

FATAWA APPLICATION FOR GUIDANCE ON  
PERMISSABILITY OR IMPERMISSABILITY OF FOODS WHERE  
THEY CONTAIN ALCOHOL AND/OR ANIMAL PRODUCTS

SUMMARY

There has been a lot of discussion these days about some drinks which contain a very small percentage of alcohol and about some foods which may contain traces of animal products from pigs or other animals which have not been slaughtered in the ways set by Shari'a or traces of other impurities (Najasah). Hardly a day passes by without a new publication being broadcast on the Internet warning about some specific product either because it contains alcohol or because it contains such and such substances which are either '**forbidden**' or '**impure**'.

The whole subject is surrounded by a lot of sensitivity and is combined with a lack of thorough reading and comprehension of Shari'a texts, a lack of accurate identification of the reality of these drinks, foods and substances under consideration and the lack of a diligent study of all the aforementioned matters. This has had many Islamic personalities and institutions to assume positions that are rather exaggerated and extreme which dictate that any percentage of alcohol or any trace of such and such substances would make the product impure and forbidden, rendering it unsuitable for consumption by Muslims.

This research addresses also the debate initiated by the standard industrial process, used by the majority of drink manufacturer, to infuse flavouring into soft drinks utilizing Ethyl Alcohol as a carrier.

The objective of this study is to enable the Muslim public to form a balanced view about this issue based on a study of confirmed religious texts having understood these texts in the correct manner based on an in-depth diligent examination of these texts. The texts are further enlightened by relating them to the physical reality of the issue at hand as demonstrated by modern experimental sciences and reliable laboratory experimentation and results that are based on accurate observation and strictly controlled repeatable processes.

Section 1:

DRINKS CONTAINING ETHYL ALCOHOL

There is no doubt that ‘**Khamr**’ is absolutely forbidden by virtue of the categorical evidence in the Qur'an, the traditions of the Prophet (Sunnah) and firm consensus. The fact that **‘whatever causes intoxication is forbidden’** is also indisputable by virtue of conclusive evidence contained in the Sunnah and in the consensus of the companions of the Prophet. This is true even though it may not be known to a great number of people and regardless of whether the intoxicating substance was called ‘**Khamr**’ or otherwise. We have proven this matter beyond doubt in the appendix (Appendix No.1), which may be referred to if so required.

It is also a proven matter that **(Every intoxicating substance is a “Khamr”)** as far as Shari’a is concerned; therefore every ruling that applies to ‘**Khamr**’ would apply, to the letter, to every **intoxicating** substance regardless of the fact that the name ‘**Khamr**’ was linguistically the term used for grape juice after it had fermented and increased in strength thereby becoming an intoxicating substance. This is the case because definitions according to Shari’a are the sole definitions which have precedence over purely semantic definitions.

Another confirmed matter is that the prohibition is based on the intoxicating quality of the drink as such, and is not based on either the amount actually consumed (becoming intoxicated or not) or on the last dose leading to intoxication alone. This is so because **“Whatever causes intoxication if taken in great amounts is forbidden even in small amounts”** and because **“It is forbidden to consume even a handful of whatever causes intoxication if a Faraq of which is consumed”**. We have also proven this matter beyond any reasonable doubt in the appendix (Appendix No.1), which may be referred to if so required.

Therefore, there is inaccuracy in what had been said by some of the learned scholars of Kufa, headed by the Greatest Imam Abu-Haneefah Al-Nu’man bin Thabit (may God be pleased with him), and by some the followers of Hanafi school (may God’s mercy be upon them), in that the word ‘Khamr’ refers only to fermented grape juice that had increased in strength rendering it forbidden, regardless of how little or how much is consumed. Further it was proposed by them that other intoxicating substances are forbidden only in large quantities leading to intoxication such that it is permissible to drink small amounts of such substances as long as such amounts do not lead to intoxication.

However, it appears that the Muslim public have not noticed that the religious texts were intended for drinks that **“intoxicate if consumed in large quantities”** because these drinks **‘cause intoxication if consumed in a certain amount’** and not because these drinks contained the substance called ‘**ethyl alcohol**’. Hence, if another type of drink caused intoxication because it contained a different substance, such as opium, then such a drink would also be forbidden. Vice-versa, it follows that a drink which contains very low percentages of ethyl alcohol such that **‘large amounts’** of which would not cause intoxication; it is still permissible by default.

Regardless of whether mentioning the word ‘**Faraq**’ in the Hadeeth was meant to specify the amount **literally** or whether it was no more than a **metaphor** used to indicate a very large amount which an ordinary person would find difficult to drink in normal circumstances and regardless of the estimate given by some people to the volume of the ‘**Faraq**’ as the equivalent of six litres (we estimate that it is slightly less than that, about 5.6 litres), regardless of all that, it has been generally reported, please see appendix (Appendix No.5), that a normal adult human being cannot drink more

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than five litres of fluid intake within a short time period without falling victim to '**water poisoning**' which is manifested at its beginning, i.e. in mild cases, by a change in the mental state which could be considered akin to being drunk and may also be accompanied by sickness. These symptoms become more intense and more life-threatening if the consumed amount exceeds 10 to 20 litres. They turn into dizziness, giddiness and sickness followed by loss of consciousness leading to death. It is obvious of course that these poisoning symptoms and their intensity would increase if such a quantity was consumed non-stop over a very short period, e.g. half an hour. To avoid water poisoning it is advised individuals do not consume more than 1 litre of fluid per hour (please see Appendix No.5)

It is also scientifically proven that ethyl alcohol is metabolized in the body into water and carbon dioxide at a rate of 7 to 10 grams per hour in an adult human, this task is performed mainly by the liver. Therefore, with a drink containing trace amounts of alcohol (say <0.2%), it would not be possible to accumulate an amount of ethyl alcohol large enough to cause intoxication unless the intoxicating drink is being consumed continuously and in considerable amounts. However, it is therefore physically impossible for a human being to consume more than a '**Faraq**' of a beverage containing levels of alcohol <0.2% in a continuous fashion and over a short period of time whilst avoiding the aforementioned '**water**' poisoning. The issue then really becomes one of a '**fatal poison**' and not all of an '**intoxicating substance**'.

Therefore, the '**Faraq**' as mentioned above is indeed suitable for determining an '**upper limit**' for the amount that may be consumed of any kind of drink, including water. It follows that it is incorrect to ask about whether or not a certain kind of drink containing trace levels of alcohol would intoxicate if more than a '**Faraq**' of which is consumed because such a thing is unlikely to happen, if we bear in mind that the mental state of the drinker would change because of the aforementioned '**water poisoning**', i.e. he will become '**intoxicated**' by way of '**water poisoning**' before he being intoxicated by the influence of the alcohol present in the drink, that is if the person remained alive at all.

Furthermore, the religious texts indicate the certainty of the fact that the mere existence of a small amount of ethyl alcohol in a drink cannot render it forbidden or impure as shown in the following evidence:

**Firstly:** That God's Prophet, may God's Praise, Greeting and Blessings be upon him and his family, told the delegation of Abdul-Qais (as confirmed in the aforementioned Hadeeth) to use Nabeeth fermentation in drinks. He ordered them to dilute the drink using water if they feared that its fermentation had made it too strong. It is a physical reality, as shown by modern laboratory based sciences, that Nabeeth (wine), fermented juices) contain alcohol. It is inevitable that alcohol will begin to form from the very first moment of fermentation. Its percentage increases gradually, little by little, not in a leap as some people might imagine and unlike what the majority of scientists had thought in the past. The strength of the Nabeeth, i.e. that it reached the forbidden intoxication limit, could only be determined in the days of the Prophet, may God's Praise, Greeting and Blessings be upon him and his family, by the distinctive smell of alcohol and its well known flavour.

**Secondly:** That the Prophet (may God's Praise, Greeting and Blessings be upon him and his family) gave guidance to people on how to use fermentation safely, as confirmed in the authenticated Hadeeth in Saheeh Muslim and others. The Prophet (May God's Praise, Greeting and Blessings be upon him and his family) had returned from a journey. The people met him to welcome him. They had with them fermented drinks that either had become very strong such that they were bubbling and frothing or were produced in forbidden types of vessels (before the prohibition to ferment in certain types of vessels was abrogated). He ordered them to spill it and get rid of it. He then guided them to a safe way of making fermented drinks which is: The raisins are to be soaked in water

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inside a vessel made of skin which is then hung in the house on the evening of that day. The fermented drink may be drunk on the following day, the day after that and thereafter until the evening of the third day. The aim is to drink all the contents by that time or else the remaining quantities will have to be spilt and got rid of either that very night or in the following morning.

Hence, for three days and nights the Prophet (May God's Praise, Greeting and Blessings be upon him and his family) drank the fermented drink and offered it to others. A certain amount of alcohol must have formed in the Nabeeth. It must have increased gradually such that it was feared that it would have reached a worrying level on the morning of the fourth day; therefore he ordered it to be spilt either out of piety and as a precaution, which is what we believe is the most likely motive as the Prophet (may God's Praise, Greeting and Blessings be upon him and his family) is indeed the most pious of all people, or because it is a compulsory duty to do so.

A controlled experiment carried out in an independent research laboratory in which the process of making the aforementioned fermented drink of the Prophet (May God's Praise, Greeting and Blessings be upon him and his family) was reconstructed under controlled repeatable monitored conditions. The experiment has shown (see Appendix No.7) that the percentage of alcohol increased gradually until it reached:

1. 0.022% at the end of the third day, i.e. after 72 whole hours had passed since the moment when the fermentation process had started. This was for a Nabeeth made of one and a half kilograms of raisins placed in five and a half litres of water. These quantities were chosen such that the percentage of sugar in the mixture is equal to that in fresh grape juice (about 17%). At the end of the sixth day, the alcohol percentage leapt to 8.4% which is undoubtedly intoxicating.
2. 0.067% at the end of the third day, i.e. after 72 whole hours had passed since the moment when fermentation process had started. This is for a Nabeeth containing double the percentage of raisins, i.e. double the percentage of sugar.
3. 0.41% at the end of the third day, i.e. after 72 whole hours had passed since the moment when the fermentation process had started. This is for grape juice.

However, we hasten to confirm that these percentages are certainly much lower than those which would have prevailed in the Prophet's Nabeeth. They are on the conservative side to quite an exaggerated extent for the following reasons:

1. The water used was a pure mineral water of the kind sold commercially in bottles. This is extremely pure in nature and hardly contains any mentionable amount of either the fungi which cause fermentation and moulding or the germs which cause vinegarisation. This is very different from the water in Medina at the time of the Prophet (may God's Praise, Greeting and Blessings be upon him and his family) which would have undoubtedly been teeming with large numbers of all sorts of fungi and germs.
2. The raisins used were pure sun dried raisins which had not been treated with preservatives or chemicals but were merely treated with vegetable oil vapour to give it a beautiful appearance. This oil steaming process is expected to eradicate a large number of fungi which are usually always present on the skin of the grape itself even whilst it is still on the vine and would have continued to exist in the raisins.
3. An attempt was made to introduce fungi which are naturally present in the air into the water and the raisins by way of passing air through the water container and through the raisins for

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several days; however, the atmosphere of the city of London in the middle of February 2004 inside a meticulously cleaned laboratory, must have had an extremely small percentage of fungi and germs. This was due to the extreme coldness of the weather and to the precipitation time and time again of rain and snow which purified the atmosphere before and during which that period. This is in sharp contrast with the conditions prevailing in Medina where the dry hot atmosphere is saturated with fungi and germs where Nabeeths were made in houses and kitchens full of fungi.

4. The animal skin vessel itself would have been a source of yeast fungi.

**Thirdly:** That the Prophet himself (May God's Praise, Greeting and Blessings be upon him and his family) drank from the Nabeeth prepared to water the pilgrims during his last pilgrimage. Not a bad amount of reports indicated that he did so after diluting the Nabeeth several times using water after he had initially rejected it because he disliked its smell.

**Fourthly:** When the Caliph Omar Ibn Al-Kattâb, may God's Peace and Satisfaction be upon him, visited Syria after it had been conquered, the people of Syria complained to him about the coldness of the country and the nature of its land. When he instructed them to drink honey, some local people (Syrian Christians probably) replied: "Honey does not suit us". When he told them: (You may not drink intoxicating drinks) some (Syrian Christians probably) commented: Would you like us to make you out this drink (i.e. the intoxicating drink) something that does not intoxicate and would be suitable for the people to have?). He agreed. They cooked the wine until it was reduced by two thirds. Only one third remained and it looked like black honey. Omar tasted it to try it out. He said "This is indeed a Tilaa' for it looks just like the tar used to treat camels". He ordered that it should be drunk and sent letters across the land to that effect. He even made it acceptable as payment from the treasury (Bayt-ul-Maal). This was emulated even by Caliph Ali Ibn Abi-Taalib, may God's Peace and Satisfaction be upon him, during his rule. This was also approved of by the companions of the Prophet (may God's Praise, Greeting and Blessings be upon him and his family). In fact some of these companions did not see anything wrong with the 'halved' Tilaa'; i.e. one which has been reduced only by half through cooking.

We know that alcohol boils before water does; therefore, its percentage in any drink would reduce through the cooking process, as in the **Tilaa'** production process. However, it would be physically impossible that the said **Tilaa'** which was approved by Caliph Omar and by Caliph Ali, may God's peace and satisfaction be upon them, was completely free of alcohol even although its alcohol content would have been below the intoxicating limit.

Another controlled experiment carried out in an independent research laboratory in which a reconstruction of the manufacture of Tilaa' was undertaken, under controlled repeatable monitored conditions, has shown that the alcohol percentage:

1. When the volume of wine was reduced to a half and then reconstituted (diluted) back with water to the original volume, the ethanol content reached 0.6%. When the wine was reduced to a third of its volume, and then reconstituted back with water to its original volume, it reached 0.1%. This was for a wine made of red grapes (KWC Merlot) which used to contain 14.8% alcohol before the heating began
2. When the volume of wine was reduced to a half and then reconstituted (diluted) back with water to the original volume, the ethanol content reached 0.4% in the halved Tilaa'. When the wine was reduced to a third of its volume, and then reconstituted back with water to its original volume, it reached 0.2%. This was for a wine made of white grapes (Dom Brial) which used to contain 15.8% alcohol to begin with.

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It should be mentioned that the grape wine used in this evaporation by boiling experiment, was one of the strongest kinds of wine as it contained the highest percentage of alcohol that may be obtained naturally, about 15%. Drinks containing higher alcohol percentages cannot be produced by fermentation alone, other concentration, distillation or deliberate alcohol addition processes are required for that purpose. These were not known or common at the time of the Prophet's companions.

Furthermore, the wines and fermented drinks which were available at the time of the Prophet's companions were probably cloudier as modern filtration techniques were not available to them. Perhaps this is how the Ethiopian drink made of maize got its name '**Ghubairaa**' (Dusty) as it was so cloudy that it looked like dusty weather, this is in contrast with the clarity and transparency of similar present day drinks such as beer.

These cloudy drinks usually maintained higher alcohol contents than the drinks made from evaporation through the boiling experiment. This is because the microscopic particles, which are the cause of cloudiness, bind alcohol strongly to their surfaces (***Surface Adsorption Effects***). Hence, we would expect the Tilaa' made in the days of the companions of the Prophet to contain a higher percentage of alcohol. It would have also had a thicker consistency, similar to that of honey or syrup. Therefore, the percentage we have obtained from this experiment is also on the conservative side.

**Fifthly:** A large number of fresh juices, upon which there is a conclusive consensus that they are permissible and pure, can contain a very small percentage of alcohol. For example, orange juice typically contains an alcohol percentage, due to natural fermentation of the sugars with yeast, of between 0.2% and 0.5 percent (see Appendix No.5c)

**Finally:** Differences in tolerances and susceptibility account for wide variations in an individual's response to alcohol. Modern day biological and medical sciences have concluded that in general, ethyl alcohol is not considered to have any notable effect on human behaviour, if it is consumed at a rate of about 0.2 gram for every kilogram of body weight (equivalent to 10 grams using a conservative body weight of 50 kilograms). Minor impairment of function is then observed on the biological functions such as a drop in the speed of responses to fleeting stimuli at a dose of approximately half a gram per kilogram of weight (this is equivalent to 25g using a conservative body weight of 50 kilograms). Doses of 2 grams and over per kilogram of body weight are considered intoxicating (equivalent to over 100 grams using a conservative body weight of 50 kilograms).

If we exaggerate by assuming that these two different levels of alcohol (10g and 100g) are dissolved in the volume of a '**Faraq**', i.e. 5.6 litres, which is then drunk non-stop at great speed and if we extremely exaggerate in erring on the side of caution by assuming a very conservative body weight of 50 kilograms), we would arrive at the following percentages:

1. An approximate ethyl alcohol percentage of about 0.23% or (0.18% by weight) or less: This does not have any notable effect. As far as Shari'a is concerned, there is no difference between this drink and clear fresh water. This percentage also lends support to the view taken by the companions of the Prophet who saw no harm in the halved wine thereby providing more proof of the correctness of their methodology.
2. A percentage of about 2.3% by volume (1.8% by weight) or more: This would probably be intoxicating for very thin adults.

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3. Somewhere in between the aforementioned percentages there is a region where conditions vary from person to person. This is the grey area where the intensity of the wine should be diluted using water, as is the case in the Hadeeth of Abdul-Qais and others.

Some people have also enormously exaggerated the matter of the Najaasah (ritual impurity) of ‘Khamr’ (wine) despite the fact that proven historical reports provide absolute confirmation of its purity, from a ritualistic aspect, prior to it becoming forbidden. The companions of the Prophet had used to drink it; they had used to pray with traces of it on their clothes. There is no text designating it as impure at the time and stipulating that it should be washed off clothing. This is in complete contrast to the case of human urine which was confirmed by a multitude of texts as being impure and on which there has been such a complete consensus that the matter has become basic piece of religious knowledge to every Muslim. Hamza Ibn Abdul-Muttalib and others were martyred having had Khamr in their bellies and on their clothes. Subsequent to that, it became prohibited to pray whilst intoxicated although drinking Khamr remained permissible. Then followed a subsequent stage when Khamr became absolutely forbidden. However, we do not have a single confirmed text, not even a single unconfirmed or fabricated text, which says that Khamr is ritualistically impure such that we should wash off any traces of Khamr which happens to fall on our clothes or bodies as is the case with urine, for example. It is well known that religious prohibition and ritualistic worship-related impurity are two different and distinct concepts, as we shall demonstrate shortly.

To begin with we hasten to say that what God the Almighty said (in Almaa'idah 5: 90-91): **“Believers be aware that Khamr, gambling and idolatrous and superstitious practices are an abomination of Satan’s handiwork so keep away from them so that you may prosper. Indeed it is Satan’s plan to create enmity and hatred amongst you using Khamr and gambling and to prevent you from God’s remembrance and from prayer. Are you therefore going to abstain?”** Although the word Rijs (abomination) is a synonym of the word ‘Najas’ (impurity), indeed the word ‘Rijs’ denotes the most intense state of impurity, there is nonetheless no valid argument for those who claim the intrinsic ritual impurity of ‘Khamr’, i.e. wine, in the ritualistic worship-related sense, as is the case with urine and feces. This is supported by the following evidence:

1. The word ‘**Rijs**’ appeared once as an equal description of differing things one of which is gambling. Gambling is an action and is not a physical entity to which the ritualistic worship-related concept could apply in the first place. The ‘Rijs’ or extreme impurity is definitely an abstract concept denoting badness, evil and being forbidden. It has nothing to do at all with ritualistic worship-related impurity. The same applies as far as idolatrous and superstitious practices; therefore the same meaning must be the one which is intended for Khamr.
2. The ‘**Rijs**’ as it appeared in the Qur’aanic verse did not appear as an absolute generic type of ‘**Rijs**’. It is a specific type of ‘**Rijs**’ described as being “**of Satan’s handiwork**”, i.e. a satanic type of ‘Rijs’. Satan’s handiwork is not a physical entity, it is an abstract one; therefore the ‘Rijs’ as far as Khamr is concerned has to be of this same kind of ‘Rijs’ i.e. a satanic abstract ‘Rijs’ which has nothing to do with ritualistic worship-related impurity. In contrast, urine is impure as a physical entity **which is not of Satan’s handiwork**, but rather a necessity of the system of the universe and of food metabolism and biological processes.
3. It is absolutely established that ‘Khamr’ (wine) was permissible and pure before it became forbidden. It was not ritualistically impure. Its permissibility was later on overturned making it absolutely forbidden; however, its purity has not been overturned in any certain way as the word ‘Rijs’ is more indicative of impurity in an abstract way. Therefore one may

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not say, according to the rules of Shari'a that its purity has been overturned unless there is lawful proof which makes it imperative to overturn or because doing so is a physical or rational imperative. It is perfectly easy and possible for something to combine both qualities of physical ritualistic purity and of abstract impurity as we have shown in 1 and 2 above. It is possible to do so without having to resort to excessively elaborate semantics and arguments. In fact this combination of qualities is probably the most likely and the strongest of arguments. Since it is possible to easily combine these two qualities then there is no compelling argument, whether in a text or by virtue of a physical or rational necessity, in support of the purity of Khamr being overturned. Therefore, such an argument is not permissible and would be forbidden to adopt or to believe in.

4. The aforementioned conclusions, which have been derived from the Nabeeth fermentation experiments, the manufacture of 'Tilaa' the dilution of Nabeeth and others, must also dictate that ethyl alcohol is not impure. If alcohol were to be impure then Khamr would be impure because the smell and flavour of alcohol shows in it even if it did not reach the intoxicating limits. This is exactly analogous to water which has shown the presence of impurity by way of an evident change in colour or smell rendering it unsuitable for drinking or purification. This is the case not because the water has intrinsically become impure but rather because it would be impossible to drink it or use it without simultaneously drinking/using the impurity. If it were possible to rid the water of the impurity and to isolate it then it would become suitable for drinking and for use as water is intrinsically pure as long as it remained as water. Since it has been proven that alcohol is not intrinsically impure and since Khamr is no more than juice that has fermented and become intoxicating, i.e. since Khamr is in essence a pure permissible juice, into which alcohol has been added, then it follows that Khamr is also not impure, contrary to the belief held by many people. The Khamr will still be impermissible to buy, drink or sell but physically it is pure. This is illustrated in the case of permissibility of perfumes containing alcohol, which you can use as a perfume, being neither soiled by impurity when applying it to your clothes or body, nor with any intention of using its possible intoxicating properties.

**To summarize:** The drinks under consideration, which are of the varieties Ribena Summer Fruits concentrate TK (after dilution as instructed), Ribena Blackcurrant & Cranberry concentrate (after dilution as instructed), Ribena RTD Orange Tropical TK, Ribena RTD Blackcurrant & Cranberry, Ribena RTD Mixed Berry, Lucozade Traditional Sparkling Glucose Drink, Lucozade Sparkling Lemon Glucose Drink, Lucozade Sparkling Tropical Glucose Drink, Lucozade Sparkling Wild Berry/Forest Fruits Glucose Drink Lucozade Solstis Sparkling Glucose Drink, Lucozade Sparkling Lemon & Lime Glucose Drink, Lucozade Sport Mixed Berry, Lucozade Sport Pink Grapefruit, Lucozade Sport Orange Energy Bar, Lucozade Sport Hydration Drink Citrus Fruits, Lucozade Sport Hydration Drink Summer Fruits and C-Vit Multi-Vitamin Blackcurrant Drink (after dilution as instructed) are not intoxicating according to Shari'a as their alcohol content is much lower than all of the safe limits mentioned above, please see appendix (Appendix No.6). Therefore, to be consistent with the evidences in the religious texts and sources, the upper safe limits of permissibility are not reached or exceeded by any of the products listed in appendix (Appendix No.6). This would enable their consumption, sale and handling by Muslims, in full compliance with Shari'a.



Section Two:

FOODS AND DRINKS CONTAINING ANIMAL PRODUCTS

In addition to the exaggeration and confusion as far as the prohibition of drinks that contain a very small amount of alcohol, the confusion is even more intense and fear is even greater when it comes to some foods or drinks which may contain traces of animal products taken from pigs, from animals which had not been slaughtered as directed by Shari'a or from other '**Najasaat**', i.e. impurities, which may not be eaten. The Muslim public may be excused even more in this respect in view of the variation present in the statements made by religious scholars and in view of the multitude of statements which were either based on a false premise or on corrupted analogies and comparisons. Some of these statements were made by people who were dragged along by psychological influences which hardly any human being appears to be able to escape from when looking into the subject of '**Najasaat**' (impurities).

In order to come out of this maze, one must adhere to the religious texts in a strict fundamental manner and must avoid psychological influences through strict adherence to disciplined rational reasoning. To do so will not be possible unless we have the following rules as the starting point.

**First Rule:** The '**Najasah**' (impurity) according to Shari'a, which is also the ritualistic worship-related impurity, is not necessarily linked to psychologically perceived filthiness or to being a hazard to health. It is merely a religious ruling related to worship which is determined solely in accordance with legislator's texts; no more no less. Yet it is true that some wise intentions might have been built into these rulings or that other psychological, health, moral or taste-related considerations might have been taken into account; nonetheless, these wise intentions do not constitute reasons by virtue of which these rulings may or may not be in force. Examples of this are:

- Human urine is impure, conclusively impure, by virtue of conclusive clear proof and by virtue of firm consensus: Despite the above, some people do not consider urine as dirty, at least their own urine that is. Nevertheless, these very people would leap away in disgust if someone else's spit were to land on their hand; they would even rush to wash it off with soap, water and disinfectants in an exaggerated manner. This is so despite the fact that human saliva is pure. It therefore follows that ritualistic worship-related impurity is not necessarily linked to what is psychologically perceived as filthy.
- Pure fresh water which is mixed with a poisonous substance which may kill whoever swallows such a substance but is nonetheless suitable for external use by way of rubbing it on the skin: Such water which has suffered no change to its colour or its smell, was and still is absolutely both pure in itself and capable of purifying other objects. It would be suitable for ablution, bathing and for cleansing floors and clothing from impurities; however, it would be forbidden to drink because of the risk of poisoning and not because it is impure. It follows therefore that ritualistic worship-related impurity is not necessarily linked to being a health hazard.
- The **wise intention** behind the impurity of feces might be due to the fact that they are full of germs, as is claimed by some so called '**rational**' individuals who are in fact lacking all reason. Accordingly, these people argue that if feces were to be boiled under high pressure then all the germs would be wiped out and the health hazard would disappear leaving behind a substance which is neither useful nor harmful. Nonetheless, as far as Shari'a is concerned, such a substance would remain impure as long as it has the consistency and form of feces; i.e. as long as it qualifies to be called 'feces'. Even if the 'wise intention, i.e. the aim or the

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reasoning, behind God's designation of feces as being impure is due to the fact that feces are harmful to health, the said designation is nevertheless not linked to whether such an intention is still valid or not. The designation is linked to the said substance merely by virtue of that it is being a specific entity called 'feces'. Therefore, ritualistic worship-related impurity is a religious ruling related to worship which is exactly as set out in the legislator's texts, no more, no less. Heaven forbid that we may subscribe to such alleged rationale. We believe that the designation of feces as impure might have been made in order to elevate man to higher levels of humanity and to distance him from the lowly levels of animals that do not have an aversion towards their feces, who do not seek to avoid being soiled by their urine nor seek to cover their private parts. It might have also been designated as such for other causes or for a complicated compound multitude of inter-related causes; however, this is not the subject matter of this study.

**Second Rule:** Impurity in the religious sense, which is the same thing as ritualistic worship-related impurity, is a designation related to **entities** in this universe that have a physical quantifiable form of specific qualities and a specific name. The designation is absolutely related to that particular physical entity. Man's actions/intentions are irrelevant. If someone burns feces or if it were to be accidentally burnt until they turn into ashes and can therefore no longer be called 'feces' then these ashes are intrinsically pure regardless of whether the person who deliberately did so was sinful or not. The same applies to the impurities on clothes. These impurities would be removed if the clothes are physically washed, regardless of whether the person who did the washing knew or did not know about the presence of such impurities, regardless of whether there was an intention to remove such impurities and regardless of the presence or otherwise of a worship-related intention in an effort to seek purity. It does not even matter whether whoever did the washing was a believer or not; however, the **reward** for the purification process would depend on the belief of the person who did the washing and on his consciousness (i.e. having the presence of heart, mind and intention).

**Third Rule:** The original/default designation for all the objects of the universe is that of purity (in the same way as the original/default designation of all objects is that they are permissible). There is no difference between solids, suspensions, liquids and gases (or even plasma ionized gas). There is no distinction in this respect between a pure substance, e.g. distilled water, a solution (i.e. substances dissolved in solvents, e.g. salt water), homogenous mixtures (such as milk, fats, extracts and powders) or non-homogenous mixtures (such as rocks, soil, blood and the majority of substances in the universe). There is no distinction between simple and compound things, dead or living things nor between a dead object that originated from a living thing. All of the above in all types, shapes and forms are permissible pure entities unless a religious text has forbidden any one of which. However, any such entity does not become impure unless there is evidence to this effect either in the text which has forbidden the said entity or in another such text. If a text decrees that a certain entity is impure then although it would become impure, such an entity would not become forbidden, i.e. man's actions in relation to the said entity would not become forbidden except:

- (1) as required by the conceptual necessity arising from the fact that this entity is designated as impure.
- (2) If another text changes the status of the said entity from being permissible to being forbidden, then so be it.

Proof of the aforementioned arguments is contained in texts which prove that everything in this universe is permissible and pure as is demonstrated in the standard references and books on the "fundamentals of jurisprudence", in those on "Creed" and those on the "Monotheism" (Unity of God). An example can be found in what the Almighty told us: **{God has made all that exists, whether in the skies or on land, available for you to use; all of which is provided by God. This is indeed proof for those who think and reflect}**, (Al-Jaathiyah; 45:13) and in a great number of other texts.

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**Fourth Rule:** Impurity is a concept that is independent of the status being forbidden: An impure entity does not have the ability to forbid things, i.e. none of man's related actions is forbidden, save where:

- (1) it is imperative to do so by compelling conceptual necessity arising from the entity being impure
- (2) or when a specific text changes the status of any such action rendering it forbidden.

In contrast, to forbid something or to forbid a specific entity does mean forbidding all of man's actions in **normal** relation to the said thing/entity save for what has been exempted by a text or what is imperatively exempt due to physical or rational necessity. Furthermore, to forbid certain actions in relation to a specific **entity** does not mean that the said entity is impure. For example: Although wearing silk is forbidden for male Muslims and is permissible for females, silk remains a good pure entity, and its manufacture, sale and handling remain permissible i.e. the actions related to it.

**Fifth Rule:** If an impure entity undergoes a process which the legislated texts state that it has a purifying affect then it becomes pure even though the change to the self of the impure entity is limited such that it does not acquire a new name and such that the change only affected some of its qualities. The same is true even if the name of the impure entity changed whilst the entity has remained in the same genre or type.

**The clearest example** of this is: The purification of impure skins taken from carrion (improperly slaughtered or dead animals) through the **tanning** process, as provided for in the revealed texts. This is the case even though they remain as skins and only undergo a limited change. The extensive study shown in the appendix (Appendix No.4), demonstrates that this is the case according to the text and ruling of Shari'a. The revealed text always has supremacy and precedence over all others.

Bearing that in mind, the case must be even stronger for the purity of an impure entity which has gone through a change to its very essence by transforming into something else with a different name by any means whether known to us today or to be discovered in the future. This is also in accordance with the general rules of religious law which are based on the necessity to use sense and reason. Examples of this are:

1. Pig meat which got burnt and turned into ashes: These ashes are pure and transformed pigs meat is now not impure.
2. Feces which are thousands of years old which turned into stone and became a fossil. This is a piece of rock and no longer the impure feces.
3. Chemical reactions which change the impure **entity** to another entity which has not been designated as impure in any text or one which did not exist previously in this world, things such as new chemical compounds. According to the third rule, these substances must be considered pure unless we have proof to the contrary. Some of the clearest examples of that:
  - A) **In ancient times:** The people of Yemen used urine in dyeing clothes. Undoubtedly, either all or some of the substances in the urine go through chemical reactions which fix the dye, i.e. it is chemically transformed to become part of the composition of the dye (the remainder is removed when the clothes are washed at the end of the dyeing process). The Prophet (may God's praise, greeting and blessings be upon him and his family) wore some of these clothes; his companions also wore them without any objection being voiced about the matter. When Omar Ibn Al-Kattâb wanted to ban such

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clothes during his rule as Khaleef, the companions of the Prophet objected and prevented him from doing so. He backed out. It is also confirmed that Imam Mohammed Ibn Shihab Az-Zuhri used to wear such urine dyed clothes.

- B) **In modern times:** The production of what is called ‘Animal Coal’ from animal bones by a process of destructive distillation. This type of animal coal is both pure and permissible regardless of the type of bones it was made of, i.e. whether they are pure permissible bones, bones from carrion (improperly slaughtered or dead animal) or pig bones. There is, therefore, no harm in using such a substance to whiten sugar or in poison-gas protective masks. There is no prohibition even of eating it, if anyone should develop a taste for it.

This should be the way to deal with all impurities which have been transformed in a chemical reaction into a new substance.

4. Digestion and metabolism by living creatures: An example would be a chicken eating pig meat, dead animals and other impurities and bad things then turning what has been eaten, through digestion and biological metabolism into the constituent matter of the chicken’s body which is not only pure and full of goodness but is also delicious and tasty.

We hasten to say that Islam has forbidden, in an exceptional manner with a specific text, the meat and milk of animals that are fed on excrement rather than their usual diet of grass, green plants and trees. There is no contradiction between this distinction and what we have discussed about chicken. A chicken is equipped by the very way in which it was created to digest whatever impurities it eats using the powerful secretions in its stomach before metabolizing such entities in a manner that removes impurity, this is the natural food for a chicken. In contrast, grass eating animals such as camels, cows and sheep do not have a digestive system that is equipped to get rid of the impurities contained in animal excrement. Physical reality and historical experiences are proof of this, as has been shown in the disaster of **Mad Cow Disease**, which resulted from feeding fodder made of meat waste, slaughter blood and animal excrement to cows. That type of fodder which the digestive system of the cow is unable to digest and which cannot be metabolized properly by the biological reactions in the cow. Extreme caution is therefore called for.

**Sixth Rule:** If a large amount of the pure substance has overwhelmed the small amount of impure substance such that the mixture did not show any trace of smell, taste, colour or otherwise, of the impure substance then the mixture is a pure one. Furthermore, if this basic overwhelming substance has purifying qualities, e.g. pure water, pure soil or pure earth, then the mixture is inevitably not only pure but also has a purifying quality as well, i.e. it could be used to ritually purify other substances. The same rule applies almost literally to permissible food instead of pure substances: *“If a large amount of permissible food overwhelmed the small amount of forbidden food such that the mixture did not show any trace or only a minute negligible trace of the forbidden food, then the mixture is entirely permissible and may be eaten”.*

Proof of this can be found in the following:

1. The confirmed report that the Prophet (may God’s Praise, Greeting and Blessings be upon him and his family) ordered to pour a ‘Dhanoob’ full of water (a ‘Dhanoob’ is a big bucket) on the urine of the ignorant Bedouin who had urinated in the Prophet’s mosque, a place second in purity and goodness only to the Ka’bah, God’s holy house. When the pure water, about 15 litres in volume, overwhelmed the impure urine, which was no more than half a litre in volume, then seeped into the earth (the mosque’s floor was made of earth at the time and had not yet been paved or covered) the affected spot became pure and was suitable to pray on after it had dried

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up. Further proof is provided in the appendix titled: **Rules governing impurities**. We evidently know that the urine did not become non-existent nor did it seep in its entirety for miles away from the earth's surface.

2. A tiny trace of cooked blood sometimes shows as redness at the top of the pot. We know that it was not paid much attention and people did not go to extreme lengths in skimming it off and throwing it away. This was the case with Aisha, the Prophet's wife, my God be pleased with her. This was the case despite the fact that blood is absolutely and undoubtedly forbidden; slaughter blood in particular.
3. What we proved in the appendix (Appendix No.4) in a special chapter (That cheese is permissible even if it contained rennet from carrion (improperly slaughtered or dead animals). This is only possible because the amount of rennet used is very small and is no more than an enzyme used to stimulate certain reactions. A big effect results from its action despite the very small amount used; nevertheless, **the amount used** is the only thing that matters.

**Seventh Rule:** A pure entity never becomes intrinsically impure if it made contact with an impure entity as long as it retains its separate independent entity and substance. A pure entity does not become impure even if it got mixed with impure entities or even if it dissolved in such entities. The mixture or the solution is, however, deemed to be impure as it would not be possible to drink or handle the pure substance without drinking/handling the impure one at the same time. If it is possible to separate these entities, then the mixture would in effect no longer be in existence and the constituent substances will revert to being individual separate entities each of which would have its original status: pure entities would remain pure as they always have been before they were mixed, whilst they were mixed and after they were separated. Impure entities would remain impure as they were initially whether before they were mixed, whilst they were mixed and following separation. **The proof of the aforementioned** is in what we have demonstrated in the previous rule, i.e. pure entities remain pure until proof to the contrary is provided by way of a text or a compelling physical necessity or rational argument, and there is none.

These rules, especially the seventh one may become subject of contention and criticism by some noted scholars. Appendix No.3 is wholly allocated to refute such objections and further clarify a number of related issues.

**One important application of this rule:** is that using impure or forbidden substances to aid in the preparation of foods and drinks followed by the removal of such substances would not affect the final product, which would remain pure and permissible. An example of this would be the use of some kinds of (animal gelatins) made from carrion (improperly slaughtered or dead animals) or from pigs, to create a filter for fruit juices to remove particles which cause cloudiness, followed by the complete removal of these gelatins from the said juices. The food or drink in such cases did not, and could not, become impure by being mixed with or by having had contact with the impure or the forbidden substance. The impure/forbidden substance does not even exist in the final product, or is only present in such insignificant traces in which the pure and permissible ingredients overwhelm them as to render the final product pure and permissible, according to sixth rule.

**Another important application of this rule:** is that using trace amount of impure or forbidden substances to aid in the preparation of foods and drinks would not affect the final product, which would remain pure and permissible. An example of this would be using Ethyl Alcohol as a carrier to infuse flavouring into soft drinks. The food or drink, here also, did not, and could not, become impure by being mixed with or by having had contact with the impure or the forbidden substance. The impure/forbidden substance itself is only present in such insignificant traces in which the pure



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and permissible ingredients overwhelm them as to render the final product pure and permissible, according to sixth rule.

Having said that, it does not necessarily follow that such usage is permitted for Muslims who own and manage such a production line; this may or may not be the case. However, even if such a specialized utilization were to be forbidden, and even if a Muslim person disobeyed God and did it, then despite the fact that this person is a sinner, the fact remains that the final product is not affected by that, and it continues to be permissible and pure. A fortiori the same argument applies for non-Muslims who utilize this application.

Texts have decreed that slaughter blood, carrion (improperly slaughtered or dead animals) and pigs are forbidden only as food and for no other consideration. Other texts decreed that any money paid for these things is also forbidden, i.e. **these things may not be of monetary value to Muslims**. Muslims may not sell it or buy it as food or as a substance that is suitable to use as food, e.g. fat from carrion (improperly slaughtered or dead animals). The text also decreed that pigs are extremely impure in their entirety; from snout to trotter, hair, skin and all. This is all true; however, it is also true that we should not exceed the limits of these stipulations. A pig which is prepared, bred and reared for clinical experiments or to be able to benefit from some of its tissues for medical necessities is not a type of food, nor is it being prepared to be used as food; therefore it would have a monetary value in this capacity and it would be permissible to buy and sell it; however, it remains impure; eating it remains forbidden and selling it, whether in part or as a whole, as food or to people who would use it as food, remains forbidden.

**To summarize:** The products under consideration, which are of the varieties: Ribena Summer Fruits concentrate TK (after dilution as instructed), Ribena Blackcurrant & Cranberry concentrate (after dilution as instructed), Ribena RTD Apple, Ribena RTD Blackcurrant & Cranberry, Ribena RTD Mixed Berry, Lucozade Sparkling Wild Berry/Forest Fruits Glucose Drink, , and C-Vit Multi-Vitamin Blackcurrant Drink (after dilution as instructed) are not impure according to Shari'a as they contain essentially only pure ingredients and any "impure" material, like pork gelatin, used in the manufacturing processes has been either fully and totally removed leaving nothing behind, or leaving only insignificant traces. This applies literally to using Ethyl Alcohol as a carrier to infuse flavouring into soft drinks. Any "impure" or "forbidden" materials present are in such trace amounts and at low concentrations to be insignificant from Shari'a point of view rendering the final product pure and permissible, in other words: Halaal (please see fact sheets in Appendix No.6). This would enable their consumption, sale and handling by Muslims, in full compliance with Shari'a.

# **إشكاليات حول بعض المشروبات والمطعومات**

## **الملحق الأول**

### ***Objects of Dispute around Some Food and Drink Substances***

#### ***Appendix One***

Committee of researchers and specialists

London

Monday: 29<sup>th</sup> of the month of *Safar* in the year 1425 *Hijra* calendar

Corresponding to 19<sup>th</sup> April 2004 AD

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## الملحق الأول: حرمة الخمر كثيرها وقليلها

\* فصل: الحرمة القطعية لـ«الخمر»: شربها، وبيعها، وشراؤها، والتجارة فيها

### Appendix 1 – Forbiddance of Khamr in large and small quantities

- Chapter: Total forbiddance of Khamr *Al-Khamra*: the consumption [drinking], selling, buying, or trading in Khamr

\* قال الله جل جلاله وسما مقامه: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجَسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ﴾ \* إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ ﴿٩٠:٥﴾ (المائدة: ٩٠-٩١).

According to the Holy Qur'aan Chapter AL-MAEDA (THE TABLE, THE TABLE SPREAD) verses 5:90-91

005.090

*YUSUFALI: O ye who believe! Intoxicants (Khamr) and gambling, (dedication of) stones, and (divination by) arrows, are an abomination, of Satan's handwork: eschew such (abomination), that ye may prosper.*

*PICKTHAL: O ye who believe! Strong drink (Khamr) and games of chance and idols and divining arrows are only an infamy of Satan's handiwork. Leave it aside in order that ye may succeed.*

*SHAKIR: O you who believe! Intoxicants (Khamr) and games of chance and (sacrificing to) stones set up and (dividing by) arrows are only an uncleanness, the Shaitan's work; shun it therefore that you may be successful.*

005.091

*YUSUFALI: Satan's plan is (but) to excite enmity and hatred between you, with intoxicants (Khamr) and gambling, and hinder you from the remembrance of Allah, and from prayer: will ye not then abstain?*

*PICKTHAL: Satan seeketh only to cast among you enmity and hatred by means of strong drink (Khamr) and games of chance, and to turn you from remembrance of Allah and from (His) worship. Will ye then have done?*

*SHAKIR: The Shaitan only desires to cause enmity and hatred to spring in your midst by means of intoxicants (Khamr) and games of chance, and to keep you off from the remembrance of Allah and from prayer. Will you then desist?*

هذا نص قاطع بحرمة «الخمر»، تؤيده نصوص كثيرة متواترة من السنة، سيأتي بعضها بعد قليل. وعلى هذا إجماع الصحابة اليقيني المقطوع بصحة نقله، إلا شبهة عرضت للصحابي قدامة بن مظعون، ونفر قليل معه، تستحق أن تناقش في بحث مستقل. وعليه كذلك إجماع من جاء بعدهم من أهل الإسلام.

This text is absolute in forbidding Khamr (*Al-Khamr*) and this is supported by many consecutive texts from the *Sunnah*, some of which will be covered shortly. In this respect the Companions of the Prophet (*Al-Sahabah*) are unanimous in their absolute and final certainty of the authenticity of the transcription of the texts, except for a dubiousity posed to Companion *Kudamah bin Matth'oon*, and a few who were with him, which is worthy of discussion in a separate research. There is also unanimity on this among those learned Muslims who followed *Al-Sahabah*.



## Appendix One

وقد سبق ذلك تلميح بتحريمها في قوله تعالى: ﴿يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنْفَعَةٌ لِلنَّاسِ، وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا، وَيَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْعَفْوَ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَتَفَكَّرُونَ﴾، (البقرة: ٢١٩).

Prior to that there was indication in the *Holy Qur'aan Chapter AL-BAQARA (THE COW) 2:219* of the forbiddance of Khamr

002.219

*YUSUFALI: They ask thee concerning wine (Khamr) and gambling. Say: "In them is great sin, and some profit, for men; but the sin is greater than the profit." They ask thee how much they are to spend; Say: "What is beyond your needs." Thus doth Allah Make clear to you His Signs: In order that ye may consider-*

*PICKTHAL: They question thee about strong drink (Khamr) and games of chance. Say: In both is great sin, and (some) utility for men; but the sin of them is greater than their usefulness. And they ask thee what they ought to spend. Say: that which is superfluous. Thus Allah maketh plain to you (His) revelations, that haply ye may reflect.*

*SHAKIR: They ask you about intoxicants (Khamr) and games of chance. Say: In both of them there is a great sin and means of profit for men, and their sin is greater than their profit. And they ask you as to what they should spend. Say: What you can spare. Thus does Allah make clear to you the communications, that you may ponder*

وحتى القرآن المكي لم يصنفها مع الرزق الحسن، مع كونها مباحة حينئذ، إذ قال: ﴿مِنْ ثَمَرَاتِ النَّخِيلِ وَالْأَعْنَابِ تَتَّخِذُونَ مِنْهُ سَكَرًا، وَرِزْقًا حَسَنًا، إِنَّ فِي ذَلِكَ لَآيَةً لِقَوْمٍ يَعْقِلُونَ﴾، (النحل: ٦٧). والآية المكية الكريمة نص في أن لفظة (سَكْر) تنطبق انطباقاً متساوياً على المسكر المتخذ من الأعناب والنخيل على حد سواء، وأن المسكر المتخذ من كليهما ليس من الرزق الحسن.

And even the Qur'aan of Mecca did not classify Khamr as well-favoured livelihood although it was permitted during that time. According to the *Holy Qur'aan Chapter AN-NAHL (THE BEE) verse 016:067*

016.067

*YUSUFALI: And from the fruit of the date-palm and the vine, ye get out wholesome drink and food: behold, in this also is a sign for those who are wise.*

*PICKTHAL: And of the fruits of the date-palm, and grapes, whence ye derive strong drink and (also) good nourishment. Lo! therein is indeed a portent for people who have sense.*

*SHAKIR: And of the fruits of the palms and the grapes--you obtain from them intoxication and goodly provision; most surely there is a sign in this for a people who ponder.*

In this noble verse from the Qur'aan of Mecca the pronunciation of the word (سَكْر) corresponds equally and in the same way to the word المسكر which is extracted from grapes and dates, and that the intoxicant taken from each of them is not well-favored livelihood.

ولا تقتصر الحرمة على ذات الخمر، أي على شربها فقط، بل تمتد إلى بيعها، بل وإلى أمور أخرى متعلقة بها: \* كما أخرجه الإمام البخاري في «الجامع الصحيح المختصر»، وهو بعينه سنداً ومتناً في «صحيح الإمام مسلم»، وكذلك بعينه سنداً ومتناً في «السنن الكبرى للإمام النسائي»: [حدثنا قتيبة حدثنا الليث عن يزيد بن أبي حبيب عن عطاء بن أبي رباح عن جابر بن عبد الله، رضي الله تعالى عنهما، أنه سمع رسول الله صلى الله عليه وسلم، يقول عام الفتح وهو بمكة: «إن الله ورسوله حرم بيع الخمر والميتة والخنزير والأصنام»، فقيل: (يا رسول الله: أرأيت شحوم الميتة؟! فإنها يطلى بها السفن، ويدهن بها الجلود، ويستصبح بها الناس!)، فقال: «لا: هو حرام!»، ثم قال رسول الله، صلى الله عليه وسلم، عند ذلك: «قاتل الله اليهود: إن الله لما حرم شحومها، جملوه، ثم باعوه، فاكلوا ثمنه»: قال أبو عاصم: حدثنا عبد الحميد حدثنا يزيد كتب إلي عطاء سمعت جابراً، رضي الله تعالى عنه، عن النبي صلى الله عليه وسلم، وهو بنحوه في «سنن ابن ماجه»، وفي «المنتقى من السنن المسندة لابن الجارود»، وكذلك في «سنن البيهقي الكبرى» من عدة طرق، وفي غيرها.

The forbiddance is not limited to Khamr itself, that is to say the consumption of Khamr, but extends to the selling of Khamr and to other matters related to Khamr.

- As *Imaam Al-Bukhari* published in [5] (The Abbreviated Correct Compositor) which is further supported and corroborated in [6], which itself is supported and corroborated in [4]: *Kutaiba* told us, *Al-Laith* told us, according to *Yazeed bin abi Habib* who reports according to 'Ataa' bin Abi Rabaah who reports according to *Jabir bin Abd-u-llah* (may Allah be content with them both) that he heard the Prophet (saas) say in the year of the Victory in Mecca:

- «إن الله ورسوله حرم بيع الخمر والميتة والخنزير والأصنام» that Allah and his Prophet forbid the selling of Khamr and carrion and pig and idols. It was said: (O Messenger of Allah: have you seen the fat of carrions?! The fat is used to coat ships, to oil leather, and as for lighting by people!), he said: "No: It is forbidden!", and then the Messenger of Allah (saas) said at that moment: "Allah fought the Jews: that when Allah forbade them the animal fat they collected it then sold it and so ate its price!"; and *Abou Assim* says: *Abd-ul-Hameed* tells us *Yazeed* tells that 'Ataa wrote to me that I heard *Jabir* , (rata), according to the Prophet

«المنتقى من السنن المسندة لابن الجارود»  
(saas)] It is also reported in in «سنن ابن ماجه» and in

«سنن البيهقي الكبرى»  
and also in , and in other references.

\* وجاء نحو ذلك في «سنن البيهقي الكبرى» عن عبد الله بن عمرو بن العاص: [أخبرنا أبو زكريا بن أبي إسحاق وأبو بكر أحمد بن الحسن قالاً ثنا أبو العباس محمد بن يعقوب أنبأ محمد بن عبد الله بن عبد الحكم أخبرني بن وهب أخبرني أسامة بن زيد عن عمرو بن شعيب عن أبيه عن جده قال سمعت رسول الله صلى الله عليه وسلم، يقول عام الفتح وهو بمكة: «إن الله ورسوله حرم بيع الخمر والميتة والخنزير والأصنام»، فقيل له عند ذلك: (يا رسول الله: أرأيت شحوم الميتة فإنه يدهن بها السفن، والجلود ويستصبح بها الناس)، قال: «لا، هي حرام!»، ثم قال عند ذلك: «قاتل الله اليهود: إن الله لما حرم عليهم شحومها أجملوه ثم باعوه فاكلوا ثمنه!»، وحديث عمرو بن شعيب عن أبيه

And a similar relevant references appear in «سنن البيهقي الكبرى» according to *Abd-Allah bin Amrou bin Al-Aass*: [*Abu Zakkaria bin Abi Isshaq* and *Abu Bakr Ahmad bin Al-Hassan* informed us saying: *Abu Al-Abbaass Muhammad bin Yaqoub* told us: *Muhammad bin Abdullah bin Abd-ul-Hakam* informed us: *Bin Wahb* told me *Usama bin Zaid* told me, according to *Amrou bin Shu'aeb* according to his father according to his grandfather said: I heard the Messenger of Allah (saas), say in the year of the Victory while he was in Mecca

## Appendix One

«إن الله ورسوله حرم بيع الخمر والميتة والخنزير والأصنام»

that Allah and his Prophet forbid the selling of Khamr and carrion and pig and idols. It was said: (O Messenger of Allah: have you seen the fat of carrions?! The fat is used to coat ships, to oil leather, and as for lighting by people!), he said: “No: It is forbidden!”, and then the Messenger of Allah (saas) said at that moment: “Allah fought the Jews: that when Allah forbade them the animal fat they collected it then sold it and so ate its price!”. The Hadeeth of *Amrou bin Shu’aeb* according to his father according to his grandfather, about whom there is criticism as well-known in scholarly circles, is generally good, there are known references to support the above making it correct and authentic.

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عن جده فيه الكلام المعروف، وهو حسن في الجملة، ويصح بشهادة ما سبق.

\* ويصدق ما جاء في «سنن أبي داود» عن أبي هريرة: [حدثنا أحمد بن صالح ثنا عبد الله بن وهب ثنا معاوية بن صالح عن عبد الوهاب بن بخت عن أبي الزناد عن الأعرج عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال: «إن الله حرم الخمر وثمنها، وحرم الميتة وثمنها، وحرم الخنزير وثمنه»]، وقال الألباني: (صحيح)، قلت: ليس معاوية بن صالح، قاضي الأندلس، من أهل الصحيح المطلق، الذي تقوم به الحجة بذاته، وإن أخرج له مسلم، فقد أخرج له الإمام مسلم في «الصحيح»، وإن كان حديثه حسناً، فهذا الحديث صحيح بشهادة الأحاديث السابقة.

- And this is supported in «سنن أبي داود» according to *Abu Huraera*: [*Ahmad bin Salih* told us, *Abd-u-llah bin Wahb* told us, *Mu'awiya bin Salih* told us, according to *Abd-ul-Wahhaab bin Bukht* according to *Ab-il-Zinad* according to *Al-A'raj* according to *Abi Huraira* that the Messenger of Allah (saas) said:

«إن الله حرم الخمر وثمنها، وحرم الميتة وثمنها، وحرم الخنزير وثمنه» that Allah forbade Khamr and its price, and forbade a carrion and its price, and forbade pig and its price], and *Al-Albani* said: (correct and authentic). I said: *Mu'awiya bin Salih*, judge of *Al-Andalus* is not one of those who have absolute correctness, which produce convincing evidence, although *Imam Muslim* publishes his reports in «الصحيح». But his Hadeeth is good, at least, so this report is correct and authentic as evidenced by the foregoing Hadeeths.

\* وجاء في «موطأ مالك»، (ج: ٢، ص: ٨٤٦) بإسناد صحيح عن عبد الله بن عباس: [عن زيد بن اسلم عن بن وعة المصري أنه سأل عبد الله بن عباس عما يعصر من العنب فقال بن عباس: أهدى رجل لرسول الله، صلى الله عليه وسلم، رواية خمر فقال له رسول الله، صلى الله عليه وسلم، «أما علمت أن الله حرمها؟» قال لا فساره رجل إلى جنبه فقال له، صلى الله عليه وسلم، «يم ساروتها؟»، فقال: (أمرته أن يبيعها)، فقال له رسول الله، صلى الله عليه وسلم: «إن الذي حرم شربها، حرم بيعها!»، ففتح الرجل المزادتين حتى ذهب ما فيهما]

\* And in «موطأ مالك» (Section: 2 page:846) corroborated as correct and authentic according to *Abd--Ullah bin Abbaas*: [according to *Zaid bin Aslam* according to *bin Wa'la Al-Missri* that he asked *Abd-Ullah bin Abbaas* as to what is squeezed out of grapes. *Bin Abbaas* said: a man gave a gift to the Messenger of Allah (saas), a container of Khamr and the Messenger of Allah (saas) said to him:

«أما علمت أن الله حرمها؟» "Do you not know that Allah forbade it?!" the man said no and whisapered to another man by his side, the Messenger of Allah (saas) said to the him: «يم ساروتها؟» "For what purpose did you whisapere to him?!" the man said: (I ordered him to sell it), the Messenger of Allah (saas) said: «إن الذي حرم شربها، حرم بيعها!» "He who forbade consuming it, forbade selling it!" so the man opened the two chambers of the container and until the content was gone]

\* وجاء في «صحيح الإمام مسلم» عن أنس: [حدثنا يحيى بن يحيى أخبرنا عبد الرحمن بن مهدي (ح) وحدثنا زهير بن حرب حدثنا عبد الرحمن بن سفيان عن السدي عن يحيى بن عباد عن أنس أن النبي صلى الله عليه وسلم، سئل عن (الخمر) تتخذ خلا فقال: «لا»].

\*And in [6] according to *Anas*: [*Yahya bin Yahya* told us, *Abd-ul-Rahman bin Mahdi* informed us (*H*) *Zuhair bin Harb* told us *Abd-ul-Rahman* told us, according to *Sufian* according to *Al-Suddi* according to *Yahya bin Abbaad* according to *Anas* that the Prophet (saas), was asked on Khamr taken as vinegar, said "No".

قلت: الكلام هنا عن (تملك المسلم) للخمر، بوصفها خمرًا، وبقائها في ملكه ولو لطرفة عين، وهذا لا يجوز أصلاً، بغض النظر عما يراد أن يفعل بها، وليس هو تحريم للتخليل، أي لعملية التخليل، أصلاً. ولو عصى مسلم الله فأبقاها في حوزته فتخللت بنفسها، أو خللها عمداً، فالخل الناتج حلال طيب طاهر. فلا علاقة للحديث بحرمة عملية التخليل، ولا بجواز تملكها، ومن ثم تخليها، لغير المسلم، فتلك مواضع أخرى، تحكمها نصوص أخرى.

I said: the discussion here is about (possession by a Muslim) of Khamr, of its description as Khamr, and of it remaining in the Muslim's possession even for a blink of an eye, this is forbidden in principle, regardless of the purpose for the possession, and this is not the forbiddance the production of vinegar, or the process of producing vinegar, originally. If a Muslim disobeys Allah and kept it [grapes, etc – ed] in his possession so that it fermented on its own, or if the Muslim deliberately fermented it, then the resulting vinegar is well-favoured livelihood. This *Hadeeth* is not connected to the process of fermentation, or to possibility of its possession, and the subsequent fermentation, for non Muslims, as these are separate subjects governed by other texts.

\* وجاء في «صحيح الإمام مسلم»: [حدثنا محمد بن المثنى ومحمد بن بشار واللفظ ل المثنى قالوا حدثنا محمد بن جعفر حدثنا شعبة عن سماك بن حرب عن علقمة بن وائل عن أبيه وائل الحضرمي أن طارق بن سويد الجعفي سأل النبي، صلى الله عليه وسلم، عن الخمر فنهاه أو كره أن يصنعها فقال: (إنما أصنعها للدواء)، فقال: «إنه ليس بدواء، ولكنه داء»]

\* And in [6]: [Muhammad bin Al-Muthanna and Muhammad bin Bash-shaar (and the wording is of Al-Muthanna) said Muhammad bin Ja'far told us, Shu'ba told us, according to Simaak bin Harb according to 'Alqamah bin Waa'il according to his father Waa'il Al-Hadhrany that Taariq bin Suweid Al-Ja'fy asked the Prophet (saas), about Khamr so the Prophet deterred him or made making it hateful to him so he said "I only make it to use as medicine", so he said «إنه ليس بدواء، ولكنه داء» : [It is not a medicine but a disease".]

قلت: وهذا كذلك ليس كما توهم من تسطح فكره، وسخف رأيه، فاعتاد القراءة السطحية المتعجلة لنصوص الشرع فظن أنه تحريم للتداوي بالخمر حالة الضرورة الملجئة، أو تحريم لصنع دواء يحتوي الكحول فهو دواء أصلاً، ولا يصلح شرباً. وإنما هو تحريم لصنعها خمرًا في الأصل، تصلح للشرب والاستمتاع، ثم تعاطيها بانتظام بدعوى أن فيها منافع صحية، ولو بكميات قليلة. ولا شك أن في الخمر منافع صحية إذا شربت باعتدال، ومنافع أخرى اقتصادية، ولكن إثمها أكبر من نفعها، بنص القرآن.

I said: and this is not as imagined by those who think superficially and who have silly opinions, so that they get used to reading Sharia texts superficially and quickly and think that the forbiddance applies to using Khamr as medicine in cases of urgent necessity, or that the forbiddance applies to the manufacture of medicine which contains Alcohol as it is originally a medicine, and cannot be used as a drink. Rather, the forbiddance is for the production of Khamr originally for the purpose of consumption and enjoyment, then its regular consumption on the pretext that it has health benefits, even though such consumption is in small quantities. There is no doubt that Khamr has health benefits if consumed in moderation, and other economic benefits, but its evil and harm exceeds its benefits, as stated in the Qur'aan.

\* وجاء في «سنن الدارقطني»: [حدثنا علي بن محمد المصري نا عمرو بن خالد نا أبي نا موسى بن أعين عن ليث عن يحيى بن عباد عن أنس بن مالك قال حدثني أبو طلحة (عم أنس بن مالك) أنه كان عنده مال ليتامى فاشتري به خمرًا قال فنزل تحريم الخمر (قال: وما خمرنا يومئذ إلا من التمر) قال: فأتيت النبي صلى الله عليه وسلم فقلت له إنه كان عندي مال يتيم فاشتريت به خمرًا قبل أن تحرم الخمر فأمرني أكسر الدنان وأهريقه فأتيته ثلاث مرات كل

ذلك يأمرني أن أكسر الدنان وأهريقه]، ولكن ليث بن أبي سليم اختلط بأخرة ولام يتميز حديثه فترك، فإن صح هذا فهو دليل لما أسلفنا أن الخمر لا يجوز تملكها لمسلم، ولو كان يتيمًا محتاجاً.

### **Appendix One**

And in [9]: [ *Ali bin Muhammad Al-Missri* told us, *Amrou bin Khali* told us, *my father informed us*, *mousa bin A'ayen informed us*, according to *Leith*, according to *Yahya bin Abbaad* according to *Anas bin Malik*, he said: *Abu Talha* (uncle of *Anas bin Malik*) told me that he had money for orphans and he used it to buy Khamr and so the forbiddance of Khamr was passed (He said: our Khamr then only came from dates) he said: so I came to the Prophet (saas) and I said to him that I had money of an orphan and I used it to buy Khamr before the forbiddance of Khamr so he ordered me to break the containers and spill their contents and I came to him three times and each time he ordered me to break the containers and spill their contents] .

But *Laith bin Abi Saleem* has mixed up his reports in his later life in such a manner that correct and authentic narrations cannot be distinguished from faulty ones. If this proves to be authentic then it would be evidence to what we said above that it is forbidden for a *Muslim* to possess Khamr, even, if he were a needy orphan.

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\* وجاء في «مسند الإمام أحمد بن حنبل»: [حدثنا روح ثنا عبد الحميد بن بهرام قال سمعت شهر بن حوشب قال حدثني عبد الرحمن بن غنم ان الداري كان يهدي لرسول الله صلى الله عليه وسلم كل عام راوية من خمر فلما كان عام حرمت فجاء براوية فلما نظر إليه نبي الله صلى الله عليه وسلم، ضحك قال: «هل شعرت انها قد حرمت بعدك؟!»، قال: (يا رسول الله: أفلا أبيعها فانتفع بثمنها؟!)، فقال رسول الله صلى الله عليه وسلم: «لعن الله اليهود انطلقوا إلى ما حرم عليهم من شحوم البقر والغنم فاذابوه فجعلوه ثمنا له فباعوا به ما يأكلون: وان الخمر حرام وثمرتها حرام، وان الخمر حرام وثمرتها حرام، وان الخمر حرام وثمرتها حرام»، قلت: ولكن شهر بن حوشب كثير الخطأ والوهم، فالإسناد في أحسن أحواله حسن.

\* And in [10]: [Rawh told us, Abd-ul-Hameed bin Bahram said: I heard Shahr bin Hawshab say Abd-ul-Rahman bin Ghanm told me that Al-Daari used to give a gift to the Messenger of Allah each year which was a container of Khamr, and when it was the year of forbiddance he came to the Messenger of Allah with the Khamr container and when the Messenger (saas) looked towards him,

he laughed and said: «هل شعرت انها قد حرمت بعدك?!» "Did you perceive the forbiddance did come after you (left last time)?!". He said: (O Messenger of Allah: Am I not to sell it then benefit from its

«لعن الله اليهود انطلقوا إلى value?!), then the Messenger of Allah (saas) said: ما حرم عليهم من شحوم البقر والغنم فاذابوه فجعلوه ثمنا له فباعوا به ما يأكلون:

“Allah damned the Jews: they went to what was forbidden to them from the fat of cows and sheep then they melted it, then they put a price on it, then they sold it to buy what they eat”

وان الخمر حرام وثمرتها حرام، وان الخمر حرام وثمرتها حرام، وان الخمر حرام وثمرتها حرام،

“Indeed Khamr is forbidden and its price is forbidden, Indeed Khamr is forbidden and its price is forbidden, Indeed Khamr is forbidden and its price is forbidden”, I say: but *Shahr bin Hawshab* is often mistaken and deluded, so under the best circumstances the reference is good.

\* وما جاء في «المعجم الكبير»: [حدثنا محمد بن عبد الله الحضرمي ثنا الحسن بن حماد ثنا يحيى الحماني عن يوسف بن ميمون عن كرز عن عطاء عن بن عباس قال لما فتح رسول الله صلى الله عليه وسلم مكة قال: «إن الله، عز وجل، ورسوله، حرم عليكم الخمر وثمرتها وحرم عليكم الميتة وثمرتها وحرم عليكم الخنازير وأكلها وثمرتها»، وقال قصصوا الشوارب واعفوا اللحى ولا تمشوا في الأسواق إلا وعليكم الأزر إنه ليس منا من عمل بسنة غيرنا، ولكن يحيى الحماني، وإن كان حافظاً أكثر، إلا أنه متهم بسرقة الحديث!

\* And in the [11] [Muhammad bin Abdullah Al-Hadhrany told us Al-Hasan bin Hamaad told us, Yahya Al-Himmaany according to Yusuf bin Maimoun according to Kurz according to 'Ataa' according to Bin Abbaas said when the Messenger of Allah (saas) triumphed in Mecca he said: «إن الله،

عز وجل، ورسوله، حرم عليكم الخمر وثمرتها وحرم عليكم الميتة وثمرتها وحرم عليكم الخنازير وأكلها وثمرتها»

“That Allah (awj), and his Messenger, forbid you Khamr and its price and forbid you the carrion and its price and forbid you the pigs and eating of pigs and the price of pigs” and said cut the moustaches and leave the beards and do not walk in the markets without wearing Al-Izaars: He who follows the ways of others is not one of us], but *Yahya Al-Himmaany*, although he memorised and reported many Hadeeths perfectly, is accused of stealing some Hadeeths!

## Appendix One

\* وما جاء في «**الأحاد والثاني**»: [حدثنا أبو سعيد دحيم نا الوليد بن مسلم عن بن لهيعة عن سليمان بن عبد الرحمن الدمشقي أن نافع بن كيسان حدثه أن أباه كيسان رضي الله تعالى عنه حدثه أنه كان يتجر في الخمر وأنه قد مر بها من الشام بزقاق منها فأخبره رسول الله صلى الله عليه وسلم فقال إنها قد حرمت وثمرها حرام فانطلق كيسان رضي الله تعالى عنه بأرجلها فأهرقها جميعاً]، قلت: وهذا لا تقوم به حجة: الوليد بن مسلم يدلّس أقبح التدليس فلا يحتج به إلا إذا صرح بالتحديث عن شيوخه وكان مسلسلاً بالتحديث إلى منتهاه، وابن لهيعة خلط بعد احتراق كتبه.

\* And in [12]: [Abu Sa'eed Duhaime told us, Al-Waleed bin Muslim informed us, according to bin Lahee'a according to Sulaiman bin Abd-ul-Rahman Al-Dimashqi that Naafi' bin Kaysan told him that his father Kaysan (rata) told him that he used to trade in Khamr and that when he passed through coming from Syria, the Messenger of Allah told him and said that it had been forbidden and its price is forbidden so Kaysan (rata) rushed and he poured them all] .

**I say:** this is cannot be authoritative: Al-Waleed Bin Muslim quotes from doubtful authorities in the worst manner and can not be relied on unless he explicitly states hearing it directly from his source, and all parts of the Hadeeth were consecutive until its end. Moreover Ibn Lahee'a was confused after his books burned.

\* وجاء أثر عن ابن عباس في «**سنن البيهقي الكبرى**»: [أخبرنا أبو عبد الله الحافظ وأبو بكر أحمد بن الحسن القاضي وأبو سعيد بن أبي عمرو قالوا أنبأ أبو العباس محمد بن يعقوب ثنا العباس بن محمد الدوري ثنا يوسف بن مروان النسائي ثنا عبيد الله بن عمرو الرقي عن زيد بن أبي أنيسة عن يحيى بن عبيد النخعي عن بن عباس قال: أتاه قوم فسألوه عن بيع الخمر واشترائه والتجارة فيه فقال ابن عباس: (أمسلمون أنتم؟!)، فقالوا: (نعم)، قال: **(فإنه لا يصلح بيعه ولا شراؤه ولا التجارة فيه لمسلم)**؛ إنما مثل من فعل ذلك منكم مثل بني إسرائيل حرمت عليهم الشحوم فلم ياكلوها فباعوها وأكلوا أثمانها!)، ثم سألوا عن الطلاء فقال بن عباس: (وما طلائكم هذا؟) إذا سألتموني فبينوا لي الذي تسألوني عنه؟!)، قالوا: (هو العنب يعصر ثم يطبخ ثم يجعل في الدنان)، قال: (وما الدنان؟!)، قالوا: (دنان مقيرة!)، قال: (مزفته؟!)، فقالوا: (نعم!)، قال: (أيسكر؟!)، قالوا: (إذا أكثر منه أسكر!)، قال: (فكل مسكر حرام!)، والحديث في «**صحيح الإمام مسلم**» مختصراً، وفي غيره مطولاً ومختصراً، كما هو بتعدد الطرق في الفصل المعنون: **(فصل: توقيت النبيذ)** من الملحق الثاني.

- And there is a refernce according to Ibn Abbaas in [1]: [*Abu Abdullah Al-Hafith and Abu Bakr Ahmad bin Al-Hasan Al-Qadhi and Abu Sa'eed bin Abi Amrou* informed us saying: Abu Al-Abbaas Muhamed bin Yaqoub told us, Al-Abbaas bin Muhammad Al-Douri told us, Yusuf bin Marwaan Al-Nasaa'y told us, Ubaidullah bin Amrou Al-Raqqi told us, according to Zaid bin Abi Aneesah according to Yahya bin Ubaid Al-Nakha'y according to bin Abbaas he said: People came to him and asked him about the sale of Khamr and its putrchase and about trade in Khamr and Ibn Abbaas said: (Are you Muslims ?!), they said: (Yes), he said: **(فإنه لا يصلح بيعه ولا شراؤه ولا التجارة فيه لمسلم)** (It is not right for a Muslim to buy and sell and trade in Khamr), then they asked about the Tilaa'so Ibn Abbaas said: (What is this Tilaa' of yours: if you are asking me about something then explain to me what you are asking about?!), and they said: (it is grape which is pressed then cooked then left in in Al-Dinaan [container] ), he said: (And what is Al-Dinaan?!), they said (Dinaan coated with pitch?!), he said: (asphalted?!), they said: (Yes!), he said: (Is it intoxicating?!), they said: (If drunk in large quantities, then it is intoxicating!), he said: (every intoxicant is forbidden)], and the text in [6] is abbreviated, and in others it is expanded and abbreviated, as it with the listing of the ways in the chapter entitled: (Chapter: the timing of Khamric drinks) in Appendix Two.



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\* وجاء في «سنن الدارمي» أثر آخر عن ابن عباس: [أخبرنا أحمد بن خالد ثنا محمد هو بن إسحاق عن عبد

الرحمن بن يزيد عن أبي القعقاع بن حكيم عن عبد الرحمن بن ولة قال: سألت بن عباس عن جلود الميتة فقال قال رسول الله صلى الله عليه وسلم: «بأعها طهورها»، وسألته عن بيع الخمر من أهل الذمة، فقلت له: (إن لنا أعناباً، وأنا نتخذ منها هذه الخمر فنبيعها من أهل الذمة؟! قال بن عباس: (أهدى رجل من ثقيف أو دوس لرسول الله صلى الله عليه وسلم، رواية من خمر في حجة الوداع فقال له النبي، صلى الله عليه وسلم: «أما علمت يا أبا فلان أن الله قد حرمها؟!»، قال: (لا والله!))، قال: «فإن الله قد حرمها!»، فالتفت إلى غلامه فقال: (أخرج بها إلى الضرورة فبيعها!)، فقال رسول الله صلى الله عليه وسلم: «أوما علمت يا أبا فلان أن الذي حرم شربها: حرم بيعها؟!»، قال: فأمر بها فأفرغت في البطحاء، وهو أيضاً في «سنن الدارمي» باختصار طفيف، وهو في «مسند أبي يعلى» بنحوه، من غير ذكر جلود الميتة. قلت: ولكن عبد الرحمن بن يزيد البيلماني ضعيف، لا يحتج به!

\* And in [13] there is another reference according to Ibn Abbaas: [Ahmad bin Khalid informed us, Muhammad (who is Bin Is-haaq) told us, according to Abd-ul-Rahman bin Yazeed according to Abi Al-Qa'qa' bin Hakeem according to Abd-ul-Rahman bin Wa'la he said: I asked Bin Abbaas

about the leather of carrions and he said the Messenger of Allah (saas) said: «بأعها طهورها» (The process of tanning cleanses it) and I asked him about the sale of Khamr from non-muslims, so I said to him: (We have grapes, and if make Khamr out of these grapes then sell it to non-muslims?!). Bin Abbaas said: (A man from Thaqeef or Dawss presented a gift to the Messenger of Allah (saas) during the final pilgrimage to Mecca a container of Khamr so the Messenger of Allah said:

”Did you not know (o’father of someone) that Allah has forbidden it?!” he said (No by Allah!), he said: «فإن الله قد حرمها!»”Indeed Allah has forbidden it!”, so he turned to his son/boy and said: (Take it to the market and sell it!), and then the Messenger of Allah (saas):

«أوما علمت يا أبا فلان أن الذي حرم شربها: حرم بيعها?!»”Did you not know (o’father of someone) that He who forbade its drinking: forbade its selling?!” He said: then and he ordered that it be emptied on the sandy soil], and it also appears in [13] with minor abbreviation, and it also appears in [15], without a mention of the skin of carrions. **I say:** but Abd-ul-Rahman bin Yazeed Al-Baylamaani is weak, cannot be relied on!

\* وجاء في «موطأ مالك»، (ج: ٢ ص: ٨٤٨): بإسناد صحيح: [عن نافع عن عبد الله بن عمر أن رجلاً من أهل العراق قالوا له: (يا أبا عبد الرحمن: انا نبتاع من ثمر النخل والعنب، فنعصره خمرًا فنبيعها؟!))، فقال عبد الله بن عمر: (إني أشهد الله عليكم وملائكته ومن سمع من الجن والإنس اني لا أمركم ان تبيعوها، ولا تبتاعوها، ولا تعصروها، ولا تشربوها، ولا تسقوها: فإنها رجس من عمل الشيطان)

And in [8] (Chapter: 2, page: 848): with a correct and authentic reference [according to Naafi’ according to Abdullah bin Umar that men from Iraq said to him: (O’Aba Abd-ul-Rahman: we benefit from the value/price of dates and grapes, we squeeze them into Khamr then sell it?!), and Abdullah Bin Umar said:

عمر: (إني أشهد الله عليكم وملائكته ومن سمع من الجن والإنس اني لا أمركم ان تبيعوها، ولا تبتاعوها، ولا تعصروها، ولا تشربوها، ولا تسقوها: فإنها رجس من عمل الشيطان)

(My Allah be my witness and his Angels and whoever hears from man or Jinn that I command you not to sell it, and not to buy it, and not to squeeze it, and not to drink it, and not to serve it/offer it/pour it: for it is an abomination from the work of Satan)]

## Appendix One

\* وما جاء في «مسند ابن الجعد»: [أنا شريك عن زياد بن قياض عن أبي عياض قال: سألت بن عمر أو قال سئل بن عمر وأنا أسمع عن بيع الخمر قال: (لا، وسمع الله: لا يحل بيعها ولا ابتاعها)]. قلت: لا خوف هنا إلا من تدليس شريك لأنه ربما دلس المنكرات عن الثقات، وهو مع هذا ليس بالمتقن.

\* And in [32]: [Shurayk informed us: according to Ziad Bin Fayyaadh according to Abi Iyaadh he said: I asked Bin Umar or he said Bin Umar was asked and I hear about sale of Khamr he said: (No, and Allah heard: It is not permitted to sell it or to buy it)], I said: there is no fear here except from the unreliability of Shurayk because he may deceive by atributing the Munkarat [inacceptable narrations which must be rejected] to the Thiqat [trustworthy narrators], and in addition to this, he is not that strong.

**والخلاصة أن تحريم بيع الخمر على المسلمين ثابت لا شك فيه: فهي حرام شربها، ويحرم على المسلم تملكها، وحرام بيعها وشراؤها.**

And in summary, the forbiddance of Khamr on Muslims is definite and there is no room for doubt: for drinking it is forbidden, it is forbidden for a Muslim to possess it, and it is forbidden to buy it and to sell it.

\* بل وجاء في «سنن الترمذي» أشد من ذلك عن أنس بن مالك: [حدثنا عبد الله بن منير قال سمعت أبا عاصم عن شبيب بن بشر عن أنس بن مالك قال: لعن رسول الله صلى الله عليه وسلم في الخمر عشرة: «عاصرها ومعتصرها وشاربها وحاملها والمحمولة إليه وساقياها وبائعها وأكل ثمنها والمشتري لها والمشتراة له»]. ثم قال الإمام أبو عيسى الترمذي: (هذا حديث غريب من حديث أنس وقد روي نحو هذا عن بن عباس وابن مسعود وابن عمر عن النبي صلى الله عليه وسلم)، وقال الألباني: (حسن صحيح)، وهو في «سنن ابن ماجه» وقال الألباني أيضاً: (صحيح). قلت: لم يصب الألباني إذ قال حسن صحيح، إن كان مقصده كالعادة أنه حسن لذاته، صحيح لغيره، ولعله اغتر بقول الحافظ في «التقريب» عن شبيب بن بشر البجلي: (صدوق يخطئ)، وكان الأولى بالحافظ أن يقول: (صدوق يخطئ كثيراً)، لأن شبيب بن بشر البجلي لا يكاد يعرف، وهو مع هذا مختلف فيه، فقد قال يحيى بن معين: (ثقة)، ولكن قال أبو حاتم: (لين الحديث، يشبه حديثه حديث الشيوخ)، أي أنه لين، ولكن أحاديثه ليست منكراً، وقال ابن حبان، المعروف بتساهله: (يخطئ كثيراً).

\* But in [27] a stricter restriction is reported according to Anas Bin Malik: [Abdullah Bin Muneer told us he heard Abu ‘Aasim according to Shabeeb Bin Bishr according to Anas Bin Malik he said: The Messenger of Allah (saas) CURSED (LA’AN) ten aspects relating to Khamr: “one who squeezes it, the juice itself, he who drinks it, he who carries it, he to whom it is carried, he who serves it, he who sells it, he who eats food bought with its value, he who buys it, and he for whom it is bought”], then Imaam Abu Issa Al-Tirmithi said: (this is a strange text being narrated from Anas. Similar text around this subject has been narrated according to Ibn Abbaas and Ibn Mas’ood and Ibn Umar from the Prophet (saas)). Al-Albani said: (good, correct and authentic), and in [2] Al-Albani also says: (correct and authentic). I said: Al-Albani was not correct if he said good correct, if what he meant as usual that the narration chain is good for itself, but correct and authentic due to other

corroborating chains and evidences,. Maybe he was misled by what Al-Haafithh says in «التقريب» about Shabeeb Bin Basheer Al-Bajali: (SADOUQ, errs), and Al-Haafithh should have said: (SADOUQ, errs a lot), because Shabeeb Bin Bishr Al-Bajali is barely known, and scholars disagree about him. Yahya Bin Ma’een said: (THIQA), but Abu Haatim said: (his Hadeeth is soft, his Hadeeth resembles the Hadeeth of other elders), that means: He is soft, but his Hadeeths, being similar to the reports of trustworthy authorities, are neither objectionable nor worthy of rejection. Ibn Hibbaan, who is known for leniency, says: (He errs often).

## Appendix One

\* ولكن يصدق ما جاء في «سنن البيهقي الكبرى» عن ابن عمر: [أخبرنا أبو عبد الله الحافظ وأبو سعيد بن أبي عمرو قالا ثنا أبو العباس محمد بن يعقوب ثنا محمد بن إسحاق الصغاني ثنا أبو نعيم ثنا عبد العزيز بن عمر بن عبد العزيز عن عبد الله بن عبد الرحمن الغافقي من أهل مصر ومولى لنا يقال له أبو طعمة أنهما خرجا من مصر حاجين فجلسا إلى بن عمر، فذكر القصة، فقال بن عمر: أشهد لسمعت رسول الله صلى الله عليه وسلم، وهو يقول:

\* But this is supported by what appears in [1] according to Ibn Umar: [Abu Abdullah Al-Haafithh and Abu Sa'eed Bin Abi Amrou said: Abu Al-'Abbaas Muhammad Bin Ya'qoob told us: Muhammad Bin Is-haaq Al-SSaaghany told us: Abu Nu'aim told us: Abd-ul-Azeez Bin Umar Bin Abd-ul-Azeez told us: according to Abdullah Ibn Abd-ul-Rahman Al-Ghaafiqy (from the people of Egypt) and a MAWLA (ally) of us (who was called Abu Tu'ma) that they left Egypt on the pilgrimage and they sat to Ibn Umar, and he recalled the story, and Bin Umar said: I witness that I heard the Messenger of Allah (saas), while He was saying:

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«لعن الخمر وشاربها وساقياها ويأثعها ومبتاعها وعاصرها ومعتصرها وحاملها والمحمولة إليه وأكل ثمنها» [، وهو أيضاً في «سنن أبي داود» باختصار، وفي «سنن ابن ماجه»، وقال الألباني كعادته في المجازفة: (صحيح)، وهو في «سنن البيهقي الكبرى» من طريق أبي داود.

قلت: هذا إسناد لا بأس به بذاته، وهو أقوم من حديث شبيب بن بشر عن أنس بن مالك، إذ أن أمير الأندلس عبد الرحمن بن عبد الله الغافقي، وهو مجاهد فاضل استشهد عام ١١٦ هـ في معركة بلاط الشهداء (معركة تور-بواتيه) ليس معروفاً بالحديث، ولكنه يعتضد بأبي طعمة، واسمه هلال، أصله من الشام، وسكن مصر، وكان يقص بها ويقرئ القرآن، من موالى آل مروان، وثقه الإمام محمد بن عبد الله بن عمار الموصلي، وقيل أن الإمام مكحول كذبه، والحق أن الإمام مكحول سمعه يحدث بحديث أو يفتي بفتيا، فقال: (نروه يكذب)، وهذا ليس بالضرورة اتهاماً بالكذب بالمعنى الاصطلاحي. أما عبد العزيز بن عمر فهو عبد العزيز بن أمير المؤمنين عمر بن عبد العزيز بن مروان لا بأس به، أخرج له الشيخان والجماعة، وروى عنه الناس، وإن لم يكن من أكابر المتقنين. فالحديث إذاً صحيح، تقوم به الحجة، بمتابعة عبد الله بن عبد الله بن عمر عن أبيه لهما، كما هي في «مسند الإمام أحمد بن حنبل» وفي «المستدرک علی الصحيحین للإمام الحاكم»، وبالطرق الأخرى عن أبي طعمة في «مسند الإمام أحمد بن حنبل» وفي «سنن البيهقي الكبرى»، وباعتبار طريق شبيب بن بشر عن أنس بن مالك أنفة الذكر.

“Damn the Khamr and who drinks it and who serves it and who buys it and who sells it and who squeezes it and the squeezed juice itself and who carries it and to whom it is carried and who consumes its value”]. This also appears in [7] in abbreviation, and in [2] and Al-Albani said as it is his custom to take risks: (correct and authentic), and it also appears in [1] from the way of Abi Dawood.

I said: this reference is adequate in itself, and it is better than Hadeeth of Shabeeb Bin Basheer according to Anas Bin Malik, for the Ameer of Andalusia Abd-ul-Rahman Bin Abdullah Al-Ghafiqi is a noble Mujahid, who was martyred in the year of 116 Hijra in the battle of the Court of Martyrs (battle of Tour-Poitier), is not known for his Hadeeth professionalism, but his narration is corroborated by Abu Tu'ma, whose name is Hilal, and he is from Syria. Abu Tu'ma lived in Egypt, and he used to tell stories from history and was a Qur'aan reader, allied to Aal-Marwaan clan. Imaam Muhammad Bin Abdullah Bin Amaar Al-Mousely declared him trustworthy. But it was said that Imaam Mak-hool contradicted him, and the truth is that Imaam Mak-hool heard him tells a Hadeeth or gives a ruling, and he said: (based on lies), and this is not necessarily an accusation of lying in the technical sense. As for Abd-ul-Azeez Bin Umar Bin, he is Abd-ul-Azeez the son of Ameer-ul-Mu'mineen Umar Bin Abd-ul-Azeez Bin Marwaan is not bad as a narrator, his Hadeeths were published by the two Sheikhs (Bukhary and Muslim) and the Jama'a (The compiler of the other Four Books of Sunnah), and all scholars narrated his Hadeeths, although he was not one of the great perfectionists. The Hadeeth is thus correct and authentic, suitable as an authority due to the corroborating narration by Abdullah Bin Abdullah Bin Umar from his father as it appears in [10] and in [47] and it appears in other ways according to Abi Tu'ma in [10] and in [1] and by taking the way of Shabeeb Bin Bishr from Anas Bin Malik into consideration, as mentioned previously.

\* وهو في «مسند الإمام أحمد بن حنبل» من طريق ابن لهيعة عن أبي طعمة في قصة منكراً: [حدثنا عبد الله ثنا أبي ثنا حسن ثنا بن لهيعة ثنا أبو طعمة (قال بن لهيعة لا أعرف أيش اسمه) قال سمعت عبد الله بن عمر يقول: خرج رسول الله، صلى الله عليه وسلم، إلى المريد فخرجت معه فكنت عن يمينه وأقبل أبو بكر فتأخرت له فكان عن يمينه وكنت عن يساره ثم أقبل عمر ففتحني له فكان عن يساره فأتاني رسول الله، صلى الله عليه وسلم، المريد فإذا بأزقاق على المريد فيها خمر قال بن عمر فدعاني رسول الله، صلى الله عليه وسلم، بالمدينة قال: (وما عرفت المدينة إلا يومئذ)، فأمر بالزقاق فشقت ثم قال: «لعن الخمر وشاربها وساقياها ويأثعها ومبتاعها وحاملها والمحمولة إليه وعاصرها ومعتصرها وأكل ثمنها»].

\* And in [10] in the way of Ibn Lahee'a according to Abi Tou'ma in an odd story, objectionable and worthy of rejection: [Abdullah told us bi told us Ibn Lahee'a told us Abu Tu'mah (Ibn Lahee'a said I don't know what is his name) said I heard Abdullah Bin Umar say: The Messenger of Allah

## Appendix One

(saas) went to Al-Marbad and I went with him and I was to his right and Abu Baker came so I allowed him to take my place so that he was to his right and I was to his left and then Umar came so I moved out of his way so that he was to his left and the Messenger of Allah arrived at Al-Marbad and it appeared that the skin containers of Al-Marbad had Khamr in them Bin Umar said the Messenger of Allah (saas) asked me for a Mudiah (knife). he said (I did not know the word Mudia until then), and he tore into the skin containers and then said: “Damn the Khamr and who drinks it and who serves it and who buys it and who sells it and who squeezes it and the squeezed juice itself and who carries it and to whom it is carried and who eats its value”].

قلت: قصة شق زقاق الخمر التي كانت في المريد زيادة منكراً تفرد بها ابن لهيعة عن أبي طعمة، ولعلها تسربت إلى ذهنه (أي ذهن ابن لهيعة) من حديث آخر باطل (سيأتي قريباً) فتداخل الحديثان في ذهنه.

I said: the story of splitting the skin containers that was in the Al-Marbad is an odd addition, objectionable and worthy of rejection, reported only by Ibn Lahee’a according to Abi Tou’ma, perhaps it sneaked into his mind (i.e. the mind of Ibn Lahee’a) from another invalid Hadeeth (to follow shortly) and the two Hadeeth somehow got mixed up in his mind.

\* وجاء نحو ذلك عن ابن عباس، رضي الله عنهما، كما هو في «مسند الإمام أحمد بن حنبل»: [حدثنا أبو عبد الرحمن ثنا حيوة أخبرني مالك بن خبير الزياتي أن مالك بن سعد التجيبي حدثه أنه سمع بن عباس يقول سمعت رسول الله صلى الله عليه وسلم، يقول: «أتاني جبريل فقال: يا محمد: ان الله، عز وجل، لعن الخمر وعاصرها ومعتصرها وشاربها وحاملها والمحمولة إليه وبائعها ومبتاعها وساقيها ومستقيها»]، وهو في «المنتخب من مسند عبد بن حميد» أيضاً، وفي «صحيح ابن حبان»، وقال الشيخ شعيب الأرنؤوط: (إسناده جيد). كما أنه بنحوه في «المعجم الكبير»، وهو في «المستدرک علی الصحیحین» من عدة طرق، وقال الحاكم: (هذا حديث صحيح الإسناد، وشاهده حديث عبد الله بن عمر، ولم يخرجاه)، وقال الذهبي في التلخيص: (صحيح)، وهو كما قال: صحيح بشواهده.

\* And on the same subject a similar narration has come from Ibn Abbaas (raa), as it appears in [10]: [Abu Abd-ul-Rahman told us, Haiwa told us, Malik Bin Khair Al-Ziyadi informed me, that Malik Bin Sa’ad Al-Tajeebi told him he heard Ibn Abbaas say I heard the Messenger of Allah (saas) say: Jibreel came to me and said: O Muhammad: Allah (AW), damned the Khamr and who squeezes it and the squeezed juice itself and who drinks it and who carries it and to whom it is carried and who buys it and who sells it and and who serves it and whom it is served to”]; and in [17] also and in [18] and Shaikh Shuaieb Al-Arna’oot said: (his reference is good). And in this respect in [11] and in [47] in several ways, and Al-Hakim said: (this Hadeeth is correctly referenced, and is corroborated by the Hadeeth of Abdullah Bin Umar, and they did not publish it), and Al-Thahabi said in his summarising: (correct and authentic), and it is indeed correct and authentic as they said: attested by the other narration witnessing its authenticity.

\* وفي «المستدرک علی الصحیحین» حديث آخر عن ابن عباس وعن عبد الله بن عمر كليهما: [حدثنا أبو العباس محمد بن يعقوب أنبأ محمد بن عبد الله بن عبد الحكم أنبأ بن وهب أخبرني عبد الرحمن بن شريح الخولاني (وابن لهيعة والليث بن سعد عن خالد بن يزيد عن ثابت بن يزيد الخولاني أخبره) أنه كان له عم يبيع الخمر، وكان يتصدق بثمره، فنهيته عنها فلم ينته، فقدمت المدينة فلقيت بن عباس فسأله عن الخمر وثمرها فقال: (هي حرام، وثمرها حرام)،

\* And in [47] is another Hadeeth according to Ibn Abbaas and according to Abdullah Bin Umar, both of them: [Abu Al-Abbaas Muhammad Bin Ya’qoob told us, Mohammed Bin Abdullah Bin Abd-ul-Hakam informed, Bin Wahb informed, Abd-ul-Rahman Bin Shureih Al-Khawlani informed me (and also Ibn Lahee’a and Al-Leith Bin Sa’ad) according to Khalid Bin Yazeed according to Thabit Bin Yazeed Al-Khawlani told him: that he had an uncle who sold Khamr, and he used to donate its earning to charity, so I admonished him o stop but he didn’t, so I came to Al-Madeena and met Bin Abbaas and asked him about the Khamr and its price/value and he said: (it is forbidden, and its value/price is forbidden),

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ثم قال: (يا معشر أمة محمد، صلى الله عليه وسلم، إنه لو كان كتاب بعد كتابكم أو نبي بعد نبيكم لأنزل فيكم كما أنزل فيمن كان قبلكم ولكن آخر ذلك من أمركم إلى يوم القيامة، ولعمري لهو أشد عليكم!): قال: ثم لقيت عبد الله بن عمر فسألته عن ثمن الخمر فقال: (سأخبرك عن الخمر: أني كنت عند رسول الله صلى الله عليه وسلم، في المسجد فبينما هو محتبي حل حبوته ثم قال من كان عنده من الخمر شيء فليؤذني به فجعل الناس يأتونه فيقول أحدهم عندي راوية خمر ويقول الآخر عندي راوية ويقول الآخر عندي زق أو ما شاء الله أن يكون عنده فقال رسول الله، صلى الله عليه وسلم، اجمعوه ببيع كذا وكذا ثم أذنوني ففعلوا ثم أذنوه قال فقمتم فمشيت وهو متكئ علي فلحقنا أبو بكر، رضي الله تعالى عنه، فأخذني رسول الله، صلى الله عليه وسلم، فجعلني عن يساره، وجعل أبا بكر مكاني، ثم لحقنا عمر فأخذني وجعلني عن يساره، فمشى بينهما، حتى إذا وقف على الخمر قال للناس: «أتعرفون هذه؟»، قالوا: (نعم يا رسول الله: هذه الخمر!)، قال: «صدقتم!»، ثم قال: «إن الله، تعالى، لعن الخمر وعاصرها ومعتصرها وشاربها وساقها وحاملها والمحمولة إليه وبائعها ومشتريها وأكل ثمنها»، ثم دعا بسكين، فقال: «اشحنوها!»، ففعلوا، ثم أخذها رسول الله، صلى الله عليه وسلم، يخرق بها الرزاق فقال الناس: (إن في هذه الرزاق لمنفعة!)، فقال: «أجل، ولكن إنما أفعل غضبا لله لا فيها من سخطه»، فقال عمر: (أنا أكفيك يا رسول الله!)، قال: «لا!»، وقال عبد الله بن وهب: (ويعضهم يزيد على بعض في الحديث)، ثم قال الحاكم: (هذا حديث صحيح الإسناد ولم يخرجاه)، وقال الذهبي في التلخيص: (صحيح)، وهو في «المعجم الكبير»، وفي «سنن البيهقي الكبرى» من غير طريق الحاكم.

Then he said: (O people of the Umma of Muhammad, (saas), if there were a Holy Book after your Holy Book or a Prophet after your Prophet then you would have been rebuked like the people who came before you. But your accounting has been delayed upto the day of Judgement, and by my life: This is even tougher for you!). He (Thabit Bin Yazeed Al-Khawlani) said: then I met Abd-Allah Bin Umar and I asked him about the price of Khamr and he said: (I will tell you about the Khamr: I was by the Messenger of Allah (saas), in the mosque and while he changed his posture and then said whoever posses Khamr let him bring it to me and made the people come to him and one of them says I have a container of Khamr and the other says I have a container and the other says I have a Ziqq, or whatever Allah may have permitted him to have, and the Messenger of Allah (saas) said collect it all in a Baqi' then call me. So they did, and then called him he said I got up and walked and he was leaning on me and Abu Bakr (rata) followed us, and the Messenger of Allah took me and placed me on his left, so he walked between the two , and then when he stood on the Khamr and said to the people: "Do you know this?!", and they said: "Yes O Messenger of Allah it is the Khamr!", he said: "You tell the truth!", he then said: «إن الله، تعالى، لعن الخمر وعاصرها ومعتصرها وشاربها»

وساقها وحاملها والمحمولة إليه وبائعها ومشتريها وأكل ثمنها “That Allah, the Exalted, damned the Khamr and who squeezes it and the juice that is squeezed and who drinks it and who serves it and who carries it and to whom it is carried and who buys it and who sells it and who eats its value/price”, he then he asked for a knife, and said: sharpen it!, so they did, tand then the Messenger of Allah (saas) took it and tore with it the skin so the people said: (There is benefit in this skin!), so he said: “Yes, but I only do to show Allah’s anger because of the exasperation in it”, Umar said: (I will do it for you O Messenger of Allah!), he said “No!”, and Abdullah Bin Wahb said: (and some of them add to this Hadeeth), and then Al-Hakim said: (this Hadisth is correct and authentic and they did not publish it), and Al-Thahabi said in the summary: (correct and authentic), and in the [11] and in [1] on other ways of Al-Hakim.

قلت: لم يوفق الإمامان الحاكم والذهبي في هذا التصحيح لأن ثابت بن يزيد الخولاني لا يكاد يعرف، ولم يوثقه إلا ابن حبان كعادته في توثيق المجاهيل، وقال بن يونس: (توفي قريبا من سنة عشرين ومائة). كما أن الغالب على الظن أن الإسناد منقطع لأن ثابت بن يزيد الخولاني هذا إنما يروي عن ابن عم له أو عن رجل عن عبد الله بن عمر، كما هو منصوص عليه في «التاريخ الكبير للإمام البخاري»، وكذلك في «الجرح والتعويل».

## Appendix One

I said: the two Imams Al-Hakim and Al-Thahabi were not right on this authentication of this Hadeeth because Thabit Bin Yazeed Al-Khawlani is barely known, and no scholar declared him trustworthy except only Ibn Hibbaan according to his rule of declaring the Unknowns (unknown narrators) trustworthy. Bin Younis said: (he died around the year of one hundred and twenty). Also, most likely is that the narration chain is broken, because Thabit Bin Yazeed Al-Khawlani reports according to a cousin of his or according to an unknown man according to Abd-Allah bin Umar, and not directly from Abd-Allah bin Umar, as is stated in [19] and also in **« الجرح والتعديل »**.

والظاهر أن قصة شق زقاق الخمر هذه، وهي قصة منكورة لا تثبت، هي التي تداخلت في ذهن ابن لهيعة في حديث ابن عمر من طريق أبي طعمة. وأما كون قصة شق زقاق الخمر هذه قصة منكورة لا تثبت فظاهر مما ثبت في (صحيح البخاري)، وغيره، أن الصحابة أراقوا ما عندهم من الخمر فور نزول التحريم حتى سالت بها شوارع المدينة، ولم يعد جمهورهم إليها بعد ذلك، فكانها انقرضت من المدينة، فأبي خمر بعد هذا بقيت بحيث تجمع في المربد أو البقيع وتشق أزقتها: لا ها الله!

And it appears that this story of tearing the skin of Khamr, which is not proven and is objectionable and worthy of rejection, got mixed up in the mind of Ibn Lahee'a in the Hadeeth of Ibn Umar by the way of Abi Tou'ma.

As for the story of the tearing of the skin of Khamr "being not proven and is objectionable and

worthy of rejection": is clear from what was well established in (صحيح البخاري) and other Hadeeth collections, that the Companions spilled whatever Khamr they had as soon as the forbiddance command descended such that Khamr flowed through the streets of Al-Madina, and the vast majority of them did not go back to it after that, as though it became extinct from Al-Madina. So which Khamr was then left after that to be collected in Al-Marbid or in Al-Baqi' and its skins were torn or its vessels broken: God forbid!

\* وجاء في «المعجم الكبير» أيضاً: [حدثنا إسماعيل بن الحسن الخفاف المصري ثنا أحمد بن صالح ثنا بن أبي فديك أخبرني عيسى بن أبي عيسى الحنات عن الشعبي عن علقمة عن بن مسعود أن النبي صلى الله عليه وسلم قال: «لعنت الخمر وشاربها وساقها وعاصرها ومعتصرها وحاملها والمحمولة إليه ويأتمها ومبتاعها وأكل ثمنها»]. قلت: ولكن عيسى بن أبي عيسى، الحنات الغفاري، وهو عيسى بن ميسرة الكوفي، منكر الحديث، ليس بشيء فالأرجح أنه سرق المتن، ثم ركب عليه إسناداً كالشمس: الشعبي عن علقمة عن بن مسعود.

And in [11] also: [Isma'eel Ibn Al-Hassan Al-Khaffaaf Al-Missri told us, Ahmad Bin Salih told us, Bin Abi Fudayk told us, Issa Bin Abi Issa Al-Hannatt informed me, according to Al-Sha'bi according to Al-Qama according to Bin Masood that the Prohet (saas) said:

«لعنت الخمر وشاربها وساقها وعاصرها ومعتصرها وحاملها والمحمولة إليه ويأتمها ومبتاعها وأكل ثمنها».

Damn Khamr and he who drinks it and he who serves it and he who squeezes it and the juice that is squeezed and he who carries it and he to whom it is carried and he who buys it and he who sells it and he who feeds on its price/value"]

I said: But Issa Bin Abi Issa, Al-Hanat Al-Ghifary, who is Issa Bin Maysera Al-Koofi, has Hadeeths objectionable and worthy of rejection and as a narrator he is worth nothing. It is more probable that he stole the body, then added the chain: Al-Sha'bi according to 'Alqamah according to Bin Mas'ood, which is as bright as the sun!

## Appendix One

**والخلاصة:** أنه لا شك في صحة حديث ابن عمر القائل: «لعن الله الخمر وشاربها وساقياها وبائعها ومبتاعها وعاصرها ومعتصرها وحاملها والمحمولة إليه»، وكذلك حديث ابن عباس القائل: «إن الله، عز وجل، لعن الخمر وعاصرها ومعتصرها وشاربها وحاملها والمحمولة إليه وبائعها ومبتاعها وساقياها ومستقيها» وذلك يتضمن لعن الأشياء التالية:

- (١) الخمر بذاتها؛
- (٢) شاربها؛
- (٣) عاصرها، أي المباشر لعملية العصير؛

Summary: There is no doubt in the correctness of the text of Ibn Umar which says “Allah damns the Khamr and he who drinks it and he who serves it and he who buys it and he who sells it and he who squeezes it and the squeezed juice and he who carries it and he to whom it is carried” and also the text of Ibn Abbaas which says: “That Allah (awj) damns the Khamr and he who squeezes it and the squeezed juice and he who drinks it and he who carries it and he to whom it is carried and he who buys it and he who sells it and he who serves it and he to whom is served” and this includes the damning of the following things:

- (1) the Khamr itself;
- (2) the buyer of the Khamr;
- (3) the squeezer of the Khamr/maker of the juice, i.e. he who carries out the process of squeezing the juice;



- (٤) معصرها، أي من طلب أن تعصر؛  
 (٥) وساقياها؛  
 (٦) ويأتعاها؛  
 (٧) ومبتاعها، أي شاريها؛  
 (٨) حاملها؛  
 (٩) المحمولة إليه، أي الذي طلب أن تحمل إليه؛

- (4) he who asked for it to be squeezed/made;  
 (5) he who serves it;  
 (6) he who sells it;  
 (7) he who buys it;  
 (8) he who carries it [transports] it  
 (9) he to whom it is carried/transported, i.e. who asked for it to be carried to him

✽ فصل: «كل مسكر حرام»، و«كل شراب أسكر فهو حرام»

✽ الحديث الأول عن أم المؤمنين عائشة: كما أخرجه الإمام البخاري في «الجامع الصحيح المختصر»: [حدثنا أبو اليمان أخبرنا شعيب عن الزهري قال أخبرني أبو سلمة بن عبد الرحمن أن عائشة رضي الله تعالى عنها قالت: سئل رسول الله صلى الله عليه وسلم عن البتّع، وهو نبيذ العسل، وكان أهل اليمن يشربونه، فقال رسول الله صلى الله عليه وسلم: «كل شراب أسكر فهو حرام»]، وأخرجه الإمام البخاري في «الجامع الصحيح المختصر» من عدة طرق، وأخرجه الإمام مسلم من طرق أخرى، وبألفاظ أخرى، منها: «كل شراب مسكر حرام»، وهو في «المجتبى من السنن للإمام النسائي» وكذلك بعينه في «السنن الكبرى للإمام النسائي» من طريق والدته أمان بن صمعة عن عائشة بلفظ: (كان رسول الله صلى الله عليه وسلم، ينهى عن كل مسكر).

Chapter: “Every intoxicant is forbidden” and “every drink which intoxicates is forbidden”

The first Hadeeth according to A’isha the Mother of Faithful: as Imaam Al-Bukhari published in [5]: [Abu Al- Yamaan told us, Shu’ayb told us, according to Al-Zuhry who said: Abu Salamah Bin Abd-ul-Rahman informed us that A’isha (rata) said: the Messenger of Allah was asked about Al-Bit’a, which is Nabeeth of honey, the people in Yemen used to drink it, the Messenger of Allah (saas): “any drink which intoxicates is forbidden”,], and Imaam Al-Bukhari published in [5] in a number of ways, and Imaam Muslim in other ways, and other conjugations/compositions, some of which: “every drink which intoxicates is forbidden”, and in [20] And also the same one in [4] by way of the mother of Abaan Bin Sam’ah according to A’isha in the following composition: (the Messenger of Allah (saas), banned any intoxicant).

وهو أيضاً من طرق كثيرة لا نطيل بذكرها، كما هي في أغلب جوامع الحديث ومراجعته المعتمدة، من مثل: «سنن الدارمي»، و«مسند الإمام أحمد بن حنبل»، و«صحيح ابن حبان»، و«سنن البيهقي الكبرى»، و«مسند أبي يعلى»، و«سنن الدارقطني»، و«مسند الإمام إسحاق بن راهويه»، و«مسند الإمام الشافعي»، و«شرح معاني الآثار» للإمام الطحاوي، وغيرها، عن الأئمة الأكابر: مالك، ويونس، وشعيب، ومعمّر، وسفيان بن عيينة، وصالح بن كيسان، كلهم عن الزهري.

And it also comes from many ways which we will not elaborate in mentioning, and it is in most compilations of Hadeeths and reliable references, for example: [1], [13], [10], [21], [1], [15], [9], [15], [24], [25], [26] and others, by way of the grand Imams: Malik, Younis, Shu’ayb, Ma’mar, Sufian Bin ‘Uyaynah, and Salih Bin Kaysan, all from Al-Zahri.

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**\* وجاء في هذا عن ابن عباس حديث ثاني، كما هو في «سنن البيهقي الكبرى» مطولاً: [وأخبرنا محمد بن عبد الله الحافظ ثنا أبو العباس محمد بن يعقوب ثنا الحسن بن مكرم ثنا أبو النضر ثنا أبو خيثمة ثنا أبو الجويرية قال قلت لابن عباس: (أفتني رحمك الله في الباذق)، فقال: (سبق رسول الله صلى الله عليه وسلم إلى الباذق: ما أسكر فهو حرام)، قال: (قلت أفتني رحمك الله في الباذق، وأنا نشربه!)، قال: (سبق محمد صلى الله عليه وسلم إلى الباذق: وما أسكر فهو حرام)، قال رجل من القوم: (إنا نعمل إلى العنب فنعصره، ثم نطبخه: حتى يكون حلالاً طيباً)، قال: (سبحان الله: إشرب الحلال الطيب، فإنه ليس بعد الحلال الطيب إلا الحرام الخبيث)]، وهو في «الجامع الصحيح المختصر للإمام البخاري» باختصار، كما أنه في «المجتبى من السنن للإمام النسائي»، وكذلك بعينه في «السنن الكبرى للإمام النسائي»، وهو بنحوه في «مسند الحميدي»، وفي «مسند الشافعي»، وفي «المعجم الكبير»، وغيرها.**

\* And in this respect a second Hadeeth comes from Ibn Abbaas, and also in [1] an expanded version: [And Muhammad Bin Abdullah Al-Haafithh told us Aby Al-Abbaas Muhammad Bin Yaqoub told us Al-Hassan Bin Mukram told us Abu Al-Nadheer told us Abu Khaithama Thana Abu Al-Juwayriya said I said to Ibn Abbaas: and he said: (Allow me Al-Bathiq [standard measure] ), then he said (The Messenger of Allah (saas) asked about Al-Bathiq: “what intoxicates is forbidden), a man from the people said: (we take the grapes and we press it, then we cook it, until it becomes good and Halal), he said (Prayers to Allah: drink what is permitted and good, for there is nothing apart from what is permitted and good but what is forbidden and evil)], and this appears in [5], and it also appears in [20], and the same one in [4], and the subject is covered also in “Masned Al-Hameedi”, [25], [11] and others.

**\* وحديث ثالث عن عائشة: كما هو في «سنن أبي داود»: [حدثنا مسدد وموسى بن إسماعيل قالوا ثنا مهدي يعني بن ميمون ثنا أبو عثمان قال موسى وهو عمرو بن سلم الأنصاري عن القاسم عن عائشة رضي الله تعالى عنها قالت سمعت رسول الله صلى الله عليه وسلم يقول: «كل مسكر حرام، وما أسكر منه الفرق، فملاء الكف منه حرام»]، وقال الألباني: (صحيح)، وهو بعينه في «سنن الترمذي»، وهو في «مسند الإمام أحمد بن حنبل» من عدة طرق، وهو في «مسند أبي يعلى»، وقال الشيخ حسين أسد: (إسناده صحيح). كما أنه في «سنن الدارقطني» من عدة طرق،**

\* The third Hadeeth according to A'isha: as in [8]: [Musadad and Musa bin Ismael said Mahdi A'ni bin Meimoun told us Abu Uthman said Musa and he is Amrou Bin Selem Al-Anssari according to Al-Qassim according to A'isha (rata) said she heard the Messenger of Allah (saas) say: “Any intoxicant is forbidden” “And that from which a large quantity intoxicates [standard measure] then a very small quantity [enough to fill a hand] is forbidden”, and Al-Albani said: (correct and authentic), and the same text is in [27] and it is in [10] by a number of routes, and it is in [22], and Al-Sheikh Hussein Asad said: (This quotation is correct and authentic). And it is also in [23] from a number of routes,

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وأيضاً في «مسند إسحاق بن راهويه» من عدة طرق، وفي «المنتقى من السنة المسندة»، وأيضاً في «شرح معاني الآثار».

and also in [24] by several routes, and in [28] and also in [26] .

**قلت:** أبو عثمان عمرو بن سلم الأنصاري مقل في الرواية، وقد وثقه أبو داود وابن حبان، فهذا الإسناد حسن قوي لذاته، يحتتمل التصحيح لذاته، ولكنه قطعاً صحيح لغيره، لا سيما وأن أبا عثمان الأنصاري قد توبع، كما هو في الطرق التالية:

I said: Abu Uthman Amrou Bin Selem Al-Ansari reports only a few stories, indeed he was trusted by Abu Dawood and Ibn Heban, so this quotation is good strong by itself, can bear correction in itself, but is definitely correct and authentic for others, especially since Aba Uthman Al-Ansari was followed, as in the following quotations:

\* كما هو في «سنة الدارقطني»: [حدثنا محمد بن مخلد نا يحيى بن الورد نا أبي عن محمد بن طلحة عن حميد عن أنس عن عائشة رضي الله تعالى عنها قالت قال رسول الله صلى الله عليه وسلم: «ما أسكر الفرق، فالجرعة منه حرام»]، وهذا إسناد جيد قوي بذاته، ولكن محمد بن طلحة بن مصرف الياامي الكوفي ثقة من رجال الشيخين، وإن كان يهمل قليلاً.

\* And in [23]: [Muhamed Bin Mukhled told us Yahya Bin Al-Ward told us Abi according to Muhammad Bin Talha according to Hamid according to Anas according to A'ishe (rata) she said the Messenger of Allah (saas) said "And that from which a large quantity intoxicates [standard measure] then a sip is forbidden"],, and this is a good quotation strong in itself, but Muhammad Bin Talha Bin Masraf Al-YTami Al-Kufi is Thiqa and on the religious chiefs, although that matters little here.

\* وأيضاً في «سنة الدارقطني»: [حدثنا محمد بن مخلد نا فضل بن العباس الرازي نا حسين بن عيسى الرازي نا سلمة بن الفضل عن أبي جعفر الرازي عن أيوب عن بن أبي مليكة عن عائشة قالت قال رسول الله صلى الله عليه وسلم: «ما أسكر الفرق، فالأوقية منه حرام»]، قلت: سلمة بن الفضل وأبو جعفر الرازي وهو عيسى بن أبي عيسى ماهان، كلاهما كثير الخطأ والوهم، لا تقوم بهما حجة إذا انفرد أحدهما، ولكنهما مقبولان في المتابعات على أقل تقدير!

\* An also in [9]: [Muhammad Bin Mukhlid told us Fadhl Bin Al-Abbaas Al-Razi told us Hussain Bin Issa Al-Razi told us Selme Bin Al-Fadhl according to Abi Ja'far Al-Razi according to Ayub according to Bin Abi Melike according to Aisha said the Messenger of Allah (saas) said: "And that from which a large quantity intoxicates [standard measure] then an ounce is forbidden"] . I say: Selme Bin Al-Fadhl and Abu Ja'afar Al-Razi and he is Isa Bin Abi Isa Mahan, both of them often make mistakes and imagine what was not said, and neither can be relied on as definitive if taken on its own merit, but the two are acceptable at least as corroborations!

وهناك خمس متابعات، في أقل تقدير، تجدها في «سنة الدارقطني» أسانيداً دون ذلك، ومتابعات وشواهد في «تاريخ بغداد» خلال ترجمة (عاصم بن زمزم بن عاصم بن موسى الحنفي البلخي) بلفظ: «كل مسكر حرام، وكل خمر حرام: وما أسكر كثيره فآلقة منه حرام».

And there are at least five corroborations, which can be found in [9], and corroborations and witnesses can be found in [29] as part of the translation (Asim Bin Zamzam Bin Asim Bin Musa Al-Hanafi Al-Belkhi) with the utterance: "every intoxicant is forbidden, and all Khamr is forbidden, and that from which a large quantity intoxicates then a drop is forbidden"

## Appendix One

\* ومتابعة نابرة في «تذكرة الحفاظ» في ترجمة (أبو زرعة الرازي الصغير واسمه أحمد بن الحسين بن علي بن إبراهيم بن الحكم) حيث قال الإمام الذهبي: [أخبرنا أبو الحسين اليونيني أنا جعفر بن علي أنا السلفي أنا المعمر بن محمد الحبال بالكوفة أنا أبو الطيب أحمد بن علي الجعفري أنا أبو زرعة أحمد بن الحسين الحافظ نا حامد بن حماد بن المبارك بنصيين نا إسحاق بن سيار نا محمد بن عبد الملك بن جابر نا أبو الفضل قال قال لي هشام بن عروة: (تشرب النبيذ؟)، قلت: (نعم!)، قال (فلا تشربه: فإن أبي حدثني عن عائشة أن رسول الله، صلى الله عليه وسلم، قال: «كل مسكر حرام، أوله وآخره»]، ثم قال الإمام الذهبي: (أبو الفضل لا يعرفه).

قلت: فثبت هذا الحديث: «ما أسكر منه الفرق فملا الكف منه حرام» عن عائشة لا ينبغي أن تكون فيه أدنى شبهة!

\* And a rare corroboration appears in [30] in a translation (Abu Zur'a Al-Razi Al-Saghir and his name is Ahmad Bin Al-Hussain Bin Bin Ali Bin Ibrahim Bin Al-Hekem) where Imaam Al-Thahabi said: [Abu Al-Hussain Al-Yunayni told us Ja'far Bin Ali told us Al-Selefi told us Al-Mu'mar Bin Mohammed Al-Hibal in Kufa told us Abu Al-Teyyeb Ahmad Bin Ali Al-Ja'eferi told us Abu Zar'a Ahmad Bin Al-Husain Al-Hafith told us Hamid Bin Hamad Bin Al-Mubarek Binsaybeen told us Is-haaq Bin Sayyar told us Muhammad Bin Abd-ul-Melek Bin Jaber told us Abu AL-Fadhel told us Hisham Bin Aroeh told me: (Do you drink wine?!), I said: (Yes!), he said (Don drink it: for my father told me according to Aisha that the Messenger of Allah (saas) said, "Every intoxicant is forbidden, its beginning and its end"], then Imaam Al-Thahebi said: (I don't know Abu Al-Fadhil). I said: the proof of this Hadeeth: "And that from which a large quantity intoxicates [standard measure] then a very small quantity [enough to fill a hand] is forbidden"] according to Aisha should not be in any doubt!

\* وهناك حديث رابع جاء في «مسند إسحاق بن راهويه» عن ميمونة وعائشة: [أخبرنا أبو عامر العقدي نا زهير وهو بن محمد العنبري عن عبد الله بن محمد بن عقيل عن القاسم بن محمد عن عائشة عن رسول الله صلى الله عليه وسلم، وعن عطاء بن يسار عن ميمونة زوج النبي صلى الله عليه وسلم، عن رسول الله صلى الله عليه وسلم، قال: «لا تتبذوا في الجر ولا في الدبأ ولا في المُرَقَّت ولا في النقيير، وكل شراب مسكر فهو حرام»]، كما أنه أيضاً في «شرح معاني الآثار»، وفي «المعجم الكبير». كما أنه في «مسند أبي يعلى» عن ميمونة فقط، وقال الشيخ حسين أسد: (إسناده حسن)، وهو كما قال: حسن جيد لذاته، صحيح بشهادة غيره.

And there is a fourth Hadeeth in [24] according to Maymouna and Aisha: {Abu Amer Al-Aqedi told us Zuhair and he is Bin Muhammad Al-Anbary according to Abdullah Bin Muhammad Bin Aqeel according to Al-Kassim Bin Muhammad according to Aisha according to the Messenger of Allah (saas), according to 'Ataa' Bin Yessar according to Maymounah wife of the Prohhet (saas), according to the Messenger of Allah (saas), he said: "Do not make Khamr in A-Jarr nor in Al-Dubba' nor in Al-Muzafat nor in Al-Naqeer [different types of containers], for any drink which intoxicates is forbidden", and this also appears in [31] and in [11] and it is also in [33], and Shaikh Hassan Asad said: (the quotation is good), and as he said: good fine on its own, correct and authentic by the testimony of others.

\* والحديث الخامس عن أبي موسى الأشعري: كما هو في «صحيح مسلم»: [وحدثنا إسحاق بن إبراهيم ومحمد بن أحمد بن أبي خلف واللفظ لابن أبي خلف قالوا حدثنا زكريا بن عدي حدثنا عبيد الله وهو بن عمرو عن زيد بن أبي أنيسة عن سعيد بن أبي بردة حدثنا أبو بردة عن أبيه قال: بعثني رسول الله صلى الله عليه وسلم ومعاذا إلى اليمن

\* And the fifth Hadeeth according to Abi Musa Al-Ash'ari and it is also in [6]: [And Is-haaq Bin Ibraheem and Muhammad Bin Ahmad Bin Abi Khelef told us and the utterance is for Ibn Abi Khalef he said Zakariah Bin Uday told us Ubaidullah told us and he is Ibn Amrou according to Zaid Bin Abi Aneesah according to Saeed Bin Abi Berde Abu Berdeh told us according to his father he said: the Messenger of Allah (saas) sent me and Mu'ath to Al-Yemen

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فقال: «ادعوا الناس ويشرا ولا تنفروا ويسرا ولا تعسروا»، قال: فقلت: (يا رسول الله: أفتنا في شرابين كنا نصنعهما باليمن: البتّع وهو من العسل ينبذ حتى يشتد، والمزّر وهو من الذرة والشعير ينبذ حتى يشتد؟!)، قال، وكان رسول الله صلى الله عليه وسلم، قد أعطى جوامع الكلم بخواتمه، فقال: «أنهى عن كل مسكر أسكر عن الصلاة» وأخرجه الإمام البخاري في «الجامع الصحيح المختصر» بلفظ: «كل مسكر حرام»، وفي «الجامع الصحيح المختصر» عدة طرق ومتابعات. وهو بنحوه في «صحيح الإمام مسلم»، وفي «مسند ابن الجعد» بإسناد في غاية الصحة.

Then said "Call the people and mankind and don't run away and address them with ease and not with difficulty" he said: (O Messenger of Allah: give us a ruling on two drinks we make in Al-Yemen: Al-Bitt' and it is made of honey pressed until it becomes strong, and Al-Mizr and it is made of Corn and Barley pressed until it becomes strong?!), he said, and the Messenger of Allah (saas), and he had given all the text by its ending, he said: "I prohibit every intoxicant which intoxicates away from Al-Sallat (praying to Allah)".

And Imaam Al-Bukhari produced it in [5] with the utterance "Every intoxicant is forbidden" and in [5] there are a number of ways and references. And it appears in this manner in [6] and in [33] in a quotation which is very accurate.

**قلت:** إحدى روايات البخاري، ورواية مسلم، وكذا رواية الإمام علي بن الجعد في مسنده، تبرهن على أن تفسير (البتّع) و(المزّر) يعود إلى أبي موسى الأشعري، رضي الله عنه، وهو شاهد عيان يعرف تلك الأشربة، ولعله شربها قبل إسلامه، ثم أخذها منه ابنه أبو بردة.

I said: one of the stories of Al-Bukhari, and a story of Muslim, and also the story of Imaam Ali bin Al-Ja'ad in his reference, proves that the explanations of (Al-Bitt') and (Al-Mizr) goes back to Abi Musa Al-Ash'ari (raa), and he was an eye-witness who knew these drinks, and may be he drank them before he converted to Islam, and then were taken up by his son Abu Bardeh.

وهذا الحديث الخامس جاء أيضاً من طرق كثيرة صحاح وحسان، لا نطيل بذكرها، تجعله نقل تواتر عن أبي موسى الأشعري، بالفاظ متقاربة مثل: «لا تشربن مسكراً»، «كل مسكر حرام»، «لا تشرب مسكراً فإنني حرمت كل مسكر»، «اشربوا ولا تشربوا مسكراً، فإن كل مسكر حرام»، «أنهاكم عن كل مسكر»، «أنهى عن كل مسكر أسكر عن الصلاة»، والمعنى واحد وهو (حرمة كل مسكر)؛ كما هي في أغلب جوامع الحديث ومراجعته المعتمدة، من مثل: «سنن ابن ماجه»، «سنن الدارمي»، و«مسند الإمام أحمد بن حنبل»، و«صحيح ابن حبان»، «السنن الكبرى للإمام النسائي» من طرق كثيرة جداً، و«المنتقى من السنن المسندة لابن الجارود»، و«سنن البيهقي الكبرى»، و«مسند أبي يعلى»، و«سنن الدارقطني»، و«شرح معاني الآثار: للإمام الطحاوي»، وغيرها.

And this fifth Hadeeth also came by many ways which were correct and authentic or fine, which we won't go into in detail, which makes it a consecutive transcriptions according to Musa Al-Ahari, in similar utterances like: "Do not drink what intoxicates", "Every intoxicant is forbidden", "Do not drink any intoxicant for I have forbidden every intoxicant", "Drink but do not drink intoxicants, for every intoxicant is forbidden", "He prohibited you from every intoxicant", "He prohibited every intoxicant which intoxicates away from Al-Sallat", and the single meaning is (the forbiddance of every intoxicant); and this is also the case in most collectors of the Hadeeth and the reliable references, for example [2], [13], [10], [18], [4], by a large number of routes, and [3], [1], [15], [9], [26], and others.

\* **والحديث السادس عن عبد الله بن عمر:** كما هو في «صحيح مسلم» بإسناد غاية في الصحة: [حدثنا أبو الربيع العتكي وأبو كامل قالا حدثنا حماد بن زيد حدثنا أيوب عن نافع عن بن عمر قال قال رسول الله صلى الله عليه وسلم: «كل مسكر خمر؛ وكل مسكر حرام؛ ومن شرب الخمر في الدنيا فمات وهو يدمتها لم يتب لم يشربها في الآخرة»]، وهو عند مسلم من عدة طرق صحاح، وهو بنحوه في «سنن أبي داود»، وفي «سنن الترمذي»، وهو في «المجتبى من السنن للإمام النسائي» مختصراً بلفظ: «كل مسكر حرام، وكل مسكر خمر»، من عدة طرق صحاح، كما أنه في «مسند الإمام أحمد بن حنبل» من طرق صحاح كثيرة.

\* ونجد في «المجتبى من السنن للإمام النسائي» رواية الإمام مالك الموقوفة على ابن عمر، التي أشار إليها الإمام الترمذي: [قال الحرث بن مسكين قراءة عليه وأنا أسمع عن بن القاسم أخبرني مالك عن نافع عن بن عمر قال: (كل مسكر خمر؛ وكل مسكر حرام)].

\* And the sixth Hadeeth according to Abdullah Bin Umar: and it is also in [6] in a quotation which is highly accurate: [ Abu Al-Rabee' Al-Ataki and Abu Kamil told us they said Hemad Bin Zaid told us Ayoub told us according to Naafi' according to Ibn Umar he said the Messenger of Allah (saas) said: "Every intoxicant is forbidden; and every intoxicant is forbidden; and he who drinks intoxicants in life and died while addicted and did not repent will not drink it in the Al-Akhira [the end of time] ], and is stated by Muslim by several correct and authentic ways, and it appears in this manner in [7] and in [27] and in [34] it appears in a shortened utterance: "Every intoxicant is forbidden, and every intoxicant is Khamr" by a number of correct and authentic ways, and it is also in [10] from many correct and authentic ways.

\* And we find in [34] the story of Imam Malik which is dependent on Ibn Umar, and it is which Imaam Al-Tirmithi pointed to: [Al-Hereth Bin Meskeen said it was read by him and I heard according to Bin Al-Kassim he told me Malik according to Naafi' according to Bin Umar he said: (Every intoxicant is forbidden, and every intoxicant is Khamr)] .

ويزول كل احتمال في أن تكون جملة «كل مسكر خمر» من كلام عبد الله بن عمر فقط، ويكون أيوب قد وهم في رفعها بمتابعة موسى بن عقبة كما هي في بعض الطرق التي أشرنا إلى مراجعتها آنفاً، وبالمتابعات التالية:

\* كما هي في «مسند الإمام أحمد بن حنبل» من طريق أبي سلمة عن بن عمر: [حدثنا عبد الله ثنا أبي حدثنا عفان ثنا همام ثنا محمد بن عمرو حدثني أبو سلمة بن عبد الرحمن أن بن عمر حدثه أن النبي صلى الله عليه وسلم قال: «كل مسكر خمر، وكل مسكر حرام»]، فقال عبد الله بن أحمد بن حنبل: (إن أصحابنا حدثونا عن بن سيرين عن بن عمر ولم يرفعه إلى النبي صلى الله عليه وسلم؟!)، فقال أبي: (حدثنا عفان ثنا همام ثنا محمد بن عمرو حدثني أبو سلمة بن عبد الرحمن بن عوف أن بن عمر حدثه أن النبي صلى الله عليه وسلم، قاله)، وهو بعينه في «مسند الإمام أحمد بن حنبل» من عدة طرق صحاح، وهو في «صحيح ابن حبان» وقال الشيخ شعيب الأرنؤوط: (إسناده حسن).

\* And any possibility of doubt disappears that the text "Every intoxicant is forbidden" was from the sayings of Abd Alla Bin Umar only, and that Ayoub had imagined it when he elevated it by referring to Musa Bin Aqaba and it is in some of the routes that we have referred to previously, and in the following references:

\* And it is also in [10] by route of Abi Selme according to Bin Umar: [Abdullah told us my father told me Affan told us Himam told us Muhammad Bin Amrou told us Abu Selme Bin Abd-ul-Rahman told us that Bin Umar told us that the Prophet (saas) said: "Every intoxicant is Khamr, and every intoxicant is forbidden", and Abdullah Bin Ahmad Bin Hanbal said: (Indeed our companions told us according to Bin Seereen according to Bin Umar and did not elevate it to the Prophet \*saas)?!), my father said: (Affan told us Humam told us Muhammad Bin Amrou told me Abu Selme Bin Abd-ul-Rahman bin Awf that Bin Umar told him that the Prophet (saas) said), and it is the same one in [10] by a number of correct and authentic routes, and it is in [18] and Al-Sheikh Shuaib Al-Arna'oott said: (his quotation is good).

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\* وكذلك في «مسند الإمام أحمد بن حنبل»: [حدثنا علي بن إسحاق أنا عبد الله أنا محمد بن عجلان عن نافع عن بن عمر عن النبي صلى الله عليه وسلم قال: «كل مسكر حرام؛ وكل مسكر خمر»]، وهو أيضاً في «صحيح ابن حبان» وقال الشيخ شعيب الأرناؤوط: (إسناده حسن).  
\* وكذلك في «مسند الإمام أحمد بن حنبل»: [حدثنا يحيى بن سعيد عن عبيد الله عن نافع عن بن عمر (قال لا أعلمه إلا عن النبي صلى الله عليه وسلم)، قال: «كل مسكر خمر؛ وكل مسكر حرام»]

11:02

\* And also in [10]: [Ali Bin Is-haaq told us Abdullah told us Muhammad Bin Ajlan told us according to Naafi' according to Umar according to the Prophet (saas) he said: "Every intoxicant is forbidden; every intoxicant is Khamr"], and also in [21] and Shaikh Shuaieb Al-Arna'oott said: (his quotation is good).

\* And also in [10]: [Yahya Bin Sa'eed tells us according to Ubaidullah according to Naafi' according to Bin Umar (he said I only know it according to the Prophet (saas)), he said: "Every intoxicant is Khamr, and every intoxicant is forbidden"] .

والإمام مالك، على جلالة قدره، لا يفوق الإمام أيوب بن أبي تميمة كيسان، الذي هو في مرتبة الإمام مالك في وثاقته وحجيته وثبته وإتقانه، وإن كان الإمام مالك أشهر لانتشار مذهبه الفقهي، لا سيما:  
(١) أن أيوب قد توبع، تابعه الأئمة: موسى بن عقبة ومحمد بن عجلان وعبيد الله الذين شهدوا برفعه من رواية نافع. كما أن الرواية المرفوعة من طريق أبي سلمة بن عبد الرحمن عن ابن عمر تؤيد ذلك، وتدفع شبهة الوهم عن نافع.

(٢) أن أيوب كان عموماً يتحرج أشد الحرج من رفع الأحاديث خوفاً من الوعيد الشديد على من كذب على نبي الله متعمداً، ولو استطاع أن لا يرفع حديثاً لفعل. فهو إذا لا يرفع حديثاً إلا إذا تيقن وقطع بذلك خشية أن يكون الامتناع عن الرفع حينئذ كتماناً للعلم، كما ثبت ذلك في «الاجتبى من السنن للإمام النسائي» من شهادة الإمام هشام بن حسان، بأصح إسناد يتصور: [أخبرنا قتيبة قال حدثنا سفيان عن أيوب عن بن سيرين عن أبي هريرة قال: (لا يبولن أحدكم في الماء الدائم الذي لا يجري ثم يغتسل منه!)، قال سفيان: قالوا لهشام (يعني بن حسان): (أن أيوب إنما ينتهي بهذا الحديث إلى أبي هريرة؟!)، فقال: (إن أيوب لو استطاع أن لا يرفع حديثاً لم يرفعه!)]

And Imaam Malik, with his immense ability, does not exceed Imaam Ayoub Bin Abi Tameemeh Kaysan, who is on the level of Imaam Malik in his reliability and authenticity and evidence and technical abilities, although Imaam Malik is better known due to the spread of his faith of the Al-Fiqh, especially:

- (1) That Ayoub was followed, the Imams followed him: Musa Bin Aqaba and Muhammad Bin Ajlan and Ubaidullah and they witnessed the elevation of the story by Naafi'. And also the elevated story by way of Abu Selme Bin Abd-ul-Rahman according to Bin Umar supports this, and removes the doubt of fantasy from Naafi'.
- (2) That Ayoub was generally greatly embarrassed to elevate texts for fear of the strong warning not to falsely attribute anything to the Prophet of Allah deliberately, and if it was possible for him to elevate a text then he would not have. And he only elevated a text after he was absolutely certain of his grounds for fear that his refusal to elevate in this case would be a suppression of knowledge, as was stated in [20] from the testimony of Imaam Hisham Bin Hassan, in the best reference imagineable: [Quteiba told us Sufian told us according to Ayoub according to Bin Seereen according to Abi Hurraira and said: (Let no one of you pee in still water which does not flow that wash in it!), Sufian said: they said to Hisham (he means Bin Hassan): (that Ayoub only refers this text in the end to Abi Hurraira?!), he said: (That Ayoub if it was possible for him not to elevate a text then he would not elevate it!)]

**فالثابت إذاً:** أن ابن عمر كان يرفعه تارة إلى النبي، عليه وعلى آله الصلاة والسلام، على وجه الرواية كما سمعه أبو سلمة ونافع؛ وتارة أخرى يقوله على وجه الفتوى كما سمعه ابن سيرين ونافع في أحايين أخرى. ونافع كان ملازماً لابن عمر طوال عمره أكثر من غيره، يحفظ عنه ويكتب مجلساً بعد مجلس، ثم صار نافع يملئ على تلاميذه من المذكرة التي تكون في يده تلك الساعة في جلسة الدرس تلك، فتلقى مالك الموقوف، وأيوب المرفوع، ولا تناقض هناك إطلاقاً، بل إن ذلك زيادة قوة للحديث إذ كان ابن عمر يرويه ويفتي به في مواقف كثيرة.

Therefore what is proven is: That Ibn Umar sometimes elevated it to Prophet, may the blessing and peace of Allah be upon him and upon his descendants, in the utterance as Abu Selme and Naafi' heard: and other times to the religious ruling as was heard by Ibn Sireen and Naafi' in other cases. And Naafi' was a companion for Ibn Umar throughout his life and more than others, he used to memorise what he said and write up meeting after meeting, and then Naafi' would dictate to his students from his diary which was in his hand at that time during the session of that lesson, therefore what Malik and what Ayoub asserted did correspond, and there is no contradiction here at all, but it gives increased strength for the text if Ibn Umar tells it and rules according to it in many situations.

وعلى هذا، أي على صحة رفع هذا الحديث، جمهور الأئمة، وقد قال الإمام بن عبد البر الأندلسي، في «**التمهيد لابن عبد البر**» (ج: ١ ص: ٢٥٣): [هكذا روى هذا الحديث أبو حازم بن دينار وليث وأبو معشر وإبراهيم الصائغ والأحليج وعبد الواحد بن قيس وأبو الزناد ومحمد بن عجلان وعبيد الله بن عمر العمري كلهم عن نافع عن ابن عمر عن النبي صلى الله عليه وسلم مرفوعاً كما رواه أيوب السخيتاني وموسى بن عقبة. وكان عبيد الله بن عمر ربما وقفه وكان يقول أحياناً لا أعلمه إلا عن النبي صلى الله عليه وسلم ورواه مالك عن نافع عن ابن عمر موقوفاً]، ثم جزم بن عبد البر بصحة رفعه: [لرفع الحفاظ الإثبات له، ولا اجتماع الجماعة من رواة نافع على رفعه منهم أيوب وموسى وسائر من ذكرنا. ومما يدل على صحة رفعه: رواية محمد بن عمرو له عن أبي سلمة عن ابن عمر عن النبي عليه السلام مرفوعاً، وكذلك رواه زيد بن أسلم وعبد الله بن دينار عن ابن عمر مرفوعاً وكذلك رواه جماعة عن سالم عن ابن عمر مرفوعاً].

And in this respect, i.e. with regards the elevation of this text, the body of Imams, as Imaam Bin Abd-ul-Berr Al-Andelusi said, in [35] (Chapter: 1 page:253): [That is how this text was told by Abu Hazim Bin Dinar and Leith and Abu Ma'shar and Ibraheem Al-Sa'gh and Al-Ihlaj and Abd-ul-Wahid Bin Qeiss and Abu Al-Zinad and Muhammad Bin Ajlan and Ubeid Allah Bin Umar Al-Umri, all of them according to Naafi' according to Ibn Umar according to the Prophet (saas) elevated as was told by Ayoub Al-Sakhtyani and Musa Bin Aqaba. And Ubaidullah Bin Umar may be stopped it and said sometimes I don't know it except according to the Prophet (saas) and as told by Malik according to Naafi' according to Ibn Umar stopping it], then Ibn Abd-ul-Berr was definite on its elevation: [The elevation of the text proof for it, and the agreement of the group of tellers of Naafi' with regards its elevation among them Ayoub and Musa and all those we mentioned. And what proves the correctness of its elevation: the story of Muhammad Bin Amrou has according to Abi Selme according to Abi Umar according to the Prophet (saas) elevating it, and also Zaid Bin Aslam and Abdullah Bin Dinar told according to Ibn Umar elevating it and also a group told according to Salim according to Ibn Umar elevating it] .

\* وجاء حديث آخر عن عبد الله بن عمر مقتصراً على جملة «**كل مسكر حرام**»؛ كما هو في «**سنن الترمذي**»: [حدثنا عبيد بن أسباط بن محمد القرشي الكوفي وأبو سعيد الأشج قالوا حدثنا عبد الله بن إدريس عن محمد بن عمرو عن أبي سلمة عن بن عمر قال سمعت النبي صلى الله عليه وسلم يقول: «**كل مسكر حرام**»]، ثم قال أبو

\* And another text came according to Abdullah Bin Umar restricted to the sentence “Every intoxicant is forbidden”; and it also appears in [27]: [Ubeid Bin Asbat Bin Muhammad Al-Qureishi Al-Kufi and Abu Sa'eed Al-Eshej told us Abdullah Bin Idrees told us according to Muhammad Bin Amrou according to Abi Selme according to Ibn Umar said I heard the Prophet (saas) say: “Every intoxicant is forbidden”] and then Abu



12:50

13:11

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عيسى: [وفي الباب عن عمر وعلي وابن مسعود وأنس وأبي سعيد وأبي موسى الأشجعي ودليم وميمونة وابن عباس وقيس بن سعد والنعمان بن بشير ومعاوية ووائل بن حجر وقرة المزني وعبد الله بن مغفل وأم سلمة وريدة وأبي هريرة وعائشة]، وقال أبو عيسى: [هذا حديث حسن، وقد روي عن أبي سلمة عن أبي هريرة عن النبي صلى الله عليه وسلم، نحوه وكلاهما صحيح رواه غير واحد عن محمد بن عمرو عن أبي سلمة عن أبي هريرة عن النبي صلى الله عليه وسلم، نحوه وعن أبي سلمة عن بن عمر عن النبي صلى الله عليه وسلم]، وقال الألباني: (صحيح)، وهو يعين لفظه في «**المجتبى من السنن للإمام النسائي**»، وكذلك أخرجا الإمام أحمد في «**مسند الإمام أحمد بن حنبل**»

Isa: [And in the Section according to Umar and Ali and Ibn Mas'ood and Anas and Abi Sa'eed and Abi Musa Al-Eshej Al-Assri and Dailem and Maymouna and Ibn Abbaas and Kayss Bin Sa'ad and Al-Nu'man Bin Bashir and Mu'awiya and Wa'il Bin Hujaer and Quret Al-Muzni and Abdullah Bin Mughaffal and Um Selme and Bereedeh and Abi Hurraeira and Aisha], and Abu Issa said: [This text is good, and according to Abi Selme according to Abi Hurraireh according to the Prophet (saas), in its respect and the words of both of them is correct and authentic and was told by another one according to Muhammad Bin Amrou according to Abi Selme according to Abi Hurraireh according to the Prophet (saas), in this respect and according to Abi Selme according to Bin Umar according to the Prophet (saas)], and Al-Albani said: (correct and authentic), and it is the same utterance in [20] and also told by Imaam Ahmad in [10] .

\* وهو بنحوه في «**المجتبى من السنن للإمام النسائي**» من طريق سالم بن عبد الله عن أبيه: [أخبرنا محمد بن عبد الأعلى قال حدثنا المعتمر قال سمعت شبيباً وهو بن عبد الملك يقول حدثنا مقاتل بن حيان عن سالم بن عبد الله عن أبيه عن رسول الله صلى الله عليه وسلم، قال: «**حرم الله الخمر، وكل مسكر حرام**»]، وقال الألباني: (صحيح)، وهو أيضاً في «**سنن ابن ماجه**». وفي «**المعجم الكبير**» متابعة جيدة لهذا.

\* An in this respect in [20] by route of Salim Bin Abdullah according to his father: [Muhammad Bin Abd-ul-A'la said Al-Mu'tamar said told us and said I heard Shebeeba and he is Bin Abd-ul-Melik say Muqatil Bin Hayan told us according to Salim Bin Abdullah according to his father according to the Messenger of Allah (saas), said "Allah forbids Khamr, and every intoxicant is forbidden"], and Al-Albani said: (correct and authentic), and it also appears in [2] . And in [11] there is a fine follow up to this.

\* وفي «**سنن ابن ماجه**» حديث **سابع عن عبد الله بن عمر**: [حدثنا إبراهيم بن المنذر الحزام ثنا أبو يحيى ثنا زكريا بن منظور عن أبي حازم عن عبد الله بن عمر قال قال رسول الله صلى الله عليه وسلم: «**كل مسكر حرام؛ وما أسكر كثيره فقليله حرام**»]، وقال الألباني: (صحيح)، وقد جاء هذا أيضاً في «**مسند الإمام أحمد بن حنبل**» من طريق أخرى.

\* And in [2] appears a seventh Hadeeth according to Abdullah Bin Umar: [Ibraheem Bin Al-Munther Al-Hizam told us Abu Yahya told us Zakeria Bin Manthour according to Abi Hazim according to Abdullah Bin Umar said the Messenger of Allah (saas) said: "Every intoxicant is forbidden, and from which a large quantity intoxicates then a little quantity of which is forbidden"], and Al-Albani said: (correct and authentic), and this also appeared in [10] by other ways.

**\* وجاء حديث ثامن عن عبد الله بن عمر في «المجتبى من السنن للإمام النسائي»، وهو كذلك في «السنن الكبرى للإمام النسائي»:** [أخبرنا أبو بكر بن علي قال حدثنا نصر بن علي قال أخبرني أبي قال حدثنا إبراهيم بن نافع عن بن طاووس عن أبيه عن بن عمر قال: خطب رسول الله صلى الله عليه وسلم فذكر آية الخمر فقال رجل: (يا رسول الله: أرايت المزّر؟!)، قال: «وما المزّر؟!»، قال: (حبة تصنع باليمن)، فقال: «تسكر؟!»، قال: (نعم)، قال: «كل مسكر حرام»، وقال الألباني: (صحيح الإسناد)، وهو كما قال في غاية الصحة مسلسل بالأئمة المشاهير الأثبات.

\* And an eighth Hadeeth appears according to Abdullah Bin Umar in [20] and it is also in [4]: [Abu Bakr Bin Ali told us Nasser Bin Ali told us said my father told me and said Ibraheem Bin Naafi' told us according to Bin Tawoos according to his fathetr according to Bin Umar said: the Messenger of Allah (saas) gave a speech and mention the verse from the Qur'aan about Khamr: (O Messenger of Allah: Have you seen Al-Mizr?!", he said "What is Al-Mizr!", he said: (a gain made in Al-Yemen), so he said: "Is is intoxicating?!", he said (Yes), he said "Every intoxicant id forbidden", and Al-Albani said: (correct and authentic quotation), and it is as he said highly accurate with a series of proofs from the famous Imams.

**\* والحديث التاسع عن أبي هريرة:** كما هو في «المجتبى من السنن للإمام النسائي»: [أخبرنا محمد بن المنثى قال حدثنا يحيى بن سعيد عن محمد بن عمرو عن أبي سلمة عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم: «كل مسكر حرام»، وقال الألباني: (حسن صحيح الإسناد)، قلت: وهو كذلك على شرط الإمام مسلم، وهو أيضاً في «مسند الإمام أحمد بن حنبل»، وفي «مسند أبي يعلى» وقال الشيخ حسين أسد: (إسناده حسن).  
فالقوي الراجح إذاً هو أن أبا سلمة سمعه من كل من عبد الله بن عمر، وأبي هريرة، وحدث به محمد بن عمرو، الذي وردت عنه الروايتان، فكل من الحديثين صحيح كما قال الإمام الترمذي: إلا أن قلة من روى هذا عن أبي هريرة، مع كثرة تلازمه، تحدث في النفس بعض الشك أن يكون ذكر أبي هريرة في أحدهما وهم من أحد الرواة، وإنما هو حديث واحد عن عبد الله بن عمر فقط.

\* And a ninth Hadeeth according to Abu Huraira: and it is also in [20]: [Muhammad Bin Al-Muthana told us he said Yahya Bin Sa'eed told us according to Muhammad Bin Amrou according to Abi Selmeh according to Abi Huraira said the Messenger of Allah (saas) said: "Every intoxicant is forbidden"], and Al-Albani said: (good, correct and authentic quotation), I said: and it is also as defined by Imaam Muslim, and it is also in [10], and in [22] and Al-Sheikh Hussein Asad said: (his quotation is good).

It is therefore highly probable that Aba Selmeh heard it from each of Abdullah Bin Umar, and Abi Huraira, and was told by Muhammad Bin Amrou, according to whom two stories were told, for each of the two texts is correct and authentic as Imaam Al-Tirmithi said: Although a few who told this according to Abi Huraira, with many of his students, told at the same time of some doubt that the mention of Abu Huraira appears in one of them as one of the tellers, but it is one text according to Abdullah Bin Umar only.

**\* والحديث العاشر عن أنس بن مالك:** كما أخرجه الإمام أبو يعلى الموصلي في «مسند أبي يعلى»: [حدثنا محمد بن إسماعيل بن أبي سميعة البصري حدثنا عبد الله بن إدريس عن المختار بن فلفل عن أنس بن مالك أن رسول الله صلى الله عليه وسلم سئل عن شراب باليمن يقال له البتّع والمزّر قال: «ما أسكر فهو حرام»، وقال الشيخ حسين أسد: (إسناده صحيح).

\* And the tenth Hadeeth according to Anas Bin Malik; as produced by Imaam Abu Ya'la Al-Mawsili in [22]: [Muhammad Bin Isma'eel Bin Abi Semeena Al-Basri told us Abdullah Bin Idrees told us according to Al-Mukhtar Bin Filfil according to Anas Bin Malik that the Messenger of Allah (saas) was asked about a drink in Al-Yemen known as Al-Bitt' and Al-Mizr and said: "Whatever intoxicates is forbidden"], and Al-Sheikh Hussain Asad said: (his quotation is correct and authentic).

14:17

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\* وفي «مسند أبي يعلى» قطعة منه أخرى، أطول من القطعة السابقة: [حدثنا عثمان حدثنا ابن إدريس عن المختار بن فلعل قال سألت أنس بن مالك عن الأشربة فقال: نهى رسول الله، صلى الله عليه وسلم، عن الظروف المُرْقَنَة وقال: «كل مسكر حرام». قال: قلت له: (صدقت السكر حرام، إنما أشرب الشرية والشريتين على أثر الطعام!)، قال: فقال لي: (ما أسكر كثيره، فقليله حرام). قال: (ثم حرمت الخمر وهي من العنب والتمر والعسل والحنطة والشعير والذرة، وما خمرت من ذلك فهو الخمر)]، وقال الشيخ حسين أسد: (إسناده صحيح)، وبعضه في «مسند أبي يعلى» من طرق متعددة.

\* And in [22] is another section of it, which is longer than the previous section: [Uthman told us Ibn Idris told us according to Al-Mukhtar Bin Filfil said I asked Anas Bin Malik about the drinks and he said: The Prophet (saas) prohibited the tarred containers and said: “Every intoxicant is forbidden”. He said: I said to him: (I believe that intoxication is forbidden, but I only drink once or twice after food!), so he said: “That from which a large quantity intoxicates, a small quantity of which is forbidden). He said: (Then Khamr was prohibited and it is from grapes and dates and honey and wheat and barley and corn, and what is fermented of that is the Khamr)], and Shaikh Hussain Asad said: (his quotation is correct and authentic), and some of it is in [22] from other routes.

\* **والحديث الحادي العاشر عن جابر بن عبد الله:** كما هو في «صحيح مسلم»: [حدثنا قتيبة بن سعيد حدثنا عبد العزيز يعني الدراوردي عن عمارة بن غزوة عن أبي الزبير عن جابر أن رجلاً قدم من جيشان، وجيشان من اليمن، فسأل النبي صلى الله عليه وسلم، عن شراب يشربونه بأرضهم من الذرة يقال له المزْر فقال النبي صلى الله عليه وسلم: «أو مسكر هو؟!»، قال: (نعم)، قال رسول الله صلى الله عليه وسلم: «كل مسكر حرام: إن على الله عز وجل عهداً لمن يشرب المسكر أن يسقيه من طينة الخبال»، قالوا: (يا رسول الله: وما طينة الخبال؟!)، قال: «عرق أهل النار» أو «عصارة أهل النار» [وهو بنحوه سنداً وممتناً في «المجتبى من السنن للإمام النسائي»، وفي «السنن الكبرى للإمام النسائي»، وهو في «صحيح ابن حبان»، وهو بنحوه في «مسند الإمام أحمد بن حنبل»، و«السنن الكبرى للإمام النسائي»، و«سنن البيهقي الكبرى»، والإسناد حسن كما هو، وهو صحيح لا مطعن عليه إن كان أبو الزبير سمعه من جابر!]

\* And the eleventh Hadeeth according to Jabir Bin Abdullah; and it also appears in [6]: [Quteiba Bin Sa'eed told us Abd-ul-Azeez meaning Al-Darawerdi told us according to Amareh Bin Gheziyah according to Abi Al-Zubair according to Jabir that a man came from Jaishan, and Jaishan from Al-Yemen, and asked the Prophet (saas), about a drink that is drunk in their land made of corn and called Al-Mizr so the Prophet (saas) said “Is it intoxicating?!” he said: (Yes), the Messenger of Allah (saas): “Every intoxicant is forbidden, that Allah (aw) promised whoever drinks the Khamr that He will make him drink from Teenah-t-Al-Khebal”, they said: (O Messenger of Allah: and what is Teenah-t-Al-Khebal?!”, he said “The sweat of those who inhabit Hell” or “The juice of those who inhabit Hell”], and it is in this manner by quotation and by reference in [20], and in [4], and in [21], and it is in this manner in [10], and in [4], and in [1], and the quotation is good as it stands, and it is correct and authentic and undisputed if it was that Abu Al-Zubair heard it from Jabir!

**\* والحديث الثاني العاشر عن عبد الله بن مسعود:** كما هو في «سنن ابن ماجه»: [حدثنا يونس بن عبد الأعلى ثنا عبد الله بن وهب أنبأنا بن جريج عن أيوب بن هاني عن مسروق بن الأجدع عن بن مسعود أن رسول الله صلى الله عليه وسلم قال: «إني كنت نهيتكم عن نبيذ الأوعية؛ ألا وإن وعاء لا يحرم شيئاً: كل مسكر حرام»]. وقال الألباني هذه المرة: (صحيح لغيره)، وهو في «مسند أبي يعلى» مختصراً، وقال الشيخ حسين أسد: (إسناده ضعيف)، وهو أيضاً في «صحيح ابن حبان»، وينحوه في «المعجم الكبير»، وهو في «سنن ابن ماجه» في مواضع أخرى. قلت: لا شك في ضعف الإسناد آنف الذكر، ولكن لعل الحديث، حديث عبد الله بن مسعود، يصح باعتبار الطريق الآتية لاستقلالها عن السابقة استقلالاً تاماً، ولنظافة المتن، ولكثرة الشواهد:

\* And the twelfth Hadeeth according to Abdullah Bin Mas'ood: and it is also in [2]: [Younis Bin Abd-ul-A'la told us Abdullah Bin Waheb informed us Bin Jereej according to Ayoub Bin Hani' according to Masrooq Bin Al-Ajda' according to Bin Mas'ood that the Messenger of Allah (saas) said: "I have prohibited you from the wine in the containers; it is indeed that a container does not forbid something: every intoxicant is forbidden"], and Al-Albani said this time: (correct and authentic for another), and it appears in [22] abbreviated, and Al-Sheikh Hussain Asad said: (his quotation is weak), and it also appears in [18] and in its manner in [11], and it appears in [2] in other places.

I said: there is no doubt in the weakness of the forgoing quotation, but perhaps the text, text of Abdullah Bin Mas'ood, is correct and authentic by considering the following route because of its total independence from the previous, and because of the purity of its body, and because of the abundance of witnesses.

**\* وجاءت الطريق المستقلة المشار إليها هذه في «مسند أبي يعلى»، ولكنها ضعيفة الإسناد أيضاً:** [حدثنا أبو خيثمة حدثنا يزيد بن هارون حدثنا حماد بن زيد حدثنا فرقد السبخي حدثنا جابر بن يزيد أنه سمع مسروقاً يحدث عن عبد الله لعله قال عن النبي صلى الله عليه وسلم، أنه قال: «إني كنت نهيتكم عن زيارة القبور فزوروها ونهيتكم أن تحبسوا لحوم الأضاحي فوق ثلاث فاحبسوا ونهيتكم عن هذه الظروف فانتبذوا فيها، واجتنبوا كل مسكر»]. وقال الشيخ حسين أسد: (إسناده ضعيف)؛ وهو كذلك بنحو متنه وإسناده في «مسند الإمام أحمد بن حنبل».

\* And the independent route referred to appears in [15], but that is also a weak quotation: [Abu Khaithama told us Yazeed Bin Haroon told us Hemad Bin Zaid told us Farqd Al-Sebkhi told us Jaber Bin Yazeed told us that he heard Masrooqa telling according to Abdullah that maybe he said according to the Prophet (saas), that he said "I prohibited from visiting graves then visit them and I prohibited you from keeping the meat of the sacrificed animals for longer than three then keep them and I prohibited you from these container then use them, and stay away from any intoxicant"], and Al-Sheikh Hussain Asad said: (his quotation is weak); and he is also in this manner towards the body and quotation in [10].

**\* والحديث الثالث عشر عن بريدة بن الحصيب، وهو بنحو لفظ حديث عبد الله بن مسعود آنف الذكر؛ كما هو في «المجتبى من السنن للإمام النسائي»، وكذلك في «السنن الكبرى للإمام النسائي»:** [أخبرنا عمرو بن منصور قال حدثنا عبد الله بن محمد وهو النقيلي قال حدثنا زهير (ح) وأنبأنا محمد بن معدان بن عيسى قال حدثنا الحسن بن أعين قال حدثنا زهير قال حدثنا زبيد بن الحارث عن محارب بن دثار عن بن بريدة عن أبيه قال قال رسول الله صلى الله عليه وسلم: «إني كنت نهيتكم عن ثلاث عن زيارة القبور فزوروها ولتزدكم زيارتها خيراً؛ ونهيتكم عن لحوم الأضاحي بعد ثلاث فكلوا منها وأمسكوا ما شئتم؛ ونهيتكم عن الأشربة في الأوعية فأشربوا في أي وعاء شئتم ولا

\* And the thirteenth Hadeeth according to Bereedeh Bin Al-Hasseeb, and it is towards an utterance of a text from Abdullah Bin Mas'ood already referred to; and it appears in [20], and also in [4]: [Amrou Bin Mansoor told us he said Abdullah Bin Muhammad told us and he is Al-Nafeeli said Zuhair (H) told us and Muhammad Bin Ma'adan Bin Issa informed us and said Al-Hassan Bin A'yen said Zuhair told us and said Zubaid Bin Al-Harith said according to Muharib Bin Dithar according to Bin Bereedeh according to his father and said the Messenger of Allah (saas) said: "I prohibited you from three things from visiting graves then visit them and may your visiting add to

### ***Appendix One***

goodness to you, and I prohibited you from the meat of sacrificed animals after three then eat it and store what you want; and I prohibited you from drinking in containers then drink from any container you wish and do not

15:54

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**تَشْرَبُوا مَسْكِرًا**] وقال الإمام النسائي معقباً: (ولم يذكر محمد «وَأَمْسَكُوا»)، وقال الألباني: (صحيح)، قلت: وهو كما قال صحيح مسلسل بالثقات المشاهير. وهو في «المتجني من السنن للإمام النسائي» وكذلك في «السنن الكبرى للإمام النسائي»، من عدة طرق، كما أنه في «المنتقى من السنن المسندة لابن الجارود» من طريق أخرص صحيحة على شرط مسلم، تقوم به الحجة القاطعة.

drink intoxicants] and Imaam Al-Nissa'i said following: (And Muhammad did not say, "and store"), and Al-Albani said: (correct and authentic), I said: and it is correct and authentic as he said referred to in sequence by the famous Thiqat [companions of the Prophet] . And it appears in [20] and also in [4], by several routes, and it also appears in [3] by a more abbreviated way correct and authentic with the condition of Muslim, supported definitely in Al-Hijja [demonstration] .

\* **والحديث الرابع عشر عن عبد الله بن عباس:** كما هو في «مسند الإمام أحمد بن حنبل»، بإسناد صحيح: [حدثنا أحمد بن عبد الملك وعبد الجبار بن محمد قالوا ثنا عبيد الله يعني بن عمرو عن عبد الكريم عن قيس بن حبتر عن ابن عباس عن رسول الله صلى الله عليه وسلم قال: «ان الله حرم عليكم الخمر والميسر والكوبة»، وقال: «كل مسكر حرام»]. وهو بعينه في «مسند الإمام أحمد بن حنبل»، وفي «المعجم الكبير»، وفي «سنن البيهقي الكبرى» من عدة طرق، وفي «الثقات» خلال ترجمة (قيس بن حبتر التميمي النهشلي).  
قلت: المذكور هنا قطعة من حديث طويل صحيح سيأتي بعضه عند دراسة (كسر شدة النبيذ بالماء) في (الملحق الثاني).

\* And the fourteenth Hadeeth according to Abdullah Bin Abbaas: and it also appears in [10], as a correct and authentic quotation: [Ahmad Bin Abd-ul-Melik and Abd-ul-Jabbar Bin Muhammad told us and both said Ubaidullah meaning Bin Amrou told us according to Abd-ul-Kareem according to Qeiss Bin Habtar according to Bin Abbaas according to the Messenger of Allah (saas) he said: "That Allah forbids you the Khamr and the Mayssir [gambling] and the cauterization", and said: "Every intoxicant is forbidden", and it is the same one which appears in [10] and in [11]; and in [1] by a number of routes, and in [36] through the translation of (Qayss Bin Habtar Al-Temeemi Al-Nehsheli).

I said: what is referred to here is part of a long text which is correct and authentic some of which will follow when studying (Breaking the concentration of wine with water) in (Appendix Two).

\* **والحديث الخامس عشر عن عبد الله بن عباس:** كما هو في «سنن أبي داود»: [حدثنا محمد بن رافع النيسابوري ثنا إبراهيم بن عمر الصنعاني قال سمعت النعمان بن أبي شيبه يقول عن طاوس عن ابن عباس عن النبي صلى الله عليه وسلم قال: «كل مخمرٌ خمر، وكل مسكر حرام؛ ومن شرب مسكراً بخست صلاته أربعين صباحاً فإن تاب تاب الله عليه فإن عاد الرابعة كان حقاً على الله أن يسقيه من طينة الخبال»، قيل: (وما طينة الخبال يا رسول الله؟! قال: «صديد أهل النار؛ ومن سقاه صغيراً لا يعرف حلاله من حرامه كان حقاً على الله أن يسقيه من طينة الخبال»)، وقال الألباني: (صحيح)، قلت: إبراهيم بن عمر الصنعاني، مستور ليس بالمشهور، فالإسناد محتمل لذاته، وإنما يصح بشواهده ومتابعاته.

\* And the fifteenth Hadeeth according to Abdullah Bin Abbaas; and it also appears in [7]: [Muhammad Bin Rafi' Al-Naysabouri told us Ibraheem Bin Umar Al-San'ani told us he said I heard Nu'man Bin Abi Shaibe say according to Tawoos according to Bin Abbaas according to the Prophet (saas) and said: anything which is fermented is Khamr, and every intoxicant is forbidden; and he drinks intoxicant diminished his Salat [prayer] by forty mornings and if he repented then Allah would forgive him but if he returned a fourth time then Allah has the right to make him drink from Teenah-t-Al-Khebal", it was said: (And what is Teenah-t-Al-Khebal O Messenger of Allah?!", he said "The purulence of those who inhabit Hell"; and he who served it to a youngster who does not recognise what is permitted and what is forbidden then Allah has the right to make him drink from Teenah-t-Al-Khebal?!", and Al-Albani said: (correct and authentic), I said: Ibraheem Bin

Umar Al-San'ani, sheltered and not famous, and the quotation is possible it itself, but is correct and authentic through its testimonies and references.

\* **والحديث السادس عشر، أيضاً عن عبد الله بن عباس، كما هو في «العجم الكبير»** بإسناد صحيح: [حدثنا عبد الله بن أحمد بن حنبل حدثني الحسن بن عبد العزيز الجروي ثنا يحيى بن حسان ثنا وهيب عن بن طاووس عن أبيه عن بن عباس رضي الله تعالى عنهما، أن النبي صلى الله عليه وسلم، ذكر «**الخمير**»، فقال رجل: (يا رسول الله: إنا نتخذ شراباً من هذا المزْر؟!)، فقال النبي صلى الله عليه وسلم: «**كل مسكر حرام**»]

\* And the sixteenth Hadeeth, also according to Abdullah Bin Abbaas, also it appears in [11] as a correct and authentic quotation: [Abdullah Bin Ahmad Bin Hanbel told us Al-Hassan Bin Abd-ul-Azeez Al-Jerwi told me Yahya Bin Hassan told us Waheeb told us according to Bin Tawoos according to his father according to Bin Abbaas, may the content of Allah be with both of them, that the Prophet (saas), mentioned “Al-Kamr” (Khamr), then a man said: (O Messenger of Allah: It is that we take drinks from this Al-Mizr?!), and the Prophet (saas) said “Every intoxicant is forbidden”].

\* **والحديث السابع عشر عن عبد الله بن عمرو بن العاص؛ كما هو في «مسند الإمام أحمد بن حنبل»:** [حدثنا أبو عاصم (وهو النزيل) أنا عبد الحميد بن جعفر ثنا يزيد بن أبي حبيب عن عمرو بن الوليد عن عبد الله بن عمرو أن رسول الله، صلى الله عليه وسلم، قال: «**من قال على ما لم أقل فليتبوأ مقعده من جهنم**» قال وسمعت رسول الله، صلى الله عليه وسلم، يقول: «ان الله عز وجل حرم الخمر والميسر والكوبة والغبيراء؛ **وكل مسكر حرام**»، وأخرجه أحمد من عدة طرق، وهو في «**سنن البيهقي الكبرى**» من هذه الطريق ومن طرق أخرى تزيد الحديث قوة. كما أنه في «**سنن أبي داود**» حيث عقب أبو داود قائلًا: (قال بن سلام، أبو عبيد: (الغبيراء السكركة تعمل من الذرة، شراب يعمله الحبشة)، وقال الألباني: (صحيح)، وهو كما قال: صحيح بمجموع الطرق، تقوم به الحجة. وأخرجه الإمام أحمد من طريق عمرو بن شعيب عن أبيه عن جده مختصراً: «**كل مسكر حرام**»، وهو كذلك في «**العجم الصغير**»، وفي «**الأحاد والثاني**» متابعاً أخرى.

\* And the seventeenth Hadeeth according to Abdullah Bin Amrou Bin Al-Ass; and it also appears in [10]: [Abu Assim (and he is Al-Nabeel) told us that Abd-ul-Hameed Bin Ja'far told us Yazeed Bin Abi Hameed according to Bin Al-Waleed according to Abdullah Bin Amrou that the Messenger of Allah (saas), said: “He who attributes to me what I have not said will take his place in Hell” said and I heard the Messenger of Allah (saas) say: “It is that Allah (awj) forbade Khamr and gambling and cauterization Al-Ghabeera’ [drink made from corn] ; and every intoxicant is forbidden”, and Ahmad produced it from a number of routes, and it also appears in [1] from this route and from other routes which give the text more strength. It also appears in [7] where Abu Dawood commented saying: (Bin Salam said, Abu Ubaid: (Al-Ghabeerah’ Al-Sukraka is made from corn, a drink made in Al-Habeshe (Ethiopia)), and Al-Albani said: (correct and authentic), and it is as he said: correct and authentic by the collection of routes, supported by by Al-Hijja [demonstration] . And Imaam Ahmad produced it by route of Amrou Bin Shuaib according to his father according to his grandfather in abbreviated form: “Every intoxicant is forbidden”, and it also appears in [37] and there is another reference in [12] .



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**\* والحديث الثامن عشر عن معاوية بن أبي سفيان:** كما هو في «سنن ابن ماجه»: [حدثنا علي بن ميمون الرقي ثنا خالد بن حيان عن سليمان بن عبد الله بن الزبرقان عن يعلى بن شداد بن أوس سمعت معاوية يقول سمعت رسول الله صلى الله عليه وسلم يقول: «كل مسكر حرام على كل مؤمن»]، ثم قال ابن ماجه: [وهذا حديث الرقيين]، وقال الألباني: (ضعيف)، ولكن الشيخ شعيب الأرناؤوط خالفه فقال: (سنده حسن)، في تعاليقه على «صحيح ابن حبان».

\* And the eighteenth Hadeeth according to Mu'awiyeh Bin Abi Sufian; as it appears in [2]: [Ali Bin Maymoon Al-Raqqi told us Khalid Bin Hayan told us according to Suleiman Bin Abdullah Bin Al-Zabraqaan according to Ya'la Bin Shedad Bin A'ws I heard Mu'awiya say I heard the Messenger of Allah (saas) say: "Every intoxicant is forbidden on every Mu'min [Believer]"], then Ibn Majeh said: [and this is the text of Al-Raqiyeen], and Al-Albani said: (weak), but Al-Sheikh Shiaib Al-Arna'oott disagreed with him when he said: (his quotation is good), in his comments on [18].

**\* والحديث التاسع عشر عن علي بن أبي طالب:** كما هو في «مسند الإمام أحمد بن حنبل»: [حدثنا عفان ثنا حماد بن سلمة أخبرنا علي بن زيد عن ربيعة بن النابغة عن أبيه عن علي قال نهى رسول الله صلى الله عليه وسلم، عن زيارة القبور فذكر معناه الا انه قال: «وإياكم وكل مسكر»]، ولكن علي بن زيد بن جدعان ليس بالقوي، ولا تقوم به حجة.

\* And the nineteenth Hadeeth according to Ali Bin Abi Talib; as it appears in [10]: [Affan told us Hemad Bin Selma told us Ali Bin Zaid according to Rabee'a Bin Al-Nabigha according to his father according to Ali he said the Messenger of Allah (saas) prohibited the visiting of graves so he remembered its meaning but he said: "Beware of any intoxicant"], but Ali Bin Zaid Bin Jed'an is not strong, and is not supported by Hijja.

**\* والحديث العشرون عن عمر بن الخطاب:** كما هو في «مسند أبي يعلى»: [حدثنا أبو خيثمة حدثنا عبد الله بن يزيد حدثنا عبد الرحمن بن زياد عن مسلم بن يسار عن سفيان بن وهب الخولاني قال سمعت عمر بن الخطاب يقول سمعت رسول الله، صلى الله عليه وسلم يقول: «كل مسكر حرام»]، وقال الشيخ حسين أسد: (إسناده ضعيف)، وهو كذلك في «الأحاد والمثاني».

\* And the twentieth Hadeeth according to Umar Bin Al-Khattab: as it appears in [15]: [Abu Khaithemeh told us Abdullah Bin Yazeed told us Abd-ul-Rahman Bin Ziad according to Muslim Bin Yesar according to Sufian Bin Wahb Al-Khawlani said I heard Umar Bin Al-Khattab say I heard the Messenger of Allah (saas) say: "Every intoxicant is forbidden"], and Al-Sheikh Hussain Asad said: (his quotation is weak). And it also appears in [12].

**\* وجاء الحديث الحادي والعشرون في «المعجم الكبير» عن أم مغيث:** [حدثنا يحيى بن عثمان بن صالح ثنا سعيد بن أبي مريم ثنا عبد الجبار بن عمر عن إسحاق بن عبد الله بن أبي فروة عن محمد بن يوسف عن أبيه عن أم مغيث عن النبي، صلى الله عليه وسلم، قال: «كل مسكر حرام»]

\* And in the twenty-first Hadeeth in [11] according to Um Mughaith: [Yahya Bin Uthman Bin Salih told us Sa'eed Bin Abi Mariam told us Abd-ul-Jebbar Bin Umar told us according to Is-haaq Bin Abdullah Bin Abi Ferweh according to Muhammad Bin Yousif according to his father according to Um Mughaeith according to the Prophet (saas) said "Every intoxicant is forbidden"] .

\* وجاء الحديث الثاني والعشرون عن الأشج العصري في «مسند أبي يعلى»: [حدثنا محمد بن مرزوق حدثنا روح بن عبادة حدثنا الحجاج بن حسان التيمي قال حدثنا المثني العبدى، أبو منازل أحد بني غنم، عن الأشج العصري أنه أتى النبي صلى الله عليه وسلم في رفقة من عبد القيس ليزوره فاقبلوا فلما قدموا رفع لهم النبي صلى الله عليه وسلم فأنأخوا ركابهم وابتدروا القوم ولم يلبسوا إلا ثياب سفرهم وأقام العصري يعقل ركاب أصحابه وبغيره ثم أخرج ثيابه من عيبته وذلك بعين رسول الله صلى الله عليه وسلم وسلم ثم أقبل إلى النبي صلى الله عليه وسلم فسلم عليه فقال النبي صلى الله عليه وسلم: «إن فيك لخلقين يحبهما الله ورسوله»، قال: (ما هما يا رسول الله؟!)، قال: «الأناة والحلم»، قال شيء جبلت عليه أو شيء أتخلقه قال لا بل جبلت عليه قال الحمد لله قال معشر عبد قيس ما لي أرى وجوهكم قد تغيرت قالوا: (يا نبي الله: نحن بأرض وخمة وكنا نتخذ من هذه الأنبيذة ما يقطع اللحمان في بطوننا فلما نهينا عن الظروف فذلك الذي ترى في وجوهنا)، فقال النبي صلى الله عليه وسلم: «إن الظروف لا تحل ولا تحرم: ولكن كل مسكر حرام: وليس أن تجلسوا فتشربوا حتى إذا ثملت العروق تفاخرتم فوثب الرجل على بن عمه فضربه بالسيف فتركه أعرج» قال وهو يومئذ في القوم الأعرج الذي أصابه ذلك، وقال الشيخ حسين أسد: (إسناده جيد)، كما جاء هذا بعين إسناده في «الأحاد والثاني»، ولكن بمتن مختصر: «كل مسكر حرام».

\* And in the twenty-second Hadeeth according to Al-Ashek Al-Assri in [15]: [Muhammad Bin Merzouq told us Rawh Bin Abbaadeh told us Al-Hajjaj Bin Husan Al-Taymi said Al-Muthana Al-Abdi told us , Abu Munazil Ahad Bani Ghanm, according to Al-Shej Al-Assri that the Prophet of Allah (saas) came in the company of Abd-ul-Qayss to visit him so they came and when they arrived the Prophet (saas) rose for them so they dismounted their rides and they only wore their travelling clothes and Al-Assri started to tend for the horses of his companions and his camel then he took out his clothes in view of the Messenger of Allah (saas) and then he came to the Prophet (saas) then greeted him then the Prophet (saas) said: “There are two traits in you that Allah and His Messenger like”, he said (What are they O Prophet of Allah?!), he said: “modesty and prudence” he said were they traits I was created with it or did I learn it he said but you were born with it he said thanks to Allah he said people of Abd Qeyss what do I see has changed in your faces they said: (O Prophet of Allah: we live in a damp area and we take these wines which help cut what is in our stomachs when we finish with the containers and this is what you see in our faces), then the Prophet (saas) said: “The container is neither permitted nor forbidden ; but every intoxicant is forbidden; and you are not to sit and drink until if your veins are intoxicated you boast then a man jumps at his cousin and strikes him with the sword and leaves him crippled” he said and he was that day with the people of the crippled man to him this happened], and Al-Sheikh Hussain Asad said: (his quotation is good), and this same quotation appeared in [12] ; but with an abbreviated body: “Every intoxicant is forbidden”.

\* والحديث الثالث والعشرون عن أبي وهب الجيشاني، رضي الله عنه، كما هو في «مسند الشافعي»، وإسناده صحيح إلى طاوس: [أخبرنا سفيان عن بن طاوس عن أبيه أن أبا وهب الجيشاني، سأل رسول الله، صلى الله عليه وسلم، عن البتّع فقال: «كل مسكر حرام»].

\* And in the twenty-third Hadeeth according to Abi Waheb Al-Jayshani (raa), as it appeared in [25] and its quotation is correct and authentic according to Tawoos: [Abu Sufian told us according to Bin Tawoos according to his father that Abu Waheb Al-Jayshani, asked the Messenger of Allah (saas) abiut Al-Bett’ so he said: “Every intoxicant is forbidden”].

وجاء غير هذا في مواضع متفرقة، فمنه:

\* **الحديث الذي جاء عن فيروز بن الديلمي**، رضي الله عنه، في «التاريخ الكبير» أثناء ترجمة (فيروز بن الديلمي): [قال أبو عاصم عن عبد الحميد عن يزيد بن أبي حبيب عن مرثد بن عبد الله عن بن الديلمي أنه سأل النبي، صلى الله عليه وسلم: (أنا منك بعيد واشرب شراباً من قمح؟!)، فقال: «أيسكر؟!»، قلت: (نعم)، قال: «لا تشربوا مسكراً»، فأعاد ثلاثاً قال: «كل مسكر حرام»]

And others appeared in different places, one of which:

\* The Hadeeth that came according to Fayrouz bin Al-Dulaimy (raa) in [38] during the translation of (Fayrouz Bin Al-Dulaeimi): [Abu Assim said according to Abid Al-Hameed according to Yazeed Bin Abi Habeeb according to Murthed Bin Abdullah according to Bin Al-Dulaeimi that he asked the Prophet (saas): (I am far from you and I drink a drink from wheat?!), he said: “Is it intoxicating?!”, I said: (Yes), he said: “Do not drink what intoxicates” then repeated thrice said: “Every intoxicant is forbidden”]

\* **وجاء في «التاريخ الكبير»** أثناء ترجمة (محمد بن عمرو بن ثابت العتاري الليثي المدني) **حديث عن أبي سعيد الخدري**: [قال سعيد بن منصور ويونس بن محمد حدثنا فليح بن سليمان عن محمد بن عمرو بن ثابت العتاري سمع أباه سمع أبا سعيد عن النبي، صلى الله عليه وسلم: «كل مسكر حرام»]

\* **وجاء في «تاريخ بغداد»** خلال ترجمة (شقران بن عبدوس بن المبارك): [أخبرنا هلال بن محمد بن جعفر الحفار حدثنا محمد بن حميد بن سهيل المخرمي حدثنا شقران بن عبدوس بن المبارك في سوقة نصر حدثنا محمد بن هشام النصيبني الأهوازي قال حدثنا حكامه أم سلم بن دينار قالت حدثني أبي عن مالك بن دينار عن أنس بن مالك قال قال رسول الله، صلى الله عليه وسلم: «كل مسكر حرام»]

\* And it appeared in [38] during the translation (by Muhammad Bin Amrou Bin Thabit Al-Atwazi Al-Leithi Al-Medeni) of [39]: {Saeed Bin Mansoor and Younis Bin Muhammad told us Feleeh Bin Suleiman according to Muhammad Bin Amrou Bin Thabit Al-Atwari heard his father who heard Aba Saeed according to the Prophet (saas) “Every intoxicant is forbidden”}.

\* And it also appeared in [29] during the translation (by Sheqran Bin Abdous Bin Al-Mubarek): [Hilal Bin Muhammad Bin Ja'afar Al-Haffar told us Muhammad Bin Hameed Bin Suheil Al-Mukhrami told us Sheqran Bin Abdous Bin Al-Mubarek told us in Suwayqet Nesser Muhammad Bin Hisham Al-Nessibi Al-Ahwazi told us and said Hukame Um Selem Bin Dinar told us my father told me according to Malik Bin Dinar according to Anas Bin Malik said the Messenger of Allah said “Every intoxicant is forbidden”].

\* وفي «ضعفاء العقيلي»، عند ترجمة (حيان بن عبيد الله أبو زهير بصري): [حدثنا محمد بن العباس المؤيد قال حدثنا عفان قال حدثنا حيان بن عبيد الله عن عطاء عن عائشة قالت قال رسول الله، صلى الله عليه وسلم: «كنت نهيتكم عن نبيذ الدباء والجر والمزقة إلا وإن الوعاء لا يحل شيئاً ولا يحرمه فانتبذوا فيما بدا لكم، فإن كل مسكر حرام»]، ثم قال العقيلي: (ولا يتابع عليه وحدثني آدم بن موسى قال سمعت البخاري قال سمعت حيان بن عبيد الله أبو زهير ذكر الصلت منه الاختلاط)

\* And in [40] during the translation (by Hayan Bin Ubaidullah Abu Zuhair Basri): [Muhammad Bin Al-Abbaas Al-Mu'addab said Affan told us said Hayyan Bin Ubeid Allah said according to 'Ataa' according to Aisha she said the Messenger of Allah (saas) said: “I had prohibited you from the wine of Al-Dubba' and Al-Jerr and Al-Muzeffet but a container is neither permitted nor forbidden for so press wine in whatever appears to you, it is that every intoxicant is forbidden”], then Al-Uqeily said: (This is not followed and Adem Bin Musa told me and said I heard Al-Bukhari say I heard Hayyan Bin Ubeid Allah Abu Zuhair mention the connection to it is mixed).

\* وفي «الكامل في ضعفاء الرجال» خلال ترجمة (محمد بن حجر بن عبد الجبار بن وائل بن حجر أبو حفص الحضرمي الكوفي: من ولد وائل بن حجر بن وائل له صحبة): ومحمد بن حجر هذا فيه نظر: [حدثنا روح بن عبد المجيب البلدي ثنا إبراهيم بن سعيد ثنا محمد بن حجر بن عبد الجبار بن وائل عن سعيد بن عبد الجبار عن أبيه عن أمه عن وائل بن حجر أن رسول الله، صلى الله عليه وسلم، قال: «كل مسكر حرام»]

## Appendix One

\* And in [41] during the translation (by Muhammad Bin Hejer Bin Abd-ul-Jebbar Bin Waa'il Bin Hejer Abu Hefess Al-Hadhremi Al-Kufi; from Weled Waa'il Bin Hejer Bin Waa'il who has others); and Muhammad Bin Hejer in this has a view: [Rawh Bin Abd-ul-Muzeeb Al-Beldy told us Ibraheem Bin Sa'eed told us Muhammad Bin Hejer Bin Abd-ul-Jebbar according to his father according to his mother according to Waa'il Bin Hejer that the Messenger of Allah (saas) said: "Every intoxicant is forbidden"]

\* And in [41] during the translation (by Ubeid Bin Abi Qereh): [Bin Abi Al-Sefeera' told us Ibraheem Bin Saeed told us Ubeid Bin Abi Qereh told us according to Bin Hebeere according to Qe'ys Bin Sa'd Bin Abbaadeh said I heard the Prophet (saas) say "Every intoxicant is forbidden"], but (this) Ubeid Bin Abi Qereh denied him the Hadeeth in the story of Abbaas he does not follow up on it!

\* وفي «الكامل في ضعفاء الرجال» خلال ترجمة (عبد الملك بن قدامة القرشي المديني، من ولد قدامة بن مظعون القرشي): [حدثنا محمد بن إسحاق بن فروخ ثنا زهير بن محمد ثنا عبد الله بن نافع الزبيري حدثني عبد الملك بن قدامة الجمحي عن إسحاق بن بكر بن أبي العرادة عن سعيد بن أبي سعيد المقبري عن أبي هريرة أن رسول الله، صلى الله عليه وسلم، قال: «كل مسكر حرام»]، وعبد الملك بن قدامة القرشي تعرف له وتكرر!

\* And in [41] during the translation (by Abd-ul-Melik Bin Qudameh Al-Qereshi Al-Medini, from the people of Qudameh Bin Math'oun Al-Qureshi): [Muhammad Bin Is-haaq Bin Ferrouj told us Zuhair Bin Muhammad told us Abdullah Bin Naafi' Al-Zubeiri told us Abd-ul-Malik Bin Qedame Al-Jeme'i told us according to Is-haaq Bin Beker Bin Abi Al-Arad according to Saeed Bin Abi Saeed Al-Meqbery according to Abi Hereera that the Messenger of Allah (saas) said "Every intoxicant is forbidden"], and some of [the work of] Abd-ul-Melik Bin Qudameh Al-Qureshi is known while the other is denied!

قلت: فهذا إذاً نقر تواتر للفظ: «كل مسكر حرام» تفيد العلم اليقيني الذي لا يتطرق إليه أي احتمال للشك، وتورث العلم القاطع بصورها هكذا عن النبي، عليه وعلى آله الصلاة والسلام. فتحريم (المسكر) قطعي كتحریم (الخمر) سواءً بسواء فلا صحة لما زعمه البعض أن الخمر (أي المعمولة من عصير العنب) محرمة قليلها وكثيرها قطعاً

I said: so this then we assert is Twatur [following in short uninterrupted intervals] for the utterance: "Every intoxicant is forbidden" serves as part of the definitive knowledge where there is no room for any doubt, and the definitive knowledge with beginnings such as this are passed on from the Prophet, may the blessing and the blessing of Allah be upon him and upon his descendents. For the forbiddance of (intoxicant) is definite as the forbiddance of (Khamr) in exactly the same way and so there is no truth in what some claim that Al-Khemr (which is made from grape juice) is forbidden in small and in large quantities definitely and unanimously, but that there is not definite proof that forbiddance of other intoxicants in my opinion.

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وبالإجماع، وأن تحريم ما سواها من المسكرات ظني، لم يقيم عليه دليل قاطع.

above

وهذه كذلك هي فتيا جماعة من الصحابة والتابعين الذين استخدموا اللفظة نفسها في بعض الأحيان، كما سبق عن عبد الله بن عمر، وقد ورد كذلك عن غيره من الصحابة والتابعين:  
\* كما هو في «المجتبى من السنن للإمام النسائي»: [أخبرنا إسحاق بن إبراهيم قال حدثنا المعتمر عن برد عن مكحول قال: «كل مسكر حرام»]

And this is also the ruling of a group of Al-Sehabe [Companions of the Prophet (saas)] and followers who used the utterance itself in some cases, as was stated according to Abdullah Bin Umar, and this was also reported on others of the Companions and the followers:

\* And in [34] appears: [Suweid told us Is-haaq Bin Ibraheem told us Al-Mou'tamar told us according to Bered according to Mekhool he said: (Every intoxicant is forbidden)]

\* وأيضاً في «المجتبى من السنن للإمام النسائي»: [أخبرنا سويد قال أنبأنا عبد الله قال أنبأنا الأسود بن شيبان السدوسي قال سمعت عطاء سأل رجل فقال إنا نركب أسفاراً فتبرز لنا الأشربة في الأسواق لا ندري أوعيتها فقال: (كل مسكر حرام)، فذهب يعيد فقال: (كل مسكر حرام)، فذهب يعيد فقال: (هو ما أقول لك!)]

\* And also in [34] appears: [Suweid told us Abdullah informed us said Al-Aswed Bin Shayban Al-Sedousi informed us he said I heard Attta' a man asked him so he said we travel and we see drinks in the markets and do not know their containers so he said: (Every intoxicant is forbidden) and then he went and repeated: (Every intoxicant is forbidden) and then he went and repeated then he said: (It is as what I say to you!)]

\* وأيضاً في «المجتبى من السنن للإمام النسائي»: [أخبرنا سويد قال أنبأنا عبد الله عن هارون بن إبراهيم عن بن سيرين قال: (كل مسكر حرام)]

\* And also in [34] appears: [Suweid told us Abdullah informed us according to Haroon Bin Ibraheem according to Bin Sireen he said: (Every intoxicant is forbidden)]

\* وأيضاً في «المجتبى من السنن للإمام النسائي»: [أخبرنا سويد قال أنبأنا عبد الله عن الصعق بن حزن قال كتب عمر بن عبد العزيز إلى عدي بن أرطاة: (كل مسكر حرام)]، وقال الألباني: (حسن الإسناد مقطوع).

\* And also in [34] appears: [Suweid told us Abdullah informed us according to AL-Ssa'aq Bin Hezen he said Umar Bin Abd-ul-Azeez wrote t Uday Bin Erttat: (Every intoxicant is forbidden)], and Al-Elbani said: (good quotation cut ).

\* وفي «تاريخ أسماء الثقات»: [نا عبد الله بن محمد البغوي نا أحمد بن محمد بن حنبل نا أبو سعيد مولى بني هاشم وعبد الصمد قالاً ثنا محرر بن قعنّب، (قال أبو عبد الله: وهو ثقة) قال سمعت الضحاک يقول: «كل مسكر حرام»]

\* And in [42] [Abdullah Bin Muhammad Al-Beghewi told us Ahmad Bin Mohammed Bin Henbel told us Abu Saeed Mowla Beni Hashim and Abd-ul-Ssamad both said Muhherrir Bin Qa'neb told us, (Abu Abdullah said: and he is Thiqet ) he said I heard Al-Dhahhak say: "Every intoxicant is forbidden"]

\* وقد استعرض الإمام الحافظ ابن حجر العسقلاني في «فتح الباري شرح صحيح البخاري» طراً أخرى، فقال: [حتى قال الإمام أحمد أنها جاءت عن عشرين صحابياً فأورد كثيراً منها في كتاب الأشربة المفرد فمنها ما تقدم منها حديث بن عمر المتقدم ذكره أول الباب وحديث عمر بلفظ كل مسكر حرام عند أبي يعلى وفيه الإفريقي وحديث علي بلفظ اجتنبوا ما أسكر عند أحمد وهو حسن وحديث بن مسعود عند بن ماجة من طريق لين بلفظ عمر وأخرجه أحمد من وجه آخر لين أيضاً بلفظ علي وحديث أنس أخرجه أحمد بسند صحيح بلفظ ما أسكر فهو حرام وحديث أبي سعيد أخرجه البزار بسند صحيح بلفظ عمر وحديث الأشج العصري أخرجه أبو يعلى كذلك بسند جيد وصححه بن حبان.

## Appendix One

\* And Imaam Al-Hafith Ibn Hejer Al-Asqelani displayed in [43] other routes, then he said: [Until Imaam Ahmad said that they came from twenty Companions and many of them appeared in the book if drinks and some of these were contained in the text of Bin Umar which was mentioned in the beginning of the chapter with the utterance every intoxicant is forbidden by Abi Ya'la and in is Al-Afreeqi and the text of Ali with the utterance beware what intoxicates by Ahmad and it is good and the text of Anas produced by Ahmad with a correct and authentic quotation with the utterance what intoxicates then it is forbidden and the text of Abi Saeed produced by Al-Bizar with a correct and authentic quotation with the utterance of Umar and the text of Al-Ashej Al-Assri produced by Abu Ya'la and also with fine utterance and was verified by Bin Hibbaan.

وحدیث دیلم الحمیری أخرجه أبو داود بسند حسن في حديث فيه قال هل يسكر قال نعم قال فاجتنبوه وحدیث میمونة أخرجه أحمد بسند حسن بلفظ وكل شراب أسكر فهو حرام وحدیث بن عباس أخرجه أبو داود من طريق جيد بلفظ عمر والبخاري من طريق لين بلفظ واجتنبوا كل مسكر.

And the text of Daylem Al-Hameeri produced by Abu Dawood with a good quotation in the text in which he said is it intoxicating he said yes he said then stay away from it and the text of Maymouna produced by Ahmad with a good quotation in the utterance every drink which intoxicates then it is forbidden and the text of Bin Abbaas produced by Abu Dawood by a new route with the utterance Umar and Al-Bezar by a soft route with the utterance stay away from every intoxicant.

وحدیث قبس بن سعد أخرجه الطبراني بلفظ حديث بن عمر وأخرجه أحمد من وجه آخر بلفظ حديث عمر وحدیث النعمان بن بشير أخرجه أبو داود بسند حسن بلفظ وإني أنهاكم عن كل مسكر. وحدیث معاوية أخرجه بن ماجه بسند حسن بلفظ عمر. وحدیث وائل بن حجر أخرجه بن أبي عاصم. وحدیث قرة بن إياس المزني أخرجه البخاري بلفظ عمر بسند لين. وحدیث عبد الله بن مغفل أخرجه أحمد بلفظ اجتنبوا المسكر. وحدیث أم سلمة أخرجه أبو داود بسند حسن بلفظ نهى عن كل مسكر ومفتر. وحدیث بريدة أخرجه مسلم في أثناء حديث ولفظه مثل لفظ عمر وحدیث أبي هريرة أخرجه النسائي بسند حسن كذلك ذكر أحاديث هؤلاء الترمذي في الباب وفيه أيضا عن عمرو بن شعيب عن أبيه عن جده عند النسائي بلفظ عمر وعن زيد بن الخطاب أخرجه الطبراني بلفظ علي اجتنبوا كل مسكر.

And the text of Qayss Bin Sa'ad produced by Al-Ttebrani with the utterance of the text of Bin Umar and produced by Ahmad with another appearance with the utterance of the text of Umer and the text of Al-Nu'man Bin Besheer produced by Abu Dawood with a good quotation with the utterance and I prohibit you from every intoxicant.

And the text of Mu'awiyeh produced by Bin Majet with a good quotation in the utterance of Umar.

And the text of Waa'il Bin Hejer produced by Bin Abi Assim.

And the text of Qureh Bin Iyas Al-Mezni produced by Al-Bizar with utterance of Umar with a soft quotation.

And the text of Abdullah Bin Mughaffel produced by Ahmad with the utterance avoid the intoxicant

And the text of Um Selmeh produced by Abu Dawood with a good quotation with the utterance he prohibited any intoxicant and tranquillizer

And the text of Bereedeh produced by Muslim in Ethna' Hadeeth [check – ed] and its utterance is like the utterance of Umar and the text of Abu Huraira produced by Al-Nesa'i with a good quotation and also Al-Termethi mentioned the texts of these in the chapter and in it also according to Amrou Bin Shua'yb according to his father according to his grandfather by Al-Nesa'i with the utterance Umar and according to Zaid Bin Al-Khettab produced by Al-Tebrani with the utterance avoid every intoxicant.

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وعن الرسيم أخرجه أحمد بلفظ اشربوا فيما شئتم ولا تشربوا مسكرا  
وعن أبي بردة بن نيار أخرجه بن أبي شيبه بنحو هذا اللفظ  
وعن طلق بن علي رواه بن أبي شيبه بلفظ يا أيها السائل عن المسكر لا تشربه ولا تسقه أحدا من المسلمين  
وعن صحرار العبدى أخرجه الطبراني بنحو هذا  
وعن أم حبيبة عند أحمد في كتاب الأشربة  
وعن الضحاک بن النعمان عند بن أبي عاصم في الأشربة وكذا عنده عن خوات بن جبير فإذا انضمت هذه  
الأحاديث إلى حديث بن عمر وأبي موسى وعائشة زادت عن ثلاثين صحابيا وأكثر الأحاديث عنهم جياذ ومضمونها  
أن المسكر لا يحل تناوله بل يجب اجتنابه والله أعلم، انتهى سرد الحافظ للطرق على وجه الإجمال.

And according to Al-Raseem produced by Ahmad with the utterance drink what you wish and do not drink what intoxicates

And according to Abi Berdeh Bin Niyar produced by Bin Abi Shaibeh in the manner of this quotation

And according to Taleq Bin Ali as told by Bin Abi Shaibeh in the utterance O you who ask about the intoxicant don't drink it and don't serve it to anyone who is a Muslim

And according to Ssehar Al-Abdi produced by Al-Tebrani in this manner

And according to Um Habeebe via Ahmad in the book of drinks

And according to Al-Dhehak Bin Al-Nu'man via Bin Abi Assem in Al-Eshribeh and also via him according to Khawat Bin Jubair for if theses texts were grouped with the text of Bin Umar and Abi Musa and Aishe then that exceeds thirty Companions and most of the texts according to them are good and their content is that the consumption of intoxicants is forbidden but one must avoid it and Allah has all the knowledge], this is the end of the quote by Al-Hafith for the routes by way of summation.

\* فصل: رواية مضطربة اللفظ عن ابن عباس

ولكن جاءت رواية مضطربة اللفظ عن ابن عباس هي:

\* كما هي في «المجتبى من السنن للإمام النسائي»، وكذلك بعينها في «السنن الكبرى للإمام النسائي»: [أخبرنا أبو بكر بن علي قال حدثنا سريج بن يونس قال حدثنا هشيم عن بن شبرمة قال حدثني (الثقة) عن عبد الله بن شداد عن بن عباس قال: (حرمت الخمر بعينها قليلا وكثيرها، و«السكر» من كل شراب)، فابن شبرمة قطعاً لم يسمعه من عبد الله بن شداد بن الهاد، وربما جاءت هذه الرواية المنقطعة مدلسة هكذا: (بن شبرمة عن عبد الله بن شداد بن الهاد) بما يوهم الاتصال. ثم قال الإمام النسائي: [خالفه أبو عون محمد بن عبيد الله الثقفي، يعني خالفه في اللفظ فقال: (ما أسكر) أو (المسكر):

\* Chapter: story with a wavering utterance according to Ibn Abbaas

But a story with a wavering utterance appeared according to Ibn Abbaas which is:

\* And as appeared in [20], and also the same one in [4]: [Abu Beker Bin Ali told us he said Sereej Bin Younis told us Hesheem told us according to Bin Shebremeh he said Al-Thiqet told me according to Abdullah Bin Shedad according to Bin Abbaas he said: (Khamr was forbidden in itself in small and large quantities, and "intoxication" from any drink)], but Ibn Shebremeh definitely did not hear it from Abdullah Bin Shedad Bin Al-Had, and maybe this separate story appeared misquoted as follows: (Bin Shebrimeh according to Abdullah Bin Shedad Bin Ilhad) in what is imagined incorrectly to be a connection. Then Imaam Al-Nisa'I said: [Abu 'Awn Muhamed Bin Ubeid Allah Al-Theqefi disagreed with him], meaning he disagreed with him in the utterance for he said: (what intoxicates) or (the intoxicant).

## Appendix One

\* كما جاء في «المجتبى من السنن للإمام النسائي»، وكذلك بعينه في «السنن الكبرى للإمام النسائي» بإسناد متصل غاية في الصحة: [أخبرنا محمد بن عبد الله بن الحكم قال حدثنا محمد (ح) وأنبأنا الحسين بن منصور قال حدثنا أحمد بن حنبل قال حدثنا محمد بن جعفر قال حدثنا شعبة عن مسعر عن أبي عون عن عبد الله بن شداد عن بن عباس قال: (حرمت الخمر بعينها قليلاً وكثيراً، و«المسكر» من كل شراب)]، ثم قال الإمام النسائي: [لم يذكر بن الحكم قليلاً وكثيراً]، وبعضه في «سنن البيهقي الكبرى»، وهو في «المعجم الكبير» مختصراً.

\* And also appeared in [20] and the same one in [4] in a related quotation which is highly accurate: [Muhammad bin Abdullah bin Alhakam told us and said Muhammad (H) told us and Al-Hussein Bin Mansour informed us said Ahmad Bin Hanbel told us Muhammad Bin Ja'afar said Shu'ba told us according to Mes'ar according to Abi A'wn according to Abdullah Bin Shedad according to Bin Abbaas and said: (Khamr was forbidden in itself in small and large quantities, and "intoxication" from any drink)], then Imaam Al-Nisa'i said: [Bin Al-Hakam did not mention in small and large quantities], and some of it appears in [1] and it also appears in [11] abbreviated.

وقد اعتنى الإمام النسائي بهذا الموضوع فعدد في «المجتبى من السنن للإمام النسائي»، وفي «السنن الكبرى له» طرقاً صحاحاً عدة بهذه الألفاظ: (ما أسكر) أو (المسكر). وكذلك فعل الإمام الدارقطني في «سنن الدارقطني»، والبيهقي في «سنن البيهقي الكبرى»، وغيرهما من الأئمة. غير أن اللفظة المستنكرة: (المسكر) قد جاءت أيضاً من طرق صحاح أخرى، غير طريق ابن شبرمة المنقطعة، فمن ذلك:

And Imaam Al-Nisa'i paid attention to this subject for he listed in [20] and in [4] several correct and authentic routes with these utterances: (what intoxicates) or (the intoxicant). And so also did Imaam Al-Darqettni in [9] and Al-Beheeqi in [1] and others of the Imams.

Although the censured pronunciation: (Al-Suk'r) also appeared in other correct and authentic ways, other than the cut way of Ibn Shebrimeh, among which:

\* ما جاء في «سنن البيهقي الكبرى» بإسناد صحيح: [أخبرنا أبو الفتح هلال بن محمد بن جعفر الحفار أنبأ الحسين بن يحيى بن عياش القطان ثنا يحيى بن السري ثنا جرير عن مسعر عن أبي عون عن عبد الله بن شداد قال قال بن عباس: (حرمت الخمر لعينها قليلاً وكثيراً، و«المسكر» من كل شراب)]، ثم قال الإمام البيهقي معقّباً: [فمن هذا وما أشبهه وقعت شبهة من أباح القليل من سائر الأشربة وأما نحن فلا نبيح شيئاً منه إذا أسكر كثيرة لما روينا عن سعد بن أبي وقاص وابن عمر وغيرهما عن النبي صلى الله عليه وسلم: «أنهاكم عن قليل ما أسكر كثيره»؛ وقال: «ما أسكر كثيرة فقليله حرام»، وقال: «كل مسكر خمر، وكل مسكر حرام»، وروينا في حديث بن عباس هذا أنه قال: (و«المسكر» من كل شراب)]

\* وما جاء أيضاً بإسناد صحيح في «شرح معاني الآثار»: [حدثنا فهد قال ثنا أبو نعيم قال ثنا مسعر بن كدام عن أبي عون الثقفي عن عبد الله بن شداد بن الهاد عن عبد الله بن عباس قال: (حرمت الخمر بعينها و«المسكر» من

\* And what appeared in [1] with a correct and authentic quotation: [Abu Al-Fet'h Hilal Bin Muhammad Bin Ja'afar Al-Haffar told us Al-Hussain Bin Yahya Bin Ayash Al-Qattan informed Yahya Bin Al-Sirry told us Jereer told us according to Mus'ar according to Abi Awn according to Abdullah Bin Shedad said Bin Abbaas said: (Khamr was forbidden in itself in small and large quantities, and "Al-Sukr" [intoxication] from any drink)], then Imaam Al-Bayheqi said following up: [for because of this and what is similar to it doubt fell on the permission of small quantities of all drinks but we do not permit any quantity from something if large quantities intoxicate when we told according to Sa'ad Bin Abi Waqqass and Ibn Umar and others according to the Prophet (saas): "He prohibits you small quantities of that from which large quantities intoxicate" and said: "That from which large quantities intoxicate then small quantities of it are forbidden", and said "Every intoxicant is Khamr, and every intoxicant is forbidden", and we told in the text according to Bin Abbaas that he said: (And Al-Muskir [the intoxicant] from each drink)]

\* And also what appeared in the correct and authentic quotation in [31]: [Fahad told us he said Abu Nu'aim said Mus'ar Bin Kedam told us according to Abi Awn Al-Thiqefi according to



### ***Appendix One***

Abdullah Bin Shedad Bin Ilhad according to Abdullah Bin Abbaas he said: (Khamr was forbidden in itself and “Al-Sukr” [intoxication] from every drink)] .

كل شراب)].

**ثم عقّب الإمام الطحاوي قائلًا:** [فأخبر بن عباس أن الحرمة وقعت على الخمر بعينها وعلى السكر من سائر الأشربة سواها فثبت بذلك أن ما سوى الخمر التي حرمت مما يسكر كثيره قد أبيع شرب قليله الذي لا يسكر على ما كان عليه من الإباحة المتقدمة تحريم الخمر وأن التحريم الحادث إنما هو في عين الخمر والسكر مما في سواها من الأشربة. فاحتمل أن يكون الخمر المحرمة هي عصير العنب خاصة واحتمل أن يكون كل ما خمر من عصير العنب وغيره فلما احتمل ذلك وكانت الأشياء قد تقدم تحليلها جملة ثم حدث تحريم في بعضها لم يخرج شيء مما قد أجمع على تحليله إلا بإجماع يأتي على تحريمه ونحن نشهد على الله عز وجل أنه حرم عصير العنب إذا حدث فيه صفات الخمر ولا نشهد عليه أنه حرم ما سوى ذلك إذا حدث فيه مثل هذه الصفة فالذي نشهد على الله بتحريمه إياه هو الخمر الذي آمنّا بتأويلها من حيث قد آمنّا بتأويلها والذي لا نشهد على الله أنه حرم هو الشراب الذي ليس بخمر. **فما كان من خمر فقليله وكثيره حرام، وما كان مما سوى ذلك من الأشربة فاسكر منه حرام، وما سوى ذلك منه مباح** هذا هو النظر عندنا. وهو قول أبي حنيفة وأبي يوسف ومحمد رحمهم الله غير نقيع الزبيب والتمر خاصة فإنهم كرهوا وليس ذلك عندنا في النظر كما قالوا لأننا وجدنا الأصل المجمع عليه أن العصير وطبيخه سواء وأن الطبخ لا يحل به ما لم يكن حلالا قبل الطبخ إلا الطبخ الذي يخرج من حد العصير إلى أن يصير في حد العسل فيكون بذلك حكمه حكم العسل فرأينا طبخ الزبيب والتمر مباحا باتفاقهم فالنظر على ذلك أن يكون فيهما كذلك فيستوي نبيذ التمر والعنب النّيّ والمطبوخ كما استوى العصير وطبيخه فهذا هو النظر ولكن أصحابنا خالفوا ذلك للتأويل الذي تأولوا عليه حديث أبي هريرة وأنس اللذين ذكرنا وشئ روه عن سعيد بن جبیر]

Then Imaam Al-Tehawi followed up by saying: [Bin Abbaas told that the forbiddance applies to Khamr itself and to the intoxication from all other drinks and it is established that apart from Al-Khamr (Khamr) which is forbidden from those which intoxicate in large quantities then is permitted to drink small quantities which do not intoxicate was the permission which preceded the forbiddance of Khamr that that the current forbiddance applies specifically to Khamr and to intoxication from any other drinks. So it is possible that the [forbiddance applies] to any Khamr including juice of grapes and of others so if there is such a possibility and the things had been analysed as a group or a class and then the forbiddance is applied to some of the group then nothing will be produced which applies to what was analysed as a group and we testify that Allah (awj) forbade the juice of grape if it contained the qualities of Khamr and we do not testify that Allah (awj) forbade exceptions to that if it contained such a quality for what we testify that Allah has forbidden is Al-Khemr (Khamr) which we believe in its interpretation for we believe that it had been descended by [Allah (awj)] and what we do not testify to is that Allah forbade a drink which is not Al-Khemr (Khamr). “For what was from Khemr (Khamr) then small and large quantities of which are forbidden, and for drinks other than this then intoxication from them is forbidden” [H15] and any drinks other than that are permitted this is our view. And Abu Haneefa and Abu Yousif and Muhammad may the mercy of Allah be upon them, say that other than raisins or dates soaked in water then it is hated and that is not our view and they also said that as they found the origin that was agreed upon that the juice and the cooked substance are the same and that cooking does not make permissible what was not permissible before the cooking except the cooking that changes the state of the juice to that of honey for then the rule which applies to it is the one which applies to honey for we have seen that cooked raisins and dates are permissible by their agreement for the view regarding that is the equivalence of wine made from uncooked dates and grapes and that made from cooked ones and also the juice and the cooked form are equivalent for this is the view but our companions disagreed with this interpretation for their interpretation of the text from Abi Huraira and Anas whom we mentioned and something they told according to Saeed Bin Jebeer.]

**والخلاصة:** إن طريق بن شبرمة لا تقوم بها حجة أصلاً، ولا يجوز الاستشهاد بها، لأنها منقطعة: فلا يعرف من أخذ عنه، والمجهول لا تقبل روايته. ولا يقال أن ابن شبرمة قال: (حدثني الثقة عن عبد الله بن شداد) لأن الثقة عنده قد لا يكون موثقاً عند جمهور العلماء، و(المجتمع العلمي) أي جمهور العلماء، هو الحجة الفاصلة في التوثيق والتضعيف.

علوّة على ذلك فإن لفظ حديث ابن شبرمة يقول «السكر» في حين أن لفظ الروايات المتصلة الصحيحة يقول تارة: «المسكر» أو «ما أسكر»، وتارة أخرى: «السكر»، فلا محيص من أحد الخيارين التالية:

**And in summary:** that the route of Bin Shebrimih does not supported by original Hujeh, [proof or argument] and one must not quote it as a reference, because it is isolated: for it is not known from whom it was taken, and the story of the unknown is not acceptable. And it is not said that Ibn Shebremeh said: (Al-Thiqet told me according to Abdullah Bin Sheddad) because what is trusted for him may not be trusted by the body of authorities and (society of authorities) meaning multitude of authorities, which has the final word in corroborating and weakening.

In addition to that the pronunciation of the text from Ibn Shebremeh says “Al-Seker” whereas the pronunciation of the correct and authentic connected stories says “Al-Muskir” in some cases and “Ma Esker” in others, so only the following choices are possible:

**الأول، وهو اختيارنا الأول:** قبول جملة: (حرمت الخمر بعينها قليلاً وكثيراً) لإجماع الرواة عليها، والجزم بصحة لفظة: «المسكر» أو «ما أسكر» في الجملة الثانية، ورد ما سواها على أنها من أوهام الرواة، لأنها أصح إسناداً، لا سيما وأنها من طريق شعبة عن مسعر، وشعبة أحفظ وأثبت من كل من جرير وخلاد وأبي نعيم مجتمعين، ولأنها موافقة لجمل روايات الثقات عن ابن عباس، وكذلك لما ثبت ثبوتاً قطعياً عن النبي، عليه وعلى آله الصلاة والسلام؛

**الثاني:** قبول جملة: (حرمت الخمر بعينها قليلاً وكثيراً) لإجماع الرواة عليها، ورد الجملة الثانية من الأثر لأنها معلولة بالاضطراب، لا سيما أن لفظة (السكر) قد جاءت من طرق متصلة أخرى عن أبي عون (جرير عن مسعر، وأبو نعيم عن مسعر، وخلاد بن يحيى عن مسعر)، ومن غير طريق أبي عون كما هي في «المعجم الكبير» من عدة طرق، وليس فقط بالإسناد المنقطع من طريق ابن شبرمة:

**الثالث:** تصحيح لفظة (السكر) لأنها قد جاءت من طرق متصلة، وليس فقط بالإسناد المنقطع من طريق ابن شبرمة، كما هو عن جرير عن مسعر عن أبي عون، وأبو نعيم عن مسعر عن أبي عون، وخلاد بن يحيى عن مسعر عن أبي عون، ومن غير طريق أبي عون أيضاً، وتكون حينئذ لفظة: (المسكر) أو (ما أسكر) من تصرفات الرواة أو أوهامهم. ويكون هذا حينئذ إما:

(١) تساهلاً لفظياً من عبد الله بن العباس، وإنما قصد: (المسكر) كما ثبت عنه في مواضع أخرى؛

(٢) أو رأياً شاذاً لابن عباس، وهو حينئذ من زلات العلماء، أعاذنا الله من شرها، ولكن لا حجة في أحد بعد

**First: and this is our first choice** acceptance of the sentence (Khamr was forbidden in itself in small and in large quantities) because of the agreement of all tellers, and the authoritative assertion of the correctness of the pronunciation: “Al-Muskir” or “Ma Esker” in the second sentence, and take any others as imagined by the tellers, because it is the most correct and authentic quotation, especially since it is from the route of Shu’be according to Mus’ir, and Shu’beh is better at memorising and more accurate than each of Kereer and Khilad and Ibi Nu’aim taken together, and because it agrees with the whole of the stories of Al-Thiqat according to Ibn Abbaas, and also because of was proven definitely according to the Prophet, may the blessing and peace of Allah be upon him and his descendants;

**Second:** acceptance of the sentence: (Al-Khemr (Khamr) is forbidden in itself in small and large quantities) by the agreement of all the tellers, and leave the second sentence because it suffers from wavering, especially since the pronunciation (Al-Seker) had come by other connected ways according to Abi A’wn (Jereer according to Mus’ar, and Abu Nu’aim according to Mus’ar, and Khelad Bin Yahya according to Mas’er), and from a route other than that of Abi A’wn as it appears in [11] by several routes, and not only by the isolated quotation by route of Ibn Shebremeh;

**Third:** Correction of the pronunciation (Al-Seker) because it arrived from connected routes, and not only according to the isolated quotation by route of Ibn Shebremeh, as it appears according to Jereer according to Mu’ar according to Abi A’wn, and Abu Nu’aim according to Abi A’wn, and Khelad Bin Yahya according to Mus’ar according to Abi A’wn, and by route other than that of Abi

### ***Appendix One***

A'wn, and Abu Nu'aim according to Mus'ar according to Abi A'wn, and Khelad Bin Yahya according to Mus'ar according to Abi A'wn, and also by a different route to that of Abi A'wn, and in that case the pronunciation: (Al-Muskir) or (Ma Esker) results from the interpretation or the imagination of the tellers. And in this case it is either:

- (1) Condonation in the pronunciation by Abdullah Bin Al-Abbaas, that he meant (Al-Muskir) as was proven for him in other subjects;
- (2) Or an odd opinion by Ibn Abbaas, and in this case one of the slips of authorities, may Allah protect us from its evil, and no one has the legal authority after the Messenger of Allah, may the prayers and the peace and blessings of Allah be upon him and upon his decendents.

رسول الله، عليه وعلى آله صلوات وتسليمات وتبريكات من الله.  
لهذا لا يجوز، ولا بحال من الأحوال، الاحتجاج خصوصاً بمثل هذه الروايات المضطربة أو الشاذة على القول بأن  
المحرم هو (السكر) فقط، فإن شرب الإنسان قدراً قليلاً من شراب مسكر، بحيث لا يسكر الشارب، فإنه لم يرتكب  
حراماً، كما فعل الإمام الطحاوي، رحمه الله، في «شرح معاني الآثار» كما يظهر من النص الذي نقلناه آنفاً.  
وعموماً: فإن الاضطراب في الرواية من موجبات تضعيفها وردّها، فلا تقوم بها حجة. ومن احتج بالضعيف هدم  
قواعد الحس والعقل، السابقة لورود الشرع. وهو كذلك مخالف لحكم الشرع الذي أكد ذلك بعد وروده.  
وحتى لو صح أثر بن عباس، ونقل عنه نقل تواتر، فلا حجة فيه لأنه لا حجة في أحد غير معصوم، ولا معصوم بعد  
رسول الله، عليه وعلى آله صلوات وتسليمات وتبريكات من الله.  
كما أن قول الإمام الطحاوي، رحمه الله: (ولا نشهد عليه أنه حرم ما سوى ذلك إذا حدث فيه مثل هذه الصفة)،  
غير صحيح، ولعله لم يطلع على تواتر الحديث: «كل مسكر حرام»، وإفادته للعلم اليقيني القاطع، لذلك فإن الواجب  
هو: (أن نشهد على الله أنه حرم ما سوى ذلك، أي ما سوى عصير العنب، إذا حدث فيه مثل هذه الصفة)، كما سلف  
في فصله، وكما سيأتي في الفصول التالية. وفي كلام الإمام الطحاوي، رحمه الله، غير ذلك أخطاء منهجية وأصولية  
ليس هنا مجال الرد عليها.

For this one must not, under any circumstances, rely as authoritative especially through stories such as these which are wavering or odd on the saying that what is forbidden is only El-Sukr (the intoxication), for if a person drank a small amount of an intoxicating drink, so that the drinker is not intoxicated, then he did not commit a sin, as did Imaam Al-Tehawi, may the mercy of Allah be upon him, in [31] as appeared from the text which we copied earlier. And in general, if the wavering in the story one of the reasons for weakening it and dismissing it, then it cannot be relied on as authoritative. And he who relied as authoritative on what is weak destroyed the basis for sense and reason, which preceded religious law. And so it is also against the rule of religious law which confirmed that after after is was established.

And even the work of Bin Abbaas were correct and authentic, and it was copied continuously and uninterruptedly, then it still would not be authoritative for there can be no authoritative for anyone who is not exempt, and no one is exempt after the Messenger of Allah, may the prayers and the peace and blessings of Allah be upon him and upon his descendants.

And also the saying of Imaam Al-Tehawi, may the mercy of Allah be upon him: (And we do not testify to something apart from that being forbidden it it possessed such a characteristic), is wrong, and maybe he did not study the continuous uninterrupted copies of the Hadeeth: "Every intoxicant is forbidden" and benefited from the definitive and absolute knowledge, for this reason the duty is: (That we testify that Allah forbade things apart from that, i.e. apart from the juice of grapes, if it contained such a characteristic), as was contained in its section, and as will follow in the coming chapters, and the saying of Imaam Al-Tehawi, may the mercy of Allah be upon him, others from grammatical and procedural errors no room for covering them here.

#### \* فصل: ماهية (السكر)، وهل كل مسكر خمر؟!

أما لفظة: «كل مسكر خمر» فهي صحيحة الثبوت عن النبي، عليه وعلى آله الصلاة والسلام، من حديث عبد الله بن عمر، الذي سبق ذكره مع تعدد طرقه، تقوم بها الحجة: فلا يحل الإعراض عنها مطلقاً، ويجب التدين بها، لا سيما وأنها لها شواهد تؤيدها، ومنها:

\* حديث عبد الله بن عباس في «سنن أبي داود»: [عن النبي صلى الله عليه وسلم قال: «كل مخمر خمر، وكل مسكر حرام» ومن شرب مسكراً بخست صلاته أربعين صباحاً فإن تاب تاب الله عليه فإن عاد الرابعة كان حقاً على الله أن يسقيه من طينة الخبال»... الحديث].

\* كلام أنس كما هو في «مسند أبي يعلى»: [... قال: (ثم حرمت الخمر وهي من العنب والتمر والعسل والحنطة والشعير والذرة، وما خمرت من ذلك فهو الخمر)]، وقال الشيخ حسين أسد: (إسناده صحيح).

\* **Chapter:** Whatness of (Al-Khemr) [What is Khamr?], and is every intoxicant Khamr?!

As for the utterance “Every intoxicant is Khamr” then it is correctly attributed to the Prophet (May the prayers of Allah be upon him and upon his descendents), from the text of Abdullah Bin Umar, who was mentioned before with the listing of his ways, it can be relied on as authoritative: it is absolutely not permitted to object to it, and one must rely on it as rule of religion, and especially since it has testimonies to support it, from them:

“Hadeeth according to Abdullah Bin Abbaas in [7]: [According to the Prophet (saas) he said: “Every “Mukhmer” (thing which turns to Khamr through fermenting) is Khamr, and every intoxicant is forbidden”; and he drinks intoxicant diminished his Sselat (Prayer) by forty mornings for if he repented then Allah would forgive him but if he returned a fourth time then Allah has the right to make him drink from Teenat Al-Khebal”, ... Hadeeth] .

\* And the words of Anas as it is in [15]: [ ..., he said: (then Khamr was forbidden and it is from grapes and dates and honey and wheat and barley and corn, and is fermented from that [so that it turns into Khamr] then it is Al-Khemr [Khamr] ], and Al-Sheikh Hassan Asad said; (his quotation is correct and authentic).

\* وما جاء في «المعجم الكبير»: [حدثنا عبد الله بن أحمد بن حنبل حدثني الحسن بن عبد العزيز الجروي ثنا يحيى بن حسان ثنا وهيب عن بن طاووس عن أبيه عن بن عباس رضي الله تعالى عنهما، أن النبي صلى الله عليه وسلم، ذكر «الخمر»، فقال رجل: (يا رسول الله: إنا نتخذ شراباً من هذا المزْر؟!)، فقال النبي صلى الله عليه وسلم: «كل مسكر حرام»]، قلت: دلالة السياق واضحة في أن النبي، عليه وعلى آله الصلاة والسلام، كان يتكلم عن «الخمر»، فسأله أحدُهم عن شراب معين لعله يحصل على فتوى بأنه ليس بخمر، ومن ثم حلال، فأجابه بقوله: «كل مسكر حرام»، وهذه إشارة قوية إلى أن «كل مسكر خمر»، في عرف الشرع!

\* وجاءت جملة: «كل مسكر خمر» بإسناد غريب في «تاريخ جرجان» أثناء ترجمة (أبي نعيم محمد بن هشام الجرجاني العمركي، نزيل مصر): [أخبرني أبو الحسن علي بن عمر بن مهدي الحافظ، رحمه الله، قال حدثني أبو نعيم محمد بن هشام الجرجاني العمركي بمصر، حدثنا يوسف بن يعقوب بن فناكي الرازي حدثنا محمد بن سهل بن زنجلة حدثنا عبد العزيز الأويسى حدثنا مالك بن أنس عن الزهري عن أبي سلمة عن عائشة عن النبي، صلى الله عليه وسلم: «قال كل مسكر حرام، وكل مسكر خمر»]، ثم قال أبو الحسن الدارقطني: ( في الموطأ كل شراب أسكر فهو حرام؛ وقوله: «كل مسكر ...» غريب بهذا الإسناد! )

\* And what appeared in [11]: [Abdullah Bin Ahmad Bin Hanbel told us Al-Hasan Bin Abd-ul-Azeez Al-Jouri told us Yahya Bin Hussan told us Waheeb told us according to Tawoos according to his father according to Bin Abbaas (may Allah be content with both them), that the Prophet (saas) mentioned “Al-Khemr” so a man said: (O Messenger of Allah: we take deinks from this Al-Mizr?!), so the Prophet (saas) said: “Every intoxicant is forbidden”], and I said: Evidence of the flow is clear in that the Prophet, May the prayers of Allah be upon him and upon his descendents, was speaking about “Al-Khemr” (Khamr) and then one of them asked him about a specific drink in the hope that he may get a Fatwa (ruling) that it is not Al-Khemr (Khamr), so he answered him by saying: “Every intoxicant is forbidden”, and this is a strong signal that “Every intoxicant is Khamr” in the basis of Al-Sher’ (religious law)!

\* And the sentence “Every intoxicant is Khamr” appeared in a strange quotation in during the translation (Abi Naeem Muhammad Bin Hisham Al-Jerjani Al-Amreki, resident of Egypt): [Abu Al-Hasan Ali Bin Umar Bin Mahdi Al-Hafith told us, may the mercy of Allah be upon him, he said Abu Naeem Muhammad Bin Hisham Al-Jerjani Al-Amreki told us in Egypt, Yousif Bin Yaqoub Bin Fenaki Al-Razi told us Muhammad Bin Sehel Bin Zenjeleh told us Abd-ul-Azeez Al-Aweesi told us Malik Bin Anas told us according to Abi Selme according to Aisheh according to the Prophet (saas) said: “He said every intoxicant is forbidde, and every intoxicant is Khamr”], then Abu Al-Hasan Al-Darqetni said: (As a rule every drink which intoxicates then it is forbidden; and his saying ... “Every Musker [intoxicant] ...” strange in this quotation!)

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لفظة (الخمير) ولفظة (المسكر) وشبه جملة (ما أسكر) كلها مترادفة في عرف الشرع، فلا فرق إن كانت لفظة (الخمير) في أصل اللغة تطلق على أصناف مخصوصة من المسكرات، كتلك المصنوعة من عصير العنب، أي أنها علم على الشراب المتخمر المصنوع من عصير العنب، وهو الصحيح الأرجح، فوسّع الشرع موضوعها فأصبحت تعني كل مسكر، أو أنها كانت تطلق أصلاً على كل متخمر ومسكر. وقد جاءت نصوص أخرى مؤيدة لما قلناه، فمنها:

For the utterance (Al-Khemr) and the utterance (Al-Muskir) [the intoxicant] and the semi-sentence (Ma Askere) [what intoxicates] are all synonymous according to the rules of Al-Sher' [religious law], for there is no difference if the utterance (Al-Khemr) in the original language applies to specific types of intoxicants, like those made of grapes, that is to say it applies to the fermented drink made of the juice of grapes, and it is probably the most correct, for Al-Sher' (religious law) expanded its subject so it now means every intoxicant, or if it used to apply originally to every thing which is fermented and intoxicating, and there are other texts which support what we said from which:

أولاً: ما قال الله، جل جلاله: ﴿مِنْ ثَمَرَاتِ النَّخِيلِ وَالْأَعْنَابِ تَتَّخِذُونَ مِنْهُ سَكَرًا، وَرِزْقًا حَسَنًا، إِنَّ فِي ذَلِكَ لَآيَةً لِّقَوْمٍ يَعْقِلُونَ﴾، (النحل: ٦٧:١٦). وهذه الآية الحكمة الكريمة نص في أن لفظة سكر تنطبق انطباقاً متساوياً على المسكر المتخذ من الأعناب والنخيل على حد سواء، وتشعر بأن المسكر المتخذ من كليهما ليس من الرزق الحسن، فإن كان لفظ (الخمير) علماً على الشراب المتخمر الشديد المتخذ من عصير العنب، فإن الشراب المتخمر الشديد المتخذ من ثمار النخيل يستحق نفس الاسم، أو الحكم المتعلق بنفس الاسم. وقد ترجم النبي الله، عليه وعلى آله صلوات وتسليمات وتبريكات من الله، الآية أنفة الذكر تطبيقاً عملياً معصوماً على لفظة (الخمير):

Firstly: What Allah, Jelle Jelaluh said

﴿مِنْ ثَمَرَاتِ النَّخِيلِ وَالْأَعْنَابِ تَتَّخِذُونَ مِنْهُ سَكَرًا، وَرِزْقًا حَسَنًا، إِنَّ فِي ذَلِكَ لَآيَةً لِّقَوْمٍ يَعْقِلُونَ﴾، (النحل: ٦٧:١٦).

According to the Holy Qur'aan Chapter AN-NAHL (THE BEE) verse 016:067  
016.067

YUSUFALI: And from the fruit of the date-palm and the vine, ye get out wholesome drink and food: behold, in this also is a sign for those who are wise.

PICKTHAL: And of the fruits of the date-palm, and grapes, whence ye derive strong drink and (also) good nourishment. Lo! therein is indeed a portent for people who have sense.

SHAKIR: And of the fruits of the palms and the grapes--you obtain from them intoxication and goodly provision; most surely there is a sign in this for a people who ponder.

In this noble verse from the Qur'aan of Mecca the pronunciation of the word (سَكَرًا) corresponds equally and in the same way to the word المسكر which is extracted from grapes and dates, and that the intoxicant taken from each of them is not well-favored livelihood, then if the utterance (Al-Khemr') applies to the strong fermented drink which is taken from the juice of grapes, then the strong fermented drink which is taken from the fruit of palm trees deserves the same name, or the ruling related to the same name.

And the Prophet of Allah, may the prayers and the peace and the blessings of Allah be upon him and upon his descendants, translated the above verse as a practical exempt application of the utterance (Al-Khemr):

\* كما جاء في «صحيح الإمام مسلم»: [حدثني زهير بن حرب حدثنا إسماعيل بن إبراهيم أخبرنا الحجاج بن أبي عثمان حدثني يحيى بن أبي كثير أن أبا كثير حدثه عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم: «الخمير من هاتين الشجرتين: النخلة، والعنب»]. وهو في «صحيح الإمام مسلم»، وفي «مسند أبي عوانة»، وفي «صحيح ابن حبان»، وفي «سنن الترمذي»، وفي غيرها، من طرق كثيرة جداً، كلها صحاح أو حسان، عن: يحيى بن أبي كثير والأوزاعي وعقبة بن التوأم وعكرمة بن عمار، كلهم عن أبي كثير، وهو يزيد بن عبد الرحمن بن غفيلة السحيمي، عن أبي هريرة. وجاء هذا في «صحيح الإمام مسلم» بلفظ: «الكرم والنخل».

فهذا نص نبوي قاطع بأن المسكر المتخذ من ثمرات النخيل، وكذلك المتخذ من الزبيب، يستحق اسم (الخمير) شرعاً، وله من ثم كافة الأحكام المتعلقة بهذا الاسم ضرورة، وذلك بغض النظر عن كونه في الأصل اللغوي كان علماً على الشراب المسكر المتخذ من عصير العنب، أو لم يكن.

And as appeared in [6]: [Zuhair Bin Herrb told us Ismaeel Bin Ibraheem told us Al-Hejjaj Bin Abi Uthman told me Yahya Bin Abi Ketheer that Abu Katheer told him according to Abi Hurreira said the Messenger of Allah (saas) said: “Al-Khemr [Khamr] is from these two trees: palm tree and grapevines], and it appears in [6] and in [45], and in [21], and in [27] and in others, from many ways, all of them correct and authentic of good, according to Yahya Bin Abi Ketheer and Al-Awza’I and Aqebah Bin Al-Taw’am and Akremeh Bin Amar, all of them according to Abi Ketheer, and he is Yazeed Bin Abd-ul-Rahman Bin Ghefeeel Al-Seheemi, according to Abi Hurreira, and this appeared in [6] with the utterance “Al-Kerem” [vine-tree] and “Al-Nekheel” [palm tree] .

For this direct text of the Prophet and it is definite that an intoxicant taken from the fruits of palm-trees, and also that which is taken from rasins, deserves the name (Al-Khemr) according to Al-Sher’ [religious law], and to it apply all the rulings for this name by necessity, and this is without taking into consideration the fact that its origin in the language applied to the intoxicating drink which is taken from the juice of grapes, or not.

**ثانياً:** أن الآية الكريمة التي حرمت الخمر والميسر قطعياً ذكرت بعض حكمة هذا التحريم، أي ما يؤول إليه الحال عادة من تعاطيهما في قوله، جل جلاله: ﴿ إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنتَهُونَ ﴾، (المائدة: ٩١:٥). وبضرورة الحس والعقل نعلم أن ذلك مترتب على صفات معينة فيهما، وليس على تركيب الاسم من أحرف معينة، ولا على كون بعض الألفاظ المستخدمة قد تكون علماً على نوع مخصوص منها في لغة العرب أو غيرها من اللغات. وفي حالة (الخمير) فإن الصفة المميزة لها هي (الإسكار) أو (الشدة المطرية)، وهي بعينها الموجودة في الأشربة المسكرة الأخرى بغض النظر عن كونها مصنوعة من ثمار العنب أو ثمار التخليل أو ثمار التين؛ أو حبوب الحنطة أو حبوب الشعير أو حبوب الذرة أو حبوب الأرز، أو حتى من العسل.

**Secondly:** the noble verse which forbade Al-Khemr [Khamr] and gambling in their totality mentioned some of the wisdom of this forbiddance, that is to say what is attributed to the usual state resulting from its consumption in the words of Allah (Jelle Jelaluh):

\* قال الله جل جلاله وسما مقامه: ﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنصَابُ وَالْأَزْلَامُ رَجَسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ ﴾. ﴿ إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنتَهُونَ ﴾، (المائدة: ٩٠:٥-٩١).

According to the Holy Qur’aan Chapter AL-MAEDA (THE TABLE, THE TABLE SPREAD) verses 5:90-91

005.090

*YUSUFALI: O ye who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination,-of Satan's handwork: eschew such (abomination), that ye may prosper.*

*PICKTHAL: O ye who believe! Strong drink and games of chance and idols and divining arrows are only an infamy of Satan's handiwork. Leave it aside in order that ye may succeed.*

*SHAKIR: O you who believe! intoxicants and games of chance and (sacrificing to) stones set up and (dividing by) arrows are only an uncleanness, the Shaitan's work; shun it therefore that you may be successful.*



And through the necessity of the senses and the reason we know that this is consequent of certain characteristics which they contain, and on the composition of the noun from certain letters, and in the case of Al-Khemr the salient features of it is “Al-Iskar” [intoxication] or “Al-Shiddeh Al-Mutribeh” [intensity of feeling or pleasure], and this very feature is present in the other intoxicating drinks regardless of whether they are made from the fruit of grapes or the fruit of palm-trees or the fruit of the buttocks, or the grains of wheat or the grains of barley or the grains of corn or the grains of rice, or even from honey.

وقد أدرك الصحابة بفطرتهم السليمة، وهم في غالبيتهم الساقية عرب أقحاح فصحاء، ذلك عند نزول التحريم فأراقوا ما عندهم من الأشربة بشتى أنواعها، فور سماعهم أن (الخمير) حرمت، لا فرق بين ما كان أصله من عصير العنب وغيره، بل إن الخمر المصنوعة من عصير العنب لم تكن بأيديهم حينئذ: \* كما جاء في «الجامع الصحيح المختصر» للإمام البخاري من رواية عبد العزيز بن صهيب عن أنس بن مالك، رضي الله تعالى: [حدثنا يعقوب بن إبراهيم حدثنا بن علي حدثنا عبد العزيز بن صهيب قال قال أنس بن مالك رضي الله تعالى عنه: (ما كان لنا خمر غير فضيخكم هذا الذي تسمونه الفضيخ؛ فإني لقاتم أسقي أبا طلحة وفلانا وفلانا إذ جاء رجل فقال: (وهل بلغكم الخبر؟) فقالوا: (وما ذاك؟)، قال: (حرمت الخمر!)، قالوا: (أهرق هذه القلال يا أنس!)، قال: فما سألوا عنها، ولا راجعوها بعد خبر الرجل)]، هو في «صحيح مسلم».

And the Companions recognised through the purity of their natural disposition, and the vast majority of whom are pure eloquent Arabs, this when the forbiddance was descended so they spilled whatever they had from drinks in all their types, as soon as they heard that (Al-Khemr) had been forbidden, there is no difference between what originates from the juice of grapes or others, for in fact the wines made of grape were not available to them at that time:

\* And as appeared in [5] by Imaam Al-Bukhari from a story of Abd-ul-Azeez Bin Ssuheib according to Anas Bin Malik, may Allah the great be content with him: [Ya'qoob Bin Ibraheem told us Bin Aliyet told us Abd-ul-Azeez Bin Seheeb said Anas Bin Malik, may Allah the great be content with him, said: (What we have from Khemr [Khamr] other than this Fatheekh of yours which you call Al-Fetheekh; for I will serve it to Aba Telha and to him and to him at this moment a man came and said: (Has the news reached you?!) they said (And what news?!), he said (Al-Khemr has been forbidden!), they said: (Spill these containers O Anas!) he said: so they did not ask about it , nor go back it after the news from the man)], and it appears in [6] .

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\* وجاء في «الجامع الصحيح المختصر» للإمام البخاري من رواية إسحاق بن عبد الله بن أبي طلحة عن أنس بن مالك، رضي الله تعالى: [حدثنا إسماعيل بن عبد الله قال حدثني مالك بن أنس عن إسحاق بن عبد الله بن أبي طلحة عن أنس بن مالك رضي الله تعالى عنه قال كنت أسقي أبا عبيدة وأبا طلحة وأبي بن كعب من فضيخ، وهو وتمر، فجاءهم أت فقال إن الخمر قد حرمت فقال أبو طلحة قم يا أنس فأهرقها فأهرقتها]، وأخرجه الإمام البخاري أيضاً من طرق أخرى، وهو في «صحيح مسلم» أيضاً.

\* And in [5] appears by Imaam Al-Bukhari from the story of Is-haaq Bin Abdullah Bin Abi Talha according to Anas Bin Malik (rata): [Ismaeel Bin Abdullah told us Malik Bin Anas told us according to Is-haaq Bin Abdullah Bin Abi Telha according to Anas Bin Malik (raea) he said I was serving the drink of Fedheekh, which made of dates, to Aba Ubaideh and Aba Telheh and Abi Bin Ka'ab and someone came to them and said that Al-Khemr (Khamr) had been forbidden so Abu Telha said get up O Anas and spill it so he spilled it], and Imaam Al-Bukhari also produced it by other ways, and it is also in [6].

\* وجاء في «الجامع الصحيح المختصر» للإمام البخاري من رواية قتادة عن أنس بن مالك، رضي الله تعالى: [حدثنا مسلم حدثنا هشام حدثنا قتادة عن أنس رضي، الله تعالى عنه، قال: إني لأسقي أبا طلحة وأبا دجانة وسهيل بن البيضاء خليط بسر وتمر إذ حرمت الخمر فقذفتها وأنا ساقهم وأصغرهم، وأنا نعدّها يومئذ الخمر]، وقال البخاري: [قال عمرو بن الحارث حدثنا قتادة سمع أنسا]، هو في «صحيح مسلم» من عدة طرق.

\* وجاء في «صحيح مسلم» من رواية ثابت البناني عن أنس بن مالك، رضي الله تعالى: [حدثني أبو الربيع سليمان بن داود العتكي حدثنا حماد يعني بن زيد أخبرنا ثابت عن أنس بن مالك قال: كنت ساقى القوم يوم حرمت الخمر في بيت أبي طلحة وما شربهم إلا الفضیخ: البسر والتمر؛ فإذا مناد ينادى فقال اخرج فانظر فخرجت فإذا مناد ينادي ألا إن الخمر قد حرمت. قال: فجرت في سكك المدينة. فقال لي أبو طلحة: (اخرج فأهرقها، فهرقتها). فقالوا أو قال بعضهم: (قتل فلان، قتل فلان وهي في بطونهم؟! قال فلا أدري هو من حديث أنس فانزل الله عز وجل: ﴿ليس على الذين آمنوا وعملوا الصالحات جناح فيما طعموا إذا ما اتقوا وآمنوا وعملوا الصالحات﴾]

\* And in [5] appears by Imaam Al-Bukhari from a story by Qetadeh according to Anas Bin Malik, (rata): [Muslim told us Hisham told us Qetadeh told us according to Anas (rata), he said: and was serving to Aba Telheh and Aba Dejanah and Suheil Bin Al-Beidha' a mixture of Buser [dates beginning to ripen] and dates when Al-Khemr was forbidden so I threw it and I was the one serving it and the youngest of them and we call that day Al-Khemr], and Al-Bukhari said: [Amrou Bin Al-Hareth said Qetadeh told us he heard Anasa], and it appears in [6] by several routes.

\* And in [6] appears from the story of Thabit Al-Benani according to Anas Bin Malik, (rata): [Abu Al-Rubei' told me Suleiman Bin Dawood Al-Ateki told us Hammaad meaning Bin Zaid told us Thabit according to Anas Bin Malik he said: I was pouring drinks to some people on the day when Al-Khemr was forbidden in the house of Abi Telha and their drink was no other than Al-Fedheekh: Al-Buser [dates beginning to ripen] and dates; and suddenly we heard a caller calling and he said get out and and see so I got out [and I found] the caller calling that Al-Khemr had been forbidden. He said: It was flowing in the streets of Al-Medineh [the city]. Then Abu Telha said to me: (Get outside and spill it, so I spilled it). Then they said or some of them said: (Someone killed, someone killed and it is inside them?!) he said so I do not know that it is from the text of Anas and then Allah (awj) descended [the noble verse]:

﴿ليس على الذين آمنوا وعملوا الصالحات جناح فيما طعموا إذا ما اتقوا وآمنوا وعملوا الصالحات﴾

[which says that those who believed and did the good deeds have not transgressed because of what they have eaten if they feared Allah and believed in Him and performed the good deeds"]

\* وجاء في «صحيح مسلم» من رواية سليمان التيمي عن أنس بن مالك، رضي الله تعالى: [وحدثنا يحيى بن أيوب حدثنا بن علي قال وأخبرنا سليمان التيمي حدثنا أنس بن مالك قال: إني لقائم على الحي على عمومتي أسقيهم من فضيخ لهم وأنا أصغرهم سناً فجاء رجل فقال إنها قد حرمت الخمر فقالوا أكفئها يا أنس فكفأها قال قلت لأنس: (ما هو؟)، قال: بسر ورطب. قال فقال أبو بكر بن أنس: (كانت خمرهم يومئذ)، قال سليمان: (وحدثني رجل عن أنس بن مالك أنه قال ذلك أيضاً)]

\* وجاء في «مسند الإمام أحمد بن حنبل» من رواية حميد عن أنس بن مالك، رضي الله تعالى، بإسناد صحيح: [حدثنا يحيى ثنا حميد عن أنس قال: كنت أسقي أبا عبيدة بن الجراح وأبي بن كعب وسهيل بن بيضاء ونفراً من أصحابه عند أبي طلحة وأنا أسقيهم حتى كاد الشراب أن يأخذ فيهم فأتى أت من المسلمين فقال أو ما شعرتم أن الخمر قد حرمت فما قالوا حتى ننظر ونسأل فقالوا يا أنس اكفء ما بقي في إنائك قال فوالله ما عادوا فيها وما هي إلا التمر والبسر وهي خمرهم يومئذ يومئذ]، وهو في «صحيح ابن حبان» وقال الشيخ شعيب الأرناؤوط: (إسناده صحيح على شرط مسلم).

\* And in [6] appeared from the story of Suleiman Al-Taymi according to Anas Bin Malik, (rata): [And Yahya Bin Ayoub told us Bin Aliyet told us aid Suleiman Al-Taymi told us Anas Bin Malik told us said: I was standing and pouring to my uncles drinks of Fedheekh and I was the youngest then a man came and said that Al-Khemr [Khamr] had been forbidden and they said stop serving it so I stopped serving it he said I said to Anas: (What is it?!), he said Basr [dates beginning to ripen] and Rutab [ripe dates] . He said Abu Bekr Bin Anas said: (It was their Khemr [Khamr] then), Suleiman said: (A man told me according to Anas Bin Malik that he said that also)]

\* And in [10] appeared from a story of Hameed according to Anas Bin Malik (rata), with a correct and authentic quotation: [Yahya told us Hameed told us according to Anas he said: I was serving drinks to Aba Ubeideh Bin Al-Jerrah and Abi Bin Ka'ab and Suheil Bin Baydha' and a group of his companions at [the place of] Abi Telha and I was pouring them drinks until the drink nearly started to affect them and someone came from the Muslims and said have you not felt that Al-Khemr had been forbidden so they did not say let us see and ask but they said O Anas pour what remains in your container he said I swear by Allah they never returned to it and was not other than dates and Basr [dates beginning to ripen] and it was their Khemr (Khamr) at that time], and it appears in [18] and Al-Sheikh Shaeab Al-Arna'oott said: (his quotation is correct and authentic provided he is a Muslim).

والأحاديث أنفة الذكر موجودة في عامة كتب السنة، وخاصة في «المجتبى من السنن للإمام النسائي»، وفي «السنن الكبرى للإمام النسائي»، وفي «سنن الدارقطني»، وفي «سنن البيهقي الكبرى». فهذا نقل تواتر عن أنس بن مالك، وهو شاهد عيان على الواقعة، تقطع بأنهم فهموا على البديهة فوراً أن فضيخهم المستوع من الرطب والبسر خمر حرام لا شك فيها، وقد أقر النبي، عليه وعلى آله الصلاة والسلام ذلك الفهم، وحسنه.

وهذا هو عبد الله بن عمر بن الخطاب يبين أن (الخمر) خمر العنب ما كانت متوفرة أصلاً في المدينة عند نزول التحريم:

\* كما جاء في «الجامع الصحيح المختصر» للإمام البخاري: [حدثنا إسحاق بن إبراهيم أخبرنا محمد بن بشر حدثنا عبد العزيز بن عمر بن عبد العزيز قال حدثني نافع عن بن عمر رضي الله تعالى عنهما قال: (نزل تحريم

And the previous Hadeeths appear generally in the books of Al-Sunneh, and especially in [20] and in [4] and in [23] and in [1]

For this is Neql Twatur [continuous uninterrupted copying] according to Anas Bin Malik and he was an eye witness to what happened, proves that they understood essentially and immediately that their Fatheekh made of Rutab and Basr was forbidden Khemr without any doubt, and the Prophet (may the prayer and peace of Allah be upon him and his descendants) testified to this understanding and its goodness.

And here is Abdullah Bin Umar Bin Al-Khattab explaining that (Al-Khemr) of grapes was not available originally in Al-Medeena when the forbiddance descended:

### ***Appendix One***

“As appeared in [5] by Imaam Al-Bukhari: {Is-haaq Bin Ibraheem told us Muhammad Bin Bishr told us Abd-ul-Azeez Bin Umar Bin Abd-ul-Azeez said Naafi’ told me according to Bin Umar, may Allah be content with them both, said: (the forbiddance descended

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**الخمير وإن في المدينة يومئذ لخمسة أشربة، ما فيها شراب العنب]**، وجاء أيضاً في «الجامع الصحيح المختصر» من طريق أخرى صحيحة، بلفظ: (لقد حرمت الخمير، وما بالمدينة منها شيء)، وهو في «سنن البيهقي الكبير».

**وجاء هذا، أي أن عامة شرابهم كان (الفضيخ)، أو (الفضوخ)، عن عبد الله بن عمر:**

\* كما هو في «المعجم الكبير»: [حدثنا أبو يزيد القراطيسي ثنا أسد بن موسى ثنا يزيد بن عطاء عن يزيد بن أبي زياد عن مجاهد عن بن عمر أنه سأل رجل عن الفضيخ قال وما الفضيخ قال نفخ البسر ثم نجعل معه التمر ثم نذره ونشربه قال ذلك الفضوخ ولقد حرمت الخمير وإن عامة شرابهم الذي تذكر، وهو أيضاً في «المعجم الكبير» من طرق أخرى.

and in Al-Medina during that time there were five drinks, which do not include the drunk of grapes)], and it also appeared in [5] by another correct and authentic route, with the utterance: (and Al-Khemr was forbidden, and there was not any of it in Al-Medeena), and it appears in [1]. And this came that their drink was (Al-Fedheekh) or (Al-Fedhoukh), according to Abdullah Bin Umar:

\* And it also appeared in [11]: [Abu Yazeed Al-Qeratteesi told us Ased Bin Musa told us Yazeed Bin 'Ataa' told us according to Yazeed Bin Abi Ziad according to Mujahid according to Bin Umar that a man asked him about Al-Fetheekh said what is Al-Fetheekh he said we NAFTHEKH al-Basr and then we we we mix it with dates and then we NTHRH and then we drink it he said that is Al-Fethoukh and and Al-Khemr is forbidden and it is their main drinks which is mentioned], and it also appears in [11] from other routes.

**وثالثاً: ما هو جابر بن عبد الله بن حرام، رضي الله عنهم، يؤكد أن شراب البسر والتمر خمير:**

\* كما جاء في «المجتبى من السنن للإمام النسائي»، وفي «السنن الكبرى للإمام النسائي»: [أخبرنا سويد بن نصر قال أنبأنا عبد الله عن شعبة عن محارب بن دثار عن جابر يعني بن عبد الله قال: (البسر والتمر: خمير!)]، وقال الألباني: (صحيح موقوف)، قلت: أصاب الألباني هنا وأحسن فهذا الإسناد غاية في الصحة، على شرط الشيخين وزيادة، وقد جاء في بعض النسخ: (البر) وهو تصحيف، وإنما هو (البسر).

**ورابعاً: جاء عن عمر بن الخطاب، وهو على المنبر بجمع من جمهور الصحابة، بيان عن أنواع خمورهم آنذاك:**

\* حيث جاء في «الجامع الصحيح المختصر» للإمام البخاري: [حدثنا إسحاق بن إبراهيم الحنظلي أخبرنا عيسى وابن إدريس عن أبي حيان عن الشعبي عن بن عمر قال سمعت عمر رضي الله تعالى عنه على منبر النبي صلى الله عليه وسلم يقول: (أما بعد أيها الناس: إنه نزل تحريم **الخمير**، وهي من خمسة: من **العنب والتمر والعسل والحنطة والشعير، والخمر ما خامر العقل**)]، وهو من عدة طرق صحاح أخرى في «الجامع الصحيح المختصر»، وكذلك في «صحيح مسلم»، وفي بعضها تطويل وفي الأخرى اختصار؛ وفي بعضها: (الزبيب) بدلاً من (العنب). وهو كذلك في أكثر كتب السنن ومسانيدها ومعاجمها. والأثر أنف الذكر موجود أيضاً في عامة كتب السنة، وخاصة في «المجتبى من السنن للإمام النسائي»، وفي «السنن الكبرى للإمام النسائي»، وفي «سنن البيهقي الكبير».

**And Thirdly:** Here is Jabir Bin Abdullah Bin Bin Haram, may Allah be content with both of them, confirming that the drink of Al-Basr and the drink of dates are Khemr:

\* And as appeared in [20] and in [4]: [Suweid Bin Nessir told us he said Abdullah informed us according to Shu'ba according to Muharib Bin Dithar according to Jabir meaning Bin Abdullah said: (Al-Basr and the dates: Khemr!)], and Al-Albani said: (correct and authentic stopped), I said Al-Albani is right here and better for this quotation is highly accurate, according to the absolute confirmation of Al-Sheikhein [the two Shekhs] and more. And it appeared in some of the copies: (Al-Barr) and this is TESHEEF, for it should be Al-Basr.

**And Fourthly:** It appeared according to Umar Bin Al-Khattab, while he was at the pulpit preaching to a crowd from the Companions, a clarification about the different kinds of Khamric drinks they had at that time:

\* While it appeared in [5] by Imaam Al-Bukhari: [Is-haaq Bin Ibraheem Al-Hentheli told us Isa and Ibn Idrees informed us according to Abi Hyan according to Al-Sha'bi according to Bin Umar he said I heard Umar (rata) on the pulpit of the Prophet (saas) say: (Listen to what follows O people: it is that the forbiddance of Al-Khemr (Khamr) was descended, and it is from five: from grapes and dates and honey and wheat and barley, and Al-Khemr (Khamr) is what intoxicates the mind)], and it appears from a number of other correct and authentic routes in [5], and also in [6], and in some it is expanded and in others it is abbreviated; and it appears in some as: (raisins) instead of (grapes). And it is also in most books of Sunet and its quotations and its dictionaries. And the text that was referred to also appears in the bulk of the books of Sunet, and especially in [20] and in [4] and in [1].

**وجاء حديث مرفوع بمثل لفظ كلام عمر، إلا أن في ثبوته كلام:**

\* كما هو في «سنن أبي داود»: [حدثنا مالك بن عبد الواحد أبو غسان ثنا معتمر قال قرأت على الفضيل بن ميسرة عن أبي حريز أن عامراً حدثه أن النعمان بن بشير قال: سمعت رسول الله صلى الله عليه وسلم، يقول: «إن الخمر من العصير والزبيب والتمر والحنطة والشعير والذرة، وإنني أنهاكم عن كل مسكر»]. وقال الألباني: (صحيح)، وهو بنحوه في «صحيح ابن حبان» وقال الشيخ شعيب الأرنؤوط هناك: (إسناده حسن). وهو أيضاً في «سنن البيهقي الكبرى»، وفي «سنن الدارقطني»، وفي غيرها. ولكن الراجح عندنا أن هذا الحديث ضعيف، لا تقوم به حجة، لوجود علة خفية، ليس هذا موضع مناقشتها بالتفصيل.

And an elevated text appeared with a similar utterance to the saying of Umar, except that it has the following saying in its support:

\* And as appeared in [7]: [Malik Bin Abd-ul-Wahid Abu Ghessan told us Mu'tamar told us he said I read according to Al-Fedheel Bin Maysereh according to Abi Hareez that Ameer told him that Al-Nu'man Bin Besheer said: I heard the Messenger of Allah (saas), say: "That Al-Khemr from the juice and [of] raisins and dates and wheat and barley and corn, and I forbid you from any intoxicant", and Al-Albani said: (correct and authentic), and in this manner appears in [18] and Al-Sheikh Shuaib Al-Arna'oot said there: (its quotation is good), and it also appears in [1] and in [9] and in others. But what is probable to us is that this text is weak, not supported to by the authorities of religious law, because of the presence of a hidden ailment, this is not the place for discussing it in detail.

لما سلف جميعه لا يجوز أن تبقى شبهة في أن لفظة (الخمر) ولفظة (المسكر) مترادفة في عرف الشرع، فكل مسكر خمر، إسمًا وحكمًا في عرف الشرع، والشرع هو صاحب السيادة والحاكمة العليا المطلقة. فلا فرق إن كانت لفظة (الخمر) في أصل اللغة تطلق على أصناف مخصوصة من المسكرات، كذلك المصنوعة من عصير العنب، أي أنها علم على الشراب الشديد المتخمر المصنوع من عصير العنب، فوسّع مفهومها الشرع بحيث أصبحت تعني (المسكر)، أو أنها كانت تطلق أصلاً على كل متخمر ومسكر.

Given what has predated there should not remain any doubt that the utterance (Al-Khemr) and the utterance (Al-Muskir) are synonymous in the eye of Al-Sher' [religious law], for every Muskir [intoxicant] is Khemr [Khamr], by name and according the rules of Al-Sher' [religious law]. And Al-Sher' has the ... and the absolute highest authority. For there is no difference if the utterance (Al-Khemr) in origin of the language applied to specific types of intoxicants, like those made of grape juice, that is to say it is limited to the strong fermented drink made of the juice of grapes, for its meaning was expanding by Al-Sher' [religious law] so that it meant (Al-Muskir) [the intoxicant], for it used to apply originally to what was fermented which was intoxicating.

## \* فصل: «ما أسكر كثيره فقليله حرام»

\* كما جاء في «سنن أبي داود» عن جابر بن عبد الله، رضي الله عنه: [حدثنا قتيبة ثنا إسماعيل يعني بن جعفر عن داود بن بكر بن أبي الفرات عن محمد بن المنكدر عن جابر بن عبد الله قال قال رسول الله صلى الله عليه وسلم: «ما أسكر كثيره فقليله حرام»]. وقال الألباني: (حسن صحيح)، وهو كما قال صحيح الإسناد تقوم به الحجة: وهو بعينه سنداً وامتناً في «سنن الترمذي»، ثم قال الإمام الترمذي: [وفي الباب عن سعد وعائشة وعبد الله بن عمر وابن عمر وخوات بن جبير؛ وهذا حديث حسن غريب من حديث جابر]، وقال الألباني: (حسن صحيح)، وهو في «مسند الإمام أحمد بن حنبل»، وفي «شرح معاني الآثار»، وبنحوه في «سنن ابن ماجه»، وفي «سنن البيهقي الكبرى»، وفي «المنتقى من السنن المستدلة لابن الجارود»، وفي «الكامل في ضعفاء الرجال».

\* كما أنه في «صحيح ابن حبان» من حديث موسى بن عقبة، متابعة لداود بن بكر بن أبي الفرات: [أخبرنا حاجب بن أركين الحافظ بدمشق قال حدثنا رزق الله بن موسى قال حدثنا أنس بن عياض قال حدثنا موسى بن عقبة عن محمد بن المنكدر عن جابر قال قال رسول الله صلى الله عليه وسلم: «قليل ما أسكر كثيره حرام»]. وقال الشيخ شعيب الأرناؤوط: (إسناده قوي)، وهو كذلك قوي الإسناد تقوم به الحجة بمفرده، فكيف إذا ضم إلي سوابقه؟!

## \* Chapter: “That from which a large quantity intoxicates then a small quantity intoxicates”

\* And also appeared in the [7] according to Jabir Bin Abdullah (raa): [Quteibeh told us Ismaeel meaning Bin Ja’af according to Dawood Bin Bekr Bin Abi Al-Furat according to Muhammad Bin Al-Munkedir according to Jabir Bin Abdullah he said the Messenger of Allah (saas) said “That from which a large quantity intoxicates then a small quantity intoxicates”], and Al-Albani said: (correct and authentic quotation), and it is as he said the correct and authentic quotation that can be relied on as authoritative, and it appears in [27] as both part of the supporting references and also as part of the body of religious law, and then Imaam Al-Termethi said: [And in the Section according to Sa’ad and Aishehand Abdullah Bin Umar and Ibn Umar and Khewat Bin Jebeerl and this is a good strange text from from the texts of Jabir], and Al-Albani said: (good, correct and authentic), and it appears in [10] and in [31] and in this area in [2], and in [1], and in [3], and in [41].

\* And it also appears in [21] from the text of Musa Bin Aqebah, in a follow up for Dawood Bin Bekr Bin Abi Al-Furat: [Hajib Bin Arkeen Al-Hafith told us in Damascus he said Rizq Allah Bin Yousif told us Anas Bin Ayadh told us Musa Bin Aqabeh told us according to Nuhammed Bin Al-Mundekir according to Jabir he said the Messenger of Allah (saas) said: “That from which a large quantity intoxicates then a small quantity of which is forbidden”], and Al-Sheikh Shuaib Al-Arna’oott said: \*his quotation is strong), and it also has strong support according to the authoritative rules of religion when taken singly, so how would it be when taken in addition ti the ones that preceded it?”

\* وجاء حديث ثاني في «المجتبى من السنن للإمام النسائي»، وكذلك بعينه في «السنن الكبرى للإمام النسائي» عن سعد بن أبي وقاص، رضي الله عنه: [أخبرنا حميد بن مخلد قال حدثنا سعيد بن الحكم قال أنبأنا محمد بن جعفر قال حدثني الضحاك بن عثمان عن بكير بن عبد الله بن الأشج عن عامر بن سعد عن أبيه عن النبي صلى الله عليه وسلم قال: «أنهاكم عن قليل ما أسكر كثيره»]. وقال الألباني: (صحيح)، كما أنه في «مسند أبي يعلى» وقال الشيخ حسين أسد: (إسناده حسن)، ومن طريق ثانية حسنة أيضاً. كما أنه في «سنن الدارمي»، وفي «سنن البيهقي الكبرى»، وفي «المنتقى من السنن المستدلة»، وهو في «شرح معاني الآثار»، وفي «سنن الدارقطني» من عدة طرق.

\* وهو أيضاً في «المجتبى من السنن للإمام النسائي»، وكذلك بعينه في «السنن الكبرى للإمام النسائي» بلفظ آخر: [أخبرنا محمد بن عبد الله بن عمار قال حدثنا الوليد بن كثير عن الضحاك بن عثمان عن بكير بن عبد الله بن الأشج عن عامر بن سعد عن أبيه أن النبي صلى الله عليه وسلم، نهى عن قليل ما أسكر كثيره]. وقال الألباني: (صحيح)، كما أنه في «صحيح ابن حبان» وقال الشيخ شعيب الأرناؤوط: (حديث حسن).

\* And a second Hadeeth appeared in [34] and also the same one in [4] according to Sa’ad Bin Abi Waqqass (raa): [Hameed Bin Mukhled told us Saeed Bin Al-Hekem told us he said Muhammad Bin Ja’far informed us he said Al-Dhehak Bin Uthman told us according to Bekeer Bin Abdullah Bin Al-Ashrej according to Ameer Bin Sa’ad according to his father according to the Prophet (saas)

## Appendix One

and said: “I prohibit you from small quantities of that which in large quantities intoxicates”, and Al-Albani said: (correct and authentic), and it also appears in [15] and Al-Sheikh Hussein Asad said: (its quotation is good), and by a second route good as well. And it also appears in [9] by several routes.

\* And it also appears in [20] and also the same one in [4] with a different utterance: [Muhammad Bin Abdullah Bin Amar with another utterance: [Muhammad Bin Abdullah Bin Ammar told us he said Al-Waleed Bin Ketheer told us according to AL-Dhehhak Bin Uthman according to Bekeer Bin Abdullah Bin Al-Ashej according to A'mir Bin Sa'ad according to his father that the Prophet (saas), (He prohibited small quantities of what intoxicates in large quantities), and Al-Al-Bani said: (correct and authentic), and it is also in [21] and Al-Sheikh Shu'ayb Al-Atrnaoott said: (good Hadeeth).

**\* وقد سبق ذكر حديث عائشة، وهو حديث ثالث، كما هو في «سنن أبي داود»: [حدثنا مسدد وموسى بن إسماعيل قالوا ثنا مهدي يعني بن ميمون ثنا أبو عثمان قال موسى وهو عمرو بن سلم الأنصاري عن القاسم عن عائشة رضي الله تعالى عنها قالت سمعت رسول الله صلى الله عليه وسلم يقول: «كل مسكر حرام، وما أسكر منه الفرق فله الكف منه حرام»]، وهو بعينه في «سنن الترمذي»، وينحوه في «مسند الإمام أحمد بن حنبل»، وفي «مسند أبي يعلى»، وفي «مسند إسحاق بن راهويه» من عدة طرق، وفي «شرح معاني الآثار»، وفي «سنن الدارقطني» من عدة طرق.**  
وقد أسلفنا القول أن هذا الحديث حسن قوي لذاته، يحتمل التصحيح لذاته، وأن الحديث قطعاً صحيح لغيره، لا سيما مع المتابعات والشواهد المذكورة هناك.

**\* وجاء حديث رابع عن عبد الله بن عمرو بن العاص، رضي الله عنه، في «المجتبى من السنن للإمام النسائي»، وكذلك بعينه في «السنن الكبرى للإمام النسائي»، وإسناده حسن، وهو صحيح بشواهده: [أخبرنا عبيد الله بن سعيد قال حدثنا يحيى يعني بن سعيد عن عبيد الله قال حدثنا عمرو بن شعيب عن أبيه عن جده عن النبي، صلى الله عليه**

\* And the Hadeeth of Aisheh was mentioned previously, and it is the third Hadeeth, and as it appeared in [7]: [Musaded told us and Musa Bin Ismaeel both said Mehdi meaning Bin Meimoon told us Abu Uthman told us Musa and he is Amrou Bin Selem Al-Anssari said according to Al-Qassim according to Aisha (rata) she said I heard the Messenger of Allah (saas) say: “Every intoxicant is forbidden, and that from which a measure of Al-Ferq [standard measure] intoxicates the a quantity small enough to fill the palm of a hand is forbidden”, and the same one appears in [27], and the general area appears in [10] and in [15] and in [24] via several routes, and in [26] and in [23] from several routes.

And we have already said that this Hadeeth is good strong in itself, it can withstand the correction in itself, and the text is definitely correct and authentic for others, especially with the follow-ups and the testimonies mentioned there.

\* And a fourth Hadeeth appeared according to Abdullah Bin Amrou Bin Al-'Ass (raa) in [20], and also the same one in [4], and its quotation is good, and it is correct and authentic according to testimonies: [Ubeid Allah Bin Saeed told us Yahya meaning Bin Saeed told us according to Ubeid Allah he said Amrou Bin Shu'ayb told us according to his father according to his grandfather according to the Prophet (saas)



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وسلم، قال: «ما أسكر كثيره فقليله حرام»[، قال الألباني: (حسن صحيح)، قلت: عمرو بن شعيب عن أبيه عن جده صحيفة وقعت فيها مناكير، فليس هو بحجة، وغايته أن يكون حسناً، وإنما يصح بشواهد. وهو في «مسند الإمام أحمد بن حنبل» من عدة طرق، وفي «سنن الدارقطني» من عدة طرق، وفي «شرح معاني الآثار»، وهو في «سنن البيهقي الكبرى»، وهو في غيرها أيضاً.

\* وهو في «سنن الدارقطني» بلفظ آخر: [نا أبو عبيد القاسم بن إسماعيل نا الفضل بن يعقوب نا سعيد بن مسلمة نا الأوزاعي عن عمرو بن شعيب عن أبيه عن جده قال جاء قوم إلى النبي صلى الله عليه وسلم فقالوا: (يا رسول الله إنا ننبت نبذا فنشربه على طعامنا؟)، فقال: «اشربوا واجتنبوا كل مسكر!»، فأعادوا عليه فقال: «إن الله ينهاكم عن قليل ما أسكر كثيره»]

\* وهو في «سنن الدارقطني» بزيادة جملة «كل مسكر حرام»: [حدثنا عبد الله بن الهيثم بن خالد الطيني نا علي بن حرب نا سعيد بن سالم عن أبي يونس العجلي عن عمرو بن شعيب عن أبيه عن جده أن النبي، صلى الله عليه وسلم، قال: «كل مسكر حرام؛ وما أسكر كثيره فقليله حرام»].

he said: “What intoxicates in large quantities then it is forbidden in small quantities”], and Al-Albani said: (good, correct and authentic), I said: Amrou Bin Shu’ayb according to his father according to his Grandfather [saw] a large dish containing forbidden objects, for it is not authoritative, and at most it is good, but it is correct and authentic according to its witnesses. And it appears in [10] from several routes, and in [9] from several routes, and in [26] and it is in [1], and it is also in others.

\* And it appears in [9] with another utterance: [Abu Ubeid Al-Qasim Bin Ismaeel told us Al-Fedhel Bin Ya’qoob told us Saeed Bin Meslemeh told us Al-Awza’i told us according to Amrou Bin Shu’ayb according to his father according to his grandfather he said people came to the Prophet (saas) then said: (O Messenger of Allah we produce wine [press grapes] and then we drink it with our food?!), then he said: “Drink but avoid any intoxicant!”, then they came back to him so he said: “It is that Allah prohibits you from [drinking] small quantities of that which in large quantities intoxicates”]

\* And it appears in [9] with the addition of the sentence “Every intoxicant is forbidden”: [Abdullah Bin Al-Heithem Bin Khalid Al-Teen told us Ali Bin Herrb told us Saeed bin Salim told us according to Abi Younis Al-Ajeli according to Amrou Bin Shu’ayb according to his father according to his grandfather that the Prophet (saas) said”Every intoxicant is forbidden; and what intoxicates in large quantities then small quantities of it are forbidden”].

\* وجاء حديث خامس عن بن عمر في «سنن البيهقي الكبرى»: [أخبرنا أبو عبد الله الحسين بن عمر بن برهان وأبو الحسين بن الفضل القطان وأبو محمد عبد الله بن يحيى بن عبد الجبار السكري ببغداد قالوا أنبا إسماعيل بن محمد الصفار ثنا الحسن بن عرفة ثنا يونس بن محمد المؤدب ثنا إبراهيم بن سعد حدثني محمد بن إسحاق عن نافع عن بن عمر قال قال رسول الله صلى الله عليه وسلم: «ما أسكر كثيره فقليله حرام»]، قلت: لولا عنعنة ابن إسحاق بكان هذا غاية في الصحة لذاته، والخوف أن يكوم أخذه من غير ثقة عن نافع عن بن عمر، ومع ذلك فهناك متابعات تقوي هذه الرواية، وثبتت اتصالها عن نافع عن بن عمر، وتجعلنا نقطع بصحتها، كما جاءت في «المعجم الكبير»، وفي «المعجم الأوسط»، وفي «سنن البيهقي الكبرى» من طرق أخرى، وفي «مسند الإمام أحمد بن حنبل» من طريق أخرى، وبالمتابعة الهامة في «سنن ابن ماجه»:

\* كما هي في «سنن ابن ماجه»، بزيادة لفظ لم يرد من قبل: [حدثنا إبراهيم بن المنذر الحزام ثنا أبو يحيى ثنا زكريا بن منظور عن أبي حازم عن عبد الله بن عمر قال قال رسول الله صلى الله عليه وسلم: «كل مسكر حرام؛ وما أسكر كثيره فقليله حرام»]، وقال الألباني: (صحيح).

\* And the fifth Hadeeth according to Bin Umar appeared in [1]: [Abu Abdullah Al-Hussein Bin Umar Bin Burhan and Abu Al-Hussein Bin Al-Fedhil Al-Qattan and Abu Muhammad Abdullah Bin Yahya Bin Abd-ul-Jebbar Al-Sukry in Baghdad told us and said Ismaeel Bin Muhammad Al-Saffar informed us Al-Hasan Al-Hasan Bin Irfeh told us Younis Bin Muhammad Al-Mu’addeb told us

## Appendix One

Ibraheem Bin Sa'ad told me Muhammad Bin Is-haaq told us according to Naafi' according to Bin Umar said the Messenger of Allah (saas) said: "What intoxicates in large quantities then a small quantity of which is forbidden", I said: If it were not for An'ana Bin Is-haaq this in itself would be highly accurate, and the fear is that he had taken it without confidence according to Naafi' according to Bin Umar, and despite that there are follow-ups which strengthen this story, and move its connection according to Naafi' according to Bin Umar, which make us certain of its authenticity, and as appeared in [11], and in [46], and in [1] by other routes, and in [10] by another route, and by the important follow-up in [2].

\* And also in [2] it appears with the addition of an utterance which had been reported before: [Ibraheem Bin Al-Munthir Al-Hizam told us Abu Yahya told us Zekerriah Bin Menthour told us told us according to to Abi Hazim according to Abdullah Bin Umar he said the Messenger of Allah (saas) said: "Every intoxicant is forbidden; and what intoxicates in large quantities then a little of it is forbidden"], and Al-Albani said: (correct and authentic).

\* وجاء في «المستدرک علی الصحیحین» حدیث سادس عن خوات بن جبير: [حدثنا أبو سعيد أحمد بن يعقوب الثقفي ثنا موسى بن زكريا ثنا خليفة بن خياط ثنا عبد الله بن إسحاق (الهاشمي قال حدثني أبي قال حدثني) صالح بن خوات بن جبير قال حدثني أبي عن أبيه عن جده خوات بن جبير عن النبي صلى الله عليه وسلم قال: «ما أسكر كثيره فقلبه حرام»]. وهو في «المعجم الأوسط»، وفي «المعجم الكبير»، وكذلك في «سنن الدارقطني»، كما أنه في «ضعفاء العقيلي» عند ترجمة (عبد الله بن إسحاق بن الفضل الهاشمي).

\* وجاء في «المعجم الكبير» حدیث سابع عن زيد بن ثابت: [حدثنا محمد بن عبد الله بن عرس المروزي المصري ثنا يحيى بن سليمان المدني ثنا إسماعيل بن قيس عن أبيه عن خارجة بن زيد بن ثابت عن أبيه زيد بن ثابت قال قال رسول الله صلى الله عليه وسلم «ما أسكر كثيره فقلبه حرام»]، ولكن إسماعيل بن قيس بن سعد بن زيد بن ثابت منكر الحديث، ساقط في الرواية.

\* وحدیث ثامن عن علي بن أبي طالب، كما هو في «سنن الدارقطني»: [حدثنا محمد بن القاسم بن زكريا

\* And in [47] a sixth Hadeeth appears according to Khawat Bin Jebeer: [Abu Saeed told us Ahmad Bin Yaqoub Al-Thiqefi told us Musa Bin Zekerria told us Kheleefeh Bin Kheyyat told us Abdullah Bin Is-haaq (Al-Hashemi said my father said I was told by) Salih Bin Khewat Bin Jebeer he said my father told me according to his father according to his grandfather Khewat Bin Jubeir according to the Prophet (saas) he said: "What intoxicates in large quantities and a little of it is forbidden", and it appears in [47] and in [11], and also in [9], and it also in appears in [40] through the translation (Abdullah Bin Is-haaq Bin Al-Fedhel Al-Hashimi).

\* And in [11] a seventh Hadeeth appears according to Zaid Bin Thabit: [Muhammad Bin Abdullah Bin Urs Al-Merooz Al-Missri told us Yahya Bin Suleiman Al-Meddni told us Ismaeel Bin Qeyss told us according to his father according to Kharijeh Bin Zaid Bin Thabit according to his father Zaid Bin Thabit he said the Messenger of Allah (saas) said "What intoxicates in large quantities then a little of which is forbidden"], but Ismaeel Bin Qayss Bin Sa'ad Bin Zaid Bin Thabit denies the Hadeeth, discrediting the story.

\* And the eighth Hadeeth according to Ali Bin Abi Talib, and it also appears in [9]: [Muhammad Bin Al-Qasim told us Bin Zekerria“

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المحاريبي نا عباد بن يعقوب نا عيسى بن عبد الله بن محمد بن عمر بن علي بن أبي طالب حدثني أبي عن أبيه عن جده عن علي بن أبي طالب رضي الله تعالى عنه، قال قال رسول الله صلى الله عليه وسلم: «كل مسكر حرام، وما أسكر كثيره فقليله حرام»؛ وقال رسول الله صلى الله عليه وسلم: «لا أهل مسكراً» [

Al-Muhariby told us Abbaad Bin Ya'qoob told us Isa Bin Abdullah Bin Muhammad Bin Umar Bin Ali Bin Abi Talib told me my father told me according to his father according to his grandfather according to Ali Bin Abi Talib (rata), he said the Messenger of Allah (saas) said: "Every intoxicant is forbidden, and that which intoxicates in large quantities, small quantities of which are forbidden"; and the Messenger of Allah (saas) said: "No intoxicant is permitted"]

\* وفي «الطبقات الكبرى»: [قال محمد بن عمر بلغني عن عمرو بن شعيب قال قدم أبو وهب الجشاني على رسول الله صلى الله عليه وسلم، في نفر من قومه فسأله عن أشربة تكون باليمن قال قسموا له البتة من العسل والمرز من الشعير فقال رسول الله، صلى الله عليه وسلم: «هل تسكرون منها؟» قالوا: (إن أكثرنا سكرنا!)، قال: «فحرام قليل ما أسكر كثيره»؛ وسأله عن الرجل يتخذ الشراب فيسقيه عماله فقال رسول الله، صلى الله عليه وسلم: «كل مسكر حرام»]

And in [48]: [Muhammad Bin Umar said I was informed about Amrou Bin Shu'ayb he said Abu Wahb Al-Jayshani came to the Messenger of Allah (saas), among a group of his people so they asked him about drinks that are in Al-Yemen he said they called it Al-Bit' from honey and and an extract from barley then the Messenger of Allah (saas) said: "Do you get intoxicated from [drinking] it?!", they said (If we drank in large quantities then we would get intoxicated!), he said: "Small quantities of what in large quantities intoxicates are forbidden; and they asked him about a man who takes a drink a serves it to his workers so the Messenger of Allah said: "Every intoxicant is forbidden"]

فهذا نقل تواتر بأستيد صحاح عن: جابر بن عبد الله، وسعد بن أبي وقاص، وأم المؤمنين عائشة، وعبد الله بن عمر بن الخطاب، وعبد الله بن عمرو بن العاص، رضوان الله وسلامه عليهم، وهو مروي أيضاً عن غيرهم من الصحابة مرفوعاً. وهو كذلك فتيا عدد من الصحابة:

For this is transfer in the tradition of Tewatir [following each other in short intervals] of correct and authentic quotations according to: Jabir Bin Abdullah, and Sa'ad Bin Abi Waqqas, and Um [the mother of] Al-Mou'mineen Aisha, and Abdullah Bin Umar Bin Al-Khettab, and Abdullah Bin Amrou Bin Al-'Ass, may the contentment and the peace of Allah be upon them, and it was also told according to others from the Companions and has been elevated. And it is also taken as religious ruling by a number of the Companions:

\* كما سبق ذكر كلام أنس، وهو أثر تاسع، كما هو في «مسند أبي يعلى» بإسناد صحيح: [حدثنا عثمان حدثنا بن إدريس عن المختار بن قفل قال سألت أنس بن مالك عن الأشربة فقال: نهى رسول الله، صلى الله عليه وسلم، عن الظروف المُرْقَنَة وقال: «كل مسكر حرام». قال: قلت له: (صدقت السكر حرام، إنما أشرب الشربة والشربتتين على أثر الطعام!)، قال: فقال لي: (ما أسكر كثيره، فقليله حرام). قال: (ثم حرمت الخمر وهي من العنب والتمر والعسل والحنطة والشعير والذرة، وما خمرت من ذلك فهو الخمر)]، وقال الشيخ حسين أسد: (إسناده صحيح).

\* And it was mentioned the words of Anas, and it is a ninth saying, and it also appears in [15] with a correct and authentic quotation: [Uthman told us Bin Idrees told us according to Al-Mukhtar Bin Filfil and said I asked Anas Bin Malik about the drinks so he said: the Messenger of Allah (saas) prohibited the tarred vessels and he said: I said to him: (I believe that the intoxicant is forbidden, but I only drink one or two sips after food!), he said: so he told me: (What intoxicates in large quantities, then small quantities of which are forbidden). He said: (Then Al-Khemr was forbidden and it is made of grapes and dates and honey and wheat and barley and corn, and what is fermented for that it will be Al-Khemr [Khamr] ), and Al-Sheikh Hussein Asad said: (his quotation is correct and authentic).

## Appendix One

\* وجاء مثله في «سنن البيهقي الكبرى» عن ابن عباس: [أخبرنا أبو بكر بن الحارث الفقيه أنبأ علي بن عمر الحافظ ثنا علي بن عبد الله بن مبشر ثنا أحمد بن سنان ثنا عبد الرحمن بن مهدي عن أبي عوانة عن ليث عن عطاء وطاوس ومجاهد عن ابن عباس قال: (قليل ما أسكر كثيره حرام)]، وهو في «سنن الدارقطني» من عدة طرق، جاء أحدها بلفظ: (فالحسوة منه حرام).

\* And a similar one appeared in [1] according to Bin Abbaas: [Abu Bakr told us Ibn Al-Harith Al-Feqeeh informed Ali Bin Umar Al-Hafith Ali Bin Abdullah Bin Mebsher told us Ahmad Bin Sinan told us Abd-ul-Rahman Bin Mehdi told us according to Abi Awaneh according to Leith according to 'Ataa' and Tawoos and Mujahid according to Bin Abbaas he said: (A small quantity of what in large quantities intoxicates is forbidden)], and it appears in [23] from a number of routes, one of which came with the utterance (for a gulp of which is forbidden).

\* وقد عقب الإمام الحافظ ابن حجر العسقلاني في «فتح الباري شرح صحيح البخاري» على بعض هذه الأحاديث، فقال: [فعند أبي داود والنسائي وصححه ابن حبان من حديث جابر قال قال رسول الله، صلى الله عليه وسلم، ما أسكر كثيرة فقليله حرام وللنسائي من حديث عمرو بن شعيب عن أبيه عن جده مثله وسنده إلى عمرو صحيح ولأبي داود من حديث عائشة مرفوعاً كل مسكر حرام وما أسكر منه الفرق فملء الكف منه حرام ولابن حبان والطحاوي من حديث عامر بن سعد بن أبي وقاص عن أبيه عن النبي، صلى الله عليه وسلم، قال أنهاكم عن قليل ما أسكر كثيرة. وقد اعترف الطحاوي بصحة هذه الأحاديث، لكن قال: (اختلفوا في تأويل الحديث فقال بعضهم أراد به جنس ما يسكر وقال بعضهم أراد به ما يقع السكر عنده ويؤيده أن القاتل لا يسمى قاتلاً حتى يقتل قال ويدل له حديث ابن عباس، **رفعه**: حرمت الخمر قليلها وكثيرها والسكر من كل شراب)، قلت: وهو حديث أخرجه النسائي ورجاله ثقات إلا أنه اختلف في وصله وانقطاعه وفي رفعه ووقفه وعلى تقدير صحته فقد رجع الإمام أحمد وغيره أن الرواية فيه بلفظ والمسكر بمض الميم وسكون السين لا السكر بضم ثم سكون أبو بفتحيتين وعلى تقدير ثبوتها فهو حديث فرد ولفظه محتمل فكيف يعارض عموم تلك الأحاديث مع صحتها وكثرتها. وجاء عن علي عند الدارقطني وعن

\* And Imaam Al-Hafith Ibn Hajerr Al-Asqelani followed up in [43] on some of these Hadeeths, and he said: [And [it came from] Dawood and Al-Nisa'i and it was corrected by Bin Huban from a Hadeeth of Jabir he said the Messenger of Allah (saas) said what intoxicates in large quantities then a small of which is forbidden and Al-Nissa'i from a Hadeeth of Amrou Bin Shu'ayb according to his father according to his grandfather has a similar Hadeeth and its attribution to Amrou is correct and authentic and for Abi Dawood from a Hadeeth by Aisha which was elevated every intoxicant is forbidden and that from which a Ferq [standard measure] intoxicates then what fills the palm of a hand is forbidden for Ibn Heban and Al-Tehawi from the Hadeeth of Amer Bin Sa'ad Bin Abi Waqqas according to his father according to the Prophet (saas), he said [Allah] prohibited you from small quantities of what intoxicates in large quantities. And Al-Tehawi has admitted to the correctness of these Hadeeths, but he said: (They differed in the interpretation of this Hadeeth for some of them said it was intended to mean the type of what intoxicates and others said it was intended to mean where the intoxication occurs and this is supported in that a killer is not called "killer" until he has killed he said and this is proven by the Hadeeth of Bin Abbaas, and its elevation: Al-Khemr [Khamr] is forbidden in small and large quantities and so is the intoxication from every drink), I said: and this Hadeeth was produced by Al-Nisa'i and his men who were trusted but he differs in its linking and isolation and elevation and stopping and in estimating its correctness Imaam Ahmad and others represented as more probable that the story has the pronunciation Al-Muskir ("Thamm" on "Al-Meem" and "Sukoon" on "Al-Seen") and not Al-Sukr ("Thamm" then "Sukoon" with "Fethetein") and in estimating its correctness for it is a single Hadeeth and a possible pronunciation so how can it contradict the other Hadeeths with their correctness and abundance. And according Ali by Al-Darqetni and according to

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بن عمر عند بن إسحاق والطبراني وعن خوات بن جبير عند الدارقطني والحاكم والطبراني وعن زيد بن ثابت عند الطبراني وفي أسانيدهما مقال لكنها تزيد الأحاديث التي قبلها قوة وشهرة، انتهى كلام الحافظ، أما كلام الطحاوي فقد قُندناه في فصل سابق. كما أن لفظة (يقفه) المنسوبة للطحاوي غريبة لأن أثر بن عباس إنما هو من كلامه فقط، ولم نره مرفوعاً في شيء من الكتب: فإما أن يكون الطحاوي قالها وإهماً، أو يكون الحافظ قد وهم في نقل هذه اللفظة، ولم يقلها الطحاوي أصلاً.

\* وقال الإمام الحافظ ابن حجر العسقلاني في «فتح الباري شرح صحيح البخاري» في موضع آخر: [وأنه لم يرد تخصيص التحريم بحالة الإسكار بل المراد أنه إذا كانت فيه صلاحية الإسكار حرم تناوله ولو لم يسكر المتناول بالقدر الذي تناوله منه ويؤخذ من لفظ السؤال أنه وقع عن حكم جنس البتة، لا عن القدر المسكر منه، لأنه لو أراد السائل ذلك لقال: (أخبرني عما يحل منه وما يحرم!)، وهذا هو المعهود من لسان العرب: إذا سألوا عن الجنس قالوا: (هل هذا نافع أو ضار؟)، مثلاً. وإذا سألوا عن القدر قالوا: (كم يؤخذ منه؟)].

Bin Umar by Ibn Is-haaq and Al-Tebrani and according to Khewat Bin Jebeer by Al-Darqetni and AL-Hakim and Al-Tebrani and by and according to Zaid Bin Thabit by Al-Tabrani and in the supporting quotations but it increases the strength and fame of the Hadeeths which precede it], this is the end of the words of Al-Hafith, as for the words of Al-Tehawi we repudiated it in a previous chapter. And also the elevation of the utterance attributed to Al-Tehawi for it is strange because the saying of Bin Abbaas is from his words only, and we have not seen it elevated in any of the books: so either Al-Tehawi had said it while imagining, or that Al-Hafeth has imagined in copying this utterance, and Al-Tehawi did not say it originally.

\* And Imaam Al-Hafith Ibn Hejer Al-Asqelani said in [43] on another subject: [and that he did not want to restrict the forbiddance to the state of intoxication but what was desired was that if there was a possibility of intoxication then its consumption is forbidden although the person consuming was not intoxicated by the amount he had consumed and what is taken from the utterance of the question that it applies to the ruling on the type of Al-Bit' not the quantity which would intoxicate, for if the questioner had wanted that he would have said: (Tell me of what is permitted and what is forbidden from it!), and this is the norm in the Arabic language: If they asked about the type they would say: (Is it beneficial or harmful?!), for example. And they ask about the quantity they would say: (How much of it is taken?!)] .

\* وقال الإمام الحافظ ابن حجر العسقلاني في «فتح الباري شرح صحيح البخاري» أيضاً في موضع آخر: [وقد رد أنس الاحتمال الذي جنح إليه الطحاوي فقال أحمد حدثنا عبد الله بن إدريس سمعت المختار بن قلفل يقول سألت أنسا فقال نهى رسول الله، صلى الله عليه وسلم، عن المُرْقُ وقال كل مسكر حرام قال قلت له: (صدقت المسكر حرام: فالشربة والشربتتان على الطعام؟)، فقال: (ما أسكر كثيره، فقليله حرام!)، وهذا سند صحيح على شرط مسلم. والصحابي أعرف بالمراد ممن تأخر بعده. ولهذا قال عبد الله بن المبارك ما قال واستدل بمطلق قوله كل مسكر حرام على تحريم ما يسكر ولو لم يكن شراباً]

\* فصل: «تحريم الانتباز في ظروف وأوعية معينة ثم نسخ ذلك»

كان تحريم الخمر، أول ما نزل تحريمها، شديداً جداً على النفوس. ولعل هذا هو علة سن العديد من الأحكام المتعلقة بتحريم الانتباز في أوعية معينة، أو انتباز خلأط معينة، بصفة مؤقتة حتى ينفطم الناس من الخمر والمسكرات. ثم نسخ ذلك بعد ذلك، وبقي الحكم الأبدي: (كل مسكر حرام)، و(ما أسكر كثيره، فقليله حرام). ولقد شاع هذا، أي تحريم أوعية معينة، في الناس، ولم يبلغ أكثرهم نسخه، فكثير السؤال عن الأوعية والظروف، كما سيأتي.

\* And Imaam Al-Hafith Abn Hejer Al-Asqelani said in [43] also in another subject: [And Anas refuted the possibility to which Al-Tehawi had transgressed and he said Ahmad told us Abdullah Bin Idrees told us I heard Al-Mukhtar Bin Filfil say I asked Anas and so he said the Messenger of

Allah prohibited Al-Muzeffet and said every intoxicant is forbidden he said I said to him: (I believed the intoxicant is forbidden: but one or two drinks with the food?!), he said: (What intoxicates in large quantities, then small quantities of it are forbidden!), and this is a correct and authentic quotation on the condition of a Muslim. And Al-Sehabi knew better of what was intended than those who came after him. And for this reason Abdullah Bin Al-Mubarek did not say or rely-on as evidence with the absolute saying every intoxicant is forbidden in forbidding what intoxicates when it is not a drink]

**\* Chapter: Forbiddance of Al-Intibath [pressing of grapes or making of alcohol] in certain vessels and containers and the copying of that**

The forbiddance of Khamr, the first forbiddance to be descended, was hard on the people. And perhaps this is the cause for the passing of a many rulings which deal with the forbiddance of “Al-Intibath” in specific containers, or of certain quantities or mixes, as a temporary measure until the people were ‘weaned’ [became accustomed to not having] from Al-Khemr (Khamr) and the intoxicants. And then this was copied after that, and remained the eternal ruling: (every intoxicant is forbidden), and (what intoxicates in large quantities then a small quantity of which is forbidden). And this became well known, that is to say the forbiddance of certain containers, among the people, and the copying did not reach the majority of them, and so the number of questions about containers and vessels increased, as will follow.

\* فقد جاء في «الجامع الصحيح المختصر» عن زينب بنت أبي سلمة، رضي الله عنهما: [حدثنا موسى حدثنا عبد الواحد حدثنا كليب حدثتني ربيعة النبي صلى الله عليه وسلم وأظنها زينب قالت: نهى رسول الله صلى الله عليه وسلم، عن الدُّبَّاءِ والحَنْتَمِ والمُقِيرِ والمُزَفَّتِ. وقلت لها أخبريني النبي صلى الله عليه وسلم ممن كان من مضر كان قالت فممن كان إلا من مضر كان من ولد النضر بن كنانة].

\* وجاء في «الجامع الصحيح المختصر» عن عبد الله بن العباس، رضي الله عنهما: [حدثنا علي بن الجعد قال أخبرنا شعبة عن أبي جمرة قال كنت أقعد مع ابن عباس يجلسني على سريرته فقال أقم عندي حتى أجعل لك سهما من مالي فأقمت معه شهرين ثم قال: إن وفد عبد القيس لما أتوا النبي، صلى الله عليه وسلم، قال: «من القوم، أو من الوفد؟»، قالوا: (ربيعة!)، قال: «مرحبا بالقوم أو بالوفد غير خزايا ولا ندامي»، فقالوا: (يا رسول الله: إنا لا نستطيع أن نأتيك إلا في الشهر الحرام، وبيننا وبينك هذا الحي من كفار مضر، فمرنا بأمر فصل نخبر به من وراءنا وندخل

\* For in [5] according to Zaineb Bint Abi Selmeh, may Allah be content with both of them: [Musa told us Abd-ul-Wahid told us Keleebeh told us “rebeebeh” [she who was brought up by] the Prophet (saas) and I think she was Zaineb so she said: the Messenger of Allah (saas) prohibited, Al-Dubba’ and Al-Hentem and Al-Muqeer and Al-Muzzefet. And I said to her tell me the Prophet (saas) who was there who was from Mudhirr she said who was there who was not from Mudhirr was from the sons [people] of Al-Nedher Bin Kenaneh] .

\* For in [5] according to Abd-ul-Allah Bin Al-Abbaas, may Allah be content with both of them: [Ali Bin Al-Ja’ad told us he said Shu’ba told us Shu’ba told us according to Abi Jemreh he said I was sitting with Ibn Abbaas and seated on his bed and he said stay with me so that I give you a share of my money so I stayed with him for two months and he then said: that a delegation of Abd-ul-Qa’ys when they came to the Prophet (saas), he said: “from the people, or from the delegation?!”, (Rebee’a!), he said: “Welcome to the people or to the delegation without shame or regret”, so they said: (O Messenger of Allah: We cannot come to you but in the month of “Al-Haram” [The forbidden month], and between us and between you is this quarter of the non-believers Mudher, so give us a definite order so we can tell it to who is behind us and enter

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به الجنة)، وسألوه عن الأشربة: فأمرهم بأربع، ونهاهم عن أربع: أمرهم بالإيمان بالله وحده، قال: «أتدرون ما الإيمان بالله وحده؟»، قالوا: (الله ورسوله أعلم)، قال: «شهادة أن لا إله إلا الله، وأن محمداً رسول الله، وإقام الصلاة، وإيتاء الزكاة، وصيام رمضان، وأن تعطوا من المغنم الخمس!»، ونهاهم عن أربع، عن: **الْحَتَمِ وَالذُّبَاءِ وَالْمُزَفَّتِ وَالْمُزَفَّتِ**، وربما قال المقيري وقال: «احفظوهن، وأخبروا بهن من وراءكم»]

\* وجاء في «المجتبى من السنن للإمام النسائي»، وهو بعينه في «السنن الكبرى له» بإسناد صحيح عن أبي هريرة، رضي الله عنه: [أخبرنا سوار بن عبد الله بن سوار قال حدثنا عبد الوهاب بن عبد المجيد عن هشام عن محمد عن أبي هريرة قال: نهى رسول الله صلى الله عليه وسلم وفد عبد القيس حين قدموا عليه عن **الدُّبَاءِ** وعن **النَّقِيرِ** وعن **الْمُزَفَّتِ** و**المزاد** و**المجبوبة** وقال انتبذ في سقائك أوكه وأشربه حلوا قال بعضهم: (انذن لي يا رسول الله في مثل هذا!)، قال: «إذا جعلها مثل هذه!»، وأشار بيده يصف ذلك، وقال الألباني: (صحيح)، وتجده مختصراً في «سنن أبي داود» وهو في «مسند الإمام أحمد بن حنبل» وغيرها.

with it Al-Jenneh [paradise] !), and they asked him about the drinks; so he commanded them of four, and he prohibited them from four. He ordered them to believe in Allah alone, he said: “Do you know what is believing in Allah alone?!” they said: (Allah and his Messenger know more [better], then he said: “Testifying that there is no God but Allah, and that Muhammad is his messenger, and performed Al-Salat (prayer), and gave Al-Zekat [religious payment], and performed Al-Sowm [fasting] in Ramadan, and that you give from your wealth the fifth! And he prohibits you from four, Al-Hentem and Al-Debba’ and Al-Neqeer and Al-Muzeffet, and (maybe he said Al-Muqeer) [all types of containers] and he said: “Remember these and tell them to who come after you”].

\* And it appears in [34] and the same one appears in [4] with a correct and authentic quotation according to Abi Hureireh (raa): [Sewar Bin Abdullah Bin Sewar told us he said Abd-ul-Wehab Bin Abd-ul-Majeed told us according to Hisham according to Muhammad according to Abi Hureireh he said: The Messenger of Allah (saas) prohibited the delegation of Abd-ul-Qayss when they came to him from Al-Debba’ and Al-Neqeer and Al-Muzeffet and Al-Mezad and Al-Mejbubeh [all types of containers] and he said stop pouring the drinks without anger and drink it sweet and some of them said: (Is it permitted to me O Messenger of Allah like this!), and he said “If you make it like this!”, and he gestured with his hand describing it], and Al-Albani said: (correct and authentic), and you find it abbreviated in [7] and it is in [10] and in others.

\* وفي «سنن الترمذي» عن عبد الله بن عمر، رضي الله عنهما، بإسناد صحيح: [حدثنا أبو موسى محمد بن المثنى حدثنا أبو داود الطيالسي حدثنا شعبة عن عمرو بن مرة قال سمعت زاذان يقول: سألت بن عمر عما نهى عنه رسول الله، صلى الله عليه وسلم، من الأوعية: (أخبرناه بلغثكم، وفسره لنا بلغثنا!). فقال نهى رسول الله صلى الله عليه وسلم عن الحنتمة وهي الجرة، ونهى عن الدُّبَاءِ وهي القرعة، ونهى عن النَّقِيرِ وهو أصل النخل ينقر نقرا أو ينسخ نسخاً، ونهى عن المَزَفَّتِ وهي المقيري: وأمر أن ينبذ في الأسقية، وقال الإمام الترمذي: (وفي الباب عن عمر وعلي وابن عباس وأبي سعيد وأبي هريرة وعبد الرحمن يعمر وسمرة وأنس وعائشة وعمران بن حصين وعائذ بن عمرو والحكم الغفاري وميمونة: قال أبو عيسى هذا حديث حسن صحيح)، وقال الألباني: (صحيح). وهو في «صحيح الإمام مسلم» بختصار طفيف، وفي «المجتبى من السنن للإمام النسائي»، وهو بعينه في «السنن الكبرى للإمام النسائي». وهو في «صحيح الإمام مسلم» مطولاً ومختصراً من طرق كثيرة.

And in [27] according to Abdullah Bin Umar (raa), in a correct and authentic quotation: [Abu Musa Muhammad Bin Al-Muthna told us Abu Dawood Al-Tyalisi told us Shu’ba told us according to Amrou Bin Mereh he said I heard Zathan say: I asked Bin Umar about what the Messenger of Allah (saas) prohibited from the containers: (We told him in your language, then he explained to us in our language!). He said the Messenger of Allah (saas) prohibited: Al-Hentemeh and it is Al-Jerreh [type of container], and he prohibited Al-Muzeffit and it is Al-Muqeer [container]; and he ordered that the wine be poured, and Imaam Al-Tirmithi said: (and in the section about Umar and

## Appendix One

Ali and Ibn Abbaas and Abi Sa'eed and Abi Hureira and Abd-ul-Rahman Ya'mer and Semreh and Anas and Aisha and Umran Bin Hasseen and A'ith Bin Amrou and Al-Hakam Al-Ghefari and Maymuna; Abu Isa said this Hadeeth is good, correct and authentic), and Al-Albani said: (correct and authentic). And it appears in [6] with a slight abbreviation and in [20], and the same one appears in [4]. And it appears in [6] in long and abbreviated versions by many routes.

\* وفي «مسند الإمام أحمد بن حنبل» حديث آخر عن عبد الله بن عمر، رضي الله عنهما، بإسناد في غاية الصحة: [حدثنا إسماعيل أنا أيوب عن نافع عن بن عمر قال: انتهيت إلى الناس وقد فرغ رسول الله صلى الله عليه وسلم من الخطبة فقلت ماذا قام به رسول الله صلى الله عليه وسلم قالوا: (نهى عن المُرَقَّتِ والبَّاءِ)]

\* وجاء في «صحيح الإمام مسلم» عن أبي سعيد: [حدثنا يحيى بن يحيى أخبرنا يزيد بن زريع عن التيمي (ح) وحدثنا يحيى بن أيوب حدثنا بن علية أخبرنا سليمان التيمي عن أبي نضرة عن أبي سعيد أن رسول الله صلى الله عليه وسلم نهى عن الجر أن ينبذ فيه]

\* وفي «مسند الإمام أحمد بن حنبل» عن أبي سعيد الخدري حديث آخر: [حدثنا عبد الله حدثني أبي ثنا عبد الرزاق وروح قال ثنا بن جريج أخبرني أبو قزعة أن أبا نضرة أخبره وحسنا أخبرهما أن أبا سعيد الخدري أخبره أن وفد عبد القيس لما أتوا نبي الله صلى الله عليه وسلم قالوا يا نبي الله جعلنا الله فداك ماذا يصلح لنا في الأشربة فقال لا تشربوا في النقيير فقالوا يا نبي الله جعلنا الله فداك أو تدري ما النقيير قال نعم الجذع ينقر وسطه ولا في الدباء ولا في الحنطة وعليكم بالموكأ قال روح بالموكأ مرتين].

\* وجاء بعض حكمة هذا التحريم في «المستدرك على الصحيحين»: [حدثنا أبو العباس محمد بن يعقوب ثنا إبراهيم بن مرزوق ثنا وهب بن جرير ثنا شعبة عن أبي التياح عن أبي الوداك عن أبي سعيد الخدري رضي الله

\* And in [10] appears another Hadeeth according to Abdullah Bin Umar (raa) with a quotation which is highly accurate: [Ismaeel told us Ayoub told us according to Naafi' according to Bin Umar he said: I went to the people after the Messenger of Allah (saas) had finished his sermon and I said what did the Messenger of Allah (saas) do they said: "He prohibited Al-Muzeffet and Al-Dubba'a)] .

\* And in [6] according to Abi Saeed: [Yahya Bin Yahya told us Yazeed Bin Zeree' told us according to Al-Taymi (H) and Yahya Bin Ayoub told us Bin Aliyeh told us Sulaiman Al-Teimi told us according to Abi Nedhreh according to Abi Saeed that the Messenger of Allah (saas) had prohibited Al-Jerr [container] be used to make wine]

\* And in [10] according to Abi Saeed Al-Khedri is another Hadeeth: [Abdullah told us my father told me Abd-ul-RazZiqq and Rawh told us they said Bin Jereej told us Abu Qez'a told me that Aba Nedhreh told him and Hasan told them both that Aba Saeed Al-Khedri told him that a delegation of Abd-ul-Qayss when they came to the Prophet of Allah (saas) they said O Prophet of Allah has made us ready to sacrifice ourselves to you what are we allowed from the drinks he said do not drink in Al-Neqeer [container] they said Allah has made us ready to sacrifice ourselves to you do you know what the Naqeer is he said yes it is the stem [of a date, etc] with its middle removed and nor in Al-Debba' [container] and nor in Al-Henteme [container] and you may use Al-Mawke' and he referred to Al-Mawke' twice]

\* And some of the wisdom of this forbiddance appeared in [47]: [Abu Al-Abbaas told us Muhammad Bin Yaqoob told us Ibraheem Bin Merzooq told us Weheb Bin Jereer told us Shu'ba told us according to Abi Al-Teyah according to Abi Al-Wedak according to Abi Saeed Al-Khedri (rata)]



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تعالى عنه، قال: لا أشرب نبيذ الجر بعد إذ أتى النبي صلى الله عليه وسلم بنشوان فقال يا رسول الله ما شربت خمرًا لكنني شربت نبيذ زبيب في بُبَاءٍ فأمر به فنُهز بالأيدي وخفق بالعال، ونهى عن الزبيب والتمر وعن الدُّبَاءِ، [وقال الحاكم: (هذا حديث صحيح الإسناد ولم يخرجاه)، وقال الذهبي في التلخيص: (صحيح)، وهو كما قالاً].  
\* وجاء في «صحيح الإمام مسلم» عن ابن عباس، رضي الله عنهما: [حدثنا محمد بن المثنى حدثنا عبد الرحمن بن مهدي عن شعبة عن يحيى البهراني قال سمعت ابن عباس (ج) وحدثنا محمد بن بشار حدثنا محمد بن جعفر حدثنا شعبة عن يحيى بن أبي عمر عن ابن عباس قال: نهى رسول الله، صلى الله عليه وسلم، عن الدُّبَاءِ والتَّقِيرِ والمُرْقَتِ]

... he said: I do not drink wine from Al-Jerr after the Prophet (saas) came by Neshwan and he said O Messenger of Allah I do not drink Al-Khemr but I drink wine of raisins ina Dubba' so he ordered him and so we gestured with his hands and he tapped with his slippers, and he prohibited the [wine of] raisins and dates and Al-Dubba'], and Al-Hakim said: (this Hadeeth has a correct and authentic quotation and they did not produce it), and Al-Thehebi said in the summary: (correct and authentic), and it is as they both said.

\* And in [6] it appeared according to Bin Abbaas (raa): [Muhammad Bin Al-Muthana told us Abd-ul-Rahman Bin Mehdi told us according to Shu'ba according to Yahya Bin Abi Umar according to Bin Abbaas he said: the Messenger of Allah (saas) prohibited Al-Debbas and Al-Neqeer and Al-Muzzefet]

\* وجاء في «سنن أبي داود» بإسناد صحيح عن عبد الله بن عباس، رضي الله عنهما: [حدثنا محمد بن بشار حدثنا أبو أحمد حدثنا سفيان عن علي بن بزيمة حدثني قيس بن حبتة النهشلي عن ابن عباس أن وفد عبد القيس قالوا: (يا رسول الله: فيم نشرب؟!)، قال: «لا تشربوا في الدُّبَاءِ ولا في المُرْقَتِ ولا في التَّقِيرِ؛ وانتبذوا في الأسقية» قالوا: (يا رسول الله: فإن اشتد في الأسقية؟!)، قال: «فصبوا عليه الماء!»، قالوا: (يا رسول الله؟!)، فقال لهم في الثالثة أو الرابعة: «أهريقوها!»، ثم قال: «إن الله حرم علي أو حرم الخمر والميسر والكوبة»، قال: «وكل مسكر حرام»؛ وهو في «مسند أبي يعلى»، وفي «مسند الإمام أحمد بن حنبل»، وفي «المعجم الكبير»، وفي «سنن البيهقي الكبير»، وهي أيضاً بطولها في الفصل المعنون (فصل: كسر النبيذ بالماء)، في الملحق الثاني.

\* وفي «مسند الإمام أحمد بن حنبل» عن عبد الله بن عباس، رضي الله عنهما: [حدثنا حسين بن محمد ثنا يزيد بن عطاء عن حبيب يعني بن أبي عمرة عن سعيد بن جبيرة عن ابن عباس قال: نهى رسول الله، صلى الله عليه وسلم، عن النُّبَاءِ والحَتَمِ والتَّقِيرِ والمُرْقَتِ، وأن يخلط البلح بالزُّهوق قال: قلت: (يا ابن عباس: أرايت الرجل يجعل نبيذه في جرة خضراء كأنها قارورة ويشربه من الليل؟!)، فقال: (لا تنتهوا عما نهاكم عنه رسول الله صلى الله عليه وسلم؟!)، قلت: ويظهر من هذا أن ابن عباس لم يكن بلغه النسخ.

\* وجاء في «مسند أبي يعلى» عن عبد الله بن عباس، رضي الله عنهما، بإسناد لا بأس به: [حدثنا زهير حدثنا معاوية حدثنا زائدة حدثنا سماك بن حرب عن عكرمة عن ابن عباس قال: قال رسول الله صلى الله عليه وسلم: «اجتنبوا أن تشربوا في الدُّبَاءِ والحَتَمِ والمُرْقَتِ واشربوا في السِّقَاءِ؛ فإن هبتم غلتمه فمدوه بالماء»].

\* And in [7] with a correct and authentic quotation according to Abdullah Bin Al-Abbaas (raa): [Muhammad Bin Beshar told us Abu Ahmad told us Sufian told us according to Ali Bin Betheema Qayss Bin Hebter Al-Nehsheli told me according to Ibn Abbaas that a delegation of Abd-ul-Qayss said: (O Messenger of Allah: in what shall drink?!), he said: “Do not drink in Al-Dubba' nor in Al-Muzaffet nor in Al-Neqeer: and press grapes in Al-Asqiyet” they said “O Messenger of Allah: what if what is in Al-Asqiyet strengthens?!), he said: “Then pour water on it!”, they said: (O Messenger of Allah?!), so he said to them in the third or the fourth: “Pour it!”, then he said: “It is that Allah has forbidden it from me or forbade al-Khemr and Al-Maysir [gambling] and Al-Koyyeh [cauterization]”, and he said: “And every intoxicant is forbidden” ; and it is in [15] and it is also

in [10] and in [11] and in [1] and it also appears in its length in the chapter entitled (**Chapter: Breaking wine with water**), in **Appendix Two**.

\* And in [10] according to Abdullah Bin Al-Abbaas, may Allah be content with them both: [Hussein Bin Muhammad told us Yazeed Bin Ata' told us according to Habeeb meaning Bin Abi Umreh according to Saeed Bin Jebeer according to Bin Abbaas he said: the Messenger of Allah (saas) prohibited Al-Dubba' and Al-Hentem and Al-Neqeer and Al-Muzaffat, and if the Al-Beleh [unripe date] is mixed with with Al-Zehu [date which begins to redden and ripen] he said: I said: (O Bin Abbaas: Have you seen the man who makes his wine in a green jar as though it is Qarooreh [container] and drinks it in the night?!), then I said: (Do you not avoid what the Messenger of Allah (saas) prohibited?!), I said: and it appears from this that that Ibn Abbaas was not in eloquent in copying.

\* And in [15] according to Abdullah Bin Al-Abbaas (raa), with an adequate quotation: [Zuhair told us Mu'awiyet told us Za'ideh told us Simak Bin Harb told us according to Akremej according to Bin Abbaas he said: the Messenger of Allah (saas) said: "Avoid drinking in AL-Debba' and Al-Hentem and Al-Muzeffit and drink in Al-Siq'a"; and if you feared it strengthening then feed it with water).

\* وجاء في «سنن أبي داود» عن قيس بن النعمان، رضي الله عنه، بإسناد صحيح: [حدثنا وهب بن يقية عن خالد عن عوف عن أبي القموص زيد بن علي حدثني رجل كان من الوفد الذين وفدوا إلى النبي، صلى الله عليه وسلم، من عبد القيس (يحسب عوف أن اسمه قيس بن النعمان)، فقال: «لا تشربوا في نَقِير ولا مزفت ولا دُبَّاء ولا حَتَم، واشربوا في الجلد الموكأ عليه، فإن اشتد فأكسروه بالماء فإن أعياكم فأهريقوه»]. وقال الألباني: (صحيح). قلت: هو كما قال صحيح الإسناد، تقوم به الحجة كما هو. وجاء نحو هذا في «الأحاديث والثاني»، وفي «شرح معاني الآثار»، وفي «سنن البيهقي الكبرى»، كما هو بطله في الفصل المعنون (فصل: كسر النبيذ بالماء).

\* وفي «مسند الإمام أحمد بن حنبل» عن رجل من وفد عبد القيس، رضي الله عنهم: [حدثنا إسماعيل بن إبراهيم قال ثنا عوف حدثني أبو القموص زيد بن عدي قال حدثني أحد الوفد الذين وفدوا على رسول الله صلى الله عليه وسلم من عبد القيس قال وأهدينا له فيما يهدى نوطا أو قرية من تعضوض أو برني فقال ما هذا قلنا هذه هدية قال وأحسبه نظر إلى ثمرة منها فأعادها مكانها وقال أبلغوها آل محمد قال فسأله القوم عن أشياء حتى سأله عن

\* And in [7] according to Qayss Bin Al-Nu'man (raa), with a correct and authentic quotation: [Wahb Bin Beqiyet told us according to Khalid according to 'Awf according to Abi Al-Qemouss Zaid Bin Ali a man from the delegation that came to the Prophet (saas) told me, from Abd-ul-Qayss ('Awf estimates that his name is Qayss Bin Al-Nu'man), and he said: "Do not drink in Naqeer nor in Mezfet nor in Dubba' nor in Hentem and drink in the skin which is tied, and if it strengthens then break it with water and it affects you then pour it", and Al-Albani said: (correct and authentic), and I said: it is as he said a correct and authentic quotation, can be relied on as authoritative and also appeared on this subject in [12], and in [31], and in [1], and it also appears in its length in the chapter called (Chapter: Breaking wine with water).

\* And in [10] according to a man from the delegation of Abd-ul-Qayss (raa): [Ismaeel Bin Ibraheem told us he said 'Awf told me Abu Al-Qumoos Zaid Bin Uday said one from the delegation that came to the Messenger of Allah (saas) from Abd-ul-Qays he said and we presented a gift to him and what we presented was a tied and suspended container from Ta'dhoodh or Berni and he said what is this we said this is a gift he said I estimated by looking at the dates in it so he returned it to its place and said tell it all descendents of Muhammad he said and the people asked him about things until they asked him about

الشراب فقال: « لا تشربوا في دُبَّاء ولا حَنْتَمَ ولا نَقِيرَ ولا مزقت اشربوا في الحلال الموكى عليه! »، فقال له قائلنا: (يا رسول الله وما يدريك ما الدُبَّاء والحَنْتَم والنَّقِيرَ والمَزَقَت؟!)، قال: «أنا لا أدري ماهيه»، .. الحديث [

\* وفي «ستن أبي داود» عن عبد الله بن عمر وعبد الله بن عباس كليهما: [حدثنا موسى بن إسماعيل ومسلم بن إبراهيم المعنى قال لا ثنا جرير عن يعلى بن حكيم عن سعيد بن جبيرة قال سمعت عبد الله بن عمر يقول: حرم رسول الله، صلى الله عليه وسلم، نبيذ الجر فخرجت فرعا من قوله حرم رسول الله صلى الله عليه وسلم نبيذ الجر فدخلت على بن عباس فقلت أما تسمع ما يقول بن عمر قال وماذا قلت قال حرم رسول الله صلى الله عليه وسلم نبيذ الجر قال صدق حرم رسول الله صلى الله عليه وسلم نبيذ الجر قلت ما الجر قال كل شيء يصنع من مدر]، وقال الألباني: (صحيح).

\* وهو في «المستدرک علی الصحیحین»: [أخبرنا أبو العباس محمد بن أحمد المحبوبي حدثنا سعيد بن مسعود حدثنا يزيد بن هارون أنبأ منصور بن حيان عن سعيد بن جبيرة عن ابن عمر وابن عباس رضي الله تعالى عنهم أنهما شهدا على رسول الله صلى الله عليه وسلم، أنه نهى عن الدُبَّاء والنَّقِير والحَنْتَم والمَزَقَت ثم تلا رسول الله صلى الله عليه وسلم: ﴿ما آتاكم الرسول فخذوه، وما نهاكم عنه فانتهوا﴾]، وقال الحاكم: (هذا حديث صحيح الإسناد ولم يخرجاه)، وقال الذهبي في التلخيص: (صحيح؛ منصور خرج له مسلم).

... the drink so he said: do not drink in Dubba' notr Hentem nor Neqeer nor Muzeffet but drink what has been permitted and relied upon!", so our teller said to him: (O Messenger of Allah and how do you know what is Al-Dubba' and Al-Hentem and Al-Neqeer and Al-Muzeffet?!), he said: "I do not know what they are ... the Hadeeth]

\* And in [7] according to Abdullah Bin Umar and Abdullah Bin Abbaas [both of them]: [Musa Bin Ismaeel and Muslim Bin Ibraheem Al-Ma'na told us they said Jereer told us according to Ya'la meaning Bin Hakeem according to Saeed Bin Jubair he said I heard Abd Allal Bin Umar say: the Messenger of Allh (saas) forbade the wine from Al-Jerr [container] so I came out fearful of what he said the Messenger of Allah forbade the wine from Al-Jerr and I entered on Bin Abbaas and I said have you not heard what Bin Umar said and I said what is that he said the Messenger of Allah (saas) forbade the wine of Al-Jerr he said it is true the Messenger of Allah forbade the wine of Al-Jerr and I said what is Al-Jerr he said everything which is made from Madr [mud or clay] ], and Al-Albani said: (correct and authentic).

\* And in [47]: [Abu Al-Abbaas told us Muhammad Bin Ahmad Al-Mahboobi told us Saeed Bin Masood told us Yazeed Bin Haroon told us Mansoor Bin Hayan informed us according to Sa'eed Bin Jebeer according to Bin Umar and Ibn Abbaas (rata) that they both witnessed that the Messenger of Allah (saas) , that he prohibited Al-Dubba' and Al-Neqeer and Al-Hentem and Al-Muzeffit and then the Messenger of Allah (saas) read the noble verse ﴿ما آتاكم الرسول فخذوه، وما نهاكم عنه فانتهوا﴾]

which tells people to follow what the Messenger of Allah (saas) says by taking what he says they should and by avoiding what he prohibits, and Al-Hakim said: (This Hadeeth is correct and authentic in its quotation and they did not produce it), and Al-Thehebi said in the summary: (correct and authentic; was produced with the help of Muslim).

\* وجاء في «مسند إسحاق بن راهويه» عن أم المؤمنين عائشة بنت أبي بكر، رضي الله عنهما: [أخبرنا جرير عن منصور عن إبراهيم قال قلت للأسود بن يزيد هل سألت عائشة أم المؤمنين عن ما ينتبذ فيه فقال: سألت أم المؤمنين عن ما نهى عنه رسول الله، صلى الله عليه وسلم، أن ينتبذ فيه فقالت نهانا رسول الله صلى الله عليه وسلم، أهل البيت أن ينتبذ في **الدُّبَّا** **والمُرَقَّت**. فقلت له: (أما ذكرت الجرار والحَتَم؟)، فقال: (أحدك بما سمعت، لا أحدك بما لم أسمع!). قال: فتزوج الأسود فعرس بأهله فقالوا له ألا تنبذ في الجرار فقال لا أسقيهم مما لا أشرب منه فاستعاروا حبابا من السوق فانتبذوا فيها]

\* وجاء في «صحيح الإمام مسلم» عن أم المؤمنين عائشة بنت أبي بكر، رضي الله عنهما، حديث آخر: [حدثنا شيبان بن فروخ حدثنا القاسم يعني بن الفضل حدثنا ثُمَامَةُ بن حزن القشيري قال لقيت عائشة فسألتها عن النبيذ فحدثتني أن وفد عبد القيس قدموا على النبي صلى الله عليه وسلم فسألوا النبي صلى الله عليه وسلم عن النبيذ فنهاهم أن ينتبذوا في **الدُّبَّا** **والتَّقِير** **والمُرَقَّت** **والْحَتَم**، وهو بنحوه في «المجتبى من السنن للإمام النسائي»، وهو بعينه في «السنن الكبرى للإمام النسائي» وقال الألباني: (صحيح).

\* And in [47]: [Abu Al-Abbaas told us Muhammad Bin Ahmad Al-Mahboobi told us [24] according to Um Al-Mu'mineen Aisha Biw Abi Bekr, my Allah be content with them both: [Jereer told us according to Mansoor according to Ibraheem he said I said to Al-Aswed Bin Yazeed have you asked Aisha Um Al-Mu'mineen about what can be used for pressing grapes and then he said: I asked Um Al-Mu'mineen about what the Messenger of Allah (saas) prohibited from using to press grapes then she said the Messenger of Allah (saas) prohibited us people of Al-Beit [the house of the Messenger of Allah (saas)] from using Al-Dubba' and Al-Muzeffet. So I said to him (Did you not mention Al-Jerar and Al-Hetm?!), so he said: (I tell you about what I heard!). He said: Al-Aswad married at his parents and so they said do you not press grapes in Al-Jerar then he said I do not pour to them what I do not drink so they borrowed a Hebaba [container] from the market and they used that.

\* And in [24] according to Um Al-Mu'mineen Aisha Bint Abi Beker (raa), is another Hadeeth: [Sheiban Bin Ferroukh told us Al-Qasim meaning Bin Al-Fedhl told us Thumameh Bin Hezen Al-Qesheeri said I found Aisha so I asked her about the wine and she told me that the delegation of Abd-ul-Qayss came to the Prophet (saas) and asked the Prophet (saas) about the wine so he prohibited them from pressing grapes in Al-Dubba' and Al-Neqeer and Al-Muzeffet and Al-Hentem], and the same area is covered in [34] and the same one appears in [4] and Al-Albani said: (correct and authentic).

\* وجاء في «المجتبى من السنن للإمام النسائي»، وهو بعينه في «السنن الكبرى له» حديث ثالث عن أم المؤمنين عائشة بنت أبي بكر، رضي الله عنهما: [أخبرنا سويد بن نصر قال أنبأنا عبد الله عن علي بن المبارك قال حدثنا كريمة بنت همّام أنها سمعت عائشة أم المؤمنين تقول: نهيتم عن **الدُّبَّا**، نهيتم عن **الحَتَم**، نهيتم عن **المُرَقَّت** ثم أقبلت على النساء فقالت: (إياكن **والجر الأخضر**، وإن أسكركن ماء حبكن فلا تشربنه)، وقال الألباني: (حسن الإسناد).

\* ويؤيده ما جاء في «المستدرک علی الصحیحین»: [أخبرني عبد الله بن محمد بن موسى العدل ثنا محمد بن أيوب أنبأ يحيى بن المغيرة السعدي ثنا جرير عن أبي حيان التيمي عن أبيه عن مريم بنت طارق امرأة من قومه قالت كنت في نسوة من النساء المهاجرات حججنا فدخلنا على عائشة أم المؤمنين رضي الله تعالى عنها قالت فجعل النساء

\* And a third Hadeeth appears in [20] and the same one appears in [4] according to Um Al-Mu'mineen Aisha Bint Abi Bekr (raa): [Suweid Bin Nesser told us he said Abdullah informed us according to to Ali Bin Al-Mubarek he said Kereemeh Bint Hind told us that she heard Aisha Um Al-Mu'mineen say: you are prohibited from Al-Dubba', you are prohibited from Al-Hentem, you are prohibited from Al-Muzeffet then she came to the women then said: (You are prohibited from

### ***Appendix One***

Al-Jerr [container] which is green, and if the water in your Hibb [container for storing water] intoxicates you then don't drink it)], and Al-Albani said: (good quotation).

\* And this is supported by what appears in [47]: [Abdullah Bin Muhammad Bin Musa Al-Adil told me Muhammad Bin Ayoub informed Yahya Bin Al-Megheereh Al-Sa'adi Jereer told us according to Abi Hayyan Al-Taymi according to his father according to Meryem Bint Taariq a woman from his people said I was with a group of women who were performing the Hajj so we entered on Aisha Um Al-Mu'mineen (rata) she said and the women

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يسألنها عن الظروف فقالت يا معشر النساء إنكن لتذكرن ظروفًا ما كان كثير منها على عهد رسول الله صلى الله عليه وسلم فاتقن الله واجتنبن ما يسكرن فإن رسول الله صلى الله عليه وسلم قال: «كل مسكر حرام». وإن أسكر ماء حبها فلتجتنبه». وقال الحاكم: (هذا حديث صحيح الإسناد ولم يخرجاه). وقال الذهبي في التلخيص: (صحيح)، وهو بنحوه في «سنن البيهقي الكبرى»، وفي «مسند إسحاق بن راهويه».

\* وجاء في «صحيح الإمام مسلم» عن جابر وابن عمر: [وحدثنا أحمد بن يونس حدثنا زهير حدثنا أبو الزبير (ح) وحدثنا يحيى بن يحيى أخبرنا أبو خيثمة عن أبي الزبير عن جابر وابن عمر أن رسول الله صلى الله عليه وسلم نهى عن النقيير والمزقة والنبا] [

- وصرح أبو الزبير بالسماح من جابر، كما هو في «صحيح الإمام مسلم» بالإسناد السابق: [قال أبو الزبير وسمعت جابر بن عبد الله يقول نهى رسول الله صلى الله عليه وسلم، عن الجر والمزقة والنقيير. وكان رسول الله صلى الله عليه وسلم إذا لم يجد شيئاً ينتبذ له فيه نبذ له في تور من حجارة]

... started to ask her about Al-Therouf so she said O women you will remember there were many of these during the time of the Messenger (saas) so follow the teachings of Allah and avoid that which intoxicates you for the Messenger of Allah (saas) said: "Every intoxicant is forbidden", and if the water in Al-Hibb intoxicates then you must avoid it], and Al-Hakim said: (This Hadeeth is correct and authentic by quotation and was not produced), and Al-Thehebi said in the summary: (correct and authentic) and on the same subject appears in [1] and [24] .

\* And appeared in [6] according to Jabir and Ibn Umar: [Ahmad Bin Younis told us Zuhair told us Abu Al-Zubair (H) told us and Yahya Bin Yahya told us Abu Khaithemeh told us according to Abi Al-Zubair according to Jabir and Ibn Umar that the Messenger of Allah (saas) prohibited Al-Neqeer and Al-Muzeffit and Al-Dubba']

\* And Abu Al-Zubeir announced on hearing from Jabir, as it appears in [6] with the previous quotation: [Abu Al-Zubeir said and I heard Jabir Bin Abdullah say the Messenger of Allah (saas) prohibited Al-Jerr and Al-Muzeffit and Al-Neqeer, and the Messenger of Allah if he did not find something to use for drinking he would use a stone with a cavity.

\* وجاء في «صحيح الإمام مسلم» عن جابر حديث آخر: [وحدثنا أحمد بن يونس حدثنا زهير حدثنا أبو الزبير (ح) وحدثنا يحيى بن يحيى أخبرنا أبو خيثمة عن أبي الزبير عن جابر قال كان ينتبذ لرسول الله صلى الله عليه وسلم في سقاء فإذا لم يجدوا سقاءً نبذ له في تور من حجارة فقال بعض القوم وأنا أسمع لأبي الزبير من برام قال من برام] ، وبعضه أيضاً في «سنن أبي داود»، وفي «صحيح الإمام مسلم».

\* وفي «مسند الإمام أحمد بن حنبل» عن أنس بن مالك بإسناد في غاية الصحة: [حدثنا عبد الله بن إدريس قال سمعت المختار بن فلفل قال سألت أنس بن مالك عن الشرب في الأوعية فقال نهى رسول الله صلى الله عليه وسلم عن المزقة وقال كل مسكر حرام قال قلت: (وما المزقة؟!)، قال: (المقيرة)، قال قلت فالرصا والقارورة قال ما بأس بهما قال قلت فإن ناسا يكرهونهما قال دع ما يريبك إلى ما لا يريبك فإن كل مسكر حرام قال قلت له صدقت السكر حرام فالشربة والشربتان على طعامنا قال ما أسكر كثيره فقليله حرام وقال الخمر من العنب والتمر والعسل والحنطة والشعير والذرة فما خمرت من ذلك فهي الخمر]، وهو في «المجتبى من السنن للإمام النسائي»، وهو بعينه في «السنن الكبرى للإمام النسائي»، مختصراً، وقال الألباني: (صحيح)، وهو كما قال.

\* And in [6] according to Jabir is another Hadeeth: [And Ahmad Bin Younis told us Zuhair told us Abu Al-Zubeir (H) told us and Yahya Bin Yahya told us Abu Khaythemeh according to Abi Al-Zubeir according to Jabir he said when the Messenger of Allah (saas) wanted to drink he used Siqa' [water skin] and if they could not find a Siqa' then he used to use a stone with a cavity and then

## Appendix One

some people said to Abi Zuhair which I did not hear from Biram he said from Biram], and some of this appears in [7] and in [6]

\* And in [10] according to Anas Bin Malik with a quotation which is highly accurate: [Abdullah Bin Idrees told us he said I heard Al-Mukhtar Bin Filfil say I asked Anas Bin Malik about drinking from containers he said the Messenger of Allah (saas) prohibited Al-Muzeffeteh and he said every intoxicant is forbidden I said: (and what is Al-Muzeffeteh?!), he said: (Al-Meqeereh [container coated with pitch] ) , he said I said and Al-Rissas and Al-Qarooreh [other containers] he said there is no problem with them he said I said and if there are people who dislike them he said leave what gives you doubt to that which does not give you doubt for every intoxicant is forbidden he said I said I believed Al-Sukr is forbidden then one drink or two drinks with our food do not intoxicate he said what intoxicates in large quantities then small quantities of which are forbidden and he said Al-Khemr from grapes and dates and honey and wheat and barley and corn and everything from that which ferments then it is Al-Khemr], and it appears in [20] and the same one is in [4], abbreviated, and Al-Albani said: (correct and authentic), and it is as he said.

\* وفي «مسند الإمام أحمد بن حنبل» عن عبد الله بن الزبير، وغيره: [حدثنا مؤمل ثنا سفيان عن سلمة عن عمران السلمي قال سألت بن عباس رضي الله تعالى عنهما، عن النبيذ فقال نهى رسول الله صلى الله عليه وسلم، عن نبيذ الجر والدباء : فلقيت بن عمر فسأله فأخبرني فيما أظن عن عمر أن النبي صلى الله عليه وسلم نهى عن نبيذ الجر والدباء (شك سفيان) قال فلقيت بن الزبير فسأله فقال نهى رسول الله صلى الله عليه وسلم، عن نبيذ الجر والدباء]

\* وفي «مسند الإمام أحمد بن حنبل» عن عبد الله بن مغفل: [حدثنا سليمان بن داود ثنا ثابت أبو زيد ثنا عاصم الأحول حدثني فضيل بن زيد الرقاشي قال عبد الصمد في حديثه عن فضيل بن زيد وقد غزا مع عمر رضي الله تعالى عنه سبع غزوات قال سألت عبد الله بن مغفل المزني ما حرم علينا من الشراب قال الخمر قال فقلت هذا في القرآن فقال لا أخبرك إلا ما سمعت محمدا رسول الله صلى الله عليه وسلم أو رسول الله محمد صلى الله عليه وسلم، (قال إما أن يكون بدأ بالرسالة أو يكون بدأ بالاسم) فقلت شرعي بأبي اكتفيت قال فقال: (نهى عن الحنتم

\* And in [10] according to Abdullah Bin Al-Zubeir, and others: [Mu'mil told us according to Selmeh according to Umran Al-Selmi he said I asked Bin Abbaas (rata), about wine and he said the Messenger of Allah (saas) prohibited the wine of Al-Jerr and Al-Dubba': so I met Bin Umar and I asked him so he told me about what I think about Umar that the Prophet (saas) prohibited the wine and Al-Jerr and Al-Dubba's (Sufian doubts) he said and I met Ibn Al-Zubeir so I asked him so he said the Messenger of Allah (saas), prohibited the wine of Al-Jerr and Al-Dubba'] .

And in [10] according to Abdullah Bin Mughaffael: [Suleiman Bin Dawood told us Thabit Abu Zaid told us Assim Al-Ahwel told us Fedheel Bin Zaid Al-Reqashi told me he said Abd-ul-Samad in his Hadeeth about Fedheel Bin Zaid and had fought with Umar (rata) in seven campaigns he said I asked Abdullah Bin Al-Mugheffel Al-Mezni about what is forbidden from the drinks he said Al-Khemreh he said I said this is in Al-Qur'aan so he said I do not tell you but what I heard Muhammad the Messenger of Allah (saas) or the Messenger of Allah Muhammad (saas), (he said one must start either with the Risaleh [Messenger] or with name [Muhammad] then I said I follow what my father said in the matter of AL-Sher' he said aand then he said (I prohibit from Al-Hemtem

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وهو الجر ونهى عن الدُّبَّاء وهو القرع ونهى عن المُرْقَت وهو ما لطح بالقار من رِق أو غيره ونهى عن النَّقِير، قال: (فلما سمعت ذلك اشتريت أفيفة فهي هو ذا معلقة ينبذ فيها)

\* وفي «مسند الإمام أحمد بن حنبل» عن عمران بن حصين: [حدثنا روح ثنا شعبه ثنا أبو التياح قال سمعت رجلا من بني ليث يقول أشهد على عمران بن حصين انه حدث ان رسول الله صلى الله عليه وسلم نهى عن الحناتم وعن خاتم الذهب وعن لبس الحرير]

\* وفي «مسند الإمام أحمد بن حنبل» عن الحكم الغفاري: [حدثنا يحيى بن سعيد عن التميمي عن أبي تميمه عن دلجة بن قيس ان رجلا قال للحكم الغفاري أو قال الحكم لرجل أتذكر يوم نهى رسول الله صلى الله عليه وسلم عن النَّقِير والمقير أو أحدهما وعن الدُّبَّاء والحنتم فقال نعم وأنا أشهد على ذلك]

... and it is Al-Jerr and he prohibited Al-Dubba' and it is Al-Qer' [from pumpkin like fruit] and he prohibited Al-Muzeffet and it is what is coated with tar from Ziqq [water skin] or other and he prohibited Al-Neqeer). And he said: (and when I heard that I bought an Al-Afeegeh and it is there hanging and is the one used)]

\* And in [10] according to Umran Bin Hesseen: [Rawh told us Shuaibeh told us Abu Al-Tyah said he said I heard a man from Beni Leith say I testify according to Umran Bin Abi Hesseen that he told that the Messenger of Allah (saas) prohibited Al-Henatim and golden rings and the wearing of silk]

\* And in [10] according to Al-Hekem Al-Ghefari: [Yahya told us Bin Saeed told us according to Al-Temeemy according to Deljeh Bin Qayss that a man said to Al-Hekem Al-Ghifary or Al-Hekem said to a man do you remember the day the Messenger of Allah (saas) prohibited Al-Neqeer and Al-Muqeer or one of them and prohibited Al-Dubba' and Al-Hentem then he said and I testify to that]

\* وفي «مسند الإمام أحمد بن حنبل» عن ميمونة: [حدثنا عبد الرحمن بن مهدي وأبو عامر قالوا ثنا زهير يعني بن محمد عن عبد الله بن محمد يعني بن عقيل عن القاسم بن محمد عن عائشة وعطاء بن يسار عن ميمونة زوج النبي صلى الله عليه وسلم عن النبي صلى الله عليه وسلم انه قال لا تتبذوا في الدُّبَّاء ولا في المُرْقَت ولا في الحنتم ولا في النَّقِير (قال عبد الرحمن: ولا في الجرار) وكل مسكر حرام، وهو في «مسند الإمام أحمد بن حنبل» عن ميمونة من طرق أخرى أيضاً.

\* وفي «مسند الإمام أحمد بن حنبل» عن أم سلمة: [حدثنا أبو أحمد ثنا إسرائيل عن عمار الدهني عن امرأة منهم انها سألت أم سلمة عن النبيذة فقالت كل مسكر حرام نهى رسول الله صلى الله عليه وسلم، عن المُرْقَت وعن الدُّبَّاء والحنتم]

\* And in [10] according to Maymooneh: [Abd-ul-Rahman Bin Mehdi told us and Abu 'Ameer both said Zuhair meaning Bin Muhammad said according to Abdullah Bin Muhammad meaning Bin Akeel according to AL-Qasim Bin Muhammad according to Aisheh and 'Ataa' Bin Yesar according to Maymooneh the wife of the Prophet (saas) according to the Prophet (saas) that he said do not use [press grapes] in Al-Dubba' nor in Al-Muzaffet nor in AL-Hentem nor in Al-Neqeer (Abd-ul-Rahman said and nor in Al-Jerar) and every intoxicant is forbidden], and it appears in [10] according to Maymooneh from other routes as well.

\* And in [10] according to Um Selmeh: [Abu Hanbel told us Israel told us according to Ammar Al-Dihni according to a woman from them that she asked Um Selmeh about the wine so she said every intoxicant is forbidden the Messenger of Allah (saas) prohibited Al-Muzeffet and Al-Dubba' and Al-Hentem]



\* وجاء في «مسند أبي داود الطيالسي» بإسناد صحيح عن أبي بكرة: [حدثنا عيينة بن عبد الرحمن بن جوشن قال حدثني أبي قال كان أبو بكرة ينتبذ له في جر فقدم أبو برزة من غيبة كان غابها فنزل بمنزل أبي بكرة قبل أن يأتي منزله فلم يجد أبا بكرة في منزله فوقف على امرأة له يقال لها مليسة فسألها عن أبي بكرة وعن حاله ونظر فأبصر الجرة التي فيها النبيذ فقال ما في هذه الجرة قالت نبيذ لأبي بكرة فقال لو ددت أنك جعلته في سقاء ثم خرج فأمرت بالنبيذ فحول في سقاء ثم علقتة. فجاء أبو بكرة فأخبرته عن أبي برزة وعن قدومه ثم أبصر السقاء فقالت قال أبو برزة كذا وكذا فحولت نبيذك في السقاء فقال: (ما أنا بشارب منه شيئا، أالله إن جعلت العسل في جر ليحرم علي، ولئن جعلته في سقاء ليحلن لي؟! إنا قد عرفنا الذي نهينا عنه: نهينا عن **الدُّبَاءِ** **والتَّقِيرِ** **والختم** **والمُرْقَتِ**، فأما **الدُّبَاءُ** فإنا معشر ثقيف كنا نأخذ **الدُّبَاءَ** فنخرط فيها عناقيد العنب ثم ندفنها ثم نتركها حتى تهدر ثم تموت وأما **التَّقِيرُ** فإن أهل اليمامة كانوا ينقرون أصل النخلة فيشذوخون فيه الرطب والبسر ثم يدعونه حتى يهدر ثم يموت وأما **الحنتم** فجار كان يحمل إلينا فيها الخمر وأما **المُرْقَتُ** فهي هذه الأوعية التي فيها هذا الزيت)، وهو في «صحيح ابن حبان» مختصراً، وقال الشيخ شعيب الأرناؤوط: (إسناده صحيح).

\* And in [49] with a correct and authentic quotation according to Abi Bekr: [Ayyeyneh Bin Abdul-Rahman Bin Jawshen old us my father told me he said Abu Bekreh was using a Jerr to press grapes then Abu Berzeh came from Ghaybeh and he was absent so he stayed in the house of Abu Bekr before he came to his house so he could not find Aba Bekreh in his house so met with a woman of his called Meleese and he asked her about Abi Bekreh and about his well being and he looked and saw Al-Jerre that contained the wine and then said what is in this Jerreh so she said wine for Abi Bekreh so he said I wish that you would make it in a Siqa' then she said Abu Berzeh said this and this so I transferred your wine to Al-Siqa' then I suspended it then he said: (I have not drunk any of it, Allah [be my witness] that I make honey in Al-Jerr will be forbidden on me, and if I were to make it in Siqa' would it be permitted for me?! For we know that we have been prohibited formal-Dubba' and Al-Neqeer and Al-Khetem and Al-Muzeffet, as for AL-Dubba' for I am from Ma'sher [tribe] Theqeef and we used to use Al-Dubba' and we pit in it bunches of grapes then we would bury it and then leave it until it wasted and died and as for Al-Hentem they atre Jerar that were used to carry Al-Khemr to us and as for Al-Muzeffet for it is the container which contained this Al-Muzeffet)], and this appears in [21], shortened, and Al-Sheikh Al-Arnoot said: (correct and authentic quotation).

\* وفي «الأحاد والمثاني» عن أبي جسر: [حدثنا محمد بن عيسى الزجاج نا يحيى بن راشد صاحب السابري نا محمد بن حمران نا داود بن مساور نا معقل بن همام قال سمعت أبا جسر رضي الله تعالى عنه يقول وفدنا إلى رسول الله صلى الله عليه وسلم فنهانا عن **الدُّبَاءِ** **والتَّقِيرِ** **والحنتم** **والمُرْقَتِ** قال القاضي أبو بكر أحسبه أراه أبو خيرة الصنابحي وصنابح من عبد القيس]

\* And in [12] according to Aby Jesreh: [Muhammad Bin Isa Al-Zejjaj told us Yahya Bin Rashid Sahim l-Sabery told us Muhammad Bin Humran told us Dawood Bin Mesawer told us Mu'qil Bin Hemam said I heard Aba Jesreh (rata) say we came to the Messenger of Allah (saas) and he prohibited us from AL-Dubba' and Al-Neqeer and Al-Hentem and Al-Muzeffet the judge Abu Bekr I estimate I see Abu Khayre Al-Senebihi and Senabih frn Abd-ul-Qays]

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\* وفي «شرح معاني الآثار» عن سمرة بن جندب: [حدثنا علي قال ثنا يحيى بن عبد الحميد قال ثنا عبد الله بن المبارك عن وفاء عن إياس عن علي بن ربيعة عن سمرة بن جندب قال: نهى رسول الله صلى الله عليه وسلم عن الدُّبَاءِ وَالْحَنْتَمِ وَالْمُزَفَّتِ] وجاء غير ذلك كثير جداً في عامة السنن والمسانيد والمعاجم، ما يصعب استقصاؤه، بما يفيد العلم القاطع بحرمة الانتباز في هذه الأوعية: (الدُّبَاءُ وَالْحَنْتَمُ وَالْمُزَفَّتُ)، وربما غيرها، وقصر الانتباز على الأسقية الجلدية.

\* And in [31] according to Semreh Bin Jendeb: [Ali told us Yahya Bin Abd-ul-Hameed said Abdullah Bin Al-Mubarek told us according to Wefa' according to Iyas according to Ali Bin Rebee'a according to Semreh Bin Jendeb he said: the Messenger of Allah (saas) prohibited from Al-Dubba' and Al-Hentem and Al-Muzeffet]

And other than that came many instances in the body of the Suneh and in the quotations and the references, which is difficult to quantify, and it all adds to the absolute knowledge regarding the forbiddance of pressing grapes in this containers: (Al-Dubba' and Al-Hentem and Al-Neqeer and Al-Muzeffet), and maybe others and the pressing of grapes was restricted to containers made of skin.

\* فصل: «تحريم انتباز الخليطين

\* جاء في «الجامع الصحيح المختصر» عن جابر بن عبد الله الأنصاري: [حدثنا أبو عاصم عن بن جريج أخبرني عطاء أنه سمع جابراً رضي الله تعالى عنه يقول نهى النبي صلى الله عليه وسلم، عن الزبيب والتمر والبسر والرطب]، هذا لفظ غامض، ولكن رواية الإمام مسلم تكشف غوامضها: كما هي في «صحيح الإمام مسلم» عن جابر بن عبد الله الأنصاري: [حدثنا قتيبة بن سعيد حدثنا ليث عن عطاء بن أبي رباح عن جابر بن عبد الله الأنصاري عن رسول الله، صلى الله عليه وسلم، أنه نهى أن ينبذ التمر والزبيب جميعاً ونهى أن ينبذ الرطب والبسر جميعاً]، وهو في صحيح مسلم من طرق صحاح عديدة، بالفاظ مشابهة، مثل: «لا تجمعوا بين الرطب والبسر وبين الزبيب والتمر نبذاً». وهو في «المجتبى من السنن للإمام النسائي»، وهو بعينه في «السنن الكبرى للإمام النسائي» من طرق عديدة.

\* Chapter: “Forbiddance of making Khamr from mixtures”

\* And in [5] according to Jabir Bin Abdullah Al-Ansary: [Abu Assim told us according to Bin Jereej Ata' told me he heard Jabir (rata) say the Prophet (saas) prohibited prohibited the raisins and dates and Al-Basr and Al-Retb], and this is a mysterious utterance, but the story of Imaam Muslim reveals its mysteries: and it also appears in [6] according to Jabir Bin Abdullah Al-Ansari: [Quteibeh bin Saeed told us Leith according to 'Ataa's Bin Abi Ribah according to Jabir Bin Abdullah Al-Anssari according to the Messenger of Allah (saas), that he prohibited all dates and raisins and he prohibited that Al-Rettb and Al-Basr are used to make wine], and it appears in [6] from many correct and authentic routes, with similar utterances, for example: “Do not mix Al-Rettb and Al-Basr or between raisins and dates to make wine”. And it appears in [20] and the same one appears in [4] from a number of routes.

## Appendix One

\* وجاء في «المجتبى من السنن للإمام النسائي»، وهو بعينه في «السنن الكبرى للإمام النسائي» تعليل هام: [[أخبرنا القاسم بن زكريا قال أنبأنا عبيد الله عن شيبان عن الأعمش عن محارب بن دثار عن جابر عن النبي صلى الله عليه وسلم قال: «الزبيب والتمر هو الخمر»]، وقال الألباني: (صحيح)، وهو كما قال.

\* وهو أيضاً في «صحيح الإمام مسلم» عن أنس بن مالك: [وحدثني أبو الطاهر أحمد بن عمرو بن سرح أخبرنا عبد الله بن وهب أخبرني عمرو بن الحارث أن قتادة بن دعامة حدثه أنه سمع أنس بن مالك يقول: إن رسول الله صلى الله عليه وسلم، نهى أن يخلط التمر والزهو ثم يشرب وإن ذلك كان عامة خمورهم يوم حرمت الخمر] \* وهو في «مسند الإمام أحمد بن حنبل» بلفظ: [حدثنا أسود ثنا الحسن بن صالح عن خالد الغرز عن أنس قال قال رسول الله صلى الله عليه وسلم: «الا ان المزات حرام»، والمزات: خلط التمر والبسر]

\* And in [20] and the same one in [4] is an important explanation: [Al-Qasim Bin Zekerria told us Ubeid Allah informed us according to Shaeiban according to Al-A'esh according to Muharib Bin Dithar according to the Prophet (saas) he said: "raisins and dates are Al-Khemr"], and Al-Albani said: (correct and authentic), and he also said.

\* And in [6] it also appears according to Anas Bin Malik: [And Abu Al-Tahir told me Ahmad Bin Amrou Bin Sereh told us Abdullah Bin Wahb told me Amrou Bin Al-Harith that etadeh Bin De'ameh told him that he heard Anas Bin Malik say: That the Messenger of Allah (saas) prohibited the mixing of dates and Al-Zeho then its drinking, and that was one of their main [types of] Al-Khemr on the day when Al-Khemr was forbidden]

\* And it also appears in [10] with the utterance: [Aswed told us Al-Hesen Bin Salih told us according to Khalid Al-Gherez according to Anas he said the Messenger of Allah (saas) said "It is that Al-Mezat is forbidden", and Al-Mezat is a mixtutre of dates and Al-Bastr]

\* وفي «مسند أبي يعلى» حديث آخر يشعر بالتعليل: [حدثنا أبو بكر بن أبي شيبة حدثنا أبو الأحوص عن أبي إسحاق عن بريد بن أبي مريم عن أنس قال كنا في عهد رسول الله صلى الله عليه وسلم ننبذ الرطب والبسر فلما نزل تحريم الخمر أهرقناهما من الأوعية ثم تركناهما]، وقال الشيخ حسين أسد: (إسناده صحيح)

\* وعن أبي سعيد الخدري في «صحيح الإمام مسلم»: [حدثنا يحيى بن يحيى أخبرنا يزيد بن زريع عن التيمي عن أبي نضرة عن أبي سعيد أن النبي صلى الله عليه وسلم نهى عن التمر والزبيب أن يخلط بينهما وعن التمر والبسر أن يخلط بينهما]

\* وكما هو في «صحيح الإمام مسلم» عن أبي قتادة الأنصاري: [حدثنا يحيى بن أيوب حدثنا بن علي أخبرنا هشام الدستوائي عن يحيى بن أبي كثير عن عبد الله بن أبي قتادة عن أبيه قال قال رسول الله صلى الله عليه وسلم: «لا تتبذوا الزهو والرطب جميعاً؛ ولا تتبذوا الزبيب والتمر جميعاً، وانتبذوا كل واحد منهما على حدة»]، وهو عند

\* And in [15] another Hadeeth deals withan explanation: [Abu Bekr Bin Abi Sheibeh told us Abu Al-Ihwess told us according to Abi Is-haaq according to Bereed Bin Abi Meriem according to Anas he said we were in the day of the Messenger of Allah (saas) used to making wine from Al-Rettb and Al-Basr when the forbiddance of Al-Khemr was descended we poured it from the containers then tleft it], and Al-Sheikh Ased said: (correct and authentic quotation)

\* And according to Abi Saeed Al-Khedri in [6]: [Yahya Bin Yahya told us Yazeed Bin Zeree' told us according to Al-Taymi according to Abi Nedhreh according to Abi Saeed that the Prophet (saas) prohibited dates and raisins for the two to be mixed and for the dates and Al-Basr to be mixed together]

### ***Appendix One***

\* And it also appears in [6] according to Abi Qetadeh Al-Anssari: [Yahya Bin Ayoub told us according to Aliyet who told us Hisham Al-Destewani told us according to Yahya Bin Abi Ketheer according to Abdullah Bin Abi Qetadeh according to his father he said the Messenger of Allah (saas): “Do not make wine from Al-Zehu and Al-Rettb together; and do not make wine from from raisins and dates together, and make wine from each one separately”], and it is by Muslim according to Abi Qetadeh also by a number of routes.

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مسلم عن أبي قتادة أيضاً من عدة طرق.

\* وهو في «المجتبى من السنن للإمام النسائي»، ويعينه في «السنن الكبرى للإمام النسائي» بزيادة لفظ هام: [أخبرنا يحيى بن درست قال حدثنا أبو إسماعيل قال حدثنا يحيى أن عبد الله بن أبي قتادة حدثه عن أبيه أن النبي صلى الله عليه وسلم نهى عن خليط الزهو والتمر وخليط البسر والتمر وقال لتنبذوا كل واحد منهما على حدة، في الأسقية التي يلاث على أفواهها]، وقال الألباني: (صحيح الإسناد)، وهو كما قال.

\* وهو أيضاً في «صحيح الإمام مسلم» عن بن عمر: [حدثني محمد بن رافع حدثنا عبد الرزاق أخبرنا بن جريج أخبرني موسى بن عقبة عن نافع عن بن عمر أنه كان يقول: (قد نهى أن ينبذ البسر والرطب جميعاً، والتمر والزبيب جميعاً)]، وهو عند مسلم عن بن عمر أيضاً من عدة طرق.

\* And it appears in [20], and the same one appears in [4] with the addition of an important utterance: [Yahya Bin Derset told us he said Abu Ismaeel said Yahya told us that Abdullah Bin Abi Qetadeh told him according to his father that the Prophet (saas) prohibited the mixing of Al-Zehu and dates and the mixing of Al-Basr and dates and he said you must use each one separately, in the Al-Asqiyeh [plural of Al-Saqi] whose mouths have been contaminated], and Al-Albani said: (correct and authentic quotation), and it is as he said.

\* And it is also in [6] according to Bin Umar: [Muhammad Bin Rafi' told us Abd-ul-Razzak told us Bin Jereej told us Musa Bin Aqebah told me according to Naafi' Bin Umar that he used to say: (And it is prohibited for the Al-Basr and Al-Rettb to be used together, and the date and raisins to be used together)], and it also appears from Muslim according to Bin Umar also from a number of routes.

\* وفي «مسند الإمام أحمد بن حنبل» حديث آخر هام عن عبد الله بن عمر بإسناد رجاله ثقات: [حدثنا وكيع ثنا سفيان عن أبي إسحاق عن النجراني عن بن عمر أن النبي صلى الله عليه وسلم، أتى بسكران فضربه الحد، فقال: «ما شراك؟!»، قال: (الزبيب والتمر)، قال: «يكفي كل واحد منهما من صاحبه»] وهو في «مسند أبي داود الطيالسي» في قصة طويلة، وختم بلفظ: [ونهى عنهما أن يخلطا]

\* وهو أيضاً في «صحيح الإمام مسلم» عن أبي هريرة: [حدثنا زهير بن حرب وأبو كريب واللفظ لزهير قالوا حدثنا وكيع عن عكرمة بن عمار عن أبي كثير الحنفي عن أبي هريرة قال: نهى رسول الله صلى الله عليه وسلم، عن الزبيب والتمر والبسر والتمر وقال ينبذ كل واحد منهما على حدته]

\* وهو في «المجتبى من السنن للإمام النسائي»، ويعينه في «السنن الكبرى للإمام النسائي» عن بن عباس: [أخبرنا واصل بن عبد الأعلى عن بن فضيل عن أبي إسحاق عن حبيب بن أبي ثابت عن سعيد بن جبير عن بن عباس قال نهى رسول الله صلى الله عليه وسلم عن الدباء والحنث والمزقة والنقيع وعن البسر والتمر أن يخلطا وعن الزبيب والتمر أن يخلطا وكتب إلى أهل هجران لا تخلطوا الزبيب والتمر جميعاً]، وقال الألباني: (صحيح)، وهو كما قال.

\* And in [10] is another important Hadeeth according to Abdullah Bin Umar with the the support of his men who are trusted [Wakee' told us Sufian told us accordin to Abi Is-haaq according to Al-Nejrani according to Bin Umar that the Prophet (saas), he came by a drunkard so he became furious, then he said: "What is your drink?!", he said: (traisins and dates), he said: "Each one is enough without the other"]

\* And also in [49] in a long story, and ended with the utterance: [and it is prohibited that the the two are mixed]

## Appendix One

\* And it also appears in [6] according to Abi Hureire: [Zuheir Bin Herrb and Abu Kereeb told us and the utterance is for Zuhair they both said Wakee' told us according to Aktremeh Bin Ammar according to Abi Ketheer Al-Henefi according to Abi Hereereh he said: the Messenger of Allah (saas) prohibited [the mixing of] raisins and dates and Al-Basr and dates and he said each one must be used separately [to make wine] ] .

\* And it also appears in [20] and the same one appears in [4] according to Bin Abbaas: [Wasil Bin Abd-ul-A'la told us according to Bin Fedheel according to Abi Is-haaq according to Habeeb Bin Abi Thabit according to Saeed Bin Jebeer according to Bin Abbaas he said the Prophet (saas) prohibited Al-Dubba' and Al-Hentem and AL-Muzeffet and Al-Neqeer and for Al-Basr and dates to be mixed and for raisins and dates to be mixed and he wrote to the people of Hijran not to mix raisins and dates together, and Al-Albani said: (correct and authentic), and it is as he said.

\* وفي «المعجم الكبير»: [حدثنا الجذوعي حدثنا عقبة بن مكرم ثنا أبو عاصم ح وحدثنا الحسين بن إسحاق ثنا محمد بن عبد الأعلى ثنا خالد بن الحارث ثنا ثابت حدثتني ربيعة بنت حريث عن كبشة بنت أبي مریم أنها سألت أم سلمة زوج النبي صلى الله عليه وسلم عن الشراب فقالت أخبركم بما كان رسول الله صلى الله عليه وسلم ينهى عنه أهله كان ينهانا أن يخلط الزبيب بالتمر]

\* وفي «المعجم الكبير» أيضاً: [حدثنا أحمد بن عمرو الخلال المكي ثنا محمد بن أبي عمر العدني ثنا سفيان عن محمد بن إسحاق عن معبد بن كعب عن أمه قالت: سمعت رسول الله صلى الله عليه وسلم ينهى عن الخليطين التمر والبسر والرطب وقال: «اشربوا كل واحد منهما على حدة»]

ولقد اكتفينا أعلاه بما جاء في الصحيحين بصفة أساسية، وإلا فالأحاديث المذكورة أعلاه في أغلب كتب الحديث

\* And in [11]: [Al-juthou'i told us Aqebah Bin Mektrem told us Abu Assim (H) and Al-Hussein Bin Is-haaq told us Muhammad Bin Abd-ul-A'la told us Khalid Bin Al-Harith told us Rebta Bint Hereeth told us according to Kebsheh Bint Abi Meriem that she asked Um Selmeh the wife of the Prophet (saas) about the drink and he said I told you of what the the Messenger of Allah (saas) prohibited his people from doing he prohibited them from mixing raisins and dates]

\* And in [11] also: [Ahmad Bin Amrou Al-Khelal Al-Mekki told us Muhammad Bin Abi Umar Al-Adeni told us Sufian according to Muhammad Bin Is-haaq according to Is-haaq Ma'bed Bin Ka'ab according to his mother she said: Iheard the Messenger of Allah (saas) prohibit from the mixing dates with Al-Basr or with Al-Rettb and he said: "Drink each one separately"]

And we restricted ourselves in the above to those quotations which are correct and authentic as their primary characteristic otherwise the Hadeeths that are mentioned above are in the majority of books on the Hadeeths

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من سنن ومسانيد ومصنفات وجوامع ومعاجم مثل: «سنن أبي داود»، و«سنن الترمذي»، وفي «المجتبى من السنن للإمام النسائي»، وكذلك «السنن الكبرى للإمام النسائي» استيعاب يكاد يكون تاماً للطرق والألفاظ، وفي «سنن ابن ماجه» عدة طرق، وفي «موطأ الإمام مالك»، وفي «مسند الإمام الشافعي»، و«سنن الدارمي»، وفي «مسند أبي داود الطيالسي»، وفي «مسند الإمام أحمد بن حنبل» استيعاب شبه كامل للطرق، وفي «مسند أبي يعلى» من طرق صحاح كثيرة جداً، وكذلك في «صحيح ابن حبان» وفي «المنتقى من السنن المسندة لابن الجارود»، وفي «سنن البيهقي الكبرى»، وفي «المعجم الكبير للإمام الطبراني»، وكذلك في «المعجم الأوسط له»، وبعض طرقه في «مسند ابن الجعد»، وربما في غيرها.

وهذا على كل حال نقل تواتر، يفيد القطع واليقين، للنهي عن انتباز البسر والرطب والتمر والزبيب مخلوطين، وأمر بأن ينتبذ كل على حدة، حتى جاء النسخ، كما سيأتي في فصله، إن شاء الله تعالى.

... from Sunen and references and classifications and collectors and dictionaries like: [7] and [27] and [20] and also [4] with an almost complete collection for routes and utterances, and in [2] there are several routes, and in [8], and in [25], and in [13], and in [49], and in [10] is an almost complete collection for the routes, and in [15] there is a very large number of correct and authentic routes, and also in [21], and in [28], and in [1], and in [11] and also in [46], and some of the routes are in [33], and maybe in other.

And this in any case is copying by the method of Twatur [repeated uninterrupted copying at short intervals], which adds to the certainty and the definitiveness, for the prohibition of using [to make intoxicants] of Al-Basr and Al-Rettb and dates and raisins when mixed, and He ordered for them to be used separately, until the abolition came, as will be covered in its chapter, if Allah (t) is willing.

### \* فصل: نسخ تحريم الانتباز في ظروف معينة

#### \* Chapter: cancellation of the prohibition of Al-Intibath [pressing of grapes, making of wine] under certain circumstances

##### ثم نسخ النهي عن الانتباز في ظروف معينة:

\* كما جاء في «الجامع الصحيح المختصر» للإمام البخاري عن جابر بن عبد الله بن حرام، رضي الله عنهما: [حدثنا يوسف بن موسى حدثنا محمد بن عبد الله أبو أحمد الزبيري حدثنا سفيان عن منصور عن سالم عن جابر رضي الله تعالى عنه قال: نهى رسول الله، صلى الله عليه وسلم، عن الظروف فقالت الأنصار: (إنه لا بد لنا منها!)، قال: «فلا إذا»، وقال خليفة حدثنا يحيى بن سعيد حدثنا سفيان عن منصور عن سالم بن أبي الجعد بهذا حدثنا عبد الله بن محمد حدثنا سفيان بهذا وقال فيه: (لما نهى النبي، صلى الله عليه وسلم، عن الأوعية). وهو بنحوه في «سنن الترمذي»، وقال الإمام أبو عيسى الترمذي: (وفي الباب عن بن مسعود وأبي سعيد وأبي هريرة وعبد الله بن عمرو؛ قال أبو عيسى هذا حديث حسن صحيح).

\* وفي «سنن البيهقي الكبرى» عن جابر بن عبد الله، حديث آخر: [وأخبرنا أبو عبد الله الحافظ ثنا أبو العباس محمد بن يعقوب ثنا محمد بن إسحاق الصغاني ثنا بن أبي مريم أنبأ نافع بن يزيد أخبرني أبو حرزة يعقوب بن مجاهد ثنا عبد الرحمن بن جابر بن عبد الله عن أبيه جابر بن عبد الله أن رسول الله صلى الله عليه وسلم قال: «أني كنت نهيتكم أن تنتبذوا في النبأ والحتم والمزفت، فانتبذوا، ولا أحل مسكرا»، وهو أيضاً في «شرح معاني الآثار».

Then cancellation of the prohibition of Al-Intibath under certain circumstances

## Appendix One

\* And as appeared in [5] by Imaam Al-Bukhary according to Jabir Bin Abdullah Bin Heram (raa): [Yousif Bin Musa told us Muhammad Bin Abdullah Abu Ahmad Al-Zubeiry told us Sufyan told us according to Mansour according to Salim according to Jabir (rata) he said: the Messenger of Allah (saas) prohibited Al-Therouf and so the supporters said: (we have to have them!), he said: “only if”] . And Kheleefeh said Yahya Bin Saeed told us Sufian told us according to Mansour according to Salim Bin Abi Al-Ja’ad and in this Abdullah Bin Muhammad told us and said about it: (When the Prophet (saas) prohibited the containers). And on the same subject appears in [27] and Imaam Abu Isa Al-Termethi said: (And in the section about Bin Mas’ood and Abi Saeed and Abi Hureireh and Abdullah Bin Amrou; Abu Isa said this is text good, correct and authentic).

\* And in [1] according to Jabir Bin Abdullah, is another Hadeeth: [And Abu Abdullah Al-Hafith told us Abu Al-Abbaas Muhammad Bin Ya’qoub told us Muhammad Bin Is-haaq Al-Sighani told us Bin Abi Meriem informed Naafi’ Bin Yazeed Abu Herza Ya’qoub told me Bin Mujahid told us Abd-ul-Rahman Bin Jabir Bin Abdullah told us according to his father Jabir Bin Abdullah that the Messenger of Allah (saas) said: “I prohibit you from Al-Intibath in Al-Dubba’ and Al-Hentem and Al-Muzeffet, then discard, and I do not allow intoxicants”], and it also appears in [31] .

\* وكما جاء في «صحيح الإمام مسلم» عن بريدة بن الحصيب، رضي الله عنه: [وحدثنا حجاج بن الشاعر حدثنا ضحاک بن مخلد عن سفيان عن علقمة بن مرثد عن بن بريدة عن أبيه أن رسول الله صلى الله عليه وسلم قال: «نهيتكم عن الظروف وإن الظروف (أو ظرفاً) لا يحل شينا ولا يحرمه، وكل مسكر حرام»]، وهو أيضاً في «صحيح الإمام مسلم» بلفظ: «فاشربوا في كل وعاء، غير أن لا تشربوا مسكراً». وهو من طرق كثيرة، أغلبها صحاح، في «سنن الترمذي»، وفي «المجتبى من السنن للإمام النسائي»، كذلك في «السنن الكبرى له»، وفي «سنن ابن ماجه»، وفي «مسند ابن الجعد»، وفي «سنن الدارقطني» من طرق كثيرة، وفي «المعجم الكبير» وغيرها.

\* وهو في «صحيح ابن حبان» عن الأشج العصري، أشج عبد القيس، رضي الله عنه: [أخبرنا أحمد بن علي بن المثني حدثنا محمد بن مرزوق حدثنا روح بن عبادة حدثنا حجاج بن حسان التيمي حدثنا المثني العبدى أبو منازل أحد بنى غنم عن الأشج العصري انه أتى النبي، صلى الله عليه وسلم، في رفقة من عبد القيس ليزوره فاقبلوا فلما

\* And also in [6] according to Bereedeh Bin Al-Hesseeb (raa): [Hejjaj Bin AL-Shaer told us Dhehak Bin Mukhlid told us according to Sufian according to Alqemeh Bin Merthid according to Bin Bereedeh according to his father that the Messenger of Allah (saas) said: “I prohibit you from AL-Therouf and it is that Al-Therouf (or Therfa) does not forbid or permit anything, and every intoxicant is forbidden”], and it also appears in [6] with the utterance “And drink from any container, but do not drink what intoxicates”. And it is one of many routes, the majority of which are correct and authentic, in [27], and in [20], and in [4], and in [2], and in [33], and in [23] from many routes, and in [11] and in others.

\* And it appears in in [21] according to Al-Ashej Al-Assry, Ashej Abd-ul-Qayss (raa): [Ahmad Bin Ali Bin Al-Muthenna told us Muhammad Bin Merzouq told us Rawh Bin Abadeh told us Hujaj Bin Hessian Al-Teymi told us Al-Muthenna Al-Abdi Abi Munazil Ahed Beni Ghanm told us according to Al-Ashej Al-‘Assri that he came to the Prophet (saas) , in the company of a group from Abd-ul-Qays to visit him so they came and when



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قدموا رفع لهم النبي، صلى الله عليه وسلم، فأنأخوا ركايبهم فابتدر القوم ولم يلبسوا الا ثياب سفرهم واقام العصري فعقل ركائب اصحابه وبغيره ثم اخرج ثيابه من عيبته وذلك بعين رسول الله، صلى الله عليه وسلم ثم اقبل الى النبي، صلى الله عليه وسلم، فسلم عليه فقال له النبي، صلى الله عليه وسلم: «ان فيك لخصلتين يحبهما الله ورسوله»، قال: (ما هما؟)، قال: «الأناء والحلم»، قال: (شيء جبلت عليه، أو شيء أتخلقه؟)، قال: «لا، بل جبلت عليه»، قال: (الحمد لله)، ثم قال، صلى الله عليه وسلم: «معشر عبد القيس: ما لي أرى وجوهكم قد تغيرت؟»، قالوا: (يا نبي الله: نحن بأرض وخمة كنا نتخذ من هذه الأنبذة ما يقطع اللحمان في بطوننا فلما نهينا عن الظروف فذلك الذي ترى في وجوهنا)، فقال النبي، صلى الله عليه وسلم: «**إن الظروف لا تحل ولا تحريم، ولكن كل مسكر حرام؛ وليس ان تحبسوا فتشربوا حتى إذا امتلأت العروق تتاحرتم فوثب الرجل على بن عمه فضربه بالسيف فتركه اعرجاً**» قال: (وهو يومئذ في القوم الأعرج الذي أصابه ذلك)

\* وهو في «مسند الإمام أحمد بن حنبل» بلفظ آخر: [حدثنا حسن بن موسى قال ثنا عبد العزيز بن مسلم أبو زيد عن يحيى بن عبد الله التيمي عن يحيى بن غسان التيمي عن أبيه قال: (كان أبي في الوفد الذين وفدوا إلى رسول الله صلى الله عليه وسلم، من عبد قيس فنهاهم عن هذه الأوعية)، قال: (فأتخمتنا ثم أتيناها العام المقبل)، قال: فقلنا: (يا رسول الله: إنك نهيتنا عن هذه الأوعية فأتخمتنا؟)، قال رسول الله صلى الله عليه وسلم: «**انتبذوا فيما بدأ لكم ولا تشربوا مسكرا فمن شاء أوكا سقاءه على أثم**»]

... arrived the Prophet (saas) rose for them so they dismounted their rides and they only wore their travelling clothes and Al-Assri started to tend for the horses of his companions and his camel then he took out his clothes in view of the Messenger of Allah (saas) and then he came to the Prophet (saas) then greeted him then the Prophet (saas) said: "There are two traits in you that Allah and His Messenger like", he said (What are they O Prophet of Allah?!), he said: "modesty and prudence" he said were they traits I was created with it or did I learn it he said but you were born with it he said thanks to Allah he said people of Abd Qeyss what do I see has changed in your faces they said: (O Prophet of Allah: we live in a damp area and we take these wines which help cut what is in our stomachs when we finish with the containers and this is what you see in our faces), then the Prophet (saas) said: "The container is neither permitted nor forbidden ; but every intoxicant is forbidden; and you are not to sit and drink until if your veins are intoxicated you boast then a man jumps at his cousin and strikes him with the sword and leaves him crippled" he said and he was that day with the people of the crippled man to him this happened],

\* And it appears in [10] with a different utterance: [Hassan Bin Musa told us he said Abd-ul-Azeez Bin Muslim Abu Zaid told us according to Yahya Bin Abdullah Al-Teymi according to Yahya Bin Ghassan Al-Teymi according to his father he said: (My father was in the delegation that came to the Messenger of Allah (saas), from Abd Qayss so he prohibited them from the containers), he said: (so we restricted our selves and then we came back to him in the following year), he said: we said (O Messenger of Allah, you prohibited us from these containers so we restricted ourselves?!), the Messenger of Allah (saas) said: "Use the the ones as you judge but do not drink the intoxicant for he who wants Awka then serving him is is a sin"] .

\* وجاء في «صحيح الإمام مسلم» عن عبد الله بن عمرو: [وحدثنا أبو بكر بن أبي شيبة وابن أبي عمر واللفظ لابن أبي عمر قالاً حدثنا سفيان عن سليمان الأحول عن مجاهد عن أبي عياض عن عبد الله بن عمرو قال: لما نهى رسول الله، صلى الله عليه وسلم، عن النبيذ في الأوعية قالوا: (ليس كل الناس يجد)، فأرخص لهم في الجر غير المُرَقَّت]. قلت: لعل هذا نسخاً جزئياً، قيل الناسخ الشامل.

\* وفي «سنن الدارقطني»: [حدثنا الحسين بن إسماعيل نا الفضل بن يعقوب نا سعيد بن مسلمة نا الأوزاعي عن عمرو بن شعيب عن أبيه عن جده عن النبي صلى الله عليه وسلم. قال: أتاه قوم فقالوا: (يا نبي الله: إنا ننبيذ النبيذ فنشربه على غداتنا وعشاتنا؟)، قال: «اشربوا، وكل مسكر حرام»، فقالوا: (يا رسول الله: إنا نكسره بالماء؟)، فقال: «حرام قليل ما أسكر كثيره»]

\* وجاء في «سنن البيهقي الكبرى»: [وأخبرنا أبو علي الرونباري أنبأ أبو بكر بن داسة ثنا أبو داود ثنا محمد بن جعفر بن زياد ثنا شريك عن زياد بن فياض عن أبي عياض عن عبد الله بن عمرو قال: ذكر النبي صلى الله عليه وسلم، الأوعية: النبأ والحنتم والمُرَقَّت والنقير، فقال أعرابي: (إنه لا ظروف!)، قال: «اشربوا ما حل»]

\* And appears in [6] according to Abdullah Bin AmtrouL [And Abu Bekr Bin Abi Sheybeh and Ibn Abi Umar told us and the utterance is for Ibn Aby Umar they both said Sufian told us according to Suleiman Al-Ahwel according to Mujahid according to Abi 'Ayadh according to Abdullah Bin Amrou he said: When the Messenger of Allah (saas) prohibited the wine in the containers they said: (not all people have them), so he allowed them to use Al-Jerr which is not tarred] . I said: may be this was a partial cancellation, before the general cancellation.

\* And in [9]: [Alhussaein Bin Ismaeel told us Al-Fedhel Bin Ya'qoob told us Saeed Bin Muslimeh told us Al-Awza'I told us according to Amrou Bin Shu'ayb according to his father according to his grandfather according to the Prophet (saas). He said: People came to him and said: (O Prophet of Allah: we make wine and drink it with our lunch and supper?!), he said: "Drink, and every intoxicant is forbidden", so they said: (O Messenger of Allah: If we break it with water?!), so he said: "A little [of something] is forbidden if a large quantity intoxicates]

\* And it appeared in [1]: [And Abu Ali Al-Rownebary told us Abu Bekr Bin Daseh informed us Abu Dawood told us Muhammad Bin Ja'far Bin Ziad told us Shurayk told us according to Bin Feyadh according to Abi 'Ayadh according to Abdullah Bin Amrou and said: The Proohet (saas) mentioned the containers: Al-Dubba' and Al-Hentem and AL-Muzeffet and Al-Neqeer, and an I'rabi (one from the Arabs) said: (The is no Therouf!), he said: "Drink what is permitted"]

\* وجاء في «مسند إسحاق بن راهويه»: [أخبرنا روح بن عباد نا بسطام بن مسلم عن أبي التياح عن بن أبي مليكة عن عائشة أن رسول الله صلى الله عليه وسلم، رخص في زيارة القبور وفي أكل لحوم الأضاحي وكانوا لا يأكلونها إلا ثلاثاً فقال: «كلوا وأطعموا ما بدا لكم»، وأرخص في نبيذ التمر]

\* وفي «سنن ابن ماجه» من طريق ضعيفة عن بن مسعود: [حدثنا يونس بن عبد الأعلى ثنا عبد الله بن وهب أنبأنا بن جريج عن أيوب بن هانئ عن مسروق بن الأجدع عن بن مسعود أن رسول الله صلى الله عليه وسلم قال: «إني كنت نهيتكم عن نبيذ الأوعية إلا وإن وعاء لا يحرم شيئاً كل مسكر حرام»]، وجازف الألباني فقال: صحيح.

\* وفي «مسند الإمام أحمد بن حنبل» عن أبي هريرة، رضي الله عنه: [حدثنا حسن ثنا سكين قال حدثنا حفص

\* And in [2] by a weak route according to Bin Mas'ood: [Younis Bin Abd-ul-A'la told us Abdullah Bin Waheeb told us Bin Jereej informed us according to Ayoub Bin Hani' according to Mesrouq Bin Al-Ajda' according to Bin Mas'ood tthat the Messenger of Allah (saas) said: "I prohibited you from the wine of in the containers but a container does not forbid anything every intoxicant is forbidden"] . And Al-Albani estimated then said: correct and authentic.

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بن خالد حدثني شهر بن حوشب عن أبي هريرة قال اني لشاهد لوفد عبد قيس قدموا على رسول الله، صلى الله عليه وسلم، قال: فنهاهم ان يشربوا في هذه الأوعية: **الْحَنْتَمُ وَالذَّبَاءُ وَالْمَرْقَةُ وَالنَّقِيرُ**. قال فقام إليه رجل من القوم فقال يا رسول الله ان الناس لا ظروف لهم قال فرأيت رسول الله، صلى الله عليه وسلم، كأنه يرثي للناس قال فقال: «**اشربوا ما طاب لكم فإذا خبث فذروه**»، قلت: شهر بن حوشب كثير الخطأ والأوهام، فكأنه وهم فذكر النسخ الذي كان في العام التالي في سياق قصة التحريم على نحو مغل، كما نخشى أن تكون روايته هذه عن أبي هريرة مرسلة.

\* وجاء نحو هذا في «مسند أبي يعلى» عن أبي هريرة: [حدثنا وهب بن بقية أخبرنا خالد عن (حفص بن) خالد عن شهر بن حوشب عن أبي هريرة عن النبي، صلى الله عليه وسلم، أنه تكلم بعدما قال لعبد القيس في الظروف ما قال فقال: «**اشربوا ما بدا لكم: كل امرئ حسيب نفسه!**»]، وقال الشيخ حسين أسد: (إسناده حسن).

\* وجاء في «المعجم الكبير» عن عبد الله بن عمر: [حدثنا الحسين بن إسحاق التستري وعبدان بن أحمد قالا ثنا أحمد بن عبدة الضبي ثنا يزيد بن أبان عن عمرو بن دينار عن سالم عن أبيه عن النبي صلى الله عليه وسلم قال: «إني نهيتكم عن نبيذ الجر وإني كنت نهيتكم عن زيارة القبور وإني كنت نهيتكم عن الأضاحي: **ألا وإن الأوعية لا تحل شيئا ولا تحرمه**، ألا وزوروا القبور فإنها ترق القلوب (زاد عبدان في حديثه) ألا وإني نهيتكم عن لحوم الأضاحي فكلوا وادخروا ما شئتم»]

Bin Khalid told me Sheher Bin Hawshab told me according to Abi Hurreira he said I was a witness to a delegation of Abd Qayss who came to the Messenger of Allah (saas), he said: he prohibited them from drinking in these containers: Al-Hentem and Al-Dubba' and Al-Muzeffet and Al-Neqeer. He said a man from the from went up to then said O Messenger of Allah people do not have Therouf he said then I saw the Messenger of Allah (saas), as though he pitied the people he said and then he said "Drink what you like and if it worsens then throw it", I said: Sheher Bin Hawshab makes many mistakes and fantasies, so as though he imagined the cancellation that was enacted in the following year as part of the story of forbiddance in a faulty manner, as we fear that his current story according to Abi Hurreireh.

\* And on this subject appeared in [15] according to Abi Hurreireh: [Wahb Bin Beqyieh told us Khalid told us according to (Hefess Bin) Khalid according to Sheher Bin Hawshab according to Abi Hurreireh according to the Prophet (saas), that he spoke after he had told to Abd-ul-Qayss about Al-Therouf what he told then said: Drink what you judge is right, every person is responsible for himself!"], and Al-Sheikh Hussaein Ased said: (good quotation).

\* And appeared in [11] according to Abdullah Bin Umar: [Al-Hussein Bin Is-haaq Al-Testery and Abdan Bin Ahmad both told us Ahmad Bin Abdeh Al-Dhebi told us Yazeed Bin Aban told us according to Amrou Bin Dinar according to Salim according to his father according to the Prophet (saas) he said "I prohibit you from the wine of Al-Jerr and I had prohibited you from visiting the graves and I had prohibited you from the sacrifices: but it is that the containers do not forbid something or permit is, you may visit the graves for it softens the heart (Abdan said more in the Hadeeth) and I had prohibited you from the meat of sacrificed animals so eat and store what you wish"]

## Appendix One

\* وجاء نحو هذا عن علي بن أبي طالب، كما هو في «شرح معاني الآثار»: [حدثنا بن أبي داود قال ثنا أبو معمر عبد الله بن عمرو بن أبي الحجاج قال ثنا عبد الوارث قال حدثني علي بن يزيد قال حدثني النايغة بن مخارق بن سليم قال حدثني أبي عن علي بن أبي طالب رضي الله تعالى عنه، قال: قال رسول الله، صلى الله عليه وسلم: «إني كنت نهيتكم عن الأوعية فاشربوا في ما بدا لكم، وإياكم وكل مسكر»]

\* وجاء في «سنن البيهقي الكبرى»: [أخبرنا أبو بكر بن الحسن وأبو زكريا بن أبي إسحاق قالوا ثنا أبو العباس هو الأصم أنبأ محمد بن عبد الله بن عبد الحكم أنبأ بن وهب أخبرني أسامة بن زيد الليثي أن محمد بن يحيى بن حبان أخبره أن واسع بن حبان حدثه أن أبا سعيد الخدري حدثه أن رسول الله صلى الله عليه وسلم: «قال نهيتكم عن النبيذ ألا فانتبذوا، ولا أحل مسكرا»]

\* And on this subject appeared according to Ali Bin Abi Talib as it is in [31]: {Bin Abi Dawood told us he said Abu Mu'mar Abdullah Bin Amrou Bin Abi Al-Hejaj told us Abd-ul-Warith said Ali Bin Yazeed said Al-Nabogheh Bin Mukhariq Bin Seleem told me my father told me according to Ali Bin Abi Talib (rata), he said: The Messenger of Allah (saas) said: "I had prohibited you from the container then drink what you judge is right, and avoid every intoxicant"}]

\* And appeared in [1]: Abu Bekr Bin Al-Hasan and Abu Zekeriah Bin Abi Ishq told us they both said Abu Al-Abbaas who is Al-Assem told us Muhamed Bin Abdullah Bin Abd-ul-Hekem informed Bin Waheb told us Usameh Bin Zaid Al-Leithy told us that Muhammad Bin Yahya Bin HAbaan told him that Wasi' Bin HAbaan told him that Aba Saeed Al-Khuderri told him that the Messenger of Allah (saas) said "I prohibited you from the wine , then stop and I do not permit an intoxicant"]

\* وجاء في «مسند أبي يعلى» عن أنس: [حدثنا أبو خيثمة حدثنا يعقوب بن إبراهيم حدثنا أبي عن بن إسحاق حدثني يحيى بن الحارث الجابر عن عبد الوارث مولى أنس وعمرو بن عامر عن أنس قال: نهى رسول الله صلى الله عليه وسلم، عن زيارة القبور وعن لحوم الأضاحي بعد ثلاث وعن النبيذ في الدباء والحنتم والمزقة قال ثم قال رسول الله صلى الله عليه وسلم، بعد ثلاث: «إني كنت نهيتكم عن ثلاث ثم بدا لي فيهم: نهيتكم عن زيارة القبور ثم بدا لي أنه ترق القلب وتدمع العين وتذكر الآخرة فزوروها ولا تقولوا هجرا ونهيتكم عن لحوم الأضاحي أن تأكلوها فوق ثلاث ليال ثم بدا لي أن الناس يبقون أدمهم ويتحفون ضيفهم ويحبسون لغائبهم فأمسكوا ما شئتم، ونهيتكم عن النبيذ في هذه الأوعية، فاشربوا فيما شئتم، ولا تشربوا مسكرا: من شاء أوكى سقاءه على إثم»، وقال الشيخ حسين أسد: (إسناده لين)، وهو يعينه في «مسند الإمام أحمد بن حنبل».

\* وجاء أيضاً في «مسند الإمام أحمد بن حنبل» عن عبد الله بن مغفل المزني: [حدثنا وكيع قال ثنا أبو جعفر الرازي عن الربيع بن أنس عن أبي العالية أو عن غيره عن عبد الله بن مغفل المزني قال: (انا شهدت رسول الله صلى

\* And appeared in [22] according to Anas: [Abu Khaytheem told us Yaqoob Bin Ibraheem told us my father told us according to Bin Is-haaq Yahya Bin Al-Harith Al-Jabir told us according to Abd-ul-Warith Mowli Anas and Amrou Bin Amer according to Anas he said: the Messenger of Allah (saas) prohibited three things: "I had prohibited you from three things then I reflected on them, I prohibited you from visiting the graves then I reflected that they soften the heart and water the eyes and reminds of Al-Akhireh [end of time] then you may visit them and don't call it a hejer and I prohibited you from the meat of sacrificed animals that you eat it after three nights then I reflected that people need to store it for their guests and absent ones, so you can store what you wish, and I prohibited you from the wine in the containers, so you can drink in these containers, but do not drink what intoxicates, and who wished an Awka then serving him is a sin"], and Al-Sheikh Hussein Esed said: (its quotation is thin), and the same one appears in [10] .

### ***Appendix One***

\* And also appeared in [10] according to Abdullah Bin Mugheffel Al-Mezni [Wakee' told us Abu Ja'far Al-Razi told us according to Al-Rabee' Bin Anas according to Abi Al-'Alieh or another according to Abdullah Bin Mughaffel Al-Mezni he said: (I witnessed when the Messenger of Allah (saas)

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الله عليه وسلم حين نهى عن نبيذ الجر وأنا شهادته حين رخص فيه) قال: «**واجتنبوا المسكر**»، وهو في «**المعجم الأوسط**».

\* وفي «**المعجم الكبير**» عن صحار بن صخر العبدى: [حدثنا أحمد بن رشدين المصري حدثني أبي عن أبيه عن جده رشدين بن سعد عن عمرو بن الحارث عن يزيد بن أبي حبيب عن منصور بن أبي منصور حدثه أن صحار بن صخر العبدى حدثه أنه قال لرسول الله صلى الله عليه وسلم: (إننا بأرض كثيرة أخبارها ويقولها ونشرب النبيذ على ذلك)، فقال النبي صلى الله عليه وسلم: «**اشربوا منه ما لا يذهب العقل والمال**»]

... Prohibited

the wine of Al-Jerr and I witnessed him when he ruled) he said: “And avoid the intoxicant”], and it is in [46] .

\* And it appeared in [11] according to Ssehar Bin Ssekher Al-Abdi: [Ahmad Bin Reshdeen Al-Messri told us my father told me according to his father according to his grandfather Reshedein Bin Sa’ad according to Amrou Bin Al-Harith according to Yazeed Bin Abi Habeeb according to Mansur Bin Abi Mensour he told him that Ssehar Bin Ssekher Al-Abdi told him that the Messenger of Allah (saas) told him: (I am in a land with plenty of bread and types of food and we drink the wine for that), then the Prophet (saas) said: “Drink from it what does not impact the mind or the money [or wealth]”]

**لذلك لا يجوز أن تبقى شبهة في نسخ النهي عن الانتباز في ظروف معينة، كما جاء النص صريحاً في منطوقه. إلا أننا إذا لاحظنا علة ذلك التشريع المؤقت، كما وردت في الأحاديث الصحيحة، ومنها:**

\* ما جاء في «**المستدرک علی الصحیحین**»: [حدثنا أبو العباس محمد بن يعقوب ثنا إبراهيم بن مرزوق ثنا وهب بن جرير ثنا شعبة عن أبي التياح عن أبي الوداك عن أبي سعيد الخدري رضي الله تعالى عنه، قال: لا أشرب نبيذ الجر بعد إذ أتى النبي صلى الله عليه وسلم بنشوان فقال يا رسول الله ما شربت خمراً لكتي شربت نبيذ زبيب في دُبَاء، فأمر به فنهر بالأيدي وخفق بالنعال، **ونهى عن الزبيب والتمر وعن الدُبَاء**]. وقال الحاكم: (هذا حديث صحيح الإسناد ولم يخرجاه)، وقال الذهبي في التلخيص: (صحيح)، وهو كما قال:

\* وما جاء في «**صحيح الإمام مسلم**» عن أنس بن مالك: [وحدثني أبو الطاهر أحمد بن عمرو بن سرح أخبرنا عبد الله بن وهب أخبرني عمرو بن الحارث أن قتادة بن دعامة حدثه أنه سمع أنس بن مالك يقول: إن رسول الله صلى الله عليه وسلم، نهى أن يخلط التمر والزهو ثم يشرب؛ **وإن ذلك كان عامة خميرهم يوم حرمت الخمر**].  
\* وما جاء في «**مسند الإمام أحمد بن حنبل**»: [حدثنا وكيع ثنا سفيان عن أبي إسحاق عن النجراني عن بن عمر أن النبي صلى الله عليه وسلم، أتى بسكران فضربه الحد، فقال: «ما شرابك؟»، قال: (الزبيب والتمر)، قال: «**يكفي كل واحد منهما من صاحبه**»]:

وأعتبرنا أن قوله، صلى الله عليه وعلى آله وسلم: «**إنني كنت نهيتكم عن الظروف، وإن ظرفاً لا يحل شيئاً ولا يحرمه، وكل مسكر حرام**»، كما هو بأصح إسناد عند الترمذي جاء على وجه يبين العلة، وأن التحريم الأبدي الباقي إلى يوم القيامة الكبرى منوط فقط بالإسكار يجعلنا نستنبط أن الأمر بإفراد البسر والتمر والزبيب بالانتباز، والنهي عن خلطها، كان كذلك مؤقتاً، لأن الخلط ينتج أسرع من الأنبة المفردة، تماماً كما أن النبيذ يسرع في الاشتداد في بعض الظروف أكثر من البعض الآخر.

وكذلك لما كان (الظرف لا يحل شيئاً، ولا يحرمه، وإنما هو صفة الإسكار هي المحرمة فقط)، ولأن الخلط يعني استخدام ظرف واحد لصنفين بدلاً من ظرفين لكل صنف على حدة، فذلك لزم أن يكون النهي عن الخليطين منسوخاً بنسخ النهي عن ظروف معينة، وبالله التوفيق.

(عدد الكلمات في هذا الملف: ٢١٣٧٠)

## **Appendix One**

And therefore there must not remain any doubt about the cancellation of the prohibition of Al-Intibath under certain circumstances, as appeared in the the text explicitly in that respect, but we have noticed fault with that temporary legislation: as appeared in the correct and authentic Hadeeths, from them:

\* What appeared in [47]: [Abu Al-Abbaas Muhammad Bin Ya'qoob told us Ibraheem Bin Merzouq told us Waheb Bin Jereer told us Shu'beh told us according to Abi Al-Tyah according to Aby Al-Wedak according to Abi Saeed Al-Khuder (rata) , he said: I do not drink wine of Al-Jerr after the time when the Prophet (saas) came by Neshwan who said O Messenger of Allah I don't drink Khemr (Khamr) but I drink wine of raisins in a Dubba', so he gestured with his hand and he tapped with his slipper, and he prohibited the raisins and dates and Al-Dubba'], and Al-Hakim said: (This Hadeeth is correct and authentic in its quotation and they did not produce it), and Al-Thehebi said in the summary: (correct and authentic), and it is as they said;

\* And what appeared in [6] according to Anas Bin Malik: [Abu Al-Tahir Ahmad Bin Amrou Bin Sereh told us Abdullah Bin Weheb told us Amrou Bin Al-Harith told me that Qetadeh Bin Di'ameh happened to hear Anas Bin Malik say: That the Messenger of Allah (saas), prohibited the mixing of dates and Al-Zehu then drinking it; and that was their main Khemr [Khamric drink] in the day when Al-Khemr was forbidden] ;

\* And what appeared in [10]: [Wakee' told us Sufyan told us according to Abi Is-haaq according to Al-Nejrani according to Bin Umar that the Prophet (saas), came by a drunkard so he became furious, then he said: "What is your drink?!", he said: (raisins and dates), he said "Each one is enough without the other"]

And we consider that his [The Prophet (saas)] words , "I had prohibited you from Al-Therouf [containers], and a Therf [single] is neither permitted nor forbidden, and every intoxicant is forbidden", as it stands to be the most correct and authentic quotation according to Al-Termethi it came in a way which shows the fault, and it is that the eternal forbiddance which remains until Yowm Al-Quyameh Al-Kubra [day of grand judgement], notes only the intoxication which makes us conclude that singling of Al-Basr and Al-Temur [date], and Al-Zebeebe [raisins] in the context of wine making, and the prohibition from mixing them, all of that was temporary, because the mixtures ferment more quickly than the single wines, just as the wine strengthens at a higher rate under some circumstances than others.

And the same is true for (Al-Theruf odes not permit something, nor does it forbid it, but it is the characteristic of intoxication which is forbidden only), and because the mixing involves using a single Therf [container] for two different types rather than two containers for each type, then it was necessary that the prohibition against the mixtures is cancelled with the cancellation of the prohibition under certain circumstances, and may we have achieved our aims with the help of Allah.

**(Number of Arabic words in this file: 21370)**

## References

- 
- [1] «سنن البيهقي الكبرى» ”Sunae Al-Beihaqi Al-Kubra”
- 
- [2] «سنن ابن ماجه» ”Sunen Ibn Majeh”
- 
- [3] «المنتقى من السنن المسندة لابن الجارود» ”Al-Muntaqa min Al-Sunen Al-Musnada li.Ibn Al-Jarood”
- 
- [4] «السنن الكبرى للإمام النسائي» ”Al-Sunen Al-Kubra lil.Imam Al-Nessa’i
- 
- [5] «الجامع الصحيح المختصر» ”Al-Jami’ Al-Sahih Al-Mukhtaser
- 
- [6] «صحيح الإمام مسلم» ”Saheeh Imaam Muslim”
- 
- [7] «سنن أبي داود» ”Sunen Abi Dawood”
- 
- [8] «موطأ مالك» ”Mowti’ Malik”
- 
- [9] «سنن الدارقطني» ”Sunen Al-Darqeteni”
- 
- [10] «مسند الإمام أحمد بن حنبل» ”Mesned Imaam Ahmad Bin Hanbal”
- 
- [11] «المعجم الكبير» ”Al-Mu’jam Al-Kabeer”
- 
- [12] «الأحاد والمثاني» ”Al-Ahad an wa.Al-Methani”
- 
- [13] «سنن الدارمي» ”Sunen Al-Darmi”
- 
- [15] «مسند أبي يعلى» ”Mesned Ibn-Ya’la”
- 
- [16] «التقريب» ”Al-Taqreeb”
- 
- [17] «المنتخب من مسند عبد بن حميد» ”Al-Muntakhaeb min Mesned Abd Bin Hameed”
- 
- [18] «صحيح ابن حبان» ”Saheeh Ibn Hibbaan”
-



## Appendix One

- [19] «التاريخ الكبير للإمام البخاري» "Al-Tarikh Al-Kabeer li.Imaam Al-Bukhari"
- 
- [20] «المجتبى من السنن للإمام النسائي» "Al-Mujtabi min Al-Sunen li.Imaam Al-Nesa'i"
- 
- [21] «صحیح ابن حبان» "Saheeh Ibn Heban"
- 
- [22] «مسند أبي يعلى» "Mesned Abi Ya'la"
- 
- [23] «سنن الدارقطني» "Sunen Al-Darqetni"
- 
- [24] «مسند الإمام إسحاق بن راهويه» "Mesned Imaam Is-haaq Bin Rahouyeh"
- 
- [25] «سند الإمام الشافعي» "Sened Imaam Al-Shafe'i"
- 
- [26] «شرح معاني الآثار: للإمام الطحاوي» "Shereh Ma'ani Al-Athar li.Imaam Al-Tahawi"
- 
- [27] «سنن الترمذي» "Sunen Al-Termethi"
- 
- [28] «المنتقى من السنن المسندة» "Al-Muntaqa min Al-Sunen Al-Musnede"
- 
- [29] «تاريخ بغداد» "History of Baghdad"
- 
- [30] «تذكرة الحفاظ» "Tathkirat Al-Hifath"
- 
- [31] «شرح معاني الآثار» "Explanations of Meanings of the Words"
- 
- [32] «مسند أبي يعلى عن ميمونة فقط» "Masnad Abi Ya'la according to Maymouna Only"
- 
- [33] «مسند ابن الجعد» "Masnad Ibn Al-Ju'ad"
- 
- [34] «المجتبى من السنن للإمام النسائي» "Collector of Sunen from the Imaam Al-Nisa'i"
- 
- [35] «التمهيد لابن عبد البر» "The Preamble li.Ibn Abd-ul-Berr"
- 
- [36] «الثقات» "Thiqat"
-

- [37] «المعجم الصغير» "Al-Mu'jam Al-Sagheer"
- 
- [38] «التاريخ الكبير» "Al-Tareejh Al-Kebeer"
- 
- [39] حديث عن أبي سعيد الخدري "Hadeeth according to Abi Sa'eed Al-Khadri"
- 
- [40] «ضعفاء العقيلي» "Dhu'afa' Al-Aqeeli"
- 
- [41] «الكامل في ضعفاء الرجال» "Al-Kamil fi Dhu'afa' Al-Rijal"
- 
- [42] «تاريخ أسماء الثقات» "Tareekh Asma' Al-Thiqat"
- 
- [43] «فتح الباري شرح صحيح البخاري» "Fet'h Al-Bari Sherh Ssaheeh Al-Bukhari"
- 
- [44] «تاريخ جرجان» "History of Jerjan"
- 
- [45] «مسند أبي عوانة» "Masned Ibn Awaneh"
- 
- [46] «المعجم الأوسط» "Al-Mu'jam Al-Awsett"
- 
- [47] «المستدرک علی الصحیحین» "Al-Mustedrik Ala Al-Saheeheen"
- 
- [48] «الطبقات الكبرى» "Al-Tebeqat Al-Kubra"
- 
- [49] «مسند أبي داود الطيالسي» "Mesned Abi Dawood Al-Teyalisi"
- 

## Abbreviations

صلى الله عليه وسلم

رضي الله تعالى عنه

الفتح

## Hadeeth

[H1] «إن الله ورسوله حرم بيع الخمر والميتة والخنزير والأصنام»

[H2] «إن الله حرم الخمر وثمنها، وحرم الميتة وثمنها، وحرم الخنزير وثمنه»

[H3] «إنه ليس بدواء، ولكنه داء»

[H4] «هل شعرت أنها قد حرمت بعدك؟!»

[H5] «وان الخمر حرام وثمنها حرام،

[H6] «وان الخمر حرام وثمنها حرام، وان الخمر حرام وثمنها حرام»

[H7] «هل شعرت أنها قد حرمت بعدك؟!»

[H8] : «إن الله،

عز وجل، ورسوله، حرم عليكم الخمر وثمنها وحرم عليكم الميتة وثمنها وحرم عليكم الخنازير وأكلها وثمنها»

[H9] (قإنه لا يصلح بيعه ولا شراءه ولا التجارة فيه لمسلم؛

[H10] «أوما علمت يا أبا قلان أن الذي حرم شربها: حرم بيعها؟!»

[H11] «دباغها طهورها»

[H12] «لعن الخمر وشاربيها وساقبيها ويانعيها ومبتاعها وعاصرها ومعتصرها وحاملها والمحمولة إليه وأكل ثمنها»

[H12] «لعنت الخمر وشاربيها وساقبيها وعاصرها ومعتصرها وحاملها والمحمولة إليه ويانعيها ومبتاعها وأكل ثمنها»

[H13] «قإن الله قد حرمها!»

[H14] «أنهاكم عن قليل ما أسكر كثيره»

[H15] «فما كان من خمر فقليله وكثيره حرام، وما كان مما سوى ذلك من الأشربة فالسكر منه حرام،

[H16] «الخمر من هاتين الشجرتين: النخلة، والعنب»]

## **إشكاليات حول بعض المشروبات والمطعومات**

### **الملحق الثاني**

#### ***Issues of Dispute around Some Food and Drink Substances***

#### ***Appendix Two***

Committee of researchers and specialists

London

Monday: 29<sup>th</sup> of the month of *Safar* in the year 1425 *Hijra* calendar

Corresponding to 19<sup>th</sup> April 2004 AD

## الملحق الثاني: توقيت النبيذ، وكسره، وصنع الطلاء

### Appendix 2 – Timing of Nabeeth, breaking [thinning] it. The making of Tilaa’

#### \* فصل: توقيت النبيذ

\* جاء في «صحيح الإمام مسلم»: [وحدثني محمد بن أحمد بن أبي خلف حدثنا زكريا بن عدي حدثنا عبيد الله عن زيد عن يحيى أبي عمر النخعي قال: سأل قوم بن عباس عن بيع الخمر وشراؤها والتجارة فيها فقال: (أمسلمون أنتم؟! قالوا: (نعم! قال: (فإنه لا يصلح بيعها ولا شراؤها ولا التجارة فيها): قال: فسألوه عن النبيذ، فقال خرج رسول الله، صلى الله عليه وسلم، في سفر، ثم رجع، وقد نبذ ناس من أصحابه في حناتم ونقيير ودياء فأمر به فأهريق: ثم أمر بسقاء فجعل فيه زبيب وماء فجعل من الليل فأصبح فشرب منه يومه ذلك وليلته المستقبلية ومن الغد حتى أمسى فشرب وسقى قلما أصبح أمر بما بقي منه فأهريق، [وهو بنحوه في «سنن البيهقي الكبرى»، كما أنه في «صحيح الإمام مسلم» من طرق أخرى، وهو في «مصنف ابن أبي شيبة»، (ج: ٥ ص: ٧٦)، وهو في «المجتبى من السنن للإمام التساني»، وفي «السنن الكبرى له» من طرق أخرى، كما أنه وهو في «سنن ابن ماجه»، وهو في «المعجم الكبير» من طرق عديدة.

#### \* Chapter: Timing of Nabeeth

\* It appeared in [6]: [And Muhammad Bin Ahmad Bin Abi Khalaf told me, Zakariyya Bin ‘Adiy told us, Ubaid-Allah told us, according to Zaid according to Yahya Abi Umar Al-Nakh’y he said: Some people asked Bin Abbaas about the selling of Khamr [intoxicants] and buying it and trading in it so he said: (Are you Muslims?! they said (Yes!), he said : (For it is it is not good [allowed] to sell it or to buy it or to trade in it): and he said: then they asked him about the Nabeeth, so he said the Messenger of Allah (saas) went on a journey, then he came back, and some people of his companions drank Nabeeth in their Hantam and Naqeer and Dubbaa’ [types of containers] so he ordered it to be spilled; and then he ordered a Siqaa’a’ [skin or leather container] and so he put in it raisins and water and then the night and day came and he drank from it that day and the following night and the following day until it was night then he drank and he poured [served] to others and then when what remained he spilled it next morning]. A similar wording appears in [1] and it also appears in in [6] by other routes, and it appears in [50] (Chapter: 5 page:76) and it appears in [20] and in [4] by other routes, and it is also in [2] and in [11] from many routes.

\* وهو في «صحيح ابن حبان» من طريق أخرى بزيادات مهمة: [أخبرنا الحسين بن عبد الله بن يزيد القطان بالرقعة قال حدثنا حكيم بن سيف الرقي قال حدثنا عبيد الله بن عمرو الرقي قال حدثنا زيد بن أبي أنيسة عن يحيى بن عبيد النخعي عن بن عباس قال: أتاه قوم فسألوه عن بيع الخمر وشرائه والتجارة فيه فقال بن عباس: (أنتم؟! قالوا: (نعم! قال: (فإنه لا يصلح بيعه ولا شراؤه ولا التجارة فيه لمسلم، وإنما مثل من فعل ذلك منهم مثل بني إسرائيل حرمت عليهم الشحوم فلم يأكلوها فباعوها وأكلوا أثمانها); ثم سأله عن **الطلاء**، قال بن عباس: (وما طلاؤكم هذا الذي تسألون عنه؟! قالوا: (هذا العنب يطبخ ثم يجعل في الدنان)، قال: (وما الدنان؟! قالوا: (دنان مقيرة)، قال: (أيسكر؟! قالوا: (إذا أكثر منه أسكر! قال: (فكل مسكر حرام); ثم سأله عن النبيذ قال: (خرج نبي الله، صلى الله عليه وسلم، في سفر فرجع وناس من أصحابه قد انتبذوا نبيذاً في نكير وحناتم وبراء فأمر بها فأهريقته، وأمر بسقاء فجعل فيه زبيب وماء فكان ينبذ له من الليل فيصبح فيشربه يومه ذلك وليلته التي يستقبل ومن الغد حتى يمسي فإذا أمسى فشرب وسقى فإذا أصبح منه شيء أهراقه)]، وقال الشيخ شعيب الأرناؤوط: (إسناده صحيح)، وجاء مختصراً في «صحيح ابن حبان» من طريق أخرى.

\* وقد شهد عبد الله بن عباس، رضي الله عنهما، ذلك الانتباز في بيت خالته أم المؤمنين ميمونة، رضوان الله وسلامه عليها، كما جاء في «المعجم الكبير»: [حدثنا محمد بن عبد الله الحضرمي ثنا عبد الله بن عمر بن أبان ثنا عبد الله بن نمير عن إسماعيل بن أبي خالد عن سعيد بن جبيرة عن بن عباس قال: (كان ينبذ لرسول الله، صلى الله عليه وسلم، في بيت خالتي في سقاء)]، وهذا إسناده في غاية الصحة.

**فحديث عبد الله بن العباس، رضوان الله وسلامه عليهما، إذاً صحيح ثابت تقوم به الحجة القاطعة، لا سيما إذا ضم مع حديث جابر بن عبد الله بن حرام، رضي الله عنهما، والذي سيأتي قريباً. فيجب التدين بهما، ولا يجوز إهمالهما بحال من الأحوال.**

\* And it is in [18] by another route with important additions: [Al-Hussein Bin Abdullah Bin Yazeed Al-Qattaan (in the city of Raqqa) told us he said: Hakeem Bin Sayf Al-Raqqi told us he said: Ubaid-Allah Bin Amrou Al-Raqqi told us he said: Zaid Bin Abi Aneesah told us, according to Yahya Bin Ubaid Al-Nakh'y according to Bin Abbaas he said: People came to him and asked him about the selling of Khamr (intoxicants) and buying it and of the trade in it then Ibn Abbaas said: (Are you Muslims?!), they said: (Yes!), he said: (In deed it is not good [it is allowed] to sell it or to buy it or to trade in it for a Muslim. The example of one among them who does that resembles the children of Israel when the fats where forbidden to them so they did not eat them but sold them and consumed their price [value]; then they asked about Tilaa', Bin Abbaas said: (And what is this Tilaa' of yours that you ask about?! they said: (It is grape [fermented grape juice] which is cooked then is put in Dinaan [container]), he said: (And what are the Dinaan?!), they said: (container coated with tar), he said: (Does it intoxicate?!), they said : (If one drinks a lot form it then it intoxicates!)), he said: (Then every intoxicant is forbidden); then they asked him about the Nabeeth he said: (The Prophet of Allah (saas) went on a journey, then he came back, and some people of his companions drank Nabeeth in their Naqeer and Hantam and Dubbaa' [types of containers] so he ordered it to be spilled; and then he ordered a Siqaa'a' [skin container] and so he put in it raisins and water and then the night and day came and he drank from it that day and the night and the following day until it was evening then he drank and what remained he spilled)], and Sheikh Al-Arnaoott said: (Its Isnaad <reference chain> is correct and authentic), and the same came abbreviated in [18] by other routes.

\* And Abdullah Bin Abbaas (raa) witnessed this Intibaath in the house of his aunt Um Al-Mu'Mineen Maymoonah, may the contentment and peace of Allah be upon her, and this also appeared in [11]: [Muhammad Bin Abdullah Al-Hadhramy told us Abdullah Bin Umar Bin Abaan told us Abdullah Bin Numayr told us according to Ismaeel Bin Abi Khalid according to Sa'eed Bin Jubayr according to Bin Abbaas he said: (They used to make date [or grape] Nabeeth for the Messenger of Allah (saas) at my aunt's house in a Siqaa'a')], and this Isnaad <reference chain> is highly authentic.

And the Hadeeth of Abdullah Bin Al-Abbaas, may the contentment and peace of Allah be upon them, is therefore correct, authentic and solid and can be relied on as a definite authority,

## Appendix Two

especially if included with the Hadeeth of Jabir Bin Abdullah Bin Haraam (raa), which will follow shortly, so one must profess them, and one must not ignore them under any circumstances.

\* وأما حديث جابر المشار إليه آنفاً فقد جاء في «صحيح ابن حبان»: [أخبرنا إسحاق بن إبراهيم بن إسحاق التاجر بمرو قال حدثنا أبو داود السنجي سليمان بن معبد قال حدثنا عبید بن عقیل قال حدثني أبو عمرو بن العلاء عن أبي الزبير عن جابر، أن النبي صلى الله عليه وسلم، كان يتبذله في تور من حجارة فيشربه أول يوم والثاني

\* As for the Hadeeth of Jabir that was referred to earlier: it appeared in [18]: [Is-haaq Bin Ibraheem Bin Is-haaq Al-Taajir (In the city of Maru) informed us, he said: Abu Dawood Al-Sinji Suleiman Bin Ma'bad told us, he said: Ubeid Bin 'Akeel told us, he said: Abu Amrou Bin Al-'Alaa'told me: according to Abi Al-Zubahr according to Jabir, that the Prophet (saas), used to have Nabeeth made for him in a vessel made of stone and then he would drink it the first day, the second

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**والثالث إلى نصف النهار]**، وقال الشيخ شعيب الأرناؤوط: (حديث صحيح)، وقد جاء هذا مختصراً في «السنن الكبرى».

... and the third until the middle of the morning], and Sheikh Shueib Al-Arnaoott said; (correct and authentic Hadeeth), and this appeared abbreviated in [1].

**قلت:** الظاهر أن استخدام تور من الحجارة للانتباز لم يكن منهيّاً عنه أصلاً، أو كان بعد نسخ النهي عن الانتباز في أكثر الظروف (كالنقىير والمزفت والحتتم والدباء) ما عدا الأسقية (القرب). كما أنه لا يوجد تعارض بين الحديثين السابقين، فقد كان النبي، عليه وعلى آله الصلاة والسلام، يشرب بنفسه إلى نصف النهار أو العصر (كما قال شعبة في أحد الروايات) من اليوم الثالث، ويسقي غيره بقية اليوم إلى الليل ثم يهرق الباقي، ولعل ذلك فعله في بيت ميمونة، خالة ابن عباس، الذي شهد ذلك ورواه، بل وذكره صراحة في رواية «المعجم الكبير». وربما فعل غير ذلك فقد كان يشرب في اليوم الأول فقط، كما كان يفعل في بيت عائشة، رضي الله عنها، كمال سيأتي فوراً.

I said: It appears that the use of vessels made of stone for the making of Nabeeth was not prohibited originally, or it was after the abrogation of the forbiddance from the making of Nabeeth in the majority of vessels (like Naqeer, Muzaffat, Hantam and Dubbaa') with the exception of Asqiyah [plural of Siqaa' – skin bag or Qirab]. And there is also no contradiction between the two preceding Hadeeths, for the Prophet, may the prayer and peace of Allah be upon him and upon his decedents, himself used to drink until the middle of the morning or the afternoon (as Shu'ba said in one of the stories) of the third day, and he used to pour drinks to others during the day until the night then he used to pour the remainder, and perhaps he did this in the house of Maymoonah, the aunt of Ibn Abbaas, who witnessed that and told it, but he mentioned it explicitly in one story in [11]. May be he did other than that so that he drank in the first day only, as he used to do in the house of 'Ayshah (raa) as will follow immediately.

\* وقد جاء حديث أم المؤمنين عائشة، رضوان الله وسلامه عليها، في «صحيح مسلم»: [حدثنا محمد بن المنثري العنزي حدثنا عبد الوهاب الثقفي عن يونس عن الحسن عن أمه عن عائشة قالت: (كنا نتبذ لرسول الله، صلى الله عليه وسلم، في سقاء يوكى أعلاه وله عزلاء تنبذه غدوة فيشربه عشاءاً وتنبذه عشاءاً فيشربه غدوة)]، وهو في «سنن أبي داود»، ويعينه في «سنن الترمذي»، وفي «صحيح ابن حبان»، وينحوه في «مسند أبي يعلى»، وهو في «سنن البيهقي الكبرى» من عدة طرق.

\* وجاء من طريق أخرى في «مسند الإمام أحمد بن حنبل» مع قصة: [حدثنا عفان ثنا القاسم بن الفضل قال حدثني ثمامة بن حزن القشيري قال سألت عائشة عن النبيذ فقالت: قدم وفد عبد القيس على رسول الله صلى الله عليه وسلم فنهاهم أن ينبذوا في الدباء والنقىير والمقىير والحتتم ودعت جارية حبشية فقالت لي: (سل هذه فإنها كانت تنبذ لرسول الله صلى الله عليه وسلم. فقالت الحبشية، رضي الله عنها: (كنت أنبذ لرسول الله، صلى الله عليه وسلم في سقاء فأوكئه وأعلقه فإذا أصبح شربه)). وهو في «مسند إسحاق بن راهويه» وفي «السنن الكبرى للإمام النسائي»، كما هو في «مسند ابن الجعد»، وفي «سنن ابن ماجه».

\* In the Hadeeth of Um Al-Mu'mineen 'Ayshah, may the contentment and the peace of Allah be upon her, in [6]: [Muhammad Bin Al-Muthanna Al-'Anazy told us, Abd-ul-Wahhaab Al-Thaqafy told us, according to Yunus, according to Al-Hasan, according to his mother, according to 'Ayshah she said: (We were making Nabeeth for the Messenger of Allah (saas) in a Siqaa' [skin vessel] tied at the top and he had separate ones we made Nabeeth in the morning and he would drink it in the evening and we used to make Nabeeth in the evening then he used to drink it the following day)], and it appears in [7] and the same appears in [27], and in [21], and on that subject in [15] and it appears in [1] by a number of routes.

\* And it appears in [10] by another route with the story: ['Affaan told us, Al-Qaasim Bin Al-Fadhl told us, he said: Thumaamah Bin Hazn Al-Qushayry told me, he said: I asked 'Ayshah about the



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Nabeeth so she said: the delegation of Abd-ul-Qayss came to the Messenger of Allah (saas) so he prohibited them from making Nabeeth in Dubbaa's and Naqeer and Muqayyarr and Hantam and she called an Ethiopian maid (slave-girl) and said to me: (Ask her for she used to make Nabeeth for the Messenger of Allah (saas)). The Ethiopian maid [slave-girl] (raa) said: (I used to make Nabeeth for the Messenger of Allah (saas) in a Siqaa' then I used to tie it then suspend it and when it was morning he would drink it)], and this appears in [24] and in [4] and also in [33] and in [2].

\* وفي «مسند الإمام أحمد بن حنبل» حديث آخر فيه زيادة بيان وتفصيل لعملية الانتباز: [حدثنا قريش بن إبراهيم ثنا المعتمر بن سليمان عن شبيب بن عبد الملك التيمي عن مقاتل بن حبان عن عمته عمرة عن عائشة أنها قالت: كنا ننبت لرسول الله، صلى الله عليه وسلم، غدوة في سقاء ولا نخمره ولا نجعل له عكراً فإذا أمسى تعشى فشرب على عشائه فان بقي شيء فرغته أو صبيته ثم نغسل السقاء فننبت فيه من العشاء فإذا أصبح تغدي فشرب على غدائه فان فضل شيء صبيته أو فرغته ثم غسل السقاء] فقيل له: (أفیه غسل السقاء مرتين؟! قال: (مرتين!)).

\* وهكذا رويت الفتيا عن أم المؤمنين عائشة، رضوان الله وسلامه عليها، كما هو في «المجتبى من السنن للإمام النسائي»: [أخبرنا سويد قال أنبأنا عبد الله عن طود بن عبد الملك القيسي بصري قال حدثني أبي عن هندية بنت شريك بن أبان قالت: لقيت عائشة رضي الله تعالى عنها، بالخريبة فسألتها عن العكر فنهتني عنه وقالت: (انبتني عشية واشربيه غدوة وأوكي عليه)، ونهتني عن الدباء والنقير والمزفت والحنتم، وقال الألباني: (ضعيف).

قلت: (العكر)، ويسمى أيضاً: (الدردى)، هو، على الأرجح، المادة الراسبة في صناعة الخمر والتبذ. وهو غني جداً بفطريات وجراثيم التخمر ويستعمل كما تستعمل (الخميرة) هذه الأيام.

\* And in [10] there is another Hadeeth which has an addition and detailed explanation for the process of Intibaath [making Nabeeth]: [Quraysh Bin Ibraheem told us, Al- Mu'tamir Bin Suleiman told us, according to Shabeeb Bin Abd-ul-Malik Al-Taymy according to Muqaatil Bin Hibbaan according to his aunt 'Amrah according to 'Ayshah that she said: we used to make Nabeeth for the Messenger of Allah (saas), mornings in a Siqaa', and we did not cover it, and did not add any 'Akr to it. In the evening he would then drink it with his supper and if any thing was left then we would empty it (or pour it) and then wash the Siqaa'. Then we make Nabeeth in it in the evening so that he would drink it with his breakfast next morning. If any thing was left then we would empty it (or pour it) and then wash the Siqaa'.] then it was said to him: (Was the washing of the Siqaa' mentioned twice?!). He said: (Twice!)).

\* And this is how the ruling was told according to Um Al-Mu'mineen 'Ayshah, may the contentment and the peace of Allah be upon her, as it appeared in [20]: [Suweid told us Abdullah informed us according to Tawd Bin Abd-ul-Malik Al-Qaysy (He is a Basry), he said: my father told me according to Hunaydah Bint Shurayk Bin Abaan she said: I found 'Ayshah (rata) in Al-Khuraibah, so I asked her about the 'Akr so she spoke against it and said: (make the Nabeeth in the evening and drink it in the morning and close the vessel), and she prohibited me from Dubbaa' and Naqeer and Muzaffat and Hantam], and Al-Albani said: (weak).

I said: ('Akr) and it is also called (Durdy), is, most probably, the sediment which results from making Khamr and Nabeeth. And it is very rich in the fungi and bacteria of fermentation and is used in the same way as yeast [Khameerah] these days.

**توقيت التبذ:** من النصوص السابقة يتبين إذاً: أن نبي الله، عليه وعلى آله صلوات وتسليمات وتبريكات من الله، لم يوقت لمدة الانتباز يوماً واحداً فقط، كما كان حال التبذ الذي يصنع له في بيت أم المؤمنين عائشة، رضوان الله وسلامه عليها، وكما أفتت به عائشة. ويظهر أيضاً أن عائشة لم يبلغها نسخ النهي عن الانتباز في ظروف الدباء والنقير والمقير والحنتم، فبقيت تنهى عنه وتحذر منه.

**Timing of the Nabeeth:** From the above texts it becomes clear then: That the Prophet of Allah, may the prayers and the peace and the blessings from Allah be upon him and his descendants, did not fix for the duration of the process of Nabeeth making only one day, as was the case with the

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Nabeeth that used to be made for him in the house of Um Al-Mu'mineen 'Ayshah, may the contentment and the peace of Allah be upon her, as was ruled by 'Ayshah, and it appears also that 'Ayshah was not aware of the abrogation of the prohibition of making Nabeeth in the vessels of Dubbaa' and Naqeer and Muqayyarr and Hantam, so she continued to prohibit it and to warn against it.

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أما رواية ابن عباس وجابر لكيفية الانتباز التي كانت تعمل له في بيت ميمونة، وربما عند غيرها، والتي أرشد الناس إليها للخروج من حرمة الانتباز في تلك الظروف المحرمة (الدباء والنقير والمقير والحنتم) فتظهر قطعاً أن الانتباز في الأسقية على مدى ثلاثة أيام حلال مشروع قطعاً، وأنه بقي كذلك في كل وعاء، كـ (التور المصنوع من الحجارة) ونحوه، بعد نسخ الانتباز في تلك الأوعية المنهي عنها قديماً (الدباء والنقير والمقير والحنتم). ومدة الثلاثة أيام هذه صالحة لكل أيام السنة، لا فرق بين صيف وشتاء، ولكل بقاع الأرض، لا فرق بين بلاد حارة أو معتدلة أو باردة، ولا فرق بين سهل وجبل، ولا فرق بين زبيب كثير في ماء قليل أو زبيب قليل في ماء كثير، ولا فرق بين وعاء ووعاء (بعد نسخ النهي عن الانتباز في ظروف مخصوصة)؛ لأنه من المحال الممتنع شرعاً أن تكون هذه الاعتبارات مهمة بحيث يتغير بتغيرها الحكم ولا يأتي من الله ورسوله بيان جلي بذلك، حاشا لله!

As regards the story of Ibn Abbaas and Jabir as to the manner of the Nabeeth making process (Intibaath) that used to take place in the house of Maymoonah, and may be of others, and to which people referred to for guidance to get out of the forbiddance of Intibaath in these forbidden vessels (Dubbaa' and Naqeer and Muqayyar and Hantam) it appears definitely that the making of Nabeeth in Asqiyah [skin containers] for the period of three days is generally permitted definitely. And that it remained in every other vessel like (Al-Towr which is made of stone) and similar ones, after the abrogation of the Intibaath in these containers which had been forbidden before (Dubbaa', Naqeer, Muqayyar and Hantam).

And this three day period is applicable for all days of the year, and there is no difference between Summer or Winter, and for every part of land, there is no difference between hot countries or those which are moderate or cold, and there is no difference between a plain or a mountain, and there is no difference between a lot of raisins in a small quantity of water or a few raisins in a large quantity of water, and there is no difference between one container or another (after the abrogation of the prohibition of Intibaath under certain circumstances); because it is impossible and not allowed under religious law for these consideration to be important so that if they changed then they would change the ruling and no clear statement appears on this from Allah and from his Messenger, without offence to Allah!

ولكن إذا غلى النبيذ وأزبد، وأصبح مسكراً مقطوعاً بحرمة، في أقل من ثلاث أيام بلياليهن، وهو أمر مستبعد للغاية ولا يتصور حدوثه في الواقع إلا بإضافة جرعة كبيرة من (الخميرة) من أول الأمر، أو في أكثر من ثلاث أيام بلياليهن ولا فرق، وجب التعامل معه وفق النصوص الأخرى التي جاءت، لأنه لا يجوز إعمال نص وإهمال آخر، بل لا بد من تعظيمها كلها، وإعمالها كلها وفق القواعد المقررة في أصول الفقه، وبيان ذلك على وجه الاختصار هو: (١) إن كان ذلك وقع من صانع النبيذ المسلم عرضاً واتفاقاً، بدون قصد منه لأنه ما أراد صنع مسكر أصلاً، فلا إثم عليه، ولكن لا يحل له شربها، لأنها أصبحت مسكراً، و«كل مسكر حرام»، ولا بيعها أو إهدائها بوصفها خمرًا أو شراباً مسكراً، حتى ولو كان المشتري أو المهداة إليه غير مسلم. ولو استوهبها غير مسلم فلا يجوز له أن يقول: وهبتك إياها، أو خذها هدية، ولكن يقول: ليست هي في ملكي فإن شئت فخذها، وإن شئت فاتركها، تماماً كالرمل أو الحصى في أرض موات غير مملوكة: من وضع يده أخذ (طبعاً: في إطار النظام العام).

But if the Nabeeth started to bubble or effervesce, and it became an intoxicant with its forbiddance definite, in less than three days with their nights, although it is an extremely remote possibility and its occurrence in reality cannot be imagined except with the addition of a large quantity of yeast from the start, or in more than three days with their nights, for there is no difference, and one must deal with it according to the other texts that have come, for it not possible to enact one text while ignoring another. Rather they are all must be honoured, and all must be enacted in accordance with the established rules established in Usul-ul-Fiqh (Usul-ul-Fiqh is the science of the derivation principles of religious Islamic law), and an explanation of this in a summarised way is:

(1) If this happened to the Muslim maker of Nabeeth by accident and chance, without a deliberate intention on his part because he had not wanted to make an intoxicant originally, then there is no guilt on him, but it is not permitted for him to drink it, because it has become intoxicating, and

“**Every intoxicant is forbidden**”, and neither selling it nor giving it as a present by describing it as Khamr or intoxicating drink, even if the buyer or the one who receives the present was not Muslim, and if a Non-Muslim receives it as a present then it is not possible to say: I bequeath you it, or take it as a present, but he must say: it is not in my ownership so if you wish you can take it. and if you wish you can leave it, exactly like the sand or the pebbles in a barren land which no one owns: he who put his hand first, takes it (of course: within the general framework of public law and order).

ويجوز له إتلافها، كما يجوز له تخليها إلى خل طيب حلال، أو طبخها لصنع طلاء حلال منها، أو معالجتها بطريقة أخرى لصنع منتج حلال آخر كدواء كحولي أو وقود أو عطر؛ كما يجوز له إهدائها أو بيعها لمن يعلم منه علم يقين أنه يفعل ذلك بها. وذلك لقوله، عليه وعلى آله الصلاة والسلام: «**إنما الأعمال بالنيات، وإنما لكل امرئ ما نوى**»، ولأنه، عليه وعلى آله الصلاة والسلام، لعن في الخمر: **عاصرها، ومعتصرها**، مع أننا نعلم ضرورة أن العصير ساعة عصره ليس بخمر، وما هو بمسكر، وأن عملية العصر ذاتها على الأصل وهو الإباحة المطلقة، فوجب ضرورة أن يكون استحقاق اللعن على نية العاصر لأنه إنما عصرها لتكون خمرًا، وإن كانت في لحظة العصر ليست خمرًا بعد. فهي إذاً في الأصل مال حلال محترم، مملوك لصاحبها ملكية صحيحة، وإنما طرأ عليه الفساد بفعل الطبيعة، لا بفعله هو. وهذا الفساد إنما هو من اعتبار معين أو لصفة معينة، ولكن يمكن التغلب على ذلك الفساد وإزالته، وإصلاح المال والمحافظة عليه، بمعالجة مخصوصة من غير ضرورة ملجئة إلى إتلاف العين.

It is possible for him to destroy it, and it is also possible for him to ferment it further and turn it to good permitted vinegar, or to cook it in order to produce permissible “Tilaa” [permitted boiled down Nabeeth] from it, or to treat it in another way to produce another permitted product such as medicinal alcohol or fuel or perfume; and it is also possible for him to give it as a present or to sell it to whom knows for certain that this is what will done to it. This is for his [the Prophet’s] saying, may prayer and peace be upon him and his descendants: “**It is that actions are by the intentions of the doer, and every person will get [or will be judged according to] what he intended**” and because [The Prophet] (saas), **damned Khamr: the one who presses it and the one for whom it is pressed**, although we know, by necessity that the juice at the moment of pressing is not Khamr [intoxicant], and does not intoxicate, and that the operation of of pressing itself is absolutely permitted, according to the original and primary ruling. Thus, by necessity, that the thing which deserves the damnation is the intention of the one who carries out the pressing for he only pressed it so that so that it becomes Khamr [intoxicant], even though at the instance of pressing it was not yet Khamr [intoxicant].

For if originally it was permitted respectable possession, belonging to its owner with legitimate ownership, and then the “spoiling” or degeneration happened as a natural act, and not through an action which he took. And this “spoiling” is from a certain consideration or in a certain characteristic, but is possible to overcome this degeneration and to remove it, and to repair the capital and preserve it, through a special treatment without the necessity of resorting to damaging it.

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أما إذا اشتد النبيذ شدة مريبة فقط، عرضاً واتفاقاً من غير تعمد أو قصد لذلك، ولكن لم يحصل القطع واليقين بأنه مسكر بعد فلصانع النبيذ المسلم إراقتة، إن شاء تورعاً، ولكن يجوز له أن يكسر شدته بالماء، مرة بعد مرة، كما هو في حديث وفد عبد القيس الصحيح الوارد في **(فصل: كسر النبيذ بالماء)**، ثم يشربه بعد ذلك أو أن يبيعه شرباً أو أن يهديه شرباً. وله أن يخلله، وسائر ما ذكرناه آنفاً، من باب أولى.

(٢) إن كان ذلك وقع من صانع النبيذ المسلم عمداً وهو قاصد لصنع المسكر، فهو أثم أشد الإثم، إثم صانع المسكر المحرم، ولا يحل له شربها، وإلا ازداد في الإثم فوق إثمه الأول، وقد سقطت ملكيته عنها مطلقاً، كما أنه قد وجب عليه إتلاف عينها لا محالة، ولا يجوز له غير ذلك: فلا يحل له تخليها، أو طبخها، أو معالجتها بأي طريقة كانت، فلا يحل له بيعها أو إهدائها لمن يفعل ذلك بها، ولا تمكين غيره من وضع اليد عليها أو حيازتها، لا فرق بين مسلم أو غير مسلم. وإن فعل شيئاً من ذلك ازداد إثمًا فوق إثم!

(٣) إن كان ذلك وقع من صانع النبيذ غير المسلم عمداً، وهو قاصد لصنع المسكر متعمداً لذلك، أو عرضاً

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But if the strength of the Nabeeth increased in a dubious way only, by chance and agreement but without intention or pre-meditation, and it has not been established definitely that that it is now an intoxicant then the Muslim maker of the Nabeeth should pour it, if he wished religiosity, but it is possible for him to break its strength with water, time after time, as it is in the Hadeeth of the delegation of Abd-ul-Qe'ys which is correct and authentic and which appeared in (Chapter: Breaking Nabeeth with water), then drink it after that or sell it as a drink or present it as a gift as a drink, or he may turn it into intoxicant, and all of what was said above, in the first paragraph.

(2) If this happened to the maker of Nabeeth deliberately and he intended to make the intoxicant, then this is the most serious sin, it is the sin of the maker of the forbidden intoxicant, and it is permitted to drink it, for this would increase the sin after the first sin, and his ownership of it has been cancelled definitely, and he now has the duty to destroy it itself with no other option, and it is not possible for him other than that; it is not permitted for him to turn it into intoxicant, or to cook it, or to treat it in any way, and it is not possible for him to sell it or give it as a gift to someone who would do that with it, and it is not possible to allow another to get his hands on it or take possession of it, there is no difference between a muslim and a non-muslim, and if he did that then that would add to his sins!

(3) If this happened to the non-Muslim maker of Nabeeth deliberately, and he had intended to make the intoxicant deliberately, or accidentally

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وحديثي ابن عباس وجابر مع دالتهما القاطعة على مشروعية النبيذ خلال ثلاثة أيام من بدء الانتباز، لا يدلان على أن ذلك حد زمني لا يجوز تجاوزه كما قد يتبادر إلى الذهن عند القراءة المتعجلة، وكما قال به جمع من السلف والخلف، وذلك للبراهين التالية:

(١) أنه فعل من النبي، عليه وعلى آله الصلاة والسلام. وأفعال النبي، عليه وعلى آله الصلاة والسلام، هي للقدوة والانتساء، وليت هي للوجوب إلا ببرهان مستقل. وهو عليه وعلى آله الصلاة والسلام نعم الأسوة والقدوة، ولكنه لم يقل: لا تتجاوزوا هذه المدة، أو هذا توقيت لكم، أو كلاماً نحو ذلك.

(٢) أن إراقة فضلة النبيذ بعد ثلاث أيام لا تدل دلالة قطعية على حرمة ذلك النبيذ ووجوب إراقتة، تماماً كإراقتها بعد يوم واحد في بيت عائشة، وليس ذلك من باب إضاعة المال، التي نهى عنها النبي، عليه وعلى آله الصلاة والسلام، لأن فضلة النبيذ ليست مالاً معتبراً، وإنما هي فضلة يسيرة، كفضلة المسواك، والعصا المكسورة، نحوها، يلقي بها في المزابل مع أنها يمكن أن تضم إلى الحطب فيستفاد منها في إيقاد النار. كما أن الحديث لا يخبرنا عما أصاب حشالة الزبيب، وهو الأعلى ثمناً: هل أكله الناس أو أعلفوه البهائم؟ مع أننا نعلم من التجربة، بضرورة الحس، أن الزبيب بقيت أكثر مادته، جسماً صلباً، لم يذب ولم يتحلل، لا بعد يوم ولا بعد ثلاثة أيام، وما زال صالحاً للأكل وصنع الحلوى وغير ذلك، أو علفاً للدواب في أقل تقدير، وهو أغلى ثمناً من الماء المراق.

By chance as a natural act, then this would not affect its ownership of it, for he may drink it or sell it or give it as a present (within the framework of the general structure or restrictions that may apply, for example, driving a car or operating machinery for those who drink it), and he may turn it into vinegar or use it to make Tilaa' [delicious sweet boiled down Nabeeth], and all products, and what he made from it of vinegar or Tilaa' or non-intoxicating drink, or fuel, or perfume, or another of what is good [livelihood], for he is the rightful owner of it, and in itself it is livelihood which is good and pure possible for Muslims to purchase it, and accept it as a gift, and the same thing applies in this area from contracts and legal transactions.

وحديثي ابن عباس وجابر مع دالتهما القاطعة على مشروعية النبيذ خلال ثلاثة أيام من بدء الانتباز، لا يدلان على أن ذلك حد زمني لا يجوز تجاوزه كما قد يتبادر إلى الذهن عند القراءة المتعجلة، وكما قال به جمع من السلف والخلف، وذلك للبراهين التالية:

(١) أنه فعل من النبي، عليه وعلى آله الصلاة والسلام. وأفعال النبي، عليه وعلى آله الصلاة والسلام، هي للقدوة والانتساء، وليت هي للوجوب إلا ببرهان مستقل. وهو عليه وعلى آله الصلاة والسلام نعم الأسوة والقدوة، ولكنه لم يقل: لا تتجاوزوا هذه المدة، أو هذا توقيت لكم، أو كلاماً نحو ذلك.

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And the two Hadeeths of Ibn Abbaas and Jabir with their definite argument for the leg'Ality of Nabeeth during three days from the start of Intibaath [pressing of grapes or other fruit], do not indicate that that this is a deadline [or time limit] that cannot be exceeded as might appear from a quick reading, and as advocate some of those who preceded or will follow, because of the following proofs:

(1) It was an action by the Prophet, may prayers and peace be upon him and his desendents, and the actions of the Prophet, may prayers and peace be upon him and his desendents, are ideals to be followed as examples, and they are not compulsory except with an independent proof, and he, may

prayers and peace be upon him and his desendents, is the best model and example, but he did not say: but do not exceed this period, or this is a time limit for you, or words of this nature.

(2) That pouring the remainder of the Nabeeth after three days does not indicate definitely the forbiddance of that Nabeeth and the necessity of pouring it, exactly as pouring it after one day only in the house of ‘Ayshah, and this is not in the domain of wasting money, which the Prophet, may prayers and peace be upon him and his desendents, ruled against, because the remainder of Nabeeth is not considered capital, but small waste, like the used tooth-stick, or the broken cane, and such like, which are thrown in the rubbish although it is possible to include it with wood and use it for lighting fire. Also the Hadeeth does not tell us what is correct in the case of raisin dregs, and it is the more expensive: do people eat it or feed it to their animals?! But we know from experience, of the necessity of feeling, that the majority of the substance of raisins remains, with a solid body, and had not dissolved or disintegrated, not after one day nor after three days, and it is still fit to be eaten for for making sweets and others, or at least as animal feed, and it is more expensive than the poured water.

**\* فصل: حرمة النبيذ إذا (نش)، أي إذا غلى وقذف بالزبد.**

« جاء في «سنن أبي داود»، وهو بعينه سنداً وممتناً في «المجتبى من السنن للإمام النسائي»، وكذلك في «السنن الكبرى للإمام النسائي»: [حدثنا هشام بن عمار ثنا صدقة بن خالد ثنا زيد بن واقد عن خالد بن عبد الله بن حسين عن أبي هريرة قال علمت أن رسول الله، صلى الله عليه وسلم، كان يصوم فتحنيت فطره بنبيذ صنعته في دباء ثم أتيتها به، فإذا هو ينش، فقال: «اضرب بهذا الحائط، فإن هذا شراب من لا يؤمن بالله واليوم الآخر»]، وقال الألباني: صحيح، قلت: وهذه مبالغة أخرى فليس خالد بن عبد الله بن حسين، مولى عثمان بن عفان، من رجال الصحيح، إلا إذا توبع، وغاية هذا أن يكون إسناداً حسناً بذاته، وإنما يصح بشهادة حديث أبي موسى الأشعري، الذي سيأتي بعد قليل. وقال الإمام أبو عبد الرحمن النسائي معقباً: (وفي هذا دليل على تحريم السكر قليله وكثيره، وليس كما يقول المخادعون لأنفسهم بتحريمهم آخر الشربة وتحليلهم ما تقدمها الذي يشرب في الفرق قبلها ولا خلاف بين أهل العلم أن السكر بكليته لا يحدث على الشربة الآخرة دون الأولى والثانية بعدها، وبالله التوفيق).

وتجد حديث أبي داود هذا أيضاً هو في «مسند الشاميين»، وفي «سنن البيهقي الكبرى»، وفي «المجتبى من السنن للإمام النسائي»، وكذلك في «السنن الكبرى للإمام النسائي» من طرق أخرى، وهو في «سنن ابن ماجه» مختصراً

(وينش)، بشد الشين المعجمة، أي يغلى ويقذف بالزبد، من مادة (ن ش ش).

**\* Chapter: forbiddance of Nabeeth if (Neshshe) or if boiled and the foam thrown.**

\* And it appeared in [7], and the very same one in [20] both in the reference and the body of Hadeeth, and also in [4]: [Hisham Bin Ammaar told us Sedqeh Bin Khalid told us Zaid Bin Waqid told us according to Khalid Bin Abdullah Bin Hussein according to Abi Hurreireh he said I learned that the Messenger of Allah (saas) was fasting so I waited for him to break his daily fast during [Al-Fittreh] with Nabeeth I had made in a Dubbaa’ then brought it to him, so I found that he was performing the (Neshsh), then he said: “Strike on this wall, for this is the drink of those who do not believe in Allah or the day of judgement”], and Al-Albani said: correct and authentic, I said: and this is another exaggeration for Khalid Bin Abdullah Bin Al-Hussein, slave or servant of Uthman Bin ‘Affaan, is not from the men of correctness, unless he was followed and corroborated, and in the best case this is a good Isnaad <reference chain> in itself, but rather it indicates the correctness of the testimony of the Hadeeth of Abi Musa Al-Asheri, which will follow shortly. And Al-Imam Abu Abd-ul-Rahman Al-Nessa’i said following up: (And in this there is evidence of the forbiddance of intoxicant in small and large quantities, and it is not so what say those who deceive themselves that the last drinks are forbidden and their analysis that what came before that from what was drunk in Al-Ferq was permitted and there is no disagreement among the people of authority [and religious

## ***Appendix Two***

knowledge] that the intoxication in its entirety does not occur as the result of the last drink without the first or the second after it, and we rely on Allah in achieving success).

And this Hadeeth of Abi Dawood is also found in [51] and in [1] and in [20], and also in [4] by other routes, and it can be found abbreviated in [2].

And the word [Arabic verb] (Yenish.shu), with the letter (Sheen) accentuated, or to boil then throw away the foam of a substance (Neh.Sheh.Sheh) [is the origin of this verb in simple past form].



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\* وجاء عن أبي موسى الأشعري في «مسند أبي يعلى» حديث مطابق لحديث أبي هريرة: [حدثنا مجاهد بن موسى حدثنا الوليد بن مسلم عن الأوزاعي عن موسى بن سليمان عن القاسم بن مخيمرة عن أبي موسى قال: تحينت فطر النبي، صلى الله عليه وسلم، فأتيته بنبيذ جر فلما أدناه إلى فيه إذا هو يشق فقال اضرب بهذا الحائط فإن هذا شراب من لا يؤمن بالله ولا باليوم الآخر، وقال الشيخ حسين أسد: رجاله ثقات. قلت: ربما إذا فرضنا أن موسى بن سليمان هذا، وهو مجهول، إنما هو سليمان بن موسى وانقلب اسمه على بعض الرواة أو النساخ. وجاء طرق أخرى تذكر سليمان بن موسى صراحة، وطرق أكثر تسمى شيخ الأوزاعي: محمد بن أبي موسى. كما هو في «سنن البيهقي الكبرى»، وفي «الكامل في ضعفاء الرجال» أثناء ترجمة (سليمان بن موسى الأسدي الدمشقي)، وفي «تاريخ بغداد» في مواضع عدة.

\* And appeared in [15] according to Abi Musa Al-Asheri Hadeeth identical to the Hadeeth of Abi Hurreireh: [Mujahid Bin Musa told us Al-Waleed Bin Muslim told us according to Al-Awza'i according to Musa Bin Suleiman according to Al-Qaasim Bin Mukheimereh according to Abi Musa he said: I waited for the Prophet (saas) to break his fast, and I brought him Nabeeth in a Jerr [container] and so when he brought it near him he started performing the (Neshsh), then he said: "Strike on this wall, for this is the drink of those who do not believe in Allah or the day of judgement"], and Sheikh Hussein Asad said: his men are "Thiqat" [trustworthy]. I said: Maybe if he supposed that this Musa Bin Suleiman, and he is an unknown, is in fact Suleiman Bin Musa and his name was turned around according to some of the tellers or through copying, And there were other ways that mention Suleiman Bin Musa explicitly, and other routes which name Sheikh Al-Awza'i: Muhammad Bin Abi Musa. And it also appears in [1] and in [41] during the translation (Suleiman Bin Musa Al-Esedi Al-Dimeshq), and in a number of subjects.

ولكن الحديث لا يصح لاضطراب الإسناد، كما يظهر بجلاء من تعليق الإمام الدارقطني في «العلل الواردة في الأحاديث النبوية» على هذا الحديث، حيث قال: [يروي الأوزاعي واختلف عنه فرواه أبو عاصم النبيل وروح بن عبادة ويحيى القطان عن الأوزاعي عن محمد بن أبي موسى عن القاسم بن مخيمرة عن أبي موسى: إلا أن أبا عاصم أرسله وقال فيه أن أبا موسى أتى النبي، صلى الله عليه وسلم. وخالفهم الوليد بن مسلم فرواه عن الأوزاعي عن موسى بن سليمان عن القاسم عن أبي موسى. - ورواه هشام الدستوائي واختلف عنه فقال معاذ بن هشام عن أبيه عن قتادة عن الأوزاعي عن القاسم بن مخيمرة أن أبا موسى أتى النبي، صلى الله عليه وسلم؛ قال ذلك حوثرة بن محمد عنه. وخالفه مسلم بن إبراهيم فقال عن هشام عن رجل من أهل الشام عن الأوزاعي: وقول مسلم عن هشام أصبح من قول حوثرة عن معاذ بن هشام. - ورواه حماد بن واقد عن هشام عن الأوزاعي لم يذكر بينه وبين الأوزاعي أحدا.

But the Hadeeth is not taken as correct and authentic because its supporting Isnaad <reference chain> is wavering, as appears clearly from the comments of Al-Imam Al-Daraqutny in [53] on this Hadeeth, where he said: [Al-Awza'i tells it and disagrees about it for Abu Assim Al-Nebeel and Rouh Bin Ibadeh and Yahya Al-Qettan according to Al-Awza'i according to Muhammad Bin Abi Musa according to Al-Qaasim Bin Mukheimereh according to Abi Musa; Although Aba Assim sent it and said that it was Aba Musa who came to the Prophet (saas).

- And Al-Waleed Bin Muslim disagreed with them for he told it according to Al-Awza'i according to Musa Bin Suleiman according to Al-Qaasim according to Abi Musa.
- And Hisham Al-Destwa'i told it and disagreed with it for he said Ma'ath Bin Hisham according to his father according to Qetadeh according to Al-Awza'i according to Al-Qaasim Bin Mukheimereh that Aba Musa came to the Prophet (saas); Hawthereh Bin Muhammad said that about him. And Muslim Bin Ibraheem disagreed with them for he said according to Hisham according to a man from the people of Al-Sham [Syria] according to Al-Awza'i; and the words of Muslim according to Hisham are more accurate than the words of Hawthereh according to Ma'ath Bin Hisham.
- And Hemad Bin Waqid told it according to Hisham according to Al-Awza'i did not mention anyone else between him and Al-Awza'i

والحديث مضطرب عن الأوزاعي لأن الذي بينه وبين القاسم بن مخيمرة رجل مجهول، وربما أرسله عن القاسم].  
قلت: كلام الإمام الدارقطني جيد إلا أنه لم يوازن ويرجح، كما أنه لم يستوعب، وفاتته طريق العباس بن الوليد بن مزيد عن أبيه عن الأوزاعي عن محمد بن أبي موسى عن القاسم بن مخيمرة عن أبي موسى، كما هي في «سنن البيهقي الكبرى»، وهي من أهم الطرق لأن الوليد بن مزيد البيروتي ثقة ثبت، لا يخطئ ولا يدلس، وهو من أثبت تلاميذ الأوزاعي. وقد وافقه كل من: روح بن عبادة ويحيى بن سعيد القطان، وحسبك بهم، لا سيما إذا انضاف إليهم أبو عاصم النبيل مع أنه لم يتقنه كما ينبغي فأرسله. فالإسناد إذاً هو: (حدثنا الأوزاعي حدثني محمد بن أبي موسى أنه سمع القاسم بن مخيمرة يخبر به عن أبي موسى).

And the Hadeeth is wavering according to Al-Awza'i because the person who is between him and Al-Qaasim Bin Mukhaimereh is an unknown man, and maybe he sent him according to Al-Qaasim].  
**I said:** The words of Al-Daraqutny are good except that he did not weigh possibilities and look at the probabilities, and he also did not absorb, and he missed the route of Abbaas Bin Al-Waleed Bin Mezeed according to his father according to Al-Awza'i according to Muhammad Bin Abi Musa according to Al-Qaasim Bin Mukheimereh according to Abi Musa, and this route appears in [1] and it is the most important route because Al-Waleed Bin Mezeed Al-Beyrouti is a proven Thiqet, does not err and does not falsify, and he is the most reliable of the students of Al-Awza'i. And each of the following, agree with him: Rouh Bin Ibadeh and Yahya Bin Sa'eed Al-Qettan, and enough of them, and especially if one adds to them Abu Assim Al-Nebeel although he did not accomplish it as he should have done and so sent it. Therefore the Isnaad <reference chain> is: (Al-Awza'i told us Muhammad Bin Abi Musa told me that he heard Al-Qaasim Bin Mukheimereh inform it according to Abi Musa).

\* ولكن جاء في «المجتبى من السنن للإمام النسائي»، وكذلك بعينه في «السنن الكبرى للإمام النسائي»: [أخبرنا سويد بن نصر قال أنبأنا عبد الله عن أبي عوانة عن زيد بن جبير عن بن عمر أن رجلاً سأل عن الأشرية فقال: (اجتنب كل شيء ينشئ)، وقال الألباني: (صحيح الإسناد موقوف)، وهو في «المجتبى من السنن للإمام النسائي» من طريق أخرى، وكذلك بعينه في «السنن الكبرى للإمام النسائي».  
وعلى كل حال فإن غليان النبيذ وقذفه بالزبد علامة جيدة على بلوغه حد الإسكار المحرم، ولم يكن عند الأقدمين غير ذلك من القرائن وقد أغنتنا العلوم المخبرية الحديثة عن أكثر ذلك، ولله الحمد والمنة.

\* But it appeared in [20], and also the same one in [4]: [Suweid Bin Nesser told us he said Abdullah informed us according to Abi Awaneh according to Zaid Bin Jubayr according to Bin Umar that a man asked about the drinks and then he said: (Avoid everything which “Yehnishshu” [boiled and the foam thrown]), and Al-Albani said: (correct and authentic Isnaad <reference chain> stopped), and it appears in [4] by another route, and the same one also in [4].

And in any case when the Nabeeth boils and starts to produce foam then this is good sign that it has reached the degree of intoxicative ability which makes is forbidden, and our forefathers did not hve other than this evidence and the modern scientific methods have told us more than that, and for this we are thankful and grateful to Allah.

\* فصل: كسر النبيذ بالماء

\* حديث وفد عبد القيس برواية قيس بن النعمان

\* كما جاء في «سنن أبي داود»: [حدثنا وهب بن بقية عن خالد عن عوف عن أبي القموص زيد بن علي حدثني رجل كان من الوفد الذين وفدوا إلى النبي، صلى الله عليه وسلم، من عبد القيس (يحسب عوف أن اسمه قيس بن

\* Chapter: breaking Nabeeth with water

\* Hadeeth of the delegation of Abd-ul-Qays in the tale by Qays Bin Al-Nu'man

\* And as appeared in [7]: [Waheb Bin told us according to Khalid according to Awf according to Abi Al-Qumous Zaid Bin 'Ali a man told me , the man was from the delegation which came to the Prophet (saas) from Abd-ul-Qays (Awf estimates that his name was Qays Bin

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... Al-Nu'man), so he said do not drink in a Naqeer nor in a Muzeffet nor in a Dubbaa' nor in a Hentem, and drink in the skin which is tied from the top, and if it strengthened then break it with water and if it makes you ill then pour it"], and Al-Albani said: (correct and authentic), I said: It is as he has said: a correct and authentic Isnaad <reference chain>, is established as authoritative as it is. And this also appeared in [12] and in [31], and it appears in [1] and Al-Imam Al-Bayheqi, may the mercy of Allah be with him: [The fixed tales in the story of the delegation of Abd-ul-Qayss does not contain this utterance and in this Isnaad <reference chain> one does not know its state and Allah knows the most and it was told according to Abi Hurreireh (rata) in this story that he said and if one feared its evil or he said its strength then one is to pour water on it].

**I said:** Al-Imam Al-Behiqi was not successful in this saying of his, for all the men of the Isnaads <reference chains> are well known Thiqat [authorities], and the addition of a Thiqah whose tale is accepted and is established as authoritative, has to be accepted, unless he brought compulsory evidence to show the opposite, or else we would fall in a contradiction. And we know from reading references in the literature that it is rare for there to be a Hadeeth that comes with the very same length from all the routes, as it appears clearly in most of the Hadeeths which are correct and authentic which are dealt with in this research for example, despite its small size, then what about the other subjects, and why would one want to exaggerate here?!

Especially that the Hadeeth of the delegation of Abd-ul-Qayss has been established by the route of Ibn Abbaas through fine Isnaads <reference chains>, that are sufficiently good to be authorities individually, as will follow, and this meaning includes the areas of dispute about a detailed explicit Isnaad <reference chain>, there is no possibility for interpretation: [They said: (O Messenger of Allah and if it strengthens?!), he said: "Pour water on it", they said: (O Messenger of Allah and what if it strengthens?!), he said: "Pour water on it", and he said on the third or fourth times: "And if it strengthens then pour it"]].

**\* Hadeeth of the delegation of Abd-ul-Qays in the tale by Ibn Abbaas**

\* And as appeared in [7]: [Muhammad Bin Bishar told us Abu Ahmad told us Sufian told us according to 'Ali Bin Betheemeh Qays Bin Hebter Al-Nehsheli told us according to Ibn Abbaas that the delegation of Abd Aand not in l-Qays said O Messenger of Allah in what shall be drink he said do not drink in Dubbaa' and not in Muzaffat and not in Naqeer and perform Intibaath [pressing of grapes, etc] in Al-Asqiyeh [containers] they said: (O Messenger of Allah: and if strengthens in Al-Asqiyeh?!), he said: ("Then pour water on it!") they said: (O Messenger of Allah?!), then he said to them on the third or fourth time: "Spill it!", then he said: "It is that Allah forbade me or forbade Khamr [intoxicants] and gambling and Al-Kuba [??], he said: "And every intoxicant is forbidden"]; Abu Sufian said: then I asked 'Ali Bin Betheemeh according to Al-Kubeh he said: (Al-Teb1 [drum]). And it appeared in [15], and Sheikh Hussein Asad said: (his men are Thiqat [trustworthy]).

**I said: This here is an observation:** There is no doubt that the men of the Isnaads <reference chains> are Thiqat [trustworthy], but the Isnaad is also correct and authentic: For when Qays Bin Habter came out with his question to Ibn Abbaas, and his hearing of the answer from him; and 'Ali Bin Betheemeh heard it from Qays Bin Hebter and admitted to telling the Hadeeth as appears from the other routes of the Hadeeth, then a number of the tellers who were not forgers copied it from 'Ali Bin Betheemeh, for if Sufian Bin Sa'eed Al-Thowri had forged it, then Israel was not a forger, as is in the tale which follows this one directly, for the Hadeeth by the two supporting Isnaads, this and the onethat follows directly, is correct and authentic, the other follow-ups increase its power and authenticity:

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\* And as it appears in [11]: [Uthman Bin Umar Al-Dhebi told us Abdullah Bin Reja' told us that Israel told us according to 'Ali Bin Betheemeh according to Qays Bin Habter according to Bin Abbaas that he was asked about Al-Jerr and then he said that the first one who asked the Messenger of Allah (saas) about the Nabeeth Abd-ul-Qays came to him and then said: (O Messenger of Allah: I am in a rural area and rely on herbaceous plants for food, so command us as to what we should drink!), so he said: "Carry out Intibaath [pressing of grapes, etc] in Al-Asqiyeh [container], and do not carry out Intibaath in Al-Jerr and not in Dubbaa' and not in Al-Muzaffet and not in A-Naqeer for it is that I have prohibited Khamr and gambling and Al-Kubeh (and it is Al-Tebl [drum]); and every intoxicant is forbidden", and they said: (OMessenger of Allah: and if it strengthens?!), he said: pour water on it!", and they said: (O Messenger of Allah and if it strengthens?!), he said : pour water on it!", and on the third time or the fourth time he said: "And if it strengthens then pour it"], and treated this subject both at length and also in brevity from a number of routes in [10] and it also appeared in [1] then Al-Imam Al-Bayheqi followed up saying: (Abu Jemreh disagreed with him according to Bin Abbaas for he mentioned the use of water in the breaking [of Khamr] from the saying of Bin Abbaas).

\* And an adequate follow-up treatment appeared in [15]: [Zuhair told us Mu'awiyeh told us Za'edeh told us Simak Bin Herb

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According to Ikrimah according to Bin Abbaas he said: the Messenger of Allah said: “Avoid drinking in Dubbaa’ and Hantam and Muzaffat and drink in Al-Aiqa’ [type of container]; and if you feared it strengthening [becoming intoxicant] then feed it with water, and Sheikh Hussein Asad: (This Isnaad is not that good), for I said: Yes: because Simak Bin Herb became confused with the Hadeeths of Ikrimah according to Bin Abbaas so he elevated some of those which had been stopped and without this confusion then this Isnaad would be correct and authentic, but is is a good Isnaad in any case, and the previous Hadeeth proves its elevation, and demonstrates to me that Ibn Semak Bin Herb had reserved it here and was not confused.

\* And in [1] appeared the alleged disagreement of Abi Jemreh which was referred to earlier: [Abu Nessr Bin Qetadeh told us Abu Amrou Bin Mutter and Abu Al-Hasan Al-Siraj told us and both said Muhammad Bin Yahya Bin Suleiman told us Assim Bin ‘Ali told us Shu’ba told me Abu Jemreh told me he said and then Bin Abbaas was seating me at his bed and he mentioned the Hadeeth and said, I said: (For if Abd-ul-Qayss performed Intibaath by adding to it stong Nabeeth?!), he said: (For if you feared its strength then break it with water), and he then said: (If Abd-ul-Qays when they came to the Messenger of Allah (saas) and he mentioned the Hadeeth]; Al-Imam Al-Beiheqi said: (There is no command for the breaking with water), then Al-Imam Al-Beiheqi said: [But he wanted by the breaking with water in this [instance or case] and in others if its strength was feared before it reached the degree of intoxication as evidenced in his saying and every intoxicant is forbidden and it is not permitted for what is forbidden to have water enter it when [if or as] it reaches the point of intoxication].

\* And in [5] by Al-Imam Al-Bukhari appeared the Hadeeth of Abi Jemreh which was referred to above without the mention of breaking the strength with water originally, not by way of a [religious] ruling, and not by way of the tale, and with other additions that had not appeared in the afore-mentioned Hadeeth: [‘Ali Bin Al-Ja’ad told us he said Shu’ba told us according to Abi Jemreh he said I was sitting with Ibn Abbaas who was seating me on his bed then he said stay with me so that I give you a share of my money so I stayed with him for two months and he then said: when the delegation of Abd-ul-Qays came to the Prophet (saas) he said : [From the people or from the delegation?!], they said: (Rebee’a!), he said: “Welcome to to the people or the delegation without shame or regret”, then they said: (O Messenger of Allah: We cannot come to you but in the month of Al-Haram [the forbidden month], and between us and you there is this quarter from the Kuffar [non-believers] of Medhir, so command us with a definite command so that we tell it to those who follow us and with it we enter Al-Jenneh [paradise]!), and they asked him about the drinks, so he commanded them of four [things], and he prohibited them from four [things]: he commanded them of the belief in Allah alone, he said: “Do you know what is the belief in Allah alone?!”, they said: (Allah and his Messenger know more [better], he said: “The declaration that there is no god but Allah, and that Muhammad is the Messenger of Allah, performance of Al-Salat [regular daily prayers], and the giving of Al-Zekat [religious duty], and fasting [the month of] Ramadhan, and to give a fifth of your wealth!”), and he prohibited them from four [things] Hantam and Dubbaa’ and Naqeer and Muzaffat, and (maybe he said Al-Meqeer) and he said: “Memorise these, and tell them to those who come after you”]

And as for (the disagreement) of Abi Jemreh, that Al-Beiheqi had referred to, it was not a disagreement originally, but it is a shortened form of the story, and it is possible that the abbreviation was from Ibn Abbaas himself, or from Abi Jemreh, or from another one of the tellers, out of brevity or forgetfulness, especially since the flow feels as though there is an omission.

And he who memorised and committed what he heard in its entirety has the primacy over that who did not memorise or committed in summary [only what he heard], and not the other way around,

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and the addition of Al-Thiqat cannot be refuted without positive evidence, and it is that the addition to the correct and authentic Hadeeth came according to Qyas Bin Al-Nu'man (raa) and in the atle of Qays Bin Habter according to Ibn Abbaas, which is supported by the following-up of Semak Bin Herrb according to Ikrimah.

And the limit of (this alleged disagreement of) Abi Jemreh, if it was correct and authentic, is for it to be a tale by Fetwa Ibn Abbaas as indicated by the flow of this tale of his, at a gathering for religious rulings which he was attending, and it is in agreement with other tales which had been elevated as the tellers Al-Thiqat told it from other routes in another context, and may be Qays Bin Habter heard from Ibn Abbaas at another gathering restricted to the religious rulings or to the discussion of the Hadeeth, which was different from the gathering at which Abu Jemreh was present.

And from what is known is that Al-Imam Al-Sehabi Al-Jeleel Abdullah Bin Abbaas, may the contentment and peace of Allah be upon them both, used to organise his gatherings: for here is the gathering for the Hadeeth, and another for Al-Qur'an and its interpretation, and another for the Arabic language and its poetic verses, and so on, and this was every day, for his gatherings were many and cannot be counted over the period of tens of years; in addition to [his] replying to the questions of those seeking clarifications [or rulings] by accident [or chance] in other circumstances as it is during Al-Hajj or during [other events such as] calamities.

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**\* Hadeeth of the delegation of Abd-ul-Qays in the tale by Ibi Hureireh**

\* And as it appeared in [9]: “Abdullah Bin Muhammad Bin Abd-ul-Aziz and Ibn Ssa'id and Al-Hasan bin Ismaeel told us they said Abu Al-Esh'ath Ahmad Bin Al-Miqdam told us Nouh Bin Qays told us according to Bin Awn according to Muhammad Bin Sireen according to Abi Hurreireh according to the Messenger of Allah (saas) he said to the delegation of Abd-ul-Qays: “Do not drink in a Naqeer nor in a Muqayyer nor in a Dubbaa' nor in a Hentem nor in a Mezadeh, but drink in a Siqaa'a'a of one of you what does not intoxicate, and if one feared for it strengthening then pour water on it”], and then Al-Daraqutny said: [and this is the utterance of Bin Menee'].

**I said:** This piece of Isnaad: (Nouh Bin Qays according to Bin Awn according to Muhammad Bin Sireen according to Abi Hurreireh) is from the pieces of Isnaads of Al-Imam Muslim, and as for Abu Al-Esh'ath Ahmad Bin Al-Miqdam Al-Ijli he is a Thiqah from the Al-Shuyookh [the sheikhs] of Al-Imam Al-Bukhari, and the group produced [published] from him except Muslim and Abu Dawood, and Al-Shuyookh of Al-Imam Al-Daraqutni are all famous [well known] Imams, and therefore the Isnaad is correct and established as authentic. And Al-Imam Al-Baiheqi produced it, the very same one, in [1] by the route of Al-Daraqutny, then he followed up by saying: (And a group told it according to Nouh Bin Qays and did not mention this utterance, so it resembles that it is from the saying of some of the tellers, and it was told [reported] about the breaking with water from another facet according to Abi Hurreireh, and his Isnaad is weak.

**I said:** This objection of Al-Baiheqi here is, like those [previous objections] which preceded it, is against the mandatory rules of the science [knowledge] of Al-Ruwayeh [Telling of Hadeeths] for accepting the additions of Al-Thiqet whose tale is accepted and is referred to as authoritative. Unless, he produced mandatory evidence against that

**I said:** And in any case it is not possible for there to be the least doubt in the correctness and the establishment of the Hadeeth of the delegation of Abd-ul-Qays from the correct and authentic route of one of them, and from the route of Ibn Abbaas with a correct and authentic Isnaad, which is supported by his religious ruling and it also comes with a correct and authentic Isnaad, and the route of Abi Hureireh also comes with a correct and authentic Isnaad, supported by his religious ruling and it is with a correct and authentic Isnaad also as will follow shortly. Rather it is similar to copying by the method of Al-Tewatir [copying at repeated short intervals, or which is continuous or uninterrupted] which is established definitely and absolutely as authoritative!

**\* Fetwa (religious ruling) by Abi Hureireh about (The breaking with water)**

\* And it appeared in [31], (Chapter: 4 page: 222): Rebee' Al-Mu'aththin told us Asad Bin Musa told us Muslim Bin Khalid told us Zaid Bin Aslem told me according to Sumeyy according to Abi Saallih according to Abi Hureireh he said the Messenger of Allah (saas) said: “If one of you entered [the house] of his Muslim brother and was given food then let him eat the food [from his Muslim brother] and not ask about it, and if he was poured [served or given] a drink then let him drink from it and not ask about it, for if he feared from it then let him break it with something”], then Al-Ssehawi said: {For in this Hadeeth is the permittance of the drinking of Nabeeth for if a sayer says but it only permitted after breaking it with water and the disappearance of its strength then it would be said to him this saying is corrupt for it it was forbidden when it was strong then it is not permissible [or possible] for its strength to disappear by pouring water over it do you not see that Khamr if water was poured on it until there was more water [than Khamr] that this would be forbidden for when in this Hadeeth it was allowed the strong drink if it were broken with water then this would prove that it was forbidden before it was broken so this proves what we have told in this section of the permittance of what does not intoxicate from the strong Nabeeth and it is the saying of Abi Haneefeh and Abi Yousif and Muhammad my the mercy of Allah the highest be with them].

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**I said:** As for the saying of Al-Tehawi then it is false, built on rotten introductions, as we shall explain at the end of the Chapter, and this Isnaad is not established as authoritative, and Muslim Bin Khalid Al-Zenji make many errors and fantasies, but it is a stopped postscript from the words of Abi Hureireh.

\* And it appeared in (Chapter: 9 page: 227) with a correct and authentic Isnaad which is established as authoritative: [Ibn Uyeyneh according to Ibn Ajlan according to Sa'eed Ibn Abi Sa'eed according to his father according to Abi Hureireh he said: (If your Muslim brother gave you food [fed you] then eat it; and if he gave you a drink then drink it, and do not ask; and you are doubtful then mix it with water)]

But Al-Imam Al-Beiheqi mentioned it elevated in [1] (Chapter: 8 Page: 303) for he said: [And I also saw it in a Hadeeth of Ikrimah Bin Ammaar according to Ammaar according to Abi Katheer Al-Seheemi according to Abi Hureireh elevated although he said: "If you are doubtful about your drink then mix it with



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...water stretch in it what is [dilute whatever may be] forbidden and drink what is permitted”], then Al-Imam followed up saying: [And this is also weak Ikrimah Bin Ammaar became confused at the end of his life and his memory worsened so he told what was not followed up, and it was told by Abdullah Bin Yazeed Al-Muqri according to Ikrimah Bin Ammaar he said and his saying if you are doubtful was told by Abi Hureirah, and Is-haaq Al-Hentheli mentioned it in his Mesned [work of Isnaads and ascriptions].

**I said:** This objection of Al-Beiheqi here is like his earlier ones, does not conform to the exact rules of the science [knowledge] of Al-Ruwayeh [Telling of Hadeeths] but is overcome by the bigotry of his Methheb [faith] here. And this piece of the Isnaad [or ascription]: (Ikrimah Bin Ammaar according to Abi Katheer Al-Suheimi according to Abi Hureireh) is from the pieces of Al-Imam Muslim, and Ikrimah Bin Ammaar is stronger and in a much better [more credible] state than what Al-Imam Al-Beiheqi said, and perhaps we will summarise an extract from him in a special Chapter of this research.

For the ruling of Abu Hureireh is fixed in a definite and final way and there is no doubt in it, and probably it is from an elevated Hadeeth in the subject of its utterance: “If you have doubts about your drink then mix it with water: stretch [dilute] what may be forbidden in it and drink what is permitted”, or words to that effect.

**\* Hadeeth of the drinking from watered down Nabeeth in Hajj [pilgrim to Mecca]**

**\* Hadeeth of the drinking from watered down Nabeeth of Hajj (from the route of Abi Masood)**

\* And as it appeared in [20] and the same one in [4]: [Al-Hasan Bin Ismaeel Bin Suleiman told us he said Yahya Bin Yeman informed us according to Sufian according to Mansoor according to Khalid Bin Sa’ad according to Abi Mas’ood he said: the Prophet (saas) became thirsty around Al-Ka’ba so he looked for a drink so he came by the Nabeeth of the water-carrier [cup carrier] so he smelt it then frowned and then he said: “Bring me Thunoob [water] from the watercourse of Zemzem”, so he poured on it, then drank. So a man said: (Is it forbidden O Messenger of Allah?!), he said “No!”], then Al-Imam Al-Nisa’i said: (And this is weak news because Yahya Bin Yeman was the only one to report it from the companions of Sufian and Yahya Bin Yeman is not considered authoritative [his Hadeeths are not referred to as authoritative] because of his poor memorisation and the abundance of his errors), and Al-Albani said: (weak Isnaad). And it appears in [9], and in [31] it appears abbreviated, and also in [11] abbreviated, and it appears in [50], (Chapter: 5, page: 79), and in [1].

\* And a follow-up treatment appears in [9]: [Muhammad Bin Mukhlid Al-Attar told us Al-Yesi’ Bin Ismaeel told us Zaid Bin Al-Hibab told us according to Sufian Al-Thawri according to Mansoor according to Khalid Bin Sa’ad according to Abi Mas’ood he said: I saw the Prophet (saas) came by a vessel containing Nabeeth so the Messenger of Allah (saas) took it then he frowned then he returned it so the man followed him then said O Messenger of Allah is it forbidden so the Messenger of Allah (saas) took it then he called for Thunoob [water] from the watercourse of Zemzem so he poured it in it then drank then said if the Nabeeths confuse you then break them with water] but Al-Imam Al-Daraqutny said: [This is not correct from Zaid Bin Al-Habbab according to Al-Thawri and not told by anyone but Al-Yesi’ Bin Ismaeel, and he is weak, and this Hadeeth is known for Yahya Bin Yeman; and it was said that the Isnaad was turned around [in his mind] and it became mixed up with the Hadeeth of Al-Kelbi according to Abi Saalih and Allah knows best].

**\* Hadeeth of the drinking from watered down Nabeeth of Hajj from the route of Al-Kelbi according to Abi Saallih**

\* And as for the Hadeeth of Al-Kelbi according to Saallih which was referred to earlier it appeared in [1]: [And as for the Hadeeth that Abu Bekr Bin Al-Harith Al-Feqeeh and Abu Abd-ul-Rahman Al-Selmi told us [,] they said ‘Ali Bin Umar Al-Hafith informed us Abu Bakr Ya’qoob Bin Ibraheem Bin Ahmad Bin Isa Al-Bezaz told us Umar Bin Shebeh told us Umar Bin ‘Ali Al-Meqdimi told us according to Al-Kelbi according to Abi Saallih according to Al-Muttlib Bin Abi Weda’eh Al-Sehmi he said: the Messenger of Allah (saas) “taffeh bi.Al-Beit” [was going around the Ka’ba] on a day that was extremely hot so he searched for a drink from a group of people from Quraysh so he said does anyone from you have a drink he could send for so a man from them for [water] from his home so a slave-girl came with a vessel containing Nabeeth of raisins and when the Prophet of Allah (saas) saw her he said Ela BiKhamreteh [it should be covered] and was offered a piece of wood to cover it and when he drew nearer to it he found that it had a strong smell so he frowned and he returned the vessel so the man said O Messenger of Allah if it is forbidden then we will not drink it so he re-took the vessel and he did with it like that and so the man said like that

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..then he called for a bucket of water from Zemzem and he poured it into the vessel and said: (If you find that the drink strengthens then do it like this)], and this appears in [9] with a slight abbreviation.

**I said:** There is no doubt that the story of the Hadeeth of Yahya Bin Yeman resembles the story of the Hadeeth of Al-Kelbi according to Abi Saallih but there are many differences in the utterances it is probable that they are two different tales for two different stories:

(1) For the first Hadeeth, the Hadeeth of Yahya Bin Yeman, talks about the Nabeeth of Al-Siqaa'yeh, and this is located at Al-Mesjid Al-Haram [the Forbidden Temple ] by Zemzem, and the second talks about a slave-girl who brought the drink from one of the houses in an open container, where the tale claims that [the Prophet ], may the prayer and the peace be upon him and his descendents, advised them to cover it, even if with a piece of wood.

(2) And in the first story he frowned then he broke the Nabeeth with water from Zemzem then drank, as for the second he returned it twice and did not break it with water until he was asked about its forbiddance.

For if Yahya Bin Yeman had erred in the Hadeeth according to Sufian (or another) according to Al-Kelbi according to Abi Saallih according to Al-Muttaleb Bin Abi Wida'eh Al-Sehmi so he made it according to Sufian according to Mensoor according to Khalid Bin Sa'ad according to Abi Mas'ood Al-Ansari, then the correspondence between the two texts would be larger and clearer, and the differences in the utterances and in the flow would not be to such an extent.

And so what was said then was that Yahya Bin Al-Yeman (the Isnaad turned around [in his mind] and became mixed up with with the Hadeeth of Al-Kelbi according to Abi Saallih) and this is only a claim, and tried to guess the unknown, and he was not alone for he was followed-up by others:

- Abd-ul-Aziz Bin Abaan followed him up according to Sufian Al-Thawri; although Abd-ul-Aziz Bin Abaan has been Abandoned and accused, so there is no joy in being followed-up by him;
- And Zaid Bin Al-Hibab followed him up according to Sufian Al-Thawri, although this following-up only came from a tale of Al-Yesi' Bin Ismaeel Zaid Bin Al-Hibab, and Al-Yesi' was weakened by Al-Daraqutny, and he linked a Hadeeth which was sent so he made it connected, as was mentioned by Al-Kheteeb in [29], and he did not criticize him for a Hadeeth except for this one as far as I know, and Al-Yesi' Bin Ismaeel is not very weak, nor is fallen and Abandoned, so his following-up efforts matter.

And there are other testimonies which strengthen the proof of the story and specifically the subject of (breaking the strength of Nabeeth with water), as will follow immediately. But rather the Hadeeth of Ibn Abbaas is almost a follow-up for the first story as it is in the Hadeeth of Yahya Bin Yeman because the saying in it is about the Nabeeth of Al-Siqaa'yeh [the water carriers, etc]. Whereas the Hadeeth of Ibn Umar resembles the story of Al-Kelbi according to Abi Saallih

And the truth is that Yahya Bin Al-Yeman, Abu Zakariyyah Al-Ajli Al-Kufi, is a believer of good reputation, but he changed and his memorisation worsened after he was struck by hemiplegia; Al-Bukhari told from him in [55], and Muslim in [6], and Abu Dawood and Al-Nisa'i and Ibn Majeh, and others, and he died in the year of one hundred and eighty nine, and he was trusted by Ibn HAbaan, and Al-Ajli said in [56]: (Yahya Bin Yeman Al-Ajli is one of [most notable] of the companions of Al-Thawri and he was a Thiqah Ja'iz in the Hadeeth pious and he was known for

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telling the truth , but we was struck by illness in his latter days so his memorisation changed, and he became poor and patient); and Al-Thehebi said of him in [57]: (the memoriser who tells the truth); and 'Ali Bin Al-Medeni said: (he tells the truth, he was struck by illness and his memorisation changed); and according to Wakee' he said: (None of our companions was better at memorising th Hadeeth tthan Yahya Bin Yeman he used to memorise in a single gathering five hundred Hadeeths, then he forgot); and Abu Haatim said in [58]: [His text is wavering, and in his Hadeeths there is some workmanship and his place is the truth]; and Ya'qoob Bin Shaybah Al-Sidousi said: (He told the truth and had many Hadeeths, but our companions denied that he made many errors and he is not considered authoritative when he was contradicted, and he was one of the leading companions of of Sufian in the abundance of this output); and there were a number of tales about Yahya Bin Me'een, for it appeared according to Uthman Bin Sa'eed Al-Darmi: [I said to Yahya Bin Me'een: (About Yahya Bin Yeman?!), he said: (I hope that he is a teller of truth), I said: How is it that he said in his Hadeeth: (He is not strong), and appeared: (He is adequate), and appeared: (Towards the end of his life he weakened in his Hadeeth), and appeared: (His Hadeeth is weak).

But Al-Imam Ahmad was strict in his criticism, for he said: (It was told according to Al-Thawri some oddities I don't know if he continued like that or changed, we found him, and there was still error in his writing), and despite that Al-Imam Ahmad did not mention any of these oddities, and perhaps he meant this very Hadeeth,

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... and Ahmad said also: (He is not Hujjah ); and Al-Aqeeli mentioned him in (The weak) and denied him this Hadeeth only and said: (He does not follow up on his Hadeeths), then he said: (And Abd-ul-Aziz Bin Iban followed up on his Hadeeth, and he is at a lower level than him); and Abu Ubeid Al-Aajury said: (I heard Aba Dawood and he mentioned Yahya Bin Yeman so he said he errs in the Hadeeths and he turns them around); and Al-Nasaa'i said: (he is not strong); and Al-Imam Muhammad Bin Abdullah Bin Ammaar Al-Museli said: (I heard Yahya Bin Yeman, and he was struck by the illness, and he did not talk to us from a book [writing], but he talked to us from his memory, and Yahya Bin Yeman is not referred to as an authentic source).

And Al-Hafith approached fairness when he said in [59]: [Yahya Bin Yeman, Al-Ajeli Al-Kufi, truthful pious makes many mistakes and he changed in the latter part of his life and he died the year of nine and eighty (meaning: and two hundred)].

I said: It seems then that he only changed so his memorisation worsened after he was struck by hemiplegia towards the end of his life, and before that he was straight straight in craft. And this Hadeeth was told according to him by a large group of Imams so it is unlikely that all of them only heard from him after he was struck by hemiplegia and weakened, for example: Abu Mu'ammir, as it appears in [1], and he is Abdullah Bin Amrou Bin Abi Al-Hejjaj Maysereh, Al-Muqeri Al-Temeemi Al-Bessri, and established Thiqet from Al-Shuyoukh [religious authorities] of Al-Bukhari, he died in the year of 224 Hijreh, so it is more probable that that he heard of Yahya Bin Yeman early. And also Muhammad Bin Sa'eed Ibn Al-Esbehani, as it appears in [31] is another established Thiqet from Shuyoukh Al-Bukhari he died in the year of 220 Hijreh. Thus we are inclined towards strengthening the quotation and improving it [classifying the Isnaad as strong and good].

And it is worthy of note here that these two Imams only told the Hadeeth in a shortened form, for the tale of Muhammad Bin Sa'eed Ibn Al-Esbehani for example, as it appears in [31], says: [Yahya Bin Al-Yeman told us according to Sufian according to Mansour according to Khalid Bin Sa'ad according to Abi Mes'oud he said: The Prophet (saas) felt thirsty, around Al-Ka'ba so he searched for a drink so he came by Nabeeth from the Nabeeth of Al-Siqaa'yeh [water carrier, etc], so he smelt it, so he frowned, so he poured on it from the water of Zemzem then he drank, so a man said: (Is it forbidden?!), so he said: "No!"]].

Thus the most that can be said is that the additions in the the tales of the later [ones] might have been from the fantasies of Yahya Bin Yeman after he was struck by the illness and his memory weakened, so the different Hadeeths become entangled in his mind, while he continued to tell the Hadeeths from his memory without reading from a book, as he was criticised by Al-Imam Muhammad Bin Abdullah Bin Ammaar (And he is one who heard from him after he was struck by the illness, and was told of that, and saw not to protest against it in this case).

For this reason we use the the choice allowed us by Allah and we say the the Hadeeth of Yahya Bin Yeman according to Al-Thawri is good as appeared in [34], according to Abi Mes'ood (raa), not on its own, but through its witnesses and its follow-ups, and especially that the route of Abd-ul-Malik Bin Nafi', even with his ignorance, is independent completely of any others which strengthens [the premise] that the Hadeeth has a solid origin.

**\* Hadeeth of the drinking from watered down Nabeeth of Hajj from the route of Ibn Abbaas**

\* And appeared in [50], (Chapter: 5, Page 78): [Abd-ul-Raheem Bin Sulaeiman told us according to Yezeed Bin Abi Ziad according to Ikrimah according to Ibn Abbaas he said the Prophet (saas) came by Al-Siqaa'yeh then said: " Pour me [water me] from this!", so Al-Abbaas said: (Shall we not pour you [water you] from what we make in our homes?!), he said: "No, but pour me from what the people drink", he said: so I came with a cup [or glass] of Nabeeth, so he tasted it, then he frowned,

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and he then said: “Hurry me with water!”, and he poured it on it, then he continued to pour two or three times. He then said: “Ifd this happens to you, the do with it thus!”], and this appears in [54] like this, and from other routes which have a break and this Hadeeth testifies to the Hadeeth of Yahya Bin Yeman.

### **\* Hadeeth of the drinking from watered down Nabeeth of Hajj from the route of Ibn Umar**

\* And appeared in [20], and the same one in [4] another Hadeeth: [Ziad Bin Ayoub told us Hesheem told us he said Al-Awwam informed us according to Abd-ul-Malik Bin Nafi’ he said Bin Umar said: I saw a man come to the Messenger of Allah (saas), with a cip [ or glass] containing Nabeeth and he was in a corner so he gave him the cup [or glass] so he lifted it to his mouth and he found it was strong so he returned it to its owner

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... so a man from the people said to him: (O Messenger of Allah, is it forbidden?!) so he said: "Bring me the man!", so they brought him so he took the cup [or glass] from him then asked for water then poured it on it then lifted to his mouth then frowned then called for water then poured it on it then said: "If these vessels become confused for you then break its strength with water"], and Al-Albani said: (weak Isnaad), and he was right in this because of the ignorance of Abd-ul-M'Alik Bin Nafi', and he the same Abd-ul-Malik Bin Akhi [son of the brother of] Al-Qa'qa' Bin Shour.

And the the above Hadeeth is mentioned in [40] during the translation (Abd-ul-Malik Bin Nafi' Bin Akhi Al-Qa'qa' Bin Shour), and in [31] from a number of correct and authentic routes to Abd-ul-Malik Bin Nafi', and it appears in [60] during the translation (Abd-ul-Malik Bin Nafi' Bin Akhi Al-Qa'qa' Bin Shour) from several routes

**\* Hadeeth of the drinking from watered down Nabeeth of Hajj from the route of 'Ali:**

\* And in [40] during the translation (Muhammad Bin Al-Fourat Al-Kufi): [Amrou told Bin Ahmad Bin Amrou Bin Al-Serh told us Yousif Bin 'Adiy told us Muhammad Bin Al-Fourat Al-Koufi told us according to Abi Is-haaq Al-Sebee'i according to Al-Harith according to 'Ali (raa), he said the Prophet (raa) Ttafeh [was performing Al-Hajj] between Al-Sefa and Al-Merweh for a week then he leaned on a wall from the wall of Mecca then he said: "Is there a drink?!", so a cup of Nabeeth was brought to him so he tasted it, so he frowned, then he said then he cage it back. He said: and a man from Aal Hattib went to him then said: (O Messenger of Allah: this is the dtrink of the people of Mecca!), then Al-Aqeeli said: (there is no follow-up), and I said: if Al-Aqeeli meant the sentence: (Khamr was forbidden in itself, and the intoxication from any drink)], then there is no doubt that it is very abominable in this context but the tale is told from the saying of Ibn Abbaas (raa), as for the rest of the Hadeeth then it is what had been reported from the saying of Ibn Abbaas in its essence!

**\* Hadeeth of 'Ayshah**

\* And appears in [24]: [Abu Amir Al-Aqedi told us 'Ali Bin Al-Mubarek told us according to Yahya Bin Abi Katheer that Thumaamah Bin Kelab told him that Aba Salamah Bin Abd-ul-Rahman told him that 'Ayshah told him that the Messenger of Allah (saas) said: "And do not perform Intibaath in A-Dubbas or Hantam or Muzaffat, and if there were no other vessels [or containers] then break it with water"]

\* And Al-Imam Al-Beiheqi (may the mercy of Allah be with him) mentioned it in passing in [1], then he followed up by saying: [And this Thumaamah Bin Kelab is unknown, and what is established according to Yahya Bin Abi Katheer according to Abi Salamah according to Abi Qetadeh according to the Prophet (saas) in prohibiting the mixing without this utterance, and Allah knows best]

**I said:** And here the bigotry of his Methheb [faith] dominates in Al-Imam Al-Beiheqi for Thumaamah Bin Kelab Al-Yemani is well known and his work has been translated by A-Bukhari in [38], and Ibn Abi Haatim in [58], and Ibn Hebban trusted him, this why Al-Hafith classified him then said: (acceptable from the sixth), meaning his Hadeeth is correct and authentic if it is followed-up, and this is because of the scarcity of his texts and Yahya Bin Abi Katheer singly tells many tales according to him.

**\* And this is correct and authentic, that is to say (Breaking the strength of Nabeeth with water) according to Umar Bin Al-Khettab:**

\* And as it appeared in [31]: [Fehed told us he said Umar Bin Hefess told us my father told us Al-A'mesh told us he said Ibraheem told us according to Humam Bin Al-Harith according to Umar:

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that he was on a journey so he came by Nabeeth so he drank from it so he frowned then he said (It is that the Nabeeth of Al-Ta'if has an attachment [to him]), for he mentioned a strength which he did not keep, then he called for water so he poured it on it, then he drank], I said: this is correct and authentic Isnaad, it is connected in a chain of frank ayings

\* And it appears in [50], (Chapter: 5, Page: 78): [Abu Mu'awiyeh told us according to Al-A'mesh according to Ibraheem according to Humam he said



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Umar came by Nabeeth of raisins from the Nabeeth of raisins of Al-Taif and he said when he tasted it he frowned then he said: (For the the Nabeeth of raisins of Al-Ta'if has a fondness [or attachment to him]), then he called for water then poured it over it, so he drank and said: (If it strengthens for you then pour water on it then drink it)], I said: And this also is highly accurate.

\* And in [54], (Chapter: 9 Page: 225) is another Hadeeth, and may be it is the same story from another angle: [According to Ibn Jereej he said I heard Abdullah Bin Abi Meleekah tell [the Hadeeths] he said Weheb Bin Al-Eswed told me he said we took raisins from the raisins of Al-Mutahir so we used a large amount of it and a little water so Umar did not come by it until he reached his limit so when they found Umar he said : (Is there a drink?!), I said: we said: (Yes: O Amir Al-Mu'mineer [Prince of Believers]), so they told him the story, and that he reached his limit , he said : (Show it to me!), so he tasted it so he found it to be strong, so he broke it with water, then he drank], I said: and this connected Isnaad is also correct and authentic.

\* And this is supported by what appeared sent in [50], (Chapter: 5, Page: 80): in a Isnaad which is highly strong to Sa'eed Bin Al-Museiyeb: [Abdeh Bin Selman told us according to Yahya Bin Sa'eed Bin Al-Museiyeb that a crowd of people from Theqeef found found Umar Bin Al-Khettab and he was near Mecca so he called on them with their Nabeeths so they came to him with a cup of Nabeeth, then a Qurbah [skin container], then he called for water and then poured water on it twice, or three times], and it appears in [54] (Chapter: 9 Page:226): and it appears in [20] and the same one appears in [4].

\* And another tale appeared in [1]: [Abu Al-Hussein Bin Al-Fedhil Al-Qettan in Bagdhad told us Abdullah Bin Ja'far informed us Ya'qoob Bin Sufian told us Abu Al-Yeman told us Shueib told me he said and Al-Hajjaj told us my grandfather told me Jemee'a according to Al-Zehri told me Me'ath Bin Abd-ul-Rahman Al-Teimi told me that his father Abd-ul-Rahman Bin Uthman said: I accompanied Umar Bin Al-Khettab (aata) to Mecca so so a group of people from Theqeef presented him with two containers [known as Setteeha] of Nabeeth as gifts: (And Al-Setteeha is higher than Al-Edwad and less than Al-Mezadeh), Abd-ul-Rahman Bin Uthman said: then Umar Bin Al-Khettab (rata) drank one of them, (Hizaj said: good or tasty), and then he was presented with yoghurt so he stopped drinking from the other one, until what was in it had strengthened. And then Umar Bin Al-Khettab (rata) went to drink from it so he found that it had strengthened then he said: (Break it with water)], and a similar account appeared abbreviated in [31].

Then Al-Imam Al-Beiheqi followed-up by saying: [But its strengthening and Allah knows most is by becoming sour or sweet; and it was told according to Nafi' Mawla Bin Umar that Umar Bin Al-Khettab (rata) said to Yetrfa' go to our brothers and find us drinks from them so he went to them and so they said we do not have except these Al-Edaweh [container] and it changed so he called for them then tasted them then his face turned then he called for water then poured it on it then drank Nafi' said: (And by Allah his face only turned because it turned to vinegar)]

I said: This is highly accurate: Me'ath Bin Abd-ul-Rahman Bin Uthman Al-Teimi who is a Thiqah from the men of Al-Bukhari and Muslim and his father is a companion, and the rest of the men are famous Imams.

\* And another follow-up for some of it appeared in [20], and the same one appears in [4]: "Suweid Bin Nessr told us he said Abdullah informed us according to Al-Sirry Bin Yahya he said Abo Hefess (He is an Imam to us, and he was one of the legislators of Al-Hasan) according to Abi Rafi'

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that Umar Bin Al-Khattab (rata), said: (If you feared from a Nabeeth its strength then break it with water!)), and Abdullah said: (Before it strengthens), but Al-Albani said: (its Isnaad is weak).

I said: Setting aside the weakness of the Isnaad because of the ignorance of Abi Hefess, then the saying of Al-Imam Abd-ul-Mubarek: (before it strengthens) is but an opinion for him, and it is not a tale.

\* And in [50], (Chapter: 5 Page:78) is another landmark: [Abu Al-Ahwess told us according to Abi Is-haaq according to Amrou Bin Meimoun he said Umar said: (For we drink this strong drink, so that it cuts the meat of camel in our stomachs so it does not hurt us, for he who

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... doubted his drink somewhat, let him mix it with water)], and it came abbreviated in [1], and it also appears in [31] with the addition: [Amrou Bin Meimounah said: (And I drank from his Nabeeth, and it was the strongest Nabeeth)], and this is a good Isnaad, his men are Thiqat, and there is no fear but from Ananeh Abi Is-haaq.

\* And another instance appears in [50], (Chapter:5 Page:78): [Wakee' told us Ismaeel Bin Abi Khalid told us according to Qays Bin Abi Hazim he said Utbeh Bin Ferqed told me he said I came to Umar so he called for a measure of Nabeeth which had nearly turned to vinegar and he said drink it so I took it and drank it and I could hardly take it then he took it and drank it then said: (O Utbeh: we drink this strong so that it cuts the meat of camels in our stomachs so it does not hurt us)].

\* **And in Summary:** The story of the Nabeeth from the people of Al-Taif has been correctly copied according to all of: Abd-ul-Rahman Bin Uthman Al-Teimi, and Humam Bin Al-Harith, and Weheb Bin Al-Aswed, and also Sa'eed Bin Al-Museyb according to the Thiqat from his Shuyoukh [religious authorities], and therefore it is like a transfer by the method of Al-Twatir [repeated uninterrupted copying at short intervals] and is definitely and absolutely authoritative.

And as regards the proof that Umar Bin Al-Khattab (raa) said: (If it causes you doubts then break it with water), or words to that effect, then there must not at all be any shadow of doubt, and this was well known in the time of the followers of the followers as is clear from the light exchange between Abdullah Bin Umar Al-Ameri, from the grandsons of Umar Bin Al-Khattab, and Al-Imam Bin Heneefeh:

\* As it appears in [9]: [Abu Sa'eed Muhammad Bin Abdullah Bin Ibraheem Bin Meshkan Al-Mezouri told us told us Abdullah Bin Yahya Al-Serkhesi Al-Qadhi told us Muhammad Bin 'Ali told us Abdan told us according to Sufian Bin Abd-ul-Malik according to Abdullah Bin Al-Mubarek he said: Abdullah Bin Umar Al-Assri asked Aba Haneefeh about the drink he said: (They told us before your father, may the mercy of Allah be with him, he said: (If you doubt it then mix it with water!)), and then Abdullah told him: (And if if you knew for sure and did not doubt?!)], and others on the same subject also appear in [1].

As for the follow-up of Al-Imam Al-Beiheqi: [And if its strengthening and Allah knows most is by turning sour or sweet, for it was told according to Nafi' Mowla Bin Umar that Umar Bin Al-Khattab (rata) said to Yerfe' go to our brothers and ask them for a drink for us so he came to them and then they said we do not have but this Al-Edaweh [type of Nabeeth or container] and it changed so Umar (rata) called for it then tasted it then his face turned then he called for water and then he poured it on it then he drank then Nafi' said: (And by Allah his face would not have turned except if had become vinegar)], and there are other sayings;

For we say: There is no evidence for this, but is guessing the unknown. And the strength can be in sweetness or it can be in acidity [sourness] or it can be because of turning into Khamr; and if one were to release its pronunciation [utterance] then it could only apply to Al-Tekhemmur [becoming Khamr], unless there is a report showing to the contrary as was the case in the tale of Atbeh Bin Ferqed, when he said: [I came to Umar and he called for [some] Nabeeth which had nearly turned into vinegar, ..., etc]. And even in this case then the Nabeeth does not usually start to turn into vinegar except after passing through a considerable phase of Tekhemmur [turning to Khamr]. And as for the saying of Nafi': (And by Allah his face would have thus turned unless it had turned into vinegar) then it is also guessing the unknown, and as for Nafi' "having thought ..." he did not witness the story, nor was he born when the story took place, so how could he have witnessed its details?!

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In addition to this to this, it is that Umar Bin Al-Khettab drank Nabeeth in the story of Atebeh Bin Ferqed without breaking it with water, and this is a strong indication that this strength, strength of sourness, was not the strength that Umar advised for to be broken with water, and it is also very unlikely that Umar would occupy himself with breaking the strength of sourness, or the strength of sweetness, and it is a story in which tastes differ, and it has no value from a religious point of view. Therefore it is strongly probable that (the strength) that Umar concerned himself with was the strength which was related to (Al-Tekhemmur), and for the Nabeeth to be reaching the point becoming intoxicating, or even that that it passed that point.

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And as for Al-Imam Al-Baiheqi mentioning the Hadeeths that appeared in the subject of breaking the Nabeeth with water, and what he said in following-up the Hadeeth of Hemmam Bin Al-Harith according to Umar after he admitted to the strength of the Isnaad: [And its Isnaad is strong and this is the most correct and authentic thing that appeared in this, and it is not a text that it had reached the point of intoxication, for if it had reached the point of intoxication then pouring water over it would not remove its forbiddance. And Al-Tehawi admitted to that for he said if it had reached the point of forbiddance then it would not be permitted, even if its strength went after water had been poured on it so this proves that before water had been poured on it it was not forbidden I said therefore it did not reach the point of intoxication for there is no disagreement in the permissance of a drink in small and in large quantities as would be the case in [e.g. squeezing of drinks] for matters other than the intoxication]; and the saying of Al-Baiheqi in another subject: [they carried these drinks but they feared they would change and become strong so they allowed for water to be poured on it to prevent it from strengthening for whoever carries it when it reaches the point of intoxication then water would be poured on it because mixing it with water does not prevent it from intoxicating if it had reached the point of intoxication and it is possible that the reason for pouring water over it was that that drink was sour and this is why Umar frowned when he drank it for Nafi' had said and by Allah the face of Umar did not frown because of the intoxication when he tasted it but because it had turned into vinegar, and according to Utbeh Bin Ferqed he said the Nabeeth that Umar drank had turned into vinegar I said this second [case] was produced by Al-Nisa'i with a correct and authentic Isnaad and Al-Athrem told according to Al-Awza'i and according to Al-Umeri that Umar breaks [a drink] with water because of the strength of its sweetness I said there are two possibilities here for why he did not frown when he tasted it whereas he frowned because of its sourness]

**So I say, and I rely on Allah for success:**

**Firstly:** This is not the most correct and authentic thing in the Chapter, but the Hadeeth of the delegation of Abd-ul-Qays is stronger than it and more accurate, and it appeared by a number of correct and authentic routes from more than one Companion, and it is Hadeeth Nebewi Ma'soom [Hadeeth or text directly from the Prophet (saas) which is exempt], and it is therefore definite Hujjah [absolutely authoritative], contrary to the reports according to Umar, which is an opinion or an Ijtihad [conclusion] which is not exempt; and also what we believe to be probably correct and authentic what he [The Prophet (saas)] himself drank, from Nabeeth prepared for [watering] the Hajj [pilgrims of Mecca], and the other Hadeeths in its place;

**Secondly:** The saying of Al-Imam Al-Baiheqi: (If it had reached forbiddance then it would not be permitted even if its strength was reduced by the pouring of water), and his saying in another location: (Because mixing it with water does not prevent it from intoxicating if it had reached the point of intoxication), another abstract claim, there is no proof of its correctness, and it contradicts what is proven through the senses and experiment, and is established by the modern sciences: that the intoxication is linked to the proportion of alcohol in the drink, and mixing Nabeeth with water in sufficient quantities lowers this proportion below the degree of intoxication, and the acceptance of Al-Tehhawi of that, that is to say his acceptance of what is wrong does not make that wrong right, even if he was defeated in the argument [competition]!

**Thirdly:** The saying of Al-Imam Al-Baiheqi: (they carried these drinks but they feared they would change and become strong so they allowed for water to be poured on it to prevent it from strengthening for whoever carries it when it reaches the point of intoxication then water would be poured on it because of that) has no meaning, and does not achieve anything, because they poured water then drank immediately, for there is not after the pouring of water a period during which more strengthening takes place, for it is necessary that the pouring of water is for the purpose of breaking a strength which is there already now at the moment of drinking. As for the strength reaching this

point of intoxication actually, or not reaching it but being near it in a suspicious way, is not the point here.

**\* Chapter: Breaking of the Nabeeth by cooking, and the production of (Tilaa') [sweet delicious Nabeeth]**

Al-Imam Al-Bukhari took care in [5] in treating this subject so he classified it saying: [Chapter of Al-Bathiq; and who prohibited every intoxicant from the drinks. And Umar and Abu Ubaideh and Me'ath were of the opinion that the drinking of Tilaa' was on a third. And the drinking of Al-Bera' and Abi Jeheefeh on the half and Bin Abbaas said drink the juice while it is fresh and Umar said I found from Ubaid-Allah the smell of drinks and I asked him about it for it was intoxicating then I would whip it]

\* And as for the opinion of Umar it came in [8], (Chapter: 2, Page: 847): with a correct and authentic Isnaad: According to Dawood Bin Al-Hesseen according to Waqid Bin Amrou Bin Sa'ad Bin Me'ath that he told him according to to Mahmood Bin Lebeed Al-Anssari then that Umar Bin Al-Khettab when he came to Al-Sham [Syria] the people of Al-Sham complained to him about the illness of the soil and its heaviness and they said: (Only this drink is good for us), so Umar said: (Drink this honey!), they said: (Honey is not good for us!), then a man from the people of the land said: (Would you like if we were to make you from this drink something which does not intoxicate?!), he said: (Yes!)

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Then they cooked it until two thirds of it went and only one third remained, then they brought it to Umar, so Umar put his finger in it, then he lifted his hand so it stretched following his hand, then he said: (This is Tilaa': It is like the Tala' of Al-Ibl!), then he ordered them to drink it so Ibadet Bin Al-Samit said to him: (You have permitted it, by Allah!), then Umar he said: (No, by Allah. O Allah: I do not permit them to have anything you have forbidden them from having, and I do not forbid them from having anything you have permitted them to have!)], and the same one appears in [25] and the same one appears in [1] by the route of Al-Imam Al-Shefi'i.

\* And this is emphasised in what appeared in [20] and the same one appears in [4] in an Isnaad which is highly accurate : [Suweid told us Abdullah informed us according to Hisham according to Bin Sireen that Abdullah Bin Yazeed Al-Khetmi said Umar Bin Al-Khettab (rata) wrote to us: (And then, cook your drinks until the share [or potion which belongs to] of Satan is gone for he has two [shares] and you have one)], and Al-Albani said: (correct and authentic), and it is also in [1].

\* And this is also emphasised in what appeared in [20] and the same one appears in [4]: [Suweid told us Abdullah informed us according to Suleiman Al-Teimi according to Abi Mejliz according to Amir Bin Abdullah that he said I read the book of Umar Bin Al-Khettab to Abi Musa: (And then for a convoy came to me from Al-Sham carrying a drink which was thick and black like Tilaa' of the camels and I asked them in how many ways they cooked it and they said they cooked it in two-thirds the two bad [not well-favoured] thirds went one third with the evil and the second third with the smell so command who is in front of you that they drink it)], and Al-Albani said: (correct and authentic for others), and it is also in [61].

\* And also what appeared in [20] and the same one in [4]: [Muhammad Bin Abd-ul-A'la said Al-Mu'tamir told us he said I heard Mansour according to Ibraheem according to Nebateh according to Suweid Bin Ghefleh he said: Umar Bin Al-Khettab wrote to some of his people that Tilaa' is well-favoured livelihood for Muslims after two thirds of it have gone and a third remained], and Sheikh Al-Albani said: (good, correct and authentic, stopped).

\* And this is emphasised in what appeared in [20] and the same one appears in [4] : [Muhammad Bin Al-Muthanna told us according to Bin Abi 'Adiy according to Dawood he said: I asked Sa'eed: (What drink has been permitted by Umar (rata)?!), he said : (One which is cooked until two thirds of it goes, and one third remains)], and Al-Albani said: (correct and authentic for another), I said: but it is correct and authentic by itself, because Sa'eed Bin Al-Museyyeb did not hear from Umar other than when he was announcing the death of Al-Nu'man Bin Muqren from the pulpit, but the drink that Umar had permitted was well known, for Sa'eed Bin Al-Museyyeb copies using the method of Al-Tewatur, and it was also told by Sa'eed Bin Mansour with an abbreviation of the Sunen.

I said: the lesson in this is the drink which called (Tilaa') cannot be intoxicating, and the naming is not important or relevant, for if the drink was intoxicating, whether it was produced through cooking or another method then it is forbidden. And Emir Al-Mu'mineen Umar Bin Al-Khettab was aware of that and was not deceived by the different naming methods or the false claims, as appears from the story of his son Ubaid-Allah Bin Umar Bin Al-Khettab:

\* And also appeared in [20] and the same one in [4]: [Al-Hereth Bin Meskeen said reading from him and I was hearing according to Bin Al-Qaasim he said M'Alik told me according to Bin Shehab according to Al-Sa'ib Bin Yazeed that he told him that Umar Bin Al-Khettab came out to them then said A found from someone the smell of a drink so he claimed it was the drink of Tilaa' and I

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asked what he was drinking for it it was intoxicating then I would whip him, so Umar Bin Al-Khettab (rata) whipped him, until the limit], and Al-Albani said: (correct and authentic Isnaad), and it appears in [25] and [31] and in [1] by the route of Al-Imam M'Alik, and it also appears in [25] and in [1] and by the route of Sufian and in [31] by other routes.



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For the establishment of the story of the triangular [three portioned] Tilaa' according to Amir Al-Mu'mineen Umar Bin Al-Khattab (raa) is definite and there is no possibility of any doubt about it. A perhaps we will follow it up here with some observations, especially with regards the story of whipping Ubaid-Allah Bin Umar Bin Al-Khattab:

(1) That Umar Bin Al-Khattab did not whip Ubaid-Allah, and his companions, simply because he found they had the smell of drink, as some authorities had claimed, and used it as reference relying on abbreviated tales, which had been abbreviated in faulty manners. But he had the admission of Ubaid-Allah that he had drunk something called (Tilaa'), and he investigated the matter in view of the people. And those religious authorities who relied on the abbreviated text erred in a way which should be a lesson for each serious researcher not to be hasty is relying on a text until he has explored all the routes, and he considered all the utterances!

(2) That Umar Bin Al-Khattab said explicitly that he would ask about the alleged drink, it is intoxicating on its own, or not. For he did not ask or investigate had they been intoxicated from it before (and this is possible: that they had become intoxicated yesterday [the day before], then they woke up today and they were no longer intoxicated, but the smell was still present), or he caught them with the smell and they had not consumed enough of it to become intoxicated. And therefore his faith then is, contrary to what some thought, was that (What was in itself intoxicating, that is to say: what in large quantities intoxicates, then small quantities of it are forbidden, and whoever drinks it deserves punishment).

\* And here also it the faith of Amir Al-Mu'mineen Al-Imam 'Ali Bin Abi T'Alib (raa), as appeared in [20] and the same one in [4]: [Suweid told us he said Abdullah informed us according to Jereer according to Mughireh according to Al-Sha'bi he said: (And 'Ali (rata) was giving Tilaa' to people and in it fell flies which he could not get out)], and Sheikh Al-Albani said: (correct and authentic Isnaad stopped).

\* And in [58] comes what confirms this: [Abu 'Ayshah, the grandfather of Abi Assim Al-Thiqafi, said: (And 'Ali (rata) was giving us Tilaa')].

\* And this thick Tala' was the triangular or three-sided Tala' as appeared in [19]: [(That 'Ali was giving [feeding] Tilaa' from which two thirds had been cooked [away]], Khilad Bin Yahya said Abaan Bin Abdullah AL-Bejli told us he said Kereem Bin Abi Hazim told me]

\* And it is the faith of Abi Al-Durda' (raa), as appeared in [20] and the same one in [4]: [Zakariyya Bin Yahya told us he said Abd-ul-A'la said Humad Bin Selemh told us according to Dawood according to Sa'eed Bin Al-Museeb: that Aba Al-Durda' was drinking what two thirds of which had gone, and a third remained], and Al-Albani said: (Isnaad correct and authentic stopped)

\* And it is the faith of Abi Musa Al-Ash'ari (raa), as appeared in [20] and the same one in [4]: [Suweid told us Abdullah informed us according to Hesheem he said Ismaeel Bin Abi Khalid informed us according to Qays Bin Abi Hazim according to Abi Musa Al-Ash'ari: that he drank from Tilaa' from which two thirds had gone leaving one third], and Al-Albani said: (correct and authentic stopped).

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\* And perhaps it is also in the faith of Abdullah Bin Al-Abbaas (raa), as it appears in [11]: [Abu Zaid Al-Qerateesi told us Asad Bin Musa told us Sidqeh Bin Ibadeh Bin Nesheett told us he said I heard Abi Ibadeh Bin Nesheet say I heard Bin Abbaas ask about Tilaa' and Bin Abbaas said: (I do not know what is this Tilaa' of yours that you bring with you but we used to bring something which is like the happiness of Al-Ibl and we used to drink it and did not see any harm in it)]

\* But came what disagreed with that in [20] and the same one in [4]: [Suweid told us

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Abdullah informed us according to Bin Jereej by reading Atta' told me he said I heard Bin Abbaas say and by Allah the fire does not permit something notr does it forbid it he said then he explained to me his his saying that for his people nothing in Tilaa' is permitted or is forbidden], and Al-Albani said: (correct and authentic Isnaad), and a similar one appears in [1] by other routes.

I said: Ibn Abbaas (raa) was not aware of the speci'Alist modern sciences that established definite proof that the process of cooking wine until two thirds have gone (or even half) reduces the proportion of alcohol until it falls below the point at which intoxication occurs. For it is definite through the sensed and through experimentation that fire tutrns the forbidden Khamr into a drink which is not intoxicating, and it is then definitely permitted!

\* And this is also the faith of Sa'eed Bin Al-Musseyyib (May the mercy of Allah be with him), as appeared in [20] and the same one appears in [4]: [Suweid told us he said Abdullah informed us according to Sufian according to Ya'la Bin Atta' he said I heard Sa'eed Bin Al-Musseyyib and an Arab man asked him about a drink that is cooked on the half then he said: (No: until two thirds have gone, and a third remains)], and Al-Albani said: (correct and authentic Isnaad isolated), and it also appears in [62].

\* And also appeared in [20] and the same one in [4]: [Ahmad Bin Khalid Bin Ma'an told us he said Mu'awiyeh Bin Saallih told us according to Yahya Bin Sa'eed according to Sa'eed Bin Al-Museyyeb he said: (If Tilaa' is cooked on the third then there is no harm in it)], and Al-Albani said: (correct and authentic Isnaad isolated).

\* And this is also the faith of Al-Hasan Al-Bessri (May the mercy of Allah be with him), as appears in [20] and the same one appears in [4]: [Suweid told us he said Abdullah informed us according to Besheer Bin Al-Muhajir he said: I asked Al-Hasan about what is cooked from the juice he said: (What you cook until thwo thirds are gone, and a third remains)], and Al-Albani said: (good Isnaad, isolated)

\* And also appears in [20] and the same one appears in [4]: [Suweid told us he said Abdullah informed us according to Yazeed Bin Zeree' he said Abu Reja' told us he said: I asked Al-Hasan about Tilaa' Al-Munessef [cooked on half] so he said: (Do not drink it!)], I said: this is highly accurate until its end.

\* And in [62] what shows that this also is the faith of Shereeh and Al-She'bi: [Bin Khilad told me he said I heard Yahya say I heard Ismaeel tell about Muj'Alid according to Amir he said: (I drank Tilaa' with Shereeh)]

\* And perhaps it is also the faith of Amir Al-Mu'mineen Umar Bin Abd-ul-Aziz Bin Merwan (raa), as appeared in [20] and the same one in [4]: [Sueid told us Abdullah informed us according to Abdul-Malik Bin Al-Tefiil Al-Jezri he said Umar Bin Abd-ul-Aziz wrote to us: (Do not drink from Tilaa' until two thirds of it have gone, and a third remains, and every intoxicant is forbidden)], and Al-Albani said: (weak Isnaad, isolated).

\* And in [43] is a listing of who agrees with Umar: [And agreed with Umar and who with him mentioned the said ruling Abu Musa and Abu Al-Derda' and Al-Nisa'i produced on both of them and 'Ali and Abu Eameh and Khalid Bin Al-Weleed and others and it was producedby Bin Abi Shaybah and others from those who followd Bin Al-Museyyib and Al-Hasan and Ikrimah and from Al-Fuqeha' [religious authorities] Al-Thawri and Al-Leith and M'Alik and Ahmad and Al-Jumhour

## ***Appendix Two***

and the necessity for them of consuming what does not intoxicate, and a group disliked it out of piety]

But a number of the Companions drank on the half, and Al-Imam Abu Bekr Bin Abi Shaybah classified for those who drank on the half, as appeared in [50] (Chapter: 5 Page: 94): [He who reduced in drinking Tilaa' on the half]

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\* And it appeared in [50] (Chapter: 5 Page: 94): [Muhammad Bin Fedheel told us according to Hebeeb Bin Abi 'Amrah according to 'Adiy Bin Abi Thabit according to Al-Bera' Bin Azib that he used to drink Tilaa' on the half]

\* And it appeared in [50] (Chapter: 5 Page: 94): [Wakee' told us according to Telha Bin Jeber he said I saw Aba Jeheefeh drink Tilaa' on the half]

\* And it appeared in [50] (Chapter: 5 Page: 94): [Wakee' told us according to Jereer Bin Ayoub according to Abi Zer'eh Bin Amrou Bin Jereer that Jereer used to drink Tilaa' on the half]

\* And it appeared in [50] (Chapter: 5 Page: 94): [Abd-ul-Raheem Bin Suleiman and Wakee' told us according to Ubeideh according to Khaythamah according to Anes that he used to drink Tilaa' on the half]

\* And it also appeared in [38] through the translation (Hejjaj, father of Shu'bet Al-Ezdi, Mawli Ateek, and he is Bin Al-Werd): [Uthman Bin Muhammad said Bin Mahdy told us according to his father he said: (Anes used to drink Tilaa' on the half)]

\* And also appeared in [11]: [Muhammad Bin Muhammad Al-Temar told us Sa'ad Bin Shu'beh Bin Al-Hejjaj my father told me according to his father he said I saw Anes Bin M'Alik (rata) drink Tilaa']

\* And also appeared in [63] during the translation of (Saallih Bin Heyyan): [Ja'far Bin Muhammad Al-Dhiryabi said Ahmad Bin Khalid Al-Khilal said I said to Ahmad Bin Bin Henbel Muhammad Bin Ubeid Al-Tanaafisy told us according to Saallih Bin Heyyan according to Bin Bereedeh he said: (I drank with Anes Bin M'Alik Tilaa' on the half), and Muhammad became angry and said: (You do not see this in a book unless omitted or scratched it what I know about the modern analysis of wine is correct the accused the text of Al-Shuyoukh [religious authorities]), I said: the anger of Al-Imam Ahmad Bin Henbel is without justification, for drinking Tilaa' on the third or on the half is not in the domain of drinking forbidden wine originally, yet nevertheless, Saallih Bin Hayyan is not strong.

\* And in [43] is a listing of those who drank on the half: [And Wafiq Al-Bera' and Abu Jeheefeh Jereer and Anes and from the followers of Bin Al-Heneefeh and Shereeh and all agreed that if it was intoxicating then it would be forbidden]

I said: This group of Companions were right, for the modern speci'Alist sciences have established, as we have previously noted, definite proof that the process of cooking Khamr until half of it is gone reduced the proportion of alcohol to below the point at which it is intoxicating. For [if] this Tilaa' on the half is not intoxicating, then it is definitely permitted!

**\* Digressional Chapter: Confirmation of Ikrimah Bin Ammaar as a trustworthy authority ( "Thiqah")**

Many people were deceived by the saying from Al-Hafith in [64] summarising the state of Ikrimah Bin Ammaar Al-Ijli Al-Yamaami (One who told the truth but made mistakes. There is wavering in his reporting from Yahya Bin Abi Katheer. And he had no book). And although the rulings of Al-Hafith in [64] in general are characterised by their accuracy and moderation, some of them,

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including this one, needs revision and defence, and for re-contemplation, and critical re-examination of the principles and the tales of the forefathers.

And the truth is that the wavering and the error are restricted to the tale of Al-Imam Ikrimah Bin Ammaar according to Yahya Bin Abi Katheer only, and even this is a small error which does not diminish from the Hadeeth according to Yahya Bin Abi Katheer from the level of “good”. And it is apart from that Ikrimah Bin Ammaar is “Thiqah” with correct and authentic Hadeeths, and he is one of the most firm and solid people in Iyaas Bin Salamah Bin Al-‘Akwa’, as appears from the revision of the the lengthy translation in [52], and in

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[60], but rather in [65], and in it appears: Mu'awiyeh Bin Saallih said according to Yahya Bin Me'een: (Thiqah); and Al-Ghulabi said according to Yahya: (Thabt); and Bin Abi Khaythamah said according to Bin Me'een: (truthful and adequate); and Abu Haatim said according to Bin Me'een: (He was illiterate, and he was a memoriser); and Muhammad Bin Uthman Bin Abi Shaybah said according to 'Ali Bin Al-Madeeny: (Ikrimah was, in the view of our peers, proven Thiqah); and Al-Ijli said: (Thiqah, Al-Nadhir Bin Muhammad told one thousand Hadeeths according to him); and Al-Aajury said according to Abi Dawood: (Thiqah [but] in his Hadeeth according to Yahya Bin Abi Katheer there is wavering); And Al-Nasaa'i said: (adequate, except in the Hadeeth of Yahya Bin Abi Katheer); and Abu Al-Haatim said: (He was truthful and may be he imagined in his Hadeeth, and may be he falsified, and in his Hadeeth according to Yahya Bin Abi Katheer there are some mistakes); and Al-Saajy said: (Truthful, Ahmad and Yahya trusted him, although Yahya Bin Sa'eed weakened him in his Hadeeths according to Yahya Bin Abi Katheer and he came to criticise him); and he said: (Ikrimah Bin Ammaar is a Thiqah for them and Bin Mahdy told only good things about him); and he said in another subject: (He is more solid than Mulaazim, and he is a Sheikh from Al-Yamaamah); and 'Ali Bin Muhammad Al-Tanaafisy said: Wakee'told us according to Ikrimah Bin Ammaar and he was Thiqah; and Saallih Bin Muhammad said also that Ikrimah Bin Ammaar (was truthful, and in his Hadeeths there is something, people told according to him); and Is-haaq Bin Ahmad Bin Khalaf Al-Bukhari said (Thiqah, and Al-Thawri reported from him and mentioned him favourably. He made many mistakes, he had certain things over Iyas); and Bin Khiraash said : (He was truthful, and in his Hadeeth there are indefinite nouns); and Al-Daraqutny said: (Thiqah), and Ibn 'Adiy said: (His Hadeeth is straight, if reported from him by a "Thiqah"), and Ya'qoob Bin Shaybah said: (He was Thiqah and solid); and Bin Shaaheen said of Al-Tiqat Ahmad Bin Saallih said: (I say I am **"Thiqah"**, and I refer to him and to his sayings as authoritative). For this is **agreement** of the majority of Imams of his conformation as a Thiqah, and the reference to him as authoritative and especially those who are the height of strictness and inflexibility: Abu Me'een, and Abu Haatim, and Al-Saajy, and Al-Nisa'i, and Ibn Khurash, and others. And he was also described as pious, and as having good qualities, and Asim Bin 'Ali said: (He answered the call).

One question remains: and that is that Al-Imam Al-Hafith Al-Hujjah Al-Kebeer Aba Muhammad Bin Hezim Al-Thahiry, may Allah forgive him, refuted one of the tales of Ikrimah Bin Ammaar, and it is a Hadeeth about Muslim in "Menaqib" of Abu-Sufian, and he attributed it to Al-Wethi'.

This is one of the slips of the authorities, may Allah keep away its evils from us, and the one who said "Al-Keshf Al-Hetheeth Ammen Remiyeh Biwethi' Al-Hedeeth" "The expeditious search for he who attacked the placement of the Hadeeth" when he said: [Ikrimah Bin Ammaar, Abu Ammaar Al-Ajeli Al-Yamaami, is Imam Thiqah], and then the words of Ibn Al-Selah were copied when he replied to Ibn Hezem, and from that: [And we do not know one from the Imams of the Hadeeth who referred to Ikrimah for the placement of the Hadeeth. And he was trusted by Wakee' and Ibn Ma'een and others and his call was answered], then the owner of "Al-Keshf" followed up: [If it were not for my condition that I mention everyone whose work [effort] in the placement was stopped or it was said that this was so then I would not have mentioned him, and Allah knows best], and he did well in that.

And it would have been more apt for Al-Hafith to say about him in summary: (Thiqet, from the most solid people in Iyas Bin Salamah Bin Al-Akoo', and in his tale according to Yahya Bin Abi Katheer a slight wavering, and he did not have a book).

**(Number of words: 11447)**

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- [2] «سنن ابن ماجه» ”Sunen Ibn Majeh”
- 
- [3] «المنتقى من السنن المسندة لابن الجارود» ”Al-Muntaqa min Al-Sunen Al-Musnada li.Ibn Al-Jarood”
- 
- [4] «السنن الكبرى للإمام النسائي» ”Al-Sunen Al-Kubra lil.Imam Al-Nessa’i
- 
- [5] «الجامع الصحيح المختصر» ”Al-Jami’ Al-Sahih Al-Mukhtaser
- 
- [6] «صحيح الإمام مسلم» ”Saheeh Al-Imam Muslim”
- 
- [7] «سنن أبي داود» ”Sunen Abi Dawood”
- 
- [8] «موطأ مالك» ”Mowti’ M’Alik”
- 
- [9] «سنن الدارقطني» ”Sunen Al-Darqeteni”
- 
- [10] «مسند الإمام أحمد بن حنبل» ”Mesned Al-Imam Ahmad Bin Hanbal”
- 
- [11] «المعجم الكبير» ”Al-Mu’jam Al-Kabeer”
- 
- [12] «الأحاد والمثاني» ”Al-Ahad an wa.Al-Methani”
- 
- [13] «سنن الدارمي» ”Sunen Al-Darmi”
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- [15] «مسند أبي يعلى» ”Mesned Ibn-Ya’la”
- 
- [16] «التقريب» ”Al-Taqreeb”
- 
- [17] «المنتخب من مسند عبد بن حميد» ”Al-Muntakhaeb min Mesned Abd Bin Hameed”
- 
- [18] «صحيح ابن حبان» ”Saheeh Ibn HAbaan”
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- [19] «التاريخ الكبير للإمام البخاري» "Al-Tarikh Al-Kabeer li.Al-Imam Al-Bukhari"
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- [20] «المجتبى من السنن للإمام النسائي» "Al-Mujtabi min Al-Sunen li.Al-Imam Al-Nasaa'i"
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- [21] «صحیح ابن حبان» "Saheeh Ibn Hibbaan"
- 
- [22] «مسند أبي يعلى» "Mesned Abi Ya'la"
- 
- [23] «سنن الدارقطني» "Sunen Al-Daraqutny"
- 
- [24] «مسند الإمام إسحاق بن راهويه» "Mesned Al-Imam Is-haaq Bin Rahouyeh"
- 
- [25] «سند الإمام الشافعي» "Sened Al-Imam Al-Shafe'i"
- 
- [26] «شرح معاني الآثار: للإمام الطحاوي» "Shereh Ma'ani Al-Athar li.Al-Imam Al-Tahawi"
- 
- [27] «سنن الترمذي» "Sunen Al-Termethi"
- 
- [28] «المنتقى من السنن المسندة» "Al-Muntaqa min Al-Sunen Al-Musnede"
- 
- [29] «تاريخ بغداد» "History of Baghdad"
- 
- [30] «تذكرة الحفاظ» "Tathkirat Al-Hifath"
- 
- [31] «شرح معاني الآثار» "Explanations of Meanings of the Words"
- 
- [32] «مسند أبي يعلى عن ميمونة فقط» "Masnad Abi Ya'la according to Maymouna Only"
- 
- [33] «مسند ابن الجعد» "Masnad Ibn Al-Ju'ad"
- 
- [34] «المجتبى من السنن للإمام النسائي» "Collector of Sunen from the Al-Imam Al-Nisa'i"
- 
- [35] «التمهيد لابن عبد البر» "The Preamble li.Ibn Abd-ul-Berr"
- 
- [36] «الثقات» "Thiqat"
-

- [37] «المعجم الصغير» "Al-Mu'jam Al-Sagheer"
- 
- [38] «التاريخ الكبير» "Al-Tareejh Al-Kebeer"
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- [39] حديث عن أبي سعيد الخدري "Hadeeth according to Abi Sa'eed Al-Khadri"
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- [40] «ضعفاء العقيلي» "Dhu'afa' Al-Aqeeli"
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- [41] «الكامل في ضعفاء الرجال» "Al-Kamil fi Dhu'afa' Al-Rijal"
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- [42] «تاريخ أسماء الثقات» "Tareekh Asma' Al-Thiqat"
- 
- [43] «فتح الباري شرح صحيح البخاري» "Fet'h Al-Bari Sherh Ssaheeh Al-Bukhari"
- 
- [44] «تاريخ جرجان» "History of Jerjan"
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- [45] «مسند أبي عوانة» "Masned Ibn Awaneh"
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- [46] «المعجم الأوسط» "Al-Mu'jam Al-Awsett"
- 
- [47] «المستدرک علی الصحیحین» "Al-Mustedrik Ala Al-Saheeheen"
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- [48] «الطبقات الكبرى» "Al-Tebeqat Al-Kubra"
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- [49] «مسند أبي داود الطيالسي» "Mesned Abi Dawood Al-Tey' Alisi"
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- [50] «مصنف ابن أبي شيبة» "Masnef Ibn Abi Shaybah"
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- [51] «مسند الشاميين» "Mesned Al-Shamiyyeen"
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- [53] «العلل الواردة في الأحاديث النبوية» "Al-Tell Al-Warideh fi Al-Ahadeeth Al-Nebewiyyeh"
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[54] “Musennef Abd-ul-Rezzaq” , «مصنف عبد الرزاق»

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[55] ”Al-Edeb Al-Mufred” «الأدب المفرد»

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[56] ”Ma’rifet Al-Thiqat” «معرفة الثقات»

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[57] ”Tethkiret Al-Hifath” «تذكرة الحفاظ»

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[58] ”Al-Jerj wa Al-Ta’deel’ «الجرج والتعديل»

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[59] ”Taqreeb Al-Tethheeb” «تقريب التهذيب»

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[60] ”Teththeeb Al-Kemal” «تهذيب الكمال»

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[61] ”Sunen Sa’eed Bin Mansour” «سنن سعيد بن منصور»

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[62] ”Al-Illel and Ma’rifet Al-Rijal” «العلل ومعرفة الرجال»

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[63] ”Dhu’afa’ Al-Aqeeli” «ضعفاء العقيلي»

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[64] ”Al-Teqreeb” «التقريب»

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[65] ”Teththeeb Al-Teththeeb” «تهذيب التهذيب»

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## **Hadeeth**

[H1] «إن الله ورسوله حرم بيع الخمر والميتة والخنزير والأصنام»

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[H2] «إن الله حرم الخمر وثمنها، وحرم الميتة وثمنها، وحرم الخنزير وثمنه»

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[H3] «إنه ليس بدواء، ولكنه داء»

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[H4] «هل شعرت أنها قد حرمت بعدك؟!»،

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[H5] «وان الخمر حرام وثمنها حرام،

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[H6] «وان الخمر حرام وثمنها حرام، وان الخمر حرام وثمنها حرام»

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[H7] «هل شعرت أنها قد حرمت بعدك؟!»،

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[H8] : «إن الله،

عز وجل، ورسوله، حرم عليكم الخمر وثمرتها وحرم عليكم الميتة وثمرتها وحرم عليكم الخنازير وأكلها وثمرتها»

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[H9] (فإنه لا يصلح بيعه ولا شراءه ولا التجارة فيه لمسلم)

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[H10] «أوما علمت يا أبا فلان أن الذي حرم شربها: حرم بيعها؟»

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[H11] «بأغها طهورها»

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[H12] «لعن الخمر وشاربها وساقياها ويأثعها ومبتاعها وعاصرها ومعتصرها وحاملها والمحمولة إليه وأكل ثمنها»

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[H12] «لعنت الخمر وشاربها وساقياها وعاصرها ومعتصرها وحاملها والمحمولة إليه ويأثعها ومبتاعها وأكل ثمنها»

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[H13] «فإن الله قد حرمها!»

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[H14] «أنهاكم عن قليل ما أسكر كثيره»

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[H15] فما كان من خمر فقليله وكثيره حرام، وما كان مما سوى ذلك من الأشربة فأسكر منه حرام،

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[H16] «الخمر من هاتين الشجرتين: النخلة، والعنب»

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[H17] : «إنما الأعمال بالنيات، وإنما لكل امرئ ما نوى»

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# **إشكاليات حول بعض المشروبات والمطعومات**

## **الملحق الثالث**

### ***Objects of Dispute around Some Food and Drink Substances***

#### ***Appendix Three***

**Prof. Muhammad Al-Massari  
London**

**Monday: 29<sup>th</sup> of the month of *Safar* in the year *1425 Hijra* calendar  
Corresponding to 19<sup>th</sup> April 2004 AD  
(Edited last on 27<sup>th</sup> February 2008)**

## الملحق الثالث: قواعد في (النجاسات)

### Appendix 3 – Rules governing the Najasaat [impurities or abominations]

Najasaat is the plural of Najaasah – which translates as impurity or abomination; Najis is the adjective (masculine) meaning impure, and Najisah is the corresponding feminine adjective.

There is exaggeration and wavering in the forbiddance of drinks which contain a small percentage of alcohol, and there is also greater wavering, and greater fear, from some of the food or drink substances which may contain traces of animal products taken from pigs or from animals which have not been slaughtered according to the ways which conform to Shari'a law, or others of (Najasaat) [impurities or abominations], which are not allowed to be eaten. And no doubt the population of Muslims here are excused in having this apprehension and feelings of anxiety because of the variations in the opinions of the [religious] authorities, and what became mixed up with it from utterances based on faulty premises, or false guidelines, or from even being swept along by the psychological lapses that one can barely escape when looking into the subject of (Najasaat) [impurities or abominations].

And in order to escape from this uncertain state it is necessary to conform to the texts of the Shari'a [religious law] in a structured and firm way, and one must overcome the personal [psychological] lapses through the strict adherence to an exact [structured] logical view, and this can only be achieved by starting from the following rules:

**First Rule: (Najaasah) [Impurity or Abomination]** in the sense of the rules of Shari'a law, which is also: **(Najaasah) [Impurity or Abomination]** in the sense of the rites-of-worship, is a religious [according to Shari'a law] and, in the sense of the rites-of-worship, which is a ruling in the text of the religious-legislator only, without any additions or reductions. For it is not necessarily connected: with the personal [psychological] aversion, nor with health risks. Yes: there may be rulings covering them, and considerations for the personal [psychological], health, artistic, or taste aspects, but these are not justifications around which the rulings should exist or not. Some examples of that are:

-The urine of a person is a Najaasah [impurity], its impurity has been established definitely, through the solid and definite pieces of evidence which have been transmitted through the method of Tawaatur [many mutually corroborating narrations with the same wording and/or meaning], and general agreement of the learned experts, and despite that the majority of people do not consider the urine to be filthy, or at least one's own urine. And although a person might jump in disgust if the spit of another person fell on his hand, and maybe he would hurry to clean it excessively with water and soap and detergents, although what is correct is: the saliva of a person is pure ritually. Therefore, Najaasah [impurity] from the

point of view of the rites of worship, is not necessarily connected to the personal [feeling] of disgust!

-The majority of people do not allow the presence of mud on their clothes, and they consider it to be dirty and has to be removed, and may be they would scold their children if they came back from parks and playfields with muddy clothes or if their heads or bodies were covered with dust, and so they rush them to the bathroom. Although mud is pure from the point of view of the rites of worship, and also the dust. In fact dust purifies that is to say it is pure in itself, and it purifies others. So the usual cleanliness according to personal taste is not necessarily connected to [religious] purity from the perspective of Shari'a [religious] law and rites of worship;

-Fresh pure water that had been mixed with poisonous substance which is fatal for anyone who swallowed it, but is suitable for external use by rubbing it on the skin, and whose colour or smell had not changed, was and still definitely pure in itself, and is a purifier i.e. it can purify others, can be used for Wudhou' [ablution] and for washing, and for purifying the ground and the clothes from impurities, but it is not possible to drink it because of the danger of poisoning, and not because of Najaasah [impurity]. Therefore: the rites-of-worship Najaasah [religious impurity] is not necessarily connected to health risks!

-It is possible that **(the wisdom)** in the designation of "excrement" as a Najaasah [an impurity] is that it is full of germs, as claimed by some of those those "Rationalist", with no sense or reason. For if it were boiled under high pressure in order to destroy all remaining germs it contained, and remove the health risk, then what would be left would be matter without any significant benefit, but also no health harm. But despite that, this matter remains a Najaasah [an impurity] under the rule of Al-Shari'a [religious law], as long as it has the constitution of excrement, and its make-up is the make-up of excrement, that is to say as long as it remains deserving of the name excrement. Thus even if the **(wisdom)**, in other words: (objective), or (ultimate goal) from the ruling of the religious-legislator in designating the excrement as impure is that that it is harmful to the health, the rites-of-worship Najaasah [religious impurity] is not connected to that whether such harm exists or not, but it is connected to it being a specific specimen called (excrement) only. Therefore, the rites-of-worship Najaasah [impurity] is a religious-legal ruling in the text of the religious-legislator only, no more and no less.

And we beg the forgiveness of Allah that mention this alleged **(wisdom)**, indeed we believe that the designation of excrement as Najaasah [impurity] was perhaps enacted in order to elevate man in the standing of humanity, and distance him from the lowest level of animals, because the animal is not repugned by its excrement, and does not distance itself from its urine and does not cover its private parts. Perhaps it was enacted for other reasons, or for a collection of complex compounds of collaborating reasons, and this is not part of our research here.

**Second Rule: (Najaasah) [Impurity or Abomination]** in the sense of the rules of Shari'a law, and it is also: **(Najaasah) [Impurity or Abomination]** in the sense of the rites-of-worship, is a ruling related to what has a physical **(essence)** which is tangible and is made up from the matter of this universe with characteristics and a specific name, and it [the ruling] has an inevitable link to this physical **(essence)**, thus there is no relation to the actions of a person or to his intentions. For if a

person burnt the excrement deliberately, or if the excrement burnt accidentally, until it turned into ash, then it is no longer called Najis [impure] excrement, for it pure ash in itself, regardless of the guilt of the one carried out the action deliberately or the non-guilt. And also Najaasah in the clothes is removed when they are [actually] washed, and its removal which is perceptible, regardless of the washer's awareness of its existence, or the existence of the intention to remove it, or the existence of the rites-of-worship intention and the seeking of purity, indeed not even regardless of the faith [belief in Islaam] of the washer or the absence of such a faith, whereas (Thawab) reward for the purification process is connected to the faith of the washer and his consciousness: in other words the "presence of his heart and mind", and his intention. Especially in consideration of Allaah's saying, {*Wa Thiabaka Fattah-hir*} {and your clothes you must purify [them]}, (Al-Muddaththir, 74: 4), and what appeared in the noble Hadeeth from the Prophet: [H18] "Purity is half of faith" and [19] "It is that Allah will not accept prayer [Salat] without preceding purification".

**Third Rule:** The original state for every essential being in the universe is purity (exactly like the original state is permittance), there is no difference between solid, or damp, or liquid, or gas (or: plasma, meaning ionised gas). And there is no difference between pure matter (like distilled water) or a solution (which are substances dissolved in a solvent: such as salt water) or a homogeneous mixture (such as milk and oils and suspensions and powders) or a non-homogeneous [mixture] (such as stones, soils [dust] and blood and most of the substances in the universe). And there is no difference between simple or compound. And no difference between dead or alive, nor between dead and what used to be alive. All of it with its different types and and single instances is permitted [and] pure, unless a [noble] text came to forbid it then that essential being would be forbidden, but it is not designated as Najaasah [impurity], unless there is proof from that same [noble] text which ruled its forbiddance, or in another [noble] text. Or if a [noble] text came which designated it as Najaasah [impurity] then that essential being becomes Najaasah [impure], that is to say its (Najaasah [impurity state]) has been mandated under the rule of the law of Shari'a.

And the essential being which is Najis [impure] is not forbidden, that is to say none of the actions of a person, which are connected with this essential being, are forbidden, unless:

- (1) This is mandated by the necessity of the [conceptual] understandings which are associated with it being Najaasah [impurity]
- (2) Or this appears in another [applicable] text which transforms it from being permitted to being forbidden;

**Proof of this:** is what appears in the [noble] texts proving the permittance and purity of everything in the universe as it is specified in the books dealing with Usul-ul-Fiqh (the principles of Fiqh, Fiqh knowledge of revealed law), and the books of Aqeedah [Creed] and Tawheed [Monotheism], like His saying, blessed be His names: {*Wasakhkhara lakum ma fee alssamawati wama fee al-ardi jameeAAan minhu inna fee thalika laayatin liqawmin yatafakkaroon*}

045.013

**YUSUFALI:** And He has subjected to you, as from Him, all that is in the heavens and on earth: Behold, in that are Signs indeed for those who reflect.



**PICKTHAL:** And hath made of service unto you whatsoever is in the heavens and whatsoever is in the earth; it is all from Him. Lo! herein verily are portents for a people who reflect.

**SHAKIR:** And He has made subservient to you whatsoever is in the heavens and whatsoever is in the earth, all, from Himself; most surely there are signs in this for a people who reflect.

(Surah Al-Jaathiya; 45:013), and others of the very many [noble] texts.

**Fourth Rule:** Najaasah is a concept which is independent of Hurmah [forbiddance]: for the essential being which is Najis [impure] is not forbidden, that is to say none of the the actions of a person connected to it are forbidden, except what we have already mentioned, and it is:

- (1) This is mandated by the necessity of the [conceptual] understandings which are associated with it being Najaasah [impurity]
- (2) Or this appears in another [applicable] text which transforms it from being permitted to being forbidden;

And as for the forbiddance of a thing, or a specific (**essential being**) then it means forbidding all the actions of a person which are **normally** associated with it, apart from what has been excluded by the text of the Shari'a [religious law], or that must be established through the necessities of perception, sense and reason

And corresponding to that, and on the opposite side from it, is the forbiddance of an action or actions connected with the (essential being) which are specific and upon which its Najaasah does not depend, for the wearing of silk is forbidden for male Muslims, permitted for female Muslims, but silk is pure in any case.

**Fifth Rule:** If the essential being is subjected to the operation which a text of Shari'a decrees as purifying, then it becomes pure, even if the change in itself is small and limited so that its name does not change, or the change is limited to some of its properties, or if its name changed but it remained within the the framework of its sex or class, then it becomes pure.

**An example will provide clarification:** The purification of the skin of dead animals happens through the process of (**Tanning**) in the text of the religious legislator, even though it is still skin, and the change that occurred to it is quite limited, as we have given it comprehensive analysis in **Appendix Four**; So this is due the text of Shari'a and its ruling. The revealed text of Shari'a is the one that has sovereignty, supremacy and final ruling.

And from the first point, therefore [we conclude that] the (essential being) which is Najis becomes pure if it changed in a fundamental way, and that is by nullifying this (essential being) and transforming it into a different (essential being), that is to say into something else, with another name, whether this happens through a method which is known now, or will be devised in the future. Imaam Abu Muhammad 'Ali bin Hazm Al-Andalusy said with an example of this:

\* As it appeared in [66] (Chapter: 1 Page:138): [And also if the characteristics of the (essential being) which is Najis [impure] or Haram [forbidden] are nullified so that its present name by which it is known, and under which that ruling applied, is no longer valid and now became known by a different name which is permitted and

pure then it is no longer what was Najis [impure] or Haram [forbidden] but has become another thing to which another ruling applies. And also if the characteristics of the (essential being) are nullified so that its present name by which it is known, and under which that ruling applied, is no longer valid and been transferred to a different name which is forbidden or Najis [impure] for it is [no longer] that thing but has become a different thing with a different ruling: like the juice which becomes Khamr [intoxicant], or Khamr which becomes vinegar, or the meat of pigs which is eaten by chicken so changes inside it to chicken meat which is permitted, and water which changes into urine, and food which becomes excrement, and waste and urine are used to fertilise the soil so they return permitted fruit and there are many examples of this. And like a drop of water which falls in Khamr or a drop of Khamr which falls in water and there is no noticeable trace of that, and so it is with everything. And the rulings are for the names and the names belong to the characteristics which as far as they are differentiates between the different types]

**Proof of this:** The general rules of Shari'a, which are built on the necessity of perception, common sense and reason, and especially the second and the third rules which have been mentioned before in this research. Some examples of that follow:

- (1) Meat of pigs which is burnt completely, so it becomes ash: for this ash is pure, and it is not the meat of pig which is Najis;
- (2) Or excrement which has existed for thousands of years, so it solidified and turned into stone, for this is a piece of stone (fossil), and not excrement;
- (3) A chemical reaction which transforms an (**essential being**) which is Najis to another essential being where no text [of Shari'a] designating it as Najis, or to a new essential being which did not exist in this world originally, like the new chemical compounds, for they are therefore by necessity according to the third rule pure and permitted, unless there is proof to show otherwise. And from the clearest examples of that are:

- (A) Formerly: The people of Yemen used urine in the dying of clothes. And there is no doubt that some or all of the constituents of urine enter into chemical reactions, which fix the dye, that is to say it is transformed chemically into part of the make-up of dye (and the rest goes during the wash after completion of the dying process). And the Prophet, may the prayers and the peace and the blessings of Allah be upon him and upon his family and descendants, wore these clothes, and his Companions wore them without disproof. And when 'Umar bin Al-Khattab, may the contentment and the peace of Allah Be upon him, wanted to prohibit that during the days when he was Kaliph they objected to him and they prevented him, so he backed down. And it was also proven that that Imaam Muhammad bin Shihaab Al-Zuhri wore those clothes which had been dyed using urines.
- (B) Presently: Production of what is known as animal coal from the bones of animals through the process of destructive distillation. For this animal coal is pure and permitted, regardless of the type of bone from which it is made: pure permitted bones, or bones of dead animals, or bones of pigs. So there is no harm then in using it in the whitening of sugar, or [in the making of] protective masks for use against poisonous gases, or even in eating it for those who can find a taste in it. And this is how the treatment

should be for each Najaasah that has undergone a chemical reaction so that a new material is produced [from it]!

- (4) The digestion and and assimilation that take place within an organism, as the chicken which eats the meat of pigs, or the dead animals, and others which are Najasaat and dross, for what is eaten is transformed through the process of digestion and biological assimilation into constituents of the body of chicken, and it is permitted and pure, in fact delicious and apetising;

And we are quick to say that Shari'a has forbidden, through an exception in a special text, the meat of Jallaalah and its milk. Jallaalah is the livestock animal which eats dung, contrary of its normal feed of shrubs, greens and trees. There is no contradiction here in this difference from the status of chicken. For the chicken is capable in the way it was created to digest Najasaat that it eats through the secretions of its strong craw, and to assimilate it in a way which removes its impurity. And it is its natural diet. And as for those animals which eat shrubs like camels and cows and sheep then its digestive system is not capable to destroy what is in the dung from Najaasah. The immediate perception of reality and also the experience from history, proves the wisdom of the Islamic legislator in this, as happened in the catastrophe of (**mad cow disease**) which originated from feeding cows feed manufactured from the waste of meat and spilled blood and dung, which cannot be properly purified by their digestive systems, and its biological processes are not capable of assimilating it in the normal way, so beware, beware!

**Sixth Rule:** If large quantities of the matter which is pure dominate over small quantities of Najaasah in a mixture so that no trace of it appears in in terms of colour or taste or smell, or other signs then the mixture is pure. And if the elementary matter which was dominant pure, such as purifying water, or purifying dust, or purifying earth, then not only would the mixture be pure, but it would also be purifying, that is to say it purifies others. Also for the Halal [permitted] matter: if large quantities of the Halal [permitted] matter dominate over small quantities so that of the forbidden matter so that no trace of this forbidden matter appeared in the mixture, or a small trace appeared which can be ignored, then the mixture will be Halal [permitted] in its entirety, and can be eaten.

**Proof of that:**

(1) It has been proven that the Prophet of Allah, may prayers and assents and blessings from Allah be upon him and upon his family and descendants, that he ordered for a Thanoub of water to be poured (Thanoub is a large bucket) over the urine of an ignorant man from the bedouines who urinated in Al-Masjid Al-Nabawi [The Mosque of the Prophet], the most pure and honourable and revered piece of land after the Beit-Ullah Al-Haram [the sanctified House of Allah]. And when the pure water dominated (and perhaps there was around fifteen litres or so) the impure urine (and perhaps its quantity did not exceed half a litre), and it ran into the soil of the earch (and the floor of the Al-Masjid was then of soil, was not tiled and was not carpeted), the area became pure, and was fit for praying after it dried. And there are other proofs elsewhere in this Appendix. By necessity we know that urine does not vanish into nothing, and it does not flow in its entirety miles away from the surface of the earth.

(2) That a slight trace of cooked blood may appear as a red mark at the top of the pot, but they did not worry about it unduly, and did try to scrape it off excessively and throw it on the ground, as it was reported as correct according to Um Al-Mu'mineen (raa) despite that the forbiddance of blood, and especially spilt blood, is definite, with no doubt in it.

(3) What we have established in Appendix Four, in a special chapter, that (cheese is permitted, even though it contains the dead Anafeeh [rennet from carrion]), and this cannot be imagined except that the amount of Al-Anfiheh that is used is very small, for it is nothing but an enzyme which acts as a catalyst for certain reactions so its actions have a large impact despite the smallness of the quantity being used, but it is the quantity used only which is the one taken into consideration.

(4) If the blood of menstruation, and it is Najis [impure] by collective opinion, falls on a dress [or shirt] then it is sufficient to scrub it and wash it with water and Sidr tree leaves [Lote tree], or what be substituted for Sidr like soap or detergents, so the dress [or shirt] will be purified although a yellow stain from blood may remain.

And similar to that was said by Imaam Abu Muhammad 'Ali bin Hazm Al-Andalusy in [66], (Chapter 1 Page: 135): **[Question:** and everything which is liquid [or has melted] from water or oil or fat or milk or gravy or [livelihood] whatever it may be, if a thing fell in it which is Najaasah or something forbidden that must be avoided or a dead animal and that changed the colour of what it fell into or its smell then all of it becomes rotten and forbidden to eat and one must not use it or sell it. But if it did not change the anything from the colour of what it fell into nor its taste nor its smell then this liquid [or what has melted] is permitted to eat or drink or use if that is how it was before and Wudhou' [ablution] is permitted with this water [liquid] and using it purify by washing in it also and selling what was permissible to sell before this is Halal [permitted]. There is no requirement of disclosing this [to a prospective trading partner]. It is in the same category as that in which has fallen spittle or mucus]

**Seventh Rule:** A thing which is pure will not become Najis [impure] when it meets or faces or contacts or is stuck to what is Najis, never, as long as it in itself and its matter are independent. Indeed what is pure will not become Najis [impure] even if it is mixed with or combined with or even dissolved in what is Najis, but the mixture or combination or solution is ruled to be Najis and this must be so, because what is pure cannot be accessed without accessing what is Najis. And if it is possible to separate them, then the mixture does not exist at all, because its characteristic of being a mixture is nullified, and the constituents of what had been mixed return to individually and separately each one to its original state: what was pure is now pure as it was before the mixing, and during the mixing, and after the separation, and what was Najis returns to being Najis, its first state, as it was before the mixing, and during the mixing and after the separation.

The Imaam and authority Abu Muhammad 'Ali bin Hazm Al-Andalusy ruled similarly on this subject in [66] (Chapter: 1 Page: 137): [And if it changes colour because of what is mixed with it from Najis or Haram [forbidden] or if it changes taste or if changes smell when this happens then we are not able to use what is Halal [permitted] without using what is Haram [forbidden] and using what is forbidden in eating or drinking or in the Salat [praying] is forbidden as we said and so one must refrain from it, not because it is forbidden and its (essential being) has not been

made Najaasah [impure]: and if we could remove the Haram [forbidden] and the Najis [impurity] then it would be Halal on its own account. And also if the Najaasah or the Haram were on a pure being and we removed them: then Al-Najis [impurity] would not be purified and what was forbidden has not been made permissible, but they [it] have been removed: so we can then use it as Halal [permitted] and pure as it was]

**Proof of this:** What we have said in the previous rules of the pure maintaining its purity until proof comes from a text or by necessity through perception or common sense or if it has turned into a Najis.

**And another proof, by reduction ad absurdum:** When the opposite assumption [assuming that the opposite is true] leads to an infinite regress, and because an infinite regress is not valid, then it follows that the premise [assumptions] that head to it are also invalid, as explained Imaam and great authority Abi Muhammad ‘Ali bin Hazm Al-Andalusy:

\* As it appeared in [66] (Chapter: 1 Page: 137): [And if water became Najis because what it encounters from Najasaat then nothing would ever be pure because if it was poured over Najaasah to wash it then it [water] would, according to them, become Najis, without any other option, and if it became Najis then it would be necessary to purify it and so on for ever for then the sea and the flowing rivers all of them would become Najis, because if the water that was mixed with Najaasah became Najis then it is necessary that any water that touched it would also become Najis then anything which touched this would also become Najis, and so on for ever (ad infinitum) and there is no escape from this. So if they said about something in this that it does not become Najis: then they abandoned their (false) argument and returned to what is true]

**Some of the applications of this important rule:** Using substances that are Najaasah or forbidden to help prepare food and drink, then removing them after they have accomplished their mission, does not affect the final product which remains pure and permitted, and some example sof that are:

- (A) Using some types of membrAnas made from (Animal Gelatin), which are made of dead animals or pigs, in order to clean the juice of fruit from some type of muddiness, then removing them totally and completely. Then the food and drink did not and will not become Najis because of mixing or because of coming into contact with matter that was Najis or forbidden, and there is no presence for the substance that was Najis or forbidden in the final product. And even if the substance that was Najis or forbidden was present in the final product, then it would be in traces, which are in very small quantities, that can be ignored and overlooked according to the previous rules.
- (B) The use by the people of Yemen of the urine in dying colthes, as mentioned before, and then washing away what has not been used from the urine matter by means of a chemical transformation in the process of dying, so nothing of the Najaasah of urine remains in the clothes (or the matter of (urine) remains in small quantities without colour or smell or taste, so it can be ignored).

And this does not necessarily mean that such a use is allowed for Muslims, for this may or may not be. But even if this specific use was forbidden, and a Muslim who defied Allah did it, and so he committed a sin, and deserved punishment, or if a

non-muslim did it, and he is not obligated by the rules of Islam regarding the procedures and rites of worship, nor in the food and drink substances, then the final product would not be affected by that, (but) it stays permitted and pure, because (**Najaasah**) is a ruling for the (**entity**) or the (**essential being**), and is not for the (**action**) or the (**intention**).

**And another application:** Najaasah which is clear and proven, or forbidden drink, which falls in in oil or melted fat, so that it cannot be economically separated, there is no doubt that its consumption is forbidden, but the oil or melted fat is still fit for use as fuel for lighting, so there is no harm in using it for this purpose, and that includes selling it, buying it, or trading in it (of course with an explanation of its state and the fact that it is for lighting only, and not for eating) because the useful benefit and the selling applies to the oil which is pure and permitted, and not to Najaasah which is forbidden, and this is the Math-hab (adoption) of a crowd of Fuqahaa' (authority of Islamic law) from the Companions, and some of the Imaams of Fiqh after them.

\* It appeared in [66] (Chapter: 1 Page: 138): [And as for permitting its sale and use for lighting: why it is the sale of the permitted gist not of what is mixed with it from what is forbidden and selling what is permitted is permitted as it was before and whoever claims otherwise has to produce evidence. And from those who permitted the sale of melted substances [liquids or fluids], in which A-Najaasah has fallen, and benefiting from it are: 'Ali, Ibn Mas'ood, Ibn Abbaas, Ibn 'Umar, Abu Musa Al-Ash'ari, Abu Sa'eed Al-Khudri; Al-Qaasim, Salim, Atta', Al-Leith, Abu-Haneefeh, Sufyaan, Is-haaq and others]

#### **\* Objections to the seven rules**

Perhaps the seventh rule is the one which has been the subject of the largest number of objections, attempts at confutation and the raising of doubts. These are mostly objections based on a superficial hurried reading of the texts, some of it:

**First Objection:** Some people may object that the prophet (saas) said [H20] "Tanning purifies the skin" when he wanted to drink water from a Qirbah [skin container], when it was said to him: (It is from carrion), so as though they understood him to have said (That water becomes Najis when it adheres to the skin of Qirbah which is a Najaasah), if it were indeed a Najaasah in reality. But we say: it is possible to think in this way, but it is false, because his text only says [H20] "Tanning purifies the skin", so he counselled them that the tanning process of carrion skins purifies them (as explained in the Appendix No. 3 with great detail), that is to say he gave them new knowledge [information], and he put their minds at rest by removing what was troubling them from fear of Najaasah. But on this occasion he did not speak of water, neither to prove purity, nor to deny it.

But Allah, Greatest is His Majesty and highest is His Rank, said: *{Wahuwa allathee arsala alrriyaha bushran bayna yaday rahmatihi waanzalna mina alssama-i maan tahooran}*, (AL-FURQAN (THE CRITERION, THE STANDARD) 025.048

*YUSUFALI: And He it is Who sends the winds as heralds of glad tidings, going before His mercy, and We send down **pure** water from the sky,-*

*PICKTHAL: And He it is Who sendeth the winds, glad tidings heralding His mercy, and We send down **purifying** water from the sky,*

*SHAKIR: And He it is Who sends the winds as good news before His mercy; and We send down pure water from the cloud,*

For water was originally created pure, in fact it is a purifier: in other words it purifies others and removes their impurity. The Prophet (saas) said, on another occasion: [H21] “That water is a purifier nothing can make it Najis” and was told according to him [H22]: “If the water was two jars [Qullatayn] then it would not carry the froth or scum [Khabath]”, or as he said, may the prayer of Allah be upon him and upon his family and descendents, other than that which will take long to list. It is impossible, and cannot be, that is that he is the Messenger of Allah who is infallible in preaching the word of Allah, and some of what he says is true and the rest of what he says is false. But all of his sayings then are true, and all of them have to be enacted, and all of them have to be honoured. Especially since it is not possible, and cannot be accepted by the necessity of perception and reason that the the entire Shari’a is contained within one verse only, or in only one Hadeeth, or in discussion of a single event. For one must take from all of the well-established texts, and one must enact all of them, and honour all of them, and combine one with the other according to the the exact procedures of the Shari’a and the exact rules of logic and common sense in the application of the of the rules of Usul-ul-Fiqh so that it produces a Shari’a (a body of law) which is all inclusive, consistent and integral, which does not contain any contradictions.

Actually if the skin is not tanned then it would normally be affected by decomposition and rotting, just as the dead rot, and especially if it had the shape of Qirbah [water containr made of skin] which is enclosed and is used to hold water. And most of these decomposing rotting substances, would dissolve in water causing its colour or taste or smell to change, or for all of these changes to take place, and this will not be hidden from the person who wants to drink, so if the Najaasah appeared like this, then what is in Qirbah is then a contaminated mixtutre of pure water and rotting matter which is Najaasah, and with the difficulty of separating what is Najis and removing it, then the mixture is therefore Najis, as we have conclude previously, so there is no room for the objection which we have mentionedm or for sinking in imaginary hypothyse.

**Second Objection:** They may object, especially the followers of Imaam Al-Shaafi’y and Imaam Abi Haneefeh, to some things among them: his saying, (saas) [H22]; and the cited Hadeeth according to the Messenger of Allah (saas), in the the necessity for washing the vessel from the spittle (drinkin) of a dog seven or eight times one of which must be with soil [dust], and of spilling what is in it; and by his command (saas), that he who wakes up must wash his hands three times before he uses them in Wudhou’ [ablution] because he does not know where his hand slept; and by his command (saas), he who urinates in still water must not use that for Al-Wudhou nor for washing;

They said: (For these Hadeeths prove that water can accept Najaasah if it did not reach a certain limit). And they said: (Qullataan [two jars] is a specified measure so Najaasah will not be accepted by it).

And as for the Hadeeth of (Qullatayn) they became confused about the specification of (Qullatayn), for some of the Companions of Abi Haneefeh said: (Qullah is the highest point of a thing [a person] so the meaning of Qullatayn here is two fathoms [fathom is six feet])! But this is absolutely false, it has no basis in the language or in Shari’a, and it also contradicts the Hadeeth of the well of

Budhaa'ah, which will follow shortly, because the well of Budhaa'ah definitely did not contain two fathoms of water, for the maximum height of water in it would reach the pelvis of a person who is standing, or half a fathom, and not two fathoms. And despite that the companions of Abi Haneefeh disagreed with this false estimate, which they had estimated for themselves, for the well even if it has two fathoms or three it can according to them still become Najis and has to be drained.

And Al-Shaafi'y said: (Qullatayn are from the Qilaal of Hajar, and it is that Qilaal of Hajar of a single Qullah is two Qirbah or two Qirbah and something), and Al-Shaafi'y said: (One Qirbah is a hundred pounds), and Ahmad bin Hanbal also spoke about that, but he did not specify in Qullatayn a limit more than that he once said that Qullataan were four Qirbah and one time he said five Qirab and he did not specify it in pounds, and Is-haaq bin Raahawaiyh said: (Qullataan are six Qirab).

And I don't know where from Imaam Al-Shaafi'y came up with such a huge Qirbah?! So may be it is from the skin of a camel(!). And we are not aware of Qirbah which are made up from the skin of sheep to be of such a gigantic size, and if Qilaal of Hajar are as large as this then it would be better to call them (Zeer) [cask, very large container of liquids]. And in any case describing Nabiq [the fruit of the Lote tree] of Paradise (as shown to the Prophet in a vision or a dream) to be like Qilaal of Hajar is not necessarily restricted to mean that it has a large size, but the meaning could extend to refer to its well being and its beauty and its ornamentation. May be the Qilaal of Hajar were normally embellished and decorated. Moreover the claim that Qullah in the Hadeeth are from the largest Qilaal made of stone is a false claim as it is an arbitrary and imaginary judgement as well as an insertion of an utterance in a Hadeeth which was never intended!

And appears in [67] (Chapter: 1 Page:37): [And as for the restriction to Qilaal of Hajar: It was never narrated as elevated [elevated means: attributed to the Prophet] except in the narrative of Al-Mughirah bin Siqlab at Ibn 'Adiy, but his narrations (Al-Mughirah bin Siqlab's narrations) are objectionable and must be rejected. Al-Nufaili said: (He was not trustworthy in his Hadeeth), and Ibn 'Adiy: (In general his Hadeeths are not followed-up or corroborated). But the companions of Al-Shaafi'y strengthened the view that what was meant was Qilaal of Hajar because the Arabs used it a lot in their poetry as said Abu 'Ubayd in the Kitab Al-Ttuhoor [book of purification]. And also these restriction to them appeared in the correct and authentic Hadeeths. Al-Bayhaqy said: (Qilaal Hajar were famous for them, and this is why the Messenger of Allah described what he saw during the night of Al-Mi'raj the Nabiq of the "Sidrah of Ultimacy" (Sidrah is the Lote tree) as resembling Qilaal of Hajar). Al-Khattaabi said: (Qilaal of Hajar are well known in their make and well known as a quantity. The word Qullah is a word describing various things. After specifying "container" as one possible meaning it still could describe the big and the small container. The evidence that it is for the big ones is that the legislator made the limit estimated using it which indicates that he pointed to the largest – for there would be no use in estimating it using two small Qullatayn when he had the ability to estimate with one large one). **It is apparent how much unfounded artificiality and abuse this saying contains].**

Wakee' and Yahya bin Adam said: (Qullah is Al-Jarrah (pot or vessel made of clay)), and it was also the saying of Al-Hasan Al-Bassri: (Any Jarrah was then a Qullah), and it is the saying of Mujaahid and of Abu 'Ubayd. Mujaahid said: (Qullah: Al-



Jarrah [pot or vessel made of clay]), and Abu 'Ubayd did not place a limit on Qullah's size.

So (Qullah) is definitely a (Jarrah), (pot or vessel made of clay), whichever it was, and this wording: (Qullah) is still in use in the Egyptian countryside to describe Jirar, (pots or vessels made of clay), which are prepared for drinking, and I have seen them and have drunk from some of them, and some of them are large and some are small. The large ones are carried easily by women on their head, and perhaps it does not contain more than ten litres of water.

\* In [1] appeared another estimation for (Qullah) which is nearer to what is sensible: [Abu Bakr bin Al-Haarith Al-Faqeeh told us, 'Ali bin 'Umar Al-Haafiz told us, Abu Bakr Al-Nisaboori told us, (H), Abu Hamid Ahmad bin 'Ali Al-Razi Al-Haafiz informed us, Abu 'Ali Zaahir bin Ahmad informed us, Abu Bakr Abdullah bin Muhammad bin Ziad Al-Nisabouri told us, Abu Humayd Al-Mississi informed us, Hajjaaj informed us, bin Jurayj said: Muhammad informed me that Yahya bin Akeel informed him that Yahya bin Ya'mur told him that the Prophet (saas) said: "If water was Qullatayn [two of Qullah] it would not carry Najas nor harm"; he said: I said to Yahya bin Akeel: ([Is it] Qilaal Hajar?!), he said: (Qilaal Hajar!), he said: (I guess that every Qullah takes two of Faraq), Ahmad bin 'Ali added in his narration: (Faraq is sixteen pounds)].

I said: this is nearer to what is reasonable for a Qullah to hold two of Faraq, or about eleven litres, in contradistinction to Shaafi'y's giant Qullah!

And they contradicted each other so they differentiated between running water and still water claiming that running water if it was mixed with a Najaasah it passed, and what is behind it is pure, although they knew definitely that what is mixed with Najaasah if it flowed downwards then it would flow as Najaasah, according to their false premise, and they permit for it to be drunk when flowing downwards and for it to be used in ablution, although it had become Najis, or that Najaasah was mixed with it, according to what they claimed, so they fell into the same [trap] from which they tried to escape.

May be they argue: (We have made the difference between running water and non-running water due to the fact that the prohibition for urinating in water which was **for still water only**)! We respond: (You are right and this is the truth. This is the command from the Prophet himself. But the same report talks only about the one who urinates himself, with no mention of any others at all: So why have you exceeded the text and you made every person in the world addressed by that command, and you inferred from that that water was Najis?!). We will discuss this in detail shortly.

Such wavering and contradiction cannot be from Allah: *{Afala yatadabbaroona alqur-ana walaw kana min AAindi ghayri Allahi lawajadoo feehi ikhtilafan katheeran}* 004.082

*YUSUF'ALI: Do they not consider the Qur'an (with care)? Had it been from other Than Allah, they would surely have found therein Much discrepancy.*

*PICKTHAL: Will they not then ponder on the Qur'an? If it had been from other than Allah they would have found therein much incongruity.*

*SHAKIR: Do they not then meditate on the Quran? And if it were from any other than Allah, they would have found in it many a discrepancy.[ 004.082 AN-NISA (WOMEN)]*

*{Afala yatadabbaroona alqur-ana am AAala quloobin aqfaluha 047.024*

*YUSUF'ALI: Do they not then earnestly seek to understand the Qur'an, or are their hearts locked up by them?*

*PICKTHAL: Will they then not meditate on the Qur'an, or are there locks on the hearts?*

*SHAKIR: Do they not then reflect on the Quran? Nay, on the hearts there are locks. [047.024 MUHAMMAD (MUHAMMAD)]*

But what was narrated according to him (saas) [H22]: "If the water was Qullatayn [two jars] then it would not carry Khabath [the froth or scum]" is a text specifying that what exceeded Qullatayn does not carry the froth [or scum], and in it there is originally no talk about water less than Qullatayn: whether it accepts the froth or whether it does not.

The truth is: it does not accept Khabath at all due to the ruling of another Hadeeth: [H21] "That water is a purifier nothing can make it Najis", so he mentioned (Qullatayn) in the first Hadeeth but that was in the appropriate context because the question was about ponds of water in the desert and country side that are frequented by livestock and predators:

\* And as appeared in [47] in a correct and authentic Isnaad (Reference chain) up to 'Ubaydullah bin Abdullah bin 'Umar: [Abu 'Ali Muhammad bin 'Ali Al-Asfara'eeni told me from the original manuscript (I asked him), 'Ali bin Abdullah bin Mubashshir Al-Waasitty told us, Shu'ayb bin Ayyoub told us, Abu Usamah told us, Al-Waleed bin Katheer told us, according to Muhammad bin Ja'far bin Al-Zubayr and Muhammad bin Abbaad bin Ja'far, according to 'Ubaydullah bin Abdullah bin 'Umar, according to his father, he said: the Messenger of Allah (saas) was asked about water that was frequented by livestock and predators, so the Prophet (saas) said: [H22]: "If the water was Qullatayn [two jars] then it would not carry Khabath [the froth or scum]". Then Imaam Al-Haakim said: (And that the correctness and firmness of this report has been established. It is apparent that Abau Usamah had reported the Hadeeth according to Al-Waleed bin Katheer, according to both of them (Muhammad bin Ja'far bin Al-Zubayr and Muhammad bin Abbaad bin Ja'far), for Shu'ayb bin Ayyoub Al-Ssarifeeny, is a reliable trustworthy narrator, and so is the route to him. Al-Waleed bin Katheer was corroborated and followed-up on his report by Muhammad bin Is-haaq bin Yasaar Al-Qurashy narrating from Muhammad bin Ja'far bin Al-Zubayr).

\* And the follow-up mentioned above came in [47]: [Abu Al-Abbaas Muhammad bin Ya'qoob told us, Muhammad bin Khalid bin Khaly Al-Himssi told us, Ahmad bin Khalid Al-Wahbi told us, Muhammad bin Is-haaq told us, (also: Abdullah bin Al-Hussein Al-Qadhi told us in the city of Marou, Al-Haarith bin Abi Usamah told us, Yazeed bin Haroon told us, Muhammad bin Is-haaq informed) according to Muhammad bin Ja'far bin Al-Zubayr, according to 'Ubaydullah bin Abdullah bin 'Umar, according to his father, bin 'Umar said: I heard the Messenger of Allah (saas) when he was asked about the water that is in the desert which is attended by livestock and predators? So the Messenger of Allah (saas) said [H22] "If the water was Qullatayn [two jars] then it would not carry the Khabath [the froth or scum]". Then Imaam Al-Haakim said: (And this is how it was also narrated by: Sufyaan Al-Thawry, Za'idah bin Qudamah, Hammaad bin Salamah, Ibraheem bin Sa'd, Abdullah bin Al-Mubaarak, Yazeed bin Zuray', Sa'eed bin Zaid brother of Hammaad bin Zaid, Abu Mu'awiyah, and Abdah bin Suleiman)

And there are other routes (channels of narration) for the Hadeeth, too many to list or to count, there is hardly one of the books of Sunnah which does not contain some of them, and in it are the fixed sayings and a great deal of argument because of doubts of some of the senior Hadeeth scholars about its wavering, but Imaam Al-Haakim demolished the doubt of wavering in his narration above, and in the following-ups which he produced, so there should not remain any doubt about the correctness of this Isnaad (Reference chain) up to 'Ubaydullah bin Abdullah bin 'Umar, but the problem remains of it being stopped on Abdullah bin 'Umar, that is to say it is from the saying of Ibn 'Umar, and was not elevated to the Prophet, may prayer and peace be upon him and his descendants and family, because it came according to 'Ubaydullah bin Abdullah bin 'Umar [both] stopped and elevated, and this is serious wavering, especially because Imaam Mujaahid reported it only stopped on Abdullah bin 'Umar. There is no doubt that Imaam Mujaahid is several degrees above 'Ubaydullah bin Abdullah bin 'Umar in scholarship, strength, firmness and trustworthiness.

Also: Where are Nafi', Saalim, Sa'eed bin Jubayr, and the other brilliant stars, who are known for their authoritative reporting from Abdullah bin 'Umar?! How come that such a narration has never been mentioned at all from one of these famous people? It is a Hadeeth which divides between what is Halal and what is Haram, between what is pure and what is Najis and its importance in the subject of purity is similar to the importance of Neessaab (asset threshold) in the subject of Zakaat (obligatory charity), or more important. So how come it is not well known and has not spread among the Companions transmitted from predecessor to successor?! Wudhou' and purity are duties enacted on every Muslim so it is very unlikely that the transmission of this Hadeeth is not accomplished like the transmission of those dealing with the Najaasah of urine and the duty of washing and the transmission of the number of prostrations, and what is similar to that for the need of the Ummah [nation] for this is greater than its need for the Neessaab in the subject of Zakaat, because for most people Zakaat is not a duty (due to their limited assets).

For this reason, a group of authorities suggested that it was stopped from the saying of Abdullah bin 'Umar, like: Imaam Al-Bayhaqi in [1] and Sheikh Al-Islam Abu Al-Hajjaaj Al-Mezzi, and Sheikh Al-Islam Abu Al-Abbaas Ahmad bin Taymiyyah, and others.

But even assuming the correctness of this Hadeeth then its conclusion would be that the Prophet (saas), would have counselled the questioner to leave the illusion or the doubt in any case if the container [or pool] was large enough for two Qullatayn, as for smaller containers [or pools] they are very few and would soon run out after rainfall, and if they remained then their contamination would be so clear and evident so its state can be plain to any one who looks, so he would not reply to his original question for the questioner never asked about water in which Najaasah appeared with its colour or taste or smell, but he asked about water that was apparently pure, so he was fearful of it having become Najis [impure] simply because of the drinking of predators, dogs, livestock and other animals.

**As for the other Hadeeth it was a reply to another question:**

\* As appeared in [27]: [Hannaad and Al-Hassan bin 'Ali Al-Khallaal and others told us saying: Abu Usamah told us, according to Al-Waleed bin Katheer according to

Muhammad bin Ka'b, according to 'Ubaydullah bin Abdullah bin Raafi' bin Khadeej, according to Abi Sa'eed Al-Khudri, he said it was said: (O Messenger of Allah: do we perform Wudhou' [ablution] from the well of Budhaa'ah, and it is a well in which is thrown menstruation blood, and the meat of dogs, and what has decayed?!"), so the Messenger of Allah (saas) said : [H21] "That water is a purifier nothing can make it Najis", and Imaam Abi Eessa Al-Tirmithi said: (This Hadeeth is good, and Abu Usamah perfected the narration of this Hadeeth. The Hadeeth of Abi Sa'eed about the well of Budhaa'ah was no where narrated better than what Abu Usamah narrated. This Hadeeth was reported from various different channels from Abi Sa'eed. In subject there are narrations from bin Abbaas and 'Ayshah). Al-Albani said: (correct), and Imaam Ahmad bin Hanbal said: (The Hadeeth of the well of Budhaa'ah is correct), and it was also designated correct by Yahya bin Ma'een and Ibn Hazm and Al-Haakim. And for this Hadeeth there are also other routes which are too many to count or to list. There is a great deal of arguments and disputes about its correctness and authenticity. The truth is it is definitely good, correct and firm, and it can stand as an authority. One must worship according to it, especially with the abundance of correct Hadeeths which testify to it, as exemplified by the following:

\* As it appeared in [24] with a correct Isnaad (Reference chain): [Al-Nadhr informed us, Shu'bah informed us, Yazeed Al-Rishk informed us, he said I heard Mu'aathah Al-'Adawiyyah reports from 'Ayshah, she said: (That nothing can make water Najis, but the man starts by washing his hands three times. I remember myself and the Messenger of Allah (saas), wash from the same container)],

-And it appears in [10]: [Muhammad bin Ja'far told us Shu'ba told us on this subject [in this area]], but he did not mention the phrase: (three times), and it appears in [33] attributed to [10] with the same reference chain.

And it appears in [1]: [Abu Abdullah Al-Haafiz and Abu Sa'eed bin Abi Amrou told us, and they both said: Abu Al-Abbaas Muhammad bin Ya'qoob told us, Abu Al-Qaassim Abdul-Rahman bin Abdul-Rahman Al-Haashimy (in the city of Halab) told us, Adam bin Abi Iyaas told us, Shu'ba told us similarly], although he did not mention (three times).

\* And it appears in [21] with the wording: [Muhammad bin Is-haaq bin Khuzaymah told us, he said: Imraan bin Musa Al-Qazzaaz told us, he said Abdul-Waarith bin Sa'eed told us, according to Yazeed Al-Rishk, according to Mu'aathah Al-'Adawiyyah she said: I asked 'Ayshah: (Does the woman wash with her husband when they are in a state of Janabah (after intercourse) from the same container together?!), she ('Ayshah) said: (Yes, water is pure does not get in a state of Janabah. I used to wash together with the Messenger of Allah (saas) in the same container: I start by pouring water on his hand before he dips it in the water)], and it also appears in [68]. Sheikh Shu'ayb Al-Arna'oot said: (The Isnaad (Reference chain) is correct). It is indeed as he said: correct and authentic, but we preferred the narration as it is in [24], because Imaam Shu'bah bin Al-Hajjaaj, the Prince of the Believers in Hadeeth Narrations, (raa) takes greater care of the wording of the Hadeeths, and his accuracy is higher.

\* And it appeared in [68] another Hadeeth: [Abu Taahir told us, Abu Bakr told us, Ahmad bin Al-Miqdam Al-'ijly and Muhammad bin Yahya Al-Qat'y informed us, they said: Muhammad bin Bakr told us, Shu'bah informed us, according to Simaak,

according to 'Ikrimah, according to bin Abbaas he said: The Prophet (saas) wanted to perform Wudhou' (ablution) so one of his wives said: (O Messenger of Allah: I performed Wudhou' from this!), so the Prophet (saas) performed Wudhou' and said: [23] "Water is not made Najis [impure] by anything". Imaam Muhammad bin Is-haaq bin Khuzeimeh said: (This is the wording of Ahmad bin Al-Miqdam). Al-Haakim produced it in [47], and he designated it as correct, then he said: (Imaam Bukhari had referred as authoritative to narrations of 'Ikrimah, and Imaam Muslim referred as authoritative to narrations of Simaak bin Harb. And this is a correct Hadeeth about "Purity" which they (Imaam Bukhari and Imaam Muslim) did not publish. I am not aware of any "desease" ("desease" = flaw = hidden reasons of invalidation) to its correctness). You can also find it in [1].

\* And it also appears by the route of (Sufyaan Al-Thawry, according to Simaak bin Harb) in [20] and the same one in [4] with another wording: [Suweid bin Nassr informed us saying: Abdullah bin Al-Mubaarak told us, according to Sufyaan, according to Simaak, according to 'Ikrimah, according to bin Abbaas that some of the wives of the Prophet (saas) washed herself from Janaabah [state after intercourse or wet dreams] so the Prophet (saas) performed Wudhou' (ablution) in what was left, so she mentioned that, so he said: [23] "Water is not made Najis [impure] by anything", and it appears in [2] by several routes, and it appears in [10] from several routes, and it is also in [18] and it is also in [68] and Al-Haakim produced it in [47] and you also find it also in [1].

\* And it is in [7] by route of Abu Al-Ahwass according to Simaak: [Musaddad told us Abu Al-Ahwass told us, Simaak told us, according to 'Ikrimah according to bin Abbaas he said: (Some wives of the Prophet (saas) washed in a Jafnah [large bowl] so the Prophet (saas) came to perform Wudhou' (ablution) from it (or to wash from it), so she said to him: (O Messenger of Allah: I was Junub [in the state of Janabah, after intercourse!]), so the Messenger of Allah (saas) said [H24] "The water does not become Junub". Al-Albani said: (correct), and it appears in [27] by the same route, and Abu Isa Al-Tirmithi said: (This is a good correct Hadeeth, and that is what Sufyaan Al-Thawry and Malik and Al-Shaafi'y also say), and it appears in [2], and in [10] by several routes, and it also appears in [21], and you can also find it in [1].

\* And it appears in [43] [From the Hadeeths of permissibility is what writer of the Sunnah (he means the four books: Nasaa'y, Abu Dawood, Tirmithi and bin Maajah) and Al-Daraqutni published, and it was designated as correct by Al-Tirmithi and Ibn Khuzaymah and others, from the Hadeeth of bin Abbaas, according to Maymounah she said I became Junub [state after intercourse or wet dreams] so I washed from a bowl and so some [of the water] remained in it then the Prophet (saas) came and washed from it so I told him that. He said the water has no Janaabah. So he washed from it (wording of Al-Daraqutni). Some people weakend it due to Simaak bin Harb, who narrates it from 'Ikrimah, because he (Simaak bin Harb) was accepting dictation. But Shu'bah had narrated it from him (Simaak bin Harb) and he (Shu'bah) only carries from his Mashaayikh [teachers] their correct Hadeeths after thorough testing and investigations! The saying of Ahmad that the Hadeeths from the two routes are wavering should only resorted to when synchronisation is not possible. But it (synchronisation) is possible: The Hadeeths of prohibition deal with what fell from the body and those [the Hadeeths] of permittance apply to what remains of the water. So did Al-Khattaabi synchronise. Another possible synchronisation: The barring Hadeeths are only indicating

undesirability, not strict prohibition. And Allah knows best] **This is the end of the quote of Al-Haafiz.** But as for the barring Hadeeths referred to previously: They are not authentic. Some of them are rulings from the Companions, but that which is correct and elevated, with its complete body and full wording does NOT contain any prevention, as will follow shortly, if Allah the Highest and Majestic permits.

So this is then a fine Isnaad (Reference chain). The only reason preventing it from being designated as correct and authentic in its own right is that Simaak bin Harb appeared to waver in some of the narration from 'Ikrimah. Also Imaam Muslim did not accept 'Ikrimah (but Bukhari did). But the Hadeeth is correct due to many other narrations corroborating and witnessing for its validity.

It has also come from the route of these previously mentioned, and also Hamaad bin Salamah and Shurayk, and others, from Simaak bin Harb, in many routes which you can find in the books mentioned previously, and in [15], and [11], and [3], and in [33], and also in [31] and others. And we have also presented the wording of the narration of Shu'bah and Sufyaan Al-Thawri because they are more accomplished perfectionist technicians and take better care of the wordings than the others.

And in [2]: [Mahmood bin Khalid and Al-Abbaas bin Al-Waleed (both from Damascus) told us, they both said: Marwaan bin Muhammad told us, Rishdeen told us, Mu'awiyeh bin Salih informed us, according to Raashid bin Sa'd, according to Abi Umaamah Al-Baahili he said the Messenger of Allah (saas) said: "That water is not made Najis [impure] by anything, unless it dominated its smell and taste and colour". Al-Albani said: (weak), and it is as he said a weak Isnaad (Reference chain), and the addition (unless it dominated its smell and taste and colour) is worthy of rejection as it did not come from any correct routes at all!

\* And appears in [10] with a weak Isnaad (Reference chain): [Al-Hakam bin Marwan told us, he said: Israel told us, according to Jabir, according to 'Aamir, according to Masrooq, according to 'Ayshah she said: (I was washing I and the Messenger of Allah (saas), from a single container and we were Junub [state after intercourse], but the water does not become Junub", and this was produced also by Ahmad by the route of (Hashim told us, Israel told us, ..etc)

\* And in [2] appears another Hadeeth: [Ahmad bin Sinaan told us, Yazeed bin Haroon told us, Shurayk told us, according to Tareef bin Shihaab said I heard Abu Nadhrah reporting from Jabir bin Abdullah he said: We came up at a small stream thereupon it had the corps of a dead donkey, he said: So we stayed away from it until the Messenger of Allah (saas) joined us then he said [23]: "Water is not made Najis [impure] by anything", so we drank and gave water [to others their animals] and we stocked], and Al-Albani said: (correct without the story of the corps), I said: Shurayk makes many mistakes, and also makes Tadlees of objectionable narrations worthy of rejection as if they are coming from The Thiqaat (trustworthy narrators), but perhaps the story has an origin as the following narration testifies:

\* And as appeared in [50] (Chapter: 1 Page: 131): [Ibn 'Ulayyah told us, according to Ibn 'Awf Al- A'raabi he said in a gathering of Sheikhs before the battle of Ibn Al-Ash'ath a Sheikh told us and he was telling us the story he said it reached me that the Companions of the Messenger of Allah (saas) were on their way so they ended by a small stream on the side of which was a stinking corps so they kept away until

the Messenger of Allah (saas) came to them, so they said: (O Messenger of Allah there is this stinking corps on its side), so he said: [26] “[Use it to] water and drink for water is neither permitted nor forbidden”]

\* And also appeared in [50] (Chapter: 1 Page: 131): [Abu Mu’awiyeh told us, according to ‘Ikrimah he said the Messenger of Allah (saas) passed by a stream so they said to him O Messenger of Allah the dogs use it and so do the predators so the Messenger of Allah (saas) said: “What the predator has taken is in its stomach, and what the dog has taken is in its stomach (is for them), so drink and perform Wudhou’ [ablution]”, but that (Isnaad)) was Mursal, and Mursal cannot be authoritative. May be this story happened to ‘Umar bin Al-Khattaab, as will follow, and some narrators were confused so they attributed it to the Prophet (saas).

And this is the Math-hab [adoption] of Fuqahaa’ of the Companions: Maymounah, and ‘Ayshah, and ‘Umar bin Al-Khattaab, and Ibn Abbaas, and Huthayfah, and Abu Hurayrah, and it is also:

\* In [50] (Chapter: 1 Page: 131) appears, according to ‘Umar bin Al-Khattaab: [Wakee’ told us, according to Sufyaan, according to Habeeb, according to Maymoun bin Abi Shabeeb that ‘Umar bin Al-Khattaab passed by the pool of Mijannah so he said give me a drink from it so they said: (it is [for] the dogs and the donkeys!), so he said (They have what they carry in their stomachs, and what remains is for us a purifier and a drink)]

\* And it also appears in [50] (Chapter: 1 Page: 131): [Hushaym told us he said: Hussayn informed us, according to ‘Ikrimah that ‘Umar bin Al-Khattaab come by a pool from those (country side) pools, so he wanted to perform Wudhou’ (ablution) and to drink. The owners of the pool said the dogs and the predators drink from it so ‘Umar said: (what they have taken is in in their stomachs!). He said: then he drank and performed Wudhou’], but ‘Ikrimah did not meet ‘Umar, but this is a fine follow-up for the previous item.

\* And also in [50] (Chapter: 1 Page: 131) appears according to Maymounah: [Ibn ‘Uyaynah told us, according to Manbouthe, according to his mother that she was travelling with Maymounah so she passed the stream in which there were insects [dung beetles] and dung so she is given water which she uses to perform Wudhou’ and she drinks]

\* And also in [50] (Chapter: 1 Page: 132) appears according to ‘Ayshah: [Yazeed bin Al-Miqdam told us, according to his father Al-Miqdam, according to his grandfather, according to ‘Ayshah she said that: [Water cannot be Junub [impure]]

\* And also in [50] (Chapter: 1 Page: 132) appears according to Ibn Abbaas: [Wakee’ told us, according to Al-A’mash, according to Abi Amrou Al-Bahraany, according to Ibn Abbaas he said: (Water is purifying cannot be made Najis [impure] by anything)]

\* And in [1] appears also according to Ibn Abbaas: [Abu Bakr bin Al-Hassan told us, Abu Ja’far bin Duhaym informed us, Ibraheem bin Abdullah told us, Wakee’ informed us, according to Al-A’mash, according to Yahya bin ‘Ubayd he said I asked bin Abbaas about water of Hammaam (public bath) so he said: (Water does not become Junub [impure]). And Abu Sa’eed Yahya bin Muhammad bin Yahya Al-

Esfera'eeni told us, Abu Bahr Al-Barbahaary informed us, Bishr bin Musa told us, Al-Humaydy told us Sufyaan told us, Zakariyyaa told us, according to Al-Sha'by, according to bin Abbaas he said: (Four cannot become Najis: a human being, the water, the dress (fabrics) and the earth), and Abu Yahya Al-Hummaany said, according to Zakariyyaa in this Hadeeth: (Four cannot become Junub). We were told it by Abu Haazim, Abu Ahmad Al-Haafiz told us, Abu Al-Hassan Ahmad bin Muhammad bin 'Ubayd Al-Tawabeeqi told us, Sa'eed bin Ayyoub told us, Abu Yahya Al-Hummaany told us, then he recited it].

\* And also in [50] (Chapter: 1 Page: 132) appears according to Huthayfah: [Ibn 'Ulayyah told us, according to Israel, according to Al-Zibriqaan he said: (Ka'b bin Abdullah told us we were with Huthayfah as we ended by a stream in it were dead animals and menstruating women bath] so he said: (Water does not become Junub)]

\* And also in [50] (Chapter: 1 Page: 132) appears according to Abu Hurayrah: [Ibn 'Ulayyah told us, according to Habeeb bin Shihaab, according to his father that he asked Abu Hurayrah about the state of a pool from which the donkey drank so he said: (Nothing forbids water!)]

**And it is the Math-hab [adoption] of some of Fuqahaa' that follow:**

\* For we find the adoption of Sa'eed bin Al-Mussayyab in [50] (Chapter: 1 Page: 132) with a correct Isnaad (Reference chain): [Ibn 'Ulayyah told us, according to Dawood, according to Ibn Al-Mussayyab he said: (Allah descended the water as purifier so nothing can make it Najis [impure]), and may be he said: (Nothing can make it Najis [impure]), Dawood said: (And this is when we asked him about the streams and the pools from which dogs **drink**)], and you find it from other routes in long and in short versions in [9], and in [1], and in others.

\* And in [50] (Chapter: 1 Page: 132) appears the adoption of Abdul-Rahman bin Abi Layla: [Wakee' told us, according to Abi Al-Amees, according to Abi Al-Rabee', according to Ibn Layla he said: (Water cannot be made Najis by anything)]

\* And in [50] (Chapter: 1 Page: 132) appears the adoption of Al-Qaasim bin Muhammad: [Ibn 'Ulayyah told us, according to Ibn 'Awn he said I said to Al-Qaasim bin Muhammad we came to the stream and the dog lapped and the donkey drank and we drink from it Ibn 'Awn said and did you say will you perform Wudhou' in it so he looked at me then said: (If one of you came to the stream will he wait and ask any dog that had lapped or donkey had drunk from this?!)]

\* And in [50] (Chapter: 1 Page: 132) appears the adoption of Al-Hassan Al-Bassri: [Wakee' told us, according to Yezeed, according to Ibraheem he said: (Al-Hassan was asked about the pools that are on the way to Mecca that are frequented by donkeys and predators he said (No harm in it)]

\* And in [50] (Chapter: 1 Page: 132) appears the adoption of Sa'eed bin Jubayr: [Jareer told us, according to Eessa bin Al-Mugheerah., according to Sa'eed bin Jubayr he said: (Water cannot be made Najis)]



\* And in [50] (Chapter: 1 Page: 132) appears the adoption of Abi Al-Sha'thaa' Jabir bin Zaid: [Yahya bin Sa'eed told us, according to Abd Rebbah, according to Salih that Jabir bin Zaid said to a man: (Pour on me), and while he was in the bath he said: (I am Junub [impure]), so he said: (Get up and wash, for water cannot become Najis by anything)]

\* And in [7] appears an estimate of the size of the well of Budhaa'ah, and evaluation of its water, from two eye witnesses who are solid Thiqat: [Abu Dawood said: and I heard Qutaybah bin Sa'eed he said: (I asked to evaluate the well of Budhaa'ah about its depth he said that most water it has comes to about the pelvis area so I said and when it reduces so he said it comes to below the level of the person's defect), Abu Dawood said: (And I estimated the well of Budhaa'ah with what I was wearing I spread it then I measured it with my arms so I found that its width was six arms, and I asked the man who opened the the door of the orchard for me and allowed me to enter it has its building changed from what it used to be he said : (No), and I saw in it water whose colour had changed], and this appears in [1]: [And Abu 'Ali Al-Rawthabaari told us, Abu Bakr bin Dasah informed us, Abu Dawood Al-Sijistaany told us of the same one].

I said: so the height of the water in the well of Budhaa'ah does not exceed under the best circumstances two arms except by a little (or nearly one metre), so there is hardly half Qaamah [fathom] in it. And the volume of water in it is unlikely to be more than ten cubic metres. (One arm = half a metre approximately).

\* And in [15] is a description of the water in the well of Budhaa'ah: [Is-haaq told us Haatim bin Isma'eel told us, according to Muhammad bin Abi Yahya, according to his father he said: We entered on Sahl bin Sa'd Al-Saa'id where female members of his family were present, so he said: (If I poured you [gave you water] from the well of Budhaa'ah you would have disliked that and I have by Allah ginen water to the Messenger of Allah (saas) from its water)], and Sheikh Hussein Asad said: (His Isnaad (Reference chain) is correct), and it is in [11]: [Musa bin Sahl Abu Imraan Al-J'Awni told us Hishaam bin 'Ammar told us Haatim bin Isma'eel told us Muhammad bin Abi Yahya Al-Aslamy told us about the subject, and also in [31]: [Ibraheem bin Abi Dawood told us he said Assbagh bin Al-Faraj told us he said Haatim bin Isma'eel told us about this subject].

So contemplate the previous texts, and the sayings of the Companions and the followers then compare them with the sayings of the of Al-Mutanatti'een (sophists) from the later Fuqahaa' [Authorities of the Law]:

\* And as some of it appeared in [66], (Chapter: 1 Page: 150 and what follows it): [And Al-Shaafi'y said if it was flowing, whether in the well or in the vessel, that if it was less than five hundred pounds with more or less than it will become Najis if any Najis fell in it, and every dead animal, whether it had flowing liquid blood, and what does not have liquid blood: all of that is a dead Najis which makes anything it falls in Najis [impure]. For every five hundred pounds is not made Najis if anything has fallen into it unless it changed its colour or taste or smell. So if that was in water then all of it beomes Najis and forbidden to use whether in large or in small quantities. And Abu Thawr his companion said: all liquids or melted substances are as water if the liquid was five hundred pounds then it would not become Najis if something fell into it unless it changed its colour or taste or smell but it was less than five hundred pounds then it become Najis, And the companions of Al-Shaafi'y

did not disagree, and it is mandated and there is no other possibility but to accept its origin, in a container which has five hundred pounds less than one ounce, if a drop of urine or or of Khamr or a Najaasah, for every Najis is Haram and it is prohibited to use it for Wudhou' and although no trace of that appeared. For if a pound of urine fell into it, or of Khamr or of some Najaasah, then no trace of it would appear for water is a purifier it is permitted to use it in Wudhou' and it is permitted to drink it (meaning: if there was over five hundred pounds)].

And we do not know from where Imaam Al-Shaafi'y comes up with these five hundred pounds?! And what is the difference between the pound from Baghdad to that from Damascus or Al-Qurtuba or The British Empire?! And we thank Allah that we have been spared such doubts, and rampant imagination, and the rulings and measures which are strange.

And as for the saying of some of them: (That water if Najaasah appeared in it and changed its colour or taste or smell then it becomes Najis), for this is not our saying originally.

And this is not an application of our rule here, but what we say is the following: (That water is not Najis [impure] originally, but is pure in itself, and on its own. So if it was possible to rid it of Najaasah, which appears clearly or from Al-Haram [what is forbidden] which appears clearly, then we would use it without the slightest hesitation. But since we cannot achieve using it in a clear and pure form as we have been commanded then we rule that the mixture or solution is Najis, and we would avoid it because of the impossibility of separating it), and there isn't in our saying here, and we are thankful and grateful to Allah, the slightest disagreement or defiance to this noble Hadeeth: "That water is a purifier nothing renders it Najis", and nor for the Hadeeth: "If the water reached Qullatayn [two fathoms as previously outlined] then it would not carry a Najis", on the assumption that it has been proven authentic.

And on this detail it is necessary to have unanimity which was relayed by Ibn Al-Munthir when he said: (The authorities are unanimous that water in small or large quantities if a Najaasah fell in it and changed its taste or colour or smell then it becomes Najis), but they actually meant the (mixture) for water in itself was and is still and will remain for ever pure and purifying, but it is not possible to separate it from the Najaasah and this is what prevents using it.

**Third Objection:** They may object, especially the followers of Imaam Al-Shaafi'y and Imaam Abi Haneefeh, to his command (saas): (He who urinates in still water must not perform Wudhou' in it or wash from it); and his saying (saas): "Let no one of you wash in still water while he is Junub!" and especially if combined with the Hadeeth [recognised to be in the prophetic tradition] from the Messenger of Allah (saas) about washing a plate lapped by a dog seven or eight times one of them with earth soil, and spilling what was in it; and by his command (saas) he who wakes up must wash his hand three times before he enters it in Wudhou' for he does not know where his hand spent the night.

As for the saying of the Prophet (saas): "Let no one of you urinate in still water, then use it to wash or to perform Wudhou'" it is fixed in a way which cannot be doubted, and this appeared in the most correct of the Isnaads (Reference chains):

\* And as appeared in [5] for Imaam Al-Bukhaary: [Abu Al-Yamaan told us he said Shu'ayb said Abu Al-Zinad told us that Abdul-Rahman bin Hurmuz Al-A'raj told him that he heard Abu Hurayrah that he heard the Messenger of Allah (saas) say: "Let no one of you urinate in still water that does not run, then wash in it"], and it appears in [6] on the same subject by the route of (bin Sireen, according to Abi Hurayrah), and by the route of (Hammaam bin Munabbih, according to Abi Hurayrah) and from this route can be found in [27] and in [20] and in [4] , and in [13] and in [10] with a digest of most of the routes, like: (Humayd bin Abdul-Rahman Al-Himyary according to Abi Hurayrah) , and also in [68], and in [50], and in [1] by several of routes.

\* And the Hadeeth previously mentioned appears in [20] and in [4] with the wording: [Is-haaq bin Ibraheem said Eessa bin Younis said 'Awf told us, according to Muhammad, according to Abi Hurayrah, according to the Messenger of Allah (saas) he said: "Let no one of you urinate in still water, then use it to perform Wudhou"; and 'Awf said, and Khelas said, according to Abi Hurayrah, according to the Prophet (saas) like it], and Al-Albani said: (correct), and it is highly authentic, and in [10] with a digest of most of the routes, and it appears in [21], and in [50] from the route (Abi Meriem, according to Abi Hurayrah), and in [1] from several routes.

\* And he mentions each of "washing" and "Wudhou' [ablution]" together in [20] and in [4]: [Muhammad bin Al-Haatim told us he said Habban said Abdullah told us, according to Mu'mar, according to Humam bin Munabbih, according to Abi Hurayrah, according to the Prophet (saas) he said: "Let no man urinate in still water then wash from it or perform Wudhou"], and you will find it in [26], and in [50] and in [1] by several routes. And routes came, according to Muhammad bin Sireen, according to Abi Hurayrah with the wording (then one cannot [it is not possible to] be purified from it), and this also includes both the washing and performing Wudhou'.

\* But an odd wording appeared in [18]: [Muhammad bin Is-haaq bin Khuzaymah told us he said Younis bin Abdul-A'la told us he said Anas bin 'Iyadh told us, according to Al-Haarith bin Abdul-Rahman bin Abi(The)ubaab, according to Atta' bin Meena', according to Abi Hurayrah that the Messenger of Allah (saas) said: "Let no one of you urinate in still water then perform Wudhou' from it or drink [from it]"], and Sheikh Shu'ayb Al-Arna'oott said: (His Isnaad is correct), I said: Yes, but the wording (drink) is odd, it has not come but from this route, and Al-Haarith bin Abdul-Rahman bin Abi (The)ubaab does not have [a good] technique, although he is truthful, but he makes mistakes and he imagines, and it is more likely that this is a product of his imagination so it cannot be relied on as authoritative.

\* And in [6] appeared another Hadeeth: [Haroon bin Sa'eed Al-Ayli and Abu Al-Taahir and Ahmad bin Isa told us, all according to bin Wahb he said Haroon told me bin Wahb told us Amrou bin Al-Haarith told me, according to to Bukayr bin Al-Ashaj that Abu Al-Sa'eb Mowla [of] Hishaam bin Zuhrah told him that he heard Abu Hurayrah say the Messenger of Allah (saas) said: "Let none of you wash in the still water while he is Junub!", so he said: (How does he do O Abu Hurayrah?!), he said: (He takes it so it is taken – bit by bit in a cup or bowl)], and it also appears from a number of routes in [20] and in [4], and in [2], and in [21], and in [50], and also in [68], and it is also in [1], and Al-Bayhaqy followed up by saying: (And it is taken that still water is less than Qullatayn [two fathoms] so if he washed in it then it becomes

used so another cannot use it for purification so he commanded that he take it so it is taken so that what remains does not become used and Allah is the most knowledgeable).

\* And in [21] and in others, there is a Hadeeth that combines the two earlier Hadeeths: [Abu Ya'la told us he said Abu Kheythamah told us he said Yahya Al-Qattaan told us, according to bin Ajlaan, according to his father, according to Abi Hurayrah, according to the Prophet (saas) he said: "Let no one of you urinate in still water, and let no one wash in it when he is Nejib"], and Sheikh Shu'ayb Al-Arna'oott said: (His Isnaad is good), I said: It is either that Muhammad bin Ajlaan, or his father, did not memorise as they should have so they substituted the correct solid sentence: (then he washed from it, because he was Junub), with this sentence: (wash in it when he is Junub), or that he heard the two Hadeeths above so he relaxed [the rules] and combined them into one Hadeeth.

As for the saying of the Prophet (saas): "Let no one of you urinate in still water, then wash from it or perform Wudhou' in it" then Imaam Abu Muhammad 'Ali bin Hazm was about to render it accurate when he slipped because of his exaggeration in refusing the measurements, and fled from the reasoning paths that many of Fuqahaa' [authorities] leaned towards to a haunted discussion which is not compatible with the eminence of Shari'a, so he oscillated from one extreme to the other. And so are the spasmodic reactions: a swing from one false position to another, contradictory, false position.

This slip is the claim that the prohibition is restricted only to those who urinate directly in the water, for if he urinated in a container then through it in the still water, or he urinated deliberately outside the water knowing that the urine would necessarily flow into the water, that if he did this of something of that nature then there would be no harm.

And the adversaries of Imaam Ibn Hazm have used this slip to spread distortions against him and against his school of law: "Al-Dhaahiry School of Law". And they have no evidence in doing that because the "Al-Dhaahiry School of law" is to be judged according to affirmations and proofs, like any opinion or thought, and not on one or two slips for one of the leaders of the School of Law. And the slips of the Imaams of the other Schools of law are more in number, and some of them are even uglier.

And it is correct that the prohibition in the the honoured prophetic command: "Let no one of you urinate in still water, then wash from it or perform Wudhou' in it" does not based on the "action of urinating", but is centred around the (still water), For the action of urinating is a **natural** action and necessitated by nature, and it is permitted at any time and in any place and any circumstances, other than what appeared in the text from exceptions. So the prohibition then in its core is based (The deliberate action of making the urine reach the still water), and this can either be by urinating directly in it or by deliberately having the urine reach the still water by any indirect means: and this is what the text states, according to the rules of grammar and literature of the Arabic language, with due care for other of the texts of Shari'a.

But Imaam Abu Muhammad 'Ali bin Hazm struck the heart of the truth when he said that prevention of the rites-of-worship purification (such as washing or performing

Wudhou') from still water that has come to contain urine is a ruling which applies to the one who urinates only, and does not extend to others from the people originally, in fact it does not extend to the drinking of still water or to using it for cooking, and also that the Najaasah [impurity] of water does not depend on that at all, nor that the mixture (that is the water which has been mixed with urine) becomes necessarily Najis:

\* And the Imaam Abu Muhammad 'Ali bin Hazm Al-Andalusy said in [66], (Chapter: 1 Page: 135): [It is that the person who urinates in still water is forbidden from performing Wudhou' with that water or from washing in it for a religious duty for or another reason and his ruling is that he must perform Al-Tayammum [symbolically "wash" with clean sand or earth], if he did not find another [water source]. And this water is pure and Halah [permitted] to drink for him or for another, and the urine has not changed any of its characteristics, or the permittance for using it for Wudhou' and for washing for others than him]

But Imaam Ibn Hazm did not detail in his saying and discussion of this ruling of what shows organisation and wisdom, he was prevented from that by his sharp sarcasm of (Ahil Al-Qiyaas [those who use Analogy]), and his intense dislike for entering into discussions about (reasoning [justification]) or (wisdom), that was used excessively by followers of the other schools of law to the point of confusion and harm, indeed in some cases to the point producing major errors that can destroy the Shari'a.

And the truth is that forbidding (Making the urine reach the still water), and also for what resembles it from Najasaat [impurities] or for what is more serious: such as excrement, from the first point, and this is a religious-legal ruling and religious-legal department intended to protect the water from contamination, and for preserving it as it descended from the heavens purifying: that is to say pure in itself, and purifying for others. And if the wise religious-legislator had not prohibited this, then this person would have urinated, then that person, then a third, then a fourth, and so on until the smell of Najaasah or its taste or its colour appeared and so the mixture would become Najis, not permitted to drink nor to be used for purification, but rather it would contaminate the local environment and harm even the birds or animals. And then it would not be possible to reach water which is pure and well-favoured except through costly and complex operations, which most people do not possess means for.

And as for prohibiting the person who urinated from himself using this still water itself for purification it is not as some have imagined because the water has become Najis, for then that would have been the ruling also for others than him, but it is an earthly speedy punishment for this aggressor who contaminated the water. And it is deterring punishment because he cannot purify himself for the Al-Salaat except by going to another water source, which may be with great difficulty, or to resort to Al-Tayammum after a long and hard search for an alternative water source. Or this aggressor would add the other sin of delaying his Al-Salaat from its mandatory scheduled time, and it is one of the major sins, or abandoning it altogether: and this is even more serious and it could lead him to blasphemy, and we ask for the forgiveness of Allah.

And if many people urinated in still water sources then the same ruling would necessarily apply to each of them, and if the running water processing system

[sewage system] for an entire city was fed into a pool of still water then this ruling would apply to each one of the inhabitants of this city, because each one of them would [be implicated] share in the guilt without any doubt.

**And we hurry here to explain some points from them:**

**Firstly:** The appearance of the prohibition only against urinating in (still water) does not mean that urinating in running water has the original absolute permissance. But what is correct from the views which we detailed above is that it is Makrooh [disliked or hated], but the Religious-legislator forgave forbidding it in order to make it easier and to lighten the load on people. And the fact that water is running means that there are quantities of water which come one after the other so increasing amounts of Najaasah are overcome as the water flows. And also the movement of water activates the action of fungi and germs which consume rapidly the gist of Najasaat, which are then removed entirely, so after that the only thing which remains is the water and the pure mixtures.

**Secondly:** It is generally forbidden to throw in water, whether still or running, large quantities of Najasaat and waste so that Najaasah would appear inevitably in the mixture with its colour or smell or taste, for if the waters of the sewage system of an entire city flowed into a small spring or river which cannot overcome Najaasah in it, then this would not be permitted, and it would be a violation and an aggression against everyone who is downstream from them along the path of water, as long as Najaasah was evident in it.

As for his saying (saas) "Let no one of you wash in still water when he is Junub!" then it is different from what preceded it for there isn't in this case over there Najaasah to reach the water at the moment of washing originally: for the body of the person who is Junub is pure, there is no difference between man or woman, and the sweat is pure, no difference between man or woman, and what may have reached his or her body from semen of the man or from the moisture or juices of a woman's vagina is also pure (according to the saying which is correct and verified). So there isn't over there originally any (Najaasah) which might, it is feared, reach the water.

So this then is religious-legal deportment which is different, but Al-Shari' [the religious legislator] did not arrange for any other punishment apart from the invalidity of his rites-of-worship washing itself, for he has not washed as he was commanded to, so it is as if he had not washed originally, so therefore the state of being Junub [serious impurity] has not been removed, and Al-Salaat is not permitted for him. And what he must do is take from the water what is sufficient for him then wash on the side, on the flat earth if he was far enough from the still water or on a slope so that water running from his body does not reach the still water, not for fear of any Najaasah reaching the still water, as it was in the previous Hadeeth: "Let no one of you urinate in still water, then wash in it or use it for Wudhou'", but as a precaution, and for the exaggeration in the application of the prophetic deportment. And perhaps this is what Abu Hurayrah (raa) meant when he said: (He takes it so that it is taken), in answer to the question: (How is that done, O Abu Hurayrah?!)"

And even if we stipulated for the sake of argument that the semen of a man or the moisture of a woman's vagina, or others of the [bodily] secretions are Najis, which is contrary to what is correct, for it is definitely not more Najis [impure] than urine,

then it would not result in water becoming Najis in its original self, by resorting to the same proofs and authoritative Isnaads (Reference chains) formerly mentioned during the discussion of the Hadeeth “Let no one of you urinate in still water, then wash from it or perform Wudhou’ in it”

And this understanding and exact branching is alone what ends all objects of dispute in which became entangled those Fuqahaa’ (law experts) who dealt with (Al-Tanajjus [what constitutes impurity or the state of being impure]). And one of the most important objects of dispute is saying that a large body of (still water) becomes (Najis) for it leads necessarily to the contradiction of perception which rules for the cleanliness and purity of water, and the impossibility of the appearance of a trace of one man’s urine which is small in quantity (and perhaps does not exceed half a litre) in a large lake containing millions of litres (for example: a swimming pool which is square with a width of twenty five meters, and a depth of two meters, which contains more than a millions litres), so those [Fuqahaa’] had to resort to passing a ruling so they made the prophetic Hadeeth limited to a small amount of still water. Then they floundered in defining a limit of what is small so some of them sought rescue from the Hadeeth of Qullatayn, which is wavering, in the proof that it was actually said, and they at the same time neglected the correct, solid, and explicit Hadeeth: [H21] “It is that water is purifying and cannot be made Najis [impure] by anything”.

And others of them said: but what defines large is the lake that, when one end of it moves, the other end does not, so this cannot become Najis, and what is smaller than that can become Najis, so Abu Muhammad ‘Ali bin Hazm mocked them:

\* And as appeared in [66], (Chapter: 1 Page: 147 and what follows it): [And their saying if one end moved the other end would not. So Layteh-Shi’ri [expression of exclamation roughly: My poetic imagination may run wild!!] this movement what can it be caused by? The finger of a baby, or a piece of hey, or the rod of a spindle, or the floating of floater, or an elephant falling, or a small pebble, or a stone of a catapult, or the collapse of a shore?! We thank Allah for our safety from these confusions and especially their differentiation between water and all the other liquids [and melted substances]. For even if they all stood for this then we would say to them you lied this is Ibn Al-Majishoon [saying] that everything that is touched by a Najaasah then it becomes Najis unless it is a stream if its centre moved then its ends would not move], this is the end of the text from [66].

And I deny them, with justification, that they contradict some rulings of the same Hadeeth when they cited other parts of it, without evidence or proof which is compulsory for this:

\* And he also said, as it appeared in [66], (Chapter: 1 Page: 153): [And as for the Hadeeth of prohibiting the one who urinates in still water from performing Wudhou’ or from washing from it they all disagreed with it as well. As for Abu Haneefeh he said if water was a lake if one end of it moved then the other end would not move then if he urinated in it wherever he wanted then he can perform Wudhou’ from it and wash from it. For it it was smaller than that then it was not for him or for another to perform Wudhou’ from it, nor to wash from it. So he added to the Hadeeth what it did not contain from forbidding other than the one who urinated, and he disagreed with the Hadeeth in what it contained from permittance– in some

cases of when the quantity of water was large and small – for the one who urinates in it to perform Wudhou' and to wash from it.

And also the saying of Al-Shaafi'y about the water that if it was five hundred pounds or less for he disagreed with the Hadeeth as Abu Haneefeh had and he added to it as Abu Hanifeh had.

And as for Malik he disagreed with all of it he said: If water did not change with his urine then he may use it to perform Wudhou' from it and to wash from it, and said in some of his sayings a lot. Therefore their reliance on this text generally is invalid as they disagreed with it as for us we have taken from it fully as it appeared and and our many thanks to Allah]

**Fourth Objection:** They may object, especially the followers of Imaam Al-Shaafi'y, to his command (saas) to wash the container from a dog's saliva seven or eight times one of them with sand [or earth], and pouring what is in it; for this proves that water does become Najis because of the dog's saliva, although it has no colour, nor taste nor smell, that one can witness directly.

And there is no Hujjah [authoritative confirmation] for them in this at all because even if one accepts, for the sake of argument, that the dog's saliva is a "powerful Najaasah"(?!), this does not mean that the water itself has become Najis, and the ultimate in this case is that the mixture (mixture here = water which is purifying + dog's saliva which is Najis) is Najis because it is not possible to separate the saliva which is Najis from the the water which is purifying, not because the water itself has become Najis. And as for the fact that it has no colour nor taste nor smell than that is because the dog's saliva was like the water in its colour, and taste, and it hardly has a distinguishing smell, and what is in the mouth sometimes of bad smell comes from vapour and odours coming from inside the body and the nostrils, and what became attached to the teeth, and not from the saliva itself.

And the Hadeeth only talks about the lapping [of the dog] in the container or plate, and the dog takes water and other liquids [what melts] by taking out his tongue, using the tongue to scoop the liquid, then returning the tongue to inside the mouth, and so on. And this is how most of the predators drink. As for herds [of cows or sheep] then they sip and they do not lap. And the Hadeeth talks about the lapping of the dog to drink from water or juice or another liquid, as evidenced by the command to pour what is in the container, and pouring only applies to liquids, and as for solids they are thrown or left.

And the Hadeeth talks only about lapping in a plate and there is no mention of the dog lapping in the hand of his owner, or of the dog licking his clothes, or lapping the pools of water, and first and foremost there is no mention of the dog eating from a plate or another, but it only refers to lapping and applies to drinks only.

Yet in this Hadeeth, and it has been designated as correct and solid by route of the Companions Abi Hurayrah and Abdullah bin Mughaffal (raa), there are matters that require editing and clarification, among them:

(1) The number of times of washing mentioned, which is seven, and this has no similarity anywhere else in the rulings dealing with purity. And then the specification that one of these must be with sand [or earth] as well, and as though



water, which is at the head of all of the purifiers, is not sufficient in itself for the (purification). So there is no avoidance from saying that:

-That what is intended is exactly what was specified and with the exact number, for it is necessary for the seven times (at least), and one of them (or an additional one) must be with sand (or earth), so it is not permissible to exceed this at all. And this is what has been designated as correct which cannot be contravened except with proof!

-Or it is a metaphor and what is intended is the extreme exaggeration in the purification, and the addition of a cleaner or purifier other than the water, so no harm in soap, and others from the cleaners, in addition to water. And this is false, because [the Prophet] (saaas) could have said: "And wash it excessively", or exaggerate in purifying it, or words to that effect, especially since he said a similar thing when he was asked about the containers of blasphemers in which they cook pig meat and dead animals, so he prohibited using them except if they could not find any others at all, so he said: then wash it with water and wash it thoroughly [hard]

\* In [11] appears in a correct Isnaad: [Ibraheem bin Duhaym Al-Dimashqy told us my father told us, Muhammad bin Shu'aib bin Shabour told us, Abdul-Rahman bin Yazeed bin Jabir told us, according to Umeir bin Hani that he told him, according to Abi Tha'labah Al-Khushany he said: I came to the Messenger of Allah (saas) so I said: (O Messenger of Allah: I throw my bow and some of it reaches its target and some of it does not what is permitted for me and what is forbidden from me?! And I am in the land of the people of the book and they eat in their containers the pig and they drink in them Khamr, do I eat in them and drink?! He said: then the Messenger of Allah (saas) lifted his gaze and pointed it then said: "Nuwaybah", so I said: (O Messenger of Allah: Nuwaybah good, or Nuwaybah evil?!) he said "Nuwaybah good!" then he said: "What your arrow brings you then you mention the name of Allah then eat! And if you find a substitute for the containers of the infidels then don't eat from them, but if you didn't find any then wash it with water and wash it thoroughly [hard] then eat in them"]

And it is also in [1]: [Abu Salih bin Abi Taahir Al-'Anbary told us my grandfather Yahya bin Mansour Al-Qadhi told us Abu Bakr Muhammad bin Ismaeel told us Abdul-Rahman bin Ibraheem Al-Dimashqy (and he is known as Duhaym) told us Muhammad bin Shu'ayb told us on that subject until its end], and it appears in [2] on the subject with a weak Isnaad, but he said: (Rahadh [wash] is correct)

(2) This exaggerated purification is the one that has the reason, for either it is:

-Pure rites-of-worship procedure, and the saliva of is dog is pure like for all animals, except for the pig which is filthy in our adoption and so is Najis all of it, and it is also not the adoption of those who say that (Najaasah only applies to pig meat). And we have analysed in the Appendix entitled: (Some forbidden food substances) that saliva, and Mararah (bile, gall bladder secretion, and sweat, and others, all of that does not originally die: so what is taken from the dead animal, then the same ruling applies to it as would apply to the living animal one for one, and there is no difference. All of is pure if it is taken from a pure animal so then all of that taken from all animals is pure except what has shown by proof to be Najis in its entirety, which is only the pig, for it is filthy in our adoption, and that includes its saliva, but its saliva is pure in the adoption mentioned, the adoption of those who say (Najaasah only applies to pig meat), so it should be referred to there;

-Or that the saliva of a dog is Najis, but its Najaasah is strong and so it requires this excessive purification, and this is an exception to the general rule already mentioned stating that in general the saliva of animals is pure;

And Fuqahaa' [authorities] wavered about all of this, and Imaam Abu Muhammad mentioned some of this wavering:

\* And as appeared in [66], (Chapter: 1 Page: 152): [As for the Hadeeth of the lapping of the dog in the container it is that Abu Haneefah and his Companions contradicted it openly so the Messenger of Allah (saas) ordered of the washing for seven times the first of which was to be with sand [or earth] so they said: but only one time. So it collapses their reliance on a saying, which they are the first that defied and disobeyed it as they left what was in it and claimed what was not in it so they erred twice, and as for Malik he said don't pour it, unless it is water, so he disagreed openly with the Hadeeth. And he and his companions are in agreement with us that this report cannot go beyond it to others and others of Najasaat cannot be measured against the lapping of a dog [as a benchmark], and they told the truth in this for whoever claimed differently to this would have added to the saying of the Messenger of Allah (saas) what he (may peace be upon him) had never said. And as for Al-Shaafi'y he said if what was in the container from water was five hundred pounds then it is not poured and the container is not washed and if what was in the container was other than water then it is poured whatever the quantity was. And this is not in the Hadeeth originally neither in the actual text nor by evidence, so this disagreed with the report. And it added to it what was not in it: in that if it entered in it its hand [paw] or foot [hind leg] or its tail then it would be poured and washed seven times one of them with sand or earth and this is an addition which was not in his in his saying, may peace be upon him, originally. And he said: (If a pig laps in the container then its ruling would be the same ruling to what the dog lapped it is washed seven times one of them with sand [or earth]). He said: (If a predator laps in the container then it is not washed originally and not poured). So he measured [compared] the pig against [to] the dog, but he did not measure [compare] the predator against [to] the dog – and the dog is one of them – but he forbade the dog in the generality of prohibiting against eating whatever has a canine tooth. And this shows the differences [divergence] between their sayings from what is in this report. Our agreement [the agreement of what we say] with what is in it so it is an affirmation to us and against them, and we thank Allah, the Lord of all people, many times, for this shows the unsoundness of their measurement standards and their invalidity and that they are claims with no proof for any of them], this is the end of the bitter and biting comments of Ibn Hazm.

And in order to arrive at the truth in the matter of Najaasah [impurity] of (Dog's saliva) we observe the following:

**Firstly:** The number of times mandated for the washing exceeds all the limits specified by Al-Ahari'a [religious law] for any other Najaasah, and to that is added the necessity of purification with sand [or earth];

**Secondly:** That the lapping of the dogs and other animals in the pools of Al-Baadiyeh [Bedouins] does not affect the purification ability of the water, and neither does throwing their meat or corpses, as has been shown in the Hadeeths and the texts which have been mentioned previously, and especially the two Hadeeths of the well of Budhaa'ah which is correct and explicit and the Hadeeth of

(Qullatayn), which is of a lower rank as it was a ruling by Ibn ‘Umar, and others from what has been mentioned with its Isnaads;

**Thirdly:** That the command which had been emphasised only came for [the act of] lapping in the container, and there was no mention of the lapping of the dog in the hand of its master, nor for it licking his clothes, despite the probability of the latter occurring Frequently from dogs because of their famous domestication qualities, and their strong love for their owners;

**Fourthly:** That the excrement of the dog is Najis, and its Najaasah is certain and definite, and it must be stronger that the Najaasah of its saliva. And despite that, the Prophet of Allah, may the prayers and peace and blessings of Allah be upon him and upon his family and descendants, commanded whoever comes to the Masjid [place of worship] to turn his shoes to make sure that they are free of dirt, and if he found something then he would rub it with sand [or earth] until the harm was gone, without differentiating between the dog’s excrement or others;

**Fifth:** We know of the necessity of reason and perception, and expecially after the advances in modern science, that the saliva of dog is not much different from the saliva of wolves, and others such as predators, and even cats.

For all of these reasons we say that it is likely that the saliva of a dog is pure with no blemish to it, and that the honoured prophetic command is purely rites-of-worship deportment, which must be obeyed: taken on its face value without addition or subtraction. So the duty then on each owner of a dog to allocate it its own container for drinking water, and to train it to avoid the containers of its master so that it never laps them. So then the dog’s master need not go through the hardship of washing seven times, then purification with sand, and so that he is not affected by the loss of the contents of the container which must be poured, whatever it was.

And the dogs are known for their loyalty and their capability of being well trained so if the dog lapped something in the container of his master then this can only be because its master had allowed it to do this, or because he had neglected to train it appropriately, so in both cases he would deserve the following punishment:

- (1) Pouring [throwing] the contents of the container whatever they were;
- (2) Forbiddance from using the container except after washing it seven times, and in one of these (which may be the first for example) purifying it with sand [or earth];

And our saying here increases in strength and clarity when we consider that the Arabs before Islam had exaggerated in their love of dogs, and exaggerated in their domestication and companionship. And same narrations appeared that some of their men did not sleep except while embracing their dogs, abandoning their wives! And we used to find difficulty in believing this until we saw in thie our age and time this exaggeration in the love of dogs and their companionship in the West (Europe and America) what approached that or exceeded it.

So, most likely, the wise religious-legislator, may He be blessed and Elevated, wanted to weaken this connection:

- (1) So he ordered first the killing of dogs, and the Prophet of Allah may the prayers and peace and blessings of Allah be upon him and upon his family and descendants, commanded one of the Companions to take that on himself, until they nearly became extinct from Al-Madeenah;
- (2) Then he cancelled this command so he prohibited killing them with the exception of (the black gloomy dog with two dots), or to remove a threat from those that attack cattle or people, or if it is feared to have a disease of the dog or another illness, and perhaps it is the fear of contagious diseases which led the Third Kaliph Uthman bin Affan to order their slaying during his caliphate
- (3) And he forbade owning a dog purely for domestication and companionship, unless there was a considered legitimate benefit: dog for hunting, or a dog for shepherding cattle, or a dog for harvesting, or similar considered legitimate benefits, for example guide dogs for the blind in our present age, but if only for companionship then no;
- (4) He forbade the price of the dog, so it is not permitted to buy it nor to sell it (and there is disagreement among Fuqahaa' whether this is general for all the dogs, or if there is an exception for hunting dogs, or dogs for other legitimate benefits).
- (5) And He stated that the angels do not enter a house in which there is a dog (Even though we think it likely that this ruling applies only to the Prophet (saas) and to the angels of Al-Wehi only, as detailed in a different location), so this requires the dislike for keeping them inside the homes, and encourages taking them outside to the gardens, and orchards, and the yards, and similar, and for allocating them their own kennels or sheds; So all of these rulings were created to undo the desired connection, and return the companionship of dogs to its reasonable appropriate framework. But it is legitimate for a person to wonder about the wisdom or the purpose in Shari'a from this, although it was lenient as far as cats were concerned to a great extent, despite the scarcity of their benefits and the difficulty of domesticating them;

So we say: perhaps the excessive domestication of dogs, and their fierce loyalty to their masters, combined with their excessive contamination for the local environment with their excrement, as opposed to cats who bury their excrement are, and Allah knows most, the root of the problem. And if the religious-legislator had allowed their ownership purely for companionship and fashion then their numbers would have increased greatly, and every household would own them because of these likeable qualities and at the same time the streets of the town would be spoiled with their excrement. Proof of this: what we see in the Western capitals from the spread of this filth because of the huge numbers of dogs which have been taken purely for companionship and domestication, and perhaps the city of Paris is the ugliest example of this. And perhaps this filth and contamination was one of the reasons that drove the Third Caliph Uthman bin Affan to order their destruction during his caliphate.

**Fifth Objection:** And they may object to his command (saas), that he who awakens from his sleep washes his hand three times before he enters it in his Wudhou' for he does not know where his hand spent the night, where some of them claimed that the prohibition is only because the water had become Najis, and the others said: that it remained pure, but because it had been used it was no longer purifying and suitable for Wudhou' or for washing, then they devoted to (used water) research which was long and wide, with no benefit in them, and no desired gain to result from them.

\* Abu Muhammad 'Ali bin Hazm said in [66] (Chapter: 1 Page: 152 and what follows): [And as for the report that he who awakens from his sleep must wash his hand three times before he enters it in his Wudhou' for none of you knows where his hand spent the night then they all opposed it saying that this was not mandated on the one awakens from his sleep: and we say that it is a duty on him. And they all said that that Najasaat which they relied on these reports for authority were accepted by water and they [used these report] to differentiate between the effect of Najaasah on water [on the one hand] and the effect of water on Najaasah [on the other] and so that they are removed with one wash. And this is a glaring disagreement with with what is in these two reports because in one of them there is the purification of the container through washing seven times the first of which with sand [or earth] and and the second one there is the purification of the hand through washing three times and they do not say of that about Najasaat and if these two reports were proof that water accepted Najaasah then it would have been necessary for their rulings to be used in the removal of Najasaat so their dependence on these reports items is invalid in its entirety and thanks to Allah.

And it is definitely false that what was thought to be Najaasah from the hand cannot be purified except by washing three times and if Najaasah was proven in it then it would only be necessary to wash it once in order to remove it so this is their saying which the greatest form of distortion possible and they claim the application of of the sensible [logical] rulings in their measurement standatrds and no ruling contravenes logic more than this ruling and if the Messenger of Allah had said it then we would have heard and would have obeyed and would have said it was the truth but since the Messenger of Allah (saas) did not say it then it is necessary to discard it and the desire in it and that we are establish that it is false. And it is also not possible for the command to the person who awakens to wash his hands three times is out of fear that it falls on Najaasah for it were so then his leg would be in the same predicament and the inside of his thighs and the inbetweens the bum-cheeks more deserving than his hand.

And as for Malik he is in agreement with us that this report his not evidence that water accepts Najaasah so their dependence on this report is also invalid in total and it is correct that it is an authoritative confirmation for us against them and thanks to Allah the God of all the people. So the agreement of all of them that that these two reports are not to be used as the basis of all Najasaat, is correct and that all Najasaat cannot be measured according to their two rulings so their dependence on the the two of them is invalid]

\* And Imaam Al-Shawkaany said, and he is Mujtahid Muttlaq (independent jurist with his own school of thought), in [70] (Chapter: 1 Page: 31): [And the person performing the classification directed it to here only to reply to their claim that water from which is scooped after after washing the face becomes used and cannot serve as a purifier and this is a false saying which this Hadeeth and others refute. And some of those who say that used [water, etc] is not purifying claim that entering the hand into the container in order to scoop water with which to wash becomes used and the followers of Al-Haneefeh and Al-Shaafi'y and others have essays in what is used to which there is no supporting knowledge, and details and branches of Shari'a which is lenient and easy in isolation. And I knew from before that this problem I mean what is used losing its purifying quality is built on "Shafa-Jurufin-Haar" [shaky cliff's edge]"

I said: perhaps that in the saying of the two Imaams, who are Mujtahidayn, Ibn Hazm and Al-Shawkaany, despite its brevity, enough to alert to what is in this objection from triviality and absurdity, and it is enough for us to alert that the necessity of washing the hand three times before entering it into the container for him who awakens from sleep is a rites-of-worship deportment intended to protect water from any contamination, so that the person becomes accustomed to wash his hand three times before entering it into the container, or to use Al-Ibreeq [pouring jug] and Al-Sunbour [tap] or similar, exactly like like he has been accustomed to wash first before entering a lake of still water which does not flow for the purposes of swimming or leisure or for cooling off. So this has no relation originally to the water becoming Najis or losing its purifying quality.

**Sixth Objection:** And maybe they said about some of the Hadeeths and the reseach that has been mentioned, only: That water does not become Najis, and it is still purifying it can be drunk or used for cooking, but it has become “Used”, so it is no longer purifying, purifier of others, so one cannot use it to perform Wudhou’ or to wash. And in addition to what has previously been discussed, perhaps they also relied as authoritative evidence on his [the Prophet’s] prohibition (saas), a man can use for Wudhou’ what [water] is left from the woman and that a woman can use what [water] is left from a man.

So we say: This is invalid because they relied as authoritative on a Hadeeth which is invalid, which is the following:

\* And as appeared in [7]: [bin Bashar told us Abu Dawood (meaning Al-Tayaalis) told us Shu’bah told us, according to Assim, according to Abi Haajib, according to Al-Hakam bin Amrou, (and he is Al-Aqra’), that the Prophet (saas), prohibited that a man performs Wudhou’ from what is left from purifying the woman], and Al-Albani said; (correct).

I said: Yes: This is a good Isnaad on the face of it, but this Hadeeth is wavering in its Isnaad, and is not designated as correct, and cannot be referred to as authoritative, and in addition to that its body is cut. And Al-Hakam bin Amrou, and he is Al-Aqra’ Al-Ghifari (raa) and Abu Haajib is Sawaadah bin Assim.

And the Hadeeth like this is cut in [27] by several routes which are apparently good or correct, and also in [20] and the same one in [4], and it appears in [10] from several routes\_which are apparently good or correct, and also in [1] from several routes which are apparently good or correct

\* And it appears in [1] from several routes, from them this: [Abu Al-Hassan ‘Ali bin Muhammad bin Abdullah bin Bushran Al-Adl in Baghdad told us, Ismaeel bin Muhammad Al-Saffaar told us, Ibraheem Al-Harbi told us ‘Ubaydullah bin ‘Umar told us Yazeed bin Zuray’ told us, according to Suleiman, according to Abi Haajib, according to a man from the Companions of the Prophet (saas) from Bani Ghifar that the Prophet (saas) prohibited that a man prform Wudhou’ from the remainder of Wudhou’ of a woman], then Imaam Al-Bayhaqy said following up: [And this is how Hushaym told it, according to Suleiman Al-Taymy Abu Bakr Muhammad bin Ibraheem Al-Farisi told us, told us Ibraheem bin Abdullah Al-Assbehani Muhammad bin Suleiman bin Faris told us he said Muhammad bin Ismaeel Al-Bukhaary said: (Sawaadah bin Assim Abu Haajib Al-Anazy is counted in Al-Bassriyeen, and it is said Al-Ghifari, and I do not see that designates as correct according to Al-Hakam

bin Amrou), and it reached me, according to Abi Issa Al-Tirmithi that he said: (I asked Muhammad (meaning Al-Bukhaary) about this Hadeeth so he said (not correct) meaning Hadeeth of Abi Haajib, according to Al-Hakam bin Amrou), and Abu Bakr Ahmad bin Muhammad bin Al-Haarith Al-Faqeeh told us, Abu Al-Hassan 'Ali bin 'Umar Al-Haafiz told us Abu Haajib said his name is Sawaadah bin Assim and he disagreed in it: for Imraan bin Hadeer and Ghazwaan bin Hujayr Al-Sadoussy told it, according to him stopped from the saying of Al-Hakam not elevated to the Prophet (saas)]

\* And it appears also in [9]: [Al-Hussein bin Ismaeel told us, Zaid bin Akhzam told us Abu Dawood told us Shu'bah told us, according to Assim Al-Ahwal he said I heard Abu Haajib telling, according to Al-Hakam bin Amrou that the Prophet (saas) prohibited that one performs Wudhou' with the remainder of Wudhou' of a woman or he said her drink Shu'ba said and Suleiman Al-Taymy told me he said I heard Abu Haajib talking to, according to a man from the companions of the Prophet (saas) that the Prophet (saas) prohibited that we perform Wudhou' from the remainder of Wudhou' of the woman. Abu Haajib his name is Sawaadah bin Assim and he disagreed with him so Imraan bin Hadeer and Ghazwaan bin Hujayr Al-Sadoussy told it, according to him stopped from the saying of Al-Hakam not elevated to the Prophet (saas).]

\* And it also appears in [1] from other routes: [Abu Bakr bin Al-Haarith Al-Faqeeh told us 'Ali bin 'Umar Al-Haafiz told us Al-Hussein bin Ismaeel told us Al-Hassan bin Yahya told us Wahb bin Jareer told us Shu'bah told us, according to Assim, according to Abdullah bin Sarjas he said: (The woman performs Wudhou' and washes from the remainder of the washing of the man and his purification and the man does not perform Wudhou' from the remainder of the washing of the woman nor her purification), 'Ali said (meaning bin 'Umar, Abu Al-Hassan Al-Daraqutny): (This is stopped and it is worthy of correctness) Sheikh said (Al-Bayhaqy meaning himself): (and it reached me, according to Abi Eessa Al-Tirmithi, according to Muhammad bin Ismaeel Al-Bukhaary that he said Hadeeth Abdullah bin Sarjas in this correct report is stopped and for it to be elevated than it is wrong).

\* And the saying of Al-Daraqutny we find it in [9]: [Al-Hussein bin Ismaeel told us Al-Hassan bin Yahya told us Wehem bin Jareer Shu'bah told us, according to Assim, according to Abdullah bin Sarjas he said: (The woman performs Wudhou' and she washes from the remainder of the washing of the man and his purification and the man does not perform Wudhou' from the remainder of the washing of the women nor her purification)], then Imaam Al-Daraqutny said: (And this is stopped correct and it deserves to be correct)

So all these grand Imaams: Muhammad bin Ismaeel Al-Bukhaary, and 'Ali bin 'Umar Al-Daraqutny, and Al-Bayhaqy ruled of stopping it and the wavering of the narrators in its Isnaad. And the truth is that the Hadeeth has an elevated originally with a complete wording, without a cut or an abbreviation, which clarifies what the Wise Religious-Legislator had intended, Blessed all of his Divine Names and Supreme Attributes, and it is:

\* What appeared in [20] and the same one in [4]: [Qutaybah told us he said Abu 'Uwaanah told us, according to Dawood Al-Awdi, according to Humayd bin Abdul-Rahman he said: I found a man who accompanied the Prophet (saas) like Abu Hurreirej (rata) accompanied him four years he said the Messenger of Allah (saas)

prohibited, (That one of us **combs** every day, or urinates where he washes, or that the man washes with what remains from the woman and the woman with what remains from the man and **let both of them scoop together**)], and Al-Albani said: (correct), and it is also correct and can be relied on as authoritative. And it appears in [10] by several routes, and in [7] divided into two Hadeeths, and it is like that in [47]. And it also appears in [15] and Sheikh Hussein Asad said: (his Isnaad is correct), and it also appears in [31].

\* And in [2] is a confirmation of this by another route of a correct Isnaad: [Muhammad bin Yahya told us Al-Mua'la bin Asad told us Abdul-Azeez bin Al-Mukhtaar told us Assim Al-Ahwal told us, according to Abdullah bin Sarjas he said: the Messenger of Allah (saas) prohibited, (That the man washes in the remainder of Wudhou' of the Woman, and the woman with the remainder of the man, **but they can wash together**)]

\* And Imaam Al-Haafiz bin Hajar Al-Asqalaani said in [43]: [And in the prohibition is also what was produced by Abu Dawood and Al-Nasaa'i by the route of Humayd bin Abdul-Rahman Al-Himyary he said I saw a man who accompanied the Prophet (saas) four years so he said the Messenger of Allah (saas) prohibited that the woman washes with the remainder of the man or the man with the remainder of the woman **but let them scoop together**. The men (of that Isnaad) are Thiqat and I did not stop to whom justified it according to a strong Hujjah and the claim of Al-Bayhaqy that he is in the meaning of what is sent is refuted because Ibhām Al-Sahaabi (= not naming the Companion) does not harm, and also the Al-Tabi'i explicitly classified him as a Companion. And the claim of bin Hazm that Dawood had told it according to Humayd bin Abdul-Rahman, who is bin Yazeed Al-Awdi and is a weak narrator, is refuted for he is bin Abdullah Al-Awdi (and not bin Yazeed Al-Awdi) and this one is Thiqah (trustworthy) and the name of his father was explicitly mentioned by Abi Dawood and others]

So the prohibition then is centred on the situation where the men take control of the water, and the women wait for their remains, or that the women are first to the water so the men wait for them to finish for fear of mixing with them or rubbing against them or harassing them so the Prophet of Allah (saas) ordered that they overcome these worries, and that they all perform Wudhou' at the same time from the same container, so in this there is no forbidden mixing, and no departure from the departments of Al'Sharia.

And as for there being only one container then it is necessary from the utterance: (Fadhī = remainder or left-over). For if the men had a container and the women another container, then there would not have been any remainder from one of the sexes which can be used by the other sex, and the fact that they all perform Wudhou' at the same time, men and women, from the same container is solid according to the most correct Isnaads from other routes:

\* As it appeared in [7] with one of the most correct Isnaad available anywhere in the world, which can definitely be referred to as authoritative: [Musaddad told us Yahya told us, according to 'Ubaydullah, Nafi' told me, according to Abdullah bin 'Umar he said: (We used to perform Wudhou' us and the women during the time of the Messenger of Allah (saas) from one container we dipped our hands in it)], and Al-Albani said: (correct). And it also appears in each of: [10] by several routes and [11] by several routes, and [68], and [47], and [1] and others.



\* And it also appeared in [5] by Imaam Al-Bukhaary with the "Golden Chain" Isnaad: [Abdullah bin Yusif told us he said Malik told us, according to Nafi', according to Abdullah bin 'Umar that he said: (The men and the women used to perform Wudhou' in the time of the Messenger of Allah (saas), together)], and it appears in [8], and in [7], and in [20], and in [4]. And it also appears in each of [10] from several routes, and [11] from several routes, and [68], and [47], and [1], and others.

\* And all of this confirms what appears in [7] : [Abdullah bin Muhammad Al-Nufayly told us Wakee' told us, according to Usamah bin Zeid, according to bin Kharbour, according to Um Subayh Al-Juhaniyyah she said: (My hand and the hand of the Messenger of Allah (saas) alternated in Wudhou' from one container)], and Al-Albani said: (good and correct), and it also appears in [2], and in [10] from several routes and also in [11].

\* And in [46] is another Hadeeth, with a Isnaad from his men who are Thiqat: [Ahmad told us he said Muhammad bin Saabiq told us he said Ibraheem bin Tahmaan told us, according to Abi Al-Zubayr, according to 'Ubayd bin Ameer, according to 'Ayshah she said: (And I was washing I and the Messenger of Allah (saas), from this), and she pointed to a container of stone which was placed in a certain way, (we begin together: so I pour water over my head three times with my hands, and he did not touch a hair)], and Al-Tabaraany said: (This Hadeeth was not told, according to Abi Al-Zubayr except by Ayyoub and Rouh bin Al-Qaassim and Ibraheem bin Tahmaan).

\* And this is supported by [21]: [Abu Khaleefeh told us he said Al-Qa'nabi told us, according to Malik, according to Hishaam bin 'Urwah, according to his father, according to 'Ayshah that she said: (I was washing with the Messenger of Allah (saas), from a single container we scooped from it together)], and Sheikh Shu'ayb Al-Arnaoott said: (Its Isnaad is correct), I said: this has been transferred from 'Ayshah by the method of Al-Tawaatur and it was also told according to her by: Mu'aathah Al-Adawiyyah, and Attaa', and Abi Salamah, and Al-Qsim bin Muhammad, and Al-Aswed with the most correct of Isnaads. You can find this in [10]. And others of the collectors; and the wording of the narration of Mu'aathah has already been mentioned during the discussion of a previous objection.

\* And it appeared in [10] with a correct Isnaad: [Ismaeel bin Ibraheem told us he said Hishaam Al-Destewa'i told us, according to Yahia bin Abi Katheer, according to Abi Salamah, according to Zeineb Bint Um Salamah, according to Um Salamah that she and the Messenger of Allah (saas) were washing from one container from Al-Janaabah [serious impurity], and he kissed her while he was fasting]

\* And it also appeared in [10] with a correct Isnaad: [Sufyaan told us, according to Amrou bin Dinar, according to Abi Al-Sha'tha' Jabir (meaning bin Zaid), according to bin Abbaas, according to Maymounah she said: (I was washing I and the Messenger of Allah from one container)]

And other similar Hadeeths have already been reported it, the most important of which is the Hadeeth of Maymounah:

### ***Appendix Three***

\* And as it appeared in [68]: [Abu Taahir told us Abu Bakr told us, Ahmad bin Al-Muqdam Al-'Ijli and Muhammad bin Yahya Al-Qat'i they said: Muhammad bin Bakr told us, Shu'bah told us, according to Simaak, according to 'Ikrimah, according to bin Abbaas he said The Prophet (saas) wanted to perform Wudhou' so one of his women said O Messenger of Allah I performed Wudhou' from this so the Prophet (saas) performed Wudhou' and said: "Water cannot be made Najis by anything"], and Imaam Muhammad bin Is-haaq bin Khuzaymah said: (This is the Hadeeth of Ahmad bin Al-Miqdam). And Al-Haakim produced it in [47], then he designated it correct, then he said: (Al-Bukhaary referred to the Hadeeths of 'Ikrimah as authoritative, and Muslim referred to the Hadeeths of of Simaak bin Harb as authoritative. And this Hadeeth is correct in purity and they did not produce it and no justification was memorised for it), and you also find it in [1].

And to you also is the following **amusing** Hadeeth:

\* And as it appeared in [2] with a correct Isnaad: [Amrou bin Raafi' and Ismaeel bin Tawbah told us they said: Yahya bin Zakariyyaa bin Abi Za'ideh told us, according to Haarithah, according to 'Amrah, according to 'Ayshah she said: (I was performing Wudhou' I and the Messenger of Allah from one container, and the female cat had reached (and drank from it) it before that)], and Al-Al-Bani said: (correct).

## References

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- [1] «سنن البيهقي الكبرى» "Sunan Al-Beyhaqy Al-Kubra"
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- [2] «سنن ابن ماجه» "Sunan Ibn Majah"
- 
- [3] «المنتقى من السنن المسندة لابن الجارود» "Al-Muntaqa min Al-Sunan Al-Musnada libn Al-Jarood"
- 
- [4] «السنن الكبرى للإمام النسائي» "Al-Sunan Al-Kubra lil.Imaam Al-Nasaa'y"
- 
- [5] «الجامع الصحيح المختصر» "Al-Jaami' Al-Saheeh Al-Mukhtaser"
- 
- [6] «صحيح الإمام مسلم» "Saheeh Imaam Muslim"
- 
- [7] «سنن أبي داود» "Sunan Abi Dawood"
- 
- [8] «موطأ مالك» "Muwata' Malik"
- 
- [9] «سنن الدارقطني» "Sunan Al-Daraqutny"
- 
- [10] «مسند الإمام أحمد بن حنبل» "Musnad Imaam Ahmad bin Hanbal"
- 
- [11] «المعجم الكبير» "Al-Mu'jam Al-Kabeer"
- 
- [12] «الأحاديث والمثاني» "Al-Ahaad Wal-Mathaani"
- 
- [13] «سنن الدارمي» "Sunan Al-Daarimy"
- 
- [15] «مسند أبي يعلى» "Musnad Abi Ya'la"
- 
- [16] «التقريب» "Al-Taqreeb"
- 
- [17] «المنتخب من مسند عبد بن حميد» "Al-Muntakhab min Musnad Abd bin Humayd"
- 
- [18] «صحيح ابن حبان» "Saheeh Ibn Hibbaan"
-

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- [19] "Al-Tareekh Al-Kabeer lil-Imaam Al-Bukhaary" "التاريخ الكبير للإمام البخاري"
- 
- [20] "Al-Mujtaba min Al-Sunan lil-Imaam Al-Nasaa'y" "المجتبى من السنن للإمام النسائي"
- 
- [21] "Saheeh Ibn Hibbaan" "صحیح ابن حبان"
- 
- [22] "Musnad Abi Ya'la" "مسند أبي يعلى"
- 
- [23] "Sunan Al-Daraqutny" "سنن الدارقطني"
- 
- [24] "Musnad Imaam Is-haaq bin Raahaweh" "مسند الإمام إسحاق بن راهويه"
- 
- [25] "Sunan Imaam Al-Shaafi'y" "سنن الإمام الشافعي"
- 
- [26] "Sharh Ma'aani Al-Aathaar lil-Imaam Al-Tahaawi" "شرح معاني الآثار: للإمام الطحاوي"
- 
- [27] "Sunan Al-Tirmithi" "سنن الترمذي"
- 
- [28] "Al-Muntaqa min Al-Sunan Al-Musnada" "المنتقى من السنن المسندة"
- 
- [29] "History of Baghdad" "تاريخ بغداد"
- 
- [30] "Tathkirat-ul-Huffaaz" "تذكرة الحفاظ"
- 
- [31] "Sharh Ma'aani Al-Aathaar" "شرح معاني الآثار"
- 
- [32] "Masnad Abi Ya'la according to Maymouna Only" "مسند أبي يعلى عن ميمونة فقط"
- 
- [33] "Masnad Ibn Al-Ja'd" "مسند ابن الجعد"
- 
- [34] "Selected of Sunan from Imaam Al-Nasaa'y" "المجتبى من السنن للإمام النسائي"
- 
- [35] "The Preamble libn Abdul-Barr" "التمهيد لابن عبد البر"
- 
- [36] "Al-Thiqaat" "الثقات"
-

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- [37] «المعجم الصغير» "Al-Mu'jam Al-Sagheer"
- 
- [38] «التاريخ الكبير» "Al-Taareekh Al-Kabeer"
- 
- [39] حديث عن أبي سعيد الخدري "Hadeeth according to Abi Sa'eed Al-Khudri"
- 
- [40] «ضعفاء العقيلي» "Dhu'afaa' Al-Uqayly"
- 
- [41] «الكامل في ضعفاء الرجال» "Al-Kaamil fi Dhu'afaa' Al-Rijaaal"
- 
- [42] «تاريخ أسماء الثقات» "Tareekh Asma' Al-Thiqaat"
- 
- [43] «فتح الباري شرح صحيح البخاري» "Fat'h Al-Baari Sharh Saheeh Al-Bukhaary"
- 
- [44] «تاريخ جرجان» "History of Jurjaan"
- 
- [45] «مسند أبي عوانة» "Musnad Abi 'Uwaanah"
- 
- [46] «المعجم الأوسط» "Al-Mu'jam Al-Awsatt"
- 
- [47] «المستدرک علی الصحیحین» "Al-Mustadrik Ala Al-Saheehayn"
- 
- [48] «الطبقات الكبرى» "Al-Tabaqaat Al-Kubra"
- 
- [49] «مسند أبي داود الطيالسي» "Musnad Abi Dawood Al-Tayaalisy"
- 
- [50] «مصنف ابن أبي شيبة» "Masannaf Ibn Abi Shaybah"
- 
- [51] «مسند الشاميين» "Musnad Al-Shaamiyyeen"
- 
- [52] «تاريخ بغداد» "Tareekh Baghdad"
- 
- [53] «العلل الواردة في الأحاديث النبوية» "Al-'Ilal Al-Waaridah fil-Ahadeeth Al-Nabawiyyeh"
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[54] “Masannaf Abdul-Razzaaq” , «مصنف عبد الرزاق»

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[55] ”Al-Adab Al-Mufrad” «الأدب المفرد»

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[56] ”Ma’rifat Al-Thiqaat” «معرفة الثقات»

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[57] ”Tathkirat-ul-Huffaaz” «تذكرة الحفاظ»

---

[58] ”Al-Jarh wal-Ta’deel” «الجرح والتعديل»

---

[59] “Taqreeb Al- Tah-theeb” «تقريب التهذيب»

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[60] ”Tah-theeb Al-Kamaal” «تهذيب الكمال»

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[61] ”Sunan Sa’eed bin Mansour” «سنن سعيد بن منصور»

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[62] ”Al-Illel and Ma’rifat Al-Rijaal” «العلل ومعرفة الرجال»

---

[63] ”Dhu’afa’ Al-'Uqayly” «ضعفاء العقيلي»

---

[64] ”Al-Teqreeb” «التقريب»

---

[65] ”Tah-theeb Al- Tah-theeb” «تهذيب التهذيب»

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[66] ”Al-Muhalla” «المحلى»

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[67] “Neil Al-Awtaar” «نيل الأوطار»

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[68] ”Saheeh Ibn Khuzaymah” «صحيح ابن خزيمة»

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[69] «السبع ما أخذ في بطنه، والكلب ما أخذ في بطنه، فاشربوا وتوضؤوا»

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[70] “Neil Al-Awtaar” «نيل الأوطار»

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### Hadeeth

[H1] «إن الله ورسوله حرم بيع الخمر والميتة والخنزير والأصنام»

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[H2] «إن الله حرم الخمر وثمنها، وحرم الميتة وثمنها، وحرم الخنزير وثمنه»

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[H3] «إنه ليس بدواء، ولكنه داء»

[H4] «هل شعرت أنها قد حرمت بعدك؟!»

[H5] «وان الخمر حرام وثمرتها حرام،

[H6] «وان الخمر حرام وثمرتها حرام، وان الخمر حرام وثمرتها حرام»

[H7] «هل شعرت أنها قد حرمت بعدك؟!»

[H8] : «إن الله،

عز وجل، ورسوله، حرم عليكم الخمر وثمرتها وحرم عليكم الميتة وثمرتها وحرم عليكم الخنازير وأكلها وثمرتها»

[H9] «فإنه لا يصلح بيعه ولا شراءه ولا التجارة فيه لمسلم»

[H10] «أوما علمت يا أبا قحان أن الذي حرم شربها: حرم بيعها؟!»

[H11] «دباغها طهورها»

[H12] «لعن الخمر وشاربيها وساقبيها ويانعيها ومبتاعها وعاصرها ومعتصرها وحاملها والمحمولة إليه وأكل ثمنها»

[H12] «لعنت الخمر وشاربيها وساقبيها وعاصرها ومعتصرها وحاملها والمحمولة إليه ويانعيها ومبتاعها وأكل ثمنها»

[H13] «فإن الله قد حرمها!»،

[H14] «أنهاكم عن قليل ما أسكر كثيره»

[H15] «فما كان من خمر فقليله وكثيره حرام، وما كان مما سوى ذلك من الأشربة فأسكر منه حرام،

[H16] «الخمر من هاتين الشجرتين: النخلة، والعنب»

[H17] : «إنما الأعمال بالنيات، وإنما لكل امرئ ما نوى»

[H18] «الطهور شطر الإيمان»

[H19] «وإن الله لا يقبل صلاة من غير طهور».

[H20] : «الأييم طهوره دباغه»

[H21] «إن الماء طهور لا ينجسه شيء»

[H22] «إِذَا كَانَ الْمَاءُ قُلَّتَيْنِ لَمْ يَحْمِلِ الْخَبِيثُ»،

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[H23] «الْمَاءُ لَا يَنْجَسُهُ شَيْءٌ»

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[H24] «إِنَّ الْمَاءَ لَا يَجْنُبُ!»

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[H25] «إِنَّ الْمَاءَ لَا يَنْجَسُهُ شَيْءٌ، إِلَّا مَا غَلَبَ عَلَى رِيحِهِ وَطَعْمِهِ وَلَوْنِهِ»

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[H26] «اسْقُوا وَاسْتَقُوا فَإِنَّ الْمَاءَ يَحُلُّ، وَلَا يَحْرَمُ»

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## **إشكاليات حول بعض المشروبات والمطعومات**

### **الملحق الرابع**

#### ***Objects of Dispute around Some Food and Drink Substances***

#### ***Appendix Four***

Committee of researchers and specialists

London

Monday: 29<sup>th</sup> of the month of *Safar* in the year 1425 *Hijra* calendar

Corresponding to 19<sup>th</sup> April 2004 AD

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**Appendix 4: Some Forbidden Food Substances**

It is known that the scholars of Islam expanded a great deal in their discussions of the subjects of (Purity) and (Najaasah [Impurity]) and (The purification from Al-Najaasah) because of the importance of this in prayers, which is the greatest rite of the rites-of-worship, and [also its importance] in other rites, and also in what is forbidden from the food for the need of every individual Muslim of this under all circumstances.

And it is impossible in this quick report have the capacity for all that is necessary, and therefore it is necessary to refer to the sources of Fiqh [Islamic jurisprudence], and especially the jurisprudence of Hadeeth, and the comparative Fiqh, for example from the encyclopedia of the great Imaam Abi Muhammed Ali Bin Hazm Al-Andalusy: [72] and it is one of the most important encyclopedias of comparative Fiqh, which will be the pillar of our research, and from which we will borrow phrases and sentences, even complete sections, and also [70] for the great Mujtahid Imaam Al-Shawkani, and also the large collectors of Fiqh, like: [73] by Imaam Al-Kashani, and in [74] by Imaam Al-Shaafi'y, and in [75] by Imaam Al-Nawawy Al-Shaafi'y, and in [76] by Imaam Ibn Qudamah Al-Hanbaly, and in [77] by Imaam Al-Jassaas Al-Hanafy, and the collectors of Sunnah with a critique of the Isnaads and their study.

**\* Chapter: The forbiddance of blood, the carrion, and the meat of pigs:**

There is no doubt that the forbiddance of the eating of (carrion) and eating of (pig meat) from what is known from Islam by necessity so through the reliance on the noble book, and the recurring Sunnah, and the unanimous agreement on its correctness and this has settled in the psyche [mind or soul] of the congregation of Muslims until the aversion from these two forbidden substances exceeded the limit of moderation limit and sometimes became mixed with exaggeration among many of the public, and even among prominent people and authorities. And there are other forbidden substances which are less [than these two] in firmness and solemnity, but which receive the same treatment [and consideration] as these two forbidden substances with yet stronger reason.

\* And Allah said, elevated be His standing: {*Qul la ajidu feema oohiya ilayya muharraman AAala taAAimin yatAAamuhu illa an yakoona maytatan aw daman masfoohan aw lahma khinzeerin fa-innahu rijsun aw fisqan ohilla lighayri Allahi bihi famani idturra ghayra baghin wala AAadin fa-inna rabbaka ghafoorun raheemun*},

(AL-ANAAM (CATTLE, LIVESTOCK; 006.145)

*YUSUFALI: Say: "I find not in the message received by me by inspiration any (meat) forbidden to be eaten by one who wishes to eat it, unless it be dead meat, or blood poured forth, or the flesh of swine,-for it is an abomination -or, what is impious, (meat) on which a name has been invoked, other than Allah's". But (even so), if a person is forced by necessity, without wilful disobedience, nor transgressing due limits,-thy Lord is Oft-forgiving, Most Merciful.*

*PICKTHAL: Say: I find not in that which is revealed unto me aught prohibited to an eater that he eat thereof, except it be carrion, or blood poured forth, or swineflesh -for that verily is foul -or the abomination which was immolated to the name of other than Allah. But whoso is compelled (thereto), neither craving nor transgressing, (for him) lo! thy Lord is Forgiving, Merciful.*

*SHAKIR: Say: I do not find in that which has been revealed to me anything forbidden for an eater to eat of except that it be what has died of itself, or blood poured forth, or flesh of swine--for that surely is unclean--or that which is a transgression, other than (the name of) Allah having been invoked on it; but whoever is driven to necessity, not desiring nor exceeding the limit, then surely your Lord is Forgiving, Merciful.*

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And this noble verse was descended in Mecca, and it is from one on the first verses that were descended from Qur'aan. And the text in this verse is explicit in the forbiddance of the food only.

\* And He confirmed, to Whom belongs might and majesty, in another verse descended from Qur'aan: {Hurrimat AAalaykumu almaytatu waalddamu walahmu alkhinzeeri wama ohilla lighayri Allahi bihi waalmunkhaniqatu waalmawqoothatu waalmutaraddiyatu waalnnateehatu wama akala alssabuAAu illa ma thakkaytum wama thubiha AAala alnnusubi waan tastaqsimoo bial-azlami thalikum fisqun alyawma ya-isa allatheena kafaroo min deenikum fala takhshawhum waikhshawni alyawma akmaltu lakum deenakum waatmamtu AAalaykum niAAamatee waradeetu lakumu al-islama deenan famani idturra fee makhmasatin ghayra mutajanifin li-ithmin fa-inna Allaha ghafoorun raheemun} (005.003 AL-MAEDA (THE TABLE, THE TABLE SPREAD))

*YUSUFALI: Forbidden to you (for food) are: dead meat, blood, the flesh of swine, and that on which hath been invoked the name of other than Allah; that which hath been killed by strangling, or by a violent blow, or by a headlong fall, or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); that which is sacrificed on stone (altars); (forbidden) also is the division (of meat) by raffling with arrows: that is impiety. This day have those who reject faith given up all hope of your religion: yet fear them not but fear Me. This day have I perfected your religion for you, completed My favour upon you, and have chosen for you Islam as your religion. But if any is forced by hunger, with no inclination to transgression, Allah is indeed Oft-forgiving, Most Merciful.*

*PICKTHAL: Forbidden unto you (for food) are carrion and blood and swineflesh, and that which hath been dedicated unto any other than Allah, and the strangled, and the dead through beating, and the dead through falling from a height, and that which hath been killed by (the goring of) horns, and the devoured of wild beasts, saving that which ye make lawful (by the death-stroke), and that which hath been immolated unto idols. And (forbidden is it) that ye swear by the divining arrows. This is an abomination. This day are those who disbelieve in despair of (ever harming) your religion; so fear them not, fear Me! This day have I perfected your religion for you and completed My favour unto you, and have chosen for you as religion al-Islam. Whoso is forced by hunger, not by will, to sin: (for him) lo! Allah is Forgiving, Merciful.*

*SHAKIR: Forbidden to you is that which dies of itself, and blood, and flesh of swine, and that on which any other name than that of Allah has been invoked, and the strangled (animal) and that beaten to death, and that killed by a fall and that killed by being smitten with the horn, and that which wild beasts have eaten, except what you slaughter, and what is sacrificed on stones set up (for idols) and that you divide by the arrows; that is a transgression. This day have those who disbelieve despaired of your religion, so fear them not, and fear Me. This day have I perfected for you your religion and completed My favor on you and chosen for you Islam as a religion; but whoever is compelled by hunger, not inclining willfully to sin, then surely Allah is Forgiving, Merciful.*

And in this last noble verse of Madeenah:

- (1) Generalisation of the forbiddance of blood to all bloods, whether spilled or not spilled, unless another proven text came which excluded it, for example what was told according to him (saas): "Two carrion are permitted to us: whale and locust, and two bloods: liver and spleen";
- (2) And in it there is also further explanation of the types of carrion which some, with a limited understanding, may imagine that it is not [classified as] dead because it did not die a natural death through illness or old age, and also what a predator has eaten, or what the predatory birds or animals hunted for itself (and not what the predatory animals which had been trained to hunt hunted, for

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who sent it) even if it spilled the blood. All of that is [classified as] (dead) except what man managed to slaughter, as long as it has a breath

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...of life

So (the carrion) is therefore: everything that died without the **appropriate** slaughter. And the appropriate slaughter is not something perceptive or logical arrived at through the senses or experiment or the intellect, as many of the people imagine, but is is a **(positive injunction)** which is purely ritual, which is only defined in the context of Shari'a:

- (A) He who slaughtered or butchered or carved [or slashed or bored] with the intention of slaughtering, even split its jugular vein and spilled the blood with the intention of slaughtering;
  - (B) Or through striking with what pierces and spills the blood with the intention of slaughtering, as is done with the fleeing animal, and also with the stubborn difficult animal, and with the camel which fell into a hole so that it cannot be reached to be slaughtered so it is struck in its back or its thigh, or similar matters;
  - (C) Or what the trained hunting predatory animal had caught on behalf of who sent it and who sent it with the intention of hunting, and who mentioned the name of Allah when he sent it, even if the blood was not spilled. Examples of that are: a hunting dog which had been trained to pounce upon a rabbit and break its neck, so it dies without bleeding a single drop of blood, this is a consummate, considered, ritual slaughter [according to Shari'a];
  - (D) And also what Al-Kitaabi [adherent of a revealed religion; Jews and Christians] slaughtered, so his slaughter is a ritual slaughter which is considered according the text of Qur'aan;
- (3) And the [noble] verse also indicated that the forbiddance has expanded so that it now includes matters other than simply food, but the text is Mujmal (not precise or detailed) and is in need of Tafseer (detailing and expansion). And this explanation and detail is contained in other texts from the book [Qur'aan] and Sunnah because it is impossible and which is prohibited in Shari'a that the forbiddance is general, because of his saying, honoured be His Mention,

*{Wama lakum alla ta/kuloo mimma thukira ismu Allahi AAalayhi waqad fassala lakum ma harrama AAalaykum illa ma idturirtum ilayhi wa-inna katheeran layudilloona bi-ahwa-ihim bighayri AAilmin inna rabbaka huwa aAAlamu bialmuAAatadeena}* (006.119 AL-ANAAM (CATTLE, LIVESTOCK)) 006.119

**YUSUFALI:** *Why should ye not eat of (meats) on which Allah's name hath been pronounced, when He hath explained to you in detail what is forbidden to you -except under compulsion of necessity? But many do mislead (men) by their appetites unchecked by knowledge. Thy Lord knoweth best those who transgress.*

**PICKTHAL:** *How should ye not eat of that over which the name of Allah hath been mentioned, when He hath explained unto you that which is forbidden unto you unless ye are compelled thereto. But lo! many are led astray by their own lusts through ignorance. Lo! thy Lord, He is Best Aware of the transgressors.*

**SHAKIR:** *And what reason have you that you should not eat of that on which Allah's name has been mentioned, and He has already made plain to you what He has forbidden to you--excepting what you are compelled to; and most surely many would lead (people) astray by their low desires out of ignorance; surely your Lord--He best knows those who exceed the limits.*

So it is not permitted in Shari'a, nor in common sense, according to this [noble] verse, for every action connected with the carrion to be forbidden, for example taking it out of the home or the shed then throwing it to predators, or burying it, or burning it: so the forbiddance is necessarily restricted to what was contained in the text of the [noble] verse of Mecca from the forbiddance of food only, and to what may be detailed in a another proven clear solid text.

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And it appeared in the noble Prophetic Sunnah with an announcement of this: That the forbiddance extends also to its (**price**), that is to say it is not a capital or a wealth for a Muslim, so he is forbidden from owning it, and by necessity selling it, and buying it. But it is very important that we note that the forbiddance is for its value under its classification as a food which is forbidden to eat, and not under another classification, as we will detail this shortly, if Allah permits.

(4) The forbiddance of carrion and blood and the meat of pigs is in one single category, not like some think that some of it is more serious than another, without proof. For the [noble] verse stated that the (pig) in its entirety is filthy in itself, and this is because the pronoun in the wording (**fa-innahu**) (and hu: is ha of Al-Kinayah [antonomasia]) in His saying, the Exalted (*{Qul la ajidu feema oohiya ilayya muharraman AAala taAAimin yatAAamuhu illa an yakoona maytatan aw daman masfoohan aw lahma khinzeerin **fa-innahu** rijsun aw fisqan ohilla lighayri Allahi bihi famani idturra ghayra baghin wala AAadin fa-inna rabbaka ghafoorun raheemun}*)(AL-ANAAM (CATTLE, LIVESTOCK; 006.145), it is possible that it refers to the spilled blood, that is to say that the understanding [extension] of the saying: that the spilled blood is filthy, or to the meat (meat of the pig), that is to say that the understanding of the saying is: then the meat of the pig is filthy, or to the pig itself, that is to say that the understanding of the saying is: that the pig is filthy, and what is definite in the language of Arabs that it refers to those of the mentioned things which are nearest to the pronoun, unless there is proof to what is different. So it refers then to (the pig). So all of the pig is filthy: its meat, its fat, its skin, its bones, its hair, and its hoofs

But some of the Faqihs said that the pronoun refers to the meat of the pig only, i.e. the understanding of the saying is: that the meat of the pig is filthy, because the pig is not referred to originally, but the reference is only to its meat which is defined by its reference to the “pig”. And even in this case then the word (**meat**) must be taken in its widest meaning in the language of Arabs and it means here: what is eaten generally, that is to say everything apart from the bones and the skin, and what is on the skin from hair or scales, and horns and hoofs. So the meat here includes: the muscles, and the fat, and the intestines and the lungs, and the kidneys ... etc. This understanding is possible, we may refer to it sometimes as the school of thought of those who say: (the the Najaasah is of the pig’s meat only).

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And as for the forbiddance of (the price) of the pig and the carrion, and also Khamr [intoxicants] and the idols, then it is proven without any doubt:

\* And as appeared in [5], and it is itself in the supported Isnaads and in the body of the Hadeeths in [6], and the same in Isnaad and text in [4] according to Jabir Bin Abdullah (raa): [Qutaybah told us Al-Layth told us, according to Yazeed Bin Abi Habeeb, according to to ‘Ataa’ Bin Abi Rabaah, according to Jabir Bin Abdullah (raa), that he heard the Messenger of Allah say in the year of the triumph when he was in Mecca: [H1] “That Allah and his Prophet forbade the selling of Khamr and the carrion and the pig and the idols”, so it was said: (O Messenger of Allah: Have you seen the fat of the carrion?! For it is used to cover the ships, and it is used to coat the skins, and the people use it for lighting!), so he said: No: it is forbidden!”, the Messenger of Allah (saas) said after this: [H28] “Allah fought the jews: for when Allah forbade its fats, they traded in it, then they sold it, then they ate from its value”, Abu ‘Aasim said: Abdul-Hameed told us Yazeed told us ‘Ataa’ wrote to me I heard Jabir (raa) according to the Prophet (saas)], and it appears in the same subject in [2] and Al-Albaany said: (correct and authentic). And it appears on the same subject in [3], and also in [1] from a number of routes, and in others.

\* And it appeared in this area in [1], according to Abdullah Bin ‘Amrou Bin Al-Ass: [Abu Zekeria told us Bin Abi Is-haaq and Abu Bakr Ahmad Bin Al-Hassan both said Abu Al-Abbaas Muhammed Bin Yaqoub informed Muhammed Bin Abdullah Bin Abdul-Hekem Bin Wahb told me Usameh Bin Zaid told me, according to ‘Amrou Bin Shu’ayb, according to his father, according to his grandfather he said I heard the Messenger of Allah (saas) he said in the year of the triumph when he was in Mecca: “That Allah forbade the sale of Khamr [intoxicants] and the carrion and the pig and the idols”, so it was said to him: (O Messenger of Allah: Have you seen the fat of the carrion?! For it is used to cover the ships, and it is used to coat the skins, and the people use it for lighting!), so he said: No: it is forbidden!”, then he said: [H28] “Allah fought the jews: for when Allah forbade them its fats, they combined it, then they sold it, then they ate from its value”, and in the Hadeeth of ‘Amrou Bin Shu’ayb, according to his father, according to his grandfather in it the saying which known, who is good in general, and he testifies to the correct ness of what preceded.

\* And this is attested to in what came in [7], according to Abi Hurayrah: [Ahmad Bin Saalih told us Abdullah Bin Wahb told us Mu’aawiyah Bin Saalih told us, according to Abdul-Wahhaab Bin Bukht, according to Abi Al-Zinad, according to Al-A’raj, according to Abi Hurayrah that the Messenger of Allah (saas) said: [H2] “That Allah forbade Khamr and its price, and forbade the carrion and its price, and forbade the pig and its price”, and Al-Albaany said: (correct and authentic), I said: (Mu’aawiyah Bin Saalih, the Judge of Al-Andalus, is not from those of the correct and authentic [Hadeeth] which can be relied on definitely as authoritative if he singly reported it, although he was accepted by Imaam Muslim, for Imaam Muslim had published from him in [6], but his Hadeeth is good and fine, but he did not produce it singly here, so this Hadeeth is then correct and authentic with the testimony of the previous Hadeeths.

So the forbiddance of the (**price**) of the pig and the carrion, that is to say the forbiddance of selling it and buying it and owning it, is proven and there is no doubt about this proof, and many other texts came on the forbiddance of (**the price**) of Khamr and the idols, which are dealt with in their appropriate locations.

And as for the forbiddance, the latter applies to it [the substance in question] under its definition of food which is eaten, and not under another definition [or description], for this has been ilucidated in the noble verse {*Qul la ajidu feema oohiya ilayya muharraman AAala taAAimin yatAAamuhu illa an yakoona maytatan aw daman masfoohan aw lahma khinzeerin fa-innahu rijsun aw fisqan ohilla lighayri Allahi bihi famani idturra ghayra baghin wala AAadin fa-inna rabbaka ghafoorun raheemun*}(AL-ANAAM (CATTLE, LIVESTOCK; 006.145), so the forbiddance of these

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categories began originally with the forbiddance of eating it only, nothing else. And this was supported by the noble Prophetic Sunnah as for example in the saying of the Prophet (saas) [H28] “Allah fought the Jews: For when Allah forbade its fats, they traded in it, then they sold it, then they ate from its value”, so the dispraise for the selling of the fats began originally for those fats whose eating had been forbidden initially, and the forbiddance of its sale was only as a consequence and a result of the forbiddance for eating it, that is to say its definition as food, and not because of any other consideration. The clarity of this and its confirmation is in the following Hadeeths:

\* And as appeared in [5], with the most correct and authentic of Isnaads of the world: [Zuhayr Bin Harb told us



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Yaqoub Bin Ibraheem told us, my father told us, according to Saalih he said: Bin Shihaab told us that Ubaydullah Bin Abdullah told him that Abdullah Bin Abbaas (raa) told him: that the Messenger of Allah (saas), came by a dead sheep so he said: “Why don’t you enjoy its skin?!”, they said: (It is dead!), he said: “**Only its eating is forbidden**”, and this was produced by Al-Bukhari from a number of routes, and it is also in [6].

\* And in [10] it was mentioned for the adoption of Imaam Al-Zuhry in the tanning: [Abdul-Razzaaq told us Ma’mar told us, according to Al-Zuhry, according to Ubaydullah Bin Abdullah Bin ‘Utbah, according to Bin Abbaas he told it], Ma’mar said: (And Al-Zuhry denied the tanning, and said it can be enjoyed in any case).

\* And it also appears in [6] with the wording: [Yahya Bin Yahya and Abu Bakr Bin Abi Shaybah and ‘Amrou Al-Naqid and Ibn ‘Umar all told us, according to Bin ‘Uyaynah (Yahya said: Sufyaan Bin ‘Uyaynah told us) according to Al-Zuhry, according to Ubaydullah Bin Abdullah, according to Bin Abbaas he said: a sheep was given as charity to a Mawlaat [slave] of Maymounah, then it died, so the Messenger of Allah came by it so he said: “Why don’t you take its skin then have it tanned then enjoy it?!”, they said: (It is dead!), he said: “**Only its eating is forbidden**”, and Imaam Muslim said: (Abu Bakr and Ibn Abi ‘Umar said in their Hadeeth according to Maymounah may the contentment of Allah be upon her).

\* And it appears in [15] from several correct and authentic routes in one of them came: [Is-haaq told us he said I heard Sufyaan in Mina say: I memorized it from Al-Zuhry he told, according to Ubaydullah Bin Abdullah, according to Bin Abbaas, according to Maymounah, so he narrated it on this subject, with the mention of (the tanning)].

\* And a confirmation of the retention of Sufyaan Bin ‘Uyaynah and his precision appears in [11]: [Bishr Bin Mousa told us, Al-Humaydy told us, Sufyaan told us, Al-Zuhry told me Ubaydullah Bin Abdullah told me, according to Bin Abbaas, according to Maymounah she said: The Prophet (saas) came by the sheep of a Mawlaat [slave] for us she was given it as charity, dead, so he said: (Why don’t the owners of this take its skin, then tan it, then benefit from it?!), they said: (O Messenger of Allah: It is dead!), so he said: “**Indeed: Only eating it is forbidden**”, so they said to Sufyaan: (That Ma’mar does not say in it: (and tan it), and he says: Al-Zuhry used to deny the tanning”, so Sufyaan said: (But I memorized it!), and Al-Humaydy said: (But we only wanted from him this word which another had copied: “**Indeed: Only eating it is forbidden**”, and Sufyaan perhaps did not mention in it Maymounah, so if it stopped on it he said in it Maymounah)]

\* And in [7]: [Muhammed Bin Yahya Bin Faris told us Abdul-Razzaaq told us he said Ma’mar said: (And Al-Zuhry used to deny the tanning, and used to say it can be benefited from in any case)], then Abu Dawood said: (Al-Awzaa’y and Younis and ‘Uqayl did not mention in the Hadeeth of Al-Zuhry the tanning, and it was mentioned by Al-Zubaydy, and Sa’eed Bin Abdul-’Azeez and Hafss Bin Al-Waleed mentioned the tanning), I said: but other routes came according to ‘Uqayl which mentioned the tanng, and also Sufyaan Bin ‘Uyaynah confirmed it.

\* And in [1] is another fine following-up after the mention of the most important routes of the Hadeeth and its wordings, Imaam Al-Bayhaqy said: [A group told it according to Al-Zuhry: Malik Bin Anas and Younis Bin Yazeed and Saalih Bin Kaysaan and others did not mention in it **then they tanned it**, and Sufyaan Bin ‘Uyaynah memorized it and the additions like this are acceptable from a narrator like him, if it is has been corroborated by other witnesses and ‘Uqayl Bin Khalid and Suleiman Bin Katheer and Al-Zubaydy followed him up on that in what was told according to

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them and it is also in his Hadeeth according to ‘Amrou Bin Dinar, according to ‘Ataa’ Bin Abi Rabaah.

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\* And it appears in [3] from a route other than Al-Zuhry's: [Muhammed Bin Yahya told us he said Abu ‘Aasim told us according to Bin Jurayj, according to ‘Ataa’ that the Prophet (saas) saw a dead sheep for some of his wives so he said: “Why don’t you tan its skin, so you can benefit from it?!”, and according to ‘Amrou Bin Dinar, according to ‘Ataa’, and he had heard it before him by forty years, according to Bin Abbaas, according to Maymounah (raa)], and it is also in the same area abbreviated in [6] from several routes, and in [27] with the wording: “Why don’t you remove its skin, then tan it, then enjoy it”, and Al-Albaany said: (correct and authentic), and it is as he said. And it is on the same subject in [11], and it also appears in [1] and others.

\* And it also appears in [20] by the route of Sa’eed Bin Jubayr, according to Bin Abbaas, and the same one in [4]: [Salamah Bin Ahmad Bin Saleem Bin Uthman Al-Fawzi told us he said: my grandfather Al-Khattaab told us he said: Muhammed Bin Himyar told us

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He said Thabit Bin 'Ajlaan told us he said I heard Sa'eed Bin Jubayr say I heard Bin Abbaas say that the Messenger of Allah (saas) passed by a dead goat so he said: "The owners of this sheep would do well to benefit from its skin"], and Al-Albaany said: (correct and authentic Isnaad), and it is as he said.

\* And in [4] by the route of Al-Sha'bi: [Muhammed Bin Qudamah told us, according to Jareer, according to Mugheerah, according to Al-Sha'bi he said: Bin Abbaas said: The Prophet (saas) passed by a dead sheep so he said: "Why don't you benefit from its skin?!"]

So the Hadeeth (that is the Hadeeth of Abdullah Bin Al-Abbaas (raa)) is proven beyond doubt, and it is sometimes with the mention of (tanning), and sometimes without its mention, in the majority of the collectors of Hadeeth, and the people of Islam wrote, for example: [8], [20], and also [4] by a very large number of routes most of them correct and authentic, and in [10], by many routes most of them correct and authentic as well, and in [7], and in [2], and in [13] and in [17], and in [80], and in [25], and it is also in [11] with the exhaustive listing of the routes including those which are correct and authentic as well as those which are faulty as it is the custom with Imaam Al-Tabaraany, and in [21] from a number of correct and authentic routes, and also in [31] from many routes, and it is through the exhaustive listing of the routes in [9] and in [1] from a number of correct and authentic routes, with useful comments from Imaam Al-Bayhaqy, as it is his commended custom.

\* And it appeared in [20] a Hadeeth from a story which is similar to what has appeared from another angle, according to Um-ul-Mu'mineen [The mother of believers] Sawdah Bint Zam'ah: [Muhammed Bin Abdul-'Azeez Bin Abi Rizmah told us he said Al-Fadhl Bin Mousa informed us, according to Ismaeel Bin Abi Khalid, according to Al-Sha'by, according to 'Ikrimah, according to Ibn Abbaas, according to Sawdah the wife of the Prophet (saas) she said: (A sheep died which belonged to us so we tanned its skin and we continued to use it until it became a Shinn [worn-out skin container])], and Al-Albaany said: (correct and authentic), and the same subject appears in [11] from several routes.

\* And it appears in a more complete form in [11] from other routes: [Ali Bin Abdul-'Azeez told us 'Amrou Bin Hammaad Bin Talhah Al-Qannaad told us Asbaatt Bin Nassr told us, according to Simaak Bin Harb, according to 'Ikrimah, according to Sawdah Bint Zam'ah she said: We had a sheep then she died so we threw it, so the Messenger of Allah came then he said: "What did your sheep do?!", we said: (It died, so we threw it!), so he said: "Do you not benefit from its skin?! ", so I said: (It is dead!), so he read out the noble verse: {*Qul la ajidu feema oohiya ilayya muharraman AAala taAAimin yataAAamuhu illa an yakoono maytatan* } (AL-ANAAM (CATTLE, LIVESTOCK; 006.145),, **"It has been forbidden for you only to eat from"**, so they sent for its skin to have it tanned. They used it until they had a Shinn], and Shinn is the worn-out skin container or the old disintegrating leather.

\* And it appeared in [24] a confirmation of this, according to 'Ayshah with a correct and authentic Isnaad: [Uthman Bin 'Umar told us, according to Bin Abi Thi'b, according to his uncle Al-Harith Bin Abdul-Rahman, according to Muhammed Bin Abdul-Rahman Bin Thawbaan, according to Aisha that the Prophet (saas) missed a young female goat, so he was told that it had died, so he said: "Why don't you take its skin and benefit from it"]

So these tales are correct and authentic and proven, from different routes, according to Al-Habr Al-Bahr (ocean of scholarship) Abdullah Bin Al-Abbaas, according to his aunt Um-ul-Mu'mineen [mother of believers] Maymounah, and according to the mothers of believers Sawdah Bint Zam'ah, and Aisha, may the contentment of Allah be upon them all, stating explicitly, or implicitly,

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regarding what we have mentioned that the forbiddance of a carrion is only for eating it, that is to say for it being food: “**But only its eating has been forbidden**”, “**But that Allah forbade eating it**”, because this is the restrictive form [of the Arabic Language], so it is not possible for it to be forbidden for any other consideration.

So in his saying (saas): “**But only its eating has been forbidden**”, and this is the restrictive grammatical form, therefore it is not possible to exceed it unless that was commanded [ordered] by another clear text, like the Hadeeth that had preceded a short while ago during the evaluation of (the forbiddance of the price), where this appeared in

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...the Saheeh (correct and authentic collections): [So it was said: (O Messenger of Allah: Have you seen the fat of the carrion?! For it is used to cover the ships, and it is used to coat the skins, and the people use it for lighting!), so he said: “No: it is forbidden!”], the Messenger of Allah (saas) said after this: [H28] “Allah fought the jews: for when Allah forbade its fats, they traded in it, then they sold it, then they ate from its value”, and it states the forbiddance of melting the fats of carrion to cover the ships, or to coat the skin, or to use for lighting, and not for eating, in addition to the forbiddance of eating that was noted before.

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**So if we note that the carrion, including the pig, is made up of:**

(1) Some of it parts which are food substances eaten generally, and this food substance may be known in the language of Arabs by the wording (Lehem [meat]) under the practice of referring to the whole by the name of its most important parts, which is: meat in its original narrow sense: that is to say muscle tissues, fats, gristle, the brain and what is associated with it from spinal cord and nervous system, and the alimentary canal (stomach and intestine), and the liver and kidney and spleen, and the respiratory system (windpipe and lungs), the marrow of bones and its oils, and the uterus of females and their ovaries, and the testicles of males and what is associated with them, and what is similar to these.

(2) And some which are not eaten normally like skin, and nails, and hoofs, and claws, and feathers, and shells, and scales, and hair or wool or Weber [thick animal hair, fleece], or horns, or nerves (meaning: the chords that connect the muscle to the bone, and not nerves of the senses), and the shields (like the shield of tortoises), and the tooth and the bone, and similar.

And if we examined His saying, elevated be His standing, {*Qul la ajidu feema oohiya ilayya muharraman AAala taAAimin yatAAamuhu illa an yakoona maytatan aw daman masfoohan aw lahma khinzeerin fa-innahu rijsun aw fisqan ohilla lighayri Allahi bihi famani idturra ghayra baghin wala AAadin fa-inna rabbaka ghafoorun raheemun*} (AL-ANAAM (CATTLE, LIVESTOCK; 006.145), in careful detail, while observing his saying (saas): “**But its eating has been forbidden**”, and if we combined all of this correctly with the foregoing Hadeeths which deal for the forbiddance of (its price):

**Then this means two issues are essential:**

(1) The forbiddance of eating anything from it, even if it is not a food substance, so for example eating the skin is forbidden, even though it is not a food substance, that is to say it is not normally eaten, whether it was tanned or not, whether it was purified or not, (except where the tanning is considered to be slaughter, and that is the skin of that [animal] whose meat is eaten if it was slaughtered in the appropriate way, as we shall see soon). So the forbiddance of (**what is not a food substance**) is limited here to the action of eating only, as for the (**essence**) of (**what is not a food substance**) then it is not forbidden and it can be possessed, and then be sold and bought, and various benefits can be derived from it, unless an explicit text forbade it.

(2) The forbiddance of what is a (**food substance**) from it applies to its essence, so the Muslim does not eat it originally, and its price is forbidden, and then it is forbidden to own it and to sell it and to buy it, even if it was only food, not only to Muslims, but also to those of the non Muslims where it is permitted;

And also the routes of the Hadeeth of the dead sheep which have already been mentioned which refer to (**the tanning**) before deriving the benefit are proven without a doubt, and they are the

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additions of Thiqat which must be taken and relied on, in exactly the same way like the sentence: “But only its eating has been forbidden”, otherwise we would fall into a contradiction. Although the mention of (**tanning**) here has come by way of providing guidance to explain the ideal way in benefiting from Al-Ihab [skin], and there is not in the content of this Hadeeth, nor in its implication, what makes (**tanning**) a necessary condition for permitting the benefit from skins, unless there was another text which mandated that. So the saying of Imaam Al-Zuhry that it is possible to benefit from Al-Ihab [skin] even if it was not tanned does not contradict what he told, contrary to what some might think after a hurried look.

But the truth is that (**tanning**) is a necessary condition for the transformation of Al-Ihab from the state of being (**Nejis**) to that of being (**Pure**), so then it is a condition for the permittance of benefiting from the skin of carrion where purity is a mandated for, such as wearing it and performing Al-Salat in it, and for praying on it by a Muslim, and this is according to other texts which had not reached Imaam Al-Azheri, and from them:

\* What appeared in [49] with a completed story and a highly correct and authentic Isnaad: [Hammaad Bin Salamah

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...and Kharijeh Bin Muss'eb told us, according to Zeid Bin Aslem, according to Abdul-Rahman Bin Wa'leh he said: I said to Ibn Abbaas: (We invaded the East, and so we came by containers which we do not know what they are?!), he said: (I don't know what you say, but I heard the Messenger of Allah (saas) say "Each Ihab [skin] which had been tanned then it becomes pure"), and it appears in [6], and in [8], and in [7], and Al-Albaany said: (correct and authentic), and it appears in [15] and Al-Sheikh Hussain Asad said; (its Isnaad is correct and authentic), and it also appears in [18] and Al-Sheikh Shu'ayb Al-Arna'out said: (Its Isnaad is correct and authentic on the condition of both of them).

-And it appears in [20] and also in [4] with the wording: [Qutaybah and Ali Bin Hejer told us, according to Sufyaan, according to Zaid Bin Aslem, according to Bin Wa'leh, according to Bin Abbaas he said the Messenger of Allah (saas) said: "Whichever Ihab was tanned then it becomes pure"], and Al-Albaany said: (correct and authentic), and it is in [37] and on that subject in [31], and in [23] and in others.

-And in [27] after telling this Hadeeth "Whichever Ihab was tanned then it becomes pure" is a following up which deserves the discussion: [And the assumption regarding this among the majority of the authorities they said in the skins of carrion that if they are tanned then it became pure,; Abu Isa said: Al-Shefi'i said whichever Ihab of a carrion was tanned then it became pure except for the dog and the pig and this Hadeeth can be relied on as authoritative; and some of the authorities from the companions of the Prophet (saas), and others said that they disliked the skin of predators even if it was tanned and it is the saying of Abdullah Bin Al-Mubarek and Ahmad and Is-haaq and they emphasized on wearing it and on praying in it. And Is-haaq Bin Ibraheem said: (But the meaning of the saying of the Messenger of Allah (saas) meant "Whichever Ihab was tanned then it becomes pure" is the skin of that whose meat is eaten, and this is how Al-Nedher Bin Shemeel explained it). And Is-haaq said: Al-Nedher Bin Shemeel said: ([The term] Al-Ihab applies to the skin of that whose meat is eaten). Abu Issa said: And in the item according to Salamah Bin Al-Muhbeq and Maymounah and Aisha and the Hadeeth of Bin Abbaas is correct and authentic and it was told under a different [or without a] cover, according to Bin Abbaas, according to the Prophet (saas) in this area and it was told according to Bin Abbaas according to Maymounah, according to the Prophet (saas). And it was told according to Sawdah and I heard Muhammed designate as correct and authentic the Hadeeth of Bin Abbaas, according to the Prophet (saas) and the Hadeeth of Bin Abbaas according to Maymounah and he said it is possible that Bin Abbaas told, according to Maymounah, according to the Prophet (saas), and that Bin Abbaas told, according to the Prophet (saas) and he did not mention in it Maymounah. Abu Isa said: (And this is what the majority of the authorities assume, and it is the saying of Sufyaan Al-Thawri and Ibn Al-Mubarek and Al-Shafe'i and Ahmad and Is-haaq)]

\* And it appeared in [20] and the same one in [4], according to Aisha, with a correct and authentic Isnaad which can be relied on as authoritative: [Ibraheem Bin Yaqoub told me he said Malik Bin Ismaeel told us he said Israel told us, according to Al-A'mesh, according to Ibraheem, according to Al-Aswed, according to Aisha she said the Messenger of Allah (saas) said: "The slaughtering of carrion is its tanning"], and Al-Albaany said: (correct and authentic), and it is also in [31] with the wording: "The tanning of carrion is its purification", and also with the wording: "The tanning of carrion is its purification". And it also appears in [18]

And the Hadeeth of Aisha then is definitely correct and authentic, and the other Hadeeths which also come from Aisha only add to its strength and verification:

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\* Like what appeared in [9] with the wording: [I am Muhammed Bin Mukhlid and others said: Ibraheem Bin Al-Heithem told us Ali Bin Ayish told us Na Muhamed Bin Muttrif Na Zeid Bin Aslem, according to Attta' Bin Yessar, according to Aisha, according to the Prophet (saas) he said: **“The purification of each skin is its tanning”**], then Imaam Al-Darqutni said: (good Isnaad, they are all Thiqat), I said: (Rather it is good correct and authentic, it can be relied on as authoritative, and it appears on that subject in [1], and there is a fine following up in [37].

\* And the Hadeeth of Aisha increases in strength with what came in [8] and it is the same one in [10] from the routes of Malik: [And he told me, according to Malik, according to Yezeed Bin Abdullah Bin Qeseett, according to Muhammed Bin Abdul-Rahman Bin Thawban, according to his mother, according to 'Ayshah the wife of the Prophet (saas) that the Messenger of Allah (saas) ordered that the skins of carrion can be enjoyed if they had been tanned]



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\* And it appeared in [7] a third Hadeeth according to Maymounah: [Ahmad Bin Saleh told us Bin Wahb told us ‘Amrou meaning Bin Al-Harith told me, according to Katheer Bin Ferqed, according to Abdullah Bin Malik Bin Hethafeh he told it according to his mother Al-Alieh Bint Sebee’ that she said: I had a sheep [from someone], so it died, so I entered on Maymounah the wife of the Prophet (saas) so I mentioned to her this so Maymounah said to me: (Why don’t you take its skin then benefit from it?!), so she said: (And is this permitted?!), she said: (Yes, the Messenger of Allah (saas) was passed by men from Qureish who were pulling a sheep that belonged to them like a donkey, so the Messenger of Allah (saas) said to them: “Why don’t you take its skin?!”, they said: (It is dead!), so the Messenger of Allah (saas) said: (Water and Qerth [praise] purify it”), and Al-Albaany said: (correct and authentic), I said: (On condition that it is Habban only because Abdullah Bin Malik Bin Hethafeh is not well known, and was not trusted by other than Ibn Habban. And it appears in [18] on that subject:, and also im [20] and the same one in [4].

\* And it appeared in [10] a fourth Hadeeth according to Salamah Bin Al-Muhbeq: [‘Amrou Bin Al-Heithem Abu Qetten told us he said Hisham told us, according to Qetadeh, according to Al-Hassan, according to Jawn Bin Qetadeh, according to Salamah Bin Al-Muhbeq, according to the Messenger of Allah (saas): “Its tanning is its purification, or its slaughtering”], and it appears in [10] with the wording “Leather is pure through its tanning”, and it appears in [11] on that subject, and it appears in [49], and it also appears in [1] then Al-Bayhaqy said: (And in the story of the Hadeeth is proof that it applies to the skin of that whose meat is eaten; and in its routes is proof that that what is wanted from the slaughter is its purity; and in the tale of Mu’ath Bin Hisham, according to his father in this Hadeeth that he called for water from a woman so she said I only have it in a Qurbah [skin container] which belongs to me from a carrion so he said: “Had you not tanned it?!”, she said: (Yes!), he said : “Its slaughter is its tanning”. And it also appears in [23] from a number of routes, all with the wording: “The tanning of leather is its slaughtering”. I said: this is a fine Isnaad, even if Jawn Bin Qetadeh is not known, but it is probable that he was one of the Companions.

\* And it also appeared in [9] a fifth Hadeeth according to Bin ‘Umar: [[Abu Bakr Al-Nisabouri told us Na Muhammed Bin ‘Uqayl Bin Khuweylid Na Hefess Bin Abdullah Na Ibraheem Bin Tuh’aman](#)], according to Ayoub, according to Nafi’, according to Bin ‘Umar he said the Messenger of Allah (saas) said: “Whichever Ihab was tanned then it becomes pure”, then Imaam Al-Darqetni said: (good Isnaad), and it appears in [9] from other routes.

\* And it appeared in [11] a sixth Hadeeth, according to Sinan Bin Salamah: [Al-Hassan Bin Ali Al-Fiswi told us, Muhammed Bin Abbad Bin Adam told us Mu’temer Bin Suleiman told us he said I heard Umran talking, according to Khalid Al-Ashej, according to Sinan Bin Salamah that the Prophet (saas) came to a dead body so he said: “Why don’t its owners benefit from [its Musk \[scent\]](#)”].

I said: this is a toledrable Isnaad, and the following is a study of its men:

- Al-Hassan Bin Ali Bin Al-Waleed, Abu Ja’far Al-Farisi Al-Fiswi, Sheikh Al-Tabaraany, not bad, he has a translation in [52];
- Muhammed Bin Abbad Bin Adam, Sheikh Ibn Majeh, is not well known;
- Mu’temer Bin Suleiman Bin Terkhan and Umran Bin Hedeer are well known Thiqat
- Khalid Al-Ashejj, I do not know him, unless he has been misread for Khalid Al-Asedi, and he is Khalid Bin Reb’i, who is a Thiqah from the great Al-Tabi’een [The followers],
- Sinan Bin Salamah Bin Al-Muhbeq is a reliable Thiqet: Companion and the son of a Companion.

\* And it also appeared in [9] a seventh Hadeeth according to Um Salamah: [Ahmad Bin Muhammed Bin Ziad Al-Qettan told us [Na Abdul-Kereem Bin Al-Heithem Na Muhammed Bin Issa Bin Al-Tebba’ Na Ferej Bin Fedhaleh](#), according to Yahya Bin Sa’eed, according to Umreh,

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according to Um Salamah (raa) she said we had a sheep which died so the Prophet (saas) said: “What did your sheep do?!”, we said: (It died!), he said: (Did you not benefit from its skin?!”, we said : (It is dead!), he said “It is permitted to tan it, like the vinegar of Khamr is permitted!”, and Imaam Al-Darqutni said: (Ferej Bin Fedhaleh singly produced it, according to Yahya,

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And he is weak and told according to Yahya Bin Sa'eed many Hadeeths which have not been followed up), and it appears in [11], and in [1] and also in [11] there are follow-ups which show that the story has an origin.

And in [9] an eighth Hadeeth appears, according to Zeid Bin Thabit: [Ismaeel Bin Haroon Bin Merdanschah and Muhammed Bin Mukhlid told us they said Na Is-haaq Bin Abi Is-haaq Al-Seffar Na Al-Waqidi Na Mu'ath Bin Muhammed Al-Anssari, according to 'Ataa' Al-Khursani, according to Sa'eed Bin Al-Musseiyeb, according to Zeid Bin Thabit, according to the Prophet (saas) he said: "The tanning of skins of carrion is their purification"], I said: this Isnaad is weak: 'Ataa' Al-Khursani imagines a great deal, and despite that he sends and deceives and here he referred to others, and Mu'ath Bin Ahmad Al-Ansari is not well known, and Al-Waqidi has sayings which are known and we assume he was unfair.

And Imaam Al-Tehhawi followed up in [31] after telling the Hadeeths, on the Hadeeth of Al-Zuhry which has already been mentioned so he said: [So this proves that what was forbidden from the sheep by its death is what was to be eaten from it and not another such as its skin or nerves so this is the meaning of this Hadeeth section by the routes of the [content of the ] texts as for its meaning by the route of theory [or observation] for we have seen that the origin that is agreed on is that it is permitted for the juice to be drunk and for benefits to be derived from it provided that it did not possess the properties of Khamr so if the properties of Khamr occurred in it then it becomes forbidden then it remains forbidden until it possesses the properties of vinegar so when it has the properties of vinegar then it becomes permitted so it becomes forbidden when it possesses certain properties and it also becomes permitted when it possesses other certain properties and if this was a single body then the theory of that is that the skin of the carrion becomes forbidden when it possesses the property of death and it becomes permitted when it possesses the property of enjoyment of it through clothes and others and if it was tanned then becomes like the skin and the enjoyment so it now possesses the quality of being permitted so the theory of what we said is also permitted because of the occurrence of this quality in it.

And another proof is that we have seen the Messenger of Allah (saas) when people converted to Islam the Messenger of Allah (saas) did not order them to take off their Ne'al or their Khafaf or their Entta' [all types of footwear, slippers, etc] that they had adopted when they were in their Jahiliyah state and these would have been from a carrion or from an animal that was slaughtered and their slaughter would have been that of those who worshipped idols and so for the people of Islam its forbiddance is equivalent to the forbiddance of carrion so when the Messenger of Allah (saas) did not order them to take these off and left them to enjoy them then this is also proof that it had exited from the ruling of carrion and its state of Najaasah through the tanning to the rulings of all the others which can be enjoyed and their state of being pure.

And also when they were with the Messenger of Allah (saas), when they conquered the lands of the non-believers he did not order them to keep away from their Ne'al or their Khafaf or their Entta' [all types of footwear, slippers, etc] or all the skins so that they did not take anything but rather he did not prohibit them from any of this so this is also proof of the purification of skins through tanning], this is the end of the saying of Imaam Al-Tehhawi, and in its entirety it is a fine saying although in terms of detailed understanding, and close inspection of the texts one can dispense with much of what he said.

\* And it also appeared in [71] a listing of the testimonies and other routes for the Hadeeths already mentioned, so we will not dwell on them, with the mention of Hadeeths and other texts: [Al-Doulabi told it in Al-Kina from the Hadeeth of Is-haaq Bin Abdullah Bin Al-Harith he said I said to

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Ibn Abbaas the furs are made from skins of carrion so he said I heard the Messenger of Allah (saas) say: "The slaughtering of every Musk is its tanning",

-And to Ibn Abbaas is another Hadeeth which was told by Ahmad and Ibn Khezeemeh and Al-Hakim and Al-Bayhaqy by the route of Salim Bin Abi Al-Ja'ad, according to his brother, according to him that the Messenger of Allah (saas) wanted to perform Al-Wudhu' from a Siqa' [container of skin] so it was said to him: (It is dead), so he said: (Tanning it removes its harm or its Nejis or its filth", and its Isnaad is correct and authentic as was said by Al-Hakim and Al-Bayhaqy.

-And in the section also appears, according to Al-Mugheireh Bin Shu'beh and Yazeed Bin Thabit and Abi Imameh and Ibn 'Umar and it is in Al-Tabaraany and the Hadeeth of Bin 'Umar at Bin Shaheen with the wording: "The skin of carrion their tanning is their purification"

And the Hadeeth of Zaid Bin Thabit in the history of Nisabour and in Al-Keni for Al-Hakim Abi Ahmad in the translation of Abi Sehel and according to Hezeel Bin Sherhebeel

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...according to some of the wives of the Prophet (saas) Um Salamah or others and it is with Al-Bayhaqy.

-And in [81] by Al-Hakim by the route of Mugheerah, according to Al-Sha'by, according to Bin Abbaas the Prophet (saas) passed by a dead sheep belonging to Um Salamah or to Sawdah so he mentioned the Hadeeth

And as for the Hadeeth of "Whichever Ihab was tanned then it becomes pure" it was told by Al-Shafe'i, according to Bin 'Uyaynah, according to Zaid Bin Aslem, according to Bin Wa'leh, according to Bin Abbaas I heard the Messenger of Allah (saas) say that of this and Al-Termethi told it in his mosque, according to Qutaybah, according to Sufyaan and he said good correct and authentic and Muslim told it according to Abi Bakr Bin Abi Shaybah and 'Amrou Al-Naqid, according to Sufyaan with the wording if Al-Ihab was tanned then it became pure and Bin Hebban told it with the wording of Qutaybah and in its flow, according to Bin 'Uyaynah Zaid Bin Aslem told me I heard Bin Wa'leh I heard Bin Abbaas

-And it has a witness, according to Bin 'Umar Al-Darqutni told it with a Isnaad on the condition of correctness and he said it was good

-And another from the Hadeeth of Jabir was told by Al-Kheteeb in an abbreviation of a similar one]

**So these are then the proven wordings, which in all the Hadeeths:**

**(1) First Wording**, and it is the one occurring more frequently, and whose Isnaad is more correct: "If Al-Ihab was tanned then it would become pure", or "Every Ihab which is tanned becomes pure", or "Whichever Ihab is tanned then it becomes pure", and what was in its ruling, and maybe the wording (Al-Adeem) or (Al-Jild) or (Al-Musk) were included and they are all synonymous [for skin]. So this is the generalisation for each (Ihab) because the wording (Al-Ihab) in the sentence "If Al-Ihab was tanned then it would become pure" has a defined gender so it applies to whatever deserves to be called Ihab. And as for the other sentences the generalisations in them are clearer than the sun: "Every Ihab ...", "Whichever Ihab ...".

**(1) Second Wording:** "Tanning of the carrion is its purification", and the carrion is not tanned, so the evaluation of the saying is therefore "Tanning of the skin of carrion is its purification", and its meaning is that if the skin of a carrion is tanned then its ruling becomes the ruling of the skin of what has been [appropriately] slaughtered [and hence purified]; or "Tanning of the carrion is its purification" and this is like the one preceding it, but it replaces the wording (Al-Thekat [slaughter]) with the wording (Al-Tehareh [purification]) and the meaning is one because the carrion does not become Nejise except for the absence of slaughter; or " becomes 2 and it is the one occurring more frequently, and whose Isnaad is more correct: "If Al-Ihab was tanned then it would become pure", or "The slaughter of a carrion is its tanning", and its evaluation: "The slaughter of a carrion is the tanning of its skin", and its meaning is as before letter by letter.

**I said:** and both wordings are true, and the second wording talks only about the carrion which would not be a carrion if it were not for the absence of the slaughter, that is to say the carrion whose meat is permitted to eat from cattle and birds and such like, so this makes the tanning of the skin equivalent to the skin of the slaughtered animal, including the permission to eat it, even though it is not normally eaten, and even though we do not know anyone who finds it agreeable to eat skin, but the matter is of what is permitted and what is forbidden, and it is not a matter of tastes or of what one finds agreeable!

And as for the first wording it talks only about the gender of Al-Adeem [tanned skin] or Al-Ihab, there is no difference between the skin of a carrion which can be slaughtered [and thus purified] such as sheep, and that which has become Nejis because the animal died without a considered

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slaughter, or the skin of a pig, which is Nejis and Rejis [filthy], because the pig, as we have said, is Rejis Nejis alive or dead, and there is no considered slaughter to purify it originally, so if the Al-Ihab which is Nejis is tanned, whatever its origin or its Najaasah, it is purified. So the saying here is about purity, and not about considered slaughter originally.

And Imaam Al-Shafe'i (raa) prohibited this especially with respect to pigs (and he measured the dog against it) claiming that the wording (Tehere [became pure]) means: returned to its original purity: this is an invalid claim because we know through the necessity of the language, which is built on the necessity of common sense [or the mind], that the sentence (Tehere Al-Ihab [the skin became pure]) is different from the sentence (Al-Ihab returned to its original purity at the moment it was created) in its wording and in its meaning, so this is then purely a claim, and an abstract contention and falsely attributing to the last exempt Prophet, may the prayer and the peace of Allah be upon him and upon his descendents, what he did not say, and a submission between the hands of Allah and his Messenger, and this saying of Imaam Al-Shafe'i (raa) is strange and without precedent.

\* And as it appeared in [66], (Chapter: 1 Page: 123 and what follows it): [And as for the differentiation of Al-Shafe'i between the skin of a dog and a pig then it is wrong because

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... all of this is dead [and] forbidden and is the same so his claim that the meaning of his saying peace be upon him if Al-Ihab is tanned only then it became purified that it means it returned to its purity is wrong and it is a saying without proof but rather it is apparently at that moment pure, **and we do not know of this distinction being made by anyone before him**

For if it was from an animal whose eating is forbidden, and there is no considered slaughter for it, then Al-Adeem [leather or tanned skin] is pure and one can benefit from it in every way apart from eating (or drinking it), because of his saying prayer and peace be upon him and upon his descendants: “But only its eating is forbidden”, and Al-Ihab is from them, whether it is tanned or not tanned, so it cannot be eaten. And despite that then after it is tanned it becomes pure and one can benefit from it in every way, apart from eating it.

And as for those who claim that the first wording: “If Al-Ihab was tanned then it would become pure”, is specific to the second wording “Tanning of the carrion is its purification”, as claimed some of the followers of Al-Shaafi’y, then they also erred and were not successful, because the specification is a form of cancellation, and it is a cancellation for some of the meaning, and one cannot apply the cancellation unless the assemblage was impossible, that is to say because one was compelled to it through necessity of Shari’a, or the senses, or the mind [logic], and if you scrutinized [or contemplated] what we said before, and if you freed yourself from prejudice and tradition then it would be clear to you that the enaction of the two texts each in its way and in its domain is possible and straightforward, so there is no compelling necessity, or even a need originally, to resort to specification or cancellation. And the Seal of the Prophets of Allah was not incapable of saying in a brief eloquent phrase: (If the Ihab of that whose meat is eaten is tanned then it becomes pure), or (Whichever Ihab is tanned becomes pure, except for the pig), or other words to that effect. And many of Al-Fuqeha’ have said that and far be it from the Messenger of Allah, who is the most eloquent of those who are eloquent, to be less expressive than them.

There remains a problem, and it is that another Hadeeth came which claimed that he, may prayer and peace be upon him and upon his descendants, wrote to Jeheeneh before his death by about a month: (That you will not benefit from carrion in their Ihab [skin] or their Asseb [nerve]). This Hadeeth is invalid, and its Isnaad is wavering, and it has not been designated correct and authentic, so perhaps we will give it saturation analysis in an independent chapter. And it suffices for you that Imaam Ahmad Bin Hanbal, with his strict adherence to Sunnah, and with his leadership and with his knowledge of Hadeeth, referred to it firstly then retreated from it after it became apparent to him the wavering of the Isnaad:

\* And as it appeared in [43]: [And [some] people concluded that nothing from a carrion can be benefited from whether it was tanned or not tanned and they held on to the Hadeeth of Abdullah Bin Akeem he said the book of the Messenger of Allah (saas) came to us before his death: “That you will not benefit from carrion in their Ihab [skin] or Asseb [nerve]”, this was produced by Al-Shafe’i and Ahmad and Al-Arbe’eh [The Four] and it was corrected by Bin Hebban and Hesneh Al-Termethi and in a tale for Al-Shaafi’y and for Ahmad and for Abi Dawood before his death by a month Al-Termethi said: It was that Ahmad went to him and said this is the end of the matter, then he abandoned it when its Isnaads were found to be wavering, and Al-Khelal said a similar thing].

And even if this Hadeeth were correct and authentic then it would be necessary to combine it with that which has already been proven to be correct and authentic and whose reliability as authoritative has been established that: (If Al-Ihab is tanned then it becomes pure), and that (The tanning of the carrion is its slaughtering). So the correct conclusion is to say: It is not permitted to benefit from the Ihab of a carrion in any way unless it is tanned. And it is not possible to resort to the cancellation even after accepting for the sake of argument the correctness of the Hadeeth, and the correctness of

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the section which claims that that was before the death of the Prophet, may prayer and peace be upon him and upon his descendants by one month or two months so that this would be the most recent in time.

And even then one must not resort to the cancellation because what is general does not cancel what is specific just because of the time delay because the inclusion of the specificity is possible in any case. In fact it is necessary under such circumstances of an wording to result definitely in the cancellation, or from the necessity of Shari'a or the senses or of the mind to mandate the cancellation. And in what follows we will take into account the possibility that this news [item] is correct and authentic by referring to it, for the sake of brevity, as (Adoption: That no benefit is permitted from the carrion in Ihab [skin] nor Asseb [nerve]). And it is also not possible in this likely Adoption to benefit from a carrion by the nerve originally, unless it was possible to treat the nerve with tanning, and I do not have at this moment reliable information regarding that, except for what Al-Tehawi pointed out that is [can be] tanned, or what others indicated that cannot be tanned, so let the experts be consulted regarding this.



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And perhaps we summarise what has been said with respect to the skins (and also letter by letter with respect to ‘Assab [tendon or ligament], whether it is capable of being tanned) so we say:

**Firstly:** The skin of a carrion which would not have been a carrion except for the absence of tanning, that is to say the carrion which is permitted to eat according to Shari’a from cattle and birds and what is similar to that, for these the tanning does to the skin what the considered slaughter does to the slaughtered animal, and this includes the possibility of eating it. And also it has been purified so one can benefit from it in any legitimate way.

-But if it had not been tanned then it is Nejis, so it cannot be eaten, and it cannot be used wherever purity was a condition for its use like the clothes which are worn for praying, or the rugs that are prayed on.

-But it is probably correct that it can be benefited from where the purity is not a condition for its use such the production of tents, or the paving or roads, or in building, or in making shoes that are not used for praying and others is in this area. And all of this is forbidden in (Adoption: That no benefit is permitted from the carrion in Ihab[skin] nor Asseb [nerve])

**Secondly:** As regards the skins of those whose meat is not eaten from animal or bird then all of it is [considered] carrion, because it is not capable of being slaughtered originally, for it is killed, and not slaughtered then it is skinned. And it is impossible to remove its skin while it is alive because that would be terrible torture and heinous mutilation, and it is one of the great sins and their perpetrator deserves damnation. And even if the skin was removed from the animal while it was alive, then it still would be [considered] (**carrion**), because what is separated from the living [being] is dead.

And it is not permitted to eat it originally, whether tanned or not tanned, because its origin, which is the living animal, is not capable of being slaughtered, so it is not possible for some of it only to be to be capable of being slaughtered, whether through tanning or through other means. And this is the ruling for the pig, and the domestic donkey, and the dog, and for others from predators [and] canine predators, or predatory birds, that have claws, they are all treated in the same way, and there is no difference, contrary to [what said] Imaam Al-Shefi’i who excepted: the pig and the dog. And this also applies to what came according to Shari’a from forbidding its (killing), so then the slaughter was forbidden because it is a specific type of killing, and so then its meat was forbidden, and not because of the Najaasah of the eye whose consumption as food is forbidden, for example: the hoopoe or the frog.

-And if it is not tanned then it is Nejis, so it cannot be used wherever the purity was a condition for its correct use like the clothes that one wears to pray, or the rugs that are prayed on. And primarily, it cannot be eaten. But if it is tanned then it becomes pure and one can benefit from it in every way, except eating (or drinking).

-But what is probably also correct here is that one can benefit from it in cases where the purity is not a condition: such as the production of tents, or the paving or roads, or in building, or in making shoes that are not used for praying and others is in this area. And all of this is forbidden and prohibited in (Adoption: That no benefit is permitted from the carrion in Ihab[skin] nor Asseb [nerve]).

**Thirdly:** It is correct that the skin of a human being is pure, dead or alive, for he is from an honourable species, regardless of the sex and colour and race and religion. For it is not allowed to eat it nor benefit from it in any way originally, nor absolutely remove it from its owner, except in the case of a medical necessity, to repair damaged skin, or the like.

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And this is because removing the skin of a living human being is one of the most horrible forms of torture, and the most heinous form of mutilation, and it is one of the most serious of the great sins whose perpetrator deserves damnation. And removing it [the skin] from a dead person is likewise a heinous abomination, and one of the serious forbidden offences, and it contravenes the rulings of Shari'a because of the necessity of burying the dead or concealing their bodies, and there is no difference between a Muslim and a Non-Muslim.

And what is probable is that 'Assab [tendon or ligament] (that is to say the chords that fix the muscles to the bone), and Al-'Aqib [heel tendon or ligament] is one type of that, can be treated by a process which is similar to the process of tanning, so that it will not be affected by disintegration or by rot. And we estimate that this process results in a sufficient change to transform Al-'Aqib and 'Assab [tendon or ligament] from the state of Al-Najaasah to the state of purity, so what we said about the skin applies to the 'Assab (and from it 'Aqib) letter by letter [literally].

And some of Al-Fuqeha' said what was similar to what we proposed, even though partially, as Imaam Ibn Hazm stated according to his Adoption, and as he relayed by way of

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...summarising and concluding the sayings of Al-E'imme [The Imams] other than him:

\* And as it appeared in [66], (Chapter: 1 Page: 118): [And the purification of the skin of the carrion any carrion and even if it was the skin of a pig or a predator that [the purification] is through the process of tanning so if it is tanned then it becomes pure so if it is tanned then it becomes permitted to sell it and to pray on it and it was like the skin of what was slaughtered from what is allowed to be eaten except that the skin of the carrion mentioned is not permitted to eat except for the skin of a human being so it is not permitted that it be tanned or removed and it must be buried and even if the person was a blasphemer. And the wool of the carrion and its hair and its feather and its Weber are forbidden before the tanning and permitted after it and the bones and the horns are permitted all of it cannot be eaten. And it is not permitted to sell the carrion nor benefit from its nerves nor from its fat.

-And Ibraheem Al-Nekhe'i said in the skin of cattle and sheep it dies then it is tanned so it is sold and worn, and according to Al-Awzaa'y is the permittance of selling it;

-And according to Sufyaan Al-Thawri is the permittance of praying in it;

-And according to Al-Layth is the permittance of selling it;

-And according to Sa'eed Bin Jubayr in [the subject] of the carrion its tanning is its slaughter,

-And Al-Zuhry permitted the skin of tigers and relied for authoritative confirmation on what came according to the Prophet (saas) in the skin of the carrion, and according to 'Umar Bin Abdul-'Azeez, and Arweh Bin Al-Zubeir and Ibn Sireen similar to that;

-And Abu Haneefeh said the skin of the carrion if it was tanned and its bones and its nerves and its Aqeb and its wool and its hair and its Weber and its horns then there is no harm [it is acceptable] to benefit from all of that and it is permitted to sell it and praying in its skin if it was tanned is permitted any skin except the skin of the pig;

-And Malik said there is no good in the bones of a carrion while it is dead and one does not pray in something from the skin of carrion even if it was tanned and it is not permitted to sell any [whatever type of] skin and it cannot be used to [pour or serve] water but the skin of that whose meat is eaten if it was tanned then one is permitted to sit on it or to use it for sifting and he did not consider the skin of the donkey even if it was tanned that it can be used and he did not consider that use can be made of the horn of a carrion nor its hoof nor its feathers and he permitted the wool of a carrion and its hair and its Weber and also if they were taken from a living animal

-And Al-Shafe'i said one can perform Al-Wudhou' in the skin of the carrion if it was tanned whatever skin type it was except for the skin of the dog or the pig and that tanning does not purify wool nor hair nor Weber nor bones nor horns nor teeth nor feathers but only the skin]. Then Imaam Bin Hazm went and replied to him saying by saying with references to original sources and with proofs according to his Adoption, and it is in general not far from what we proposed.

This is for the skins (and maybe for the nerves), as for the wool and Weber and hair and scales and shells and nails and hoofs and cloven hoofs and the horns and the shields (like the shield of a tortoise) then Al-Fuqeha' disagreed in them, so Imaam Abi Muhammed Ali Bin Hazm treated some of them like the skins, and others he considered [separately], so he said what has already been mentioned, and he said in another location:

\* And as it appeared in [66], (Chapter: 1 Page: 123): [As for whatever was on the skin from wool or hair or Weber then after tanning it becomes pure all of it not before the tanning because the **Prophet of Allah** (saas) knew that covering the skin of carrion was hair and feathers and Weber and wool so he did not order for it to be removed and he did not permit any of that to be used before the tanning some of the carrion is forbidden and all of that **appearing not dead after the tanning** then it is permitted except for eating and when it is permitted then wearing it in Al-Selat [prayer] and in others and selling it all of that is included in benefiting [or deriving benefit] that was ordered by the Messenger of Allah (saas) so if that was removed from the skin before the tanning then one cannot

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benefit from any of it and it is forbidden if it did not enter the tanning process and if it was removed after the tanning then it becomes pure so it is permitted like all of the permitted substances with the exception of eating only. And as for the bones and feathers and horns so all of that is from the living [animal] some of the living and the living [animal] is permitted to be owned and sold except where a text forbade that and every thing from a dead [animal] is dead. And the forbiddance by the Prophet (saas) of selling the dead [animal] or some of the dead [animal] which is dead, this forbiddance has been designated as correct so it is not permitted to sell anything from that and benefiting from all of that is possible because of his saying peace be upon him that he forbade eating it so he permitted [everything] other than that except what he forbade by name from selling it and from coating with their fats and from their nerves and meat]

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And it appears from the saying of Imaam Abi Muhammed Ali Bin Hazm that he considered (hair) to be part of the skin, and his ruling is taken, and also for feathers and Weber and wool. And he considered that the bone and the horn were different to that, and he wavered with regards feathers so he mentioned them in two locations, unless this was a mistake in the copying.

And as for the hair and feather and Weber and wool, and also the scales and nails and hoofs, and similar which is adjacent to the skin, or that is connected firmly to the skin, then this is matter that can be established directly through the senses, and the difficulty of taking this out of the skin because of what would accompany it normally from severe pain, and the tearing and damage that occurs in the skin **of the dead** is not hidden from anyone, and what is also not hidden it that these grow out of the skin. But this firm interwoven connection does not require necessarily that it is (part of the skin). For the tree grows out of the soil, and it is difficult to extract it from the soil, and the soil cracks if the tree is pulled out of it by force, and despite that the tree is not the soil, nor are its rulings those of the soil.

**And the modern sciences of biology and anatomy and physiology have established the following facts:** That the hair and feathers and Weber and wool, and also the nails and cloven hoofs and horn, are but dead substances that have been woven by cells or glands or special bulbs in the skin for a specific function. So they are therefore in reality dead bodies which are independent, even though the living being, or the living skin, which is part of the living being, is the one who **conceived them** and created them. So its true state then is: it is inactive dead matter from the body of matter in this universe, it was never alive originally so one can say it died, so the rulings of the dead [animals] do not apply to it, in the same way that the rulings of the dead [animals] do not apply to pebbles or stones. So its ruling for the living animal is the same as its ruling for the animal after it dies, whether its death was by a considered slaughter in the animal whose meat is permitted to be eaten and which accepts slaughter, or other than that. So all the afore-mentioned from hair and feather and Weber and wool, and also nails, and hoofs and horn, is permitted pure in the living [animal] and in the dead [animal] is the same way except where a text came to designate it as Nesjis, and it is only [the case for] the pig because of what we have already mentioned that it is Rejis [filthy] Nejis all of it: from its hoofs to the top of its head, and its skin and its hair, and this is according to the **definite origin** of the substances of this universe that they are originally permitted and pure unless a proof came from Allah to show otherwise.

**So what is correct then:** Is that the hair and feather and Weber and wool, and also the hoof and horn and scales and shield, if taken before death or after it, from the animal which is permitted to eat, is permitted and pure it can be benefited from it in every way including eating it, although we have not heard of anyone eating this!

**And what is also correct:** Is that the hair and feather and Weber and wool, and also the hoof and horn and scales and shield, from the animal which is not permitted to be eaten is permitted and pure it can be benefited from it in every way, with the exception of eating because it is some of it or appended to it, and there is no difference in that if it was taken before the death or after it. And this also applies to the pig in the likely Adoption, the Adoption of those saying that (Only the meat of the pig is Nejis).

As for our Adoption, which is (**The Najaasah of the pig is in itself all of it**), so the hair of the pig and its hoofs are Nejis and are not permitted to be eaten at all, because the pig is Rejis (filthy) Nejis in itself, and what is Nejis cannot be eaten. And it is also not possible to benefit from it where purity is a condition [for this benefit], because it is Rejis [filthy] Nejis. As for other than that from benefits where purity is not a condition then that is according to the original solution. So for example: There

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is no harm in using a toothbrush whose hair was made from the hair of the pig, even though the writer of these lines, as is the case with the majority of Muslims, dislike that and are repugned by it in the strongest way possible, but the research here is in what is permitted and what is forbidden, and not in tastes and moods.

**And there is an incidental useful matter, and it is:** We know that the nail is a dead substance in the origin of its creation, and that it is not part of the skin. And according to this then the nails of a human being are in reality an obstruction between the water and the skin which is underneath it. And Shari'a had exempted the real skin (under the nail) from being reached by water during Al-Wudhou' and the washing from Al-Jenabeh [serious impurity] (Just like how the the skin of the head had been exempt during Al-Wudhou', but not during the washing to get out of Al-Jenabeh), Because of this it does not harm for there to be nail coating [varnish] no matter how thick, so it is not objectionable for the water to reach wherever it should reach, neither during Al-Wudhou' nor during the washing from Al-Jenabeh.

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And what we have previously said about the hair and feathers and Weber and wool and also the scales and the nails and hoofs applies to the same extent to the milk, because the milk does not die, and it is not produced originally except in inside the living being, so the milk which is taken from an animal after its death that is to say from (the carrion) is not different in terms of its rulings from the milk which is taken from the living animal: it is permitted to drink it if it is from an animal whose meat is eaten, like the milk of cows for example, and it is pure but it is not permitted to drink it if it was the milk of a domesticated female donkey, and it is Nejis and cannot be drunk if it was the milk of a pig.

And what applies to the milk also applies letter by letter to others from the natural secretions of animals: the saliva, and the gall bladder, and the sweat, and others. For all of this does not die originally: so what is taken from the carrion has the same ruling as what is produced from the living animal like for like, and there is no difference. All of that is pure if it was taken from an animal which is pure so then it is pure from all the animals except from the pig, for it is Rejis [filthy] in our adoption but it is pure in the likely Adoption, the Adoption of those who say of (**Nejaset of the meat of pig only**).

And the saliva of the dog is excepted, because of what came from the lapping of the dog in the container, so the saliva of the dog became Nejis, but in this subject there is a known disagreement between Al-Fuqeha'.

And as for the completed egg which has a shell, then it is an independent being since its shell was formed, and it is distinct from its mother, and it has an independent life from the life of the mother. **So what is correct then:** Is that the egg which is taken from a carrion does not die with its death, and continues to be alive, and it is treated in the same way as the egg which is laid by the living mother, and there is no difference.

And also for the embryo in the wombs of their mothers in the animals which give birth, after life is breathed, it has its own self and its independent life, except that it is connected to the mother via the placenta and the umbilical cord, and it depends on it in its nourishment and in breathing (oxygen), for this reason it dies quickly if the oxygen supply is cut, and not only because of the death of the mother. So if the embryo is taken out quickly through a Cesarean operation from the dead mother then it would continue its life, because it is an independent being, and it would not enter into the research of (**the carrion**) in the first place. Except that it is rare that this happens or its costs escalate, so this is normally not done except for the human embryos to save them in the case of the death of the mother, or in the laboratory animals.

But there remains one problem: what is the ruling on the embryo if its mother was slaughtered according to Al-Sharia?! It is probable that this is a slaughter for the embryo as well:

- (1) Ascendancy of the permittance over the forbiddance
- (2) To prevent the loss of capital
- (3) And because the cost of extracting it through a Cesarean operation has a great criticality, and hardship which could reach the degree of a burden which is intolerable and which is not compatible with the easiness of Al-Sheree'a and its tolerance, and what came with it from the removal of criticality. And especially that people do not butcher cattle that are clearly pregnant until they give birth, and this only happens in emergency cases when people hasten to the slaughter for fear of the loss of the animal through its death by natural causes, or to relieve it from a break or painful surgery from which there is no recovery. In addition to the fact that performing a Cesarean operation on the mother without anaesthetic is hanees

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torture which is not permitted, and that performing anaesthesia is an option with a high financial cost which makes it uneconomical.

And it is worthy of mention that a tale came which said: (**The slaughter of an embryo is the slaughter of its mother**), except that we have not been able to be definite about its correctness, but it came by many Isnaads, some of them possible, with one supporting the other, for this reason, and because of what we mentioned about the easiness of Al-Shari'a and its tolerance, we seek what is best from Allah and we designate this Hadeeth to be correct and authentic.

And as for the bone, which includes the tooth, its situation is more complicated, because it contains inside the living being, normally oils, and these are food substances, and the marrow of bones, and the sensory nerves, and these are living tissues, and they are also food substances, and also the tooth contains in its depths tissues and nerves for sensing, as is known. So it is not like the horn or cloven hoof a separate dead secretion, although some of it is like this.

And there is no doubt that the bone is some of the animal: so if it were the bone of a an animal which had been slaughtered then it is permitted to drink its gravy, and it is permitted to eat it, and this includes the solid matter if it is ground and drunk, although we have not heard of anyone doing this, and it is permitted to benefit from it in any imaginable way. And if it was from other than that



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That is to say it is from the animal which has not been slaughtered whether it accepts the slaughter but it died of natural causes, or whether it does not accept the slaughter originally like the predators and the pigs, it is forbidden to drink its gravy, and it is forbidden to drink its liquid. But is it permitted for it to be benefited from it through other than the eating or drinking?!

**And what is correct is:** That if one excludes its oil and brain and living tissues then what is left, as we have said is a solid dead substance in the form it was created in, like the hoofs and the horns, that is not affected by death in the first instance, and that is not in itself something which is eaten as food normally, so it is not the subject of **(forbiddance)** because the carrion is **“But what Allah forbade its eating”**, as the Prophet said, may the prayers and the peace and the blessings of Allah be upon him and upon his descendants, and it is not the subject of **(Al-Najaasah)** because the carrion only becomes Nejis through the death, and this one did not die originally so it can become Nejis, except for the pig, because it is Nejis in itself, alive or dead, in our our Adoption (and it is not like that in the likely Adoption, the Adoption of those saying that **(The Najaasah is for the pig’s meat only)**)).

And excluding the oil and the brain and the tissues from the bone could be through boiling it so that what remains is only the pure bone substance, or through the action of germs which cause the rot in **(the carrion)** which affects all of it after a period of time during which the process of rotting takes its course, and after which the smell is extinguished completely, as is the case with (Ivory), and it is the tooth of the elephant, when it is collected from the cemetery of elephants, or in any other way.

So for the pure substance of bone which remains its ruling is the ruling of what has already been detailed in the case of: the hair and feather and Weber and wool, and also the hoofs and cloven hoofs and horns, for it is permitted and pure, and according to the definite principles which apply to the substances of the universe and that is of the original permittance and purity unless there was proof from Allah to show otherwise, that is to say unless a text came which designated it as Nejis, and the only case is that of the pig as we have said it is Rejis (filthy) Nejis all of it in our Adoption (and it is not so in the likely Adoption, the Adoption of those saying that **(That the Najaasah is of the pig’s meat only)**)).

And this is not our saying, which is identical to the anatomical and pathological reality of bones, a saying of novelty or innovation, but rather it is at the heart of the saying of Imaam Al-Hafith and the grand Feqeeh Al-Layth Bin Sa’ad Al-Messri, whereas Imaam Abu Heneefeh was more lenient towards (the bones of carrion), even though it appeared that he was more strict with regards to the pig, but he was more more general, and he did not brach out as we did, nor go into detail as we have done.

**Chapter: The cheese is permitted and pure, even though it contains dead Infehe [rennet, abumasum]**

\* And it appeared in [46] an important Hadeeth according to Um-ul-Mu’mineen [The mother of believers], may the contentment of Allah be upon her: [Ahmad told us he said Muhammed informed us he said Al-Mu’afi Bin Umran told us, according to Hisham Bin Sa’ad, according to Zeid Bin Aslem, according ‘Ataa’ Bin Yesar, according to Maymounah the wife of the Prophet (saas), she said: (The Messenger of Allah was asked about the cheese; he said “Cut with the knife, and mention the name of Allah, then eat!”)], then Imaam Al-Tabaraany said: (They did not tell this Hadeeth according to Zeid apart from Hisham, nor according to Hisham apart from Al-Mu’afi).

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I said: Muhammed is Imaam Muhammed Bin Abdullah Bin Ammar Al-Mouseli, and all the men of the Isnaads are famous Thiqat, it was agreed about their confirmation, with the exception of:

-Hisham Bin Sa'ad is a Thiqeh, but he did not master their technique especially in the Hadeeth of Al-Zuhry, but he was alone in vouching for Zeid Bin Aslem for he is with respect to the Hadeeth of Zeid Bin Aslem more accurate, and did a lot of it. And Al-Bukhari produced for him in [6] in the following-ups and they are all according to Zeid Bin Aslem, and he was also produced for in [55], and he was produced for by Muslim and the group.

--And Ahmad, Sheikh Al-Tabaraany, he was on the correct: Ahmad Bin Hamdoun Bin Amareh Bin Restem, Abu Hamid Al-Nisabouri, Al-A'mesh Imaam Al-Hafith. He has a translation in [30]. He produced a great deal so some of them talked about it, and he [they] accused him, and Al-Thehebi defended him in [30].

-But Al-Heithemi claimed in Zewa'ideh [His additions] that he was Ahmad Bin Al-Fereh, Abu Utbeh Al-Hemsi who was known as (Al-Hijazi). There is a disagreement about this: It was weakened by Muhammed Bin Awf and Ibn Uday and it was confirmed by Ibn Abi Hatem and Muslimeh, and Ibn Hebban mentioned it in Al-Thiqat, and he said he errs, so it is in the middle, it is not strong. So if the saying of Al-Heithemi was correct, and this is very remote because Al-Tabaraany did not recognise Ahmad Bin Al-Fereh in this originally, and Ahmad here was Ahmad Bin Al-Fereh Al-Hijazi, or our saying is correct that he is Ahmad Bin Hamdoun Al-Nisabouri, so the saying in either of them does no harm, because this (**Ahmad**) was followed up:

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-And as appeared in [82] (Chapter: 5 Page: 103): [Ali Bin Abdan told us I am Ahmad Bin Ubeid Muhammed Bin Ghalib told us Muhammed Bin Abdullah Bin Ammar told me Al-Mu'afi Bin Umran told us, according to Hisham Bin Sa'ad, according to Zeid Bin Aslem, according to 'Ataa' Bin Yesar, according to Maymounah the wife of the Prophet (saas) she said the Prophet of Allah (saas) was asked about the cheese so he said cut with the knife and mention the name of Allah the Great and Almighty and eat].

\* And Imaam Al-Jassaas mentioned this Hadeeth in [79], (Chapter: 1 Page: 148) with the end of a Isnaad, but he did not attribute it to any of the books, and we have not found it after a long search of the books that we have access to: [And Al-Qasim Bin Al-Hekem told, according to Ghalib Bin Abdullah, according to 'Ataa' Bin Abi Rabaah, according to Maymounah the wife of the Prophet (saas), she said I asked the Prophet (saas) about the cheese so he said: "Put the knife in, and say the name of Allah the Great, and eat!"]], so this is a follow-up that one cannot be happy with, because this Ghalib Bin Abdullah is unknown" unless it is a misreading of Bin Ubaydullah, and he is Al-'Uqayli Al-Jezri, for he is weak his Hadeeth has been abandoned.

I said: So the Isnaad is then good fine by itself, and the Hadeeth is definitely correct and authentic, and it can be relied on as authoritative, if not in itself then in its testimonies, and the most important of which is the following Hadeeth, and with the follow-up which has already been mentioned even though it was not convincing, and it appears that the story in this Hadeeth and in the following Hadeeth is the same because the two wordings are identical, and because the incident of **(the cheese)** was during the triumph of Mecca, and the conquest of Al-Ta'if followed it directly, so perhaps it took place in Mecca or in Al-Ta'if. And what is known that Um-ul-Mu'mineen Maymounah accompanied the Prophet (saas), when he headed to Mecca, then to Al-Ta'if, until she returned with him to Madeenah.

\* And it appeared abbreviated in [49], according to Bin Abbaas a second Hadeeth: [Abdul-Rahman Bin Abi Al-Zinad told us, according to 'Amrou Bin Abi 'Amrou Mowla Al—Muttelib, according to 'Ikrimah, according to Bin Abbaas he said: (I used to hear the reading of the Prophet (saas). When he triumphed at Mecca he saw cheese so he said: "What is this?!", they said: (Food made in the land of Al-Ajem [Persians]!), he said: So the Messenger of Allah (saas) said: "Put a knife in it, and mention the name of Allah, and eat!"]], and it is the same one in [1] from the route of Abi Dawood Al-Teyalsi.

I said: This Isnaad is fair, and it testifies to the correctness of the story of the continuations which follow. And the story came here abbreviated, but it is clear that he (saas) asked about the cheese, what it was, and what it was made of, and from which land it came, and he heard the fears of his companions that it contained dead [animal]s, then he ordered them to eat it despite all of that, as will follow.

\* And this came with greater detail and clarification in [10] from a second route: [Aswed told us Shereek told us, according to Jabir, according to 'Ikrimah, according to Bin Abbaas he said: (The Prophet (saas) came by cheese in Ghezat so he said: "Where was this made?!", so they said: (In Persia, and we see that it contains dead [animal]!), so he said: (Plunge a knife in it, and mention the name of Allah, and eat!), [And Shereek mentioned it another time so he added to it: (And they started to strike it with sticks)].

But Jabir Al-Ja'fi is not relied on as authoritative, because the majority consider him to be weak, even though most of the talk against him is because of his exaggeration in taking sides, and some of them trusted him, but we do not rely on him as authoritative on his own, but rather we use him to

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follow up on the previous routes. And also there is no fear in the error of Shereek Al-Qadhi or in him deceiving because he was followed, Israel followed him and so did Qays Bin Al-Rebee', as it is in the following routes:

\* Where it came in [10] from another abbreviated angle: [Wekee' told us Israel told us, according to Jabir, according to 'Ikrimah, according to Bin Abbaas that the Prophet (saas) came by some cheese; he said: So his Companions began to strike it with sticks, so the Prophet of Allah (saas) said: "Put the knife in it, and mention the name of Allah, and eat!"]

\* And another follow-up appears in [11]: [Mahmoud Bin Muhammed Al-Wasiti told us Zekeria Bin Yahya Zehmouweihi (H) told us and Al-Hussein Bin Is-haaq Al-Testeri told us Yahya Al-Humani told us they both said: Shereek and Qays Bin Al-Rebee' told us, according to Jabir, according to 'Ikrimah, according to Bin Abbaas he said: The Prophet (saas) came by cheese during the conquest of Al-Taif, so his Companions began to strike it with their sticks while saying: (We fear

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It contains dead [animals]!), so the Messenger of Allah (saas) said; “Put the knife in it, and mention the name of Allah over it”]

\* And it came in [7] a third Hadeeth: [Yahya Bin Mousa Al-Belkhi told us Ibraheem Bin ‘Uyaynah told us, according to ‘Amrou Bin Mansour, according to Al-Sha’bi, according to Bin ‘Umar he said: The Prophet (saas) came by some cheese in Tebouk, so he called for a knife, so he pronounced the name of Allah, then he cut], and it appears in [1] from the route of Abi Dawood. And Al-Albaany said: (good Isnaad), and it is as he apparently said, but it has a hidden disorder, as will follow shortly. And it also appears in [18] and Al-Sheikh Shu’ayb Al-Arna’outt said: (good Isnaad). And it also appears in [37] then Al-Tabaraany said: (It was not told it according to Al-Sha’by except by ‘Amrou Bin Mansour, and Ibraheem Bin ‘Uyaynah produced it on his own); I said: Ibraheem Bin Uyeineh produced it on his own in a connected form, but it came according to another person and it was dispatched:

\* And it also appeared in [50], (Chapter: 5 Page:131): [Issa Bin Younis told us, according to ‘Amrou Bin Mansour, according to Al-Sha’bi he said the Prophet (saas) during the conquest of Tebouk came by some cheese so it was said to him that this is food made by the Magi so he said: “Mention the name of Allah over it and eat it”], I said: And this Isnaad is better than the one preceding it by stages, because Issa Bin Younis is from the well known witnesses, but it was dispatched.

And it was dispatched also in [54], (Chapter: 4 Page : 542): [According to Qays Bin Al-Rebee’ that ‘Amrou Bin Mansour Al-Hemdani told him, according to Al-Sha’bi and Al-Dhahhak Bin Muzahim he said: The Messenger of Allah (saas) came by some cheese during the conquest of Tebouk so it was said to him: (O Messenger of Allah: But this is food made by the people of Faris [Persia], I fear that it contains dead [animal]!), he said: “Pronounce the name of Allah over it, then eat it!”]. And it appears that the Hadeeth was a dispatch for a tale of Issa Bin Younis to him as well, and Issa Bin Younis is a Thiqah and he is a Hujjah [can be relied on as authoritative] on his own, the following up by Qays Bin Al-Rebee’ of his story was dispatched, and the mention of Ibn ‘Umar in the Hadeeth of Abi Dawood was an imagination from Ibraheem Bin ‘Uyaynah because that one was not a master of technique, so he does not reach a fraction of the technical ability of his brother Imaam Sufyaan Bin ‘Uyaynah, and perhaps Ibraheem Bin ‘Uyaynah imagined also the name of the conquest so he said (**Tebouk**) instead of (**Al-Ta’it**). But this dispatch is a good fine Isnaad to Imaam Al-Shaafi’y, so if this is combined with the two Hadeeths of Maymounah, and Ibn Abbaas, then this is a testimony or a fine follow-up, which inceases the strength of the Hadeeth of Maymounah.

\* And another item came, according to ‘Umar Bin Al-Khattab (raa) in [33] in which there is a match for the Hadeeth already mentioned: [I am Shu’beh, according to Abi Is-haaq he said I heard Qertheh talking, according to Katheer Bin Shihab he said: I asked ‘Umar Bin Al-Khattaab about the cheese so he said: (The cheese is made from the milk and the colostrums, so eat it, and mention the name of Allah the Great and the Almighty, and do not let the enemies of Allah deceive you!)], and it appears in [48] and in [1], and also in [36] through the translation (Katheer Bin Shihab Al-Harithi) and during translation (Qertheh Bin Artat), and it also came from several routes in [54].

**And this was confirmed according to ‘Umar Bin Al-Khattab from many routes, and ‘Umar approved it even though it was said to him that it contained dead [animals]:**

\* And as it appeared in [50], (Chapter: 5 Page: 129 and what follows it): [Abu Mu’aawiyah told us, according to Al-A’mesh, according to Sheqeeq, according to ‘Amrou Bin Sherhebeel he said we

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mentioned the cheese then ‘Umar so we told him that it contains the dead Inafeeh [rennet, abumasum] so he said: (Pronounce the name of Allah and eat it!)], and it is in the same subject in [54].

\* And as it appeared in [50], (Chapter: 5 Page: 129 and what follows it): [Jareer told us, according to Mugheereh, according to Abi Wa’il and Ibraheem they said when the Muslims came and they acquired from the food of Magi from their cheese and bread so they ate and they did not ask about that, and the cheese was described to ‘Umar so he said: (Mention the name of Allah and eat it)]

\* And as it appeared in [50], (Chapter: 5 Page: 129 and what follows it) more from the sayings of the **Companions** and the followers which support what has been said: [Hesheem told us Abu Hamzeh told us he said I heard Ibn Abbaas and he was asked about the cheese he said put a knife in it and mention the name of Allah and eat.

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-Hesheem told us according to Abi Heyan Al-Azdi he said I Asked Ibn ‘Umar about the cheese so he said what comes to us from Al-Iraq is something which is stranger to us than it.

-Abu Al-Ahwess told us, according to Abi Is-haaq, according to Temelluk she said I asked Um Selmel so she said Dhi [put] and mention the name of Allah the Great and the Almighty and eat

-Selam told us, according to Sa’eed Bin Mesrouq, according to Munthir, according to Ibn Al-Hanafyeh they said eat the cheese Ardha [openly]

-Yahya bin Saeed told us, according to Ibn ‘Ajlaan, according to Rebee’eh, according to his aunt she said [some] cheese came to us from Al-Iraq so it was sent to Aisha so she said eat it and feed me

-Hesheem told us he said Mugheereh told us, according to Ibraheem he said ‘Umar wrote mention the name of Allah over the cheese and eat it and Ibraheem said and when we travelled to these mountains so we saw from what the Persians made what we saw we disliked until we asked about it

-Wekee’ told us, according to Abi Ja’far Al-Razi, according to Al-Rebee’, according to Abi Al-Aliyah, according to Suweid Ghulam Selman and he spoke well of him he said when we opened the cities people came out in the pursuit of the enemy he said Suleiman said and we acquired a basket so he said open it so if there is food in it we eat it and if not then we pay it to these he said so they opened it and it contained chalky loaves of bread and cheese and a knife he said it was the first the Arabs saw of these [Al-Huwari] so then Suleiman started to explain to them how it is used then he took the knife and he proceeded to cut and he said in the name of Allah eat

-Wekee’ told us, according to Sufyaan, according to Jehesh, according to Mu’aawiyah Bin Qureh, according to Al-Hassan Bin Ali that he asked about the cheese so he said no harm in it put the knife and mention the name of Allah over it and eat.

-Al-Fadhl Bin Dekeen told us, according to ‘Amrou Bin Uthman, according to Mousa Bin Talhah he said I heard him mention that Talhah used to put the knife and mention the name of Allah and cut and eat

-Hefus told us, according to Al-Zebirqan, according to Abi Rezeen he said no harm in the cheese.

-Hefus told us, according to Al-A’mesh, according to Amareh, according to Abi Bakr Bin Abdul-Rahman Bin AL-Harith he said they used to supply themselves with cheese in their travels

-Abu Usameh told us, according to Ubaid Allah Bin ‘Umar, according to Salim that he use to eat the cheese from Al-Kufeh

-Wekee’ told us, according to Uthman Al-Sheham he said Al-Bushjan Abu Al-Mugheireh said I asked Ibn Abbaas about the cheese so he said what comes to us from Al-Iraq is stranger to us than the cheese]

\* And as it appeared in [50], (Chapter: 5 Page: 299) also in another location: [Ibn Fedheel told us, according to Habeeb Bin Abi Amreh, according to Munthir Al-Thawri he said a man asked Ibn Al-Hanafyeh about the cheese so he said O female-slave take this dirhem [currency] and buy with it Yeneera so she bought with it Yeneera then she brought it it means (**the cheese**)].

#### ***Appendix Four***

\* And in [83], (Chapter: 5 Page: 43) is another tale of some texts from the Companions, from them: [And according to Al-Hasan Bin Ali that he was asked about the cheese so he said put the knife and pronounce the name of Allah then eat; Al-Tabaraany told it and his men are men of what is correct and authentic]

\* And in [54], (Chapter: 4 Page: 538): [According to Ma'mar, according to Abi Is-haaq, according to a woman from Hemdan who was called Temelluk that she asked Um Salamah about the eating of cheese so she said put the knife in it then say the in the name of Allah then eat]

\* And in [54], (Chapter: 4 Page: 539): [According to Abi Ja'far Al-Razi, according to Rebee' Bin Anas, according to Abi Al-Aliyah he said they asked him about Al-Inafih so he said that the milk does not die]

\* And in [54], (Chapter: 6 Page: 109): [Abdul-Razzaaq told us he said Hameed Bin Rawman told us, according to Al-Hejjaj, according to



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... ‘Ataa’ he said there is no harm in eating the cheese of Magi

\* And in [54], (Chapter: 4 Page: 540): [According to Israel he said Isa Bin Abi Izzeh told me he heard Al-Sha’by say pronounce the name of Allah over the cheese and the oil and eat]

\* And in [54], (Chapter: 4 Page: 539): [According to Ma’mar he said I asked Al-Zuhry about the cheese so he said what I find in the market of the Muslims I buy and I do not ask about it]

\* And in [54], (Chapter: 4 Page: 541): [According to Al-Thawri, according to his father, according to Munthir Al-Thawri according to Muhammed Bin Ali he said all cheese can be displayed]

**So these Imams do not see harm in the cheese; and from the Companions:** ‘Umar Bin Al-Khattaab, and Abdullah Bin Abbaas, and Um Salamah, and Aisha, and Selman Al-Farisi, and Talhah Bin Ubaydullah, and Al-Hasan Bin Ali, and with them from the followers: Muhammed Bin Ali Bin Al-Hanafyyeh, and Salim Bin Abdullah Bin ‘Umar, and Abu Al-Aliyah, and Abu Bakr Bin Abdul-Rahman Bin Al-Harith, and ‘Ataa’ Bin Abi Rabaah, and Al-She’ebi, and Al-Zuhry.

And Imaam Ali Bin Abi Talib did not go far from these as he said: (If you do not know who made itL then mention the name of Allah over it and eat it), opinion in the case of not knowing the producer, not to ask and to eat.

\* And in [54], (Chapter: 5 Page: 129): [Jareereh told us, according to Um Mousa, according to Ali he said: (If you do not know who made it: then mention the name of Allah over it and eat it!)]

\* And Also Abdullah Bin ‘Umar, in a tale, he saw that the cheese is eaten without quaction, but if one knew that it contained dead [animals] then no, which is different from his father, and he hesitates in other tales, as appeared in [1]: [Abu Tahir Al-Feqeeh told us Abu Uthman Al-Besri informed us Muhammed Bin Abdul-Wahhaab told us Ya’la Bin Ubeid told us Sufyaan told us, according to Jebleh Bin Seheem he said: Bin ‘Umar was asked about the cheese and the fat so he said: (Pronounce and eat!), so it was said: (And if it contains dead [animals])!), he said: (If you knew it contained dead [animals] then do not eat it!)] then Imaam Al-Bayhaqy followed up by saying: [And some of the Companions (raaa) did not ask about it favouring the purity: and we told that according to Bin Abbaas and Ibn ‘Umar (rata) and others; and some of them asked about it as a precaution, and we told it according to Abi Mes’oud Al-Ansari that he said: (And the last of this restriction is preferable to me than to eat cheese and not ask about it!), and according to Al-Hasan Al-Besri he said: (The Companions of Muhammed (saas) used to ask about the cheese and did not ask about the fat)].

\* And in [50], (Chapter: 5 Page: 129): [Ubeideh Bin Hameed told us, according to ‘Ataa’ Bin Al-Sa’ib, according to Sa’eed Bin Ubeideh he said a man asked Ibn ‘Umar about the cheese so Ibn ‘Umar said to him eat the cheese and drink it so he said and if it contains dead [animals] so Ibn ‘Umar told him then do not eat the dead [animals]]

\* And in [54], (Chapter: 4 Page: 539): [According to Ma’mar, according to Ayoub, according to Nafi’ he said Ibn ‘Umar was asked about the cheese that the Magi make so he said: (What I find in the market for Muslims I buy ot and do not ask about it), and Ayoub said Nafi’ said and if Ibn ‘Umar saw from the Magi what I have seen then I think he would have hated it and Nafi’ had visited some parts of Faris [Persia]]

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\* And in [54], (Chapter: 4 Page: 539): [According to Hesheem, according to Abi Hebban he said I asked Ibn ‘Umar about the cheese so from his answer was that he said what comes to us from Al-Iraq is something which is stranger to us than the cheese]

\* And in [54], (Chapter: 4 Page: 539): [Abdul-Razzaq, according to Ibn ‘Uyaynah, according to Ibn Abi Al-Hussein, according to Ali Al-Azedi he said Ibn ‘Umar was asked about the silk so he said we heard that who wore it in this life will not wear it in the after-life and I asked him about the cheese so he said out of what worry do you ask me he said I said they put in it or we fear that they put in it dead Anafih he said leave what worries you to what does not worry you]

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\* And in [54], (Chapter: 4 Page: 541): [According to Israel, according to Mejze'eh Bin Zahir, according to 'Ataa' Al-Besri he said I was there with Ibn 'Umar so a man asked him about Al-Tela' meaning Al-Rubb [thickend juice of fruit] and Ameer Al-Mu'mineen was drinking it and giving it to our boys I said they are cooking and it is Khamr he said if you know it is Khemr then do not drink it I said and the cheese he said it is brought from Al-Iraq so we eat it and we feed it it to our boys I said they put in it the dead [animals] he said if you know that it contains dead [animals] then do not eat it]

\* And in [50], (Chapter: 5 Page: 129 and what follows it): The sayings of the Companions and the followers which is different from what was said: [Ubeideh Bin Hameed told us, according to Mansour, according to Ubeid Bin Abi Al-Ja'ad, according to Qays Bin Al-Mowta' he said Abdullah said do not eat from the cheese except what the Muslims and the people of the Book made.

-Abu Usameh told us, according to Hisham, according to Al-Hasan and Ibn Sireen they said there is no harm in what the people of the Book make from cheese

-Abad told us, according to Abdul-Melik he said I asked Sa'eed Bin Jubayr about the cheese so he said what the the Muslims and the people of the Book make

-Abu Usameh told us, according to Abdul-Melik he said I heard Sa'eed Bin Jubayr say do not eat from the cheese except what the Muslims and the Jews and the Christians make and as for the Magi then what they butcher is not permitted to us so how can their cheese be permitted to us

-Jareer told us, according to Mugheerah, according to Ibraheem he said when we came to the mountain and we saw what they made we hated it]

\* And it appeared in [83], (Chapter: 5 Page: 43) Some texts were told for the Companions who disagreed, and there were only a few, and from them: [And according to Abdullah meaning Ibn Mes'oud he said do not eat from the cheese except what the the Muslims and the people of the Book make Al-Tabaraany told it and his men are Thiqat]

\* And it appeared in [83], (Chapter: 5 Page: 43) A telling of more texts for the Companions: [And according to Ali Bin Abdullah Al-Bariqi he said a woman in Mecca asked me so I told her this is Abdullah Ibn 'Umar you can ask him so she went towards his so I followed her and I heard what she said to him so she said give me a ruling about the cheese so he said and what is the cheese she said something we make from the milk and so on and so on and they use Al-Infiheh so Abdullah said what the Muslims and the people of the Book make then eat it and what they do not make then don't eat it she said O Abdullah give me a ruling about the locusts he said it is all slaughtered she said O Abdullah give me a ruling about the gold he said it is hated for men and he mentioned the Hadeeth which Al-Tabaraany told and his men are men of what is correct and authentic except the Sheikh and he is a Thiqeh]

\* And it appeared in [54], (Chapter: 4 Page:541): {Abdul-Razzaaq, according to Ma'mar, according to a man that he asked Sa'eed Bin Al-Musseyyeb about the cheese so he said if you knew that it contained dead [animals] then do not eat it, otherwise pronounce and eat]

**I said:** What comes out of this is that from the Companions only Abdullah Bin Mes'oud saw that only the cheese of the Muslims and the people of the Book can be eaten, and may be also Abdullah Bin 'Umar, and from the followers who agreed with them were: Al-Hassan and Ibn Sireen and Sa'eed Bin Jubayr and Ibraheem, and may be: Sa'eed Bin Al-Musseyyeb.

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**And in summary:** That the Hadeeth of Um-ul-Mu'mineen Maymounah is correct and authentic with its testimonies it can be relied on as authoritative, so it cannot be contradicted by whoever knows about it and recognises its correctness, and it rules that (**The cheese is permitted regardless of the origin of its Infihe [rennet, abumasum]**), and there is no Hujjah after the Messenger of Allah, may the prayers and peace and blessings of Allah be upon him and his descendants, especially when the majority of Companions ruled in what agreed with it.

**And by consulting the scientists who specialise in the fields of Biology and Nutrition it transpires:**

(1) That the active substance in Al-Infiheh is the yeast (enzyme) which is known as (Kimosin) and (Renin), and it is what causes the cheese to form. And this is only formed during the life of of the suckling calf, and also the Atla' of sheep and goats (and Al-Atla' is the suckling from the offspring of sheep and goats and deer), and others from the young mammals, and it is stored in the gallbladder in the membrane of the fourth chamber from Al-Kersheh (which is the actual digesting stomach for ruminants who have stomachs with a number of chambers), and it is secreted gradually as needed. So it is a chemical substance which acts as a catalyst, by encouraging certain reactions, and it is not a **food or drink substance**. It also cannot be described as living, so it cannot be affected by death, and the concept of what is understood by (**dead [animal]**) does not apply to it in the first place, exactly like the hair and the milk, which are more complex compounds chemically than it. So the enzyme (Kimosin) is not (**dead [animal]**), and so it is pure and permitted, and will remain so for ever.

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(2) That isolating this enzyme was difficult in the old days, so people used to use the whole of the inside membrane for the fourth Kersheh [stomach], after certain specific treatments, then they would use this extract of Al-Infihe to form the cheese. And there is no doubt that this extract contains tissues and cells that died after having been alive so Al-Anafeeh contain **(dead [animals])** without a doubt.

So the explanation for this ruling, which is: that **(The cheese is permitted tregardless of the origin of its Anfiheh)**, is either

(1) That Al-Anfiheh, even though they are in reality dead they are excluded from the forbiddance through a special proof, as Al-Taybi said: (It contains evidence of the purity of Al-Anfiheh because if it were Nejiseh then the cheese would be Nejis because it cannot be made except through it), and this is also the saying of Abi Heneefeh. And this is a see-sawing saying because of the absence of a necessity according to Shari'a or to the mind [common sense or logic] to resort to it, for it does not come under the category of what was proven according to the Prophet of Allah (saas), when he spoke about the sea "It is whose water is purifying, whose dead are permitted", nor does it come under the category of what was told according to him (saas): **"Two dead [animals] are permitted for us: the whale and the locust; and two bloods: the liver and the spleen"**, so these are explicit texts that the locust is dead but nevertheless it is permitted. And this is not also the case with Al-Anfiheh originally, and the Prophet (saas) was not incapable of saying in the Hadeeth of Maymounah: (It has dead Anfiheh, but is is permitted to you), or words to that effect.

(2) That what is used from Al-Anfiheh is a small amount, and so even though it is dead and Nejiseh, then the food does not become Nejis or forbidden with it, because of the dominance of what is good, permitted and pure. **And this what is correct**, and it is the one that should be advanced, so that the rules can be conformed to exactly. And we rush here to note that Imaam Al-Hujjah Al-Kebeer Abu Muhammed Ali Bin Hezim, with his admission of the correctness of this rule and despite him using it, yet he rules in the forbiddance of cheese (because the effect of the dead [animal] appears in it), so to him it is not in such small quantities that it can be ignored.

And Imaam Abu Muhammed Ali Bin Hazm is excused in this saying of his for it was not possible for him to know, in his time, that **(Al-Tejebun)** [the formation of cheese] is not the result of the action of the **(dead [animal])**, which is Nejiseh and forbidden, nor does it result from it, but it is from the effects of (Renin) which is pure and permitted and its action, and that what is truly **(dead [animal])** is only a very small contamination, which can be ignored, and it is possible to be tolerant regarding it.

So there is no harm in the cheese, for it is in itself permitted and pure, regardless of the religion of the person making it, and regardless of which Anfiheh are used: Anfiheh which had been slaughtered or Anfiheh which are dead, and this includes the pig, although we are not aware that the Anfiheh of the pig can be used to make cheese!

**And with greater reason:** There is no harm in the cheese which is made by the yeast of **(Renin)** which is unmixed and pure and free from any tissues, and also no harm in all the foods or drinks which contain other yeasts, like **(Pepsin)** which is pure and free from tissues, and others from the yeasts, regardless of whether they have been extracted from an animal that has been slaughtered according to Al-Shari'a, or from a dead [animal] or even from the pig, or extracted from germs or plants which have been genetically engineered for this purpose, or if it was artificially manufactured in the laboratory and did not come from a living being in the first place.

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**The proof of that:** Is that these yeasts are nothing but chemical substances, which act as catalysts to encourage certain reactions, **and they are not food or drink substances.** And also it is not possible to describe them as (**living**), even though they are made from a living being, and they are part of it, so they cannot be affected by (death) at all, and so the concept of (**dead[animal]**) is not applicable to them in the first place, exactly like the hair and the milk. And they usually have a specialised function, but their composition does not normally vary from one animal to another, but rather they have the same molecular structure.

So it is impossible for the composition of the pure cleansed yeast, or the pure chemical compound, which is taken from the forbidden Nejis pig for example, to be identical to a similar one taken from the pure good calf, or to the artificial compound produced in the laboratory, it is impossible for the composition to be identical and for the ruling to be different, or there would be a contradiction in Al-Shari'a, Allah forbid.

**So it is necessary that the ruling is definite: purity and permissance of all the pure yeasts, or rather of all the pure and abstract organic chemical compounds, which are not foods or drink substances, regardless of where they are extracted from: from a forbidden Nejis pig, or from a**

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**...pure calf which is permitted, or if it was produced in the laboratory without the medium of a living organism**

And if there is a difference in the composition of the different animals then it is normally small and has no impact except for the position of one or two atoms, so that it does not affect the desired function, and it also does not take it from being non-living initially to the point where what is understood by the concept of (carrion) applies to it principally, and it is also that the difference in composition does not prevent the ability to synthesize a compound which is different in a minor or major way in the laboratory, or of germs or plants that had been genetically engineered for this purpose. For this reason it is not possible that the difference in the synthesis which produces the chemical compounds should be the focus of attention, as regards purity or permissibility except with proof, provided that it is not normally a food or drink substance, like animal oils or vegetable oils for example.

## References

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- 
- [2] «سنن ابن ماجه» "Sunen Ibn Majeh"
- 
- [3] «المنتقى من السنن المسندة لابن الجارود» "Al-Muntaqa min Al-Sunen Al-Musnada li.Ibn Al-Jarood"
- 
- [4] «السنن الكبرى للإمام النسائي» "Al-Sunen Al-Kubra lil.Imam Al-Nessa'i"
- 
- [5] «الجامع الصحيح المختصر» "Al-Jami' Al-Sahih Al-Mukhtaser"
- 
- [6] «صحيح الإمام مسلم» "Saheeh Imaam Muslim"
- 
- [7] «سنن أبي داود» "Sunen Abi Dawood"
- 
- [8] «موطأ مالك» "Mowti' Malik"
- 
- [9] «سنن الدارقطني» "Sunen Al-Darqeteni"
- 
- [10] «مسند الإمام أحمد بن حنبل» "Mesned Imaam Ahmad Bin Hanbal"
- 
- [11] «المعجم الكبير» "Al-Mu'jam Al-Kabeer"
- 
- [12] «الأحاد والمثاني» "Al-Ahad an wa.Al-Methani"
- 
- [13] «سنن الدارمي» "Sunen Al-Darmi"
- 
- [15] «مسند أبي يعلى» "Mesned Ibn-Ya'la"
- 
- [16] «التقريب» "Al-Taqreeb"
- 
- [17] «المنتخب من مسند عبد بن حميد» "Al-Muntakhaeb min Mesned Abd Bin Hameed"
- 
- [18] «صحيح ابن حبان» "Saheeh Ibn Haban"
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#### Appendix Four

- [19] «التاريخ الكبير للإمام البخاري» "Al-Tarikh Al-Kabeer li.Imaam Al-Bukhari"
- 
- [20] «المجتبى من السنن للإمام النسائي» "Al-Mujtabi min Al-Sunen li.Imaam Al-Nesa'I"
- 
- [21] «صحیح ابن حبان» "Saheeh Ibn Heban"
- 
- [22] «مسند أبي يعلى» "Mesned Abi Ya'la"
- 
- [23] «سنن الدارقطني» "Sunen Al-Darqetni"
- 
- [24] «مسند الإمام إسحاق بن راهويه» "Mesned Imaam Is-haaq Bin Rahouyeh"
- 
- [25] «سند الإمام الشافعي» "Sened Imaam Al-Shafe'I"
- 
- [26] «شرح معاني الآثار: للإمام الطحاوي» "Shereh Ma'ani Al-Athar li.Imaam Al-Tahawi"
- 
- [27] «سنن الترمذي» "Sunen Al-Termethi"
- 
- [28] «المنتقى من السنن المسندة» "Al-Muntaqa min Al-Sunen Al-Musnede"
- 
- [29] «تاريخ بغداد» "History of Baghdad"
- 
- [30] «تذكرة الحفاظ» "Tathkirat Al-Hifath"
- 
- [31] «شرح معاني الآثار» "Explanations of Meanings of the Words"
- 
- [32] «مسند أبي يعلى عن ميمونة فقط» "Masnad Abi Ya'la according to Maymouna Only"
- 
- [33] «مسند ابن الجعد» "Masnad Ibn Al-Ju'ad"
- 
- [34] «المجتبى من السنن للإمام النسائي» "Collector of Sunen from the Imaam Al-Nisa'i"
- 
- [35] «التمهيد لابن عبد البر» "The Preamble li.Ibn Abdul-Berr"
- 
- [36] «الثقات» "Thiqat"
-

- [37] «المعجم الصغير» "Al-Mu'jam Al-Sagheer"
- 
- [38] «التاريخ الكبير» "Al-Tareejh Al-Kebeer"
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- [39] حديث عن أبي سعيد الخدري "Hadeeth according to Abi Sa'eed Al-Khadri"
- 
- [40] «ضعفاء العقيلي» "Dhu'afa' Al-'Uqayli"
- 
- [41] «الكامل في ضعفاء الرجال» "Al-Kamil fi Dhu'afa' Al-Rijal"
- 
- [42] «تاريخ أسماء الثقات» "Tareekh Asma' Al-Thiqat"
- 
- [43] «فتح الباري شرح صحيح البخاري» "Fet'h Al-Bari Sherh Ssaheeh Al-Bukhari"
- 
- [44] «تاريخ جرجان» "History of Jerjan"
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- [45] «مسند أبي عوانة» "Masned Ibn Awaneh"
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- [46] «المعجم الأوسط» "Al-Mu'jam Al-Awsett"
- 
- [47] «المستدرک علی الصحیحین» "Al-Mustedrik Ala Al-Saheehien"
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- [48] «الطبقات الكبرى» "Al-Tebeqat Al-Kubra"
- 
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- [50] «مصنف ابن أبي شيبة» "Masnef Ibn Abi Shaybah"
- 
- [51] «مسند الشاميين» "Mesned Al-Shamiyyeen"
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- [52] «تاريخ بغداد» "Tareekh Baghdad"
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[54] «مصنف عبد الرزاق» , “Musennef Abdul-Rezzaq”

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[55] «الأدب المفرد» ”Al-Edeb Al-Mufred”

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[56] «معرفة الثقات» ”Ma’rifet Al-Thiqat”

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[57] «تذكرة الحفاظ» ”Tethkiret Al-Hifath”

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[58] «الجرح والتعديل» ”Al-Jerj wa Al-Ta’deel’

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[59] «تقريب التهذيب» “Taqreeb Al-Tethheeb”

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[60] «تهذيب الكمال» ”Teththeeb Al-Kemal”

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[61] «سنن سعيد بن منصور» ”Sunen Sa’eed Bin Mansour”

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[62] «العلل ومعرفة الرجال» ”Al-Illel and Ma’rifet Al-Rijal”

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[63] «ضعفاء العقيلي» ”Dhu’afa’ Al-’Uqayli”

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[64] «التقريب» ”Al-Teqreeb”

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[65] «تهذيب التهذيب» ”Teththeeb Al-Teththeeb”

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[66] «المحلى» ”Al-Mehla”

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[67] «نيل الأوطار» “Neil Al-Awttar”

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[68] «صحيح ابن خزيمة» ”Saheeh Ibn Khuzeimeh”

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[69] «ناسخ الحديث ومنسوخه» “Nasikh Hadeeth weh Mesnsoukkeh”

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[70] «نيل الأوطار» “Neil Al-Awttar”

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[71] «تلخيص الحبير في أحاديث الرافي الكبير» ”Telkhees Al-Hebeer fi Ahadeeth Al-Rafi’I Al-Kebeer”

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[72] «المحلى بالاثار» ”Al-Muhalla Bil.Athaar”

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[73] «بدائع الصنائع» “Bedai’ Al-Senai”

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[74] «المبسوط للسرخسي» ”Al-Mebsout”

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[75] «الأم» "Al-Um"

[76] «روضة الطالبين» "Rawdhet Al-Talibeen"

[77] «المغني»

[78] «كتب ورسائل وفتاوى ابن تيمية في الفقه» "Kutub we Resa'il we Fetawa Ibn Taymiyeh fi Fiqh"

[79] «أحكام القرآن» "Ahkam Qur'aan"

[80] «مسند الحميدي» "Mesned Al-Humaydy"

[81] «تاريخ نيسابور» "Tareekh Nisabour"

[82] «شعب الإيمان» "Shu'ab Al-Iman"

[83] «مجمع الزوائد» "Mujma' Al-Zewai'd"

## **Hadeeth**

[H1] «إن الله ورسوله حرم بيع الخمر والميتة والخنزير والأصنام»

[H2] «إن الله حرم الخمر وثنمها، وحرم الميتة وثنمها، وحرم الخنزير وثنمها»

[H3] «إنه ليس بدواء، ولكنه داء»

[H4] «هل شعرت أنها قد حرمت بعدك؟!»

[H5] «وان الخمر حرام وثنمها حرام،

[H6] «وان الخمر حرام وثنمها حرام، وان الخمر حرام وثنمها حرام»

[H7] «هل شعرت أنها قد حرمت بعدك؟!»

[H8] : «إن الله،

عز وجل، ورسوله، حرم عليكم الخمر وثنمها وحرم عليكم الميتة وثنمها وحرم عليكم الخنازير وأكلها وثنمها»

[H9] (فإنه لا يصلح بيعه ولا شراؤه ولا التجارة فيه لمسلم)

[H10] «أوما علمت يا أبا فلان أن الذي حرم شربها: حرم بيعها؟»

[H11] «دباغها طهورها»

[H12] «لعن الخمر وشاربها وساقياها ويأثعها ومبتاعها وعاصرها ومعتصرها وحاملها والمحمولة إليه وأكل ثمنها»

[H12] «لعنت الخمر وشاربها وساقياها وعاصرها ومعتصرها وحاملها والمحمولة إليه ويأثعها ومبتاعها وأكل ثمنها»

[H13] «فإن الله قد حرمها!»

[H14] «أنهاكم عن قليل ما أسكر كثيره»

[H15] فما كان من خمر فقليله وكثيره حرام، وما كان مما سوى ذلك من الأشربة فأسكر منه حرام،

[H16] «الخمر من هاتين الشجرتين: النخلة، والعنب»

[H17] : «إنما الأعمال بالنيات، وإنما لكل امرئ ما نوى»

[H18] «الطهور شطر الإيمان»

[H19] ، «وإن الله لا يقبل صلاة من غير طهور».

[H20] : «الأديم طهوره دباغه»

[H21] «إن الماء طهور لا ينجسه شيء»

[H22] «إذا كان الماء قُلَّتَيْنِ لم يحمل الخبث»

[H23] «الماء لا ينجسه شيء»

[H24] «إن الماء لا يجنب!»

[H25] «إن الماء لا ينجسه شيء، إلا ما غلب على ريحه وطعمه ولونه»

[H26] «اسقوا واستقوا فإن الماء يحل، ولا يحرم»

[H27] : «أحلت لنا ميتتان: الحوت والجراد، ودمان: الكبد والطحال»

[H28] «قاتل الله اليهود: إن الله لما حرم شحومها، جملوه، ثم باعوه، فأكلوا ثمنه»

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# **إشكاليات حول بعض المشروبات والمطعومات**

**الملحق الرابع**

(ذيل)

***Objects of Dispute around Some Food and Drink Substances***

***Appendix Four b***  
***(Addendun)***

Committee of researchers and specialists

London

Monday: 29<sup>th</sup> of the month of *Safar* in the year 1425 *Hijra* calendar

Corresponding to 19<sup>th</sup> April 2004 AD

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**Appendix 4 – Invalidity of the Hadeeth of Abdullah Bin ‘Ukaym**

The Hadeeth of Abdullah Bin ‘Ukaym came with an Isnaad (reference chain) which was apparently correct and authentic:

\* As it appears for example in [7] [Hafss Bin ‘Umar told us Shu’bah told us, according to Al-Hakam, according to Abdul-Rahman Bin Abi Layla, according to Abdullah Bin ‘Ukaym, he said: The letter of the Messenger of Allah (saas) was read in the land of Juhaynah and I was a young boy: (That you must not enjoy from carrion their Ihaab (skin) or ‘Assab (tendon, ligament)], and Al-Albani said: (correct and authentic), I said: yes all the men are trustworthy (Thiqat), for it is apparently correct and authentic, but it has a number of **flaws** which we will outline shortly.

\* But it appears in [7] in the following strange wording: [Muhammad Bin Isma’eel Mawla Bany Hashim told us Al-Thaqafy told us, according to Khalid, according to Al-Hakam Bin ‘Utaybah that he went (he and other people with him) to Abdullah Bin ‘Ukaym, a man from Juhaynah. Al-Hakam said: so they entered and I sat at the door. They came out to and told me: that Abdullah Bin ‘Ukaym told them that the Messenger of Allah (saas) had written to Juhaynah a month before he died not to enjoy from carrion their Ihaab (skin) or ‘Assab (tendon, ligament)], then Imaam Abu Dawood commented by saying: (For if it is tanned then it is not called Ihaab, but it is then called: Shinn and Qirbah. So Al-Nadhir Bin Shumayl said: what has not been tanned is called Ihaab). Al-Albani dared, as it was customary for him, so he said: (correct and authentic).

-And the same one appears by the route of Abi Dawood in [1]: [And Abu Ali Al-Rawthabaary informed us, Abu Bakr Bin Daasah informed us, Abu Dawood informed us: ... exactly as above], then Imaam Al-Bayhaqy said: (And it was said in this Hadeeth from another route: forty days before he died and it was said, according to Abdullah Bin ‘Ukaym he said: some of our elders [Sheikhs] from Juhaynah told us that the Prophet (saas) wrote to them, ...etc. That (the wording of other routes) will follow, if Allah, the highest, permits).

I say: This is wrong because gives the impression that Al-Hakam Bin ‘Utaybah is the one who went to Abdullah Bin ‘Ukaym so he sat by the door, and his companions entered, ... etc. What it is correct is that this occurred to Abdul-Rahman Bin Abi Layla, as evidenced in the following narration:

\* And as it appears in [69] (Chapter 1 Page:151) by Imaam Bin Shaheen (Bin Shaheen is: Abu Hafss ‘Umar Bin Ahmad Bin Uthman Bin Shaheen, he died in the year of 385 Hijreh): [Abdullah Bin Muhammad Al-Baghawy told us he said: Siwaar Bin Abdullah said, according to Khalid Al-Hath-thaa’, according to Al-Hakam Bin ‘Utaybah, according to Abdul-Rahman Bin Abi Layla that he went he and people with him to Abdullah Bin ‘Ukaym, a man from from Juhaynah. Abdul-Rahman Bin Abi Layla said: (So they entered and I sat at the door), he said: (So they came out and told me that Abdullah Bin ‘Ukaym told them that the Messenger of Allah (saas) wrote to them a month before his death: (Do not benefit from the carrion of their Ihaab (skin) or ‘Assab (tendon, ligament))].

So it is possible then than that Sheikh of Abi Dawood: Muhammad Bin Isma’eel Mawla Bany Hashim, or the Sheikh of his Sheikh: Abdul-Wahhaab Bin Abdul- Majeed Al-Thaqafy, was confused so he dropped Abdul-Rahman Bin Abi Layla, then he, or who came after him from the narrators, attributed the saying to Al-Hakam Bin ‘Utaybah so that the flow of the narration is straightened, thus producing the strange text which is objectionable and worthy of rejection, and

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what is more likely in this case is that dropping Abdul-Rahman Bin Abi Layla [was] by Abdul-Wahhaab Bin Abdul-Majeed Al-Thaqafy as the testified to that in the following:

\* What appeared in [10]: [Abdul-Wahhaab Bin Abdul-Majeed told us, according to Khalid, according to Khalid, according to Al-Hakam, according to Abdullah Bin ‘Ukaym he said: The Messenger of Allah (saas) wrote to us before his death by a month that we are not to benefit from carrion in their Ihaab (skin) nor their ‘Assab (tendon, ligament)].

It is also possible that this foolish adjustment is from some of the copiers because the Hadeeth of Abi Dawood is frequently referred to (As it appeared in [67], for example) with the mention of the occurrence of the he story to Abdul-Rahman Bin Abi Layla instead of Al-Hakam Bin ‘Utaybah.

And Imaam Bin Shaheen listed exhaustively those who narrated it according to Al-Hakam Bin ‘Utaybah, so he said summarising: [And it was narrated according to Al-Hakam by a group from them was Al-A’mash, Mansour, Al-Shaybaany, Isma’eel Bin Muslim, Shu’bah, Muttrif, Ma’mar, Al-Ajlah, Khalid Bin Katheer, Al-Mas’oudy, Muhammad



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Bin Abi Layla, Al-Hajjaaj Bin Arta'ah, Hamzah Al-Zayyaat, Abu Maryam, Abdul-Malik Bin Abi 'Utbah, Mattar Al-Warraaq, Al-'Arzamy, Al-Hasan Bin 'Imarah, Abaan Bin Taghlib, Yazeed Bin Abi Ziaad, Talq Bin Al-Sarry, Al-Rabee'Bin Al-Rukayn, Abu Sa'eed Al-Baqqaal and Muhammad Bin (...). Khalid Al-Hath-thaa' and Shu'bah narrated it timed saying: (before his death by two months, and in another version by one month).

**Discussion of the Isnaad (reference chain)**

**Firstly:** Al-Hakam Bin 'Utaybah is a proven firm and trustworthy (Thiqah Thabt), he can be relied on as authoritative, but he often makes Tadlees [deceives, manipulates, fiddles with or distorts], so one must be certain of his hearing it from Abdul-Rahman Bin Abi Layla, otherwise the Isnaad (reference chain) must be judged as broken.

This is not a problem here because of the fact that Al-Hakam Bin 'Utaybah has heard it from Abi Layla as has been established without doubt in the narration of Shu'bah of this Hadeeth in this way. And Shu'bah is known for his strictness with Sheikhs, and of his making sure that they had heard from their Sheikhs. The fact that he did hear it has been well established via a number of correct and authentic routes, from them:

\* What appeared in [21]: [Abdullah Bin Muhammad Al-Azdi told us he said Is-haaq Bin Ibraheem told us he said Al-Nadhir Bin Shumayl told us, he said: Shu'bah said Al-Hakam **told us** he said I heard Abdul-Rahman Bin Abi Layla talking, according to Abdullah Bin 'Ukaym Al-Juhany he said the letter of the Messenger of Allah (saas) was read to us when we were in the land of Juhaynah: Not to benefit from the carrion their Ihaab [skin] and nor their 'Assab [tendon, ligament]], and Sheikh Shu'ayb Al-Arna'out said: (correct and authentic), and it also appears in [1].

\* And what appeared in [10]: [Muhammad Bin Ja'far told us Shu'bah told us, according to Al-Hakam he said I **heard** Bin Abi Layla talking, according to Abdullah Bin 'Ukaym that he said: The letter of the Messenger of Allah (saas) was read to us by in the land of Juhaynah when I was a young boy not to enjoy from the carrion their Ihaab [skin] and nor their 'Assab [tendon, ligament]].

So these are proofs of Al-Hakam Bin 'Utaybah hearing directly from Abdul-Rahman Bin Abi Layla, so one need not fear then from deception or tampering by Al-Hakam Bin 'Utaybah. And in the remote possibility that the story of Al-Hakam Bin 'Utaybah sitting by the door actually took place, that is to say that he himself went when he was a boy then his companions entered, and he sat by the door, that is to say it was he who actually said: (Then they entered and I sat by the door then they came out to me then they told me ... etc), as it is in the utterance of Abi Dawood, if one hypothesizes that this did happen then no doubt he would have heard it from Bin Abdul-Rahman Bin Abi Layla who was one those who entered, and this would be an additional proof of the hearing from Abdul-Rahman Bin Abi Layla, as will be explained shortly.

**Secondly:** Abdul-Rahman Bin Abi Layla did not hear it from Abdullah Bin 'Ukaym Al-Juhany as was reported from the second story by Abi Dawood after its designation as correct by Bin Shaheen its correct original form in case what we find in our copy is from the tampering of the copier), where Abdul-Rahman Bin Abi Layla said: (Then they entered and I sat by the door then they came out to me then they told me that Abdullah Bin 'Ukaym had told them), that in fact he heard it by way of unknowns who cannot be identified. And this would have been really a serious fault, apart from that Abdul-Rahman Bin Abi Layla was a friend of Abdullah Bin 'Ukaym Al-Juhany and between them were visits and openness [or warmth] so it is very unlikely that he did not consult Abdullah Bin 'Ukaym about it, and verified it with him. And the friendship of Abdul-Rahman Bin Abi Layla to Abdullah Bin 'Ukaym is proven:

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\* As it appears in [48]: [Muhammad Bin Abdullah Al-Asadi told us he said: Sufyaan told us, according to Muslim Al-Juhany he said I saw Abdul-Rahman Bin Abi Layla and Abdullah Bin ‘Ukaym and this one [one of them] liked Ali and this one [the other] liked Uthman then the mother of Abdul-Rahman Bin Abi Layla died so Abdullah Bin ‘Ukaym came to her and he was the Imam of the mosque of Juhaynah in Kufah]

\* It also appears in [48]: [Qabeessah Bin ‘Uqbah told us, according to Sufyaan, according to Musa Al-Juhany, according to Abdul-Rahman Bin Abi Layla and Abdullah Bin ‘Ukaym of a similar occurrence]

\* And it also appears in [48]: [Al-Fadhl Bin Dukayn told us he said: Abu Israel told us, according to Al-Hakam that Abdul-Rahman Bin Abi Layla that Bin ‘Ukaym came to his mother, and he was their Imam]

\* And it also appears in [48]: [Abdul-Rahman Bin Mahdi told us, according to Sufyaan, according to Musa Al-Juhany, according to the daughter of Abdullah

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Bin ‘Ukaym she said Abdullah Bin ‘Ukaym liked Uthman, and Bin Abi Layla liked Ali, they were **like brothers**, she said when I never heard them mention something but I did hear my father say to Abdul-Rahman Bin Abi Layla: (If your ‘friend’ were patient, then people would have come to him)].

**So this therefore is not a serious fault, especially since Abdul-Rahman Bin Abi Layla was not the only one who said it according to Abdullah Bin ‘Ukaym:**

\* As Al-Qaasim Bin Mukhaymirah followed him up, and he is a trusted firm Thiqah, narrating from Abdullah Bin ‘Ukaym, as he explained in [31]: [Abdul-Rahman Bin ‘Amrou Al-Dimashqi told us he said: Abu Zur’ah told us he said: Muhammad Bin Al-Mubaarak told us he said: Sadaqah Bin Khalid told us, according to Yazeed Bin Abi Maryam, according to Al-Qaasim Bin Mukhaymira, according to Abdullah Bin ‘Ukaym he said elders of Juhaynah told me they said: (The letter of the Messenger of Allah (saas) came to us, or the letter of the Messenger of Allah (saas) was read to us, that we are not to benefit from any thing of the dead animal)]

-And it is also in [12]: [Hishaam Bin ‘Ammar told us, Sadaqah Bin Khalid informed us, Yazeed Bin Abi Maryam informed us, according to Al-Qaasim Bin Mukhaymirah, according to Abdullah Bin ‘Ukaym he said some of our elders from Juhaynah told us that the Messenger of Allah (saas) had written to them not to enjoy anything from carrion],

-And it is also in [21]: [Al-Hussein Bin Abdullah Al-Qattaan told us he said: Hishaam Bin ‘Ammar told us of it until its end], and Sheikh Shu’ayb Al-Arna’out said: (his Isnaad is correct). It is he said: correct can be relied on it as authoritative to Abdullah Bin ‘Ukaym Al-Juhany.

-And it is also in [1]: [Muhammad Bin Abdullah Al-Hafith told us, Abu Al-Waleed Al-Faqeeh informed us, Al-Bushanjy told us, Suleiman Bin Abdul-Rahman told us Ayoub Bin Hassaan told us, Yazeed Bin Abi Maryam told us (H) and Abu Abdullah told us Abu Al-Waleed told us he said: Al-Hassan Bin Sufyaan informed us, Al-Hakam Bin Musa told us, Sadaqah told us, according to Yazeed Bin Abi Maryam he said: Al-Qaasim Bin Mukhaymirah told us, Abdullah Bin ‘Ukaym told us: some of our elders from Juhaynah told us that the Prophet (saas) wrote to them: “do not benefit from anything of a dead animal”]

\* And also in [46] (Chapter: 7 Page: 14): [Muhammad Bin Abi Zur’ah Al-Dimashqi told us, Hishaam Bin ‘Ammar told us, Al-Waleed Bin Muslim told us, Abdul-Malik Bin Humeid Bin Abi Ghenieh informed us, Al-Hakam Bin ‘Utaybah told me, according to Al-Qaasim Bin Mukhaymirah, according to Abdullah Bin ‘Ukaym Al-Juhany he said the Messenger of Allah (saas) wrote to us when we were in Juhaynah not to enjoy from carrion their Ihaab [skin] nor their ‘Assab [tendon, ligament], I said: This is how it is in my electronic version, and we could almost adjudge that it is an error from some copiers, and that it should be: (Al-Hakam Bin ‘Utaybah told me, and Al-Qaasim Ibn Mukhaymirah, according to Abdullah Bin ‘Ukaym Al-Juhany) so it is Abdul-Malik Bin Humeid Bin Abi Ghenieh, and he is a trusted Thiqah known for narrating according to Al-Hakam Bin ‘Utaybah, he heard it from both of them, and it sufficed for him to narrate the utterance of the more famous Sheikh Al-Hakam Bin ‘Utaybah.

\* And Hilaal Al-Wazzaan followed him up, and he is also a Thiqah, according to Abdullah Bin ‘Ukaym, as it appears in [2] and the same one in [4]: [‘Ali Bin Hajar told us he said: Shurayk told us, according to Hilaal Al-Wazzaan, according to Abdullah Bin ‘Ukaym he said, The Messenger of Allah (saas) wrote to Juhaynah not to benefit from the carrion by Ihaab [the skin] not ‘Assab [tendon, ligament]], and it also on this subject in [10] and in [4] and in others, and Al-Albani said:

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(correct), I said: How come the correctness, and Shurayk was known for making many mistakes?! The ultimate what we could say: fair.

\* And Abdul-Malik Bin 'Umayrah followed him up, according to Abdullah Bin 'Ukaym, as it appeared in [46] (Chapter: 6 Page: 308): [Muhammad Bin Issa Bin Shaybah told us, Muhammad Bin Mansoor Al-Toosy told us, Isma'eel Bin 'Umar Abu Al-Munther told us, Al-Mas'oudy told us, according to Abdul-Malik Bin 'Umayrah, according to Abdullah Bin 'Ukaym he said the letter of the Messenger of Allah (saas) came to us not to benefit from the dead animal in Ihaab [skin] nor 'Assab [tendon, ligament]], then Imaam Al-Tabaraany said: (They did not tell this Hadeeth, according to Abdul-Malik Bin 'Umayrah except Al-Mas'oudy and not according to Al-Mas'oudy except Isma'eel Bin 'Umar and singly by Muhammad Bin Mansour Al-Toosy).

\* And Abu Farwah followed him up, according to Abdullah Bin 'Ukaym, and it also appears in [46], (Chapter: 7 Page: 330): [Muhammad Bin Musa informed us, Ibrahheem Bin Isma'eel Al-Talhy informed us, Talq Bin Ghannaam told us, Qays Bin Al-Rabee' told us, according to Abi Farwah, according to Abdullah Bin 'Ukaym he said: (The letter of the Messenger of Allah (saas) came to us two months before he died, do not benefit from dead animal from Ihaab [skin] nor 'Assab [tendon, ligament]).

\* And Abdullah Bin Ubaydullah Al-Haashimy followed him up, according to Abdullah Bin 'Ukaym, and it also appears in [46] (Page: 9 Page: 148):

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[Haytham Bin Khalid told us Abdul-Kebeer Bin Al-Mu'aafa told us, Hushaym told us, according to 'Ubaydah, according to Ibraheem, according to Abdullah Bin Ubaydullah Al-Haashimy, according to Abdullah Bin 'Ukaym he said the Messenger of Allah (saas) said "Do not enjoy from the dead their Ihaab [skin] nor ['Assab] tendon, ligament"]

**Thirdly: The separation [detachment or isolation] of the Isnaad , and this is truly the serious fault,** because Abdullah Bin 'Ukaym only heard it from some of their elders from Juhaynah: That the Messenger of Allah (saas) wrote to them about it, or that the letter of the Messenger of Allah (saas) was read to them so he did not see the letter nor read it, nor heard it being read. And even the elders of Juhaynah, and most of them are illiterate, they do not read nor write but they heard it read to them.

The clarification of this came by the route of Al-Qaasim Bin Mukhaymirah, according to Abdullah Bin 'Ukaym, and it is a correct route which can be relied on as authoritative, as we have said. And it also came by the famous routes, the route of Al-Hakam, according to Abdul-Rahman Bin Abi Layla, according to Abdullah Bin 'Ukaym and it is also in the first Hadeeth with which we opened this chapter from Abi Dawood: (The letter of the Messenger of Allah (saas) was read to us in the land of Juhaynah when I was a young boy), and also according to Ibn Hibbaan in the Hadeeth, in which the sequence of narrations is explicit: (The letter of the Messenger of Allah (saas) was read while we were in the land of Juhaynah), in the passive voice, and utterances appeared, such as: (some of our elders from Juhaynah told us), and others with similar structures: All of this make us affirm authoritatively that this Isnaad is separated [detached or isolated], and cannot be relied on as authoritative.

And as for what Abu Haatim Bin Hibbaan (rata) said, in his following-up on the Hadeeth after he reported it in his document: [And this wording: (was told to us by a Sheikh of ours from Juhaynah) gave the impression [illusion] to a crowd of people that that this report is not connected. This is (an example) of what we say in our writings that the Companion may give witness according to the Prophet (saas) and hears from him something then he hears that item from someone who is more important than him according to the Prophet (saas) so one time he tells of what he saw (directly) and the other he tells of what he heard (indirectly). Do you not see that Bin 'Umar witnessed the question of Jibreel to the Messenger of Allah (saas) about the belief and he heard it according to 'Umar Bin Al-Khattaab so one time he told of what he saw and another time he told according to his father what he heard. Thus also Abdullah Bin 'Ukaym witnessed the letter of Al-Mustafa [The Prophet Muhammad] (saas) where it was read to them in Juhaynah and he heard the elders of Juhaynah saying that so this led to one time him witnessing and another time him hearing without there being a separation or isolation in the news item], here ends the saying of Imaam Abi Haatim.

I said: The saying of Imaam Abi Haatim Bin Hibbaan is is a good saying if the reality [of what happened] was according to the narration of Abdullah Bin 'Ukaym, and there is no evidence of that, which is the opposite from the case of the Hadeeth of Jibreel where there are independent pieces of evidence to support what Imaam Ibn Hibbaan said.

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**Fourthly:** There are no considered witnesses for this Hadeeth

\* But it appeared in [69] (Chapter: 1 Page: 153 and what follows): [Muhammad Bin Mahmoudiyeh Bin Muhammad Al-Askeri in Al-Besreh said Issa Bin Gheilan told us; and Muhammad Bin Ali Bin Hamzah Al-Antaki said Abi Umayyeh Al-Tertousi said [both]: Yahya Bin Salih told us he said Uday Bin Al-Fedhil told us he said Abdul-Rahman Bin Nebateh told us he said: I heard Ibn 'Umar

#### ***Appendix Four b***

say the Messenger of Allah (saas) prohibited that one should benefit from the dead animal by the 'Assab [tendon, ligament] or the Ihaab [skin], I said: Uday Bin Al-Fedhil was abandoned and fallen and one must not refer to him as authoritative in this case, and Imaam Ibn Majeh did not do well in that he produced one Hadeeth for him, and this Abdul-Rahman Bin Nebateh is not known and cannot be identified.

\* What appeared in [69] (Chapter: 1 Page: 153 and what follows): [For Ahmad Bin Muhammad Bin Saeed Al-Hemdani told us it and he said Ahmad Bin Yahya Al-Sufi told us he said Ali Bin Qadim told us he said Zem'a Bin Salih told us, according to Abi Al-Zubeir, according to Jabir he said the Messenger of Allah (saas) said "One shall not benefit from the dead animal, meaning with something], and it appears in [71] attributed to the Isnaad of Imaam Abdullah Bin Weheb by route of Zem'eh Bin Salih, I said: Zem'eh Bin Salih is weak and is not referred to as authoritative, and Abu Al-Zubeir did not assert to hearing from Jabir.

\* What appeared in [69] (Chapter: 1 Page: 153 and what follows): [Abdullah Bin Suleiman Bin [?] told us he said Muhammad Bin Amir Bin Ibraheem Al-Asfehaneh told us, according to his father he said I heard Nehshela, according to Al-Dhahhaak, according to Ibn Abbas he said the Messenger of Allah (saas) said

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... “Everything which died without being slaughtered is forbidden on the inside and the outside”, Al-Dhahhaak Bin Muzahim is known for the abundance of the dispatches but no considered hearing is known for him from Abdullah Bin Abbas, and Nehshel Bin Sa’eed Al-Werdani is abandoned and fallen, and Imaam Is-haaq Bin Rahuwiyeh did not believe him, so he cannot be relied on as authoritative under any circumstances.

So all of these follow-ups are nothing and none of them are sufficient to overcome the detachment [isolation] of the Hadeeth of Abdullah Bin ‘Ukaym, and it is the main Hadeeth in this subject.

**Fifthly:** Denial in [of] Al-Metin [body of Hadeeth] as appeared from the narrations that said: (It is that I authorised you the skins of carrion ... etc):

\* As for example it appeared in [46]: [Ahmad Bin Yahya Bin Khalid Bin Hayan told us he said Yaseen Bin Abi Zerareh told us he said Fedhaleh Bin Al-Mufedhil Bin Fedhaleh told us he said my father told me he said Yahya Bin Ayoub told us, according to Abi Sa’eed Al-Bessri that Shu’bah Bin Al-Hajjaaj told him, according to Al-Hakam Bin ‘Utaybah, according to Bin Abi Layla, according to Abdullah Bin ‘Ukaym he said: The Messenger of Allah (saas) wrote, and we were in the land of Juhaynah: “I had authorised you the skin if the dead [animals], so do not benefit from the carrion in their skin nor tendon, ligament”], then Al-Tabaraany said: (They did not tell it according to Abi Sa’eed Al-Bessri except for Yahya Bin Ayoub who was singled out by Fedhaleh Bin Al-Mufedil according to his father)

And from this utterance it is understood that that there had been an earlier authorisation to benefit from the skins of carrion, and the authorisation is an exception from the forbiddance (or from the duty). But the truth is that the skin of carrion was never forbidden, because it not eaten by humans normally in the way it was created and as appears from the Hadeeths of Bin Abbas and Meimounah in which the clatrification came that the forbiddance of the carrion only applied to eating it as was detailed before. So the Prophet (saas) did not forbid the benefit from carrion, ever apart from eating it, so it is correct to say that he authorised it after that, and that he explained to the people their mistaken understanding of the text of Al-Qur’an.

And Allah, may great be his magnificence, had promised to maintain Al-Thukur and Al-Munzel (Al-Thukur and Al-Munzel are Al-Qur’an and the Sunneh) when he said: *{Inna nahnu nazzalna alththikra wa-inna lahu lahafithoona}* (AL-HIJR (AL-HIJR, STONELAND, ROCK CITY) 015.009) YUSUFALI: We have, without doubt, sent down the Message; and We will assuredly guard it (from corruption). PICKTHAL: Lo! We, even We, reveal the Reminder, and lo! We verily are its Guardian. SHAKIR: Surely We have revealed the Reminder and We will most surely be its guardian.

Because of this: We ask Allah for proper guidance and we rule of the invalidity of the Hadeeth of Abdullah Bin ‘Ukaym, and Allah knows most and He is the wisest.

**\* Chapter: Mention of some of the sayings of the Imams**

Imaam Al-Shawkaany listed the adoptions in the skin of carrion and reviewed them a good review, and successfully weighed them against each other

- And as it appeared in [70], (Chapter: 1 Page: 73 and what followed, with discussions and consideration of which is the more probable, so he said: [

**First Adoption:**

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that tanning purifies all skin of carrion except that of the dog and the pig, and the breed from them, and tanning purifies the outside of the skin and its inside and it can be used in the things which are dry and the things which are liquid [melted] and there is no difference between whose meat is eaten and the others and to this Imaam Al- Shaafi'y referred concluded the exception of the pig by his saying that it is filthy and making the pronoun refer to it, and measured the dog according to it as both are similar in Najaasah. He said because it has no skin, Al-Nawawy said and this adoption was told according to Ali Bin Abi Talib and Ibn Mas'oud

[**Second Adoption:** that tanning does not purify any skin. Al-Nawawy said and this saying was told according to 'Umar Bin Al-Khattaab and his son Abdullah and 'Ayshah and it is the more famous of two narrations according to Ahmad and one of the two narrations is according to Malik. In the (Bahr) it was attributed to Most Ahl-ul-Bayt schools

And they inferred from the Hadeeth of Abdullah Bin 'Ukaym which came with the utterance Do not benefit from the dead animal in Ihaab [skin] nor 'Assab [tendon, ligament] and that was before his death (saas) by one month so it abrogated all the previous Hadeeths

And it was countered that it (the Hadeeth of Abdullah Bin 'Ukaym) was inflicted with wavering and isolation of Isnaad, as will follow and it cannot rise to supersede correct Hadeeths and also the date of one or two months as will follow because it is from the narration of Khalid Al-Hath-thaa' and Shu'bah disagreed with him and he is the better at memorising and they both have the same Sheikh and with the problem with the date it would contradict Hadeeths which are correct and which are more probable than it in any case so he told in this I mean purification through tanning



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For leather fifteen Hadeeth according to Ibn Abbas two Hadeeths, and according to Um Salamah three Hadeeths and according to Anas two Hadeeths, and according to Salamah Bin Al-Muhabbaq and 'Ayshah and Al-Mugheerah and Abi Umaamah and Ibn Mas'oud and Shaybaan and Thabit and Jabir, and two traditions according to Sawdah and Ibn Mas'oud But there is no need for weighing this Hadeeth against others because the Hadeeth of Ibn 'Ukaym is general and the Hadeeths of the purification are special and what is general is built on what is special.

-And as for the adoption of those who build the general on the special it is absolute as it is in the clear saying of those Muhaqiqueen [the thorough investigators] from the Imams of the principles

-And as for the adoption of those who make the general, which is delayed, suppressive then despite it being a probable adoption we do not accept delaying the general here because of what has been proven from the principles of rulings and of Tajreed [deprivation or abstraction] from the books of Ahl-ul-Bayt [The House of the Prophet] that Ali said the Messenger of Allah (saas) said do not benefit from the dead animal in an Ihaab [skin] nor 'Assab [tendon, ligament] so if the following day I came out and found a lamb left on the road so he said there is harm for its people if they benefited from its skin so I said O Messenger of Allah where is your saying of yesterday so he said they can benefit from it of something (after tanning or non-edibles).

And if we accepted the delay of Hadeeth Ibn 'Ukaym then what we had previously said according to Al-Nadhir Bin Shumayl from explaining Ihaab by the skin which had not been tanned and what the writer of Al-Sihah asserted and what the writer of the Dictionary told as we had presented about the necessity for not objecting then there is no contention about the Najaasah of the Ihaab of carrion before it was tanned.

And what is true is that tanning is purifying and did not contradict his Hadeeths in a way which differentiates between that whose meat is eaten and what isn't and it is the adoption of the majority (of scholars). Al-Hazimi said: (and from those who said it is possible to benefit from the meat of carrion Ibn Mas'oud and Sa'eed Bin Al-Mussayyab and Atta' Bin Abi Rabaah and Al-Hassan Bin Abi Al-Hassan and Al-Sha'by and Salim (meaning Bin Abdullah) and Ibraheem Al-Nakha'y and Qataadah and Al-Dhahhaak and Sa'eed Bin Jubayr and Yahya Bin Sa'eed Al-Ansari and Malik and Al-Layth and Al-Awzaa'y and Al-Thawry and Abu Haneefeh and his companions and Ibn Al-Mubaarak and Al-Shaafi'y and his companions and Is-haaq Al-Hanzhaly). And this is also the adoption of Al-Zhaahiriyyah as will follow

**Third Adoption:** that tanning purifies the skin of that whose meat is eaten and it does not purify others. And Al-Nawawy said it is the adoption of Al-Awzaa'y and Ibn Al-Mubaarak and Abi Thawr and Is-haaq Bin Rahawayh and they relied as authoritative on the Hadeeths about making tanning in Ihaab like the slaughtering and some of that has appeared, and some will follow

They said slaughtering to which it has been likened does not permit what is to be eaten and similarly what has been likened does not purify what is eaten. And this if it is safe does not negate what can be benefited from the general Hadeeths about what is eaten and others, and it was decided in the principles that what is general does not limit to its reason so it is not correct to hold on to the reason being the (specific) lamb of Maymounah.

**Fourth Adoption:** that tanning purifies the skin of all carrion except the pig Al-Nawawy said it is the adoption of Abi Haneefah and it relied as authoritative on the appeared in the First Adoption

**Fifth Adoption:** that tanning purifies everything but that it purifies what outside of the skin without what is inside it so one cannot benefit from liquids [what is melted] stored inside. Al-Nawawy said

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it is the adoption of Malik, which is well known in the reports of our companions. There is no evidence for this detailing.

**Sixth Adoption:** that tanning purifies the skin of all carrion including the dog and the pig and applies to what appears and to what is inside Al-Nawawy said it is the adoption of Dawood and of the people of Dhahir and he told according to Abi Yousif and is is the more probable as has appeared because the Hadeeths that have appeared in this item did not differentiate between the dog and the pig and what is apart from them.

And the reliance of Al-Shafe'i as authotritative on the verse about designating the pig and measuring the dog against it is not complete until one accepts that the pronoun belongs to it and that it is an area of contention and it did not diminish the possibility if its return was not probable is that it cannot be relied on as authoritative in settling the matter

And it also does not prevent one from saying that the pig is filthy and accepting its inclusiveness of all its meat and hair and skin and bones specified in the Hadeeths of tanning.

**Seventh Adoption:** that one can benefit from the skin of carrion even if they are not tanned and they can be used in liquids [what is melted] and what is dry and Al-Nawawy said it is the adoption of Al-Zuhri and it is an odd aspect for some of our companions and no route led to it and no attention was paid to it. And it was inferred from the Hadeeth of the lamb by taking into account the story in which tanning was not mentioned and perhaps the remaining narrations and all the Hadeeths did not reach Al-Zuhri and it was refuted in due course

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By global disagreement], here ends the saying of Imaam Al-Shawkani, and after that he told miscellaneous of narrations and discussed them.

And the saying of Imaam Al-Shawkani is a good review, and he also favours the sixth Adoption, and it is the one that we used to establish the proof, but it does not make a distinction in that some of the utilisations do not mandate the purity, and according to this then some of the seventh Adoption is also correct.

So what we have used to establish the proof is in fact the eighth Adoption:

**Eighth Adoption:**

- (1) The skin of has been slaughtered correctly is pure, it is permitted to be eaten;
- (2) And all skins are purified, including that of the dog and the pig, in what appears from it externally and what is on the inside, through tanning, but it is not permitted to eat anything from it unless it is from an animal which is permitted to be eaten;
- (3) And as for what is not tanned, which is not from an animal that had been slaughtered according to appropriate ways of Al-Shari'a, then it is Nejis, but it can be used in what does not require purity, and it can be sold on the condition that its state it explained to Muslims and to others.

\* And Imaam Abu Bakr Bin Al-Munther said in [46], (Chapter: 2 Page: 264) and what followed: [The authorities [people of Al-Fiqh] disagreed in the benefiting from the skins of carrion before tanning and after it so a section of them prohibited benefiting from it before tanning and after it and some of those who said this were: Ahmad Ibn Henbel.

And Zaid Bin Weheb said 'Umar Bin Al-Khattaab wrote to us that it reached me that you are in a land where you wear garments called fur so consider what is not dead (from a Hadeeth of Bendar, according to Muhammad Bin Ja'far he said Shu'bah told us, according to Abdul-Malik Bin Maysereh, according to Zaid Bin Weheb)

-Is-haaq Bin Ibraheem told us, according to Abdul-Razzaq, according to Ibn Jereej he said a Mawla of Ibn 'Umar told me, according to Al-Qaasim Bin Muhammad Bin Abi Bakr that Muhammad Bin Al-Ash'ath spoke to 'Ayshah about him taking for her a cover from fur so she said: (It is dead and I am not wearing what is dead), he said so we will make you a cover from what is tanned), and she disliked wearing from a dead animal.

-Muhammad Bin Nessir wrote to [me](#) Is-haaq Bin Rahuweiyeh told us Ibn Abi Uday informed us, according to Al-Ash'ath, according to Muhammad he said from those who disliked praying in skin if it had not been slaughterted were 'Umar and and Ibn 'Umar and 'Ayshah and Umran Bin Hesseen and Ibn Jabir

-Ali Bin Abdul-Aziz Abu Al-Nu'man told us Hemad Bin Zaid told us, according to Ibn Awn, according to Mujahid that Ibn 'Umar saw a man wearing fur so he said: (If I knew this had been slaughtered then I would have liked one like it)]

\* And Ibn Al-Munthir said also in [46], (Chapter: 2 Page: 267) and what followed it: [And a section [of authorities] permitted benefiting from the skin of carrion after tanning and they forbade benefiting from it before tanning and this is like the skin of ostrich and what is slaughtered when it was alive and that is what say most of the authorities,

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-And Is-haaq told us, according to Abdul-Razzaq, according to Al-Thawri, according to Tha'lebeh, according to Ibn Abi Wa'el, according to 'Umar that he asked about something [which was derived from skin] so he said its purification is its tanning

-Yahya Bin Muhammad told us Al-Hiji told us Abu Awaneh told us, according to Mansour, according to Ibraheem, according to Al-Aswed he said 'Ayshah was asked about those derived [from skin] she said I hope that their purification is their tanning

-Ibraheem Bin Al-Harith told us Yahya Bin Abi Bakr Al-Kufi told us Zuheir Bin Mu'awiyeh told us, according to Abi Is-haaq, according to Akremeh, according to Ibn Abbas he said do not buy milk of sheep in their udders nor wool on their backs and if something of them died then do not give the hireling something from it and you can use it to wear as a robe so tanning is its purification and you can sell it if you want

-Abu Ahmad told us Ya'la told us Sadaqah Bin Al-Muthenna told us, according to his grandfather Rebah Bin Al-Harith he said Ibn Mas'oud was teaching some from the people of Kufah in [?] so he called for drinks for them then he said this about giving them a drink in Meneehah [must be container made of skin] which was ours then it died so they said O companion of the Messenger of Allah do give us a drink in what had died so he said tanning is its slaughtering.

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-Abu Ahmad told us Ja'far informed Muslim, according to Mujahid, according to Ibn Abbas, according to Ali he said tanning is the slaughtering [purification] of skins.

And from those who saw that the skin of what has been slaughtered if any of it died before it was slaughtered and tanned that the tanning purifies it: Atta' Bin Abi Rabaah and Ibraheem Al-Nekh'i and Al-Sha'bi and Al-Hassan Al-Bessri and Qataadah and Yahya Al-Anssari and Sa'eed Bin Jubeir. And in this said the following: Al-Awzaa'y and Al-Layth Bin Sa'ad and Sufyaan Al-Thawri and the people of Kufah and Ibn Al-Mubaarak and Al-Shaafi'y and Is-haaq Bin Rahuweiyeh]

\* And Ibn Al-Munthir also said in [46], (Chapter: 2 Page: 267) and what follows it: [And we told what we mentioned from other sayings which are different from what we said so from that what Hushaym told according to Megheereh, according to Ibraheem that he used to say one can benefit from the skin of carrion if it was tanned and not sold and we do not know anyone who agreed with Al-Nekh'i regarding this saying], but he said in another location: [And we told it according to Al-Nekh'i the first narration that he asked about the man whose camels or cattle or sheep die so their skin is tanned he said: (He sells it and wears it if it is tanned), Ali Bin Al-Hussein told us Abdullah Bin Al-Waleed told us according to Sufyaan, according to Humad he said I asked Ibraheem]]

\* And Ibn Al-Munthir also said in [46], (Chapter: 2 Page: 267) and what follows it: [And perhaps Ibn Weheb told, according to Malik that he was asked does one perform At-Selat in the skin of a dead animal he said no and he said it was permitted for it to be enjoyed and I do not that it can be used in Al-Selat.

-And it was told according to Al-Hassan that he saw no harm in performing Al-Selat in anything which had been tanned: Musa told us, according to Muhammad Bin Abdul-A'la, according to Jabir, according to Al-Ash'ath, according to Al-Hassan. Abu Bakr and Thahir said this saying implies that one can perform Al-Selat in the skin of pigs and dogs if they were tanned and we do not know anyone who says that about the skin of pigs. And from this what we told according to Al-Zuhri and we mentioned it in the beginning of this treatise that he denied the tanning and said it can be enjoyed in any case.

\* And Ibn Al-Munthir also said in [46], (Chapter: 2 Page: 271) and what follows it: the reliance as authoritative by some authorities [of Al-Fiqh] on the saying of Al-Zuhri: [For he who prohibited and prevented the utilisation of [benefiting from] the skin of carrion apart from eating he has prohibited what is permissible and the **authorities [people of Al-Ilm]** that benefiting from a piece of clothing which is Nejis by wearing is more serious then it is authorised and in their authorisation is evidence of permitting the utilisation of Al-Iheb [skins] which are Nejiseh and that he forbade eating from it on the face of the Hadeeth. And some of those who opposed this sayer if it was mandated to to use the the face of the news item of Al-Zuhri that he only forbade its eating then that would authorise the sale if the skin of lambs before it was tanned or it authorised to give it as a gift so when he prevented everyone from that this proved that the news item of Al-Zuhri was only told in abbreviated form]

I said: The saying of Al-Zuhri necessitates the utilisation of skin of carrion in any case, even if it had not been tanned, and there was no mention of prohibiting its sale not before the tanning nor after it, so the claim that he: (prohibited all) is a failed attempt to use the unanimity as authoritative, and there was no unanimity there originally.

\* And Ibn Al-Munthir also mentioned in [46], (Chapter: 2 Page: 272, and what follows it) the disagreement of the authorites with regards the utilisation of the hair from dead animal and its wool

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and its Weber [type of hair], then he followed up with a correct theorization between the different members [organs or bodily parts] of an animal and also the hair and wool and Weber: [The authorities disagreed with regards benefits from the hair of carrion and their wool and their Weber, so a section of them permitted benefiting from all of that. And from those who permitted that were Al-Hassan Al-Bessri and Muhammad Bin Sireen and Hemad Bin Abi Suleiman said if it was washed. And Al-A'mash said that the companions of Abdullah used to say that washing the wool of a dead animal would purify it, and in this said Malik Bin Anas and Al-Layth Bin Sa'ad and Ahmad and Is-haaq and they said it is washed. And Al-Awzaa'y said the feathers and the tendon, ligament and wool all become pure.

And some of them disliked this Ibn Jareej said I asked Atta' about the wool of a dead animal so he disliked it and he said I did not hear that they were authorised except in their skin if it was tanned and Al-Shafe'i used to say in the skin of carrion: (If it was tanned and it had hair which touched the water then it would make the water Nejis, and if the water was inside it and the hair was pure then the water would not become Nejis if it did not touch its hair).

Abu Bakr said: The authorities agreed that for the lamb or the camel or cow that if any member of that animal was cut while it was alive then the cut member

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...would be Nejis. And they were unanimous that benefiting from its hair or Weber or wool is allowed if it was taken from it while they were alive and what they were unanimous about were the differences between the members [body parts] and hair and wool and Weber which depended on their different states and the proof is that what needed the slaughter is what what would be forbidden if the animal was not slaughtered and what does not need slaughter is what has no life in it so it is pure and can be taken from it while it is alive or after it dies, for if it had life in it then it would be the members [or organs] which need the slaughter so there is no harm in the hair of a dead animal or its wool or its Weber and this is the say of the majority of authorities and Allah knows most], **I said:** The unanimity of the the authorities with regards the Najaasah of the severed member from a living animal is correct from correct Isnaad s which have been proven according to the Prophet (saas), that he said: “What was cut from the animal while it was alive is itself dead”, or words to that meaning. And their agreement that hair and wool and Weber are not meant in this is definite and correct and based on the copying of Al-Kewwaf from Al-Kewwaf: they used to take this [i.e. hair and wool and Weber] from the animals while they were alive, time after time, then benefit from it, and weave the clothes which they used during Al-Selat and others.

\* And Ibn Al-Munthir followed up in [46], (Chapter: 2 Page: 274, and what follows it) with a good theorization, for he said: [And as for Atta' he disliked it and perhaps he disliked a thing so if he came to consider forbiddance he did not forbid it and it is not taken from Atta' that he forbade it and if this was found from him then it would be contrary to the saying of whom we referred to from the followers and those who came after them and we have told according to the Prophet (saas) that he said: “What was cut from the animal while it was alive is itself dead”]; Muhammad Bin Isma'eel told us Abu Al-Nesir told us Abdul-Rahman Bin Abdullah Ibn Dinar told us, according to Zeid Bin Muslim, according to Atta' Bin Yessar, according to my father Waqid Al-Laythi he said the Prophet of Allah (saas) came to Al-Medeeneh and the people used to cut the humps of camels and the fat tails of sheep so the Prophet (saas) said : “What was cut from the animal while it was alive is itself dead”. Abu Bakr said and they all agreed that it was not intended in this Hadeeth to refer to hair nor wool nor Weber and some of those who agree with our Adoption said it is said to those who disagree with our adoption that the Hadeeth came according to the Prophet (saas) that he said that what was cut from the animal while it was alive then it is dead and the authorities agreed on this saying so why did you allow to benefit from the hair of that whose meat is eaten if it [the hair] was taken from it when it was alive so if he says because the hair does not die and does not need slaughtering because it has no life in it, it was said and so a lamb has no life in it after it dies but [in fact] what was forbidden with the death of the lamb is what would die when it died and what would not be permitted without the slaughter and your agreement with us in what we have said with regards the life of a lamb obligates you to say the same after its death because the standard of measurement is the same.

\* And Ibn Al-Munthir followed up in [46], (Chapter: 2 Page: 267, and what follows it): [And the authorities disagreed about the hair of the descendants of Adam so Atta' Bin Abi Rabaah used to see no harm in benefiting from the hair of people with are shaved by intent and some of them said everything that was pure during its life can be possessed and benefited from and if its meat was not eaten then there is no harm in benefiting from its hair during its life and after its death because the hair does not die and this is like a human being who is pure and his hair is pure so if it was cut then that did not change its state and also the domestic donkey and the cat and everything that one owns and was pure when it was alive and whose meat is not eaten and everything that was not allowed to be owned and benefited from when it was alive and also its hair during its life then after its death it is not permitted to benefit from it as in the case of pigs. Abu Bakr said: and I will mention the disagreement of the authorities with regards the pig in due course if Allah wishes.

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\* And Imaam Abu Bakr Ibn Al-Munthir said in [46], (Chapter: 2 Page: 280): [The authorities were unanimous about forbidding the pig and the pig is forbidden in the book [Al-Qur'an] and Al-Sunneh by agreement of Al-Ummeh. And they differed in the use of its hair so a section of them authorised its use for making beads, Al-Hassan Al-Bessri authorised it, and Malik and Al-Awzaa'y and Al-Nu'man [authorised it]. And we have told according to Al-Sha'bi that he was asked about a sheath from the skin of pigs carried all the way from Azebaijan so he said: (no harm in it), and Al-Awzaa'y authorised buying it and disliked selling it; and Al-Nu'man disliked buying it and selling it. And the use of pig's hair was disliked by: Ibn Sireen and Al-Hakam and Hamad and Ahmad and Is-haaq and Ahmad Bin Is-haaq said using Al-Leef to make beads is preferable to us]



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\* Then Ibn Al-Munthir mentioned in [46] (Chapter: 2 Page: 272, and what follows) the differences between the authorities [of Al-Fiq'h] with regards benefiting from the bones of carrion and ivory: [The authorities differed in the the possible uses of of bones from carrion or the tusk of elephants so a section of them disliked that Atta' said they claimed that the bones can only be taken if the animals are dead he said for they are are not to be enjoyed so it was said and bones of carrion as well he said yes so it was said and if the bones of the dead are bent or used [in other ways] are he said no. Tawoos and Al-Hassan Al-Bessri and 'Umar Bin Abdul-Aziz disliked the ivory and Malik said about combs made of ivory what has been slaughtered then no harm in it but what was dead then there is no good in it and Mu'mer disliked that and Al-Shafe'i said the bones of carrion are are not to be sold. And a section of the authorities permitted the ivory this is the saying of Arweh Bin Al-Zubeir and Hishaam said my father had a comb and a Medhen [another tool perhaps for holding ointments] made from elephant bones and Albn Sireen did not see harm in trading these. And we were told according to Al-Hassan Al-Bessri a second saying which was there was no harm in the tusks of elephants and Al-Nu'man used to say there is no harm in selling the ivory and what is like it from bones and horns even if it was from a dead animal and also feathers and Weber [type of animal hair] and hair. And perhaps we told according to Al-Sha'bi that he was asked about the meat of elephants so he did not see any harm in it. And Sufyaan Al-Thawri used to say I do not see harm in the horn and the hoof and what dropped from it when it was alive, then there is no harm in it for it is not in the same class as bones. And those with an opinion said there is no harm in the bones of a dead animal if it was washed. And Al-Layth Bin Sa'ad used to say: (There is no harm in the bones of carrion that they can be made use of as combs and Medahin [containers for ointments, etc] and others if they were boiled in water on fire until all the fat in them is gone and this is what I heard from the authorities)]

## References

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- [2] «سنن ابن ماجه» "Sunen Ibn Majeh"
- 
- [3] «المنتقى من السنن المسندة لابن الجارود» "Al-Muntaqa min Al-Sunen Al-Musnada li.Ibn Al-Jarood"
- 
- [4] «السنن الكبرى للإمام النسائي» "Al-Sunen Al-Kubra lil.Imam Al-Nessa'i"
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- [5] «الجامع الصحيح المختصر» "Al-Jami' Al-Sahih Al-Mukhtaser"
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- [6] «صحيح الإمام مسلم» "Saheeh Imaam Muslim"
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- [7] «سنن أبي داود» "Sunen Abi Dawood"
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- [8] «موطأ مالك» "Mowti' Malik"
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- [9] «سنن الدارقطني» "Sunen Al-Darqeteni"
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- [10] «مسند الإمام أحمد بن حنبل» "Mesned Imaam Ahmad Bin Hanbal"
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- [11] «المعجم الكبير» "Al-Mu'jam Al-Kabeer"
- 
- [12] «الأحاد والمثاني» "Al-Ahad an wa.Al-Methani"
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- [13] «سنن الدارمي» "Sunen Al-Darmi"
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- [15] «مسند أبي يعلى» "Mesned Ibn-Ya'la"
- 
- [16] «التقريب» "Al-Taqreeb"
- 
- [17] «المنتخب من مسند عبد بن حميد» "Al-Muntakhaeb min Mesned Abd Bin Hameed"
- 
- [18] «صحيح ابن حبان» "Saheeh Ibn Haban"
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- [19] «التاريخ الكبير للإمام البخاري» "Al-Tarikh Al-Kabeer li.Imaam Al-Bukhari"
- 
- [20] «المجتبى من السنن للإمام النسائي» "Al-Mujtabi min Al-Sunen li.Imaam Al-Nesa'I"
- 
- [21] «صحیح ابن حبان» "Saheeh Ibn Heban"
- 
- [22] «مسند أبي يعلى» "Mesned Abi Ya'la"
- 
- [23] «سنن الدارقطني» "Sunen Al-Darqetni"
- 
- [24] «مسند الإمام إسحاق بن راهويه» "Mesned Imaam Is-haaq Bin Rahouyeh"
- 
- [25] «سند الإمام الشافعي» "Sened Imaam Al-Shafe'I"
- 
- [26] «شرح معاني الآثار: للإمام الطحاوي» "Shereh Ma'ani Al-Athar li.Imaam Al-Tahawi"
- 
- [27] «سنن الترمذي» "Sunen Al-Termethi"
- 
- [28] «المنتقى من السنن المسندة» "Al-Muntaqa min Al-Sunen Al-Musnede"
- 
- [29] «تاريخ بغداد» "History of Baghdad"
- 
- [30] «تذكرة الحفاظ» "Tathkirat Al-Hifath"
- 
- [31] «شرح معاني الآثار» "Explanations of Meanings of the Words"
- 
- [32] «مسند أبي يعلى عن ميمونة فقط» "Masnad Abi Ya'la according to Maymouna Only"
- 
- [33] «مسند ابن الجعد» "Masnad Ibn Al-Ju'ad"
- 
- [34] «المجتبى من السنن للإمام النسائي» "Collector of Sunen from the Imaam Al-Nisa'i"
- 
- [35] «التمهيد لابن عبد البر» "The Preamble li.Ibn Abdul-Berr"
- 
- [36] «الثقات» "Thiqat"
-

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- [37] «المعجم الصغير» "Al-Mu'jam Al-Sagheer"
- 
- [38] «التاريخ الكبير» "Al-Tareejh Al-Kebeer"
- 
- [39] حديث عن أبي سعيد الخدري "Hadeeth according to Abi Sa'eed Al-Khadri"
- 
- [40] «ضعفاء العقيلي» "Dhu'afa' Al-Aqeeli"
- 
- [41] «الكامل في ضعفاء الرجال» "Al-Kamil fi Dhu'afa' Al-Rijal"
- 
- [42] «تاريخ أسماء الثقات» "Tareekh Asma' Al-Thiqat"
- 
- [43] «فتح الباري شرح صحيح البخاري» "Fet'h Al-Bari Sherh Ssaheeh Al-Bukhari"
- 
- [44] «تاريخ جرجان» "History of Jerjan"
- 
- [45] «مسند أبي عوانة» "Masned Ibn Awaneh"
- 
- [46] «المعجم الأوسط» "Al-Mu'jam Al-Awsett"
- 
- [47] «المستدرک علی الصحیحین» "Al-Mustedrik Ala Al-Saheehien"
- 
- [48] «الطبقات الكبرى» "Al-Tebeqat Al-Kubra"
- 
- [49] «مسند أبي داود الطيالسي» "Mesned Abi Dawood Al-Teyalisi"
- 
- [50] «مصنف ابن أبي شيبة» "Masnef Ibn Abi Shaybah"
- 
- [51] «مسند الشاميين» "Mesned Al-Shamiyyeen"
- 
- [52] «تاريخ بغداد» "Tareekh Baghdad"
- 
- [53] «العلل الواردة في الأحاديث النبوية» "Al-Tell Al-Warideh fi Al-Ahadeeth Al-Nebewiyyeh"
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## Appendix Four b

[54] «مصنف عبد الرزاق» ، “Musennef Abdul-Rezzaq”

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[55] «الأدب المفرد» ”Al-Edeb Al-Mufred”

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[56] «معرفة الثقات» ”Ma’rifet Al-Thiqat”

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[57] «تذكرة الحفاظ» ”Tethkiret Al-Hifath”

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[58] «الجرح والتعديل» ”Al-Jerj wa Al-Ta’deel’

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[59] «تقريب التهذيب» “Taqreeb Al-Tethheeb”

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[60] «تهذيب الكمال» ”Teththeeb Al-Kemal”

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[61] «سنن سعيد بن منصور» ”Sunen Sa’eed Bin Mansour”

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[62] «العلل ومعرفة الرجال» ”Al-Illel and Ma’rifet Al-Rijal”

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[63] «ضعفاء العقيلي» ”Dhu’afa’ Al-Aqeeli”

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[64] «التقريب» ”Al-Teqreeb”

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[65] «تهذيب التهذيب» ”Teththeeb Al-Teththeeb”

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[66] «المحلى» ”Al-Mehla”

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[67] «نيل الأوطار» “Neil Al-Awttar”

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[68] «صحيح ابن خزيمة» ”Saheeh Ibn Khuzeimeh”

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[69] «ناسخ الحديث ومنسوخه» “Nasikh Al-Hadeeth weh Mesnsoukheh”

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[70] «نيل الأوطار» “Neil Al-Awttar”

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[71] «تلخيص الحبير في أحاديث الرافي الكبير» ”Telkhees Al-Hebeer fi Ahadeeth Al-Rafi’I Al-Kebeer”

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## Hadeeth

[H1] «إن الله ورسوله حرم بيع الخمر والميتة والخنزير والأصنام»

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[H2] «إن الله حرم الخمر وثنمها، وحرم الميتة وثنمها، وحرم الخنزير وثنمه»

[H3] «إنه ليس بدواء، ولكنه داء»

[H4] «هل شعرت أنها قد حرمت بعدك؟!»،

[H5] «وان الخمر حرام وثنمها حرام،

[H6] «وان الخمر حرام وثنمها حرام، وان الخمر حرام وثنمها حرام»

[H7] «هل شعرت أنها قد حرمت بعدك؟!»،

[H8] : «إن الله،

عز وجل، ورسوله، حرم عليكم الخمر وثنمها وحرم عليكم الميتة وثنمها وحرم عليكم الخنازير وأكلها وثنمها»

[H9] «فإنه لا يصلح بيعه ولا شراؤه ولا التجارة فيه لمسلم»

[H10] «أوما علمت يا أبا فلان أن الذي حرم شربها: حرم بيعها؟!»،

[H11] «بأغها طهورها»

[H12] «لعن الخمر وشاربيها وساقبيها ويأثعها وعاصرها ومعتصرها وحاملها والمحمولة إليه وأكل ثمنها»

[H12] «لعنت الخمر وشاربيها وساقبيها وعاصرها ومعتصرها وحاملها والمحمولة إليه ويأثعها ومبتاعها وأكل ثمنها»،

[H13] «فإن الله قد حرمها!»،

[H14] «أنهاكم عن قليل ما أسكر كثيره»

[H15] «فما كان من خمر فقليله وكثيره حرام، وما كان مما سوى ذلك من الأشربة فأسكر منه حرام،

[H16] «الخمر من هاتين الشجرتين: النخلة، والعنب»]

[H17] : «إنما الأعمال بالنيات، وإنما لكل امرئ ما نوى».

[H18] «الطهور شطر الإيمان»

[H19] ، «وإن الله لا يقبل صلاة من غير طهور».

[H20] : «الأديم طهوره دباغه»

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[H21] «إن الماء طهور لا ينجسه شيء»

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[H22] «إذا كان الماء قُلَّتَيْنِ لم يحمل الخبث»

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[H23] «الماء لا ينجسه شيء»

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[H24] «إن الماء لا يجنب!»

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[H25] «إن الماء لا ينجسه شيء، إلا ما غلب على ريحه وطعمه ولونه»

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[H26] «اسقوا واستقوا فإن الماء يحل، ولا يحرم»

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