custom and ruled that the criminal is he who has committed the crime and he is guilty; punishment could be given to him only.
4837. It was narrated that Tha'alabah bin Zahdam Al-Yarbu' said: "The Messenger of Allâh ﷺ was delivering a speech to some people of Ansâr and they said: 'O Messenger of Allâh, these are Banu Tha'alabah bin Yarbu' who killed so and so during the Jâhiylâyah.' The Prophet ﷺ said, raising his voice: 'No soul is affected by the sin of another.'" (Sahîh)

Comments:
The purpose of the Prophet ﷺ was to underscore that the killers are different, and those who have approached him are altogether different ones. They could not be held as criminals just for being from the same tribe.

4838. It was narrated that Tha'alabah bin Zahdam said: "Some people from Banu Tha'alabah came to the Prophet ﷺ when he was delivering a speech and a man said: 'O Messenger of Allâh, these are Banu Tha'alabah bin Yarbu' who killed so and so' – one of the Companions of the Prophet ﷺ. The Prophet ﷺ said: 'No soul is affected by the sin of another.'" (Sahîh)

Comments:

4839. It was narrated that Ash'ath bin Abî Ash-Sha'thâ said: 'I heard Al-Aswad bin Hilal narrate from a man of Banu Tha'alabah bin Yarbu' that some people from Banu Tha'alabah came to the Prophet ﷺ,
and a man said: "O Messenger of Allah, these are Banu Thalabah bin Yarbū' who killed so and so" – a man from among the Companions of the Prophet ﷺ. The Prophet ﷺ said: 'No soul is affected by the sin of another.' (Sahih)

4840. It was narrated from Al-Aswad bin Hilāl – who met the Prophet ﷺ – from a man from Banu Thalabah bin Yarbū', that some people from Banu Thalabah killed a man from among the Companions of the Messenger of Allah ﷺ. A man from among the Companions of the Messenger of Allah ﷺ said: "O Messenger of Allah, these are Banu Thalabah who killed so and so." The Messenger of Allah ﷺ said: "No soul is affected by the sin of another." Shu‘bah (one of the narrators) said: "That means: No soul is responsible for the sin of another. And Allah knows best." (Sahih)

4841. It was narrated from Al-An‘ām bin Sulaim, from his father, that a man from among Banu Thalabah bin Yarbū' said: 'I came to the Prophet ﷺ when he was speaking, and a man said: 'O Messenger of Allah, these are Banu Thalabah bin Yarbū' who killed so and so.' The Messenger of Allah ﷺ said: 'No,' meaning no soul is affected by the sin of another." (Sahih)
4842. It was narrated from Ash'ath, from his father, that a man from among Banu Tha'labah bin Yarbū' said: “We came to the Messenger of Allāh ﷺ when he was speaking to the people, and some people stood up and said: ‘O Messenger of Allāh, these are Banu Tha'labah who killed so and so.’ The Messenger of Allāh ﷺ said: ‘No soul is affected by the sin of another.” (Sahih)

4843. It was narrated from Tāriq and Muḥārib that a man said: “O Messenger of Allāh, these are Banu Tha'labah who killed so and so during the Jāhilyyah; avenge us!” He raised his arms until the whiteness of his armpits could be seen and said: “No mother’s sin can affect her child,” twice. (Sahih)

4844. It was narrated from ‘Amr b. Shu‘aib, from his father, from his grandfather, that the Messenger of Allāh ﷺ ruled that one-third of the Diyyah should be paid for a sightless eye that looks fine, if it is

Chapters 42, 43. If A Sightless Eye That Looks Fine Is Destroyed

4844. It was narrated from ‘Amr b. Shu‘aib, from his father, from his grandfather, that the Messenger of Allāh ﷺ ruled that one-third of the Diyyah should be paid for a sightless eye that looks fine, if it is
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Chapter 43, 44. Diyah For Teeth

It was narrated from 'Amr bin Shu'aib, from his father, that his grandfather said: The Messenger of Allâh ﷺ said: “For teeth (the Diyah is) five camels.” (Hasan)

Chapter 44, 45. Diyah For Fingers

It was narrated from Abû Mûsâ that the Prophet ﷺ said: “For fingers (the Diyah is) ten (camels) each.” (Sahîh)
Fingers are different from each other. From the dimension of utility, in a way, the distinction which the thumb has, the little finger does not have! But it is significant to realize that all of them strengthen each other. While some fingers are the cause of beautification, the others have specific utility and benefits. On certain occasions, the little finger only does the work; the thumb finds itself utterly helpless there. So to speak, it is very difficult for us to ascertain with certitude the right utilities or benefits of each finger. Therefore, Allâh the All-Knowing, the All-Aware, and the wise and aware Messenger of Allâh decreed all the fingers of hands equal, whether it is the pinkie or the thumb. And Allâh and His Messenger know best!

4848. It was narrated from Abû Mûsâ Al-`Ashârî that the Prophet of Allâh said: “Fingers are the same, (the Diyâh is) ten (camels).” (Sahîh)

4849. It was narrated that Abû Mûsâ said: “The Messenger of Allâh ruled that the fingers are the same and (the Diyâh is) ten camels for each.” (Sahîh)

4850. It was narrated from Sa‘eîd bin Al-Mûsâyyab that when the letter was found that was with the
family of 'Amr bin Ḥazm, which they said the Messenger of Allâh ﷺ had written to them, they found in it, with regard to fingers, that the Diyah was ten (camels) for each. (Sahîh)

4851. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: “This and this are the same,” meaning the little finger and the thumb. (Sahîh)

4852. It was narrated from Ibn 'Abbâs: “This and this are the same: The little finger and the thumb.” (Sahîh)

4853. It was narrated that Ibn 'Abbâs said: “The (Diyah for) fingers is ten each.” (Sahîh)

4854. It was narrated that 'Abdullâh bin 'Amr said: “When the Messenger of Allâh ﷺ conquered Makkah, he said in his Khutbah: “(The Diyah) for fingers
is ten each.” (Hasan)

4855. It was narrated from ‘Amr bin Shu’aib, from his father, from his grandfather, that the Messenger of Allâh ﷺ said in his Khutbah, while he was leaning with his back against the Ka’bah: “The fingers are the same.” (Hasan)

4856. It was narrated from ‘Amr bin Shu’aib that his father told him that ‘Abdullâh bin ‘Amr said: “When the Messenger of Allâh ﷺ conquered Makkah, he said in his Khutbah: ‘For any wound that exposes the bone, the Diyah is five (camels) each.’” (Hasan)

Comments:
If the skin and the flesh are sundered, baring the whiteness of the bone, but the bone is not damaged; such a wound then is called Al-Mawâdhah in the Arabic language, because this is a slight wound and heals quickly. Its indemnity is also, therefore, only five camels. If the wound is less than this, the court of law might impose any indemnity, which is less than five camels.
Chapters 46, 47. Mentioning The Hadith Of ‘Amr Bin Ḥazm Concerning Blood Money, And Different Versions Thereof

4857. It was narrated from Abū Bakr bin Muhammad bin ‘Amr bin Ḥazm, from his father, from his grandfather, that the Messenger of Allâh wrote a letter to the people of Yemen, included in which were the rules of inheritance, the Sunan and the (rules concerning) blood money. He sent it with ‘Amr bin Ḥazm and it was read to the people of Yemen. Its contents were as follows: “From Muhammad the Prophet to Shurahbîl bin ‘Abd Kulâl, Nu‘aim bin ‘Abd Kulâl, Al-Hârîth bin ‘Abd Kulâl, Qâ’il[1] Dhil-Ru‘ain,[2] Mu‘âfir[3] and Ḥamdân.[4] to proceed” – And in this letter it said that whoever kills a believer for no just reason is to be killed in return, unless the heirs of the victim agree to pardon him. For killing a person, the Diyah is one hundred camels. For the nose, if it is cut off completely, Diyah must be paid. For the tongue, Diyah must be paid; for the lips, Diyah must be paid; for the testicles, Diyah must be paid; for the penis, Diyah must be paid; for the backbone, Diyah

[1] Qâ’il is a word that means master or king in the dialect of Yemen.
[2] Ibn Al-Manżûr said: “Ru‘ain is the name of a mountain in Yemen upon which is a fortress. Dhu Ru‘ain is the king of that mountain. Al-Jawhari said: ‘Dhu Ru‘ain was one of the kings of Himyar, and Ru‘ain is a fortress of his.’” (Lisân Al-‘Arab)
must be paid; for the eyes, *Diyah* must be paid; for one leg, half the *Diyah* must be paid; for a blow to the head that reaches the brain, one-third of the *Diyah* must be paid; for a stab wound that penetrates deeply into the body, one-third of the *Diyah* must be paid; for a blow that breaks the bone, fifteen camels must be given; for every digit of the hands or feet, ten camels must be given; for a tooth, five camels must be given; for an injury that exposes the bone, five camels must be given. A man may be killed in return for (killing) a woman, and those who deal in gold must pay one thousand *Dinars*. (Da'if)

Muhammad bin Bakkār bin Bilāl differed with him:

Comments:
1. This document of the Messenger of Allāh ﷺ continued to remain with the children of 'Amr bin Hamz. Apart from these, it contained several other issues. This corroborates the fact that Allāh’s Messenger ﷺ had dictated the Traditions or *Ahādīth*.

2. The above-mentioned issues of indemnity clearly posit that if a non-paired part of the body is disserved, full indemnity shall have to be paid. The same is due for each pair of limbs; if both are cut off, full indemnity shall have to be paid, while if only one is cut, then half the full indemnity.

4858. It was narrated from Abī Bakr bin Muhammad bin ‘Amr bin Ḥazm, from his father, from his grandfather, that the Messenger of
Allāh wrote a letter to the people of Yemen included in which were the rules of inheritance, the Sunan and the (rules concerning) blood money. He sent it with ‘Amr bin Ḥazm and it was read to the people of Yemen. This is a copy of it. And he mentioned something similar, except that he said: “And for one eye, half the Diyah must be paid; for one hand, half the Diyah must be paid; for one foot, half the Diyah must be paid.” (Da’īf)

Abū ‘Abdur-Raḥmān (An-Nasā’t) said: This is more likely what is correct, and Allāh knows best. Sulaimān bin Arqam (one of its narrators) is abandoned in Hādīth, and Yūnus has reported this Hādīth from Az-Zuhrī in Mursal form:

4859. It was narrated that Ibn Shihāb said: “I read the letter of the Messenger of Allāh which he wrote for ‘Amr bin Ḥazm when he sent him to govern Najrān. The letter was with Abū Bakr bin Ḥazm. The Messenger of Allāh wrote this: ‘A statement from Allāh and His Messenger: O you who believe! Fulfill (your) obligations,’[1] and he wrote the Verses until he reached: Verily, Allāh is Swift in reckoning.”[2] Then he wrote: ‘This is the book of retaliation: For a soul, one hundred camels,’” and so on. (Hasan)

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Comments:

Najran was a province of Yemen. In the previous narrations, the people of Najran are meant. There dwelt three chieftains of three clans, whose details preceded in Ḥadīḥ 4857. Allāh's Messenger ﷺ had made 'Amr bin Hazm the chief observer and sent him to the Yemen.

4860. It was narrated that Az-Zuhrî said: "Abū Bakr bin Ḥazm brought me a letter on a piece of leather (which was) from the Messenger of Allāh ﷺ: 'This is a statement from Allāh and His Messenger: 'O you who believe! Fulfill (your) obligations.'[1] And he quoted some Verses from it. Then he said: 'For a soul, one hundred camels; for an eye, fifty camels; for a hand, fifty; for a foot, fifty; for a blow to the head that reaches the brain, one-third of the Diyah; for a stab wound that penetrates deeply, one-third of the Diyah; for a blow that breaks a bone, fifteen camels; for fingers, ten each; for teeth, five each; for a wound that exposes the bone, five.'" (Da‘īf)

4861. It was narrated from 'Abdullāh bin Abī Bakr bin Muḥammad bin 'Amr bin Ḥazm that his father said: "The letter which the Messenger of Allāh ﷺ wrote to 'Amr bin Ḥazm concerning blood money: 'For a

soul, one hundred camels; for the nose if it is cut off completely, one hundred camels; for a blow to the head that reaches the brain, one third of the Diyah for a soul; for a stab wound that penetrates deeply, likewise; for a hand fifty; for an eye, fifty, for a foot, fifty; for every finger, ten camels; for a tooth, five; and for a wound that exposes the bone, five.” (Saḥīḥ)

Comments:

Abū Bakr bin Muhammad bin ‘Amr bin Hazm is the same person who is concisely called Abū Bakr bin Hazm in the narrations, which have preceded above.

4862. It was narrated from Anas bin Mālik that a Bedouin came to the door of the Prophet ﷺ and put his eye to the crack. The Prophet ﷺ saw him and intended to put his eye out with a sword or a stick. When he saw him, he stopped, and the Prophet ﷺ said to him: “If you had persisted, I would have put your eye out.”

Comments:

‘I would have put it out’: It has been argued on the basis of this Tradition that if someone peeps into someone’s house secretly; his eye could be put out. No indemnity or penalty shall be imposed upon him.
4863. It was narrated from Sahl bin Sa'd As-Sa'di that a man looked through a hole in the door of the Prophet ﷺ, who had with him a kind of comb with which he was scratching his head. When the Messenger of Allâh ﷺ saw him he said: "If I had known that you were watching me, I would have stabbed you in the eye with this. The rule of asking permission has been ordained so that one may not look unlawfully (into people's houses)."

(Sahîh)

تخريج: أخرج البخاري، الباجي، باب من اطلع في بيت قوم نفقوا عينه فلا دية له، ح: 901، وسلم، الآداب، باب تحريم النظر في بيت غيره، ح: 2152 عن نبيه، وهو في الكريم، ح: 2624.

Chapters 47, 48. One Who Takes His Right To Retaliation Without The Involvement Of The Ruler

4864. It was narrated from Abî Hurairah that the Prophet ﷺ said: "Whoever looks into a house without the permission of the occupants and they put out his eye, he has no right to blood money or retaliation.” (Sahîh)

تخريج: [صحيح] أخرج رâfi'î: 385/2 من حديث معاذ بن هشام الدستوائي، وهو في الكريم، ح: 7025. وله شواهد عند البخاري ومسلم وغيرهما، انظر الحديث الآتي.

Comments:

Imâm Bukhârî (May Allâh’s mercy be upon him) has a similar chapter. But the fact of the matter is that there is room for taking retributions in things less than the life or limb. Likewise, one might obtain one’s right in monetary matters, but the implementation of the prescribed legal punishments (Hudud) and retribution is the responsibility of the government. Otherwise, such a thing might cause civil strife. If people resort to killing on their own, chopping
off hands and feet, or extinguishing the light of eyes, then how would the atmosphere of peace prevail? So far as this Tradition is concerned, several people of knowledge have ascribed it to upbraiding or rebuking. Allâh's Messenger ﷺ himself did not act upon it literally. He sufficed it to merely rebuking him.

4865. It was narrated from Abû Hurairah that the Prophet ﷺ said: "If a person were to look at you without permission and you were to throw a stone at him and put out his eye, there would be no blame on you." (Sâhih)

Comments:
A person who peeps secretly into people's houses would be reckoned a criminal only when he attempts to peep through closed doors or looks by lifting the curtain or veil, but if the door is wide open and there is no curtain, then the person peeping is not a criminal. It is the fault of the people of the household.

4866. It was narrated from Abû Sa'eed Al-Khudrî that he was praying and a son of Marwân wanted to pass in front of him. He tried to stop him but he did not go back, so he hit him. The boy went out crying and went to Marwân and told him (what had happened). Marwân said to Abû Sa'eed: "Why did you hit your brother's son?" He said: "I did not hit him, rather I hit the Shaitân. I heard the Messenger of Allâh ﷺ say: 'If one of you is praying and someone wants to pass in front of him, let him try to stop him as much as he can, and if he persists then let him fight him, for he is a devil.'" (Sâhih)
"Fight him", but to such a length only that one's own prayer is not nullified, because you are attempting to stop someone in order to protect your prayer. If you render your own prayer void, what is the use of preventing someone?


Interpreting The Saying Of Allâh, The Mighty And Sublime: "And Whoever Kills A Believer Intentionally, His Recompense Is Hell To Abide Therein"[2]

4867. It was narrated that Sa‘eed bin Jubair said: "Abdur-Rahmân bin Abî Laila told me to ask Ibn ‘Abbâs about two Verses: 'And whoever kills a believer intentionally, his recompense is Hell' [3] I asked him and he said: 'Nothing of this has been abrogated.' (And I asked him about the Verse): 'And those who invoke not any other ilâh (god) along with Allâh, nor kill such person as Allâh has forbidden, except by right.' [4] He said: 'This was revealed concerning the people of Shirk.'"[5] (Sahîh)

[1] That is what is included in this book, which was not included in Sunan Al-Kubra by the author.
[5] This preceded; no. 4007.
4868. It was narrated that Sa‘eed bin Jubair said: “The people of Al-Kufah differed concerning this Verse: ‘And whoever kills a believer intentionally.’[1] So I went to Ibn ‘Abbás and asked him, and he said: ‘It was revealed among the last of what was revealed, and nothing of it was abrogated after that.”[2] (Sahih)

Comments:
1. ‘Disagreement arose’: Whether the repentance of a deliberate killer is accepted or not.
2. ‘I Went’, because he was staying at Makkah.
3. ‘Did abrogate it’, because this Verse or Ayah is Madinan, whereas the Verse regarding repentance is Makkan. Besides, in it there is mention of polytheists, not of Muslims.

4869. It was narrated that Sa‘eed bin Jubair said: “I said to Ibn ‘Abbás: ‘Can a person who killed a believer intentionally repent?’ He said: ‘No.’ I recited the Verse from Al-Furqan to him: ‘And those who invoke not any other ilâh (god) along with Allâh, nor kill such person as Allâh has forbidden, except by right.’[3] He said: ‘This Verse was revealed in Makkah and was abrogated by a verse that was revealed in Al-Madinah: And whoever kills a believer intentionally, his recompense is Hell[4] (Sahih)

[2] This preceded; No. 4005.
Comments:

'The Verse of the Surat Al-Furqān': The original argument is founded on this very Verse: 'Save him who repents, and believes, and does good work'. Allāh, Most High, accepts the repentance of such people, but Ibn 'Abbās considered it specific to polytheists.

4870. It was narrated from Sālim bin Abī Ja'd that Ibn 'Abbās was asked about someone who killed a believer deliberately then he repented, believed and did righteous deeds, and followed true guidance. Ibn 'Abbās said: "There is no way he could repent! I heard your Prophet ﷺ say: He (the victim) will come hanging onto his killer, with his jugular veins flowing with blood and saying: "Ask him why he killed me." Then he said: "By Allāh, Allāh revealed it and never abrogated anything of it."[1]

(Saheeh)


Comments:

'Allāh revealed it', means the Verse of Surat An-Nisa, in which the punishment of the killer has been described to be permanently dwelling in Hell.

4871. It was narrated that 'Ubaidullah bin Abī Bakr said: "I heard Anas say: 'The Messenger of Allāh ﷺ said: 'The major sins are: associating others with Allāh (Shirk), disobeying one's parents, killing a soul (murder) and speaking falsely.'"[2]

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[1] This preceded; No. 4004.
[2] This preceded; No. 4015.
4872. It was narrated from ‘Abdullāh bin ‘Amr that the Prophet said: "The major sins are: associating others with Allāh, disobeying parents, killing a soul (murder) and swearing a false oath knowingly."[1] (Ṣaḥīḥ)

Comments:
‘False oath’: The Arabic term used in the text is Al-Yāmīn Al-Ghāmūs, an engulfing oath which whelms its swearer in sin. Such an oath would assuredly plunge its swearer into the Hell on the Day of Resurrection.

4873. It was narrated that Ibn ‘Abbās said: "The Messenger of Allāh said: ‘No one who commits Zinā is a believer at the moment when he is committing Zinā, and no one who drinks wine is a believer at the moment when he is drinking it, and no thief is a believer at the moment when he is stealing, and no killer is a believer at the moment he is killing.’" (Ṣaḥīḥ)

Comments:
‘He does not remain a believer’: The purpose is that this deed is the negation of Faith. Faith prevents one from indulging in it. Hence, the one who does this deed does not fulfill the demands of Faith. So to speak, he is not a believer. It does not mean that he becomes an unbeliever! This is because it is the accepted postulate or principle of the people of the Sunnah that a Muslim is not rendered a disbeliever due to his committing a sin, irrespective of it being a major.

[1] This preceded; No. 4016.
46. The Book Of Cutting Off The Hand Of The Thief

Chapter 1. The Seriousness Of Theft

4874. It was narrated from Abû Hurairah that the Messenger of Allah ﷺ said: “No one who commits Zinâ is a believer at the moment when he is committing Zinâ; no one who steals is a believer at the moment when he is stealing; no one who drinks wine is a believer at the moment when he is drinking it; and no robber is a believer at the moment when he is robbing and the people are looking on.” (Sahîh)

4875. It was narrated from Abû Hurairah that the Prophet – and Ahmad said in his Hadîth: “The Messenger of Allah ﷺ – said: ‘No one who commits Zinâ is a believer at the moment when he is committing Zinâ; no one who steals is a believer at the moment...”

Comments:
(For details, please see the previous Hadîth)
when he is stealing; no one who drinks wine is a believer at the moment when he is drinking it; but repentance is available to him after that.” (Sahih)

4876. It was narrated that Abü Hurairah said: “No one who commits Zinä is a believer at the moment when he is committing Zinä; no one who steals is a believer at the moment when he is stealing; no one who drinks wine is a believer at the moment when he is drinking it.” – And he mentioned a fourth but I (the narrator) have forgotten it. – “When he does that the yoke of Islam is shed from his neck, but if he repents, Allâh accepts his repentance.” (Da’if)

4877. It was narrated that Abü Hurairah, may Allâh be pleased with him, said: “The Messenger of Allâh (Nabi) said: ‘Allâh curses the thief who steals an egg and had his hand cut off, and who steals a rope and has his hand cut off.” (Sahih)
Chapter 2. Making A Suspected Thief Admit To His Crime By Beating And Detaining Him

4878. It was narrated from An-Nu‘mân bin Bashîr that a group of the Kalâ‘îyîn complained to him about some people who had stolen some goods, so he detained them for several days, then he let them go. They came and said: "You let them go without any pressure (to make them admit to their crime) or beating?" An-Nu‘mân said: "What do you want? If you wish, I will beat them, and if Allâh brings back your goods thereby, all well and good. Otherwise I will take retaliation from your backs (by beating you) likewise." They said: "Is this your ruling?" He said: "This is the ruling of Allâh and His Messenger ﷺ." (Da‘f)

4879. It was narrated from Bahz bin Hâkîm, from his father, from his grandfather, that the Messenger of Allâh ﷺ detained some people who were under suspicion. (Hasan)

Comments:
In this chapter, the thief signifies that person against whom there is accusation of theft, but there is no witness. Nor is stolen property retrieved from him. Such a person, against whom there are hints of accusations, could be arrested for investigation. If nothing is proved, he would be set free.
Comments:

This means for investigation, not by way of punishment. This is because unless and until the accusation is proved against the accused, he does not become a criminal. And during his imprisonment, for investigation, he could not be subjected to torture. Otherwise legal proceedings would be brought for retribution against the torturer.

4880. It was narrated from Bahz bin Ḥakīm, from his father, from his grandfather, that the Messenger of Allāh ﷺ detained a man who was under suspicion, then he let him go. (Hāsan)

Chapter 3. Prompting The Thief

4881. It was narrated from Abū Umayyah Al-Makhzūmī that a thief who confessed to a crime but with whom no stolen goods had been found, was brought to the Messenger of Allāh ﷺ. The Messenger of Allāh ﷺ said to him: “I do not think that you stole anything.” He said: “Yes I did.” He said: “Take him and cut off his hand, then bring him here.” So they cut off his hand then they brought him to him. He said to him: “Say: I seek the forgiveness of Allāh and I repent to Him.” He said: “I seek the forgiveness of Allāh and I repent to Him.” He said: “O Allāh, accept his repentance.” (Dā’if)
Chapter 4. If A Man Lets A Thief Have What He Stole, After Bringing Him Before The Ruler, And Mention Of The Differences Reported From ‘Aţâ’ In The Narration Of Ṣafwân Bin Umayyah About That

4882. It was narrated from Ṣafwân bin Umayyah, that a man stole a Burdah of his, so he brought him before the Messenger of Allâh, who ordered that his hand be cut off. He said: “O Messenger of Allâh, I will let him have it.” He said: “Abû Wahb! Why didn’t you do that before you brought him to us?” And the Messenger of Allâh had (the man’s) hand cut off. (Hassan)

Comments:
‘No pardon’: So to speak, after bringing the legal proceedings, the plaintiff cannot grant pardon, because it is a cognizable offence and a crime against society, which neither the government could forgive nor the plaintiff.

4883. It was narrated from Ṣafwân bin Umayyah that a man stole his Burdah, so he brought him before the Prophet, who ordered that his hand be cut off. He said: “O Messenger of Allâh, I will let him have it.” He said: “O Abû Wahb! Why didn’t you do that before you brought him to me?” And the Messenger of Allâh had (the man’s) hand cut off. (Hassan)
Chapter 5. Stealing Something That Is Kept In A Protected Place

4884. 'Atâ' bin Abî Rabâh narrated that a man stole a garment, and was brought before the Messenger of Allâh ﷺ, who ordered that his hand be cut off. The man said: “O Messenger of Allâh, he can keep it.” He said: “Why (did you not say that) before now?” (Hasan)

Comments:

The motive of the Chapter is that if a thief steals a thing from a place meeting the security requirements normal for safeguarding similar articles, then his hand shall be amputated. If he steals the article from a place that does not meet normal requirements for safeguarding similar articles, he is of
course a thief, but his hand shall not be amputated.

4886. It was narrated that Ibn ‘Abbas said: “Ṣafwān was sleeping in the Masjid with his Ridā‘ beneath him, and it was stolen. He got up, and the man had gone, but he caught up with him, seized him and took him to the Prophet ﷺ, who ordered that his hand be cut off. Ṣafwān said: ‘O Messenger of Allāh, my Ridā‘ is not worth cutting off a man’s hand for.’ He said: ‘Why did you not say that before you brought him to me?’” (Ṣaḥḥ)

Abū ‘Abdur-Rahmān (An-Nāsā‘ī) said: Ash’ath is weak.

Comments:

‘It is not worth cutting...’: It was assuredly precious as it appears in the forthcoming narration, it was of thirty dirhams; and the hand could be amputated in less than this. But he imagined that the hand is something very precious. Its indemnity amounts to fifty camels. It ought not to be chopped off for a theft of thirty dirhams.

4887. It was narrated that Ṣafwān bin Umayyah said: “I was sleeping in the Masjid on a Khamīṣah of mine that was worth thirty Dirhams, and a man came and stole it from me. The man was caught and taken to the Prophet ﷺ, who ordered that his hand be cut off. I came to him and said: “Will you cut off his hand for the sake of only thirty Dirhams? I will sell it to him on credit.” He said: “Why did you not say this before you brought him to me?” (Ḥasan)
4888. It was narrated from Ṣafwān bin Umayyah that a Khāmisah was stolen from beneath his head while he slept in the Masjid of the Prophet ﷺ. He caught the thief and brought him to the Prophet ﷺ, who ordered that his hand be cut off. Ṣafwān said: “Are you going to cut off his hand?” He said: “Why didn’t you let him go before you brought him to me?” (Hasan)

4889. It was narrated from ‘Amr bin Shu‘aib, from his father, from his grandfather, that the Prophet ﷺ said: “Pardon matters that may deserve a Hadd punishment, before you bring it to my attention, for whatever is brought to my attention, the Hadd punishment becomes binding.” (Da‘if)

Comments:
For instance, abandon the thief without presenting him before the court of law; the witness against an adulterer might not go to the court or the case against a wine-drinker might not be taken to the court of law. In these conditions, the court of law would not take the case forcibly in its hands. But if the complaint reaches the court, the court will rule on the matter.
matters among yourselves that may deserve a Hadd punishment, for whatever is brought to my attention, the Hadd punishment becomes binding.” (Da'if)

4891. It was narrated from Ibn 'Umar, may Allâh be pleased with them both, that a Makhzûmî woman used to borrow things then deny that she had borrowed them, so the Prophet ﷺ ordered that her hand be cut off. (Saḥîh)

Comments:

‘Denying of having borrowed things’: We learn from this narration, that if somebody borrows things from people and then denies having taken them, and if there are witnesses to it, then the hand of such a person could be amputated, considering him a thief, because this is a kind of theft, rather its damage is comparatively greater to the society.

4892. It was narrated that Ibn ‘Umar, may Allâh be pleased with them said: “There was a Makhzûmî woman who used to borrow things, saying that her neighbors needed them, then she would deny that she had borrowed them, so the Messenger of Allâh ﷺ ordered that her hand be cut off.” (Saḥîh)

4893. It was narrated from Ibn ‘Umar, may Allâh be pleased with them both, that a woman used, to borrow jewelry from people then keep it. The Messenger of Allâh ﷺ
said: “Let this woman repent to Allâh and His Messenger and give back to people what she has taken.”

Then the Messenger of Allâh ﷺ said: “Get up, O Bilîl, take her hand and cut it off.” (Sahîh)

**Comments:**

‘Give back’: There is room in such a crime that if the offender later on returns what he had taken, he would be pardoned.

4894. It was narrated from Nâfi’ that a woman used to borrow jewelry during the time of the Messenger of Allâh ﷺ. She borrowed some jewelry, collected it and kept it. The Messenger of Allâh ﷺ said: “Let this woman repent and give back what she has,” several times, but she did not do that, so he ordered that her hand be cut off. (Sahîh)

4895. It was narrated from Jâbir that a woman from Banu Makhzûm stole (something), and she was brought to the Prophet ﷺ. She sought the protection of Umm Salamah, but the Prophet ﷺ said: “If Fâtimah bint Muhammад were to steal, I would cut off her hand.”

And he ordered that her hand be cut off. (Sahîh)
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Comments:
'Fatimah bint Muhammad': Allâh's Messenger stated this with a view to stress his pronouncement.

4896. It was narrated from Sa'eed bin Al-Musâyyab that a woman from Banu Makhzûm borrowed some jewelry, asking on behalf of others, then she denied (having done) that, and the Prophet ordered that her hand be cut off. (Sahîh)

4897. It was narrated from Dâwud bin Abi 'Âsim that Sa'eed bin Al-Musâyyab narrated something similar to that. (Sahîh)

Chapter 6. Mentioning The Different Wordings Reported By Az-Zuhri About The Makhzûmî Woman Who Stole

4898. Sufyân said: "There was a Makhzûmî woman who used to borrow things then deny that. She was brought to the Messenger of Allâh and he was told about her. He said: 'If it were Fatimah (who stole), I would cut off her hand.'" It was said to Sufyân: "Who told you that?" He said: "Ayyûb bin Mûsâ, from Az-Zuhri, from 'Urwah, from 'Âishah, if..."
Allâh, the Mighty and Sublime, wills.” (Sâhih)

4899. It was narrated from 'Âishah that a woman stole (something) and she was brought to the Prophet ﷺ. They said: “Who would dare to speak to the Messenger of Allâh ﷺ except Usâmah. “So they spoke to Usâmah and he spoke to (the Prophet ﷺ. The Prophet ﷺ said: “O Usâmah, the Children of Israel were destroyed because whenever a noble person among them committed a crime, for which a Hadd punishment was deserved, they would let him go. But if a low-class person among them committed such a crime, they would carry out the punishment on him. If Fâtimah bint Muhammad were to steal, I would cut off her hand.” (Sâhih)

Comments:
‘Who dare it, but perhaps Usamah’: Usamah was the son of Zaid bin Harithah ﷺ. He ﷺ, loved him intensely, but the love of Allâh prevailed over everything. That is why the Prophet ﷺ did not accept his intercession.

4900. It was narrated that 'Âishah said: “A thief was brought to the Prophet ﷺ and he cut off his hand.” They said: “We did not think that you would take it so far.” He said: “If it were Fâtimah (who stole), I would cut off her hand.” (Sâhih)
It was narrated from 'Aishah that a woman stole at the time of the Messenger of Allah ﷺ, and they said: "We cannot speak to him concerning her; there is no one who can speak to him except his beloved, Usâmah." So he spoke to him, and he said: "O Usâmah, the Children of Israel were destroyed for such a thing. Whenever a noble person among them stole, they would let him go, but if a low-class person among them stole, they would cut off his hand. If it were Fâtimah bint Muhammad (who stole), I would cut off her hand." (Sahîh)

Comments:

'Were destroyed': Destruction here might signify destruction in the Hereafter, and in this temporal world as well, because crimes increase if prescribed legal penalties are not implemented, and the abundance of crimes becomes the cause of the destruction of communities. Besides, disobedience brings punishment in its wake.

It was narrated that 'Aishah said: "A woman borrowed some jewelry, saying that other people needed it – people whose names were known but hers was not – then she sold it and kept the money. She was brought to the Messenger of Allah ﷺ, and her people went to Usâmah bin Zaid, who spoke to the Messenger of Allah ﷺ concerning her. The face of the Messenger of Allah ﷺ changed color while he was speaking to him. Then the Messenger of Allah ﷺ said to him: 'Are you interceding with me concerning one of the Hadd punishments decreed by Allah?' Usâmah said: 'Pray for forgiveness..."
for me, O Messenger of Allāh!’ Then the Messenger of Allāh ﷺ stood up that evening, he praised and glorified Allāh, the Mighty and Sublime, as He deserves, then he said: ‘The people who came before you were destroyed because, whenever a noble person among them stole, they let him go. But if a low-class person stole, they would carry out the punishment on him. By the One in Whose hand is the soul of Muḥammad, if Fāṭimah bint Muḥammad were to steal, I would cut off her hand.’ Then he cut off the hand of that woman.” (Sahīḥ)

4903. It was narrated from ‘Āishah that Quraish were worried about the Makḥzūmī woman who had stolen. They said: “Who will speak to the Messenger of Allāh concerning her?” They said: “Who would dare to do that except Usāmah bin Zaid, the beloved of the Messenger of Allāh?” So Usāmah spoke to him, and the Messenger of Allāh ﷺ said: “Are you interceding concerning one of the Ḥadd punishments decreed by Allāh?” Then he stood up and addressed (the people) and said: “Those who came before you were destroyed because, whenever a noble person among them stole, they would let him go. But if a person who was weak stole, they would carry out the punishment on him. By Allāh, if Fāṭimah the daughter of Muḥammad were to
steal, I would cut off her hand.”
(Sahih)

4904. It was narrated that ‘Aishah said: “A woman of Quraish, from Banu Makhzûm, stole, and she was brought to the Prophet ﷺ. They said: ‘Who will speak to him concerning her?’ They said: ‘Usâmah bin Zaid.’ So he came to the Prophet ﷺ and spoke to him. But he rebuked him, and he said: ‘Among the Children of Israel, if a noble person stole, they would let him go. But if a low-class person stole, they would cut off his hand. By the One in Whose hand is the soul of Muḥammad, if Fâtîmah bint Muḥammad were to steal, I would cut off her hand.”’ (Sahih)

4905. It was narrated from ‘Aishah that Quraish were worried about the case of the Makhzûmî woman who stole, and they said: “Who will speak concerning her?” They said: “Who would dare to do that except Usâmah bin Zaid, the beloved of the Messenger of Allâh ﷺ?” So Usâmah spoke to him, and the Messenger of Allâh ﷺ said: “Those who came before you were destroyed because whenever a noble person among them stole, they would let him go. But if a person who was weak stole, they would carry out the Hadd punishment. By
Allāh, if Fāṭimah, the daughter of Muḥammad, were to steal, I would cut off her hand.” (Sahih)

4906. It was narrated from ‘Āishah that a woman stole at the time of the Messenger of Allāh ﷺ, during the Conquest, and she was brought to the Messenger of Allāh ﷺ. Usāmah bin Zaid spoke to him concerning her. But when he spoke to him, the face of the Messenger of Allāh ﷺ changed color, and the Messenger of Allāh ﷺ said: “Are you interceding concerning one of the Hadd punishments decreed by Allāh?” Usāmah said to him: “O Messenger of Allāh! ask Allāh to forgive me!” When evening came, the Messenger of Allāh ﷺ stood up and praised and glorified Allāh, the Mighty and Sublime, as He deserves, then he said: “The people who came before you were destroyed because whenever a noble person among them stole, they would let him go. But if one who was weak stole, they would carry out the Hadd punishment on him.” Then he said: “By the One in Whose hand is my soul, if Fāṭimah bint Muḥammad were to steal, I would cut off her hand.” (Sahih)
told me that a woman stole at the time of the Messenger of Allâh ﷺ, during the Conquest. Her people went to Usâmah bin Zaid, to ask him to intercede." 'Urwha said: "When Usâmah spoke to him concerning her, the face of the Messenger of Allâh ﷺ changed color and he said: 'Are you speaking to me concerning one of the Hadd punishments of Allâh?' Usâmah said: 'Pray to Allâh for forgiveness for me, O Messenger of Allâh.' When evening came, the Messenger of Allâh ﷺ stood up to deliver a speech. He praised Allâh as He deserves, then he said: 'The people who came before you were destroyed because, whenever a noble person among them stole, they would let him go. But if one who was weak stole, they would carry out the Hadd punishment on him. By the One in Whose hand is my soul, if Fâtîmah bint Muhammad were to steal, I would cut off her hand.' Then the Messenger of Allâh ﷺ ordered that the hand of that woman be cut off. After that she repented sincerely, and 'Aishah said: 'She used to come to me after that, and I would convey her needs to the Messenger of Allâh ﷺ.'" (Sahîh)

Chapter 7. Encouragement To Carry Out Hadd Punishments

4908. Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'A
**Hadd** punishment that is carried out on earth is better for the people of earth than if it were to rain for thirty mornings.” (Da’if)

"Better", because implementation of the prescribed legal punishment (Hudud) ushers in an atmosphere of peace, security, tranquillity, and contentment. It brings an end to fighting, quarrels, and bloodshed. The benefit of rain is momentary, whereas the benefit of the implementation of the prescribed legal punishments is permanent. Moreover, rain is beneficial only in the life of this world; the execution of prescribed legal punishments would be beneficial in the Afterlife too.

Chapter 8. The Value For Which, If It Is Stolen, The (Thief’s) Hand Is To Be Cut Off

4910. ‘Abdullâh bin ‘Amr said: “The Messenger of Allâh ﷺ cut off (a thief’s hand) for a shield which was worth five Dirhams.” This is how he (the narrator) said it. (Da’if)
4911. *Abdullah bin Umar said:*

"The Messenger of Allah cut off (a thief’s hand) for a shield which was worth three Dirhams." (Sahih)

Abū ‘Abdur-Rahmān (An-Nasā’ī) said: This is correct.

4912. It was narrated from Ibn ‘Umar that the Messenger of Allah cut off (a thief’s hand) for a shield which cost three Dirhams.

(Sahih)

4913. *Abdullah bin ‘Umar narrated that the Prophet cut off the hand of a thief, who stole a shield, from a portico allocated to women, the price of which was three Dirhams.* (Sahih)

Comments:

‘From the women’s portico’: A kind of vestibule or portico, for shade and shelter, with a long roof or ceiling which had been built for women in the Prophet’s Mosque. It was called Suffatunissa - women’s portico.

4914. It was narrated from Ibn ‘Umar that the Messenger of Allah cut off (a thief’s hand) for a
shield that was worth three Dirhams. (Sahih)

It was narrated from Anas bin Malik that the Messenger of Allah cut off (a thief's hand) for a shield. (Sahih)

Abū 'Abdur-Rahmān (An-Nasā'ī) said: This is a mistake.

It was narrated that Anas said: "Abū Bakr, may Allah be pleased with him, cut off (a thief's hand) for a shield that was worth five Dirhams. (Sahih)

This is correct.

Comments:

Amputation of a thief's hand for the theft of five dirhams does not negate amputation for three dirhams; (Please see narration 4911).

It was narrated that Qatādah said: "I heard Anas say: 'A man stole a shield during the time of Abū Bakr, the value of which was five Dirhams, and he cut off his hand.'" (Sahih)

Comments:

[End of document]
Chapter 9. Mentioning The Differences Reported From Az-Zuhri

4918. It was narrated from 'Aishah, may Allâh be pleased with her, that the Messenger of Allâh cut off (a thief’s hand) for one-quarter of a Dinâr. (Sahih)

Comments:
(For detail, please see Hadîth 4911)

4919. It was narrated from 'Aishah that the Messenger of Allâh said: “(The thief’s hand) is not to be cut off except for the price of a shield, one-third of a Dinâr or half of a Dinâr, or more.” (Sahih)

Comments:
‘One-third or one-half of a dinar’: The transmitter has doubt in it. But in the most authentic narrations, undoubtedly there is mention of a quarter of a dinar.

4920. It was narrated that Az-Zuhri said: “Amrah said, narrating from ‘Aishah, may Allâh be pleased with her, that the Messenger of Allâh cut off the hand of a thief for a quarter of a Dinâr.” (Sahih)

Comments:
nejjârî, المجلّد 9 - ذكر الاختلاف على الرّهّري (الحَفّة 7) - ألف
4918 - أُخبرتُّا قَبِيلَةً قَالُوا: حَدَّثْنَا جَعَفْرٌ ابْنُ شَيْكَانَانَ عَنْ خَفْصٍ بْنِ حَشَانٍ، عَنِ الرّهّري، عَنْ مُعَّرَةٍ، عَنْ غَانِمَةٍ رَضيَ اللهُ عَنْهَا: قَطَعَ رَسُولُ اللهِ ﷺ فِي رَبِيعِ ذِي بَرَّ.”

تَحْرِيْجٌ: (صحيح) أُخرِجَ الْمَزِي في تَهْلِيبِ الْكُمْلَة: ٣٣٣ من حديث جعفر بن سليمان به، وهو في الكبرى، ح: ٧٤١٠، وللتحديث شواهد.

تفطُّعُ الْبَنٍّ إِلَّا فِي ثُلُّثِ الْمَيْنِ، ثُلُّثٌ دِينَارٍ أَوْ يُصِفِّ دِينَارٌ فَضَاءً.”

تَحْرِيْجٌ: أُخْرِجَ البَخَارِي، ح: ٧٩٠، ومسلم، ح: ١٦٨٤، وحديث يونس بن يزيد به، بلفظ: "تَفطُّعُ يَدُ السَّارِق فِي رَبِيعِ دِينَارٍ.”

تفطُّعُ الْبَنٍّ إِلَّا فِي ثُلُّثِ الْمَيْنِ، ثُلُّثٌ دِينَارٍ أَوْ يُصِفِّ دِينَارٌ فَضَاءً.”

تَحْرِيْجٌ: أُخْرِجَ البَخَارِي، ح: ٧٩٠، ومسلم، ح: ١٦٨٤، وحديث يونس بن يزيد به، بلفظ: "تَفطُّعُ يَدُ السَّارِق فِي رَبِيعِ دِينَارٍ.”
4921. It was narrated from ‘Aishah that the Messenger of Allāh said: “The hand of the thief is to be cut off for a quarter of a Dīnār, or more.” (Hasan)

4922. It was narrated from ‘Aishah that the Prophet said: “The hand of the thief is to be cut off for one-quarter of a Dīnār or more.” (Sahih)

4923. It was narrated from ‘Aishah that the Messenger of Allāh said: “The hand of the thief is to be cut off for one-quarter of a Dīnār or more.” (Sahih)

4924. It was narrated that ‘Aishah said: “The hand of the thief is to be cut off for one-quarter of a Dīnār or more.” (Sahih)

4925. It was narrated that ‘Aishah said: “The Messenger of Allāh” — (one of the narrators) Qutaibah said —: ‘Used to cut off the hand of the thief for one-quarter of a
4926. It was narrated from ‘Aishah, from the Prophet ﷺ: “The hand of the thief is to be cut off for one-quarter of a Dinar or more.” (Sahih)

4927. It was narrated from ‘Aishah that the Prophet ﷺ said: “The hand of the thief is to be cut off for one-quarter of a Dinar or more.” (Sahih)

4928. It was narrated from ‘Amrah that she heard ‘Aishah say: “The hand of the thief is to be cut off for one-quarter of a Dinar or more.” (Sahih)

Abū ‘Abdur-Rahmān (An-Nasā’ī) said: This is the correct version of the narration of Yahya.

4929. It was narrated from ‘Amrah that she heard ‘Aishah say: “The hand of the thief is to be cut off for one-quarter of a Dinar or more.” (Sahih)
4930. It was narrated from ‘Amrah that ‘A’ishah said: “Cutting off (the hand of the thief) is for one-quarter of a Dīnār or more.” (Sahīḥ)

4931. It was narrated that ‘A’ishah said: “It has not been too long and I have not forgotten yet. Cutting off (the hand of the thief) is for one-quarter of a Dīnār or more.” (Sahīḥ)

Chapter 10. Mentioning The Differences Reported By Abū Bakr Bin Muḥammad and ‘Abdullāh Bin Abī Bakr From ‘Amrah In This Ḥadīth

4932. It was narrated from ‘A’ishah that she heard the Messenger of Allāh ﷺ say: “The hand of the thief is not to be cut off except for one-quarter of a Dīnār or more.” (Sahīḥ)

4933. A similar report was narrated from ‘A’ishah from the Messenger of Allāh ﷺ. (Sahīḥ)
It was narrated that 'Amrah said: "Aīshah said: 'Cutting off (the hand of the thief) is for one-quarter of a Dīnār or more.'"

(Sahīh)

It was narrated that 'Aīshah said: "The Messenger of Allāh ḥ建立了 said: "The hand of the thief is to be cut off for the price of a shield, and the price of a shield is one-quarter of a Dīnār.""

(Sahīh)

It was narrated that 'Aīshah said: "The Messenger of Allāh ḥ建立了 said: "I used to cut off the (thief’s) hand for one-quarter of a Dīnār or more.""

(Sahīh)
4937. It was narrated that ʿAishah said: “The Messenger of Allâh ﷺ said: ‘The hand (of the thief) is not to be cut off except for one-quarter of a Dînâr.’” (Sâhih)

4938. ʿAishah, the Mother of the Believers, narrated that the Messenger of Allâh ﷺ said: “The hand (of the thief) is to be cut off for a shield.” (Sâhih)

4939. ʿAishah said: “The Messenger of Allâh ﷺ said: ‘The hand of the thief is not to be cut off for anything less than a shield.’” It was said to ʿAishah: “What is the price of a shield?” She said: “One-quarter of a Dînâr.” (Sâhih)

Note: The numbers in the text correspond to page numbers from the reference book.
4940. It was narrated from ʿĀishah that she heard the Messenger of Allāh ﷺ say: “The hand of a thief is not to be cut off except for one-quarter of a Dinār or more.” (Sahīh)

4941. Makhramah narrated that his father said: “I heard ʿUthmān bin Abī Al-Walīd, the freed slave of the Akhnasiyin, say: ‘I heard ʿUrwa bin Az-Zubair say: ʿĀishah used to narrate that the Prophet ﷺ said: ‘The hand (of the thief) should not be cut off for anything but a shield or its equivalent in value.’” (Sahīh)

4942. ʿUthmān bin Abī Al-Walīd said: “I heard ʿUrwa bin Az-Zubair say: ‘ʿĀishah used to narrate that the Prophet of Allāh said: The hand (of the thief) should not be cut off except for a shield or its equivalent in value. And he said that ʿUrwa said: A shield is (worth) four Dirhams. And he (the narrator) said: I heard Sulaimān bin Yāsār say that he heard ʿAmrah say: I heard ʿĀishah narrate that she...
heard the Messenger of Allâh ﷺ say: The hand (of the thief) should not be cut off except for four Dirâms or more.” (Sahîh)

Comments:

‘Four dirhams’: ‘Urwah bin Az-Zubair was a follower (Tâbi‘î). During his time, the price of a shield might have been four dirhams. Even otherwise, shields might have been of various prices. But the shield for which the Messenger of Allâh ﷺ had amputated the hand of a thief was of three dirhams. Therefore, the scale for the amputation of hand would remain three dirhams, irrespective of whether the shield is of any price (over and above three dirhams).

4943. It was narrated that Sulaimân bin Yasâr said: “Five (fingers – i.e., the hand) should not be cut off except for five.” Hammâm said: “I met ‘Abdullâh Ad-Dânâj and he narrated to me that Sulaimân bin Yasâr said: “Five should not be cut off except for five.” (Sahîh Maqûdî)

Comments:

‘Considerable price’: Obviously, the sum of three dirhams was a considerable price, from the dimension of that period of time. The purpose of this narration is to demonstrate that the hand could be amputated for the theft of an ordinary thing.

4944. It was narrated that ‘Aishah said: “The hand of the thief should not be cut off for anything less than a Hajafah or a Turs (two kinds of shields),” each of which was worth a (decent) price. (Sahîh)

Comments:

‘Aishah’s words’; Exclamatory, the borders, Bâb Qul Allâh Thalâli: The Sâqir and the sâqir fâqîhûn aîdîhûn
4945. It was narrated from 'Abdullāh that the Prophet cut off (the thief’s hand) for (something) that was worth five Dirhams. (Da'if)

4946. It was narrated that Ayman said: “The Prophet did not cut off the (hand of) the thief except for the value of a shield, and the value of a shield in those days was a Dinār.” (Da'if)

4947. It was narrated that Ayman said: “The hand of a thief would not be cut off during the time of the Messenger of Allāh except for the value of a shield, which in those days was a Dinār.” (Da'if)

4948. It was narrated that Ayman said: “The hand of a thief was not cut off during the time of the Messenger of Allāh except for the value of a shield, which in those days was a
4949. It was narrated that Ayman said: "The hand of a thief was not cut off during the time of the Messenger of Allâh ﷺ except for the price of a shield, which in those days was a Dînâr." (Da'if)

4950. It was narrated that Ayman said: "The (hand of) a thief is to be cut off for the price of a shield, and the price of a shield during the time of the Messenger of Allâh ﷺ was a Dînâr, or ten Dirhams." (Da'if)

4951. It was narrated that Ayman bin Umm Ayman – who attributed it to the Prophet ﷺ – said: "The (hand of) a thief is not to be cut off except for the price of a shield, and in those days the price of a shield was a Dînâr." (Saâîh)
'Ishâ' prayer in congregation, then prays four similar Rak'âhs after that, reciting therein and bowing and prostrating perfectly, that will bring him a reward like that of (praying) Lailat Al-Qadar.” (Hasan Maqtî́)

7. It was narrated from ‘Amr bin Shu‘aib, from his father, that his grandfather said: “The price of a shield at the time of the Messenger of Allâh ﷺ was ten Dirhams.” (Hasan)

Chapter 11. Fruits On The Tree That Are Stolen

4960. It was narrated from ‘Amr bin Shu‘aib, from his father, that his grandfather said: “The Messenger of Allâh ﷺ was asked: ‘For how much is the hand (of the thief) to be cut off?’ He said: ‘The hand (of the thief) is not to be cut off for (stealing) fruit on the tree, but if (the fruit) has been taken to the place where it is stored to dry, then the (thief’s) hand is to be cut off (if what is stolen is equivalent to) the price of a shield. The (thief’s) hand is not to be cut off for a sheep (stolen) from the grazing land, but if it had been put in the pen, then the (thief’s) hand is to be cut off (if what is stolen is
equivalent to) the price of a shield.” (Hasan)

Comments:

‘Unprotected thing’: The intent of the narration is to corroborate the fact that upon stealing an unsafeguarded or unprotected thing, the punishment or penalty of amputation shall not be implemented. Some other punishment, however, could be given depending upon the discretion of the current ruler. The fruit hanging or attached on the tree is not considered safeguarded; likewise, is a grazing animal, irrespective of whether it grazes around in an owned land. If the fruit is placed in the barn after plucking it, then it is considered safeguarded. In the same way, if an animal is tied to a peg or is confined within an enclosure, then it is considered safeguarded.

Chapter 12. Stealing Fruit After It Has Been Put In The Place Where It Is Stored To Dry

4961. It was narrated from ‘Amr bin Shu‘ailb, from his father, from his grandfather ‘Abdullâh bin ‘Amr, that the Messenger of Allah was asked about fruit on the tree. He said: “Whatever a needy person takes without putting any in his pocket (and taking it away), there is no penalty on him. But whoever takes anything away, he must pay a penalty of twice its value, and be punished. Whichever steals something after it has been stored properly, and its value is equal to that of a shield, his hand must be cut off. Whoever steals something worth less than that, he must pay a penalty of twice its value and be punished.” (Hasan)
Comments:

‘A needy person’: This signifies a person who has nothing to eat, not even a sum of money, with which he could buy something to eat. His hunger is intense, therefore, it is permissible to pluck the fruit and eat it, because to save life is essential. If the owner is, however, somewhere around, his permission should be taken. If he refuses permission, then such person may pick the fruit without permission and eat it. But he should stop at satisfying his hunger only. He should not eat his fill, nor should he take away anything; neither placing it in his garment nor clasping it in hands.

4962. It was narrated from ‘Amr bin Shu‘aib, from his father, from his grandfather, ‘Abdullāh bin ‘Amr, that a man from Muzainah came to the Messenger of Allāh ﷺ and said: “O Messenger of Allāh, what do you think about a sheep stolen from the pasture?” He said: “(The thief must pay) double and be punished. There is no cutting off of the hand for (stealing) livestock, except what which has been put in the pen, if its value is equal to that of a shield, in which case the (thief’s) hand is to be cut off. If its value is not equal to that of a shield, then he should pay a penalty of twice its value and be flogged as a punishment.” He said: “O Messenger of Allāh! What do you think about fruit on the tree?” He said: “(The thief must pay) double and be punished. There is no cutting off of the hand for (stealing) fruit on the tree, except for that which has been stored properly if its value is equal to that of a shield, in which case the (thief’s) hand is to be cut off. If its value is not equal to that of a shield, then he should pay a penalty of twice its value and be flogged as a punishment.” (Hasan)
This shows that theft in every form is a crime. However, if the theft is of an ordinary thing, the hand of the thief shall not be amputated; instead monetary and corporal punishment shall be given. And if the thief reaches the prescribed scale (for the amputation of hand), then the hand would be cut off, provided the thing was well-guarded. In the case of an unguarded article too, monetary and corporal punishment would be imposed, although an indigent, needy person in dire straits is exempt, as has been clarified in the previous narration.

Chapter 13. Things For Which The Hand May Not Be Cut Off

4963. It was narrated that Râfî' bin Khudâjî said: “I heard the Messenger of Allâh ﷺ say: ‘The hand is not to be cut off for (stealing) produce or the spadix of palm trees.’” (Hasan)

Comments:
1. Fruit signifies here either that fruit which is attached to the tree, or that fruit which cannot be dried and preserved. It is, therefore, consumed soon; for example, banana, orange, mango, etc. There is to be no cutting off of the hand for the theft of such fruit, which is plucked and collected in a heap.
2. Non-amputation of the hand in the theft of such fruits does not mean that the thief would not be given any punishment. Rather double the price and corporal chastisement shall be given.

4964. It was narrated that Râfî' bin Khudâjî said: “I heard the Messenger of Allâh ﷺ say: ‘The hand is not to be cut off for (stealing) produce or the spadix of palm trees.’” (Sahîh)
4965. It was narrated that RâfÎ` bin Khâdîj said: "I heard the Messenger of Allâh ﷺ say: 'The hand is not to be cut off for (stealing) produce or the spadix of palm trees.'" (Sâhih)

4966. It was narrated that RâfÎ` bin Khâdîj said: "The Messenger of Allâh ﷺ said: 'The hand is not to be cut off for (stealing) produce or the spadix of palm trees.'" (Sâhih)

4967. It was narrated from RâfÎ` bin Khâdîj that the Messenger of Allâh ﷺ said: "The hand is not to be cut off for (stealing) produce or the spadix of palm trees." (Sâhih)

4968. It was narrated that RâfÎ` bin Khâdîj said: "The Messenger of Allâh ﷺ said: 'The hand is not to be cut off for (stealing) produce or the spadix of palm trees.'" (Sâhih)
It was narrated that Râfi’ bin Khadij said: “The Messenger of Allâh Ḥ said: ‘The hand is not to be cut off for (stealing) produce or the spadix of palm trees.’” (Sahîh)

Râfi’ bin Khadij said: “I heard the Messenger of Allâh Ḥ say: ‘The hand is not to be cut off for (stealing) produce or the spadix of palm trees.’” (Sahîh)

It was narrated from Râfi’ bin Khadij that the Messenger of Allâh Ḥ said: “The hand is not to be cut off for (stealing) produce or the spadix of palm trees.” (Sahîh)

Abû ‘Abdur-Rahmân (An-Nasâ‘i) said: This is a mistake, and I do not know who Abû Maimûn (one of the narrators) is.

It was narrated that Râfi’ bin Khadij said: “I heard the
Messenger of Allâh ﷺ say: ‘The hand is not to be cut off for stealing produce or the spadix of palm trees.’” (Sahîh)

It was narrated that Râfî’ bin Khâdîj said: “I heard the Messenger of Allâh ﷺ say: ‘The hand is not to be cut off for (stealing) produce or the spadix of palm trees.’” (Sahîh)

It was narrated from Sufyân, from Abû Az-Zubair, from Jâbir that the Messenger of Allâh ﷺ said: “The hand of the traitor, robber and pilferer is not to be cut off.” (Sahîh)

Sufyân did not hear it from Abû Az-Zubair.

It was narrated from Sufyân, from Ibn Juraij, from Abû Az-Zubair, that Jâbir said: “The Messenger of Allâh ﷺ said: ‘The hand of the traitor, robber and pilferer is not to be cut off.’” (Sahîh)

Ibn Juraij also did not hear it from Abû Az-Zubair.
4976. It was narrated from Jâbir that the Messenger of Allâh ﷺ said: “The hand of the pilferer is not to be cut off.” (Sahîh)

4977. It was narrated from Hajjâj from Ibn Juraq from Abû Az-Zubair, that Jâbir said: “The hand of the traitor is not to be cut off.” (Sahîh)

Abû 'Abdur-Rahmân (An-Nasâ'i) said: This Hadîth had been reported from Ibn Juraq by 'Isa bin Yûnus, Al-Faḍl bin Mûsâ, Ibn Wahb, Muḥammad bin Rabî’ah, Makhâlîd bin Yazîd, and Salâmah bin Sa’îd from Al-Baṣrah, who is trustworthy – and Ibn Abî Sa’îd said: “He was the best of the people of his time” – and not one of them said: “Abû Az-Zubair narrated to me” and I do not think that he heard it from Abû Az-Zubair. And Allâh knows best.

4978. It was narrated that Jâbir said: “The Messenger of Allâh ﷺ said: ‘The hand of the pilferer, robber and traitor is not to be cut off.’” (Sahîh)
4979. It was narrated that Jâbir said: "The hand of the traitor is not to be cut off." (Ṣahih)
Abû 'Abdur-Rahmân (An-Nasâ'i) said: Ash'ath bin Sawwâr (one of its narrators) is weak.

Chapter 14. Cutting Off The Thief's Foot After His Hand

4980. It was narrated from Al-Hârîth bin Ḥatîb that a thief was brought to the Messenger of Allâh and he said: "Kill him." They said: "O Messenger of Allâh, he only stole (something)." He said: "Kill him." They said: "O Messenger of Allâh, he only stole (something)." He said: "Cut off his hand." Then he stole again, and his foot was cut off. Then he stole at the time of Abû Bakr, until all his extremities had been cut off. Then he stole a fifth time, and Abû Bakr, may Allâh be pleased with him, said: "The Messenger of Allâh knew better about him when he said, 'Kill him.'" Then he handed him over to some young men of Quraysh to kill him, among whom was 'Abdullâh bin Az-Zubair who liked to be in a position of leadership. He said: "Put me in charge of them," so they put him in charge of them and when he struck him, they would strike him, until
they killed him. (Ṣahih)

Comments:

‘His foot was amputated’: Since in the Glorious Qur’an there is mention of the amputation of the hand of a thief only, some people do not subscribe to the view of the amputation of the foot. But the majority of the people of knowledge say that upon second theft, the left foot should be amputated. If he steals again, his left hand would be cut off, if he again steals, his right foot should be amputated. If he steals for the fifth time, he should be sent to jail.

Chapter 15. Cutting Off The Hands And Feet Of The Thief

4981. It was narrated that Jābir bin ‘Abdullāh said: “A thief was brought to the Messenger of Allāh and he said: ‘Kill him.’ They said: ‘O Messenger of Allāh, he only stole.’ He said: ‘Cut off (his hand).’ So his hand was cut off. Then he was brought a second time and he said: ‘Kill him.’ They said: ‘O Messenger of Allāh, he only stole.’ He said: ‘Cut off (his hand).’ So his foot was cut off. He was brought to him a third time and he said: ‘Kill him.’ They said: ‘O Messenger of Allāh, he only stole.’ He said: ‘Cut off (his other hand).’ Then he was brought to him a fourth time and he said: ‘Kill him.’ They said: ‘O Messenger of Allāh, he only stole.’ He said: ‘Cut off (his other foot).’ He was brought to him a fifth time and he said: ‘Kill him.’ Jābir said: “So we took him to an animal pen and attacked him. He lay down on his back then waved his arms and legs (in the air), and the camels ran away.
Then they attacked him a second time and he did the same thing, then they attacked him a third time, and we threw stones at him and killed him, then we threw him into a well and threw stones on top of him.” (Hasan)

Abū ‘Abdur-Raḥmān (An-Nasāʿī) said: This Ḥadīth is Munkar, Muṣʿab bin Ṭhābit is not strong in Ḥadīth.

Comments:

Imām An-Nasāʿī says that this narration is Munkar, meaning its transmitter, besides being weak, narrates contrary to the trustworthy transmitters.

Chapter 16. Cutting (The Thief’s Hand Off) While Traveling

4982. It was narrated that Junādah bin Abī Umayyah said: “I heard Busr bin Abī Arṭāh say: ‘I heard the Messenger of Allāh ﷺ say: Hands should not be cut off while traveling.’” (Ṣaḥīḥ)

Comments:

‘No amputation while traveling’: The journey alluded to in this narration signifies war expedition. Absolute journey is not meant, because there is a report transmitted on the authority of Ubadah bin Sāmit to the effect: Establish Al-Hudūd while traveling or at home. (Ibn Mājah No. 2540 and Musnad ʿĀḥmad 5:314) Moreover, there is no reason why the prescribed legal penalty should not be executed while traveling. As the Divine law is meant for
when one is settled and resides at home, in the same manner it is meant while one is on the move or traveling. Hence, only journey for war is meant here.

4983. It was narrated from ʿAbū Hurairah that the Prophet ﷺ said: “If a slave steals, then sell him, even for half price.” (Hasan)
Abū ʿAbdūr-Raḥmān (An-ʿAsāt) said: ʿUmar bin ʿAbdū Salamah is not strong in Ḥadīth.

4984. It was narrated that ʿĀṭiyah said: “I was among the prisoners of ʿQuraizah; we were examined, and whoever had grown (pubic) hair was killed, and whoever had not grown hair, he was allowed to live and was not killed.” (Ṣaḥīḥ)
Chapter 18. Hanging The Thief’s Hand From His Neck

4985. It was narrated that Ibn Muḥairīz said: “I asked Faḍālah bin ‘Ubad about hanging the hand (of the thief) from his neck, and he said: ‘It is Sunnah. The Messenger of Allāh cut off a thief’s hand then hung it from his neck.’” (Daʿīf)

4986. It was narrated that ‘Abdur-Rahmān bin Muḥairīz said: “I said to Faḍālah bin ‘Ubad: ‘Do you think that hanging the hand from the thief’s neck is Sunnah?’ He said: ‘Yes; a thief was brought to the Messenger of Allāh and he cut off his hand and hung it from his neck.’” (Daʿīf)

Abū ‘Abdur-Rahmān (An-Nasāʾī) said: Al-Ḥajjāj bin Arṭāḥ is weak, his narrations are not used as proof.

4987. It was narrated from ‘Abdur-Rahmān bin ‘Awf that the Messenger of Allāh said: “The thief is not to be penalized (financially) if the Hadd punishment is carried out on him.” (Daʿīf)
Abū 'Abd-ral-Rahmān (An-Nasā’ī) said: This is *Mursal* and it is not confirmed.

That means if he does not possess the stolen property, or if he has consumed it or has wasted it then that property shall not be recovered from him. This is because he has already received the punishment for his crime. But if he is found in possession of the stolen property or if it becomes known that he has concealed it here or there, then the property would be retrieved from him.

Comments:

 alguns, صاحب سریغه، قال: لا يعفه صاحب سریغه.

إذا أقسم على الحد، قال أبو عبد الرحمن: وهذا مرسول وليس بكاف.