

بُلُغَ الْمَرَام
مِنْ أَدْكَنَةِ الْحُكَمِ

Bulugh Al-Maram

Attainment of the Objective
according to Evidence of
the Ordinances

Compiled by:

العلامة الحافظ ابن حجر العسقلاني رحمه الله
Al-Hafiz Ibn Hajar Al-Asqalani

With Brief Notes from the Book
Subul-us-Salam

written by:
Muhammad bin Ismail As-Sanani



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THE AUTHOR'S BIOGRAPHY

The full name of the famous Imam Al-Hāfiẓ Ibn Hajar Al-‘Asqalāni is Abul-Fadl, Shihābuddin Ahmad bin ‘Ali bin Muhammad bin Muhammad bin Ahmad Al-Kināni Ash-Shāfi’i. Ibn Hajar Al-‘Asqalāni was born on the 10th of Sha'bān, 773 H. in Egypt, where he grew up also. He memorized the Qur'ān at the age of nine years. He also memorized *Al-Hāwi*, the book *Mukhtasar* of Ibn Al-Hajib, and other books. He traveled to Makkah and listened to the teaching of its ‘Ulama. He admired the knowledge of *Hadith* and began to acquire it from the great Shaykhs in Hijāz, Ash-Shām, Egypt and stayed with Az-Zain Al-‘Irāqi for ten years. He also studied under Al-Balqini, Ibn Al-Mulaqqin and others. Many eminent Shaykhs of his time approved his knowledge and allowed him to give religious verdicts and teach.

He had learned the two sources (Qur'ān and *Hadith*) from Al-‘Izz bin Jamā'a, the language from Al-Majd Al-Fairuzabādi, the Arabic from Al-‘Amāri, literature and poetry from Al-Badr Al-Mushtaki and writing from a group of professors. He also recited some parts of the Qur'ān in all the seven styles of recitation before At-Tanukhi.

He occupied himself with the promotion of the knowledge of *Hadith*, so he dwelt in its study, teaching, writing and giving *Fatawa* (religious verdicts). He also taught *Tafsīr* (interpretation of the Qur'ān), *Hadith*, *Fiqh* (jurisprudence) and preached at many places like Al-Azhar, Jāmi‘ Amr and others. He also dictated to his students from his memory. Many highly educated people and distinguished scholars traveled to him to acquire from his vast knowledge.

Ibn Hajar Al-‘Asqalāni authored more than 150 books – most of them being in the studies of *Hadith* – which flourished during his lifetime, and the kings and princes exchanged them as gifts. His book most worthy of mentioning is *Fath Al-Bāri* – the commentary of *Sabib Al-Bukhāri*, which he started in the beginning of 817 H., after finishing its introductory part in 813 H., and completed the whole commentary in Rajab 842 H. After the completion of the commentary, he had a gathering attended by the Muslim dignitaries and spent 500 Dinar on it. Then some kings requested it and paid 300 Dinar.

Ibn Hajar became the *Qādi* of Egypt, and then Ash-Shām was also added to his jurisdiction which he held for more than twenty-one years. He was against holding the office of the *Qādi* at first, until the Sultan assigned to him a special case. Then, he accepted to represent Al-Balqini, when he begged him very much to preside for him as *Qādi*. Then, he presided for others until he was assigned to hold the office of Chief *Qādi* on 12 Muharram, 827 H. He then left, but had to take the office of the Chief *Qādi* seven times until he left

it finally in 852 H. which is the year in which he died.

As concerns his personality, Al-'Asqalāni was humble, tolerant, patient and enduring. He was also described as being steadfast, prudent, ascetic, selfless, generous, charitable and a person praying and fasting voluntarily. On the other hand, he was said to be used to making light jokes and telling of humorous anecdotes. He also had good manners in dealing with all the Imams, of the earlier generations and later generations, and with all those who sat with him, whether old or young.

Ibn Hajar died after the *'Isbā* prayer on Saturday, 8th Dhul-Hijja, 852 H. May Allah reward him generously.

INTRODUCTION

Praise is to Allah for his apparent and concealed bounties at all times, and peace and blessings be upon His Prophet and Messenger Muhammad, his family and companions who strove steadfastly in the path of serving Allah's religion, and their followers who inherited the knowledge – for the 'Ulama are the heirs of the Prophets – and may they be honored, whether they be *Wārith* (those who inherit) or *Mawrūth* (those who are inherited from).

To proceed; this is a concise book comprising the *Hadīth* evidence sources of the *Shari'ah* Rulings, which I have compiled meticulously, so that the one who memorizes it excels among his peers, it may assist the beginner student and the learned one seeking more knowledge may find it indispensable.

I have indicated at the end of every *Hadīth* the *Imām* who collected it, in order to be honest to the (Muslim) *Ummah*. Therefore, *As-Sab'a* (the Seven) stands for Ahmad, Al-Bukhāri, Muslim, Abu Dā'ud, An-Nasā'i, At-Tirmidhi and Ibn Mājah. *As-Sitta* (the Six)^[1] stands for the rest excluding Ahmad. *Al-Khamsa* (the Five)^[2] stands for the rest except Al-Bukhāri and Muslim, or I may say *Al-Arba'a* (the Four)^[3] and Ahmad. I mean by *Al-Arba'a* (the Four) all except the first three (i.e. Ahmad, Al-Bukhāri and Muslim), and by *Atb-Thalātha* (the Three)^[4] I mean all except the first three and the last one. I mean by *Al-Muttafaq 'alaib* (the Agreed upon)^[5] Al-Bukhāri and Muslim, and I might not mention with them anyone else; and whatever is besides these (seven collectors) is clear [i.e. clearly mentioned by name].

I have named it (this book) *Bulūgh Al-Marām min Adillat Al-Abkām* (Attainment of the Objective according to Evidence of the Ordinances); and I pray to Allah not to render, what we have learned, a calamity against us; but may He guide us to act according to what pleases Him – the Glorified and Exalted One.

^[1] By Six he means: Al-Bukhāri, Muslim, Abu Dā'ud, An-Nasā'i, At-Tirmidhi and Ibn Mājah.

^[2] By Five he means: Ahmad, Abu Dā'ud, An-Nasā'i, At-Tirmidhi and Ibn Mājah.

^[3] By Four he means: Abu Dā'ud, An-Nasā'i, At-Tirmidhi, and Ibn Mājah.

^[4] By Three he means: Abu Dā'ud, An-Nasā'i and At-Tirmidhi.

^[5] By 'the Agreed upon' he means: *Abadīth* accepted and agreed to by both Imam Bukhāri and Imam Muslim.

The Most reliable *Hadīth* is that one which has been narrated by Bukhāri and Muslim. Secondly is the *Hadīth* which has been narrated only by Bukhāri. Third in reliability is that which has been narrated by Muslim alone. *Abadīth* narrated by An-Nasā'i, At-Tirmidhi, Abu Dā'ud, Ibn Mājah and Muwatta' of Imām Mālik are graded thereafter in the line of reliability, and then comes the place of *Abadīth* mentioned in other books. This established order of reliability should be followed where there is a contention.

A NOTE FROM THE PUBLISHER

In line with our main object of propagating the pure teachings of Qur'an and *Sunnah*, we are presenting the English translation of the book *Bulugh Al-Marām* based upon the *Abadith* of our Prophet ﷺ. There are many authentic books of *Abadith*, in all of these collections, *Bulugh Al-Marām* holds a distinction in the respect that it is based on such *Abadith* of the Prophet ﷺ which have been the sources of Islamic Jurisprudence. Allama Hafiz Ibn Hajar Asqalāni has also recorded the true significance of almost each *Hadīth*, thus making it more valuable and useful in many respects. He has also mentioned the origins of the *Abadith* and made a comparison of the versions in case the sources are more than one. One more distinctive feature, along with others, is that the versions have also been shortened to present just the main purpose of the *Hadīth* according to its classification under the chapter. Because of these preferential qualities, *Bulugh Al-Marām* has been accepted widely and is among the most sought-after books of *Abadith*.

We hope that like its other translations, this English translation will also acclaim popularity and people will get benefited from it.

We want to point out that the publishing of Islamic books in non-Arabic language is not an easy task as it needs a colossal work and a great deal so that it can be saved from lingual, creedal and methodical errors.

All praise is due to Allah that all of us in Darussalam have great enthusiasm regarding the propagation of the teachings of Qur'an and *Sunnah*. The members of Darussalam put their each and every effort and worked very hard all year round to present this book in such a good form. I am thankful to Allah that the task has been completed in the desired way with His help only.

My gratitudes and thanks are for the members of the team who provided their great efforts and fulfilled their tasks assigned to them in computerization, editing, compilation and correction of manuscripts:

I ask Allah جل جلاله to accept this humble task from us, which we have done purely for His pleasure and put it in the balances of all those who participated in this presentation.

Finally, we should admit that being a human task, it may be that any mistake in composing or translation has been overlooked so if any mistake is observed by any reader, it should be sent to us for correction in the next edition. We will be thankful for any such correction indicated.

May peace and blessings of Allah be upon our Prophet Muhammad, his family, Companions and all who follow him.

Abdul Malik Mujahid
General Manager
Darussalam Publications,
Riyadh, Saudi Arabia

BRIEF BIOGRAPHIES OF THE EMINENT IMAMS OF HADITH WHOSE NAMES ARE MENTIONED IN THIS BOOK THE SEVEN GREAT IMAMS OF HADITH

1. AHMAD (Ibn Hanbal):

He is Abu 'Abdullah, Ahmad bin Muhammad bin Hanbal Ash-Shaibāni, known by the name Ibn Hanbal. He was a celebrated theologian, jurist and a *Hadith* scholar. He is also one of the four *Fiqh Imāms* and the founder of what later came to be known as *Madhab Al-Hanbaliya* (The Hanbal's juristic school).

Ahmad was born at Baghdad in Rabi'-ul-Awwal, 164 H. He studied the *Hadith* and *Fiqh* together with other Islamic disciplines in Baghdad, then traveled to Ash-Shām and Hijāz for further studies. He was persecuted during the rule of Al-Mā'mūn bin Hārun Ar-Rashid for refusing to acknowledge the *Bid'a* of claiming 'the creation of the Qur'ān' introduced by the *Mu'tazila*. He, however, stood firm against all the trials and saved the *Sunnah* from the innovation of the wretched *Mu'tazila* thoughts. He was the mostly persecuted and most firm amongst all the *Imāms*. He is most famous for collecting the *Abadīth* of the Prophet ﷺ compiled in the *Musnad Ahmad bin Hanbal*, which contains 28 to 29 thousand *Abadīth*. It was said that Ibn Hanbal memorized one million *Abadīth*.

Ibn Hanbal died in Baghdad on Friday, 12 Rabi'-ul-Awwal 241 H.

2. AL-BUKHARI, Muhammad bin Isma'il:

He is the *Amir-ul-Mu'minīn* in the knowledge of *Hadith*, and his full name is Abu 'Abdullah, Muhammad bin Ismā'il bin Ibrāhim bin Al-Mughira bin Bardizbah Al-Ju'fi Al-Bukhāri. He was born in Shawwāl 194 H. in Bukhāra in what is now Uzbekistan. Al-Bukhāri studied *Abadīth* at an early age and traveled widely around the Muslim world collecting *Abadīth* and compiled the most authentic ones in his book *Al-Jāmi' As-Sabib*, which later became known as *Sabib Al-Bukhāri* and contains 2602 *Abadīth* which he selected from the thousands of *Abadīth* that he had memorized.

Al-Bukhāri studied under many famous *Hadith Imams* like 'Ali bin Al-Madini and Yahya bin Ma'in. He died in Samarcand, the present day capital of Uzbekistan^[1], the night of 'Eid-ul-Fitr, 256 H. Al-Bukhāri was unique in the science of the methodology of *Hadith* and his book *Al-Jāmi' As-Sabib* is considered to be the most authentic book after the Qur'ān.

3. MUSLIM bin Hajjaj:

Muslim's full name is Muslim bin Al-Hajjāj Al-Qushairi An-Nishapuri. He was born in 204 H., in the city of Nishapur near the city of Mashhad in present Iran. Muslim is considered second only to Al-Bukhāri in the science of the methodology of *Hadīth*. He started the study of *Hadīth* at an early age and

^[1] Nowadays the capital is Tashkent.

traveled to 'Iraq, Hijāz, Ash-Shām and Egypt and studied under the scholars of *Hadīth* at that time like Al-Bukhārī, Ahmad bin Hanbal and Ibn Abu Shaiba. He also taught the famous *Hadīth* scholars like At-Tirmidhi and Ibn Abu Hātim.

Muslim compiled the *Hadīth* book *Al-Musnad As-Sabih*, which became known as *Sabib Muslim*. This book, which is considered by the Muslim 'Ulama as the second most authentic *Hadīth* book after *Al-Bukhārī*, contains 9,200 *Abadīth*. Imam Muslim died at his birthplace in Rajab 261 H.

4. ABU DA'UD, Sulaimān bin Al-Ash'ath:

Abu Dā'ud, Sulaimān bin Al-Ash'ath bin Ishāq Al-Azdi As-Sijistāni, who was one of the eminent *Imāms* of *Hadīth*, was born in 202 H. He studied *Abadīth* under Imām Ahmad bin Hanbal along with Al-Bukhārī and taught many of the later scholars of *Hadīth*, like At-Tirmidhi and An-Nasā'i.

Though Abu Dā'ud collected 500,000 *Abadīth*, he only compiled 4,800 *Abadīth* in his book entitled *As-Sunan*, which he taught in Baghdad and other major cities at that time. He died at Basra on Friday in the month of Shawwāl 275 H.

5. AT-TIRMIDHI, Abu 'Isa Muhammad bin 'Isa:

Abu 'Isa, Muhammad bin 'Isa bin Sura At-Tirmidhi was born in 209 H. in a town called Tirmidh in Uzbekistan near the northern border of Afghanistan.

He was a student of Al-Bukhārī, and compiled 4,000 *Abadīth* in his book called *Al-Jāmi'* which later came to be known as *Sunan At-Tirmidhi*. He also contributed tremendously to the methodology of *Hadīth* and composed a book on it called *Al-Ilal* (the discrepancies). He was famous for his piousness and asceticism. He became blind and finally died on 13 Rajab 279 H.

6. AN-NASA'I, Abu 'Abdur-Rahman Ahmad bin Shu'aib:

Abu 'Abdur-Rahmān, Ahmad bin 'Ali bin Shu'aib bin 'Ali Al-Hāfiẓ was born in 215 H. in Nisa', a city in Khurāsan. He became famous for the study of the methodology of *Hadīth*, memorizing and mastering it. His book known as *Sunan An-Nasā'i* is third to *Sabib Al-Bukhārī* in terms of containing the least weak *Abadīth*. He lived in Egypt then moved to Damascus, Syria and died in Makkah in the year 303 H.

7. IBN MAJAH, Muhammad bin Yazid:

Abu 'Abdullah, Muhammad bin Yazid bin Mājah Al-Qizwini was born in 207 H. He studied under many scholars of *Hadīth*, and many people narrated *Abadīth* from him. He was one of the eminent scholars of *Hadīth*, but his *Sunan* contains many weak and even *Munkar Abadīth*. Ibn Mājah died in Ramadān in 273 H.

OTHER HADITH SCHOLARS

8. IBN RAHUWAIH, Ishaq bin Ibrahim:

Abu Ya'qub, Ishāq bin Ibrāhim At-Tamimi Al-Hanzali Al-Marwazi was an eminent and great *Hāfiẓ*, who was a resident and the 'Aalim of Nishapur. He

was also considered as the *Shaykb* of the east of his time and was known as Ibn Rāhuwaih. Imām Ahmad said, "I don't know an 'Aalim equal to Ishaq in Iraq. Abu Zar'a said, "There was nobody so good at memorizing the *Hadith* than Ishāq." Abu Hātim said, "His mastery (of the *Hadith*), accuracy and memorization were very surprising."

Ibn Rāhuwaih was born in the year 166 H. or 161 H. and died on 15th Sha'bān 238 H.

9. AL-ISMA'ILI, Ahmad bin Ibrahim:

Abu Bakr, Ahmad bin Ibrāhim bin Ismā'il bin Al-'Abbās Al-Ismā'ili Al-Jurjāni was born in 277 H. He was considered as an *Imām* and a *Hāfiẓ*, and was given the title *Shaykb-ul-Islam* due to his wide knowledge and because he was the leader of the *Shāfi'iya Madhhbab* in his region.

10. AL-BAZZAR, Ahmad bin 'Amr:

Abu Bakr, Ahmad bin 'Amr bin 'Abdul-Khāliq Al-Basri was one of the eminent and learned *Hadith* scholars who had attained the rank of *Hāfiẓ* in the memorization of *Hadith*. He authored two books on *Hadith* which are *Al-Musnad Al-Kabir* and *Al-Ilal*. He studied under At-Tabarāni and others. Al-Bazzār died in 292 H.

11. AL-BAIHAQI, Ahmad bin Al-Husain:

Abu Bakr, Ahmad bin Al-Husain was born in Sha'bān in the year 374 H. He was considered a learned *Hāfiẓ* among the eminent *Imāms* of *Hadith* and a scholar of jurisprudence, specializing in *As-Shāfi'i Madhhbab*. He wrote many books like *As-Sunan Al-Kubra* and *As-Sunan As-Sughra*. Adh-Dhahabi said, "His books exceed one thousand volumes." Al-Baihaq, which he is named after, is a town near Nishapur. Al-Baihaqi died in 458 H.

12. ABU HATIM AR-RAZI, Muhammad bin Idris:

Abu Hātim, Muhammad bin Idris bin Al-Mundhir Al-Hanzali Ar-Rāzi was born in the year 195 H. He was an eminent *Hāfiẓ* and an *Imām* and one of the prominent scholars who excelled in the methodology of *Hadith*. He was also one of the most respected scholars in the knowledge *Al-Jarb wat-Ta'dil* (verifying the reliability and unreliability of the narrators of the *Hadith*).

13. IBN AL-JARUD, 'Abdullah bin 'Ali:

Abu Muhammad, 'Abdullah bin 'Ali bin Al-Jārud An-Nishapuri, who lived near Makkah, was an *Imām* and a *Hāfiẓ* who was among those 'Ulāma who mastered the recitation of the Qur'ān. He authored *Al-Muntaqa fil-Abkām* and was among the pious 'Ulāma of his time. Ibn Al-Jārud died in 307 H.

14. AL-HĀRITH bin Abu Usama:

Imam Abu Muhammad, Al-Hārith bin Abu Usāma Muhammad bin Dāhir At-Tamimi Al-Baghdadi was a *Hāfiẓ* and authored *Al-Musnad* which he did not arrange. Ibrāhim Al-Harbi and Abu Hātim verified him as reliable, and Ad-Dāraqutni said, "He is truthful." Al-Hārith was born in 186 H. and died on the Day of 'Arafa 282 H.

15. AL-HAKIM, Abu Abdullah:

Abu 'Abdullah, Muhammad bin 'Abdullah An-Nishapuri Al-Hākim known as Ibn Al-Baiyi' was born in 321 H. He was a celebrated *Imām* in the verification of *Hadīth*. He authored *Al-Mustadrak*. It is said that he studied under one thousand professors and authored some valuable books. Al-Hākim was pious and religious. He died in Safar 405 H.

16. IBN HIBBAN, Abu Hatim Ibn Hibban:

Abu Hātim, Muhammad bin Hibbān bin Ahmad bin Hibbān Al-Busti was born in Bust in Sijistan. He was one of the celebrities in the knowledge of *Hadīth*, pious, *Faqīh*, learned and one of the students of Ibn Khuzaima. He died in Samarcand in 354 H., while in his eighties.

17. IBN KHUZAIMA, Muhammad bin Ishaq:

Ibn Khuzaima, Muhammad bin Ishāq was born in 223 H. in Nishapur. He was considered as a *Shaykh-ul-Islam* (the most learned 'Aalim of Islam) and one of the eminent and senior *Hāfiẓ*. He was the *Imām* and *Hāfiẓ* of Khurasan during his time. He also authored more than 140 books. Ibn Khuzaima died in Nishapur in 311 H.

18. IBN ABU KHAYTHAMA:

Abu Bakr, Ahmad bin Abu Khaythama Zuhair bin Harb An-Nasā'i Al-Baghdadi was a celebrated *Imām*, *Hāfiẓ* and an authority. He authored *At-Tarikh Al-Kabir*. Ad-Dāraqutni said about him, "He was reliable and trustworthy." Al-Khatib said, "He was reliable 'Aalim (learned), accurate *Hafiz*, knowledgeable in the history of people, and the narration of poetry." He studied *Abadīth* under Ahmad bin Hanbal and Ibn Ma'in. Ibn Abu Khaythama died in Jumada-ul-Ula 289 H., at the age of 94 years.

19. AD-DARAQUTNI, 'Ali bin 'Umar:

Abul-Hasan, 'Ali bin 'Umar bin Ahmad bin Mahdi Al-Baghdadi. He was nicknamed after a big store called Dār Al-Qutn in Baghdad. He was a great *Hāfiẓ* and a unique *Imām* who was born in the year 306 H. He was the authority in the methodology of *Hadīth*, the knowledge of the weaknesses of the *Hadīth* narrations and names of the *Hadīth* narrators of his time. Ad-Dāraqutni died on 8th Dhul-Qa'da 385 H.

20. AD-DARIMI, 'Abdullah bin 'Abdur-Rahman:

Abu Muhammad, 'Abdullah bin 'Abdur-Rahmān bin Al-Fadl bin Bahrām At-Tamimi Ad-Dārimi As-Samarqandi was born in the year 181 H. He was a celebrated *Imām*, *Hāfiẓ* and *Shaykh-ul-Islam* of Samarcand and the author of *Al-Musnad Al-'Aali*. He heard *Abadīth* at Al-Haramain, Khurasān, Ash-Shām, Iraq and Egypt. Muslim, Abu Da'ūd, At-Tirmidhi, An-Nasā'i and others transmitted *Abadīth* from him. He was described to be very intelligent and very virtuous and was considered to be an exemplary person in piousness, patience, hard work, worship and abstinence. Ad-Dārimi died on 8th Dhul-Hijja 255 H.

21. ABU DA'UD, Sulaiman bin Da'ud At-Tayalisi:

Sulaimān bin Dā'ud bin Al-Jārud Al-Basri was a Persian by origin and the freed slave of Az-Zubair. He was a great *Hāfiẓ* and one of the eminent 'Ulama. Al-Qallās and Ibn Al-Madini both said about him, "I have not seen anyone who is more versed with the *Hadīth* than him." Ibn Mahdi said, "He is a most truthful person." He recorded *Abādīth* from more than one thousand *Shāyikhs*. Abu Dā'ud died in the year 204 H. while in his eighties.

22. IBN ABU AD-DUNYA, 'Abdullah bin Muhammad bin 'Ubaid:

Abu Bakr, 'Abdullah bin Muhammad bin 'Ubaid bin Sufyān bin Abu Ad-Dunya Al-Qurashi Al-Baghdadi, the freed slave of Banu Umayya, was born in 208 H. He was a *Muhaddith* and truthful 'Aalim. He wrote some books and educated more than one of the caliphs' sons like Al-Mu'tadid. Ibn Abu Ad-Dunya died in Jumāda Al-Ūla, 281 H.

23. ADH-DHUHLI, Muhammad bin Yahya:

Abu 'Abdullah, Muhammad bin Yahya bin 'Abdullah bin Khālid bin Fāris, the freed slave of Banu Dhuhl was born in 170 of the Hijra. He was a *Shaykb-ul-Islam* and *Amīr-ul-Mu'minīn* in the knowledge of *Hadīth* and the *Hāfiẓ* of Nishapur. He acquired *Abādīth* from many professors in Al-Haramain, Ash-Shām, Egypt, Iraq, Ar-Ray, Khurasān, Yemen and Al-Jazira and became very competent in this field and became the authority of knowledge in Khurasān. Ahmad said, "I never saw anyone who knows the *Abādīth* of Az-Zuhri from Muhammad bin Yahya more than Adh-Dhuhlī. He died in Rabi'-ul-Awwal, 258 H.

24. ABU ZUR'A AR-RAZI, 'Ubaidullah bin Abdul-Karim:

'Ubaidullah bin 'Abdul-Karim bin Yazid bin Faroukh, Abu Zur'a Ar-Rāzī Al-Qurashi by clientship was a *Hāfiẓ* and an eminent scholar of the *Hadīth*. He was also considered among the *Imāms* of 'Al-Jarb wat-Ta'dil (the critical study of the *Hadīth* narrators). Muslim, At-Tirmidhi, An-Nasā'i, Ibn Mājah and others narrated *Abādīth* from him. Adh-Dhahabi said, "Many people heard *Abādīth* from him in Al-Haramain, 'Iraq, Ash-Shām, Al-Jazira, Khurasan, and Egypt." He was also well acclaimed for his memorization, brightness, piousness, sincerity, knowledge and the good application of his knowledge. Abu Zur'a Ar-Rāzī died towards the end of 264 H. at the age of 64 years.

25. IBN AS-SAKAN, Sa'id bin 'Uthman:

Abu 'Ali Sa'id bin As-Sakan Al-Baghdadi was born in 294 H. He was a celebrated *Hāfiẓ* and an authoritative *Imām*. He paid much attention to the study of *Hadīth*, and collected and wrote books on *Abādīth*, thus becoming very famous in this field. Ibn As-Sakan died in the year 353 H.

26. SA'ID bin Mansur:

Sa'id bin Mansur bin Shu'ba Al-Marwazi or At-Tāliqāni then Al-Balkhi lived

near Makkah. He authored the book *As-Sunan*. Ahmad bin Hanbal praised him immensely. Harb Al-Karmāni said, "He (Sa'īd) dictated to me about ten thousand *Abadīth* from his memory." Sa'īd bin Mansur died in Makkah in Ramadān 227 H. while in his nineties.

27. ASH-SHAFI'I, Muhammad bin Idris:

Abu 'Abdullah, Muhammad bin Idris bin Al-'Abbās bin 'Uthmān bin Shāfi'i bin As-Sā'ib bin 'Ubaid bin 'Abd Yazid bin Hāshim bin 'Abdul-Muttalib bin 'Abd Manāf Al-Qurashi Al-Makki was born in 150 H. in Ghaza and was taken to Makka while a baby. He lived in Egypt where he died in 204 H. He was considered to be one of the most learned persons amongst the Muslim *Ummah*, unique, learned and the founder of the science of *Usūl Al-Fiqh* (the principles of jurisprudence) and the *Shāfi'i Madhab*. His grandfather Shāfi'i was a *Sababi* who met the Prophet ﷺ while a young man.

28. IBN ABU SHAIBA, Abu Bakr:

Abu Bakr 'Abdullah bin Muhammad bin Abu Shaiba Ibrāhim bin 'Uthmān bin Hawasi Al-'Ansi (by clientship) was a unique *Hāfiẓ*. He authored *Al-Musnad* and *Al-Musannaf* and other books. He was a leader in the knowledge of *Hadīth* and Abu Zur'a, Al-Bukhāri, Muslim, Abu Dā'ud and Khalf narrated from him. Abu Bakr died in Muharram, 235 H.

29. AT-TABARANI, Sulaiman bin Ahmad:

Abul-Qāsim, Sulaimān bin Ahmad bin Ayyub bin Mutair Al-Lakhmi At-Tabarāni was born in 260 H. in Tabariya As-Shām. He was an authoritative *Imām* and narrated *Abadīth* from more than one thousand *Shaykhs* (professors). He left Ash-Shām to acquire the knowledge of *Abadīth* and spent thirty-three years travelling in its pursuance.

He authored many interesting and amusing books, among them are *Al-Mu'jam Al-Kabīr*, *Al-Mu'jam Al-Awsat*, and *Al-Mu'jam As-Saghir*. At-Tabarāni lived in Asfahan and died there on 27th Dhul-Qa'da, 360 H.

30. AT-TAHAWI, Ahmad bin Muhammad:

Abu Ja'far, Ahmad bin Muhammad Salāma bin Salama Al-Azdi Al-Misri At-Tahāwi Al-Hanafi was born in the year 228 H. or 227 H. He was nicknamed after a village called Taha in Egypt. He was a follower of the *Shāfi'i Madhab* (school of jurisprudence) and a student of Al-Muzni, his nephew until the latter one day told him, "By Allah, you will never become anything." At-Tahāwi then became angry and moved to Abu 'Imrān Al-Hanafi and not only became a *Hanafi* (a follower of the *Hanafi Madhab*) but very enthusiastic in proving the *Hanafi Madhab* by strengthening the reports, citing the *Hadīth* weakened by others, as evidence to support his *Madhab*. Al-Baihaqi also said that he used to weaken the *Hadīth* unfavorable to his *Madhab* through methods not approved of by the scholars of *Hadīth*. Among his most famous books is *Sharh Ma'āni Al-Āthār*. At-Tahāwi died in the beginning of Dhul-Qa'da, 321 H.

31. IBN 'ABDUL-BARR, Yusuf bin 'Abdullah:

Abu 'Umar, Yusuf bin 'Abdullah bin Muhammad bin 'Abdul-Barr bin 'Āsim An-Namari Al-Qurtubi was born in Rabi'-uth-Thāni, 368 H. He was a celebrated learned *Imām* and was the *Shaykb-ul-Islam* and *Hāfiẓ* of Al-Maghrib (North West Africa). He was considered as the master of his time in the memorization and accurate rendering of the *Hadīth*. He was also skilled in the science of genealogy and history. Ibn Hazm said, "I can not talk about the knowledge of the *Hadīth* like Ibn 'Abdul-Barr, so how can I do better than him?" He has authored many books, the most famous of which is *Al-Iṣṭī'āb*. Ibn 'Abdul-Barr died on a Friday in Rabi'-uth-Thāni, 463 H. at the age of 95 years.

32. 'ABDUL-HAQQ bin 'Abdur-Rahman:

Abu Muhammad, 'Abdul-Haqq bin 'Abdur-Rahmān bin 'Abdullah bin Husain bin Sa'id Al-Azdi Al-Ishbili was born in 510 H. He was a *Hāfiẓ* and an authority in the knowledge of *Hadīth*. He resided in Bijaya in Spain where he spread his knowledge and authored books. He was famous and a celebrated *'Aalim* and was appointed as the *Khatib* of Bijaya. He was a *Faqīh* and knowledgeable in the methodology of the *Hadīth*, its weak ones and the history of the *Hadīth* narrators. He was also described to be virtuous, pious, ascetic, and a strict follower of the *Sunnah*. He also took interest in the arts and recited poetry. 'Abdul-Haqq died in Bijaya in Rabi'-uth-Thāni, 581 H.

33. 'ABDUR-RAZZAQ bin Humam:

Abu Bakr, 'Abdur-Razzāq bin Humām bin Nāfi' Al-Himyari (by clientship) As-San'āni was considered as one of the strongholds of knowledge. Ahmad, Ishāq, Ibn Ma'in and Adh-Dhuhli narrated *Abadīth* from him. He became blind in his old age and became senile. 'Abdur-Razzāq died in 211 H. at the age of 85 years.

34. IBN 'ADI, 'Abdullah:

Abu Ahmad, 'Abdullah bin 'Adī Al-Jurjānī was born in 279 H. He was a famous *Imām*, an eminent *Hāfiẓ* and one of the celebrated *'Ulama*. He was also nicknamed Ibn Al-Qisār. Ibn 'Adī died in Jumāda-ul-Ākhir, 365 H.

35. AL-'UQAILI, Muhammad bin 'Amr:

Abu Ja'far, Muhammad bin 'Amr bin Mūsa bin Hamād Al-'Uqaili was a *Hāfiẓ*, an *Imām* and the author of *Kitāb Ad-Du'afā' Al-Kabīr*. He was a celebrated scholar, and the author of many books. Al-'Uqaili lived in Al-Haramain and died in 322 H.

36. 'ALI bin Al-Madīnī:

Abul-Hasan, 'Ali bin 'Abdullah bin Ja'far bin Najīh As-Sa'dī (by clientship) Al-Madīnī was born in 161 H. and was considered to be the most knowledgeable person regarding the *Abadīth* of the Prophet ﷺ. Al-Bukhārī said in this context, "I never belittled myself before anyone except 'Ali ibn Al-Madīnī." He was considered to be the *Imām* of *Al-Jarb wat-Ta'dil*, the *Hāfiẓ* of his time and the exemplary of *Abl Al-Hadīth* (the scholars of the *Hadīth*). 'Ali ibn Al-Madīnī died at Sāmīra in present Iraq at a place called Katibata Al-Qa'qa in the

year 234 H.

37. IBN AL-QATTAN, 'Ali bin Muhammad:

Abul-Hasan, 'Ali bin Muhammad bin 'Abdul-Malik Al-Fāsī was born in Qurtuba in Spain in 562 H. and lived in Fās in Morocco. He was a *Hafiz*, an *Imām* and a learned critic of the *Hadīth* methodology. Moreover, he was more knowledgeable about the *Hadīth* methodology and the mastery of the names and history of the narrators of the *Hadīth* than anyone else of his time. He also authored many books and died in Rabi'-ul-Awwal, 628 H.

38. IMAM MALIK, Malik bin Anas:

Abu 'Abdullah, Mālik bin Anas bin Mālik bin Abu 'Aamir Al-Asbahī (Dhi Asbah, his ninth grandfather was from one of the noblest tribes of Yemen) was born in 93 H. or 94 H. and is one of the four *Imāms* whose *Madhab* are followed regarding jurisprudence matters. He was the *Imām* of *Dār Al-Hijra* (Al-Madinah), the *Faqīh* of the *Ummah* and the leader of *Abl Al-Hadīth*. He studied under more than nine hundred professors and an uncountable number of people learned from him, among them being Imam Ash-Shāfi'i, the founder of *Al-Madhab* *Asb-Shāfi'iyya*.

39. IBN MANDA, Muhammad bin Ishaq:

Abu 'Abdullah, Muhammad bin Ishāq bin Muhammad bin Yahya bin Manda was born in 310 H. and was a *Hāfiẓ*, an *Imām* and a traveler. He was also one of the eminent *Huffāz* who mastered many *Abadīth*. It is said that he traveled all over the Muslim world of his time and returned with about forty loads of books and his professors were one thousand seven hundred. Ibn Manda died in Dhul-Hijja 395 H.

40. ABU NU'AIM, Al-Asfahani:

Ahmad bin 'Abdullah bin Ahmed bin Ishāq bin Musa bin Mahrān Al-Asfahāni was born in Rajab 334 H. He was a famous *Hāfiẓ*, one of the eminent *Mubaddithin* and one of the great *Huffāz*. He studied under the celebrated scholars and himself taught many virtuous *'Ulama*. He authored many books, among them *Al-Mustakbraj 'Ala Al-Bukhāri*, and *Al-Mustakbraj 'Ala Muslim* and *Huliyat-ul-Awliyā*, which is one of the best books. It is said that when he took it to Nishapur, it sold for four hundred Dinar. Al-Asfahāni died in Safar or 20th Muharram, 430 H. at Asfahān.

41. ABU YA'LA, Ahmad bin 'Ali:

Al-Hāfiẓ Ahmad bin 'Ali bin Al-Muthanna bin Yahya bin 'Isa bin Hilāl At-Tamimi was born in Shawwāl, 210 H. He authored *Al-Musnad Al-Kabīr* and was considered as the *Mubaddith* of Al-Jazira. He was truthful, trustworthy, tolerant and religious. As-Sam'āni said, "I heard Isma'il bin Muhammad bin Al-Fadl Al-Hāfiẓ say: 'I read the *Musnad* of Al-'Adani, the *Musnad* of Ibn Manī' and other *Masānid*, which are like rivers, but the *Musnad* of Abu Ya'la is like the sea into which all the rivers flow.' " Abu Ya'la died in the year 307 H.

1. THE BOOK OF PURIFICATION

Chapter 1. WATER

1. Narrated Abū Hurairah^[1]: Allāh's Messenger ﷺ said regarding the sea, "Its water is *Taboor* (purifying) and its dead (animals) are lawful (to eat)". [Al-*Arba'a*^[2] and Ibn Abi Shaiba reported it. The wording is from the latter. Ibn Khuzaima and At-Tirmidhi graded it *Sabib* (authentic). Mālik, Ash-Shāfi'i and Ahmad (also) reported it].

2. Narrated Abū Sa'īd Al-Khudri^[3]: Allāh's Messenger ﷺ said, "Water is *Taboor* (purifying)^[4] and nothing can make it impure." [Reported by *Atb-Thalātha*,^[5] and Ahmad graded it *Sabib* (authentic)].

3. Narrated Abū Umāma Al-Bāhili^[6]: Allāh's Messenger ﷺ said, "Water cannot be rendered impure by anything except something which changes its smell, taste and color^[7]". [Ibn Mājah

^[1] His real name is 'Abdullah or 'Abdur-Rahmān bin Sakhr Ad-Dausi. He was one of the greatest *Sabāba* (Companions of the Prophet ﷺ) and reported the largest number of *Abādith*. More than 800 men narrated from him. He became a Muslim in the year of Khaibar (7 H.) and stayed in the company of the Prophet ﷺ until he (the Prophet ﷺ) died. He was appointed a *Mufti* (scholar of Islamic verdicts) during the caliphate of 'Umar and later became the governor of Al-Madinah during the reign of Marwān bin Al-Hakam. He died in 59 H. and was buried at Al-Baqī'.

^[2] The collectors of *Hadīth*: Abū Dā'ud, At-Tirmidhi, An-Nasā'i and Ibn Mājah.

^[3] His name is Sa'd bin Mālik bin Sīrān Al-Khazraji Al-Ansāri. He was one of the learned *Sabāba*, reported many *Abādith* and gave religious opinions for some time. He died at the beginning of 74 H. at the age of 86 years.

^[4] It is reported by Ahmad, At-Tirmidhi and Abu Dā'ud that the Prophet ﷺ said these words answering a question about the well of Budā'a (بَدْنَضَاعَة), which is located in the vicinity of Al-Madīnah, and was always filled with filth. This well was situated in a low lying area and the rain water would carry all the dirt and filth into it. These words are certainly about this well.

^[5] The collectors of *Hadīth*: Abū Dā'ud, At-Tirmidhi, and An-Nasā'i.

^[6] His name is Suday bin 'Ajlān, one of the *Sabāba* who reported many *Abādith*. He lived in Egypt then moved to Hims (now in Syria) and died there at the age of 81 or 86 years.

^[7] There are two opinions of the scholars concerning the purity of water if something

١ - كتاب الطهارة

١ - باب المياه

(١) عن أبي هريرة رضي الله تعالى عنه قال: قال رسول الله ﷺ في البحر: «هُوَ الظُّهُورُ مَاوِهُ وَالجُلُّ مَيْتَهُ». أخرجه الأربعة وأبن أبي شيبة واللقطة له، وصححه ابن حزم وأبي زيد بن حبيب وأحمد.

(٢) وعن أبي سعيد الخدري رضي الله تعالى عنه، قال: قال رسول الله ﷺ: «إِنَّ المَاءَ طَهُورٌ لَا يُنْجَسِّنُ شَيْءًا». أخرجه الثلاثة وصححه أبو حمزة.

(٣) وعن أبي أمامة الباهلي رضي الله تعالى عنه قال: قال رسول الله ﷺ: «إِنَّ المَاءَ لَا يُنْجَسِّنُ شَيْءًا إِلَّا مَا غَلَبَ عَلَى رَيْحَهُ وَطَعْمَهُ».

reported it and Abū Hātim graded it *Da'if* (weak)]. Al-Baihaqi reported: "Water is purifying, unless any impure thing is added to it which changes its smell or taste or color."

4. Narrated 'Abdullah bin 'Umar^[1]: Allāh's Messenger ﷺ said, "If there is enough water to fill two pots^[2], it carries no impurity." A narration has: "it does not become impure". [Al-*Arba'a* reported it. Ibn Khuzaima, Ibn Hibbān and Al-Hākim graded it *Sahih* (authentic)].

5. Narrated Abū Huraira رضي الله عنه: Allāh's Messenger ﷺ said, "None of you should take a bath in stagnant water while he is sexually impure." [Muslim reported it]. Al-Bukhāri has: "None of you should urinate in stagnant water that is not flowing, then take a bath in it."^[3] Muslim has the words: "from it (i.e. from the water)". Abū Dā'ud has: "One should not take bath in it from sexual impurity."

unclean or impure has been mixed with it. (A) That it remains pure – whether in a small amount or large amount – if neither its color, taste nor smell is changed. (B) If a small amount of water is mixed with impurities it becomes impure, even if none of these qualities (color, taste or smell) are changed. However, if it is a large amount of water, it remains pure, unless one of these three qualities are changed by being mixed with impurities. This second opinion is the opinion of the *Hanafiya* and *Shafi'iya*. The first opinion is the opinion of *Mālik*, *Abmad* (in one of his sayings), *Az-Zāhiriyah*, a group of *Sahābah* [including: 'Umar, Ibn Abbās, Ibn Mas'ūd, Aa'isha, Abu Hurairah and Hudhaifah], as well as a group of *Tābi'in* [including: Ibn Al-Musayyib, Sa'id bin Jubair, Mujāhid, 'Ikrimah and Al-Hasan Al-Basri].

^[1] He was among the most ascetic and most knowledgeable *Sahāba*. He became a Muslim at Makkah while a small boy, and migrated to Al-Madīnah. He first participated in the battle of Al-Khandaq, died in 73 A. H., and was buried at Dhi Tuwa.

^[2] *Qulla* (قulla) is a large earthen pot, which may contain water up to two and a half water-skins, viz., one hundred and thirteen kilograms. Ibn Al-Turkumānī in *Al-Jawhar An-Naqī* said: There is such a great difference of opinion as to what a *Qulla* is equal to, until it is impossible to act upon it.

^[3] This refers to a small quantity of water. If water is in abundance, it will be regarded as flowing water, which is not impure and is good for bathing. It is prohibited to urinate in the stagnant water because the water may become polluted if one does so habitually. The condition of stagnant water is only because flowing water is always clean and never becomes impure, not even from dirt and filth. The prohibition here of bathing or urinating in stagnant water indicates that it is *Harām* (forbidden) when the water is in a small amount and *Makrū'h* (detestable) when it is a large amount.

وَلَوْنِهِ». أَخْرَجَهُ ابْنُ ماجِهِ، وَصَحَّفَهُ أَبُو حَاتِمٍ، وَلِلْبَهْقِي: الْمَاءُ طَهُورٌ إِلَّا إِنْ تَعَيَّرَ بِهِ أَوْ طَعَمَهُ أَوْ لَوْنَهُ بِنَجَاسَةٍ تَحْدُثُ فِيهِ.

(٤) وَعَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا كَانَ الْمَاءُ قُلْتَينِ لَمْ يَحْمُلِ الْحَبْتَ». وَفِي لَفْظِهِ: «لَمْ يَنْجُسْ». أَخْرَجَهُ الْأَرْبَعَةُ، وَصَحَّحَهُ ابْنُ حُزَيْمَةَ وَابْنُ جَيَّانَ وَالْحَاكِمُ.

(٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا يَعْتَسِلُ أَحَدُكُمْ فِي الْمَاءِ الدَّائِمِ وَهُوَ جُنْبٌ». أَخْرَجَهُ مُسْلِمٌ وَالْبَخَارِي: لَا يَبُولُ أَحَدُكُمْ فِي الْمَاءِ الدَّائِمِ الَّذِي لَا يَجْرِي، ثُمَّ يَعْتَسِلُ فِيهِ. وَلِمُسْلِمٍ «مِنْهُ» وَلَا يَدُوُدُ وَلَا يَعْتَسِلُ فِيهِ مِنَ الْجَنَابَةِ.

6. A man^[1] who accompanied the Prophet ﷺ narrated: Allah's Messenger ﷺ forbade a woman from bathing with the water left over by a man, and a man from bathing with the water left over by a woman. (Instead) they should both scoop up handfuls of the water together. [Reported by Abū Dā'ud and An-Nasā'i and its chain of narrators is *Sabib* (authentic)].

7. Narrated Ibn 'Abbās ^[2]: The Prophet ﷺ used to bathe with the water left over by Maimūna ^{رضي الله تعالى عنها}. [Muslim reported it]. And *Ashāb As-Sunan* (here meaning Abu Dawud, Tirmidhi and Ibn Majah) reported that one of the wives of the Prophet ﷺ took a bath from a vessel, then the Prophet ﷺ came and when he wanted to take a bath from that (vessel), she said to him, "I was sexually impure." He said, "Water does not become sexually impure."^[3] [At-Tirmidhi and Ibn Khuzaima graded it *Sabib* (authentic)].

8. Narrated Abū Huraira ^{رضي الله تعالى عنه}: Allāh's Messenger ﷺ said, "The purification of the utensil belonging to one of you, if it has been licked by a dog, is to wash it seven^[4] times, using surface soil for

(٦) وَعَنْ رَجُلٍ صَحَّبَ النَّبِيَّ ﷺ قَالَ: نَهَايَةُ رَسُولِ اللَّهِ ﷺ أَنْ تَغْتَسِلَ الْمَرْأَةُ بِقَضْلِ الرَّجُلِ، أَوِ الرَّجُلُ بِقَضْلِ الْمَرْأَةِ، وَلِيُغَتَّلَ فَجِيعًا. أَخْرَجَهُ أَبُو دَاوُدَ وَالشَّافِعِيُّ، وَإِشَانَدَهُ صَحِحٌ.

(٧) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ كَانَ يَغْتَسِلُ بِقَضْلِ مَيْمُونَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا. أَخْرَجَهُ مُسْلِمٌ وَالْأَصْحَابُ الْسَّنَدُ: اغْتَسِلْ بِعَضُ أَزْوَاجِ النَّبِيِّ ﷺ فِي جَفْنَةٍ، فَجَاءَ النَّبِيُّ ﷺ لِيَغْتَسِلَ مِنْهَا، فَقَالَتْ لَهُ: إِنِّي كُنْتُ جُنْبًا، فَقَالَ: إِنَّ الْمَاءَ لَا يَجْعَلُ. وَصَحَّحَهُ التَّرمِذِيُّ وَابْنُ خَرَبَيَّةَ.

(٨) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «طُهُورُ إِنَاءِ أَحَدِكُمْ إِذَا وَلَعَ فِيهِ الْكَلْبُ أَنْ يَغْسِلَهُ سَعْيَ مَرَاتٍ»

^[1] This man is one of the *Sabāba*, and failure to mention his name is of no consequence (harm) because the *Sabāba* are all trustworthy (acceptable narrators).

^[2] He is 'Abdullāh bin 'Abbās bin 'Abdul-Muttalib, the Prophet's cousin and the scholar of the Muslim *Ummab*. He was born 3 years before *Al-Hijra* and died at Tā'if in 67 A.H.

^[3] This *Hadīth* appears to be in contradiction to the first. However, it is not, because the order is not of absolute prohibition (نهى تحريري), but is only of suggestive prohibition (i.e. something undesirable) (نهى تحريري) to avoid any trace of impurity.

^[4] It must be clear that just to clean a thing from impurity, it is not necessary to wash it seven times. The idea behind cleaning a thing seven times is different from that of simple purification. Physicians of today say that mostly in the intestines of dogs there are germs and small worms approximately 4 mm. in length, and these move out from intestines with the excrement and stick to the hair around the anus. When dogs clean this place with the tongue, it gets soiled with these organisms. If a dog licks a pot or someone kisses the dog, as the European and American ladies do, these are transferred from the dog to the pot or to the mouth of the woman and then to the stomach. These organisms keep on moving, and penetrate into blood cells causing many fatal diseases. As the detection of these germs is not possible without microscopic tests, the *Shari'a* (شريعة - Islamic law) declared the dog's saliva

the first cleaning.” [Muslim reported it. Another narration of Muslim has: “He should pour out the contents”]. At-Tirmidhi has: “...using surface soil for the first or last (cleaning)”.

9. Narrated Abū Qatāda^[1]: Allāh’s Messenger ﷺ said about the cat: “It is not unclean, but is one of those who intermingle with you.” [Reported by Al-‘Arba‘a.^[2] At-Tirmidhi and Ibn Khuzaima graded it *Sabib* (authentic)].

10. Narrated Anas bin Mālik^[3]: A Bedouin came and urinated in one corner of the mosque. The people shouted at him, but Allāh’s Messenger ﷺ stopped them. When he (the man) finished urinating, the Prophet ﷺ ordered for a bucket of water which was poured^[4] over it. [Agreed upon].^[5]

11. Narrated Ibn ‘Umar ﷺ: Allāh’s Messenger ﷺ said, “Two types of dead animals and two types of bloods have been made lawful for us. The two types of dead animals are locusts and fish, while the two types of bloods are the liver and the spleen.” [Reported by Ahmad and Ibn Mājah, and this *Hadīth* has some *Da‘f* (weakness).]

12. Narrated Abū Huraira ﷺ: Allāh’s

an inherently impure thing by a general command, and whenever a thing is polluted with dog’s saliva, it must be cleaned seven times (one time – preferably the first – should be with soil) to be sure of its purity. For more details please see the footnotes of the book *Abkām-ul-Absan, Sharh Umdat-ul-Abkām*.

^[1] He is Al-Hārith bin Rib‘i Al-Ansāri, the Prophet’s horseman. He fought the battle of Uhud and those which followed. It is said that he died at Al-Madinah or Kūfa in 54 H.

^[2] Abu Dā‘ud, Tirmidhi, Nasā‘i and Ibn Mājah. This *Hadīth* indicates the purity of the cat and its leftover (food or drink) as long as there isn’t any apparent impurities on its mouth.

^[3] He was the Prophet’s servant from the time he came to Al-Madinah till his death. He is known as Abū Hamza and was a Khazraji. He lived in Basra during ‘Umar’s Caliphate and died there at the age of 99 or 103 years in 91 or 92 or 93 H.

^[4] This *Hadīth* proves that earth is purified by pouring water over the place soiled with impurities. Ibn Abi Shaiba has narrated – as *Mawqif* (a saying of a Companion) – that the earth is purified when it is dried up.

^[5] Al-Bukhāri and Muslim.

أَوْلَاهُنَّ بِالثُّرَابِ». أَخْرَجَهُ مُسْلِمٌ، وَفِي لَفْظِهِ أَفْلَمُرِفَهُ». وَلِلتَّرْمِذِيِّ: «أَخْرَاهُنَّ أَوْ أَوْلَاهُنَّ بِالثُّرَابِ».

(٩) وَعَنْ أَبِي قَتَادَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ فِي الْهِرَةِ: «إِنَّهَا لَيْسَ بِنَجْسٍ، إِنَّمَا هِيَ مِنَ الطَّوَافِينَ عَلَيْكُمْ». أَخْرَجَهُ الْأَرْبَعَةُ، وَصَحَّحَهُ التَّرْمِذِيُّ وَابْنُ حُزَيْمَةَ.

(١٠) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: جَاءَ أَغْرَابِيَّ قَبَالَ فِي طَائِفَةِ الْمَسْجِدِ، فَرَجَرَةُ النَّاسِ، فَهَاهُمْ رَسُولُ اللَّهِ ﷺ، فَلَمَّا كَفَى بَوْلَهُ أَمَرَ النَّبِيَّ ﷺ بِدُنُوبِهِ مِنْ مَاءٍ فَأَهْرِيقَ عَلَيْهِ مَقْنَقَ عَلَيْهِ.

(١١) وَعَنْ أَبِي عُمَرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَحْلَثْتُ لَنَا مَيْتَانَ وَرَدَمَانَ، فَأَمَّا الْمَيْتَانُ: فَالْجَرَادُ وَالْحَوْثُ، وَأَمَّا الدَّمَانُ: فَالْكَبِيدُ وَالْطَّحَالُ». أَخْرَجَهُ أَخْمَدُ وَابْنُ مَاجَهَ، وَفِيهِ ضَفْتُ.

(١٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ

Messenger ﷺ said, "If a fly falls in the drink of one of you, he should fully immerse it and then throw it away because there is disease (poison) in one of its wings and cure in the other."^[1] [Reported by Al-Bukhāri and Abū Dā'ud who added: "It (the fly) protects itself with the diseased wing (by dipping it first in a drink)].

13. Narrated Abū Wāqid Al-Laithī^[2]: Allāh's Messenger ﷺ said, "Whatever (portion) is cut off from an animal – while it is alive – is dead (meat). [Reported by Abū Dā'ud and At-Tirmidhi who graded it *Hasan* (good), and this wording is At-Tirmidhi's].

Chapter 2 UTENSILS

14. Narrated Hudhaifa bin Al-Yamān^[3]: Allāh's Messenger ﷺ said, "Do not drink in silver or gold utensils, and do not eat in plates (trays) made from such metals.^[4] Indeed such things are for them (the disbelievers) in this world and for you (the believers) in the Hereafter." [Agreed upon].^[5]

^[1] It is evident from this *Hadīth* that water or syrup does not become impure if a fly falls into it. Likewise, the creatures of this family – whose blood does not flow – like the mosquito, wasp and spider, etc. do not make the water impure if they have fallen into it or died in it.

^[2] His name is Al-Hārith bin 'Auf and is a descendant of Banū 'Aamir bin Laith. He became a Muslim very early and is counted among the people of Al-Madīnah. It is said that he fought at Badr, lived in Makkah and died there in 65 H. or 68 H. at the age of 57 and was buried at Funj. His *Hadīth* indicates that the cut-off portion of a live animal is forbidden (to eat) and unclean (to touch) like any *mayyit* (animal which dies by itself, not being slaughtered properly).

^[3] He is nicknamed Abū 'Abdullāh, both him and his father were *Sabāba* and he became famous for being the confidant of the Prophet ﷺ. He died at Midian (Madā'in) forty nights after the killing of 'Uthmān in the year 35 H. or 36 H.

^[4] This *Hadīth* is mentioned here to show that if it is prohibited to eat and drink in gold and silver utensils, then using gold and silver utensils for ablution is also prohibited. Otherwise, this *Hadīth* would have been placed in the chapter of eating and drinking. However, other scholars limit the application of the prohibition in this *Hadīth* to eating and drinking – as mentioned in the text. Eating, drinking and performing ablution in utensils studded with rubies and diamonds is permissible, according to the rule of things being permissible unless prohibited by a text.

^[5] Al-Bukhāri and Muslim.

قالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا وَقَعَ النَّدَبَابُ فِي شَرَابٍ أَخْدِكُمْ فَلَيُشْوِسِهِ، ثُمَّ لَيُنْزِعُهُ فَإِنَّ فِي أَخْدِكِهِ دَاءً، وَفِي الْآخِرِ شَفَاءً». أَخْرَجَهُ الْبُخَارِيُّ وَأَبُو دَاوُدَ، وَرَوَاهُ: «وَإِنَّهُ يَتَّقِي بِعَنْ أَجْدَهِ الَّذِي فِيهِ الدَّاءُ».

(١٣) وَعَنْ أَبِي وَاقِدِ الْبَيْتِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا قُطِّعَ مِنَ الْبَهِيمَةِ، وَهِيَ حَيَّةٌ، فَهُوَ مَيْتٌ». أَخْرَجَهُ أَبُو دَاوُدَ وَالْتَّرمِذِيُّ، وَحَسَنَهُ، وَاللَّفْظُ لَهُ.

٢ - بَابُ الْأَنِيَةِ

(١٤) عَنْ حَدِيفَةِ بْنِ الْيَمَانِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَشْرُبُوا فِي آنِيَةِ الْذَّهَبِ وَالْفَضَّةِ وَلَا تَأْكُلُوا فِي صِحَافِهَا، فَإِنَّهَا لَهُمْ فِي الدُّنْيَا وَلَكُمْ فِي الْآخِرَةِ». مُتَقَرَّ عَلَيْهِ.

15. Narrated Umm Salama^[1]: Allāh's Messenger ﷺ said, "He who drinks in a silver utensil is only swallowing the fire of Hell in his stomach." [Agreed upon].

(١٥) وعن أم سلمة رضي الله تعالى عنها قالت: قال رسول الله ﷺ: «الذى يشرب في إناء الفضة إنما يجرح في بطنه نار جهنم». متفق عليه.

16. Narrated Ibn 'Abbas ﷺ: Allāh's Messenger ﷺ said, "When the animal hide is tanned it becomes purified."^[2] [Reported by Muslim]. *Al-Arba'a* have the words: "Any animal hide that is tanned ..."

(١٦) وعن ابن عباس رضي الله تعالى عنهما قال: قال رسول الله ﷺ: «إذا دعى الإهاب فقد طهر». أخرجه مسلم، وعند الأربعة «أيما إهاب دين».

17. Narrated Salama bin Al-Muhabbiq^[3]: Allāh's Messenger ﷺ said, "The tanning of a dead animal's hide is its purification." [Ibn Hibbān [reported it and] graded it *Sabib* (authentic)].

(١٧) وعن سلمة بن المحقق رضي الله تعالى عنه قال: قال رسول الله ﷺ: «دياغ جلود الميت طهورها». صححه ابن حبان.

18. Narrated Maimūna ﷺ: The Prophet ﷺ passed by a (dead) sheep which some people were dragging. He told them, "If you had taken its hide (it would be better)." They said, "It is dead". He said, "Water and the leaves of the Acacia tree will purify it." [Reported by Abū Dā'ud and An-Nasā'i].

(١٨) وعن ميمونة رضي الله تعالى عنها قالت: مر النبي ﷺ بشاة يجرونها، فقال: «لو أخذتم إهابها» فقالوا: إنها ميتة، فقال: «يطهرونها بالماء والقرط». أخرجه أبو داود والنسائي.

19. Narrated Abū Tha'labah Al-Khushani^[4]: I said, "O Allāh's

(١٩) وعن أبي ثعلبة الخشني رضي الله

^[1] She is Hind bint Abū 'Umayra. She was married to Abū Salama, and migrated with him to Abyssinia (Ethiopia) and then to Al-Madinah. When Abū Salama died from an injury he had sustained during the battle of Uhud, the Prophet ﷺ married her in Shawwāl 4 H. It is said that she died in 59 H. or 62 H. at the age of 84 years and was buried at Al-Baqi'.

^[2] This *Hadīth* proves that a hide, after tanning becomes pure and clean, whether the hide is of an animal which is (حرام) prohibited to eat or (حلال) lawful to eat and whether the animal is slaughtered or died. However, some scholars hold that the skins of human beings and some animals are unlawful and not permitted for use. The skin of the human being is unlawful due to his sacredness and reverence, while the skins of animals like the dog and pig are unlawful, and not permitted for use, because they are inherently impure and unclean. Some scholars hold that tanning only purifies the hides of animals that are lawful to eat. It should also be remembered that the hair, teeth and horns of lawful animals are also lawful for use and trade.

^[3] He is nicknamed Abū Sinān of Hudhali tribe. He is considered as a resident of Basra and Al-Hasan Al-Basri learned *Hadīth* from him.

^[4] He is a *Sababi* (Companion of the Prophet ﷺ) descending from Khushain bin An-Nimir of Qudā'a tribe. He was one of the *Ashab Ash-Shajara* who entered a covenant with the Prophet ﷺ on the day of Al-Hudaibiya. He was sent to his people and they accepted Islam.

Messenger! We are living in a land inhabited by the people of the Scriptures, can we eat from their utensils?" He said, "Do not eat from their utensils unless you cannot find utensils other than theirs.^[1] [If you cannot find other than theirs,] wash them and eat from them." [Agreed upon].

تَعَالَى عَنْهُ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّا بِأَرْضٍ
قَوْمٍ أَفْلَى كِتَابٌ، أَفَنَأْكُلُ فِي آتِيهِمْ؟ قَالَ:
لَا تَأْكُلُوا فِيهَا إِلَّا أَنْ لَا تَجِدُوا عِبَرَهَا،
فَاغْسِلُوهَا، وَكُلُّوا فِيهَا». مُقْتَضَى عَلَيْهِ.

20. Narrated 'Imrān bin Husain^[2]: The Prophet ﷺ and his Companions performed *Wudu'* (ablution) from an animal-hide water container^[3] belonging to a polytheist woman. [Agreed upon]. (It is an extract of a long *Hadith*)

21. Narrated Anas bin Mālik : When the cup of the Prophet ﷺ was broken, he fixed it with a silver wire^[4] at the crack. [Reported by Al-Bukhāri].

Chapter 3 The Nature and Cleansing of *An-Najasah* (The Impurities)

22. Narrated Anas bin Mālik : Allāh's Messenger ﷺ was asked about making vinegar out of alcohol. He said, "No (it is prohibited)".^[5] [Reported by

He settled in Shām and died there in 75 H.

^[1] This *Hadith* makes it clear that the utensils of *Ahlul-Kitāb* (People of the Book) are unclean, and if the utensils from a Muslim are available then the utensils of a non-Muslim should not be used for eating, drinking or cooking. If it is certain about a non-Muslim that he does not eat something unlawful or prohibited such as pork and alcohol [as mentioned in the *Hadith* of Ahmad and Abu Dawud], then his utensils may be used; even then, one should be careful and wash them.

^[2] He is nicknamed Abū Nujeid and is from the Khuzā'a tribe. He accepted Islam in the year of Khaibar. He settled in Basra and died there in 52 H. or 53 H.

^[3] This *Hadith* clarifies that utensils of the polytheists – about which there is no probability of being polluted by impure substances, such as pork or alcohol – may be used without any hesitations.

^[4] This *Hadith* proves that the use of a small amount of silver to fix the crack of a utensil is allowed, and eating and drinking in it is not prohibited.

^[5] Making of vinegar from alcohol by adding something to it is prohibited according to the *Shabī'ī Madhbhab*; it will not be pure to touch, nor lawful to consume. The stronger opinion is that it is lawful once it is transformed into vinegar. A third opinion considers the intention of the one who made it.

(٢٠) وَعَنْ عُمَرَانَ بْنِ حُصَيْنَةَ رَضِيَ اللَّهُ عَنْهُ عَنْهُمَا: أَنَّ النَّبِيَّ ﷺ وَاصْحَابَهُ تَوَضَّعُوا مِنْ مَرَاجِعَ امْرَأَةٍ مُشْرِكَةً. مُقْتَضَى عَلَيْهِ فِي حَدِيثٍ طَوِيلٍ.

(٢١) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: أَنَّ قَدَّحَ النَّبِيَّ ﷺ انْكَسَرَ فَاتَّخَذَ مَكَانَ الشَّغْبِ سِلْسِلَةً مِنْ فَضَّةٍ. أَخْرَجَهُ الْبُخَارِيُّ.

٣ - بَابُ إِزَالَةِ النَّجَاسَةِ وَبَيَانُهَا

(٢٢) عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ:
سُئِلَ رَسُولُ اللَّهِ ﷺ عَنِ الْحَمْرَ تَسْخَدُ خَلَادًا
قَالَ: «لَا». أَخْرَجَهُ مُسْلِمٌ وَالثُّرْمُوزِيُّ، وَقَالَ:

Muslim and At-Tirmidhi and the latter graded it *Hasan-Sabib* (good and authentic)].

23. Narrated (Anas bin Mâlik) : On the day of Khaibar, Allâh's Messenger ﷺ commanded Abû Talha^[1] to announce: "Allâh and His Messenger have prohibited for you (eating of) the flesh of the domesticated donkeys, for it is unclean."^[2] [Agreed upon.]

24. Narrated 'Amr bin Khârij^[3] : Allâh's Messenger ﷺ delivered a *Khutba* (religious talk) to us at Mina, while mounted on his camel, and its saliva was dripping on my^[4] shoulder(s). [Reported by Ahmad and At-Trimidhi and the latter graded it *Sabib* (authentic)].

25. Narrated 'Aisha^[5] : Allâh's Messenger ﷺ used to wash the semen^[6] and then go out for prayer in

خديث حسن صحيح.

(٢٣) وعنه قال: لما كان يوم خيبر أمر رسول الله ﷺ أبا طلحة فنادى: أن الله ورسوله ينهياكم عن لحوم الحمر الأهلية، فإنها رجس، مفتن على عليه.

(٢٤) وعن عمرو بن خارجة رضي الله تعالى عنه قال: خطبنا رسول الله ﷺ يمشي وهو على راحلتي، ولما بها يسبّ على كفي آخرجه أحمد والترمذى وصححه.

(٢٥) وعن عائشة رضي الله تعالى عنها قالت: كان رسول الله ﷺ يغسل المنى ثم

^[1] He is Zaid bin Sahl bin Al-Aswad bin Harâm Al-Ansâri An-Najâri who was one of the senior *Sahâba*. He attended the 'Aqaba Covenant and all the battles. He fought bravely during the battle of Uhud and defended the Prophet ﷺ till his hand got paralyzed. He also killed 20 men in the battle of Hunain. He died in the year 34 H. or 51 H.

^[2] This *Hadîth* is a proof that the flesh of domesticated donkey is unlawful to eat. According to some scholars it is also *Najis* (impure) to touch, as indicated by the Prophet's use of the word *Rîjs* (dirty, filthy) to describe this animal. Otherwise, the prohibition of consuming something does not necessarily mean that it is also unclean, while the opposite holds true, i.e. the ruling that something is unclean necessitates it being unlawful for consumption, since it is not permissible to touch it. Some hold that the leftover water of a donkey is pure and usable.

^[3] He is 'Amr bin Khârij bin Al-Muntâfiq Al-Asâdi. He was an ally of Abû Sufyân. He is regarded as being from the clan of Al-Ash'âr. He is among the *Sahâba* who settled in Shâm and this *Hadîth* was reported by the people of Basra.

^[4] From this *Hadîth* we come to know that the saliva of a *Halâl* [lawful to eat] animal is also pure. This ruling rests upon establishing that the Prophet ﷺ knew that the saliva of his camel was dripping on Amr's shoulder, in which case it would be considered as his *Taqreer* (tacit approval).

^[5] She is the daughter of Abû Bakr As-Siddiq and the Prophet ﷺ married her 2 years before the *Hijra* in the month of Shawwâl, but wedded her in 1 H. at the age of 9 years. She was very learned and reported many *Abâdîth*. She died on 17 Ramadân 57 H. or 58 H. Abû Huraira رضي الله عنه offered her Funeral prayer and she was buried at Al-Baqî'.

^[6] There is a difference of opinion concerning human semen, whether it is impure or not. Some scholars consider it like saliva or nasal secretion, and according to others it is necessary to wash it. The first group [Al-Hanâfiyya, Mâlikiyâ] and in a saying of Ahmad gives as its proof

that (very) garment, and I could still see the trace of the washing on it. [Agreed upon]. Muslim has: "I used to scrape it (the semen) off the garment of the Allāh's Messenger ﷺ and then he offered prayer wearing it." In yet another narration of Muslim: "Verily! I ('Aisha) used to scrape it (the semen) off his garment with my fingernail while it was dry".

26. Narrated Abū As-Samh^[1]: Allāh's Messenger ﷺ said, "The urine of a baby girl should be washed off and the urine of a baby boy should be sprinkled^[2] (by pouring water over it completely)." [Reported by Abū Dā'ud and An-Nasā'i, and Al-Hākim graded it *Sahīb* (authentic)].

27. Narrated 'Asmā' bint Abū Bakr^[3]: The Prophet ﷺ said regarding menstruation blood that soils a garment, "She should scrape it, rub it with water (using her fingers), then sprinkle [or wash it (with water)]. Then she may pray in it". [Agreed upon].

28. Narrated Abū Huraira رضي الله عنه: Khaula^[4] said, "O Messenger of Allāh, suppose the (traces of) blood does not

يخرج إلى الصلاة في ذلك التوب، وأنا أنظر إلى آخر العسل فيه. متفق عليه. ولمسلم: «لقد كنْت أفرُكُه من تَوْبِ رَسُولِ اللَّهِ فَرَكًا، فَصَلَّى فِيهِ وَفِي لَفْظِهِ لَهُ: الَّذِي كُنْتُ أَحْكُمُ بِإِيمَانِهِ بِطُفُورِي مِنْ ثَوْبِهِ».

(٢٦) وعن أبي السمن رضي الله تعالى عنه قال: قال رسول الله ﷺ: «يُعْسَلُ مِنْ بَوْلِ الْجَارِيَةِ، وَيُرْشَ مِنْ بَوْلِ الْغَلامِ». أخرجه أبو داود والنسائي، وصححه الحاكم.

(٢٧) وعن أسماء بنت أبي بكر رضي الله تعالى عنها، أن النبي ﷺ قال في دم العيض يصبب التوب: «تحتها، ثم تقرضه بالماء، ثم تنضنه، ثم تصلبي فيه». متفق عليه.

(٢٨) وعن أبي هريرة رضي الله تعالى عنه قال: قال خولة: يا رسول الله! فإن لم

the *Hadīth* of scraping it when dry; while the latter group [*Ash-Shafī'iyya* and in a saying of Ahmad] argues from the *Hadīth* of washing the semen. In fact, if it is moist it should be cleaned by washing; and if it is dry it should be cleaned by scraping, rubbing or wiping. (See the book *Nailul-Autār* by Imām Shaukāni and *Subulus-Salam* by Imām As-San'āni)

^[1] His name is Iyyād. He was a manumitted slave and servant of the Prophet ﷺ. Ibn Abdul-Bar said that he was reported to be lost and nobody knew where he died.

^[2] It means that there is a difference in the urine of a boy and girl. In the suckling period, the girl's urine requires washing, while the boy's urine only requires pouring water over the spot soiled by the urine. Most of the scholars hold that the urine of the suckling boy is impure, but the *Shari'ah* has lightened the burden in its cleaning process.

^[3] She is the mother of 'Abdullāh bin Az-Zubair and the elder sister of 'Aisha. She became a Muslim very early in Makkah and migrated to Al-Madīnah. She died less than a month after the killing of her son Ibn Az-Zubair in 73 H. at the age of about 100 years, yet she neither lost a tooth nor suffered from senility. This *Hadīth* shows the great care that must be taken to wash and remove the traces of the blood from menses.

^[4] Khaula bint Yasār was a *Sabābiyya* and Abū Salama bin 'Abdur-Rahmān narrated the *Hadīth* from her.

go?" He said, "(Washing it with) water will suffice you, and its traces won't harm you." [Reported by At-Tirmidhi, and its *Sanad* (chain of narrators) is weak].

يَذْهِبُ الدَّمُ؟ قَالَ: «تَكْفِيكَ الْمَاءُ، وَلَا يَصْرُكُ أَثْرَهُ». أَخْرَجَهُ التَّرْمِذِيُّ، وَسَنَدُهُ ضَعِيفٌ.

Chapter 4 WUDU' (ABLUTION)

٤ - بَابُ الْوُضُوءِ

29. Narrated Abū Huraira رضي الله تعالى عنه عن Messenger ﷺ said, "If it were not that I would burden my *Ummah* (followers), I would have commanded them to use *Siwāk*^[1] (stick toothbrush) along with every ablution." [Reported by Mālik, Ahmad and An-Nasā'i. Ibn Khuzaima graded it *Sabib* (authentic) and Al-Bukhāri mentioned as a *Mu'allaq* (broken chain from the side of the collector, i.e. Al-Bukhari)].

(٢٩) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: «لَوْلَا أَنْ أَشَقَّ عَلَى أَمْمَيِّ لَأَمْرَنُهُمْ بِالسَّوَابِقِ مَعَ كُلِّ وُضُوءٍ». أَخْرَجَهُ مَالِكٌ وَأَحْمَدٌ وَالشَّافِعِيُّ، وَصَحَّحَهُ ابْنُ حُزَيْنَةَ، وَذَكَرَهُ الْبَخَارِيُّ تَعْلِيقًا.

30. Narrated Humrān^[2], the manumitted slave of 'Uthmān^[3]: 'Uthmān رضي الله تعالى عنه called for water to perform ablution. He washed the palms of his hands three times, then rinsed his mouth and sniffed water in his nose and then blew it out. He then washed his face three times. Thereafter he washed his right hand up to [and including] his elbow three times,^[4] then the left one in the

(٣٠) وَعَنْ حُمَرَانَ مَوْلَى عُثْمَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ عُثْمَانَ دَعَا بِوَضُوءٍ فَغَسَلَ كَفَّيْهِ ثَلَاثَ مَرَاتٍ، ثُمَّ تَمَضْسَضَ وَاسْتَشَقَ وَاسْتَثَرَ، ثُمَّ غَسَلَ وَجْهَهُ ثَلَاثَ مَرَاتٍ، ثُمَّ غَسَلَ يَدَهُ الْيُمْنَى إِلَى الْمُرْفَقِ ثَلَاثَ مَرَاتٍ، ثُمَّ الْيُسْرَى مِثْلَ ذَلِكَ، ثُمَّ سَعَ بِرَأْسِهِ، ثُمَّ غَسَلَ رِجْلَهُ الْيُمْنَى إِلَى الْكَعِينَيْنِ ثَلَاثَ مَرَاتٍ، ثُمَّ الْيُسْرَى

[1] It means that the use of *Siwāk* (tooth cleaning stick from the *Araak* tree) with every ablution is *Sunnah* [the way of the noble Prophet ﷺ]. The *Hadīth* reported by Muslim mentions that *Siwāk* should be used before every prayer. Thus, if someone is going to offer prayers having previously performed ablution, even then he should use *Siwāk*. These *Abādīth* show the emphasis on constant use of *Siwāk* for the cleaning of teeth. However, it is *Sunnah* (supererogatory) and not *Wājib* (compulsory). Other times when *Siwāk* is encouraged is when reading the Qur'an, awakening from sleep and whenever there is any change in the condition of the mouth (i.e. odors).

[2] Humrān bin Abān was caught by Khālid bin Al-Walid in a war during Abū Bakr's caliphate. He was purchased by 'Uthmān who freed him. He is trustworthy of the 2nd grade in the reporting of *Abādīth*. He died in 75 H.

[3] The third of the Rightly Guided Caliphs. He accepted Islam early and married Ruqaiya and then Umm Kulthum, daughters of the Prophet ﷺ and was therefore nicknamed *Dhūn-Nūrain* (the possessor of the two lights, i.e. the daughters of the Prophet ﷺ). He was killed as a martyr on Friday, 18th Dhul Hijja, 35 H.

[4] In this *Hadīth* washing of face, hands and feet is stated to be done three times each, whereas in others, two times and one time washing is regarded as enough. Imām Nawawi has written the consensus of opinions that washing once is *Fard* (obligatory).

same manner, then he wiped his head (with wet hands). Then he washed his right foot, up to [and including] the ankle three times, then the left one in the same manner. He then said, "I saw Allāh's Messenger ﷺ performing ablution like this ablution of mine." [Agreed upon].

31. Narrated 'Ali^[1] regarding the description of the ablution of the Prophet ﷺ: He (the Prophet ﷺ) wiped his head (with wet hands) one time.^[2] [Reported by Abū Dā'ud. An-Nasā'i and At-Tirmidhi reported it with a *Sabib Sanad* (authentic chain of narrators). At-Tirmidhi said, "It's the most authentic *Hadīth* on this subject"].

32. Narrated 'Abdullāh bin Zaid bin 'Aasim^[3] regarding the description of ablution: Allāh's Messenger ﷺ wiped his head from the forehead back [up to, but *not* including the nape of the neck] and then back to the forehead^[4] with his two (wet) hands. [Agreed upon].

And in another narration of theirs: "He began from the front of his head and took them (his wet hands) to the back of his head and then returned them to the place he had started from."

33. Narrated Abdullāh bin 'Amr^[5] regarding the description of the

مثَلَ ذَلِكَ، ثُمَّ قَالَ: رَأَيْتُ رَسُولَ اللهِ ﷺ تَوَضَّأَ تَخْرُجَ وُضُوئِي هَذَا مُتَقِنٌ عَلَيْهِ.

(٣١) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ - فِي صِفَةِ وُضُوءِ النَّبِيِّ ﷺ - قَالَ: وَسَسَحَ بِرَأْسِهِ وَاحِدَةً. أَخْرَجَهُ أَبُو دَاوُدُ، وَأَخْرَجَهُ التَّرمِذِيُّ بِإِنَّهُ أَصَحُّ شَيْءٍ فِي الْبَابِ.

(٣٢) وَعَنْ عَبْدِ اللهِ بْنِ زِيدِ بْنِ عَاصِمٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ - فِي صِفَةِ الْوُضُوءِ - قَالَ: وَسَسَحَ رَسُولُ اللهِ ﷺ بِرَأْسِهِ فَأَقْبَلَ بِيَدِيهِ وَأَذْبَرَ مُتَقِنٌ عَلَيْهِ.

وَفِي لَفْظِ لَهُمَا: يَدَا يُمْقَدَّمَ رَأْسِهِ حَتَّى ذَهَبَ بِهِمَا إِلَى قَفَاهُ، ثُمَّ رَدَهُمَا حَتَّى رَجَعَ إِلَى الْمَكَانِ الَّذِي يَدَا مِنْهُ.

(٣٣) وَعَنْ عَبْدِ اللهِ بْنِ عَمْرُو رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا - فِي صِفَةِ الْوُضُوءِ - قَالَ: ثُمَّ

^[١] The fourth of the Rightly Guided Caliphs. He fought all the battles except Tabuk, for the Prophet ﷺ had left him as in-charge in Al-Madinah. An evildoer called 'Abdur-Rahmān bin Mu'ljam killed him as a martyr on Friday morning 17th Ramadān 40 H. at Kufa.

^[٢] It is legislated to wipe the head (*Mash*) only one time. Some scholars hold that wiping the head three times is also legislated.

^[٣] He was an *Ansāri* belonging to Bani Māzin from An-Najār clan. He fought at Uhud and killed Musailima Al-Kadhdhāb together with Wahshi on Al-Yamāma Day. He was killed on the day of Al-Harrah in 63 H.

^[٤] This *Hadīth* tells us that *Mash* (wiping) of head should be started from the front – covering the whole head – and then returning to the starting point.

^[٥] He is the son of 'Amr bin Al-'Aas Al-Qurashi. He became a Muslim before his father who was older than him by 13 years. He was an *'Aalim* (learned), memorized *Abadīth* and was very pious. He died in the 63 H. or 70 H.

ablution: "Then he (Allāh's Messenger ﷺ) wiped his head, inserted his index fingers in his ears and wiped the exterior of his ears with his thumbs."^[1] [Reported by Abū Dā'ud and An-Nasā'i. Ibn Khuzaima graded it *Sabib* (authentic)].

مسح بِرَأْسِهِ وَأَذْكُلْ إِصْبَعَيِهِ السَّبَّاحَتَيْنِ في أذنيه، ومسح بِإِنْهَامِيَّةِ عَلَى ظَاهِرِ أَذْنِيهِ. أخرجه أبو داود والنسائي، وصححه ابن خزيمة.

34. Narrated Abū Huraira رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "When one of you wakes up from his sleep, he must clean his nose (with water, by sniffing it in and then blowing it out) three times, for Satan spends the night inside one's nostrils."^[2] [Agreed upon].

(٣٤) وعن أبي هريرة رضي الله تعالى عنه قال: قال رسول الله ﷺ: «إذا استيقظ أحدكم من متامه فليسترش ثلاثاً، فإن الشيطان يبت على خيشومه». متفق عليه.

35. Narrated (Abū Huraira رضي الله تعالى عنه): (Allāh's Messenger ﷺ said,) "When one of you wakes up from his sleep, he must not put his hand in a utensil till he has washed it three times,^[3] for he does not know where his hand was (while he slept)." [Agreed upon, and this is Muslim's wording].

(٣٥) وعنه: «إذا استيقظ أحدكم من نومه فلا يغمس يده في الإناء حتى يغسلها ثلاثاً، فإنه لا يدرى أين باش يدُه». متفق عليه، وهذا لفظ مسلم.

36. Narrated Laqit bin Sabra رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "Perform a perfect *Wudu'* (ablution), run (your fingers) through the fingers (of the hands) as well as between the toes,^[4] and sniff

(٣٦) وعن لقيط بن صيره رضي الله تعالى عنه قال: قال رسول الله ﷺ: «أشبغ الوضوء، وتحلل بين الأصابع، وتالغ في

^[1] It means that the ears are to be wiped internally and externally, with the same water used for wiping the head. The side close to the head is external and near the face is internal. At-Tirmidhi – after narrating the *Hadīth* concerning wiping of the ears internally and externally – says: The religious scholars act in accordance with this *Hadīth*.

^[2] Satan's spending the night inside the nostrils of a man is plausible. However, its actual state is better known to Allāh. It may be that this is a figurative expression, because bad excretions gather in the nose and cause laziness, indolence, slackness and negligence. And all these states are satanic dispositions. Blowing water out of the nose upon awakening from sleep might be performed as an individual act, or along with ablution. It is considered obligatory by Ahmad, while the majority of scholars consider it *Sunnah*.

^[3] It means that hands should not be dipped in the ablution water container, as the word 'ablution' is present in some of the *Abādīth* narrated by Bukhāri. Allamah Ibn Hajar, in his book *Fath Al-Bārī*, says: Although this *Hadīth* apparently seems to be related to the utensils of ablution, it includes all other utensils and bathing water containers. However, if there is a big pool or tank of water then it is permissible to immerse hands in it. This is applicable whether one awakens from the sleep during the night or day. However, Ahmad views it as obligatory upon awakening from sleep of the night.

^[4] It means that both fingers and toes should be washed completely and carefully. It also shows the obligation of performing ablution perfectly, washing every member required in

water up well inside the nose, unless you are fasting.” [Reported by *Al-Arba'a*,^[1] and Ibn Khuzaima graded it *Sabib* (authentic)]. In another narration, Abū Dā'ud has: “If you perform ablution, then rinse your mouth.”

37. Narrated ‘Uthmān : While performing *Wudu'*, the Prophet ﷺ would run (his) fingers through his beard.^[2] [Reported by At-Tirmidhi, and Ibn Khuzaima graded it *Sabib* (authentic)].

38. Narrated ‘Abdullāh bin Zaid : Two-thirds of a *Mudd*^[3] (of water) was brought to the Prophet ﷺ (for ablution) so he was rubbing his forearms (between the wrist and the elbow). [Reported by Ahmad, and Ibn Khuzaima graded it *Sabib* (authentic)].

39. Narrated (‘Abdullāh bin Zaid) : He saw the Prophet ﷺ taking some water to wipe his ears, other than the water he had taken to wipe his head. [Reported by Al-Baihaqi, who said that its *Isnād* (chain of narrators) is authentic, At-Tirmidhi also graded it *Sabib* (authentic)].

It has been reported by Muslim, through the same chain as Al-Baihaqi's, with the wording: “he wiped his head with water other than the water remaining from the washing of the hands,” and this narration (of Muslim)

ablution, and washing the mouth and nose thoroughly except the fasting person.

[1] Abu Dā'ud, Tirmidhi, Nasā'i and Ibn Mājah.

[2] During the performance of ablution, combing of beard with the fingers is *Sunnah* (supererogatory) and not *Wājib* (compulsory) according to most of the Companions, as reported by Al-Bukhari.

[3] This is the least quantity of water mentioned for ablution. In some *Abādīth* [Muslim reported from Safina], a full *Mudd* (مده) has been mentioned. One *Mudd* is about six hundred grams. No maximum limit of water has been fixed. Therefore, any amount of water may be used for ablution and bath. However, one must avoid waste. This *hadīth* also shows that it is legislated to rub the parts of the body which are washed in ablution. Some scholars hold that it is obligatory.

الاشتئشاف، إلا أن تكون صائماً». أخرجه الأزبي، وصححه ابن حزم. ولابي داود في روايته: «إذا توضأ فمضمض». رواية:

(٣٧) وعن عثمان رضي الله تعالى عنه: أن النبي ﷺ كان يخلل لحيته في الوضوء. أخرجه الترمذى، وصححه ابن حزم.

(٣٨) وعن عبد الله بن زيد رضي الله تعالى عنه: أن النبي ﷺ أتى بشئ معد فجعل يذلل ذراعيه. أخرجه أحمد، وصححه ابن حزم.

(٣٩) وعن رأى النبي ﷺ يأخذ لأذنيه ماء خلاف الماء الذي أخذه لرأسه. أخرجه البهقى، وقال: إسناده صحيح، وصححه الترمذى أيضاً.

وهو عند مسلم من هذا الوجه بلفظ: ومسح برأسه بماء غير فضل بيته. وهو المحفوظ.

is *Al-Mabfuz* (i.e. the correct narration - which is acted upon; not the one reported by Al-Baihaqi).

40. Narrated Abū Huraira ﷺ: I heard Allāh's Messenger ﷺ saying, "My people will come on the Day of Resurrection with radiant faces, hands and feet from the traces of *Wudu'* (ablution). If any of you can extend his brightness,^[1] let him do so." [Agreed upon and this is Muslim's wording].

41. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ loved to begin with the right while putting on his shoes, combing his hair, in his purification and in all his affairs.^[2] [Agreed upon].

42. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "When you perform ablution, begin with your right limbs." [Reported by *Al-Arba'a*^[3] and graded *Sabib* (authentic) by Ibn Khuzaima].

43. Narrated Al-Mughira bin Shu'ba^[4]: The Prophet ﷺ performed ablution and passed wet hands on his forelock, over the turban and over the two leather socks.^[5] [Reported by Muslim].

44. Narrated Jābir bin 'Abdullāh^[6]

(٤٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: إِنَّ أَمْتَنِي يَأْتُونَ يَوْمَ الْقِيَامَةِ غُرْمًا مُحَجَّلِينَ مِنْ أَثْرِ الْوُضُوءِ، فَمَنْ اشْتَطَاعَ مِنْكُمْ أَنْ يُطْلِيلَ غُرْمَةً فَلْيَعْمَلْ. مُتَقَرَّ عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ.

(٤١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ يُغْبِهُ التَّيْمُونَ فِي تَنْعِيلٍ وَتَرْجِلِهِ وَطَهُورِهِ، وَفِي شَانِيهِ كُلِّهِ. مُتَقَرَّ عَلَيْهِ.

(٤٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا تَوَضَّأْتُمْ فَابْدُعُوا بِمِيَاهِنَّكُمْ». أَخْرَجَهُ الْأَزْبَعُ وَصَحَّحَهُ ابْنُ حُرَيْمَةَ.

(٤٣) وَعَنْ الْمُغَиْرَةِ بْنِ شَعْبَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ, أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ تَوَضَّأَ فَمَسَحَ بِنَاصِيَتِهِ وَعَلَى الْعِمَامَةِ وَالْحَقْفِينِ. أَخْرَجَهُ مُسْلِمٌ.

(٤٤) وَعَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى

[١] It may have more than one meaning. It may mean washing of limbs more than the minimum limits, for example, washing of hands up to the shoulders and washing of feet up to the knees, as was understood by Abū Huraira ﷺ. It may also mean that every limb should be washed three times, instead of washing it one time - the minimum limit for washing. It may also mean to perform ablution again and again or to remain with ablution all the time.

[٢] This mode of action of the noble Prophet ﷺ was for noble actions, for other actions like coming out of mosque and entering a toilet etc., one should proceed with the left foot first.

[٣] Abū Dā'ud, Tirmidhi, Nasā'i and Ibn Mājah.

[٤] Abū 'Abdullah or Abū 'Isā, Al-Mughira bin Shu'ba bin Mas'ud Ath-Thaqafi was a prominent *Sababi*. He became a Muslim in the year of the *Khandaq* (trench) and migrated. He first participated in Al-Hudaibiya. He died in 50 H. in Kūfa.

[٥] This *Hadīth* makes it clear that wiping over a turban is legislated. There are two forms of it. First, to wipe partly on the turban and partly on the forelock. There is no difference of opinion on this form of action. Secondly, to wipe over the turban alone. There is a difference of opinion on this, but it is supported by a *Sabib Hadīth* narrated by Tirmidhi, and it is the opinion of Ahmad and Ibn Al-Qayyim.

[٦] Jābir was an *Ansāri* from Sulami clan and he was nicknamed Abū 'Abdullāh. He was among the eminent *Sabābi*. He fought at Badr though some said that he witnessed neither

regarding the description of the *Hajj* (pilgrimage) of the Prophet ﷺ: He (ﷺ) said, "Begin with what Allāh had begun with."^[1] [Reported by An-Nasā'i in this way – in the command form (*al-amr*) while Muslim has reported it in the informative form (*al-khabar*).^[2]].

45. Narrated Jabir bin 'Abdullāh: The Prophet ﷺ used to run the water down his elbows while performing ablution. [Reported by Ad-Dāraqutni with a *Da'if* (weak) chain of narrators].

46. Narrated Abū Huraira رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "There is no *Wudu'* (ablution) for one who does not mention Allāh's Name upon it."^[3] [Reported by Ahmad, Abū Dā'ud and Ibn Mājah with a weak chain of narrators]. At-Tirmidhi reported something similar to the above from Sa'īd bin Zaid^[4] and Abū Sa'īd. Ahmad said: There is nothing authenticated concerning this matter.]

47. Narrated Talha bin Musarrif,^[5]

Badr nor Uhud, but took part in those battles that followed them. He was also at Siffin. He was among the memorizers of many *Abādith*. He became blind towards the end of his life, and died in 74 H. at the age of 94 years. It is reported that he was the last *Sabābi* to die at Al-Madīnah.

^[1] The Noble Qur'ān has mentioned As-Safa in the first place among As-Safa and Al-Marwa. The noble Prophet ﷺ started *Sa'i* (running between Safa and Marwa during *Hajj* and *'Umrah*) from the Safa side. Hence, one should start ablution in the same manner, starting from washing of the face, then hands up to elbows; then wipe the head and wash the feet – following the order mentioned in the Qur'an.

^[2] In Muslim's narration the word *بِمَا* has been used in the Arabic text, in the sense of giving information (i.e. I begin with...) instead of the command form (i.e. Begin with...), as in the narration of An-Nasā'i.

^[3] In this regard, there exist supporting *Abādith* (though weak) which strengthen one another concerning the pronouncement of *بِسْمِ اللَّهِ* before performing ablution. The correct position is that the pronouncement of *بِسْمِ اللَّهِ* is *Sunnah*, according to the *Hanafiyā* and *Shafī'iyyā* schools. Ahmad holds that it is obligatory for the one who remembers to do so, while the one who forgets is pardoned.

^[4] He is Sa'īd bin Zaid bin 'Amr Al-Qurashi, nicknamed Abū Al-A'war and is one of the ten who were promised Paradise. He accepted Islam very early and was married to Fatima, the sister of 'Umar, and they were both instrumental in 'Umar becoming a Muslim. He fought all the battles except Badr, because he was away looking for the caravan. He died in 51 H. and was buried at Al-Baqī'.

^[5] He is Abū Muhammad or Abū 'Abdullāh Talha bin Musarrif. He was a reliable *Tābi'i* (see

عنهما - في صفة حجّ النبي ﷺ - قال ﷺ: «ابنُوا بِمَا بَدَأَ اللَّهُ بِهِ». أخرجه التسائي مكتناً بلفظ الأمر، وهو عند مسلم بلفظ الخبر.

(٤٥) وعنْهُ قَالَ: كَانَ النَّبِيُّ ﷺ إِذَا تَوَضَّأَ أَدَارَ الْمَاءَ عَلَى مِرْفَقَيْهِ. أَخْرَجَهُ الدَّارْقُطْنِيُّ بِإِشْتِدَادٍ ضَعِيفٍ.

(٤٦) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا وُضُوءٌ لِمَنْ لَمْ يَذْكُرْ اسْمَ اللَّهِ عَلَيْهِ». أَخْرَجَهُ أَحْمَدُ وَأَبْيُونَ دَوْدَةً وَابْنَ زَيْدٍ وَأَبِي سَعِيدٍ ثَحْوَةً. وَقَالَ أَحْمَدُ: لَا يَبْثُثُ فِيهِ شَيْءٌ.

(٤٧) وَعَنْ طَلْحَةَ بْنِ مُصْرِفٍ عَنْ أَبِيهِ عَنْ [٥]

quoting his father on the authority of his grandfather^[1]: "I saw Allāh's Messenger ﷺ rinsing his mouth and sniffing water up his nose and then blowing it out with separate scoops^[2] of water." [Reported by Abū Dā'ud with a *Da'iif* (weak) chain of narrators].

48. Narrated 'Ali ‹ regarding the description of *Wudu'* (ablution): The Prophet ﷺ rinsed (his mouth) and cleaned (his nose) sniffing up the water and then blowing it out three times. He sniffed up and blew his nose with the same hand from which he took the water. [Reported by Abū Dā'ud and An-Nasā'i].

49. Narrated 'Abdullāh bin Zaid ‹ regarding *Wudu'* (ablution): The Prophet ﷺ put his hand (in the utensil) rinsed (his mouth) and cleaned (his nose) from one scoop (of water) (sniffing it up and blowing it out). He did that three times. [Agreed upon].

50. Narrated Anas ‹: The Prophet ﷺ saw a man on whose foot appeared a portion like the size of a fingernail which was not touched by water. He then said, "Go back and perform your *Wudu'* (ablution) properly.^[3]" [Reported by Abū Dā'ud and An-Nasā'i].

glossary) of the 5th grade. He was a righteous reciter of the Qur'an, and died in 112 H. His father Musarrif is *Majbūlu-Hāl* (i.e. uncertified as a reliable reporter) and this is one of the causes of this *Hadīth* being considered *Da'iif* (weak).

^[1] He is called Ka'b bin 'Amr or 'Amr bin Ka'b bin Juhdub Al-Yāmī – descending from a Yamani tribe called Yām of Hamadān. Ibn 'Abdul-Bār said he (Ka'b) settled in Kufa and is a *Sahabī*.

^[2] This *Hadīth* suggests that the noble Prophet ﷺ used to take water separately for cleaning the nose and rinsing the mouth. According to the author, this *Hadīth* is *Da'iif* (weak). According to Al-Bukhāri and Muslim [see the following *Hadīth*, no. 49], the noble Prophet ﷺ used a single handful of water for rinsing the mouth and cleaning the nose. Imām Nawawi has described five manners of rinsing the mouth and cleaning the nose and considered as correct the manner recorded by Al-Bukhāri and Muslim.

^[3] This *Hadīth* makes it clear that *Ghusl* (washing) of the whole foot is obligatory. In a *Hadīth* recorded by Muslim, it is stated that the Fire is for that part of the foot that is dry. In this *Hadīth*, there is repudiation for those who consider the *Mash* (wiping) of foot as proper and acceptable; or those who consider the *Mash* (wiping) and *Ghusl* (washing) both compulsory; or those who consider *Mash* and *Ghusl* both permissible.

جَدُوْ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَصْبِلُ بَيْنَ الْمَضْمَضَةِ وَالْإِسْتِشَاقِ. أَخْرَجَهُ أَبُو دَاوُدْ بِإِسْنَادٍ ضَعِيفٍ.

(٤٨) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ - فِي صِفَةِ الْوُضُوءِ - قَالَ: لَمْ تَمَضِمْ بِاللَّهِ وَاشْتَرِ تَلَاثًا، يُمَضِّقُ وَيَسْرُ مِنَ الْكَفَّ الَّذِي يَأْخُذُ مِنْهُ الْمَاءَ. أَخْرَجَهُ أَبُو دَاوُدْ وَالشَّنَائِيْ.

(٤٩) وَعَنْ عَبْدِ اللَّهِ بْنِ زَيْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ - فِي صِفَةِ الْوُضُوءِ - قَالَ: لَمْ أَذْخُلْ بِاللَّهِ بَدَةً فَمَضِمْضًا وَاسْتِشَاقًا مِنْ كَفَّ وَاحِدٍ، يَفْعَلُ ذَلِكَ تَلَاثًا. مُتَقَوِّلٌ عَلَيْهِ.

(٥٠) وَعَنْ أَبِي رَضِيِّ اللَّهُ تَعَالَى عَنْهُ قَالَ: رَأَى النَّبِيُّ ﷺ رَجُلًا وَفِي قَدْمِهِ مِثْلُ الظَّفَرِ لَمْ يُغْبِيْهُ الْمَاءُ، قَالَ: «اْرْجِعْ فَأَحْسِنْ وُضُوعَكَ». أَخْرَجَهُ أَبُو دَاوُدْ وَالشَّنَائِيْ.

51. Narrated (Anas) ﷺ: Allāh's Messenger ﷺ used to perform ablution with one *Mudd*^[1] (of water) and perform *Ghusl* (bath) with one *Sa'*^[2] to five *Mudd* (of water). [Agreed upon].

52. Narrated 'Umar^[3]: Allāh's Messenger ﷺ said, "If one of you performs ablution thoroughly, then recites (the following supplication): (*Ash-hadu an lā ilāha ill-Allāhu wahdahu lā sharika lahu, wa ash-hadu anna Muhammada-n 'Abduhu wa Rasūluhu*) 'I testify that there is no one worthy of worship but Allāh, He is Alone and has no partner and I testify that Muhammad is His slave and His Messenger,' - all the eight gates of Paradise will be opened for him and he may enter through any gate he wishes." [Reported by Muslim and At-Tirmidhi who added (the following words to the supplication): (*Allāhumma aj'alni minat-tawwabina waj'alni min Al-mutabbirina*) "Oh Allāh! Include me among those who repent often and those who keep themselves pure"].

Chapter 5 Mash (Wiping) over Khuffain (Two Leather Socks)

53. Narrated Mughira bin Shu'ba : Once I was in the company of the Prophet ﷺ. He then performed ablution and I reached down to take off

(٥١) وَعَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَتَوَضَّأُ بِالْمَدْ، وَيَغْتَسِلُ بِالصَّاعِ إِلَى خَمْسَةَ مَدَادٍ مُتَقْسِفٌ عَلَيْهِ.

(٥٢) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْكُمْ مَنْ أَحَدَ يَتَوَضَّأُ فَيَشْبِعُ الْوُضُوءَ، ثُمَّ يَقُولُ: أَشْهُدُ أَنَّ لَا إِلَهَ إِلَّا اللَّهُ، وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهُدُ أَنَّ مُحَمَّداً عَبْدُهُ وَرَسُولُهُ، إِلَّا فَيُحَكِّمُ لَهُ أَبْوَابُ الْجَنَّةِ». أَخْرَجَهُ مُسْلِمٌ وَالتَّرمِذِيُّ، وَزَادَ: «اللَّهُمَّ اجْعَلْنِي مِنَ التَّوَّابِينَ وَاجْعَلْنِي مِنَ الْمُتَطَهِّرِينَ».

٥ - بَابُ الْمَسْحِ عَلَى الْخَفَّيْنِ

(٥٣) عَنْ الْمُغَиْرَةِ بْنِ شُعْبَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كُنْتُ مَعَ النَّبِيِّ ﷺ، فَتَوَضَّأَ فَأَهْوَيْتُ لِأَنْزَعَ خَفَّيْنِي، فَقَالَ: «دَعْهُمَا فَإِنِّي أَدْخَلْنُهُمَا

^[1] One *Mudd* (مد) is equal to six hundred grams approx., and one *Sa'* (صاع) is equal to a little more than two and a half kilograms, and this is the least quantity to be used. It means that one should be very careful in the use of water.

^[2] One *Sa'* is equivalent to 4 *Mudd* or 2660 grams.

^[3] The second Guided Caliph who was unique throughout history. He filled the world with wisdom, justice and conquests. He was Quraish's ambassador during the *Jabilaya* (ignorance) period. He accepted Islam in Dhul Hijja, the 6th year of the Prophethood and fought all the battles. He made conquests in Iraq, Persia, Shām, Egypt and other places. He was killed by Abū Lu'l'u'a, a slave of Al-Mughira bin Shu'ba and died as a martyr on 1st Muharram 24 H.

his socks (*Khuffain*). He said, "Leave them for I have put them on in a state of purification."^[1] So he wiped over them. [Agreed upon].

54. *Al-Arba'a* except An-Nasā'i reported from (Al-Mughira): The Prophet ﷺ wiped over the upper part of the leather socks and the under part of it. [There is *Da'f* (weakness) in its chain of narrators].

55. Narrated 'Ali ‹: If the religion were based on opinion,^[2] it would be more fitting to wipe the under parts of the leather socks rather than the upper. However, I have seen Allāh's Messenger ﷺ wiping over the upper parts of his leather socks. [Reported by Abu Dā'ud with a *Hasan* (good) *Isnād* (chain of narrators)].

56. Narrated Safwan bin 'Assāl^[3] ‹: When we were on a journey,^[4] the Prophet ﷺ used to command us not to remove our leather socks (for washing our feet in ablution) for three days and three nights,^[5] even if we had to

طَاهِرٌ بَيْنَ فَمَسَحَ عَلَيْهِمَا مُتَقْعِدٌ عَلَيْهِمَا.

(٥٤) وللأربعة عنده إلـا الشـائـعـيـ: أـنـ النـبـيـ ﷺ مـسـحـ أـعـلـىـ الـخـفـ وـأـسـفـلـهـ. وـفـيـ إـشـنـادـهـ ضـفـقـ.

(٥٥) وـعـنـ عـلـيـ رـضـيـ اللـهـ تـعـالـىـ عـنـهـ قـالـ: لـوـ كـانـ الدـيـنـ بـالـرأـيـ لـكـانـ أـسـفـلـ الـخـفـ أـوـلـىـ بـالـمـسـحـ مـنـ أـغـلـامـ، وـقـدـ رـأـيـتـ رـسـوـلـ اللـهـ ﷺ يـمـسـحـ عـلـىـ طـاهـيرـ حـنـيـةـ. أـخـرـجـ أـبـوـ دـاؤـدـ يـاسـنـادـ حـسـنـ.

(٥٦) وـعـنـ صـفـوـانـ بـنـ عـسـلـيـ رـضـيـ اللـهـ تـعـالـىـ عـنـهـ قـالـ: كـانـ النـبـيـ ﷺ يـأـمـرـنـا إـذـا كـنـا سـفـرـاـ أـنـ لـأـ شـرـعـ خـفـافـنـا تـلـاثـةـ أـيـامـ وـلـيـلـيـهـنـ إـلـاـ مـنـ جـنـائـةـ، وـلـكـنـ مـنـ غـائـطـ وـبـولـ وـنـوـمـ.

^[1] *Mash* (wiping) over the upper side of socks is allowed by the general body of Muslim scholars with its conditions. One of those conditions is that one should have put on the socks after performing ablution. Hence, if socks have been worn without performing an ablution then wiping over the socks is not permissible. Also, it should be known that the *Hadīth*, which indicates wiping the bottom of socks, is not authentic.

^[2] It means that the religious commands and prohibitions are based on Revelation (Qur'an and *Sunnah*) and not on the opinions of men. Hence, one cannot accept or reject the *Shari'ah* rulings based on ones comprehension of them or lack of it. Nonetheless, this does not mean that the commands and prohibitions of religion are necessarily against the intellect and wisdom. This *Hadīth* also proves that giving a verdict against a *Sabib* (authentic) *Hadīth* is not allowed. This has been clarified in Islamic Jurisprudence and its principles.

^[3] Safwān bin 'Assāl Al-Murādi Al-Jumali was a well-known *Sabibī* who had accompanied the Prophet ﷺ in twelve *Ghazwāt* (expeditions). He settled at Kufa and it is said that among the *Sahāba*, only 'Abdullāh bin Mas'ūd reported *Hadīth* from him.

^[4] *Mash* (wiping) over the socks is proper and legally proven by *Abadīth*. There are more than eighty (80) Companions of the noble Prophet ﷺ who have narrated and reported about this topic. '*Asbra-e-Mubashshara* (عشرة مبشرة) - ten pious companions of the noble Prophet ﷺ who were given the glad tiding of Paradise in this world) are also included in the list of reporters. Ibn 'Abdul-Barr has related the consensus of opinion concerning this issue.

^[5] It means that *Mash* (wiping) is allowed for a traveler up to three days and nights, and for a resident up to twenty-four hours. This time period allowed for *Mash* starts when someone

آخرَجَهُ التَّسَائِيُّ وَالْتَّرْمِذِيُّ، وَاللَّفْظُ لَهُ، وَابْنُ حُرَيْمَةَ وَصَحَّاهُ.

answer the call of nature (urination or defecation) or slept. However, in case of *Janaabah* (ejaculation or sexual impurity), [he commanded us to remove the leather socks] (in order to take a complete *Ghusl*). [Reported by An-Nasā'i and At-Tirmidhi, and the wording is At-Tirmidhi's. He and Ibn Khuzaima graded it *Sabib* (authentic)].

57. Narrated 'Ali : The Prophet ﷺ fixed the period of *Mash* (wiping) over the leather socks (*Khifāf* – plural of *Khuff*) for three days and nights for a traveler and one day and a night for the resident person (in a town). [Reported by Muslim].

58. Narrated Thawbān^[1] : Allah's Messenger ﷺ sent out a *Sariyah* (a small group of soldiers) on a military expedition and commanded them to wipe over the turbans^[2] and leather socks. [Reported by Ahmad and Abū Dā'ud. Al-Hākim graded it *Sabib* (authentic)].

59. Narrated 'Umar in a *Mawqūf*

(٥٧) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: جَعَلَ النَّبِيُّ ﷺ مَلَاثَةً أَيَّامَ وَلِيَالِيهِنَّ لِلْمُسَافِرِ، وَيَوْمًا وَلَيْلَةً لِلْمُقْيِمِ، يَعْنِي فِي الْمَسْحِ عَلَى الْحُفَّيْنِ. أَخْرَجَهُ مُسْلِمٌ.

(٥٨) وَعَنْ ثَوْبَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: بَعَثَ رَسُولُ اللَّهِ ﷺ سَرِيَّةً فَأَمْرَهُمْ أَنْ يَمْسُحُوا عَلَى الْعَصَابَاتِ، يَعْنِي الْعَمَائِمَ، وَالسَّاخِنَاتِ، يَعْنِي الْخِفَافَ. رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدَ، وَصَحَّاهُ الْحَاكِمُ.

(٥٩) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ مَوْقُوفًا،

renews their ablution – using the permission of *wiping* over their socks – after having nullified their previous ablution; not from the time of wearing the socks, nor from the time of nullification of ablution. [See: *Rabmat Al-Ummah*, Shaykh Muhammad Abdur-Rahman Ad-Dimashqi, pg. 21; *Fiqh Al-Ibādāt*, Shaykh Al-Uthaimeen, pg. 117, Question no. 73; *Taysir Al-'Allām*, Shaykh Abdullāh Al-Bassām, *Hadīth* no. 22]. The way of carrying out *Mash* (مسح – wiping) is by wetting the hands with water and wiping the upper surface of the foot. Al-Imām As-San'āni says: There are no authentic *Hadīth* concerning the exact manner of wiping, except the (previously mentioned) *Hadīth* of 'Ali (no. 55). After the completion of the permitted time or by passing of wind, urine, etc., *Mash* nullifies, and similarly, it is cancelled by all those things that cancel or nullify ablution. *Mash* is resorted to with ablution only, and is not allowed with the performance of *Ghusl* (bath).

^[1] He is Thaubān bin Bujdud bin Jahdar, who was nicknamed Abū 'Abdullāh. He was an inhabitant of As-Surāt which is a place between Makkah and Al-Madinah. It was also said that he was from Himyar. He stayed with the Prophet ﷺ throughout his life, then settled in Shām and later on moved to Hims, in which he died in 54 H.

^[2] In the Arabic text the word '*Asā'ib* (عصائب) is used – meaning a bandage which is used for dressing of wounds; or in case of a broken leg or arm, the wrapping over the wooden strips around the broken bone. Here, however, it refers to the *turban*. This *Hadīth* is a proof that wiping over the turban is allowed just as wiping over socks is allowed, as held by Ahmad and others. However, the majority disallows wiping over the turban (contrary to this *Hadīth*). Some said: ...except for some need, such as in cold weather.

report (saying of a companion), and Anas in a *Marfū'* (attributed to the Prophet) *Hadīth*: "If one of you performs ablution and puts on his two leather socks, let him perform *Mash* (wipe) over them (with water) and pray in them, and he may not take them off during washing for ablution, if he so wishes,^[1] except (in case of bathing) for *Janābah* (ejaculation or sexual impurity). [Reported by Ad-Dāraqutni and Al-Hākim and the latter graded it *Sabib* (authentic)].

60. Narrated Abū Bakr^[2]: The Prophet ﷺ gave permission for the traveler to perform *Mash* (wiping) over his leather socks for three days and nights and for a non-traveler (resident) for a day and a night, if he had purified himself (by performing ablution) and then put them on (i.e. in a state of purity). [Reported by Ad-Dāraqutni, and graded *Sabib* (authentic) by Ibn Khuzaima].

61. Narrated Ubai bin 'Imāra^[3]: I asked, "O Messenger of Allāh, may I wipe over the *Khuffain* (leather socks)?" The Prophet ﷺ replied, "Yes". I asked, "For one day?" He replied, "Yes (for one day)". I again asked, "And for two days?" He replied, "Yes (for two days too)". I again asked, "And for three days?" He replied, "Yes, and as long as you wish". [Reported by Abū Dā'ud, who said, "It is not strong."^[4]]

^[1] 'If he so wishes' is applicable within the permitted time for *Mash* (wiping). After completion of the time allowed for *Mash*, it is a must to take off the socks and perform ablution afresh including washing the feet, and then one may put the socks on again.

^[2] His name is Nufai' bin Al-Hārith or bin Al-Masrūh. He descended from Tā'if Fort together with a group of slaves and became a Muslim, whereupon the Prophet ﷺ freed him. He was among the virtuous *Sahāba* and died at Basra in 51 H. or 52 H.

^[3] Ubai bin Imāra was a *Sahābi* from the *Ansār* of Al-Madīnah. He settled in Egypt. Ibn Hibbān said, He prayed to the two *Qiblās*, but I do not rely upon the chain of narrators for his *Hadīth*."

^[4] The *Sanad* (chain of transmission) of this *Hadīth* is not authentic – according to many scholars including Al-Bukhari, Ahmad, Ad-Dāraqutni, Ibn Hibban, Ibn Abdul-Barr, etc. –

وأنسي مرفوعاً: «إذا توضأ أحدكم وليس حفيفاً فليمسح عليهما، ول يصل فيها، ولا يخلهما إن شاء إلا من جنابة». أخرجه الدارقطني والحاكم وصححه.

(٦٠) وعن أبي بكر رضي الله تعالى عنه عن النبي ﷺ، أَنَّهُ رَحَصَ لِلْمُسَافِرِ ثَلَاثَةَ أَيَّامٍ وَلِلْيَاهِنَّ، وَلِلْمُقِيمِ يَوْمًا وَلَيْلَةً، إِذَا ظَهَرَ فَلِسِنَ حَفِيفَةٍ، أَنْ يَمْسِحَ عَلَيْهِمَا. أخرجه الدارقطني وصححه ابن خزيمة.

(٦١) وعن أبي بن عمار رضي الله تعالى عنه أنه قال: يا رسول الله! أمسح على الحفيف؟ قال: نعم، قال: يوماً؟ قال: نعم، قال: ولياليه؟ قال: نعم، قال: ثلاثة أيام؟ قال: نعم، وما شئت. أخرجه أبو داود، وقال: ليس بالغوي.

Chapter 6

The Nullification^[1] of Wudu'

(Ablution)

٦ - باب نوافع الوضوء

62. Narrated Anas : The Companions of Allāh's Messenger ﷺ in his lifetime used to wait for the 'Ishā' (night) prayer, so much so that their heads were lowered down (by dozing).^[2] They would then pray without performing ablution.^[3] [Reported by Abū Dā'ud, and Ad-Dāraqutni graded it *Sabib* (authentic). Its basic meaning is in Muslim].

63. Narrated 'Aisha : Fātima bint Abū Hubaish^[4] came to the Prophet ﷺ and said, "O Messenger of Allāh, I am a woman whose blood keeps flowing (even after the menstruation period).^[5] I am never purified. Should I, therefore, abandon the prayers?" He (the Prophet) said, "No, for that is only (blood from) a vein, and is not menstruation. So, when the

(٦٢) عَنْ أَنَسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ أَصْحَابُ رَسُولِ اللَّهِ يَكْتُلُونَ عَلَى عَهْدِهِ يَسْتَظِرُونَ الْعَشَاءَ. حَتَّى تَخْفَقْ رُمْوَسُهُمْ، ثُمَّ يُصْلُوْنَ وَلَا يَسْوَّضُّونَ. أَخْرَجَهُ أَبُو دَاوُدَ وَصَحَّحَهُ الدَّارَقُطْنِيُّ، وَأَصْلُهُ فِي مُسْلِمٍ.

(٦٣) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: جَاءَتْ فَاطِمَةُ بْنُتُ أَبِي حُيَيْشَ إِلَيَّ الَّذِي يَكْتُلُهُ فَقَالَتْ: يَا رَسُولَ اللَّهِ إِلَيَّ امْرَأَةٌ أَسْحَاحَضْ فَلَا أَطْهُرُهُ، أَفَأَدْعُ الصَّلَاةَ؟ قَالَ: «لَا، إِنَّمَا ذَلِكَ عِزْفٌ وَلَيْسَ بِحِيمَضٍ، فَإِذَا أَفْلَتْ حِيمَضُكَ فَدَعِيَ الصَّلَاةُ، وَإِذَا أَذْبَرَتْ فَأَغْسِلِي عَنِّكَ الدَّمْ ثُمَّ صَلِّ». مُتَقَدِّمٌ عَلَيْهِ.

whereas the *Hadīth* in which the period of one day (twenty-four hours) for a resident and three days (seventy-two hours) for a traveler is granted is authentic. This *Hadīth* was not taken as an evidence for these two reasons, i.e. its weakness and its contradicting the authentic *Hadīth* that fixed the allowed duration for wiping. An-Nawawi has mentioned in *Sbār Al-Mubādhbab* that the *Imāms* have agreed on the weakness of this *Hadīth*, and Ahmad said, Its narrators are unknown.

^[1] All those causes which invalidate the *Wudu'* (ablution) also invalidate the *Tayammum* (purification with clean soil in case water is not available), since *Tayammum* is a substitute for ablution.

^[2] It proves that ablution is not cancelled by dozing.

^[3] Whether or not sleep nullifies ablution is a controversial issue. The reconciliation between the *Hadīth* of *Safwan* (no. 56) which indicates nullification, and the present *Hadīth* of *Anas* (no. 62) which indicate that it does not nullify ablution, is that with a sound sleep ablution is nullified, otherwise it is not.

^[4] Fātima bint Abū Hubaish is a *Sahābiyya* from Quraish and then Asad. Her father is Qais bin 'Abdul-Muttalib bin Asad bin 'Abdul-'Uzza bin Qusai. She was a renowned *Muhajira* and was married to 'Abdullah bin Jahsh.

^[5] Vaginal bleeding is of three types: 1) *Haid* (حيض) – Blood of the regular monthly menstrual course which starts at the age of puberty. This type of blood ceases during the period of pregnancy. 2) *Nifās* (نفاس) – Puerperal blood coming after childbirth, which lasts maximum for forty days. 3) *Istibāda* (استحاضة) – The blood which may happen to come from other than the above two types. The blood referred to here is the last mentioned.

menstruation comes, abstain from prayers, and when it ends, wash the blood from your self and then pray.” [Agreed upon].

Al-Bukhārī has: “Then perform ablution for every prayer.”^[1] Muslim indicated that he dropped this addition deliberately.

64. Narrated ‘Ali bin Abi Tālib ﷺ: I was one whose *Madbi* (urethral discharge)^[2] flowed readily. Hence, I asked Miqdād^[3] to ask the Prophet ﷺ (about it). He (the Prophet) said: “One should perform *Wudu’* (ablution) in this case.” [Agreed upon. The wording is Al-Bukhārī’s].

65. Narrated ‘Aisha ﷺ: The Prophet ﷺ kissed^[4] one of his wives and went to pray without performing (fresh) ablution. [Reported by Ahmad. Al-Bukhārī graded it *Da’if* (weak)].

66. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “If one of you feels disturbance in his stomach and doubts whether he has released some air or

وَالْبُخَارِيُّ: «تُمْ تَوَضَّئُ لِكُلِّ صَلَاةٍ». وَأَشَارَ مُسْلِمٌ إِلَى أَنَّهُ حَذَفَهَا عَمَدًا.

(٦٤) وَعَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كُنْتُ رَجُلًا مَذَاءً فَأَمْرَتُ الْمُقْدَادَ أَنْ يَسْأَلَ النَّبِيَّ ﷺ، فَسَأَلَهُ، قَالَ: فِيهِ الْوُضُوءُ. مُتَقْرَبٌ عَلَيْهِ، وَاللَّفْظُ لِلْبُخَارِيِّ.

(٦٥) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ ﷺ قَبْلَ بَعْضِ نِسَائِهِ تُمْ خَرَجَ إِلَى الصَّلَاةِ وَلَمْ يَتَوَضَّأْ. أَخْرَجَهُ أَخْمَدُ وَضَعَفَهُ الْبُخَارِيُّ.

(٦٦) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا وَجَدَ أَحَدُكُمْ فِي بَطْنِهِ شَيْئًا فَأَشْكَلَ عَلَيْهِ، أَخْرَجَ مِنْهُ شَيْئًا أَمْ

[١] It means that the *Istibāda* (استحاضة) blood invalidates the ablution, and that is why the noble Prophet ﷺ ordered her to perform a fresh ablution for every prayer. In some of the authentic narrations, it is mentioned that the woman in this condition – after completing her menstrual course – must wash the blood from her body, perform a *Ghusl* (complete bath) and then return to the performance of her daily prayers. This is because *Istibāda* (استحاضة) blood – unlike *Haid* (حيض) (menstrual bleeding) – does not prevent the woman from prayers.

[٢] *Madbi* (مني) is a white water like lubricant which oozes out involuntarily at the time of sexual desire or foreplay. This urethral discharge invalidates the ablution, but is not a cause for obligatory bath.

[٣] Miqdād bin ‘Amr bin Tha’labā Al-Bahrāni was nicknamed Abul-Aswad or Abū ‘Amr and is known as Al-Miqdād bin Al-Aswad. Al-Aswad bin Yaghuth Az-Zuhri had fostered and entered into a defense agreement with Miqdād in the *Jabilīya* days. He was among the virtuous, wise and eminent *Sahāba*. He was the sixth Muslim, made the two migrations and attended all the major battles. He was a horseman during Badr and participated in the conquest of Egypt. He died at the age of 70 in 33 H. at Al-Jauf, three miles from Al-Madīna so he was carried to Al-Madīna. ‘Uthmān offered the Funeral prayer, and he was buried at Al-Baqī’.

[٤] This *Hadīth* confirms that ablution is not cancelled by touching a woman with or without lust. This is supported by a report of Imām Bukhārī narrated by ‘Aisha ﷺ: The Prophet ﷺ was praying in the darkness and I was laying at rest while my feet were at the place where the Prophet ﷺ prostrated (on his prayer-mat). At the time of prostration he would touch my feet and I would remove them.

not, then he must not leave the mosque unless he hears (its) sound or smells (its) odor.”^[1] [Reported by Muslim].

67. Narrated Talq bin ‘Ali^[2]: A man said: “I touched my penis” or he said, “Must a man who touched his penis during the prayer perform *Wudu’* (ablution)?” The Prophet ﷺ replied, “No, it is only a part of your body.” [Reported by *Al-Khamsa*.^[3]] Ibn Hibbān graded it *Sabib* (authentic) and Ibn Al-Madīni said, “It is better than the *Hadīth* of Busra” (which follows).

68. Narrated Busra bint Safwān^[4]: Allāh’s Messenger ﷺ said, “He who touches his penis must perform ablution.”^[5] [Reported by *Al-Khamsa*, and At-Tirmidhi and Ibn Hibbān graded it *Sabib* (authentic). Al-Bukhārī said, “It is the most authentic (*Hadīth*) concerning this issue”].

69. Narrated ‘Aisha ؓ: Allāh’s Messenger ﷺ said, “Whoever vomits, bleeds through the nose,^[6] or releases *Madbi* (urethral discharge) should go away, perform ablution and then complete his *Salāt* (prayer)^[7] (by continuing

لَا فَلَا يَخْرُجُنَّ مِنَ الْمَسْجِدِ، حَتَّى يَسْمَعَ صَوْتًا أَوْ يَجِدَ رِيحًا». آخر جهه مسلم.

(٦٧) وَعَنْ طَلْقَرْ بْنِ عَلَيٍّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَجُلٌ: مَسَنَثَ ذَكْرِي، أَوْ قَالَ: الرَّجُلُ يَمْسُ ذَكْرَهُ فِي الصَّلَاةِ أَعْلَمُهُ وَضُوئِ؟ فَقَالَ النَّبِيُّ ﷺ: لَا إِنَّمَا هُوَ بَصْرَةُ مِنْكَ أَخْرَجَهُ الْحَمْسَةُ، وَصَحَّحَهُ ابْنُ حِبَّانَ، وَقَالَ ابْنُ الْمَدِينيِّ: هُوَ أَحْسَنُ مِنْ حَدِيثِ بُشْرَةَ.

(٦٨) وَعَنْ بُشْرَةَ بِنْتِ صَفْوَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ مَرَّ ذَكْرَهُ فَلْيَتَوَضَّأْ». أَخْرَجَهُ الْحَمْسَةُ، وَصَحَّحَهُ التَّزِمِذِيُّ وَابْنُ حِبَّانَ، وَقَالَ الْبَخَارِيُّ: هُوَ أَصَحُّ شَيْءٍ فِي هَذَا الْبَابِ.

(٦٩) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ أَصَابَهُ قَنْ أَوْ رُعَافٌ أَوْ قَلَّسٌ أَوْ مَذْيٌ، فَلْيَتَوَسَّطْ فَلْيَتَوَسَّطْ، ثُمَّ لَيْسَ عَلَى صَلَاةِ، وَهُوَ فِي ذَلِكَ لَا يَكَلِّمُ».

^[1] This *Hadīth* points out an important principle: That everything remains in its original condition until there is a certain change in it. And that suspicion carries no weight after certainty. This *Hadīth* is equally applicable to one in prayer as well as one not praying.

^[2] He is Abū ‘Ali Talq bin ‘Ali bin Talq bin ‘Amr Al-Hanafi As-Siheimi Al-Yamāmi. He visited the Prophet ﷺ as soon as he arrived at Al-Madīnah and worked with him in building the Prophet’s Mosque.

^[3] Ahmad, Abu Dā’ud, Tirmidhi, Nasā’i and Ibn Mājah.

^[4] Busra bint Safwān bin Naufal bin Asad bin ‘Abdul-‘Uzza Al-Qurashiya Al-Asadiya was a *Sahabiya*, among the first Muslims, migrated early and lived till the caliphate of Mu’awiyah.

^[5] The foregoing *Hadīth* of Talq bin ‘Ali seems to be contradictory to this one, but in fact it is not. If the organ is touched uncovered or with lustful intention, then the ablution is nullified, otherwise it is not.

^[6] This *Hadīth* is *Da’if* (weak), and there is no *Sabib* (authentic) *Hadīth* concerning this issue.

^[7] It means that if a man prayed two *Rak’āt* with the *Imām* (leader of prayer) and it happens that his ablution is cancelled, he should leave the prayer. Then, after making a fresh ablution he joins again with the *Imām* in the same part of prayer where he left, then he should finish

from where he had stopped at) on condition that he does not speak in the process.” [Reported by Ibn Mājah. Ahmad and others graded it *Da’if* (weak)].

70. Narrated Jābir bin Samura^[1]: A man asked the Prophet ﷺ, “Should I perform ablution after eating mutton?” He replied, “If you wish so”. He then asked, “Should I perform ablution after eating camel meat?”^[2] He (ﷺ) said, “Yes.” [Reported by Muslim].

71. Narrated Abū Huraira رضي الله تعالى عنه: The Prophet ﷺ said: “Whoever washes a dead person^[3] should take a bath (thereafter); and whoever carries it should perform ablution.” [Reported by Ahmad, An-Nasā’i and At-Tirmidhi who graded it *Hasan* (good). Ahmad said that there is no authentic *Hadīth* in this chapter].

72. Narrated ‘Abdullah bin Abi Bakr^[4]: The book written by Allāh’s Messenger ﷺ for ‘Amr bin Hazm^[5] also contained: “None except a *Tābir*

أَخْرَجَهُ أَبْنُ مَاجَهَ، وَضَعَفَهُ أَخْمَدُ وَغَيْرُهُ.

(٧٠) وَعَنْ جَابِرِ بْنِ سَمْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَجُلًا سَأَلَ النَّبِيَّ ﷺ: أَتَوَاضَ مِنْ لَحْومِ الْقَتْمِ؟ قَالَ: إِنْ شِئْتَ. قَالَ: أَتَوَاضَ مِنْ لَحْومِ الْإِبَلِ؟ قَالَ: نَعَمْ. أَخْرَجَهُ مُسْلِمٌ.

(٧١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ: «مَنْ غَسَّلَ مَيْتًا فَلَا يُعْسِلُ، وَمَنْ حَمَلَهُ فَلَا يَوْضُعُ». أَخْرَجَهُ أَخْمَدُ وَالنَّسَائِيُّ وَالْتَّرمِذِيُّ، وَحَسَنَهُ، وَقَالَ أَخْمَدُ: لَا يَصْحُ شَيْءٌ فِي هَذَا الْبَابِ.

(٧٢) وَعَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ فِي الْكِتَابِ الَّذِي كَتَبَهُ رَسُولُ اللَّهِ ﷺ لِعُمَرَ بْنَ حَزْمٍ: أَنْ لَا يَمْسَسَ الْقُرْآنَ

the prayer with the *Imām*. This is the opinion of *Hanafiya* and *Mālikiya*. However, the *Hadīth* is both weak as well as contradictory to authentic *Hadīth*, and therefore can not be used as a proof to support this opinion.

^[1] He is a famous *Sahābi* and the son of Sa’d bin Abi Waqqās’ sister. He settled at Kufa and built a house there. He died in 74 H. or 66 H. His father Samura bin Junada As-Sawai Al-Aamiri is also a *Sahābi*.

^[2] Some understand this to refer to the complete ablution, while others understand it to refer to the rinsing of the mouth (only) since the noble Prophet ﷺ pointed out fat as its cause and fat always sticks to the mouth only. This *Hadīth* is a proof that eating camel meat nullifies ablution. This is the opinion of the scholars of *Hadīth* including Ahmad, Ash-Shāfi’i and Al-Baihaqi.

^[3] There are no authentic *Abādīth* concerning this issue. Hence, the scholars differed widely. Some say that bath is compulsory on one who washes the dead body; others are of the opinion that bath is only desirable; still others view ablution as compulsory; and still others consider even ablution as unnecessary.

^[4] ‘Abdullāh bin Abū Bakr bin Muhammad bin ‘Amr bin Hazm Al-Ansāri Al-Madani Al-Qādi was a *Tabi’i* of the 5th grade. He died in 135 H. at the age of 70 years.

^[5] He is a Khazraji, a Najāri and is nicknamed Abū Ad-Dahhāk. He first took part in *Al-Khandaq* and the Prophet ﷺ sent him to Najrān to teach the people about the religion and collect their *Sadaqāt*. He wrote for them a book containing the obligatory and voluntary acts, the *Sadaqāt* and the bloodwit, and this is the book mentioned in the *Hadīth*. He died in Al-Madinah after the fifties.

(pure) person should touch the Qur'ān.”^[1] [Reported by Mālik as a *Mursal* (missing link in the chain after the Tābi'i) and by An-Nasā'i and Ibn Hibbān as *Mawsul* (unbroken chain). And it is graded as *Ma'kul* (defective)].

73. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ used to mention Allāh's Name (praise Him) at all times.^[2] [Reported by Muslim. Al-Bukhāri recorded it as *Mu'allaq* (broken chain from the side of the *Hadīth* collector)].

74. Narrated Anas bin Mālik ﷺ: The Prophet ﷺ had blood extracted from his body^[3] and offered the prayer and did not perform (a new) ablution. [Reported by Ad-Dāraqutni who graded it *Layyin* (weak)].

75. Narrated Mu'āwiya^[4] ﷺ: Allāh's Messenger ﷺ said, “The eye (when awake) is the tie-string of the anus (to stop air escaping), and if the two eyes sleep the string is untied.”^[5] [Reported by Ahmad and At-Tabarāni

إلاً طَاهِرٌ. رَوَاهُ مَالِكٌ مُرْسَلًا، وَرَوَصَلَةُ التَّسَائِي
وَابْنُ حِبَّانَ، وَهُوَ مَغْلُولٌ.

(٧٣) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَذْكُرُ اللَّهَ عَلَى كُلِّ أَخْيَاهُ. رَوَاهُ مُسْلِمٌ، وَعَلْقَةُ الْبَخَارِيُّ.

(٧٤) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ الْيَئِيَّ ﷺ احْتَجَمَ وَصَلَى، وَلَمْ يَتَوَضَّأْ. أَخْرَجَهُ الدَّارِقُطْنِيُّ، وَلَيْثَةُ.

(٧٥) وَعَنْ مُعَاوِيَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْيَئِيُّ وَكَاءُ السَّوِّ، فَإِذَا نَامَ الْعَيْنَانِ اسْتَطَلَقَ الْوِكَاءُ». رَوَاهُ أَخْمَدُ وَالْطَّبرَانيُّ، وَرَوَادٌ: «وَمَنْ نَامَ فَلَيَتَوَضَّأْ».

^[1] *Hadīth Akbar* (حدث أكبر – sexual discharge) and *Hadīth Asgbar* (passing wind, urine or defecation) both necessitate purification. If the *Hadīth* (state of impurity) is that which requires *Ghusl* (e.g. sexual intercourse) then it is almost unanimously agreed not to touch the noble Qur'ān (*Mushaf*). However, there is a difference of opinion about touching the *Mushaf* if the *Hadīth* (state of impurity) is that which only requires ablution (e.g. passing wind). In any case, there is no clear (*sarib*) and authentic (*sabib*) *Hadīth* that distinguishes between the major and minor states of impurity – in reference to this issue of touching the *Mushaf*.

^[2] This is not applicable to one engaged in the act of sexual intercourse, answering the call of nature, urinating etc. However, while one is in the state of impurity due to sexual intercourse, remembrance and pronouncing the Name of Allāh is permissible, but touching and reciting the noble Qur'ān is prohibited – according to the majority of scholars.

^[3] This *Hadīth* shows that blood – except from the two openings (i.e. vagina and anus) – does not invalidate ablution. *Abādīth* of similar meaning have also been narrated by Ibn 'Umar, Ibn 'Abbās and Ibn Abi Aufa ﷺ. This is the opinion of *Mālik*, *Asb-Shāfi'i* and a group of *Sabābab* and *Tābi'in*.

^[4] Both him and his father Abū Sufyān Sakhr bin Harb became Muslims at the conquest of Makkah. 'Umar appointed him as the governor of Shām after the death of his brother Yazid bin Abū Sufyān and he remained so until 'Ali was appointed as Caliph. Later, he was appointed as the caliph when Al-Hasan stepped down in his favor in the year 40 H. He died in Rajab 60 H. at the age of 78 years.

^[5] This means that sleep is a *way* which leads to *Hadīth* (nullification of the state of purity), but it is not, in and of itself, the actual *Hadīth* (nullification of one's state of purity).

who added, "Whoever sleeps must perform ablution.]"

This additional wording is also reported by Abū Dā'ud, in the *Hadīth* of 'Ali, without the words "the string is untied". Both chains of narration contain (*Da'*) weakness.

And Ibn 'Abbās ﷺ narrated in a *Marfu'* (attributed to the Prophet) *Hadīth* that: "Ablution is necessary for one who sleeps while he is lying down (flat)."^[1] [Reported by Abū Dā'ud, and there is (*Da'*) weakness in its chain of narrators].

76. Narrated Ibn 'Abbās ﷺ: Allāh's Messenger ﷺ said, "Satan comes to one of you in *Salāt* (prayer) and blows air in his bottom. Consequently, he imagines that he has passed wind, yet he did not (do so). So, if he gets that feeling he should not leave (his prayer) unless he hears the sound (of passing wind) or smells (its) odor." [Reported by Al-Bazzār].

Its basic meaning is in the *Sabibain* (Bukhāri and Muslim) from the *Hadīth* of 'Abdullāh bin Zaid.

Muslim has also reported from Abū Huraira رضي الله عنه similar narration.

And Abū Sa'īd narrated in a *Marfu'* (attributed to the Prophet) *Hadīth*: "If Satan comes to one of you and says: 'You have nullified your ablution (e.g. by passing wind)', let him say: 'You have lied.'" [Reported by Al-Hākim]. Ibn Hibbān also reported the above *Hadīth* with the wording: "Let him say within himself..."

وَهَذِهِ الزِّيَادَةُ فِي هَذَا الْحَدِيثِ عِنْدَ أَبِي دَاوَدَ مِنْ حَدِيثِ عَلَيْهِ دُونَ قَوْلِهِ: «اسْتَطَلَقَ الْوَكَاءُ» وَفِي كِلَّا إِسْنَادَيْنِ ضَعْفٌ.

وَلَا يَبِدِي دَاوَدُ أَيْضًا عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا مَرْفُوعًا: «إِنَّمَا الْوُضُوءَ عَلَى مَنْ نَامَ مُضْطَجِعًا». وَفِي إِسْنَادِهِ ضَعْفٌ أَيْضًا.

(٧٦) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «يَأُتِي أَحَدُكُمُ الشَّيْطَانُ فِي الصَّلَاةِ فَيَنْفَخُ فِي مَقْعِدِهِ، فَيُحِيلُّ إِلَيْهِ أَنَّهُ أَخْدَثَ، وَلَمْ يُعْدِثُ، فَإِذَا وَجَدَ ذَلِكَ فَلَا يَتَصَرَّفُ حَتَّى يَسْمَعَ صَوْنَاً أَوْ يَجِدَ رِيحًا». أَخْرَجَهُ البَزَّارُ.

وَأَضْلَلَهُ فِي الصَّحِيحَيْنِ مِنْ حَدِيثِ عَبْدِ اللَّهِ ابْنِ رَبِيعَ رَضِيَ اللَّهُ عَنْهُ.

وَلِمُسْلِمٍ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ تَحْوُهُ.

وَلِلْحَاكِمِ عَنْ أَبِي سَعِيدٍ مَرْفُوعًا: «إِذَا جَاءَ أَحَدُكُمُ الشَّيْطَانُ، فَقَالَ: إِنَّكَ قَدْ أَخْدَثْتَ، فَلْقُلْ: إِنَّكَ كَذَّبْتَ». أَخْرَجَهُ ابْنُ حَمَّانَ بِأَنْفَظِهِ: «فَلَيُقْلِلُ فِي نَفْسِهِ».

^[1] It means that sleeping in the flat position (*mudtaji'an*) results in the invalidation of ablution, whereas in the foregoing *Hadīth* mere sleep is described as the factor of invalidation. In fact, sleeping in the flat position is an indication of sound sleep, where all the organs of body are at rest. This state enhances the possibility of uncontrolled passing of wind, while in a light sleep or napping one will not be completely unconscious.

٧ - بَابُ آدَابِ قَضَاءِ الْحَاجَةِ

Chapter 7

Manners Related to Answering the Call of Nature

77. Narrated Anas bin Mâlik ﷺ: Allâh's Messenger ﷺ used to remove his ring^[1] when entering the *Khalaa'* (place of answering the call of nature). [Reported by *Al-Arba'a*^[2], and it is *Ma'lûl* (defective)].

78. Narrated (Anas) ﷺ: The Prophet ﷺ on entering the *Khalaa'* (lavatory) used to say:^[3] [Allâbumma innt a'udbu bika minal khububi wal khabâ'ith] "O Allâh, I seek refuge with You from devils – males and females (or all offensive and wicked things, evil deeds and evil spirits, etc.)." [Reported by *As-Sab'a*].

79. Narrated (Anas) ﷺ: Whenever Allâh's Messenger ﷺ went to the *Khalaa'* (to answer the call of nature), I and a small boy used to carry a leather (hide) container full of water and a spear-headed stick, and he (the Prophet) would clean his private parts with the water.^[4] [Agreed upon].

80. Narrated Al-Mughira bin Shu'ba ﷺ: Allâh's Messenger ﷺ told me, "Take the leather (hide) water container". He then went forward till he disappeared^[5] from me and then relieved himself. [Agreed upon].

(٧٧) عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ إِذَا دَخَلَ الْخَلَاءَ وَضَعَ حَاتِمَهُ أَخْرَجَهُ الْأَرْبَعَةَ، وَهُوَ مَعْلُوْلٌ.

(٧٨) وَعَنْ رَضِيِّ اللَّهِ تَعَالَى عَنْهُ قَالَ: كَانَ الرَّبِيعُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ إِذَا دَخَلَ الْخَلَاءَ قَالَ: «اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنَ الْخُبُثِ وَالْجَنَّاثَ». أَخْرَجَهُ السَّبْعَةُ.

(٧٩) وَعَنْ رَضِيِّ اللَّهِ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ يَدْخُلُ الْخَلَاءَ، فَأَخْمَلُ أَنَا وَعَلَامُ نَحْوِي إِذَا وَلَّتْ مِنْ مَاءٍ، وَعَنْتَهُ فَيَسْتَحِي بِالْمَاءِ. مُتَقَرِّ عَلَيْهِ.

(٨٠) وَعَنْ الْمُغَرَّبَةِ بْنِ شَعْبَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ لِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: حُذِّ الإِذَا وَلَّتْ، فَإِنْطَلَقَ حَتَّى تَوَارَى عَنِّي، فَقَضَى حَاجَتِهِ. مُتَقَرِّ عَلَيْهِ.

[١] On that ring [محمد رسول الله ﷺ] 'Muhammad is the Messenger of Allâh' was carved in three lines. This indicates that the Names of Allâh and the Verses of the noble Qur'ân in the written form should not be carried to unclean places (such as the toilet), or while going out to answer the call of nature.

[٢] Abû Dâ'u'd, Tirmidhi, Nasâ'i and Ibn Mâjah.

[٣] Usually jinns live in such filthy places, and for this reason the noble Prophet ﷺ sought the refuge of Allâh. Before entering the lavatory one should recite this prayer in an audible voice. According to the narration of Anas رضي الله عنه if one is out in an open field, one should recite this prayer before sitting to answer the call of nature. While answering the call of nature one should be careful to avoid soiling one's body or clothing with impurities.

[٤] Most of the scholars prefer to purify with both pebbles (solid substance) and water.

[٥] This action of the noble Prophet ﷺ teaches us that while going out for the call of nature,

81. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "Safeguard yourselves from the two matters that cause cursing (that befalls) the one who relieves himself on the people's pathways^[1] and under their (places of shade)." [Reported by Muslim].

Abū Dā'ud added, on the authority of Mu'ādh^[2]: '...and the watering places.' His wording is: [He (the Prophet ﷺ) said:] "Guard against the three things which cause curse (i.e.) defecating at the watering places, on the main roads and in the (places of shade)."^[3] Ahmad reported from Ibn Abbās ﷺ [that defecation is prohibited also] at the place where water collects. [And both (chains of narration) (i.e. for this *Hadīth* and the previous one) have *Da'if* (weakness)].

Ibn 'Umar's *Hadīth* ﷺ has: The prohibition of relieving oneself under fruit-bearing trees and on the bank of a flowing river. [Reported by At-Tabarānī with a *Da'if* (weak) chain of narrators].

82. Narrated Jābir ﷺ: Allāh's Messenger ﷺ said, "When two people go together to relieve themselves each one of them should conceal himself from the other and do not talk, for Allāh detests that." [Reported by Ahmad. Ibn As-Sakan and

(٨١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اَنْقُوا الْلَّاعِنَيْنَ: الَّذِي يَتَحَلَّى فِي طَرِيقِ النَّاسِ، أَوْ فِي طَلْهَمْ». رَوَاهُ مُسْلِمٌ.

وَرَأَدَ أَبُو دَاوُدَ عَنْ مُعاذَ: «وَالْمَوَارِدِ». وَلِفُطْهُ: «اَنْقُوا الْمَلَاعِنَ الْثَّلَاثَةَ: الْبَرَازَ فِي الْمَوَارِدِ، وَقَارِعَةَ الْطَّرِيقِ، وَالظَّلِّ». وَلِأَحْمَدَ عَنْ أَبْنَى عَبَّاسَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا: «أَوْ نَقْعَدُ مَاءً». وَفِيهِمَا ضَعْفٌ.

وَأَخْرَجَ الطَّبرَانِيُّ التَّهْفِيُّ عَنْ قَصَاءَ الْحَاجَةَ تَحْتَ الْأَسْجَارِ الْمُمُرَّةِ وَضَفَّةَ النَّهْرِ الْجَارِيِّ، مِنْ حَدِيثِ أَبْنِ عُمَرَ يَسِّدِّدَ ضَعِيفٌ.

(٨٢) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا تَغَوَّطَ الرَّجُلُانِ فَلْيَتَوَارَ كُلُّ وَاحِدٍ مِنْهُمَا عَنْ صَاحِبِهِ، وَلَا يَتَحَدَّثَا، فَإِنَّ اللَّهَ يَمْكُثُ عَلَى ذَلِكِ». رَوَاهُ

it is necessary to arrange some kind of privacy and to be out of the sight of others. In a *Da'if Hadīth* [*Da'if Abu Dawud*, pg. 8, no. 9 (35)], it is stated that in an open field, a mound or heap of sand should be made for the purpose of screening oneself.

^[1] It is prohibited to answer the call of nature near pathways or near the ways in the vicinity of populated areas. Sites of abandoned road or deserted places can be used for this purpose.

^[2] Mu'ādh is an *Ansārī* of Al-Khazraj tribe and was one of the virtuous, noble and most learned *Sabāha*. He attended Al-'Aqaba, Badr and other major battles. The Prophet ﷺ appointed him as his representative in Yemen. Then 'Umar appointed him as the governor of Shām after Abū 'Ubāida bin Al-Jarrāh. He died in the plague of 'Amwās in 17 H. or 18 H. at the age of 38.

^[3] Altogether these are six places. It is forbidden in a *Hadīth Mursal* (missing link in the chain after the *Tabi'i*) to urinate near the gates of the mosques.

Ibn Al-Qattān graded it *Sabib* (authentic) but it is defective^[1]. أَخْمَدْ وَصَحَّحَهُ ابْنُ الْشَّكْنَرِ وَابْنُ الْقَطَّانِ، وَهُوَ مَعْلُوٌ.

83. Narrated Abū Qatāda : Allāh's Messenger ﷺ said, "No one should touch his penis with his right hand^[2] when urinating, nor clean himself (from defecation or urine) using his right hand, nor breathe in the utensil (he is drinking from)." [Agreed upon. The wording is Muslim's].

84. Narrated Salmān^[3] : Allāh's Messenger ﷺ forbade us to face the *Qiblah* when defecating or urinating, or to clean ourselves (*Istinja'a*) using the right hand, or to clean ourselves with less than three stones, or to clean ourselves with dung or a bone. [Reported by Muslim].

85. Narrated Abū Ayub^[4] (): (Allāh's Messenger ﷺ said,) "Neither face nor turn your back to the *Qiblah*^[5] while defecating or urinating, but turn towards the east or the west." [Reported by the *As-Sab'a*].

(٨٣) وَعَنْ أَبِي قَتَادَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا يَمْسَسْ أَحَدُكُمْ ذَكَرَهُ بِسَيِّئِهِ وَهُوَ بَيْوُلُ، وَلَا يَمْسَسْ مِنَ الْخَلَاءِ بِسَيِّئِهِ، وَلَا يَتَنَسَّسْ فِي الْأَنَاءِ. مُتَقَوِّلٌ عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ.

(٨٤) وَعَنْ سَلْمَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: لَقَدْ نَهَانَا رَسُولُ اللَّهِ ﷺ أَنْ نَسْتَقْبِلَ الْقِبْلَةَ بِغَائِطٍ أَوْ بَوْلٍ، أَوْ أَنْ نَسْتَجْزِي بِالْيَمِينِ، أَوْ أَنْ نَسْتَجْزِي بِرَجْعِي أَوْ عَظْمٍ. رَوَاهُ مُثْنِيٌّ.

(٨٥) وَلِلْسَّيْعَةِ مِنْ حَدِيثِ أَبِي أَيُوبَ: لَا تَسْتَقْبِلُوا الْقِبْلَةَ بِغَائِطٍ أَوْ بَوْلٍ، وَلَا تَسْتَدِرُوهَا، وَلِكِنْ شَرِقُوكُمْ أَوْ غَربُوكُمْ.

[١] It is said: This is confirmed by other authentic *Abadīth*, so it is correct. [However, Al-Albānī graded it *Da'if* (weak) in *Da'if Al-Jāmi'* no. 6336, *Da'if Ibn Majah* no. 76 (342), *Al-Mīskāt* 1/115, no. 356 and *Tamām Al-Mannah*, pg. 58]

[٢] Handling the male sex organ with right hand during urination, or while cleaning oneself after urinating or defecating, and breathing in the utensils during drinking are all prohibited. Breathing in the utensil is harmful because this is the cause of transmission of germs from one to another, and the *Hadīth* which informs about three pauses while drinking is an indication that drink should be taken slowly and not in one gulp.

[٣] He was known as "Salman the benevolent" and was nicknamed Abū 'Abdullāh. His origin is from Persia. He traveled in search of the true religion and became a Christian. Then he moved to Al-Madīnah, and believed in the Prophet ﷺ as soon as he arrived at Al-Madīnah. He was a leader in Islam and died in Al-Madīnah in 50 H. or 32 H. It is reported that he lived a very long life of either 250 or 350 years.

[٤] His name is Khālid bin Zaid bin Kulaib. He hosted the Prophet ﷺ when he first arrived in Al-Madīnah. He was one of the senior and most great of the *Sahāba*. He attended Badr and was martyred while taking part in an expedition against the Byzantinians in 50 H. His grave, situated at the walls of Constantinople (presently Istanbul), is well-known.

[٥] In this issue the 'Forbiddance' is in open places, while it is not forbidden inside the building where there are walls around. This may be understood from the *Hadīth* narrated by 'Abdullāh bin 'Umar رضي الله عنهما. He narrates: "In the house of my sister Hafsa, I went upstairs on the roof and saw the noble Prophet ﷺ answering the call of nature while he was facing towards

86. Narrated 'Aisha ﷺ: The Prophet ﷺ said, "Whoever goes to relieve himself, he must conceal himself." [Reported by Abū Dā'ud].

(٨٦) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ أَتَى الْغَائِطَ فَلْيَسْتَرْ». رَوَاهُ أَبْرَدُ دَاؤْدُ.

87. Narrated ('Aisha) ﷺ: Whenever the Prophet ﷺ came out from *Al-Gha'a'it* (place of answering the call of nature), he used to say, "Gbufrānaka (O Allāh! Grant me Your forgiveness)." [Reported by *Al-Khamsa*.^[1] Abū Hātim and Al-Hākim graded it *Sabib* (authentic)].

(٨٧) وَعَنْهَا رَضِيَ اللَّهُ عَنْهَا أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا خَرَجَ مِنَ الْغَائِطِ قَالَ: «غُفْرَانَكَ». أَخْرَجَهُ الْخَمْسَةُ وَصَحَّحَهُ أَبْرَدُ حَاتِمٍ وَالْحَاكِمُ.

88. Narrated Ibn Mas'ūd ﷺ: The Prophet ﷺ went out to answer the call of nature and asked me to bring three stones. I found two stones but did not find a third one. So I took a dried piece of dung and brought it to him. He took the two stones and threw away the dung^[2] and said, "This is a filthy thing". [Reported by Al-Bukhāri. Ahmad and Ad-Dāraqutni has the addition: "Bring me something other than dung"^[3]].

(٨٨) وَعَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَتَى النَّبِيَّ ﷺ الْغَائِطَ، فَأَمْرَنِي أَنْ آتِهِ بِثَلَاثَةِ أَخْجَارٍ، فَوَجَدْتُ حَجَرَيْنِ، وَلَمْ أَجِدْ ثَالِثًا، فَأَتَيْتُهُ بِرَوْقَةٍ، فَأَخْذَهُمَا وَأَلْقَى الرَّوْقَةَ، وَقَالَ: «إِنَّهَا رُكْسٌ». أَخْرَجَهُ الْجَعَارِيُّ. وَرَوَاهُ أَخْمَدُ وَالْدَارَقُطْنِيُّ «النَّبِيُّ يَعِيرُهَا».

89. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ forbade us to use a bone or dung for *Istinja'* (cleaning the private parts) and said, "These two things do not purify." [Reported by Ad-Dāraqutni who graded it *Sabib* (authentic)].

(٨٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ نَهَى أَنْ نَسْتَرْجِي بِعَظْمٍ أَوْ رَوْثٍ، وَقَالَ: «إِنَّهُمَا لَا يُطَهِّرَانِ». رَوَاهُ الدَّارَقُطْنِيُّ وَصَحَّحَهُ.

90. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "Beware of (smearing yourselves with) urine, because it is the main cause of punishment in the grave." [Reported by

(٩٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اسْتَرْهُوا مِنَ الْبُولِ، فَإِنَّ عَامَةً عَذَابُ الْقَبْرِ مِنْهُ». رَوَاهُ الدَّارَقُطْنِيُّ، وَالْحَاكِمُ: «أَكْثَرُ عَذَابِ الْقَبْرِ مِنْ

Shām." This *Hadīth* is in *Sabib Muslim*.

[1] The Collectors of *Hadīth*: Ahmad, Abū Dā'ud, An-Nasā'i, At-Tirmidhi and Ibn Mājah.

[2] It is known from this *Hadīth* that one should not clean the private parts with dung or excrement of animals. Likewise, it is forbidden to clean oneself with bones.

[3] The mentioned addition proves that for cleanliness three clods of mud are needed. Even though two may suffice, the condition of three is a must. More than three may be used if needed, but the number should be odd.

Ad-Dāraqutni]. Al-Hākim has: "Most of the punishment in the grave is from (negligence in allowing oneself to become soiled with) urine." [Its chain of narrators is *Sabib* (authentic)].

البول» وهو صحيح الاستاد.

91. Narrated Surāqa bin Mālik^[1]: Allāh's Messenger ﷺ taught us concerning (manners of) *Al-Khalāa'* (place of answering the call of nature) that we should sit on our left foot^[2] and keep erect our right foot. [Reported by Al-Baihaqi through a *Da'if* (weak) chain of narrators]^[3].

92. Narrated 'Isā bin Yazdād^[4] from his father (): Allāh's Messenger ﷺ said, "When one of you passes urine, he should forcefully push out (any urine remaining in) his penis – three times." [Reported by Ibn Mājah through a *Da'if* (weak) chain of narrators].

93. Narrated Ibn 'Abbās : The Prophet ﷺ asked the residents of Qubā' [what had earned them the Praise of Allāh]? He ﷺ said: 'Indeed, Allah praises you.' They replied, "We use water after (cleaning the private parts with) stones." [Reported by Al-Bazzār with a *Da'if* (weak) chain of narrators. Its *Asl* (basic meaning) is in Abū Dā'ud and At-Tirmidhi. Ibn Khuzaima graded it *Sabib* (authentic) from the *Hadīth* of Abū Huraira without mentioning "the stones."]

(٩١) وعن سرقة بن مالك رضي الله تعالى عنه قال: علمتنا رسول الله ﷺ في الخلاء أن تقع على المسرى وتنصب اليمنى. رواه البهقي بسنده ضعيف.

(٩٢) وعن عيسى بن يزداد (برداد) عن أبيه قال: قال رسول الله ﷺ: «إذا باك أحدكم فليشر ذكره ثلاثة مرات». رواه ابن ماجة بسنده ضعيف.

(٩٣) وعن ابن عباس رضي الله تعالى عنهما، أن النبي ﷺ سأله أهل قباء فقال: إن الله ينحي عليكم. فقالوا: إنا نسبح الحجاجة الماء. رواه الترمذ بسنده ضعيف. وأصله في أبي داؤد، وصححه ابن حزم من حديث أبي هريرة رضي الله تعالى عنه، بدون ذكر الحجاجة.

^[1] Surāqa bin Mālik bin Ju'shum Al-Mudlaji Al-Kināni, nicknamed Abū Sufyān was a prominent *Sababi*. He was the one who pursued Allāh's Messenger ﷺ on his way to migration whereupon the forelegs of his horse sunk into the ground up to the knees. He died in 24 H.

^[2] We are advised to follow every command of Islam, whether we comprehend it or not. The noble Prophet ﷺ instructed us to sit on the left foot (to put the weight of the body on the left foot) while sitting for answering the call of nature. This is because the stomach is on the left side, and thus the action of relieving oneself is made easy in this posture. Likewise, constipation – the mother of diseases – is also eradicated.

^[3] This *Hadīth* is weak because some of the narrators in its chain are *Majbūl* (i.e. whose credibility has not been certified).

^[4] 'Isā and his father Yazdād are both *Majbūl* (not certified as being reliable reporters). Ibn Ma'in said, " 'Isā and his father are *Majbūl*."

٨ - بَابُ الْغُسْلِ وَحُكْمُ الْجُنُبِ

Chapter 8

GHUSL (BATH) AND THE RULING REGARDING THE SEXUALLY IMPURE

94. Narrated Abū Sa‘id Al-Khudri ﷺ: Allāh’s Messenger ﷺ said: “The water (of the *Ghusl*) is due to the water (of sexual emission)”.^[1] [Reported by Muslim and its *Asl* (basic meaning) is in *Al-Bukhārī*].

95. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said: “If one of you sits between the four parts (of a woman) and has sexual intercourse with her (penetration),^[2] *Ghusl* (bath) is obligatory.” [Agreed upon]. Muslim added: “Even if he does not ejaculate.”

95. Narrated Umm Salama ﷺ: Umm Sulaim,^[3] the wife of Abū Talha said, “O Allāh’s Messenger! Allāh is not ashamed of the truth. Is a *Ghusl* (bath) compulsory for a woman when she has a sexual dream?”^[4] He ﷺ replied, “Yes! If she sees (signs of) the liquid (i.e. sexual discharge).” [Agreed upon.]

(٩٤) عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمَاءُ مِنَ الْمَاءِ». رَوَاهُ مُسْلِمٌ، وَأَصْلُهُ فِي الْبَخَارِيِّ.

(٩٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا جَاءَتْ بَيْنَ شَعْبِهَا الْأَرْبَعَ ثُمَّ حَمَدَهَا، فَقَدْ وَجَبَ الْغُسْلُ». مُتَقَوِّلٌ عَلَيْهِ، وَرَوَاهُ مُسْلِمٌ: «إِنَّ لَمْ يُثْرِلْ».

(٩٦) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ أُمَّ سَلَمَةَ - وَهِيَ امْرَأَةُ أَبِي طَلْحَةَ - قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ اللَّهَ لَا يَسْتَحِي مِنَ الْحَقِّ، فَهَلْ عَلَى الْمَرْأَةِ الْغُسْلُ إِذَا اخْتَلَمَتْ؟ قَالَ: «نَعَمْ». إِذَا رَأَتِ الْمَاءَ، الْحَدِيثُ مُتَقَوِّلٌ عَلَيْهِ.

^[1] It means after seminal discharge, taking a bath is essential and obligatory. This *Hadith* is related to sexual intercourse. Ubai bin K’ab said that in the early period of Islam, in case of sexual intercourse, taking a bath was not obligatory unless seminal discharge occurred. Afterwards this condition [i.e. the occurrence of seminal discharge] was abrogated, and some of the research scholars have reported the consensus of Muslims on this issue, that if the male sexual organ penetrates the female sex organ, the *Ghusl* (bath) becomes obligatory – whether seminal discharge occurs or not.

^[2] It means that the penetration of the female sex organ by the male sex organ makes the taking of a *Ghusl* (bath) obligatory. This *Hadith* cancels the ruling [i.e. the *condition* of seminal discharge] of the previous *Hadith*.

^[3] Her name is Ar-Rumaisā’ or Al-Ghumaisā’ bint Millhān, Anas bin Mālik’s mother. She was among the virtuous *Sahabiyāt*. She was married to Mālik bin An-Nasr. Then she became a Muslim and invited him to Islam, but he became angry and went to Shām where he died. She was then proposed to by Abū Talha while he was still a *Musbrik*, but she made a condition that he should become a Muslim. He then embraced Islam and married her. She died during the caliphate of ‘Uthmān.

^[4] As men, women also have ‘wet dreams’. Hence, taking a bath in this situation is obligatory for them too.

97. Narrated Anas : Allāh's Messenger ﷺ – concerning the matter of a woman experiencing ejaculation during sleep like a man – said: "She should take a *Ghusl* (bath)". [Agreed upon]. Muslim added: Umm Salamah said, "Does this happen (to a woman)?" He ﷺ said, "Yes, otherwise where does the resemblance (of a child to its mother) come from?"^[1]

98. Narrated 'Aisha : Allāh's Messenger ﷺ used to take a bath from four things: *Al-Janāba* (after sexual intercourse), *Al-Jumu'a* (on Fridays), *Al-Hijāma* (after extracting blood from his body) and *Ghusl Al-Mayyit* (after washing a dead body).^[2] [Reported by Abū Dā'ud. Ibn Khuzaīma graded it *Sabib* (authentic).]

99. Narrated Abū Huraira : regarding the story of Thumāma bin Uthāl^[3] when he embraced Islam: The Prophet ﷺ ordered him to take a bath.^[4] [Narrated by Abdur-Razzāq and its basic meaning is in *Al-Bukhāri* and *Muslim*].

100. Narrated Abū Sa'id Al-Khudri : Allāh's Messenger ﷺ said, "Taking a bath on Friday is a must for every

^[1] It means that women also have seminal discharge. Otherwise, how does a child take after the mother? Resemblance of children to their parents is on account of potency of semen.

^[2] Among these four, taking bath after sexual intercourse is *Fard* (obligatory) by consensus; on Friday it is *Sunna* (the way of noble Prophet ﷺ) according to the majority, while some hold it to be obligatory based upon the more authentic *Abādīth*; after *Al-Hijāmah* (blood-letting) some hold that it is *Mustahab* (desirable) based on this *Hadīth*, however it is weak [*Da'i' Abu Dawud*, no. 75/348, *Al-Albāni*]; after washing the dead, there are many opinions: obligatory, desirable, or that ablution is sufficient.

^[3] Thumāma bin Uthāl was from Banu Hanifa and the chief of Al-Yāmama people. He went to perform *'Umrah* while still a *Musbrik* and was captured by some horsemen of the Prophet ﷺ. They brought him to Al-Madīnah and tied him to one of the mosque's pillars. The Prophet ﷺ released him after three days. He then became a devoted Muslim and stood firm – during the *Ridda* (apostasy) days – against his people who were deceived by Musailimah *Al-Kadhbāb* (the liar).

^[4] When a non-Muslim embraces Islam, it is obligatory for him to take a bath. Abū Da'ud [*Sabib Sunan Abu Da'ud*, 1/72, no. 342 (355)] reported that the noble Prophet ﷺ ordered Qais ibn 'Aasim to take a bath, when he embraced Islam.

(٩٧) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ ، فِي الْمَرْأَةِ تَرَى فِي مَنَامِهَا مَا يَرَى الرَّجُلُ ، قَالَ : تَعْتَسِلُ . مَتَّقَ عَلَيْهِ ، وَزَادَ مُشْلِمٌ : فَقَالَتْ أُمُّ سَلَمَةَ : وَهَلْ يَكُونُ هَذَا ؟ قَالَ : «تَعَمْ ، فَمِنْ أَنَّ يَكُونُ الشَّهْبُ؟» .

(٩٨) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ : كَانَ رَسُولُ اللَّهِ ﷺ يَعْتَسِلُ مِنْ أَرْبَعَ : مِنَ الْجَنَابَةِ ، وَيَوْمَ الْجُمُعَةِ ، وَمِنَ الْحِجَاجَةِ ، وَمِنْ غُشْلِ النَّيْتِ . رَوَاهُ أَبُو دَاوُدُ ، وَصَحَّحَهُ أَبُو خُزَيْمَةَ .

(٩٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ - فِي قِصَّةِ ثُمَّامَةَ بْنِ أَنَّالِ ، عِنْهُمَا أَشَلَّمَ - وَأَمْرَةَ الْبَيْهِيِّنِيِّ أَنْ يَعْتَسِلَ . رَوَاهُ عَبْدُ الرَّزَاقِ ، وَأَضْلَلَ مَتَّقَ عَلَيْهِ .

(١٠٠) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ قَالَ :

adult". [Reported by *As-Sab'a*^[1]].

اغسل يوم الجمعة واجب على كل محتلم.
آخر جمجمة السبع.

101. Narrated Samura^[2]: Allāh's Messenger ﷺ said, "Whoever performs ablution on the day of *Jumu'ah* has done a good thing and whoever takes a bath, taking a bath is better (for him)." [Reported by *Al-Khamṣa*^[3] and At-Tirmidhi graded it *Hasan* (good).]

(١٠١) وعن سمرة بن جندب رضي الله تعالى عنه قال: قال رسول الله ﷺ: «من توضأ يوم الجمعة فيها وغ沐ث، ومن أغسل فالغسل أفضل». رواه الخامسة، وصححه الترمذى.

102. Narrated 'Ali ﷺ: The Prophet ﷺ used to teach us the Qur'an except when he was in a state of sexual impurity.^[4] [Reported by Ahmad and *Al-Arba'a*. This is the wording of At-Tirmidhi who graded it *Hasan* (good). And Ibn Hibbān graded it *Sabib* (authentic)].

(١٠٢) وعن علي رضي الله تعالى عنه قال: كان النبي ﷺ يقرئنا القرآن ما لم يكن جنباً. رواه أحمد والخمسة، وهذا لفظ الترمذى، وصححه ابن حبان.

103. Narrated Abū Sa'īd Al-Khudri ﷺ: Allāh's Messenger ﷺ said, "If one of you has sexual intercourse with his wife and wishes to repeat, he must perform ablution"^[5] between them." [Reported by Muslim.] Al-Hākim added: "Ablution makes one more active for repeating (the sexual act)."

(١٠٣) وعن أبي سعيد الخدري رضي الله تعالى عنه قال: قال رسول الله ﷺ: «إذا أتى أحدكم أهلة، ثم أراد أن يعود، فلتوضأ بيتهما وضوءاً». رواه مسلم، رأى الحاكم: «فإنه أنشط للعود».

Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ used to sleep in the state of sexual

وللأربعة عن عائشة رضي الله تعالى عنها،

[1] Bukhārī, Muslim, Abū Dā'ud, Tirmidhi, Nisā'i, Ibn Mājah and Musnad Ahmad. This *Hadīth* is a proof for those scholars who say that the *Ghusl* of *Jumu'ah* is obligatory.

[2] Samura bin Jundub is a well-known *Sababi* nicknamed Abū 'Abdullāh. He was a Fazārī and an ally of the *Anṣār*. He was also one of the *Huffādh* (memorizers) who narrated many *Abādīth*. He settled at Basra and was very stern with Al-Harūrīya (i.e. *Al-Khawārīj*, a deviant sect of the Muslims). He died towards the end of the year 59 H.

[3] Abū Dā'ud, Tirmidhi, Nasā'i, Ibn Mājah and Musnad Ahmad.

[4] From this *Hadīth* and from others it is proven that reading the Qur'an is not permissible for a person in a state of major impurity (e.g. after sexual relations) which requires *Ghusl* (bath). [However, this Hadīth is weak. See: *Da'if Ibn Majah* no. 129 (594), pg. 46; *Mishkat* 1/143, no. 460; *Irwā' Al-Ghaleel* 1/206, no. 192].

[5] This ablution is desirable and not essential, it also brings about a pleasure and freshness in mood. It is reported that if the noble Prophet ﷺ went to his different wives in one night, he used to take a *Ghusl* (bath) after going to each of them. It is also reported that he performed ablution in between and sometimes he did not. So, in this matter one can choose any mode.

impurity without touching water.^[1]
[Reported by Al-Arba'a. This Hadith is defective.]

104. Narrated 'Aisha : Whenever Allāh's Messenger took a *Ghusl* (bath) after sexual intercourse, he would begin by washing his hands, then pour water with his right hand on his left hand and wash his sexual organ. He would then perform ablution, then take some water and run his (wet) fingers through the roots of his hair. Then he would pour three handfuls (of water) on his head, then pour water over the rest of his body and subsequently wash his feet. [Agreed upon and the wording is Muslim's].

Al-Bukhari and Muslim reported from Maimūna (): Allāh's Messenger poured water over his private parts and washed them with his left hand. He then struck his hand against the earth.

In another narration: 'He rubbed it (his left hand) with the surface soil.' And in the end of this narration: 'Then I brought him a towel^[2] but he returned it and began wiping off the water with his hand.' [Agreed upon].

105. Narrated Umm Salama : I said, "O Messenger of Allāh, I am a woman with tightly plaited hair on my head; should I undo it for taking a bath from sexual intercourse?" Another narration has: "from menstruation?" He () said, "No, it is enough for you to throw three

قالت: كَانَ رَسُولُ اللَّهِ يَنَامُ وَهُوَ جُنْتُ،
مِنْ عَيْرٍ أَنْ يَمْسَ مَاءً. وَهُوَ مَعْلُوٌ.

(١٠٤) وَعَنْ خَاتِمَةِ رَضِيَ اللَّهُ تَعَالَى عَنْهَا
قَالَتْ: كَانَ رَسُولُ اللَّهِ إِذَا اغْتَسَلَ مِنْ
الجَنَابَةِ يَدْأُبُ فِي غَسْلِ يَدِهِ، ثُمَّ يُفْرِغُ بِسْمِهِ عَلَى
شَمَائِلِهِ فَغَسِّلَ فَرْجَهُ، ثُمَّ يَتَوَضَّأُ ثُمَّ يَأْخُذُ الْمَاءَ
فَيَدْخُلُ أَصَابِعَهُ فِي أَصْوَلِ الشَّعْرِ، ثُمَّ حَفَنَ
عَلَى رَأْسِهِ ثَلَاثَ حَفَنَاتٍ، ثُمَّ أَفَاضَ عَلَى
مَتَاثِرِ جَسَدِهِ، ثُمَّ غَسَلَ رِجْلَيْهِ. مُتَقَرَّ عَلَيْهِ،
وَاللَّفْظُ لِعُسْلِيمَ.

وَهُمَا مِنْ حَدِيثِ مَمْوُنَةَ: «ثُمَّ أَفْرَغَ عَلَى
فَرْجِهِ وَغَسَلَهُ بِشَمَائِلِهِ، ثُمَّ ضَرَبَ بِهَا الْأَرْضَ».
وَفِي رِوَايَةِ: «فَمَسَحَهَا بِالثَّرَابِ». وَفِي آخِرِهِ:
«ثُمَّ أَتَيْتُهُ بِالْمِنْدِيلِ فَرَدَهُ»، وَفِيهِ: «وَجَعَلَ
يَثْبُطُ الْمَاءَ بِيَدِهِ».

(١٠٥) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا
قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي امْرَأَةٌ أَشُدُّ
شَعَرَ رَأْسِي، أَفَأَقْطُضُهُ لِغَسْلِ الْجَنَابَةِ؟ وَفِي
رِوَايَةِ: وَلِلْحَيْضَةِ؟ فَقَالَ: لَا، إِنَّمَا يَكْفِيكَ أَنْ
تَخْبِي عَلَى رَأْسِكِ ثَلَاثَ حَيَّاتٍ. رَوَاهُ مُسْلِمٌ.

[1] This Hadith suggests that before going to sleep, ablution is not essential for a *Junubi* (a person in the post-discharge state). However, a Hadith reported by Al-Bukhari and Muslim states that "Umar asked the Prophet: Can one of us sleep while he is in a state of major sexual impurity? The Prophet said: 'Yes, if he performs ablution.'" In another narration, the Prophet said: "...make ablution and wash your private parts, then sleep." [Al-Bukhari no. 287, 288; Muslim no. 600, 602].

[2] The issue of drying the limbs after performing ablution is discretionary. Therefore, it depends on ones choice whether to dry or not. However, drying with a towel is disliked (according to some scholars), while shaking off the water with ones hand is not disputed.

handfuls of water^[1] on your head".
[Reported by Muslim.]

106. Narrated 'Aishah ﷺ: Allāh's Messenger ﷺ said, "I do not permit a menstruating woman^[2] or anyone in a state of sexual impurity to (enter) the mosque".^[3] [Reported by Abū Dā'ud. Ibn Khuzaimah graded it *Sabib* (authentic).]

107. Narrated ('Aisha) ﷺ: I and Allāh's Messenger ﷺ used to take a *Ghusl* (bath) due to sexual impurity from the same vessel and our hands alternated in (scooping water from) it. [Agreed upon.] Ibn Hibbān added "and (our hands) used to meet."

108. Narrated Abū Hurairah ﷺ: Allāh's Messenger ﷺ said, "There is sexual impurity under every hair^[4], so wash the hair and cleanse the skin." [Reported by Abū Dā'ud and At-Tirmidhi who both graded it *Da'if* (weak). Ahmad has something similar from the *Hadīth* of 'Aisha ﷺ and in the chain is one narrator who is *Majbūl* (someone whose credibility is not confirmed)].

(١٠٦) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنِّي لَا أُحِلُّ الْمَسْجِدَ لِخَاطِئٍ وَلَا جُنْبٍ». رَوَاهُ أَبُو دَاوُدَ، وَصَحَّحَهُ ابْنُ حُرَيْمَةَ.

(١٠٧) وَعَنْهَا رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كُنْتُ أَغْسِلُ أَنَا وَرَسُولُ اللَّهِ ﷺ مِنْ إِنَاءِ وَاحِدٍ، تَخْتَافُ أَيْدِينِي فِيهِ، مِنَ الْجَنَانِيَةِ، مُتَقْنَعٌ عَلَيْهِ، وَزَادَ ابْنُ حِبَّانَ: «وَتَلَقَّى أَيْدِينِي».

(١٠٨) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ تَحْتَ كُلِّ شَعْرَةٍ بَجْنَابَةٌ، فَاغْسِلُوا الشَّعْرَ، وَأَقْلُوَا الْبَشَرَ». رَوَاهُ أَبُو دَاوُدَ وَالثُّرِيدِيُّ، وَصَحَّفَاهُ، وَلَاحِمَدَ عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا تَحْوُ، وَفَيْهِ رَاوٍ مَجْهُولٍ.

^[1] This *Hadīth* makes it clear that it is not essential for a woman to unravel her hair when performing a *Ghusl* (bath) after menses or sexual intercourse. There is another *Hadīth* from 'Aisha ﷺ in which untying of hair is reported. Some scholars understand this present *Hadīth* (of Umm Salama ﷺ) to mean that it is not *Wājib* (obligatory) to untie the hair, while the *Hadīth* of 'Aisha ﷺ indicates that untying of hair is only *Mustabab* (preferable).

^[2] A menstruating woman is not allowed to enter (and sit in) a mosque, circumambulate the Sacred Ka'bā, nor is she allowed to pray or fast in this period. Prayers of this period are pardoned, whereas missed days of fasting must be fulfilled later on. Reading from – and touching – the noble Qur'ān is also prohibited (according to the majority of scholars). Remembrance of Allāh is allowed to her. She is also allowed to go to the place of '*Eid* prayers and participate in supplicating Allāh along with the other Muslims.

^[3] It means that neither a menstruating woman nor anyone in a state of *Janābab* (state of major impurity after seminal emission) is allowed to stay in a mosque, though passing through is allowed. If somebody experiences seminal discharge as a result of a wet dream, while sleeping in a mosque, it is essential for him to go out and take a *Ghusl*. This is unanimously agreed upon.

^[4] We come to know by this *Hadīth* that it is obligatory – by consensus – to wash the whole body after having sexual intercourse. The exception to this is rinsing of the mouth and putting water in the nose. There is difference of opinion about these two. Some hold washing the mouth and nose to be obligatory, while the others hold it to be *Sunnah*.

Chapter 9

TAYAMMUM (PURIFICATION WITH SOIL)

٩ - بَابُ التَّيْمُومِ

109. Narrated Jābir bin ‘Abdullāh ﷺ: The Prophet ﷺ said, “I have been given five things which were not given to anyone else before me. Allāh made me victorious by awe (of frightening my enemies) for a distance of one month’s journey. The earth has been made for me (and my followers) a place for praying and (means of) purification (i.e. by performing *Tayammum*). Therefore, anyone (of my followers) must pray wherever the time of *Salāt* (prayer)^[1] becomes due.”^[2]

In the *Hadīth* of Hudhaifa, Muslim has: “The soil^[3] of the earth has been made for us as a means of purification if when we do not find water.”

Ahmad has, on the authority of ‘Ali ﷺ: “The soil has been made for me (and my followers) a means of purification.”

110. Narrated ‘Ammār bin Yāsir^[4]: The Prophet ﷺ sent me on an errand, then I became *Junub* (from seminal emission in my sleep). I did not find water, so I rolled on the soil like an animal does (to perform *tayammum*).

^[1] It means that if water is not readily available, one should not miss the first part of prayer time in search of water. However, Mālik, Ash-Shāfi’i and Ahmad (according to one narration from him) require that one search for water before performing *Tayammum*.

^[2] The other three things are: a) Booty (spoils of war) has been made lawful; b) The Great Intercession on the Day of Judgement, when all of humanity will be awaiting the start of the Judgement; c) His Messengership is for all of the inhabitants of the earth.

^[3] Soil and all other things from the same class (type) are regarded as equal and *Tayammum* is permissible with them, according to Abu Hanifah and Mālik [with the exception of such things like lime, antimony and arsenic, etc. which are not considered as one with soil]. Ash-Shāfi’i and Ahmad only allow the use of surface soil or the dust upon the surface of things.

^[4] ‘Ammār was nicknamed Abul-Yaqzān, and was among the most senior and early Muslims, and was tortured in Makkah for his Faith. He made the two migrations and took part in Badr and all the other important battles. The Prophet ﷺ told him, “O ‘Ammār, the party of transgressors will kill you.” He was indeed killed at Siffin in the year 36 H. – when he was with ‘Ali – at the age of 73 years.

(١٠٩) عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ قَالَ: «أُعْطِيَتِي خَمْسًا لَمْ يُعْطَهُنَّ أَحَدٌ قَبْلِي: نُصْرَتْ بِالرُّغْبَةِ مَسِيرَةَ شَهْرٍ، وَجَعَلْتُ لِي الْأَرْضُ مَسْجِدًا وَطَهُورًا، فَأَيْمًا رَجُلٌ أَذْرَكَهُ الصَّلَاةُ فَلَيُصْلِلُ». وَذَكَرَ الْحَدِيثَ.

وَفِي حَدِيثٍ حُدَيْقَةٍ عِنْدَ مُسْلِمٍ: «وَجَعَلْتُ تُرْبَّهَا لَنَا طَهُورًا، إِذَا لَمْ نَجِدِ الْمَاءَ».

وَعَنْ عَلَيِّ رَضِيَ اللَّهُ عَنْهُ عِنْدَ أَخْمَدَ: «وَجَعَلْتُ التُّرْبَابُ لِي طَهُورًا».

(١١٠) وَعَنْ عَمَّارِ بْنِ يَاسِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: بَعْثَيْنِي النَّبِيُّ ﷺ فِي حَاجَةٍ، فَأَجَبْتُهُ، فَلَمْ أَجِدِ الْمَاءَ، فَتَمَرَّغْتُ فِي الصَّعِيدِ، كَمَا تَمَرَّغَ الدَّابَّةُ، ثُمَّ أَبَيَتُ النَّبِيِّ

Then, I returned to the Prophet ﷺ and mentioned that to him. He (ﷺ) said, "It would have been sufficient for you to do with your hands this way". He then struck his hands once on the soil, and then rubbed the left hand on the right and the exterior part of his palms and his face. [Agreed upon. The wording is Muslim's].

In a narration of Al-Bukhāri: 'He (Allāh's Messenger ﷺ) struck the earth with his palms (both hands)^[1] and then blew off the dust and rubbed both of his palms over his face and hands.'

111. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ said, "Tayammum (purifying with the soil) consists of two strikings^[2] of the soil, one for the face and one for the hands up to the elbows." [Reported by Ad-Dāraqutni, and the Imāms graded it *Sabib* as *Mawqūf* (saying of a Companion)].

112. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "The soil is a means of ablution for the Muslim believer, even if he does not find water for ten years^[3]; but when he finds water he should guard against disobeying Allāh and let it touch his skin (i.e. use it for purification)." [Reported by Al-Bazzār, and Al-Qattān graded it *Sabib* (authentic). But Ad-Dāraqutni considered the correct opinion is that it

وَكَفَى، فَذَكَرْتُ لَهُ ذَلِكَ، فَقَالَ: إِنَّمَا كَانَ يَكْفِيَكَ أَنْ تَثْوِلَ بِيَدِيكَ هَكَذَا، ثُمَّ ضَرَبَ بِيَدِيهِ الْأَرْضَ ضَرْبَةً وَاحِدَةً، ثُمَّ مَسَحَ السَّمَاءَ عَلَى الْيَمِينِ وَظَاهِرَ كَعْبَيْهِ وَوَجْهِهِ. مُتَقْوِيٌ عَلَيْهِ وَاللَّهُ أَعْلَمُ بِمَا يَعْلَمُ.

وَفِي رِوَايَةِ الْبُخَارِيِّ «وَضَرَبَ بِكَعْبَيْهِ الْأَرْضَ، وَنَفَخَ فِيهِمَا، ثُمَّ مَسَحَ بِهِمَا وَجْهَهُ وَكَعْبَيْهِ».

(111) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْتَّيْمُمُ ضَرْبَتَانٍ، ضَرْبَةً لِلْوَجْهِ، وَضَرْبَةً لِلْكَعْبَيْنِ». رَوَاهُ الدَّارْقُطْنِيُّ، وَصَحَحَ الْأَئْمَةُ وَفَقَهَ.

(112) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الصَّبِيْعُ وَضُوءُ الْمُسْلِمِ، وَإِنْ لَمْ يَجِدْ الْمَاءَ عَشْرَ سِنِينَ، فَإِذَا وَجَدَ الْمَاءَ فَلْيَتَّقَنِ اللَّهُ، وَلْيُؤْمِنْ بِشَرْتَهُ». رَوَاهُ الْبَرَّارُ، وَصَحَحَهُ ابْنُ الْعَطَانِ، وَلَكِنْ ضَوْبَ الدَّارْقُطْنِيُّ إِرْسَالَهُ، وَلِلْتَّرمِذِيِّ عَنْ أَبِي ذَرٍ تَحْوِهُ، وَصَحَحَهُ الْحَاكِمُ أَنْصَاصًا.

^[1] This *Hadīth* explains *Tayammum* (purification with soil). Some scholars [e.g. Ahmad, Al-Awzā'i, Ishāq and *Abl Al-Hadīth*...] are of the opinion that *one* stroke on earth is enough for the face and both hands. Others [e.g. Abu Hanifah, Mālik and Ash-Shāfi'i] say that *two* strokes are essential, one for the face and the other for the hands as is mentioned in the next *Hadīth*. However, the *Abādīth* which mention '*two strokes*' are all *Da'if* (weak) or *Mawqūf* (saying of a Companion).

^[2] The scholars of *Abādīth* have regarded this *Hadīth* as *Da'if* (weak), and all its chains of narrators are also weak. Hence, it cannot stand as a proof in opposition to the *Hadīth* of 'Ammar which proves the performance of *Tayammum* as *one* stroke upon the earth.

^[3] It means that at the time of necessity soil is a complete substitute for water and fulfills all purposes of purification whether it concerns ablution or *Ghusl* (bath) – until water is available. With one *Tayammum* many obligatory acts can be performed, if there is no factor that nullifies it.

is *Mursal* (missing link in the chain after the *Tābi'i*. At-Tirmidhi reported a similar narration on the authority of Abū Dhar,^[1] which he authenticated and so did Al-Hākim].

113. Narrated Abū Sa'īd Al-Khudri : Two men set out on a journey and when the time of *Salāt* (prayer) came they had no water. They performed *Tayammum* with clean earth and prayed. Later on they found water within the time of the prayer. One of them repeated the prayer and ablution but the other did not repeat. Then they came to Allāh's Messenger ﷺ and related the matter to him. Addressing himself to the one who did not repeat, he said, "You followed the *Sunnah* and your prayer was sufficient (accredited) for you."^[2] He said to the other (who performed ablution and repeated): "For you there is a double reward".^[3] [Reported by Abū Dā'ud and An-Nasā'i].

114. Narrated Ibn 'Abbās regarding the explanation of the Words of Allāh : "And if you are ill"^[4] or on a journey

^[1] Abū Dhar's name was Jundub bin Junāda, and he was among the most prominent *Sabāba* and an ascetic (*Zābid*). He became a Muslim very early at Makkah, then went back to his people. He came to the Prophet ﷺ at Al-Madīnah and later settled and died at Rabdha in 32 H.

^[2] It means that if somebody has already prayed a certain prayer by performing *Tayammum*, then there is no need to repeat the prayer, even if water is found afterwards and there is still time for the prayer.

^[3] It was not necessary to pray again if the prayer had been offered by performing *Tayammum*. The second person got double reward for praying twice, once with *Tayammum* and once with ablution. It might also be due the reward of the prayer and the reward of exercising judgement (*Ijtibād*) regarding the problem, since there is one reward for the *Mujtahid* (scholar) even when he reached the wrong opinion.

^[4] It means that when someone intends to perform the prayer and there is some hindrance to performing ablution or taking a *Ghusl* (bath), then *Tayammum* is essential. Here illness means the sickness which would be aggravated by the use of water [according to Mālik, the Hanafi school and one of the two saying of Ash-Shāfi'i]. Others [Ahmad, and in one of the two sayings of Ash-Shāfi'i] hold that *Tayammum* is not allowed unless the sick person fears that the use of water would cause death. Daw'ud holds that *Tayammum* is allowed for every sick person – without the condition of fear of harm or death due to the use of water.

(١١٣) وَعَنْ أَبِي سَعِيدِ الْحُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: خَرَجَ رَجُلًا فِي سَفَرٍ، فَحَضَرَتِ الصَّلَاةُ، وَلَيْسَ مَعَهُمَا مَاءً، فَيَتَمَمُّ صَبِيَّدًا طَيْبًا، فَصَلَّى، ثُمَّ وَجَدَا الْمَاءَ فِي الرَّوْقَتِ، فَأَغَادَ أَحَدُهُمَا الصَّلَاةَ وَالْوُسُورَةَ، وَلَمْ يُعِدْ الْآخَرُ، ثُمَّ أَتَيَا رَسُولَ اللَّهِ ﷺ، فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ لِلَّذِي لَمْ يُعِدْ: «أَصَبَّتِ السَّنَةَ، وَأَجْزَأْتَكَ صَلَاتَكَ»، وَقَالَ لِلْآخَرِ: «لَكَ الْأَجْرُ مَرَّتَيْنِ». رَوَاهُ أَبُو دَاوُدَ وَالنَّسَائِيُّ.

(١١٤) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، فِي قَوْلِهِ عَزَّ وَجَلَّ: «إِنْ كُنْتُمْ مَرْفُوفُ أَوْ

...": If a man sustains a wound in the cause of Allāh and an injury, then becomes *Junub* (sexually impure) and fears death if he takes *Ghusl* (bath), he should perform *Tayammum*. [Reported by Ad-Dāraqutni as *Mawqūf* (a saying of a Companion) and Al-Bazzār as *Marfū'* (attributed to the Prophet). Ibn Khuzaima and Al-Hākim graded it *Sabib* (authentic)].

عَلَى سَقْرِيٍّ قَالَ: إِذَا كَانَتْ بِالرَّبْطِ الْجِرَاحَةُ
فِي سَبِيلِ اللَّهِ وَالْمُرْوُحِ، فَيَجْنِبُ، فَيَخَافُ أَنْ
يَمُوتَ إِنْ اغْتَسَلَ، تَيَمَّمَ رَوَاهُ الدَّارَطُونِيُّ
مَرْفُوفًا وَرَفِيعَةَ الْبَزَارُ، وَصَحَّحَهُ ابْنُ حُزَيْمَةَ
وَالْحَاكِمُ.

115. Narrated 'Ali ﷺ: One of the bones (ulna) in my forearm was broken, so I asked Allāh's Messenger ﷺ [concerning purification in this condition] and he ordered me to wipe over the bandages.^[1] [Reported by Ibn Mājah with chain of narrators that is *Wābin Jiddan* (very weak)].

116. Narrated Jābir ﷺ concerning the man who had sustained a wound in his head and took a bath and died: (Allāh's Messenger ﷺ said) "It would have been sufficient for him to perform *Tayammum*, then bind a bandage over the wound and wipe over it (with wet hands) and then wash the rest of his body." [Reported by Abū Dā'ud with a chain containing *Da'f* (weakness), and there is (also) disagreement concerning its narrator].

117. Narrated Ibn Abbās ﷺ: It is the *Sunnah* that a person should not pray more than one prayer^[2] with a (one) *Tayammum*, then he should perform *Tayammum* for the next *Salāt* (prayer). [Reported by Ad-Dāraqutni with a chain

(115) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ:
أَنْكَسَرَتْ إِلَيَّ زَنْدَى، فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ
فَأَمْرَنِي أَنْ أَمْسَحَ عَلَى الْجَبَائِرِ رَوَاهُ ابْنُ مَاجَهَ
بِسَنَدٍ وَأَوْ جِدًّا.

(116) وَعَنْ جَابِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، فِي
الرَّجُلِ الَّذِي شَجَّ فَاغْتَسَلَ فَمَاتَ: إِنَّمَا كَانَ
يُكْفِيُهُ أَنْ يَتَيَمَّمَ وَيَغْصِبَ عَلَى جُرْجُوهِ خَرْفَةَ، ثُمَّ
يَمْسَحَ عَلَيْهَا، وَيَغْتَسِلَ سَائِرَ جَسَدِهِ رَوَاهُ أَبُو
دَاؤُدَ بِسَنَدٍ فِيهِ ضَعْفٌ، وَفِيهِ اخْتِلَافٌ عَلَى رَاوِيهِ.

(117) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا قَالَ: مِنَ السُّنَّةِ أَنْ لَا يُصْلِي الرَّجُلُ
بِالْيَمِيمِ إِلَّا صَلَاةً وَاحِدَةً، ثُمَّ يَتَيَمَّمُ لِلصَّلَاةِ
الْأُخْرَى رَوَاهُ الدَّارَطُونِيُّ بِإِشْنَادٍ ضَعِيفٍ جِدًّا.

^[1] The word in Arabic is *Jabā'ir* (جبائر) used for the cloth strips – or wooden sticks – which are placed around the broken arm or leg for covering and support and to keep it straight.

^[2] Since *Tayammum* (purification with soil) is a substitute for ablution, it works the same. Just as many prayers can be offered with one ablution, in the same way many prayers can be offered with one *Tayammum*. Some people – after performing *Tayammum* for sexual intercourse or a wet dream – hesitate to enter the mosque or to recite the Qur'ān. This is only an evil apprehension and a satanic distraction and should not be cared for. The chain of narrators for this *Hadīth* is weak. Likewise, there are two other *Abadīth* on the same issue and both of them are also *Da'if* (weak).

of narrators that is *Da'if Jiddan* (very weak)].^[1]

Chapter 10 MENSTRUATION

١٠ - باب الحِيْضُر

118. Narrated 'Aisha : Fatima bint Abū Hubaish had a prolonged flow of blood^[2] and Allāh's Messenger ﷺ told her, "The menstruation blood is a dark recognizable blood, so if that comes then avoid prayer. And if it is the other (light colored blood) then perform *Wudu'* (ablution) and offer *Salāt* (prayer) [for that is blood of a vein]."
[Reported by Abū Dā'ud and An-Nasā'i. Ibn Hibbān and Al-Hākim graded it *Sahīb* (authentic). Abū Hātim considered it *Munkar* (rejected)].

And in the *Hadīth* of Asmā' bint 'Umais^[3] (رضي الله تعالى عنها) reported by Abū Dā'ud, (the Prophet ﷺ said:) "She should sit in a tub, and when she sees a yellowish color on the surface of the water, she should take a bath once for the *Zubr* and *'Asr* prayers, and take another bath for the *Magrib* and *Ishā'* prayers, and take a bath once for the *Fajr* prayer, and in between these times she should perform ablution [before performing any act of worship which requires purification]."

(١١٨) عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ فَاطِمَةَ بِنْتَ أَبِي حُيَيْشٍ كَانَتْ شَسْخَاصٌ، فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «إِنَّ دَمَ الْحِيْضُرَ دَمٌ أَشْوَدُ مَعْرَفَ، فَإِذَا كَانَ ذَلِكَ فَأَنْسِكِي عَنِ الصَّلَاةِ، فَإِذَا كَانَ الْآخَرُ فَتَوَضَّئِي وَصَلِّي». رَوَاهُ أَبُو دَاوُدُ وَالشَّافِعِيُّ، وَصَحَّحَهُ ابْنُ حَمَّادَ وَالْحَاكِمُ، وَاسْتَشَكَّهُ أَبُو حَاتِمٍ.

وَفِي حَدِيثِ أَسْمَاءَ بِنْتِ عُمَيْسٍ عِنْدَ أَبِي دَاوُدَ: وَتُنْجِلِينَ فِي مِرْكَنِ، فَإِذَا رَأَتْ صُفْرَةً فَفَوْقَ الْمَاءِ فَلَتَغْتَسِلْ لِلظَّهِيرَةِ وَالْعَصْرِ غُسْلًا وَاحِدًا، وَتَغْتَسِلْ لِلْمَغْرِبِ وَالْعِشَاءِ غُسْلًا وَاحِدًا، وَتَغْتَسِلْ لِلنَّجْمِ غُسْلًا وَاحِدًا، وَتَتَوَضَّأْ فِي مَا يَبْيَنَ ذَلِكَ.

^[1] This *Hadīth* is weak because it was narrated by Al-Hasan bin 'Umārah who is weak, and for this reason the *Hadīth* scholars did not rely on it. They said: "Allāh has permitted for us the use of soil in the absence of water and since ablution only becomes obligatory after its nullification (i.e. due to urination, defecation or passing wind), so is the case with *Tayammum*."

^[2] *Istibāda* (استحاضة) may be either prolonged post-natal bleeding or prolonged menstruation period (and is regarded as bleeding between the periods). The period of menstruation, according to some scholars is from one to fifteen days; and according to others, its duration is from three to ten days. Experience confirms the later assertion. Every woman knows her period, if bleeding exceeds the normal time, then it would be *Istibāda*.

^[3] She was the wife of Ja'far bin Abū Tālib. She had migrated with him to Abyssinia (Ethiopia) and bore him there children, among them was 'Abdullāh. Then Abū Bakr As-Siddiq married her after the martyrdom of Ja'far at the battle of Mu'ta, and she bore him Muhammad. 'Ali bin Abū Tālib also married her after the death of Abū Bakr and she bore him Yahya. 'Umar used to ask her the interpretation of dreams. She died after the death of 'Ali.

119. Narrated Hamna bint Jahsh^[1]: My prolonged bleeding flowed abundantly and severely. So I came to the Prophet ﷺ to ask for his (religious) opinion. He said, "This is [the result of] a stroke/stab by the devil. Therefore, you must observe your menses for six or seven days, then take a bath and when you see that you are purified and quite clean, pray for twenty-three or twenty-four days, and fast and pray, for that will indeed suffice you. And do like this every month – just as the other women menstruate (and are purified). But if you are strong enough^[2] to delay the *Zubr* prayer and advance the *'Asr* prayer, then take a bath and combine the *Zubr* and the *'Asr* prayer; then delay the *Magrib* prayer and advance the *Ishā'* prayer then take a bath and combine the two prayers, do so; and take a bath at *Fajr* (dawn) and perform the (dawn) prayer." Allāh's Messenger ﷺ said of these two options: "This one appeals more to my liking (i.e. taking a bath at these three times daily)". [Reported by *Al-Khamṣa* except *An-Nasā'i*. At-Tirmidhi graded it *Sabib* (authentic) and Al-Bukhārī graded it *Hasan* (good)].

120. Narrated 'Aisha ؓ: Umm Habiba bint Jahsh^[3] complained to Allāh's Messenger ﷺ about the blood (which flows beyond the menstruation period).

(١١٩) وَعَنْ حَمْنَةَ بْنَتِ جَحْشٍ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ كُنْتُ أَسْتَحْاضُ حَيْضَةً كَثِيرَةً شَدِيدَةً، فَأَتَيْتُ النَّبِيَّ ﷺ أَسْقَفْتُهُ، فَقَالَ: «إِنَّمَا هِيَ رَكْضَةٌ مِنَ الشَّيْطَانِ، فَتَحَبَّصِي سِتَّةً أَيَّامٍ أَوْ سَبْعَةً أَيَّامٍ، ثُمَّ اغْتَسلِي، فَإِذَا أَسْتَقَاتِ فَصَلَّى أَرْبَعَةَ وَعِشْرِينَ أَوْ ثَلَاثَةَ وَعِشْرِينَ، وَصُومِي وَصَلَّى، فَإِنْ دَلَكَ يُخْزِنُكَ، وَكَذَلِكَ فَافْعَلِي كُلَّ شَهْرٍ، كَمَا تَحِيطُ النِّسَاءُ، فَإِنْ قَوِيتَ عَلَى أَنْ تُؤْخِرِي الظَّهَرَ وَتَعْجَلِي الْعَصْرَ، ثُمَّ تَعْتَسِلِي حِينَ تَطْهِيرِكَ، وَتَصَلِّي الظَّهَرَ وَالْعَصْرَ جَمِيعًا، ثُمَّ تُؤْخِرِي الْمَعْرِبَ وَتَعْجَلِي الصَّلَاتَيْنَ فَافْعَلِي، وَتَعْتَسِلِي مَعَ الصُّبْحِ وَتَصَلِّي، فَقَالَ: وَهُوَ أَعْجَبُ الْأَمْرَيْنِ إِلَيَّ». رَوَاهُ الْخَسْنَةُ إِلَّا النَّسَائِيُّ، وَصَحَّحَهُ التَّرمِذِيُّ، وَحَسَّنَهُ البَخَارِيُّ.

(١٢٠) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ أُمَّ حَيْبَةَ بْنَتِ جَحْشٍ شَكَّتْ إِلَى رَسُولِ اللَّهِ ﷺ الدَّمَ، فَقَالَ: «أَمْكُثِي قَدْرَ مَا كَانَتْ

^[1] Hamna bint Jahsh is the sister of the 'Mother of the Believers' Zainab bint Jahsh. She was married to Mus'ab bin 'Umair, who was martyred during the battle of Uhud after which she was married by Talha bin 'Ubaidullāh.

^[2] In this *Hadīth*, Hamna was ordered to take a bath three times a day. One bath for *Zubr* (ظهر) and *'Asr* (عصر) prayers and a second for *Magrib* (مغرب) and *'Ishā'* (عشاء) and a third for *Fajr* (فجر). In the preceding *Hadīth* Fatima bint Abū Hubaish was ordered merely to perform ablution before every prayer. It means in case of *Istihāda* (استحاضة) taking a bath is not compulsory but performing ablution is obligatory for every prayer. Taking a bath is preferable if weather conditions and health allows. Otherwise, ablution suffices.

^[3] Habiba bint Jahsh was another sister of Zainab bint Jahsh, 'the Mother of the Believers' and she was married to 'Abdur-Rahmān bin 'Auf. Muslim narrated that she had a prolonged flow of blood for seven years. She died in 44 H.

He said, "Keep away (from prayer) the length of time that your menses prevented you, then take a bath (and offer prayers)". And she used to take a bath for every prayer.^[1] [Reported by Muslim.]

The narration of Al-Bukhāri has: "Perform ablution for every *Salāt* (prayer)". It has (also) been reported by Abū Dā'ud and others through another chain of narrators.

121. Narrated Umm 'Atiya^[2]: We did not consider brown (muddy colored) and yellow discharges after purification (from menstruation)^[3] as anything (impure). [Reported by Al-Bukhāri and Abū Dā'ud and the wording is his (Abū Dā'ud's)].

122. Narrated Anas : The Jews used not to eat with a woman during her menstruation period, so the Prophet ﷺ said, "Do every thing else apart from sexual intercourse (with your wives)". [Reported by Muslim.]

123. Narrated 'Aisha : Allah's Messenger ﷺ used to order me to put on an *Izār*^[4] and then caress^[5] me

تَخِسِّكَ حَيْضُكَ، ثُمَّ اغْتَسِلِي»، فَكَانَتْ تَعْتَسِلُ لِكُلِّ صَلَاةٍ. رواه مسلم.

وَفِي رِوَايَةِ الْبُخَارِيِّ «وَتَوَضَّنِي لِكُلِّ صَلَاةٍ». وَهِيَ لِأبِي دَاؤِدَ وَغَيْرِهِ مِنْ وَجْهٍ آخَرَ.

(١٢١) وَعَنْ أُمِّ عَطِيَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كُنُّا لَا نَمُدُ الْكُدْرَةَ وَالصُّفْرَةَ بَعْدَ الطَّهْرِ شَيْئًا. رَوَاهُ الْبُخَارِيُّ وَأَبْوَ دَاؤِدَ، وَاللَّفْظُ لَهُ.

(١٢٢) سَعِنْ أَنْسِي رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ إِيَّهُودَ كَانُوا إِذَا حَاضَتِ الْمَرْأَةُ فِيهِمْ لَمْ يُؤَاكِلُوهَا، فَقَالَ الرَّبِيعُ بْنُ عَيْشَةَ: «إِسْتَعُوا كُلَّ شَيْءٍ إِلَّا النِّكَاحَ». رَوَاهُ مُسْلِمٌ.

(١٢٣) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُنِي فَأَتَزَرُ،

^[1] It was only a precautionary or voluntary act of Umm Habiba to take a bath for every prayer. The correct ruling regarding this issue is to take a post-menstruation *Ghusl* (bath) and purify oneself. Concerning prolonged bleeding, what is required is to wash away the blood and perform ablution for every prayer.

^[2] Her name was Nusaiba bint Ka'b or bint Al-Hārith Al-Ansāriya. She was among the prominent *Sabābiya* women, and she used to accompany Allah's Messenger ﷺ to battles, nursing the sick and treating the injured. She fought during the battle of Uhud like the heroes fought. She witnessed the washing of the body of the daughter of the Prophet ﷺ which she perfected and narrated, and a number of *Sabāba* and *Tabi'i Ulama* at Basra recorded that from her. Her *Hadīth* is considered to be the basic (reference) for washing the dead. She was counted to be among the *Sabābiya* who settled at Basra.

^[3] In the narration of 'Aisha , yellow and muddy colored discharge is considered as menses. However, this *Hadīth* states: "We considered it nothing." The two *Abadīth* appear to be opposing each other, but actually both are correct in their context. If the yellow or muddy colored discharge oozes out in the menstruation period, it will be considered as 'menses'; and if it come out after the period, it is 'nothing' as the word *Ba'd At-Tubr* (بعد الطهير) gives the clue.

^[4] *Izār* is a piece of cloth worn from the waistline downwards like a skirt.

^[5] Those who do not believe in the *Abadīth* (i.e. the deniers of *Sunnab*), create ambiguity

while menstruating. [Agreed upon].

فَيَأْشِرُنِي وَأَنَا حَائِضٌ . مُتَقَنْ عَلَيْهِ.

124. Narrated Ibn ‘Abbās ﷺ: Allāh’s Messenger ﷺ said regarding a husband who has sexual intercourse with his wife during her menstruation period, “He should give out (as atonement) one Dinar or 1/2 Dinar in charity.” [Reported by *Al-Khamṣa*. Al-Hākim and Ibn Al-Qattān graded it *Sabib* (authentic). Others held that the stronger view is that it is *Mawquf* (saying of a Companion)].^[1]

(١٢٤) وَعَنْ أَبْنَ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنْ رَسُولِ اللَّهِ تَعَالَى، فِي الَّذِي يَأْتِي امْرَأَةً وَهِيَ حَائِضٌ، قَالَ: «يَتَصَدَّقُ بِدِيْنَارٍ أَوْ بِنِصْفِ دِيْنَارٍ». رَوَاهُ الْخَمْسَةُ، وَصَحَّحَهُ الْحَاكِمُ وَابْنُ الْقَطَّانِ، وَرَجَحَ عَيْرُهُمَا وَقَفَةً.

125. Narrated Abū Sa‘id Al-Khudri ﷺ: Allāh’s Messenger ﷺ said, “Is it not the case that a woman in her menstruation period neither prays nor fasts?”^[2] [Agreed upon. It is part of a long *Hadīth*.]

(١٢٥) وَعَنْ أَبِي سَعِيدِ الْحُدَيْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَى: «أَلَيْسَ إِذَا حَاضَتِ النِّسَاءُ لَمْ تُصَلِّ وَلَمْ تَصُمْ؟». مُتَقَنْ عَلَيْهِ فِي حَدِيثِ طَوِيلٍ.

126. Narrated ‘Aisha ﷺ: When we came to a place called Sarif, I menstruated and the Prophet ﷺ said (to me), “Do what a pilgrim does [i.e. regarding the rites of *Hajj* and *‘Umrah*] except that you don’t circumambulate the Ka‘ba

(١٢٦) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: لَمَّا جَئْنَا سَرِيفًا حِضَطْتُ، فَقَالَ النَّبِيُّ تَعَالَى: «افْعُلِي مَا يَفْعَلُ الْحَاجُّ، عَيْرِ أَنْ لَا تَطْوِي بِالْبَيْتِ حَتَّى تَطْهِيرِي». مُتَقَنْ عَلَيْهِ فِي

and doubt at this point, and make the people suspicious about the *Abadīth*. They assert that sexual intercourse during the menstruation period is prohibited by the noble Qur’ān. However, according to this *Hadīth* the Prophet would engage in sexual relations with his wife during that period. Hence, *Hadīth* is not true. The literal meaning of *Mubāsharabah* (مَاشِرَة) is to touch and rub the body with the body, and speaking metaphorically it means sexual intercourse. In other *Abadīth* it has been clarified that sexual intercourse is strictly forbidden during menstruation. Thus, it is quite a dishonesty to translate the word *Mubāsharabah* (مَاشِرَة) as sexual intercourse instead of ‘fondling’ and thereby create suspicion.

^[1] Some of the scholars [e.g. Ash-Shāfi‘i and Ibn Abdul-Barr] consider this *Hadīth* to be *Da‘if* (weak), and therefore, most of the scholars do not deem it necessary to expiate. Other scholars [e.g. Ibn Qattān and Ibn Daqiq Al-Eid] consider the *Hadīth* to be *Sabib* (authentic) and require that it be implemented. However, they hold that the command here [to give charity] is meant to indicate that it is commendable (*Mustabab*), not obligatory (*Wājib*). In any case, the person who engages in sexual relations with his wife during menses must at least seek Allah’s forgiveness and repent from such behavior.

^[2] This is a small portion of a long *Hadīth*. The noble Prophet ﷺ while delivering a *Khutba* (religious talk) to the women, told them that their *Deen* (i.e. acts of worship) was *Nāqis* (incomplete). They asked, “How?” In the answer to their question, he spoke these words which indicate the prohibition of the menstruating women of performing prayers and fasting. However, this is in no way meant to be a criticism of women, since their abandonment of these acts of worship – during menses – is in obedience to Allah, not disobedience.

until you are purified". [Agreed upon and it is part of a long *Hadith*.]

حدیث طوبیله.

127. Narrated Mu'ādh : He asked the Prophet ﷺ, "What is lawful for a man regarding his wife when she is menstruating?" He ﷺ replied, "Whatever is above the *Izār* (waist wrapper) (is lawful)."^[1] [Reported by Abū Dā'ud and he graded it *Da'iif* (weak).]

(١٢٧) وَعَنْ مُعاذِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ سَأَلَ النَّبِيَّ ﷺ، مَا يَحِلُّ لِلرَّجُلِ مِنْ امْرَأَهُ وَهِيَ حَائِضٌ؟ فَقَالَ: «مَا فَوْقَ الْإِزارِ». زَوْاهُ أَبُو دَاؤُدَّ، وَضَعْفَةُ.

128. Narrated Umm Salama : During the time of the Prophet ﷺ the women having bleeding after delivery (post-natal or puerperal blood) would refrain (from prayer) for forty days.^[2] [Reported by *Al-Khamṣa* except An-Nasā'i. The wording is that of Abū Dā'ud].

(١٢٨) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَاتَ: كَانَتِ النِّسَاءُ تَقْعُدُ عَلَى عَهْدِ النَّبِيِّ ﷺ بَعْدَ يَقْسِيسِهَا أَرْبَعِينَ يَوْمًا. زَوْاهُ الْخَمْسَةُ إِلَى النِّسَائِيِّ، وَالْفَقْطُ لِأَبِي دَاؤُدَّ.

And in another narration of Abū Dā'ud it has: "The Prophet ﷺ did not command her to make up for the prayers (abandoned) during the period of bleeding." Al-Hākim graded it *Sabib* (authentic).

وَفِي لَفْظِهِ: وَلَمْ يَأْمُرْهَا النَّبِيُّ ﷺ بِقَضَاءِ صَلَاةِ النِّفَاسِ. وَصَحَّحَهُ الْحَاكِمُ.

^[1] "Everything above the *Izār* (dress worn below the waist)" may have two meanings: First, the *Izār* may be a figurative speech for 'sexual intercourse'. In other words, everything is permitted except sexual intercourse. Secondly, it may metaphorically mean the portion of body related to *Izār*. But this meaning will contradict the stronger and more authentic *Hadith* stating: "Do everything except intercourse." [اصنعوا كل شيء إلا النكاح]. Therefore, applying the first meaning is preferable, in order to eliminate any contradiction between the two *Hadith*.

^[2] It means the maximum period of post-natal blood is forty days, while the minimum time for it is not fixed. If it continues more than forty days, it will be regarded as *Istibāda* (bleeding between periods) which is not a hindrance for prayer, fasting and having sexual intercourse. The commands and prohibitions related to post-natal bleeding are the same as those related to menstruation.

2. THE BOOK OF PRAYER

٢ - كتاب الصلاة

Chapter 1 THE TIMES OF SALAT (PRAYERS)

١ - باب المواقت

129. Narrated 'Abdullāh bin 'Amr ﷺ: The Prophet ﷺ said, "The time of the *Zuhr* (noon) prayer^[1] is when the sun passes the meridian and a man's shadow is of the same length as his height. It lasts until the time of the *'Asr* (afternoon) prayer. The time of the *'Asr* prayer is as long as the sun has not become yellow (during its setting). The time of the *Magrib* (sunset) prayer^[2] is as long as the twilight^[3] has not disappeared. The time of the *Ishā'* (night) prayer is up to midnight. And the time of the *Fajr* (morning) prayer is from the appearance of dawn as long as the sun has not risen; (but when the sun rises abstain from prayer; for it rises between the two horns of Satan)." [Reported by Muslim].

(١٢٩) عن عبد الله بن عمرو رضي الله تعالى عنهما أن النبي ﷺ قال: «وقت الظهر إذا زالت الشمس، وكان ظل الرجل كطوله، ما لم يخضُر العصر، ووقت العصر ما لم تضفر الشمس، ووقت صلاة المغرب ما لم يغبر الشفق، ووقت صلاة العشاء إلى ينضي الليل الأوسط، ووقت صلاة الصبح من طلوع الفجر ما لم تطلع الشمس». رواه مسلم.

Narrated Burāīda^[4] (播) in another version of the above *Hadīth* regarding

وَلَهُ مِنْ حَدِيثِ بُرَيْدَةَ فِي الْعَصْرِ: «وَالشَّمْسُ

^[1] It means that the time for *Zuhr* (ظهر) prayer is up to the same size shadow [from the start of the sun's decline up to the time when a man's height and the size of his shadow are equal in length]; and after that, the time of *'Asr* (عصر) prayer starts. Some of the religious scholars consider the time of *Zuhr* prayer up to double-size shadow, but this is not proven by any authentic *Hadīth*.

^[2] This *Hadīth* tells that *Magrib* (مغرب) prayer also has two timings, early and late. In the *Hadīth* of Jibril only one time is mentioned for *Magrib* prayer on both days, but this was an affair of the early period of Islam. Later on, in Al-Madīnah, the time for the *Magrib* prayer was extended.

^[3] *Shafaq* (شفق) – twilight is a redness on the western horizon at evening after sunset, as its description is given in the narration of Ad-Dāraqutnī.

^[4] He is Abū 'Abdullāh Burāīda bin Al-Husayn Al-Aslāmī. He embraced Islam together with eighty of his colleagues when the Prophet ﷺ passed him on his way to the migration to Al-Madīnah. He then came to the Prophet ﷺ after the battle of Uhud and then took part in the other battles. He also attended Al-Hudaibiyah and Bai'at-ur-Ridwān. He settled at Basra then went with an expedition to Khurāsān settling at Marw where he died and was buried in 62 H. or 63 H.

'Asr (afternoon prayer): "When the sun is white^[1] and clear." [Reported by Muslim]. And Abū Musā^[2] (أبو موسى) narrated regarding the time of 'Asr prayer: "While the sun is high.^[3]" [Reported by Muslim in another narration of the former *Hadīth*].

130. Narrated Abū Barza Al-Aslāmī^[4] (أبو بارث الأسلمي): Allāh's Messenger ﷺ used to offer the 'Asr prayer (and after the prayer) one of us would return to his house at the furthest end of Al-Madīnah and arrive while the sun was still hot and bright. And he (ﷺ) loved to delay the 'Ishā' prayer, and he disliked sleeping before it and conversation after it.^[5] After the *Fajr* prayer he used to leave when a man could recognize the one sitting beside him and he used to recite between 60 to 100 Verses of the Qur'ān in the *Fajr* prayer. [Agreed upon].

Narrated Jābir, in the version of Al-Bukhārī and Muslim: (The Prophet ﷺ) used to advance the 'Ishā' prayer sometimes and delay it at other times. Whenever he saw the people assembled (for the 'Ishā' prayer) he would pray

بِيَضَّاءِ نَقِيَّةٍ وَمِنْ حَدِيثِ أَبِي مُوسَى :
وَالشَّمْسُ مُرْتَبَعَةٌ .

(١٣٠) وَعَنْ أَبِي بَرْزَةَ الْأَسْلَمِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ : كَانَ رَسُولُ اللَّهِ ﷺ يُصَلِّي عَلَى الْعَصْرِ ، ثُمَّ يَرْجِعُ أَحَدُنَا إِلَى رَخْلَهُ فِي أَفْصَنِ الْمَدِينَةِ وَالشَّمْسُ حَيَّةٌ ، وَكَانَ يَسْتَحِبُّ أَنْ يُؤْخَرَ مِنَ الْعِشَاءِ ، وَكَانَ يَكْرَهُ النَّوْمَ قَبْلَهَا وَالْحَدِيثَ بَعْدَهَا ، وَكَانَ يَنْقُلُ مِنْ صَلَوةِ الْغَدَاءِ جِنَّةً يَعْرِفُ الرَّجُلُ جَلِيسَهُ ، وَكَانَ يَقْرَأُ بِالسَّيْنِ إِلَى الْمَوْلَةِ . مُتَقَرَّ عَلَيْهِ .

وَعَنْهُمَا مِنْ حَدِيثِ جَابِرٍ : وَالْعِشَاءُ أَخِيَانًا يَقْدِمُهَا ، وَأَخِيَانًا يُؤْخِرُهَا ، إِذَا رَأَهُمْ اجْتَمَعُوا عَجَلَ ، وَإِذَا رَأَهُمْ أَبْطَلُوا أَخَرَ ، وَالصِّبْحُ كَانَ الَّذِي ﷺ يُصَلِّي بِعَلَيْهَا يَعْلَمُ .

^[1] It means that 'Asr (عصر) prayer should be offered in its early time. After the same size shadow, there is time for four *Rak'at* only which is common between *Zuhr* and 'Asr prayers. After that, time for 'Asr begins.

^[2] 'Abdullāh bin Qais Al-Ash'arī was one of the most eminent *Sahāba*. He migrated to Abyssinia (Ethiopia) and then came to the Prophet ﷺ at Khaibar. He was assigned to administer Zabid and 'Aden and then became 'Umar's governor for Kufa and Basra. He was instrumental in the conquest of Tastar and several other towns. He probably died in 42 H. or in another year.

^[3] All the mentioned narrations confirm that every *Salāt* (prayer) has its 'early time' and 'late time' [time of prayer to be offered], but every *Salāt* (prayer) should be offered in its early time.

^[4] He is Nadla bin 'Ubaid. He became a Muslim very early and witnessed the conquest of Makkah and the other important battles. He settled at Basra, then Khurāṣān and died at Marw or Basra in 60 H. or 64 H.

^[5] After 'Ishā' prayer it has been prohibited to talk. The motive behind this prevention is that the sins of a believer are pardoned after his offering the prayer, and it is better to go to bed than to talk and indulge oneself in worldly affairs. After offering 'Ishā' prayer, going to bed earns double benefit: first, to save oneself from sins and, secondly, that the prayer will be regarded his last action before sleep.

early and if the people delayed, he would delay the prayer. And the Prophet ﷺ used to offer the *Fajr* prayer when it was still dark.^[1]

Narrated Abū Mūsa (رضي الله عنه) in another version of Muslim: He (رضي الله عنه) offered the *Fajr* prayer at daybreak when the people could hardly recognize one another.

131. Narrated Rāfi' bin Khadīj^[2]: We used to offer the *Magrib* prayer with Allāh's Messenger ﷺ and then one of us would go (out of the mosque) and be able to see the spot his arrow would fall at. [Agreed upon].

132. Narrated 'Aishah^[3]: The Prophet ﷺ delayed (the '*Isbā'* prayer) one night till a great part of the night passed, then he went out and offered the prayer, and said, "This is the proper time for it,^[3] were it not that I would impose a burden on my followers." [Reported by Muslim].

133. Narrated Abū Hurairah^[4]: Allāh's Messenger ﷺ said, "When it is hot, delay the (*Zubr*) prayer till it cools down,^[4] for the intensity of heat is from the exhalation of Hell." [Agreed upon].

134. Narrated Rafi' bin Khadīj^[5]: Allāh's Messenger ﷺ said, "Offer the

وَلِمُسْلِمٍ مِنْ حَدِيثِ أَبِي مُوسَى: «فَإِذَا
الْفَجْرُ حِينَ انْشَقَ الْمَغْرِبُ، وَالنَّاسُ لَا يَكَادُ
يَعْرِفُ بَعْضُهُمْ بَعْضًا».

(١٣١) وَعَنْ رَافِعٍ بْنِ حَوْيِيجٍ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ قَالَ: كُنَّا نُصَلِّي الْمَغْرِبَ مَعَ رَسُولِ
اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَيَصْرِفُ أَحَدُنَا وَإِنَّهُ لَيَصُرُّ مَوَاقِعَ
نَبِيلِهِ. مُتَقَدِّمٌ عَلَيْهِ.

(١٣٢) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا
قَالَتْ: أَغْتَمَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَاتَ لَيْلَةٍ بِالْعِشَاءِ، حَتَّى
ذَهَبَتْ عَامَّةُ الظَّلَلِ، ثُمَّ خَرَجَ فَصَلَّى، وَقَالَ:
«إِنَّهُ لَوْقَهَا، لَوْلَا أَنْ أَشْقَى عَلَى أُمَّتِي»، زَوَاهِ
مُسْلِمٌ.

(١٣٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ
قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِذَا اشْتَدَ الْحَرَّ
فَأَبْرُدُوا بِالصَّلَاةِ، فَإِنَّ شِدَّةَ الْحَرَّ مِنْ فِيهِ
جَهَنَّمُ». مُتَقَدِّمٌ عَلَيْهِ.

(١٣٤) وَعَنْ رَافِعٍ بْنِ حَوْيِيجٍ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَضْبَخُوا

^[1] Regarding the time of *Fajr* (morning) prayer, there are various opinions and conjectures of the Companions of the Prophet ﷺ. In this *Hadīth*, the Arabic word *Ghalas* (غلس) means when dawn appears in the darkness of night.

^[2] He is an *Ansāri* nicknamed Abū 'Abdullāh. He missed Badr due to young age, but took part in Uhud and the battles that followed. He died in the year 73 H. or 74 H. at the age of 86 years.

^[3] It is preferable to offer the '*Isha'* prayer as late as possible. This order is exclusively for '*Isha'* prayer only and not for any other prayer. The Prophet ﷺ used to wait for and delay this prayer.

^[4] In summer, whether the *Zubr* prayer be offered in its early time or late, there is a difference of opinion regarding this issue. But it is appropriate to make a little delay, until one could walk in the shade of walls. According to Abū Dā'ud and Nasā'i, the noble Prophet ﷺ used to delay the *Zubr* prayer till the shadow becomes three to five footsteps long.

morning prayer at dawn,^[1] for it is greater for your rewards.” [Reported by *Al-Khamsa*. At-Tirmidhi and Ibn Hibbān graded it *Sabib* (authentic)].

135. Narrated Abū Huraira : The Prophet ﷺ said, “He who prays a *Rak‘a* of the *Fajr* prayer before the sun rises, has offered the dawn prayer in its time, and he who prays a *Rak‘a* of the *Asr* prayer before the sun sets has offered the afternoon prayer.” [Agreed upon].

Muslim reported the same above *Hadīth* in another version narrated by ‘Aisha رضي الله عنها who narrated ‘*Sajda* (prostration) instead of ‘*Rak‘a* (prayer unit) and then he (Muslim) said, “A *Sajda* implies a *Rak‘a*.”

136. Narrated Abū Sa‘id Al-Khudri : I heard Allāh’s Messenger ﷺ saying: “No *Salāt* (prayer) is to be offered after the morning prayer until the sun rises^[2], or after the afternoon prayer until the sun sets.” [Agreed upon]. And in the narration of Muslim: “There is no *Salāt* (prayer) after the *Fajr* (morning) prayer.”

‘Uqba bin ‘Aamir^[3] narrated: “There are three times at which Allāh’s Messenger ﷺ used to forbid us to pray

بِالصَّبْحِ، فَإِنَّهُ أَعْظَمُ لِأَجْوَرِكُمْ». رَوَاهُ الْخَمْسَةُ وَصَحَّحَهُ التَّرْمِذِيُّ وَابْنُ حِبَّانَ.

(١٣٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ أَذْرَكَ مِنَ الصَّبْحِ رَكْعَةً قَبْلَ أَنْ تَطْلُعَ الشَّمْسُ فَقَدْ أَذْرَكَ الصَّبْحَ، وَمَنْ أَذْرَكَ رَكْعَةً مِنَ الْعَصْرِ قَبْلَ أَنْ تَغُرُّ الشَّمْسُ فَقَدْ أَذْرَكَ الْعَصْرَ». مُتَقَوِّلٌ عَلَيْهِ.

وَلِمُسْلِمٍ عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا تَحْوُهُ، وَقَالَ: «سَجْدَةٌ بَدْلٌ لِرَكْعَةٍ» ثُمَّ قَالَ: وَالسَّجْدَةُ إِنَّمَا هِيَ الرَّكْعَةُ.

(١٣٦) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا صَلَاةً بَعْدَ الصَّبْحِ حَتَّى تَطْلُعَ الشَّمْسُ، وَلَا صَلَاةً بَعْدَ الْعَصْرِ حَتَّى تَغُرُّ الشَّمْسُ». مُتَقَوِّلٌ عَلَيْهِ، وَلَقَطُ مُسْلِمٌ: «لَا صَلَاةً بَعْدَ صَلَاةِ الْفَجْرِ».

وَلَهُ عَنْ عُقْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: تَلَاثُ سَاعَاتٍ كَانَ رَسُولُ اللَّهِ ﷺ يَهْنَأُنَا أَنْ

^[1] It only means that morning light should appear clearly and there should be no doubt in it, therefore, this *Hadīth* is not contrary to the *Hadīth* of “darkness” (*Ghalas*). Another aspect is that the prayer should be started in the darkness and the recitation should be prolonged until the light of morning appears clearly..

^[2] It means that from dawn to sunrise and from ‘*Asr* to sunset, voluntary prayers (*Nawafil* نوافل) are impermissible. Two *Rak‘at* before obligatory morning prayer (*Fajr* فجر) are excluded from this command, as it is proven from the noble Prophet ﷺ. Though these two *Rak‘at* are offered before obligatory prayer but if these are missed, they can be offered after the obligatory prayer as it is reported in *Tirmidhi*.

^[3] ‘Uqba bin ‘Aamir was a Juhani nicknamed Abū Hammād or Abū ‘Aamir. He became a Muslim, migrated and accompanied the Prophet ﷺ very early. He read the Qur’ān a lot, was knowledgeable in inheritance and jurisprudence and was learned and a poet. He was allocated a land in Basra, and took part in Siffin with Mu‘āwiya. He later governed Egypt for Mu‘āwiya for three years and became incharge of the sea expeditions. He died in 58 H. in Egypt and was buried at Al-Muqtam.

or bury^[1] our dead: (a) when the sun begins to rise till it is fully up, (b) when the sun is at its height at midday till it passes the meridian, and (c) when the sun draws near to setting till it sets.” [Reported by Muslim].

Ash-Shāfi’i viewed the second ruling^[2] from a *Hadīth* narrated by Abū Huraira (رضي الله عنه) through a weak *Sanad* with the addition: “Except on Friday”. Abū Dā’ud reported something similar from Abū Qatāda (رضي الله عنه).

137. Narrated Jubair bin Mut’im^[3]: Allāh’s Messenger ﷺ said, “O descendants of Abd Manāf! You must not prevent anyone who goes round this House (Ka’ba) and prays [here] at any hour of the night or day that he wishes.” [Reported by *Al-Khamṣa*, At-Tirmidhi and Ibn Hibbān graded it *Sahib* (authentic)].

138. Narrated Ibn ‘Umar رضي الله عنه: The Prophet ﷺ said, “The twilight is the redness.” [Reported by Ad-Dāraqutni. Ibn Khuzaimah graded it *Sahib* (authentic) and others graded it *Mawqif* (a saying of a Companion)].

139. Narrated Ibn ‘Abbās رضي الله عنه: Allāh’s Messenger ﷺ said that, “Dawn is of two types; the dawn in which eating is forbidden (for the fasting person) and prayer is permitted and the dawn in

نصلّى فيهنَّ وَأَنْ تَقْبِرَ فِيهنَّ مَوْتَانَا: حِينَ نَطَّلَعُ الشَّمْسُ بِإِذْغَاءِهِ حَتَّى تَرْتَفَعَ، وَحِينَ يَقُومُ قَاتِمُ الظُّفَيرَةِ حَتَّى تَرْتُولَ الشَّمْسُ، وَحِينَ تَضَيَّقُ الشَّمْسُ لِلْغُرُوبِ.

وَالْحُكْمُ الثَّالِثُ عِنْدَ الشَّافِعِيِّ رَحْمَةُ اللَّهِ تَعَالَى مِنْ حَدِيثِ أَبِي هُرَيْرَةَ بِسْنَدٍ ضَعِيفٍ وَزَادَ: «إِلَّا يَوْمَ الْجُمُعَةِ» وَكَذَا لِأَبِي دَاوُدَ عَنْ أَبِي قَتَادَةَ نَحْوُهُ.

(١٣٧) وَعَنْ جَيْبِرِ بْنِ مُطْعَمٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ بَنِي عَبْدِ مَنَافٍ لَا تَمْنَعُوا أَحَدًا طَافَ بِهَذَا الْبَيْتِ، وَصَلَّى أَيْمَانَهُ سَاعَةً شَاءَ مِنْ لَيْلٍ أَوْ نَهَارٍ». رَوَاهُ الْخَمْسَةُ، وَصَحَّحَهُ التَّرمِذِيُّ وَابْنُ حِبَّانَ.

(١٣٨) وَعَنْ أَبْنَاءِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الشَّفَقُ الْحُمْرَةُ». رَوَاهُ الدَّارَقُطْنِيُّ، وَصَحَّحَ أَبْنُ خَزَيمَةَ وَغَيْرَهُ وَفَقَهَهُ.

(١٣٩) وَعَنْ أَبْنَاءِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «فَجْرٌ يُحرِّمُ الطَّعَامَ وَتَحْلُّ فِيهِ الصَّلَاةُ، وَفَجْرٌ تُحرِّمُ فِيهِ الصَّلَاةُ، أَيْ صَلَاةُ الصُّبْحِ، وَيَحِلُّ

^[1] Here “burial” means Funeral prayers. Funeral prayers should not be offered in these times, but the burial of a dead body is permissible. According to certain scholars, even burial is not allowed. Therefore, in such a situation it means that burial should not be deliberated at this time, but if time happens while performing the rites of funeral or there is no other way, then burial is permissible.

^[2] The second ruling means noon time, no prayer should be offered at this time, but Friday is excluded from this order. On Friday it is permitted to pray at decline, as it is evident from a *Hadīth* reported by Abū Huraira.

^[3] He is Abū Muhammād or Abū ‘Umāya Jubair bin Mut’im bin ‘Adi bin Naufal Al-Qurashi. He was very tolerant, sober and knowledgeable in the lineage of Quraish. He became a Muslim before the *Fath* (conquest of Makkah) and settled at Al-Madinah and died there in 54 H. or 57 H. or 59 H.

which prayer is forbidden i.e. the morning prayer and eating is permitted.” [Reported by Ibn Khuzaima and Al-Hākim who (both) graded it *Sabib*]. Al-Hākim reported something similar to the above *Hadith* from Jābir and added to the type of dawn in which eating is forbidden: “it is spread widely in the horizon,” and to the other type: “it has the shape of a wolf’s tail.”

140. Narrated Ibn Mas‘ūd : Allāh’s Messenger ﷺ said, “One of the best deeds is to offer *Salāt* (prayer) in its early time.”^[1] [Reported by At-Tirmidhi and Al-Hākim who (both) graded it *Sabib*. Its basic meaning is in the *Sabibain* of Al-Bukhāri and Muslim].

141. Narrated Abū Mahdhūra : The Prophet ﷺ said, “The earliest time of prayer is what pleases Allāh, the midtime is for the mercy of Allāh and the latest time is what Allāh pardons.” [Reported by Ad-Dāraqutni with a very weak *Sanad* (chain)], At-Tirmidhi has reported something similar, narrated by Ibn ‘Umar, without mentioning the midtime. [It is *Da’if* (weak) too].

142. Narrated Ibn ‘Umar : Allāh’s Messenger ﷺ said, “There is no *Salāt* (i.e. voluntary prayer) after the break of dawn except *sajdātīn* [*Sunnah* of *Fajr*].”^[2] [Reported by Al-Khamṣa except An-Nasā’i].

In another narration: ‘Abdur-Razzāq also narrated: “There is no *Salāt*

فيه الطعام”. رواه ابن خزيمة والحاكم، وصححاه، وللحاكم من حديث جابر تخرّة، وزاد في الذي يحرّم الطعام: إله يذهب مستطلاً في الأفق. وفي الآخر: إله كذب السرخان.

(١٤٠) وَعَنْ أَبْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ لَهُ أَفْضَلُ الْأَعْمَالِ الصَّلَاةُ فِي أَوَّلِ وَثَنِيَّهَا». رَوَاهُ التَّرمِذِيُّ وَالْحَاكِمُ، وَصَحَّحَاهُ، وَأَضْلَلَ فِي الصَّحِّيفَتِينَ.

(١٤١) وَعَنْ أَبِي مَخْدُورَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: أَوَّلُ الْوَقْتِ رِضْوَانُ اللَّهِ، وَأَوْسَطُهُ رَحْمَةُ اللَّهِ، وَآخِرُهُ عَفْوُ اللَّهِ». أَخْرَجَهُ الدَّارَقُطْنِيُّ بِسَيِّدِ ضَعِيفِ جِدًا وَلِلْتَّرمِذِيِّ مِنْ حَدِيثِ ابْنِ عَمَرٍ تَخْوُهُ دُونَ الْأَوْسَطِ وَهُوَ ضَعِيفٌ أَيْضًا.

(١٤٢) وَعَنْ ابْنِ عَمَرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ الْفَجْرَ إِلَّا سَجَدَتِينَ». أَخْرَجَهُ الْحَمْسَةُ إِلَى النَّسَائِيِّ.

وَفِي رِوَايَةِ عَبْدِ الرَّزَاقِ: «لَا صَلَاةَ بَعْدَ طُلُوعِ

^[1] In this *Hadith* a prayer offered at its early time is regarded as a superior act. In some other *Abādīth*, *Imān* (belief – إيمان) *Sadāqa* (charity – صدقة) and *Jihād* (fighting in Allāh’s cause – جهاد) are described as the superior acts. These *Abādīth* are accordant in the way that belief is an action of credence, prayer is an action of body, charity is an action of wealth, and *Jihād* is an action of youth and health. Therefore, these are all superior acts in their own way and place, and there is no contradiction among them.

^[2] It means that after the appearance of dawn, voluntary (*Nawafil*) prayers are undesirable; but the two *Sunnah Rak’at* of *Fajr* are excepted and can be offered after the break of dawn.

(voluntary prayer) after the break of dawn except the two (*Sunnah*) *Rak'a* of *Fajr*.”^[1]

143. Narrated Umm Salama ﷺ: Allāh's Messenger ﷺ came to my house after offering 'Asr prayer and offered two *Rak'a*, then I asked him about that and he replied, “I was kept busy (and failed to pray) the two (*Sunnah*) *Rak'a* after *Zubr* prayer, so I offered them now.” I asked him, “Should we offer them if we miss them?” He ﷺ replied, “No.”^[2] [Reported by Ahmad; the narration of Abū Dā'ud from 'Aisha ﷺ has the same meaning].

الفَجْرِ إِلَّا رَكَعْتَيِّ الْفَجْرِ وَمِثْلُ لِلَّدَارِ قُطْنَىٰ عَنْ أَبْنَىٰ عُمَرُو بْنِ الْعَاصِ.

(١٤٣) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: صَلَّى رَسُولُ اللَّهِ تَعَالَى عَلَيْهِ السَّلَامُ عَلَيْهِ الْأَكْرَبَ، ثُمَّ دَخَلَ يَتَّبِعُهُ، فَصَلَّى رَكْعَتَيْنِ، فَسَأَلَهُ فَقَالَ: شَعِلْتُ عَنْ رَكْعَتَيْنِ بَعْدَ الظَّهَرِ فَصَلَّيْتُهُمَا الْآنَ. فَقَلَّتْ أَنْتَصِرِيهِمَا إِذَا فَاتَتَا قَالَ: «لَا». أَخْرَجَهُ أَخْمَدُ، وَلَأَبِي ذَاوَدَ عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا بِمَعْنَاهُ.

٢ - بَابُ الْأَذَانِ

Chapter 2

AL-ADHĀN^[3]

(THE CALL TO PRAYER)

144. Narrated 'Abdullāh bin Zaid bin Abd-Rabbīhi^[4] ﷺ: A man appeared to me while I was asleep^[5] and told me

(١٤٤) عَنْ عَبْدِ اللَّهِ بْنِ زَيْدِ بْنِ عَبْدِ رَبِّيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: طَافَ بِي - وَأَنَا نَائِمٌ -

^[1] The two *Rak'a* are the *Sunnah* ones before the obligatory *Fajr* prayer which the Prophet ﷺ never used to leave even after the break of dawn, as indicated by this *Hadīth* and others.

^[2] This *Hadīth* gives the information that after 'Asr prayer, offering of the missed supererogatory prayers was only for the noble Prophet ﷺ, while others are not allowed to offer the supererogatory or the voluntary prayers at this time. The Prophet ﷺ prayed because some people of the tribe of Abdul-Qais came to him and some goods of charity were also brought, so their visit and distribution of goods made him late.

^[3] The words of *Adbān* (أذان – call to prayer) are Divinely fixed. These words cannot be lessened or added to, changed or interchanged. These words were inspired to 'Abdullāh bin Zaid Ansāri and 'Umar bin Khattāb by an angel in a dream and were affirmed by the Prophet ﷺ and obtained the status of Revelation. There is also an indication in the noble Qur'ān about it.

^[4] 'Abdullāh is an Ansāri, a Khazraji and was nicknamed Abū Muhammad. He witnessed Al-'Aqaba, Badr and the important battles. He was shown how to call for prayers in a dream during the first year of the migration, after the building of the Prophet's Mosque. He died in the year 32 H. at the age of 64 years.

^[5] It happened that when the Muslims increased in number, the problem of calling for prayer arose. Different suggestions were forwarded. Some suggested to ring a bell. The Prophet ﷺ answered that this was the way of Christians. Some suggested to blow a horn, the Prophet ﷺ answered that this was the way of Jews. Some others suggested to light a fire. The Prophet ﷺ answered that this was the practice of the Magians. No decision was made. Same night 'Abdullāh bin Zaid dreamed that a man was standing with bell in his hand. 'Abdullāh asked him whether he would sell it? The man asked 'Abdullāh about the purpose of the purchase. 'Abdullāh told him that he would call the Muslims for prayer by blowing it. He asked him

to say, “*Allābu Akbar, Allābu Akbar* (Allāh is the Most Great, Allāh is the Most Great)” and he mentioned the *Adbān* with *Allābu Akbar* four times without *Tarjī*,^[1] and the *Iqāma* once except *Qad qāmat-is-Salāb*^[2] (the prayer stood ready to begin), (he repeated it twice). He ('Abdullāh) said when it was morning I went to Allāh's Messenger ﷺ and he said, “It is a true vision...” [Reported by Ahmad and Abū Dā'ud; At-Tirmidhi and Ibn Khuzaima graded it *Sabib* (authentic)].

Ahmad added to the end of the above *Hadīth*, the story of Bilal's^[3] statement in the *Fajr Adbān* (morning-prayer call): *As-Salātu kbairun minan-naum* – “Prayer is better than sleep”.

Ibn Khuzaima reported from Anas : “It is from the *Sunnah* that when the *Mu'adbdbin* says [in the first *Adbān* of] *Fajr* (prayer time): ‘*Haiya 'alal-Falāb* (Come to the success)', he says (also) ‘*As-Salātu kbairun minan-naum* (Prayer is better than sleep).”

145. Narrated Abū Mahdhūra : The Prophet ﷺ taught him the *Adbān* (call to prayer) and he (the narrator) mentioned the *Tarjī* in it. [Muslim

about telling a better way than that, and recited the words of *Adbān* (call to the prayer). In the morning 'Abdullāh told this dream to the Prophet ﷺ and he testified the dream to be true.

^[1] *Tarjī* (doubling, repeating or getting back) is to utter the words of testimony (*Sbābādatain* i.e. *Ash-hadu an lā ilāha ill-Allāh, Ash-hadu anna Muhamadan Rasūlullāh*) twice with a low voice, then utter them with a loud voice.

^[2] In *Iqāma* (call to the start of prayer) all the other words of *Takbir* (glorification of Allāh – but here means *Iqāma*) are uttered once except the words ‘(قد قامت الصلاة)’ (meaning: The prayer stood ready to begin) which are to be repeated twice.

^[3] He is Bilāl bin Rabāh, a manumitted slave of Banu Taim. He became a Muslim very early and was tortured in the cause of Allāh. He fought in Badr and in all the other major battles. He was the *Mu'adbdbin* of Allāh's Messenger ﷺ and never announced the *Adbān* for anyone else, except one time when he came back from Damascus, where he had settled at, to Al-Madīnah. It is said that he did not finish it due to the noise made by the weeping *Sabābā* out of nostalgia. He died in Shām in 17 H. or 18 H. or 20 H. at the age of sixty and something years and did not leave behind any children.

رَجُلٌ، قَالَ: تَقُولُ: «اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ» فَذَكَرَ الْأَذَانَ بِتَرْبِيعِ التَّكْبِيرِ يَعْتِيرُ تَرْجِيعَهُ، وَالْإِقَامَةَ فُرَادَى، إِلَّا «قَدْ قَامَتِ الصَّلَاةُ» قَالَ: فَلَمَّا أَضْبَحَتْ أَيْتَنِي رَسُولُ اللَّهِ ﷺ، قَالَ: «إِنَّهَا لَرُؤْنَا حَقٌّ»، الْحَدِيثُ أَخْرَجَهُ أَخْمَدُ وَأَبْوَ دَارِدُ وَصَحَّحَهُ التَّرمِذِيُّ وَابْنُ حُزَيْمَةَ.

وَزَادَ أَخْمَدُ فِي آخِرِهِ قَصَّةً قَوْلِ بَلَالٍ فِي أَذَانِ الْفَجْرِ: «الصَّلَاةُ خَيْرٌ مِنْ شَوَّمٍ».

وَلَابْنِ حُزَيْمَةَ عَنْ أَنَسٍ قَالَ: مِنَ السُّنْنَةِ إِذَا قَالَ الْمُؤْذِنُ فِي الْفَجْرِ: «حَيَّ عَلَى الْفَلَاحِ» قَالَ: «الصَّلَاةُ خَيْرٌ مِنَ النَّوْمِ».

(١٤٥) وَعَنْ أَبِي مَخْدُورَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ عَلِمَهُ الْأَذَانَ، فَذَكَرَ فِيهِ التَّرْجِيعَ. أَخْرَجَهُ مُسْلِمٌ، وَلَكِنَّ ذَكْرَ التَّكْبِيرِ فِي

reported it, but mentioned the phrase (*Takbir*) "Allāh is the Most Great" at its beginning just twice.^[1] *Al-Khamṣa* reported it, but mentioned the *Takbir* four times].

146. Narrated Anas : Bilāl was commanded to announce the *Adbān* (each phrase) twice^[2] and the *Iqāma* (each phrase) once^[3] except "The prayer stood ready to begin" (to be pronounced twice). [Agreed upon; but Muslim did not mention the exception]. A narration of An-Nasā'i has: "Bilāl was ordered by the Prophet ﷺ."

147. Narrated Abū Juhaifa^[4] : I saw Bilāl calling for prayer and I would follow (looking at) his mouth (as he turned it) this (right) side and that (left) side^[5] with his fingers in his ears. [Reported by Ahmad and At-Tirmidhi who graded it *Sabih* (authentic)].

In a narration of Ibn Mājah – 'and he put his fingers in his ears'; and also a narration of Abū Dā'ud – 'he turned his neck to the right and left when he reached *Haiya 'alas-Salāb* (Come to the prayer) and did not turn his body'; and its basic meaning is in *Sabibain* (Al-Bukhari and Muslim).

أولئك مرتين فقط، ورواوه الخمسة فذكره مرتين.

(١٤٦) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَمْرَ بِلَالَ أَنْ يَشْفَعَ الْأَذَانَ، وَبُوئِرَ الإِقَامَةِ إِلَّا الإِقَامَةَ. يَعْنِي إِلَّا «قَدْ قَامَتِ الصَّلَاةُ». مُفْقَطْ عَلَيْهِ، وَلَمْ يَذْكُرْ مُسْلِمًا الاشْتَيَا، وَاللَّسْتَائِيَّ: أَمْرَ الشَّيْءِ بِلَالَ.

(١٤٧) وَعَنْ أَبِي جَحْفَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: رَأَيْتُ بِلَالًا يُؤَذِّنُ، وَأَتَتْبَعَ فَاهُ هُنَّا وَهُنَّا، وَرَأَضْبَعَاهُ فِي أَدْنِيهِ. رَوَاهُ أَخْمَدُ وَالترْمِذِيُّ، وَصَحَّحَهُ.

ولابن ماجة: وجعل إضبعيه في أدنه. ولابي ذاود: لوى عنقه لثما بلغ خي على الصلاة» يبينا وشمالاً، ولم يشندر. وأصله في الصحيحين.

[١] At the start of *Adbān* (call to prayer) the words *Allābu Akbar* (Allāh is the Most Great – أَكْبَرْ) should be repeated four times, repeating them twice is not correct as the Five (*Al-Khamṣa* – Abū Dā'ud, Tirmidhi, Nasā'i, Ibn Mājah and Ahmad) have narrated it.

[٢] *Adbān* (the call to prayer) with *Tarjī'* and without *Tarjī'* is allowed, in the same way *Iqāma* is also allowed in single or double. But it is preferable to announce the *Adbān* with *Tarjī'* and the *Iqāma* without repetition.

[٣] It means that the words حى على الصلاة (prayer stood ready to begin) should be repeated twice and the rest of the words be uttered only once.

[٤] Abū Juhaifa's name is Wahab bin 'Abdullāh As-Suwā'i Al-'Aamiri who was among the young *Sabāba*. He settled at Kufa. 'Ali made him the incharge of *Baitul-Māl* and he witnessed with him all the battles. He died at Kufa in 74 H.

[٥] While pronouncing the words حى على الفلاح and حى على الصلاة turning the face to the right and left is *Sunnah*. Turning of the whole body is not allowed. The *Abādīth* which disallow turning mean the turning of whole body and not the face.

148. Narrated Abū Mahdhūra : The Prophet ﷺ liked his voice,^[1] so he taught him the *Adbān* (call to prayer). [Reported by Ibn Khuzaima].

(١٤٨) وَعَنْ أَبِي مَحْدُورَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ أَعْجَبَ صَوْتَهُ فَعَلَمَهُ الْأَذَانَ . رَوَاهُ ابْنُ حُزَيْمَةَ .

149. Narrated Jābir bin Samura : I prayed with the Prophet ﷺ the two 'Eids, not only once or twice,^[2] without an *Adbān* or an *Iqāma*. [Reported by Muslim; a similar narration is in Al-Bukhāri and Muslim narrated by 'Abdullāh bin 'Abbās (رضي الله عنهما) and others].

(١٤٩) وَعَنْ جَابِرِ بْنِ سَمْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: صَلَّيْتُ مَعَ النَّبِيِّ ﷺ الْعِدَيْنَيْنِ، غَيْرَ مَرَّةً وَلَا مَرَّيْزَ، يَغْتَرِي أَذَانٌ وَلَا إِقَامَةٌ . رَوَاهُ مُسْلِمٌ، وَنَحوُهُ فِي الْمُتَفَقِّ عَلَيْهِ عَنْ ابْنِ عَبَّاسٍ وَغَيْرِهِ .

150. Narrated Abū Qatada : in a long *Hadīth* about their (*Sabāba*) sleeping late past the time of *Salāt* (prayer): Then Bilāl proclaimed the *Adbān* and the Prophet ﷺ offered the prayer (while leading the Companions) as he used to do every day.^[3] [Reported by Muslim].

(١٥٠) وَعَنْ أَبِي قَاتَدَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ فِي الْحَدِيثِ الطَّوِيلِ فِي نَوْمِهِمْ عَنِ الصَّلَاةِ: ثُمَّ أَذَنَ بِلَالاً، فَصَلَّى النَّبِيُّ ﷺ كَمَا كَانَ يَصْنَعُ كُلَّ يَوْمٍ . رَوَاهُ مُسْلِمٌ .

Muslim also reported from Jabir : The Prophet ﷺ came to Al-Muzdalifa^[4] and offered at it both the *Magrib* and '*Ishā'* prayers with one *Adbān* and two *Iqāma*.

وَلَهُ عَنْ جَابِرِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ أَتَى الْمُزْدَلِفَةَ، فَصَلَّى بِهَا الْمَغْرِبَ وَالْعِشَاءَ بِأَذَانٍ وَاحِدَةٍ وَإِقَامَتَيْنِ .

Muslim also reported from Ibn 'Umar : The Prophet ﷺ combined the *Magrib* and '*Ishā'* prayers with one

وَلَهُ عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا: جَمَعَ النَّبِيُّ ﷺ بَيْنَ الْمَغْرِبِ وَالْعِشَاءِ بِإِقَامَةٍ

^[1] It means that a *Mu'adhdhin* (the caller to prayer) should be appointed having a melodious voice.

^[2] It means that prayer of the two 'Eid are offered without *Adbān* and *Iqāma* (calls to the prayer).

^[3] If a *Qada* (missed prayer) is intended to be offered in congregation then *Adbān* (call to prayer) for it is also *Sunnah*. Once it happened that the Prophet ﷺ and his Companions رضي الله عنهم travelled late night. When they stopped and were going to sleep, they were not certain about waking up in the morning at prayer time, therefore, they asked Bilāl to remain awake and watchful. Sleep overwhelmed him and he too went to sleep. The Prophet ﷺ was the first to wake up after sunrise and asked the Companions رضي الله عنهم to rise. They moved from the place a little and prayed after calling to the prayer.

^[4] Muzdalifa (مزدلفة) is a place between Makkah and 'Arafāt. The night between 9th and 10th of Dhul-Hijja, after returning from 'Arafāt, is spent here during *Hajj*. *Magrib* (sunset) and '*Ishā'* (night) prayers are offered together here with one *Adbān* but the *Iqāma* for each prayer is pronounced separately. It means that whenever congregational prayer is offered, *Iqāma* should be pronounced for it.

Iqāma. Abū Dā'ud added the words: "for each prayer." And in another narration he reported: the *Adbān* was not announced for any one of them".^[1]

واحدة. وزاد أبو داود: «لكل صلاة» وفي رواية له: ولم يناد في واحدة منهما.

151. Narrated Ibn 'Umar and 'Aisha ﷺ: Allāh's Messenger ﷺ said, "Bilāl^[2] calls for prayer when it is still night, so eat and drink till Ibn Umm Maktūm^[3] calls for prayer." And he (Ibn Umm Maktūm) was a blind man who did not call for prayer until he was told: "It is morning time, it is morning time". [Agreed upon. There is an *Idrāj*^[4] in its last part].

(١٥١) وَعَنْ أَبْنَى عُمَرَ وَعَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَا: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: إِنَّ بِلَالًا يُؤْذِنُ بِلَيْلٍ، فَكُلُوا وَاشْرُبُوا حَتَّى يَنْادِي أَبْنُ أُمِّ مَكْتُومٍ، وَكَانَ رَجُلًا أَعْمَى لَا يَنْادِي حَتَّى يُقَالُ لَهُ: أَصْبَحْتَ أَصْبَحْتَ؟ مُتَقَنِّعًا عَلَيْهِ، وَفِي آخِرِهِ إِذْرَاجٌ.

152. Narrated Ibn 'Umar ﷺ: Bilāl called for prayer before dawn and the Prophet ﷺ told him to return^[5] and announce: "Lo! the slave of Allāh (i.e. Bilāl) had slept (hence this mistake)". [Reported by Abū Dā'ud, and graded as *Da'iif* (weak)].

(١٥٢) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ بِلَالًا أَذَنَ قَبْلَ الْفَجْرِ، فَأَمَرَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ أَنْ يَرْجِعَ فَيَنْادِي: أَلَا إِنَّ الْعَبْدَ نَامَ، رَوَاهُ أَبْرَدُ، وَضَعَفَهُ.

153. Narrated Abū Sa'id Al-Khudri ﷺ: Allāh's Messenger ﷺ said, "When you hear the *Adbān* repeat^[6] what the *Mu'adhdibin* (the call-maker) says." [Agreed upon].

(١٥٣) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: إِذَا سَمِعْتُمُ النَّذَاءَ فَقُولُوا: مِثْلُ مَا يَقُولُ الْمُؤْذِنُ، مُتَقَنِّعًا عَلَيْهِ.

[1] This *Hadīth* is in contradiction with the *Hadīth* narrated by Jābir in which one *Adbān* and two *Iqāma* are mentioned; the hadith of Jabir is to be acted upon because affirmation supersedes negation.

[2] The Prophet ﷺ had appointed two *Mu'adhdibin* (call-makers) one for pronouncing the call to manifest the time of eating *Sabūr* (predawn meals for fasting) etc., and the other to make the call indicating the beginning of the time for the dawn prayer.

[3] He is 'Amr or 'Abdullāh bin Qais Al-Qurashi Al-'Aamiri, the blind man mentioned in *Surat 'Abasa*. He became a Muslim long ago and made the *Hijra* (migration). The Prophet ﷺ placed him in charge of Al-Madinah 13 times leading the people in prayers. He was martyred at Al-Qādisiya while holding the flag that day.

[4] *Idrāj* (insertion – means that the sentence... (إدراج أعمى ...) ...And he was a blind man ...) was not spoken by the Prophet ﷺ but the reporter has added this from himself.

[5] It informs that, by any reason, if *Adbān* is announced before its time than it should be repeated at its proper time.

[6] It is an order that, on hearing it, one should repeat the words of *Adbān* in response – in all cases, whether one is with ablation or not, is in a pure state or in a post-discharge or menstruation state; but while engaged in sexual intercourse or in the toilet, it is not proper

And Al-Bukhārī has reported similarly in a narration by Mu'āwiya ﷺ.

وَالْبُخَارِيُّ عَنْ مُعَاوِيَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ مِثْلُهُ .

And Muslim reported a narration by 'Umar ﷺ regarding the virtue of repeating what the *Mu'adhdhibin* pronounces word by word except when the *Mu'adhdhibin* says: "Haiya 'alas-Salah, Haiya 'alal-Falāb (Come to the prayer and come to the success)", one should say: "Lā bawla wa lā qurwata illā billāb [there is no might and no power except with (the help of) Allāh]."

وَالْمُسْلِمُ عَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، فِي فَضْلِ الْقَوْلِ كَمَا يَقُولُ الْمُؤْذِنُ كَلِمَةً كَلِمَةً سَوَى الْحِينَعَلَتَيْنِ، فَيَقُولُ: لَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللَّهِ .

154. Narrated 'Uthmān bin Abūl-'Aas^[1]: He said, "O Messenger of Allāh, appoint me as the *Imām* (leader) of my people (in prayers). He ﷺ said, "You are their *Imām*, but you should follow (observe the strength of) the weakest^[2] among them and appoint a *Mu'adhdhibin* who does not charge^[3] for the call of *Adbān*." [Reported by *Al-Khamsa*, At-Tirmidhi graded it *Hasan* (good) and Al-Hākim graded it *Sabib* (authentic)].

(١٥٤) وَعَنْ عُثْمَانَ بْنِ أَبِي العاصِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ اجْعُنْي إِمامًا فَقُومِي، فَقَالَ: أَنْتَ إِمَامُهُمْ وَأَنْتَ بِأَصْفِيقِهِمْ، وَأَنْتَ خُذْ مُؤْذِنًا لَا يَأْخُذُ عَلَى أَذَافِهِ أَجْرًا». أَخْرَجَهُ الْحَمْسَةُ وَحَسَنَهُ التَّرْمِيدِيُّ، وَصَحَّحَهُ الْحَاكِمُ.

155. Narrated Mālik bin Al-Huwaīrith^[4]: The Prophet ﷺ said to us, "When the time of *Salāt* (prayer) comes, one of you should announce the *Adbān*".^[5] [Reported by *As-Sab'a*].

(١٥٥) وَعَنْ مَالِكِ بْنِ الْحُوَيْرِثِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ لَنَا النَّبِيُّ ﷺ: إِذَا حَضَرَتِ الصَّلَاةُ، فَلْيُؤْذِنْ لَكُمْ أَحْدُكُمْ» الْحَدِيثُ، أَخْرَجَهُ السَّبْعَةُ.

to answer.

^[1] He is nicknamed Abū Abdullāh and was the youngest among the Tā'if delegation of Banu Thaqif. The Prophet ﷺ appointed him incharge of Tā'if, and he stopped his people from apostating so they remained in Islam. Umar appointed him as the governor of Bahrain and 'Omān. He died at Basra in 51 H.

^[2] *Imām* (leader of the prayer) should consider the weak and old people by not extending the prayer so long, as to cause them to leave the congregational prayer.

^[3] It means that a *Mu'adhdhibin* (call-maker) should not receive a salary for the job, but this is not a prohibition but only a desirable suggestion.

^[4] He belonged to Banū Laith and was nicknamed Abū Salmān. He visited the Prophet ﷺ and stayed with him for twenty nights. He settled at Basra and died there in 74 H.

^[5] It means that during a journey also, announcing *Adbān* (call to prayer) and praying in congregation is *Sunnah*.

156. Narrated Jābir : Allāh's Messenger ﷺ said to Bilāl, "When you announce the *Adbān*, utter deliberately and when you pronounce the *Iqāma* utter quickly, and leave between your *Adbān* and your *Iqāma* time for one who is eating to finish^[1] his food." [Reported by At-Tirmidhi who graded it *Da'iif* (weak)].

He also reported from Abū Huraira رضي الله عنه that the Prophet ﷺ said, "No one should announce *Adbān* except the one who has performed the ablution^[2]". [Reported by At-Tirmidhi who graded it *Da'iif* (weak)].

He also reported from Ziyād bin Al-Harith^[3] : Allāh's Messenger ﷺ said, "The one who announces the *Adbān* should also^[4] pronounce the *Iqāma*." [Reported by At-Tirmidhi who graded it *Da'iif* (weak)].

Narrated 'Abdullāh bin Zaid in another narration of the *Hadīth* reported by Abū Dā'ud: I saw it, i.e. the *Adbān* (in a vision) and I wanted to announce it. Allāh's Messenger ﷺ said, "You pronounce the *Iqāma*." [This *Hadīth* is also *Da'iif* (weak)].

157. Narrated Abū Huraira رضي الله عنه that the Messenger ﷺ said, "The *Mu'adhdhin* has more right to [determine the time to] announce the *Adbān* and the *Imām*

(١٥٦) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ قَالَ لِبَلَالٍ: «إِذَا أَذَّنْتَ فَقُرْبَلْ، وَإِذَا أَنْتَ فَأَخْدُرْ، وَاجْعُلْ بَيْنَ آذَانِكَ وَإِقَامِكَ مَقْدَارًا مَا يَفْرُغُ الْأَكْلُ مِنْ أَكْلِهِ»، رَوَاهُ التَّرمِذِيُّ، وَضَعَفَهُ.

وَلَهُ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ قَالَ: «لَا يُؤْذَنُ إِلَّا مَتَوَضِّعًا».

وَلَهُ عَنْ زَيَادِ بْنِ الْحَارِثِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ: «وَمَنْ أَذَنَ فَهُوَ يُؤْمِنُ». وَضَعَفَهُ أَيْضًا.

وَلَأَبِي دَاوُدَ مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ زَيْدٍ، أَنَّهُ قَالَ: أَنَا رَأَيْتُهُ، يَعْنِي الْأَذَانَ، وَأَنَا كُنْتُ أُرِيدُهُ، قَالَ: فَأَقِمْ أَنْتَ. وَفِيهِ ضَعْفٌ أَيْضًا.

(١٥٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ: «الْمُؤْذَنُ أَمْلَكَ بِالْأَذَانِ، وَالْإِمَامُ أَمْلَكَ بِالْإِقَامَةِ». رَوَاهُ ابْنُ

^[1] Some issues are known with this *Hadīth*: (i) *Adbān* (call for the prayer) should be announced in a loud voice with short pauses in between. (ii) *Iqāma* (call for the start of congregational prayer) should be pronounced quickly. (iii) There should be enough time between *Adbān* and *Salāt*, so that a man can join the congregation after finishing his meals or after answering the call of nature, and performing the ablution. Some religious scholars have measured the time up to four *Rak'at* prayer.

^[2] The supererogatory way is to announce *Adbān* after performing ablution, but if there is no other way, it can be announced without ablution. This would be a suggestive prohibition and not an absolute one [if the hadith is accepted as a proof].

^[3] He was a *Sababi* from Sudā' in Yemen. He entered into a covenant with the Prophet ﷺ and pronounced the *Adbān* before him. He is considered to have settled at Basra.

^[4] This indicates that the same person should pronounce *Iqāma* who has announced the *Adbān*, but if he permits, another person can also pronounce *Iqāma*.

has more right to [determine when to] pronounce the *Iqāma*.” [Reported by Ibn ‘Adi who graded it *Da’if* (weak)]. Al-Baihaqi has reported a similar narration from the saying of ‘Ali .

158. Narrated Anās bin Mālik : Allāh’s Messenger said, “A supplication made between the *Adbān* and *Iqāma* is not rejected.” [Reported by An-Nasā’i and Ibn Khuzaima graded it *Sabib* (authentic)].

159. Narrated Jābir : Allāh’s Messenger said, “If anyone says when he hears the *Adbān*: ‘O Allāh! Lord of this perfect call^[1] and of the regular prayer which is going to be established! Kindly give Muhammad (ﷺ) the right of intercession and superiority,^[2] and send him (on the Day of Judgement) to the best and the highest place in Paradise which You promised him’, he will be assured of my intercession on the Day of Judgement.” [Reported by *Al-Arba’u*].

Chapter 3 THE CONDITIONS OF SALAT (PRAYER)

160. Narrated ‘Ali bin Talq^[3] : Allāh’s Messenger said, “When one of you releases air (through his anus) during *Salāt* (prayer), he should break the *Salāt* (prayer) then perform ablution and repeat the prayer.”^[4] [Reported

عَلَيْهِ، وَضَعْفَةُ، وَلِلْبَهْرَقِيِّ تَحْوِلُ عَنْ عَلَيْهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ مِنْ قَوْلِهِ.

(١٥٨) وَعَنْ أَنَسَ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «لَا يُرِدُ الدُّعَاءُ بَيْنَ الْأَذَانِ وَالْإِقَامَةِ». رَوَاهُ النَّسَائِيُّ وَضَعَّفَهُ ابْنُ خُرَفَةَ.

(١٥٩) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «مَنْ قَالَ حِينَ يَشْمَعُ النَّدَاءَ: اللَّهُمَّ رَبِّ هَذِهِ الدَّعْوَةِ التَّائِمَةِ، وَالصَّلَاةِ الْقَائِمَةِ، آتِيْ مُحَمَّداً الْوَسِيلَةَ وَالْفَضِيلَةَ، وَابْنَتَهُ مَقَاماً مَحْمُوداً الَّذِي وَعَدْتَهُ، حَلَّتْ لَهُ شَفَاعَتِي يَوْمَ الْقِيَامَةِ». أَخْرَجَهُ الْأَرْبَعَةُ.

٣ - بَابُ شُرُوطِ الصَّلَاةِ

(١٦٠) عَنْ عَلَيِّ بْنِ طَلْقٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «إِذَا فَسَأَ أَحَدُكُمْ فِي الصَّلَاةِ، فَلْيَتَصَرَّفْ، وَلْيَتَوَضَّأْ وَلْيُعِدِ الصَّلَاةَ». رَوَاهُ الْخَمْسَةُ، وَضَعَّفَهُ ابْنُ حِيَّانَ.

^[1] Perfect call (الدُّعَوةُ التَّائِمَةُ) means the luminosity of the Oneness of Allāh and the light of Prophethood.

^[2] Besides meaning right of intercession and superiority, (وَسِيلَة) is also the name of a place. The Prophet ﷺ said that only one person, among the creation of Allāh, will reach there and hoped by the grace of Allāh that this would be he (ﷺ).

^[3] He is ‘Ali bin Talq bin Al-Mundhir bin Qais Al-Hanafi, from Banu Hanifa, As-Sahimi and Al-Yamāni. He was a *Sabābi* and it was said that he was the father of Talq bin ‘Ali, but it was also said that these two names belong to the same person.

^[4] It means that if ablution is nullified during prayer, it should be made afresh and prayer

by Al-Khamsa and Ibn Hibbān graded it *Sabib* (authentic).

161. Narrated 'Aisha ﷺ: The Prophet ﷺ said, "The *Salāt* (prayer) of a woman, who has reached puberty, is not accepted unless she is wearing a *Khimār*^[1] ." [Reported by Al-Khamsa except An-Nasā'i. And Ibn Khuzaima graded it *Sabib* (authentic)].

162. Narrated Jābir ﷺ: The Prophet ﷺ said, "If the garment is ample, wrap it round your body i.e. during the *Salāt* (prayer)." A narration by Muslim has: "you should cross the two ends, and if it is tight, you should wrap it round your waist." [Agreed upon].

Narrated Abū Huraira ﷺ: (The Prophet ﷺ said:) None of you should offer *Salāt* (prayer) in a single garment with no part of it on his shoulders. [Agreed upon].

163. Narrated Umm Salama ﷺ: She asked the Prophet ﷺ, "Can a woman pray in a long dress and a veil without wearing a lower garment?" He replied, "If the long dress is ample and covers the surface of her feet."^[2] [Reported by Abū Dā'ud and the *Imāms* graded it *Mawqūf* (a saying of Umm Salama)].

164. Narrated 'Aamir bin Rabi'a ﷺ: We were with the Prophet ﷺ during a dark night and we became uncertain about the *Qiblab* (the direction of Makkah) we then prayed [without be certain]. When the sun rose, we discovered that we had prayed towards a direction other than the *Qiblab*. So this Verse was revealed: "... so wherever you turn

should be offered again. This is preferable.

^[1] A *Khimār* is a piece of cloth with which a woman covers her head and neck area. It means that the whole body of a woman should be covered including head hair.

^[2] It is included in the conditions of prayer that a woman should also cover her feet up to heels otherwise her prayer will not be accepted.

(١٦١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يُقْبَلُ اللَّهُ صَلَوةً حَابِيْسَةً إِلَّا بِخِمَارٍ». رَوَاهُ الْخَمْسَةُ إِلَّا النَّسَانِيَّ وَصَحَّحَهُ ابْنُ حُرَيْمَةَ.

(١٦٢) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ ﷺ قَالَ لَهُ: «إِنْ كَانَ الثَّوْبُ وَاسِعًا فَالْجِحْفُ بِهِ، يَعْنِي فِي الصَّلَاةِ». وَلِمُسْلِمٍ: «فَخَالِفُ بَيْنَ طَرَفَيْهِ، وَإِنْ كَانَ ضَيقًا فَأَتَرْزُ بِهِ». مَنْقُوتُ عَلَيْهِ.

وَلَهُمَا مِنْ حَدِيثِ أَبِي هُرَيْرَةَ: «لَا يُصَلِّي أَحَدُكُمْ فِي الثَّوْبِ الْوَاحِدِ، لَيْسَ عَلَى عَاتِقِهِ مِنْهُ شَيْءٌ».

(١٦٣) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّهَا سَأَلَتِ النَّبِيَّ ﷺ: أَنْصَلِي الْمَرْأَةَ فِي دِرْعٍ وَخِمَارٍ يَغْيِرُ إِذْارًا؟ قَالَ: «إِذَا كَانَ الدِّرْعُ سَابِعًا يُنْطَلِي ظُهُورَ قَدَمِيهَا». أَخْرَجَهُ أَبُو دَاوُدُ، وَصَحَّحَهُ الْأَئِمَّةُ وَفَقَهُ.

(١٦٤) وَعَنْ عَامِرِ بْنِ رَبِيعَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ فِي لَيْلَةَ مُطْلَمَةٍ، فَأَشْكَلَتْ عَلَيْنَا الْقِبْلَةُ، فَصَلَّيْنَا، فَلَمَّا طَلَّتِ الشَّمْسُ إِذَا نَحْنُ صَلَّيْنَا إِلَى غَيْرِ الْقِبْلَةِ، فَتَرَكَتِ الْأَيْمَةُ (فَأَتَيْنَا تُولُوا فَمَّا وَجَدُوا اللَّهَ) أَخْرَجَهُ التَّرمِذِيُّ، وَصَحَّهُ.

yourselves or your faces, there is the Face of Allāh ...”^[1] [Reported by At-Tirmidhi who graded it *Da’if* (weak)].

165. Narrated Abū Huraira : Allāh’s Messenger ﷺ said, “The direction between the east and west is a *Qiblab*.^[2] [Reported by At-Tirmidhi, and Al-Bukhāri considered it *Qawi* (strong)].

166. Narrated ‘Aamir bin Rabi‘a^[3] : I saw Allāh’s Messenger ﷺ praying while mounted on his riding animal facing whatever direction it faced. [Agreed upon]. Al-Bukhāri added: “Making gestures with his head and he did not do that (pray while mounted) with obligatory prayers.”

Narrated Anas in another narration of the *Hadīth* reported by Abu Dā‘ud: When (he ﷺ) traveled, and intended to pray a voluntary prayer, he used to direct^[4] his riding camel towards the *Qiblab*, say, “*Allābu Akbar*” and pray facing whatever direction it faced. [Its chain is *Hasan* (good)].

167. Narrated Abū Sa‘id Al-Khudri : The Prophet ﷺ said, “The whole earth is a mosque (to pray on) except a graveyard and a toilet.” [Reported by At-Tirmidhi and it has an *Illa* (a defect)].

^[1] *Al-Baqarah* 2: Verse 115.

^[2] In these words the Prophet ﷺ has explained the direction of *Qiblab* – قبّلَةٌ – Ka‘ba direction) to the whole world. The people who reside in east or west of *Qiblab* take the meaning of this *Hadīth* that *Qiblab* is located in between the places of rising and setting of the sun in winter and summer, and those living in north and south locations of *Qiblab* take the meaning that if they stand keeping east and west at their right and left, then their *Qiblab* is between these.

^[3] ‘Aamir was one of the sons of ‘Anz bin Wā'il who was brother to Bakr and Tagħlib, sons of Wā'il. He was a *Sabābi* who became Muslim very early and made the two *Hijra*. He participated in Badr and all the other battles and died in 32 H. or 33 H. or 35 H.

^[4] It means that *Nafl* – نفل (voluntary) prayer can be offered while riding, on the condition that at the time of beginning the prayer, one should turn the mount or vehicle towards *Qiblab*, afterward change in direction does not affect the prayer. However, obligatory prayers should not be offered while riding, but ships, boats and planes are excepted.

(١٦٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَا بَيْنَ الْمَشْرِقِ وَالْمَغْرِبِ قَبْلَةٌ». أَخْرَجَهُ التَّرْمِذِيُّ، وَقَوْمَهُ الْبَخَارِيُّ.

(١٦٦) وَعَنْ غَامِرِ بْنِ رَبِيعَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ حِينَ تَوَجَّهَ إِلَيْهِ مُقْتَصِّدًا عَلَيْهِ، رَأَدَ رَاحِلَتَهُ حِينَ تَوَجَّهَ إِلَيْهِ مُقْتَصِّدًا عَلَيْهِ، رَأَدَ الْبَخَارِيُّ: يُومِئُ بِرَأْسِهِ، وَلَمْ يَكُنْ يَضْعُفَهُ فِي الْمَكْتُوبَةِ.

وَلَا يَدْعُ دَاؤُدَ مِنْ حَدِيثِ أَنَسٍ: وَكَانَ إِذَا سَافَرَ فَأَزَادَ أَنْ يَتَطَوَّعَ اسْتَقْبَلَ بِنَاتِقِهِ الْقَبْلَةَ، فَكَبَرَ ثُمَّ صَلَّى حِينَ كَانَ وَجْهُ رِكَابِهِ. وَإِشْنَادُهُ حَسَنٌ.

(١٦٧) وَعَنْ أَبِي سَعِيدِ الْحُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «الْأَرْضُ كُلُّها مَسْجِدٌ إِلَّا الْمَقْبَرَةُ وَالْحَمَّامُ». رَوَاهُ التَّرْمِذِيُّ، وَرَوَاهُ عَلَيْهِ عَلَيْهِ.

168. Narrated Ibn ‘Umar ﷺ: Allāh’s Messenger ﷺ forbade^[1] prayer at seven places; a dump, a slaughter house, a graveyard, the middle of the path, a bathroom, and where camels sit at a watering place and the top (roof) of the Ka‘ba. [Reported by At-Tirmidhi who graded it *Da‘if* (weak)].

169. Narrated Abū Marthad Al-Ghanawi^[2] : I heard Allāh’s Messenger ﷺ say, “Don’t pray towards graves^[3] and don’t sit on them.”^[4] [Reported by Muslim].

170. Narrated Abū Sa‘id ﷺ: Allāh’s Messenger ﷺ said: “When any of you comes to the mosque he should look and if he sees impurity or filth on his sandals (shoes) he should wipe them and then pray in them”. [Reported by Abū Dā‘ud, and Ibn Khuzaima graded it *Sahib* (authentic)].

171. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “If one of you steps

(١٦٨) وَعَنْ أَنْزَلَ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَنَّ النَّبِيَّ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ نَهَى أَنْ يُصَلِّي فِي سَبْعِ مَوَاطِنٍ: الْمَزَبْلَةِ، وَالْمَجَزَرَةِ، وَالْمَقْبَرَةِ، وَقَارِعَةِ الطَّرِيقِ، وَالْحَمَامِ، وَمَعَاطِنِ الْإِبَلِ، وَفَوْقَ ظَهَرِ بَيْتِ اللَّهِ. رَوَاهُ التَّرمِذِيُّ، وَضَعَفَهُ.

(١٦٩) وَعَنْ أَبِي مَوْتَدِ الْغَوَّيِّيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ يَقُولُ: لَا تُصَلِّو إِلَى الْقُبُورِ، وَلَا تَجْلِسُوا عَلَيْهَا». رَوَاهُ مُسْلِمٌ.

(١٧٠) وَعَنْ أَبِي سَعِيدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ: إِذَا جَاءَ أَحَدُكُمُ الْمَسْجِدَ فَلْيَنْظُرْ، فَإِنْ رَأَى فِي تَعْلِيَةِ أَذَى أَوْ قَدَرًا فَلْيَمْسُخْهُ، وَلْيُصَلِّ فِيهِمَا». أَخْرَجَهُ أَبُو دَاوُدُ. وَصَحَّحَهُ ابْنُ حُرَيْمَةُ.

(١٧١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ: إِذَا وَطَئَ أَحَدُكُمُ

^[1] This *Hadith* is a proof that offering of a prayer in a graveyard is not permissible, whether offered over the graves or amidst the graves, and no matter if the graves are of Muslims or non-Muslims. Offering of a prayer in a graveyard gives an impression of worship of other than Allāh, which is major polytheism. It is prohibited to offer a prayer in a toilet because of its impurity and filthiness, moreover toilet is a place of Satan as it is narrated in the *Hadith*.

^[2] His name is Kannāz bin Husain bin Yarbū‘ Al-Ghanawi a descendant of Ghani bin Ya‘sur, a tribe of Ghatafān. He was a *Sahabi* who witnessed Badr and was an ally of Hamza bin Abdul-Muttalib and also of his age. He attended all the battles and died in 12 H. at the age of 66 years.

^[3] It means that it is prohibited to offer a prayer facing the graves. Some people built mosques near the graves of saints to seek the favours of deceased soul. This is also prohibited. In a *Hadith* by ‘Aisha ﷺ, it is clearly worded that ‘May Allāh curse Jews and Christians as they made the graves of their Prophets their prayer places’. It may also mean that acts liable to be performed before Allāh in mosques, should not be enacted upon graves; or it may also mean that one should not pray at a place facing graves.

^[4] Sitting on graves has two meanings, one to rest or to lean against the graves and, secondly, to take over the graves as *Mujāwir* (محاور) – custodian of graves, who also collects alms and charity in the form of money and other things from people who visit the graves to get the favour of buried souls). In both the respects, it is strictly prohibited. There may be another meaning that one should not sit on graves for answering the call of nature or urination, etc. It is also prohibited.

on filth with his two leather socks then the earth^[1] is their purification.” [Reported by Abū Dā’ud, and Ibn Hibbān graded it *Sabib* (authentic)].

الأَدَى بِخُفْقَيْهِ قَطَّهُرُهُمَا التَّرَابُ». أَخْرَجَهُ أَبُو دَاوُدُ، وَصَحَّحَهُ ابْنُ حِبَّانَ.

172. Narrated Mu‘āwiya bin Al-Hakam^[2]: Allāh’s Messenger ﷺ said, “Talking is not befitting during the *Salāt* (prayer), for it (prayer) consists only of glorifying Allāh, declaring His Greatness and the recitation of the Qur’ān”. [Reported by Muslim].

(١٧٢) رَوَى مُعاوِيَةَ بْنَ الْحَكَمَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ هَذِهِ الصَّلَاةَ لَا يَصْلُحُ فِيهَا شَيْءٌ مِّنْ كَلَامِ النَّاسِ، إِنَّمَا هُوَ التَّشْبِيهُ وَالْتَّكْبِيرُ وَقِرَاءَةُ الْقُرْآنِ». رَوَاهُ مُسْلِمٌ.

173. Narrated Zaid bin Arqam^[3]: We used to talk while engaged in *Salāt* (prayer) during the lifetime of Allāh’s Messenger ﷺ and one would talk with his companion regarding his needs in prayer till (this verse) was revealed: “Guard strictly the prayers, especially the middle prayer; and stand before Allāh with obedience,”^[4] then we were commanded to observe silence (in prayer) and were forbidden to talk.^[5] [Agreed upon. This wording is from Muslim].

(١٧٣) رَوَى زَيْدُ بْنَ أَرْقَمَ قَالَ: إِنْ كُنَّا لَسْكَنْمُ فِي الصَّلَاةِ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أَحَدُنَا صَاحِبُ بَحَاجَةٍ، حَتَّى نَرَأَتْهُ حَفِظَنَا عَلَى الصَّلَوةِ وَالصَّلَاةِ الْمُوْسَلِ وَقُوْمًا لِّلَّهِ قَدِيرِينَ هُمْ فَأَمْرَنَا بِالسُّكُونِ، وَنَهَيْنَا عَنِ الْكَلَامِ مُتَقْتَلِّهِ، وَاللَّهُ أَعْلَمُ بِالْمُسْلِمِ.

174. Narrated Abū Huraira : Allāh’s Messenger ﷺ said, “Glorification of Allāh (i.e. saying is for men and clapping of hands is for women).”^[6] [Agreed upon. Muslim added: “during

(١٧٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْتَّشْبِيهُ لِلرِّجَالِ وَالْتَّضْفِيقُ لِلنِّسَاءِ». مُتَّقِنُ عَلَيْهِ، زَادَ مُسْلِمٌ: «فِي

^[1] These two *Abadīth* indicate that offering of a prayer with socks and shoes on is permissible. These also tell that, if shoes get smeared with any kind of filth, dirt, dung and feces, etc., and whatever its nature may be, it is enough to rub it with dust and there is no need to wash with water.

^[2] He was a *Sababi* counted among the inhabitants of Hijāz. He used to visit Al-Madinah and stay at Banu Sulaim. He died in 117 H.

^[3] He was nicknamed Abū ‘Amr and was an *Ansāri* and a Khazraji. He first took part in the battle of *Al-Kbandaq* and accompanied the Prophet ﷺ in 17 expeditions. He attended the battle of *Siffin* with ‘Ali because he was one of his close associates. He settled at Kūfa and died there in 66 H.

^[4] *Al-Baqarah* (2); Verse 238.

^[5] It means that talking during prayer is not allowed. In the early period of Islam people used to talk in the prayer which was prohibited later on.

^[6] It means that if *Imām* (leader of the prayer) makes an unintentional mistake in the prayer, men following him are supposed to say سُبْحَانَ اللَّهِ to draw his attention and women

Salāt (prayer)"].^[1]

175. Narrated Mutarrif bin Abdullāh bin Shikhkhir^[2] from his father^[3], who said, "I saw Allāh's Messenger ﷺ when he was engaged in prayer, and heard a sound from his chest, like the bubbling of a pot, from weeping.^[4]" [Reported by *Al-Khamsa* except Ibn Mājah, and Ibn Hibbān graded it *Sabib* (authentic)].

176. Narrated 'Ali ‹: "I had the permission of Allāh's Messenger ﷺ to see him in his house at two times, and whenever I entered to him while he was praying he would clear his throat^[5] as a sign to me." [Reported by An-Nasā'i and Ibn Mājah].

177. Narrated Ibn 'Umar ‹: I asked Bilāl ‹, "How did you observe the Prophet ﷺ replying to their (the Companions) salutation while he was engaged in prayer?" He (Bilāl) said, "He used to do this way," and he (Bilāl) demonstrated by spreading his palm^[6]. [Reported by Abū Dā'ud and At-Tirmidhi. The latter graded it *Sabib* (authentic)].

are ordered to clap for this purpose, so that their voice may not be heard by men.

[1] That is, if one wants to draw the attention of the *Imām* if he forgets something in the prayer, he should say, '*Subbāh Allāb*'. But if it is a woman she claps by beating two fingers of her right hand on her left palm.

[2] He is Mutarrif bin 'Abdullāh bin Ash-Shikhkhir Al-Harashi Al-'Aamiri Al-Basri, among the elder *Tabi'in*. He was reliable, virtuous and a lot of praiseworthy deeds are attributed to him. He died in 95 H.

[3] He is 'Abdullāh bin Ash-Shikhkhir bin 'Auf bin Ka'b Al-Harashi Al-'Aamiri, the latter being a *Sabābi*. He was a member of the delegation of Banu 'Aamir and is considered to have settled at Basra.

[4] According to this *Hadīth* weeping in prayer due to the fear of Allāh is allowed. While some hold the view that crying with some ailment or adversity invalidates the prayer.

[5] It means that hemming or deliberate coughing once or twice does not disrupt the prayer. The book *Musaffa*, a commentary of *Muwatta* (موطأ), explains that continuous hemming, crying, weeping or laughing, though not a speech, invalidates the prayer.

[6] It means that a little movement does not disrupt the prayer.

(١٧٦) وَعَنْ مُطَرِّفِ بْنِ عَبْدِ اللَّهِ بْنِ الشَّخْرِ عَنْ أَبِيهِ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ يُصَلِّي وَفِي صَدْرِهِ أَزِيزًا كَأَزِيزِ الْمَرْجَلِ، مِنْ الْبُكَاءِ. أَخْرَجَهُ الْخَمْسَةُ إِلَّا ابْنَ مَاجَةَ، وَصَحَّحَهُ ابْنُ جِبَانَ.

(١٧٧) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ لِي مِنْ رَسُولِ اللَّهِ ﷺ مَدْحَلَانِ، فَكُنْتُ إِذَا أَتَيْتُهُ وَهُوَ يُصَلِّي، تَسْحَحَ لِي. رَوَاهُ النَّسَائِيُّ وَابْنُ مَاجَةَ.

(١٧٨) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قُلْتُ لِلْكَلَارِ: كَيْفَ رَأَيْتَ النَّبِيَّ ﷺ يَرْدُ عَلَيْهِمْ حِينَ يُسَلِّمُونَ عَلَيْهِ، وَهُوَ يُصَلِّي؟ قَالَ: يَقُولُ هَكَذَا وَيَسْطَعُ كَهْنَهُ. أَخْرَجَهُ أَبُو دَاوُدُ وَالْتَّرمِذِيُّ، وَصَحَّحَهُ.

178. Narrated Abū Qatāda : Allāh's Messenger ﷺ was (one time) offering prayer while he was carrying Umāma, daughter of Zainab,^[1] when he prostrated^[2] he put her down and when he stood up he lifted her up. [Agreed upon]. Muslim has: "While he ﷺ led the people in the prayer in the masjid..."

179. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "Kill the two black ones during Salāt (prayer)^[3], the snake and the scorpion." [Reported by Al-Arba'a, and Ibn Hibbān graded it Sabib (authentic)].

(١٧٨) وَعَنْ أَبِي قَاتَدَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُصْلِي، وَهُوَ حَامِلٌ أُمَّةً بِنْتَ زَيْنَبَ، فَإِذَا سَجَدَ وَضَعَهَا، وَإِذَا قَامَ حَمَلَهَا. مَنْفَعٌ عَلَيْهِ، وَلِمُشْرِكٍ: «وَهُوَ يَوْمُ النَّاسِ فِي الْمَسْجِدِ».

(١٧٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَقْتُلُوا الْأَشْوَدَيْنَ فِي الصَّلَاةِ: الْحَبَّةَ وَالْعَقْرَبَ». أَخْرَجَهُ الْأَرْبَعَةُ، وَصَحَّحَهُ ابْنُ حِيَّانَ.

Chapter 4 SUTRA^[4] (SCREEN) IN PRAYER

٤ - بَابُ سُتْرَةِ الْمُصْلِي

180. Narrated Abū Juhaim bin Al-Hārith^[5] : Allāh's Messenger ﷺ said, "If the person who passes in front of another person in prayer knew the magnitude of his sin, it would have

(١٨٠) عَنْ أَبِي جَهْنِمِ بْنِ الْحَارِثِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَنْ يَعْلَمَ الْمَأْرُورُ بَيْنَ يَدَيِ الْمُصْلِي مَاذَا عَلَيْهِ مِنْ

^[1] Umāma was the grand daughter of the Prophet ﷺ born to his daughter Zainab and Abūl-'Aas bin Ar-Rabi'. She was married by 'Ali after the death of Fatima ؓ due to her advice, and when 'Ali was killed, she was married by Al-Mughira bin Naufal, and she died while still under him.

^[2] Shah Waliullah of Delhi wrote in his book *Hujjatullābil-Bāligha* that the Prophet ﷺ deliberately did some small deeds during the prayer to make the people understand that prayer is not disrupted by such. *Abadīth* confirm that, if need arises, the following do not affect or disrupt the prayer: i) A little utterance. ii) Small movement, small deeds. iii) A little change of place, forward or backward. iv) To make a gesture or indicate a thing with foot. v) To open the door with a small move. vi) To move back, if another person comes to join the prayer. vii) To weep with fear of Allāh. viii) To make a gesture to make something understood. ix) To kill a scorpion or snake. x) To look to either side without moving the neck.

^[3] This *Hadīth* proves two things: a) Prayer is not disrupted by killing these, and b) One should not take pity on them. These must be killed and should not be spared as these are harmful.

^[4] *Sutra* (سترة) is something which a person offering the prayer puts in front of him as a barrier between him and others.

^[5] It is said that his name was 'Abdullāh bin Al-Hārith bin As-Simma Al-Ansāri Al-Khazraji. He was a well-known *Sabābi* who lived up to the caliphate of Mu'awiya.

been better for him to wait for forty^[1] than pass in front of him.^[2] [Agreed upon. This wording is from Al-Bukhārī]. It is mentioned in Al-Bazzār through another chain with the addition: "forty years."

181. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ was asked in the expedition of Tabūk about the *Sutra* of the person who is offering the prayer; he said, "It is (something) like the back of a saddle."^[3] [Reported by Muslim].

182. Narrated Sabra bin Ma'bad Al-Juhani^[4]: Allāh's Messenger ﷺ said, "Let one of you who is in *Salāt* (prayer) put a *Sutra*^[5] in front of him even if it is an arrow." [Reported by Al-Hākim].

183. Narrated Abū Dhar Al-Ghifārī ﷺ: Allāh's Messenger ﷺ said, "In case there is not before him (an object) like the back of a saddle, a Muslim's *Salāt* (prayer) would be cut off^[6] by (the passing of) a woman, a donkey and a

الإثم؟ لكان أَنْ يَقْفَ أَرْبَعِينَ حَيْرَاً لَهُ مِنْ أَنْ يَمْرِ بَيْنَ يَدَيْهِ». مَتَّقَ عَلَيْهِ، وَاللَّهُطُ لِلْبَخَارِيِّ . وَوَاقَعَ فِي التَّزَارِ مِنْ وَجْهِ آخَرَ: «أَرْبَعِينَ حَرِيفًا».

(١٨١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: سُلْطَانُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي غَزْوَةِ تَبُوكَ عَنْ سُرْرَةِ الْمَصْلَى، فَقَالَ: «يَمْلِ مُؤْخِرَةِ الرَّأْخِلِ». أَخْرَجَهُ مُسْلِمٌ.

(١٨٢) وَعَنْ سَبْرَةِ بْنِ مَعْبُدِ الْجَعْفَرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَيَسْتَرِ أَحَدُكُمْ فِي الصَّلَاةِ وَلَوْ بِسَفْهِهِ». أَخْرَجَهُ الْحَاكِمُ.

(١٨٣) وَعَنْ أَبِي ذِرَّةِ الْغَفَارِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «يُفْطِعُ صَلَاةَ الْمَرْءِ الْمُسْلِمِ - إِذَا لَمْ يَكُنْ بَيْنَ يَدَيْهِ مِثْلُ مُؤْخِرَةِ الرَّأْخِلِ - الْمَرْأَةُ وَالْحِمَارُ وَالْكَلْبُ

^[1] It means that passing in front of a person in prayer is prohibited. The reporter of this *Hadīth* Abū An-Nasr stated that he does not know what is meant by forty, it may be days, months or years. But in another *Hadīth* the word 'year' is given.

^[2] Up to the place of prostration is the 'frontage' of a person offering the prayers. Crossing beyond the frontage is no offence. This warning is for the person who crosses, and not for the person who is already sitting or praying in front of him, and he makes any movement.

^[3] The height of *Sutra* should be at least equal to the rear part of a camel's saddle. Its approximate measure is about one foot. If nothing is available, a mace (rod or staff) can serve the purpose of *Sutra*; and if even that is not available, some scholars say that a line can be drawn on the ground as given in the (*Da'i*) narration of Abū Dā'ud.

^[4] Sabra was a *Sahābi* from Al-Madinah who settled at Dhi Marwa. He was nicknamed Abū Thuraiya. He first took part in *Al-Khandaq* (battle of the Trench). He was 'Ali's messenger to Mu'āwiya - when he was appointed as *Khalifa* to ask him to take the pledge of loyalty of the people of Shām for 'Ali. He died towards the end of Mu'āwiya's caliphate.

^[5] When one prays, the Blessing of Allāh faces him. *Sutra* serves as a screen and the Blessing of Allāh remains within the limits of the screened area. Anyone who crosses beyond the screen (*Sutra*) does not confront the Blessing of Allāh and the prayer is not affected. In the absence of the screen (*Sutra*) there is no boundary for the Blessing of Allāh and a passer-by clashes with it and the concentration towards Allāh is perturbed. For this reason *Sutra* was made compulsory.

^[6] It means that it only affects the fear of Allāh and humility (concentration) and not the prayer.

black dog." And it concludes: "the black dog is a devil."^[1] [Reported by Muslim].

Muslim also reported through Abū Huraira (رضي الله عنه) a similar *Hadīth* without the mention of *Kalb* (dog). In another narration Abū Dā'ud and An-Nasā'i reported through Ibn 'Abbās (رضي الله عنهما) a similar report without its end and connected the prohibition of a woman passing in front of a praying person to the state of being in her menstruation period.

184. Narrated Abū Sa'īd Al-Khudri (رضي الله عنه) Allāh's Messenger (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) said, "If one of you prays towards an object separating him from the people and someone tries to pass (between him and the object) in front of him, let him turn him away but if he refuses he should fight^[2] him for he is a devil." [Agreed upon]. In another narration: "for there is a Satan with him."

185. Narrated Abū Huraira (رضي الله عنه) Allāh's Messenger (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) said, "When one of you prays, he should put something in front of him, and if he cannot find something he should set up a stick; but if he has no stick with him he should draw a line, then what passes in front of him will not harm him." [Reported by Ahmad and Ibn Mājah. And Ibn Hibbān graded it *Sabīb* (authentic)...].

الأَشْوَدُ. الْحَدِيثُ. وَفِيهِ: «الْكَلْبُ الْأَشْوَدُ شَيْطَانٌ». أَخْرَجَهُ مُسْلِمٌ.

وَلَهُ عَنْ أَبِي هُرَيْرَةَ نَحْوُهُ دُونَ الْكَلْبِ، وَلَأَبِي دَاوُدَ وَالنَّسَائِيِّ عَنْ ابْنِ عَبَّاسٍ نَحْوُهُ دُونَ آخِرَهُ، وَقَيْدَ الْمَرْأَةِ بِالْحَافِضِ.

(١٨٤) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا صَلَّى أَحَدُكُمْ إِلَى شَيْءٍ يَسْتَرُهُ مِنَ النَّاسِ، فَأَرَادَ أَحَدٌ أَنْ يَجْتَازَ بَيْنَ يَدَيْهِ، فَلْيَدْفَعْهُ، فَإِنْ أَبَى فَلْيَقْاتِلْهُ، فَإِنَّمَا هُوَ شَيْطَانٌ». مُتَقَرَّبٌ عَلَيْهِ، وَفِي رِوَايَةِ: فَإِنَّ مَعَهُ الْقَرَبَيْنَ.

(١٨٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِذَا صَلَّى أَحَدُكُمْ فَلْيَجْعَلْ تِلْقَاءَ وَنَجْهَهُ شَيْئًا، فَإِنْ لَمْ يَجِدْ فَلْيَصِبْ عَصَمًا، فَإِنْ لَمْ يَكُنْ فَلْيَنْجُطْ حَطَّاً، ثُمَّ لَا يَصْرُهُ مِنْ مَرَّ بَيْنَ يَدَيْهِ». أَخْرَجَهُ أَخْمَدُ وَابْنُ ماجَةَ، وَصَحَّحَهُ ابْنُ حِبَّانَ، وَلَمْ يُصِبْ مَنْ زَعَمَ أَنَّهُ مُضْطَرِّبٌ بِلِّهُ حَسَنٌ.

^[1] In this *Hadīth* there is a proof that without *Sutra* if one of those mentioned above cross in front of a worshipper, his prayer is discontinued. But there is an agreed upon and authentic *Hadīth* which mentions that Ibn 'Abbās (رضي الله عنهما, riding on a donkey, passed before the row of congregation and the Prophet ﷺ was also offering the prayer but he did not repeat his prayer nor asked the Companions رضي الله عنهم to repeat.

^[2] Passing before the praying person is regarded an aversion unanimously. If a person is praying having *Sutra* before him and someone tries to pass from inside it, he should be stopped by a sign and if he insists, he should be stopped by force. Fight means to stop with force and not the actual fight. If a worshipper is praying without having a *Sutra* before him, it is his fault and not the fault of the passer-by. It also indicates that prayer is not discontinued with this small action, but it does affect the concentration.

186. Narrated Abū Sa‘id Al-Khudri : Allāh’s Messenger ﷺ said, “Nothing interrupts^[1] Salāt (prayer), but avert as much as you can (things that cut off prayer).” [Reported by Abū Dā’ud and there is weakness in its chain].

(١٨٦) وَعَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَقْطَعُ الصَّلَاةَ شَيْءٌ، وَأَذْرَعُوا مَا اسْتَطَعْتُمْ». أَخْرَجَهُ أَبُو دَاوُدَ، وَفِي سَنَدِهِ ضَعْفٌ.

Chapter 5 KHUSHŪ^[2] (HUMILITY) IN SALAT (PRAYER)

187. Narrated Abū Huraira : Allāh’s Messenger ﷺ forbade keeping one’s hands on one’s waist while praying^[3]. [Agreed upon]. The wording is that of Muslim, and its meaning is to put (one’s) hands on his waist.

And in the narration of Al-Bukhāri narrated by ‘Aisha ﷺ is: “This is a practice of the Jews.”

188. Narrated Anas : Allāh’s Messenger ﷺ said, “If supper is brought (and the prayer is ready) start with it (the food) before you pray the Magrib (prayer).”^[4] [Agreed upon].

189. Narrated Abū Dhar : Allāh’s Messenger ﷺ said, “When one of you is praying he must not remove pebbles (from his face)^[5] for the mercy is facing him.” [Reported by Al-Khamṣa with a Sabib (authentic) chain]. And Ahmad added to the above Hadīth:

٥ - بَابُ الْحَثْ عَلَى الْخُشُوعِ فِي الصَّلَاةِ

(١٨٧) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَنْ يُصْلِي الرَّجُلُ مُخْصِرًا. مُتَقْعِدًا عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ، وَمَعْنَاهُ أَنْ يَجْعَلَ يَدَهُ عَلَى خَاصِرَتِهِ».

وَفِي الْبُخَارِيِّ عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَ: «أَنْ ذَلِكَ فِعْلُ الْيَهُودِ فِي صَلَاتِهِمْ».

(١٨٨) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِذَا قُدِّمَ الْعَشَاءُ فَابْدُعُوهُ بِهِ قَبْلَ أَنْ تُصْلِلُوا الْمَغْرِبَ». مُتَقْعِدًا عَلَيْهِ.

(١٨٩) وَعَنْ أَبِي ذِئْرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِذَا قَامَ أَحَدُكُمْ فِي الصَّلَاةِ فَلَا يَمْسِحُ الْحَصْنَى، فَإِنَّ الرَّحْمَةَ تُوَاجِهُ». رَوَاهُ الْخَمْسَةُ بِإِسْنَادٍ صَحِحٍ، وَزَادَ أَحْمَدُ: «وَاجِدَةً أَوْدَعَ». وَفِي الصَّحِحِ عَنْ

^[1] It indicates that prayer is not discontinued by the passing of somebody, but it does affect the concentration.

^[2] Khushū‘ (خشوع) means calmness, comfort and concentration of the whole body and the mind towards Allāh.

^[3] Placing the hands on flanks (hips) is an arrogant action whereas humility and meekness is required in prayer. The other point explained in the next Hadīth is that this action resembled that of the Jews, and their imitation is forbidden.

^[4] If food is served then eating of food is preferable even if there is no hunger for it. The philosophy behind it is that one should stand before Allāh with complete concentration being above all worldly needs. On the other hand, it is not permitted to go for eating at the time of prayer, if the food has not been served.

^[5] Removing stones from the place of prostration is prohibited when stones are small and

مُعْتَقِبٌ تَحْوُّلُ يَغْيِرْ تَغْلِيلَ.

“(remove the pebbles) once or leave (them).” It is also reported in *As-Sahib* on the authority of Mu’aqib^[1] without mention of the reason.

190. Narrated ‘Aisha ﷺ: I asked Allāh’s Messenger ﷺ about looking around during prayer and he said, “It is something which the devil snatches from a person’s prayer.” [Reported by Al-Bukhāri].

At-Tirmidhi has reported and graded as *Sabib* (authentic) the narration of Anas ﷺ: “Avoid looking around when you are engaged in prayer, for looking around is destruction. And if you must do it, do so^[2] in the voluntary prayers.”^[3]

191. Narrated Anas ﷺ: Allāh’s Messenger ﷺ said, “When anyone of you is engaged in *Salāt* (prayer), he is holding intimate conversation with his *Rabb* so he should not spit in front of him^[4], nor to his right side, but to his left side, under his foot”. [Agreed upon]. A narration has: “or under his foot”.

192. Narrated (Anas) ﷺ: ‘Aisha ﷺ had a *Qirām*^[5] with which she had screened

harmless. If stones are big and troublesome and hamper concentration, then there is no harm in removing them.

[1] Mu’aqib bin Abū Fātima Ad-Dausi became a Muslim long ago in Makkah, and migrated to Abyssinia (Ethiopia) during the second *Hijra*. He witnessed Badr. He kept the Prophet’s ﷺ seal, and Abū Bakr and then ‘Umar put him in charge of the *Baitul-Māl*. He died during ‘Uthmān’s caliphate.

[2] If at all, it is necessary, could be moved in *Nawafil* (voluntary) prayers, but not in the *Fard* (obligatory) prayers, because there is less harm of this act in voluntary prayers. At the time of dire need, it is permissible as is evident from the last illness event of the noble Prophet ﷺ, when he came out of his house for prayer, Abū Bakr Siddiq, who was leading the prayer, wanted to draw back but apprehending the gesture of the Prophet ﷺ, kept on leading the prayer, and the noble Prophet ﷺ did not object Abū Bakr for this act.

[3] During the voluntary prayer also if face is moved away from *Qiblab*, then the prayer is discontinued.

[4] It is to be remembered that one should never spit in the direction of *Qiblab*, or to one’s right side whether in a prayer or not.

[5] A soft piece of cloth with colours.

(١٩٠) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ سَأَلْتُ رَسُولَ اللَّهِ تَعَالَى عَنِ الْإِلْتِفَاتِ فِي الصَّلَاةِ، فَقَالَ: «هُوَ اخْتِلَاصٌ يَعْتَلِلُهُ الشَّيْطَانُ مِنْ صَلَاةِ الْعَبْدِ». رَوَاهُ الْبُخَارِيُّ.

وَلِلتَّرْمِذِيِّ وَصَحَّحَهُ - : «إِنَّكَ وَالْإِلْتِفَاتَ فِي الصَّلَاةِ، فَإِنَّهُ هَلْكَةٌ، فَإِنْ كَانَ لَا بُدَّ فَقَوِّيْهُ التَّطْوِعُ».

(١٩١) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَى: «إِذَا كَانَ أَحَدُكُمْ فِي الصَّلَاةِ فَإِنَّهُ يُنَاجِيْ رَبَّهُ فَلَا يَبْصُرُ بَيْنَ يَدَيْهِ وَلَا عَنْ يَمْنَيْهِ، وَلَكِنْ عَنْ شِمَالِهِ تَحْتَ قَدَمِهِ». مُتَقَوِّلٌ عَلَيْهِ، وَفِي رِوَايَةِ: «أَوْ تَحْتَ قَدَمِهِ».

(١٩٢) وَعَنْهُ قَالَ: كَانَ قِرَامٌ لِعَائِشَةَ رَضِيَ اللَّهُ

one side of her house. The Prophet ﷺ said, "Take away^[1] this *Qirām* of yours, for its pictures are still displayed in front of me during my prayer." [Reported by Al-Bukhāri].

تَعَالَى عَنْهَا، سَرَّثَ يَهُ جَانِبَ بَيْهَا، فَقَالَ لَهَا النَّبِيُّ ﷺ: «أَمْبَطِي عَنَّا قِرَامَكِ هَذَا، فَإِنَّهُ لَا تَرَأْسُ تَصَاوِيرًا تَعْرُضُ لِي فِي صَلَاتِي». رَوَاهُ البُخَارِيُّ.

Al-Bukhāri and Muslim have also reported a *Hadīth* narrated by her ('Aisha ؓ) in which is mentioned the story of Abū Jahm's^[2] *Ambijānta*^[3] with the addition: "it (the *Khamisa*)^[4] has distracted me^[5] from my prayer."

وَانْفَقَا عَلَى حَدِيثِهَا فِي قَصَّةِ أَنْجَانِيَةِ أُبِي جَهَنْمٍ، وَنَبَّيْهُ: «إِنَّهَا أَهْنَتِي عَنْ صَلَاتِي».

193. Narrated Jābir bin Samura ؓ: Allāh's Messenger ﷺ said, "Those people who raise their eyes to heaven while in *Salāt* (prayer) should stop (doing so) or else their sight will not return^[6] to them." [Reported by Muslim].

(١٩٣) وَعَنْ جَابِرِ بْنِ سَمْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّهُمْ يَرْفَعُونَ أَبْصَارَهُمْ إِلَى السَّمَاءِ فِي الصَّلَاةِ، أُولَئِكَ الَّذِينَ تَرْجِعُ إِلَيْهِمْ». رَوَاهُ مُسْلِمٌ.

Narrated 'Aisha ؓ in another narration of it from Muslim: I heard Allāh's Messenger ﷺ say, "No *Salāt* (prayer) can be (rightly offered) with food brought (before the worshipper) or when he is resisting the urge to relieve himself of the two filths^[7] (i.e. urine

وَلَهُ عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا صَلَاةٌ بِحُضْرَةِ الطَّعَامِ، وَلَا وَهُوَ يُدَافِعُ عَنِ الْأَخْبَاتِ».

[1] It means that anything which diverts the attention should be removed from the place of prayer. If not possible, one should move away and avoid the place.

[2] He is Ibn Hudhaifa bin Ghāniyah Al-Qurashi Al-'Adawi. His name is 'Aamir or 'Ubaid. He became a Muslim in the year of the conquest of Makkah. He was among the *Sabābā* enjoying longevity, for he attended the building of the Ka'ba by Quraish before the advent of the Prophet ﷺ and witnessed its reconstruction by 'Abdullāh bin Az-Zubair during whose early days of caliphate he died.

[3] A plain woolen garment.

[4] A soft piece of clothe with designs and colors.

[5] It means that mosques should not be decorated with designs and ornaments, etc. as they are impediments for concentration. Imām An-Nawawi has quoted the consensus of Muslim scholars in this regard and considered it as absolute prohibition.

[6] Imām An-Nawawi has reported consensus of Muslim scholars that this prohibition is an absolute one. Ibn Hazm says that the prayer is invalidated.

[7] If someone feels a strong need of answering the call of nature, urination or passing wind, and has enough time, one should do it before going to prayer. Otherwise, prayer will be

and feces)."

194. Narrated Abū Huraira ﷺ: The Prophet ﷺ said, "Yawning is caused by the devil^[1], so when one of you yawns he must repress it as much as he can." [Reported by Muslim and At-Tirmidhi. The latter added: "during Salāt (prayers)".]^[2]

Chapter 6 MOSQUES

195. Narrated 'Aisha ؓ: Allāh's Messenger ﷺ ordered that the mosques be built in residential districts^[3] and that it be cleaned and perfumed. [Reported by Ahmad, Abū Dā'ud and At-Tirmidhi. The latter considered it *Mursal* (missing link in the chain after the *Tābi'i* (student of a Companion)].

196. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "May Allāh curse the Jews! they have turned the graves of their Prophets into mosques." [Agreed upon]. Muslim added: "and Christians."

Narrated 'Aisha ؓ in Al-Bukhāri and Muslim (that Allāh's Messenger ﷺ said), "When a pious person amongst them (the Jews and Christians) died they used to build a place of worship and prostration on his grave." In the same *Hadīth* is: "Those are the worst of creatures."^[4]

aversive. According to some it will not be regarded a prayer at all because of lack of concentration, fear of Allāh, and humility. If time is short and need is not very urgent, one should offer the prayer rather than delay it.

^[1] Yawning is a result of filled stomach and laziness. Both these things are of the things loved by Satan, so it is as though the yawning is from Satan.

^[2] Suppressing a yawn, during a prayer or at any other time is *Sunnab*. During prayer, one should be more careful about yawning as it affects the concentration.

^[3] So that one could pray in the vicinity of his home.

^[4] "Turning graves into mosques" has two meanings. First, actions and deeds which are

(١٩٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ النَّبِيَّ ﷺ قَالَ: «الشَّاتُوبُ مِنَ الشَّيْطَانِ، فَإِذَا تَنَاهَى بْ أَحَدُكُمْ ثَلَيْكُظُمْ مَا اسْتَطَاعَ». رَوَاهُ مُسْلِمٌ وَالْتَّرمِذِيُّ، وَزَادَ: «فِي الصَّلَاةِ».

٦ - بَابُ الْمَسَاجِدِ

(١٩٥) عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: أَمْرَ رَسُولُ اللَّهِ ﷺ بِسَيَارَةِ الْمَسَاجِدِ فِي الدُّورِ، وَأَنْ تُنْظَفَ وَتُطَيَّبَ. رَوَاهُ أَخْمَدُ وَأَبُو ذَاوِدَ وَالْتَّرمِذِيُّ، وَصَحَّحَ إِرْسَالَهُ.

(١٩٦) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «قَاتَلَ اللَّهُ الْيَهُودُ، اتَّخَذُوا قُبُورَ أَنْبِيائِهِمْ مَسَاجِدًا». مُتَقَّدٌ عَلَيْهِ، وَزَادَ مُسْلِمٌ: «وَالْتَّصَارَى».

وَلَهُمَا مِنْ حَدِيثِ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا: كَانُوا إِذَا مَاتَ فِيهِمُ الرَّجُلُ الصَّالِحُ بَنَوْا عَلَى قَبْرِهِ مَسْجِدًا. وَفِيهِ: أُولَئِكَ شَرَارُ الْخَلْقِ.

197. Narrated Abū Huraira : The Prophet ﷺ sent an expedition of horsemen who came back with a man, they then tied^[1] him to one of the pillars of the mosque^[2]. [Agreed upon].

(١٩٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: بَعَثَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَيْلًا، فَجَاءَتْ بِرَجُلٍ، فَرَبَطُوهُ سَارِيَةً مِنْ سَوَارِ الْمَسْجِدِ، الْحَدِيثُ مُتَقَرَّبٌ عَلَيْهِ.

198. Narrated (Abū Huraira) : ‘Umar came over Hassān^[3] while reciting poetry inside the mosque and looked at him sternly, then he (Hassān) said, “I used to recite poetry inside it (the mosque)^[4] in the presence of one who is more pious than you (i.e. the Prophet ﷺ).” [Agreed upon].

(١٩٨) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ عُمَرَ مَرَّ بِحَسَانَ يُشَدِّدُ فِي الْمَسْجِدِ، فَلَحَظَ إِلَيْهِ، فَقَالَ: قَدْ كُنْتُ أُشَدِّدُ فِيهِ، وَفِيهِ مَنْ هُوَ خَيْرٌ مِنْكَ.

مُتَقَرَّبٌ عَلَيْهِ.

199. Narrated (Abū Huraira) : Allāh's Messenger ﷺ said, “Whoever hears a man crying out in the mosque about something he has lost, he should say, ‘May Allāh not restore it to you^[5]’, for the mosques were not built for this.” [Reported by Muslim].

(١٩٩) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ سَمِعَ رَجُلًا يُشَدِّدُ ضَالَّةً فِي الْمَسْجِدِ فَلْيَقُلْ: لَا رَدَّهَا اللَّهُ عَلَيْكَ، فَإِنَّ الْمَسَاجِدَ لَمْ تُبْنَ لِهَذَا». رَوَاهُ مُسْلِمٌ.

200. Narrated (Abū Huraira) : Allāh's Messenger ﷺ said, “If you see someone buying or selling inside the mosque, say: May Allāh not make your trading profitable!”^[6] [Reported by An-Nasā'i]

(٢٠٠) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِذَا رَأَيْتُمْ مَنْ يَبْيَعُ أَوْ يَتَنَاجِعُ فِي الْمَسْجِدِ فَقُولُوا: لَا أَرِبَّ اللَّهُ تِجَارَتَكُمْ». رَوَاهُ

supposed to be done before Allāh in the mosques, are performed near or upon the graves, such as prostration, bowing, sitting, or standing with folded hands as a sign of respect; and secondly, to build the mosques near the graves. Whatever the meaning may be, it is prohibited in any way.

[1] It means that temporarily a mosque can be used for detention of prisoners.

[2] This *Hadīth* shows that a polytheist can enter a mosque if there is a need for such. However, some scholars make an exception for the Sacred *Masjid* (*Al-Ka'ba*) in Makkah, saying that a disbeliever can not enter it, just as they cannot perform the pilgrimage.

[3] He is Hassān bin Thābit Al-Ansāri Al-Khazraji who was the poet of Allāh's Messenger ﷺ. Abū 'Ubaida said, 'Arabs have agreed that Hassān bin Thabit was the best poet among them.' He died before 40 H. during the caliphate of 'Ali. It is also said that he died in 50 H. at the age of 120 years of which he lived sixty years in the *Jābiyya* (Ignorance) and sixty in Islam.

[4] This is a proof that good moral and elevated poetry can be recited in the mosque. Hassān bin Thābit used to recite poems of significance in response to satirical poetry of the infidels and the noble Prophet ﷺ always praised him by saying, "Gabriel helps you."

[5] This is by way of condemnation so that people should not discuss that which is not allowed in the mosques. For example, in case of the lost cattle one should not inquire about it inside the mosque, thus disturbing and interrupting the people in their concentration towards Allāh. Instead one may stand at the gate of the mosque and ask the people.

[6] It means that mosques should not be treated as markets, because it will affect the dignity

and At-Tirmidhi and the latter graded it *Hasan* (good)].^[1]

الشَّائِعُ وَالرَّمْذَنِيُّ، وَحَسَنَةٌ.

201. Narrated Hakim bin Hizām^[2]: Allāh's Messenger ﷺ said, "Neither the prescribed punishments nor retaliations should be executed inside the mosque." [Reported by Ahmad and Abū Dā'ud through a weak *Sanad* (chain)].

(٢٠١) وَعَنْ حَكِيمِ بْنِ حِزَامٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تُقْعَدُ الْحُدُودُ فِي الْمَسَاجِدِ، وَلَا يُسْتَقَادُ فِيهَا». رَوَاهُ أَحْمَدُ وَأَبُو ذَاوِدَ سَيِّدَ ضَعِيفِ.

202. Narrated 'Aisha ﷺ: On the day of *Al-Khandaq* (battle of the Trench), Sa'd^[3] was injured and Allāh's Messenger ﷺ pitched a tent for him in the mosque to visit him from a close distance.^[4] [Agreed upon].

(٢٠٢) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: أَصِيبَ سَعْدًا يَوْمَ الْخَنْدَقِ، فَضَرَبَ عَلَيْهِ رَسُولُ اللَّهِ ﷺ خَيْمَةً فِي الْمَسَاجِدِ، لِيَعُوَدَ مِنْ قَرِبِهِ. مُتَّقِّنٌ عَلَيْهِ.

203. Narrated ('Aisha) ﷺ: I saw Allāh's Messenger ﷺ at the door of my house screening me while I watched some Abyssinians (Ethiopians)^[5] who were playing in the mosque.^[6] [Agreed upon].

(٢٠٣) وَعَنْهَا قَالَتْ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَسْتَرِنِي، وَأَنَا أَنْظُرُ إِلَى الْحَبَشَةِ يَلْعَبُونَ فِي الْمَسَاجِدِ، الْحَدِيثُ مُتَّقِّنٌ عَلَيْهِ.

204. Narrated ('Aisha) ﷺ : One black slave-girl had a tent in the mosque and she used to come to me and talk (with me) in my house^[7] . [Agreed upon].

(٢٠٤) وَعَنْهَا رَضِيَ اللَّهُ عَنْهَا أَنَّ وَلِيَّةَ سَوْدَاءَ كَانَ لَهَا خَيْمَةً فِي الْمَسَاجِدِ، فَكَانَتْ تَأْتِينِي، فَتَحَدَّثُ عَنِّي. الْحَدِيثُ مُتَّقِّنٌ عَلَيْهِ.

of mosque and prayers.

^[1] Doing business in mosques is prohibited. Whoever trades there, will be regarded as sinful but the deal will be considered as valid.

^[2] He is Abū Khálid Al-Qurashi Al-Asadi, the son of the brother of Khadija 'Mother of the Believers.' He was among the noble men of Quraish and was born in the Ka'ba 13 years before the incident of the elephant. He became a Muslim during the year of the conquest of Makkah and died at Al-Madinah in 54 H. at the age of 120 years.

^[3] Sa'd bin Mu'ādh was the leader of Al-Aus and one of the greatest *Sabāba*. He became a Muslim between the first and second *'Aqaba*, and Banu 'Abdul-Ashhal became Muslims due to his Islamic faith. He was bold, noble and obeyed by his people. He was hit by an arrow on his arm during the battle of *Khandaq* (battle of Trench) and after the battle of Banu Quraiza, in Dhul Hijja 5 H., he died of that injury.

^[4] This *Hadīth* is a proof that erecting a tent in the mosque, sleeping there and residing of a sick or wounded person is permissible.

^[5] It means that woman can look at a group of men without singling out any individual.

^[6] The games, helpful in *Jihād* (fighting in Allāh's cause) are permissible to be played in the mosque, as the Abyssinian were playing war games.

^[7] The complete *Hadīth* is narrated in *Sahīb Al-Bukhārī*. The object of giving it here is to show that a woman also can stay in the mosque and that erecting a tent is also permissible.

205. Narrated Anas : Allāh's Messenger ﷺ said, "Spitting in the mosque is a sin and its expiation is burying it." [Agreed upon].

(٢٠٥) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْبُصَاقُ فِي الْمَسْجِدِ حَطَبَتِهُ، وَكَمَارَتِهَا دُفِنَهَا». مُتَقَرَّ عَلَيْهِ.

206. Narrated (Anas) : Allāh's Messenger ﷺ said, "The Hour (Judgement Day) will not come until people boast (to each other) with (the construction and decoration of) mosques.^[١]" [Reported by Al-Kbamsa except At-Tirmidhi, and Ibn Hibbān graded it *Sabib* (authentic).]

(٢٠٦) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا تَقُومُ السَّاعَةُ حَتَّى يَتَبَاهَى النَّاسُ فِي الْمَسَاجِدِ». أَخْرَجَهُ الْحَمْسَةُ إِلَّا التَّرْمِذِيُّ، وَصَحَّحَهُ أَبْنُ حُزَيْمَةَ.

207. Narrated Ibn 'Abbās : Allāh's Messenger ﷺ said, "I was not commanded to build beautified^[٢] mosques". [Reported by Abū Dā'ud, and Ibn Hibbān graded it *Sabib* (authentic)].

(٢٠٧) وَعَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا أُمِرْتُ بِشَيْدِ الْمَسَاجِدِ». أَخْرَجَهُ أَبُو دَاؤُدُ، وَصَحَّحَهُ أَبْنُ حَبَّانَ.

208. Narrated Anas : Allāh's Messenger ﷺ said, "The rewards of my *Ummah* (followers) were shown to me, even a peck of dust a man takes out of the mosque." [Reported by Abū Dā'ud and At-Tirmidhi. The latter graded it *Gharib* (having a single narrator), and Ibn Khuzaima graded it *Sabib* (authentic)].

(٢٠٨) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «غُرِضْتُ عَلَيَّ أُجُورُ أُمَّتِي، حَتَّى الْقَدَاءُ يُخْرِجُهَا الرَّجُلُ مِنَ الْمَسْجِدِ». رَوَاهُ أَبُو دَاؤُدُ وَالتَّرْمِذِيُّ، وَاسْتَفَرَهُ أَبُونُ حُزَيْمَةَ، وَصَحَّحَهُ أَبْنُ حُزَيْمَةَ.

209. Narrated Abū Qatāda : Allāh's Messenger ﷺ said, "When one of you enters the mosque, he must not sit until he prays two *Rak'a*."^[٣] [Agreed upon]

(٢٠٩) وَعَنْ أَبِي قَتَادَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا دَخَلَ أَحَدُكُمُ الْمَسْجِدَ فَلَا يَخْلِسْ حَتَّى يُصَلِّي رَكْعَيْنِ». مُتَقَرَّ عَلَيْهِ.

^[١] It means that they will proudly compete with each other and will boast about the embellishment and beautification of their mosques. It may also mean that they will boast about their superiority and eminence in mosques whereas these are the places of showing humility and humbleness before Allāh.

^[٢] This *Hadīth* indicates that being a Jewish custom, making of designs and ornaments in mosques is forbidden.

^[٣] This is evident that these two *Rak'a* are *Tabiyyatal-Masjid* (salutation to the mosque). Some of the religious scholars consider these as compulsory whereas most of others regard them only desirable. Looking at the evident meanings of the *Hadīth* some scholars have allowed to offer even at the prohibited (odious) time, whereas other scholars forbid in these times.

٧ - بَابُ صِفَةِ الصَّلَاةِ

Chapter 7

THE DESCRIPTION OF THE SALAT (PRAYER)

210. Narrated Abū Huraira ﷺ: The Prophet ﷺ said, "When you get up to pray, perform the ablution perfectly, then face the *Qiblah* and say: 'Allāhu Akbar' (Allāh is the Most Great). Then recite a convenient portion of the Qur'ān;^[1] then bow and remain calmly in that position for a moment, then rise up and stand erect; then prostrate and remain calmly in that position for a moment, then rise up and sit calmly^[2], then prostrate and remain calmly in that position for a moment; then do that throughout your prayer." [Reported by *As-Sab'a* and the wording is that of Al-Bukhāri].

The narration of Ibn Mājah through a chain of Muslim has: "then rise up and stand erect calmly." And in the narration of Ibn Hibbān and Ahmad the hadith of Rifa'a bin Rāfi' bin Mālik^[3] is similar to the above. And Ahmad has: "keep your back straight till the bones return (to their positions)."

And in the narration of An-Nasā'i and Abū Dā'ud from the *Hadīth* of Rifa'a bin Rāfi': "The *Salāt* (prayer) of one of you will not be complete until he performs *Wudu'* (ablution) properly as

(٢١٠) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ ﷺ قَالَ: إِذَا قُمْتَ إِلَى الصَّلَاةِ فَأَسْيِغْ الْوُضُوءَ، ثُمَّ اسْتَثْلِمْ الْقِبْلَةَ فَكَبِرْ، ثُمَّ أَفْرِأْ مَا يَسْرَرْ مَعَكَ مِنَ الْقُرْآنِ، ثُمَّ ارْكَعْ حَتَّى تَطْمَئِنْ رَأْكِعًا، ثُمَّ ارْفَعْ حَتَّى تَعْتَدِلْ قَائِمًا، ثُمَّ اسْجُدْ حَتَّى تَطْمَئِنْ سَاجِدًا، ثُمَّ ارْفَعْ حَتَّى تَطْمَئِنْ حَالِسًا، ثُمَّ اسْجُدْ حَتَّى تَطْمَئِنْ سَاجِدًا، ثُمَّ افْعُلْ ذَلِكَ فِي صَلَاتِكَ كُلُّهَا». أَخْرَجَهُ السَّعْدُ، وَالْفَقْطُ لِلْبُخَارِيِّ.

ولَا يَنْهَا مَاجَةً يَأْتِنَادُ مُشْلِمًا: «حَتَّى تَطْمَئِنْ قَائِمًا» وَمِثْلُهُ فِي حِدِيثِ رِفَاعَةَ بْنِ رَافِعٍ بْنِ مَالِكٍ عِنْدَ أَحْمَدَ وَابْنِ حِيَانَ «حَتَّى تَطْمَئِنْ قَائِمًا». وَلِأَحْمَدَ: «فَاقْمِ صُلْبَكَ حَتَّى تَرْجِعَ الْعِظَامُ».

وَلِلشَّافِعِيِّ وَأَبِي دَاؤِدَ مِنْ حِدِيثِ رِفَاعَةَ بْنِ رَافِعٍ: «إِنَّهَا لَنْ تَكُونَ صَلَاةً أَحَدُكُمْ حَتَّى يُسْعَ الْوُضُوءَ كَمَا أَمْرَهُ اللَّهُ تَعَالَى، ثُمَّ يَكْبُرُ اللَّهُ

^[1] It is obvious that the recitation of the noble Qur'ān is compulsory. There is a *Hadīth* which reads (لَمْ يَأْتِ بِأَمْرِ الْقُرْآنِ). "Then read Umm al-Qur'an". It is evident that it means *Sūrat Al-Fatīha*.

^[2] Those who are careless in the performance of bowing, prostrations, sitting, etc. in their prayer should ponder over this *Hadīth*; careless and hasty actions are inaccurate. These careless actions destroy their prayers. The noble Prophet ﷺ named this kind of prayer as the "prayer of hypocrite" and the performers as "thieves of the worst type."

^[3] He is nicknamed Abū Mu'ādh and was Az-Zurqi Al-Ansāri Al-Madani, – a great *Sabābi* who attended *Al-Aqaba* with his father who was the first *Ansāri* to become a Muslim. Rifa'a participated in Badr and all the latter battles and was with 'Ali during the battles of *Al-Jamal* and *Siffin*. He died during the beginning of Mu'āwiya's caliphate in 41 H.

Allāh commanded him, then he says *Allāhu Akbar* and *Alhamdu lillāh* and praises Him." It is also mentioned in the same *Hadīth*, "If you know any portion of the Qur'ān, read it or else say: *Alhamdu lillāh*, *Allāhu Akbar* and *La ilāha ill-Allāh*." And Abū Dā'ud has: "Then read the *Ummul-Qur'ān*^[1] (i.e. *Sūrat Al-Fātiha*) and whatever Allāh wishes". Ibn Hibbān also has: "and then (read) whatever you wish."

211. Narrated Abū Humaid As-Sā'idi^[2]: "I saw Allāh's Messenger ﷺ when he uttered the *Takbir*, he placed his hands parallel to his shoulders;^[3] and when he bowed down, he rested his hands on his knees, then bent his back. When he raised his head up, he stood erect until the bones of his spine became straight. When he prostrated, he placed his arms such that they were neither spread out nor drawn in, and the tips of his toes were facing the *Qiblah*; when he sat up, at the end of two *Rak'a*, he sat on his left foot and put erect the right one; and when he sat up after the last *Rak'a* he put forward the left foot, put erect the other one and sat on his buttock." [Reported by Al-Bukhārī].

212. Narrated 'Ali bin Abi Tālib رضي الله عنه: Whenever Allāh's Messenger ﷺ stood

تَمَاءَلَ، وَيَخْمَدُهُ، وَيُبَثِّنُ عَلَيْهِ». وفيها: «فَإِنْ كَانَ مَعَكَ قُرْآنٌ فَأَقْرُأْهُ، وَإِلَّا فَاحْمِدِ اللَّهَ، وَكَبِرْهُ، وَهَلَّلْهُ». وَلَأَبِي دَاوُدَ: «ثُمَّ أَقْرُأْ بِأَمْ الْقُرْآنِ، وَبِمَا شَاءَ اللَّهُ» وَلَأَبْنِ حَبَّانَ: «ثُمَّ يَمْسِي شَيْئًا».

(٢١١) وَعَنْ أَبِي حُمَيْدِ السَّاعِدِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ إِذَا كَبَرَ جَعَلَ يَدِيهِ حَذْوَ مَنْكِبَيْهِ، وَإِذَا رَكِعَ أَمْكَنَ يَدِيهِ مِنْ رُبْكَبِهِ ثُمَّ هَصَرَ ظَهْرَهُ، فَإِذَا رَغَعَ رَأْسَهُ أَسْتَوَى، حَتَّى يَعُودَ كُلُّ نَقَارٍ مَكَانَهُ، فَإِذَا سَجَدَ وَضَعَ يَدِيهِ غَيْرَ مُفْتَرِشٍ. وَلَا قَابِضَهُمَا، وَاسْتَقْبَلَ بِأَطْرَافِ أَصَابِعِ رِجْلِهِ الْيُسْرَى، جَلَسَ فِي الرَّكْعَتَيْنِ. جَلَسَ عَلَى رِجْلِهِ الْيُسْرَى، وَنَصَبَ الْيُمْنَى، وَإِذَا جَلَسَ فِي الرَّكْعَةِ الْآخِرَةِ فَقَدَ رِجْلُهُ الْيُسْرَى، وَنَصَبَ الْأُخْرَى، وَقَعَدَ عَلَى مَقْعِدَتِهِ. أَخْرَجَهُ الْبَخَارِيُّ.

(٢١٢) وَعَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ

[1] *Ummul-Qur'ān* (أم القرآن) is a name used for *Sūrat Al-Fātiha*. This *Hadīth* indicates that the recitation of *Al-Fātiha* and some other chapter or Verses of the noble Qur'ān is essential. According to some religious scholars, after the recitation of *Al-Fātiha* a little more recitation is essential, but to others it is only preferable or desired. For more detail see books of *Abadīth*.

[2] Abū Humaid is called 'Amr or Mundhir bin Sa'd bin Al-Mundhir or Mālik Al-Ansāri Al-Khazrajī Al-Madani. He descended from Sā'ida who is the father of Al-Khazraj. He participated in Uhud and the battles that followed and died either towards the end of Mu'āwiya's caliphate or at the beginning of Yazid's rule in 61 H.

[3] The Muslim *Ummab* ought to offer their prayers like the prayer of the noble Prophet ﷺ. He used to pray with peace of mind and perfection. Hasty performance is disapproved.

[4] In this *Hadīth*, *Raf' yadain* (raising of hands) is mentioned up to the shoulders. In the narration of Wā'il bin Hujr it is mentioned up to the ears.

for *Salāt* (prayer), he used to say:^[1] "I have turned my face (as a monotheist) towards Him who created the heavens and the earth and I am not from the polytheists. My prayer and my devotion, my life and my death belong to Allāh, the Lord of the universe, Who has no partner. That is what I have been commanded, and I am a Muslim. O Allāh, You are the King. There is nothing which deserves to be worshipped but You. You are my *Rabb* (Lord) and I am Your slave.^[2] I have wronged myself, but I acknowledge my sin, so forgive me all my sins, You alone can forgive sins; and guide me to the best qualities, You alone can guide to the best of them: and turn me from evil ones, You alone can turn from evil qualities. I come to serve and please You. All good is in Your Hands and evil does not pertain to You. I seek refuge in You and turn to You, You are the Blessed and the Exalted. I ask Your forgiveness and turn to You in repentance." [Reported by Muslim]. And in another narration of Muslim: "he used to say that in the night prayer..."

213. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ used to keep silent – between the opening *Takbir* of the prayer and the recitation of the Qur'ān – for a short while. Then, I asked him (about that) and he replied, "I say, 'O Allāh! Keep me apart from my sins (faults) as you have kept apart the east and west. O Allāh clean me from my sins as a white garment is cleaned from

تَعَالَى عَنْهُ، عَنْ رَسُولِ اللَّهِ ﷺ، أَنَّهُ كَانَ إِذَا قَامَ إِلَى الصَّلَاةِ، قَالَ: «وَجَهْتُ وَجْهِي لِلَّذِي فَطَرَ السَّمَاوَاتِ وَالْأَرْضَ - إِلَى قَوْلِهِ - مِنَ الْمُسْلِمِينَ. اللَّهُمَّ أَنْتَ الْكَلِيلُ، لَا إِلَهَ إِلَّا أَنْتَ، أَنْتَ رَبُّنَا وَأَنَا عَبْدُكَ، إِلَى آخِرِهِ». رَوَاهُ مُسْلِمٌ، وَفِي رِوَايَةِ لَهُ: أَنَّ ذَلِكَ فِي صَلَاةِ اللَّيْلِ.

^[1] In the end of this *Hadīth* it is mentioned that the noble Prophet ﷺ used to recite this supplication in *Tabajjud* (تهجد) (a prayer offered after midnight). The author in his book *Talkbis* has reported from Imām Shāfi'i and Ibn Khuzaima that the noble Prophet ﷺ recited it in obligatory prayers. Possibility of recitation of this supplication is there in both the prayers, in the narration of 'Ali رضي الله عنه.

^[2] In these hallowed words, a Muslim is instructed to ask forgiveness from Allāh for his sins, known and unknown, even though he may be the most obedient and pious.

(٢١٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا كَبَرَ لِلصَّلَاةِ سَكَتَ هَبَّةً فَبَلَّ أَنْ يَقُولَ، فَسَأَلَهُ اللَّهُمَّ فَقَالَ: أَقُولُ: «اللَّهُمَّ بَايْدُ بَيْنِي وَبَيْنَ خَطَايَايِّ، كَمَا بَايْدُ بَيْنَ الشَّرْقِ وَالْمَغْرِبِ، اللَّهُمَّ تَقْنِي مِنْ خَطَايَايِّ، كَمَا يُنَفَّي الثُّوبُ الْأَبْيَضُ مِنْ الدَّنَسِ، اللَّهُمَّ اغْسِلْنِي مِنْ خَطَايَايِّ بِالْمَاءِ

dirt. O Allāh wash me of my sins with water, snow and hail.” [Agreed upon].

وَالثَّلْجُ وَالْبَرَدُ. مَتَّقَ عَلَيْهِ.

214. Narrated ‘Umar : He (ﷺ) used to say, “How perfect You are O Allāh, and Praise is for You, Blessed is Your Name and Exalted is Your Majesty and there is nothing which deserves to be worshipped besides You.” [Reported by Muslim with a *Munqati'* (broken) chain. And in the version of Ad-Dāraqutni, it is *Mawsūl* (unbroken chain), and it is *Mawqūf* (saying of a companion ('Umar)].

Abū Sa‘id Al-Khudri : narrated a similar report *Marfu'* (reaching back to the Prophet) collected by *al-Khamṣa*, containing the words: He (ﷺ) used to say after the (opening) *Takbir* (for prayer), “I seek refuge in Allāh, the All-Hearing and the All-Knowing from the accursed devil, from his madness or evil suggestion (*Hamz*), from his puffing up (*Nafkh*), and from his witchcraft (*Nafth*).”

215. Narrated ‘Aisha : Allāh’s Messenger ﷺ used to begin the *Salāt* (prayer) with *Takbir* (*Allāhu Akbar* – Allāh is the Most Great) and the recitation with *Alhamdu lillāhi Rabbil-‘alamin* (praise is to Allāh, the *Rabb* of the universe).^[1] And when he bowed down, he neither kept his head up nor bent it down, but kept it between that (two positions). When he raised his head from the bowing position, he did not prostrate till he had stood erect; and when he raised his head after a prostration, he did not prostrate again till he had sat up. And at the end of every two *Rak'a* he said the *Tabiyya*, and he used to sit on his left foot and position the right one vertically, and he

(٢١٤) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ كَانَ يَقُولُ: «شَبَّحَانَكَ اللَّهُمَّ، وَبِحَمْدِكَ، وَتَبَارَكَ اسْمُكَ، وَتَعَالَى جَدُّكَ، وَلَا إِلَهَ إِلَّا هُوَ». رَوَاهُ مُسْلِمٌ بِسْنَدٍ مُنْقَطِعٍ، وَالذَّارِقُونَ مَنْصُولاً، وَمُؤْمِنُونَ مَوْفُوفُونَ.

وَنَخْوَهُ عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ مَرْفُوعًا عِنْدَ الْخَمْسَةِ، وَنَبِيِّهِ: وَكَانَ يَقُولُ بَعْدَ التَّكْبِيرِ: «أَعُوذُ بِاللَّهِ السَّمِيعِ الْعَلِيمِ مِنَ الشَّيْطَانِ الرَّجِيمِ مِنْ هَمْزَةٍ، وَنَفْخَةٍ، وَنَفْثَةٍ».

(٢١٥) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَسْتَغْفِرُ الصَّلَاةَ بِالْتَّكْبِيرِ، وَالْفِرَاءَةَ بِ«الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ»، وَكَانَ إِذَا رَكَعَ لَمْ يُشْخَصْ رَأْسَهُ وَلَمْ يُصْوَبْهُ، وَلِكِنْ بَيْنَ ذَلِكَ؛ وَكَانَ إِذَا رَفَعَ رَأْسَهُ مِنَ الرُّكُوعِ لَمْ يَسْجُدْ حَتَّى يَسْتَوِي قَائِمًا، وَإِذَا رَفَعَ رَأْسَهُ مِنَ السُّجُودِ لَمْ يَسْجُدْ حَتَّى يَسْتَوِي جَالِسًا، وَكَانَ يَقُولُ فِي كُلِّ رَكْعَتَيِنِ التَّحْمِةِ، وَكَانَ يَقْرِشُ رِجْلَهُ الْيُسْرَى، وَيَنْصِبُ الْيُمْنَى، وَكَانَ يَنْهَا عَنْ عُقْبَةِ الشَّيْطَانِ، وَيَنْهَا أَنْ يَقْرِشَ الرَّجْلَ ذِرَاعَيْهِ أَفْرَاشَ السَّعْيِ، وَكَانَ يَخْتِمُ الصَّلَاةَ بِالشَّلِيمِ. أَخْرَجَهُ مُسْلِمٌ، وَلَهُ

[١] *Sūrat Al-Fātiha*.

علة.

prohibited the devil's way of sitting^[1] on the buttocks. He forbade people to spread out their arms like a wild beast. And he used to finish the prayer with the *Taslim* (i.e. saying *As-Salāmu 'alaikum*) [Reported by Muslim and it has an '*illa* (defect)].

216. Narrated Ibn 'Umar ﷺ: The Prophet ﷺ used to raise his hands parallel to his shoulders^[2] when he started the prayer (by saying *Allāhu Akbar*), when he uttered the *Takbir* to bow and when he raised his head from the *Rukū'* (bowing posture). [Agreed upon].

Abū Dā'ud reported a *Hadīth* narrated by Abū Humaid (رضي الله عنه) to the effect that he (Allāh's Messenger ﷺ) used to raise his hands and bring them parallel to his shoulders, and then utter the *Takbir*.

Muslim has a *Hadīth* narrated by Mālik bin Huwairith رضي الله عنه similar to the *Hadīth* narrated by Ibn 'Umar (رضي الله عنه). But he (Mālik bin Huwairith) mentioned: "He (the Prophet ﷺ) raised his hands parallel to the end of his ears."

217. Narrated Wā'il bin Hujr^[3]: I

(٢١٦) وَعَنْ أَبْنَىٰ عُمَرَ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ مَكْبِيَّهُ إِذَا افْتَحَ الصَّلَاةَ، وَإِذَا كَبَّرَ لِلرُّكُوعِ، وَإِذَا رَفَعَ رَأْسَهُ مِنَ الرُّكُوعِ. مُقْتَضَىٰ عَلَيْهِ.

وَفِي حَدِيثِ أَبِي هُمَيْدٍ عِنْدَ أَبِي ذَاوَدَ يَرْفَعُ يَدَيْهِ حَتَّىٰ يُخَادِيَ بِهِمَا مَكْبِيَّهُ، ثُمَّ يُكَبِّرُ.

وَلِمُسْلِمٍ عَنْ مَالِكِ بْنِ الْحُوَيْرَثِ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُ. نَحْنُ حَدِيثِ أَبْنَىٰ عُمَرَ، لَكِنَّ قَالَ: حَتَّىٰ يُخَادِيَ بِهِمَا فُرُوعَ أَدْنَاهُ.

(٢١٧) وَعَنْ وَائِلٍ بْنِ حُجْرٍ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُ.

^[1] *Uqbatisb-Shaytan* (the devil's way of sitting) is to put the buttocks on the ground while propping up the calves and thighs (and knees), with the hands on ground on both sides. *Ifitrāsh as-Sabū'i* (spreading the arms like a wild beast) is to stretch the forearms forward, laying them flat on the ground, while in *Sajdah* (prostration).

^[2] This narration of 'Abdullāh bin 'Umar رضي الله عنهما is clear enough to prove that at the start of a prayer, at the time of bowing and at rising from bowing, the raising of hands up to the shoulders is *Sunnah*. The words "he used to raise his hands" indicate that it was his regular practice. It proves that raising of hands was not cancelled or given up. All the *Abādīth* against the 'raising of hands' are *Da'if* (weak) or *Maudū'* (forged). Among the weak *Abādīth*, weaknesses of some are unanimously agreed and some are controversial. From all of them, the narration of 'Abdullāh bin Mas'ūd رضي الله عنه is regarded as better. Imām Bukhāri quoted his teacher 'Ali bin al-Madīni's legal opinion on the basis of 'Abdullah bin 'Umar's narration that it becomes essential for all Muslims to raise hands. The controversy of this issue is too lengthy to be discussed here.

^[3] Abū Hunaida or Abū Hind, Wā'il bin Hujr was a great *Sabābi* and his father was one of the kings of Hadramout. He visited the Prophet ﷺ who spread out his upper cloth for him to sit on and asked blessings for him and his children. He then appointed him incharge of the Aqyāl of Hadramout. He settled at Kufa and died during Mu'awiyah's caliphate.

prayed with the Prophet ﷺ and he put his right hand on his left (and then placed them) on his chest.^[1] [Reported by Ibn Khuzaima].

عَنْهُ قَالَ: صَلَّيْتُ مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَوَضَعَ يَدَهُ اليمين على يده اليسرى على صدره. أخرجه ابن حزم.

218. Narrated 'Ubāda bin As-Sāmit^[2] ﷺ: Allāh's Messenger ﷺ said, "There is no Salāt (prayer) for him who does not recite Ummul-Qur'ān^[3] (*Sūrat Al-Fatība*)". [Agreed upon].

(٢١٨) وَعَنْ عَبَادَةَ بْنِ الصَّامِتِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا صَلَاةٌ لِمَنْ لَمْ يَقْرَأْ يَمْنَ الْقُرْآنَ». مُتَّقِنٌ عَلَيْهِ.

In the narration of Ibn Hibbān and Ad-Dāraqutni is mentioned: "The Salāt (prayer) is not complete if one does not recite (*Sūrat Al-Fatība al-Kitab*)."

وفي رواية لابن حبان والدارقطني: «لَا تُجْزِي صَلَاةٌ لَا يُقْرَأُ فِيهَا يُفَاتِحَةُ الْكِتَابِ».

And in another narration of Ahmad, Abū Dā'ud, At-Tirmidhi, and Ibn Hibbān is: "Perhaps you recite behind your *Imām*?" We replied, "Yes." He (the Prophet ﷺ) said, "Do not do so

وَفِي أُخْرَى لِأَحْمَدَ وَأَبِي دَاؤِدَ وَالْتَّرمِذِيِّ وَابْنِ حَبَّانَ: «الْعَلَّمُونَ تَفَرَّغُونَ خَلْفَ إِمَامِكُمْ؟» قُلْنَا: نَعَمْ، قَالَ: «لَا تَفْعَلُوا إِلَّا يُفَاتِحَةُ الْكِتَابِ».

[1] This *Hadīth* makes clear two things. First, folding of hands during prayer is *Sunnah* and not the opposite. Some people attribute it to 'Ali رضي الله عنه, but it is not correct. Secondly, hands are to be folded on chest, not under the navel, as some people do. The narration on the basis of which they argue is also incorrect.

[2] He was one of *Al-Anṣār* group leaders to the first and second '*Aqaba* agreements. He also attended Badr and the other battles. 'Umar sent him to Shām as a *Qādi* and a teacher. So he settled at Hims then moved to Palestine and died there at Ramla or Bait-ul-Maqdis in 34 H. at the age of 72 years.

[3] The above mentioned *Hadīth* is a clear proof that without reciting *Sūrat Al-Fatība*, prayer is not valid. The companions of the noble Prophet ﷺ and the followers of the Companions and most of the scholars believed in this practice. In the *Hadīth* known as (مسنون الصلاة) the words are: اقرأ يوم الكتاب. The noble Prophet ﷺ ordered to pray with the recitation of *Al-Fatība*, in every *Rak'at*. The *Imām* (leader) and *Maqtadi* (follower) both have to recite *Al-Fatība*. No one is an exception, and similarly in every prayer *Sirran* (سران - secret, silent) or *Jebran* (جبران - loud voice), it is necessary to recite *Al-Fatība*. Muslim has narrated a *Hadīth* from Abū Huraira رضي الله عنه, in which he was asked about the recitation of *Al-Fatība*, if the prayer is being offered behind the *Imām*. Abu Huraira answered that it should be recited secretly (in low voice). Tirmidhi, Abū Dā'ud, and Nasā'i have reported a *Hadīth* from 'Ubāda رضي الله عنه: The noble Prophet ﷺ asked, "Do you recite anything behind the *Imām*?" Companions رضي الله عنهم answered in positive then the noble Prophet ﷺ told them to recite *Al-Fatība* only and nothing else, because without the recitation of *Al-Fatība*, prayer is not valid. There are many other *Abadīth* which prove that recitation of *Al-Fatība* is essential behind the *Imām* also. As regards the *Hadīth*, which mentions that the recitation of the *Imām* is enough for the followers, it is *Da'if* (weak). Among those who admit this view (recitation of *Fatība*), some are of the opinion that *Al-Fatība* should be recited in between the pauses of the recitation of the *Imām*, and others say that it should be recited at the completion of *Al-Fatība* by the *Imām*.

except when it is (*Sūrat*) *Fātība al-Kitāb*, for the *Salāt* (prayer) of the one who does not recite it, is not accepted.”

219. Narrated Anas : “The Prophet ﷺ, Abū Bakr and ‘Umar used to begin the *Salāt* (prayer) with *Al-bamdu lillābi Rabbil-‘ālamin*.” [Agreed upon].

الكتاب ، فإنَّه لَا صَلَاةَ لِمَنْ لَمْ يَقُرَأْ بِهَا .

(٢١٩) وَعَنْ أَنَسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ وَأَبَا بَكْرٍ وَعُمَرَ كَانُوا يَتَّخِذُونَ الصَّلَاةَ بِالْحَمْدِ لِلَّهِ رَبِّ الْعَالَمِينَ . مُتَّقِّعِينَ عَلَيْهِ .

And Muslim added: “They would not recite *Bismillābir-Rahmānir-Rabim*, neither in the beginning of the recitation nor at the end^[1] of it.”

In another narration from Ahmad, An-Nasā'i and Ibn Khuzaima: “They never used to recite *Bismillābir-Rahmānir-Rabim* aloud.”

And in another report from Ibn Khuzaima: “They used to recite *Bismillābir-Rahmānir-Rabim* silently.”^[2] The negation (of recitation of the *Bismillāb*) in the report of Muslim can be understood in light of this report (i.e. it was recited silently), as opposed to those who declared Muslim’s report as being defective.

220. Narrated Nu‘aim Mujmir^[3] : “I prayed behind Abū Huraira and he recited *Bismillābir-Rahmānir-Rabim*, and then recited *Umm-ul-Qur’ān* (*Al-Fātība*) and when he reached *walad-dāllin*, he said *Amin*^[4] ; and then said *Allābu Akbar*, when he

رَأَدَ مُسْلِمٌ: لَا يَذْكُرُونَ «بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ» فِي أَوَّلِ قِرَاءَةٍ وَلَا فِي آخِرِهَا .

وَفِي رِوَايَةِ الْأَحْمَدَ وَالسَّائِئِي وَابْنِ حُزَيْمَةَ: لَا يَجْهَرُونَ بِبِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ .

وَفِي أُخْرَى لَابْنِ حُزَيْمَةَ: كَانُوا يُسْرُونَ . وَعَلَى هَذَا يُخْمَلُ التَّفْعِيلُ فِي رِوَايَةِ مُسْلِمٍ ، خَلَافًا لِمَنْ أَعْلَهَا .

(٢٢٠) وَعَنْ نُعَيْمِ الْمُعْجَمِ قَالَ: صَلَّيْتُ وَرَأَيْتُ هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، فَقَرَأَ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ ، ثُمَّ قَرَأَ يَامَ الْقُرْآنِ ، حَتَّى إِذَا بَلَغَ «وَلَا الصَّالِحُونَ» قَالَ: أَمِينٌ . وَيَقُولُ كُلُّمَا سَجَدَ، وَإِذَا قَامَ مِنَ الْجُلُوسِ: اللَّهُ أَكْبَرُ، ثُمَّ

[١] It means that they did not recite it aloud but did it silently as mentioned in the next *Hadīth*.

[٢] One can do either way, it is correct.

[٣] He is Abū ‘Abdullāh Nu‘aim bin ‘Abdullāh Al-Mujmir, manumitted slave of ‘Umar bin Al-Khattab. He used to burn scents at the Prophet’s Mosque every Friday at mid-day, and was thus nicknamed Al-Mujmir. He was a *Tābi‘i* and was verified as reliable by Abū Hātim, Ibn Ma‘in, Ibn Sa‘d and An-Nasā'i.

[٤] After the recitation of *Sūrat Al-Fātība* saying *Amin* is *Sunnah*. Whether one is *Imām* or follower, everyone should say *Amin*. (*Amin* means: O Allah accept this invocation).

prostrated and when he stood up from his sitting position. And when he uttered the *Taslim* (i.e. *As-Salāmu 'Alaikum*), he said, "I swear by the One (i.e. Allāh) in Whose Hand my soul is, my *Salāt* (prayer) resembles most that of Allāh's Messenger ﷺ than that of anyone among you." [Reported by An-Nasā'i and Ibn Khuzaima].

يَقُولُ إِذَا سَلَّمَ: وَالَّذِي نَفْسِي يَبْدِئُ إِنِّي لِأَشْبُهُكُمْ صَلَةً يَرْسُولُ اللَّهِ عَلَيْهِ السَّلَامُ رَوَاهُ النَّسَائِيُّ وَأَنِّي حُرِّيَّةٌ.

221. Narrated Abū Huraira رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "Whenever you recite *Sūrat Al-Fātiha*, recite *Bismillahir-Rahmānir-Rabim*, for it is one of its *Ayāt* (Verses)." [Reported by Ad-Dāraqutni who verified it as *Mawqūf* (the saying of Abu Huraira)].

(٢٢١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: إِذَا قَرَأْتُمُ الْفَاتِحَةَ فَاقْفَرُءُوا بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، فَإِنَّهَا إِحْدَى آيَاتِهَا». رَوَاهُ الدَّارَقُطْنِيُّ وَصَوَّبَ وَفَقَهَ.

222. Narrated (Abū Huraira) رضي الله تعالى عنه: When Allāh's Messenger ﷺ completed the recitation of *Sūrat Al-Fātiha*, he raised his voice and said *Amin*^[1]. [Reported by Ad-Dāraqutni who graded it *Hasan* (good) and Al-Hākim who graded it *Sabib* (authentic)]. The narrations of Abū Dā'ud and At-Tirmidhi from the *Hadīth* of Wā'il bin Hujr (رضي الله عنه) are similar to this one.

(٢٢٢) وَعَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ إِذَا فَرَغَ مِنْ قِرَاءَةِ أُمِّ الْقُرْآنِ، رَفَعَ صَوْنَهُ وَقَالَ: آمِينَ. رَوَاهُ الدَّارَقُطْنِيُّ وَحَسَنَهُ، وَالحاكِمُ وَصَحَّحَهُ. وَلَا يَبْدِئُ دَاؤُدُّ وَالتَّرمِذِيُّ مِنْ حَدِيثِ وَائِلَّا بْنَ حُجْرَةِ تَهْوِةً.

223. Narrated 'Abdullāh bin Abi Aufa^[2] رضي الله تعالى عنه: A man came to the Prophet ﷺ and said, "I cannot memorize anything from the Qur'ān, so teach me something which can be a substitute for me." He

(٢٢٣) وَعَنْ عَبْدِ اللَّهِ بْنِ أَبِي أُوفَى رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: جَاءَ رَجُلٌ إِلَيَّ النَّبِيِّ عَلَيْهِ السَّلَامُ قَالَ: إِنِّي لَا أُسْتَطِعُ أَنْ آخُذَ مِنَ الْقُرْآنِ شَيْئًا، فَعَلِمْتُنِي مَا يُجْزِيُنِي مِنْهُ، فَقَالَ: «قُلْ:

[1] Should *Amin* be pronounced aloud or secretly? There is a difference of opinion on this issue. *Hanafi* say it secretly and *Shafi'i* and *Abl-Hadīth* say it in a loud voice. *Loud voice* (جهر) means that the person beside you could hear it. Saying of *Amin* in a loud voice is supported by many other *Abadīth*. The noble Prophet ﷺ said *Amin* in a loud voice and prolonged his voice. Tirmidhi graded this *Hadīth* as *Hasan* (fair) and Ad-Dāraqutni as *Sabib* (sound). Moulana Abdul-Hai Lucknowi stated that impartiality demands one to accept that saying *Amin* in a loud voice is more accurate. As regards the saying of *Amin* in a low voice, Imām Tirmidhi has narrated a *Hadīth* in which the noble Prophet ﷺ pronounced *Amin*, and kept his voice low. Some *Hanafi* argue on the basis of this *Hadīth* although Imām Tirmidhi himself has challenged this *Hadīth* with four different points of view. However, everyone is free and responsible for his own conduct and deeds.

[2] He was nicknamed Abū Muhammad or Abū Mu'āwiya and his father's name is 'Alqama bin Al-Hārith Al-Aslami. His father and him were both Companions of the Prophet ﷺ. He witnessed Al-Hudaibiya, Khaibar and the latter battles. He settled at Kufa after the death of

said, "Say *Subbān Allāb* (Allāh is Free of Imperfections) *walbandu lillāb* (and praise is to Allāh), *wa la ilāha illa-Allāb* (and there is nothing worthy of worship except Allāh), *wallābu akbar* (and Allāh is the Most Great), *wa la bawla wa la quwwata illā billāb al-'Ali al-'Adbeem* (and there is no might and no strength but in Allāh, the Most High, the Supreme)^[1]" [Reported by Ahmad, Abū Dā'ud and An-Nasā'i; and Ibn Hibbān, Ad-Dāraqutni and Al-Hākim graded it *Sahīb* (authentic)].

224. Narrated Abū Qatādā ﷺ: Allāh's Messenger ﷺ used to lead us in prayer and recite in the first two *Rak'a* of the *Zubr* and '*Asr* prayers *Surat Al-Fātība* and two (other) *Sūrab*. And he would sometimes recite loud enough for us to hear the Verses.^[2] He would prolong the first *Rak'a*, and would recite in the last two *Rak'a* *Surat Al-Fātība* (only).^[3] [Agreed upon].

225. Narrated Abū Sa'id Al-Khudri ﷺ: We used to estimate the length of the standing position of Allāh's Messenger ﷺ in the *Zubr* and '*Asr* prayers, and we estimated that he stood in the first two *Rak'a* of the *Zubr* prayer as long as it

the Prophet and died there towards the end of 87 H. He became blind and was the last *Sababi* to die at Kufa.

^[1] Some people argue on the basis of this *Hadīth* that the recitation of *Surat Al-Fātība* is not essential in the prayer, because the noble Prophet ﷺ did not say that he had to learn *Al-Fātība*. It must be remembered that there is a consideration for disabled in the *Shari'at* (Divine law). Prohibitions and commands do not change with such exceptions. If someone says that due to some unavoidable circumstances he cannot perform *Wudu'* (ablution), he is told to perform *Tayammum* (purification with soil); it does not mean that ablution is not obligatory.

^[2] It is unanimously agreed that the recitation in *Zubr* and '*Asr* prayers is done silently (سر) – in a low voice).

^[3] Apparently it seems from this *Hadīth* that the noble Prophet ﷺ did not recite anything except *Al-Fātība* in the last two *Rak'at*, but the *Hadīth* of Abū Sa'id in *Sahīb Muslim* reports that they estimated the length of the last *Rak'at* as up to fifteen Verses, while *Surat Al-Fātība* is only seven Verses. It seems that the Prophet ﷺ sometimes recited some Verses, and sometimes he did not. Therefore, in the last two *Rak'at*, the recitation (after *Al-Fātība*) is *Sunnah*.

سُبْحَانَ اللَّهِ، وَالْحَمْدُ لِلَّهِ، وَلَا إِلَهَ إِلَّا اللَّهُ،
وَاللَّهُ أَكْبَرُ، وَلَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللَّهِ الْعَلِيِّ
الْعَظِيمِ» الْحَدِيثُ . رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدَ
وَالشَّنَاعِيُّ، وَضَحَّخَهُ ابْنُ حِبَّانَ وَالْدَّارَقُطْنِيُّ
وَالْحَاجِيُّ .

(٢٤) وَعَنْ أَبِي فَتَادَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ يُصَلِّي بِنَا فَيَقُولُ فِي الظَّهَرِ وَالْعَصْرِ فِي الرَّكْعَيْنِ الْأَوَّلَيْنِ بِفَاتِحةِ
الْكِتَابِ وَسُورَيْنِ، وَيُسَمِّنُّا الْآيَةَ أَخْيَانًا،
وَيُطَوِّلُ أَرْكَعَةَ الْأُولَى، وَيَقُولُ فِي الْآخِرَيْنِ
بِفَاتِحةِ الْكِتَابِ . مُتَقَّدِّمٌ عَلَيْهِ .

(٢٥) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ قَالَ: كُنَّا نَحْمُرُ فِيَامَ رَسُولُ اللَّهِ يُصَلِّي
فِي الظَّهَرِ وَالْعَصْرِ، فَعَزَّزْنَا قِيَامَهُ فِي الرَّكْعَيْنِ
الْأَوَّلَيْنِ مِنَ الظَّهَرِ قَدْرَ **«الَّذِي تَنَزَّلَ** السجدة

takes to recite *Alif-Lām-Mīm*, *Tanzil* (*Sūrat As-Sajdah*)^[1] and in the last two *Rak'a*, half the time of that. And in the first two *Rak'a* of 'Asr, he used to stand as long as the last two of the *Zubr*. And the last two *Rak'a* of 'Asr used to be of about half the time of the first two."

[Reported by Muslim].

226. Narrated Sulaimān bin Yasār:^[2] So-and-so used to prolong the first two *Rak'a* of the *Zubr* prayer and shorten the 'Asr prayer, and recite the short *Sūrah* of *Mufassal*^[3] at *Magrib* prayer, its medium *Sūrah* at the 'Ishā' prayer, and its long ones at the *Fajr* prayer. Then Abū Huraira ﷺ said, "I never prayed behind anyone whose prayer more closely resembles that of Allāh's Messenger ﷺ than this person." [Reported by An-Nasā'i with a *Sabib* (authentic) *Isnād*].

227. Narrated Jūbair bin Mut'im : I heard Allāh's Messenger ﷺ reciting *At-Tūr* (the Mountain – *Sūrat* No. 52)^[4] in the *Magrib* (sunset) prayer. [Agreed upon].

228. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ used to recite during the *Fajr* prayer of Friday *Alif-Lām-Mīm*,

وَفِي الْأُخْرَيْنِ قَدْرِ النَّصْفِ مِنْ ذَلِكَ وَفِي
الْأُولَيْنِ مِنَ الْعَصْرِ، عَلَى قَدْرِ الْأُخْرَيْنِ مِنَ
الظَّهِيرَةِ، وَالْأُخْرَيْنِ عَلَى النَّصْفِ مِنْ ذَلِكَ.
رَوَاهُ مُسْلِمٌ.

(٢٢٦) وَعَنْ سُعَيْمَانَ بْنِ يَسَارٍ قَالَ: كَانَ
فُلَانٌ يُطِيلُ الْأُولَيْنِ مِنَ الظَّهِيرَةِ وَيُخَفِّفُ الْعَصْرَ
وَيَقْرَأُ فِي الْمَغْرِبِ يَقْصَارَ الْمُفَاصِلِ، وَفِي
الْعِشَاءِ بِوَسْطِيَّهِ، وَفِي الصُّبْحِ بِطَوَالِهِ، فَقَالَ أَبُو
هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: مَا صَلَيْتُ وَرَأَيْتُ
أَحَدًا أَشْبَهَ صَلَةَ رَسُولِ اللَّهِ تَعَالَى مِنْ هَذَا.
أَخْرَجَهُ السَّنَائِيُّ بِإِسْنَادٍ صَحِيحٍ.

(٢٢٧) وَعَنْ جُبَيْرِ بْنِ مُطْعِمٍ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ تَعَالَى يَقْرَأُ فِي
الْمَغْرِبِ بِالْطَّوْرِ. مُنْقَعٌ عَلَيْهِ.

(٢٢٨) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ
قَالَ: كَانَ رَسُولُ اللَّهِ تَعَالَى يَقْرَأُ فِي صَلَةِ الْفَجْرِ

[1] *Sūrat* no. 32, which contains thirty (30) Verses.

[2] He was one of the seven *Fiqh* scholars and among the eminent *Tābi'in*. He was reliable, pious, very learned and mastered many *Abādīth*. He was nicknamed Abū Ayub and was the manumitted slave of Maimuna 'the Mother of the Believers'. He died in 107 H. at the age of 73 years.

[3] From *Sūrat Al-Hujurāt* to the end, all *Sūrah* are called *Mufassal* – مفصل (detailed) because of the long span between two بسم الله الرحمن الرحيم From *Al-Hujurāt* to *Al-Burūj* are called *Tiwāl Mufassal* (– طوال مفصل). From *Al-Burūj* to *Al-Baiyinah* are called *Ausāt Mufassal* (– أواسط مفصل) and from *Al-Baiyinah* to the end are called *Qisār Mufassal* (– قصار مفصل). Recitation of *Tiwāl* in the *Fajr* (morning) prayers, *Ausāt* in 'Ishā' (night) prayers and *Qisār* in *Magrib* (sunset) prayers is *Sunna*. *Zubr* (noon) prayer is linked with *Fajr* (morning) prayer and 'Asr (afternoon) prayer is linked with 'Ishā' (night) prayer. Sometimes it is not in accord with this, as is given in the next *Hadīth*.

[4] Some *Abādīth* report that *Sūrat Al-A'rāf*, *As-Sāffāt* and *Ad-Dukhān* were also recited in *Magrib* (sunset) prayers. It means that long *Sūrah* have also been recited in *Magrib* (sunset) prayers, and *Mu'awwidhatain* (*Sūrat Al-Falaq* and *An-Nās*) were recited in the *Fajr* (morning) prayers, but the usual practice was as has been given above.

Tanzil... (As-Sajdah – Sūrat no. 32) and Hal ata 'alal-Insani... (Al-Insān - Sūrat no. 76), which is also called Sūrat Ad-Dabr^[1] [Agreed upon]. At-Tabarānī narrated the *Hadīth* of Ibn Mas'ūd which has the addition "... he (the Prophet ﷺ) did that constantly."^[2]

229. Narrated Hudhaifa ﷺ: I prayed with the Prophet ﷺ and (noticed that) whenever he came to a verse which spoke of mercy, he stopped and made supplication, and whenever he came to a verse which spoke of punishment, he stopped and sought refuge in Allāh against it." [Reported by *Al-Khamṣa*, and At-Tirmidhi graded it *Hasan* (good)].

230. Narrated Ibn 'Abbās ﷺ: Allāh's Messenger ﷺ said, "I have been forbidden to recite the Qur'ān^[3] while bowing or prostrating; so while in the bowing (position) glorify (the Perfection of) the *Rabb* (Lord), and while in the prostrating (position) be earnest in supplication, for it is fitting that your supplications may be answered." [Reported by Muslim].

231. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ used to say while bowing and prostrating *Subhānaka Allābumma Rabbana wa bibamdiha, Allābumma iqhfir li* (How Perfect You are, O Allāh, Our *Rabb*, and praise is to You, O

يَوْمُ الْجُمُعَةِ (الْمُتَتَبِّلُ) السَّجْدَةُ، وَهُنَّ أَنَّى
عَلَى الْإِنْسَانِ مُتَقْعِدٌ عَلَيْهِ. وَلِلطَّبرَانِي مِنْ
حَدِيثِ أَبْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: «يَدِيمُ
ذَلِكَ».

(٢٢٩) وَعَنْ حَدِيقَةِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: صَلَّيْتُ مَعَ النَّبِيِّ ﷺ فَمَا مَرَّ بِهِ آيَةٌ
رَحْمَةً إِلَّا وَقَفَ عِنْدَهَا يَسْأَلُ، وَلَا آيَةٌ عَذَابٌ
إِلَّا تَعْوَذُ مِنْهَا. أَخْرَجَهُ الْخَمْسَةُ وَحَسَنَهُ
الْتَّرمِذِيُّ.

(٢٣٠) وَعَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «أَلَا وَلَئِنْ
نُهِيَّتْ أَنْ أَقْرَأَ الْقُرْآنَ رَأِيكَمْ أَوْ سَاجِدًا، فَأَنَا
رَكُوعٌ فَعَظُمُوا فِيهِ الرَّبُّ، وَأَمَا الشُّجُورُ
فَاجْتَهَدُوا فِي الدُّعَاءِ، فَقَمْنُّ أَنْ يُسْتَجَابَ
لَكُمْ». رَوَاهُ مُسْلِمٌ.

(٢٣١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ رَسُولُ اللهِ ﷺ يَقُولُ فِي رُكُوعِهِ
وَسُجُودِهِ: «سُبْحَانَكَ اللَّهُمَّ رَبَّنَا وَبِحَمْدِكَ،
اللَّهُمَّ أَغْفِرْ لِي». مُتَقْعِدٌ عَلَيْهِ.

^[1] The creation of Adam, mysteries of creation and the Day of Gathering are mentioned in these chapters; and the Resurrection will happen on Friday. Due to this reason and relevancy, the noble Prophet ﷺ used to recite these chapters on Friday, so that the people may think that something is going to happen today and fear Allāh.

^[2] It means that these *Sūrah* are to be recited every Friday in *Fajr* (morning) prayer. Any particular *Sūrah* which the noble Prophet ﷺ recited in any particular prayer with fixation and consistency, it is preferable to recite them in the same manner for that specific prayer as it is *Sunnah*. Recitation of other *Sūrah* is also permissible.

^[3] In prostration and bowing, recitation of the noble Qur'ān is illegal and odious. The parts of prayer vary and every part has its own look and manner, and every part has special *سُبْحَانَ رَبِّ الْأَعْلَى* and *سُبْحَانَ رَبِّ الْعَظِيمِ* and in prostration invocation should be repeated. In prostration invocation is also permissible.

Allāh, forgive me).” [Agreed upon].

232. Narrated Abū Huraira رضي الله تعالى عنه: When Allāh’s Messenger ﷺ got up to pray, he would say the *Takbīr*^[1] when standing up, then would say the *Takbīr* when bowing, then he would say *Sami’Allāhu Iman bamidah* (Allāh listens to him who praises Him) when rising up from the bowing position, then he would say while standing *Rabbana wa lakal-bamid* (our *Rabb*, the praise is Yours), then he would say the *Takbīr* when going down for prostration, then when raising his head up, then when he prostrated again, then when raising his head up. He would then do that throughout the whole *Salāt* (prayer) and he would say the *Takbīr* when he got up – at the end of two *Rak’āt* – from the sitting position.” [Agreed upon].

233. Narrated Abū Sa‘id Al-Khudri رضي الله تعالى عنه: Allāh’s Messenger ﷺ used to say while raising his head after bowing: “*Allāhumma Rabbana lakal-bamdu mil’as-samawāti wal-ardi, wa mil’ma ma shi’ta min shat’in ba’du, ablaththana’i wal-majdi, abaqqu mā qāl-al’abdu, wa kullunā laka ‘abdun.* *Allāhumma la māni’ā limā a’taita, wa lā mu’tiya limā man’ata, wa lā yanfa’u dhal-jaddi minka-l-jaddu* (O Allāh, our *Rabb* (Lord), to You is praise in all the heavens and all the earth, and all that You Will (to create) afterwards, O You, Who are worthy of praise and glory, the most worthy of what a slave says – and we are all Your slaves: no one can withhold what You give, or give what You withhold, and riches^[2]

(٢٣٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ إِذَا قَامَ إِلَى الصَّلَاةِ يَكْبُرُ حِينَ يَرْكَعُ، ثُمَّ يَقُولُ: سَمِعَ اللَّهُ لِقَنْ حَمْدَهُ، حِينَ يَرْفَعُ صَلْبَهُ مِنَ الرُّكُوعِ، ثُمَّ يَقُولُ وَهُوَ قَائِمٌ. رَبَّنَا وَلَكَ الْحَمْدُ، ثُمَّ يَكْبُرُ حِينَ يَهْوِي سَاجِدًا، ثُمَّ يَكْبُرُ حِينَ يَرْفَعُ رَأْسَهُ، ثُمَّ يَكْبُرُ حِينَ يَسْجُدُ. ثُمَّ يَكْبُرُ حِينَ يَرْفَعُ، ثُمَّ يَفْعُلُ ذَلِكَ فِي الصَّلَاةِ كُلُّهَا، وَيَكْبُرُ حِينَ يَقُومُ مِنَ الْتَّيْنِ بَعْدَ الْجُلوْسِ. مُتَقَرَّ عَلَيْهِ.

(٢٣٣) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا رَفَعَ رَأْسَهُ مِنَ الرُّكُوعِ قَالَ: «اللَّهُمَّ رَبَّنَا لَكَ الْحَمْدُ مِنْ السَّمَاوَاتِ وَالْأَرْضِ، وَمِنْ مَا شِئْتَ مِنْ شَيْءٍ بَعْدُ، أَهْلُ النَّارِ وَالْمَجْدِ، أَحْقَنَّا مَا قَالَ عَبْدُنَا - وَكُلُّنَا لَكَ عَبْدُنَا - اللَّهُمَّ لَا مَا نَيَّبْنَا لِمَا أَغْطَيْنَا، وَلَا مُغْطَيْنَا لِمَا مَنَّنَا، وَلَا يَنْقُصُ دَاءِ الْجَدْدِ مِنْكَ الْجَدْدُ». رَوَاهُ مُسْلِمٌ.

^[1] First *Takbīr* (saying *Allābu Akbar*) is called *Takbīr At-Tabrimah* (forbidding other things than prayer) or *Takbīr Al-Iftiātāb* (opening) or *Takbīr Uula* (initial), and the remaining *Takbīr* are called *Takbīrāt Intiqāl*, meaning the change in posture during prayer, as from standing to bowing and from bowing to prostration, etc. The first *Takbīr* is a strict obligation and the rest are *Sunnah*, and according to some are *Wajib* (compulsory).

^[2] The word *Jadd*, جد, used in Arabic, has two meanings: first, grandfather and ancestors and

cannot avail a wealthy person against You.”^[1] [Reported by Muslim].

234. Narrated Ibn ‘Abbās ﷺ: Allāh’s Messenger ﷺ said, “I have been commanded to prostrate on seven bones; on the forehead – and he pointed at his nose^[2], the hands (the palms), the knees and the tips (toes) of the feet.” [Agreed upon].

235. Narrated Ibn Buhaina^[3]: When the Prophet ﷺ prostrated while praying, he used to spread out his arms so that the whiteness of his armpits would be visible. [Agreed upon].

236. Narrated Al-Barā’ bin ‘Azib^[4]: Allāh’s Messenger ﷺ said, “When you prostrate, place the palms of your hands on the ground and raise your elbows.” [Reported by Muslim].

237. Narrated Wā'il bin Hujr ﷺ: Whenever the Prophet ﷺ bowed, he would spread out his fingers and when

(٢٣٤) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أُمِرْتُ أَنْ أَسْجُدَ عَلَى سَبْعَةِ أَغْنَمِ: عَلَى الْجَهْنَمِ - وَأَشَارَ يَدِيهِ إِلَى أَنفِهِ - وَالْيَدَيْنِ، وَالرُّكْبَتَيْنِ وَأَطْرَافِ الْقَدَمَيْنِ». مُتَقَوْلَى عَلَيْهِ.

(٢٣٥) وَعَنْ ابْنِ بُحَيْمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ. أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا صَلَّى وَسَجَدَ، فَرَأَى بَيْنَ يَدَيْهِ حَتَّى يَنْدُو بِيَاضِ إِبْطِيهِ. مُتَقَوْلَى عَلَيْهِ.

(٢٣٦) وَعَنْ الْبَرَاءِ بْنِ عَازِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا سَجَدْتَ فَصُبِّحْ كَفِيلُكَ، وَأَرْفَعْ مِرْقَبِكَ». رَوَاهُ مُسْلِمٌ.

(٢٣٧) وَعَنْ وَائِلِ بْنِ حُجْرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا رَكَعَ فَرَأَى بَيْنَ

secondly, glory, respect, wealth or good fortune. Both meanings are correct in this context because wealth, nobility of birth and dignity have no value before Allāh. Only good deeds [coupled with correct belief] are a means to escape from Allāh’s punishment. The noble Prophet ﷺ told his daughter Fatima ؓ to do good deeds to save herself from punishment, and should not depend on her father or geneology. Salvation depends on good deeds and faith. If the Prophet ﷺ has notified his own daughter in such words, then who else can be proud of his nobility.

[1] This supplication of the noble Prophet ﷺ is an ample proof to refute the assumption of those who just get straight in *Qauma* (standing up in prayer after bowing) and consider that the delay up to three *Tasbīh* (saying *Subhan Allāb*) will make compensatory prostration compulsory. When something is proven from the Prophet ﷺ then a believer should not follow one’s opinion.

[2] The *Hadīth* makes it clear that nose and forehead, both are regarded as one organ. If these are counted separately, the number of organs will become eight.

[3] He is Abū Muhammād ‘Abdullāh bin Mālik bin Al-Qishb Al-Azdi and Buhaina is the name of his mother. He became a Muslim early on and was a hermit (loner), virtuous and used to fast very often. He died at the bottom of Rim valley, three miles from Al-Madinah, between 54 H. and 58 H.

[4] He is Abū ‘Amāra Al-Barā’ bin ‘Azib bin Al-Hārith bin ‘Adī Al-Ansāri Al-Ausi who was a *Sababī* and son of a *Sababī*. He was left out at Badr due to young age and his first participation was at Uhud or Al-Khandaq. He conquered Ar-Ray and took part in the battles of Al-Jamal, Siffin and Naharwān with ‘Ali. He died at Kūfa in 72 H.

أصابعه، فإذا سجد ضمّ أصابعه. رواه الحاكم.

238. Narrated 'Aisha ﷺ: I saw Allāh's Messenger ﷺ praying while he sat cross-legged^[1]. [Reported by An-Nasā'i, and Ibn Khuzaima graded it *Sabib* (authentic)].

239. Narrated Ibn 'Abbās رضي الله تعالى عنهما: The Prophet ﷺ used to say between the two prostrations: "Allābumma iqbfir li warbamni, wabdini, wa 'afini warzuqni (O Allāh, forgive me, have mercy on me, guide me, grant me health and well-being, and provide sustenance for me)." [Reported by *Al-Arba'a* except An-Nasā'i, and this is the wording of Abū Dā'ud. Al-Hākim graded it *Sabib* (authentic)].

240. Narrated Mālik bin Al-Huwairith رضي الله تعالى عنه: He saw the Prophet ﷺ praying and when he had prayed an odd number of *Rak'a*, he did not stand up till he had sat up properly.^[2] [Reported by Al-Bukhāri].

241. Narrated Anas bin Mālik رضي الله تعالى عنه: The Prophet ﷺ recited *Qunūt* (supplication in the prayer) for one month after (rising up from the) bowing (position), invoking curse on some Arab tribes.^[3] Afterwards, he gave it up. [Agreed upon].

Ahmad and Ad-Dāraqutni narrated something similar, adding that he (ﷺ) continued to recite *Qunūt*

(٢٣٨) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ يُصَلِّي مُثْرِبًا. رَوَاهُ النَّسَائِيُّ، وَصَحَّحَهُ ابْنُ حُرَيْمَةَ.

(٢٣٩) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ كَانَ يَقُولُ بَيْنَ السَّجْدَتَيْنِ: أَللَّهُمَّ اغْفِرْ لِي، وَارْحَمْنِي، وَاهْدِنِي، وَعَافِنِي، وَارْزُقْنِي. رَوَاهُ الْأَزْبَعُ إِلَّا النَّسَائِيُّ، وَاللَّقْطَنْ لِابْنِ دَاؤِدَ، وَصَحَّحَهُ الحَاكِمُ.

(٢٤٠) وَعَنْ مَالِكِ بْنِ الْحُوَيْرَثِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ رَأَى النَّبِيَّ ﷺ يُصَلِّي، فَإِذَا كَانَ فِي وِثْرٍ مِنْ صَلَاتِهِ لَمْ يَنْهَضْ حَتَّى يَسْتَوِي قَاعِدًا. رواه البخاري.

(٢٤١) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ قَنَّ شَهْرًا بَعْدَ الرُّؤْمُوعِ، يَدْعُونَ عَلَى أَحْيَاءِ مِنْ أَخْيَاءِ الْعَرَبِ، ثُمَّ تَرَكُهُ مُتَقْعِدًا عَلَيْهِ.

وَلِأَحْمَدَ وَالدَّارَقُطْنِيَّ تَخْوُهُ مِنْ وَجْهِ آخَرَ، وَزَادَ: فَمَمَّا فِي الضَّبْحِ فَلَمْ يَرَأْ يَقْتَلْ حَتَّى

^[1] This was due to a legitimate excuse concerning disability as he had fallen down from a horse and suffered the dislocation of a joint in his leg.

^[2] It means in the first and third *Rak'a*, and this is known as *Jalsatal-Istirābat* (resting posture). According to a narration, the Prophet ﷺ used to sit in this posture for such a long time that people began to think it is due to his forgetfulness. It was not because of his old age as he never ever lightened any of his obligations due to old age.

^[3] These tribes were Ri'l (رعل), Dhakwān (ذکوان), and Usaīya (عصية). They entered a covenant with the Prophet ﷺ but betrayed it and killed seventy preachers of Islam, after treacherously inviting them. This incident is known as *Bi'r Ma'uна*.

(supplication in prayer) in the *Fajr* prayer till he separated from this world.

242. Narrated (Anas) : The Prophet ﷺ never used to supplicate^[1] [i.e. *Qunūt* in the prayer] except when he prayed for a people or when he prayed against a people. [Ibn Khuzaima graded it *Sabib* (authentic)].

243. Narrated Sa'd^[2] bin Tāriq^[3] Al-Ashja'i : I said to my father, "You have prayed behind Allāh's Messenger ﷺ, Abū Bakr, 'Umar, Uthmān, and 'Ali. Did they supplicate (with *Qunūt* while standing) in the *Fajr* prayer?" He replied, "O my son, it is an innovation." [Reported by *Al-Khamṣa*, except Abu Dā'ud].

244. Narrated Al-Hasan bin 'Ali^[4] : Allāh's Messenger ﷺ taught me some words to say when standing in supplication during the *Witr*, they were: "O Allāh, guide me among those You have guided, grant me well-being among those You have granted well-being, take me into Your charge among those You have taken into Your charge,

فَارْتَى الدُّنْيَا. (٢٤٢) وَعَنْ أَنَّ النَّبِيَّ ﷺ كَانَ لَا يَقْنُتُ إِلَّا إِذَا دَعَا لِقَوْمٍ أَوْ عَلَى قَوْمٍ. صَحَّةُ ابْنِ خَرْبَةَ.

الله تَعَالَى عَنْهُ قَالَ: قُلْتُ لِأَبِي: يَا أَبَتِ! إِنَّكَ قَدْ صَلَّيْتَ خَلْفَ رَسُولِ الله ﷺ وَأَبِي بَكْرٍ وَعُثْمَانَ وَعَلِيٍّ، أَفَكَانُوا يَقْتَلُونَ فِي الْفَحْرِ؟ قَالَ: أَيْنِي بُنْيَ مُحَدَّثٌ. رَوَاهُ الْخَمْسَةُ إِلَّا أَبَا دَاؤَدَ.

الله تَعَالَى عَنْهُمَا أَنَّهُ قَالَ: عَلَّمَنِي رَسُولُ الله ﷺ كَلِمَاتٍ أَفَوْلَهُنَّ فِي قُتُوتِ الْوِثْرِ: «اللَّهُمَّ اهْدِنِي فِيمَنْ هَدَيْتَ، وَاغْفِنِي فِيمَنْ عَافَيْتَ، وَتَوَلَّنِي فِيمَنْ تَوَلَّتَ، وَبَارِكْ لِي فِيمَا أَعْطَيْتَ، وَقُنْتِي شَرًّا مَا قَضَيْتَ، فَإِنَّكَ تَنْهَى وَلَا يَقْضِي

^[1] Apparently, there seems to be a contradiction between these *Abādīth*. The first one states that the Prophet ﷺ always recited *Qunūt* in the morning prayer; whereas according to the second *Hadīth*, he recited the same whenever he prayed – either for the welfare of a nation or for their destruction. The third *Hadīth* states that its recitation in the morning prayer is an innovation (see the next *Hadīth* no. 243). Hence it becomes clear to us that the Prophet ﷺ and his caliphs used to recite *Qunūt* in their morning prayers. As to the occurrence of the word ‘innovation’ in the *Hadīth*, it implies that it was not really taken to be imperative in those days like what the people continually practice during present times. This is only like clinging to the innovation, which in turn means that one should not recite *Qunūt* in the morning prayers unless there is a compelling need for it. In the first *Hadīth* the words “he (ﷺ) recited *Qunūt* always in the *Fajr* prayer,” denote that its recitation was not nullified and whenever he stood in need of the same, he kept reciting it.

^[2] He is Abū Mālik Sa'd bin Tāriq bin Ashyam bin Mas'ūd Al-Ashja'i Al-Kufi. He was among the reliable *Tābi'i*, he died around 140 H.

^[3] Tāriq is a *Sababi* who only narrated a few *Abādīth*. Only fourteen *Abādīth* were narrated from him, all by his aforementioned son Sa'd. He settled at Kūfa.

^[4] He was the beloved grandson of Allāh's Messenger ﷺ and one of the youth of Paradise. He was born in Ramadān 3 H. and was sworn as the *Khalifa* after the killing of his father 'Ali. He handed over the caliphate to Mu'āwiya in Jamāda Al-Ula 41 H. after seven months, as he hated to spill the Muslim blood. He died in 49 H. and was buried at Al-Baqi'.

bless me in what You have given, guard me from the evil of what You have decreed, for You decree and none can decree over You. He whom You befriend is not humbled. Blessed and Exalted are You, our *Rabb* (Lord)." [Reported by *Al-Khamsa*. At-Tabarāni and Al-Baihaqi added: "He whom You hold as enemy is not honoured." An-Nasā'i reported through another chain of narrators, adding at its end: "May Allāh the Most High send His *Salat* on the Prophet (praising him in the highest assemblies of the angels)."]^[1]

Narrated Ibn 'Abbas ﷺ: Allah's Messenger ﷺ used to teach us a supplication to say in the *Qunūt* of the morning prayer. [Al-Baihaqi reported it and there is a weakness in its chain of narrators].

245. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "When one of you prostrates, he should not kneel in the manner of a camel, but should put down his hands before his knees." [Reported by *Atb-Thalātha*].

This *Hadīth* is more authentic^[2] than the *Hadīth* narrated by Wā'il bin Hujr ﷺ: I saw the Prophet ﷺ placing his knees (on the ground) before his hands when he prostrated. [Reported by *Al-Arba'a*]. The first *Hadīth* has a *Shabid* (supporting evidence) in the *Hadīth* of Ibn 'Umar ﷺ (coming next), which is

عليك، إله لا يُؤلِّفُ مِنْ وَالْيَتَ، تَبَارَكَتْ رَبِّنَا وَتَعَالَى يَتَ». زَوَادُ الْخَمْسَةُ، وَزَادَ الطَّبَرَانِيُّ وَالبَهْيَقِيُّ: «وَلَا يَعْزُزُ مِنْ عَادِيَتَ». زَادَ السَّنَائِيُّ مِنْ وَجْهِ آخَرَ فِي آخِرِهِ: «وَصَلَّى اللَّهُ عَلَى النَّبِيِّ».

وللبهيفي عن ابن عباس رضي الله تعالى عنهما قال: كان رسول الله ﷺ يعلمها دعاء ندعوه في الفتوت من صلاة الصبح . وفي سنته ضفت .

(٢٤٥) وعن أبي هريرة رضي الله تعالى عنه قال: قال رسول الله ﷺ: «إذا سجد أحدكم فلا يبرأ كمَا يبرأ البعير، ولتفضع يديه قبل ركبتيه». آخر حرجه الثالثة .

وهو أقوى من حديث وائل بن حجر رضي الله تعالى عنه: «رأيت النبي ﷺ إذا سجد وضاع ركبتيه قبل يديه». آخر حرجه الأربع . فإن للأول شاهدًا من حديث ابن عمر رضي الله تعالى عنهما، صحيحه ابن حزم . وذكرة

^[1] It may be clarified that some of the people recite *Qunūt* with their hands open, before going into the state of *Ruku'* (bowing), but the right procedure is that one should recite *Qunūt* with raised hands after standing upright from the state of *Ruku'*. Some people always recite *Qunūt* in their *Witr* (odd prayer), whereas some recite it only in the last ten nights of Ramadān. Some consider *Qunūt* as *Wājib* (compulsory), whereas some regard it *Sunnah*. Some regard the *Witr* prayers as *Wājib*; and some take them to be *Sunnah*. The fact is that they are *Sunnah*.

^[2] The book *Fathul-Uloom* states that both of the *Abadīth* are strong ones and are acted upon on an equal footing. However, the action of the *Muhaddithīn* (narrators of the *Abadīth*) and *Hanābelā* is based on the *Hadīth* narrated by Abu Huraira. The action of *Shāfi'iya* and *Hanafīya* and (according to a narration) *Mālikiyā* is based on the reference of Wā'il.

البخاري معلقاً موقعاً.

authenticated by Ibn Khuzaima. Al-Bukhari mentioned it as a *Hadith Mu'allaq* (missing links from the side of the *Hadith* collector) and *Mawquf* (saying of a companion).

246. Narrated Ibn 'Umar : When Allah's Messenger ﷺ sat for *At-Tashabbud*, he placed his left hand on his left knee, and his right hand on his right knee, folded its fingers^[1] and pointed with his right index finger. [Reported by Muslim].

In another narration of Muslim: 'and he clenched all his (right hand) fingers and pointed with the index finger.'

247. Narrated Abdullah bin Mas'ud : Allah's Messenger ﷺ looked at us and said, "When one of you is (sitting) in prayer, he should say, 'All services reported by words, by prayers (acts of worship), and all good things are due to Allah, peace be upon you, O Prophet,^[2] and Allah's mercy and blessings, peace be upon us and upon Allah's upright slaves. I testify that nothing deserves to be worshipped except Allah and I testify that Muhammad is His slave and Messenger.' Then he may choose any supplication^[3] which pleases him most and recite it." [Agreed upon, and this wording is from *Al-Bukhari*].

(٢٤٦) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ كَانَ إِذَا قَعَدَ لِتَشَبُّهِ وَضَعَ يَدَهُ الْيُشْرَى عَلَى رُكْبَتِهِ الْيُشْرَى، وَالْيُمْنَى عَلَى الْيُمْنَى، وَقَعَدَ ثَلَاثَةً وَخَمْسِينَ، وَأَشَارَ بِيَدِهِ الْيُشْرَى. رَوَاهُ مُسْلِمٌ.

وفي رواية له: وَقَبَضَ أَصَابِعَ كُلِّهَا، وَأَشَارَ بِالْيَدِ الْيُشْرَى تَلِي الإِبَاهَامِ.

(٢٤٧) وَعَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: التَّقَتَ إِلَيْنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ فَقَالَ: إِذَا صَلَّى أَحَدُكُمْ فَلَيَقُولَ: التَّحَمَّدُ لِلَّهِ وَالصَّلَاةُ وَالطَّيَّبَاتُ، السَّلَامُ عَلَيْكَ أَيُّهَا النِّيَّ! وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ، السَّلَامُ عَلَيْنَا وَعَلَى عِبَادِ اللَّهِ الصَّالِحِينَ، أَشْهُدُ أَنَّ لَا إِلَهَ إِلَّا اللَّهُ وَأَشْهُدُ أَنَّ مُحَمَّداً عَبْدُهُ وَرَسُولُهُ ثُمَّ لِيَتَحِيرَ مِنَ الدُّعَاءِ أَعْجَبَهُ إِلَيْهِ، فَيَدْعُ مُتَمَّضاً عَلَيْهِ، وَاللَّفَظُ لِبُخَارِيٍّ.

^[1] It should be done in such a manner that one should keep thumb clung to the bottom of his forefinger while keeping the rest of the three fingers closed. Then he should raise his forefinger and lower it while reciting *Lā ilāha ill-Allāh*. Some scholars hold that one should point with the forefinger – without moving it – during *At-Tashabbud*. Still others hold that the forefinger should be in motion from the beginning of *At-Tashabbud* until the end of the prayer [or until standing for the next *Rak'ah*, if it is not the final sitting].

^[2] At first, the Prophet ﷺ taught us to send *Salāt* (greetings, blessings) on him because his right on his *Ummah* (nation) is more than anyone, more than the believer himself.

^[3] This *Hadith* explains that invocation for something during the prayer is keeping in line with the tradition of the Prophet ﷺ. This also clarifies that there is no specification as to what one can ask for during the prayer. One can ask for anything he likes whether it concerns this world or the Hereafter.

In the narration of An-Nasā'i: 'we used to say before *At-Tashabbud*^[1] become obligatory on us'; and in the narration of Ahmad: 'The Prophet ﷺ taught him *At-Tashabbud* and ordered him to teach it to the people.'

In Muslim's narration from Ibn 'Abbās رضي الله تعالى عنهما قال: Allāh's Messenger ﷺ used to teach us *At-Tashabbud*: "All services expressed by words, increase in good, acts of worship and all good things are due to Allāh ..." till the end.

248. Narrated Fadāla bin 'Ubāid^[2] رضي الله تعالى عنهما قال: Allāh's Messenger ﷺ heard a man supplicating during his prayer. He did not praise Allāh, nor did he invoke blessings on the Prophet ﷺ. He (ﷺ) said, "He made haste." He then called him and said, "When any of you prays, he should begin with the glorification of his *Rabb* (Lord) and praise Him; he should then invoke blessings on the Prophet (ﷺ); thereafter he should supplicate Allāh for anything he wishes." [Ahmad and *Atb-Thalātha* reported it; At-Tirmidhi, Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

249. Narrated Abū Mas'ūd Al-Ansārī^[3] رضي الله تعالى عنهما قال: Bashir bin Sa'd^[4] رضي الله تعالى عنهما said, "Allāh has commanded us to invoke blessings on you, O Messenger of Allāh! But how

وَاللَّهُمَّ كُنْتَ تَقُولُ قَبْلَ أَنْ يُفْرَضَ عَلَيْنَا التَّشْهِدُ。 وَلَاخْمَدَ أَنَّ النَّبِيَّ ﷺ عَلِمَ السَّهْدَ، وَأَمَرَهُ أَنْ يُعْلَمَ النَّاسُ.

وَلِمُسْلِمٍ عَنْ ابْنِ عَيَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُعْلَمُ التَّشْهِدُ: «السَّجَائِثُ الْمُبَارَكَاتُ الصَّلَواتُ الطَّيِّبَاتُ اللَّهُ إِلَى آخِرِهِ».

(٢٤٨) وَعَنْ فَضَالَةَ بْنِ عُبَيْدِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعَ رَسُولُ اللَّهِ ﷺ رَجُلًا يَدْعُو فِي صَلَاةِ تَهْلِيكٍ، وَلَمْ يَعْمَدْ اللَّهُ، وَلَمْ يُصْلِلْ عَلَى النَّبِيِّ ﷺ، فَقَالَ: إِذَا صَلَّى أَحَدُكُمْ فَلَيَنْدِبُوا بِتَحْمِيدِ رَبِّهِ وَالشَّاءِعِ عَلَيْهِ، ثُمَّ يُصَلِّي عَلَى النَّبِيِّ ﷺ، ثُمَّ يَدْعُو بِمَا شَاءَ. رَوَاهُ أَخْمَدُ وَالثَّالِثَةُ، وَصَحَّحَهُ التَّرمِذِيُّ وَابْنُ جَيَّانَ وَالْحَاكِمُ.

(٢٤٩) وَعَنْ أَبِي مَسْعُودِ الْأَنْصَارِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ بَشِيرُ بْنُ سَعْدٍ: يَا رَسُولَ اللَّهِ! أَمَرْنَا اللَّهُ أَنْ نُصَلِّي عَلَيْكَ، فَكَيْفَ نُصَلِّي

[1] What the people used to recite before *At-Tashabbud* became obligatory, has not been mentioned by the narrator, but according to some other *Abadith* they used to say: "Blessings of Allāh be upon Gabriel and Michael." The Prophet ﷺ instructed people to refrain from saying this and then taught them *At-Tashabbud*.

[2] Fadāla bin 'Ubāid bin Nāfidh bin Qais is nicknamed Abū Muhammād Al-Ansārī Al-Awsī. He first fought in Uhud and the rest of the latter battles. He pledged allegiance (to the Prophet) at *Bai'at al-Ridwān*. He went to Shām and settled at Damascus and became its *Qādi* appointed by Mu'āwiya when he was going to the battle of *As-Sifīn*. He died in the year 56 H.

[3] He is 'Uqba bin 'Amr bin Thā'labā Al-Ansārī Al-Badrī who was one of the eminent *Sabāba*. He took part in the second *Aqaba* while young. He settled in Kufa and died there or in Al-Madinah after the forties of *Al-Hijra*.

[4] He is Abū An-Nu'mān Bashir bin Sa'd bin Thā'labā bin Al-Jullās or Al-Khallās Al-Ansārī Al-

should we bless you?" Allāh's Messenger ﷺ kept quiet (a while) and then said, "Say:^[1] 'O Allāh, bless Muhammad and the members of his family as You have blessed Ibrāhim, and grant favours to Muhammad and the members of his family as You have granted favours to Ibrāhim. In the worlds You are indeed Praiseworthy and Glorious.' And the *Taslim* is as you know."^[2] [Reported by Muslim]. Ibn Khuzaima added to it: "How should we invoke blessings on you, whenever we invoke blessing on you in our prayers?"

عَلَيْكَ فَسَكَتْ؟ ثُمَّ قَالَ: «قُولُوا: اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ، وَعَلَى آلِ مُحَمَّدٍ، كَمَا صَلَّيْتَ عَلَى إِبْرَاهِيمَ، وَبَارِكْ عَلَى مُحَمَّدٍ، وَعَلَى آلِ مُحَمَّدٍ، كَمَا بَارَكْتَ عَلَى إِبْرَاهِيمَ فِي الْعَالَمَيْنَ، إِنَّكَ حَمِيدٌ مَجِيدٌ». وَالسَّلَامُ كَمَا عَلِمْتُمْ». رَوَاهُ مُسْلِمٌ، وَزَادَ ابْنُ حَزَّيْمَةَ فِيهِ: فَكَيْفَ نُصَلِّي عَلَيْكَ إِذَا نَحْنُ صَلَّيْنَا عَلَيْكَ فِي صَلَاتِنَا؟

250. Narrated Abū Huraira رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "When one of you finishes the (last) *Tasbabbud*, he should seek refuge in Allāh from four things by saying: 'O Allāh I seek refuge in You against the punishment of *Jabannam* (Hell-fire), the punishment of the grave,^[3] the trial of life and death and the evil of the trial of *Masib Ad-Dajjal*^[4] (Antichrist).'" [Agreed upon]. In the narration of Muslim:

(٢٥٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا شَهَدَ أَحَدُكُمْ فَلَا يَسْتَعْذِدُ بِاللَّهِ مِنْ أَرْبَعَ، يَقُولُ: اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنْ عَذَابِ جَهَنَّمَ، وَمِنْ عَذَابِ الْقَبْرِ، وَمِنْ فِتْنَةِ الْمَحْيَا وَالْمَمَاتِ، وَمِنْ فِتْنَةِ الْمَسِيحِ الدَّجَّالِ». مُفْقَعٌ عَلَيْهِ، وَفِي رِوَايَةِ الْمُسْلِمِ: إِذَا فَرَغَ أَحَدُكُمْ مِنَ الشَّهَادَةِ أَلَا خَيْرٌ.

Khazraji. He is a *Badri* (fought at Al-Badr) and an *Aqabi* (attended the 'Aqaba agreement). He also attended the battles of Uhud, Al-Khandaq, and the rest of the other important battles. He was killed at 'Ein At-Tamr in the year 13 H.

[¹] The words of the *Salāt* (sending peace and the blessings of Allāh on the Prophet ﷺ) are mentioned differently in different *Abadith*. There is a word more in a *Hadīth* while there is a word less in another one.

[²] This clarifies that *Salāt* (peace and the blessings of Allāh on the Prophet ﷺ) should be recited after *At-Tasbabbud* in the prayers and that invocation should be made in the last *Tasbabbud* only. We are further informed that the recitation of *Salāt* on the noble Prophet ﷺ during prayers is *Wājib* (compulsory).

[³] This *Hadīth* tells us that the dead person will face the torment in the grave. Similarly, a true believer is all at ease there. This substance is proven by several *Abadith*.

[⁴] *Al-Masib Ad-Dajjal* (Antichrist) will be a disbeliever appearing prior to the Judgement Day to test the Faith of the believers. The faithful persons will adhere to their Faith steadfastly despite extreme adversities, whereas the people having a shaky and weak Belief, disbelievers and hypocrites will fall under his command. The Antichrist will be known as Messiah. Prophet Jesus is also called Messiah. Although the pronunciation of the two is the same but the meanings purported therewith are different. Prophet Jesus is known as Messiah because the sick people were cured if he touched them. The meaning of Messiah is touching. The Antichrist will be known as Messiah because one of his eyes will be a distorted one. Hence, the expression *Mamsubul-Ain* (the one whose eyes has been touched or tampered with and

"when any of you finishes the last *Tasbabbud*.^[1]"

251. Narrated Abū Bakr As-Siddiq^[2]: He said to Allāh's Messenger ﷺ, "Teach me a supplication to use in my prayer." He ﷺ said, "Say: O Allāh, I have greatly wronged myself, and no one forgives sins except You, so grant me forgiveness from You and have mercy on me, You are the Forgiving and the Merciful One."^[3] [Agreed upon].

252. Narrated Wā'il bin Hujr : I prayed with the Prophet ﷺ and he would give the *Taslim* (salutation) to his right side^[4] (saying), "Peace be upon you and the mercy and blessings of Allāh"; and to his left side (saying), "Peace be upon you and mercy and the blessings of Allāh." [Reported by Abū Dā'ud, with a *Sabib* (authentic) chain].

253. Narrated Al-Mughira bin Shu'ba : The Prophet ﷺ used to say after every obligatory prayer: "There is nothing worthy of worship except Allāh Alone, Who has no partner. To Him belongs the kingdom, to Him praise is due, and He has power over every

thus distorted) applies on him.

^[1] In some of the *Abadīth*, the words من المغرم والمأثم (from debts and sin) are also included. It is reported in *Al-Bukhāri* that the Prophet ﷺ was asked as to why does he seek protection from indebtedness to such a degree? He answered that the person in debt not only tells lies, but also breaks his promises. The calamity of life lies in the ill-fated ending of it (without Faith) and the calamity of death lies in the severity of questioning in the grave.

^[2] He is 'Abdullāh bin 'Uthmān Abū Quhāfa bin 'Aamir At-Taimi, the *Khalifa* (successor) of Allāh's Messenger ﷺ and his companion in the cave, the best of this Ummah other than the Prophet ﷺ. He was white with curly hair, pleasant and thin. He is well known and needs no elaboration. He died in Jumada Al-Ukhra of the year 13 H.

^[3] This *Hadīth* shows that a man should always be apologetic of his delinquencies even if he acquires the uppermost level of truthfulness and sincerity.

^[4] There are narrations from fifteen Companions of the Prophet ﷺ concerning *Salām* (*Taslim* – Salutation). Some of them may be graded as "sound", some are "fair" and some are "weak". None of those contains the words "wa barakātubu" except this hadith of Wā'il bin Hujr. This is the only narration in this regard which is regarded as trustworthy and is acceptable.

(٢٥١) وَعَنْ أَبِي بَكْرِ الصَّدِيقِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ قَالَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: عَلِمْتَنِي دُعَاءً أَذْعُو بِهِ فِي صَلَاةِ إِلَهِي! قَالَ: «قُلْ: إِلَّهُمَّ إِنِّي ظَلَمْتُ نَفْسِي طَلْلَمًا كَثِيرًا، وَلَا يَغْفِرُ الدُّنْوَبَ إِلَّا أَنْتَ، فَاغْفِرْ لِي مَغْفِرَةً مِنْ عِنْدِكَ، وَارْحَمْنِي، إِنَّكَ أَنْتَ الْغَفُورُ الرَّاجِيمُ». مُتَقَدِّمٌ عَلَيْهِ.

(٢٥٢) وَعَنْ وَالِيلِ بْنِ حُجْرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: صَلَّيْتُ مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ يَوْمِيْهِ: السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ، وَعَنْ شَيْمَالِهِ: السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللَّهِ وَبَرَكَاتُهُ. رَوَاهُ أَبُو دَاوُدَ بِإِشْنَادٍ صَحِيحٍ.

(٢٥٣) وَعَنْ الْمُغِيرَةِ بْنِ شَعْبَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَقُولُ فِي دُبُّ كُلِّ صَلَاةٍ مَكْتُوبَةٍ: «لَا إِلَهَ إِلَّا اللَّهُ، وَحْدَهُ لَا شَرِيكَ لَهُ، لَهُ الْمُلْكُ، وَلَهُ الْحَمْدُ، وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ، اللَّهُمَّ لَا مَانِعَ لِمَا أَغْطَيْتُ،

thing. O Allāh no one can withhold what You have given, or give what You have withheld and riches cannot avail a wealthy person^[1] against You.” [Agreed upon].

254. Narrated Sa‘d bin Abi Waqqās^[2]: Allāh’s Messenger ﷺ used to seek Allāh’s protection by invoking this supplication (*Du’ā*) at the end of every *Salāt* (prayer): “O Allāh, I seek refuge in You from stinginess, I seek refuge in You from cowardice, I seek refuge in You from old age (and senility),^[3] I seek refuge in You from the temptation of the world and I seek refuge in You from the punishment in the grave.” [Reported by Al-Bukhārī].

255. Narrated Thaubān ﷺ: Whenever Allāh’s Messenger ﷺ finished his prayer, he used to say after asking Allāh’s forgiveness three times:^[4] “O Allāh, You are *As-Salam* (One Free from every defect), and *As-Salam* (safety from every evil) is (sought) from You. Blessed are You, O Possessor of glory and honour.”^[5] [Reported by Muslim].

وَلَا مُعْطِيٌ لِمَا مَنَعْتَ، وَلَا يَنْقُضُ ذَا الْجَدَّ مِنْكَ
الْجَدُّ». مُتَّفَقُ عَلَيْهِ.

(٢٥٤) وَعَنْ سَعْدِ بْنِ أَبِي وَقَاصٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَسْأَلُ دُبُرَ كُلِّ صَلَاةً: «اللَّهُمَّ إِنِّي أَغُوذُ بِكَ مِنَ الْبُخْلِ، وَأَغُوذُ بِكَ مِنَ الْجُبْنِ، وَأَغُوذُ بِكَ مِنْ أَنْ أَرْدَدَ إِلَى أَرْذَلِ الْعُمُرِ، وَأَغُوذُ بِكَ مِنْ فِتْنَةِ الدُّنْيَا، وَأَغُوذُ بِكَ مِنْ عَذَابِ الْقَبْرِ». رَوَاهُ الْبُخَارِيُّ.

(٢٥٥) وَعَنْ ثُوبَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا أَنْصَرَفَ مِنْ صَلَاةِ الْعِشَاءِ إِذَا أَنْصَرَفَ مِنْ صَلَاةِ الظَّاهِرَةِ اسْتَغْفَرَ اللَّهُ تَلَاقَتَا، وَقَالَ: «اللَّهُمَّ أَنْتَ السَّلَامُ، وَمِنْكَ السَّلَامُ، تَبَارَكْتَ يَا ذَا الْجَلَالِ وَالْإِكْرَامِ». رَوَاهُ مُسْلِمٌ.

^[1] The Arabic words ذا الجد منك الجد mean: If Your approval and intimacy is not there, then all the grandeur, pomp and worldly possessions are useless. In another words: Whatever mundane things (i.e., wealth, progeny, honour and power) are acquired, shall not serve in the matter of salvation. Salvation will be achieved by Your mercy and blessing alone.

^[2] He is nicknamed *Abū Ishāq* bin Mālik and was a Zuhri and a Qurashi. He was the fifth or the seventh Muslim and one of the ten to whom the entry of Paradise was promised. He is the first man to shoot in the cause of Allāh and participated in all the important battles. He opened ‘Iraq for Islam and his supplications were accepted. He was short, stout and hairy. He died at Al-Aqiq which is ten miles from Al-Madinah and was carried on the people’s shoulders up to Al-Madinah and was buried at Al-Baqi’ in the year 55 H.

^[3] In Arabic, the words أَرْذَلُ الْمُرْ denote that part of age wherein either all or some of the internal and external capabilities of a man get weakened.

^[4] Showing repentance and asking for the forgiveness of Allāh right after the completion of a prayer is an indication of the fact that the prayer offered is not quite worth presenting to the Lord as long as the slave has committed innumerable trespasses and delinquencies.

^[5] The Prophet ﷺ showed repentance and asked for the forgiveness of Allāh as an expression of offering thanks to Him as well as imparting an ethical insight to the people, whereas a commoner (an ordinary believer) does the same to atone for the wandering and distracting thoughts he is plagued with during his prayer.

256. Narrated Abū Huraira رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "Whoever glorifies Allāh (by saying *Subbān-Allāh*) after every *Salāt* (prayer)^[1] thirty-three times, and praises Allāh (by saying *Al-bamdu lillāh*) thirty-three times, and exalts Allāh (by saying *Allābu Akbar*) thirty-three times, those are ninety-nine in all, and says to complete a hundred: *La ilāha ill-Allāhu, wabdabu lā sharika lahu, labul-mulku wa labul-bamdu, wa Huwa 'ala kulli shai'in Qadir* (There is nothing which deserves to be worshipped except Allāh Alone Who has no partner; to Him belongs the kingdom, to Him praise is due, and He has power over everything), his sins will be forgiven, even if they are as abundant as the foam of the sea." [Reported by Muslim]. In another narration it is mentioned: "At-Takbīr (Allāh is the Most Great) is thirty-four times."

257. Narrated Mu'ādh bin Jabal رضي الله تعالى عنه: Allāh's Messenger ﷺ told me, "O Mu'ādh, I will give you some advice - 'Never leave the recitation of this supplication after every prayer: O Allāh, help me to remember You, thank You, and worship You perfectly.' " [Ahmad, Abū Dā'ud and An-Nasā'i reported it through a strong chain of narrators].

258. Narrated Abū Umāma^[2] رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "Whoever recites Ayāt Al-Kursi^[3] at the end of every

(٢٥٦) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ سَبَّحَ اللَّهَ دُبْرِ كُلَّ صَلَاةً ثَلَاثًا وَثَلَاثِينَ، وَحَمِدَ اللَّهَ ثَلَاثًا وَثَلَاثِينَ وَكَبَرَ اللَّهَ ثَلَاثًا وَثَلَاثِينَ، فَتَلَكَّ تَشْعَ وَتَشْعُونَ، وَقَالَ تَمَامُ الْوَيْلَةِ: لَا إِلَهَ إِلَّا اللَّهُ، وَحْدَهُ لَا شَرِيكَ لَهُ، لَهُ الْمُلْكُ، وَلَهُ الْحَمْدُ، وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ» غُفِرَتْ لَهُ خَطَايَاهُ وَلَوْ كَانَتْ مِثْلَ زَيْدِ الْبَحْرِ. رَوَاهُ مُسْلِمٌ، وَفِي رِوَايَةِ أَخْرَى: أَنَّ التَّكْبِيرَ أَزْبَعَ وَثَلَاثَةَ.

(٢٥٧) وَعَنْ مُعَاذِ بْنِ جَبَلٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَهُ: «أُوصِيكَ يَا مُعَاذُ: لَا تَدْعُنَ دُبْرِ كُلِّ صَلَاةٍ أَنْ تَقُولَ: اللَّهُمَّ أَعُنْتُ عَلَى ذَنْبِكَ، وَشُكْرِكَ، وَحُسْنِ عِبَادَتِكَ». رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ وَالنَّسَائِيُّ بِسَنَدِ قَوْيِّ.

(٢٥٨) وَعَنْ أَبِي أَمَامَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ قَرَأَ آيَةَ الْكُرْسِيِّ

^[1] These words represent and epitomize all the good things of this world and the Hereafter. It appears that one should make an utterance of these *Adbkār* (words of remembrance) after each obligatory and non-obligatory prayer, but some scholars have recommended the observance of these *Adbkār* after obligatory prayers. Therefore, the propriety of *Du'a* (supplication) after the obligatory prayer is a proven one. What the *Abādīth* do not prove is the observance of a collective and congregational supplication with raised hands. One should only do the same individually by uttering the prescribed *Adbkār*.

^[2] He is Iyās bin Thā'labah Al-Balawī and an ally of Banū Hārithah of the *Ansār*. He is a *Sahābi* and narrated *Abādīth*. He did not take part in Badr for he was nursing his mother.

^[3] *Sūrat Al-Baqarah* (2); Verse no. 255.

obligatory prayer, nothing but death^[1] will prevent him from entering Paradise.”^[2] An-Nasā’i reported it, and Ibn Hibbān graded it *Sabib* (authentic). At-Tabarāni has the addition: “And (*Sūrat Al-Ikhlās*) قل هو الله أَحَدٌ”^[3]. اهـ أَحَدٌ

259. Narrated Mālik bin Al-Huwairith رضي الله تعالى عنه قال: قاتل رسول الله ﷺ: «صَلُّوا كَمَا رأَيْتُمُونِي أَصْلِي». رواه البخاري.

260. Narrated ‘Imrān bin Husain رضي الله تعالى عنه أنَّ النَّبِيَّ ﷺ قال: «صَلُّ قَائِمًا، فَإِنْ لَمْ تَسْتَطِعْ فَقَاعِدًا، فَإِنْ لَمْ تَسْتَطِعْ فَعَلَى جَنْبِ، وَإِلَّا فَأَفْوِمْ». رواه البخاري.

261. Narrated Jābir رضي الله تعالى عنه that the Prophet ﷺ to a sick person who prayed on a cushion: The Prophet ﷺ threw it away and said, “Pray on the ground, if you are able to do so; otherwise, pray

دُبَرْ كُلُّ صَلَاةً مَكْتُوبَةً، لَمْ يَمْنَعْهُ مِنْ دُخُولِ الْجَنَّةِ إِلَّا الْمَوْتُ». رواه النسائي، وصححه ابن حبان، وزاد فيه الطبراني: «وَقُلْ هُوَ اللَّهُ أَحَدٌ».

(٢٥٩) وَعَنْ مَالِكِ بْنِ الْحُوَيْرِثِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَاتَلَ رَسُولُ اللَّهِ ﷺ: «صَلُّوا كَمَا رَأَيْتُمُونِي أَصْلِي». رَوَاهُ الْبُخَارِيُّ.

(٢٦٠) وَعَنْ عَزْرَانَ بْنِ حُصَيْنٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَنَّ النَّبِيَّ ﷺ قَالَ: «صَلُّ قَائِمًا، فَإِنْ لَمْ تَسْتَطِعْ فَقَاعِدًا، فَإِنْ لَمْ تَسْتَطِعْ فَعَلَى جَنْبِ، وَإِلَّا فَأَفْوِمْ». رَوَاهُ الْبُخَارِيُّ.

(٢٦١) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ قَالَ لِمَرِيضٍ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِرَمَّى بِهَا، - وَقَالَ: «صَلُّ عَلَى الْأَرْضِ إِنْ اسْتَطَعْتَ، وَإِلَّا فَأَفْوِمْ إِيمَاءً، وَاجْعَلْ سُجُونَكَ

^[1] It means that the only thing preventing him from entering Paradise is his presence in this world, i.e. he shall enter Paradise immediately after his death.

^[2] The precedence accorded to *Ayāt-al-Kursī* is due to the fact that it contains the Foundations of the Divine Names and Qualities (of Allāh) and that it is descriptive of His Oneness and Uniqueness, which He loves the most. *Surat Al-Ikhlās* also carries the same attributes.

^[3] *Sūrat Al-Ikhlās*; no. 112.

^[4] This authentic and great *Hadīth* tells us that all the actions and sayings of the Prophet ﷺ are explanations aiming at directing and ordering us to observe prayers according to the orders given in Qur’ān and *Abādīth* about the performance of *Salāt*. This further proves that one should meticulously follow and thoroughly pursue the ways of the Prophet ﷺ concerning prayers and each of his actions and utterances as an obligation on him. Therefore, all the actions carried out by the Prophet ﷺ and all the speech uttered by him during and regarding his prayers are obligatory on us except the ones that are proven to be otherwise by a clear-cut evidence.

^[5] In case someone – even if for a reason other than illness – may not stand upright, it is permissible for him to pray in a sitting posture as one does sometimes during a train journey provided he thoroughly completes the postures of bowing and prostration. If he is not capable to do so due to sickness, he should perform it by way of gestural inclinations. If he intends to prostrate, he should bow his head further (a few degrees lower) than he does with the intention of bowing. Such is reported in the next *Hadīth* narrated by Jābir رضي الله عنه.

by gesturing signs and make your prostration lower than your bowing.” [Al-Baihaqi reported it through a strong chain of narrators, but Abū Hātim regarded it as *Mauqūf* (saying of a Companion)].

أَخْفَضَ مِنْ رُكُوعِكَ». رَوَاهُ البَهْقِيُّ بِسَندٍ قَوِيًّّا،
وَلِكِنْ صَحَّحَ أَبُو حَاتِمَ وَقَهْمَهُ.

Chapter 8 *SUJUD AS-SAHW*^[1] AND OTHER MATTERS

262. Narrated ‘Abdullāh bin Buhaina : The Prophet ﷺ led them in the *Zubr* prayer, and when he stood up at the end of the first two *Rak‘at* and did not sit^[2], the people stood up with him. When he finished the *Salāt* (prayer) and the people expected him to do the *Taslim* (salutation), he uttered the *Takbīr* while sitting and made two prostrations before saying the *Taslim*^[3] (salutation), then he uttered the *Taslim* (salutation). [Reported by *As-Sab'a* and this is Al-Bukhāri's wording]. In the narration of Muslim it is mentioned that, “He (ﷺ) uttered the *Takbīr* for each prostration while sitting and the people prostrated with him to make up for the sitting he had forgotten.”

٨ - بَابُ سُجُودِ السَّهْوِ وَغَيْرِهِ

(٢٦٢) عَنْ عَبْدِ اللَّهِ ابْنِ بُحَيْنَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الظَّهَرَ فَقَامَ فِي الرَّكْعَيْتَيْنِ الْأَوَّلَيْتَيْنِ، وَلَمْ يَجْلِسْ، فَقَامَ النَّاسُ مَعَهُ، حَتَّى إِذَا قَضَى الصَّلَاةَ، وَانْتَظَرَ النَّاسُ تَسْلِيمَهُ كَبَرَ وَهُوَ جَالِسٌ، وَسَجَدَ سَجْدَتَيْنِ قَبْلَ أَنْ يَسْلُمَ، ثُمَّ سَلَّمَ. أَخْرَجَهُ السَّيِّدُونَ، وَهَذَا لَفْظُ الْبُخَارِيِّ. وَفِي رَوَايَةِ الْمُسْلِمِ: يَكْبِرُ فِي كُلِّ سَجْدَةٍ وَهُوَ جَالِسٌ، وَسَجَدَ النَّاسُ مَعَهُ، مَكَانًا مَا نَسِيَ مِنَ الْجُلوسِ.

[1] *Sajdatus-Sabu* (prostration due to forgetfulness) becomes compulsory if someone who is offering a prayer either adds or deletes something in it mistakenly.

[2] We must know that the translation of *Sabu* and *Nisyān* is ‘forgetfulness’ but *Sabu* usually implies to actions, whereas *Nisyān* usually refers to a piece of information. But both of these words are also taken as synonyms of each other. Among the scholars, no one approves of using the word *Nisyān* for the Prophet ﷺ. Hence the Prophet ﷺ never ever suffered from confusion in the matters related to preaching and propagation of the Islamic Message. How could he possibly suffer from it while Allāh Almighty is saying: “We shall make you to recite (the Qur'an) and you will not forget.” (V. 87:6)

The righteous scholars maintain that the usage of the word *Sabu* for the Prophet ﷺ is permissible as there are references from several *Abādīth* in this regard. All of the four famous *Imāms* agree that the situations concerning forgetfulness (*Sabu*) for the Prophet ﷺ are the proven ones. There is no objection to it; in fact, they carry several good intentions in their fold (i.e. the forgetfulness of the Prophet ﷺ).

[3] This *Hadīth* tells us that one can atone for leaving the first *Tashabbud* by performing *Sajdatus-Sabu*. Some of the scholars advocate that it should be performed before *Salām*, whereas some prefer it to be done after *Salām*. Both of these situations are proved from the

263. Narrated Abū Huraira : The Prophet ﷺ led us in two *Rak'at* of one of the two, *Zubr* or 'Asr prayers, and said the *Taslim* (salutation). He then got up and went towards a piece of wood which was at the front part of the mosque and placed his hands upon it. Abū Bakr and 'Umar were among the people, but they were afraid to speak to him. Then some of the hasty type of people came out and said, "Has the *Salāt* (prayer) been shortened?" A man whom the Prophet ﷺ called *Dbul Yadaīn*^[1] (the long armed) asked: "Have you forgotten, O Allāh's Messenger or has the prayer been shortened?" He said, "I have neither forgotten^[2] nor has it been shortened." He said, "Indeed you have forgotten."^[3] He (the Prophet ﷺ) then prayed the remaining two *Rak'at*, then said the *Taslim* (salutation). He then uttered the *Takbir* and prostrated similar to his normal prostration or

(٢٦٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: صَلَّى النَّبِيُّ ﷺ إِلَيْهِ صَلَاتِي العَشَيْرَيْرَيْنَ، ثُمَّ سَلَّمَ، ثُمَّ قَامَ إِلَى خَشِيشَيْهِ فِي مُقْدَمِ الْمَسْجِدِ، فَوَضَعَ يَدَهُ عَلَيْهَا، وَفِي الْقَوْمِ أَبُو بَكْرٍ وَعُمَرٌ، فَهَبَا أَنْ يُكَلِّمَاهُ، وَخَرَجَ سَرَّعَانَ النَّاسَ فَقَالُوا: أَقْصَرْتِ الصَّلَاةَ؟ وَرَجُلٌ يَدْعُوُهُ النَّبِيُّ ﷺ ذَا الْبَيْنَيْنَ، فَقَالَ: يَا رَسُولَ اللَّهِ! أَتَسْبِيْتَ أَمْ أَصْبَرْتَ الصَّلَاةَ؟ فَقَالَ: لَمْ أَتَسْ وَلَمْ تَفْصِّرْ، قَالَ: يَكُلَّ مَذْتَسِيْتَ، فَصَلَّى رَحْمَتِيْنَ، ثُمَّ سَلَّمَ، ثُمَّ كَبَرَ، فَسَجَدَ مِثْلَ سُجُودِهِ أَوْ أَطْلُوَهُ، ثُمَّ رَفَعَ رَأْسَهُ فَكَبَرَ، ثُمَّ وَضَعَ رَأْسَهُ فَكَبَرَ، فَسَجَدَ مِثْلَ سُجُودِهِ أَوْ أَطْلُوَهُ، ثُمَّ رَفَعَ رَأْسَهُ وَكَبَرَ. مُتَقَرِّ عَلَيْهِ، وَاللَّفَظُ لِلْبَغَارِيِّ.

Prophet ﷺ. The Prophet ﷺ never specified any hard and fast rule concerning it all through his life. It is mentioned in the book *Nailul-Autār* that if some omission occurs in the prayer the prostration should be performed before *Salām*. In case of any addition, it should be performed after *Salām*. Some of the scholars are of the opinion that in view of the documented evidence, the reports concerning prostration before *Salām* are more sound and proper.

^[1] He is Al-Khirbaq bin 'Amr As-Sulami of Banu Sulaim tribe. He died during the caliphate of Mu'awiya . رضي الله عنه . It is also said that he died at Dhi Khashab during the caliphate of 'Umar . رضي الله عنه . He had unusually longer hands, hence he was nicknamed *Dbul-Yadaīn*.

^[2] According to my knowledge, neither I have suffered from any forgetfulness nor has there been any Divine instruction for the prayer to be shortened.

^[3] The forgetfulness of the Prophet ﷺ while being in the prayer, despite the fact that he was completely and utterly steeped in a profound state of meditation while supplicating to Allāh the Almighty, may be construed as a prudently befitting measure and was in fact meant all for the good. First of all, it had an educational purpose to instruct the *Ummab* (nation) practically on the matters related to *Sabw* (forgetfulness) as to what its directives are and how to rectify it in case someone is faced with such a situation. Secondly, he wanted to instruct the *Ummab* that despite his honour, dignity and his exalted position of being superior to all the creation, he is still a human being and inherits all the human instincts such as eating, drinking, sleeping, waking up, walking around, responding to the call of nature, getting sick and becoming cured, etc. All the above human qualities are to be found in his person. He himself made a mention of this act of prudence, as the same shall follow in the *Hadīth* narrated by Ibn Mas'ūd . رضي الله عنه .

longer, then raised up his head and uttered the *Takbir*.^[1] He then prostrated and uttered the *Takbir*, and the prostration was similar to his normal prostration or longer. He then raised his head and uttered the *Takbir*. [Agreed upon, and it is *Bukhāri's* wording].

And in the narration of *Muslim*: “*Asr* prayer”; and in *Abū Dā'ud*: “He said, ‘Has *Dhu'l-Yadain* spoken the truth?’ Then they said ‘Yes’ with gesture”. This is found in *Sahibain*, but with the word “*Faqālu*”؛ *قالا*; and in another narration: “and he did not prostrate till Allāh made him certain of this (i.e. *As-Sabu*).”

264. Narrated ‘Imrān bin Husain ﷺ: The Prophet ﷺ led them (the Companions ﷺ) in prayer and forgot (something). He then made two prostrations and then said the *Tasbih bud* and uttered the *Taslim* (salutation). [Reported by *Abū Dā'ud*, and *At-Tirmidhi* who graded it *Hasan* (good), and *Al-Hākim* who graded it *Sabib* (authentic)].

265. Narrated Abū Sa'id Al-Khudri ﷺ: Allāh's Messenger ﷺ said, “When anyone of you is in doubt about his *Salāt* (prayer) and does not know how many he has prayed, three or four (*Rak'at*), he should cast aside his doubt and base his prayer on what he is sure of.^[2] Then, he should perform two prostrations before *Taslim* (salutation). If he has prayed five *Rak'at*, they will make his *Salāt* (prayer) an even

وَفِي رِوَايَةِ الْمُسْلِمِ: «صَلَاةُ الْعَصْرِ». وَلَأَبْيَادِي دَاوُدَ: قَالَ: أَصَدَقُ ذُو الْيَدَتَيْنِ؟ فَأَوْمَأُوا أَيْنَمَّا. وَهِيَ فِي الصَّحِيحَيْنِ، لَكِنْ بِلِفْظِ: «قَالُوا». وَفِي رِوَايَةِ لَهُ: «وَلَمْ يَسْجُدْ حَتَّى يَقْتَهِ اللَّهُ تَعَالَى ذَلِكَ».

(٢٦٤) وَعَنْ عِمَرَانَ بْنِ حُصَيْنِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَسَهَا، فَسَجَدَ سَجْدَتَيْنِ، ثُمَّ شَهَدَ، ثُمَّ سَلَّمَ. رِوَاةُ أَبْو دَاوُدَ وَالرُّزْمَذِنِيُّ، وَحَسَنَةُ، وَالْحَافِي، وَصَحَّحةُ.

(٢٦٥) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا شَكَ أَحَدُكُمْ فِي صَلَاةِهِ فَلَمْ يَنْدِرْ كُمْ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَرْبَعًا؟ فَلْيَطْرَحْ الشَّكَ، وَلَيُبَيِّنَ عَلَى مَا اشْتَيقَنَّ، ثُمَّ يَسْجُدْ سَجْدَتَيْنِ. قَبْلَ أَنْ يُسَلِّمَ، فَإِنْ كَانَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَعَامِماً كَانَتَا تَرْغِيمًا لِلشَّيْطَانِ». رِوَاةُ مُشْلِمٍ.

^[1] This *Hadīth* clarifies that in case someone feels certain that he has completed his prayer, performs *Salām*, gets engaged in a conversation and then suddenly realizes his fault by recollection or someone else makes him remember about it, his prayer still remains valid provided he completes it right away.

^[2] It has two meanings. Firstly, in case of doubt, one should base it on the least number, i.e., in case of being uncertain as to whether one has prayed three or four *Rak'at*, he should count it as three as this is nearest to certainty. Secondly, one should act according to what he is predominantly sure about.

number^[1] for him and if he has prayed exactly four, they (i.e. two prostrations) will be humiliation for the devil.” [Reported by Muslim].

266. Narrated Ibn Mas‘ud : Allāh’s Messenger ﷺ offered prayer and when he said *Taslim* (salutation), he was asked, “O Allāh’s Messenger! has something new happened to the *Salāt* (prayer)?” He asked, “What is that?” They said, “You have prayed so many and so many (*Rak’at*).” He (Ibn Mas‘ud ﷺ) said, “He then bent his legs, faced the *Qiblah*, and made two prostrations and then said the *Taslim* (salutations). Then he faced us and said, “If something new is introduced to the *Salāt* (prayer), I shall inform you but I am a human being like you,^[2] I forget just as you forget; so if I forget remind me and if any of you is in doubt about his *Salāt* (prayer) he should act upon what he thinks is correct and complete his prayer in that respect and then he should make two prostrations.” [Agreed upon].

And in the narration of Al-Bukhāri: ‘he should complete (the prayer) then he should say *Taslim* and then perform the prostration’; and in the narration of Muslim: ‘the Prophet ﷺ performed two *Sajdatus-Sabu* after *Taslim* and talking’.

In the narration of Ahmad, Abū Dā’ud and An-Nasā’i from the *Hadīth* of ‘Abdullāh bin Ja’far^[3] (ﷺ) *Marfu’*

^[1] It means that if one has prayed five *Rak’at*, it will become six including *Sajdatus-Sabu*. It appears from the *Hadīth* that one should base it on the least number as that is nearer to certainty.

^[2] According to this reference the Prophet ﷺ had used the words “I am a human being like you.” What a surprise to the people who do not see him as a human being and postulate that the statement “I am a human being like you” made in the Qur’ān aims only at silencing the polytheists; whereas the fact is that the people in question here are the believers and not the polytheists.

^[3] He is Abū Ja’far ‘Abdullāh bin Ja’far bin Abū Talib, his mother is Asmā’ bint ‘Umais. He is

(٢٦٦) وَعَنْ أَبْنَى مَسْعُودَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: صَلَّى رَسُولُ اللَّهِ ﷺ، فَلَمَّا سَلَّمَ قَبْلَهُ: يَا رَسُولَ اللَّهِ أَحَدَثَ فِي الصَّلَاةِ شَيْءًا؟ قَالَ: «وَمَا ذَاكَ؟» قَالُوا: صَلَّيْتَ كَذَّا وَكَذَّا، قَالَ: فَتَكَيْ رِجْلَيْنِي، وَاسْتَقْبَلَ الْقِبْلَةَ، فَسَجَدَ سَجْدَتَيْنِ، ثُمَّ سَلَّمَ، ثُمَّ أَفْبَلَ عَلَى النَّاسِ فَقَالَ: «إِنَّهُ لَوْ حَدَثَ فِي الصَّلَاةِ شَيْءٌ أَبْتَاهُمْ بِهِ، وَلَكِنْ إِنَّمَا أَنَا بَشَرٌ مِّنْكُمْ، أَنْسَى كَمَا تَنسَوْنَ، فَإِذَا نَسِيْتُ فَذَكَرُونِي، وَإِذَا شَكَ أَحَدُكُمْ فِي صَلَاةِهِ فَلْيَسْأَلْ الصَّوَابَ، فَلَيُبَيِّنَ عَلَيْهِ، ثُمَّ لِيَسْجُدْ سَجْدَتَيْنِ». مُتَقَدِّمٌ عَلَيْهِ.

وَفِي رِوَايَةِ الْبَخَارِيِّ: «فَأَتَيْتُمْ، ثُمَّ يَسْلُمُ، ثُمَّ يَسْجُدُ». وَمُسْلِمٌ: أَنَّ النَّبِيَّ ﷺ سَجَدَ سَجْدَتَيْرِ السَّهْوِ بَعْدَ السَّلَامِ وَالْكَلَامِ.

وَلِأَخْمَدَ وَأَبِي دَاؤِدَ وَالنَّسَائِيِّ مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ حَقْفٍ مَرْفُوعًا: مَنْ شَكَ فِي صَلَاةِ

(attributed to the Prophet): ‘Whoever doubts about his *Salāt* (prayer), should make two prostrations after the *Taslim* (salutations).’ [Ibn Khuzaima graded it *Sabib* (authentic)].

267. Narrated Al-Mughira bin Shu‘ba : Allāh’s Messenger ﷺ said, “When one of you doubts and stands at the end of two *Rak‘at*, if he remembers while having stood up completely he should continue^[1] and should not return (to the sitting position) and he should make two prostrations, but if he did not stand up straight he should sit down and there is no forgetfulness (prostration) upon him.” [Reported Abū Dā‘ud, Ibn Mājah, and Ad-Dāraqutni, with a weak *Sanad* (chain); the wording is Ad-Daraqutni’s].

268. Narrated ‘Umar : The Prophet ﷺ said, “There is no (prostrations of) forgetfulness for one^[2] who is led (in prayer) by an *Imām*, but when the *Imām* forgets, both should then make prostrations due to forgetfulness.” [Al-Bazzār and Al-Baihaqi reported it through a weak chain of narrators].

269. Narrated Thawbān : The Prophet ﷺ said, “There are two prostrations after the *Taslim* (salutation) for each forgetfulness^[3].” [Abū Dā‘ud and Ibn Mājah reported it through a weak chain of narrators].

the first Muslim to be born in Abyssinia (Ethiopia) and his father came with him to Al-Madinah in 7 H. He was amusing, pious and generous. He was the most generous among the Muslims. He died in Al-Madinah in 80 H. at the age of 80 years.

[1] In case someone forgets to observe the first *Tashabbud* and stands up, he must go ahead and continue his prayer; and if he does not stand up straight fully, he should observe whether he is closer to the standing posture or sitting posture. If he is closer to standing posture, he should stand up and perform *Sajdatus-Sabu*. While if he is closer to the sitting posture, he must sit down, observe *Tashabbud* and need not make *Sajdatus-Sabu*.

[2] This *Hadīth* tells us that the observance of *Sajdatus-Sabu* becomes compulsory on a *Muqtadi* (the one who is being led in the prayer) only if the *Imām* forgets, and not if he himself forgets.

[3] The *Hadīth* does not imply that if one commits two or four lapses, he must observe two

فَلْيَسْجُدْ سَجْدَتَيْنِ بَعْدَ مَا يُسْلِمُ’. وَصَحَّحَهُ ابْنُ حُزَيْمَةَ.

(٢٦٧) وَعَنْ الْمُغَиْرَةِ بْنِ شُعْبَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِذَا شَكَ أَحَدُكُمْ، فَقَامَ فِي الرَّكْعَتَيْنِ، فَاسْتَشَرَ قَائِمًا، فَلَيَمْضِ، وَلَا يَمْرُدُ، وَلْيَسْجُدْ سَجْدَتَيْنِ، فَإِنْ لَمْ يَسْتَشِرْ قَائِمًا فَلْيَخْلِسْ، وَلَا سَهْرَ عَلَيْهِ». رَوَاهُ أَبُو دَاوُدَ وَابْنُ مَاجَةَ وَالْأَذْرَاطُنِيُّ، وَالْأَفْطَلُ لَهُ، يَسْنَدُ ضَعِيفٌ.

(٢٦٨) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَيْسَ عَلَى مَنْ خَلَفَ الْإِمَامَ سَهْرٌ، فَإِنْ سَهَرَ إِلَمَامٌ فَعَلَيْهِ وَعَلَى مَنْ خَلَفَهُ». رَوَاهُ التَّرمِذِيُّ وَالْبَهْقِيُّ يَسْنَدُ ضَعِيفٌ.

(٢٦٩) وَعَنْ ثَوْبَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لِكُلِّ سَهْرٍ سَجْدَتَانِ بَعْدَ مَا يُسْلِمُ’. رَوَاهُ أَبُو دَاوُدَ وَابْنُ مَاجَةَ يَسْنَدُ ضَعِيفٌ.

٢٧٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَجَدْنَا مَعَ رَسُولِ اللَّهِ فِي إِذَا السَّمَاءَ اشْقَطَتْ وَإِقْرَأْ بِاسْمِ رَبِّكَ . رَوَاهُ مُسْلِمٌ .

270. Narrated Abū Huraira : We prostrated with Allāh's Messenger (as he recited these *Surahs*)^[1] "When the heaven split asunder"^[2] and "Read in the Name of your Lord.."^[3] [Reported by Muslim].

٢٧١) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: (صَنَعَ) لَيْسَ مِنْ عَزَائِيمِ الشُّجُورِ، وَقَدْ رَأَيْتُ رَسُولَ اللَّهِ يَسْجُدُ فِيهَا . رَوَاهُ الْبَخَارِيُّ .

271. Narrated Ibn 'Abbās : A prostration while reciting *Sūrat Sād*^[4] is not one of the 'Azā'īm (those which are always required)^[5], but I have seen Allāh's Messenger prostrating while reciting it. [Reported by Al-Bukhāri].

٢٧٢) وَعَنْ رَضِيِّ اللَّهِ عَنْهُ أَنَّ النَّبِيَّ سَجَدَ بِالنَّجْمِ . رَوَاهُ الْبَخَارِيُّ .

272. Narrated (Ibn 'Abbās) : The Prophet prostrated in *Sūrat An-Najm* (Chapter 53). [Reported by Al-Bukhāri].

٢٧٣) وَعَنْ زَيْدِ بْنِ ثَابَتٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَرَأْتُ عَلَى النَّبِيِّ سَجَدَ بِالنَّجْمِ، فَلَمْ يَسْجُدْ فِيهَا . مُؤْمِنٌ عَلَيْهِ .

273. Narrated Zaid bin Thābit^[6] : I recited to the Prophet "An-Najm"^[7] but he did not prostrate in it.^[8] [Agreed upon].

Sajdatus-Sabu for each one of his lapses. It only implies that irrespective of the number and nature of the lapses one has committed, just two prostrations suffice to atone for all of them. [Some scholars hold this *Hadīth* to be acceptable. See: *Subulus-Salam*, 1/418-419, no. 319, and *Irwaa' Al-Ghaleel*, 2/47-48, no. 339].

^[1] Whether *Sajdatut-Tilāwa* (prostration during the Qur'ānic recitation) falls within the category of *Masbru'* (legislated act), *Sunnah* (supererogatory) or *Wājib* (compulsory); the majority of the scholars state it as *Sunnah*, whereas Imām Abū Hanifa maintains that the same is *Wājib*. There is also a difference of opinion among the scholars as to whether or not one needs to be in a state of ritual purity to observe this prostration.

^[2] *Sūrat* no. 84.

^[3] *Sūrat* no. 96.

^[4] *Sūrat* no. 38.

^[5] According to some of the *Imāms*, this is compulsory just like other prostrations. This *Hadīth* only implies that this has not been required as an act of worship, but the same is acted upon as a reminder of the deed practiced by the Prophet Dā'u'd (David).

^[6] Zaid bin Thābit is an Ansāri, a Najjāri and was nicknamed Abū Sa'id or Abū Khārijah. He was the best Qur'ān scribe and most knowledgeable in the science of inheritance. He first fought in the battle of Al-Khandaq. He compiled the Qur'ān during the caliphate of Abū Bakr and copied it during the caliphate of 'Uthman. He learnt the Jewish writing in half a month by the order of the Prophet and used to write for him in it, and he used to write and then read it. He died in Al-Madinah in the year 45 H. It was also said that he died in a different year.

^[7] *Sūrat* No. 53.

^[8] This is why the majority of the scholars have regarded *Sajdatut-Tilāwa* (prostration made during the Qur'ān recitation) as a *Sunnah* (supererogatory) because the Prophet did not observe the said prostrations regularly on all occasions. Sometimes he did, and other times he did not.

274. Narrated Khālid bin Ma'dān^[1]: Sūrat Al-Hajj^[2] has been distinguished by two prostrations. [Abū Dā'ud reported it among Al-Marāsil (a broken chain after the Tābi'i)]. Ahmad and At-Tirmidhi reported the above Hadīth through a full chain of narrators from 'Uqba bin 'Aamir. It has the addition: "If anyone does not make two prostrations (when reciting Sūrat Al-Hajj), he should not recite it." [The chain of this Hadīth is Da'if (weak)].

275. Narrated 'Umar : He said, "O people! We pass (in our recitation) verses to be prostrated at, so whoever prostrates has done the right thing, and there is no sin upon the one who does not prostrate."^[3]" [Al-Bukhārī reported it] It also contains the words: 'Allāh the Most High has not made the prostration (of recitation) compulsory, unless one wishes (to do so).' [This Hadīth is in the Muwatta' of Imām Mālik].

276. Narrated Ibn 'Umar : The Prophet ﷺ used to recite the Qur'ān to us, and when he came to a place where a prostration should be made, he uttered the Takbīr and prostrated and we prostrated with him.^[4] [Reported by Abū Dā'ud through a chain containing some weakness].

277. Narrated Abū Bakra : Whenever the Prophet ﷺ received a matter which

(٢٧٤) وَعَنْ خَالِدِ بْنِ مَعْدَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: فُضِّلَتْ سُورَةُ الْحَجَّ يَسْجُدَتِينَ. رَوَاهُ أَبُو دَاوُدُ فِي الْمَرَاسِيلِ، وَرَوَاهُ أَخْمَدُ وَالثَّرِيمِيُّ مَوْصُولًا مِنْ حَوْبَشِ غَبَّةَ بْنِ عَامِرٍ، وَرَأَدَ: «فَمَنْ لَمْ يَسْجُدْهُمَا فَلَا يَقْرَأُهُمَا». وَسَنَدُهُ ضَعِيفٌ.

(٢٧٥) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: بَا أَيُّهَا النَّاسُ! إِنَّا نَمْرُ بِالسُّجُودِ، فَمَنْ سَجَدَ فَقَدْ أَصَابَ، وَمَنْ لَمْ يَسْجُدْ فَلَا إِثْمَ عَلَيْهِ. رَوَاهُ الْبَحَارِيُّ.

وَفِيهِ: إِنَّ اللَّهَ تَعَالَى لَمْ يَفْرُضْ السُّجُودَ إِلَّا أَنْ شَاءَهُ. وَهُوَ فِي الْمَوْطِلِ.

(٢٧٦) وَعَنْ أَبِنِ عُمَرَ عَمِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَ النَّبِيُّ ﷺ يَقْرَأُ عَلَيْنَا الْقُرْآنَ، فَإِذَا مَرَّ بِالسُّجُودَ كَبَرَ وَسَجَدَ، وَسَجَدْنَا مَعَهُ. رَوَاهُ أَبُو دَاوُدُ بِسَنَدِ فِي لَيْلَةِ

(٢٧٧) وَعَنْ أَبِي بَكْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا جَاءَهُ أَمْرٌ يَسْرُهُ حَرَقَ

[¹] He is Abu 'Abdullāh Al-Kalā'i from Hims (in Syria). He was among the prominent and most knowledgeable Tābi'i generation (who came after the Sabāba). He said that he met seventy Companions of the Prophet ﷺ. He died in the year 103 H. or 104 H. or 108 H.

[²] Sūrat no. 22

[³] This Hadīth is a clear evidence that Sajdatut-Tilāwa is not a compulsory act. 'Umar رضي الله عنه said so while addressing a gathering of the Companions of the Prophet ﷺ and none of them uttered a word about it, which in turn proved that they maintained a collective silence in regard to this matter.

[⁴] This tells us that the prostration is obligatory on both the reciter and the listener, on the condition that they are offering a prayer. The same also applies to Sajdatut-Tilāwa (prostration during the recitation) and Sajdatush-Shukr (prostration to express thanks).

pleased him he used to prostrate to Allāh [out of thankfulness]. [Reported by *Al-Khamṣa* except *An-Nasā'i*].

278. Narrated ‘Abdur-Rahmān bin ‘Auf^[1]: The Prophet ﷺ prostrated and prolonged the *Sajda*, he then raised his head and said, “Jibrael (Gabriel) had come and given me glad tidings, thereafter I prostrated in gratitude to Allāh.” [Ahmad reported it and Al-Hākim graded it *Sabib* (authentic)].

279. Narrated Al-Barā’ bin ‘Azib ﷺ: The Prophet ﷺ sent ‘Ali to Yemen. The narrator mentioned the complete *Hadīth*^[2]. He said, “‘Ali sent a letter regarding their (the people of Yemen) acceptance of Islam. When Allāh’s Messenger ﷺ read the letter, he prostrated in gratitude^[3] to Allāh the Most High for that.” [Reported by Al-Baihaqi and its basic meaning is found in *Sabib Al-Bukhārī*].

ساجِداً للهـ رَوَاهُ الْخَمْسَةُ إِلَّا النَّسَائِيُّ.

(٢٧٨) وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَجَدَ الرَّبِيعُ بْنُ طَالِبٍ فَأَطَالَ السُّجُودَ، ثُمَّ رَفَعَ رَأْسَهُ وَقَالَ: إِنَّ جِرْبِيلَ أَتَانِي، فَبَسَرَّتِي، فَسَجَدْتُ لِلَّهِ شُكْرًا. رَوَاهُ أَخْمَدُ، وَصَحَّحَهُ الْحَاكِمُ.

(٢٧٩) وَعَنِ الْبَرَاءِ بْنِ عَازِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ بَعَثَ عَلَيْهَا إِلَى الْيَمَنِ، فَذَكَرَ الْحَدِيثَ. قَالَ: فَكَبَّ عَلَيْهِ يَاسِلَامَهُمْ، فَلَمَّا قَرَأُوا رَسُولَ اللَّهِ ﷺ الْكِتَابَ حَرَسَ ساجِداً، شُكْرًا لِلَّهِ تَعَالَى عَلَى ذَلِكَ رَوَاهُ الْبَيْهَقِيُّ، وَأَضْلَلَهُ فِي الْبَخَارِيِّ.

^[1] He is called Abū Muhammad Az-Zuhri Al-Qurashi. He became a Muslim early and migrated twice to Abyssinia (Ethiopia). He took part in Badr and all the major battles. He is one of the ten promised to enter Paradise, and one of the six ‘Umar رضي الله عنه had selected to appoint a *Khalifa* (caliph) after him. He gave four thousand and then forty thousand Dinar, and then five hundred loaded horses, and then five hundred camels as *Sadaqa*, during the lifetime of the Prophet ﷺ. He left a will of a garden valued at four hundred thousand for ‘the Mothers of the Believers’. He died in the year 34 H. and was buried in Al-Baqi’.

^[2] It is so reported that ‘Ali رضي الله عنه came to Yemen along with 300 of his men. He invited them (the Yemenites) to Islam. In response to his invitation, the Yemenites attacked them with arrows. ‘Ali رضي الله عنه also delivered a counterattack on them and as a result of it, 20 of their eminent activists were killed. There ensued a rift among the later, and they ran away from the battlefield. They were invited to Islam once again which they accepted. ‘Ali رضي الله عنه met the Prophet ﷺ in Makkah during *Hajj* days, the same year, after his safe return from this mission.

^[3] It comprises an answer to those who do not recognize the proven validity of *Sajdatush-Shukr* (prostration to express thanks).

Chapter 9 VOLUNTARY PRAYER

٩ - بَابُ صَلَاةِ التَّطْوِعِ

280. Narrated Rabi'a bin Ka'b Al-Aslami^[1]: The Prophet ﷺ said to me, "Ask." I said, "I ask your company in Paradise." He replied, "Or something else?" I said, "That is it (i.e. that is what I desire)." He said, "Then help me to achieve this for you by devoting yourself^[2] often to prostration.^[3]" [Reported by Muslim].^[4]

281. Narrated Ibn 'Umar رضي الله تعالى عنهما: I memorized from the Prophet ﷺ ten (voluntary) *Rak'at* – two *Rak'at* before the *Zuhr* prayer and two after it; two *Rak'at* after *Maghrib* prayer in his house, and two *Rak'at* after *Ishā'* prayer in his house, and two *Rak'at* before the *Fajr* prayer. [Agreed upon]. Another narration of both (Al-Bukhari and Muslim) has: 'two *Rak'at* after *Jumu'a* prayer in his house.'

Muslim has: 'He never prayed after the break of dawn except two light *Rak'at*'.

282. Narrated 'Aisha رضي الله تعالى عنها: The Prophet ﷺ never left four *Rak'at* before the *Zuhr* prayer, and two *Rak'at* before the *Fajr* prayer^[5]. [Reported by Al-Bukhari].

(٢٨٠) عن ربيعة بن كعب الأسلمي رضي الله تعالى عنه قال: قاتلني النبي عليه السلام فقلت: أسألك مراجعتك في الجنة، فقال: «أو غير ذلك؟» فقلت: هو ذاك، قال: فأعطي على نفسك بكثره السجدة. رواه مسلم.

(٢٨١) وعند ابن عمر عم رضي الله تعالى عنهما قال: حفظت من النبي عليه السلام عشر ركعات: ركعتين قبل الظهر، ورکعتين بعدها، ورکعتين بعد المغرب في بيته، ورکعتين بعد العشاء في بيته، ورکعتين قبل الصبح. متفق عليه. وفي رواية لهما: ورکعتين بعد الجمعة في بيته.

وللمسلم: كان إذا طلع الفجر لا يصلي إلا رکعتين خفيفتين.

(٢٨٢) وعن عائشة رضي الله تعالى عنها أن النبي عليه السلام كان لا يدع أربعًا قبل الظهر، ورکعتين قبل العدابة. رواه البخاري.

^[1] His *Kunya* is Abū Firās Al-Madani. He was a *Sababi* and from the Companions of *Suffa*. He was a servant of Allāh's Messenger and used to serve and accompany him in journeys and at the home. He died in the year 63 H.

^[2] This tells us that if someone intends to acquire close proximity to Allāh and his Prophet ﷺ, it is imperative on him to offer *Nawafil* (voluntary prayers) in abundance.

^[3] This *Hadīth* contains an evidence for those who deem the prostration to be the very best amongst the rest of the constituents of the *Salāt*.

^[4] The meaning of the *Hadīth* is, "I pray to Allāh to give you what you're asking for, and I will ask Him to give you, but since it is a big thing to ask for, you have to offer a lot of voluntary prayers so that my prayer becomes acceptable".

^[5] This *Hadīth* tells us about four *Rak'at* which are to be performed as *Sunnah* (supererogatory) before the *Fard* (obligatory) ones in the *Zuhr* (noon prayer). It has earlier been mentioned through the reference of 'Abdullah bin 'Umar رضي الله عنهما that there are two *Rak'at* to be offered prior to the obligatory prayer. As an elaboration concerning the applied

283. Narrated ('Aisha) ﷺ: The Prophet ﷺ was more particular about offering the two (optional) *Rak'at* at dawn than he was about offering any of the other optional prayers. [Agreed upon].

Muslim has: "The two *Rak'at* at dawn are better than this world and what it contains."

284. Narrated Umm Habiba^[1] the Mother of the Believers: She heard Allāh's Messenger ﷺ say, "Whoever prays twelve (voluntary) *Rak'at* in a day and a night, a house will be built for him in Paradise due to them (the *Rak'at*)."
[Reported by Muslim]. In another narration, it is mentioned: "Voluntarily".

At-Tirmidhi reported it similarly and added: "four *Rak'at* before *Zubr* and two *Rak'at* after it and two *Ra'kat* after *Magrib* and two after '*Ishā'* and two *Rak'at* before the *Fajr* prayer."

And in the narration of *Al-Khamṣa*, by her (Umm Habiba ﷺ): "Whoever prays regularly four *Rak'at* before and four *Rak'at* after the *Zubr* prayer, Allāh will forbid for him (from entering) the Hellfire."

(٢٨٣) وَعَنْهَا رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: لَمْ يَكُنْ النَّبِيُّ ﷺ عَلَى شَيْءٍ مِّنَ التَّوَافِلِ أَشَدَّ تَعَاهِداً مِّنْهُ عَلَى رَكْعَتِي الْفَجْرِ مُتَقَّدٌ عَلَيْهِ. وَلِمُسْلِمٍ: «رَكَعْتَا الْفَجْرِ خَيْرٌ مِّنَ الدُّنْيَا وَمَا فِيهَا».

(٢٨٤) وَعَنْ أُمِّ حَيَّةِ أُمِّ الْمُؤْمِنِينَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: سَيِّئَتْ رَسُولُ اللَّهِ ﷺ يَقُولُ: «مِنْ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَشْرَةَ رَكْعَةً فِي يَوْمٍ وَلَيْلَةً بُشِّيَّ لَهُ بِهِنَّ بَيْتٌ فِي الْجَنَّةِ». رَوَاهُ مُسْلِمٌ، وَفِي رِوَايَةِ «تَطْوِعاً».

وَلِلتَّرمِذِيِّ نَحْوُهُ وَزَادَ: أَرْبَعًا قَبْلَ الظَّهَرِ، وَرَعْتَيْنِ بَعْدَهَا، وَرَكْعَتَيْنِ بَعْدَ الْمَغْرِبِ، وَرَعْتَيْنِ بَعْدَ الْعِشَاءِ وَرَكْعَتَيْنِ قَبْلَ صَلَاةِ الْفَجْرِ.

وَلِلْخَسَنَةِ عَنْهَا: «مِنْ حَافَظَ عَلَى أَرْبَعِ قَبْلَ الظَّهَرِ، وَأَرْبَعِ بَعْدَهَا، حَرَمَهُ اللَّهُ تَعَالَى عَلَى التَّارِ».

situation, it is stated that he (ﷺ) used to pray four *Rak'at* at home as an act of deference to the opening of the gates of the heavens, and two *Rak'at Sunnah* in the mosque. Some maintain that he (ﷺ) prayed four *Rak'at* at home and as to the two *Rak'at*, which he used to offer in the mosque, these were none other than the *Tabiyatul-Masjid* (mosque greeting prayer). Some of them observe that both of them are *Sunnah* of the *Zubr* (noon) prayer and that the Prophet ﷺ sometimes prayed four and sometimes prayed two only. Both are correct, but however, the four are preferable to the two. There is no difference of opinion regarding the two *Rak'at* of *Fajr* (morning) prayer as they are graded as *Sunnat Mu'akkada* (a *Sunnah* offered regularly by the Prophet ﷺ). The Prophet ﷺ is not reported to have left them even during his journeys. Therefore, it is binding on a traveler to never ever shun the *Witr* of night and likewise the *Sunnah* of the morning prayer.

^[1] She is called Ramla bint Abū Sufyān and is the sister of Mu'āwiya. She became a Muslim long ago, migrated to Abyssinia (Ethiopia), and her husband 'Ubaidullāh bin Jahsh became a Christian and died there. Then, Allāh's Messenger ﷺ married her in the year 7 H. while she was there. Then, she came to Al-Madīnah with the migrants to Abyssinia (Ethiopia). She died in the year 42 H. or 44 H. or 50 H.

285. Narrated Ibn ‘Umar رضي الله عنهما: Allāh’s Messenger ﷺ said, “May Allāh have mercy on a person who prays four *Rak’at* before the ‘Asr prayer.”^[1] [Reported by Ahmad, Abū Dā’ud and At-Tirmidhi and the latter graded it *Hasan* (good). Also reported by Ibn Khuzaima who graded it *Sabib* (authentic)].

286. Narrated ‘Abdullāh bin Mughaffal Al-Muzani^[2]: The Prophet ﷺ said, “Pray before *Magrib*, pray before *Magrib*”^[3] then he said at the third time, “Whoever wishes (to)”. He said so, because he did not like the people to take it as a *Sunnah*.^[4] [Reported by Al-Bukhāri].

And in the narration of Ibn Hibbān: “The Prophet ﷺ prayed two *Rak’at* before the *Magrib* (prayer).”

Muslim has reported from Anas رضي الله عنه that he said, “We used to pray two *Rak’at* after sunset and the Prophet ﷺ used to see us, but he neither commanded nor forbade us.”

(٢٨٥) وَعَنْ أَبْنَاءِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «رَحْمَةُ اللَّهِ أَمْرًا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أَرْبَعًا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَبْلَ الْعَصْرِ». رَوَاهُ أَخْمَدُ وَأَبْوَ دَاؤُدُ وَالْتَّرمِذِيُّ، وَحَسَنَهُ، وَابْنُ خُزَيْمَةَ، وَصَحَّحَهُ.

(٢٨٦) وَعَنْ عَبْدِ اللَّهِ بْنِ مُغَافِلِ الْمَرْنَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «صَلُّوا قَبْلَ الْمَغْرِبِ، صَلُّوا قَبْلَ الْمَغْرِبِ»، ثُمَّ قَالَ فِي التَّالِيَةِ: لِمَنْ شَاءَ، كَرَاهِيَّةٌ أَنْ يَتَخَذَّلُوا التَّالِيَّةُ سُنَّةً. رَوَاهُ الْبُخَارِيُّ.

وَفِي رِوَايَةِ لَابْنِ حِبَّانَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَبْلَ الْمَغْرِبِ رَكْعَيْنِ.

وَلِلْمُسْلِمِينَ عَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كُلُّا نُصَلِّي رَكْعَيْنِ بَعْدَ غُرُوبِ الشَّمْسِ، وَكَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ يَرَانَا، فَلَمْ يَأْمُرْنَا، وَلَمْ يَنْهَا.

^[1] This *Hadith* tells us that the practice of the four *Rak’at* being offered before ‘Asr (afternoon) prayer also existed. If someone offers them, he shall earn reward and virtue to his credit, and if not, there is no blame on him.

^[2] He was among *Ashāb Ash-Shājara* (who took oath to defend the religion against Quraish at Al-Hudaibiya). He settled at Al-Madīnah and then at Basra. He was among the ten sent by ‘Umar رضي الله عنه to Basra to teach the people the religion. He died in the year 60 H.

^[3] There is a difference of opinion among the scholars concerning the preferability of the two *Rak’at* prior to the *Magrib* (evening) prayer. The ones who are affirmative about the validity, infer their evidence from *Sabihain* (Bukhāri and Muslim); and and the ones who reject them, refer to the *Hadith* of Abū Dā’ud to the effect that when ‘Abdullāh bin ‘Umar رضي الله عنهما was asked about the two *Rak’at* before the *Magrib* prayer, he answered that he never saw anyone offering them during the lifetime of the Prophet ﷺ. The fact is that their authenticity is proven but they are not to be considered as *Sunnat Mu’akkada* (regularly performed). This is because Anas رضي الله عنه, the narrator of the Prophet’s *Abādīth* reported: “Whenever the Prophet ﷺ saw us offering them, he neither ordered us to offer them nor did he instruct us to refrain from them.” It is thus deduced that one can offer them as long as there is still some time left for the congregational prayer, but it is improper to delay prayers because of them.

^[4] This *Hadith* tells us that the validity and propriety of those two *Rak’at* prior to *Magrib* prayer is proven.

287. Narrated 'Aisha ﷺ: The Prophet ﷺ used to make the two (voluntary) *Rak'at* before the *Fajr* prayer so short that I would wonder whether he recited *Al-Fatiba* (or not). [Agreed upon].

288. Narrated Abū Huraira ﷺ: The Prophet ﷺ recited *Sūrat Al-Kāfirūn*,^[1] and *Sūrat Al-Ikhlās*^[2] in the two (voluntary) *Rak'at* of the *Fajr* (prayer). [Reported by Muslim].

289. Narrated 'Aisha ﷺ: The Prophet ﷺ used to lie down on his right side^[3], after praying the two (voluntary) *Rak'at* of the *Fajr* (prayer). [Reported by Al-Bukhāri].

290. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "If any of you prays the two *Rak'at* before the dawn prayer, he should lie on his right side." [Reported by Ahmad, Abū Dā'ud and At-Tirmidhi, the latter graded it *Sabib* (authentic)].

291. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ said, "The (voluntary) night prayers are two *Rak'at*, two *Rak'at* (in pairs), and if one fears that the dawn prayer is due, he should then offer one *Rak'at* which will make what he has prayed an odd number." [Agreed upon]. The *Khamsa* reported it - graded *Sabib* (authentic) by Ibn Hibbān - with the wording: "the

(٢٨٧) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ : كَانَ النَّبِيُّ ﷺ يُحَفَّ الرَّكْعَتَيْنِ اللَّذَيْنِ قَبْلَ صَلَةِ الصُّبْحِ ، حَتَّى إِنِّي أَقُولُ : أَفَرَا يَأْمُمُ الْكِتَابَ ؟ مُؤْمِنٌ عَلَيْهِ .

(٢٨٨) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ ﷺ قَرَأَ فِي رَكْعَتِيِّ الْمَغْرِبِ : « قُلْ يَا أَيُّهَا الْكَافِرُونَ » وَ « قُلْ هُوَ اللَّهُ أَحَدٌ ». رَوَاهُ مُسْلِمٌ .

(٢٨٩) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ : كَانَ النَّبِيُّ ﷺ إِذَا صَلَى رَكْعَتَيِّ الْمَغْرِبِ أَضْطَجَعَ عَلَى شَفَوِيِّ الْأَيْمَنِ . رَوَاهُ الْبُخَارِيُّ .

(٢٩٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : « إِذَا صَلَى أَحَدُكُمُ الرَّعَيْتَنِ قَبْلَ صَلَةِ الصُّبْحِ فَلَا يَضْطَجِعَ عَلَى جَنْبِيِّ الْأَيْمَنِ ». رَوَاهُ أَحْمَدُ وَأَبْوَ دَاؤُدَ وَالْتَّرمِذِيُّ ، وَصَحَّحَهُ .

(٢٩١) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : « صَلَاةُ اللَّيْلِ مُثْنَى مُثْنَى ، فَإِذَا خَشِيَ أَحَدُكُمُ الصُّبْحَ صَلَى رَكْعَةً وَاحِدَةً ، ثُوِّرْ لَهُ مَا قَدْ صَلَى ». مُؤْمِنٌ عَلَيْهِ ، وَلِلْخَمْسَةِ - وَصَحَّحَهُ ابْنُ حِيَانَ - بِلَفْظِ « صَلَاةُ اللَّيْلِ وَالنَّهَارِ مُثْنَى مُثْنَى ». وَقَالَ التَّسَائِيُّ : هَذَا خطأً .

[1] *Sūrat* no. 109.

[2] *Sūrat* no. 112.

[3] There is a difference of opinion among the scholars concerning this, which is of a unique kind. Some regard the act of lying down as *Wājib* (compulsory) some see it as *Sunnah* (supererogatory), whereas others observe the same as *Mustabab* (desirable or preferable). According to Imām Nawawi's view, it is *Sunnah* which does stand to reason too. As to the report stating the non-compliance of Ibn 'Umar رضي الله عنهما with the said *Sunnah*, it is due to its being related to the mosque. The Prophet ﷺ used to lie down in his house only. Both the acts of offering the two *Rak'at* in the mosque and lying down there on the part of the Prophet ﷺ are not approved.

(voluntary) day and night prayers are two *Rak'at*, two *Rak'at* (in pairs).” An-Nasā’i said, “This is a mistake^[1]...”^[2]

292. Narrated Abū Huraira : Allāh’s Messenger ﷺ said, “The most excellent prayer after that which is obligatory is the (voluntary) late night prayer.” [Reported by Muslim].

293. Narrated Abū Ayūb Al-Ansārī : Allāh’s Messenger ﷺ said, “*Al-Witr* prayer is a duty upon every Muslim,^[3] so whoever likes to offer it with five *Rak'at* let him do so and whoever likes to offer it with three let him do so, and whoever likes to offer it with one let him do so.”^[4] [Reported by *Al-Arba'a* except At-Tirmidhi. And Ibn Hibbān graded it *Sabib* (authentic) and An-Nasā’i held that the stronger view is that it is *Mawqūf* (saying of a companion)].

294. Narrated ‘Ali bin Abū Tālib : The *Witr* prayer is not obligatory as the prescribed prayer is [i.e. the five daily

(٢٩٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «أَفْضَلُ الصَّلَاةِ بَعْدَ الْفَرِيضَةِ، صَلَاةُ اللَّيْلِ». أَخْرَجَهُ مُسْلِمٌ.

(٢٩٣) وَعَنْ أَبِي أَيُوبَ الْأَنْصَارِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «الْوِئْرُ حَقٌّ عَلَى كُلِّ مُسْلِمٍ، مَنْ أَحَبَ أَنْ يُؤْتِرَ بِحَمْسَةِ فَلْيَفْعُلْ، وَمَنْ أَحَبَ أَنْ يُؤْتِرَ بِثَلَاثَةَ فَلْيَفْعُلْ، وَمَنْ أَحَبَ أَنْ يُؤْتِرَ بِواحِدَةَ فَلْيَفْعُلْ». رَوَاهُ الْأَرْبَعَةُ إِلَّا التَّرمِذِيُّ، وَصَحَّحَهُ ابْنُ حِيَانَ، وَرَجَعَ السَّائِي وَفَقَهُ.

(٢٩٤) وَعَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: لَيْسَ الْوِئْرُ بِحَمْسَةِ كَهْبَيَةٍ

^[1] An-Nasā’i states that the words *Salāt-ul-Lail matbna, matbna* (the night prayer is two *Rak'at* two *Rak'at*) are correct, but the words (the prayer of the night time and day time are two *Rak'at* two *Rak'at*) are incorrect, i.e. the addition of the word (*wan-Nabār*) is considered to be an excess and thus erroneous (according to the view of Imām An-Nasā’i).

^[2] The point of view of Imām An-Nasā’i concerning this narration and declaring it to be incorrect is insubstantial and lacking authenticity since Al-Baihaqi declares it as correct. Furthermore, Imām Muslim, by drawing on the authority of ‘Ali bin ‘Abdullāh Bāriqi, (the narrator of the *Abadīth* of the Prophet ﷺ) accorded it more of the credibility and trustworthiness by approving it. Imām Bukhāri has reported eight *Abadīth* in this regard, all of which are supportive of it. However, irrespective of the fact whether they are to be offered during the day or night, it is preferable to offer the *Nawāafil* in two *Rak'at* prayers and it is also permissible to offer in four *Rak'at* prayers.

^[3] This *Hadīth* informs us that the offering of *Witr* is compulsory. The *Abnā'f* (followers of Imām Abū Hanifa) follow the same school of thought. The rest of the *Imāms* and majority of the scholars regard the same as *Sunnah*. Hence the next *Hadīth*, which is stronger in terms of chain of transmitters, approves it.

^[4] According to reports, the number of *Rak'at* in *Witr* vary from one to eleven. Some scholars accord their preference to three *Rak'at*. Majority of the Companions (of the Prophet ﷺ), their followers, Imām Shafī'i, Imām Ahmad and Imām Mālik recognise and prefer only one *Rak'a*.

prayers], but it is a *Sunnah* which was established by the practice of Allāh's Messenger ﷺ. [At-Tirmidhi and An-Nasā'i reported it, who graded it *Hasan* (good). Al-Hākim graded it *Sabib* (authentic)].

295. Narrated Jābir ﷺ: Allāh's Messenger ﷺ prayed during the month of Ramadān. Then they (the *Sahāba*) waited for him on the following night, but he did not come out and he said, "I feared that^[1] the *Witr* (prayer) might be prescribed^[2] for you." [Reported by Ibn Hibbān].

296. Narrated Khārijah bin Hudhāfa^[3]: Allāh's Messenger ﷺ said, "Allāh the Exalted has given you an extra prayer which is better for you than the red camels (high breed camels)." We asked, "What is it O Allāh's Messenger." He said, "The *Witr* between the *Ishā'* prayer and up till the break of dawn."^[4] [Reported by *Al-Khamṣa* except An-Nasā'i and Al-Hākim graded it *Sabib* (authentic)].

^[1] According to *Hadīth*, the Prophet ﷺ led the *Tarāwīh* prayer in congregation three nights in his whole life and the regular observance of the same during the whole month started later on in the time of the Caliph 'Umar رضي الله عنه.

^[2] This *Hadīth* describes the prayer of *Tarāwīh* as *Witr* and the maximum number of *Witr Rak'at* is eleven. Be it known that the number of *Tarāwīh* is also eleven *Rak'at*. It is reported from 'Aisha رضي الله عنها that the Prophet ﷺ did not offer more than eleven *Rak'at* during Ramadān and as well as in regular days. 'Umar رضي الله عنه ordered Ubai bin Ka'b to lead eight *Rak'at*. It can thus, at the most, be said that people offered 20 *Rak'at* also during the days of 'Umar رضي الله عنه – provided that it is proven by an authentic chain of transmitters. However, there is no traceable sound *Hadīth* verifying the validity of twenty *Rak'at* of *Tarāwīh*.

^[3] He is a Qurashi, and an 'Adawi, who was equal to one thousand horsemen. 'Amr bin Al-'Aas رضي الله عنه appealed to 'Umar bin Al-Khattab رضي الله عنه to send him three thousand horsemen, but he sent him three men who are: Az-Zubair bin Al-'Awwām, Al-Miqdād bin Al-Aswad and Kharija. He became a *Qadi* in Egypt for 'Amr bin Al-'Aas and was killed there in Ramadān 40 H. by one of the *Khawārij* who mistook him for 'Amr bin Al-'Aas. This was when the *Khawārij* had conspired to kill 'Amr, 'Ali and Mu'āwiya .

^[4] According to this *Hadīth*, the time of *Witr* stretches from *Ishā'* and goes on until the first streak of dawn. The preferable time is the later part of the night. However, in case one is not sure whether or not he/she may be able to get up from sleep, one should offer *Witr* right

المُكْتُوبَةِ، وَلَكِنْ سُنَّةَ سَنَّهَا رَسُولُ اللَّهِ ﷺ: رَوَاهُ النَّسَائِيُّ وَالْتَّرمِذِيُّ وَحَسَنَةُ، وَالْحَاكِمُ وَصَحَّحَهُ.

(٢٩٥) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ ﷺ قَامَ فِي شَهْرِ رَمَضَانَ، ثُمَّ اتَّهَرُوا مِنَ الْفَاقِلَةِ قَلْمَنْ يَخْرُجُ، وَقَالَ إِنِّي خَشِيتُ أَنْ يُكْتَبَ عَلَيْكُمُ الْوَتْرُ. رَوَاهُ ابْنُ حِيَّانَ.

(٢٩٦) وَعَنْ خَارِجَةَ بْنِ حَدَّافَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ اللَّهَ أَمْكَنَ مِصْلَاتَهُ هِيَ خَيْرٌ لَكُمْ مِنْ حُمْرِ النَّعَمِ، فَلَنَا: وَمَا هِيَ يَا رَسُولَ اللَّهِ؟ قَالَ: «الْوَتْرُ، مَا بَيْنَ صَلَوةِ العِشَاءِ إِلَى طُلُوعِ الصَّفَرِ». رَوَاهُ الْحَمْسَةُ إِلَّا النَّسَائِيُّ، وَصَحَّحَهُ الْحَاكِمُ.

Ahmad reported something similar to the above *Hadith* from 'Amr^[1] bin Shu'aib^[2] on the authority of his father who reported it on the authority of 'Amr's grandfather.

297. Narrated 'Abdullāh bin Burāīda^[3] from his father: Allāh's Messenger ﷺ said, "The *Witr* is a duty, so he who does not offer it, is not one of us." [Reported by Abū Dā'ud with a *Laiyin* (weak) chain of narrators and Al-Hākim graded it *Sabīb* (authentic)]. The above mentioned *Hadith* has a *Shabīd* (supporting narration) which is weak, reported by Ahmad from Abū Hurairā.

298. Narrated 'Aishah^ﷺ: Allāh's Messenger ﷺ did not offer more than eleven (voluntary) *Rak'at* during Ramadān nor during other than Ramadān. He offered four *Rak'at* - Do not ask about their beauty and length! [It is beyond description or imitation]. Again he would pray four *Rak'at* - Do not ask about their beauty and length! [It is beyond description or imitation]. Then he would pray three (*Rak'at* of *Witr*). 'Aishah^ﷺ said, "I said, O Allāh's Messenger will you sleep before you pray *Witr*?" He said, "O 'Aishah my eyes sleep, but my heart does not sleep." [Agreed upon].

And in another narration of Al-Bukhāri and Muslim, ('Aishah)^ﷺ narrated: "He used to pray ten *Rak'at* (of prayer), and making it *Witr* by one *Rak'at*, and he

after the *Ishā'* prayer.

^[1] He is Abū Ibrāhim 'Amr bin Shu'aib bin 'Abdullāh bin 'Amr bin Al-'Aas As-Sahmi Al-Qurashi Al-Madani who settled at Ta'if. An-Nasā'i confirmed him reliable. He died in the year 118 H.

^[2] One of the reliable *Tābi'in*. It has been said that his father Muhammad died in his childhood, so his grandfather 'Abdullāh bin 'Amr, the famous *Sabābi* brought him up. And it has been established that he actually heard the *Hadith* from him, so it is neither *Munqati'* nor *Mursal*, but a *Mutasil* which does not go below the grade of *Hasan* (good).

^[3] He is Abū Sahl the *Qadi* of Marw who was one of the most reliable and prominent *Tābi'in* of the third grade. He died in Marw in the year 115 H.

وَرَوَى أَخْمَدُ عَنْ عَمْرِ بْنِ شَعْبَرِ عَنْ أَبِيهِ
عَنْ جَدِّهِ نَحْوَهُ.

(٢٩٧) وَعَنْ عَبْدِ اللَّهِ بْنِ بُرْيَدَةَ، عَنْ أَبِيهِ
رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الوَتْرُ حَقٌّ، فَمَنْ لَمْ يُؤْتِنْ فَلَيُسَمِّ مِنَّا». أَخْرَجَهُ أَبُو دَاوُدُ بِسْنَدِ لَكِنْ، وَصَحَّحَهُ الْحَاكِمُ،
وَلَهُ شَاهِدٌ ضَعِيفٌ عَنْ أَبِيهِ هُرَيْزَةَ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ عَنْ أَخْمَدَ.

(٢٩٨) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا
قَالَتْ: مَا كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي رَمَضَانَ
وَلَا فِي عَيْرِهِ عَلَى إِخْدَى عَشْرَةِ رَكْعَةِ
أَبْرَعِهَا، فَلَا تَسْأَلْ عَنْ حُسْنِهِنَّ وَطُولِهِنَّ، ثُمَّ
يُصَلِّي أَرْبَعاً، فَلَا تَسْأَلْ عَنْ حُسْنِهِنَّ وَطُولِهِنَّ،
ثُمَّ يُصَلِّي ثَلَاثَةً، فَلَمَّا خَاتَمَهُ قَلَّتْ: يَا رَسُولَ
اللَّهِ أَتَنَا قَبْلَ أَنْ تُوْرِرَ؟ قَالَ: يَا خَاتَمَهُ! إِنَّ
عَيْنَيْ تَنَامَنِ، وَلَا يَنَمُ فَلَيَبِي. مُتَفَقُ عَلَيْهِ.

وَفِي رِوَايَةِ أَهْمَاءِ عَنْهَا رَضِيَ اللَّهُ تَعَالَى عَنْهَا
كَانَ يُصَلِّي مِنَ اللَّيْلِ عَشْرَ رَكْعَاتٍ، وَيُؤْتِي
سِجْدَةً، وَتَرْكِعَ رَكْعَيِ الرَّفْجِ، فَيُكَلِّ ثَلَاثَ

used to pray the two (*Sunnah*) *Rak'at* of *Fajr*, so that it became thirteen^[1] *Rak'at*.^[2]

عشرة.

299. Narrated ('Aisha) ﷺ: Allāh's Messenger ﷺ used to pray thirteen *Rak'at* during the night, offering a *Witr* out of that with five and sitting only during the last of them. [Agreed upon].

(٢٩٩) وَعَنْهَا رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَ: كَانَ رَسُولُ اللَّهِ تَعَالَى يُصَلِّي مِنَ اللَّيْلِ ثَلَاثَ عَشَرَةَ رَكْعَةً، يُؤْتِرُ مِنْ ذَلِكَ بِخَمْسٍ، لَا يَجِدُنَّ فِي شَيْءٍ إِلَّا فِي آخِرِهَا.

300. Narrated ('Aisha) ﷺ: Allāh's Messenger ﷺ offered *Witr* prayer (on different nights) at various hours, extending (from the *Ishā'* prayer) up to the last hour of the night. [Agreed upon].

(٣٠٠) وَعَنْهَا رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَ: مِنْ كُلِّ اللَّيْلِ قَدْ أُوتِرَ رَسُولُ اللَّهِ تَعَالَى، فَإِنَّهُ وِئْرَةُ إِلَى السَّحْرِ. مُتَقَنٌ عَلَيْهِما.

301. Narrated 'Abdullāh bin 'Amr bin Al-'Aas ﷺ: Allāh's Messenger ﷺ told me, "O 'Abdullāh! Do not be like so-and-so who used to be awake in the night for prayer and then gave it up." [Agreed upon].

(٣٠١) وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِمِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ لِي رَسُولُ اللَّهِ تَعَالَى: «يَا عَبْدَ اللَّهِ! لَا تَكُونُ مِثْلَ فُلَانٍ، كَانَ يَقُومُ مِنَ اللَّيْلِ. فَتَرَكَ قِيامَ اللَّيْلِ». مُتَقَنٌ عَلَيْهِ.

302. Narrated 'Ali bin Abi Tālib ﷺ: Allāh's Messenger ﷺ said, "O people of the Qur'ān! offer *Witr* (prayer), because Allāh is *Witr* (One)^[2] and loves *Witr*." [Reported by *Al-Khamsa* and Ibn Khuzaima graded it *Sabib* (authentic)].

(٣٠٢) وَعَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَى: «أَوْتِرُوا يَا أَهْلَ الْقُرْآنِ! إِنَّ اللَّهَ وَئِرَةٌ، يُحِبُّ الْوَئِرَةِ». رَوَاهُ الْحَمْسَةُ، وَصَحَّحَهُ ابْنُ حُزَيْمَةَ.

303. Narrated Ibn 'Umar ﷺ: The Prophet ﷺ said, "Make the last of your prayer at night *Witr* (an odd number)"^[3] [Agreed upon].

(٣٠٣) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنِ النَّبِيِّ تَعَالَى قَالَ: «اجْعَلُوا آخِرَ صَلَاتِكُمْ بِاللَّيْلِ وَئِرًا». مُتَقَنٌ عَلَيْهِ.

^[1] There is a difference of opinion as to whether the *Tabajjud* (night prayer) comprises of eleven or thirteen *Rak'at*. Eleven are agreed upon and thirteen are in disagreement. The fact is that the Prophet ﷺ sometimes offered eleven *Rak'at* of *Tabajjud* including the *Witr* and sometimes thirteen *Rak'at*.

^[2] It alludes to the Qualities of Allāh the Almighty, i.e. He is Unique in His Qualities. ليس كمثله "There is nothing like (equal to) Him."

^[3] According to some narrations, the Prophet ﷺ used to offer two *Rak'at* of *Nafl* after *Witr* prayers and hence is exempted from repeating the *Witr*. Some observe that one should offer two *Rak'at* of the *Nafl* prayer in the later part of night in case he offers his *Witr* during the earlier part of it. If he does the *Witr* in the later part of the night, he need not offer that *Nafl* prayer.

304. Narrated Talq bin 'Ali : I heard Allāh's Messenger ﷺ saying, "There are no two *Witr* (prayers) during one night." [Reported by Ahmad and *Ath- Thalatba* and Ibn Hibbān graded it *Sabib* (authentic)].

305. Narrated Ubai bin Ka'b^[1] : Allāh's Messenger ﷺ recited in *Witr* prayer *Sūrat Al-A'la*^[2] (in the first *Rak'at*), *Sūrat Al-Kāfirūn* (in the second *Rak'at*) and *Sūrat Al-Ikblās* (in the third *Rak'at*). [Reported by Ahmad, Abū Dā'ud and An-Nasā'i]. The latter added, "And he did not say the *Taslīm* (salutation) except in the last (*Rak'at*) of them."

Abū Dā'ud and At-Tirmidhi report something similar from 'Aisha ؓ that Allāh's Messenger ﷺ used to recite a *Sūrat* in every *Rak'at* and in the last (third) *Rak'at* he would recite *Qul Huwa Allabu Abad* (*Sūrat Al-Ikblās*) and *Al-Mu'awwidhatīn*^[3].

306. Narrated Abū Sa'id Al-Khudri : The Prophet ﷺ said, "Offer *Witr* prayer before it is morning." [Reported by Muslim].

Ibn Hibbān has: 'whosoever reaches the dawn, and he did not offer *Witr*, then there is no *Witr* for him.'^[4]

(٣٠٤) وَعَنْ طَلْقِ بْنِ عَلَيٍّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ يَقُولُ: لَا إِثْرَانٌ فِي لَيْلَةٍ. رَوَاهُ أَخْمَدُ وَاللَّاثَةُ، وَصَحَّحَهُ ابْنُ حِيَّانَ.

(٣٠٥) وَعَنْ أَبِي بْنِ كَنْبِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ يَقُولُ: إِنَّمَا رَبُّكَ الْأَعْلَى» وَ«فُلْ يَا أَيُّهَا الْكَافِرُونَ» وَ«فُلْ هُوَ اللَّهُ أَحَدٌ» رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدُ وَالْسَّائِي وَزَادَ: وَلَا يُسْلِمُ إِلَّا فِي آخِرِهِنَّ.

وَلَا يَبِدُ دَاؤُدُ وَالثَّرمَذِيُّ تَحْوِهُ عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، وَفِيهِ: كُلُّ سُورَةٍ فِي رَكْعَةٍ، وَفِي الْأَخِيرَةِ «فُلْ هُوَ اللَّهُ أَحَدٌ وَالْمَعْوَذَتَيْنِ» .

(٣٠٦) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ قَالَ: «أُؤْتُرُوا قَبْلَ أَنْ تُصْبِحُوا». رَوَاهُ مُسْلِمٌ .

وَلَإِنْ حِيَّانَ: مَنْ أَذْرَكَ الصَّبَّحَ وَلَمْ يُوتِرْ، فَلَا وَتَرَ لَهُ .

[¹] He is an Ansāri a Najāri and Khazraji and was nicknamed Abū Al-Mundhir. He was the master of the Qur'ān scholars and one of the scribes of the *Wahy* (the Qur'ānic revelation). He was also one of those who had collected the Qur'ān and gave *Fatwa* (legal verdict) during the lifetime of Allāh's Messenger ﷺ. He participated in the second 'Aqaba, Badr and the battles that followed. The year of his death has been disagreed on as being 19 H., 20 H., 22 H., 30 H., 32 H., or 33 H.

[²] *Sūrat* no. 87.

[³] *Sūrat* no. 113, 114.

[⁴] This *Hadīth* tells us that the time of *Witr* ends at the beginning of dawn and as long the time is gone, they have not been offered in accordance with the Prophet's *Sunnah* and this is what this *Hadīth* implies. It does not mean that if one could not incidentally offer the *Witr* until morning, he should not offer it at all. An incident concerning one of the Companions of the Prophet ﷺ is reported in a *Hadīth* stating that once he slept and got up very late. He sent out his slave to ascertain whether or not the congregational prayer had been offered by

307. Narrated (Abū Sa‘id Al-Khudri) : Allāh’s Messenger ﷺ said, “Whoever oversleeps and misses the *Witr*, or forgets it, should pray (when he awakens) in the morning^[1] or when he remembers.” [Reported by *Al-Khamsa* except *An-Nasā’i*].

308. Narrated Jābir : Allāh’s Messenger ﷺ said, “If anyone is afraid that he may not get up in the latter part of the night, he should offer *Witr* in the first part of it; and if anyone expects to get up in the last part of it, he should offer *Witr* at the end of the night, for prayer at the end of the night is witnessed (by the angels) and that is preferable.” [Reported by Muslim].

309. Narrated Ibn ‘Umar : The Prophet ﷺ said, “When the dawn breaks, then the time of all night prayers including the *Witr* is over, so observe the *Witr* before dawn.” [Reported by At-Tirmidhi].

310. Narrated ‘Aisha : Allāh’s Messenger ﷺ used to pray four^[2] *Rak‘at* in *Duba* prayer and increase (the number of *Rak‘at*) as much as Allāh willed.” [Reported by Muslim].

that time. The slave came back answering in affirmative. Upon knowing this, he offered *Witr* first, then *Sunnah*, and then the *Fard* (obligatory) prayer of the morning. It is thus known that if someone could not offer *Witr* during the specified time limit, he may offer them as *Qada* (missed) prayers later on. The Prophet ﷺ vigorously emphasized that one must offer *Witr* prayer at the specified time without fail, and the ones whom he thought may not get up early enough in the morning, he used to instruct them that they should offer *Witr* at night. Hence he instructed Abū Huraira رضي الله عنه, that he must offer his *Witr* at night.

[1] One should know that should someone miss a prayer out of a sincere oblivion or due to having fallen asleep, he shall not be brought to account in both these cases; and also that he shall get an equal amount of reward as if he had offered a prayer on time. However, it is prohibited to go to sleep at such a time when the time of a certain prayer is about to approach. In case such a thing happens inadvertently and beyond one’s capability and control, one shall not be blamed for it.

[2] Let it be known that *Isbrāq*, *Salātul-Awwābin* and *Duba* are different names that stand for identically the same forenoon prayer. The time of this prayer starts with the sunrise and goes on until one-fourth of the day. The least number of *Rak‘at* of *Duba* prayer are two and the maximum are twelve. The preferable among them are four which is supported and approved by the *Abadith* of the Prophet ﷺ. It may also be remembered that this prayer is a *Sunnah* of

(٣٠٧) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ نَامَ عَنِ الْوَثْرَ أَوْ نَسِيَهُ، فَلَيُصْلِلْ إِذَا أَضَبَحَ أَوْ ذَكَرَ». رَوَاهُ الْخَمْسَةُ إِلَّا النَّسَائِيُّ.

(٣٠٨) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ خَافَ أَنْ لَا يَتَوَمَّ مِنْ آخِرِ اللَّيلِ فَلْيُؤْزِرْ أَوْلَاهُ، وَمَنْ طَمَعَ أَنْ يَتَوَمَّ آخِرَهُ فَلْيُؤْزِرْ آخِرَ اللَّيلِ، فَإِنَّ صَلَاةَ آخِرِ اللَّيلِ مَشْهُودَةٌ، وَذَلِكَ أَفْضَلُ». رَوَاهُ مُسْلِمٌ.

(٣٠٩) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا طَلَعَ الْفَجْرُ، فَقَدْ ذَهَبَ وَقْتُ كُلِّ صَلَاةِ اللَّيْلِ، وَالْوَثْرُ، فَأُوْتِرُوا قَبْلَ طَلُوعِ الْفَجْرِ». رَوَاهُ التَّرمِذِيُّ.

(٣١٠) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يُصَلِّي الضَّحَى أَرْبَعاً، وَيَرْبِدُ مَا شَاءَ اللَّهُ. رَوَاهُ مُسْلِمٌ.

In another narration of Muslim from her: ('Aisha) ﷺ was asked, "Did Allāh's Messenger ﷺ use to offer the *Duba* prayer?" She replied, "No, unless he came back from a journey."

In yet another narration of Muslim from her: ('Aisha) ﷺ said, "I have never seen Allāh's Messenger ﷺ offering *Duba* prayer, yet I offer it."^[1]"

311. Narrated Zaid bin Arqam ﷺ: Allāh's Messenger ﷺ said, "The prayer of those who are penitent is offered when the young weaned camels feel the heat of the sand"^[2] ." [Reported by At-Tirmidhi].

312. Narrated Anas ﷺ: Allāh's Messenger ﷺ said, "Whoever prays twelve *Rak'at* of *Duba*, Allāh will build a castle for him in Paradise." [Reported by At-Tirmidhi who graded it *Gharib* (reported by a single narrator)].

313. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ entered my house and prayed eight *Rak'at* of *Duba* prayer. [Reported by Ibn Hibbān in his *Sabib*].

وَلَهُ عَنْهَا أَتَهَا شُبَّلٌ: هَلْ كَانَ رَسُولُ اللَّهِ يُصَلِّي الصَّحْنَى؟ قَالَتْ: لَا إِلَّا أَنْ يَجِيءَ مِنْ مَغْبِيَّهِ.

وَلَهُ عَنْهَا: مَا رَأَيْتُ رَسُولَ اللَّهِ يُصَلِّي سُبْحَةَ الصَّحْنَى قُطُّ، وَإِنِّي لَأُسْبِحُهَا.

(٣١١) وَعَنْ زَيْدِ بْنِ أَرْبَامَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ, أَنَّ رَسُولَ اللَّهِ قَالَ: «صَلَاةُ الْأَوَّلَيْنَ حِينَ تَرْمِضُ الْفَيْضَالُ». رَوَاهُ التَّرمِذِيُّ.

(٣١٢) وَعَنْ أَنْسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ: «مَنْ صَلَّى الصَّحْنَى ثَسْنَيْ عَشْرَةَ رَكْعَةً, بَتَّ اللَّهُ لَهُ قَصْرًا فِي الْجَهَنَّمِ». رَوَاهُ التَّرمِذِيُّ, وَأَسْنَفَهُ.

(٣١٣) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: دَخَلَ رَسُولُ اللَّهِ بَيْتِي, فَصَلَّى الصَّحْنَى ثَمَانِيَ رَكْعَاتٍ. رَوَاهُ ابْنُ حِبَّانَ فِي صَحِيحِهِ.

Chapter 10 PRAYER IN CONGREGATION AND THE IMAMATE

١٠ - بَابُ صَلَاةِ الْجَمَاعَةِ وَالْإِمَامَةِ

314. Narrated 'Abdullah bin 'Umar ﷺ: Allāh's Messenger ﷺ said, "The prayer offered in congregation is twenty-seven^[3] degrees more rewardable than

(٣١٤) عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَنَّ رَسُولَ اللَّهِ قَالَ: صَلَاةُ الْجَمَاعَةِ أَفْضَلُ مِنْ صَلَاةِ الْفَدْرِ بِسِنْعٍ وَعَشْرِينَ دَرَجَةً.

former Messengers as they used to offer it during their times. Hence, this prayer is a *Sunnah* as well as being *Mustabab* (desirable). As to the matter of this prayer being called a *Bid'a* (innovation) by 'Umar رضي الله عنه, it only alludes to the fact that if someone develops a habit of continually offering it, it may be regarded as an innovation, as the Prophet ﷺ did not always offer it.

^[1] Though this *Hadīth* and the two preceding it seem to contradict one another, they however indicate that *Duba* is a voluntary prayer as confirmed by the *Hadīth* scholars.

^[2] This *Hadīth* indicates that the best time of *Duba* prayer is just before noon.

^[3] In the forthcoming narrations, the reward is reported to be as great as 25 times. It

a prayer offered by a single person.”
[Agreed upon].

Both Al-Bukhārī and Muslim have also reported through Abū Huraira (رضي الله عنه) : “Twenty-five degrees (more).” Likewise, Al-Bukhārī reported from Abū Sa‘id Al-Khudri: “He (رضي الله عنه) said (the word) *Daraja* (degree).”

315. Narrated Abū Huraira (رضي الله عنه) : Allāh’s Messenger (صلوات الله عليه وسلم) said, “By Him in Whose Hand my soul is, I have thought of giving orders for fuel wood to be gathered, then giving orders for *Salāt* (prayer) and having the *Adbān* called, then ordering a man to lead the people (in prayer), then going off to some people (men) who are not present at the prayer and burning down^[1] their houses upon them. By Him in Whose Hand my soul is, if one of them knew he would find a fat meaty bone or two fine sheep hooves he would attend the *Ishā’* (evening prayer).” [Agreed upon, and the wording is that of Al-Bukhārī].

316. Narrated (Abū Huraira) (رضي الله عنه) : Allāh’s Messenger (صلوات الله عليه وسلم) said, “The most burdensome prayers for hypocrites^[2] are the *Ishā’* and the *Fajr* prayers and if they knew what (rewards) these (prayers) contain, they would have come to them (in the mosques), even though they had to crawl on their knees.” [Agreed upon].

depends on the caliber of the one offering the prayer. The one who is highly graded acquires it 27 times more and the one who is comparatively lower-graded, is only eligible for 25 times more. [The scholars have offered a number of explanations for this difference in number].

^[1] We are informed through this *Hadīth* that offering of a prayer in congregation is *Fard ‘Ain* (individual duty). Had it been merely *Fard Kifāya* (collective duty) or *Sunnat Mu’akkada* (regularly practiced), the Prophet (صلوات الله عليه وسلم) would not have used such harsh words for the people who shun attending congregational prayers.

^[2] All of the prayers are a burden upon the hypocrite, except that the *Isha* and *Fajr* prayers are the most difficult. This is because the hypocrite attends the mosque merely for the purpose of being seen, while he does not believe in the promised reward for the worship of Allah. Hence, the prayer at these two times of darkness, when he will not be seen – *Isha*, when one normally rests, and *Fajr*, when one normally is enjoying sleep – is the most difficult to attend in the mosque.

وَلَهُمَا عَنْ أَبِي هُرَيْرَةَ: «بِخَمْسٍ وَعَشْرِينَ جُزْءاً» وَكَذَا لِبْخَارِيٍّ عَنْ أَبِي سَعِيدٍ، وَقَالَ: «دَرَجَةً».

(٣١٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «وَالَّذِي نَفْسِي بِيَدِهِ، لَقَدْ هَمَّتْ أَنْ أَمْرِ بِحَطَبٍ فَيُحَتَّبَ، ثُمَّ أَمْرَ بِالصَّلَاةِ فَيُؤْذَنَ لَهَا، ثُمَّ أَمْرَ رَجُلًا فِي ظُلْمِ النَّاسِ، ثُمَّ أَخْرَفَ إِلَى رِجَالٍ لَا يَبْدُونَ الصَّلَاةَ فَأَخْرَقَ عَلَيْهِمْ بَيْوَاهُمْ، وَالَّذِي نَفْسِي بِيَدِهِ لَنْ يَعْلَمَ أَحَدُهُمْ أَنَّهُ يَعِدُ عَرْقَانَ سَمِيَّاً، أَوْ مَرْمَاتِينَ حَسَّثَتِينَ لَتَهَدِي الْعِشَاءَ». مُتَقَرَّ عَلَيْهِ.

(٣١٦) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَنْقُلُ الصَّلَاةَ عَلَى الْمُنَافِقِينَ صَلَاةَ الْعِشَاءِ وَصَلَاةَ الْفَجْرِ، وَلَوْ يَعْلَمُونَ مَا فِيهِمَا لَأَتَوْهُمَا وَلَوْ حَبْنَا». مُتَقَرَّ عَلَيْهِ.

317. Narrated (Abū Huraira) ﷺ: A blind^[1] man came to the Prophet ﷺ and said, "O Messenger of Allāh, I have no guide to take me to the mosque." He (the Prophet ﷺ) therefore permitted him (to pray at his house), then when the man turned away the Prophet ﷺ called him and asked, "Can you hear the *Adbān* (call) for prayer?" He answered, "Yes". He (the Prophet ﷺ) said, "Then respond to it." [Reported by Muslim].

318. Narrated Ibn 'Abbās رضي الله تعالى عنهما، عن النبي ﷺ said, "Whoever hears^[2] the call for prayer and does not come (to the mosque for prayer), his prayer will not be accepted from him, unless he has a (legitimate) excuse." [Reported by Ibn Mājah, Ad-Dāraqutni, Ibn Hibbān and Al-Hākim. Its chain of narration meets Muslim's conditions, but some *Hadīth* scholars held that the stronger view is that it is *Mawqūf* (saying of a Companion)].

319. Narrated Yazid bin Al-Aswad^[3]: He offered the morning prayer with Allāh's Messenger ﷺ and when Allāh's Messenger ﷺ finished his prayer, he saw two men who had not prayed with him. He ordered them to be brought and they were brought trembling^[4]

(٣١٧) وَعَنْهُ قَالَ: أَتَى النَّبِيُّ رَسُولُ اللَّهِ رَجُلٌ أَعْمَى فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّهُ لَيْسَ لِي قَائِدٌ يَهُدُنِي إِلَى الْمَسْجِدِ، فَرَخَصَ لَهُ، فَلَمَّا وَلَى دُعَاءً، قَالَ: «أَهُلْ شَمْعُ النَّذَاءِ بِالصَّلَاةِ؟» قَالَ: نَعَمْ، قَالَ: «فَاجْبُ». رَوَاهُ مُسْلِمٌ.

(٣١٨) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنِ النَّبِيِّ رَسُولِ اللَّهِ قَالَ: «مَنْ سَمِعَ النَّذَاءَ فَلَمْ يَأْتِ فَلَا صَلَاةَ لَهُ إِلَّا مِنْ غُلْبٍ». رَوَاهُ ابْنُ مَاجَةَ وَالْدَّارْعُطْبِيُّ وَابْنُ جَبَانَ وَالْحَاكِمُ، وَإِشْبَادُهُ عَلَى شَرْطِ مُسْلِمٍ، لِكِنْ رَجَحَ بَعْضُهُمْ وَفَقَهُ.

(٣١٩) وَعَنْ يَزِيدَ بْنِ الْأَشْوَدِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَلَاةَ الصُّبْحِ، فَلَمَّا صَلَّى رَسُولُ اللَّهِ رَسُولُ اللَّهِ، إِذَا هُوَ يَرْجُلُهُمْ لَمْ يُصْلِلُهُمَا، فَدَعَا بِهِمَا، فَجِيءَ بِهِمَا، ثُرَدَ فَرَأَصْبُهُمَا، قَالَ لَهُمَا: «مَا مَعَكُمَا

^[1] This blind person was none other than 'Abdullāh bin Umm Maktum. After the instructions of the Prophet ﷺ, he attended the mosque with such a constant regularity that he was at last appointed a *Mu'adhdibin* (the call-maker for prayer). As long as a handicapped person is ordered strictly to attend the congregational prayer, what about those who fail to attend congregational prayers without any excuse? The prayer of a handicapped person is acceptable at home, but he too does not get the reward of congregation.

^[2] This *Hadīth* shows that it is obligatory for one who hears the *Adbān* (call to prayer) to respond, by attending the prayer in the mosque. As long as one has heard it, there is no excuse to be absent. Other excuses are: a hurricane, a rainfall, an extreme hunger, defecation, urination and suffering from sickness, etc., which are acceptable excuses for not joining the congregational prayer.

^[3] He is Abu Jābir As-Sawāi Al-'Aamirī who was an ally of Quraish. He was a *Sabābi* who settled at Ta'if and this is the only *Hadīth* from him by his son Jābir.

^[4] Their bodies started quivering (a tremor seized them) due to a tremendous amount of awe and fear inspired by the personality of the Prophet ﷺ as the same normally happens

with fear. He asked them what had prevented you from praying with us?" They said, "We had already prayed at our homes." He said, "Don't do so! If you pray at your homes and then you come while the *Imām* has not yet performed the prayer, you must pray with him, and it will be an voluntary prayer for you." [Reported by Ahmad – with his wording – and *Aib-Thalatba*. At-Tirmidhi and Ibn Hibbān graded it *Sabib* (authentic)].

320. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "The *Imām* has been appointed to be followed (in the congregational prayers). So, when he utters the *Takbīr*, utter the *Takbīr* too, and do not utter the *Takbīr* until he utters it. When he bows, you should bow, and do not bow until he bows. When he says, "Allāh listens to him who praises him," say, "O Allāh, our *Rabb*, to you is the praise." When he prostrates, you prostrate; and do not prostrate until he prostrates. If he prays standing, pray standing, and if he prays sitting, all of you pray sitting."^[1] [Reported by Abū Dā'ud and the wording is his; and its basic meaning is in the *Sabibain* (of Al-Bukhāri and Muslim)].

321. Narrated Abū Sa'īd Al-Khudri : When Allāh's Messenger ﷺ saw a tendency among his Companions of going to the back he said, "Come forward and follow my lead and let those behind you follow you."^[2] [Reported by Muslim].

due to a shocking fright.

^[1] This ruling now stands cancelled. The Prophet ﷺ did lead the prayer in a sitting posture when he suffered from the fatal illness pursuant to which he passed away, while those following him offered the prayer in the normal standing position.

^[2] This *Hadīth* may be cited as an evidence concerning the *Muqtadi* (followers in a prayer) who may see an *Imām*, but cannot possibly hear him. Such followers must pursue other followers (who are ahead of them in line). We are also enlightened about the fact that the

تُصْلِّيَا مَعَنَا؟ قَالَا: قَدْ صَلَّيْنَا فِي رِحَالِنَا، قَالَ: فَلَا تَفْعَلَا، إِذَا صَلَّيْنَا فِي رِحَالِكُمَا ثُمَّ أَذْرَثْنَا إِلَيْهِمْ وَلَمْ يُصْلِّ فَصَلَّيْنَا مَعَهُ، فَإِنَّهَا لَكُمَا نَافِلَةٌ». رَوَاهُ أَحْمَدُ، وَاللَّفْظُ لَهُ، وَالْتَّلَاثَةُ وَصَحَّحَهُ التَّرْمِذِيُّ وَابْنُ حِبَّانَ.

(٣٢٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا جُعِلَ الْإِيمَانُ لِيُؤْتَمْ بِهِ، فَإِذَا كَبَرَ فَكَبُرُوا، وَلَا تُكَبِّرُوا حَتَّىٰ يُكَبِّرُ، وَإِذَا زَكَّ فَأْرَكُمُوا، وَلَا تَرْكَعُوا حَتَّىٰ يُرْكَعَ، وَإِذَا قَالَ: «سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ» فَقُولُوا: «اللَّهُمَّ رَبِّنَا لَكَ الْحَمْدُ» وَإِذَا فَاسْجُدُوا، وَلَا تَسْجُدُوا حَتَّىٰ يَسْجُدَ، وَإِذَا صَلَّى قَاتِلًا فَصَلُّوا قِيَامًا، وَإِذَا صَلَّى قَاعِدًا فَصَلُّوا قُعُودًا أَجْمَعِينَ». رَوَاهُ أَبُو دَاوُدَ، وَهَذَا لَفْظُهُ، وَأَصْلُهُ فِي الصَّحِيفَيْنَ.

(٣٢١) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ ﷺ رَأَى فِي أَصْحَابِهِ تَأْخِرًا، فَقَالَ: «تَقْدِمُوا، فَأَتَمُوا بِي، وَلْيَأْتِمْ بِكُمْ مَنْ بَعْدَكُمْ». رَوَاهُ مُسْلِمٌ.

322. Narrated Zaid bin Thābit ﷺ: Allāh's Messenger ﷺ made a small room of a mat [i.e. he used it to designate a space for prayer] and prayed inside it. The people followed him, and they came to pray behind him.^[1] The narrator mentioned the rest of the *Hadīth*, and it contains the words: "The most excellent prayer of a person is (that which he prays) in his house except that which is prescribed (the five congregational prayers)." [Agreed upon].

323. Narrated Jābir ﷺ: Mu'ādh bin Jabal ﷺ led his companions in the *Al-'Isha* (night prayer) and prolonged it for them. Upon this the Prophet ﷺ said to him, "O Mu'ādh, do you want to become a *Fattan*^[2]? When you lead people in prayers^[3], recite *Aṣb-Shamsi wa dubābā*^[4], *Sabbibisma Rabbikal-A'la*^[5], *Iqra' Bismi Rabbika*^[6] and *Wal-Laili idba yaghsbā*^[7]." [Agreed upon. And the wording is from Muslim].^[8]

front row is the most preferable one and one should eagerly strive for its occupancy, and that the second row should not be distant from the first row, and similarly that the first row should not be distant from the *Imām*.

[1] This *Hadīth* specifies that if there exists a wall or partition or some other distance between the *Imām* and his followers, the prayer still remains valid. Some people do not subscribe to the contents of this *Hadīth* but its validity should suffice to convince them.

[2] Meaning: "By lengthening the recitation, do you want to inflict pain upon the people who are being led by you, thereby weaning them off the habit of attending congregational prayers?"

[3] This *Hadīth* informs us that an *Imām*, during his prayer, should not lengthen his recitation to such an extent that it should get on the nerves of the followers causing them to shun the congregational prayers. Another *Hadīth* following this one states the reason for not lengthening the recitation. However, it should not be shortened to such a degree wherein one could not even complete the constituents of a prayer. The proper method is that the prayer should be led in a light and moderate way according to the *Sunnah* of the Prophet ﷺ.

[4] *Sūrat Aṣb-Shams*, no. 91.

[5] *Sūrat Al-A'la*, no. 87

[6] *Sūrat Al-'Alaq*, no. 96.

[7] *Sūrat Al-Lail*, no. 92.

[8] Another *Hadīth* reports that Mu'ādh رضي الله عنه first used to offer his prayers behind the Prophet ﷺ, then offered his *Nafl* (voluntary prayers) and then used to lead the prayer in

(٣٢٢) وَعَنْ زَيْدِ بْنِ ثَابِتٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَخْتَجَرَ رَسُولُ اللَّهِ ﷺ مُحْبَرَةً، فَصَلَّى فِيهَا، فَتَسَبَّعَ إِلَيْهِ رَجَالٌ، وَجَاءُوهُ يُصْلُونَ بِصَلَاتِهِ، الْحَدِيثُ. وَفِيهِ: أَفْضَلُ صَلَاةُ الْمَرءِ فِي بَيْتِهِ، إِلَّا الْمَكْتُوبَةُ. مُتَقَرَّ عَلَيْهِ.

(٣٢٣) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: صَلَّى مَعَادًا بِأَصْحَابِهِ الْعَشَاءَ، فَطَوَّلَ عَلَيْهِمْ، فَقَالَ النَّبِيُّ ﷺ: أَثْرِيدُ أَنْ تَكُونَ يَا مَعَادُ فَتَانًا؟ إِذَا أَمْنَتَ النَّاسَ فَاقْرُأْ «بِالشَّمْسِ وَضُحَاهَا» وَسَبِّحْ اسْمَ رَبِّكَ الْأَعْلَى» وَ«أَقْرُأْ بِاسْمِ رَبِّكَ» وَاللَّيْلَ إِذَا يَعْنِي مُتَقَرَّ عَلَيْهِ، وَاللَّفَظُ لِمُسْلِمٍ.

324. Narrated 'Aisha رضي الله تعالى عنها regarding Allāh's Messenger ﷺ leading the people in *Salat* (prayer) during his illness. She said, "He came and sat on the left side of Abū Bakr (ﷺ). So he (ﷺ) was leading the people in prayer while sitting and Abū Bakr standing. Abū Bakr was following the prayer of the Prophet ﷺ, and the people were following the prayer of Abū Bakr." [Agreed upon].

325. Narrated Abū Huraira رضي الله تعالى عنه said, "When one of you leads the people in prayer he should be brief, for among them are the young and the old, the weak and those who have needs to attend to. But if he prays by himself he may pray as he wishes." [Agreed upon].

326. Narrated 'Amr bin Salima^[1] (ﷺ) My father said, "I have come from the true Prophet ﷺ, so when the time of *Salat* (prayer) comes one of you should announce the *Adbān* and the one of you who knows the Qur'ān most should be your *Imām*." He ('Amr) said, "They looked around and there was no one who knew the Qur'ān more than I.^[2] So they put me forward in front of them and I was only six or seven^[3] years old." [Reported by Al-Bukhāri, Abū Dā'ud and An-Nasā'i].

327. Narrated Ibn Mas'ūd رضي الله تعالى عنه said, "The one who

(٣٢٤) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، فِي قِصَّةِ صَلَاةِ رَسُولِ اللَّهِ بِالنَّاسِ وَهُوَ مَرِيضٌ، قَالَتْ: فَجَاءَ حَتَّى جَلَسَ عَنْ يَسَارِ أَبِي بَكْرٍ، فَكَانَ يُصَلِّي بِالنَّاسِ جَالِسًا، وَأَبُو بَكْرٍ قَائِمًا، يَقْتَدِي أَبُو بَكْرٍ بِصَلَاةِ النَّبِيِّ بِكِتَابِهِ، وَيَقْتَدِي النَّاسُ بِصَلَاةِ أَبِي بَكْرٍ. مُعْذَنْ عَلَيْهِ.

(٣٢٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيِّ قَالَ: «إِذَا أَمَّ أَحَدُكُمُ النَّاسَ فَلْيُخَفَّفْ، فَإِنَّ فِيهِمُ الصَّغِيرَ وَالكَّبِيرَ وَالضَّعِيفَ وَذَا الْحَاجَةِ، فَإِذَا صَلَّى وَحْدَهُ فَلْيُصَلِّ كَيْفَ شَاءَ». مُعْذَنْ عَلَيْهِ.

(٣٢٦) وَعَنْ عُمَرِ بْنِ سَلَيْمَةَ قَالَ: قَالَ أَبِي: جِئْشُكُمْ مِنْ عِنْدِ النَّبِيِّ حَنَّا، قَالَ: «فَإِذَا حَضَرَتِ الصَّلَاةُ فَلْيُؤْدِنْ أَحَدُكُمْ، وَيُؤْمِنُكُمْ أَكْثَرُكُمْ فُرَاتَاً»، قَالَ: فَنَظَرُوا، فَلَمْ يَكُنْ أَحَدٌ أَكْثَرُ مِنِي فُرَاتَاً فَقَدَّمُونِي، وَأَنَا أَبْنُ سَيِّدِ الْمُسْلِمِينَ. رَوَاهُ البُخَارِيُّ وَأَبُو دَاوُدُ وَالسَّنَائِيُّ.

(٣٢٧) وَعَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ قَالَ: يَوْمُ الْقِوْمَةِ

another mosque. This explains that one could offer his *Fard* (obligatory prayers) behind the *Imām* who is offering the *Nafl* (voluntary prayers).

^[1] He is Abū Yazid or Abū Buraid. He came with his father to the Prophet ﷺ. It is also said that he did not come with his father. He belonged to the tribe of Jurum and settled in Basra.

^[2] This *Hadīth* explains that the most eligible person to be an *Imām* is the one who possesses more knowledge of *Shari'a* (Islamic law). If two people posses the same amount of knowledge, then the more pious one should lead the prayer. Similar criteria have also been mentioned in the narration of Ibn Mas'ūd.

^[3] This explains that a boy, who has not yet reached his puberty, may lead the prayer of an adult, or a group of adults, in case he happens to be more knowledgeable than those adults in the matter concerning and related to *Shari'a* (Islamic law).

knows [by recitation and memorization] the Book of Allāh most should be the *Imām* of the people. If they are equal in the recitation, then the one who knows the *Sunnah* most and if they are equal in the *Sunnah* then the earliest of them to emigrate (to Al-Madīnah) and if they are equal in the emigration then the oldest among them in Islam. In another narration it has "agewise". And no man should lead another in prayer in his domain or sit in his place of honor without his permission." [Reported by Muslim].

328. Ibn Mājah reported the following from Jābir's narration, "A woman is never to lead a man in prayer, neither a bedouin (desert Arab) to lead an emigrant, nor a sinner to lead a believer." [Its chain of narrators is *Wābin* (extremely weak)].

329. Narrated Anas : Allāh's Messenger ﷺ said, "Stand close together in your rows^[1], bring them (the rows) near one another, and stand neck to neck (in straight lines)." [Reported by Abū Dā'ud and An-Nasā'i. And Ibn Hibbān graded it *Sahih* (authentic)].

330. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "The best of the men's rows is the first and the worst is the last; and the best of the women's rows is the last and the worst is the first."^[2] [Reported by Muslim].

أَفْرُؤُمُنْ لِكِتَابِ اللَّهِ تَعَالَى، فَإِنْ كَانُوا فِي
الْقِرَاءَةِ سَوَاءٌ فَأَغْلَمُهُمْ بِالسُّنْنَةِ، فَإِنْ كَانُوا فِي
السُّنْنَةِ سَوَاءٌ فَأَقْدَمُهُمْ هِجْرَةً، فَإِنْ كَانُوا فِي
الْهِجْرَةِ سَوَاءٌ فَأَقْدَمُهُمْ سِلْمًا - وَفِي رِوَايَةِ
«سِنَّةً» - وَلَا يُؤْمِنَ الرَّجُلُ الرَّجُلَ فِي سُلْطَانِيهِ
وَلَا يَقْعُدُ فِي بَيْتِهِ عَلَى تَكْرِيمِهِ، إِلَّا بِإِذْنِهِ. رَوَاهُ
مُسْلِمٌ.

(٣٢٨) وَلَانِزٌ مَاجِهٌ مِنْ حَدِيثِ جَابِرٍ رَضِيَ
اللَّهُ تَعَالَى عَنْهُ، «وَلَا يُؤْمِنَ امْرَأًا رَجُلًا، وَلَا
أَعْرَابِيٌّ مُهَاجِرًا، وَلَا فَاجِرٌ مُؤْمِنًا»، وَإِشْنَادُهُ
وَأَوْ.

(٣٢٩) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ
النَّبِيَّ ﷺ قَالَ: «رُضِوا صُفُونَكُمْ، وَقَارُبُوا
بَيْنَهُمَا، وَحَادُوا بِالْأَعْنَاقِ». رَوَاهُ أَبُو دَاوُدَ
وَالشَّنَائِيُّ، وَصَحَحَهُ أَبْنُ جَبَانَ.

(٣٣٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «خَيْرُ صُفُوفِ
الرِّجَالِ أُولُهَا، وَشَرُّهَا آخِرُهَا، وَخَيْرُ صُفُوفِ
النِّسَاءِ آخِرُهَا، وَشَرُّهَا أُولُهَا». رَوَاهُ مُسْلِمٌ.

^[1] It is reported in *Sahihain* that the Prophet ﷺ addressed people (with his face facing them) and directed them to straighten their rows or Allāh will create discord within your hearts. The narrator tells us that he has observed people during congregational prayers to the effect that they used to join their ankles and arms close to each other. The Prophet ﷺ has said, swearing by Allāh the Almighty, that if the prayer rows become sparsely spread, he can visualize Satan therein. In addition to this, there are many *Abādīth* related to the proper decorum of the rows for the prayer.

^[2] The last row of men is bad since they have been deprived of the priority and benefit belonging to the first row. The last row of women is better as they are farthest away from the possibility of mixing with men. In case it is an all female gathering and the congregational prayer is also led by a woman, then the same ruling applies on them. (The first row of

331. Narrated Ibn 'Abbās : "I prayed (the night *Tابعنة* prayer) with Allāh's Messenger ﷺ one night and I stood on his left side, whereupon he took me by the back of my head and made me go round to his right side. [Agreed upon].

(٣٣١) وَعَنْ ابْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: صَلَّيْتُ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَاتَ لَيْلَةٍ، فَقُفِّثَ عَنِ يَسَارِهِ، فَأَخْذَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَرْأْسِي مِنْ وَرَائِي، فَجَعَلَنِي عَنْ يَمِينِي، مُتَفَقًّا عَلَيْهِ.

332. Narrated Anas : Allāh's Messenger ﷺ prayed and an orphan and ^[1] I prayed behind him and Umm Sulaim ^[2] was behind us^[2]. [Agreed upon and the wording is Al-Bukhāri's].

(٣٣٢) وَعَنْ أَنَسِي رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: صَلَّى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقُفِّثَ أَنَا وَيَسَارِي خَلْفَهُ، وَأُمُّ سَلَيْمَ حَلْفَنَا. مُتَقَوِّلُ عَلَيْهِ، وَاللَّفْظُ لِبُخَارِي.

333. Narrated Abū Bakra (): He reached the Prophet ﷺ while he was bowing, so he (Abu Bakra) bowed before reaching the row. He mentioned that to the Prophet ﷺ and the Prophet ﷺ said to him, "May Allāh increase your enthusiasm! But do not repeat^[3] ." [Reported by Al-Bukhāri]. And Abū Dā'ud added: "He bowed before reaching the row then walked and joined the row."

(٣٣٣) وَعَنْ أَبِي بَكْرَةَ أَنَّهُ أَتَتْهُ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَاجِعًا، فَرَكَعَ قَبْلَ أَنْ يَصِلَّ إِلَى الصَّفَّ، ثُمَّ مَشَى إِلَى الصَّفَّ وَذَكَرَ ذَلِكَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - : «زَادَكَ اللَّهُ حِزْصًا، وَلَا تَعْدُ». رَوَاهُ البَخَارِيُّ، وَرَوَاهُ أَبُو دَاوُدَ فِيهِ: «فَرَكَعَ دُونَ الصَّفَّ، ثُمَّ مَشَى إِلَى الصَّفَّ».

334. Narrated Wābisa bin Ma'bād^[4] : Allāh's Messenger ﷺ saw a man praying alone behind the row so he ordered him to repeat the *Salāt* (prayer). [Reported by Ahmad, Abū Dā'ud and At-Tirmidhi. The latter graded it *Hasan*, and Ibn Hibbān graded it *Sahih* (authentic)].

(٣٣٤) وَعَنْ وَابِيسَةَ بْنِ مَعْبِدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَأَى رَجُلًا يُصْلِي خَلْفَ الصَّفَّ وَحْدَهُ، فَأَمْرَأَهُ أَنْ يُبَيِّنَ الصَّلَاةَ. رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ وَالتَّرْمِذِيُّ، وَحَسَّنَهُ، وَضَعَّفَهُ أَبْنُ جِبَانَ.

Ibn Hibbān reported this from Talq

وَلَهُ عَنْ طَلْقٍ: لَا صَلَاةٌ لِمُفَرِّدٍ خَلْفَ

women then gets better than their last row, exactly like men).

^[1] The rule is that the men should form a row first, then the children and then the women. In case there is only one adult and one child, both of them may stand together.

^[2] A lone woman is allowed to pray behind a men's row in the absence of another woman to join her.

^[3] May Allāh increase your enthusiasm in performing virtuous deeds but one should not exceed the limits, for example, by racing to enter the prayer. One should proceed to the prayer calmly. [See *Hadīth* no. 335]

^[4] He is an Ansāri from the clan of Asad bin Khuzaima. He was nicknamed Abū Qirsāfa. He first settled at Kūfa then moved to Al-Hīra and died about 90 H.

(bin 'Ali ﷺ): "The prayer of a person who prays alone behind the row is not accepted^[1]". And At-Tabarānī added to the narration of Wābisa, "Why did you not join them or pull back a man (to your position)?"

335. Narrated Abū Huraira ﷺ: The Prophet ﷺ said, "If you hear the *Iqāma*, you must walk to the prayer (place) with tranquillity and dignity, and do not hasten; and whatever portion of the prayer you get^[2] (along with the *Imām*) offer it, and complete afterwards whatever you missed. [Agreed upon, and the wording is Al-Bukhārī's].

336. Narrated 'Ubai bin Ka'b ﷺ: Allāh's Messenger ﷺ said, "A man's prayer offered with another man is purer than his prayer which he offers alone, and his prayer with two men is purer than his prayer with one and if they are more (in number), it is more beloved to Allah, the Mighty the Majestic." [Reported by Abū Dā'ud and An-Nasā'i. And Ibn Hibbān graded it *Sabib* (authentic)].

337. Narrated Umm Waraqā^[3] ﷺ: The Prophet ﷺ commanded her to lead the members of her household^[4] (in prayer). [Reported by Abū Dā'ud; Ibn Khuzaima graded it *Sabib* (authentic)].

الصفّ. وَرَأَدَ الطَّبَرَانِيُّ فِي حَدِيثٍ وَابْنَهُ: أَلَا دَخَلْتَ مَعَهُمْ أَوْ اجْتَرَزْتَ رَجُلًا؟

(٣٣٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ النَّبِيُّ ﷺ: إِذَا سَمِعْتُ الْإِقَامَةَ فَامْشُوا إِلَى الصَّلَاةِ، وَعَلَيْكُمُ السَّكِينَةُ وَالرَّقَارُ، وَلَا تُشْرِعُوا، فَمَا أَذْرَكُمْ فَصَلُّوا، وَمَا فَاتَكُمْ فَأَتَمُّوا، مُتَقْنِقُ عَلَيْهِ. وَالْأَنْفُسُ لِلْبُخَارِيِّ.

(٣٣٦) وَعَنْ أَبِي بْنِ كَعْبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «صَلَاةُ الرَّجُلِ مَعَ الرَّجُلِ أَزَكَى مِنْ صَلَاةِ وَحْدَهُ، وَصَلَاةُ مَعِ الرَّجُلَيْنِ أَزَكَى مِنْ صَلَاةِ مَعِ الرَّجُلِ، وَمَا كَانَ أَكْثَرُ فَهُوَ أَحَبُّ إِلَى اللَّهِ عَزَّ وَجَلَّ». رَوَاهُ أَبُو دَاوُدُ وَالشَّافِعِيُّ، وَصَحَّحَهُ أَبْنُ جَبَانَ.

(٣٣٧) وَعَنْ أُمِّ وَرَقَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيِّ ﷺ أَمْرَهَا أَنْ تُؤْمِنَ أَهْلَ دَارِهَا. رَوَاهُ أَبُو دَاوُدُ، وَصَحَّحَهُ أَبْنُ خُزَيْمَةَ.

^[1] Whether or not a single person behind a row qualifies for the prayer (whether his prayer could be recognized as valid), is a disputed point about which there are differences in opinions. The fact is that one should not offer it by standing alone while a congregational prayer is in progress.

^[2] The remainder of the prayer which one joins behind an *Imām* in a congregation, whether it should be considered as a former part of the prayer or as a latter part of it, is again a disputed point.

^[3] She is Bint Naufal or Bint 'Abdullāh bin Al-Harith bin 'Uwaimr Al-Ansāriya. She compiled the Qur'aan and requested the Prophet ﷺ to allow her to take part in the battle of Badr. The Prophet ﷺ used to visit her and call her "the Martyr". She was killed by her male and female slaves who covered her with a sheet of cloth, thus suffocating her. They then ran away, but were caught and crucified by the orders of 'Umar رضي الله عنه.

^[4] This *Hadīth* states that it is permissible and proper for a woman to lead the prayer. It is a proven fact that 'Aisha and Umm Salma رضي الله عنهما did lead prayers. *Imām Ash-Shaukāni*

338. Narrated Anas : The Prophet ﷺ appointed Ibn Umm Maktum (ﷺ) to lead the people in prayer in his absence and he (Ibn Umm Maktum ﷺ) was blind.^[1] [Reported by Ahmad and Abu Dā'ud]. Ibn Hibbān also reported something similar from 'Aisha (رضي الله عنها).

339. Narrated Ibn 'Umar ﷺ: Allah's Messenger ﷺ said, "Pray (funeral prayers) over him who said (believed): 'Nothing deserves to be worshipped except Allāh'; and pray behind him who says: 'Nothing deserves to be worshipped except Allāh'."^[2] [Ad-Dāraqutni reported it through a weak chain of narrators].

340. Narrated 'Ali bin Abi Tālib ﷺ Allāh's Messenger ﷺ said: "If one of you comes to *Salāt* (prayer) and the *Imām* is at a certain position, he must do as the *Imām* is doing." [Reported by At-Tirmidhi with a weak chain of narrators].

(٣٣٨) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ اسْتَخْلَفَ أَبْنَ أُمٍّ مَكْتُومَ، يُؤْمِنُ النَّاسُ وَهُوَ أَعْمَى. رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدُ، وَتَحْمِلُهُ لَابْنِ جَبَانَ عَنْ عَائِشَةَ.

(٣٣٩) وَعَنْ أَبْنَ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «صَلُّوا عَلَى مَنْ قَالَ لَا إِلَهَ إِلَّا اللَّهُ، وَصَلُّوا خَلْفَ مَنْ قَالَ لَا إِلَهَ إِلَّا اللَّهُ». رَوَاهُ الدَّارَقُطْنِيُّ بِإِشَادَةٍ ضَعِيفٍ.

(٣٤٠) وَعَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَتَى أَحَدُكُمُ الصَّلَاةَ، وَإِلَامَمُ عَلَى حَالٍ، فَلْيَضْنَعْ كَمَا يَضْنَعُ الْإِمَامُ». رَوَاهُ التَّزْمِدِيُّ بِإِشَادَةٍ ضَعِيفٍ.

Chapter 11 THE PRAYER OF A TRAVELER AND A SICK PERSON

١١ - بَابُ صَلَاةِ الْمُسَافِرِ وَالْمَرِيضِ

341. Narrated 'Aisha (رضي الله عنها) that when the *Salāt* (prayer) was first prescribed, it

said that a woman, if leading a prayer, must not stand alone ahead of the row but should stand within it. If her followers include males also, then they should be none other than their *Mabram* (the persons so closely related to her that she can not marry them). She cannot lead a prayer of a certain gathering that includes either strangers or *Ghair Mabram* (the persons allowed to enter a marriage contract with her).

[1] This *Hadīth* clarifies that a blind person can lead the prayer. Some scholars reluctantly approve of it, but this is against propriety. Some maintain that in the presence of a scholar who enjoys a perfect faculty of sight, it is improper to ask a blind scholar to lead a prayer, and this view is erroneous too. The Prophet ﷺ deputed 'Abdullāh bin Umm Maktum رضي الله عنه in his absence to lead the prayer thirteen times.

[2] The only point which is intended here is that it is permissible to offer a prayer behind a praying person who neglects the offering of *Wājibāt*. However, such a person must never be appointed an *Imām* (i.e., such a person should never be assigned the duties to lead prayers). ^

consisted of two *Rak'at*.^[1] Afterwards, the prayer during travelling was confirmed (as two *Rak'at*), while the prayer at the place of residence was completed (as four *Rak'at*). [Agreed upon].

Al-Bukhāri has: ‘Then (Allāh’s Messenger ﷺ) emigrated and it was prescribed as four, but prayer while travelling was left according to the original prescription (of two *Rak'at*).’

Ahmad added, ‘Except the *Magrib* (prayer) for it is the *Witr* (prayer) of the day; and except the *Fajr* (prayer), since the recitation (of the Qur’ān) is prolonged in it.’

342. Narrated ‘Aisha ؓ: While on a journey, the Prophet ﷺ used to shorten the prayer (sometimes) and offer it completely (sometimes).^[2] Similarly, he used to observe fast (sometimes) and break it (sometimes). [Ad-Dāraqutni reported it, and its narrators are reliable, but it is a defective *Hadīth*]. The *Mabfudb* (correct) narration from ‘Aisha (concerning this matter) is that it was her practice (that she ؓ offered prayers in the complete form during travelling) [and not the practice of the Prophet]. She said: ‘It is not hard for me.’ [Al-Baihaqi reported it].^[3]

فَأَفْرَتْ صَلَاةُ السَّفَرِ، وَأَيْمَتْ صَلَاةُ الْحَضْرِ.
مُتَقْعِدٌ عَلَيْهِ.

وَلِلْبُخَارِيِّ: ثُمَّ هَاجَرَ، فَفُرِضَتْ أَرْبَعًا،
وَأَفْرَتْ صَلَاةُ السَّفَرِ عَلَى الْأَوَّلِ.

وَزَادَ أَخْمَدُ: إِلَّا التَّغْرِيبُ، فَإِنَّهَا وِثْرُ النَّهَارِ،
وَإِلَّا الصَّبَحُ، فَإِنَّهَا تُطَوَّلُ فِيهَا الْقِرَاءَةُ.

(٣٤٢) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ
النَّبِيَّ ﷺ كَانَ يَقْصُرُ فِي السَّفَرِ وَيُتَمُّ، وَيَصُومُ
وَيَفْطَرُ. رَوَاهُ الدَّارَقُطْنِيُّ، وَرَوَاهُ عَبْدُ اللَّهِ بْنُ قَتَّادَةَ،
مَعْلُولٌ، وَالْمَخْفُظُ عَنْ عَائِشَةَ مِنْ فِعْلِهَا،
وَقَالَتْ: إِنَّهُ لَا يَسْتَعِدُ عَلَيْهِ. أَخْرَجَهُ البَهْبَقِيُّ.

^[1] This tells us that, in the beginning, only two *Rak'at* were specified to be offered as an obligatory prayer (like the prayer during a journey). Later on, an addition was made in the prayer of residents, whereas the prayer of a traveller remained as it was, which is now known as *Rak'atīn* (two *Rak'at*). It has not been narrated authentically that the Prophet ﷺ offered the full form of prayer during a journey.

^[2] The chain of narrators for this *Hadīth* includes ‘Ala bin Zuhair, who has been criticized by some (including Ibn Hibban and Ibn Hazm) and accredited by others (including Ibn Ma’in, Ibn Hajar and Ath-Thahabi). See: *Tabdhib At-Tabdhib* 8/161, no 326. Imām Ibn Taimiyah maintains that this *Hadīth* is nothing but a lie against the Prophet ﷺ. It is stated in *Sabibain* on the authority of ‘Abdullāh bin ‘Umar رضي الله عنهما that the Prophet ﷺ never offered more than two *Rak'at* of a four *Rak'at* prayer during a journey.

^[3] This *Hadīth* cannot be used as an evidence because in its chain of narrators is ‘Ala bin Zuhair about whom the scholars differ. It also contradicts the *Hadīth* narrated by Ibn ‘Umar رضي الله عنهما reported by Al-Bukhāri and Muslim to the effect that the Prophet ﷺ never

343. Narrated Ibn ‘Umar ﷺ: Allāh’s Messenger ﷺ said, “Allāh the Most High loves that His permissions be practiced, just as he dislikes that disobedience^[1] to Him be committed.” [Ahmad reported it. Ibn Khuzaīma and Ibn Hibbān graded it *Sabith* (authentic)]. A narration has, “As He loves that His duties be observed.”

344. Narrated Anas ﷺ: When Allāh’s Messenger ﷺ went out on a journey of three miles^[2] or three *Farasikb*^[3], he ﷺ used to pray two *Rak’at*. [Reported by Muslim].

345. Narrated (Anas) ﷺ: We went from Al-Madīnah to Makkah with Allāh’s Messenger ﷺ and he prayed two *Rak’at* at each time of prayer till we returned to Al-Madīnah. [Agreed upon, and the wording is Al-Bukhārī’s].

346. Narrated Ibn ‘Abbās ﷺ: The Prophet ﷺ (made a journey during which) he had a stop of nineteen days, during which he shortened his prayers. In a narration of Al-Bukhārī: “(he ﷺ stayed) Nineteen days in Makkah.” In a

prayed more than two *Rak’at* of a four-*Rak’at* prayer while traveling.

[1] This *Hadīth* tells us that it is much better to offer two-*Rak’at* prayer, while performing the same in full is a violation.

[2] A doubt lies in this *Hadīth* as to whether it is three miles or three *Farsakh*. The original *Hadīth* does not state it, but it is the doubt of a reporter in the chain of narrators, as to whether Anas رضي الله عنه used the words ‘three miles’ or ‘three *Farsakh*’. We must know that in order to be eligible to offer a ‘two-*Rak’at* prayer’, no distance has been specified in any *Hadīth*. In fact, this concession, like performing *Tayammum* (purification with soil) during a journey, has been kept wide open to the effect that it is permissible to offer a ‘two-*Rak’at* prayer’ during any trip which is considered as ‘traveling’.

It appears from the *Hadīth* that a ‘three-mile trip’ is indeed a journey. But as long as *Shu’ba* doubts it, the scholars have given a ruling that the distance should be three *Farsakh* (i.e., nine miles). Some scholars have specified 36 miles, some 48 miles whereas some other suggested 52 miles. The reference concerning 48 miles is better and stronger, as *Abn’āf* and the scholars of *Hadīth* accord their preference to it. However, these are merely surmises and conjectures and are not substantiated by any conclusive evidence.

[3] *Farāsikb* (plural of *Farsakh*) is Persian unit of distance. *Farsakh* is equal to about three miles.

(٣٤٣) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ اللَّهَ يُحِبُّ أَنْ تُؤْتَى رُحْصُدُهُ، كَمَا يَكْرَهُ أَنْ تُؤْتَى مَفْعِصِيَّتُهُ». رَوَاهُ أَخْمَدُ، وَصَحَّحَهُ ابْنُ حُزَيْمَةَ وَابْنُ حَيَّانَ، وَفِي رِوَايَةِ: كَمَا يُحِبُّ أَنْ تُؤْتَى عَرَائِشُهُ».

(٣٤٤) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا خَرَجَ مَسِيرَةَ ثَلَاثَةِ أَمْيَالٍ أَوْ فَرَاسِيَّ صَلَى رَحْمَتَهُ عَلَيْهِ رَوَاهُ مُسْلِمٌ.

(٣٤٥) وَعَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: خَرَجَنَا مَعَ رَسُولِ اللَّهِ ﷺ مِنَ الْمَدِينَةِ إِلَى مَكَّةَ، فَكَانَ يُصَلِّي رَكْعَتَيْنِ حَتَّى رَجَعْنَا إِلَى الْمَدِينَةِ. مُقْرَنُ عَلَيْهِ، وَاللَّفْظُ لِبَخَارِيٍّ.

(٣٤٦) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: أَقَامَ النَّبِيُّ ﷺ تِسْعَةً عَشَرَ يَوْمًا يَضُرُّ وَفِي لَفْظِهِ: «بِمَكَّةَ، تِسْعَةً عَشَرَ يَوْمًا». رَوَاهُ الْبَخَارِيُّ. وَفِي رِوَايَةِ لَابْنِ دَاؤِدَ: «سَيِّعَ

narration of Abū Dā'ud: "seventeen days."^[1] And in another: "fifteen days."

The narration of Abū Dā'ud from 'Imrān bin Husain has: "eighteen days." His narration from Jābir has: Allāh's Messenger stayed at Tabūk for twenty days, and he shortened the prayers (during his stay). [Its narrators are reliable, except that there is difference about whether or not it is *Mawsul* (unbroken chain of narrators)].

347. Narrated Anas: When Allāh's Messenger (while on a journey) proceeded before the sun had declined from the centre of the sky, he delayed the *Zubr* prayer till the time of the 'Asr prayer; he would then alight and combine the two prayers. If the sun declined before he moved off, he (would offer the *Zubr* prayer and ride (i.e. travel). [Agreed upon].

In the narration of Al-Hākim quoted in the *Al-Arba'in* with a *Sabib Isnād*, "He prayed *Zubr* and 'Asr then rode (his beast, to continue his journey.)"

Abū Nu'a'im has in his *Mustakbraj* of Muslim, "While on a journey, if the sun declined he used to pray *Zubr* and 'Asr together and then continue his journey."

348. Narrated Mu'adh bin Jabal: We went out with Allāh's Messenger on the Tabūk expedition, and he would offer *Zubr* and 'Asr prayers together^[2]

عشرة». وفي أخرى: «خمس عشرة».

وَلَهُ عَنْ عُمَرَ بْنِ حُصَيْنٍ : «ثَمَانِيَ عَشَرَةً» . وَلَهُ عَنْ جَابِرٍ : أَقَامَ يَتْبُوكُ عِشْرِينَ يَوْمًا يَقْصُرُ الصَّلَاةَ . وَرُوَاهُ ثَقَاتٌ ، إِلَّا أَنَّهُ اخْتَلَفَ فِي وَضْلِهِ .

(٣٤٧) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ : كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ إِذَا ارْتَحَلَ قَبْلَ أَنْ تَرْبِعَ الشَّمْسُ ، أَخْرَى الظَّهَرِ إِلَى وَقْتِ الْعَصْرِ ، ثُمَّ نَزَلَ فَجَمِيعَ بَيْنَهُمَا ، فَإِنْ رَاغَتِ الشَّمْسُ قَبْلَ أَنْ يَرْتَحِلَ صَلَّى الظَّهَرِ ثُمَّ رَكِبَ . مُتَقَرَّ عَلَيْهِ .

وَفِي رِوَايَةِ الْحَاكِمِ فِي الْأَرْبَعِينِ بِالْإِسْنَادِ الصَّحِيحِ : صَلَّى الظَّهَرَ وَالْعَصْرَ ثُمَّ رَكِبَ .

وَلِأَبِي ثَعْمَانَ فِي مُسْتَخْرَجِ مُشْلِمٍ : كَانَ إِذَا كَانَ فِي سَفَرٍ فَزَالَتِ الشَّمْسُ صَلَّى الظَّهَرَ وَالْعَصْرَ جَمِيعًا ، ثُمَّ ارْتَحَلَ .

(٣٤٨) وَعَنْ مُعاذِ بْنِ جَلَلٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ : خَرَجْنَا مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ فِي عَرْوَةِ بَوَّبَةٍ ، فَكَانَ يُصْلِي الظَّهَرَ وَالْعَصْرَ جَمِيعًا . رَوَاهُ

^[1] There is also a difference of opinion pertaining to the duration of one's stop-over (during a journey). Some have specified four days, others eighteen. In fact it is only a misunderstanding. In case someone has to dwell at a certain place without knowing when they will leave that place, no duration is specified in relation to it and he can go on praying 'two *Rak'at*' indefinitely.

^[2] This *Hadīth* tells us that it is permissible to join *Zubr*, 'Asr, as well as *Magrib* and *Ishā'* prayers during a journey, irrespective of whether this joining is done at the time of the validity of a former prayer or the latter one. Both of these situations are proven ones by the actions and practice of the Prophet . The followers of the *Hanafi* school of thought do not approve of this practice which amounts to the negation of this *Hadīth*.

and *Magrib* and '*Ishā'* prayers together. [Reported by Muslim].

349. Narrated Ibn 'Abbās ﷺ: Allāh's Messenger ﷺ said, "Do not shorten the prayer (while travelling) for a distance of less than four *Burud*^[1]; from Makkah to 'Uṣfān.'" [Ad-Dāraqutni reported it through a weak chain of narrators, and the right opinion is that it is *Mawqūf* (saying of a companion, i.e. Ibn 'Abbas). Ibn Khuzaima reported it as such].

350. Narrated Jābir ﷺ: Allāh's Messenger ﷺ said: "The best of my followers are those who, having done evil, ask for forgiveness (from Allāh); and when on a journey, shorten (the prayer) and break the fast." [At-Tabarānī reported it in *Al-Awsat* through a weak chain of narrators. Al-Baihaqi reported it in brief as a *Mursal* (missing link after the *Tābi'i*) from Sa'īd bin Al-Musayab].

351. Narrated Imrān bin Husain ﷺ: I suffered from piles. So I asked the Prophet ﷺ about the prayers. He said: "Pray standing; and if you are unable, (pray) sitting; and if you are unable, (pray) lying on your side." Reported by Al-Bukhāri].

352. Narrated Jābir ﷺ: The Prophet ﷺ visited a sick man and saw him praying on a cushion, he threw it away and said, "Pray on the ground, if you can, or else pray by gestures^[2] and make your prostration lower than your bowing." [Al-Baihaqi reported it and Abu Hātim graded it *Sabib* (authentic) in *Mawqūf* form (as a saying of a companion, i.e. Jabir].

^[1] *Burud*: Plural of *Barid*, which means three *Farsakh*, and one *Farsakh* is equal to three miles.

^[2] In case one is not strong enough even to gesticulate, momentarily he is excused. But as soon as he recovers and gets his strength back, he must offer all of them as an obligation. If someone faints and is unconscious, he is excused from his prayers as long as he is in that condition.

مُثْلِمٌ.

(٣٤٩) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَقْصُرُوا الصَّلَاةَ فِي أَقْلَ مِنْ أَرْبَعَةِ بُرُودٍ، مِنْ مَكَّةَ إِلَى عُسْفَانَ». رَوَاهُ الدَّارِقُطْنِيُّ بِإِشْتَادٍ ضَعِيفٍ، وَالصَّحِّحُ أَنَّهُ مَوْقُوفٌ، كَذَا أَخْرَجَهُ ابْنُ حُرَيْمَةَ.

(٣٥٠) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «خَيْرُ أُمَّتِي الَّذِينَ إِذَا أَسْأَلُوا اسْتَغْفِرُوا، وَإِذَا سَافَرُوا فَقَصَرُوا وَأَفْطَرُوا». أَخْرَجَهُ الطَّبرَانِيُّ فِي الْأَوْسَطِ بِإِشْتَادٍ ضَعِيفٍ، وَهُوَ فِي مَرَاسِيلِ سَعِيدِ بْنِ الْمُسَيْبِ عَنْدَ الْبَيْهَقِيِّ مُخْتَصِّراً.

(٣٥١) وَعَنْ عُمَرَ بْنِ حُصَيْنِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَتْ بِي بَوَاسِيرٌ، فَسَأَلَ النَّبِيَّ ﷺ عَنِ الصَّلَاةِ، قَالَ: «صَلِّ فَإِنَّمَا، إِنْ لَمْ تَسْتَطِعْ فَقَاعِدًا، إِنْ لَمْ تَسْتَطِعْ فَعَلَى جَنْبِ». رَوَاهُ الْبُخَارِيُّ.

(٣٥٢) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: عَادَ النَّبِيُّ ﷺ مَرِيضًا، فَرَأَهُ يَصْلِي عَلَى وَسَادَةٍ فَرَمَى بِهَا، وَقَالَ: «صَلِّ عَلَى الْأَرْضِ إِنْ أَشْتَطَعْتَ، وَإِلَّا فَأَوْمِ إِيمَاءَ، وَاجْعَلْ سُجُونَكَ أَخْضَصَ مِنْ رُكُوعِكَ». رَوَاهُ الْبَيْهَقِيُّ، وَصَحَّحَ أَبُو حَاتِمٍ وَفَهْمَهُ.

353. Narrated 'Aisha ﷺ: I saw the Prophet ﷺ praying while sitted in a cross-legged position^[1]. [Reported by An-Nasā'i; and Al-Hākim graded it *Sabib* (authentic)].

(٣٥٣) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: رَأَيْتُ النَّبِيَّ رَبَّنَا يُصْلِي مُتَرْبَّاً. رَوَاهُ السَّنَائِيُّ، وَصَحَّحَهُ الْحَاكِمُ.

Chapter 12 AL-JUMU'A^[2] PRAYER

١٢ - بَابُ صَلَاةِ الْجُمُعَةِ

354. Narrated 'Abdullāh bin 'Umar and Abū Huraira ﷺ: They heard Allāh's Messenger ﷺ say (while standing) upon the planks of his pulpit: "People must cease to neglect the Friday prayers, or else Allāh will seal their hearts and then they will be among the unmindful." [Reported by Muslim].

(٣٥٤) عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، وَأَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّهُمَا سَمِعَا رَسُولَ اللَّهِ رَبَّنَا يَقُولُ عَلَى أَغْرَادِ مِنْهُ: «إِذْتَهَيْنَ أَفَوَامُ عَنْ وَدْبِهِمُ الْجُمُعَاتِ، أُفْلِيَخِمَنَ اللَّهُ عَلَى قُلُوبِهِمْ، ثُمَّ يَكُونُنَّ مِنَ الْغَافِلِينَ». رَوَاهُ مُسْلِمٌ.

355. Narrated Salāma^[3] bin Al-Akwa' ﷺ: We used to offer the Friday prayer with Allāh's Messenger ﷺ and return (to our homes) while the walls had no shade^[4] for us to go under (at that time)^[5]. [Agreed upon. This is the wording of Al-Bukhāri].

(٣٥٥) وَعَنْ سَلَمَةَ بْنِ الْأَكْوَعِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كُنَّا نُصْلِي مَعَ رَسُولِ اللَّهِ رَبِّنَا يَوْمَ الْجُمُعَةِ، ثُمَّ نَتَصْرُفُ وَلَيْسَ لِلْجِيَاطِنِ ظُلْمَ نَسْتَظِلُ بِهِ. مُتَقَنِّعُ عَلَيْهِ، وَاللَّنْظُ لِلْبُخَارِيِّ.

And in a narration of Muslim: "We used to offer the Friday prayers with him

وَنَفِي لِفَظُ الْمُسْلِمِ: كُنَّا نُجَمِّعُ مَعَهُ إِذَا زَارَتِ الشَّمْسُ، ثُمَّ تَرْجِعُ، تَتَسْبِعُ الْفَيَاءَ.

^[1] The Prophet ﷺ resorted to a sitting posture during a prayer due to a legitimate excuse. A *Hadīth* states that the Prophet ﷺ suffered from an abscess in his thigh and as long as one suffers from a disease or an injury, he can offer his prayers in whatever posture he can, without any blame. This is a favor from Allāh.

^[2] The day of *Jumu'a* (Friday) was known as *Al-'Arūba* during *Jabilīya* times (the pre-Islamic period). Islam named it *Jumu'a* as the Muslims of a city gather at one place in congregation to offer prayers to Allāh the All-Mighty. In addition to this, there are a few other reasons also.

^[3] He is Abū Muslim, Salama bin 'Amr bin Al-Akwa' Sinān bin 'Abdullah Al-Aslami Al-Madani. He was one of the bravest *Sabāba*, and used to run faster than a horse with his feet. He was good, pious and generous. He died at Al-Madinah in 74 H.

^[4] This *Hadīth* clearly states that the Prophet ﷺ used to end his *Jumu'a* prayer at a time while the shades of the walls were insufficient to cover the people i.e., the *Jumu'a* prayer was performed at an early time.

^[5] According to Imām Ahmad bin Hanbal, it is permissible to start performing Friday's prayer before *Zawāl* (the declining of the sun). The rest of the *Imāms* and the majority of scholars observe that the Friday prayer must be performed immediately after *Zawāl*. During present times, it has become a practice to delay the *Jumu'a* prayer much more, even later than the *Zuhr* prayer itself, which is against the tradition of the Prophet ﷺ.

(Allāh's Messenger ﷺ) when the sun passed the meridian. We would then return and try to find the afternoon shadow.

356. Narrated Sahl bin Sa'd^[1]: We would not have a siesta (mid-day nap) nor lunch till after the Friday prayer.^[2] [Agreed upon; and the wording is Muslim's]. Another narration his: "during the life time of Allāh's Messenger ﷺ.

357. Narrated Jābir : Allāh's Messenger ﷺ was standing while delivering the *Khutba* (religious talk, sermon) on Friday when a caravan from Syria arrived. The people flocked towards it till no one was left (with the Prophet ﷺ) except twelve men. [Reported by Muslim].

358. Narrated Ibn 'Umar : Allāh's Messenger ﷺ said, "Whoever is in time for a *Rak'a* of the Friday prayer, or any other prayer,^[3] should add another (*Rak'a*) to it and his prayer will then be complete."^[4] An-Nasā'i, Ibn Mājah and Ad-Dāraqutni reported it; the wording is from Ad-Dāraqutni. Its chain of narrators is *Sabib* (authentic), but Abu Hātim confirmed it as *Mursal* (missing link after the *Tābi'i*).

(٣٥٦) وَعَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: مَا كُنَّا نَقِيلُ وَلَا نَتَنَّى إِلَّا بَعْدَ الْجُمُعَةِ. مُتَقَوْلَ عَنِيهِ، وَاللَّفْظُ لِمُسْلِمٍ. وَفِي رِوَايَةٍ: فِي عَهْدِ رَسُولِ اللَّهِ ﷺ.

(٣٥٧) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ ﷺ كَانَ يَحْكُمُ قَاتِلًا، فَجَاءَتْ عِيرٌ مِنَ الشَّامِ، فَأَنْتَلَ النَّاسُ إِلَيْهَا، حَتَّى لَمْ يَبْقَ إِلَّا اثْنَا عَشَرَ رَجُلًا. رَوَاهُ مُسْلِمٌ.

(٣٥٨) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَذْرَكَ رُكْعَةً مِنْ صَلَةِ الْجُمُعَةِ وَغَيْرَهَا فَلَيُضَافَ إِلَيْهَا أُخْرَى، وَقَدْ تَمَّتْ صَلَاتُهُ». رَوَاهُ النَّسَائِيُّ وَابْنُ ماجَةَ وَالدَّارَقُطْنِيُّ، وَاللَّفْظُ لَهُ، وَإِشْنَادُهُ صَحِيحٌ، لَكِنْ قَوْيَ أَبُو حَاتِمٍ إِرْسَالَهُ.

^[1] He is Abūl-'Abbās Al-Khazraji As-Sa'idi Al-Ansāri. He reported one hundred *Abadīt* and died in 91 H. at the age of about hundred years. It is said that he is the last *Sababi* to die in Al-Madinah.

^[2] It does not mean that he used to perform the Friday prayer even prior to the time of *Zawāl* (the declining of the sun), since they would only take their lunch and mid-day nap after the time of *Zubr*. The Friday prayer takes the place of the *Zubr* prayer, and as long as it involves a *Khutba* (religious sermon), it is imperative that it be performed early, so that the prayer is completed within the earlier part of the time for *Zubr*.

^[3] The narration which is ascribed to Abū Huraira in *Sabibatn*, does not specify and single out Friday prayer, it is only a generalisation in relation to all the prayers. As long as one could pursue one *Rak'at* with *Imām*, he accrues the reward of congregation to his credit. The same holds true in relation to Friday prayers. Then, one may stand up and complete the remainder of his prayer.

^[4] This *Hadīth* refutes the view of those who maintain that unless one listens to a part of the *Khutba* (religious talk), his Friday prayer is not acceptable.

359. Narrated Jâbir bin Samura : The Prophet ﷺ used to deliver the *Khutba* (religious talk, sermon) while standing.^[1] He ﷺ would then sit down and then stand up and deliver the *Khutba* in a standing posture. So, whoever informs you that he (the Prophet ﷺ) delivered the *Khutba* (religious talk, sermon) while sitting has definitely told a lie. [Reported by Muslim].

360. Narrated Jâbir bin ‘Abdullâh : Whenever Allâh’s Messenger ﷺ delivered a *Khutba* (religious talk), his eyes would become red, his voice rose^[2] and his anger would become intensified, as if he ﷺ was like one warning an army and saying, “The enemy has made a morning attack on you. The enemy has made an evening attack on you.” He ﷺ would also say “*Amma ba’du*,^[3] the best of speech is embodied in the Book of Allâh, and the best of guidance is the guidance of Muhammad. And the most evil of affairs are their innovations and every innovation is misguidance.”^[4] [Reported by Muslim].

And in a narration of Muslim: “In the Prophet’s *Khutba* on Friday: He would praise Allâh and extol Him. Then, following that, he would say – and he had raised his voice...”

(٣٥٩) وَعَنْ جَابِرِ بْنِ سُمَرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ كَانَ يَخْطُبُ قَائِمًا، يَجْلِسُ ثُمَّ يَقُولُ فَيَخْطُبُ قَائِمًا، فَمَنْ أَبْتَأَكَ أَنَّهُ كَانَ يَخْطُبُ جَائِسًا فَقَدْ كَذَبَ. أَخْرَجَهُ مُسْلِمٌ.

(٣٦٠) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا نَحْطَبَ أَخْمَرَتْ عَيْنَاهُ، وَعَلَا صَوْنَهُ، وَاشْتَدَ غَضَبُهُ، حَتَّى كَانَهُ مُنْتَرُ جَيْشِهِ يَقُولُ: «صَبَحَكُمْ وَمَسَاءُكُمْ»، وَيَقُولُ: «أَمَّا بَعْدُ: فَإِنَّ خَيْرَ الْحَدِيثِ كِتَابُ اللَّهِ، وَخَيْرَ الْهَدِيرِ هَذِي مُحَمَّدٌ، وَشَرُّ الْأُمُورِ مُخْدَنَاتُهَا، وَكُلُّ بَدْعَةٍ ضَلَالٌ». رَوَاهُ مُسْلِمٌ.

وَفِي رِوَايَةِ لَهُ: كَانَتْ خُطْبَةُ النَّبِيِّ ﷺ يَوْمَ الْجُمُعَةِ: يَحْمُدُ اللَّهَ، وَيُثْنِي عَلَيْهِ، ثُمَّ يَقُولُ عَلَى إِثْرِ ذَلِكَ، وَقَدْ عَلَا صَوْنَهُ.

^[1] This *Hadîth* informs us that the Prophet ﷺ used to address people (deliver *Khutba*) in a standing posture. It further informs us that during a Friday prayer, delivering a *Khutba* in two parts is in accordance with *Sunnah*, and that a brief sitting in between the said parts also conforms to the tradition of the Prophet ﷺ and a violation of any of the above is regarded as an innovation.

^[2] This *Hadîth* enjoins upon us that the *Khutba* should be delivered loudly (i.e., with a higher pitch of sound) and it should represent such a style which may be effective enough to move the audience.

^[3] An opening phrase for Islamic speeches meaning “to proceed.”

^[4] *Bid’â* (innovation), according to *Shari’â* (Divine law) stands for any action, speech or belief which is neither established nor authenticated either by the Qur’ân or *Sunnah*, nor is it derived or deduced from it. The words كل بدعة all innovations allude to the fact that no innovation upholds any goodness. For details, refer to the book *Al-I’tisâm* of Ash-Shatibi.

And in another narration from Muslim: "Whoever Allāh guides, no one can lead astray; and whoever Allāh leads astray, no one can guide him." An-Nasā'i has: "Every misguidance is (a cause to enter) the Fire."

361. Narrated 'Ammār bin Yāsir : He heard Allāh's Messenger ﷺ say : "The length of a man's prayer and the shortness of his *Kbutba* (religious talk) are a sign of his understanding^[1] (of the religion)." [Reported by Muslim].

362. Umm Hisham^[2] daughter of Haritha said : I learnt *Sūrat Qāf*^[3] from no other source than the tongue of Allāh's Messenger ﷺ who used to recite it every Friday on the pulpit^[4] when he delivered the *Kbutba* (religious talk) to the people." [Reported by Muslim].

363. Narrated Ibn 'Abbās : Allāh's Messenger ﷺ said: "Whoever speaks on Friday while the *Imām* is giving the *Kbutba* (religious talk), he is like a donkey which carries books;^[5] and he who tells him to be quiet has no *Jumu'a*^[6] ." [Reported by Ahmad with an acceptable chain of narrators].

^[1] This tells us that one should lengthen the prayer and shorten the *Kbutba*. Some of the *Khatib*s (the *Imāms* who lead the Friday prayers and deliver the *Kbutba*) during the present times lengthen their *Kbutba* to such an extent that it encroaches upon the actual prayer time and then they try to finish the prayer in a hurried manner. This practice is against the tradition of the Prophet ﷺ.

^[2] She is Umm Hishām bint Hāritha bin Nu'mān, maternal sister of 'Umra bint 'Abdur-Rahmān. She is *Ansāriya* from the Najjar clan. It is said that she participated in *Bat'at Ridwān*.

^[3] *Sūrat* no. 50.

^[4] It is a lesson for the *Khatib* (speaker) that while addressing people prior to conducting a Friday prayer, one should recite the Qur'an and interpret its meanings to the people.

^[5] Such a person resembles a donkey (i.e., a beast of burden) in that it derives no benefit out of carrying a loadful of books onto its back. Similarly, this person does not accrue any reward to his credit out of performing a Friday prayer.

^[6] It is worth noticing that the Prophet ﷺ never said that his prayer will not be accepted, but he is deprived of the reward of a Friday prayer. Hence, the scholars have stated, by deduction, that whoever engages himself in a conversation, shall indeed get credit for the

وَنَبَيِّ رَوَايَتَهُ لَهُ: «مَنْ يَهْدِ اللَّهُ فَلَا مُضِلٌّ لَهُ، وَمَنْ يُضْلِلُ فَلَا هَادِي لَهُ». وَلِلشَّائِي: «وَكُلْ صَلَاتَةً فِي النَّارِ».

(٣٦١) وَعَنْ عَمَّارِ بْنِ يَاسِيرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ طُولَ صَلَاتَةِ الرَّجُلِ وَقَصْرُ حُطُبِيهِ مَيْتَةٌ مِنْ فِيهِ». رَوَاهُ مُسْلِمٌ.

(٣٦٢) وَعَنْ أُمِّ هِشَامٍ بِنتِ حَارِثَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: مَا أَحَدَثْتُ «فَقَ» وَالْمُرْكَانَ الْمَجِيدَ؟ إِلَّا عَنْ لِسَانِ رَسُولِ اللَّهِ ﷺ، يُقْرُأُهَا كُلُّ جُمُوعَةٍ عَلَى الْمُتَبَرِّ إِذَا خَطَبَ النَّاسَ. رَوَاهُ مُسْلِمٌ.

(٣٦٣) وَعَنْ أَبْنَى عَبَّاسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ تَكَلَّمَ يَوْمَ الْجُمُعَةِ، وَإِلَامٌ يَخْطُبُ، فَهُوَ كَثُلَّ الْحِمَارِ يَحْمِلُ أَثْنَاءِ رَأْسِهِ، وَالَّذِي يَقُولُ لَهُ: أَنْصِتْ، لَيَسْتَ لَهُ جُمُوعَةً». رَوَاهُ أَحْمَدُ بْنَ شَաءِدَ لَا يَأْمُرُ بِهِ.

This *Hadīth* interprets the *Marfu'* *Hadīth* (attributed to the Prophet) of Abu Huraira reported in the *Sahībain*: On Friday, when the *Imām* is delivering the *Kutubah* (religious talk), if you say to your companion to keep quiet, then indeed you have committed a sin (error/something senseless).

364. Narrated Jābir : A man entered the mosque on a Friday when the Prophet ﷺ was delivering the *Kutubah* (religious talk, sermon) and he (the Prophet ﷺ) said, "Have you prayed? He replied, "No." He (the Prophet ﷺ) said, "Stand and pray two *Rak'at*.^[1]" [Agreed upon].

365. Narrated Ibn 'Abbās : The Prophet ﷺ used to recite in *Jumu'a* prayer *Sūrat Al-Jumu'a*^[2] and *Al-Munafiqūn*^[3]. [Reported by Muslim].

Narrated Nu'mān bin Bashir^[4] (رضي الله عنه) : He (Allāh's Messenger ﷺ) used to recite in the two 'Eids and in the Friday prayer^[5] : "Sabbib isma Rabbikal-A'la^[6]" and "Hal atāka hadithul gbāshiyah^[7]". [Reported by Muslim].

366. Narrated Zaid bin Arqam : The Prophet ﷺ prayed the 'Eid prayer (on a Friday); and granted a permission (to be excused) from the praying of Friday

وَهُوَ يَقْسِرُ حَدِيثَ أَبِي هُرَيْرَةَ فِي الصَّحِيفَتَيْنِ مَرْفُوعًا: «إِذَا قُلْتَ لِصَاحِبِكَ: أَنْصِثْ يَوْمَ الْجُمُعَةِ، وَالْإِلَامُ يَخْطُبُ، فَقَدْ لَغُوتَ».

(٣٦٤) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: دَخَلَ رَجُلٌ يَوْمَ الْجُمُعَةِ، وَالنَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ يَخْطُبُ، فَقَالَ: «صَلَّيْتَ؟» قَالَ: لَا، قَالَ: «فَمُّ فَصَلَّ رَكْعَتَيْنِ». مُتَقَرَّ عَلَيْهِ.

(٣٦٥) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ كَانَ يَقْرَأُ فِي صَلَوةِ الْجُمُعَةِ سُورَةَ الْجُمُعَةِ وَالْمُنَافِقِينَ. رَوَاهُ مُسْلِمٌ.

وَلَهُ عَنْ التَّعْمَانِ بْنِ بَشِيرٍ كَانَ يَقْرَأُ فِي الْعِيدَيْنِ وَفِي الْجُمُعَةِ بِسَبِّحِ اسْمِ رَبِّكَ الْأَعْلَى» «وَهَلْ أَنْتَ حَدِيثُ الْغَاشِيَةِ». (٣٦٦)

وَعَنْ زَيْدِ بْنِ أَوْفَى رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: صَلَّى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ رَحْصَنَ فِي الْجُمُعَةِ، فَقَالَ: «مَنْ شَاءَ أَنْ يُصْلِي فَلْيَصْلِي».

prayer, but shall be deprived of the reward associated with the Friday prayer.

[١] The narration of Al-Bukhārī comprises the word *Rak'atātīn*, after *Rak'atātīn* خَفْيَتَيْن, which means that he should offer two light ones such as to economise time to the maximum in order listen to the *Kutubah*.

[٢] *Sūrat* no. 62.

[٣] *Sūrat* no. 63.

[٤] He is Abū 'Abdullah Al-Ansārī Al-Madāni, and was the first *Ansārī* child to be born after the *Hijra* of the Prophet ﷺ. He was born in the fourteenth month of the *Hijra*. He settled in Shām and later became the governor of Kufa and then Hims. Khalid bin Khali Al-Kilā'i killed him on Marj-ar-Rahīt day in the year 64 H.

[٥] Among these *Sūrab*, he used to recite different ones on different occasions.

[٦] *Sūrat Al-A'la*. no. 87.

[٧] *Sūrat Al-Gbāshiyah*. no. 88.

prayer and said, "Whoever wants to pray it, he may pray."^[1] [Reported by *Al-Khamṣa* excluding At-Tirmidhi. Ibn Khuzaima graded it *Sabih* (authentic).]

367. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "When anyone of you prays the *Jumu'a* prayer, he should pray four (optional) *Rak'at* after it."^[2] [Reported by Muslim].

368. Narrated As-Sāib bin Yazid^[3] that Mu'āwiya told him, "If you offer the Friday prayer, do not connect it with another prayer, till you talk or go out. Allāh's Messenger ﷺ had commanded us accordingly: that we should not connect a prayer to another prayer till we talk or go out"^[4] (in between them)." [Reported by Muslim]

369. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "Whoever takes a bath, then comes to *AlJumu'a* prayer, then prays what was fixed for him,^[5] then keeps silent till the *Imām* finishes the *Khutba* (religious talk – sermon), and then prays along with him – his

رَوْاهُ الْخَمْسَةُ إِلَّا التَّرْمِذِيُّ، وَصَحَّحَهُ ابْنُ حُزَيْمَةَ.

(٣٦٧) (٣٦٨) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا صَلَّى أَحَدُكُمُ الْجُمُعَةَ فَلَا يُصِّلُّ بَعْدَهَا أَرْبَعاً. رَوَاهُ مُسْلِمٌ.

رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ لَهُ: إِذَا صَلَّيَتِ الْجُمُعَةَ فَلَا تُصِّلُّهَا بِصَلَاةٍ حَتَّى تَكَلَّمَ أَوْ تَخْرُجَ، فَإِنَّ رَسُولَ اللَّهِ ﷺ أَمَرَنَا بِذَلِكَ: أَنْ لَا تُوَصِّلَ صَلَاةٍ بِصَلَاةٍ حَتَّى تَكَلَّمَ أَوْ تَخْرُجَ. رَوَاهُ مُسْلِمٌ.

(٣٦٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: مَنْ اغْتَسَلَ، ثُمَّ أَتَى الْجُمُعَةَ، فَصَلَّى مَا قُدِّرَ لَهُ، ثُمَّ أَنْصَتَ حَتَّى يَفْرَغَ الْإِقَامَ مِنْ خُطْبَتِهِ، ثُمَّ يُصَلِّي مَمَّا، غَيْرَ لَهُ مَا يَبْتَهِ وَبَيْنَ الْجُمُعَةِ الْأُخْرَى، وَفَضَلَّ

^[1] This comprises an evidence that in case 'Eid falls on Friday, it is not obligatory to perform the Friday prayer but it is better to perform it.

^[2] There is difference in opinion as to how many *Rak'at* one should offer as *Sunnah* after the Friday prayer. Some recognise it to be just two *Rak'at*, whereas the others prefer to offer four. Imām Shāfi'i, Imām Ahmad and the majority of the scholars hold this opinion, and it is the preferable one. The *Hadīth* of four *Rak'at*, is a saying of the Prophet ﷺ himself and one should indeed act upon it accordingly.

^[3] He is Abū Yazid Al-Kindi. He was born in the year 2 H. and attended *Hajjatul-Wadā'* with his father. He died in 80 H.

^[4] This *Hadīth* tells us that in case someone offers a certain prayer at a certain place, he should not offer another prayer at the same spot and at the same time. There must be a distance in between the two prayers – either by way of change in the place or by way of *Dhikr* (the recitation of the Qur'ān, mentioning Allāh's Names or the utterance of different prescribed supplications). The well-intended motive behind it is that either his record of actions and deeds must either reflect that he has offered his prayers in that many places, or the same must prove that he has offered it that many times.

^[5] There is no specified limit to the number of *Nawāfiḥ* (voluntary prayers) one can offer while waiting for the Friday prayer. Likewise, there is no specified time limit either. But as the other *Hadīth* clearly states that there is no prohibition on the offering of *Nafl* (voluntary prayer) on Friday even at the very time of *Zawāl* – until the Imam ascends the *Minbar* to offer the *Khutbah*.

sins (committed) between that time and the next Friday will be forgiven, with an addition of three days more.”^[1] [Reported by Muslim].

370. Narrated (Abū Huraira) ﷺ: Allāh’s Messenger ﷺ mentioned the day of *Jumu‘a* and then said, “There is a time in it (Friday) at which no Muslim would stand up while praying and beg Allāh, Who is Great and Glorious, for something except that He would give it to him.”^[2] He ﷺ indicated with his hand that it (this time) is short ..” [Agreed upon]. A narration of Muslim has: “this time is brief.”

371. Narrated Abū Burda ﷺ from his father’s: I heard Allāh’s Messenger ﷺ say, “That time is between the time when the *Imām* sits down and the end of the prayer.” [Reported by Muslim]. Ad-Darāqutni held that the stronger view is that it is the saying of Abu Burda.

Ibn Mājah reported from ‘Abdullāh bin Salām, and Abū Dā’ud and An-Nasā’i reported from Jābir: “It is between the ‘Asr prayer and sunset.”

More than forty different sayings were narrated about this (special fortune time on Friday), and I have detailed them in (my book) ‘Sharḥ Al-Bukhbāri’.

372. Narrated Jābir ﷺ: It is decided in the *Sunnah*^[3] that the Friday prayer (established/recognized) when forty

ثلاثة أيام». رواه مسلم.

(٣٧٠) وَعَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ذَكَرَ يَوْمَ الْجُمُعَةِ، فَقَالَ: «فِيهِ سَاعَةٌ لَا يُوَاقِفُهَا عَنْدُ مُسْلِمٍ، وَمُؤْمِنٍ يُصْلِي يَسْأَلُ اللَّهَ عَزَّ وَجَلَّ شَيْئًا، إِلَّا أَغْطَاهُ إِيمَانُهُ». وَأَشَارَ بِيَدِهِ يَقْلِلُهَا. مُتَقَرَّ عَلَيْهِ. وَفِي رِوَايَةِ مُسْلِمٍ: «وَهِيَ سَاعَةٌ حَفِيظَةٌ».

(٣٧١) وَعَنْ أَبِي بُرَدَةَ عَنْ أَبِيهِ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «هِيَ مَا بَيْنَ أَنْ يَجْلِسَ الْإِمَامُ إِلَى أَنْ تَقْضَى الصَّلَاةُ». رَوَاهُ مُسْلِمٌ، وَرَجَحَ الدَّارَارُقْطَنِيُّ أَنَّهُ مِنْ قَوْلِ أَبِي بُرَدَةَ.

وفي حديث عبد الله بن سلام عند ابن ماجه، وجابر عند أبي داؤد والنسائي: أنها ما بين صلاة العصر إلى غروب الشمس. وقد اختلف فيها على أكثر من أربعين قولًا، وأملأتها في شرح البخاري.

(٣٧٢) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: مَضَتِ السُّنَّةُ أَنَّ فِي كُلِّ أَرْبَعِينَ فَصَادِعًا

[1] Taking a bath on Friday is a *Sunnah* (supererogatory) act according to the majority of scholars, and it is the most correct opinion. Others, however, view it as *Wājib* (compulsory).

[2] There is a certain time recurring on Friday in which a Muslim’s invocation is definitely accepted. The Prophet ﷺ has not specified any particular moment for it. This moment has also been kept secret, similar to *Lailatul-Qadr* (the Night of Decree), so that the people spend more time looking for it, and accrue more reward to their account. There are two popular quotations related to it. The first one advocates that this opportune moment occurs between ‘Asr and sunset. The second one postulates that such a moment occurs while the *Imām* delivers his *Khuṭba* to the public. Muslims ought to look for it during both of these timings.

[3] The question of how many people should gather at a certain place so as to necessitate the obligation of offering a Friday prayer, is also a disputed one among the scholars. Different

praying persons or more attend it. [Ad-Dāraqutni reported it through a weak chain of narrators.^[1]]

373. Narrated Samura bin Jundub ﷺ: The Prophet ﷺ used to ask for (Allāh's) forgiveness for the believing men and believing women, every *Jumu'a* (Friday prayer). [Al-Bazzār reported it through a weak chain of narrators].

374. Narrated Jābir bin Samura ﷺ: The Prophet ﷺ used to recite some verses from the Qur'ān in the Friday *Khutba* (religious talk – sermon), reminding^[2] the people. [Abū Dā'ud reported, and its basic meaning is in Muslim].

375. Narrated Tāriq bin Shihāb^[3]: Allāh's Messenger ﷺ said, "The Friday prayer in congregation is an obligatory duty upon every Muslim, with the exception of four: a slave, a woman, a child and a sick person." [Reported by Abū Dā'ud, who said that Tāriq did not hear (any *Hadith*) from the Prophet ﷺ. Al-Hākim also reported it from the narration of the aforementioned Tariq, who narrated from Abū Mūsa].

376. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ said, "*Jumu'a* prayer is not obligatory on a traveller."^[4]

people have mentioned the numbers – three, four, seven, nine, twelve, twenty, forty, fifty and seventy. The fact is that no such number is supported by any *Hadith*. Both a congregational prayer and a Friday prayer stand valid even if there are just two persons to offer these. This *Hadith* which states the number as forty is a weak one. It is reported in a *Hadith* that the first and foremost Friday prayer in Islam was conducted in the village Juwathā.

^[1] This *Hadith* has been reported by 'Abdul 'Aziz bin 'Abdur-Rahmān whose *Abādīth* have been described by *Hadith* scholars as 'false', 'fabricated' and himself as 'unreliable'. Therefore this condition for *Al-Jumu'a* prayer does not hold.

^[2] He used to instruct people about the fundamentals of Islam, indispensable essentials of religion; and try to dissuade them from the flashy charms of this world, and persuade them to seek the life of the Hereafter.

^[3] He is an Ahmusi, a Bajali, a Kufi and lived long both in the *Jabilīya* and Islamic eras. He saw the Prophet ﷺ but did not hear a *Hadith* from him. He took part in 33 or 34 military expeditions during the caliphate of Abu Bakr and 'Umar. He died in 82 H.

^[4] All these *Abādīth* go to explain that there are six kinds of people upon whom the Friday prayer is not obligatory, they are: slaves, women, children, travellers, sick persons and the

جُمُعَةً. رَوَاهُ الدَّارْقُطْنِيُّ بِإِشْنَادٍ ضَعِيفٍ.

(٣٧٣) وَعَنْ سَمْرَةَ بْنِ جَنْدُبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ كَانَ يَسْتَغْفِرُ لِلْمُؤْمِنَةِ وَالْمُؤْمِنَاتِ فِي كُلِّ جُمُعَةٍ. رَوَاهُ الْبَزَّارُ بِإِشْنَادٍ لَيْكَنْ.

(٣٧٤) وَعَنْ جَابِرِ بْنِ سَمْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ كَانَ فِي الْخُطْبَةِ يَقْرَأُ آيَاتٍ مِّنَ الْقُرْآنِ، يُذَكِّرُ النَّاسَ رَوَاهُ أَبُو دَاوُدَ وَأَصْلُهُ فِي مُسْلِمٍ.

(٣٧٥) وَعَنْ طَارِيقِ بْنِ شَهَابٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْجَمِيعُ حَقٌّ وَاجِبٌ عَلَى كُلِّ مُسْلِمٍ فِي جَمَاعَةٍ، إِلَّا أُرْبَعَةً: مَمْلُوكٌ، وَامْرَأَةٌ وَصَبِيٌّ وَمَرِيضٌ» رواهُ أبو داود وقال: لَمْ يَسْمَعْ طَارِيقٌ مِنَ النَّبِيِّ ﷺ، وَأَخْرَجَهُ الْحَاكِمُ مِنْ رِوَايَةِ طَارِيقِ الْمَذُكُورِ عَنْ أَبِي مُوسَى.

(٣٧٦) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَيْسَ عَلَى

[Reported by At-Tabarāni through a weak chain of narrators].

377. Narrated 'Abdullāh bin Mas'ūd : Whenever Allāh's Messenger ﷺ ascended the *Minbar* (to give the Friday *Khutba*), we used to face him. [At-Tirmidhi reported it through a weak chain of narrators. It has a *Shabid* (supporting narration) in the *Hadith* of Al-Barā', reported by Ibn Khuzaīma].

378. Narrated Al-Hakam bin Hazn^[1] : We attended the Friday prayer with the Prophet ﷺ and he ﷺ stood leaning on a staff or a bow..^[2] Reported by Abū Dā'ud].

مسافر جمعة . رواه الطبراني بإسناد ضعيف .

(٣٧٧) وَعَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا اسْتَوَى عَلَى الْمِنْبَرِ، اسْتَبَّنَاهُ بِمُجْوِهِنَا . رَوَاهُ التَّرمِذِيُّ يَا سَنَدَ ضَعِيفٌ . وَلَهُ شَاهِدٌ مِنْ حَدِيثِ الْبَرَاءِ عِنْ أَنْزِلَ حُرْبَتَهُ .

(٣٧٨) وَعَنْ الْحَكَمِ بْنِ حَزْنٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: شَهَدْنَا الْجُمُعَةَ مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَامَ مُتَوَكِّلًا عَلَى عَصَمِ أَوْ قَوْسِهِ . رَوَاهُ أَبُو دَاؤِدَ .

Chapter 13 SALAT-UL-KHAUF (PRAYER IN TIME OF FEAR)

379. Narrated Salih bin Khawwāt^[3] on the authority of one who offered the Fear prayer with Allāh's Messenger ﷺ at the battle of *Dhātur-Riqā*^[4] that a group (of the army) formed a line along with him and a group faced the enemy. He ﷺ led the group which was with him in a *Rak'a*, and then remained standing while they finished their prayer by themselves. They then departed and lined up facing the enemy, and the other party came. He

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(٣٧٩) عَنْ صَالِحِ بْنِ خَوَّاطٍ، عَمِّنْ صَلَّى مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَ ذَاتِ الرِّقَاعِ صَلَاةَ الْخُوفِ: أَنَّ طَائِفَةً مِنْ أَصْحَاحِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وِجَاهَ الْعَدُوِّ، فَصَلَّى بِالَّذِينَ مَعَهُ رَكْعَةً، ثُمَّ بَيَّنَ قَائِمًا، وَأَتَّمَوا لِأَنفُسِهِمْ، ثُمَّ أَنْصَرُوْفُوا، وَصَفُّوا وِجَاهَ الْعَدُوِّ، وَجَاءَتِ الطَّائِفَةُ الْأُخْرَى، فَصَلَّى بِهِمُ الرَّكْعَةُ الَّتِي بَيَّنَ، ثُمَّ بَيَّنَ جَالِسًا، وَأَتَّمَوا لِأَنفُسِهِمْ، ثُمَّ سَلَّمُوا بِهِمْ . مُتَقَرِّرٌ عَلَيْهِ .

nomads. Two more categories, i.e. the blind and the lame are mentioned in the Qur'ān. If they perform the Friday prayer, they shall be exempted from praying the noon prayer.

[1] Al-Hakam bin Hazn bin Abu Wahab Al-Makhzumi became a Muslim during the year of the conquest of Makkah and thus attended a *Jumu'a* with the Prophet ﷺ.

[2] This confirms that a person, while delivering the *Khutba* may take the support of some object, to avoid tiredness from a lengthy standing position, or some other reason.

[3] He is Sālih bin Khawwāt bin Jubair bin An-Nu'mān Al-Ansārī Al-Madani. He was one of the prominent *Sabābā* and his *Abādīth* are very authentic.

[4] *Dhātur-Riqā* may be translated as 'the one having strips (rags)'. Muslims were suffering from an extreme poverty, and they were bare-footed without shoes. When their feet blistered, they wrapped them with rags and tattered clothes. Thus, this battle came to be known as *Dhātur-Riqā*.

led them in the remaining *Rak'a* (of his prayer), after which he remained sitting while they finished their prayer by themselves. He then led them in uttering the *Taslim* (salutation).^[1] [Agreed upon]; and this is the wording of Muslim. This (*Hadith*) has been reported in *Al-Ma'rifab* of Ibn Mundah: from Salih ibn Khawwat, from his father.

380. Narrated Ibn 'Umar : I went on an expedition with Allāh's Messenger ﷺ to Najd,^[2] and when we came in front of the enemy we lined up in ranks facing them. Allāh's Messenger ﷺ then stood up and led us in prayer. One group stood up with him while the other faced the enemy. He prayed a *Rak'a* with those who were with him and made two prostrations. Then, they changed places with those who had not prayed. When they came Allāh's Messenger ﷺ prayed a *Rak'a* with them and made two prostrations. He then uttered the *Taslim* (salutation) and each of them got up and prayed a *Rak'a* alone and made two prostrations.^[3] [Agreed upon, and the wording if from Al-Bukhārī].

وَهَذَا لِفْظُ مُسْلِمٍ . وَوَقَعَ فِي الْمَعْرِفَةِ لِأَبْنَى مِنْهُ: عَنْ صَالِحِ بْنِ حَوَّاتٍ ، عَنْ أَبِيهِ .

(٣٨٠) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: غَرَوْثُ مَعَ رَسُولِ اللَّهِ قَبْلَ تَجْدِيدِ فَوَازِبِنَا الْعَدُوِّ، فَصَافَقُتَاهُمْ، فَقَامَ رَسُولُ اللَّهِ، فَصَلَّى إِنَّا، فَقَامَتْ طَائِفَةٌ مَعَهُ، وَأَقْبَلَتْ طَائِفَةٌ عَلَى الْعَدُوِّ، وَرَكَعَ يَمْنَ مَعَهُ، وَسَجَدَ سَجْدَتَيْنِ، ثُمَّ أَنْصَرَفُوا مَكَانَ الطَّائِفَةِ الَّتِي لَمْ تُصلِّ، فَجَاءُوكُمْ، فَرَكِعَ بِهِمْ رَكْعَةً، وَسَجَدَ سَجْدَتَيْنِ، ثُمَّ سَلَّمَ قَفَامَ كُلُّ وَاحِدٍ مِنْهُمْ، فَرَكِعَ لِتَقْسِيمِ رَكْعَةٍ وَسَجَدَ سَجْدَتَيْنِ. مَقْتَضَى عَلَيْهِ، وَاللَّفْظُ لِلْمُخَارِبِي.

^[1] This *Hadith* states that the Prophet ﷺ led a prayer consisting of two *Rak'at* and a second *Hadith* states that he led two prayers consisting of two *Rak'at* each for two different groups of fighters. In as much as the leading of two prayers is mentioned, there is no difference of opinion regarding it. The crux of the matter is that during such a 'prayer of fear', the war-tactics have been taken into consideration. Different methods of praying are authentically proven to have been adopted by the Prophet ﷺ.

Ibn Hazm has referred to fourteen different methods (styles) of praying depending on what a certain situation calls for. Sometimes it was a lengthy prayer and sometimes a short one. Sometimes it was with one manner and sometime with another. The name of the Companion of the Prophet ﷺ from whom this *Hadith* has been narrated, is not mentioned. According to another reference, his name has been stated as Sahl bin Abi Hathma.

^[2] Najd is the name of that part of the Arabian Peninsula where highlands and hills are situated.

^[3] It appears from this *Hadîth* that the Prophet ﷺ led one *Rak'at* each to two different groups while each group offered the other *Rak'at* by itself. Apparently, this situation coincides with the Qur'ân.

381. Narrated Jābir : I witnessed Salāt-al-Khauf with Allāh's Messenger ﷺ and we lined up in two rows behind him with the enemy between us and the Qiblab. The Prophet ﷺ uttered the Takbir and we all uttered it; then he bowed and we all bowed; then he raised his head after bowing and we all raised ours; then he and the row immediately behind him went down in prostration while the rear row stood facing the enemy. Then, when Allāh's Messenger ﷺ finished the prostration and the row immediately behind him stood up, the rear row went down in prostration; then they stood up. Then, the rear row went to the front and the front row to the rear. Then, the Prophet ﷺ bowed and we all bowed; then he raised his head after bowing and we all raised ours; then he and the row immediately following him – which had been in the rear in the first Rak'a – went down in prostration while the rear row stood up facing the enemy. Then, when the Prophet ﷺ and the row immediately following him finished the prostration, the rear row went down and prostrated. Finally, the Prophet ﷺ uttered the Taslim (salutation) and we all did so.^[1] [Reported by Muslim].

Abū Dā'ud has reported from Abū 'Aiyāsh Az-Zurāqī^[2] similarly, and he added: "it was in Usfān."^[3]

(٣٨١) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: شَهَدْتُ مَعَ رَسُولِ اللَّهِ صَلَوةً صَلَاةَ الْحَوْفِ، فَصَفَقْنَا صَفَّيْنِ، صَفَّ خَلْفَ رَسُولِ اللَّهِ، وَالْعَدُوُّ بَيْنَنَا وَبَيْنَ الْقِبْلَةِ، فَكَبَرَ النَّبِيُّ، وَكَبَرْنَا جَمِيعًا، ثُمَّ رَكَعَ، وَرَكَعْنَا جَمِيعًا، ثُمَّ رَفَعَ رَأْسَهُ مِنَ الرُّكُوعِ، وَرَفَعْنَا جَمِيعًا، ثُمَّ انْهَدَرَ بِالسُّجُودِ، وَالصَّفُّ الَّذِي يَلِيهِ، وَقَامَ الصَّفُّ الْمُؤَخَّرُ فِي نَحْرِ الْعَدُوِّ، فَلَمَّا قَضَى السُّجُودَ قَامَ الصَّفُّ الَّذِي يَلِيهِ، فَذَكَرَ الحَدِيثَ.

وفِي رِوَايَةِ: ثُمَّ سَجَدَ، وَسَجَدَ مَعَهُ الصَّفُّ الْأَوَّلُ، فَلَمَّا قَامُوا سَجَدَ الصَّفُّ الثَّانِي، ثُمَّ

^[1] The mode (of the prayer) in this Hadīth appears to be contrary to the Qur'anic Verse. However, the Fear prayer (Salāt-al-Khauf) has been performed in different modes keeping in view the gravity of differing circumstances. Salāt-al-Khauf is two Rak'at for the Imām. According to Nasā'i, it is mentioned in a Hadīth narrated by Jābir that the Prophet ﷺ led two Rak'at each for each of the two groups. In this situation, the Imām prayed four Rak'at, out of which two of them are his Fard and the other two are his Nafl.

^[2] His name is Zaid bin Thābit who is an Ansāri and a Zurāqī. A group of Muslims reported Hadīth from him and he died after 40 H.

^[3] Usfān is the name of a place which is located at a distance of two Manzil (about two-days journey) from Makkah.

تَأْخِرَ الصَّفُّ الْأَوَّلُ، وَتَقْدَمُ الصَّفُّ الثَّانِي،
وَذَكَرَ مِثْلَهُ، وَفِي آخِرِهِ: ثُمَّ سَلَّمَ الرَّبِيعُ
وَسَلَّمْنَا جَمِيعًا. رَوَاهُ مُسْلِمٌ. وَلَأَبِي دَاوُدَ عَنْ
أَبِي عِيَاشِ الرُّرْقِيِّ مِثْلَهُ، وَرَوَادٌ إِنَّهَا كَانَتْ
بِعُسْفَانَ.

وَلِلشَّائِئِيِّ مِنْ وَجْهِ آخرَ عَنْ جَابِرٍ: أَنَّ الرَّبِيعَ
صَلَّى إِلَيْهِ مِنْ أَصْحَابِهِ رَكْعَيْنِ، ثُمَّ
سَلَّمَ، ثُمَّ صَلَّى بِآخَرِينَ أَيْضًا رَكْعَيْنِ، ثُمَّ
سَلَّمَ. وَمِثْلُهُ لِأَبِي دَاوُدَ عَنْ أَبِي بَكْرَةَ.

An-Nasā'i reported this narration - through another chain of narrators - from Jābir : The Prophet led a group of his Companions in two *Rak'at* after which he uttered the *Taslīm* (salutation). Then he led another group in two *Rak'at* after which he uttered the *Taslīm* (salutation)." Abū Dā'ud has reported similarly from Abū Bakra .

382. Narrated Hudhaifa : The Prophet performed *Salāt al-Kbauf* leading these (Companions) in one *Rak'a* and those (other Companions) in one *Rak'a*, and they did not make up the second *Rak'a*. [Reported by Ahmad, Abū Dā'ud and An-Nasā'i. Ibn Hibbān graded it *Sabib* (authentic)]. Ibn Khuzaima has reported it similarly from Ibnu 'Abbās .

383. Narrated Ibnu 'Umar : Allāh's Messenger said, "The prayer in time of danger is one *Rak'a*, in whatever manner it is (performed)." ^[1] [Al-Bazzār reported it through a weak chain of narrators].

384. Narrated (Ibnu 'Umar) [This *Hadīth* is] attributed to the Prophet "There is no *Sabw* (prostration for forgetfulness) in the prayer in time of danger." [Ad-Dāraqutni reported it through a weak chain of narrators].

(٣٨٢) وَعَنْ حَدِيقَةِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ
الرَّبِيعَ صَلَّى صَلَاةَ الْحَوْفِ بِهُؤُلَاءِ رَكْعَةَ،
وَهُؤُلَاءِ رَكْعَةَ، وَلَمْ يَقْضُوا. رَوَاهُ أَحْمَدُ وَأَبُو
دَاوُدَ وَالشَّائِئِيِّ، وَصَحَّحَهُ ابْنُ جِبَانَ، وَمِثْلُهُ عَنْ
ابْنِ حُزَيْمَةَ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا.

(٣٨٣) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ
الْحَوْفُ رَكْعَةٌ عَلَى أَيِّ وَجْهٍ كَانَ. رَوَاهُ الْبَزارُ
بِإِشْنَادٍ ضَعِيفٍ.

(٣٨٤) وَعَنْهُ مَرْفُوعًا: لَيْسَ فِي صَلَاةِ
الْحَوْفِ سَهْوٌ. أَخْرَجَهُ الدَّارَقُوتْنِيُّ بِإِشْنَادٍ
ضَعِيفٍ.

^[1] From this *Hadīth* some people deduce and conclude that there is one *Rak'a* each, both on the follower and *Imām*. Sufyān also follows the same view.

١٤ - باب صلاة العيدان

Chapter 14

THE PRAYERS OF THE TWO 'EID^[1] (FESTIVALS)

385. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ said: "(‘Eid) Al-Fitr is the day on which the people break the fast, and ('Eid) Al-Adha is the day the people offer sacrifices."^[2] [Reported by At-Tirmidhi].

386. Narrated Abū 'Umair bin Anas bin Mālik^[3] (رضي الله عنه) on the authority of some of his paternal uncles who were among the Companions, that some riders came and testified that they had seen the new moon the previous day. The Prophet ﷺ therefore commanded the people to break the fast and go out to their place of prayer in the morning.^[4] [Reported by Ahmad and Abū Dā'ud. This is Abū Dā'ud's wording and its Isnād is Sabih (authentic)].

387. Narrated Anas ﷺ: Allāh's Messenger ﷺ would not go out on the day of the breaking of the fast till he ate some dates, which he used to eat in

(٣٨٥) عن عائشة رضي الله تعالى عنها قالت: قال رسول الله ﷺ: «الفطر يوم يفطر الناس، والأضحى يوم يصحي الناس». رواه الترمذى.

(٣٨٦) وعن أبي عمير بن أنس، عن عمومته له من الصحابة، أن ركبا جاءوا، فشهدنا أنهم رأوا الهلال بالأمس، فأمرهم النبي ﷺ أن يفطروا، فإذا أضجعوا أن يغدو إلى مصلامن. رواه أخوه وأبي داود، وهذا لفظه، وإسناده صحيح.

(٣٨٧) وعن أنس رضي الله تعالى عنه قال: كان رسول الله ﷺ لا يغدو يوم الفطر حتى يأكل تمرات (ياكلهن وترات). آخر جه

^[1] The prayer of 'Eidain (two 'Eid) is *Sunnat Mu'akkada* (offered regularly by the Prophet ﷺ – hence a definite Sunnah). Some scholars consider it *Fard Kifaya* (a collective duty – an obligation which, if performed by some, suffices for the rest, as it is not essential that it be performed by all). Others maintain that it is *Fard 'Atn* (an individual duty – an obligation essential to be performed by each individual). The first position is more correct.

^[2] This *Hadīth* implies that in order to observe 'Eidul-Fitr and 'Eidul-Adha prayers, it is necessary to act along with the masses of people – under the authority of the Muslim Ruler. If someone sights the crescent of Shawwāl and his testimony is not accepted, he can neither break his fast nor can he celebrate 'Eid alone. Similarly, he can neither offer a sacrifice nor offer a prayer on the other 'Eid. He can do so only on the condition that the general body of Muslims also do so.

^[3] His name is 'Abdullāh bin Anas bin Mālik Al-Ansāri and he was the eldest of Anas' children. He was a reliable narrator of the 4th grade and was one of the young *Tābi'in*. He lived for a long time after his father.

^[4] This clarifies that in case the moon is not sighted on the 29th of Ramadān, but the next day an authentic news of a confirmed sighting of the moon arrives that the same has been sighted at such and such place, the fasting should be broken in general then and there. If the confirmation arrives prior to *Zawāl* time (decline of the sun), 'Eid prayer should be offered the same day. If the same is confirmed after *Zawāl* time, it should be offered the following day.

odd numbers. [Al-Bukhārī reported it]. A *Mu'allaq* narration (broken chain from the side of the *Hadīth* collector, i.e. Al-Bukhari) – but connected by Ahmad – Has: “and he used to them one by one.”

البخاري، وفي رواية معلقة - ووصلها أحمـد -
: (وَيُأكِلُهُنَّ أَفْرَاداً).

388. Narrated Ibn Buraina on the authority of his father: Allāh's Messenger ﷺ would not go out on the day of breaking of the fast till he had some food, and he would not to take any food on the day of sacrifice^[1] till he had prayed (the 'Eid prayer). [Reported by Ahmad and At-Tirmidhi; Ibn Hibbān graded it *Sabib* (authentic)].

(٣٨٨) وَعَنْ أَبْنَى بُرْيَدَةَ، عَنْ أَبِيهِ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا يَخْرُجُ يَوْمَ الْفَطْرَ حَتَّى يَطْعَمَ، وَلَا يَطْعَمُ يَوْمَ الْأَشْحَى حَتَّى يُصْلِيَ رَوَاهُ أَخْمَدُ وَالثَّالِتَمْذِيُّ، وَصَحَّحَهُ أَبْنُ جَيَّانَ.

389. Narrated Umm 'Atiya ♀: We were commanded^[2] to bring out on 'Eidul-Fitr and 'Eidul-Adha, the young women and the menstruating women to participate in the goodness and supplications of the Muslims. However, the menstruating women would refrain from the (actual) place of prayer.^[3] [Agreed upon].

(٣٨٩) وَعَنْ أُمّ عَطِيَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا
قَالَتْ: أَبِرَّنَا أَنْ نُخْرِجَ الْعَوَائِقَ وَالْحَيْضَرَ فِي
الْعَدِيْدِينَ، يَشَهَّدُنَا الْحَيْرَ وَدَعْوَةُ الْمُسْلِمِينَ،
وَتَعْتَرِفُ الْحَيْضُرُ الْمُصَلَّى. مَتَّقَّ عَلَيْهِ.

390. Narrated Ibn 'Umar : Allāh's Messenger ﷺ, Abū Bakr and 'Umar (رضي الله عنهما) used to offer the 'Eid prayer before the *Khuṭba* (religious talk – sermon).^[4] [Agreed upon].

(٣٩٠) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ وَأَبُو بَكْرٍ وَعُمَرُ يُصَلِّونَ الْعِدَيْنَ قَبْلَ الْحُجَّةِ. مَتَّقَنْ عَلَيْهِ.

^[1] This Hadith informs us that it is in accordance with Sunnah to eat something before 'Eidul-Fitr prayer, and after 'Eidul-Adha prayer. Keeping in view the tradition of the Prophet ﷺ dates are preferable.

^[2] This *Hadīth* tells us that it is preferable to women to go to *Musallal-Eid* (praying place for offering 'Eid prayer) and pray there along with men. Such a preference is given to them so that they too may participate in supplication and its accompanying blessings.

^[3] Some people interpret this *Hadīth* maintaining the view that it was allowed during the early days of Islam so that the volume of the Muslim populace may appear to be seemingly abundant. But the permission for the women to come out was revoked later on. To answer their argument effectively, it is sufficient to quote a *Hadīth* narrated by 'Abdullāh bin 'Abbās رضي الله عنهما which states that even after the conquest of Makkah, he has seen the women going to the *Musalla'-Eid*.

^[4] According to *Sunnah*, the *Khutba* is to be delivered after the prayer, and there is no difference of opinion about it. During the era of Bani Umayya, Marwān put an innovation into effect that the *Khutba* should precede the prayer, but this practice has no value in Islam.

391. Narrated Ibn ‘Abbās : The Prophet ﷺ offered two *Rak’at*^[1] on the day of ‘Eid, and did not pray before or after them.^[2] [Reported by *As-Sab‘a*].

392. Narrated (Ibn ‘Abbās) : The Prophet ﷺ offered the ‘Eid prayer without an *Adhān* or an *Iqāma*. [Reported by Abū Dā’ud; and its basic meaning is in *Al-Bukhārī*].

393. Narrated Abū Sa‘id : The Prophet ﷺ never used to offer any prayer before the ‘Eid prayer. But when he went back home, he used to pray two *Rak’at*. [Reported by Ibn Mājah through a *Hasan* (good) chain of narrators].

394. Narrated (Abū Sa‘id) : The Prophet ﷺ used to go out on the day of the breaking of the fast and the day of sacrifice to the place of prayer, and the first thing he would start with was the prayer. When he finished he would stand facing the people, who were seated in their rows, and he would then preach to them and command them. [Agreed upon].

395. Narrated ‘Amr bin Shu‘aib from his father on the authority of his grandfather: The Prophet of Allah ﷺ said, “The *Takbir* in (‘Eid) *Al-Fitr* prayer are seven in the first *Rak‘a*^[3] and five in

(٣٩١) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ يَوْمَ الْعِيدِ رَكْعَتَيْنِ، لَمْ يُصْلِّ قَبْلَهُمَا وَلَا بَعْدَهُمَا. أُخْرَجَتُ السَّبْعَةُ.

(٣٩٢) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ يَوْمَ الْعِيدِ بِلَا أَذْانٍ وَلَا إِقَامَةً. أُخْرَجَهُ أَبُو دَاوُدَ وَأَضْلَلَهُ فِي الْبُخارِيِّ.

(٣٩٣) وَعَنْ أَبِي سَعِيدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ لَا يُصْلِّي قَبْلَ الْعِيدِ شَيْئًا، فَإِذَا رَجَعَ إِلَى مَثَرِيهِ صَلَّى رَكْعَتَيْنِ. رَوَاهُ أَبُو مَاجِدٍ بِإِشْتَادٍ حَسَنٍ.

(٣٩٤) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ يَخْرُجُ يَوْمَ الْفِطْرِ وَالْأَضْحَى إِلَى الْمُصَلَّى، وَأَوَّلُ شَيْءٍ يَنْدَأُ بِهِ الصَّلَاةُ، ثُمَّ يَنْتَرِفُ، فَيَقُولُ مُقَابِلَ النَّاسِ - وَالنَّاسُ عَلَى صُفُوفِهِمْ - فَيَعْظِمُهُمْ وَيَأْمُرُهُمْ. مُتَقَدِّمٌ عَلَيْهِ.

(٣٩٥) وَعَنْ عَمْرُو بْنِ شُعْبَرٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ نَبِيُّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ: «الْتَّكْبِيرُ فِي الْفِطْرِ سَبْعَةٌ فِي الْأُولَى، وَخَمْسٌ فِي الْآخِرَى، وَالْقِرَاءَةُ بَعْدَهُمَا كُلُّهُمَا». أُخْرَجَهُ أَبُو دَاوُدَ،

[١] If a person fails to join the ‘Eid prayer behind the *Imām*, and prays alone, Ahmad and Ath-Thawri hold that he should offer four *Rak’at*. Other scholars hold that he may offer it as two *Rak’ah*, while Abu Hanifa holds that one may choose between offering the missed ‘Eid prayer as two or four *Rak’ah*. (Refer to *Fathul-Allām* 2/521).

[٢] No *Nafl* (voluntary prayer) is to be offered before or after ‘Eid prayer in the *Musalla* (‘Eid praying place). However, after returning to one’s home, it is permissible to offer two *Rak’ah* of *Nafl* prayer.

[٣] There is a difference of opinion among scholars about the reports related to the number of *Takbirātul-‘Eidain* and their situations, the more correct manner among them is the one mentioned in this *Hadīth*. Some people act upon the *Hadīth* narrated by Ibn Mas‘ūd in which besides *Takbir Iftitah* and *Takbir Ruku'*, there are six extra *Takbirāt*, three of which are to be pronounced in the first *Rak‘a* prior to the recitation and the remaining three in the second *Rak‘a* after the recitation. In the matter of correctness and propriety, the

the second, and the recitation of the Qur'an in both is after the *Takbir*." [Reported by Abū Dā'ud. At-Tirmidhi transmitted its *Tashib* (grading of authenticity) from Al-Bukhāri].

وَنَقَلَ التَّرْمِذِيُّ عَنِ الْبُخَارِيِّ تَضْجِيحَهُ.

396. Narrated Abū Wāqid Al-Laithi : The Prophet ﷺ used to recite on ('Eid) *Al-Adha* and ('Eid) *Al-Fitr*, *Sūrat Qāf* (No. 50) and *Sūrat Al-Qamar* (No. 54) [Reported by Muslim].

(٣٩٦) وَعَنْ أَبِي وَاقِدِ الْئَيْثَى رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ النَّبِيُّ ﷺ يَقْرَأُ فِي الْأَضْحَى وَالْفِطْرِ بِ«قَ»، وَأَقْتَرَبَتْ». أَخْرَجَهُ مُسْلِمٌ.

397. Narrated Jābir : On an 'Eid day, Allāh's Messenger ﷺ would return by a different road^[1] from the one he had taken when going out (for the 'Eid prayer.) [Reported by Al-Bukhāri]. Abū Dā'ud has a similar report from Ibn 'Umar (رضي الله عنهما).

(٣٩٧) وَعَنْ جَابِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا كَانَ يَوْمُ الْعِيدِ خَافَطَ الطَّرِيقَ. أَخْرَجَهُ الْبُخَارِيُّ، وَلِأَبِي دَاؤِدَ عَنْ أَبْنَى عُمَرَ تَحْوِهَ.

398. Narrated Anas that when Allah's Messenger ﷺ came to Al-Madīnah, the people had two days on which they engaged in games. He (ﷺ) said, "Allāh has substituted for you something better than them: the day of sacrifice and the day of breaking the fast." [Reported by Abū Dā'ud and An-Nasā'i; with a *Sabib Isnād* (authentic chain)].

(٣٩٨) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَدِمَ رَسُولُ اللَّهِ ﷺ إِلَيْهِ الْمَدīنَةَ، وَلَهُمْ يَوْمَانٌ يَلْبَعُونَ فِيهِمَا، فَقَالَ: قَدْ أَنْذَلْتُكُمُ اللَّهُ يَهْمَا خَيْرًا مِنْهُمَا: يَوْمُ الْأَضْحَى، وَيَوْمُ الْفِطْرِ. أَخْرَجَهُ أَبُو دَاؤِدَ وَالشَّائِيْلِيُّ بِإِشْنَادٍ صَحِيحٍ.

399. Narrated 'Ali : It is *Sunnah* to go to the 'Eid (prayer) walking. [Reported by At-Tirmidhi who graded it *Hasan* (good)].

(٣٩٩) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: مِنِ الشَّيْءِ أَنْ يَخْرُجَ إِلَى الْعِيدِ مَاشِيًّا. رَوَاهُ التَّرْمِذِيُّ، وَحَسَنَهُ.

400. Narrated Abū Huraira : It rained on an 'Eid day, so the Prophet ﷺ led them (the people) in the 'Eid prayer in the mosque.^[2] [Reported by Abū Dā'ud with a *Laiyin* (weak) *Isnād*.]

(٤٠٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُمْ أَصَابُوهُمْ مَطَرٌ فِي يَوْمِ عِيدٍ، فَصَلَّى عَلَيْهِمُ النَّبِيُّ ﷺ صَلَاةَ الْعِيدِ فِي الْمَسْجِدِ. رَوَاهُ أَبُو دَاؤِدَ بِإِشْنَادٍ لَيْكَنَّ.

Hadīth narrated by Ibn Mas'ūd stands nowhere.

[¹] That is, while going to *Musallal-Eid*, he adopted a certain route. Then, while coming back from there he chose a different one, for the reason that different places may testify to the worship and the splendour of Islam may become prominent.

[²] This *Hadīth* clarifies that in case it becomes difficult to perform a prayer in a *Musallal-Eid*, due to an excuse, it is permissible to perform the same in a mosque.

١٥ - باب صلاة الكسوف

Chapter 15

SALAT AL-KUSUF^[1]

(PRAYER AT AN ECLIPSE)

401. Narrated Mughira bin Shu‘ba : That there was a solar eclipse in the time of Allāh’s Messenger ﷺ on the day his son Ibrāhīm^[2] died. The people said, “The eclipse of the sun has happened due to the death of Ibrāhīm.” Allāh’s Messenger ﷺ said, “The sun and the moon are two of Allāh’s signs; they are not eclipsed due to the death or the life^[3] of anyone. So when you see them (the eclipse of the moon or sun) supplicate to Allāh and offer prayers until the eclipse is over.^[4]” [Agreed upon]. In a narration of Al-Bukhārī it has: “till it becomes bright.”

Al-Bukhārī’s narration from Abū Bakra ♦ has: Pray and supplicate (to Allāh) till (the eclipse) is over.”

402. Narrated ‘Aisha ♦: Allāh’s Messenger ﷺ recited (from the Qur’ān) in an audible voice^[5] in the prayer at an eclipse, and prayed two *Rak’at* in

(٤٠١) عن المغيرة بن شعبة رضي الله تعالى عنه قال: انكسفت الشمس على عهد رسول الله ﷺ يوم مات إبراهيم، فقال الناس: انكسفت الشمس لموت إبراهيم، فقال رسول الله ﷺ: إن الشمس والقمر آيات من آيات الله، لا ينكسفان لموت أحد ولا لحياته، فإذا رأيتموهما فاذعوا الله وصلوا، حتى تكشف». متفق عليه. وفي رواية البخاري: «حتى تنجلي».

وللبخاري من حديث أبي بكر: «فصلوا، وادعوا، حتى ينكشف ما يكمن».

(٤٠٢) وعن عائشة رضي الله تعالى عنها، أن النبي ﷺ جهر في صلاة الكسوف بقراءته، فصلى أربع ركعات، في ركعتين وأربع

^[1] The meaning of the words *Kusuf* and *Kbusuf* (the solar and lunar eclipse) is “to become changed”. The word *Kbusuf* is usually applied to a lunar eclipse, whereas *Kusuf* is applied to a solar one; but these are also used interchangably.

^[2] His mother was Maria, the Egyptian, wife of Allāh’s Messenger ﷺ and a former slave given to him as a gift by Al-Muqawiqis the ruler of Alexandria and Egypt. Ibrāhīm was born in Jumada-al-Ula 9 H. and died on 29 Shawwāl 11 H. at the age of 18 months. He was buried at Al-Baqī’ and he (ﷺ) said, “He has someone to complete his suckling period in Paradise.”

^[3] In the days of *Jabiliya* (pre-Islamic period), people used to believe that whenever a person of eminence is either born or passes away, a solar or lunar eclipse takes place. The Prophet ﷺ refuted this idea.

^[4] This prayer is unanimously regarded as *Sunnah*. It consists of two *Rak’at*, with two *Ruku’* (bowing) in each *Rak’ah*. As this prayer has been instructed to be offered at the sighting of an eclipse, the majority of the scholars have maintained that it be performed even during those hours during which prayers are normally not performed. Furthermore, there are various other modes also related to the offering of this prayer but they are all faulty.

^[5] Whether the lunar and solar Eclipse prayers be offered in an audible voice or an inaudible one is again a disputed point. However, offering it in an audible voice is proven from a *Marfu’ Hadith* (attributed to the Prophet).

which he bowed four times^[1] and prostrated four times.” [Agreed upon. This is the wording of Muslim]. In another narration of Muslim: “He sent an announcer to announce: The prayer is (to be offered) in congregation”.^[2]

403. Narrated Ibn ‘Abbās : There was an eclipse of the sun in the life-time of Allāh’s Messenger ﷺ and then he prayed and stood for a long time, about as long as it would take to recite *Sūrat Al-Baqarāh*. Then, he bowed for a long time, and then he raised his head and stood for a long time, which was less than the first standing. Then, he bowed again for a long time, which was less than the first bowing. Then, he prostrated (twice) and then he stood for a long time, which was less than the first time standing. Then, he bowed for a long time, which was less than the first bowing. Then, he raised his head and stood up for a long time, which was less than the first standing. Then, he bowed for a long time, which was less than the first bowing. Then he prostrated (twice), and then he finished (the prayer), and the sun had become bright. He then delivered a *Khutba* (religious talk, sermon).^[3] [Agreed upon]. And the wording is Al-Bukhāri’s.

In a narration of Muslim: “When there was an eclipse of the sun, Allāh’s Messenger ﷺ performed eight bowings with four prostrations [in a two *Rak’ah* prayer for Eclipse]”

Muslim reported from ‘Ali رضي الله عنه similarly. He also reported from Jābir رضي الله عنه: “He

سَجَدَاتٍ مُتَّهِنٌ عَلَيْهِ، وَهَذَا لَفْظُ مُسْلِمٍ . وَفِي
رِوَايَةِ لَهُ: فَبَعَثَ مُنَادِيًّا يُنَادِي «الصَّلَاةُ جَامِعَةٌ» .

(٤٠٣) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: إِنَّهُ سَجَدَتِ السَّمْسُ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَصَلَّى، فَقَامَ قِيَامًا طَوِيلًا تَحْمِلُوا مِنْ قِرَاءَةِ سُورَةِ الْبَكَرَةِ، ثُمَّ رَكَعَ رُكُوعًا طَوِيلًا، ثُمَّ رَفَعَ، فَقَامَ قِيَامًا طَوِيلًا، وَهُوَ دُونَ الْقِيَامِ الْأَوَّلِ، ثُمَّ رَكَعَ رُكُوعًا طَوِيلًا، وَهُوَ دُونَ الرُّكُوعِ الْأَوَّلِ، ثُمَّ سَجَدَ، ثُمَّ قَامَ قِيَامًا طَوِيلًا، وَهُوَ دُونَ الْقِيَامِ الْأَوَّلِ، ثُمَّ رَكَعَ رُكُوعًا طَوِيلًا، وَهُوَ دُونَ الرُّكُوعِ الْأَوَّلِ، ثُمَّ رَفَعَ رَفَعَ، فَقَامَ قِيَامًا طَوِيلًا، وَهُوَ دُونَ الْقِيَامِ الْأَوَّلِ، ثُمَّ رَكَعَ رُكُوعًا طَوِيلًا، وَهُوَ دُونَ الرُّكُوعِ الْأَوَّلِ، ثُمَّ سَجَدَ، ثُمَّ أَنْصَرَفَ، وَقَدْ انْجَلَتِ السَّمْسُ، فَخَطَبَ النَّاسَ. مُتَّهِنٌ عَلَيْهِ، وَاللَّفْظُ لِبُخَارِيٍّ.

وَفِي رِوَايَةِ مُسْلِمٍ: صَلَّى حِينَ كُسِّفَتِ السَّمْسُ شَمَائِيَّ رَكْعَاتٍ فِي أَرْبَعِ سَجَدَاتٍ .

^[1] Contrary to other prayers, this prayer is with two *Ruku'* (bowings) in each *Rak'a*.

^[2] According to the sound *Hadith* this manner of calling – for any other prayer except the Eclipse prayer – is not approved.

^[3] It is known from this *Hadith* that *Khutba* (religious talk, sermon) is also delivered with the Eclipse prayer.

(Allāh's Messenger ﷺ) performed six bowings with four prostrations [in a two *Rak'ah* prayer for Eclipse].”

وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ مِثْلُ ذَلِكَ .
وَلَهُ عَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: صَلَّى
سَبْعَ رَكَعَاتٍ بِأَرْبَعِ سَجَدَاتٍ .

Narrated Ubai bin Ka'b ﷺ: “He (the Prophet ﷺ) prayed (the Eclipse prayer) and bowed five times and prostrated twice (in the first *Rak'ah*), and in the second *Rak'a* he also did the same.” [Abu Dā'ud]

وَلَأَبِي دَاوُدَ عَنْ أُبَيِّ بْنِ كَعْبٍ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ: صَلَّى، فَرَكَعَ خَمْسَ رَكَعَاتٍ ،
وَسَجَدَ سَجْدَتَيْنِ ، وَفَعَلَ فِي الثَّالِثَةِ مِثْلَ ذَلِكَ .

404. Narrated Ibn 'Abbās ﷺ: No wind ever blew without the Prophet ﷺ getting down on his knees and saying, “O Allāh, make it a mercy and do not make it a punishment.” [Reported by Ash-Shāfi'i and At-Tabarāni].

(٤٠٤) وَعَنْ أَبْنَى عَبَّاسَ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا قَالَ: مَا كَبَّرَ الرِّيحُ طُطُّ، إِلَّا جَنَّ التَّيْمَ
عَلَى رُكْبَتَيْهِ، وَقَالَ: «اللَّهُمَّ اجْعَلْهَا رَحْمَةً ،
وَلَا تَجْعَلْهَا عَذَابًا». رَوَاهُ الشَّافِعِيُّ وَالظَّبَارِيُّ .

405. Narrated (Ibn 'Abbās ﷺ): He (the Prophet ﷺ) prayed during an earthquake six bowings and four prostrations, and said, “This is the way the Prayer of the Signs (of Allah)^[1] (صلوة الآيات) is offered. [Reported by Al-Baihaqi. Ash-Shāfi'i reported a similar *Hadīth* without its end through 'Ali bin Abū Talib ﷺ.

(٤٠٥) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ
صَلَّى فِي زَلْزَلٍ سَبْعَ رَكَعَاتٍ، وَأَرْبَعَ
سَجَدَاتٍ ، وَقَالَ: هَذَا صَلَوةُ الْآيَاتِ . رَوَاهُ
الْبَيْهِقِيُّ، وَذَكَرَ الشَّافِعِيُّ عَنْ عَلَيِّ بْنِ كَعْبٍ طَالِبَ
رَضِيَ اللَّهُ تَعَالَى عَنْهُ مِثْلَهُ، ذُونَ آخِرهِ .

Chapter 16

SALAT-UL-ISTISQA^[2] (PRAYER FOR RAIN)

١٦ - بَابُ صَلَوةِ الْأَسْتِسْقَاءِ

406. Narrated Ibn 'Abbās ﷺ: Allāh's Messenger ﷺ went out (of Al-Madinah, to pray for rain) humbling (himself), wearing rough clothes, submissive, walking slowly, supplicating (Allah). Then, he offered two *Rak'at* in the

(٤٠٦) عَنْ أَبْنَى عَبَّاسَ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا قَالَ: حَرَجَ النَّبِيُّ
مُتَرَاضِعًا، مُتَبَدِّلًا،
مُتَخَشِّعًا، مُتَسَلِّمًا، مُتَصَرِّفًا ،
صَلَّى رُكْعَيْنِ ،
كَمَا يُصَلِّي فِي العِيدِ، لَمْ يَخْطُبْ خُطْبَكُمْ

^[1] This *Hadīth* tells us that in the event of an untoward occurrence, whether an earthly disaster (i.e. an earthquake, an avalanche, etc.) or a catastrophe descending from the sky (i.e. a hurricane, sand-storm, snow-storm, etc.) which inflicts pain and grief on the creatures, people must immediately take upon themselves to offer this prayer which is known as *Salātul-Ayāt*.

^[2] The lexical meaning of *Istisqa'* is “to demand or to ask for water”. In the terminology of *Shari'a* (Islamic law), it is typically used for conducting a special prayer gathering wherein supplications are offered to invoke rain. *Istisqa'* is of three kinds: 1) *Adna* (the least one). 2)

same way he prayed ‘Eid,^[1] but did not deliver your kind of *Khutba*^[2] (religious talk, sermon). [Reported by *Al-Khamsa*; and At-Tirmidhi, Abu ‘Awana and Ibn Hibbān graded it *Sahib* (authentic)].

407. Narrated ‘Aisha ﷺ: The people complained to Allāh’s Messenger ﷺ of the lack of rain. So, he gave orders for a *minbar*, which was put for him at the prayer place. He then fixed a day for the people to come out. And he ﷺ came out when the edge of the sun appeared, sat down on the *Minbar* pronounced the greatness of Allāh and expressed His praise. Then, he said, “You have complained of drought in your abodes. Allāh has ordered you to supplicate Him, and promised that He would answer (your supplications).” Then he ﷺ said: All Praise is due to Allāh, the *Rabb* (Lord) of the universe, the Compassionate, the Merciful, the Master of the Day of Judgement; nothing deserves to be worshipped except Allāh, Who does what He wills. O Allāh! You are Allāh, nothing deserves to be worshipped except You; You are the Rich, and we are the poor;

Awsat (the middle one). 3) *A’la* (the superior one). *Adna* implies a verbal supplication only. *Awsat* stands for a verbal supplication (in congregation) after offering an obligatory (*Fard*) prayer. *A’la* calls for conducting a special congregational prayer to invoke rain. The correct form of *Istisqa’* prayer is that two *Rak’at* are offered. The recitation is made in an audible voice followed by two *Khutba* (religious talk, sermon), and after it, a verbal supplication is made facing the *Qiblah*.

[1] There is a sequential and numerical difference in the pronouncing of *Takbir* between an ‘Eid prayer and an *Istisqa’* prayer. As for the *Khutba*, it should follow the main course of prayer in *Istisqa’* as it does in the ‘Eid prayer.

[2] The words “did not deliver your kind of *Khutba*” allude to the fact that it was not a tiresome and lengthy *Khutba* like yours. Shah Waliullah, in his book *Hujjatullābil-Bālīgha*, writes that there are many ways of *Istisqa’* which are ascribed to the Prophet ﷺ. The best method which the people may adopt according to *Sunnah* is that all the people must form a gathering in a forest with the *Imām*. Then, they should put on ragged clothes and supplicate to Allāh the Almighty, tearfully with a heavy heart. Then, the *Imām* should lead the prayer consisting of two *Rak’at*, with audible recitation. After the prayer, the *Imām* should deliver the *Khutba*, making supplications to Allāh, while his face should be in the direction of the *Qiblah*, and then he should turn his cloak inside out.

هذة. رواه الحمسة، وصححه الترمذى وأبو عوانة وابن جبائى.

(٤٠٧) وعن عائشة رضي الله تعالى عنها قال: شكا الناس إلى رسول الله ﷺ فحوط المطر، فأمر بمنبر، فوضي له في المصلى، ووعد الناس يوماً يخرجون فيه، فخرج حين بدأ حاجب الشمس، فقعد على المنبر، فكبّر وحمد الله، ثم قال: إنكم شكونم جدب دياركم، وقد أمركم الله أن تدعوه، ووعدكم أن يستجيب لكم، ثم قال: الحمد لله رب العالمين، الرحمن الرحيم، مالك يوم الدين، لا إله إلا الله، يفعل ما يريد، الله أنت الله، لا إله إلا أنت، أنت العني، وتحن الفقراء، أنزل علينا العيش، واجعل ما أترسلت علينا فوئه وبلاغ إلى حين. ثم رفع يديه، فلم يزل حتى رتع بياض إيطيه، ثم حوال إلى الناس ظهره، وتلقي رداءه، وهو رافع يديه،

send down rain upon us and make what You send down strength and satisfaction for a time." He ﷺ then raised his hands^[1] and kept rising them till the whiteness of his armpits was visible. He then turned his back to the people and inverted his cloak while keeping his hands raised. He ﷺ then faced the people, descended and prayed two *Rak'at*. Then, Allāh produced a cloud and storms of thunder and lightning came and the rain fell. [Reported by Abū Dā'ud who graded it *Gbarib* (transmitted through a single narrator), but its chain is *Jayyid* (good)].

The story of how the Prophet ﷺ inverted his cloak is mentioned in *Sabib Al-Bukkāri* from the narration of 'Abdullāh bin Zāid. And it contains (the words): "He ﷺ faced the *Qiblah* making supplication. Then, he prayed two *Rak'at*, reciting (the Qur'ān) in them audibly."

Ad-Dāraqutni reported from the *Mursal Hadīth* of Abū Ja'far Al-Bāqir^[2]: "He ﷺ turned his cloak round, so that the drought may turn [from dry land to rained land].

408. Narrated Anas : The Prophet ﷺ was delivering the *Khutba* (religious talk, sermon) while standing on a Friday when a man came into the mosque and said, "O Messenger of Allāh! the livestock have died and the roads are cut off, so supplicate Allāh to

ثُمَّ أَقْبَلَ عَلَى النَّاسِ، وَنَزَّلَ، وَصَلَّى رَكْعَتَيْنِ، فَأَشَأَ اللَّهُ تَعَالَى سَحَابَةً، فَرَعَدَتْ، وَرَرَقَتْ، ثُمَّ أَمْطَرَتْ. رَوَاهُ أَبُو دَاوُدَ، وَقَالَ: عَرِيبٌ، وَإِشَانَادٌ جَيِّدٌ.

وَقَصَّةُ التَّسْوِيلِ فِي الصَّحِيفِ مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ زَيْدٍ، وَفِيهِ: فَتَوَجَّهَ إِلَى الْقِبْلَةِ يَدْعُو، ثُمَّ صَلَّى رَكْعَتَيْنِ، جَهَرَ فِيهِمَا بِالْقِرَاءَةِ.

وَاللَّدَّارُ قُطْنِيٌّ مِنْ مُرْسَلِ أَبِي جَعْفَرٍ الْبَاقِرِ: وَحَوَّلَ رَدَاءَهُ لِتَحَوَّلَ التَّعْطُشُ.

(٤٠٨) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَجُلًا دَخَلَ الْمَسْجِدَ يَوْمَ الْجُمُعَةِ، وَالنَّبِيُّ ﷺ قَائِمٌ يَخْطُبُ، فَقَالَ: يَا رَسُولَ اللَّهِ! مَلَكْتَ الْأَمْوَالَ، وَأَنْقَطْتَ السَّرِيرَ، فَأَذْعُ اللَّهَ عَزَّ وَجَلَّ يُعِيشَا، فَرَفَعَ يَدَيْهِ، ثُمَّ قَالَ: «اللَّهُمَّ أَغْشَا،

^[1] In this way it is known to us that in *Istisqa'* prayer, supplications should be made with raised hands. Imām An-Nawawi has collected twenty *Abādīth* to this effect. Anas رضي الله عنه narrates that he never saw the Prophet ﷺ ever raising his hands in any of his supplications other than the one made for *Istisqa'*. This points to the fact that he never saw the Prophet ﷺ raising his hands so high in any prayer other than *Istisqa'*.

^[2] He is Muhammad Al-Baqir bin 'Ali Zainul-'Abidin bin Husain bin 'Ali bin Abū Tālib, the 5th *Imām* of the 12 *Imāms* claimed by the *Ithna 'Ashariya Sbt'a*. He was called Bāqir for his wide knowledge. He was born in 56 H. and died in 117 at 63 years and was buried at Al-Baqi'.

send us down rain.” Allāh’s Messenger ﷺ raised his hands and then said, “O Allāh! send us down rain, O Allāh! send us down rain, O Allāh! send us down rain.” And the reporter mentioned the complete *Hadīth*, which contains supplication to stop the rain. [Agreed upon].

اللَّهُمَّ أَغْنِنَا، اللَّهُمَّ أَغْنِنَا، فَذَكِرْ الْحَدِيثَ،
وَفِيهِ الدُّعَاءُ يَأْمُسِكُهَا. مُتَقَّعٌ عَلَيْهِ.

409. Narrated (Anas) ﷺ: When they experienced drought ‘Umar bin Al-Khattab ﷺ used to seek rain by asking^[1] Al-‘Abbās bin ‘Abdul Muttalib^[2] ﷺ to supplicate Allah for rain. He ('Umar) would say: ‘O Allāh, we used to ask our Prophet ﷺ to supplicate to You for rain, and You would give us rain. We are now asking our Prophet’s uncle to supplicate to You for rain, so give us rain.’ They would then be given rain. [Reported by Al-Bukhāri].

(٤٠٩) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ كَانَ إِذَا قُحِطُوا اسْتَشْفَى بِالْعَبَاسِ بْنِ عَبْدِ الْمُطَّلِبِ، وَقَالَ: اللَّهُمَّ إِنَّا كُنَّا نَسْتَشْفِي إِلَيْكَ بِنِيَّتِنَا فَتَشْفِنَا، وَإِنَّا نَتَوَسَّلُ إِلَيْكَ بِعَمَّ بِنِيَّتِنَا فَاسْقِنَا، فَيُشْفَقُونَ. رَوَاهُ البُخَارِيُّ.

410. Narrated (Anas) ﷺ: Rain fell upon us while we were with Allāh’s Messenger ﷺ. He opened his garment till some of the rain fell upon him. He then said, “It has only recently been created by its Rabb^[3].” [Reported by Muslim].

(٤١٠) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَصَابَنَا - وَنَحْنُ مَعَ رَسُولِ اللَّهِ - مَطَرٌ، قَالَ: فَحَسِرَ تَوْبَةً حَتَّى أَصَابَهُ مِنَ الْمَطَرِ، وَقَالَ: إِنَّهُ حَدِيثُ عَهْدٍ بِرَبِّهِ. رَوَاهُ مُسْلِمٌ.

^[1] This *Hadīth* teaches us that we should ask the living pious people supplicate for *Istisqā’* and not the dead ones. Many people believe that according to this *Hadīth*, supplications may be made through the dead, making them a medium, which is an erroneous view. Had it been proper and permissible to use the dead as intermediaries, ‘Umar رضي الله عنه would not have requested ‘Abbās رضي الله عنه to conduct supplications instead of the Prophet ﷺ.

^[2] He is the uncle of the Prophet ﷺ and was nicknamed Abul-Fadl. He was responsible for supplying water to the pilgrims at Makkah and the construction of the Ka’ba. He attended Al-‘Aqaba agreement to make sure that the *Ansār* were sincere in their promises even though he had not yet become a Muslim. He was captured in the battle of Badr with the polytheists. He became a Muslim just before the conquest of Makkah and took part in it. He stood firm during the battle of Hunain. He died during Rajab or Ramadān in 32 H. and was buried at Al-Baqi’.

^[3] It means that the rain is directly descending from the heavens. It has not yet touched any vice, and has not yet come down to any place wherein people commit sinful acts. The idea is to teach us to seek Allāh’s blessing by utilising the blessed and good things provided to us by Allāh the All-Mighty and then offer our thanks to Him alone.

411. Narrated 'Aisha ﷺ: When the Prophet ﷺ saw rain he said, "O Allāh, (send down) a beneficial downpour." [Agreed upon].

(٤١١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ كَانَ إِذَا رَأَى الْمَطَرَ قَالَ: «اللَّهُمَّ صَبِيًّا نَافِعًا». أَخْرَجَاهُ.

412. Narrated Sa'd ﷺ: The Prophet ﷺ supplicated (Allāh) for rain saying^[1], "O Allāh, cover all the land with accumulated, thundering, plunging and lightening clouds from which You would send us down a showery, drizzly, and pouring rain. O Possessor of Glory and Honour." [Reported by Abū 'Awana in his *Sabib*].

(٤١٢) وَعَنْ سَعْدِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ دَعَا فِي الْاسْتِسْقَاءِ: «اللَّهُمَّ جَلَّتْنَا سَحَابَةً كَيْفِنَا، قَصِيبَةً، دَلْوَقًا، ضَحْرُوكًا، ثُمَطْرُونَا مِنْهُ رُدَادًا، قَطْقَطًا، سَخْلًا، يَا ذَا الْجَلَالِ وَالْإِكْرَامِ». رَوَاهُ أَبُو عَوَانَةَ فِي صَحِيحِهِ.

413. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, Sulaiman (Solomon) went out to pray for rain, and he saw an ant lying on its back, raising its legs to the sky saying,^[2] "O Allāh, we are creatures among your creatures, we cannot live without your water." He said (to his companions), "Go back, for you have been given water through the supplication of others." [Reported by Ahmad and Al-Hākim graded it *Sabib* (authentic)].

(٤١٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: خَرَجَ سُلَيْمَانُ عَلَيْهِ السَّلَامُ يَسْتَسْقِي، فَرَأَى نَمَلًا مُسْتَقِيًّا عَلَى ظَهِيرَهَا، رَأْفَةً قَوَائِمَهَا إِلَى السَّمَاءِ، نَقَولُ: اللَّهُمَّ إِنَّا خَلَقْنَا مِنْ خَلْقِكَ، لَيْسَ بِنَا غَيْرَكَ سُقِيَّاً، فَقَالَ: «ارْجِعُو فَقَدْ سُقِيْتُمْ بِدَعْوَةِ عَيْرِكُمْ». رَوَاهُ أَخْمَدُ وَصَحَّحَهُ الْحَاكِمُ.

414. Narrated Anas ﷺ: The Prophet ﷺ prayed for rain pointing the back of his palms^[3] to the sky. [Reported by Muslim].

(٤١٤) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنْ أَسْتَسْقَى فَأَشَارَ بِظَهَرِ كَيْنِيهِ إِلَى السَّمَاءِ. أَخْرَجَهُ مُسْلِمٌ.

^[1] Many supplications concerning *Istisqa'* are reported from the Prophet ﷺ and this is one of them.

^[2] The practice of carrying animals to the *Istisqa'* prayer is proven through this *Hadīth* as Allāh may perhaps accept their supplications.

^[3] The religious scholars state that if a supplication is to be made to invoke Allāh's blessing, one should raise his hands in the usual way (palms facing the praying person). If the same is done to ward off an evil, the situation of hands should be reversed (i.e., raised hands, with palms facing out). It is meant as a sign, that may Allah effect a change in the situation. The same applies to turning the cloak inside out. Likewise, the gesture of keeping one's palms facing outwards denotes and highlights the good omen – that may Allah put the clouds lower (being filled with water).

١٧ - بَابُ اللِّبَاسِ

Chapter 17

THE MANNERS OF CLOTHING

415. Narrated Abū ‘Aamir Al-Ash‘ari^[1]: Allāh’s Messenger ﷺ said: “There will be among my followers some people who will consider adultery (*al-Hir*) and the use of silk (*Al-Harir*) lawful.”^[2] [Reported by Abū Dā’ud, and its basic meaning is in *Al-Bukhāri*].

416. Narrated Hudhaifa ﷺ: Allāh’s Messenger ﷺ forbade us from eating and drinking from gold and silver vessels, and from wearing or siting upon silk or brocade. [Reported by *Al-Bukhāri*].

417. Narrated ‘Umar ﷺ: Allāh’s Messenger ﷺ forbade the wearing of silk except the space of two or three or four fingers.^[3] [Agreed upon, and the wording is from Muslim].

418. Narrated Anas ﷺ: The Prophet ﷺ gave permission to ‘Abdur-Rahman bin ‘Auf and Az-Zubair^[4] to wear silk during the journey because of an itching which they suffered from. [Agreed upon].

(٤١٥) عَنْ أَبِي عَامِرِ الْأَشْعَرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَيَكُونَ مِنْ أُمَّتِي أُقْوَامٌ يَسْتَحْلُونَ الْجِزَّ وَالْحَرِيرَ». رَوَاهُ أَبُو دَاوُدُ، وَأَصْلُهُ فِي الْبُخَارِيِّ.

(٤١٦) وَعَنْ حُدَيْفَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تَشَرِّبَ فِي آتِيَةِ الدَّهَبِ وَالْفُضَّةِ، وَأَنْ تَأْكُلَ فِيهَا، وَعَنْ لُبْسِ الْحَرِيرِ وَالدَّيْبَاجِ، وَأَنْ تَجْلِسَ عَلَيْهِ. رَوَاهُ الْبُخَارِيُّ.

(٤١٧) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ لُبْسِ الْحَرِيرِ، إِلَّا مَوْضِعٌ أَضْبَعُينَ أَوْ ثَلَاثَ أَوْ أَرْبَعَ مَوْضِعٍ مُتَقَوْلَنَّ. مُتَقَوْلَنَّ عَلَيْهِ، وَالْفَقْطُ لِمُسْلِمٍ.

(٤١٨) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَنَّ السَّيِّدَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ رَحْصَنَ لِعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَالزَّبِيرِ فِي قِيمِصِ الْحَرِيرِ، فِي سَفَرٍ، مِنْ حِكْمَةٍ كَانَتْ بِهِمَا مُتَقَعِّدَةً. مُتَقَعِّدَةً عَنْهُمَا.

^[1] He is called ‘Abdullāh bin Hāni’ or ‘Ubaid bin Wahab. He was a *Sabābi* who settled at Shām and died during the rule of ‘Abdul Malik bin Marwān.

^[2] It means that they shall be wearing silken cloth and committing fornication to such an excess as if these things are not forbidden at all.

^[3] The wearing of silk clothing is forbidden for men. However, it is permissible for a man to wear, at the most, a garment that comprises a silken stripe not measuring more than five to ten centimeters. Likewise, it is permissible for a man to wear silk clothing if he either suffers from itching of the skin (i.e., eczema, etc.) or he gets infested with lice. Since the silk clothing benefits the ones suffering from these conditions, they are allowed to keep using them as a supportive measure until they get cured.

^[4] Az-Zubair bin Al-‘Awwām bin Khuwailid bin Asad Al-Qurashi Al-Asadi was the disciple of Allāh’s Messenger ﷺ, the son of Safiya, his paternal aunt and one of the ten who were promised to enter Paradise. He was also one of the Muslim heroes in the battles. He was killed in 36 H. after returning from the battle of Al-Jamal.

419. Narrated 'Ali bin Abi Talib ﷺ: The Prophet ﷺ presented me a silk suit of clothing.^[1] I went out wearing it, but on noticing anger on his face, I cut it up (and divided it) among the women of my household. [Agreed upon, and this is the wording of Muslim].

(٤١٩) وَعَنْ عَلِيٍّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَسَانِي النَّيَّثُ حَلَّةٌ سِيرَاءً، فَحَرَجْتُ فِيهَا، فَرَأَيْتُ الْعَصَبَ فِي وَجْهِهِ، فَشَفَقْتُهَا بَيْنَ نِسَانِيِّيَّ مُتَقْعِنِيَّهُ، وَهَذَا لِقَطْ مُسْلِمٌ.

420. Narrated Abū Müsa ﷺ: Allāh's Messenger ﷺ said, "Gold and silk are lawful for the females among my followers, but prohibited to the males". Reported by Ahmad, An-Nasa'i and At-Tirmidhi, who graded it *Sabib* (authentic)].

(٤٢٠) وَعَنْ أَبِي مُوسَى رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ تَعَالَى قَالَ: "أُحِلَّ الْذَّهَبُ وَالْخَرْبِيرُ لِإِنَاثِ أُمَّتِيِّ وَحُرْمَةً عَلَى ذُكُورِهِمْ". رَوَاهُ أَخْمَدُ وَالشَّافِعِيُّ وَالترْمِذِيُّ وَصَحَّحَهُ.

421. Narrated Imrān bin Husain ﷺ: The Prophet ﷺ said, "When Allāh grants His blessings to His servant, He loves to see the traces of His favour upon him."^[2] [Reported by Al-Baihaqi].

(٤٢١) وَعَنْ عِمْرَانَ بْنِ حُصَيْنٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ تَعَالَى قَالَ: "إِنَّ اللَّهَ يُحِبُّ إِذَا أَنْعَمَ عَلَى عَبْدِهِ نِعْمَةً، أَنْ يَرَى أَثْرَ نِعْمَتِهِ عَلَيْهِ". رَوَاهُ الْبَيْهِقِيُّ.

422. Narrated 'Ali ﷺ: Allāh's Messenger ﷺ forbade wearing of silk and clothes dyed with safflower (a red dye). [Reported by Muslim]

(٤٢٢) وَعَنْ عَلِيٍّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ تَعَالَى نَهَى عَنْ لُنْسِ الْفَسَيِّيِّ وَالْمُعَضَّفِيِّ. رَوَاهُ مُسْلِمٌ.

423. Narrated 'Abdullah bin 'Amr ﷺ: The Prophet ﷺ saw me in two clothes dyed in safflower (a red dye), whereupon he said: "Did your mother order you to do this?^[3]" [Reported by Muslim].

(٤٢٣) وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: رَأَى عَلَيَّ النَّبِيُّ تَعَالَى نُؤْبِيْنَ مُعَضَّفَيْنَ، فَقَالَ: "أَمْكَ أَمْرَتُكَ بِهَذَا؟". رَوَاهُ مُسْلِمٌ.

424. Narrated Asmā' bint Abū Bakr ﷺ: She brought out the mantle (over-

(٤٤٤) وَعَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّهَا أَخْرَجَتْ جُبَّةَ رَسُولِ اللَّهِ

^[1] This garment was presented to the Prophet ﷺ by the King of Aila region. It contained embroidery of golden and silken threads.

^[2] This clarifies that wearing good clothes and eating nice foods is not against piety. According to a *Hadīth*, Allāh loves beauty and cleanliness. Mālik bin Murara once asked the Prophet ﷺ whether nice food, decent dress, good housing and a good mode of transport are a sign of pride and vanity? He answered in the negative, saying that pride is in considering others inferior to oneself, and is in not accepting the truth.

^[3] The whole *Hadīth* goes that 'Abdullāh bin 'Umar رضي الله عنهما asked the Prophet's permission to wash that garment. His answer was in the negative instructing him to burn it instead, which was ostensibly a punitive measure.

garment) of Allāh's Messenger ﷺ – with it's collar, sleeves, front and back hemmed with brocade (silk)^[1]. [Abū Dā'ud reported it]. Its basic meaning is in Muslim's *Sabib* with the addition: "It was with 'Aisha ؓ till she died, then I took possession of it. The Prophet ﷺ used to wear it, and we wash it for the sick, seeking cure by means of it." Al-Bukhāri added in *Adab Al-Mufrad*^[2]: "He (the Prophet ﷺ) used to wear it on the visit of a delegation^[3] and on Fridays."

بِاللَّهِ، مَكْفُوفَةُ الْجَيْبِ وَالكُمِينِ وَالْفَرْجَيْنِ.
بِالدَّلِيْلِيْجِ . رَوَاهُ أَبُو دَاوُدُ، وَأَضَلَّ فِي مُسْلِمٍ،
وَزَادَ: كَانَتْ عِنْدَ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا
حَتَّى قُبِضَتْ، فَقَبَضْتُهَا، وَكَانَ النَّبِيُّ ﷺ يَلْبِسُهَا،
فَنَحْنُ نَغْلِبُهَا لِلنَّرَضِيِّ، تَسْتَشْفِي بِهَا . وَزَادَ
الْبُخَارِيُّ فِي الْأَدْبِ الْمُفْرَدِ: وَكَانَ يَلْبِسُهَا لِلْوَافِدِ
وَالْجُمُعَةِ .

[1] *Dibāj* is basically an Arabised word. *Diba* is the original word which can be translated as "a thick silken cloth."

[2] This is the name of a book written by Imām Bukhāri .

[3] This clarifies that the wearing of nice clothing is permissible on the occasion of Friday, on the *'Eid*, or to have an audience with an honourable person.

3. THE BOOK OF FUNERALS

٣ - كتاب الجنائز

(٤٢٥) عن أبي هريرة رضي الله تعالى عنه قال: قاتل رسول الله عليه السلام: «أكثروا ذكر هادم اللذات: الموت». رواه الترمذى والسائلى، وصححه ابن حبان.

425. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said: "Remember a lot the cutter (remover) of delights i.e., death."^[1] [Reported by At-Tirmidhi and An-Nasā'i; Ibn Hibbān graded it *Sabib* (authentic)].

(٤٢٦) وعن أنس رضي الله تعالى عنه قال: قاتل رسول الله عليه السلام: «لا ينتهي أحدكم الموت ليضرُّ نزل به، فإن كان لا بد ممتنعاً، فليقل: اللهم أخيني ما كانت الحياة خيراً لي، وتوافقني ما كانت الوفاة خيراً لي». متفق عليه.

426. Narrated Anas ﷺ: Allāh's Messenger ﷺ said: None of you should wish for death^[2] due to being afflicted by harm. But, if he must wish (for death) he should say: "O Allāh, give me life as long as it is good for me, and give me death if death is better for me."^[3]" [Agreed upon].

(٤٢٧) وعن بُريدة رضي الله تعالى عنها، أنَّ السَّيِّدَ ﷺ قاتل: «المؤمن يموت يمرق الجَنَّـة». رواه الثلاثة، وصححه ابن حبان.

427. Narrated Buraida ﷺ: The Prophet ﷺ said, "A believer dies with sweat^[4] on the brow." [Reported by *Ath-Tabalatba*]. And Ibn Hibbān graded it *Sabib* (authentic).

(٤٢٨) وعن أبي سعيد وأبي هريرة رضي الله تعالى عنهما قالا: «قال رسول الله عليه السلام: «الفنوا مؤتاكُم لآلة إلَّا الله». رواه مسلم والأربعة.

428. Narrated Abū Sa'īd and Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "Prompt those of you who are dying to repeat after you, "Nothing deserves to be worshipped except Allāh." [Reported by Muslim and *Al-Arba'a*].

^[1] The mention of death often provokes a feeling of abstinence, self-introspection concerning one's own deeds, and the dreadfulness of the Judgement Day. This, in turn, motivates one to perform good deeds, and molds one's psyche in such a condition so as to be prepared for the Day of Judgement.

^[2] It is forbidden to be desirous of death out of mundane afflictions, poverty and diseases, etc. To wish to meet Allāh the All-Mighty, is indeed an indication of the perfection of one's Faith. It is also permissible for one to wish for death out of fear that one might be led astray from the Right Path.

^[3] Life is a blessing to the believer. A *Hadīth* states that a believer, if pious, shall accrue more piety to his credit. Life is also a blessing to the sinner, as he may shun his sins and bad deeds out of repentance, at any point during the course of his life.

^[4] It has been construed in many ways. The correct version is that one's forehead perspires as the agony of death becomes too difficult; and a believer's agony is made a bit severe as an atonement of whatever sins he has committed in this world and their being forgiven here itself. This too is a favor of Allāh to the believer.

٤٢٩) وَعَنْ مَعْقِلِ بْنِ يَسَارٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ قَالَ: «أَفْرَءُوا عَلَى مَوْتَكُمْ يَسَّرٌ». رَوَاهُ أَبُو دَاوُدَ وَالشَّافِعِيُّ، وَصَحَّحَهُ ابْنُ جَبَانَ.

429. Narrated Ma'qil bin Yasār^[1]: The Prophet ﷺ said, "Recite *Sūrat Yāsin* over your dead."^[2] [Abū Dā'ud and An-Nasā'i reported it and Ibn-Hibbān graded it *Sahih* (authentic)].

٤٣٠) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا فَالَّتْ: دَخَلَ رَسُولُ اللَّهِ ﷺ عَلَى أُمِّ سَلَمَةَ، وَقَدْ شَقَّ بَصَرُهُ، فَأَعْنَصَهُ، ثُمَّ قَالَ: «إِنَّ الرُّوحَ إِذَا قُبِضَ أَتَّبَعَهُ الْبَصَرُ»، فَضَمَّ نَاسٌ مِنْ أَهْلِهِ، قَالَ: لَا تَذَغُوا عَلَى أَنْثُسِكُمْ إِلَّا بِخَيْرٍ، فَإِنَّ الْمَلَائِكَةَ تُؤْمِنُ عَلَى مَا تَقُولُونَ»، ثُمَّ قَالَ: «اللَّهُمَّ اغْفِرْ لِأُمِّي سَلَمَةَ، وَأَرْفَعْ دَرَجَتَهُ فِي الْمَهْدِيَّةِ، وَأَنْسِنْ لَهُ فِي قَبْرِهِ، وَتَوَزَّ لَهُ فِيهِ، وَاحْلُفْ فِي عَقْبِهِ». رَوَاهُ مُسْلِمٌ.

430. Narrated Umm Salama^[3]: Allāh's Messenger ﷺ came in to Abū Salama (when he died). His eyes were fixedly open. Closing them he said, "When the soul is taken, the sight^[4] follows it." Some of his family wept and wailed, so he (ﷺ) said, "Do not supplicate for yourselves anything but good, for the angels say *Amin* to what you say." He then said, "O Allāh, forgive Abū Salama, raise his degree among those who are rightly guided, make his grave spacious for him, grant him light in it, and grant him a successor in his descendants who remain." [Reported by Muslim].

٤٣١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ ﷺ حِينَ تُوفِيَ سُجِّيَ بِرُودِ حِبَّةَ مُتَقَنَّ عَلَيْهِ.

431. Narrated 'Aisha ﷺ that when the Prophet ﷺ died, he was covered with a striped (Yemeni) garment. [Agreed upon].

^[1] Ma'qil is a *Sababi* of Muzaina tribe. He became a Muslim before Hudaibiya expedition and participated in *Bai'at-Ridwān*. A river he had dug at Basra by the orders of 'Umar was named after him. And since then a proverb goes: "If Allāh's river comes flowing, the river of Ma'qil becomes useless." It is said that he died at Basra towards the end of Mu'awiya's rule in 60 H. or during the rule of Yazid.

^[2] This mitigates the perdition and one's soul is released out of his body with smoothness and ease. As this *Sūrah* contains a mentioning of Allāh's blessing on his slaves, the same gives strength and predominance to his element of hope and thus his soul effortlessly passes away. [Al-Albāni declared it *da'eef* (weak) in *Irwāa'* 3/150, no. 688]

^[3] He is 'Abdullāh bin 'Abdul-Asad Al-Makhzumi Al-Qurashi, the son of the paternal aunt of Allāh's Messenger ﷺ and his brother, together with Hamza, in suckling. They were all suckled by Thuwaiba the manumitted slave-woman of Abu Lahab. Abu Salama had migrated to Abyssinia (Ethiopia) with his wife Umm Salama. He attended the battle of Badr and was wounded in the battle of Uhud. His wound healed, then recurred and he finally died on 3rd Jumad-al-Ula 4 H., leaving behind Umm Salama who was married after him by the Prophet ﷺ in Shawwāl 4 H.

^[4] This informs us that the eyes of a dying person become opened wide as they observe the beloved departing soul. The eyes of the deceased should be closed immediately because they do not close after the body loses its warmth, and instinctively strike terror and instill fear in one's mind.

432. Narrated ('Aisha) ﷺ that Abū Bakr kissed^[1] the Prophet ﷺ when he was dead. [Reported by Al-Bukhari].

(٤٣٢) وَعَنْهَا أَنَّ أَبَا بَكْرَ الصَّدِيقَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَبْلَ الْتَّيْمَةِ بَعْدَ مَوْتِهِ رَوَاهُ الْبَحَارِيُّ.

433. Narrated Abū Huraira ﷺ: The Prophet ﷺ said, "A believer's soul is attached to his debt^[2] till it is paid^[3] on his behalf." [Reported by Ahmad and At-Tirmidhi who graded it *Hasan* (good)].

(٤٣٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ نَفْسُ الْمُؤْمِنِ مُعْلَمَةٌ بِذَنْبِهِ حَتَّى يُفْضِيَ عَنْهُ رَوَاهُ أَخْمَدُ وَالْتَّرمِذِيُّ وَحَسَنُهُ.

434. Narrated Ibn 'Abbās ﷺ: The Prophet ﷺ said concerning the man who fell down from his camel and died, "Wash him with water and lotus leaves^[4], and shroud him^[5] in his two garments." [Agreed upon].

(٤٣٤) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَنَّ النَّبِيِّ ﷺ قَالَ فِي الَّذِي سَقَطَ عَنْ رَاحِلَيْهِ فَمَا تَحِلُّ لِمَاءً وَسِدْرٌ وَكَمْثُورٌ فِي قَوْبَيْنِ مُتَقْعِدٌ عَلَيْهِ.

435. Narrated 'Aisha ﷺ: When the people intended to wash the Prophet ﷺ they said; "By Allāh, we do not know whether we should take off the clothes of Allāh's Messenger ﷺ as we take off the clothes of our dead..."^[6] [Reported by Ahmad and Abū Dā'ud].

(٤٣٥) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ لَهَا أَرَادُوا غُشْلَ النَّبِيِّ ﷺ قَالُوا وَاللَّهِ مَا نَتَرَى نُجَرَّدُ رَسُولُ اللَّهِ ﷺ كَمَا نُجَرَّدُ مَوْتَانَا أَمْ لَا ؟ الْحَدِيثُ رَوَاهُ أَخْمَدُ وَأَبُو دَاؤُدُ.

436. Narrated Umm 'Atiya ﷺ: The Prophet ﷺ came in when we were washing his daughter and said, "Wash her with

(٤٣٦) وَعَنْ أُمِّ عَطِيَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ دَخَلَ عَلَيْنَا النَّبِيُّ ﷺ وَتَحْنَنُ نُغَسِّلُ

[1] This explains that it is permissible to kiss a dead body provided the same belongs to a Muslim.

[2] According to this *Hadith*, a person shall remain under his indebtedness even after his death, as long his loans are not paid off.

[3] This is on the condition that the deceased person, despite possessing wealth and being solvent enough to pay off his debts, died without paying it. If someone dies an accidental death and has little time to pay it off, or a person who does not have the solvency but harbors a good intention of paying it off, is however exempted from it. One of the items related to *Zakāt* expenditure is that the debts of the indebted people be paid off.

[4] The blending of *Sidr* leaves (*Nabiq* tree) washes the dirt and filth away just like soap.

[5] This person was standing in '*Arafah*' with the Prophet ﷺ. He fell down from the mount and passed away as he was kicked by the she-camel. The Prophet ﷺ asked the people around neither to cover his head nor to apply scent on his body as Allāh will raise him on the Day of Resurrection in the state of pronouncing *Talbiya*.

[6] The *Hadith* goes that when the Prophet ﷺ expired, the people were undecided about whether or not to undress him (to perform the ritual bathing of the dead body). Suddenly the people were overwhelmed by a feeling of drowsiness and an unknown voice from one of the corners of the house was heard saying that his body should not be undressed, and hence the instruction was duly compiled with and the ritual bathing was done accordingly.

water and lotus leaves three or five times,^[1] or more than that if you see fit; and put camphor, or *some* camphor in the last washing.” When we had finished we informed him, and he threw us his lower garment saying, “Put it next to (i.e. directly upon) her body.” [Agreed upon]. And in another narration: “Begin with her right side and the places of the ablution.” And in a narration of Al-Bukhārī: “We braided her hair in three plaits and placed them behind her back.”

437. Narrated ‘Aisha ﷺ: Allāh’s Messenger ﷺ was shrouded in three pieces of white, cotton, *Sabūliyab*^[2] cloth among which was neither a shirt nor a turban. [Agreed upon].

438. Narrated Ibn ‘Umar ﷺ: When ‘Abdullāh bin ‘Ubai^[3] died, his son^[4] came to Allah’s Messenger ﷺ and said, “Give me your shirt to shroud him in it,” so he (ﷺ) gave it to him. [Agreed upon].

439. Narrated Ibn ‘Abbās ﷺ: The Prophet ﷺ said: “Wear your white garments, for they are among your best garments, and shroud your dead in

ابنته، فقال: «اغسلنها ثلاثة أو خمساً أو أكثر من ذلك، إن رأيْتَ ذلك، بما وسدي، وأجعلن في الأخيرة كافوراً، أو شيئاً من كافور»، فلما فرغنا أدناه، قالى إلينا حقوه، فقال: أشعرنها إياً. متفق عليه. وفي رواية: «أبدأ بيمينها، ومواضع الوضوء منها». وفي لفظ للبخاري: فضّرنا شعرها ثلاثة قرون، فالقيناها خلفها.

(٤٣٧) وعن عائشة رضي الله تعالى عنها قالت: كفن رسول الله ﷺ في ثلاثة أتواب يضر سخولية من كرسف، ليس فيها قبيص ولا عمامة. متفق عليه.

(٤٣٨) وعن ابن عمر رضي الله تعالى عنهما، قال: لما توفي عبد الله بن أبي جاء أبنته إلى رسول الله ﷺ فقال: أعطني قميصك أكتفه فيه، فاعطاه إياه. متفق عليه.

(٤٣٩) وعن ابن عباس رضي الله تعالى عنهما، أن النبي ﷺ قال: «البسوا من ثيابكم البيض فإنها من خير ثيابكم، وكفوا فيها

^[1] It clarifies that *Ghusl* (ritual bathing of the dead body) should be done at least three times invariably. If required more than that, it could be done five times or even seven times, but the consensus among the scholars is that one washing suffices.

^[2] *Sabūl* is the name of a village in Yemen and this fabric is from there.

^[3] He was the chief of Al-Khazraj tribe during the *Jabiliya* (ignorance) period and head of the hypocrites after the Prophet ﷺ migrated to Al-Madīnah. He retreated with 300 men from the battle of Badr and was responsible for the major part of the falsehood against ‘Aisha ﷺ. He is also the one who said, “If we return to Al-Madīnah the honorable man (meaning himself) will evict the disgraceful one (meaning the Prophet ﷺ).” He also said, “Do not feed those with Allāh’s Messenger ﷺ till they disperse.” He died in Dhul Qa’dah 9 H. His mother was called Salul.

^[4] He is ‘Abdullāh bin ‘Abdullāh bin Salul. He was one of the virtuous and benevolent *Sabāba*, and was martyred in the battle of Al-Yamama. He was the toughest man against his father to the extent that he asked to be permitted to chop his head off when he said that ‘the honorable man will evict the disgraceful one.’ His name was Hubāb during the *Jabiliya* days, but the Prophet ﷺ renamed him ‘Abdullāh.

مَوْتَكُمْ». رَوَاهُ الْخَمْسَةُ إِلَّا النَّسَائِيُّ، وَصَحَّحَهُ التَّرْمِذِيُّ.

440. Narrated Jābir ﷺ: Allāh's Messenger ﷺ said, "When one of you shrouds his brother, he should use a good shroud."^[1] [Reported by Muslim].

441. Narrated Jābir ﷺ: The Prophet ﷺ had each pair of those killed at Uhud, wrapped in a single garment.^[2] He then asked, "Which of them knew more of the Qur'ān?" Then he would have him put first in the niche inside of the grave. They were neither washed nor prayed upon. [Reported by Al-Bukhāri].

442. Narrated 'Ali ﷺ: I heard the Prophet ﷺ say, "Do not be extravagant in shrouding, for it will quickly decay." [Reported by Abū Dā'ud].

443. Narrated 'Aisha ﷺ: The Prophet ﷺ told her, "I would have washed you,^[3] if you died before me." [Reported by Ahmad and Ibn Mājah. Ibn Hibbān graded it *Sabib* (authentic)].

444. Narrated Asma bint 'Umais ﷺ: Fatima^[4] willed that 'Ali^[5] should

[¹] It only means that the shroud should be neat and clean and not an expensive one as there is a prohibition regarding the same in *Hadith*.

[²] This was only due to a constraint, as there were not enough clothes to go round at that time. The proper procedure is that the Funeral prayer of the martyrs should not be performed.

[³] It implies an evidence that a man can give *Ghusl* (bath) to the dead body of his wife and hence the majority follow this rule. Some people oppose it, but the demeanor of the Companions of the Prophet ﷺ disqualifies this persuasion of theirs. 'Ali رضي الله عنه performed *Ghusl* for Fatima Az-Zahra ﷺ and likewise 'Asma bint 'Umais ﷺ performed *Ghusl* for Abū Bakr . رضي الله عنه These occurrences prove that a husband can give *Ghusl* to his wife and a woman can do the same to her husband and it is agreed upon by consensus that the Companions of the Prophet ﷺ maintained silence on both of the above cited occasions.

[⁴] Fatima ﷺ was the youngest among the daughters of the Prophet ﷺ and she is the most important lady of this *Ummah*. 'Ali bin Abu Tālib رضي الله عنه married her in Ramadān 2 H. and wedded her in Dhul Hijja. She was then 15 years 5 months old. She died in Ramadān 11 H. 6 months after the death of her father.

[⁵] 'Ali رضي الله عنه carried out her will.

wash her (dead body). [Reported by Ad-Dāraqutni].

تَعَالَى عَنْهَا، أَنَّ فَاطِمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا
أَوْصَتَ أَنْ يُسَلِّمَا عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ.
رَوَاهُ الدَّارُطْنِيُّ.

445. Narrated Buraida concerning the woman of (the tribe of) Ghāmid that the Prophet ﷺ commanded to be stoned because of fornication. He said: "He (ﷺ) then gave command regarding (stoning) her, then prayed over her [or she was prayed over]^[1] and buried." [Reported by Muslim].

(٤٤٥) وَعَنْ بُرَيْدَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ - فِي
قِصَّةِ الْغَامِدِيَّةِ الَّتِي أَمَرَ النَّبِيَّ ﷺ بِرَجْمِهَا فِي
الرُّبَّا - قَالَ: ثُمَّ أَمَرَ بِهَا، فَصَلَّى عَلَيْهَا
وَدُفِئَتْ. رَوَاهُ مُسْلِمٌ.

446. Narrated Jabir bin Samura : The dead body of a man who had killed himself with a broad headed arrow was brought before the Prophet ﷺ, but he did not offer prayer^[2] on him. [Reported by Muslim].

(٤٤٦) وَعَنْ جَابِرِ بْنِ سَمْرَةَ رَضِيَ اللَّهُ تَعَالَى
عَنْهُ قَالَ: أَتَيَ النَّبِيَّ ﷺ بِرَجْلِهِ قَتَلَ نَفْسَهُ
بِمَشَاقِصَ، فَلَمْ يُصَلِّ عَلَيْهِ. رَوَاهُ مُسْلِمٌ.

447. Narrated Abū Huraira : Regarding the story of a woman who used to sweep the mosque. The Prophet ﷺ asked about her and they (the Companions) told him she had died. He (ﷺ) then said, "Why did you not inform me?" and it appeared as if they had considered her as of little importance. He (ﷺ) said, "Show me her grave", and when they did so, he prayed^[3] on her. [Agreed upon].

(٤٤٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ
- فِي قِصَّةِ الْمَرْأَةِ الَّتِي كَانَتْ تَقْمِسُ الْمَسْجِدَ -
قَالَ: فَسَأَلَ عَنْهَا النَّبِيُّ ﷺ، فَقَالُوا: مَاتَتْ،
فَقَالَ: «أَفَلَا كُنُشْتُمْ أَذْتَمُونِي؟» - فَكَانُوكُمْ صَغِيرُوا
أَمْرَهَا - فَقَالَ: «دُلُونِي عَلَى قَبْرِهَا»، فَدَلَوْهُ،
فَصَلَّى عَلَيْهَا. مُتَقَدِّمٌ عَلَيْهِ.

^[1] In some narrations, the word *Fasulliya* is used which is *Majbul* (unknown) and imply that the Prophet ﷺ himself did not perform the Funeral prayer, but that it was offered by his Companions. The truth of the matter is that the Prophet ﷺ himself offered her Funeral prayer.

^[2] There is a difference of opinion among scholars about the Funeral prayer of the one who has died as a result of committing suicide. The majority among them agree that such a person's Funeral prayer must be offered. Qadi 'Ayādh has transmitted from a certain source that all the scholars agree on Funeral prayers of such persons who have been either punished or stoned to death (on a *Shari'a* ruling), the ones having committed suicide, and illegitimate children (born out of wedlock). The Prophet ﷺ would not attend some of the Funeral prayers but used to instruct people to attend them.

^[3] This proves that offering a Funeral prayer at someone's grave is also permissible. It further proves that no time limit is specified in regard to a Funeral prayer. The Prophet ﷺ offered the Funeral prayer of the Uhud martyrs after eight years of their passing away. It also proves that a Funeral prayer may also be offered as many as two or three times.

And Muslim added: He (ﷺ) then said, "These graves are full of darkness for their occupants, but Allāh will illuminate them (the graves) for them (the occupants) because of my prayer on them."

وَرَأَادْ مُسْلِمٌ: ثُمَّ قَالَ: إِنَّ هَذِهِ الْقُبُوْرَ مَمْلُوَّةً طَلْمَةً عَلَى أَهْلِهَا، وَإِنَّ اللَّهَ يُتُورُهَا لَهُمْ بِصَلَاتِي عَلَيْهِمْ.

448. Narrated Hudhaifa ﷺ: The Prophet ﷺ used to forbid the announcing^[1] of death. [Reported by Ahmad, and At-Tirmidhi who graded it *Hasan* (good)].

(٤٤٨) وَعَنْ حُدَيْفَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ كَانَ يَنْهَا عَنِ التَّعْيِيرِ. رَوَاهُ أَحْمَدُ وَالْتَّرمِذِيُّ، وَحَسَنَهُ.

449. Narrated Abū Huraira ﷺ: The Prophet ﷺ announced the death of An-Najāšī (Negus)^[2] on the day he died, took them out to the *Musalla* (the place of prayer) and drew them up in rows and uttered the *Takbīr* four times.^[3] [Agreed upon].

(٤٤٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ نَعَى النَّجَاشِيَّ فِي الْيَوْمِ الَّذِي مَاتَ فِيهِ، وَخَرَجَ بِهِمْ إِلَى الْمُصَلَّى، فَصَفَّ بِهِمْ، وَكَبَّرَ عَلَيْهِ أَرْبَعاً. مَتَّقَنْ عَلَيْهِ.

450. Narrated Ibn 'Abbās ﷺ: I have heard the Prophet ﷺ say: If any Muslim dies and forty men who associate nothing with Allāh offer prayer on him, Allāh will accept them as intercessors^[4] for him. [Reported by Muslim].

(٤٥٠) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «مَا مِنْ رَجُلٍ مُسْلِمٍ يَمُوتُ، فَيَقُولُونَ عَلَى جَنَازَتِهِ أَرْبَعُونَ رَجُلاً، لَا يُشَرِّكُونَ بِاللَّهِ شَيْئاً، إِلَّا شَفَعُهُمُ اللَّهُ فِيهِ». رَوَاهُ مُسْلِمٌ.

451. Narrated Samura bin Jundub ﷺ: I prayed behind the Prophet ﷺ and he prayed on a woman who had died in child birth and he stood opposite the

(٤٥١) وَعَنْ سَمْرَةَ بْنِ جُنْدُبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: صَلَّيْتُ وَرَاءَ النَّبِيِّ ﷺ عَلَى امْرَأَةٍ مَاتَتْ فِي نِفَاسِهَا، فَقَامَ وَسَطَهَا. مَتَّقَنْ

^[1] The meaning of نَبِي نَبِي 'Naz' is 'to convey the news of someone's death'. It was a custom in the days of *Jabiltya* (pre-Islamic period) that whenever a person of eminence and repute died, the news about his death was announced all over the city. This practice is forbidden. However, one can inform his relatives and pious people to participate in the funeral.

^[2] An-Najāšī (Negus) was the title of the Abyssinian (Ethiopian) ruler whose real name was Ashama bin Al-Abjar. The Muslims migrated to him fleeing with their Faith from the suppression of the infidels at Makkah. The Prophet ﷺ sent him a letter calling him to Islam with 'Amr bin Umaiya Ad-Damari towards the end of 6 H. or in Muharram 7 H. He received the letter, put it against his eyes, descended from his throne and became a Muslim at the hands of Ja'far bin Abu Tālib who wrote to the Prophet ﷺ to that effect. An-Najāšī died in Rajab 9 H. after the expedition of Tabuk and the Prophet ﷺ offered *Salātul-Janāza* on him in absentia. The Prophet ﷺ then wrote to his successor calling him to Islam.

^[3] This informs us that offering someone's Funeral prayer in the absence of his dead body is permissible.

^[4] This explains that the intercession of a Muslim for another Muslim (by way of invoking for his salvation) is acceptable to Allāh.

middle part^[1] of her body. [Agreed upon].

عَنْهُ.

452. Narrated ‘Aisha ﷺ: I swear by Allāh, that Allāh’s Messenger ﷺ prayed on (the dead bodies of) the two sons of Baidā^[2] in the mosque.^[3] [Reported by Muslim].

(٤٥٢) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: وَاللَّهِ لَقَدْ صَلَّى رَسُولُ اللَّهِ ﷺ عَلَى ابْنَيْ بَيْضَاءَ فِي الْمَسْجِدِ. رَوَاهُ مُسْلِمٌ.

453. Narrated ‘Abdur-Rahman bin Abū Laila^[4]: Zaid bin Arqam used to utter the *Takbir* four times on their dead, but once he uttered it five times,^[5] on a dead body, and I asked him about it. He said, “Allāh’s Messenger ﷺ used to utter those *Takbirāt*.” [Reported by Muslim and *Al-Arba'a*].

(٤٥٣) وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَةِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ زَيْدُ بْنُ أَرْقَمَ يَكْبُرُ عَلَى جَنَابَتِنَا أَرْبَعًا، وَإِنَّ كَبَرَ عَلَى جَنَابَةِ خَمْسًا، فَسَأَلْتُهُ، فَقَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَكْبُرُهَا. رَوَاهُ مُسْلِمٌ وَالْأَرْبَعَةُ.

454. Narrated ‘Ali ﷺ that he uttered *Takbir* six times on Sahl bin Hunaiif^[6] and said, “He was one of the

(٤٥٤) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ كَبَرَ عَلَى سَهْلِ بْنِ حُنَيْفٍ سِتًا، وَقَالَ: إِنَّهُ

^[1] If the dead body belongs to a male, the *Imām* should stand by his head, and if it belongs to a female, the *Imām* should stand besides the middle part of her body.

^[2] Baidā' is the nickname of the mother called Da'ad bint Al-Juhdum Al-Fihriya, and her two sons are Sahl and Suhail whom she bore to Wahab bin Rabi'a Al-Qurashi Al-Fihri. Sahl was the one who vetoed the *Sabīfa* (see glossary) written by Quraish to boycott Banu Hashim and the Muslims. It was said that he became a Muslim openly in Makkah. It was also reported that he concealed his Islamic faith and was forced to join the Quraish army to fight at Badr. He was then captured by the Muslims and 'Abdullah bin Mas'ud witnessed for him that he had seen him praying at Makkah. So he was released and died at Al-Madinah. But Suhail had become a Muslim very early, participated in the *Hijratain* (two migrations) and attended Badr and all the important battles. He died at Al-Madinah in 9 H. after the expedition of Tabuk. A third son of Al-Baidā' is called Safwān who was martyred at Badr, it was also said that he died long after the death of the Prophet ﷺ.

^[3] Some people deem it improper to conduct Funeral prayer in a mosque, but there is no evidence confirming their viewpoint. It is reported through Ibn Abi Shaiba that the Funeral prayer of Abū Bakr رضي الله عنه was led by 'Umar رضي الله عنه in the mosque. It has been reported in *Musnad Sa'id bin Mansūr* that the Funeral prayer of 'Umar رضي الله عنه was led by Suhaib رضي الله عنه in the mosque and that the Funeral prayer of Sa'd bin Abi Waqqās was offered in the mosque.

^[4] He is an Ansāri and a Madani and a Kufi. He was one of the reliable elder *Tābi'in* in terms of *Hadīth* reporting. He is nicknamed Abu 'Isa and reported *Abadīth* from a group of the *Sabāba*. He was born at the beginning of the last six years of 'Umar's caliphate. He died in 86 H. at the battle of Al-Jamajim, and it was said that he drowned in Basra river.

^[5] The Prophet ﷺ is reported to have pronounced four, five, six, seven and as many as eight *Takbir*. 'Umar رضي الله عنه unified people on four by a common consensus and the same is acted upon to this day.

^[6] Sahl bin Hunaiif is an Ansāri, an Ausi (from the tribe of Aus) and a Madani. He attended Badr and all the following battles. He stood firm with the Prophet ﷺ in the battle of Uhud.

بَكَرِيٌّ. رَوَاهُ سَعِيدُ بْنُ مَنْصُورٍ. وَأَصْلُهُ فِي
الْبُخَارِيِّ. وَرَوَاهُ سَعِيدُ بْنُ مَنْصُورٍ. وَأَصْلُهُ فِي
بَكَرِيٌّ. رَوَاهُ سَعِيدُ بْنُ مَنْصُورٍ. وَأَصْلُهُ فِي
بَكَرِيٌّ.

455. Narrated Jābir ﷺ: Allāh's Messenger ﷺ used to utter four *Takbīr* on our dead, and recite the opening of the Book (*Sūrat Al-Fātiha*)^[1] after the first *Takbīr*. [Reported by Ash-Shāfi‘ī through a weak chain of narrators].

456. Narrated Talha bin ‘Abdullāh bin ‘Auf^[2] (ﷺ): I prayed behind Ibn ‘Abbās (ﷺ) on a *Janāza* (dead person) and he recited *Fātībat-ul Kitāb*. He then said, “(I did that) so that you may know it is a *Sunnah*. ”^[3] [Reported by Al-Bukhāri].

457. Narrated ‘Auf bin Mālik^[4] ﷺ: Allāh's Messenger ﷺ prayed on a dead body and I memorized from his supplication,^[5] “O Allāh, forgive him, show him mercy, grant him well-being, pardon him, grant him a noble provision and a spacious lodging, wash him with water, snow, and ice and hail, purify him from sins as the white garment is purified from filth, give him

(٤٥٥) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: كَانَ رَسُولُ اللَّهِ يَكْبُرُ عَلَى جَنَازَتِنَا أَرْبَعاً، وَيَقْرَأُ بِفَاتِحةِ الْكِتَابِ فِي التَّكْبِيرَةِ الْأُولَى. رَوَاهُ الشَّافِعِيُّ بِإِشَادَةِ ضَعِيفٍ.

(٤٥٦) وَعَنْ طَلْحَةِ بْنِ عَبْدِ اللَّهِ بْنِ عَوْفٍ، قَالَ: صَلَّيْتُ خَلْفَ ابْنِ عَبَّاسٍ عَلَى جَنَازَةٍ، فَقَرَأَ فَاتِحةَ الْكِتَابِ، فَقَالَ لِتَعْلَمُوا أَنَّهَا شَنَةٌ. رَوَاهُ الْبُخَارِيُّ.

(٤٥٧) وَعَنْ عَوْفِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: صَلَّى رَسُولُ اللَّهِ عَلَى جَنَازَةٍ، فَحَفِظْتُ مِنْ دُعَائِهِ «اللَّهُمَّ اغْفِرْ لَهُ، وَارْحَمْهُ، وَاغْفِرْ لَهُ، وَاغْفِرْ لَهُ، وَأَكْرِمْ نُزْلَهُ، وَوَسْعَ مَدْخَلَهُ، وَأَغْسِلْهُ بِالْمَاءِ، وَالثَّلْجِ، وَالبَرَدِ. وَقُوَّهُ مِنَ الْخَطَايَا، كَمَا يَئْمَنُ التَّوْبَةَ الْأَيْضُّ مِنَ الدَّنَسِ، وَأَبْدِلْهُ ذَاراً خَيْرًا مِنْ

Later, ‘Ali appointed him to govern Basra, and he participated with him in the battle of Siffin. There was a brotherhood bond between ‘Ali and him after the *Hijra*. He died in 38 H.

^[1] This *Hadīth* stands as an evidence that the recitation of *Sūrat Al-Fātiha* during a Funeral prayer is a legislated *Sunnah* – or compulsory according to some of the scholars – since it is confirmed in the authentic *Hadīth* which follows.

^[2] Talha was a Zuhri, a Qurashi and a Madani and son of ‘Abdur-Rahmān bin ‘Auf’s brother. He is nicknamed Talha An-Nada and was reliable, learned and memorized many *Abadīth*. He was among the middle *Tabi‘in* and died in 97 H. at the age of 72 years.

^[3] In a Funeral prayer, *Sūrat Al-Fātiha* should be recited with a subdued voice. The reason why Ibn Abbās رَضِيَ اللَّهُ عَنْهُ recited the same with a loud voice was explained by himself as he said, “I recited it aloud so that it becomes known to you all that the observance of the same is *Sunnah*.”

^[4] ‘Auf was a *Sabābi* from the clan of Ashja‘ and he first took part in the battle of Khaibar. He carried the flag of Ashja‘ during the conquest of Makkah. He settled in Shām and died there in 73 H.

^[5] The possibility exists that the Prophet ﷺ might have uttered this invocation aloud, from which he could have memorized it. Likewise, there is the possibility that ‘Auf رَضِيَ اللَّهُ عَنْهُ might himself have enquired of the Prophet ﷺ regarding the same.

a better abode in place of his present one, a better family/spouse in place of his present one, admit him to Paradise and save him from the trial in the grave and the punishment of Hell-Fire.”^[1] [Reported by Muslim].

داره، وأهلاً خيراً من أهله، وأدخله الجنة، وقه فتنة القبر، وعذاب النار». رواه مسلم.

458. Narrated Abū Huraira : When Allāh's Messenger ﷺ prayed over a dead body, he (ﷺ) said, “O Allāh, forgive those of us who are living and those of us who are dead, those of us who are present and those of us who are absent, our young and our old, our male and our female. O Allāh, to whomsoever of us You give life, keep him faithful to Islam, and whomsoever of us You take in death take him as a believer. O Allāh, do not withhold from us the reward of our deeds (because) of him, nor try us [or cause us to go astray] after his death.”^[2] ” [Reported by Muslim and Al-Arba'a].

(٤٥٨) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ أَعْفُرُ لِحَيَاَنَا، وَمَيَتِنَا، وَجَنَازَةَ، يَقُولُ: «اللَّهُمَّ اغْفِرْ لِحَيَاَنَا، وَمَيَتِنَا، وَشَاهِدِنَا، وَغَائِبِنَا، وَصَغِيرِنَا، وَكَبِيرِنَا، وَدَكْرِنَا، وَأُثْنَانَا، اللَّهُمَّ مِنْ أَخْيَتِنَا مِنَ الْإِيمَانِ عَلَى الْإِسْلَامِ، وَمَنْ تَوَفَّنَا مِنْ نَّفْقَةَ عَلَى الْإِيمَانِ، اللَّهُمَّ لَا تَحْرِمْنَا أَجْرَهُ، وَلَا تُنْقِنَا بَعْدَهُ». رَوَاهُ مُسْلِمٌ وَالْأَرْبَعَةُ.

459. Narrated (Abū Huraira) : The Prophet ﷺ said, “When you pray over the dead, make a sincere supplication for him.”^[3] [Abū Dā'ud reported it. And Ibn Hibbān graded it *Sabib* (authentic)].

(٤٥٩) وَعَنْهُ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ إِذَا صَلَّيْشُمْ عَلَى الْمَيْتِ فَأَخْلِصُوا لِهِ الدُّعَاءَ». رَوَاهُ أَبُو دَاوُدَ، وَصَحَّحَهُ ابْنُ جَيْنَ.

460. Narrated Abū Huraira : The Prophet ﷺ said, “Hasten when carrying a *Janāza*, for if the dead person was righteous, then it is good that you will sending him on to. And if he was otherwise, then it is an evil of which you are ridding yourselves.”^[4] [Agreed upon].

(٤٦٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ أَشْرِعُوا بِالْجَنَازَةِ، فَإِنْ تَلَكُ صَالِحَةً، فَخَيْرٌ تَقْدِمُوهَا إِلَيْهِ، وَإِنْ تَلَكُ سُوَى ذَلِكَ، فَشَرٌّ تَضَعُونَهُ عَنْ رِقَابِكُمْ». مُتَقْعِدٌ عَلَيْهِ.

^[1] Different supplications relating to the Funeral prayer have been ascribed to the Prophet ﷺ. One is free to recite any of them he likes. In case the dead body belongs to a non-adult, he should say: “Allābumma ij'albu lana salafan wa ajran.” (O Allāh! Make him/her a forerunner for us and a source of reward (in the Hereafter)).

^[2] Many supplications of the Funeral prayer are from the Prophet ﷺ, this one is also one of them and being a short one, is more well-known.

^[3] This makes it clear too that even if the dead body belongs to a sinner, one should be earnest in supplicating to Allāh in the matter of his forgiveness. Some people maintain that such a person should be cursed. This view point is absolutely erroneous and detestable.

^[4] We are thus informed that we must not delay in burying the dead. Some people nowadays delay the burial proceedings which is against Islamic law.

461. Narrated (Abū Huraira) ﷺ: Allāh's Messenger ﷺ said, "He who attends a funeral till the prayer is offered for (the dead), for him is the reward of one *Qirāt*, and he who attends (and stays) till it is buried, for him is the reward of two *Qirāt*." It was asked, "What are the two *Qirāt*?" He said, "Like two huge mountains." [Agreed upon]. Muslim has: "till it (the dead) is placed in the niche inside the grave."

Al-Bukhārī has: "If anyone attends the funeral of a Muslim, out of faith and seeking reward from Allāh, and stays till prayer is offered and the burial is complete, he will return with a reward of two *Qirāt*, each *Qirāt* being similar to the Mountain of Uhud."

462. Narrated Sālim^[1] on the authority of his father: He saw the Prophet ﷺ, Abū Bakr and ‘Umar walking in front of the funeral (procession).^[2] [Reported by Al-Khamsa; Ibn Hibbān graded it *Sabib* (authentic) and An-Nasā'i and others termed it as *Mursal* (missing link after the *Tābi‘i*)].

463. Narrated Umm ‘Atiya: We (women) were forbidden to accompany the funerals, but it (i.e. the prohibition) was not stressed^[3] upon us. (Agreed upon).

(٤٦١) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ شَهَدَ الْجَنَازَةَ حَتَّى يُصْلَى عَلَيْهَا فَلَهُ قِيرَاطٌ، وَمَنْ شَهَدَهَا حَتَّى تُدْفَنَ فَلَهُ قِيرَاطَانِ»، قِيلَ: وَمَا الْقِيرَاطَانِ؟ قَالَ: «مِثْلُ الْجَبَلَيْنِ الْعَظِيمَيْنِ». مُتَقَرَّ عَلَيْهِ، وَلِمُسْلِمٍ: «حَتَّى تُوْضَعَ فِي الْخَبْرِ».

وَلِلْبُخَارِيِّ أَيْضًا مِنْ حَدِيثِ أَبِي هُرَيْرَةَ: «مَنْ تَبَعَ جَنَازَةً مُسْلِمٍ إِيمَانًا وَأَخْتِسَابًا، وَكَانَ مَعَهَا حَتَّى يُصْلَى عَلَيْهَا وَيَغْرُبَ مِنْ دَفِيهَا، فَإِنَّهُ يُرْجَعُ بِقِيرَاطَيْنِ، كُلُّ قِيرَاطٍ مِثْلُ جَبَلٍ أَحَدٍ».

(٤٦٢) وَعَنْ سَالِمٍ عَنْ أَبِيهِ، أَنَّهُ رَأَى النَّبِيَّ ﷺ وَأَبَا بَكْرٍ وَعُمَرَ، يَمْشُونَ أَمَامَ الْجَنَازَةِ رَوَاهُ الْخَمْسَةُ، وَصَحَّحَهُ ابْنُ جَبَانَ، وَأَعْلَمُ السَّائِئُ وَطَافَهُ بِالْأَرْسَالِ.

(٤٦٣) وَعَنْ أُمِّ عَطِيَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: نُهِيَّنَا عَنِ اتِّبَاعِ الْجَنَائزِ، وَلَمْ يُغْرِمْ عَلَيْنَا. مُتَقَرَّ عَلَيْهِ.

[1] He is Abū ‘Abdullāh or Abū ‘Umar Sālim bin ‘Abdullah bin ‘Umar bin Al-Khattab, one of the leading *Tābi‘i*’in and among their eminent *‘Ulamā*. He was one of the seven *Fiqh* scholars, and was a reliable *Hadīth* reporter, knowledgeable and virtuous. He resembled his father in his religious applications and knowledge. He died in Dhul Qa‘da 106 H.

[2] During a funeral procession, whether one should be ahead of the dead body or behind it, and whether one should be on the right or the left side of it, is in general an optional matter. What is better, is again a disputed point as there exists a difference of opinion among the scholars. Bin Mansūr, on the authority of Hasan bin ‘Ali رضي الله عنهما has narrated that the reward which one gains out of walking behind the dead body (in a funeral procession) is greater than the one walking ahead of it, the difference may be compared to the reward of individual prayer in comparison to the congregational prayer.

[3] There is a difference of opinions among the scholars concerning whether or not it is permissible for women to accompany a funeral procession or to go to the graveyard to visit graves. The applicable ruling is that in case there is a possibility of their wailing, lamenting and bemoaning the dead, it should be disallowed. In case such a possibility does not exist, they may be allowed to go.

464. Narrated Abū Sa‘īd : Allāh’s Messenger ﷺ said, “When you see a funeral, stand up and whoever follows it should not sit^[1] down until it is put down.” [Agreed upon].

(٤٦٤) وَعَنْ أَبِي سَعِيدٍ رَضِيَ اللَّهُ عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِذَا رَأَيْتُمُ الْجَنَازَةَ فَقُوْمُوا، فَمَنْ تَبَعَهَا فَلَا يَجِدُنَّ حَتَّى تُوْضَعَ». مُتَقْرَرٌ غَلَبِيٌّ.

465. Narrated Abū Ishāq^[2] : ‘Abdullāh bin Yazid^[3] put the dead body in the grave from the side where his legs will be placed in it. He said, “This is a Sunnah.” [Reported by Abū Dā’ud].

(٤٦٥) وَعَنْ أَبِي إِسْحَاقَ، أَنَّ عَبْدَ اللَّهِ بْنَ مَوْلَدَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَذْخَلَ الْمَيْتَ مِنْ قِبْلَهُ وَرَجَلِيَ الْقِبْلَةِ، وَقَالَ: هَذَا مِنَ السُّنَّةِ. أَخْرَجَهُ أَبُو دَاؤُدْ.

466. Narrated Ibn ‘Umar : The Prophet ﷺ said, “When you place your dead in the grave say, ‘In the Name of Allāh, and following the religion of Allāh’s Messenger.^[4]’” [Reported by Ahmad, Abū Dā’ud and An-Nasā’i; Ibn Hibbān graded it *Sabih* (authentic) and Ad-Dāraqutni termed it as *Mawqūf* (saying of a Companion)].

(٤٦٦) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ مَوْتَانِكُمْ فِي الصُّورِ فَقُولُوا: بِسْمِ اللَّهِ، وَعَلَى مِلْئِهِ رَسُولُ اللَّهِ». أَخْرَجَهُ أَحْمَدُ وَأَبُو دَاؤُدْ وَالسَّنَائِيُّ، وَصَحَّحَهُ ابْنُ جَيَّانَ، وَأَعْلَمُ الدَّارُوْطَنِيُّ بِالْوَقْفِ.

467. Narrated ‘Aisha : Allāh’s Messenger ﷺ said, “Breaking a dead person’s bone is like breaking it when he is alive.” [Reported by Abū Dā’ud through a chain of narrators conforming with the conditions laid down by Muslim]. Ibn Mājah had the addition – from the *Hadith* of Umm Salama ()): “as regards the sin.”

(٤٦٧) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ كَعْسَرَهُ حَيَاً». رَوَاهُ أَبُو دَاؤُدْ يَأْسِنَادًا عَلَى شَرْطِ مُسْلِمٍ، وَرَأَدَ ابْنُ مَاجَةَ مِنْ حَدِيثِ أَمِّ مَلَمَةَ: «فِي الْأَئْمَةِ».

^[1] The word ‘sit’ might also imply that all the people must make their respective efforts in burying the dead. It should not follow that only the relatives of the dead carry out everything whereas the rest of the people sit idly being silent spectators.

^[2] ‘Amr bin ‘Abdullāh As-Sabi‘i Al-Hamdāni Al-Kufi was a prominent *Tābi‘i*, narrated many *Abadith*, but was a *Mudallis* who became senile towards his last years. He was born two years before the end of ‘Uthmān’s caliphate and died in 129 H.

^[3] ‘Abdullah bin Yazid was a Khutami, an Ansāri and an Ausi. He attended Al-Hudaibiya at the age of 17 years and was with ‘Ali at Al-Jamal and Siffin battles. He settled at Kūfa, became its governor during the time of Ibn Az-Zubair and died in it during his time.

^[4] Imām Baihaqi reported with a weak evidence (in terms of chain of narrators) that while Umm Kulthūm ، the daughter of the Prophet ﷺ was being put in the grave, the Prophet ﷺ recited the following supplication:

»مَنْهَا خَلَقْنَاكُمْ وَفِيهَا نَعِيْدُكُمْ وَمِنْهَا نَخْرُجْكُمْ تَارَةً أُخْرَى« (طه: ٥٥) بِسْمِ اللَّهِ وَفِي سَبِيلِ اللَّهِ وَعَلَى مِلْهَةِ رَسُولِهِ.

468. Narrated Sa'd bin Abi Waqqās ﷺ: He said, "Make a niche for me in the side of the grave, and set up unbaked bricks over me (my grave) as it was done with Allāh's Messenger ﷺ."^[1] [Reported by Muslim].

Al-Baihaqi reported something similar to the above on the authority of Jābir and added: "And his grave was raised about one span^[2] from the ground." [Ibn Hibbān graded it *Sabib* (authentic)].

Narrated (Jābir) ﷺ: Allāh's Messenger ﷺ forbade graves to be plastered with gypsum, to be sat upon, or any structure to be built over them.^[3] [Reported by Muslim].

469. Narrated 'Aamir bin Rabi'a ﷺ: The Prophet ﷺ prayed on the body of 'Uthmān bin Maz'ūn,^[4] then went to

(٤٦٨) وَعَنْ سَعْدِ بْنِ أَبِي وَقَاصِهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: الْحَدُوا لِي لَحْدًا وَانصِبُوا عَلَيَّ الَّذِينَ نَصَباً، كَمَا صُنِعَ بِرَسُولِ اللَّهِ تَعَالَى. رَوَاهُ مُسْلِمٌ.

وَلِبَيْهَقِيِّ عَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، وَرَأَدَ: وَرُفِعَ شَبِيرٌ عَنِ الْأَرْضِ فَلَمْ يَشْبِرْ. وَصَحَّحَهُ ابْنُ حَبَّانَ.

وَلِمُسْنِلِّمٍ عَنْهُ: نَهَى رَسُولُ اللَّهِ تَعَالَى، أَنْ يُجْعَصَنَ الْقَبْرُ، وَأَنْ يَقْعُدَ عَلَيْهِ، وَأَنْ يَبْنَى عَلَيْهِ.

(٤٦٩) وَعَنْ عَامِرِ بْنِ رَبِيعَةِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ تَعَالَى صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى عُثْمَانَ بْنَ زَيْدٍ.

"There of (the earth) We created you, and into it We shall return you, and from it We shall bring you out once again. (V. 20:55). In the Name of Allāh, in the cause of Allāh and following the religion of the Messenger of Allāh (is hereby this dead body being buried)."

There are also many other supplications mentioned in *Abadīth*, which one may recite according to his liking.

^[1] This *Hadīth* carries an evidence that the grave prepared for the Prophet ﷺ was a "*Labd*". The Companions of the Prophet ﷺ differed in their opinions whether his grave should be a *Labd* or a *Shiq*. There were two undertakers (grave-diggers) in Al-Madīnah those days, one specializing in digging *Labd* and the other one specializing in digging *Shiq*. It was agreed among the Companions of the Prophet ﷺ that whosoever (among the grave-diggers) comes first, should start his work. Hence the one specializing in digging *Labd* came first and prepared the grave accordingly.

^[2] It is against *Shari'a* (Islamic law) to raise the stature of a grave more than a *Shibr* (the span of a hand). The grave of the Prophet ﷺ was of the same stature. At first, it was in a flat shape but once the walls of Prophet's room had fallen down (out of disrepair or decay), Walid bin 'Abdul-Malik had the walls repaired and had the grave re-built in the shape of a camel-hump. The graves of Abu Bakr and 'Umar Farooq رضي الله عنهما are also hump-shaped.

^[3] At-Tirmidhi also includes the words that the graves should not bear any inscription, no construction be made on them and they should not be trampled upon. This *Hadīth* has been declared *Sabib* (sound) by Tirmidhi. An-Nasā'i reports that no soil should be thrown over it except the one that has been excavated out of it.

^[4] 'Uthmān was a Jumāhi and a Qurashi. He was one of the virtuous and ascetic *Sahāba* and had prohibited alcohol to himself during the *Jabilitya* days. He was the 14th man to become a Muslim, made the two migrations and fought at Badr. He was the first person to die in Al-

his grave and threw three handfuls of earth over it while standing. [Reported by Ad-Dāraqutni].

470. Narrated ‘Uthmān (bin ‘Affān) : When Allāh’s Messenger ﷺ finished burying the dead, he stood by the grave and said, “Ask forgiveness for your brother, and ask that he be made firm^[1] for he is now being questioned.” [Abū Dā’ud reported it and Al-Hākim graded it *Sabib* (authentic)].

471. Narrated Damra bin Habib^[2] – one of the *Tābi’īn*: They (the Companions) used to consider it commendable to say after the grave is leveled and the people had left; “O so-and-so say: *Lā ilāha ill-Allāh* (Nothing deserves to be worshipped except Allāh) three times, O so-and-so say: My *Rabb* is Allāh, my religion is Islam and my Prophet is Muhammad ﷺ” [Reported by Sa‘id bin Mansūr as a *Mawqūf* (saying of a Companion). At-Tabarāni reported the same by Abū Umāma as *Marfu'* (attributed to the Prophet)].

472. Narrated Buraida bin Husaib Al-Aslami : Allāh’s Messenger ﷺ said, “I had forbidden you to visit the graves, but you may now visit them.^[3] ” [Reported by Muslim]. At-Tirmidhi added to the above: “For it reminds one about the Hereafter.” Ibn Mājah

مَطْعُونٌ، وَأَتَى الْقَبْرَ، فَحَسِّنَ عَلَيْهِ ثَلَاثَ حَثَثَاتٍ، وَهُوَ قَائِمٌ. رَوَاهُ الدَّارَقُوتْنِي.

(٤٧٠) وَعَنْ عُثْمَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ إِذَا قَرَعَ مِنْ دَفْنِ الْمَيِّتِ وَقَفَ عَلَيْهِ، وَقَالَ: أَشْتَغَفُوا لِأَخِيكُمْ، وَاسْأَلُوا لَهُ التَّشْبِيتَ، فَإِنَّهُ الآنَ يُسْأَلُ. رَوَاهُ أَبُو دَاؤُدْ، وَصَحَّحَهُ الْحَاكِمُ.

(٤٧١) وَعَنْ ضَمْرَةَ بْنِ حَبِيبٍ - أَحَدِ التَّابِعِينَ - قَالَ: كَانُوا يَسْتَجِبُونَ إِذَا سُوِّيَ عَلَى الْمَيِّتِ قَبْرُهُ وَأَنْصَرَفَ النَّاسُ عَنْهُ، أَنْ يُقَالَ عِنْدَ قَبْرِهِ: يَا فَلَانُ! قُلْ لَا إِلَهَ إِلَّا اللَّهُ، ثَلَاثَ مَرَاتٍ، يَا فَلَانُ! قُلْ: رَبِّي اللَّهُ، وَدِينِي الْإِسْلَامُ، وَتَبَّاعِي مُحَمَّدًا صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ مَصْوِرَ مَوْفُوفًا، وَلِلظَّرَارَاتِ نَحْوُهُ مِنْ حَدِيثِ أَبِي أُمَّاتَةَ مَرْفُوعًا مُطَوَّلًا.

(٤٧٢) وَعَنْ بُرِيَّةَ بْنِ الْحُصَيْبِ الْأَشْلَمِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ: «كُنْتُ نَهِيَّتُكُمْ عَنْ زِيَارَةِ الْقُبُورِ، فَزُورُوهَا». رَوَاهُ مُسْلِمٌ. زَادَ التَّشْمِيْدُ: «إِعْلَمَا تُذَكِّرُ الْآتِيَّةَ». زَادَ ابْنُ مَاجَةَ مِنْ حَدِيثِ ابْنِ

Madinah among the *Muhajirin*. His death occurred in Sha‘ban, in the second year after the *Hijra* and he was buried at Al-Baqi’. The Prophet ﷺ kissed his face after his death and said after he was buried, “He is a righteous predecessor for us.”

^[1] It thus becomes known to us that after the burial, making an invocation for the forgiveness of a dead man’s sins and to pray for his steadfastness while facing the questioning in the grave is *Mustahab* (desirable) and *Masnūn* (from the practice of the Prophet).

^[2] Abu ‘Utba Damra bin Habib bin Suhaib Az-Zubaidi Al-Himsi is a reliable *Tābi’i* of the fourth grade.

^[3] The visiting of graves falls within the category of that which is desirable and not that which is compulsory. However, visiting the graves of one’s parents is certainly stressed upon. One should visit their graves and make supplications to Allāh for them.

added, from the *Hadīth* of Ibn Mas'ūd: "and it makes one overlook the worldly pleasures."

مشهود: «وَتُرْهِدُ فِي الدُّنْيَا».

473. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ cursed^[1] the women who visit the graves. [At-Tirmidhi reported it and Ibn Hibbān graded it *Sabib* (authentic)].

(٤٧٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ تَعَالَى لَعَنِ زَانِرَاتِ الْقُبُورِ. أَخْرَجَهُ التَّرمِذِيُّ، وَصَحَّحَهُ ابْنُ حِيَّانَ.

474. Narrated Abū Sa'īd Al-Khudri ﷺ: Allah's Messenger ﷺ cursed the wailing woman and the woman who listens to her. [Reported by Abū Dā'ud].

(٤٧٤) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: لَعَنَ رَسُولِ اللَّهِ تَعَالَى النَّائِحةُ وَالْمُشْتَبِعَةُ. أَخْرَجَهُ أَبُو دَاؤِدَ.

475. Narrated Umm 'Atiya ﷺ: Allāh's Messenger ﷺ took a promise from us that we would not wail (if bereaved).^[2] [Agreed upon].

(٤٧٥) وَعَنْ أُمِّ عَطِيَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَ: أَخَذَ عَلَيْنَا رَسُولُ اللَّهِ تَعَالَى أَنْ لَا نَنْوَحَ مُفْقَدًا عَلَيْهِ.

476. Narrated Ibn 'Umar ﷺ: The Prophet ﷺ said: "The dead is punished in the grave^[3] because of wailing on it." [Agreed upon]. Al-Bukhari and Muslim reported a similar *Hadīth* from Al-Mughira bin Shu'ba.

(٤٧٦) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنْ النَّبِيِّ تَعَالَى قَالَ: «الْمَيْتُ يُعَذَّبُ فِي قِيرَهِ بِمَا نَيَّحَ عَلَيْهِ». مُفْقَدٌ عَلَيْهِ، وَلَهُمَا نَحْوُهُ عَنِ الْمُفْيَرَةِ بْنِ شَعْبَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ.

477. Narrated Anas ﷺ: I witnessed the burial of a daughter of the Prophet ﷺ and Allāh's Messenger ﷺ was sitting beside the grave and I saw his eyes shedding tears.^[4] [Reported by Al-Bukhāri].

(٤٧٧) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: شَهِدْتُ إِنْتَ لِلنَّبِيِّ تَعَالَى تُذْفَنُ، وَرَسُولُ اللَّهِ تَعَالَى جَالِسٌ عِنْدَ الْقَبْرِ، فَرَأَيْتُ عَيْنَيْهِ تَدْمَعَانِ. رَوَاهُ الْبُخَارِيُّ.

[1] There is a difference of opinion among the scholars whether or not women should go to visit graves. It is better that the women do not go there.

[2] This *Hadīth* tells us that the wailing, bemoaning and lamenting over the dead is forbidden. An emotional outburst of tears due to the feeling of sorrow is not prohibited as it only alludes to the tenderness of one's heart, which means that the prohibition does not apply to the actions of one's eyes. It only involves the actions of one's hands and tongue.

[3] A dead man incurring torment due to the people's mourning apparently contravenes the Qur'ānic Verse لا تزر وازرة وزر أخرى (No one laden with burdens can bear another's burden). It alludes to certain situations whereby the mourning is observed in the houses of some rich people as a matter of pride and pomp. Some people leave their will to the effect that their death be mourned over, whereas some of them merely express their willingness to be mourned over. In these situations, the dead shall have to bear the torment. In case the dead person forbids his funeral to be mourned (in his lifetime), he will not be subjected to torment. Therefore, a man should disallow and forbid others from conducting such mourning after his death.

[4] This tells us that the weeping and shedding of one's tears out of sorrow is not forbidden.

478. Narrated Jabir رضي الله عنه: The Prophet صلوات الله عليه وآله وسلامه said: "Do not bury your dead at night^[1] unless you are forced to." [Ibn Mājah reported it]. Its basic meaning is in Muslim, but he said: "He صلوات الله عليه وآله وسلامه prohibited that a man be buried at night until prayer is offered on him."

(٤٧٨) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صلوات الله عليه وآله وسلامه قَالَ: «لَا تَدْفِنُوا مَوْتَاهُمْ بِاللَّيلِ إِلَّا أَنْ تُضْطَرُوا». أَخْرَجَهُ ابْنُ مَاجَةَ، وَأَصْلُهُ فِي مُسْلِمٍ، لَكِنْ قَالَ: زَحْرَ أَنْ يُقْبَرَ الرَّجُلُ بِاللَّيلِ حَتَّى يُصْلَى عَلَيْهِ.

479. Narrated 'Abdullāh bin Ja'far^[2]: When the news of Ja'far's death came – at the time when he was killed – Allah's Messenger صلوات الله عليه وآله وسلامه said: "Prepare food for Ja'far's family, for that which has come to them (i.e. the news of his death) preoccupies^[3] them." [Reported by *Al-Khamṣa* except An-Nasā'i].

(٤٧٩) وَعَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: لَمَّا جَاءَ نَعْيُ جَعْفَرٍ، جِئَنَ قُتْلَ، قَالَ رَسُولُ اللَّهِ صلوات الله عليه وآله وسلامه: «اضْعُنُوا لِلَّأَيْلَ حَفَرَ طَعَامًا، فَقَدْ أَتَاهُمْ مَا يَشْغَلُهُمْ». أَخْرَجَهُ الْحَمْسَةُ إِلَّا النَّسَائِيَّ.

480. Narrated Sulaiman bin Buraida^[4] (رضي الله عنه) on the authority of his father:

(٤٨٠) وَعَنْ سَلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: كَانَ رَسُولُ اللَّهِ صلوات الله عليه وآله وسلامه يُعَلِّمُهُمْ إِذَا خَرَجُوا

When the son of the Prophet صلوات الله عليه وآله وسلامه, Ibrāhim passed away, the tears were streaming from his eyes. Upon seeing this, 'Abdur-Rahmān bin 'Auf رضي الله عنه said, "O Messenger of Allāh, do you weep too?" The Prophet صلوات الله عليه وآله وسلامه answered, "This is out of affection and not lack of patience."

^[1] This has many reasons. One of the reasons is that not many people can participate in a funeral at night. Another reason is to protect the people from the harm of earthly insects that usually frequent such places like graveyards at night.

^[2] He is Ja'far bin Abu Tālib, the elder brother of 'Ali, who was older than him by ten years. He migrated to Abyssinia (Ethiopia) and stayed there whereby An-Najāhi and those who followed him became Muslims through him. Then he migrated to Al-Madīnah and reached Khaibar after its conquest. The Prophet صلوات الله عليه وآله وسلامه kissed him between his eyes and said, "I don't know whether I am more happy with the arrival of Ja'far or with the conquest of Khaibar?" Ja'far was one of the most generous people. He was martyred in the battle of Mu'ta in 8 H. while he was the army commander. Both of his hands were cut off, and the Prophet صلوات الله عليه وآله وسلامه said, "Allāh gave him – in the place of his two hands – two wings with which he flies wherever he wishes in Paradise." And from that he was called "Ja'far the flier" and "Ja'far the two-winged".

^[3] This *Hadīth* is an evidence that feeding the relatives of the deceased person is *Sunnah* (supererogatory). In terms of rights concerning this, neighbors are the foremost. Offering food on the first day is *Sunnah* (supererogatory); on the second day, it is *Makrūh* (undesirable), whereas the same is forbidden on the third day. In case the women belonging to a house in which the food is being prepared are themselves the mourners, then the viewpoints of the scholars concerning this food are different. The practice of gathering into the deceased person's house on the part of the relatives and thereby making themselves to be an unnecessary burden upon the family of the deceased person, which is very much in vogue nowadays, is extremely bad.

^[4] He is Ibn Al-Husayn and is an Aslami and a Marwazi. He was a *Tābi'i* whose reliability was verified by Ibn Ma'in and Abu Hātim. Al-Hākim said, "He did not mention having heard a

Allāh's Messenger ﷺ used to teach them (his Companions) to say – when they went out to the cemeteries: "Peace be upon you, inhabitants of the dwellings, who are of the believers and the Muslims. If Allāh wills, we shall join you. We ask Allāh to grant us and you well being". [Reported by Muslim].

481. Narrated Ibn ‘Abbās رضي الله تعالى عنهما قال: مَرَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِقُبُورِ الْمَدِينَةِ فَأَقْبَلَ عَلَيْهِمْ يَوْجِهِهِ، فَقَالَ: «السَّلَامُ عَلَيْكُمْ يَا أَهْلَ الْقُبُورِ! يَغْفِرُ اللَّهُ لَكُمْ أَتَشْنَعُ لَنَا، وَتَحْنُ بِالآخِرَةِ». رَوَاهُ التَّرمِذِيُّ، وَقَالَ: حَسْنٌ.

482. Narrated ‘Aisha رضي الله تعالى عنها قائلةً: "Do not revile the dead, for they have reached what they have sent before them." [Al-Bukhāri reported it]. At-Tirmidhi reported something similar from Al-Mughira, but he said: "lest you hurt the living." [2]

إِلَى الْمَقَابِرِ أَنْ يَقُولُوا: السَّلَامُ عَلَى أَهْلِ الدِّيَارِ مِنَ الْمُؤْمِنِينَ وَالْمُسْلِمِينَ، وَإِنَّ إِنْ شَاءَ اللَّهُ يُكْمِنُ لَأْجَفُونَ، سَأَلَنَّ اللَّهَ لَنَا وَلَكُمُ الْعَافِيَةَ. رَوَاهُ مُسْلِمٌ.

(٤٨١) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: مَرَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِقُبُورِ الْمَدِينَةِ فَأَقْبَلَ عَلَيْهِمْ يَوْجِهِهِ، فَقَالَ: «السَّلَامُ عَلَيْكُمْ يَا أَهْلَ الْقُبُورِ! يَغْفِرُ اللَّهُ لَكُمْ أَتَشْنَعُ لَنَا، وَتَحْنُ بِالآخِرَةِ». رَوَاهُ التَّرمِذِيُّ، وَقَالَ: حَسْنٌ.

(٤٨٢) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا تَسْبِبُوا الْأَمْوَاتَ، فَإِنَّهُمْ قَدْ أَفْصَنُوا إِلَى مَا قَدَّمُوا». رَوَاهُ البَحَارِيُّ، وَرَوَاهُ التَّرمِذِيُّ عَنْ الْمُغَيرةَ تَحْوِهَ، لِكِنْ قَالَ: «فَتَوَفَّوْا الْأَحْيَاءَ».

Hadīth from his father." Al-Khzraji said, "The *Hadīth* that he narrated from his father are in a number of places in Muslim."

[1] Going to the graveyard and making supplications to Allāh for the forgiveness of the dead is *Sunnah* and proven by several *Abadīth*. One can go to the graveyard keeping in view just two purposes: a) Making supplications to Allāh in favor of the dead, b) To remember death. Whoever goes to the graveyard pursuing a purpose other than the ones mentioned above, (i.e., lamenting, seeking redress, making bowings and prostrations and asking for the fulfillment of their wishes, etc.), his visiting of the graveyard is forbidden and unlawful.

[2] This *Hadīth* tells us that it is prohibited to mention the deceased person with bad things or vices and disseminating the same among people, but this ruling relates to the Muslims and pious people.

4. THE BOOK OF ZAKAT⁽¹⁾

٤ - كِتَابُ الزَّكَاةِ

483. Narrated Ibn 'Abbās : The Prophet ﷺ sent Mu'ādh to Yemen... – [here he mentioned the rest of the *Hadīth* which has]: "Allāh has made obligatory for them, in their wealth, a *Sadaqa* to be taken from their rich and returned to their poor." [2] [Agreed upon, and the wording is from Al-Bukhārī].

484. Narrated Anas رض that Abū Bakr As-Siddiq رض wrote him (this letter): 'This is the obligatory *Sadaqa* which Allāh's Messenger ﷺ imposed on the Muslims^[3] which Allāh commanded him to impose.^[4] For every twenty-four camels or less, a sheep is to be given for every five. When they reach twenty-five to thirty-five, a she-camel in her second year^[5] is to be given; if there is no she-camel, a he-camel in his third year is to be given. When they reach thirty-six to forty-five, a she-camel in her third year is to be given. When they reach forty-six to sixty, a she-camel in her fourth year^[6] which is ready to

(٤٨٣) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ بَعَثَ مَعَاذًا رَضِيَ اللَّهُ تَعَالَى عَنْهُ إِلَى الْيَمَنِ، فَدَكَّرَ الْحَدِيثَ، وَفِيهِ: «إِنَّ اللَّهَ قَدْ أَفْرَضَ عَلَيْهِمْ صَدَقَةً فِي أَمْوَالِهِمْ، لَوْتَخَدُ مِنْ أَغْنِيَائِهِمْ، فَتَرَدُّ فِي فُقَرَائِهِمْ». مَنْقَعَ عَنْهُ، وَاللَّفَظُ لِلْمُبَارَأِ.

(٤٨٤) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ أَبَا بَكْرَ رَضِيَ اللَّهُ عَنْهُ كَتَبَ لَهُ: هَذِهِ فِرِيضَةُ الصَّدَقَةِ الَّتِي فَرَضَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى الْمُسْلِمِينَ، وَالَّتِي أَمَرَ اللَّهُ بِهَا رَسُولُهُ: «فِي كُلِّ أَرْبَعِ وَعِشْرِينَ مِنَ الْإِلَيْلِ فَمَا دُونَهَا الْعَنْتُمُ»: فِي كُلِّ خَمْسِ شَاهَ، فَإِذَا بَلَغَتْ خَمْسًا وَعِشْرِينَ إِلَى خَمْسِ وَتَلَاثِينَ، فَفِيهَا بِنْتُ مَحَاضِرُ أُشَنِّي، فَإِنَّ لَمْ تَكُنْ فَأَبْنِي لَبُونَرْ ذَكْرُ. فَإِذَا بَلَغَتْ سِتًا وَتَلَاثِينَ إِلَى خَمْسِ وَأَرْبَعِينَ فَفِيهَا بِنْتُ لَبُونَرْ أُشَنِّي. فَإِذَا بَلَغَتْ سِتًا وَأَرْبَعِينَ، إِلَى سِيِّنَ،

^[1] The meaning of *Zakāt* is "to increase and to become pure". Because the payment of *Zakāt* leads to an increase in wealth and considered to be a reason for its cleansing, this obligation has been named *Zakāt* by the *Shari'a* (Islamic law). *Zakāt* was declared an obligation in the year 2 H., prior to the proclamation of the ruling concerning fasting.

^[2] It becomes thus known to us that *Zakāt* is obligatory on the rich among the Muslims. This is meant to provide a financial assistance to the poor Muslims and that the same cannot be given to the disbelievers. We are further informed that the *Zakāt* originating from a certain city should be distributed among the poor belonging to the same city itself.

[3] When Abū Bakr Siddiq رضي الله عنه sent Anas رضي الله عنه deputing him as the Governor of Bahrain, he gave him these instructions regarding Zakāt in a written form.

^[4] This narration, in terms of its authenticity (i.e., in the context of the chain of narrators), is absolutely authentic. In terms of text, it is conspicuously clear and there is a consensus of the Companions of the Prophet ﷺ on its validity. None of the Companions of the Prophet ﷺ is reported to have refuted it.

^[5] *Bint Makhdād* is a term used for a she-camel which is of one year and is in the second year of its age.

^[6] **Higga** is a term used for a she-camel which is three-year-old, running in its fourth year.

be mated with by a stallion-camel is to be given. When they reach sixty-one to seventy-five, a she-camel in her fifth year is to be given. When they reach seventy-six to ninety, two she-camels in their third year are to be given. When they reach ninety-one to a hundred and twenty, two she-camels in their fourth year which are ready to be mated with by a stallion-camel are to be given. When they exceed a hundred and twenty, a she-camel in her third year is to be given for every forty and a she-camel in her fourth year for every fifty. If anyone has only four camels, no *Sadaqa* is payable on them, unless their owner wishes. Concerning the *Sadaqa* on sheep which are pasturing, when they number from forty to a hundred and twenty, a sheep is to be given. On over a hundred and twenty, up to two hundred, two sheep are to be given. On over two hundred, up to three hundred, three sheep are to be given. If they exceed three hundred, a sheep is to be given for every hundred. If a man's pasturing sheep are one less than forty, no *Sadaqa* is due on them unless their owner wishes. Those which are separate flocks are not to be brought together and those which are in one flock are not to be separated^[1] from fear of *Sadaqa*. Regarding what

فَقِيهَا حَقَّةُ طَرْوَقَةُ الْجَمَلِ . فَإِذَا بَلَغَتْ وَاحِدَةً وَسَيِّنَ ، إِلَى حَمْسٍ وَسَبْعِينَ ، فَقِيهَا جَدَعَةً . فَإِذَا بَلَغَتْ سِتًا وَسَبْعِينَ ، إِلَى تِسْعِينَ ، فَقِيهَا بَنْتَ لَبُونَ . فَإِذَا بَلَغَتْ إِحْدَى وَتِسْعِينَ ، إِلَى عَشْرِينَ وَمِائَةَ ، فَقِيهَا حِقَّاتَانِ طَرْوَقَةُ الْجَمَلِ . فَإِذَا زَادَتْ عَلَى عِشْرِينَ وَمِائَةَ ، فَقِيهَا كُلُّ أَرْبَعينَ بِنْتَ لَبُونَ ، وَفِي كُلِّ خَمْسِينَ حَقَّةً . وَمَنْ لَمْ يَكُنْ مَعَهُ إِلَّا أَرْبَعَ مِنَ الْإِيلِ ، فَلَيْسَ فِيهَا صَدَقَةٌ ، إِلَّا أَنْ يَشَاءُ رِبُّهَا . وَفِي صَدَقَةِ الْغَنَمِ ، فِي سَانِيتَاهَا : إِذَا كَانَتْ أَرْبَعينَ ، إِلَى عَشْرِينَ وَمِائَةَ شَاهَ ، شَاهٌ . فَإِذَا زَادَتْ عَلَى عِشْرِينَ وَمِائَةَ إِلَى مَا تَيَّنَ ، فَقِيهَا شَاهَانِ . فَإِذَا زَادَتْ عَلَى مَا تَيَّنَ ، إِلَى ثَلَاثِيَّةٍ ، فَقِيهَا ثَلَاثَ شَاهَ . فَإِذَا زَادَتْ عَلَى ثَلَاثِيَّةٍ ، فَقِيهَا كُلُّ مِائَةٍ ، شَاهٌ . فَإِذَا كَانَتْ سَائِمَةُ الرَّجُلِ نَاقِصَةٌ عَنْ أَرْبَعينَ شَاهَ ، شَاهٌ وَاحِدَةٌ ، فَلَيْسَ فِيهَا صَدَقَةٌ ، إِلَّا أَنْ يَشَاءُ رِبُّهَا ، وَلَا يُجْمِعُ بَيْنَ مُفْرَقٍ ، وَلَا يُفْرَقُ بَيْنَ مُجْتَمِعٍ ، خَشْيَةً الصَّدَقَةِ . وَمَا كَانَ مِنْ خَلِيفَيْنِ فَإِنَّهُمَا يَتَرَاجِعانِ بِيَتْهُمَا بِالسَّوْيَةِ . وَلَا يُخْرُجُ فِي الصَّدَقَةِ هَرِمَةً ، وَلَا ذَاتَ عَوَارٍ ، وَلَا يَسِّسْ ، إِلَّا أَنْ يَشَاءُ الْمُصْدِقُ . وَفِي الرَّوْقَةِ : فِي مَا تَيَّنَ دِرْهَمٌ ، رُبْعُ الْعُشِيرِ ، فَإِنْ لَمْ يَكُنْ إِلَّا

and is capable of mating.

^[1] 'To separate cases of *Zakāt*' may be exemplified as follows:

There are two persons owning a flock of fifty goats each. Hence they are required to give one goat each out of their respective shares. If both of these persons merge their flocks into one, they can save one goat collectively as the *Zakāt* payable on 100 goats will still be one goat.

'To separate a unified case of *Zakāt*' may be exemplified as follows:

Two persons own a flock of fifty goats (on an equal partnership basis). Therefore one goat among these shall be payable as *Zakāt*. If they split the flock into 25 goats each, they may avoid the *Zakāt*, as there is no *Zakāt* payable if their number is less than forty. Similarly, a person who is authorized to collect *Zakāt* payment, should not either split or gather the belonging of people, i.e., in case two people own a herd of 30 goats each, and are exempted from *Zakāt*, he should not gather these goats and treat them as one single flock to claim one goat out of it.

belongs to two partners, they can make claims for restitution from one another with equity.^[1] An old sheep, one with a defect in the eye, or a male goat is not to be brought forth as *Sadaqa* unless the collector wishes.^[2] On silver: For two hundred Dirhams,^[3] a fortieth is payable, but if there are only a hundred and ninety nothing is payable, unless their owner wishes. If anyone, whose camels reach the number for which a she-camel in her fifth year is payable, does not possess one but possesses one in her fourth year,^[4] that will be accepted from him along with two sheep if he can conveniently give them, or else twenty Dirhams. If anyone whose camels reach the number for which a she-camel in her fourth year^[5] is payable does not possess one but possesses one in her fifth year, that will be accepted from him, and the collector must give him twenty Dirhams or two sheep.'

[Reported by Al-Bukhārī].

485. Narrated Mu‘ādh bin Jabal ﷺ: The Prophet ﷺ sent him to Yemen, and ordered him to take a one-year-old male or female calf for every thirty cattle, and a cow in its third year^[6] for

تَشْعِينَ وَمَا تَهُوَ، فَلَيْسَ فِيهَا صَدَقَةٌ، إِلَّا أَن يَسْأَءَ رِبُّهَا. وَمَنْ بَلَغَتْ عِنْدَهُ مِنَ الْإِلَيْرِ صَدَقَةُ الْجَذَعَةِ، وَلَيْسَتْ عِنْدَهُ جَذَعَةٌ، وَعِنْدَهُ حَقَّةٌ، فَإِنَّهَا تُقْبَلُ مِنْهُ، وَيَعْمَلُ مَعَهَا شَانِئِينَ إِنْ اسْتَيْسَرَتَا لَهُ، أَوْ عَشْرِينَ دِرْهَمًا. وَمَنْ بَلَغَتْ عِنْدَهُ صَدَقَةُ الْحِقَّةِ، وَلَيْسَتْ عِنْدَهُ الْحِقَّةُ، وَعِنْدَهُ الْجَذَعَةُ، فَإِنَّهَا تُقْبَلُ مِنْهُ الْجَذَعَةُ، وَيَعْنِيهِ الْمُصَدَّقُ عِشْرِينَ دِرْهَمًا أَوْ شَانِئِينَ.

رَوَاهُ البُخَارِيُّ.

^[1] For instance, two person own 140 goats. One of them owns forty and another one a hundred. Therefore, two of these goats are to be given away as *Zakāt*. Now, if the owner of forty goats addresses the other person and says, "You'd better make a payment of one goat and a half, whereas I shall pay for the rest of the half goat", this is a wrong demand. The ruling is that the owner of 40 goats will have to pay one full goat and the owner of 100 goats will also have to give away one goat only as *Zakāt*.

^[2] It means that the one who is giving *Zakāt* should not try to pay his *Zakāt* from his defective property. Similarly, the receiving person should not exert himself in taking the best of the person's property. The goods given away as such should be of a moderate quality.

^[3] 1/12th of one *Uqiyah* of gold (in value).

^[4] *Jadba'a* جذعة is a term used for a she-camel which is four-year-old and entering its fifth year.

^[5] *Hiqqa* حقة is a term used for a she-camel which is three-year-old and entering its fourth.

^[6] Cows and buffaloes are the same species. All of them, of different sexes and ages, shall be included in the head count. No *Zakāt* is obligatory if someone owns less than thirty cows.

every forty, and one Dinār for every adult (disbeliever as *Jizya*)^[1] of clothes of equivalent value manufactured in Yemen. [Reported by *Al-Khamṣa*, and the wording is Ahmad's. At-Tirmidhi graded it *Hasan* (good), but pointed to the difference about whether or not it is *Mawsul* (unbroken chain). Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

486. Narrated 'Amr bin Shu'aib on his father's authority from his grand father (ﷺ): Allāh's Messenger ﷺ said, "The *Sadaqāt* of the Muslims are to be received at their watering points." [Reported by Ahmad]. Abū Dā'ud also has: "Their *Sadaqāt* are to be received only at their dwellings."

487. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "No *Sadaqa* is due from a Muslim on his slave or his horse." [Reported by Al-Bukhāri]. Muslim has: "There is no *Sadaqa* on a slave except *Sadaqatul-Fitr*."

488. Narrated Bahz^[2] bin Hakim on his father's^[3] authority from his grandfather^[4] (ﷺ): Allāh's Messenger ﷺ said, "For forty pasturing camels,^[5] one she-camel in her third year is to be

Upon the ownership of 30 cows, one has to pay one-year-old calf. If the number of cows owned is between 40 and 69, the *Zakāt* shall be a two-year-old calf. If the number of the cattle owned is 70, the same shall be the *Zakāt* i.e. a one-year-old calf in addition to a two-year-old calf.

^[1] A head tax paid by a non-Muslim living in an Islamic state.

^[2] Abū 'Abdul Malik Bahz bin Hakim bin Mu'āwiya bin Haida Al-Qushairi Al-Basri was a *Tābi'i* of the sixth grade. His reliability has been disputed. Abū Dā'ud said, "His *Abadīth* are authentic." Also Ibn Ma'in, Ibn Al-Madini and An-Nasā'i approved of him. But Abū Hātim said, He is not an authority (in *Hadīth*). Ibn Hibbān also said, "He used to err a lot in the *Hadīth*." He died after the one hundred forties of Hijra or before the sixties.

^[3] He is also a *Tābi'i* and Ibn Hibbān included him among the reliable *Hadīth* reporters.

^[4] Mu'āwiya bin Haida bin Mu'āwiya bin Qushair bin Ka'b Al-Qushairi was a *Sababi* who settled at Basra and he has narrated some *Abadīth*.

^[5] The condition of *Zakāt* concerning the cattle is that they should be authentic and robust enough to graze for themselves. This condition has been specifically mentioned with regard

عَذْلَهُ مَعَافِرِيَّاً. رَوَاهُ الْحَمْسَةُ، وَاللَّفْظُ لِأَخْمَدَ،
وَحَسَنَهُ التَّرْمِذِيُّ، وَأَشَارَ إِلَى اخْتِلَافِ فِي
وَصْلِهِ، وَصَحَّحَهُ ابْنُ حِبَّانَ وَالْحَاكِمُ.

(٤٨٦) وَعَنْ عَمْرُو بْنِ شَعْبَيْبٍ، عَنْ أَبِيهِ،
عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تُؤْخَذُ
صَدَقَاتُ الْمُسْلِمِينَ عَلَى مِيَاهِهِمْ». رَوَاهُ أَخْمَدُ.
وَلَأَبِي دَاوُدَ: «لَا تُؤْخَذُ صَدَقَاتُهُمْ إِلَّا فِي
دُورِهِمْ».

(٤٨٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَيْسَ عَلَى الْمُسْلِمِ
نَفِي عَبْدِهِ وَلَا فَرِسِهِ صَدَقَةٌ». رَوَاهُ الْبَخَارِيُّ.
وَلِمُسْلِمٍ: «لَيْسَ فِي العَبْدِ صَدَقَةٌ، إِلَّا صَدَقَةَ
الظُّرُورِ».

(٤٨٨) وَعَنْ بَهْرَ بْنِ حَكِيمٍ، عَنْ أَبِيهِ، عَنْ
جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «فِي كُلِّ سَائِمَةٍ
إِلَيْهِ: فِي أَرْبَعِينَ بَنْتُ لَبُونَ، لَا تُنْرَقُ إِلَيْهِ عَنْ

given. The camels are not to be separated during the counting process. He who pays *Zakāt* with the intention of getting reward will be rewarded. If anyone evades *Zakāt*, we shall take it together with half (or some) of his property, this being a duty from that which has been made obligatory by our *Rabb*, the Exalted. There is no share in it (*Zakāt*) for the family of Muhammad.” [Reported by Ahmad, Abū Dā’ud and An-Nasā’i. Al-Hākim graded it *Sabib* (authentic)]. Ash-Shāfi’i^[1] held that acceptance of the ruling derived from this *Hadīth* depends upon its authenticity being confirmed.

489. Narrated ‘Ali : Allah’s Messenger ﷺ said, “If you possess two hundred Dirhams till one year passes, five Dirhams are payable on them; and you are not liable to pay anything till you possess twenty Dinars for one year, thereupon half a Dinar^[2] is payable on them. Whatever exceeds that, will be counted likewise. And no *Zakāt* is payable on wealth, till a year passes (from the time of its possession).” [Reported by Abū Dā’ud. It is *Hasan* (good), but they disagreed on its *Marfū’* status (i.e. being attributed to the Prophet)].

At-Tirmidhi has this from Ibn ‘Umar (رضي الله عنهما): “He who acquires wealth is not

جِسَابِهَا، مَنْ أَعْطَاهَا مُؤْتَحِرًا بِهَا، فَلَهُ أَجْرُهَا،
وَمَنْ مَنَّهَا، فَإِنَّا آخِذُوهَا وَشَطَرْ مَالِهِ، عَزْمَة
مِنْ عَزَمَاتِ رَبِّنَا، لَا يَحِلُّ لِأَيْ مُحَمَّدٍ مِنْهَا
شَيْءٌ». رَوَاهُ أَخْنَادُ وَأَبْيُونَ دَاؤِدَ وَالثَّسَائِيُّ،
وَصَحَّحَهُ الْحَاكِمُ، وَعَلَقَ الشَّافِعِيُّ الْقَوْلَ بِهِ عَلَى
بُرْرَةِ .

(٤٨٩) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ :
قَالَ رَسُولُ اللَّهِ ﷺ : إِذَا كَانَتْ لَكَ مَا تَنْهَا
دِرْهَمَمْ ، وَحَالَ عَلَيْهَا الْحَوْلُ، فَفِيهَا حَسْنَةٌ
دَرَاهِيمْ ، وَلَيْسَ عَلَيْكَ شَيْءٌ ، حَتَّى يَكُونَ لَكَ
عِشْرُونَ دِينَارًا ، وَحَالَ عَلَيْهَا الْحَوْلُ، فَفِيهَا
نَصْفُ دِينَارٍ، فَمَا رَبَادَ، فَيُحْسَبَ ذَلِكَ، وَلَيْسَ
فِي مَالِ رَكَاءَ، حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ». رَوَاهُ
أَبْيُونَ دَاؤِدَ، وَهُوَ حَسْنٌ، وَقَدْ اخْتَلَفُوا فِي رُفْعَةِ .

وَلِلترْمذِيِّ عَنْ أَبْنَى عُمَرَ : مَنْ اشْتَفَادَ مَالًا ،

to goats and camels. However, the same ruling has been presumed to be applicable to cows and buffaloes also.

^[1] This *Hadīth* specifies that if a person does not pay the *Zakāt* voluntarily, an Islamic Government may impose a fine on him amounting to the value of half of his goods and may do so forcibly. Collecting the *Zakāt* by force shall indeed fulfill the obligation binding on such a person, but he shall be deprived of the reward.

^[2] This *Hadīth* contains a statement concerning *Zakāt* to be levied on gold and silver. The ruling about the silver is that no *Zakāt* is payable on it if it is less than 200 Dirhams in its worth. The quantity of silver subject to *Zakāt* is fifty-two and a half *tolas* (611.5 grams) and the *Zakāt* thus levied on it shall be @ one-fortieth. Similarly, the quantity of gold subject to *Zakāt* is seven and a half *tolas* (87 grams) and *Zakāt* payable on it shall also be @ one fortytieth. An identical one-fortieth ruling is applicable on currency notes also.

liable for *Zakāt* on it, till a year passes.” [The stronger view is that this *Hadīth* is *Mawqūf* (saying of a Companion)].

490. Narrated ‘Ali ﷺ: There is no *Sadaqa* on the working cattle.^[1] [Reported by Abū Dā’ud and Ad-Dāraqutni. The stronger view is that this *Hadīth* is *Mawqūf* (saying of a Companion)].

491. Narrated ‘Amr bin Shu‘aib on his father’s authority from his grandfather ‘Abdullāh bin ‘Amr (ﷺ): Allah’s Messenger ﷺ said, “Whoever is the guardian of an orphan who has wealth, he must trade with it and not leave it till the *Sadaqa* consumes it.”^[2] [Reported by At-Tirmidhi and Ad-Dāraqutni, and its *Isnād* (chain) is weak. It has a supporting narration which is *Mursal* (missing link in the chain after the *Tābi‘i*) reported by Ash-Shafti‘i].

492. Narrated ‘Abdullāh bin Abū ‘Aufa ﷺ: Whenever people used to bring their *Sadaqāt* to Allah’s Messenger ﷺ he would say, “O Allāh, bless them.” [Agreed upon].

493. Narrated ‘Ali ﷺ: Al-‘Abbās (ﷺ) asked the Prophet ﷺ about paying his *Sadaqa* in advance before it became due, and he gave him permission^[3] to do that. [Reported by At-Tirmidhi and Al-Hākim].

494. Narrated Jābir bin ‘Abdullāh ﷺ: Allah’s Messenger ﷺ said, “No *Sadaqa*

فَلَا زَكَاةً عَلَيْهِ، حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ.
وَالرَّاجِحُ وَقْعَهُ.

(٤٩٠) وَعَنْ عَلِيٍّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ:
لَيْسَ فِي الْبَقْرِ الْمَوَالِ صَدَقَةٌ. رَوَاهُ أَبُو دَاوُد
وَالْدَارَاطُلْيَّ، وَالرَّاجِحُ وَقْعَهُ أَيْضًا.

(٤٩١) وَعَنْ عَمْرُو بْنِ شَعْبَيْبٍ، عَنْ أَبِيهِ،
عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ عَمْرُو، أَنَّ رَسُولَ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ وَلَيَ بَيْتِمًا لَهُ مَالٌ، فَلْيَتَبَرَّجْ لَهُ، وَلَا
يَنْرُكْهُ حَتَّى تَأْكُلَهُ الصَّدَقَةُ. رَوَاهُ التَّرمِذِيُّ
وَالْدَارَاطُلْيَّ، وَإِسْنَادُهُ ضَعِيفٌ، وَلَهُ شَاهِدٌ مُؤْسَلٌ
عَنْ الشَّافِعِيِّ.

(٤٩٢) وَعَنْ عَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى رَضِيَ اللَّهُ
تَعَالَى عَنْهُ، قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا أَتَاهُ
قَوْمٌ يَصْدِقُهُمْ قَالَ: اللَّهُمَّ صَلِّ عَلَيْهِمْ. مُتَقَنَّ
عَلَيْهِ.

(٤٩٣) وَعَنْ عَلِيٍّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ
الْعَبَاسَ سَأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي تَعْجِيلِ صَدَقَتِهِ قَبْلِ
أَنْ تَحْلِلَ، فَرَحَّصَ لَهُ فِي ذَلِكَ. رَوَاهُ التَّرمِذِيُّ
وَالحاكمُ.

(٤٩٤) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ

[1] The cattle used for farming, watering or transportation, etc.

[2] There is a difference of opinion among the scholars as to whether or not an orphan’s wealth is subject to *Zakāt*, there is a difference of opinions among the scholars regarding it. There is a lengthy discussion about it. However, it is better to pay *Zakāt* on it.

[3] The days and timings of *Hajj*, *Salāt*, and *Saum* (fasting) are all specified. As far as *Zakāt* is concerned, it’s payment can be made in advance, even though it only becomes an obligation after it has been in the person’s possession for a period of one year.

is payable on less than five *Uqiyah*^[1] (595 grams) of silver, nor on less than five heads of camels, nor on less than five *Awsuq*^[2] (652.8 Kilograms) of dates.”^[3] [Reported by Muslim].

تَعَالَى عَنْهُمَا، عَنْ رَسُولِ اللَّهِ قَالَ: «يَسِّرْ فِيمَا دُونَ خَمْسٍ أَوْ أَقِيرْ مِنَ الْوَرِقِ صَدَقَةً، وَلَيْسَ فِيمَا دُونَ خَمْسٍ دُونَ مِنَ الْإِيلَدِ صَدَقَةً، وَلَيْسَ فِيمَا دُونَ خَمْسَةً أَوْ سُقْرَةً مِنَ التَّمْرِ صَدَقَةً». رَوَاهُ مُسْلِمٌ.

He (Muslim) reported from the *Hadith* of Abū Sa'īd (رضي الله عنه): Allāh's Messenger ﷺ said, “No *Sadaqa (Zakāt)* is payable on less than five *Awsuq* of dates or grains.”^[4] [The basic meaning of the *Hadith* is reported by al-Bukhari and Muslim].

وَلَهُ مِنْ حَدِيثِ أَبِي سَعِيدٍ رَضِيَ اللَّهُ عَنْهُ «يَسِّرْ فِيمَا دُونَ خَمْسَةً أَوْ سُقْرَةً مِنَ التَّمْرِ وَلَا حَبْ صَدَقَةً». وَأَصْلُ حَدِيثِ أَبِي سَعِيدٍ مُتَّقِّ عَلَيْهِ.

495. Narrated Sālim bin 'Abdullāh on the authority of his father: The Prophet ﷺ said, “A tenth is payable on what is watered by rain or springs or by underground water, and a twentieth on what is watered by irrigation [through human efforts].” [Reported by Al-Bukhāri]. Abū Dā'ud has: “When it (farm produce) is watered by underground water, a tenth is payable; but a twentieth is payable on what is watered by irrigation, [water-wheels or that which is drawn up from a well by a farm animal].”

(٤٩٥) وَعَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ قَالَ: فِيمَا سَقَتِ السَّمَاءُ وَالْعَيْنُ، أَوْ كَانَ عَشَرِيًّا، أَعْشَرُ، وَفِيمَا سُقِيَ بِالْأَنْصَحِ نِصْفُ الْعُشْرِ. رَوَاهُ الْبُخَارِيُّ. وَلَأَبِيهِ ذَوَادُ: أَوْ كَانَ بِنْلًا الْعُشْرُ، وَفِيمَا سُقِيَ بِالسَّوَانِيِّ أَوْ الْأَنْصَحِ نِصْفُ الْعُشْرِ.

^[1] Since the value of an *Uqiyah* is forty Dirhams (or 119 grams), five *Awaqin* shall be equivalent to 200 Dirhams or 595 grams of silver.

^[2] One *Wasq* is equivalent to 60 *Saa'* or 135 Kilograms; five *Awsuq* being equivalent to 675 Kilograms.

^[3] According to the present day measurement, the amount of *Zakāt* payable on every twenty *maund* of grain (8 quintals) shall amount to the value of one maund of grain (40 kilograms approx.) In case the quantity of grain happens to be less than 8 quintals, no *Zakāt* is obligatory on it. (8 quintals is equal to 5 *Wasq* which is stated in the *Hadith*). In case someone owns more than 85 grams of gold, *Zakāt* becomes obligatory on him. In case someone owns silver exceeding 595 grams in quantity, it is an obligation on him to pay *Zakāt*.

^[4] Any grain which can be stored for a year, is liable to *Zakāt* payment. Wheat, barley, rice, millet, Indian corn, maize, pulses and grams, etc., fall in this category. The amount of *Zakāt* payable on these may differ according to the varying amount of labor and exertion spent on the produce. The produce of a land that is irrigated by floodwater, rain or a natural affluent or rivulet will be subject to the one-tenth of its production to be paid off as *Zakāt*. In case a land is irrigated by well-water or against a monetary payment like canal water, then its produce will be subjected to one-twentieth *Zakāt* payment only on the total.

496. Narrated Abū Musa Al-Ash'ari and Mu'ādh: The Prophet ﷺ said to them, "Collect *Sadaqa* only on these four kinds: barley, wheat, raisins and dates." [Reported by At-Tabarāni and Al-Hākim].

(٤٩٦) وَعَنْ أَبِي مُوسَى الْأَشْعَرِيِّ وَمُعَاذَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ قَالَ لَهُمَا: لَا تَأْخُذَا فِي الصَّدَقَةِ إِلَّا مِنْ هَذِهِ الْأَصْنَافِ الْأَرْبَعَةِ: الشَّعِيرُ، وَالْجُنَاحَةُ، وَالزَّيْبَرُ، وَالثَّمْرُ. رَوَاهُ الطَّبرَانِيُّ وَالحاكِمُ.

Ad-Dāraqutni has, on the authority of Mu'ādh: He said, "But cucumber, water melon, pomegranate and sugarcane were exempted (from *Sadaqa*) by Allāh's Messenger ﷺ." [Its chain of narrators is weak].

وَلِلَّدَّارَطُنْيَّ عَنْ مُعاذَ قَالَ: فَأَمَّا الْقِنَاءُ وَالْبَطْيَحُ وَالرَّمَانُ وَالْفَصْبُ، فَقَدْ عَنَهُ رَسُولُ اللَّهِ ﷺ. وَإِنْسَادُهُ ضَعِيفٌ.

497. Narrated Sahl bin Abū Hathma^[1]: Allāh's Messenger ﷺ ordered us, "When you estimate (the *Sadaqa* of fruits like dates) take them leaving a third; and if you do not leave a third, leave a quarter (of the estimated *Sadaqa* for the owners)".^[2] [Reported by *Al-Khamṣa* except Ibn Mājah. Ibn Hibbān and Al-Hākim graded it *Sabīh* (authentic)].

(٤٩٧) وَعَنْ سَهْلِ بْنِ أَبِي حَمْمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَمْرَنَا رَسُولُ اللَّهِ ﷺ: إِذَا خَرَضْتُمْ فَخُذُّوْا وَدَعُوا الثُّلُثَ، فَإِنْ لَمْ تَدْعُوا الثُّلُثَ، فَدَعُوا الرُّبْعَ». رَوَاهُ الْحَمْسَةُ إِلَّا ابْنَ مَاجَةَ، وَصَحَّحَهُ ابْنُ حِبَّانَ وَالحاكِمُ.

498. Narrated 'Attāb bin Asid^[3]: Allah's Messenger ﷺ ordered to estimate *Zakāt* on grapevines just as it is done with palm trees, then the *Zakāt* is to be paid in raisins (as the *Zakāt* on palm trees is paid in dried dates).

(٤٩٨) وَعَنْ عَتَابِ بْنِ أَبِي سَيْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَمْرَنَا رَسُولُ اللَّهِ ﷺ أَنْ يُحْرِصَ الْعَنْبَرَ، كَمَا يُحْرِصُ النَّخْلَ، وَتُؤْخَذُ زَكَائُهُ رَبِيبًا. رَوَاهُ الْحَمْسَةُ، وَفِيهِ انْقِطَاعٌ.

^[1] Sahl bin Abū Hathma's real name was 'Abdullāh or 'Aamir bin Sā'ida bin 'Aamir Al-Ansāri Al-Khazraji Al-Madani. He was a young *Sabābi* born in 3 H. He settled at Kufa and is considered as an inhabitant of Al-Madīnah where he died during the governorship of Mu'sab bin Az-Zubair.

^[2] The meaning of Arabic word *Kbars* خرسن is to guess or estimate; an expert's estimation by looking at the grape-vines or date-palms about the quantity of its produce after maturing and ripening. Such a person must perform his duty with the utmost sincerity. The ruling for a *Zakāt* collector is that he should leave one-third of the amount so speculated. In case he does not approve of it, he must leave one-fourth of the amount, as sometimes a traveler or a wayfarer may eat out of it (the fruits) or at times the owner may present some of it to his neighbors, etc.

^[3] 'Attāb bin Asid bin Abū Al-'Ais bin Umaiya bin 'Abd Shams Al-Umawi Al-Makki was a *Sabābi*. The Prophet ﷺ appointed him over Makkah in the year of its conquest, as he was proceeding to Hunain. He continued to govern it until Abū Bakr died. It is said that he died on the same day that Abū Bakr died. It is also said that he lived until the end of 'Umar's Caliphate.

[Reported by *Al-Khamṣa*. It has *Inqīṭā'* (missing links in the chain of narrators)].

499. Narrated 'Amr bin Shu'aib on his father's authority from his grand father (ﷺ): A woman came to the Prophet ﷺ, and she was accompanied by her daughter who wore two gold bangles in her hands. He asked her "Do you pay their *Zakāt*?" She said, "No." He then said, "Will you be pleased^[1] if Allāh puts two bangles of fire on you, in their place, on the Day of Resurrection?" Thereupon she threw them away. [Reported by *Atb-Thalathah*, and its chain of narrators is strong. It is authenticated by Hākim from 'Aisha's *Hadīth*].

500. Narrated Umm Salama ﷺ that she was wearing gold bangles^[2] and she said, "O Messenger of Allāh! Is this a treasure?" He replied, "It is not a treasure if you pay the *Zakāt* due on it." [Reported by Abū Dā'ud and Ad-Dāraqutni Al-Hākim graded it *Sabih* (authentic)].

501. Narrated Samura bin Jundub ﷺ: Allāh's Messenger ﷺ used to order us to pay the *Sadaqa* from what we have set aside for trade.^[3] [Abū Dā'ud reported it and its chain is weak].

502. Narrated Abū Huraira ﷺ: Allāh's

(٤٩٩) وَعَنْ عَمِّرِو بْنِ شَعِيبٍ، عَنْ أَيْمَهِ عَنْ جَدِّهِ، أَنَّ امْرَأَةً أَتَتَ الرَّسُولَ ﷺ وَمَعَهَا ابْنَةٌ لَهَا، وَفِي يَدِ ابْنَتِهَا مَسْكَنَانِ مِنْ ذَهَبٍ، فَقَالَ لَهَا: «أَتُعْطِينَ زَكَةَ هَذَا؟» قَالَتْ: لَا، قَالَ: «إِيْشُرِيٰ أَنْ يُسْوِرَكِ اللَّهُ بِهِمَا يَوْمَ الْقِيَامَةِ سَوَارَيْنِ مِنْ نَارٍ؟» قَالَتْ: فَلَقْتَهُمَا. رَوَاهُ الْكَلَاثَةُ، وَإِشْنَادُهُ قَوِيٌّ، وَصَحَّحَهُ الْحَافِيُّ مِنْ حَدِيثِ عَائِشَةَ.

(٥٠٠) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّهَا كَانَتْ تَلْبِسُ أَوْضَاحًا مِنْ ذَهَبٍ، فَقَالَتْ: يَا رَسُولَ اللَّهِ أَكَثَرُهُو؟ فَقَالَ: «إِذَا أَدَتْ زَكَاتَهُ فَلَيْسَ بِمُكَثِّرٍ». رَوَاهُ أَبُو دَاوُدَ وَالْدَّارَقُطْنَيُّ، وَصَحَّحَهُ الْحَافِيُّ.

(٥٠١) وَعَنْ سَمْرَةَ بْنِ جُنْدُبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ فَقَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُنَا أَنْ نُخْرِجَ الصَّدَقَةَ مِنَ الَّذِي نَعْدُهُ لِيَبْيَعُ . رَوَاهُ أَبُو دَاوُدَ، وَإِشْنَادُهُ لَيْكَنْ.

(٥٠٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ،

^[1] Whether or not *Zakāt* is payable on gold jewelry is a disputed matter, but the preponderant view is that the same is obligatory, and this *Hadīth* is an affirmative evidence regarding it.

^[2] *Awdab* أَوْضَاح is plural of *Wadb*. وضع This was a kind of jewelry that was originally manufactured out of silver. Owing to its glitteringly white appearance, it was called *Awdab*. Later the same was also being manufactured out of gold. This *Hadīth* is also an evidence that gold and silver jewelry are subjected to the payment of *Zakāt*. There are other types of jewelry, excluding the ones made of gold and silver, which are not liable to be subjected to a *Zakāt* payment. These are the jewelry made of pearls, emerald, sapphire, ruby, coral and other precious jewels.

^[3] It thus becomes known to us that all commercial merchandise is subject to the obligation of *Zakāt* payment.

Messenger ﷺ said, "A fifth is payable on buried treasure."^[1] [Agreed upon].

أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ قَالَ: «وَفِي الرِّكَازِ الْخُمُسُ». مُتَقَرَّ عَلَيْهِ.

503. Narrated 'Amr bin Shu'aib on his father's authority from his grand father (ﷺ): Allāh's Messenger ﷺ said, regarding a treasure which was found by a man at the site of ruins – "If you find it in an inhabited village you must make the matter known; but if you find it in an uninhabited village, a fifth is payable on it and on buried treasure." [Ibn Mājah reported it through a *Hasan* (good) chain of narrators].

(٥٠٣) وَعَنْ عَمْرِ بْنِ شُعْبَيْنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ قَالَ فِي كَثِيرٍ وَجَدَهُ رَجُلٌ فِي حَرْبَةٍ: «إِنْ وَجَدْتَهُ فِي قَرْيَةٍ مَسْكُونَةٍ فَعَرَفْهُ، وَإِنْ وَجَدْتَهُ فِي قَرْيَةٍ غَيْرِ مَسْكُونَةٍ فَقِيمْهُ وَفِي الرِّكَازِ الْخُمُسُ». أَخْرَجَهُ أَبُنْ مَاجِهَ يَاسِنَاتِي حَسَنٌ.

504. Narrated Bilāl bin Al-Harith^[2]: Allāh's Messenger ﷺ received the *Sadaqa* on the mines of Al-Qabaliya.^[3] [Reported by Abū Dā'ud].

(٥٠٤) وَعَنْ بَلَالِ بْنِ الْحَارِثِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ أَخْذَ مِنَ الْمَعَادِنِ الْقَبَلِيَّةِ الصَّدَقَةَ. رَوَاهُ أَبُو دَاوُدَ.

Chapter 1 SADAQAT-UL-FITR

١ - بَابُ صَدَقَةِ الْفِطْرِ

505. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ made compulsory – as the *Zakātul-Fitr* – upon a slave, a freeman, a male and a female, the young and the old among the Muslims [on breaking the fast of Ramadān] a *Sā'* (about 2 1/2 kilograms) of dried dates, or a *Sā'* of barley. He ordered that this should be distributed before the people went out to the (*Eidul-Fitr*) prayer. [Agreed upon].

(٥٠٥) عَنْ أَبْنَاءِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: فَرَضَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ زَكَةَ الْفِطْرِ صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعْبِرٍ، عَلَى الْعَبْدِ وَالْمُرْجُ وَالذَّكَرِ وَالْأُنْثَى وَالصَّغِيرِ وَالكَبِيرِ، مِنَ الْمُسْلِمِينَ، وَأَمْرَ بِهَا أَنْ تُؤْدَى قَبْلَ خُرُوجِ النَّاسِ إِلَى الصَّلَاةِ مُتَقَرَّ عَلَيْهِ.

Ibn 'Adī and Ad-Dāraqutni reported [from Ibn 'Umar] through a weak chain

وَلَا يَنْهَا عَدِيُّ وَالدَّارَقُطْنِيُّ يَاسِنَادُ ضَعِيفٍ:

^[1] Any wealth excavated from earth is *Rikāz* (a hidden treasure) provided the same belongs to an era of non-Muslims. It is a must to pay one-fifth of its contents to the Islamic treasury. It does not involve the condition that the deposit be made after the lapse of one year period.

^[2] He is nicknamed Abū 'Abdur-Rahmān and was among the first delegation to visit the Prophet ﷺ at Al-Madīnah from the tribe of Muzaina in 5 H. He held Muzaina's flag during the conquest of Makkah. He lived at the outskirts of Al-Madīnah then moved to Basra. He died in 60 H. at the age of 80 years.

^[3] *Qabaliya* is the name of a place located on the seacoast at a distance of about five-days journey by camel riding from Al-Madīnah.

أغثثهم عن الطواف في هذا اليوم.

of narrators: "Relieve them (the poor) of the need to go around (begging) during this day (of 'Eidul-Fitr.) [by distributing the *Zakātul-Fitr* on time]."

506. Narrated Abū Sa'īd Al-Khudri : At the time of Allāh's Messenger we used to give out (as the *Zakātul-Fitr*) a *Sā'* of grain,^[1] or of dried dates, or of barley, or of raisins. [Agreed upon]. In another narration: "a *Sā'* of sun baked yogurt." Abū Sa'īd said, "As for me, I am still distributing it (a *Sā'* in *Sadaqa*) as I used to distribute it (a *Sā'*) in the lifetime of Allāh's Messenger ." Abū Dā'ud has: "I will never give out (as *Sadaqa*) anything except a *Sā'*."

507. Narrated Ibn 'Abbās : Allāh's Messenger prescribed *Zakātul-Fitr* as a purification of the fasting person from senseless and obscene talk, and as food for the poor. Whoever fulfills it before the ('Eid) prayer, it will be an acceptable *Zakāt*, and whoever fulfills it after the prayer,^[2] it will be counted as a *Sadaqa* (voluntary alms). [Abū Dā'ud and Ibn Mājah reported it, and Al-Hākim graded it *Sahīb* (authentic)].

Chapter 2 VOLUNTARY ALMS

٢ - باب صدقة التطوع

508. Narrated Abū Hurairā : The Prophet said, "There are seven whom Allāh will cover with His shade on a day when there will be no shade but His shade (and he mentioned among them)

(٥٠٦) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كُنَّا نُطْهِيْهَا فِي زَمْنِ النَّبِيِّ ﷺ صَاعًا مِنْ طَعَامٍ، أَوْ صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعِيرٍ، أَوْ صَاعًا مِنْ زَيْبٍ. مَتَقَدِّمُ عَلَيْهِ وَفِي رِوَايَةِ: «أَوْ صَاعًا مِنْ أَيْطَهٍ». قَالَ أَبُو سَعِيدٍ: أَتَأْنَا فَلَا أَزَالُ أُخْرِجُهُ، كَمَا كُنَّا أُخْرِجُهُ فِي زَمْنِ رَسُولِ اللَّهِ ﷺ. وَلَا يَدْعُونَ لَا أُخْرِجُ أَبْدًا إِلَّا صَاعًا».

(٥٠٧) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: فَرَضَ رَسُولُ اللَّهِ ﷺ زَكَاةَ الْفِطْرِ طُهْرَةً لِلصَّائِمِ مِنَ اللَّئِنِ وَالرَّفَثِ، وَطُعْمَةً لِلْمَسَاكِينِ، فَمَنْ أَذَاهَا قَبْلَ الصَّلَاةِ فَهِيَ زَكَاةٌ مَفْوِلَةٌ، وَمَنْ أَذَاهَا بَعْدَ الصَّلَاةِ فَهِيَ صَدَقَةٌ مِنَ الصَّدَقَاتِ. رَوَاهُ أَبُو دَاؤُدَ وَابْنُ مَاجَةَ، وَصَحَّحَهُ الْحَاكِمُ.

(٥٠٨) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: «سَبْعَةٌ يُظْهِلُمُ اللَّهُ فِي ظَلِيلٍ يَوْمَ لَا ظَلَلٌ إِلَّا ظِلُّهُ» - فَذَكَرَ الْحَدِيثَ - وَفِيهِ: «وَرَجُلٌ تَصَدَّقَ بِصَدَقَةٍ فَأَخْفَاهَا، حَتَّى لَا تَعْلَمُ

^[1] The Arabic word *Ta'ām* طعام is applicable to all kind of grain. It may be used for wheat, barley and even dates. In general, it can be used for any agricultural produce.

^[2] This implies that if someone pays *Sadqatul-Fitr* (fast breaking charity) after the prayer, it does not absolve him from the obligation, nor does he get the reward associated with such a payment. However, his act shall not go in vain as he will get the reward of an ordinary act of charity. It is better to give one *Sa'* (2.6 kilogram) as *Sadqatul-Fitr*, since the narration reporting it to be a half *Sa'* is incorrect.

- a man^[1] who gives charity so secretly that his left hand does not know what his right hand has spent.” [Agreed upon].

شَيْمَاهُهُ مَا تُفْقِي بِمِنْهُ». مَعْنَى عَلَيْهِ.

509. Narrated ‘Uqba bin ‘Aamir ﷺ: I heard Allāh’s Messenger ﷺ say, “Everyone will be under the shade^[2] of his *Sadaqa* till the judgement between the people is finished.” [Reported by Ibn Hibbān and Al-Hākim].

(٥٠٩) وَعَنْ عُبَيْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَيَغْتَرِبُ رَسُولُ اللَّهِ يَقُولُ: كُلُّ امْرِئٍ فِي ظَلِّ صَدَقَتِهِ حَتَّى يُفْصَلَ بَيْنَ النَّاسِ». رَوَاهُ أَبْنُ جِبَانَ وَالْحَاكِمُ.

510. Narrated Abū Sa‘id Al-Khudri ﷺ: The Prophet ﷺ said: If any Muslim clothes a Muslim when he is naked, Allāh will clothe him with some of the green garments of Paradise; if any Muslim feeds a Muslim when he is hungry, Allāh will feed him with the fruits of Paradise; and if any Muslim gives a Muslim a drink when he is thirsty, Allāh will give him a drink from the sealed nectar.” [Abū Dā’ud reported; in its chain of narrators there is weakness].

(٥١٠) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ يَقُولُ قَالَ: «أَيُّهَا مُسْلِمَ كَسَاهُ اللَّهُ مِنْ حُضْرَ الْجَنَّةِ، وَأَيُّهَا مُسْلِمٍ أَطْعَمَ مُسْلِمًا عَلَى جُوعٍ أَطْعَمَهُ اللَّهُ مِنْ تِمَارِ الْجَنَّةِ، وَأَيُّهَا مُسْلِمٍ سَقَى مُسْلِمًا عَلَى ظَلَمٍ سَقَاهُ اللَّهُ مِنَ الرَّحِيقِ الْمَخْتُومِ». رَوَاهُ أَبُو ذَرْوَدَ، وَفِي إِسْنَادِهِ لِيَنْ.

511. Narrated Hakim bin Hizām ﷺ: The Prophet ﷺ said, “The upper hand is better than the lower hand; and start giving charity first to your dependents.^[3] And the best (object of) charity is that which is given by a wealthy person; and whoever abstains from asking others (for charity), Allāh will help him to be self-sufficient; and whosoever is satisfied with what Allāh has given him, Allāh will make him content (with what he has).” [Agreed

(٥١١) وَعَنْ حَكِيمِ بْنِ حِزَامٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ يَقُولُ قَالَ: «أَلْيُدُ الْعُلْيَا خَيْرٌ مِنَ الْيَدِ السُّفْلَى، وَإِذَا يَمْنَ تَعُولُ، وَخَيْرٌ الصَّدَقَةُ مَا كَانَ عَنْ ظَهَرٍ غَنِيٌّ، وَمَنْ يَسْتَفْعِفْ يُبْعَثِرُ اللَّهُ، وَمَنْ يَسْتَغْنِي بِغَيْرِ اللَّهِ». مَعْنَى عَلَيْهِ، وَاللَّفْظُ لِلْبَخَارِيِّ.

[1] In this *Hadith*, the mention of males is incidental and includes both sexes. If a woman gives away the charity, she will get the same reward too.

[2] “The shade” implies that the charity given away by a person in this world shall turn into a canopy for him and save him from the scorching heat on the Day of Judgement. One of the benefits of voluntary charity is that it makes up for any shortcoming in the obligatory *Zakāt*.

[3] It is forbidden to give charity to others while ones family members are in a dire need of money. According to Muslim, it is reported by Thaubān that the better part of money is that which is either spent on one’s family members, or spent on a horse used for *Jihād* (Fighting for the Cause of Allah), or the one spent on friends.

upon, and the wording is Al-Bukhāri's].

512. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ was asked, "What kind of *Sadaqa* is the most preferable?" He replied, "What a man with little property can afford to give, and begin with your dependents." [Reported by Ahmad and Abū Dā'ud. Ibn Khuzaima and Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

513. Narrated (Abū Huraira) ﷺ: Allāh's Messenger ﷺ said, "Spend *Sadaqa* (charity)." Then a man said, "O Messenger of Allah! I have a Dinār (gold coin)." He said, "Spend it on yourself." He said, "I have another one." He said, "Spend it on your children." He said, "I have another one." He said, "Spend it on your wife." He said, "I have another one." He said, "Spend it on your servant." He said, "I have another one." He said, "You know best (what to do with it)." [Reported by Abū Dā'ud and An-Nasā'i. Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

514. Narrated 'Aisha ﷺ: The Prophet ﷺ said: "If a woman gives (for charity) some of the food in her house, without being wasteful,^[1] she will have her reward for what she has given out, her husband will have his for what he has earned and the storekeeper will get the same. Yet nobody's reward^[2] will be reduced due to the other." [Agreed upon].

515. Narrated Abū Sa'id Al-Khudri ﷺ:

(٥١٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ: يَا رَسُولَ اللَّهِ! أَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: جُهْدُ الْمُقْلَلِ، وَأَبْدَأَ بِمَنْ تَعُولُ. أَخْرَجَهُ أَخْمَدُ وَأَبْوَ دَاؤُدُ، وَصَحَّحَهُ ابْنُ خُزَيْمَةَ وَابْنُ جِبَانَ وَالْحَاكِمُ.

(٥١٣) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تَصَدَّقُوا»، فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ! عِنْدِي دِينَارٌ، قَالَ: «تَصَدَّقُ بِهِ عَلَى نَفْسِكَ»، قَالَ: عِنْدِي أَخْرُ، قَالَ: «تَصَدَّقُ بِهِ عَلَى وَلِيْكَ»، قَالَ: عِنْدِي آخْرُ، قَالَ: «تَصَدَّقُ بِهِ عَلَى زَوْجِكَ»، قَالَ: عِنْدِي آخْرُ، قَالَ: «تَصَدَّقُ بِهِ عَلَى حَادِيكَ»، قَالَ: عِنْدِي آخْرُ، قَالَ: «أَنْتَ أَبْصَرُ بِهِ». رَوَاهُ أَبْوَ دَاؤُدُ وَالسَّائِي وَصَحَّحَهُ ابْنُ جِبَانَ وَالْحَاكِمُ.

(٥١٤) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ النَّبِيُّ ﷺ: «إِذَا أَنْفَقْتَ الْمَرْأَةَ مِنْ طَعَامِ بَيْتِهَا، غَيْرَ مُفْسِدَةٍ، كَانَ لَهَا أَجْرُهَا بِمَا أَنْفَقْتَ، وَلِزَوْجِهَا أَجْرُهُ بِمَا اكْسَبَ، وَلِلْحَازِنِ مِثْلُ ذَلِكَ، لَا يَنْفَضُ بِعِصْمِهِ مِنْ أَبْرَقِ بَعْضِ شَيْئِهَا». مَتَّقَّعٌ عَلَيْهِ.

(٥١٥) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ

^[1] It means that so long as the housewife does not nurse an ulterior motive of bringing harm and destruction to her husband's house, she may offer charity as is usually given away according to the prevalent customs. She may give away either bread or flour to a beggar. In case an increased amount of charity is required, then she must obtain permission from her husband.

^[2] It means that Allāh the Most Exalted will give full reward to everybody by His kindness. It is not that He divides a single reward and distributes the same among all. This clarifies that one should assist everybody in his act of performing a good deed so that he may also be rewarded.

Zainab,^[1] the wife of Ibn Mas'ūd (رضي الله عنه) came and said, "O Allāh's Messenger, today you have commanded that *Sadaqa* be given out. And I had some jewelry of mine, so I wanted to give it as *Sadaqa*. However, Ibn Mas'ūd claimed that he and his children have more right for my *Sadaqa* to be spent on them." The Prophet ﷺ said, "Ibn Mas'ūd told the truth; your husband and children have more right to be the beneficiaries of your *Sadaqa*".^[2] [Reported by Al-Bukhārī].

516. Narrated Ibn 'Umar (رضي الله عنه) : Allāh's Messenger ﷺ said: "A person will continue asking people (for charity) until he comes on the Day of Resurrection without even a piece of flesh on his face." [Agreed upon].

517. Narrated Abū Huraira (رضي الله عنه) : Allāh's Messenger ﷺ said: "He who begs for the property of others – to increase his own – is (in fact) asking for burning charcoals. So, let him ask for little or much."^[3] [Reported by Muslim].

518. Narrated Zubair bin Al-'Awwām (رضي الله عنه) : The Prophet ﷺ said, "It is better for one of you to take his rope, bring a load of firewood on his back and sell it, thereby preserving his self-respect, than to beg people whether they give him or

تعالى عنده قَالَ: جاءَتْ زَيْنَبُ امْرَأَةً ابْنِ مَسْعُودٍ، فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّكَ أَمْرَتَ الْيَوْمَ بِالصَّدَقَةِ، وَكَانَ عِنْدِي حُلٌُّ لِي، فَأَرَدْتُ أَنْ أَتَصْدِقَ بِهِ، فَزَعَمَ ابْنُ مَسْعُودٍ أَنَّهُ وَلَدَهُ أَحْقُّ مِنْ تَصْدِقَتْ بِهِ عَلَيْهِمْ، فَقَالَ النَّبِيُّ ﷺ: «صَدَقَ ابْنُ مَسْعُودٍ، زَوْجُكَ وَوَلَدُكَ أَحْقُّ مِنْ تَصْدِقَتْ بِهِ عَلَيْهِمْ». رَوَاهُ البُخَارِيُّ.

(٥١٦) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَرَأُ الْرَّجُلُ يَسْأَلُ النَّاسَ، حَتَّى يَأْتِي يَوْمَ الْقِيَامَةِ، وَلَئِنْ فِي وَجْهِهِ مُرْعَةٌ لَحَمٌ». مَقْرُونٌ عَلَيْهِ.

(٥١٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ يَسْأَلُ النَّاسَ أَمْوَالَهُمْ تَكْثُرًا، فَإِنَّمَا يَسْأَلُ جَمْرًا، فَلَا يَسْتَقِلُ أَوْ لَيَسْتَكْثِرُ». رَوَاهُ مُسْلِمٌ.

(٥١٨) وَعَنْ الزَّبِيرِ بْنِ الْعَوَامِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: لَأَنْ يَأْخُذَ أَحَدُكُمْ حَبْلَهُ، فَيَأْتِي بِحُزْمَةِ الْحَطَبِ عَلَى ظَهِيرَهُ، فَبَيْسَعُهَا، فَيَكْفُّ بِهَا وَجْهَهُ، خَيْرٌ لَهُ مِنْ

^[1] She was from Banu Thaqif and her father was called Mu'awiya, or 'Abdullāh bin Mu'awiya or Abū Mu'awiya. She narrated from the Prophet ﷺ, her husband and 'Umar bin Al-Khattāb. Her son, her nephew and others narrated from her.

^[2] The word *Sadaqa* (charity) is applicable on all, whether it is a voluntary act of charity, or the obligatory payment of *Zakāt* or the *Sadaqatul-Fitr*. The glorious Qur'an has used the word *Sadaqa* only while elaborating on the matters concerning the disbursement and distribution of *Zakāt* funds. In case the voluntary charity is not considerable, it generally denotes and signifies the obligatory act of charity (*Zakāt*). Here it seems to be the obligatory payment of charity, as one does not have to ask anybody's permission concerning a voluntary charity payment. Majority of the scholars subscribe to the view that a woman can give the *Zakāt* to her husband. Similarly, there is an agreement of opinion among scholars to the effect that a man cannot give a *Zakāt* payment to his wife.

^[3] If a non-deserving person gathers money by begging, he will incur ignominy and disgrace on the Day of Judgement and will have to face an infernal torment. There are three categories of people who deserve the *Zakāt* money:

refuse him.” [Reported by Al-Bukhārī].

أَنْ يَسْأَلَ النَّاسَ، أَغْطُوهُ أَوْ مَنْعُوهُ. رَوَاهُ
الْبُخَارِيُّ.

519. Narrated Samura bin Jundub ﷺ: Allah’s Messenger ﷺ said: “Acts of begging are scratches with which a man disfigures his face, unless one begs a ruler,^[1] or a situation in which begging is a must.” [Reported by At-Tirmidhi, who graded it *Sabib* (authentic)].

(٥١٩) وَعَنْ سُمْرَةَ بْنِ جُنْدُبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ: «الْمَسَأَةُ كَدَ يَكْتُبُ بِهَا الرَّجُلُ وَجْهَهُ، إِلَّا أَنْ يَسْأَلَ الرَّجُلُ سُلْطَانًا أَوْ فِي أَمْرٍ لَا بُدَّ مِنْهُ». رَوَاهُ التَّرْمِذِيُّ وَصَحَّحَهُ.

Chapter 3 THE DIVISION OF SADAQAT

520. Narrated Abū Sa‘īd Al-Khudri ﷺ: Allah’s Messenger ﷺ said, “*Sadaqa* cannot lawfully be given to a wealthy person except of the five categories: one who collects it, or a man who buys it with his money, or one in debt, or one who fights in Allah’s Cause, or a poor man who after getting a *Sadaqa* gives part of it to a rich man as a gift.”^[2] [Reported by Ahmad, Abū

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(٥٢٠) عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ: «لَا تَجُلُ الصَّدَقَةَ لِعَنِي إِلَّا لِحَمْسَةِ لِعَامِلٍ عَلَيْهَا، أَوْ رَجُلٍ اشْتَرَاهَا بِعِمَالٍ، أَوْ غَارِمٍ، أَوْ غَازِيٍّ فِي سَيْلِ اللَّهِ، أَوْ مُشْكِنٍ تُصْدِقُ عَلَيْهِ مِنْهَا فَأَهْدَى مِنْهَا لِعَنِي». رَوَاهُ أَخْمَدُ وَأَبُو ذَرْدَةَ وَابْنُ مَاجَةَ، وَصَحَّحَهُ الْحَاكِمُ، وَأَعْلَى بِالْإِرْسَالِ.

- a) The one whose wealth gets utterly destroyed by a sudden and unexpected calamity to such an extent that he has nothing to eat. Such a person may ask for *Zakāt* to make ends meet.
- b) The one who has been unjustifiably penalized or has been unfairly involved into signing a bond of guarantee or liability for someone else and is now being subjugated to making a payment for the same even though he does not have enough financial resources to pay for it. Such a person is eligible to *Zakāt* so that he may be solvent enough to pay off his liability.
- c) The one who works, or intends to work sincerely and in the earnest but does not find work, or has less income than his required minimum expenditure and thus forced to face starvation.

^[1] It becomes known to us that approaching a ruler and asking him for financial aid is permissible. A ruler is permitted either to give someone charity out of *Zakāt* payment or from *Khumus* خمس (one-fifth of the wealth realized out of the spoils of war and allocated to be deposited in the government treasury). In case the asking person is really poor, he can take out of *Zakāt* payment. In case he is rich, he should not take money out of *Zakāt*, but he may take it from the funds belonging to *Khumus* (specific funds from the government treasury).

^[2] It is forbidden for a wealthy person to take any money out of *Zakāt*, but if a poor person receives a *Zakāt* money, purchases something out of this money and presents the same to

Dā'ud and Ibn Mājah. Al-Hākim graded it *Sabib* (authentic), while it has been declared *Mursal* (missing link after the *Tābi'i*) by others].

521. Narrated 'Ubaidullāh bin 'Adi bin Al-Khiyār^[1]: Two men informed him that they went to Allāh's Messenger ﷺ asking for *Sadaqa*. He then looked at them up and down, and seeing that they were strong, said, "If you wish I will give you something, but there is no share in it for a rich man or for one who is strong and able to earn a living."^[2] [Reported by Ahmad. Abū Dā'ud and An-Nasā'i considered its chain of narrators to be strong].

522. Narrated Qabisah bin Mukhāriq Al-Hilālī^[3]: Allāh's Messenger ﷺ said, "Begging is not allowed except for one of three people: A man who has become a guarantor for a payment, due to which he is allowed to beg till he gets it, after which he must stop begging; a man whose property has been destroyed by a calamity which has befallen him, to him begging is allowed till he gets what will provide him a reasonable sustenance; and a man who has been stricken by poverty, the genuineness of which is confirmed by three intelligent members of his people, to him begging is allowed till he gets what will provide him a

the rich person, the same becomes permissible for him.

^[1] He was a Qurashi from Banu Naufal. He was born during the life of Allāh's Messenger ﷺ, but is counted among the *Tābi'in*. He narrated *Abadīth* from 'Umar, 'Uthmān and others. It is said that his father was killed at Badr as a *Kafir*. 'Ubaidullāh is said to have been a grown up child at the time of the conquest of Makkah, and was therefore a *Sababi*. He was among the *Fiqh* scholars and learned Quraishis. He died towards the end of the caliphate of Al-Walid bin 'Abdul Mālik in 90 H.

^[2] Some people infer from this *Hadīth* that a person, who is capable of earning, even though poor, must not accept charity, which is incorrect. Another *Hadīth* clarifies that a person who is on the brink of starving may ask for charity.

^[3] Abū Bishr Qabisah bin Al-Mukhāriq bin 'Abdullāh bin Shaddād Al-'Aamiri Al-Hilālī was a *Sababi* who settled at Basra. He visited the Prophet ﷺ and narrated *Abadīth* from him. He is a narrator of six *Abadīth*.

(٥٢١) وَعَنْ عُبَيْدِ اللَّهِ بْنِ عَدِيٍّ بْنِ الْخِيَارِ، أَنَّ رَجُلَيْنِ حَدَّثَاهُ: أَنَّهُمَا أَتَيَا رَسُولَ اللَّهِ ﷺ يَسْأَلَا لَهِ مِنَ الصَّدَقَةِ، فَقَلَّبَ فِيهِمَا الْبَصَرَ، قَرَأَهُمَا جَلْدَيْنِ، قَالَ: إِنْ شِئْتُمَا أَعْطِيْتُمَا، وَلَا حَظَّ فِيهَا لِغَنِيَّةٍ، وَلَا لِقَوْيٍ مُّكْسِبٍ. رَوَاهُ أَحْمَدُ، وَقَوْاهُ أَبُو ذَوْدَ وَالشَّنَائِيُّ.

(٥٢٢) وَعَنْ قَبِيسَةِ بْنِ مُحَارِقِ الْهِلَالِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ الْمَسَأَلَةَ لَا تَحْلُّ إِلَّا لِأَحَدِ ثَلَاثَةِ: رَجُلٌ تَحْمَلُ حَمَالَةً، فَحَلَّتْ لَهُ الْمَسَأَلَةُ حَتَّى يُصِيبَهَا، ثُمَّ يُمْسِكُ، وَرَجُلٌ أَصَابَتْهُ جَائِحَةً اجْتَاهَتْ مَالَهُ، فَحَلَّتْ لَهُ الْمَسَأَلَةُ حَتَّى يُصِيبَ قَوَامًا مِنْ عَيْشِهِ، وَرَجُلٌ أَصَابَتْهُ فَاقَةً، حَتَّى يَقُولَ ثَلَاثَةٌ مِنْ دَوْيِ الْحِجَّةِ مِنْ قَوْبِيهِ: لَقَدْ أَصَابَتْ فُلَانًا فَاقَةً، فَحَلَّتْ لَهُ الْمَسَأَلَةُ حَتَّى يُصِيبَ قَوَامًا مِنْ عَيْشِهِ، فَمَا سِوَاهُنْ مِنَ الْمَسَأَلَةِ يَا قَبِيسَةَ سُخْتَ، يَا كُلُّهُ صَاحِحُهُ سُخْنَاً. رَوَاهُ مُسْلِمٌ وَأَبُو

داوْد وابن خُرَيْمَة وابن حِبَّانَ.

reasonable sustenance. Any begging besides these, O Qabisah is ill-gotten wealth, and one who engages in such, consumes it as a thing which is unlawful.” [Reported by Muslim, Abū Dā’ud, Ibn Khuzaimah and Ibn Hibbān].

523. Narrated ‘Abdul-Muttalib bin Rab‘a bin Al-Hārith^[1]: Allāh’s Messenger ﷺ said, “These *Sadaqāt* are only people’s impurities, and are not befitting for Muhammad’s family.”^[2] Another narration has: “It is not lawful for Muhammad and Muhammad’s family.” [Reported by Muslim]

524. Narrated Jubair bin Mut‘im ﷺ: ‘Uthmān bin ‘Affān ﷺ and I went to the Prophet ﷺ and said, “O Allāh’s Messenger, You gave from *Al-Khumus* (the fifth) of the war booty of Khaibar to sons of Al-Muttalib and did not give us, although we are (all) of the same rank.”^[3] Allāh’s Messenger ﷺ then said, “Indeed, the sons of Al-Muttalib and the sons of Hāshim are one (and the same).”^[4] [Reported by Al-Bukhāri].

^[1] Great grandson of ‘Abdul-Muttalib bin Hāshim Al-Qurashi. He settled at Al-Madīnah then moved to Damascus where he died in 62 H.

^[2] It is forbidden on any of the descendants of Muhammad ﷺ to accept *Zakāt* payments, a ruling that is agreed upon. However, there is a difference of opinion among scholars regarding the status of voluntary charity. These are not the only descendants of Muhammad ﷺ who are forbidden to accept a *Zakāt* payment, but they also include the descendants of ‘Ali, ‘Abbās, Ja‘far, ‘Aqeel, ‘Abdul-Muttalib bin Abd Munaf – which means that they are all included in the family of the Prophet ﷺ.

^[3] The statement of Jubair bin Mut‘im and Uthmān رضي الله عنهما that they and Bani Muttalib (progeny of Muttalib) are equals has two meanings. The first one is that they gave allegiance to the Prophet ﷺ, exactly in the same manner as done by the progeny of Muttalib. The second purported meaning is that Banu Muttalib does not exceed them in the matter of eligibility in terms of the bonds of affinity or relationship to the Prophet ﷺ. Uthmān رضي الله عنه in addition to being bestowed with the honour of being a son-in-law to the Prophet ﷺ, also belonged to Banu Umayyah. Banu Umayyah and Banu Hashim were considered to be tribe who were equal to each other in terms of status within the descendants of Quraish.

^[4] The Prophet ﷺ stated: “There is no denying the fact that in terms of rank and lineage, Banu Hashim and Banu Umayyah are on an equal footing, but Banu Muttalib sided with Islam during adverse circumstances, whereas Banu Naufal and Banu Abdush-Shams stood against it. From this point of view, Banu Hashim and Banu Muttalib are the same, and when the time came, they were given out of *Khumus* money, whereas, you were given nothing out of it.”

(٥٢٣) وَعَنْ عَبْدِ الْمُطَلَّبِ بْنِ رَبِيعَةَ بْنِ الْحَارِثِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ الصَّدَقَةَ لَا تَتَبَغِي لِأَلِيْ مُحَمَّدٍ إِنَّمَا هِيَ أُوسَاطُ النَّاسِ». وَفِي رِوَايَةِ: «وَإِنَّهَا لَا تَحِلُّ لِمُحَمَّدٍ وَلَا لِأَلِيْ مُحَمَّدٍ». رَوَاهُ مُسْلِمٌ.

(٥٢٤) وَعَنْ جُبَيْرِ بْنِ مُطْعِمٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: مَسَيَّنُتُ أَنَا وَعُثْمَانُ بْنُ عَفَّانَ إِلَى النَّبِيِّ ﷺ، فَقُلْنَا: يَا رَسُولَ اللَّهِ! أَعْطِنِي بَنِي الْمُطَلَّبِ مِنْ خُمُسِ خَيْرِ وَرَكْنَتَا، وَنَخْنُ وَهُمْ بِمِثْلِهِ وَاحِدَةٌ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا بْنُ الْمُطَلَّبِ وَبْنُ هَاشِمٍ شَيْءٌ وَاحِدٌ». رَوَاهُ الْبُخَارِيُّ.

525. Narrated Abū Rāfi':^[1] The Prophet ﷺ sent a man of the Banū Makhzum to collect *Sadaqa* and he asked Abū Rāfi' to accompany him so that he might get some of it. Abū Rāfi' replied, "No, till I go to the Prophet ﷺ and ask him." He then went to him and asked him and he said, "It (the *Sadaqa*) is not lawful for us [family of Muhammad], and the slave^[2] of a people is (considered) one of them." [Reported by *Abū Thalabah*, Ahmad, Ibn Khuzaima and Ibn Habbān].

526. Narrated Sālim bin 'Abdullah bin 'Umar on the authority of his father that Allāh's Messenger ﷺ would offer a gift to 'Umar. And 'Umar would say: "Give it to one who is poorer than me." Upon this Allāh's Messenger ﷺ said, "Take it, keep it with your property or give it as charity. Take what comes to you from this wealth when you are neither seeking it nor begging, but in other circumstances do not make your heart subordinate to it." [Reported by Muslim].

(٥٢٥) وَعَنْ أَبِي رَافِعٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ بَعَثَ رَجُلًا عَلَى الصَّدَقَةِ مِنْ بَنْيٍ مَخْزُومٍ، فَقَالَ لِأَبِي رَافِعٍ: أَصْحَبْنِي، إِنَّكَ تُصْبِبُ مِنْهَا، فَقَالَ: لَا، حَتَّى آتَيَ النَّبِيَّ ﷺ فَأَشَأَهُ، فَأَتَاهُ فَسَأَلَهُ، فَقَالَ: «قَوْلَى الْقَوْمِ مِنْ أَفْسِهِمْ، فَإِنَّهَا لَا تَجْلُ لَنَا الصَّدَقَةُ». رَوَاهُ أَحْمَدُ وَالْتَّلَاثَةُ وَابْنُ حُرَيْمَةَ وَابْنُ جَبَانَ.

(٥٢٦) وَعَنْ سَالِمٍ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يُعْطِي عُمَرَ الْعَطَاءَ، فَيَقُولُ: أَعْطِهِ أَفْقَرَ مِنِّي، فَيَقُولُ: هَذِهِ، قَوْلَهُ، أَوْ تَصَدُّقُ بِهِ، وَمَا جَاءَكَ مِنْ هَذَا الْمَالِ، وَأَنْتَ عَيْنُ مُشَرِّفٍ وَلَا سَائِلٍ، فَهُذِهِ، وَمَا لَا شَيْغَةُ لَنْسَكَ. رَوَاهُ مُسْلِمٌ.

^[1] He was a slave of Allāh's Messenger ﷺ and his name is Aslam or Hurmuz or Thābit or Ibrāhim. He was an Egyptian Copt and was owned by Al-'Abbās who gifted him to the Prophet ﷺ. He became a Muslim before Badr and did not witness it. He witnessed Uhud and the battles that followed. When Al-'Abbās became a Muslim, Abū Rafi' gave the good news to the Prophet ﷺ who freed him. He died at the beginning of Ali's Caliphate in 36 H. at Al-Madīnah.

^[2] A person who is forbidden from partaking of *Zakāt*, the same ruling applies on his slave.

5. THE BOOK OF SIYAM^[1] (FASTING)

٥ - كتاب الصيام

527. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "Do not fast for a day or two days^[2] ahead of Ramadān except a person^[3] who is in the habit of observing a particular fast; he may fast on that day." [Agreed upon].

528. Narrated ‘Ammār bin Yāsir : He who fasts on a day about which there is doubt (concerning the start of Ramadān)^[4] has disobeyed Abul-Qāsim ﷺ [Al-Bukhāri reported it *Mu'allaq* (broken chain from his side), while *Al-Khamsa* reported it *Mawsul* (unbroken chain) and Ibn Hibbān graded it *Sahih* (authentic)].

529. Narrated Ibn ‘Umar : I heard Allāh's Messenger ﷺ saying, "Fast when you see the new moon, and break your fast when you see it; but if the sky is cloudy, calculate (the month as 30 days)." [Agreed upon]. Muslim has: "If it is cloudy, calculate (the month as) thirty days." Al-Bukhāri has: "Complete the number (of days) as thirty." Al-Bukhāri reported the *Hadīth* of Abū Huraira : "Complete the number of

(٥٢٧) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ سَلَامٌ: «لَا يَقْدِمُوا رَمَضَانَ بِصُومٍ يَوْمٍ وَلَا يَوْمَيْنَ، إِلَّا رَجُلٌ كَانَ يَصُومُ صَوْمًا فَلَيْصُمْهُ». مَتَّقِنْ عَلَيْهِ.

(٥٢٨) وَعَنْ عَمَّارِ بْنِ يَاسِيرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: مَنْ صَامَ الْيَوْمَ الَّذِي يُشَكُُ فِيهِ، فَقَدْ عَصَى أَبَا الْقَاسِمِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ سَلَامٌ. ذَكَرَ الْبُخَارِيُّ تَعْلِيقًا، وَوَصَّلَهُ الْخَمْسَةُ، وَصَحَّحَهُ ابْنُ حُزَيْمَةَ وَابْنُ جِيَانَ.

(٥٢٩) وَعَنْ أَبْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ سَلَامٌ يَقُولُ: «إِذَا رَأَيْتُمُوهُ فَصُومُوهُ، وَإِذَا رَأَيْتُمُوهُ فَأَفْطِرُوهَا، فَإِنْ غَمَ عَلَيْكُمْ فَاقْدِرُوهَا لَهُ». مَتَّقِنْ عَلَيْهِ، وَلَمْسِلِمْ : «فَإِنْ أَغْمَيْتُمُوهُ فَاقْدِرُوهَا لَهُ ثَلَاثِينَ». وَلِالْبُخَارِيِّ : «فَأَكْمَلُوهُ عِدَّةَ شَعْبَانَ ثَلَاثِينَ». وَلَهُ فِي حِدَيثِ أَبِي هُرَيْرَةَ : «فَأَكْمَلُوهُ عِدَّةَ شَعْبَانَ ثَلَاثِينَ».

[1] The meaning of *Siyam* and *Saum* is to "stop" and "refrain from". According to *Shari'a* terminology, it implies abstinence from eating, drinking and sexual intercourse, etc. starting from dawn till sunset, with a firm intention of carrying out the orders of Allāh. Fasting is one of the five pillars in Islam. One who rejects it, is a disbeliever; and who shuns it, is a disobedient Muslim. Fasting was prescribed as an obligation in the 2nd year of the Hijra calendar.

[2] This *Hadīth* tells us that the observing of fast one day prior to the advent of Ramadān, which is a practice among some ignorant and irreligious people, is forbidden.

[3] In case, someone is in the habit of fasting on a particular day which incidentally happens to fall on the day just prior to the commencement of Ramadān, it is permissible for him to fast on that day.

[4] In case the moon of Ramadān is not sighted on the 29th of Sha'bān due to the sky vision being blurred by dust or clouds, one should complete the 30 days of Sha'bān first and then observe fasting. The observance of fast merely on the basis of suspicion or assumption that the moon of Ramadān might possibly have been sighted on the 29th of Sha'bān itself, is forbidden.

(the month of) Sha'bān as thirty days^[1] .”

530. Narrated Ibn 'Umar ﷺ: The people tried to sight the new moon, so I informed the Prophet ﷺ that I had seen it, so he fasted and commanded the people to fast.^[2] [Abū Dā'ud reported it and Al-Hākim and Ibn Hibbān graded it *Sabib* (authentic)].

531. Narrated Ibn 'Abbās ﷺ: A bedouin came to the Prophet ﷺ and said, “I have seen the new moon (of Ramadān).” He asked, “Do you testify that nothing is worthy of worship except Allāh?” He replied, “Yes.” He then asked, “Do you testify that Muhammad is Allāh's Messenger?” He replied, “Yes.” He then said, “Bilāl, announce to the people that they should fast tomorrow.” [Reported by *Al-Khamṣa*. Ibn Khuzaīma and Ibn Hibbān graded it *Sabib* (authentic); An-Nasā'i held that the stronger view is that it is *Mursal* (missing link after the *Tābi'i*)].

532. Narrated Hafsa^[3] ، Mother of the Believers: The Prophet ﷺ said, “The fast of one who does not make intention^[4] to fast before dawn is not accepted”^[5] [Reported by *Al-Khamṣa*. At-Tirmidhi and An-Nasa'i are inclined

(٥٣٠) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: تَرَاهُ الْأَسْعَادُ الْهِلَالَ، فَأَخْبَرَتْ النَّبِيَّ ﷺ أَنِّي رَأَيْتُهُ، فَصَامَ، وَأَمَرَ النَّاسَ بِصَيَامِهِ. رَوَاهُ أَبُو دَاوُدُ، وَصَحَّحَهُ الْحَاكِمُ وَابْنُ حَمَّادٍ.

(٥٣١) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ أَغْرِيَيْاً جَاءَ إِلَى النَّبِيِّ ﷺ قَالَ: إِنِّي رَأَيْتُ الْهِلَالَ، فَقَالَ: أَشْهُدُ أَنَّ لَا إِلَهَ إِلَّا اللَّهُ؟ قَالَ: نَعَمْ. قَالَ: أَشْهُدُ أَنَّ مُحَمَّداً رَسُولُ اللَّهِ؟ قَالَ: نَعَمْ، قَالَ: فَأَذْنُ لِي النَّاسَ يَا بِلَالُ أَنْ يَصُومُوا غَدًا. رَوَاهُ الْحَمَّاسُ، وَصَحَّحَهُ أَبْنُ خُرَيْمَةَ وَابْنُ حَمَّادٍ، وَرَجَحَ السَّنَائِي إِرْسَالُهُ

(٥٣٢) وَعَنْ حَفْصَةَ أُمِّ الْمُؤْمِنِينَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ ﷺ قَالَ: مَنْ لَمْ يَسْتَرِ الصِّيَامَ قَبْلَ الْفَجْرِ فَلَا صِيَامَ لَهُ». رَوَاهُ الْحَمَّاسُ، وَمَالَ التَّرْمِذِيُّ وَالسَّنَائِيُّ إِلَى تَرْجِيعِ

^[1] This tells us that we should commence and terminate our fasting on the sighting of the moon.

^[2] We are thus informed that one witness suffices to herald the commencement of fasting where as to announce the sighting of the 'Eid crescent, two witnesses are required, according to the majority of the scholars of jurisprudence.

^[3] She was the daughter of 'Umar bin Al-Khattāb and was married to Khunais bin Hudhāfa As-Sahmi whom she migrated with to Al-Madinah. When he died after Badr, Allāh's Messenger ﷺ married her in the year 3 H. She died in Sha'bān, 45 H. at the age of 60 years.

^[4] One of the elements of fasting is *Niyah* (intention). Hence one must make an intention of fasting prior to dawn.

^[5] One must make an intention of fasting before morning in case he is observing the obligatory (*Fard*) fast. But in case he is observing voluntary (*Nafl*) fasts, it is all right to do the same before noon.

toward the opinion that it is *Mauquf* (a saying of a Companion, i.e. Hafsa). Ibn Khuzaima and Ibn Hibban authenticated it as *Marfu'* (attributed to the Prophet).

Ad-Daraqutni has: "There is no fast for the one who does not make the intention to fast during the night."

533. Narrated 'Aisha: The Prophet ﷺ came to visit me one day and asked, "Do you have anything (to eat)?" I said, "No." He said, "Then I am fasting."^[1] Then he came to me another day and I said, "I had been given a present of some *Hais*^[2]. He said, "Show it to me, for I had begun the day fasting." Then he ate.^[3] [Reported by Muslim].

534. Narrated Sahl bin Sa'd: Allah's Messenger ﷺ said, "The people will continue to be on the right path as long as they hasten in the breaking of the fast." [Agreed upon].

At-Tirmidhi reports from the *Hadith* of Abū Huraira (رضي الله عنه) from the Prophet ﷺ, who said that Allāh said, "The most beloved to Me of my slaves is the one who hastens most in breaking the fast."^[4]

535. Narrated Anas bin Mālik: Allāh's Messenger ﷺ said, "Take a meal (just) before dawn, for there is a blessing in *Subur* (taking a meal)^[5] at that time." [Agreed upon].

وَقَبْعَةٌ، وَصَحَّحَهُ مَرْفُوعًا أَبْنُ حُرَيْمَةَ وَابْنُ جِبَانَ.

وَلِلْدَارِقُطْنِي: «لَا صِيَامٌ لِمَنْ لَمْ يَفْرَضْهُ مِنَ اللَّئِنِ».

(٥٣٣) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَاتَتْ: دَخَلَ عَلَيَّ النَّبِيُّ ﷺ ذَاتَ يَوْمٍ فَقَالَ: «هَلْ عِنْدَكُمْ شَيْءٌ؟» قُلْنَا: لَا، قَالَ: «فَإِنِّي إِذَا صَائِمٌ ثُمَّ أَتَانَا يَوْمًا آخَرَ، قُلْنَا: أَهْدِي لَكَ حَسِينًَ، فَقَالَ: أَرِنِيهِ فَلَقَدْ أَضْبَحْتُ صَائِمًا، فَأَكَلَ». رَوَاهُ مُسْلِمٌ.

(٥٣٤) وَعَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَرَدُّ النَّاسُ يَخْتَيِرُ مَا عَجَلُوا الْفَطْرَ»، مُتَقَرَّ عَلَيْهِ.

وَلِلشِّرْمِدِيِّ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: قَالَ اللَّهُ عَزَّ وَجَلَّ: «أَحَبُّ عِبَادِي إِلَيَّ، أَعْجَبُهُمْ فِطْرًا».

(٥٣٥) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تَسْحَرُوا، فَإِنَّ فِي السَّحُورِ بَرَكَةً». مُتَقَرَّ عَلَيْهِ.

^[1] This *Hadith* is an evidence that the intention of a voluntary observance of fasting does not have to be made necessarily before dawn, but the same could be done during daytime also.

^[2] A mixture of dates and ghee.

^[3] This *Hadith* states that a voluntary fast may be terminated without an excuse.

^[4] As long as one is absolutely sure about the setting of the sun, he must not delay breaking his fast, as a delayed breaking of fast is the practice of Jews and Christians.

^[5] The Jews and Christians do not observe partaking of *Subur*. It is reported by Muslim that the eating of *Subur* is the difference between us and the people of the Scriptures. This facilitates fasting and one gets an increased amount of reward.

536. Narrated Salmān bin ‘Aamir Ad-Dabbi^[1]: The Prophet ﷺ said, “When one of you breaks his fast, he should do so with some dates; but if he can not get any, he should break his fast with water,^[2] for it is purifying.” [Reported by Al-Khamṣa. Ibn Khuzaīma, Ibn Ḥibbān and Al-Ḥākim graded it *Sahih* (authentic)].

537. Narrated Abū Huraira رضي الله عنه: Allāh’s Messenger ﷺ forbade continuous fasting.^[3] A man from among the Muslims said, “You fast continuously, O Messenger of Allāh!” He replied, “Which one of you is like me? During the night my *Rabb* (Allah) gives me food and drink.” When they refused to stop the continuous fasting, he fasted with them for a day and then another. Then, they saw the moon. He then said, “If the new moon had not appeared, I would have made you fast more (in this way).” It is as though it would serve as a punishment for them, when they refused to stop. [Agreed upon].

538. Narrated (Abū Huraira رضي الله عنه): Allāh’s Messenger ﷺ said, “Whoever does not abandon falsehood^[4] and action in accordance with it and foolishness, Allāh has no need that he should abandon his food and drink.” [Reported by Al-Bukhāri, and Abū Dā’ud and the wording is his].

539. Narrated ‘Aisha رضي الله عنها: Allāh’s Messenger

(٥٣٦) وَعَنْ سُلَيْمَانَ بْنِ عَامِرِ الضَّبَّيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنْ النَّبِيِّ قَالَ: «إِذَا أَفْطَرَ أَحَدُكُمْ فَلْيَقْطُرْ عَلَى تَمْرٍ، فَإِنْ لَمْ يَجِدْ فَلْيَقْطُرْ عَلَى مَاءٍ، فَإِنَّهُ طَهُورٌ». رَوَاهُ الْخَمْسَةُ، وَصَحَّحَهُ ابْنُ حُرَيْمَةَ وَابْنُ جَبَانَ وَالْحَاكِمُ.

(٥٣٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ قَالَ: «عَنِ الْوِصَالِ»، فَقَالَ رَجُلٌ مِّنَ الْمُسْلِمِينَ: فَإِنَّكَ تُؤَاכِلُ يَا رَسُولَ اللَّهِ؟ قَالَ: «وَأَيْكُمْ مِثْلِي؟ إِنِّي أَبِي يُطْعَمُنِي رَبِّي وَيَسْقِينِي»، فَلَمَّا أَبْوَا أَنْ يَتَهَوَّأْ عَنِ الْوِصَالِ وَأَصَلَ بِهِمْ يَوْمًا، ثُمَّ يَوْمًا، ثُمَّ رَأَوا الْهِلَالَ، فَقَالَ: «لَوْ تَأْخِرُ الْهِلَالُ لَرِدْتُكُمْ»، كَالْمُنْكَلِّ لَهُمْ حِينَ أَبْوَا أَنْ يَتَهَوَّأْ. مُتَقَرَّ عَلَيْهِ.

(٥٣٨) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ قَالَ: «مَنْ لَمْ يَدْعُ قَوْلَ الزُّورِ، وَالْعَمَلَ بِهِ، وَالْجَهَلُ، فَلَئِسَ لِلَّهِ حَاجَةً فِي أَنْ يَدْعَ طَعَامَهُ وَشَرَابَهُ». رَوَاهُ البَخارِيُّ وَأَبْوَا دَاؤِدَ، وَالْكَفْطُلُ لَهُ.

(٥٣٩) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا

^[1] Ibn Aus bin Hujr bin ‘Amr bin Al-Harith Ad-Dabbi was a *Sababi* who settled at Basra and was an old man during the lifetime of the Prophet ﷺ. He lived up to the caliphate of Mu‘awiya and it is said that he was killed in the battle of Al-Jamal at the age of 100 years. It is also said that there is no other *Sababi* from Ad-Dabbi except him.

^[2] The best of the things one may break his fast with, are fresh dates, then dry dates, then water.

^[3] In Arabic *Witsal* is a term used with reference to a person who does not break his fast in the evening but goes on observing it continuously on to the second day with no eating or drinking in between. This kind of fasting was only allowed to the Prophet.

^[4] The purpose behind fasting is that one should learn to exercise self-control on himself. The whole concept of fasting becomes abortive if one fails to learn the same.

used to kiss^[1] and fondle while he was fasting, but he was the one among you who had most control^[2] over his sexual desire. [Agreed upon]. The wording is Muslim's, and in another narration, he has the addition: "during Ramadān."

540. Narrated Ibn ‘Abbās : The Prophet ﷺ had himself cupped when he was wearing the *Ibrām* (during *Hajj* or *‘Umrah*) and had himself cupped when he was fasting. [Reported by Al-Bukhari].

541. Narrated Shaddād bin Aus^[3] : The Prophet ﷺ came across a man in Al-Baqī‘ who was being cupped in Ramadān. He said, “The one who cups and the one who is cupped have broken their fast.”^[4] [Reported by *Al-Kbamsa* except At-Tirmidhi. Ahmad, Ibn Khuzaima and Ibn Hibbān graded it *Sabib* (authentic)].

542. Narrated Anas : The first time when cupping – for one who is fasting – was disapproved was when: Ja‘far bin Abū-Tālib had himself cupped while he was fasting; the Prophet ﷺ came across him and said, “Both of these have broken their fast.” Afterwards, the

فَالْأُولَئِكُ هُنَّ الَّذِينَ يَقْبَلُونَ وَهُوَ صَائِمٌ، وَيَبْشِرُ
وَهُوَ صَائِمٌ، وَلِكُنَّهُ كَانَ أَمْلَكُكُمْ لِإِزْرِيهِ مُقْتَنِّ
عَلَيْهِ، وَالنَّفَطُ لِمُسْلِمٍ، وَرَأَدٌ فِي رَوَايَةِ: «فِي
رَمَضَانَ».

(٥٤٠) وَعَنْ ابْنِ عَبَّاسِ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ أَخْتَجَمَ وَهُوَ مُغْرِمٌ،
وَأَخْتَجَمَ وَهُوَ صَائِمٌ. رَوَاهُ البُخَارِيُّ.

(٥٤١) وَعَنْ شَدَّادِ بْنِ أَوْسٍ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ أَتَى عَلَى رَجُلٍ
بِالْتَّبِيعِ، وَهُوَ يَخْتَجِمُ فِي رَمَضَانَ، فَقَالَ:
«أَفْطِرْ الْحَاجِمَ وَالْمَخْجُومُ». رَوَاهُ الْخَمْسَةُ إِلَّا
الترْمِذِيُّ، وَصَحَّحَهُ أَخْمَدُ وَابْنُ حُرَيْمَةَ وَابْنُ
جَبَانَ.

(٥٤٢) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ:
أَوْنُ ما كُرِهْتَ الْحِجَاجَةُ لِلصَّائِمِ، أَنَّ جَعْفَرَ
ابْنَ أَبِي طَالِبٍ أَخْتَجَمَ وَهُوَ صَائِمٌ، فَمَرَّ بِهِ
النَّبِيُّ ﷺ فَقَالَ: أَفْطِرْ هَذَا! إِنَّمَا رَحْصَ النَّبِيِّ
ﷺ بَعْدَ فِي الْحِجَاجَةِ لِلصَّائِمِ، وَكَانَ أَنَسُ

^[1] It is not forbidden to kiss the wife or to embrace her during the state of fasting as the same does not nullify fasting.

^[2] Aisha ر advices that one should refrain from doing it lest one should make a slip and render his fasting null and void.

^[3] He is Abū Ya‘la Al-Ansāri An-Najāri Al-Madani, the nephew of Hassān bin Thābit. He was learned and very tolerant. He died in Shām in 58 H. at the age of 75 years.

^[4] It is proven by the preceding *Hadīth* that cupping (letting out blood for medical purposes) in the state of fasting is permissible. There seems to be an apparent contradiction here but in fact it is not so. This *Hadīth* narrated by Shaddād bin Aus stands abrogated due to the fact that Shaddād arrived during the year of the conquest of Makkah, whereas ‘Abdullāh bin ‘Abbās described the same to have transpired during the year of the *Hajjatul-Wada‘* (the last pilgrimage performed by the Prophet ﷺ). As to the matter of undesirability, the cupping does not invalidate fasting according to the majority of ‘Ulama but the same is undesirable, and that too is in consideration of the fact that the bleeding may cause weakness, which in turn may force someone into breaking his fast. But in case someone is strong enough to withstand any such weakness or drowsiness resulting from the cupping, then the ruling concerning its undesirability is ineffective.

Prophet ﷺ allowed cupping for one who is fasting. Anas used to have himself cupped when he was fasting. [Ad-Dāraqutni reported it and declared it to be *Qawiy* (strong)].

يَعْتَجِمُ وَهُوَ صَائِمٌ. رَوَاهُ الدَّارَقُطْنِيُّ وَقَوَاهُ.

543. Narrated ‘Aisha ﷺ: The Prophet ﷺ applied kohl^[1] in Ramadān while he was fasting. [Reported by Ibn Mājah through a weak chain of narrators]. At-Tirmidhi said, “There is nothing authentic on this subject.”

(٥٤٣) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ ﷺ أَكْتَحِلُ فِي رَمَضَانَ وَهُوَ صَائِمٌ. رَوَاهُ ابْنُ مَاجَةَ بِإِسْنَادٍ ضَعِيفٍ، وَقَالَ التَّرْمِذِيُّ: لَا يَصْحُ فِيهِ شَيْءٌ.

544. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “Whoever forgets while fasting and eats or drinks should complete his fast, for it is Allāh who has fed him and given him drink.” [Agreed upon].

(٥٤٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ تَسِيَ وَهُوَ صَائِمٌ، فَأَكَلَ أَوْ شَرِبَ، فَلْيُبْتَمِ صَوْمَهُ، فَإِنَّمَا أَطْعَمَهُ اللَّهُ، وَسَقَاهُ». مَعْقُلٌ عَلَيْهِ.

Al-Hākim has, “Whoever breaks his fast forgetfully does not have to make-up for that fast (*Al-Qadā*), nor expiate (*Al-Kaffāra*) for it.”^[2] And the narration is authentic.

وَلِلْمُحَاكِمِ: مَنْ أَنْطَرَ فِي رَمَضَانَ نَاسِيًّا فَلَا فَضَاءَ عَلَيْهِ وَلَا كَفَارَةً. وَهُوَ صَحِيحٌ.

545. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “Whoever has a sudden attack of vomiting (while fasting), does not have to make-up the fast (*Al-Qadā*), but whoever vomits intentionally must make up the day.”^[3] [Reported by *Al-Khamṣa*; Ahmad found it defective and Ad-Dāraqutni graded it *Qawi* (strong)].

(٥٤٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ ذَرَعَهُ الْقَيْءُ فَلَا فَضَاءَ عَلَيْهِ، وَمَنْ اسْتَقَاءَ فَعَلَيْهِ الْقَضَاءُ». رَوَاهُ الْخَمْسَةُ، وَأَعْلَمُهُ أَخْمَدُ، وَقَوَاهُ الدَّارَقُطْنِيُّ.

546. Narrated Jābir bin ‘Abdullāh ﷺ: Allāh’s Messenger ﷺ departed to Makkah in Ramadān in the year of the conquest. He and the people fasted till he came to Kurā’ Al-Ghamim. He then

(٥٤٦) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ عَامَ الْفَتحِ إِلَى مَكَّةَ، فِي رَمَضَانَ، فَصَامَ، حَتَّى بَلَغَ كُرَاعَ الْعَيْمِ، فَصَامَ النَّاسُ، ثُمَّ دَعَا بِقَدْحٍ

[1] Kohl applied on the eyelashes for beauty or medicinal purposes.

[2] We are thus informed that the eating or drinking out of forgetfulness does not invalidate fasting. Neither one is obliged to observe a compensational fast (*Al-Qadā*) nor pay any expiation.

[3] There is a difference of opinion among the scholars as to whether or not vomiting invalidates fasting. The view which is based upon the evidence is that if the vomiting occurs by itself, the fasting remains valid, but if the vomiting is an induced one (i.e., someone vomits by himself on his own accord), it does invalidate fasting.

called for a cup of water which he raised till the people looked at it, and then he drank.^[1] He was told afterwards that some of the people had continued to fast, and he said, "Those are the disobedient ones; those are the disobedient ones."^[2]

In another narration : "It was said to him: The people have found the fast difficult, and are waiting for what you will do." He then called for a cup of water after the 'Asr prayer and drank. [Reported by Muslim].

547. Narrated Hamza bin 'Amr Al-Aslami^[3] : He said, "O Allāh's Messenger! I find myself strong enough to fast while travelling, so is there any sin upon me (if I fast)?" Allāh's Messenger ﷺ said, "It is a permission given by Allāh and whoever acts upon it has done well. And whoever desires to fast would not be guilty of sin." [Reported by Muslim. Its basic meaning is found in *Al-Bukhāri* and *Muslim* from 'Aisha's report that Hamza bin 'Amr had asked].

548. Narrated Ibn 'Abbās ﷺ: Permission was given for an old man to break his fast (in Ramadān) and feed a poor for every day, and no make-up (*Al-Qadā*) is required of him.^[4] [Reported by Ad-

من ماء فرقعه، حتى نظر الناس إليه، ثم شرب، فقيل له بعد ذلك: إن بعض الناس قد صام، فقال: أولئك العصاة، أولئك العصاة.

وفي لفظ: «فَقِيلَ لَهُ: إِنَّ النَّاسَ قَدْ شَرَبُوا عَلَيْهِمُ الصَّيَامَ، وَإِنَّمَا يَتَنَظَّرُونَ فِيمَا فَعَلْتَ، فَدَعَا بِقَدْحٍ مِّن مَاءٍ بَعْدَ العَصْرِ فَشَرَبَ». رواه مسلم.

(٥٤٧) وعن حمزة بن عبد الرحمن الأسلمي رضي الله تعالى عنه، أن الله قال: يا رسول الله! إني أجد بي قوة على الصيام في الشتاء، فهل على جناح؟ فقال رسول الله ﷺ: «هي رخصة من الله، فمن أخذ بها فحسن، ومن أحب أن يصوم فلا جناح عليه». رواه مسلم، وأصله في المتفق عليه من حديث عائشة، أن حمزة بن عبد الرحمن سأله.

(٥٤٨) وعن ابن عباس رضي الله تعالى عنهما قال: رُحْمَن للشيخ الكبير أن يُفتر ويطعم عن كل يوم مسكيناً، ولا فضاء عليه. رواه الدارقطني والحاكم، وصححاه.

^[1] It is permissible to observe fasting during a journey, but it is better not to observe it. In case someone feels exhausted out of exertion during a travel, he is permitted to break his fast. He can compensate for it by fasting later on. But he is not obliged to pay expiation to atone for it.

^[2] As a general rule, it is permitted to fast during a journey. The people who did not break their fast were called the disobedient ones for the simple reason that as long as the Prophet ﷺ broke his fast, who are they to go on observing it? Obedience calls for a complete compliance with the instructions of the Prophet ﷺ. Perhaps those who continued fasting were under the impression that the Prophet ﷺ had instructed them to break their fasting merely out of his love and affection for them. Otherwise, his Companions رضي الله عنهم would never have disobeyed him.

^[3] He was a *Sababi* considered to be from Al-Hijāz region. He was nicknamed Abū Saleh or Abū Muhammad. His son Muhammad and 'Aisha 'Mother of Believers' ﷺ narrated from him. He died in 61 H. at the age of 80 years.

^[4] An old man who is incapable of observing fast may atone for it by offering *Fidya*

Dāraqutni and Al-Hākim both of whom authenticated it].

549. Narrated Abū Huraira ﷺ: A man^[1] came to the Prophet ﷺ and said, "O Messenger of Allāh, I am ruined." He asked him, "What has ruined you?" He replied, "I had intercourse with my wife during Ramadān." He then asked him, "Can you get a slave to free?" He said, "No." He asked, "Can you fast two consecutive months?" He said, "No." He asked, "Can you provide food for sixty poor people?" He said, "No." He then sat down. Meanwhile an 'Araq^[2] containing dates was brought to the Prophet ﷺ. He said, "Give this as Sadaqa." The man said, "Am I to give to one who is poorer than we are? There is no family – between the two mountains of Al-Madinah – more in need of it than mine." The Prophet ﷺ thereupon laughed till his premolar teeth appeared. He then said, "Go and feed your family^[3] with it."^[4] [Reported by As-Sab'a and the wording is that of Muslim].

550. Narrated 'Aisha and Umm Salama ﷺ: The Prophet ﷺ used to get up at dawn^[5] while in a state of Janāba

(٥٤٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ قَالَ: هَلْ كُنْتَ يَا رَسُولَ اللَّهِ! قَالَ: «وَمَا أَهْلَكَكَ؟» قَالَ: وَقُنْتَ عَلَى امْرَأَتِي فِي رَمَضَانَ, قَالَ: «فَلَمْ تَجِدْ مَا تُغْنِي رَبَّهُ؟» قَالَ: لَا, قَالَ: «فَهُلْ تَشْطِيعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَابِعَيْنِ؟» قَالَ: لَا, قَالَ: «فَهُلْ تَجِدُ مَا تُطْعِمُ سَيِّئَ مُشْكِيْنًا؟» قَالَ: لَا, ثُمَّ جَلَسَ, فَأَتَيَ النَّبِيِّ ﷺ بِمَرْقَبٍ فِيهِ تَمْرٌ, قَالَ: «أَتَصَدِّقُ بِهَذَا؟» قَالَ: أَعْلَى أَفْقَرِ مِنْهَا؟ فَمَا بَيْنَ لَآبَتِهَا أَهْلَ بَيْتِ أَخْرَجَ إِلَيْهِ مِنَهَا فَضَحِّكَ النَّبِيُّ ﷺ حَتَّى بَدَأَتْ أَنْيَابُهُ, ثُمَّ قَالَ: «أَذْهَبْ فَأَطْعِنْهُ أَهْلَكَ». رَوَاهُ السَّيْعَةُ وَالْلَّفْظُ لِمُسْلِمٍ.

(٥٥٠) وَعَنْ عَائِشَةَ وَأُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا, أَنَّ النَّبِيِّ ﷺ كَانَ يُضْبِحُ جُنْبًا

(compensation). Similarly a sick and invalid person whose health is not likely to improve may also offer *Fidya*. A *Fidya* represents the offering of a full meal to a poor person. The same represents an atonement for one day's missed fasting.

^[1] This person was Salma bin Sakhr.

^[2] A basket containing thirty *Sā'* of dates.

^[3] It becomes thus known to us that in case a person is extremely impoverished, he can also feed his own kith and kin out of his own expiatory money (*Kaffāra*). The majority of scholars do not approve of it and some of them claim that this *Hadīth* is null and void. Some regard it as a special ruling meted out specifically to the person in question. But both of these claims are not corroborated by evidence.

^[4] This *Hadīth* tells us that a woman is not liable to be subjected to *Kaffāra* (the payment of expiation). The majority of scholars do not approve of it. Some hold that if both man and woman mutually agree to sexual intercourse, they are both liable to make the payment of expiation. In case a man does it forcibly, he alone is required to make such a payment and not the woman.

^[5] If a man has sexual intercourse with his wife during a night of Ramadān, he must take a

(sexual impurity). Then, he would take a bath and fast. [Agreed upon]. And Muslim added in the *Hadith* of Umm-Salama: "He would not make up (the fast)."'

551. Narrated 'Aisha ﷺ: The Prophet ﷺ said, "Whoever dies while some fast is due from him (which is unfulfilled), his heir must fast^[1] on his behalf." [Agreed upon].

Chapter 1 THE VOLUNTARY FASTING AND THE DAYS FASTING HAS BEEN PROHIBITED

552. Narrated Abū Qatāda Al-Anṣārī : Allāh's Messenger ﷺ was asked about the fast on the day of 'Arafa, whereupon he said: "It expiates the sins of the preceding year and the coming year." And he was asked about fasting on the day of 'Ashurā', whereupon he said: "It expiates the sins of the preceding year." He was then asked about fasting on Monday, whereupon he said: "That is the day on which I was born, on it I was commissioned with Prophethood, and on it (the Qur'ān) was revealed to me."^[2] [Reported by Muslim].

553. Narrated Abū Ayub Al-Anṣārī : (553)

bath in case he has sufficient time and then observe his fast. If the time is short, he may perform ablution and then fast. If he does not have time even for that, he must wash off his face and hands, eat *Subūr* and observe fast. Then he must take a bath immediately at dawn, in order to prepare for the *Fajr* prayer in congregation.

^[1] In case someone dies without observing his obligatory share of fasting, his inheritors – or relatives – can observe the same on behalf of the deceased and thus the dead person gets exonerated from his obligation.

^[2] This means that the minor sins are generally written off by the observance of such an act of fasting, but the major sins can only be forgiven by repentance. As far as the people's rights, liabilities and their monetary obligations as far as an indebted person is concerned, their forgiveness depends entirely on the will of the people one owes to. '*Arafah*' is a term used for the ninth day of Dhul-Hijja whereas '*Ashura*' stands for the tenth of Muharram. The Prophet ﷺ liked fasting on Monday but did not elaborate on its reward.

من جماع، ثم يغسل ويصوم. متفق عليه، وزاد مسلم في حديث أم سلمة: «ولَا يقضى».

(٥٥١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ مَاتَ وَعَلَيْهِ صِيَامٌ، صَامَ عَنْهُ وَلَهُ». متفق عليه.

١ - بَابُ صَوْمِ التَّطَوُّعِ، وَمَا نُهِيَّ عَنْ صَوْمِهِ

(٥٥٢) عَنْ أَبِي قَتَادَةَ الْأَنْصَارِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ ﷺ سُئِلَ عَنْ صَوْمِ يَوْمِ عَرَفَةَ، قَالَ: «يُكَحُّ السَّنَةُ الْمَاضِيَّةُ وَالْبَاقِيَّةُ»، وَسُئِلَ عَنْ صَوْمِ يَوْمِ عَاشُورَاءَ فَقَالَ: «يُكَحُّ السَّنَةُ الْمَاضِيَّةُ»، وَسُئِلَ عَنْ صَوْمِ يَوْمِ الْأَثْنَيْنِ، قَالَ: «ذَلِكَ يَوْمٌ فِي دِينِهِ، وَبَعْثَتْ فِيهِ، وَأُنْزِلَ عَلَيَّ فِيهِ». رَوَاهُ مُسْلِمٌ.

Allāh's Messenger ﷺ said, "He who fasts Ramadān, then follows it with six (days of fasting) from Shawwāl,^[1] it will be (in terms of rewards) as if he has fasted a whole year." [Reported by Muslim].

تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ صَامَ رَمَضَانَ، ثُمَّ أَتَبَعَهُ سِتًا مِنْ شَوَّالٍ، كَانَ كَصِيمَ الدَّهْرِ». رَوَاهُ مُسْلِمٌ.

554. Narrated Abū Sa'īd Al-Khudri : Allāh's Messenger ﷺ said, "No slave (of Allāh) will fast for a day^[2] while engaged in *Jibād*, without Allāh removing the Hell-fire a distance of seventy years from his face for that day." [Agreed upon, and the wording is Muslim's].

(٥٥٤) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَا مِنْ عَبْدٍ يَصُومُ يَوْمًا فِي سَيْلِ اللَّهِ إِلَّا بَاعَدَ اللَّهُ بِذَلِكَ الْيَوْمِ عَنْ وَجْهِهِ النَّارَ سَبْعِينَ حَرِفًا».

مُتَقَّدٌ عَلَيْهِ، وَاللَّهُ أَعْلَمُ بِالْحَقْطِ لِمُسْلِمٍ.

555. Narrated 'Aisha : Allāh's Messenger ﷺ used to fast to such an extent that we thought he would never break his fast, and he would go without fasting to such an extent that we thought he would never fast. I never saw Allāh's Messenger ﷺ fast a complete month except in Ramadān, and I never saw him fast more in any month than in Sha'bān. [Agreed upon, and the wording is that of Muslim].

(٥٥٥) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ يَصُومُ حَتَّى يَقُولَ لَا يَفْطُرُ، وَيَفْطُرُ حَتَّى يَقُولَ لَا يَصُومُ، وَمَا رَأَيْتُ رَسُولَ اللَّهِ اسْتَكْمَلَ صِيَامَ شَهْرٍ إِلَّا رَمَضَانَ، وَمَا رَأَيْتُهُ فِي شَهْرٍ أَكْثَرَ مِنْهُ صِيَامًا فِي شَعْبَانَ. مُتَقَّدٌ عَلَيْهِ، وَاللَّهُ أَعْلَمُ بِالْحَقْطِ لِمُسْلِمٍ.

556. Narrated Abū Dhar : Allāh's Messenger ﷺ commanded us to fast three days in the month; on the thirteenth, the fourteenth and the fifteenth."^[3] [Reported by At-Tirmidhi and An-Nasā'i; Ibn Hibbān graded it *Sabīb* (authentic)].

(٥٥٦) وَعَنْ أَبِي ذَرٍّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَمْرَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ نَصُومَ مِنَ الشَّهْرِ ثَلَاثَةَ أَيَّامٍ: ثَلَاثَ عَشَرَةً، وَأَرْبَعَ عَشَرَةً، وَخَمْسَ عَشَرَةً. رَوَاهُ التَّسَائِيُّ وَالثَّرْمَدِيُّ، وَصَحَّحَهُ ابْنُ حِيَانَ.

^[1] If the thirty days of Ramadān fasting are joined with the six days of fasting in Shawwāl, it makes 36 days. According to *Shari'a* (the Islamic law), each virtue is rewarded ten times. Therefore, if we multiply 36 with 10, it makes 360, a number which equals the days of a year. Some scholars are of the opinion that these six days of fasting in Shawwāl must be completed in a continuous order right after the end of Ramadān. Some believe that it is enough to merely complete six days of fasting in Shawwāl – in any order, either successive or with intervals – which is deemed to be the most correct opinion. Also, the voluntary fast of Shawwāl may only be done after making up any missed days of the obligatory fast of Ramadān.

^[2] Fasting in the cause of Allah may imply the observance of fast while being in *Jibād* (battlefield). It may also mean a voluntary observance of fasting.

^[3] This is known as the fasting of *Ayyām Al-Beed* (bright days), as a brightness (due to the full moon) lingers all through the nights following these specified fasting days.

557. Narrated Abū Huraira ﷺ: Allah's Messenger ﷺ said: "It is not lawful for a woman to fast (optional fasting), when her husband is present, except with his permission."^[1] [Agreed upon; The wording is that of Al-Bukhāri]. Abū Dā'ud added: "other than Ramadān."

(٥٥٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ قَالَ: «لَا يَجِدُ لِلْمَرْأَةِ أَنْ تَصُومَ، وَزَوْجُهَا شَاهِدٌ، إِلَّا بِإِذْنِهِ». مُتَقَوَّلٌ عَلَيْهِ، وَاللَّفْظُ لِبُخَارِيٍّ، زَادَ أَبُو دَاؤْدَ: «غَيْرَ رَمَضَانَ».

558. Narrated Abū Sa'īd Al-Khudri ﷺ: Allah's Messenger ﷺ forbade fasting on two days, the day of *Al-Fitr* (breaking the fast of Ramadān) and the day of *Al-Adha* (offering sacrifices). [Agreed upon].

(٥٥٨) وَعَنْ أَبِي سَعِيدِ الْحُدَيْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ قَالَ: «نَهَا عَنِ صِيَامِ يَوْمَيْنِ: يَوْمِ الْفِطْرِ، وَيَوْمِ النَّحْرِ». مُتَقَوَّلٌ عَلَيْهِ.

559. Narrated Nubaisha Al-Hudhalī^[2] ﷺ: Allah's Messenger ﷺ said, "The days of *At-Tashriq*^[3] are days of eating, drinking and the remembrance of Allāh, the Great and Glorious." [Reported by Muslim].

(٥٥٩) وَعَنْ نُبَيْشَةَ الْهَذَلِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ: «أَيَّامُ التَّشْرِيقِ أَيَّامٌ أَكْلٌ وَشُرْبٌ وَذِكْرُ اللَّهِ عَزَّ وَجَلَّ». رَوَاهُ مُسْلِمٌ.

560. Narrated 'Aisha and Ibn 'Umar ﷺ: Nobody was allowed to fast on the days of *At-Tashriq* except those who could not afford the *Al-Hady* (sacrifices). [Reported by Al-Bukhāri].

(٥٦٠) وَعَنْ عَائِشَةَ وَابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمْ قَالَا: لَمْ يُرَخَّصْنَ فِي أَيَّامِ التَّشْرِيقِ أَنْ يَصُمْنَ إِلَّا لِمَنْ لَمْ يَجِدِ الْهَدْيَ. رَوَاهُ البُخَارِيُّ.

561. Narrated Abū Huraira ﷺ: The Prophet ﷺ said, "Do not single out the night (preceding) Friday – from among the nights – for prayer; and do not single out Friday – from among the days – for fasting, unless it occurs during a day of fasting, which one of you normally observes." [Reported by Muslim].

(٥٦١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ قَالَ: «لَا تَحْصُوا لِيَلَةَ الْجُمُعَةِ بِقِيَامٍ، مِنْ بَيْنِ الْلَّيَالِيِّ، وَلَا تَحْصُوا يَوْمَ الْجُمُعَةِ بِصِيَامٍ، مِنْ بَيْنِ الْأَيَّامِ، إِلَّا أَنْ يَكُونَ فِي صَوْمَهِ بَصُومُهُ أَحَدُكُمْ». رَوَاهُ مُسْلِمٌ.

[1] A woman is forbidden to observe a voluntary fast without acquiring her husband's permission. Even if she intends to observe a compensatory fast (in lieu of the missed obligatory one), she still need to ask for her husband's permission.

[2] He is Abū Turāif Nubaisha bin 'Abdullāh bin 'Amr bin 'Itāb Al-Hudhalī. He is a *Sahābi* who has eleven *Abādīth*. He settled at Basra and was called, Nubaisha the benevolent.

[3] *Ayyam At-Tashriq* is a term used for the eleventh, twelfth, and thirteenth of Dhul Hijja. It is forbidden to fast during these days. Someone who is performing *Hajj* may observe fasting on the said days if he fails to get an animal for sacrifice; the others are not allowed. In addition to it, it is also forbidden to fast on the days of two *'Eid*, irrespective of the fact whether the fasting happens to be a voluntary one or a compensatory one.

562. Narrated (Abū Huraira) ﷺ: Allāh's Messenger ﷺ said, "None of you should fast on Friday,^[1] unless he fasts (it together with) a day before it or a day after it." [Agreed upon].

563. Narrated (Abū Huraira) ﷺ: Allah's Messenger ﷺ said: "When the (month of) Sha'bān is halfway through, do not fast."^[2] [Reported by *Al-Khamṣa*. Ahmad considered it *Munkar* (rejected)].

564. Narrated As-Sammā' bint Busr^[3]: Allāh's Messenger ﷺ said, "Do not fast on a Saturday^[4] except what has been made obligatory on you; and if one of you can get nothing but a grape-skin or a twig from a tree, he should chew it." [Reported by *Al-Khamṣa*, and its narrators are reliable, but it is *Mudtarib* (narrated with irreconcilable contradictions in the chain). Mālik rejected it and Abū Dā'ud said, 'It is *Mansūkh* (abrogated).']

565. Narrated Umm Salama ﷺ: Allāh's Messenger ﷺ used to fast mostly on Saturday and Sunday, and he used to say, "They are festival days for the polytheists, and I want to act contrary to them." [Reported by An-Nasā'i. Ibn Khuzaima graded it *Sabīb* (authentic) and this is his wording].

^[1] It is prohibited to observe fast on Friday alone. This prohibition may be due to the the mistaken belief of someone who deliberately observes fast on Friday thinking that he will get more reward for it on this particular day.

^[2] One can fast provided he has to observe a compensatory fasting (in lieu of the *Fard* - obligatory ones) or the other prescribed ones which may be categorized as *Wājib* (compulsory). However, voluntary fasting is prohibited lest one should be subjected to exhaustion and weakness that may in turn render the Ramadān obligatory fasting difficult for him.

^[3] As-Sammā' s name was Buhaiya or Bahima bint Busr. She was a *Sabābiya* from the clan of Māzin. She was said to be the sister or the aunt of 'Abdullāh bin Busr.

^[4] Since Saturday carries a special importance for the Jews and they observe fast on this day, and pay deference to it; and as long as the observance of fasting strikes a resemblance with the Jews, hence the Prophet ﷺ has prohibited singling out Saturday only to this end. However, Umm Salama ﷺ narrates that the Prophet ﷺ observed fast on Saturday and Sunday both. Since Saturday is the day of festivity among the Jews, the Prophet ﷺ fasted on

(٥٦٢) وَعَنْ أَيْضًا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَصُومَنَّ أَحَدُكُمْ يَوْمَ الْجُمُعَةِ، إِلَّا أَنْ يَصُومَ يَوْمًا قَبْلَهُ، أَوْ يَوْمًا بَعْدَهُ». مُتَقَرَّ عَلَيْهِ.

(٥٦٣) وَعَنْ أَيْضًا أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا اتَّصَفَ شَعْبَانُ فَلَا تَصُومُوا». رَوَاهُ الْخَمْسَةُ، وَأَشْتَكَرَهُ أَخْمَدُ.

(٥٦٤) وَعَنْ الصَّمَاءِ بْنَتِ بُشِّرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَصُومُوا يَوْمَ السَّبْتِ إِلَّا فِيمَا افْتَرَضَ عَلَيْكُمْ، فَإِنْ لَمْ يَجِدْ أَحَدُكُمْ إِلَّا لِحَاءَ عَبْرٍ، أَوْ عُودَةَ شَجَرَةٍ، فَلْيَمُضْطَهِّنَهَا». رَوَاهُ الْخَمْسَةُ، وَرَجَالُهُ لِقَاتُ، إِلَّا أَنَّهُ مُضْطَرِّبٌ، وَلَدَنْ أَكْرَهَ مَالِكٌ، وَقَالَ أَبُو دَاؤُودُ: هُوَ مَنْشُوخٌ.

(٥٦٥) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ رَسُولَ اللَّهِ ﷺ أَكْثَرَ مَا كَانَ يَصُومُ مِنَ الْأَيَّامِ، يَوْمَ السَّبْتِ، وَيَوْمُ الْأَحَدِ، وَكَانَ يَقُولُ: «إِنَّهُمَا يَوْمَا عِيدٍ لِلْمُسْرِكِينَ، وَأَنَا أُرِيدُ أَنْ أَخَالِفُهُمْ». أُخْرَاجُهُ التَّسَائِيُّ، وَصَحَّحَهُ أَبُنْ

خُزِيَّة، وَهَذَا لِفَظُهُ.

566. Narrated Abū Huraira : the Prophet ﷺ prohibited fasting on the day of 'Arafāt at 'Arafāt.^[1] [Reported by Al-Khamsa except At-Tirmidhi; Ibn Khuzaima and Al-Hākim authenticated it, and Al-'Uqaili considered it *Munkar* (rejected)].

567. Narrated 'Abdullah bin 'Umar . Allah's Messenger ﷺ said, "He who observes perpetual fasting^[2], has not fasted." [Agreed upon]. Muslim reported it from Abū Qatada with the wording: "He has not fasted nor broken his fast."

Chapter 2 AL-ITIKAF AND OFFERING OF PRAYERS DURING THE NIGHTS OF RAMADAN

568. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "He who prays during the night in Ramadān^[3] with faith and seeking his reward^[4] from

this day to oppose the Jewish norms, and in order to supplement the reward of it, he also fasted on Sunday.

^[1] It is prohibited for the one performing *Hajj* to fast on the day of 'Arafāt (the ninth of Dhul-Hijja) since one has to face a lot of hardships and rigorous trials on this day. Therefore, the observance of fasting on this day may lead to exhaustion and weakness which in turn may prove to be a hindrance in performing the ritual components of *Hajj*. Other people (the ones who are not performing *Hajj*) are not prohibited to fast on this day. In fact, the same carries a great importance and reward.

^[2] Some ignorant people keep observing fast on a perpetual basis. This *Hadīth* clearly proves that this practice is prohibited. The majority of scholars are of the opinion that it is forbidden to always observe fasting as the same enfeebles a person and thus causes hindrance in many of his religious and worldly activities. It is stated in a *Hadīth* that a person owes some liability to his own physique and bodily existence too, thereby giving some rest to himself from time to time. Even the Prophet ﷺ followed the same course of action by observing fast some day and leaving it the other day.

^[3] *Qiyām* stands for performing the voluntary prayers (*Tarāwīh*) during Ramadān nights. By the virtue of this prayer, one's previous sins are all absolved and forgiven, provided the one performing the same harbors a complete and absolute faith in the commitment made by Allāh in regard to its reward.

^[4] It implies that the same should not be done for the purpose of merely showing-off. If so,

(٥٦٦) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ صُومِ يَوْمِ عِرَفةَ بِعَرَفَةِ زَوْاْهُ الْخَمْسَةِ غَيْرِ التَّرْوِيدِيِّ، وَصَحَّحَهُ أَبُو خُزِيَّةَ وَالْحَاكِمُ، وَاسْتَكَرَهُ الْعُقَيْلِيُّ.

(٥٦٧) وَعَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا صَامَ مَنْ صَامَ الْأَيْمَدَ». مَتَّعْنَا عَلَيْهِ، وَلَمْ نُنْلِمْهُ عَنْ أَبِي قَتَادَةَ بِلْفَظِ: «لَا صَامَ وَلَا أَفْطَرَ».

٢ - بَابُ الْإِعْتِكَافِ وَقِيَامِ رَمَضَانَ

(٥٦٨) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ قَامَ رَمَضَانَ إِيمَانًا وَاحْتِسَابًا غُفرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ». مَتَّعْنَا

Allāh will have his past sins forgiven.”
[Agreed upon].

عَنْهُ.

569. Narrated ‘Aisha ﷺ: When the last ten days of Ramadān began, Allah’s Messenger ﷺ used to tighten his waist belt (i.e. occupy himself with the worship of Allāh), stay awake all night, and awaken his family (for night prayers). [Agreed upon].

(٥٦٩) عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ إِذَا دَخَلَ الْعَشْرَ - أَيِّ الْعَشْرِ الْأَخِيرَةِ مِنْ رَمَضَانَ - شَدَّ مُثْرَرَهُ، وَأَخْبَأَ أَهْلَهُ، وَأَقْطَطَ أَهْلَهُ مُتَقْعِنًا عَلَيْهِ.

570. Narrated ('Aisha) ﷺ: When the Prophet ﷺ intended *I'tikaf* (seclusion in the mosque for worship), he prayed the dawn prayer and then entered his place of seclusion. [Agreed upon].

(٥٧٠) وَعَنْهَا أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ كَانَ يَعْتَكِفُ الْعَشْرَ الْأَوَّلَاجِرَ مِنْ رَمَضَانَ، حَتَّى تَوَفَّاهُ اللَّهُ عَزَّ وَجَلَّ، ثُمَّ اعْتَكَفَ أَزْوَاجُهُ مِنْ بَعْدِهِ مُتَقْعِنًا عَلَيْهِ.

571. Narrated ('Aisha) ﷺ: The Prophet ﷺ used to engage in *I'tikaf* (seclusion in the mosque for worship) during the last ten days of Ramadān till Allāh, Who is Great and Glorious took his soul (to His Mercy). Then, his wives^[1] engaged in *I'tikaf* after him (i.e. after his death). [Agreed upon].

(٥٧١) وَعَنْهَا رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ إِذَا أَرَادَ أَنْ يَعْتَكِفَ، صَلَّى اللَّهُ عَزَّ وَجَلَّ ثُمَّ دَخَلَ مُعْتَكِفَهُ مُتَقْعِنًا عَلَيْهِ.

572. Narrated ('Aisha) ﷺ: Allāh’s Messenger ﷺ would put his head in my room – while he was in the mosque – and I would then comb it. And he would never enter the house except for a need,^[2] if he was in *I'tikaf* (seclusion). [Agreed upon; the wording is Al-Bukhāri’s].

(٥٧٢) وَعَنْهَا قَالَتْ: إِنْ كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ لَيُدْخِلُ عَلَيَّ رَأْسَهُ، - وَهُوَ فِي الْمَسْجِدِ - فَأَرْجُلُهُ، وَكَانَ لَا يُدْخُلُ النِّبِيَّ إِلَّا لِحَاجَةٍ، إِذَا كَانَ مُعْتَكِفًا مُتَقْعِنًا. مُتَقْعِنًا عَلَيْهِ، وَالْأَقْطَطُ لِلْبُخَارِيِّ.

573. Narrated ('Aisha) ﷺ: The *Sunnah* for one who is observing *I'tikaf* (seclusion in a mosque for worship) is not to visit a sick person, nor attend a funeral, nor touch nor fondle a woman

(٥٧٣) وَعَنْهَا قَالَتْ: السُّنْنَةُ عَلَى الْمُعْتَكِفِ أَنْ لَا يَعُودَ مَرِيضًا، وَلَا يَشَهَّدَ جَنَازَةً، وَلَا يَبْسَمَ امْرَأَةً، وَلَا يُبَاشِرَهَا، وَلَا يَخْرُجَ لِحَاجَةٍ إِلَّا لِمَا لَا بُدُّ لَهُ مِنْهُ، وَلَا اعْتِكَافٌ إِلَّا بِصَوْمٍ.

all of one's minor sins are forgiven and written off. Some scholars make this statement to be a conditional one that the forgiveness is only possible if the person performing it has sound ‘*Aqida* (Belief – Creed).

^[1] According to this *Hadith*, women too should observe *I'tikāf* (sitting in a complete confinement in a mosque and offering prayers and supplications during the last ten days of Ramadān).

^[2] Here, ‘a need’ (الحاجة) implies responding to the call of nature in terms of urination or defecation.

(one's wife),^[1] nor go out for any need, except for that which is an absolute necessity. There is no *I'tikaf* without fasting, and no *I'tikaf* except in a congregational mosque. [Abū Dā'ud reported it, and its narrators are acceptable, except that the strongest opinion is that the end of it (the last sentence) is *Mawqūf* (saying of a Companion, i.e. 'Aisha)].

574. Narrated Ibn 'Abbas : The Prophet ﷺ said: "Fasting is not incumbent^[2] on one engaged in *I'tikaf* (seclusion in the mosque for worship) unless he imposes^[3] it on himself." [Reported by Ad-Dāraqutni and Al-Hākim. The strongest opinion is that it is also *Mawqūf* (saying of a Companion, i.e. Ibn 'Abbas)].

575. Narrated Ibn 'Umar : Some of the Prophet's ﷺ companions saw in their dreams that *Lailatul-Qadr* was among the last seven nights (of Ramadān). Hence, Allāh's Messenger ﷺ said, "I see that your dreams agree regarding the last seven nights. Therefore, whoever is to seek it, should do so during the last seven nights."^[4] [Agreed upon].

576. Narrated Mu'āwiya bin Abū Sufyān : With regard to *Lailatul-Qadr*, the Prophet ﷺ said, "It is the twenty-seventh night." [Reported by Abū Dā'ud. The strongest opinion is that it is *Mawqūf* (saying of a Companion, i.e.

وَلَا اغْتِكَافٌ إِلَّا فِي مَسْجِدٍ جَامِعٍ. رَوَاهُ أَبُو دَاوُدُ، وَلَا بِأَسْنَ بِرِّ جَالِيهِ، إِلَّا أَنَّ الرَّاجِحَ وَقْفٌ آخِرٌ.

(٥٧٤) وَعَنْ أَبْنَ عَبَاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ قَالَ: «لَيْسَ عَلَى الْمُعْتَكِفِ صِيَامٌ، إِلَّا أَنْ يَجْعَلَهُ عَلَى نَفْسِهِ». رَوَاهُ الدَّارْقُطْنِيُّ وَالْحَاكِمُ، وَالرَّاجِحُ وَقْفٌ أَيْضًا.

(٥٧٥) وَعَنْ أَبْنَ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رِجَالًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ أَرَوُا لَيْلَةَ الْقَدْرِ فِي الْمَنَامِ، فِي السَّيْعِ الْأَوَّلِيِّ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَرَى رُؤْيَاكُمْ ذَدَ تَوَاطِأَتْ فِي السَّيْعِ الْأَوَّلِيِّ، فَمَنْ كَانَ مُتَحَرِّيَهَا، فَأَيْتَهَا فِي السَّيْعِ الْأَوَّلِيِّ». مُتَقَرَّبٌ إِلَيْهِ.

(٥٧٦) وَعَنْ مُعاوِيَةَ بْنِ أَبِي سُفْيَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنْ النَّبِيِّ ﷺ، قَالَ فِي لَيْلَةِ الْقَدْرِ: «لَيْلَةُ سَبْعَ وَعَشْرِينَ». رَوَاهُ أَبُو دَاوُدُ، وَالرَّاجِحُ وَقْفٌ.

^[1] Here, touching one's wife implies the act of sexual intercourse, which unanimously nullifies *I'tikāf*. Otherwise, touching one's wife, in itself, is not prohibited.

^[2] It implies the regular days, other than Ramadān.

^[3] Fasting does not become binding on the one who is observing *I'tikāf* unless he himself vows to observe fasting.

^[4] A *Hadīth* which is narrated by 'Abdullāh bin 'Umar رضي الله عنهما according to *Sabibain*, states that one should search for *Lailatul-Qadr* (Night of Decree) within the last ten nights of Ramadān. If the same is not possible, then one should look for it within the last seven nights, specially the odd ones like 21st, 23rd, 25th, 27th and 29th.

Mu'awiya].

Forty different sayings were mentioned regarding the exact night of *Lailatul-Qadr* and I mentioned them in *Fath Al-Bārī* [Explanation of *Sabib Al-Bukhari*, by Al-Hafiz Ibn Hajar].

577. Narrated 'Aisha ﷺ: I said, "O Allāh's Messenger, tell me, if I know which night is *Lailatul-Qadr*,^[1] what (supplication) should I say in it?" He said, "Say, O Allāh, You are forgiving and love forgiveness, so forgive me." [Reported by the *Al-Khamsa* except Abū Dā'ud. At-Tirmidhi and Al-Hākim authenticated it].

578. Narrated Abū Sa'īd Al-Khudri ﷺ: Allāh's Messenger ﷺ said, "Do not set out on a journey except to three mosques; i.e., *Al-Masjid Al-Harām* (at Makkah), my *Masjid* (at Al-Madīnah) and *Al-Masjid Al-Aqṣā* (Mosque of Jerusalem)."^[2] [Agreed upon].

وَقَدْ اخْلَفَ فِي تَعْيِينِهَا عَلَى أَرْبَعِينَ قَوْلًا،
أَوْرَدُهَا فِي فَتْحِ الْبَارِيِّ.

(٥٧٧) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا،
قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ إِنْ عَلِمْتَ
أَيُّ لَيْلَةٍ لَيْلَةُ الْقَدْرِ، مَا أَقُولُ فِيهَا؟ قَالَ: «قُولِي
اللَّهُمَّ إِنَّكَ عَفُوٌ، تُحِبُّ الْغَفْرَانَ، فَاغْفِرْ عَنِّي».
رَوَاهُ الْحَمْسَةُ عَيْرَ أَبِي دَاوُدَ، وَصَحَّحَهُ التَّرمِذِيُّ
وَالْحَاكِمُ.

(٥٧٨) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا شُدُّ
الرِّحَالُ إِلَّا إِلَى ثَلَاثَةِ مَسَاجِدِ: الْمَسَجِدِ
الْحَرَامِ، وَمَسَجِدِي هَذَا، وَالْمَسَجِدِ الْأَقصَى».
مَتْقُونَ عَلَيْهِ.

^[1] The strongest view concerning *Lailatul-Qadr* is that this night occurs within the last ten nights of Ramadān particularly in its odd nights and the same may keep changing in Ramadān alternatively. This night sometimes may occur on 21st, or 23rd, or 25th etc. It can not be stated with an absolute certainty as to which of these particular nights is *Lailatul-Qadr*, but the same has been kept unknown and this is what the contents of *Abādīth* imply.

^[2] As mentioned in an earlier *Hadīth*, the observance of *I'tikāf* must take place in a mosque. Some of the scholars have conditioned *I'tikāf* with these three mosques. However, the compiler refutes and negates their viewpoint and maintains that the three above stated mosques have not been specified for the observance of *I'tikāf*. They have been specified for the purpose of visit and pilgrimage. This *Hadīth* further informs us that it is not permissible to proceed to any place other than these three mosques with the intention of getting reward. If someone goes to the Prophet's mosque, he must also enjoy the honour of visiting Prophet's (ﷺ) grave. As to those who travel to visit the entombed graves of *Auliya-Allāh* ('saints'), with the intention of earning reward, such are the people who are committing innovation in the religion as well as *shirk*.

6. THE BOOK OF HAJJ (PILGRIMAGE)

٦ - كِتَابُ الْحَجَّ

Chapter 1 HAJJ - ITS MERIT AND THE DEFINITION OF THOSE UPON WHOM IT WAS PRESCRIBED

579. Narrated Abū Huraira : Allah's Messenger ﷺ said, "An 'Umrah is an expiation for sins committed between it and the next, but an accepted Hajj will receive no less a reward than Paradise."^[1] [Agreed upon].

580. Narrated 'Aisha : I asked, Allah's Messenger ﷺ, "Is *Jibād* incumbent upon women?" He replied, "Yes, *Jibād* which does not include fighting is incumbent upon them, it is the *Hajj* and the '*Umrah*."^[2] [Ahmad and Ibn Majah reported it, and the wording is Ibn Majah's; its chain of narrators is *Sabib* (authentic), and its basic meaning is found in the *Sabib* (of Al-Bukhārī)].

581. Narrated Jābir bin 'Abdullāh : A bedouin came to the Prophet ﷺ and said, "O Allah's Messenger, tell me about the '*Umrah*, is it incumbent?"^[3] He replied, "No, but it is better for you to perform '*Umrah*." [Reported by

١ - بَابُ فَضْلِهِ وَبَيَانُ مَنْ فُرِضَ عَلَيْهِ

(٥٧٩) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ السَّلَامَ قَالَ: «الْعُمْرَةُ إِلَى الْمُعْمَرَةِ كَفَارَةً لِمَا بَيْتُهُما، وَالْحَجُّ الْمَبُورُ لَنْ يَسِّرَ اللَّهُ جَزَاءً إِلَّا الْجَنَّةَ». مُتَقَوِّلٌ عَلَيْهِ .

(٥٨٠) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ! عَلَى النِّسَاءِ جِهَادٌ؟ قَالَ: «تَعْمَمُ، عَلَيْهِنَّ جِهَادٌ لَا قِتَالَ فِيهِ؛ الْحَجُّ وَالْعُمْرَةُ». رَوَاهُ أَخْمَدُ وَابْنُ مَاجَةَ، وَاللَّفْظُ لَهُ، وَإِسْنَادُهُ صَحِيحٌ، وَأَضْلَلَهُ فِي الصَّرِحَجِ .

(٥٨١) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: أَتَى النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ أَغْرَابِيَّ، قَالَ: يَا رَسُولَ اللَّهِ! أَخْبِرْنِي عَنِ الْمُعْمَرَةِ، أَوْ أَجِهَّهُ هِيَ؟ قَالَ: «لَا، وَأَنْ تَعْمَرَ حَتَّى

^[1] No particular day has been specified for '*Umrah*. One can perform it whenever he likes. *Hajj Mabrūr* (an accepted *Hajj*) is the one which is performed by someone with a right intention and sincerity. All the pertinent rituals should be performed, and observed to perfection, after which a *Hajji* (pilgrim) feels himself more inclined towards piety and righteousness.

^[2] It thus becomes known to us that there is no obligation on women to participate in the *Jibād* wherein one has to fight in the battlefield. This *Hadīth* tells us that the women, by performing *Hajj*, are entitled to the reward of *Jibād*.

^[3] '*Umrah* lexically means 'a visit'. According to *Shari'a* terminology, it implies "In the state of *Ibrām* the circumambulation of *Al-Ka'ba*, running between *As-Safa* and *Al-Marwā* and shaving or shortening one's hair..." There is a difference of opinion among the scholars as to whether or not '*Umrah* is *Wājib* (compulsory). Some scholars regard it as *Mustabab* (desirable). And Allah Knows best!

Ahmad & At-Tirmidhi. The strongest opinion is that it is *Mawqūf* (saying of a Companion, i.e. Jabir).

Ibn 'Adī reported, through another chain of narrators which is *Da'if* (weak), from Jābir (رضي الله عنه) *Marfu'* (attributed to the Prophet): *Hajj* and '*Umrah* are two obligatory duties.

582. Narrated Anas (رضي الله عنه): It was said, "O Allah's Messenger, what is the meaning of *As-Sabil*?"^[1] He replied, "Provisions and a riding animal." [Reported by Ad-Dāraqutni. Al-Hākim authenticated it. The strongest opinion is that it is *Mursal* (missing link in the chain, after the *Tābi'i*)]. At-Tirmidhi has also reported it from the *Hadīth* of Ibn 'Umar (رضي الله عنهما), but its chain of narrators is weak.

583. Narrated Ibn 'Abbās (رضي الله عنهما): The Prophet ﷺ met some riders at Ar-Rawhā' and asked, "Who are you?" They replied, "We are Muslims", and they asked, "Who are you?" He said, "Allāh's Messenger." Then, a woman lifted up a boy to him and asked, "Would this (child) be credited with having performed the *Hajj* (pilgrimage)?" He replied, "Yes, and you will have a reward."^[2] [Reported by Muslim].

[1] Allāh, the Exalted One, has said in the Qur'ān that the performance of *Hajj* is binding on those who are capable of making their way (to Makkah). Someone questioned the Prophet ﷺ as to what does the word *As-Sabil* (the way) stand for? He (رضي الله عنهما) answered that the same stands for one's own travel expenses, as well as the provisions of one's household, and then the availability of the means of transportation. Once all these things are available to him, it becomes binding on him to perform *Hajj*. But the expenses thus incurred should not be at the cost of indebtedness (i.e., he should be free from debt). For, as long as he is indebted to other people, he is not obligated to perform *Hajj*. The ones living near Makkah are exempted from the condition of possessing the means of transportation.

[2] This *Hadīth* tells us that the reward of a good deed done by a non-adult (child) reaches his parents. It further tells us that in terms of the performance of *Hajj* rituals, the infants are governed by the same ruling as their mother (i.e., their mother's *Ibrām* becomes their *Ibrām* and their mother's running becomes their own running, etc.). In case someone has performed *Hajj* before reaching puberty, he is obligated to perform another *Hajj* after attaining adulthood, provided he has sufficient funds to pay for its expenses and the means of transportation.

لَكَ. رَوَاهُ أَخْمَدُ وَالْتَّرمِذِيُّ، وَالرَّاجِحُ وَقَهْمَةُ.

وَأَخْرَجَهُ ابْنُ عَلِيٍّ مِنْ وَجْهِ آخَرَ ضَعِيفٌ عَنْ جَابِرِ مَرْفُوعًا: «الْحَجَّ وَالْعُمْرَةُ فَرِيضَتَانِ».

(٥٨٢) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَيلَ: يَا رَسُولَ اللَّهِ! مَا السَّبِيلُ؟ قَالَ: «الزَّادُ وَالرَّاجِحَةُ». رَوَاهُ الدَّارَقُطْنِيُّ، وَصَحَّحَهُ الْحَاكِمُ، وَالرَّاجِحُ إِرْسَالُهُ، أَخْرَجَهُ التَّرمِذِيُّ مِنْ حَدِيثِ ابْنِ عُمَرَ أَيْضًا، وَنَفَى إِسْنَادَهُ ضَعْفًا.

(٥٨٣) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ لَقِيَ رَجُلًا بِالرَّوْحَاءِ، فَقَالَ: «مَنْ الْقَوْمُ؟» فَقَالُوا: مَنْ أَنْتَ؟ قَالَ: «رَسُولُ اللَّهِ»، فَرَفَقْتُ إِلَيْهِ أُمْرَأَةً صَيْئًا، فَقَالَتْ: أَلِهَذَا حَجَّ؟ قَالَ: «نَعَمْ، وَلَكِ أَجْرٌ». رَوَاهُ مُسْلِمٌ.

584. Narrated (Ibn 'Abbās) ﷺ: Al-Fadl bin 'Abbās^[1] was riding behind Allāh's Messenger ﷺ. A woman of Khath'ām came, and Al-Fadl began to look at her and she looked at him. The Prophet ﷺ turned his face to the other side. She then asked, "O Allāh's Messenger, Allāh's command that His slaves should perform the *Hajj* (pilgrimage) has come when my father is a very old man and is unable to sit firmly on a riding animal. Should I perform the *Hajj* on his behalf?" He replied, "Yes."^[2] That was at the *Hajjatul-Waddā'* (the Farewell pilgrimage). [Agreed upon, and the wording is that of Al-Bukhāri].

585. Narrated (Ibn 'Abbās) ﷺ: A woman of Juhaina came to the Prophet ﷺ and said, "My mother had taken a vow to perform the *Hajj*, but did not perform the *Hajj* till she died. Should I perform the *Hajj* on her behalf?" He replied, "Yes, perform the *Hajj* on her behalf. What do you think – if your mother had a debt, would you pay it? Pay the debt due to Allāh, for Allāh has more right to the payment of debt (due to Him)."^[3] [Reported by Al-Bukhāri].

^[1] He was the Prophet's ﷺ cousin and his mother was called Umm Fadl Lubaba Al-Kubra bint Al-Hārith Al-Hilāliya. Al-Fadl was elegant and handsome. He stood firm with the Prophet ﷺ during the battle of Hunain and attended the washing of the Prophets body. He was the eldest son of Al-'Abbās. He went out for *Jihād* in Shām and it is said that he died in the plague called 'Amwās in Jordan in 18 H. It is also said that he was martyred in Yarmuk or in Damascus while wearing the armor of the Prophet ﷺ.

^[2] *Hajj* becomes an obligation on the person who possesses sufficient funds to undertake a pilgrimage, finds his way clear and safe, gets his government's permission and has access to the means of transportation. If this person enjoys good health, he must perform the pilgrimage for himself. In case this person sends someone else to perform *Hajj* on his behalf, the same is not acceptable. If a person happens to be such an old man who is incapacitated or is suffering from a debilitating illness, from which he has no hope of recovery, it is permissible for him to send someone else on his behalf by giving him money. Thus, he would be free from his own *Hajj* obligation. However, the condition which strictly applies in such a case is that a person sent to *Hajj* thereof, on someone else's behalf, must have already performed his own obligatory *Hajj* prior to this one.

^[3] Some scholars hold that if someone dies in a condition that the performance of *Hajj* was obligatory on him in his lifetime, then it becomes an obligation on the next of his kin to perform the same on his behalf, regardless of whether or not he made a will about it prior to

(٥٨٤) وَعَنْهُ قَالَ: كَانَ الْفَضْلُ بْنُ عَبَّاسَ رَدِيفَ رَسُولِ اللَّهِ ﷺ، فَجَاءَتِ امْرَأَةً مِنْ حَخْمَمَ، فَجَعَلَ الْفَضْلُ يُنْظَرُ إِلَيْهَا، وَتَنْظَرُ إِلَيْهِ، وَجَعَلَ النَّبِيَّ ﷺ بَصِيرًا بَصِيرًا وَجْهَ الْفَضْلِ إِلَى الشَّقِّ الْآخَرِ، فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ فِرِيقَةَ اللَّهِ عَلَى عِبَادِهِ فِي الْحَجَّ أَدْرَكَتِي شِنْخَا كَبِيرًا، لَا تَبْثُثْ عَلَى الرَّاحِلَةِ، أَفَأَحْجُّ عَنْهُ؟ قَالَ: «نَعَمْ»، وَذَلِكَ فِي حَجَّةِ الْوَدَاعِ. مُتَقْرِنٌ عَلَيْهِ، وَاللَّفَظُ لِلْبُخَارِيِّ.

(٥٨٥) وَعَنْهُ أَنَّ امْرَأَةً مِنْ جُهَيْنَةَ جَاءَتِ إِلَى النَّبِيِّ ﷺ، فَقَالَتْ: إِنَّ أُمِّي نَذَرَتْ أَنْ تَحْجُّ، فَلَمْ تَحْجُ، حَتَّى مَاتَتْ، أَفَأَحْجُّ عَنْهَا؟ قَالَ: «نَعَمْ، حُجَّيَ عَنْهَا، أَرَأَيْتِ لَئِنْ كَانَ عَلَى أُمِّكِ دِينَ أَكْنَتْ قَاضِيَّهُ؟ أَفْصُوا اللَّهُ، فَاللَّهُ أَحَدٌ بِالْوَفَاءِ». رَوَاهُ الْبُخَارِيُّ.

586. Narrated (Ibn ‘Abbās): Allāh’s Messenger ﷺ said, “If any minor performs the *Hajj* (pilgrimage) and afterwards attains the age of puberty he must then perform another *Hajj*; and if any slave performs the *Hajj* and afterwards is freed, he must then perform another *Hajj*.” [Reported by Ibn Abi-Shaiba and Al-Baihaqi. Its narrators are reliable, but there is disagreement as to whether or not it is *Marfū’* (attributed to the Prophet). The correct opinion is that it is *Mawqūf* (saying of a Companion)].

587. Narrated (Ibn ‘Abbās): I heard Allāh’s Messenger ﷺ addressing (the people) and saying, “A man must not be alone with a woman unless a man who is a *Mabram*^[1] is with her. Likewise, a woman must not travel unless accompanied by a man who is a *Mabram*”. A man stood up and said, “O Allāh’s Messenger, my wife has gone out to perform the *Hajj* (pilgrimage), and I have been enrolled for such and such expedition.” Thereupon he said, “Go and perform the *Hajj* with your wife.” [Agreed upon, and the wording is Muslim’s].

588. Narrated (Ibn ‘Abbās): The Prophet ﷺ heard a man saying, “*Labbāika*^[2] on behalf of Shubruma.” He asked, “Who is Shubruma?” He replied, “A brother of mine,” or “A relative of mine.” He asked, “Have you performed the *Hajj* on your own behalf?” He replied, “No.” Whereupon,

his death. [Review *Abkām Al-Janā’iz*, by Shaykh Al-Albāni, Point 117, pgs. 168-178 for a full discussion of this issue.]

^[1] We know from this that a man and a woman who are strangers to each other must not meet privately. A woman may not undertake a journey, regardless of whether it is long or short, whether for religious purposes or out of necessity – except with her husband or a *Mabram*. A *Mabram* is a person to whom she is so closely related that marriage is not permissible (such the father, brother, son and uncle, but not including cousins).

^[2] “I answer Your Call” or “I am at Your Service.”

(٥٨٦) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «أَيُّمَا صَرِيقٌ حَجَّ، ثُمَّ بَلَغَ الْحِنْثَ، فَعَيْنَاهُ أَنْ يَمْحُجَ حَجَّةً أُخْرَى، وَأَيُّمَا عَبْدٌ حَجَّ، ثُمَّ أُعْتِقَ فَعَيْنَاهُ أَنْ يَمْحُجَ حَجَّةً أُخْرَى». رَوَاهُ ابْنُ أَبِي شَيْبَةَ وَالْيَهْقِينِي، وَرِجَالُهُ ثَقَاتٌ، إِلَّا أَنَّهُ اخْتَلَفَ فِي رَفْقِهِ، وَالْمَحْفُوظُ أَنَّهُ مَوْفُوفٌ.

(٥٨٧) وَعَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَخْطُبُ يَقُولُ: «لَا يَخْلُونَ رَجُلٌ بِامْرَأَةٍ إِلَّا وَمَعْهَا ذُو مَحْرَمٍ، وَلَا تُسَافِرُ الْمَرْأَةُ إِلَّا مَعَ ذَي مَحْرَمٍ»، فَقَامَ رَجُلٌ فَقَالَ: يَا رَسُولَ اللهِ! إِنَّ أَمْرَأَيَ خَرَجَتْ حَاجَةً، وَإِنِّي اكْتَسَيْتُ فِي غَزْوَةِ كَذَا وَكَذَا، قَالَ: «انْظُرْ فَحْجَّ مَعَ امْرَأَتِكَ». مُتَقَرَّ عَلَيْهِ، وَاللَّهُظُ لِلْمُسْلِمِ.

(٥٨٨) وَعَنْهُ أَنَّ النَّبِيَّ ﷺ سَمِعَ رَجُلًا يَقُولُ: لَيْكَ عَنْ شَبِرْمَةَ، قَالَ: «مَنْ شَبِرْمَةُ؟» قَالَ: أَخْ لَيْ، أَوْ قَرِيبٌ لَيْ، قَالَ: «حَجَجْتَ عَنْ نَفْسِكَ؟» قَالَ: لَا، قَالَ: «حُجَّ عَنْ نَفْسِكَ، ثُمَّ حُجَّ عَنْ شَبِرْمَةَ». رَوَاهُ أَبُو دَاوُدَ وَابْنَ مَاجَةَ،

وَصَحَّحَهُ ابْنُ حِيَانَ، وَالرَّاجِحُ عِنْدَ أَخْمَدَ وَقَهْفٍ.

he said, "Perform the *Hajj* on your own behalf, then perform it on behalf of Shubruma."^[1] [Abū Dā'ud and Ibn Mājah reported it and Ibn Hibbān graded it as *Sabib* (authentic). Ahmad held that the stronger opinion is that it is *Mawqūf* (saying of a Companion)].

589. Narrated (Ibn 'Abbās): Allāh's Messenger ﷺ addressed us and said, "Allāh has made obligatory upon you the *Hajj* (pilgrimage)." Al-Aqra' bin Hābis^[2] then stood up and asked, "Is it to be performed annually, O Messenger of Allāh?" He replied, "If I were to say that it is, it would have become obligatory. However, the *Hajj* is (to be performed) once (in a life-time), and any (*Hajj*) extra is voluntary." [Reported by *Al-Khamsa* except At-Tirmidhi and its basic meaning is in the *Sabib* of Muslim from the *Hadīth* of Abū Huraira (رضي الله عنه)].

Chapter 2 MIQAT

590. Narrated Ibn 'Abbās: The Prophet ﷺ appointed the following places as *Miqat* (the place for entering the state of *Ibrām*): Dhul Hulaifa^[3] for the people of Al-Madīnah, Al-Juhfa for the people of Sham, Qarn Al-Manazil for the people of Najd, and Yamlam for

(٥٨٩) وَعَنْهُ قَالَ: خَطَبَنَا رَسُولُ اللَّهِ ﷺ فَقَالَ: إِنَّ اللَّهَ كَتَبَ عَلَيْكُمُ الْحَجَّ، فَقَامَ الْأَقْرَبُ بْنُ حَابِسٍ، فَقَالَ: أَفِي كُلِّ عَامٍ يَا رَسُولَ اللَّهِ؟ قَالَ: لَوْ قُلْنَاهَا لَوْجَبَتِ الْحَجَّ مَرَّةً، فَمَا رَأَدَ فَهُوَ تَطْوِعُ. رَوَاهُ الْحَمْسَةُ عَبْرَ التَّرْمِذِيِّ، وَأَصْلُهُ فِي مُسْلِمٍ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ.

٢ - بَابُ المَوَاقِيتِ

(٥٩٠) عَنْ أَبْنَى عَبَاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ وَقَاتَ لِأَهْلِ الْمَدِينَةِ ذَا الْحَلِيفَةِ، وَلِأَهْلِ الشَّامِ الْجُحُفَةِ، وَلِأَهْلِ تَجْدِي قَرْنَ الْمَنَازِلِ، وَلِأَهْلِ الْيَمَنِ يَلْمَمَ، هُنَّ أَهْنَ، وَلَمَنْ أَتَى عَلَيْهِنَّ مِنْ غَيْرِهِنَّ، مِنْ أَرَادَ

^[1] This *Hadīth* tells us that so long as one has not performed his own obligatory *Hajj*, he is not permitted to perform it on someone else's behalf, irrespective of whether or not he is strong enough (monetarily and physically) to perform his own pilgrimage. The majority of the *Imāms* are of this opinion.

^[2] He was a Tamimi who was among the delegation of Banu Tamim that visited the Prophet ﷺ after the conquest of Makkah. He was one among the *Mu'allafati Qulububum* (whose hearts were won for Islām and so given some *Sadaqa* to keep them firm in the fold of the religion). He was a respectable man in the *Jabilitya* (pre-Islamic era). He died during 'Umar's Caliphate.

^[3] The special clothes worn by the pilgrim who intends to perform *Hajj* or *'Umrah*.

^[4] *Dhul Hulaifa* is a name of a place that lies 6 or 7 miles from Al-Madīnah. Najd lexically means "the elevated land" and the same specifies the expanse of land between Tihama and Iraq. *Al-Juhfa* is a village between Al-Madīnah and Makkah. It is the *Miqat* for the people of

the people of the Yemen. So, these *Meeqats* are for those living at those places; and for people of other regions who come through them – if they are intending to perform *Hajj* and '*Umrah*. Whoever is living within these *Meeqats* (on the way to Makkah) should enter the state of *Ibrām* from where he sets out from (i.e. his home); even the inhabitants of Makkah (enter *Ibrām*), from it (for *Hajj* only). [Agreed upon].

591. Narrated 'Aisha ﷺ: The Prophet ﷺ appointed Dhāt 'Irq^[1] as the place where the people of 'Irāq should enter the state of *Ibrām*. [Reported by Abū Dā'ud and An-Nasā'i]. Its basic meaning is reported by Muslim from the *Hadīth* of Jābir (رضي الله عنه), except that its narrator doubted whether it is *Marfū'* (attributed to the Prophet).

Narrated in *Sabib Al-Bukhārī*: "It is 'Umar who appointed Dhāt 'Irq."

Ahmad, Abū Dā'ud and At-Tirmidhi reported from Ibn 'Abbās (رضي الله عنهما): "The Prophet ﷺ appointed Al-'Aqiq^[2] as the place where the people of the East should enter the state of *Ibrām*."

الحج والعمرة، ومن كان دون ذلك فمن حيث أنشأ، حتى أهل مكة من مكة. متفق عليه.

(٥٩١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ النَّبِيَّ ﷺ وَقَتَ لِأَهْلِ الْعَرَاقِ ذَاتَ عِرْقٍ رَوَاهُ أَبُو دَاوُدَ وَالسَّائِئُ، وَأَصْلُهُ عِنْدَ مُسْلِمٍ مِنْ حَدِيثِ جَابِرٍ، إِلَّا أَنَّ رَأْيَهُ شَكٌ فِي رَفْعِهِ.

وَفِي صَحِيحِ الْبُخَارِيِّ: أَنَّ عُمَرَ هُوَ الَّذِي وَقَتَ ذَاتَ عِرْقٍ وَعِنْدَ أَخْمَدَ وَأَبِي دَاوُدَ وَالْتَّرْمِذِيِّ عَنْ أَبِنِ عَيْسَى، أَنَّ النَّبِيَّ ﷺ وَقَتَ لِأَهْلِ الْمَشْرِقِ الْعَيْنِيِّ.

Sham (Syria, Palestine, etc.) and Egypt. It is not in use today, and its people enter *Ibrām* in a place before it called Rābigh. Qarnul-Manazil is a place adjacent to Tā'if which is now known as 'Sail'. Yalamlam is the name of a hill which lies at about a two-day-journey from Yemen. These are the places specified for pilgrims to enter the state of *Ibrām*. The pilgrims who live outside the limits of the places specified herein, must enter the state of *Ibrām* at these points. Those living within the limits of the region fringed by the said points, may enter the state of *Ibrām* from their respective places of residence. It is not necessary for them to go back to the *Miqāt* (the said points) to enter *Ibrām* there.

^[1] The fact is that Dhat-'Irq was appointed as a *Miqāt* for the pilgrims coming from Iraq by the Prophet ﷺ himself, as the decision in regard to this matter was taken during *Hajjatul-Wada'* (the Farewell *Hajj* of the Prophet ﷺ). It is reported by Al-Bukhārī that 'Umar رضي الله عنه had appointed Dhat 'Irq as *Miqāt*, whereas the fact is that 'Umar merely reaffirmed it.

^[2] Al-'Aqiq is the name of a place which lies adjacent to Dhat-'Irq.

Chapter 3 THE MANNERS AND NATURE OF THE IHRAM

592. Narrated 'Aisha : We went out with Allāh's Messenger in the year of the Farewell Pilgrimage^[1] while some of us said the *Talbiya* (intention) for a '*Umrah*', some for *Hajj* and '*Umrah* (combined), and others for the *Hajj* (alone). But Allāh's Messenger said the *Talbiya* for the *Hajj*. Those who made intentions for an '*Umrah*', finished the state of *Ibrām* upon arrival (and completing the rites of '*Umrah*'); but those who made intention for the *Hajj* or who combined the *Hajj* and the '*Umrah*' did not finish the state of *Ibrām* till *Yaum An-Nabr*^[2] [Agreed upon].

Chapter 4 THE IHRAM AND ITS RELATED ACTIVITIES

593. Narrated Ibn 'Umar : Allāh's Messenger did not raise his voice in the *Talbiya* except from (near) the mosque (of Dhul Hulaifa).^[3] [Agreed upon].

594. Narrated Khallād^[4] bin As-Sāib on

٣ - بَابُ وُجُوهِ الْإِحْرَامِ وَصِفَاتُهُ

(٥٩٢) عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَامَ حَجَّةَ الْوَدَاعِ، فَمِنْنَا مَنْ أَهْلَ بِعُمْرَةَ، وَمِنْنَا مَنْ أَهْلَ بِحَجَّ وَعُمْرَةَ، وَوَيْنَا مَنْ أَهْلَ بِحَجَّ، وَأَهْلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْحَجَّ، فَأَمَّا مَنْ أَهْلَ بِعُمْرَةَ فَهَلَّ عِنْدَ قُدُومِهِ، وَأَمَّا مَنْ أَهْلَ بِحَجَّ، أَوْ جَمَعَ بَيْنَ الْحَجَّ وَالْعُمْرَةِ، فَلَمْ يَجُلُوا حَتَّى كَانَ يَوْمُ النَّحْرِ. مُتَقَرَّبُ عَلَيْهِ.

٤ - بَابُ الْإِحْرَامِ وَمَا يَعْلَقُ بِهِ.

(٥٩٣) عَنْ ابْنِ عَمَرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: مَا أَهْلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَّا مِنْ عِنْدِ الْمَسْجِدِ. مُتَقَرَّبُ عَلَيْهِ.

(٥٩٤) وَعَنْ خَلَادِ بْنِ السَّائِبِ، عَنْ أَبِيهِ

^[1] *Hajj* is of three kinds, namely *Ifrād*, *Tamattu'* and *Qirān*. In *Ifrād*, a pilgrim enters the state of *Ibrām* with the intention of performing *Hajj* only. While performing *Tamattu'*, a pilgrim enters the state of *Ibrām* at the point of *Miqāt* with the intention of performing '*Umrah*' and then performs *Tawāf* and *S'a'y*. In case he has brought a sacrificial animal with him, he should not get out of his *Ibrām*. Otherwise, he should go out of his *Ibrām* after *Tawāf* and *S'a'y*. With the commencement of *Hajj* days, he must enter in the state of *Ibrām* again for the *Hajj*. In *Qirān*, a pilgrim enters the state of *Ibrām* with the intention of performing '*Umrah*' and *Hajj* combined. According to some of the scholars, the residents of Makkah are not allowed to perform *Tamattu'* and *Qirān*. [See: Tafseer 2:196]

^[2] The day of slaughtering the sacrificial animals, i.e, the 10th of Dhul-Hijja.

^[3] This *Hadīth* clarifies that the Prophet ﷺ entered in the state of *Ibrām* near the mosque of Dhul Hulaifa. We are further informed that entering the state of *Ibrām* before approaching the *Miqāt* is prohibited. This negates the view of those who deem the act of entering *Ibrām* beforehand as correct.

^[4] Khallād bin As-Sāib bin Khallād bin Suwaid Al-Ansāri Al-Khazraji is a reliable *Tābi'i* of the

his father's^[1] authority : Allāh's Messenger ﷺ said, "Jibrael (Gabriel) came to me and commanded me to order my Companions to raise their voices^[2] in the *Talbiya*^[3] ." [Reported by *Al-Khamṣa*. At-Tirmidhi and Ibn Hibbān graded it *Sahih* (authentic)].

595. Narrated Zaid bin Thābit ﷺ: The Prophet ﷺ removed his (normal) clothing to put on his *Ibrām* and performed a *Ghusl* (complete bath).^[4] [Reported by At-Tirmidhi who graded it *Hasan* (good)].

596. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ was asked what the *Mubrim* (person in *Ibrām*) may wear.^[5] He said, "He should not wear a shirt, a turban, trousers, a hooded garment (*burnus*) or leather socks (*kbuffs*), except someone who does not find sandals. In that case, he may wear leather socks, but he must cut them below the ankles. Likewise, you must not wear clothing which has been scented with saffron or *Wars*.^[6] [Agreed upon, and the wording is Muslim's].

597. Narrated 'Aisha ﷺ: I used to

رضي الله تعالى عنه، أن رسول الله ﷺ قال: «أتاني جبريل، فأمرني أن أمر أصحابي، أن يرتفعوا أصواتهم بالأهلال». رواه الحسن، وصححه الترمذى وأبي حبان.

(٥٩٥) وعن زيد بن ثابت رضي الله تعالى عنه، أن النبي ﷺ تجرد لاهلاته، وأغسل رواه الترمذى، وحسنه.

(٥٩٦) وعن ابن عمر رضي الله تعالى عنهما، أن رسول الله سأله ما يلبس المحرم من الثياب؟ قال: «لا يلبس القميص، ولا العمائم، ولا السراويلات، ولا البرائين، ولا الخفاف، إلا أحذ لا يجد نعلين فليلبس الخفين، ولقطعهما أسفل من الكعبتين، ولا تلبسوا شيئاً من الثياب مسأة الرغدان، ولا التوز». متفق عليه، واللقط لمسلم.

third generation.

[1] He is a *Sahabi* nicknamed Abū Sahla. He attended Badr and became Mu'āwiya's governor in Yemen. It is also said that 'Umar assigned him to Yemen. He died in 71 H.

[2] This *Hadith* tells us that it is compulsory to pronounce *Talbiya* in a loud voice. Regarding women, there is difference of opinion among scholars whether they should pronounce the same with a loud voice or a subdued one, especially if their voice would be a source of temptation or attraction to men.

[3] The act of saying "*Labbaik Allāhumma Labbaik*, etc." (At Your Service O Allāh, at Your Service) during *Hajj*.

[4] This *Hadith* tells us that the act of taking a bath for entering in the state of *Ibrām* is *Sunnah* (practice of the Prophet).

[5] Once all these garments are discarded, the only clothing left are the two sheets, and these two very sheets constitute the cloths of *Ibrām*. A woman may cover her head by a *Khimar* (head-dress) but may not cover her face with *Niqab* (face-veil). However, she should use her head covering to cover her face in the presence of strangers (men).

[6] A yellow colored perfume.

perfume^[1] Allāh's Messenger ﷺ for his *Ibrām*^[2] before he entered the state of *Ibrām*, and when he finished the *Ibrām*, before he circumambulated the Sacred House (Ka'ba). [Agreed upon].

598. Narrated 'Uthmān bin 'Affān : Allāh's Messenger ﷺ said: "One who is in the state of *Ibrām* should not marry, or give someone in marriage,^[3] or make a proposal (to marry someone)." [Reported by Muslim].

599. Narrated Abū Qatāda Al-Ansārī regarding the story when he hunted a wild donkey and was not in the state of *Ibrām*: Allāh's Messenger ﷺ asked his companions who were in the state of *Ibrām*, "Did any one of you order him or suggest anything to him (regarding the hunting)." They replied, "No." He said, "Eat its remaining meat."^[4] [Agreed upon].

600. Narrated As-Sa'b bin Jaththāma Al-Laithi^[5] : He presented to Allāh's Messenger ﷺ a wild donkey's (flesh)^[6] when he was at Al-Abwā' or Waddān, but he rejected it and said, "We have only rejected it because we are in the state of *Ibrām*." [Agreed upon].

[1] It thus becomes known to us through this *Hadīth* that perfume may be applied to one's body prior to entering in the state of *Ibrām*, and it does not matter if that fragrance remains on one's body after entering the state of *Ibrām*. Similarly, it is also permissible to apply perfume to one's body before performing *Tawāful-Wada'* (farewell circumambulation of the Ka'ba).

[2] The state of consecration for one intending to perform *Hajj* or *'Umrah*.

[3] A person in the state of *Ibrām* should not conduct a wedding of either a man or a woman or his own self or on the authority of someone else.

[4] This incident belongs to the year of the Treaty of Al-Hudaibiya. In case a *Halal* person (the one not in *Ibrām* state) hunts an animal with the intention of presenting it to a *Mubrim*, or a *Mubrim* in any way assisted him in hunting it – the meat of the game thus hunted becomes prohibited for the *Mubrim*. It is only allowed for him if the animal is hunted for a non-*Mubrim*, unaided by any *Mubrim*, and not intending it for a *Mubrim*.

[5] Sa'b bin Jaththāma Al-Laithi used to live at Waddān and Al-Abwā' and his *Hadīth* has been narrated by the people of Al-Hijaz. He died either during the caliphate of Abū Bakr or that of 'Uthmān.

[6] This *Hadīth* tells us that the Prophet ﷺ did not eat the meat of the hunted animal in the

فَالْأَئْتُ : كُنْتُ أَطْيَبُ رَسُولَ اللَّهِ ﷺ لِإِخْرَابِهِ قَبْلَ أَنْ يُخْرِمَ ، وَلِحَلْهُ قَبْلَ أَنْ يَطْوَفَ بِالْبَيْتِ . مُتَقَّنٌ عَلَيْهِ .

(٥٩٨) وَعَنْ عُثْمَانَ بْنِ عَفَّانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ : « لَا يَنْكِحُ الْمُخْرِمُ ، وَلَا يَنْكِحُ ، وَلَا يَخْطُبُ ». رَوَاهُ مُسْلِمٌ .

(٥٩٩) وَعَنْ أَبِي قَاتَدَةَ الْأَنْصَارِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ - فِي قَصَّةِ صَبَدِهِ الْجَمَارَ الْوَحْشِيَّ وَهُوَ غَيْرُ مُخْرِمٍ - قَالَ : فَقَالَ رَسُولُ اللَّهِ ﷺ لِأَصْحَابِهِ - وَكَانُوا مُخْرِمِينَ - : « هَلْ مِنْكُمْ أَحَدٌ أَمْرَهُ ، أَوْ أَشَارَ إِلَيْهِ يُشَيِّعُهُ ؟ » قَالُوا : لَا ، قَالَ : « فَمَكُلُوا مَا يَقْنِي مِنْ لَحْوِهِ ». مُتَقَّنٌ عَلَيْهِ .

(٦٠٠) وَعَنْ الصَّعْبِ بْنِ جَنَامَةِ الْلَّيْثِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ ، أَنَّهُ أَفْدَى لِرَسُولِ اللَّهِ ﷺ حَمَاراً وَحَشِيشَا ، وَهُوَ بِالْأَبْوَاءِ أَوْ بِزَوَادَنَ ، فَرَدَّهُ عَلَيْهِ ، وَقَالَ : « إِنَّا لَمْ نَرَدْهُ عَلَيْكِ إِلَّا أَنَّا مُخْرِمُونَ ». مُتَقَّنٌ عَلَيْهِ .

601. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ said, "There are five living things which are all harmful and may be killed outside or inside the sacred areas: a scorpion, a kite, a crow, a rat, and a violent (biting) dog."^[1] [Agreed upon].

(٦٠١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: (خَمْسَةُ مِنَ الدَّوَابِ كُلُّهُنَّ فَوَاسِقُ، يُقْتَلُنَّ فِي الْحَلَّ وَالْحَرَمِ: الْعَقْرُبُ، وَالْحَدَّاءُ، وَالْعَرَابُ، وَالْفَارَّةُ، وَالْكَلْبُ الْعَقْرُوبُ). مُتَّقِنٌ عَلَيْهِ.

602. Narrated Ibn 'Abbās ﷺ: The Prophet ﷺ had himself cupped (*al-Hijāmah*) while he was in the state of *Ibrām*. [Agreed upon].

(٦٠٢) وَعَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ احْتَجَمَ وَهُوَ مُحْرِمٌ مُتَّقِنٌ عَلَيْهِ.

603. Narrated Ka'b bin 'Ujra^[2] ﷺ: I was carried to Allāh's Messenger ﷺ and lice were falling over my face. He said, "I did not think that the pain had affected you to this extent as I see (now). Can you sacrifice a sheep?" I replied, "No." He then said, "[Shave your head and] Fast three days or feed six poor people a half *Sā'*^[3] each [as compensation for shaving while in the state of *Ibrām*]." [Agreed upon].

(٦٠٣) وَعَنْ كَعْبِ بْنِ عُجْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: حُوِلْتُ إِلَى رَسُولِ اللَّهِ ﷺ وَالْقَنْفُلُ يَنْتَزِعُ عَلَيَّ وَجْهِي، قَالَ: (مَا كُنْتُ أُرَى الرَّوْجَعَ بَلَغَ بِكَ مَا أَرَى، أَتَيْدُ شَاءَ؟) قُلْتُ: لَا، قَالَ: (فَاصْسُمْ ثَلَاثَةً أَيَّامًا، أَوْ أَطْعِمْ سَيِّئَةَ مَسَاكِينَ، لِكُلِّ مِسْكِينٍ نِصْفُ صَاعٍ). مُتَّقِنٌ عَلَيْهِ.

604. Narrated Abū Huraira ﷺ: When Allāh, the Most High, granted His Messenger ﷺ victory by the conquest of Makkah, Allāh's Messenger ﷺ stood up (to address the people). So, he

(٦٠٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: لَمَّا فَتَحَ اللَّهُ عَلَى رَسُولِهِ مَكَّةَ، قَامَ رَسُولُ اللَّهِ ﷺ فِي النَّاسِ، فَحَمَدَ اللَّهَ، وَأَثْنَى عَلَيْهِ، ثُمَّ قَالَ: (إِنَّ اللَّهَ تَعَالَى حَبَسَ عَنْ مَكَّةَ

state of *Ibrām* due to the fact that Sa'b bin Jaththāma did the hunting with the intention of presenting it to the Prophet ﷺ.

[1] The killing of these five animals, even within the precincts of the Sacred Mosque, is not a crime. Similarly, if someone kills the said animals in the state of *Ibrām* and within the precincts of the Sacred Mosque, he incurs no penalty (in terms of offering an animal sacrifice or charity). Based upon this precedence, some scholars have permitted the killing of all *Harām* animals (those whose meat is forbidden to be eaten in Islam) and have specified no penalty for their killing. In case a *Mubrim* kills an animal, after being attacked by it, he incurs no penalty.

[2] He was an eminent *Sababi* from the tribe of Al-Bali and was an ally of the *Ansār*. He settled at Kufa and died at Al-Madinah in 51 H. at the age of 75 years.

[3] From this we know that a *Mubrim* will be liable to pay *Fidyā* (compensation) even if he shaves off his head with a legitimate excuse. *Fidyā* is of three kinds: a) He should make an animal sacrifice, b) Observe three days of fasting, c) Feed six poor people – or giving them 1 kilogram (plus) of grain as a charity per person. The person has an option to choose between any one of these three types of *Fidyā*, according to authentic *Hadīth*.

praised Allāh and extolled Him. Then he said, "Allāh had withheld the Elephant^[1] from Makkah and empowered His Messenger and the believers over it. (Fighting in it) has not been made lawful to anyone before me. And it has only been made lawful for me for an hour (portion) of a day. It will never be lawful to anyone after me. Therefore, its game is not to be chased (disturbed); its thorns are not to be uprooted; anything which falls (i.e. something lost) in it is lawful only to one who will announce it.^[2] And whoever has someone (of his relatives) killed (in it), he will have the choice of the best of the two options."^[3] Al-Abbās said, "Except *Al-Idkbir* (a kind of grass), O Messenger of Allāh, because we use it in our graves and houses."^[4] He said, "Except *Al-Idkbir*."^[4] [Agreed upon].

الفيل، وَسَلَطَ عَلَيْهَا رَسُولُهُ وَالْمُؤْمِنِينَ، وَإِنَّهَا
لَمْ تَجِدْ لِأَحَدٍ كَانَ قَبْلِي، وَإِنَّمَا أَحْلَثَ لِي
سَاعَةً مِنْ نَهَارٍ، وَإِنَّهَا لَنْ تَجِدْ لِأَحَدٍ بَعْدِي،
فَلَا يَقْرَرُ صَدِيقُهَا، وَلَا يُخْتَلِ شَوْكُهَا، وَلَا
يَجِدُ سَاقِطَهَا إِلَّا لِمُشِيدٍ. وَمَنْ قُتِلَ لَهُ قَبْيلٌ
فَهُوَ بِعِيْرِ النَّظَرَيْنِ»، فَقَالَ الْعَبَاسُ: إِلَّا
الْإِلَاحِرُ، يَا رَسُولَ اللهِ! فَإِنَّا نَجْعَلُهُ فِي قُبُورِنَا
وَبِقُبُورِنَا، فَقَالَ: «إِلَّا الْإِلَاحِرُ». مُتَقَرَّ عَلَيْهِ.

605. Narrated 'Abdullâh bin Zaid bin 'Asim : Allâh's Messenger ﷺ said, "Ibrâhim declared Makkah sacred^[15] and made supplication for its people; and I declare Al-Madinah to be sacred as Ibrâhim declared Makkah sacred. And I make supplication for its Sâ' and

(٦٥) وَعَنْ عَبْدِ اللَّهِ بْنِ رَبِيعَ بْنِ عَاصِمٍ
رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ قَالَ:
إِنَّ إِبْرَاهِيمَ حَرَمَ مَكَّةَ، وَدَعَا لِأَهْلِهَا، وَإِنِّي
حَرَمْتُ الْمَدِينَةَ، كَمَا حَرَمَ إِبْرَاهِيمَ مَكَّةَ؛ وَإِنِّي
دَعَوْتُ فِي صَاعِهَا وَمُدْهَا بِمِثْلِ مَا دَعَاهُ يَهُ

^[1] This story has been mentioned in the noble Qur'ān. It is stated that Abraha Al-Athram, the Christian king of Yemen attacked Makkah with a contingent of elephants with the intention of destroying the Ka'bā. The Quraishites could not resist him, hence they vacated Makkah and fled. Allāh sent against the invading army birds in flocks who had small pebbles in their beaks and talons. Whosoever was struck by these pebbles, through the torment sent by Allāh, perished. Abraha, along with his thundering legions was utterly doomed to devastation and thus Allāh the Exalted One saved His House from destruction.

^[2] It means that if someone picks up a fallen object with the intention of taking it himself, it is forbidden. However, if he picks it up with the intention of making an announcement and restoring the same to its rightful owner, that is permitted.

^[3] This means that a person has two options. He may either accept *Diya* (the blood-money) or he may choose to retaliate by *Oisās* (taking the life of the murderer).

^[4] *Idkbkbtr* is a kind of grass that is used in the process of melting down metals. The same is laid down on the roofs and floors of houses and is used for closing the gaps in the graves.

^[5] The Prophet Ibrāhim pronounced Makkah a sanctuary and prayed for its sustenance and livelihood. Similarly, Prophet Muhammad ﷺ pronounced the sanctity of Al-Madīnah and prayed for the sustenance and livelihood of its residents.

Mudd (its measures) (that they be blessed) with the like of what Ibrāhim supplicated for the people of Makkah.” [Agreed upon].

606. Narrated ‘Ali bin Abū Tālib ﷺ: Allāh’s Messenger ﷺ said, “Al-Madīnah is sacred from ‘Air to Thaur.”^[1] [Reported by Muslim].

Chapter 5

THE NATURE OF THE HAJJ (PILGRIMAGE) AND ENTERING MAKKAH

607. Narrated Jābir bin ‘Abdullāh : Allāh’s Messenger ﷺ performed the *Hajj* (pilgrimage) and we went out with him. When we reached Dhul Hulaifa, Asmā’ (رضي الله عنها) daughter of ‘Umais, gave birth, so Allāh’s Messenger ﷺ said, “Take a bath, wrap your private parts with a cloth, and enter the state of *Ibrām*.” Allāh’s Messenger ﷺ prayed in the mosque, and then mounted Al-Qaswā^[2] and when it stood erect with him on its back at Al-Baidā^[3], he raised his voice declaring Allāh’s Oneness and saying, “I am at Your Service, O Allāh, at Your Service; You have no partner; at Your Service; praise and grace are Yours, and the dominion; You have no partner.” When we came to the House^[4] he touched the

إِبْرَاهِيمَ لِأَهْلِ مَكَّةَ». مُقْتَضَى عَلَيْهِ.

(٦٠٦) وَعَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمَدِينَةُ حَرَامٌ مَا بَيْنَ عَيْنِ إِلَى ثُورٍ». رَوَاهُ مُسْلِمٌ.

٥ - بَابُ صِفَةِ الْحَجَّ وَدُخُولِ مَكَّةَ

(٦٠٧) عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ ﷺ حَجَّ مَعَهُ، حَتَّى إِذَا أَئْتَنَا ذَا الْحُلْيَةَ فَوَلَّتْ أَسْمَاءُ بِنْتُ عُمَيْسٍ، قَالَ: «الْأَعْسِلِيُّ، وَاسْتَثْفِري يَتُوبَرِ، وَأَخْرِمِي»، وَصَلَّى رَسُولُ اللَّهِ ﷺ فِي الْمَسْجِدِ، ثُمَّ رَكِبَ الْقَضْرَاءَ، حَتَّى إِذَا اشْتَوَثْ بِهِ عَلَى الْبَيْتَاءِ، أَهَلَّ بِالْتَّوْحِيدِ: «لَيْكَ اللَّهُمَّ لَيْكَ لَا شَرِيكَ لَكَ لَيْكَ، إِنَّ الْحَمْدَ وَالْعَمَّةَ لَكَ وَالْمُلْكُ، لَا شَرِيكَ لَكَ»، حَتَّى إِذَا أَئْتَنَا الْبَيْتَ أَسْكَلَ الرُّثْنَ، فَرَمَلَ ثَلَاثَةً، وَمَسَى أَرْبَعاً، ثُمَّ أَتَى مَقَامَ إِبْرَاهِيمَ فَصَلَّى، ثُمَّ رَجَعَ إِلَى الرُّثْنَ، فَأَسْتَلَمَهُ، ثُمَّ حَرَجَ مِنَ الْبَابِ إِلَى الصَّفَّا، فَلَمَّا دَنَّا مِنَ الصَّفَّا، قَرَأَ

^[1] Air and Thaur ثور عير are two mountains surrounding Al-Madīnah. ‘Air is a well-known mountain south of Al-Madīnah and south west of Qubā’ Mosque. Some people have a misunderstanding to the effect that the mount of Thaur belongs to Makkah. But the fact is that there is also a mountain in Al-Madīnah which is small and round shaped, situated in the north, beyond the mountain of Uhud, which is also known as Thaur.

^[2] The name of the Prophet’s she-camel.

^[3] Baida stands for either forest or plains and there was a village also known as Baida. As mentioned earlier, the Prophet ﷺ started reciting *Talbiya* from near the mosque. This *Hadīth* states that he began the same in Baida. The fact is that the first statement is correct. But, since this narrator saw the Prophet ﷺ reciting *Talbiya* in Baida, he concluded that the Prophet ﷺ had started reciting it beginning from Baida itself, whereas the fact is that he (the Prophet ﷺ) had already been reciting it (even prior to reaching Baida).

^[4] The Ka’ba.

corner,^[1] and ran three (times round the House)^[2] and walked four (times round the House). Then he came to the station of Ibrāhim and prayed. He then returned to the corner and touched it, after which he went out by the gate to As-Safa, on coming near to which he recited, "Verily, As-Safa and Al-Marwa are among the signs appointed by Allāh,"^[3] adding: "I begin with what Allāh began with." So he mounted As-Safa till he saw the House, then he faced the *Qiblah*, declared Allāh's Oneness, proclaimed His Greatness, and said, "Nothing is worthy of worship except Allāh Alone Who has no partner; to Him belongs the dominion, to Him praise is due, and He has power over everything; nothing is worthy of worship except Allāh Alone Who Alone has fulfilled His Promise, helped His slave and defeated the Confederates." He then made supplication in the course of that, saying such words three times. He next descended from As-Safa to Al-Marwa, and when he came down into the belly of the valley, he ran; and when he ascended from it, he walked till he reached Al-Marwa. There he did as he had done at As-Safa – the narrator reported the rest of the *Hadīth* – and it contains: When it was *Yaum At-Tarwiya*^[4] they went towards Mina^[5],

﴿إِنَّ الصَّمَاءَ وَالْمَرْوَةَ مِنْ شَعَابِ اللَّهِ﴾ «أَبْدَأْ بِمَا بَدَأَ اللَّهُ بِهِ»، فَرَقِيَ الصَّمَاءَ حَتَّى رَأَى الْبَيْتَ فَاسْتَقْبَلَ الْقِبْلَةَ، فَوَحَدَ اللَّهَ، وَكَبَرَهُ، وَقَالَ: «لَا إِلَهَ إِلَّا اللَّهُ، وَحْدَهُ، لَا شَرِيكَ لَهُ، لَهُ الْمُلْكُ، وَلَهُ الْحَمْدُ، وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ، لَا إِلَهَ إِلَّا اللَّهُ، أَنْجِزَ وَعْدَهُ، وَنَصَرَ عَبْدَهُ، وَهَزَمَ الْأَخْرَابَ وَحْدَهُ، ثُمَّ دَعَا بَيْنَ ذَلِكَ قَالَ: مِثْلَ هَذَا ثَلَاثَ مَرَاتٍ، ثُمَّ نَزَلَ مِنَ الصَّمَاءِ إِلَى الْمَرْوَةِ، حَتَّى إِذَا انْصَبَتْ قَمَمًا فِي بَطْنِ الْوَادِي سَعَى، حَتَّى إِذَا صَعَدَ مَسْنَى إِلَى الْمَرْوَةِ، فَفَعَلَ عَلَى الْمَرْوَةِ كَمَا فَعَلَ عَلَى الصَّمَاءِ، فَذَكَرَ الْحَدِيثَ، وَفِيهِ: فَلَمَّا كَانَ يَوْمُ التَّرْوِيَةِ تَوَجَّهُوا إِلَى مَنِيٍّ، وَرَكِبُ الْئَيْتِيَّةَ، فَصَلَّى بِهَا الظَّهَرَ وَالعَصْرَ وَالْمَغْرِبَ وَالْعِشَاءَ وَالْفَجْرَ، ثُمَّ مَكَثَ قَلِيلًا حَتَّى طَلَعَتِ النُّسُمُ، فَأَجَازَ حَتَّى أَتَى عَرْقَةً، فَوَجَدَ الْقُبَّةَ قَدْ ضُرِبَتْ لَهُ بِنَوْرَةً، فَنَزَلَ بِهَا، حَتَّى إِذَا زَالَتِ الشَّمْسُ أَمَرَ بِالْقَضْوَاءِ فَرَجَحَتْ لَهُ، فَأَتَى بَطْنَ الْوَادِي، فَخَطَبَ النَّاسَ، ثُمَّ أَذَنَ، ثُمَّ أَقَامَ، فَصَلَّى الظَّهَرَ، ثُمَّ أَقَامَ فَصَلَّى الْعَصْرَ، وَلَمْ يُصْلِ بَيْنَهُمَا شَيْئًا، ثُمَّ رَكِبَ حَتَّى أَتَى الْمَوْقَفَ، فَجَعَلَ بَطْنَ نَاقِهِ الْقَضْوَاءِ إِلَيْهِ

[1] In Arabic, *Rukn* stands for *Al-Hajar Al-Aswad* (the Black Stone) and *Istalām* implies touching it, and he also kissed it as mentioned in other authentic narrations.

[2] When the Prophet ﷺ arrived in Makkah along with his Companions to perform 'Umratul-Qada' the Quraishites started spreading lies about the Muslims by saying that the Muslims have become emaciated and grown weak, as some kind of fever had seized them in Al-Madinah. Upon hearing these slurs the Prophet ﷺ commanded his Companions to walk quickly (like jogging), to demonstrate to the Quraishites that they were not weak. Since that day onwards, the act of walking quickly in this fashion, in first three rounds of circumambulation (*Tawāf*), has become a *Sunnah* (legislated act).

[3] *Al-Baqarah*, 2: 158.

[4] The 8th day of the month of Dhul-Hijja when the pilgrims leave Makkah for Mina.

[5] The literal translation of 'Mina' is 'to fell, to drop'. Since the blood of sacrificial animals is shed here, it has come to be known as Mina.

and the Prophet ﷺ rode and prayed there *Az-Zubr*, *Al-'Asr*, *Al-Magrib*, *Al-'Ishā'* and *Al-Fajr* prayers. After that he waited a little till the sun rose; then he proceeded till he came to 'Arafah and found that the tent had been set up for him at *Namira*^[1]. There he dismounted, and when the sun had passed the meridian, he ordered *Al-Qaswā'* to be brought; and when it was saddled for him, he went down into the valley and addressed the people. He then ordered the *Adbān* then the *Iqāma* to be uttered, and he prayed *Az-Zubr* prayer; he then ordered the *Iqāma* to be uttered and prayed *Al-'Asr* prayer, without performing any voluntary prayer between the two. He then mounted (his she-camel) and came to the place of standing, making his she-camel *Al-Qaswā'* turn its back to the rocks^[2] and having the path taken by those who went on foot^[3] in front of him. He faced the *Qiblah* and remained standing till sunset when the yellow light (of sunset) had somewhat gone and the disc of the sun had disappeared. He then went quickly pulling the halter of *Al-Qaswā'*, forcefully, so that its head was about to touch the front part of his saddle, gesturing with his right hand and saying, "O people, be tranquil, be tranquil," and whenever he happened to pass over an elevated tract of sand, he slightly loosened the halter so that it should climb up. When he came to *Al-Muzdalifa*, he prayed *Al-Magrib* and *Al-'Ishā'* prayers with one *Adbān* and

الصخرات، وجعل جبل المشاة بين يديه، واستقبل القبلة، فلم يزل واقفا حتى غرمت الشمس، وذهبت الصفرة قليلا، حتى إذا غاب الفرض دفع، وقد شق لقضواء الرمام، حتى إن رأسها ليصيب مورك رحيله، ويقول بيده اليمنى: «يا أيها الناس! ألسكته، وكلما أتي جيلاً أزحى لها قليلاً حتى تضعد، حتى أتي المزدلفة، فصلّى بها المغرب والعشاء، فإذا نا واحد وإقامتين، ولم يسعش بيتهما شيئاً، ثم اضطجع حتى طلع الفجر، فصلّى الفجر حين تبع له الصبح، فإذا نا إقامة، ثم ركب حتى أتي المسعر الحرام، فاستقبل القبلة، فدعوا، وركب، وهلّ، فلم يزل واقفا حتى أشرف جداً، فدفع قبل أن تطلع الشمس، حتى أتي بطن محسير، فحرك قليلاً، ثم سلك الطريق الوسطى التي تخُرُج على الجمرة الكبرى، حتى أتي الجمرة التي عند الشجرة، فرماها يسبّح حصيات، يكبّر مع كل حصاة منها، مثل حصى الخنف، رمى من بطن الوادي، ثم انصرف إلى المنحر، فتحر، ثم ركب رسول الله ﷺ فأفاض إلى البيت، فصلّى بمحكة الظهر. رواه مسلم مطولاً.

[1] A well-known spot just before 'Arafah where there is now a big mosque by that name.

[2] In Arabic, *As-Sakharat* (الصخرات) simply mean stones. Here these imply the ones that are scattered underneath the Mount of Mercy (جبل الرحمة). This is the very place where the Prophet ﷺ stayed.

[3] *Habbul-Mushāt*: (جبل المشاة) The region between the *Namira* Mosque and the Mount of Mercy (جبل الرحمة). The pilgrims had to traverse this region by walking on the sand.

two *Iqāma*^[1] without performing any voluntary prayers between them.^[2] He then laid down (asleep) till dawn and prayed *Al-Fajr* with an *Adbān* and an *Iqāma* when the (first) morning light was clear. He then mounted till he came to Al-Mash'ar Al-Harām^[3], he faced the *Qiblab*, supplicated Allāh, declared His Greatness and His Oneness, and kept standing till the day light was very clear. He then went quickly before the sun rose till he came to the valley of Muhassir.^[4] He hastened the she-camel a little and following the middle road^[5] which comes out at the big *Jamra*^[6], till he came to the *Jamra* which is beside the tree. At this he threw seven small pebbles, uttering the *Takbīr* each time he threw a pebble, and each pebble was as small as a chickpea. He threw them from the bottom of the valley, then went to the place of sacrifice and sacrificed. After that Allāh's Messenger ﷺ mounted, and went quickly to the House [performed *Tawaf*] and prayed *Az-Zubr* prayer in Makkah. [Reported by Muslim through a long *Hadīth*].

^[1] This *Hadīth* clarifies that when the two prayers are joined, one *Adbān* (call to the prayer) suffices them both. However *Iqāma* for both of the prayers must be different and pronounced separately for each one of them.

^[2] It becomes known to us that when the two prayers are offered consecutively one after another, one should not offer any *Sunnah* (supererogatory prayer) or *Nafl* (voluntary prayer) in between them.

^[3] The open space which lies between the two hills of Muzdalifa is known as Mash'ar Al-Harām.

^[4] It is situated between Muzdalifa and Mina.

^[5] The pilgrims are instructed to traverse this valley quickly, regardless of whether a pilgrim happens to be walking or riding. There are two reasons justifying it:

a) The Companions of the Elephant were doomed to the Divine Punishment here and hence one must pass through this place tearfully and rapidly.

b) While performing *Hajj*, polytheists used to stay here and the Prophet ﷺ intended to oppose them in this act of theirs.

^[6] *Jamra* means 'a heap of stones'. There are three *Jamarāt* and it is necessary to throw pebbles at them. The *Jamra* which is referred to here, is *Jamratul-'Aqaba*. It is *Mustabab* (desirable) to pick up seven pebbles from Muzdalifa to throw at *Jamratul-'Aqaba*.

608. Narrated Khuzaima bin Thabit^[1]

Whenever the Prophet ﷺ finished his *Talbiya* at a *Hajj* or an *'Umrah*, he asked Allāh for His good pleasure and for Paradise, and sought refuge in His Mercy from the Hell-Fire.^[2] [Ash-Shafi'i reported it through a weak chain of narrators].

609. Narrated Jābir : Allāh's Messenger ﷺ said, "I have sacrificed here, but the whole of Mina is a place of sacrifice, so sacrifice where you are staying. I have stood here, but all 'Arafā is a place for standing. I have stood here, but all *Jam'* (Al-Muzdalifa) is a place for standing."^[3] [Reported by Muslim].

610. Narrated 'Aisha : When the Prophet ﷺ came to Makkah, he entered it from the upper side and went out at the lower one.^[4] [Agreed upon].

611. Narrated Ibn 'Umar : He (Ibn 'Umar) never used to come to Makkah without spending the night at Dhi-Tuwā^[5] till morning, after which he would bathe. He would mention this (practice) as being from the Prophet ﷺ. [Agreed upon].

(٦٠٨) وَعَنْ خُزَيْمَةَ بْنِ ثَابِتٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا فَرَغَ مِنْ تَلْبِيَةِ حَجَّ أَوْ عُمْرَةَ سَأَلَ اللَّهَ رِضْوَانَهُ وَالْجَنَّةَ، وَاسْتَغْفَرَ لِرَحْمَتِهِ مِنَ النَّارِ. رَوَاهُ الشَّافِعِيُّ بِإِسْنَادٍ ضَعِيفٍ.

(٦٠٩) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : «تَحْرَثُ هُنَّا، وَمَتَى كُلُّهَا مَتَّحْرٌ، فَانْحَرُوا فِي رِحَالِكُمْ، وَوَقَّتُ هُنَّا، وَعَرَفَهُ كُلُّهَا مَوْقِفٌ، وَوَقَّتُ هُنَّا، وَجَمَعَ كُلُّهَا مَوْقِفٌ». رَوَاهُ مُسْلِمٌ.

(٦١٠) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ ﷺ لَمَّا جَاءَ إِلَى مَكَّةَ دَخَلَهَا مِنْ أَعْلَامَهَا، وَخَرَجَ مِنْ أَسْفِلِهَا. مُتَقَدِّمٌ عَلَيْهِ.

(٦١١) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّهُ كَانَ لَا يَقْدُمُ مَكَّةَ إِلَّا بَاتْ بِنِي طُورِيِّ، حَتَّى يُضْبِحَ، وَيَعْتَسِلَ، وَيَذْكُرُ ذَلِكَ عَنِ النَّبِيِّ ﷺ. مُتَقَدِّمٌ عَلَيْهِ.

^[1] Ibn Al-Fakiha Al-Khatami Al-Ansari Al-Ausi. He was nicknamed Abū 'Imarata. He witnessed Badr and the subsequent battles. He held the flag of Khatama during the conquest of Makkah and took part in the battle of Siffin with 'Ali and was killed in it.

^[2] This has two meanings: The first one is that after pronouncing *Labbatik* each time, one should make supplications to Allāh for His willingness, His approval and the grant of Paradise. Secondly, one should make supplication to Allāh at the end of *Talbiya* which is concluded at the stone-throwing of *Jamratul-'Aqaba*.

^[3] *Jam'* is another name of Muzdalifa. The whole of the plain of 'Arafāt is a standing place. Between noon of the ninth of Dhul-Hijja and dawn of the tenth of Dhul-Hijja, it is an obligation on the pilgrims to invariably spend some time in 'Arafāt. The one missing this fundamental constituent of *Hajj*, misses the *Hajj* itself. In another words, there is no *Hajj* without staying in 'Arafāt.

^[4] The name of the upper side is *Ath-Thantyatul-Ulya* and the lower side is *Ath-Thantyatus-Sufla*.

^[5] Dhi-Tuwā is the name of a place which lies within the limits of the sacred region and is near the city of Makkah.

612. Narrated Ibn 'Abbās ﷺ: He used to kiss the Black Stone and prostrate on it.^[1] [Reported by Al-Hākim as *Marfū'* (attributed to the Prophet) and Al-Baihaqi as *Mawquf* (attributed to a Companion)].

613. Narrated (Ibn 'Abbās) ﷺ: The Prophet ﷺ ordered them to run three rounds^[2] and walk four^[3] (rounds), and walk between the two corners^[4]. [Agreed upon].

614. Narrated Ibn 'Umar ﷺ: Whenever he went round the House in the first *Tawaf* (seven circuits), he used to run three rounds and walk four (rounds). A narration has: "I saw Allāh's Messenger ﷺ when he performed the circumambulation at the *Hajj* or the *'Umrah* immediately on his arrival, he used to run three times round the House and walk four (times). [Agreed upon].

615. Narrated (Ibn 'Umar) ﷺ: I have not seen Allāh's Messenger ﷺ touching anything in the House (Al-Ka'ba) other than the two *Yamani* Corners. [Reported by Muslim].

616. Narrated 'Umar ﷺ: He kissed the Black Stone and said, "I know for sure that you are (merely) a stone, which can neither harm nor benefit. If it were not that I had seen Allāh's Messenger ﷺ kiss you, I would not have kissed you..."^[5] [Agreed upon].

^[1] Prostrating upon the Black Stone does not mean that he (the Prophet ﷺ) made his prostration to the Black Stone itself. It can imply two meanings: The first one is that he kissed the Black Stone and also set his rehead on it [which is a confirmed fact], and this may denote that such an act was done to perform the act of kissing to a perfection. Another meaning is that after completing the circumambulation of the Ka'ba, the Prophet ﷺ used to pray the two *Rak'a* of *Nafl* prayer near the Black Stone, behind Maqam Ibrahim.

^[2] The word used in Arabic is *Ashwāt* which is the plural of *Shawt*. *Shawt* stands for one complete circumambulation (circling around) of the Ka'ba.

^[3] Circumambulation of the Ka'ba.

^[4] *Rukn Al-Yamāni* and *Rukn Al-Hajar Al-Aswad*.

^[5] 'Umar رضي الله عنه said so because the Arabs had only recently turned away from

(٦١٢) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ إِنَّهُ كَانَ يَقْبَلُ الْحَجَرَ الْأَسْوَدَ، وَيَسْجُدُ عَلَيْهِ. رَوَاهُ الْحَاكِمُ مَرْفُوعًا، وَالْبَهِيقِيُّ مَوْقُوفًا.

(٦١٣) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ أَمْرُهُمُ الرَّبِيعُ بَلَى أَنْ يَرْمُلُوا ثَلَاثَةً أَشْوَاطٍ وَيَمْسُوْ أَرْبَعاً، مَا بَيْنَ الرُّكْنَيْنِ. مُتَقَّدٌ عَلَيْهِ.

(٦١٤) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا كَانَ إِذَا طَافَ بِالبيتِ الطَّوَافُ الْأَوَّلُ خَبَّ ثَلَاثَةً وَمَشَ أَرْبَعاً. وَفِي رِوَايَةِ رَأَيْتُ رَسُولَ اللَّهِ بَلَى إِذَا طَافَ فِي الْحَجَّ أَوِ الْعُمَرَةَ أَوَّلَ مَا يَقْدُمُ فَإِنَّهُ يَسْعَى ثَلَاثَةً أَطْوَافًا بِالبيتِ وَيَمْسِي أَرْبَعاً. مُتَقَّدٌ عَلَيْهِ.

(٦١٥) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ لَمْ أَرِ رَسُولَ اللَّهِ بَلَى يَسْتَلِمُ مِنَ الْبَيْتِ غَيْرَ الرُّكْنَيْنِ الْيَمَائِيْنِ. رَوَاهُ مُسْلِمٌ.

(٦١٦) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّهُ قَبَلَ الْحَجَرَ الْأَسْوَدَ، وَقَالَ إِنِّي أَغْلَمُ أَنَّكَ حَجَرٌ، لَا تَصُرُّ وَلَا تَنْتَعُ، وَلَوْلَا أَنِّي رَأَيْتُ رَسُولَ اللَّهِ بَلَى يُقْبِلُكَ مَا قَبَلْتَكَ. مُتَقَّدٌ عَلَيْهِ.

617. Narrated Abū Tufail^[1]: I saw Allāh's Messenger ﷺ performing *Tawaf* (circumambulation) of the House, touching the Corner (Black Stone) with a *Mibjan*^[2] which he had, and kissing the *Mibjan*.^[3] [Reported by Muslim].

(٦١٧) وَعَنْ أَبِي الطْفَلِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ يَطْوُفُ بِالْبَيْتِ، وَسَسَّلَ الرُّكْنَ بِمِخْجَنٍ مَّعَهُ، وَقَبَّلَ الْمِخْجَنَ.

رَوَاهُ مُسْلِمُ.

618. Narrated Ya'la bin Umayya^[4]: Allāh's Messenger ﷺ performed *Tawaf* (circumambulation) wearing a green mantle under his right armpit with the end over his left shoulder.^[5] [Reported by *Al-Khamṣa* except An-Nasā'i and At-Tirmidhi graded it *Sabib* (authentic)].

(٦١٨) وَعَنْ يَعْلَى بْنِ أُمِّيَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: طَافَ رَسُولُ اللَّهِ مُضطِعًا بِزِدِّ الْأَخْضَرِ. رَوَاهُ الْحَمْسَةُ إِلَّا السَّنَائِيَّ، وَصَحَّحَهُ التَّرْمِذِيُّ.

619. Narrated Anas : The one from among us who recited the *Talbiya* did so without any objection (from others), and the one from among us who pronounced the *Takbir* did so without any objection (from others).^[6] [Agreed upon].

(٦١٩) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ يُهْلِكُ مِنَ الْمُهْلِكِ فَلَا يُنْكِرُ عَلَيْهِ، وَيُكَبِّرُ مِنَ الْمُكَبِّرِ فَلَا يُنْكِرُ عَلَيْهِ. مُتَقَوِّلٌ عَلَيْهِ.

620. Narrated Ibn 'Abbās : The Prophet ﷺ sent me (to Mina) with the women and children or he said, with

(٦٢٠) وَعَنْ أَبْنَى عَبَّاسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: بَعَثَنِي النَّبِيُّ فِي الْقَلْ، أَوْ

polytheism. During the days of *Jabilitya* (the era prior to the advent of Islam), they used to believe that the statues (which are made out of stone) possessed the strength and capability to benefit a human being. Hence, he said this to refute and contradict this false belief of the Arabs, fearing they might misunderstand his action.

[1] He is 'Aamir bin Wāthila Al-Laithi Al-Kināni. He lived the last eight years of the Prophet's lifetime. He died in Makkah in 100 H. or 102 H. or 110 H. and was the last *Sababi* to die.

[2] A walking stick with a bent handle.

[3] This *Hadīth* informs us that if someone is unable to reach the Black Stone due to the heavy crowd around it, it is permissible for him to touch the same with a stick and then kiss the stick.

[4] He is Abū Safwān At-Tamimi Al-Makki, an ally of Quraish and a prominent *Sababi* who became a Muslim during the conquest of Makkah. He witnessed the battles of Hunain, Tā'if and Tabuk and served Abū Bakr, 'Umar and 'Uthmān. He lived up to nearly the fifties of Al-Hijra.

[5] This *Hadīth* elaborates on the Prophet's (ﷺ) manner (*Al-Idtibā*) of wearing the upper cloth (*Ridā*) while performing the arrival *Tawaf* for Hajj or 'Umrah. The Prophet ﷺ took the sheet from under his right armpit and placed it over his left shoulder, leaving the right shoulder bare. By doing so, he wanted to make a display of his health and strength. This act reflects the same wisdom exhibited in the act of running while circling the Ka'bā. This was not required after the dominance of Islam, but the act of the Prophet ﷺ became a *Sunnah* (legislated act) forever.

[6] One is permitted to pronounce *Takbir* (*Allābu Akbar*) but it is better to observe *Talbiya*.

فَالْ: فِي الصَّفَقَةِ، مِنْ جَمِيعِ، بِلَيْلٍ. مَتَّقَ عَلَيْهِ.

فَالْ: فِي الصَّفَقَةِ، مِنْ جَمِيعِ، بِلَيْلٍ. مَتَّقَ عَلَيْهِ.

قال: في الصفة، من جمیع، بلیل. متقد علیه.

قال: أشتذت سودة رسول الله ﷺ آية المزدقة أن تنفع قبله، وكانت ثیطة، يعني ثقيلة، فأذن لها. متقد علیه.

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قال: أشتذت سودة رسول الله ﷺ آية المزدقة أن تنفع قبله، وكانت ثیطة، يعني ثقيلة، فأذن لها. متقد علیه.

^[۱] The ruling is that the pilgrim should spend the whole night in Muzdalifa, stay at Al-Mash'ar-Al-Harām after offering the morning prayer and then proceed to Mina. But it is permissible for the weak, the old, the sick and the women to depart from Muzdalifa after spending most of the night there. This is so that they may reach Mina and complete the obligatory act of stoning before the people reach there and it gets too crowded.

^[۲] She is *Ummul-Mu'minīn* (Mother of the Believers) Sauda bint Zam'a bin 'Abd Shams Al-Qurashiya Al-Aamiriya. She became a Muslim in Makkah early and migrated with her husband to Abyssinia (Ethiopia) where he died. Then Allāh's Messenger ﷺ married her in Makkah after the death of Khadijah and before engaging 'Aisha ؓ. She died in 55 H.

^[۳] People in general are not permitted to throw pebbles at *Jamrāt* before sunrise. However, the majority of scholars hold that those with legal excuse are allowed to do so.

^[۴] *Tawāf Al-Ifāda* – also referred to as *Tawaf Az-Ziyāra* – is the one that is performed after the throwing of pebbles on the 10th of Dhul-Hijja. This is one of the fundamental constituents (*Rukn*) of *Hajj* and there is no *Hajj* without it.

^[۵] 'Urwa bin Mudarris bin Aus bin Haritha bin Lām Atta'i was a *Sabābi* who witnessed *Hajjatul-Wadā'* and settled at Kufa. He reported this *Hadīth*.

till we move on (to Mina); and he has stood at 'Arafa before this – during the night or the day – his pilgrimage will then be complete^[1] and he will have fulfilled the rites.^[2] [Reported by Al-Khamsa. At-Tirmidhi and Ibn Khuzaima graded it *Sahih* (authentic)].

نَفَعَ، وَقَدْ وَقَفَ بِعَرَفةَ قَبْلَ ذَلِكَ لَيْلًا أَوْ نَهارًا،
فَقَدْ تَمَ حَجُّهُ، وَقَضَى نَفَّهُ». رَوَاهُ الْحَمْسَةُ،
وَصَحَّحَهُ التَّرْمِذِيُّ وَابْنُ حُزَيْمَةَ.

625. Narrated 'Umar : The polytheist did not use to return (from Al-Muzdalifa) till the sun rose, and they would say, "Let the sun shine on Thabit."^[3] The Prophet ﷺ acted differently from them, so he returned quickly (from Al-Muzdalifa) before the sun rose.^[4] [Reported by Al-Bukhāri].

(٦٢٥) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ:
إِنَّ الْمُشْرِكِينَ كَانُوا لَا يُفِيضُونَ حَتَّى تَطْلُعَ
الشَّمْسُ، وَيَقُولُونَ: أَشْرَقَ ثَبِيرًا! وَإِنَّ النَّبِيَّ
خَالِفُهُمْ، فَأَفَاقَ قَبْلَ أَنْ تَطْلُعَ الشَّمْسُ. رَوَاهُ
الْبُخَارِيُّ.

626. Narrated Ibn 'Abbas and Usama bin Zaid^[5] : The Prophet ﷺ kept raising his voice in the *Talbiya* till he threw pebbles^[6] at the *Jamrat-Al-Aqaba*.^[7] [Reported by Al-Bukhāri].

(٦٢٦) وَعَنْ ابْنِ عَبَّاسٍ وَأَسَامَةَ بْنِ زَيْدٍ
رَضِيَ اللَّهُ تَعَالَى عَنْهُمْ، قَالَا: لَمْ يَرَلِ النَّبِيُّ
يُلْبِي حَتَّى رَمَى جَمْرَةَ الْعَقْبَةِ. رَوَاهُ
الْبُخَارِيُّ.

627. Narrated 'Abdullāh bin Masūd : With the House on his left and Mina on his right he threw seven pebbles at the

(٦٢٧) وَعَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ، أَنَّهُ جَعَلَ الْبَيْتَ عَنْ يَسَارِهِ، وَمِنْ

[1] The most important part of *Hajj* is standing at 'Arafat.

[2] *Tasath* means dirt and impurities. The said word implies the same because one gets his head shaven and his body washed of dirt and impurities after the completion of the main rite of *Hajj* (standing at 'Arafat). Hence, the *Hajj* of one who carries out these instructions is consummated and accomplished.

[3] The highest mountains in Makkah, and it is on the left of the road to Mina.

[4] The act of leaving Al-Muzdalifa before sunrise is regarded as *Masbru'* (required by the *Shari'ah*, Divine Law).

[5] Abū Muhammad or Abū Zaid Usama bin Zaid bin Hāritha bin Sharāhil Al-Kalbi, was the beloved one of Allāh's Messenger ﷺ, his manumitted slave and son of his manumitted slave. His mother was Umm Aīman who looked after the Prophet ﷺ in his childhood. The Prophet ﷺ appointed him few days before his death to lead an army including Abū Bakr and 'Umar while he was only 18 years old. However, that army was not dispatched due to the death of the Prophet ﷺ. Then, Abū Bakr dispatched it. Usama died after the death of 'Uthmān. It is also said he died in 54 H.

[6] One should pronounce the *Talbiya* continuously until he throws the pebbles at *Jamrat-Al-Aqaba*. The throwing of the first pebble marks the end of *Talbiya* according to the opinion of the majority of scholars. However, other authentic *Hadith* make clear that the *Talbiya* is discontinued with the completion of the stoning of *Jamrat-Al-Aqaba* – on the 10th of Dhul-Hijjah, as stated by Imam Ahmad.

[7] The stone pillar at Mina where the pilgrims first throw stones on the day of slaughtering the sacrificial animals (the 10th of Dhul-Hijjah).

Jamra and said, "This is the standing place of he upon whom *Sūrat Al-Baqarab*^[1] was revealed." [Agreed upon].

628. Narrated Jābir ﷺ: Allāh's Messenger ﷺ threw pebbles at the *Jamra* on the Day of Sacrifice in the forenoon. As for the (other days of stoning) after that, (he would throw) when the sun had passed the meridian.^[2] [Reported by Muslim].

629. Narrated Ibn 'Umar رضي الله عنهما: He used to throw seven pebbles at the nearest *Jamra*^[3] saying the *Takbīr* with the throwing of each one. He would then go forward, and come to a plain (level area of the valley).^[4] Then, he would stand, face the *Qiblab*, making supplication and raising his hands, standing for a long time. Then, he would throw pebbles at the middle one. He would then go to the left and seek out a plain (level) area, and stand facing the *Qiblab*, making supplication raising hands and (again) standing for a long time. Then, he would throw pebbles at the *Jamratul-'Aqaba* from the bottom of the valley, but he did not stand beside it (to supplicate). Then, he would depart and say, "This is how I saw Allāh's Messenger ﷺ doing it." [Reported by Al-Bukhāri].

[1] The Prophet ﷺ mentioned the revelation of *Sūrat Al-Baqarab* because its Verses contain most of the rulings and instructions about *Hajj*.

[2] One must complete the act of throwing pebbles before *Zawāl* (sun decline, noon) on the day of *'Eid*. In case one fails to do so during the first part of the day, he must refrain from throwing pebbles at the time when the sun is directly over head (noon). After the sun passes the meridian, the above ritual may be performed. On the 11th, 12th and 13th the stoning may only be done after *Zawāl* (at the beginning of the time of the noon prayer).

[3] The Arabic word *Dunya* may be translated as 'near'. Since the same is located near the Khāif Mosque, it is called *Jamratud-Dunya*. The same is also known as *Jamratul-Ula* or *Jamratus-Sugbra*. This is done on the 11th, 12th and 13th of Dhul-Hijja.

[4] Here *Sabl* is an Arabic word used for a soft piece of land or a plain. This implies that the Prophet ﷺ, did not stand there after throwing pebbles at *Jamra*, but came out in the open, stood there at ease and then made supplications to Allāh.

عن يَمِينِهِ، وَرَمَيَ الْجَمْرَةِ بِسَعْيِ حَصَّيَاتٍ،
وَقَالَ: هَذَا مَقَامُ الدِّيْنِ أَنْزَلَتْ عَلَيْهِ سُورَةُ الْبَقَرَةِ.
مُتَقَّدِّمٌ عَلَيْهِ.

(٦٢٨) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ:
رَمَيَ رَسُولُ اللَّهِ تَعَالَى الْجَمْرَةِ يَوْمَ النَّحرِ ضُحَى،
وَأَمَّا بَعْدَ ذَلِكَ، فَإِذَا زَالَتِ الشَّمْسُ. رَوَاهُ
مُسْلِمٌ.

(٦٢٩) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا، أَنَّهُ كَانَ يَرْمِي الْجَمْرَةِ الدُّنْيَا بِسَعْيِ
حَصَّيَاتٍ، يُكَبِّرُ عَلَى إِثْرِ كُلِّ حَصَّةٍ، ثُمَّ
يَقْدَمُ، ثُمَّ يُسْهِلُ، فَيَقُومُ، فَيَسْتَقْبِلُ الْقِبْلَةَ،
فَيَقُومُ طَوِيلًا، وَيَدْعُو، فَيَرْفَعُ يَدَيْهِ، ثُمَّ يَرْمِي
الْوُسْطَى، ثُمَّ يَأْخُذُ ذَاتَ الشَّمَالِ، فَيُسْهِلُ،
وَيَقُومُ مُسْتَقْبِلَ الْقِبْلَةِ، ثُمَّ يَدْعُو، فَيَرْفَعُ يَدَيْهِ،
وَيَقُومُ طَوِيلًا، ثُمَّ يَرْمِي جَمْرَةَ ذَاتِ الْعَقْبَةِ،
مِنْ بَطْرَنَ الْوَادِي، وَلَا يَقْفَتْ عِنْدَهَا، ثُمَّ
يَنْصُرُفُ، فَيَقُولُ: هَذَا رَأَيْتُ رَسُولَ اللَّهِ تَعَالَى
يَعْمَلُهُ. رَوَاهُ الْبُخَارِيُّ.

630. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ said, "O Allāh, have mercy on those who shave (the heads)." They said: "And those who cut short (their hair),^[1] O Allāh's Messenger." He said in the third (supplication), "And those who cut short (their hair)." [Agreed upon].

631. Narrated 'Abdullāh bin 'Amr bin Al-Aas ﷺ: Allāh's Messenger ﷺ stopped during the Farewell Pilgrimage, and the people began asking him. A man said, "Unknowingly, I shaved (my head) before sacrificing." He replied, "Sacrifice, for there is no harm (sin)." Another came and said, "Unknowingly, I sacrificed before throwing the pebbles." He replied, "Throw, for there is no harm (sin)." He was not asked about anything which had been done before or after its proper time, during that day, except that he said, "Do it for there is no harm (sin)."^[2]" [Agreed upon].

632. Narrated Miswar bin Makhrama^[3] ﷺ: Allāh's Messenger ﷺ sacrificed before shaving (his head), and ordered his Companions to do the same. [Reported by Al-Bukhāri].

633. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ said, "When you have thrown (the pebbles) and shaven (your hair), (the

(٦٣٠) وَعَنْ أَنَّ رَسُولَ اللَّهِ قَالَ: «اللَّهُ أَرْحَمُ الْمُحْلِقِينَ»، قَالُوا: وَالْمُفَقْرِينَ، يَا رَسُولَ اللَّهِ! قَالَ فِي التَّالِثَةِ: «وَالْمُفَقْرِينَ مُتفَقِّعُ عَلَيْهِ».

(٦٣١) وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو بْنِ الْعَاصِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ قَالَ وَقَتَ فِي حَجَّةِ الْوَدَاعِ، فَجَعَلُوا يَسْأَلُونَهُ، فَقَالَ رَجُلٌ: لَمْ أَشْعُرْ، فَخَلَقْتُ قَبْلَ أَنْ أُذْبَحَ، قَالَ: «أُذْبَحْ وَلَا حَرَجَ»، وَجَاءَ آخَرُ فَقَالَ: لَمْ أَشْعُرْ، فَخَرَجْتُ قَبْلَ أَنْ أُزْرِي، قَالَ: «أُرْمَ وَلَا حَرَجَ»، فَمَا سُئِلَ يَوْمَئِذٍ عَنْ شَيْءٍ قُدْمٌ وَلَا أُخْرَ إِلَّا قَالَ: «أُفْلِمْ وَلَا حَرَجَ». مُتفَقِّعُ عَلَيْهِ.

(٦٣٢) وَعَنْ الْمَسْوِرِ بْنِ مَحْرَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ قَالَ نَحْرَ قَبْلَ أَنْ يَحْلِقَ، وَأَمْرَ أَصْحَابَهُ بِذَلِكَ رَوَاهُ الْبَخَارِيُّ.

(٦٣٣) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ قَالَ إِذَا رَمَيْتُمْ

^[1] It is important to have a haircut after performing either *Hajj* or *'Umrah*. Both the shaving of the head and the shortening of one's head hairs are permissible, but a shaving is preferable.

^[2] The pilgrims have four obligations on the *'Eid* day (10th Dhul-Hijja). The first one is to throw pebbles at *Jamra* (*Al-'Aqaba*), then performing an animal sacrifice, then the shaving of one's head and finally the circumambulation of the House of Allāh. This circumambulation is called *Tawāf-Ziyāra* or *Tawāf-Iṣāda*. The respective order of these four acts according to the Islamic law is the same as mentioned here. The observance of this order is *Sunnah* (the Prophet's practice). There is no harm if this order is not followed due to ignorance. However, some scholars consider ignoring this order deliberately, without excuse, as sinful, even if it incurs no penalty.

^[3] Al-Miswar bin Makhrama is a Zuhri and a Qurashi. He was among the virtuous people. He moved to Makkah after the killing of 'Uthmān. He was hit and killed by a missile while praying during the siege of Makkah by Yazid bin Mu'āwiya in the year 64 H.

use of) perfume and everything else except women^[1] becomes lawful for you.” [Reported by Ahmad and Abū Dā’ud. There is weakness in its chain of narrators].

634. Narrated Ibn ‘Abbās : The Prophet ﷺ said, “Shaving is not a duty laid on women,^[2] but the duty upon women is to cut short their hair.” [Abū Dā’ud reported it with a *Hasan* (good) chain of narrators].

635. Narrated Ibn ‘Umar : ‘Abbās bin ‘Abdul-Muttalib () asked permission from Allāh’s Messenger ﷺ to spend in Makkah the nights which were spent at Mina, on account of his office of supplying water (to the pilgrims in Makkah), so he gave him permission.^[3] [Agreed upon].

636. Narrated ‘Aasim bin ‘Adī^[4] : Allāh’s Messenger ﷺ excused the herdsmen of camels from spending the nights at Mina; he allowed them to throw (pebbles) on the Day of Sacrifice (10th), then throw for the next day (11th) and the day after (12th) together (on the 12th); then to throw on the day of dispersal (from Mina, i.e. 13th). [Reported by *Al-Kbamsa*. At-Tirmidhi and Ibn Hibbān graded it *Sabib* (authentic)].

637. Narrated Abū Bakra : Allāh’s Messenger ﷺ gave us a *Khutba*

وَحَقِّقُمْ، فَقَدْ حَلَّ لَكُمُ الْطَّيْبُ، وَكُلُّ شَيْءٍ، إِلَّا النِّسَاءُ». رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ، وَفِي إِشَادَةِ صَعْفَ.

(٦٣٤) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ قَالَ: «إِنَّ عَلَى النِّسَاءِ حَلْقَنِ، وَإِنَّمَا يُفَصِّرُنَّ». رَوَاهُ أَبُو دَاوُدَ يَأْسَادَ حَسَنَ.

(٦٣٥) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ الْعَبَّاسَ بْنَ عَبْدِ الْمُطَّلِبِ يَسْأَدُ رَسُولَ اللَّهِ ﷺ أَنْ يَبْيَتِ يَمْكَهَةً لِيَالِيَّ مِنِّي، مِنْ أَجْلِ سِقَايَتِي، فَأَذِنَ لَهُ مُفْقِنْ عَلَيْهِ.

(٦٣٦) وَعَنْ عَاصِمِ بْنِ عَدَى رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ ﷺ أَرْخَصَ لِرُعَاةِ الْإِيلَى فِي السَّيُوتِيَّةِ عَنِّي، يَرْمُونَ يَوْمَ النَّحرِ، ثُمَّ يَرْمُونَ الْعَدَ وَمِنْ بَعْدِ الْعَدِ لِيَؤْمِنُ، ثُمَّ يَرْمُونَ يَوْمَ التَّفْرِ. رَوَاهُ الْحَمْسَةُ، وَصَحَّحَهُ الشَّرْمَذِيُّ وَابْنُ حِبَّانَ.

(٦٣٧) وَعَنْ أَبِي بَكْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ

^[1] This clarifies that after the throwing of pebbles at *Jamrat al-Aqaba* and the shaving of one’s head, all the restrictions are lifted thereof except sexual intercourse with one’s spouse. That is only allowed after performing *Tawâf al-Ifâda*.

^[2] From this it is known to us that women need not shave their heads, but they should cut something from the tips (ends) of their braids.

^[3] It is *Wâjib* (compulsory) to spend the nights in Mina. In case one is unable to spend the whole night, he should at least be there for the majority of the night.

^[4] He is nicknamed Abū ‘Ubaiddullâh or Abū ‘Amr and was an ally of Banu ‘Amr bin ‘Auf of the *Ansâr*. He witnessed the battle of Badr and the later battles. He was the commander of Al-‘Aaliya tribes during the battle of Badr and so the Prophet ﷺ gave him one portion of the booties. He died in 45 H. It is also said that he was martyred during the battle of Al-Yamama at the age of 120 years.

(religious talk – sermon) on the Day of Sacrifice. The narrator reported the rest of the *Hadith*. [Agreed upon].

قالَ: خطبَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَ النَّحْرِ،
الْحَدِيثُ مُتَقَّدٌ عَلَيْهِ.

638. Narrated Sarrā' bint Nabhān^[1]: Allah's Messenger ﷺ addressed us on the day after the Day of Sacrifice^[2] and said, "Is this not the middle day of the *Tasbīq* days?" The narrator reported the rest of the *Hadith*. [Abū Dā'ud reported it with a *Hasan* (good) chain of narrators].

(٦٣٨) وَعَنْ سَرَّاءَ بْنَتِ نَبْهَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: خطبَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَ الرُّؤُوسِ فَقَالَ: «أَلَيْسَ هَذَا أَوْسِطُ أَيَّامِ التَّشْرِيقِ؟» الْحَدِيثُ رَوَاهُ أَبُورَدَاءُ بْنَ شَنَادِ حَسَنٌ.

639. Narrated 'Aisha ﷺ: The Prophet ﷺ said to her, "Your circumambulation of the House and your running between As-Safa and Al-Marwa are sufficient for your *Hajj* and '*Umrah*.^[3] [Reported by Muslim].

(٦٣٩) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَهَا: «طَوَافُكِ بِالْبَيْتِ وَسَمِيكُكِ بَيْنَ الصَّفَّا وَالْمَرْوَةِ، يُكْفِيكُ لِحَجَّكَ وَعُمْرَتِكِ». رَوَاهُ مُسْلِمٌ.

640. Narrated Ibn 'Abbās ﷺ: The Prophet ﷺ did not run in the seven (circuits)^[4] he made when he returned to Makkah (for *Tawāf al-Ifādah*). [Reported by *Al-Khamṣa* except At-Tirmidhi; Al-Hākim graded it *Sabih* (authentic)].

(٦٤٠) وَعَنْ إِبْرَاهِيمَ عَبْدَسَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمْ يَرْمِلْ فِي السَّبْعِ الَّذِي أَفَاضَ فِيهِ. رَوَاهُ الْخَمْسَةُ إِلَّا التَّرمِذِيُّ، وَصَحَّحَهُ الْحَاكِمُ.

641. Narrated Anas ﷺ: The Prophet ﷺ prayed *Az-Zubr*, *Al-'Asr*, *Al-Magrib* and *Al-'Ishā'* prayers – and then slept – at Al-Muhassab^[5] [on the 13th of Dhul-Hijjah]. He then rode to the House (Al-Ka'ba) and performed the (Farewell) *Tawaf* (circumambulation).^[6]

(٦٤١) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى الظُّهُرَ وَالعَصْرَ وَالْمَغْرِبَ وَالْعِشَاءَ، ثُمَّ رَقَدَ رَقْدَةً بِالْمُحَصَّبِ، ثُمَّ رَكِبَ إِلَى الْبَيْتِ، فَطَافَ بِهِ. رَوَاهُ الْبُخَارِيُّ.

[1] Sarrā' bint Nabhān Al-Ghanawiya is a *Sabābiya* and Rabi'a bin Abū 'Abdur-Rahmān narrated the *Hadith* from her.

[2] *Yaumur-Ru'oos* (day of heads) is the name of the day following the *'Eid* day.

[3] This *Hadith* informs us that performing one *Tawāf* and one *Sa'y* each, suffices for both '*Umrah* and *Hajj* for a pilgrim who is doing *Hajj Qirān*. Conversely, the one who is intending a *Hajj Tamattu'* will, however, have to perform two *Tawāf* and two *Sa'y* each separately.

[4] We thus know that there is no *Raml* (running) either in *Tawāf al-Ifāda* or *Tawāf al-Wadā'*. *Raml* is performed in *Tawāf al-Qudūm* only. *Tawāf al-Qudūm* is the one that is performed upon entering Makkah (upon arrival from ones land). One should also bear in mind that *Raml* (running) is meant for males only and not females.

[5] Muḥassab is a mountain passage closer to Mina than to Makkah. It is known as Batha and Khafif Banu Kināna, and it opens out to Al-Abtah.

[6] This is *Tawāf al-Wadā'* which is performed at the time of departing from Makkah.

[Reported by Al-Bukhārī].

642. Narrated ‘Aisha ﷺ: She was not doing that i.e., stopping at Al-Abtah, explaining that Allāh’s Messenger ﷺ only stopped there because it was resting place from which it was easier for him to depart from.^[1] [Reported by Muslim].

643. Narrated Ibn ‘Abbās ﷺ: The people were commanded to make the House (*Tawāf al-Wadā’*) their last act (before leaving Makkah), except that the woman in menses was exempted.^[2] [Agreed upon].

644. Narrated Ibn Zubair^[3] ﷺ: Allāh’s Messenger ﷺ said: “One prayer in this mosque of mine is better than a thousand elsewhere, except *Al-Masjid Al-Harām* (the Sacred Mosque in Makkah); and one prayer in the Sacred Mosque is better than a prayer in this mosque of mine by a hundred prayers.”^[4] [Reported by Ahmad and Ibn Hibbān graded it *Sahih* (authentic)].

(٦٤٢) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّهَا لَمْ تَكُنْ تَفْعُلُ ذَلِكَ - أَيِّ التَّرْوِيَةِ بِالْأَبْطَحِ - وَتَقُولُ: إِنَّمَا نَزَّلَهُ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ لِأَنَّهُ كَانَ مُنْزِلًا أَشَدَّ لِحْرُوجًا. رَوَاهُ مُسْلِمٌ.

(٦٤٣) وَعَنْ أَبْنَى عَبَّاسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: أَمِيرُ النَّاسِ أَنْ يَكُونَ أَخْرُ عَهْدِهِمْ بِالْيَتِيمِ، إِلَّا أَنَّهُ خَفَفَ عَنِ الْحَائِضِ. مُؤَكَّدٌ عَلَيْهِ.

(٦٤٤) وَعَنْ أَبْنَى الزُّبَيرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: «صَلَاةٌ فِي مَسْجِدٍ هَذَا، أَفْضَلُ مِنْ أَلْفٍ صَلَاةٌ فِيمَا سِوَاهُ، إِلَّا الْمَسْجِدُ الْحَرَامُ، وَصَلَاةٌ فِي الْمَسْجِدِ الْحَرَامِ، أَفْضَلُ مِنْ صَلَاةٍ فِي مَسْجِدٍ هَذَا بِمَا تِسْعَ صَلَاةٍ». رَوَاهُ أَخْمَدُ وَصَحَّحَهُ أَبْنُ حَيَّانَ.

^[1] When leaving for Al-Madinah.

^[2] This is *Tawāf al-Wadā’* (farewell circumambulation of the Ka'ba), which is compulsory (*Wajib*) according to all the *Imāms* except Imām Mālik. However, the menstruating women are exempted from it. Anyone missing it, is liable to make an animal sacrifice.

^[3] He is Abū Bakr ‘Abdullāh bin Az-Zubair bin Al-‘Awwām Al-Qurashi Al-Asadi. His mother Asma bint Abū Bakr migrated to Al-Madinah while pregnant and gave birth to him at Qubā’ and he thus became the first baby to be born after the *Hijra*. He fasted and prayed a lot, was a noble man who did not accept to be wronged and a fierce fighter. He was also eloquent, accepted that which was right, and used to take care of his next of kins. He was sworn as a *Khalifa* after the death of Yazid bin Mu‘āwiya in 64 H. and so he conquered Al-Hijāz, the two ‘Irāqs, Yemen, Egypt and most of the Shām. Al-Hajjāj bin Yusuf Ath-Thaqafī sieged him in Makkah where he was martyred and crucified in the month of Jumada Al-Ukhrā 73 H.

^[4] It is reported in *Tabarānī* that a prayer offered in Al-Aqsa Mosque (*Baitul-Maqdis*) shall be rewarded five hundred times; and the one offered in the Mosque of the Prophet ﷺ shall be rewarded a thousand times; whereas the one offered in *Al-Masjid al-Harām* (the House of Allāh) shall be rewarded a hundred thousand times.

Chapter 6

MISSING THE HAJJ (PILGRIMAGE) AND BEING DETAINED

٦ - بَابُ الْفَوَاتِ وَالْإِحْصَارِ

645. Narrated Ibn ‘Abbās : Allāh’s Messenger ﷺ had been detained,^[1] so he shaved his head, had intercourse with his wives and sacrificed his animals. Then he performed the ‘Umrah in the following year. [Reported by Al-Bukhāri].

(٦٤٥) عن ابن عباس رضي الله تعالى عنهما قال: قد أخصر رسول الله ﷺ رأسه، وجاء نساءه، وثار هذية، حتى اعتمر عاماً قابلاً. رواه البخاري.

646. Narrated ‘Aisha : The Prophet ﷺ went in to visit Dubā‘a^[2] bint Zubair bin Abdul-Muttalib and she said, “O Allāh’s Messenger, I have intended to perform the pilgrimage, but I am suffering from pain.” The Prophet ﷺ said, “Perform the pilgrimage, but make a condition (*shart*) that ‘the place where I will get out of the state of *Ibrām* will be where You (Allāh) restrain me.’ ” [Agreed upon].

(٦٤٦) وعن عائشة رضي الله تعالى عنها قالت: دخل النبي ﷺ على ضباعنة بنت الزبير ابنة عبد المطلب رضي الله تعالى عنها عندها، فقالت: يا رسول الله! إني أريد الحج، وأنا شاكية، فقال النبي ﷺ: «حججي واشترطي أن مجلبي حيث حبستني». متفق عليه.

647. Narrated ‘Ikrima^[3] from Al-Hajjāj bin ‘Amr Al-Ansāri : Allāh’s Messenger ﷺ said, “Whoever breaks a leg or becomes lame he (may) come out of the state of *Ibrām*. However, he must perform the pilgrimage the following year.” ‘Ikrima said, “I asked Ibn ‘Abbās

(٦٤٧) وعن عكرمة عن الحجاج بن عمرو الأنصاري رضي الله تعالى عنه قال: قال رسول الله ﷺ: «من كسر أو عرج فقد حل، وعليه الحج من قابلة»، قال عكرمة: فسألت ابن عباس وأبا هريرة عن ذلك، فقال:

[1] What are the factors that may be regarded as a hindrance or an impediment on the way to one's performing the pilgrimage? The majority of scholars are of the opinion that anything interfering with the pilgrim causes a hindrance, whether it happens to be an enemy, disease, fright or inability to travel. Some maintain that *Ihsār* (hindrance) is only caused due to an enemy who is a disbeliever. There is a difference of opinion among the scholars in regard to the sacrifice to be offered by such a stranded pilgrim. The majority are of the view that one must slaughter the sacrificial animal exactly at the same place where one gets out of the state of *Ibrām* whether that place lies within the limits of the sacred region or outside it.

[2] She was called Umm Hakim Dubā‘a bint Az-Zubair bin ‘Abdul-Muttalib bin Hāshim bin ‘Abd-Manaf, the daughter of the Prophet’s uncle. She was married to Al-Miqdād bin Al-Aswad for whom she bore ‘Abdullāh and Karima. She died during ‘Ali’s Caliphate.

[3] ‘Ikrima was called Abū ‘Abdullāh ‘Ikrima Al-Madani, the manumitted slave of ‘Abdullāh bin ‘Abbās. He descended from the Barbar and was one of the learned *Ināms*, and among the *Fiqh* scholars of Makkah. He was among the middle *Tābi‘in* (students of the Companions) and probably died in Al-Madinah in 107 H. at the age of 80 years.

and Abū Huraira about that, and they replied, 'He has spoken the truth.' " [Reported by *Al-Khamṣa*; At-Tirmidhi graded it *Hasan* (good)].

صَدَقَ رَوَاهُ الْخَمْسَةُ، وَحَسَنَهُ التَّرْمِذِيُّ.
 قَالَ مُصَفَّهُ - حَافِظُ الْعَضْرِ، فَاضِي الْقُضَايَا
 أَبُو الْفَضْلِ أَخْمَدُ بْنُ عَلَيٍّ بْنُ حَجَرِ الْكَتَانِيِّ
 الْعَشَّلَانِيُّ الْمَصْرِيُّ، أَبْقَاهُ اللَّهُ فِي خَيْرٍ -:
 آخِرُ الْجُزْءِ الْأَوَّلِ، وَهُوَ النَّصْفُ مِنْ هَذَا
 الْكِتَابِ الْمُبَارَكِ، قَالَ: وَكَانَ الْفَرَاغُ مِنْهُ فِي
 ثَانِي عَشَرَ شَهْرٍ رَبِيعِ الْأَوَّلِ سَنَةَ سَبْعَ
 وَعِشْرِينَ وَمِائَاتَهُ، وَهُوَ آخِرُ رُبْعِ الْعِيَادَاتِ،
 يَتَلْوُهُ فِي الْجُزْءِ الثَّانِي كِتَابُ الْيَوْمِ. وَصَلَّى
 اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ وَصَحْبِهِ وَسَلَّمَ
 شَلِيمًا كَثِيرًا دَائِمًا أَبَدًا. غَفَرَ اللَّهُ لِكَاتِبِهِ
 وَلَوَالْدِينِ وَلِكُلِّ الْمُسْلِمِينَ، وَحَسَنَتِهِ اللَّهُ وَنِعْمَ
 الْوَكِيلُ.

7. THE BOOK OF BUSINESS TRANSACTIONS

٧ - كتاب البيوع

Chapter 1 CONDITIONS OF BUSINESS TRANSACTIONS AND THOSE WHICH ARE FORBIDDEN

648. Narrated Rifā'a bin Rāfi': The Prophet ﷺ was asked, 'What type of earning is best?'^[1] He replied, "A man's work with his hand and every business transaction which is free from cheating or deception." [Reported by Al-Bazzār; Al-Hākim graded it *Sabih* (authentic)].

باب شروطه وما نهي عنه منه

(٦٤٨) عن رفاعة بن رافع رضي الله تعالى عنه، أن النبي ﷺ سئل أشيء الكسب أطيب؟ قال: «عمل الرجل بيده، وكل بيع مبرور». رواه البزار، وصححه الحاكم.

649. Narrated Jābir bin ‘Abdullāh: I heard Allāh's Messenger ﷺ saying in the year of the Conquest, while he was in Makkah, "Allāh and His Messenger have forbidden the sale of intoxicants, dead animals, swine and idols." He was asked, "O Allāh's Messenger, what about the fat of a dead animal, for it is used for greasing ships, greasing the hides (of animals), and making oils for lamps?" He replied, "No, it is unlawful." Allāh's Messenger ﷺ then added: "May Allāh curse the Jews, when Allāh the Most High declared the fat of such animals unlawful they melted it, then sold it and devoured its price (profit)^[2] ." [Agreed upon].

(٦٤٩) وعن جابر بن عبد الله رضي الله تعالى عنهما، أنه سمع رسول الله ﷺ يقول عام الفتح، وهو يمكّن: «إن الله ورَسُوله حرم بيع الْحَمْرِ والمَيْتَةِ والخنزير والأصنام». فقيل: يا رسول الله أرأيت شحوم الميتة؟ فإنها تُطلّى بها السفن، وتُدمن بها الجلوذ، ويُستَصْبَحُ بها الناس، فقال: «لا هُو حرام». ثم قال رسول الله ﷺ عند ذلك: «فَاقْتُلُ الْيَهُودَ، إِنَّ اللَّهَ لَمَّا حَرَمَ عَلَيْهِمْ شَحُومَهَا جَمَلُوهُ، ثُمَّ بَاعُوهُ، فَأَكَلُوا ثُمَّهُ». متفق عليه.

[1] Which occupation is the best? Scholars differ on this issue. Imam An-Nawawi collected the *Abādīth* on this subject, examined them all carefully, and in the end gave his verdict that the profession of agriculture is the best among all, since most of the creatures benefit from it. The second best profession is craftsmanship and industry, and third is honest trade. Some scholars have given priority to industry, while others have preferred honest trade. Allāh is the best knower of everything.

[2] It means that trading in liquor, dead animals, carrion, swine, idols and statues is prohibited. This *Hadīth* also makes the point clear that the profits – of anything which is unlawful in itself – are also unlawful, and the change in its form does not cancel the prohibition, as the noble Prophet ﷺ ruled concerning the profits from fat.

650. Narrated Ibn Mas'ūd : I heard Allāh's Messenger ﷺ saying, "When two people who are arranging a business transaction disagree and there is no proof to arbitrate between them, the seller's word is final, or they may break the deal." [Reported by *Al-Khamṣa* and authenticated by Al-Hākim].

651. Narrated Abū Mas'ūd Al-Ansārī : Allāh's Messenger ﷺ prohibited the money paid for a dog,^[1] the payment made to a prostitute,^[2] and the payment given to a soothsayer^[3] .". [Agreed upon].

652. Narrated Jābir bin 'Abdullāh : I was travelling on a camel of mine's which had become exhausted, so I intended to let it go free. The Prophet ﷺ followed me and made supplication for me and struck it. Then, it went as it had never done before. He then said, "Sell it to me for one *Uqiyah*^[4] ." I replied, "No." He again said, "Sell it to me." So I sold it to him for one *Uqiyah*. However, I stipulated that I should be allowed to ride it home. Then when I reached (home), I took the camel to him and he paid me its price in cash. I then went back and he sent someone after me. (When I came), he said, "Do you think that I asked you to reduce the value of your camel's price^[5] to take it? Take your camel and your money, for it is yours." [Agreed upon; and this is Muslim's wording].

653. Narrated (Jābir bin 'Abdullāh) : A

(٦٥٠) وَعَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ : سَمِعْتُ رَسُولَ اللَّهِ تَعَالَى يَقُولُ : إِذَا اخْتَلَفَ الْمُتَبَايِعُانِ ، وَلَيْسَ بَيْنَهُمَا بَيْنَهُ ، فَالْقَوْلُ مَا يَقُولُ رَبُّ الشَّرْكَةِ أَوْ يَتَكَارَكَانِ ». رَوَاهُ الْحَمْسَةُ وَصَحَّحَهُ الْحَاكِمُ .

(٦٥١) وَعَنْ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ ، أَنَّ رَسُولَ اللَّهِ تَعَالَى نَهَى عَنْ ثَمَنِ الْكَلْبِ ، وَمَهْرِ الْبَغْيِ ، وَحُلُوانِ الْكَاهِنِ . مُتَقَدِّمٌ عَلَيْهِ .

(٦٥٢) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَنَّهُ كَانَ عَلَى جَمْلِهِ قَدْ أَغْيَا ، فَأَرَادَ أَنْ يُسْبِّيهِ ، قَالَ : فَلَجَّهْتُنِي النَّبِيُّ تَعَالَى ، فَدَعَا لِي ، وَصَرَرَهُ ، فَسَارَ سِيرًا لَمْ يَبْرُزْ مِثْلُهُ ، قَالَ : يُغْنِيهِ بِأُوقِيَّةٍ ، قَلْتُ : لَا ، ثُمَّ قَالَ : يُغْنِيهِ فِيمَنْ يُأْوِيَ ، وَاشْتَرَطَتْ حُمْلَاتُهُ إِلَى أَهْلِي ، فَلَمَّا بَلَغْتُ أَتِيَّتُهُ بِالْجَمْلِ ، فَنَقَدَنِي ثَمَنُهُ ، ثُمَّ رَجَعْتُ ، فَأَرْسَلَ فِي أَتْرِيِّ ، قَالَ : أَتَرَانِي مَا كَسَبْتُكَ لِأَخْذَ جَمْلَكَ ؟ خُذْ جَمْلَكَ وَدَرَاهْمَكَ ، فَهُوَ لَكَ . مُتَقَدِّمٌ عَلَيْهِ . وَمَدَا السَّيْاقَ لِلْسُّلْطَنِ .

^[1] According to most of the religious scholars, trading in dogs is also unlawful.

^[2] Earned money of a prostitute is unlawful. There is a consensus of the Muslim nation on this issue.

^[3] Soothsayers tell the future news by guessing, and earn money in this way. So this type of money accepted by fortune-tellers, is unlawful unanimously. Similarly, singing and its payment is also prohibited.

^[4] One *Uqiyah* is equal to forty Dirhams.

^[5] May be you are thinking that I purchased your camel at a low price.

man among us declared that a slave belonging to him would be free after his death. However, he had no other property. So, the Prophet ﷺ sent for him (the slave) and sold him.^[1] [Agreed upon].

دُبْرٌ، وَلَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُ، فَدَعَا بِهِ النَّبِيُّ ﷺ قِبَاعَهُ. مُتَقْعِنٌ عَانِيَةً.

654. Narrated Maimuna ؓ, the wife of the Prophet ﷺ: A mouse fell into some ghee and died. The Prophet ﷺ was asked about it and he replied, “Throw it – and what is surrounding (touching) it – away and eat it (that which remained untouched).” [Reported by Al-Bukhāri. Ahmad and An-Nasā’i added: “into a solid ghee.”]

(٦٥٤) وَعَنْ مَيْمُونَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا رَوْحَ النَّبِيِّ ﷺ، أَنَّ فَأْرَةً وَقَعَتْ فِي سَمْنٍ، فَمَاتَتْ فِيهِ، فَسُئِلَ النَّبِيُّ ﷺ عَنْهَا فَقَالَ: «الْأَقْوَاهَا وَمَا حَوْلَهَا وَكُلُوهُ». رَوَاهُ الْبُخَارِيُّ، وَزَادَ أَخْمَدُ وَالسَّائِيُّ: «فِي سَمْنٍ جَامِدٍ».

655. Narrated Abū Huraira ؓ: Allāh’s Messenger ﷺ said, “If a mouse falls into ghee which is solid, throw the mouse and what is surrounding it away; but if it is in a liquid state do not go near it.” [Ahmad and Abū Dā’ud reported it; Al-Bukhāri and Abū Hātim ruled it to be *Wabm* (an error) (in reporting it from Abu Huraira)].

(٦٥٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا وَقَعَتِ الْفَارَةُ فِي السَّمْنِ، فَإِنْ كَانَ جَامِدًا فَأَقْوَاهَا وَمَا حَوْلَهَا، وَإِنْ كَانَ مَائِعًا فَلَا تَقْرِبُهُ». رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدُ، وَقَدْ حَكَمَ عَيْنِي الْبُخَارِيُّ وَأَبُو حَاتِمٍ بِالْوَهْمِ.

656. Narrated Abū Zubair^[2] ؓ: I asked Jābir (ؑ) about the payment for cats and dogs^[3] and he replied, “The Prophet ﷺ warned sternly against that.” [Reported by Muslim and An-Nasā’i; the latter added: “except a hunting dog.”]

(٦٥٦) وَعَنْ أَبِي الزُّبَيرِ قَالَ: سَأَلْتُ جَابِرًا عَنْ ثَمَنِ السَّتْرَ وَالْكَلْبِ. فَقَالَ: رَجَرَ النَّبِيُّ ﷺ عَنْ ذَلِكَ. رَوَاهُ مُسْلِمٌ وَالسَّائِيُّ وَزَادَ: «إِلَّا كَلْبٌ صَيْدٌ».

657. Narrated ‘Aisha ؓ: Barira^[4] came

(٦٥٧) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا

^[1] It means that selling a *Mudabbar* slave is permissible. *Mudabbar* slave, a male or female, is that one who is told by the master that he or she will be free after his (master’s) death.

^[2] He is Muhammad bin Muslim bin Tadrus Al-Asadi Al-Makki, a manumitted slave of Hakim bin Hizām. He was a *Tābi’i* whose reliability was agreed upon by the *Hadith* scholars. He died in 128 H.

^[3] Buying and selling of cats is unanimously unlawful. Likewise, there is no difference of opinion about common or ordinary dogs, about their trade being unlawful. However, there is a difference of opinion about hunting dogs, which are considered legal by some.

^[4] Barira was the slave-girl of ‘Aisha ؓ ‘Mother of the Believers’ and she was married to Mughith, the slave of the family of Abū Ahmad bin Jahsh. When she was freed, the Prophet ﷺ gave her the freedom of choice and she chose to be free from her husband who was still a slave and automatically became divorced from him.

to her and said, "I had arranged^[1] to buy my freedom for nine *Uqiyā*; one *Uqiyā* to be paid annually, so help me." 'Aisha replied, "If your people are pleased that I should pay (the amount) to them, and I shall have the right to inherit from you, I shall do so." Barira went to her people and told them about it, but they refused the offer. When she came back Allāh's Messenger was sitting (in the house). She said, "I offered that to them, but they insisted that the right to inherit from me^[2] should be theirs." The Prophet heard that and 'Aisha told him about it. So, he said to 'Aisha, "Take her and stipulate that the right to inherit from her will be yours, for the right of inheritance belongs only to the one who has set a slave free."^[3] 'Aisha did so. Allāh's Messenger then stood up among the people to address them. So, after praising and extolling Allāh, he said, "To proceed; what is the matter with some men who make conditions which are not in the Book of Allāh, the Mighty, the Majestic? Any condition which is not in Allāh's Book is invalid. Even if there are a hundred conditions, Allāh's Decision is more valid and Allāh's Condition is more binding. The right of inheritance belongs only to the one who has set a slave free." [Agreed upon and the wording is Al-Bukhāri's]. Muslim has:

قالت: جاءتني بريرة، فقالت: إني كاتبت أهلي على تسع أواق، في كل عام أوقية فأعيبني، قلت: إن أحب أهلك أن أغداها لهم، ويكون لاوتك لي فقلت، فذهبت بريرة إلى أهليها، فقالت لهم، فأبوا عليها، فجاءت من عندهم، ورسول الله صلى الله عليه وسلم جالس، فقالت: إني قد عرضت ذلك عليهم فأبوا، إلا أن يكون الولاء لهم، فسبع النبي صلى الله عليه وسلم، فأخبرت عائشة النبي صلى الله عليه وسلم، فقال: «خذنها واشترط لهم الولاء، فإنما الولاء لمن أعنّ»، فقلت عائشة رضي الله تعالى عنها، ثم قام رسول الله صلى الله عليه وسلم في الناس خطيباً، فحمد الله وألهم علني، ثم قال: «أما بعد: فما بال رجال يشترون شروطاً ليس في كتاب الله عز وجل؟ ما كان من شرط ليس في كتاب الله فهو باطل، وإن كان مائة شرط، فقضاء الله أحق، وشرط الله أوثق، وإنما الولاء لمن أعنّ». متفق علني، والله لخياري، وعند مسلم قال: «اشترتها، وأغتيتها، واشترطت لهم الولاء».

^[1] *Kitābat* (كتابة): or *Mukātaba* (مكابة) means the written contract of liberation of a slave or slave-girl from his/her master against the payment of money. Either side can make this proposal, i.e. the master may ask for the money, or the slave can offer money for his freedom.

^[2] After the death of a *Mukātab* slave (male or female) his/her left property is called *Wala'* (ولا'). If somebody pays the amount of the contract (كتابة) and liberates the *Makātab* (مكاب) – slave or slave-girl, than in case of the death of this slave or slave-girl, he who has paid the money, inherits the property; and if the contract money is paid by the slave himself, than his property goes to his kins.

^[3] It means that the freeing of a *Makātab* (a slave or slave-girl who has made a written contract for freedom) for a fixed amount is lawful.

"Buy her, set her free and make the stipulation that the right to inherit from her will be yours."

658. Narrated Ibn 'Umar (رضي الله تعالى عنهما) forbade the sale of the slave-women who have given birth to children^[1] (of their owners). He said, "She is not to be sold, bestowed as a gift or inherited. He (the owner) enjoys her as long as he lives and when he dies, she becomes free." [Reported by Mâlik and Al-Baihaqi. He said: Some of the narrators have attributed it to the Prophet mistakenly].

659. Narrated Jâbir (رضي الله تعالى عنه): We used to sell our slave-women who had borne (our) children while the Prophet (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) was still living, and he saw no harm in that. [Reported by An-Nasâ'i, Ibn Mâjah and Ad-Dâraqutni. Ibn Hibbân graded it *Sahîh* (authentic)].

660. Narrated Jâbir bin 'Abdullâh (رضي الله تعالى عنه): Allâh's Messenger (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) prohibited the sale of excess water^[2]. [Reported by Muslim]. In another narration, he added: "And hiring a camel to impregnate a she-camel."

661. Narrated Ibn 'Umar (رضي الله تعالى عنه): Allâh's Messenger (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) forbade the sale of a stallion's semen (to use for impregnation). [Reported by Al-Bukhâri].

662. Narrated (Ibn 'Umar) (رضي الله تعالى عنه): Allâh's Messenger (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) forbade the transaction called '*Habalal-Habala*'^[3] which was

(٦٥٨) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: نَهَى عُمَرُ عَنْ بَيْعِ أَمَهَاتِ الْأَوْلَادِ، فَقَالَ: لَا تُبَاعُ، وَلَا تُوَهَّبُ، وَلَا تُورَثُ، يَسْتَمْتَعُ بِهَا مَا بَدَا لَهُ، فَإِذَا ماتَ فَهُوَ حُرَّةٌ. رَوَاهُ التَّهْفِيُّ وَمَالِكُ، وَقَالَ: رَفِعَهُ بَعْضُ الرُّوَاةِ فَوَهِمَ.

(٦٥٩) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كُنَّا نَبْيِعُ سَرَارِبَنَا أَمَهَاتِ الْأَوْلَادِ، وَالنَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَيَّ، لَا يَرَى بِذِلِّكَ بَاسًا. رَوَاهُ السَّنَائِيُّ وَابْنُ مَاجَةَ وَالْدَّارَقُطْنِيُّ، وَصَحَّحَهُ ابْنُ حِبَانَ.

(٦٦٠) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَضْلَ الْمَاءِ. رَوَاهُ مُسْلِمٌ، وَرَوَادٌ فِي رِوَايَةِ: «وَعَنْ بَيْعِ ضِرَابِ الْجَمَلِ».

(٦٦١) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْفَحْلِ. رَوَاهُ الْبُخَارِيُّ.

(٦٦٢) وَعَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيْعِ حَبَلِ الْحَبَلَةِ، وَكَانَ بَيْعًا يَتَبَاعَهُ أَهْلُ

^[1] *Ummahâtal-Aulâd* (أم الولد) or *Ummul-Walad* is that slave-girl who bears a child for her master. Such a slave-girl has to stay with her master till his death and after the death of her master she is free. The master's children have no right or claim over her. Whether a master can sell or not the slave-girl after she has given birth to his child, is a disputed issue.

^[2] Withholding or selling of surplus water beyond what one needs is strictly prohibited, whatever may be the source of water, a well or spring, on one's own land or someone else's. However, water stored for personal use can be sold and it is lawful.

^[3] There were two forms of this trade. The example of first form is to buy the offspring of an animal which itself is yet to be born, by making the payment in advance. The second form is

one entered into in the *Jabiliya* era, whereby a man bought a she-camel which was to be the offspring of a she-camel which was still in its mother's womb. [Agreed upon, and the wording is Al-Bukhari's].

663. Narrated (Ibn 'Umar) ﷺ: Allah's Messenger ﷺ forbade selling or giving away the right of inheritance from a freed slave.^[1] [Agreed upon].

664. Narrated Abū Huraira ﷺ: Allah's Messenger ﷺ forbade a transaction determined by throwing stones, and the transaction which involves some uncertainty (or cheating).^[2] [Reported by Muslim].

665. Narrated (Abū Huraira) ﷺ: Allah's Messenger ﷺ said, "If anyone buys grain he must not sell it till he weighs it." [Reported by Muslim].

666. Narrated (Abū Huraira) ﷺ: Allah's Messenger ﷺ forbade two transactions combined in one.^[3] [Reported by Ahmad and An-Nasā'i. At-Tirmidhi and Ibn Hibbān graded it *Sabib* (authentic)].

Abū Dā'ud has: "If anyone makes two transactions combined in one he is entitled to take the lower price, or (it is considered) usury."^[4]

to sell an animal on condition to deliver it at the time when its offspring is born. Both forms of this kind of trade are prohibited due to unknown factors in the contract.

^[1] *Al-Walā'* (الوالا') is a right to inherit the property of a freed slave by the person who has freed him. The *Hadīth* make it clear that *Walā'* is like lineage. One's lineage cannot be sold or gifted, and likewise selling *Walā'* or offering it as a gift is prohibited.

^[2] "Pebble throwing trade" is another form of a trade containing the unknown. In this trade the seller asks the buyer to throw a pebble, and whatever the pebble falls upon, that thing is given to the buyer on a pre-fixed price. This form of trade is also prohibited because there is fraud in it. The price of the thing on which the pebble falls may be more or less than the pre-fixed price. There are many forms of this type of trade and all of them are prohibited. For example, to sell a lost slave or an animal, flying birds or fish in water, etc.

^[3] In this form of trade the seller fixes two prices for an article. One price for cash payment and the second price for credit purchase. The extra money added to the credit purchase is considered interest, and therefore unlawful.

^[4] Some scholars of *Hadīth* have disapproved of this last narration which has Muhammad bin

الجاهليّة، كان الرجل يبتاع العجزور إلى أن تُتَّسِّع النافّة، ثم تُتَّسِّع التي في بطنها. متفقٌ عَلَيْهِ، واللفظ لِلْبَخَارِيِّ.

(٦٦٣) وَعَنْ أَنَّ رَسُولَ اللَّهِ ﷺ نَهَىٰ عَنْ بَيعِ الْوَلَاءِ وَعَنْ هَبَيْهِ. متفقٌ عَلَيْهِ.

(٦٦٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: نَهَىٰ رَسُولُ اللَّهِ ﷺ عَنْ بَيعِ الْحَصَّةِ، وَعَنْ بَيعِ الْعَرَرِ. رَوَاهُ مُسْلِمٌ.

(٦٦٥) وَعَنْ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: مَنْ اشترى طَعَاماً فَلَا يَبْغُهُ حَتَّىٰ يَكْتَالَهُ. رَوَاهُ مُسْلِمٌ.

(٦٦٦) وَعَنْ قَالَ: نَهَىٰ رَسُولُ اللَّهِ ﷺ عَنْ بَيعَتَيْنِ فِي بَيْعَةِ رَوَاهُ أَحْمَدُ وَالنَّسَائِيُّ، وَصَحَّحَهُ التَّرمِذِيُّ وَابْنُ حِبَّانَ.

وَلَا يَبْدُو: مَنْ بَاعَ بَيْعَتَيْنِ فِي بَيْعَةِ كَلْ أَوْ كَسْهُمَا أَوِ الرِّبَاً.

667. Narrated 'Amr bin Shu'aib on his father's authority from his grand father (ﷺ): Allāh's Messenger ﷺ said, "The condition of a loan combined with a sale is not lawful,^[1] nor two conditions relating to one transaction, nor the profit arising from something which is not in one's charge, nor selling what is not in your possession." [Reported by *Al-Kbamsa*. At-Tirmidhi, Ibn Khuzaima and Al-Hākim graded it *Sabib* (authentic)]. Al-Hākim reported it in '*Uloom Al-Hadith*', from the narration of Abu Hanifah, from 'Amr bin Shu'aib, with the wording: He (the Prophet) forbade a transaction (combined with) a condition. At-Tabarani reported it through this chain of narrators in *al-Awsat*, and it is *Gharib* (reported by a single narrator).

668. Narrated ('Amr bin Shu'aib on his father's authority from his grand father ﷺ): Allāh's Messenger ﷺ forbade the type of transaction in which a security deposit was paid.^[2] [Reported by Mālik, who said, "It reached me (with mentioning its chain of narrators) on the authority of 'Amr bin Shu'aib that..." i.e., the aforesaid *Hadith*].

669. Narrated Ibn 'Umar ﷺ: I bought some oil in the market and when I had taken it (from the seller), a man met me and offered to give me a good profit

(٦٦٧) وَعَنْ عَمِرٍو بْنِ شَعِيبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَجِدُ سَلْفٌ وَبَيْعٌ، وَلَا شَرْطًا فِي بَيْعٍ، وَلَا رِبْعٌ مَا لَا يُضْمَنُ، وَلَا بَيْعٌ مَا لَيْسَ عِنْدَكَ». رَوَاهُ الْخَمْسَةُ، وَصَحَّحَهُ التَّرْمِذِيُّ وَابْنُ حُرَيْمَةَ وَالْحَاكِمُ.

وَأَخْرَجَهُ فِي عُلُومِ الْحَدِيثِ، مِنْ يَوَاهِيَةِ أَبِي حَنِيفَةَ، عَنْ عَمِرٍو الْمَذْكُورِ، بِلْفَظِ «لَهِ عَنْ بَيْعٍ وَشَرْطٍ». وَمِنْ هَذَا الْوَجْهِ أَخْرَجَهُ الطَّبَرَانِيُّ فِي الْأَوْسَطِ، وَهُوَ غَرِيبٌ.

(٦٦٨) وَعَنْهُ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْعُرْبَانِ. رَوَاهُ مَالِكٌ، قَالَ: بَلَغَنِي عَنْ عَمِرٍو بْنِ شَعِيبٍ يَهُ.

(٦٦٩) وَعَنْ أَبْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: أَبْتَثْتُ رَبِّنَا فِي السُّوقِ، فَلَمَّا اسْتَوْجَبَهُ لَقَبَنِي رَجُلٌ فَأَعْطَانِي بِهِ رِبْحًا حَسَنًا،

^[1] 'Amr as one of its narrators. However, it has been graded *Hasan* or *Sahib* by others. See: *Irwā' Al-Ghaleel*, Shaykh Al-Albani, 5/149-150.

^[2] This trade has two forms. The first form is of a man who sells a horse for one hundred riyals on credit with the condition that the buyer will make the payment in a certain period of time. If the buyer is unable to make the payment within the fixed time, than the seller purchases the horse back for fifty riyals and leaves him indebted for the balance fifty riyals. This is unlawful. The second form of this trade is that a house valued at twelve thousand riyals, is sold to someone for ten thousand riyals with the condition that the buyer would lend two thousand riyals to the seller.

^[2] *'Urbān* (عربان) means a security deposit towards the purchase of an item. If somebody settles the price of an animal and pays a certain amount as a deposit such that if he did not buy this animal, the seller will keep the deposited money; and in case the deal is accomplished, the deposited amount will be deducted from the price. This is prohibited

for it. Then, when I was about to finalize the deal with him, a man caught hold of my forearm from behind. So I turned and found that he was Zaid bin Thabit (رضي الله عنه). He said, "Do not sell it in the place where you have bought it, till you take it to your dwelling. This is because Allāh's Messenger ﷺ forbade that commodities to be sold in the place where they were bought, till the traders take them to their dwellings."^[1] [Reported by Ahmad and Abū Dā'ud; this wording is from Abu Dawud. Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

670. Narrated (Ibn 'Umar رضي الله عنه): I said, "O Allāh's Messenger, I sell camels at Al-Baqi'. I sell for Dinars and take Dirhams (for them), and sell for Dirhams, and take Dinars (for them), I take this for that and give that for this (i.e. Dinars and Dirhams)." Allāh's Messenger ﷺ replied, "There is no harm in taking them at the current rate^[2] so long as you do not separate leaving something still to be settled (from the exchange)." [Reported by *Al-Khamṣa* and Al-Hākim graded it *Sabib* (authentic)].

671. Narrated (Ibn 'Umar رضي الله عنه): Allāh's Messenger ﷺ forbade bidding against one another (to raise the price).^[3] [Agreed upon].

672. Narrated Jābir bin 'Abdullāh رضي الله عنه: The Prophet ﷺ forbade *Mubāqala*,^[4]

according to this *Hadīth*. However, some scholars consider the *Hadīth* weak. Hence, it is prohibited by Imam Malik and Ash-Shāfi'i and allowed by Imam Ahmad.

^[1] It means that an article bought at a place should not be sold at the same place, until it is taken into the buyer's possession before reselling.

^[2] The Dirham (درهم) is a silver coin, and the Dinar (دينار) is a gold coin. Exchange of Dinar and Dirham and vice versa is legal, provided the exchange is concluded at the rate of the day and each party receives the amount due to him in full. This is known as the 'trade of exchange (of currencies)'.

^[3] *Najsb* (النجش) means making a bid merely to raise the price of an article by bidder who does not really intend to buy the item.

^[4] *Mubāqala* (المحاقلة) is selling unharvested grain in the field for an already harvested grain

فَأَرْدَتُ أَنْ أَصْرِبَ عَلَى يَدِ الرَّجُلِ، فَأَخَذَ رَجُلٌ مِّنْ خَلْفِي بِذِرَاعِي فَالنَّقْتَةُ فَإِذَا هُوَ زَيْدُ بْنُ ثَابِتٍ، فَقَالَ: لَا تَبْغِهِ حَيْثُ ابْتَعَتْهُ، حَيْثُ تَحْوِزَهُ إِلَى رَحْلِكَ، فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ نَهَى أَنْ يُبَاغِثَ السَّلَّعَ حَيْثُ شُبَّاتُ، حَتَّى يَحْوِزَهَا التَّجَارُ إِلَى رِحَالِهِمْ. رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدُ، وَاللَّفظُ لَهُ، وَصَحَّحَهُ أَبْنُ جِبَانَ وَالْحَاكِمُ.

(٦٧٠) وَعَنْهُ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي أَبِيغُ الْإِلَيْ بِالْتَّقْبِيعِ فَأَبِيغُ بِالدَّنَانِيرِ، وَأَخْدُ الدَّرَاهِمَ، وَأَبِيغُ بِالدَّرَاهِمِ، وَأَخْدُ الدَّنَانِيرَ، آخْدُ هَذَا مِنْ هَذِهِ، وَأَعْطِي هَذِهِ مِنْ هَذَا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «لَا بُأْسَ أَنْ تَأْخُذَهَا بِسِعْرِ يَوْمَهَا مَا لَمْ تَتَفَرَّقَا وَبَيْتَكُمَا شَيْئًا». رَوَاهُ الْخَمْسَةُ، وَصَحَّحَهُ الْحَاكِمُ.

(٦٧١) وَعَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَنِ النَّجْشِ. مُتَقْعِدٌ عَلَيْهِ.

(٦٧٢) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ

Muzābana,^[1] and *Mukbābara*.^[2] He also forbade *Thunya*^[3] unless it was explicit (a known amount). [Reported by *Al-Kbamsa* excluding Ibn Mājah; At-Tirmidhi graded it *Sabib* (authentic)].

تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْمُحَاقَّةِ، وَالْمُرَابَّةِ، وَالْمُخَابَرَةِ، وَعَنِ الشَّيْءِ، إِلَّا أَنْ تُلَمَّ. رَوَاهُ الْخَسْنَةُ إِلَّا ابْنَ مَاجَةَ، وَصَحَّحَهُ التَّرمِذِيُّ.

673. Narrated Anas : Allāh's Messenger forbade *Mubāqala*, *Mukbādara*^[4], *Mulāmasa*^[5], *Munābadha*^[6] and *Muzābana*. [Reported by Al-Bukhāri].

(٦٧٣) وَعَنْ أَنَسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُحَاقَّةِ، وَالْمُخَاضَرَةِ، وَالْمُلَامِسَةِ، وَالْمُنَابَدَةِ، وَالْمُرَابَّةِ. رَوَاهُ الْبُخَارِيُّ.

674. Narrated Tawus^[7] from Ibn 'Abbās , Allāh's Messenger said, "Do not go out to meet riders (to conduct business with them),^[8] and a city-dweller must not sell for a man from

(٦٧٤) وَعَنْ طَاؤُوسٍ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا تَلَقُوا الرُّكْبَانَ، وَلَا يَبِغُ حَاضِرٌ لِيَادِهِ، قُلْتُ

like wheat.

[1] *Muzābana* (المزابة) is to exchange the fruit which is still on the tree with the dry fruit. This is not allowed.

[2] *Mukbābara* (المخابرة) is renting land for a half or a third of its produce. This transaction is allowed in principle and even the Prophet ﷺ practiced it with the Jews of Khaibar. But what this *Hadith* forbids is specifying the produce of a certain portion of the land belonging to the owner and the other portion to the tenant which involved a lot of conflicts between the land owners and the tenants when the crops of the owner's portion failed and the tenants produced or vice-versa. However, there is no harm if both parties agree to share the whole produce according to fixed percentages.

[3] *Thunya* (ثينا) is also a kind of trade in which a person sells the fruit of his garden still on trees for a certain price but on condition that he will keep some of its fruit. This is unlawful because 'some' is not a fixed measure and therefore evolves the unknown. However, if the condition specifies the amount to be withheld, it is allowed.

[4] The buying of an unripe crop, before it is ready to be reaped is *Mukbādara* (المخاضر).

[5] *Mulāmasa* (الملامسة) is a buy for pre-fixed price with closed eyes or in darkness just by the first touch of the hand. For instance, a man goes to a cloth merchant and proposes to him to buy a roll of cloth for a pre-fixed price. He agrees to buy it on the condition that he will close his eyes and will go to touch the rolls, then he will buy whichever roll he touches first. This kind of trade is prohibited.

[6] *Munābadha* (المنابدة) is to throw the roll of cloth in the dark to each other, and to accept whatever the catch is without seeing the goods.

[7] He is Abū 'Abdur-Rahmān Tawus bin Kisān Al-Farisi and a manumitted slave of Al-Himyar. His name was Dhakwān and Tawus was his nickname. He was a reliable virtuous *Fiqh* scholar and a *Tābi'i* of the third grade. He said, "I met 50 of the *Sabāba* alive." Ibn 'Abbās said, "I think Tawus will enter Paradise." And 'Amr bin Dīnār said, "I never saw anyone like him." He died in 106 H.

[8] Receiving the trade caravans outside the town, with the intention of buying their goods at a lower price, and keeping them unaware of the market price of their merchandise is

the desert." I asked Ibn 'Abbās ﷺ, "What did he mean by 'A city-dweller must not sell for a man from the desert.'" He replied, "He should not act as a broker for him." [Agreed upon and the wording is Al-Bukhāri's].

675. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "Do not go out to meet what is being brought (to market for sale). Whoever has done so and bought some of it, when its owner comes to the market he has the choice (of canceling the deal)." [Reported by Muslim].

676. Narrated (Abū Huraira) ﷺ: Allāh's Messenger ﷺ forbade, a city-dweller to sell for a man from the desert; one to bid against another (to raise the price);^[1] that someone sell (his product) by canceling the sale of his brother; to propose (marriage) to a woman after his brother has done so; or a woman to ask to have her sister divorced in order to deprive her of what belongs to her.^[2] [Agreed upon]. Muslim has: "A Muslim must not offer a price above that offered^[3] by another Muslim."

677. Narrated Abū Ayub Al-Ansārī ﷺ: I heard Allāh's Messenger ﷺ saying, "Whoever separates a mother from her

لأنّه عَبَسَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا: مَا قَوْلُهُ
لَهُمَا: لَا يَبْيَعُ حَاضِرٌ لِيَادِ؟ قَالَ: لَا يَكُونُ لَهُ
سِمْسَارًا. مُتَقْعِدٌ عَلَيْهِ وَاللَّقْطُ لِبُخَارِيٍّ.

(٦٧٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَلْقَوُ الْجَلَبَ،
فَمَنْ تُلْقِي فَأَشْرِيَ مِنْهُ، فَإِذَا أَتَى سَيِّدَهُ السُّوقَ
فَهُوَ بِالْخَيَارِ». رَوَاهُ مُسْلِمٌ.

(٦٧٦) وَعَنْهُ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى رَسُولُ
الله ﷺ أَنْ يَبْيَعَ حَاضِرٌ لِيَادِ، وَلَا تَنَاجِهُوا
وَلَا يَبْيَعُ الرَّجُلُ عَلَى بَيْعٍ أَخِيهِ، وَلَا يَخْطُبُ
عَلَى خَطْبَةِ أَخِيهِ، وَلَا تَسْأَلُ الْمَرْأَةَ طَلاقَ
أُخْتِهَا، لِتَكْفُأَ مَا فِي إِنَائِهَا. مُتَقْعِدٌ عَلَيْهِ،
وَلِمُسْلِمٍ: «لَا يَسْوُمُ الْمُسْلِمُ عَلَى سَوْمِ أَخِيهِ».

(٦٧٧) وَعَنْ أَبِي أَيُوبَ الْأَنصَارِيِّ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ:

prohibited. The caravans should be allowed to reach the trade center and know the rate of the market. Prior to this, buying and selling is prohibited. If somebody makes such a deal, and the seller comes to know that he has been tricked, he has the option to cancel the deal.

^[1] *Najsh* (الجش) has been explained before. Another explanation of the word is that if someone buys something from a shopkeeper, the other shopkeeper is not allowed to allure the buyer to buy from him instead by offering his goods at a lower price.

^[2] It is not allowed for a woman to cause hatred between a husband and wife, in order to cause a divorce between them, so that she may then marry that man. Similarly, it is also unlawful to marry one's daughter or sister or any other relation to a man by compelling him to divorce the first wife.

^[3] For example, someone is selling something for one riyal and the buyer has agreed to the price. It is not allowed for someone else to convince the seller not to sell his property for one riyal, by offering to pay him one and a quarter for that same thing. However, in an auction, bidding is allowed.

child, May Allāh separate him from his beloved ones on the Day of Resurrection.” [Reported by Ahmad, At-Tirmidhi and Al-Hākim graded it *Sabib* (authentic). However, its chain of narrators has some weakness. But, it has a supporting narration].

678. Narrated ‘Ali bin Abū Tālib : Allāh’s Messenger ﷺ commanded me to sell two youths who were brothers. I sold them and separated them (by selling them to different people). When I made mention of that to the Prophet ﷺ, he said, “Find them and get them back,^[1] and do not sell them except that they are together.” [Reported by Ahmad, and the narrators of his chain are reliable. Indeed Ibn Khuzaima, Ibn Al-Jārud, Ibn Hibbān, Al-Hākim, At-Tabarāni and Ibn Qattān graded it *Sabib* (authentic)].

679. Narrated Anas bin Mālik : When prices were high in Al-Madinah in the time of Allāh’s Messenger ﷺ, the people said, “O Allāh’s Messenger, prices have become high, so fix them for us”. Allāh’s Messenger ﷺ replied, “Allāh is the One Who fixes prices, Who withholds, gives lavishly and provides.^[2] And I hope that when I meet Allāh, the Most High, none of you will have any claim on me for an injustice regarding blood or property.” [Reported by *Al-Khamṣa* excluding An-Nasā’i; Ibn Hibbān graded it *Sabib* (authentic)].

680. Narrated Ma’mar bin ‘Abdullāh^[3]

(المنْ فَرَقَ بَيْنَ وَالدَّةِ وَوَلَدِهَا، فَرَقَ اللَّهُ بَيْنَ وَبَيْنَ أَحَبَّتِهِ يَوْمَ الْقِيَامَةِ». رَوَاهُ أَخْمَدُ، وَصَحَّحَهُ التَّرمِذِيُّ وَالحاكِمُ، لِكُنْ فِي إِشْتَادِهِ مَقْالٌ، وَلَهُ شَاهِدٌ).

(٦٧٨) وَعَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَمْرَنِي رَسُولُ اللَّهِ ﷺ أَنْ أَبْعَثَ غُلَامَيْنِ أَخْوَيْنِ، فَعَثَّهُمَا، فَرَفَقْتُ بَيْنَهُمَا، فَذَكَرْتُ ذَلِكَ لِلَّهِ تَعَالَى، فَقَالَ: «أَدْرِكُهُمَا فَارْجِعْهُمَا، وَلَا تَبْعَثْهُمَا إِلَّا جَمِيعًا». رَوَاهُ أَخْمَدُ، وَرِجَالُهُ يَقَاتُ، وَقَدْ صَحَّحَهُ ابْنُ حُرَيْمَةَ وَابْنُ الْجَارُودَ وَابْنُ حِبَّانَ وَالحاكِمُ وَالطَّبرَانيُّ وَابْنُ الطَّاغَانِ.

(٦٧٩) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: غَلَالِ السُّعْرُ فِي الْمَدِينَةِ عَلَى عَهْدِ رَسُولِ اللَّهِ فَقَالَ النَّاسُ: يَا رَسُولَ اللَّهِ! غَلَالِ السُّعْرُ، فَسَعَرْ لَنَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ هُوَ الْمُسَعِّرُ الْقَابِضُ الْبَاسِطُ الرَّازِقُ، وَإِنِّي لَا زُجُوْنَ أَنْ أَقْرَأَ اللَّهَ تَعَالَى وَلَيْسَ أَحَدٌ مِنْكُمْ يَطْلُبُنِي بِمَظْلَمَةٍ فِي دَمٍ وَلَا مَالٍ». رَوَاهُ الْخَمْسَةُ إِلَّا النَّسَائِيُّ، وَصَحَّحَهُ ابْنُ حِبَّانَ.

(٦٨٠) وَعَنْ مَعْمَرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ

^[1] The foregoing *Hadīth* indicates that creating separation is not permitted. This *Hadīth* makes it clear that if such business is conducted it stands cancelled.

^[2] This *Hadīth* indicates that controlling of price is prohibited because it causes loss to businessmen on one side, and on the other it creates a made-up famine. Bare necessities of life become scarce and many vices erupt from it.

^[3] Ma’mar bin ‘Abdullāh bin Nāfi’ bin Nadla bin Harthān Al-‘Adawi, who was the son of Abū Ma’mar, was a senior *Sababi* who had become a Muslim early and migrated to Abyssinia (Ethiopia). His migration to Al-Madinah was delayed, then he migrated to it and settled there.

680: Allāh's Messenger ﷺ said, "None withholds goods till the price rises^[1] but a sinner." [Reported by Muslim].

681 Narrated Abū Huraira : The Prophet ﷺ said, "Do not tie up the udders of camels and goats. He who buys them after that (has been done) has two choices open to him after milking them: he may keep them if he wishes, or may return them along with one Sā' of dates." [Agreed upon]. Muslim has: "He has three days^[2] in which to decide whether to keep them or not."^[3] Another narration by Muslim, which Al-Bukhārī reported as *Mu'llaq* (with a broken chain), has: "He must return with it one Sā' of any grain but wheat." [Al-Bukhārī said, "(One Sā' of dates" is mentioned in more narrations than not].

682. Narrated Ibn Mas'ud : If anyone buys a goat whose udder has been tied up and he returned it, he must return with it one Sā'. [Reported by Al-Bukhārī]. Al-Isma'ili added: "of dates."

683. Narrated Abū Huraira : Allāh's Messenger ﷺ once came upon a heap of grain, and when he put his hand inside it, his fingers felt some dampness. So, he asked, "What is this, O owner of the grain?" He replied, "Rain had fallen on it, O Allāh's Messenger." He said, "Why did you not

تَعَالَى عَنْهُ، عَنْ رَسُولِ اللَّهِ ﷺ، قَالَ: لَا يَحْتَكِرُ إِلَّا حَاطِئٌ». رَوَاهُ مُسْلِمٌ

(٦٨١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنْ النَّبِيِّ ﷺ، قَالَ: لَا تُصْرُوا الِيلَ وَالنَّهَنَ، فَمَنْ ابْتَاعَهَا بَعْدَ فَهُوَ بِخَيْرِ الظَّرَفِينَ بَعْدَ أَنْ يَحْلُبُهَا، إِنْ شَاءَ أَمْسَكَهَا، وَإِنْ شَاءَ رَدَهَا وَصَاعَاً مِنْ تَمْرٍ». مُنْقَعْ عَلَيْهِ، وَلِمُسْلِمٍ: «فَهُوَ بِالْجِيَارِ ثَلَاثَةَ أَيَّامٍ». وَفِي رِوَايَةِ لَهُ عَلَقَنَ الْبُخَارِيُّ: «وَرَدَ عَنْهَا صَاعًا مِنْ طَعَامٍ لَا سُمَّاءَ». قَالَ الْبُخَارِيُّ: وَالْتَّمْرُ أَنْتَمْ.

(٦٨٢) وَعَنْ أَبْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: مَنْ اشْتَرَى شَأْةً مُحَقَّلَةً فَرَدَهَا فَلَيْرَدَهَا صَاعًا. رَوَاهُ الْبُخَارِيُّ، وَرَدَادُ الْإِشْتَاعِيلِيُّ؛ «مِنْ تَمْرٍ».

(٦٨٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ ﷺ مَرَّ عَلَى صُبْرَةٍ مِنْ طَعَامٍ، فَأَذْخَلَ يَدَهُ فِيهَا، فَنَالَتْ أَصَابِعُهُ بَلَلًا، قَالَ: «مَا هَذَا؟ يَا صَاحِبَ الطَّعَامِ!» قَالَ: أَصَابَتْهُ السَّمَاءُ يَا رَسُولَ اللَّهِ! قَالَ: أَفَلَا جَعَلْتُهُ فَوْقَ الطَّعَامِ، كَيْنَيْ بَرَأَهُ التَّاسُ؟ مَنْ غَشَ فَلَيْسَ

^[1] *Ibtikār* (الاحتكار) means a planned hoarding of something for future profit. *Ibtikār* is prohibited and unlawful as it creates artificial scarcity of essential foodstuff.

^[2] In the mentioned *Hadīth*, three days have been prescribed because at least three days are required to assess the actual quantity of milk in the udder. Sometimes fodder and change of place is also a cause in increase of milk. If the milk is suspended in the udder for personal need and not for sale, it is permissible. In any case, suspension of milk in the udder harms the animal.

^[3] It means that if the buyer senses something wrong with the deal, he can return it within three days. If the purchase is a dairy cattle, it should be returned with a *Sā'* (2.6 kg) of any kind of grain, not particularly dates.

put it (the damp part) on the top of the foodstuff so that people might see it? Whoever cheats has nothing to do with me.”^[1] [Reported by Muslim].

مَنْ يَعْصِي اللَّهَ فَلَا يُنْهَىٰ . رَوَاهُ مُسْلِمٌ .

684. Narrated ‘Abdullāh bin Burāīda on his father’s authority ﷺ: Allāh’s Messenger ﷺ said, “Whoever hoards grapes in the vintage (harvest) season till he sells them to those who make wine from them, has hastily thrown himself into Hell-fire with clear knowledge.”^[2] [At-Tabarānī reported it in *Al-Awsat* with a *Hasan* (good) chain of narrators]

685. Narrated ‘Aishah ﷺ: Allāh’s Messenger ﷺ said, “Any profit goes to the one who bears responsibility.”^[3] [Reported by *Al-Khamṣa*. Al-Bukhārī and Abū Dā’ud graded it *Da’if* (weak). At-Tirmidhi, Ibn Khuzaīma, Ibn Al-Jārud, Ibn Hibbān, Al-Hākim and Ibn Al-Qattān graded it *Sabib* (authentic)].

686. Narrated ‘Urwa Al-Bāriqī^[4] ﷺ: The Prophet ﷺ gave him a Dinar to buy a sacrificial animal or a sheep. He bought two sheep with it, sold one of them for a Dinar and came back to him with a goat and a Dinar. So he invoked blessings on him in his business dealings,^[5] and he was such that if he had bought soil (of the earth) he would

(٦٨٤) وَعَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَنْ حَبَسَ الْوَتَبَ أَيَّامَ الْقَطَافِ، حَتَّىٰ يَبْعَثَهُ مَنْ يَتَحَذَّلُ خَفْرًا، فَقَدْ نَقَّحَ النَّارَ عَلَىٰ بَصِيرَةً». رَوَاهُ الطَّبرَانِيُّ فِي الْأُوْسَطِ يُشَارِدُ حَسْنَهُ .

(٦٨٥) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «الْخَرَاجُ بِالْأَصْمَانِ». رَوَاهُ الْحَمْسَةُ، وَصَحَّحَهُ الْبُخَارِيُّ وَأَبُو دَاوُدَ؛ وَصَحَّحَهُ التَّرْمِذِيُّ وَابْنُ حُزَيْمَةَ وَابْنُ الْجَارُودَ وَابْنُ جَيَّانَ وَالْحَاتِمِ وَابْنُ الْقَطَّانِ .

(٦٨٦) وَعَنْ عُرْوَةَ الْبَارِقِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ الَّتِي يَعْلَمُ أَغْطَاهُ دِينَارًا لِيُشَرِّيَ بِهِ أَصْحَاحَةً أَوْ شَاءَ، فَاشْتَرَى بِهِ شَائِئَنِ، فَبَاعَ إِحْدَاهُمَا بِدِينَارٍ، فَأَتَاهُ بِشَاقَّةً وَبِيَارِ، فَدَعَاهُ لَهُ بِالْبَرَكَةِ فِي بَيْعِهِ، فَكَانَ لَوْ اشْتَرَى تُرَابًا لَرَبِيعَ فِيهِ. رَوَاهُ الْحَمْسَةُ إِلَّا التَّسَائِيُّ، وَقَدْ أَخْرَجَهُ

^[1] It means that cheating is prohibited. This *Hadith* means that the act of cheating is not worthy of my people. “He behaved the way of infidels” does not mean that he is infidel.

^[2] It is prohibited to sell the grapes to an alcohol producer. Extending any kind of help or assistance to an evil cause is prohibited. The Qur’ān [5:2] orders us to help in good deeds and prohibits us from extending any kind of assistance to sinful and bad actions.

^[3] It means that till the return time (the time given to return the purchase if not needed) profit and loss goes to the buyer. Suppose the purchase is an animal, and it died within the period agreed for its return, then the loss goes to the buyer. In the same way, if the animal is sold again for a higher price, similarly, the profit will go to the buyer.

^[4] He is Ibn Ja’ad or Ibn Abū Ja’ad and it is said that his father was called ‘Iyād Al-Bāriqī, a sub-clan of the tribe of Azd who is Bāriq bin ‘Adi bin Hāritha . He was called Bāriq because he settled on a mountain called Bāriq. ‘Urwa was a *Sabābi* who served ‘Umar as the *Qadi* of Kufa, settling there and his *Abadīth* were narrated by the people of Kufa.

^[5] This *Hadith* makes clear four things:

have made a profit from it. [Reported by *Al-Kbamsa* except *An-Nasā'i*. *Al-Bukhāri* also recorded it within another *Hadīth* but did not report its exact wording. *At-Tirmidhi* reported a *Sbābid* (supporting narration of similar meaning) for it from the *Hadīth* of *Hakim bin Hizam*].

687. Narrated Abū Sa‘id Al-Khudri : The Prophet forbade buying what is in the wombs of domestic animals till they give birth; selling what is in their udders; buying a runaway slave; buying (something from) the spoils of war until they are divided; buying *Sadaqāt* before they are received; and the unknown catch (find) of a diver.^[1] [Ibn Mājah, Al-Bazzār and Ad-Dāraqutni reported it with a weak chain of narrators].

688. Narrated Ibn Mas‘ūd : Allāh’s Messenger said, “Do not buy the fish that is in the water, for it involves uncertainty (risk).” [Reported by Ahmad who indicated that the correct view is that it is *Mawqif* (saying of a Companion, i.e. Ibn Mas’ud)].

689. Narrated Ibn ‘Abbās : Allāh’s Messenger forbade the selling of a fruit till it becomes ripe, or the selling of fur which is (still) on the back (of an animal) or milk which is (still) in the

البخاري في ضمن حديث، ولم يشتمل لفظه، وأورده الترمذى له شاهداً من حديث حكيم بن جزام.

(٦٨٧) وَعَنْ أَبِي سَعِيدِ الْحُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ نَهَا عَنْ شِرَاءِ مَا فِي بُطُونِ الْأَنْعَامِ حَتَّى تَضَعَّ، وَعَنْ بَيْعِ مَا فِي ضُرُوعِهَا، وَعَنْ شِرَاءِ الْعَبْدِ وَهُوَ أَبْقَى، وَعَنْ شِرَاءِ الْمَعَانِيمِ حَتَّى تُقْسَمَ، وَعَنْ شِرَاءِ الصَّدَفَاتِ حَتَّى تَقْبَضَ، وَعَنْ ضَرْبَةِ الْغَائِصِ. رَوَاهُ ابْنُ مَاجَةَ وَالبَزَارُ وَالدَّارَقُطْنِيُّ بِإِشْنَادٍ ضَعِيفٍ.

(٦٨٨) وَعَنْ أَبِي مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا تَشْتَرُوا السَّمَكَ فِي الْمَاءِ، فَإِنَّهُ عَرَرٌ». رَوَاهُ أَخْمَدُ، وَأَشَارَ إِلَيْهِ أَنَّ الصَّرَابَ وَقْفَهُ.

(٦٨٩) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: نَهَا رَسُولُ اللَّهِ ﷺ أَنْ تَبَاعَ شَرْبَةٌ حَتَّى تُطْعَمَ، وَلَا يُبَاعُ صُوفٌ عَلَى ظَهِيرَةِ وَلَا لَيْلَةَ فِي ضَرْعٍ. رَوَاهُ الطَّبرَانِيُّ فِي الأَوْسَطِ

- i) That the attorney is empowered to operate the wealth of his trustee.
- ii) That with the consent and approval of another person his property and goods can be sold.
- iii) That it is permissible to sell a sacrificial animal and buy another in its place, but this trade should not be for the purpose of profit. If there is any profit in this business, it should be given in charity.
- iv) That kindness should be appreciated and rewarded.

^[1] Six kinds of prohibited trade have been mentioned in this *Hadīth* and the causes of their unlawfulness vary. These six kinds have been explicitly stated in *Abādīth*. The unlawfulness of the first two is unanimous, and they involve taking a risk. The third is unlawful because the return or whereabouts of the run away slave is not certain. The fourth is unlawful because it is not the property of the seller. The fifth is unlawful because it is not in possession, and the sixth is unlawful because there is no surety that the diver will get something or not. It also involves taking a risk.

udder.^[1] [Reported by At-Tabarāni in *Al-Awsat*. Ad-Dāraqutni also reported it. Abū Dā'ud reported in *Al-Marasil* as a saying of 'Ikrima, and that is the strongest opinion. He also reported it *Mawquf* (as a saying of a Companion, i.e.) Ibn 'Abbas with a strong chain of narrators, and Al-Baihaqi held it to the most correct narration].

690. Narrated Abū Huraira ﷺ: The Prophet ﷺ forbade the sale of what is in the womb of a she-camel, and the semen that is in the body of a male-camel.^[2] [Reported by Al-Bazzār and there is weakness in its *Isnād* (chain of narrators)].

691. Narrated (Abū Huraira) ﷺ: Allāh's Messenger ﷺ said, "Whoever accepts back what he had sold to a Muslim, Allāh will forgive his fault."^[3] [Reported by Abū Dā'ud and Ibn Mājah. Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic).]

Chapter 2 CONDITIONAL BARGAINS

٢ - باب الخيار

692. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ said, "Both parties in a business transaction have a right to annul the transaction,^[4] so long as

والدّارُ قُنْتَنِيُّ، وَأَخْرَجَهُ أَبُو دَاوُدَ فِي الْمَرَاسِلِ
لِيُعْكِرْمَةً، وَهُوَ الرَّاجِحُ، وَأَخْرَجَهُ أَيْضًا مَوْقُوفًا
عَلَى ابْنِ عَبَّاسٍ، يُإسْنَادُ قَوِيًّا. وَرَجَحَهُ
البيهقيُّ.

(٦٩٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ نَهَىٰ عَنْ بَعْضِ الْمَضَائِبِينَ
وَالْمَلَاقِعِ. رَوَاهُ الْبَزَّارُ، وَفِي إِسْنَادِهِ ضَعْفٌ.

(٦٩١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: مَنْ أَفَلَ مُسْلِمًا
بِعَتْهُ أَفَلَ اللَّهُ عَتَّهُ. رَوَاهُ أَبُو دَاوُدَ وَابْنُ
مَاجَةَ، وَصَحَّحَهُ ابْنُ جِبَانَ وَالْحَاكِمُ.

^[1] In this *Hadīth* three unlawful kinds of trade are mentioned. First is that the unripe fruit, still on trees should not be sold because there is a chance of their damage till they are ripe. The second point is that the trees are the property of the seller and their fruit is the property of the buyer. Their longtime partnership may not last long. The other two kinds are to sell the wool of a sheep or goat before it is shaved and the milk of an animal still in the udder. These are unlawful because the quantity of wool and milk is not known, so this is a sort of gambling (involving risks).

^[2] *Madāmīn* (المضائيب) means the offspring which is not yet born and are still in mother's womb. *Malāqib* (الملاقع) means the essence of life (sperm) which is still in father's spine.

^[3] If it is already agreed that the merchandise can be returned, then the buyer has full right to return it. However, if it is not agreed beforehand and the buyer wishes to return it, in this situation whoever takes back the merchandise Allāh will forgive his sins.

^[4] *Ikhbātīyār* or *Khiyār* (الاختيار أو الخيار) means to reserve the right of breach of contract. This is of many kinds:

they have not separated and remain together; or one of them gives the other the choice (to conclude or annul the transaction); so, if one of them gives the other the choice (to conclude or annul the transaction) and then they make the transaction accordingly, the transaction then becomes binding; or if they separate after having made the transaction and none of them has annulled it, the transaction then becomes binding.” [Agreed upon, and the wording is Muslim’s].

693. Narrated ‘Amr bin Shu‘aib on his father’s authority from his grandfather (أبيه): The Prophet ﷺ said, “The two parties (seller and buyer) in a business transaction have a choice (to annul it) until they separate (from one another), unless it is a transaction with the right to annul it attached to it; and it is not allowed for one to separate from the other for fear that he may cancel the deal.” [Reported by *Al-Khamṣa* except Ibn Mājah. Ad-Dāraqutni, Ibn Khuzaima and Ibn Al-Jarud also reported it]. Another narration has: “till they separate from their place (of transaction).”

694. Narrated Ibn ‘Umar رضي الله تعالى عنهما: A man^[1] told Allāh’s Messenger ﷺ that he was being deceived (cheated) in business transactions, and he replied, “When

وَكَانَا حَسِيباً، أَوْ يُخْرِجُ أَحَدُهُمَا الْآخَرَ، فَإِنْ خَيَرَ أَحَدُهُمَا الْآخَرَ فَتَبَيَّنَ عَلَى ذَلِكَ فَقَدْ وَجَبَ الْبَيْعُ، وَإِنْ تَفَرَّقاَ بَعْدَ أَنْ تَبَيَّنَا وَأَمْ بَيَّنُوا وَاحِدٌ مِنْهُمَا الْبَيْعُ فَقَدْ وَجَبَ الْبَيْعُ». مُتَّقِنٌ عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ.

(٦٩٣) وَعَنْ عَمْرِو بْنِ شَعْبَيْنَ، عَنْ أَبِيهِ عَنْ جَدِّهِ، أَنَّ النَّبِيَّ ﷺ قَالَ: «الْبَاعِثُ وَالْمَبَاعِثُ بِالْخَيَارِ حَتَّى يَتَفَرَّقَا، إِلَّا أَنْ تَكُونَ صَفْقَةً بِالْخَيَارِ، وَلَا يَجْعَلُ لَهُ أَنْ يُفَارَّهُ خَشْيَةً أَنْ يَسْتَقْبِلَهُ». رَوَاهُ الْخَسْنَةُ إِلَّا ابْنُ مَاجَهَ، وَرَوَاهُ الدَّارِقُطْنِيُّ وَابْنُ خُزَيْمَةَ وَابْنُ الْجَارُودَ، وَفِي رِوَايَةِ: «حَتَّى يَتَفَرَّقَا عَنْ مَكَانِهِمَا».

(٦٩٤) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: ذَكَرَ رَجُلٌ لِرَسُولِ اللَّهِ ﷺ أَنَّهُ يُخْدَعُ فِي الْبَيْعِ، فَقَالَ: «إِذَا بَأْيَنَتْ فَقْلًا: لَا

i) *Khiyār Majlis* (ختار المجلس): As long as buyer and seller are together, each of them has the right to reject or accept the deal.

ii) *Khiyār Shart* (ختار الشرط): Buyer and seller make it conditional that in a certain period, either side has the right to reject or accept it.

iii) *Khiyār ‘Aib* (ختار العيب): Buyer says that if merchandise is defective, he will return it.

iv) *Khiyār Ru'yat* (ختار الرؤية): Buyer accomplishes the deal conditionally that it will be effective after seeing the goods.

v) *Khiyār Ta'yin* (ختار التعيين): It means that the buyer is allowed to select his choice.

[1] His name was Habbān bin Munqadhdh. Due to an injury in the head, his memory was weakened and people usually deceived him in business, so the Prophet ﷺ taught him these words.

you make a purchase say, ‘Deceiving (cheating) is not allowed (i.e. he has the choice to return the goods if he wills)’” [Agreed upon].

حَلَالَةً». مُتَقَّنْ عَلَيْهِ.

Chapter 3 AR-RIBA (INTEREST)

695. Narrated Jābir : Allāh’s Messenger ﷺ cursed the one who accepts usury, the one who gives it, the one who records it and the two witnesses to it, saying, “They are all the same.”^[1] [Reported by Muslim]. Al-Bukhārī reported something similar from the *Hadīth* of Abū Juhaifa.

696. Narrated ‘Abdullāh bin Mas‘ūd : The Prophet ﷺ said, “Usury has seventy-three categories, the least one in sin is as that of a man who marries (has sexual relations with) his mother, and the very essence of usury is the (violation of the) honor of a Muslim man.” [Ibn Mājah reported it in a short form and Al-Hākim in a complete one. The latter also graded it *Sabib* (authentic)].

697. Narrated Abū Sa‘id Al-Khudri : The Prophet ﷺ said, “Do not sell gold for gold unless it is the same amount for the same amount, and do not make one amount greater than the other. Do not sell silver for silver unless it is the same amount for the same amount, and do not make one amount greater than the other. And do not sell that (cash money) which is not present (at the time of the transaction) for that (cash money) which is present.” [Agreed upon].

698. Narrated ‘Ubāda bin As-Sāmit : Allāh’s Messenger ﷺ said, “Gold is to

(٦٩٥) عَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: لَعْنَ رَسُولِ اللَّهِ أَكَلَ الرِّبَا وَمُوْكَلُهُ وَكَاتِبُهُ وَشَاهِدُهُ، وَقَالَ: هُمْ سَوَاءٌ. رَوَاهُ مُسْلِمٌ، وَلِبُلْبُخَارِيِّ تَحْوِيْهُ مِنْ حَدِيثٍ أَبِي جُحْفَةَ.

(٦٩٦) وَعَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنْ النَّبِيِّ قَالَ: «الرِّبَا ثَلَاثَةٌ وَسَبْعُونَ بَابًا، أَيْسَرُهَا مِثْلُ أَنْ يَكْتَبَ الرَّجُلُ أُمَّهُ، وَإِنَّ أَرْبَى الرِّبَا عَرْضُ الرَّجُلِ الْمُسْلِمِ». رَوَاهُ ابْنُ مَاجَةَ مُخْتَصِرًا، وَالْحَاكِمُ بِتَمَامِهِ، وَصَحَّحَهُ.

(٦٩٧) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ قَالَ: «لَا تَبْيَغُوا بِالذَّهَبِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تُشْفِقُو بَعْضَهَا عَلَى بَعْضٍ، وَلَا تَبْيَغُوا الْوَرْقَ بِالْوَرْقِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تُشْفِقُو بَعْضَهَا عَلَى بَعْضٍ، وَلَا تَبْيَغُوا مِنْهَا غَائِيَا بِنَاجِزٍ». مُتَقَّنْ عَلَيْهِ.

(٦٩٨) وَعَنْ عَبَادَةِ بْنِ الصَّامِتِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ: «الذَّهَبُ

^[1] Interest (usury) is unlawful according to clear and definite Verses of the noble Qur’ān. It is agreed upon that whoever gives the loan on interest, whoever receives it, whoever records it and whoever witnesses it, all are cursed.

be paid for with gold, silver with silver, wheat with wheat, barley with barley, dates with dates, and salt with salt, same quantity for same quantity and equal for equal, hand to hand [i.e. payment being made on the spot].^[1] If these classes differ, sell as you wish as long as payment is made on the spot.” [Reported by Muslim].

699. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “Gold is to be paid for with gold, both being of equal weight and of same quantities; silver is to be paid for with silver, both being of equal weight and of same quantities. If anyone gives more or asks for more of it, it is then usury.” [Reported by Muslim].

700. Narrated Abū Sa‘id Al-Khudri and Abū Huraira ﷺ: Allāh’s Messenger ﷺ appointed a man over Khaibar and he brought him dates of a very fine quality. Allāh’s Messenger ﷺ asked, “Are all the dates of Khaibar like this?” He replied, “I swear by Allāh that they are certainly not, O Allāh’s Messenger. We take one *Sā‘* of this kind for two, and even for three (of lesser quality). So Allāh’s Messenger ﷺ said, “Do not do so. Sell the mixed dates for Dirhams, then buy the very fine dates with the Dirhams.” And he said that the same applies when things are sold by weight. [Agreed upon]. Muslim has: “and so is (that which is sold by) weight.”

701. Narrated Jābir bin ‘Abdullāh ﷺ: Allāh’s Messenger ﷺ forbade selling a

بِالْذَّهَبِ، وَالْفَضَّةُ بِالْفَضَّةِ، وَالْبُرُّ بِالْبُرِّ،
وَالشَّعِيرُ بِالشَّعِيرِ، وَالسَّمُرُ بِالسَّمُرِ، وَالملحُ
بِالملحِ، مثلاً بِيُوشلٍ، سوأةٌ يسوأة، يدأٌ بيدي،
فَإِذَا اخْتَلَفَ هُنُو الأَضْنَافُ فَيَعْرُوا كَيْفَ شِئُوكُمْ
إِذَا كَانَ يَدَأٌ بِيَدٍ». رَوَاهُ مُسْلِمٌ.

(٦٩٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْذَّهَبُ بِالْذَّهَبِ
وَرَزْنَا بِرَزْنٍ، مثلاً بِيُوشلٍ، وَالْفَضَّةُ بِالْفَضَّةِ وَرَزْنَا
بِرَزْنٍ، مثلاً بِيُوشلٍ، فَمَنْ زَادَ أَوْ اسْتَرَادَ فَهُوَ
رِبًا». رَوَاهُ مُسْلِمٌ.

(٧٠٠) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ وَأَبِي هُرَيْرَةَ
رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ ﷺ
اسْتَعْمَلَ رَجُلًا عَلَى خَيْرٍ، فَجَاءَهُ يَتَمَرَّ جَنِيبٌ،
فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَكُلْ تَمَرٍ خَيْرٌ هَكُذا!»
فَقَالَ: لَا، وَاللَّهُ، يَا رَسُولَ اللَّهِ! إِنَّ لَنَا خَذْ
الصَّاعَ مِنْ هَذَا بِالصَّاعِينَ وَالثَّلَاثَةِ، فَقَالَ
رَسُولُ اللَّهِ ﷺ: «لَا تَفْعَلْ، بِعِ الْجَمْعِ
بِالْدَّرَاهِمِ، ثُمَّ ابْتَعْنَا بِالْدَّرَاهِمِ جَنِيبًا»، وَقَالَ فِي
الْمِيزَانَ مِثْلَ ذَلِكَ مُتَقْعِنٌ عَلَيْهِ، وَلِمُسْلِمٍ:
«وَكَذَلِكَ الْمِيزَانُ».

(٧٠١) وَعَنْ حَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ
تَعَالَى عَنْهُمَا قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَعْضِ

^[1] The items that the Prophet ﷺ has counted are: gold, silver, wheat, barley, dates and salt. There is no decrease or increase in the barter of these items. For example, a man has a good quality wheat and the other has an inferior quality. It is not permissible to exchange 20 kg. of good quality wheat with that of 30 kg. of inferior quality. If at all someone wishes to exchange the quality of his wheat with the other, he should sell this and buy the other quality with the money. Direct barter with increase or decrease is not allowed. Some religious scholars approve increase or decrease in the same kind other than these six items, but the four *Imāms* do not approve this exchange as long as they are of one kind.

quantity of dates whose measure was unknown for a specified (known) quantity of dates.^[1] [Reported by Muslim].

702. Narrated Ma'mar bin 'Abdullâh : I used to hear Allâh's Messenger ﷺ say, "Food (may be sold) for food, of same quantities." Our food at that time consisted of barley.^[2] [Reported by Muslim].

703. Narrated Fadâlâ bin 'Ubâid : I bought a necklace for twelve Dinars at the battle of Khaibar and it contained gold and gems. I considered them separately and found that it was worth more than twelve Dinars. I told the Prophet ﷺ about that and he said, "It must not be sold till the contents are considered separately."^[3] [Reported by Muslim].

704. Narrated Samura bin Jundub : The Prophet ﷺ forbade selling animals for animals when payment was to be made at a later date.^[4] [Reported by Al-Khamṣa] Ibn Al-Jârud and At-Tirmidhi graded it Sabib (authentic).

705. Narrated Ibn 'Umar : I heard Allâh's Messenger ﷺ say, "If you sell anything on credit to anyone, on the condition that you will buy it back for a lower price (Al-'Einab),^[5] take hold of

الصبرة من التمر لا يعلم مكيلها بالكتل
المسنّى من التمر. رواه مسلم.

(٧٠٢) وَعَنْ مَعْمِرْ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ إِنِّي كُنْتُ أَشْمَعُ رَسُولَ اللَّهِ يَقُولُ الْطَّعَامُ بِالطَّعَامِ مِثْلًا بِمِثْلٍ وَكَانَ طَعَامُنَا يَوْمَئِذٍ الشَّعْبَرُ . رَوَاهُ مُسْلِمٌ .

(٧٠٣) وَعَنْ فَضَالَةَ بْنِ عَبْدِ الرَّحْمَنِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ أَشْرَقْتُ يَوْمَ خَيْرٍ قِلَادَةً يَائِي عَشَرَ دِينَارًا فِيهَا ذَهَبٌ وَخَرَزٌ فَفَصَلْتُهَا فَرَجَدْتُ فِيهَا أَكْثَرَ مِنْ أَثْنَيْ عَشَرَ دِينَارًا فَذَكَرْتُ ذَلِكَ لِلشَّيْءِ يَقُولُ فَقَالَ لَا يَبْأُغْ حَتَّى تُفَصَّلَ . رَوَاهُ مُسْلِمٌ .

(٧٠٤) وَعَنْ سَمْرَةَ بْنِ جَنْدُبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ يَقُولُ نَهَى عَنْ بَيْعِ الْحَيَوانِ بِالْحَيَوانِ تَسْبِيَةً رَوَاهُ الْحَمْسَةُ وَصَحَّحَهُ التَّرْمِذِيُّ وَابْنُ الْجَارُودُ .

(٧٠٥) وَعَنْ إِنْدِ عَمَرْ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ سَمِعْتُ رَسُولَ اللَّهِ يَقُولُ إِذَا تَبَاعَتْ بِالْعِيَةِ وَأَخْدُمْتُ أَذَنَابَ الْبَقَرِ

^[1] It means that the commodities which are sold by measure and weight should be exchanged with exactness by measure and weight and not by guess only.

^[2] In another *Hadîth* it is stated that their food was wheat. Ma'mar wants to explain that barley and wheat are equal and should be treated as one foodstuff and in their exchange any increase or decrease is not correct. But other Companions of the Prophet ﷺ do not agree with it. As in the *Hadîth* reported by 'Ubâda bin Sâmit رضي الله عنه it is clearly told that wheat and barley are two different kinds.

^[3] This *Hadîth* is a proof that gold if mixed with other substances should not be sold unless it is separated from them, because it is not possible to estimate the weight of gold mixed with other substances.

^[4] It is permitted to sell one animal for two or vice versa, even if the animals are of the same class. But swapping of animals on credit is not allowed.

^[5] 'Einab (العنابة): An example of 'Einab is that a person asks someone to lend him a certain amount of money. He refuses the money in cash and instead offers him an article at a higher

the tails of cattle, become pleased with agriculture and give up *Jihād* – Allāh will make disgrace prevail over you and will not remove it from you till you return to your religion.” [Reported by Abū Dā’ud from the narration of Nafī^[1] on the authority of Ibn ‘Umar ﷺ, but there is a defect in its chain. Ahmad reported something similar from the narration of ‘Atā.^[2] Its narrators are reliable and Ibn Al-Qattān graded it *Sabib* (authentic)].

706. Narrated Abū Umāma ﷺ: The Prophet ﷺ said, “Whoever intercedes for his brother and that one gives him a gift for that (intercession) which he accepts, he has engaged in one of the most terrible types of *Riba* (undeserving increase is something).”^[3] [Reported by Ahmad and Abū Dā’ud, but one of its narrators’ reliability has been doubted].

707. Narrated ‘Abdullāh bin ‘Amr bin Al-

وَرَضِيْتُم بِالزَّرْعِ، وَتَرَكْتُمُ الْجِهَادَ، سَلَطَ اللَّهُ عَلَيْكُمْ دُلْأَ لَا يَنْرِعُهُ حَتَّى تَرْجِعُوهَا إِلَى دِينِكُمْ». رَوَاهُ أَبُو دَاوُدٍ مِنْ رَوَايَةِ نَافِعٍ عَنْهُ، وَفِي إِشْنَادِهِ مَقَالٌ، وَلَا حَمْدَ لِنَعْوَةٍ مِنْ رَوَايَةِ عَطَاءٍ، وَرِجَالَهُ ثَقَاتٌ، وَصَحَّحَهُ أَبْنُ الْقَطَّانِ.

(٧٠٦) وَعَنْ أَبِي أُمَّامَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ ﷺ، قَالَ: «مَنْ شَفَعَ لِأَخِيهِ شَفَاعَةً فَأَهْدَى لَهُ هَدِيَّةً عَلَيْهَا، فَقَبِلَهَا، فَقَدِنَّ أَنَّى بِابَا عَظِيمًا مِنْ أَبْنَابِ الرِّبَا». رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدٍ، وَفِي إِشْنَادِهِ مَقَالٌ.

(٧٠٧) وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو بْنِ العاصِ.

price than the amount of the requested loan. Then, he buys back the same article from him at a lower price i.e., equal to the amount of the requested loan. In this way he makes him indebted for the larger amount, which includes the amount of the requested loan in addition to the increase, which is in fact *Riba* (interest)... It shows that two things are the causes of Muslim’ disgrace – one is giving up of *Jihād* and the second is fraud and swindling.

^[1] He is Abū ‘Abdullāh Nafī’ bin Sirjis Al-Madani, the manumitted slave of Ibn ‘Umar whom he captured during one of the military expeditions. He was reliable and a prominent *Fiqh* scholar among the great *Tābi’īn* (student of a Companion). He narrated most of the *Abādīth* reported by Ibn ‘Umar . رَضِيَ اللَّهُ عَنْهُما . Ibn ‘Umar said, “Allāh has blessed us with Nafī’ ” Mālik also said, “I used not to bother about hearing a *Hadīth* from anyone else once I heard it from Nafī’ through Ibn ‘Umar.” Al-Bukhāri also said, “The most authentic chain of narrators is: Mālik from Nafī’ from Ibn ‘Umar (from Allāh’s Messenger).” Many people narrated *Abādīth* from Nafī’ and he died in the year 117 H. or after it.

^[2] It is most likely that he is ‘Atā’ Al-Khurāsāni and he was called Abū ‘Uthmān ‘Atā’ bin Abū Muslim Maisara, the manumitted slave of Al-Muhālāb bin Abū Sufra. He settled at Shām and was one of its eminent men. He was reliable and used to be regular in after midnight prayers. However he had a bad memory and committed many errors in his narrations. He died in 135 H. at the age of 85 years.

^[3] If the gift is given before intercession in addition to the intercession being for a forbidden deed, its unlawfulness is agreed upon, and it is not a gift but bribery. Making recommendation in the case of an evil, and accepting a gift afterwards also falls into the same category. If the recommendation is made for a righteous deed, and acceptance of the gift is afterwards, and it was not something promised before, it is permissible.

Aas ﷺ: Allāh's Messenger ﷺ cursed the one who bribes and the one who takes bribes.^[1] [Reported by Abū Dā'ud and At-Tirmidhi, who graded it *Sabib* (authentic)].

708. Narrated ('Abdullāh bin 'Amr bin Al-Aas) ﷺ: The Prophet ﷺ commanded him to equip an army. Then, when the camels were insufficient, he commanded him to keep back the young camels of *Sadaqa*. He said, "I was taking a camel to be replaced by two when the camels of *Sadaqa* came." [Reported by Al-Hākim and Al-Baihaqi; its narrators are reliable].

709. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ forbade *Al-Muzābana*, which means that a man sells the fruit of his garden, if it consists of palm-trees (fresh dates), for dried dates by measure; or if it consists of grapes (on the vines), for raisins by measure; or if it is unpicked crops, he sells it for a measured amount of picked crops. He forbade all that.^[2] [Agreed upon].

710. Narrated S'ad bin Abū Waqqās ﷺ: I heard Allāh's Messenger ﷺ being asked about buying fresh dates for dry ones. He replied, "Will fresh dates diminish when they become dry?" They answered, "Yes." So he forbade that. [Reported by *Al-Khamṣa* and graded *Sabib* (authentic) by Ibn Al-Madīni, At-Tirmidhi, Ibn Hibbān and Al-Hākim].

711. Narrated Ibn 'Umar ﷺ: The Prophet ﷺ forbade selling a debt to be paid at a future date for another i.e., a debt for a debt.^[3] [Reported by Ishaq

رضي الله تعالى عنهما، قال: لعن رسول الله ﷺ الرائي والمُرئي. رواه أبو داود والترمذني، وصححه.

(٧٠٨) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ ﷺ أَمْرَةً أَنْ يُجْهَزَ جَيْشًا، فَقَدِّمَ إِلَيْهِ فَأَتَرَهُ أَنْ يَأْخُذَ عَلَى قَلَائِصِ الصَّدَقَةِ، قَالَ: فَكُثُرْتُ أَخْذُ الْبَيْعِ بِالْعِيرَيْنِ إِلَى إِلَيْهِ الصَّدَقَةِ. رَوَاهُ الْحَاكُمُ وَالْبَهِيقِيُّ، وَرِجَالُهُ ثَقَاتٌ.

(٧٠٩) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: نَهَى رَسُولُ اللهِ ﷺ عَنِ الْمَرَابِبِ: أَنْ يَبْيَعَ تَمَرَ حَاطِلَةً إِنْ كَانَ تَحْلَلَ بِتَمِّرٍ كَيْلًا، وَإِنْ كَانَ كَرْمًا أَنْ يَبْيَعَ بِزَبِيبٍ كَيْلًا، وَإِنْ كَانَ زَرْعاً أَنْ يَبْيَعَ بِكَيْنَلَ طَعَامًا، نَهَى عَنْ ذَلِكَ كُلُّهُ. مُتَقَوِّلٌ عَلَيْهِ.

(٧١٠) وَعَنْ سَعْدِ بْنِ أَبِي وَفَاصِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ، وَسَلَّلَ عَنِ اشْتِرَاءِ الرُّطْبِ بِالثَّمَرِ، فَقَالَ: «أَيْنَقْصُ الرُّطْبَ إِذَا بَيْسٌ؟» قَالُوا: نَعَمْ، فَنَهَى عَنِ ذَلِكَ. رَوَاهُ الْحَمْسَةُ، وَصَحَّحَهُ ابْنُ الْمَدِينَيْنِ وَالْتَّرمذِيُّ وَابْنُ حَبَّانَ وَالْحَاكُمُ.

(٧١١) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ بَيْعِ الْكَالِيَّ بِالْكَالِيَّ، يَعْنِي الدَّيْنَ بِالْدَّيْنِ. رَوَاهُ إِسْحَاقُ

[١] Whoever accepts bribery is cursed. He who is compelled to offer bribery for his genuine and legitimate right, may Allāh forgive him. But, if the bribery is offered to deprive someone from his right, it is a cause to invoke the curse of Allāh.

[٢] This is because it involves selling something in an unknown amount for a known amount. Therefore, this kind of trade is prohibited.

[٣] It has two forms: (1) for example, 'Ali buys a horse from Bakr for one hundred Dirhams and makes a promise to make the payment after one year, but after the lapse of a year, he is

and Al-Bazzār with a *Da'if* (weak) chain].

والبازار ياشناد ضعيف.

Chapter 4

PERMISSION REGARDING THE SALE OF AL-'ARAYA AND THE SALE OF TREES^[1] AND FRUITS

712. Narrated Zaid bin Thābit : Allāh's Messenger gave permission^[2] regarding *Al-Arāya*^[3] for its sale on the basis of a calculation (of what the dates would be when dry) by measure. [Agreed upon].

Muslim has: "He gave permission regarding *Al-Arāya* (for its sale) in which the household buys its fruit on the basis of a calculation (of what the dates would be when dry), yet they could eat them fresh (from the tree)."

713. Narrated Abū Huraira : Allāh's Messenger gave permission regarding the sale of *Al-Arāya*, on the basis of calculation of their amount, for dry dates, on the condition that they be less than five *Awsuq*, or amounting to five *Awsuq*.^[4] [Agreed upon].

٤ - باب الرخصة في العرايا، وبين
الأصول والثمار

(٧١٢) عن زيد بن ثابت رضي الله تعالى عنه: أن رسول الله صلى الله عليه وسلم رخص في العرايا أن تباع بخرصها كيلاً. متفق عليه.

ولمسلم: رخص في العرايا يأخذها أهل البيت بخرصها تمرة، يأكلونها رطباً.

(٧١٣) وعن أبي هريرة رضي الله تعالى عنه، أن رسول الله صلى الله عليه وسلم رخص في بيع العرايا بخرصها من التمر فيما دون خمسة أو سق، أو في خمسة أو سق. متفق عليه.

not able to make the payment. He goes to Bakr and asks him to sell the horse again at a higher price. It means 'Ali is paying interest for not making the payment in time. (2) The second form is as explained in the following example: Suppose 'Umar owes ten Dirhams to Zaid, and he also owes a piece of cloth to Bakr. Bakr says to Zaid, "I will sell you the piece of cloth owed to me by 'Umar, for the ten Dirhams owed to you by 'Umar." So, 'Umar gives the cloth to Zaid instead of Bakr, and he gives the ten Dirhams to Bakr instead of Zaid. This type of transaction is prohibited.

[¹] The Arabic word *Usūl* (الأصول) is plural of *Asl* (الأصل) and it means root. Because the roots are the origin of trees, therefore, *Bai' al-Usūl* (بيع الأصول) means the trade of trees.

[²] The literal meaning or verbal sense of the Arabic word *Rukhsat* (الرخصة) is 'leave or permission' but as a term in *Shari'a*, it means legal permission to act against the prohibition or obligatory orders of *Shari'a* due to some genuine excuse or dire need.

[³] (Plural of 'Arāya) It is a palm tree assigned by its owner to a person in need. He may eat the fresh dates from the tree, or sell them for dry dates of the same amount (by estimation).

[⁴] Measure of five *Awsuq* (plural of *Wasq*) (الوسق) is a little more than eight quintals or three hundred *Sa'*, which is approximately 650 Kilograms. If there is a need, taking less than this quantity by estimation is permitted. This grace is bestowed for the general need of the people.

714. Narrated Ibn 'Umar ﷺ : Allāh's Messenger ﷺ forbade the sale of fruits till they appear to ripe, forbidding it both to the seller and to the buyer. [Agreed upon].

(٧١٤) وَعَنْ أَبْنَرْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيعِ التَّمَارِ حَتَّى يَنْدُو صَلَاحُهَا، نَهَى الْبَايْعَ وَالْمُبَاعَ. مُتَقَرَّ عَلَيْهِ.

A narration has: "When he was asked about (the words): 'appear to ripe'?" He ﷺ replied, "Till they were safe^[1] from damage or disease."

وَفِي رِوَايَةٍ: وَكَانَ إِذَا سُئِلَ عَنْ صَلَاحِهَا، قَالَ: حَتَّى تَهَبَ عَاهَهَا.

715. Narrated Anas bin Mālik ﷺ : The Prophet ﷺ forbade the sale of fruits till they become colourful. He was asked what that meant, he replied, "Till they become reddish and yellowish." [Agreed upon and the wording is Al-Bukhāri's].

(٧١٥) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيعِ التَّمَارِ حَتَّى تُزْهَرِي، قَيْلَ: وَمَا زَهُورُهَا؟ قَالَ: «تَحْمَارُ وَتَضَفَّارٌ». مُتَقَرَّ عَلَيْهِ، وَاللَّفْظُ لِبَخَارِي.

716. Narrated (Anas bin Mālik) ﷺ : The Prophet ﷺ forbade the sale of grapes till they become black (i.e. ripe) and the sale of grain till it becomes hard (i.e. ripe).^[2] [Reported by Al-Khamsa except An-Nasā'i and graded *Sahih* (authentic) by Ibn Hibbān and Al-Hākim].

(٧١٦) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنْ بَيعِ العَنْبَرِ حَتَّى يَسْوَدَ، وَعَنْ بَيعِ الْحَبَّ حَتَّى يَشْتَدَّ. رَوَاهُ الْخَمْسَةُ إِلَّا النَّسَائِيُّ، وَصَحَّحَهُ أَبْنُ حِبَّانَ وَالْحَاكِمُ.

717. Narrated Jābir bin 'Abdullāh ﷺ : Allāh's Messenger ﷺ said, "If you sell some fruit to your brother and it was struck by blight, it would not be lawful for you to take anything from him."^[3] How can you take your brother's money unjustly?" [Reported by Muslim]. In another narration he has: "The Prophet ﷺ commanded that unforeseen loss be remitted^[4] in

(٧١٧) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَوْ يُعْتَدُ مِنْ أَخِيكَ تَمَراً، فَأَصَابَتْهُ جَائِحَةٌ، فَلَا يَجْحُلُ لَكَ أَنْ تَأْخُذَ مِنْهُ شَيْئًا، إِيمَانًا بِمَا أَخِيكَ يَعْنِيرُ حَقًّا» رَوَاهُ مُسْلِمٌ وَفِي رِوَايَةِ اللَّهِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَمْرَ بِوَضْعِ الْجَوَائزِ.

^[1] The Arabic word '*Abat* (عَاهَة)

means a 'sudden calamity'. This type of deal is prohibited because unripe fruit is useless, and before it is ripe and usable, a sudden calamity may fall it and destroy it. Due to this possibility of loss, it has been prohibited.

^[2] It means that when the grain is ripe in the spike, it is permitted to sell the crop, but only a needful measure and not more. Otherwise, the rule is to sell the grains after thrashing and cleaning.

^[3] If the yield is still on the trees and a calamity strikes, the owner of the trees has to endure the loss. But if the stroke comes after picking the fruit, the buyer has to bear the loss.

^[4] The Arabic expression *Wad' al-Jawa'ib* (وضع الجوايج) means even after picking the yield, if

respect of what is affected by blight.”

718. Narrated Ibn ‘Umar ﷺ: The Prophet ﷺ said, “If anyone buys a palm tree after it has been pollinated, the fruits belong to the seller who has sold them unless the buyer makes a condition.” [Agreed upon].

Chapter 5 PAYMENT IN ADVANCE,^[1] A LOAN AND A PLEDGE

719. Narrated Ibn ‘Abbās ﷺ: When the Prophet ﷺ came to Al-Madīnah, they were paying one and two years in advance for fruits. So he ﷺ said, “Those who paid in advance for fruits must do so for a specified measurement and weight, and for a specified time.” [Agreed upon]. Al-Bukhāri has: “Those who pay in advance for anything.”

720. Narrated ‘Abdur-Rahmān bin Abza^[2] and ‘Abdullāh bin Abū Aufa ﷺ “We were getting a portion of the spoils of war along with Allāh’s Messenger ﷺ, and some Nabateans (Arabs who mixed with non-Arabs and corrupted their language and lineage) from those of Syria used to come to us and we would pay in advance to them for wheat, barley and raisins – A narration has: ‘and olive oil’ – for a specified fixed time.” It was asked, “Did they have standing crop?” They replied, “We were not asking them about that.^[3]” [Reported by Al-Bukhāri].

there is a loss, the owner should be considerate and give some rebate to his customer.

^[1] *Salam* (السلم) means to buy a produce by making the payment in advance. For example, someone gives a certain amount of money to another person and says that he will have the produce after such a period on such and such price. This is permitted provided the exact amount and price is decided beforehand. This is also known as *Bai’ As-Salaf* (بيع السلف).

^[2] ‘Abdur-Rahmān bin Abza, the manumitted slave of Banu Khuzā’ah was a young *Sabābi* who met the Prophet ﷺ and prayed behind him. He settled at Kufa and ‘Ali bin Abū Talib appointed him to govern Khurasān. He died at Kufa.

^[3] This *Hadīth* makes it clear that *Bai’ As-Salam* (بيع السلام) is legal even if the crop or kind is

(٧١٨) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنْ النَّبِيِّ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ قَالَ: «مِنْ ابْتَاعَ نَخْلًا بَعْدَ أَنْ تُؤَبَّرَ، فَمَنْرُتُهَا لِلْبَاعِثِ الَّذِي بَاعَهَا، إِلَّا أَنْ يَشْرِطَ الْمُبَاعُ». مُفْقُعٌ عَلَيْهِ.

٥ - أَبْوَابُ السَّلْمِ وَالْقَرْضِ وَالرَّهْنِ

(٧١٩) عَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَوِيمُ النَّبِيِّ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَاٰلِهٖ وَسَلَّمَ يُسْلِئُونَ فِي الشَّمَارِ السَّنَةِ وَالسَّيْنَةِ، فَقَالَ: «مَنْ أَسْلَفَ فِي تَمَرٍ فَلَيُسْلِيفَ فِي كَيْلٍ مَعْلُومٍ وَوَزْنٍ مَعْلُومٍ إِلَى أَجْلٍ مَعْلُومٍ». مُفْقُعٌ عَلَيْهِ، وَلِبُخَارِيٍّ: «مَنْ أَسْلَفَ فِي شَيْءٍ».

(٧٢٠) وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبْرَزِيِّ، وَعَبْدِاللَّهِ بْنِ أَبْرَزِيِّ أُوفِيَ أُوفِيَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَا: كُنَّا نُصِيبُ الْمَعَانِيمَ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَكَانَ يَأْتِينَا أَبْنَاطُ مِنْ أَبْنَاطِ الشَّامِ، فَنَسْلِهِمْ فِي الْحُجَّةِ وَالشَّعِيرِ وَالرَّبِيبِ، - وَفِي رِوَايَةِ «وَالزَّيْتِ» - إِلَى أَجْلٍ مَسْمَى، قَيلَ: أَكَانَ لَهُمْ زَرْعٌ؟ قَالَا: مَا كُنَّا نَسْأَلُهُمْ عَنْ ذَلِكَ. رَوَاهُ البُخَارِيُّ.

721. Narrated Abū Huraira ﷺ: The Prophet ﷺ said, "Whoever accepts other people's wealth intending to pay it back, Allāh will pay it back for him. And whoever anyone accepts it intending to waste it, Allāh, the Most High, will waste (destroy) him." [Reported by Al-Bukhārī].

722. Narrated ‘Aisha ﷺ: I said, "O Messenger of Allāh, so-and-so has brought clothes from Syria. What if you sent someone to him, and you get from him two garments on credit^[1] till it is easy for you to repay?" So he sent someone to him, but he refused. [Al-Hākim and Al-Baihaqi reported it, and its narrators are reliable].

723. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said: "An animal may be ridden, due to what is spent on it,^[2] when it is in pledge;^[3] and the milk of a camel may be drunk, due to what is spent on it, when it is in pledge. And the responsibility of spending on it is upon the one who rides (it) and drinks (its milk)." [Reported by Al-Bukhārī]."

724. Narrated (Abū Huraira) ﷺ: Allāh's Messenger ﷺ said: "A pledge does not become lost to its owner when he does not redeem it in time. Any increase in its value goes to him and any loss must be borne by him."^[4] [Reported by Ad-Dāraqutni and Al-Hākim. Its narrators

not present at the time of the deal. The only condition is that the yield should be ready well in time.

^[1] It means that to buy a thing on credit is permissible. The cloth merchant was a Jew and had enmity for the Prophet ﷺ, therefore he refused.

^[2] It means that if somebody mortgages his horse or cow against a loan, there are two aspects of its interpretation. Either the debtor will feed his cow or horse and will get the benefit or the creditor will feed the cow or horse and will get the benefit. Whoever feeds the animal deserves the benefit. The *Hadīth* confirms the second view.

^[3] According to *Shari'a*, *Rahn* (رهن) means mortgage, i.e. to give some property or belonging to a creditor as a security for payment of a loan or debt.

^[4] It means that mortgagee is not the owner of pledged possessions. He merely holds it in his possession. If the pledged possession is destroyed or died, the mortgagee is not

(٧٢١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَخْذَ أَمْوَالَ النَّاسِ بِرِيْدٍ أَدَاءَهَا أَدَى اللَّهُ عَنْهُ، وَمَنْ أَخْذَهَا بِرِيْدٍ إِثْلَاقَهَا أَنْلَقَهُ اللَّهُ تَعَالَى». رَوَاهُ الْبُخَارِيُّ.

(٧٢٢) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قُلْتُ يَا رَسُولَ اللَّهِ! إِنَّ فُلَانًا قَدِيمًا لَهُ بِرٌّ مِنَ الشَّامِ، فَلَوْ بَعْثَتْ إِلَيْنِي، فَأَخْذَتْهُ مِنْهُ تَؤْتِيَنِي بِسَيِّئَةً إِلَى مَيْسَرَةٍ، فَأَرْسَلَ إِلَيْهِ، فَأَمْتَنَعَ. أَخْرَجَهُ الْحَاكِمُ وَالْبَيْهَقِيُّ، وَرِجَالُهُ ثَقَاتٌ.

(٧٢٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الظَّهْرُ يَرْكَبُ بِنَفْقَتِهِ إِذَا كَانَ مَرْهُونًا، وَلَيْلُ الدَّرَّ يَشْرُبُ بِنَفْقَتِهِ إِذَا كَانَ مَرْهُونًا، وَعَلَى الَّذِي يَرْكَبُ وَيَشْرُبُ النَّفَقَةَ». رَوَاهُ الْبُخَارِيُّ.

(٧٢٤) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَلْعَنُ الرَّهْنُ مِنْ صَاحِبِهِ الَّذِي رَهَنَهُ، لَهُ عُنْمَةٌ وَعَلَيْهِ غُرْمَهُ». رَوَاهُ الدَّارَقُطْنِيُّ وَالْحَاكِمُ، وَرِجَالُهُ ثَقَاتٌ، إِلَّا أَنَّ الْمَحْفُوظَ عِنْدَ أَبِي دَاوُدَ وَغَيْرِهِ إِرْسَالُهُ.

are reliable. However, the strongest opinion is that it is *Mursal* (missing link in the chain after the *Tābi'i*) as reported by Abū Dā'ud and others].

725. Narrated Abū Rāfi': The Prophet ﷺ borrowed a young camel from a man. So, when some *Sadaqa* camels came to him he ordered Abū Rāfi' (ﷺ) to re-pay the man his young camel. He told him (ﷺ), "I can only find an excellent camel in its seventh year." He said, "Give it to him, for the best of people is he who discharges his debt in the best manner."^[1] [Reported by Muslim].

726. Narrated 'Ali ﷺ: Allāh's Messenger ﷺ said, "Every loan, which leads to a benefit, is usury." [Al-Hārith bin Abū Usama reported it, but its chain of narrators is *Saaqit* (containing an extremely weak narrator)].

The aforesaid *Hadīth* has a weak supporting narration, on the authority of Fadālā bin 'Ubaid ﷺ reported by Al-Baihaqi. It also has another *Mawqūf* (saying of a Companion) narration from 'Abdullāh bin Salām ﷺ reported by Al-Bukhāri.

Chapter 6 BANKRUPTCY AND SEIZURE

727. Narrated Abū Bakr bin Abdur-Rahmān^[2] on the authority of Abū

responsible for that. Similarly, if there is any addition in the pledged possession, he is not the owner of it. Loss and profit, whatever it is, goes to the owner (i.e., mortgager) and not to the mortgagee.

[1] If the debtor gives some profit or something else with the principal money on his own, it is lawful for the creditor to take it. However, if the creditor makes it a condition to return the credit with something additional, it would be regarded as interest and it is unlawful. Returning something better is permissible and lawful for the creditor but if it is made as a compulsory condition to return something better, it is prohibited as it is interest on the principal money.

[2] He is Abū Bakr bin 'Abdur-Rahmān bin Al-Hārith bin Hishām bin Al-Mughira Al-Makhzumi

(٧٢٥) وَعَنْ أَبِي رَافِعٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ ﷺ اسْتَشْلَفَ مِنْ رَجُلٍ بَكْرًا، فَقَيَّمَتْ عَلَيْهِ بَلْ مِنْ إِيلٍ الصَّدَقَةَ، فَأَمَرَ أَبَا رَافِعٍ أَنْ يُغْنِي الرَّجُلَ بَكْرًا، فَقَالَ: «لَا أَجِدُ إِلَّا خَيَارًا رَبَاعِيًّا»، قَالَ: «أَعْطِهِ إِيَّاهُ، فَإِنَّ خَيَارَ التَّاسِرِ أَخْسَسُهُمْ قَضَاءً». رَوَاهُ مُسْلِمٌ.

(٧٢٦) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلُّ قَرْضٍ جَرَّ مُنْقَعَةً فَهُوَ رِبَا». رَوَاهُ الْحَارِثُ بْنُ أَبِي أَسَمَّةَ، وَإِشَادَةً سَاقِطًّا.

وَلَهُ شَاهِدٌ ضَعِيفٌ عَنْ فَضَالَةَ بْنِ عَبْدِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عِنْدَ الْبَيْهِقِيِّ، وَآخَرُ مُؤْفُوفٌ عَنْ عَبْدِ اللَّهِ بْنِ سَلَامٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عِنْدَ الْبَخَارِيِّ.

٦ - بَابُ التَّقْلِيسِ وَالْحَجْرِ

(٧٢٧) عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَوْءَانَا

Huraira رضي الله عنه said: "We heard Allāh's Messenger ﷺ say, "If a creditor finds his very property with a debtor who becomes bankrupt, he is more entitled to it^[1] than anyone else." [Agreed upon].

Abū Dā'ud and Mālik reported the aforesaid *Hadīth* from the narration of Abū Bakr bin Abdur-Rahmān, as *Mursal* (broken chain after the *Tābi'i*), with this wording: "If anyone sells some goods (on credit) and the one who buys them becomes bankrupt, and the seller does not recover any of the price of his goods, and he then finds his very goods (with him), he is more entitled to them (than anyone else). However, if the buyer dies, the owner of the goods finds his actual goods he has most right to them." [Al-Baihaqi reported it with a full chain of narrators but graded it weak, following Abū Dā'ud].

Abū Dā'ud and Ibn Mājah reported the aforesaid *Hadīth* from the narration of 'Umar bin Khalda^[2] which has: "We went to Abū Huraira رضي الله عنه regarding a friend of ours who was bankrupt. He said, 'I shall certainly pronounce judgement about him in accordance with the judgement of Allāh's Messenger ﷺ. Whoever becomes bankrupt or dies, and a person finds his actual goods [remaining with that man], he has most right to them.' "^[3] [Al-Hākim graded it

رسول الله ﷺ يقول: «مَنْ أَذْرَكَ مَالَهُ بِعِينِهِ عَنْ رَجُلٍ قَدْ أَفْلَسَ فَهُوَ أَحَقُّ بِهِ مِنْ غَيْرِهِ». مُتَعَقِّدٌ عَلَيْهِ.

ورواه أبو داود ومالك من رواية أبي بكر بن عبد الرحمن موسلاً، يلقط: «أئمَا رجلٌ باع مَتَاعًا، فَأَفْلَسَ الَّذِي ابْتَاعَهُ، وَلَمْ يَقْضِ الَّذِي بَاعَهُ مِنْ ثَمَنِهِ شَيْئًا، فَوَجَدَ مَتَاعَهُ بِعِينِهِ، فَهُوَ أَحَقُّ بِهِ، وَإِنْ ماتَ الْمُشْتَري فَصَاحِبُ الْمَتَاعُ أَسْوَةُ الْغَرَماءِ». وَوَصَّلَهُ الْبَهْيَقِيُّ. وَضَعَفَتْ تَبَعًا لأبي داود.

ورواه أبو داود وابن ماجه من رواية عمر بن خلدة، قال: أتينا أبا هريرة رضي الله تعالى عنه في صاحب لئن قد أفلس، فقال: لا يضر فيكم يقضاء رسول الله ﷺ: من أفلس أو مات، فوجد رجل متاعه بعينيه فهو أحق به. وصحيح الحاكم، وضعفت أبو داود، وصفت أيضاً هذه الزيادة في ذكر المؤت.

Al-Madani, the *Qadi* of Al-Madinah. It is said that his name was Muhammad, Al-Mughira or Abū Bakr, and was nicknamed Abū 'Abdur-Rahmān. It is also said that his name and nickname were the same. He was reliable, knowledgeable and pious. He was a *Tābi'i* of the third generation and died during the caliphate of Al-Walid bin 'Abdul Mālik.

^[1] It means that the seller has the right to cancel the deal and take back his goods, if the buyer becomes bankrupt.

^[2] He is Abū Hafs Al-Ansāri Al-Madāni Al-Qadi. He was a respectable, strict, pious and reliable man. Abū Huraira and then Rabi'a Ar-Rāyi narrated from him. It was said that Khalda was his grandfather and his father's name was 'Abdur-Rahmān.

^[3] If the buyer becomes bankrupt after making a partial payment of a certain purchase, then the seller has not right over the price of the rest of the purchase. He will get his share

Sabib (authentic); Abū Dā'ud graded it *Da'iif* (weak). He also considered this addition regarding the mention of 'death' to be weak].

728. Narrated 'Amr bin Ash-Sharīd^[1] on the authority of his father^[2]: Allāh's Messenger ﷺ said, "Delay in payment on the part of one who possesses the means, makes it lawful to dishonor and punish him."^[3] [Abū Dā'ud and An-Nasā'i reported it. Al-Bukhāri reported it as *Mu'allaq* (broken chain from the side of the *Hadith* collector), and Ibn Hibbān graded it *Sabib* (authentic)].

729. Narrated Abū Sa'id Al-Khudri : In the time of Allāh's Messenger ﷺ a man suffered loss affecting fruits he had bought, owed a large debt and became bankrupt. So, Allāh's Messenger ﷺ said to the people, "Give him *Sadaqa* (charity)." Hence, the people gave him charity. However, that was not enough to repay his debt in full. Therefore, Allāh's Messenger ﷺ said to the creditors, "Take whatever you find,^[4] and you will have nothing other than that." [Reported by Muslim].

730. Narrated Ibn Ka'b^[5] bin Mālik : (٧٣٠)

according to proportionate division among all of his creditors. In case of death of the debtor, all creditors get proportionate share without any distinction whether who's commodities are sold and who's are unsold.

^[1] He is Abul-Walid 'Amr bin Ash-Sharid bin Suwaid Ath-Thaqafi At-Tā'i. He was a reliable *Tābi'i* of the third generation.

^[2] He is Sharid bin Suwaid Ath-Thaqafi. His name was Mālik, but Allāh's Messenger ﷺ renamed him Sharid (the runaway), because he killed one of his clansmen, ran away to Makkah and became a Muslim. It is said that he was from Hadramout, but was counted as a member of Banu Thaqif or the people of Tā'i.

^[3] If a debtor having the means to pay the debt does not pay it intentionally, then the creditor has all the rights to disgrace him in the public and drag him to court for punishment.

^[4] The Prophet ﷺ said that this is all that there is. So, he asked the creditors to divide his belongings among themselves proportionately.

^[5] Abū Al-Khattāb 'Abdur-Rahmān bin Ka'b bin Mālik Al-Ansāri Al-Madani was reliable and among the great *Tābi'in*. It is said that he was born during the lifetime of the Prophet ﷺ and died during the caliphate of Sulaimān bin 'Abdul-Malik.

(٧٢٨) وَعَنْ عَمْرُو بْنِ الْشَّرِيدِ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّ الْوَاجِدِ يُحْلِ عِزْضَهُ وَعَقْوبَتَهُ». رَوَاهُ أَبُو دَاوُدَ وَالسَّائِئُ، وَعَلَقَةُ الْبَخَارِيِّ، وَصَحَّحَهُ ابْنُ جَيَّانَ.

(٧٢٩) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: أَصِيبَ رَجُلٌ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فِي ثَمَارٍ ابْتَاعَهَا، فَكَثُرَ ذِيَّهُ، فَأَفْلَسَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «تَصَدَّقُوا عَلَيْهِ»، فَتَصَدَّقَ التَّأْسِيُّ عَلَيْهِ، وَلَمْ يَلْعَظْ ذَلِكَ وَفَاءَ ذِيَّهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِغُرْمَائِهِ: «خُذُوهُ مَا وَجَدْتُمْ، وَلَا يَسِّنَ لَكُمْ إِلَّا ذَلِكَ». رَوَاهُ مُسْلِمٌ.

on the authority of his father^[1]: Allāh's Messenger ﷺ seized the wealth of Mu'ādh and sold it in return for a debt he was indebted for. [Ad-Dāraqutni reported it, and Al-Hākim graded it *Sabib* (authentic). Abū Dā'ud reported it as *Mursal* (missing like after the *Tābi'i*) and considered that the strongest opinion is that it is *Mursal*].

731. Narrated Ibn 'Umar : I was brought before the Prophet ﷺ on the Day of Uhud^[2] when I was fourteen years old, but he did not give me permission (to fight). I was afterwards brought before him on the Day of Al-Khandaq (the battle of Trench) when I was fifteen years of age,^[3] and he gave me permission (to fight). [Agreed upon].

Al-Baihaqi's narration has: "He did not give me permission (to fight), and did not consider me as having attained puberty." [Ibn Khuzaima graded it *Sabib* (authentic)].

732. Narrated 'Atiya Al-Qurazi^[4] ﴿: We were brought before the Prophet ﷺ on the day of Quraiza. Those who had began to grow hair (on their private parts) were killed, while those who had not, were set free. I was among those who had not begun to grow hair, so I was set free. [Reported by Al-Arba'a.

رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ حَسْبَرَ عَلَى مَعَاذِ مَالَهُ، وَيَأْعُدُ فِي دِينِهِ كَانَ عَلَيْهِ رَوَاهُ الدَّارَقُطْنِيُّ، وَصَحَّحَهُ الْحَاكِمُ، وَأَخْرَجَهُ أَبُو دَاوُدُ مُرْسَلًا، وَرَجَعَ إِزْسَالَةً.

(٧٣١) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: عَرِضْتُ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ يَوْمَ أُخْدِلُ، وَأَتَى أَبْنُ أَرْبَعَةِ عَشْرَةَ سَنَةَ، فَلَمْ يُجِزِّنِي، وَعَرِضْتُ عَلَيْهِ يَوْمَ الْخَنْدَقِ، وَأَتَى أَبْنُ خَمْسَ عَشْرَةَ سَنَةَ، فَأَجَازَنِي. مُتَقَوِّلٌ عَلَيْهِ.

وَفِي رِوَايَةِ الْبَهْبَقِيِّ: فَلَمْ يُجِزِّنِي وَلَمْ يَرَنِي بَلَغْتُ». وَصَحَّحَهُ أَبْنُ حُرَيْمَةَ.

(٧٣٢) وَعَنْ عَطَيَةِ الْقَرَنْطِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: عَرِضْتُ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ يَوْمَ فُرْيَظَةَ، فَكَانَ مَنْ أَبْتَأَتْ قُلُّهُ، وَمَنْ لَمْ يُثْبِتْ حَلَّهُ سَيِّلَهُ، فَكُتُبَتْ مِنْ لَمْ يُثْبِتْ، فَهَلَّ سَيِّلُهُ رَوَاهُ الْأَرْبَعَةُ، وَصَحَّحَهُ أَبْنُ جِبَانَ وَالْحَاكِمُ وَقَالَ: صَحِيحٌ عَلَى شَرْطِ الشَّيْخَيْنِ.

^[1] Ka'ab bin Mālik bin Abū Ka'b Al-Ansāri As-Sulami Al-Madani the poet, was one of the poets of the Prophet ﷺ. He attended the second *Bai'atul-'Aqaba* and all the battles except Badr and Tabuk. He was one of the three whose repentance was mentioned in *Sūrat At-Taubah* (Chapter 9) for remaining behind in Al-Madīnah during the Tabuk expedition. It is said that he died after becoming blind in 50 H. or 51 H. at the age of 77 years.

^[2] On the 'Day of Uhud', he was presented before the Prophet ﷺ seeking permission to fight against the infidels.

^[3] This *Hadīth* is mentioned here to show that the age of maturity is fifteen years and all the commands of *Shari'a* become obligatory at this age. Therefore, all the deeds and transactions made at this age are valid and all the deals and transactions under the age of fifteen are invalid. Another sign of maturity is pubic hair.

^[4] 'Atiya Al-Qurazi was a young *Sababi* who reported one *Hadīth*. It is said that he settled at Kufa. Ibn 'Abdul-Barr said, "I never found his father's name." Mujahid and others narrated from him.

Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

733. Narrated ‘Amr bin Shu‘aib on his father’s authority from his grandfather (ﷺ): Allāh’s Messenger ﷺ said: “It is not permissible for a woman to give a gift without her husband’s permission.”

Another wording is: “It is not permissible for a woman to dispose of anything of her wealth^[1] if her husband is responsible for her.” [Reported by Ahmad and the collectors of *As-Sunan* except At-Tirmidhi and Al-Hākim graded it *Sabib* (authentic)].

734. Narrated Qabisa bin Mukhāriq Al-Hilali ﷺ: Allāh’s Messenger ﷺ said, “Begging is not lawful except to one of three (people): a man who has become a guarantor for a payment, for whom begging is lawful till he gets it, after which he must stop begging; a man whose wealth has been destroyed by a calamity which has befallen him, for whom begging is lawful till he gets what will support life; and a man who has been struck by poverty, the genuineness of which is confirmed by three intelligent members of his people, so it is lawful for him to beg.” [Reported by Muslim].

Chapter 7 RECONCILIATION

735. Narrated ‘Amr bin ‘Auf Al-Muzani^[2] ﷺ: Allāh’s Messenger ﷺ said,

(٧٣٣) وَعَنْ عَمْرُو بْنِ شَعْبَنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَجُوزُ لِإِنْسَانَةٍ عَطِيَّةً إِلَّا يَأْذُنُ زَوْجُهَا».

وَفِي لَفْظٍ: «لَا يَجُوزُ لِإِنْسَانَةٍ أَمْرٌ فِي مَالِهَا، إِذَا مَلَكَ زَوْجُهَا عِضْمَتْهَا». رَوَاهُ أَخْمَدُ وَأَصْحَابُ السُّنْنَ، إِلَّا التَّرْمِيدِيُّ، وَصَحَّحَهُ الْحاكِمُ.

(٧٣٤) وَعَنْ قَيْصِرَةَ بْنِ مُخَارِقِ الْهَلَالِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ الْمَسَأَلَةَ لَا تَحْلِلُ إِلَّا لِأَحَدٍ ثَلَاثَةَ: رَجُلٌ تَحْمَلُ حَمَالَةَ، فَحَلَّتْ لَهُ الْمَسَأَلَةُ، حَتَّى يُصِيبَهَا، ثُمَّ يُمْسِكُ، وَرَجُلٌ أَصَابَتْهُ بَاجِهَةً اجْتَنَبَتْ مَالَهُ، فَحَلَّتْ لَهُ الْمَسَأَلَةُ، حَتَّى يُصِيبَ قَوَاماً مِنْ عَيْشِهِ، وَرَجُلٌ أَصَابَتْهُ فَاقَةً، حَتَّى يَقُولَ ثَلَاثَةَ فَاقَةً، فَحَلَّتْ لَهُ الْمَسَأَلَةُ». رَوَاهُ مُسْلِمٌ.

٧ - بَابُ الصَّلْحِ

^[1] A woman can handle her own wealth without the permission of her husband. What is her own property? Her dowry, her inherited property, and the profit of business from her own wealth, is all considered her own property and her husband has no right over it. A woman can give to her husband whatever she wants, and it is lawful for the husband. The incident of ‘Abdullāh bin Mas‘ūd and his wife mentioned previously, would never have happened if the woman had no right to deal with her wealth.

^[2] He is Abū ‘Abdullāh ‘Amr bin ‘Auf bin Zaid bin Milha Al-Muzani (of the Muzaina tribe), the grand father of Kathir bin ‘Abdullāh. He became a Muslim early, attended Badr and the Prophet ﷺ appointed him over the *Haram* of Al-Madinah. He was one of those who used to

"Reconciliation^[1] is permissible between Muslims, except one which makes unlawful something which is lawful, or makes lawful something which is unlawful;^[2] and Muslims must abide by their conditions (which they have made), except for a condition which makes unlawful something which is lawful, or makes lawful something which is unlawful." [At-Tirmidhi reported it and graded it *Sabib* (authentic). However, the *Hadith* scholars renounced him [for grading this *Hadith* as *Sabib*] because the narration of Kathir bin 'Abdullâh bin 'Amr bin 'Auf is weak.^[3] It is as though At-Tirmidhi considered it (reliable) due to its many chains of narration]. Ibn Hibbân declared the aforesaid *Hadith* to be *Sabib* (authentic) from the narration of Abû Huraira ﷺ.

736. Narrated Abû Huraira ﷺ: The Prophet ﷺ said, "One must not prevent his neighbor from fixing a wooden peg in his wall."^[4] Abû Huraira ﷺ then said, "Why do I see you turning away (averse to this *Sunnah*)? I swear by Allâh that I will always narrate it to you." [Agreed upon].

fear Allah much and shed tears. He died during the caliphate of Mu'âwiya.

^[1] In Arabic, *Sulb* (الصلح) means peace. There are many kinds of *Sulb* such as a treaty between Muslim and non-Muslims, a rapprochement between husband and wife, a truce between rebels and government, a concord of two angry persons and agreement in financial disputes. Here we mean the last mentioned. In financial disputes which agreement is lawful and which is unlawful and what are the conditions of agreements.

^[2] The basic principle about agreement is that it should not be against any law of *Shari'a* and it should not change unlawful into lawful and vice versa. The example of changing unlawful into lawful is to say that, in undue favor of someone, one would definitely disgrace so-and-so; and changing lawful into unlawful is to say that, in undue favor, someone would make a separation from one's wife.

^[3] Ash-Shâfi'i and Abû Dâ'ud described him as, "one of the pillars of falsehood." Ahmad said, "His *Abadîth* are *Munkar* (rejected) and he is nothing." An-Nasâ'i said, "He is not reliable," and Ibn Hibbân said, "He has a fabricated book of *Hadith* purported to have been narrated by him from his father who narrated from his grandfather."

^[4] The *Shari'a* has decided in the course of social rights that a neighbor can place his beam in the wall of his neighbor [from his own side].

الصلح جائز بين المسلمين، إلا صلحا حراما حلالا، أو أحل حراما، والمسلمون على شرطهم. إلا شرعا حرام حلالا، أو أحل حراما. رواه الترمذى، وصححة، واتكروا عليه، لأن راويه كثير بن عبد الله بن عمرو بن عوف ضعيف، وكأنه أعتبر بكترة طريق، وقد صححة ابن حبان من حديث أبي هريرة رضي الله تعالى عنه.

(٧٣٦) وعن أبي هريرة رضي الله تعالى عنه، أن النبي ﷺ قال: «لا يمنع جار جاره أن يغرس خشبة في جداره»، ثم يقول أبو هريرة رضي الله تعالى عنه: ما لي أراكم عنها مغرضين؟ والله لا زميّن بها بين أكتافكم. متقد عائمه.

737. Narrated Abū Humaid As-Sā'idi : Allāh's Messenger ﷺ said, "It is not lawful for a person to take his brother's stick except if he is pleased with such." [Ibn Hibbān and Al-Hākim reported it in their two *Sahib* books].

(٧٣٧) وَعَنْ أَبِي حُمَيْدٍ السَّاعِدِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَحِلُّ لِأَمْرِي أَنْ يَأْخُذَ عَصَابَةً أَخِيهِ بِغَيْرِ طِيبٍ نَفْسِي مُنْهُ». رَوَاهُ ابْنُ حَبَّانَ وَالْحَاكَمُ فِي صَحِيحَيْهِمَا.

Chapter 8 THE TRANSFER OF A DEBT AND SURETY

738. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "Delay in payment by a rich man is injustice. So, if one of you is referred for payment to a wealthy man^[1] he should accept the reference." [Agreed upon]. A narration by Ahmad has: "And if anyone is referred to another, let him accept that."

739. Narrated Jābir : A man from among us died, so we washed, embalmed and shrouded him. We then brought him to Allāh's Messenger ﷺ and asked him to pray over him. He went forward some steps and then asked, "Does he have any debt against him?" We replied, "Two Dinars." He turned away, but Abū Qatāda () took upon himself the bearing of them. We then came to him (again) () and Abū Qatāda () said, "I shall discharge the two Dinars." Allāh's Messenger ﷺ thereupon said, "[Will you be responsible for paying them as] a right to the creditor; and the dead man will then be free from them?" He replied, "Yes." So, he prayed over him.^[2]

(٧٣٨) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَطْلُ الْعَنْتَرَةِ، وَإِذَا أَتَيْتَ أَحَدَكُمْ عَلَى مَلِئِ فَلَيَشَعِّ». مَتَّقِنْ عَلَيْهِ، وَفِي رِوَايَةِ لَاحْمَدَ: فَلَيَخْتَلِ.

(٧٣٩) وَعَنْ جَابِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: ثُوْفَيْ رَجَلٌ مَنْتَ، فَعَسَلْنَاهُ، وَحَاطَنَاهُ، وَكَفَنَاهُ، ثُمَّ أَتَيْنَاهُ بِهِ رَسُولُ اللَّهِ ﷺ، فَقُلْنَا: نُصَلِّي عَلَيْهِ، فَخَطَأَ حُطَا، ثُمَّ قَالَ: أَعْلَمُ دِينَ؟ قُلْنَا: دِينَارَانِ، فَأَنْصَرَفَ، فَتَحَمَّلَهُمَا أَبُو قَتَادَةَ، فَأَتَيْنَاهُ، فَقَالَ أَبُو قَتَادَةَ: الدِّينَارَانِ عَلَيَّ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «الْحَقُّ الْغَرِيمُ؟ وَبَرَى مِنْهُمَا الْمَيْتُ؟» قَالَ: نَعَمْ، فَصَلَّى عَلَيْهِ. رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدَ وَالسَّائِئُ، وَصَحَّحَهُ ابْنُ حَبَّانَ وَالْحَاكَمُ.

^[1] The word *Hawala* (الحوالة) has two meanings: First, a debtor can give a wealthy man's surety for the loan given to him. This is permitted by the *Shari'a*. Secondly, a debtor is allowed to consign his creditor to his own debtor. For example, A owes ten Dirhams to B, and B owes ten Dirhams to C. Now B is allowed to consign A to C. This is also permitted by the *Shari'a* provided A agrees to it.

^[2] It means that a loan, or other rights of human beings, will not be forgiven unless these are forgiven by the rightful person or creditor. Even after death, they stand payable.

[Reported by Ahmad, Abū Dā'ud and An-Nasā'i. Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

740. Narrated Abū Huraira ﷺ: A man who had died in debt would be brought to Allāh's Messenger ﷺ and he would ask, "Has he left anything to discharge his debt?" If he was told that he had left enough^[1] he would pray over him. Otherwise, he would say, "Pray over your companion." Then, when Allāh brought the conquests (of other lands) at his hands he said, "I am closer to the believers than their own selves. So, whoever dies leaving a debt, the responsibility^[2] for repaying it shall be upon me." [Agreed upon]. A narration by Al-Bukhāri has: "Whoever dies and leaves nothing to discharge his debt..."

741. Narrated 'Amr bin Shu'aib on his father's authority from his grandfather (ﷺ): Allāh's Messenger ﷺ said, "No surety is allowed regarding a prescribed punishment."^[3] [Reported by Al-Baihaqi with a *Da'if* (weak) chain of narrators].

Chapter 9 PARTNERSHIP AND AGENCY

742. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "Allāh, the Most

^[1] Enough wealth to pay off his debt.

^[2] My responsibility does not mean the person of the Prophet ﷺ. In those days the public treasury was in the custody of the Prophet ﷺ. Therefore he said, "My responsibility". After the Prophet ﷺ, this responsibility shifted to the head of the state, as it is clear from another *Hadīth*.

^[3] *Hudūd* – (الحدود) – Legal prescribed punishments in Islam. There is no bail in *Hudūd*. For instance, there should be no bail in theft, adultery and fornication, slander and drinking wine. There are several reasons why there should be no bail for these crimes:

i) Basically bail is to strengthen the demand, whereas in applying *Hudūd*, the basic principle is that the proof against the accused should be made weak and benefit of doubt should go to the accused.

ii) Bail makes a delay in the process of decision making, and there is no surety that the accused will be proven innocent or punished. If the allegation is proven, than there is no

(٧٤٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يُؤْتَى بِالرِّجْلِ الْمُتَوَفِّيِ عَلَيْهِ الدَّيْنُ، فَيَسْأَلُ، «هَلْ تَرَكَ لِذَنْبِهِ مِنْ قَضَاءٍ؟» فَإِنْ حَدَّثَ اللَّهَ تَرَكَ وَفَاءً، صَلَّى اللَّهُ عَلَيْهِ الْفُتوحَ قَالَ: «أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ، فَمَنْ تُؤْتِيَ وَعْدَهُ دِينُ، فَعَلَيَّ قَضَاؤُهُ». مَتَّقَنْ عَلَيْهِ، وَفِي رِوَايَةِ الْبَخَارِيِّ: «أَقْمَنْ مَاتَ وَأَمْ شَرُكَ وَفَاءً».

(٧٤١) وَعَنْ عَمْرُو بْنِ شَعْبَنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا كَفَالَةَ فِي حَدٍّ». رَوَاهُ الْبَيْهَقِيُّ بِإِشَادَةِ ضَعِيفٍ.

٩ - بَابُ الشُّرْكَةِ وَالوَكَالَةِ

High, said, 'I am the third (partner) of two partners as long as one of them does not cheat his companion. Then, if he cheats (his partner) I depart from them.'^[1] [Reported by Abū Dā'ud and Al-Hākim graded it *Sabib* (authentic)].

743. Narrated As-Sāib Al-Makhzumi^[2]: That he was the partner of the Prophet ﷺ before the Prophethood. Then, he came (to Makkah) on the day of the Conquest (of Makkah), and he (the Prophet) said, "Welcome to my brother and my partner."^[3] [Reported by Ahmad, Abū Dā'ud and Ibn Mājah].

744. Narrated 'Abdullāh bin Mas'ūd : "Ammār, Sa'd, and I agreed to be partners in whatever we would get (from the spoils of war) on the day of Badr." The narrator quoted the rest of the *Hadīth* which concludes: "Then Sa'd brought two captives, but neither 'Ammār nor I brought anything." [Reported by An-Nasā'i and others].

745. Narrated Jābir bin 'Abdullāh : I intended to go to Khaibar, so I went to the Prophet ﷺ and he said, "When you meet my agent^[4] at Khaibar take fifteen *Wasq* (of dates) from him." [Abū Dā'ud reported and graded it *Sabib* (authentic)].

question of pardon in *Hudūd*.

iii) The guarantor has to produce the accused for trial; and in the absence of accused, the guarantor has to bear the responsibility. However, the punishments of *Hudūd* are only applied on the culprit and not on anyone else.

^[1] It means that financial or physical partnership is lawful provided it is with honesty. Honest partnership brings profit and dishonest partnership brings loss to partners.

^[2] Ibn Al-Jawzi mentioned in *At-Talqib* that his name was Saifi bin 'Aaidh Al-Makhzumi. Ibn 'Abdul-Barr said he was among *Al-Mu'allafatul-Qulub* and he became a good Muslim. He was elderly and lived up to the caliphate of Mu'awiya.

^[3] It means partnership was customary before the Prophet ﷺ and Islam refined its shape and allowed it to continue.

^[4] It means that one can appoint an attorney regarding financial matters. There is another *Hadīth* in which Jābir asked the Prophet ﷺ how he should answer if someone requested from him a sign for the surrender of the dates. The Prophet ﷺ told him to put his hand on the palm of the inquirer, as if the Prophet ﷺ had already decided the sign.

قال: قال رسول الله ﷺ: «قال الله تعالى: أنا ثالث الشركين ما لم يخن أحدهما صاحبه، فإذا خان خرجت من بيتهما». رواه أبو داود، وصححه الحاكم.

(٧٤٣) وَعَنِ السَّابِقِ الْمَخْزُومِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ كَانَ شَرِيكَ النَّبِيِّ ﷺ قَبْلَ الْغَيْثَةِ، فَجَاءَ يَوْمَ الْفَتْحِ، فَقَالَ: «مَرْجِبًا يَأْخِي وَشَرِيكِي». رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ وَابْنُ مَاجَةَ.

(٧٤٤) وَعَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَشْتَرَكْتُ أَنَا وَعَمَّارٌ وَسَعْدًا فِيمَا صُبِّبَ يَوْمَ بَدْرٍ، الْحَدِيثُ، وَتَمَامُهُ: «فَجَاءَ سَعْدٌ بِإِسْرَائِيلَ، وَلَمْ أَجِعْ أَنَا وَعَمَّارٌ بِسَيِّئَهُ». رَوَاهُ النَّسَائِيُّ وَعَيْرَةُ.

(٧٤٥) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: أَرْدَتُ الْخُرُوجَ إِلَى خَيْرٍ، فَأَتَيْتُ النَّبِيَّ ﷺ، فَقَالَ: «إِذَا أَتَيْتَ وَكْلِيَ بِخَيْرٍ، فَخُذْ مِنْهُ خَمْسَةَ عَسَرَ وَسَفَّاً». رَوَاهُ أَبُو دَاوُدَ، وَصَحَّحَهُ.

746. Narrated 'Urwa Al-Bâriqi ﷺ: Allah's Messenger ﷺ sent him with a Dinar to buy a sacrificial animal for him. [The reporter mentioned the rest of the *Hadîth*. Al-Bukhârî reported it in the context of another previously mentioned *Hadîth*].

747. Narrated Abû Huraira ﷺ: "Allâh's Messenger ﷺ sent 'Umar to collect the *Sadaqa*." The reporter mentioned the rest of the *Hadîth*. [Agreed upon].

748. Narrated Jâbir ﷺ: "The Prophet ﷺ slaughtered sixty-three (sacrificial) camels and ordered 'Ali^[1] ﷺ to slaughter the remainder [thirty-seven]." The reporter mentioned the rest of the *Hadîth*. [Reported by Muslim].

749. Narrated Abû Huraira ﷺ regarding the story of the hired servant: The Prophet ﷺ said, "Unais, go (in the morning) to this man's wife, and if she confesses, stone her to death."^[2] The reporter mentioned the rest of the *Hadîth*. [Agreed upon].

Chapter 10 AL-*IQRAR*^[3] (THE CONFESSION)

750. Narrated Abû Dhar ﷺ: Allâh's Messenger ﷺ said to me, "Say the truth even though it is bitter (i.e. difficult to admit)." [Ibn Hibbân graded it *Sâhib* (authentic) as a part of a long *Hadîth*].

Chapter 11 AL-'*AARIYA*^[4] (THE LOAN)

751. Narrated Samura bin Jundub ﷺ: عَنْ سَمُّرَةَ بْنِ جُنْدُبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ

^[1] It means that appointing an attorney for sacrifice (of animals) is also lawful.

^[2] It means that appointment of an attorney to enforce the punishment of *Hudûd* is lawful.

^[3] *Iqrâr* (إقرار) means to confirm something, and according to *Shari'a* terminology, *Iqrâr* means a person's admission of what he has done. It is the opposite of denial.

^[4] '*Aariya* (العارية) means allowing someone else to use one's property, or its profit, while

(٧٤٦) وَعَنْ عُرْوَةَ الْبَارِقِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ تَعَالَى بَعْدَهُ بِدِيَنَارٍ يَشْتَرِي لَهُ أَضْحِيَّةً، الْحَدِيثَ. رَوَاهُ الْبُخَارِيُّ فِي أَثْنَاءِ حَدِيثِهِ، وَقَدْ تَقَدَّمَ (بِرَقْمِ ٦٨٦).

(٧٤٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: بَعَثَ رَسُولُ اللَّهِ تَعَالَى عَمَّرًا عَلَى الصَّدَقَةِ، الْحَدِيثَ.

مُفْقَطْ عَلَيْهِ.

(٧٤٨) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ تَعَالَى نَحَرَ ثَلَاثَةَ وَسِتَّينَ وَأَمْرَ عَلَيْهَا رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنْ يَدْبَعَ الْبَاقِيَّ، الْحَدِيثَ.

مُسْلِمٌ.

(٧٤٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، فِي قَصَّةِ الْعَسِيفَةِ، قَالَ النَّبِيُّ تَعَالَى: «وَاعْدُ يَا أَنْثِيْسُ! عَلَى امْرَأَهُ هَذَا، فَإِنْ اعْتَرَفَتْ فَأَرْجُمْهَا»، الْحَدِيثَ.

مُفْقَطْ عَلَيْهِ.

١٠ - بَابُ الإِقْرَارِ

(٧٥٠) عَنْ أَبِي ذَرٍّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: لَيْ النَّبِيَّ تَعَالَى: «فُلُلُ الْحَقَّ وَلَوْ كَانَ مُرُّاً». وَضَحَّخَهُ ابْنُ جَبَانَ فِي حَدِيثٍ طَوِيلٍ.

١١ - بَابُ الْعَارِيَةِ

٧٥١) عَنْ سَمُّرَةَ بْنِ جُنْدُبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ

^[1] It means that appointing an attorney for sacrifice (of animals) is also lawful.

^[2] It means that appointment of an attorney to enforce the punishment of *Hudûd* is lawful.

^[3] *Iqrâr* (إقرار) means to confirm something, and according to *Shari'a* terminology, *Iqrâr* means a person's admission of what he has done. It is the opposite of denial.

^[4] '*Aariya* (العارية) means allowing someone else to use one's property, or its profit, while

Allāh's Messenger ﷺ said, "The hand (which takes) is responsible for what it has taken till it returns it." [Reported by Ahmad and *Al-Arba'a*. Al-Hākim graded it *Sabib* (authentic)].

752. Narrated Abū Huraira رضي الله عنه: Allāh's Messenger ﷺ said, "Give back what has been entrusted (to you) to him who entrusted you, and do not violate the trust of him who violates your trust." [Reported by At-Tirmidhi and Abū Dā'ud; At-Tirmidhi graded it *Hasan* (good) and Al-Hākim graded it *Sabib* (authentic). Abū Hātim Ar-Rāzī considered it *Munkar* (rejected)].

753. Narrated Ya'la bin Umayya رضي الله عنه: Allāh's Messenger ﷺ said to me, "When my messengers come to you, give them thirty coats of armor." I asked, "O Allāh's Messenger, is it a loan with a *guarantee* (of its return), or a borrowed object that must be returned?" He replied, "No, it is a borrowed object that must be returned."^[1] [Reported by Ahmad, Abū Dā'ud and An-Nasā'i. Ibn Hibbān graded it *Sabib* (authentic)].

754. Narrated Safwān bin Umayya^[2]: At the battle of Hunain, the Prophet ﷺ borrowed coats of mail from him and he asked, "Are you taking them by

retaining the ownership of that thing.

^[1] In Arabic, '*Aariya Madmūna* (عاري مضمونة) means *guaranteed-loan* and '*Aariya Mu'adda* (عاري مؤدّة) means a borrowed object (without guarantee). Regarding the first, guarantee is essential. Suppose somebody takes an object as '*Aariya Madmūna* and the object borrowed is destroyed or damaged while in his custody, it is agreed upon that the borrower will have to pay for its cost, that is why it is called '*Aariya Madmuna*. However, if somebody borrows an object on trust for a while as '*Aariya Mu'adda* (without guarantee) and that object is destroyed or damaged while in his custody – without any negligence on his part – he will not be charged for the loss or damage.

^[2] He is Safwān bin Umayya bin Khalaf bin Wahb Al-Qurashi Al-Jumahi Al-Makki, a *Sababi* among *Al-Mu'allafatul-Qulub*. He was one of the noble men of Quraish. He ran away on the day of the Conquest of Makkah and returned after the Prophet ﷺ accepted the request of giving him an amnesty. He then attended with the Prophet ﷺ the battle of Hunain while still a *Kafir*. Then, he then became a Muslim and a good one too. He died during the days of the killing of Uthmān رضي الله عنه.

تعالى عنده قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «عَلَى الْيَدِ مَا أَخْدَثَ، حَتَّى تُؤَدِّيَهُ». رَوَاهُ أَحْمَدُ وَالْأَزْعَمُ، وَصَحَّحَهُ الْحَاكِمُ.

(٧٥٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَذْلَلَةً إِلَيْهِ مِنْ أَشْتَهَكَ، وَلَا تَخْنُ مِنْ خَانَكَ». رَوَاهُ أَبُو دَاوُدُ وَالشَّرْبَذِيُّ، وَحَسَنَهُ، وَصَحَّحَهُ الْحَاكِمُ، وَأَسْنَكَهُ أَبُو حَاتِمٍ الرَّازِيُّ.

(٧٥٣) وَعَنْ يَعْلَى بْنِ أُمَيَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «إِذَا أَشَكَ رُسُلِي فَأَعْطُهُمْ ثَلَاثِينَ دِرْعًا»، قُلْتُ: يَا رَسُولَ اللَّهِ! أَعَارِيَةً مَضْمُونَةً، أَوْ عَارِيَةً مُؤَدَّةً؟ قَالَ: بَلْ عَارِيَةً مُؤَدَّةً. رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدُ وَالسَّائِيُّ، وَصَحَّحَهُ ابْنُ حِبَّانَ.

(٧٥٤) وَعَنْ صَفْوَانَ بْنِ أُمَيَّةَ، أَنَّ النَّبِيَّ ﷺ أَسْتَعَارَ مِنْهُ دُرُوعًا يَوْمَ حُنَيْنٍ، فَقَالَ: أَعَضَّا يَا

force, O Muhammad (ﷺ)?” He replied, “No, it is a loan with a guarantee of their return.”^[1] [Reported by Abū Dā’ud and An-Nasā’i; Al-Hākim graded it *Sabib* (authentic). He also reported for this *Hadīth* a *Shāhid* (supporting narration) which is weak, from Ibn ‘Abbas].

مُحَمَّدٌ (ﷺ)! قَالَ: «بِلْ عَارِيَةً مَضْمُونَةً». رَوَاهُ أَبُو دَاوُدَ وَأَخْمَدُ، وَالنَّسَائِيُّ، وَصَحَّحَهُ الْحَاكِمُ، وَأَخْرَجَ لَهُ شَاهِدًا ضَعِيفًا عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا.

Chapter 12 AL-GHASB^[2] (THE WRONGFUL APPROPRIATION)

١٢ - بَابُ الْغَصْبِ

755. Narrated Sa’id bin Zaid : Allāh’s Messenger ﷺ said, “If anyone takes a span of land unjustly, on the Day of Resurrection Allāh will strangle him with it from seven earths.”^[3] [Agreed upon].

756. Narrated Anas : The Prophet ﷺ was with one of his wives when one^[4] of the Mothers of the Believers (another of his wives) sent a bowl containing food with a servant of hers. Then, she (in whose house he was) struck it with her hand and the bowl was broken. He collected the pieces of the bowl and began to collect the food in it and said, “You eat,”^[5] and gave an unbroken bowl to the messenger (servant) and kept the broken one. [Reported by Al-Bukhāri and At-Tirmidhi] The latter named the one who broke it as ‘Aisha (ؑ) and added: The Prophet ﷺ then said, “Food for food, and a vessel for a vessel.”^[6] [At-Tirmidhi graded it *Sabib* (authentic)].

(٧٥٥) عَنْ سَعِيدِ بْنِ زَيْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ اقْتَطَعَ شَبِيرًا مِنَ الْأَرْضِ ظُلْمًا، طَوَّفَهُ اللَّهُ إِلَيْهِ يَوْمَ الْقِيَامَةِ مِنْ سَبْعِ أَرْضِينَ». مُتَقَرَّبٌ عَلَيْهِ.

(٧٥٦) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ الشَّيْءَ كَانَ عِنْدَ بَعْضِ نِسَاءِهِ، فَأَرْسَلَتْ إِلَيْهِ أُمَّهَاتُ الْمُؤْمِنِينَ مَعَ خَادِمٍ لَهَا بِقَضَيَةِ فِيهَا طَعَامٌ، فَصَرَّبَتْ يَدَهَا فَكَسَرَتِ الْقَضَيَةَ، فَقَضَسَهَا، وَجَعَلَ فِيهَا الطَّعَامَ وَقَالَ: كُلُوا، وَدَفَعَ الْقَضَيَةَ الصَّحِيحَةَ لِلرَّسُولِ ، وَحَبَسَ الْمَكْسُورَةَ. رَوَاهُ الْبَخَارِيُّ وَالْتَّرمِذِيُّ، وَسَمِيَ الْفَضَّارِيَّةَ عَائِشَةَ، وَرَأَدَ: فَقَالَ الشَّيْءُ ﷺ: «طَعَامٌ بِطَعَامٍ وَإِنَّا بِإِنَّا». وَصَحَّحَهُ.

^[1] If somebody borrows a thing, and it is damaged by chance, the borrower will not be charged for that, but if it is proved that the damage is intentional or the result of his carelessness then he will have to pay for it.

^[2] *Ghasb* (الْغَصْب) means taking someone’s property or belongings by force or usurpation.

^[3] It means that the usurpation of someone else’s land is a major sin. Usurpation of land is to take over the land of others by force and start cultivation.

^[4] This was Safiya (ؑ) who had sent this meal.

^[5] Speaking to those who were with him.

^[6] There is a difference of opinion on this issue. If a thing is broken or damaged from the

757. Narrated Rāfi‘ bin Khadij ﷺ: Allāh’s Messenger ﷺ said, “Whoever sows in the land of a people without their permission, he has no right to any of the crop. However, he is entitled to what he spent^[1] on it.” [Reported by Ahmad and *Al-Arba‘a* except An-Nasā‘i. At-Tirmidhi graded it *Sabib* (authentic), but it has been said that Al-Bukhāri graded it *Da‘if* (weak)].

758. Narrated ‘Urwa bin Az-Zubair^[2]: A man among the Companions of Allāh’s Messenger ﷺ said, “Two men brought a dispute before Allāh’s Messenger ﷺ concerning a land in which one of them had planted palm trees and the land belonged to the other. So, Allāh’s Messenger ﷺ ruled that the land belongs to its owner, and commanded the owner of the palm trees to uproot his palm trees. He said, “The labor of an unjust person^[3] has no right.” [Reported by Abū Dā‘ud and its chain of narrators is *Hasan* (good). The last (quoted) part of the aforesaid *Hadīth* is found in the books of the collectors of *As-Sunan*, from ‘Urwa’s narration on the authority of Sa‘īd bin Zaid. However, there is disagreement regarding whether it is *Mawsūl* (an unbroken chain) or *Mursal* (missing link after the *Tābi‘i*) as well as the determination of the name of the

borrower, he will have to pay the price, or replace the thing with something similar to it. This difference of opinion is limited to priceable objects only; regarding other things, the object or thing should be similar to that of the broken or damaged one. This *Hadīth* prefers returning of similar objects.

^[1] If somebody starts cultivating someone else’s land without the prior permission of the owner, he is no right to any of the produce. The most he can claim is the price of the seed, and rest of the produce will go to the owner.

^[2] He is Abū ‘Abdullāh ‘Urwa bin Az-Zubair bin Al-‘Awwām bin Khuwailid Al-Asadi Al-Madāni who was one of the great *Tābi‘in* and one of the seven *Fiqh* scholars in Al-Madinah. He was a reliable and prominent *Fiqh* scholar. He was born at the beginning of ‘Umar’s Caliphate. It is also said that he was born in 23 H. and died in 94 H. as has been correctly established.

^[3] The Arabic word *Zālim* (ظالم) in this context means cruel or unjust, or a person who builds a house, starts cultivation or plants trees in someone else’s land.

(٧٥٧) وَعَنْ رَافِعٍ بْنِ حَدِيجٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ زَرَعَ فِي أَرْضِ قَوْمٍ يَغْيِرُ إِذْنَهُمْ، فَلَا يُسْأَلُ لَهُ مِنَ الزَّرْعِ شَيْئًا، وَلَهُ نَفْقَةُهُ». رَوَاهُ أَحْمَدُ وَالْأَزْعَمُ بِالْأَسْنَائِي، وَحَسَنَهُ الرِّمْذَانِيُّ، وَيَقُولُ: إِنَّ الْبُخَارِيَّ صَعْقَةً.

(٧٥٨) وَعَنْ عُرْوَةِ بْنِ الرَّبِيعِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَجُلٌ مِنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ رَجُلَيْنِ اخْتَصَصَا إِلَيْيَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي أَرْضٍ غَرَسَ أَحَدُهُمَا فِيهَا نَخْلًا وَالْأَرْضُ لِلْآخَرِ، فَقَضَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْأَرْضِ لِصَاحِبِهَا، وَأَمَرَ صَاحِبَ النَّخْلِ أَنْ يُخْرِجَ نَخْلَهُ: وَقَالَ: لَيْسَ لِعَرْقِ ظَالِمٍ حَقٌّ. رَوَاهُ أَبُو ذَاوِدَةً، وَإِسْنَادُهُ حَسَنٌ. وَآخَرُهُ عِنْدَ أَصْحَابِ السُّنْنِ مِنْ رِوَايَةِ عُرْوَةَ عَنْ سَعِيدِ بْنِ زَيْدٍ، وَاخْتَلَفَ فِي وَصْلِهِ وَإِزْسَالِهِ، وَفِي تَعْبِينِ صَحَابَةِ.

Companion who heard it from the Prophet ﷺ.

759. Narrated Abū Bakrā : In his *Khutba* (religious talk – sermon) on the Day of Sacrifice at Mina, the Prophet ﷺ said, “Your blood and your property and your honor are forbidden for you to violate, like the sacredness of this day of yours, in this month of yours, in this city of yours.”^[1] [Agreed upon].

Chapter 13 ASH-SHUF'A^[2] (THE OPTION TO BUY A PARTNER'S SHARE IN PROPERTY)

760. Narrated Jābir bin ‘Abdullāh : Allāh's Messenger ﷺ ruled that the option to buy a partner's share in property is applicable to everything that has not been divided. However, when boundaries are fixed and separate roads are made there is no partner's option.” [Agreed upon; the wording is Al-Bukhāri's]. Muslim's narration has: “The option to buy a partner's share in property is applicable to everything which is shared, whether land, a dwelling or a garden and it is not lawful to sell before informing one's partner.”^[3] At-Tahāwī's narration has: “The Prophet ﷺ ruled for the right of partner's option regarding everything.” [Its narrators are reliable].

(٧٥٩) وَعَنْ أَبِي بَكْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ قَالَ فِي خُطْبَتِهِ يَوْمَ التَّحْرِيرِ يَقُولُ: «إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَغْرَاضَكُمْ عَلَيْكُمْ حَرَامٌ، كَحْرَمَةٌ يَوْمَكُمْ هَذَا، فَيَبْلُدُكُمْ هَذَا، فِي شَهْرِكُمْ هَذَا». مُتَقَوْلَةً عَلَيْهِ.

١٣ - بَابُ الشُّفْعَةِ

(٧٦٠) عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَضَى رَسُولُ اللَّهِ ﷺ بِالشُّفْعَةِ فِي كُلِّ مَا لَمْ يُثْسَمْ، فَإِذَا وَقَعَتِ الْحُدُودُ وَضَرَقَتِ الظُّرُقُ فَلَا شُفْعَةَ. مُتَقَوْلَةً عَلَيْهِ، وَاللَّفْظُ لِلْبُخَارِيِّ. وَفِي رِوَايَةِ مُسْلِمٍ: الشُّفْعَةُ فِي كُلِّ شِرْكٍ، فِي أَرْضٍ، أَوْ زَيْنٍ، أَوْ حَاطِطٍ، لَا يَصْلُحُ - وَفِي لَفْظٍ: لَا يَجْلُ - أَنْ يَبْيَعَ حَتَّى يَعْرِضَ عَلَى شَرِيكِهِ. وَفِي رِوَايَةِ الطَّحاوِيِّ: «قَضَى النَّبِيُّ ﷺ بِالشُّفْعَةِ فِي كُلِّ شَيْءٍ». وَرِجَالُهُ ثَقَاتٌ.

^[1] This *Hadith* is mentioned here merely to show that to usurp the property of a Muslim is unlawful, and all agree on this point.

^[2] It should be known that *Shuf'a* – pre-emption is on immovable property only, such as a house, shop, garden or land, etc. There is a difference of opinion among religious scholars on the question ‘Who has the right of pre-emption?’ Some of the scholars say that only a partner of the sold property has the right of pre-emption, while a mere neighbor has no right. Some others say that a neighbour has also got the right. Ibn Qaiyim says that a neighbour who is not a partner in the sold property but has the common entrance, also has the right of pre-emption, and that temporary absence of the partner does not annul his right.

^[3] It means that the seller should inform his partner about the sale of property beforehand.

761. Narrated Abū Rāfi' ﷺ: Allāh's Messenger ﷺ said, "The neighbor has more right (to be given preference) to the property which is near to him." [Al-Bukhāri reported it, and there is a story related to it.^[1]]

762. Narrated Anas bin Mālik ﷺ: Allāh's Messenger ﷺ said, "The neighbor of the house has the most right to buy it." [Reported by An-Nasā'i. Ibn Hibbān graded it *Sabib* (authentic), but it (this chain from Qatāda from Anas) has a defect].

763. Narrated Jābir ﷺ: Allah's Messenger ﷺ said, "The neighbor is most entitled to the right of option to buy his neighbor's property, and its exercise should be waited for, even if he is absent, if the two properties have one road." [Reported by Ahmad and *Al-Arba'a*; its narrators are reliable (*thiqab*)].

764. Narrated Ibn 'Umar ﷺ : The Prophet ﷺ said, "The option to buy neighboring property is like loosening the knot^[2] (which restrains the camel)" [Reported by Ibn Mājah and Al-Bazzār, who added: "And there is no option to buy a neighboring property for one who is absent." Its chain of narrators is *Da'if* (weak)].

(٧٦١) وَعَنْ أَبِي رَافِعٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «الجَارُ أَحَقُّ بِصَفَرِهِ». أَخْرَجَهُ الْبُخَارِيُّ، وَفِيهِ قَضَةٌ.

(٧٦٢) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «جَارُ الدَّارِ أَحَقُّ بِالدَّارِ». رَوَاهُ السَّنَائِيُّ، وَصَحَّحَهُ ابْنُ حِيَانَ، وَلَهُ عِلْمٌ.

(٧٦٣) وَعَنْ جَابِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «الجَارُ أَحَقُّ بِشُفَعَةِ جَارِهِ إِذَا نَتَطَرَّبْ إِلَيْهَا، وَإِنْ كَانَ غَائِبًا، إِذَا كَانَ طَرِيقُهُمَا وَاحِدًا». رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ، وَرَجَالُهُ ثَقَاتٌ.

(٧٦٤) وَعَنْ أَبْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «الشُّفَعَةُ كَحَلِ الْمِقَالِ». رَوَاهُ أَبْنُ مَاجَةَ وَالْبَزَارُ، وَرَأَدَ: «وَلَا شُفَعَةٌ لِغَائِبٍ». وَإِشَانَةٌ ضَعِيفٌ.

^[1] The story goes like this that Abū Rafi' – in the presence of Miswar bin Makhrama – approached Sa'd Ibn Abi Waqqas and asked him to buy his (Abū Rafi') houses which were located within the boundary walls of Sa'd's property. Miswar talked to Sa'd about the matter. Sa'd agreed to pay four hundred Dinar (gold coin) only for his (Abū Rafi') house. He also offered to pay the money in a lump sum or in installments, as Abū Rafi' wishes. On hearing this Abū Rafi' said that he did not sell these houses for which he had been offered five hundred Dinars in cash because he had heard from the Prophet ﷺ that neighbors have more right than others. He also said that had he not heard it from the Prophet ﷺ he would have never sold him his house at this price.

^[2] *Hall Al-Iqāl* means that as soon as the knee of the camel is untied, he immediately stands up. Similarly, as soon as a property is sold, or the person having the right of pre-emption comes to know about the sale of property, he should immediately use his right; delay will make his right invalid and his right of pre-emption will not be accepted.

Chapter 14

AL-QIRĀD^[1] (SPECULATIVE PARTNERSHIP)

- ١٤ - بَابُ الْقِرَاضِ

765. Narrated Suhaib^[2]: The Prophet ﷺ said, "There are three things which contain blessings: A business transaction in which payment is agreed on a fixed later time, *Al-Muqāradah* (speculative partnership), and mixing wheat and barley for one's household use but not for sale." [Reported by Ibn Mājah through a *Da'if* (weak) chain of narrators].

766. Narrated Al-Hākim bin Hizām : He used to make a condition on the man to whom he gave his property in *Al-Muqaaradah* (to trade with, and the profit being shared between them), that: "You should not trade with my property in living beings, and do not transport it by sea, and do not settle with it at the bottom of a river-bed; and if you do any of the aforesaid acts you should then guarantee my property." [Ad-Dāraqutni reported it and its narrators are reliable (*thiqab*)].

Mālik said in *Al-Muwatta'* from Al-‘Alā^[3] bin ‘Abdur-Rahmān bin Ya‘qūb

(٧٦٥) عَنْ صَهْبِيْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ
السَّيِّدَ فِيْهِ اللَّهُ تَعَالَى قَالَ: «ثَلَاثٌ فِيهِنَّ الْبَرَكَةُ: الْبَيْعُ إِلَى
أَجْلٍ، وَالْمَقَارَضَةُ، وَخَلْطُ الْبَرِّ بِالشَّعْرِ
اللَّذِيْتُ، لَا لِلْبَيْعِ». رَوَاهُ ابْنُ مَاجَةَ بِإِسْنَادِ
صَعِيفٍ.

(٧٦٦) وَعَنْ حَكِيمٍ بْنِ جَرَامٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ كَانَ يَسْتَرِطُ عَلَى الرَّجُلِ، إِذَا أَعْطَاهُ مَالًا مُفَارَضَةً، أَن لَا تَجْعَلْ مَالِي فِي كَيْدِ رَطْبَةٍ، وَلَا تَحْمِلْهُ فِي بَحْرٍ، وَلَا تَثْرُلْ بِهِ فِي بَطْنِ مَسِيلٍ، فَإِنْ فَعَلْتَ شَيْئًا مِنْ ذَلِكَ، فَقَدْ ضَيَّعْتَ مَالِي. رَوَاهُ الدَّارْقُطْنِيُّ، وَرَجَاهُ الْمَقَاتُلُ.

وَقَالَ مَالِكٌ فِي الْمُوَطَّلِ عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ يَعْقُوبَ، عَنْ أَبِيهِ عَنْ جَدِّهِ:

^[1] In this context *Qirād* – القراض (Loan) – or *Al-Muqāradah* – means a speculative partnership, in which one person invests the money (the loan) and the other invests his physical labor in the work, and both of them divide the profit, as partners. If loss occurs, it falls on the investor. It is lawful. It is also called *Mudārabah* (المضاربة).

^[2] He is Abū Yahya Suhaib bin Sinān Ar-Rumi. He was originally an Arab belonging to the tribe of An-Nimir bin Qāsit bin Wa'il and he was captured by the Byzantines while a young boy. He then grew up among them and was counted as one of them. It is said that when he grew up and became mature, he ran away from them and came to Makkah where he became the ally of 'Abdullāh bin Jad'ān. It is also said that Banu Kalb bought him from the Byzantines, brought him to Makkah and was then bought by 'Abdullāh bin Jad'ān. Suhaib was a prominent *Sabābi* who became a Muslim early and was persecuted because of Allāh. He then migrated to Al-Madinah and died in it in 38 H.

^[3] He is Abū Shibl Al-‘Alā’ bin ‘Abdur-Rahmān bin Ya’qūb Al-Juhani, the manumitted slave of Al-Huraqa Al-Madāni. He was one of the prominent young *Tābi‘in* of the fifth generation. He was truthful but perhaps got confused at times regarding the *Hadīth*. Ahmad and others verified his reliability. Al-Wāqidi said that he died during the caliphate of Al-Mansūr.

from his father^[1] on the authority of his grandfather^[2] that he traded with some property belonging to 'Uthmān (ع) so that the profit would be divided between them.^[3] [This *Hadīth* is *Mawqūf* (saying of a Companion) *Sabib* (authentic)].

أَنَّهُ عَمِلَ فِي مَالِ عُثْمَانَ، عَلَى أَنَّ الرِّجَبَ يَتَّهِمَا وَهُوَ مَوْقُوفٌ صَحِيفٌ.

Chapter 15 AL-MUSAQAT^[4] AND AL-IJARA^[5]

(TENDING PALM-TREES AND THE WAGES)

767. Narrated Ibn 'Umar (رضي الله تعالى عنهما) : Allāh's Messenger (ﷺ) had agreed with the people of Khaibar to give (to the Muslim authority) half what it produced of fruits or crops. [Agreed upon].

A narration by Al-Bukhārī and Muslim has: They asked him (ﷺ) to allow them to stay on the land, on condition that they should do all the cultivation and have half the dates. Allāh's Messenger (ﷺ) replied to them, "We shall allow you to stay on the land, on that condition, as long as we wish." So

(٧٦٧) عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ عَاهَلَ أَهْلَ خَيْرٍ بِشَطْرٍ مَا يَخْرُجُ مِنْ ثَمَرٍ أَوْ زَرْعٍ. مُتَقَنِّ عَلَيْهِ.

وَفِي رِوَايَةِ لَهُمَا: فَسَأَلُوا أَنْ يَتَرَبَّمْ بِهَا، عَلَى أَنْ يَكْفُرُوا عَمَلَهَا، وَلَهُمْ نِصْفُ الشَّمْرِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «نُقْرُكْمُ بِهَا عَلَى ذَلِكَ مَا شِئْنَا»، فَقَرُوا بِهَا، حَتَّى أَجْلَاهُمْ عُمُرًا.

^[1] Abdur-Rahmān bin Ya'qūb Al-Juhani was among the middle *Tābi'i*'in and was counted among the third generation. He heard *Abadīth* from his father, Abū Huraira and from Abū Sa'id Al-Khudri.

^[2] Ya'qūb Al-Juhani was a manumitted slave of Al-Huraqa and was among the elders of the second generation of the *Tābi'i*'in. He lived during the lifetime of 'Umar bin Al-Khattāb and was among the narrators of few *Abadīth*.

^[3] *Al-Mudārabah* (المضاربة) or *Al-Qirād* (ال Qiṣrāb) is a sort of contract. In it ignorance of compensation / wage is pardoned as a leniency for the people. If the loss is due to the carelessness or deliberate mistake of the worker, he will be held responsible for it. Otherwise, he is free of responsibility. Similarly, in acting against the conditions or instructions of the investor, the co-partner in business will be held responsible in case of loss.

^[4] Watering and tending to the fields or gardens and sharing the produce or cultivating the land and sharing the produce with the owner is called *Musāqāt* (المساقاة). This is also called *Muzāra'a'b* (المزارعة). The difference between *Musāqāt* and *Muzāra'a'b* is that *Musāqāt* is for fruit trees, while *Muzāra'a'b* is for grains.

^[5] Making someone partner in profit or to rent out a thing to someone is called *Ijārah* (إلاجارة).

they remained on the land till 'Umar (رضي الله عنهما) expelled them.

Muslim has: Allah's Messenger ﷺ handed over to the Jews of Khaibar, the palm-trees and the land of Khaibar, on condition that they should employ their own resources in working on it and keep half of its produce.^[1]

768. Narrated Hanzala bin Qais (رضي الله عنهما): I asked Rāfi' bin Khadīj about renting of land for gold and silver and he replied, "There is no harm in that, as the people used to rent land in the time of Allah's Messenger ﷺ for what grew by the river-beds, and the edges of the brooks/streams, or for a portion of the crop. However, sometimes this portion of the crop would be destroyed^[2] while the other is saved, or vice-versa. Thus, there would be no wages to pay the people (the owners of the land) except for the portion which produced a crop." For this reason, he warned against this (practice). However, if it is (rented) for something known and guaranteed, then there is no harm in it. [Muslim reported it].

This narration contains a clarification of what was mentioned in general terms in the previous narration of Al-Bukhāri and Muslim, regarding the general prohibition of renting out land.

769. Narrated Thābit bin Dahhāk (رضي الله عنهما): Allah's Messenger ﷺ forbade *Al-Muzāra'ah* (employing people on land for a share of the produce),^[3] and ordered *al-Mu'ajara* (renting it out for

وَلِمُسْلِمٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ دَفَعَ إِلَى يَهُودٍ خَيْرٍ تَخْلُّ خَيْرٍ وَأَرْضَهَا، عَلَى أَنْ يَعْتَمِلُوهَا مِنْ أَمْوَالِهِمْ، وَلَهُمْ شَطْرٌ تَمَرِّهَا.

(٧٦٨) وَعَنْ حَذَنْلَةَ بْنِ قَيْسٍ، قَالَ: سَأَلْتُ رَافِعَ بْنَ خَدِيجَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ إِنْ كَانَ الْأَرْضُ بِالذَّهَبِ وَالْفَضْلَةِ، فَقَالَ: لَا يَأْسَ بِهِ، إِنَّمَا كَانَ النَّاسُ يُؤَاجِرُونَ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ عَلَى الْمَادِيَاتِ، وَأَقْبَلَ الْجَدَاوِلُ، وَأَشْيَاءُ مِنَ الزَّرْعِ، فَيَهْلِكُ هَذَا وَيَسْلِمُ هَذَا، وَيَسْلِمُ هَذَا وَيَهْلِكُ هَذَا، وَلَمْ يَكُنْ لِلنَّاسِ كِرَاءً إِلَّا هَذَا، فَلِذِلْكَ رَجَرَ عَنْهُ، فَإِنَّمَا شَيْءًا مَعْلُومٌ مَضْمُونٌ، فَلَا يَأْسَ بِهِ. رَوَاهُ مُسْلِمٌ.

وَفِيهِ يَبَأُنُ لِمَا أُبَجِلَ فِي الْمُتَقَرِّ عَلَيْهِ مِنْ إِطْلَاقِ النَّهْيِ عَنْ كِرَاءِ الْأَرْضِ.

(٧٦٩) وَعَنْ ثَابِتِ بْنِ الصَّحَّافِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ الْمُزَارَعَةَ، وَأَمْرَ بِالْمُؤَاجِرَةِ. رَوَاهُ مُسْلِمٌ أَيْضًا.

^[1] This *Hadith* provides the proof of *Musāqāt* (المساقاة) and *Muzāra'ah* (المزارعة).

^[2] It means that the fields in low lying areas or on the banks of canals would be ruined in times of floods while the fields on highlands would remain safe; and it would be the reverse in times of drought.

^[3] In Arabic, *Muzāra'ah* (المزارعة) means to give the land for cultivation to someone and divide the produce. The Prophet ﷺ did not stop or prevent this. However, when land was scarce and the *Ansār* and *Muhājirūn* were more in number, he ordered – as a measure of expediency – that they cultivate the land as much as one could, and not to give the rest of

cash).^[1] [Reported by Muslim].

770. Narrated Ibn ‘Abbās : Allāh’s Messenger ﷺ had himself cupped and gave the one who cupped him his pay; and if it were prohibited he would not have given him (his pay). [Reported by Al-Bukhāri].

771. Narrated Rāfi‘ bin Khadij : Allāh’s Messenger ﷺ said, “The earnings of a copperer (*Hajjām*) are impure.”^[2] [Reported by Muslim].

772. Narrated Abū Huraira : Allāh’s Messenger ﷺ said, “Allāh, the Great and Glorious, has said, ‘There are three whose adversary I shall be on the Day of Resurrection: A man who gave a promise in My Name and then betrayed; a man who sold a free man and consumed his price; and a man who hired a worker and, after receiving full service from him, did not give him his wages.’”^[3] [Reported by Muslim].

773. Narrated Ibn ‘Abbās : Allāh’s Messenger ﷺ said, “The most worthy thing for which you receive payment is Allāh’s Book.”^[4] [Reported by Al-Bukhāri].

774. Narrated Ibn ‘Umar : Allāh’s Messenger ﷺ said, “Give the hired worker his wage before his sweat dries.”^[5] [Reported by Ibn Mājah].

the land on produce-share basis or *Muzāra’ab*. Instead, they should give the land on *Ijārah* (rental basis), because *Ijārah* provided some ease to the tenants. Afterwards when land was enough for all, this restriction was lifted.

^[1] The word used in Arabic is *Ijārah* (إِجَارَة) which means to rent out the land for a fixed period, and it is lawful.

^[2] In Arabic *Khabith* (خَبِيثٌ) means a mean and base work, it does not mean unlawful. Sometimes the word *Khabith* is spoken metaphorically in the meaning of mean and base.

^[3] In this *Hadīth* it has been emphasized to pay the wages of a laborer. Nowadays, many of the people are unfair in their dealing and dishonest in making the payment.

^[4] This *Hadīth* clearly shows that accepting the wages for copying and teaching the noble Qur’ān and *Hadīth* is lawful.

^[5] It means that the wages of a laborer must be paid immediately. He who does not pay the

(٧٧٠) وَعَنْ أَبْنَى عَبَّاسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّهُ قَالَ: أَخْتَاجُمْ رَسُولَ اللَّهِ تَعَالَى، وَأَغْطِي الَّذِي حَجَمَهُ أَجْرَهُ، وَلَوْ كَانَ حَرَاماً لَمْ يُعْطِهِ. رَوَاهُ الْبُخَارِيُّ.

(٧٧١) وَعَنْ رَافِعِ بْنِ خَدِيجَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَى: «كَسْبُ الْحَجَاجَ حَبِيتُ». رَوَاهُ مُسْلِمٌ.

(٧٧٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَى: «قَالَ اللَّهُ عَزَّ وَجَلَّ: ثَلَاثَةٌ أَنَا خَصَّمُهُمْ يَوْمَ الْقِيَامَةِ: رَجُلٌ أَعْطَى بِي ثُمَّ عَدَرَ، وَرَجُلٌ بَاعَ حُرَّاً فَأَكَلَ ثَمَنَهُ، وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَأَسْتَوْقَى مِنْهُ وَلَمْ يُعْطِهِ أَجْرَهُ». رَوَاهُ مُسْلِمٌ.

(٧٧٣) وَعَنْ أَبْنَى عَبَّاسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ تَعَالَى قَالَ: «إِنَّ أَحَقَّ مَا أَخْدَثْتُمْ عَلَيْهِ أَجْرًا كِتَابُ اللَّهِ». أَخْرَجَهُ الْبُخَارِيُّ.

(٧٧٤) وَعَنْ أَبْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَى: «أَعْطُوا الْأَجْرَهُ، قَبْلَ أَنْ يَهْفَتَ عَرْقَهُ». رَوَاهُ أَبْنُ مَاجَهَ.

Abū Ya'la and Al-Baihaqi reported something to the same effect on the subject of wages from Abū Huraira . At-Tabarāni also reported something similar from Jābir. However, all these *Abādīth* are weak.

775. Narrated Abū Sa'id Al-Khudri : The Prophet said, "Whoever hires a worker should pay him his wages in full."^[1] [Reported by 'Abdur-Razzāq, and it has *Inqitā'* (a break) in its chain of narrators. Al-Baihaqi reported it *Mawsūl* (unbroken chain) through the narration of Abū Hanifah].

Chapter 16 THE CULTIVATION OF BARREN LANDS

776. Narrated 'Urwa from 'Aisha : The Prophet said, "He who develops land that does not belong to anyone, has the most right to it." [Reported by Al-Bukhāri] 'Urwa said that 'Umar ruled according to that during his caliphate.

777. Narrated Sa'id bin Zaid : The Prophet said, "If anyone makes a barren land productive, then it belongs to him."^[2] [Reported by *Ath-Thalatha*. At-Tirmidhi graded it *Hasan* (good) saying that it was reported in a *Mursal* (missing link after the *Tābi'i*) form, which is the case. However, there is disagreement regarding the Companion who heard it from the Prophet , and it has been said that it was Jābir, 'Aisha

وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنْ أَبِي يَعْلَمَ وَالْيَهْقِينِ، وَجَاهِيرِ عِنْدَ الطَّبَرَانِيِّ، وَكُلُّهَا ضَعَافٌ.

(775) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ قَالَ: «مَنْ اسْتَأْجَرَ أَجِيرًا فَلِيُسَمِّ لَهُ أُجْرَهُ»، رَوَاهُ عَبْدُ الرَّزَاقِ، وَفِيهِ انْقِطَاعٌ، وَوَصَّلَهُ الْيَهْقِينُ مِنْ طَرِيقِ أَبِي حَيْفَةَ.

١٦ - بَابُ إِحْيَاءِ الْمَوَاتِ

(776) وَعَنْ عُرْوَةَ عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، أَنَّ النَّبِيَّ قَالَ: «مَنْ عَمَرَ أَرْضًا لَيْسَتْ لِأَخِدِ فَهُوَ أَحَقُّ بِهَا»، رَوَاهُ الْبَخَارِيُّ. قَالَ عُرْوَةُ: وَقَضَى بِهِ عُمُرًا فِي جَلَافَةِ.

(777) وَعَنْ سَعِيدِ بْنِ زَيْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ قَالَ: «مَنْ أَخْيَا أَرْضًا مَيْتَةً. فَهِيَ لَهُ». رَوَاهُ الْثَلَاثَةُ، وَحَسَنَهُ التَّرمِذِيُّ، وَقَالَ: رُوِيَ مُرْسَلًا، وَهُوَ كَمَا قَالَ، وَاخْتَلَفَ فِي صَحَابَيْهِ، فَقَيْلٌ: جَابِرٌ، وَقَيْلٌ: عَائِشَةُ، وَقَيْلٌ: عَبْدُ اللَّهِ بْنُ عَمْرَةَ، وَالرَّاجِحُ الْأَوَّلُ.

wages of labor, Allāh will be a claimant against him on the Day of Judgement.

[1] It means that wages for the labor should be settled in advance to avoid the subsequent dispute. Similarly in all alike matters of *Mudarabah*, *Salam*, *Muzara'b*, *Muwajarah*, etc. The same principle which *Shari'a* has decided is applicable, and everybody should abide by this principle.

[2] It means that whoever cultivates the uninhabited and barren land, it belongs to him, provided this land is not the property of any Muslim or *Dhimmī* – a non-Muslim living in a Muslim State). Some religious scholars have the opinion that prior permission of the state is also necessary, while according to others it is not.

or ‘Abdullāh bin ‘Umar, and the strongest opinion is that it was the first one (i.e. Jābir)]

778. Narrated Ibn ‘Abbās that As-Sa‘b bin Jaththāma Al-Laithi informed him that the Prophet ﷺ had said, “There is no preserve^[1] except what belongs to Allāh and His Messenger.” [Reported by Al-Bukhāri].

779. Narrated (Ibn ‘Abbās): Allāh’s Messenger ﷺ said, “There should neither be harming (of others without cause), nor reciprocating harm (between two parties).”^[2] [Reported by Ahmad and Ibn Mājah]. Ibn Mājah reported something similar to the aforesaid *Hadīth* from Abū Sa‘īd’s narration. It is found in *Al-Muwatta’* in a *Mursal* form (missing link after the *Tābi‘i*).

780. Narrated Samura bin Jundub : Allāh’s Messenger ﷺ said, “If anyone puts a wall around a (barren) land, it belongs to him.”^[3] [Reported by Abū Dā’ud and Ibn Al-Jārūd graded it *Sabih* (authentic)].

781. Narrated ‘Abdullāh bin Mughaffal : The Prophet ﷺ said, “Whoever digs a well, shall have forty cubits (of land) as resting place for his animals”^[4] near the water.” [Reported by Ibn Mājah through a weak chain of narrators].

(778) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ الصَّبْعَ بْنَ جَحَّامَةَ الْلَّيْثِيَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَخْبَرَهُ، أَنَّ النَّبِيَّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: «لَا حِمَى إِلَّا لِلَّهِ وَلِرَسُولِهِ». رَوَاهُ الْبُخَارِيُّ.

(779) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: «لَا ضَرَرَ وَلَا ضِرَارًا». رَوَاهُ أَخْمَدُ وَابْنُ مَاجَةَ، وَلَهُ مِنْ حَدِيثِ أَبِيهِ سَعِيدِ مُثْلَهُ، وَهُوَ فِي الْمَوْطَأَ مُرْسَلٌ.

(780) وَعَنْ سَمْرَةِ بْنِ جُنْدُبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: «مَنْ أَخْطَطَ حَائِطًا عَلَى أَرْضٍ فَهِيَ لَهُ». رَوَاهُ أَبُو ذَاؤْدَ، وَصَحَّحَهُ ابْنُ الْجَارُودُ.

(781) وَعَنْ عَبْدِ اللَّهِ بْنِ مُغَفْلٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: «مَنْ حَفَرَ بِرَأْ فَلَهُ أَرْبَعُونَ ذِرَاعًا، عَطَانًا لِمَاشِيَتِهِ». رَوَاهُ ابْنُ مَاجَةَ بِإِسْنَادٍ ضَعِيفٍ.

^[1] In the Period of Ignorance (before Islam), it was customary that the chief used to reserve the fertile piece of land as grazing grounds for his own cattle. This is prohibited in Islam. However, a ruler or head of the state can reserve the land for the cattle given as charity in the way of Allāh. The land reserved for “charity cattle” will belong to “Allāh and to His Messenger.” The head of the state cannot use this land for his own herds.

^[2] In Arabic, *Darar* (ضرر) means to harm or to hurt somebody else without a legitimate cause; and *Dīrar* (ضرار) means to reciprocate by harming someone who has caused harm to you first. This *Hadīth* stands as a fundamental rule. Do not hurt anyone and do not allow anyone to hurt you. Other than this, there are many explanations of this *Hadīth*.

^[3] For the purpose of building a house, erecting a boundary wall, at least three feet high, proves the possession of the land and its ownership – as long as it is not already owned by anyone. However, to prove the ownership of cultivation land, its tillage is necessary.

^[4] It means whoever digs a well for public welfare, *Shari‘a* allows him a forty square yard

782. Narrated 'Alqama bin Wā'il^[1] from his father ﷺ: "The Prophet ﷺ assigned him land^[2] in Hadramout." [Reported by Abū Dā'ud and At-Tirmidhi. Ibn Hibbān graded it *Sahih* (authentic)].

(٧٨٢) وَعَنْ عَلْقَمَةَ بْنِ وَالْمَلِكِ عَنْ أَبِيهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ أَفْطَعَ أَرْضًا بِحَضْرَمَوْتَ. رَوَاهُ أَبُو دَاوُدُ وَالْتَّرمِذِيُّ، وَصَحَّحَهُ إِبْرَاهِيمُ حِبَّانَ.

783. Narrated Ibn 'Umar ﷺ: The Prophet ﷺ assigned to Az-Zubair the land his horse could cover at a run. He made his horse run, and when it stopped he threw his whip. He then said,^[3] "Give to him up to the spot his whip has reached."^[4] [Reported by Abū Dā'ud, but it has weakness].

(٧٨٣) وَعَنْ إِبْرَاهِيمَ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ أَفْطَعَ الرُّبَيزَ حُضْرَمَةَ، فَأَجْرَى الْفَرَسَ حَتَّى قَامَ ثُمَّ رَمَيَ بِسُوطِهِ، فَقَالَ أَغْطُوهُ حَيْثُ بَلَغَ السُّوْطُ. رَوَاهُ أَبُو دَاوُدُ، وَفِيهِ ضَعْفٌ.

784. Narrated A man of the Companions ﷺ: I went on an expedition with the Prophet ﷺ and heard him say, "People are partners in three things: grazing pasture, water and fire." [Reported by Ahmad and Abū Dā'ud, and its narrators are reliable (*thiqab*)].

(٧٨٤) وَعَنْ رَجُلٍ مِّنَ الصَّحَابَةِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: غَرَبْتُ مَعَ النَّبِيِّ ﷺ، فَسَمِعْتُهُ يَشُولُ: النَّاسُ شُرَكَاءُ فِي ثَلَاثَةِ فِي الْكَلَاءِ وَالْمَاءِ وَالنَّارِ. رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدَ، وَرَجَالُهُ ثَقَاتٌ.

Chapter 17 AL-WAQF^[5] (THE ENDOWMENT)

١٧ - بَابُ الْوَقْفِ

785. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "When a son of Adam (i.e. any human being) dies his deeds are discontinued, with three exceptions: *Sadaqa*, whose benefit is

(٧٨٥) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: إِذَا مَاتَ الْإِنْسَانُ أَفْطَعَهُ عَمَلُهُ، إِلَّا مِنْ ثَلَاثَةِ: صَدَقَةٌ جَارِيَةٌ، أَوْ عِلْمٌ يُتَقَعِّدُ بِهِ، أَوْ وَلَدٌ صَالِحٌ يُذْعَوْ لَهُ.

piece of land around the well for his cattle, etc.

[^{1]} 'Alqama bin Wā'il bin Hujr Al-Hadrami then Al-Kufi was authenticated by Ibn Hibbān. He narrated the *Hadīth* from his father and Al-Mughira.

[^{2]} It means that in an Islāmic State, it is permitted to give an estate to someone. There are two forms of this: (i) To give as his own property. (ii) To allow to use the produce for a fixed period.

[^{3]} Speaking to those who were with him.

[^{4]} It means that giving an estate to someone as a reward of his services rendered to Islam and Muslim *Ummah*, is permitted and lawful provided the land given as state is not a personal property of anyone nor it encroaches upon anyone's right. Estate awarded to a treacherous person, as a reward of his treachery by a Non-Muslim State, is unlawful.

[⁵] *Waqf* (الوقف) means to make an endowment and to spend the income for public welfare,

continuous; or knowledge from which benefit continues to be reaped; or a righteous child who supplicates for him.” [Reported by Muslim].

786. Narrated Ibn ‘Umar : ‘Umar got some land in Khaibar and went to the Prophet ﷺ asking his command regarding it and said, “O Allāh’s Messenger, I have acquired a land in Khaibar which is the most valuable property that I have ever acquired.” He replied, “If you wish you may make the property an endowment and give its produce as *Sadaqa*.” So ‘Umar gave the land as *Sadaqa* (in endowment on the condition) that must not be sold, inherited, or given away. And he gave its produce as *Sadaqa* to be devoted to the poor, relatives, the emancipation of slaves, in Allāh’s Cause, for travelers and guests, and there is no sin upon the one who administers it if he eats something from it in a reasonable manner or gives something to a friend to eat, provided he does not store anything as goods (for himself). [Agreed upon; the wording is Muslim’s].

A narration by Al-Bukhārī has: “He gave the land in *Sadaqa* (as an endowment) that must not be sold^[1] or gifted, but its produce must be spent (as *Sadaqa*).”

787. Narrated Abū Huraira : “Allāh’s Messenger ﷺ sent ‘Umar to collect *Sadaqa*...” The narrator reported the *Hadīth* and it contains: “As for Khālid,^[2] he has kept back his coats of

while keeping the original property in self custody or guardianship, not to be sold, inherited or given as a gift.

^[1] It is not permitted to sell the *Waqf*. However a trustee is allowed to take a mediocre maintenance allowance for his family, while drawing lavish allowance is prohibited.

^[2] He is Abū Sulaimān Khālid bin Al-Walid bin Al-Mughira Al-Makhzumi Al-Qurashi. His mother ‘Asmā’ was Lubabah As-Sughra, the daughter of Al-Hārith and she was the sister of Umm Fadl. Khālid became a Muslim in 8 H. before the conquest of Makkah. It is said that he

رواية مسلم.

(٧٨٦) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَرْضًا بِخَيْرٍ، فَأَتَى النَّبِيَّ ﷺ يَسْأَلُهُ فِيهَا، قَالَ: يَا رَسُولَ اللَّهِ إِنِّي أَصْبَطْتُ أَرْضًا بِخَيْرٍ، لَمْ أَصْبَطْ مَالًا قَطُّ هُوَ أَنْفَسُ عِنْدِي مِنْهُ، قَالَ: إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا، وَتَصَدَّقَتْ بِهَا، قَالَ: فَتَصَدَّقَ بِهَا عُمَرُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ لَا يُبَاعُ أَصْلُهَا، وَلَا يُورَثُ، وَلَا يُوهَبُ، فَتَصَدَّقَ بِهَا فِي الْفَقَرَاءِ، وَفِي الرِّقَابِ، وَفِي سَبِيلِ اللَّهِ، وَإِنِّي السَّبِيلُ، وَالضَّيْفُ، لَا جُنَاحَ عَلَى مَنْ وَلَيْهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ، وَيُطْعِمَ صَدِيقًا غَيْرَ مُتَّمَولٍ مَالًا مُتَّقِّنٌ عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ.

وفي رواية للبخاري: تصدق بأصلها: لا يُبَاعُ، وَلَا يُوهَبُ، وَلِكِنْ يُنْقَنُ ثَمَرَةً.

(٧٨٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: بَعَثَ رَسُولُ اللَّهِ ﷺ عُمَرَ عَلَى الصَّدَقَةِ، الْحَدِيثِ، وَفِيهِ قَاتِلًا خَالِدًا، فَقَدِ احْتَسَنَ

mail and weapons to use them in Allāh's Cause.”^[1] [Agreed upon].

أَدْرَاعُهُ وَأَعْنَادُهُ فِي سَبِيلِ اللَّهِ». مُتَقَّنٌ عَلَيْهِ.

Chapter 18

HIBAH, 'UMRĀ AND RUQBA^[2] (GIFTS, LIFE-TENANCY, AND GIVING PROPERTY WHICH GOES TO THE SURVIVOR)

788. Narrated An-Nu'mān bin Bashir ﷺ: His father brought him to Allāh's Messenger ﷺ and said, “I have given this son of mine a slave, who was belonging to me.” Allāh's Messenger ﷺ asked, “Have you given all your children the like of him?” He replied, “No.” Allāh's Messenger ﷺ then said, “Take him back then.” A narration has: My father went then to the Prophet ﷺ to call him as witness to my *Sadaqa* (i.e. gift) and he asked, “Have you done the same with all your children?” He replied, “No.” He said, “Fear Allāh and treat your children equally.”^[3] My father then returned and took back that gift. [Agreed upon].

A narration by Muslim has: He said, “Call someone other than me as

١٨ - بَابُ الْهِبَةِ وَالْعُمْرَى وَالرُّقْبَى

(٧٨٨) عَنْ النَّعْمَانِ بْنِ بَشِيرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ أَبَاهُ أَتَى بِهِ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ أَنَّهُ نَحْنُ أَنَّبِي هَذَا غُلَامًا كَانَ لِي، فَقَالَ: إِنِّي نَحْنُ أَنَّبِي هَذَا غُلَامًا كَانَ لِي، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ: أَكُلُّ وَلِدَكَ نَحْنُ نَحْنُ مِثْلَ هَذَا؟ فَقَالَ: لَا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ: فَأَرْجِعْهُ». وَفِي الْفَطِيسِ: قَاتَلَ أَبِي إِلَيْهِ الْيَتَمَّةَ لِيُشَهِّدَهُ عَلَى صَدَقَتِي، فَقَالَ: «أَغْفِلْتَ هَذَا بِوَلَدِكَ كُلَّهُمْ؟» قَالَ: لَا، قَالَ: «اَتَقْتُلُوا يَتَّمَّا بَيْنَ أَوْلَادِكُمْ؟»، فَرَجَعَ أَبِي فَرَدَ تِلْكَ الصَّدَقَةَ. مُتَقَّنٌ عَلَيْهِ.

وَفِي رِوَايَةِ لُمْسِلِيمٍ قَالَ: فَأَشْهِدُ عَلَى هَذَا غَيْرِي، ثُمَّ قَالَ: «أَيْسُرُكَ أَنْ يَكُونُوا لَكَ فِي

became a Muslim in 5 H. or 6 H. and he took part in the conquest of Makkah, Hunain and Tabuk. He broke nine swords with his hands while using them in the battle of Mu'ta, so Allāh's Messenger ﷺ called him the 'Sword of Allāh'. Abū Bakr sent him to fight in the battles of Ar-Ridda (apostasy), then he invaded the Persians. He was then sent to Shām, conquered most of it and remained the commander of the Muslim army in Shām till 'Umar bin Al-Khattāb retired him. He then became a voluntary vigilant at Hims till his death in 21 H. and he was buried at a village one mile outside Hims.

^[1] رضي الله عنه 'Umar thought that Khālid رضي الله عنه has kept those coats of mail for business. The Prophet ﷺ told him that Khālid has endowed the coats of mail and weapons in the way of Allāh.

^[2] *Hibah* (الهبة) means to present something to some one as a gift for Allāh's sake. *Waqf* (الوقف) is a public property and *Hiba* is private. '*Umrā* (العمرى) is to gift a house to somebody for the duration of his lifetime. *Ruqba* (الرقبة) is that house which is gifted to someone on the condition that if one of them dies, the house goes to the one who lives (the survivor).

^[3] According to some scholars, justice and equality among the sons (children) is preferable, but according to Imām Bukhāri and Imām Ahmad it is obligatory.

witness to this." He then said, "Would you like them to be equal in their kind treatment of you?" He replied, "Yes." He said, "Don't do it, then."

البَرُّ سَوَاءٌ؟» قَالَ: بَلَى. قَالَ: «فَلَا إِذْنٌ».

789. Narrated Ibn 'Abbās : The Prophet ﷺ said, "The one who repossesses a gift^[1] is like a dog which vomits and then returns to its vomit." [Agreed upon] A narration by Al-Bukhārī has: "An evil example does not apply to us,^[2] one who repossesses a gift is like a dog which vomits and then returns to its vomit."

790. Narrated Ibn 'Umar and Ibn Abbâs : The Prophet ﷺ said, "It is not lawful for a Muslim man to give a gift and then take it back, except a father^[3] regarding what he gives his child." [Reported by Ahmad and Al-'Arba'a. At-Tirmidhi, Ibn Hibbân and Al-Hâkim graded it *Sabih* (authentic)].

791. Narrated 'Aisha : Allāh's Messenger ﷺ would accept a gift and give something in return for it.^[4] [Reported by Al-Bukhārī].

792. Narrated Ibn 'Abbās : A man gave away a she-camel to Allāh's Messenger ﷺ. So he gave him something in return for it and asked, "Are you pleased?" He replied, "No." So he gave him more and asked, "Are you pleased?" He replied, "No." Again he gave him more and asked, "Are you pleased?" He replied, "Yes." [Reported by Ahmad and Ibn Hibbān graded it *Sabih* (authentic)].

(٧٨٩) وَعَنْ أَبْنَىٰ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُمَا قَالَ: قَالَ النَّبِيُّ ﷺ: «الْعَائِدُ فِي هِبَةِ كَالْكَلْبِ يَقِنُ ثُمَّ يَعُودُ فِي قَيْتَنَةٍ». مُتَقَوْلَىٰ عَلَيْهِ وَفِي رِوَايَةِ الْبَحَارِيِّ: «لَيَسْ لَنَا مَلْكُ الْمَوْءُ، الَّذِي يَعُودُ فِي هِبَةِ كَالْكَلْبِ يَقِنُ ثُمَّ يَرْجِعُ فِي قَيْتَنَةٍ».

(٧٩٠) وَعَنْ ابْنِ عُمَرَ وَابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمْ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَحِلُّ لِرَجُلٍ مُسْلِمٍ أَنْ يُعْطِي الْعَطَيَةَ ثُمَّ يَرْجِعَ فِيهَا، إِلَّا الْوَالَدُ فِيمَا يُعْطِي وَلَدُهُ». رَوَاهُ أَحْمَدُ وَالْأَرَبَّاعَةُ، وَصَحَّحَهُ التَّمْرِذِيُّ وَابْنُ حَبَّانَ وَالْحَاكَمُ.

(٧٩١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا
قَالَتْ: كَانَ رَسُولُ اللَّهِ يَقْبَلُ الْهَدِيَّةَ، وَيُبَيِّبُ
عَلَيْهَا. رواه البخاري.

(٧٩٢) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: وَهَبْ رَجُلٌ لِرَسُولِ اللَّهِ تَعَالَى نَافَقَ، فَأَفَأَنَابَهُ عَنِيهَا، فَقَالَ: رَضِيَتْ؟ قَالَ: لَا، فَرَأَدَهُ، فَقَالَ: رَضِيَتْ؟ قَالَ: لَا، فَرَأَدَهُ، فَقَالَ: رَضِيَتْ؟ قَالَ: نَعَمْ. رَوَاهُ أَحْمَدُ، وَصَحَّحَهُ أَبْنُ حَيَّانَ.

^[1] It is agreed that a father can take back a thing from his son, given to him as a gift; while taking back of things presented to other relatives is unlawful.

[2] i.e. Muslims.

^[3] It means that only a father can take back the *Hibab* (gift) from his son and taking back from others is unlawful. A father can revise his decision of *Hibab* and is allowed to take back the gift. A mother is also allowed to take back the *Hibab*, according to most scholars.

^[4] It means to accept a gift and to give a gift in return is *Sunnah*.

793. Narrated Jābir رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "What is given in life-tenancy^[1] belongs to the one to whom it is given." [Agreed upon].

(٧٩٣) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَى: «الْعُمَرَى لِمَنْ وُهِبَتْ لَهُ». مُتَّقِّنٌ عَلَيْهِ.

Muslim has: "Keep your properties for yourselves and do not squander them,^[2] for if anyone gives a life-tenancy it goes to the one to whom it is given, both during his life and after his death, and to his descendants."

وَلِمُسْلِمٍ: أَمْسِكُوا عَلَيْكُمْ أَمْوَالَكُمْ، وَلَا تُفْسِدُوهَا، فَإِنَّهُ مَنْ أَعْمَرَ عُمْرًا، فَهِيَ لِلَّذِي أَعْمَرَهَا، حَيًّا وَمَيِّنًا، وَلِعَقِيبِهِ.

A narration has: "The life-tenancy which Allāh's Messenger ﷺ allowed was only that in which one says, 'It is for you and your descendants.' However, if he says, 'It is yours as long as you live', it returns to its owner."

وَفِي لَفْظٍ: إِنَّمَا الْعُمَرَى الَّتِي أَجَازَهَا رَسُولُ اللَّهِ تَعَالَى أَنْ يَقُولَ: هِيَ لَكَ وَلِعَقِيبِكَ، فَإِمَّا إِذَا قَالَ: هِيَ لَكَ مَا عَشْتَ، فَإِنَّهَا تَرْجِعُ إِلَى صَاحِبِهَا.

Abū Dā'ud and An-Nasā'i have: "Do not give property "to go to the survivor"^[3] and do not give "life-tenancy", for if anyone is given either, the property goes to his heirs."

وَلِأَبِي دَاوُدَ وَالنَّسَائِيِّ: لَا تُرْقِبُوا، وَلَا تُغَيِّرُوا، فَمَنْ أَرْقَبَ شَيْئًا، أَوْ أَغْيَرَ شَيْئًا، فَهُوَ لَوْرَتَيْهِ.

794. Narrated 'Umar رضي الله تعالى عنه: I provided a man with a horse to ride in Allāh's Cause, but as he did not look after it well, I thought he would sell it at a cheap price. I therefore asked Allāh's Messenger ﷺ about that and he said, "Do not buy it even if he gives it to you for a Dirham..." The narrator reported the rest of the *Hadīth*. [Agreed upon].

(٧٩٤) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: حَمَلْتُ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ، فَأَضَاعَهُ صَاحِبُهُ، فَظَاهَرَتْ آنَهُ بِأَثْنَاءِ بِرْخَصٍ، فَسَأَلْتُ رَسُولَ اللَّهِ تَعَالَى عَنْ ذَلِكَ، فَقَالَ: «لَا تَبْتَغِهِ، وَإِنْ أَعْطَاكَهُ بِدِرْهَمٍ» الْحَدِيثُ مُتَّقِّنٌ عَلَيْهِ.

795. Narrated Abū Huraira رضي الله تعالى عنه: The

^[1] Giving a house as a gift to someone for lifetime is called '*Umrā* (العمرى). It has three forms: 1) to give for ever; 2) to give for lifetime; and 3) to give with a pre-condition (for it to be returned upon his death). Here what is meant is the first and the last.

^[2] At that time people thought '*Umrā*' is a loan given to the borrower for a certain period of time, and the owner retains the property with him after the time passes. However, the Prophet ﷺ made the matter clear by saying that the borrower becomes the owner of the property. The giver may have any intention at the time of giving the gift, but it has no consideration. It is, therefore, suggested to think carefully before gifting '*Umrā*' to avoid remorse.

^[3] *Ruqba* (الرقبة) means that a person gives his house (or property) to another on the condition that if he (the borrower) outlived him, he will have the house. However, if he (the borrower) died before, than the house will be retained by the original owner. This is called *Ruqba* because each of them wait for the death of the other.

Prophet ﷺ said, "Give gifts^[1] to one another and you will love one another." [Al-Bukhārī reported it in *Al-Adab Al-Mufrad*; Abū Ya'la reported it with a *Hasan* (good) chain of narrators].

796. Narrated Anas : Allāh's Messenger ﷺ said, "Give gifts to one another, for (giving) gifts gently extracts resentment and ill-will." [Al-Bazzār reported it through a *Da'iif* (weak) chain of narrators].

797. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "O Muslim women, a woman neighbour should not consider even a goat's hoof too insignificant^[2] a gift to give to her neighbour." [Agreed upon].

798. Narrated Ibn 'Umar : The Prophet ﷺ said, "If anyone gives away a gift, he has most right to it as long as he is given nothing in return for it."^[3] [Al-Hākim reported and graded it *Sabih* (authentic). However, the stronger narration is Ibn 'Umar's narration on the authority of 'Umar as a saying of 'Umar].

Chapter 19 LUQATAH^[4]

(LOST AND FOUND ITEMS)

799. Narrated Anas : The Prophet ﷺ came upon a date on the road and said,

عَنِ النَّبِيِّ ﷺ قَالَ: «تَهَادُوا تَحَابُوا». رَوَاهُ الْبُخَارِيُّ فِي الْأَدَبِ الْمُفَرَّدِ، وَأَبُو يَعْلَى بِإِشْنَادِ حَسَنٍ.

(٧٩٦) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ رَسُولُ اللَّهِ ﷺ: «تَهَادُوا فَإِنَّ الْهَدَايَةَ تَسْلُ السَّخِيمَةَ». رَوَاهُ الْبَزَارُ بِإِشْنَادِ ضَعِيفٍ.

(٧٩٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: «يَا نِسَاءَ الْمُسْلِمَاتِ لَا تَنْقِرْنَ حَارَّةَ لِجَارَتِهَا وَلَوْ فِي سَيِّئَةٍ شَاءَ». مُتَقَوِّلٌ عَلَيْهِ.

(٧٩٨) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ وَهَبَ هَبَّ فَهُوَ أَحَقُّ بِهَا، مَا لَمْ يَتَبَّعْ عَلَيْهَا». رَوَاهُ الْحَاكِمُ، وَصَحَّحَهُ، وَالْمَخْمُوذُ مِنْ رِوَايَةِ ابْنِ عُمَرَ عَنْ عُمَرَ قَوْلُهُ.

١٩ - بَابُ الْلَّقَطَةِ

(٧٩٩) عَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ:

^[1] It means that sending or giving a gift is commendable. All the chains of narrators (*Asānīd*) of this *Hadīth* contain some defect. However, some of them support others and that is why this *Hadīth* is graded *Hasan* (good). See: *Irwā' Al-Ghaleel* by Shaykh Al-Albānī 6/44, no. 1601.

^[2] This example teaches the basic philosophy of gift giving. A gift should be given even if it is a very meager or an ordinary thing. And he who receives it, should also honor the intention of the giver.

^[3] This *Hadīth* contains two points: 1) that a gift should be compensated for; 2) that if *Hibah* is not compensated for, the giver has the right to reconsider the *Hibah* and can take it back. However, this is a weak narration.

^[4] *Lugatab* (اللقطة) is a fallen or lost thing. *Shari'a* has divided *Lugatab* into three categories:

"Were it not that I fear it may be part of the *Sadaqa* I would eat it." [Agreed upon].

مَرَّ النَّبِيُّ ﷺ بِتَمْرَةٍ فِي الطَّرِيقِ، فَقَالَ: «لَوْلَا أَخَافُ أَنْ تَكُونَ مِنَ الصَّدَقَةِ لَأَكُلْتُهَا». مُتَقَوْلَةٌ عَلَيْهِ.

800. Narrated Zaid bin Khālid Al-Juhāni^[1]: A man came to the Prophet ﷺ and asked him about an item found (in the street). He replied, "Note what it is contained in, and what it is tied with, and make the matter known for a year. Then, if its owner comes (give it to him). Otherwise, you can do what you like with it." He asked, "What about astray sheep?" He replied, "It is for you, your brother, or the wolf." He asked, "What about astray camels?" He replied, "What have you to do with them? They have their stomachs and their feet. They can go down to water and eat trees till their master finds them." [Agreed upon].

801. Narrated (Zaid bin Khālid) ﷺ: Allāh's Messenger ﷺ said, "He who shelters a stray (animal) is astray himself, if he does not make it known."^[2] [Reported by Muslim].

802. Narrated ‘Iyād bin Himār^[3] ﷺ: Allāh's Messenger ﷺ said, "He who

(٨٠٠) وَعَنْ زَيْدِ بْنِ خَالِدِ الْجَهْنَمِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَسَأَلَهُ عَنِ الْكُلْطَةِ، فَقَالَ: «أَعْرِفُ عِصَامَهَا وَوَكَائِهَا، ثُمَّ عَرَفْتُهَا سَنَةً، فَإِنْ جَاءَ صَاحِبُهَا، إِلَّا فَتَنَاهُ إِلَيْهَا، قَالَ: فَضَالَةُ النَّبِيِّ؟ قَالَ: هِيَ لَكَ، أَوْ لِأَخِيكَ، أَوْ لِذَنْبِكَ، قَالَ: فَضَالَةُ الْإِبَلِ؟ قَالَ: تَمَّ لَكَ وَلَهَا؟ وَمَعْهَا سِقَاؤُهَا، وَجِذَاؤُهَا، تَرُدُّ الْمَاءَ، وَتَأْكُلُ السَّجَرَ، حَتَّى يَلْقَاهَا رَبُّهَا». مُتَقَوْلَةٌ عَلَيْهِ.

(٨٠١) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَوْيَ ضَالَّةً فَهُوَ ضَالٌّ مَا لَمْ يُعْرِفْنَاهَا». رَوَاهُ مُسْلِمٌ.

(٨٠٢) وَعَنْ عَيَاضِ بْنِ حَمَارٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ وَجَدَ

i) an ordinary and edible item – it can be picked up and eaten.

ii) an ordinary thing but not eatable – it can be picked up, but one has to announce it in the public places for three days.

iii) a valuable thing which the *Shari‘a* orders – if it is picked up – to be announced for one year. Then, if the owner is found, it should be returned to him. Otherwise, it can be used. There is a difference of opinion on the point, whether to return it or not if the owner is found after its use.

^[1] His nickname is Abū ‘Abdur-Rahmān or Abū Talha and was a resident of Al-Madīnah. He was a prominent *Sabābi* who held the flag of the tribe of Juhaina on the day of *Al-Fath* (the conquest of Makkah). He settled at Kufa and died in it in the year 68 H. or 78 H. at the age of 85 years.

^[2] If someone picks up a lost or fallen thing with the intention to announce it, or with the intention to prevent it from getting into the hands of those who would not announce it, then this is permissible. Picking up a thing with bad intention to possess it, is not correct. It is an error of conduct.

^[3] ‘Iyād bin Himār At-Tamimi Al-Mujāshi‘i was a *Sabābi* who settled at Basrah and lived up to about the fifties of the Hijra.

finds something should call two trusty people as witnesses,^[1] keep in mind what it is contained in, and what it is tied with, and not conceal it or cover it up. Then, if its owner comes, he has then most right to it. Otherwise, it is Allāh's property which He gives to whomever He wills.” [Reported by Ahmad and *Al-Arba'a* excluding Tirmidhi. Ibn Khuzaima, Ibn Al-Jarūd and Ibn Hibbān graded it *Sabib* (authentic)].

803. Narrated ‘Abdur-Rahmān bin ‘Uthmān At-Taimī^[2] . The Prophet ﷺ prohibited taking what a pilgrim^[3] has dropped (lost). [Reported by Muslim].

804. Narrated Al-Miqdām bin Ma'dikarib^[4] : Allāh's Messenger ﷺ said, “A beast of prey with a fang, a domestic donkey, and a lost item from the property of a *Mu'ābid* (a disbeliever who has been given a covenant)^[5] – unless it is something worthless – are not lawful.” [Reported by Abū Dā'ud].

لقطة فليشهدنْ ذَوِي عَدْلٍ، وَلْيُحْفَظْ عَفَاصَهَا،
وَوِكَاءُهَا، ثُمَّ لَا يَكُنُّ، وَلَا يُعَيَّبُ، فَإِنْ جَاءَ
رَبُّهَا، فَهُوَ أَحَقُّ بِهَا، وَإِلَّا فَهُوَ مَالُ اللَّهِ يُؤْتِيهِ مَنْ
يَشَاءُ». رَوَاهُ أَحْمَدُ وَالْأَزْبَعَةُ إِلَّا التَّرْمِذِيُّ،
وَصَحَّحَهُ ابْنُ حُرَيْمَةَ وَابْنُ الْجَارُودَ وَابْنُ جَيَّانَ.

(٨٠٣) وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ عُثْمَانَ التَّيْمِيِّ
رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ الَّتِي يَكُلُّهَا لَهُ عَنْ
القطة الحاج. رواه مسلم.

(٨٠٤) وَعَنْ الْمُقْدَامِ بْنِ مَعْدِيَكَرَبَ رَضِيَ
اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَلَا
لَا يَحْلُّ ذُو نَابٍ مِنَ السَّبَاعِ، وَلَا الْحِمَارُ
الْأَهْلِيُّ، وَلَا الْقُطْنَةُ مِنْ مَالٍ مُعَايِدٍ، إِلَّا
يَسْتَغْفِي عَنْهَا». رواه أبو داود.

^[1] Whenever a lost or fallen thing is found, two witnesses should be called at once. Similarly, at the time of its delivery, witnesses should also be called. Both witnesses are necessary. This is because of the possibility that after the delivery of the lost thing, another person may claim it giving true marks and signs of the thing thus creating a dispute and squabble.

^[2] ‘Abdur-Rahmān bin ‘Uthmān bin ‘Ubaidullah At-Taimī Al-Qurashi, the son of Talha bin ‘Ubaidullah's brother, was a *Sabābi*. It was also said that though he lived during the lifetime of the Prophet ﷺ, he never met him. He became a Muslim on the day of *Al-Hudaibiya* or on the day of *Al-Fath* and was killed with ‘Abdullah bin Az-Zubair in 73 H.

^[3] Because a pilgrim is a traveler, and there is only a remote chance of a meeting between the pilgrim and the finder of lost thing, therefore it is ordered not to pick up the lost things of pilgrims.

^[4] Al-Miqdām bin Ma'dikarib bin 'A'īr Al-Kindī who was nicknamed Abū Karima or Abū Yahya was a prominent *Sabābi*. He settled at Shām and his *Abadīth* spread among its people. He died in 47 H. at the age of 91 years.

^[5] *Dhimmi* (الذمي) is an infidel living in an Islamic State and abiding by the laws of the state and *Mu'ābid* (معايد) is an infidel visiting an Islamic State with visa and performing his job peacefully. The Islamic State is responsible for his safety and his property, etc. There is no difference between the lost property of a *Dhimmi* and *Mu'ābid* or a Muslim as far as the laws of lost property are concerned. However, if it is a worthless thing, then there is no harm in picking it up.

٢٠ - باب الفرائض

Chapter 20
AL-FARA'ID^[1]

(THE SHARES OF INHERITANCE)

805. Narrated Ibn 'Abbās ﷺ: Allāh's Messenger ﷺ said, "Give the prescribed shares to those who are entitled to them,^[2] and what remains goes to the nearest male relative (of the deceased)." [Agreed upon].

806. Narrated Usāma bin Zaid ﷺ: The Prophet ﷺ said, "A Muslim does not inherit from an infidel and an infidel does not inherit from a Muslim."^[3] [Agreed upon].

807. Narrated Ibn Mas'ūd ﷺ concerning the situation where there was a daughter, a son's daughter and a sister: The Prophet ﷺ ruled, "The daughter gets half and the son's daughter a sixth, completing two-thirds,^[4] and what remains goes to the sister." [Reported by Al-Bukhāri].

808. Narrated 'Abdullāh bin 'Umar ﷺ: Allāh's Messenger ﷺ said, "People of two different religions do not inherit from one another." [Reported by Ahmad and Al-Arba'a except At-Tirmidhi; Al-Hākim reported it with Usāma's wording; An-Nasa'i reported Usāma's *Hadīth* with the aforesaid wording].

809. Narrated 'Imrān bin Husain ﷺ: A man came to the Prophet ﷺ and said,

(٨٠٥) عن ابن عباس رضي الله تعالى عنهما قال: قال رسول الله ﷺ: "الحقوا الفرائض بأهلها، فما يملي فهو لأولى زوج ذكر". متفق عليه.

(٨٠٦) وعن أسامة بن زيد رضي الله تعالى عنهما، أن النبي ﷺ قال: "لا يرث المسلم الكافر، ولا يرث الكافر المسلم". متفق عليه.

(٨٠٧) وعن ابن مسعود رضي الله تعالى عنه، في بنت، وبنات ابنة، وأخته، فقضى النبي ﷺ "لإبنة الصحفة، ولإبنة الابن السادس، تكملة الثلثين، وما يملي فلأخته". رواه البخاري.

(٨٠٨) وعن عبد الله بن عمر رضي الله تعالى عنهما قال: قال رسول الله ﷺ: "لا يتوارث أهل بيته". رواه أحمد وأبي ربيعة إلا الشرمذني، وأخرجه الحاكم بلفظ أسامه، وروى النساء حديث أسماء بهذا الفظ.

^[1] *Farā'id* (الفرائض) is plural of *Faridah* and it means the laws related to the distribution of inheritance.

^[2] Those persons whose share is described in the Qur'ān are called *Dhu-Farā'id* (ذو الفرائض) while other possible inheritors are called '*Asabab*' (عسبة); and some of the *Dhu-Farā'id* are '*Asabab*' too. In the noble Qur'ān, six kinds of shares are fixed. These are: One-half, one-fourth, one-eighth, two-thirds, one-third and one-sixth.

^[3] Among the deceased and the heir, if one is non-Muslim, they cannot be heir of each other.

^[4] Half to the daughter and one-sixth to the granddaughter (from father's side) and one-third will go to the sister. It means that the sister along with daughter and granddaughter becomes '*Asabab*'.

"My son's son (grandson) has died, so what do I receive from his estate (inheritance)?" He replied, "You receive a sixth;" then when he turned away he called him and said, "You receive another sixth;"^[1] and when he turned away he called him and said, "The other sixth is an allowance (beyond what is due)." [Reported by Ahmad and *Al-Arba'a*. At-Tirmidhi graded it *Sahib* (authentic). It is from Al-Hasan Al-Basri's^[2] narration on the authority of 'Imrān. However, it has been said that Al-Hasan did not hear (*Hadith*) from 'Imrān].

810. Narrated Ibn Buraida on the authority of his father: The Prophet appointed a sixth to a grandmother^[3] if no mother is left to inherit before her. [Reported by Abū Dā'ud and An-Nassā'i. Ibn Khuzaima and Ibn Al-Jārūd graded it *Sahib* (authentic) and Ibn 'Adī graded it strong].

811. Narrated Al-Miqdām bin Ma'dikarib: Allāh's Messenger said, "A maternal uncle^[4] is heir of him who has no inheritor." [Ahmad and *Al-Arba'a* reported it excluding At-Tirmidhi. Abū Zur'a Ar-Rāzī graded it

^[1] The deceased left two daughters and one grandfather as heirs. The daughters got two-thirds, while the grandfather got one-sixth as *Dhul-Farā'id* and another one-sixth as *'Asabah*. The Prophet told him only one-sixth at first, so that he would not think that his share is one-third, and then explained it to him again in the end.

^[2] Al-Hasan bin Abū Hasan Al-Basri was an Ansari slave. His father was called Yasār. Al-Hasan was one of the righteous *Imāms*. He was also reliable, pious, famous, a devout worshipper, very learned, eloquent, handsome, elegant, a great and very knowledgeable scholar. He was the head of the third generation of the *Tābi'in* and was born when two years remained from 'Umar's Caliphate. He saw 'Uthmān and 'Ali but did not hear a *Hadith* from them. He died in Rajab 110 H. when he was nearly ninety years of age.

^[3] Grandmothers in Arabic are *Jaddah Sahibah* (father's mother) and *Jaddah Fāsidah* (mother's mother). If the mother of the deceased is not alive, then the mother's share will go to father's mother or mother's mother. If both are present, they will share the fixed portion.

^[4] These *Abādīth* prove that if there is no '*'Asabah* or *Dhul-Farā'id* heir, then the maternal uncle (mother's brother) will be an heir. It means that the maternal uncle is the last heir. If he too is not alive then the property will go to the public treasury (بِيت الْمَال). The maternal aunt (mother's sister) has the same status as the maternal uncle.

تَعَالَى عَنْهُمَا قَالَ: جَاءَ رَجُلٌ إِلَيَّ النَّبِيِّ ﷺ
فَقَالَ: إِنَّ ابْنَ ابْنِي، مَاتَ، فَمَا لِي مِنْ مِيرَاثٍ؟
فَقَالَ: لَكَ السُّدُسُ، فَلَمَّا وَلَى دُعَاهُ، قَالَ: إِنَّ
لَكَ سُدُسًا آخَرَ، فَلَمَّا وَلَى دُعَاهُ، قَالَ: إِنَّ
السُّدُسَ الْآخَرَ طُغْمَةً. رَوَاهُ أَحْمَدُ وَالْأَزْعَمُ،
وَصَحَّحَهُ التَّمْرِذِيُّ، وَهُوَ مِنْ رِوَايَةِ الْحَسَنِ
الْبَصْرِيِّ عَنْ عَمْرَانَ، وَقَيلَ: إِنَّهُ لَمْ يَسْمَعْ مِنْهُ.

(٨١٠) وَعَنْ ابْنِ بُرْيَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ
عَنْ أَبِيهِ أَنَّ النَّبِيِّ ﷺ جَعَلَ لِلْجَدِيدِ السُّدُسَ، إِذَا
لَمْ يَكُنْ دُوَنَهَا أُمٌّ. رَوَاهُ أَبُو ذَاوَدَ وَالسَّائِيُّ،
وَصَحَّحَهُ ابْنُ خُرَيْمَةَ وَابْنُ الْجَازُودَ، وَقَوْاهُ ابْنُ
عَدَيْ. .

(٨١١) وَعَنْ الْمُقْدَامِ بْنِ مَعْدِيَكَرَبَ رَضِيَ
اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:
«الْخَالُ وَارِثُ مَنْ لَا وَارِثَ لَهُ». وَأَخْرَجَهُ
أَحْمَدُ وَالْأَزْعَمُ، سَوْيَ التَّمْرِذِيِّ، وَحَسَنَهُ أَبُو

Hasan (good), and Al-Hākim and Ibn Hibbān graded it *Sabib* (authentic).

812. Narrated Abū Umāma bin Sahl^[1] (رضي الله عنه): ‘Umar رضي الله عنه wrote to Abū ‘Ubaida^[2] (رضي الله عنه) that Allāh’s Messenger ﷺ had said: “Allāh and His Messenger are the Patrons of him who has none and a maternal uncle is the heir of him who has no inheritor.” [Reported by Ahmad and *Al-Arba'a* except Abū Dā’ud. At-Tirmidhi graded it *Hasan* (good); Ibn Hibbān graded it *Sabib* (authentic)].

813. Narrated Jābir (رضي الله عنه): The Prophet ﷺ said, “When a new born cries (at the time of birth)^[3] (and then dies), it is treated as a heir.” [Reported by Abū Dā’ud and graded as *Sabib* (authentic) by Ibn Hibbān].

814. Narrated ‘Amr bin Shu‘aib on his father’s authority from his grandfather^[4]: Allāh’s Messenger ﷺ said, “One who kills a man cannot inherit anything from him.”^[4] [Reported by An-Nasā'i and Ad-Dāraqutni. Ibn ‘Abdul-Barr graded it *Qawiy* (strong), while An-Nasā'i declared it to be defective. The right opinion is that it is *Mawqūf* (a saying of a Companion) from ‘Amr (bin Al-‘Aas (رضي الله عنه)).

[1] His name was As‘ad or Sa‘d but was known by his nickname Abu Umāma bin Sahl bin Hunayn bin Wāhib Al-Ansāri Al-Ausi Al-Madani. He was counted among the *Sababa* and he saw the Prophet ﷺ but never heard a *Hadīth* from him. He died in 100 H. at the age of 92 H.

[2] He is Abū ‘Ubaida ‘Aamir bin ‘Abdullāh bin Al-Jarrah bin Hilāl Al-Qurashi Al-Fihri who was one of the ten promised to enter *Janna* (Paradise). He became a Muslim early and migrated to Abyssinia (Ethiopia) during the second *Hijra*. He participated in Badr and the rest of the important battles. On the day of Uhud he removed with his teeth two metal points of the Prophet’s helmet which had penetrated in his cheeks and lost two of his front teeth as a result. Abū ‘Ubaida led the Muslim army during the conquest of Shām. He died in the plague of ‘Amwās in 18 H. at the age of 58 years.

[3] The child who has a trace of life and whose Funeral prayer is offered, is also a heir and his inheritance is distributed as well.

[4] It means that a murderer has no right of inheritance from the property of the murdered. The murderer gets no share at all even he is an *‘Asabab* or *Dhu'l-Faridah* of the murdered. Willful murder and unintentional murder are equal in this concern, according to the majority of the *Imams*, except Imam Mālik.

رُوغة الرَّازِي وَصَحَّحَهُ الْحَاكِمُ وَابْنُ جِبَانَ.

(٨١٢) وَعَنْ أَبِي أُمَامَةَ بْنِ سَهْلٍ قَالَ: كَتَبَ مَعِيْ عُمُرٌ رَضِيَ اللَّهُ تَعَالَى عَنْهُ إِلَى أَبِي عُبَيْدَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «اللَّهُ وَرَسُولُهُ مَوْلَى مَنْ لَا مَوْلَى لَهُ، وَالْحَالُ وَارِثُ تَمْنَنْ لَا وَارِثُ لَهُ». رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ، سَوَى أَبِي دَاؤِدَ، وَحَسَنَهُ التَّرْمِذِيُّ، وَصَحَّحَهُ ابْنُ جِبَانَ.

(٨١٣) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِذَا اسْتَهَلَ الْمُؤْلُودُ وَرِثَ». رَوَاهُ أَبْوَ دَاؤِدَ وَصَحَّحَهُ ابْنُ جِبَانَ.

(٨١٤) وَعَنْ عَمِّرو بْنِ شَعِيبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يُسَمِّنُ الْفَقَائِلُ مِنَ الْمُبِيرَاتِ شَيْئًا». رَوَاهُ النَّسَائِيُّ وَالْأَذَرْقَطْبِيُّ، وَقَوْاْهُ ابْنُ عَبْدِ الْبَرِّ، وَأَعْلَمُهُ النَّسَائِيُّ، وَالصَّوَابُ وَفَقْهُ عَلَى عَمِّرو.

815. Narrated 'Umar bin Al-Khattāb ﷺ : I heard Allāh's Messenger ﷺ as saying, "The property which a parent or a child has a right to, goes to his 'Asabah (paternal relatives)^[1] whoever it may be. [Reported by Abū Dā'ud, An-Nasā'i and Ibn Mājah. Ibn Al-Madīnī and Ibn 'Abdul-Barr graded it *Sahīb* (authentic)].

816. Narrated 'Abdullāh bin 'Umar ﷺ : Allāh's Messenger ﷺ said, "The right to inheritance from a freed slave^[2] is a relationship like the relationship of blood relatives (lineage); it cannot be sold or given away." [Al-Hākim reported it through Ash-Shāfi'i's narration from Muhammād bin Al-Hasan^[3] on the authority of Abū Yūsuf.^[4] Ibn Hibbān graded it *Sahīb* (authentic), while Al-Baihaqī graded it defective].

817. Narrated Abū Qilāba^[5] on the authority of Anas ﷺ : Allāh's Messenger

(٨١٥) وَعَنْ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ يَقُولُ: إِنَّمَا أَخْرَزَ الْوَالِدُ أَوِ الْوَلَدُ فَهُوَ لِعَصْبَيْهِ مَنْ كَانَ». رَوَاهُ أَبُو دَاوُدَ وَالشَّافِعِيُّ وَابْنُ مَاجَةَ وَصَحَّحَهُ أَبْنُ الْمَدِينَيِّ وَابْنُ عَبْدِ الْبَرِّ.

(٨١٦) وَعَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ: «الْوَلَاءُ لِحُمَّةِ كُلُّ حُمَّةِ النَّسَبِ، لَا يَبْاعُ وَلَا يُوَهَّبُ». رَوَاهُ الْحَاكِمُ مِنْ طَرِيقِ الشَّافِعِيِّ، عَنْ مُحَمَّدِ بْنِ الْحَسَنِ، عَنْ أَبِي يُوسُفَ، وَصَحَّحَهُ أَبْنُ جِبَانَ، وَأَعْلَمُهُ الْبَهْفُونِيُّ.

(٨١٧) وَعَنْ أَبِي قَلَبَةَ، عَنْ أَنَسِ رَضِيَ اللَّهُ

^[1] *Wala'* (inheritance from the slave whom someone has freed) is not distributed like inheritance in *Dhu'l-Farā'id*. Instead, the nearest 'Asabah has the right to that inheritance (*Walā'*). This is the correct opinion, though some scholars differ on this point.

^[2] After the death of a freed slave or slave-girl his/her left property is called *Walā'* and he who pays the money for the freedom, becomes the heir after the death of the slave – if the freed slave has no blood relatives who are entitled to inheritance.

^[3] Abū 'Abdullāh Muhammād bin Al-Hasan bin Farqad, Ash-Shaibānī by clientship, was one of the *Hanafī Imāms*. He was born in 132 H. at Wāsit and grew up at Kufa. He travelled to acquire the knowledge of *Hadīth* and met a group of the eminent learned men. He attended the study circle of Abū Hanifa for years, then acquired the knowledge of *Fiqh* from Abū Yūsuf. He then wrote many valuable books and spread the knowledge of Abū Hanifa. He also studied under Imām Mālik for three years. The *Hadīth* scholars considered his *Abadīth* to be weak due to his memory. He died in 189 H. at Ranbuwāh, a village of Ar-Ray.

^[4] He was the *Fiqh* scholar of 'Iraq and the learned Imam Al-Qādi Abū Yūsuf Ya'qūb bin Ibrāhīm Al-Ansārī Al-Kūfī, the companion of Abū Hanifa. He grew up in the acquisition of knowledge. His father was poor and Abū Hanifa used to give him a hundred after a hundred. Yahya bin Ma'in said, "There is no person among the *Fiqh* scholars who knows more *Abadīth* or is more reliable (in the narration of *Hadīth*) than Abū Yūsuf." Yahya bin Yahya At-Tamimī said, "I heard Abū Yūsuf say at the time of his death, I have withdrawn from any (*Fiqh*) opinion which I gave in the past except that confirming with the Book (the Qur'ān) and the *Sunnah* – and in another version – except what is in the Qur'ān and the Muslims have agreed upon." He died in Rabi' Al-Akhir of the year 182 H. at the age of 69 years.

^[5] The name of Abū Qilāba is 'Abdullāh bin Zaid bin 'Amr or 'Aamir Al-Jurmi Al-Basri. He was a great *Tābi'i*, reliable, virtuous and the narrator of many *Mursal Abadīth*. He was among the

ﷺ said, "The most versed in the rules of inheritance among you is Zaid bin Thābit."^[1] [Reported by Ahmad and Al-*Arba'a* except Abū Dā'ud. At-Tirmidhi, Ibn Hibbān and Al-Hākim graded it *Sahib* (authentic). However, it was considered defective due to being *Mursal* (missing link in the chain after the *Tābi'i*)].

تعالى عنده قال: قال رسول الله ﷺ: «أَفْرَضْنَا زَيْدَ بْنَ ثَابِتَ». أَخْرَجَهُ أَحْمَدُ وَالْأَزْبَعَةُ، سَوْدَى أَبِي دَاؤِدَ، وَصَحَّحَهُ التَّرْمِذِيُّ وَابْنُ حَبَّانَ وَالْحَاكمُ. وَأَعْلَلَ بِالإِرْسَالِ.

Chapter 21 AL-WASAYA^[2]

(THE WILLS AND TESTAMENTS)

٢١ - بَابُ الْوَصَائِيَا

818. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ said, "It is not permissible for a Muslim person, who has something he wants to give as a bequest, to have it for two nights without having his will^[3] regarding it written and kept ready with him."

[Agreed upon].

(٨١٨) عَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَا حَقُّ امْرِئٍ مُسْلِمٍ لَهُ شَيْءٌ يُرِيدُ أَنْ يُوصِي فِيهِ، يَسِّيْثُ لَيْلَتَيْنِ إِلَّا وَوَصِيَّتْهُ مَكْتُوبًا عَنْهُ». مُتَقَوْلَى عَلَيْهِ.

819. Narrated Sa'd bin Abī Waqqās ﷺ: I said, "O Allāh's Messenger, I have wealth and no one to inherit from me except my one daughter. Shall I give

(٨١٩) وَعَنْ سَعْدِ بْنِ أَبِي وَقَاصٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! أَنَا ذُو مَالٍ، وَلَا يَرِثُنِي إِلَّا ابْنَةٌ لِي وَاحِدَةٌ، أَفَأَتَصَدِّقُ

sixth generation and died in Shām in 104 H. or 106 H. or 107 H. while refusing the responsibility of holding the office of the *Qadi*.

[1] The Prophet ﷺ said, "The most merciful of my *Ummab* is Abu Bakr; the most firm of them in religion is 'Umar; the most sincere in modesty amongst them is 'Uthmān; the best judge amongst them is 'Ali; the best reciter amongst them is Ubai bin Ka'b; the one who possesses the best knowledge of the lawful and the unlawful things is Mu'ādh bin Jabal; the one who possesses the best knowledge of obligatory shares (regarding descent and division of inheritance) is Zaid bin Thābit. Behold, verily, every *Ummab* has a trustworthy guardian and the trustworthy guardian of this *Ummab* is Abū 'Ubaida bin Jarrah."

On the basis of this *Hadīth*, the word of Zaid bin Thābit is preferred concerning disputed issues of inheritance.

[2] Linguistically *Wastyab* (الوصيّة) means: to command, advise or recommend something. According to the *Shari'a* it is a will or testament – to use a portion (one third) of a person's wealth in a particular manner – to be acted upon after the death of the person who made it.

[3] Prior to the revelation of the Verses of Inheritance, making a will was obligatory. However, after the revelation this order was cancelled. Likewise, one can make a will for matters other than inheritance. Today, a bequest is sometimes very necessary, for example, in the presence of one's son to make a will for the grandson from a deceased son. The written form of will is not a necessity. However, it is important for the confirmation of an oral will, and to avoid any misunderstanding arising afterwards.

two-thirds of my property as *Sadaqa*?" He replied, "No." I said, "Shall I give half of it as *Sadaqa*?" He replied, "No." I said, "Shall I give a third of it as *Sadaqa*?" He replied, "You may give a third^[1] as *Sadaqa*, which is still a lot. To leave your heirs rich is better than to leave them poor and begging from people." [Agreed upon].

820. Narrated 'Aisha ﷺ: A man^[2] came to the Prophet ﷺ and said, "O Allāh's Messenger, my mother had died suddenly, and did not make a will. And I think she would have given out *Sadaqa* if she had been able to speak, so will she get a reward if I gave out *Sadaqa* on her behalf?" He replied, "Yes." [Agreed upon; the wording is Muslim's].

821. Narrated Abū Umāma Al-Bāhili : I heard Allāh's Messenger ﷺ saying, "Allāh has appointed for everyone who has a right what is due to him, and no *Wasiyah* (will) should be made to an heir."^[3] [Reported by Ahmad and *Al-Arba'a* except An-Nasā'i. Ahmad and At-Tirmidhi graded it *Hasan* (good), while Ibn Khuzaima and Ibn Al-Jārūd graded it *Qawī* (strong)]. Ad-Dāraqutni reported the aforesaid *Hadīth* from the narration of Ibn 'Abbās (رضي الله عنه); and he added in its end: "unless the other heirs wish so." [Its chain of narrators is *Hasan* (good)].

822. Narrated Mu'ādh bin Jabal : The

بِشَّانِي مَالِي؟ قَالَ: «لَا»، قُلْتُ: أَفَأَنْصَدِقُ بِشَطْرِهِ؟ قَالَ: «لَا»، قُلْتُ: أَفَأَنْصَدِقُ بِثُلُثِهِ؟ قَالَ: «الثُلُثُ، وَالثُلُثُ كَثِيرٌ، إِنَّكَ أَنْ تَدْرِرَ وَرَمِكَ أَغْيَاهَ خَيْرٌ مَنْ أَنْ تَدْرِرُهُمْ عَالَةً يَنْكَفُونَ النَّاسَ». مُتَقَوِّلٌ عَلَيْهِ.

(٨٢٠) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي أَفْتَلَثُ شَرْحَسَهَا، وَلَمْ تُوْصِرْ، وَأَنْظَلَهَا لَوْ تَكَلَّمَتْ تَصَدَّقَتْ، أَفَلَهَا أَجْرٌ إِنْ تَصَدَّقَتْ عَنْهَا؟ قَالَ: «نَعَمْ». مُتَقَوِّلٌ عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ.

(٨٢١) وَعَنْ أَبِي أُمَامَةَ الْبَاهْلِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَيَغُثُّ رَسُولُ اللَّهِ يَقُولُ: إِنَّ اللَّهَ قَدْ أَعْطَى كُلَّ ذِي حُقُّ حُقُّهُ. فَلَا وَصِيَّةَ لِوَارِثٍ. رَوَاهُ أَخْمَدُ وَالْأَزْبَعُ إِلَى السَّنَّاَيِّ، وَحَسَنَهُ أَحْمَدُ وَالترْمِذِيُّ، وَفَوَاهُ ابْنُ حُرَيْمَةَ وَابْنُ الْجَارُودَ، وَرَوَاهُ الدَّارَقُطْنِيُّ مِنْ حَدِيثِ ابْنِ عَبَّاسٍ، وَرَوَادٌ فِي آخِرِهِ: «إِلَّا أَنْ يَشَاءَ الرَّحْمَنُ»، وَإِشَادَةُ حَسَنٍ.

(٨٢٢) وَعَنْ مُعَاذِ بْنِ جَبَلٍ رَضِيَ اللَّهُ تَعَالَى

^[1] A will can be made at the most for one-third of the whole of the property. If it is less than one-third, it is better. However, with the permission of other heirs it is permitted for more than one-third. If the heirs are alive, than it is not allowed to make it for more than one-third.

^[2] This man was Sa'd bin 'Ubāda رضي الله عنه. We come to know through this *Hadīth* that sons and daughters are allowed and permitted to give something in charity from the property left as inheritance without a bequest for doing so, parents do get the reward for this virtuous deed.

^[3] It means that a will cannot be made for a heir, but with the permission of other heirs it is permitted, just as a bequest for more than one-third is permitted for a stranger with the permission of heirs.

Prophet ﷺ said, "Allāh gave (a favor)^[1] as *Sadaqa* to you a third of your property, when you are about to die, as an increase in your good deeds." [Reported by Ad-Dāraqutni]. Ahmad and Al-Bazzār reported the aforesaid narration from the *Hadīth* of Abū Ad-Dardā, while Ibn Mājah reported it from the *Hadīth* of Abū Huraira (رضي الله عنه). All of them (i.e. these three chains of narrators) are weak. However, they may strengthen one another [becoming *Hasan*], and Allāh Knows Best.

عَنْهُ قَالَ: قَالَ النَّبِيُّ ﷺ: «إِنَّ اللَّهَ تَصَدَّقَ عَلَيْكُمْ بِثُلُثٍ أَمْوَالَكُمْ عَنْدَ وَفَاتِكُمْ، زِيادةً فِي حَسَنَاتِكُمْ». رَوَاهُ الدَّارَقُطْنِيُّ. وَأَخْرَجَهُ أَحْمَدُ وَالبَزَّارُ مِنْ حَدِيثِ أَبِي الدَّرْدَاءِ، وَأَبْنُ مَاجَةَ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ، وَكُلُّهُ ضَعِيفٌ، لِكِنْ قَدْ تَقوَى بِعَضُّهَا بِعَضٍ»، وَاللَّهُ أَعْلَمُ.

٢٢ - بَابُ الْوَدِيعَةِ

AL-WADI'A (TRUSTS)

823. Narrated 'Amr bin Shu'aib on his father's authority from his grandfather: The Prophet ﷺ said, "There is no liability^[2] on him who is entrusted with something." [Ibn Mājah reported it, but its chain of narrators is *Da'if* (weak)].

[The Chapter on the division of *Sadaqa* has preceded at the end of the Book of *Zakāt*. The Chapter on the division of tributes from territories the Muslims have conquered, and spoils of war, will follow the Book of *Jihād*, if Allāh the Most High wills.]

(٨٢٣) عَنْ عَمْرِ بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أُوْدِعَ وَدِيعَةً فَلَيْسَ عَلَيْهِ ضَمَانٌ». أَخْرَجَهُ أَبْنُ مَاجَةَ، وَإِشْتَادَهُ ضَعِيفٌ.

وَبَابُ قِسْمِ الصَّدَقَاتِ تَقْدَمُ فِي آخِرِ الرُّكَّاَةِ، وَبَابُ قِسْمِ الْفَيْءِ وَالغَيْمَةِ يَأْتِي عَقبَ الْجِهَادِ إِنْ شَاءَ اللَّهُ تَعَالَى.

^[1] In Arabic, *Ihsān* (الإحسان) is a favor because in the lifetime, while hale and hearty one had the privilege to spend his money according to his free will, but after death he has no concern with his own wealth. This is Allāh Who allowed him to spend one-third of his wealth near death and make addition to his good deeds.

^[2] Difference between *Amānah* (trust) and *Aariyah* (loan) is that what a person borrows for his own purpose and use is *Aariyah*; while *Amānah* is that thing which a person entrusts another for safety. One can use *Aariyah* as he has borrowed it for use but the use of *Amānah* is prohibited. If *Aariyah* is destroyed, the borrower has to pay for it. As for *Amānah*, if it is destroyed by accident, with any negligence on the part of the trustee, he does not have to pay for it. However, if the trustee has used the *Amānah* or a part of it, than he has to pay for any damage.

8. THE BOOK OF MARRIAGE

٨ - كِتَابُ النِّكَاحِ

824. Narrated 'Abdullâh bin Mas'ûd : Allâh's Messenger ﷺ said to us, "O young men, those of you who can support a wife should marry,^[1] for it (marriage) controls the gaze and preserves one from immorality. And whoever cannot (marry) should fast, for it is a means of reducing the sexual desire." [Agreed upon].

825. Narrated Anas bin Mâlik : The Prophet ﷺ praised Allâh, extolled Him and said, "Yet I pray^[2] and sleep; I fast and break my fast; and I marry women. He who is displeased with my *Sunnah* (practices) is not my follower." [Agreed upon].

826. Narrated (Anas bin Mâlik) : 'Allâh's Messenger ﷺ used to command us to marry and sternly forbid celibacy^[3] and say, "Marry women who are beloved (due to their good characteristics), prolific in bearing children, for I shall outnumber the Prophets by you on the Day of Resurrection." [Reported by Ahmad and Ibn Hibbân graded it *Sahîh* (authentic)]. The aforesaid *Hadîth* has a supporting narration reported by Abû Dâ'ud, An-Nasâ'i and Ibn Hibbân from Ma'qal bin Yasâr's *Hadîth*.

827. Narrated Abû Huraira : The

(٨٢٤) عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ لَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «يَا مَعْشَرَ الشَّبَابِ! مَنْ أَسْتَطَعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَعَضُّ لِلْبَصَرِ، وَأَخْصُّ لِلْفَرْزَجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وِجَاهَةٌ مُتَقَرِّبٌ إِلَيْهِ».

(٨٢٥) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ وَقَالَ: «لَكُمْ أَنَا أُصَلِّي، وَأَنَّا، وَأَصْوَمُ، وَأَطْبُرُ، وَأَتَرْوَحُ النِّسَاءَ، فَمَنْ رَغَبَ عَنْ شَيْءٍ فَيُئْسِنْ مِنْهُ». مُتَقَرِّبٌ إِلَيْهِ.

(٨٢٦) وَعَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ يَأْمُرُ بِالْبَاءَةِ، وَيَنْهَا عَنِ التَّبَيَّلِ تَهْيَا شَدِيدًا، وَيَقُولُ: «تَرَوْجُوا الْوَلُودَ الْوَدُودَ، فَإِنِّي مُكَافِرٌ بِكُمُ الْأَتْبَيَا يَوْمَ الْقِيَامَةِ». رَوَاهُ أَخْمَدُ، وَصَحَّحَهُ ابْنُ جَبَّانَ، وَلَهُ شَاهِدٌ عِنْدَ أَبِي ذَاوَدَ وَالشَّائِي، وَابْنِ حَبَّانَ أَيْضًا مِنْ حَدِيثِ مَعْلِمٍ بْنِ يَسَارٍ.

(٨٢٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ،

^[1] It means that if one has enough power (physical and financial) for *Nikâh* (marriage), he should do it. Some of the scholars consider it obligatory and some others regard it only desirable.

^[2] It means exaggeration in supererogatory worship is unlawful. It makes a man tired and he even fails to perform obligatory worship. A man becomes goes out of Islam if he starts thinking that his way of worship is better than the way of the Prophet ﷺ.

^[3] *Tabattul* (التبطل) means not to marry, thinking that avoiding marriage is a form of worship, and thinking that engaging in marriage is a hindrance to worship. It is agreed by all that *Tabattul* is an unlawful action. However, not marrying due to some unavoidable circumstances or some other reasons is quite a different matter.

Prophet ﷺ said, "A woman is married for four qualities,^[1] for her wealth, her family status, her beauty and her religion; so get the religious one and prosper." [Agreed upon, with the rest of As-Sab'a].

828. Narrated (Abū Huraira) رضي الله عنه: When the Prophet ﷺ congratulated a man on his marriage he would say,^[2] "Allah bless for you (your spouse), grant you blessing, and join you together in goodness." [Reported by Ahmad and Al-Arba'a. At-Tirmidhi, Ibn Khuzaima and Ibn Hibbān graded it Sabib (authentic)].

829. Narrated 'Abdullāh bin Mas'ūd رضي الله عنه: Allāh's Messenger ﷺ taught us *At-Tashabbud* in case of some need, which is:^[3] "Praise is due to Allāh, Whom we praise and from Whom we ask help and forgiveness. We seek refuge in Allāh from the evils of ourselves. He whom Allāh guides has no one who can lead him astray, and he whom He leads astray has no one to guide him. I testify that there is nothing deserving of worship except Allāh, and I testify that Muhammad is His slave and Messenger." He (then) recites three Verses. [Reported by Ahmad and Al-Arba'a. At-Tirmidhi and Al-Hākim graded it *Hasan* (good)].

830. Narrated Jābir رضي الله عنه: Allāh's Messenger ﷺ said, "When one of you proposes (marriage) to a woman, if he is able to look at what will induce him

عَنِ الْبَيْتِ قَالَ: «تُنكحُ الْمَرْأَةَ لِأَرْبَعَةِ لِتَمَالِهَا، وَلِحَسَبِهَا، وَلِجَمَالِهَا، وَلِدِينِهَا، فَإِنْفَرَدَ بِدِيَنِ الدِّيْنِ، تَرِبَّتْ يَدَاكَ». مَقْرُونٌ عَلَيْهِ مَعَ بَقِيَّةِ السَّبْعَةِ.

(٨٢٨) وَعَنْهُ أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا رَفَأَ إِنْسَانًا، إِذَا تَزَوَّجَ، قَالَ: «تَازَكَ اللَّهُ لَكَ، وَبَارَكَ اللَّهُ عَلَيْكَ، وَجَمِيعَ يَنْكُمَا فِي خَيْرٍ». رَوَاهُ أَخْمَدُ وَالْأَرْبَعَةُ، وَصَحَّحَهُ التَّرمِذِيُّ وَابْنُ حُرَيْمَةَ وَابْنُ جَبَّانَ.

(٨٢٩) وَعَنْ عَبْدِ اللَّهِ بْنِ مَشْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: عَلِمْنَا رَسُولَ اللَّهِ ﷺ التَّشَهِيدَ فِي الْحَاجَةِ «إِنَّ الْحَمْدَ لِلَّهِ، نَحْمَدُهُ، وَنَسْتَغْفِرُهُ، وَنَسْتَغْفِرُهُ، وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَفْسِنَا، مَنْ يَهْدِي اللَّهُ فَلَا مُضِلٌّ لَهُ، وَمَنْ يُضِلِّ فَلَا هَادِي لَهُ، وَأَشْهُدُ أَنَّ لَا إِلَهَ إِلَّا اللَّهُ، وَأَشْهُدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ، وَيَقِرُّ ثَلَاثَ آيَاتٍ». رَوَاهُ أَخْمَدُ وَالْأَرْبَعَةُ، وَحَسَنَهُ التَّرمِذِيُّ وَالْحَاكِمُ.

(٨٣٠) وَعَنْ جَابِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا حَطَبَ أَحَدُكُمْ الْمَرْأَةَ فَإِنِ اسْتَطَاعَ أَنْ يَنْتَرِي مِنْهَا إِلَى مَا يَدْعُوهُ إِلَى

[١] The Prophet ﷺ said that there are four qualities for which a man might marry a woman. From these a Muslim should prefer a religious woman for marriage because the company one keeps affects a person. If a woman is married for another quality, there is possibility of man's going astray and leaving the religion. Another reason for choosing a religious woman is that she is the first teacher of children, and she can lead the children, the way she wants – right or wrong.

[٢] The Prophet ﷺ used to ask Allāh's blessing, unity, harmony and love for the newly married couple in these words.

[٣] The Prophet ﷺ taught this supplication for the fulfillment of every need.

to marry her,^[1] he should do so.” [Reported by Ahmad and Abū Dā’ud. Its narrators are *Tbiqa* (reliable) and Al-Hākim declared it to be *Sahīh* (authentic)]. The aforesaid *Hadīth* has a supporting narration reported by At-Tirmidhi and An-Nasā’i from Al-Mughira. It also has a supporting narration reported by Ibn Mājah and Ibn Hibbān from the *Hadīth* of Muhammad bin Maslama.^[2]

831. Muslim reported from Abū Huraira : The Prophet ﷺ asked a man who had intended to marry a woman, “Have you looked at her?” He replied, “No.” He said, “Go and look at her.”

832. Narrated Ibn ‘Umar : Allāh’s Messenger ﷺ said, “No one of you should ask a woman in marriage when his brother has done so already,^[3] until the one who has proposed (to her) before him gives her up, or gives him permission.” [Agreed upon. The wording is Al-Bukhāri’s].

833. Narrated Sahl bin Sa’d As-Sā’idi : A woman came to Allāh’s Messenger ﷺ and said, “O Allāh’s Messenger, I came to offer myself to you (in marriage).” Allāh’s Messenger ﷺ looked her up and down (carefully), and then Allāh’s Messenger ﷺ bowed his head. When the woman saw that he had not made any decision regarding her she sat down. A man of his companions then stood up and said, “O Allāh’s Messenger, if you have no need for her, marry her to me.” He asked, “Do you

نِكَاحُهَا فَلِيُقْعُلْ». رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدْ، وَرِجَالُهُ ثَقِيلٌ، وَصَحَّحَهُ الْحَاكِمُ. وَلَهُ شَاهِدٌ عِنْهُ التَّرْمِذِيُّ وَالسَّائِئُ عَنِ الْمُغْفِرَةِ، وَعِنْ أَبْنَى مَاجَةَ وَابْنِ حِبَّانَ مِنْ حَدِيثِ مُحَمَّدِ بْنِ مَسْلَمَةَ.

(٨٣١) وَلِمُسْلِمٍ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ قَالَ لِرَجُلٍ تَزَوَّجَ امْرَأَةً: «أَنْظَرْتَ إِلَيْهَا؟» قَالَ: لَا، قَالَ: «أَدْهَبْ فَانْظُرْ إِلَيْهَا».

(٨٣٢) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَخْطُبُ أَخْدُوكُمْ عَلَى جُنْطَبَةِ أَجْيَهِ، حَتَّى يَنْزَكَ الْخَاطِبُ قَبْلَهُ، أَوْ يَأْذَنَ لَهُ الْخَاطِبُ». مُتَقَرَّ عَلَيْهِ، وَاللَّفْظُ لِبُخَارِيِّ.

(٨٣٣) وَعَنْ سَهْلِ بْنِ سَعْدِ السَّاعِدِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: جَاءَتِ امْرَأَةٌ إِلَيْ رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ! جِئْتُ أَهْبُ لَكَ نَفْسِي، فَنَظَرَ إِلَيْهَا رَسُولُ اللَّهِ ﷺ فَصَعَّدَ الظَّرْفَ فِيهَا وَصَوَّهَهُ، ثُمَّ طَأَطَّا رَسُولُ اللَّهِ ﷺ رَأْسَهُ، فَلَمَّا رَأَتِ الْمَرْأَةُ أَنَّهُ لَمْ يَقْضِ فِيهَا شَيْئًا جَلَسَتْ، فَقَامَ رَجُلٌ مِّنْ أَصْحَابِهِ، قَالَ: يَا رَسُولَ اللَّهِ! إِنْ لَمْ تَكُنْ لَّكَ بِهَا حَاجَةٌ فَزُوْجِنِيهَا، قَالَ: «فَهَلْ عِنْدَكَ مِنْ شَيْءٍ؟»

[1] i.e. her external features like the height, face, hands and the like.

[2] He was an Ansāri, a Hārithi and among the virtuous *Sabāba*. He witnessed all the major battles except Tabuk. He became a Muslim through the efforts of Mus’ab bin ‘Umair and died in 43 H. at the age of 77 years.

[3] This prohibition is to evade an already settled betrothal (engagement to marry). If a girl is already promised to someone, the second person should not make a proposal. However, if the first is cancelled, than it is permitted to make a proposal.

have anything (to give her as dowry)?” He replied, “No, I swear by Allāh, O Allāh’s Messenger.” He thereupon said, “Go to your family and see if you can find something.” He went and then returned and said, “No, I swear by Allāh I found nothing.” Allāh’s Messenger ﷺ then said, “Look for something, even if it should be an iron ring.” He went and then returned and said, “No, I swear by Allāh, O Allāh’s Messenger, not even an iron ring; but I have only this lower garment of mine – [Sahl said, ‘He had no upper garment’] – and I shall give her half of it.” Allāh’s Messenger ﷺ then said, “What will she do with your lower garment? For if you wear it, there would be nothing of it on her, and if she wears it, there would be nothing of it on you.” The man then sat down and when he had sit for a long time he stood up and Allāh’s Messenger ﷺ saw him departing, so he commanded him and he was called back. When he came back, he said, “What do you have (i.e. memorized) from the Qur’ān?” He replied, “I have Sūrat such and such and Sūrat such and such,” he counted them. He then asked “Can you recite them by heart?” He replied, “Yes”. He said, “Go, for I have given her to you in marriage for the part of the Qur’ān which you know.”⁽¹⁾ [Agreed upon; the wording is Muslim’s]. Another narration has: “Go for I have given her to you in marriage, so teach her some of the Qur’ān.” A narration by Al-Bukhārī has: “I have married her to you for the part of the Qur’ān which you know.”

Abū Dā’ud has a narration from Abū ۋلائى داۋۇد عن أبى هريرة رضى الله تعالى

فَقَالَ: لَا، وَاللَّهِ يَا رَسُولَ اللَّهِ! فَقَالَ: أَذْهَبْ إِلَى أَهْلِكَ، فَانظُرْ هُلْ تَجِدُ شَيْئًا؟» فَذَهَبَ، ثُمَّ رَجَعَ، فَقَالَ: لَا وَاللَّهِ، مَا وَجَدْتُ شَيْئًا. فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَنْظُرْ وَلَوْ خَاتَمًا مِنْ حَدِيدًا،» فَذَهَبَ ثُمَّ رَجَعَ، فَقَالَ: لَا وَاللَّهِ يَا رَسُولَ اللَّهِ! وَلَا خَاتَمًا مِنْ حَدِيدًا، وَلَكِنْ هَذَا إِزارِي! (ـ) قَالَ سَهْلٌ: - مَالَهُ رِداءً - فَلَهَا نِصْفَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَا تَصْنَعُ بِإِزارِكَ؟ إِنْ لِيْسَتِهِ لَمْ يَكُنْ عَلَيْهَا مِنْ شَيْءٍ، وَإِنْ لِيْسَتِهِ لَمْ يَكُنْ عَلَيْكَ مِنْهُ شَيْءٌ»، فَجَلَسَ الرَّجُلُ، حَتَّى إِذَا طَالَ مَحْلِسُهُ قَامَ، فَرَأَهُ رَسُولُ اللَّهِ ﷺ مُولِيًّا فَأَمَرَ بِهِ فَدُعِيَ بِهِ، فَلَمَّا جَاءَهُ، قَالَ: «مَاذَا مَعَكَ مِنْ الْقُرْآنِ؟» قَالَ: مَعِينُ سُورَةٍ كَذَا، وَسُورَةٍ كَذَا، عَدَّهَا، فَقَالَ: «تَقْرُئُهُنَّ عَنْ ظَهِيرَ قُلْبِكَ؟» قَالَ: نَعَمْ، قَالَ: أَذْهَبْ فَقَدْ مَلَكْتُكَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ». مُتَقَرِّبٌ عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ. وَفِي رِوَايَةِ لَهُ: «أَنْطَلَقَ فَقَدْ رَوَجْتُكَهَا فَعَلَمْتُهَا مِنَ الْقُرْآنِ». وَفِي رِوَايَةِ الْبُخَارِيِّ: «أَمْلَكْتَكَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ».

⁽¹⁾ This *Hadith* clarifies many issues, among them one is that teaching Qur’ān can also be a marriage dowry. Another thing made clear is that the amount of the dowry is not fixed. Some people bring a *Hadith* as a proof that the minimum amount is ten Dirhams. This is not correct and this *Hadith* has no base.

Huraira رضي الله عنه: He asked, "What have you memorized?" He replied, "Sūrat Al-Baqarah and the one that follows it." He then said, "Get up and teach her twenty Verses."

عنه قال: ما تَحْفَظُ؟ قال: سورة البقرة والثانية تليها، قال: فَقُمْ، فَلَمْهَا عِشْرِينَ آيَةً.

834. Narrated 'Aamir bin 'Abdullah^[1] bin Az-Zubair on the authority of his father: Allāh's Messenger ﷺ said, "Make marriage publicly known."^[2] [Reported by Ahmad and Al-Hākim graded it *Sabib* (authentic)].

(٨٣٤) وَعَنْ عَامِرِ بْنِ عَبْدِ اللَّهِ بْنِ الرَّبِيعِ، عَنْ أَبِيهِ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ السَّلَامَ قَالَ: «أَعْلَمُوا النِّكَاحَ رَوَاهُ أَخْمَدُ، وَصَحَّحَهُ الْحَاكِمُ.

835. Narrated Abū Burda bin Abū Mūsa on the authority of his father; Allāh's Messenger ﷺ said, "There is no marriage without a guardian."^[3] [Ahmad and Al-Arba'a reported it. Ibn Al-Madīni, At-Tirmidhi and Ibn Hibbān graded it *Sabib* (authentic), but it was regarded defective for being *Mursal* (missing link after the *Tābi'i*)].

(٨٣٥) وَعَنْ أَبِي ثُرَدَةَ عَنْ أَبِي مُوسَى، عَنْ أَبِيهِ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ السَّلَامَ: لَا نِكَاحٌ إِلَّا بِوْلَيٍ. رَوَاهُ أَخْمَدُ وَالْأَزْبَعُ، وَصَحَّحَهُ ابْنُ الْمَدِينَيِّ وَالْتَّرمِذِيِّ وَابْنُ جَبَانَ، وَأَعْلَمَ بِالْإِرْسَادِ.

Imām Ahmad reported from Al-Hasan from 'Imrān bin Al-Husain as *Marfu'* (attributed to the Prophet): "There is no marriage without a guardian and two witnesses."

[وروى الإمام أَخْمَدُ، عن الحسن، عن عُمَرَانَ بْنِ الْحُصَيْنِ مَرْفُوعًا: لَا نِكَاحٌ إِلَّا بِوْلَيٍ وَشَاهِدَيْنِ].

836. Narrated 'Aisha رضي الله عنها: Allāh's Messenger ﷺ said, "If any woman marries without the consent of her guardian, her marriage is invalid. If there is cohabitation, she is entitled to the

(٨٣٦) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ السَّلَامَ: «أَئِمَّا امْرَأَةٌ نِكَاحُهَا يُغَيِّرُ إِذْنُ وَلِيَهَا فَنِكَاحُهَا باطِلٌ، فَإِنْ دَخَلَ بِهَا

^[1] He is 'Aamir bin 'Abdullah bin Az-Zubair bin Al-'Awwam Al-Asadi Al-Qurashi Al-Madani. He was a *Tābi'i* and heard *Ahadith* from his father and others. He was reliable and pious, and died in 124 H.

^[2] After the matrimonial ceremony, its announcement is essential to avoid the disgrace and unnecessary criticism of people and for many other reasons. There are many forms of this announcement. Witnesses at the time of matrimonial rites are also a form of announcement. To announce in the assembly of people is another form. It can also be announced by playing *Duff* (small tambourine) but a musical band or fireworks are not allowed.

^[3] This *Hadīth* has been reported by about thirty Companions of the Prophet ﷺ. Some of its chains of narrators are authentic. The first guardian is the father and the grandfather, then the brothers, and afterwards the uncles. If there is a difference of opinion among two guardians, whoever is nearer, his opinion will be preferred, and if both of them are equally near in relation as brothers and uncles, than the present ruler will be the guardian and authority to decide. If two guardians of equal status marry a woman separately, then the first marriage will be legal and the later will be considered invalid. If the married woman agrees to one guardian and differs with the other, than the opinion of the woman will be preferred.

dowry, due to the sexual intercourse made lawful with her. If there is a dispute (between her guardians), the ruler is the guardian of one who has no guardian.” [Reported by *Al-Arba'a* except *An-Nasā'i*. *Abū 'Awāna*, *Ibn Hibbān* and *Al-Hākim* graded it *Sahib* (authentic)].

837. Narrated *Abū Huraira*: Allāh’s Messenger ﷺ said, “A previously married woman must not be married till she is consulted, and a virgin must not be married till her consent is asked.”^[1] They asked, “O Allāh’s Messenger, how is her consent indicated?” He replied, “It is by her silence.” [Agreed upon].

838. Narrated *Ibn 'Abbās*: The Prophet ﷺ said, “A woman who has been previously married has more right over her person than her guardian,”^[2] and a virgin must be consulted, and her consent is her silence.” [Reported by *Muslim*].

Another narration has: “A guardian has no authority over a woman who has been previously married; and an orphan girl must be consulted.” [Reported by *Abū Dā'ud* and *An-Nasā'i*; *Ibn Hibbān* graded it *Sahib* (authentic)].

839. Narrated *Abū Huraira*: Allāh’s Messenger ﷺ said, “A woman may not

فَلَأْهَا الْمَهْرُ بِمَا اسْتَحْلَلَ مِنْ فَرْجِهَا، فَإِنْ أَشْتَجَرُوا فَالْشَّرْطَانُ وَلِيَ مَنْ لَا وَلِيَ لَهُ». أَخْرَجَهُ الْأَرْبَعَةُ إِلَّا النَّسَائِيُّ، وَصَحَّحَهُ أَبُو عَوَانَةَ وَابْنُ حَبَّانَ وَالْحَاكِمُ.

(٨٣٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «لَا تُنكِحُ الْأَيْمَ حَتَّى شُسْتَأْمَرْ، وَلَا تُنكِحُ الْبَكْرَ حَتَّى تُسْتَأْذَنْ»، قَالُوا: يَا رَسُولَ اللَّهِ! وَكَيْفَ إِذْنُهَا؟ قَالَ: «أَنْ تُشْكِتْ». مُتَقَرَّ عَلَيْهِ.

(٨٣٨) وَعَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «الْأَيْمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيَّهَا، وَالْبَكْرُ شُسْتَأْمَرْ، وَإِذْنُهَا سُكُونُهَا». رَوَاهُ مُسْلِمٌ.

وَفِي لَفْظِهِ: «لَيْسَ لِلْوَالِي مَعَ الْبَيْبَ أَمْرٌ وَالْأَيْمَةُ شُسْتَأْمَرْ». رَوَاهُ أَبُو دَاوُدَ وَالنَّسَائِيُّ وَصَحَّحَهُ أَبْنُ حَبَّانَ.

(٨٣٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «لَا تُرْوِجُ الْمَرْأَةَ

^[1] Consent of the woman is essential for marriage. If a guardian, even the father marries his daughter without her consent, she has got the right to cancel it.

Aiyim is the word in Arabic for a woman who already has sexual experience, she may be widowed or divorced. An unmarried adulteress in reality is an *Aiyim*, but under the orders of *Shari'a*, she is not *Aiyim*. *Aiyim* must give her consent by word for her marriage otherwise the marriage is not legal. As for a virgin who has not reached puberty, then her consent is not necessary, only the permission of the *Wali* is sufficient.

^[2] It only means that an *Aiyim* cannot be married without her consent, but it does not mean that she can marry without a guardian. If there is a difference of opinion among *Aiyim* and her guardian on the choice of spouse, and the woman's choice is from her kin and she has no illicit relation with him, then the guardian will be compelled to agree with *Aiyim*, and if he does not agree, she can ask the permission of the ruler and marry. *Dhul Arbām* (relatives on the maternal side) can not be *Wali* (guardian).

give a woman in marriage, nor may she give herself in marriage.”^[1] [Reported by Ibn Mājah and Ad-Dāraqutni. Its narrators are reliable (*tbiqab*)].

840. Narrated Nāfi’ from Ibn ‘Umar ﷺ: Allāh’s Messenger ﷺ prohibited *Shibghār*, which means that a man gives his daughter in marriage on condition that the other gives his daughter to him in marriage [in exchange] without any dowry being paid by either. [Agreed upon]. And they both agreed that the explanation of the meaning of *Shibghār* is the saying of Nāfi’.

841. Narrated Ibn ‘Abbās ﷺ: A virgin girl came to the Prophet ﷺ and mentioned that her father had married her against her will, so Allāh’s Messenger ﷺ allowed her to exercise her choice.^[2] [Reported by Ahmad, Abū Dā’ud and Ibn Mājah. If it is considered defective for being *Mursal* (missing link in the chain after the *Tābi’i*)].

842. Narrated Al-Hasan from Samura ﷺ: The Prophet ﷺ said, “If two guardians have given a woman in marriage, she marries the man she was first married to.”^[3] [Reported by Ahmad and *Al-Arba’ā*. At Tirmidhi graded it *Hasan* (good)].

843. Narrated Jābir ﷺ: Allāh’s Messenger ﷺ said, “Any slave^[4] who marries without the permission of his

المَرْأَةُ، وَلَا تُزَوِّجُ الْمَرْأَةُ نَفْسَهَا». رَوَاهُ ابْنُ مَاجَةَ وَالْدَارْقُطْنِيُّ، وَرِجَالُهُ ثَقَاتٌ.

(٨٤٠) وَعَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: نَهَى رَسُولُ اللَّهِ تَعَالَى عَنِ الشَّغَارِ، وَالشَّغَارُ أُنْ يُزَوِّجَ الرَّجُلُ ابْنَتَهُ عَلَى أَنْ يُرْوِجَ الْآخَرُ ابْنَتَهُ، وَلَيْسَ بِيَتْهُمَا صَدَاقٌ. مَقْرُونٌ عَلَيْهِ، وَأَنَّهُمَا مِنْ وَجْهِ الْآخَرِ عَلَى أَنْ تَسْبِيرَ الشَّغَارِ مِنْ كَلَامِ نَافِعٍ.

(٨٤١) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَنَّ حَارِيَةَ بِكْرًا أَتَتِ النَّبِيَّ تَعَالَى فَذَكَرَتْ أَنَّ أَبَاهَا زَوْجَهَا وَهِيَ كَارِهَةٌ، فَحَسِّنَهَا رَسُولُ اللَّهِ تَعَالَى. رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدْ وَابْنُ مَاجَةَ، وَأَعْلَى بِالإِنْسَالِ.

(٨٤٢) وَعَنْ الْحَسَنِ، عَنْ سَمْرَةَ، عَنْ النَّبِيِّ تَعَالَى قَالَ: «أَيُّهَا الْمُرْأَةُ زَوْجَهَا وَلَيْانٌ فَهِيَ لِلْأَوَّلِ مِنْهُمَا». رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ، وَحَسَنَهُ التَّرمِذِيُّ.

(٨٤٣) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَى «أَيُّهَا عَبْدِ تَرَّوْجَ بَعْثَرْ إِذْنَ

^[1] It means that regarding marriage, a woman cannot be a guardian. She cannot marry herself of her own and she cannot permit the marriage of another woman. She is also not allowed to become attorney concerning marriage.

^[2] It means that without the consent of woman, virgin or *Aiyim*, she cannot be married. If she is married without her consent, she has the right to cancel it or confirm it, even if her father or brother arranged this marriage.

^[3] It means that if two guardians marry a woman to two different men, the first marriage is lawful and the second is unlawful. If the two marriages take place at the same time, then both are unlawful. And there is no difference of opinion in it.

^[4] It means that for the marriage of a slave the permission of his master is essential. Without the permission of master, marriage is not accomplished. If the slave is unaware of the fact

masters or owners is (like) a fornicator.” [Reported by Ahmad, Abū Dā’ud, An-Nasa’i and At-Tirmidhi; the later graded it *Sabīh* (authentic), as did Ibn Hibbān].

844. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “A man must not join together (in marriage to him) a woman and her paternal aunt, or a woman and her maternal aunt.” [Agreed upon].

845. Narrated ‘Uthmān ﷺ: Allāh’s Messenger ﷺ said, “One who is in *Ibrām*^[1] may not marry, or be given in marriage.” [Reported by Muslim]. In another narration by him it says: “He should not ask someone’s hand in marriage.” Ibn Hibbān added: “nor give someone in engagement (to be married).”

846. Narrated Ibn ‘Abbās ﷺ: The Prophet ﷺ married Maimūna (رضي الله عنها) when he was in the state of *Ibrām* (during pilgrimage). [Agreed upon]. Muslim reported from Maimūna (رضي الله عنها) herself: “The Prophet ﷺ married her when he was not in the state of *Ibrām*.”

847. Narrated ‘Uqba bin ‘Aamir ﷺ: Allāh’s Messenger ﷺ said, “The most worthy conditions to be fulfilled^[2] are those by which you make sexual intercourse lawful for yourselves (in marriage).” [Agreed upon].

848. Narrated Salama bin Al-Akwa’ ﷺ: In the year of Autās, Allāh’s Messenger ﷺ permitted *Mut’ā* (temporary

that the permission of master is essential, and he performs the sexual intercourse, then he will not be punished for it, but if he knows it, he will be punished.

[1] While in the state of *Ibrām*, taking part in engagement to marry or marriage of one’s ownself or of someone else, is not permitted, according to most scholars. As regards the next *Hadīth* reported by Ibn ‘Abbās رضي الله عنهما, its chain of narrators is correct, but he was mistaken that the Prophet ﷺ married Maimuna (رضي الله عنها) while he was in *Ibrām*. Maimuna herself has contradicted this in the *Hadīth* coming after it.

[2] It means that the payment of a dowry is essential.

مَوَالِيهِ وَأَهْلِهِ فَهُوَ عَاهِرٌ». رَوَاهُ أَخْمَدٌ وَأَبُو دَاوُدَ وَالْتَّرمِذِيُّ، وَصَحَّحَهُ، وَكَذَّلَكَ ابْنُ حِبَّانَ.

(٨٤٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يُجْمِعُ بَيْنَ الْمَرْأَةِ وَعَمْتَهَا، وَلَا بَيْنَ الْمَرْأَةِ وَخَالَتَهَا». مُتَقَدِّمٌ عَلَيْهِ.

(٨٤٥) وَعَنْ عُثْمَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يُنكِحُ الْمُخْرِمَ، وَلَا يُنكِحُ». رَوَاهُ مُسْلِمٌ. وَفِي رِوَايَةِ لَهُ: «وَلَا يَحْطُبُ». رَوَادُ ابْنُ حِبَّانَ: «وَلَا يُحْطِبُ عَلَيْهِ».

(٨٤٦) وَعَنْ ابْنِ عَيَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: تَرَوْجُ النَّبِيُّ ﷺ مِيمُونَةً وَهُوَ مُخْرِمٌ مُتَقَدِّمٌ عَلَيْهِ. وَلِمُسْلِمٍ عَنْ مِيمُونَةَ نَفْسِهَا: أَنَّ النَّبِيَّ ﷺ تَرَوَجُهَا وَهُوَ حَالٌ.

(٨٤٧) وَعَنْ عُقْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ أَحَقَ الشُّرُوطَ أَنْ يُوفَى بِهِ، مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوجَ». مُتَقَدِّمٌ عَلَيْهِ.

(٨٤٨) وَعَنْ سَلَمَةَ بْنِ الْأَكْوَعِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: رَحْصَنَ رَسُولُ اللَّهِ ﷺ عَامَ

marriage)^[1] for three nights, then he prohibited it (afterwards). [Reported by Muslim].

أوطاسه في المُنْتَهَى تَلَاهَا أَيَّامٌ، ثُمَّ نَهَى عَنْهَا.
رَوَاهُ مُسْلِمٌ.

849. Narrated 'Ali : Allāh's Messenger forbade *Mut'a* (temporary marriage) in the year of Khaibar. [Agreed upon].

(٨٤٩) وَعَنْ عَلَيْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ:
نَهَى رَسُولُ اللَّهِ بَعْدَهُ عَنِ الْمُنْتَهَى عَامَ حَبَّيرَ.
مُقْتَضَى عَلَيْهِ.

850. Narrated (Ali) : On the Day (Battle) of Khaibar, the Prophet forbade the temporary marriage (i.e. *Mut'a*) of women, and eating the flesh of domestic donkeys. [*As-Sab'a* except Abū Dā'ud reported it].

(٨٥٠) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ
بَعْدَهُ عَنِ مُنْتَهَى النِّسَاءِ، وَعَنْ أَكْلِ الْحُمْرِ
الْأَهْلِيَّةِ يَوْمَ حَبَّيرٍ. أَخْرَجَهُ السَّيِّدُ إِلَّا أَبَا دَاؤِدَ.

851. Narrated Rabī' bin Sabra^[2] on the authority of his father: Allāh's Messenger said, "I had permitted to you the temporary marriage of women, but Allāh has (now) prohibited you from that till the Day of Resurrection. So, if anyone has any of these woman (in temporary marriage), he should let her go; and do not take back anything of what you have given them." [Reported by Muslim, Abū Dā'ud, An-Nasā'i, Ibn Mājah, Ahmad and Ibn Hibbān].

(٨٥١) وَعَنْ رَبِيعِ بْنِ سَبْرَةَ، عَنْ أَبِيهِ أَنَّ
رَسُولَ اللَّهِ قَالَ: «إِنِّي كُنْتُ أَذِنْتُ لَكُمْ فِي
الْإِشْتِقَاعِ مِنِ النِّسَاءِ، وَإِنَّ اللَّهَ قَدْ حَرَمَ ذَلِكَ
إِلَى يَوْمِ الْقِيَامَةِ، فَمَنْ كَانَ عِنْدَهُ شَيْءًا
فَلْيُخْلِلْ سَبِيلَهَا، وَلَا تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ
شَيْئًا». أَخْرَجَهُ مُسْلِمٌ وَأَبْيُونَ دَاؤِدَ وَالسَّيِّدُ وَابْنُ
مَاجِهَ وَأَخْمَدُ وَابْنُ حِيَانَ.

852. Narrated Ibn Mas'ūd : Allāh's Messenger cursed the man who made a woman lawful for her first husband and the one for whom she was made lawful (the men involved in *Halāla*).^[3] [Reported by Ahmad, An-Nasā'i and At-Tirmidhi; the latter declared it to be *Sabib* (authentic)]. *Al-Arba'a* except An-Nasā'i reported

(٨٥٢) وَعَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى
عَنْهُ قَالَ: لَعْنَ رَسُولِ اللَّهِ بَعْدَهُ الْمُحَلَّ وَالْمُحَلَّ
لَهُ. رَوَاهُ أَخْمَدُ وَالسَّيِّدُ وَالترْمِذِيُّ، وَصَحَّحَهُ
وَفِي الْبَابِ عَنْ عَلَيْهِ، أَخْرَجَهُ الْأَزْعَمُ إِلَّا
النَّسَائِيُّ.

^[1] *Mut'a* is a marriage for a stipulated period only. This form of marriage was customary among the Arabs in the past. Islam at times put restrictions on it and at times permitted it under specific conditions, and at last it was declared unlawful forever at *Hajjatul-Wada'* (Farewell *Hajj* of the Prophet).

^[2] Rabi' bin Sabra bin Ma'bad Al-Juhani Al-Madani was verified to be reliable by An-Nasā'i and Al-'Ajlī.

^[3] *Halāla* (حلاله) means to marry a divorced woman temporarily, with the intention of making her remarriage to her former husband lawful. This act is unlawful. Marriage based on intended divorce is unlawful, whether its period is prescribed or not.

something related to this matter, on the authority of 'Ali .

853. Narrated Abū Huraira : Allāh's Messenger said, "A man guilty of fornication, who has been flogged (for it), should not marry any but a woman like him (similarly guilty)."^[1] [Reported by Ahmad and Abū Dā'ud, and its narrators are reliable (*thiqab*)].

854. Narrated 'Aisha : A man divorced his wife by three pronouncements and another man married her and divorced her before cohabiting with her. Then, her first husband intended to remarry her and asked Allāh's Messenger about that. He said, "No, until the other one (second husband) has enjoyed sexual intercourse ^[2] with her as the first (husband) had." [Agreed upon; the wording is Muslim's].

Chapter 1 EQUALITY IN MARRIAGE^[3] AND RIGHT OF CHOICE

855. Narrated Ibn 'Umar : Allāh's Messenger said, "The Arabs are equal to one another and the *Mawāli*^[4] are equal to one another;^[5] except a weaver or a copperer." [Reported by Al-Hākim, but there is a nameless narrator

(٨٥٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ : «لَا يَنْكِحُ الزَّانِي الْمَجْلُوذُ إِلَّا مِثْلُهُ». رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ، وَرِجَالُهُ ثَقَاتٌ.

(٨٥٤) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: طَلَقَ رَجُلٌ امْرَأَتَهُ ثَلَاثَةً، فَتَرَوَّجَهَا رَجُلٌ، ثُمَّ طَلَقَهَا قَبْلَ أَنْ يَدْخُلَ بَهَا. فَأَرَادَ زَوْجُهَا الْأَوَّلُ أَنْ يَتَرَوَّجَهَا، فَسَأَلَ رَسُولَ اللَّهِ عَنْ ذَلِكَ، قَالَ: «لَا حَيَّ يَدْعُوقُ الْآخَرَ مِنْ مُحْسِنَيْهَا مَا ذَاقَ الْأَوَّلُ». مُفْتَنٌ عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ.

١ - بَابُ الْكَفَاءَةِ وَالْخِيَارِ

(٨٥٥) عَنْ أَبِنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ : «الْعَرَبُ بَغْضُهُمْ أَكْفَاءُ بَغْضِهِمْ، وَالْمَوَالِي بَغْضُهُمْ أَكْفَاءُ بَغْضِهِمْ، إِلَّا حَائِكًا أَوْ حَجَّامًا». رَوَاهُ الْحَاكِيمُ، وَفِي

^[1] It means that a pious man should not marry a woman guilty of adultery or fornication, and a pious woman should not marry a man guilty of adultery or fornication.

^[2] It means that an irrevocably [three times] divorced woman, if remarried to another man, and after having sexual relations with him is divorced again, or her husband dies, then she is allowed to marry her first husband. However, if she has not had sexual relations with the second husband, she is not allowed to marry her first husband.

^[3] In Arabic *Kufu'* (كُفُّ) means to be similar or resembling or peer. Similarity or equality in four things – religion, lineage, profession and freedom is regarded reliable. Among these four, religion is agreed upon. The others are disputed. To marry other than *Kufu'*, is not prohibited but it is better to marry in *Kufu'* for many reasons.

^[4] Non-Arabs, and originally former slaves.

^[5] It means that the *Shari'a* has kept the profession in view merely to make the social life easy. Otherwise, it has no consideration for marriage purposes. Fatima bint Qais Qurashiyah was asked to marry Usāma (son of freed slave). It means that lineage has no special prestige in Islam.

in its chain of narrators; Abū Hātim graded it *Munkar* (rejected). It has a supporting narration reported by Al-Bazzār from Mu'ādh bin Jabal with a *Munqati'* (broken) chain].

856. Narrated Fatima ♀, daughter of Qais: The Prophet ﷺ told her, "Marry Usāma."^[1] [Reported by Muslim].

857. Narrated Abū Huraira ♀: The Prophet ﷺ said, "O sons of Bayada', marry to Abu Hind^[2] (someone of your women) and marry from his women (i.e. his daughters)," (even though) he was a copper. [Abū Dā'ud and Al-Hākim reported it with a *Hasan* (good) chain of narrators].

858. Narrated 'Aisha ♀: Barira was given her choice regarding her husband [to remain with him or separate] when she was freed. [Agreed upon; it is a part of a long *Hadīth*].

Muslim has from 'Aisha ♀: "Her husband was a slave." Another narration from her has: "He was a free man." The first (narration) is more well established. It has been authentically reported from Ibn 'Abbās by Al-Bukhāri: "...that he was a slave."

859. Narrated Ad-Dahhāk^[3] bin Fairuz Ad-Dailami on the authority of his father^[4] ♀: I said, "O Allāh's Messenger,

إِسْنَادُهُ رَأَوْ لَمْ يُسْمَّ، وَاشْتَكَرَهُ أَبُو حَاتِمٍ، وَلَهُ شَاهِدٌ عِنْدَ الْبَزَارِ عَنْ مُعَاذِ بْنِ جَبَلٍ بِسْنَدٍ مُنْقُطِعٍ.

(٨٥٦) وَعَنْ فَاطِمَةَ بِنْتِ قَيْسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَهَا: «اِنْكِحِي أُسَامَةً». رَوَاهُ مُسْلِمٌ.

(٨٥٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «يَا بَنِي بَيَاضَةَ اِنْكِحُوهُ أَبَا هِئِيدَ وَانْكِحُوهُ إِلَيْهِ، وَكَانَ حَجَّاً». رَوَاهُ أَبُو ذَاوِدَ وَالْحَاكِمُ بِسْنَدِ جَيْدٍ.

(٨٥٨) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: خُرَبَتْ بَرِيرَةُ عَلَى زَوْجِهَا حِينَ عَفَتْ. مُتَقَدِّمٌ عَلَيْهِ فِي حَدِيثٍ طَوِيلٍ.

وَلِمُسْلِمٍ عَنْهَا: (أَنَّ زَوْجَهَا كَانَ عَبْدًا)، وَفِي رِوَايَةِ عَنْهَا: (كَانَ حُرًّا)، وَالْأَوَّلُ أَثْبَتُ، وَضَعَّ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا عِنْدَ الْبُخَارِيِّ: (أَنَّهُ كَانَ عَبْدًا).

(٨٥٩) وَعَنِ الصَّحَافِ بْنِ فَيْرُوزِ الدَّيْلَمِيِّ، عَنْ أَبِيهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قُلْتُ: يَا

^[1] Usamah's father was a former slave.

^[2] His name was Yasār or Sālim bin Abū Sālim or 'Abdullāh bin Hind, and he used to cup the Prophet ﷺ. He was a slave of Banu Bayada'. Ibn 'Abbās, Abū Huraira, Jābir and Khālid narrated *Abadīth* from him.

^[3] Ad-Dahhāk bin Fairuz Ad-Dailami – Ad-Dailam being a famous mountain in Persia – was a renowned *Tābi'i* whose reliability has been verified by Ibn Hibbān. He narrated *Abadīth* from his father, and his *Abadīth* have been mastered by the people of Basra.

^[4] He is Abū 'Abdullāh Fairuz Ad-Dailami or Al-Himyari – for selling at Himyar – was a Persian from San'a and among those who visited the Prophet ﷺ. He fought Al-Ansi 'the impostor' who claimed prophethood in Yemen, whom he managed to kill towards the last days of the life of Allāh's Messenger ﷺ who received the news during the illness in which he died. Fairuz died during the caliphate of 'Uthmān.

I have accepted Islam and I am married to two sisters." Allāh's Messenger ﷺ then said, "Divorce whichever of them you wish."^[1] [Reported by Ahmad and Al-'Arba'a, except An-Nasā'i. Ibn Hibbān, Ad-Daraqutni and Al-Baihaqi graded it *Sabib* (authentic) but Al-Bukhāri considered it defective].

860. Narrated Sālim on the authority of his father: Ghailān bin Salama^[2] accepted Islam and he had ten wives who accepted Islam along with him. So, the Prophet ﷺ commanded him to, "Choose four of them."^[3] [Reported by Ahmad and At-Tirmidhi. Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic); but Al-Bukhāri, Abū Zur'a and Abū Hātim considered it defective].

861. Narrated Ibn 'Abbās: The Prophet ﷺ returned his daughter Zainab (ؑ) to [her husband] Abul-'Aas bin Ar-Rabi' (ؑ) based upon the first marriage, after six years [of separation],^[4] and he did not perform a new marriage. [Reported by Ahmad and Al-'Arba'a except An-Nasā'i. Ahmad and Al-Hākim graded it *Sabib* (authentic)].

رَسُولُ اللَّهِ إِنِّي أَشْلَمْتُ، وَتَخْيِي أُخْتَانَ،
فَقَالَ رَسُولُ اللَّهِ: «طَلُّ أَيْتَهُمَا شَيْئًا».
رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ إِلَّا السَّانَدِيُّ، وَصَحَّحَهُ ابْنُ
جِبَانَ وَالدَّارُوفُنْيُّ وَالبَّيْهَقِيُّ، وَأَعْلَمُ الْبُخَارِيُّ.

(٨٦٠) وَعَنْ سَالِمٍ، عَنْ أَبِيهِ، أَنَّ عَيْلَانَ بْنَ
سَلَمَةَ أَسْلَمَ، وَلَهُ عَشْرُ نِسْوَةً، فَأَشْلَمَهُنَّ مَعَهُ،
فَأَمَرَهُ النَّبِيُّ بِإِذْنِهِ أَنْ يَتَخَيَّرَ مِنْهُنَّ أَرْبَعًا. رَوَاهُ
أَحْمَدُ وَالترْمِذِيُّ، وَصَحَّحَهُ ابْنُ جِبَانَ وَالحاكِمُ،
وَأَعْلَمُ الْبُخَارِيُّ وَأَبُو زُرْعَةَ وَأَبُو حَاتِمَ.

(٨٦١) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا قَالَ: رَدَ النَّبِيُّ بِإِذْنِهِ زَيَّبَ عَلَى أَبِيهِ
الْعَاصِرِ بْنِ الرَّبِيعِ بَعْدَ سَيِّنَتِ سَيِّنَ بِالنَّكَاحِ
الْأَوَّلِ، وَلَمْ يُحْدِثْ نِكَاحًا. رَوَاهُ أَحْمَدُ
وَالْأَرْبَعَةُ إِلَّا السَّانَدِيُّ، وَصَحَّحَهُ أَحْمَدُ وَالحاكِمُ.

[1] This *Hadīth* makes clear two things: One is that, if two real sisters are married to one man, he must divorce one of them; and second that, the marriages performed before Islam are accepted by Islam though they were not in accordance with Islamic way. In any case, a woman cannot be free from this marriage without divorce. This *Hadīth* also clarifies that if a married couple accepts Islam, they have no need to marry again, since their first marriage is considered legal in Islam.

[2] Ghailān bin Salama Ath-Thaqafi was one of the elders of Thaqif. He became a Muslim after the conquest of Tā'if and did not migrate to Al-Madīnah. He was a poet with a nice voice. He died during 'Umar's Caliphate.

[3] Having more than four wives in marriage at one time is unlawful and there is no difference of opinion in this regard. Having nine wives by the Prophet ﷺ at one time was exclusively for him.

[4] If the woman accepts Islam and her husband remains infidel, according to most of the scholars, their marriage is cancelled and after the completion of *Iddah* (period during which a widow or a divorcee may not remarry) she will be deemed free from the bond of marriage. The story of Zainabؑ has many explanations, and actually marriage is not cancelled in such a case, but marrying afresh is better.

862. Narrated 'Amr bin Shu'aib on his father's authority from his grandfather: The Prophet ﷺ returned his daughter Zainab^[1] (رضي الله تعالى عنها) to [her husband] Abūl 'Aas^[2] (رضي الله تعالى عنه) by a new marriage. [At-Tirmidhi said, "The *Hadīth* of Ibn 'Abbās (رضي الله تعالى عنه) is better than 'Amr's *Hadīth* in consideration of the chains of narrators. However, that which is being observed in practice is 'Amr bin Shu'aib's *Hadīth*".]

863. Narrated Ibn 'Abbās (رضي الله تعالى عنه): A woman had accepted Islam and then remarried, so her (previous) husband came and said, "O Allāh's Messenger, I had accepted Islam and she knew that I had done so." So Allāh's Messenger ﷺ took her away from her second husband and returned her to her first one.^[3] [Reported by Ahmad, Abū Dā'ud and Ibn Mājah. Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

864. Narrated Zaid bin Ka'b bin 'Ujra^[4] (رضي الله تعالى عنه) on his father's authority: 'Allāh's Messenger ﷺ married Al-'Aaliya^[5] of Banu Ghifār. When she

^[1] She was the eldest of Allāh's Messenger's daughters, and her mother was *Ummul-Mu'minīn* Khadija Al-Kubra (رضي الله تعالى عنها). She was married to her maternal aunt's son Abul 'Aas bin Ar-Rabi' and she bore him 'Ali, but he died as a grown-up child. Abul 'Aas rode on the back seat of the Prophet's camel on the day of *Al-Fatḥ*. Zainab also bore Umama to Abul 'Aas. She migrated after the battle of Badr and died in 8 H. The Prophet ﷺ entered her grave in the process of burying her.

^[2] He is called Miqsam bin Ar-Rabi' bin 'Abdul-'Uzza. It is also said that he was called Laqit. He was the son-in-law of the Prophet ﷺ and the husband of his daughter Zainab. He was captured during the battle of Badr as a *Kafir*, but was set free without ransom on condition that he bring Zainab to Al-Madinah and he did so. He later migrated to Al-Madinah himself and took the Prophet ﷺ as his Muslim brother and his confidant. He was martyred during the battle of Yamama.

^[3] It means that if the separation is due to the difference of religion, and during *Iddab* the man also accepts Islam, and the woman comes to know, then she cannot marry another person. If she marries unknowingly, her marriage will be cancelled, but her having had sexual relations during this period will not be a punishable act according to *Shari'a*.

^[4] It is said that he was from Banu Sālim bin 'Auf or Banu Sālim bin Bali and was an ally of Al-Khazraj. Adh-Dhahabi mentioned in *Talkhis Al-Mustadrak* that Ibn Ma'in said, "He is not reliable", but Ibn Ma'in actually said that regarding Jamil bin Zaid.

^[5] It was said that she was from Banu Bakr bin Kilāb and she is Al-'Aaliya bint Zubayr. It was also said that this Al-'Aaliya was not from Banu Kilāb. Some reporters said that he kept her

(٨٦٢) وَعَنْ عَمِّرُو بْنِ شَعْبٍ، عَنْ أَبِيهِ، عَنْ جَلْوَهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَدَ ابْنَتَهُ زَيْنَبَ عَلَى أَبِيهِ الْعَاصِرِ بِنَكَاحٍ جَدِيدٍ. قَالَ التَّرمِذِيُّ: حَدِيثٌ أَبْنَ عَبَّاسٍ أَجْوَدٌ إِشْتَادًا، وَالْعَمَلُ عَلَى حَدِيثِ عَمِّرُو بْنِ شَعْبٍ.

(٨٦٣) وَعَنْ أَبْنَ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: أَسْلَمْتُ أَمْرَأَةً، فَتَرَوَّجَتْ، فَجَاءَ رَوْجِهَا، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي كُنْتُ أَسْلَمْتُ، وَعَلِمْتُ إِيمَانِي، فَأَتَشْرَعَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ رَوْجِهَا الْآخِرِ، وَرَدَهَا إِلَى رَوْجِهَا الْأُولَى. رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ وَابْنُ مَاجَةَ، وَصَحَّحَهُ أَبْنُ جِبَانَ وَالْحَاكِمُ.

(٨٦٤) وَعَنْ زَيْدِ بْنِ كَعْبٍ بْنِ عَجْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنْ أَبِيهِ، قَالَ: تَرَوَّجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ بَنِي غَفَارٍ، فَلَمَّا دَخَلَتْ

had entered in his presence and removed her clothes, he saw whiteness (of leprosy) around her waist area^[1] and the Prophet ﷺ said, "Put on your clothes and return to your family." He ordered her dowry to be given to her. [Reported by Al-Hākim]. In its chain of narrators, is Jamil bin Zaid^[2], who is *Majhūl* (an unaccredited narrator). There is also a great difference of opinion as to who was his *Shaykh*.

865. Narrated Sa'īd bin Al-Musaiyab: 'Umar bin Al-Khattāb ﷺ said, "If any man marries a woman and after sleeping with her finds that she is affected with leprosy or insane, she gets her dowry (if he divorces her) for having intercourse with her, and it is returned to him from the one who has deceived him^[3] with her." [Sa'īd bin Mansūr, Mālik and Ibn Abū Shaiba reported it. Its narrators are reliable (*thiqah*)].

Sa'īd (bin Mansur) also reported something similar from 'Ali (عليه السلام) and added: "And (if) she has something like a horn (*Qarn*) (coming out of her vagina), her husband then has the right to divorce her or keep her. And if he had intercourse with her, she gets her dowry for the intercourse her husband has had."

866. Narrated Sa'īd bin Al-Musaiyab this *Hadith* also: 'Umar ﷺ gave a decree regarding a husband who is impotent that he must be given delay for one year.^[4] [Its narrators are reliable].

for some time and then divorced her.

^[1] It means that if the guardians of a woman, by cheating, marry a physically deformed, permanently sick, insane or woman afflicted with leprosy etc., the marriage is cancelled due to their fraud. Similarly, if a woman is married by cheating to a defective or an abnormal man, she has the right to end it. If both man and woman agree, the marriage is valid.

^[2] He was from the Tā'i tribe and Ibn Ma'in and An-Nasā'i said, "He is not reliable." Al-Bukhāri also said, "His *Hadith* is not authentic." The *Imāms* of *Hadith* verified him as weak.

^[3] It means that if man does not want to keep such a woman, the dowry is an unjust burden on him.

^[4] It means that according to *Shari'a*, an impotent man is he who lacks sufficient strength to insert his penis into the vagina. If he inserts it even one time, he will not be regarded impotent.

عليه، وَوَضَعَتْ تِيَابَهَا، رَأَى يَكْسِبُهَا بِيَاضًا، فَقَالَ النَّبِيُّ ﷺ: «الْبَيْنِي تِيَابَكُ، وَالْحَقِيقِي بِأَهْلِكُ» وَأَمَرَ لَهَا بِالصَّدَاقِ. رَوَاهُ الْحَاكِمُ، وَفِي إِسْنَادِهِ جَيْمِيلُ بْنُ يَزِيدٍ، وَهُوَ مَجْهُولٌ، وَاحْتَلَفَ عَلَيْهِ فِي شِيْخِهِ أَخْلَافًا كَثِيرًا.

(٨٦٥) وَعَنْ سَعِيدِ بْنِ الْمُسَيْبِ، أَنَّ عُمَرَ بْنَ الْحَطَّابِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَيُّهَا رَجُلُهُ تَرَوَّجُ امْرَأَةً، فَدَخَلَ بِهَا، فَوَجَدَهَا بِرِضَاءَ، أَوْ مَجْنُونَةً، أَوْ مَجْدُومَةً، فَأَهْلَهَا الصَّدَاقَ بِمَسِيسِهِ إِيَاهَا، وَهُوَ لَهُ عَلَى مَنْ عَرَّةً مِنْهَا. أَخْرَجَهُ سَعِيدُ بْنُ مَنْصُورٍ وَمَالِكَ وَابْنَ أَبِي شَيْبَةَ. وَرِجَالُهُ ثَقَاتٌ.

وَرَوَى سَعِيدٌ أَيْضًا عَنْ عَلِيٍّ تَحْوِهُ، وَزَادَ: «وَيَهَا قَرْنٌ، فَرَوَجُهَا بِالْخِيَارِ، فَإِنْ مَسَهَا فَلَهَا الْمَهْرُ بِمَا اسْتَحَلَّ مِنْ فَرِيجِهَا».

(٨٦٦) وَمِنْ طَرِيقِ سَعِيدِ بْنِ الْمُسَيْبِ أَيْضًا قَالَ: قَضَى بِهِ عُمَرُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ فِي الْعَيْنِ أَنْ يُؤْجَلَ سَنَةً. وَرِجَالُهُ ثَقَاتٌ.

٢ - باب عشرة النساء

Chapter 2 THE RELATIONS WITH THE WIVES

867. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "He who has intercourse with a woman through her anus is accursed."^[1] [Abū Dā'ud and An-Nasā'i reported it and the wording is his (An-Nasā'i). Its narrators are reliable, but it was considered to be defective for being *Mursal* (a missing link after the *Tābi'i*)].

868. Narrated Ibn 'Abbās : Allāh's Messenger ﷺ said, "Allāh will not look at a man who has intercourse with a man or a woman through the anus." [Reported by At-Tirmidhi, An-Nasā'i and Ibn Hibbān, but it was considered to be defective for being *Mawqūf* (saying of a Companion, i.e. Ibn 'Abbas)].

869. Narrated Abū Huraira : The Prophet ﷺ said, "He who believes in Allāh and the last Day should not harm his neighbor;^[2] and take my advice regarding good treatment of women, for they were created from a rib. And indeed the most crooked part of the rib is its upper part. If you attempt to straighten it, you will break it,^[3] and if you leave it alone it will remain crooked. So, take my advice regarding good treatment of women." [Agreed upon; the wording is Al-Bukhāri's]. Muslim has: "So if you enjoy her you will do so while crookedness remains

(٨٦٧) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَلْعُونٌ مَنْ أَتَى امْرَأَةً فِي دُبُرِهَا». رَوَاهُ أَبُو دَاوُدَ وَالنَّسَائِيُّ، وَاللَّفْظُ لَهُ، وَرِجَالُهُ ثَقِيقٌ، لَكِنْ أَعْلَى بِالإِرْسَالِ.

(٨٦٨) وَعَنْ أَبْنَى عَبَّاسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «لَا يَنْظُرُ اللَّهُ إِلَى رَجُلٍ أَتَى رَجُلًا، أَوْ امْرَأَةً فِي دُبُرِهَا». رَوَاهُ التَّرمِذِيُّ وَالنَّسَائِيُّ وَابْنُ حِبَّانَ، وَأَعْلَى بِالرَّوْفَقِ.

(٨٦٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يُؤْذِنُ بِجَارَةٍ، وَاسْتَوْصُوا بِالسَّاءِ خَيْرًا، فَإِنَّهُنَّ خُلْقٌ مِنْ ضَلَّعٍ، وَإِنَّ أَعْوَجَ شَيْءٍ مِنَ الصلْعِ أَعْلَاهُ، فَإِنْ ذَهَبَ تَقِيمُهُ كَسْرَتْهُ، وَإِنْ تَرَكَهُ لَمْ يَزُلْ أَعْوَجُ، فَاسْتَوْصُوا بِالسَّاءِ خَيْرًا». مُتَقَرَّ عَلَيْهِ، وَاللَّفْظُ لِبُخَارِيِّ. وَلِمُسْلِمٍ: «فَإِنْ اشْتَمَعْتَ بِهَا أَشْتَمَعْتَ بِهَا وَبِهَا عَوْجٌ، وَإِنْ ذَهَبَ تَقِيمُهَا كَسْرَهَا، وَكَسْرُهَا طَلَاقُهَا».

^[1] All the religious scholars are of the opinion that anal sexual intercourse with woman is unlawful.

^[2] Harming or hurting a Muslim is absolutely unlawful, and harming the neighbor is a major sin.

^[3] This *Hadīth* teaches that women should be treated with kindness. The woman's temperament is different than man's, by nature. There are many reasons for its crookedness and it is very difficult to tackle her. The woman is like a rib, and a healthy rib is crooked by nature. Therefore, one should not try to straighten the rib otherwise it will break and cause pain. The nature of the woman can not be changed.

in her; but if you attempt to straighten her you will break her, and breaking her is divorcing her."

870. Narrated Jābir : We were with the Prophet ﷺ on an expedition. Then, when we arrived at Al-Madīnah and were about to enter he said, "Wait^[1] so that you may enter by night – i.e. in the evening in order that the woman with disheveled hair may comb it and the woman whose husband has been away may shave her pubic hairs (getting ready for her husband)." [Agreed upon].

A narration by Al-Bukhārī has: "When one of you has been away from home for a long time, he must not come to his family during the night."

871. Narrated Abū Sa‘id Al-Khudri : Allāh's Messenger ﷺ said, "The worst of people in position before Allāh on the Day of Resurrection is the man who has intercourse with his wife, and she with him, and then spreads her secrets."^[2] [Reported by Muslim].

872. Narrated Hākim bin Mu‘āwiya on the authority of his father (): I asked, "O Messenger of Allāh, what are the rights of a wife of one of us on her husband?" He replied, "You should give her food when you eat, clothe her when you clothe yourself, not strike her on the face, and do not revile her or desert her except within the house." [Reported by Ahmad, Abū Dā‘ud, An-Nasā‘i and Ibn Mājah. Al-Bukhārī mentioned part of it [the last sentence]

(٨٧٠) وَعَنْ جَابِرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كُنَّا مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي غَرَّاءَ، فَلَمَّا دَعَنَا الْمَدِينَةَ، دَعَنَا لِتَدْخُلِهِ، فَقَالَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَمْهُلُوا حَتَّى تَدْخُلُوا لَيْلًا، يَعْنِي عَشَاءً، لِكِنَ تَمْسِطُ الشَّعْنَةَ، وَتَسْتَحِدُ الْمُغَيْبَةَ». مُتَّقِنٌ عَلَيْهِ.

وَفِي رِوَايَةِ الْبَخْرَارِيِّ: «إِذَا أَطَالَ أَحَدُكُمُ الْعَيْنَةَ، فَلَا يَطْرُقُ أَهْلَهُ لَيْلًا».

(٨٧١) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ شَرَّ النَّاسِ عِنْدَ اللَّهِ مِثْلَهُ يَوْمَ الْقِيَامَةِ الرَّجُلُ يَقْصِدُ إِلَيْهِ امْرَأَتِهِ، وَتَقْصِدُ إِلَيْهِ شَرِّهَا». أَخْرَجَهُ مُسْلِمٌ.

(٨٧٢) وَعَنْ حَكِيمِ بْنِ مَعَاوِيَةَ، عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! مَا حَقُّ زَوْجِ أَحَدِنَا عَلَيْهِ؟ قَالَ: «تُطْعِمُهَا إِذَا أَكَلَتْ، وَتُكْسِبُهَا إِذَا أَكْسَيَتْ، وَلَا تَضْرِبُ الْوَجْهَ، وَلَا تَقْبَحَ، وَلَا تَهْجُزُ إِلَّا فِي الْبَيْتِ». رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ وَالسَّائِئَ وَابْنُ مَاجَةَ، وَعَلَّقَ الْبَخْرَارِيُّ بَعْضَهُ، وَصَحَّحَهُ ابْنُ حِيَانَ وَالحاكمُ.

^[1] It means that if anyone returns home from a long journey, he should not go directly to his house. It is better to send the information of arrival. There are many reasons for this. In the absence of the husband, a woman may not attend to her appearance, or give attention to certain personal matters like shaving the hair from the private areas of the body. This untidiness may disturb the husband and may be a cause of his disliking her, etc.

^[2] It means that describing to others what has taken place between husband and wife regarding their private marital relations is a major sin.

as *Mu'allaq* (a broken chain from the side of the collector, i.e. Al-Bukhari). Ibn Hibban and Al-Hakim graded it *Sabib* (authentic).

873. Narrated Jâbir bin 'Abdullâh : The Jews used to say, "When a man has intercourse with his wife through the vagina, but from her back side, the child will be squint-eyed." Then, the Verse came down: "Your wives are a tilth to you, so come to your tilth however you wish" [Agreed upon; the wording is Muslim's].

874. Narrated Ibn 'Abbâs : Allâh's Messenger ﷺ said, "If anyone who intends to have intercourse with his wife says, 'In the Name of Allâh. O Allâh, keep us away from the devil and keep the devil away from what You have provided us (of children)', should it be ordained that a child be born to them thereby, Satan will never harm it." [Agreed upon].

875. Narrated Abû Huraira : The Prophet ﷺ said, "When a man calls his wife to come to his bed (for marital relations), and she refuses to come, and he spends the night in anger, the angels curse her till the morning." [Agreed upon; the wording is Al-Bukhari's]. Muslim has: "He Who is in heaven is displeased with her till her husband is pleased with her."

876. Narrated Ibn 'Umar : The Prophet ﷺ cursed the woman^[1] who joins false hair to her real hair [extensions] and the one who asks for it to be done to her; and the woman who tattoos (others) and the one who has it done (for her). [Agreed upon].

^[1] In this *Hadîth* four types of women have been cursed: Those who use extensions to make their hair look long and those who are involved in this business. Those who tattoo their bodies and those who are tattoo designers. These four types have been cursed. Nowadays the use of artificial hair is very common among the women for beautification.

(٨٧٣) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَتِ الْيَهُودُ تَقُولُ إِذَا أَتَى الرَّجُلُ امْرَأَةً مِنْ دُبُرِهَا فِي قُبْلَهَا كَانَ الْوَلَدُ أَخْوَلَ، فَتَرَكَتْ «سَاقُوكُمْ حَرَثٌ لَكُمْ فَأَتُوا حَرَثَكُمْ أَنْ شِئْتُمْ» الْآيَةَ مُتَقِّنَّا عَلَيْهِ. وَاللَّفْظُ لِمُسْلِمٍ.

(٨٧٤) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ أَنَّ أَحَدَكُمْ إِذَا أَرَادَ أَنْ يَأْتِي أَهْلَهُ قَالَ: بِسْمِ اللَّهِ، الَّهُمَّ جَبِّنَا الشَّيْطَانَ، وَجَنِّبْنَا الشَّيْطَانَ مَا رَزَقْنَا، فَإِنَّهُ إِنْ يَمْدُرْ بَيْتَهُمَا وَلَدُهُ فِي ذَلِكَ، تَمَّ يَصْرُّهُ الشَّيْطَانُ أَبْدًا». مُتَقِّنَّا عَلَيْهِ.

(٨٧٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا دَعَا الرَّجُلُ امْرَأَةً إِلَى فِرَاشِهِ، فَأَبْتَأَ أَنْ تَجْرِيَ، فَبَاتَ غَضِيبًا، لَعْنَتُهَا الْمَلَائِكَةُ حَتَّى تُضَبَّعَ». مُتَقِّنَّا عَلَيْهِ، وَاللَّفْظُ لِبُخَارِيٍّ. وَلِمُسْلِمٍ: «كَانَ الَّذِي فِي السَّمَاءِ سَاخِطًا عَلَيْهَا، حَتَّى يَرْضَى عَنْهَا».

(٨٧٦) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيِّ ﷺ لَعَنَ الْوَاصِلَةِ وَالْمُسْتَوْصِلَةِ، وَالْوَاشِمَةِ وَالْمُسْتَوْشِمَةِ. مُتَقِّنَّا عَلَيْهِ.

877. Narrated Judāma^[1]: daughter of Wahb: I was with Allāh's Messenger ﷺ along with some people when he was saying, "I have intended to prohibit *Ghila* (sexual intercourse with a woman who is breast-feeding),^[2] but I considered the Romans and the Persians and saw that they engaged in *Ghila* without any injury being caused to their children thereby." Then they asked him about 'Azl^[3] (withdrawing the penis before emission of semen, to avoid conception), and Allāh's Messenger ﷺ replied, "That is the secret (way of) burying alive." [Reported by Muslim].

878. Narrated Abū Sa'īd Al-Khudri رضي الله عنه: A man said, "O Allāh's Messenger, I have a slave-girl and I withdraw the penis while having intercourse with her ('Azl). I dislike that she become pregnant, but I want (from her) what a man wants (from a woman). And the Jews say – withdrawing the penis to avoid conception is the minor (form of) burying alive." He replied, "The Jews told a lie, for if Allāh intended to create it you would not be able to turn it away." [Reported by Ahmad and Abū Dā'ud, the wording is Abū Dā'ud's. An-Nasā'i and At-Tahāwi also reported it. Its narrators are reliable].

879. Narrated Jābir رضي الله عنه: In the lifetime of Allāh's Messenger ﷺ when the Qur'ān

(٨٧٧) وَعَنْ جُدَامَةَ بْنِ وَهْبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَتْ: حَضَرْتُ رَسُولَ اللَّهِ تَعَالَى فِي أَنَاسِهِ، وَمُوَسَّعُولُ: لِلَّهِ حَمَمْتُ أَنْ أَنْهِي عَنِ الْغَيْلَةِ، فَنَظَرَتِ فِي الرُّؤُمِ وَفَارِسَ، فَإِذَا هُمْ يَعْنِلُونَ أُولَادَهُمْ، فَلَا يَصْرُّ ذَلِكَ أُولَادَهُمْ شَيْئًا، ثُمَّ سَأَلَهُ عَنِ الْعَزْلِ، فَقَالَ رَسُولُ اللَّهِ تَعَالَى: ذَلِكَ الْوَأْدُ الْخَفِيُّ". رَوَاهُ مُسْلِمٌ.

(٨٧٨) وَعَنْ أَبِي سَعِيدِ الْحُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ إِنَّ لِي حَجَارَيْهِ، وَأَنَا أَغْزِلُ عَنْهَا، وَأَنَا أَكْرَهُ أَنْ تَحْوِلَ، وَأَنَا أُرِيدُ مَا يُرِيدُ الرِّجَالُ، إِنَّ الْيَهُودَ تَحْدَثُ أَنَّ الْعَزْلَ الْمُؤْدَدَةُ الصُّغْرَى، قَالَ: كَذَبَتِ الْيَهُودُ، لَوْ أَرَادَ اللَّهُ أَنْ يَحْلِمَهُ مَا اسْتَطَعَتْ أَنْ تَصْرِفَهُ". رَوَاهُ أَخْمَدُ وَأَبْيُو دَاؤُدُ وَالْمَفْطُورُ لَهُ، وَالسَّائِرُ وَالظَّهَوِيُّ، وَرَجَالُهُ يَقَاتُ.

(٨٧٩) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ:

^[1] She is Judāma, daughter of Wahb – also called Jundal Al-Asadiya, the maternal sister of 'Ukāsha bin Mihsan. She was a *Sababiya* among the early Muslims and she migrated to Al-Madīnah. She became a Muslim at Makkah and boycotted her people. She was married to Anis bin Qatāda.

^[2] In Arabic, it is called *Ghila* (الغيلة) which means to have sexual intercourse with the wife during the period of the child's breast-feeding (before weaning the child). It is also said that *Ghila* means breast feeding a child during a new pregnancy.

^[3] 'Azl (العزل) means coitus interruptus, i.e. withdrawing the penis from the vagina at the time of ejaculation of semen, for the purpose of birth control. As to whether 'Azl is lawful or unlawful, there are different *Abādith* concerning this issue. If it is decided that 'Azl is not unlawful, as the same time it is also not recommended. In case of a woman who is in poor health, 'Azl may be resorted to, so that she is saved from undue hardship.

was being revealed, we used to engage in 'Azl. Hence, if it had been something to be forbidden, the Qur'an would have forbade us from doing it. [Agreed upon].

And Muslim has: "That (which we were doing) reached the Prophet ﷺ and he did not forbid us from doing it."

880. Narrated Anas bin Mâlik : The Prophet ﷺ used to have intercourse with his wives (one after another), with a single bathing.^[1] [Agreed upon. The wording is Muslim's].

Chapter 3 THE BRIDAL GIFT (MAHR)

881. Narrated Anas : The Prophet ﷺ set Safiya^[2] free, and made her freedom her dowry.^[3] [Agreed upon].

882. Narrated Abû Salama bin 'Abdur-Rahmân^[4] (): I asked 'Aisha , "How much had Allâh's Messenger ﷺ given as dowry?"^[5] She replied, "His dowry to his wives was twelve *Uqiyâ* and *Nashshâb*. She asked, "Do you know what a *An-Nashshâb* is?" I replied, "No." She said, "It is half an *Uqiyâ*. Hence,

^[1] The purpose of mentioning this *Hadîth* here is to show that the division of time for wives (in a plural marriage) was not obligatory for the Prophet ﷺ. If it were compulsory for him, as it is upon others, he would not have gone to all his wives in one night.

^[2] She is the 'Mother of the Believers' Safiya bint Huyai bin Akhtab, from the descendants of Prophet Harun . She was married to Kinâna bin Abû-Huqaiq who was killed during the battle of Khaibar. She was captured, then the Prophet ﷺ chose her and she became a Muslim. He then freed her and married her – making her freedom as her dowry. She died in 50 H. and was buried in Al-Baqi'.

^[3] It means that non-financial things can also be the dowry; and it also clarifies that a master himself can marry his freed slave-girl, and there is no need of a guardian for this marriage.

^[4] He is Abû Salama bin 'Abdur-Rahmân bin 'Auf Az-Zuhri Al-Qurashi, one of the seven most famous *Fiqh* scholars in Al-Madinah and also among the eminent *Tâbt'in*. He narrated many *Abâdîth* which he heard from a group of the *Sâhabâ* and also a group of people narrated from him. He died in 74 H. or 104 H. at the age of 70 years.

^[5] There is no fixed limit of *Mahr* (dowry) in *Shari'a*, but keeping it to a small amount is preferred, to make marriage easy for the common people.

كُنَّا نَعْرِلُ عَلَى عَهْدِ رَسُولِ اللَّهِ وَالْقُرْآنِ
يُثْرِلُ، وَلَوْ كَانَ شَيْءٌ يُنْهِي عَنْهُ، لَنْهَا عَنْهُ
الْقُرْآنُ. مُفْعَلٌ عَلَيْهِ.

وَلِمُسْلِمٍ: قَبَلَنَّ ذَلِكَ بَيْئِ اللَّهِ فَلَمْ يَنْهَا
عَنْهُ.

(٨٨٠) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ
أَنَّ النَّبِيَّ وَلَمْ يَطُوفْ عَلَى يَسَائِهِ بِعُشْلِ
وَاحِدٍ. أَخْرَجَاهُ، وَاللَّفْظُ لِمُسْلِمٍ.

٣ - بَابُ الصَّدَاقِ

(٨٨١) عَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنْ
النَّبِيِّ وَلَمْ يَغْنِهِ أَنَّهُ أَعْنَقَ صَفِيَّةَ، وَجَعَلَ عِنْقَهَا
صَدَاقَهَا. مُفْعَلٌ عَلَيْهِ.

(٨٨٢) وَعَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ،
أَنَّهُ قَالَ: سَأَلْتُ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا،
كَمْ كَانَ صَدَاقُ رَسُولِ اللَّهِ؟ قَالَتْ: كَانَ
صَدَاقَهُ لِأَزْوَاجِهِ يُشَتَّى عَشْرَةً أُوقِيَّةً، وَسَنَّا،
قَالَتْ: أَتَنْدِري مَا النَّشْ؟ قَالَ: قُلْتُ: لَا،

قالت: نصف أوقية، فلكل حمسة درهم، فهذا صداق رسول الله ﷺ لازواجه. رواه أبو داود والنسائي، سليم.

883. Narrated Ibn 'Abbas : When 'Ali () married Fatima (Allāh's Messenger) said to him, "Give her something (as dowry)." He replied, "I have nothing." He said, "Where is your Hutiama coat of mail?" [Reported by Abū Dā'ud and An-Nasā'i; Al-Hākim graded it *Sabib* (authentic)].

884. Narrated 'Amr bin Shu'aib on his father's authority from his grandfather: Allāh's Messenger () said, "If any woman marries for a dowry, a gift, or a promise before contracting the marriage, it belongs to her.^[1] As for whatever is fixed to her after contracting the marriage, it belongs to whomever it has been given. The most worthy gift a man is honored with is what he gets on account of (the marriage of) his daughter or sister." [Reported by Ahmad and *Al-Arba'a* except At-Tirmidhi].

885. Narrated 'Alqama^[2] on the authority of Ibn Mas'ud (): He was asked about a man who had married a woman and had not fixed a dowry for her. And he did not consummate (the marriage) with her till he died. Ibn Mas'ud replied, "She should receive a

(٨٣) وعن ابن عباس رضي الله تعالى عنهما، قال: لما تزوج علياً فاطمة رضي الله تعالى عنها، قال له رسول الله ﷺ: «أعطيها شيئاً» قال: ما عندي شيء، قال: «فإن درعك الحطمية؟» رواه أبو داود والنسائي، وصححه الحاكم.

(٨٤) وعن عمرو بن شعيب، عن أبيه، عن جده، قال: قال رسول الله ﷺ: «إيمان امرأة نكحت على صداق أو جباء أو عدة قبل عصمة النكاح، فهو لها، وما كان بعد عصمة النكاح، فهو لمن أعطيه، وأحق ما أكرم الرجل عليه ابنته أو ابنته». رواه أحمد والأربعة إلا الترمذى.

(٨٥) وعن علامة، عن ابن منصور رضي الله تعالى عنه، أنه سئل عن رجل تزوج امرأة، ولم يفرض لها صداقاً، ولم يدخل بها حتى مات، فقال ابن منصور: لها مثل صداق نسائيها، لا وكس، ولا شطط، وعلينا العدة،

^[1] It means that whatever is decided before the marriage is a *Mabr* (dowry), and it belongs to the woman. Whether it is in form of money, gold, ornaments, clothes, land, a house or anything else, she is the sole owner of that thing. If anything is given to her relatives after the marriage, that will not be considered as part of the dowry, and it will not belong to her. It is a gift for him to whom it is given. Things decided before the marriage as dowry, and delivered later to her relatives, is dowry and she is the owner of all those things.

^[2] He is 'Alqama bin Qais Abū Shibil bin Mālik from Banu Bakr bin An-Nakha'. He narrated from 'Umar and Ibn Mas'ud. He was a great *Tabi'i* and was famous for narrating the *Abadith* of Ibn Mas'ud and for accompanying him. He was the uncle of Al-Aswad An-Nakha'i. He died in the year 61 H.

dowry similar to what the women of her community receive without decrease or increase.^[1] She must observe the *Iddah* period (of waiting before re-marrying) and is entitled to a share of the inheritance.” Ma’qil bin Sinān Al-Ashja’i^[2] then got up and said, “Allāh’s Messenger ﷺ ruled the same as your ruling regarding Birwa’, daughter of Wāshiq^[3], a woman of our tribe.” Ibn Mas’ud was delighted with it. [Reported by Ahmad and *Al-Arba'a*. At-Tirmidhi graded it *Sabib* (authentic), while a group (of *Hadīth* scholars) graded it *Hasan* (good)].

886. Narrated Jābir bin ‘Abdullāh : The Prophet ﷺ said, “If anyone gives as a dowry to a woman some flour or dates, he has made her lawful for himself.” [Abū Dā’ud reported it, and indicated that the stronger opinion is that it is *Mawqūf* (saying of a Companion)].

887. Narrated ‘Abdullāh bin ‘Aamir bin Rabi'a^[4] on the authority of his father: The Prophet ﷺ gave his approval of the marriage of a woman for two sandals as a dowry.^[5] [At-Tirmidhi reported it and graded it *Sabib* (authentic), but he was opposed in that (grading of the

وَلَهَا الْمِيرَاثُ، فَقَامَ مَعْقِلُ بْنُ سَيَّانَ الْأَشْجَعِيُّ، فَقَالَ: قَضَى رَسُولُ اللَّهِ ﷺ فِي يَرْوَعِ بَنْتِ وَاشِقٍ امْرَأَةً مِنَ مِثْلِ مَا قَضَيْتَ، فَفَرَّجَ بِهَا ابْنُ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ. رَوَاهُ أَخْمَدُ وَالْأَزْيَعُ، وَصَحَّحَهُ التَّرْمِذِيُّ، وَحَسَّنَهُ جَمَاعَةً.

(٨٨٦) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ قَالَ: مَنْ أَعْطَى فِي صَدَاقٍ امْرَأَةً سُوقِيًّا أَوْ ثَمَراً فَقَدْ اسْتَحْلَلَ. أَخْرَجَهُ أَبُو دَاوُدُ، وَأَشَارَ إِلَى تَرْجِيعِ وَقْفِهِ.

(٨٨٧) وَعَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ بْنِ رَبِيعَةَ، عَنْ أَبِيهِ، أَنَّ النَّبِيَّ ﷺ أَجَازَ نِكاحَ امْرَأَةٍ عَلَى نَعْلَيْنِ. أَخْرَجَهُ التَّرْمِذِيُّ، وَصَحَّحَهُ، وَحَوْلَفَ فِي ذَلِكَ.

^[1] If the dowry is decided before marriage it is well and good, she will have whatever is decided. However, if it is not decided then the dowry will be the same as the dowry of other women of that family. This kind of dowry is called *Mahr Mithl* (peer dowry). If the man divorces a woman before sexual intercourse, then she will get half of the dowry decided before marriage, while if it was not decided before marriage, she will not get anything. In case of death of the man, the woman gets the full dowry whether it be a *Mahr Muqarrar* (fixed dowry) or *Mahr Mithl* (peer dowry). She is also a heir of the property of her late husband.

^[2] He is Abū Muhammad Ma’qil bin Sinān Al-Ashja’i. He was a *Sabābi* who attended the conquest of Makkah and settled at Kufa. The people of Kufa narrated his *Abadīth*, and he was imprisoned and killed on the day of Al-Harra.

^[3] Birwa’, daughter of Wāshiq was a *Sabābiya*.

^[4] He is Abū ‘Imrān ‘Abdullāh bin ‘Aamir bin Rabi'a Al-‘Anzi. He was four or five years old when the Prophet ﷺ died and he died in the year 85 H. or 90 H.

^[5] It means anything can be a dowry, if it has some value.

Hadith)).

888. Narrated Sahl bin Sa'd ﷺ: The Prophet ﷺ married a man to a woman for a dowry of an iron ring.^[1] [Al-Hâkim reported it. It is a portion of the long *Hadîth* preceding in the beginning of the Book of Marriage].

889. Narrated 'Ali ﷺ: The dowry should not be less than ten Dirhams. [Ad-Dâraqutni reported it as *Mawqûf* (saying of a Companion, i.e. 'Ali). Also, there is a defect in its chain of narrators].

890. Narrated 'Uqba bin 'Aamir ﷺ: Allâh's Messenger ﷺ said, "The best dowry is that which is most easy." [Abû Dâ'ud reported it and Al-Hâkim graded it *Sabîh* (authentic)].

891. Narrated 'Aisha ﷺ: 'Amra daughter of Al-Jaun^[2] sought refuge (in Allâh) from Allâh's Messenger ﷺ when she was brought in to him – meaning when he married her – and he said, "You have sought refuge in the One Worthy of seeking refuge in."^[3] Then, he divorced her, and commanded Usâma who gave her three garments as a gift (i.e. her dowry). [Ibn Mâjah reported it, but there is a rejected narrator in its chain of narrators]. The origin of the aforesaid story is found in the *Sabîh* of Al-

(٨٨٨) وَعَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: زَوْجُ النَّبِيِّ رَجُلًا أَمْرَأَةً بِخَاتَمٍ مِنْ حَبِيدٍ. أَخْرَجَهُ الْحَاكِمُ، وَهُوَ طَرْفٌ مِنْ الْحَدِيثِ الطَّوِيلِ الْمُتَنَّدِ فِي أَوَافِلِ النَّكَاحِ.

(٨٨٩) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: لَا يَكُونُ الدَّهْرُ أَقْلَى مِنْ عَشْرَةِ دَرَاهِمَ أَخْرَجَهُ الدَّارِقُطْنِيُّ مَوْقُوفًا، وَفِي سَنِدِهِ مَقَاءُ.

(٨٩٠) وَعَنْ عَثْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «خَيْرُ الصَّدَاقِ أَئْسُرُهُ». أَخْرَجَهُ أَبُو دَاؤُدَّ، وَصَحَّحَهُ الْحَاكِمُ.

(٨٩١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ عُمْرَةَ بْنَتِ الْجَوْنِ تَعَوَّذَتْ مِنْ رَسُولِ اللَّهِ ﷺ، جِنَّ ادْخَلَتْ عَلَيْهِ، تَعْنِي لَمَّا تَرَوْجَهَا، قَالَ: «لَقَدْ عُذْتُ بِعَمَّازٍ، فَطَلَقَهَا وَأَمَرَ أَسَانَةَ يُمْتَهِنُهَا بِثَلَاثَةِ أَنْوَابٍ». أَخْرَجَهُ أَبُو مَاجَةَ، وَفِي إِسْنَادِهِ رَأْوٌ مُتَرْوَكٌ، وَأَصْلُ الْفِضَّةِ فِي الصَّحِيفَةِ مِنْ حَدِيثِ أَبِي أَبِيسِيدِ السَّاعِدِيِّ.

[¹] This piece of narration is from the *Hadîth* in which a woman presented her person to the Prophet ﷺ as a gift. Though she was not married for an iron ring, the Prophet ﷺ accepted – in principle – that an iron ring could be given as her dowry, and this is the reason for relating this *Hadîth* at this place.

[²] 'Amra daughter of Al-Jaun's real name was disagreed upon for some said her name was Asmâ' daughter of An-Nu'mân bin Abûl Jaun bin Al-Hârith Al-Kindiya. While the most likely name was Umayma, daughter of An-Nu'mân bin Sharâhil.

[³] This *Hadîth* is mentioned here to show that the Prophet ﷺ did not fix the dowry of that woman, and before having sexual relations with her divorced and gave her three pieces of clothes. It means that if the dowry is not decided and the woman is divorced before sexual intercourse, she must be given some clothing at least. The maximum she can be given is a slave or a slave-girl. This is called *Mut'ab At-Talâq*.

Bukhāri from Abū Usaid As-Sā‘idi’s^[1]
Hadīth.

Chapter 4 *AL-WALIMA*^[2] (THE WEDDING FEAST)

892. Narrated Anas bin Mālik : The Prophet ﷺ saw the trace of yellow color on ‘Abdur-Rahmān bin ‘Auf () and asked, “What is this?” He replied, “O Messenger of Allāh, I have married a woman for a *Nawāt* weight (equal to the weight of a date-stone) of gold.” He said, “May Allāh bless you! Hold a wedding feast,^[3] even if with a sheep (only).” [Agreed upon; the wording is Muslim’s].

893. Narrated Ibn ‘Umar : Allāh’s Messenger ﷺ said, “When one of you is invited to a wedding feast he must attend it.”^[4] [Agreed upon]. Muslim has: “When one of you invites his brother, he must respond (i.e. attend), whether it is a wedding feast or something similar.”

894. Narrated Abū Huraira : Allāh’s Messenger ﷺ said, “The worst kind of food^[5] is that at a wedding feast from which those who come (i.e. the poor) are turned away, and to which those who refuse to come (i.e. the rich) are invited. If anyone does not accept an

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(٨٩٢) عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ تَعَالَى عَلَى عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَتَرْ صُفْرَةً، قَالَ: «مَا هَذَا؟» قَالَ: يَا رَسُولَ اللَّهِ إِنِّي تَرَوْجُتْ أَمْرَأَةً عَلَى وَزْنِ نَوَافِذَ مِنْ ذَكْبٍ، قَالَ: «فَبَارَكَ اللَّهُ لَكَ، أَوْلَمْ وَلَوْ بِشَاءَ». مُؤْكَدٌ عَلَيْهِ، وَاللَّفْظُ لِسُلَيْمَانَ.

(٨٩٣) وَعَنْ إِبْرَاهِيمَ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ: «إِذَا دُعِيَ أَحَدُكُمْ إِلَى الولِيمَةِ فَلْيَأْتِيَهَا». مُؤْكَدٌ عَلَيْهِ. وَلِسُلَيْمَانَ: «إِذَا دُعَا أَحَدُكُمْ أَحَادِثًا فَلْيَجِبْ»، عُرْسًا كَانَ أَوْ تَحْوِةً.

(٨٩٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ: «شَرُّ الطَّعَامِ الولِيمَةُ يُمْنَعُهَا مَنْ يَأْتِيَهَا، وَيُدْعَى إِلَيْهَا مَنْ يَأْبِيَهَا، وَمَنْ لَمْ يُجِبْ الدَّعْوَةَ فَقَدْ عَصَى اللَّهَ وَرَسُولَهُ». أَخْرَجَهُ مُسْلِمٌ.

^[1] Abū Usaid was called Mālik bin Rabi'a bin Al-Badr. He witnessed Badr and other battles and died in 30 H at Madā'in. It was also said that he died in 60 H. and was the last to die among those who participated in the battle of Badr.

^[2] *Walima* (الوليمة) is a meal which is eaten on occasion of the union of husband and wife. Afterwards, food for every occasion of happiness was named *Walima*.

^[3] According to some scholars, the wedding feast is obligatory. However, according to the majority it is *Sunnah*. There is a difference of opinion about the time of the wedding feast. It is considered better to have the wedding feast when the sexual relations are accomplished.

^[4] Refusing an invitation of wedding feast is disobedience of the Prophet ﷺ as mentioned in this *Hadīth*, and the one which follows.

^[5] It means that along with relatives and friends the poor and needy should also be invited for *Walima* food.

invitation he has disobeyed Allāh and His Messenger.” [Reported by Muslim].

895. Narrated (Abū Huraira): Allāh’s Messenger ﷺ said, “When one of you is invited (to a meal) he must accept. If he is fasting he should pray (i.e. make supplication for the host) and if he is not fasting he should eat.” [Muslim reported it too]. Muslim has something similar to the above from the *Hadīth* of Jābir ، it goes: “If he wishes he may eat, and if he wishes he may leave (the food alone).”

896. Narrated Ibn Mas’ūd ، Allāh’s Messenger ﷺ said, “The food of *Walīma* on the first day is a duty, that on the second day is a *Sunnah*, while the third day is showing off. Whoever (does something) to show-off, Allāh will expose him (in the Hereafter).”^[1] [Reported by At-Tirmidhi who considered it *Gharib* (transmitted through a single narrator). [It is incorrectly claimed that] its narrators are those who are reported from in the *Sabib* (collection of Al-Bukhari)]. This *Hadīth* also has a supporting narration [which is also weak] collected by Ibn Mājah on the authority of Anas ().

897. Narrated Safiya ، daughter of Shaiba:^[2] The Prophet ﷺ held a wedding feast for one of his wives with two *Mudd* of barley. [Reported by Al-Bukhāri].

898. Narrated Anas (): The Prophet ﷺ stayed three nights between Khaibar and Al-Madinah when he consummated his marriage with Safiya (). I called the Muslims to his wedding feast which did not include bread or meat. He just

(٨٩٥) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا دُعَى أَحَدُكُمْ فَلْيُجِئْ، فَإِنْ كَانَ صَائِمًا فَلْيُصِلْ، وَإِنْ كَانَ مُفْطِرًا فَلْيُطْعِمْ». أَخْرَجَهُ مُسْلِمٌ أَيْضًا. وَلَهُ مِنْ حَدِيثِ جَابِرٍ تَحْوُهُ، وَقَالَ: «فَإِنْ شَاءَ طَعِيمًا، وَإِنْ شَاءَ تَرَكَ».

(٨٩٦) وَعَنْ أَبْنَى مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «طَعَامُ الْوَلِيمَةِ أَوَّلُ يَوْمٍ حَقٌّ، وَطَعَامُ [يَوْمٍ] الثَّالِثِ سُنَّةٌ، وَطَعَامُ يَوْمِ الْأُولَى سُنَّةً، وَمَنْ سَمَّعَ اللَّهَ بِهِ». رَوَاهُ التَّرمِذِيُّ، وَأَشْعَرَهُ، وَرَجَاهُ رِجَالُ الصَّحِيفَةِ، وَلَهُ شَاهِدٌ عَنْ أَنَّسٍ عِنْدَ أَبْنَى مَاجَةَ.

(٨٩٧) وَعَنْ صَفِيفَةِ بْنِتِ شَيْبَةَ قَالَ: أَوْأَمَ الَّتِي ﷺ عَلَى بَعْضِ نِسَاءِهِ بِمُدَنِّدٍ مِنْ شَعِيرٍ. أَخْرَجَهُ الْبُخَارِيُّ.

(٨٩٨) وَعَنْ أَنَّسٍ قَالَ: أَفَّاقَ الَّتِي ﷺ بَيْنَ خَيْرٍ وَالْمَدِينَةِ ثَلَاثَ لَيَالٍ، يَتَّسَعُ عَلَيْهِ بِصَفِيفَةِ، فَدَعَوْتُ الْمُسْلِمِينَ إِلَى وَلِيَمَهِ، فَمَا كَانَ فِيهَا مِنْ خُبْزٍ وَلَا لَحْمًا، وَمَا كَانَ فِيهَا إِلَّا أَنْ أَمَرَ

^[1] Whoever invites the people for show, and to be praised, Allāh will disgrace him before all His creation on the Day of Judgement.

^[2] She is Safiya, daughter of Shaiba bin ‘Uthmān bin Abū Talha Al-Hijji of Banu ‘Abdud-Dār. It is said that she saw the Prophet ﷺ while others said that she never saw him. Ibn Sa’d confirmed that she was a *Tābi’iyya*.

ordered some leather dining sheets to be spread, and [Hais, a food made from] dates, sun-baked yogurt and butter were thrown on them. [Agreed upon; the wording is Al-Bukhari's].

899. Narrated a Companion of the Prophet ﷺ: "When two people come together to issue an invitation, accept that of the one whose door is nearer to you. However, if one of them comes before the other, accept the invitation of the first."^[1] [Reported by Abu Daud, its chain of narrators is weak].

900. Narrated Abu Juhaifa رضي الله عنه: Allah's Messenger ﷺ said, "I do not eat Muttaki'an (sitting with the support of something, so as to eat more)." [Reported by Al-Bukhari].

901. Narrated 'Umar bin Abu Salama^[2] رضي الله عنه: Allah's Messenger ﷺ said to me, "Dear child, mention Allah's Name, eat with your right hand, and eat from what is next to you." [Agreed upon].

902. Narrated Ibn Abbâs رضي الله عنهما: The Prophet ﷺ was brought a dish containing Tbarid and said, "Eat from its sides and not from the middle, for the blessing descends in the middle of it." [Reported by Al-'Arba'a. This is the wording of An-Nasâ'i. Its chain of narrators is Sabib (authentic)].

903. Narrated Jâbir رضي الله عنه: The Prophet ﷺ said, "Do not eat with the left hand, for the devil eats with the left hand." [Reported by Muslim].

^[1] If there are two invitations for Walîma, the first one should be accepted. However, if both come at the same time, then the one which lives nearer should be preferred. Some take the meaning of near to mean near in kinship. However, the wording of the Hadith suggest that it means whoever's house is nearer.

^[2] He is 'Umar bin Abu Salama 'Abdullâh bin 'Abdul-Asad bin Hilal Al-Makhzumi, the son of Ummul-Mu'minîn Umm Salama رضي الله عنها and the stepson of the Prophet ﷺ. He was born in Abyssinia (Ethiopia) between the time of the migration to Abyssinia and the migration to Al-Madinah. He died in Al-Madinah in 83 H.

بِالْأَنْتَاعِ فَيُسَيَّطُ، فَإِنَّمَا عَلَيْهَا الْمُرَّ وَالْأَقْطَافُ
وَالسُّمْنُ. مُتَقْعِدٌ عَلَيْهِ، وَاللَّفْظُ لِلْبُخَارِيِّ.

(٨٩٩) وَعَنْ رَجُلٍ مِّنْ أَصْحَابِ النَّبِيِّ ﷺ،
قَالَ: إِذَا اجْتَمَعَ دَاعِيَانِ فَأَحِبْ أَقْرَبَهُمَا بَابًا،
فَإِنْ سَبَقَ أَحَدُهُمَا فَأَحِبْ الَّذِي سَبَقَ. رَوَاهُ أَبُو
دَاوُدُ، وَسَنَدُهُ ضَعِيفٌ.

(٩٠٠) وَعَنْ أَبِي جُحَيْفَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَكُلُّ
مُتَكَبِّنًا». رَوَاهُ الْبُخَارِيُّ.

(٩٠١) وَعَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا
عَلَامًا! سَمِّ اللَّهَ، وَكُلْ بِيَمِينِكَ، وَكُلْ بِمَا
يَلِيْكَ». مُتَقْعِدٌ عَلَيْهِ.

(٩٠٢) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا، أَنَّ النَّبِيِّ ﷺ أَتَى بِقَصْعَةٍ مِّنْ تَرِيدِ
فَقَالَ: «كُلُّوا مِنْ جَوَانِبِهَا، وَلَا تَأْكُلُوا مِنْ
وَسْطِهَا، فَإِنَّ الْبَرَكَةَ تَنْزَلُ فِي وَسْطِهَا». رَوَاهُ
الْأَزْدِيُّ، وَهَذَا لَفْظُ الشَّائِعِيِّ، وَسَنَدُهُ صَحِيفٌ.

(٩٠٣) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ
النَّبِيِّ ﷺ قَالَ: «لَا تَأْكُلُوا بِالشَّمَالِ فَإِنَّ
الشَّيْطَانَ يَأْكُلُ بِالشَّمَالِ». رَوَاهُ مُسْلِمٌ.

904. Narrated Abū Qatāda : The Prophet ﷺ said, "When one of you drinks, he must not breathe into the vessel."^[1] [Agreed upon]. Abū Dā'ud reported something similar from Ibn 'Abbās (رضي الله عنهما) and he added: "or blow into it," [At-Tirmidhi graded it *Sabib* (authentic)].

(٩٠٤) وَعَنْ أَبِي قَتَادَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ قَالَ: «إِذَا شَرِبَ أَحَدُكُمْ فَلَا يَتَسَمَّقُ فِي الْإِتَاءِ». مُتَّقَّ عَنْهُ، وَلَا يُبَدِّلُ دَوْدَعْنَ ابْنِ عَبَّاسٍ تَهْوَهُ، وَرَأَدَ: «وَيَنْفُخُ فِيهِ» وَصَحَّحَهُ التَّرْمِذِيُّ.

Chapter 5 DIVISION OF VISITS TO ONE'S WIVES

905. Narrated 'Aisha (رضي الله عنها): Allāh's Messenger ﷺ used to divide visits to his wives equally and say, "O Allāh, this is my division^[2] concerning what I possess, so do not blame me concerning what You possess and I do not." [Reported by *Al-Arba'a*; Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic). At-Tirmidhi held that the stronger view is that it is *Mursal* (a missing link in the chain after the *Tābi'i*)].

906. Narrated Abū Huraira (رضي الله عنهما): The Prophet ﷺ said, "Anyone who has two wives and inclines to one of them^[3] will come on the Day of Resurrection with a side (of his body) inclining." [Reported by Ahmad and *Al-Arba'a*; its chain of narrators is *Sabib* (authentic)].

907. Narrated Anas (رضي الله عنهما): It is from the *Sunnah* that when a man who has a wife marries a virgin, he should spend

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(٩٠٥) عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَقْسِمُ لِي سَيِّدَهُ، فَيَغْدِلُ، وَيَقُولُ: «اللَّهُمَّ هَذَا قَسْمِي فِيمَا أَمْلَكُ، فَلَا تُلْنِنِي فِيمَا تَمْلِكُ، وَلَا أَمْلِكُ». رَوَاهُ الْأَزْرَقُ، وَصَحَّحَهُ ابْنُ جَنَانَ وَالحاكمُ، وَلَكِنْ رَجَحَ التَّرْمِذِيُّ إِرْسَالَهُ.

(٩٠٦) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ كَانَ لَهُ امْرَأَتَانِ فَمَا إِلَى إِحْدَاهُمَا دُونَ الْأُخْرَى جَاءَ يَوْمَ الْقِيَامَةِ وَشَقَّهُ مَاثِلٌ». رَوَاهُ أَحْمَدُ وَالْأَزْرَقُ، وَسَنَدُهُ صَحِيحٌ.

(٩٠٧) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: «مِنَ الشَّرِّ إِذَا تَزَوَّجُ الرَّجُلُ الْبَكْرَ عَلَى

^[1] It means that while drinking, one should not breathe into the utensil, as it is a cause of transmitting the germs from the breath into the water, and from the water to the stomach, which could negatively affect one's health.

^[2] It was not essential for the Prophet ﷺ to go to his wives by turn, and even though he had more love for 'Aisha (رضي الله عنها) in his heart, even then he did justice with his wives, and always asked Allāh's forgiveness for this.

^[3] In this context, justice means maintenance allowance, other necessities and night stay. All of these are in one's power to do or not to do, so these are accountable for justice. Having love for someone in the heart is not a sin, as long as it does not hinder one from doing justice.

with her seven nights, and thereafter divide the time between them (equally). And if he marries a formerly married woman he should spend with her three nights and thereafter divide the time between his wives (equally). [Agreed upon; the wording is Al-Bukhāri's].

908. Narrated Umm Salama ﷺ: When the Prophet ﷺ married her he stayed with her for three nights and said, "You are not being humbled in my estimation. If you wish I shall stay with you for seven nights, and if I stay with you for seven nights I shall do the same with my other wives." [Reported by Muslim].

909. Narrated 'Aisha ﷺ: Sauda (رضي الله عنها) daughter of Zam'a gave away^[1] her day to 'Aisha (رضي الله عنها). So the Prophet ﷺ allotted a share to 'Aisha (رضي الله عنها) of her day and Sauda's. [Agreed upon].

910. Narrated 'Urwa (رضي الله عنه): 'Aisha (رضي الله عنها) said, "O My nephew, Allāh's Messenger ﷺ would not prefer some of us over others regarding the division of the time he would spend with us. It was very rare that he would not visit us all, and come near each of his wives without having intercourse with her, till he reached the one whose day^[2] it was, and spent the night with her." [Reported by Ahmad and Abū Dā'ud, the wording is Abū Dā'ud's. Al-Hākim graded it *Sabib* (authentic)].

Muslim reported 'Aisha (رضي الله عنها) as saying: "When Allāh's Messenger ﷺ offered the 'Asr (afternoon) prayer, he would visit his wives in turn, then come close to

الثَّبِيبِ، أَقَامَ عِنْدَهَا سَبْعًا، ثُمَّ قَسَمَ، وَإِذَا تَرَوْجُ الثَّبِيبَ، أَقَامَ عِنْدَهَا ثَلَاثًا، ثُمَّ قَسَمَ". مُتَقَرَّ عَلَيْهِ، وَاللَّفْظُ لِابْكَارِي.

(٩٠٨) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ ﷺ لَمَّا تَرَوَجَهَا، أَقَامَ عِنْدَهَا ثَلَاثًا، وَقَالَ: «إِنَّهُ لَيْسَ بِكِ عَلَى أَهْلِكِ هَوَانٌ، إِنْ شِئْتِ سَبَعْتُ لَكِ، وَإِنْ سَبَعْتُ لَكِ سَبَعْتُ لِيْسَائِي». رَوَاهُ مُسْلِمٌ.

(٩٠٩) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ سُودَةَ بِنتَ رَمْعَةَ وَهَبَّتْ يَوْمَهَا لِعَائِشَةَ، وَكَانَ النَّبِيُّ ﷺ يَقْسِمُ لِعَائِشَةَ يَوْمَهَا وَيَوْمَ سُودَةَ. مُتَقَرَّ عَلَيْهِ.

(٩١٠) وَعَنْ عُرْوَةَ قَالَ: قَالَتْ عَائِشَةُ رَضِيَ اللَّهُ تَعَالَى عَنْهَا: يَا ابْنَ أُخْتِي، كَانَ رَسُولُ اللَّهِ ﷺ لَا يَفْضُلُ بَعْضَنَا عَلَى بَعْضِنَا فِي الْقِسْمِ، مِنْ مُكْبِهِ عِنْدَنَا وَكَانَ قَلَّ يَوْمًا إِلَّا وَهُوَ يَطْرُو عَلَيْنَا بِجِيَاعٍ، فَيَدْعُونَا مِنْ كُلِّ أَمْرَأَةٍ، مِنْ غَيْرِ مَسِيسٍ، حَتَّى يَلْغُ الَّتِي هُوَ يَوْمُهَا، فَقَبَّتْ عِنْدَهَا. رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدُ، وَاللَّفْظُ وَصَحَّحَهُ الْحَاكِمُ.

وَلِمُسْلِمٍ عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا صَلَّى الْعَصْرَ دَارَ عَلَى نِسَائِهِ، ثُمَّ يَدْعُونَهُ مِنْهُنَّ. الْحَدِيثُ.

^[1] It means that if a woman makes a voluntary decrease in her maintenance allowance or in her turn (for night stay), it is lawful and the man is not to be blamed for it. However, she reserves the right to reclaim her right at anytime.

^[2] Here 'turn' means night stay. Otherwise, one is allowed to talk to the other wives and go to their houses.

them (to kiss or hug them).” [The narrator reported the rest of the *Hadith*].

911. Narrated ‘Aisha ﷺ: During the illness of which Allāh’s Messenger ﷺ died, he was asking, “Where shall I be tomorrow?”^[1] He desired that it would be ‘Aisha’s day. His wives therefore permitted him to stay where he wished, and he stayed in ‘Aisha’s house. [Agreed upon].

912. Narrated (‘Aisha) ﷺ: When Allāh’s Messenger ﷺ intended to go on a journey, he cast lots among his wives. Then, he would take with him the one who was chosen by the lot.^[2] [Agreed upon].

913. Narrated ‘Abdullāh bin Zam’ā^[3] ﷺ: Allāh’s Messenger ﷺ said, “None of you should whip his wife like the whipping of a slave.”^[4] [Reported by Al-Bukhāri].

(٩١١) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ كَانَ يَسْأَلُ فِي مَرْضِهِ الَّذِي مَاتَ فِيهِ: أَئِنِّي أَنَا غَدًا؟ يُرِيدُ يَوْمَ عَائِشَةَ، فَأَذِنْ لَهُ أَرْوَاجُهُ، يَكُونُ حِينَ شَاءَ، فَكَانَ فِي بَيْتِ عَائِشَةَ مُتَقْعِدًا عَلَيْهَا.

(٩١٢) وَعَنْهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ إِذَا أَرَادَ سَفَرًا أَفْرَغَ بَيْنَ نِسَائِهِ، فَأَيِّنَهُنَّ خَرَجَ سَهْمُهُنَّا، خَرَجَ بِهَا مَعَهُ. مُتَقْعِدًا عَلَيْهَا.

(٩١٣) وَعَنْ عَبْدِ اللَّهِ بْنِ زَمْعَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «لَا يَخْلُدُ أَحَدُكُمْ امْرَأَةً جُلْدَ الْعَبْدِ». رَوَاهُ البَخَارِيُّ.

٧ - بَابُ الْخُلْمٍ

AL-KHUL'^[5]

(SEPARATING FROM A WIFE FOR A COMPENSATION)

914. Narrated Ibn ‘Abbās ﷺ: The wife of

^[1] It means that during illness, mere intention of permanent stay with one of the wives is not an offense. It also means that with the permission of the other wives, one can stay with one of them. The illness of the Prophet ﷺ began at the house of Maimuna ﷺ.

^[2] The one whose name came up in the draw was to accompany the Prophet ﷺ in the journey. The days spent during a journey were not accounted for in turns. The wives are also allowed to agree on one without drawing lots.

^[3] He is ‘Abdullāh bin Zam’ā bin Al-Aswad bin ‘Abdul-Muttalib bin Asad bin ‘Abdul-‘Uzza Al-Asadi, the brother of *Ummul-Mu’mīnīn* Sauda bint Zam’ā ﷺ. He was a famous *Sabābi* considered to be among the residents of Al-Madīnah. He was martyred during the day of Ad-Dār.

^[4] It is strictly forbidden to beat the woman except for one violation, and that is in the case of illegal sexual relations. It is not allowed to hit her on face or to beat her so severely that would break a bone, in which case one will have to bear the penalty.

^[5] *Khul'* (الخلع) means to take off the clothes. According to *Shari'a* terminology *Khul'* means the woman's right of cancellation of her marriage. She has the right to cancel her marriage after returning the dowry (*Mahr*). The man can divorce if he has a genuine reason. Similarly, a woman can also have *Khul'* – after returning the dowry – if she has a genuine excuse.

Thābit bin Qais^[1] came to the Prophet ﷺ and said, "O Allāh's Messenger, I do not find fault with Thābit bin Qais (ﷺ) in respect of character or religion, but I dislike (and fear) that I might commit an act of *Kufr fil-Islam* (that which is contradictory to Islamic behavior)." Allāh's Messenger ﷺ asked her, "Will you give him back his garden?" And she replied, "Yes," so Allāh's Messenger ﷺ said to him, "Accept the garden and divorce her, with one pronouncement (of divorce)." [Reported by Al-Bukhāri]. Another narration by him has: "He commanded him to divorce her."

Abū Dā'ud and At-Tirmidhi reported this *Hadīth* and the later graded it *Hasan* (good): "The wife of Thābit bin Qais got a divorce from him in return for a compensation (paid by her), and the Prophet ﷺ made her *Iddab* (period of waiting before re-marrying) one menstruation course."

Ibn Mājah reported the narration of 'Amr bin Shu'aib, on his father's authority, from his grandfather: "Thābit bin Qais was very unattractive and his wife said, 'Were it not for fear of Allāh, when he entered my presence I would spit in his face.'"

Ahmad reported from Sahl bin Abū Hathma's *Hadīth* that it was the first ever husband and wife separation for compensation in Islam.

عَنْهُمَا، أَنَّ امْرَأَةً ثَابِتَ بْنَ قَيْسٍ أَتَتِ الرَّسُولَ ﷺ، فَقَالَتْ: يَا رَسُولَ اللَّهِ! ثَابِتَ بْنَ قَيْسٍ مَا أَعِيبُ عَلَيْهِ فِي حُلُقٍ وَلَا دِينٍ، وَلَكُنِي أَكْرَهُ الْكُفُرَ فِي الإِسْلَامِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَتَرْبِينَ عَلَيْهِ حَدِيقَتَهُ؟» فَقَالَتْ: نَعَمْ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَفْبَلِي الْحَدِيقَةَ وَطَلَقْهَا تَطْلُقْهَا». رَوَاهُ الْبُخَارِيُّ. وَفِي رِوَايَةِ لَهُ: «وَأَمْرَهُ بِطَلَاقِهَا».

وَلَأَبِي ذَاوِدَ وَالثَّرمَذِيِّ - وَحَسَنَةً - : أَنَّ امْرَأَةً ثَابِتَ بْنَ قَيْسٍ أَخْتَلَعَتْ مِنْهُ، فَجَعَلَ الرَّسُولُ ﷺ عِدَّتَهَا حَيْضَةً.

وَفِي رِوَايَةِ عَمِّرِو بْنِ شَعِيبٍ. عَنْ أَبِيهِ، عَنْ جَدِّهِ عَنْدَ أَبِيهِ مَاجِهٍ: أَنَّ ثَابِتَ بْنَ قَيْسٍ كَانَ دَوِيْمًا، وَأَنَّ امْرَأَتَهُ قَالَتْ: لَوْلَا مَحَافَةُ اللَّهِ إِذَا دَخَلَ عَلَيَّ بَصَقْتُ فِي وَجْهِهِ.

وَلِأَخْمَدَ مِنْ حَدِيثِ سَهْلِ بْنِ أَبِي حَمْمَةَ: «وَكَانَ ذَلِكَ أَوَّلُ حُلُقٍ فِي الإِسْلَامِ».

According to some scholars *Khul'* is divorce, while others consider *Khul'* as cancellation of marriage. There is a difference of opinion about taking back more than the original dowry. However, it seems reasonable that the man take back only that amount which was originally given to the woman as dowry, without any demand for more.

^[1] Thābit bin Qais Al-Ansāri Al-Khazraji was among the elder *Sahāba* and was the spokesman of *Al-Ansār* and Allāh's Messenger ﷺ. He witnessed Uhud and the battles that followed it. The Prophet ﷺ confirmed that he will enter the *Jannah* and he was martyred during the battle of Al-Yamama in 12 H.

Chapter 7 AT-TALĀQ (DIVORCE)

٧ - بَابُ الطَّلَاقِ

915. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ said, "The lawful thing which Allāh hates most is divorce."^[1] [Reported by Abū Dā'ud and Ibn Mājah, Al-Hākim graded it *Sabib* (authentic), while Abū Hātim held that the stronger view is that it is *Mursal* (missing link after the *Tābi'i*)].

916. Narrated Ibn 'Umar ﷺ: In the time of Allāh's Messenger ﷺ, he divorced his wife while she was menstruating, so 'Umar asked Allāh's Messenger ﷺ about that and he replied, "Command him to take her back and keep her till she is purified (from menses), has another period, and is then purified. If he then wishes he may keep her and if he wishes he may divorce her before having intercourse with her. That is the *Iddah* (period of waiting) which Allāh commanded for the divorce of women."^[2] [Agreed upon].

A narration by Muslim has: "Command him to take her back, then divorce her when she is pure from the menstrual discharge, or pregnant."

Another narration by Al-Bukhārī has: "It was regarded as one divorce."

(٩١٥) عن ابن عمر رضي الله تعالى عنهما قال: قال رسول الله صلى الله عليه وسلم: «أبغضُ الحلال إلى الله الطلاق». رواه أبو داود وابن ماجة، وصححه الحاكم، ورجح أبو حاتم إرجاله.

(٩١٦) وعن ابن عمر رضي الله تعالى عنهما، أنه طلق امرأته، وهي حائض، في عهد رسول الله صلى الله عليه وسلم، فسأل عمر رضي الله تعالى عنه رسول الله صلى الله عليه وسلم عن ذلك، فقال: «أمراً، فليأجعها، ثم ليمسكتها حتى تطهر، ثم تحيض، ثم تطهر، ثم إن شاء أمسك بعده، وإن شاء طلق قبل أن يمس، فتلق العدة التي أمر الله أن تطلق لها النساء». متفق عليه.

وفي رواية لمسلم: «مرة فليأجعها، ثم ليطلقها طارئاً أو حاملاً».

وفي رواية أخرى للبخاري: «وحبست تطليقة».

^[1] This *Hadith* contains many points [if it were proven to be authentic]. That all *Halāl* (legal and lawful) things are not dear to Allāh, i.e. there are some legal things which are though legal but not liked by Allāh. Divorce is among the things which are *Halāl* but it is not always good. It is *Halāl* because sometimes the situation is so complicated that man is compelled to divorce. In such situation, it is acceptable, if there is no other way out. Divorce is bad, because it is a cause of enmity and also a cause of Satan's delight. *Talāq* (divorce) means to set free and according to *Shari'a*, *Talāq* is to free the woman from the bond of marriage.

^[2] This *Hadith* also makes clear many points: 1) It is prohibited to divorce during menstruation period. 2) Without the consent of woman, man can withdraw his decision. 3) It is *Bid'ah* (innovation) to divorce a woman in the state of *Tubr* (period of purification after menses) in which sexual intercourse is carried out, just as it is to divorce during menses. There are four kinds of divorce, out of which two are lawful and two are unlawful: To divorce during pregnancy or in the state of *Tubr* in which sexual intercourse is not carried out are

A narration of Muslim has: "Ibn 'Umar (رضي الله عنهما) said, 'If you had only made one or two pronouncements of divorce [it would have been better]. Indeed Allāh's Messenger ﷺ commanded me to take her back, then keep her till she has another period, then give her a reprieve till she is purified, then divorce her before having intercourse with her. As for you, you have divorced her with three pronouncements (at once), and have therefore disobeyed your Rabb [your Lord, the Creator] concerning what He commanded you regarding the divorce of your wife.'

Another narration [of Muslim] has: "Abdullah bin 'Umar (رضي الله عنهما) said, 'So he returned her to me and did not regarded it as anything, and said: When she is purified, either divorce her or keep her.'

917. Narrated Ibn 'Abbās (رضي الله عنهما): In the time of Allāh's Messenger ﷺ, Abū Bakr (رضي الله عنهما) and the first two years of the caliphate of 'Umar (رضي الله عنهما), the three pronouncements of divorce were regarded as one divorce.^[1] So 'Umar said, "People have made haste in an

وَفِي رِوَايَةِ الْمُسْلِمِ : قَالَ ابْنُ عُمَرَ : أَمَا أَنْتَ طَلَقْتَهَا وَاحِدَةً أَوْ اثْتَيْنِ ؟ فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ أَمْرَنِي أَنْ أَرْجِعَهَا ، ثُمَّ أُمْسِكَهَا حَتَّى تَحِضَّ حِضْنَةً أُخْرَى ، ثُمَّ أُمْهِلَهَا حَتَّى تَطَهَّرَ ، ثُمَّ أُطْلَقْتَهَا فَبَلَّ أَنْ أَمْسَهَا ، وَأَمَّا أَنْتَ طَلَقْتَهَا ثَلَاثَةً ، فَقَدْ عَصَيْتَ رَبَّكَ فِيمَا أَمْرَكَ بِهِ مِنْ طَلاقٍ امْرَأَتِكَ .

وَفِي رِوَايَةِ أُخْرَى : قَالَ عَبْدُ اللَّهِ بْنُ عُمَرَ : فَرَدَهَا عَلَيَّ ، وَلَمْ يَرَهَا شَيْئًا ، وَقَالَ : إِذَا طَهَرَتْ فَلَيُطْلَقْنَ ، أَوْ لَيُمْسِكْنَ .

(٩١٧) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا ، قَالَ : كَانَ الطَّلاقُ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ ، وَأَبِي بَكْرٍ ، وَسَتَيْنَ مِنْ حِلَافَةِ عُمَرَ ، طَلاقُ الْثَلَاثَةِ وَاحِدَةٌ ، فَقَالَ عُمَرُ : إِنَّ النَّاسَ قَدْ اسْتَحْجَلُوا فِي أَمْرٍ كَانَتْ لَهُمْ فِيهِ آنَاءُ ، فَلَمْ

lawful, while to divorce during menses and in the *Tubr* in which sexual intercourse is carried out are unlawful. From another point of view there are three kinds of divorce: These are: (i) *Absan*, (ii) *Hasan* and (iii) *Bid'a*. *Absan* is to divorce once during pregnancy or *Tubr* period and let the *Iddab* pass away. (*Iddab* is a prescribed period of waiting, during which a divorced or widowed woman can not remarry. It varies according to different circumstances). *Hasan* is to divorce three times, in three separate periods of *Tubr*. Up to two divorces or two *Tubr*, one can cancel the divorce. However, after the third pronouncement of divorce he can neither cancel the divorce nor remarry her without her marriage to someone else, consummation, and then being divorced again or becoming a widow. *Bid'a* is to divorce two or three times in one sitting. Most of the scholars are of the opinion that divorce pronounced during menses will be counted, though in this case revoking it is obligatory.

^[1] What is the legal status of three divorces given together at a time? There is difference of opinion on this issue among the scholars. 1) First opinion is that three divorces given together at a time are nothing and have no legal status at all. 2) Second opinion is that three divorces given together at a time are counted, and the woman is divorced. 3) Third opinion is that this is only one divorce. 4) Fourth opinion is that if the woman has carried out the sexual intercourse, then three will count, and if she has not carried out sexual intercourse, then only one will happen. Among these different views the third is stronger and more

affair which they are required to take slowly. What if we execute it on them." So, he executed it on them. [Reported by Muslim].

918. Narrated Mahmūd bin Labid^[1]: When Allāh's Messenger ﷺ was informed about a man who had divorced his wife with all the three pronouncements (without any interval between them), he stood up in anger and said, "Is Allāh's Book being played with while I am among you?" As a result a man got up and said, "O Allāh's Messenger, shall I kill him?" [Reported by An-Nasā'i; its narrators are reliable (*tbiqah*)].

919. Narrated Ibn 'Abbās رضي الله تعالى عنهما، قَالَ: طَلَقَ أَبُو رُكَانَةَ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «رَاجِع امْرَأَتَكَ». قَالَ: إِنِّي طَلَقْتُهَا ثَلَاثَةً، قَالَ: «فَذَعِلْتُمُ، رَاجِعُهَا». رَوَاهُ أَبُو دَعْدَعٍ.

A wording by Ahmad has: Abū Rukāna divorced his wife with three pronouncements in one sitting. Then, he was grieved about her and Allāh's Messenger ﷺ told him, "They (the three pronouncements) are reckoned as a single (utterance of divorce)." [The

reasonable. The same was customary in the time of the Prophet ﷺ, therefore, Abu Rukāna was ordered by the Prophet ﷺ to return his wife after giving three divorces together. If the three divorces had counted, the Prophet ﷺ would not have ordered him to return his wife. This mode of divorce is also logically understandable. For three divorces, the Prophet ﷺ fixed the period of three months.

^[1] He is Mahmūd bin Labid bin Abū Rāfi' Al-Ansāri Al-Ashhali. He was born during the lifetime of (the Prophet ﷺ). Al-Bukhāri said, "He attained the companionship of the Prophet ﷺ", but Abū Hātim said that his Companionship is unknown, and Muslim counted him among the *Tabi'in*. He was among the *Ulamā* and he died in the year 96 H.

^[2] Abū Rukāna bin 'Abd Yazid bin Hāshim bin 'Al-Muttalib bin Abd Munāf Al-Muttalibi was among those who became Muslims during the conquest of Makkah. It is said that he wrestled with the Prophet ﷺ who beat him and that was the cause of his Islam. He settled at Al-Madinah and died there at the beginning of Mu'awiyah's Caliphate. It is also said that he died during his caliphate. It is also said that he died in the year 41. His wife was Suhaima, daughter of 'Uwaimir Al-Muzaniyah.

أَمْضَيْنَاهُ عَلَيْهِمْ فَأَمْضَاهُ عَلَيْهِمْ رَوَاهُ مُسْلِمٌ.

(٩١٨) وَعَنْ مُحَمَّدِ بْنِ لَبِيدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: أَخْبَرَ رَسُولَ اللَّهِ ﷺ عَنْ رَجُلٍ طَلَقَ امْرَأَتَهُ ثَلَاثَ تَطْلِيقَاتٍ جَمِيعاً، فَقَامَ عَصْبَيَانَ، ثُمَّ قَالَ: أَيْلَعْبُ بِكِتَابِ اللَّهِ، وَأَنَا يَئِنَّ أَطْهُرُكُمْ؟ حَتَّى قَامَ رَجُلٌ، فَقَالَ: يَا رَسُولَ اللَّهِ! أَلَا أَقْتُلُهُ. رَوَاهُ التَّتَّائِيُّ، وَرَوَاهُ مُؤْتَقُونَ.

(٩١٩) وَعَنْ أَبْنَى عَبْيَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: طَلَقَ أَبُو رُكَانَةَ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «رَاجِع امْرَأَتَكَ». قَالَ: إِنِّي طَلَقْتُهَا ثَلَاثَةً، قَالَ: «فَذَعِلْتُمُ، رَاجِعُهَا». رَوَاهُ أَبُو دَعْدَعٍ.

وَفِي لَفْظِ لَأْخَمَدَ: طَلَقَ أَبُو رُكَانَةَ امْرَأَتَهُ فِي مَجْلِسٍ وَاجِدٍ ثَلَاثَةً، فَحَرَّنَ عَلَيْهَا، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «فَإِنَّهَا وَاجِدَةٌ». وَفِي سِنَدِهِمَا أَبْنُ إِسْحَاقَ، وَفِيهِ مَقَالٌ.

two *Abadith* have Ibn Ishāq^[1], in their chains of narrators, and his reliability has been questioned].

Abū Dā'ud have reported (a *Hadith*) better than the aforesaid one through another chain, it has: "Abu Rukāna divorced his wife Suhaima irrevocably and said, 'I swear by Allāh that I meant it to be only a single utterance of divorce,' so the Prophet ﷺ returned her to him."

920. Narrated Abū Huraira رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "There are three things which, whether undertaken seriously or in jest, are treated as serious:^[2] marriage, divorce and taking back a wife after a divorce which is not final." [Reported by *Al-Arba'a* except An-Nasā'i. Al-Hākim graded it *Sabib* (authentic)].

In a narration of Ibn 'Adī, through another chain of narrators, which is *Da'if* (weak), it has: "Divorce, emancipation and marriage."

Al-Hārith bin Abū Usāma reported from the *Hadith* of 'Ubāda bin As-Sāmit (رضي الله تعالى عنه) – tracing it to the Prophet ﷺ: "It is not permissible to play in three things: divorce, marriage and emancipation. Therefore, whoever pronounces (either of) them, they certainly become binding." [Its chain of narrators is *Da'if* (weak)].

921. Narrated Abū Huraira رضي الله تعالى عنه: The Prophet ﷺ said, "Allāh, the Most High, has forgiven my followers what they contemplate on within themselves (i.e. evil thoughts) as long as they do not act

وَقَدْ رَوَى أَبُو دَاوُدَ مِنْ وَجْهِ أَخْرَى أَحْسَنَ مِنْهُ،
أَنَّ أَبَا رُكَانَةَ طَلَقَ امْرَأَتَهُ سَهِيمَةَ الْبَتَّةَ، فَقَالَ:
وَاللَّهِ مَا أَرْدَثُ بِهَا إِلَّا وَاحِدَةً، فَرَدَهَا إِلَيْهِ السَّيِّدِ.
•

(٩٢٠) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ
قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ
وَهَزَّهُنَّ جَدًّا: النِّكَاحُ، وَالطَّلاقُ، وَالرَّجْعَةُ.
رَوَاهُ الْأَرْبَعَةُ إِلَّا السَّائِقُ، وَصَحَّحَهُ الْحَاكِمُ.

وفي رواية لابن عدي، من وجوه آخر
ضعيف: «الطلاق، والعتاق، والنكاح».

وَلِلْخَارِثِ بْنِ أَبِي أَسَامَةَ، مِنْ حَدِيثِ عَبَادَةِ
ابْنِ الصَّامِتِ، رَفِعَهُ: «لَا يَجُوزُ اللَّعْبُ فِي
تَلَاثَةِ: الْطَّلاقِ، وَالنِّكَاحِ، وَالعَتَاقِ، فَمَنْ
قَالَهُنَّ قَدْ وَجَبَنَ». وَسَنَدُهُ ضَعِيفٌ.

(٩٢١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ
عَنْ السَّيِّدِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ، قَالَ: إِنَّ اللَّهَ تَعَالَى تَحْاوِرَ
عَنْ أَمْنِي مَا حَدَثَتْ بِهِ أَنفُسُهَا، مَا لَمْ تَعْمَلْ،
أَوْ تَكَلَّمْ. مُتَفَقُ عَلَيْهِ.

[1] Abū 'Abdullāh Muammad bin Ishāq bin Yasār Al-Muttalibi, the manumitted slave of Qais bin Makhrama Al-Madani was the master of the history of the military expeditions of the Prophet ﷺ and his Companions رضي الله عنهم. He died in 51 H.

[2] It means that the following four things happen merely because of utterances even if spoken by way of joke: 1) *Nikāb* – marriage. 2) *Talāq* – divorce. 3) Revocation of a divorce, and 4) Freeing of a slave.

upon or speak about them.” [Agreed upon].

922. Narrated Ibn ‘Abbās ﷺ: The Prophet ﷺ said, “Allāh, the Most High, has overlooked my follower’s mistakes and forgetfulness, and what they are forced to do against their will.”^[1] [Reported by Ibn Mājah and Al-Hākim. Abū Hātim said that it is not an established (authentic) *Hadīth*.]

923. Narrated Ibn ‘Abbās ﷺ: “If anyone makes his wife unlawful^[2] for himself – it is nothing.” He said, “Indeed you have a good example in Allāh’s Messenger.”^[3] [Reported by Al-Bukhārī].

Muslim has: “When a man makes his wife unlawful for himself, it is (treated like) an oath for which atonement must be made (if broken).”

924. Narrated ‘Aisha ﷺ: When the daughter of Al-Jaun was admitted into the presence of Allāh’s Messenger ﷺ and he went near her, she said, “I seek refuge in Allāh from you.” He replied, “You have sought refuge in the Supreme [One Who is worthy of refuge being taken in], return to your family.”^[4] [Reported by Al-Bukhārī].

925. Narrated Jābir ﷺ: Allāh’s Messenger ﷺ said, “There is no divorce

(٩٢٢) وَعَنْ أَبْرَارِ عَبَّاسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنِ النَّبِيِّ ﷺ، قَالَ: «إِنَّ اللَّهَ تَعَالَى وَضَعَ عَنْ أَمْيَانِ الْخَطَا، وَالنَّسْيَانَ، وَمَا اشْتَكَرُهُوا عَلَيْهِ». رَوَاهُ أَبْنُ مَاجَةَ وَالْحَاكِمُ. وَقَالَ أَبُو حَاتِمٍ: لَا يَبْثُثُ.

(٩٢٣) وَعَنْ أَبْرَارِ عَبَّاسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: إِذَا حَرَمَ أُمْرَأَةً، لَيْسَ بِشَيْءٍ وَقَالَ: لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أَشْوَةُ حَسْنَتِهِ. رَوَاهُ الْبُخَارِيُّ. وَلِمُسْلِمِيْنَ: إِذَا حَرَمَ الرَّجُلُ عَلَيْهِ أُمْرَأَةً، فَهُوَ يَوْمَئِنْ، يُكَفِّرُهَا.

(٩٢٤) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ ابْنَةَ الْجَوْزِ لَمَّا أُدْخِلَتْ عَلَى رَسُولِ اللَّهِ ﷺ، وَدَنَّا مِنْهَا: قَالَتْ: أَعُوذُ بِاللَّهِ مِنْكَ، فَقَالَ: لَقَدْ عَذْتُ بِعَظِيمٍ، الْحَقِّيْقَةُ بِأَهْلِكِكَ». رَوَاهُ الْبُخَارِيُّ.

^[1] It means that mere thinking of divorce does not effectuate it. It also means that the divorce given under compulsion is not a divorce. Similarly marriage under compulsion is also not a marriage.

^[2] If a man says to his wife that he will not keep any relation with her and makes her unlawful for himself, it will not be regarded as a divorce, it is only a vow and has to be expiated.

^[3] The Prophet’s example here refers to his boycotting of his wives for a period of time.

^[4] Another division of divorce is made clear in this *Hadīth*, which is as follows: 1) Evident and clear divorce: In this form no intention is involved because of the clear and definite words. Just the words spoken are deemed enough to accomplish the divorce. 2) Indirect or by hint: In this form the words are equivocal, and may or may not mean divorce. For example: ‘You are free’ or ‘Go to your parents’, etc. When such words are spoken, their intention will be considered, and not the words. If the speaker means divorce, then it will be effected, and if he does not mean divorce then it will not happen.

except after marriage, and no freeing (of a slave) till one has possession (of one).^[1] [Reported by Abū Ya'la and Al-Hākim graded it *Sabib* (authentic), but it is *Ma'lul* (containing a hidden defective). Ibn Majah reported a similar narration, on the authority of Al-Miswar bin Makhrama, and its chain of narrators is (or appears to be) *Hasan* (good), but it is also *Ma'lul* (hidden defect)].

926. Narrated 'Amr bin Shu'aib on his father's authority from his grandfather: Allāh's Messenger ﷺ said, "No descendant of Adam may make a vow concerning something he does not possess, or set free (a slave) that he does not possess, or divorce (a woman) whom he does not possess (in marriage)." [Abū Dā'ud and At-Tirmidhi reported it; the latter graded it *Sabib* (authentic), and transmitted from Al-Bukhāri his statement that it is the most authentic *Hadīth* on this subject].

927. Narrated 'Aisha رضي الله تعالى عنها: The Prophet ﷺ said, "There are three people whose actions are not recorded:^[2] a sleeping person till he awakes, a child till he is a grown up, and an insane person till he is restored to reason or recovers his senses." [Reported by Ahmad and Al-Arba'a, except At-Tirmidhi. Al-Hākim graded it *Sabib* (authentic)].

Chapter 8 AR-RAJ'A (TAKING BACK A WIFE AFTER A DIVORCE WHICH IS NOT FINAL)

928. Narrated 'Imrān bin Husain رضي الله تعالى عنه: He was asked about a man who divorces

قال: قال رسول الله ﷺ: «لَا طلاق إِلَّا بَعْدَ نِكَاحٍ، وَلَا عِنْقَةٌ إِلَّا بَعْدَ مِلْكٍ». رواه أبو يعلى، وصححه الحاكم، وهو مقلول، وأخرج ابن ماجة عن المستور بن مخرمة مثله، وإشادة حسن، لكنه مقلول أيضاً.

(٩٢٦) وعن عمرو بن شعيب، عن أبيه، عن جده، قال: قال رسول الله ﷺ: «لَا تُنْذِرْ لابن آدم فيما لَا يَمْلِكُ، وَلَا عِنْقَةَ لَهُ فِيمَا لَا يَمْلِكُ، وَلَا طلاقَ لَهُ فِيمَا لَا يَمْلِكُ». أخرجه أبو داود والترمذى، وصححه، ونقل عن البخارى أنه أصح ما ورد فيه.

(٩٢٧) وعن عائشة رضي الله تعالى عنها، عن النبي ﷺ قال: «رُفِعَ الْقَلْمَ عَنْ ثَلَاثَةِ: عَنِ النَّائِمِ حَتَّى يَسْتَيقِطَ، وَعَنِ الصَّبَرِ حَتَّى يَكُبَرَ، وَعَنِ الْمَجْنُونِ حَتَّى يَعْقُلَ، أَوْ يَمْبَقِّ». رواه أحمد والأربعة إلا الترمذى، وصححه الحاكم وأخرجه ابن حبان.

٨ - باب الرجعة

^[1] It means that one can only divorce that woman who is married to him.

^[2] It means that if anybody divorces during sleep, it will not be regarded a divorce. If a minor divorces, it will not be considered divorce. Similarly, if an insane person divorces, it will not be counted as divorce.

his wife, then takes her back without taking witnesses (on either). So he replied, "Get witnesses on her divorce, and on her return."^[1] [Abū Dā'ud reported it *Mawqūf* (saying of a Companion), and its chain of narrators is *Sabib* (authentic)]. Al-Baihaqi reported the aforesaid *Hadīth* with this wording: 'Imrān bin Husain was asked about someone who takes his wife back (after a divorce that is not final), but he does not take witnesses. So, he replied, "It is not *Sunnah*, and he should get witnesses now." At-Tabarānī added in a narration: "and he should ask Allāh's forgiveness."

929. Narrated Ibn 'Umar: When he divorced his wife the Prophet said to 'Umar, "Command him to take her back." [Agreed upon].

Chapter 9 AL-'TYLA',^[2] AZ-ZIHĀR^[3] AND AL-KAFFĀRAH^[4]

930. Narrated 'Aisha: Allāh's Messenger swore that he would stay away from his wives for a period. He made

تَعَالَى عَنْهُمَا، أَنَّهُ سُبِّلَ عَنِ الرَّجُلِ يُطْلَقُ، ثُمَّ يُرَاجِعُ، وَلَا يُشَهِّدُ، فَقَالَ: أَشْهِدُ عَلَى طَلاقَهَا، وَعَلَى رَجْعِيهَا. رَوَاهُ أَبُو دَاوُدُ هَكَذَا مَوْفُوقًا، وَسَنَدُهُ صَحِيفَةٌ وَأَخْرَجَهُ الْيَهُقِيُّ بِلَفْظِ: أَنَّ عِمْرَانَ بْنَ حُصَيْنٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا سُبِّلَ عَنْ رَاجِعِ امْرَأَتِهِ وَلَمْ يُشَهِّدْ، فَقَالَ: فِي عَنْ سُنْتِهِ؟ فَبَيْشِدَ الْآنَ وَزَادَ الطَّبَرَانِيُّ فِي رِوَايَةِ (وَسَتَغْفِرُ اللَّهُ).

(٩٢٩) وَعَنْ أَبْنِ عِمْرَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّهُ لَمَّا طَلَقَ امْرَأَتَهُ، قَالَ النَّبِيُّ ﷺ لِعِمْرَانَ: مُرْدٌ، فَلَيُرَاجِعُهَا». مُتَقَّدٌ عَلَيْهِ.

٩ - بَابُ الْإِيَّاءِ وَالظَّهَارِ وَالْكَفَارَةِ

(٩٣٠) عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: إِلَى رَسُولِ اللَّهِ ﷺ مِنْ نِسَاءِ وَحْرَمَ،

^[1] It means that for *Talāq* (divorce) and *Raj'a* (revocation of divorce), two witnesses should be present. If there are no witnesses, the man or woman can go back on one's word for some of their interests and it cause many evils. To call for witnesses is either obligatory or desirable. Consensus is that it is desirable, but actually it is obligatory.

^[2] 'Iylā' (إِيَّاءٌ) means to make a vow that one is not going to maintain sexual relations with his wife; or to say to her directly – swearing by Allāh – that no sexual relationship will be maintained with her in the future. Allāh has prescribed a four months period to restore the relationship. It is better to revive the relationship, by paying expiation for the oath within the prescribed period. Otherwise, divorce will become effective by itself; or according to others, the man will be compelled to divorce her or bring back the relationship to normal again.

^[3] *Zibār* (الظَّهَار) is derived from the word *Zabr* (الظَّهَار) meaning back, making resemblance between one's wife and the mother's back. This is a figure of speech in Arabic language which means that you are like my mother and unlawful for me for marriage. According to *Shari'a* terminology, *Zibār* means comparing one's wife and to one's mother, and making her unlawful for oneself. It is not considered a divorce in *Shari'a* but one has to expiate for it before returning to his wife. Its expiation is to free a slave or to fast for sixty days consecutively or to feed sixty poor persons. It is compulsory to bear one of these punishments.

^[4] *Kaffarab* (الْكَفَارَةِ) means making atonement (for either of the above two cases).

something unlawful (for himself) (i.e. something not in itself unlawful). So, he made the lawful unlawful, and he made atonement for breaking an oath. [Reported by At-Tirmidhi, and its narrators are reliable (*thiqab*)].

931. Narrated Ibn 'Umar ﷺ: When a period of four months elapses, the one who swears to stay away from his wife must be made to return to her or divorce her, and the divorce is not valid till the husband himself pronounces it.^[1] [Al-Bukhāri reported it].

932. Narrated Sulaimān bin Yasār^[2] (ﷺ): I met thirteen or more of the Companions of Allāh's Messenger ﷺ, all of them made the one who swears to stay away from his wife, return to her or divorce her (at the end of the period). [Reported by Ash-Shāfi'i].

933. Narrated Ibn 'Abbās ﷺ: The swearing to stay away from one's wife in *Al-Jābiliya* era^[3] was for one or two years. Then, Allāh appointed a period of four months for it. So, if it is less than four months, it is not swearing to stay away from one's wife.^[4] [Al-Baihaqi reported it].

934. Narrated (Ibn 'Abbās) ﷺ: A man had vowed to make his wife like his mother (i.e. forbidden for him). Then

فَجَعَلَ الْحَلَالَ حَرَاماً، وَجَعَلَ لِلْتَّيْمِينَ كُفَارَةً.
رَوَاهُ التَّرمِذِيُّ، وَرَوَاهُ ثَقَاتُ.

(٩٣١) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ إِذَا مَضَتْ أَرْبَعَةُ أَشْهُرٍ وُقِفَ الْمُوْلَى، حَتَّى يُطْلَقَ، وَلَا يَقْعُدُ عَلَيْهِ الطَّلاقُ حَتَّى يُطْلَقَ. أَخْرَجَهُ الْبُخَارِيُّ.

(٩٣٢) وَعَنْ شَيْمَانَ بْنِ يَسَارٍ قَالَ: أَذْرَكْتُ بِضَعْةَ عَشَرَ رَجُلًا مِنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، كُلُّهُمْ يَقْنُونَ الْمُوْلَى. رَوَاهُ الشَّافِعِيُّ.

(٩٣٣) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَ إِبْلَاعَ الْجَاهِلِيَّةِ السَّنَةَ وَالسَّيِّنَةَ، فَوَقَتَ اللَّهُ أَرْبَعَةُ أَشْهُرٍ، فَإِنْ كَانَ أَفَّلَ مِنْ أَرْبَعَةِ أَشْهُرٍ فَلَنْ يُبَاِلَهُ أَخْرَجَهُ الْبَيْهَقِيُّ.

(٩٣٤) وَعَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَجُلًا ظَاهِرًا مِنْ امْرَأَيْهِ، ثُمَّ وَقَعَ عَلَيْهَا، فَأَتَى

^[1] In case of '*Iylā*' the man should be asked either to divorce or restore the relationship, after the passing of four months. If he is not willing in either case, then she can get her marriage cancelled with the permission of the ruler, and after passing her *Iddah* period, she is allowed to marry.

^[2] He is Abū Ayub Sulaimān bin Yasār, the manumitted slave of '*Ummul-Mū'minin* Maimuna ﷺ. He was one of the seven *Fiqh 'Ulāmā* of the elder *Tabi'in* in Al-Madinah. He was reliable, virtuous, pious and knowledgeable. He died in the year 107 H at the age of 73 years.

^[3] In the Period of Ignorance the woman was very unfortunate. Sometimes, for years she stood in the middle of nowhere, neither married nor divorced, hanging in between. Also, she was not allowed to remarry after passing her *Iddah* period. Sometimes, severance of relations is necessary for the purpose of teaching her a lesson. However, separation for years at a time is injustice to her, so Allāh fixed the period as four months.

^[4] This *Hadīth* makes it clear that if the relations are re-established within the period of four months, then it is not '*Iylā*' and there is no penalty for it.

he had intercourse with her, so he went to the Prophet ﷺ and said, "I had intercourse with her before making the atonement." He replied, "Do not go near her till you do what Allāh has commanded you to do." [Reported by Al-*Arba'a*. At-Tirmidhi graded it *Sabih* (authentic) but An-Nasā'i held that the stronger view is that it is *Mursal* (missing link after the *Tabi'i*)]. Al-Bazzār reported it through another chain, from Ibn 'Abbās (رضي الله عنهما) and he added: "Make an atonement and do not repeat it."

935. Narrated Salama bin Sakhr^[1]: When the month of Ramadān came, I feared lest I would have intercourse with my wife. So, I vowed *Az-Zibar* (that she was like my mother). Then, one night something of her was uncovered to me and I had intercourse with her. Allāh's Messenger ﷺ afterwards said to me, "Set a slave free," and I replied, "I do not possess one (that I can free)." He said, "Then fast two consecutive months." I replied, "Have I fallen into that which I have fallen into except due to fasting!?" He said, "Feed sixty poor people with an '*Araq*' (basket) of dates." [Reported by Ahmad and Al-*Arba'a* except An-Nasā'i. Ibn Khuzaima and Ibn Al-Jārūd graded it *Sabih* (authentic)].

Chapter 10 *AL-LI'ĀN*^[2] (INVOKING CURSES)

١٠ - باب اللعان

936. Narrated Ibn 'Umar رضي الله عنهما: So-and-so asked and said, "O Allāh's Messenger, what you think if one of us finds his

اللَّهُ تَعَالَى، فَقَالَ: إِنِّي وَقَعْتُ عَلَيْهَا قَبْلَ أَنْ أَكُفَّرَ، قَالَ: «فَلَا تَنْزَهُهَا، حَتَّى تَفْعَلَ مَا أَمْرَكَ اللَّهُ تَعَالَى بِهِ». رَوَاهُ الْأَرْبَعَةُ، وَصَحَّحَهُ التَّرْمِذِيُّ، وَرَجَحَ النَّسَائِيُّ إِرْسَالَهُ، وَرَوَاهُ الْبَزارُ مِنْ وَجْهِ آخَرَ عَنْ أَبْنَى عَبَّاسٍ، وَرَازَادَ فِيهِ: «كَفَرَ وَلَا تَمْدُ».

(٩٣٥) وَعَنْ سَلَمَةَ بْنِ صَحْرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: دَخَلَ رَمَضَانَ، فَخَفِثَ أَنْ أُصِيبَ أُمْرَأَتِي، فَظَاهَرَتْ مِنْهَا، فَانْكَسَفَ لِي شَيْءٌ مِنْهَا لَيْلَةً، فَوَقَعْتُ عَلَيْهَا فَقَالَ لِي رَسُولُ اللَّهِ تَعَالَى: «حَرَّ رَقْبَهُ». فَقُلْتُ: مَا أَمْلِكُ إِلَّا رَقْبِي. قَالَ: «فَصُمْ شَهْرَيْنِ مُتَتَابِعَيْنِ»، قُلْتُ: وَهَلْ أَصِبْتُ الَّذِي أَصِبْتُ إِلَّا مِنَ الصِّيَامِ، قَالَ: «أَطْعِمْ عَرَقاً مِنْ تَمْرٍ سَيِّئَ مِشْكِينَا». أَخْرَجَهُ أَحْمَدُ وَالْأَرْبَعَةُ إِلَّا النَّسَائِيُّ، وَصَحَّحَهُ أَبْنُ خُزَيْمَةَ وَابْنُ الْجَازُودِ.

(٩٣٦) عَنْ أَبْنَى عَمَرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: سَأَلَ فُلَانٌ فَقَالَ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ

^[1] He is Salama bin Sakhr bin Sulaimān bin As-Samma Al-Bayādi – a descendant of Banu Bayād, a clan of Al-Khazraj – was one of the *Al-Bukā'un* (the wailers) among the *Sabāha*.

^[2] *Li'an* (اللعان) means to accuse one's wife of adultery, without any solid proof in hand. In case the woman denies the allegation, the man has to swear four times repeating the allegation and for the fifth time he would say: May Allāh's Wrath fall on me if I am a liar. If

wife committing adultery, how should he act? If he talks he would talk about a grievous affair, and if he keeps silent he would keep silent about something similar (a grievous affair).” He gave no answer. Afterwards he came to him ﷺ and said, “I have been afflicted with the very problem which I had asked you about.” Then Allāh revealed the verses of *Surat An-Nur* (the Light). He then recited them to him and exhorted, admonished and informed him that the punishment of this world is easier than that of the Hereafter. He said, “No, by Him Who sent you with the Truth, I have not lied against her.” He then summoned the woman and exhorted her in the same way. She said, “No, by Him Who sent you with the Truth, he is a liar.” He began with the man; and he (the man) bore witness four times with an oath by Allāh; he then did the same with the woman, then he separated them. [Reported by Muslim].

937. Narrated (Ibn ‘Umar) ﷺ: Allāh’s Messenger ﷺ said to the two who were invoking curses regarding one another, “Your reckoning is in Allāh’s Hands^[1] for one of you is lying. You cannot remarry her.” He (the man) said, “O Allāh’s Messenger, what about my property (dowry)?” He replied, “If you have spoken the truth, it is the price of your having had the right of intercourse with her;^[2] and if you have lied against her, it is even more remote for you (to get it back) from her.” [Agreed upon].

the woman keeps silent, she will be punished. However, if she denies the allegation, she will have to swear four times denying the allegation and the fifth time she would say: If he is speaking the truth, may Allāh’s Curse fall on me. Since Allāh’s Curse is invoked in this matter, it is referred to as *L’ān*. *L’ān* makes a separation between a man and his wife automatically, and there is no way for them to remarry.

^[1] In this *Hadīth* attention is called to repentance for sins.

^[2] It relates that dowry cannot be taken back from the woman. It is a unanimous issue.

أَنْ لَوْ وَجَدَ أَحَدُنَا أَمْرَأَهُ عَلَى فَاحِشَةٍ كَيْفَ يَصْنَعُ؟ إِنْ تَكَلَّمَ تَكَلَّمَ بِأَمْرِ عَظِيمٍ، وَإِنْ سَكَتَ سَكَتَ عَلَى مِثْلِ ذَلِكَ. فَلَمَّا كَانَ بَعْدَ ذَلِكَ أَنَّا، قَالَ: «إِنَّ الَّذِي سَأَلْتُكُمْ عَنْهُ قَدْ ابْتَلَيْتُهُ، فَأَنْزَلَ اللَّهُ الْآيَاتِ فِي سُورَةِ التُّورَ، فَتَلَاهُنَّ عَلَيْهِ وَوَعَظَهُ، وَذَكَرَهُ، وَأَخْبَرَهُ أَنَّ عَذَابَ الدُّنْيَا أَهُونُ مِنْ عَذَابِ الْآخِرَةِ»، قَالَ: لَا، وَالَّذِي بَعَنَكُمْ بِالْحَقِّ، مَا كَذَبْتُ عَلَيْهَا، ثُمَّ دَعَاهَا فَوَعَطَهَا كَذِلِكَ، قَالَتْ: لَا، وَالَّذِي بَعَنَكُمْ بِالْحَقِّ، إِنَّهُ لَكَاذِبٌ، فَبَدَأَ بِالرَّجُلِ، فَشَهَدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ، ثُمَّ تَنَّى بِالمرْأَةِ، ثُمَّ فَرَقَ بَيْنَهُمَا. رَوَاهُ مُسْلِمٌ.

(٩٣٧) وَعَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ لِلْمُتَلَاقِيَيْنِ: «حِسَابُكُمَا عَلَى اللَّهِ، أَحَدُكُمَا كَاذِبٌ، لَا سَبِيلَ لِكَ عَلَيْهَا»، قَالَ: يَا رَسُولَ اللَّهِ! مَالِي؟ قَالَ: «إِنَّكُنْتَ صَدَقْتَ عَلَيْهَا، فَهُوَ بِمَا اسْتَحْلَلْتَ مِنْ فَرِجْهَا، وَإِنْ كُنْتَ كَذَبْتَ عَلَيْهَا، فَذَاكَ أَبْنَدُ لَكَ مِنْهَا». مُتَقَرَّ عَلَيْهِ.

938. Narrated Anas : The Prophet ﷺ said, "Observe her, and if she gives birth to a child which is white complexioned with dark hair, her husband would be its father. But if she gives birth to a child with eyes looking as if they have antimony (*Kubl*) in them and curled hair, the man whom her husband charged her with committing adultery is its father."^[1] [Agreed upon].

939. Narrated Ibn 'Abbās : Allāh's Messenger ﷺ ordered a man to put his hand on his mouth^[2] when he came to the fifth pronouncement and said, "It would be the deciding one." [Reported by Abū Dā'ud and An-Nasā'i. Its narrators are reliable].

940. Narrated Sahl bin Sa'd concerning the story of the two (husband and wife) who invoked curses regarding one another: When they finished invoking curses regarding one another the man said, "I shall have lied against her, O Allāh's Messenger, if I keep her (as a wife)." He, then, pronounced her divorce three times,^[3] even before Allāh's Messenger ﷺ commanded him to do so. [Agreed upon].

941. Narrated Ibn 'Abbās : A man came to the Prophet ﷺ and said, "My wife rejects no hand of a man who wishes to touch her^[4] ." He said,

(٩٣٨) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ الَّتِي قَالَ: «بَصِرُوهَا، فَإِنْ جَاءَتْ بِهِ أَبْيَضَ، سَيِطًا، فَهُوَ لِزَوْجِهَا، وَإِنْ جَاءَتْ بِهِ أَكْحَلًا، جَعْدًا، فَهُوَ لِلَّذِي رَمَاهَا بِهِ». مُتَقَّدٌ عَلَيْهِ.

(٩٣٩) وَعَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ أَمْرَ رَجُلًا أَنْ يَصْعَدْ يَدَهُ عَنْدَ الْخَامِسَةِ عَلَى فِيهِ، وَقَالَ: «إِنَّهَا مُوْجِبَةٌ». رَوَاهُ أَبُو دَاوُدَ وَالْسَّائِي، وَرِجَالُهُ ثَقَاتٌ.

(٩٤٠) وَعَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا - فِي قِصَّةِ الْمُتَلَاعِبَيْنِ - قَالَ: فَلَمَّا فَرَغَا مِنْ تَلَاعِبِهِمَا، قَالَ: كَذَبْتُ عَلَيْهِمَا يَا رَسُولَ اللَّهِ! إِنْ أَمْسَكْتُهُمَا، فَطَلَقَهُمَا ثَلَاثَةً قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ. مُتَقَّدٌ عَلَيْهِ.

(٩٤١) وَعَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَجُلًا جَاءَ إِلَى الَّتِي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ، فَقَالَ: إِنَّ امْرَأَتِي لَا تَرُدُّ يَدَ لَامِسٍ، قَالَ: «غَرِيبَهَا»،

[١] This *Hadīth* relates three points: First, about the things not made clear by Revelation, the Prophet ﷺ exercised his judgement in them. Second, if the primary sources for decision making are not available, making decision by conjecture is allowed. Third, in case of *Li'an*, even if the conjecture is correct, the woman is not punished for adultery.

[٢] Putting the hand on the mouth is a sign to be heedful and conscious on the last pronouncement; after it one has to bear the consequences in this world or in the Hereafter. If the man stops for the fifth time he will be punished for slandering. Woman has also the right of *Li'an* if she wishes.

[٣] After *Li'an* there is no need of divorce, it automatically befalls. After *Li'an* woman is not entitled to receive any maintenance allowance or lodging.

[٤] It has various meanings: Firstly, she is of loose character with strangers. Seconding, she is

"Banish her.^[1]" He replied, "I am afraid my soul may desire her." He said, "Then enjoy her." [Reported by Abū Dā'ud and Al-Bazzār, and its narrators are reliable]. An-Nasā'i reported it with through another chain, from Ibn 'Abbās (رضي الله عنهما) with this wording: He said, "Divorce her." He replied, "I can not endure the desire for her." He said, "Then keep her."

942. Narrated Abū Huraira (رضي الله عنه): He heard Allāh's Messenger (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) say, when the Verse^[2] about invoking curses came down, "Any woman who brings into a family one who does not belong to it,^[3] is not an observer of Allāh's (religion), and Allāh will not admit her into His Paradise. Likewise, Allāh will veil Himself from any man who disowns his child while he knows that it is his child, and will humiliate him in the presence of the first and last (creatures)." [Abū Dā'ud, An-Nasā'i and Ibn Mājah reported it; and Ibn Hibbān graded it *Sabīb* (authentic)].

943. Narrated 'Umar (رضي الله عنه): If anyone acknowledges that he is the father of his child just for the blinking of an eye, he has no right to disown it.^[4] [Al-Baihaqi reported it. The *Hadīth* is *Hasan* (good) and *Mawqūf* (saying of a Companion)].

an adulteress. Thirdly, she is not good custodian of his wealth. The first meaning is the closest to being correct. If the second meaning was correct, the accuser would have had to produce witnesses, or *Lī'ān* would take place, or the woman would have been punished. However, none of this happened. On the contrary, the Prophet (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) ordered him to tolerate her. If the second meaning was correct, it means, the Prophet (صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ) had permitted him to be a *Dayyūth* (a man who doesn't care about the moral behavior of the women under his care).

^[1] i.e., Divorce her.

^[2] *Sūrat An-Nūr* 24:6.

^[3] It means to give birth to an illegitimate child and to present him as legitimate child. This creates many troubles and problems in inheritance, legacy and marriage, etc.

^[4] Merely on doubts one should not disown his child. Once the parentage is accepted, it cannot be denied. On account of disowning the child, on one side, he becomes an illegitimate child, and on the other, his mother is blamed for adultery and the child is deprived of heredity.

قال: أَخَافُ أَنْ تَشَعَّهَا نَفْسِي، قَالَ: «فَأَشْتَمْتُهُ بِهَا». رَوَاهُ أَبُو دَاوُدَ وَالبَزَّارُ، وَرَجَالُهُ ثَقَاتٌ. وَأَخْرَجَهُ النَّسَائِيُّ مِنْ وَجْهِ أَخْرَى عَنْ أَبْنَى عَبَّاسَ، بِلْفَظِ قَالَ: «طَلَقْتُهَا» قَالَ: لَا أَضِيرُ عَنْهَا، قَالَ: «فَأَمْسِكْهَا».

(٩٤٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّهُ سَيَعِظُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ حِينَ نَزَّلَتْ آيَةَ الْمُتَلَاقِيْنَ: «أَئِمَّا امْرَأَةً أَذْخَلْتُ عَلَى قَوْمٍ مِّنَ الْمُتَلَاقِيْنَ أَئِمَّا مِنْهُمْ فَلَيُبَشِّرَ مِنَ اللَّهِ فِي شَيْءٍ، وَأَئِمَّا يُخْلِلُهَا اللَّهُ جَنَّتَهُ، وَأَئِمَّا رَجُلًا جَحَدَ وَلَدَهُ، وَهُوَ يَنْظُرُ إِلَيْهِ، احْتَجَبَ اللَّهُ عَنْهُ، وَفَضَّحَهُ عَلَى رُؤُوسِ الْأَوْلَيْنَ وَالْآخِرِيْنَ». أَخْرَجَهُ أَبُو دَاوُدَ وَالنَّسَائِيُّ وَابْنُ مَاجَةَ، وَصَحَّحَهُ أَبْنُ جَبَانَ.

(٩٤٣) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: مَنْ أَفَرَّ بِوَلَدِهِ طَرْفَةَ عَيْنِهِ فَلَنْسَ لَهُ أَنْ يَنْقِيَهُ أَخْرَجَهُ البَيْهَقِيُّ، وَهُوَ حَسَنٌ مُؤْفَقٌ.

944. Narrated Abū Huraira : A man said, "O Allāh's Messenger, my wife has given birth to a black son." He asked, "Have you any camels?" He replied, "Yes." He asked, "What is their color?" He replied, "They are red." He asked, "Is there a dusky (dark) one among them?" He replied, "Yes." He asked, "How has that come about?" He replied, "It is perhaps a strain to which it has reverted (i.e. heredity)." He said, "It is perhaps a strain to which this son of yours has reverted." [Agreed upon]. A narration by Muslim has: "he was intending to disown him." Muslim concluded the *Hadīth* as follows: "He did not permit him to disown him."

(٩٤٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ إِنَّ امْرَأَتِي وَلَدَتْ عَلَمَانَا أَشْوَدَ، قَالَ: «هَلْ لَكَ مِنْ إِلَيْهِ؟» قَالَ: نَعَمْ، قَالَ: «فَمَا أَلْوَاهُنَّا؟» قَالَ: حُمْرٌ، قَالَ: «هَلْ فِيهَا مِنْ أَوْرَقَ؟» قَالَ: نَعَمْ، قَالَ: «فَإِنِّي ذَلِكَ؟» قَالَ: لَعَلَّهُ تَرَعَّهُ عِرْقٌ، قَالَ: «فَلَعْلَّ ابْنَكَ هَذَا تَرَعَّهُ عِرْقٌ». مُتَّقِّعٌ عَلَيْهِ. وَفِي رِوَايَةِ الْمُسْلِمِ: «وَهُوَ يُعَرِّضُ بِأَنْ يَقْنِعُهُ» وَقَالَ فِي آخِرِهِ: «وَلَمْ يُرْحَصْ لَهُ فِي الْأَنْقَاءِ مِنْهُ».

Chapter 11 AL-IDDAH^[1], AL-IHDĀD^[2], AL-ISTIBRA^[3], AND OTHER PERTINENT MATTERS

١١ - بَابُ الْعِدَّةِ وَالْإِحْدَادِ وَالْإِسْتِبْرَاءِ وَغَيْرِ ذَلِكَ

945. Narrated Al-Miswar bin Makhrama (): Some nights after her husband's death, Subai'a Al-Aslamiya^[4] gave birth to a child. Then she went to the Prophet () and asked permission to marry. He gave her permission and she married.' [Reported by Al-Bukhāri]. Its basic meaning is found in the two *Sahib* books of Al-Bukhāri and Muslim.

(٩٤٥) عَنْ الْمِسْوَرِ بْنِ مَخْرَمَةَ، أَنَّ سَيِّئَةَ الْأَشْلَمِيَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا نُفِسِّرَتْ بَعْدَ وَفَاءِ زَوْجِهَا بِلِيَالٍ، فَجَاءَتْ إِلَيَّ النَّبِيِّ ﷺ، فَاسْتَأْذَنَتْهُ أَنْ تَنْكِحَ، فَأَذِنَ لَهَا، فَنَكَحْتُ. رَوَاهُ الْبُخَارِيُّ، وَأَصْلُهُ فِي الصَّحِّحَيْنِ. وَفِي لَفْظِهِ: أَنَّهَا وَضَعَتْ بَعْدَ وَفَاءِ زَوْجِهَا بِأَرْبَعِينَ لَيْلَةً.

^[1] *Iddah* (العدة) is a period of waiting in which a woman is not allowed to remarry, after the death of her husband or divorce. There are three kinds of *Iddah*: 1) *Iddah* of Birth 2) *Iddah* of Menses and 3) *Iddah* of Months. For a pregnant woman, in either case – death of the husband or divorce – her *Iddah* is up to the birth of the child. For example, she is divorced or her husband dies today, and the next day she gives birth to a child. Her *Iddah* ends with the birth of child. She is allowed to marry at anytime, but as long as she is not free from the post-childbirth bleeding, it is not proper to have a sexual intercourse with her.

^[2] *Ihdād* (الإحداد) is the observing of mourning, by a woman, for her husband who has died.

^[3] *Istibra'* (الاستبراء) is the time of waiting, till one menstruation period has passed, in the case of a newly purchased slave-girl.

^[4] Subai'a, daughter of Al-Hārith Al-Aslamiya of Banu Aslam was a *Sahabiya* and Ibn Sa'd mentioned that she was among the *Muhajirat*. She was married to Sa'd bin Khawla, who died in Makkah during the *Hajjatul-Wudā'*, then she was married by a young man from her people. They also mentioned that she married Abū Sanābil.

A wording has: "She gave birth to a child after forty nights of her husband's death."

A wording by Muslim has: Az-Zuhri^[1] said, "I think there is no harm if she marries when she is still bleeding (due to child-birth), but her husband should not go near her till she is purified."

946. Narrated 'Aisha ﷺ: Barira (رضي الله تعالى عنها) was ordered to wait till three menstrual periods of hers have passed (before she could remarry).^[2] [Reported by Ibn Mâjah. Its narrators are reliable, but it is *Ma'lûl* (having a hidden defect)].

947. Narrated Ash-Shâ'bi^[3] from Fâtima daughter of Qais on the authority of the Prophet ﷺ regarding a woman who was divorced by three pronouncements: "She has no right to accommodation or maintenance."^[4] [Reported by Muslim].

948. Narrated Umm 'Atiya (رضي الله تعالى عنها): Allâh's Messenger ﷺ said, "A woman must not observe mourning for more than three nights for the one who has died, except for the four months and ten days in the

وقفي لفظ لمسلم: قَالَ الزُّهْرِيُّ : وَلَا أَرَى
بِأَسْأَأَ أَنْ تَرْوَجَ وَهِيَ فِي دَمَهَا، عَيْرَ أَنَّهُ لَا
يَقْرِبُهَا زَوْجُهَا حَتَّى تَطْهَرَ.

(٩٤٦) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا،
قَالَتْ: أَمِرْتُ بِرِيرَةً أَنْ تَعْتَدَ بِثَلَاثَ حِيَضَ.
رَوَاهُ ابْنُ مَاجَةَ، وَرَوَاهُ إِبْرَاهِيمَ، لِكِنَّهُ مَعْلُومٌ.

(٩٤٧) وَعَنِ الشَّعِيْرِ عَنْ فَاطِمَةِ بِنْتِ قَيْسٍ،
عَزَّزَ اللَّهُ تَعَالَى بِهِ، فِي الْمُطْلَقَةِ ثَلَاثَ لَيْسَ لَهَا
سُكْنَى، وَلَا نَفَقَةً. رَوَاهُ مُسْلِمٌ.

(٩٤٨) وَعَنْ أَمْ عَطِيَّةَ، أَنَّ رَسُولَ اللَّهِ تَعَالَى قَالَ: لَا تُحِدُّ امْرَأَةً عَلَى مَيْتٍ فَوْقَ ثَلَاثَ،
إِلَّا عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، وَلَا تَبْسُ
ئُوبِيَا مَصْبُوْغًا، إِلَّا ثُوبَ عَصْبِ، وَلَا تَكْحِلُّ،

^[1] He is Muhammad bin Muslim bin 'Ubaidullâh bin Abdullâh bin Shihâb Al-Qurashi Az-Zuhri, one of the eminent *Imâms* and '*Aâlim*' of Hijâz and Shâm. He was among the elders of the 4th generation of *Tâbi'in* and his mastery and greatness was conscientiously agreed upon. Al-Laith said that he never saw an '*Aâlim*' who accumulated so much knowledge like Ibn Shihâb and Mâlik said that Ibn Shihâb was among the most generous people and had no equal. He died in 124 H.

^[2] Barira's husband was a slave. After being manumitted from slavery, as a free woman, she was given an option concerning her wedlock. Barira (رضي الله تعالى عنها) chose to have her previous wedlock nullified and hence she had to spend an *Iddah* of a free woman consisting of three menstrual periods. This *Hadîth* implies that the duration of *Iddah* thus spent is determined according to the status of the woman and not the man.

^[3] He is Abû 'Amr 'Aamir bin Sharâhil bin 'Abdullah Ash-Shâ'bi Al-Hamdâni Al-Kufi. He was a great *Tâbi'i* and an eminent *Fiqh* scholar. Az-Zuhri said, "The 'Ulama' are four: Ibn Al-Musaiyab at Al-Madînah, Ash-Shâ'bi at Kufa, Hasan Al-Basri at Basra and Mak-hul at Shâm." Ash-Shâ'bi was born during 'Umar's Caliphate and it was said that he was born when six years were remaining from 'Uthmân's Caliphate.

^[4] The ruling according to *Shari'a* is that in case a *Talâq* (divorce) is gradually pronounced, a man is liable to pay for a woman's accommodation and livelihood until the termination of her *Iddah* period. A man is not liable to pay her any of the expenses concerning her food and lodging after the pronouncement of the third *Talâq* [which is irrevocable].

case of a husband;^[1] and she must not wear a dyed garment except one of the type made of 'Asb (dyed yarn)^[2] or apply *Kubl* (antimony), or apply perfume except for a little *Qust* or *Azfar*,^[3] when she has been purified after her menstruation.” [Agreed upon. The wording being of Muslim]. Abū Dā’ud and An-Nasā’i have an addition: “nor apply henna.” An-Nasā’i added: “nor comb (her hair).”

949. Narrated Umm Salama ﷺ: I put *Sabir* (a type of medicine) on my eyes after Abū Salama (ﷺ) had died. So Allāh’s Messenger ﷺ said, “It gives the face a glow, so apply it only at night and remove it in the daytime, and do not comb (your hair) with scent or henna,^[4] for it is a dye.” I asked, “What should I use when combing (my hair)?” He replied, “You should use lotus-tree leaves.” [Reported by Abū Dā’ud and An-Nasā’i; its chain of narrators is *Hasan* (good)].

950. Narrated (Umm Salama) ﷺ: A woman said, “O Allāh’s Messenger, my daughter’s husband has died and her eye is troubling her, so may we apply *Kuhl* (antimony) to it?” He replied, “No.” [Agreed upon].

951. Narrated Jābir ﷺ: My maternal aunt was divorced and wanted to cut down fruit from her palm-trees. A man

وَلَا تَمْسِثْ طَبِيَّاً، إِلَّا إِذَا طَهَرَتْ، بُنْدَةً مِنْ قُسْطِلٍ
أَوْ أَطْفَارِيْ». مُعْقِنْ عَلَيْهِ، وَهَذَا لَفْظُ مُسْلِمٍ،
وَلَأِبِي دَاوُدَ وَالنَّسَائِيِّ مِنْ الرِّبَّاَةِ: «وَلَا
تَحْتَضِبْ». وَلَلَّنْسَائِيِّ: «وَلَا تَمْسِطْ».

(٩٤٩) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَتْ: جَعَلْتُ عَلَى عَيْنِي صِبَرًا، بَعْدَ أَنْ تُوْفَى أَبُو سَلَمَةَ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّهُ يَشْبُهُ الْوَجْهَ، فَكَلَّا تَجْعَلِيهِ إِلَّا بِاللَّيْلِ، وَانْزِعِيهِ بِالنَّهَارِ، وَلَا تَمْسِطِي بِالطَّبِيبِ، وَلَا بِالْجَنَاءِ فَإِنَّهُ حَخَابٌ»، قَلَّتْ بِأَيِّ شَيْءٍ أَمْتَسِطُ؟ قَالَ: «بِالسَّدْرِ». رَوَاهُ أَبُو دَاوُدَ وَالنَّسَائِيُّ، وَإِشَادَةُ حَسَنٍ.

(٩٥٠) وَعَنْهَا أَنَّ امْرَأَةً قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ أَبْنَتِي مَاتَتْ عَنْهَا رَوْجُهَا، وَقَدْ اشْتَكَتْ عَيْنَهَا، أَفَتُخْلُنُهَا؟ قَالَ: «لَا». مُعْقِنْ عَلَيْهِ.

(٩٥١) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: طَلَقْتُ خَالَتِي، فَأَرَادَتْ أَنْ تَجْدَدْ تَخْلُنَهَا.

^[1] The duration of *Iddah* for a widow, (in case not pregnant) is four months and ten days. The duration for a divorced woman (non-pregnant) is three menstrual periods, provided she is young. If the divorcee is an old woman who has already entered the phase of menopause, or if she is merely a non-adult adolescent girl, then their *Iddah* duration is three months. In case the women in the said category are widows, their *Iddah* duration shall be similar to the ones mentioned earlier (i.e., four months and ten days).

^[2] 'Asb was a Yemeni garment which was dyed before being woven.

^[3] A nice smelling substance which resembles fingernails.

^[4] The instructions concerning the spending of *Iddah* duration are that such a woman should not use perfume, antimony or colored silken clothes and should not make a decision about entering into a matrimony with a man. This ruling includes all the women in general, whether they are the non-adults, the young or the old ones.

forbade her to go out, so she went to the Prophet ﷺ and he said, "Certainly, cut down fruit from your palm-trees, for perhaps you may give *Sadaqa* (charity) or do an act of kindness."^[1] [Reported by Muslim].

952. Narrated Furai'a, daughter of Mālik^[2]: Her husband had gone out in search of some slaves of his and they killed him. She said, "I asked Allāh's Messenger ﷺ to be allowed to return to my family, for my husband had not left for me a house which belonged to him, nor had he left any maintenance." He then said, "Yes, (I agree)," but when I was in the courtyard, he called me and said, "Stay in your house till the prescribed period expires."^[3] She said, "I observed the period in it for four months and ten days." She said, "Afterwards Uthmān gave judgement in accordance with that." [Ahmad and *Al-Arba'a* reported it. Al-Tirmidhi, Adh-Dhuqli, Ibn Hibbān, Al-Hākim and others graded it *Sabib* (authentic)].

953. Narrated Fātima (رضي الله عنها) daughter of Qais: I said, "O Allāh's Messenger, my husband has divorced me by three pronouncements (of divorce) and I am afraid that I may get broken into. Hence, he commanded her, and she moved (to another house)." [Reported by Muslim].

954. Narrated 'Amr bin Al-'Aas (رضي الله عنه) : "Do not confuse us about our Prophet's *Sunnah*: The period that a slave-woman, whose master dies, and she has

فرَجَرَهَا رَجُلٌ أَنْ تَخْرُجَ، فَأَتَتِ الرَّبِيعَةَ،
فَقَالَ: «بَلْ جُدُّي نَحْلَكَ، فَإِنَّكَ عَسَى أَنْ
تَصَدِّقَيْ، أَوْ تَعْلَمَي مَعْرُوفًا». رَوَاهُ مُسْلِمٌ.

(٩٥٢) وَعَنْ فُرَيْعَةَ بِنْ مَالِكٍ، أَنَّ زَوْجَهَا
خَرَجَ فِي طَلَبِ أَغْبُدِ لَهُ، فَقَاتُلُوهُ، قَالَتْ:
فَسَأَلَتْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ أُرْجِعَ إِلَى أَهْلِي،
فَإِنَّ زَوْجِي لَمْ يَرْثِكَ لِي مَسْكَنًا يَمْلِكُهُ، وَلَا
نَفَقَةً، قَالَ: نَعَمْ، فَلَمَّا كُنْتُ فِي الْحُجَّةِ
نَادَانِي، قَالَ: أَمْتُنِي فِي بَيْتِكَ حَتَّى يَلْتَمِسَ
الْكِتَابَ أَجْلَهُ، قَالَتْ: فَأَعْنَدْتُ فِيهِ أَرْبَعَةَ
أَشْهُرٍ وَسَهْرًا، قَالَتْ: فَقَضَى بِهِ بَعْدَ ذَلِكَ
عُثْمَانَ، أَخْرَجَهُ أَحْمَدُ وَالْأَرْبَعَةُ، وَصَحَّحَهُ
التَّرمِذِيُّ وَالذُّهْلِيُّ وَابْنُ حَيَّانَ وَالحاكمُ وَعَبْرُهُمْ.

(٩٥٣) وَعَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَتْ: فُلْتُ:
يَا رَسُولَ اللَّهِ! إِنَّ زَوْجِي طَلَقَنِي ثَلَاثَةً، وَأَخَافُ
أَنْ يُقْتَحِمَ عَلَيَّ، قَالَ: فَأَمْرَهَا فَتَحَوَّلُتْ. رَوَاهُ
مُسْلِمٌ.

(٩٥٤) وَعَنْ عَمْرِو بْنِ العاصِ رَضِيَ اللَّهُ عَنْهُ قَالَ: لَا تُلْبِسُوا عَلَيْنَا، سُئِلَّتْ
عِدَّةُ أُمَّ الْوَلَدِ، إِذَا تُؤْفَقِي عَنْهَا سَيْدُهَا، أَرْبَعَةَ

^[1] The women are instructed to spend their *Iddah* duration within the houses of their husbands whether it is a case of divorce or widowhood. However, a woman upon whom the *Talāq* has been pronounced three times is an exception, for such a woman shall not live in her husband's house.

^[2] She is Furai'a, daughter of Mālik bin Sinān Al-Khudri, the sister of the famous *Sahābi* Sa'īd Al-Khudri. She witnessed the *Bai'atūr-Ridwān*.

^[3] A widow must spend the days of her *Iddah* in the house of her late husband. Such is the ruling given by the majority of the religious scholars.

begotten a child from him must wait for, is four months and ten days.”^[1] [Reported by Ahmad, Abū Dā’ud and Ibn Mājah. Al-Hākim graded it *Sabih* (authentic), but Ad-Dāraqutni considered it defective due to *Inqitā’* (broken link)].

955. Narrated ‘Aisha ﷺ: *Al-Aqrā’* is the period of a woman’s purity (which occurs between two menses).^[2] [Mālik, Ahmad and An-Nasā’i reported it in the course of a story with a *Sabih* (authentic) chain of narrators].

956. Narrated Ibn ‘Umar ﷺ: The divorce of a slave-woman occurs by saying it (the divorce word) twice, and her *Iddah* (waiting period) is two menses.^[3] [Reported by Ad-Dāraqutni. He reported it as *Marfū’* (a saying of the Prophet) and graded it *Da’if* (weak)]. Abū Dā’ud, At-Tirmidhi and Ibn Mājah reported the aforesaid *Hadīth* from the narration of ‘Aisha (رضي الله عنها), which Al-Hākim graded as *Sabih* (authentic), but the *Hadīth* scholars disagreed with him, and they agreed that it is *Da’if* (weak).

957. Narrated Ruwaifi’ bin Thābit^[4]: The Prophet ﷺ said, “It is not lawful for a man who believes in Allāh and the Last Day to water what another person

أشهرٍ وعشرين. رواه أحمد وابو داود وابن ماجة، وصححه الحاكم، وأعمله الدارقطني بالانقطاع.

(٩٥٥) وعن عائشة رضي الله تعالى عنها، قال: إنما الأقراء ألطهار. آخرجهة مالك وأحمد والنسائي في قصمة، سند صحيح.

(٩٥٦) وعن ابن عمر رضي الله تعالى عنهما، قال: طلاق الآمة تطليقان، وعدتها خمسةان. رواه الدارقطني، وأخرجه منفوعاً، وصفعة، وأخرجه أبو داود والترمذى وابن ماجة من حديث عائشة، وصححه الحاكم، وخالدة، فاتفقا على ضعيفه.

(٩٥٧) عن رويع بن ثابت رضي الله تعالى عنه، عن النبي ﷺ قال: لا يحل لامرئ يوم بالله واليوم الآخر أن يتسمى ماءة

^[1] As to the duration of *Iddah* in regard to a *Ummul-Walad* (a slave-woman who has already mothered a child for her master), if she is widowed, some scholars are of the opinion that it is four months and ten days, whereas some of them maintain that it is one menstrual period only, a ruling which is correct.

^[2] There are a few words in Arabic which have two meanings which are opposite to each other. Such words are known as *Dhawātul-Addad* (the words that are their own antonyms). One such word is *Qar’* (القرء) which stands for menstrual blood or period, and at the same time also means *Tubr* i.e., the state of being free from impurities. ‘Aisha ﷺ construed the same to be as *Tubr* whereas its predominant connotation happens to be that of a menstrual blood cycle.

^[3] This makes us know that a male-slave may consummate his divorce by pronouncing it two times, whereas the duration of a female-slave’s *Iddah* comprises her two menstrual cycles.

^[4] Ruwaifi’ bin Thabit Al-Ansāri of Banu Mālik bin An-Najār and was counted among the settlers in Egypt. He died in the year 46 H.

has sown^[1]” [Abū Dā’ud and At-Tirmidhi reported it. Ibn Hibbān graded it *Sabib* (authentic), and Al-Bazzār graded it *Hasan* (good)].

958. Narrated ‘Umar regarding a wife of a lost husband: She should wait for four years and then observe the *Iddah* for four months and ten days.^[2] (before she may remarry). [Mālik and Ash-Shāfi‘i reported it].

959. Narrated Al-Mughira bin Shu‘ba: Allāh’s Messenger ﷺ said, “The spouse of a lost husband remains his wife till she gets a certain news about his death.” [Ad-Dāraqutni reported it with a *Da‘if* (weak) chain of narrators].

960. Narrated Jābir: Allāh’s Messenger ﷺ said, “A man must not spend the night in the house of woman^[3] unless he is her husband or a *Mahram*.^[4]” [Reported by Muslim].

961. Narrated Ibn ‘Abbās: The Prophet ﷺ said, “A man must not be alone with a woman except in the presence of a *Mahram*.^[5]” [Al-Bukhāri reported it].

962. Narrated Abū Sa‘id: The Prophet ﷺ said in regard to the captives taken

زَرْعَ غَيْرِهِ». أَخْرَجَهُ أَبُو دَاوُدَ وَالشَّرْمَذِنِيُّ، وَصَحَّحَهُ ابْنُ حِبَّانَ، وَحَسَّنَهُ البَزَّارُ.

(٩٥٨) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، فِي أَمْرَأَةِ الْمَفْقُودِ، تَرَصُّعُ أَرْبَعَ سِنِينَ، ثُمَّ تَعَدُّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا. أَخْرَجَهُ مَالِكُ وَالشَّافِعِيُّ.

(٩٥٩) وَعَنِ الْمُغِيرَةِ بْنِ شَعْبَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَمْرَأَةُ الْمَفْقُودِ أَمْرَأَةٌ حَتَّى يُأْتِيهَا الْبَيَانُ». أَخْرَجَهُ الدَّارَطُنِيُّ بِإِشْنَادٍ ضَعِيفٍ.

(٩٦٠) وَعَنْ جَابِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَبِسَّنَ رَجُلٌ عِنْدَ امْرَأَةٍ، إِلَّا أَنْ يَكُونَ نَاكِحًا، أَوْ ذَا مَحْرَمٍ». أَخْرَجَهُ مُسْلِمٌ.

(٩٦١) وَعَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَخْلُونَ رَجُلٌ عِنْدَ بِإِمْرَأَةٍ إِلَّا مَعَ ذِي مَحْرَمٍ». أَخْرَجَهُ الْبَخَارِيُّ.

(٩٦٢) وَعَنْ أَبِي سَعِيدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ فِي سَبَائِيَا أُوْطَاسِ: «لَا تُؤْطِ

[١] It may imply two meanings. First of all, one should not commit fornication. Secondly, one should not perform a sexual intercourse with a female-slave who is already pregnant by her ex-husband or previous master until she gives birth to a child.

[٢] A woman whose husband is reported to be lost, shall have to wait four years (before she can remarry). This waiting period of four years was determined by ‘Umar رضي الله عنه. Later, the Companions of the Prophet ﷺ had a consensus to this effect and the religious scholars also pronounced their judgement based on this ruling.

[٣] This *Hadīth* informs us that it is forbidden for a man to be in seclusion with a non-Mahram woman. The reason for this ruling, also mentioned in another *Hadīth*, is that Satan interferes between them and coaxes them into committing the abominable act of fornication. Even if they refrain from committing this unlawful act, they are still threatened to be accused as such and thus fall into disrepute. It is also an obligation to avoid such suspicious situations.

[٤] *Mahram* is the one who is so closely related to a woman that marriage between them is permanently forbidden.

at Autās, "There must be no intercourse with a pregnant woman till she gives birth, or with one who is not pregnant till she has had one menstrual period." [Abū Dā'ud reported it, and Al-Hākim graded it *Sabib* (authentic)]. The aforesaid *Hadīth* has a supporting narration from Ibn 'Abbās (رضي الله عنه) reported by Ad-Dāraqutni.

963. Narrated Abū Huraira (رضي الله عنه) said, "The child (born out of wedlock) belongs to the one on whose bed it is born,"^[1] and stoning to death is for the fornicator." [Agreed upon, regarding Abū Huraira's *Hadīth*]. The aforesaid *Hadīth* is also a part of 'Aisha's *Hadīth* in the course of a story, and from Ibn Mas'ud by An-Nasā'i, and from 'Uthmān by Abū Dā'ud.

عَمَالِ حَتَّى تَضَعَّ، وَلَا غَيْرُ ذَاتِ حَمْلٍ، حَتَّى تَحْيِضَ حَيْضَةً. أَخْرَجَهُ أُبُو دَاوُدُ، وَصَحَّهُ الْحَاكمُ، وَلَهُ شَاهِدٌ عَنْ ابْنِ عَبَّاسٍ فِي الدَّارِقُطْنِيِّ.

(٩٦٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنْ رَبِيعِ الْأَوَّلِ قَالَ: «الْوَلَدُ لِلْفَرَاشِ، وَلِلْعَاهِرِ الْحَجَرُ». مَنْقَعَ عَلَيْهِ مِنْ حَدِيثِهِ، وَمِنْ حَدِيثِ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا فِي قَصَّةٍ، وَعَنْ أَبْنَى مُشْعُودٍ عِنْدَ السَّائِيِّ وَعَنْ عُثْمَانَ عِنْدَ أَبِي دَاوُدَ.

Chapter 12 AR-RIDA'

(SUCKLING OF ONE'S CHILD BY A WOMAN OTHER THAN HIS MOTHER)

١٢ - بَابُ الرِّضَاعِ

964. Narrated 'Aisha (رضي الله عنها) Allāh's Messenger (ﷺ) said, "One or two sucks do not make (marriage) unlawful.",^[2] [Muslim reported it].

(٩٦٤) عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تُحَرِّمُ الْمَصَّةُ [وَلَا] الْمَصَّيَّانِ». أَخْرَجَهُ مُسْلِمٌ.

^[1] It means that a woman's child will always be attributed to her husband and shall remain in his custody. If someone claims that he had an unlawful sexual intercourse with a certain woman and that the child which is in her custody belongs to him – in this situation, the child will still belong to the woman's husband and so long as the man in question has confessed to committing an act of fornication, *Shari'a* ruling shall be enforced on him. No ruling, however, shall be pronounced on the woman merely on the statement of the fornicator unless four witnesses support the same. Otherwise, a ruling of calumny (accusing her falsely) shall also be pronounced against him.

^[2] This *Hadīth* tells us that the sucking baby's act of sucking on a woman's milk once or twice does not confirm and prove *Tabrīm* (prohibition). A *Hadīth* narrated by 'Aisha (رضي الله عنها) clearly states that in order to prove such a prohibition a woman has to breast feed a baby at least five times.

965. Narrated ('Aisha) ﷺ: Allāh's Messenger ﷺ said, "Be sure (you women) who your brothers^[1] are, for suckling is that which is the result of hunger (i.e. when milk is the child's only food)." [Agreed upon].

966. Narrated ('Aisha) ﷺ: Sahla (撒哈拉) daughter of Suhail^[2] (蘇海爾) came and said, "O Allāh's Messenger, Sālim^[3] the manumitted slave of Abū Hudhaifa^[4] lives with us in our house; and he has attained what men attain (i.e. puberty). He said, "Suckle him so you would become unlawful^[5] to him (in marriage)." [Reported by Muslim].

967. Narrated ('Aisha) ﷺ: Aflah [her foster suckling uncle], brother of Abū Qu'aïs^[6], came and asked her permission to enter after the *Hijāb*

(٩٦٥) وَعَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: الْأَنْظَرُنَ مَنْ إِخْوَانُكُنَّ، فَإِنَّمَا الرَّضَاعَةُ مِنَ الْمَجَاعَةِ. مُتَقَدِّمٌ عَلَيْهِ.

(٩٦٦) وَعَنْهَا قَالَتْ: جَاءَتْ سَهْلَةُ بْنُتُ سَهْلٍ، فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ سَالِمًا مَوْلَى أُبِي حُذَيفَةَ مَعَنَا، فِي بَيْتِنَا، وَقَدْ بَلَغَ مَا يَتَلَقَّهُ الرِّجَالُ، فَقَالَ: أَرْضِعْهُ، تَعْرُمُهُ عَلَيْهِ. رَوَاهُ مُسْلِمٌ.

(٩٦٧) وَعَنْهَا أَنَّ أَفْلَحَ أَخَا أُبِي الْقَعْدَيْنِ جَاءَ يَسْتَأْذِنُ عَلَيْهَا بَعْدَ الْحِجَابِ، فَقَالَتْ: فَأَيْتُ أَنْ آذَنَ لَهُ، فَلَمَّا جَاءَ رَسُولُ اللَّهِ ﷺ: أَخْبَرْتُهُ الَّذِي

[١] It happened that a certain person was sitting by 'Aisha ﷺ, while the Prophet ﷺ came. He (the Prophet ﷺ) did not like the idea of someone sitting with her in seclusion. 'Aisha ﷺ informed the Prophet ﷺ that the person was her foster brother (in the sense that both of them were breast-fed by the same woman in their infancy). Upon hearing this, the Prophet ﷺ observed a general instruction to the effect that one should thoroughly investigate, and confirm, the validity of such a statement in relation to one's breast-fed brothers. This is because only breast-feeding in one's infancy – when the child has no other source of food except the breast milk – proves this prohibition. This was a special instruction applicable to such a case only, excluding others.

[٢] Sahla, daughter of Suhail bin 'Amr Al-Qurashiya was from Banu 'Aamir bin Lu'ai. She became a Muslim early and migrated with Abū Hudhaifa to Abyssinia (Ethiopia) and bore for him there Muhammad bin Abū Hudhaifa.

[٣] He is Sālim bin Ma'qil, the manumitted slave of Abū Hudhaifa. He was bought by a woman of *Al-Ansār* called Laila or Thubaita, daughter of Ya'är, and when Abū Hudhaifa married her she came along with Sālim whom Abū Hudhaifa fostered and made him among his allies. Sālim witnessed Badr and the Prophet ﷺ ordered the *Sabāba* to listen to the recitation of the Qur'ān from four people and among them was this Sālim. He used to lead the *Muhajirin* including 'Umar رضي الله عنه in prayers at Qubā' Mosque before the arrival of the Prophet ﷺ.

[٤] It was said that his name was Muhashim or Hāshim bin 'Utba bin Rabi'a bin 'Abd Shams. He was among the virtuous *Sabāba* and witnessed Badr, Uhud and all the other important battles. He was martyred in the battle of Al-Yamama at the age of 53 years.

[٥] The Majority of the 'Ulama hold the opinion that the suckling which makes marriage unlawful between two people is the one that takes place within the first two years of age and the case of Sālim in this *Hadīth* is an exception, not applicable to anyone after him.

[٦] He is Abul-Ja'd Aflah, the manumitted slave of Allāh's Messenger ﷺ or the manumitted slave of Umm Salama. His brother Abul-Qu'aïs was called Al-Ja'd or Wa'il bin Aflah Al-Ash'ari, so his brother Aflah's name is the same as that of his father. 'Aisha ﷺ has two uncles-in-suckling one of them being her father Abū Bakr's brother-in-suckling who died during the

(was instituted for women). She said, "I refused to allow him in and when Allāh's Messenger ﷺ came, I told him about what I had done, so he commanded me to give him permission to enter where I am and said, 'He is your paternal uncle.' " [Agreed upon].

968. Narrated ('Aisha) رضي الله عنها: In what was sent down in the Qur'ān was 'ten known sucklings made marriage unlawful'. Afterwards, they were abrogated by 'five known ones.' Then, when Allāh's Messenger ﷺ died these words were among what was recited in the Qur'ān. [Reported by Muslim].

969. Narrated Ibn 'Abbas رضي الله عنهما: The Prophet ﷺ was offered to marry the daughter of Hamza. He said, "She is unlawful to me for she is the daughter of my brother in suckling; and what is unlawful by reason of blood relationship [2] is unlawful by reason of suckling relationship" [Agreed upon].

970. Narrated Umm Salama رضي الله عنها: Allāh's Messenger ﷺ said, "The sucking that makes marriage unlawful is that which reaches the intestines (i.e. nourishes the child), and is taken before the (two years) time of weaning." [Reported by At-Tirmidhi, he and Al-Hākim graded it *Sabib* (authentic)].

971. Narrated Ibn 'Abbas رضي الله عنهما: Suckling applies only (to infants) during the first two years (of their life). [Reported by

lifetime of the Prophet ﷺ and the second one being Aflah the brother of her father-in-suckling Abul-Qu'aish.

[1] A woman, on whose milk an infant is fed, shall be considered and regarded as its real mother, just as if she had herself physically given birth to him. Hence, her husband shall be considered as his father and all matters which are prohibited by parental lineage shall similarly be effective on such breast-feeding infants in relation to their foster parents.

[2] One must also bear in mind that an infant shall be related to his foster mother as well as her relatives. However, she will have no relationship with the relatives of the infant. Hence, the rulings (of prohibition of marriage, etc.) applicable to the sucking child will not be applicable to his blood relatives.

صَنَعْتُهُ، فَأَمْرَنِي أَنْ آذَنَ لَهُ عَلَيَّ، وَقَالَ: إِنَّهُ عَمُّكِ. مُتَقَنْ عَلَيْهِ.

(٩٦٨) وَعَنْهَا قَالَتْ: كَانَ فِيمَا أُنْزِلَ الْقُرْآنُ عَشْرُ رَضْعَاتٍ مَعْلُومَاتٍ يُحَرَّمُنَّ، ثُمَّ نُسْخِنَ بِخَمْسٍ مَعْلُومَاتٍ، فَتَوَفَّى رَسُولُ اللَّهِ وَهِيَ فِيمَا يُقْرَأُ مِنَ الْقُرْآنِ. رَوَاهُ مُسْلِمٌ.

(٩٦٩) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ الَّتِي أُرِيدَ عَلَى ابْنَةِ حَمْزَةَ، فَقَالَ: إِنَّهَا لَا تَحِلُّ لِي، إِنَّهَا ابْنَةُ أخِي مِنَ الرَّضَاعَةِ وَيُحَرَّمُ مِنَ الرَّضَاعَةِ مَا يُحَرَّمُ مِنَ النَّسْبِ. مُتَقَنْ عَلَيْهِ.

(٩٧٠) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَتْ: قَالَ رَسُولُ اللَّهِ: «لَا يُحَرَّمُ مِنَ الرَّضَاعِ إِلَّا مَا فَتَّقَ الْأَمْعَاءُ، وَكَانَ قَبْلَ الْفِطَامِ». رَوَاهُ التَّرمِذِيُّ، وَصَحَّحَهُ هُورَ وَالحاكمُ. مُتَقَنْ عَلَيْهِ.

(٩٧١) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: لَا رَضَاعٌ إِلَّا فِي الْحَوَائِنِ. رَوَاهُ

Ad-Dāraqutni and Ibn 'Adi as *Marfū'* (a saying of the Prophet) and *Mawqūf* (a saying of a Companion). However, they both held that the stronger view is that it is (*Mawqūf*) (i.e. saying of Ibn 'Abbas].

972. Narrated Ibn Mas'ud ﷺ: Allāh's Messenger ﷺ said, "The only suckling (to be considered) is that which gives life to the bones and causes the flesh to grow." [Abū Dā'ud reported it].

973. Narrated 'Uqba bin Al-Hārith^[1]: He married Umm Yahya,^[2] daughter of Abū Ihāb, and a woman came and said, "I have suckled both of you." So he asked the Prophet ﷺ and he replied, "How (can you hesitate) while it has been said (that you are foster brothers and sisters)?"^[3] 'Uqba therefore separated from her and she married another husband. [Al-Bukhāri reported it].

974. Narrated Ziyād As-Sahmi^[4]: Allāh's Messenger ﷺ forbade that a stupid woman may be asked to suckle an infant. [Abū Dā'ud reported it. It is *Mursal* (missing link after the *Tābi'i*) and Ziyād is not a *Sabābi*].

الدَّارِقُطْنِيُّ وَابْنُ عَدَى مَرْفُوعًا وَمَوْفُوفًا،
وَرَجَحَا الْمَوْفُوفَ.

(٩٧٢) وَعَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا رَضَاعٌ إِلَّا مَا أَشَنَّ الْعَظَمَ، وَأَنْتَ الْلَّحْمُ». أَخْرَجَهُ أُبُو دَاوُدَ.

(٩٧٣) وَعَنْ عُقْبَةَ بْنِ الْحَارِثِ أَنَّهُ تَرَوَجَ أُمًّا يَخْتَيِي يَنْتَ أُبِي إِهَابٍ، فَجَاءَتْ امْرَأَةٌ، فَقَالَتْ قَدْ أَرْضَعْتُكُمَا، فَسَأَلَ النَّبِيَّ ﷺ، فَقَالَ: «كَيْنَتْ؟ وَقَدْ قِيلَ»، فَفَارَقَهَا عُقْبَةُ، وَنَكَحَتْ زَوْجًا غَيْرَهُ. أَخْرَجَهُ البُخارِيُّ.

(٩٧٤) وَعَنْ زَيْدِ السَّهْجَيِّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ تُسْتَرْضَعَ الْحُمْقَى. أَخْرَجَهُ أُبُو دَاوُدَ. وَهُوَ مُرْسَلٌ، وَيَسْتَثِلُ زَيْدَ صُبْجَةً.

^[1] He was called Sirwā'ta 'Uqba bin Al-Hārith bin 'Aamir bin Naufal bin 'Abd Manāf Al-Makki. He was a *Sabābi* among those who became Muslims during *Fath Makkah* and he lived up to after the fifties of the Hijra.

^[2] Her name is Ghaniya, daughter of Abū Ihāb bin 'Uwair At-Tamimi. It was also said that her name was Zainab.

^[3] This *Hadīth* lets us know that in order to prove the breast-feeding relationship (brotherhood or sisterhood between two persons established as such), just a single evidence of a (the breast-feeding) woman is sufficient. This also shows that evidence provided by a female, in the matters concerning women, is stronger and more authentic than the one given by her male counterpart.

^[4] It is mentioned in *At-Taqrīb* that he is a *Tābi'i* of the third generation and is unconfirmed (as a reliable reporter). He reported a *Hadīth* which is *Mursal*. It is also said that he was a manumitted slave of 'Amr bin Al-'Aas. Both the authors of *Usud Al-Ghāba* and *Al-Isti'āba* did not mention him among the *Sabābi*.

Chapter 13 MAINTENANCE

١٣ - باب التفقات

975. Narrated 'Aisha ﷺ: Hind daughter of 'Utba^[1] – wife of Abū Sufyān^[2] – came to Allāh's Messenger ﷺ and said, "O Allāh's Messenger, Abū Sufyān is a miser who does not give me and my sons enough maintenance, except what I take from his wealth without his knowledge. Is there any blame on me for doing this?" He replied, "Take from his wealth what is reasonable and enough for you and your sons."^[3] [Agreed upon].

(٩٧٥) عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: دَخَلْتُ هَذِهِ بَنِيثُ عُنْتَهَةَ، اُمَّرَأَةً أَبِي سُقْيَانَ، عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ لَهُ، قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ أَبَا سُقْيَانَ رَجُلٌ شَجِحٌ، لَا يُعْطِينِي مِنَ الْفَقَةِ مَا يَكْفِيَنِي، وَيَكْفِيَ بَنِيَ، إِلَّا مَا أَخْذَتُ مِنْ مَالِهِ يَعْرِفُ عِلْمُهُ، فَهَلْ عَلَيَّ فِي ذَلِكَ مِنْ جُنَاحٍ؟ قَالَ: «خُذِي مِنْ مَالِهِ بِالْمَعْرُوفِ مَا يَكْفِيَكِ، وَيَكْفِيَ بَنِيكَ». مُتَّقِعٌ عَلَيْهِ.

976. Narrated Tāriq^[4] Al-Muhāribi (﴿): We arrived at Al-Madīnah when Allāh's Messenger ﷺ was standing on the *Minbar* addressing the people and saying, "The hand of the giver is the upper one,^[5] and spend first on those who are dependent on you: your mother and father, your sister and

(٩٧٦) وَعَنْ طَارِقِ الْمُحَارِبِيِّ، قَالَ: قَدِيمًا الْمَدِينَةَ، فَإِذَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ لَهُ قَائِمًا عَلَى الْمِبَرِّ، يَخْطُبُ النَّاسَ، وَيَقُولُ: «يَدُ الْمَعْطِيِ الْعُلَيَا، وَابْنًا يَمْنَ نَعْوُلُ، أُمَّكَ، وَأَبَاكَ، وَأَخْنَكَ، وَأَخَاكَ، ثُمَّ أَذْنَاكَ فَأَذْنَاكَ». رَوَاهُ النَّسَائِيُّ، وَصَحَّحَهُ أَبْنُ حَبَّانَ وَاللَّازِقُطْنَيُّ.

^[1] Hind bint 'Utba bin Rabi'a bin 'Abd Shams became a Muslim in the year of *Al-Fath* in Makkah after her husband Abū Sufyān became a Muslim in the year of *Al-Fath* in Makkah. The killing of her father 'Utba, her uncle Shaiba and her brother Al-Walid at Badr saddened her a lot so when Hamza was killed at Uhud by the *Mushrikūn*, she opened up his body, chewed his liver and spat it out. It was reported that she died in Muharram 14 H.

^[2] His name was Sakhr bin Harb bin Umaiya bin 'Abd Shams who held the flag of the *Kuffār* and was their leader in their fight against the Prophet ﷺ. He became a Muslim on the day of *Fath Makkah* when Al-'Abbās took him to the Prophet ﷺ before entering Makkah and he later on became a good Muslim. He died during the caliphate of 'Uthmān in 32 H.

^[3] The purpose of citing this *Hadīth* here is to demonstrate that it is an obligation on a man to bear the expenses incurred by his wife and children. It also shows that in case someone denies someone else his lawful claims or rights that he is legally entitled to, then such a person is permitted to secure them even by other means. In other words, if someone is deprived of his lawful entitlements by way of oppression, he may resort to other means for the redemption of his rights.

^[4] Tāriq bin 'Abdullah Al-Muhāribi was a *Sabābi* who reported some *Abādīth*. He descended from Muhārib bin Khasfa, a clan of Banu Ghatafān.

^[5] A giving hand is better than a receiving one. One should avoid borrowing money as far as possible. This *Hadīth* does not mention wife and children as they are already included in the expenses. This further elaborates that a rich man's family (according to Islamic law) includes his poor brothers and sisters so that they may live well, without any financial difficulty.

brother, then your relatives in order of their closeness to you.” [Reported by An-Nasā’i. Ibn Hibbān and Ad-Dāraqutni graded it *Sahih* (authentic)].

977. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “A slave is entitled to his food and clothing,^[1] and he should not be burdened except with the work that he is capable of doing.” [Reported by Muslim].

978. Narrated Hakim bin Mu‘āwiya Al-Qushairi on his father’s authority ﷺ: I asked, “O Allāh’s Messenger, what is the right of the wife of one of us upon her husband?” He replied, “That you should give her food when you eat, and clothe her when you clothe yourself, and do not strike her on the face and do not revile her.” [The narrator narrated the rest of the *Hadīth* that has been mentioned in the chapter on the treatment of wives].

979. Narrated Jābir ﷺ: The Prophet ﷺ – in the *Hadīth* of pilgrimage which is long – said in regard to women, “They (women) have rights over you (the men) to provide them with their sustenance and clothing in a reasonable^[2] manner.” [Muslim reported it].

980. Narrated ‘Abdullāh bin ‘Umar ﷺ: Allāh’s Messenger ﷺ said, “It is enough for a person to be considered sinful, that he neglects those whom he is

(٩٧٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لِلْمَمْلُوكِ طَعَامُهُ وَكِسْوَتُهُ، وَلَا يُكَلِّفُ مِنَ الْعَمَلِ إِلَّا مَا يُطِيقُ». رَوَاهُ مُسْلِمٌ.

(٩٧٨) وَعَنْ حَكِيمِ بْنِ مَعاوِيَةَ الْقُشَيْرِيِّ، عَنْ أَبِيهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! مَا حَقُّ زَوْجِي أَحْلِنَا عَلَيْهِ؟ قَالَ: «أَنْ تُطْعِمُهَا إِذَا طَعِيتَ، وَتَكْسُوْهَا إِذَا أَكْسَيْتَ، وَلَا تَقْرِبِ الْوَجْهَ، وَلَا تَتَبَخَّ». أَخْرَجَهُ مُسْلِمٌ - وَتَقَدَّمَ فِي عِشْرَةِ النِّسَاءِ.

(٩٧٩) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنْ النَّبِيِّ ﷺ، فِي حَدِيثِ الْحَجَّ بِطُولِهِ، قَالَ فِي ذِكْرِ النِّسَاءِ: «وَلَهُنَّ عَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ». أَخْرَجَهُ مُسْلِمٌ.

(٩٨٠) وَعَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كَمَّيْ بِالْمَرْءِ إِنَّمَا أَنْ يُضَيِّعَ مِنْ يَقُولُ». رَوَاهُ

^[1] The better way of conduct is that one should offer one’s male or female slave exactly the same kind and quality of food he himself partakes of, while the same is not an obligation on him. However, it is an obligation on the master to provide them with the bare minimum necessities such as food and clothes. It further informs us that no assignment should be given to a male or female slave that far exceeds their capacity. If their master forces them to undertake such an assignment, there is no obligation on them to comply with such an instruction of their master.

^[2] The purpose of citing this *Hadīth* here is that the expenses should be taken into consideration in accordance with the financial status of a man. If a man is rich, his wife may claim an increased amount of expenditure money, as befits his wealthy status. If he is poor, she must claim her expenses according to his finances.

responsible to sustain.”^[1] [Reported by An-Nasā’i]. Muslim has this wording: “... to withhold (food) from the one whose food he possesses.”

981. Narrated Jābir in a *Hadīth* which he attributed to the Prophet ﷺ regarding a pregnant (woman) whose husband died: “She has no maintenance rights.”^[2] [Al-Baihaqi reported it. Its narrators are reliable, but Al-Baihaqi said, “The correct narration is that which is *Mawqūf*”(a saying of a Companion)]. It was established that no maintenance is due (to a woman who was divorced by three pronouncements) in the *Hadīth* of Fātimah (رضي الله عنها) daughter of Qais, which has preceded. [Reported by Muslim].

982. Narrated Abū Huraira رضي الله عنه: Allāh’s Messenger ﷺ said, “The upper hand is better than the lower one, and one of you should spend first on those he is responsible to provide for, lest a woman^[3] would say, ‘Feed me or divorce me.’” [Reported by Ad-Dāraqutni, and its chain of narrators is *Hasan* (good)].

983. Narrated Sa‘id bin Al-Musaiyab regarding a man who finds nothing to spend on his wife: “They are to be separated.” Reported by Sa‘id bin

الشَّنَائِيُّ، وَهُوَ عِنْدَ مُسْلِمٍ بِلِفْظِ «أَنْ يَخِسَّ عَمَّ يَمْلِكُ فُوتَةً».

(٩٨١) وَعَنْ جَابِرٍ، يَرْفَعُهُ، فِي الْحَامِلِ الْمُتَوَفِّيِّ عَنْهَا زَوْجَهَا، قَالَ: لَا نَفَقَةَ لَهَا. أَخْرَجَهُ الْبَيْهَقِيُّ، وَرَجَالُهُ ثَقَاتٌ، لَكِنْ قَالَ: الْمَحْفُوظُ وَقْفَهُ، وَبَئَتْ نَفِيَ التَّفَقَّهُ فِي حَدِيثِ فَاطِمَةَ بِنْتِ قَيْسٍ، كَمَا تَقَدَّمَ، رَوَاهُ مُسْلِمٌ.

(٩٨٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِلَيْدِ الْمُتَلِّي خَيْرٌ مِنِ الْبَدِيلِ السُّفْلَى، وَيَبْدُأُ أَحَدُكُمْ بِمَنْ يَعُولُ، تَثُولُ الْمَرْأَةُ: أَطْعُمُنِي أَوْ طَلَقْنِي». رَوَاهُ الدَّارَقُطْنِيُّ، وَإِسْنَادُهُ حَسَنٌ.

(٩٨٣) وَعَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، فِي الرَّجُلِ لَا يَجِدُ مَا يُنْفِقُ عَلَى أَهْلِهِ، قَالَ: يَفْرَقُ بَيْهُمَا. أَخْرَجَهُ سَعِيدُ بْنُ مَنْصُورٍ، عَنْ سُقِيَانَ، عَنْ أَبِي

^[1] This makes it known that it is an enormous sin to not to cater to the needs of one’s kith and kin. The ones whose expenditure is binding on a man are his wife, children, his male and female slaves and his parents.

^[2] A non-pregnant, thrice divorced woman, by a common consensus, is neither entitled to a house or expenses. A pregnant, thrice divorced woman is only entitled to her living expenses and not the house. A non-pregnant widow is only entitled to a house and not the expenses. A pregnant widow is entitled to a house, there is a difference of opinions among the scholars whether or not is she entitled to her living expenses. The discussion concerning the boarding and lodging prolongs concerning the woman during *Iddah* (i.e., waiting period). Once her *Iddah* period is over, she is not entitled to anything at all.

^[3] This *Hadīth* tells us that in case a man does not or cannot meet the living expenses of his spouse, there must be a separation between them if his spouse demands such a separation. However, if a woman is willing to be patient with him through the thick and thin of it, great shall be her reward.

Mansūr, from Sufyān,^[1] from Abū Az-Zinād,^[2] from Sa'īd bin Al-Musaiyab. He said, "I asked Sa'īd (bin Al-Musaiyab), 'Is this *Sunnah*?' And he replied, 'Yes, it is *Sunnah*!'" [This *Hadīth* is a strong *Mursal* (missing link after the *Tābi'i*)].

984. Narrated 'Umar : He wrote (letters) to the commanders of the armies regarding some men (soldiers) who have been absent from their wives, that they should impose upon them to spend on their wives or divorce them; and if they divorce them they should then send the maintenance^[3] which they have withheld. [Ash-Shāfi'i reported it, then Al-Baihaqi with a *Hasan* (good) chain of narrators].

985. Narrated Abū Huraira : A man came to the Prophet ﷺ and said, "I have a *Dinār*." He said, "Spend it on yourself." He said, "I have another." He replied, "Spend it on your children." He said, "I have another," He replied, "Spend it on your wife." He said, "I have another." He replied, "Spend it on your servant." He said, "I have another." He replied, "You know best (what to do with it)." [Ash-Shāfi'i and Abū Dā'ud reported it, and the wording is Abū Dā'ud's. An-Nasā'i and Al-Hākim reported it with the wife preceding the children].

986. Narrated Bahz bin Hakim on his father's authority from his grandfather

الزناد، عنْهُ، قَالَ: قُلْتُ لِسَعِيدٍ: سَنَةً؟ قَالَ: سَنَةً. وَهَذَا مُرْسَلٌ قَوِيٌّ.

(٩٨٤) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ كَتَبَ إِلَى أَمْرَاءِ الْأَنْجَادِ، فِي رِجَالٍ غَابُوا عَنْ نِسَائِهِمْ: أَنْ يَأْخُذُوهُمْ بِأَنْ يُنْفِقُوا، أَوْ يُطْلَقُوا، فَإِنْ طَلَقُوا بَعْثَرُوا بِنَفْقَةِ مَا حَبَسُوا. أَخْرَجَهُ الشَّافِعِيُّ مُؤْمِنًا بِإِسْنَادِ حَسَنَةٍ.

(٩٨٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ، قَالَ: يَا رَسُولَ اللَّهِ! عِنِّي دِينَارٌ، قَالَ: «أَنْفَقْتُهُ عَلَى نَفْسِكَ»، قَالَ: عِنِّي آخَرُ، قَالَ: «أَنْفَقْتُهُ عَلَى وَلِيِّكَ»، قَالَ: عِنِّي آخَرُ، قَالَ: «أَنْفَقْتُهُ عَلَى أَهْلِكَ»، قَالَ: عِنِّي آخَرُ، قَالَ: «أَنْتَ خَادِيمُكَ»، قَالَ: عِنِّي آخَرُ، قَالَ: «أَنْتَ أَغْلَمُ». أَخْرَجَهُ الشَّافِعِيُّ وَأَبُو دَاوُدَ، وَاللَّفْظُ لَهُ، وَأَخْرَجَهُ النَّسَائِيُّ وَالحاكمُ بِتَقْدِيمِ الزَّوْجَةِ عَلَى الْوَلَدِ.

(٩٨٦) وَعَنْ بَهْزِيْرِ بْنِ حَكِيمٍ، عَنْ أَبِيهِ عَنْ جَدِّهِ، قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! مَنْ أَبْرَأَهُ

^[1] Sufyān bin Sa'īd bin Masrūq Ath-Thawri Abū 'Abdullāh Al-Kufi was one of the eminent *Imāms* whose imamate, accuracy, memorization and knowledge of *Abadīth*, and asceticism were unanimously confirmed. He was born in 77 H. and died in Basra in the year 161 H.

^[2] His real name is 'Abdullāh bin Dhakwān, Al-Amawi by clientship of Al-Madinah. He was among the eminent *Imāms*. Ahmad said, "He was reliable and a commander of the believers." Al-Bukhāri said, "The most authentic chain of narration is: Abū Az-Zinād narrated from Al-Araj from Abū Huraira (who narrated from the Prophet ﷺ)." He died in the year 130 H or 131 H.

^[3] Another *Hadīth* states that the money which one spends on his own kith and kin is of a far greater value in terms of reward than that which is spent on the poor strangers.

(ﷺ): I asked, "O Allāh's Messenger, to whom should I be kind and dutiful?" He replied. "Your mother." I asked, "Who comes next?" He replied, "Your mother." I asked, "Who comes next?" He replied, "Your mother." I asked, "Who comes next?" He replied, "Your father, then your relatives in order of nearness (of relationship)." [Abū Dā'ud and At-Tirmidhi reported it; the latter graded it *Hasan* (good)].

قالَ: «أُمَّكَ»، قُلْتُ: ثُمَّ مَنْ؟ قَالَ: «أُمَّكَ»، قُلْتُ: ثُمَّ مَنْ؟ قَالَ: «أُمَّكَ»، قُلْتُ: ثُمَّ مَنْ؟ قَالَ: «أَبَاكَ، ثُمَّ الْأَقْرَبُ فَالْأَقْرَبُ». أَخْرَجَهُ أَبُو دَاوُدَ وَالثِّرْمِذِيُّ، وَحَسَنَهُ.

Chapter 14 AL-HIDĀNA^[1] (GUARDIANSHIP)

١٤ - بَابُ الْحِضَانَةِ

987. Narrated 'Abdullāh bin 'Amr ﷺ: A woman said, "O Allāh's Messenger, this son of mine: my womb was a receptacle for him, my breasts were a source of suckling for him, and my lap was a place for him to curl up in, yet his father has divorced me and wants to take him away from me." Allāh's Messenger ﷺ replied her, "You have more right to him as long as you do not remarry." [Reported by Ahmad and Abū Dā'ud. Al-Hākim graded it *Sahib* (authentic)].

988. Narrated Abū Huraira ﷺ: A woman said, "O Allāh's Messenger, my husband wants to take away my son, while he has benefited me and provided me with drinking water from

(٩٨٧) عَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ امْرَأَةً قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ ابْنِي هَذَا، كَانَ بَطْنِي لَهُ وَغَاءَ، وَثَدَنِي لَهُ سِقَاءَ، وَجَحْرِي لَهُ حِوَاءَ، وَإِنَّ أَبَاهُ طَلَقَنِي، وَأَرَادَ أَنْ يَنْزِعَهُ مِنِّي، فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «أَنْتِ أَحْقُّ بِهِ، مَا لَمْ تَنْكِحِي». رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ، وَصَحَّحَهُ الْحَاكِمُ.

(٩٨٨) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ امْرَأَةً قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ زَوْجِي يُرِيدُ أَنْ يَذْهَبَ بِابْنِي، وَقَدْ نَعَنِي، وَسَقَانِي مِنْ بَثِرِ أَبِي عَيْتَةَ، فَجَاءَ زَوْجُهَا، فَقَالَ التَّبَيُّنُ ﷺ: «يَا

^[1] *Hidāna* literally means preservation and safety. According to the terminology of the Islamic law, it implies the proper upbringing and care accorded to a minor. If a man divorces his wife in such a condition that both of them are Muslims and have small children, then the woman has more right to claim the custody of her children. The man cannot deprive her of the children by snatching them away from her by force. In case such a child happens to be a milk-sucking infant, the expenses concerning her livelihood and the infant's clothing shall have to be borne by the man until the end of the child's infancy period. Once this span is over, the expenses of the child shall be the liability of his father regardless whether this child lives with his mother or father. As long as the woman does not remarry, such a child shall remain under her custody until he reaches adulthood. In case she marries his custody shall be transferred to his father. According to the *Hanafi Madhab*, if she marries one of the relatives of the child, he will remain in her custody.

the well of Abū ‘Inaba.’’ Then her husband came and the Prophet ﷺ said, ‘‘Young man, this is your father and this is your mother, so take whoever of them you wish by the hand.’’ He took his mother’s hand and she went off with him.^[1] [Reported by Ahmad and *Al-Arba'a*. At-Tirmidhi graded it *Sabib* (authentic)].

عَلَامٌ! هَذَا أَبُوكَ، وَهَذِهِ أُمُّكَ، فَخُذْ بِيَدِ أَيِّهِمَا شِئْتَ، فَأَخْذَ بِيَدِ أُمِّهِ، فَأَنْطَلَقَتْ بِهِ. رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ، وَصَحَّحَهُ التَّرْمِذِيُّ.

989. Narrated Rāfi' bin Sinān^[2]: He accepted Islam but his wife refused to accept it. The Prophet ﷺ then made the mother sit down to a side and the father to another side and made the son sit down between them. He (the son) then inclined to his mother, so the Prophet ﷺ then said, ‘‘O Allāh, give him guidance.’’ Then he inclined to his father and he took him.^[3] [Abū Dā'ud and An-Nasa'i reported it. Al-Hākim graded it *Sabib* (authentic)].

(٩٨٩) وَعَنْ رَافِعٍ بْنِ سِنَانٍ أَنَّهُ أَشْلَمَ، وَأَبْتَأَتْ أُمَّرَأَتَهُ أَنْ تُشْلِمَ، فَأَقْعَدَ النَّبِيُّ ﷺ الْأُمَّ نَاجِيَّةً، وَالْأَبَّ نَاجِيَّةً، وَأَقْعَدَ الصَّبَرَى بَيْنَهُمَا، فَمَالَ إِلَى أُمِّهِ، فَقَالَ: «اللَّهُمَّ اهْدِهِ، فَمَالَ إِلَى أُبِيهِ، فَأَخْذَهُ». أَخْرَجَهُ أَبُو ذَوْدَ وَالنَّسَائِيُّ، وَصَحَّحَهُ الْحَاكمُ.

990. Narrated Al-Barā bin ‘Azib ﷺ: The Prophet ﷺ gave a ruling regarding Hamza’s daughter in favor of her maternal aunt, saying, ‘‘The maternal aunt is in the position of the mother.’’ [Al-Bukhāri reported it].

Ahmad reported it from the *Hadīth* of ‘Ali ﷺ, he said, ‘‘The little girl must be with her maternal aunt for the maternal aunt is (the same as) a mother.’’

(٩٩٠) وَعَنْ الْبَرَاءِ بْنِ عَازِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ قَضَى فِي أُبْنَةِ حُمَرَةِ لِخَالَتِهَا، وَقَالَ: «الْخَالَةُ بِمُنْتَهِيَّ الْأُمَّ». أَخْرَجَهُ الْبُخَارِيُّ.

991. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, ‘‘When one’s servant

وَأَخْرَجَهُ أَحْمَدُ مِنْ حَدِيثِ عَلَيٍّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: وَالْجَارِيَّةُ عِنْدَ خَالَتِهَا فَإِنَّ الْخَالَةَ وَالِدَّةُ.

(٩٩١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا أَتَى أَحَدُكُمْ

^[1] According to the prior *Hadīth*, a mother has been declared as more rightful in keeping the custody of her children, whereas this *Hadīth* gives an option to the child that he may choose to live with either of his parents according to his own free will and choice. The reason for giving him such an option is that the child was grown up and sensible enough to decide as to where he could possibly be better off. Thus we understand that if a child is grown up and does not need the care of his parents in the matters related to his safety, he can choose either of his parents.

^[2] Abul-Hakam Al-Ansāri Al-Ausi Al-Madani was a *Sahābi*. Abul-Qasim bin Salām said in *Al-Ansāb* that he is a descendant of Al-'Atbun who is 'Amir bin Tha'laba.

^[3] This *Hadīth* makes it clear that even being a polytheist does not nullify the right of a mother on her child. But once the child comes of age, he will not continue to live with her.

serves him with his food, if he does not make him sit down with him (and eat) he should give him one or two morsels^[1] (of it).” [Agreed upon, and the wording is Al-Bukhāri’s].

992. Narrated Ibn ‘Umar ﷺ: The Prophet ﷺ said, “A woman was punished on account of a cat which she held captive till it died. Hence, she entered the Hell-Fire due to (her mistreatment of) the cat.^[2] She did not feed it or give it water while she held it captive, nor did she let it out so that it may eat the things that creep on the earth.” [Agreed upon].

خَادِمُهُ بِطَعَامِهِ فَإِنْ لَمْ يُجْلِسْهُ مَعَهُ فَلْيُنَأِوْلُهُ لَقْمَةً أَوْ لُقْمَتَيْنِ». مُتَقَرَّ عَلَيْهِ، وَاللَّفْظُ لِبُخَارِيٍّ.

(٩٩٢) وَعَنْ أَبْنَىٰ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنِ النَّبِيِّ ﷺ قَالَ: «عَذَّبَتِ امْرَأَةٍ فِي هَرَّةٍ سَحَّنَتْهَا حَتَّىٰ مَاتَتْ، فَدَخَلَتِ التَّنَارَ فِيهَا، لَا هِيَ أَطْعَمَهَا، وَسَقَتْهَا، إِذْ هِيَ حَبَسَهَا، وَلَا هِيَ تَرَكَتْهَا تَأْكُلُ مِنْ حَشَاشِ الْأَرْضِ». مُتَقَرَّ عَلَيْهِ.

^[1] This *Hadīth* tells us that a master should give something out of his food to his servant.

^[2] This *Hadīth* makes it known that bearing the expenses of the pet animals is also the liability of the master. In case he fails to cover those liabilities, he shall be punished accordingly.

٩ - كتاب الجنایات

9. THE BOOK OF JINAYĀT^[1] (OFFENSES)

993. Narrated Ibn Mas'ud : Allāh's Messenger ﷺ said, "The blood of a Muslim who testifies that, 'nothing deserves to be worshipped except Allāh and that I am Allāh's Messenger' may not be lawfully shed but for one of three reasons:^[2] a married man who commits fornication; a life for a life; and one who turns away from his religion and abandons the community." [Agreed upon].

994. Narrated 'Aisha : Allāh's Messenger ﷺ said, "A Muslim may not be lawfully killed except in one of three cases: a married man who commits fornication, in which case he should be stoned to death; a man who kills a Muslim deliberately, for which he should be killed; and a man who apostatizes from Islam and fights against Allāh and His Messenger, in which case he should be killed, or crucified, or banished from the land." [Reported by Abū Dā'ud and An-Nasā'i. Al-Hākim graded it *Sahib* (authentic)].

995. Narrated 'Abdullāh bin Mas'ud : Allāh's Messenger ﷺ said, "Shedding of blood will be the first matter^[3] on

(٩٩٣) عَنْ أَبْنَرِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ أَحْمَرُ مُسْلِمٍ يَشْهُدُ أَنَّ لَا إِلَهَ إِلَّا اللَّهُ، وَأَنِّي رَسُولُ اللَّهِ إِلَّا يَأْخُذَنِي ثَلَاثٌ: الْيَتَمُ الرَّانِي، وَالْفَقِيرُ بِالنَّفْسِ، وَالثَّارِكُ لِدِينِهِ الْمُفَارِقُ لِلْجَمَاعَةِ». مُتَقَوْلَةً عَلَيْهِ.

(٩٩٤) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ قَالَ: «لَا يَحِلُّ قَتْلُ مُسْلِمٍ إِلَّا يَأْخُذَنِي ثَلَاثٌ خَصَالٌ: زَانَ مُحْسِنَ قَيْرَجَمُ، وَرَجُلٌ يَقْتُلُ مُسْلِمًا مُتَمَدِّدًا فَيَقْتُلُ، وَرَجُلٌ يَخْرُجُ مِنَ الْإِسْلَامِ، فَيَحَارِبُ اللَّهَ وَرَسُولَهُ، فَيَقْتُلُ، أَوْ يُضْلَبُ، أَوْ يَنْقِي مِنَ الْأَرْضِ». رَوَاهُ أَبُو دَاوُدَ وَالشَّافِعِيُّ، وَصَحَّحَهُ الْحَاكِمُ.

(٩٩٥) وَعَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ: «أَوْلُ مَا

^[1] *Jinayāt* is the plural form of *Jinaya* which means, 'inflicting bodily harm on someone' whether it is done intentionally or by mistake.

^[2] It is not permissible to kill someone who has pronounced the Testimony of Faith. A married adulterer, murderer and an apostate are however exceptions. One *Hadīth* states that it is permissible to kill someone in self-defense in case he attacks somebody with the intention of life-taking. This is the fourth one within the category of exceptions. The words 'life' against 'life' which are mentioned in this *Hadīth* suggest that it is permissible and fair to kill (in retaliation) a man for a (murdered) woman, a freeman for a (murdered) slave and a believer for a (murdered) non-believer. However, there is a difference of opinion concerning these three cases.

^[3] This explains that committing a murder is one of the greatest sinful acts. It is a general rule that the biggest task is undertaken first; and so long as the murder is the biggest crime within the context of one's obligations towards people, its accountability will start first on the Day of Judgement. Likewise, *Salāt* features the foremost in relation to a slave's obligations towards Allāh, hence its accountability will also start first.

which Judgement will be given on the Day of Resurrection.” [Agreed upon].

يُقضىٰ بَيْنَ النَّاسِ، يَوْمَ الْقِيَامَةِ، فِي الدَّمَاءِ .
مُتَقْلِّبٌ عَلَيْهِ .

996. Narrated Samura ﷺ: Allāh’s Messenger ﷺ said, “If anyone kills his slave we will kill him, and if anyone maims his slave we will maim him.”^[1] [Reported by Ahmad and Al-Arba'a. At-Tirmidhi graded it *Hasan* (good), and it is from Hasan Al-Basri's narration on the authority of Samura. However, it was disagreed upon whether he has heard from Samura or not].

The narration of Abū Dā’ud and An-Nasā’i has: “If anyone castrates his slave, we will castrate him.” [Al-Hākim authenticated this addition].

997. Narrated ‘Umar bin Al-Khattāb ﷺ: I heard Allāh’s Messenger ﷺ saying, “A father is not to be killed for a son.”^[2] [Reported by Ahmad, At-Tirmidhi and Ibn Mājah. Ibn Al-Jārūd and Al-Baihaqi graded it *Sahīh* (authentic), but At-Tirmidhi said, “It is *Mudtarib* (containing irreconcilable contradictions, i.e. in its various chains).”]

998. Narrated Abū Juhaifa (): I asked ‘Ali (), “Have you any Revelation other than the Qur’ān?”^[3] He replied, “No, by Him Who split the seed (causing germination) and created the soul, (I have nothing) but the

(٩٩٦) وَعَنْ سَمْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ :
قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ : «مَنْ قَتَلَ عَبْدَهُ قَتَلَهُ أَنْتَهُ
وَمَنْ جَدَعَ عَبْدَهُ جَدَعْنَاهُ». رَوَاهُ أَخْمَدُ
وَالْأَرْبَعَةُ، وَحَسَنَ التَّرْمِذِيُّ، وَهُوَ مِنْ رِوَايَةِ
الْحَسَنِ الْبَصَرِيِّ عَنْ سَمْرَةَ، وَقَدْ اخْتَلَفَ فِي
سَمَاعِهِ مِنْهُ .

وَفِي رِوَايَةِ أَبِي دَاوُدَ وَالسَّنَائِيِّ : «وَمِنْ حَصَّيِ
عَبْدَهُ حَصَّيْنَاهُ». وَصَحَّحَ الْحَاكِمُ هَذِهِ الرِّيَادَةَ .

(٩٩٧) وَعَنْ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ، قَالَ : سَوْغَتْ رَسُولُ اللَّهِ صَلَّى
اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ : «لَا يُقَاتَلُ الْوَالِدُ بِالْوَلَدِ» . رَوَاهُ أَخْمَدُ
وَالْتَّرْمِذِيُّ وَابْنُ مَاجَهَ، وَصَحَّحَهُ أَبْنُ الْجَارُودَ
وَالْبَيْهَقِيُّ، وَقَالَ التَّرْمِذِيُّ : إِنَّهُ مُضطَرِّبٌ .

(٩٩٨) وَعَنْ أَبِي جُحَيْفَةَ قَالَ : قُلْتُ لِعَلِيٍّ :
هَلْ عَنْدَكُمْ شَيْءٌ مِنَ الْوَحْيِ، عَيْرُ الْقُرْآنِ؟
قَالَ : لَا، وَالَّذِي فَلَقَ الْحَجَةَ، وَبَرَّا النَّسَمَةَ، إِلَّا
فَهُمْ يُعْطِيهِ اللَّهُ تَعَالَى رَجُلًا فِي الْقُرْآنِ، وَمَا

[١] The scholars unanimously agree that a slave may be decapitated in retaliation for the murder of a freeman. But there is a difference of opinions as to whether or not a freeman is decapitated in retaliation for the murder of a slave.

[٢] The majority of earlier scholars are of the opinion that if a father kills his son, he shall not be put to death in retaliation for it. However, he cannot escape the penalty thus incurred in the Hereafter. The reason for this discriminatory treatment is that the father is the source of his son's existence and a son is not the source of his father's existence and therefore, he possesses no right to put an end of his father's life.

[٣] Abū Juhaifah asked this question because one of the Shi'ite sects was of the view that even though Muhammad ﷺ did have the Prophethood, part of the Revelations was also shared by his family members. Abū Juhaifah wanted this view of theirs to be refuted.

understanding which Allāh, the Most High, endows a man regarding the Qur'aan and what is in this document." I asked, "What does this document contain?" He replied, "*Al-'Aql* (rules related to Blood money), the setting free of a prisoner of war, and that a Muslim should not be killed for a *Kafir* (disbeliever)."^[1] [Reported by Al-Bukhāri].

Reported by Ahmad, Abū Dā'ud and An-Nasā'i through another chain of narrators, from 'Ali (رضي الله عنه) and he said in it, "The blood (lives) of all Muslims are equal (in retaliation for killing); the guarantee of protection (for a *Kafir*) from the lest of the Muslims must be observed (by all Muslims), and they are one hand (united) against others (i.e. their enemies). A Muslim should not be killed for a *Kafir*, nor should one who has been given a covenant be killed while his covenant holds." [Al-Hākim graded it *Sahih* (authentic)].

999. Narrated Anas bin Mālik رضي الله تعالى عنه: A girl was found with her head crushed between two stones and they asked her, "Who has done this to you? Is it so-and-so, or so-and-so," till they mentioned a Jew, whereupon she gave sign with her head. The Jew was brought in, and he then confessed (to it). Hence, Allāh's Messenger ﷺ gave command that his head should be crushed between two stones.^[2]

^[1] This *Hadīth* tells us that a Muslim should not be killed in retaliation for the murder of a disbeliever. In case such a disbeliever happens to belong to a state that is at war with the Muslim state, a Muslim shall not be killed in retaliation for his murder, according to the consensus of the scholars. This is owing to the fact that an Islamic government is not accountable to it. However, if the disbeliever in question happens to be a *Dhimmī* (a tax-paying non-Muslim who lives within the Islamic state and who is considered to be a liability to the Islamic state), the three major *Imams* are of the opinion that a Muslim shall not be executed in retaliation for his murder whereas Imām Abu Hanifa is of the view that a Muslim must be executed for his murder.

^[2] This *Hadīth* clarifies that a man shall be executed for the murder of a woman. Similarly, there is no discrimination – in terms of blood – between the poor and the rich or between

في هذه الصِّحِيفَةِ، قُلْتُ: وَمَا فِي هَذِهِ
الصِّحِيفَةِ؟ قَالَ: الْعُقْلُ، وَفَكَاهُ الْأَسِيرُ، وَأَنْ
لَا يُقْتَلُ مُسْلِمٌ بِكَافِرٍ. رَوَاهُ الْبُخَارِيُّ.

وَأَخْرَجَهُ أَحْمَدُ وَأَبْيُو دَاؤْدَ وَالسَّائِئُ مِنْ وَجْهِ
آخَرَ عَنْ عَلَيِّي، وَقَالَ فِيهِ: «الْمُؤْمِنُونَ تَكَانُ
دِمَاءُهُمْ، وَيَسْعُى بِذِنْبِهِمْ أَذْنَاهُمْ، وَهُمْ يَدْعُونَ
مِنْ سَوَاءِهِمْ، وَلَا يُقْتَلُ مُؤْمِنٌ بِكَافِرٍ، وَلَا دُوْ
عَهْدٌ فِي عَهْدِهِ». صَحَّحَهُ الْحَاكِيمُ.

(٩٩٩) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى
عَنْهُ أَنَّ جَارِيَةً وُجِدَ رَأْسُهَا قَدْ رُضِّ بَيْنَ
حَجَرَيْنِ، فَسَأَلُوكُمَا، مَنْ صَنَعَ بِكِ هَذَا؟ فَلَمْ يَعْلَمْ
فُلَانٌ؟ حَتَّى ذَكَرُوا يَهُودِيًّا فَأَوْعَذَ بِرَأْسِهَا،
فَأُخْدِيَ الْيَهُودِيُّ، فَاقْتُلَ، فَأَمَرَ رَسُولُ اللَّهِ ﷺ أَنْ
يُرَضِّ رَأْمَهُ بَيْنَ حَجَرَيْنِ. مُقْتَلٌ عَلَيْهِ، وَاللَّفْظُ
لِمُسْلِمٍ.

[Agreed upon, and the wording is Muslim's].

1000. Narrated 'Imrān bin Husain : The slave of some poor^[1] people cut off the ear of a slave of some rich people, so they came to the Prophet ﷺ, and he did not appoint any compensation for them. [Ahmad and *Abt-Thalabah* reported it with a *Sabih* (authentic) chain of narrators].

1001. Narrated 'Amr bin Shu'aib on his father's authority from his grandfather (ﷺ): A man stabbed the knee of another with a horn and the latter went to the Prophet ﷺ and said, "Retaliate for me." He replied, "Wait till you recover." He afterwards went to him and said, "Retaliate for me," and he allowed him to retaliate upon the offender. After some time, he came to him and said, "O Allāh's Messenger, I have become lame," and he replied, "I had forbidden you, but you disobeyed me, so may Allāh dismiss you and discontinue your lameness."^[2] Then Allāh's Messenger ﷺ forbade the execution of retaliation until the victim recovers. [Reported by Ahmad and *Dāraqutni*, but it was considered defective for being *Mursal* (missing link after the *Tabi'i*)].

the young and the old.

^[1] A slave cut off an ear of another slave. Now the people had only two options: Either retaliation be meted out to the slave, or blood money be paid to the victim of this inequity. The masters of the victimized slave did not ask for *Qisas* (retaliation) but solicited blood money. The master of the slave who committed the crime did not have anything to pay to the claimants and a slave does not own anything by himself, and hence the claimants consequently failed to get anything. This clarifies that a beggar is not subjected to the obligation of paying the blood money and bears no responsibility to pay any indemnity to anyone and thus his family members are also free from any such obligation. Paying indemnity becomes an obligation on the family members only on the condition that they are expecting to gain something out of the inheritance of the concerned person. But, as long as the person in question himself has no inheritance, the question of paying indemnity does not arise.

^[2] This *Hadīth* informs us that one must not accept any compensatory payment until the wounds are completely healed up and must wait until such a time that he absolutely recovers from those injuries. The wisdom behind it is based on the fact that the said wound may

(١٠٠٠) وَعَنْ عِمَرَانَ بْنِ حُصَيْنٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَنَّ غُلَامًا لِأَنَّاسٍ فُقِرَاءَ قَطَعَ أَذْنَ غُلَامٍ لِأَنَّاسٍ أَغْنِيَاءَ فَأَتَوْا النَّبِيَّ ﷺ فَلَمْ يَجْعَلْ لَهُمْ شَيْئًا. رَوَاهُ أَخْمَدُ وَالثَّلَاثَةُ يَاسِنَادٍ صَحِيحٍ .

(١٠٠١) وَعَنْ عَمْرُو بْنِ شَعِيبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ رَجُلًا طَعَنَ رَجُلًا بِقَرْنَدٍ، فِي رُكُبِّهِ، فَجَاءَ إِلَيَّ النَّبِيِّ ﷺ، فَقَالَ: أَقْدِنِي، فَقَالَ: حَتَّى تَبَرَّأَ، ثُمَّ جَاءَ إِلَيْهِ، فَقَالَ: أَقْدِنِي، فَأَفَادَهُ، ثُمَّ جَاءَ إِلَيْهِ، فَقَالَ: يَا رَسُولَ اللَّهِ! عَرَجْتُ، فَقَالَ: «قَدْ نَهَيْتُكَ فَعَصَيْتَنِي، فَأَبْعَدَكَ اللَّهُ، وَبَطَلَ عَرْجُكَ»، ثُمَّ نَهَى رَسُولُ اللَّهِ ﷺ أَنْ يُقْتَصَّ مِنْ جُرْحٍ حَتَّى يَبْرُأَ صَاحِبُهُ . رَوَاهُ أَخْمَدُ وَالذَّارِقُطْنَيُّ، وَأَعْلَمُ بِالإِرْسَالِ .

1002. Narrated Abū Huraira : Two women of Hudhail fought and one of them threw a stone at the other killing both her and what was in her womb. So they brought the dispute before Allāh's Messenger . Then Allāh's Messenger gave judgement that the blood money for her unborn child^[1] should be a male or female slave. He also gave judgement that the blood money for the woman (who was killed), is the responsibility of the 'Aqila (relatives from the fathers side) of the woman (who did the killing). Then, he made her son and those who were with them her heirs. Then Haml^[2] bin An-Nâbigha Al-Hudhali said, "O Allāh's Messenger , how should we be fined for one who has not eaten or drunk, or raised his voice, and a compensation is not to be paid for such." Allāh's Messenger then said, "This man simply belongs to the *Kubbân*^[3] due to the rhyming of words that he has used." [Agreed upon].

Abū Dâ'ud and An-Nasâ'i reported the aforesaid *Hadîth* from Ibn 'Abbâs, that 'Umar asked, "Who witnessed the judgement of Allāh's Messenger regarding the unborn child?" Haml bin An-Nâbigha stood up and said, "I was standing before two women and one of them struck the other." [The narrator narrated the *Hadîth* in brief. Ibn

(١٠٠٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: أَفْتَلَتِ امْرَأَتَيْنِ مِنْ هُدَيْلَةَ، فَرَمَتْ إِحْدَاهُمَا الْأُخْرَى بِحَجَرٍ، فَقَتَلَتْهَا وَمَا فِي بَطْنِهَا، فَأَخْتَصَمُوا إِلَيْ رَسُولِ اللَّهِ رَبِّ الْعَالَمِينَ، فَقَضَى رَسُولُ اللَّهِ رَبِّ الْعَالَمِينَ أَنَّ دِيَةَ جَنِينِهَا غُرَّةً: عَذْنَأْوَرْلِيدَةَ، وَقَضَى بِدِيَةِ الْمَرْأَةِ عَلَى عَاقِلَتِهَا، وَوَرَثَتِهَا وَلَدَهَا وَمَنْ مَعَهُمْ، فَقَاتَلَ حَمْلُ بْنِ النَّابِغَةَ الْهُدَيْلِيَّ: يَا رَسُولَ اللَّهِ! كَيْفَ نَعْرِمُ مَنْ لَا شَرِبَ وَلَا أَكَ؟ وَلَا نَطْقَ وَلَا اسْتَهَنَ؟ فَمِثْلُ ذَلِكَ يُطْلَى، فَقَاتَلَ رَسُولُ اللَّهِ رَبِّ الْعَالَمِينَ: إِنَّمَا هَذَا مِنْ إِخْوَانِ الْكُهَّانِ، مِنْ أَجْلِ سَجْعِ الَّذِي سَجَعَ». مُتَقَدِّمٌ عَلَيْهِ.

وَأَخْرَجَهُ أَبُو دَاوُدَ وَالسَّائِئُ مِنْ حَدِيثِ ابْنِ عَبَّاسٍ، أَنَّ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، سَأَلَ مَنْ شَهَدَ فَصَاءَ رَسُولِ اللَّهِ رَبِّ الْعَالَمِينَ فِي الْجَنِينِ قَالَ: فَقَاتَلَ حَمْلُ بْنِ النَّابِغَةَ، فَقَاتَلَ: كُنْتُ بَيْنَ امْرَأَيْنِ، فَضَرَبَتِ إِحْدَاهُمَا الْأُخْرَى، فَذَكَرَهُ مُحْتَصِرًا وَصَحَّحَهُ ابْنُ جَيَّانَ وَالْحَاكِمُ.

either prove to be a negligible one or it may deteriorate into being a fatal one. Be it as it may, the compensatory payment in these two cases is bound to be different from each other.

^[1] In case the fetus dies before birth inside the womb of a woman or comes out still-born at the time of parturition, the compensation thus incurred shall be an amount equal to the price of a male or a female slave. If the infant dies after birth, the compensation payable shall be the price of a hundred camels. A quasi-deliberate murder or an accidental murder do not require *Qisâs*, but call for blood money. In the case of a deliberate murder, the heirs of the victim may either opt for *Qisâs* or the blood money. The Arabic word '*Aqila*' is translated as '*Asaba*' (next of kin), which means that the compensation is not obligatory on a murderer alone, but also lies on his next of kin and immediate relatives.

^[2] Hamal bin Mâlik bin An-Nâbigha Al-Hudhali Abû Nadla Al-Basri was a *Sabâbi*.

^[3] i.e., plural of *Kâbin*, meaning a soothsayer.

Hibbān and Al-Hākim graded it *Sabih* (authentic)].

1003. Narrated Anas رضي الله تعالى عنه: Ar-Rubaiyi' daughter of An-Nadr^[1] – his paternal aunt – broke the front tooth of a girl and they (the people of Ar-Rubaiyi') asked the girl's people to pardon her, but they refused. Then, they offered the compensation for wounds, but they refused. Then, they went to Allāh's Messenger ﷺ, but they refused (any offer) except retaliation. So Allāh's Messenger ﷺ ordered retaliation to be taken. Then Anas bin An-Nadr^[2] asked, "O Allāh's Messenger, will the front tooth of Ar-Rubaiyi' be broken? No, by Him Who has sent you with the Truth, her front tooth will not be broken." Allāh's Messenger ﷺ then replied, "O Anas, Allāh's Decree is retaliation." Then, the people agreed, and pardoned her. So, Allāh's Messenger ﷺ said, "Among Allāh's slaves are those who, if they take an oath by Allāh, He responds to it (i.e. fulfills it)."^[3]" [Agreed upon, and the wording is Al-Bukhāri's].

(١٠٣) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ الرَّبِيعَ بْنَ النَّضْرِ - عَمَّةَ - كَسَرَتْ نَسْبَةَ جَارِيَةً، فَطَلَبُوا إِلَيْهَا الْعَفْوَ، فَأَبْوَا، فَعَرَضُوا الْأَرْشَ، فَأَبْوَا، فَأَتَوْا رَسُولَ اللَّهِ ﷺ، فَأَبْوَا، إِلَّا الْقِصَاصُ، فَأَمَرَ رَسُولُ اللَّهِ ﷺ بِالْقِصَاصِ، قَالَ أَنَسُ بْنُ النَّضْرِ: يَا رَسُولَ اللَّهِ: أَنْكَسْرَتْ نَسْبَةَ الرَّبِيعِ؟ لَا، وَالَّذِي بَعْنَكَ بِالْحَقِّ، لَا تَنْكَسِرْ نَسْبَتَهَا، قَالَ رَسُولُ اللَّهِ ﷺ: «يَا أَنَسُ! كِتَابُ اللَّهِ الْقِصَاصُ»، فَرَضَيَ الْقَوْمُ، فَعَفَّوْا، قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ مِنْ عِبَادِ اللَّهِ مَنْ لَوْأَ أَفْسَدَ عَلَى اللَّهِ لَا يَبْرُرُهُ». مُتَقَدِّمٌ عَلَيْهِ، وَاللَّفْظُ لِلْبُخَارِيِّ.

1004. Narrated Ibn 'Abbās رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "If anyone is killed *Immiyan* (in obscurity),^[4] or by the throwing of a stone, or with a whip, or

(٤) (١٠٤) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ قُتِلَ فِي عِيَّا، أَوْ فِي رِيمَّا بِحَجَرٍ أَوْ سُوْطِ أَوْ عَصَماً،

^[1] Ar-Rubaiyi', daughter of An-Nadr bin Damdam bin Zaid bin Harām, was the paternal aunt of Anas bin Mālik, the servant of the Prophet ﷺ and the mother of Hāritha bin Surāqa who was martyred at the battle of Badr.

^[2] He was the brother of Ar-Rubaiyi' and the paternal uncle of Anas bin Mālik. He did not participate in the battle of Badr and used to regret that. So, on the day of the battle of Uhud, when some Muslims fled, he went forward towards the defense line of the *Mushrikūn*, expressing to Allāh his sorrow for what the Muslims did, saying, "I can smell the fragrance of the *Jannab* before the mountain of Uhud." He then fought till he was martyred.

^[3] This utterance made by Anas رضي الله عنه was not to oppose the *Shari'a* commandment. In fact he made every possible effort to intercede on behalf of the concerned person and he had an absolute faith in Allāh's mercy. Had it been otherwise, the Prophet ﷺ would never have commended him, but would have denounced and repudiated him instead. This *Hadīth* further elaborates that the loss of teeth also involves *Qisās*.

^[4] Being killed *Immiyan* (in obscurity) refers to a slain person whose murderer is unknown or the manner in which he was killed can not be established. Similarly, if someone gets killed

with a stick, then his blood money is that which is due for an accidental death. As for he who is killed deliberately, retaliation is due. And if anyone tries to prevent it Allāh's curse will be upon him." [Abū Dā'ud, An-Nasā'i and Ibn Mājah reported it with a *Qawi* (strong) chain of narrators].

1005. Narrated Ibn 'Umar ﷺ: The Prophet ﷺ said, "If a man seizes a man and another kills him, the one who killed him is to be killed and the one who seized^[1] him is to be imprisoned." [Ad-Dāraqutni reported it as *Mawsūl* (connected chain) and *Mursal* (missing link after the *Tābi'i*). Ibn Al-Qattān graded it *Sahib* (authentic), and its narrators are reliable. However, Al-Baihaqi held that the stronger view is that it is *Mursal*].

1006. Narrated 'Abdur-Rahmān^[2] bin Al-Bailamāni: The Prophet ﷺ killed a Muslim for a man who had made a covenant,^[3] and said, "I am the most worthy of those who fulfill their responsibility (i.e. guarantee of protection)." [Abdur-Razzāq reported it thus in a *Mursal* form (missing link after the *Tābi'i*). Ad-Dāraqutni

فَعَلَّمَهُ عَقْلُ الْخَطَا، وَمَنْ قُبِّلَ عَمَدًا، فَهُوَ قَوْدٌ،
وَمَنْ حَالَ دُونَهُ، فَعَلَيْهِ لَعْنَةُ اللَّهِ. أَخْرَجَهُ أَبُو
دَاوُدُ وَالنُّسَائِيُّ وَابْنُ مَاجِهٍ بِإِشْنَادٍ قَوْيٍ.

(١٠٠٥) وَعَنْ أَبْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا، حَنْدُ الشَّيْءِ بِكَلَّهِ، قَالَ: إِذَا أَمْسَكَ
الرَّجُلُ الرَّبِيعَلِ، وَقَتَلَهُ الْآخَرُ، يُقْتَلُ الَّذِي قَتَلَهُ،
وَيُغَيْبَسُ الَّذِي أَمْسَكَ». رَوَاهُ الدَّارَقُطْنِيُّ
مَؤْصُولًا وَمُؤْسَلاً، وَصَحَّحَهُ أَبْنُ الْقَطَانِ،
وَرَجَّحَهُ بَثَاتٌ، إِلَّا أَنَّ السَّيْهُيَّ رَجَحَ الْمُرْسَلَ.

(١٠٠٦) وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ الْبَلَامَانِيِّ،
أَنَّ النَّبِيَّ ﷺ قَتَلَ مُسْلِمًا بِمُعَاہِدَةٍ، وَقَالَ: أَنَا
أُولَئِي مِنْ وَقْيَةٍ بِلِبَمَّا هُنَّا
مُزَّسِلُونَ، وَوَضَلَّلُ الدَّارَقُطْنِيُّ بِذِكْرِ أَبْنِ عُمَرَ فِيهِ،
وَإِشْنَادُ الْمَوْصُولِ وَاهِ.

in a riot, no *Qisās* is involved, since the ruling which applies here is *Diyā* (i.e., blood money). In case someone dies as a result of being struck by a bludgeon, whip or stone, such a murder is regarded as quasi-deliberate and also involves blood money.

^[1] This *Hadīth* proves that a person who holds a murder victim, shall not be executed. Such a person will only be subjected to imprisonment. Determining the duration of his imprisonment depends on the view of the judge, and it can either be a long or short one, depending on the nature of the murder.

^[2] He is 'Abdur-Rahmān bin Abū Zaid, the manumitted slave of 'Umar . He was a resident of Al-Madīnah who settled at Harān. He was a *Tābi'i* of the sixth generation. Abū Hātim said, "He was weak (in *Hadīth* narration), but Ibn Hibbān verified him as reliable. Al-Hāfiẓ Abdul-'Azīm said, "He is not an authority (in *Hadīth*). " He hailed from Bailamān.

^[3] The word used in Arabic is *Mu'āhid* and refers to a non-believer who does not have permanent residence in the Islamic state and has arrived in the Islamic state to carry out an assignment after securing the necessary permission and shelter from the Islamic state. The murder of such a person is unanimously forbidden. However, his Muslim murderer shall not be executed in retaliation, according to the majority of scholars, except the *Hanafi* School.

reported it *Mawsul* (connected chain) by mentioning Ibn 'Umar in it. However, the *Mawsul* (connected chain of narrators) is *Wābin* (extremely weak)].

1007. Narrated Ibn 'Umar : A boy was killed treacherously, [¹] so 'Umar said, "If all the people of Sanā'ah had shared in shedding his blood, I would have killed them for him." [Al-Bukhāri reported it].

1008. Narrated Abū Shuraih^[²] Al-Khuza'i : Allāh's Messenger ﷺ said, "If a relative of anyone is killed, after this speech of mine, his family will have a choice: either to accept blood money or to kill (the murderer) (in retaliation)." [Abū Dā'ud and An-Nasā'i reported it]. Its basic meaning is found in *As-Sabibain* from Abū Huraira's *Hadīth*, which is similar.

Chapter 1 TYPES OF *DIYAT*^[³] (BLOOD MONEY)

1009. Narrated Abū Bakr^[⁴] bin Muhammad bin 'Amr bin Hazm, on his father's authority from his grandfather (ﷺ): The Prophet ﷺ wrote to the people of Yemen – the narrator narrated the *Hadīth* – and it contains:

(١٠٠٧) وَعَنْ أَبْنَىٰ عُمَرَ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُمَا، قَالَ: قُلْ غُلَامٌ غَلَّةٌ، فَقَالَ عُمَرُ: لَوْ أَشْتَرَكَ فِيهِ أَهْلُ صَنْفَةٍ لَتَنْثَلُهُمْ بِهِ. أَخْرَجَهُ الْبُخَارِيُّ.

(١٠٠٨) وَعَنْ أَبِي شُرَيْبٍ الْخَزَاعِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «فَمَنْ قُتِلَ لَهُ قَتْلًا، بَعْدَ مَقَاتَلَيْهِ هَذِهِ، فَأَهْلُهُ بَيْنَ خَيْرَيْكُمْ، إِمَّا أَنْ يَأْخُذُوا الْقَعْلَ، أَوْ يَقْتُلُوا». أَخْرَجَهُ أَبُو دَاوُدُ وَالسَّائِعُ، وَأَصْلُهُ فِي الصَّحِيحَيْنِ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ بِمَعْنَاهُ.

١ - بَابُ الدِّيَاتِ

(١٠٠٩) عَنْ أَبِي بَكْرِ بْنِ مُحَمَّدٍ بْنِ عَمْرِو ابْنِ حَزْمٍ، عَنْ أَبِيهِ، عَنْ جَوْهَرِ أَنَّ التَّيَّارِ كَتَبَ إِلَى أَهْلِ الْيَمَنِ فَذَكَرَ الْحَدِيثَ. وَفِيهِ: أَنَّ مَنْ اشْتَطَ مُؤْمِنًا قَتْلًا عَنْ بَيْتِهِ، فَإِنَّهُ قَوْدٌ.

[¹] The incidence goes that three people murdered a young boy collectively and deceitfully. 'Umar رضي الله عنه issued a decree that all of them be executed. There is a difference of opinion as to whether or not more than one person may be executed in retaliation for the murder of just one person. Preference is, however, accorded to the verdict of 'Umar رضي الله عنه.

[²] 'Amr bin Khuwailid or Khuwailid bin 'Amr Al-Ka'bī Al-'Adawi Al-Khuza'i became a Muslim before the Conquest of Makkah and died in Al-Madīnah in the year 68 H.

[³] *Diya* is the blood money which is paid to the victim's legal heir.

[⁴] Abū Bakr bin Muhammad bin 'Amr bin Hazm Al-Ansāri An-Najāri Al-Madani Al-Qadi. He was reliable, devoted in Allāh's worship and was among the contributors to the six books of *Abadīth*. He was also a *Tābi'i* of the fifth generation. His wife said that he didn't sleep on his bed at night for forty years, meaning that he used to perform voluntary night prayers. Ibn Ma'in verified him as reliable, and Ibn Sa'd said that he died in the year 120 H.

"If anyone kills a believer unjustly – a deliberate killing – retaliation is then due unless the relatives of the one who is killed are pleased (with some other settlement)."^[1] It also contains that the *Diya* (blood money) for a life (being taken) is a hundred camels; that full *Diya* (blood money) must be paid [in each of the following]: the complete cutting off of a nose, the two eyes, the tongue, the two lips, the penis, the two testicles and the backbone; that for one foot half the *Diya* (blood money) must be paid, for a wound in the head (which reaches the brain) a third of the blood money, for a thrust which penetrates the body a third of the blood money, for a wound which causes the broken bones to come out fifteen camels, for each finger and toe ten camels, for a tooth five camels, and for a wound which lays bare the bone five camels; that a man may be killed in retaliation for a woman; and that those who have gold should pay a thousand Dinars."^[2] [Reported by Abū Dā'ud – in his book *Marasīl* – An-Nasā'i, Ibn Khuzaima, Ibn Al-Jārūd, Ibn Hibbān and Ahmad. However, they disagreed regarding its authenticity].

1010. Narrated Ibn Mas'ud ﷺ: The Prophet ﷺ said, "The blood money for murder by error should be in five types

إِلَّا أَن يَرْضَى أُولَئِكَ الْمُقْتُولُونَ. وَإِنَّ فِي النَّفَرِ
الدِّيَةَ: مَا تَهَأَّلَ مِنَ الْإِلَيلِ، وَفِي الْأَنْفِ إِذَا أُوْبَعَ
جَدْعَةً الدِّيَةُ، وَفِي الْعَيْنَيْنِ الدِّيَةُ، وَفِي الْلِّسَانِ
الدِّيَةُ، وَفِي الشَّفَقَيْنِ الدِّيَةُ، وَفِي الدَّكَرِ الدِّيَةُ،
وَفِي الْبَيْضَيْنِ الدِّيَةُ، وَفِي الصَّلْبِ الدِّيَةُ،
وَفِي الرَّجُلِ الْوَاجِدَةِ نِصْفُ الدِّيَةِ، وَفِي
الْمَأْمُومَةِ ثُلُثُ الدِّيَةِ، وَفِي الْحَاجِفَةِ ثُلُثُ الدِّيَةِ،
وَفِي الْمُنْقَلَةِ خَمْسَ عَشَرَةً مِنَ الْإِلَيلِ، وَفِي كُلِّ
إِصْبَعٍ، مِنْ أَصَابِعِ الْيَدِ وَالرَّجُلِ عَشَرُ مِنَ
الْإِلَيلِ، وَفِي السَّنَ حَمْسٌ مِنَ الْإِلَيلِ، وَإِنَّ الرَّجُلَ يَقْتَلُ
بِالْمَرْأَةِ، وَعَلَى أَهْلِ الْدَّهْبِ أَلْفُ دِينَارٍ
أَخْرَجَهُ أَبُو دَاؤُودُ فِي الْمَرَاسِيلِ، وَالسَّائِئُ وَابْنُ
خُزَيْمَةَ وَابْنُ الْجَارِودَ وَابْنُ جَبَانَ وَاحْمَدُ،
وَاحْتَلَفُوا فِي صِحَّتِهِ.

(١٠١٠) وَعَنْ أَبْنَى مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ ﷺ، قَالَ: «دِيَةُ الْحَطَّاءِ

^[1] This *Hadīth* implies that in the case of a deliberate murder, the successors of a victim, regardless of whether by blood or through adoption, are free to choose among the four options. These options are: a) retaliation by life-taking (death penalty to the murderer); b) *Diya* (acceptance of blood money); c) pardoning or excusing the murderer; d) making a settlement on more or less the equivalent of the blood money.

^[2] This *Hadīth* demonstrates that the legal successors of a person, killed without any fault on his part, are free either to opt for *Diya* (a blood money payment) or *Qisās* (execution of the murderer in retaliation). The amount of *Diya* payable is 100 camels or their collective price. There is a statement listing separate amounts as compensations payable against the loss of different bodily organs. *Ma'mumah* (المأومة) is a blow which affects the brain. *Jā'isab* (الجاشنة) is a wound inflicted between a bodily region spanning from one's throat to the urinary bladder and rips open the upper layer of one's belly. *Moudibah* (الموضحة) is a wound inflicted in such a way that it flays off the bodily flesh and makes the bone revealed and visible.

of camels: Twenty she-camels in their fourth year, twenty she-camels in their fifth year, twenty she-camels which had entered their second year, twenty she-camels which had entered their third year, and twenty male camels which had entered their third year.” [Ad-Dāraqutni reported it. *Al-Arba'a* reported it with the wording: “twenty male camels which had entered their second year” instead of “twenty male camels which had entered their third year,” and the chain of narrators of the first (Ad-Dāraqutni’s) is stronger (than the one reported by *Al-Arba'a*). Ibn Abū Shaiba reported it through another chain which is *Mawqūf* (a saying of a Companion, i.e. Ibn Mas'ud),^[1] it is more authentic than the *Marfū'* narration (attributed to the Prophet)].

Abū Dā'ud and At-Tirmidhi reported the aforesaid *Hadīth* through ‘Amr bin Shu'aib on his father's authority from his grandfather (ﷺ) who narrated it as *Marfū'* (a saying of the Prophet) that, “The blood money should be thirty she-camels in their fourth year, thirty she-camels in their fifth year, and forty she-camels in their sixth year and which are pregnant.”

1011. Narrated Ibn ‘Umar ﷺ: The Prophet ﷺ said, “The people most insolent with Allāh are three: He who kills someone in the *Haram*^[2] (Sacred Territory) of Allāh, he who kills someone other than the killer who has killed a relative of his, and he who kills someone for the revenge of the pre-Islamic times.” [Ibn Hibbān reported it in a *Hadīth* which he held to be *Sabib* (authentic)].

أَخْمَاساً: عَشْرُونَ حِجَّةً، وَعَشْرُونَ جَذَّعَةً، وَعَشْرُونَ بَنَاتِ مَحَاصِرٍ، وَعَشْرُونَ بَنَاتِ لَبُونٍ، وَعَشْرُونَ بَنِي لَبُونٍ أَخْرَجَهُ الدَّارَقُطْنِيُّ. وَأَخْرَجَهُ الْأَرْبَعَةُ بِلِفْظِ: «وَعَشْرُونَ بَنِي مَحَاصِرٍ» بَدَلَ «بَنِي لَبُونٍ»، وَإِشْتَادَ الْأَوَّلُ أَقْوَى، وَأَخْرَجَهُ ابْنُ أَبِي شَيْبَةَ مِنْ وَجْهِ أَخْرَ مَوْفُوفًا، وَمُؤْكِدًا أَصَحُّ مِنَ الْمَرْفُوعِ.

وَأَخْرَجَهُ أَبُو دَاوُدَ وَالْتَّرمِذِيُّ مِنْ طَرِيقِ عَمْرِ وَابْنِ شُعْبَيْرٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، رَفِعَهُ الدُّيُّبُ ثَلَاثُونَ حِجَّةً، وَثَلَاثُونَ جَذَّعَةً، وَأَرْبَعُونَ حَلْفَةً، فِي بُطُونِهَا أُولَادُهَا.

(1011) وَعَنْ أَبْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنْ النَّبِيِّ ﷺ قَالَ: «إِنَّ أَعْنَى النَّاسِ عَلَى اللَّهِ ثَلَاثَةٌ: مَنْ قُتِلَ فِي حَرَمِ اللَّهِ، أَوْ قُتِلَ عِزْرَ قَاتِلِهِ، أَوْ قُتِلَ لِذُخْرِ الْجَاهِلِيَّةِ». أَخْرَجَهُ أَبْنُ حِبَّانَ فِي حِدِيبِيَّ صَحَّحَهُ.

^[1] The majority of the *Ummah* (Islamic nation) acts upon the narration of Ibn Mas'ud.

^[2] This *Hadīth* informs us that a sinful act committed within the confines of *Haram* (sacred territory) incurs a far greater penalty than a similar act committed elsewhere.

1012. Narrated 'Abdullâh bin 'Amr bin Al-'Aas : Allâh's Messenger ﷺ said, "The blood money for murder by error^[1] and quasi-deliberate murder [which resembles intentional murder] such as the one committed with a whip and a stick is a hundred camels, forty of which are pregnant." [Abû Dâ'ud, An-Nasâ'i and Ibn Mâjah reported it, and Ibn Hibbân graded it *Sahîh* (authentic)].

1013. Narrated Ibn 'Abbâs : The Prophet ﷺ said, "This and this are equal (regarding blood money), meaning the little finger and the thumb."^[2] [Reported by Al-Bukhâri].

Abû Dâ'ud and At-Tirmidhi have: "The blood money for the fingers and toes is equal, the teeth are equal, (even) the front tooth and the molar tooth are equal."

Ibn Hibbân has: "The blood money for the fingers and toes is equal, and ten camels must be paid for each finger or toe."

1014. Narrated 'Amr bin Shu'aib on his father's authority from his grandfather (ﷺ): The Prophet ﷺ said, "Anyone who practices medicine – while he is not known as a practitioner – then, he kills someone or inflicts (some bodily

(١٠١٢) وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو بْنِ العاصِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «أَلَا إِنَّ دِيَةَ الْحَكَاءِ وَشَبْهِ الْعَمْدِ، مَا كَانَ بِالسُّوْطِ وَالْعَصَا، مائَةً مِنَ الْإِلَيْلِ، وَمِنْهَا أَرْبَعُونَ فِي بُطُونِهَا أَوْلَادُهَا». أَخْرَجَهُ أَبُو ذَاوْدَ وَالسَّاسَةُ وَابْنُ مَاجَةَ، وَصَحَّحَهُ ابْنُ حِبَّانَ.

(١٠١٣) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: «هَذِهِ وَهَذِهِ سَوَاءٌ يَعْنِي الْخَنْصَرَ وَالْإِنْهَامَ». رَوَاهُ الْبُخَارِيُّ.

وَلَأَبِي ذَرٍ وَالترْمِذِيِّ: دِيَةُ الْأَصَابِعِ سَوَاءٌ وَالْأَسْنَادُ سَوَاءٌ، الشَّتَّى وَالضَّرْسُ سَوَاءٌ.

وَلَابْنِ حِبَّانَ: دِيَةُ الْأَصَابِعِ الْيَدَيْنِ وَالرِّجْلَيْنِ. سَوَاءٌ، عَشْرُ مِنَ الْإِلَيْلِ لِكُلِّ إِصْبَعٍ.

(١٠١٤) وَعَنْ عَمْرُو بْنِ شَعْبِ، عَنْ أَبِيهِ عَنْ جَدِهِ، رَعْفَةِ، قَالَ: مَنْ تَطَبَّبَ، وَلَمْ يَكُنْ بِالْطَّبِّ مَعْرُوفًا، فَأَصَابَ نَفْسًا فَمَا دُونَهَا، فَهُوَ ضَامِنٌ. أَخْرَجَهُ الدَّارَقُطْنِيُّ، وَصَحَّحَهُ الْحاكِمُ،

^[1] A *Hadîth* narrated by Ibn Mas'ûd concerning the blood money payable in the event of a murder by error has already been mentioned earlier. Some people, on the basis of this *Hadîth*, deem this kind of blood money to be correct and valid. The rationale behind it seems to be that each murder case should be treated individually and separately in accordance with the condition of the victim. If a person is killed in a cold blooded and brutal fashion, the blood money shall be severe. A deliberate murder is the one in which someone intentionally uses such a weapon which generally proves to be lethal and causes death to the victim. A murder by error is the one in which the weapon thus used happens to be indeed a lethal one but the real intention was not to kill the man. For instance an arrow, which was originally aimed at a game of pray, missed the intended target and struck a human being. A quasi-deliberate murder is the one in which the intention of hitting a person was actually involved, but the instrument used was one which does not usually cause death; i.e., a whip, a baton and brick, etc.

^[2] All the fingers, whether big ones or small ones, are to be treated exactly on an equal footing in terms of compensatory payment.

harm) less than death, he will be held responsible.”^[1] [Ad-Dāraqutni reported it, and Al-Hākim graded it *Sabib* (authentic). It occurs in the books of Abū Dā’ud, An-Nasā’i and others. However, its *Mursal* form (missing link after the *Tābi’i*) is stronger than its *Mausūl* (connected chain)].

1015. Narrated ('Amr bin Shu'aib on his father's authority from his grandfather)

﴿: The Prophet ﷺ said, “Five camels must be paid for every wound that lays bare a bone.” [Reported by Ahmad and *Al-Arba'a*]. Ahmad added: “The fingers and toes are all equal, and ten camels must be paid for each of them.” [Ibn Khuzaima and Ibn Al-Jarūd graded it *Sabib* (authentic)].

1016. Narrated ('Amr bin Shu'aib on his father's authority from his grandfather)

﴿: Allāh’s Messenger ﷺ said, “The blood money for *Abl Adb-Dhimmah* is half^[2] of that for a Muslim.” [Reported by Ahmad and *Al-Arba'a*]. Abū Dā’ud’s wording has: “The blood money for a *Mu'aabid* (one with whom a covenant has been made) is half that for a freeman.” An-Nasā’i has: “The blood money for a woman [for wounds inflicted, less than death] is the same as that for a man, until it reaches a third of the blood money for her life.” [Ibn Khuzaima graded it *Sabib* (authentic)].

1017. Narrated ('Amr bin Shu'aib on his

وَهُوَ عِنْدَ أَبِي دَاوُدَ وَالسَّائِيْ وَعَيْرَهُمَا، إِلَّا أَنَّ مَنْ أَرْسَلَهُ أَقْوَى مِمَّنْ وَصَلَهُ.

(١٠١٥) وَعَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ

ﷺ قَالَ: «فِي الْمَوَاضِعِ خَمْسٌ حَمْسٌ مِّنَ الْإِبْلِ». رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ. وَزَادَ أَحْمَدُ: «وَالْأَصَابِعُ سَوَاءٌ كُلُّهُنَّ، عَشْرُ عَشْرُ مِنَ الْإِبْلِ».

وَصَحَّحَهُ أَبْنُ خُزِيمَةَ وَابْنُ الْجَارُودَ.

(١٠١٦) وَعَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ:

قالَ رَسُولُ الله ﷺ: «عَقْلُ أَهْلِ الدِّينِ نِصْفُ عَقْلِ الْمُسْلِمِينَ» رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ. وَلَظَّ أَبِي دَاوُدَ: «دِيَةُ الْمُعَاافِدِ نِصْفُ دِيَةِ الْحُرُّ». وَلِلْسَّائِيْ: «عَقْلُ الْمَرْأَةِ مِثْلُ عَقْلِ الرَّجُلِ، حَتَّى يَئُلُّ النُّكْثَ مِنْ دِيَتِهَا». وَصَحَّحَهُ أَبْنُ خُزِيمَةَ.

(١٠١٧) وَعَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ

^[1] As long as one is not a qualified physician, he must not recommend a dangerous and poisonous medicine to any of his patients. In case a patient, who is under such a physician's care, dies out of using a poisonous medicine or as a result of a dangerous surgical operation, this physician will be bound to pay the blood money for causing his death.

^[2] This *Hadīth* clarifies two things. Firstly, the blood money payable to *Abl Adb-Dhimmah* will be half of the amount that is normally paid to a Muslim. *Dhimmī* is a term used for a non-believer who resides as a citizen in an Islamic country. Secondly, the compensation of a women for injuries (less than loss of life), is equal to the compensation of a man for injuries, until it reaches one-third of a full *Diya* (blood money for loss of life). Whatever exceeds one-third will be half of the compensation given to a man (for similar injuries).

father's authority from his grandfather) ﷺ: Allāh's Messenger ﷺ said, "Blood money for quasi-deliberate murder is to be made as severe as that for deliberate murder, but the offender is not to be killed,^[1] [so that there is no chance for] the devil to rise up and thereby cause shedding of blood between the people – [even though the initial killing involved] no ill-will nor the use of (deadly) weapons." [Al-Dāraqutni reported it, and graded it *Da'if* (weak)].

رَسُولُ اللَّهِ ﷺ: «عَقْلُ شَبِيهِ الْعَمَدِ مُعَلَّطٌ، مِثْلُ عَقْلِ الْعَمَدِ، وَلَا يُقْتَلُ صَاحِبُهُ، وَذَلِكَ أَنْ يَتَرُو الشَّيْطَانُ فَتَكُونُ دِمَاءُ بَيْنَ النَّاسِ فِي عَيْرِ ضَحْيَةٍ، وَلَا حَمْلٌ سَلَاحٌ». أَخْرَجَهُ الدَّارَقُوتْنِي وَضَعَفَهُ.

1018. Narrated Ibn 'Abbās ﷺ: A man killed another in the time of Allāh's Messenger ﷺ, so the Prophet ﷺ fixed his blood money at twelve thousand (*Dirbams*). [Reported by *Al-Arba'a*. An-Nasā'i and Abū Hātim held that the stronger view is that it is *Mursal* (missing link after the *Tābi'i*)].

(١٠١٨) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: قُتِلَ رَجُلٌ رَجُلاً عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَجَعَلَ النَّبِيُّ ﷺ دِيْنَهُ أَنَّهُ عَشَرَ أَلْفًا. رَوَاهُ الْأَرْبَعَةُ، وَرَجَحَ النَّسَائِيُّ وَأَبُو حَاتِمٍ إِذْسَالَهُ.

1019. Narrated Abū Rimtha^[2]: I came to the Prophet ﷺ with my son and he asked, "Who is this?" I replied, "He is my son and I bear witness to the fact." He said, "For sure, you will neither be held responsible for his offence nor he^[3] for yours." [Reported by An-Nasā'i and Abū Dā'ud. Ibn Khuzaima and Ibn Al-Jārūd graded it *Sabib* (authentic)].

(١٠١٩) وَعَنْ أَبِي رِمْثَةَ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ، وَمَعَنِي أَبِي، فَقَالَ: «مَنْ هَذَا؟» فَقُلْتُ: أَبِي، وَأَشْهَدُ بِهِ، فَقَالَ: «أَمَا إِنَّهُ لَا يَجْنِي عَلَيْكَ. وَلَا تَجْنِي عَلَيْهِ». رَوَاهُ النَّسَائِيُّ وَأَبُو ذَوْدَ، وَصَحَّحَهُ أَبْنُ خُزَيْمَةَ وَأَبْنُ الْجَازُودِ.

^[1] The amount of blood money in the case of a quasi-deliberate murder depends upon the opinion of the ruling judge. In case the murder incidents abound in the region or the murderer happens to be an extremely mischievous and emotional character, the judge may equate the amount of blood money with that of the one realized in the case of a deliberate murder. If the prevalent conditions appear to be otherwise, he is empowered to decrease the amount of blood money to be at par with the one realized in the case of a murder by error.

^[2] It is said that his name was Habib bin Haiyān or Rifa'a bin Yathribi or 'Amāra bin Yathribi, – Balawi or Taimi of Banu Taim Ar-Rabah. It is also said he was a Tamimi and a descendant of Imra'ul-Qais bin Zaid Manāt bin Tamim. He was a *Sahābi* counted among the people of Kufa.

^[3] The purpose of mentioning this *Hadīth* here is to explain that a son is not accountable for a crime committed by his father. Similarly, a father shall not be held answerable for a wrong deed committed by his son. They cannot be punished for the wrongs of each other.

Chapter 2

ACCUSATION WITH A MURDER AND TAKING AN OATH

٢ - بَابُ دَعْوَى الدَّمْ وَالْقَسَامَةِ

1020. Narrated Sahl bin Abū Ḥathma (رضي الله عنه) on the authority of some elderly men of his tribe: ‘Abdullāh bin Sahl^[1] and Muhaiyisa^[2] bin Mas’ūd went out to Khaibar owing to some difficulties which had afflicted them. Muhaiyisa came and told that ‘Abdullāh bin Sahl had been killed and thrown into a well. He came to the Jews and said, “It is you – I swear by Allāh – who have killed him.” They replied, “We swear by Allāh that we have not killed him.” He, his brother Huwaiyisa^[3] and ‘Abdur-Rahmān bin Sahl^[4] came and Muhaiyisa was about to speak when Allāh’s Messenger ﷺ said, “Kabbir, Kabbir,” (i.e. let the oldest speak first). So Huwaiyisa spoke, then Muhaiyisa spoke. Allāh’s Messenger ﷺ thereupon said, “They should either pay the blood money for your friend, or take notice of war. He wrote to them a letter regarding that, and they answered, “By Allāh, we have not killed him.” He then said to Huwaiyisa, Muhaiyisa and

(١٠٢٠) وَعَنْ سَهْلِ بْنِ أَبِي حَشْمَةَ، عَنْ رِجَالٍ مِّنْ كُبَرَاءَ قَوْمِهِ، أَنَّ عَبْدَ اللَّهِ بْنَ سَهْلَ وَمُحَيْصَةَ بْنَ مَسْعُودَ خَرَجَا إِلَى خَيْرٍ، مِنْ جَهَنَّمَ أَصَابُوهُمْ، فَأَتَى مُحَيْصَةُ، فَأَخْبَرَ أَنَّ عَبْدَ اللَّهِ بْنَ سَهْلٍ قَدْ قُتِلَ، وَطَرَحَ فِي عَنْ، فَأَتَى يَهُودَ، فَقَالُوا: أَتُنْهِمْ وَاللَّهُ قَاتِلُنَا، قَالُوا: وَاللَّهُ مَا قَاتَلَنَا، فَأَقْبَلَ هُوَ وَآخْرُهُ حُويَصَةُ، وَعَبْدُ الرَّحْمَنِ بْنُ سَهْلٍ، فَدَهَبَ مُحَيْصَةَ لِتَكَلَّمَ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: كُبَرٌ كُبَرٌ، يُرِيدُ السَّنَنَ فَتَكَلَّمَ حُويَصَةُ، ثُمَّ تَكَلَّمَ مُحَيْصَةُ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّمَا أَنْ يَدْعُوا صَاحِبَكُمْ، وَإِنَّمَا أَنْ يَأْذُنُوا بِخَرْبِ، فَكَتَبَ إِلَيْهِمْ فِي ذَلِكَ كِتَابًا، فَكَتَبُوا: إِنَّا وَاللَّهِ مَا قَاتَلْنَا، فَقَالَ لِحُويَصَةَ، وَمُحَيْصَةَ، وَعَبْدِ الرَّحْمَنِ بْنِ سَهْلٍ: أَتَخْلِفُونَ، وَتَسْجُحُونَ دَمَ صَاحِبِكُمْ؟ قَالُوا: لَا، قَالَ: فَيَحْكُمُ لَكُمْ يَهُودُ، قَالُوا: لَيْسُوا مُسْلِمِينَ، فَوَدَاهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ عَنِيهِ.

[1] ‘Abdullāh bin Sahl bin Zaid bin Ka'b bin ‘Aamir Al-Ansāri Al-Hārithi was killed at Khaibar and his body was found in a spring with his neck broken.

[2] Abū Sa'īd Muhaiyisa bin Mas'ūd bin Ka'b Al-Hārithi Al-Ansāri Al-Madani, the paternal cousin of the murdered ‘Abdullāh was a well-known *Sababi*, who had become a Muslim before the *Hijra* and took part in the battle of Uhud, Al-Khandaq (the Trench) and the rest of the other important battles. Allāh’s Messenger ﷺ also sent him to the people of Fadak to call them to Islam.

[3] He was the elder brother of Muhaiyisa who became a Muslim through Muhaiyisa’s efforts. It is said that he took part in Al-Khandaq (the Trench), Uhud and the rest of the other important battles with the Prophet ﷺ.

[4] He is the brother of the aforementioned ‘Abdullāh bin Sahl and his mother was Laila, daughter of Nāfi' bin ‘Aamir. It is said that he fought at Badr, Uhud and at all the other important battles. He is also the one who was bitten by a snake and ‘Amāra bin Hazm treated him with *Ar-Rugya* (i.e. Qur'anic reading and prayers) by order of the Prophet ﷺ. However, Ibn Hajar found that unlikely to be the case and hesitated to accept it as factual in his book *Al-Isāba*.

'Abdur-Rahmān bin Sahl, "Would you take an oath and make your claim regarding the blood money of your companion?" They replied, "No." He said, "Will the Jews then swear to you (that they are innocent)?" They replied, "They are not Muslims." So Allāh's Messenger ﷺ himself paid his blood money^[1] and sent them one hundred she-camels. Sahl said, "A red she-camel among them kicked me." [Agreed upon].

1021. Narrated a man from *Al-Ansār*: "Allāh's Messenger ﷺ affirmed the practice of *Qasāma* (taking an oath in a murder case) as it was in the *Jabiyya* times.^[2] Allāh's Messenger ﷺ gave a ruling according to it for some people of *Al-Ansār* regarding a slain person whom they claimed was killed by the Jews." [Reported by Muslim].

Chapter 3 KILLING OF THE PEOPLE OF TRANSGRESSION

1022. Narrated Ibn 'Umar رضي الله عنهما: Allāh's Messenger ﷺ said, "He who takes up arms against us is not one of us."^[3]

^[1] *Qasāmah* (القسامة) implies a condition where the actual murderer not being identified, the suspected persons or the people of a tribe are made to make a sworn statement. Should such an incident occur, fifty people are supposed to give sworn statement to the effect that they, their tribesmen, or the people of their village have not committed the murder. This kind of oath is administered during murder trials only. No such oath is administered in the trials of other *Hudūd*. *Qasāma* may be undertaken by either of the two parties (i.e. the claimant or the defendant). In case the claimants (successors of the victims) present an evidence, or resort to this kind of swearing (in the absence of a proof) claiming that these are indeed the murderers of the victims, it becomes imperative on the defendant to pay blood money to the claimant. If the claimants are unable to do so, the defendants may similarly choose to undertake a similar oath substantiated by fifty persons. Such an oath-taking will absolve the defendants of the murder charges. The said oath-taking shall only be undertaken by those persons who are singled out and selected by none other than the petitioner himself. This is the one and only ruling of its kind that legitimizes the oath-taking on the part of a petitioner too.

^[2] In this matter, the Islamic law also accepts an oath undertaken by a disbeliever. *Qasāma* does not take effect merely on an allegation made by a petitioner unless the same is supported by some strong and substantial evidence concerning the murder.

^[3] To fight against a law abiding Muslim is an act incurring enormous sin. Similarly,

فَعَتْ إِلَّا هُمْ مَاةَ نَاقَةَ، قَالَ سَهْلٌ: فَلَقَدْ رَكَضْتِي مِنْهَا نَاقَةً حَمْرَاءً. مُعْقَنْ عَلَيْهِ.

(١٠٢١) وَعَنْ رَجُلٍ مِنَ الْأَنْصَارِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ أَفْرَقَ الْقَسَامَةَ عَلَى مَا كَانَتْ عَلَيْهِ فِي الْجَاهِلِيَّةِ، وَقَضَى بِهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ بَيْنَ نَاسٍ مِنَ الْأَنْصَارِ، فِي قَبْيلَةِ أَدَعَوْهُ عَلَى الْيَهُودِ. رَوَاهُ مُسْلِمٌ.

٣ - بَابُ قِتَالِ أَهْلِ الْبَغْيِ

(١٠٢٢) عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَنْ حَمَلَ

[Agreed upon].

عَنِّيَا السَّلَاحُ فَلَيْسَ مِنَّا». مُتَقَدِّمٌ عَلَيْهِ.

1023. Narrated Abū Huraira ﷺ: The Prophet ﷺ said, "He who disobeys (the legitimate Muslim ruler), separates from the community and then dies, his death is as that of those of the *Jabilitya* era [i.e. the ignorance before Islam]."^[1] [Muslim reported it].

(١٠٢٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ خَرَجَ عَنِ الظَّاهِرَةِ، وَفَارَقَ الْجَمَاعَةَ، وَمَاتَ، فَوَيْتَهُ مِنْ جَاهِلِيَّةِ أُخْرَجَهُ مُسْلِمًا».

1024. Narrated Umm Salama ؓ: Allāh's Messenger ﷺ said, "The party of transgressors will kill 'Ammār."^[2] [Reported by Muslim].

(١٠٢٤) وَعَنْ أُمِّ سَلَامَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «تَقْتُلُ عَمَارًا الْفِتَنَةَ الْبَاغِيَّةَ». رَوَاهُ مُسْلِمٌ.

1025. Narrated Ibn 'Umar ؓ: Allāh's Messenger ﷺ said, "Do you know, son of Umm 'Abd [i.e. Abdullah ibn Mas'ud], what is Allāh's ruling regarding those of this community who transgress (against the legitimate ruler)?" He replied, "Allāh and His Messenger know best." He said, "A wounded man among them should not be finished off (killed), nor should the captive (from them) be killed, nor should those who escape be pursued and no booties from them should be divided."^[3] [Reported by Al-Bazzār and

(١٠٢٥) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «كَلَّ تَدْرِي يَا ابْنَ أُمِّ عَبْدٍ! كَيْفَ حُكِّمَ اللَّهُ فِيمَنْ يَعْنِي مِنْ هَذِهِ الْأُمَّةِ؟» قَالَ: اللَّهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: «لَا يُجْهَزُ عَلَى حَرِيقَهَا، وَلَا يُقْتَلُ أَسِيرُهَا، وَلَا يُطْلَبُ هَارِبُهَا، وَلَا يُقْسَمُ فِيهَا». رَوَاهُ الزَّبَارِيُّ وَالحاكمُ، وَصَحَّحَهُ، فَوَهِمُ، لِأَنَّ فِي إِسْنَادِهِ كُوئِيرُ بْنُ حَكِيمٍ، وَهُوَ مَتْرُوكٌ.

threatening a Muslim with murder or frightening and intimidating him by brandishing a weapon is also a great sinful act. In case someone legitimizes the murder of a Muslim, or kills him by deeming it permissible, then there is no doubt about the apostasy of such a person. He is declared an unbeliever by a common consensus. It is permissible, however, to wage a war against the law-less Muslims who rise in rebellion against the lawful authority as mentioned in the Qur'ānic Verse: "...Fight against the one that rebels, until it complies with the Command of Allah..." 49:9, as well as other sound *Abādīth*.

^[1] Obedience to an *Amīr* (ruler) is obligatory as long as he does not issue a decree which requires the people to disobey the codes of Islamic law. Likewise, it is not permitted to break away from his pledge of allegiance, as long he does not commit manifest acts of apostasy. Insubordination to the *Amīr* who rules according to Islamic law is an act of rebellion. Anyone breaching the authority of an *Amīr* or falling out from the group, even though not reckoned a disbeliever, dies the death of those people who have gone astray. The similarity between them is that neither of them have an *Imām* or legitimate authority.

^[2] He was martyred during the battle of Siffin by those who fought against 'Ali.

^[3] There is no disagreement concerning the permissibility to wage a war against the people of transgression. However, there is a difference of opinion among the scholars as to the confiscation of their belongings, doing away with their wounded warriors and pursuing those who try to escape.

Al-Hakim. The latter graded it *Sabib* (authentic), but he made a mistake because Kauthar^[1] bin Hakim is in its chain of narrators, and he is *Matrūk* (totally rejected).

Something similar to the aforesaid *Hadīth* was authenticated from ‘Ali as *Mawqif* (a saying of a Companion, i.e. ‘Ali). [Ibn Abū Shaiba and Al-Hākim reported it].

1026. Narrated ‘Arfaja bin Shuraih^[2] (): “I heard Allāh’s Messenger ﷺ say, “If anyone comes to you when you are united, intending to divide your community, kill him.”” [Muslim reported it].

Chapter 4 FIGHTING AGAINST OFFENDERS AND KILLING APOSTATES

1027. Narrated ‘Abdullāh bin ‘Umar ﷺ: Allāh’s Messenger ﷺ said, “He who is killed protecting his property is a martyr.”^[3] [Reported by Abū Dā’ud, An-Nasā’i and At-Tirmidhi. The latter graded it *Sabib* (authentic)].

1028. Narrated Imrān bin Husain ﷺ: Ya’lā bin Umaiyah fought with a man and one of them bit the other. So, he pulled his hand from his mouth, pulling out one of his front teeth (in the process). Then, they brought a dispute before the Prophet ﷺ and he said, “Does one of

وَصَحَّ عَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ مِنْ طُرُقٍ
نَحْوُهُ مَوْفُوفًا. أَخْرَجَهُ ابْنُ أَبِي شَيْهَةَ وَالْحَاكَمُ.

(١٠٢٦) وَعَنْ عَرْفَاجَةَ بْنِ شُرَيْحٍ قَالَ:
سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ أَتَأْكُمْ،
وَأَمْرُكُمْ جَمِيعٌ، يُرِيدُ أَنْ يَفْرَقَ جَمَاعَتَكُمْ،
فَاقْتُلُوهُ». أَخْرَجَهُ مُسْلِمٌ.

٤ - بَابُ قِتَالِ الْجَانِيِّ وَقَتْلِ الْمُرْتَدِّ

(١٠٢٧) عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ قُتِلَ دُونَ
مَالِهِ فَهُوَ شَهِيدٌ». رَوَاهُ أَبُو دَاوُدَ وَالسَّائِئُ
وَالترْمِذِيُّ، وَصَحَّحَهُ.

(١٠٢٨) وَعَنْ عِمَرَانَ بْنِ حُصَيْنٍ رَضِيَ اللَّهُ
تَعَالَى عَنْهُمَا قَالَ: قَاتَلَ يَعْلَمَ بْنُ أُمَيَّةَ رَجُلًا،
عَضَّ أَحَدُهُمَا صَاحِبَهُ، فَأَنْزَعَ يَدَهُ مِنْ فِيهِ،
فَتَرَعَ تَرَعَتْهُ، فَأَخْتَصَمَا إِلَيَّ النَّبِيِّ ﷺ، فَقَالَ:
أَيْعَضُ أَحَدُكُمْ أَخَاهُ، كَمَا يَعْضُ الْفَحْلُ؟ لَا

^[1] He was a resident of Kufa and later settled at Halab. Ibn Ma‘in said about him, “He is nothing (regarding the narration of *Hadīth*).” Ahmad bin Hanbal said, “His *Abadīth* are false.”

^[2] ‘Arfaja bin Shuraih Ashja’i was a *Sahabi* who settled at Kufa.

^[3] Another *Hadīth* relates that whosoever gets killed while safeguarding his wealth, life, progeny and religion, is a martyr, and hence secures Paradise. If a criminal attacks someone’s life, wealth, spouse and children, regardless of whether the wealth happens to be scanty or abundant, and the defending person murders the attacker in the process, such a killing incurs absolutely no sin on him. This ruling is collectively agreed.

you bite as a male camel bites? "There is no blood money^[1] for him." [Agreed upon, and the wording is Muslim's].

1029. Narrated Abū Huraira رضي الله تعالى عنه: Abul Qāsim رضي الله تعالى عنه said, "If any person were to look at you [in your place of privacy] without permission, and you were to throw a pebble at him and put out his eye, you would be guilty of no offence..."^[2] [Agreed upon]. The wording of Ahmad and An-Nasā'i, which Ibn Hibbān declared to be *Sabib* (authentic), has: "He is neither entitled to blood money nor retaliation."

1030. Narrated Al-Barā' bin 'Azib رضي الله تعالى عنهمما: Allāh's Messenger ﷺ ruled that: "The owners of gardens are responsible for guarding them by day; and the owners of animals are responsible for guarding them during the night, and that any damage done by animals during the night is the responsibility of their owners."^[3] [Reported by Ahmad and *Al-Bar'a'a* except At-Tirmidhi. Ibn Hibbān graded it *Sabib* (authentic). However, there is disagreement regarding its chain of narrators].

1031. Narrated Mu'ādh bin Jabal رضي الله تعالى عنه regarding a man who had accepted Islam then became a Jew: "I will not sit down till he is killed,"^[4] that is the

دية له". متفق عليه، واللقط للمسلم.

(١٠٢٩) وعن أبي هريرة رضي الله تعالى عنه قال: قال أبو القاسم ﷺ: «لو أنَّ امرأةً أطلَعَتْ عليكَ بغيرِ إذنٍ، فخذْقُهُ بحَصَّةٍ فَفَقَاتَ عَيْنَهُ، لَمْ يَكُنْ عَلَيْكَ جُنَاحٌ». متفق عليه. وفي لقط لأحمد والنسائي، وصححه ابن حبان: «فلا دية له ولا يقصاص».

(١٠٣٠) وعن البراء بن عازب رضي الله تعالى عنهمما، قال: قضى رسول الله ﷺ أن حفظ الحوافط بالنهار على أهلها، وأن حفظ الماشية بالليل على أهلها، وأن على أهل الماشية ما أصابت ماشيتهم بالليل. رواه أحمد والأربعة، إلا الترمذى، وصححه ابن حبان، وفي إسناده أخلاق.

(١٠٣١) وعن معاذ بن جبل رضي الله تعالى عنه - في رجل أسلم، ثم تهود - : لا أجلس حتى يقتل، قضاء الله ورسوله، فأمر به

[١] Any action necessitating the payment of compensation, if undertaken to protect oneself from pain or unjust harm, is subject to be excused.

[٢] This is regarding a house (or place) that is forbidden to enter without permission.

[٣] This *Hadīth* implies that if a herd of cattle causes harm to someone's garden or agricultural produce during the daytime, the cattle-owner will not be subjected to any penalty. This is because it is customary for cattle to graze during the daytime. Therefore, the garden owner is supposed to take the necessary care of his garden himself. Similarly, it is also a matter of daily routine to secure one's cattle at night. Hence, it is an obligation on the cattle-owner to secure his cattle at night, and if the cattle causes harm during the night, he is responsible for that.

[٤] This *Hadīth* and the one which follows narrated by Ibn 'Abbas رضي الله عنهما provide a clear evidence that the penalty of apostasy is death. If someone is forced into being a disbeliever, or forced into uttering words characterizing apostasy, he is exempted and is not

Judgement of Allāh and His Messenger ﷺ. Hence, an order was given and he was killed.” [Agreed upon]. A narration by Abū Dā’ud has: “He was asked to repent (i.e. return to Islam) before that.”

1032. Narrated Ibn ‘Abbās ﷺ: Allāh’s Messenger ﷺ said, “Kill whoever changes his religion.” [Reported by Al-Bukhāri].

1033. Narrated (Ibn ‘Abbās) ﷺ: “A blind man had a slave-woman who gave birth to his child and she was reviling the Prophet ﷺ and speaking evil of him. He forbade her but she did not desist. One night he took a pickax, put it on her belly and leaned on it killing her. The Prophet ﷺ was informed about that and said, “Be witness that the spilling of her blood is lawful (with impunity).”^[1] [Reported by Abū Dā’ud and its narrators are reliable].

فُقِتِلَ مُتَّقِعًا عَنْهُ، وَنَبَيٌ رِوَايَةً لِأَبِي دَاؤِدَ: «وَكَانَ قَدِ اشْتَبَبَ قَبْلَ ذَلِكَ».

(١٠٣٢) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ بَدَّ دِينَهُ فَاقْتُلُوهُ». رَوَاهُ الْبُخَارِيُّ.

(١٠٣٣) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ أَعْمَى كَانَتْ لَهُ أُمٌّ وَلِدٌ، تَشْتَبِطُ النَّبِيَّ ﷺ، وَتَقُولُ فِيهِ، فَيَنْهَا هَا، فَلَا تَسْتَهِي، فَلَمَّا كَانَ ذَاتُ لَيْلَةٍ أَخَذَ الْمِعْوَلَ، فَجَعَلَهُ فِي بَطْنِهَا، وَاتَّكَأَ عَلَيْهَا، فَقَتَلَهَا، فَبَلَغَ ذَلِكَ النَّبِيُّ ﷺ، فَقَالَ: «أَلَا اشْهُدُوا أَنَّ دَمَهَا هَدْرٌ». رَوَاهُ أَبُو دَاؤِدَ، وَرَوَاهُهُ ثَقَاتٌ.

considered to be guilty by Allāh. Some scholars regard the female apostate as an exception, arguing that the ruling of death penalty does not apply to her. This is an erroneous view as she too is punishable with death, according to the majority of the Muslim scholars.

^[1] This *Hadīth* amply clarifies that anyone uttering words of abuse about the Prophet ﷺ is punishable with death.

10. THE BOOK OF HUDUD^[1] (PRESCRIBED PUNISHMENTS)

Chapter 1 THE PRESCRIBED PUNISH- MENT FOR COMMITTING FORNICATION

1034. Narrated Abū Huraira and Zaid bin Khālid Al-Juhani : A man of the desert Arabs came to Allāh's Messenger ﷺ and said, "O Allāh's Messenger, I beg you by Allāh that you judge for me in accordance with the Book of Allāh. The other one – who was more learned than him – said, "Yes, judge between us in accordance with Allāh's Book and allow me (to speak)." He said, "Speak." He said, "My son who was a hired servant for this man committed fornication with his wife. When I was told that my son must be stoned to death I ransomed him with a hundred sheep and a slave-girl. However, when I asked the learned people they told me that my son should receive a hundred lashes and be banished for a year, and that stoning to death applied to this man's wife." Allāh's Messenger ﷺ replied, "By Him in Whose Hand my soul is, I shall certainly judge between you in accordance with Allāh's Book. The slave-girl and the sheep are to be returned to you, and your son shall receive a hundred lashes and be banished for a year. Unaish, go to this man's wife, and if she confesses, stone^[2] her to death." [Agreed upon,

١٠ - كتاب الحدود

١ - باب حد الزاني

(١٠٣٤) عن أبي هريرة وزيد بن خالد الجعفري رضي الله تعالى عنهمَا، أنَّ رجلاً من الأعراب أتى رسول الله ﷺ، فقال: يا رسول الله! أئذنُك بالله إلا قضيت لي بكتاب الله! فقال الآخر - وهو أفقه منه - : نعم، فقضى بيتنا بكتاب الله، وأئذن لي، فقال: قُلْ، قال: إن ابني كان عسيفاً على هذا، فرأيَ يأمرأته، وإنَّه أحيثَ أنَّ على ابني الرجم، فافتَّيَت منه بيمَة شاةٍ ووليدة، فسألَتْ أهل العلم، فأخبرَونِي أنَّ على ابني جلد مائة وتعزير عام، وأنَّ على امرأة هذا الرجم. فقال رسول الله ﷺ: «والذي نفس بيده لا يقضى بيكمَا بكتاب الله، الوليدة والغنم رد عيلك، وعلى ابنيك جلد مائة وتعزير عام، واغدُ يا أئش! إلى امرأة هذا، فإن امتهنَتْ فارجِحُها». متَّقِّ علَيْهِ، وهذا اللقط لِمُسلِّمٍ .

^[1] Hudūd is a plural form of Hadd, which means 'to deter'. The legal punishments for fornication and similar acts are called Hudūd because these prescribed punishments deter the people from such acts. Sometimes the word Hadd is also used to denote a particular sinful act.

^[2] This Hadīth demonstrates with evidence that the penalty of fornication for Al-Bikr – man

and the wording is Muslim's].

1035. Narrated 'Ubāda bin As-Sāmit ﷺ: Allāh's Messenger ﷺ said, "Take from me, take from me, Allāh has indeed made a way for them (women)^[1]. *Al-Bikr* (one who has not had sexual relations in a legitimate marriage) (if he commits fornication) shall receive one hundred lashes and be banished for a year. *Ath-Thaiyib* (one who has had sexual relations in a lawful marriage) (if he commits fornication) shall receive one hundred lashes^[2] and be stoned to death." [Reported by Muslim].

1036. Narrated Abū Huraira ﷺ: A man of the Muslims came to Allāh's Messenger ﷺ when he was in the mosque and called him saying, "O Allāh's Messenger, I have committed fornication." He turned away from him, so the man came round facing him and said, "O Allāh's Messenger, I have committed fornication." He turned away from him till he repeated that four times. When he had testified four times against his own self, Allāh's Messenger ﷺ called him and said, "Are you insane?" He replied, "No." He asked, "Have you married?" He replied, "Yes." The Prophet ﷺ thereupon said, "Take him away and stone him to death."^[3] [Agreed upon].

or woman – is their flogging with a hundred lashes each and their expatriation from the Islamic state for the period of one year. The punishment of a hundred lashes is according to the Qur'anic injunctions, while the banishment is an addition that is accepted by all the narrators of *Abādīth*. The punishment for adultery – committed by *Ath-Thaiyib* – is *Rajm* (being stoned to death) according to a general consensus of all the scholars. This also proves that a single confession made by an adulterer or adulteress is sufficient to establish a penal ruling on them and thus subject them to punishment.

^[1] This refers to the saying of Allah in *Sūrat Al-Mā'idah*, 5:15.

^[2] This *Hadīth* proves that a married adulterer or adulteress should at first be flogged and then stoned to death. However, the majority of the scholars are of the view that there is no need of flogging in this case and only *Rajm* is sufficient. They maintain that the penalty of flogging for an adulterer is no longer valid as the Prophet ﷺ did not flog Mā'iz and others, but only stoned them to death.

^[3] The one who made this confession was Mā'iz Aslami. This *Hadīth* explains that a judge

(١٠٣٥) وَعَنْ عَبَادَةَ بْنِ الصَّابِطِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «خُذُوا عَنِّي، خُذُوا عَنِّي، فَقَدْ جَعَلَ اللَّهُ لَهُنَّ سَبِيلًا، إِلَكُرُ بِالْبَكْرِ جَلْدٌ مَائِيَةٌ وَتَقْيَيْ سَنَةٌ، وَالثَّيْبُ بِالثَّيْبِ جَلْدٌ يَاتِيَةٌ وَالرَّاجِمُ». رَوَاهُ مُسْلِمٌ.

(١٠٣٦) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: أَتَى رَجُلٌ مِنَ الْمُسْلِمِينَ رَسُولَ اللَّهِ ﷺ، وَهُوَ فِي الْمَسْجِدِ، فَتَأَذَاهُ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي زَيَّتُ، فَأَغْرَضَ عَنِّي، فَتَسْعَى تِلْفَاءً وَجْهِهِ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي زَيَّتُ، فَأَغْرَضَ عَنِّي، حَتَّى تَنِي ذَلِكَ عَلَيْهِ أَرْبَعَ مَرَاتِبَ، فَلَمَّا شَهَدَ عَلَى نَفْسِهِ أَرْبَعَ شَهَادَاتٍ دَعَاهُ رَسُولُ اللَّهِ ﷺ، فَقَالَ: «أَبِيكَ جُنُونٌ؟» قَالَ: لَا، قَالَ: «فَهُلْ أَخْصَنْتَ؟» قَالَ: نَعَمْ، فَقَالَ النَّبِيُّ ﷺ: «إِذْهُبُوا بِهِ، فَارْجُمُوهُ». مُتَقَوِّلٌ عَلَيْهِ.

1037. Narrated Ibn ‘Abbās : “When Mā’iz bin Mālik came to the Prophet [1] he (the Prophet) said to him, “Perhaps you (only) kissed or touched or looked at (her),” he replied, “No, O Allāh’s Messenger.” [Reported by Al-Bukhāri].

(١٠٣٧) وَعَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: لَمَّا آتَى مَا عَزَّ بْنُ مَالِكٍ إِلَيَّ الْبَيْهِقِيُّ قَالَ لَهُ: «لَعْلَكَ قَبَّلْتَ، أَوْ عَمَّرْتَ، أَوْ نَظَرْتَ»، قَالَ: لَا، يَا رَسُولَ اللَّهِ! رَوَاهُ الْبُخَارِيُّ.

1038. Narrated ‘Umar bin Al-Khattāb : He addressed the people and said, “Indeed, Allāh sent Muhammad with the Truth and revealed to him the Book, and the Verse of stoning was included in what Allāh revealed. We recited, memorized and understood it. Allāh’s Messenger had people stoned to death and we have done it also since his death. I am afraid that when a long time passes people may say, “We do not find stoning in Allāh’s Book, and thus they may go astray by abandoning an obligation sent down by Allāh. Stoning is an obligation laid down in the Book^[2] of Allāh, the Most High, for men and women who have married, if they commit fornication – when proof is established, or there is pregnancy, or a confession.” [Agreed upon].

(١٠٣٨) وَعَنْ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّهُ حَطَّبَ، فَقَالَ: إِنَّ اللَّهَ بَعَثَ مُحَمَّدًا بِالْحَقِّ، وَأَنْزَلَ عَلَيْهِ الْكِتَابَ، فَكَانَ فِيمَا أَنْزَلَ اللَّهُ عَلَيْهِ آيَةً الرَّجْمَ، قَرَأْنَاهَا، وَوَعَيْنَاهَا، وَعَقَلْنَاهَا، فَرَجَمَ رَسُولُ اللَّهِ رَبِّنَا، وَرَجَمْنَا بَعْدَهُ، فَأَخْشَى إِنْ طَالَ بِالنَّاسِ زَمَانٌ أَنْ يَقُولُوا فَقَالُوا: مَا تَبِعُ الرَّجْمَ فِي كِتَابِ اللَّهِ، فَيَضَلُّو بَيْنَكُمْ فَرِيقَةً أَنْزَلَهَا اللَّهُ، وَإِنَّ الرَّجْمَ حَقٌّ فِي كِتَابِ اللَّهِ تَعَالَى عَلَى مَنْ زَانَ، إِذَا أَخْصَنَ، مِنَ الرِّجَالِ وَالنِّسَاءِ، إِذَا قَامَتِ الْبَيْهِقِيُّ، أَوْ كَانَ الْجُنُلُ، أَوْ الْأَغْرِيَافُ. مُتَفَقُّ عَلَيْهِ.

1039. Narrated Abū Huraira : I heard Allāh’s Messenger say, “When the

(١٠٣٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَيِّئَتْ رَسُولُ اللَّهِ رَبِّنَا يَقُولُ: «إِذَا زَنَتْ

must make a thorough investigation prior to passing a verdict in regard to the prescribed punishment lest someone should be deprived of his life due to some judgmental error.

[1] Mā’iz had confessed to have committed fornication (after having married).

[2] This *Hadīth* has been reported by all the *Muhadditīn* except An-Nasā’i, and narrated by various Companions of the Prophet . It has been reported by Ubai bin Ka'b that *Sūrah Al-Abzāb* (in its originally revealed form) used to be as voluminous as *Sūrah Al-Baqarāh*. It only exists now in its present form while the rest of it was abrogated. Ubai bin Ka'b reports, “We used to recite this verse to the effect that whenever a married man and woman commit an act of adultery, stone them to death!” Later, the recitation of this Verse was declared abrogated but its ruling still remained effective, which is also a kind of abrogation. A ruling concerning fornication requires one of three types of evidence, which are: a) Four witnesses, b) a confession thus made to this effect, c) pregnancy. This third condition applies to women only, but is not accepted by Imam Ash-Shafī’i and Imam Abu Hanifa. According to those who accept it as evidence, a woman – who is neither married, nor a slave – will be subjected to the punishment ruling in case her pregnancy becomes manifest.

slave-woman^[1] of any of you commits fornication and the matter is clear, he should give her the prescribed flogging, but he should not revile her severely. If she does it again he should give her the prescribed flogging, but he should not revile her severely. If she does it a third time and the matter is clear, he should sell her, even if only for a rope (made) of hair.” [Agreed upon, and the wording is Muslim’s].

1040. Narrated ‘Ali ﷺ: Allāh’s Messenger ﷺ said, “Carry out the prescribed punishments on your slaves.” [Reported by Abū Dā’ud. It occurs in Muslim’s book as *Mawqūf* (a saying of a Companion, i.e. ‘Ali)].

1041. Narrated Imrān bin Husain ﷺ: A woman of Juhaina [Al-Ghamidiyah] came to the Prophet ﷺ – when she was pregnant owing to fornication – and said, “O Allāh’s Prophet, I have committed something for which a prescribed punishment is due, so execute it on me.” Allāh’s Messenger ﷺ called her guardian and said, “Treat her well and when she delivers^[2] bring her to me,” and he did so. Then he gave

أَمْمَةً أَحَدُكُمْ، فَتَبَيَّنَ زِنَاهَا، فَلَيُجْلِدُهَا الْحَدَّ،
وَلَا يُتَرَبَّ عَلَيْهَا، ثُمَّ إِنْ رَبَثَ فَلَيُجْلِدُهَا الْحَدَّ،
وَلَا يُتَرَبَّ عَلَيْهَا، ثُمَّ إِنْ رَبَثَ الثَّالِثَةَ، فَتَبَيَّنَ
زِنَاهَا، فَلَيُجْلِدُهَا، وَلَا يَبْخُلُ مِنْ شَعْرٍ». مُؤَفَّعٌ
عَلَيْهِ، وَهَذَا لَفْظُ مُسْلِمٍ.

(١٠٤٠) وعن عليٍ رضي الله عنه قال: قال رسول الله ﷺ: «أَقِيمُوا الْحُدُودَ عَلَى مَا مَأْكَثَ أَيْمَانُكُمْ» رواه أبو داود، وهو في مسلم مؤوف.

(١٠٤١) وَعَنْ عِمْرَانَ بْنِ حُصَيْنٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ امْرَأَةً مِنْ جَهِنَّمَ أَتَتِ التَّبَيَّنَ، وَهِيَ حَبْلِي مِنَ الزَّنَاءِ، فَقَالَتْ: يَا رَبِّي اللَّهُ أَصِبْتُ حَدًا، فَأَقْمِنْهُ عَلَيَّ، فَدَعَا رَسُولُ اللَّهِ ﷺ وَلَيْهَا، فَقَالَ: «أَحْسِنْ إِلَيْهَا، فَإِذَا وَضَعَتْ فَأَنْتَ بِهَا»، فَفَعَلَ، فَأَمَرَ بِهَا فَشَكَّتْ عَلَيْهَا ثِيَابُهَا، ثُمَّ أَمَرَ بِهَا فَرِجَمَتْ، ثُمَّ صَلَّى عَلَيْهَا،

^[1] This authority of subjecting a male or female slave to the appropriate punishment has been vested in the hands of his/her master. The rest of the people shall be governed by the state in this matter. If the female-slave happens to be a married one, then there is a difference of opinion among the scholars as to whether the responsibility of subjecting her to a *Shari'a* ruling devolves on the state or the master himself. Moreover, a female slave may only be flogged and the ruling of the death penalty by stoning does not apply to her. In flogging too, her punishment is limited to fifty lashes only. An evidence to this effect is a Verse from the Qur'ān which says, “...Their punishment is half that of the punishment of the (free) women.” *Sūrah An-Nisā'*, 4:25

^[2] This *Hadīth* clarifies that a woman must not be subjected to an immediate punishment of adultery; but the possibility of her becoming pregnant should also be taken into consideration. In case she does become pregnant, she will not be subjected to the death penalty until she gives birth to her baby. After the birth of the child, the woman may be subjected to the punishment on the condition that the milk-feeding and raising of the child is arranged and taken care of by another woman. If no such woman can be arranged, her death penalty will be postponed until such a time that the child is weaned off her milk. Even if such a woman happens to be an unmarried one, no punishment will take effect until she gives birth to a child. It is stressed upon her kith and kin to treat her nicely, as usually in such a case the relatives of a woman keep uttering curses and other calumnious remarks about her.

order regarding her and her clothes were tied around her body. Then he gave command regarding her and she was stoned to death. He then prayed over her. 'Umar thereupon said, "Do you pray over her, O Allāh's Prophet, while she has committed fornication?"

He replied, "She has repented to such an extent that if it were divided among seventy people of Al-Madīnah, it would be enough for them all. Have you found any (repentance) better than she having sacrificed herself for the sake of Allāh, the Most High?" [Reported by Muslim].

1042. Narrated Jābir bin 'Abdullāh : The Prophet ﷺ stoned to death a man of Aslam, another man of the Jews and a woman."^[1] [Reported by Muslim]. The story of stoning to death of the two Jews occurs in the two *Sahib* books from Ibn 'Umar's *Hadith*.

1043. Narrated Sa'īd^[2] bin Sa'd bin 'Ubāda : A small weak man was living in our clan and he had illicit intercourse with a slave-woman of theirs. Sa'īd informed Allāh's Messenger ﷺ about that and he said, "Strike him according to his due *Hadd* (prescribed punishment)."^[3] They replied, 'Indeed, he is weaker than (to bear)

Observing any such remark, except the one concerning the Divine interdiction and punishment, is considered as inflicting an injury on her heart, which is an atrocity, and thus unfair and not permissible.

^[1] The Prophet ﷺ executed four people by stoning in his time. The first one is the above mentioned incident of a woman, the second one was a person belonging to Banu Aslam Tribe (i.e., Mā'iz bin Mālik) and two Jewish people (a man and a woman). This explains that the *Shari'a* penal rulings will also apply to the non-believers just as they apply to Muslims.

^[2] Sa'īd bin Sa'd bin 'Ubāda Al-Ansāri As-Sā'idi was a *Sahabi*. It is also said that he was a *Tābi'i* who was reliable and narrated few *Abādīth*. He governed Yemen for 'Ali bin Abū Tālib.

^[3] This *Hadīth* states that an unmarried fornicator, due to some natural cause or sickness, if becomes so weak and incapacitated that he is most likely to die after being stricken with the complete punishment of 100 lashes, some leniency may be observed in his penalty. The number of 100 lashes shall not be decreased, however, a smaller stick instead of a big stick for lashing may be used. Moreover, there may be a difference in the manner of striking as the

فَقَالَ عُمَرُ: أَتُصْلِي عَلَيْهَا يَا نَبِيَّ اللَّهِ! وَقَدْ رَأَيْتَ؟ فَقَالَ: «لَقَدْ ثَابَتْ شَوَّهَةً، لَوْلَا قُبِّضَتْ بَيْنَ سَبْعِينَ مِنْ أَهْلِ الْمَدِينَةِ لَوْسِعَتْهُمْ، وَهَلْ وَجَدْتَ أَفْضَلَ مِنْ أَنْ جَاءَتْ بِنَسْهَةً لِلَّهِ تَعَالَى؟». رَوَاهُ مُسْلِمٌ.

(١٠٤٢) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: رَجُمَ النَّبِيُّ ﷺ رَجُلًا مِنْ أَشْلَمَ، وَرَجُلًا مِنَ الْيَهُودِ، وَأُمْرَأَةً. رَوَاهُ مُسْلِمٌ وَقَصَّهُ رَجُمُ الْيَهُودَيْنَ فِي الصَّحِيفَتَيْنِ مِنْ حَدِيثِ ابْنِ عُمَرَ.

(١٠٤٣) وَعَنْ سَعِيدِ بْنِ سَعْدِ بْنِ عَبَادَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ فِي أَيَّاتِنَا رُونِيجُلْ ضَعِيفٌ، فَخَبَثَ يَامِةً مِنْ إِيمَانِهِمْ فَذَكَرَ ذَلِكَ سَعْدُ لِرَسُولِ اللَّهِ ﷺ، فَقَالَ: «اَضْرِبُوهُ حَدَّهُ»، فَقَالُوا: يَا رَسُولَ اللَّهِ! إِنَّهُ أَصْعَفُ مِنْ ذَلِكَ، فَقَالَ: حُذِّنُوا عِنْكَالًا فِيهِ مِائَةُ شِمَارِخٍ، ثُمَّ

that." He then said, "Get a date-palm stalk with a hundred twigs and strike him just once," and they did so. [Reported by Ahmad, An-Nasā'i and Ibn Mājah. Its chain of narrators is *Hasan* (good). However, there was disagreement regarding whether it is *Mawsul* (a connected chain) or *Mursal* (missing link after the *Tābi'i*)].

1044. Narrated Ibn 'Abbās: The Prophet ﷺ said, "If you find anyone doing the deed of Lot's people,^[1] kill the one who does it and the one to whom it is done;^[2] and if you find anyone having sexual intercourse with an animal, kill him and kill the animal." [Reported by Ahmad and *Al-Arba'a*. Its narrators are reliable. However, there is some difference regarding it (i.e. its legal rulings)].

1045. Narrated Ibn 'Umar: The Prophet ﷺ had punished (the people) with lashes and banished^[3] (them). Abu Bakr ؓ also punished (the people) with lashes and banished (them)." [Reported by At-Tirmidhi. Its narrators are reliable. However, it was disagreed whether it is *Mawqūf* (a saying of a Companion) or *Marfū'* (attributed to the Prophet)].

same could be done lightly instead of whacking the same down on him with a tremendous force.

^[1] i.e. Homosexuality.

^[2] There is a difference of opinion among scholars in regard to the punishment for the one who commits an act of sodomy with a man or woman, even though there is no other punishment prescribed in any of the sound *Abādith* except the death penalty. This means that the difference of opinion is in regard to the mode or manner of carrying out the capital punishment. Some are of the opinion that such a person should be stoned to death. Some observe that he should be thrown from a high place. Another group is of the view that he should be set afire. Another opinion is that the ruling of a fornicator shall be applicable on him: if married, he will be stoned to death; otherwise, he will be subjected to the penalty of 100 lashes with a possible extradition from the land. Allāh knows the best!

^[3] Some scholars are of the opinion that the punishment of banishment has been abrogated and is therefore not valid any more. This *Hadīth* refutes this viewpoint on the plea that as long as the offenders were being sent into exile during the reign of the righteous caliphs, where is the evidence proving that such a ruling has been abrogated?

اضربُوهُ بِهِ ضَرْبَةً وَاحِدَةً، فَقَعُلُوا. رَوَاهُ أَخْمَدُ
وَالنَّسَائِيُّ وَابْنُ مَاجَةَ، وَإِسْنَادُهُ حَسَنٌ، لِكِنْ
أَخْتِلَفَ فِي وَضْلِيلِهِ وَإِرْسَالِهِ.

(١٠٤٤) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ وَجَدْتُمُوهُ
يَعْمَلُ عَمَلَ قَوْمٍ لُوطٍ، فَاقْتُلُوا الْفَاعِلَ
وَالْمَفْعُولَ بِهِ، وَمَنْ وَجَدْتُمُوهُ وَقَعَ عَلَى بِيمِمَّةٍ
فَاقْتُلُوهُ وَفَاقْتُلُوا الْهَمِيمَةَ». رَوَاهُ أَخْمَدُ وَالْأَرْبَعَةُ،
وَرِجَالُهُ مُؤْمِنُونَ، إِلَّا أَنَّ فِيهِ أَخْتِلَافًا.

(١٠٤٥) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا. أَنَّ النَّبِيَّ ﷺ ضَرَبَ وَغَرَبَ، وَأَبُو بَكْرٍ
ضَرَبَ وَغَرَبَ. رَوَاهُ التَّرْمِذِيُّ، وَرِجَالُهُ ثَقَاتٌ،
إِلَّا أَنَّهُ أَخْتِلَفَ فِي وَقْتِهِ وَرَفْعِهِ.

1046. Narrated Ibn ‘Abbās : Allāh’s Messenger ﷺ cursed the effeminate men [i.e. in manners and dress etc.], and women who imitate men [in manners and dress]^[1] and said, “Turn them out of your houses.” [Reported by Al-Bukhāri].

1047. Narrated Abū Huraira : Allāh’s Messenger ﷺ said, “Avert the infliction of prescribed punishments as much as you can.” [Ibn Mājah reported it with a *Da’if* (weak) chain of narrators].

At-Tirmidhi and Al-Hākim reported the aforesaid *Hadīth* from ‘Aisha ﷺ with the wording: “Avert the infliction of prescribed punishments^[2] on Muslims as much as you can.” [It is *Da’if* (weak) too].

Al-Baihāqi reported the aforesaid *Hadīth* on the authority of ‘Ali (عليه السلام) from his saying (i.e. *Mauqūf*) with the wording: “Avert the infliction of prescribed punishments by rejecting doubtful evidences.”

1048. Narrated Ibn ‘Umar : Allāh’s Messenger ﷺ said, “Avoid these filthy things (in speech and actions) which Allāh, the Most High, has forbidden. If anyone commits any of them he should conceal himself with the veil of Allāh, Most High, and turn to Allāh in repentance. Indeed, if anyone uncovers his hidden faults (to which prescribed

(١٠٤٦) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: لَعْنَ رَسُولِ اللَّهِ الْمُحَمَّدِ الْمُحتَسِّنِ مِنَ الرِّجَالِ، وَالْمُتَرْجَلَاتِ مِنَ النِّسَاءِ، وَقَالَ: أَخْرِجُوهُمْ مِنْ بَيْوَكُمْ». رَوَاهُ الْبُخَارِيُّ.

(١٠٤٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ الْمُحَمَّدُ: «أَذْرِعُوا الْحُدُودَ مَا وَجَدْتُمْ لَهَا مَدْفَعًا». أَخْرَجَهُ أَبْنَى مَاجَةَ، وَسَنَدَهُ ضَعِيفٌ.

وَأَخْرَجَهُ التَّرمِذِيُّ وَالْحَاكِمُ، مِنْ حَدِيثِ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، بِلْفُظِّ: «أَذْرِعُوا الْحُدُودَ عَنِ الْمُسْلِمِينَ مَا اسْتَطَعْتُمْ». وَهُوَ ضَعِيفٌ أَيْضًا.

وَرَوَاهُ الْبَيْهِقِيُّ، عَنْ عَلَيِّ، مِنْ قَوْلِهِ، بِلْفُظِّ: «أَذْرِعُوا الْحُدُودَ بِالشَّبَهَاتِ».

(١٠٤٨) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ الْمُحَمَّدُ: «جَنَبُوا هَذِهِ الْقَادُورَاتِ الَّتِي نَهَى اللَّهُ تَعَالَى عَنْهَا، فَمَنْ أَمَّ بِهَا فَلَيُسْتَرِّ يَسْتَرُّ اللَّهُ تَعَالَى، وَلَيُبَثِّ إِلَى اللَّهِ تَعَالَى، فَإِنَّهُ مَنْ يُبَدِّلُ لَنَا صَفْحَتَهُ قُنْمَ عَلَيْهِ كِتَابَ اللَّهِ تَعَالَى». رَوَاهُ الْحَاكِمُ، وَهُوَ فِي الْمُوْطَأِ مِنْ مَرَاسِلِ زَيْدِ بْنِ أَشْلَمَ.

[١] This *Hadīth* proves that a man and woman practicing transvestism – assuming the manners of the opposite gender – are accursed and this is a tremendous sinful act. The eunuchs are of two kinds. Some, in their instincts and bodily physique, resemble women whereas the others resemble males. The eunuch must assume the dress and manners of the gender he naturally resembles and physically conforms to.

[٢] If there is a doubt concerning the veracity of an evidence leading to a punishment verdict, such a ruling and trial must be dismissed forthwith. This *Hadīth* does not imply that no ruling should be pronounced at all, but it only implies that no punishment verdict be pronounced unless the commission of a crime becomes proven without a shadow of doubt. The people are instructed to refrain from entering a case in a court of law unless they have a complete set of evidence in their support to prove someone guilty of a crime.

punishments apply) we shall inflict on him the punishment ordained by Allāh, the Most High.” [Reported by Al-Hākim, and it occurs in *Muwatta'* of Imām Mālik among Zaid bin Aslam’s^[1] *Abādīth* which are *Marasil* (having a missing link after the *Tābi'i*)].

Chapter 2 THE PRESCRIBED PUNISHMENT FOR FALSE ACCUSATION OF FORNICATION

1049. Narrated ‘Aisha ﷺ: “When my vindication came down^[2] Allāh’s Messenger ﷺ mounted the *Minbar* and mentioned that, then he recited the (respective Verses of) the Qur’ān. Then, when he came down, he ordered that two men and a woman^[3] should be given the prescribed punishment (i.e. lashes).”^[4] [Ahmad and *Al-Arba'a* reported it, and Al-Bukhāri referred to it].

1050. Narrated Anas bin Mālik ﷺ: *Li'an* (Invoking curses) in Islam was first applied when Hilāl bin Umayya^[5]

٢ - بَابُ حَدّ الْقَذْفِ

(١٠٤٩) عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَتْ: لَمَّا نَزَلَ عَذْرِي، قَامَ رَسُولُ اللَّهِ ﷺ عَلَى الْمِبَرِّ، فَذَكَرَ ذَلِكَ، وَتَلَأَ الْقُرْآنَ، فَلَمَّا نَزَلَ أَمْرُ بِرَجُلَيْنِ وَأَمْرَأَةٍ فَصَرُبُوا الْحَدَّ. أَخْرَجَهُ أَحْمَدُ وَالْأَرْبَعَةُ، وَأَشَارَ إِلَيْهِ الْبُخَارِيُّ.

(١٠٥٠) وَعَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: أَوَّلُ لَعْنَانٍ كَانَ فِي الإِسْلَامِ

^[1] He was a *Sabābi* from the tribe of Al-Balawi. He belonged to Banu Al-'Ajlān clan, the allies of Banu 'Amr bin 'Auf of Al-Ansar. He witnessed Badr and it is said that he also witnessed Siffin with 'Ali. However, Hishām Al-Kalabi said, he was killed by Tulaiha bin Khuwailid Al-Asadi on the day of Bazākha in the year 11 H. at the beginning of Abū Bakr's Caliphate.

^[2] *Sūrat An-Nūr*, 24:11.

^[3] The men were said to have been Mistah bin Athātha and Hassān bin Thābit and the woman Hamna, daughter of Jahsh.

^[4] If someone accuses a man or woman of fornication, and is unable to prove it by presenting four witnesses, his punishment shall be eighty lashes. Some hypocrites slandered 'Aisha ﷺ accusing her of adultery. They publicized and propagated this calumny with such a slyness that some of the sincere and pious believers fell prey to their machination, believed the accusation to be based on fact and did participate in gossip mongering about it. When 'Aisha ﷺ was exonerated from this accusation by the revelation of the Verses in Qur’ān, the Prophet ﷺ announced a corporal punishment for the believers, but said nothing to the hypocrites, for he left their punishment to Allāh. These three believers who were thus punished are Hassān bin Thābit, Mistah bin Athātha and Hamna bint Jahsh رضي الله عنهن.

^[5] He was an Ansāri, an Ausi and a Wāqifi and was among the prominent *Sabāba*. He became a Muslim early and used to break the idols of Banu Wāqif. He witnessed Badr, Uhud and held

accused his wife of having committed fornication with Sharik bin Sahmā^[1]. ” Hence, Allah’s Messenger ﷺ told him, “You must produce evidence or receive the prescribed punishment (i.e. lashes) on your back...”^[2] [Abū Ya’la reported it, and its narrators are reliable]. Something similar to the aforesaid *Hadīth* occurs in Al-Bukhārī’s book from the *Hadīth* of Ibn ‘Abbās ﷺ.

1051. Narrated ‘Abdullāh bin ‘Aamir bin Rabi'a: “I have witnessed the time of Abū Bakr, ‘Umar and ‘Uthmān (رضي الله عنهما) and those who came after them, but I did not see them beat the slave – who has made an accusation of fornication (against someone) – except with forty lashes.”^[3] [Reported by Mālik and Ath-Thauri, the latter has it in his book *Al-Jāmi'*.

1052. Narrated Abū Huraira رضي الله عنه: Allah’s Messenger ﷺ said, “If anyone accuses his slave of committing fornication, he will be given the prescribed punishment on the Day of Resurrection,^[4] unless it is (a true accusation) as he said.” [Agreed upon].

أَنْ شَرِيكَ بْنَ سَحْمَاءَ قَذَفَهُ هَلَالُ بْنُ أُمِّيَّةَ بِأَمْرِ أَنَّهُ، فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْبَشَّةُ، وَإِلَّا قَدْ حَدَّ فِي ظَهِيرَكَ»، الْحَدِيثُ أَخْرَجَهُ أَبُو يَعْلَمَ، وَرَجَاهُهُ ثَقَاتٌ، وَفِي الْبَحَارِيِّ تَحْوُهُ مِنْ حَدِيثِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا.

(١٠٥١) وَعَنْ عَبْدِ اللَّهِ بْنِ عَامِرٍ بْنِ رَبِيعَةَ قَالَ: لَقَدْ أَذْرَكْتُ أَبَا بَكْرٍ وَعُمَرَ وَعُثْمَانَ وَمَنْ بَعْدَهُمْ، فَلَمْ أَرَهُمْ يَصْرِبُونَ الْمَمْلُوكَ فِي الْقَدْفِ إِلَّا أَرْبِعَنِ. رَوَاهُ مَالِكُ وَالثَّوْرِيُّ فِي جَامِعِهِ.

(١٠٥٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ قَدَّ مَمْلُوكَ يَقْاتِمُ عَلَيْهِ الْحَدُّ يَوْمَ الْقِيَامَةِ، إِلَّا أَنْ يَكُونَ كَمَا قَالَ». مُتَقَرَّ عَلَيْهِ.

the flag of Banu Wāqif on the day of the conquest of Makkah. He was one of the three who failed to join the expedition to Tabūk and were boycotted for 50 days and then pardoned.

^[1] He was a Balawi and an ally of the *Ansār*. Hilāl bin Umāiyah accused him of committing fornication with his wife. It is said that he attended Uhud with his father. He was the maternal brother of Barā’ bin Mālik, his father’s name ‘Is ‘Abada bin Mu’tib and As-Sahmā’ was his mother’s name.

^[2] If a man accuses his wife of committing adultery, he is required either to produce witnesses or invoke a curse of Allāh on him if he be of those who tell a lie (against her), or else he will have to face the punishment of slandering. If he names a person to be her accomplice in this matter, he will have to produce witnesses invariably to this end. As far as his own wife is concerned, he could escape the punishment of slandering by invoking a curse of Allāh on himself (in case he is lying about her), but what about the man whom he has accused of being an accomplice in this sinful act? He has no choice but: a) either to produce witnesses in support of his claim or b) to be ready to face the punishment for slandering.

^[3] This proves that the punishment prescribed for a male or female slave is just half of what is prescribed for a free person, according to the majority of the scholars

^[4] This states that if someone slanders his male or female slave with a false accusation of committing adultery, he will not be subjected to any punishment, in this life.

Chapter 3 THE PRESCRIBED PUNISHMENT FOR THEFT

1053. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ said, "A thief's hand should not be cut off except for a quarter of a Dinār^[1] and upwards." [Agreed upon, and the wording is Muslim's]. Al-Bukhāri's wording is: "A thief's hand is to be cut off for a quarter of a Dinār and upwards."

In a narration by Ahmad: "Cut off a thief's hand for a quarter of a Dinār, but do not cut it off for what is less than that."

1054. Narrated Ibn 'Umar ﷺ: "The Prophet ﷺ cut off a thief's hand for (stealing) a shield worth three Dirhams." [Agreed upon].

1055. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "May Allāh curse a thief who steals an egg and has his hand cut off, and steals a rope and has his hand cut off."^[2] [Agreed upon].

1056. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ said, "Are you

٣ - بَابُ حَدَّ السَّرِقَةِ

(١٠٥٣) عَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَقْطَعُ يَدُ سَارِقٍ إِلَّا فِي رُبْعٍ دِيَارَ فَصَاعِدًا». مُتَقْرَأٌ عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ. وَلِفَظُ الْبُخَارِيِّ: «تَقْطَعُ يَدُ السَّارِقِ فِي رُبْعٍ دِيَارَ فَصَاعِدًا».

وَفِي رِوَايَةِ الْأَحْمَدَ: «أَقْطَعُوا فِي رُبْعٍ دِيَارٍ، وَلَا تَقْطَعُوا فِيمَا هُوَ أَدْنَى مِنْ ذَلِكَ».

(١٠٥٤) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَنَّ النَّبِيَّ ﷺ قَطَعَ فِي مِجَنَّ ثَمَنَةَ ثَلَاثَةَ دَرَاهِمَ مُتَقْرَأٌ عَلَيْهِ.

(١٠٥٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَعَنَ اللَّهُ السَّارِقُ يَسْرِقُ الْبَيْضَةَ فَتَقْطَعُ يَدُهُ، وَيَسْرِقُ الْحَبْلَ فَتَقْطَعُ يَدُهُ». مُتَقْرَأٌ عَلَيْهِ أَيْضًا.

(١٠٥٦) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَتَشْنَعُ فِي حَدَّ مِنْ حُدُودٍ

^[1] There is a difference of opinions among scholars regarding the value and worth of the goods stolen which makes a thief subjected to the punishment of his hand being cut. A study of *Abādīth*, and the quotations from the majority of *'Ulama*, prove that any act of theft which is less than one-fourth of a *Dinār* in its worth (which used to be equivalent to 3 *Dirhams* during the days of the Companions of the Prophet ﷺ) shall not subject a thief to the punishment of the severance of his hand. A quarter *Dinār* is less than one-and-a-half grams of gold in value.

^[2] In this *Hadīth*, one is instigated to develop an attitude of hatred towards the act of stealing. One is made to think how wretched and miserable the life of a thief is who has his hand cut for a mere pittance! After all, what is the worth of a quarter *Dinār*? Had it not been used to commit a theft, this very hand was worth the price of fifty camels. However, since it has been used to commit a criminal act, it is only worth a quarter *Dinār*. This *Hadīth* expresses the idea that as long as this hand was trustworthy, it was precious, but since it turned out to be a treacherous one, it has fallen into disgrace. The stealing of an egg or a rope does not call for someone's hand to be cut off by a common consensus of all the scholars. This might be an exaggeration, since stealing is one of the major sinful acts.

interceding^[1] regarding one of the punishments prescribed by Allāh?" He then got up and gave an address saying, "O people, what destroyed your predecessors was just that when a person of rank (*Sharif*) among them committed a theft, they left him alone, but when a weak one (*Da'if*) of them committed a theft, they inflicted the prescribed punishment on him."

[Agreed upon, and the wording is Muslim's]. Muslim reports through another chain, from 'Aisha ♀ that she said, "A woman used to borrow (people's) properties and deny having received them, so the Prophet ﷺ ordered her hand to be cut off."

1057. Narrated Jābir ﷺ: The Prophet ﷺ said, "Cutting off the hand is not to be inflicted on a *Khā'in* (one who steals by deception), *Mukhtalis* (one who takes by force, looting) and a *Muntabib* (embezzler)."^[2] [Reported by Ahmad and Al-*Arba'a*. At-Tirmidhi and Ibn Hibbān graded it *Sabib* (authentic)].

الله تعالى؟» ثم قام، فخطب، فقال: «أيها الناس! إنما أهلك الذين من قبلكم أنتم كاتوا إذا سرق فيهم الشريف تركوه، وإذا سرق فيهم الضعيف أقاموا عليه الحد». متفق عليه، واللقطة المسلم. والله من وجوه آخر عن عائشة رضي الله تعالى عنها قالت: كانت امرأة تسبغ المئاع، وتجدها فامر النبي ﷺ بقطع يدها.

(١٠٥٧) وعن جابر رضي الله تعالى عنه عن النبي ﷺ قال: «ليس على خائن ولا مختلس ولا متهب قطع». رواه أحمد والأربعة، وصححه الترمذى وابن حبان.

^[1] The incidence goes that a lady known as Fātimah bint Aswad Makhzumiya, who belonged to a prominent and respectable family, committed an act of theft. As the verdict regarding the severance of her hand was pronounced, people started interceding for her acquittal. Usama bin Zaid also interceded for her. The Prophet ﷺ made a statement comprising words mentioned in this *Hadīth*. The owner of the goods that are stolen has a right to grant a pardon to the thief and to cancel having his/her hand cut off, prior to bringing the matter in a court of law. However, once the case has been handed over to the court, there is no way that the offender can be excused. His/her hand must, then, necessarily be cut off, and making an intercession for his pardon at this juncture is forbidden.

^[2] Armed robbery, embezzlement and treachery do not involve the punishment of cutting the hand off. Treachery implies that a person who has been entrusted with the obligation of safeguarding the wealth belonging to another person, secretly and insincerely makes away with that person's wealth, while affecting false sincerity to his face. Robbery is depriving a person of his wealth in an open heavy-handed manner. Embezzlement is the act of taking away the unpreserved wealth of another person in his absence. The penalties for these acts of felony differ according to the opinion of the ruler just like other financial matters. The definition of stealing is thus also explained, i.e., it implies the act of taking away the safely preserved wealth of a person in his absence or making away with the safely preserved wealth while the owner is unaware of it. However, if a person borrows something from someone and later denies and flatly refuses having borrowed it at all, the prescribed punishment for such a person is the cutting off of his hand.

1058. Narrated Rāfi' bin Khadīj : I heard Allāh's Messenger ﷺ say, "The hand is not to be cut off for taking fruits or the pith (pulp) of the palm-tree."^[1] [Reported by Ahmad and Al-*Arba'a*. At-Tirmidhi and Ibn Hibbān graded it *Sabib* (authentic)].

1059. Narrated Abū Umayā Al-Makhzūmī^[2] : A thief who had made a confession was brought to Allāh's Messenger ﷺ, but no goods were found with him. Allāh's Messenger ﷺ told him, "I do not think you have stolen." He replied, "Yes, I did."^[3] He repeated it to him two or three times, so he gave command regarding him and his hand was cut off. He was then brought to him and Allāh's Messenger ﷺ said, "Ask Allāh's forgiveness and turn to Him in repentance." And he replied, "I ask Allāh's forgiveness and turn to Him in repentance." He then said three times, "O Allāh, forgive him." [Abū Dā'ud, Ahmad and An-Nasā'i reported it. The wording is Abū Dā'ud's, and its narrators are reliable (*tbiqab*)].

^[1] The stealing of fruits and flowers does not necessitate the severance of a thief's hand in case there is no wall around the garden. If the garden happens to be surrounded by a wall, its contents shall be regarded as preserved ones. However, a wayfarer, who has not been offered food by the residents of the town, has a right to eat the fruits off the walled garden too.

^[2] He is a *Sababi* from Al-Hijāz who has narrated one *Hadīth*. Hammād bin Salama said, "He is a Makhzumi," and Humān bin Yahya said, "He is an *Ansāri*."

^[3] This *Hadīth* explains that two factors have been taken into consideration regarding the punishment of a thief. Either the stolen goods should be recovered from him, or he himself confesses about it. It is not conditional that he confesses twice, just a single affirmation is sufficient to render him liable to punishment. There is a difference of opinion among the scholars as to whether or not a punishment be given on the basis of witnesses in case a theft occurs. In another words, if a suspect neither makes a confession nor anything is recovered out of his possession, whereas the people stand witness to the fact that he has indeed stolen the goods. The ruling concerning such a case is not unanimous on the part of all the scholars. Once the hand is severed from the wrist of a thief, it is necessary to keep it immersed in sizzling hot oil to stop bleeding. If this norm is not observed and someone dies out of an excessive bleeding, a death thus caused will make the state treasury liable to pay blood money to the successors of the dead person.

(١٠٥٨) وَعَنْ رَافِعٍ بْنِ خَدِيجٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ يَقُولُ «لَا قَطْعَ فِي نَمَرٍ، وَلَا فِي كَتَرٍ». رَوَاهُ الْمَذْكُورُونَ وَصَحَّحَهُ أَبْنَا التَّرْمِذِيِّ وَابْنُ حِبَّانَ.

(١٠٥٩) وَعَنْ أَبِي أُمَيَّةَ الْمَخْزُومِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَتَيَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ بِلِصْنِ قَدْ اعْتَرَفَ أَعْتَرَافًا، وَلَمْ يُوجَدْ مَعَهُ مَتَاعٌ، فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ: «مَا إِحْخَالُكَ سَرَقْتَ»، قَالَ: بَلِي، فَأَعَادَ عَلَيْهِ مَرَّتَيْنِ أَوْ ثَلَاثَةَ، فَأَمَرَ بِهِ فَقَطَعَ، وَجِيءَ بِهِ، فَقَالَ: «أَسْتَغْفِرُ اللَّهَ، وَثُبَّ إِلَيْهِ». فَقَالَ: أَسْتَغْفِرُ اللَّهَ، وَأَتُوْبُ إِلَيْهِ. فَقَالَ: «اللَّهُمَّ ثُبْ عَلَيْهِ ثَلَاثَةً». أَخْرَجَهُ أَبُو دَاوُدَ، وَاللَّفْظُ لَهُ، وَأَحَمَدُ وَالسَّنَائِيُّ. وَرِجَالُهُ يُقَاتَلُونَ.

Al-Hakim reported the aforesaid *Hadīth* from the narration of Abū Huraira ﷺ, with the same mean. He said in it, "Take him away and cut off (his hand), then cauterize him." [Al-Bazzār reported it too saying its chain of narrators is acceptable (i.e. not bad)].

1060. Narrated 'Abdur-Rahmān bin 'Auf ﷺ: Allāh's Messenger ﷺ said, "A thief is not to be fined if the prescribed punishment has been inflicted^[1] on him." [Reported by An-Nasā'i who graded it *Mungati'* (a broken chain of narrators). Abū Hātim said, "It is *Munkar* (rejected)."]

1061. Narrated 'Abdullāh bin 'Amr bin Al-'Aas ﷺ: Allāh's Messenger ﷺ was asked about dates that are hanging (on the tree). He said, "If a needy person eats some, without taking away a supply in his garment, he is not to be blamed. However, whoever takes away any of it, he is to be fined and punished. As for one who takes away any of it – after it is put in the place where it is dried – and what he has taken amounts to the price of a shield, he must have his hand cut off." [Abū Dā'ud and An-Nasā'i reported it. Al-Hākim graded it *Sabib* (authentic)].

1062. Narrated Safwān bin Umaiya ﷺ: On the occasion when the Prophet ﷺ ordered the cutting off of the hand of the thief who had stolen his cloak, and he^[2] interceded regarding him, the Prophet ﷺ said to him: "Why did you not do so before bringing him to me?" [Ahmad and *Al-Arba'a* reported it. Ibn Al-Jārūd and Al-Hākim graded it *Sabib*]

وآخرجة الحاكم، من حديث أبي هريرة رضي الله تعالى عنه، فنافأه بمعناه، وقال فيه: أذهبوا به فاقطعوه، ثم أخسموا. وأخرجة البزار أيضاً، وقال: لا بأس بإشاديه.

(١٠٦٠) وعن عبد الرحمن بن عوف رضي الله تعالى عنه، أن رسول الله ﷺ قال: «لا يغرن السارق إذا أقيمت عليه الحد». رواه الشتائي، وبين أنه مقطوع، وقال أبو حاتمه: هو منكراً.

(١٠٦١) وعن عبد الله بن عمرو بن العاص رضي الله تعالى عنهما، عن رسول الله ﷺ، أنه سئل عن التمر المعلق، فقال: «من أصاب فيه، من ذي حاجة، غير متىخذ ثمينة فلا شيء عليه، ومن خرج بشيء منه بعد أن الغرامة والعقوبة، ومن خرج بشيء منه بعد أن يعوده الجربين، فبلغ تمن المجن، فعلمه القطع». أخرجه أبو داود والشتائي وصححه الحاكم.

(١٠٦٢) وعن صفوان بن أمية رضي الله تعالى عنه أن النبي ﷺ قال له - لما أمر بقطع الذي سرق رداءه فشقق فيه - : «هلا كان ذلك قبل أن تأتني به؟» أخرجه أحمد والأربعة، وصححه ابن الجارود والحاكم.

^[1] If the stolen goods are recovered from the thief, the same shall be returned to its rightful owner and the hand of the thief shall be cut according to a common consensus of all scholars. In case the stolen goods are destroyed, then there is a difference of opinion among the scholars regarding whether or not he should also be fined.

^[2] i.e. Safwān.

(authentic)].

1063. Narrated Jābir : A thief was brought to the Prophet ﷺ and he said, "Kill him." The people said, "He has only stolen, O Allāh's Messenger." Then he said, "Cut off (his hand)," so this was done. He was brought a second time and he said, "Kill him," and he mentioned the same as he had said before. He was brought a third time and he mentioned the same as he had said before. He was brought a fourth time and the same as before was said. He was brought a fifth time and he said, "Kill him."^[1] [Abū Dā'ud and An-Nasā'i reported it; the latter graded it *Munkar* (rejected)]. An-Nasā'i reported something similar to the aforesaid *Hadīth* from Al-Hārith bin Hātib^[2]. Ash-Shāfi'i mentioned that the killing in the fifth time is abrogated.

Chapter 4 THE PRESCRIBED PUNISHMENT FOR DRINKING AND EXPLANATION OF INTOXICANT

1064. Narrated Anas bin Mālik : A man who had drunk wine^[3] was brought to the Prophet ﷺ (and he gave command regarding him) and the man was given about forty stripes (lashes)

(١٠٦٣) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: جِيءَ بِسَارِقٍ إِلَى النَّبِيِّ ﷺ، فَقَالَ: «أَقْتُلُوهُ»، فَقَالُوا: إِنَّمَا سَرَقَ يَا رَسُولَ اللَّهِ! قَالَ: «أَقْطُمُوهُ»، فَقُطِعَ، ثُمَّ جِيءَ بِهِ الثَّانِيَةَ، فَقَالَ: «أَقْتُلُوهُ»، فَذَكَرَ مِثْلَهُ، ثُمَّ جِيءَ بِهِ الثَّالِثَةَ، فَذَكَرَ مِثْلَهُ، ثُمَّ جِيءَ بِهِ الرَّابِعَةَ كَذَلِكَ، ثُمَّ جِيءَ بِهِ الْخَامِسَةَ فَقَالَ: «أَقْتُلُوهُ». أَخْرَجَهُ أَبُو دَاوُدُ وَالشَّاسَائِيُّ، وَاشْتَكَرَهُ، وَأَخْرَجَ مِنْ حَدِيثِ الْحَارِثِ بْنِ حَاطِبٍ تَحْوِهُ، وَذَكَرَ الشَّافِعِيُّ أَنَّ الْقَتْلَ فِي الْخَامِسَةِ مُنْسَخٌ.

٤ - بَابُ حَدِّ الشَّارِبِ وَبَيَانِ الْمُسْكِرِ

(١٠٦٤) عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيِّ ﷺ أَتَى بِرَجُلٍ قَدْ شَرَبَ الْخَمْرَ، فَجَلَدَهُ بِجَرِيدَتَيْنِ تَحْوَى أَرْبَعِينَ. قَالَ: وَفَعَلْنَا أَبُو بَكْرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، فَلَمَّا كَانَ عُمُرُ رَضِيَ

^[1] Most scholars hold that the proper order prescribed in cutting the hands and feet of a thief is that on the first commission of the crime, his right hand shall be cut off. Second time it will be his left foot, the third time his left hand and the fourth time his right foot.

^[2] He was a Jumahi, a Qurashi and was born in Abyssinia (Ethiopia). He governed Makka in 66 H. for 'Abdullah bin Az-Zubair. He served him for six years and was in charge of Al-Masā'i for Marwān while he was the governor of Al-Madinah for Mu'awiya.

^[3] In Arabic, the literal meaning of *Kbamr* is to hide, cover or conceal. When the wine induces intoxication, it overwhelms the mind of its user and hence it is known as *Kbamr*. In the terminology of *Shari'a* (the Islamic Law), anything which induces intoxication is *Harām* (forbidden), and anything which causes a person to loose his senses is a wine (intoxicant). There is a common consensus among the scholars to the effect that it is forbidden and that there is a punishment prescribed for the one who partakes of it. However, there is a

with two palm branches. Anas said: 'Abū Bakr also did that. However, when 'Umar became the caliph, he consulted the people and 'Abdur-Rahmān bin 'Auf (رضي الله عنه) said, "The mildest punishment (for drinking wine) is eighty (stripes)." So 'Umar fixed that. [Agreed upon. (The wording is Muslim's)].

Muslim has from 'Ali regarding the story of Al-Walid bin 'Uqba^[1]: "The Prophet ﷺ issued the punishment of forty stripes; Abū Bakr (رضي الله عنه) also issued punishment of forty stripes, but 'Umar (رضي الله عنه) issued punishment of eighty stripes, all of them are Sunnah, but this one (i.e. forty stripes) is dearer to me. The Hadith contains: A man gave witness that he had seen him^[2] vomiting wine. 'Uthmān (رضي الله عنه) said, "He would not have vomited it unless he had drunk it (first)."

1065. Narrated Mu'āwiya (رضي الله عنه) – The Prophet ﷺ – regarding a drunkard – said, "If he drinks wine, flog him, then if he drinks it for the second time, flog him, then if he drinks it for the third time flog him; then if he drinks it for

الله تعالى عنده، استشار الناس، فقال عبد الرحمن بن عوف: أخف العذاب ثمأون، فامر به عمر رضي الله تعالى عنه. متفق عليه.

ولمسلم عن علي رضي الله تعالى عنه في قصة الوليد بن عقبة: جلد النبي عليه أربعين، وأبو بكر أربعين، وعمر ثمانين، وكل سنت، وهذا أحب إلىه. وفي الحديث: أن رجلاً شهد عليه أنه زاد شرباً في آخره، فقال عثمان إنه لم يتقياها حتى شربها.

(١٠٦٥) وعن معاوية رضي الله تعالى عنه عن النبي عليه السلام، أنه قال في شراب الخمر: إذا شرب فاجلدوه، ثم إذا شرب [الثانية] فاجلدوه، ثم إذا شرب الثالثة فاجلدوه، ثم إذا

difference of opinion as to what is the prescribed punishment for the person using it. During the days of the Prophet ﷺ and Abu Bakr Siddiq رضي الله عنه, the penalty of a wine-drinker was about forty lashes. 'Umar رضي الله عنه increased the punishment to become eighty lashes during his reign and that later became the standard form of punishment (accepted by all). Therefore, some of the Imāms have prescribed a punishment of eighty lashes in their rulings. Since the punishment of eighty lashes did not exist during the days of the Prophet ﷺ, some of the scholars are of the view that the punishment in such a case is 40 lashes. Another point of dissension in regard to the punishment is whether it is important to punish the offender necessarily by using a whip, or whether the use of a cane or a shoe will serve the purpose. According to the majority view, it is permissible to use any of these objects, (i.e., a whip, a shoe or a cane) while carrying out such punishment on a person.

^[1] Al-Walid bin 'Uqba bin Abū Mu'āt Al-Qurashi was the maternal brother of 'Uthmān bin 'Affān. He became a Muslim on the day of Al-Fath. He was among Quraish's most humorous, tolerant, brave and poetic men. 'Uthmān appointed him to govern Kufa and then retired him for alleged alcohol drinking. He abstained from involving himself in the Fitna after the killing of 'Uthmān, settled at Ruqa and died there. He was buried at Bulaikh.

^[2] i.e. Al-Walid.

the fourth time, you should strike his neck (i.e. kill him).” [Reported by Ahmad and *Al-Arba'a*, and the wording is Ahmad’s. At-Tirmidhi mentioned what indicates that it is abrogated,^[1] while *Abū Dā'ud* reported that clearly, from *Az-Zuhri*.]

1066. Narrated *Abū Huraira*: Allāh’s Messenger ﷺ said, “When one of you beats someone (in the prescribed punishments or otherwise), he should avoid (striking on) the face.”^[2] [Agreed upon].

1067. Narrated *Ibn 'Abbās*: Allāh’s Messenger ﷺ said, “The prescribed punishments are not to be executed in the mosques.”^[3] [Reported by At-Tirmidhi and *Al-Hākim*].

1068. Narrated *Anas*: Allāh has sent down the verses regarding the prohibition of *Khamr* (intoxicants) when there was no other liquor being drunk in Al-Madinah except what was prepared from dates. [Muslim reported it].

1069. Narrated ‘Umar : “The prohibition of *Khamr* (intoxicants) was revealed and it was (made from) five things: grapes, dates, honey, wheat and barley.^[4] *Khamr* (intoxicants) includes

^[1] Imām Shāfi'i reported a general consensus [except the *Zāhibi Madh-hab* and Imam Ibn Hazm] to the effect that a wine-drinker, in no way, can be sentenced to death, no matter how often he drinks it. Similarly, each time a person is caught drinking wine, a fresh punishment ruling will be pronounced on him, regardless how often he has been penalized earlier under the same ruling, and there is a consensus of all the scholars to this end.

^[2] Whenever a person is being whipped, according to a prescribed punishment thus pronounced on him, the person implementing such a sentence must avoid striking the offender's face. Even if someone disciplinary punishes a child or a woman, he must not strike them on the face.

^[3] This is because the mosques are constructed for the specific purpose of worshipping Allāh. Hence, they should be kept clean and free from impurities at all times. The blood of the person (sentenced to punishment) should not be spilled there. Such places of worship are sanctified ones and that is where Allāh's mercy abounds, while prescribed punishments are Allāh's revenge.

^[4] The purpose of mentioning this *Hadīth* is to explain that it is not only the wine brewed

شرب الرابعة فاضربوا عنقها». أخرجه أئمدة وهذا لفظه، والأربعة، وذكر الترمذى ما يدل على أن الله منسوخ، وأخرج ذلك أبو داود صريحاً عن الزهرى.

(١٠٦٦) وعن أبي هريرة رضي الله تعالى عنه قال: قال رسول الله ﷺ: «إذا ضرب أحدكم فيلتف وجهه». متفق عليه.

(١٠٦٧) وعن ابن عباس رضي الله تعالى عنهما قال: قال رسول الله ﷺ: «لا تقام الحدود في المساجد». رواه الترمذى والحاكم.

(١٠٦٨) وعن أنس رضي الله تعالى عنه قال: لقد أنزَلَ الله تحرير الحمر، وما بالمدية شراب يُشرب إلا من ثمرين. أخرجه مسلم.

(١٠٦٩) وعن عمر رضي الله تعالى عنه قال: نزل تحرير الحمر وهي من خمسة: العنب، والسمير، والعسل، والجحظة،

whatever covers (i.e. affects) the mind.
[Agreed upon].

1070. Narrated Ibn 'Umar ﷺ: The Prophet ﷺ said, "Every intoxicant is *Khamr* and every intoxicant is forbidden." [Muslim reported it].

1071. Narrated Jābir ﷺ: Allāh's Messenger ﷺ said, "Whatever intoxicates in a large amount, (even) a small amount^[1] of it is prohibited." [Ahmad and *Al-Arba'a* reported it. Ibn Hibbān graded it *Sabib* (authentic)].

1072. Narrated Ibn 'Abbās ﷺ: Raisins were soaked in the water skin for Allāh's Messenger ﷺ and he would drink it on that day, the next day and the day following. When it was the evening of the third day, he would drink it and give it (to others) to drink. Then, if something of it was left over he would pour it out.^[2] [Muslim reported it].

1073. Narrated Umm Salama ﷺ: The Prophet ﷺ said, "Allāh did not make your cure^[3] in what He had made unlawful to you." Al-Baihaqi reported it, and Ibn Hibbān graded it *Sabib* (authentic)].

1074. Narrated Wā'il Al-Hadrami: Tāriq bin Suwaid^[4] asked the Prophet ﷺ about the *Khamr* which he prepares to

والشَّعِير، والخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.

وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
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وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.

وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.

وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.
وَالشَّعِير، وَالخَمْرُ مَا خَامَرَ الْعُقْلَ. مُتَقَوِّيٌ عَلَيْهِ.

from grapes which is forbidden. In fact, any kind of liquor, brewed from any object whatsoever, is forbidden. Moreover, anything that intoxicates is forbidden.

^[1] It means that anything inducing senselessness and intoxication – when used in a big quantity – is forbidden even if the same is used in a small quantity. This is irrespective of whether or not a small dose of such an intoxicant creates a feeling of tipsiness or not.

^[2] There is a possibility that such a beverage may generate an intoxicating quality. When such a beverage starts turning musty and becomes distasteful, one should destroy it. If more than three days old, such a drink is prohibited to be used. In case it degenerates into an intoxicant prior to a period of three days, the same should be destroyed immediately.

^[3] This informs us that it is prohibited to utilize the forbidden articles, even for a medicinal purpose. These articles include wine, marijuana, opium and hemp, etc.

^[4] He is a *Sahābi* who was also called Suwaid bin Tāriq. He was a Hadrami and also said to be a Ju'fi. He has this *Hadīth* which the people of Kufa narrated from him.

be used as a medicine. He replied, "Surely, it is not a medicine; on the contrary, it is a disease." [Reported by Muslim, Abū Dā'ud and others].

Chapter 5 FLOGGING AND THE ORDINANCE REGARDING AN ASSAILANT

1075. Narrated Abū Burda^[1] Al-Anṣārī: He heard Allah's Messenger ﷺ say, "No one should be given more than ten lashes,^[2] except in the case of one of the punishments prescribed by Allāh, the Most High." [Agreed upon].

1076. Narrated 'Aisha ﷺ: The Prophet ﷺ said, "Overlook the minor slips of the people of good qualities (i.e. those not known for being evil doers),^[3] but not offenses for which prescribed punishments have been fixed." [Reported by Ahmad, Abū Dā'ud, An-Nasā'i and Al-Baihaqī].

1077. Narrated 'Ali رضي الله عنه: "I would not feel any regret concerning a man who dies when I enforce a prescribed punishment on him, with the exception of one who has drunk *Khamr* (intoxicants). Indeed, if he were to die, I would pay blood money^[4] for him..." [Al-Bukhāri]

^[1] He is Hāni' bin Niyyār who was a *Sabābi* from the Balawi tribe. He was an ally of *Al-Anṣār*, witnessed Badr and the other battles. He died in the year 41 H. or 42 or 45 H.

^[2] This *Hadīth* has been understood by some scholars as a proof that no one may be subjected to a punishment of more than ten lashes except in case of a punishment thus prescribed for a certain crime. Imam Malik and Imam Ash-Shafī'i hold that an increase is permissible as long as it does not reach the least of the prescribed punishments. Others hold that there may be no increase in offenses for which there is a fixed prescribed punishment, while that for which there is no fixed punishment might be increased beyond ten lashes if it is a major offense, while minor offenses can not be punished with more than ten lashes.

^[3] As far as the prescribed punishments (*Hudūd*) related to the Shari'a prohibitions are concerned, they will apply to everyone, whether rich or poor, ordinary or influential, with no discrimination or distinction made to this end. However, in the matters of minor delinquencies, consideration may be given according the circumstances of time, nature of the offense and in consideration of the person involved.

^[4] This *Hadīth* implies that there had also been a difference of opinion among the

للدواء، فَقَالَ: «إِنَّهَا لَيَسْتُ بِدِوَاءٍ، وَلَكِنَّهَا دَاءٌ». أَخْرَجَهُ مُسْلِمٌ وَأَبُو دَاوُدَ وَغَيْرُهُمَا.

٥ - بَابُ التَّغْزِيرِ وَحُكْمِ الْصَّائِلِ

(١٠٧٥) عَنْ أَبِي بُرْدَةَ الْأَنْصَارِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ سَيِّعَ رَسُولُ اللَّهِ تَعَالَى يَقُولُ: «لَا يُجَلَّدُ فَوْقَ عَشْرَةِ أَشْوَاطٍ إِلَّا فِي حَدٍّ مِنْ حَدُودِ اللَّهِ تَعَالَى». مَتَّقِنْ عَلَيْهِ.

(١٠٧٦) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ النَّبِيَّ تَعَالَى قَالَ: «أَقِلُوا ذَوِي الْهَيَّاتِ عَذَّرَاتِهِمْ إِلَّا الْحَدُودَ». رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدَ وَالسَّائِي وَالْبَهْبُهَيِّ.

(١٠٧٧) وَعَنْ عَلِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: مَا كُنْتُ لَأُفِيقَمْ عَلَى أَحَدٍ حَدًا فَيَمُوتُ، فَأَجَدُ فِي نَفْسِي، إِلَّا شَارِبُ الْخَمْرِ، فَإِنَّهُ لَنْ مَاتَ وَدَمَتْهُ. أَخْرَجَهُ الْبَخَارِيُّ.

reported it].

1078. Narrated Sa'íd bin Zaid : Allāh's Messenger ﷺ said, "He who is killed protecting his wealth is a martyr." [Reported by Al-Arba'a, and At-Tirmidhi graded it *Sahih* (authentic)].

1079. Narrated 'Abdullāh^[1] bin Khabbāb^[2] : I heard my father say, "I heard Allāh's Messenger ﷺ say, 'There will be *Fitan* (dissension and strife)^[3] so be – in it – the slave of Allah who is killed, and do not be the killer.'"^[4] [Ibn Abū Khaithama and Ad-Dāraqutni reported it]. Ahmad reported something similar from Khālid bin 'Urfuta.^[5]

(١٠٧٨) وَعَنْ سَعِيدِ بْنِ زَيْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : «مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ». رَوَاهُ آذِيعَةُ، وَصَحَّحَهُ التَّرْمِذِيُّ.

(١٠٧٩) وَعَنْ عَبْدِ اللَّهِ بْنِ خَبَابٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ : سَمِعْتُ أَبِي يَقْوُلُ : سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ : «إِنَّكُوْنُ فِتْنَةً، فَكُنْ فِيهَا عَنْدَ اللَّهِ الْمَقْتُولُ، وَلَا تَكُونَ الْمَاقِتَلُ». أَخْرَجَهُ أَبْنُ أَبِي حَيْمَةَ وَالْدَّارِقُطْنِيُّ، وَأَخْرَجَ أَخْمَدُ نَحْوَهُ عَنْ خَالِدِ بْنِ عَرْفَةَ.

Companions of the Prophet ﷺ as to whether his flogging of the wine drinker with forty lashes was in fact a *Hadd* i.e., prescribed punishment, or the same should be construed as *Ta'zir* i.e., discretionary punishment. The same was thought to be a discretionary punishment because no prescribed punishment is mentioned in the Qur'an. There should be no concern for the one who dies while a prescribed punishment is being carried out on him. However, if someone dies while being punished with a discretionary punishment, the state treasury shall be liable to pay blood money to the successors of the deceased person. Hence, if a wine-drinker dies due to flogging, the majority of the scholars are of the opinion that such a death shall incur blood money payment.

[1] He was among the famous *Tābi'i*'in and a resident of Al-Madinah. The Haruriya (Khawārij) killed him in the year 27 H. after they disobeyed 'Ali and were on their way to An-Naharwān. After killing him they entered his house, cut open the abdomen of his slave woman and (killed the fetus) in her womb. That led to the famous battle of An-Naharwān in which 'Ali killed all the Khawārij except nine who were instrumental in the occurrence of the big *Fitna* later on.

[2] Khabbāb bin Al-Arat bin Jandala At-Tamimi was one of those who were persecuted in Allāh's cause, and one of those who took part in the battle of Badr. He died in Kufa while boycotting the battle of Siffin in 37 H. at the age of 73 years.

[3] Plural of *Fitna* meaning trials, afflictions, persecution and confusion in the religion. It also means conflicts and strifes among the Muslims.

[4] It has been stated in a previous *Hadīth* that in case a person dies defending his life, wealth and family, he will be regarded as a martyr. If he kills the assailant in the process, he incurs no sin on such a killing. This ruling applies only if the reason of contention is clearly known. If there is an uncertainty about the reason of contention, as to whether it is fair or unfair, one should not raise his hand. The safer position is to refrain from killing, since murdered one is destined to Paradise, and the murderer faces Hell-fire. If they both fight each other, they both will be subject to punishment in the Hell-Fire, if Allah Wills.

[5] He is a *Sabābi* belonging to the Qudā'a tribe and 'Udhr clan. He was the representative of Sa'd bin Abū Waqqās in Kufa. He died in the year 61 H. and it was said that Al-Mukhtār bin Abū 'Ubaid killed him after the death of Yazid i.e. after 64 H.

11. THE BOOK OF JIHAD^[1]

١١ - كتاب الجهاد

1080. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "He who dies without having gone out for *Jihād*, nor has he thought about doing so, will die guilty of a kind of hypocrisy."^[2] [Reported by Muslim].

1081. Narrated Anas ﷺ: The Prophet ﷺ said, "Use your wealth, your selves and your tongues in striving against the polytheists."^[3] [Ahmad and An-Nasā'i reported it, and Al-Hākim graded it *Sabib* (authentic)].

1082. Narrated 'Aisha ﷺ: I said, "O Allāh's Messenger. Is *Jihād* prescribed for women?" He replied, "Yes, a *Jihād* which is without fighting,^[4] it is the *Hajj* and the '*Umrah*'. [Reported by Ibn Mājah and its basic meaning is in *Sabib Al-Bukhbāri*].

1083. Narrated 'Abdullāh bin 'Amr ﷺ: A man came to the Prophet ﷺ asking his permission to take part in *Jihād*. He asked him, "Are your parents still alive?" He replied, "Yes." He said, "Strive in their service."^[5] [Agreed upon].

(١٠٨٠) عن أبي هريرة رضي الله تعالى عنه، قال: قال رسول الله ﷺ: «من مات ولم يغزى، ولم يحذث نفسه به، مات على شعبية من يغافل». رواه مسلم.

(١٠٨١) وعن أنس رضي الله تعالى عنه، أنَّ النبي ﷺ قال: «جاهدوا المسلمين بأموالكم، وأفنيتكم، والسيستكم». رواه أحmed والنسائي، وصححة الحاكم.

(١٠٨٢) وعن عائشة رضي الله تعالى عنها، قالت: قلت: يا رسول الله! على النساء جهاد؟ قال: «نعم، جهاد لا يقاتل فيه، هو الحجّ وال عمرة». رواه ابن ماجة، وأصله في البخاري.

(١٠٨٣) وعن عبد الله بن عمرو رضي الله تعالى عنهما قال: جاء رجل إلى النبي ﷺ يشتأنده في الجهاد، فقال: «أحبي والذاك»؟ فقال: نعم، قال: «ففيهما فجاهد». متفق عليه.

[1] *Jihād* literally means striving or struggling. In the *Shari'a* terminology it is a word used for expending one's efforts in a battle against the disbelievers. It is sometimes used to refer to striving against *Shaytan* (Satan), or against the transgressing Muslims, or one's lower desires.

[2] *Jihād* is applicable at all times, sometimes it is with sword, sometimes by spending money and sometimes merely by one's verbal endeavors. One must physically participate in an armed *Jihād* if he gets a chance to, and if not, he must at least nurse a sincere intention about it. A person who does not even harbor a least intention to take part in it, is a hypocrite.

[3] This *Hadīth* states that in accordance with the call of time, *Jihād* is obligatory on every believer, in every age. If a person becomes insensitive about it and throws the same into oblivion altogether, there remains no difference between his being a believer or a disbeliever. *Jihād* by the tongue involves establishing proofs of the Truth and inviting to Allah.

[4] It thus becomes known to us that armed *Jihād* is not an obligation on the woman. By performing *Hajj* and '*Umrah*', a woman gets the reward which a man earns from fighting on the battlefield.

[5] This *Hadīth* is an evidence that before proceeding to a battlefield, it is necessary to secure

Ahmad and Abū Dā'ud have reported something similar, from the *Hadīth* of Abū Sa'īd, and has added: "Go back and ask their permission. If they permit you (then fight in Allāh's Path), and if not, then be devoted to them."

1084. Narrated Jarir^[1] Al-Bajli ﷺ: Allāh's Messenger ﷺ said, "I am not responsible for any Muslim who stays among the polytheists."^[2] [Reported by *Atb-Thalātha*, and its chain of narrators is *Sabib* (authentic). However, Al-Bukhārī held that the strongest view is that it is *Mursal* (missing link after the *Tabi'i*)].

1085. Narrated Ibn 'Abbās ﷺ: Allāh's Messenger ﷺ said, "There is no emigration^[3] after *Al-Fath*,^[4] but only *Jihād* and good intentions." [Agreed upon].

1086. Narrated Abū Mūsa Al-Ash'ari ﷺ: Allāh's Messenger ﷺ said, "The one who fights so that Allāh's Word

وَلَا حَمْدَ وَأَبِي دَاؤَدَ مِنْ حَدِيثِ أَبِي سَعِيدٍ
نَحْوُهُ، وَرَأَدَ: «أَرْجِعْ، فَإِنْ تَأْذَنُهُمَا، فَإِنْ أَذَنَنَا
لَكَ، وَإِلَّا فَبَرَّهُمَا».

(١٠٨٤) وَعَنْ جَرِيرِ الْجَلَلِيِّ رَضِيَ اللَّهُ تَعَالَى
عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ
كُلُّ مُسْلِمٍ يُقْيِمُ بَيْنَ الْمُشْرِكَيْنَ». رَوَاهُ الثَّلَاثَةُ،
وَإِسْنَادُهُ صَحِيحٌ، وَرَاجِعُ الْبَخَارِيِّ إِرْسَالَهُ.

(١٠٨٥) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: لَا هِجْرَةٌ
بَعْدَ الْفَتْحِ، وَلَكُنْ جِهَادٌ وَنَيْةٌ». مَقْرَأُ عَلَيْهِ.

(١٠٨٦) وَعَنْ أَبِي مُوسَى الْأَشْعَرِيِّ رَضِيَ
اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَنْ

permission from one's parents provided they are Muslims. It is not allowed for someone to go to the battlefield if his parents forbid him to do so, since serving them is also regarded as an individual duty. However, their permission is not needed in the obligatory *Jihād*, when one has been called out by the Muslim ruler.

[¹] Abū 'Amr Jarir bin 'Abdullāh bin Jābir Al-Bajli became a Muslim in 10 H., then the Prophet ﷺ spread out a cloth for him to sit on and sent him to Dhil-Khalasa and he destroyed it. He also served in Yemen during the lifetime of the Prophet ﷺ. He said, "Since I became a Muslim, the Prophet ﷺ smiled whenever he saw me." His shoes measured one foot. He took part in the conquest of Al-Madāin and he was commanding the right wing of the Muslim army during the battle of Al-Qādisiyah. He was known as the Yūsuf of this *Ummah* and died in the year 52 H. or 54 H.

[²] Since the number of Muslims in the early days of Islam was extremely small and negligible and it was necessary to strengthen their stronghold in Al-Madinah, Islam was not viable without migration. Hence, migration was an obligation. This *Hadīth* which is reported by Jarir belonged to the same era. However, once the conquest of Makkah was accomplished, and the tribes started entering into Islam everyday, and the region of the Islamic empire was expanded considerably, the migration to Al-Madinah was no longer an obligation. The next *Hadīth* which is reported by Ibn 'Abbās رضي الله عنه is concerned with the same matter. Even to this day, if a person feels constrained and fettered for the sake of Islam in *Darul-Kufr* (the land of disbelievers), it is an obligation on him to migrate towards *Darul-Islam* (the land of the Muslims).

[³] i.e. from Makkah to Al-Madinah.

[⁴] i.e. the conquest of Makkah.

becomes supreme is (striving) in Allāh's Path.”^[1] [Agreed upon].

فَاتَّلِ لِتَكُونَ كَلِمَةُ اللَّهِ هِيَ الْعُلْيَا فَهُوَ فِي سَبِيلِ اللَّهِ مُفْقِطٌ عَلَيْهِ.

1087. Narrated ‘Abdullāh bin As-Sa‘di^[2]: Allāh's Messenger ﷺ said, “Emigration^[3] will not come to an end so long as an enemy is fought.” [Reported by An-Nasā'i; Ibn Hibbān graded it *Sabib* (authentic)].

1088. Narrated Nāfi': Allāh's Messenger ﷺ made an attack on Banu Al-Mustaliq when they were unaware.^[4] He killed the fighting men and took the children [and women] as captives.^[5] ‘Abdullāh bin ‘Umar told me about that. [Agreed upon].

1089. Narrated Sulaimān bin Buraidah on his father's authority (from ‘Aisha ⚡): Whenever Allāh's Messenger ﷺ appointed a commander over an army or a *Sariyah*,^[6] he instructed him to fear Allāh himself, and consider the welfare of the Muslims who were with him. He then used to say, “Go out for

(١٠٨٧) وَعَنْ عَبْدِ اللَّهِ بْنِ السَّعْدِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا نَقْطَعَ الْهِجْرَةُ مَا قُوْتَلَ الْعَدُوُّ. رَوَاهُ النَّسَائِيُّ، وَصَحَّحَهُ ابْنُ حَبَّانَ.

(١٠٨٨) وَعَنْ نَافِعٍ قَالَ: أَغَارَ رَسُولُ اللَّهِ ﷺ عَلَى بَنِي الْمُضْطَلِقِ، وَهُمْ غَارُونَ، فَقَتَلَ مُقَاوِلَتَهُمْ، وَسَيَّ دَرَارَتَهُمْ. حَدَّثَنِي بِذَلِكَ عَبْدُ اللَّهِ بْنُ عُمَرَ مُفْقِطٌ عَلَيْهِ، وَفِيهِ (وَأَصَابَ يَوْمَئِذٍ جُوَيْرَةً).

(١٠٨٩) وَعَنْ سُلَيْمَانَ بْنِ بُرْنَدَةَ، عَنْ أَبِيهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَمْرَ أَمِيرًا عَلَى جَيْشٍ أَوْ سَرِيَّةٍ، أُوْصَاهُ فِي خَاصَّتِهِ بِتَقْوَى اللَّهِ، وَبِيَمْنَ مَعَهُ مِنَ الْمُسْلِمِينَ خَيْرًا، ثُمَّ قَالَ: «اْغْزُوا بِسْمِ اللَّهِ فِي سَبِيلِ اللَّهِ، قَاتِلُوا مَنْ كَفَرَ بِاللَّهِ، أَغْرُوا، وَلَا تَعْلُوا، وَلَا تَغْرِبُوا، [وَلَا

^[1] It means that a battle fought for the sake of valor, integrity, retaliation, pillage, hypocrisy and an insatiable lust for land-grabbing, etc., are not Islamic wars even though they may be fought by the Muslim soldiers. Islamic war is the one that is fought solely for the purpose and intention of propagating Islam. During the course of events, if such a war also yields some secondary benefits, there is no harm in it and the soldiers are allowed to benefit from such.

^[2] He was a *Sababi* from the ‘Aamir clan of Quraish. Al-Wāqidi said, “He died in the year 57 H.” and As-Sa‘di's name is ‘Amr or Qadāma or ‘Abdullāh bin Waqdān.

^[3] i.e. from enemy-held territories to the Muslim dominated lands.

^[4] When Allāh's Messenger ﷺ was informed that they were preparing to fight him, he invaded them, killed ten men and took the rest as captives. When the Prophet ﷺ freed and married Juwairiya ⚡ the *Sababa* released all the hundred captives of her people and they all became Muslims.

^[5] This explains that in case the message of invitation to Islam has already been conveyed to some people, who in turn have rejected and denounced it, then it is not obligatory to send them a formal invitation to war prior to waging a war against them. It also explains that attacking an enemy by making an ambush on their territory is permissible and that the Arabs may also be enslaved.

^[6] *Sariyah* is a term used for an army unit – or raiding party – which moves about at night stealthily.

Jibād in Allāh's Name in Allāh's Path and fight with those who disbelieve in Allāh. Go out for *Jibād* and do not indulge in *Gbulul*,^[1] or be treacherous (violating trust), or mutilate^[2] anyone, or kill a child. When you meet your enemy – the polytheists, summon them to three things, and accept whichever of them they are willing to agree to, and leave them alone: Call them to Islam, and if they agree accept it from them, and summon them to leave their homes (i.e. their lands) and transfer to the land of *Al-Mubajirin* (the Emigrants).^[3] But if they refuse, then tell them they will be like the desert Arab Muslims. Thus, they will have no *Ghanimah*^[4] or *Fai'*,^[5] unless they participate in the *Jibād* with the Muslims. If they refuse Islam, demand the *Jizya*,^[6] from them, and if they agree accept it from them. If they refuse seek help with Allāh, the Most High, and fight them. When you besiege a fortress and its people wish you to grant them the protection of Allāh and His Prophet, do not do so. Instead, grant them your protection, for it is less serious to break your guarantee of protection than to break the guarantee of protection of Allāh. And if they offer to (surrender and) have the matter

تُشنّلوا، وَلَا تُقْتَلُوا وَلِيَدًا، وَإِذَا لَقِيتُ عَدُوكَ مِنَ الْمُشْرِكِينَ، فَادْعُهُمْ إِلَى ثَلَاثٍ خِصَالٍ، فَإِنْ يَهْمَنَ أَجَابُوكَ إِلَيْهَا فَاقْبِلْ مِنْهُمْ، وَكُفَّ أَعْنَهُمْ: ادْعُهُمْ إِلَى الإِسْلَامِ، فَإِنْ أَجَابُوكَ فَاقْبِلْ مِنْهُمْ، ثُمَّ ادْعُهُمْ إِلَى التَّحْوُلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرَةِ، فَإِنْ أَبْوَا فَأَخْبِرُهُمْ أَنَّهُمْ يَكُونُونَ كَاعِرَابَ الْمُسْلِمِينَ، وَلَا يَكُونُ لَهُمْ فِي الْغَنِيمَةِ وَالْفَيءِ شَيْءٌ إِلَّا أَنْ يُجَاهِدُوا عَمَّا الْمُسْلِمِينَ، فَإِنْ هُمْ أَبْوَا، فَاسْأَلْهُمُ الْجِزِيرَةَ، فَإِنْ هُمْ أَجَابُوكَ، فَاقْبِلْ مِنْهُمْ، فَإِنْ هُمْ أَبْوَا فَاسْتَعِنْ عَلَيْهِمْ بِاللَّهِ تَعَالَى وَقَاتِلْهُمْ، وَإِذَا حَاضَرْتُ أَهْلَ حَضْنِ، فَأَرَاذُوكَ أَنْ تَجْعَلْ لَهُمْ ذِمَّةَ اللَّهِ وَذِمَّةَ بَيْهُ فَلَا تَفْعَلْ، وَلَكِنْ اجْعَلْ لَهُمْ ذِمَّكَ، فَإِنَّكُمْ أَنْ تُخْفِرُوا ذَمَّكُمْ أَهْوَنُ مِنْ أَنْ تُخْرِجَهُ مُسْلِمًّا.

[1] *Gbulul* means stealing the war booty before its distribution.

[2] *Muthla* implies cutting off one's nose, ear or other bodily organs.

[3] This further explains that *Hijra* (migration) is valid forever, since permanently residing in a land of disbelievers makes it difficult for one to acquire instructions of the Islamic law.

[4] *Ghanimah* is the Arabic word applied to spoils of war one acquires after fighting the disbelievers and defeating them. One-fifth of the goods thus acquired is taken out, and the rest of it is distributed amongst the army. A soldier of an infantry regiment gets one share while a cavalryman acquires three.

[5] *Fai'* is a term used for the war-booty which is acquired from disbelievers without fighting them. Its one-fifth portion is not separated and the same is to be spent on the needs of the orphans, the poor, the wayfarers, the poor emigrants, and in the cause of Allah according to the decision of the caliph.

[6] *Jizya* is a monetary payment as a head-tax which a Muslim government receives from its non-Muslim subjects.

referred to Allāh's Judgement, do not grant this. Instead, let them have the matter referred to your judgement, for you do not know whether or not you will concur with the Judgement of Allāh, the Most High, regarding them." [Muslim reported it].

1090. Narrated Ka'b bin Mālik ﷺ: "Whenever the Prophet ﷺ intended to go on a military expedition, he would pretend to be going somewhere else." [Agreed upon].

1091. Narrated Ma'qil bin An-Nu'mān bin Muqarrin^[1] ﷺ: "I have witnessed (battles with) Allāh's Messenger ﷺ and if he did not fight at the beginning of the day, he deferred fighting till the sun had passed the meridian, the wind blew and help came down."^[2] [Reported by Ahmad and Atb-Thalatha. Al-Hākim graded it *Sabib* (authentic) and its basic meaning occurs in Al-Bukhāri's *Sabib*].

1092. Narrated As-Sa'b bin Jaththāma ﷺ: Allāh's Messenger ﷺ was asked about the polytheists whose settlements (housing women and children) were attacked at night, so that some of their women and children were harmed." He replied, "They are from them."^[3] [Agreed upon].

1093. Narrated 'Aisha ﷺ: The Prophet ﷺ said to a man who followed him on the Day of Badr, "Go back, for I will never ask help from a *Mushrik* (polytheist)."^[4] [Reported by Muslim].

(١٠٩٠) وَعَنْ كَعْبِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا أَرَادَ غَزْوَةً وَرَأَى بِعِيرِهَا مُتَقْنِيَّا عَلَيْهَا.

(١٠٩١) وَعَنْ مَعْقِلٍ، أَنَّ النَّعْمَانَ بْنَ مُقْرَنَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: شَهِدْتُ رَسُولَ اللَّهِ ﷺ، إِذَا لَمْ يُقَاتِلْ أَوْلَ الظَّاهِرِيَّ الْقِتَالَ حَتَّى تَرُولَ النَّسْمُ، وَتَهُبَ الرِّياحُ وَيَنْزَلَ الظُّفَرُ. رَوَاهُ أَخْنَدُ وَالثَّلَاثَةُ، وَصَحَّحَهُ الْحَاكِمُ، وَأَصْلُهُ فِي الْبَخَارِيِّ.

(١٠٩٢) وَعَنْ الصَّعْبِ بْنِ جَنَاحَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَئَلَ رَسُولَ اللَّهِ ﷺ عَنِ الدَّرَارِيَّ مِنَ الْمُشْرِكِينَ، يُبَشِّرُونَ، فَيَصِيبُونَ وَنَسَائِهِمْ وَذَرَارِيهِمْ، فَقَالَ: «هُمْ وَنَهُمْ». مُتَقْنِيَّا عَلَيْهِ.

(١٠٩٣) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا أَنَّ النَّبِيَّ ﷺ قَالَ لِرَجُلٍ تَعَاهَدَ فِي يَوْمٍ بِنَدِيرٍ: «اْرْجِعْ، فَلَنْ أَسْتَعِنَ بِمُشْرِكٍ». رَوَاهُ مُشْلِمٌ.

^[1] He was a *Sababi* from the tribe of Muzaina and was one of the Muslim army commanders during Abū Bakr's Caliphate and 'Umar Al-Farooq . رضي الله عنهما . He had migrated with seven of his brothers. He conquered Asbahān and was killed in the battle of Nahawand in the year 21 H.

^[2] The best time to attack is the morning time, whereas the best time to fight the battle is the noontime, as the blessing and mercy of Allāh descend on the believers during the prayer times. An invocation made for victory during these timings is quickly accepted.

^[3] The women and children of the polytheists should not be killed. However, if women and children are not discernible during a night attack and thus get killed in an ambush, there is no blame for such.

1094. Narrated Ibn ‘Umar ﷺ: The Prophet ﷺ saw a woman who had been killed in one of his military expeditions, so he disapproved of the killing of women and children.^[1] [Agreed upon].

(١٠٩٤) وَعَنْ أَبْنَرْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ رَأَى امْرَأَةً مَقْتُولَةً فِي بَعْضِ مَعَازِيهِ، فَأَنْكَرَ قَتْلَ السَّيَّاءِ وَالصَّبِيَّانَ.

مَقْنَعٌ عَلَيْهِ.

1095. Narrated Samura ﷺ: Allāh's Messenger ﷺ said, "Kill the old men^[2] who are polytheists but spare their children." [Reported by Abū Dā’ud. At-Tirmidhi graded it *Sahih* (authentic)].

(١٠٩٥) وَعَنْ سَمْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَاتَلُوا شَيْخَ الْمُشْرِكِينَ، وَاسْتَبِقُوا شَرَحْبُمْ». رَوَاهُ أَبُو دَاوُدُ، وَصَحَّحَهُ التَّرْمِذِيُّ.

1096. Narrated ‘Ali ﷺ: At the battle of Badr, they (the Muslims and the polytheists) engaged in one-on-one combats.^[3] [Reported by Al-Bukhāri. Abū Dā’ud reported it in a long *Hadīth*.]

(١٠٩٦) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُمْ تَبَارَرُوا يَوْمَ بَدْرٍ. رَوَاهُ الْبُخَارِيُّ، وَأَخْرَجَهُ أَبُو دَاوُدَ مُطَوَّلًا.

1097. Narrated Abū Ayūb ﷺ: This Verse was sent down concerning us – *Al-Anṣār*, meaning the saying of Allāh, the Most High: "And do not throw yourselves into destruction".^[4] Abū Ayūb said that in refutation of those who disapproved of the action of he who attacked the Romans (alone) till he was amidst them.^[5] [Reported by Ath-

(١٠٩٧) وَعَنْ أَبِي أَيُوبَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: إِنَّمَا تَرَكْتُ لِذِلِّي الْآيَةَ فِيمَا مَعْشَرَ الْأَنْصَارِ، يَعْنِي قَوْلَهُ تَعَالَى «وَلَا تُلْمِوْ إِلَيْكُمْ إِلَى الْفَلَكِ» قَالَهُ رَدًا عَلَى مَنْ أَنْكَرَ عَلَى مَنْ حَمَلَ عَلَى صَفَّ الرُّومِ حَتَّى دَخَلَ فِيهِمْ. رَوَاهُ الثَّلَاثَةُ، وَصَحَّحَهُ التَّرْمِذِيُّ وَابْنُ جَبَّانَ وَالْحَاكَمُ.

^[1] At first, it was forbidden to obtain any assistance from a polytheist during a war. This restriction was lifted at a later stage. There is a *Hadīth* to this effect that you will strike a peace accord with the Romans and you – Muslims and Romans – will unite to encounter the enemy.

^[2] It is absolutely forbidden to deliberately murder children. It is permissible to kill a woman only in case she attacks a Muslim, otherwise the same is forbidden. The old among the disbelievers – who are strong and capable of fighting – and assist the enemy in any way, even if by offering them a piece of advice, are permitted to be killed. Otherwise, the non-combatant elderly people are not to be killed.

^[3] i.e. those who are capable to fight.

^[4] The Arabic word *Mubaraza* means sending an invitation to an opponent to fight and giving him an account of one's heroic deeds and acts of valor in a loud voice. Even though such an act is regarded as a vain glorious display of one's power and a boastful show of pomp and self-conceit, which is not permitted under normal circumstances, but the same is permissible during war for the sole purpose of intimidating an enemy.

^[5] *Sūrat Al-Baqarah*, 2:195.

^[6] This *Hadīth* clarifies that while making an attack, one should also take into account the

Tbalatba. At-Tirmidhi, Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

1098. Narrated Ibn ‘Umar ﷺ: Allāh’s Messenger ﷺ burnt the palm trees^[1] of Banu An-Nadir and cut them down. [Agreed upon].

1099. Narrated ‘Ubāda bin As-Sāmit ﷺ: “Allāh’s Messenger ﷺ said, “Do not be take anything from the booty (before it is distributed). Verily, it will be a fire and disgrace to those who are guilty of it, in this world and in the Hereafter.” [Ahmad and An-Nasā’i reported it, and Ibn Hibbān graded it *Sabib* (authentic)].

1100. Narrated ‘Auf bin Mālik ﷺ: “The Prophet ﷺ gave judgement that the killer should have whatever is taken from the man he killed^[2] (in *Jihād*).” [Reported by Abū Dā’ud and its basic meaning occurs in Muslim’s *Sabib*].

1101. Narrated ‘Abdur-Rahmān bin ‘Auf ﷺ: regarding the story of the killing of Abū Jahl: They then hastened to him with their swords till they killed him, after which they went to Allāh’s Messenger ﷺ and informed him. He asked, “Which of you killed him? Did you wipe your swords?” They replied, “No.” He looked at the swords and said, “Both of you killed him.” He then ruled that what was taken from him should go to Mu’ādh bin ‘Amr bin Al-Jamūh.^[3] [Agreed upon].

ratio of the head count. If the army of the disbelievers numbers twice as much, the Muslims are obligated to fight them. However, if their ratio is greater than that, it is no more an obligation on the Muslims to fight them. This *Hadīth* is a proof of the permissibility of a single soldier attacking the enemy ranks, if he knows himself to be strong and fierce in battle.

^[1] This *Hadīth* explains that anything which turns out to be a stumbling block in a war or anything providing strength to an enemy’s fortification is permitted to be destroyed.

^[2] The Arabic word *Salb* stands for the articles which are attached to the body of the killed person, like vestments and armors, etc. The majority of the scholars are of the view that the killer is the owner of the said articles.

^[3] He was an *Ansāri* and a Khazraji of Sulami clan. He attended *Al-Aqaba* and Badr. He is

(١٠٩٨) وَعَنْ أَبْنَىٰ عُمَرَ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُمَا قَالَ حَرَقَ رَسُولُ اللَّهِ تَعَالَىٰ نَخْلَ بَنِي الْأَصْبَرِ، وَقَطَعَ مُتَقَنًّا عَلَيْهِ.

(١٠٩٩) وَعَنْ عُبَادَةَ بْنِ الصَّابِطِ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَىٰ: «لَا تَعْلُوا، فَإِنَّ الْفُلُولَ نَارٌ وَغَارٌ عَلَىٰ أَصْحَابِهِ فِي الدُّنْيَا وَالآخِرَةِ». رَوَاهُ أَحْمَدُ وَالنَّسَائِيُّ، وَصَحَّحَهُ أَبْنُ جِبَانَ.

(١١٠٠) وَعَنْ عَوْفِ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُ، أَنَّ السَّيِّدَ تَعَالَىٰ فَقَضَىٰ بِالسَّلَبِ لِلْقَاتِلِ. رَوَاهُ أَبْوَ دَاؤَدْ، وَأَصْلَهُ عِنْدَ مُسْلِمٍ.

(١١٠١) وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُ - فِي قَصَّةِ قَتْلِ أَبِي جَهْلٍ - قَالَ: فَابْتَرَاهُ بِسَيِّقِيهِمَا، حَتَّىٰ قَتَلَاهُ، ثُمَّ أَنْصَرَفَ إِلَى رَسُولِ اللَّهِ تَعَالَىٰ، فَأَخْبَرَاهُ، فَقَالَ: «أَيُّكُمَا قَتَلَهُ؟ هَلْ مَسْخَتُمَا سَيِّقِيهِمَا؟» قَالَ: «لَا، قَالَ: فَظَرَّ فِيهِمَا، فَقَالَ: «كِلَّا كُمَا قَتَلَهُ» فَقَضَىٰ تَعَالَىٰ بِسَلَبِهِ لِمُعاذَ بْنِ عَمْرٍو بْنِ الجَمُوحِ. مُتَقَنًّا عَلَيْهِ.

1102. Narrated Makhul^[1]: "The Prophet ﷺ set up the catapult^[2] while attacking the people of Tā'if." [Abū Dā'ud reported it in *Al-Marasil*, and its narrators are reliable. Al-'Uqaili reported it with a *Mausūl* (complete chain), that is *Da'if* (weak), from 'Ali ﷺ].

1103. Narrated Anas ﷺ: The Prophet ﷺ entered Makkah with a helmet on his head. When he took it off, a man came to him and said, "Ibn Khatal is hanging on to the curtains of the Ka'ba." He replied, "Kill him."^[3] [Agreed upon].

1104. Narrated Sa'id bin Jubair^[4]: "On the Day of Badr, Allāh's Messenger ﷺ killed three people while they were in bonds."^[5] [Abū Dā'ud reported it in *Marasil*, and its narrators are *Thiqah* (reliable)].

the one who cut off Abū Jahl's leg and put him down. Then, 'Ikrima bin Abū Jahl cut off Mu'ādh's hand, yet he fought the battle till it was over. He died during 'Uthmān's Caliphate.

[1] Makhul Ad-Dimashqi was the *Fiqh* scholar of Shām and one of the eminent people. Abū Hātim said, "I do not know of someone who is more learned in *Fiqh* than him." He died in the year 113 H.

[2] *Manjaniq* is a contrivance (i.e., a catapult) which hurls heavy stones at the enemy's fortifications. The purpose of mentioning this *Hadīth* here is to show that even though women, children and the elderly are likely to be killed in such indiscriminate firing, it is still permissible, especially in a situation where the enemy cloisters itself within a certain fortification and no option is left except resorting to firing the *Manjaniq* to facilitate the conquest.

[3] The name of Ibn Khatal was Abdullāh. This wicked person first accepted Islam. So, the Prophet ﷺ deputed him along with an *Ansāri* on a mission to collect *Zakāt* whereupon this person apostatized and murdered his *Ansāri* companion. He stole the *Zakāt* money and fled away to Makkah. After the conquest of Makkah by the Muslims, Ibn Khatal took refuge within the premises of the Ka'ba. The Prophet ﷺ instructed his Companions to execute him forthwith. This explains that a rebellious renegade and a murderer is not eligible for asylum even within the confines of the Ka'ba.

[4] He was Al-Wālibi by clientship and a resident of Kufa. He was a *Faqīh*, eminent *Imām* and an authority in the *Tafsīr* and *Hadīth*. He was the last man to be killed by Hajjāj bin Yusuf. Maimūn bin Mahrān said, "Sa'id bin Jubair died when everybody in the world (by then) was in need of his knowledge." He was killed in 95 H. while an old man.

[5] These three persons were Tua'ma bin 'Adi, Nadr bin Hārith and 'Uqaba bin 'Abi Mu'ait. This explains that killing a person out of thirst and hunger (i.e., starving him to death) is permissible.

(١١٠٢) وَعَنْ مَكْحُولٍ، أَنَّ النَّبِيَّ ﷺ نَصَبَ الْمَسْجِيقَ عَلَى أَهْلِ الطَّاغِيَةِ . أَخْرَجَهُ أَبُو دَاوُدُ فِي الْمَرَاسِيلِ، وَرِجَالُهُ ثَقَاتٌ، وَوَصَلَهُ الْعَنَيْفِي يَسْتَأْذِنُ ضَعِيفًا عَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ .

(١١٠٣) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ دَخَلَ مَكَّةَ، وَعَلَى رَأْسِهِ الْمَغْفِرَةِ فَلَمَّا نَزَعَهُ جَاءَهُ رَجُلٌ، فَقَالَ: ابْنُ حَطَّلَ مُعَلِّقٌ يَسْتَأْذِنُ الْكَعْبَةَ، فَقَالَ: افْتُلُوهُ . مُتَعَنِّ عَلَيْهِ .

(١١٠٤) وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ رَجُلِهِ اللَّهُ تَعَالَى، أَنَّ رَسُولَ اللَّهِ ﷺ قُتِلَ يَوْمَ بَدْرٍ ثَلَاثَةً صَبَرًا . أَخْرَجَهُ أَبُو دَاوُدُ فِي الْمَرَاسِيلِ، وَرِجَالُهُ ثَقَاتٌ .

1105. Narrated 'Imrān bin Husain ﷺ: "Allāh's Messenger ﷺ exchanged two Muslim men^[1] from captivity for a *Mushrik* man." [At-Tirmidhi reported it and graded it *Sabib* (authentic). Its basic meaning is in *Sabib Muslim*].

(١١٠٥) وَعَنْ عُمَرَ بْنِ حُصَيْنٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ فِي رَجُلٍ مِنَ الْمُسْلِمِينَ بِرَجْلِ مِنَ الْمُشْرِكِينَ. أَخْرَجَهُ التَّرْمِيدِيُّ، وَصَحَّحَهُ، وَأَضْلَلَهُ عَنْدَ مُسْلِمٍ.

1106. Narrated Sakhr bin Al-'Aila^[2]: The Prophet ﷺ said, "If the people (polytheists) embrace Islam, they will protect their blood and their wealth."^[3] [Abū Dā'ud reported it, its narrators are reliable].

(١١٠٦) وَعَنْ صَحْرِ بْنِ الْعَيْلَةِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: إِنَّ النَّقْمَ إِذَا أَشْلَمُوا أَحْرَزُوا دِمَاءَهُمْ [وَأَمْوَالَهُمْ]. أَخْرَجَهُ أَبُو دَاوُدَ، وَرِجَالُهُ مُؤْتَقُونَ.

1107. Narrated Jubair bin Mut'im ﷺ: The Prophet ﷺ said regarding the prisoners taken at Badr, "If Al-Mut'im bin 'Adi^[4] had been alive and spoken to me about these filthy ones (i.e. pagans), I would have freed them for him." [Reported by Al-Bukhāri].

(١١٠٧) وَعَنْ جُبَيْرِ بْنِ مُطْعَمٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ فِي أَسْارِيَ بَدْرٍ: لَوْ كَانَ الْمُطْعَمُ بْنُ عَدَيٍ حَيًّا، ثُمَّ كَلَمْنَيْ فِي هُؤُلَاءِ السَّنَّى، لَتَرْكَمُهُمْ لَهُ». رَوَاهُ البُخارِيُّ.

1108. Narrated Abū Sa'id Al-Khudri ﷺ: On the Day of (the battle of) Autās, we took (women) captives who had husbands. They (the *Sabāba*) were hesitant to have intercourse with them.^[5] Then Allāh, the Most High, sent down regarding that: "[Prohibited

(١١٠٨) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَصْبَنَّا سَبَابِيَا يَوْمَ أَوْطَاسٍ لِهِنَّ أَزْوَاجٍ، فَتَكَرَّجُوا، فَأَنْزَلَ اللَّهُ تَعَالَى فِي الرَّاحِلَةِ مُحَصَّنَاتٍ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ أُلْيَاءُ، أَخْرَجَهُ مُسْلِمٌ.

[1] This *Hadīth* states that an exchange of prisoners is permissible. The people of Banu Thaqif captured two Companions of the Prophet ﷺ. As the Banu 'Aqil were their (Banu Thaqif's) allies, the Companions of the Prophet ﷺ captured a man from Banu 'Aqil. When the polytheists released the Companions of the Prophet ﷺ, he reciprocally released that polytheist.

[2] Sakhr bin Al-'Aila Al-Ahmasi Abū Hāzim was a *Sabābi* who narrated this *Hadīth*.

[3] Whenever a *Harbi* (a person from the land of disbelievers) embraces Islam on his own accord and out of his free will, all his wealth and property, whether movable or immovable, remains in his possession regardless of whether such a person embraces Islam in the land of disbelievers or in the land of Islam. However, if he embraces Islam after being conquered, his life is protected, but his wealth will be distributed as spoils of war.

[4] When the Prophet ﷺ returned from Tā'if after being wounded there, Muti'm bin 'Adi sheltered him and kept serving him and taking good care of him. The Prophet ﷺ here remembers his favorable acts.

[5] The previous marriages, of women who are captured in a war, are rendered null and void the moment they are captured. If such a woman is pregnant, it is permissible to have a sexual intercourse with her only after the delivery. In case not pregnant, copulation is permissible after her clearance from one menstrual period. This is irrespective of the fact whether they embrace Islam or not. Another restriction which applied to such a situation is that it is permissible to

are]... women already married, except those whom your right hands possess (captives)'^[1] [Muslim reported it].

1109. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ sent a *Sariyah* (raiding party) to Najd and I was with them. They got many camels as spoils (of war). Each one's share was twelve camels, and they were given an additional camel each. ^[2] [Agreed upon].

1110. Narrated (Ibn 'Umar) ﷺ: "On the Day of Khaibar, Allāh's Messenger ﷺ allotted two shares for a horse and one for a foot soldier." [Agreed upon, and the wording is Al-Bukhāri's]

Abū Dā'ud has: "He allotted three shares for a man and his horse, two for his horse and one for him."

1111. Narrated Ma'n bin Yazid ^[3]: I heard Allāh's Messenger ﷺ say, "Additional booties (*Nafl*) are to be distributed only after the *Khumus*^[4] (has been separated)." [Reported by Ahmad and Abū Dā'ud. At-Tahawi graded it *Sahīh* (authentic)].

1112. Narrated Habib bin Maslama^[5]

copulate with a female-slave strictly on the condition that she must fall to one's lot by a lawful distribution through a proper channel of authority and not by a random choice.

[1] *Sūrat Al-Mā'idah*, 5:24. Meaning they were allowed to cohabit with them after they were purified from one menstrual period.

[2] An infantry soldier is eligible for one share of the war booty, whereas a cavalry soldier is entitled to three shares. The commander has a right to award the eligible members of the army – on the basis of their capabilities – an additional amount of goods (*Nafl*) other than their prescribed share, out of the captured goods. This matter is collectively agreed.

[3] Ma'n bin Yazid bin Al-Akhnas As-Sulami was a *Sahābi* and son of a *Sahābi*. He witnessed the conquest of Damascus and used to reside in Kufa. He also entered Egypt and lived in Damascus. He witnessed the battle of Marj Rāhit with Ad-Dahhāk bin Qais in 64 H. and was killed in it. It was said that he used to be with Mu'āwiya during his battles.

[4] A *Khummus* was one-fifth of the booties that Allāh allocated to His Messenger ﷺ for his families' upkeep, the assistance of his relatives and the needy Muslims and spending in the cause of Allāh.

[5] Abū 'Abdur-Rahmān Al-Fihri Al-Makki was a *Sahābi* known as Habib of the Romans due to his many battle campaigns against them. He died in Armenia in the year 41 H. or 42 H. while

(١١٠٩) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: بَعَثَ رَسُولُ اللَّهِ تَعَالَى سِرِيرَةً، وَأَنَا فِيهِمْ، قَبْلَ تَجْدِيدِهِ، فَعَنِمُوا إِيلَى كَثِيرَةَ، فَكَانَتْ سَهْمَانُهُمْ أَنِّي عَشَرَ بَعِيرًا، وَنَفَّلُوا بَعِيرًا مُتَقْعِنًا عَلَيْهِ.

(١١١٠) وَعَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَسَمَ رَسُولُ اللَّهِ تَعَالَى يَوْمَ خَيْرِ الْفَرَسِ سَهْمَيْنِ، وَلِلرَّاجِلِ سَهْمًا. مُتَقْعِنًا عَلَيْهِ، وَاللَّفَظُ لِلْبُخَارِيِّ.

وَلِلْأَيْيِ دَاؤُدَ: أَسْهَمَ لِرَجُلٍ وَلِفَرَسِهِ ثَلَاثَةَ أَسْهَمٍ، سَهْمَيْنِ لِفَرَسِهِ، وَسَهْمًا لَهُ.

(١١١١) وَعَنْ مَعْنَى بْنِ تَزِيدَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ تَعَالَى يَقُولُ: لَا تَنْقِلْ إِلَّا بَعْدَ الْخُمُسِ". رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدُ، وَصَحَّحَهُ الطَّحاوِيُّ.

(١١١٢) وَعَنْ حَبِيبِ بْنِ مَسْلَمَةَ رَضِيَ اللَّهُ

٤: I witnessed Allāh's Messenger ﷺ give a quarter of the additional spoils (to a detachment) on the outward expedition and a third on the return journey.^[1] [Reported by Abū Dā'ud. Ibn Al-Jārud, Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)]

تعالى عنہ قآل: شہدت رسول اللہ ﷺ، نفل الریبع فی البداؤ، والثلث فی الرجعہ. رواه أبو داود، وصححه ابن الجارود وابن جبائے الحاکم.

1113. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ used to give to some of the detachments he sent out, additional booties (*Nafī*)^[2] apart from the division made to the whole army. [Agreed upon].

(١١١٣) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُنْهَلُ بَعْضَ مَنْ يَبْعَثُ مِنَ السَّرَّائِي لِأَنْفُسِهِمْ خَاصَّةً، سَوَى قَسْمَ عَامَّةِ الْجَيْشِ. مُتَقَوْلَةٌ عَلَيْهِ.

1114. Narrated (Ibn 'Umar) ﷺ: While on our military expeditions, we used to get honey and grapes and eat them, without bringing these to the Prophet^[3] ﷺ. [Reported by Al-Bukhārī. Abū Dā'ud has: "A *Khumus* was not taken from them." Ibn Hibbān graded it *Sabib* (authentic)].

(١١١٤) وَعَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كُنَّا نُصِيبُ فِي مَعَازِبِنَا الْعَسْلَ وَالْعَنْتَ فَتَأْكُلُهُ، وَلَا نَرْفَعُهُ. رَوَاهُ الْبَخَارِيُّ، وَلَأَبِي دَاوُدَ: «فَإِذْمَنْ يُؤْخُذُ مِنْهُمُ الْخُمُسُ»، وَصَحَّحَهُ ابنُ جبائے الحاکم.

1115. Narrated 'Abdullāh bin Abū Aufa ﷺ: "On the Day of Khaibar we captured food and a man would come and take as much of it as he needed and then go away." [Abū Dā'ud reported it. Ibn Al-Jārud and Al-Hākim graded it *Sabib* (authentic)].

(١١١٥) وَعَنْ عَبْدِ اللَّهِ بْنِ أَبِي أُوفِي رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَصْبَنَا طَعَاماً يَوْمَ خَيْرٍ، فَكَانَ الرَّجُلُ يَجِيءُ، فَيَأْخُذُ مِنْهُ مِقْدَارَ مَا يَكْفِيهِ، ثُمَّ يَنْتَرِفُ. أَخْرَجَهُ أَبُو دَاودَ، وَصَحَّحَهُ ابنُ الجارود وَالحاکم.

1116. Narrated Ruwaifi' bin Thābit ﷺ: Allāh's Messenger ﷺ said, "He who believes in Allāh and the Last Day must not ride a riding animal belonging to the booty of the Muslims and return it when he has emaciated it;^[4] or wear a

(١١١٦) وَعَنْ رُوْفَقِ بْنِ ثَابِتٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَرْكَبْ ذَبَابَةً مِنْ فَيْءِ الْمُسْلِمِينَ، حَتَّى إِذَا أَعْجَفَهَا رَدَّهَا فِيهِ،

being its governor.

^[1] The greater amount granted them was due to the extra difficulties and dangers involved in fighting the enemy for a second time, while returning to the Muslim land.

^[2] This *Hadīth* states that the Prophet ﷺ also used to distribute gifts to some people as a reward for them.

^[3] The one-fifth portion is not taken out from the foodstuff as these are meant to be consumed by eating and not to be stored. Every soldier may partake of it even prior to the formal distribution of goods. No restriction applies to it.

^[4] The vestments and horses thus captured may be used on the battlefield for necessity, and

garment belonging to the booty of the Muslims and return it when he has worn it out.” [Abū Dā’ud and Ad-Dārimi reported it, and its narrators are acceptable].

1117. Narrated Abū ‘Ubaida bin Al-Jarrāh : I heard Allah’s Messenger ﷺ say, “Muslims^[1] give protection on one another’s behalf.” [Ahmad and Ibn Abū Shaiba reported it, but there is weakness in its chain of narrators].

At-Tayālisi has, from ‘Amr bin Al-‘Aas: “The least of the Muslims (in status) may give protection on their behalf.”

In the two *Sahib* books, on the authority of ‘Ali : “The protection given by one Muslim is on behalf of the rest, and the least of them can grant it.” Ibn Mājah added, through another chain: “The most distant of them may give protection on their behalf.”

In the two *Sahib* books, Al-Bukhāri and Muslim, it is reported from the *Hadīth* of Umm Hani^[2] : “We (the Muslims) have given protection to those to whom you (Umm Hani) have granted it.”

1118. Narrated ‘Umar : He heard Allah’s Messenger ﷺ say, “I will certainly expel the Jews and the Christians from the Arabian Peninsula^[3] until I have not left (in it) anyone except a Muslim.” [Reported by Muslim].

then returned to the spoils. Otherwise, it is prohibited to utilize them. Some scholars are of the opinion that such things must not be utilized even momentarily, except on the condition of securing a formal permission from the concerned commander-in-chief.

^[1] This *Hadīth* implies that not only the *Imām* may grant the disbelievers asylum. In fact, anyone among the Muslims, whether a woman or a man, young (adult) or old, rich or poor, an ordinary soldier or a commander, has a right to grant asylum. In case a Muslim grants such an asylum to a disbeliever, it becomes an obligation on all the Muslims to honor it. Even a reigning *Imām* may not breach an asylum thus granted.

^[2] She was the daughter of Abū Tālib Al-Hashimiya and sister of ‘Ali bin Abū Tālib. Her name was Fakhita or Hind and she became a Muslim at the conquest of Makkah.

^[3] The Arabian Peninsula is that part of the earth which is surrounded by the Indian Ocean, the Mediterranean Sea, and the rivers of Tigris and Euphrates. Lengthwise, it extends from Aden to the outer fringes of Syria. In terms of its breadth, it spans from Jeddah to the

وَلَا يَلْبِسْ نُوبَاً مِنْ فِيءِ الْمُسْلِمِينَ، حَتَّى إِذَا أَخْلَقَهُ رَدَّهُ فِيهِ». أَخْرَجَهُ أَبُو دَاوُدُ وَالْدَارْمِيُّ. وَرَجَحَ الْأَعْنَابُ لَا بُاسَ بِهِمْ.

(1117) وَعَنْ أَبِي عَيْدَةَ بْنِ الْجَرَاحِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «يُجِيرُ عَلَى الْمُسْلِمِينَ بَعْضُهُمْ». أَخْرَجَهُ أَبُنْ أَبِي شَيْبَةَ وَأَخْمَدُ، وَفِي إِسْنَادِهِ ضَعْفٌ.

وَلِلطَّيَالِسِيِّ مِنْ حَدِيثِ عَمْرِو بْنِ العاصِ قَالَ: «يُجِيرُ عَلَى الْمُسْلِمِينَ أَذْنَاهُمْ». وَفِي الصَّحِيفَتَيْنِ عَنْ عَلِيٍّ قَالَ: «ذَمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ، يَشْغَلُ بِهَا أَذْنَاهُمْ». زَادَ أَبْنُ مَاجَةَ مِنْ وَجْهِ أَخْرَى: «وَيُجِيرُ عَلَيْهِمْ أَفْصَاهُمْ».

وَفِي الصَّحِيفَتَيْنِ مِنْ حَدِيثِ أَمِّ هَانِيَّ: «قَدْ أَجْرَنَا مِنْ أَجْرِنَتِ». (1118)

وَفِي الصَّحِيفَتَيْنِ مِنْ حَدِيثِ أَمِّ هَانِيَّ: «قَدْ أَجْرَنَا مِنْ أَجْرِنَتِ». (1118) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ سَمِعَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: لِأَخْرِجَنَ اليهُودَ وَالنَّصَارَى مِنْ جَزِيرَةِ الْعَرَبِ، حَتَّى لَا أَدْعَ إِلَّا مُسْلِمًا». رَوَاهُ مُسْلِمٌ.

1119. Narrated ('Umar): "The wealth of Banu An-Nadir was part of what Allāh bestowed (as *Fai'* -Booty) on His Messenger ﷺ from that which the Muslims had not gained by riding on horses or camels. Hence, they belonged specially to the Prophet ﷺ who would give his family (from it) their sustenance for a year. Then, he used whatever remained [¹] for horses and weapons, as preparations (for Jihad) in the Path of Allāh, the Mighty and the Majestic." [Agreed upon].

1120. Narrated Mu'ādh (bin Jabal): "We went on an expedition to Khaibar along with Allāh's Messenger ﷺ and we captured some sheep. So, Allāh's Messenger ﷺ divided some of them among us and assigned the rest of them as booty." [Reported by Abū Dā'ud, and its narrators are acceptable].

1121. Narrated Abū Rāfi' ﷺ: Allah's Messenger ﷺ said, "I do not break a covenant^[²] or imprison messengers." [Reported by Abū Dā'ud and An-Nasā'i, and Ibn Hibbān graded it *Sabib* (authentic)].

surrounding regions of Iraq. Some people observed that the Arabian Peninsula is meant to be the region of Hijāz comprising Makkah, Al-Madīnah, Yamamah, Tā'if and their outskirts. This is how the term Hijāz is used in some of the old narratives. It thus becomes known that it is compulsory to expel all the Jews and polytheists from the Arabian Peninsula but their ouster from Hijāz has been solicited more emphatically.

[¹] The soldiers have no share in the goods of *Fai'* – the chattels seized upon by the Muslims without having to fight – in their capacity as soldiers. The Prophet ﷺ and later on his caliphs, in accordance with the Divine instructions, used to distribute and spend the money realized from it on: the expenditure incurred by the family members of the Prophet ﷺ; the daily expenses of the relatives of the Prophet ﷺ; payments made to the orphans; financial assistance provided to the poor; and on hospitality offered to the travelers and wayfarers. The remainder of the money (if saved) was spent for the purchase of horses and other armaments.

[²] This *Hadīth* indicates that causing the breach of a war-related treaty and thereby arresting and stopping the disbelievers is not permitted. The incidence goes that Abū Rāfi' (the freed-slave of the Prophet ﷺ) came to the Prophet ﷺ, prior to his embracing Islam, as an emissary on behalf of the disbelievers. The moment he sighted the Prophet ﷺ, he embraced Islam. Then he requested the Prophet ﷺ to stop him then and there, as he did not like to go back to the disbelievers. Upon hearing this, the Prophet ﷺ expressed these words mentioned in this *Hadīth*.

(١١١٩) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَتْ أَمْوَالُ بَنِي التَّغْيِيرِ مِمَّا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ، وَمَا لَمْ يُوجِّهْ عَلَيْهِ الْمُسْلِمُونَ بِخَيْلٍ وَلَا رِكَابٍ، فَكَانَتْ لِلشَّيْءِ يَخْصَّ خَاصَّةً، فَكَانَ يُنْفَقُ عَلَى أَهْلِهِ نَفْقَةً سَيِّئَةً، وَمَا يَقْبَلُهُ فِي الْكُرَاعِ وَالسَّلَاحِ، عُدَّةٌ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ. مُنْفَقٌ عَلَيْهِ.

(١١٢٠) وَعَنْ مُعاذِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: عَزَّوْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَيْثُ، فَأَصْبَنَا فِيهَا عَنْمًا، فَقَسَمَ فِينَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ طَافِئًا، وَجَعَلَ يَبْيَهَا فِي الْمَعْنَمِ. رَوَاهُ أَبُو دَاوُدَ وَرَجَالُهُ لَا بَأْسَ بِهِمْ.

(١١٢١) وَعَنْ أَبِي رَافِعٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنِّي لَا أُخِسِّنُ بِالْهُدَى، وَلَا أَحِسِّنُ الرُّسُلَ». رَوَاهُ أَبُو دَاوُدَ وَالسَّائِي، وَصَحَّحَهُ ابْنُ حِيَّانَ.

1122. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "Whatever town you take peacefully,^[1] your portion (*Fai'*) is in it; but whatever town disobeys Allāh and His Messenger, a fifth of (its booty) goes to Allāh and His Messenger and what remains (*Ghanima*) is yours."

[Reported by Muslim].

(١١٢٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِنَّمَا قُرْبَةَ الَّتِي أَتَيْتُمُوهَا، فَأَقْبَلْتُمُ فِيهَا، فَسَهْمُكُمْ فِيهَا، وَإِنَّمَا قُرْبَةَ الَّتِي عَصَتِ اللَّهَ وَرَسُولَهُ، فَإِنَّ حُمْسَهَا لِلَّهِ وَرَسُولِهِ، ثُمَّ هِيَ لَكُمْ». رَوَاهُ مُسْلِمٌ.

Chapter 1

JIZYA AND HUDNA^[2]

(HEAD TAX AND TRUCE)

١ - بَابُ الْجِزِيَّةِ وَالْهُدْنَةِ

1123. Narrated 'Abdur-Rahmān bin 'Auf : The Prophet ﷺ took it – i.e., the *Jizya* – from the Magians of Hajar. [Reported by Al-Bukhāri. It has another chain in *Al-Muwatta'* of Imām Mālik which is *Munqati'* (a broken chain)].

(١١٢٣) عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ أَخْذَهَا، يَعْنِي الْجِزِيَّةَ، مِنْ مُجْوسَ هَجَرَ، رَوَاهُ الطَّحاَريُّ، وَلَهُ طَرِيقٌ فِي الْمُوَطَّلِ، فِيهَا آنْطَطَاعَ.

1124. Narrated 'Aasim^[3] bin 'Umar from Anas and from 'Uthmān bin Abū Sulaimān^[4] : The Prophet ﷺ sent Khālid bin Al-Walid (ﷺ) to Ukaidir of Daūmat-al-Jandal,^[5] and then they seized him and brought him. He then spared his life and made peace with him on condition that he should pay *Jizya*. [Reported by Abū Dā'ud].

(١١٢٤) وَعَنْ عَاصِمِ بْنِ عُمَرَ، عَنْ أَنَّسٍ، وَعَنْ عُثْمَانَ بْنِ أَبِي سَيَّدٍ، رَضِيَ اللَّهُ تَعَالَى أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ بَعَثَ خَالِدَ بْنَ الْوَلِيدِ إِلَى أَكْيَرِ دُوْمَةِ الْجَنَدِلِ فَأَخْذَهُ، فَأَتَوْهُ بِهِ فَحَقَّنَ دَمَهُ وَصَالَحُهُ عَلَى الْجِزِيَّةِ. رَوَاهُ أَبُو دَاؤِدُ.

1125. Narrated Mu'ādh bin Jabal : The Prophet ﷺ sent me to Yemen and

(١١٢٥) وَعَنْ مُعاذِ بْنِ جَبَلٍ قَالَ: بَعَثَنِي النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى الْيَمَنِ فَأَمَرَنِي أَنْ أَخْذَ مِنْ كُلِّ

^[1] The first township alludes to the one where there is no fighting or bloodshed involved. The share of the warriors in a booty thus acquired from such a township is equal to the share of other Muslims. The second township implies the one where the fighting occurs. The one-fifth portion of the booty thus acquired shall be first taken out, then the rest of it shall be distributed among the soldiers.

^[2] *Jizya* is a monetary payment which an Islamic government realizes from its non-believing citizens as a head tax, which in turn is spent for their safety and welfare. *Hudna* implies a truce or armistice that is a temporary suspension of war for a stipulated period.

^[3] Abū 'Umar 'Aasim bin 'Umar bin Qatāda bin An-Nu'mān Al-Ansārī was a reliable *Tābi'i* who narrated many *Abādīth*. He was also knowledgeable regarding the accounts of the Islamic history from the advent of the Prophet ﷺ and the military expeditions. The year of his death has been differed on as being 119 H., 120 H., 121 H., 127 H., and 129 H.

^[4] 'Uthmān bin Abū Sulaimān bin Jubair bin Mut'im was the *Qādi* of Makkah; and Ahmad, Ibn Ma'in and Abū Hātim verified him as reliable.

^[5] Damatal-Jandal was a fortress near Tabuk held by Ukaidir who was a Christian, and this incident took place in the year 9 H. during the expedition of Tabuk.

commanded me to take (*Jizya*) from everyone,^[1] who had reached puberty, a Dinár or its equivalent in *Ma'āfīrī*,^[2] [Atb-Tbalātba reported it. Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

حالٍ ديناراً، أو عدله معاورياً. أخرجه
الثلاثة، وصححه ابن حبان والحاكم.

1126. Narrated 'A'īdh bin 'Amr Al-Muzāni^[3]: The Prophet ﷺ said, "Islam is always superior and can never be surpassed."^[4] [Ad-Dāraqutni reported it].

(١١٢٦) وَعَنْ عَائِدِ بْنِ عَمْرِو الْمُزَانِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ قَالَ: «الإِسْلَامُ يَغْلُو، وَلَا يُغْلَى» أَخْرَجَهُ الدَّارَقُطْنِيُّ.

1127. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "Do not initiate greeting the Jews and Christians (saying: *As-Salaamu Alaikum*) (before they salute you),^[5] and when you meet one of them on the road force him to go through the narrowest part of it." [Reported by Muslims].

(١١٢٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ قَالَ: «لَا يَتَدَهُو الْهَبُودُ وَالنَّصَارَى بِالسَّلَامِ، وَإِذَا لَقُوا أَحَدَهُمْ فِي طَرِيقٍ فَاضْطُرُوهُ إِلَى أَضْيَقِهِ». رَوَاهُ مُسْلِمٌ.

1128. Narrated Al-Miswar bin Makhrama and Marwān^[6]: The Prophet ﷺ went out in the year of *Al-Hudaibiya* – the narrator narrated the complete *Hadīth* and it contains: "This is what Muhammad bin 'Abdullāh has

(١١٢٨) وَعَنْ الْمِسْوَرِ بْنِ مَخْرَمَةَ وَمَرْوَانَ أَنَّ النَّبِيَّ قَرَأَ خَرَجَ عَامَ الْحُدَيْبِيَّةِ، فَذَكَرَ الْحَدِيثَ بِطُولِهِ، وَقَوْيِهِ: «هَذَا مَا صَالَحَ عَلَيْهِ مُحَمَّدُ بْنُ عَبْدِ اللَّهِ، سُهْلَ بْنُ عَمْرِو، عَلَى

[1] *Jizya* is of two kinds – an individual one, and a collective one. If realized individually, it will include the rich and the poor alike, from free, male, adults. The least amount that may be realized from a person is one Dinár per year. However, the non-adult minors are exempted from it. Any such tax payment which a government realizes, will have to be above the said rate and not below it. In case the non-believers choose to pay it collectively saying that they shall be paying a certain lump sum amount to the state annually, then such a payment shall not include the poor, but will be solely realized from the rich among them.

[2] i.e., garments of Yemen origin.

[3] Abū Hubairā, who settled at Basra, was among the righteous *Sabāba*. He attended *Bai'at'ur-Ridwān* and died during the caliphate of Yazid bin Mu'āwiya.

[4] This *Hadīth* has been mentioned as an introduction to signing a truce. Even if one of the conditions of a treaty thus signed supposedly appears to be unfavorable to Muslims, they shall not lose heart, for Allāh will always uphold Islam.

[5] This *Hadīth* clarifies that one should not be the first to greet a non-Muslim with the word *Salām* and a Muslim should not clear his way for them in case he comes across one of them on the way.

[6] Marwān bin Al-Hakam Al-Umawi was the father of 'Abdul-Mālik (the *Khalifa*). He governed Al-Madīnah for Mu'āwiya. He competed with 'Abdullāh bin Az-Zubair over the caliphate after the death of Yazid and the abdication of his son Mu'āwiya. So he took over Egypt and Shām. He died in Damascus in the Year 65 H.

agreed^[1] with Suhail bin ‘Amr^[2] – to abandon war for ten years during which the people would have security, and refrain from (harming) one another.” [Abū Dā’ud reported it. Its basic meaning occurs in *Al-Bukhāri*].

Muslim reported part of the aforesaid *Hadith* from Anas ﷺ and it contains: “If anyone came to us (the pagans) from you (the Muslims), we will not send him back, but if anyone came to you from us, you should send him back.” They asked, “Will you write that down, O Allāh’s Messenger?” He replied, “Yes! May Allāh remove far (from His Mercy) anyone who goes from us to them, but Allāh will make an escape and a way out for anyone who comes to us from them.”

1129. Narrated ‘Abdullāh bin ‘Umar ﷺ: The Prophet ﷺ said, “Whoever kills a *Mu’ābid*^[3] will not smell the fragrance of Paradise, even though its fragrance can be smelt at a distance of forty year’s journey.” [Al-Bukhāri reported it].

وَضَعَرَ الحَرْبِ عَشَرَ سِنِينَ، وَيَأْمُنُ فِيهَا [النَّاسُ]، وَيَكُفُّ بِنَصْرِهِمْ عَنْ بَعْضِهِمْ». أَخْرَجَهُ أَبُو دَاوُدْ وَأَصْلَهُ فِي الْبَخَارِيِّ.

وَأَخْرَجَ مُسْلِمٌ بَعْضَهُ مِنْ حَدِيثِ أَئْسِ، وَفِيهِ: أَنَّ مَنْ جَاءَ مِنْكُمْ لَمْ يَرْدُدْ عَلَيْكُمْ، وَمَنْ جَاءَكُمْ مِنْ رَدَدْتُمُوهُ عَلَيْنَا، فَقَالُوا: أَنْكُثُبْ هَذَا؟ يَا رَسُولَ اللَّهِ! قَالَ: «نَعَمْ، إِنَّمَا مَنْ ذَهَبَ مِنَ إِنْهِمْ فَأَبْعَدَهُ اللَّهُ، وَمَنْ جَاءَنَا مِنْهُمْ فَسِيَجْعَلُ اللَّهُ لَهُ فَرْجًا وَمَحْرَجًا».

[1] This proves legitimacy of a peace accord being struck between the Muslims and non-Muslims. It further elaborates that if an *Amir*, as a prudent measure, realizes that such a treaty shall do the Muslims good in the long run, he should sign it without caring about the opposition or resentment of the public, which such a step may cause among them.

[2] He was one of Quraish’s noble, wise, orators and statesmen. He was captured at Badr as a *Kāfir*, but became Muslim on the day of the conquest of Makkah. The Quraish remained in Islam during *Ar-Ridda* period due to his influence. It was said that he was martyred in the battle of Yarmūk in the year 14 H. or at Marj As-Safr or in the plague of Amwās in the year 18 H.

[3] *Mu’ābid* is a non-believer who is basically a resident of a non-Muslim territory and has entered an Islamic country pursuant to acquiring an asylum from the Islamic government. This also must be made clear that the murder of a *Mu’ābid* is very serious – in terms of consequences – since the murder of a *Mu’ābid* is a matter which involves the whole nation thus bringing a bad name to all the Muslims. There is a common consensus to the effect that the murder of a *Mu’ābid* is forbidden. This is a proof that the Muslim will not be killed for a disbeliever – *Mu’ābid* or *Dhimmi*.

(1129) وَعَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا عَنْ النَّبِيِّ قَالَ: «مَنْ قُتِلَ مُعَاهِدًا لَمْ يَرْجِعْ رَائِحةَ الْجَنَّةِ، وَإِنَّ رِيحَهَا لَيُوجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا». أَخْرَجَهُ الْبَخَارِيُّ.

٢ - بَابُ السَّبَقِ وَالرَّمَيِّ

Chapter 2 RACING AND SHOOTING

1130. Narrated Ibn ‘Umar ﷺ: The Prophet ﷺ held a race between the horses^[1] which had been made lean by training from Al-Hafyā’ to Thaniyat Al-Wadā’,^[2] and he held a race, from Thaniya to the mosque of Banu Zuraiq, between the horses which had not undergone such training. Ibn ‘Umar (ﷺ) was among those who took part in the race. [Agreed upon].

Al-Bukhārī added: Sufyān said, “From Al-Hafyā’ to Thaniyat Al-Wadā’ is a distance of five or six miles, and from the Thaniya to the mosque of Banu Zuraiq is a distance of one mile.”

1131. Narrated (Ibn ‘Umar ﷺ): The Prophet ﷺ held a race between horses and made the destination for the full-grown ones at a longer distance. [Reported by Ahmad and Abū Dā’ud. Ibn Hibbān graded it *Sabib* (authentic)].

1132. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “Wagers are allowed only for racing camels, shooting arrows or racing horses,”^[3] [Reported by Ahmad and *Atb-Thalātha*. Ibn Hibbān declared it to be *Sabib* (authentic)].

1133. Narrated (Abū Huraira ﷺ): The Prophet ﷺ said, “If anyone enters a horse in a race^[4] with two others –

(١١٣٠) عن ابن عمر رضي الله تعالى عنهما قال: سابق النبي صلى الله عليه وسلم بالخيل التي قد ضمرت، من الحفياء، وكان أمدها ثانية الوداع، وسابق بين الخيل التي لم تضمر، من الشيبة إلى مسجد بني زريق، وكان ابن عمر فيمن سابق متفق عليه.

زاد البخاري «قال سفيان: من الحفياء إلى ثانية الوداع خمسة أميال، أو سنته، ومن الشيبة إلى مسجد بني زريق ميل».

(١١٣١) وعنه رضي الله تعالى عنه أن النبي صلى الله عليه وسلم سابق بين الخيل، وفضل الفرج في العافية. رواه أحمد وأبو داود، وصححه ابن جيان.

(١١٣٢) وعن أبي هريرة رضي الله تعالى عنه قال: قال رسول الله صلى الله عليه وسلم: لا سبق إلا في حف، أو نضل، أو حافر». رواه أحمد. والثلاثة، وصححه ابن جيان.

(١١٣٣) وعنه عن النبي صلى الله عليه وسلم قال: «من أدخل فرساً بين فرسين، وهو لا يأمن أن

^[1] This *Hadith* states that the horse racing is permissible. However, the strength and the age of a horse also must be taken into consideration. An ordinary horse may be made to run a mile without any scruple, whereas a five mile run will cause no strain on a trained horse.

^[2] A mountain pass near Al-Madīnah on the way to Al-Aqabah.

^[3] This implies that racing and prize-giving or taking is permissible on camels and horses provided that the pre-determined prize for such a race is only from one of the contestants, according to the Majority of Scholars. If the prize is from a third party, there is no difference about its permissibility.

^[4] The original purpose of horse racing is to test the strength of a horse in terms of running, and the prize giving is secondary. If the predetermined condition is stipulated by the

when he is not certain that it cannot be beaten, there is no harm in it. However, if he is certain (it cannot be beaten), it is then gambling.”^[1] [Reported by Ahmad and Abū Dā’ud, and its chain of narrators is *Da’if* (weak)].

1134. Narrated ‘Uqba bin ‘Aamir : I heard Allāh’s Messenger ﷺ saying, while he was on the *Minbar*: “And make ready against them all you can of power, including steeds of war (tank, planes, etc.)^[2] – Surely strength is in shooting; surely strength is in shooting; surely strength is in shooting.”^[3] [Reported by Muslim].

يُسْبَقَ فَلَا يَأْسَ بِهِ، فَإِنْ أَمِنَ فَهُوَ قَمَارٌ رَوَاهُ أَخْمَدُ وَأَبْيُونَ دَاؤُدُّ، وَإِسْنَادُهُ ضَعِيفٌ.

(١١٣٤) وَعَنْ عُثْمَانَ بْنِ عَامِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَيَغُثُّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَهُوَ عَلَى الْمُتَبَرِّ، يَقُولُ: «وَأَعِدُّوْلَاهُمْ مَا أَسْتَطَعْنَاهُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْحَيْلِ» أَلَيْهِ، أَلَا إِنَّ الْفُوْزَ الرَّمَيُّ، أَلَا إِنَّ الْفُوْزَ الرَّمَيُّ، أَلَا إِنَّ الْفُوْزَ الرَّمَيُّ، أَلَا إِنَّ الْفُوْزَ الرَّمَيُّ». رَوَاهُ مُسْلِمٌ.

competing parties in such a way that: “If your horse excels, I will pay you twenty Riyals or my horse shall be yours otherwise, you pay me twenty Riyals or your horse shall be mine,” then such a practice is forbidden by a common consensus. In case the horse racing is based on a one-sided commitment only by one party stating: “I will pay you twenty Riyals, if your horse excels”, such a thing is permissible (according to the majority opinion). Another permissible situation is an announcement by a third party stating: “I shall pay the winning party such and such amount.”

^[1] If it is known that such and such horse is definitely going to win, it is not permissible to make it run solely for the purpose of prize-winning.

^[2] *Sūrat Al-Anfāl*, 8:60.

^[3] Archery was the pinnacle of warfare in those days. In modern times, the learning of new armaments and war techniques shall be considered as power and strength.

12. THE BOOK OF FOODS

1135. Narrated Abū Huraira ﷺ: The Prophet ﷺ said, "Every beast of prey with canine teeth is forbidden to eat."^[1] [Reported by Muslim].

Muslim reported the aforesaid *Hadīth* from the narration of Ibn 'Abbās, with this wording: "He prohibited." And he added: "And every bird with claws."

1136. Narrated Jābir ﷺ: On the Day of Khaibar, Allāh's Messenger ﷺ forbade the flesh of domestic donkeys,^[2] but permitted horse flesh. [Agreed upon]. A wording of Al-Bukhāri has: "He gave permission."

1137. Narrated Ibn Abū Aufā ﷺ: We went on seven military expeditions with Allāh's Messenger ﷺ and we ate locusts. [Agreed upon].

1138. Narrated Anas ﷺ regarding the story of the rabbit: He (Abū Talha) slaughtered it and sent its thigh to Allāh's Messenger ﷺ, and he accepted it.^[3] [Agreed upon].

1139. Narrated Ibn 'Abbās ﷺ: "Allāh's Messenger ﷺ prohibited the killing of four creatures: ants, bees, hoopoes and shrikes (a small bird which eats insects)." [Reported by Ahmad and Abū Dā'ud. Ibn Hibbān graded it *Sabib* (authentic)].

1140. Narrated Ibn Abū 'Ammār^[4]: I asked Jābir (ﷺ), "Is hyena a game

١٢ - كِتَابُ الْأَطْعَمَةِ

(١١٣٥) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «كُلُّ ذِي نَابٍ مِنَ السَّبَاعِ فَأَكُلُّهُ حَرَامٌ». رَوَاهُ مُسْلِمٌ.

وَأَخْرَجَهُ مِنْ حَدِيثِ ابْنِ عَبَّاسٍ، بِلِفْظِهِ: «نَهَى». وَزَادَ: «وَكُلُّ ذِي مَخْلَبٍ مِنَ الطَّيْرِ».

(١١٣٦) وَعَنْ جَابِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَ خَيْرِ الْعُمُورِ الْحُمْرَ الْأَهْلِيَّةَ، وَأَذْنَ فِي لَحْومِ الْحَيْلَةِ. مُتَقَدِّمٌ عَلَيْهِ، وَفِي لَفْظِ الْبَخَارِيِّ: «وَرَحْصَنَ».

(١١٣٧) وَعَنْ ابْنِ أَبِي أُوفَى رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: غَزَوْنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ غَزَوَاتٍ، تَأْكُلُ الْجَرَادَ. مُتَقَدِّمٌ عَلَيْهِ.

(١١٣٨) وَعَنْ أَنَسِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ فِي قِصَّةِ الْأَرْبَبِ - قَالَ: فَدَبَّحَهَا فَبَعْثَ بُورِكَهَا إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَبَلَهُ. مُتَقَدِّمٌ عَلَيْهِ.

(١١٣٩) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَرْبَعَ مِنَ الدَّوَابِ: التَّمْلَةُ، وَالنَّحْلَةُ، وَالْهَدْهُدُ، وَالصَّرَدُ. رَوَاهُ أَحْمَدُ وَأَبُو ذَاوْدَ، وَصَحَّحَهُ ابْنُ حِيَانَ.

(١١٤٠) وَعَنْ ابْنِ أَبِي عَمَّارٍ قَالَ: قُلْتُ

[1] This *Hadīth* mentions a clear-cut and exhaustive indication of a standard stating that any flesh-eating beast of prey with canine teeth is forbidden to be eaten. Similarly, any of the birds nibbling at its waste with the grip of its talons is forbidden.

[2] A wild donkey (zebra) is not forbidden.

[3] Rabbit is permissible according to the majority of the scholars.

[4] He is 'Abdur-Rahmān bin 'Abdullāh bin Abū 'Ammār Al-Qurashi Al-Makki. He was a devoted worshipper and An-Nasā'i verified him as reliable.

(animal)?" He replied, "Yes."^[1] I asked, "Did Allāh's Messenger ﷺ say that?" He replied, "Yes." [Reported by Ahmad and Al-Arba'a. Al-Bukhāri and Ibn Hibbān graded it *Sahib* (authentic)].

1141. Narrated Ibn 'Umar ﷺ: He was asked about the hedgehog and he recited "Say (O Muhammad ﷺ): I find not in that which has been inspired to me anything forbidden..."^[2] An old man who was present said: I heard Abū Huraira ﷺ say, 'It was mentioned in the presence of the Prophet ﷺ and he said, "It is an abomination from those things which are abominable.'" [Ahmad and Abū Dā'ud reported it, and its chain of narrators is *Da'if* (weak)].

1142. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ prohibited eating of the animal which feeds on filth, and (he prohibited) its milk.^[3] [Al-Arba'a except An-Nasā'i reported it. At-Tirmidhi graded it *Hasan* (good)].

1143. Narrated Abū Qatāda ﷺ regarding story of the wild donkey: The Prophet ﷺ ate from it. [Agreed upon].

1144. Narrated Asmā' bint Abū Bakr ﷺ: In the time of Allāh's Messenger ﷺ, we sacrificed a horse and ate it.^[4] [Agreed upon].

لِجَابِرٍ: الظَّبْعُ صَيْدٌ هِيَ؟ قَالَ: نَعَمْ، قُلْتُ: قَالَهُ رَسُولُ اللَّهِ ﷺ؟! قَالَ: نَعَمْ. رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ، وَصَحَّحَهُ الْبُخَارِيُّ وَابْنُ جَبَانَ.

(١١٤١) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا أَنَّهُ سُبِّلَ عَنِ الْقُنْدُ، فَقَالَ: «فُلْ لَا أَيْدُ فِي مَا أُوْجِيَ إِلَيْهِ حُرَيْمًا» الْآيَةُ فَقَالَ شَيْخٌ عِنْدَهُ: سَوْمَتُ أَبَا هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ يَقُولُ: ذُكْرٌ عِنْدَ النَّبِيِّ ﷺ، فَقَالَ: «إِنَّهَا خَبِيْثَةٌ مِّنَ الْخَبَائِثِ» فَقَالَ أَبْنُ عُمَرَ: إِنْ كَانَ رَسُولُ اللَّهِ ﷺ قَالَ هَذَا فَهُوَ كَمَا قَالَ أَخْرَجَهُ أَحْمَدُ وَأَبْوَ دَاؤَدُ، وَإِسْنَادُهُ ضَيِّفٌ.

(١١٤٢) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْجَلَالَةِ وَأَلْبَانِهَا. أَخْرَجَهُ الْأَرْبَعَةُ إِلَّا السَّنَائِيُّ، وَحَسَّنَهُ التَّرْمِذِيُّ.

(١١٤٣) وَعَنْ أَبِي قَتَادَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ - فِي قَصَّةِ الْحِمَارِ الْوَحْشِيِّ - : فَأَكَلَ مِنْهُ النَّبِيُّ ﷺ. مُتَقَّعٌ عَلَيْهِ.

(١١٤٤) وَعَنْ أَسْمَاءَ بْنَتِ أَبِي بَكْرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَتْ: تَحْرِنَا عَلَى عَهْدِ رَسُولِ اللَّهِ فَرَسَّا فَأَكَلَنَا. مُتَقَّعٌ عَلَيْهِ.

^[1] This *Hadīth* indicates that the eating of a hyena is permissible. According to some *Imāms*, (i.e. Ash-Shafī'i) it is permissible, whereas according to some others (*Al-Hanaffiyā*), it is forbidden. One of the reasons it is said to be forbidden is that it likes to feed on the human flesh and therefore digs into the graves.

^[2] *Sūrat Al-An'ām*, 6:145.

^[3] In Arabic, *Jallala* is a term used for the animals that feed on waste and filth, whether it is a she-camel, a cow, or a goat and similarly whether a male or a female. Whether or not it is permissible to use the flesh and milk of such an animal, is a matter of difference among the scholars from the very beginning. Some regard it as permissible whereas the others consider it forbidden. An animal shall be considered a *Jallala* if the major part of its feed consists of the human waste and refuse. If the greater part of what it consumes comprises the things that are permissible, the animal shall not fall under this category.

^[4] A *Hadīth* has been mentioned prior to this one regarding the permissibility of horse meat.

1145. Narrated Ibn ‘Abbās ﷺ: The *Dabb* (sand lizard) was eaten on the dinning sheet of Allāh’s Messenger^[1] ﷺ. [Agreed upon].

1146. Narrated ‘Abdur-Rahmān bin ‘Uthmān Al-Qurashi ﷺ: A physician consulted Allāh’s Messenger ﷺ about extracting medicine from frogs and he prohibited killing them.^[2] [Ahmad reported it, and Al-Hākim graded it *Sabib* (authentic)].

Chapter 1 GAME AND ANIMALS WHICH MAY BE SLAUGHTERED

1147. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “Whoever keeps a dog except a sheepdog or a hunting dog or a farm dog,^[3] a *Qirāt* of his reward will be deducted daily.” [Agreed upon].

1148. Narrated ‘Adī bin Hātim^[4] ﷺ: Allāh’s Messenger ﷺ said to me, “When you send off your dog, mention Allāh’s Name over it.^[5] If it catches anything for you and you reach it while it is still

All these *Abādīth* state that the eating of its meat is permissible.

^[1] It is deduced from certain *Abādīth* that *Dabb* (a kind of sand lizard) should not be eaten. The Prophet ﷺ never ate it himself, but his Companions did eat the same in his presence while eating off his dining sheet. He was invited to eat it, but refused to partake of it. However, he did not forbid the people around him from eating it. The scholars, in their writings have mentioned it as *Makrūb Tanzibi* (things or actions rated as a lesser degree of the undesirables).

^[2] We learn through this *Hadīth* that it is forbidden to kill the frog, and therefore eating its meat is also forbidden.

^[3] For the reasons other than hunting or safeguarding a property, it is prohibited to raise a dog as a pet. A *Qirāt* indicates a very large amount of something.

^[4] ‘Adī bin Hātim At-Tā’i and his father were famous for their generosity. He visited the Prophet ﷺ in the year 7 H. and both him and his people held firm to Islam during the Ridda period. The first *Zakāt* to reach Abū Bakr was that of ‘Adī and his people. He witnessed the conquest of Madā'in and was with ‘Ali during his campaigns loosing an eye in the battle of Al-Jamal, and died in 120 H. at the age of 68 years.

^[5] Hunting for the purpose of earning a livelihood or eating is allowed. But the same is undesirable if done merely as a recreation or pastime. It is permissible to use either a dog or

(١١٤٥) وَعَنْ أَبْنَىٰ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُمَا قَالَ: أَكَلَ الضَّبُّ عَلَىٰ مَا تَدَةَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ. مُتَقَرَّ عَلَيْهِ.

(١١٤٦) وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ عُثْمَانَ الْقُرَشِيِّ، أَنَّ طَبِيباً سَأَلَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَنِ الصَّنْدُعِ يَجْعَلُهَا فِي دَوَاءٍ، فَهَنِئَ عَنْ قَتْلِهَا. أَخْرَجَهُ أَحْمَدُ، وَصَحَّحَهُ الْحَاكِمُ.

١ - بَابُ الصَّيْدِ وَالذَّبَائِحِ

(١١٤٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَنْ اتَّخَذَ كُلْبًا إِلَّا كَلْبٌ مَاتِيَّةُ، أَوْ صَنِيْدُ، أَوْ زَرْزَعُ، اتَّقِصْ مِنْ أَجْرِهِ كُلَّ يَوْمٍ قِيرَاطٌ». مُتَقَرَّ عَلَيْهِ.

(١١٤٨) وَعَنْ عَلِيٰ بْنِ حَاتِمٍ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُ، قَالَ: قَالَ لِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «إِذَا أَرْسَلْتَ كَلْبَكَ فَادْعُهِ اسْمَ اللَّهِ عَلَيْهِ، فَإِنْ أَمْسَكَ

alive, slaughter it. Likewise, if you reach it when the dog has killed it but not eaten any of it, eat it. However, if you find another dog with yours and the game has been killed, do not eat, for you do not know which of them killed the animal. When you shoot your arrow, mention Allāh's Name. If the game goes out of your sight for a day and you only find in it the mark of your arrow, eat if you wish, but if you find it drowned in water, do not eat." [Agreed upon, and the wording is Muslim's].

1149. Narrated 'Adī: I asked Allāh's Messenger ﷺ about hunting with featherless arrows (*Mi'rād*) and he replied, "If the game is killed with its sharp edge,^[1] eat it; but if it strikes with the middle part and the kill is beaten to death, it is considered a *Mauqūdha*,^[2] so do not eat it." [Reported by Al-Bukhāri].

1150. Narrated Abū Tha'labā: The Prophet ﷺ said, "When you shoot your arrow and the animal goes out of your sight,^[3] eat it when you come upon it, provided it has not become rotten." [Muslim reported it].

1151. Narrated 'Aishah: Some people said to the Prophet ﷺ, "There are people who bring us meat and we do

عَيْكَ فَأَذْرَكْتُهُ حَيًّا فَأَذْبَخْتُهُ، وَإِنْ أَذْرَكْتُهُ قَدْ قُتِلَ، وَأَنْ يَأْكُلْ مِنْهُ فَكُلْهُ، وَإِنْ وَجَدْتَ مَعَ كُلْبٍ كُلْبًا غَيْرَهُ، وَقَدْ قُتِلَ، فَلَا تَأْكُلْ. فَإِنَّكَ لَا تَدْرِي أَيُّهُمَا تَنْتَهُ، وَإِنْ رَمَيْتَ بِسَهْمِكَ فَأَذْكَرْ أَسْمَ اللَّهِ تَعَالَى، فَإِنْ عَاقَبَ عَنْكَ يَوْمًا فَلَمْ تَجِدْ فِيهِ إِلَّا أَتَرَ سَهْمِكَ فَكُلْ إِنْ شِئْتَ، وَإِنْ وَجَدْتَهُ غَرِيقًا فِي الْمَاءِ فَلَا تَأْكُلْ". مُتَقَوْلَةً عَلَيْهِ، وَهَذَا لَفْظُ مُسْلِمٍ.

(1149) وَعَنْ عَدْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: سَأَلْتُ رَسُولَ اللَّهِ عَنْ صَيْدِ الْمَعْرَاضِ فَقَالَ: إِذَا أَصْبَثْ بِحَدْوِ فَكُلْ، وَإِذَا أَصْبَثْ بِعَرْضِهِ فَقُتِلَ فَإِنَّهُ وَقِيدٌ، فَلَا تَأْكُلْ". رَوَاهُ الْبَخَارِيُّ.

(1150) وَعَنْ أَبِي ثَعْلَبَةَ، رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا رَمَيْتَ بِسَهْمِكَ نَعَابَ عَنْكَ، فَأَذْرَكْتُهُ: فَكُلْهُ، مَا لَمْ يَتْنَ». آخر جملة مسلمة.

(1151) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ قَوْمًا قَالُوا لِلنَّبِيِّ ﷺ: إِنَّ قَوْمًا يَأْتُونَا

other animals of prey in hunting. However, there are two conditions governing it. First of all, the dog must be unleashed by reciting *Bismillāh* and secondly, the dog thus released should be a one trained for the purpose of hunting. If the dog eats of the hunted animal, it becomes unlawful for human consumption. Otherwise, the same is lawful.

[1] One of the rulings governing hunting is that if the animal thus preyed upon dies out of bleeding by being wounded through a razor-sharp object, it is permissible to be eaten. However, if the same dies out of being hit by an object and sustaining some bruises or wounds, the consumption of the same becomes unlawful.

[2] i.e., an animal beaten to death with a stick, a stone and the like without proper slaughtering.

[3] If an animal, struck by an arrow, runs out of sight and is later found dead lying in water, it is forbidden to be eaten. However, if the same is found alive, it must be slaughtered. If the same is found to be dead lying on the ground visibly sustaining no injury other than the one inflicted by an arrow, it is lawful to be eaten. But if the same is found to be sustaining a wound other than that of an arrow, it becomes forbidden for human consumption.

not know whether or not they have mentioned Allāh's Name over it." He replied, "Mention Allāh's Name yourselves and eat it."^[1] [Reported by Al-Bukhāri].

1152. Narrated 'Abdullāh bin Mughaffal : Allāh's Messenger ﷺ forbade throwing pebbles^[2] and said, "A game (animal) is not caught by such means, neither is an enemy injured, but you may sometimes break a tooth or put out an eye (of someone accidentally)." [Agreed upon, and the wording is Muslim's].

1153. Narrated Ibn 'Abbās : The Prophet ﷺ said, "Do not take any living creature as a target." [Reported by Muslim].

1154. Narrated Ka'b bin Mālik : A woman slaughtered a sheep with a (sharp-edged) stone, so the Prophet ﷺ was asked about that and he ordered it to be eaten.^[3] [Reported by Muslim].

1155. Narrated Rāfi' bin Khadij : The Prophet ﷺ said, "Whatever causes the blood to gush out, and Allāh's Name is mentioned over it, then eat (from the animal slaughtered in such a way). But, do not slaughter with a tooth or a nail (claw)."^[4] This is because the tooth is a bone and the nail (claw) is the knife of the Abyssinians (Ethiopians)." [Agreed upon].

بِاللَّهِمَّ لَا تَنْدِرِي أَذْكُرُوا اسْمَ اللَّهِ عَلَيْهِ، أَمْ لَا
فَقَالَ: «سَمُّوَا اللَّهُ عَلَيْهِ أَنْتُمْ، وَكُلُّهُ». رَوَاهُ
الْبُخَارِيُّ.

(١١٥٢) وَعَنْ عَبْدِ اللَّهِ بْنِ مُعْقِلَ الْمُزَيْتِيِّ
رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ
عَنِ الْحَدْفِ، وَقَالَ: «إِنَّهَا لَا تَصِيدُ صَيْدًا،
وَلَا تَنْكِأْ عَدُوا، وَلَكِنَّهَا تَكْسِرُ السَّنَ، وَتَنْقِقُ
الْعَيْنَ». مُتَقَّدٌ عَلَيْهِ، وَاللَّفْظُ مُسْلِمٌ.

(١١٥٣) وَعَنْ أَبْنَى عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «لَا تَسْخِلُوا شَيْئًا فِي
الرُّوحِ غَرَضًا». رَوَاهُ مُسْلِمٌ.

(١١٥٤) وَعَنْ كَثِيرِ بْنِ مَالِكٍ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ أَنَّ امْرَأَةً ذَبَحَتْ شَاةً بِحَجْرٍ، فَسُبِّلَ
الشَّيْءُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَنْ ذَلِكَ، فَأَمَرَ بِأَكْلِهَا. رَوَاهُ مُسْلِمٌ.

(١١٥٥) وَعَنْ رَافِعِ بْنِ حَدِيجٍ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «مَا أَنْهَرَ الدَّمَ
وَذَكَرَ اسْمَ اللَّهِ عَلَيْهِ، فَكُلْ، لَيْسَ السَّنَ
وَالظُّفُرُ، أَمَا السَّنُ فَعَظِيمٌ، وَأَمَا الظُّفُرُ فَمُدَى
الْحَسِينَةِ». مُتَقَّدٌ عَلَيْهِ.

^[1] This *Hadīth* establishes the principle that as long as one is not absolutely sure that a certain meat is unlawful, he may not declare it to be as such merely on the basis of doubt, particularly when it is being offered by a Muslim.

^[2] The pebbles here allude to small pebbles that are harmful and at the same time offer no benefit.

^[3] This *Hadīth* informs us that an animal slaughtered by a woman is lawful on the condition that: a) she is a Muslim and, b) she recites the standard formula of pronouncing *Bismillāh, Allābu Akbar* while slaughtering an animal.

^[4] Any sharp object (other than a tooth, a nail, or a bone) which makes the blood flow out of an animal's body, is permissible to be used for the purpose of slaughtering an animal.

1156..Narrated Jābir bin ‘Abdullāh ﷺ: Allāh's Messenger ﷺ prohibited that an animal be tied up and then killed (by beating or shooting).^[1] [Reported by Muslim].

1157. Narrated Shaddād bin Aus ﷺ: Allāh's Messenger ﷺ said, "Verily, Allāh has prescribed proficiency in all things. Thus, if you kill, kill well; and when you slaughter an animal, do it in a good way. Everyone of you should sharpen his blade so that the animal may be spared from the suffering of the slaughtering."^[2] [Reported by Muslim].

1158. Narrated Abū Sa‘id Al-Khudri ﷺ: Allāh's Messenger ﷺ said, "The slaughter of the *Janin* (fetus) is included when its mother is slaughtered."^[3] [Ahmad reported it, and Ibn Hibbān graded it *Sahih* (authentic)].

1159. Narrated Ibn ‘Abbās رضي الله تعالى عنهما: The Prophet ﷺ said, "A Muslim's name is sufficient for him. So, if he forgets to mention Allāh's Name when he slaughters (an animal), he should mention Allāh's Name [before eating], and then eat it."^[4] [Ad-Dāraqutni reported it. There is a transmitter in its chain of narrators who had weakness in memory, i.e. in its chain is Muhammad

(1156) وَعَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يُقْتَلَ شَيْءٌ مِنَ الدَّوَابِ صَبِرًا. رَوَاهُ مُسْلِمٌ.

(1157) وَعَنْ شَدَّادِ بْنِ أُوْسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّ اللَّهَ كَتَبَ إِلَيْهِ الْإِحْسَانَ عَلَى كُلِّ شَيْءٍ، فَإِذَا قَتَلْتُمْ فَأَخْسِسُوا الْقَتْلَةَ، وَإِذَا ذَبَحْتُمْ فَأَخْسِسُوا الذَّبْحَةَ، وَلَيَجِدَ أَحَدُكُمْ شَفَرَتَهُ، وَلَيُرِخَ ذَبِحَتَهُ». رَوَاهُ مُسْلِمٌ.

(1158) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «ذَكَارُهُ الْجَنِينُ ذَكَارُ أُمِّهِ». رَوَاهُ أَخْمَدُ، وَصَحَّحَهُ ابْنُ حِيَانَ.

(1159) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الْمُسْلِمُ يَخْفِي أَشْمَعَهُ، فَإِنْ تَبَيَّنَ أَنْ يُسَمِّي حِينَ يَذْبَحُ فَلْيَسْمِمْ تُمَّ لِيَأْكُلُ». أَخْرَجَهُ الدَّارَقُطْنِيُّ، وَفِيهِ رَاوِيٌ حَفْظُهُ ضَعِفُ، وَفِيهِ إِسْنَادٌ مُحَمَّدُ بْنُ يَزِيدٍ بْنُ سَيَّانَ، وَهُوَ صَدُوقٌ ضَعِيفُ الْحَفْظِ، وَأَخْرَجَهُ عَبْدُ الرَّازِقَ يَاشْتَادِ صَحِحٌ إِلَى ابْنِ عَبَّاسٍ، مَؤْتَوْفًا عَلَيْهِ.

^[1] In Arabic, the word *Sabr* has two meanings: a) To kill an animal by subjecting him to extreme hunger and thirst (i.e. starving it to death). b) Using an animal as a target and killing it by throwing darts at it as if practicing a sport and thus piercing the animal to death in the process. Both of these acts are forbidden.

^[2] Even if someone has to be executed, he should be killed in such a manner that he faces the least amount of agony and that his soul passes away quickly. This *Hadīth* implies exactly the same point.

^[3] This *Hadīth* implies that if a dead fetus emerges out of a slaughtered animal (a female one), the flesh of that fetus is lawful too. In case it emerges alive, it will then be slaughtered by a common consensus of all the scholars.

^[4] If a Muslim does not pronounce a *Takbīr* (saying *Allāhu Akbar*) deliberately while slaughtering an animal, it becomes unlawful. However, if he omits pronouncing it due to forgetfulness, the same is permissible. This is the strongest opinion of the scholars.

bin Yazid bin Sinān,^[1] who is truthful but weak in memory. 'Abdur-Razzāq reported the aforesaid *Hadīth* with an authentic chain of narrators stopping at Ibn 'Abbās (رضي الله عنه) *Mauqūf* (saying of a Companion). It has a *Shāhid* (supporting narration) reported by Abū Dā'ud in his *Marāsil* (missing links after the *Tābi'i*) with the wording: "The slaughtered animal of any Muslim is lawful, whether he mentions Allāh's Name over it or not." Its narrators are reliable (*tbiqab*).

Chapter 2 THE SACRIFICES^[2]

٢ - باب الأضاحي

1160. Narrated Anas bin Mālik رضي الله عنه: "The Prophet ﷺ used to sacrifice two black and white two-horned rams, mention Allāh's Name and say Allāh is the Greatest, and place his foot on their sides." Another wording has: 'He slaughtered them with his own hands.' [Agreed upon]. Another wording has: 'Saminain' (two fat rams). Abū 'Awāna has in his *Sabib*: 'Thaminain' – with 'Th' instead of 'S' – (meaning two precious rams). A wording of Muslim has: 'And he said, "In the Name of Allāh" and "Allāh is the Greatest."

Muslim has reported from the *Hadīth* of 'Aishah رضي الله عنها: 'He (ﷺ) ordered a horned ram with black legs, black belly and black around the eyes, and it was brought for

وَلَهُ شَاهِدٌ عِنْدَ أَبِي دَاوُدَ، فِي مَرَاسِيلِهِ: يَقْظِي: «فَيَحْكُمُ الْمُسْلِمُ حَلَالٌ، ذَكَرَ اسْمَ اللَّهِ عَلَيْهَا أَمْ لَمْ يَذْكُرْ». وَرِجَالُهُ مُوْتَشَوْنَ.

(١١٦٠) عَنْ أَنَّسِ بْنِ مَالِكٍ، رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ ﷺ كَانَ يُضَحِّي بِكَبِيشَيْنِ أَمْ لَحَيْنِ أَفْرَيْنِ، وَيُسَمِّي، وَيُكَبِّرُ، وَيَضَعُ رِجْلَهُ عَلَى صِفَاحِهِمَا. وَفِي الْفَظِّ: «بَيْحَمَّا يَبِدِيهِ» مُتَقَوِّلًا عَلَيْهِ. وَفِي الْفَظِّ: «سَوْبَيْنِ». وَلَأِبِي عَوَانَةَ فِي صَحِيحِهِ: «ثَبِيْنِ» بِالْمُتَلَقِّهِ بِدَلِيلِ السَّيْنِ. وَفِي الْفَظِّ لِمُسْلِمٍ: «وَيَقُولُ يَسْمِ اللَّهِ وَاللَّهُ أَكْبَرُ».

وَلَهُ مِنْ حَدِيثِ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَمْرَ بِكَبِشِ أَفْرَنَ، يَطْأُ فِي سَوَادٍ، وَيَبِرُكُ فِي سَوَادٍ، وَيَنْتَرُ فِي سَوَادٍ، لِيُضَحِّي بِهِ، فَقَالَ:

^[1] He was nicknamed Abū 'Abdullāh رضي الله عنه and was from At-Tamimi tribe. Abū Hātim said, 'He was not a strong *Hadīth* authority. He was however, a pious man.' Abū Dā'ud said, 'He is nothing', and An-Nasā'i said, 'he was not strong.' Ibn Hibbān mentioned in *Abū-Thiqāt* that he died in 220 H.

^[2] Sacrificing is of two kinds. The first one is known as *Hady* and the other one as *Udbiya*. *Hady* is the one offered by the pilgrims as one of the *Hajj* rituals in Mina, and *Udbiya* is the one offered by the Muslims worldwide either on the day of '*Eidul-Adha*' or during the days of *Tashriq*. According to the majority of the scholars, offering *Udbiya* sacrifices is a *Sunnah* (a supererogatory act); whereas according to some of them, the same is compulsory. This sacrifice is called *Udbiya* because it is offered at *Duba* (the forenoon time).

him to sacrifice and he said to 'Aisha (رضي الله عنها), " 'Aisha, get the knife." Then he said, "Sharpen it with a stone." When she had done so he took it (the knife), then took it (the ram) and placed it on the ground and (began to) slaughter it, saying: "In the Name of Allāh, O Allāh, accept it from Muhammad, Muhammad's family and from Muhammad's *Ummah* (followers)," offering it as a sacrifice.'

1161. Narrated Abū Huraira (رضي الله عنه) : Allāh's Messenger (ﷺ) said, "He who has the means and did not sacrifice must not come near our place of prayer."^[1] [Reported by Ahmad and Ibn Mājah. Al-Hākim graded it *Sabib* (authentic). The other *Imāms* held that the stronger view is that it is *Mauqūf* (saying of a Companion)].

1162. Narrated Jundub bin Sufyān^[2] : I witnessed '*Eidul-Adha*' with Allāh's Messenger (ﷺ). When he finished his prayer with the people, he looked at a sheep which had been sacrificed, and said, "Anyone who has sacrificed before prayer must sacrifice a sheep in its place."^[3] And if anyone has not sacrificed he must do so in Allāh's Name." [Agreed upon].

أشحذني المذية، ثم أخذها فاضجعه، ثم ذبحه، وقال: بِسْمِ اللَّهِ، اللَّهُمَّ تَقَبَّلْ مِنْ مُحَمَّدٍ، وَآلِ مُحَمَّدٍ، وَمِنْ أُمَّةِ مُحَمَّدٍ ثُمَّ ضَحَى بِهِ .

(١١٦١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَ لَهُ سَعَةٌ وَلَمْ يُضْحِي فَلَا يُفْرَبَنَّ مُصَلَّاً نَّا». رَوَاهُ أَخْمَدُ وَابْنُ مَاجَةَ، وَصَحَّحَهُ الْحَاكِمُ وَرَجَحَ الْأَيْنَةَ عَيْرَةً وَفَقَهَهُ .

(١١٦٢) وَعَنْ جُنْدُبِ بْنِ سُفيَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: شَهِدْتُ الْأَضْحَى مَعَ رَسُولِ اللَّهِ ﷺ، فَلَمَّا قَضَى صَلَاتَهُ بِالنَّاسِ نَظَرَ إِلَيْنَا مَذْبَحَنَا، قَدْ ذَبَحْنَا، فَقَالَ: «مَنْ ذَبَحَ قَبْلَ الصَّلَاةِ فَلْيَذْبَحْ شَاءَ مَكَانَهَا، وَمَنْ لَمْ يَكُنْ ذَبَحَ فَلْيَذْبَحْ عَلَى اسْمِ اللَّهِ». مُتَقَرَّ عَلَيْهِ .

^[1] Some scholars conclude from this *Hadīth* that the act of offering sacrifice is *Wājib* (compulsory). However, the majority of scholars hold that it is *Sunnat Mu'akkada* (a supererogatory act which was practiced and stressed upon by the Prophet ﷺ). During modern times, there are some derelict and delinquent people who reject the concept of offering sacrifice itself. Still, no one among the adherents of Islam till recent times was bold or ignorant enough to reject it in an outright manner. *Abādīth* are replete with the statements that encourage and inform the people about its significance and importance.

^[2] Jundub bin 'Abdullāh bin Sufyān Al-Bajali Al-'Alaqī was a *Sabābi*. He died in the year 60 H.

^[3] This *Hadīth* states that in case a sacrificial animal is slaughtered before performing the '*Eid*' prayer, this slaughtering shall not earn the reward of a proper sacrifice. Instead, it will amount to a general act of charity in terms of reward and virtue thus earned. This matter relates to the beginning of the prescribed time concerning the offering of the sacrifices. As to the end of such a prescribed duration, there is a difference of opinions among the scholars about it. Hāfiẓ Ibn Kathīr has discussed about it at length and has accorded preference to the ruling that the sacrifice period spans four days, the day of '*Eid*' as well as three days of *Tasbīq* in full. However, one must slaughter his sacrificial animal on the fourth day before '*'Asr*' without fail.

1163. Narrated Al-Barā bin ‘Azib : Allāh’s Messenger ﷺ stood up among us and said, “There are four types^[1] of sacrificial animals which are not permitted: A one-eyed animal whose loss of sight is obvious, a sick animal whose sickness is obvious, a lame animal whose limp is obvious, and an old (emaciated) animal which has no (bone) marrow.” [Reported by Ahmad and Al-‘Arba‘a. At-Tirmidhi and Ibn Hibbān graded it *Sabib* (authentic)].

1164. Narrated Jābir : Allāh’s Messenger ﷺ said, “Sacrifice only a *Musinna* (full-grown animal)^[2] unless it is difficult for you, in which case you should sacrifice a *Jadba‘a* (six to ten months old) sheep.” [Reported by Muslim].

1165. Narrated ‘Ali : Allāh’s Messenger ﷺ enjoined us to pay great attention to the eye and the ear, and not sacrifice a one-eyed animal, or an animal with a slit which leaves something hanging at the front or back of the ear, or with a hold pierced in the ears, or an animal with broken (or fallen out) front teeth.^[3] [Ahmad and Al-‘Arba‘a reported it. At-Tirmidhi, Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

(١١٦٣) وَعَنْ الْبَرَاءِ بْنِ عَازِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: قَامَ فِينَا رَسُولُ اللَّهِ ﷺ فَقَالَ: «أَرْبَعَ لَا تَحْجُرُ فِي الصَّحَافِيَّاتِ: الْعُوْرَاءُ، الْبَيْنُ عَوْرُهَا، وَالْمَرِيضَةُ الْبَيْنُ مَرَضَهَا، وَالْعَرْجَاءُ الْبَيْنُ ضَلَعُهَا، وَالكَبِيرَةُ الَّتِي لَا تُنْفَقِي». رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ، وَصَحَّحَهُ التَّرمِذِيُّ وَابْنُ حَمَانَ.

(١١٦٤) وَعَنْ جَابِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَدْبُحُوا إِلَّا مُسِيْنَةً، إِلَّا أَنْ تَعْسُرَ عَلَيْكُمْ، فَتَدْبُحُوا جَدَعَةً مِنَ الصَّادِنَّ». رَوَاهُ مُسْلِمٌ.

(١١٦٥) وَعَنْ عَلَيٍّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: أَمْرَنَا رَسُولُ اللَّهِ ﷺ أَنْ لَا شَتَّافَ العَيْنَ وَالْأَذْنَ، وَلَا نُضْحِي بِعَوْرَاءَ، وَلَا مُقَابَلَةَ، وَلَا مُدَابَرَةَ، وَلَا خَرْقَاءَ، وَلَا شَرْقَاءَ». أَخْرَجَهُ أَحْمَدُ وَالْأَرْبَعَةُ، وَصَحَّحَهُ التَّرمِذِيُّ وَابْنُ حَمَانَ. وَالحاكمُ.

^[1] The sick, lame, one-eyed and weak-structured animals are not permitted to be slaughtered in the sacrifice. The scholars observe that a similar ruling applies to animals suffering from other bodily defects. In case an animal suffers from an imperfection of a far greater order than the ones mentioned above, the permissibility of slaughtering such an animal as a ritual sacrifice is totally ruled out. An animal that may be categorized as such is a completely blind animal or the one that is totally deprived of one of its legs.

^[2] In Arabic, *Musinna* is an animal whose milk-teeth have fallen down and thus replaced by the regular teeth. Different species have different age groups for the emergence of the regular teeth. When the goat, sheep and ram are one year old and enter the second year of their age, they become *Musinna*. Cows and buffaloes gain this status while entering the third year of their age. A camel usually becomes *Musinna* after having entered the sixth year of its age.

^[3] An animal whose ear is either cut or lacerated, or the one having a broken horn, is not permitted to be slaughtered as a sacrifice. The factual ruling covering an ear and a horn is, that if more than half of these bodily organs are cut off or lacerated, such animals are not to be sacrificed, but in case more than half of the said bodily organs are in a good shape, such

1166. Narrated 'Ali bin Abū Tālib ﷺ: Allāh's Messenger ﷺ appointed me to be in charge of his sacrificial animals, and commanded me to distribute the whole of their meat, hides, and saddle clothes to the poor,^[1] and not to give the butcher anything out of them. [Agreed upon].

1167. Narrated Jābir bin 'Abdullāh ﷺ: In the year of *Al-Hudābiyya*, we sacrificed along with Allāh's Messenger ﷺ: a camel on behalf of seven (people), and a cow on behalf of seven.^[2] [Reported by Muslim].

(١١٦٦) وَعَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: أَمْرَنِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ أَنْ أُفُومَ عَلَى بُذْنِي، وَأَنْ أَقْسِمَ لُحُومَهَا وَجُلُودَهَا وَجِلَارَتَهَا عَلَى الْمَسَاكِينِ، وَلَا أُعْطِيَ فِي جِزَارَتَهَا شَيْئًا مِنْهَا. مُتَقَوْلَةً عَلَيْهِ.

(١١٦٧) وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: نَحْرَنَا مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ عَامَ الْحُدَيْبِيَّةِ الْبَدَنَةَ عَنْ سَبْعَةِ، وَالبَّقَرَةَ عَنْ سَبْعَةِ. رَوَاهُ مُسْلِمٌ.

Chapter 3 AL- 'AQIQAH^[3]

٣ - بَابُ الْحَقِيقَةِ

1168. Narrated Ibn 'Abbās ﷺ: The Prophet ﷺ slaughtered a ram^[4] each for Al-Hasan and Al-Husain^[5] (at their

(١١٦٨) عَنْ إِبْرَاهِيمَ عَبْدَ اللَّهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ عَنْهُ عَنْ الْحَسَنِ

animals are deemed fit for sacrifice. If an animal is naturally born without a horn, it will not be considered as a defective one, but if the horn gets broken after the birth of an animal, it is bound to be regarded as defective. If the remainder of the broken horn constitutes more than half of its complete entity, the animal shall be considered to be fit for sacrifice. But if the rest of the horn turns out to be less than half of it, the animal shall be regarded as unfit for the purpose.

^[1] The hide, wool and the meat of an animal thus sacrificed should all be dispensed as charity. A person offering a sacrifice is allowed to eat from its meat, may put its hide to personal use, but is not allowed to sell it. The giving away of sacrificial meat to the butcher as the payment of his wages is forbidden. Some people do not pay wages to the butcher at all, a practice that is prohibited. In case the butcher does not take his wages willingly, then it is permissible.

^[2] The sacrifice offered by slaughtering a single goat suffices the whole household even if it comprises twenty persons. The sacrifice of a single cow, buffalo or a camel may include seven households. Whether the sacrifice is voluntary or obligatory, it makes no difference. It is not a must that the same must be shared by seven persons. It is also right if one person sacrifices the whole animal (alone).

^[3] 'Aqiqah is a term used for an animal, to be slaughtered for the sake of a newborn baby.

^[4] The observance of 'Aqiqah is *Sunnah* (a supererogatory act). The next *Hadīth* states that the slaughtering of two goats should be made in case the baby happens to be a male child, whereas this *Hadīth* states that the Prophet ﷺ slaughtered one goat each for the two male children. This could be due to the non-availability of two goats each on the occasion of slaughtering at that particular time. Otherwise, the slaughtering of two goats each is a must according to *Sunnah*. While conducting 'Aqiqah ceremony, it makes no difference whether the animal to be slaughtered happens to be male or female.

^[5] Husain was the younger brother of Al-Hasan bin 'Ali and was younger than him by a year.

birth). [Reported by Abū Dā'ud, Ibn Khuzaima, Ibn Al-Jārūd and 'Abdul-Haqq graded it *Sabib* (authentic). However, Abū Hātim held that the strongest view is that it is *Mursal* (missing link after the *Tābi'i*)]. Ibn Hibbān reported something similar from the *Hadīth* of Anas.

1169. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ ordered them that two sheep – equal (in age) – are to be slaughtered for a boy, and one for a girl (at their birth). [Reported by At-Tirmidhi who graded it *Sabib* (authentic)]. Ahmad and *Al-Arba'a* reported something similar to the aforesaid *Hadīth* on the authority of Umm Kurz Al-Ka'bīya^[1].

1170. Narrated Samura ﷺ: Allāh's Messenger ﷺ said, "Every child is pawned^[2] against his 'Aqiqah, (an animal) to be slaughtered on his behalf on his seventh day,^[3] his head is to be shaved and he is to be given a name," [Reported by Ahmad and *Al-Arba'a*. At-Tirmidhi graded it *Sabib* (authentic)].

والحسينين كثيراً كثيراً. رواه أبو داود، وصححة ابن حزيمة وأبن الجارود وعبد الحق، لكن رجح أبو حاتم إساله، وأخرج ابن جبار من حديث أنس نحوه.

(١١٦٩) وعن عائشة رضي الله تعالى عنها، أن رسول الله أمرهم أن يقع عن الغلام شاثان مكافئتان، وعن العجارة شاه. رواه الترمذى، وصححة، وأخرجه أحمد والأربعة عن أم كرز الكعيبة نحوه.

(١١٧٠) وعن سمرة رضي الله تعالى عنه، أن رسول الله ﷺ قال: «كُلْ غَلامَ مُرْتَهِنٍ بِعَقِيقَتِهِ، ثُلِبْ عَنْهُ يَوْمَ سَاعِيهِ، وَيُخْلَى وَسِمَّ». رواه أحمد والأربعة وصححة الترمذى.

He was one of the grandsons of the Prophet ﷺ and famous for his righteousness. He was killed at Karbala in Irāq on the tenth of Muharram, 61 H.

^[1] She was a *Sababiya* from the tribe of Khuzā'a and has narrated some *Abadith*.

^[2] It means that similar to a property or a possession lying in a state of being pledged, they may not utilize their child to their advantage, i.e., such a child shall not be able to intercede with Allāh on behalf of his parents on the Day of Judgement.

^[3] It is all right if a cow, instead of a goat is slaughtered on the occasion of an 'Aqiqah ceremony. The day a child is born, *Adhān* should be recited in his right ear and *Iqāma* in his left one, according to some of the scholars. However, the *Hadīth* reported by Abu Da'ud and At-Tirmidhi concerning this practice is not authentic. 'Aqiqah should be conducted on the seventh day of his birth. On the same day, a child should be named and the hair from his head shaved off. Then, the shaved hair should be weighed and an equal amount of silver – equal to the weight of the shaved hair – be given away as charity. Likewise, *Du'a* (supplication) should be made for the child, and *At-Tabnik* [chewing a date or something similar, and placing it in the child's mouth – on the palate.

13. THE BOOK OF OATHS AND VOWS

1171. Narrated Ibn ‘Umar ﷺ: Allāh’s Messenger ﷺ overtook ‘Umar bin Al-Khattāb when he was with a party of riders of about ten and ‘Umar was swearing by his father. Allāh’s Messenger ﷺ called them and said, “Verily! Allāh forbids you from swearing by your fathers.”^[1] Therefore, if anyone swears, he must swear by Allāh or keep silent.” [Agreed upon].

In a narration which is *Marfū‘* (attributed to the Prophet) reported by Abū Dā’ud and An-Nasā’i from Abū Huraira ﷺ it has: “Do not swear by your fathers, nor by your mothers, nor by the rivals^[2] (set up as equals with Allāh); and do not swear by Allāh except when you are speaking the truth.”

1172. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “Your oath will be about that matter which your adversary^[3] has required you to swear about so that he will believe you.” In another narration: “An oath is to be interpreted according to the intention of the one who requested it (*Al-Mustabli*).” [Muslim reported both narrations].

^[1] It was a custom among the Arabs to swear by the names of their fathers and grandfathers. When ‘Umar رضي الله عنه observed such an oath in the presence of the Prophet ﷺ, he prohibited him from doing so, saying that one should not administer an oath in anyone’s name except in the Name of Allāh. The expressions like, “I swear by you, I swear by your head, I swear by Husain or I swear by the Prophet ﷺ” which are very much in vogue and are used by many people, are all improper and forbidden ones.

^[2] i.e., the idols.

^[3] This *Hadīth* indicates that whatever a defendant (*Al-Hālīf*) observes an oath about, on the demand of the claimant (*Al-Mustabli*) who has a legitimate right, the oath thus taken will be considered to be related to that specific matter only. The hidden intentions of the one taking an oath (*Al-Hālīf*) – about an explicit matter – will not be considered. That which is considered is the intention of the one (*Al-Mustabli*) that requested the oath to be taken in the first place. However, if someone takes an oath by himself – without being requested to do so – whatever he intends is what is considered.

١٣ - كتاب الأيمان والنذور

(١١٧١) عن ابن عمر رضي الله تعالى عنهما، عن رسول الله ﷺ، أنه أدرك عمر بن الخطاب في ركب، وعمر يغلف باليه، فناداهم رسول الله ﷺ: «الا إن الله يتهمكم أن تحلفوا بآبائكم، فمن كان حالفاً فليحلف بالله أو ليضمث». متفق عليه.

وفي رواية لأبي ذاود والنسائي عن أبي هريرة رضي الله تعالى عنه مرفوعاً: «لا تحلفوا بآبائكم، ولا بآمهاتكم، ولا بالأنداد، ولا تحلفوا بالله إلا وأئتم صادقون».

(١١٧٢) وعن أبي هريرة رضي الله تعالى عنه قال: قال رسول الله ﷺ: «يميلك على ما يصدقك به صاحبك». وفي رواية: «اليمين على نية المشتغل». أخرجهما مسلم.

1173. Narrated 'Abdur-Rahmān bin Samura^[1]: Allāh's Messenger ﷺ said, "When you swear an oath and then consider something else to be better than it, make atonement^[2] for your oath and do the thing that is better." [Agreed upon]. A wording of Al-Bukhāri has: "Do the thing that is better and make atonement for your oath." In a narration by Abū Dā'ud: "Make atonement for your oath, then do the thing that is better." [The chains of narrators of both *Abadīth* are *Sabib* (authentic)].

1174. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ said, "Whoever swears an oath, and then says: 'If Allāh Wills', he is not held accountable^[3] if he breaks it." [Ahmad and Al-*Arba'a* reported it, and Ibn Hibbān graded it *Sabib* (authentic)].

1175. Narrated (Ibn 'Umar) ﷺ: The Prophet's oath ﷺ used to be:^[4] "No, by Him Who turns (changes) the hearts." [Reported by Al-Bukhāri].

1176. Narrated 'Abdullāh bin 'Amr ﷺ: A desert Arab came to the Prophet ﷺ and said, "O Allāh's Messenger, what are the major sins?" The narrator reported the *Hadīth* and it contains: "The false oath."^[5] It contains also: I asked, "What

^[1] He was nicknamed Abū Sa'id and was a *Sababi* and an 'Abshami. He became a Muslim after the *Fath* and conquered Sijistan and Kabūl. He settled at Basra and died there in 50 H. or after it.

^[2] The expiation of an oath is: a) freeing a slave, or b) feeding ten poor people, or c) providing them with clothing, or d) fasting for three days.

^[3] This *Hadīth* implies that restricting one's oath by subjecting it to the Will of Allāh does not make a person to be oath-bound, provided that he says *In shā Allāh* at the time of administering the oath.

^[4] This *Hadīth* states that oath-taking is not restricted to the Proper Names (*Al-Asmaa'*) of Allāh Alone, but it is permissible to swear by the Qualities and Attributes (*As-Sifāt*) of Allāh. This is allowed whether one swears by those qualities which refer to His Divine Being (*As-Sifāt Adh-Dhātiyah*) such as Knowledge and Power or those qualities which refer to His Divine Actions (*As-Sifāt Al-Fi'līyah*) such as Anger, Pleasure, Ascending etc.

^[5] In Arabic, *Yamīn Ghamus* (a false oath) is the one that is taken to deceive, cheat and take

(١١٧٣) وَعَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا حَلَقْتَ عَلَى يَمِينِكَ، فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا، فَكَفَرْتَ عَنْ يَمِينِكَ وَأَثْتَ الَّذِي هُوَ خَيْرٌ». مَقْرَنٌ عَلَيْهِ. وَفِي لُفْظِ الْبُخَارِيِّ: «فَأَثْتَ الَّذِي هُوَ خَيْرٌ، وَكَفَرْتَ عَنْ يَمِينِكَ». وَفِي رَوَايَةِ لَابْنِ دَاؤِدَ: «فَكَفَرْتَ عَنْ يَمِينِكَ ثُمَّ أَثْتَ الَّذِي هُوَ خَيْرٌ». وَإِسْنَادُهَا صَحِيحٌ.

(١١٧٤) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ حَلَقَ عَلَى يَمِينِكَ، فَقَالَ: إِنْ شَاءَ اللَّهُ، فَلَا جُنْاحَ عَلَيْهِ». رَوَاهُ أَحْمَدُ وَالْأَرْبَعَةُ، وَصَحَّحَهُ ابْنُ جَيْرانَ.

(١١٧٥) وَعَنْهُ، قَالَ: كَانَتْ يَمِينُ النَّبِيِّ ﷺ: «لَا، وَمُقْلِبُ الْقُلُوبِ». رَوَاهُ الْبُخَارِيُّ.

(١١٧٦) وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو رَضِيَ اللَّهُ تَعَالَى عَنْهُما قَالَ: جَاءَ أَغْرَابِيَ إِلَيَّ النَّبِيِّ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ مَا الْكَبَائِرُ؟ - فَذَكَرَ الْحَدِيثَ، وَفِيهِ - «الْيَمِينُ الْعَمُوسُ» - وَنَبَوَ -

is the false oath?" The Prophet ﷺ replied, "It is that (oath) by which one takes possession of the property of a Muslim person, while he is lying." [Al-Bukhari reported it].

1177. Narrated 'Aisha ♀ regarding the saying of Allah the Most High: "Allāh will not punish you for what is unintentional in your oaths".^[1] She said: It (was sent down about such phrases as) a person's saying: 'No, by Allāh' and 'Yes, by Allāh'.^[2] [Al-Bukhāri reported it (*Mauqūf*, i.e. as a saying of 'Aisha)]. Abū Dā'ud reported it as *Marfū'* (attributed to the Prophet).

1178. Narrated Abū Huraira ♀: Allāh's Messenger ﷺ said, "Verily! Allāh has ninety-nine Names^[3] concerning which he who retains them in his memory^[4] will enter Paradise." [Agreed upon]. At-Tirmidhi and Ibn Hibbān listed the Names. However, investigations show that their listing is *Idrāj* (an insertion) from one of the narrators [not from the words of the Prophet].

1179. Narrated 'Usāma bin Zaid ♀: Allāh's Messenger ﷺ said, "If one is done a kindness and [expresses his gratitude] to his benefactor by saying 'May Allāh give you a good reward', he has fully expressed his

فَلْتُ: وَمَا الْيَوْمُنِ الْمُمْسُ؟ قَالَ: «الَّتِي يُقْتَطِعُ
بِهَا مَالَ امْرِيٍّ مُسْلِمٍ، هُوَ فِيهَا كَاذِبٌ». .
أَخْرَجَهُ الْبُخَارِيُّ.

(1177) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا،
فِي قَوْلِهِ تَعَالَى: «لَا يُؤَخِذُكُمُ اللَّهُ بِالْغَنَوِ فِي
أَيْمَكُمْ» قَالَتْ: هُوَ قَوْلُ الرَّجُلِ: لَا، وَاللهُ،
وَلَيَّ وَاللهُ: أَخْرَجَهُ الْبُخَارِيُّ، وَأَوْرَدَهُ أَبُو دَاوُدَ
مَرْفُوعًا.

(1178) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى
عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ تَشَعَّ
وَتَشْعَيْنَ اسْمًا، مَنْ أَحْصَاهَا دَخَلَ الْجَنَّةَ مُقْتَنِ
عَلَيْهِ، وَسَاقَ التَّمْوِيْدَ وَابْنَ جَيَّانَ أَسْمَاءَ،
وَالْحَقِيقَ أَنَّ سُرْدَهَا إِذْرَاجٌ مِنْ بَعْضِ الرُّوَاةِ.

(1179) وَعَنْ أَسْمَاءَ بْنِ زَيْدٍ رَضِيَ اللَّهُ تَعَالَى
عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ صَنَعَ إِلَيْهِ
مَعْرُوفٌ، فَقَالَ لِفَاعِلِهِ: حَرَاكَ اللَّهُ خَيْرًا، فَقَدْ
أَنْلَعَ فِي النَّيَاءِ». أَخْرَجَهُ التَّمْوِيْدُ، وَصَحَّحَهُ ابْنُ

someone's wealth unlawfully. If the same does not involve wealth, it will be called *Yamīn Fajir*. There is no atonement for *Yamīn Ghamus*. The only atonement for this kind of oath is that one should make a payment of the dues belonging to other people, repent and ask for Allāh's forgiveness.

^[1] *Sūrat Al-Mā'idah*, 5:89.

^[2] The words of oath which a person merely blurts out as a thoughtless expression, merely out of habit, are neither considered to be an oath, nor do they incur an atonement penalty. However, this is a bad habit one should be weaned away from.

^[3] In addition to this, there are also other names that are attributed to Allāh. Some names are additional ones but these Names are far superior to the other additional Names of Allāh.

^[4] Its meaning may also include mastering them, praising Allāh by them all and acting according to them.

appreciation.”^[1] [At-Tirmidhi reported it, and Ibn Hibbān graded it *Sahib* (authentic)].

1180. Narrated Ibn ‘Umar ﷺ: The Prophet ﷺ forbade making vows,^[2] and said, “It does not bring good. Indeed, it is only a means by which something is extracted from the miserly.” [Agreed upon].

1181. Narrated ‘Uqba bin ‘Aamir : Allāh’s Messenger ﷺ said, “The atonement for a vow (*Nadhr*) is (the same as) the atonement for an oath (*Yamin*).”^[3] [Reported by Muslim]. At-Tirmidhi added, “If he did not specify it.” [And he graded it *Sahib* (authentic)].

Abū Dā’ud has from the narration of Ibn ‘Abbās (رضي الله عنهما) (who reported Allāh’s Messenger ﷺ as saying): “If anyone takes a vow but does not name it, its atonement is the same as that for an oath. If anyone takes a vow to do an act of disobedience, its atonement is the same as that for an oath. If anyone takes a vow which he is unable to fulfill, its atonement is the same as that for an oath.” [Its chain of narrators is authentic, but the *Hadīth* scholars held that the strongest view is that it is *Mawquf* (saying of a Companion)].

^[1] This means that a favor must be reciprocated by a favor only. If the same is not possible, then the beneficiary must at least pray for the prosperity of his benefactor and express his thanks to him.

^[2] A forbidden vow is like affirming that: ‘if my sick person recovers, I will give away such and such amount as charity.’ This means that he is not offering a charity purely for Allāh’s sake but in fact intends to trade it in for a reward. Exactly a similar situation applies to a miserly person who does not undertake to perform a good thing except in return for a recompense. One must also bear in mind that making a vow or an offering does not affect a change in one’s destiny. This is with regard to a vow that is made in the Name of Allāh. What about a vow that is made on someone’s grave believing that ‘the one who is lying in this grave will change my destiny or relieve my troubles or bring me some benefit?’ This kind of vow is absolutely forbidden, and it is a form of *Shirk*.

^[3] If the vow (*Nadhr*) is an independent one – without specifying anything in particular – as one supposedly says, “I make such and such vow in the Name of Allāh”, a vow of this kind, if unaccomplished, will involve an oath atonement penalty (*Kaffarah Al-Yamin*). In case a vow

جَهَانَ.

(١١٨٠) وَعَنْ أَبْنَىٰ عَمَّرَ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُمَا، عَنِ النَّبِيِّ ﷺ، أَنَّهُ نَهَىٰ عَنِ التَّنْدِيرِ، وَقَالَ: «إِنَّهُ لَا يَأْتِي بِخَيْرٍ، وَلَئِنْمَا يُسْتَخْرُجُ بِهِ مِنَ الْمُخْبِلِ». مُتَقَوِّلٌ عَلَيْهِ.

(١١٨١) وَعَنْ عُقْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ تَعَالَىٰ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كَفَارَةُ التَّنْدِيرِ كَفَارَةُ يَمِينِهِ». رَوَاهُ مُثْلِمٌ، وَرَوَادُ التَّرمِذِيُّ فِيهِ: «إِذَا لَمْ يُسْمِمْهُ». وَصَحَّحَهُ.

وَلَا يُبَيِّنُ دَاؤُهُ مِنْ حَدِيثِ أَبْنِي عَبَّاسٍ مَرْفُوعًا: «مَنْ تَنَدَّرَ نَدْرًا لَمْ يُسَمِّ فَكَفَارَةُهُ كَفَارَةُ يَمِينِهِ، وَمَنْ تَنَدَّرَ نَدْرًا فِي مَعْصِيَةٍ فَكَفَارَةُهُ كَفَارَةُ يَمِينِهِ، وَمَنْ تَنَدَّرَ نَدْرًا لَا يُطِيقُهُ فَكَفَارَةُهُ كَفَارَةُ يَمِينِهِ». وَإِشْتَاهَدَهُ صَحِيحٌ إِلَّا أَنَّ الْحُفَاظَ رَجَحُوا وَقَفَّهُ.

Al-Bukhāri has reported from the *Hadith* of ‘Aisha ﷺ: (Allāh’s Messenger ﷺ said) “If anyone vows to disobey Allāh, then he must not disobey Him.”

وللبخاري من حديث عائشة رضي الله تعالى عنها: «وَمَنْ نَذَرَ أَنْ يَعْصِي اللَّهَ فَلَا يَعْصِمُه».

Muslim has reported from the *Hadith* of ‘Imrān ﷺ: (Allāh’s Messenger ﷺ said) “There is no fulfillment of a vow involving an act of disobedience.” [Reported by Muslim].

ولمسلم من حديث عمران رضي الله تعالى عنها: «لَا وَفَاءَ لِنَذْرٍ فِي مَغْصِيَّةٍ».

1182. Narrated ‘Uqba bin ‘Aamir ﷺ: His sister took a vow to walk to Allāh’s House (for pilgrimage) barefooted.^[1] Then, she ordered him to consult Allāh’s Messenger ﷺ, so he consulted him for a religious verdict and the Prophet ﷺ replied, “Let her walk and ride.” [Agreed upon, and the wording is Muslim’s].

(١١٨٢) وَعَنْ عُقْبَةَ بْنِ عَامِرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: نَذَرْتِ أُخْتِي أَنْ تَمْشِي إِلَى بَيْتِ اللَّهِ حَافِيَةً، فَأَمَرْتُنِي أَنْ أَسْتَفْتِي لَهَا رَسُولَ اللَّهِ فَاسْتَفْتَنِي. فَقَالَ النَّبِيُّ ﷺ: «الْمِنْشُ وَلَنْزَكْبُ». مُعْقَلٌ عَلَيْهِ، وَالْفَطْحُ لِمُسْلِمٍ.

Ahmad and Al-‘Arba’ā have: He said, “Verily! Allāh, the Most High, will not do anything with the affliction your sister imposes on herself. Command her to cover her head and to ride, and to fast three days.”

وَلِأَحْمَدَ وَالْأَرْبَعَةِ، قَالَ: «إِنَّ اللَّهَ لَا يَصْنَعُ بِشَكَاءِ أُخْتِكَ شَيْئاً، مُرْهَا فَلَنْخُمْ، وَلَنْزَكْبُ، وَلَنْصُمْ ثَلَاثَةَ أَيَّامٍ».

1183. Narrated Ibn ‘Abbās ﷺ: Sa’d bin ‘Ubāda^[2] asked Allāh’s Messenger ﷺ for a ruling regarding a vow taken by his mother^[3] who had died before

(١١٨٣) وَعَنْ أَبْنَ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: أَسْتَفْتَنِي سَعْدُ بْنُ عَبْدَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ رَسُولُ اللَّهِ ﷺ فِي نَذْرٍ كَانَ عَلَى

thus made is a specified one, and one has the capability to fulfill it, it is compulsory for him to do so. If the person does not have the capability to do it, he will incur the same atonement penalty (*Kaffarab*) as applicable to an oath-taking (*Al-Yamin*). If the same involves disobedience of Allāh or a sinful act, some scholars are of the opinion that it will not incur any atonement penalty (*Kaffarab*), whereas according to some of them it will incur an oath atonement penalty (*Kaffarab Al-Yamin*).

^[1] This *Hadith* states that if someone makes a vow of making a barefooted journey all the way to the House of Allāh (the Ka’ba), it is not binding on him to do so. It further informs us that a vow made in the disobedience of Allāh also incurs an atonement penalty (*Kaffarab*), i.e. the fast of three days. This is in reference to her uncovering her hair.

^[2] He was the leader of Al-Khazraj, the bearer of the flag of *Al-Anṣār* in all the battles and one of the group leaders at *Bai’atul-Aqaba*. He was a noble and generous man and used to write in Arabic. He was also good at swimming and shooting, and was called Al-Kāmil (the perfect) because of those qualities. He used to give out a lot of *Sadaqa*. He failed to turn up when Abū Bakr رضي الله عنه was being sworn in for the caliphate and left Al-Madinah. It is said that the jinn killed him at Haurān within Damascus region in the year 14 H., 15 H or 16 H.

^[3] This narration does not explain the nature of the vow thus made. Another *Hadith* states that it involved the manumission of a slave. This explains that a deceased person’s financial

fulfilling it, and he said, "Fulfill it on her behalf." [Agreed upon].

أَمْهُ، تُوَقِّيْتْ قَبْلَ أَنْ تَقْضِيْهُ، فَقَالَ: «أَقْضِيْهُ عَنْهَا». مُتَقَّدٌ عَلَيْهِ.

1184. Narrated Thābit bin Ad-Dahhāk : that in the time of Allāh's Messenger ﷺ a man took a vow to slaughter camels at Bawāna. So, he came to Allāh's Messenger ﷺ and asked him (about that). Allāh's Messenger ﷺ asked, "Did the place contain any idol which was worshiped (during the *Jābiliya* era)?"^[1] He said, "No." He asked "Were any of their (*Jābiliya*) festivals observed there?" He said, "No." He then said (to the man), "Fulfill your vow, for there is no fulfillment of a vow to do an act of disobedience to Allāh, nor to break the ties of relationship, nor to do something over which a human being has no control." [Reported by Abū Dā'ud and, and the wording is his (At-Tabarāni). It has a sound chain of narrators]. It has a *Shāhid* (supporting narration) from the *Hadīth* of Kardam^[2] reported by Ahmad.

1185. Narrated Jābir (bin 'Abdullāh) : A man said on the day of the *Fath*, "O Messenger of Allāh, I have vowed that if Allāh opens the conquest of Makkah at your hands I shall pray in Jerusalem." He replied, "Pray here."^[3] He asked

(١١٨٤) وَعَنْ ثَابِتِ بْنِ الضَّحَّاكِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: نَذَرَ رَجُلٌ عَلَى عَهْدِ رَسُولِ اللَّهِ رَبِّ الْعَالَمِينَ أَنْ يَتَحَرَّ إِلَّا بِيُونَةً، فَأَتَى رَسُولَ اللَّهِ رَبِّ الْعَالَمِينَ، فَسَأَلَهُ، فَقَالَ: «هَلْ كَانَ فِيهَا وَنْ يَعْبُدُ؟» قَالَ: لَا. قَالَ: «فَهَلْ كَانَ فِيهَا عِيدٌ مِنْ أَعْيَادِهِمْ؟» قَالَ: لَا. فَقَالَ: «أَوْفِرْ بِنَذْرِكَ، فَإِنَّهُ لَا وَفَاءَ لِنَذْرٍ فِي مَعْصِيَةِ اللَّهِ، وَلَا فِي قَطْعَةِ رَحْمٍ، وَلَا فِيمَا لَا يَمْلِكُ ابْنُ آدَمَ». رَوَاهُ أَبُو دَاوُدُ وَالظَّبَرَانِيُّ، وَاللَّفْظُ لَهُ، وَهُوَ صَحِيحٌ إِلَاشْتَادٍ. وَلَهُ شَاهِدٌ مِنْ حَدِيثِ كَرْدَمٍ عَنْ أَخْمَدَ.

(١١٨٥) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَجُلًا قَالَ يَوْمَ الْفَتْحِ: يَا رَسُولَ اللَّهِ إِنِّي نَذَرْتُ - إِنْ فَتَحَ اللَّهُ عَيْنَكَ مَكَّةً - أَنْ أَصْلِي فِي بَيْتِ الْمَقْدِسِ. فَقَالَ: صَلِّ هَاهُنَا.

obligations – incurred by invoking such vows – must be met by his successors. However, some scholars hold that they are not obligated to do so.

^[1] This *Hadīth* informs us that if someone makes a vow to perform a certain act of worship in a certain place, it is obligatory upon him to fulfill his vow, as long as no ritual ceremonies of the polytheists, and none of their festivals and fairs, are observed in that particular place. However, though it is permissible, it is not required to fulfill the vow in that particular place.

^[2] Kardam bin Sufyān Ath-Thaqafi was a *Sahābi* and his daughter Maimuna who was a *Sahābiyah* and 'Abdullāh bin 'Amr bin Al-Aas narrated the *Hadīth* from him.

^[3] This *Hadīth* alludes to one of the cardinal principles to the effect that if a person makes a vow to perform a prayer at a certain house of worship, his vow may be fulfilled by performing his prayer in a mosque which is either equal – or greater – in status than that of the vowed one. However, if he prays in a mosque of a lesser status, his vow shall not be accomplished. However, his offering a prayer in the Mosque of the Prophet ﷺ or in Al-Masjid-al-Harām will

him again and he replied, "Pray here." He asked him again and he replied, "It's up to you, then." [Reported by Ahmad and Abū Dā'ud. Al-Hākim graded it *Sabih* (authentic)].

فَسَأَلَهُ، فَقَالَ: صَلِّ هاهنَا، فَسَأَلَهُ فَقَالَ:
فَشَأْنَاكَ إِذْنَنَا. رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدُ، وَصَحَّحَهُ
الحاكمُ.

1186. Narrated Abū Sa'īd Al-Khudri : The Prophet ﷺ said, "No (religious) journey is to be undertaken except to (pray in) the three mosques: The Sacred Mosque (Makkah), the Aqsa Mosque (Jerusalem), and this Mosque of mine (Al-Madīnah)." [Agreed upon, and the wording is Al-Bukhāri's].

(١١٨٦) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ قَالَ: «لَا شَدَّ الرِّحْلَالُ إِلَّا إِلَى ثَلَاثَةِ مَسَاجِدٍ: الْمَسْجِدِ الْحَرَامِ، وَمَسْجِدِ الْأَقصَى، وَمَسْجِدِي هَذَا». مُتَقَّعٌ عَلَيْهِ، وَالْمَقْطُوفُ لِبُخَارِيٍّ.

1187. Narrated 'Umar : [concerning his consultation with the Prophet] He said: I said: O Allāh's Messenger ﷺ, I made a vow in the *Jahiliya* times^[1] to spend a night in devotion (*I'tikāf*) in the Sacred Mosque. He (the Prophet) said, "Fulfill your vow." [Agreed upon]. Al-Bukhāri added in another narration: "Then, spend a night in devotion (in the Sacred Mosque)."

(١١٨٧) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنِّي نَذَرْتُ فِي الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ لَيْلَةً فِي الْمَسْجِدِ الْحَرَامِ. قَالَ: فَأَوْفِ بِنَذْرِكَ. مُتَقَّعٌ عَلَيْهِ، وَرَازَدُ الْبُخَارِيُّ فِي رِوَايَةِ: فَاعْتَكِفْ لَيْلَةً.

fulfill his vow. A vow undertaken to perform a prayer in Al-Masjid-al-Harām will not be fulfilled by praying in either the Mosque of the Prophet ﷺ or the Mosque of Baitul-Maqdis. A person undertaking this vow must perform his prayer necessarily in Al-Masjid-al-Harām to fulfill his vow.

^[1] The people who uphold the view that a vow made by a non-believer has no bearing or is not a lawful one refer to this *Hadīth* as an evidence. Al-Bukhāri, Ibn Jarir and others hold that a non-believer must fulfill his vow if he enters Al-Islām.

14. THE BOOK OF JUDGEMENT

1188. Narrated Buraida رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ said: "Al-Qudāt (judges) are of three types, two^[1] of whom will go to Hell and one to Paradise. The one who will go to Paradise is a man who knows what is right and gives judgement accordingly. However, a man who knows what is right, and does not give judgement accordingly and acts unjustly in his judgement, will be in the Hell-Fire. Likewise, a man who does not know what is right and judges people with ignorance, will be in the Hell-Fire." [Reported by Al-Arba'a, and Al-Hākim graded it *Sahib* (authentic)].

1189. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "He who has been appointed a *Qādi* (Judge) has been slaughtered without a knife." [2]
[Reported by Ahmad and *Al-Arba'a*. Ibn Khuzaima and Ibn Hibbān graded it *Sabib* (authentic)].

1190. Narrated (Abū Huraira) : Allāh's Messenger ﷺ said, "You will eagerly seek out the office of governorship, but it will become a cause of regret on the Day of Resurrection. How excellent it is

(١١٨٨) عَنْ بُرْئِيَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْقُضَاءُ ثَلَاثَةُ أَشْأَرٍ»، اثْنَانُهُ فِي الدُّنْيَا، وَوَاحِدٌ فِي الْجَنَّةِ: رَجُلٌ عَرَفَ الْحَقَّ فَقَضَى بِهِ، فَهُوَ فِي الْجَنَّةِ، وَرَجُلٌ عَرَفَ الْحَقَّ فَلَمْ يَقْضِ بِهِ، وَجَارٌ فِي الْحُكْمِ فَهُوَ فِي الدُّنْيَا. وَرَجُلٌ لَمْ يَعْرِفْ الْحَقَّ، فَقَضَى لِلنَّاسِ عَلَى جَهَلٍ فَهُوَ فِي الدُّنْيَا». رَوَاهُ الْأَرْبَعَةُ، وَصَحَّحَهُ الْحَاكِمُ.

(١١٨٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ وَلَى الْقَضَاءَ فَقَدْ دَعَ بِغَيْرِ سِكْنٍ». رَوَاهُ أَخْمَدُ وَالْأَزْعَمُ، وَصَحَّحَهُ أَبُو حُرَيْرَةَ وَابْنُ حِيَانَ.

(١١٩٠) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّكُمْ سَتُحْرِصُونَ عَلَى الْإِمَارَةِ، وَسَتَكُونُ نَذَادَةً لِيَوْمِ الْقِيَامَةِ، فَيُعَمَّتُ الْمُرْضَعَةُ، وَيُبَسَّتُ

^[1] This *Hadith* states two points. First, a person who does not know the truth and another person, who does not act upon the truth despite being aware of it, such persons shall equally be condemned to Hell-fire. It means that knowledge without action has no value. Secondly, the possibility of committing a judgmental error exists for anyone who exercises a judgement. Had it not been so, people would not have been divided as such and making of such fine distinctions among them would have been out of place.

^{2} By reading this *Hadith*, one may gather an idea about the extent of severity, the court magistrates are subjected to. Whoever takes the position of *Qadi*, it is as though he is subjecting himself to be slaughtered, i.e. destroyed. If the magistrate (*Qadi*) is a pious person, he has to make a great effort in searching out the correct and just judgement. Despite all this, he will be subjected to an ordeal of an extremely difficult accountability on the Day of Judgement. Another *Hadith* states that a righteous magistrate will be called for on the Day of Judgement and will be subjected to such an intense and severe interrogation that he will say, "Would that I never have exercised a judgement even between two people." In case a magistrate turns out to be an oppressor and a bribe-taker, he will dwell in the Hellfire.

as a *Murdi'ab* (wet nurse)! And how evil it is as a *Fātimah* (one who weans)!^[1] .” [Reported by Al-Bukhāri].

1191. Narrated 'Amr bin Al-'Aas : He heard Allāh's Messenger ﷺ say, “When a judge gives a ruling, having tried his best to decide correctly, and is right (in his decision), he will have a double reward; and when he gives a ruling, having tried his best to decide correctly, and is wrong (in his decision), he will have a single reward.” [Agreed upon].

1192. Narrated Abū Bakra : I heard Allāh's Messenger ﷺ say, “No judge should give judgement between two people while he is angry.”^[2] [Agreed upon].

1193. Narrated 'Ali : Allāh's Messenger ﷺ said, “When two men bring a case before you, do not decide in favor of the first till you hear what the other has to say,”^[3] then you will know how to judge.” 'Ali said, “Since then, I have continued to judge (in accordance with that).” [Reported by Ahmad, Abū Dā'ud and At-Tirmidhi. The latter graded it *Hasan* (good), while Ibn Al-Madīni graded it *Qawi* (strong), and Ibn Hibbān graded it *Sabih* (authentic). It

الفاطمة». رواه البخاري.

(١١٩١) وَعَنْ عَمِرٍو بْنِ الْعَاصِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ سَمِعَ رَسُولَ اللَّهِ تَعَالَى يَقُولُ : «إِذَا حَكَمَ الْحَاكِمُ فَاجْهَدَ ثُمَّ أَصَابَ فَلَهُ أَجْرٌ، وَإِذَا حَكَمَ فَاجْهَدَ ثُمَّ أَخْطَأَ فَلَهُ أَجْرٌ». مُتَقَوِّلٌ عَلَيْهِ .

(١١٩٢) وَعَنْ أَبِي بَكْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ : سَمِعْتَ رَسُولَ اللَّهِ تَعَالَى يَقُولُ : «لَا يَحْكُمُ أَحَدٌ بَيْنَ اثْنَيْنِ وَهُوَ غَصْبَانٌ». مُتَقَوِّلٌ عَلَيْهِ .

(١١٩٣) وَعَنْ عَلَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ : قَالَ رَسُولُ اللَّهِ تَعَالَى : «إِذَا تَقْاضَى إِلَيْكَ رَجُلًا فَلَا تَقْضِ فِي الْأَوَّلِ حَتَّى شَنَعَ كَلَامَ الْآخَرِ، فَشَوْفُ تَدْرِي كَيْفَ تَقْضِي؟». قَالَ عَلَيِّ : فَمَا زِلتُ فَاضِيًّا بَعْدُ. رَوَاهُ أَحْمَدُ وَأَبُو ذَوْدَ وَالْتَّرمِذِيُّ، وَحَسَنَهُ وَقَوَاهُ ابْنُ الْمَدِينِيِّ، وَصَحَّحَهُ ابْنُ حِبَّانَ، وَلَهُ شَاهِدٌ عِنْ الْحَاكِمِ مِنْ حَدِيثِ ابْنِ عَبَّاسٍ .

[١] Meaning such authority is a source of many pleasures for the ruler in this world. However, when he dies and is weaned, i.e. deprived of these pleasures and taken to account on the Judgement Day, evil is its end for the one who has failed to live up to its responsibilities.

[٢] A judge should not pronounce his verdict in the condition of being overpowered and driven by anger or similar conditions, such as thirst, sickness, worry or sleepiness. If he does so, his judgement may incline towards what is unjust. This action has been graded as *حرمي* (strictly forbidden) in *Shari'a* terminology. In case, a judge does happen to pass a verdict while seething with anger, whether or not such a verdict will be considered as valid and effective is also a disputed point. Some scholars regard it to be valid, whereas the others do not. Similarly, in the light of common sense, such a verdict does not appear to be acceptable.

[٣] This *Hadith* states that passing a judgement merely by listening to the statement of a claimant is wrong, unless a defendant is given an opportunity to clarify his position also. In case a defendant observes silence, refuses to answer an interrogation or does not care to attend the court on the specified dates of hearing, then a judge has a right to pronounce the judgement.

has a *Shābid* (supporting narration) reported by Al-Hākim from the *Hadīth* of Ibn ‘Abbās].

1194. Narrated Umm Salama ﷺ: Allāh’s Messenger ﷺ said, “Indeed, you bring your disputes to me, and perhaps some of you are more eloquent in their plea than others, so that I give judgement on their behalf according to what I hear from them. Therefore, whatever I rule for anyone which by right belongs to his brother, I am only granting him a portion of Hell-Fire.”^[1] [Agreed upon].

1195. Narrated Jābir ﷺ: I heard Allāh’s Messenger ﷺ saying, “How could an *Ummab* (people) be purified (of its sins) where the right of its weak is not taken from its strong.”^[2] [Reported by Ibn Hibbān. It has a *Shābid* (supporting narration) from the *Hadīth* of Buraida, reported by Al-Bazzār, and another from the *Hadīth* of Abū Sa‘id, reported by Ibn Mājah].

1196. Narrated ‘Aisha ﷺ: I heard Allāh’s Messenger ﷺ saying, “The just *Qādi* (Judge) will be called (forth) on the Day of Resurrection and he will wish he had never given judgement even between two men throughout his life, due to the severity of the account he will face.” [Reported by Ibn Hibbān. Al-Baihaqi reported it with the wording: “... concerning a single *tamrab* (date fruit).”]

^[1] This *Hadīth* apprises us of a couple of very important points. The first one is that if a judge passes a verdict contrary to what the mores and norms of propriety and justice call for, then Allāh shall consider such an unjust verdict invalid, and a final verdict shall be pronounced about it on the Day of Judgement. Secondly, the Prophet ﷺ did not possess knowledge of the unseen. Otherwise, he would have refrained from making such a statement.

^[2] This *Hadīth* implies that redressing the rights of the weaker sections against the encroachment of the powerful (i.e., restoration of the rights of the poor which have been impinged upon by the rich) is obligatory. If the oppression and injustice become rampant among the rulers of a nation, then that entire nation is called to account.

(١١٩٤) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّكُمْ تَخْصِمُونَ إِلَيَّ، وَأَعْلَمُ بِعَضَّكُمْ أَنْ يَكُونَ الْحَقُّ بِحُجَّتِهِ مِنْ بَعْضِهِ، فَأَفْضِي لَهُ عَلَى نَحْوِي مَا أَشْمَعُ بِهِ، فَمَنْ قَطَعْتُ لَهُ مِنْ حَقٍّ أَخْبِهُ شَيْئًا، فَإِنَّمَا أَقْطَعُ لَهُ قِطْعَةً مِنَ النَّارِ». مُتَّقِنٌ عَلَيْهِ.

(١١٩٥) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَيُغْتَسِلُ رَسُولُ اللَّهِ ﷺ يَقُولُ: «كَيْفَ تَقْدَسُ أُمَّةٌ لَا يُؤْخَذُ مِنْ شَدِيدِهِمْ لِضَعِيفِهِمْ». رَوَاهُ ابْنُ حِبَّانَ، وَلَهُ شَاهِدٌ مِنْ حَدِيثِ بُرَيْدَةِ عَنْ الرَّبَّارِ. وَأَخْرَى مِنْ حَدِيثِ أَبِي سَعِيدٍ عَنْ ابْنِ مَاجَةَ.

(١١٩٦) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «يُدْعَى بِالْقَاضِي الْعَادِلِ يَوْمَ الْقِيَامَةِ، فَيَقْلُقُ مِنْ شِدَّةِ الْحِسَابِ مَا يَتَمَّنَّ أَنَّهُ لَمْ يَقْضِ بَيْنَ أَثْيَرِهِ، عُمُرُهُ». رَوَاهُ ابْنُ حِبَّانَ، وَأَخْرَجَهُ البَيْهَقِيُّ، وَلَفْظُهُ «فِي تَمْرَةٍ».

1197. Narrated Abū Bakra ﷺ: The Prophet ﷺ said, "A people who make a woman their ruler^[1] will never be successful." [Reported by Al-Bukhārī].

(١١٩٧) وَعَنْ أَبِي بُكْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «لَنْ يُمْلِحَ قَوْمٌ وَلَنَا أَمْرُهُمْ أَمْرَأَةٌ». رَوَاهُ الْبُخَارِيُّ.

1198. Narrated Abū Maryam Al-Azdi^[2]: The Prophet ﷺ said, "Whoever is placed by Allah over any matter of the affairs of the Muslims, and then conceals himself (i.e. holds back) from dealing with their needs and their poor (people), Allāh will conceal Himself (i.e. hold back) from fulfilling his needs."^[3] [Abū Dā'ud and At-Tirmidhi reported it].

(١١٩٨) وَعَنْ أَبِي مَرْيَمَ الْأَزْدِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ وَلَاهُ اللَّهُ شَيْئًا مِنْ أَمْرِ الْمُسْلِمِينَ، فَأَنْتَجَ عَنْ حَاجَتِهِمْ وَقَرَرَهُمْ، احْتَجَبَ اللَّهُ مُؤْنَ حَاجَتِهِ». أَخْرَجَهُ أَبُو دَاؤْدَ وَالْتَّرمِذِيُّ.

1199. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ cursed^[4] the one who bribes and the one who takes bribes to influence the judgement. [Reported by Ahmad and Al-Arba'a. At-Tirmidhi graded it *Hasan* (good), and Ibn Hibbān graded it *Sahīh* (authentic). It has a *Shāhid* (supporting narration) from 'Abdullāh bin 'Amr's *Hadīth*, reported by Al-Arba'a except An-Nasā'i].

(١١٩٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: لَعْنَ رَسُولِ اللَّهِ ﷺ الرَّاشِيِّ وَالْمُرْتَشِيِّ فِي الْحُكْمِ. رَوَاهُ أَخْمَدُ وَالْأَرْبَعَةُ، وَحَسَنَهُ التَّرمِذِيُّ، وَصَحَّحَهُ أَبْنُ حِبَّانَ، وَلَهُ شَاهِدٌ مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ عَمْرِو عِنْدَ الْأَرْبَعَةِ إِلَّا السَّنَائِيُّ.

1200. Narrated 'Abdullāh bin Az-Zubair ﷺ: Allāh's Messenger ﷺ ruled that the

(١٢٠٠) وَعَنْ عَبْدِ اللَّهِ بْنِ الرَّبِيعِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَضَى رَسُولُ اللَّهِ ﷺ أَنَّ

[1] The Prophet ﷺ uttered these words at the time when the Iranians enthroned Khosru's (Kisra's) daughter and made her their empress. Whether or not a woman may be assigned the duties of a judge in a court of law to exercise judgements in the matters related to public affairs, is a disputed point. However, the majority of scholars hold that a woman may not be appointed a judge to a criminal court where murder and other crime related trials are conducted.

[2] This *Sahābi*, also called Al-Asadi, was a Hadrami. He paid a visit to Mu'āwiya in Shām and told him this *Hadīth*.

[3] This *Hadīth* implies that it is prohibited for a ruler to appoint a sentinel on the point of entry. Similarly, it is forbidden to shut the gate of a court. Instead, everybody, whether rich or poor, should be able to enter the court without hindrance.

[4] Both the bribe givers and bribe takers are accused ones. Now, there are two applied situations. The first one involves a person who pays a bribe in order to acquire what lawfully belongs to him. In this situation, the bribe thus given becomes forbidden for the one accepting it and not for the one giving it. The second situation involves a person who pays a bribe in order to acquire more than what lawfully belongs to him and thereby encroaching upon the rights of another person. A bribe thus given will be regarded as forbidden for the giver and the taker equally.

الْحَضْمَيْنِ يَقْعُدُانِ بَيْنَ يَدَيِ الْحَاكِمِ . رَوَاهُ أَبُو دَاؤُدُّ، وَصَحَّحَهُ الْحَاكِمُ .

two opposing parties in a dispute should sit^[1] in front of the judge. [Reported by Abū Dā'ud. Al-Hākim graded it *Sabih* (authentic)].

Chapter 1 THE TESTIMONIES

1201. Narrated Zaid bin Khālid Al-Juhani ﷺ: The Prophet ﷺ said, "Shall I not inform you who is the best witness? He is the one who produces his testimony before he is asked^[2] for it." [Reported by Muslim].

1202. Narrated Imrān bin Husain ﷺ: Allāh's Messenger ﷺ said, "Verily! The best of you (i.e. Muslims) are my generation, then their immediate followers, then their immediate followers. After them there will be people who will give (false) testimony without being asked (to testify),^[3] who will be treacherous and are not to be trusted, who will make vows and will not fulfill them, among whom obesity will appear." [Agreed upon].

1203. Narrated ‘Abdullāh bin ‘Umar ﷺ: Allāh's Messenger ﷺ said, "It is not permissible to accept the testimony of a man or a woman who does not fulfill their trusts, or of one who harbors a grudge against his brother, or the testimony of one who is dependent on a family (to testify) for members of the

١ - بَابُ الشَّهَادَاتِ

(١٢٠١) عَنْ زَيْدِ بْنِ خَالِدِ الْجُهْنَيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «أَلَا أَخْبِرُكُمْ بِخَيْرِ الشَّهَادَاءِ؟ هُوَ الَّذِي يَأْتِي بِالشَّهَادَةِ قَبْلَ أَنْ يُشَأْلَهَا». رَوَاهُ مُسْلِمٌ .

(١٢٠٢) وَعَنْ عُمَرَانَ بْنِ حُصَيْنٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ خَيْرَكُمْ قَرْنَيِّي، ثُمَّ الَّذِينَ يَلْوَنُهُمْ، ثُمَّ الَّذِينَ يَلْوَنُهُمْ، ثُمَّ يَكُونُ قَوْمٌ يَشْهَدُونَ، وَلَا يُشَتَّهِدُونَ، وَلَا يَحْتُوْنَ وَلَا يُؤْتَمِنُونَ، وَلَا يَنْدَرُونَ وَلَا يُوْفُونَ، وَيَظْهَرُ فِيهِمُ السَّمْئُ». مُتَقَرَّبٌ عَلَيْهِ .

(١٢٠٣) وَعَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا تَجُوزُ شَهَادَةُ حَاخِنٍ وَلَا حَاخِنَةٍ، وَلَا ذِي غِثْرَى عَلَى أَبْيَهِ، وَلَا تَجُوزُ شَهَادَةُ الْقَانِعِ لِأَهْلِ الْبَيْتِ». رَوَاهُ أَحْمَدُ وَأَبُو دَاؤُدَّ .

^[1] This inculcates two things. The first thing is that both the plaintiff and defendant be treated on an equal footing, none of them should be accorded a preferential treatment. Secondly, both the plaintiff and defendant should take their statements before the magistrate in a sitting posture and not the standing one.

^[2] These are the ones who testify promptly for the sake of Allāh alone so that justice could be done. They do not wait until such a time that the oppressed should approach them and implore them to testify for him.

^[3] These are the kind of people who testify on their own in order that their reliability be established by any means, fair or unfair. These are in fact driven by an ulterior motive to establish a misleading and fictitious groundwork for the trial so that it may progress on the basis of misrepresentation and distortion of facts. These are witnesses of the worst kind.

family.”^[1] [Reported by Ahmad and Abū Dā’ud].

1204. Narrated Abū Huraira ﷺ: He heard Allāh’s Messenger ﷺ say, “The testimony of a bedouin against a city dweller is not permissible.”^[2] [Reported by Abū Dā’ud and Ibn Mājah].

1205. Narrated ‘Umar bin Al-Khattāb ﷺ: He addressed the people and said, “People were sometimes judged by the revealing of a Divine Revelation during the lifetime of Allāh’s Messenger ﷺ, but now the Divine Revelation has been discontinued [i.e. there is no longer any new revelation coming]. Now we will judge you by the deeds you practice publicly.”^[3] [Reported by Al-Bukhāri].

1206. Narrated Abū Bakr ﷺ: The Prophet ﷺ considered *Shabādah Az-Zur* (giving a false testimony) among the most serious of major sins. [Al-Bukhāri and Muslim reported it in a long *Hadīth*].

1207. Narrated Ibn ‘Abbās ﷺ: The Prophet ﷺ said to a man, “Do you see the sun?” He replied, “Yes.” He said,

(١٢٠٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ سَمِعَ رَسُولَ اللَّهِ قَالَ: «لَا تَجُرُّ شَهَادَةً بَدَوِيًّا عَلَى صَاحِبِ قَرْبَةِ». رَوَاهُ أَبُو دَاوُدَ وَابْنُ مَاجَةَ.

(١٢٠٥) وَعَنْ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّهُ حَطَّبَ فَقَالَ: إِنَّ أَنَاسًا كَانُوا يُؤْخَذُونَ بِالْوَحْيِ فِي عَهْدِ رَسُولِ اللَّهِ، وَإِنَّ الْوَحْيَ قَدْ انْقَطَعَ، وَإِنَّمَا تَأْخُذُكُمُ الْآنِ بِمَا ظَهَرَ لَنَا مِنْ أَعْمَالِكُمْ». رَوَاهُ الْبُخَارِيُّ.

(١٢٠٦) وَعَنْ أَبِي سَكْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ السَّيِّدِ قَالَ، أَنَّهُ عَدَ شَهَادَةَ الرُّورِ فِي أَكْبَارِ الْكَبَائِرِ. مُتَقَوِّلُ عَلَيْهِ فِي حَدِيثِ طَوْبِيلِ.

(١٢٠٧) وَعَنْ أَبْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ السَّيِّدَ قَالَ لِرَجُلٍ: «تَرَى

^[1] A testimony given by an unfaithful person, an enemy or the one testifying in favour of his relative, is not acceptable as the same involves the possibility that such persons, more often than not, may go to brash extremes while testifying (due to the built-in prejudices). Similarly, a person may not testify for someone who feeds him since there is a possibility that such a person may show partiality favouring his benefactor. A witness must be a just person who is not inclined to favor either of the two parties.

^[2] The only reason for this restriction is that since the bedouins usually have no idea about the prevailing conditions and circumstances of the city and village dwellers, they are prohibited to testify for them. Since the people living in a city are better informed about their fellow city inhabitants, their testimonies in regard to a trial concerning a fellow city-dweller, are acceptable. If a bedouin is fully knowledgeable about the relevant circumstances, his testimony shall also be acceptable, provided that he is a just person.

^[3] This *Hadīth* states that the judgements shall be pronounced according to what seems to be justified and appropriate (apparently). In case someone commits perjury and makes a statement contrary to what the facts are, the sin thus incurred shall be solely credited to the perjurer. The court judge is hereby absolved of any sin whatsoever and bears no accountability in this matter.

"Give witness in a similar case [which is as clear as the sun], or leave it^[1]." [Ibn 'Adī reported it with a *Da'if* (weak) chain of narrators, and Al-Hākim graded it *Sabib* (authentic), but he was mistaken].

1208. Narrated (Ibn 'Abbās): Allāh's Messenger ﷺ ruled on the basis of an oath and a single witness.^[2] [Muslim, Abū Dā'ud and An-Nasā'i reported it, the latter said that it has a *Jayyid* (good) chain of narrators].

1209. Narrated Abū Huraira رضي الله عنه: Something similar to the aforesaid *Hadīth*. [Abū Dā'ud and At-Tirmidhi reported it; Ibn Hibbān graded it *Sabib* (authentic)].

Chapter 2 DAWA AND BAIYINAT^[3] (CLAIMS AND EVIDENCES)

1210. Narrated Ibn 'Abbās رضي الله عنه: The Prophet ﷺ said, "If people were given whatever they claimed (in disputes), some people would claim the lives and wealth of others,^[4] but the oath (of denial) must be taken by the defendant." [Agreed upon].

^[1] It means that a person should only testify to something that facts of which he is absolutely certain about. One should not testify to something merely upon conjecture, or upon hearing a rumor that may be of doubtful accuracy.

^[2] It is clarified by this *Hadīth* that if two witnesses are not available then one witness, along with an oath by the claimant will be sufficient. In case no witness is available, then the oath of the claimant will not be sufficient to establish his claim. In such a situation, the defendant will be required to make an oath denying the claim made against him.

^[3] The definition of *Da'wa* (claim) is to lay one's claim on something by asserting: "I have a right on such and such thing", regardless of whether the claim thus laid is true or false.

Baiyinat implies a clear evidence, since it establishes and proves the right of the lawful owner to the contested item.

^[4] One of the major principles of jurisprudence is that a claimant must prove his claim by providing evidences, producing witnesses, or else, the defendant must verify and confess to the truth of what he claims. If this is not done, the defendant should bring forth evidences refuting the claim or take an oath to this end. The suspected murder trial is the only trial where the defendant (if the situation warrants), will have to produce 50 different persons administering an oath as witnesses. If the defendant fails to do so, or the claimant does not

الشمس؟" قَالَ: نَعَمْ. قَالَ: عَلَى مِثْلِهِ فَاشْهُدْ، أَوْ دَعْ". أَخْرَجَهُ ابْنُ عَدْلَى بِإِسْنَادٍ ضَعِيفٍ، وَصَحَّحَهُ الْحَاكِمُ فَأَخْطَأَهُ.

(١٢٠٨) وَعَنْ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى يَوْمَينَ وَشَاهِدٍ. أَخْرَجَهُ مُسْلِمٌ وَأَبُو ذَاوْدَ وَالْتَّرمِذِيُّ، وَقَالَ: إِسْنَادُهُ جَيْدٌ.

(١٢٠٩) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ مِثْلُهُ. أَخْرَجَهُ أَبُو ذَاوْدَ وَالْتَّرمِذِيُّ، وَصَحَّحَهُ ابْنُ حِبَّانَ.

٢ - بَابُ الدَّعَوَى وَالبيَنَاتِ

(١٢١٠) عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَدَعَوْهُمْ لَأَدْعُى نَاسٌ دِمَاءَ رِجَالٍ وَأَمْوَالَهُمْ، وَلَكِنَّ الْيَمِينَ عَلَى الْمُدَعَّى عَلَيْهِ. مُتَّقِنٌ عَلَيْهِ.

Al-Baihaqi has reported with a *Sahib* (authentic) chain of narrators: "But the proof (*Bayyinah*) lies on the one who is making the claim, and the oath (*Yamin*) must be taken by the one who rejects the claim."

وللْبَيِّنَةِ يَاسْتَادُ صَحِيحٌ : «الْبَيِّنَةُ عَلَى الْمُدَعِّي، وَالْيَمِينُ عَلَى مَنْ أَنْكَرَ» .

1211. Narrated Abū Huraira ﷺ: The Prophet ﷺ suggested to some people that they should take an oath (*Yamin*) and when they hastened to do so he ordered that lots should be cast^[1] among them concerning the oath, as to which of them should take it. [Reported by Al-Bukhārī].

(١٢١١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ ﷺ عَرَضَ عَلَى قَوْمٍ الْيَمِينَ فَأَشَرَّعُوا، فَأَمَرَّ أَنْ يُسْعَمُوا بِيَمِينِهِمْ فِي الْيَمِينِ، أَيْمَنُهُمْ يَحْلِفُ . رَوَاهُ الْبُخَارِيُّ .

1212. Narrated Abū Umāma Al-Harithi^[2]: Allāh's Messenger ﷺ said, "If anyone seized – by his oath – what rightly belongs to a Muslim, Allāh has made the Hell-Fire compulsory for him and forbidden for him the Paradise." A man asked, "O Allāh's Messenger, even if it were something insignificant?" He replied, "Even if it were a stick^[3] from an *Arāk* tree." [Reported by Muslim].

(١٢١٢) وَعَنْ أَبِي أَمَانَةَ الْحَارِثِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ افْتَطَعَ حَقًّا أَمْرِيَّ مُسْلِمٍ بِيَمِينِهِ فَقَدْ أَوْجَبَ اللَّهُ لَهُ النَّارَ، وَحَرَّمَ عَلَيْهِ الْجَنَّةَ» . فَقَالَ لَهُ رَجُلٌ: «إِنْ كَانَ شَيْئًا يُسِيرًا يَا رَسُولَ اللَّهِ؟ قَالَ: «وَإِنْ كَانَ قَضِيبًا مِنْ أَرْازِكِ» . رَوَاهُ مُسْلِمٌ .

1213. Narrated Al-Ash'ath bin Qais^[4]: Allāh's Messenger ﷺ said, "If

(١٢١٣) وَعَنِ الْأَشْعَثِ بْنِ قَيْسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ حَلَّ

believe the oaths thus undertaken to be creditable, he can administer a similar oath and claim the blood money.

^[1] If the nature of the claim happens to be such that both the parties seem to be the claimants and defendants at the same time, then both the parties have a right to undertake an oath. In case one of the parties refuses to undertake an oath, the opponent may do the same and take the disputed item. If both the parties are prepared to undertake an oath, their eligibility will be decided by casting a lot. Whoever's name appears out of this process, shall undertake an oath and take away the thing disputed. This applies to conditions where none of the parties have proof substantiating their claim. If one of them does have an evidence, then the right to administer such an oath belongs to him alone.

^[2] He is Abū Umāma Iyās bin Tha'laba Al-Ansāri Al-Hārithi Al-Khazraji. It was also said that he was a Balawi and an ally of *Al-Ansār*. He was one of the old *Sabāba*, but did not attend Badr, because he was nursing his mother.

^[3] This *Hadīth* clearly indicates that if a person, by administering a false oath, takes away even a minor thing belonging to someone else, or deprives someone of his right by doing so, he shall be forbidden to enter Paradise.

^[4] Ash'ath bin Qais bin Ma'dikarib Al-Kindi, Abū Muhammad was a *Sabābi* who settled at Kufa. He lost both eyes at the battle of Yarmūk. He was generous, kind and once made an oath and atoned it by fifteen thousand. He was appointed as the governor of Azerbaijan and

anyone swears a firm oath – knowingly, intentionally – taking by it property belonging to a Muslim, Allāh will be angry with him when he meets Him (on the Day of Resurrection).” [Agreed upon].

1214. Narrated Abū Mūsa : Two men had a dispute over an animal, and neither of them had a proof. So Allāh’s Messenger (ﷺ) gave a ruling that it be divided in halves between them.^[1] [Reported by Ahmad, Abū Dā’ud and An-Nasā’i, and the wording is his (An-Nasā’i) who said that it’s chain of narrators is *Jayyid* (good)].

1215. Narrated Jābir : The Prophet ﷺ said, “If anyone swears a false oath on this *Minbar* of mine, he will have prepared his seat in the Hell-Fire.”^[2] [Reported by Ahmad, Abū Dā’ud and An-Nasā’i. Ibn Hibbān graded it *Sabib* (authentic)].

1216. Narrated Abū Huraira : Allāh’s Messenger ﷺ said, “There are three^[3] to whom Allāh will not speak to on the Day of Resurrection, nor will He look at them, nor will He purify them, and they will have a painful punishment: (a) a man at a place with excess water in the desert and who withholds it from the travelers; (b) a man who sold a commodity to another person in the afternoon (or after the ‘Asr prayer) and

witnessed Siffin with ‘Ali. He died forty days after the death of ‘Ali in 40 H. at the age of 63 years.

^[1] This is a situation where the two parties claim the ownership of the same thing. They are neither prepared to undertake an oath, nor do they have a witness to substantiate their claim. This means that they are equal in terms of their status. Should such a situation arise, the disputed thing shall be awarded to the party who has possession. In case neither of them possess it, or the same lies in an equal possession of both the parties, the same shall be divided into two equal halves and each of them given a share.

^[2] This *Hadīth* states that the intensity of a sin and punishment may vary depending on the time and place of their commission and occurrence.

^[3] This *Hadīth* states that in comparison to other sinners, their condition will be worst and more deplorable, as such people shall incur the anger and torment of Allāh.

عليَّ يَبْيَنُ ، يَقْتَطِعُ بِهَا مَالَ امْرِيٍّ مُسْلِمٍ ، هُوَ فِيهَا فَاجِرٌ ، لَقَدِ الَّهُ وَهُوَ عَلَيْهِ غَضِيبٌ». مُتَقَدِّمٌ عَلَيْهِ .

(١٢١٤) وَعَنْ أَبِي مُوسَى رَضِيَ اللَّهُ تَعَالَى عَنْهُ ، أَنَّ رَجُلَيْنِ احْتَصَمَا فِي دَائِبَةٍ ، وَلَيْسَ لَوَاحِدٍ مِنْهُمَا يَبْيَنُ ، فَقَضَى بِهَا رَسُولُ اللَّهِ يَبْيَنُهُمَا نَفْسَيْنِ . رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ وَالسَّائِئُ ، وَهَذَا لِفَظُهُ ، وَقَالَ إِشْتَادُهُ جَيْدٌ .

(١٢١٥) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ أَنَّ السَّيِّدَ يَبْيَنَ قَالَ : «مَنْ حَلَفَ عَلَى مِنْبَرِي هَذَا يَبْيَنُ آتِيَةً تَبَوَّأْ مَقْعَدَهُ مِنَ النَّارِ». رَوَاهُ أَحْمَدُ وَأَبُو دَاوُدَ وَالسَّائِئُ ، وَصَحَّحَهُ ابْنُ حِيَانَ .

(١٢١٦) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ : قَالَ رَسُولُ اللَّهِ يَبْيَنَ : «ثَلَاثَةٌ لَا يَكُلُّهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ ، وَلَا يَنْظُرُ إِلَيْهِمْ ، وَلَا يُرَكِّبُهُمْ ، وَهُمْ عَذَابُ أَلِيمٍ» : رَجُلٌ عَلَى فَضْلِ مَاءٍ بِالْعَلَّةِ يَمْنَعُهُ مِنَ ابْنِ السَّبِيلِ . وَرَجُلٌ بَايْعَ رَجُلًا بِسُلْعَةٍ بَعْدَ الْعَصْرِ ، فَحَلَفَ لَهُ بِاللَّهِ لَا أَخْدَهَا بِكَذَا وَكَذَا ، فَصَدَقَهُ ، وَهُوَ عَلَى غَيْرِ ذَلِكَ . وَرَجُلٌ بَايْعَ إِيمَاماً لَا يَبْاِعُهُ إِلَّا لِلَّدُنْيَا ،

swored to him by Allāh that he had bought it at such and such price and he (the buyer) believed him yet that was not the case; (c) and a man who pledged allegiance to an *Imām* only for the sake of the world (material gains). Hence, if the *Imām* bestowed on him something out of that (i.e. worldly riches) he stood by his pledge of allegiance, and if he did not give him, he did not fulfill the pledge of allegiance.” [Agreed upon].

1217. Narrated Jābir : Two men disputed about a she-camel. Then, each of them said: this she-camel was born at my place, and each of them brought a proof (that it was his animal). Allāh’s Messenger ﷺ then ruled that it be taken by the one who had it in his possession.

1218. Narrated Ibn ‘Umar : The Prophet ﷺ re-directed *Al-Yamin* (the oath to be sworn by the defendant) to the one making the claim to some right. [Ad-Dāraqutni reported the two aforesaid *Abadīth*, and there is weakness in their chain of narrators].

1219. Narrated ‘Aisha : One day the Prophet ﷺ came to me overjoyed, his face shinning (from happiness) and said, “Did you not see that Mujazziz Al-Mudlījī^[1] (a physiognomist) looked at Zaid bin Hāritha and Usāma bin Zaid^[2], and then said, ‘These feet (of Zaid and Usaama) are related to one another.’”^[3] [Agreed upon].

فَإِنْ أَعْطَاهُ مِنْهَا وَقَنِي، وَإِنْ لَمْ يُعْطِهِ مِنْهَا لَمْ يَقِنْ». مُتَّقِنٌ عَلَيْهِ.

(١٢١٧) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَجُلَيْنِ اخْتَصَمَا فِي نَاقَةٍ، فَقَالَ كُلُّ وَاحِدٍ مِنْهُمَا: تَبْعَثُتُ عِنْدِي، وَأَقَامَ إِيمَانِهِ، فَقَضَى بِهَا رَسُولُ اللَّهِ ﷺ لِمَنْ هِيَ فِي يَدِهِ.

(١٢١٨) وَعَنْ أَبْنِي عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُما، أَنَّ النَّبِيَّ ﷺ رَدَّ الْيَمِينَ عَلَى طَالِبِ الْحَقِّ. رَوَاهُمَا الدَّارَقُطْنِيُّ، وَفِي إِسْنَادِهِمَا ضَعْفٌ.

(١٢١٩) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، قَالَتْ: دَخَلَ عَلَيَّ النَّبِيُّ ﷺ ذَاتَ يَوْمٍ مَسْرُورًا، تَبَرُّقُ أَسَارِيرُ وَجْهِهِ، فَقَالَ: «أَلَمْ تَرَ أَنَّ مُجَزِّزًا الْمُدْلِيجَيْ نَظَرَ أَنفًا إِلَى زَيْدَ بْنَ حَارِثَةَ وَأَسَامَةَ بْنَ زَيْدٍ، فَقَالَ: هُذِيُ الْأَقْدَامُ بَعْضُهَا مِنْ بَعْضٍ». مُتَّقِنٌ عَلَيْهِ.

^[1] He was a *Sahābi* from the tribe of Mudlij, and was called Mujazziz bin Al-A’war bin Ju’da Al-Kināni Al-Mudlījī. He was one of most famous physiognomist during the *Jābiyya* era. Ibn Yunus mentioned him among the *Sahāba* who conquered Egypt. A *Qā’if* (physiognomist) is someone who is able to recognize the resemblance between two people – e.g. between a man and his father or brother – by examining their physical features.

^[2] The Prophet ﷺ was happy because some people used to doubt Zaid’s fatherhood to Usāma, since Zaid was fair complexioned while Usāma was very dark. Usāma’s mother – Umm Ayman, whose name was Barakah ﷺ – was a black Abyssinian (Ethiopian) woman.

^[3] It is narrated that Zaid bin Haritha رضي الله عنه the freed slave of the Prophet ﷺ was of a

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١٥ - كتاب العتق

1220. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "Any Muslim man who emancipates a Muslim man, Allāh will rescue from the Hell-Fire^[1] an organ of his body for every organ of his (the emancipated man's body)."
[Agreed upon].

Narrated Abu Umama (رضي الله عنه): Allah's Messenger ﷺ said, "Any Muslim man who emancipates two Muslim women, they will be his ransom from the Hell-Fire." [At-Tirmidhi reported it, and graded it *Sabib* (authentic)]. Ka'b bin Murra^[2] (رضي الله عنه) narrated: (Allāh's Messenger ﷺ said) "Any Muslim woman who emancipates a Muslim woman, she will be her ransom from the Hell-Fire." [Reported by Abū Dā'ud].

1221. Narrated Abū Dhar : I asked the Prophet ﷺ : Which action was most excellent? He replied, "Faith in Allāh and *Jihād* in His Path." I then asked, Which slaves were most excellent (for the purpose of emancipating them)? He replied, "Those whose prices are highest and are the most precious to their people." [Agreed upon].

1222. Narrated Ibn 'Umar : Allāh's

(١٢٢٠) عن أبي هريرة رضي الله تعالى عنه قال: قال رسول الله ﷺ: «أيُّها أَمْرِيَّةُ مُسْلِمٍ أَعْتَقَ امْرَأَ مُسْلِمًا اشْتَقَدَ اللَّهُ بِكُلِّ عُصُوبِهِ عُصُوبًا مِنْهُ مِنَ النَّارِ». متفق عليه.

وللتزمدي - وصححه - عن أبي أمامة: «أيُّها أَمْرِيَّةُ مُسْلِمٍ أَعْتَقَ امْرَأَيْنِ مُسْلِمَيْنَ كَائِنَةً فِي كَاهَةِ مِنَ النَّارِ». ولابي ذاود من حديث عقب ابن مروة: «أيُّها أَمْرَأَ مُسْلِمَةً أَعْتَقْتَهُ امْرَأَةً مُسْلِمَةً كَانَتْ فِي كَاهَةِ مِنَ النَّارِ».

(١٢٢١) وعن أبي ذر رضي الله تعالى عنه قال: سألت النبي ﷺ: أي العمل أفضل؟ قال: «إيمان بالله، وجهاد في سبيله». قلت: فما الرقاب أفضل؟ قال: «أعلاهما ثمنا، وأنفسهما عند أهلها». متفق عليه.

(١٢٢٢) وعن ابن عمر رضي الله تعالى عنهما

white complexion whereas his son Usama رضي الله عنه was rather dark-complexioned. Because of this, some of the disbelievers started casting slurs on him regarding his lineage. Mujazziz Al-Mudlaji saw them lying down, their faces wrapped up with linen and their feet lying bare. When he saw their feet, he uttered these words which in turn pleased the Prophet ﷺ . This proves that while making a conclusion about a certain thing, one may resort to his personal intuition (*Al-Farâsah*) and the gift of deducing facts out of reading a person's physiognomy (*Al-Qiyâsah*).

^[1] The said reward may only be earned by manumitting a believing slave, although there is virtue in freeing a disbeliever as well. Indeed, the manumission of a believing slave earns the greater reward.

^[2] He was a *Sababi* and was also said to be called Murra bin Ka'b. He settled at Basra, then at Jordan where he died in the year 57 H. or 59 H.

Messenger ﷺ said “If anyone emancipates his share in a (jointly owned) slave and has enough money to pay the full price for him, a fair price for the slave should be fixed, his partners given their shares, and the slave be thus emancipated.^[1] Otherwise, he is emancipated only to the extent of the first man's share.” [Agreed upon].

Narrated Abū Huraira رضي الله عنه: (The Prophet ﷺ said), “Otherwise, a price should be fixed for him, and work should be found for him (to earn his freedom), without overburdening him.” [Agreed upon]. And it is said that ‘to earn his freedom’ is *Mudrajah* (inserted) in the text.

1223. Narrated Abū Huraira رضي الله عنه: Allāh's Messenger ﷺ said, “A son does not repay what he owes his parent unless he finds him in slavery, then buys him and emancipates him.”^[2] [Reported by Muslim].

1224. Narrated Samura (bin Jundub) رضي الله عنه: The Prophet ﷺ said, “If anyone owns (in slavery) a blood-relative, who is *Mabram* (permanently prohibited in marriage),^[3] that person becomes free.” [Reported by Ahmad and *Al-Arba'a*. A group of *Hadīth* scholars held that the strongest view is that it is

قالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ أَعْتَقَ شَرِيكًا لَّهُ فِي عَبْدٍ، فَكَانَ لَهُ مَالٌ يَتَّلَعَّثُ بِهِنَّ عَبْدٌ، قَوْمٌ [الْعَبْدُ عَلَيْهِ] قِيمَةُ عَدْلٍ، فَأَعْطَى شُرَكَاءَهُ حَصَصَهُمْ، وَعَنِقَ عَلَيْهِ الْعَبْدُ، وَإِلَّا فَقَدْ عَنِقَ مِنْهُ مَا عَنِقَ». مُتَقَرَّ عَلَيْهِ.

وَلَهُمَا عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: «وَإِلَّا قَوْمٌ عَلَيْهِ، وَاسْتُسْعِيَ غَيْرُ مَشْغُوفٍ عَلَيْهِ». وَقَوْلُ إِنَّ السَّعَادَيْهَ مُدْرَجَةٌ فِي الْحَبَرِ.

(١٢٢٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَجْرِي وَلَدٌ وَالَّذِي إِلَّا أَنْ يَجِدَهُ مَمْلُوكًا فَيَمْتَرِيهُ، فَيُعْتَقُهُ». رَوَاهُ مُسْلِمٌ.

(١٢٢٤) وَعَنْ سَمْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ مَلَكَ ذَا رَحِيمَ مَحْرَمٍ فَهُوَ حُرٌّ». رَوَاهُ أَخْمَدُ وَالْأَزْبَعُ، وَرَجَحَ جَمِيعُهُ مِنَ الْحُفَاظَ أَنَّهُ مَوْفُوفٌ.

^[1] This *Hadīth* states that a slave, who has been partially freed, acquires the status of a bonded slave who may not be sold to someone or given as a gift.

^[2] In accordance with this *Hadīth* the *Zābitiyah* scholars hold that a father is not considered to be free, merely on the condition that he has been paid for by his son, but that he will be regarded lawfully free only if manumitted and declared as such by his son. The other scholars hold that a father is freed merely upon being purchased by his son. This ruling is similarly applicable to a mother. This *Hadīth*, on one hand, enlightens us on the parental rights whereas on the other hand, it highlights the tremendous virtuousness ascribed to the act of freeing slaves.

^[3] This *Hadīth* proves that the close relatives [e.g. father, son, brother, brother's child, father's brother and mother's brother] who are so close to each other that they could not be bound in wedlock, may not have the relationship of a master and a slave. If the enslaved person is a woman, the ruling becomes all too clear. But if such a person happens to be a male one, then the criteria to determine the applicability of this ruling is that one of those

Mawqif (saying of a Companion)].

1225. Narrated 'Imrān bin Husain ﷺ: A man – who had no other property – emancipated six of his slaves, at the time of his death.^[1] Allāh's Messenger ﷺ sent for them, divided them into three sections, had lots casts among them, and then set two free and kept four in slavery. He said a harsh word about him.^[2] [Reported by Muslim].

1226. Narrated Safina ؓ: I was a slave of Umm Salama ؓ, and she said, "I shall emancipate you, but on condition that you serve Allāh's Messenger ﷺ as long as you live."^[3] [Reported by Ahmad, Abū Dā'ud, An-Nasā'i and Al-Hākim].

1227. Narrated 'Aisha ؓ: Allāh's Messenger ﷺ said, "The right of inheritance from an emancipated slave (*Al-Walā*) belongs to the one who set him free."^[4] [Agreed upon, in a long *Hadīth*].

1228. Narrated Ibn 'Umar ؓ: Allāh's Messenger ﷺ said, "The right of inheritance from an emancipated slave (*Al-Walā*) is a relationship like the relationship of blood relatives; it should

persons (i.e., the master and the slave) is hypothetically presumed to be a woman. In the light of such a presumption, it can be determined as to whether or not they could be bound in wedlock. If affirmative, the said ruling applies to them, as they are *Mabram* to each other.

^[1] This *Hadīth* informs us that a charity made during one's sickness has the same ruling as bequeathing something by making a will. A sick person cannot donate more than one-third of his property as a gift or an endowment. The harsh words used by the Prophet ﷺ about the said person were: "Had I been informed about the unlawful act of that person beforehand, I would have disallowed his burial in the graveyard of the Muslims."

^[2] Because two-thirds of a dead man's property must go to his heirs.

^[3] This *Hadīth* denotes that while freeing a slave, it is permissible to make such a manumission a conditional one with his word of promise to the effect that the will keep serving his former master for the period of time agreed upon. What proves the permissibility of this practice is that the Prophet ﷺ upheld this condition and did not pronounce it null and void.

^[4] This states that *Walā'* (the inheritance of a freed slave) belongs to the one who manumits the slave. It is improper either to sell it or present it to someone (as a gift).

(١٢٢٥) وَعَنْ عُمَرَ بْنِ حُصَيْنٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَجُلًا أَغْتَنَ سَيِّدَهُ مَالِكَ لَهُ، إِذْنَ مَوْتِهِ، لَمْ يَكُنْ لَهُ مَا لَمْ يَرُدْهُمْ، فَدَعَا بِهِمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَجَرَأْهُمْ أَثْلَاثًا، ثُمَّ أَفْرَغَ بَيْنَهُمْ، فَأَغْتَنَ أَثْلَاثَنِ، وَأَرَقَ أَرْبَعَةَ، وَقَالَ لَهُمْ قَوْلًا شَدِيدًا. رَوَاهُ مُسْلِمٌ.

(١٢٢٦) وَعَنْ سَبِيلَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَ: كُنْتُ مَمْلُوكًا لِأُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، فَقَالَتْ: أُغْتَلُكَ، وَأَشْرِطْ عَلَيْكَ أَنْ تَحْلِمَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَا عِشْتَ. رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدُ وَالسَّائِئَةُ وَالحاكِمُ.

(١٢٢٧) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: إِنَّمَا الْوَلَاءَ لِمَنْ أَعْنَقَهُ، مُنْقَقِ عَلَيْهِ فِي حَدِيثٍ طَوِيلٍ.

(١٢٢٨) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كُلُّ حَمَّةَ النَّسَبِ، لَا يُبَاغِعُ وَلَا يُوْهِنُ. رَوَاهُ الشَّافِعِيُّ، وَصَحَّحَهُ ابْنُ حَيَّانَ وَالحاكِمُ، وَأَشْلَهَهُ

not be sold, nor gifted.” [Reported by Ash-Shāfi‘i, Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic). Its basic meaning occurs in the *Sabibain* but with a different wording].

في الصحيحين، يغير هذا النظر.

Chapter 1 MATTERS PERTAINING TO *MUDABBAR*^[1], *MUKATAB*^[2] AND *UMMUL-WALAD*^[3]

١ - باب المدبر والمكاتب وأم الولد

1229. Narrated Jābir : A man of the *Ansār* declared that his slave lad would be free after his death,^[4] while he had no other property. So when the Prophet ﷺ heard of that he said, “Who will buy him from me?” And Nu‘aim bin ‘Abdullāh^[5] bought him for eight hundred Dirhams. [Agreed upon]. A narration of Al-Bukhāri has: “The man became needy.”

A narration of An-Nasā‘i has: “The man had a debt, so (the Prophet ﷺ) sold the slave for eight hundred Dirhams and gave him the money and said, “Pay off your debt.”

1230. ‘Amr bin Shu‘aib, on his father’s authority, told that his grandfather narrated the Prophet ﷺ as saying: “A slave who entered into an agreement to buy his freedom is a slave as long as a

(١٢٢٩) عَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَجُلًا مِنَ الْأَنْصَارِ أَعْتَقَ غَلَامًا لَهُ عَنْ دَبْرٍ، وَلَمْ يَكُنْ لَهُ مَا لَمْ يَغْنِهِ، فَبَلَغَ ذَلِكَ النَّبِيُّ ﷺ، فَقَالَ: «مَنْ يَشْرِيْهُ مِنِّي؟» فَأَشْرَاهُ نَعِيمُ بْنُ عَبْدِ اللَّهِ بِشَمَانِيَّةِ دَرْهَمٍ. مُتَفَقُّ عَلَيْهِ. وَفِي الْفَطْرِ لِبَخَارِيٍّ: قَاتَحَ.

وفي رواية للنسائي: وكان عليه دين فباء به بشمانية درهم، فاغطاه، وقال: «أفضل دينك».

(١٢٣٠) وَعَنْ عَمْرُو بْنِ شَعِيبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ النَّبِيِّ ﷺ قَالَ: «الْمَكَاتِبُ عَبْدٌ، مَا يَقْرِيْهُ عَلَيْهِ مِنْ مُكَاتَبَيْهِ دَرْهَمٌ». أَخْرَجَهُ أَبُو دَاوُدَ بِإِسْنَادِ حَسَنٍ. وَأَصْلُهُ عِنْدَ أَخْمَدَ

^[1] A slave told by his master, “You are free after my death.”

^[2] A slave who enters into an agreement with his master to buy his freedom.

^[3] A slave-woman who bears her master’s children.

^[4] We learn through this *Hadīth* that a master can declare one of his male or female slaves as *Mudabbar*, provided that he is not in a state of sickness. The majority hold that it should be taken from the one-third (of his inheritance) allowed to be given to as he wills (*Al-Wasiyah*). Some scholars hold that it is not permissible to sell a *Mudabbar* except in case of need, or to pay the master’s debt.

^[5] He was nicknamed An-Nakhkhām and was a Qurashi of ‘Adī clan. He became a Muslim long ago and kept his faith secret, and when he wanted to migrate Banū ‘Adī, his clansmen requested him to stay and believe in any religion of his choice, because he used to spend on their widows and orphans, so he stayed. Then he migrated in the year of Al-Hudaybiya. He was martyred during the conquests of Shām in the lifetime of Abū Bakr As-Siddiq or ‘Umar Al-Farūq. رضي الله عنهما.

والثلاثة، وصححه الحاكم.

Dirham of the agreed price remains to be paid.”^[1] [Abū Dā’ud reported it with a good chain of narrators. Its basic meaning occurs in the books of Ahmad and *Ath-Thalātha*. Al-Hākim graded it *Sabib* (authentic)].

1231. Narrated Umm Salama ﷺ: Allāh’s Messenger ﷺ said, “When one of you women has a slave who has made an agreement to buy his freedom, and he accumulates enough to pay the full price, she must veil herself from him.”^[2] [Reported by Ahmad and *Al-Arba’ā*, and At-Tirmidhi graded it *Sabib* (authentic)].

1232. Narrated Ibn ‘Abbās ﷺ: The Prophet ﷺ said, “The blood money of a slave who had made an agreement to buy his freedom (*Mukātab*) [and has been killed], is paid at the rate of blood money paid for a free man – for that portion of his freedom that has been paid, and at the rate of blood money paid for a slave – for that portion of freedom which has not been paid.”^[3] [Reported by Ahmad, Abū Dā’ud and An-Nasā’i].

(١٢٣١) وَعَنْ أُمِّ سَلَمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا كَانَ لِإِحْدَائِكَ مُكَاتَبٌ، وَكَانَ عِنْدَهُ مَا يُؤْتَيْ، فَلْتَحْتَجِبْ مِنْهُ. رَوَاهُ أَخْمَدُ وَالْأَرْبَعَةُ وَصَحَّحَهُ التَّرمِذِيُّ.

(١٢٣٢) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ النَّبِيَّ ﷺ قَالَ: يُؤْدَى الْمُكَاتَبُ بِقَدْرِ مَا عَنَّقَ مِنْهُ دِيَةَ الْحُرُّ، وَيُقْدَرُ مَارَقُ مِنْهُ دِيَةَ الْعَتَدِ. رَوَاهُ أَخْمَدُ وَأَبُو دَاوُدَ وَالشَّافِعِيُّ.

^[1] It implies that as long as a *Mukātab* does not make a full payment of his bond, he will continue to be governed by the same rulings as are applicable to a slave. This clarifies one more thing that a slave is considered the owner of his earnings. It does not mean that a slave does not become an owner of anything at all. *Mukātab* may be defined as a certain male or female slave who makes an agreement with his master to the effect that in case the master manumits him, he will pay him such and such amount in lieu of freedom. This kind of an agreement is known as *Mukātabah* and a slave who enters such an agreement is called *Mukātab*.

^[2] A mistress, as a matter of *Shari'a* regulation, does not have to cover her face from her slave, as he is just like a child to her. But if a *Mukātab* accumulates a sufficient amount of money to emancipate himself from the bonded agreement, she should start veiling herself completely in front of him. This act is preferable since the above *Hadīth* states that as long as a *Mukātab* does not make a full payment of his bonded agreement, he will be considered a slave.

^[3] Al-Khattabi said, “The general consensus of the *Fiqh* scholars is that a *Mukātab* is a slave as regards penalties and blood money, so long as he owed one Dirham. However, Ibrāhim An-Nakha'i and an opinion narrated from ‘Ali have relied on the apparent meaning derived from this *Hadīth*.

1233. Narrated 'Amr bin Al-Hārith,^[1] the brother of Juwairiya, the mother of the Believers ﷺ: When Allāh's Messenger ﷺ died, he did not leave a Dirham or a Dinār, a slave or a slave-woman, or anything except his white she-mule, his weapons and some land which he appointed as *Sadaqa*.^[2] [Reported by Al-Bukhārī].

(١٢٣٣) وَعَنْ عَمِّرُو بْنِ الْحَارِثِ، أَخِي جُوَيْرِيَةَ أُمِّ الْمُؤْمِنِينَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: مَا تَرَكَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَنْ دُرْهَمٍ، وَلَا دِينَارًا، وَلَا عَنْدَهُ أَمْمَةً، وَلَا شَيْئًا، إِلَّا بَعْلَتَهُ الْبَيْضَاءَ، وَسِلَاحَهُ، وَأَرْضًا جَعَلَهَا صَدَقَةً. رَوَاهُ الْبَخَارِيُّ.

1234. Narrated Ibn 'Abbās ﷺ: Allāh's Messenger ﷺ said, "When a man's slave-woman bears him a child she becomes free at his death." [Ibn Mājah and Al-Hākim reported it with a *Da'if* (weak) chain of narrators. A group of *Hadīth* scholars held that the stronger view is that it is *Mawqūf* (a saying of a Companion) i.e. 'Umar ﷺ].

(١٢٣٤) وَعَنْ أَبْنَيْ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «أَيُّمَا أُمَّةٌ وَلَدَتْ مِنْ سَيِّمَهَا فَهِيَ حُرَّةٌ بَعْدَ مَوْتِهِ». أَخْرَجَهُ أَبْنُ مَاجَةَ وَالْحَاكِمُ بِإِسْنَادٍ ضَعِيفٍ، وَرَجَعَ جَمَاعَةً وَفَقَهَةَ عَلَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ.

1235. Narrated Sahl bin Hunaif ﷺ: Allāh's Messenger ﷺ said, "He who assists a *Mujāhid* in Allāh's Path, a debtor when he is in distress or a slave who had made an agreement to buy his freedom, Allāh will cover him (with His Shade) on the Day when there will be no shade but His shade." [Reported by Ahmad, and Al-Hākim graded it *Sahih* (authentic)].

(١٢٣٥) وَعَنْ سَهْلِ بْنِ حُنَيْفٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ قَالَ: «مَنْ أَعَانَ مُجَاهِدًا فِي سَبِيلِ اللَّهِ، أَوْ غَارِمًا فِي عُسْرَتِهِ، أَوْ مُكَابِرًا فِي رَقَبَتِهِ، أَظْلَلَ اللَّهُ يَوْمَ لَا ظَلَّ إِلَّا ظِلُّهُ». رَوَاهُ أَحْمَدُ وَصَحَّحَهُ الْحَاكِمُ.

^[1] He is Ibn Al-Hārith bin Abū Dirār bin Habib Al-Khuzā'i Al-Mustalīqi. He was a *Sabābi* and has only this *Hadīth* according to the *Hadīth* scholars.

^[2] When the Prophet ﷺ passed away, Maria Qibtiya, the mother of the Prophet's son Ibrāhim was alive. She was a slave of the Prophet ﷺ. Since she had mothered a child, she became free after the death of the Prophet ﷺ. The sole purpose of mentioning this *Hadīth* here is that *Ummul-Walad* [i.e. a female slave who has given birth to the child of her master], becomes free after the death of her master.

16. THE COMPREHENSIVE BOOK

١٦ - كتاب الجامع

Chapter 1 GOOD MANNERS

١ - باب الأدب

1236. Narrated Abū Huraira رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "A Muslim has six duties^[1] towards another Muslim: When you meet him, greet him (with peace); when he invites you, respond to him; when he asks your advice, advise him; when he sneezes and praises Allāh, say 'May Allāh have mercy on you'; when he is ill, visit him; and when he dies follow his funeral." [Reported by Muslim].

1237. Narrated Abū Huraira رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "Look at those who are less fortunate than you^[2] but don't look at those who are more fortunate than you, so that you will not underestimate the favors Allāh has bestowed upon you." [Agreed upon].

1238. Narrated An-Nawwās bin Sam'ān^[3] رضي الله تعالى عنه: I asked Allāh's Messenger ﷺ about righteousness and sin and he replied, "Righteousness is good character^[4] and sin^[5] is that which

(١٢٣٦) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «حَقُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ سِتُّ، إِذَا لَقَيْتَهُ فَسَلَّمْ عَلَيْهِ، وَإِذَا دَعَاكَ فَأَجِبْهُ، وَإِذَا اسْتَشَحَكَ فَانصَحِّهُ، وَإِذَا عَطَسَ فَحَمْدَ اللَّهِ فَشَمَّهُ، وَإِذَا مَرِضَ فَعُدْهُ، وَإِذَا مَاتَ فَاتَّئْهُ». رَوَاهُ مُسْلِمٌ.

(١٢٣٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَنْظُرُوا إِلَى مَنْ هُوَ أَسْفَلُ مِنْكُمْ، وَلَا تَنْظُرُوا إِلَى مَنْ هُوَ فَوْقَكُمْ، فَهُوَ أَجْدَرُ أَنْ لَا تَزَدُرُوا بِعِنْدَهُ اللَّهُ عَلَيْكُمْ». مُتَقَرَّ عَلَيْهِ.

(١٢٣٨) وَعَنْ التَّوَاسِ بْنِ سَمْعَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنِ الْإِثْمِ وَالْإِثْنَمِ، فَقَالَ: «الْإِثْمُ حُسْنُ الْخُلُقِ، وَالْإِثْنَمُ مَا

^[1] We learn through this *Hadith* that the carrying out of these obligations is compulsory (*Wājib*). Some scholars have regarded them as a commendable act (*Mandub*) which should not be abandoned.

^[2] This *Hadith* is an encouragement to always compare one's financial condition with that of someone less fortunate, as such a thing generates the feeling of God-consciousness within one's heart. Constantly reflecting upon the people who are financially better off than oneself only helps to enhance one's greed, which in turn leads to a feeling of dissatisfaction and jealousy.

^[3] An-Nawwās bin Sam'ān bin Khālid Al-Kilābi Al-'Aamiri was a *Sabābi* counted among the people of Shām. It was said that his father visited the Prophet ﷺ who prayed for him. He then gave the Prophet ﷺ a pair of sandals that he accepted.

^[4] Good character includes obedience to Allah, charity, treating people with affection, being patient when one is wronged, good companionship, keeping ties of relations etc.

^[5] The sins are of two kinds. The first are the ones about which there are clear prohibitions

revolves (being doubtful) in your heart, and you dislike that people come to know about it.” [Muslim reported it].

حَاكَ فِي صَدْرِكَ، وَكَرِهْتَ أَنْ يَطْلُعَ عَلَيْهِ النَّاسُ». أَخْرَجَهُ مُسْلِمٌ.

1239. Narrated Ibn Mas'ud : Allāh's Messenger ﷺ said, “When three of you are together, two must not talk privately ignoring the other,^[1] till you mix with other people, since that will cause him grief.” [Agreed upon, and the wording is Muslim's].

(١٢٣٩) وَعَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا كُنْتُمْ ثَلَاثَةً فَلَا يَتَاجِرُ أَثْنَانُ دُونَ الْآخَرِ، حَتَّى تَخْتَلِطُوا بِالنَّاسِ»، مِنْ أَجْلِ أَنَّ ذَلِكَ يُحْزِنَهُ». مُتَقْرَرٌ عَلَيْهِ، وَاللَّفْظُ لِمُسْلِمٍ.

1240. Narrated Ibn 'Umar : Allāh's Messenger ﷺ said, “A man must not make another get up from his place and then occupy it himself,^[2] but you should spread out and make room.” [Agreed upon].

(١٢٤٠) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يُبْقِي الرَّجُلُ الرَّجُلَ مِنْ مَجْلِسِهِ ثُمَّ يَجْلِسُ فِيهِ، وَلَكِنْ تَفَسَّحُوا وَتَوَسَّعُوا». مُتَقْرَرٌ عَلَيْهِ.

1241. Narrated Ibn 'Abbas : Allāh's Messenger ﷺ said, “When one of you eats, he must not wipe his hand till he licks it, or give it to someone to lick.”^[3] [Agreed upon].

(١٢٤١) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَكَلَ أَحَدُكُمْ طَعَاماً فَلَا يَمْسَخْ يَدَهُ حَتَّى يَلْعَقَهَا أَوْ يُلْعَقُهَا». مُتَقْرَرٌ عَلَيْهِ.

1242. Narrated Abū Huraira : Allāh's Messenger ﷺ said, “The young should greet (with peace) the old, the one who is passing by should greet the one who is sitting,^[4] and the small group (i.e. in number) should salute the larger one.”

(١٢٤٢) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْيُسْلَمُ الصَّغِيرُ عَلَى الْكَبِيرِ، وَالْمَارُ عَلَى الْقَاعِدِ، وَالْقَلِيلُ عَلَى الْكَثِيرِ». مُتَقْرَرٌ عَلَيْهِ. وَفِي رِوَايَةِ مُسْلِمٍ:

in *Shari'a*. It is an obligation upon all to avoid them. Other ones are those whose prohibition is not to be found apparently but their commission is reproached and condemned by the human nature and thus one feels uneasy about them. Therefore, it is better to avoid them.

^[1] The respect of human sentiments is proven and enjoined upon by this *Hadith*. One should never do a thing that hurts the feelings of others.

^[2] This *Hadith* states that if a person happens to occupy a space in a Masjid, or any other place (which is not owned by anyone), the space thus occupied belongs to him alone (i.e., no one has a right to remove him from it).

^[3] The reason for this act is explained by the Prophet's ﷺ saying, “You don't know in what portion of your meal is the *Barakah* (blessings).” This *Hadith* further clarifies that it is not obligatory to wash one's hands after having a meal. It is sufficient if one cleans them by using a towel or a napkin.

^[4] Another *Hadith* states that a rider must greet a pedestrian and a passer-by must greet the standing person. If two persons are walking, either of them may commence greeting.

والراكب على الماشي.

[Agreed upon]. A narration by Muslim has: "And the one who is riding should greet the one who is walking."

1243. Narrated 'Ali ﷺ: Allāh's Messenger ﷺ said, "When people are passing by, it is enough if one of them offers the greeting (of peace) on their behalf, and it is enough for those who are sitting if one of them replies."^[1] [Reported by Ahmad and Al-Baihaqi].

1244. Narrated Abu Huraira ﷺ: Allāh's Messenger ﷺ said, "Do not initiate greeting Jews and Christians (with peace) [before they greet you],^[2] and when you meet one of them on the road force him to go to its narrowest side."^[3] [Muslim reported it].

1245. Narrated (Abu Huraira) ﷺ: The Prophet ﷺ said, "When one of you sneezes, he should say, 'Alhamdu Lillāh (Praise is to Allāh)',^[4] and his brother should say to him, 'Yarhamukallāh (May Allāh have mercy on you)'. When he says this he should reply, 'Yabdikumullāh wa Yuslibu Bālakum (May Allāh guide you and give you well being.)'" [Al-Bukhāri reported it].

1246. Narrated (Abu Huraira) ﷺ: Allāh's Messenger ﷺ said, "None of you

(١٢٤٣) وَعَنْ عَلَيْهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يُبْجِزِيُّ عَنِ الْجَمَاعَةِ - إِذَا مَرُوا - أَنْ يُسَلِّمَ أَحَدُهُمْ وَيُبْجِزِيُّ عَنِ الْجَمَاعَةِ أَنْ يَرُدَّ أَحَدُهُمْ». رَوَاهُ أَخْمَدُ وَالْبَهْيَقِيُّ.

(١٢٤٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَبْدِئُوا النَّهُودَ وَالنَّصَارَى بِالسَّلَامِ، وَإِذَا لَقِيْمُوهُمْ فِي طَرِيقِهِمْ فَاضْطُرُّوهُمْ إِلَى أَصْبِيَّهُ». أَخْرَجَهُ مُسْلِمٌ.

(١٢٤٥) وَعَنْهُ عَنْ النَّبِيِّ ﷺ قَالَ: «إِذَا عَطَسَ أَحَدُكُمْ فَلَيْثُلْ: الْحَمْدُ لِلَّهِ، وَلَيْثُلْ لَهُ أَخْوَهُ: يَرْحَمُكَ اللَّهُ، فَإِذَا قَالَ لَهُ: يَرْحَمُكَ اللَّهُ، فَلَيْثُلْ لَهُ: يَهْدِيْكُمُ اللَّهُ وَيَضْلِعُ بِالْكُمْ». أَخْرَجَهُ الْبَخَارِيُّ.

(١٢٤٦) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَشْرِبَنَّ أَحَدُكُمْ قَائِمًا». أَخْرَجَهُ مُسْلِمٌ.

However, he is better who greets first. The scholars agree that this is only a matter of preference and is not a compulsory ruling.

^[1] The commencement of *Salām* (greetings) is a collective duty and similarly answering a *Salām* is also a collective obligation. If one person among a group pronounces *Salām*, the obligation will be met and completed on behalf of all.

^[2] The majority of the earlier scholars are of the opinion that one should not commence greeting a non-Muslim first. If he greets, then his greeting should be answered. But some scholars have allowed that the non-Muslims may be greeted first in case such a thing becomes unavoidable out of necessity.

^[3] Forcing them to pass through a narrow path implies that they should not be shown the respect of clearing the way for them. If it is too crowded, one should let a Muslim pass first and then only a non-Muslim may be allowed to pass.

^[4] One is required to answer until the third sneeze. If someone still keeps sneezing more than three times (in a quick succession), his sneezing needs not be answered.

should drink standing.”^[1] [Muslim reported it].

1247. Narrated (Abu Huraira) ﷺ: Allāh’s Messenger ﷺ said, “When one of you puts on shoes, he should put on the right one first; and when he takes them off, he should take off the left one first, so that the right (shoe) should be the first to be put on and the last to be taken off.”^[2] [Agreed upon].

1248. Narrated (Abu Huraira) ﷺ: Allāh’s Messenger ﷺ said, “None of you should walk with one shoe. One must either wear both (shoes) or remove both.”^[3] [Agreed upon].

1249. Narrated Ibn ‘Umar ﷺ: Allāh’s Messenger ﷺ said, “Allāh will not look (on the Day of Resurrection) at him who trails his garment out of arrogance (or pride).”^[4] [Agreed upon].

1250. Narrated (Ibn ‘Umar) ﷺ: Allāh’s Messenger ﷺ said, “When any of you eats he should eat with his right hand, and when he drinks he should drink with his right hand, for the devil eats and drinks with his left hand.”^[5] [Muslim reported it].

(١٢٤٧) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا نَعَلَ أَحَدُكُمْ فَلْيَعِدَا بِالْيَمِينِ، وَإِذَا نَزَعَ فَلْيَعِدَا بِالشَّمَالِ، وَلْتَكُنِ الْيُمْنَى أَوْلَاهُمَا نَعَلُ، وَآخِرُهُمَا نَزَعُ». مُفَقِّلٌ عَلَيْهِ وَأَخْرَجَ بِاَقِيمَةِ مَالِكٍ وَالثَّوْمَدِيِّ وَأَبْوَ دَاؤَدَ.

(١٢٤٨) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَمْشِي أَحَدُكُمْ فِي نَعْلٍ وَاحِدَةٍ، وَلْيَنْتَهِمَا جَمِيعًا، أَوْ لِيَحْلُّهُمَا جَمِيعًا». مُفَقِّلٌ عَلَيْهِ.

(١٢٤٩) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَنْظُرَ اللَّهُ إِلَى مَنْ حَرَّ تَوْبَةً خُلِّكَاء». مُفَقِّلٌ عَلَيْهِ.

(١٢٥٠) وَعَنْ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا أَكَلَ أَحَدُكُمْ فَلْيَأْكُلْ بِيَمِينِهِ، وَإِذَا شَرَبَ فَلْيَشَرِبْ بِيَمِينِهِ، فَإِنَّ الشَّيْطَانَ يَا كُلُّ بِشَماَلِهِ، وَيَشَرِبُ بِشَماَلِهِ». أَخْرَجَهُ مُسْلِمٌ.

^[1] Drinking water while standing does not fall under the category of an absolute prohibition, but the same is regarded as a suggestive prohibition, unless one has a legal excuse.

^[2] As a matter of principle, every honorable act should be started from the right side, whereas other things should be started from the left side. For instance, putting one’s shoes on, combing one’s hair and performing ablution should be started from the right side, whereas taking one’s shoes off, and cleansing and purifying one’s private parts should be from the left.

^[3] This is also a suggestive prohibition and not an absolute one, according to the Majority of scholars.

^[4] A person whose clothing (trousers, etc.) hangs below his ankles due to forgetfulness, or the one whose belly is so huge that he cannot keep his clothing from falling, are however exceptions. Even though the punishment – in this narration – is conditioned with pride, there is a general prohibition – even without exhibiting any air of pride – from allowing the clothing to hang below the ankles, according to other authentic narrations. This ruling concerns men only, as women are instructed to deliberately lengthen their dress to the extent of at least one hand span, so as to cover the surface of their feet.

^[5] This *Hadīth* states that the use of ones left hand for the purpose of eating and drinking is forbidden.

1251. Narrated 'Amr bin Shu'aib, on his father's authority, that his grandfather narrated Allāh's Messenger ﷺ as saying, "Eat, drink, wear clothes and give *Sadaqa* without extravagance or pride."^[1] [Abū Dā'ud and Ahmad reported it. Al-Bukhāri mentioned it as *Mu'allaq* (a broken chain from the side of the *Hadith* collector)].

Chapter 2 KINDNESS, AND JOINING THE TIES OF RELATIONSHIP

1252. Narrated Abū Huraira رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "He who wishes to have his provisions expanded and his term of life prolonged, must treat his relatives well."^[2] [Reported by Al-Bukhāri].

1253. Narrated Jubair bin Mut'im رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "The one who severs ties, i.e. of blood relations, will not enter Paradise."^[3] [Agreed upon].

1254. Narrated Al-Mughira bin Shu'ba رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "Allāh has made unlawful for you disobedience to your mothers, burying your daughters alive, holding back

(١٢٥١) وَعَنْ عَمِّرُو بْنِ شَعْبَهُ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلْ، وَاشْرُبْ، وَالْبَسْ، وَتَصَدَّقْ، فِي عَيْرِ سَرَفْ وَلَا مَخْبِلَةً». أَخْرَجَهُ أَبُو دَاوُدْ وَأَحْمَدْ، وَعَلَقَهُ الْبُخَارِيُّ.

٢ - بَابُ الْبِرِّ وَالصَّلَةِ

(١٢٥٢) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَحَبَّ أَنْ يُسْطَلِ لَهُ فِي رِزْقِهِ، وَأَنْ يُنْسَأَ لَهُ فِي أَتْرِهِ، فَلَيُصْلِ رَحْمَمَهُ». أَخْرَجَهُ الْبُخَارِيُّ.

(١٢٥٣) وَعَنْ جُبَيْرِ بْنِ مُطْعَمٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَدْخُلُ الْجَنَّةَ قَاطِعٌ» يَعْنِي قَاطِعَ رَحْمٍ. مُتَقَنْ عَلَيْهِ.

(١٢٥٤) وَعَنْ الْمُغَرِّبَةِ بْنِ شَبَّةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ اللَّهَ حَرَمَ عَلَيْكُمْ عُقُوقَ الْأُمَّهَاتِ، وَوَادَ الْبَنَاتِ،

^[1] This *Hadith* is an elaboration of a Qur'ānic Verse which says, "Eat and drink but do not spend excessively". This *Hadith* implies that as long as an excessive spending is prohibited in the permitted matters, how could such a thing be justified in the matters which are forbidden altogether? In Arabic, the word *Isrāf* stands for overspending.

^[2] The question which arises here is that as long as the time of death is predetermined, how does it happen that an act of kindness to one's relatives causes an increase in the life span of a person. The answer to this question is that the life span of a certain person which is in the Knowledge of Allāh, remains constant without a change, but the one which lies within the knowledge of the Angel responsible for life span may diminish and increase accordingly. In other words, the Angel is given the knowledge of a suspended destiny and not the final and absolute one. For instance, he is told that if a certain person treats his relatives well, he will have a life span of a hundred years, otherwise the same will be reduced to sixty.

^[3] This is a severe threat for the one who cuts the ties of blood relations. The Arabic word *Rabim* includes those relations with whom a matrimonial alliance is not permissible, or those between whom there is the right of inheritance.

(what Allah has ordered), and demanding (what you are not entitled to), and He hates for you engaging in gossip, asking many questions (about what is not necessary), and squandering wealth” [Agreed upon].

1255. Narrated ‘Abdullāh bin ‘Amr : The Prophet ﷺ said, “Allāh’s Pleasure is in what is pleasing to parents, and Allāh’s Displeasure is in what is displeasing to parents.”^[1] [At-Tirmidhi reported it. Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

1256. Narrated Anas : The Prophet ﷺ said, “By Him in Whose Hand is my soul, a slave (of Allāh) does not believe (perfectly) till he loves for his neighbor or his brother what he loves for himself.”^[2] [Agreed upon].

1257. Narrated Ibn Mas’ūd : I asked Allāh’s Messenger ﷺ, “Which sin is most serious?” He said, “To attribute a partner to Allāh, though He (Alone) has created you.” I asked, “What next?” He replied, “To kill your child, fearing that it will share with you your food.” I asked, “What next?” He said, “To commit adultery with your neighbor’s wife.”^[3] [Agreed upon].

1258. Narrated ‘Abdullāh bin ‘Amr bin Al-‘Aas : Allāh’s Messenger ﷺ said, “A man’s reviling of his parents is one of the major sins.” It was asked, “Does a man revile his parents?” He replied, “Yes, he reviles the father of a man who then reviles his father, and he reviles a

وَمُنْعِاً وَهَاتِ، وَكَرِهَ لَكُمْ قِيلَ وَقَالَ، وَكَرِهَ الشَّوَّالُ، وَإِضَاعَةُ الْمَالِ». مُفْتَقَّ عَلَيْهِ.

(١٢٥٥) وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنِ النَّبِيِّ ﷺ قَالَ: «رِضَا اللَّهُ فِي رِضَا الْوَالِدَيْنِ، وَسُخْطَةُ اللَّهِ فِي سُخْطَةِ الْوَالِدَيْنِ» أَخْرَجَهُ التَّرمِذِيُّ، وَصَحَّحَهُ ابْنُ حِبَّانَ وَالْحَاكِمُ.

(١٢٥٦) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «(وَالَّذِي نَفْسِي يَنْدِي وَلَا يُؤْمِنُ عَبْدٌ حَتَّى يُحِبَّ لِجَارِهِ أَوْ لِأَخِيهِ مَا يُحِبُّ لِنَفْسِهِ». مُفْتَقَّ عَلَيْهِ.

(١٢٥٧) وَعَنْ ابْنِ شَعْبُودَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ أَيُّ الذَّنْبِ أَعْظَمُ؟ قَالَ: «أَنْ تَجْعَلَ اللَّهَ يَنْدَأْ، وَهُوَ خَلَقَكَ»، قُلْتُ: ثُمَّ أَيْ؟ قَالَ: «ثُمَّ أَنْ تَقْتُلَ وَلَدَكَ خَشِيَّةً أَنْ يَأْكُلَ مَعَكَ». قُلْتُ: ثُمَّ أَيْ؟ قَالَ: ثُمَّ أَنْ تُزَانِي بِحَلِيلَةِ جَارِكَ». مُفْتَقَّ عَلَيْهِ.

(١٢٥٨) وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو بْنِ العاصِ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ الْكَبَائِرَ شَمْ الرَّجُلِ وَالْذِيْهِ»، قِيلَ: وَهُلْ يَشْبُهُ الرَّجُلُ وَالْذِيْهِ؟ قَالَ: «نَعَمْ يَشْبُهُ أَبَا الرَّجُلِ قَيْسَبُ أَبَاهُ، وَيَشْبُهُ أُمَّهُ قَيْسَبُ أُمَّهَ».

^[1] Disobedience of one’s parents is considered to be a major sin, as long as they have not ordered you to do something contrary to the injunction of the *Shari'a*.

^[2] This *Hadīth* indicates that one has a tremendous obligation towards his neighbor (and brother) since the same has been declared as the sign of Faith.

^[3] This *Hadīth* alludes to a principle that the major sins, depending on their severity, differ from each other. A sinful act of adultery is forbidden in general, but committing such an act with a neighbor’s wife is the most despicable crime.

man's mother who then reviles his.”^[1]
[Agreed upon].

1259. Narrated Abū Ayūb : Allāh's Messenger ﷺ said, “It is not permissible for a Muslim to avoid his brother for more than three nights.”^[2] When they meet, this one turns away (from this one) and that one turns away (from the other), and the best of them is the one who greets (the other one) first.”
[Agreed upon].

1260. Narrated Jābir : Allāh's Messenger ﷺ said, “Every act of goodness is *Sadaqa*.”^[3] [Al-Bukhārī reported it].

1261. Narrated Abū Dharr : Allāh's Messenger ﷺ said, “Do not consider any act of goodness insignificant,^[4] even if it is meeting your brother with a cheerful face.”

1262. Narrated (Abū Dharr) : Allāh's Messenger ﷺ said, “When you make some soup, increase its water and keep your neighbors in mind.”^[5] [Muslim reported the two *Hadith*].

1263. Narrated Abū Hurairah : Allāh's

(١٢٥٩) وَعَنْ أَبِي أَيُوبَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ السَّلَامَ قَالَ: لَا يَحِلُّ لِمُسْلِمٍ أَنْ يَهْجُرْ أَخَاهُ فَوْقَ ثَلَاثَةِ لَيَالٍ. يَلْقَيَانِ فَيَعْرِضُ هَذَا وَيَعْرِضُ هَذَا، وَخَيْرُهُمَا الَّذِي يَبْدأُ بِالسَّلَامِ». مُتَقَّدٌ عَلَيْهِ.

(١٢٦٠) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ السَّلَامَ: «كُلُّ مَعْرُوفٍ صَدَقَةٌ». أَخْرَجَهُ الْبُخَارِيُّ.

(١٢٦١) وَعَنْ أَبِي ذَرٍّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ السَّلَامَ: «لَا تَحْقِرُنَّ مِنَ الْمَعْرُوفِ شَيْئًا، وَأَنْ أَنْ تَلْقَى أَخَاهُكَ بِوْجُوهِ طَلْقٍ».

(١٢٦٢) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ السَّلَامَ: «إِذَا طَبَخْتَ مَرْأَةً فَأَكْثِرْ مَاءَهَا، وَعَاهَدْ جِيرَانَكَ». أَخْرَجَهُمَا مُسْلِمٌ.

[١] The principle which is inferred from this *Hadith* is that any action which leads to the forbidden is also forbidden, even if the one who does such an action has not intended anything forbidden.

[٢] If the reasons of such an ill will are personal matters, it is not permitted that an estrangement thus caused be continued longer than three days. But if the same is based on a religious matter, there is no limit specified to such an estrangement, as the same is a part of Faith itself.

[٣] This states that *Sadaqa* (charity) does not mean giving away something out of one's wealth alone. In fact, the performing of any good deed, or refraining from any evil deed, is an act of charity.

[٤] Cheerfulness, as it appears, seems to be a very small thing but the same is rated and classified as a great virtue.

[٥] This ruling is to be treated as compulsory if the neighbor is poor. But if one's neighbor is rich, then this ruling is to be treated as a matter of preference. The Prophet ﷺ stated, “Whenever Gabriel came to me, he persistently kept emphasizing on the rights of one's neighbor – to such an extent that it led me into thinking perhaps a neighbor may be declared as the inheritor of one's legacy.”

Messenger ﷺ said, "If anyone removes one of the anxieties of this world from a believer,^[1] Allāh will remove one of the anxieties of the Day of Resurrection from him; if anyone relieves (the burden) of one who is destitute, Allāh will relieve (his burden) in this world and in the next; and if anyone conceals (the faults of) a Muslim, Allāh will conceal (his faults) in this world and in the next. Allāh helps (His) servant as long as the servant helps his brother." [Muslim reported it].

1264. Narrated Ibn Mas'ūd : Allāh's Messenger ﷺ said, "He who guides to something good will have a reward similar to that of the one who acts upon it." [Muslim reported it].

1265. Narrated Ibn 'Umar : The Prophet ﷺ said, "If anyone seeks protection in Allāh's Name, grant him protection; if anyone asks you (for something) in Allāh's Name, give him; and if anyone does a good deed for you, recompense him; but if you do not have the means to do so, supplicate for him." [Al-Baihaqi reported it].

Chapter 3 ASCETISM AND PIETY^[2]

1266. An-Nu'mān bin Bashir : I heard Allāh's Messenger ﷺ saying – Nu'mān pointed with his two fingers to his ears – "What is lawful is clear and what is unlawful is clear, but between them are certain doubtful matters^[3] which many people do not know. Thus, he who

قالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ نَفَسَ عَنْ مُسْلِمٍ كُرْبَةً مِنْ كُرْبَ الدُّنْيَا، نَفَسَ اللَّهُ عَنْهُ كُرْبَةً مِنْ كُرْبَ يَوْمِ الْقِيَامَةِ، وَمَنْ يَسَرَ عَلَى مُعْسِرٍ، يَسَرَ اللَّهُ عَلَيْهِ فِي الدُّنْيَا وَالآخِرَةِ. وَمَنْ سَتَرَ مُسْلِمًا، سَتَرَهُ اللَّهُ فِي الدُّنْيَا وَالآخِرَةِ، وَاللَّهُ فِي عَوْنَى الْعَبْدُ مَا كَانَ الْعَبْدُ فِي عَوْنَى أَحْرَجَهُ مُسْلِمٌ». أَخْرَجَهُ مُسْلِمٌ.

(١٢٦٤) وَعَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ دَلَّ عَلَى خَيْرٍ فَلَهُ مِثْلُ أَجْرِ فَاعْلَمِ». أَخْرَجَهُ مُسْلِمٌ.

(١٢٦٥) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ اسْتَعَاذَكُمْ بِاللَّهِ فَأَعْيَدُوهُ، وَمَنْ سَأَلَكُمْ بِاللَّهِ فَأَعْطُوهُ، وَمَنْ أَتَى إِلَيْكُمْ مَعْرُوفًا فَكَافِرُوهُ، فَإِنْ لَمْ تَجِدُوا فَادْعُوْا لَهُ». أَخْرَجَهُ البَهْتَرِيُّ.

٣ - بَابُ الرُّهْدَنِ وَالوَرَاعَةِ

^[1] This *Hadith* proves the superiority of help provided for other Muslims.

^[2] The Arabic word translated here as piety is *Wara'*, which means to keep oneself aloof from doubtful matters lest one should indulge in forbidden things unknowingly.

^[3] This *Hadith* pertains to the principles of Islam. *Mushtabibāt* are the things and matters whose arguments whether for them or against them seem to be equal. Hence, the religious scholars differ about their prohibition or allowance. The corruption or reformation of one's body is based on the corruption or reformation of one's heart. The reason for this phenomenon is that the heart governs the whole body. If a king happens to be morally

guards against doubtful matters keeps his religion and his honor safe, but he who falls into doubtful matters falls into what is unlawful, just as a shepherd who pastures his animals around a sanctuary, all but grazing therein. Surely, every king has a sanctuary, and Allāh's sanctuary is His prohibitions. Surely, there is a piece of flesh in the body, if it is healthy, the whole body is healthy, but if it is diseased, the whole body will be diseased. Surely, it is the heart.” [Agreed upon].

1267. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, “Wretched is the slave of the Dīnār, the Dirham, and the plush cloth. If such a one is given (anything of the worldly pleasures) he is pleased (with Allah), but if he is not given (these thing), he is displeased (with Allah).”^[1] [Al-Bukhāri reported it].

1268. Narrated Ibn ‘Umar ﷺ: Allāh's Messenger ﷺ caught hold of my shoulders and said, “Be in the world as though you were a stranger or a wayfarer.”^[2] Ibn ‘Umar (ﷺ) used to say, “If you are alive in the evening, do not expect to be alive till the morning and if you are alive in the morning do not expect to be alive till the evening, and take from your health for your sickness, and from your life for your death.” [Al-Bukhāri reported it].

1269. Narrated Ibn ‘Umar ﷺ: Allāh's Messenger ﷺ said, “He who imitates

warped, his subjects are likely to be corrupt also. Similarly, if a king is pious, his subjects are likely to be pious also.

^[1] This refers to a greedy person. If he continues to enjoy the worldly pleasures, he will continue to be pleased and contended with Allāh. However, if he does not receive these things, he will not only be displeased with Allāh, but will also become dissatisfied with himself, subjecting himself to constant misery.

^[2] This means that one should not be inclined towards the worldly enticements, but instead should be content on acquiring what suffices his needs.

ائق الشبهاتٍ فَقَدِ اشْتَرَأً لِيَدِيهِ وَعَرْضِيهِ، وَقَدْ
وَقَعَ فِي الشُّبُهَاتِ وَقَعَ فِي الْحَرَامِ. كَالرَّاعِي
يَرْعَى حَوْلَ الْحَمَى يُوشِكُ أَنْ يَقْعُدَ فِيهِ. أَلَا!
وَإِنَّ لِكُلِّ مَلِكٍ حَمَى، أَلَا! وَإِنَّ حَمَى اللَّهِ
مَحَارِمُهُ. أَلَا! وَإِنَّ فِي الْجَسَدِ مُضْعَةً إِذَا
صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ، وَإِذَا فَسَدَتْ فَسَدَ
الْجَسَدُ كُلُّهُ، أَلَا! وَهِيَ الْقُلُبُ. مُتَفَقُّ عَلَيْهِ.

(١٢٦٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «عَسَى عَبْدُ الدِّينَارِ
وَالدِّرْهَمِ وَالْفَطِيفَةِ، إِنْ أُعْطِيَ رَضِيَ، وَإِنْ لَمْ
يُعْطَ لَمْ يَرْضَ». أَخْرَجَهُ البُخَارِيُّ.

(١٢٦٨) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: أَخْذَ رَسُولُ اللَّهِ ﷺ بِسِنْكِيَّ،
فَقَالَ: «كُنْ فِي الدُّنْيَا كَائِنًا غَرِيبًا أَوْ غَابِرًا
سَيِّلًا»، وَكَانَ ابْنُ عُمَرَ يَقُولُ: إِذَا أَمْسَيْتَ فَلَا
تَتَنَظِّرِ الصَّبَاحَ، وَإِذَا أَضْبَحْتَ فَلَا تَتَنَظِّرِ
الْمَسَاءَ، وَخُذْ مِنْ صِحَّتِكَ لِسَقِيمِكَ، وَوِنْ
حَيَاةِكَ لِمَوْتِكَ. أَخْرَجَهُ البُخَارِيُّ.

(١٢٦٩) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ

any people is one of them.” [Abū Dā’ud reported it, and Ibn Hibbān graded it *Sabib* (authentic)].

عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ، «مَنْ تَشَاءُ يَقُولُ فَهُوَ مِنْهُمْ». أَخْرَجَهُ أَبُو دَاوُدَ، وَصَحَّحَهُ ابْنُ جَيْرانَ.

1270. Narrated Ibn ‘Abbās : One day I was riding behind the Prophet ﷺ when he said, “Young man, be mindful of Allāh and He will protect you. Be mindful of Allāh^[1] and you will find Him before you, when you ask (for anything) ask it from Allāh, and if you seek help, seek help in Allāh.” [Reported by At-Tirmidhi, who verified it as *Hasan* (good) and *Sabib* (authentic)].

(١٢٧٠) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كُنْتُ خَلْفَ النَّبِيِّ ﷺ يَوْمًا فَقَالَ: «يَا غُلَامًا! احْفَظْ اللَّهَ يَمْحُظُكَ، احْفَظْ اللَّهَ تَجِدْهُ تُجَاهِلُكَ، وَإِذَا سَأَلْتَ فَاسْأَلِ اللَّهَ، وَإِذَا اسْتَعْنَتْ فَاسْتَعْنْ بِاللَّهِ». رَوَاهُ التَّرمِذِيُّ، وَقَالَ حَسَنٌ صَحِيحٌ.

1271. Narrated Sahl bin Sa’d : A man came to the Prophet ﷺ and said, “O Allāh’s Messenger, direct me to a deed which, if I do it, I shall be loved by Allāh and by the people.” He replied, “Practice *Zubd* (abstinence) in the world and Allāh will love you,^[2] and abstain from people’s possessions and they will love you.” [Ibn Mājah and others reported it, and it has a *Hasan* (good) chain of narrators].

(١٢٧١) وَعَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: جَاءَ رَجُلٌ إِلَيَّ النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! ذَلِكَ عَلَى عَمَلِي إِذَا عَمِلْتُهُ أَحَبَّنِي اللَّهُ، وَأَحَبَّنِي النَّاسُ. قَالَ: إِذْهُدْ فِي الدُّنْيَا، يُحِبِّكَ اللَّهُ، وَازْهُدْ فِيمَا عِنْدَ النَّاسِ، يُحِبِّكَ النَّاسُ». رَوَاهُ ابْنُ مَاجَةَ وَغَيْرُهُ، وَسَنَدُهُ حَسَنٌ.

1272. Narrated Sa’d bin Abū Waqqās : I heard Allāh’s Messenger ﷺ saying, “Allāh loves the servant who is *taqi* (pious), *gbani* (free of needs), *kbafti* (unnoticed).”^[3] [Muslim reported it].

(١٢٧٢) وَعَنْ سَعْدِ بْنِ أَبِي وَقَاصِهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ اللَّهَ يُحِبُّ الْعَبْدَ التَّقِيَ الْغَنِيُّ الْحَفِيَّ». أَخْرَجَهُ مُسْلِمٌ.

^[1] Being mindful (*Hifz*) of Allāh suggests that one should have full cognizance of and pay attention to both the Divine commands as well as the prohibitions. Being protected by Allāh (*Hifz*) means that Allāh will deliver his slave from the hardships of this world and the Hereafter. This *Hadīth* inculcates an absolute monotheism that is to be cherished and imbedded with perfection. The *Hadīth* thus goes that the world in its entirety, is neither capable of inflicting any harm on you, nor could it do you any good. Whatever Allāh wills and commands, shall be.

^[2] The right and the most appropriate course of action for one to become a beloved of Allāh is that he should be totally independent from the world, to put one’s trust in what is with Allah, and avoid any desires for what is with the people.

^[3] When Allāh loves His servant He wills for him that which is good, guides him to the right path and is merciful to him. *Taqi* (pious) is the one who carries out the commands of Allah and avoids His prohibitions. *Ghani* (rich) is the one who is rich at heart and thankful to Allah

1273. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "Part of a man's good observance of Islam is that he leaves the matters that do not concern him."^[1] [Reported by At-Tirmidhi, who said it is *Hasan* (good)].

(١٢٧٣) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مِنْ حُسْنِ إِسْلَامِ الْمُرْءِ تَرْكُهُ مَا لَا يَعْنِيهِ». رَوَاهُ التَّرمِذِيُّ، وَقَالَ: حَسَنٌ.

1274. Narrated Al-Miqdām bin Ma'dikarib ﷺ: Allāh's Messenger ﷺ said, "A human being has not filled any vessel, which is more evil to be filled, than his stomach."^[2] [At-Tirmidhi reported it and graded it *Hasan* (good)].

(١٢٧٤) وَعَنْ الْمِقْدَامَ بْنِ مَعْدِيكَرِبَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مَلَأَ ابْنُ آدَمَ وِعَاءً شَرًّا مِنْ بَطْنِهِ». أَخْرَجَهُ التَّرمِذِيُّ، وَحَسَنَهُ.

1275. Narrated Anas ﷺ: Allāh's Messenger ﷺ said, "All the sons of Adam are sinners, but the best of sinners are those who repent often."^[3] [At-Tirmidhi and Ibn Mājah reported it, and it has a *Qawi* (strong) chain of narrators].

(١٢٧٥) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلُّ بْنَ آدَمَ خَاطِئٌ، وَخَيْرُ الْخَاطِئِينَ التَّوَابُونَ». أَخْرَجَهُ التَّرمِذِيُّ وَابْنُ مَاجَهَ، وَسَنَدُهُ قَوِيٌّ.

1276. Narrated Anas ﷺ: Allāh's Messenger ﷺ said, "Silence is Wisdom,"^[4] and few are those who practice it." [Al-Baihaqi reported it in *Ash-Shu'ub* with a *Da'iif* (weak) chain of narrators, and the correct view is that it is *Mawquf* i.e. a saying of Luqmān Al-Hakīm].

(١٢٧٦) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الصَّمْتُ حِكْمَةٌ، وَلَلْكَلِيلُ فَاعْلَمُ». أَخْرَجَهُ البَيْهَقِيُّ فِي الشَّعْبِ بِسَيِّدِهِ ضَعِيفٍ. وَصَحَّحَ أَنَّهُ مَوْقُوفٌ مِنْ قَوْلِ لُقْمَانَ الْحَكِيمِ.

for what He has given him. *Khabīt* (unnoticed) implies a person who is free from hypocrisy and showing-off, while busying oneself with the worship of Allah.

^[1] When a person has an absolute conviction that Allāh has a perfect knowledge of whatever I say and do, he is sure to withhold himself from any unnecessary action or speech.

^[2] This *Hadīth* explains that going to extremes in one's requirements concerning food (i.e. developing extremely dainty and fastidious tastes regarding culinary delicacies) is very much despised. This is the cause of many religious and worldly vices.

^[3] This *Hadīth* proves that all the human beings are sinful excluding the Messengers of Allāh عَلَيْهِمُ السَّلَامُ as they are an exception. Allāh does not become so much displeased with a man who commits a sin, as much as He becomes pleased with the one who asks for His forgiveness. It is reported by Abū Huraira رَضِيَ اللَّهُ عَنْهُ in *Sabib Muslim* that if all of mankind stopped asking Allāh's forgiveness after committing sins, Allāh would destroy this world and replace the inhabitants with a people who will repent and ask Allāh's forgiveness after committing sinful acts.

^[4] Many *Abādīt* have been reported comprising instructions in regard to abstinence from idle gossip-mongering. One *Hadīth* advises that a man should either say that which is good or remain silent.

Chapter 4 WARNING AGAINST EVIL CONDUCT

٤ - بَابُ التَّرْهِيبِ مِنْ مَسَاوِيِّ الْأَخْلَاقِ

1277. Narrated Abū Huraira رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "Avoid envy,"^[1] for envy devours the good deeds just as fire devours firewood." [Abū Dā'ud reported it]. Ibn Mājah reported something similar to the aforesaid *Hadīth* from the *Hadīth* of Anas (رضي الله تعالى عنه).

1278. Narrated (Abū Huraira رضي الله تعالى عنه): Allāh's Messenger ﷺ said, "The strong man is not the good wrestler; but the strong man is he who controls himself when he is angry."^[2] [Agreed upon].

1279. Narrated Ibn 'Umar رضي الله تعالى عنهما: Allāh's Messenger ﷺ said, "Az-Zulm (Oppression)^[3] will turn into darkness on the Day of Resurrection." [Agreed upon].

1280. Narrated Jābir رضي الله تعالى عنه: Allāh's Messenger ﷺ said, "Beware of oppression, for oppression will turn into darkness on the Day of Resurrection; and beware of niggardliness, for niggardliness destroyed those who were before you." [Muslim reported it].

قال: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ: «إِنَّكُمْ وَالحَسَدَ، فَإِنَّ الْحَسَدَ يَأْكُلُ الْحَسَنَاتِ، كَمَا تَأْكُلُ النَّارَ حِلَابَهُ». أَخْرَجَهُ أَبُو دَاوُدُ، وَلَابْنِ مَاجَةَ مِنْ حَدِيثِ أَنَسٍ نَحْوَهُ.

1278) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ: «إِنَّ الشَّدِيدَ بِالصُّرَعَةِ، إِنَّمَا الشَّدِيدُ الَّذِي يَمْلِكُ نَفْسَهُ عِنْدَ الغَضَبِ». مُتَقَرَّ عَلَيْهِ.

1279) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ: «الظُّلُمُ طَلْمَاتُ يَوْمَ الْقِيَامَةِ». مُتَقَرَّ عَلَيْهِ.

1280) وَعَنْ جَابِرِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ السَّلَامُ: «اَتَقْوُا الظُّلُمَ، فَإِنَّ الظُّلُمَ طَلْمَاتُ يَوْمَ الْقِيَامَةِ. وَاتَّقُوا الشَّرَّ إِنَّمَّا أَهْلَكَ مَنْ كَانَ قَبْلَكُمْ». أَخْرَجَهُ مُسْلِمٌ.

^[1] The Arabic word *Hasad* (envy, jealousy) refers to a person who is envious of another person's possessions and desires that that person be deprived of them and at the same time aspires for those advantages for himself. This is forbidden. If a man desires something for himself but does not want another person to be deprived of it, such a feeling is called *Ghibta*. This feeling is very much desirable in religious matters. A nursing of this kind of feeling in one's worldly affairs is forgiven. We learn through this *Hadīth* that jealousy is one of the major vices as it nullifies good deeds. We should bear in mind that these are none but the major vices that nullify and destroy one's good deeds.

^[2] This proves the excellence of the spirit of forgiveness and pardoning to the extent that one should refrain from taking retaliatory action when provoked by anger, and thus should learn to control himself. Of those things that aid in controlling anger are: Seeking refuge in Allah from Satan, performing ablution or bath, and sitting or lying down.

^[3] *Zulm* (oppression, injustice) means putting something in other than its proper place, or concealment of truth by hiding it so that the truth becomes invisible. On the Day of Judgement, it will appear to be in the form of darkness. This *Hadīth* informs us that oppression is forbidden whether it be on someone's life, honor or wealth.

1281. Narrated Mahmûd bin Labîd : Allâh's Messenger ﷺ said, "The thing I fear most for you is the lesser *Shirk* (polytheism) – the showing-off^[1] (of good deeds)." [Ahmad reported it with a *Hasan* (good) chain of narrators].

(١٢٨١) وَعَنْ مُحَمَّدِ بْنِ لَبِيدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ أَخْوَفَ مَا أَخَافُ عَلَيْكُمُ الشَّرْكُ الْأَضَرُّ: الرِّيَاةُ». أَخْرَجَهُ أَخْمَدُ بْنُ سَنَدٍ حَسَنٌ.

1282. Narrated Abû Hurâira : Allâh's Messenger ﷺ said, "There are three signs of a hypocrite;^[2] when he speaks, he lies; when he makes a promise, he breaks it; and when he is trusted, he betrays his trust." [Agreed upon]. Al-Bukhâri and Muslim also reported the *Hadîth* of 'Abdullâh bin 'Amr (with this addition): "and when he quarrels, he abuses (i.e. insults others)."

(١٢٨٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «آيَةُ الْمُنَافِقِ تَلَاثُّ، إِذَا حَدَّثَ كَذَبَ، وَإِذَا وَعَدَ أَخْلَفَ، وَإِذَا أُوْتِمَ حَانَ». مُتَقَّدٌ عَلَيْهِ. وَلَهُمَا مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا: «إِذَا خَاصَّمَ فَجَرَ».

1283. Narrated Ibñ Mas'ûd : Allâh's Messenger ﷺ said, "Reviling a Muslim is disobedience (to Allâh), and fighting with him is *Kufr*^[3] (infidelity)." [Agreed upon].

(١٢٨٣) وَعَنْ أَبْنَى مَسْعُودَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «سَبَابُ الْمُسْلِمِ فُسُوقٌ، وَقَتْلُهُ كُفُرٌ». مُتَقَّدٌ عَلَيْهِ.

1284. Narrated Abû Hurâira : Allâh's Messenger ﷺ said, "Avoid suspicion,"^[4] for indeed suspicion is the worst of false speech." [Agreed upon].

(١٢٨٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّكُمْ وَالظَّنَّ، فَإِنَّ الظَّنَّ أَكْبَدُ الْحَدِيثِ». مُتَقَّدٌ عَلَيْهِ.

[1] *Riya'* (showing-off) is when someone fulfill any of the commands of Allah or abstains from what Allah has prohibited, but he does the same to please someone other than Allâh, or for the purpose of acquiring some worldly benefit. This showing-off is of two kinds. The first one is that some one performs a good deed, displaying it in front of the people. The second one is that if someone has done a good deed which the people do not know about, he should himself proclaim it and make it known to the public. This kind of showing-off is called *Sum'a* and the former one *Riya'*. Both of these are forbidden.

[2] Hypocrisy is of two kinds: hypocrisy in action and hypocrisy in faith. Hypocrisy in action has already been mentioned in this *Hadîth*. The hypocrisy in faith is when someone conceals disbelief in his heart but outwardly pretends to be a believer. The hypocrisy in faith is worst than disbelief itself. Hypocrisy in action is one of the major sins which can be forgiven.

[3] *Fisq* is that a man should fall into disobedience of Allâh. For example, Allâh has forbidden a Muslim to use words of abuse, and so long as a Muslim defies Allâh's commands by calling someone names, he becomes a *Fâsiq* (a sinner). If someone deems the murder of a Muslim permissible and fights that person while he is a Muslim, this is what is referred to in the *Hadîth* as *Kufr* (disbelief). If these two things are not to be found in him, then the word *Kufr* (disbelief) may only be applied on him metaphorically, in that fighting a Muslim in from the actions of the disbelievers.

[4] *Zann* (baseless suspicion) has been construed as a calumny – false and malicious accusation – by the scholars and calumny is one of the major sinful acts.

1285. Narrated Ma'qil bin Yasār ﷺ: I heard Allāh's Messenger ﷺ saying, "There is no one whom Allāh has placed in charge of people, and who dies while acting unjustly towards those who are under his charge, except that Allāh has forbidden him from Paradise."^[1] [Agreed upon].

(١٢٨٥) وَعَنْ مَعْقِلَ بْنِ يَسَارٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَيَمُوتُ رَسُولُ اللَّهِ يَقُولُ: «مَا مِنْ عَبْدٍ يَشْتَرِيهِ اللَّهُ رَعِيَّةً يَمُوتُ يَوْمَ يَمُوتُ وَهُوَ غَاشٌ لِرَعِيَّتِهِ إِلَّا حَرَمَ اللَّهُ عَلَيْهِ الْجَنَّةَ». مُتَقَرَّ عَلَيْهِ.

1286. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ said, "O Allāh, whoever is given charge over any affair of my *Ummab* (the Muslim people) and causes them distress, then cause him distress." [Muslim reported it].

(١٢٨٦) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَ: قَالَ رَسُولُ اللَّهِ يَقُولُ: «اللَّهُمَّ مَنْ فِي مِنْ أَمْرٍ أَمْتَيْ شَيْئًا فَشَقَّ عَلَيْهِمْ فَأَشَقْ عَلَيْهِ». أَخْرَجَهُ مُسْلِمٌ.

1287. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "When any of you fights, he must avoid (hitting) the face."^[2] [Agreed upon].

(١٢٨٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ يَقُولُ: «إِذَا قَاتَلَ أَحَدُكُمْ فَلْيَجْتَبِ الْوَجْهَ». مُتَقَرَّ عَلَيْهِ.

1288. Narrated (Abū Huraira) ﷺ: A man said, "O Messenger of Allāh, advice me." He ﷺ said, "Do not get angry."^[3] The man repeated that several times and he replied, "Do not get angry." [Al-Bukhāri reported it].

(١٢٨٨) وَعَنْهُ، أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ! أَوْصِنِي. قَالَ: «لَا تَنْظَبْ». فَرَدَّ مِرَارًا، وَقَالَ: «لَا تَنْظَبْ». أَخْرَجَهُ البُخَارِيُّ.

1289. Narrated Khaula Al-Ansāriya^[4] ﷺ: Allāh's Messenger ﷺ said, "Some men wrongfully acquire (and spend) from the wealth of Allāh,"^[5] so they will enter

(١٢٨٩) وَعَنْ خَوْلَةِ الْأَنْصَارِيَّةِ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَ: قَالَ رَسُولُ اللَّهِ يَقُولُ: «إِنَّ رِجَالًا يَتَحَوَّضُونَ فِي مَالِ اللَّهِ بِعَيْرٍ حَقًّا، فَأَهُمْ

^[1] This states that *Ghash* is one of the major sins because nothing forbids one from entering Paradise except the one who has committed a major sinful act. The rulers are hereby instructed that they must treat Muslims justly. It warns that a great penalty awaits the tyrant rulers.

^[2] This *Hadith* indicates the prohibition of striking someone in the face, even while carrying out a prescribed punishment for a sinner. Even animals should not be hit in the face.

^[3] This *Hadith* is an embodiment of the virtues in this world and the Hereafter. This is due to the fact that a man is deprived of soft-heartedness as a result of anger on one hand, while on the other hand the people suffer from an unfair uneasiness and torture as a result of his anger. This is a double-edge crime, which affects the angry person as well as those whom he is angry with.

^[4] Khaula, daughter of Thāmir Al-Ansāriya was nicknamed Umm Muhammad and her father was Qais bin Qahad, otherwise nicknamed Thāmir. She was from Banu Mālik bin An-Najār and was married to Hamza bin 'Abdul-Muttalib, and when he was killed at Uhud she was married by An-Nu'mān bin Al-'Ajlān Al-Ansāri Az-Zuraqī.

^[5] This *Hadith* is an evidence that even the ruler may not unfairly misappropriate the funds of *Baitul-Māl* (a state treasury) as this too is a major sin.

the Hell-Fire on the Day of Resurrection.” [Al-Bukhāri reported it].

1290. Narrated Abū Dharr ﷺ quoted the Prophet ﷺ saying among what he narrated from his Lord [Allāh, the Most High] that He has said, “O My slaves, I have made *Zulm* (oppression, injustice) unlawful for Myself and I have made it unlawful among you, so do not oppress one another”. [Muslim reported it].

1291. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ asked, “Do you know what is backbiting?” They replied, “Allāh and His Messenger know best.” He said, “It is saying something about your brother which he dislikes.” Someone asked, “What if what I said about my brother was true?”, He replied, “If what you say about him is true you have backbiten^[1] him, and if it is not true you have slandered him.” [Muslim reported it].

1292. Narrated (Abū Huraira) ﷺ: Allāh’s Messenger ﷺ said, “Do not envy one another, do not outbid one another (with a view to raising the price), do not have hatred for one another, do not boycott one another, and do not enter into a transaction when the other has already entered into it; and be brothers (to one another) O servants of Allāh. A Muslim is the brother of a Muslim. He does not wrong him, nor desert him, nor despise him. Piety is found here – (pointing three times to his chest) – despising his Muslim brother is enough evil for any man to do. Every Muslim’s blood, property and honor are unlawful^[2] to be violated by another Muslim.” [Muslim reported it].

^[1] This *Hadīth* has been reported by many of the Companions of the Prophet ﷺ and it has been narrated in different ways. There is a common consensus that backbiting is forbidden and the majority of the scholars observe it to be one of the major sins.

^[2] We learn through this *Hadīth* that it is forbidden for a Muslim to bear a grudge against another Muslim.

النَّارُ يَوْمَ الْقِيَامَةِ». أَخْرَجَهُ الْبُخَارِيُّ.

(١٢٩٠) وَعَنْ أَبِي ذَرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ ﷺ، فِيمَا يَرْوِيهِ عَنْ رَبِّهِ، قَالَ: «إِنَّ عَبْدَ ابْنِ آدَمَ إِنِّي حَرَمْتُ الظُّلْمَ عَلَى نَفْسِي، وَجَعَلْتُهُ يَنْكِنُ مُحَرَّمًا، فَلَا تَنْظَلُمُوا». أَخْرَجَهُ مُسْلِمٌ.

(١٢٩١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، أَنَّ رَسُولَ اللَّهِ قَالَ: «أَنْذِرُونَ مَا الْغَيْبَةُ؟» قَالُوا: اللَّهُ وَرَسُولُهُ أَعْلَمُ. قَالَ: «ذِكْرُكُ أَحَدَكُمْ بِمَا يَكُرْهُ». قَالَ: أَفَرَأَيْتَ إِنْ كَانَ فِي أَخِي مَا أَقُولُ؟ قَالَ: إِنْ كَانَ فِيهِ مَا تَقُولُ فَقَدْ أَغْتَبْتُهُ، وَإِنْ لَمْ يَكُنْ فِيهِ فَقَدْ بَهَتْهُ». أَخْرَجَهُ مُسْلِمٌ.

(١٢٩٢) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَحَاسِدُوا، وَلَا تَنَاجِشُوا، وَلَا تَبَاغِضُوا، وَلَا تَدَابِرُوا. وَلَا يَئِعَ بَعْضُكُمْ عَلَى بَعْضٍ بَعْضٌ، وَكُوْنُوا عِبَادَ اللَّهِ إِخْرَانًا، الْمُسْلِمُ أَخُو الْمُسْلِمِ، لَا يَظْلِمُهُ وَلَا يَخْذُلُهُ، وَلَا يَنْقُرُهُ، التَّقْوَى هُنَّا، وَيُشَيرُ إِلَى صَدِرِهِ، ثَلَاثَ مَرَاتٍ، بِيَحْسِبُ امْرِيٌّ مِنَ الشَّرِّ أَنْ يَحْقِرَ أَخَاهُ الْمُسْلِمِ، كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ حَرَامٌ ذَمَّهُ وَمَالُهُ وَعِرْضُهُ». أَخْرَجَهُ مُسْلِمٌ.

١٢٩٣) وَعَنْ قُطْبَةَ بْنِ مَالِكٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ يَقُولُ: «اللَّهُمَّ جَنَّبِنِي مُنْكَرَاتِ الْأَخْلَاقِ، وَالْأَعْمَالِ، وَالْأُمُوَاءِ، وَالْأَذْوَاءِ». أَخْرَجَهُ التَّرْمِذِيُّ، وَصَحَّحَهُ الْحَاكِمُ وَالْفَقِطُ لَهُ.

1293. Narrated Qutba bin Malik^[1]: Allāh's Messenger ﷺ used to say, "O Allāh, distance me from evil characteristics, deeds, passions and diseases." [Reported by At-Tirmidhi. Al-Hākim graded it *Sahīb* (authentic), and the wording is his].

١٢٩٤) وَعَنْ إِبْرَاهِيمَ بْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا، قَالَ: قَالَ رَسُولُ اللَّهِ: «لَا تُمَارِ أَخَاكَ، وَلَا تُمَازِحْهُ، وَلَا تَعْدِهُ مَوْعِدًا فَتُخْلِفْهُ». أَخْرَجَهُ التَّرْمِذِيُّ بِسْتَانِ ضَعِيفٍ.

1294. Narrated Ibn 'Abbās : Allāh's Messenger ﷺ said, "Don't dispute with your brother; don't make jokes about him (maliciously); and don't make him a promise, and then break it." [At-Tirmidhi reported it with a *Da'if* (weak) chain of narrators].

١٢٩٥) وَعَنْ أَبِي سَعِيدِ الْحُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ: «الْبَخْلُ حَضْنَتَانِ لَا تَجْتَمِعُانِ فِي مُؤْمِنٍ»: الْبَخْلُ وَسُوءُ الْخُلُقِ». أَخْرَجَهُ التَّرْمِذِيُّ، وَفِي سَنَةِ ضَعْفٍ.

1295. Narrated Abū Sa'īd Al-Khudri : Allāh's Messenger ﷺ said, "There are two characteristics which are not combined in a believer; miserliness and bad character." [At-Tirmidhi reported it and there is weakness in its chain of narrators].

١٢٩٦) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ: «الْمُسْتَبَانُ مَا قَالَ فَعَلَى الْبَادِئِ، مَا لَمْ يَعْتَدِ الْمَظْلُومُ». أَخْرَجَهُ مُسْلِمٌ.

1296. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "When two men revile one another what they say is held against the one who began it, as long as the one who is wronged does not transgress the limits (in responding)."^[2] [Muslim reported it].

١٢٩٧) وَعَنْ أَبِي صِرْمَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ: «لَمْ يَضُرْ مُسْلِمًا ضَارَ اللَّهُ، وَمَنْ شَاقَ مُسْلِمًا شَاقَ اللَّهُ مُسْلِمًا».

1297. Narrated Abū Sirma^[3] : Allāh's Messenger ﷺ said, "He who causes harm to a Muslim will be harmed by Allāh,^[4] and he who acts in a hostile

^[1] He was a *Sababi* from Banu Tha'laba bin Sa'd bin Dhubyān, also called Adh-Dhubyāni. He was a resident of Kufa and has narrated some *Abadīth* narrated from him by his nephew Ziyād bin 'Alāqā.

^[2] This *Hadīth* clarifies two things. The first is that the act of avenging oneself, on someone who has committed an inequity, is fair and permissible. Secondly, the whole sin shall be incurred by the one who starts the quarrel and perpetrates it, as long as the other party does not exceed limits by committing an aggression. Despite all of this, it is better to grant one's forgiveness to such evildoers.

^[3] He is Mālik bin Qais or Qais bin Mālik and was a *Sababi* from the tribe of Māzin. He took part in Badr and the rest of the other battles and has narrated some *Abadīth*.

^[4] This *Hadīth* bears a warning against causing any harm to a Muslim, even if it seems to be of a very minor nature.

manner against a Muslim, will be treated in a hostile manner by Allāh.” [Abū Dā’ud and At-Tirmidhi reported it, and the latter graded it *Hasan* (good)].

1298. Narrated Abū Ad-Dardā^[1]: Allāh’s Messenger ﷺ said, “Verily! Allāh hates *Al-Fāhibh* (who acts shamelessly) and *Al-Badhi’* (who uses obscene language).” [At-Tirmidhi reported and graded it *Sabib* (authentic)].

1299. He (At-Tirmidhi) reported from the *Hadīth* of Ibn Mas’ūd ﷺ who narrated (the Prophet ﷺ as saying): “A believer is not given to accusing others (falsely), nor cursing them,^[2] nor acting shamelessly, nor speaking obscenities.” [At-Tirmidhi graded it *Hasan* (good), and Al-Hākim graded it *Sabib* (authentic). However, Ad-Dāraqutni held that the stronger view is that it is *Mawqūf* (a saying of a Companion)].

1300. Narrated ‘Aisha ؓ: Allāh’s Messenger ﷺ said, “Do not revile the dead,^[3] for they have come to what they have sent before them.” [Al-Bukhārī reported it].

1301. Narrated Hudhaifa ﷺ: Allāh’s Messenger ﷺ said, “A *Qattāt* (scandalmonger) will not enter

عَلَيْهِ». أَخْرَجَهُ أَبُو دَاوُدَ وَالترْمذِيُّ، وَحَسَنَهُ.

(١٢٩٨) وَعَنْ أَبِي الدَّرْدَاءِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ اللَّهَ يَعْنِي فِي الْفَاجِشِ الْبَذِيْقَةَ». أَخْرَجَهُ التَّرمذِيُّ، وَصَحَّحَهُ.

(١٢٩٩) وَلَهُ مِنْ حَدِيثِ أَبْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ - رَفِعَهُ - : «لَئِنْ كُنْتُمْ تُؤْمِنُ بِالظَّانِ، وَلَا الْمَعَانِ، وَلَا الْفَاجِشِ، وَلَا الْبَذِيْقَةِ». وَحَسَنَهُ، وَصَحَّحَهُ الْحَافِظُ، وَرَأَيَهُ الدَّارُقُطْنِيُّ وَفَعَّالُهُ.

(١٣٠٠) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَسْبُوا الْأَمْوَاتَ، فَإِنَّهُمْ قَدْ أَفْضَلُوا إِلَى مَا قَدَّمُوا». أَخْرَجَهُ الْبَخَارِيُّ.

(١٣٠١) وَعَنْ مُحَمَّدِهِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَدْخُلُ الْجَنَّةَ

^[1] Abū Ad-Dardā’ was called ‘Uwaimir bin Zaid or Ibn ‘Aamir or Ibn Mālik bin ‘Abdullāh bin Qais. He was an *Ansārī* from Al-Khazraj tribe. He was among the greatest and most ascetic *Sahāba*. He became a Muslim on the day of the battle of Badr and took part in Uhud. ‘Umar رضي الله عنه included him among those who took part in Badr. He compiled the Qur’ān and was appointed as the *Qādi* of Damascus. He has many merits and was quoted to have said, “A fame of one hour could cause a long sadness.” He died in 32 H.

^[2] This *Hadīth* clarifies that it is not the behavior of a Muslim to call someone bad names or curse them. It is, however, permissible to curse someone who has specifically been cursed by Allāh and His Messenger ﷺ, or to pronounce the curse of Allāh – in general – upon the disbelievers, evildoers, etc. Otherwise, it is not permissible to curse – by name – specific people.

^[3] It, thus, becomes known to us that the act of calling a dead person bad names is forbidden. This is primarily in reference to the Muslim dead, and may include a disbeliever, if cursing him would cause harm to a believer who is related to him

Paradise.”^[1] [Agreed upon].

فَتَّاتٌ». مُتَقَّدٌ عَلَيْهِ.

1302. Narrated Anas : Allāh’s Messenger ﷺ said, “Whoever restrained his anger, Allāh will keep His punishment from him (on the Day of Resurrection).” [At-Tabarāni reported it in *Al-Awsat*]. The aforesaid *Hadīth* has a *Shāhid* (supporting narration) in the *Hadīth* of Ibn ‘Umar (رضي الله عنهما), reported by Ibn Abū Ad-Dunya.

1303. Narrated Abū Bakr As-Siddiq : Allāh’s Messenger ﷺ said, “A deceiver, a stingy person, and one who abuses those under his authority (human or animal) will not enter Paradise.” [Reported by At-Tirmidhi who separated it into two *Hadīth*, and there is weakness in its chain of narrators].

1304. Narrated Ibn ‘Abbās : Allāh’s Messenger ﷺ said, “If anyone listened to the talk of some people, while they dislike him doing so, then molten lead will be poured into his ears on the Day of Resurrection.” [Al-Bukhāri reported it].

1305. Anas : Allāh’s Messenger ﷺ said, “*Tubā* (a tree in paradise) will be for he who is too occupied with his own defects to mention the defects of other people.” [Al-Bazzār reported it with a *Hasan* (good) chain of narrators].

1306. Ibn ‘Umar : Allāh’s Messenger ﷺ said, “Whoever exalts himself and walks proudly, Allāh will be angry with him when he meets Him (on the Day of Resurrection).”^[2] [Al-Hākim reported it, and its narrators are reliable].

(١٣٠٢) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَفَ غَبَبَةً كَفَ اللَّهُ عَنْهُ عَذَابًا». أَخْرَجَهُ الطَّبرَانِيُّ فِي الْأَوْسَطِ. وَلَهُ شَاهِدٌ مِّنْ حَدِيثِ ابْنِ عُمَرَ عِنْدَ ابْنِ أَبِي الدُّنْيَا.

(١٣٠٣) وَعَنْ أَبِي بَكْرِ الصَّدِيقِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَدْخُلُ الْجَنَّةَ خَبُّ، وَلَا بَخِيلٌ، وَلَا سَيِّءَةُ الْمَلَكَةِ». أَخْرَجَهُ التَّرمِذِيُّ، وَفَرَقَهُ حَدِيثَيْنِ، وَفِي إِسْنَادِهِ ضَعْفٌ.

(١٣٠٤) وَعَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ تَسْمَعَ حَدِيثَ قَوْمٍ، وَهُمْ لَهُ كَارِهُونَ، صُبَّ فِي أَذْنِهِ الْأَنْثَى يَوْمَ الْقِيَامَةِ». يَعْنِي الرَّصَاصَ. أَخْرَجَهُ الْبَحَارِيُّ.

(١٣٠٥) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «طُوبَى لِمَنْ شَعَلَهُ عَيْبُهُ عَنْ عَيْوبِ النَّاسِ». أَخْرَجَهُ البَزَارُ بِإِسْنَادِ حَسَنٍ.

(١٣٠٦) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ تَعَاظَمَ فِي نَفْسِهِ، وَاحْتَالَ فِي مِشْيَتِهِ لَقِيَ اللَّهَ وَهُوَ عَلَيْهِ غَبْسَانٌ». أَخْرَجَهُ الْحَاكَمُ، وَرَجَالُهُ يَقْاتُ.

[١] Hāfiẓ Mundhiri observes that according to a common consensus of the scholars of the *Ummah*, the practice of scandalmongering – i.e. carrying tales from one person to another to sow dissension between them – is forbidden. This is one of the major sins.

[٢] This *Hadīth* informs us that pride and arrogance is forbidden and is considered to be a major sin. It is reported by At-Tirmidhi that, the one who has even an iota of pride in his heart, shall not enter Paradise.

1307. Narrated Sahl bin Sa'd : Allāh's Messenger ﷺ said, "Haste is from Satan." [At-Tirmidhi reported it and said it is *Hasan*].

(١٣٠٧) وَعَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْعَجَلَةُ مِنَ الشَّيْطَانِ». أَخْرَجَهُ التَّرْمِذِيُّ، وَقَالَ: حَسْنٌ.

1308. Narrated 'Aisha ﷺ: Allāh's Messenger ﷺ said, "Shu'm (Misfortune) is (the result of) bad character."^[1] [Ahmad reported it, but there is weakness in its chain of narrators].

(١٣٠٨) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «الشُّوْمُ سُوءُ الْخُلُقِ». أَخْرَجَهُ أَحْمَدُ، وَفِي إِسْنَادِهِ ضَعْفٌ.

1309. Narrated Abū Ad-Dardā' : Allāh's Messenger ﷺ said, "Those accustomed to cursing will not be *Shufa'ā* (intercessors) nor *Shubadā* (witnesses or martyrs) on the Day of Resurrection." [Muslim reported it].

(١٣٠٩) وَعَنْ أَبِي الدَّرْدَاءِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ الْعَانِينَ لَا يَكُونُونَ شُفَعَاءَ وَلَا شُهَدَاءَ يَوْمَ الْقِيَامَةِ». أَخْرَجَهُ مُسْلِمٌ.

1310. Narrated Mu'ādh bin Jabal : Allāh's Messenger ﷺ said, "Whoever insults his brother due to a sin (which he has committed), will not die until he commits it himself."^[2] [At-Tirmidhi reported it and graded it as *Hasan* (good), while its chain is *Munqati'* (broken)].

(١٣١٠) وَعَنْ مُعاذِ بْنِ جَبَلٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ عَزَّ أَخَاهُ بِذَنبٍ لَمْ يَمْتَحِنْ حَتَّى يَعْمَلَهُ». أَخْرَجَهُ التَّرْمِذِيُّ، وَحَسَنَهُ، وَسَنَدُهُ مُنْقَطِعٌ.

1311. Bahz bin Hakim, on his father's authority, that his grandfather ﷺ narrated Allāh's Messenger ﷺ say, "Woe to him! Who lies in his talk to make the people laugh,"^[3] "Woe to him!, Woe to him!" [Ath-Thalātha reported it and its chain of narrators is *Qawi* (strong)].

(١٣١١) وَعَنْ بَهْزِ بْنِ حَكِيمٍ، عَنْ أَبِيهِ، عَنْ حَلْوَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «وَيْلٌ لِلَّذِي يُحَدِّثُ فِي كُلِّ بَلْ يُضْحِكُ بِهِ الْقَوْمَ، وَيَوْلٌ لَهُ، تُمَّ وَيَوْلٌ لَهُ». أَخْرَجَهُ الثَّلَاثَةُ، وَإِسْنَادُهُ قَوِيٌّ.

1312. Narrated Anas : The Prophet ﷺ said, "The atonement of backbiting a

(١٣١٢) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ،

^[1] The evil that befalls a human being is caused by his own bad behavior. This *Hadith* also suggests that good and bad character is something acquired by every person by choice.

^[2] We thus know that the mere mention of the defects of another person is a sinful act. It is even worse to mention someone's shortcomings in front of others, with the intention of putting him to shame. A *Hadith* states that one should not remind anyone of his sin in reply to something he has said (which you may not like).

^[3] Telling a lie – even while joking – is one of the major sins and one of the characteristics of a hypocrite. A lie which neither pays someone in terms of worldly gains nor the Hereafter, is the worst kind of lie. Listening to lies is also forbidden, and one must speak out against it or get up and leave.

man is to ask Allāh to forgive him.”^[1] [Al-Hārith bin Abū Usāma reported it with a weak chain of narrators].

عن النبی ﷺ قال: «كَفَارَةً مِنْ اغْتِبَهُ أَنْ سَتَغْفِرَ لَهُ». رَوَاهُ الْحَارِثُ بْنُ أَبِي أَسَمَّةَ بِإِشْتَادٍ ضَعِيفٌ.

1313. Narrated ‘Aisha ﷺ: Allāh’s Messenger ﷺ said, “The most detested of people to Allāh is the obstinate argumentative (person).” [Muslim reported it].

(١٣١٣) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَبْعَضُ الرِّجَالِ إِلَى اللَّهِ الْأَكْلُ الْخَصِيمُ». أَخْرَجَهُ مُسْلِمٌ.

Chapter 5 EXHORTATION TO GOOD CHARACTER

٥ - بَابُ التَّرْغِيبِ فِي مَكَارِ الْأَخْلَاقِ

1314. Narrated Ibn Mas’ūd ﷺ: Allāh’s Messenger ﷺ said, “Adhere (you people) to truthfulness, indeed truthfulness leads to righteousness and righteousness leads to Paradise, and if a man continues to speak the truth and makes truth his object he will be recorded as truthful before Allah. Avoid (you people) falsehood, indeed falsehood leads to wickedness and wickedness leads to Hell-Fire, and if a man continues to speak falsehood and makes falsehood his object he will be recorded as a liar before Allah.” [Agreed upon].

(١٣١٤) عَنْ أَبْنَى مَشْعُورِدَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «عَلَيْكُمْ بِالصَّدْقِ، فَإِنَّ الصَّدْقَ يَهْدِي إِلَى الْبَرِّ، وَإِنَّ الْبَرِّ يَهْدِي إِلَى الْجَنَّةِ، وَمَا يَرَأُ الْرَّجُلُ بِصَدْقٍ، وَيَتَحَرَّى الصَّدْقَ حَتَّى يُكْتَبَ عِنْدَ اللَّهِ صَدِيقًا، وَإِنَّكُمْ وَالْكَذَبِ، فَإِنَّ الْكَذَبَ يَهْدِي إِلَى الْفُجُورِ، وَإِنَّ الْفُجُورَ يَهْدِي إِلَى النَّارِ، وَمَا يَرَأُ الْرَّجُلُ بِكَذْبٍ، وَيَتَحَرَّى الْكَذَبَ حَتَّى يُكْتَبَ عِنْدَ اللَّهِ كَذَابًا». مُتَقَرَّبٌ عَلَيْهِ.

1315. Narrated Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “Avoid (you people) suspicion for indeed suspicion is the worst form of false speech.” [Agreed upon].

(١٣١٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّكُمْ وَالظَّنَّ، فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ». مُتَقَرَّبٌ عَلَيْهِ.

1316. Narrated Abū Sa‘id Al-Khudri ﷺ: Allāh’s Messenger ﷺ said, “Avoid sitting by the road side.”^[2] They (the Sabāba)

(١٣١٦) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّكُمْ

^[1] The atonement for backbiting is that, if someone backbites another person, he must apologize to that very person and ask his forgiveness. In case he could not find that person, one must pray for his sins to be forgiven.

^[2] Five of the obligations of sitting on the road sides have been mentioned here. *Abādīth* contain some other obligations as well, namely, giving directions to a wayfarer and

asked, "O Allāh's Messenger, we cannot do without those meeting places in which we converse," so he said, "Well, if you insist (on that) give the road its dues." They asked, "What are the road's dues?" He replied, "Lowering the eyes, abstaining from anything offensive, returning salutations, enjoining good and forbidding evil." [Agreed upon].

1317. Narrated Mu'āwiya : Allāh's Messenger said, "Whoever Allāh wishes good for, He gives him understanding of the religion."^[1] [Agreed upon].

1318. Narrated Abū Ad-Dardā : Allāh's Messenger said, "There isn't anything, which will be put on the scales (on the Day of Resurrection), heavier than good character." [Abū Dā'ud and At-Tirmidhi reported it, and the latter graded it *Sabih* (authentic)].

1319. Narrated Ibn 'Umar : Allāh's Messenger said, "Modesty is part of Faith."^[2] [Agreed upon].

1320. Narrated Abu Mas'ud : Allāh's Messenger said, "One of the things people have learned from the earlier prophecies is, 'If you don't feel any shame, do whatever you like.'"^[3] [Al-

responding to someone who sneezes, etc., which are about fourteen obligations. In Arabic, *Għaddul-Basr* implies that one should keep one's eye downcast by avoiding staring at women and looking at other forbidden things.

^[1] The knowledge of the lawful and unlawful matters and Islamic rules is called *Fiqh*. This statement shows the greatness of *Fiqh*. What is referred to here is the knowledge of the Qur'an and *Sunnah* of the Prophet , not the complex maze of arguments and philosophy found in some of the present day books of jurisprudence, which can not be understood by an ordinary person.

^[2] This *Hadīth* implies that modesty helps a person avoid committing sinful acts, or falling short in fulfilling the rights of those who have rights over him. It makes a person think about his reputation, which might be at stake in case his sinful act gains publicity. In other words, the non-occurrence of vices was due to the modesty, which is one of the constituents forming Islam. This is why this special branch of Faith has been mentioned here.

^[3] Even though the previous systems of law – revealed to the earlier Prophets – have all been

والجلوس على الطرقاتِ، قَالُوا: يَا رَسُولَ اللَّهِ! مَا لَنَا بِدُّ مِنْ مَجَالِسِنَا، نَتَحَدَّثُ فِيهَا، قَالَ: «فَإِمَّا إِذَا أَبَيْتُمْ فَأَعْطُوْا الظَّرِيقَ حَقَّهُ»، قَالُوا: وَمَا حَقَّهُ؟ قَالَ: «غَضْنُ البَصَرِ، وَكُفُّ الْأَدَى، وَرَدُّ السَّلَامِ، وَالْأَمْرُ بِالْمَعْرُوفِ، وَالنَّهُيُّ عَنِ الْمُنْكَرِ». مُتَّقِّنٌ عَلَيْهِ.

(١٣١٧) وَعَنْ مُعاوِيَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَنْ يُرِدُ اللَّهُ بِهِ خَيْرًا يُفْعَمُهُ فِي الدِّينِ». مُتَّقِّنٌ عَلَيْهِ.

(١٣١٨) وَعَنْ أَبِي الدَّرَداءِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَا مِنْ شَيْءٍ فِي الْعِزَّابِ أَقْلَلَ مِنْ حُسْنِ الْخُلُقِ». أَخْرَجَهُ أَبُو دَاوُدُ وَالْتَّرمِذِيُّ، وَصَحَّحَهُ.

(١٣١٩) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «الْحَيَاةُ مِنْ الْأَيَّمَانِ». مُتَّقِّنٌ عَلَيْهِ.

(١٣٢٠) وَعَنْ أَبِي مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «إِنَّمَا أَذْرَكَ النَّاسُ مِنْ كَلَامِ الْبُوْزَةِ الْأُولَى: إِذَا لَمْ تَشْتَعِ

Bukhāri reported it].

1321. Narrated Abū Huraira ﷺ: Allāh's Messenger ﷺ said, "The strong believer is better and more beloved to Allāh^[1] than the weak believer, and in each of them there is goodness. Be keen on what benefits you, seek help in Allāh, and do not give up. If anything afflicts you, do not say, 'If I had done such and such thing, such and such would have happened.' Instead say, 'Allāh has decreed (this), and what He wills He does.' Indeed! (the utterance) 'If provides an opening for the work of the devil." [Muslim reported it].

1322. Narrated 'Iyād bin Himār ﷺ: Allāh's Messenger ﷺ said, "Allāh, the Most High, has revealed to me that you should be humble, so that no one transgresses against another, and no one boasts to another."^[2] [Muslim reported it].

1323. Narrated Abū Ad-Dardā' ﷺ: The Prophet ﷺ said, "Whoever defends his brother's honor in his absence,^[3] Allāh will protect his face from the Hell-Fire on the Day of Resurrection." [At-Tirmidhi reported it, and graded it *Hasan* (good). Ahmad has something similar from the *Hadīth* of Asmā',^[4]

nullified, the element of modesty, which is one of the contents of all the previous systems, has not been cancelled. Modesty is the only deterrent, which if taken out of a human being, shall allow his conscience to go berserk and do whatever he likes.

^[1] What is meant by a strong believer? This does not allude to one's physical health. Instead, it only points to one's strength of will power, in relation to his doing virtuous acts for the reward of the Hereafter.

^[2] We see here that both transgression and pride are blameworthy characteristics. It is reported in a *Hadīth* that the Prophet ﷺ stated that transgression is one of the worst of the criminal acts that are punishable in this world as well as in the Hereafter. Indeed, lack of humbleness fosters and breeds both transgression and pride.

^[3] If someone backbites a third person before somebody, the listener must stop him on the spot; and if possible, one should mention his virtuous deeds and qualities instead.

^[4] She is Asmā', daughter of Yazid bin As-Sakan Al-Ashhalīya. She was the spokesperson of the women. She participated in the battle of Yarmūk and killed nine people with a pole on that day.

فَاصْنَعْ مَا شِئْتَ». أَخْرَجَ الْبَحْرَانِيُّ.

(١٣٢١) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْمُؤْمِنُ الْقَوِيُّ خَيْرٌ وَأَكْبَرٌ إِلَيْهِ اللَّهُ مِنَ الْمُؤْمِنِ الْمُصْعِفِ»، وَفِي كُلِّ خَيْرٍ، اخْرِصْ عَلَى مَا يَقْعُدُكَ، وَاسْتَعِنْ بِاللَّهِ، وَلَا تَعْزِزْ، وَإِنْ أَصَابَكَ شَيْءٌ فَلَا تَقْنِ: لَوْ أَنِّي فَعَلْتُ كَذَّا، كَانَ كَذَا وَكَذَا، وَلَكِنْ قُلْ: قَدَرَ اللَّهُ، وَمَا شَاءَ فَعَلَ، فَإِنْ «لَوْ» تَنْتَعِشْ عَمَلَ الشَّيْطَانِ». أَخْرَجَهُ مُسْلِمٌ.

(١٣٢٢) وَعَنْ عَيَاضِ بْنِ جَمَارِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ اللَّهَ تَعَالَى أَوْحَى إِلَيَّ أَنْ تَوَاضَعُوا، حَتَّى لَا يَبْيَغِي أَحَدٌ عَلَى أَحَدٍ، وَلَا يَفْخَرَ أَحَدٌ عَلَى أَحَدٍ». أَخْرَجَهُ مُسْلِمٌ.

(١٣٢٣) وَعَنْ أَبِي الدَّرْدَاءِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ رَدَ عَنْ عِرْضِ أَخِيهِ بِالْيَمِينِ، رَدَ اللَّهُ عَنْ وَجْهِهِ الْتَّارِ يَوْمَ الْقِيَامَةِ». أَخْرَجَهُ التَّرمِذِيُّ، وَحَسَنَهُ، وَلَأَحْمَدَ مِنْ حَدِيثِ أَسْمَاءَ بْنِتِ يَزِيدَ نَحْوُهُ.

daughter of Yazid].

1324. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "Sadaqa does not reduce (one's) wealth; and Allāh increases the honor of him who pardons (others); and no one will humble himself for Allāh's sake without Allāh raising him up."^[1] [Muslim reported it].

1325. Narrated 'Abdullāh bin Salām : Allāh's Messenger ﷺ said, "O people extend greetings (of peace), join the ties of blood relations, provide food, and pray at night while the people are asleep. Then, you will enter Paradise in peace." [At-Tirmidhi reported it and graded it *Sabib* (authentic)].

1326. Narrated Tamim Ad-Dārī^[2] : Allāh's Messenger ﷺ said three times, "The religion is *Nasiba* (sincerity)." ^[3] We asked, 'Who is it (directed) to, O Messenger of Allah? He replied, "To Allāh, His Book, His Messenger, the leaders of the Muslims, and their common folk." [Muslim reported it].

1327. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "The fear of Allāh

(١٣٢٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَا نَقْصَثْ صَدَقَةً مِنْ مَالٍ، وَمَا زَادَ اللَّهُ عَبْدًا يَعْفُو إِلَّا عَزَّزَ، وَمَا تَوَاضَعَ أَحَدٌ لِلَّهِ إِلَّا رَفَعَهُ اللَّهُ تَعَالَى». أَخْرَجَهُ مُسْلِمٌ.

(١٣٢٥) وَعَنْ عَبْدِ اللَّهِ بْنِ سَلَامَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «يَا أَيُّهَا النَّاسُ! أَفْشُوا السَّلَامَ، وَصَلُّوا الْأَرْحَامَ، وَأَطْعُمُوا الطَّعَامَ، وَصَلُّوا بِاللَّيْلِ، وَالنَّاسُ يَنْيَمُ، تَدْخُلُوا الْجَنَّةَ سَلَامًا». أَخْرَجَهُ التَّرمِذِيُّ، وَصَحَّحَهُ.

(١٣٢٦) وَعَنْ تَوِيمِ الدَّارِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «الَّذِينَ الصَّيْحَةُ»، ثَلَاثَةُ، فُلُونَا: لِمَنْ هِيَ يَا رَسُولَ اللَّهِ؟ قَالَ: «لِلَّهِ، وَلِرَبِّنَا وَلِرَسُولِهِ، وَلِأَئِمَّةِ الْمُسْلِمِينَ وَعَامِتِهِمْ». أَخْرَجَهُ مُسْلِمٌ.

(١٣٢٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَكْثُرُ مَا يُدْخِلُ

^[1] The three qualities that have been mentioned in this *Hadīth* have been named as 'the root of politeness and good disposition'. It teaches charity, forgiveness and humbleness.

^[2] He is Abū Ruqaiya, Tamim bin Aus bin Khārijah Ad-Dārī. He became a Muslim in the year 9 H. and settled at Bait-ul-Maqdis (Jerusalem). Ibn Sirin said that he compiled the Qur'ān and used to recite it all in a single night. He died in 40 H.

^[3] This *Hadīth* should be reckoned as the pivotal base of Islam. It needs to be explained at length, but this is not the place for such. *Nasiba* to Allāh is that one should have faith in Allāh, not associate partners with Him and obey His injunctions. The *Nasiba* to the Book of Allah is believing that it is the Speech of Allah, taking what is allowed as permissible, and taking what is prohibited as forbidden, and reading it properly, reflecting upon its meanings and acting according to it. The *Nasiba* to the Prophet ﷺ is to testify to his Prophethood and to follow his *Sunnah*. The *Nasiba* to the Muslim rulers is to assist them in that which is right, obey their commands, remind them of the needs of the people, advise them with gentleness and respect and encourage them to be just. The *Nasiba* to the common Muslim people is that the things concerning their prosperity in this world and the next should be explained to them, protecting them from harm, commanding them with good and forbidding them from evil.

and good character^[1] are the major things which lead to Paradise.” [At-Tirmidhi reported it, and Al-Hākim graded it *Sabib* (authentic)].

الجَنَّةُ تَقْوَى اللَّهُ وَحْسِنَ الْخُلُقُ». أَخْرَجَهُ التَّرْمِذِيُّ وَصَحَّحَهُ الْحَاكِمُ.

1328. Narrated (Abū Huraira) ﷺ: Allāh’s Messenger ﷺ said, “You can not satisfy (all) the people with your wealth, but satisfy them with a cheerful face and good character.” [Abū Ya’la reported it and Al-Hākim graded it *Sabib* (authentic)].

(١٣٢٨) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّكُمْ لَا تَسْعُونَ النَّاسَ بِأَمْوَالِكُمْ، وَلَكِنْ لِيَسْتَهُمْ مِنْكُمْ بِسُطُّ الْوَجْهِ وَحْسِنَ الْخُلُقِ». أَخْرَجَهُ أَبُو يَعْلَى وَصَحَّحَهُ الْحَاكِمُ.

1329. Narrated (Abū Huraira) ﷺ: Allāh’s Messenger ﷺ said, “The believer is the mirror^[2] of his believing brother.” [Abū Dā’ud reported it with a *Hasan* (good) chain of narrators].

(١٣٢٩) وَعَنْهُ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمُؤْمِنُ مِرْأَةُ أَخِيهِ الْمُؤْمِنِ». أَخْرَجَهُ أَبُو دَاؤِدَ يَاشْتَادَ حَسَنٌ.

1330. Narrated Ibn ‘Umar ﷺ: Allāh’s Messenger ﷺ said, “The believer who mixes with people and patiently endures their harm, is better than the one who does not mix with them and does not endure their harm.” [Ibn Mājah reported it with a *Hasan* (good) chain of narrators. At-Tirmidhi also reported this *Hadith* but he did not mention the name of the Companion].

(١٣٣٠) وَعَنْ أَبْنَى عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمُؤْمِنُ الَّذِي يُخَالِطُ النَّاسَ وَيَصْبِرُ عَلَى أَذَاهُمْ، خَيْرٌ مِنَ الَّذِي لَا يُخَالِطُ النَّاسَ وَلَا يَصْبِرُ عَلَى أَذَاهُمْ». أَخْرَجَهُ أَبْنُ مَاجِهَ يَاشْتَادَ حَسَنٌ، وَهُوَ عِنْدَ التَّرْمِذِيِّ، إِلَّا أَنَّهُ لَمْ يُسَمِّ الصَّحَافِيَّ.

1331. Narrated Ibn Mas’ūd ﷺ: Allāh’s Messenger ﷺ said, “O Allāh as You have made my (physical) form beautiful, so make my character beautiful.” [Reported by Ahmad, and Ibn Hibbān graded it *Sabib* (authentic)].

(١٣٣١) وَعَنْ أَبْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّهُمْ كَمَا حَسَنُتُ خَلْقِي، فَحَسَنُ خَلْقِي». رَوَاهُ أَحْمَدُ، وَصَحَّحَهُ أَبْنُ حِبَّانَ.

^[1] Good character here includes treating people good, refraining from causing them any harm and maintaining a cheerful appearance while interacting with them. The Arabic word *Taqwa* stands for one’s compliance with the Divine commands and avoiding the prohibitions.

^[2] One learns about his own pleasant appearance or ugliness, by looking at oneself in a mirror. Similarly, a Muslim should apprise another Muslim of his shortcomings, so that he may become one of those loved of Allāh and people, by getting rid of his defects.

٦ - باب الذكر والدعاء

Chapter 6

REMEMBRANCE OF ALLAH AND SUPPLICATIONS

1332. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "Allāh the Most High says: 'I am with My slave when he remembers Me and his lips move with My mention.' " [Ibn Mājah reported it, Ibn Hibbān graded it *Sabib* (authentic) and Al-Bukhārī mentioned it as *Mu'allaq* (with a broken chain from his side)].

1333. Narrated Mu'ādh bin Jābal : Allāh's Messenger ﷺ said, "No human being has done any deed more likely to save him from Allāh's punishment than the remembrance of Allāh." [Reported by Ibn Abū Shaiba and At-Tabarānī it with a *Hasan* (good) chain of narrators].

1334. Narrated Abū Huraira : Allāh's Messenger ﷺ said, "People will not sit in an assembly in which they remember Allāh without the angels surrounding them,^[2] mercy covering them, and Allāh mentioning them among those who are with Hīm." [Muslim reported it].

1335. Narrated (Abū Huraira) : Allāh's Messenger ﷺ said, "If people sit in an assembly in which they do not remember Allāh or invoke blessings on the Prophet ﷺ, it will be a cause of grief to them on the Day of

(١٣٣٢) عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ: «يَقُولُ اللَّهُ تَعَالَى: أَنَا مَعَ عَبْدِي مَا ذَكَرْتِنِي وَتَحْرَكْتِ بِي شَفَتَاهُ». أَخْرَجَهُ ابْنُ مَاجَةَ، وَصَحَّحَهُ ابْنُ حِبَّانَ، وَذَكَرَهُ الْبُخَارِيُّ تَعْلِيقًا.

(١٣٣٣) وَعَنْ مُعَاذِ بْنِ جَبَلَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ: «مَا عَمِلَ ابْنُ آدَمَ عَمَلاً أَنْجَى لَهُ مِنْ عَذَابِ اللَّهِ مِنْ ذِكْرِ اللَّهِ». أَخْرَجَهُ ابْنُ أَبِي شَيْبَةَ وَالْطَّبَرَانِيُّ بِإِشَادَةِ حَسَنٍ.

(١٣٣٤) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ: «مَا جَلَسَ قَوْمٌ مَجْلِسًا يَذْكُرُونَ اللَّهَ فِيهِ إِلَّا حَفَّتُهُمُ الْمَلَائِكَةُ، وَعَشَّيْتُهُمُ الرَّحْمَةُ، وَذَكَرُهُمُ اللَّهُ فِيمَنْ عِنْدَهُ». أَخْرَجَهُ مُسْلِمٌ.

(١٣٣٥) وَعَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ: «مَا قَدَّمَ قَوْمٌ سَقْفَادًا لَمْ يَذْكُرُوا اللَّهَ فِيهِ، وَلَمْ يُصْلُوَا عَلَى الْبَيْتِ الْحَرَامِ إِلَّا كَانَ عَلَيْهِمْ حَشْرَةٌ يَوْمَ الْقِيَامَةِ». أَخْرَجَهُ التَّرْمِذِيُّ، وَقَالَ: حَسَنٌ.

^[1] Here is this *Hadīth* Allāh proclaims His 'being with' His servant through His Knowledge (of everything) and Omnipotence (over everything), and not that Allah is 'with' His servant physically. The Qur'an proclaims that Allah is High above His Throne.

^[2] We learn through this *Hadīth* that the remembrance of Allāh is also observed by sitting together praising Him, supplicating Him, reciting the Qur'an and teaching the matters related to Islam, etc. It is not necessary to observe remembrance of Allāh in solitude only. It further brings it to our knowledge that some of Allāh's angels are also the ones who roam the streets and attend the gatherings where the remembrance of Allāh is being observed.

^[3] Another *Hadīth* states, "If He wills, He will punish them, and if He wills, He will forgive them". These words denote that the remembrance of Allāh and sending peace and blessing

Resurrection.” [At-Tirmidhi reported it and said that it is a *Hasan* (good) *Hadīth*].

1336. Narrated Abū Ayūb Al-Ansārī : Allāh’s Messenger ﷺ said, “Whoever says ten times: ‘There is nothing worthy of worship except Allāh, Alone, Who has no partner. His is the Kingdom, and His is the Praise, and He has Power over everything’ will be (in reward) like he who freed four of the descendants of Ismā’il (Ishmael) from slavery.”^[1] [Agreed upon].

1337. Narrated Abū Huraira : Allāh’s Messenger ﷺ said, “Whoever says a hundred times in a day: ‘Allāh is free from every imperfection, and His is the praise’ – his sins will be removed from him, even if they were as much as the foam of the sea.” [Agreed upon].

1338. Narrated Juwairiya ♀ daughter of Al-Hārith^[2] : Allāh’s Messenger ﷺ said to me, “Since leaving you I have said four phrases which, if weighed against all you have said today, would prove to be heavier.^[3] ‘Allah is free from every imperfection, and His is the praise

(١٣٣٦) وَعَنْ أَبِي أَيُوبَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَنْ قَالَ: لَا إِلَهَ إِلَّا اللَّهُ، وَحْدَهُ، لَا شَرِيكَ لَهُ، لَهُ الْمُلْكُ، وَلَهُ الْحَمْدُ، يَكُوْنُ الْحَيْرُ، يُحْيِي وَمُمْتَسِّطُ، وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ، عَشْرَ مَرَّاتٍ، كَانَ كَمَنْ أَغْتَقَ أَرْبَعَةً أَنفُسٍ مِّنْ وَلَدِ إِسْمَاعِيلَ». مُتَقَّدٌ عَلَيْهِ.

(١٣٣٧) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَنْ قَالَ: سُبْحَانَ اللَّهِ وَبِحَمْدِهِ، وَمَا تَهُوَ، حُطِّتَ عَنْهُ خَطَايَاهُ، وَإِنْ كَانَتْ مِثْلُ زَيْدِ الْبَحْرِ». مُتَقَّدٌ عَلَيْهِ.

(١٣٣٨) وَعَنْ جُوَيْرِيَةَ بْنِ الْحَارِثِ رَضِيَ اللَّهُ تَعَالَى عَنْهَا قَالَتْ: قَالَ لِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «لَقَدْ فَلَتْ بَعْدِكَ أَرْبَعَ كَلِمَاتٍ لَوْ فُزِّتْ بِمَا قُلْتَ مُنْذُ الْيَوْمِ لَوْزَانَهُنَّ: سُبْحَانَ اللَّهِ وَبِحَمْدِهِ، عَدَّدَ خَلْقِهِ، وَرَضَا نَفْسِيهِ، وَرَنَّةَ

on the Prophet ﷺ are compulsory, as only failing to perform what is compulsory, or engaging in what is prohibited involves a threat of punishment.

^[1] We should know that this *Hadīth*, as well as other similar *Abādīth*, contain words to the effect that whosoever does such and such thing, shall acquire such and such reward or all of his sins shall be forgiven. There is a difference of opinion among the scholars as to what this actually means. Some maintain that the reward shall be given to the one who always does it, whereas others do not consider this a condition. They hold that one who performs such a act, must avoid committing any of the major sins. This means that such good deeds shall only remove the minor sins and not the major ones. Other scholars are of the opinion that it does not involve the controversy of the major and minor sins, but it is merely a statement of the reward to be earned. Some scholars hold that the minor sins are forgiven by every virtuous act, whereas the major sins require repentance and asking Allāh’s forgiveness.

^[2] She was an *Ummul-Mu’mīnīn* and was among the captives of the battle of Al-Muraisi’. She was part of the share of Thābit bin Qais bin Shammās, who agreed with her to buy her freedom. The Prophet ﷺ then paid him and married her. The *Sabābā* then freed her people while saying, “These are the in-laws of Allāh’s Messenger ﷺ .” So she was the most beneficial woman for her people. She died in the year 56 H.

^[3] This *Hadīth* is so narrated that the Prophet ﷺ left for prayer while Juwairiya ♀ was busy in Allāh’s remembrance. When the Prophet ﷺ came back after the prayer at the time of

(equal) to the number of His creatures, in accordance with His Good Pleasure, (equal) to the weight of His Throne and to the (extent) of the ink of His Words.”” [Muslim reported it].

عَرْشِهِ، وَمِدَادَ كَلِمَاتِهِ». أَخْرَجَهُ مُسْلِمٌ.

1339. Narrated Abū Sa‘īd Al-Khudri ﷺ: Allāh’s Messenger ﷺ said, “The lasting good deeds^[1] are: (the saying of) ‘Nothing deserves to be worshipped except Allāh; Allāh is free from every imperfection; Allāh is the Greatest; Praise be to Allāh; there is no might and no power except in Allāh.’”” [Reported by An-Nasā’i. Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

1340. Narrated Samura bin Jundub ﷺ: Allāh’s Messenger ﷺ said, “The most beloved words to Allāh are four. It does not matter which of them you begin with: ‘Allāh is free from every imperfection; Praise be to Allāh; nothing deserves to be worshipped except Allāh; and Allāh is the Greatest.’”” [Muslim reported it].

1341. Narrated Abū Mūsa Al-Ash‘ar ﷺ: Allāh’s Messenger ﷺ said to me, “O Abdullāh bin Qais, shall I not direct you to one of the treasures of Paradise?^[2]: There is no might and no power except in Allāh.”” [Agreed upon]. An-Nasā’i added, “There is no refuge from Allāh except (by returning) to Him.”

1342. Narrated An-Nu‘mān bin Bashir

(١٣٣٩)) وَعَنْ أَبِي سَعِيدِ الْخُدْرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَى: «الْبَاقِيَاتُ الصَّالِحَاتُ: لَا إِلَهَ إِلَّا اللَّهُ، وَسُبْحَانَ اللَّهِ، وَاللَّهُ أَكْبَرُ، وَالْحَمْدُ لِلَّهِ، وَلَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللَّهِ». أَخْرَجَهُ النَّسَائِيُّ، وَصَحَّحَهُ ابْنُ حِيَانَ وَالْحَاكِمُ.

(١٣٤٠)) وَعَنْ سَمْرَةَ بْنِ جُنْدُبٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ تَعَالَى: «أَكْثُرُ الْكَلَامِ إِلَى اللَّهِ أَرْبَعَ، لَا يَصُرُّكَ بِإِيمَنِكَ بَدَأْتَ: سُبْحَانَ اللَّهِ، وَالْحَمْدُ لِلَّهِ، وَلَا إِلَهَ إِلَّا اللَّهُ، وَاللَّهُ أَكْبَرُ». أَخْرَجَهُ مُسْلِمٌ.

(١٣٤١)) وَعَنْ أَبِي مُوسَى الْأَشْعَرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ لِي رَسُولُ اللَّهِ تَعَالَى: «يَا عَبْدَ اللَّهِ بْنَ قَيْمِنِي! أَلَا أَدْلُكَ عَلَى كَثْرَتِي مِنْ كُنُوزِ الْجَنَّةِ؟ لَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللَّهِ». مَقْرُونٌ عَلَيْهِ. زَادَ النَّسَائِيُّ: «وَلَا مُلْجَأًا مِنَ اللَّهِ إِلَّا إِلَيْهِ».

(١٣٤٢)) وَعَنْ التُّعَمَانِ بْنِ بَشِيرٍ رَضِيَ اللَّهُ

Duba (a time between sunrise and noon), he still found Juwairiya ﷺ engrossed in the remembrance of Allah. Thereupon, the Prophet ﷺ stated the above words. This *Hadith* regards these words to be of an extremely lofty and virtuous import. It further elaborates that the reward of such unlimited repetition of words of remembrance shall be earned by reciting the words prescribed in this *Hadith*. In the narration of Ibn ‘Abbas, reported by Muslim, it is mentioned that the Prophet recited these four phrases three times each.

[¹] Various explains suggest that the reward of all acts of obedience to Allah and good deeds, shall remain to the credit of the one who performs them. One of those deeds is the invocation of these five *Kalima* (words).

[²] It means that the reward for the recitation of these words is a valuable and precious reward kept stored with Allah in paradise, just as a treasure – the most precious of a person’s wealth – is kept stored in a safe and secure place.

١: The Prophet ﷺ said, "Verily, supplication is worship."^[1] [Reported by Al-Arba'a and At-Tirmidhi graded it *Sabib* (authentic)].

He (At-Tirmidhi) also reported from the *Hadith* of Anas رضي الله عنه attributing it to Allāh's Messenger ﷺ - with the wording: "Supplication is the essence of worship."

He (At-Tirmidhi) also reported from the *Hadith* of Abū Huraira رضي الله عنه: attributing it to Allāh's Messenger ﷺ that he said: "Nothing is more honorable before Allāh than supplication." [Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

1343. Narrated Anas رضي الله عنه: Allāh's Messenger ﷺ said, "Supplication between the *Adbān* and *Iqāma*"^[2] is not rejected." [An-Nasā'i and others reported it, and Ibn Hibbān and others graded it *Sabib* (authentic)].

1344. Narrated Salmān رضي الله عنه: Allāh's Messenger ﷺ said, "Indeed! Your Rabb is *Hayiy* (Shy) and *Karim* (Generous), and is ashamed to turn away empty the hands of a slave when he raises them"^[3] to Him." [Reported by Al-Arba'a except An-Nasā'i. Al-Hākim graded it *Sabib* (authentic)].

1345. Narrated 'Umar رضي الله عنه: Whenever Allāh's Messenger ﷺ raised his hands in supplication, he did not lower them till

تَعَالَى عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: إِنَّ الدُّعَاءَ هُوَ الْعِبَادَةُ». رَوَاهُ الْأَرْبَعَةُ وَصَحَّحَهُ التَّرمِذِيُّ.

وَلَهُ مِنْ حَدِيثِ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، مَرْفُوعًا، يُلْفَظُ: «الدُّعَاءُ مُخْلِفُ الْعِبَادَةِ».

وَلَهُ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، رَفِيقُهُ: «لَيْسَ شَيْءًا أَكْرَمَ عَلَى اللَّهِ مِنَ الدُّعَاءِ». وَصَحَّحَهُ ابْنُ حِيَانَ وَالْحَاكِمُ.

(١٣٤٣) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الدُّعَاءُ بَيْنَ الْأَذَانِ وَالإِقَامَةِ لَا يُرَدُّ». أَخْرَجَهُ النَّسَائِيُّ وَعَيْرُهُ، وَصَحَّحَهُ ابْنُ حِيَانَ وَعَيْرُهُ.

(١٣٤٤) وَعَنْ سَلْمَانَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ رَبَّكُمْ حَيٌّ كَرِيمٌ، يَسْتَحْيِي مِنْ عَبْدِهِ إِذَا رَأَيَهُ يَدْعُهُ إِلَيْهِ أَنْ يُرْدَهُمَا صِفْرًا». أَخْرَجَهُ الْأَرْبَعَةُ إِلَّا النَّسَائِيُّ وَصَحَّحَهُ الْحَاكِمُ.

(١٣٤٥) وَعَنْ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا مَدَ يَدِيهِ فِي

^[1] It means that supplication is a kind of worship. It may also mean that 'supplication' in the Verse "Supplicate Me and I will respond to you. Verily, those who scorn My worship, will surely enter Hell in humiliation" (*Surat Ghafir*, 40:60), here implies worship, i.e. "worship Me and I will respond to you..."

^[2] We are thus informed that certain times are preferable for supplication, like in the middle of the night and after the obligatory prayers. People enquired of the Prophet ﷺ as to what should they ask for between the *Adbān* and *Iqāma*. The Prophet ﷺ stated that they should ask Allāh for their safety in their day-to-day worldly matters as well as the soundness of their Faith while pursuing their religious activities.

^[3] This *Hadith* states that the raising of one's hands while making a supplication is *Mustababb* (a commendable act).

he wiped his face with them.^[1] [At-Tirmidhi reported it]. It has *Shawâbid* (supporting narrations) such as The *Hadîth* of Ibn ‘Abbâs (رضي الله عنهما) reported by Abû Dâ’ud and others. These narrations – considered as a group – warrant it being considered a *Hasan* (good) *Hadîth*.

1346. Narrated Ibn Mas’ûd (رضي الله عنه): Allâh’s Messenger (ﷺ) said, “The people who have the most right over me (for intercession or nearness to me) on the Day of Resurrection, are those who are most in invoking *Salat* upon me^[2].” [At-Tirmidhi reported it, and Ibn Hibbân graded it *Sabib* (authentic)].

1347. Narrated Shaddâd bin Aus (رضي الله عنه): Allâh’s Messenger (ﷺ) said, “The most superior manner of asking for forgiveness^[3] is for the servant to say: ‘O Allâh, You are my *Rabb* (Lord). Nothing deserves to be worshipped except You, You have created me, and I am Your slave. I hold to Your covenant and promise as much as I can. I seek refuge in You from the evil of what I have done. I acknowledge before You Your favors upon me, and I confess to You my sins, so forgive me, since no one can forgive sins except You.’” [Al-Bukhâri reported it].

1348. Narrated Ibn ‘Umar (رضي الله عنه): Allâh’s Messenger (ﷺ) never failed to use these

الدّعاءِ لَمْ يَرْدَهُمَا حَتَّى يَمْسَحَ بِهِمَا وَجْهَهُ .
أَخْرَجَهُ التَّرْمِذِيُّ . وَلَهُ شَوَاهِدٌ مِنْهَا حَدِيثُ ابْنِ عَيَّاسٍ عِنْدَ أَبِي دَاوُدَ وَغَيْرِهِ ، وَمَجْمُوعُهَا يَقْضِي أَنَّهُ حَدِيثٌ حَسَنٌ .

(١٣٤٦) وَعَنْ ابْنِ مَسْعُودٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ أَوَّلَ النَّاسِ يَبْيَأُ يَوْمَ الْقِيَامَةَ أَكْثَرُهُمْ عَلَيَّ صَلَّةً» .
أَخْرَجَهُ التَّرْمِذِيُّ ، وَصَحَّحَهُ ابْنُ حِيَّانَ .

(١٣٤٧) وَعَنْ شَدَّادِ بْنِ أَوْسٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «سَيِّدُ الْأَسْتَغْفَارِ أَنْ يَقُولَ الْعَبْدُ: اللَّهُمَّ إِنَّمَا أَنْتَ رَبِّي، لَا إِلَهَ إِلَّا أَنْتَ، خَلَقْتَنِي، وَأَنَا عَبْدُكَ، وَأَنَا عَلَى عَهْدِكَ وَوَعْدِكَ مَا اشْتَطَعْتُ، أَعُوذُ بِكَ مِنْ شَرِّ مَا صَنَعْتُ، أَبُوءُ لَكَ بِنَعْمَاتِكَ عَلَيَّ، وَأَبُوءُ لَكَ بِذَنبِنِي، فَاغْفِرْ لِي، فَإِنَّهُ لَا يَغْفِرُ الذُّنُوبَ إِلَّا أَنْتَ» . أَخْرَجَهُ البُخَارِيُّ .

(١٣٤٨) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: لَمْ يَكُنْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدْعُ هُؤُلَاءِ

^[1] It thus becomes known that after completing one’s supplication, one is advised to wipe his face with the palms of his hands. If we know that Allah does not turn one away empty handed, then it is as though His *Rabma* (mercy) has descended upon one’s palms. It is thus fitting that this *Rabma* be transferred to the face, which is the noblest part of the body and the most entitled to be honored.

^[2] We must know that invoking *Salat* upon the Prophet (ﷺ) is a supplication to Allah to praise the Prophet (ﷺ) in the highest assembly of the angels, and it is an act of worship. The best words of invocation after *Lâ ilâha illa-Allâb* is the noble act of sending *Salat* and *Salâm* upon the Prophet (ﷺ).

^[3] Since this supplication of forgiveness epitomizes all the meaning and senses of repentance and forgiveness, it has been given the name of *Sayyidul-Istighfâr* (the master supplication for seeking forgiveness).

words^[1] in the evening and morning: "O Allāh, I ask You for 'Aafiyah (well-being) in my religion and my worldly affairs, in my family and my wealth; O Allāh, conceal my faults and keep me safe from the things which I fear; O Allāh, guard me from my front and from my back, and from my right hand side and from my left side, and from above me, and I seek refuge in Your Greatness from being swallowed up (by the earth) from below me." [An-Nasā'i and Ibn Mājah reported it, and Al-Hākim graded it *Sabib* (authentic)].

1349. Narrated Ibn 'Umar ﷺ: Allāh's Messenger ﷺ used to supplicate: "O Allāh, I seek refuge in You from the decline of Your favor,^[2] transforming of Your (favor) of well-being [to sickness], the sudden strike of Your vengeance and Your total wrath." [Muslim reported it].

1350. Narrated 'Abdullāh bin 'Amr ﷺ: Allāh's Messenger ﷺ used to say: "O Allāh, I seek refuge in You from being overcome by debt, from being overpowered by the enemy,^[3] and the malicious joy of the enemies (at an evil I am afflicted with)." [Reported by An-Nasā'i, and Al-Hākim graded it *Sabib* (authentic)].

الكلمات، حين يُمسى وحين يُضيّع: «اللَّهُمَّ إِنِّي أَسْأَلُكَ الْعَافِيَةَ فِي دِينِي وَدُنْيَايَ وَأَهْلِي وَمَالِي، اللَّهُمَّ اسْتَرْ عَوْرَاتِي، وَآمِنْ رَوْعَاتِي، وَاحْفَظْنِي مِنْ بَيْنِ يَدَيِّ، وَمِنْ خَلْفِي، وَمِنْ يَمْنَى، وَعَنْ شِمَالِي، وَمِنْ فَوْقِي، وَأَعُوذُ بِعَظَمَتِكَ أَنْ أُغَتَّلَ مِنْ تَحْتِي». أَخْرَجَهُ النَّسَائِيُّ وَابْنُ مَاجَةَ، وَصَحَّحَهُ الْحَاكُمُ.

(١٣٤٩) وَعَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ يَقُولُ: «اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنْ زَوَالِ نِعْمَتِكَ، وَتَحْوُلِ عَافِيَتِكَ، وَفُجَاءَةِ نِعْمَتِكَ، وَجَمِيعِ سَخْطِكَ». أَخْرَجَهُ مُسْلِمٌ.

(١٣٥٠) وَعَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ تَعَالَى عَنْهُمَا قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَهُ يَقُولُ: «اللَّهُمَّ إِنِّي أَعُوذُ بِكَ مِنْ غَلَبةِ الدُّنْيَا، وَعَلَيْهَا الْعَدُوُّ، وَشَمَائِلَ الْأَعْدَاءِ». رَوَاهُ النَّسَائِيُّ، وَصَحَّحَهُ الْحَاكُمُ.

[1] The 'Aafiyah (well-being) in religion lies in avoiding sin and innovation, or taking lightly one's obligatory duties or failing to perform them totally. 'Aafiyah in one's family lies in being saved from bad marital relations, sickness and disease, and the excessive requests for worldly pleasures. 'Aafiyah in wealth lies in it being saved from that which destroys it. In this *Hadīth*, Allāh's protection has been solicited from the harms that may inflict a person from all of the six directions, since a man is always surrounded by his enemies – devils from among the humans and the jinns. He is like a sheep among wolves; if he doesn't have a protector from Allah, then he has no power to protect himself.

[2] The favors of Allah are destroyed by one's sins. In other words, this supplication is being made to Allāh by supplicating Him with these words: "O Allāh! We hereby seek Your protection from (the effects and consequences of) our bad deeds." This supplication was devised for the sole purpose of educating the *Ummah* (followers) since the Prophet ﷺ is free from sins.

[3] Being overcome by debt means that a person becomes incapable of paying up his debts and this situation occurs when a person no longer harbors any intention of paying it at all.

1351. Narrated Buraida : The Prophet ﷺ heard a man saying, "O Allāh, I ask You by virtue of the fact that I testify that You are Allāh; nothing deserves to be worshipped except You, the Unique – the Self-Sufficient Master, Who did not beget and was not begotten, and to Whom no one is equal." Allāh's Messenger ﷺ then said, "He has asked Allāh by His Name by which when asked, He gives,^[1] and by which when supplicated, He answers." [Al-*Arba'a* reported it, and Ibn Hibbān graded it *Sabib* (authentic)].

(١٣٥١) وَعَنْ بُرَيْدَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعَ النَّبِيُّ رَبِّ الْجَمَلَ يَقُولُ: اللَّهُمَّ إِنِّي أَسْأَلُكَ بِأَنِّي أَشْهُدُ أَنَّكَ أَنْتَ اللَّهُ، لَا إِلَهَ إِلَّا أَنْتَ، الْأَحَدُ الصَّمَدُ، الَّذِي لَمْ يَلِدْ وَلَمْ يُوْلَدْ، وَلَمْ يَكُنْ لَّهُ كُفُواً أَحَدٌ. قَالَ: لَقَدْ سَأَلَ اللَّهُ يَا شَهِيدَ الَّذِي إِذَا شَهَلَ بِهِ أَعْطَى، وَإِذَا دُعَى بِهِ أَجَابَ. أَخْرَجَهُ الْأَزْيَعُ وَصَحَّحَهُ ابْنُ حَبَّانَ.

1352. Narrated Abū Huraira : Allāh's Messenger ﷺ would say in the morning: "O Allāh, by (permission from) You we reach the morning, by You we reach the evening, by You we live, by You we die,^[2] and to You is the resurrection (*Nusbur*)."³ In the evening he would say the same except for the last phrase: "And to You is the end (*Masir*)."⁴ [Al-*Arba'a* reported it].

(١٣٥٢) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ يَقُولُ: إِذَا أَضَيَّ، يَقُولُ: «اللَّهُمَّ إِنِّي أَصْبَحْتُ، وَبِكَ أَسْتَبَّنَ، وَبِكَ تَحْمِلُ، وَبِكَ تَمُوتُ، وَإِلَيْكَ الشُّورُ». وَإِذَا أَمْسَى قَالَ مِثْلَ ذَلِكَ، إِلَّا أَنَّهُ قَالَ: «وَإِلَيْكَ الْمَصِيرُ». أَخْرَجَهُ الْأَزْيَعُ.

1353. Narrated Anas : The most frequent supplication of Allāh's Messenger ﷺ was: "Our *Rabb* (Lord), give us good in this world and good in the Hereafter,^[3] and protect us from

(١٣٥٣) وَعَنْ أَنَسِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ أَكْثَرُ دُعَاءِ رَسُولِ اللَّهِ يَقُولُ: «رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً، وَفِي الْآخِرَةِ حَسَنَةً، وَرَفِعْنَا عَذَابَ النَّارِ». مُتَفَقُّ عَلَيْهِ.

Whoever makes a sincere effort to pay his debts, Allāh will certainly assist him in accomplishing this by giving him solvency [as mentioned in a *Hadīth* reported by Al-Bukhārī]. The overpowering of an enemy is that a man finds himself incapable of even avenging himself against a tyrant or a transgressor who has wronged him.

^[1] In Arabic, *Su'āl* (asking) denotes asking for a specific thing, whereas *Du'a* (supplication) is more general. Also, when asking Allah for something, one must use the same words, found in this *Hadīth*, which have been accorded the privilege of acceptance.

^[2] It is said that 'sleep is the sister of death', due to the obvious relationship between these two states. Whenever someone falls asleep, it is as though he is returning his soul to its origin. Hence, the Arabic word *Masir* (destination, end) has been used in this *Hadīth* ['to You is the end'] for one who is preparing to sleep. Likewise, when someone gets up from sleep, it is as if he regains life from a state of death. Hence, the Arabic word *Nusbur* (resurrection) has been used in this *Hadīth* ['to You is the resurrection'] for one who is awakening from sleep.

^[3] The 'good' of this world includes virtuous deeds, a righteous spouse, pious progeny, spacious and abundant livelihood and useful knowledge, etc. The good of the Hereafter is entering Paradise, and its other related factors like, being free from tension, easiness in the

the punishment of the Fire.”^[1]
[Agreed upon].

1354. Narrated Abū Mūsa Al-Ash'ari : The Prophet ﷺ used to supplicate: “O Allāh, forgive me my sins, my ignorance, my extravagance in my affairs, and what You know better than I do. O Allāh, forgive me (what I have done in) my seriousness and joking, (what I have done) unintentionally and intentionally, for I am guilty of all that. O Allāh, forgive me (what I have done) in the past and (what I will do in) the future, what I have kept secret and what I have done openly, and what You know better than I do. You are the Advancer (if You Grant Success), You are the One Who Delays (if You abandon anyone), and You have Power over everything.” [Agreed upon].

1355. Narrated Abū Huraira : Allāh's Messenger ﷺ used to say: “O Allāh, set right for me my religion which is the safeguard of my affairs; set right for me my worldly affairs in which is my livelihood, set right for me my Hereafter to which will be my return; make life for me a means of increase in all that is good; and make death a rest for me from every evil.”^[2] [Muslim reported it].

1356. Narrated Anas : Allāh's Messenger ﷺ used to say: “O Allāh, grant me benefit in what You have taught me, teach me what will benefit

(١٣٥٤) وَعَنْ أَبِي مُوسَى الْأَشْعَرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ النَّبِيُّ ﷺ يَدْعُو اللَّهُمَّ اغْفِرْ لِي خَطَايَايَ وَجَهْلِيَّ وَإِسْرَافِيَّ فِي أَمْرِيِّ، وَمَا أَنْتَ أَعْلَمُ بِهِ مِنِّي، اللَّهُمَّ اغْفِرْ لِي جِدِّي وَهَرْبِي، وَخَطْبِي وَعَمْدِي، وَكُلُّ ذَلِكَ عَنِيدِي، اللَّهُمَّ اغْفِرْ لِي مَا فَدَمْتُ، وَمَا أَخْرَثْتُ، وَمَا أَشَرَّتُ، وَمَا أَغْلَثْتُ، وَمَا أَنْتَ أَعْلَمُ بِهِ مِنِّي، أَنْتَ الْمُقْدَمُ، وَأَنْتَ الْمُؤْخَرُ، وَأَنْتَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ”. مُتَّقِّنٌ عَلَيْهِ.

(١٣٥٥) وَعَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَقُولُ: «اللَّهُمَّ أَصْلِحْ لِي دِينِي الَّذِي هُوَ عِصْمَةُ أَمْرِي، وَأَصْلِحْ لِي دُنْيَايَ الَّتِي فِيهَا مَعَاشِي، وَأَصْلِحْ لِي آخِرَتِي الَّتِي إِلَيْهَا مَعَادِي، وَاجْعَلْ الْحَيَاةَ زِيَادَةً لِي فِي كُلِّ خَيْرٍ، وَاجْعَلْ الْمَوْتَ رَاحَةً لِي مِنْ كُلِّ شَرٍّ». أَخْرَجَهُ مُسْلِمٌ.

process of accountability and being saved from the torment of Hell-fire. A *Hadīth* narrated by Abū Huraira رضي الله عنه has it that if a man asks for Allāh's protection from Hell seven times, the Hell itself supplicates to Allāh by saying, “Your such and such slave is seeking Your protection from me and therefore You must grant him Your protection.”

[1] *Sūrat Al-Baqarah*, 2:201.

[2] In this invocation, the good things of both the worlds have been solicited. It does not suggest that one should ask for his own death. It merely expresses a desire that whenever death occurs, it should be a cause to provide a blissful peace and an eternal rest, from every evil – before death (in this world) and after it (in the grave).

me, and provide me with knowledge which will benefit^[1] me.” [Reported by An-Nasā’i and Al-Hākim].

At-Tirmidhi reported something similar from the *Hadīth* of Abū Huraira ﷺ, he said in its end: “And increase me in knowledge. Praise be to Allāh in every circumstance, and I seek refuge in Allāh from the condition of the people of the Hell-Fire.” [Its chain of narrators is *Hasan* (good)].

1357. Narrated ‘Aisha ﷺ: The Prophet ﷺ taught her this supplication: “O Allāh, I ask You for every good, at present and later, what I have known of it and what I have not; I seek refuge in You from every evil, at present and later, what I have known of it and what I have not. O Allāh, I ask You for the best of what Your slave and Prophet has asked You, and seek refuge in You from the worst of what Your slave and Prophet has sought refuge from. O Allāh I ask You for Paradise and whatever brings one near to it of speech or deed, and seek refuge in You from Hell and whatever brings one near to it of speech or deed. And I ask You to make every decree You have decreed for me to be good.” [Reported by Ibn Mājah. Ibn Hibbān and Al-Hākim graded it *Sabib* (authentic)].

1358. The two *Shaykhs* [Al-Bukhāri and Muslim], reported this *Hadīth* from Abū Huraira ﷺ: Allāh’s Messenger ﷺ said, “Two words (expressions) which are beloved to the Compassionate One (Allah) and are light on the tongue but heavy on the scales are: ‘O How Perfect is Allāh, and praise be to Him; O How Perfect is Allāh, the Supreme.’”^[2]

^[1] This *Hadīth* enlightens us that we should ask Allāh for useful knowledge. Similarly, we should ask Allāh’s protection from the useless knowledge. Useless knowledge is that which does not bring one benefit in the Hereafter.

^[2] Imām Bukhāri concluded *Sabib Al-Bukhāri* by quoting this *Hadīth*. Following his example,

بِمَا عَلِمْتَنِي، وَعَلِمْنِي مَا يَقْعُنِي، وَأَرْفَقْنِي
عِلْمًا يَقْعُنِي”. رَوَاهُ النَّسَائِيُّ وَالحاكِمُ.

ولِلتَّرمِذِيِّ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ
تَعَالَى عَنْهُ تَعْوِهُ، وَقَالَ فِي آخِرِهِ: «وَزَنَّنِي
عِلْمًا. الْحَمْدُ لِلَّهِ عَلَى كُلِّ حَالٍ، وَأَعُوذُ بِاللَّهِ
مِنْ حَالٍ أَهْلُ التَّارِ». وَإِسْنَادُ حَسَنٍ.

(١٣٥٧) وَعَنْ عَائِشَةَ رَضِيَ اللَّهُ تَعَالَى عَنْهَا، أَنَّ النَّبِيَّ ﷺ عَلِمَهَا هَذِهِ الدُّعَاءَ: «اللَّهُمَّ إِنِّي
أَسْأَلُكَ مِنَ الْخَيْرِ كُلِّهِ، عَاجِلَهُ وَآجِلَهُ، مَا
عِلِمْتُ مِنْهُ وَمَا لَمْ أَعْلَمْ، وَأَعُوذُ بِكَ مِنَ الشَّرِّ
كُلِّهِ عَاجِلَهُ وَآجِلَهُ، مَا عِلِمْتُ مِنْهُ وَمَا لَمْ
أَعْلَمْ، اللَّهُمَّ إِنِّي أَسْأَلُكَ مِنْ خَيْرِ مَا سَأَلَكَ
عَنْدُكَ وَنَيْكَ، وَأَعُوذُ بِكَ مِنْ شَرِّ مَا عَادَ مِنْهُ
عَنْدُكَ وَنَيْكَ، اللَّهُمَّ إِنِّي أَسْأَلُكَ الْجَنَّةَ، وَمَا
قَرَبَ إِلَيْهَا مِنْ قَوْلٍ أَوْ عَمَلٍ، وَأَعُوذُ بِكَ مِنَ
النَّارِ، وَمَا قَرَبَ إِلَيْهَا مِنْ قَوْلٍ أَوْ عَمَلٍ،
وَأَسْأَلُكَ أَنْ تَجْعَلَ كُلَّ فَصَاءَ ضَيَّقَتْهُ لِي خَيْرًا.
أَخْرَجَهُ أَبْنُ مَاجَةَ، وَصَحَّحَهُ أَبْنُ جَبَانَ وَالحاكِمُ.

(١٣٥٨) وَأَخْرَجَ الشَّيْخَانِ عَنْ أَبِي هُرَيْرَةَ
رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ
ﷺ: «كَلِمَتَانِ حَسِيبَانِ إِلَى الرَّحْمَنِ، حَفِيقَانِ
عَلَى اللِّسَانِ، ثَقِيلَانِ فِي الْبَيْزَانِ: سُبْحَانَ اللَّهِ
وَبِحَمْدِهِ سُبْحَانَ اللَّهِ الْعَظِيمِ».

[The author – *Ash-Shaykh, Al-Imām, Al-‘Aalim, Al-‘Aamil, Al-‘Allāmah, Qādi Al-Qudāt, Shaykhul-Islam* – May Allah grant humanity pleasure by his presence – said: “The one who summarized it, Ahmad bin Ali bin Muhammad bin Hajar Al-Asqalāni, finished this book on 11th Rabi-ul-Awwal 828 H., praising Allah, the Most High, and asking for *Salat* (praise by Allah in the highest assemblies of the angels) on His Messenger, ﷺ and honor, respect and exaltation.]

قال مُصطفى - الشیخ الإمام العالم العامل
العلامة قاضي القضاة شیخ الإسلام أمنة الله
بوجوذه الأنام - فرغ منه ملخصه أخمد بن
علي بن محمد بن حجر في حادی عشر شهر
ربیع الأول سنة ثمان وعشرين وثمانمائة،
حاماً لله تعالى ومصلياً على رسوله ﷺ
ومكرماً ومبجلاً ومعظماً.

many of the authors and compilers have concluded their books by mentioning this *Hadīth*. This *Hadīth* proves the existence of *Mizān* (the scales for measuring deeds on the Day of Judgement) as mentioned clearly in the noble Qur'ān. There is a difference of opinion among the scholars in regard to the nature and condition of things thus weighed and measured on the pair of scales. Some of the scholars hold that the Records of Deeds themselves shall be measured, as proven by the *Hadīth* of the 'Bitāqa' reported by Ahmad, At-Tirmidhi, Ibn Majah and others. [*Silsilah Abādīth As-Sabihah*, 1/212, no. 135]. Other scholars hold the view that each action has a definite shape and thus every deed shall be measured individually in its very shape (appearance), as proven by the final *Hadīth* of *Bulugh Al-Maram* (no. 1358). This *Hadīth* informs us about the vastness of Allāh's Mercy, that He generously gives away a great amount of rewards for actions which are relatively small and negligible. The fact is that Allāh's Mercy is all-encompassing, to the extent that the people are often forgiven under one pretext or another. Oh my All-Forgiving and All-Merciful *Rabb*! Arrange the means of deliverance from the unseen for this delinquent slave of Yours and accept him for Your forgiveness by Your sheer mercy. *Amin*. Oh You the Cherisher of the worlds. Oh Allāh! Forgive the sins of the writer of this book!

GLOSSARY

- 'Abd:** (العبد) A male slave, a slave of Allāh.
- 'Ād:** (عاد) An ancient tribe that lived after Nūh (Noah). It was prosperous, but disobedient to Allāh, so Allāh destroyed it with a violent destructive westerly wind.
- Adhān:** (الأذان) The call to *Salāt* (prayer) pronounced loudly to indicate that the time of praying is due. And it is as follows: *Allāhu Akbar, Allāhu-Akbar; Allābu-Akbar, Allābu-Akbar; Asb-hadu an lā ilāha illallāh, Asb-hadu an lā ilāha illallāh; Asb-hadu anna Mubammadan Rasūl-Ullāh, Asb-hadu anna Muhammada Rasūl-Ullāh; Hayya 'alas-Salāh, Hayya 'alas-Salāh; Haiya 'alal-Falāh, Hayya 'alal-Falāh; Allābu-Akbar, Allābu-Akbar; Lā ilāha illallāh*. (See *Sabīb Al-Bukhārī*, The Book of *Adhān*).
- Ahkām:** (الأحكام) "Legal status". According to Islamic law, there are five kinds of *Ahkām*:
1. Compulsory (*Wājib*) (الواجب)
 2. Desirable but not compulsory (*Mustabab*) (المستحب)
 3. Forbidden (*Mubarram*) (المحرم)
 4. Disliked but not forbidden (*Makrūh*) (المكره)
 5. Lawful and allowed (*Halāl*) (الحلال)
- Al-Ahzāb:** (الأحزاب) The Confederates. The term is used for the disbelievers of Quraish and the Jews residing at Al-Madinah and some other Arab tribes who invaded the Muslims of Al-Madinah but were forced to withdraw.
- 'Ajwah:** (العجوة) A kind of dates.
- Ālim:** (الإمام) A knowledgeable person or a religious scholar in Islam.
- Allāhu Akbar:** (الله أكbar) Allāh is the Most Great.
- 'Amah:** (الأمة) A female slave.
- Al-'Amānah:** (الأمانة) The trust or the moral responsibility or honesty, and all the duties which Allāh has ordained.
- Āmīn:** (آمين) O Allāh, accept our invocation.
- Amma Ba'du:** (أما بعد) An expression used for separating the introductory part from the main topics in a speech; the introductory being usually concerned with Allāh's Praises and Glorification. Literally it means, "whatever comes after." It is generally translated as "then after" or "to proceed."
- Ansār:** (الأنصار) The Companions of the Prophet ﷺ from the inhabitants of Al-Madinah, who embraced Islam and supported it and who received and entertained the Muslim emigrants from Makkah and other places.
- Al-'Aqīq:** (المقين) A valley in Al-Madinah about seven kilometers west of Al-Madinah.
- Aqīqah:** (المقينة) It is the sacrificing of one or two sheep on the

- 'Aqrā Halqā:** occasion of the birth of a child, as a token of gratitude to Allāh. (See *Sabib Al-Bukhāri*, 'The Book of 'Aqiqah').
- 'Arafah (day of):** (عرفة) It is an exclamatory expression. It expresses disapproval.
- 'Arafāt:** (عرفات) A famous place of pilgrimage on the southeast of Makkah about twenty-five kilometers from it.
- Arāk:** (الأراك) A tree from which *Siwāk* (سواك) (tooth brush) is made.
- Al-Abra'ah:** (الأبراء) The four compilers of *Abādīth* — Abu Dāwūd, Nasā'i, Tirmidhi and Ibn Mājah.
- 'Asabah:** (العصبة) All male relatives of a deceased person from the father's side.
- Ashāb As-Suffah:** (أصحاب الصفة) They were about eighty or more men who used to stay and have religious teachings in the Prophet's Mosque in Al-Madinah, and they were very poor people.
- Ashāb As-Sunan:** (أصحاب السنن) The compilers of the prophetic *Abādīth* on Islamic jurisprudence.
- 'Ashūra:** (العاشرة) The 10th of the month of Muharram (the first month in the Islamic calendar).
- 'Asr:** (العصر) Afternoon, 'Asr prayer time.
- 'Aurah:** (الغورة) That part of the body which is illegal to expose to others.
- Awsuq:** (أوست) Plural of *Wasq*, which is a measure equal to 60 *Sā'* = 135 kgms. (approx). It may be less or more.
- Āyāt:** (الآيات) Proofs, evidences, verses, lessons, signs, revelations, etc.
- Ayatul-Kursi:** (آية الكرسي) Qur'ānic Verse no. 255 of *Sūrat Al-Baqarah*.
- Ayyām At-Tashriq:** (أيام التشريق) It is a term used for the eleventh, twelfth and thirteenth of Dhul-Hijjah.
- Ayyim:** (الأيم) A woman who already has had a sexual experience; she may be a widow or a divorcee.
- 'Azl:** (العزل) Coitus interruptus, i.e., pulling out the penis from vagina at the time of ejaculation of semen for the purpose of birth control.
- Azlām:** (الأزلام) Literally means "arrows". Here it means arrows used to seek good luck or a decision, practised by the 'Arabs of Pre-Islamic Period of Ignorance.
- Badanah:** (بدنة) (Plural: *Budn*). A camel or a cow or an ox driven to be offered as a sacrifice, by the pilgrims at the sanctuary of Makkah.
- Badr:** (بدر) A place about 150 kilometers to the south of Al-Madinah, where the first great battle in Islamic history took place between the early Muslims and the infidels of Quraish.

- Al-Bahīra:** (البحيرة) A milking she-camel, whose milk used to be spared for idols and other false deities.
- Bai'a:** (البيعة) A pledge given by the citizens to their *Imām* (Muslim ruler) to be obedient to him according to the Islamic religion.
- Al-Baitul-Ma'mūr:** (البيت المعمور) Allāh's House over the seventh heaven.
- Baitul-Maqdis:** (بيت المقدس) *Bait* literally means 'House': a mosque is frequently called *Baitullāh* (the House of Allāh). *Bait-ul-Maqdis* is the famous mosque in Jerusalem which is regarded as the third sacred mosque in Islam, the first and second being *Al-Masjid-al-Harām* at Makkah and the mosque of the Prophet ﷺ at Al-Madinah, respectively.
- Baitul-Midras:** (بيت المدرسة) A place in Al-Madinah (and it was a Jewish centre).
- Bai'atur-Ridwān:** (بيعة الرضوان) The oath and pledge taken by the *Sabāba* at Al-Hudaibiyah in the year 6 H to fight Quraish in case they harmed 'Uthmān رضي الله عنه who had gone to negotiate with them and reported to have been taken captive.
- Banū Al-Asfar:** (بني الأصف) The Byzantines.
- Baqī' :** (الباقي) The cemetery of the people of Al-Madinah; many of the Companions of the Prophet ﷺ are buried in it.
- Barr:** (بار) Pious.
- Bid'ah:** (البدعة) Any innovated practice in religion.
- Bint Labūn:** (بنت لبون) A two-year-old she-camel.
- Bint Makhād:** (بنت مخاض) One-year-old she-camel.
- Burāq:** (براق) An animal bigger than a donkey and smaller than a horse on which the Prophet ﷺ went for the *Mi'rāj*. (The Ascent of the Prophet ﷺ to the heavens.)
- Daiyyān:** (الدیان) Allāh; it literally means the One Who judges people from their deeds after calling them to account.
- Dajjāl:** (الدجال) Pseudo Messiah (*Al-Masīh-ad-Dajjāl*) or Antichrist. Literally a liar, quack, deceiver. (See the footnote of V.6:158 the Qur'ān and also *Hadīth* no.3441 and 3439, *Sabib Al-Bukhārī*).
- Dāniq:** (دانق) A coin equal to one-sixth of a Dirham.
- Dār-al-Qadā' :** (دار القضاء) Justice House (court).
- Dhāt-'Irq:** (ذات عرق) *Miqāt* for the pilgrims coming from Iraq.
- Dhātun-Nitāqain:** (ذات النطاقين) رضي الله عنهما Asmā', the daughter of Abū Bakr (ذات النطاقين). It literally means a woman with two belts. She was named so by the Prophet ﷺ.
- Dhawul-Arhām:** (ذوو الأرحام) Relatives on the maternal side.
- Dhimmī:** (الذممي) A non-Muslim living under the protection of an Islamic government.
- Dhul-Farā'id:** (ذو الفرائض) Those persons whose share of inheritance is described in the Qur'ān are called *Dhul-Farā'id*, and the

- Dhul-Hijjah:** rest are *Asabab* (العصبة).
Dhul-Hulaifa: (ذوالحجۃ) The twelfth month in the Islamic calendar.
Dhul-Khalasa: (ذوالحیلة) The *Miqāt* of the people of Al-Madīnah now called 'Abyār 'Ali.
Dhul-Qa'da: (ذوالقعدة) Al-Ka'bah Al-Yamaniyah. (A house in Yemen where idols used to be worshipped. It belonged to the tribe of Khath'am and Bujailah).
Dhul-Qarnain: (ذوالقرنین) A great ruler in the past who ruled all over the world, and was a true believer. His story is mentioned in the Qur'ān. (V.18:83)
Dhū-Mahram: (ذو محرم) A man, whom a woman can never marry because of close relationship (e.g. a brother, a father, an uncle); or her own husband.
Dhū-Tuwa: (ذو طوی) It is one of the valleys (districts) of Makkah and there is a well-known well in it. In the lifetime of the Prophet ﷺ Makkah was a small city and this well was outside its precincts. Nowadays Makkah is a larger city and the well is within its boundaries.
Dibāj: (الدبياج) Pure silk cloth.
Dīnār: (الدينار) An ancient gold coin.
Dirham: (الدرهم) A silver coin weighing 50 grains of barley with cut ends. It is equal to 1/12 of one *Uqiyyah* of gold in value.
Diya: (الدية) (Plural: *Diyāt*) Blood money (for wounds, killing etc.), as compensation paid by the killer to the relatives of the victim (in unintentional cases).
Duha: (الفصحى) Forenoon.
Fadak: (فداك) A town near Al-Madīnah.
Fāhish: (الفاحش) One who talks evil.
Fai': (الفيء) War booty gained without fighting.
Fajr: (الفجر) Dawn or early morning before sunrise, or morning *Salāt* (prayer).
Faqīh: (الفقيه) A learned man who can give religious verdicts.
Farā'id: (الفرض) Shares fixed for the relatives of a deceased. Such shares are prescribed in the Qur'ān (1/2, 1/4, 1/3, 1/6 1/8, 2/3). [V.4:11, 12, 176]
Fard 'Ain: (فرض العين) It is an individual duty – an obligation essentially to be performed by each individual.
Fard Kifāyah: (فرض الكفاية) It is a collective duty – an obligation which, if performed by one person, suffices for the rest; as it does not have to be performed essentially by all.
Farīdah: (الفرضة) (Plural: *Farā'id*) An enjoined duty.
Fatāt: (الفتاة) A female slave or a young lady.
Al-Fātiḥah: (الفاتحة) The first *Sūrat* in the Qur'ān.
Fidyah: (الندية) Compensation for a missed or wrongly practised religious obligation (like in *Hajj*), usually in the form of

- Fiqh:** money or foodstuff or offering (animal by slaughtering it).
Al-Firdaus: (الفردوس) The middle and the highest part of Paradise.
Fitnah: (الفتنة) (Plural: *Fitān*) Trials, persecution, mischief, confusion in the religion, conflicts and strifes among the Muslims.
Ghairah: (الغيرة) This word covers a wide meaning : jealousy as regards women, and also it is a feeling of great fury and anger when one's honour and prestige is injured or challenged.
Ghāzī: (الغازي) A Muslim fighter returning after participation in *Jibād* (Islamic holy fighting).
Ghazwah: (الغزوة) (Plural: *Ghazawāt*). A holy battle or fighting in the Cause of Allāh consisting of a large army unit with the Prophet ﷺ himself leading the army.
Ghazwatul-Khandaq: (غزوة الخندق) The name of a battle between the early Muslims and the infidels in which the Muslims dug a *Khandaq* (trench) round Al-Madīnah to prevent any advance by the enemies.
Ghulūl: (الغلول) Stealing from the war booty before its distribution.
Ghuraf: (الغرف) Special abodes.
Al-Ghurrul-Muhajjalūn: (الغر الممحجون) A name that will be given on the Day of Resurrection to the Muslims because the parts of their bodies which they used to wash in ablution will shine then.
Ghusl: (الغسل) A ceremonial bath. This is necessary for one who is *Junub*, and also on other occasions. This expression 'taking a bath' is used with the special meaning of *Ghusl* mentioned here.
Habalul-Habalā: (ححل الحبلة) There were two forms of this trade called *Habalul-Habalā*. The example of first form is that to buy an offspring of an animal which itself is yet to be born by making the payment in advance. Second form is to sell an animal on condition to have the offspring of the sold animal. Both forms of this kind of transaction are prohibited.
Al-Hadath Al-Akbar: (الحدث الأكبر) State of uncleanness because of sexual discharge.
Al-Hadath Al-Asghar: (الحدث الأصغر) Passing wind or urine or answering the call of nature.
Hadīth: (أحاديث) (الحدیث) (Plural: *Abādīth*). The sayings, deeds and approvals accurately narrated from the Prophet ﷺ.
Hady: (الهدي) An animal (a camel, a cow, a sheep or a goat) offered as a sacrifice by the pilgrims.
Hajj: (الحج) Pilgrimage to Makkah.
Al-Hajj-al-Akbar: (الحج الأكبر) The day of *Nabr* (i.e the 10th of Dhul-Hijjah).

- Al-Hajjal-Asghar:** (الحج الأصغر) ‘Umrah.
- Hajjal-Ifrād:** (حج الإفراد) In it a pilgrim enters in the state of *Ibrām* with the intention of performing *Hajj* only.
- Hajjal-Qirān:** (حج القران) In it a pilgrim enters in the state of *Ibrām* with the intention of performing *Umrah* and *Hajj* together.
- Hajjat-Tamattu‘:** (حج التمتع) In it a pilgrim enters in the state of *Ibrām* with the intention of performing *Umrah*, and then after performing *Tawāf* and *Sa‘y*, he comes out of his *Ibrām*. With the commencement of *Hajj* days, he enters in the state of *Ibrām* again and performs *Hajj*.
- Hajjatul-Wadā‘:** (حج الوداع) The last *Hajj* of the Prophet ﷺ the year before he died.
- Hajj Mabrūr:** (الحج المبرور) *Hajj* accepted by Allāh for being perfectly performed according to the Prophet’s *Sunnah* and with legally earned money.
- Halāl:** (الحلال) Lawful.
- Hanīf:** (الحنيف) Pure Islamic Monotheism (worshipping Allāh Alone and nothing else).
- Hantāh:** (هنتا) An expression used when you don’t want to call somebody by her name. (It is used for calling a female).
- Harām:** (الحرام) Unlawful, forbidden and punishable from the viewpoint of religion.
- Haram:** (الحرام) Sanctuaries of Makkah and Al-Madīnah.
- Harbah:** (الحربة) A short spear.
- Harj:** (الهرج) Killing.
- Harrah:** (الحرة) A well-known rocky place in Al-Madīnah covered with black stones.
- Al-Harūriyyah:** (الحرورية) A special unorthodox religious sect.
- Al-Hasbā‘:** (الحصباء) A place outside Makkah where pilgrims go after finishing all the ceremonies of *Hajj*.
- Hawālah:** (الحوالة) The transference of a debt from one person to another. It is an agreement whereby a debtor is released from a debt by another becoming responsible for it.
- Hawāzin:** (الهوازن) A tribe of Quraish.
- Hayā‘:** (الحياء) This term covers a large number of concepts. It may mean ‘modesty’, ‘self-respect’, ‘bashfulness’, ‘honour’, etc. *Hayā‘* is of two kinds: good and bad; the good *Hayā‘* is to be ashamed to commit a crime or a thing which Allāh عز وجل and His Messenger ﷺ has forbidden, and bad *Hayā‘* is to be ashamed to do a thing, which Allāh and His Messenger ﷺ ordered to do. (See *Sahīb Al-Bukhārī*, *Hadīth* no. 9).
- Hibah:** (الهبة) It means to present something to someone as a gift for Allāh’s sake.
- Al-Hidanah:** (الحضانة) The nursing and caretaking of children.
- Hijāb:** (الحجاب) A long dress prescribed for Muslim women to

- Al-Hijr:** cover their whole body from head to feet.
 (الحجر) The unroofed portion of the Ka'bah which at present is in the form of a compound towards the north of the Ka'bah.
- Hijrah:** (الهجرة) Literally it means 'migration'. This term is used for:
 (i) the migration of Muslims from an enemy land to a secure place for religious causes, (ii) the first Muslims migration from Makkah to Abyssinia (Ethiopia) and later to Al-Madinah, (iii) the Prophet's migration journey from Makkah to Al-Madinah, and (iv) the Islamic calendar year which started from the Prophet's migration journey from Makkah to Al-Madinah.
- Hilāb:** (حِلَاب) A kind of scent.
- Hima:** (الحِمَى) A private pasture.
- Himyān:** (حِمْيَان) A kind of belt, part of which serves as a purse to keep money in it.
- Hinnā:** (الحناء) (Henna) A kind of plant used for dyeing hair etc.
- Hiqqah:** (الحِقَّة) A three-year-old she-camel.
- Hirā:** (الحراء) A well-known cave in a mountain near Makkah.
- Hubal:** (هَبَل) The name of an idol in the Ka'bah in the Pre-Islamic Period of Ignorance.
- Hublā:** (الحِبْلَى) A kind of desert tree.
- Huddā:** (الحُدَاد) Chanting of camel-drivers keeping time of camel's walk.
- Al-Hudaibiyah:** (الحدَيْبِيَّة) A well-known place about 16 kilometers from Makkah on the way to Jeddah. At this place a treaty was made in 6 H. between the Prophet ﷺ and the Quraish who stopped him and his Companions from performing 'Umrah.
- Hudūd:** (الحدود) (Plural of *Hadd*) Allāh's boundary limits for *Halāl* (lawful) and *Harām* (unlawful).
- Hujrah:** (الحجرة) Courtyard or a room.
- Hukm:** (الحِكْمَة) A judgement of legal decision (especially of Allāh)
- Hums:** (حسن) The tribe of Quraish, their offspring and their allies were called *Hums*. This word implies enthusiasm and strictness. The *Hums* used to say, "We are the people of Allāh and we shall not go out of the sanctuary of Makkah." They thought themselves superior to the other people.
- Hunain:** (الحنين) / valley between Makkah and Tā'if where the battle took place between the Prophet ﷺ and Quraish pagans.
- Hūr:** (الحُور) Very fair females created by Allāh as such not from the offspring of Adam, with intense black irises of their eyes and intense white scleras. [For details see the book *Hādi Al-Arwah* by Ibn Al-Qayyim, Chapter 54].
- Īdal-Adha:** (عِيد الأضحى) The four days' festival of Muslims starting on

- Id-al-Fitr:** the tenth day of Dhul-Hijjah (month).
 (عيد الفطر) The three days' festival of Muslims starting from the first day of Shawwāl, the month that follows Ramadān. *Fitr* literally means 'breaking the *Saum* (fast).' Muslims observe *Saum* (fast) the whole of Ramadān, the ninth month of the Islamic calendar and when Shawwāl comes, they break their *Saum* (fast).
- Iddah:** (العدة) Allāh's prescribed waiting period for a woman after divorce or death of her husband, after the expiry of which she can remarry another person. (See the Qur'ān, *Sūrat 65*).
- Idhkhir:** (الإذخر) It is a kind of grass which is used in the process of melting of the metals. The same is laid down on the roofs and floors of houses, and is also used in spreading in the graves.
- Iftār:** (الإنفصال) The opposite of *Saum* (fasting), (breaking the fast).
- Al-Ihdād:** (الإحداد) Mourning for a deceased husband.
- Ihrām:** (الإحرام) A state in which one is prohibited to practise certain deeds that are lawful at other times. The duties of '*Umrah*' and '*Hajj*' are performed during such state. When one assumes this state, the first thing one should do is to express mentally and orally one's intention to assume this state for the purpose of performing *Hajj* or '*Umrah*'. Then *Talbiyah* is recited, two sheets of unstitched clothes are the only clothes one wears, (1) *Izār*: worn below one's waist; and the other (2) *Ridā'*: worn round the upper part of the body.
- Ihsān:** (الإحسان) The highest level of deeds and worship, (perfection i.e. when you worship Allāh or do deeds, consider yourself as if you see Him and if you cannot achieve this feeling or attitude, then you must bear in mind that He sees you).
- Al-Ihtibā':** (الاحتباء) A sitting posture, putting one's arms around one's legs while sitting on the hips.
- 'Ila':** (الإيلاء) The oath taken by a husband that he would not approach his wife for a certain period.
- Iliyā':** (إلياء) Jerusalem.
- Imām:** (إمام) The person who leads others in the *Salāt* (prayer) or the Muslim caliph (or ruler).
- Imān:** (إيمان) Faith, Belief.
- 'Inah:** (العينة) A kind of transaction. One form of it is that if a person asks someone to lend him a certain amount of money, he refuses the money in cash, but instead offers him an article at a higher price than his demand of the required money, and later on buys the same article from

him at a less price i.e., equal to the money he wants. In this way he makes him indebted for the difference. It shows that two things are the causes of Muslim disgrace — one is giving up of *Jihād* and the second is fraud and swindling.

Iqāmah:

(الإقامة) The wording of *Adbān* is reduced so that the wording that is repeated twice in the *Adbān* is said once in *Iqāmah*, except the last phrase of *Allābu Akbar*, and the prayer is offered immediately after the *Iqāmah*.

Iqāmatas-Salāt:

(إقامة الصلاة) The performing of *As-Salāt* (the prayers). This is not understood by many Muslims. It means:

(A) Every Muslim, male or female, is obliged to offer his *Salāt* (prayers) regularly five times a day at the specified times; the male in a mosque in congregation and as for the female it is better to offer them at home. As the Prophet ﷺ has said: "Order your children to offer *Salāt* (prayers) at the age of seven and beat them (about it) at the age of ten". The chief (of a family, town, tribe) and the Muslim ruler of a country are held responsible before Allāh in case of non-fulfillment of this obligation by the Muslims under his authority.

(B) One must offer the *Salāt* (prayer) in a way just as Prophet Muhammad ﷺ used to offer it with all its rules and regulations, i.e. standing, bowing, prostrating, sitting as he ﷺ has said: "Offer your *Salāt* (prayer) the way you see me offer it." [7246 – O.B.] Please see *Abādīth* nos. 735, 736, 737, 756, 823, 824, *Sabib Al-Bukhārī* for the Prophet's way of offering *Salāt* (prayer), in the Book of Characteristics of the *Salāt* (prayer) and that the *Salāt* (prayer) begins with *Takbīr* (*Allābu Akbar*) with the recitation of *Sūrat Al-Fātiḥah* etc. along with its various postures, standing, bowing, prostrations, sitting etc. and it ends with *Taslīm*.

Ishā':

(العشاء) Late evening *Salāt* (prayer). Its time starts about one and a half hour after sunset, till the middle of the night.

Istabraq:

(استبرق) Thick *Dibāj* (pure silk cloth).

Istiḥādah:

(الاستحاضة) Any bleeding from the womb of a woman in between her normal periods. (See *Sabib Al-Bukhārī*, *Hadīth* no. 306 and Chapter no. 10).

Istikhārah:

(الاستخارة) A *Salāt* (prayer) consisting of two *Rak'ah* in which the praying person appeals to Allāh to guide him on the right way, regarding a certain matter he wants to undertake. (See *Hadīth* no. 1162, *Hadīth* no. 6382, *Hadīth* no. 7390, *Sabib Al-Bukhārī*).

Istisqā':

(الاستسقاء) A *Salāt* (prayer) consisting of two *Rak'ah*,

| | |
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| <i>Itikāf:</i> | invoking Allāh for rain in seasons of drought, (الاعتكاف) Seclusion in a mosque for the purpose of worshipping Allāh only. The one in such a state should not have sexual relations with his wife, and one is not allowed to leave the mosque except for a very short period, and that is only for very urgent necessity e.g. answering the call of nature or joining a funeral procession etc. |
| <i>Izār:</i> | (الإزار) A sheet worn below the waist to cover the lower-half of the body. |
| <i>Jadha'ah:</i> | (الجذعة) A four-year-old she-camel. |
| <i>Jahannam:</i> | (جهنم) Hell-fire. |
| <i>Jahiliyyah:</i> | (الجهالية) (i) Ignorance belonging to the period before the advent of the Prophet ﷺ. (ii) Un-Islamic practices which either existed or were inherited from the era before the advent of the Prophet ﷺ. |
| <i>Jalsatul-Istirāhah:</i> | (جلسة الاستراحة) The brief sitting between rising up from a prostration position to the standing position in a prayer. |
| <i>Jam‘:</i> | (الجمع) Al-Muzdalifah, a well-known place near Makkah. |
| <i>Jamrah:</i> | (الجرمة) A small stone-built pillar in a walled place. There are three <i>Jamrah</i> situated at Mina. One of the ceremonies of <i>Hajj</i> is to throw pebbles at these <i>Jamrah</i> on the four days of <i>Id-al-Adha</i> at Mina. |
| <i>Jamratul-'Aqabah:</i> | (الجرمة المقدمة) One of the three stone-built pillars situated at Mina. It is situated at the entrance of Mina from the direction of Makkah. |
| <i>Janābah:</i> | (الجنابة) The state of a person after having sexual intercourse with his wife or after having a sexual discharge in a wet dream. A person in such a state should perform <i>Ghusl</i> (i.e. have a bath) or do <i>Tayammum</i> , if a bath is not possible. |
| <i>Janāzah:</i> | (الجنازة) (Plural: <i>Janā'iz</i>) Funeral. |
| <i>Jannah:</i> | (الجنة) Paradise. |
| <i>Jihād:</i> | (الجهاد) Holy fighting in the Cause of Allāh or any other kind of effort to make Allāh's Word (i.e. Islam) superior. <i>Jihād</i> is regarded as one of the fundamentals of Islam. [See the footnote of (V.2:190) The Noble Qur'ān]. |
| <i>Jimār:</i> | (الجمار) Plural of <i>Jamrah</i> . |
| <i>Jinn:</i> | (الجِن) A creation, created by Allāh from fire, like human beings from dust, and angels from light. |
| <i>Al-Ji'rānah:</i> | (الجعرانة) A place, few kilometers from Makkah. The Prophet ﷺ distributed the war booty of the battle of Hunain there, and from there he assumed the state of <i>Ibrām</i> to perform <i>'Umrah</i> . |
| <i>Jizyah:</i> | (الجزية) Head tax imposed by Islam on all non-Muslims living under the protection of an Islamic government. |

[See *Sabīb Al-Bukkārī*, Chapter 1, and *Abādīth* no. 3156, 3157, 3158 and 3159.]

- Al-Juhfah:** (الجھة) The *Miqāt* of the people of Shām.
- Jumu'ah:** (الجمعة) Friday.
- Junub:** (الجنب) A person who is in a state of *Janāba*.
- Jurhum:** (جرهم) Name of an Arab tribe.
- Ka'bah:** (الکعبۃ) A square stone building in *Al-Masjid-al-Harām* (the great mosque at Makkah) towards which all Muslims face in *Salāt* (prayer).
- Kafālah:** (الکفالة) The pledge given by somebody to a creditor to guarantee that the debtor will be present at a certain specific place to pay his debt or fine, or to undergo a punishment etc.
- Kaffārah:** (الکفارۃ) Making atonement for uttering or committing an unlawful thing in Islam.
- Kāfir:** (الکافر) (Plural: *Kuffār*). The one who disbelieves in Allāh, His Messengers, all the angels, all the holy Books, Day of Resurrection and in the *Al-Qadar* (Divine Preordainments).
- Kanz:** (الکنز) Hoarded up gold, silver and money, the *Zakāt* of which has not been paid. (See the Qur'ān V. 9:34).
- Katm:** (الکتم) A plant used for dyeing hair.
- Al-Kauthar:** (الکوثر) A river in Paradise (see the Qur'ān, *Sūrah* no.108).
- Al-Khamsah:** (الخمسة) The five compilers of *Abādīth* — Abu Dāwūd, Nasā'i, Tirmidhi, Ibn Mājah and Ahmad.
- Khaibar:** (خیبر) An oasis and date-growing village, about 100 kilometers from Al-Madinah. During the Prophet's time, it was inhabited by a Jewish tribe called Banū Nadir. It was conquered by the Muslims in 5 H.
- Khalifah:** (الخلفاء) (Plural: *Khulafā*) Caliph, a successor, an Islamic term used for the first four rulers after the death of the Prophet ﷺ.
- Khalil:** (الخلیل) The one whose love is mixed with one's heart and it is superior to a friend or beloved. The Prophet ﷺ had only one *Khalil*, i.e. Allāh, but he had many friends.
- Khamr:** (الخمر) Wine, Alcohol, intoxicant etc.
- Khamīṣah:** (الخیصۃ) A black woollen square blanket with marks on it.
- Khandaq:** (الخدق) See *Ghazwatul-Khandaq*.
- Kharāj:** (الخراج) *Zakāt* imposed on the yield of the land (1/10th or 1/20th).
- Khawārij:** (الخوارج) The people who dissented from the religion and disagreed with the rest of the Muslims.
- Khazīr or Khazīrab:** (الخزیر، الخزیرة) A special type of dish prepared from barley-flour, meat-soup, fat etc.
- Khilafah:** (الخلافة) (i) Succession. (ii) Islamic leadership.
- Khimār:** (الخمار) A piece of cloth with which a woman covers her

- head and neck area.**
- Khuff:*** (الخف) Leather socks.
- Khul':*** (الخلع) A kind of divorce in which a wife seeks divorce from her husband by giving him a certain compensation, or returning back the *Mahr* which he gave her.
- Khumrah:*** (الخمرة) A small mat just sufficient for the face and the hands [on prostrating during *Salāt* (prayers)].
- Khumus:*** (الخمس) One-fifth of war booty given in Allāh's Cause (The Qur'ān, V.8:41).
- Khushū':*** (الخشوع) Humility before Allāh.
- Khusūf:*** (الخسوف) Lunar eclipse.
- Khutbah:*** (الخطبة) Religious talk (sermon).
- Khutbatun-Nikāh:*** (خطبة النكاح) A speech delivered at the time of concluding the marriage contract.
- Khuzā'ah:*** (الخزاعة) Banu Khuzā'ah, an Arabian tribe.
- Kohl:*** (الكohl) Antimony eye powder.
- Kūfah:*** (الكونية) A town in 'Irāq.
- Kufr:*** (الكفر) It is basically disbelief in any of the articles of Islamic Faith and they are: to believe in Allāh (God), His angels, His Messengers, His revealed Books, the Day of Resurrection, and *Al-Qadar* (i.e. Divine Preordainments whatever Allāh has ordained must come to pass).
- Kunyah:*** (الكنية) Calling a man, 'O father of so-and-so!' or calling a woman, 'O mother of so-and-so!' This is a custom of the Arabs.
- Kusūf:*** (الكسوف) Solar eclipse.
- Labbaika wa sa'daika:*** (لبيك وسعديك) I respond to your call and I am obedient to your orders.
- Lā ilāha illallāh:*** (لا إله إلا الله) None has the right to be worshipped but Allāh.
- Lailatul-Qadr:*** (ليلة القدر) One of the odd last ten nights of the month of *Saum* (fasting) (i.e. Ramadān), Allāh تَعَالَى describes it as better than one thousand months, and the one who worships Allāh during it by performing optional prayers and reciting the Noble Qur'ān, etc. will get a reward better than that of worshipping Him for one thousand months (i.e. 83 years and four months). [See the Qur'ān *Sūrat* 97 (V.97: 1-5)]. (See *Sabib Al-Bukhāri*, *Hadīth* no. 2014 and Chapter no.1).
- Lāt and Uzza:*** (اللات والعزى) Well-known idols in Hijāz which used to be worshipped during the Pre-Islamic Period of Ignorance.
- Li'ān:*** (اللمان) An oath which is taken by both the wife and the husband when the husband accuses his wife of committing illegal sexual intercourse. (The Qur'ān, *Sūrat An-Nūr*, 24:6,7,8,9.).
- Luqatah:*** (اللقطة) Article or a thing (a pouch or a purse tied with a

- Ma'āfiri:** string) found by somebody other than the owner who has lost it.
- Al-Madīnah:** مَدِينَةٌ (الْمَدِينَةِ) A type of garment of Yemen origin.
- Magħafir:** مَغَافِرٌ (الْمَغَافِرِ) Well-known city in Saudi Arabia, where the Prophet's Mosque is situated. It was formerly called Yathrib.
- Al-Maghāzi:** مَغَازِي (الْمَغَازِي) Plural of *Magħbza*, i.e. holy battle; or the place where the battle took place; or the deeds and virtues of *Għażi* (fighters in Allāh's Cause)
- Magħrib:** مَغْرِبٌ (الْمَغْرِبِ) Sunset, evening *Salāt* (prayer).
- Mahr:** مَهْرٌ (الْمَهْرِ) Bridal money given by the husband to the wife at the time of marriage.
- Mahram:** مَحْرَمٌ (الْمَحْرَمِ) See *Dhu-Mabram*.
- Makrūh:** مَكْرُوهٌ (الْمَكْرُوهِ) Not approved of, undesirable from the point of view of religion, although not punishable.
- Mamlūk:** مَمْلُوكٌ (الْمَمْلُوكِ) A male slave.
- Al-Manāṣir:** مَنَاصِيرٌ (الْمَنَاصِيرِ) A vast plateau on the outskirts of Al-Madīnah.
- Manāsik Al-Hajj wal-'Umrah:** مَنَاسِكُ الْحَجَّ وَالْعُمْرَةِ (الْمَنَاسِكُ الْحَجَّ وَالْعُمْرَةِ) Acts connected with *Hajj* like *Ibrām*; *Tawāf* of the Ka'bah and *Sa'y* of As-Safa and Al-Marwah; stay at 'Arafat, Muzdalifah and Mina; *Ramy* (throwing pebbles) of *Jamarāt*; slaughtering of *Hady* (animal) etc. For details, see The Book of *Hajj* and '*Umrah*, *Sabib Al-Bukhāri*.
- Manīḥah:** مَنِيْحَةٌ (الْمَنِيْحَةِ) (Plural: *Manā'ib*) A sort of gift in the form of a she-camel or a sheep which is given to somebody temporarily so that its milk may be used and then the animal is returned to its owner.
- Maqām Ibrāhīm:** مَقَامٌ إِبْرَاهِيمَ (الْمَقَامُ إِبْرَاهِيمَ) عَلَيْهِ الْسَّلَامُ (عليه السلام) The stone on which Ibrāhīm (Abraham) stood while he and Ismā'il (Ishmael) were building the Ka'ba.
- Maqām Mahmūd:** مَقَامٌ مَحْمُودٌ (الْمَقَامُ الْمَحْمُودِ) (المقام المحمود) A station of praise and glory, i.e. the honour of intercession on the Day of Resurrection. (See *Hadīth* no. 4718, *Sabib Al-Bukhāri*).
- Al-Marwah:** مَرْوَةٌ (الْمَرْوَةِ) A mountain in Makkah, neighbouring the Sacred Mosque (i.e. *Al-Masjid-al-Harām*)
- Mā shā' Allāh:** مَا شَاءَ اللَّهُ (ماشاء الله) An Arabic expression meaning literally, "What Allāh wills," and it indicates a good omen.
- Al-Mash'aral-Harām:** مَشْعُرُ الْحَرَامِ (المشعر الحرام) A sacred place at Muzdalifah.
- Al-Masihad-Dajjāl:** مَسِيحُ الدِّجَالِ (المسيح الدجال) Pseudo Messiah or Antichrist (see the footnote of V.6:158 the Qur'an and also *Hadīth* no. 3439, 3440 and 3441, *Sabib Al-Bukhāri*).
- Masjid:** مَسْجِدٌ (الْمَسْجِدِ) Mosque.
- Al-Masjidal-Aqsa:** مَسِيدُ الْأَقْصَى (المسجد الأقصى) The most sacred mosque in Jerusalem.
- Al-Masjidal-Harām:** مَسِيدُ الْحَرَامِ (المسجد الحرام) The Sacred Mosque in Makkah. The Ka'ba is

- situated in it.**
- Mathānī:** (المثاني) Oft repeated Verses of the Qur'ān, and that is *Sūrat Al-Fātiha*, recited repeatedly in the *Salāt* (prayer).
- Maulā:** (المولى) It has many meanings. Some are: a manumitted slave, or a patron, protector, supporter, or master or the *Rabb* [Lord (Allāh)].
- Maulāya:** (مولاي) My lord, my master (an expression used when a slave addresses his master) (also used for freed slave).
- Mauquḍhah:** (المرقودة) An animal beaten to death with a stick, a stone or the like without proper slaughtering.
- Mawālī:** (الموالي) Non-Arabs and originally former slaves.
- Mayāthir:** (المياض) Silk cushions.
- Mihjan:** (المحجن) A walking stick with a bent handle.
- Mijānn:** (المحن) A place at Makkah.
- Mina:** (منى) A pilgrimage place outside Makkah on the road to 'Arafāt. It is eight kilometers away from Makkah and about sixteen kilometers from 'Arafāt.
- Mīqāt:** (المواقعات) (Plural: *Mawāqīt*) One of the several places specified by the Prophet ﷺ for the people to assume *Ibrām* at, on their way to Makkah, when intending to perform *Hajj* or *'Umrah*.
- Mi'rāj:** (الصراط) The Ascent of the Prophet ﷺ to the heavens (by soul and body). (See *Hadīth* no. 349, *Hadīth* no. 3207 and *Hadīth* no. 3887, *Sabib Al-Bukhārī*). [Also see (V.53:12) the Qur'ān]
- Miswāk:** (المسواك) A tooth brush made of *Arāk*-tree roots.
- Mithqāl:** (المثقال) A special kind of weight (equals 42/7 grams approx., used for weighing gold). It may be less or more. [20 *Mithqāl* = 94 grams approx.]
- Mu'adhdhin:** (المؤذن) A call-maker who pronounces the *Adhān* loudly calling people to come and perform the *Salāt* (prayer).
- Mu'allafatul-Qulūb:** (مؤلفة القلوب) New Muslims who were given *Sadaqah* by the Prophet ﷺ to keep them firm in the fold of Islam.
- Mu'arras:** (المعرس) A place nearer to Mina than Ash-Shajarah.
- Mu'awwidhāt:** i.e. *Sūrat Al-Falaq* (113) and *Sūrat An-Nās* (114). [The Qur'ān].
- Mubashshirāt:** (المبشرات) Glad tidings. [See the footnote of (V. 10:64), *Sabib Al-Bukhārī*, *Hadīth* no. 6990].
- Mūbiqāt:** (الموبقات) Great destructive sins.
- Mudabbar:** (المدبر) A slave who is promised by his master to be manumitted after the latter's death.
- Mudd:** (المد) A measure of two-thirds of a kilogram (approx.) It may be less or more.
- Mufassal or Mufassalāt:** (المفصل، المفصلات) The *Sūrab* starting from *Qāf* to the end of the Noble Qur'ān (i.e. from no. 50 to the end of the Qur'ān, no. 114).

- Muhājir:** (المهاجر) Anyone of the early Muslims who had migrated from any place to Al-Madīnah in the lifetime of the Prophet ﷺ before the conquest of Makkah and also the one who emigrates for the sake of Allāh and Islam and also the one who quits all those things which Allāh has forbidden.
- Muhāqalah:** (المحالة) It is selling un-harvested grain in the field with an already harvested grain like wheat.
- Muharram:** (المحرم) The first month of the Islamic calendar.
- Al-Muhassab:** (المحسوب) A valley outside Makkah sometimes called Khaif Bani Kinanah.
- Muhkam:** (المحكم) Qur'ānic Verses the contents of which are not abrogated..
- Muhrim:** (المحرم) One who assumes the state of *Ibrām* for the purpose of performing the *Hajj* or *'Umrah*.
- Muhrimah:** (المحرمة) A female in the state of *Ibrām*.
- Muhsar:** (المحسن) A *Muhrim* who intends to perform the *Hajj* or *'Umrah* but cannot because of some obstacle.
- Mujāhid:** (المجاهد) (Plural: *Mujāhidūn*) A Muslim fighter in *Jihād*.
- Mujazziz:** (المعجز) A *Qā'if*: a learned man who reads the foot and hand marks.
- Mujtahidūn:** (المجتهدون) Independent religious scholars who do not follow religious opinions except with proof from the Qur'ān and the Prophet's *Sunnah*.
- Mukātab:** (المكاتب) A slave (male or female) who makes an agreement with the master to pay a certain ransom for his (or her) freedom.
- Mukhadram:** (المخضرم) (Plural: *Mukhadramun*) A person who became a Muslim during the Prophet's lifetime but did not see him.
- Mulā'anah:** (الملاعنة) The act of performing *Li'ān*.
- Mulhidūn:** (المحلدون) Heretics.
- Musallā:** (المصلى) A praying place.
- Mushrikūn:** (المشركون) Polytheists, pagans, idolaters and disbelievers in the Oneness of Allāh and His Messenger Muhammad ﷺ.
- Mustahādah:** (المستحاضة) (A woman who has bleeding from the womb in between her normal periods.
- Mutafahhish:** (المتفحش) A person who conveys evil talk.
- Mut'ah:** (المتعة) A temporary marriage which was allowed in the early period of Islam when one was away from his home, but later on it was cancelled (abrogated).
- Mu'takif:** (المعتكف) One who is in a state of *I'tikāf*.
- Mutashābihāt:** (المتشابهات) Qur'ānic Verses which are not clear and are difficult to understand.
- Mutras:** (مترس) A Persian word meaning "don't be afraid."
- Muttafaq 'Alaih:** (متفق عليه) Meaning 'Agreed upon'. The term is used for such *Abādīth* which are found in both the collections of

- Abadith:** *Bukhari* and *Muslim*.
Muttaqūn: (المتقون) The pious believers of Islamic Monotheism who fear Allāh much (abstain from all kinds of sins and evil deeds which He has forbidden) and love Allāh much (perform all kinds of good deeds which He has ordained).
- Muwatta':** (الموطأ) A *Hadīth* book compiled by Imām Mālik bin Anas, one of the four *Fiqh Imām*.
- Muzābanah:** (المزاينة) The sale of fresh dates for dried dates by measure, and the sale of fresh grapes for dried grapes by measure. In both cases, the dried fruits are measured while the fresh ones are only estimated as they are still on the trees.
- Muzdalifah:** (المزدلفة) A place between 'Arafāt and Mina where the pilgrims while returning from 'Arafāt, have to stop and stay for the whole night or greater part of it (the night), between the ninth and tenth of Dhul-Hijjah and to perform the *Magrib* and '*Iṣbā'* prayers (together) there.
- Nahr:** (النحر) (Literal: slaughtering of the camels only and is done by cutting the carotid artery at the root of the neck); the day of *Nahr* is the tenth of Dhul-Hijjah on which pilgrims slaughter their sacrificial animals.
- An-Najāshi:** (النجاشي) (Title for the) king of Ethiopia (Abyssinia) — Negus.
- An-Najsh:** (النجش) A trick (of offering a very high price) for something without the intention of buying it but just to allure and cheat somebody else who really wants to buy it although it is not worth such a high price.
- An-Najwa:** (النجوى) The private talk between Allāh and each of His slaves on the Day of Resurrection. It also means a secret counsel or conference or consultation. [See the Qur'ān (V.58: 7-13), and also see the footnote of (V.11:18)]. (See *Sabib Al-Bukhārī*, *Hadīth* no. 2441).
- Namūmah:** (النميمة) (Calumnies) conveyance of disagreeable false information from one person to another to create hostility between them.
- Naqib:** (النقيب) A person heading a group of six persons in an expedition; a tribal chief.
- Nash:** (الشن) A measure of weight equal to 1/2 *Uqiyyah* (64 grams approximately).
- Nawāfil:** (النوافل) (Plural of *Nāfilah*) Optional practice of worship in contrast to obligatory (*Faridah*).
- Nikāh:** (النكاح) Marriage (wedlock) according to Islamic law.
- Nisāb:** (النصاب) Minimum amount of property liable to payment of the *Zakāt*, e.g. *Nisāb* of gold is twenty (20) *Mithqāl* i.e. approx. 94 grams; *Nisāb* of silver is two hundred (200) dirhams, i.e. approx. 640 grams; *Nisāb* of food-grains and fruit is 5 *Awsuq*, i.e. 673.5 kgms. *Nisāb* of camels is 5

camels; *Nisāb* of cows is 5 cows; and *Nisāb* of sheep is 40 sheep.

Nūn: (نون) Fish.

Nusub: (النصب) *An-Nusub* were stone alters at fixed places or graves, etc., whereon sacrifices were offered during fixed periods of occasions and seasons in the name of idols, jinn, angels, pious men, saints, in order to honour them, or to expect some benefit from them.

Nusuk: (النسك) Religious act of worship.

Qadar: (القدر) Divine Preordainment.

Qādi: (القاضي) A Muslim judge.

Qalib: (القبيل) A well.

Qāri': (قاريء) Early Muslim religious scholars were called *Qurrā'* (plural of *Qāri'*) — this word is also used for a person who knows the Qur'ān by heart). The plural is *Qurrā'*. The *Qurrā'* were teachers of the early Muslims.

Qārin: (قارن) One who performs *Hajjal-Qirān*.

Qarnal-Manāzil: (قرن المنازل) The *Miqāt* of the people of Najd. It is situated on the way to Makkah. (Now it is known as As-Sail-al-Kabeer)

Qasab: (النصب) Pipes made of gold, pearls and other precious stones.

Qassiyi: (قسي) A kind of cloth containing silk; some say it is called so because it is manufactured in Egypt at a place called *Qiss*.

Qatīfah: (قطيفة) Thick soft cloth.

Qattāt: (قطات) A person who conveys information from someone to another with the intention of causing harm and enmity between them. (*Sabib Al-Bukhāri, Hadīth No.6056*).

Qiblah: (القبلة) The direction towards which all Muslims face in *Salāt* (prayers) and that direction is towards the Ka'bah in Makkah (Saudi Arabia).

Qil wa Qāl: (قيل وقال) Sinful, useless talk (e.g. backbiting, lies, etc.).

Qintār: (قطنطر) A weight-measure for food-grains, etc., e.g. wheat, maize, oat, barley (1 *Qintar* = 256.4 kg.).

Qīrat: (ثيراط) A special weight; sometimes a very great weight like Uhud mountain. 1 *Qīrat* = 1/2 *Dāniq* & 1 *Dāniq* = 1/6 Dirham.

Al-Qisās: (القصاص) Laws of equality in punishment for wounds etc. in retaliation.

Qithām: (قطام) A plant disease which causes fruit to fall before ripening.

Qiyām: (قيام) The standing posture in *Salāt* (prayer).

Qiyās: (قياس) Verdicts and judgements given by the Islamic religious scholars. These are given on the following proofs respectively:- (A) From the Qur'ān; (B) From the Prophet's

- Sunnah.** (C) From the unanimously accepted verdict of the *Mujtabidūn*; (D) *Qiyās*: i.e. the verdict given by a *Mujtabid* who considered the case similar in comparison with a case judged by the Prophet ﷺ. *Qiyās* is not to be practised except if the judgement of the case is not found in the first three above mentioned proofs, A, B and C.
- Qubā'.** (القباء) A place on the outskirts of Al-Madinah. The Prophet ﷺ established a mosque there, which bears the same name. A visit to that mosque on Saturday forenoon and offering a two *Rak'ab Salāt* (prayer) is regarded as a performance of '*Umrab* in reward according to the Prophet's saying.
- Qumqum:** (قمقم) A narrow-headed vessel.
- Qunūt:** (الغنوت) An invocation in the *Salāt* (prayer).
- Quraish:** (قریش) One of the greatest tribes in Arabia in the Pre-Islamic Period of Ignorance. Prophet Muhammad ﷺ belonged to this tribe, which had great powers spiritually and financially both before and after Islam came.
- Qurashi:** (القرشي) A person belonging to the Quraish (well-known Arab) tribe.
- Rabb:** (رب) There is no proper equivalent for *Rabb* in the English language. It means the One and the Only Lord for all the universe, its Creator, Owner, Organizer, Provider, Master, Planner, Sustainer, Cherisher, and Giver of security. *Rabb* is also one of the Names of Allāh. We have used the word "Lord" as nearest to *Rabb*. All occurrences of "Lord" actually mean *Rabb* and should be understood as such.
- Rabbuka:** (ربك) Your Lord, your Master.
- Rabi'ul-Awwal:** (رمي الأول) Third month of the Islamic calendar.
- Rāhilah:** (الراحلة) A she-camel used for riding. (Literally means: a mount to ride).
- Rahn:** (رهن) According to *Shari'ah*, *Ar-Rahn* (mortgage) means to give some property or belonging to a creditor as a security for payment of a loan or debt.
- Raiyyān:** (الريان) The name of one of the gates of Paradise through which the people who often observe *Saum* (fasts) will enter.
- Rajab:** (رجب) The seventh month of the Islamic calendar.
- Ar-Raj'ah:** (الرجعة) The bringing back of a wife by the husband after the first or second divorce.
- Rajaz:** (الرجن) Name of poetic metre.
- Ar-Rajm:** (الرجم) To stone to death those married persons who commit the crime of illegal sexual intercourse.
- Rak'ah:** (الرکمة) The *Salāt* (prayer) of Muslims consists of *Rak'āt* (singular-*Rak'ab*), which is a unit of prayer and consists of

one standing, one bowing and two prostrations).

Ramadān: (رمضان) The month of observing *Saum* (fasts). It is the ninth month of the Islamic calendar. In it the Noble Qur'an started to be revealed to our Prophet ﷺ and in it occurs the night of *Qadr* and in it also occurred the great decisive battle of Badr.

Ramal: (رمل) Fast walking accompanied by the movements of the arms and legs to show one's physical strength. This is to be observed in the first three rounds of the *Tawāf* around the Ka'ba, and is to be done by the men only and not by the women.

Ramy: (الرمي) The throwing of pebbles at the *Jimār* at Mina.

Riba: (الربا) Usury, which is of two major kinds: (a) *Riba Nasi'ab*, i.e. interest on lent money; (b) *Riba Fadl*, i.e. taking a superior thing of the same kind of goods by giving more of the same kind of goods of inferior quality, e.g., dates of superior quality for dates of inferior quality in greater amount. Islam strictly forbids all kinds of usury.

Rida': (الرداء) A piece of cloth (sheet) worn around the upper part of the body.

Rikāz: (الركاز) Buried wealth.

Rūhullāh: (روح الله) According to the early religious scholars from among the Companions of the Prophet ﷺ and their students and the *Mujtahidūn*, there is a rule to distinguish between the two nouns in the genitive construction:

(A) When one of the two nouns is Allāh, and the other is a person or a thing, e.g., (i) Allāh's House (*Baitullāh* بيت الله), (ii) Allāh's Messenger; (iii) Allāh's slave ('Abdullāh' عبد الله); (iv) Allāh's spirit (*Rūhullāh* روح الله) etc.

The rule of the above words is that the second noun, e.g., House, Messenger, slave, spirit, etc. is created by Allāh and is honourable with Him and similarly Allāh's spirit may be understood as the spirit of Allāh, in fact, it is a soul created by Allāh, i.e. 'Isā (Jesus), and it was His Word: "Be!" — and he was created (like the creation of Adam).

(B) But when one of the two is Allāh and the second is neither a person nor a thing, then it is not a created thing but is a quality of Allāh, e.g., (i) Allāh's Knowledge (*Ilmullāh* علم الله); (ii) Allāh's Life (*Hayatullāh* حياة الله); (iii) Allāh's Statement (*Kalāmullāh* كلام الله); (iv) Allāh's Self (*Dhātullāh* ذات الله) etc.

Ruqba: (رقبة) It is the house which is gifted to someone for lifetime only to live at, and not as a belonging.

Ar-Rugyah: (ارقية) (Incantation) Divine Speech recited as a means of

- Sā':** (الصاع) A measure that equals four *Mudd* (3 kg. approx.).
- As-Saba:** (الصبا) Easterly wind.
- As-Sab'aal-Mathāni:** (السبع المثاني) The seven repeatedly-recited Verses i.e. *Sūrat Al-Fātiḥah*. [See the Noble Qur'ān (V.15:87)].
- As-Sab'ah:** (السبعة) The seven compilers of *Abadīth* Bukhari, Muslim, Abū Dāwūd, Nasā'i, Tirmidhi, Ibn Mājah and Ahmad.
- Sabāhāh:** (صباحاً) An exclamation indicating an appeal for help.
- Sābi'ūn:** (الصابئون) A people who lived in Iraq and used to say *Lā ilāha illallāh* (none has the right to be worshipped but Allāh) and used to read *Az-Zabūr* (the Psalms of the Sābi'ūn) and they were neither Jews nor Christians.
- Sa'dān:** (السعدان) A thorny plant suitable for grazing animals.
- Sadaqah:** (الصدقة) Anything given in charity.
- Safa and Marwah:** (الصفا والمروة) Two mountains at Makkah neighbouring *Al-Masjid-al-Harām* (the Sacred Mosque) to the east. One who performs 'Umrah and *Hajj* should walk seven times between these two mountains and that is called *Sa'y*.
- Sahbā':** (صحاباً) A place near Khaibar.
- Sahihain:** (الصحيفين) The two *Hadīth* books of Imam Bukhari and Muslim.
- Sahūr:** (السحر) A meal taken at night before the *Fajr* (morning) prayer by a person observing *Saum* (fast).
- Sahw:** (السهو) Forgetting (here it means forgetting how many *Rak'at* a person has prayed in which case he should perform two prostrations of *Sahw*).
- As-Sā'ibah:** (السائلة) A she-camel which used to be let loose for free pastures in the name of idols, gods, and false deities. (See the Noble Qur'ān V.5:103).
- Sakīnah:** (السکینة) Tranquillity, calmness, peace and reassurance.
- Salab:** (السلب) Belongings (arms, horse, etc.) of a deceased warrior killed in a battle.
- As-Salāt:** (الصلوة) See *Iqāmatas-Salāt*.
- Sami' Allāhu liman hamidah:** (سمع الله لمن حمده) Allāh hears him who praises Him.
- Samur:** (السمر) A kind of tree.
- Sarif:** (سرف) A place about ten kilometers away from Makkah.
- Sarīyyah:** (السرية) A small army-unit sent by the Prophet ﷺ for *Jihād*, without his participation in it.
- As-Saum:** (الصوم) The fasting, i.e., not to eat or drink or have sexual relations from before the *Adbān* of the *Fajr* (early morning) prayer till the sunset.
- Sawiq:** (السوقي) A kind of mash made of powdered roasted wheat

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| <i>Sa'y:</i> | or barley grain (also with sugar and dates). |
| (السعي) | The going for seven times between the mountains of As-Safā and Al-Marwah in Makkah during the performance of <i>Hajj</i> and ' <i>Umrah</i> . |
| <i>Sha'bān:</i> | (شَهْبَانْ) The eighth month of the Islamic calendar. |
| <i>Ash-Shahādah:</i> | (الشهادة) (i) Testimony of Faith. (ii) "None has the right to be worshipped but Allāh, and Muhammad ﷺ is the Messenger of Allāh." |
| <i>Shām:</i> | (الشَّامْ) The region comprising Syria, Palestine, Lebanon and Jordan. |
| <i>Shawwāl:</i> | (شَوَّالْ) The tenth month of the Islamic calendar. |
| <i>Shighār:</i> | (الشِّغَارْ) A type of marriage in which persons exchange their daughters or sisters in marriage without <i>Mahr</i> . |
| <i>Ash-Shiqāq:</i> | (الشِّقَاقْ) Difference between husband and wife or any two persons. |
| <i>Shirk:</i> | (الشِّرْكْ) Polytheism and it is to worship others along with Allāh. |
| <i>Shufāh:</i> | (الشُّفَعَةْ) Pre-emption. |
| <i>Siddīq</i> and <i>Siddīqūn:</i> | (الصَّدِيقُ وَالصَّدِيقُونَ) Those followers of the Prophets who were first and foremost to believe in them (See the Qur'ān, V.4:69). |
| <i>Sidr:</i> | (السدر) Lote tree (or <i>Nabiq</i> tree). |
| <i>Sidratul-Muntaha:</i> | (السَّدَرَةُ الْمُنْتَهَى) A <i>Nabiq</i> tree over the seventh heaven near the Paradise (the lote tree of the utmost boundary) |
| <i>Siffin</i> (battle of): | (صَفَنْ) A battle that took place at Siffin between 'Alī's followers and Mu'āwiyah's followers after the killing of 'Uthmān رضي الله عنه. |
| <i>As-Sihāh As-Sittah:</i> | (الصَّحَاحُ الستَّةُ) The six books of <i>Abādīth</i> : Compiled by Bukhari, Muslim, Abū Dāwūd, Nasā'i, Tirmidhi and Ibn Mājah. |
| <i>As-Sirāt:</i> | (الصِّرَاطُ) <i>Sirāt</i> originally means 'a road'; it also means the bridge that will be laid across Hell-fire for the people to pass over on the Day of Judgement. It is described as sharper than a sword and thinner than a hair. It will have hooks over it to snatch the people. |
| <i>As-Sittah:</i> | (الستَّةُ) The six compilers of <i>Abādīth</i> — Bukhari, Muslim, Abū Dāwūd, Nasā'i, Tirmidhi, Ibn Mājah; and their six collections are called <i>Sibah Sittah</i> . |
| <i>Siwāk:</i> | (السِّوَاكُ) A piece of a root of a tree called <i>Al-Arāk</i> , used as a toothbrush. |
| <i>Subhān Allāh:</i> | (سَبَّحَنَ اللَّهُ) Glorified is Allāh. |
| <i>Sundus:</i> | (السِّنَدُسُ) A kind of silk cloth. |
| <i>Sunnah:</i> | (السُّنْنَةُ) The legal way or ways, orders, acts of worship and statements of the Prophet ﷺ, that have become models to be followed by the Muslims. |
| <i>Sutrah:</i> | (السُّترَةُ) An object like a pillar, wall or stick, a spear etc., the |

height of which should not be less than a foot and it should be in front of a person offering *Salāt* (prayer) to act as a symbolical barrier between him and the others.

- Tābah:** (الطَّابَةُ) Another name for Al-Madīnah Al-Munawwarah.
- Tabi'i:** (التابعُ) One who has met or accompanied any Companion of the Prophet ﷺ.
- Tabuk:** (تَبُوكٌ) A well-known town about 700 kilometers north of Al-Madīnah.
- Tāghūt:** (الطَّاغُوتُ) The word *Tāghūt* covers a wide range of meanings: it means anything worshipped other than the Real God (Allāh), i.e. all the false deities. It may be Satan, devils, idols, stones, sun, stars, angels, human beings, who were falsely worshipped and taken as *Tāghūt*. Likewise saints, graves, rulers, leaders, are falsely worshipped, and wrongly followed. [See *Tafsīr Ibn Kathīr* and (V.2:51)].
- Tahajjud:** (التهجد) Night optional prayer offered at any time after '*Ishā'* prayer and before the *Fajr* prayer.
- Tahnīk:** (التحنّك) It is the Islamic customary process of chewing a piece of date etc. and putting a part of its juice in the child's mouth and pronouncing *Adbān* in child's ears. (See *Sabīb Al-Bukhārī*, the Book of '*Aqīqah*').
- Taibah:** (الطَّيْبَةُ) One of the names of Al-Madīnah city.
- Tā'if:** (الطَّافِئُ) A well-known town near Makkah.
- Takbīr:** (التكبير) Saying *Allāhu-Akbar* (Allāh is the Most Great).
- Takbīrah:** (التكبيرة) A single utterance of *Allāhu-Akbar*
- Talbīnah:** (التلبينة) A dish prepared from flour and honey.
- Talbiyah:** (التلبية) Saying *Labbaik, Allāhumma Labbaik* (O Allāh! I am obedient to Your Orders, I respond to Your Call).
- At-Tan‘īm:** (التنبيه) A place towards the north of Makkah outside the sanctuary from where Makkans may assume the state of *Ibrām* to perform '*Umrah*.
- Taqlīd:** (التقليد) Putting coloured garlands around the necks of *Budn* (animals for sacrifice).
- Tarāwīh:** (الترَاوِيْحُ) Optional *Salāt* (prayers) offered after the '*Ishā'* prayers on the nights of Ramadān. These may be performed individually or in congregation.
- Tarji‘:** (الترجِيْحُ) Repetition of the words of the *Adbān* twice by the *Mu‘abdhibin* (call-maker).
- Tashahhud:** (التشهيد) The recitation of the invocation: *At-tahiyātū lillāhi... (up to) ... wa ash-hadu anna Muhammada Rasūlullāh*", while in *Qu‘ūd*, i.e. sitting posture in *Salāt* (prayer). [See *Sabīb Al-Bukhārī*, *Hadīth* no. 831, and it also means: to testify *Lā ilāha illallāh Muhammадun Rusūl Allāh* (none has the right to be worshipped but Allāh and Muhammad is the Messenger of Allāh).]

Taslim: (التسليم) On finishing the *Salāt* (prayer), one turns one's face to the right and then to the left saying, *Assalāmu 'Alaikum wa Rabmatullāh* (Peace and Mercy of Allāh be on you).

Tauhīd (Islamic Monotheism):

(التوحيد) *Taubid* (Islamic Monotheism) is to believe in the following six Articles of Faith:

(1) Allāh, (2) His Angels, (3) His Messengers, (4) His revealed Books, (5) The Day of Resurrection, and (6) *Al-Qadar* (Divine Preordinances, i.e., whatever Allāh has ordained must come to pass).

And to act on the following five Principles of Islam.

(1) To testify *Lā ilāha illallāh, wa anna Muhammād-ur-Rasūl Allāh* (none has the right to be worshipped but Allāh and that Muhammad is the Messenger of Allāh), (2) to offer the (compulsory congregational) prayers dutifully and perfectly (*Iqāmat As-Salāt*), (3) to pay *Zakāt*, (4) to perform *Hajj* (i.e., pilgrimage to Makkah), and (5) to observe *Saum* (fast) during the month of Ramadān.

And to believe in Allāh means declaring Allāh to be the only God in the heavens and the earth and all that exists. It has three aspect; (A), (B) and (C):

(A) Oneness of the Lordship of Allāh; *Taubid-al-Rubūbiyyab*: To believe that there is only one Lord for all the universe and He is its Creator, Organizer, Planner, Sustainer, and the Giver of security, and that is Allāh.

(B) Oneness of the worship of Allāh; *Taubidal-Ulūbiyyab*: To believe that none has the right to be worshipped [e.g. praying, invoking, asking for help (from the unseen), swearing, slaughtering sacrifices, giving charity, fasting, pilgrimage, etc.], but Allāh.

(C) Oneness of the Names and the Qualities of Allāh; *Taubid-al-Asmā' was-Sifāt*: To believe that : (i) we must not name or qualify Allāh except with what He or His Messenger ﷺ has named or Qualified Him; (ii) none can be named or qualified with the Names or Qualifications of Allāh; e.g. *Al-Karīm*; (iii) we must believe in all the Qualities of Allāh which Allāh has stated in His Book (the Qur'ān) or mentioned through His Messenger (Muhammad ﷺ) without changing their meaning or ignoring them completely or twisting the meanings or giving resemblance to any of the created things; e.g. Allāh is present over His Throne as mentioned in the Qur'ān. (V.20:5): "The Most Gracious (i.e. Allāh) rose over (*Ista-wa*) the (Mighty) Throne" over the seventh heaven; and He comes down over the first (nearest) heaven (to us)

during the day of 'Arafah (*Hajj*, i.e. 9th Dhul-Hijjah) and also during the last third part of the night, as mentioned by the Prophet ﷺ, but He is with us by His Knowledge, not by His Personal Self (*Bi-Dhātibī*), "There is nothing like Him, and He is the All-Hearer, the All-Seer." (The Qur'ān, V. 42:11).

This Noble Verse proves the quality of hearing and the quality of sight for Allāh without likening it (or giving resemblance) to others; and likewise He also says:

"To one whom I have created with Both My Hands," (The Qur'ān, V. 38:75); and He also says:

"The Hand of Allāh is over their hands." (V. 48:10, the Qur'ān). This confirms two Hands for Allāh, but there is no similarity for them.

This is the Faith of all true believers, and was the Faith of all the Prophets of Allāh from Nūh (Noah), Ibrāhīm (Abraham), Mūsa (Moses) and 'Isā (Jesus) till the last of the Prophets, Muhammad ﷺ. It is not like as some people think that Allāh is present everywhere, here, there and even inside the breasts of men.

These three aspects of *Taubid* are included in the meanings of *Lā ilāha illallāb* (none has the right to be worshipped but Allāh).

It is also essential to follow Allāh's Messenger Muhammad ﷺ : *Wajūb Al-Itti'bā'* and it is a part of *Taubid-al-Ulūbiyyah*. This is included in the meaning: "I testify that Muhammad ﷺ is the Messenger of Allāh" and this means, "None has the right to be followed after Allāh's Book (the Qur'ān), but Allāh's Messenger ﷺ ." [See the Qur'ān (V. 59:7) and (V. 3:31)].

Tawāf: (الطواف) The circumambulation of the Ka'ba.

Tawāf-al-Ifrād: (طواف الأفراد) The circumambulation of the Ka'bah by the pilgrims after they come from Mina on the tenth day of Dhul-Hijjah. This *Tawāf* is one of the essential ceremonies (*Rukn*) of the *Hajj*.

Tawāful-Wadā': (طواف الوداع) The *Tawāf* made before leaving Makkah after performing *Hajj* or *'Umrah*.

Tayammum: (التبسم) To put or strike lightly the hands over clean earth and then pass the palm of each on the back of the other, blow off the dust and then pass them on the face. This is performed instead of ablution (*Wudū'*) and *Ghusl* (in case of *Janaba*).

Ath-Thalathah: (الثلاثة) The three compilers of *Abadith* — Abū Dāwūd, Nasa'i and Tirmidhi.

Thaniyatal-Wadā': (ثانية الوداع) A place near Al-Madinah.

Tharid: (الثرید) A kind of meal, prepared from meat and bread.

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| Thaur: | (الثور) A well-known mountain in Al-Madīnah. |
| Tulaqā': | (الطلقاء) Those persons who had embraced Islam on the day of the conquest of Makkah. |
| Tūr: | (الطور) A mountain. |
| Uhud: | (أحد) A well-known mountain in Al-Madīnah. One of the great battles in the Islamic history took place at its foot. This battle is called <i>Ghazwah Uhud</i> . |
| 'Umrah: | (العمرة) A visit to Makkah during which one performs the <i>Tawāf</i> round the Ka'bā and the <i>Sa'y</i> between As-Safā and Al-Marwah. It is also called 'lesser <i>Hajj</i> '. (See <i>Sabib Al-Bukhāri</i> , the Book of <i>Al-'Umrah</i>). |
| 'Urfut: | (المرفظ) The tree which produces <i>Maghbāfir</i> . |
| 'Ushr: | (العشرون) One-tenth of the yield of land to be levied for public assistance (<i>Zakāt</i>). (See <i>Sabib Al-Bukhāri</i> , Hadīth no. 1483). |
| Wahy: | (الوحي) The Revelation or Inspiration of Allāh to His Prophets. |
| Waihaka: | (ربحك) 'May Allāh be Merciful to you.' |
| Wailaka: | (ويلك) 'Woe upon you!' |
| Walā': | (الولاء) <i>Al-Walā'</i> is a right to inherit the property of a freed slave to the person who has freed him. <i>Abādīth</i> has made it clear that <i>Walā'</i> is a part like a lineage. It cannot be sold or gifted, so selling it or offering it as a gift is prohibited. |
| Wali: | (الولي) (Plural <i>Auliyā'</i>) Protector, guardian, supporter, helper, friend. |
| Walīmah: | (الوليمة) The marriage feast. |
| Waqf: | (الوقف) Religious endowment. |
| Wars: | (الورس) A kind of shrub used for colouring yellow. |
| Wasāyā': | (الوصايا) Wills or testaments. (Singular: <i>Wasīyyah</i> الوصيّة) |
| Al-Wāsil: | (الواصل) One who keeps good relations with his kith and kin. |
| Wasilah: | (الوسائل) The means of approach or achieving closeness to Allāh by getting His favours. |
| Wasq: | (الواسق) (Plural: <i>Awsaq</i> or <i>Awsuq</i>) A measure equal to 60 <i>Sā'</i> =180 kg. approx. It may be less or more. |
| Widāl: | (الوسائل) Observing <i>Saum</i> (fast) for more than one day continuously. |
| Witr: | (الوتر) An odd number of <i>Rak'at</i> with which one finishes one's <i>Salāt</i> (prayers) at night after the night prayer or the <i>Ishā'</i> prayer. |
| Wudu': | (الوضوء) Ablution, which is washing the face and the hands up to the elbows, wiping the head and ears with wet fingers, and washing the feet up to ankles for the purpose of offering prayers or doing circumambulation round the Ka'bā. |
| Yalamlam: | (اللالم) The <i>Miqāt</i> of the people of Yemen. |

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| Yaqīn: | Perfect absolute Faith. (اليقين) |
| Yarmūk: | A place in Shām. (اليرموك) |
| Yathrib: | One of the names of Al-Madīnah. (يثرب) |
| Yaum-An-Nafr: | The 12th or 13th of <i>Dhu'l-Hijjah</i> when the pilgrims leave Mina after performing all the ceremonies of <i>Hajj</i> at 'Arafāt, Al-Muzdalifah and Mina. (يوم النفر) |
| Yaum An-Nahr: | The day of slaughtering the sacrificial animals, i.e., the 10th of Dhul-Hijjah. (يوم النحر) |
| Yaum-Ar-Ru'ūs: | Meaning 'day of heads'. It is the name of the day following the <i>'Id</i> day (<i>'Id-al-Adba</i>). (يوم الرؤوس) |
| Yaum At-Tarwiyah: | (يوم التروية) The eighth day of the month of Dhul-Hijjah, when the pilgrims leave Makkah for Mina. |
| Zakāt: | (الزكاة) (Obligatory charity) A certain fixed proportion of the wealth and of every kind of the property liable to <i>Zakāt</i> of a Muslim to be paid yearly for the benefit of the poor in the Muslim community. The payment of <i>Zakāt</i> is obligatory as it is one of the five pillars of Islam. <i>Zakāt</i> is the major economic means for establishing social justice and leading the Muslim society to prosperity and security. [See <i>Sabib Al-Bukhāri</i> , the Book of <i>Zakāt</i>] |
| Zakātul-Fitr: | (زكاة الفطر) An obligatory <i>Sadaqah</i> to be given by Muslims before the prayer of <i>'Id-al-Fitr</i> (See <i>Sabib Al-Bukhāri</i> . The Book of <i>Zakāt</i>). |
| Zamzam: | (زمزم) The sacred well inside the <i>Haram</i> (the grand mosque) at Makkah. |
| Zanādiqah: | (زنادقة) Atheists. |
| Zarnab: | (زرنب) A kind of good smelling grass. |
| Az-Zihār: | (الظهار) One's telling to his wife, "You are unlawful to me for cohabitation like my mother." |
| Zuhr: | (الظهر) Noon, mid-day <i>Salāt</i> (prayer) is called <i>Zubr</i> prayer. |

