

English Translation of

Jāmi‘
At-Tirmidhi

English
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Jāmi‘
At-Tirmidhi

Compiled by:

Imām Hāfiẓ Abū ‘Eisā Mohammad
Ibn ‘Eisā At-Tirmidhi

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Abu Khaliyl (USA)

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the Most Gracious, the Most Merciful*

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*In the Name of Allāh,
the Merciful, the Beneficent*

12. The Chapters On Business From The Messenger of Allāh ﷺ

Chapter 1. What Has Been Related About Matters That Are Not Clear

1205. An-Nu'mān bin Bashīr narrated that the Messenger of Allāh ﷺ said: “The lawful is clear and the unlawful is clear, and between that are matters that are doubtful (not clear); many of the people do not know whether it is lawful or unlawful. So whoever leaves it to protect his religion and his honor, then he will be safe, and whoever falls into something from them, then he soon will have fallen into the unlawful. Just like if someone grazes (his animals) around a sanctuary, he would soon wind up in it. Indeed for every king is a sanctuary (pasture), and indeed Allāh’s sanctuary is what He made unlawful.” (*Sahīh*)

(Another chain of narration) from the Prophet ﷺ, and its meaning is similar.

Abū 'Eisā said: This *Hadīth* is *Hasan Sahīh*, it has been reported by more than one from Ash-Sha'bī, from An-Nu'mān bin Bashīr.

تَعْرِيف: [صَحِيفَ] وَأَخْرَجَهُ أَحْمَدُ: ٢٦٩ مِنْ حَدِيثِ مَجَالِدِهِ، وَأَخْرَجَهُ الْبَخَارِيُّ، ح: ٥٢٣ مِنْ حَدِيثِ الشَّعْبِيِّ بِهِ.

سَمِعَ اللَّهُ الرَّحْمَنُ الرَّحِيمُ

(المعجم ١٢) - أبواب النبأ

عن رسول الله ﷺ (التحفة ١٠)

(المعجم ١) - باب ما جاء في ترك
الشبهات (التحفة ١)

١٢٠٥ - حَدَّثَنَا قُبَيْلَةُ بْنُ سَعِيدٍ: حَدَّثَنَا حَمَادُ بْنُ رَيْدٍ عَنْ مُجَاهِدٍ، عَنِ الشَّعْبِيِّ، عَنِ النَّعْمَانِ بْنِ بَشِيرٍ قَالَ: سَمِعْتَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْحَلَالُ بَيْنَ الْحَرَامِ بَيْنَ وَيْنَ»، وَبَيْنَ ذَلِكَ أُمُورٌ مُشْتَهَىٰ، لَا يَذْرِي كُثُرًا مِنَ النَّاسِ أُمِنَ الْحَلَالُ هِيَ أُمِنَ الْحَرَامُ، فَمَنْ تَرَكَهَا، اسْتَبَرَأَ لِيَدِيهِ وَعَرْضَهُ فَقَدْ سَلِمَ، وَمَنْ وَاقَعَ شَيْئًا مِنْهَا، يُوشِكُ أَنْ يُوَاقِعَ الْحَرَامَ، كَمَا أَنَّهُ مَنْ يَرْعَى حَوْلَ الْجَمَىٰ، يُوشِكُ أَنْ يُوَاقِعَ أَلَا وَإِنَّ لِكُلِّ مَلِكٍ جَمَىٰ، أَلَا وَإِنَّ جَمَىَ اللَّهُ مَحَارِمُهُ».

حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا وَكِيعٌ عَنْ زَكَرِيَّا بْنِ أَبِي زَيْدَةَ، عَنِ الشَّعْبِيِّ، عَنِ النَّعْمَانِ بْنِ بَشِيرٍ عَنِ الْتَّبَّى ﷺ، تَحْوِهٌ بِمَعْنَاهُ.

قَالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ صَحِيفٍ، وَقَدْ رَوَاهُ عَيْرُ وَاحِدٌ، عَنِ الشَّعْبِيِّ، عَنِ النَّعْمَانِ بْنِ بَشِيرٍ.

وَمُسْلِمٌ، ح: ١٥٩٩ مِنْ حَدِيثِ الشَّعْبِيِّ بِهِ.

Comments:

Pastures are green and full of grass and there is temptation for the animals in it. It is duty of the shepherd to stop the animals from going into the pastures if the owner of the pasture has prohibited grazing the animals in it. If the animals enter the pasture the shepherd will have to bear the punishment as prescribed. Similarly Allāh has declared the unlawfulness of certain things, and whoever goes near them may be tempted by their attraction, and may knowingly or unknowingly commit the sin. So, it is recommended to avoid the doubtful things. It is also recommended to avoid the stimulating factors which lead to sinful actions.

Chapter 2. What Has Been Related About Consuming *Ribā*

1206. Ibn Mas'ūd narrated: "The Messenger of Allāh ﷺ cursed the one who consumed *Ribā*, and the one who charged it, those who witnessed it, and the one who recorded it." (*Hasan*)

[He said:] There are narrations on this topic from 'Umar, 'Alī, Jābir [and Abū Juhaifah].

The *Hadīth* of 'Abdullāh (bin Mas'ūd) is a *Hasan Sahih Hadīth*.

تخریج: [إسناده حسن] وأخرجه أبو داود، البيع، باب: في أكل الربا وموكله، ح: ٣٣٣٣؛ وابن ماجه، ح: ٢٢٧٧ من حديث سماعك به وصححه ابن حبان، ح: ١١١٢ وللحديث شواهد كثيرة جدًا * وفي الباب عن عمر [ابن ماجه] وعلى [النسائي]، ح: ٥١٠٦؛ وجابر [مسلم]، ح: ١٥٩٨ وأبي جحيفة [البخاري]، ح: ٢٠٨٦ .

Comments:

This narration shows the severity of *Ribā* or usury (lending money on interest.) Dealing in *Ribā* is so abominable and such a grave sin that any kind of participation in it is a cause of curse from Allāh. Whoever consumes *Ribā*, whoever charges it, whoever witnesses it and whoever records it — all are participants in this crime and liable to punishment. So, it is very essential to avoid such dealings.

Chapter 3. What Has Been Related About The Severity Of Lying And False Speech

1207. Anas narrated that the

(المعجم ٢) - بَابُ مَا جَاءَ فِي أَكْلِ الرِّبَا (التحفة ٢)

١٢٠٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، عَنْ ابْنِ مَسْعُودٍ، قَالَ: لَعْنَ رَسُولِ اللَّهِ ﷺ أَكْلَ الرِّبَا وَمُوْكَلَهُ وَشَاهِدَيْهِ وَكَاتِبَهُ .

[قال:] وَفِي الْبَابِ عَنْ عُمَرَ وَعَلَيْهِ وَجَابِرٍ وَأَبِي جَحْفَةَ .

حديث عبد الله حديث حسن صحيح .

تخریج: [إسناده حسن] وأخرجه أبو داود، البيع، باب: في أكل الربا وموكله، ح: ٣٣٣٣؛ وابن ماجه، ح: ٢٢٧٧ من حديث سماعك به وصححه ابن حبان، ح: ١١١٢ وللحديث شواهد كثيرة جدًا * وفي الباب عن عمر [ابن ماجه] وعلى [النسائي]، ح: ٥١٠٦؛ وجابر [مسلم]، ح: ١٥٩٨ وأبي جحيفة [البخاري]، ح: ٢٠٨٦ .

(المعجم ٣) - بَابُ مَا جَاءَ فِي التَّغْلِيظِ فِي الْكَذِبِ وَالْزُّورِ وَنَحْوِهِ (التحفة ٣)

١٢٠٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَغْلَى

Prophet ﷺ said about the major sins: “Associating partners with Allāh, disobeying parents, killing oneself, and false speech.” (*Sahīh*)

[He said:] There are narrations on this topic from Abū Bakrah, Ayman bin Khuraim, and Ibn ‘Umar.

[Abū ‘Eisā said:] The *Hadīth* of Anas is a *Hasan Sahīh Gharīb Hadīth*.

تخریج: متفق عليه، وأخرجه مسلم، الإيمان، باب الكبائر وأكبرها، ح: ٨٨ من حديث خالد ابن الحارث والبخاري، ح: ٢٦٥٣ من حديث شعبة به * وفي الباب عن أبي بكرة [البخاري، ح: ٢٦٥٤ ومسلم، ح: ٨٧] وأيمان بن خريم [يأتي: ٢٢٩٩] وابن عمر [ابن ماجه، ح: ٢٣٧٣]

Comments:

‘*Zūr*’ means all those things which are against the truth. Any thing or action which causes a problem for others or creates trouble is *Zūr*.

Chapter 4. What Has Been Related About Those Who Deal In Trade And What The Prophet ﷺ Called Them

1208. Abū Wā'il narrated that Qais bin Abī Gharazah said: “The Messenger of Allāh ﷺ came to us, and we were what was called ‘brokers,’ he said: ‘O people of trade! Indeed the *Shaiṭān* and sin are present in the sale, so mix your sales with charity.’” (*Sahīh*)

He said: There are narrations on this topic from Al-Barā' bin ‘Āzib and Rifā'ah.

[Abū ‘Eisā said:] The *Hadīth* of Qais bin Abī Gharazah (a narrator) is a *Hasan Sahīh Hadīth*.

Mansūr, Al-A'mash, Habib bin Abī Thābit and others reported it

الصَّنْعَانِيُّ : حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ ، عَنْ شَعْبَةَ: حَدَّثَنَا عُيَيْدُ اللَّهُ بْنُ أَبِي بَكْرٍ بْنِ أَنَسِ ، عَنْ أَنَسِ ، عَنِ النَّبِيِّ ﷺ فِي الْكَبَائِرِ قَالَ: «الشَّرُكُ بِاللَّهِ ، وَعُقُوقُ الْوَالِدَيْنِ ، وَقَتْلُ التَّقْسِ ، وَقَوْلُ الزُّورِ» [قَالَ:] وَفِي الْبَابِ عَنْ أَبِي بَكْرَةَ وَأَيْمَنَ بْنِ حُرَيْمَ وَابْنِ عُمَرَ . [قَالَ أَبُو عِيسَى:] حَدِيثُ أَنَسِ ، حَدِيثُ حَسَنٌ صَحِيقٌ غَرِيبٌ .

(المعجم ٤) - بَابُ مَا جَاءَ فِي التَّجَارِيِّ وَتَسْمِيَةُ النَّبِيِّ ﷺ إِلَيْهِمْ (التحفة ٤)

١٢٠٨ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ عَنْ عَاصِمٍ ، عَنْ أَبِي وَائِلٍ ، عَنْ قَيْسٍ ابْنِ أَبِي غَرَّةَ ، قَالَ: خَرَجَ عَلَيْنَا رَسُولُ اللَّهِ ﷺ وَنَحْنُ نُسَمَّى السَّمَاسِرَةَ ، فَقَالَ: «يَا مَعْشَرَ التَّجَارِ إِنَّ الشَّيْطَانَ وَالإِثْمَ يَحْضُرُ إِلَيْنَا ، فَشُوُبُوا بَيْعُكُمْ بِالصَّدَقَةِ» قَالَ: وَفِي الْبَابِ عَنِ الْبَرَاءِ بْنِ عَازِبٍ وَرَفَاعَةَ . [قَالَ أَبُو عِيسَى:] حَدِيثُ قَيْسٍ بْنِ أَبِي غَرَّةَ حَدِيثٌ حَسَنٌ صَحِيقٌ . رَوَاهُ مَنْصُورٌ وَالْأَعْمَشُ وَحَبِيبُ بْنُ أَبِي ثَابِتٍ وَغَيْرُ وَاحِدٍ عَنْ أَبِي وَائِلٍ ، عَنْ قَيْسٍ بْنِ أَبِي غَرَّةَ ، وَلَا

from Abū Wā'il, from Qais bin Abī Gharzah, from the Prophet ﷺ. We do not know of anything from the Prophet ﷺ narrated by Qais other than this.

(Another chain of narration) from Qais bin Abī Gharzah, from the Prophet ﷺ, and it is similar in meaning, and there are narrations on this topic from Al-Barā' bin 'Āzib and Rifā'ah.

[Abū ‘Eīsā said:] This *Hadīth* is *Sahīh*.

تخریج: [صحیح] وآخرجه النسائي: ١٤، ١٥، ح: ٣٨٢٩ من حديث عاصم بن أبي النجود وأبو داود، ح: ٣٣٦٦ وابن ماجه، ح: ٢١٤٥ من حديث شقيق أبي وايل به وصححه ابن الجارود، ح: ٥٥٧ والحاكم: ٢/٥ ووافقه الذهبي * وفي الباب عن البراء بن عازب [البيهقي في شعب الإيمان، ح: ٤٨٤٨] ورفاعة [يأتي: ١٢١٠] * ورواه أبو داود، ح: ٣٣٦٦ من حديث أبي معاوية الضرير به، والأعمش صرخ بالسماع عند الطحاوي في مشكل الآثار: ١٣/٣، ١٤ وتتابعه جماعة.

1209. Abū Sa'eed narrated that the Prophet ﷺ said: "The truthful, trustworthy merchant is with the Prophets, the truthful, and the martyrs." (*Da'iif*)

[Abū ‘Eisā said:] This Hadīth is Hasan, we do not know it except from this route, a narration of Ath-Thawrī from Abū Hamzah. [Abū Hamzah’s name is ‘Abdullāh bin Jābir, and he is a Shaikh from Al-Basrah.]

(Another chain) from Abū Hamzah, with this chain of narration, and it is similar.

تخرج: [إسناده ضعيف] وأخرجه الدارمي: ٢٤٧ / ٢، ح: ٢٥٤٢ عن قبيصة به وقال: "أبوحمزة هذا هو صاحب إبراهيم وهو ممون الأعور" سفان الثوري والحسن الصدرى عثنا.

Comments:

Business or trading is an honesty testing profession. Usually in business it appears that if the rule of honesty is applied it will lead to a loss and if the norms of expediency according to the need of the time are adopted it will

نَعْرُفُ لِقَيْسَ عَنِ النَّبِيِّ ﷺ غَيْرَ هَذَا.

حدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ
الْأَعْمَشِ، عَنْ شَقِيقِ بْنِ سَلَمَةَ، [وَشَقِيقٌ هُوَ
أَبُو وَائِلٍ] عَنْ قَيْسٍ بْنِ أَبِي غَرَزَةَ عَنِ النَّبِيِّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، نَحْوُهُ بِمَعْنَاهُ وَفِي الْبَابِ، عَنِ الْبَرَاءِ بْنِ
عَازِبٍ وَرَفَاعَةَ .

[فَالْأَبُو عَيْسَى :] وَهَذَا حَدِيثٌ صَحِيحٌ .

تخریج: [صحيح] وأخرجه النسائي: ٧/
النجود وأبو داود، ح: ٣٣٢٦ وابن ماجه، ح: ٥
الجارود، ح: ٥٥٧ والحاکم: ٢/٥ ووافقه الذھبی
شعب الإیمان، ح: ٤٨٤٨] ورفاعة [یأتی: ١٢١٠]
معاوية الضریر به، والأعمش صرح بالسماع عن
جماعۃ.

١٢٠٩ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا قَيْصَرُ
حَدَّثَنَا سُفِيَّانُ عَنْ أَبِي حَمْزَةَ، عَنِ الْحَسَنِ، عَنْ
أَبِي سَعِيدٍ عَنِ النَّبِيِّ ﷺ قَالَ: «الْتَّاجِرُ الصَّدُوقُ
الْأَمِينُ، مَعَ السَّيِّدِ وَالصَّدِيقِ وَالشَّهِداءِ».

[قال أبو عيسى:] هذا حديث حسن لا نعرفه إلا من هذا الوجه من حديث الثوري عن أبي حمزة. [وأبو حمزة:] اسمه عبد الله بن جابر. وهو شيخ بصريٌّ: حدثنا سعيد بن نصر: حدثنا [عبد الله] بن المبارك عن سفيان الثوري، عن أبي حمزة بهذا الإسناد نعموه.

تخریج: [إسناده ضعیف] وأخرجه الدارمي:

lead to profit, but, the businessman who has trust in Allāh and deals with honesty and in accordance with the standards of Islam, then it is he, in reality, who is successful in the test. For this reason on the Day of Judgement he will be with the Prophets, the truthful, and the martyrs.

1210. Ismā‘il bin ‘Ubaid bin Rifā‘ah narrated from his father, from his grandfather, that he went with the Messenger of Allāh ﷺ to the *Muṣalla*, and he saw the people doing business so he said: ‘O people of trade!’ and they replied to the Messenger of Allāh ﷺ, turning their necks and their gazes towards him, and he said: ‘Indeed the merchants will be resurrected on the Day of Judgement with the wicked, except the one who has *Taqwā* of Allāh, who behaves charitably and is truthful.’” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*. And they also say Ismā‘il bin ‘Ubaidullāh bin Rifā‘ah.

تخريج : [إسناده حسن] وأخرجه ابن ماجه، التجارات، باب التوقي في التجارة، ح: ٢١٤٦ من حديث ابن خثيم به وصححه ابن حبان، ح: ١٠٩٥ والحاكم: ٦/٢ والذهبي.

Comments:

Most people’s business depends on cheating, deceiving, and fraudulent tricks. So, the Prophet ﷺ said that such businessmen will be raised with the wicked offenders. Those who abide by the Laws of Allāh and fulfill their promises with the people, and are honest in their dealings, will get their reward as has been mentioned in the preceding narration.

Chapter 5. What Has Been Related About One Who Makes A False Oath About His Merchandise

1211. Abū Dharr narrated that the Prophet ﷺ said: “There are three whom Allāh will not look at on the Day of Judgement, nor will He purify them, and theirs is a painful punishment.” We said: “Who are

١٢١٠ - حَدَّثَنَا [أَبْرَارُ سَلَمَةَ] يَحْمِي بْنُ حَلَفِ: حَدَّثَنَا يَشْرُبُ بْنُ الْمُفَضَّلَ عَنْ عَبْدِ اللَّهِ ابْنِ عُثْمَانَ بْنِ خُثْبَمِ، عَنْ إِسْمَاعِيلِ بْنِ عَبْيَدِ اللَّهِ رَفَاعَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّهُ خَرَجَ مَعَ النَّبِيِّ ﷺ إِلَى الْمُصَلَّى، فَرَأَى النَّاسَ يَتَبَاهَيُونَ فَقَالَ: «يَا مَعْشَرَ التَّجَارِ» فَاسْتَجَابُوا لِرَسُولِ اللَّهِ ﷺ، وَرَفَعُوا أَعْنَافَهُمْ وَأَبْصَارَهُمْ إِلَيْهِ، فَقَالَ: «إِنَّ التَّجَارَ يُعَذَّبُونَ يَوْمَ الْقِيَامَةِ فُجَارًا، إِلَّا مَنِ اتَّقَى اللَّهَ وَبَرَّ وَصَدَقَ».

[قال أبو عيسى:] هذَا حَدِيثُ حَسَنٍ صَحِحٍ، وَيُبَاتُ: إِسْمَاعِيلُ بْنُ عَبْيَدِ اللَّهِ بْنِ رَفَاعَةَ أَيْضًا.

تخريج : [إسناده حسن] وأخرجه ابن ماجه، التجارات، باب التوقي في التجارة، ح: ٢١٤٦ من حديث ابن خثيم به وصححه ابن حبان، ح: ١٠٩٥ والحاكم: ٦/٢ والذهبي.

(المعجم ٥) - بَابُ مَا جَاءَ فِيمَنْ حَلَفَ عَلَى سِلْعَةٍ كَادِبًا (التحفة ٥)

١٢١١ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: أَتَيْنَا شُعْبَةَ قَالَ: أَخْبَرَنِي عَلِيُّ بْنُ مُدْرِكٍ قَالَ: سَمِعْتُ أَبَا زُرْعَةَ بْنَ عَمْرُو بْنَ حَرِيرٍ، يُحَدِّثُ عَنْ حَرَشَةَ بْنِ الْحُرْ، عَنْ أَبِيهِ

they O Messenger of Allāh? For they have indeed failed and are lost!” He said: “The *Mannān*,^[1] the one whose *Izār* hangs (below the ankles) and the one who promotes his merchandise with false oath.” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn Mas'ūd, Abū Hurairah, Abū Umāmah bin Tha'labah, 'Imrān bin Ḥuṣain, and Ma'qil bin Yasār.

[Abū 'Eisā said:] The *Hadīth* of Abū Dharr is a *Hasan Sahīh Hadīth*.

تخریج: وأخرجه مسلم، الإيمان، باب بيان غلط تحريم إسبال الإزار والمن بالعطية . . .
الخ، ح: ١٠٦ من حديث شعبة به وهو في مستند أبي داود الطيالسي، ح: ٤٦٧ * وفي الباب عن ابن مسعود [البخاري، ح: ٢٣٥٦، ومسلم، ح: ١٣٨] وأبي هريرة [يأتي مختصراً، ح: ١٥٩٥ والبخاري، ح: ٢٦٧٢ ومسلم، ح: ١٠٨] وأبي أمامة بن ثعلبة [مسلم، ح: ١٣٧] وعمران ابن حصين [أبو داود، ح: ٣٢٤٢] ومعقل بن يسار [أحمد: ٥٢٥ وnasai: ٥٢٥] والنسائي في الكبرى].

Comments:

This narration points out that those who give something in charity and then boast and point out the favor conferred and remind of it time and again to the one they gave, those who keep their lower garment below the ankles, and those who promote their merchandise with false oaths, to these three types of people Allāh will not look at them with mercy on the Day of Judgement. Unfortunately today Muslims do not pay any heed to these.

Chapter 6. What Has Been Related About Doing Business Early

1212. 'Umārah bin Ḥadīd narrated from Ṣakhr Al-Ghāmīdi that the Messenger of Allāh ﷺ said: “O Allāh bless my *Ummah* in what they do early (in the day).” He said: “Whenever he ﷺ would

ذر عن النبي ﷺ قال: «ثلاثة لا ينظر الله إليهم يوم القيمة، ولا يزكيهم ولهم عذاب أليم»، قلنا: من هم يا رسول الله؟ فق道 خابوا وخسروا، فقال: «المنان، والممسيل إزاره، والممنق سلعته بالحليف الكاذب».

[قال:] وفي الباب عن ابن مسعود وأبي هريرة وأبي أمامة بن ثعلبة وعمران بن حصين ومعقل بن يسار.

[قال أبو عيسى:] حديث أبي ذر، حديث حسن صحيح.

المعنى: وأخرجه مسلم، الإيمان، باب بيان غلط تحريم إسبال الإزار والمن بالعطية . . .
الخ، ح: ١٠٦ من حديث شعبة به وهو في مستند أبي داود الطيالسي، ح: ٤٦٧ * وفي الباب عن ابن مسعود [البخاري، ح: ٢٣٥٦، ومسلم، ح: ١٣٨] وأبي هريرة [يأتي مختصراً، ح: ١٥٩٥ والبخاري، ح: ٢٦٧٢ ومسلم، ح: ١٠٨] وأبي أمامة بن ثعلبة [مسلم، ح: ١٣٧] وعمران ابن حصين [أبو داود، ح: ٣٢٤٢] ومعقل بن يسار [أحمد: ٥٢٥ وnasai: ٥٢٥] والنسائي في الكبرى].

(المعجم ٦) - باب ما جاء في التبشير بالتجارة (الصفحة ٦)

١٢١٢ - حدثنا يعقوب بن إبراهيم الدورقي: حدثنا هشيم: حدثنا يعلى بن عطاء عن عمارة بن حديد، عن صخر الغامدي قال: قال رسول الله ﷺ: «اللهم

[1] The one who does not give anything without obliging the one he gave it to. See *Tuhfat Al-Ahwadhi*.

dispatch a military expedition or an army, he would send them in the first part of the day.”

And Şakhr, a man who was a merchant, used to send his goods for trade during the beginning of the day, so he became rich, and his wealth increased.

[He said:] There are narrations on this topic from ‘Alī, Buraidah, Ibn Mas‘ūd, Anas, Ibn ‘Umar, Ibn ‘Abbās, and Jābir. (*Hasan*)

[Abū ‘Eisā said:] The *Hadīth* of Şakhr Al-Ghāmidī is a *Hasan Hadīth*. We do not know of a narration that Şakhr Al-Ghāmidī reported from the Prophet ﷺ other than this *Hadīth*. Sufyān Ath-Thawrī reported this *Hadīth* from Shu‘bah, from Ya‘lā bin ‘Aṭā.

بَارِكْ لَأْمَقِي فِي بُكُورِهَا». قَالَ: وَكَانَ إِذَا
بَعَثَ سَرِيَّةً أَوْ جَيْشًا، بَعَثَهُمْ أَوَّلَ النَّهَارِ،
وَكَانَ صَخْرٌ رَجُلًا تَاجِرًا، وَكَانَ إِذَا بَعَثَ
تِجَارَةً بَعَثَهُمْ أَوَّلَ النَّهَارِ، فَأَتَرَى وَكَثُرَ مَالُهُ.
[قَالَ:] وَنَفَى الْبَابِ عَنْ عَلَيٍ وَمُرِينَدَةَ وَابْنِ
مَسْعُودَ وَأَنَسِ وَابْنِ عُمَرَ وَابْنِ عَبَّاسِ وَجَابِرَ.
[قَالَ أَبُو عِيسَى:] حَدِيثُ صَخْرِ الْغَامِدِيِّ
حَدِيثٌ حَسَنٌ. وَلَا تَعْرِفُ لِصَخْرِ الْغَامِدِيِّ
عَنِ النَّبِيِّ ﷺ غَيْرَ هَذَا الْحَدِيثِ. وَقَدْ رَوَى
سُفْيَانُ الثَّوْرِيُّ، عَنْ شُعْبَةَ، عَنْ يَعْلَى بْنِ
عَطَاءِ، هَذَا الْحَدِيثُ.

تخریج: [إسناده حسن] وأخرجه ابن ماجه، التجارات، باب ما يرجى من البركة في البكور، ح: ٢٢٣٦ وأبو داود، ح: ٢٦٠٦ من حديث هشيم به وصححه ابن حبان (الإحسان): ٤٧٣٤ * وفي الباب عن علي [عبد الله بن أحمد في زوايد المسند: ١/١٥٣] وبريدة [العقلاني في الضعفاء: ١/١٢٤] وابن مسعود [البخاري في التاريخ الكبير: ٦/٢٩٠] والطبراني في الكبير: ١٠: ٢٥٧، ح: ١٠٤٩٠ وأنس [البزار (كشف الأستار): ٢/٨٠، ح: ١٢٤٩] وابن عمر [ابن ماجه، ح: ٢٢٣٨] وابن عباس [الطبراني في الكبير: ١٠: ٣٤٨، ح: ١٠٦٧٩] وجابر [الطبراني في الأوسط: ١/٥٣٠، ح: ١٠٠٠].

Comments:

This narration makes it clear that starting religious duties and worldly affairs early in the morning brings the blessings of Allāh in business and other worldly affairs. It means getting up early in the morning and starting the day is a secret of prosperity and well being.

Chapter 7. What Has Been Related About The Permission To Buy On Credit

1213. ‘Āishah narrated: “The Messenger of Allāh ﷺ was wearing

(المعجم ٧) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ
في الشَّرَاءِ إِلَى أَجَلٍ (التحفة ٧)

١٢١٣ - حَدَّثَنَا أَبُو حَفْصٍ عَمْرُو بْنُ
عَلَيْهِ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعَ: حَدَّثَنَا عُمَارَةُ

two thick *Qitri*^[1] garments on. When he would sit, he would sweat since they were so heavy for him. Some clothes arrived from Ash-Shām for so-and-so, the Jew. I said: ‘Perhaps you could dispatch a request to him to buy some garments (on credit) from him until it is easy (to pay). So he sent a message to him and he said: ‘I know what he wants. He only wants to take away my wealth’ or ‘my Dirham.’ So the Messenger of Allāh ﷺ said: ‘He has lied, indeed he knows that I am the one with the most *Taqwā* among them, and the best at fulfilling trusts among them.’” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn ‘Abbās, Anas, and Asmā’ bint Yazid.

[Abū ‘Eisā said:] The *Hadīth* of ‘Aishah is a *Hasan Sahīh Gharib Hadīth*. Shu‘bah has also reported it from ‘Umārah bin Abī Hafṣah.

He said: I heard Muḥammad bin Firās Al-Basrī saying: “I heard Abū Dāwūd At-Tayalīsī saying: ‘One day Shu‘bah was asked about this *Hadīth*, and he said: “I will not narrate it to you (people) until you stand up before Ḥaramī bin ‘Umārah [bin Hafṣah] to kiss his head.” He said: ‘And Ḥaramī was there among the people.’”

[Abū ‘Eisā said:] meaning: “approving of this *Hadīth*.”

ابنُ أَبِي حَفْصَةَ: حَدَّثَنَا عَكْرِمَةُ عَنْ عَائِشَةَ، قَالَتْ: كَانَ عَلَى رَسُولِ اللَّهِ ﷺ تَوْبَانٌ قَطْرِيَّانٌ غَلِيظَانٌ، فَكَانَ إِذَا قَعَدَ فَعِرَقَ، ثُقَلَ عَلَيْهِ. فَقَدِيمٌ بَزْ مِنَ الشَّامِ لِقَلْبَانِ الْيَهُودِيِّ. فَقُلْتُ: لَوْ بَعْثَتْ إِلَيْهِ فَاسْتَرِيَّتْ مِنْهُ ثَوْبَيْنِ إِلَى الْمَيْسِرَةِ، فَأَرْسَلَ إِلَيْهِ فَقَالَ: قَدْ عَلِمْتُ مَا يُرِيدُ، إِنَّمَا يُرِيدُ أَنْ يُذْهَبَ بِمَالِيِّ، أَوْ يُذْهَبَ بِنَارِيِّيِّ، فَقَالَ رَسُولُ اللَّهِ ﷺ: كَذَبَ، فَذَلِكَ عَلَمَ أَنِّي مِنْ أَتُقَاهُمْ اللَّهُ وَآدَاهُمْ لِلْأَمَانَةِ». [قال:] وفي الباب عن ابن عباس وأبي وأسماء ابنة يزيد.

[قال أبو عيسى:] حديث عائشة حديث حسن صحيح غريب، وقد رواه شعبة أيسنا عن عمارة بن أبي حفصة، قال: سمعتُ محمد بن فراس البصري يقول: سمعت أبا داود الطيالسي يقول: سئل شعبة يوماً عن هذا الحديث فقال: لست أحذنكم حتى تقوموا إلى حرمي بن عمارة [بن أبي حفصة] فقبلوا رأسه. قال: وحرمي في القوم. [قال أبو عيسى:] أين إعجابا بهذا الحديث.

[1] A garment made with some coarseness and red designs in it. There was also a view that it is named after Qatār and that it comes from there. See *Tuhfat Al-Ahwadhi* and *An-Nihayah*.

تخریج: [إسناده صحيح] وأخرجه النسائي: ٧، ح: ٤٦٣٢ (البیوں، باب الیع الى الأجل المعلوم) عن عمرو بن علي الفلاس به * وفي الباب عن ابن عباس [یأتی: ١٢١٤] وأنس [یأتی: ١٢١٥] وأسماء بنت يزيد [ابن ماجہ، ح: ٢٤٣٨] * قول شعبة، سنه صحيح.

Comments:

The Jews were well aware of the honesty of character of the Prophet ﷺ but as they were resentful, they always talked ill of him.

1214. Ibn ‘Abbās narrated: “The Prophet ﷺ died while his armour was pawned for twenty *Sā‘* of food that he got for his family.” (*Hasan*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

١٢١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ : حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ وَعُثْمَانُ بْنُ أَبِي عَمَّارٍ عَنْ هِشَامِ ابْنِ حَسَانَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: تُؤْفَى النَّيْلَةُ ۖ وَدَرْعَةُ مَرْهُونَةٍ يُعْشِرِينَ صَاعًا مِنْ طَعَامٍ، أَخَدَهُ لِأَهْلِهِ.

[قال أبو عيسى:] هذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [حسن] وأخرجه النسائي: ٧، ح: ٤٦٥٥ (البیوں، باب مبایعة أهل الكتاب) من حديث هشام بن حسان به وللحديث شواهد.

1215. Anas narrated: “I walked to the Prophet ﷺ with some barley bread that had some rancid oil poured over it. The Prophet ﷺ had pawned his armour with a Jew for twenty *Sā‘* of food that he got for his family. That day (he pawned it), I heard him saying: ‘Not for one evening has the household of Muhammad had a *Sā‘* of dates or a *Sā‘* of grain.’ And on that day he had nine wives.” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

١٢١٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ : حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ هِشَامِ الدَّشْوَانِيِّ، عَنْ قَتَادَةَ، عَنْ أَنَسِّ : حَ : قَالَ مُحَمَّدُ بْنُ هِشَامَ : وَأَخْبَرَنَا مَعَاذُ بْنُ هِشَامَ قَالَ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ أَنَسِّ قَالَ: مَشَيْتُ إِلَى النَّبِيِّ ۖ بِخُبْزٍ شَعِيرٍ وَإِهَالَةَ سَيْنَخَةٍ، وَلَقَدْ رُهِنَ لَهُ دَرْعٌ عِنْدَ يَهُودِيٍّ يُعْشِرِينَ صَاعًا مِنْ طَعَامٍ أَخَدَهُ لِأَهْلِهِ، وَلَقَدْ سَمِعْتُهُ ذَاتَ يَوْمٍ يَقُولُ: مَا أَنْسَى عِنْدَ أَلِي مُحَمَّدٍ ۖ صَاعٌ تَمِيرٌ وَلَا صَاعٌ حَبٌّ، وَإِنَّ عِنْدَهُ يَوْمَئِذٍ لِيَسْعَ نِسْوَةً”.

[قال أبو عيسى:] هذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [صحيح] وأخرجه البخاري، البیوں، باب شراء النبي ﷺ بالنسیة، ح: ٢٠٦٩ من حديث هشام به بلغظ: ”من طعام“.

Comments:

It is clear from this narration that buying the needful and basic necessities on loan is approved and lawful. Such deals with non-Muslims are also permissible. Pawning something at the time of need is also lawful.

Chapter 8. What Has Been Related About Recording The Conditions

1216. ‘Abbād bin Laith Al-Karābīsī [Al-Baṣrī] narrated: “Abdul-Majid bin Wahb narrated to us, he said: ‘Al-‘Addā’ bin Khālid bin Hawdhah said to me: “Shall I not read to you a letter that was written for me from the Messenger of Allāh ﷺ?” He said: ‘I said: “Of course.” So he took out a letter for me: “This is what Al-‘Addā’ bin Khālid bin Hawdhah purchased from Muḥammad, the Messenger of Allāh ﷺ: He purchased from him a slave’ – or – ‘a female slave, having no ailments, nor being a runaway, nor having any malicious behavior. Sold by a Muslim to a Muslim.”’ (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*, we do not know of it except from ‘Abbād bin Laith. More than one of the people of *Hadīth* have reported this *Hadīth* from him.

(المعجم ٨) - بَابُ مَا جَاءَ فِي كِتَابِهِ
الشُّرُوطِ (التحفة ٨)

١٢١٦ - حَدَّثَنَا مُحَمَّدُ بْنُ يَشَارٍ: حَدَّثَنَا عَبَادُ بْنُ لَيْثٍ صَاحِبُ الْكَرَابِيسِيِّ [البَصْرِيُّ]: حَدَّثَنَا عَبْدُ الْمَجِيدِ بْنُ وَهْبٍ قَالَ: قَالَ لِي الْعَدَاءُ بْنُ خَالِدٍ بْنِ هُوَذَةَ: أَلَا أَفْرِئُكِ كِتَابًا كَتَبَهُ لِي رَسُولُ اللَّهِ ﷺ؟ قَالَ: قُلْتُ: بَلَى، فَأَخْرَجَ لِي كِتَابًا: هَذَا مَا اشْتَرَى الْعَدَاءُ بْنُ خَالِدٍ بْنِ هُوَذَةَ مِنْ مُحَمَّدٍ رَسُولِ اللَّهِ ﷺ، اشْتَرَى مِنْهُ عَبْدًا أَوْ أَمَةً، لَا ذَاءَ وَلَا غَائِلَةَ وَلَا يَخْتَنَّ، بَيْعُ الْمُسْلِمِ الْمُسْلِمَ.

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.]

لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ عَبَادِ بْنِ لَيْثٍ، وَقَدْ رَوَى عَنْهُ هَذَا الْحَدِيثُ غَيْرُ وَاحِدٍ مِنْ أَهْلِ الْحَدِيثِ.

تخریج: [حسن] وأخرجه ابن ماجه، التجارات، باب شراء الرقيق، ح: ٢٢٥١ عن محمد بن بشار به وعلقه البخاري قبل، ح: ٢٠٧٩ بصيغة التمريض وصححه ابن الجارود، ح: ١٠٢٨ وحسنه الحافظ في الفتح: ١٢/ ٣٥٠.

Comments:

This narration points out that while doing a business deal, Muslims should make it transparent and clear. All the faults and good qualities of the property should be made clear to the buyer. As this deal mentioned in the narration was barter based, so in the deed sometimes the name of ‘Addā’ is mentioned as buyer (*Ashtarā’*) and sometimes the name of the Prophet ﷺ is mentioned as buyer.

Chapter 9. What Has Been Related About Measures And Weights

1217. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said to the people of weights and measures: “Indeed you have been entrusted with two matters that nations preceding you in the past were destroyed for.” (*Da’if*)

[Abū ‘Eisā said:] We do not know this *Hadīth* to be *Marfū‘* except through the narration of Ḥusain bin Qais, and Ḥusain bin Qais was graded weak in *Hadīth*. This has been reported as a *Maqūf* narration from Ibn ‘Abbās with a *Ṣahīh* chain of narration.

تَعْرِيفٌ: [إِسْنَادُه ضَعِيفٌ جَدًّا] وَأَخْرَجَه الطَّبَرَانيُّ فِي الْكَبِيرِ: ٢١٤/١١، ح: ١١٥٣٥
وَالحاكِمُ: ٣١/٢ مِنْ حَدِيثِ خَالدٍ بْنِ عَبَّاسٍ وَقَالَ الْحَاكِمُ: "صَحِيحُ الْإِسْنَادِ" فَقَالَ الذَّهَبِيُّ: "حَسِينٌ
مَرْفُوعٌ" وَأَخْرَجَه ابْنُ الجُوزِيِّ فِي الْعَلَلِ: ٩٧٢، ح: ١٠٢/٢

Comments:

The Qur’ān mentions the destruction and extermination of the people of Shu‘aib due to their cheating and deceiving in weights and measures. There were many tribes in this nation and all of them were involved in this vice and Allāh destroyed them all.

Chapter 10. What Has Been Related About Auctioning

1218. Anas bin Mālik narrated that the Messenger of Allāh ﷺ sold a saddle blanket and a drinking bowl. He ﷺ said: “Who will buy this saddle blanket and drinking bowl?” So a man said: “I will take them for a Dirham.” So the Prophet ﷺ said: “Who will give more than a Dirham? Who will give more than a Dirham?” A man agreed to give him two Dirham, so

(المعجم ٩) - بَابُ مَا جَاءَ فِي الْمِكَيَالِ
وَالْمِيزَانِ (التحفة ٩)

١٢١٧ - حَدَّثَنَا سَعِيدُ بْنُ يَعْقُوبَ
الطَّالَقَانِيُّ: حَدَّثَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ الْوَاسِطِيُّ
عَنْ حُسَيْنِ بْنِ قَيْسٍ، عَنْ عِكْرَمَةَ، عَنْ أَبْنِ
عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ لِأَصْحَابِ
الْكَيْلِ وَالْمِيزَانِ: «إِنَّكُمْ قَدْ وُلِّيْتُمْ أَمْرِيْنِ،
هَلَكْتُ فِي الْأُمُّ الْسَّالِفَةِ قَبْلَكُمْ».

[قَالَ أَبُو عِيسَى]: [هَذَا حَدِيثٌ لَا تَعْرِفُهُ
مَرْفُوعًا إِلَّا مِنْ حَدِيثِ حُسَيْنِ بْنِ قَيْسٍ، وَحُسَيْنٌ
أَبْنُ قَيْسٍ يُضَعَّفُ فِي الْحَدِيثِ . وَقَدْ رُوِيَ هَذَا
بِإِسْنَادٍ صَحِيحٍ عَنْ أَبْنِ عَبَّاسٍ مَوْلَوْفًا .

تَعْرِيفٌ: [إِسْنَادُه ضَعِيفٌ جَدًّا] وَأَخْرَجَه الطَّبَرَانيُّ فِي الْكَبِيرِ: ٢١٤/١١، ح: ١١٥٣٥
وَالحاكِمُ: ٣١/٢ مِنْ حَدِيثِ خَالدٍ بْنِ عَبَّاسٍ وَقَالَ الْحَاكِمُ: "صَحِيحُ الْإِسْنَادِ" فَقَالَ الذَّهَبِيُّ: "حَسِينٌ
مَرْفُوعٌ" وَأَخْرَجَه ابْنُ الجُوزِيِّ فِي الْعَلَلِ: ٩٧٢، ح: ١٠٢/٢

(المعجم ١٠) - بَابُ مَا جَاءَ فِي بَعْثٍ
مَنْ يَزِيدُ (التحفة ١٠)

١٢١٨ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا
عُبَيْدُ اللَّهِ بْنُ شَمْيْطَ بْنُ عَجْلَانَ: حَدَّثَنَا
الْأَخْضَرُ بْنُ عَجْلَانَ عَنْ عَبْدِ اللَّهِ الْحَنْفيِّ،
عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ رَسُولَ اللَّهِ ﷺ بَاعَ
جِلْسًا وَقَدْحًا، وَقَالَ: «مَنْ يُشَتَّرِي هَذَا
الْحِلْسَنَ وَالْقَدْحَ؟ فَقَالَ رَجُلٌ: أَخَدْتُهُمَا
بِدِرْهَمٍ، فَقَالَ النَّبِيُّ ﷺ: «مَنْ يَزِيدُ عَلَىٰ

he sold them to him. (*Hasan*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan*. We do not know of it except from the narration of Al-Akhḍar bin ‘Ajlān, and ‘Abdullāh Al-Hanafī who is reporting from Anas, is *Abū Bakr Al-Hanafī*.

This is acted upon according to some of the people of knowledge, they did not see any harm in auctioning the spoils of war and inheritance.

Al-Mu’tamir bin Sulaimān and others among the people of *Hadīth* reported from Al-Akhḍar bin ‘Ajlān.

تخریج : [إسناده حسن] وأخرجه أبو داود، الزكاة، باب ما تجوز فيه المسألة، ح: ١٦٤١ وابن ماجه، ح: ٢١٩٨ والنسائي، ح: ٤٥١٢ من حديث الأخضر بن عجلان به، وأبو بكر الحنفي وثقة الترمذى وابن حبان، والحديث صححه ابن الجارود، ح: ٥٦٩.

Comments:

In the view of Imām Awzā‘i and Ishāq and some other scholars, only spoils of war and the property of inheritance can be sold by bidding and auction. Most of the people of knowledge, Imām Shāfi‘i and Imām Mālik are of view that all types of property and commodities can be sold by bidding and auction. It is not allowed to raise the price when the deal is over. (*Tuhfat Al-Ahwadhi* v. 2. p.230.)

Chapter 11. What Has Been Related About The Sale Of A *Mudabbar*

1219. Jābir narrated: “A man among the *Anṣār* decided to free a slave of his after his death. He died but he left no wealth behind beside the slave. So the Prophet ﷺ sold him and Nu‘aim [bin ‘Abdullāh] bin An-Nah-hām bought him.” Jābir said: “He was a Coptic slave who died during the first year of the leadership of Ibn Az-Zubair.” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is

دَرْهَمٌ؟ مَنْ يَرِيدُ عَلَى دَرْهَمٍ؟» فَأَعْطَاهُ رَجُلٌ دَرْهَمَيْنِ، فَبَاعَهُمَا مِنْهُ.

[قالَ أَبُو عِيسَى :] هَذَا حَدِيثُ حَسَنٌ لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ الْأَخْضَرِ بْنِ عَجْلَانَ، وَعَبْدُ اللَّهِ الْحَنَفِيُّ الَّذِي رَوَى عَنْ أَنَّسٍ، هُوَ أَبُو بَكْرِ الْحَنَفِيِّ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، لَمْ يَرَوْا بِأَسْأَلَةٍ بَيْعَ مَنْ يَرِيدُ فِي الْعَنَائِمِ وَالْمَوَارِيثِ وَقَدْ رَوَى الْمُعْتَمِرُ بْنُ شَيْمَانَ، وَغَيْرُهُ وَاحِدٌ مِنْ أَهْلِ الْحَدِيثِ عَنِ الْأَخْضَرِ بْنِ عَجْلَانَ.

تخریج : [إسناده حسن] وأخرجه أبو داود، الزكاة، باب ما تجوز فيه المسألة، ح: ١٦٤١

وابن ماجه، ح: ٢١٩٨ والنسائي، ح: ٤٥١٢ من حديث الأخضر بن عجلان به، وأبو بكر الحنفي

وثقة الترمذى وابن حبان، والحديث صححه ابن الجارود، ح: ٥٦٩.

(المعجم (١١) - بَابُ مَا جَاءَ فِي بَيعِ المُدَبَّرِ (التحفة (١١)

١٢١٩ - حَدَثَنَا ابْنُ أَبِي عُمَرَ: حَدَثَنَا سُفِيَّانُ بْنُ عُيَيْنَةَ عَنْ عَمْرُو بْنِ دِيَّارٍ، عَنْ جَابِرٍ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ دَبَرَ غَلَامًا لَهُ، فَمَاتَ وَلَمْ يَرْثُكَ مَالًا غَيْرَهُ، فَبَاعَهُ الْبَيْتُ ﷺ، فَاشْتَرَاهُ نُعْمَى [بْنُ عَبْدِ اللَّهِ] بْنُ النَّعَامَ قَالَ جَابِرٌ: عَبْدًا قَبْطِيًّا مَاتَ عَامَ الْأَوَّلِ، فِي إِمَارَةِ ابْنِ الرَّئِسِ.

[قالَ أَبُو عِيسَى :] هَذَا حَدِيثُ حَسَنٌ

Hasan Sahīh and it has been reported through more than one route from Jābir bin ‘Abdullāh.

This *Hadith* is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They did not see any harm in the sale of a *Mudabbar*. This is the view of Ash-Shāfi‘ī, Ahmad and Ishāq. There are those among people of knowledge, among the Companions of the Prophet ﷺ and others, who disliked selling the *Mudabbar*. This is the view of Sufyān Ath-Thawrī, Mālik and Al-Awzā‘ī.

صَحِّحَ وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ، وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ لَمْ يَرَوْا بَيْتَعَ المُدَبَّرَ بِأَسْأَى وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَخْمَدَ وَإِشْحَاقَ، وَكَرَهَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ بَيْعَ المُدَبَّرِ، وَهُوَ قَوْلُ سُفْيَانَ الثُّورِيِّ وَمَالِكٍ وَالْأَوْزَاعِيِّ.

تخریج: متفق عليه، ومسلم، الأيمان، باب جواز بيع المدبر، ح: ٥٩/٩٩٧ من حديث سفيان بن عيينة والبخاري، ح: ٦٧١٦ من حديث عمرو بن دينار به.

Comments:

The slave who is promised by his owner to be freed after the owners' death is called '*Mudabbar*'. There are different opinions about the sale of *Mudabbar*. But according to a *Sahīh* narration, the sale of a *Mudabbar* is proved (*Tuhfat Al-Ahwadhi* v.2. p. 231). A *Mudabbar* can only be sold in case of dire need.

Chapter 12. What Has Been Related About It Being Disliked To Meet The Owners Of The Goods

1220. Ibn Mas‘ūd narrated from the Prophet ﷺ: “He prohibited meeting the owners of the goods.”^[1]

[He said:] There are narrations on this topic from ‘Alī, Ibn ‘Abbās, Abū Hurairah, Abū Sa‘eed, Ibn ‘Umar, and a man from the

(المعجم ١٢) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ تَلَقَّيِ الْبَيْوِعِ (التحفة ١٢)

١٢٢٠ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا ابْنُ الْمُبَارِكِ: حَدَّثَنَا شُعَيْمَانُ التَّيْمِيُّ عَنْ أَبِي عُثْمَانَ، عَنْ ابْنِ مَسْعُودٍ عَنْ النَّبِيِّ ﷺ: أَنَّهُ نَهَى عَنْ تَلَقَّيِ الْبَيْوِعِ. [قَالَ:] وَفِي الْبَابِ عَنْ عَلِيٍّ وَابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ وَأَبِي سَعِيدٍ

^[1] This is a situation when merchants from the town or city meet villagers before they arrive at city markets and inform them of depression and unsalability of their wares, with the intention of deceiving them into selling those wares at prices much cheaper than actual market prices.

Companions of the Prophet ﷺ (Sahih)

وابن عمر ورجل من أصحاب النبي ﷺ.

تخریج: متفق عليه، وأخرجه مسلم، البيوع، باب تحریم تلقی الجلب، ح: ١٥١٨ من حديث ابن المبارك والبخاري، ح: ٢١٦٤ من حديث سليمان به * وفي الباب عن علي [لم أجده] وابن عباس [البخاري، ح: ٢١٥٨ ومسلم، ح: ١٥٢١] وأبي هريرة [يأتي: ١٢٢١] وأبي سعيد [الطحاوی في معانی الآثار: ٨/٤] وابن عمر [مسلم، ح: ١٥١٧] ورجل من أصحاب النبي ﷺ [أحمد: ٤/٣١٤].

Comments:

The word '*Talaqqa*' means to go out of a populace to meet the merchant caravan. Here '*Al-Buyū*' stands for the merchandise or goods for sale.

1221. Abū Hurairah narrated: "The Prophet ﷺ prohibited meeting the goods being brought (to the market). If someone were to meet them and buy them, then the owner of the goods retains the option when he reaches the market." (*Sahih*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharib* narration of Ayyūb (a narrator). The *Hadīth* of Ibn Mas'ūd is a *Hasan Sahīh Hadīth*. There are those among the people of knowledge who disliked meeting the owners of the goods, saying that it is a type of deception. This is the view of Ash-Shāfi'i, and others among our companions.

١٢٢١ - حَدَّثَنَا سَلْمَةُ بْنُ شَيْبٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الرَّقَبِيُّ: حَدَّثَنَا عَيْدُ اللَّهِ بْنُ عُمَرٍ الرَّقَبِيُّ عَنْ أَئُوبَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ نَهَى أَنْ يُتَلَقَّى الْجَلْبُ، فَإِنْ تَلَقَّاهُ إِنْسَانٌ فَابْتَاعَهُ، فَصَاحِبُ السُّلْعَةِ فِيهَا بِالْجِيَارِ، إِذَا وَرَدَ السُّوقَ.

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٌ غَرِيبٌ مِنْ حَدِيثِ أَئُوبَ. وَحَدِيثُ ابْنِ مَسْعُودٍ حَدِيثُ حَسَنٌ صَحِيحٌ، وَقَدْ كَرِهَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ تَلَقَّى الْبَيْعَ، وَهُوَ ضَرْبٌ مِنَ الْحَدِيقَةِ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَغَيْرِهِ مِنْ أَصْحَابِنَا.

تخریج: [إسناده صحيح] وأخرجه أبو داود، البيوع، باب: في التلقى، ح: ٣٤٣٧ من حديث عبيد الله بن عمرو، ومسلم، ح: ١٥١٩ من حديث محمد بن سيرين به.

Comments:

The Prophet ﷺ has prohibited the purchase of goods on the way while being brought to the market until they reach it. It is prohibited to go out of the village or town and meet the merchants on the way and purchase the goods at a low price as the owner is unaware of the market price.

Chapter 13. What Has Been Related About ‘The Dweller Of A Town Is Not To Sell On Behalf Of The Bedouin’

1222. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The dweller of the town is not to sell for the Bedouin.” (*Sahīh*)

[He said:] There are narrations on this topic from Ṭalḥah, Jābir, Anas, Ibn ‘Abbās, Ḥakīm bin Abī Yazīd from his father, ‘Amr bin ‘Awf Al-Muzanī the grandfather of Kathīr bin ‘Abdullāh, and a man from the Companions of the Prophet ﷺ.

(المعجم ١٣) - بَابُ مَا جَاءَ لَا يَبْيَعُ

حَاضِرٌ لِيَادِ (التحفة ١٣)

١٢٢٢ - حَدَّثَنَا قُتْبَيْهُ وَأَخْمَدُ بْنُ مَنْبِعَ
فَالَا : حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ،
عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ :
قَالَ رَسُولُ اللَّهِ ﷺ - وَقَالَ قُتْبَيْهُ : يَبْلُغُ بِهِ
الَّذِي قَالَ - : لَا يَبْيَعُ حَاضِرٌ لِيَادِ». .
[قال:] وفي الباب عن طلحة وجابر
وأنس وابن عباس وحكيم بن أبي زيد، عن
أبيه، وعمرو بن عوف المزني جد كثير بن
عبد الله ورجل من أصحاب النبي ﷺ.

تخریج: وأخرجه البخاري، البیوع، باب: لا يبيع على بيع أخيه ... إلخ، ح: ٢١٤٠ من
حديث سفيان بن عيينة به، ومسلم، ح: ١٥١٥ من طريق آخر عن أبي هريرة به * وفي الباب عن
طلحة [أبو داود، ح: ٣٤٤١] وأنس [البخاري، ح: ٢١٦١] وحكيم بن أبي زيد [باتي: ١٢٢٣
[١٢٢٣] وابن عباس [البخاري، ح: ٢١٥٨] وحكيم بن أبي زيد [عبد بن
حميد، ح: ٤٣٨] وأحمد: ٤١٨/٣ وانظر أطراف المستند] وعمرو بن عوف المزني [البزار (كشف
الأستار)، ح: ٢/٨٩] ورجل من أصحاب النبي ﷺ [أحمد: ٤/٣١٤].

Comments:

There is great wisdom in this prohibition. This prevention is to eliminate the commission agents from in between the urban population and the residents of the rural area who come to the towns and cities to sell their produce and products. Usually the people of rural areas bring their goods to sell to the people of a town with the intention of fulfilling the needs of both areas. If they sell their goods directly to the dwellers of the town they will get the goods at a low price and the seller will get the money to fulfill his other needs. But if a third person from the town or city comes in between, it creates many problems. The seller gets his money late because the commission agent will not give him money until he sells it (since he likes to sell at a higher price) and the purchaser gets the goods at a high price and the commission agent makes the money for nothing. There are many other vices which emerge from this action. Hoarding, black marketing, problems of demand and supply etc., make life troublesome.

1223. Jābir narrated that the Messenger of Allāh ﷺ said: “The dweller of the town is not to sell for the Bedouin, leave the people; Allāh provides for some of them through others.” (*Sahīh*)

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*, and this *Hadīth* of Jābir is a *Hasan Sahīh Hadīth* as well.

This *Hadīth* is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They dislike the dweller of the town to sell for the Bedouin, while some of them permitted the town dweller to purchase for the Bedouin. Ash-Shāfi‘ī said: “It is disliked for the dweller of the town to sell for the Bedouin, and if he does sell, then the sale is permissible.”

١٢٢٣ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ وَأَخْمَدُ بْنُ مَنْعِجٍ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَةَ عَنْ أَبِي الزَّبِيرِ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا يَبْيَعُ حَاضِرٌ لِيَادِهِ، دَعُوا النَّاسَ، يَرْزُقُ اللَّهُ بَعْضَهُمْ مِنْ بَعْضٍ».

[قالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثُ حَسَنٍ صَحِيحُ، وَحَدِيثُ جَابِرٍ فِي هَذَا، هُوَ حَدِيثُ حَسَنٍ صَحِيقٍ أَيْضًا، وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، كَرِهُوا أَنْ يَبْيَعَ حَاضِرٌ لِيَادِهِ، وَرَحَّصَ بَعْضُهُمْ فِي أَنْ يَشْتَرِي حَاضِرٌ لِيَادِهِ، وَقَالَ الشَّافِعِيُّ: يُكْرَهُ أَنْ يَبْيَعَ حَاضِرٌ لِيَادِهِ، وَإِنْ بَاعَ فَالْيَبْعَثُ جَاهِزٌ.

تخریج: وأخرجه مسلم، البيوع، باب تحريم بيع الحاضر للبادي، ح: ١٥٢٢ من حديث سفيان بن عيينة به.

Comments:

This narration of Jābir makes the point clear; if the buyer and seller deal directly it is beneficial for both of them. When a person from a rural area brings his goods and sells them directly to the people of the town without any intervention of a third person, he sells them at the price which suits him and he gets the money on the spot. This encourages him to bring more things to the town and ultimately business flourishes and the residents of the town get needed things on reasonably low prices. But if there is an intervention of a third person, it complicates the whole business process. Supply and demand is affected. The third person or the commission agent does not supply the needed thing in time and raises the prices. The owners of the goods do not get their money on the spot and their needs are delayed. So, Islam has prevented such intervention.

Chapter 14.What Has Been Related About the Prohibition of *Muhāqalah* and *Muzābanah*

1224. Abū Hurairah narrated: "The Messenger of Allāh ﷺ prohibited *Muhāqalah* and *Muzābanah*."

[He said:] There are narrations on this topic from Ibn ‘Umar, Ibn ‘Abbās, Zaid bin Thābit, Sa‘d, Jābir, Rāfi‘ bin Khadīj, and Abū Sa‘eed. (*Sahih*)

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahih Hadīth*.

Muhāqalah is selling crops for wheat, and *Muzābanah* is selling dates that are on the date-palm for dried dates. This is acted upon according to most of the people of knowledge, they disliked sales of *Muhāqalah* and *Muzābanah*.

تخریج: وأخرج مسلم، البيوع، باب كراء الأرض، ح: ١٥٤٥ عن قتيبة به * وفي الباب عن ابن عمر [البخاري، ح: ١٥٤٢] وابن عباس [البخاري، ح: ٢١٨٧] وزيد بن ثابت [أبو داود، ح: ٣٤٠٧] وسعد [يأتي: ١٢٢٥] وجابر [مسلم، ح: ١٥٣٦] ورافع بن خديج [أبو داود، ح: ٣٤٠٠] وابن ماجه، ح: ٢٢٦٧، ٢٤٤٩] وأبي سعيد [البخاري، ح: ٢١٨٦] ومسلم، ح: ١٥٤٦].

Comments:

There is a difference of opinion in the explanation of '*Muhāqalah*'. A) Selling of standing crops for cleaned and dry wheat. B) To give the land for cultivation on the basis of division of crop or on fixed amount of money. C) Selling of the standing crop before it is ready for reaping. '*Muzābanah*' is selling of the fruits still on the trees for dried dates. Islam has prohibited both types of dealings because standing wheat crops when not yet ready for reaping, and fruits on the tree both, are not measurable or weighable. So, depending one's guess is not right, it may bring problems for one of the parties, that is why Islam has prohibited this kind of deal.

(المعجم ١٤) - بَابُ مَا جَاءَ فِي النَّهْيِ،
عَنِ الْمُحَافَلَةِ وَالْمُزَابَنَةِ (التحفة ١٤)

١٢٢٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا يَعْقُوبُ بْنُ عَبْدِ الرَّحْمَنِ [إِلَيْسَكَنْدَرَانِيُّ] عَنْ سَهْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُحَافَلَةِ وَالْمُزَابَنَةِ . [قَالَ:] وَفِي الْبَابِ عَنْ أَبْنِ عُمَرَ وَابْنِ عَبَّاسٍ وَزَيْدِ بْنِ ثَابِتٍ وَسَعْدٍ وَجَابِرٍ وَرَافِعِ بْنِ خَدِيجٍ وَأَبِي سَعِيدٍ . [قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثُ حَسَنٍ صَحِيحٌ .

وَالْمُحَافَلَةُ بَيْعُ الزَّرْعِ بِالْجُنْدَةِ، وَالْمُزَابَنَةُ بَيْعُ الشَّمْرِ عَلَى رُؤُوسِ النَّخْلِ بِالشَّنَرِ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ، كَرِهُوا بَيْعَ الْمُحَافَلَةِ وَالْمُزَابَنَةِ .

1225. ‘Abdullāh bin Yazīd narrated: “Zaid, Abū Ayyāsh asked Sa‘d regarding white wheat in exchange for barley: which of them was better? He said the white, then he forbade that. Sa‘d said: ‘I heard the Messenger of Allāh ﷺ being asked about selling dried dates for ripe dates and he said to those present: “Will the fresh dates shrink when they are dry?” They said yes, so he forbade that.’” (*Hasan*)

(Another chain of narrators) with similar meaning.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*, and this is acted upon according to the people of knowledge. It is the view of *Ash-Shāfi‘ī* and our companions.

تَعْرِيف: [إسناده حسن] وأخرجه أبو داود، البيوع، باب: في الشر بالتمر، ح: ٣٣٥٩ وابن ماجه، ح: ٢٢٦٤ والنسائي: ٧/٢٩٨، ٢٦٩، ح: ٤٥٤٩ من حديث مالك به وهو في الموطأ: ٢/٢٤ وصححه ابن حبان (موارد): ٦٥٧ وابن الجارود، ح: ٦٥٧، والحاكم: ٣٨، ٣٩ والذهبى.

Comments:

The point made clear in this narration is that the exchange of the same kind of produce is not approved if there is a difference in the quality or the quantity of the produce in being exchanged. Imām Abū Hanifah allows the exchange of fresh and dried dates, whereas there is a difference of weight in this exchange. Fresh dates when dried up weigh less, for this reason the exchange of fresh dates and dried dates is prohibited. Most of the people act on the narration. (*Tuhfat Al-Ahwadhi* v. 2 p.233-234.)

Chapter 15. What Has Been Related About It Being Disliked To Sell Fruits Until They Begin To Blossom

1226. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ prohibited selling date-palms until they have blossomed.” (*Sahīh*)

١٢٢٥ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا مَالِكُ بْنُ أَسِّيْسَ عَنْ عَبْدِ اللَّهِ بْنِ زَيْدٍ: أَنَّ زَيْدًا أَبَا عَيَّاشَ، سَأَلَ سَعْدًا عَنِ الْيَضَاءِ بِالشُّلْطَةِ، فَقَالَ: أَيُّهُمَا أَفْضَلُ؟ قَالَ: الْيَضَاءُ، فَنَهَى عَنِ ذَلِكَ، وَقَالَ سَعْدٌ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يُسْأَلُ عَنِ اشْتِرَاءِ التَّمَرِ بِالرُّطْبِ، فَقَالَ لِمَنْ حَوْلَهُ: أَيْنَ تُنْصَصُ الرُّطْبُ إِذَا بَيْسَ؟ قَالُوا: نَعَمْ، فَنَهَى عَنِ ذَلِكَ.

حَدَّثَنَا هَنَّادُ: حَدَّثَنَا وَكِيعٌ عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ زَيْدٍ، عَنْ زَيْدٍ أَبِي عَيَّاشَ قَالَ: سَأَلْنَا سَعْدًا، فَذَكَرَ نَحْوَهُ.

[قال أبو عيسى:] هذا حديث حسن صحيح، والعمل على هذا عند أهل العلم، وهو قول الشافعية وأصحابنا.

تَعْرِيف: [إسناده حسن] وأخرجه أبو داود، البيوع، باب: في الشر بالتمر، ح: ٣٣٥٩ وابن ماجه، ح: ٢٢٦٤ والنسائي: ٧/٢٩٨، ٢٦٩، ح: ٤٥٤٩ من حديث مالك به وهو في الموطأ: ٢/٢٤ وصححه ابن حبان (موارد): ٦٥٧ وابن الجارود، ح: ٦٥٧، والحاكم: ٣٨، ٣٩ والذهبى.

(المعجم ١٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ بَعْثِ الشَّمْرَةِ حَتَّى يَدْوَوْ صَلَاحُهَا (التحفة ١٥)

١٢٢٦ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْيَعٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ

بَيْعُ التَّخْلِ حَتَّى يَرْهُو.

تخریج: وأخرجه مسلم، البیوع، باب النهی عن بیع الشمار قبل بدء صلاحها بغیر شرط القطع، ح: ١٥٣٥ من حديث إسماعيل ان علیه به.

1227. With this (same as no. 1226) chain: “The Prophet ﷺ prohibited selling ears (of grain) until they have whitened (shown their kernels) and are safe from blight, he forbade it for the seller and the buyer.”

[He said:] There are narrations on this topic from Anas, ‘Āishah, Abū Hurairah, Ibn ‘Abbās, Jabir, Abū Sa‘eed, and Zaid bin Thābit. (*Sahīh*)

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Umar is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. They dislike selling fruits before their usefulness appears, this is the view of *Ash-Shāfi‘ī*, Ahmad and Ishāq.

تخریج: وأخرجه مسلم، انظر الحديث السابق * وفي الباب عن أنس، [يأتي: ١٢٢٨] وعائشة [أحمد: ٢٤٦، ٧٠/٦، ١٠٥] وأبي هريرة [مسلم، ح: ٥٣٨] وابن عباس [البخاري، ح: ١٤٨٧] ومسلم، ح: ١٥٣٧] وأبي سعيد [الطبراني في الأوسط، ح: ٦٤١٢] وزيد بن ثابت [أبو داود، ح: ٣٣٧٢ واحمد: ١٩٠، ١٨٥/٥].

1228. Anas narrated: “The Messenger of Allāh ﷺ prohibited selling grapes until they appear and selling grains until they become firm.” (*Da‘īf*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharib*, we do not know of it being *Marfū‘* except from the narration of Hammād bin Salamah.

١٢٢٧ - وبهذا الإسناد: أَنَّ النَّبِيَّ ﷺ نَهَا عَنْ بَيْعِ السُّنْبُلِ حَتَّى يَبْيَضَ وَيَأْمَنَ الْعَاهَةَ، نَهَا الْبَائِثَ وَالْمُشَبَّرِيَّ. [قال:] وَفِي الْبَابِ عَنْ أَنَسٍ، وَعَائِشَةَ، وَأَبِي هُرَيْرَةَ، وَابْنِ عَبَّاسٍ، وَجَابِرٍ وَأَبِي سَعِيدٍ وَزَيْدِ بْنِ ثَابَتٍ.

[قال أبو عيسى:] حديث ابن عمر حديث حسن صحيح. والعمل على هذا عند أهل العلم من أصحاب النبي ﷺ وغيرهم. كرِهُوا بَيْعَ الشَّمَارِ قَبْلَ أَنْ يَنْدُو صَلَاحَهَا، وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

١٢٢٨ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَالُ : حَدَّثَنَا أَبُو الْوَلِيدِ وَعَفَانُ وَسَلَيْمَانُ بْنُ حَرْبٍ قَالُوا: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَا عَنْ بَيْعِ الْعَيْنِ حَتَّى يَسْوَدَ، وَعَنْ بَيْعِ الْحَبْ حَتَّى يَشْتَدَّ. [قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ

عَرِيبٌ، لَا تَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ حَدِيثِ
حَمَادٍ بْنِ سَلَمَةَ.

تخریج: [إسناده ضعیف] وأخرجه أبو داود، البیوع، باب: فی بیع الشمار قبل أن یبدو صلاحها، ح: ۳۷۱ عن الحسن بن علي وابن ماجه، ح: ۲۲۱۷ من حديث حماد بن سلمة به، حمید عنون وصححه ابن حبان (الإحسان): ۴۹۷۲ والحاکم: ۲/۱۹ على شرط الشیخین ووافقة الذہبی.

Comments:

The orders of not selling the grains and fruits until they are ripe enough and safe from blight, were given to stop the conflict between the buyer and the seller. Though it is prohibited to sell before it is ripe and safe but if the buyer wants to reap the crop and pick up the fruit from the trees before it is ready, then according to the Four *A'immah* it is approved and lawful to sell it.

Chapter 16. What Has Been Related About The Sale Of *Habalil-Habalah*

1229. Ibn 'Umar narrated: "The Prophet ﷺ prohibited the sale of *Habalil-Habalah*." (*Sahih*)

[He said:] There are narrations on this topic from 'Abdullāh bin 'Abbās and Abū Sa'eed Al-Khudrī.

[Abū 'Eisā said:] The *Hadīth* of Ibn 'Umar is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge. And *Habalil-Habalah* is the offspring of the offspring (of an animal). It is an invalid sale according to the people of knowledge and it is a type of *Gharar* sale.^[1]

Shu'bah reported this *Hadīth* from Ayyūb, from Sa'eed bin Jubair, from Ibn 'Abbās.

'Abdul-Wahhāb Ath-Thaqafī and others reported it from Ayyūb, from Sa'eed bin Jubair and Nāfi',

(المعجم ۱۶) - بَابُ مَا جَاءَ فِي بَيْعِ
حَبَلِ الْحَبَلَةِ (التحفة ۱۶)

۱۲۲۹ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَادُ بْنُ
زَيْدٍ عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ
الَّذِي نَهَى عَنْ بَيْعِ حَبَلِ الْحَبَلَةِ.
[قال:] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ
عَبَاسٍ وَأَبِي سَعِيدِ الْحُدْرِيِّ.
[قالَ أَبُو عِيسَى:] حَدِيثُ ابْنِ عُمَرَ
حَدِيثُ حَسَنٍ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ
أَهْلِ الْعِلْمِ، وَحَبَلُ الْحَبَلَةِ يَتَّسِعُ التَّسَاجُ، وَهُوَ
بَيْعٌ مَفْسُوحٌ عِنْدَ أَهْلِ الْعِلْمِ، وَهُوَ مِنْ بَيْعِ
الْغَرَرِ. وَقَدْ رَوَى شَعْبُهُ هَذَا الْحَدِيثَ عَنْ
أَيُوبَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَاسٍ.
وَرَوَى عَبْدُ الْوَهَابِ التَّقَفِيِّ وَغَيْرُهُ عَنْ أَيُوبَ،
عَنْ سَعِيدِ بْنِ جُبَيْرٍ وَنَافِعٍ، عَنْ ابْنِ عُمَرَ عَنْ
الَّذِي نَهَى، وَهَذَا أَصَحُّ.

[۱] See the next chapter.

from Ibn ‘Umar, from the Prophet ﷺ, and this is more correct.

تخریج: [صحيح] وأخرجه النسائي في الكبرى، ح: ٦٢١٩ عن قتيبة، والبخاري، ح: ٤١٤٣ ومسلم، ح: ١٥١٤ من حديث نافع به * وفي الباب عن عبد الله بن عباس [النسائي، ح: ٤٦٢٦] وأبي سعيد الخدري [يأتي مختصرًا: ١٥٦٣ وابن ماجه، ح: ٩٦].

Comments:

‘Habalah’ is plural of ‘Habl’ as ‘Katabah’ is plural of ‘Katab’ ‘Habalil Habalah’ is an offspring of the offspring of an animal. Explanation: A) To pay at the time when the she-camel will give birth to a she-camel and that offspring she-camel will give birth to a camel or she-camel. Imām Shafī‘ī and some others support this explanation of ‘Habalil Habalah’. B) Others said it is to pay at the time when the she-camel gives birth to a she-camel and that offspring she-camel gets pregnant. In both situations the deal is unlawful and strictly disapproved because of the time factor. Nobody knows what will happen during this long period of time.

Chapter 17. What Has Been Related About: Sales Of *Gharar*^[1] Are Disliked

1230. Abū Hurairah narrated: “The Messenger of Allāh ﷺ prohibited the *Gharar* sale, and the *Hasāh* sale.” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn ‘Umar, Ibn ‘Abbās, Abū Sa‘eed, and Anas.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*.

This *Hadīth* is acted upon according to the people of knowledge, they dislike the *Gharar* sale. Ash-Shafī‘ī said: “The *Gharar* sale includes selling fish that are in the water, selling a slave that has escaped, selling birds that are in the sky, and similar types of sales. And the meaning of the *Hasāh* sale is when the seller says to the buyer:

(المعجم ١٧) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ
بَيعِ الْغَرَرِ (التحفة ١٧)

١٢٣٠ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو
أُسَامَةَ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ أَبِي
الزَّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ:
نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيعِ الْغَرَرِ وَبَيعِ
الْحَضَاءِ.

[قال:] وَفِي الْبَابِ عَنْ أَبْنِ عُمَرَ وَابْنِ
عَبَّاسٍ وَأَبِي سَعِيدٍ وَأَنَسٍ.

[قالَ أَبُو عِيسَى:] حَدَّثُتُ أَبِي هُرَيْرَةَ
حَدِيثَ حَسَنٍ صَحِحَّ، وَالْعَمَلُ عَلَى هَذَا
الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ، كَرِهُوا بَيعَ الْغَرَرِ.
قَالَ الشَّافِعِيُّ: وَمِنْ بَيعِ الْغَرَرِ بَيعُ السَّمَكِ فِي
الْمَاءِ، وَبَيعُ الْعَبْدِ الْآتِيِّ، وَبَيعُ الطَّيْرِ فِي
السَّمَاءِ، وَتَحْوُّلُ ذَلِكَ مِنَ الْبَيْعِ، وَمَعْنَى بَيعِ

[1] A sale involving uncertainty or deceit. It normally refers to the sale of what one does not possess, or what can not be defined, see the comments of the author.

'When I toss the pebble at you, then the sale between you and I is final.' This resembles the sale of *Munābadhah* and this is one of the selling practices of the people of *Jahiliyyah*."

تخریج: وأخرج مسلم، البيع، باب بطلان بيع والحسنة والبيع الذي فيه غرر، ح: ١٥١٣ من حديث أبيأسامة به * وفي الباب عن ابن عمر [ابن حبان، ح: ١١١٥ والبيهقي: ٢٢٨٥/٥] وابن عباس [ابن ماجه، ح: ٢١٩٥] وأبى سعيد [علمه يشير إلى حديث البخاري، ح: ٦٢٨٤ ومسلم، ح: ١٥١٢] وأنس [أبو يعلى: ١٥٥ /٥، ح: ٢٧٦٧ والبيهقي: ٩/٥].

Comments:

A sale involving uncertainty and deceitful tricks is called a sale of '*Gharar*'. All such sales that are based on deceiving others are unlawful and prohibited. All *A'immah* and scholars agree on this issue. The example of the sale of *Gharar* is selling an animal which is still in the womb of the mother or sale of the fish which is still in water and the net has been thrown for their catch, or selling a slave that has escaped, or sale of birds which are in the sky and sale of run away or lost animals.

Chapter 18. What Has Been Related About The Prohibition Of Two Sales In One

1231. Abū Hurairah narrated: "The Messenger of Allāh ﷺ prohibited two sales in one."

There are narrations on this topic from 'Abdullāh bin 'Amr, Ibn 'Umar, and Ibn Mas'ūd. (*Hasan*) [Abū 'Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahih Hadīth*.

This is acted upon according to the people of knowledge. Some of the people of knowledge have explained it by saying that two sales in one is when one says: "I will sell you this garment for ten in cash, and twenty on credit." He does not distinguish between either of the two sales. But when he distinguishes it as being one of them, then there is no harm when

الحسنة، أَنْ يَقُولَ الْبَاعِثُ لِلْمُسْتَرِي: إِذَا
بَدَأْتُ إِلَيْكَ بِالْحَسَنَةِ، فَقَدْ وَجَبَ الْبَيْعُ فِيمَا
بَيْتَنِي وَبَيْتَكَ. وَهَذَا يُشَبِّهُ بَيْعَ الْمُنَابَدَةِ، وَكَانَ
هَذَا مِنْ بَيْعِ أَهْلِ الْجَاهِلِيَّةِ.

تخریج: وأخرج مسلم، البيع، باب بطلان بيع والحسنة والبيع الذي فيه غرر، ح: ١٥١٣ من حديث أبيأسامة به * وفي الباب عن ابن عمر [ابن حبان، ح: ١١١٥ والبيهقي: ٢٢٨٥/٥] وابن عباس [ابن ماجه، ح: ٢١٩٥] وأبى سعيد [علمه يشير إلى حديث البخاري، ح: ٦٢٨٤ ومسلم، ح: ١٥١٢] وأنس [أبو يعلى: ١٥٥ /٥، ح: ٢٧٦٧ والبيهقي: ٩/٥].

(المعجم ١٨) - بَابُ مَا جَاءَ فِي النَّهْيِ
عَنْ بَيْعَتَيْنِ فِي بَيْعَةِ (التحفة ١٨)

١٢٣١ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا عَبْدَةُ بْنُ
سُلَيْمَانَ عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ أَبِي
سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: نَهَى رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعَتَيْنِ فِي بَيْعَةِ .
وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو وَابْنِ
عَمْرَ وَابْنِ مَسْعُودٍ.

[قال أبو عيسى:] حديث أبي هريرة
حديث حسن صحيح، والعمل على هذا عند
أهل العلم، وقد فسر بعض أهل العلم،
قالوا: بيعتين في بيعة، أَنْ يَقُولَ: أَيْعُكَ هَذَا
الثَّوْبَ يَقْدِي بِعَشْرَةً، وَبِسَيْسِيَّةٍ بِعَشْرِينَ، وَلَا
يُفَارِقُهُ عَلَى أَحَدِ الْبَيْعَيْنِ، فَإِذَا فَارَقَهُ عَلَى

one of them is agreed upon.

Ash-Shāfi‘ī said: “Included in the meaning of what the Prophet ﷺ prohibited of regarding two sales in one, is if one said: ‘I will sell you this house of mine for that (price), upon the condition that you sell me your slave for this (price). When I get the slave, then you get the house.’ In this way the sales are distinguished without the prices being known, and neither of them knows what will happen at the conclusion of it (the agreement).”

Tarbiyyah: [إسناده حسن] وأخرجه السائي، البيوع، باب بيعتين في بيعة . . . إلخ، ح: ٧، ٢٩٥، ح: ٤٦٣٦ من حديث محمد بن عمرو به * وفي الباب عن عبد الله بن عمرو [يأتي: ١٢٣٤] وأحمد: ٢، ١٧٤، ١٧٥ والبيهقي: [ابن عبدالبر في التمهيد: ٣٤٣/٥] وابن عمر [ابن عبد البر في التمهيد: ٣٨٨/٢٤] وابن مسعود [أحمد: ١/٣٩٨] وغيره.

Comments:

Three explanations have been given of “two sales in one” by scholars. Imām At-Tirmidhi has already given two explanations of the narration and the third explanation is that a person pays another person one Dinar on the promise that he will give him ten kilos of wheat next month. After one month when he demands ten kilos of wheat the other man says that the wheat he owes him may be sold to him again and next month he will give him twenty kilos of wheat. All kinds of such sales are unlawful and strictly prohibited. It is also a kind of *Ribā*.

Chapter 19. What Has Been Related About It Being Disliked To Sell What One Does Not Have

1232. Hakim bin Hizām narrated: “I asked the Messenger of Allāh ﷺ, I said: ‘A man came to me asking to buy something that I did not have. Can I buy it from the market for him and then give it to him?’^[1] He said: ‘Do not sell what

أَحَدِهِمَا، فَلَا بِأَسْنَ إِذَا كَانَتِ الْعُقْدَةُ عَلَى
وَاحِدٍ مِنْهُمَا. قَالَ الشَّافِعِيُّ: وَمَنْ مَعَنِي مَا
نَهَى النَّبِيُّ ﷺ عَنْ بَيْعَتَيْنِ فِي بَيْعَةِ، أَنْ
يَقُولَ: أَبِيعُكَ دَارِي هَذِهِ بِكَدَا، عَلَى أَنْ
تَبَيَّنَنِي غُلَامَكَ بِكَدَا فَإِذَا وَجَبَ لِي غُلَامَكَ
وَجَبَ لَكَ دَارِي، وَهَذَا يُفَارِقُ عَنْ بَيْعٍ بِغَيْرِ
ثَمَنٍ مَعْلُومٍ، وَلَا يَدْرِي كُلُّ وَاحِدٍ مِنْهُمَا عَلَى
مَا وَقَعَتْ عَلَيْهِ صَفْقَةٌ.

(المعجم ١٩) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ
بَيْعٍ مَا لَيْسَ عِنْدَهُ (النَّفْحةُ ١٩)

١٢٣٢ - حَدَّثَنَا قُبَيْلٌ: حَدَّثَنَا هُشَیْمٌ عَنْ
أَبِي شِرْبٍ، عَنْ يُوسُفَ بْنِ مَاهَكَ، عَنْ حَكِيمٍ
ابْنِ حَزَامَ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ.
فَقُلْتُ: يَأَتِينِي الرَّجُلُ يَسْأَلُنِي مِنَ الْبَيْعِ مَا
لَيْسَ عِنْدِي، أَبْتَاعُ لَهُ مِنَ الشَّوْقِ ثُمَّ أَبِيعُهُ؟

[1] That is: Collect the money from him as in a sale, pay it in the market and then give it to him? See *Tuhfat Al-Ahwadhi*.

is not with you.”” (*Hasan*)

قَالَ: «لَا تَبْعِثُ مَا لَيْسَ عِنْدَكَ».

تخریج: [إسناده حسن] وأخرجه السائی: ٤٦١٧، ح: ٢٨٩ / ٤٦١٧ (اليوم، باب بيع ما ليس عند البائع) من حديث هشيم، وأبو داود، ح: ٣٥٠٣ وابن ماجه، ح: ٢١٨٧ من حديث أبي بشر به وصححه ابن حزم، وله طرق كثيرة عند ابن الجارود، ح: ٦٠٢ وغيره.

1233. Hākim bin Hizām narrated: “The Messenger of Allāh ﷺ prohibited me from selling what was not with me.” (*Sahīh*)

[Abū ‘Eīsā said:] This *Hadīth* is *Hasan*. He said: There is something on this topic from ‘Abdullāh bin ‘Umar.

Ishāq bin Mansūr said: “I said to Ahmad: ‘What is the meaning of the prohibition from a loan along with a sale?’ He said: ‘That he gives him a loan and then he makes a sale to him greater than its actual worth. And, it carries the meaning of him loaning it to him in exchange for something (as collateral), so he says: ‘If you are unable to pay it (the loan), then it (the collateral) will be a sale for you.’ Ishāq [meaning Ibn Rahuwiyah] said as he said. And I said to Ahmad: ‘What about selling what one does not possess?’ He said: ‘To me it does not apply except in cases of food – meaning when one has not taken possession of it.’ And Ishāq said the same for all of what is measured or weighed. Ahmad said: ‘When he says: “I will sell you this garment, with the condition that I am the tailor for it, and I am the one who bleaches it.” This is an example of two conditions in one sale. But if he says: “I am selling it to you with the

رَبِّنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَئُوبَ، عَنْ يُوسُفَ بْنِ مَاهَكَ، عَنْ حَكِيمٍ بْنِ جِزَامٍ قَالَ: نَهَايِي رَسُولُ اللهِ ﷺ أَنْ أَبْيَعَ مَا لَيْسَ عِنْدِي .

[قَالَ أَبُو عِيسَى:] وَهَذَا حَدِيثُ حَسَنٍ، قَالَ وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ .

قَالَ إِسْحَاقُ بْنُ مَضْوِرٍ: قُلْتُ لِأَخْمَدَ مَا مَعَنِي نَهَىٰ عَنْ سَلْفٍ وَبَيْعٍ؟ قَالَ: أَنْ يَكُونَ يُفْرِضُهُ قَرْضًا ثُمَّ يُبَايِعُهُ عَلَيْهِ بَيْعًا يَرْدَادُ عَلَيْهِ، وَيَحْتَمِلُ أَنْ يَكُونَ يُسْلِفُ إِلَيْهِ فِي شَيْءٍ فَيَقُولُ: إِنْ لَمْ يَتَهَيَّأْ عِنْدَكَ فَهُوَ بَيْعٌ عَلَيْكَ، قَالَ إِسْحَاقُ [يَعْنِي ابْنَ رَاهُوْيَهَ] كَمَا قَالَ قُلْتُ لِأَخْمَدَ: وَعَنْ بَيْعٍ مَا لَمْ تَضْمِنْ؟ قَالَ: لَا يَكُونُ عِنْدِي إِلَّا فِي الطَّعَامِ يَعْنِي مَا لَمْ تَقْبِضُ، قَالَ إِسْحَاقُ: كَمَا قَالَ، فِي كُلِّ مَا يُكَالُ أَوْ يُوزَنُ . قَالَ أَخْمَدُ: إِذَا قَالَ: أَبِيَعُكَ هَذَا الثَّوْبَ وَعَلَيَّ خِيَاطَتُهُ وَقَصَارَتُهُ، فَهَذَا مِنْ نَحْوِ شَرْطَيْنِ فِي بَيْعٍ، وَإِذَا قَالَ: أَبِيَعُكَ، وَعَلَيَّ خِيَاطَتُهُ فَلَا يَأْسَ بِهِ، وَقَالَ: أَبِيَعُكَ وَعَلَيَّ قَصَارَتُهُ فَلَا يَأْسَ بِهِ، إِنَّمَا هَذَا شَرْطٌ وَاحِدٌ، قَالَ إِسْحَاقُ: كَمَا قَالَ .

condition that I am its tailor,” then there is no harm in it. And, if he said: “I am selling it to you with the condition that I am the one who bleaches it” then there is no harm in it, because this is only one condition.’ And Ishāq said as he said.”

تخریج: [إسناده صحيح] وأخرجه أحمد: ٤٠٢/٣ من حديث أبوب السختياني به وانظر الحديث السابق * وفي الباب عن عبدالله بن عمر [وصوابه عبدالله بن عمر كما في تحفة الأحوذى: ٢٣٧ والنسخة الهندية، وحديه يأتي بعده: ١٢٣٤].

1234. Ayyūb narrated: ‘Amr bin Shu‘aib narrated to us, saying: My father narrated to me from his father’ until he mentioned ‘Abdullāh bin ‘Amr: “The Messenger of Allāh ﷺ said: ‘It is not lawful to lend and sell, nor two conditions in a sale, nor to profit from what is not possessed, nor to sell what one does not have.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

[Abū ‘Eisā said:] The *Hadīth* of Hakīm bin Hizām is a *Hasan Hadīth*, it has been reported from him through other routes. Ayyūb As-Sakhtiyānī and Abū Bishr report from Yūsuf bin Māhak, from Hakīm bin Hizām.

[Abū ‘Eisā said:] ‘Awf and Hishām bin Hassān reported this *Hadīth* from Ibn Sirīn, from Hakīm bin Hizām from the Prophet ﷺ. And this is a *Mursal Hadīth*. Ibn Sirīn only reported it from Ayyūb As-Sikhtiyānī from Yūsuf bin Māhak, from Hakīm bin Hizām like this.

١٢٣٤ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْعِنْ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَيُوبُ: حَدَّثَنَا عَمْرُو بْنُ شَعْبَنَ قَالَ: حَدَّثَنِي أَبِي، عَنْ أَبِيهِ، حَتَّى ذَكَرَ عَبْدَ اللَّهِ بْنَ عَمْرُو، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَحِلُّ سَلْفٌ وَبَيْعٌ، وَلَا شَرْطَانٌ فِي بَيْعٍ، وَلَا رِبْعٌ مَا لَمْ يُضْمَنْ، وَلَا بَيْعٌ مَا لَيْسَ عِنْدَكَ».

[قال أبو عيسى:] وهذا حديث حسن صحيح.

[قال أبو عيسى:] حديث حكيم بن حزام حديث حسن. قد روی عنه من غير وجوده. وروى أبوب السختياني وأبو بشر، عن يوسف بن ماهك، عن حكيم بن حزام.

[قال أبو عيسى:] وروى هذا الحديث عوف وهشام بن حسان، عن ابن سيرين عن حكيم بن حزام عن النبي ﷺ. وهذا حديث مرسلاً. إنما رواه ابن سيرين عن أبوب السختياني، عن يوسف بن ماهك، عن حكيم بن حزام هكذا.

تخریج : [إسناده صحيح] وأخرجه أبو داود، البيوع، باب: في الرجل بيع ما ليس عنده، ح: ٤٦١٥ وابن ماجه، ح: ٢١٨٨ من حديث إسماعيل ابن علية به والنسائي، ح: ٣٥٠٤ من حديث أيوب، وصححه ابن الجارود، ح: ٦٠١ والحاكم: ١٧/٢ والذهبى.

1235. Ḥakīm [bin Hizām] narrated: “The Messenger of Allāh ﷺ prohibited me from selling what was not with me.” (*Sahīh*)

[Abū ‘Eisā said:] Waki‘ reported this *Hadīth* from Yazīd bin Ibrāhīm, from Ibn Sirīn, from Ayyūb, from Ḥakīm bin Hizām, and he did not mention in it: “From Yūsuf bin Māhak.”

And the narration of ‘Abduṣ-Ṣamad (a narrator in the chain of *Hadīth* no. 1235) is more correct.

Yahyā bin Abī Kathīr reported this *Hadīth* from Ya‘lā bin Ḥakīm, from Yūsuf bin Māhak, from ‘Abdullāh bin ‘Ismah, from Ḥakīm bin Hizām, from the Prophet ﷺ.

This *Hadīth* is acted upon according to most of the people of knowledge, they dislike for a man to sell what is not with him.

١٢٣٥ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيٍّ الْخَلَالِيُّ
وَعَبْدَةُ بْنُ عَبْدِ اللَّهِ [الْخُرَاعِيُّ الْبَصْرِيُّ أَبُو
سَهْلٍ] وَغَيْرُهُ وَاحِدٌ قَالُوا: حَدَّثَنَا عَبْدُ الصَّمَدِ
ابْنُ عَبْدِ الْوَارِثِ عَنْ يَزِيدَ بْنِ إِبْرَاهِيمَ، عَنْ
ابْنِ سِيرِينَ، عَنْ أَيُوبَ، عَنْ يُوسُفَ بْنِ
مَاهَكَ، عَنْ حَكِيمِ [بْنِ حِزَامٍ] قَالَ: نَهَايِي
رَسُولُ اللَّهِ ﷺ أَنَّ أَبَيَّعَ مَا لَيْسَ عِنْدِي.
[قَالَ أَبُو عَيْسَى:] وَرَوَى وَكِيعُ هَذَا
الْحَدِيثَ عَنْ يَزِيدَ بْنِ إِبْرَاهِيمَ عَنْ ابْنِ
سِيرِينَ، عَنْ أَيُوبَ، عَنْ حَكِيمِ بْنِ حِزَامٍ.
وَلَمْ يَذْكُرْ فِيهِ عَنْ يُوسُفَ بْنِ مَاهَكَ.
وَرِوَايَةُ عَبْدِ الصَّمَدِ أَصَحُّ.

وَقَدْ رَوَى يَحْيَى بْنُ أَبِي كَثِيرٍ هَذَا الْحَدِيثَ
عَنْ يَعْلَى بْنِ حَكِيمٍ، عَنْ يُوسُفَ بْنِ مَاهَكَ،
عَنْ عَبْدِ اللَّهِ بْنِ عِضْمَةَ، عَنْ حَكِيمِ بْنِ
حِزَامٍ، عَنْ النَّبِيِّ ﷺ، وَالْعَمَلُ عَلَى هَذَا
الْحَدِيثِ عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ. كَرِهُوا أَنْ
يَبْيَعَ الرَّجُلُ مَا لَيْسَ عِنْدَهُ.

تخریج : [إسناده صحيح] انظر، ح: ١٢٣٢، ١٢٣٣ .

Comments:

According to Imām Aḥmad’s view it is related to grains only. It means that the grains which are not in possession, it is illegal to sell them. Imām Iṣhāq says all things that are measured and weighed and are not in possession are included in it. In the view of Imām Ash-Shāfi‘ī and Muḥammad, all the things which are not in possession are included in it. According to Imām Mālik it is not lawful to sell grains and fruits which are not in possession, and in the view of Imām Abū Hanifah, all moveable property which is not in possession, its sale is unlawful. (See for details: *Sharh Muslim lin-Nawawī* v.2. p5)

Chapter 20. What Has Been Related About It Being Disliked To Sell *Walā'* And To Confer It^[1]

1236. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ prohibited selling the *Walā'* and conferring it.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. We do not know of it except as a narration of ‘Abdullāh bin Dīnār, from Ibn ‘Umar.

This *Hadīth* is acted upon according to the people of knowledge.

Yahya bin Sulaim reported this *Hadīth* from ‘Ubaidullāh bin ‘Umar, from Nāfi‘ from Ibn ‘Umar from the Prophet ﷺ, (saying) “That he prohibited selling the *Walā'* and conferring it.”

But this is a mistake from Yahya bin Sulaim. Because ‘Abdul-Wahhāb Ath-Thaqafī, ‘Abdullāh bin Numair and others reported it from ‘Ubaidullāh bin ‘Umar, from ‘Abdullāh bin Dīnār, from Ibn ‘Umar, from the Prophet ﷺ. And this is more correct than the narration of Yahya bin Sulaim.

تخریج: منطق عليه، وأخرجه البخاري، العنق، باب بيع الولاء وهبة، ح: ٢٥٣٥ من حديث شعبة وح: ٦٧٥٦ من حديث سفيان ومسلم، ح: ١٥٠٦ من حديث شعبة وسفيان الثوري به.

Comments:

‘*Walā'* is the relationship between a slave and the one who manumits. By this relationship one who gets freedom is considered the family member of the one who frees. If the freed slave dies without having any legal heir his property goes to the one who manumitted him. Arabs before the advent of Islam used to sell or confer this relationship of *Walā'*. The Prophet ﷺ prohibited it.

^[1] *Al-Walā'* is the right for the one who freed a slave to inherit his or her property. It is not lawful to sell that right, nor give it to someone as a gift.

(المعجم ٢٠) - باب مَا جَاءَ فِي كِراہیة
بَيْعِ الْوَلَاءِ وَهَبَتِهِ (التحفة ٢٠)

١٢٣٦ - حَدَّثَنَا مُحَمَّدُ بْنُ يَسَارٍ: حَدَّثَنَا
عَبْدُ الرَّحْمَنِ بْنُ مَهْدَىٰ [قَالَ]: حَدَّثَنَا سُفْيَانُ
وَشُعْبَةُ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ أَبْنِ
عُمَرَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ
وَهَبَتِهِ.

[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٌ
صَحِحٌ. لَا نَعْرِفُ إِلَّا مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ
دِينَارٍ، عَنْ أَبْنِ عُمَرَ، وَالْعَمَلُ عَلَى هَذَا
الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ، وَقَدْ رَوَى يَحْيَى بْنُ
سُلَيْمَانُ هَذَا الْحَدِيثَ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ،
عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ عَنِ النَّبِيِّ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ: أَنَّهُ
نَهَى عَنْ بَيْعِ الْوَلَاءِ وَهَبَتِهِ. وَهُوَ وَهُمْ: وَهُمْ
فِيهِ يَحْيَى بْنُ سُلَيْمَانُ وَقَدْ رَوَى عَبْدُ الْوَهَابِ
الْقَنْفُونِيُّ وَعَبْدُ اللَّهِ بْنِ ثُمَيرٍ وَغَيْرُ وَاحِدٍ عَنْ
عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ،
عَنْ أَبْنِ عُمَرَ عَنِ النَّبِيِّ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ.
وَهَذَا أَصْحَحُ مِنْ حَدِيثِ يَحْيَى بْنِ سُلَيْمَانَ.

^[1] *Al-Walā'* is the right for the one who freed a slave to inherit his or her property. It is not lawful to sell that right, nor give it to someone as a gift.

Chapter 21. What Has Been Related About It Being Disliked To Barter Animals For Animals On Credit

1237. Samurah narrated: “The Messenger of Allāh ﷺ prohibited bartering animals for animals on credit.” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn ‘Abbās, Jābir, and Ibn ‘Umar.

[Abū ‘Eisā said:] The *Hadīth* of Samurah is a *Hasan Sahīh Hadīth*. It is correct that Al-Ḥasan heard from Samurah, this is what ‘Alī bin Al-Madīnī and others said.

Regarding (the prohibition of) bartering animals for animals on credit, this is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others. This is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah, and it is the view of Aḥmad.

Some of the people of knowledge, among the Companions of the Prophet ﷺ and others, permitted bartering animals for animals on credit. This is the view of Ash-Shāfi‘ī and Iṣhāq.

تخریج: [صحيح] وأخرجه أبو داود، البيوع، باب: في الحيوان بالحيوان نسیة، ح: ٣٣٥٦؛ من حديث حماد بن سلمة به وصححه ابن الجارود، ح: ٦١١؛ ورواه شعبة عن قتادة به وللحديث شواهد عند ابن حبان، ح: ١١١٣ * وفي الباب عن ابن عباس [البيهقي: ٢٨٨/٥، ٢٨٩] وجابر [يأتي: ١٢٣٨] وابن عمر [الطحاوي في معاني الآثار: ٤/٦٠].

1238. Jābir narrated that the Messenger of Allāh ﷺ said: “Animals [two for one] are not

(المعجم ٢١) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ
بَيْعِ الْحَيَّانِ بِالْحَيَّانِ نَسِيَّةً (التحفة ٢١)

١٢٣٧ - حَدَّثَنَا مُحَمَّدُ بْنُ مُشَّى أَبُو
مُوسَى: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ
حَمَادَ بْنَ سَلَمَةَ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ،
عَنْ سُمْرَةَ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ بَيْعِ
الْحَيَّانِ بِالْحَيَّانِ نَسِيَّةً.
[قال:] وفي الباب عن ابن عباس وجابر
وابن عمر.

[قال أبو عيسى:] حديث سمرة حديث
حسن صحيح، وسماع الحسن من سمرة
صحيح. هكذا قال علي بن المديني وغيره.
والعمل على هذا عند أكثر أهل العلم من
 أصحاب النبي ﷺ وغيرهم، في بيع الحيوان
بالحيوان نسية، وهو قول سفيان الثوري
وأهل الكوفة، وبه يقول أخمد وقد رخص
بعض أهل العلم من أصحاب النبي ﷺ
وغيرهم في بيع الحيوان بالحيوان نسية،
وهو قول الشافعي وإسحاق.

١٢٣٨ - حَدَّثَنَا أَبُو عَمَّارِ الْحُسَيْنِ بْنِ
حُرَيْثَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ عَنْ الْحَجَاجِ

proper on credit, and there is no harm in a hand to hand (exchange).” (*Da’if*)

This *Hadīth* is *Hasan* [*Sahīh*].

- وَهُوَ ابْنُ أَرْطَاءً - عَنْ أَبِي الرُّبِّيرِ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْحَيَّانُ [اثْنَانِ بُواحِدِينَ]، لَا يَصْلُحُ نِسِيَّةً، وَلَا بَأْسَ بِهِ يَدًا بِيَدِهِ».

هذا حديث حسن [صحيح].

تخریج: [إسناد ضعیف] وأخرجه ابن ماجه، التجارات، باب الحیوان بالحیوان نسیة، ح: ۲۲۷۱ من حديث الحجاج بن أرطاة به وهو ضعیف مدلس، والحديث السابق يعني عن حديثه.

Comments:

There is a narration in *Sahīh Al-Bukhārī* that the Prophet ﷺ bought a camel on credit from a Bedouin and later on returned a better camel to him. Imām Bukhārī has written a ‘Chapter on Loan of Camels’. It proves that an animal can be bartered on credit. According to Hāfiẓ Ibn Ḥajar most of the people of knowledge act upon this narration.

Chapter 22. What Has Been Related About Buying A Slave In Exchange For Two Slaves

1239. Jābir narrated: “A slave came to give the pledge to the Prophet ﷺ for *Hijrah*, but the Prophet ﷺ did not realize that he was a slave. So his master came to get him and the Prophet ﷺ said: ‘Sell him to me.’ So he purchased him for two black slaves. Then he would not take the pledge from anyone until he asked him if he was a slave.” (*Sahīh*)

[He said:] There is something on this topic from Anas.

[Abū ‘Eisā said:] The *Hadīth* of Jābir is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge. There is no harm in a slave for two slaves in a hand to hand exchange, but they differ when it is on credit.

(المعجم ۲۲) - بَابُ مَا جَاءَ فِي شَرَاءِ الْعَبْدِ بِالْعَبْدَيْنِ (التحفة ۲۲)

١٢٣٩ - حَدَّثَنَا قَيْمِيَّةُ: حَدَّثَنَا الْلَّيْثُ عَنْ أَبِي الرُّبِّيرِ، عَنْ جَابِرٍ قَالَ: جَاءَ عَبْدٌ فَبَاعَ النَّبِيَّ ﷺ عَلَى الْهِمْرَةِ، وَلَا يَشْعُرُ النَّبِيُّ ﷺ أَنَّهُ عَبْدٌ، فَجَاءَ سَيِّدُهُ يُرِيدُهُ، فَقَالَ النَّبِيُّ ﷺ: «يُغْنِيهِ».

فَاشْرَأَهُ بِعَبْدَيْنِ أَسْوَانِينِ، ثُمَّ لَمْ يُبَايِعْ أَحَدًا بَعْدُ، حَتَّى يَسْأَلَهُ: «أَعَبْدُ هُوَ؟».

[قال:] وفي الباب عن أنسٍ: [قال أبو عيسى:] حديث جابر حديث حسن صحيح، والعمل على هذا عند أهل العلوم، أنه لا بأس بعبد بعبد، يدًا بيد، واختلفوا فيه إذا كان نسي娅.

تخریج: وأخرج مسلم، المساقاة، باب جواز بيع الحيوان بالحيوان، من جنسه، متفاضلاً، ح: ١٦٠٢ عن قتيبة به * وفي الباب عن أنس [بن ماجه، ح: ٢٢٧٢ و أبو داود، ح: ٢٩٩٧ وأصله متفق عليه].

Chapter 23. What Has Been Related About That Wheat Is To Be Exchanged For Wheat, Kind For Kind, And That An Increase In It Is Disliked

1240. 'Ubādah bin Aṣ-Ṣāmit narrated that the Prophet ﷺ said: "Gold for gold, kind for kind; silver for silver, kind for kind; dried-dates for dried-dates, kind for kind; wheat for wheat, kind for kind; salt for salt, kind for kind; and barley for barley, kind for kind. Whoever increases or seeks an increase, then he has dealt with *Ribā*. Sell gold for silver as you wish, hand to hand; and sell wheat for dried-dates as you wish, hand to hand; and sell barley for dried-dates as you wish, hand to hand." (*Sahih*)

[He said:] There are narrations on this topic from Abū Sa'eed, Abū Hurairah, Bilāl, [and Anas].

[Abū 'Eisā said:] The *Hadīth* of 'Ubādah bin Aṣ-Ṣāmit is *Hasan Sahīh*. Some of them reported this *Hadīth* from Khālid, with this chain, and he said: "Sell wheat for barley as you wish, hand to hand."

Some of them reported this *Hadīth* from Khālid, from Abū Qilābah, from Ash'ath, from 'Ubādah from the Prophet ﷺ. In that *Hadīth*, they added that Khālid said: "Abū Qilābah said: "Sell wheat for barley as you wish, hand to hand."

This *Hadīth* is acted upon

(المعجم ٢٣) - بَابُ مَا جَاءَ أَنَّ الْحِنْطَةَ بِالْحِنْطَةِ مِثْلًا بِمِثْلٍ وَكَرَاهِيَّةُ التَّفَاضُلِ فِيهِ (التحفة ٢٣)

١٢٤٠ - حَدَّثَنَا سُوَيْدُ بْنُ نَصْرٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ: حَدَّثَنَا سُفْيَانُ عَنْ خَالِدٍ الْحَذَّاءِ، عَنْ أَبِي قَلَبَةَ، عَنْ أَبِي الأَشْعَثِ، عَنْ عُبَادَةَ بْنِ الصَّابِيتِ عَنِ النَّبِيِّ ﷺ قَالَ: «الدَّهْبُ بِالدَّهْبِ مِثْلًا بِمِثْلٍ وَالْفِضَّةُ بِالْفِضَّةِ مِثْلًا بِمِثْلٍ، وَالثُّمُرُ بِالثُّمُرِ مِثْلًا بِمِثْلٍ، وَالبَّرُّ بِالْبَرِّ مِثْلًا بِمِثْلٍ، وَالْمِلْحُ بِالْمِلْحِ مِثْلًا بِمِثْلٍ، وَالشَّعِيرُ بِالشَّعِيرِ مِثْلًا بِمِثْلٍ. فَمَنْ زَادَ أَوْ ازْدَادَ فَقَدْ أَرْبَى، بِيَعْوَدُ الدَّهْبُ بِالْفِضَّةِ كَيْفَ شَيْئُمْ يَدَا بِيَدِهِ، وَبِيَعْوَدُ الْبَرُّ بِالثُّمُرِ كَيْفَ شَيْئُمْ يَدَا بِيَدِهِ». [قال:] وفي الباب عن أبي سعيد وأبي هريرة وبيلالي [وأنس].

[قال:] أَبُو عِيسَى: حَدِيثُ عُبَادَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَقَدْ رَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ خَالِدٍ بِهَذَا الإِسْنَادِ، قَالَ: «بِيَعْوَدُ الْبَرُّ بِالشَّعِيرِ كَيْفَ شَيْئُمْ يَدَا بِيَدِهِ». وَرَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ خَالِدٍ، عَنْ أَبِي قَلَبَةَ، عَنْ أَبِي الأَشْعَثِ، عَنْ عُبَادَةَ عَنِ النَّبِيِّ ﷺ الْحَدِيثَ، وَزَادَ فِيهِ قَالَ خَالِدٌ:

according to the people of knowledge, they do not think that one may sell wheat for wheat except when it is the same kind for the same kind, and (the same for) barely in exchange for barely, kind for kind. When the items are themselves different, then there is no harm in one being more than the other if it is hand to hand. This is the saying of most of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Sufyān Ath-Thawrī, Ash-Shāfi‘ī, Ahmād, and Ishāq. Ash-Shāfi‘ī said: “And the proof for that is the saying of the Prophet ﷺ: ‘Sell barely for wheat as you wish, hand to hand.’”

[Abū ‘Eisā said:] Some of the people of knowledge considered it disliked that wheat be sold for barely unless it was kind for kind. This is the view of Mālik bin Anas, but the first view is more correct.

قال أبو قلابة: يبْعُدُ الْبَرُّ بِالشَّعِيرِ كَيْفَ شَيْئُمْ فَذَكَرَ الْحَدِيثَ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، لَا يَرَوْنَ أَنْ يُبَاعَ الْبَرُّ بِالْبَرِّ إِلَّا مُثْلًا بِمُثْلٍ، وَالشَّعِيرُ بِالشَّعِيرِ إِلَّا مُثْلًا بِمُثْلٍ، فَإِذَا اخْتَلَفَ الْأَصْنَافُ فَكَلَّا بَأْسَ أَنْ يُبَاعَ مُنْقَاضِلًا إِذَا كَانَ يَدًا بِيَدٍ، وَهَذَا قَوْلُ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ الْيَيْمَنِ وَغَيْرِهِمْ. وَهُوَ قَوْلُ سُفيَّانَ الثُّورِيِّ وَالشَّافِعِيِّ وَأَخْمَدَ وَاسْحَاقَ. وَقَالَ الشَّافِعِيُّ: وَالْحُجَّةُ فِي ذَلِكَ قَوْلُ الْيَيْمَنِ وَالْمَالِكِيِّ: «يُبَاعُ الشَّعِيرُ بِالْبَرِّ كَيْفَ شَيْئُمْ، يَدًا بِيَدٍ».

قال أبو عيسى: [وَقَدْ كَرِهَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ أَنْ يُبَاعَ الْجِنْطَةُ بِالشَّعِيرِ إِلَّا مُثْلًا بِمُثْلٍ، وَهُوَ قَوْلُ مَالِكٍ بْنِ أَنَسٍ، وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.

تخریج: وأخرجه مسلم، المساقاة، باب الصرف وبيع الذهب بالورق نقداً، ح: ١٥٨٧ من حديث سفيان الثوري به * وفي الباب عن أبي سعيد [يأتي: ١٢٤١] وأبي هريرة [مسلم، ح: ١٥٨٨] وبلال [الدارمي، ح: ٢٥٧٩] وأنس [البزار (كتف الأستار): ١٠٩/٢، ح: ١٣١٩].

Comments:

Ribā (Usury or Interest) is of two kinds. a) Direct and b) Indirect. The example of direct Ribā is very clear, it is to take money or anything else on loan and settle the terms and conditions of return in advance and to agree by both parties to pay more than the original loan taken, or to return a better thing than the thing taken on loan. This is unlawful. The second kind of Ribā is indirect interest for which the narration in the chapter has the basic standing. Ribā means increase. Exchange of one kind of grain with the same kind of grain with some addition is because it resembles the Direct Interest, therefore, it has been declared unlawful. (See for details: *Hujjatullāh Al-Bālighah* v.2. p.106 - 107.)

Chapter 24. What Has Been Related About Exchange

1241. Nāfi‘ narrated: “Ibn ‘Umar and I went to Abū Sa‘eed and he narrated to us: ‘the Messenger of Allāh ﷺ said – and I heard him with these [two] ears: “Do not sell gold for gold except kind for kind, nor silver for silver except kind for kind, do not exchange more of one than the other, and do not sell what is not present from them for what is present.” (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from Abū Bakr, ‘Umar, Uthmān, Abū Hurairah, Hishām bin ‘Āmir, Al-Barā’, Zaid bin Arqam, Fadālah bin ‘Ubaid, Abū Bakrah, Ibn ‘Umar, Abū Ad-Dardā’, and Bilāl.

[He said:] the *Hadīth* of Abū Sa‘eed, from the Prophet ﷺ [about *Ribā*] is a *Hasan Sahīh Hadīth*.

This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others, except for what has been related from Ibn ‘Abbās; he did not see any harm in exchanging gold for gold or silver for silver, more for less, when it is done hand to hand, and he said: “*Ribā* is only in credit.” Similar has been related from some of his companions. It has been related that Ibn ‘Abbās changed his opinion when Abū Sa‘eed narrated it to him from the Prophet ﷺ. The first view is more correct.

And this is acted upon according to the people of knowledge [among the

(المعجم ٢٤) - بَابُ مَا جَاءَ فِي
الصَّرْفِ (التحفة ٢٤)

١٢٤١ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْبِعٍ : حَدَّثَنَا
حُسَيْنُ بْنُ مُحَمَّدٍ : حَدَّثَنَا شَيْبَانُ عَنْ يَحْيَى بْنِ
أَبِي كَثِيرٍ ، عَنْ نَافِعٍ ، قَالَ : انْطَلَقْتُ أَنَا وَابْنُ
عُمَرَ إِلَى أَبِي سَعِيدٍ ، فَحَدَّثَنَا : أَنَّ رَسُولَ اللَّهِ
ﷺ قَالَ : سَمِعْتَهُ أُذْنَانِي [هَاتَانِ] يَقُولُ : « لَا
تَبْيَعُوا الدَّهْبَ بِالدَّهْبِ إِلَّا مِثْلًا بِمِثْلٍ ، لَا
وَالْفِضَّةَ بِالْفِضَّةِ إِلَّا مِثْلًا بِمِثْلٍ ، لَا يُشَفِّ
بَعْضُهُ عَلَى بَعْضٍ ، وَلَا تَبْيَعُوا مِنْهُ غَائِبًا
بِنَاجِزِهِ . »

[قالَ أَبُو عِيسَى :] وَفِي الْبَابِ عَنْ أَبِي
بَكْرٍ وَعُمَرَ وَعُثْمَانَ وَأَبِي هُرَيْرَةَ وَهَشَامِ بْنِ
عَامِرٍ وَالْبَرَاءِ وَزَيْنَدِ بْنِ أَرْقَمَ وَفَضَالَةَ بْنِ عَبْيَدٍ
وَأَبِي بَكْرَةَ وَابْنِ عُمَرَ وَأَبِي الدَّرْدَاءِ وَبِلَالِ
[قالَ : وَحَدِيثُ أَبِي سَعِيدٍ عَنِ النَّبِيِّ ﷺ]
[فِي الرِّبَا] حَدِيثٌ حَسْنٌ صَحِيقٌ . وَالْعَمَلُ
عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَاحِ النَّبِيِّ
ﷺ وَغَيْرِهِمْ ، إِلَّا مَا رُوِيَ عَنِ ابْنِ عَبَّاسٍ :
أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يُبَايَعَ الدَّهْبُ
بِالدَّهْبِ مُتَفَاضِلًا ، وَالْفِضَّةُ بِالْفِضَّةِ مُتَفَاضِلًا ،
إِذَا كَانَ يَدًا يَدِهِ ، وَقَالَ : إِنَّمَا الرِّبَا فِي
الشَّيْءَيْنِ ، وَكَذَلِكَ رُوِيَ عَنْ بَعْضِ أَصْحَاحِهِ
شَيْءٌ مِنْ هَذَا ، وَقَدْ رُوِيَ عَنِ ابْنِ عَبَّاسٍ أَنَّهُ
رَجَعَ عَنْ قَوْلِهِ حِينَ حَدَّثَهُ أَبُو سَعِيدَ الْخُدْرِيَّ
عَنِ النَّبِيِّ ﷺ ، وَالْقَوْلُ الْأَوَّلُ أَصَحُّ . وَالْعَمَلُ
عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ [مِنْ أَصْحَاحِ النَّبِيِّ

Companions of the Prophet ﷺ and others]. It is the view of Sufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi‘ī, Ahmad, and Ishāq. It has been reported that Ibn Al-Mubārak said: “There no difference over exchange.”

تخریج: [إسناده صحيح] وأخرجه أحمد: ٧٣ من حديث يحيى بن أبي كثیر، ومسلم، ح: ١٥٨٤ من حديث نافع، والبخاري، ح: ٢١٧٦ من طريق آخر عن ابن عمر به وح: ٢١٧٧ من حديث ثابت نافع به * وفي الباب عن أبي بكر [[البزار (كشف الأستار): ٢/١٠٩، ح: ١٣١٨]] وعمر [يأتي: ١٢٤٣: ٤/٢٠، ١٩٤: ٢٠٠، ١٩١]] وعثمان [مسلم، ح: ١٥٨٥: ٤/٢١٨١، ٢١٨٠]] وأبي هريرة [مسلم، ح: ١٥٨٩: ٤/٣٦٨، ٣٦٧٢] وزيد بن أرقم [البخاري، ح: ٢١٨٠: ٤/١٥٨٩ وأحمد: ٢١٨١، ٣٦٨] وفضلة بن عبيد [مسلم، ح: ١٥٩١: ٤/٤٥٧٦] وأبي بكرة [البخاري، ح: ٢١٨٢: ٤/١٥٩٠] وابن عمر [يأتي: ١٢٤٢: ٤/٤٥٧٦] وأبي الدرداء [مالك في الموطأ: ٢/٦٣٤ والنمسائي، ح: ٢٥٧٩: ٤/٤٥٧٦] وبلال [الدارمي، ح: ٢٥٧٩]] .

Comments:

“*Lā Yushaffu*” means making an increase or decrease during exchange. And “*Nājiz*” means present. Exchange of gold with silver, or silver with gold, or gold with gold, and silver with silver, on credit, is not lawful. It is unanimously agreed upon. An exchange of the same kind with increase or decrease is also unlawful. The command of the Prophet ﷺ is that “*Ribā* is in loan.” It means taking a loan and returning it with increase in it. This type of exchange was customary among the people of that time. The Prophet ﷺ disapproved it and declared it unlawful. If the kind is not the same in the exchange there can be increase or decrease in it, and it is approved, but if the deal of exchange is on credit, it is unlawful.

1242. Ibn ‘Umar narrated: “I would sell camels at Al-Baqī‘, so I would sell them for Dinar but take in place of them Dirham, and, I would sell for silver and take Dinar in its place. So I went to the Messenger of Allāh ﷺ and found him leaving the house of Hafṣah. I asked him about that and he said: ‘There is no harm in that when it (equals) the price.’” (*Hasan*)

[Abū ‘Eisā said:] We do not know of this *Hadīth* being *Marfū‘* except from the narration of Simāk bin

بن عَلِيٍّ وَغَيْرِهِمْ] وَهُوَ قَوْلُ سُفْيَانَ الثُّورِيِّ وَابْنِ الْمُبَارِكِ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَرُوِيَ عَنْ ابْنِ الْمُبَارِكِ أَنَّهُ قَالَ: لَيْسَ فِي الصَّرْفِ الْخِتَالُ.

١٢٤٢ - حَدَّثَنَا الْحَسْنُ بْنُ عَلِيٍّ الْخَلَّالُ : حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ : حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ سِمَاكِ بْنِ حَرْبٍ ، عَنْ سَعِيدِ بْنِ جُبَيرٍ ، عَنْ ابْنِ عُمَرَ قَالَ: كُنْتُ أَبْيَعُ الْإِلَيْ بِالْبَقِيعِ ، فَأَبْيَعُ بِالدَّنَانِيرِ ، فَأَخْذُ مَكَانَهَا الْوَرَقَ وَأَبْيَعُ بِالْوَرَقِ فَأَخْذُ مَكَانَهَا الدَّنَانِيرِ ، فَأَبْيَعُ رَسُولَ اللَّهِ وَعَلِيهِ السَّلَامُ ، فَوَجَدْتُهُ خَارِجًا مِنْ بَيْتِ حَفْصَةَ ، فَسَأَلْتُهُ عَنْ ذَلِكَ فَقَالَ: «لَا يَأْسَ بِهِ بِالْقِيمَةِ» .

Harb from Sa'eed bin Jubair, from Ibn 'Umar.

Dāwūd bin Abī Hind narrated this *Hadīth* form Sa'eed bin Jubair, from Ibn 'Umar in *Mawqūf* form.

This is acted upon according to some of the people of knowledge. There is no harm in paying for gold with silver and silver with gold. This is the view of Ahmād and Iṣhāq. Some of the people of knowledge, among the Companions and others, disliked that.

تخریج: [إسناده حسن] وأخرجه أبو داود، البيع، باب: في اقتضاء الذهب من الورق، ح: ٣٣٥٤ من حديث حماد بن سلمة به وصححه ابن حبان، ح: ١١٢٨ وابن الجارود، ح: ٦٥٥ والحاكم على شرط مسلم: ٤٤ / ٢ ووافقة النهي.

Comments:

All *A'immah*, Mālik, Abū Ḥanīfah, Shāfi'i, Ahmad, Ath-Thawrī, Al-Awzā'ī, and Ḥasan, and others, agree and approve if a thing is sold in Dinar, and Dihrams are taken instead of Dinar, or vice versa, but the deal must be hand to hand. If the deal is on credit, it is unlawful.

1243. Ibn Shihāb narrated from Mālik bin Aws bin Ḥadathān that he said: "I once said: 'Who can change some Dirham?' So Ṭalḥah bin 'Ubaidullāh – and he was with 'Umar bin Al-Khattāb – said: "Leave your gold with us, then return to us when our servant comes and we will give you your silver." 'Umar bin Al-Khattāb said: "No! By Allāh! Either give him his silver or return his gold to him. Indeed the Messenger of Allāh ﷺ said: 'Silver for gold is *Ribā*, except for hand to hand; and wheat for wheat is *Ribā* except for hand to hand; and barley for barley is *Ribā* except for hand to hand; and dried-dates for dried-dates is *Ribā* except

[قال أبو عيسى:] هَذَا حَدِيثٌ لَا تَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ حَدِيثِ سِمَالِكَ بْنِ حَرْبٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ أَبْنِ عُمَرَ . وَرَوَى دَاوُدُ بْنُ أَبِي هِنْدٍ هَذَا الْحَدِيثَ عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبْنِ عُمَرَ، مَوْقُوفًا . وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ أَنْ لَا يَأْسَ أَنْ يَقْتَصِي الْذَّهَبُ مِنَ الْوَرْقِ، وَالْوَرْقُ مِنَ الدَّهَبِ، وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ . وَقَدْ كَرِهَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، ذَلِكَ .

١٢٤٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْيَثُونُ عَنْ أَبْنِ شَهَابٍ، عَنْ مَالِكَ بْنِ أُوسٍ بْنِ الْحَدَّاثَانِ، أَنَّهُ قَالَ: أَقْبَلْتُ أَقْوُلُ: مَنْ يَضْطَرِفُ الدَّرَاهِمَ؟ فَقَالَ طَلْحَةُ بْنُ عُبَيْدِ اللَّهِ - وَهُوَ عِنْدَ عُمَرَ بْنِ الْخَطَّابِ - أَرِنَا ذَهَبَكَ ثُمَّ ائْتِنَا إِذَا جَاءَ خَادِمَنَا نُعْطِكَ وَرِقَةً، فَقَالَ عُمَرُ بْنُ الْخَطَّابِ: كَلَّا، وَاللَّهِ لَتُعْطِيهِنَّ وَرِقَةً أَوْ لَتُرْدَدَنَ إِلَيْهِ ذَهَبَهُ، فَإِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْوَرْقُ بِالْذَّهَبِ رِبَا إِلَّا هَاءَ وَهَاءَ، وَالبَرِّ بِالشَّعِيرِ رِبَا إِلَّا هَاءَ وَهَاءَ، وَالثَّمُرُ بِالثَّمُرِ رِبَا إِلَّا هَاءَ وَهَاءَ».

for hand to hand.”” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge. And the meaning of *Hā’ Wa Hā’* is hand to hand.

تخریج: وأخرج مسلم، المساقاة، باب الصرف وبيع الذهب بالورق نقداً، ح: ١٥٨٦ / ٧٩
عن قبیة، والبخاري، ح: ٢١٧٠ من حديث الليث بن سعد به مختصراً، ح: ٢١٧٤ ومطولاً.

Comments:

Nowadays, paper currency is in circulation instead of Dirham and Dinar, so their exchange comes under the orders of gold and silver. Currency of one country will be dealt on equal basis with the currency of another country. Taking or giving one hundred rupees (for example) in place of a lesser or greater amount of rupees is unlawful because it resembles *Ribā*. The currency of different countries can be exchanged with increase or decrease as in the exchange of Dollar or Pound or Riyal. This exchange is lawful because the kind is not the same. This exchange will be hand to hand and not on credit.

Chapter 25. What Has Been Related About Purchasing Date-Palms After Pollination And A Slave That Has Property

1244. Sālim narrated from his father that the Messenger of Allāh ﷺ said: “Whoever purchases a date-palm after it has been pollinated then its fruits are for the one who sold it, unless the buyer made it a condition. And whoever purchases a slave who has property, then his property is for the one who sold him, unless the buyer made it a condition.” (*Sahīh*)

[He said:] There is something on this topic from Jābir. The *Hadīth* of Ibn ‘Umar is a *Hasan Sahīh Hadīth*. Similarly, it has been reported by more than one route from Az-Zuhri, from Sālim, from Ibn ‘Umar, that the Prophet ﷺ said:

[قالَ أَبُو عِيسَى: [هَذَا حَدِيثٌ حَسْنٌ صَحِيفٌ. وَالْعَمَلُ عَلَى هَذَا إِنْدَ أَهْلِ الْعِلْمِ وَمَعْنَى قَوْلِهِ إِلَّا هَاءُ وَهَاءٌ يَقُولُ يَدًا بِيَدٍ.]

تخریج: وأخرج مسلم، المساقاة، باب الصرف وبيع الذهب بالورق نقداً، ح: ١٥٨٦ / ٧٩
عن قبیة، والبخاري، ح: ٢١٧٠ من حديث الليث بن سعد به مختصراً، ح: ٢١٧٤ ومطولاً.

(المعجم ٢٥) - بابُ مَا جَاءَ فِي ابْتِياعِ النَّخْلِ بَعْدَ التَّأْبِيرِ، وَالْعَبْدِ وَلَهُ مَالٌ
(التحفة ٢٥)

١٢٤٤ - حَدَّثَنَا قُبِيَّةُ: حَدَّثَنَا الْيَثُونُ عَنْ أَبِيهِ شَهَابٍ، عَنْ سَالِمٍ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ ابْتَاعَ نَخْلًا بَعْدَ أَنْ تُؤَبِّرَ فَشَمَرْتُهَا لِلَّذِي بَاعَهَا، إِلَّا أَنْ يَشْرِطَ الْمُبْتَاعُ، وَمَنْ ابْتَاعَ عَبْدًا وَلَهُ مَالٌ فَمَالَهُ لِلَّذِي بَاعَهَا، إِلَّا أَنْ يَشْرِطَ الْمُبْتَاعُ». [قال:] وَفِي الْبَابِ عَنْ جَابِرٍ. [وَ] حَدِيثُ أَبْنِ عُمَرَ حَدِيثٌ حَسْنٌ صَحِيفٌ. هَكَذَا رُوِيَ مِنْ غَيْرِ وَجْهٍ عَنِ الرَّهْمَنِيِّ، عَنْ سَالِمٍ، عَنْ أَبْنِ عُمَرَ عَنِ الْيَتَمِيِّ أَنَّهُ قَالَ: «مَنْ ابْتَاعَ نَخْلًا بَعْدَ أَنْ تُؤَبِّرَ فَشَمَرْتُهَا لِلْبَاعِي إِلَّا أَنْ يَشْرِطَ الْمُبْتَاعُ، وَمَنْ بَاعَ عَبْدًا وَلَهُ مَالٌ فَمَالَهُ

"Whoever purchases a date-palm after it has been pollinated, then its fruits are for the seller, unless the buyer made it a condition. And whoever purchases a slave who has property, then his property is for the seller, unless the buyer made it a condition." And it has been reported from Nāfi', from Ibn 'Umar, that the Prophet ﷺ said: "Whoever purchases a date-palm that has been pollinated, then its fruits are for the seller, unless the buyer made it a condition."

It has been reported from Nāfi', from Ibn 'Umar from 'Umar, that he ﷺ said: "Whoever sold a slave who has property, his property is for the seller, unless the buyer made it a condition." This is how the two *Aḥādīth* were reported by 'Ubaidullāh bin 'Umar and others from Nāfi'.

Some of them have also reported this *Hadīth* from Nāfi', from Ibn 'Umar, from the Prophet ﷺ.

'Ikrimah bin Khālid reported similar to the *Hadīth* of Sālim, from Ibn 'Umar, from the Prophet ﷺ.

This *Hadīth* is acted upon according to some of the people of knowledge. It is the view of Ash-Shāfi'i, Ahmad, and Ishāq.

Muhammad bin Ismā'il said: "The *Hadīth* of Az-Zuhri from Sālim, from his father, from the Prophet ﷺ is the most correct [of what has been reported on this topic]."

تخریج: متفق عليه، وأخرجه مسلم، البيوع، باب من باع نخلاً عليها تمر، ح: ١٥٤٣، ٨٠ / ١٥٤٣
عن قتيبة والبخاري، ح: ٢٣٧٩ من حديث الليث بن سعد به * وفي الباب عن جابر [له يشير إلى
حديث مسلم، ح: ١٥٣٦ وفي الباب أحاديث أخرى].

للبايِّع، إلَّا أَنْ يَشْرُطَ الْمُبَتَّاعَ». و[قَدْ] رُوِيَ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ ابْتَاعَ نَخْلًا قَدْ أَبْرَثَ فَمَرَّتْهَا لِلْبَايِّعِ، إلَّا أَنْ يَشْرُطَ الْمُبَتَّاعَ».

[وَقَدْ] رُوِيَ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنْ عُمَرَ، أَنَّهُ قَالَ: مَنْ باعَ عَنْدَهُ وَلَهُ مَالٌ، فَنَاهَهُ لِلْبَايِّعِ إلَّا أَنْ يَشْرُطَ الْمُبَتَّاعَ. هَكَذَا رَوَاهُ عَبْيُودُ اللَّهِ بْنُ عُمَرَ وَغَيْرُهُ عَنْ نَافِعٍ، الْحَدِيثَيْنِ. وَقَدْ رَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ أَنْضَا.

وَرَوَى عَكْرِمَةُ بْنُ خَالِدٍ عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ تَحْوِي حَدِيثَ سَالِمٍ. وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ.

قَالَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ: حَدِيثُ الزُّهْرِيِّ عَنْ سَالِمٍ عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ، أَصَحُّ [مَا جَاءَ فِي هَذَا الْبَابِ].

Comments:

“*Tu’abar*” means pollination. In the time of the Prophet ﷺ people used to take more produce with artificial pollination, as today trees are grafted to have more produce.

Chapter 26. What Has Been Related About ‘Both The Buyer And The Seller Retain The Option As Long As They Have Not Separated’

1245. Nāfi‘ narrated from Ibn ‘Umar, that the Messenger of Allāh ﷺ said: “Both the buyer and the seller retain the option as long as they have not separated or they give each other the option.”

He (Nāfi‘) said: “So when Ibn ‘Umar purchased something while he was sitting, he would stand to complete the sale.” (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from Abū Barzah, [Hakīm bin Hizām], ‘Abdullāh bin ‘Amr, Samurah, Abū Hurairah, and ‘Abdullāh bin ‘Abbās.

Abū ‘Eisā said: The *Hadīth* of Ibn ‘Umar is a *Hasan Sahīh Hadīth*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Ash-Shāfi‘ī, Aḥmad, and Iṣhāq, they said: “The separation means parting, not in speech.”

Some of the people of knowledge held the view that the saying of the Prophet ﷺ: “As long as they have not separated” means making a separation in speech.^[1] But the

(المعجم ٢٦) - بَابُ مَا جَاءَ : الْبَيْعَانِ
بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا (التحفة ٢٦)

١٢٤٥ - حَدَّثَنَا وَاصِلُ بْنُ عَبْدِ الْأَغْلَى
الْكُوفِيُّ : حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنْ يَعْمَى
ابْنِ سَعِيدٍ ، عَنْ نَافِعٍ ، عَنْ ابْنِ عُمَرَ قَالَ :
سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ : «الْبَيْعَانِ
بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا أَوْ يَحْتَارَا» .

قَالَ : فَكَانَ ابْنُ عُمَرَ إِذَا ابْتَاعَ بَيْعًا وَهُوَ
قَادِعٌ ، قَامَ لِيَجِبَ لَهُ [الْبَيْعُ] .

[قَالَ أَبُو عِيسَى :] وَفِي الْبَابِ عَنْ أَبِي
بُرْرَةَ [وَحَكِيمِ بْنِ حِزَامٍ] وَعَبْدِ اللَّهِ بْنِ عَمْرِو
وَسَمِّرَةَ وَأَبِي هُرَيْرَةَ وَعَبْدِ اللَّهِ بْنِ عَبَاسَ .

قَالَ أَبُو عِيسَى : حَدِيثُ ابْنِ عُمَرَ حَدِيثٌ
حَسَنٌ صَحِيحٌ . وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ
أَهْلِ الْعِلْمِ مِنْ أَصْحَاحَ الْبَيْعَانِ بِالْخِيَارِ وَغَيْرِهِمْ .
وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ ،
وَقَالُوا : الْفُرْقَةُ بِالْأَبْدَانِ لَا بِالْكَلَامِ .

وَقَدْ قَالَ بَعْضُ أَهْلِ الْعِلْمِ : مَعْنَى قَوْلِ
الْبَيْعَانِ بِالْخِيَارِ : «مَا لَمْ يَتَفَرَّقَا» يَعْنِي الْفُرْقَةُ
بِالْكَلَامِ ، وَالْقَوْلُ الْأَوَّلُ أَصَحُّ ، لِأَنَّ ابْنَ عُمَرَ
هُوَ رَوَى عَنْ رَسُولِ اللَّهِ بِالْخِيَارِ ، وَهُوَ أَعْلَمُ

^[1] Meaning when the seller says: “Sold” or the buyer says something similar.

first view is more correct, because Ibn ‘Umar – who narrated it from the Messenger of Allāh ﷺ – is more knowledgeable about the meaning of what he narrated, and it is reported that when he wanted to conclude a sale, he would walk away to conclude it.

تغريّب: متفق عليه، وأخرجه البخاري، البیوع، باب: کم یجوز الخیار؟، ح: ۲۱۰۷ و مسلم، ح: ۱۵۳۱ من حديث يحيى بن سعيد به * وفي الباب عن أبي بربعة [أبو داود، ح: ۳۴۵۷] و حكيم ابن حزام [يأتي: ۱۲۶۶] و عبد الله بن عمرو [يأتي: ۱۲۴۷] و سمرة [ابن ماجه، ح: ۲۱۸۳] والنسائي: [يأتي: ۲۵۱ / ۷] و عبد الله بن عباس [ابن حبان، ح: ۱۲۴۸] و أبي هريرة [يأتي: ۴۴۸۲] وأبي هريرة [يأتي: ۱۲۴۸] ح: ۲۷۰ / ۵ والبيهقي: [يأتي: ۱۱۰۰] والبيهقي: [يأتي: ۲۷۰ / ۵] والحاكم: [يأتي: ۱۴ / ۲].

Comments:

A bargain is not considered complete until the consent is given from both sides. There is the possibility of cancellation until the bargain is finished and agreed upon by both the parties. After giving the consent both the parties keep the right of cancellation of the deal as long as they are present at the place where the deal is taking place but if one of the parties, or both of them, left the place, they loose the right of cancellation and the deal is sealed.

1246. Hākim bin Hizām narrated that the Messenger of Allāh ﷺ said: “Both the buyer and the seller retain the option as long as they have not separated. If they spoke the truth and clarified (any defects or conditions), then they would be blessed in their sale, and if they hid something and lied then their sale would be deprived of blessings.” (*Sahīh*)

And this is a *Sahīh Hadīth*.

This is how it was reported from Abū Barzah Al-Aslāmī, that two men came disputing to him after the sale of a horse, and they were on a ship, so he said: “I did not see the two of you separate, and the Messenger of Allāh ﷺ said: ‘The buyer and the seller retain the choice as long as they did not

بِمَعْنَى مَا رَوَى. وَرُوِيَ عَنْهُ: أَنَّهُ كَانَ إِذَا أَرَادَ أَنْ يُوجِّبَ الْبَيْعَ، مَشَى لِيَجِبَ لَهُ.

١٢٤٦ - حَدَّثَنَا مُحَمَّدُ بْنُ يَسَارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ شُعْبَةَ: حَدَّثَنِي قَتَادَةُ، عَنْ صَالِحٍ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، عَنْ حَكِيمِ بْنِ حَزَامٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْبَيْعَانُ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا، فَإِنْ صَدَقا وَبَيَّنَا، بُورَكَ لَهُمَا فِي بَيْعِهِمَا، وَإِنْ كَنَّا وَكَذَبَنَا مُحِقَّتْ بَرَكَةُ

بَيْعِهِمَا».

وَهَذَا حَدِيثٌ صَحِيحٌ .
وَهَكَذَا رُوِيَ عَنْ أَبِي بَرْزَةَ الْأَسْلَمِيِّ: أَنَّ رَجُلَيْنِ اخْتَصَمَا إِلَيْهِ فِي فَرَسٍ بَعْدَ مَا تَبَيَّنَ، وَكَانُوا فِي سَفِينَةٍ، فَقَالَ: لَا أَرَكُمَا افْتَرَقْتُمَا، وَقَالَ رَسُولُ اللَّهِ ﷺ: «الْبَيْعَانُ

separate.”

Some of the people of knowledge, among the people of Al-Kūfah and others, held the view that the separation refers to speech. This is the saying of [Sufyān] Ath-Thawrī. This has been reported from Mālik bin Anas, and it has been reported from Ibn Al-Mubārak that he said: “How could this be refuted?” And the *Hadīth* about it from the Prophet ﷺ is *Sahīh*, and it strengthens this view.

And the meaning of the saying of the Prophet ﷺ: “Except for the optional sale” is, that (while they are still together) the seller gives the buyer the option to cancel after the conclusion of the sale. If he chooses to agree to the sale, then he does not have the choice to cancel the sale after that, even if they did not separate. This is how Ash-Shāfi‘ī and others explained it. And what strengthens the view of those who said that the separation refers to them parting, (and) it does not refer to speech, is the (following) *Hadīth* of ‘Abdullāh bin ‘Amr from the Prophet ﷺ.

تخریج: متفق عليه، وأخرجه مسلم، البيوع، باب الصدق في البيع والبيان، ح ١٥٣٢؛ من حديث يحيى القطان والبخاري، ح ٢٠٧٩؛ من حديث شعبة به.

1247. ‘Amr bin Shu‘aib narrated from his father, from his grandfather, that the Messenger of Allāh ﷺ said: “Both the buyer and the seller retain the option as long as they did not separate, unless they agreed to making it optional. And it is not lawful for him to separate from his companion, fearing that he

بالخيار ما لم يتفرقا”.
وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَهْلِ الْكُرْفَةِ وَغَيْرِهِمْ، إِلَى أَنَّ الْفُرْقَةَ بِالْكَلَامِ،
وَهُوَ قَوْلُ [سُقْيَانَ] التَّوْرِيِّ.
وَهَكَذَا رُوِيَ عَنْ مَالِكِ بْنِ أَنَسٍ، وَرُوِيَ عَنْ أَبْنِ الْمُبَارَكِ أَنَّهُ قَالَ: كَيْفَ أَرُدُّ هَذَا؟
وَالْحَدِيثُ فِيهِ عَنِ النَّبِيِّ ﷺ صَحِيحٌ وَقَوْيٌ لَهَا الْمَذَهَبُ.

وَمَعْنَى قَوْلِ النَّبِيِّ ﷺ: «إِلَّا بَيْعُ الْخِيَارِ»
مَعْنَاهُ أَنْ يُخْرِجَ الْبَاعِيُّ الْمُشْتَرِيَ بِمَدِ إِيمَانِ
الْبَيْعِ، فَإِذَا خَيَرَهُ فَاخْتَارَ الْبَيْعَ، فَلَيْسَ لَهُ
خِيَارٌ بَعْدَ ذَلِكَ فِي فَسْخِ الْبَيْعِ، إِنْ لَمْ
يَتَفَرَّقَا، هَكَذَا فَسْرَهُ الشَّافِعِيُّ وَغَيْرُهُ. وَمِمَّا
يُقَوِّيُّ قَوْلَ مَنْ يَقُولُ: الْفُرْقَةُ بِالْأَبْدَانِ لَا
بِالْكَلَامِ حَدِيثُ عَبْدِ اللَّهِ بْنِ عَمْرُو عَنِ النَّبِيِّ ﷺ.

١٢٤٧ - حَدَّثَنَا بِذَلِكَ قُتْبَيَّةُ [بْنُ سَعِيدٍ]:
حَدَّثَنَا الْلَّيْثُ بْنُ سَعِيدٍ عَنْ أَبْنِ عَجْلَانَ، عَنْ
عَمْرُو بْنِ شَعِيبٍ، عَنْ أَبِيهِ، عَنْ جَدِهِ: أَنَّ
رَسُولَ اللَّهِ ﷺ قَالَ: «الْبَيْعُانُ بِالْخِيَارِ مَا لَمْ
يَتَفَرَّقاً، إِلَّا أَنْ تَكُونَ صَفَقَةُ خِيَارٍ، وَلَا يَجْلِّ
لَهُ أَنْ يَفَارِقَ صَاحِبَهُ خَشِيَّةً أَنْ يَسْتَقْبِلَهُ».

will change his mind.” (*Hasan*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan* and this means separating from him after the sale, fearing that he will change his mind. And if the separation referred to speech, and there was no option left for him after the sale, then this *Hadīth* would be meaningless, since he ﷺ said: “And it is not lawful for him to separate from his companion, fearing that he will change his mind.”

تخریج: [حسن] وأخرجه أبو داود، البیوی، باب: فی خیار المتبایعن، ح: ٣٤٥٦ . والنسائی، ح: ٤٤٨٨ عن قتیبة به وصححه ابن الجارود، ح: ٦٢٠ .

Comments:

Here “*Iqālah*” means the appeal for the cancellation of deal. Here it does not mean the demand of return of goods purchased after the deal is complete, because the return of purchased things is possible even after the separation, with consent of the two parties. One party does not have the choice alone.

Chapter 27. What Has Been Related About The Option Of The Buyer And The Seller

1248. Abū Hurairah narrated that the Prophet ﷺ said: “They (the two) are not to separate from a sale except in agreement.” (*Hasan*)

[He said:] This *Hadīth* is *Gharīb*.

تخریج: [إسناده حسن] وأخرجه أبو داود، أيضًا، ح: ٣٤٥٨ من حديث يحيى بن أبی طالب.

1249. Jābir narrated: “The Prophet ﷺ gave a Bedouin the option after a sale.” (*Da’īf*)

This *Hadīth* is *Hasan Gharīb*.

[قال أبو عيسى:] هـذا حـديث حـسنٌ وـمعنـى هــذا، أـن يـفارـقـه بـعـد الـبيـع خـشـيـة أـن يـسـتـقـيلـه، وـلـو كـانـت الفـرـقـة بـالـكـلام، وـلـم يـكـن لـه خـيـار بـعـد الـبيـع، لـم يـكـن لـهـذا الحـديث مـعـنى، حـيث قـال [مجـمـل]: «وـلـا يـحـل لـه أـن يـفـارـقـه خـشـيـة أـن يـسـتـقـيلـه».

(المعجم ٢٧) - بـاب [مـا جـاء فـي خـيـار المـتـبـايـعـين] (التـحفـة ٢٧)

١٢٤٨ - حـدـثـنا نـصـرـبـن عـلـيـهـ: حـدـثـنا أـبـوـأـحـمـدـ: حـدـثـنا يـحـيـيـبـنـأـبـوـأـيـوبـ [وـهـوـالـجـاجـلـيـ الـكـوـفـيـ] قـالـ: سـمـعـتـ أـبـا زـرـعـةـبـنـعـمـرـوـ[بـنـجـرـيـرـ] يـحـدـثـعـنـأـبـي هـرـيـرـةـعـنـالـتـيـ [قالـ: لـأـيـقـرـفـنـعـنـيـعـلـاـعـنـتـرـاضـ].

[قالـأـبـوـعـيـسـىـ:] هــذا حــديث غــرـيبـ.

١٢٤٩ - حـدـثـنا عـمـرـوـبـنـخـفـصـ الشـيـانـيـ: حـدـثـنا اـبـنـوـهـبـعـنـابـنـجـرـيـجـ، عـنـأـبـيـالـزـيـرـ، عـنـجـاـبـرـ: أـنـالـتـيـ [جـاجـلـةـخـيـرـ]

أَعْرَابِيَاً بَعْدَ الْبَيْعِ . وَهَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ .
 تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، التجارات، باب بيع الخيار، ح: ٢١٨٤ من
 حديث عبد الله بن وهب به وصححه الحاكم على شرط مسلم: ٤٩/٢ ووافقه الذهبي، ابن حرير
 صرخ بالسماع وللحديث شواهد.

Comments:

The basis of a business deal according to Islamic Law (*Shari'ah*) depends on mutual consent and good-will, as Allāh said: "But let there be among you trade by mutual good-will" (*Sūrat An-Nisā'* 4:29.) So, the Islamic *Shari'ah* gives the option of annulment of a deal to all the parties before the conclusion of the meeting, and it also advises not to leave the meeting for the fear of the other party's appeal of cancelling the deal. If both parties agree on the final decision they are allowed to end the meeting. They are also allowed to give the option of cancellation of the deal to one or both the parties after the end of the meeting, but this choice is given in the meeting.

Chapter 28. What Has Been Related About Who Is Cheated In Business

1250. Anas narrated that there was a man who was not very sensible and he would make purchases. So his family came to the Prophet ﷺ and said: "O Messenger of Allāh! Stop him (from making purchases)." So Allāh's Prophet ﷺ called him to prohibit him, and he said: "O Messenger of Allāh! I have no patience for business." So he said: "When you are buying, say: 'Hand to hand, and no cheating.'" (*Sahīh*)

[Abū 'Eisā said:] There is a narration on this topic from Ibn 'Umar.

The *Hadīth* of Anas is a *Hasan Sahīh Gharib Hadīth*.

This is acted upon according to the people of knowledge. They say that the free man can be prevented from selling and buying when his

(المعجم ٢٨) - بَابُ مَا جَاءَ فِيمَنْ
 يُخَدَّعُ فِي الْبَيْعِ (التحفة ٢٨)

١٢٥٠ - حَدَّثَنَا يُوسُفُ بْنُ حَمَادٍ
 الْبَصْرِيُّ: حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى
 عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ: أَنَّ رَجُلًا
 كَانَ فِي عُقْدَتِهِ ضَعْفٌ، وَكَانَ يُبَيَّعُ، وَأَنَّ
 أَهْلَهُ أَتَوْا إِلَيْهِ فَقَالُوا: يَا رَسُولَ اللَّهِ
 احْجُرْ عَلَيْهِ، فَدَعَاهُ نَبِيُّ اللَّهِ فَنَهَاهُ،
 فَقَالَ: يَا رَسُولَ اللَّهِ إِنِّي لَا أُضِيرُ عَنِ الْبَيْعِ،
 فَقَالَ: إِذَا بَايَعْتَ فَقُلْ هَاءَ وَهَاءَ وَلَا
 خَلَابَةَ» .

[قالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنِ ابْنِ
 عُمَرَ .

وَحَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ
 غَرِيبٌ، وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ بَعْضِ
 أَهْلِ الْعِلْمِ، وَقَالُوا: الْحَجْرُ عَلَى الرَّجُلِ

intellect is weak. This is the view of Ahmad and Ishāq. Some of the scholars did not think that the free person who had attained the age of responsibility could be prevented from that.

الْحُرُّ فِي الْبَيْعِ وَالشَّرَاءِ إِذَا كَانَ ضَعِيفَ
الْعُقْلِ، وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ، وَلَمْ يَرِ
بَعْضُهُمْ أَنْ يُحْجِرَ عَلَى الْحُرُّ الْبَالِغَ.

تخریج: [صحیح] وأخرجه النسائي: ٤٤٩٠، ح: ٢٥٢ / ٧، ح: ٤٤٩٠ (البيوع، باب الخديعة في البيع) من يوسف بن حماد، وابن ماجه، ح: ٣٢٥٤ من حديث عبد الأعلى به ورواه أبو داود، ح: ٣٥٠١؛ من حديث سعيد بن أبي عروبة به وصححه ابن الجارود، ح: ٥٦٨ وابن حبان (الإحسان): ٥٠٢٧، ٥٠٢٨ والحاکم: ١٠١ / ٤ على شرط الشیخین ووافقه الذہبی وله شواهد عند البخاری ومسلم وغيرهما * وفي الباب عن ابن عمر [البخاري، ح: ٢١١٧] ومسلم، ح: ١٥٣٣ .

Comments:

As for a person of low calibre and less intelligence or not so smart for business and trade; if he says before making any bargain: 'hand to hand and no cheating' and he keeps the choice of cancellation of the deal if there is any cheating, he should be given this choice. The court of the country has the right to prevent such a person from doing business on the request of his heirs.

Chapter 29. What Has Been Related About The Animal That Has Not Been Milked^[1]

1251. Abū Hurairah narrated that the Prophet ﷺ said: "Whoever purchased an animal that has not been milked, then he has the choice when he milks it, if he wishes he may return it, returning a *Sā'* of dried-dates along with it." (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from Anas, and a man from the Companions of the Prophet ﷺ.

تخریج: [إسناده صحيح] وأخرجه أحمد: ٣٨٦ من حديث حماد بن سلمة به وله طرق عند البخاري، ح: ٢١٤٨ ومسلم، ح: ١٥١٥ وغيرهما عن أبي هريرة رضي الله عنه * وفي الباب عن أنس [البزار (كشف الأستار): ٢٩، ٨٩، ٩٠، ١٢٧٤] وأبو يعلى: ١٥٥ / ٥، ح: ٢٧٦٧ والبيهقي: ٣١٩ / ٥ [أحمد: ٣١٤ / ٤].

(المعجم ٢٩) - بَابُ مَا جَاءَ فِي
المُصَرَّأَةِ (التحفة ٢٩)

١٢٥١ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكَيْعَ
عَنْ حَمَادَ بْنِ سَلَمَةَ، عَنْ مُحَمَّدَ بْنِ زِيَادٍ،
عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ النَّبِيُّ ﷺ: «مَنْ
اشْتَرَى مُصَرَّأَةً فَهُوَ بِالْخَيَارِ إِذَا حَلَّبَهَا، إِنْ
شَاءَ رَدَّهَا وَرَدَّ مَعَهَا صَاعًا مِنْ تَمَرٍ».

قَالَ أَبُو عِيسَى: [وَفِي الْبَابِ عَنْ أَنْسِ
وَرَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ].

^[1] *Al-Muṣarrāt*: It is the camel, cow or sheep, whose milk has been retained in its udders. See *Tuhfat Al-Aḥwadhi* and *An-Nihayah*.

1252. Abū Hurairah narrated that the Prophet ﷺ said: "Whoever purchases an animal that has not been milked, then he retains the option for three days. If he returns it, then he is to return with it a Sā' of food, not Samrā'" (*Sahīh*)

[Abū ‘Eisā sad]: The meaning of: "Not Samrā'" is "not wheat."

This *Hadīth* is *Hasan Sahīh*. This *Hadīth* is acted upon according to our companions, among them Ash-Shafī’ī, Aḥmad, and Ishāq.

١٢٥٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو عَامِرٍ: حَدَّثَنَا فُرَةُ بْنُ خَالِدٍ عَنْ مُحَمَّدٍ بْنِ سَيْرِينَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مِنْ اشْتَرَى مُصَرَّأً فَهُوَ بِالْعِتَارِ ثَلَاثَةَ أَيَّامٍ، فَإِنْ رَدَهَا رَدَّ مَعَهَا صَاعًا مِنْ طَعَامٍ لَا سَمْرَاءً».

[Qal’ Abu Ubayd]: مَعْنَى لَا سَمْرَاءَ: لَا بُرًّا. هَذَا حَدِيثٌ حَسْنٌ صَحِيقٌ، وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَصْحَاحِنَا، مِنْهُمُ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

تخریج: وأخرجه مسلم، البيوع باب حكم بيع المصارفة، ح: ١٥٢٤ من حديث أبي عامر به.

Comments:

"*Al-Musarrat*" is derived from '*Tasrrah*' which means to withhold or block.

"*Al-Musarrat*" is a camel, cow or sheep whose milk is left in its udder to tempt the buyer that the animal gives plenty of milk.

Chapter 30. What Has Been Related About The Stipulation For Riding An Animal At The Time Of The Sale

1253. Jābir bin ‘Abdullāh narrated that he sold a camel to the Prophet ﷺ and made the condition that he could ride it to (return to) his family. (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. It has been reported through other routes from Jābir.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They consider it allowed to make a condition in a sale when it is one condition. This is the view of

(المعجم ٣٠) - بَابُ مَا جَاءَ فِي اشْتِرَاطِ ظَهُورِ الدَّابَّةِ عِنْدَ الْبَيْعِ (التحفة ٣٠)

١٢٥٣ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا وَكِبْعَ عَنْ زَكَرِيَّا، عَنِ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّهُ بَاعَ مِنْ النَّبِيِّ ﷺ بَعِيرًا، وَاشْتَرَطَ ظَهَرَهُ إِلَى أَهْلِهِ.

[Qal’ Abu Ubayd]: هَذَا حَدِيثٌ حَسْنٌ صَحِيقٌ.

وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهٍ عَنْ جَابِرِ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَاحِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، يَرَوْنَ الشَّرْطَ فِي الْبَيْعِ جَائِزًا، إِذَا كَانَ شَرْطًا وَاحِدًا، وَهُوَ

Aḥmad and Iṣhāq.

Some of the people of knowledge said that it is not allowed to make a condition in a sale, nor to complete a sale when there is a condition for it.

تخریج: متفق عليه، وأخرجه مسلم، المساقاة، باب بيع البعير واستثناء رکوبه، ح ٧١٥؛
بعد، ح ١٥٩٩ من حديث زكريا والبخاري، ح ٢٩٦٧ من حديث الشعبي به مطولاً ومختصرًا.

Comments:

Putting a condition on a sale by which only one party gets the benefit is lawful. For example the seller of a horse can make a condition that he would ride the horse to return to his house, or on the sale of a house the seller can make a condition that he will reside in this house for such a period and then the possession will be given. Allāmah Taqī also approves of putting only one condition. (See Appendix of the *Mujalalah Al-Ahkām Al-Adliyah* (Urdu) v. 1 p.636. and p.49 and *Sahih Muslim, Fawaid*.)

Chapter 31. [What Has Been Related About] Using What Is Pawned

1254. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “A riding animal can be ridden while it is pawned, and a milking animal can be milked while it is pawned, and it is up to the one riding and drinking (the milk) to maintain it.” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

We do not know of it being *Marfū‘* except by the narration of ‘Amir Ash-Sha‘bī from Abū Hurairah. Others have reported this *Hadīth* from Al-A‘mash, from Abū Ṣalīḥ, from Abū Hurairah in *Mawqūf* form.

This is acted upon according to some of the people of knowledge, and it is the view of Aḥmad and

قُولُّ أَخْمَدَ وَإِسْحَاقَ.
وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا يَجُوزُ الشَّرْطُ
فِي الْبَيْعِ، وَلَا يَتِمُ الْبَيْعُ إِذَا كَانَ فِيهِ شَرْطٌ.

(المعجم (٣١) - باب [مَا جَاءَ فِي]
الأنْفَاعِ بِالرَّهْنِ (التحفة (٣١)

١٢٥٤ - حَدَّثَنَا أَبُو كُرَيْبٍ وَيُوسُفُ بْنُ عِيسَى قَالَا: حَدَّثَنَا وَكِبْيُعُ عَنْ زَكَرِيَّا، عَنْ عَامِرٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: (الظَّهَرُ يُرَكَبُ إِذَا كَانَ مَرْهُونًا، وَلَبَّى الدَّرَّ يُشَرَبُ إِذَا كَانَ مَرْهُونًا، وَعَلَى الَّذِي يُرَكَبُ وَيُشَرَبُ، نَفْقَهُ).
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

لَا نَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ حَدِيثِ عَامِرٍ الشَّعَبِيِّ، عَنْ أَبِي هُرَيْرَةَ، وَقَدْ رَوَى عَيْنُ وَاحِدٍ هَذَا الْحَدِيثَ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ مَوْقُوفًا، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، وَهُوَ قُولُّ أَخْمَدَ

Ishāq.

Some of the people of knowledge said that one may not benefit in any way from what is pawned.

وَإِسْحَاقٌ.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَيْسَ لَهُ أَنْ يَتَنَقَّعَ مِنَ الرَّهْنِ بِشَيْءٍ.

تخریج: وأخرج البخاري، الرهن في الحضر، باب الرهن مركوب ومحلوب، ح: ٢٥١١، ٢٥١٢ من حديث زكريا بن أبي زائدة به.

Comments:

It is proved from this narration that the benefit of a pawned thing or animal be taken in proportion to the expenditure of maintenance. Imām Ahmad and Ishāq approve this view, and according to most of the people of knowledge this view is correct.

Chapter 32. What Has Been Related About Selling A Necklace Containing Gold And Jewels

1255. Fadālah bin ‘Ubaidah narrated: “On the Day of Khaibar I purchased a necklace that contained gold and jewels for twelve Dinar. I separated it and found that it was worth more than twelve Dinar. I mentioned that to the Prophet ﷺ and he said: ‘Do not sell it until it is separated.’” (*Sahih*)

(Another chain of narration) with similar meaning.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They did not think that an embellished (silver-gilded) sword could be sold for Dirham, nor a silver-plated waist-band, or something similar, until it (the silver) was distinguished and separated. This is the view of Ibn Al-Mubārak, Ash-Shāfi‘ī, Aḥmad, and Ishāq.

Some of the people of knowledge,

(المعجم ٣٢) - بَابُ مَا جَاءَ فِي شَرَاءِ الْقِلَادَةِ وَفِيهَا ذَهَبٌ وَخَرَزٌ (التحفة ٣٢)

١٢٥٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْلَّيْثُ عَنْ أَبِي شُجَاعٍ سَعِيدِ بْنِ يَزِيدَ، عَنْ خَالِدِ بْنِ أَبِي عِمْرَانَ، عَنْ حَنْشِ الصَّنْعَانِيِّ، عَنْ فَضَالَةِ بْنِ عُيَيْدٍ قَالَ: اشْتَرَيْتُ يَوْمَ خَيْرٍ قِلَادَةً بِاثْنَيْ عَشَرَ دِينَارًا، فِيهَا ذَهَبٌ وَخَرَزٌ، فَقَصَّلْتُهَا، فَوَجَدْتُ فِيهَا أَكْثَرَ مِنْ اثْنَيْ عَشَرَ دِينَارًا، فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «لَا تُبَاعُ حَتَّى تُقْصَلَ».

حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا ابْنُ الْمُبَارَكِ عَنْ أَبِي شُجَاعٍ سَعِيدِ بْنِ يَزِيدَ، بِهَذَا الإِشَادَةِ، نَحْوَهُ . [قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، لَمْ يَرَوْا أَنَّ يُبَاعَ السَّيْفُ مُحَلَّى، أَوْ مَنْظَفَةً مُفَضَّصَةً، أَوْ مِثْلُ هَذَا، بِدَرَاهِمَ حَتَّى يُمْيَرَ وَيُقْصَلَ، وَهُوَ قَوْلُ ابْنِ الْمُبَارَكِ، وَالشَّافِعِيُّ، وَأَحْمَدُ، وَإِسْحَاقُ.

among the Companions of the Prophet ﷺ and others, permitted that.

تَحْرِيْج: وأخْرَجَهُ مُسْلِمٌ، الْمَسَاقَةُ، بَابُ بَعْضِ الْقَلَادَةِ فِيهَا خَرْزٌ وَذَهَبٌ، ح: ١٥٩١ عَنْ قَيْمَةِ بَهْ.

وَقَدْ رَأَخْصَنَ عَصْبَرُ أَهْلِ الْعِلْمِ فِي ذَلِكَ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ.

Comments:

This narration shows that if anything is mixed with gold and it is being sold for the sake of gold, the gold must be separated from the object. The same formula is applied to silver. This has been commanded so that every metal is sold separately at its own price. In case of mixture of metals, it is not possible to weigh each metal exactly, and selling a thing based upon estimation is prohibited. To avoid this doubt, it has been ordered to separate the metals.

Chapter 33. What Has Been Related About Making A Condition To Retain *Al-Walā'*^[1] And The Rebuke For That

1256. Al-Aswad narrated from ‘Āishah that she wanted to purchase Barirah, but they (her owners) made the condition that they would retain the *Walā’*. So the Prophet ﷺ said: “Buy her; the *Walā’* is only for the one who gives the price, or for the one who grants the favor.”^[2]

[He said:] There is something on this topic from Ibn ‘Umar. (*Sahīh*)

[Abū ‘Eisā said:] The *Hadīth* of ‘Āishah is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge. And Mansūr bin Al-Mu’tamir’s *Kunyah* is Abū ‘Attāb.

Abū Bakr Al-‘Attār Al-Baṣrī narrated to us from ‘Alī bin Al-Madīnī who said: “I heard Yahyā bin Sa‘eed saying: ‘When you get a narration from Mansūr, then your

(المعجم ٣٣) - بَابُ مَا جَاءَ فِي اشْتِرَاطِ الْوَلَاءِ وَالْزَّجْرِ عَنْ ذَلِكَ (التحفة ٣٣)

١٢٥٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ الْأَسْنَدِ، عَنْ عَائِشَةَ: أَنَّهَا أَرَادَتْ أَنْ تَشْتَرِي بَرِيرَةً، فَأَشْتَرَطُوا الْوَلَاءَ، فَقَالَ النَّبِيُّ ﷺ: أَشْتَرِيَهَا، فَإِنَّمَا الْوَلَاءَ لِمَنْ أَعْطَى الثَّمَنَ، أَوْ لِمَنْ وَلَيَ النُّعْمَةَ».

[قال:] وَفِي الْبَابِ عَنْ ابْنِ عُمَرَ.
[قال:] أَبُو عِيسَى: [.] حَدِيثُ عَائِشَةَ حَدِيثٌ حَسَنٌ صَحِحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ. قَالَ: وَمَنْصُورُ بْنُ الْمُعْتَمِرِ يُكَنِّي أَبَا عَتَابَ.

حَدَّثَنَا أَبُو بَكْرٍ الْعَطَّارُ الْبَصْرِيُّ عَنْ عَلَيِّ ابْنِ الْمَدِينَيِّ قَالَ: سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ

[1] See no. 1236.

[2] Meaning, the one who frees them. (*Tuhfat Al-Ahwadhi*)

hand has been filled with goodness, without needing others.' Then Yāḥyā said: 'I did not find anyone more reliable in (narrating from) Ibrāhīm An-Nakha'ī and Mujaḥid than Maṇṣūr.'

[He said:] Muḥammad informed me from 'Abdullāh bin Abī Al-Aswad who said: 'Abdur-Rahmān bin Maḥdī said: 'Maṇṣūr is the most reliable of the people of Al-Kūfah.'

تخریج: وأخرجه البخاري، الفراض، باب الولاء لمن أعتق وميراث اللقط، ح: ٦٧٥١ من حديث إبراهيم النخعي به قوله طريق آخر عند مسلم، ح: ١٥٠٤ عن عائشة به * وفي الباب عن ابن عمر [البخاري، ح: ٦٧٥٢] * قول يحيى بن سعيد القطان: إذا حدثت عن منصور إلخ، سنه صحيح وكذا قول ابن مهدي، صحيح عنه.

Comments:

A person who frees a slave or a slave-girl, or makes the payment for their freedom, or buys them, has the right of their inheritance. At the time of selling a slave, putting a condition of *Walā'* is against the *Shari'ah*, and whoever goes against the Islamic Law is liable to punishment and action performed. (See for details *Fath Al-Bārī* v. 5 p.335-336.)

Chapter 34. Contingent Purchases And Sales

1257. Ḥabīb bin Abī Thābit narrated from Ḥakīm bin Ḥizām, that the Messenger of Allāh ﷺ sent Ḥakīm bin Ḥizām with a Dīnār to buy an animal for *Uḍḥiyah* (an animal for sacrifice) for him. He purchased an *Uḍḥiyah* which he sold and profited a Dīnār from, so he purchased another in its place. And he returned to the Messenger of Allāh ﷺ with the *Uḍḥiyah* and the Dīnār, so he said: 'The sheep is for sacrifice and the Dīnār is for charity.'" (*Daīf*)

[Abū 'Eisā said:] We do not know of the *Hadīth* of Ḥakīm bin Ḥizām

يَقُولُ: إِذَا حَدَثْتَ عَنْ مَنْصُورٍ فَقَدْ مَلَأْتَ يَدَكَ مِنَ الْخَيْرِ لَا تُرْدِ عَيْرَةً، ثُمَّ قَالَ يَحْيَى: مَا أَجِدُ فِي إِبْرَاهِيمَ النَّخْعَنِي وَمُجَاهِدِ، أَبْتَ مِنْ مَنْصُورٍ.

[قال:] وَأَخْبَرَنِي مُحَمَّدٌ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي الْأَسْوَدِ قَالَ: قَالَ عَبْدُ الرَّحْمَنِ بْنِ مَهْدَىٰ: مَنْصُورٌ أَبْتَ أَهْلَ الْكُوفَةَ.

تخریج: وأخرجه البخاري، الفراض، باب الولاء لمن أعتق وميراث اللقط، ح: ٦٧٥١ من حديث إبراهيم النخعي به قوله طريق آخر عند مسلم، ح: ١٥٠٤ عن عائشة به * وفي الباب عن ابن عمر [البخاري، ح: ٦٧٥٢] * قول يحيى بن سعيد القطان: إذا حدثت عن منصور إلخ، سنه صحيح وكذا قول ابن مهدي، صحيح عنه.

(المعجم (٣٤) - باب الشراء والبيع المؤقتين) (التحفة (٣٤)

١٢٥٧ - حَدَثَنَا أَبُو كُرَيْبٍ: حَدَثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ عَنْ أَبِي حُصَيْنٍ، عَنْ حَيْبٍ أَبْنِ أَبِي ثَابِتٍ، عَنْ حَكِيمٍ بْنِ حِزَامٍ: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ حَكِيمًا بْنَ حِزَامًا يَسْتَرِي لَهُ أَصْحِحَّةَ بِدِيَنَارٍ، فَاسْتَرَى أَصْحِحَّةَ فَأُرْبَحَ فِيهَا دِيَنَارًا، فَاسْتَرَى أُخْرَى مَكَانَهَا، فَجَاءَ بِالْأَصْحِحَّةِ وَالدِّيَنَارِ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: «صَحُّ بِالشَّاءِ، وَتَصَدَّقُ بِالدِّيَنَارِ».

[قال أبا عيسى:] حديث حكيم بن حزام لا نعرفه إلا من هذا الوجه، وحيث أن أبا ثابت لم يسمع، عندي، من حكيم بن حزام.

except through this route, and Ḥabīb bin Abī Thābit did not hear from Ḥakīm bin Hizām — in my view.

تخریج: [إسناده ضعیف] وأخرجه أبو داود، البیوّع، باب: فی المضارب بخلاف ح: ٣٣٨٦ عن أبي حصین عن شیخ من أهل المدینة عن حکیم به * حیث بن أبي ثابت: مدلس وعنه و هو شیخ من أهل المدینة.

Comments:

The Prophet ﷺ gave one Dīnār to Ḥakīm to buy an animal for sacrifice and not for the sake of business. Ḥakīm, in good faith and as a well-wisher of the Prophet ﷺ, earned one Dīnār by a business transaction. He came to the Prophet ﷺ and presented the animal and the Dīnār. The motive of the Prophet ﷺ was only to make a sacrifice and not any kind of business, so he ordered Ḥakīm to slaughter the animal and give a Dīnār in charity.

1258. ‘Urwah Al-Bāriqī said: “The Messenger of Allāh ﷺ gave me one Dīnār to purchase a sheep for him. So I purchased two sheeps for him, and I sold one of them for a Dīnār. So I returned with the sheep and the Dīnār to the Prophet ﷺ, and I mentioned what had happened and he said: ‘May Allāh bless you in your business dealings.’ After that he went to Kunāshah in Al-Kūfah, and he made tremendous profits. He was among the wealthiest of the people of Al-Kūfah.” (*Sahīh*)

(Another chain of narration) with similar meaning.

[Abū ‘Eisā said:] Some of the people of knowledge followed this *Hadīth* and stated their view accordingly. This is the view of Ahmad and Ishāq. Some of the people of knowledge did not use this *Hadīth*, among them are Ash-Shāfi‘ī and Sa‘eed bin Zaid the brother of Hammād bin Zaid. And Abū Labīd’s (a narrator) name is Limāzah [bin Zabbār].

١٢٥٨ - حَدَّثَنَا أَحْمَدُ بْنُ سَعِيدِ الدَّارِمِيِّ : حَدَّثَنَا حَبَّانٌ : حَدَّثَنَا هَارُونُ [الْأَغْوَرُ الْمُقْرِنُ] - وَهُوَ ابْنُ مُوسَى [الْقَارِيُّ] : حَدَّثَنَا الزُّبِيرُ بْنُ الْخَرِبِتَ عَنْ أَبِي لَبِيدٍ، عَنْ عُرْوَةَ الْبَارِقِيِّ قَالَ: دَفَعَ إِلَيَّ رَسُولُ اللَّهِ ﷺ بِيَتَارًا لِأَشْرِيَ لَهُ شَاءَ، فَاشْتَرَيْتُ لَهُ شَائِئِينَ، فَعَنْتَ إِحْدَاهُمَا بِيَتَارًا، وَجِئْتُ بِالشَّاءِ وَالدِّينَارِ إِلَيْهِ النَّبِيِّ ﷺ فَذَكَرَ لَهُ مَا كَانَ مِنْ أُمْرِهِ، فَقَالَ لَهُ: [بَارَكَ اللَّهُ لَكَ فِي صَفْقَتِي بِعِيْبِكَ]. فَكَانَ يَخْرُجُ بَعْدَ ذَلِكَ إِلَى كُنَاسَةِ الْكُوفَةِ، فَيَرِيْجُ الرِّبَعَ الْعَظِيمَ، فَكَانَ مِنْ أَكْثَرِ أَمْلِ الْكُوفَةِ مَالًا .

حَدَّثَنَا أَحْمَدُ بْنُ سَعِيدِ الدَّارِمِيِّ : حَدَّثَنَا حَبَّانٌ : حَدَّثَنَا سَعِيدُ بْنُ زَيْدٍ [هُوَ أَخُو حَمَّادَ ابْنِ زَيْدٍ] قَالَ: حَدَّثَنَا الزُّبِيرُ بْنُ خَرِبَتَ . فَذَكَرَ نَحْوَهُ عَنْ أَبِي لَبِيدٍ . [قَالَ أَبُو عِيسَى]: وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا الْحَدِيثِ وَقَالُوا بِهِ . وَهُوَ قَوْلُ

أَحَمَدَ وَإِسْحَاقَ، وَلَمْ يَأْخُذْ بَعْضُ أَهْلِ الْعِلْمِ
بِهَذَا الْحَدِيثِ، مِنْهُمُ الشَّافِعِيُّ وَسَعِيدُ بْنُ
رَيْدٍ، أَخُو حَمَادَ بْنِ رَيْدٍ. وَأَبُو لَيْدٍ اسْمُهُ
لِمَازَةُ [بْنُ رَيْدٍ].

تخریج: [صحيح] وأخرجه ابن ماجه، الصدقات، باب الأمين يتجر فيريح، ح ٢٤٠٢؛
من حديث الزبير بن خربت به وله طريق آخر عند البخاري، ح ٣٦٤٢ عن عروة البارقي به،
وآخرجه أبو داود، ح ٣٣٨٥ من حديث سعيد بن زيد وسنده حسن.

Comments:

Some *A'immah* and scholars, on the basis of this narration, have approved of making a profit with the money of others without their permission, and giving the profit to them. 'Urwah purchased two goats with the money given to him by the Prophet ﷺ, without the permission of the Prophet ﷺ, whereas the money was given to him for the purchase of one goat. He sold one goat and earned one Dīnār. He returned to the Prophet ﷺ with a goat and Dīnār. The Prophet ﷺ appreciated his sentiments and invoked Allāh's blessings for him.

Chapter 35. What Has Been Related About The *Mukātab*^[1] Who Has What Will Fulfill (His Release)

1259. Ibn 'Abbās narrated that the Prophet ﷺ said: "When the penalty (of blood money) goes to a *Mukātab*, or an inheritance, then he inherits in accordance with as much as he is freed from it." And the Prophet ﷺ said: "The *Mukātab* is given the blood-money of a free person in accordance to what he has paid (for his freedom), and that of a slave in accordance to what remains."^[2] (*Sahīh*)

[He said:] There is something on this from Umm Salamah.

[Abū 'Eisā said:] The *Hadīth* of

(المعجم ٣٥) - بَابُ مَا جَاءَ فِي الْمُكَاتَبِ
إِذَا كَانَ عِنْدَهُ مَا يُؤْدِي (التحفة ٣٥)

١٢٥٩ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ
البَّازُ: حَدَّثَنَا زَيْدُ بْنُ هَارُونَ: حَدَّثَنَا حَمَادُ
ابْنُ سَلَمَةَ عَنْ أَبِيهِ، عَنْ عَكِيرَةَ، عَنْ ابْنِ
عَبَّاسٍ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا أَصَابَ
الْمُكَاتَبَ حَدًا أَوْ مِيرَاثًا، وَرِثَ بِحِسَابِ مَا
عَنَقَ مِنْهُ». .

وَقَالَ النَّبِيُّ ﷺ: «يُؤْدِي الْمُكَاتَبُ بِحِصَةِ
مَا أَدَى، دِيَةً حُرًّا: وَمَا بَقَى، دِيَةً عَبْدًّا».
[قَالَ:] وَفِي الْبَابِ عَنْ أُمِّ سَلَمَةَ.
[قَالَ أَبُو عِيسَى:] حَدِيثُ ابْنِ عَبَّاسٍ

^[1] The *Mukātab* is the slave that has an agreement from his owner to free him for a price.

^[2] If the *Mukātab* deserves some inheritance or he is to be paid some blood money, then the portions of these that he is due will depend on the portion of freedom that he has purchased from his owner.

Ibn ‘Abbās is a *Hasan Hadīth*. This is how it was reported from Yahyā bin Abī Kathīr from ‘Ikrimah, from Ibn ‘Abbās, from the Prophet ﷺ.

Khālid bin Al-Hadh-dhā reported it from ‘Ikrimah, from ‘Alī as his saying.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others.

Most of the people of knowledge among the Companions of the Prophet ﷺ and others said that the *Mukātab* remains a slave as long as he still owes a Dirham. This is the view of Sufyan Ath-Thawrī, Ash-Shāfi‘ī, Ahmad, and Ishaq.

تخریج: [إسناده صحيح] وأخرجه أبو داود، الديات، باب: في دية المكاتب، ح: ٥٨٢ من حديث حماد بن سلمة، والنمسائي، ح: ٤٨١٥ من حديث أبوب السختياني به وصححه الحاكم: ٢١٩، ٢١٨/٢ ووافقه الذهبي * وفي الباب عن أم سلمة [يأتي: ١٢٦١].

1260. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that he heard the Messenger of Allāh ﷺ delivering a *Khutbah* in which he said: “Whoever gives a writ of emancipation to his slave, for one hundred *Uqiyah*, and he pays it to him less ten *Uqiyah*,” – or he said: “Ten Dirham” – “then he becomes incapable (of paying the remainder), then he remains a slave.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Gharīb*. And this is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others: The *Mukātab* is a slave as long as something remains due from him for his *Kitābah*.

حدیث حسن. وهكذا روى يحيى بن أبي ثنيه عن عكرمة، عن ابن عباس عن النبي ﷺ، وروى خالد الحذاء عن عكرمة، عن عليّ قوله. والعمل على هذا الحديث عند بعض أهل العلم من أصحاب النبي ﷺ وغيرهم.

وقال أكثر أهل العلم من أصحاب النبي ﷺ وغيرهم: المكاتب عبد، ما يقي عليه ذرهم، وهو قول سفيان التوسي والشافعية وأحمد وإسحاق.

١٢٦٠ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا عَبْدُ الْوَارِثِ ابْنُ سَعِيدٍ عَنْ يَحْيَى بْنِ أَبِي أُنْيَسَةَ، عَنْ عَمْرِو بْنِ شُعْبَيْنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَخْطُبُ يَقُولُ: «مَنْ كَاتَبَ عَبْدَهُ عَلَى مَا تَهِي أُوْقَيَهُ، فَأَدَّاهَا إِلَّا عَشْرَةً أَوْ أَقِيرِيقَةً - أَوْ قَالَ: عَشْرَةً دَرَاهِمَ - ثُمَّ عَجَزَ، فَهُوَ رَفِيقُهُ».

[قال أبو عيسى:] هذا حدیث [حسن] غریب، والعمل عليه عند أكثر أهل العلم من أصحاب النبي ﷺ وغيرهم: أن المكاتب عبد ما يقي عليه شيء من كتابته. وقد رواه الحجاج بن أرطاة عن عمرو بن شعيب نحوه.

Al-Hajjāj bin Arṭāt reported similarly from ‘Amr bin Shu‘aib.

تخریج: [حسن] وأخرجه أبو داود، العنق، باب: في المكاتب، ح: ٣٩٢٧ وابن ماجه، ح: ٢٥١٩ من حديث عمرو بن شعيب به قوله شواهد عند أبي داود، ح: ٣٩٢٦ وغيره.

1261. Umm Salamah narrated that the Messenger of Allāh ﷺ said: “When one of you (women) has a *Mukātab* who has with him what will fulfill (the *Kitābah*) then observe *Hijāb* from him.” (*Hasan*)

[Abū Isa said:] This *Hadīth* is *Hasan Sahīh*. And the meaning of this *Hadīth* according to the people of knowledge is that of caution. They say that the *Mukātab* is not freed, even if he has the amount to pay, until he pays it.

تخریج: [إسناده حسن] وأخرجه أبو داود، ح: ٣٩٢٨ (انظر الحديث السابق) وابن ماجه، ح: ٢٥٢٠ من حديث سفيان بن عيينة به وصححه ابن حبان، ح: ١٢١٤ والحاكم: ٢١٩/٢ ووافقه الذهبي، الزهرى صرخ بالسماع ونبهان حسن الحديث وتقه الذهبي في الكاشف والترمذى وابن حبان وغيره.

Comments:

If a *Mukātab* slave has enough money to pay for his freedom, the woman master of the slave should observe *Hijāb* from him. The slave is not free until he pays the amount in full, though he has enough amount to pay for his freedom, so, one should observe *Hijāb* as a precaution as he has the ability to get freedom.

Chapter 36. What Has Been Related About When A Man In Debt Becomes Bankrupt And One's Goods Are Found With Him

1262. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whichever person becomes bankrupt, and a man finds his particular merchandise with him, then he is more deserving of it than others.” (*Sahīh*)

١٢٦١ - حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ الْمَخْزُومِيُّ ثُمَّ قَالَ: حَدَّثَنَا سُقْنَانُ بْنُ عَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ نَبَهَانَ [مَوْلَى أُمِّ سَلَمَةَ]، عَنْ أُمِّ سَلَمَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا كَانَ عِنْدَ مُكَاتِبٍ إِحْدَائِنَّ مَا يُؤْدِي، فَلْتَتْحِبِّطْ مِنْهُ». [قالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ صَحِيفٍ، وَمَعْنَى هَذَا الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ عَلَى التَّوْرُعِ، وَقَالُوا: لَا يُعْتَقُ الْمُكَاتَبُ، وَإِنْ كَانَ عِنْدَهُ مَا يُؤْدِي، حَتَّى يُؤْدِي.]

(المعجم (٣٦) - بَابُ مَا جَاءَ إِذَا أَفْلَسَ لِلرَّجُلِ غَرِيمٌ فَيَحْدُثُ عِنْدَهُ مَتَاعَهُ (التحفة (٣٦)

١٢٦٢ - حَدَّثَنَا قُتَيْبَةَ: حَدَّثَنَا الْلَّيْثُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ [بْنِ عَمْرِو] بْنِ حَزْمٍ، عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ

[He said:] There are narrations on this topic from Samurah and Ibn 'Umar.

[Abū 'Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahih Hadīth*. This is acted upon according to some of the people of knowledge and it is the view of Ash-Shāfi'i, Ahmad, and Ishāq.

Some of the people of knowledge said that he is just like one of the debtors. This is the view of the people of Al-Kūfah.

تخریج: متفق عليه، وأخرجه مسلم، المساقاة، باب من أدرك ما باعه عند المشتري، وقد أفلس، فله الرجوع فيه، ح: ٢٤٠٢ من فتیة البخاري، ح: ١٥٥٩ عن قتيبة البخاري، ح: ٣٥٣١ من سمرة [أبو داود، ح] وابن عمر [ابن حبان (مورد): ١١٦٥].

Comments:

According to this narration, if a person becomes bankrupt and he still has another person's merchandise with him, the owner of the goods can have his stock back because he is the real owner. Three *A'immah*, Mālik, Shāfi'i, and Ahmad, and most of the scholars and people of knowledge among the Companions approve of this view.

Chapter 37. What Has Been Related About The Prohibition For The Muslim To Give Wine To The *Dhimmī* When Bartering With Him

1263. Abū Al-Waddāk narrated that Abū Sa'eed said: "We had some wine that belonged to an orphan. When *Al-Mā'idah* was revealed I asked the Messenger of Allāh ﷺ about it, I said: 'It belongs to an orphan.' He said: 'Spill it out.'" (*Sahih*)

[He said:] There is something on this topic from Anas bin Mālik.

[Abū 'Eisā said:] The *Hadīth* of

قال: أَئِمْمَا امْرِئٌ أَفْلَسَ، وَوَجَدَ رَجُلًا سِلْعَتَهُ عِنْدُهُ بِعِينِهَا، فَهُوَ أَوْلَى بِهَا مِنْ غَيْرِهِ.
 [قال:] وَفِي الْبَابِ عَنْ سَمْرَةَ وَابْنِ عُمَرَ.
 [قالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثُ حَسَنٍ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَخْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: هُوَ أُسْوَةُ الْغُرَماءِ، وَهُوَ قَوْلُ أَهْلِ الْكُوفَةِ.

(المعجم (٣٧) - بَابُ مَا جَاءَ فِي النَّهْيِ لِلْمُسْلِمِ، أَنْ يَدْفَعَ إِلَى الدِّنَمِ الْحَمْرَ يَبِعُهَا لَهُ (التحفة (٣٧)

١٢٦٣ - حَدَّثَنَا عَلِيُّ بْنُ حَشْرَمَ: أَخْبَرَنَا عِيسَى بْنُ يُوسُفَ عَنْ مُجَالِيِّهِ، عَنْ أَبِي الْوَدَّاكَ، عَنْ أَبِي سَعِيدٍ قَالَ: كَانَ عِنْدَنَا حَمْرٌ لِتَسِيمٍ. فَلَمَّا نَزَّلَتِ الْمَائِدَةُ، سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْهُ، وَقُلْتُ: إِنَّهُ لِتَسِيمٍ فَقَالَ: أَهْرِيقُوهُ.
 [قال:] وَفِي الْبَابِ عَنْ أَنَسِ بْنِ مَالِكٍ.
 [قالَ أَبُو عِيسَى:] حَدِيثُ أَبِي سَعِيدٍ

Abū Sa‘eed is a *Hasan* [*Sahīh*] *Hadīth*. Similar to this has been reported through other routes from the Prophet ﷺ. Some of the people of knowledge stated according to this, they dislike the usage of wine for making vinegar. And the only thing that they disliked about it, and Allāh knows best, is for a Muslim to have wine in his house until it becomes vinegar. Some of them permitted wine vinegar when it is found that it has become vinegar. [Abū Al-Waddāk's name is Jabr bin Nawf].

حدِيث حَسْنٌ [صَحِيحٌ]. وَقَدْ رُوِيَ مِنْ عَيْرٍ وَجْهٌ عَنِ النَّبِيِّ ﷺ تَحْوُ هَذَا. وَقَالَ بِهَا بَعْضُ أَهْلِ الْعِلْمِ. وَكَرِهُوا أَنْ تُسْخَدَ الْحَمْرَ حَلَّاً، وَإِنَّمَا كُرِهَ مِنْ ذَلِكَ، وَاللَّهُ أَعْلَمُ، أَنْ يَكُونَ الْمُسْلِمُ فِي بَيْتِهِ حَمْرَ حَتَّى يَصِيرَ حَلَّاً، وَرَخْصَنَ بَعْضُهُمْ فِي حَلَّ الْحَمْرِ، إِذَا وُجِدَ قَدْ صَارَ حَلَّاً [أَبُو الْوَدَّاكِ اسْمُهُ جَبْرُ بْنُ نَوْفٍ].

تخریج: [صحيح] وأخرجه أحمد: ٢٦/٣ من حديث مجالد به، وصححه ابن الجارود، ح: ٨٥٣؛ وله شواهد عند الترمذى، ح: ١٢٩٣؛ وأبى داود، ح: ٣٦٧٥؛ وغيرهما * وفي الباب عن أنس بن مالك [لعله يشير إلى الحديث الآتى: ١٢٩٤].

Comments:

Most of the people of knowledge do not approve of making vinegar from wine; they argue that if it had been acceptable why would the Prophet ﷺ order him to spill it out. This point is correct and most of the people act according to this. According to Imām Abū Ḥanifah and Imām Awzā‘i it is approved to make vinegar from wine. (For details see *Sahīh Muslim*.)

Chapter 38. ‘Fulfill The Trust For The One Who Entrusted You’

1264. Abū Hurairah narrated that the Prophet ﷺ said: “Fulfill the trust for the one who entrusted you, and do not cheat the one who cheated you.” (*Daīf*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*. Some of the people of knowledge followed this *Hadīth*, they said that when something belonging to a man is with another and he leaves (with it), then he has something that belongs to him, he may not withhold from him an

(المعجم ٣٨) - باب : [أَدَّ الْأَمَانَةَ إِلَى مَنِ اتَّسَمَّنَكَ] (التحفة ٣٨)

١٢٦٤ - حَدَثَنَا أَبُو كُرَيْبٍ : حَدَثَنَا طَلاقُ ابْنُ عَنَّامٍ عَنْ شَرِيكٍ. وَقَيْسٌ عَنْ أَبِي حَصِينٍ، [عَنْ أَبِي صَالِحٍ]، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ النَّبِيُّ ﷺ: [أَدَّ الْأَمَانَةَ إِلَى مَنِ اتَّسَمَّنَكَ، وَلَا تَخُنْ مَنْ خَانَكَ].

[قال أبُو عِيسَى:] هَذَا حَدِيثُ حَسْنٌ غَرِيبٌ. وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا الْحَدِيثِ وَقَالُوا: إِذَا كَانَ لِلرَّجُلِ عَلَى آخَرَ

equivalent to what the other took of his.

Some of the people of knowledge among the *Tābi‘in* allowed that. This is the view of Sufyān Ath-Thawrī, he said: “If one man has some Dirham that belong to another, and the second has some Dīnār belonging to the first, he may not withhold any in place of his Dirham, unless it so happens that he has some Dirham of his, then in that case he can withhold some of his Dirham equal to what he is owed by the first.”

تخریج: [إسناده ضعیف] وأخرجه أبو داود، البيوع، باب: في الرجل يأخذ حقه من تحت يده، ح: ٣٥٣٥ من حديث طلق بن غنم به وصححه الحاکم: ٤٦/٢ على شرط مسلم.

Comments:

There are different views of different scholars on this issue of *Al-Zafar*. *Al-Zafar* is an issue concerning withholding of money of another person in place of one's own money or property which he owes him. 1) According to Imām Shāfi‘ī one whose amount has been seized by another person, if by chance he gets his (the second's) money, he is allowed to deduct equal to his amount from the amount he got by chance. 2) The *Ahnāf* are of the view that if the kind of the thing is same then it is allowed to deduct one's due share. Imām Shāfi‘ī also approves of this view point. 3) It is not allowed to cut one's share without judicial verdict. 4) According to Ibn Hazm, in any case, one should cut his due share. It is not only his right but if he does not deduct his amount or due share he is a wrong-doer. He must get it or forgive. If he forgives he not only saves himself from a crime but also gets the reward from Allāh. (*Tuhfat Al-Ahwadhi* v.2 p.252.)

Chapter 39. What Has Been Related About ‘The Borrowed Is To Be Returned’

1265. Abū Umāmah narrated: “During the year of the Farewell Pilgrimage, I heard the Prophet ﷺ saying during the *Khuṭbah*: ‘The borrowed is to be returned, and the guarantor is responsible, and the debt is to be repaid.’” (*Hasan*)

شَيْءٌ فَدَهَبَ بِهِ، فَوَقَعَ لَهُ عِنْدَهُ شَيْءٌ، فَلَيْسَ لَهُ أَنْ يَخْسِسَ عِنْهُ إِقْدَرْ مَا ذَهَبَ لَهُ عَلَيْهِ.
وَرَّخَصَ فِيهِ بَعْضُ أَهْلِ الْعِلْمِ مِنَ التَّابِعِينَ.
وَهُوَ قَوْلُ الشَّوَّرِيِّ، وَقَالَ: إِنْ كَانَ لَهُ عَلَيْهِ دَرَاهِمُ، فَوَقَعَ لَهُ عِنْدَهُ ذَنَابِيزٌ، فَلَيْسَ لَهُ أَنْ يَخْسِسَ بِمَا كَانَ دَرَاهِمَهُ، إِلَّا أَنْ يَقْعَدْ عِنْدَهُ لَهُ دَرَاهِمُ، فَلَهُ حِسَنَةٌ أَنْ يَخْسِسَ مِنْ دَرَاهِمِهِ
إِقْدَرْ مَا لَهُ عَلَيْهِ.

(المعجم (٣٩) - بَابُ مَا جَاءَ [فِي] أَنَّ
الْعَارِيَةَ مُؤَذَّةً (التحفة (٣٩)

١٢٦٥ - حَدَّثَنَا هَنَّادٌ وَعَلَيُّ بْنُ حُجْرٍ
فَالَا : حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ عَنْ شُرَحِيلَ
ابْنِ مُسْلِمِ الْخَوَلَانِيِّ، عَنْ أَبِي أُمَّامَةَ قَالَ:
سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ فِي حُكْمِهِ، عَامَ حَجَّةَ

[*Abū ‘Eisā* said:] There are narrations on this topic from Samurah, Ṣafwān bin Umayyah, and Anas. [He said:] The *Hadīth* of *Abū Umāmah* is a *Hasan* [*Gharib*] *Hadīth*. It has also been reported through other routes besides this, from *Abū Umāmah*, from the Prophet ﷺ.

تخریج: [إسناده حسن] وأخرجه أبو داود، البيوع، باب: في تضمين العارية، ح: ٣٥٦٥ وابن ماجه، ح: ١٠٢٣ من حديث إسماعيل به مطولاً ومنتصراً، وصححه ابن الجارود، ح: ١٢٦٦ إسماعيل بن عياش صرخ بالسماع من الغولاني الشامي * وفي الباب عن سمرة [يأتي: ١٢٦٦] وصفوان بن أمية [أبو داود، ح: ٣٥٦٢] وأنس [ابن ماجه، ح: ٢٣٩٩].

Comments:

This narration proves that it is necessary and essential to return the borrowed things. There should not be any delaying tactics in the payment. Making delay in return is a moral crime. The guarantor must manage and make sure that the debt is paid.

1266. Qatādah narrated from Al-Hasan, from Samurah, that the Prophet ﷺ said: “Upon the hand is what it took, until it is returned.” Qatādah said: “Then Al-Hasan forgot, so he said: ‘It is something you entrusted, he is not liable for it.’” Meaning the borrowed property. (*Da’if*)

[*Abū Isa* said:] This *Hadīth* is *Hasan Ṣahīh*. Some of the people of knowledge, among the Companions of the Prophet ﷺ and others, followed this *Hadīth*. They said that the possessor of the borrowed thing is liable. This is the view of *Ash-Shāfi’ī* and *Aḥmad*. Some of the people of knowledge among the Companions and others said that the possessor of the borrowed thing is not liable unless there is a dispute. This is the view of *Sufyān Ath-Thawrī* and the

الْوَدَاعُ «الْعَارِيَةُ مُؤَدَّاً، وَالْزَّعِيمُ غَارِمٌ، وَالَّذِينُ مَفْضِيٌّ».

[قال أبو عيسى:] وفي الباب عن سمرة، وصموان بن أمية وأنس. [قال:] وحدث أبي أمامة حديث حسن [غريب]. وقد روى عن أبي أمامة عن النبي ﷺ أيضاً، من غير هذا الوجه.

تخریج: [إسناده حسن] وأخرجه أبو داود، البيوع، باب: في تضمين العارية، ح: ٣٥٦٥ وابن ماجه، ح: ٢٢٩٥ من حديث إسماعيل به مطولاً ومنتصراً، وصححه ابن الجارود، ح: ١٠٢٣ إسماعيل بن عياش صرخ بالسماع من الغولاني الشامي * وفي الباب عن سمرة [يأتي: ١٢٦٦] وصفوان بن أمية [أبو داود، ح: ٣٥٦٢] وأنس [ابن ماجه، ح: ٢٣٩٩].

١٢٦٦ - حدثنا محمد بن المثنى: حدثنا ابن أبي عدي عن سعيد، عن فتادة، عن الحسن، عن سمرة عن النبي ﷺ قال: «على اليد ما أخذت حتى تؤدي». قال فتادة: ثم نسي الحسن فقال: هو أمينك لا ضمان عليه، يعني العارية.

[قال أبو عيسى:] هذا حديث حسن صحيح. وقد ذهب بعض أهل العلم من أصحاب النبي ﷺ وغيرهم إلى هذا، وقالوا: يضمن صاحب العارية. وهو قول الشافعي وأحمد. وقال بعض أهل العلم من أصحاب النبي ﷺ وغيرهم، ليس على صاحب العارية ضمان إلا أن يخالف. وهو قول الثوري وأهل الكوفة، وبه يقول إسحاق.

people of Al-Kūfah, and it is the view of Ishāq.

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الصدقات، باب العاریة، ح: ٢٤٠٠ من حديث محمد بن أبي عدی، وأبو داود، ح: ٣٦٦ من حديث سعید بن أبي عروبة به وصححه ابن الجارود، ح: ١٢٤ والحاکم على شرط البخاری: ٤٧/٢ ووافقه الذہبی * قتادة مدلس عنن.

Comments:

A borrowed thing must be returned even if it is damaged or lost unintentionally. Though there is no legal responsibility of the borrower as he had no intention to damage or loose the borrowed thing. It is his moral duty to return or compensate for it. The *Ahnaf* and *Maliki* have the same point of view that it must be returned or compensated in any case.

Chapter 40. What Has Been Related About Hoarding

1267. Muḥammad bin Ibrāhīm narrated from Sa‘eed bin Al-Musayyab, from Ma‘mar bin ‘Abdullāh bin [Nadlah] who said: “I heard the Messenger of Allāh ﷺ saying: ‘Hoarding is nothing but sin.’” So I (Muhammad) said to Sa‘eed: “O Abū Muḥammad! You hoard?” He said: “And Ma‘mar would hoard.” (*Sahih*)

It has only been reported that Sa‘eed bin Al-Musayyab would hoard oil, (camel) fodder, and the like.

[Abū ‘Eisā said:] There are narrations on this topic from ‘Umar, ‘Alī, Abū Umāmah, and Ibn ‘Umar. The *Hadīth* of Ma‘mar is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge, they dislike hoarding food, and some of them make a concession for hoarding things other than food. Ibn Al-Mubārak said: “There is no harm in hoarding cotton, goat pelts and the like.”

(المعجم ٤٠) - بَابُ مَا جَاءَ فِي الْاحْتِكَارِ (التحفة ٤٠)

١٢٦٧ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا مُحَمَّدُ بْنُ إِسْحَاقَ عَنْ مُحَمَّدٍ بْنِ إِبْرَاهِيمَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ مَعْمَرٍ بْنِ عَبْدِ اللَّهِ بْنِ [نَضْلَةً]، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا يَحْتَكِرُ إِلَّا خَاطِئٌ»، فَقُلْتُ لِسَعِيدِ: يَا أَبَا مُحَمَّدٍ إِنَّكَ تَحْتَكِرُ، قَالَ: وَمَعْمَرٌ فَدْ كَانَ يَحْتَكِرُ.

وَإِنَّمَا رُوِيَ عَنْ سَعِيدِ بْنِ الْمُسَيْبِ أَنَّهُ كَانَ يَحْتَكِرُ الرِّبَتَ وَالْحَبَطَ وَنَحْوَهُ. [قالَ أَبُو عَبِيسَى:] وَفِي الْبَابِ عَنْ عَمَرَ وَعَلَيْهِ وَأَبِيهِ أُمَامَةَ، وَابْنِ عُمَرَ. وَحَدِيثُ مَعْمَرٍ حَدِيثُ حَسَنٍ صَحِحُ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ. كَرِهُوا الْحِتْكَارَ الطَّعَامَ. وَرَخَصَ بَعْضُهُمْ فِي الْاحْتِكَارِ فِي غَيْرِ الطَّعَامِ. وَقَالَ ابْنُ الْمِيزَكَ: لَا يَأْسَ بِالْاحْتِكَارِ فِي الْقُطْنِ وَالسَّخْتَيَانِ وَنَحْوِ ذَلِكَ.

تخریج: [صحیح] وأخرجه ابن ماجه، التجارات، باب الحکرة والجلب، ح: ۲۱۵۴ من حديث يزيد بن هارون، ومسلم، ح: ۱۶۰۵ من حديث سعيد بن المسيب به * وفي الباب عن عمر [ابن ماجه، ح: ۲۱۵۳، ۳۱۵۵] وعلي [ابن أبي شيبة، ح: ۱۰۴/۶] وأبي أمامة [رزين كما في المشكاة، ح: ۲۸۹۸ ولم أجده] وابن عمر [أحمد: ۲۳۳/۲].

Comments:

"Ihtikār" is hoarding. According to Ḥāfiẓ Ibn Hajar it means to store the grains and stop their supply in the market to make the price rise. (*Tuhfat Al-Ahwadhi* v. 2. p. 253.) Most of the scholars disapprove of hoarding grains but are not against the hoarding of other things. The narrator of this narration is a Companion of the Prophet ﷺ. Ma'mar and pupil Sa'eed bin Al-Musayyab took this very meaning of this narration, and hoarded olive oil and fodder and other items. According to 'Allāmah Taqī all Four *A'immah* also have the same view. (*Tuhfat Al-Ahwadhi* v.2. p. 257.)

Chapter 41. What Has Been Related About Selling *Al-Muḥaffalāt* (Animals That Have Not Been Milked)

1268. Ibn 'Abbās narrated that the Prophet ﷺ said: "Do not go out to meet the market (caravan), do not leave the animals un-milked (to deceive the buyer), nor out-spend one another." (*Hasan*)

[Abū 'Eisā said:] There are narrations on this topic from Ibn Mas'ūd and Abū Hurairah. The *Hadīth* of Ibn 'Abbās is a *Hasan Sahih Hadīth*. This is acted upon according to the people of knowledge, they dislike selling the *Muḥaffalah*, and it is the *Musarrāh* that has not been milked by its owner in days or more than that, so the milk accumulates in its udders to impress the purchaser. This is a type of deceit and misrepresentation.

(المعجم (٤١) - باب ما جاء في بيع المُحَفَّلَاتِ (التحفة (٤١

١٢٦٨ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا أَبُو الأَخْوَصِ عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ أَبْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا تَسْتَقْبِلُوا السُّوقَ، وَلَا تُحَفِّلُوا، وَلَا يُنْفِقُ بَعْضُكُمْ لِيُغْضِبِ». [قال أبا عيسى:] وفي الباب عن ابن مسعود وأبي هريرة وحديث ابن عباس حديث حسن صحيح. والعمل على هذا عند أهل العلم، كرهوا بيع المحفلة، وهي المصارفة، لا يخلوها صاحبها أيامًا أو نحو ذلك، ليجتمع اللبن في ضرعها، فيعتبر بها المستري، وهذا ضرب من الخديعة والغرر.

تخریج: [حسن] وأخرجه أحمد: ۲۵۶ من حديث أبي الأخصوص به وسنه ضعيف وللحديث شواهد * وفي الباب عن ابن مسعود [البخاري، ح: ۲۱۴۹] ومسلم، ح: ۱۵۱۸] وأبي هريرة [تقدما: ۱۲۵۲، ۱۲۵۱].

Chapter 42. What Was Been Related About The False Oath To Deprive The Muslim Of His Wealth

1269. ‘Abdullāh bin Mas‘ūd narrated that the Messenger of Allāh ﷺ said: “Whoever takes a false oath to deprive a Muslim of his wealth, he will meet Allāh while He is angry with him.”

Al-Ash‘ath bin Qais said: “It is about me, by Allāh! There was a dispute about some land between myself and a man from the Jews who denied my ownership of it, so I took him to the Prophet ﷺ. the Messenger of Allāh ﷺ said to me: ‘Do you have any proof?’ I said: ‘No.’ So he said to the Jew: ‘Take an oath.’ I said: ‘O Messenger of Allāh! If he takes an oath then my property will be gone!’ So Allāh, Most High revealed: Verily those who purchase a small gain at the cost of Allāh’s Covenant and their oaths... until the end of the Āyah”^[1] (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from Wā'il bin Hujr, Abū Mūsā, Abū Umāmah bin Tha'labah Al-Anṣārī, and 'Imrān bin Huṣain. The *Hadīth* of Ibn Mas‘ūd is a *Hasan Sahīh Hadīth*.

تخریج: متفق عليه، وأخرجه البخاري، المساقاة، باب الخصومة في البتر والقضاء فيها، ح: ٢٣٥٦ ومسلم، ح: ١٣٨ من حديث الأعمش به، وأبو داود، ح: ٣٢٤٣ عن هناد، والبخاري، ح: ٢٤١٦ من حديث أبي معاوية الضرير به * وفي الباب عن وائل بن حجر [مسلم، ح: ١٣٩] وأبي موسى [لعله يشير إلى الحديث الآتي: ١٨٢٧: وانظر مستند الإمام أحمد: ٤/ ٣٩٤] وأبي أمامة بن ثعلبة الأنصاري [مسلم، ح: ١٣٧] وعمران بن حصين [أبو داود، ح: ٣٢٤٢].

(المعجم ٤٢) - بَابُ مَا جَاءَ فِي الْيَمِينِ
الْفَاحِرَةِ يُقْطَعُ بِهَا مَالُ الْمُسْلِمِ (التحفة ٤٢)

١٢٦٩ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ
عَنِ الْأَعْمَشِ، عَنْ شَيْقَيْنِ بْنِ سَلَمَةَ، عَنْ عَبْدِ
اللهِ بْنِ مَسْعُودٍ، قَالَ: قَالَ رَسُولُ اللهِ ﷺ:
«مَنْ حَلَفَ عَلَى يَمِينٍ وَهُوَ فِيهَا فَاجْرُّ،
لِيُقْطَعَ بِهَا مَالُ امْرِئٍ مُسْلِمٍ، لَقَيَ اللهُ وَهُوَ
عَلَيْهِ عَذَابٌ».

فَقَالَ الْأَشْعَثُ بْنُ قَيْسٍ: فِي، وَاللهُ لَقَدْ
كَانَ ذَلِكَ، كَانَ يَتَبَّعُ وَيَتَبَيَّنُ رَجْلٌ مِنَ الْيَهُودِ
أَرْضُ فَجَحَدَنِي، فَقَدَّمْتُهُ إِلَى النَّبِيِّ ﷺ. فَقَالَ
لِي رَسُولُ اللهِ ﷺ: «أَلَكَ بَيْتَهُ؟ فَقَلَّتْ: لَا،
فَقَالَ لِلْيَهُودِيِّ: «اَخْلِفْ» فَقَلَّتْ: يَا رَسُولَ
اللهِ إِذْنْ يَخْلِفَ فَقَدْهَتْ بِيَمَالِيِّ، فَأَنْزَلَ اللهُ
تَعَالَى: «إِنَّ الَّذِينَ يَتَّقَرُونَ بِعَهْدِ اللهِ وَآتَيْنَاهُمْ
مَنَّا قَلِيلًا» إِلَى آخر الآية [آل عمران: ٧٧].

[قالَ أَبُو عَبِيسَى:] وَفِي الْبَابِ عَنْ وَائِلٍ
ابْنِ حُجْرٍ، وَأَبِي مُوسَى وَأَبِي أُمَامَةَ بْنِ ثَعَلْبَةَ
الْأَنْصَارِيِّ وَعُمَرَانَ بْنِ حُصَيْنٍ. وَحَدِيثُ ابْنِ
مَسْعُودٍ، حَدِيثُ حَسَنٍ صَحِيحٌ.

[1] *Al Imrān* 3:77.

Comments:

This narration is a proof that if there is a dispute between two persons the claimant has to produce two witnesses in his favor, and if he fails to produce, the respondent will take an oath, and the decision will be given on the oath of the respondent, whether he swore a true oath or false.

Chapter 43. What Has Been Related About When The Buyer And Seller Disagree

1270. Ibn Mas'ūd narrated that the Messenger of Allāh ﷺ said: "When the two parties (in a deal) disagree then the seller's statement is taken as valid, and the purchaser retains the option." (*Hasan*)

[Abū 'Eisā said:] This *Hadīth* is *Mursal*. 'Awn bin 'Abdullāh did not see Ibn Mas'ūd. This *Hadīth* has also been reported from Al-Qāsim bin 'Abdur-Rahmān, from Ibn Mas'ūd, from the Prophet ﷺ. But that is also *Mursal*.

[Abū 'Eisā said:] [Ishāq] Ibn Manṣūr said: "I said to Ahmād: what if when the two parties disagree and there is no proof (what is done)?" He said: 'The saying of the owner of the merchandise is taken as valid or they both refuse.' And Ishāq said as he did, and that in every case where his saying is taken, he must swear."

[Abū 'Eisā said:] Similar to this has been reported from some of [the people of knowledge among] the *Tābi'īn*, Shuraih is among those.

تَخْرِيج: [حسن] وأخرجه أحمد: ٤٦٦ / ١ من حديث محمد بن عجلان به وصرح بالسماع، وصححه ابن الجارود، ح: ٦٢٥ والحاكم: ٣٣٢ / ٥ والذهبى وحسنه البهقى: ٤٥ / ٢ والحاكم: ٣٥١١ والنسائي، ح: ٤٦٥٢ من حديث ابن مسعود به وللحديث شواهد كثيرة عند أبي داود، ح: ٣٥١٢ وغيره.

(المعجم ٤٣) - بَابُ مَا جَاءَ إِذَا اخْتَافَ الْبَيْعَانِ (التحفة ٤٣)

١٢٧٠ - حَدَّثَنَا قَتْبَيْهُ: حَدَّثَنَا سُفْيَانُ عَنْ أَبْنِ عَجْلَانَ، عَنْ عَوْنَ بْنِ عَبْدِ اللَّهِ، عَنْ أَبْنِ مَسْعُودٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا اخْتَافَ الْبَيْعَانِ، فَالْقَوْلُ قَوْلُ الْبَائِعِ، وَالْمُبْتَاعُ بِالْخِيَارِ.

[قال أبو عيسى:] هَذَا حَدِيثُ مُرْسَلٌ، عَوْنَ بْنُ عَبْدِ اللَّهِ لَمْ يُدْرِكْ أَبْنَ مَسْعُودٍ. وَقَدْ رُوِيَ عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبْنِ مَسْعُودٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ هَذَا الْحَدِيثُ أَيْضًا. وَهُوَ مُرْسَلٌ أَيْضًا.

[قال أبو عيسى:] قَالَ [إِسْحَاقُ] بْنُ مَنْصُورٍ: قُلْتُ لِأَخْمَدَ: إِذَا اخْتَافَ الْبَيْعَانِ وَلَمْ تَكُنْ بَيْنَهُ؟ قَالَ: الْقَوْلُ مَا قَالَ رَبُّ السُّنْغَةِ، أَوْ يَتَرَادَانِ. قَالَ إِسْحَاقُ: كَمَا قَالَ، وَكُلُّ مَنْ كَانَ الْقَوْلُ قَوْلَهُ، فَعَلَيْهِ الْيَمِينِ.

[قال أبو عيسى:] وَقَدْ رُوِيَ تَحْرُرُ هَذَا عَنْ بَعْضِ [أَهْلِ الْعِلْمِ مِنَ الْتَّابِعِينَ] مِنْهُمْ شُرَيْحُ.

تَخْرِيج: [حسن]

وأخرجه أحمد: ٤٦٦ / ١ والحاكم: ٦٢٥ والجمهوري: ٣٣٢ / ٥ والذهبى: ٤٥ / ٢ والحاكم: ٣٥١١ والنسائي، ح: ٤٦٥٢ من حديث ابن مسعود به وللحديث شواهد كثيرة عند أبي داود، ح: ٣٥١٢ وغيره.

Comments:

The basic cause of dispute is not clear in this narration. Disagreement of the parties was on the commodity itself, or on its price, or on some condition put on it. Many of the scholars generalize the application of this narration. This narration is applicable to all kinds of disputes, and according to 'Allāmah Ibn Qudāmah, if someone has no witness, then both of the parties will take an oath.

Chapter 44. What Has Been Related About Selling Surplus Water

1271. Abū Al-Minhāl narrated from Iyās bin 'Abd Al-Muzanī who said: "The Prophet ﷺ prohibited selling water." (*Sahīh*)

[He said:] There are narrations on this topic from Jābir, Buhaisah from her father, Abū Hurairah, 'Āishah, Anas, and 'Abdullāh bin 'Amr.

[Abū 'Eisā said:] The *Hadīth* of Iyās is a *Hasan Sahih Hadīth*. This is acted upon according to most of the people of knowledge; they dislike selling water. This is the view of Ibn Al-Mubārak, Ash-Shāfi'i, Aḥmad and Ishāq. Some of the people of knowledge permitted selling water, Al-Hasan Al-Baṣrī is one of them.

تخریج : [إسناده صحيح] وأخرجه أبو داود، البيوع، باب: في بيع فضل الماء، ح: ٣٤٧٨ من حديث داود العطار به رواه النسائي، ح: ٤٦٦٦ عن قتيبة وابن ماجه، ح: ٢٤٧٦ من حديث عمرو بن دينار به وصححه ابن الجارود، ح: ٥٩٤ وابن حبان، ح: ١١١٧ والحاكم: * ٦١، ٤٤/٢ وفي الباب عن جابر [ابن ماجه، ح: ١٥٣٠] وبهيسة عن أبيها [أبو داود، ح: ١٦٦٩، ٢٤٧٦] وأبي هريرة [يأتي: ١٢٧٢] وعائشة [ابن ماجه، ح: ٢٤٧٩] وأنس [الطبراني في الصغير: ٢٤٢/١] وعبد الله [١٢١٧: ٢٢١، ١٧٩] والطبراني في الأوسط، ح: ١٢١٧.

Comments:

Some of the scholars, in the context of this narration have taken the word 'water' in its entirety to mean water of all kinds, and in all senses, and they have prohibited its sale. According to Ibn Ḥazm and Imām Shawkānī, sale of water is unlawful. The correct sense of the word 'water' in this narration

(المعجم ٤٤) - بابٌ مَا جَاءَ فِي بَيْعِ
فَضْلِ الْمَاءِ (الصفحة ٤٤)

١٢٧١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا دَاوُدُ بْنُ عَبْدِ الرَّحْمَنِ الْعَطَّارُ، عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ أَبِي الْمُنْهَالِ، عَنْ إِيَّاسِ بْنِ عَبْدِ الْمُزْنِيِّ قَالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ الْمَاءِ.
[قال:] وَفِي الْبَابِ عَنْ جَابِرٍ وَبَهِيسَةَ، عَنْ أَبِيهَا، وَأَبِيهِي هُرِيْرَةَ وَعَائِشَةَ وَأَنْسَ وَعَبْدِ اللَّهِ بْنِ عَمْرُو.

[قال:] أَبُو عِيسَى: [حَدِيثُ إِيَّاسِ حَدِيثُ حَسَنٍ صَحِيحٍ . وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ، أَهْلُهُمْ كَرِهُوا بَيْعَ الْمَاءِ . وَقَوْلُ ابْنِ الْمُبَارَكِ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ، وَقَدْ رَخَصَ بَعْضُ أَهْلِ الْعِلْمِ فِي بَيْعِ الْمَاءِ . مِنْهُمُ الْحَسَنُ الْبَصْرِيُّ .]

seems to be the water which is free for all, and no one has to toil for bringing it up to the place of use. But the water brought from far off places by rented transport or by other means with an expenditure on it, can be sold. (For details see *Nayl Al-Awtār* v. 5. p. 259.)

1272. Abū Hurairah narrated that the Prophet ﷺ said: "Do not withhold surplus water so that it is prevented from the pasture." (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

[Abū Al-Munhāl's name is ‘Abdur-Rahmān bin Mu‘im, he is from Al-Kūfah, and he is the one that Ḥabīb bin Abī Thābit reports from. Abū Al-Munhāl Sayyār bin Salāmah is from Al-Baṣrah, he is the companion of Abū Barzah Al-Aslāmī.]

تخریج: متفق عليه، وأخرجه مسلم، المسافة، باب تحريم بيع فضل الماء الذي يكون بالفلاة ... إلخ، ح: ١٥٦٦ عن قبیة والبخاری، ح: ٢٣٥٣ من حديث أبي الزناد به.

Comments:

One who has a well or source of water near a pasture, he is not allowed to put restrictions on his surplus water. He should allow the people to use the water for their animals and domestic needs.

Chapter 45. What Has Been Related About It Being Disliked To Sell The Sperm Of A Stallion

1273. Ibn ‘Umar narrated: "The Prophet ﷺ prohibited studding the stallion." (*Sahīh*)

[He said:] There are narrations on this topic from Abū Hurairah, Anas, and Abū Sa‘eed.

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Umar is a *Hasan Sahīh Hadīth*. This is acted upon according to some of the people of knowledge.

١٢٧٢ - حَدَّثَنَا قُبِيْةُ: حَدَّثَنَا الْئَبْرَوْنِيُّ عَنْ أَبِي الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يُمْنَعُ فَضْلُ الْمَاءِ، لِيُمْنَعَ بِهِ الْكَلَأُ».

[قال أبو عيسى:] هذا حديث حسن صحيح.

[وأبو المنهال اسمه عبد الرحمن بن مطعم: كوفي، وهو الذي روى عنه حبيب ابن أبي ثابت، وأبو المنهال سيار بن سلامة، بصري صاحب أبي زرعة الأسلمي].

تخریج: متفق عليه، وأخرجه مسلم، المسافة، باب تحريم بيع فضل الماء الذي يكون بالفلاة ... إلخ، ح: ١٥٦٦ عن قبیة والبخاری، ح: ٢٣٥٣ من حديث أبي الزناد به.

(المعجم ٤٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ عَنْبِ الْفَحْلِ (التحفة ٤٥)

١٢٧٣ - حَدَّثَنَا أَخْمَدُ بْنُ مُنْبِعٍ وَأَبُو عَمَارٍ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيْهِ [قال:]

حَدَّثَنَا عَلَيُّ بْنُ الْحَكَمِ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: نَهَى النَّبِيُّ ﷺ عَنْ عَنْبِ الْفَحْلِ.

[قال:] وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَأَسِيْدِيْنِ وَأَبِي سَعِيدٍ.

[قال أبو عيسى:] حديث ابن عمر

There are those who made a concession for accepting an honorarium for that.

حَدِيثٌ حَسَنٌ صَحِيحٌ . وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، وَقَدْ رَخَّصَ قَوْمٌ فِي قَبْوِيلَةِ الْكَرَامَةِ عَلَى ذَلِكَ .

تخریج: وأخرجه البخاری، الإجارة، باب عسب الفحل، ح: ۲۲۸۴ من حديث إسماعيل بن عليه به * وفي الباب عن أبي هريرة [النسائي، ح: ۴۶۷۷] وأنس [يأتي: ۱۲۷۴] وأبي سعيد [النسائي: ۳۱۱، ح: ۴۶۷۸].

Comments:

In the view of Imām Abū Ḥanīfah, Imām Shāfi‘ī and Imām Aḥmad, the owner of the male animal is not allowed to take money or rent it out for mating purposes. In the view of Imām Mālik this is prohibited only because it is against the general welfare of the community. Norms of a civilized society do not allow receiving money for such purposes.

1274. Anas bin Mālik narrated: “A man from (the tribe of) Kilāb asked the Messenger of Allāh ﷺ about studding a stallion and he prohibited it. So he said: ‘O Messenger of Allāh! We stud the stallions so that we get honorarium (from the owners of the female horse)!’ So he permitted it for the honorarium.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*, we do not know of it except as a narration of Ibrāhīm bin Ḥumайд, from Hishām bin ‘Urwah.

تخریج: [صحيح] وأخرجه النسائي: ۴۶۷۶ (اليوم، باب بيع ضراب الجمل) من حديث يحيى بن آدم به وللحديث شواهد.

Comments:

If some gift is given to the owner of the male animal, it can be accepted. Giving a gift is not a compulsion nor is this a fee for the male. This view is considered the correct view.

Chapter 46. What Has Been Related About The Price Of A Dog

1275. Rāfi‘ bin Khadīj narrated that the Messenger of Allāh ﷺ

۱۲۷۴ - حَدَّثَنَا عَبْدُهُ بْنُ عَبْدِ اللَّهِ الْخُزَاعِيُّ الْبَصْرِيُّ : حَدَّثَنَا يَحْيَى بْنُ آدَمَ عَنْ إِبْرَاهِيمَ بْنِ حُمَيْدِ الرُّؤَاشِيِّ ، عَنْ هِشَامِ بْنِ عُرْوَةَ ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ التَّبِيِّيِّ ، عَنْ أَنَسِ بْنِ مَالِكٍ : أَنَّ رَجُلًا مِنْ كِلَابَ سَأَلَ رَسُولَ اللَّهِ ﷺ عَنْ عَسْبِ الْفَحْلِ ، فَهَأَلَ ، فَقَالَ : يَا رَسُولَ اللَّهِ إِنَّا نُطْرِقُ الْفَحْلَ فَنُنْكِرُهُ . فَرَأَخْصَنَ اللَّهَ فِي الْكَرَامَةِ .

[قال أبو عيسى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ، لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ إِبْرَاهِيمَ بْنِ حُمَيْدٍ عَنْ هِشَامِ بْنِ عُرْوَةَ .

تخریج: [صحيح] وأخرجه النسائي: ۳۱۰ / ۳ (اليوم، باب بيع ضراب الجمل)

(المعجم ۴۶) - بَابُ مَا جَاءَ فِي ثَمَنِ الْكَلْبِ (التحفة ۴۶)

۱۲۷۵ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ : حَدَّثَنَا

said: "The earnings of the copper is filth, the earnings of the fornicator (from harlotry) is filth, and the price of a dog is filth." (*Sahīh*)

[He said:] There are narrations on this topic from 'Umar, ['Alī], Ibn Mas'ūd, [Abū Mas'ūd], Jābir, Abū Hurairah, Ibn 'Abbās, Ibn 'Umar, and 'Abdullāh bin Ja'far.

[Abū 'Eisā said:] The *Hadīth* of Rāfi' is a *Hasan Sahīh Hadīth*. This is acted upon according to most of the people of knowledge, they disliked the price of a dog. This is the view of Ash-Shāfi'i, Ahmad, and Ishaq. Some of the people of knowledge permitted the price of the hunting dog.

عَنْ الرَّازِقِ: حَدَّثَنَا مَعْمَرٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ اللَّهِ بْنِ قَارِظٍ، عَنْ السَّائِبِ بْنِ يَزِيدَ، عَنْ رَافِعِ بْنِ خَدِيجَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «كَسْبُ الْحَجَامِ خَيْثٌ، وَمَهْرُ الْبَغْيِ خَيْثٌ، وَتَمَنُ الْكَلْبِ خَيْثٌ». [قال:] وَفِي الْبَابِ عَنْ عُمَرَ [وَعَلَيْهِ] وَابْنِ مَسْعُودٍ [وَأَبِي مَسْعُودٍ] وَجَابِرٍ وَأَبِي هُرَيْرَةَ وَابْنِ عَبَّاسٍ وَابْنِ عُمَرَ وَعَبْدِ اللَّهِ بْنِ جَعْفَرٍ. [قال أبو عيسى:] حَدِيثُ رَافِعٍ حَدِيثٌ حَسَنٌ صَحِيفٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ، كَرِهُوا تَمَنَ الْكَلْبِ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَخْمَدَ وَإِسْحَاقَ. وَقَدْ رَخَصَ بَعْضُ أَهْلِ الْعِلْمِ فِي تَمَنِ الْكَلْبِ الصَّيْدِ.

تخریج: وأخرج مسلم، المساقاة، باب تحريم ثمن الكلب، وحلوان الكاهن ... إلخ، ح: ١٥٦٨ من حديث عبدالرزاق به * وفي الباب عن عمر [ابن عدي في الكامل: ٧١٦/٧] وعلى ابن مسعود [لم أجده] وأبي مسعود [يأتي: ١٢٧٦] وجابر [مسلم، ح: ١٥٦٩] وأبي هريرة [ابن حبان، ح: ١١١٨ والبيهقي: ٦/٦] وابن عباس [أبو داود، ح: ٣٤٨٢] وابن عمر [الطبراني في الأوسط: ٦/٢٦٢، ح: ٥٥٥٧] وعبدالله بن جعفر [الحاكم: ٣/٥٦٨] وحديث عبدالله بن عمرو عند الحاكم: ٢٣/٢].

Comments:

Fornication is one of the greatest sins and the earnings of a fornicator is unanimously agreed upon as unlawful. The earnings of the soothsayer are also unlawful.

1276. Abū Mas'ūd Al-Anṣārī narrated: "The Messenger of Allāh ﷺ prohibited the price of a dog, the earnings of the fornicator (from harlotry), and the news of the fortune-teller."^[1] (*Sahīh*)

This *Hadīth* is *Hasan Sahīh*.

١٢٧٦ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا الْيَتُّمُ عَنِ ابْنِ شَهَابٍ؛ ح: وَحَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ الْمَخْزُومِيُّ وَعَيْرُ وَاحِدٌ قَالُوا: حَدَّثَنَا سُقِيَانُ بْنُ عَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ أَبِي بَكْرِ ابْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي مَسْعُودٍ

[1] This *Hadīth* preceded, no. 1133.

الأنصاري، قال: نهى رسول الله ﷺ عن ثمن الكلب ومهرب النبي وحلوان الكاهن.
هذا حديث حسن صحيح.

تخرج: متفق عليه، وأخرجه مسلم، المساقاة، باب تحريم ثمن الكلب، وحلوان الكاهن... إلخ، ح: ١٥٦٧ عن قتيبة والبخاري، ح: ٥٣٤٦ من حديث سفيان بن عيينة به.

Chapter 47. What Has Been Related About The Earnings Of The Cupper

(المعجم ٤٧) - باب ما جاء في كسب الحجّام (التحفة ٤٧)

1277. Ibn Muhayyishah of Banū Hārithah narrated from his father, that he sought permission from the Prophet ﷺ to take the wages for cupping and he forbade him from it. He continued asking him and seeking his permission until he said: "Use it to give fodder to your water-carrying camels, and to feed your slaves." (*Sahīh*)

[He said:] There are narrations on this topic from Rāfi' bin Khadīj, Abū Juhaifah, Jābir, and As-Sā'ib [bin Yazid].

[Abū 'Eisā said:] The *Hadīth* of Muhayyishah is a *Hasan* [*Sahīh*] *Hadīth*. This is acted upon according to some of the people of knowledge. Ahmād said: "If I am asked for something by the cupper then I deny him, acting upon this *Hadīth*.

١٢٧٧ - حَدَثَنَا قُتْبَيْهُ عَنْ مَالِكَ بْنِ أَنْسِي، عَنْ أَبْنِ شِهَابٍ، عَنْ أَبْنِ مُحَمَّصَةَ أَخِي بَنِي حَارِثَةَ، عَنْ أَبِيهِ، أَنَّهُ اسْتَأْذَنَ النَّبِيَّ ﷺ فِي إِجَارَةِ الْحَجَّامِ فَنَهَا عَنْهَا، فَلَمْ يَرُلْ يَسْأَلَهُ وَيَسْتَأْذِنْهُ حَتَّى قَالَ: «أَعْلَمُهُ تَاضِحَّكَ وَأَطْعَمُهُ رَقِيقَكَ».

[قال:] وفي الباب عن رافع بن خديج وأبي جحيفة، وجابر، والسائل [بن يزيد].

[قال أبو عيسى:] حديث محيضة حديث حسن [صحيح] والعمل على هذا عند بعض أهل العلم. وقال أحmed: إن سألني حجاج نهيه، وأخذ بهذا الحديث.

تخرج: [صحيح] وأخرجه أبو داود، البيوع، باب: في كسب الحجام، ح: ٣٤٢٢ من حديث مالك به وهو في الموطأ: ٩٧٤/٢ (يعني) وصححه ابن حبان، ح: ١١٢١ وللحديث شاهد عند الحميدي، ح: ١٢٩٣ وغيره * وفي الباب عن رافع بن خديج [تقدماً] وأبي جحيفة [البخاري، ح: ٢٠٨٦] وجابر [أحمد: ٣٠٧/٣ والحميدي، ح: ١٢٩٣ (بتحقيقي)] والسائل بن يزيد [ابن أبي حاتم في علل الحديث: ٤٤٤، ح: ٣٩].

Chapter 48. What Has Been Related About Permitting The Earnings Of A Cupper

1278. Anas narrated: “The Messenger of Allāh ﷺ was cupped; Abū Ṭaibah did the cupping. So he ordered that he be given two *Sā’* of food, and he spoke to his masters to reduce his taxes. He said: ‘The most virtuous of what you treat with is cupping.’ Or, he said: ‘The best of your treatments is cupping.’” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Alī, Ibn ‘Abbās, and Ibn ‘Umar.

[Abū ‘Eisā said:] The *Hadīth* of Anas is a *Hasan Sahīh Hadīth*. Some of the people of knowledge among the Companions of the Prophet ﷺ, and others permitted paying the cupper. This is the view of *Ash-Shāfi‘i*.

تخریج: وأخرج مسلم، المساقاة، باب حل أجرة الحجامة، ح: ١٥٧٧ عن علي بن حجر والبخاري، ح: ٥٦٩٦ من حديث حميد الطويل به * وفي الباب عن علي [الترمذى في الشمائل، ح: ٣٦٠] وابن عباس [البخاري، ح: ٥٦٩٩] ومسلم، ح: ١٢٠٢ والترمذى في الشمائل، ح: ٣٦١] وابن عمر [الترمذى في الشمائل، ح: ٣٦٢].

Comments:

According to Imām Nawawī most of the people of knowledge among the Companions of the Prophet ﷺ and their followers have allowed one to adopt this profession. According to some, a free man should not adopt this profession but a slave is allowed.

Chapter 49. What Has Been Related About The Price Of A Dog And A Cat

1289. Jābir narrated: “The Messenger of Allāh ﷺ prohibited the price of the dog and the cat.” (*Sahīh*)

(المعجم ٤٨) - باب ما جاء في الرُّخصة
في كسب الحجامة (التحفة ٤٨)

١٢٧٨ - حَدَّثَنَا عَلَيْهِ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ حُمَيْدٍ قَالَ: سُئِلَ أَنَّسُ عَنْ كَسْبِ الْحَجَامَةِ؟ فَقَالَ أَنَّسُ: احْتَجَمَ رَسُولُ اللَّهِ ﷺ، وَحَجَمَهُ أَبُو طَيْبَةَ، فَأَمَرَ لَهُ بِصَاعِينَ مِنْ طَعَامٍ وَكَلَمَ أَهْلَهُ فَوَضَعُوا عَنْهُ مِنْ خَرَاجِهِ، وَقَالَ: «إِنَّ أَفْضَلَ مَا تَدَارِيْتُمْ بِهِ الْحِجَامَةُ» أَوْ «إِنَّ مِنْ أَمْثَلِ دَوَائِكُمُ الْحِجَامَةُ».

[قال:] وفي الباب عن علي وابن عباس وابن عمر.

[قال أبو عيسى:] حديث أنسٍ حديث حسنٍ صحيحٍ، وقد رَحَّصَ بعضُ أهلِ الْعِلْمِ من أصحابِ التَّبَّيَّنَ وَغَيْرِهِمْ في كسبِ الحجامة. وهو قولُ الشافعِي.

تخریج: وأخرجه مسلم، المساقاة، باب حل أجرة الحجامة، ح: ١٥٧٧ عن علي بن حجر والبخاري، ح: ٥٦٩٦ من حديث حميد الطويل به * وفي الباب عن علي [الترمذى في الشمائل، ح: ٣٦٠] وابن عباس [البخاري، ح: ٥٦٩٩] ومسلم، ح: ١٢٠٢ والترمذى في الشمائل، ح: ٣٦١] وابن عمر [الترمذى في الشمائل، ح: ٣٦٢].

(المعجم ٤٩) - باب ما جاء في كراهة ثمن الكلب والسنور (التحفة ٤٩)

١٢٧٩ - حَدَّثَنَا عَلَيْهِ بْنُ حُجْرٍ وَعَلَيْهِ بْنُ حَسْرَمَ قَالَا: حَدَّثَنَا عَيْسَى بْنُ يُونُسَ عَنْ

[Abū ‘Eisā said:] There is some confusion (*Idtirāb*) in the chain for this *Hadīth*. [The price of a cat is not correct]. This *Hadīth* has been reported from Al-A‘mash, from some of his companions, from Jābir, and they caused some confusion for Al-A‘mash in this narration.

There are those among the people of knowledge who disliked the price of a cat, and some of them permitted it. This is the view of Ahmad and Ishāq. It has been reported from Ibn Al-Fudail, from Al-A‘mash, from Abū Hāzim, from Abū Hurairah from the Prophet ﷺ, through other than this route.

تخریج: [صحيح] وأخرجه أبو داود، البيوع، باب: في ثمن السنور، ح: ٣٤٧٩ من حديث عيسى بن يونس به وله طريق آخر عند مسلم، ح: ١٥٦٩ وابن ماجه، ح: ٢١٦١ عن جابر به، وصححه ابن الجارود، ح: ٥٨٠ والحاكم: ٣٤/٢ على شرط مسلم ووافقة الذبيبي وللحديث شواهد.

Comments:

Some Companions of the Prophet ﷺ and their followers have disapproved of accepting the price of a cat. Most of the scholars and all Four *A’immah* consider this prohibition just a counsel and caution and no more. Taking the price of a cat is allowed but it is against good manners and politeness.

1280. Jābir narrated: “The Messenger of Allāh ﷺ prohibited eating the cat and from its price.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharib*. We do not know of any major (known) narrators who reports from ‘Umar bin Zaid (one of the narrators) besides ‘Abdur-Razzāq.

تخریج: [صحيح] وأخرجه أبو داود، البيوع، باب: في ثمن السنور، ح: ٣٤٨٠ وابن ماجه، ح: ٣٢٥٠ من حديث عبدالرزاق به وهو في المصنف له، ح: ٨٧٤٩ وسنده ضعيف وللحديث شواهد عند مسلم، ح: ١٥٦٩ (المساقاة: ٩) وغيره * عمر بن زيد الصناعي ضعيف.

الأعمش، عن أبي سفيان، عن جابر قال: نهى رسول الله ﷺ عن ثمن الكلب والسنور. [قال أبو عيسى:] هذا حديث في إسناده أضطراب. [ولا يصح في ثمن السنور] وقد روی هذا الحديث عن الأعمش، عن بعض أصحابيه، عن جابر. وأضطربوا على الأعمش في رواية هذا الحديث، وقد كره قومٌ من أهل العلم ثمن الهر، ورخص فيه بعضهم. وهو قول أحمد وإسحاق. وروى ابن فضيل، عن الأعمش، عن أبي حازم، عن أبي هريرة عن النبي ﷺ، من غير هذا الوجه.

تخریج: [صحيح] وأخرجه أبو داود، البيوع، باب: في ثمن السنور، ح: ٣٤٧٩ من حديث عيسى بن يونس به وله طريق آخر عند مسلم، ح: ١٥٦٩ وابن ماجه، ح: ٢١٦١ عن جابر به، وصححه ابن الجارود، ح: ٥٨٠ والحاكم: ٣٤/٢ على شرط مسلم ووافقة الذبيبي وللحديث شواهد.

١٢٨٠ - حدثنا يحيى بن موسى: حدثنا عبد الرزاق: أخبرنا عمُرُ بْنُ زَيْدِ الصَّنَاعَانِيُّ عن أبي الزُّبَيرِ، عن جابر، قال: نهى رسول الله ﷺ عن أكل الهر وثمنه.

[قال أبو عيسى:] هذا حديث غريب وعمُرُ بْنُ زَيْدِ، لا تعرفُ كَيْفَ أَخَدَ رَوَى عنه، غير عبد الرزاق.

تخریج: [صحيح] وأخرجه أبو داود، البيوع، باب: في ثمن السنور، ح: ٣٤٨٠ وابن ماجه، ح: ٣٢٥٠ من حديث عبدالرزاق به وهو في المصنف له، ح: ٨٧٤٩ وسنده ضعيف وللحديث شواهد عند مسلم، ح: ١٥٦٩ (المساقاة: ٩) وغيره * عمر بن زيد الصناعي ضعيف.

Chapter 50. Permission Regarding The Price Of A Hunting Dog

1281. Abū Al-Muhazzim narrated from Abū Hurairah who said: "The price of a dog was prohibited, except for the hunting dog." (*Da'if*)

[Abū 'Eisā said:] This *Hadīth* is not correct from this route. Abū Al-Muhazzim's name is Yazid bin Sufyān, and Shu'bah bin Al-Hajjāj criticized him [and graded him weak]. Similar to this has been reported from Jābir, from the Prophet ﷺ, but its chain is also not correct.

تخريج: [إسناده ضعيف] * أبوالمهزم ضعيف جداً متروك، وللحديث شواهد، كلها ضعيفة.

Comments:

See the discussion about the weakness of this narration and the person who seconds it. (See *Zād Al-Ma'ād* v. 5. p. 682-685.)

Chapter 51. What Has Been Related About It Being Disliked To Sell Singers

1282. Abū Umāmah narrated that the Messenger of Allāh ﷺ said: "Do not sell the (slave) female singers, nor purchase them, nor teach them (to sing). And there is no good in trading in them, and their prices are unlawful. It was about the likes of this that this *Ayāh* was revealed: And among mankind is he who purchases idle talk to divert from the way of Allāh."^[1] (*Da'if*)

[He said:] There is narration about this from 'Umar bin Al-

(المعجم ٥٠) - بَابُ [الرُّخْصَةِ فِي ثَمَنِ كَلْبِ الصَّيْدِ] (التحفة ٥٠)

١٢٨١ - حَدَّثَنَا أَبُو كُرْبَيْبٍ: حَدَّثَنَا وَكَيْعَ عَنْ حَمَادَ بْنِ سَلَمَةَ، عَنْ أَبِي الْمَهْزُمِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى عَنْ ثَمَنِ الْكَلْبِ، إِلَّا كَلْبِ الصَّيْدِ.

[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ لَا يَصِحُّ مِنْ هَذَا الْتَّوْجِهِ. وَأَبُو الْمَهْزُمِ اسْمُهُ يَزِيدُ بْنُ سُفْيَانَ، وَتَكَلَّمَ فِيهِ شُعْبَةُ بْنُ الْحَجَاجِ [وَضَعَفَهُ] وَ[هَذَا] رُوِيَ عَنْ جَابِرٍ عَنْ النَّبِيِّ ﷺ، تَحْوُ هَذَا. لَا يَصِحُّ إِسْنَادُهُ أَيْضًا.

تخريج: [إسناده ضعيف] *

(المعجم ٥١) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ بَعْضِ الْمُعْنَيَاتِ (التحفة ٥١)

١٢٨٢ - حَدَّثَنَا قَتِيْبَةُ: حَدَّثَنَا بَكْرُ بْنُ مُضْرَبَ عَنْ عَبْدِ اللَّهِ بْنِ زَحْرَةَ، عَنْ عَلَيِّ بْنِ يَزِيدَ، عَنْ الْفَارَسِيِّ، عَنْ أَبِي أَمَامَةَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «لَا تَبِعُوا الْقَيْنَاتِ وَلَا تَشْتَرُوهُنَّ، وَلَا تُعَلِّمُوهُنَّ، وَلَا خَيْرٌ فِي تِجَارَةِ فِيهِنَّ، وَتَمْنَهُنَّ حَرَامٌ»، فِي مُثْلِ هَذَا أَنْزَلَتْ هَذِهِ الْآيَةُ ﴿وَمِنَ الظَّالِمِينَ مَنْ يَشَرِّي لَهُ الْحَدِيثَ لِيُضْلِلَ عَنْ سَبِيلِ اللَّهِ﴾ إِلَى آخِرِ الْآيَةِ

. [لقمان: ٦]

[1] *Luqmān* 31:6.

Khaṭṭāb.

[Abū ‘Eisā said:] We only know of the *Hadīth* of Abū Umāmah, like this, from this route. Some of the people of knowledge have criticized ‘Alī bin Yazid (one of the narrators) and graded him weak, and he is from Ash-Shām.

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٢٦٤ من حديث بكر بن مضر، وابن ماجه، ح: ٢١٦٨ من حديث أبي أمامة به * علي بن يزيد متوك * وفي الباب عن عمر بن الخطاب [الطبراني في الكبير: ١/٧٣، ح: ٨٧].

Comments:

‘Qaynah’ means female singer. Here it means the slave girl who is a singer. As music and singing is prohibited, therefore, buying and selling a singing slave girl is also prohibited, otherwise the buying or selling of slaves is allowed. (*Tuhfat Al-Ahwadhi*. v.2. p. 259.)

Chapter 52. What Has Been Related About It Being Disliked To Separate Brothers, And A Mother And Her Child In Sales

1283. Abū Ayyūb narrated: “I heard the Messenger of Allāh ﷺ saying: ‘Whoever separates a mother from her child, Allāh separates him and his most beloved on the Day of Judgement.’” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*.

[قال:] وفي الباب عن عمر بن الخطاب .
[قال أبو عيسى:] حديث أبي أمامة، إنما
نعرفه مثل هذا من هذا الوجه، وقد تكلم
بعض أهل العلم في علي بن يزيد وضعفه،
وهو شامي .

تخريج: [إسناده ضعيف] وأخرجه أحمد: ٢٦٤ من حديث بكر بن مضر، وابن ماجه، ح: ٢١٦٨ من حديث أبي أمامة به * علي بن يزيد متوك * وفي الباب عن عمر بن الخطاب [الطبراني في الكبير: ١/٧٣، ح: ٨٧].

(المعجم ٥٢) - باب ما جاء في كراهية
الفرق بين الأخرين أو بين الوالدة
وولديها في البيع (التحفة ٥٢)

١٢٨٣ - حدثنا عمر بن حفص الشيباني :
حدثنا عبد الله بن وهب [قال:] أخبرني حبيبي
ابن عبد الله عن أبي عبد الرحمن [الحبيلي] ،
عن أبي أيوب قال: سمعت رسول الله ﷺ
يقول: «من فرق بين الوالدة وولديها ، فرق
الله بينه وبين أحبيه يوم القيمة» .

[قال أبو عيسى:] هذا حديث حسن
غريب .

تخريج: [إسناده حسن] وأخرجه الدارقطني: ٣/٦٧، ح: ٣٠٢٨ من حديث ابن وهب وأحمد: ٥/٤١٢-٤١٤ من حديث حبيبي بن عبدالله به وصححه الحاكم: ٢/٥٥ على شرط مسلم، وسيأتي: ١٥٦٦ .

Comments:

Relatives, like two brothers, a brother and sister, mother and her child; have very deep and strong feelings of love for each other. They are mutually interdependent, so it is not approved to separate them by selling one of them

or giving one of them as a gift. When they are able to live independently, then it is allowed to sell them.

1284. ‘Alī narrated: “The Messenger of Allāh ﷺ gave me two boys who were brothers, so I sold one of them, and the Messenger of Allāh ﷺ said to me: ‘O ‘Alī! What happened to your boy?’ So I informed him, and he said: ‘Return him, return him.’” (*Daīf*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*. Some of the people of knowledge among the Companions of the Prophet ﷺ and others, disliked separating between the captives when selling them.

Some of the people of knowledge permitted separating the children that were born in the land of Islām, but the first view is more correct. It has been related that Ibrāhīm An-Nakha‘ī separated a mother and her child in a sale, so he was asked about that. He said: “I sought her permission for that and she approved.”

١٢٨٤ - حَدَّثَنَا الْحَسَنُ بْنُ [عَرَفَةَ]: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ حَمَادَ بْنِ سَلَمَةَ، عَنِ الْحَجَاجِ، عَنِ الْحَكَمِ، عَنْ مَيْمُونَ بْنِ أَبِي شَيْبَ، عَنْ عَلَيِّ قَالَ: وَهَبَ لِي رَسُولُ اللَّهِ ﷺ غُلَامَيْنِ أَخْوَيْنِ، فَيَعْتَ أَحَدَهُمَا، فَقَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا عَلَيَّ! مَا فَعَلَ غُلَامُكَ؟» فَأَخْبَرَهُ فَقَالَ: «رُدَّهُ، رُدَّهُ».

[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٌ غَرِيبٌ، وَقَدْ كَرِهَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، التَّفْرِيقُ بَيْنَ السَّيِّ في الْأَبْيَعِ.

وَرَخَصَ بَعْضُ أَهْلِ الْعِلْمِ فِي التَّفْرِيقِ بَيْنَ الْمُوْلَدَاتِ الَّذِينَ وُلِدُوا فِي أَرْضِ الإِسْلَامِ وَالْمَوْلُودُ الْأَوَّلُ أَصَحُّ. وَرُوِيَ عَنْ إِبْرَاهِيمَ [الْتَّخْعِيِّ] أَنَّهُ فَرَقَ بَيْنَ وَالَّذِي وَلَدَهَا فِي الْأَبْيَعِ، فَقَيلَ لَهُ فِي ذَلِكَ؟ فَقَالَ: إِنِّي قَدِ اسْتَأْذَنْتُهَا فِي ذَلِكَ، فَرَضَيْتُ.

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، التجارات، باب النهي عن التفریق بين السبي، ح: ٢٤٩ من حديث حماد بن سلمة به وصححه الحاکم: ٥٤ / ٢، میمون لم یدرك علیاً كما قال أبو داود، ح: ٢٦٩٦ وللحديث شواهد ضعیفة عند البیهقی: ١٢٧ / ٩ وغيره وصححه الحاکم.

Comments:

It is correct that a mother and her child or two brothers should not be separated by selling one of them, or giving one of them as gift to someone since they are interdependent. Separation may cause severe problems for them. Some of the scholars say that they can be separated if there is need for it. When they reach the age of maturity they can be separated. (*Tuhfat Al-Ahwadhi* v. 2. p. 259-260.)

Chapter 53. What Has Been Related About Someone Who Purchases A Slave And He Profited From Him, Then He Found A Defect In Him

1285. ‘Āishah narrated that the Messenger of Allāh ﷺ judged: “The produce is for the responsible one.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan* [*Sahīh*]. This *Hadīth* has been reported through routes other than this, and this is acted upon according to the people of knowledge.

Tarīikh: [إسناده حسن] وأخرجه أبو داود، البيوع، باب: فيمن اشتري عبداً فاستعمله ثم وجد به عيّناً، ح: ٣٥٠٨ والنسائي: ٤٤٩٥، ح: ٢٤٢٤ وابن ماجه، ح: ٦٢٧ وابن حبان، ح: ١١٢٥ وغيرهما.

1286. ‘Āishah narrated: “The Prophet ﷺ judged that the produce is for the responsible one.” (*Hasan*)

[He said:] This *Hadīth* is [*Hasan*] *Sahīh*, *Gharib* as a *Hadīth* of Hishām bin ‘Urwah (a narrator).

[Abū ‘Eisā said:] Muslim bin Khālid Az-Zanjī reported this *Hadīth* from Hishām, from ‘Urwah. Jarīr reported it from Hishām as well. It is said that the narration of Jarīr has *Tadlīs* in it, that Jarīr committed the *Tadlīs*; he did not hear it from Hishām bin ‘Urwah.

As for the meaning of “the produce is for the responsible one,” he is the man who purchased the slave then the slave produced

(المعجم ٥٣) - بابٌ مَا جَاءَ فِيمَنْ يَشْتَرِي الْعَبْدَ وَيَسْتَغْلِهُ ثُمَّ يَجِدُ بِهِ عَيْنًا (التحفة ٥٣)

١٢٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْتَهَىٰ: حَدَّثَنَا عُثْمَانُ بْنُ عُمَرَ وَأَبُو عَامِرٍ الْعَقَدِيَّ عَنْ أَبِي ذِئْبٍ، عَنْ مَخْلُدِ بْنِ خَفَافِ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى أَنَّ الْخَرَاجَ بِالضَّمَانِ.

[قالَ أَبُو عِيسَىٰ:] هَذَا حَدِيثُ حَسَنٍ [صَحِيحٍ]. وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ هَذَا الْوَجْهِ، وَالْعَمَلُ عَلَىٰ هَذَا عِنْدَ أَهْلِ الْعِلْمِ.

Tarīikh: [إسناده حسن] وأخرجه أبو داود، البيوع، باب: فيمن اشتري عبداً فاستعمله ثم وجد به عيّناً، ح: ٣٥٠٨ والنسائي: ٤٤٩٥، ح: ٢٤٢٤ وابن ماجه، ح: ٦٢٧ وابن حبان، ح: ١١٢٥ وغيرهما.

١٢٨٦ - حَدَّثَنَا أَبُو سَلَمَةَ يَحْيَىٰ بْنُ خَلَفٍ: أَخْبَرَنَا عُمَرُ بْنُ عَلَيٰ [الْمُقَدَّمِيٰ] عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ الَّتِي ﷺ قَضَى أَنَّ الْخَرَاجَ بِالضَّمَانِ. [قالَ:] وَهَذَا حَدِيثُ [حَسَنٌ] صَحِيقٌ، غَرِيبٌ مِنْ حَدِيثِ هِشَامِ بْنِ عُرْوَةَ.

[قالَ أَبُو عِيسَىٰ:] وَقَدْ رَوَى مُسْلِمُ بْنُ خَالِدٍ الرَّجِحِيُّ هَذَا الْحَدِيثَ عَنْ هِشَامِ بْنِ عُرْوَةَ. وَرَوَاهُ جَرِيرٌ عَنْ هِشَامِ أَيْضًا. وَحَدِيثُ جَرِيرٍ يُقَالُ تَدَلِّيْسُ دَلَّسَ فِيهِ جَرِيرٌ، لَمْ يَسْمَعْهُ مِنْ هِشَامِ بْنِ عُرْوَةَ.

وَتَفْسِيرُ الْخَرَاجِ بِالضَّمَانِ، هُوَ الرَّجُلُ

for him, and he found some defect in him so he returned him to the seller. Then the produce (of his work) is the purchaser's. In cases similar to this, the produce is for the responsible one.

[Abū ‘Eisā said:] Muḥammad bin Ismā’il called this *Hadīth Gharīb*, as a narration of ‘Umar bin ‘Alī (one of the narrators). [I said: “Do you think that he committed *Tadlīs*?” He said: “No.”]

تخریج: [حسن] وأخرجه أبو داود، أيضاً، ح: ٣٥١٠ وابن ماجه، ح: ٢٢٤٣ من حديث هشام به وصححه ابن الجارود، ح: ٦٢٦ وابن حبان، ح: ١١٢٦ والحاكم: ١٥/٢ والذهبي، والحديث السابق شاهد له * حديث مسلم بن خالد الزنجي، أخرجه ابن ماجه، ح: ٢٢٤٣ وأبو داود، ح: ٣٥١٠.

Chapter 54. What Has Been Related About The Permission For Eating Fruit For The Passerby

1287. Ibn ‘Umar narrated that the Prophet ﷺ said: “Whoever enters an orchard then let him eat, but not take any in his garment.” (*Daīf*)

[He said:] There are narrations on this topic from ‘Abdullāh bin ‘Amr, ‘Abbād bin Shurahbīl, Rāfi‘ bin ‘Amr, ‘Umair the freed slave of Ābi Al-Lāhm, and Abū Hurairah.

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Umar is a *Gharīb Hadīth*. We do not know of it from this route except from Yaḥya bin Sulaim. Some of the people of knowledge have permitted the wayfarer to eat from the fruits, and some of them disliked it without paying.

يَسْتَرِي الْعَبْدَ فَيَسْتَغْلِهُ ثُمَّ يَجِدُ يَهُ عَيْنًا فِي وَدَهُ
عَلَى الْبَاعِثِ، فَالْغَلَةُ لِلْمُسْتَرِي، لِأَنَّ الْعَبْدَ لَوْ
هَلَكَ، هَلَكَ مِنْ مَالِ الْمُسْتَرِي، وَتَحْوُ هَذَا
مِنَ الْمَسَائِلِ، يَكُونُ فِيهِ الْخَرَاجُ بِالضَّمَانِ.
[قالَ أَبُو عِيسَى :] وَاسْتَغْرَبَ مُحَمَّدُ بْنُ
إِسْمَاعِيلَ هَذَا الْحَدِيثُ، مِنْ حَدِيثِ عُمَرَ بْنِ
عَلِيٍّ [فَقُلْتُ : تَرَاهُ تَدْلِيسًا؟ قَالَ : لَا]

(المعجم (٥٤) - بابٌ مَا جَاءَ فِي الرُّحْصَةِ
في أَكْلِ الشَّمَرَةِ لِلْمَارِبِهَا (التحفة (٥٤)

١٢٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنُ
أَبِي الشَّوَّارِبِ: حَدَّثَنَا يَحْيَى بْنُ سُلَيْمَانَ عَنْ
عُيَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ
عَنِ الْبَيْهِيِّنِيِّ قَالَ : «مَنْ دَخَلَ حَائِطًا فَلْيَاكُلْ
وَلَا يَتَخَذْ خُبْنَةً».

[قالَ :] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو
وَعَنَّادَ بْنِ شُرَحِيلَ وَرَافِعَ بْنِ عَمْرِو وَعُمَيْرِ
مَوْلَى آبَيِ الْلَّحْمِ وَآبَيِ هُرَيْرَةَ.

[قالَ أَبُو عِيسَى :] حَدِيثُ ابْنِ عُمَرَ
حَدِيثُ غَرِيبٍ، لَا نَعْرِفُهُ مِنْ هَذَا الْوَجْهِ إِلَّا
مِنْ حَدِيثِ يَحْيَى بْنِ سُلَيْمَانَ . وَقَدْ رَخَصَ فِيهِ
بَعْضُ أَهْلِ الْعِلْمِ لِابْنِ السَّبِيلِ فِي أَكْلِ
الشَّمَارِ، وَكَرِهَهُ بَعْضُهُمْ إِلَّا بِالثَّمَنِ.

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، التجارات، باب من مر على ماشیة قوم أو حائل، هل يصیب منه؟، ح: ٢٣٠١ من حديث یحیی بن سلیم الطافی و سنته ضعیف وللحديث شواهد، وأخرجه البیهقی: ٣٥٩/٩ بایسناد حسن عن عمر قال: "من مر منکم بحائل فليأكل في بطنه ولا يتخذ خبنة" * وفي الباب عن عبد الله بن عمرو [یأتی: ١٢٨٩] و عباد بن شرحبیل [أبو داود، ح: ٢٦٢١ و ابن ماجه، ح: ٢٢٩٨] و رافع بن عمرو [یأتی: ١٢٨٨] و عمیر مولی أبي اللحم [أحمد: ٥/٢٢٣] وأبی هریرة [ابن ماجه، ح: ٢٣٠٣].

Comments:

It depends on the custom of the area. In some areas, the owner of a garden allows the passerby to eat the fruit of his garden that has fallen from the trees, and in case someone is hungry, he is allowed to pick from the tree and eat. In some areas it is strictly prohibited by the owners. No one can have anything from the garden. In the areas where it is prohibited, first one should seek permission, and then take some fruit to eat. If the fruit is taken and eaten without prior permission, it is necessary to pay for it. According to Imām Ahmad if there is no fence around the garden it is permitted to take the fruit from there. (*Tuhfat Al-Ahwadhi* v. 2. p.261.)

1288. Rāfi‘ bin ‘Amr said: “I was throwing stones at a date-palm belonging to some of the *Anṣār*.^[1] They took me along with them to the Prophet ﷺ. He said: ‘O Rāfi‘! Why were you throwing stones at their date-palm?’” He said: “I said: ‘Out of hunger, O Messenger of Allāh!’ He said: ‘Do not throw stones at them, eat what falls. May Allāh fill you and quench your thirst.’” (*Daīf*)

This *Hadīth* is *Hasan Gharīb Sahīh*.

١٢٨٨ - حَدَّثَنَا أَبُو عَمَّارُ الْحُسَيْنُ بْنُ حُرِيَّثِ الْخُزَاعِيِّ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنْ صَالِحِ بْنِ أَبِي جُبَيْرٍ، عَنْ أَبِيهِ، عَنْ رَافِعٍ أَبْنِ عَمْرُو، قَالَ: كُنْتُ أَرْبُو نَخْلَ الْأَنْصَارِ، فَأَخَذْنُونِي فَذَهَبُوا إِلَيْهِ النَّبِيُّ ﷺ. فَقَالَ: يَا رَافِعُ لَمْ تَرْمِي نَخْلَهُمْ؟ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! الْجُوعُ، قَالَ: لَا تَرْمِ، وَكُلْ مَا وَقَعَ، أَشْبَعَكَ اللَّهُ وَآرْوَاكَ.

هذا حديث حسن غريب صحيح.

تخریج: [إسناده ضعیف] وأخرجه البیهقی: ١٢/١٠ من حديث الفضل بن موسی به * أبو جبیر لم یوثقه غير الترمذی وله شاهد ضعیف عند أبی داود، ح: ٢٦٢٢ وابن ماجه، ح: ٢٢٩٩ وغيرهما.

Comments:

It appears from this narration that a hungry person should be allowed to eat the fallen fruit from the garden, and in case of severe hunger he should be allowed to pick from the trees as is clear from the next narration.

^[1] He was throwing stones at it to get its fruits to fall so he could eat them. See ‘Awn Al-Ma’būd by Al-‘Azimābādī.

1289. ‘Amr bin Shu‘aib narrated from his father, from his grandfather, that the Prophet ﷺ was asked about hanging fruits (on the trees), so he said: “Whoever is in need and picks some of it without taking any in his garment, then there is no sin upon him.” (*Hasan*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: [إسناده حسن] وأخرجه أبو داود، اللقطة، باب التعريف باللقطة، ح: ١٧١٠؛ وصححه ابن الجارود، ح: ٨٢٧ وابن خزيمة، ح: ٢٣٢٨. والنسائي، ح: ٩٦١ عن قبيه به وصححه ابن الجارود، ح: ٢٢٢٧، ٢٣٢٨.

Chapter 55. What Has Been Related About The Prohibition From Making Exceptions

1290. Jābir narrated: “The Messenger of Allāh ﷺ prohibited *Al-Muhaqalah*, *Al-Muzābahah*, *Al-Mukhābarah*, and making an exception (in a sale) unless it is made known.” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*, *Gharīb* from this route as a narration of Yūnus bin ‘Ubayd, from ‘Atā’, from Jābir.

تخریج: [صحيح] وأخرجه النسائي: ٤٦٣٧، ح: ٢٩٦/٧؛ وصححه ابن الجارود، ح: ٢٣٨١ ومسلم، ح: ١٥٣٦ من حديث عطاء به. حتى تعلم) عن زياد بن أبوبكر، والبخاري، ح:

Comments:

“*Al-Muhaqalah*” is selling un-harvested grain in the field in exchange for harvested grain like wheat. “*Al-Muzābahah*” is selling an estimated amount of fresh dates on the tree for dried dates that are measured, or the same for grapes. “*Al-Mukhābarah*” is renting land in exchange for a portion of its produce. Making an exception in a sale means to make an exception for one item among those purchased, without telling the purchaser that seller did not include that item, or the like.

١٢٨٩ - حَدَّثَنَا قُبَيْلَةُ: حَدَّثَنَا الْيَثُورُ عَنْ ابْنِ عَجْلَانَ، عَنْ عَمْرُو بْنِ شَعْبَيْنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَعْلَقَ، فَقَالَ: مَنْ أَصَابَ مِنْ ذِي حَاجَةٍ، غَيْرَ مُتَخَذِّذٌ حُبْنَةً، فَلَا شَيْءٌ عَلَيْهِ. [قال أبو عيسى:] هَذَا حَدِيثٌ حَسَنٌ.

(المعجم ٥٥) - بَابُ مَا جَاءَ فِي النَّهْيِ عَنِ النَّهْيِ (٥٥) (التحفة

١٢٩٠ - حَدَّثَنَا زَيَادُ بْنُ أَبْيَوبَ الْعَدَادِيُّ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامَ [قال:] أَخْبَرَنِي سُفْيَانُ ابْنُ حُسْنَيْنَ عَنْ يُونُسَ بْنِ عَبِيْدَيْدَ، عَنْ عَطَاءَ، عَنْ جَابِرٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الْمُحَاكَلَةِ وَالْمُزَائِنَةِ وَالْمُخَابَرَةِ وَالثَّنِيَّةِ، إِلَّا أَنْ تُعْلَمَ. [قال أبو عيسى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، غَرِيبٌ مِنْ هَذَا الْوَجْهِ، مِنْ حَدِيثِ يُونُسَ بْنِ عَبِيْدَيْدَ عَنْ عَطَاءَ، عَنْ جَابِرٍ.

تخریج: [صحيح] وأخرجه النسائي: ٤٦٣٧، ح: ٢٩٦/٧؛ وصححه ابن الجارود، ح: ٢٣٨١ ومسلم، ح: ١٥٣٦ من حديث عطاء به.

Chapter 56. What Has Been Related About It Being Disliked To Sell Food Until It Has Been Acquired

1291. Ibn ‘Abbās narrated that the Prophet ﷺ said: “Whoever buys food, then he is not to sell it until he takes possession of it.” Ibn ‘Abbās said: “All things are considered the same (in this regard).” (*Sahīh*)

[He said:] There are narrations on this topic from Jābir, Ibn ‘Umar [and Abū Hurairah].

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Abbās is a *Hasan Sahīh Hadīth*.

(المعجم ٥٦) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ بَيْعِ الطَّعَامِ حَتَّى يَسْتَوْفِيهُ (التحفة ٥٦)

١٢٩١ - حَدَّثَنَا قُبَيْلٌ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ طَاؤُسٍ، عَنْ أَبْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ ابْتَاعَ طَعَامًا فَلَا يَبْغِعُه حَتَّى يَسْتَوْفِيهُ».

قَالَ أَبْنُ عَبَّاسٍ: وَأَخْسَبَ كُلَّ شَيْءٍ مِثْلَهُ [قال:] وَفِي الْبَابِ عَنْ جَابِرٍ وَابْنِ عُمَرَ [وَأَبِي هُرَيْرَةَ].

[قالَ أَبُو عِيسَى]: حَدِيثُ أَبْنِ عَبَّاسٍ حَدِيثُ حَسَنٍ صَحِيحٍ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ، كَرِهُوا بَيْعَ الطَّعَامِ حَتَّى يَقْبِضُهُ الْمُشَرِّيُّ. وَقَدْ رَخَصَ بَعْضُ أَهْلِ الْعِلْمِ فِيمَنِ ابْتَاعَ شَيْئًا مِمَّا لَا يُكَالُ وَلَا يُوزَنُ، مِمَّا لَا يُؤَكَلُ وَلَا يُتَرَبُّ، أَنْ يَبْغِعَهُ قَبْلَ أَنْ يَسْتَوْفِيهُ، إِنَّمَا الشَّيْدِيْدُ عِنْدَ أَهْلِ الْعِلْمِ، فِي الطَّعَامِ. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ.

تخریج: متفق عليه، وأخرجه مسلم، البيوع، باب بطلان بيع المبيع قبل القبض، ح: ١٥٢٥ عن قبیله والبخاري، ح: ٢١٣٥ من حديث عمرو بن دينار به * وفي الباب عن جابر [مسلم] ح: ١٥٢٩] وابن عمر [البخاري، ح: ٢١٣٦] ومسلم، ح: ١٥٢٦] وأبي هريرة [مسلم، ح: ١٥٢٨].

Comments:

Some *Sahīh* narrations also support the view of Ibn ‘Abbās, that until and unless the complete possession of a thing is obtained it should not be sold. So this is a correct view that the thing should be sold only when the complete possession is obtained.

Chapter 57. What Has Been Related About The Prohibition Of Selling Over The Sale Of One's Brother

1292. Ibn 'Umar narrated that the Messenger of Allāh ﷺ said: "None of you is to sell over the sale of others, nor to propose over the proposal of others." (*Sahīh*)

[He said:] There are narration on this topic from Abū Hurairah and Samurah.

[Abū 'Eisā said:] The *Hadīth* of Ibn 'Umar is a *Hasan Sahīh Hadīth*.

And it has been reported from the Prophet ﷺ that he said: "Do not haggle in competition with your brother's haggling." And the meaning of sale in this *Hadīth* of the Prophet ﷺ, according to some of the people of knowledge is to haggle.

تخريج: متفق عليه، وأخرجه مسلم، النكاح، باب تحرير الخطبة على خطبة أخيه حتى يأذن أو يترك، ح ١٤١٢ من حديث الليث بن سعد والبخاري، ح ٢١٦٥ من حديث نافع به * وفي الباب عن أبي هريرة [أحمد: ٣١٨، ٣١١] وسمة [أحمد: ١١/٥].

Comments:

When two parties have reached an agreement on price of a commodity, the third one should not enter the deal to offer less or more. Similarly, in the case of proposals of betrothals, it is not allowed to propose over the proposal of others. (*Tuhfat Al-Ahwadhi* v. 2. p. 306-307.)

Chapter 58. What Has Been Related About The Sale Of Wine And The Prohibition Of That

1293. Anas narrated from Abū Tālibah that he said: "O Prophet of Allāh! I had purchased some wine for the orphans under my care. He said: 'Spill out the wine, and break the jugs.'" (*Sahīh*)

(المعجم ٥٧) - بَابُ مَا جَاءَ فِي النَّهْيِ عَنِ الْبَيْعِ عَلَى بَيْعِ أَخِيهِ (التحفة ٥٧)

١٢٩٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّثُثُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَبْيَعُ بَعْضُكُمْ عَلَى بَيْعٍ بَعْضٍ، وَلَا يَحْطُبُ بَعْضُكُمْ عَلَى خَطْبَةِ بَعْضٍ».

[قال:] وفي الباب عن أبي هريرة وسمرة.

[قال أبو عيسى:] حديث ابن عمر حديث حسن صحيح.

[وقد] روی عن النبي ﷺ أنه قال: «لَا يسُومُ الرَّجُلُ عَلَى سُومٍ أَخِيهِ» ومعنى البيع في هذا الحديث عن النبي ﷺ، عند بعض أهل العلم، هو السُّومُ.

(المعجم ٥٨) - بَابُ مَا جَاءَ فِي بَيْعِ الْخَمْرِ وَالنَّهْيِ عَنْ ذَلِكَ (التحفة ٥٨)

١٢٩٣ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا الْمُعَتَمِرُ بْنُ سُلَيْمَانَ قَالَ: سَمِعْتُ لَيْتَنَا يُحَدِّثُ عَنْ يَحْيَى بْنِ عَبَادٍ، عَنْ أَنَسٍ، عَنْ أَبِي طَلْحَةَ، أَنَّهُ قَالَ: يَا نَبِيَّ اللَّهِ! إِنِّي اشْرَبَتُ

[He said:] There are narrations on this topic from Jābir, ‘Aishah, Abū Sa‘eed, Ibn Mas‘ūd, Ibn ‘Umar, and Anas.

[Abū ‘Eisā said:] The *Hadīth* of Abū Talḥah, Ath-*Thawrī* reported this *Hadīth* from As-Suddī, from Yaḥyā bin ‘Abbād, from Anas: “That Abū Talḥah was with him” and this is more correct than the narration of Al-Laith (no. 1293).

حَمْرًا لِأَيْنَامٍ فِي جِبْرِي، قَالَ: «أَهْرِقِ
الْخَمْرَ وَأَكْسِرِ الدَّنَانَ».

[Qāl:] وَفِي الْبَابِ عَنْ جَابِرٍ وَعَائِشَةً
وَأَبِي سَعِيدٍ وَابْنِ مَسْعُودٍ وَابْنِ عُمَرَ وَأَنَسٍ.

[Qāl أَبُو عِيسَى:] حَدِيثُ أَبِي طَلْحَةَ
رَوَى الشَّوْرِيُّ هَذَا الْحَدِيثَ عَنِ السُّدْنَى، عَنْ
يَحْيَى بْنِ عَبَادٍ، عَنْ أَنَسٍ أَنَّ أَبَا طَلْحَةَ كَانَ
عِنْدَهُ، وَهُذَا أَصَحُّ مِنْ حَدِيثِ الْلَّيْثِ.

تَخْرِيج: [صَحِيفَ] وَأَخْرَجَهُ مُسْلِمُ، الْأَشْرِقَةُ، بَابُ تَحْرِيمِ تَخْلِيلِ الْخَمْرِ، ح: ١٩٨٣ مُختَصِّرًا
وَأَبُو دَاوُدُ، ح: ٣٦٧٥: مِنْ حَدِيثِ يَحْيَى بْنِ عَبَادٍ بِهِ * وَفِي الْبَابِ عَنْ جَابِرٍ [يَأْتِي: ١٢٩٧] وَعَائِشَةَ
[الْبَخَارِيُّ، ح: ٢٠٨٤ وَمُسْلِمُ، ح: ١٥٨٠] وَأَبِي سَعِيدٍ [تَقْدِيم: ١٢٦٣] وَابْنِ مَسْعُودٍ [الْطَّبَرَانِيُّ فِي
الْكَبِيرِ: ١١٣/١٠، ح: ١٠٠٥٦] وَابْنِ عَمْرٍ [أَبُو دَاوُدُ، ح: ٣٦٧٤] وَأَنَسٍ [يَأْتِي: ١٢٩٤، ١٢٩٥].

Comments:

Manufacturing, selling and purchasing and dealing in wine in any form is unlawful. It is unanimously agreed upon. According to Imām Abū Ḥanīfah business of wine through a *Dhimmī* disbeliever is approved, but this is not the correct view. (*Al-Mughnī* v. 6. p.320)

Chapter 59. The Prohibition To Use Wine To Make Vinegar

1294. Anas bin Mālik narrated: “I asked the Messenger of Allāh ﷺ: ‘Can wine be used for vinegar?’ He said: ‘No.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٥٩) - [بَابُ النَّهْيِ أَنْ يُتَّخَذَ
الْخَمْرُ خَلَّا] (التحفة ٥٩)

١٢٩٤ - حَدَّثَنَا مُحَمَّدُ بْنُ يَشَارٍ: حَدَّثَنَا
يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ عَنِ السُّدْنَى،
عَنْ يَحْيَى بْنِ عَبَادٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ:
شَيْئَ رَسُولُ اللَّهِ ﷺ: أَيْتَخَذُ الْخَمْرُ خَلَّا؟
قَالَ: «لَا».

[Qāl أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيفٌ.
تَخْرِيج: وَأَخْرَجَهُ مُسْلِمُ، الْأَشْرِقَةُ، بَابُ تَحْرِيمِ تَخْلِيلِ الْخَمْرِ، ح: ١٩٨٣ مِنْ حَدِيثِ سَفِيَانَ
الثُّورِيِّ بِهِ وَرَوَاهُ أَبُو دَاوُدُ، ح: ٣٦٧٥ مُطْلَقاً.

Comments:

In view of the three *A’imma* and most of the scholars, it is not allowed to prepare vinegar from wine by some artificial methods, but if wine becomes vinegar by itself naturally it will be lawful and can be used. According to

Imām Abū Ḥanīfah and Imām Awzā'ī and Laith preparing vinegar from wine by an artificial method is approved. We have not found any *Sahīh* narration in favor of this view.

1295. Anas bin Mālik narrated: "The Messenger of Allāh ﷺ cursed ten involved with wine: The one who presses it, the one who has it pressed, its drinker, its carrier, and the one it is carried to, its server, its seller, the consumption of its price, the one who purchases it and the one it was purchased for." (*Hasan*)

[Abū 'Eisā said:] This *Hadīth* is *Gharīb* as a narration of Anas. Similar to this has been reported from Ibn 'Abbās, Ibn Mas'ūd, and Ibn 'Umar, from the Prophet ﷺ.

تخریج: [إسناده حسن] وأخرجه ابن ماجه، الأشربة، باب: لعنت الخمر على عشرة أوجه، ح: ٣٨١ من حديث أبي عاصم النبيل به وانظر تسهيل الحاجة، ح: ٢٧٧٥ لحال شبيب، وللحديث شواهد كثيرة جداً * وروى عن ابن عباس، [أحمد: ٣٦١/١ وابن حبان، ح: ١٣٧٤ والحاكم: ٤/١٤٥] وابن مسعود [الطبراني في الكبير: ١١٣/١٠٥٦] وابن عمر [أبو داود، ح: ٣٦٧٤، ح: ١٠٥٦]

Comments:

This narration proves that the wine and its related business, and any kind of involvement in this business, is strictly disapproved. Verse no. 2 of *Sūrat Al-Mā'idah* "...Do not help one another in sin and transgression." is a another proof of the disapproval and unlawfulness.

Chapter 60. What Has Been Related About Milking Livestock Without Permission Of The Owners

1296. Samurah bin Jundab narrated that the Prophet ﷺ said: "When one of you comes upon livestock, if its owner is with it then seek his permission. If he permits him then let him milk it and drink. If there is no one with it then call out three times, if someone answers then seek his permission.

١٢٩٥ - حَدَّثَنَا عَبْدُ اللهِ بْنُ مُنْبِرٍ قَالَ: سَمِعْتُ أَبَا عَاصِمَهُ عَنْ شَيْبِ بْنِ يَشْرِيْرِ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: لَعْنَ رَسُولِ اللهِ ﷺ فِي الْخَمْرِ عَشْرَةً: عَاصِرَهَا وَمُعْتَصِرَهَا وَشَارِبَهَا وَحَامِلَهَا وَالْمَحْمُولَةَ إِلَيْهِ وَسَاقِيَهَا وَبَاعِيَهَا وَآكِلَ ثَمَنِهَا وَالْمُسْتَرِيَ لَهَا وَالْمُشْتَرَأَ لَهُ . [قالَ أَبُو عَيسَى: هَذَا حَدِيثٌ غَرِيبٌ مِنْ حَدِيثِ أَنَسٍ. وَقَدْ رُوِيَ تَحْوِيْلُ هَذَا عَنْ أَبْنَيْ عَبَّاسَ وَابْنِ مَسْعُودٍ وَابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ .]

المعنى: [إسناده حسن] وأخرجه ابن ماجه، الأشربة، باب: لعنت الخمر على عشرة أوجه، ح: ٣٨١ من حديث أبي عاصم النبيل به وانظر تسهيل الحاجة، ح: ٢٧٧٥ لحال شبيب، وللحديث شواهد كثيرة جداً * وروى عن ابن عباس، [أحمد: ٣٦١/١ وابن حبان، ح: ١٣٧٤ والحاكم: ٤/١٤٥] وابن مسعود [الطبراني في الكبير: ١١٣/١٠٥٦] وابن عمر [أبو داود، ح: ٣٦٧٤، ح: ١٠٥٦]

(المعجم ٦٠) - بَابُ مَا جَاءَ فِي اخْتِلَابِ الْمَوَاشِيِّ بِغَيْرِ إِذْنِ الْأَرْبَابِ (التحفة ٦٠)

١٢٩٦ - حَدَّثَنَا أَبُو سَلَمَةَ يَحْبِي بْنُ خَلْفٍ: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ سَعِيدٍ، عَنْ قَنَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمْرَةَ بْنِ جُنْدَبٍ، أَنَّ النَّبِيِّ ﷺ قَالَ: «إِذَا أَتَى أَحَدُكُمْ عَلَى مَاشِيَةٍ، فَإِنْ كَانَ فِيهَا صَاحِبُهَا فَلْيُسْتَأْذِنْهُ، فَإِنْ أَذِنَ لَهُ فَلْيَحْتَلِبْ وَلْيُشْرَبْ، وَإِنْ لَمْ يَكُنْ فِيهَا

If no one answers then let him milk it and drink without carrying (any of it away)." (*Da'iṣ*)

[He said:] There are narrations on this topic from [Ibn] ‘Umar and Abū Sa‘eed.

[Abū ‘Eisā said:] The *Hadīth* of Samurah is a *Hasan Gharib Sahih Hadīth*. This is acted upon according to some of the people of knowledge, and it is the view of Ahmād and Ishāq.

[Abū ‘Eisā said:] ‘Alī bin Al-Madīnī said: "It is correct that Al-Hasan heared this from Samurah." Some of the people of *Hadīth* criticized the narrations of Al-Hasan from Samurah, they said that he only narrated from a writing of Samurah.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الجهاد، باب: في ابن السبيل يأكل من التمر ويشرب من اللبن، ح: ٢٦١٩ من حديث عبد الأعلى بن عبد الله أخوه وقتادة: عننا، ومع ذلك صححة الحافظ في الفتح: ٨٩/٥، قوله شاهد عند أحمد وسنه ضعيف * وفي الباب عن ابن عمر [تقدم: ١٢٨٧] وأبي سعيد [ابن ماجه، ح: ٢٣٠٠].

Comments:

This kind of practice depends on the customary norms of the area. If according to the practice of the area it is allowed, then one can drink the milk of the animal in the absence of the owner, but in view of most of the scholars if the practice of the area does not allow that, then one can use the milk but he will pay for it. In the view of Imām Ahmād and Ishāq, there is no need to pay the price if three calls have been uttered aloud. (*Tuhfat Al-Ahwadhi* v. 2. p.264.)

Chapter 61. What Has Been Related About Selling Skins Of Dead Animals And Idols

1297. Jābir bin ‘Abdullāh narrated that during the Year of the Conquest, while he was in Makkah, he heard the Messenger of Allāh ﷺ saying: "Indeed Allāh and His

أَحَدْ فَلِيُصُوْتْ ثَلَاثَةِ، فَإِنْ أَجَابَهُ أَحَدْ فَلِيَسْتَأْذِنْهُ، فَإِنْ لَمْ يُجِبْهُ أَحَدْ فَلِيَحْتَلِبْ وَلِيُشَرِّبْ وَلَا يَحْمِلْ".
[قال:] وفي الباب عن [ابن] عمر وأبي سعيد.

[قال أبو عيسى:] حديث سمرة حديث حسن عرب صحيح، والعمل على هذا عند بعض أهل العلم. ويهبّقول أحمد وإسحاق.
[قال أبو عيسى:] وقال علي بن المديني: سماع الحسن من سمرة صحيح. وقد تكلّم بعض أهل الحديث في رواية الحسن، عن سمرة، وقالوا: إنما يحدّث عن صحيحة سمرة.

(المعجم ٦١) - باب ما جاء في بيع جلود الميتة والأصنام (الصفحة ٦١)

١٢٩٧ - حدثنا قتيبة: حدثنا الليث عن يزيد بن أبي حبيب، عن عطاء بن أبي رباح، عن جابر بن عبد الله، أنه سمع رسول الله ﷺ، عام الفتح وهو يمكّه،

Messenger made unlawful the sale of wine, dead carcasses, the pig, and idols.” They said: “O Messenger of Allāh! What about the fat of carcasses? For indeed it is used to coat the ships, skins are oiled with it, and people use it for lamps?” He said: “No. It is unlawful.” Then, with that, the Messenger of Allāh ﷺ said: “May Allāh fight (curse) the Jews! Indeed Allāh made the fat unlawful for them, they melted it, sold it, and consumed its price.” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Umar and Ibn ‘Abbās.

[Abū ‘Eisā said:] The *Hadīth* of Jābir is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge.

تخریج: متفق عليه، وأخرجه البخاري، البيوع، باب بيع الميتة والأصنام، ح: ٢٢٣٦؛ ومسلم، ح: ١٥٨١ عن قتيبة به وفي الباب عن عمر [البخاري، ح: ٢٢٢٣؛ ومسلم، ح: ١٥٨٢] وابن عباس [أبو داود، ح: ٣٤٨٨].

Comments:

Unlawfulness of the sale of dead carcasses, pigs and idols is unanimously agreed upon. According to three *A’imma* Mālik, Ahmad, and Shāfi’i dead carcasses and wine are unlawful due to their filthiness; therefore, the sale of anything filthy is unlawful and strictly prohibited.

Chapter 62. What Has Been Related About It Being Disliked To Take Back One’s Gift

1298. Ibn ‘Abbās, [may Allāh be pleased with them], narrated that the Messenger of Allāh ﷺ said: “Ours is not a bad example: The one who takes back his gift is like the dog who takes back his vomit.” (*Sahīh*)

[He said:] On this topic, there is the narration from Ibn ‘Umar from

يُقُولُ: إِنَّ اللَّهَ وَرَسُولَهُ حَرَمَ بَيْعَ الْخَمْرِ وَالْمَيْتَةِ وَالْخِنْزِيرِ وَالْأَصْنَامِ» فَقَبِيلٌ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ شُحُومَ الْمَيْتَةِ؟ فَإِنَّهُ يُطْلَى بِهَا السُّفْنُ وَيَدْهُنُ بِهَا الْجُلُودُ وَيَسْتَضْبِحُ بِهَا النَّاسُ؟ قَالَ: «لَا، هُوَ حَرَامٌ».

ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ عِنْدَ ذَلِكَ: «قَاتَلَ اللَّهُ الْيَهُودَ، إِنَّ اللَّهَ حَرَمَ عَلَيْهِمُ الشُّحُومَ فَأَبْجَمُلُوهُ ثُمَّ بَاعُوهُ فَأَكَلُوا ثُمَّنَهُ».

[قال] وفي الباب عن عمر وابن عباس.

[قال] أبو عيسى: [حديث جابر حديث حسن صحيح، والعمل على هذا عند أهل العلم.

(المعجم ٦٢) - باب ما جاء في كراهة الرجوع في الهمة (التحفة ٦٢)

١٢٩٨ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدَةَ الصَّبِّيِّ: حَدَّثَنَا عَبْدُ الْوَهَابِ الْقَفْنِيُّ: حَدَّثَنَا أَبْرُبُ عَنْ عِنْدِ رَبِيعَةَ، عَنْ ابْنِ عَبَّاسٍ [رَضِيَ اللَّهُ عَنْهُمَا]، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الَّذِينَ لَنَا مِثْلُ الشُّوءِ، الْغَائِنُ فِي هَبَّةٍ كَالْكَلْبِ يَعُودُ فِي قَيْمَيْهِ».

the Prophet ﷺ that he said: "It is not lawful for anyone that has given a gift to take it back, except for a father who gives something to his son."

[قال:] وفي الباب عن ابن عمر عن النبي ﷺ أنه قال: «لا يحل لأحد أن يعطي عطيه فيرجع فيها، إلا الوالد فيما يعطي ولده».

تخرج: وأخرجه البخاري، الهبة وفضلها والتحرير عليهما، باب: لا يحل لأحد أن يرجع في هبته وصدقته، ح: ٢٦٢٢ من حديث أبواب السخيانى به ورواوه مسلم، ح: ١٦٢٢ من حديث ابن عباس * وفي الباب عن ابن عمر [يأتي بعده: ١٢٩٩].

1299. 'Amr bin Shu'aib narrated that he heard Tāwus narrating from Ibn 'Umar and Ibn 'Abbās, and they both narrated this *Hadīth* from the Prophet ﷺ. (a *Hadīth* similar to no. 1298) (*Sahīh*)

[Abū 'Eisā said:] The *Hadīth* of Ibn 'Abbās, [may Allāh be pleased with them], is a *Hasan Sahīh Hadīth*. This *Hadīth* is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ. They said whoever gives a gift to a closely related relative, then he is not to take back his gift. And whoever gives a gift to someone other than a close relative, then he may take it back as long as it has not been reciprocated. This is the view of Ath-Thawrī. Ash-Shāfi'i said: "It is not lawful for any that has given a gift to take it back except for what the father gave to his son." Ash-Shāfi'i argued with the *Hadīth* of 'Abdullāh bin 'Umar from the Prophet ﷺ: "It is not lawful for anyone that has given a gift to take it back, except for a father who gives something to his son."

١٢٩٩ - حَدَّثَنَا بَنْ لِكَ مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبْنُ أَبِي عَدِيٍّ عَنْ حُسْنِي الْمُعَلَّمِ، عَنْ عَمْرِو بْنِ شَعْبَنَ أَنَّهُ سَمِعَ طَاؤُسًا يُحَدِّثُ عَنْ أَبْنِ عُمَرَ وَابْنِ عَبَّاسٍ، يَرْفَعُانِ الْحَدِيثَ إِلَى النَّبِيِّ ﷺ، بِهَذَا الْحَدِيثِ.

[قالَ أَبُو عَبِيْسَى:] حَدِيثُ أَبْنِ عَبَّاسٍ [رَضِيَ اللَّهُ عَنْهُمَا] حَدِيثُ حَسَنٍ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ. قَالُوا: مَنْ وَهَبَ هَبَةً لِذِي رَحْمَةٍ مَحْرَمَ فَإِنَّ لَهُ أَنْ يَرْجِعَ فِي هَبَبِهِ، وَمَنْ وَهَبَ هَبَةً لِغَيْرِ ذِي رَحْمَةٍ فَلَهُ أَنْ يَرْجِعَ فِيهَا، مَا لَمْ يَتَبَّعْ مِنْهَا، وَهُوَ قَوْلُ الثَّوْرِيِّ. وَقَالَ الشَّافِعِيُّ: لَا يَحِلُّ لِأَحَدٍ أَنْ يُعْطِي عَطِيَّةً فَيَرْجِعَ فِيهَا إِلَّا الوَالَّدُ فِيمَا يُعْطِي وَلَدَهُ. وَاحْتَاجَ الشَّافِعِيُّ بِحَدِيثِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَحِلُّ لِأَحَدٍ أَنْ يُعْطِي عَطِيَّةً فَيَرْجِعَ فِيهَا، إِلَّا الوَالَّدُ فِيمَا يُعْطِي وَلَدَهُ».

تخریج: [إسناده صحيح] وأخرجه ابن ماجه، الهبات، باب من أعطى ولده ثم رجع فيه، ٢٣٧٧ عن محمد بن شمار به وصححه ابن حبان، ح: ١١٤٨ وابن الجارود، ح: ٩٩٤ والحاکم: ٤٦/٢ ووافقه الذهبي وسيأتي مطولاً: ٢١٣١.

Chapter 63. What Has Been Related About *Al-'Arāyā* And the Permission For That

1300. Ibn 'Umar narrated from Zaid bin Thābit that the Prophet ﷺ prohibited *Al-Muḥāqalah* and *Al-Muzābahah*, except that he permitted those who practice *Al-'Arāyā* to sell it for a like estimation. (*Sahih*)

[He said:] There are narrations on this topic from Abū Hurairah and Jābir.

[Abū 'Eisā said:] The *Hadīth* of Zaid bin Thābit: This is how Muhammad bin Ishāq reported this *Hadīth*. Ayyūb, 'Ubaidullāh bin 'Umar, and Mālik bin Anas reported it [from Nāfi'], from Ibn 'Umar: "The Prophet ﷺ prohibited *Al-Muḥāqalah* and *Al-Muzābahah*." With this chain of narration, it has been reported from Ibn 'Umar, from Zaid bin Thābit, from the Prophet ﷺ that he permitted *Al-'Arāyā* in cases less than five *Wasq*. This is more correct than the narration of Muhammad bin Ishāq.

(المعجم ٦٣) - بَابُ مَا جَاءَ فِي الْعَرَائِيَا
وَالرُّخْصَةِ فِي ذَلِكَ (التحفة ٦٣)

١٣٠٠ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا عَبْدُهُ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ: عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ، عَنْ زَيْدِ بْنِ ثَابِتٍ أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْمُحَافَلَةِ وَالْمُرَابَةِ، إِلَّا أَنَّهُ قَدْ أَذِنَ لِأَهْلِ الْعَرَائِيَا أَنْ يَسْعُوهَا بِمِثْلِ خَرْصِهَا.
[قال:] وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَجَابِرِ.

[قال] أَبُو عِيسَى: [حَدِيثُ زَيْدِ بْنِ ثَابِتٍ هَكَذَا . رَوَى مُحَمَّدُ بْنُ إِسْحَاقَ هَذَا الْحَدِيثَ، وَرَوَى أَيُوبُ وَعَبْيَدُ اللَّهِ بْنُ عُمَرَ وَمَالِكُ بْنُ أَنَسٍ [عَنْ نَافِعٍ]، عَنْ أَبْنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْمُحَافَلَةِ وَالْمُرَابَةِ وَبِهَا إِلَسْنَادُ، عَنْ أَبْنِ عُمَرَ، عَنْ زَيْدِ بْنِ ثَابِتٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ رَخَصَ فِي الْعَرَائِيَا فِيمَا دُونَ خَمْسَةَ أَوْ سُتُّ، وَهَذَا أَصَحُّ مِنْ حَدِيثِ مُحَمَّدِ بْنِ إِسْحَاقَ .

تخریج: [صحيح] وأخرجه أحمـد: ١٨٥/٥، ١٩٠ من حديث ابن إسحاق به وصرح بالسماع فالسند حسن وله طرق عند البخاري، ح: ٢١٧٢، ٢١٧٣ ومسلم، ح: ١٥٣٩ عن نافع به * وفي الباب عن أبي هريرة [يأتي: ١٣٠١] وجابر [مسلم، ح: ١٥٣٦، ٩٧ وأبو داود، ح: ١٦٦٢]. وغيرهما.

1301. Abū Hurairah narrated that the Messenger of Allāh ﷺ permitted *Al-‘Arāyā* in cases less than five *Wasq*. Or similar. (*Sahīh*)

Similar was narrated to us by (another chain). This *Hadīth* has been related from Mālik: “The Prophet ﷺ permitted *Al-‘Arāyā* in cases of five *Wasq*, or for what was less than five *Wasq*.”

١٣٠١ - حَدَّثَنَا أَبُو كُرْبَةَ: حَدَّثَنَا زَيْدُ بْنُ حُبَّابٍ عَنْ مَالِكٍ [بْنِ أَنَسِّ], عَنْ دَاؤُدَ بْنِ الْحُصَيْنِ، عَنْ أَبِي سُفْيَانَ مَوْلَى ابْنِ أَبِي أَحْمَدَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ أَرْخَصَ فِي بَعْضِ الْعَرَائِيَا فِيمَا دُونَ خَمْسَةَ أَوْ سُتُّ، أَوْ كَذَا. حَدَّثَنَا قُتْبَيْهُ عَنْ مَالِكٍ، عَنْ دَاؤُدَ بْنِ حُصَيْنِ، تَهْوَهُ.

وَرَوِيَ هَذَا الْحَدِيثُ عَنْ مَالِكٍ، أَنَّ النَّبِيَّ ﷺ أَرْخَصَ فِي بَعْضِ الْعَرَائِيَا فِي خَمْسَةَ أَوْ سُتُّ، أَوْ فِيمَا دُونَ خَمْسَةَ أَوْ سُتُّ.

تخریج: منفق عليه، وأخرجه البخاري، البيوع، باب بيع الشمر على رؤوس التخل بالذهب أو الفضة، ح: ٢١٩٠ ومسلم، ح: ١٥٤١ من حديث مالك به وهو في الموطأ: ٦٢٠/٢.

1302. Ibn ‘Umar narrated from Zaid bin Thābit that the Messenger of Allāh ﷺ permitted selling in *Al-‘Arāyā* by estimating it. (*Sahīh*)

[Abū ‘Eisā said:] this *Hadīth* is *Hasan Sahīh*. The *Hadīth* of Abū Hurairah is *Hasan Sahīh*. And this is acted upon according to some of the people of knowledge. Among them Ash-Shāfi‘ī, Ahmad and Ishāq. They said *Al-‘Arāyā* is an exception from the general scope of the prohibition of the Prophet ﷺ when he prohibited *Al-Muḥāqalah* and *Al-Muzābanah*. They argued using the *Hadīth* of Zaid bin Thābit and the *Hadīth* of Abū Hurairah. They said that he may buy what is less than five *Wasq*.

According to some of the people of knowledge, this means that the Prophet ﷺ wanted to make less restriction for them on this matter

١٣٠٢ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ، عَنْ زَيْدِ بْنِ ثَابِتٍ أَنَّ رَسُولَ اللَّهِ ﷺ أَرْخَصَ فِي بَعْضِ الْعَرَائِيَا بِخَرْصَاهَا.

[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٌ صَحِحٌ. وَحَدِيثُ أَبِي هُرَيْرَةَ حَدِيثُ حَسَنٌ صَحِحٌ. وَالْعَمَلُ عَلَيْهِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. مِنْهُمْ الشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ. وَقَالُوا: إِنَّ الْعَرَائِيَا مُسْتَشَنَّاً مِنْ جُمْلَةِ نَهْيِ النَّبِيِّ ﷺ. إِذْ نَهَى عَنِ الْمُحَاكَلَةِ وَالْمُزَابَنَةِ، وَاحْتَجَوْا بِحَدِيثِ زَيْدِ بْنِ ثَابِتٍ وَحَدِيثِ أَبِي هُرَيْرَةَ، وَقَالُوا: لَهُ أَنْ يَشْتَرِي مَا دُونَ خَمْسَةَ أَوْ سُتُّ. وَمَعْنَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ: أَنَّ النَّبِيَّ ﷺ أَرَادَ التَّوْسِعَ عَلَيْهِمْ فِي هَذَا، لَأَنَّهُمْ شَكَوْنَا إِلَيْهِ وَقَالُوا: لَا نَجِدُ مَا نَشْتَرِي مِنَ الشَّمْرِ [إِلَّا بِالشَّمْرِ، فَرَحَصَ لَهُمْ فِيمَا دُونَ

because they complained to him saying: "We don't buy anything with dried dates except fruit." So he permitted them to buy less than five *Wasq* worth so they could eat fresh dates.

خمسة أوسق أن يشتروها، فيأكلوها رطباً.

تخریج: متفق عليه، وأخرجه البخاري، البيع، باب بيع الزبيب والطعم بالطعم، ح: ٢١٧٣، ٢١٧٢ من حديث حماد بن زيد ومسلم، ح: ١٥٣٩ من حديث نافع به.

Comments:

Different *A'immah* have different points of view regarding the explanation of *Al-Arāyā* — to sell something with estimation. 1) In view of Imām Mālik if the owner of the garden makes a gift of the fruit of one or more trees to some — one, and later on finds that his presence or his visits to the garden hinders the privacy of his family, in this situation he can barter fresh fruit with dried dates. 2) In the view of Imām Ash-Shāfi'i, *Al-Arāyā* is to buy the fresh dates still on the tree from the owner of the garden by estimation in exchange of dried dates. 3) According to Imām Ahmad, *Al-Arāyā* means if someone gets less than five *Wasq* of fresh dates which are still on the trees he is allowed to barter these fresh dates with someone in exchange of dried dates.

Chapter 64. Something Else About That

1303. Bushair bin Yasār the freed slave of Banū Hārithah narrated that Rāfi' bin Khadīj and Sahl bin Abī Ḥathmāh narrated to him that the Messenger of Allāh ﷺ prohibited *Al-Muzābahah* sales, (buying) fruits with dried dates, except for those who practice *Al-Arāyā* — for he permitted it for them — and from buying grapes with raisins, and from every fruit by its estimation. (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb* from this route.

تخریج: متفق عليه، وأخرجه مسلم، البيع، باب تحريم بيع الرطب بالتمر إلا في العرايا، ح: ١٥٤٠ عن الحسن بن علي والبخاري، ح: ٢٣٨٣، ٢٣٨٤ من حديث أبيأسامة به.

(المعجم ٦٤) - [باب منه] (التحفة ٦٤)

١٣٠٣ - حَدَّثَنَا الْحَسْنُ بْنُ عَلَيٍّ [الْحَلْوَانِيُّ] الْخَلَالُ: حَدَّثَنَا أَبُو أَسَامَةَ عَنِ الْوَلِيدِ بْنِ كَثِيرٍ: حَدَّثَنَا بُشَيْرُ بْنُ يَسَارٍ مَوْلَى بَنْيِ حَارِثَةَ أَنَّ رَافِعَ بْنَ حَدِيفَ وَسَهْلَ بْنَ أَبِي حَمْمَةَ حَدَّثَاهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمُرَابَةَ، التَّمَرِ بِالْتَّمَرِ، إِلَّا لِأَصْحَابِ الْعَرَابِيَّةِ، فَإِنَّهُ قَدْ أَذِنَ لَهُمْ، وَعَنْ بَيْعِ الْعَتَبِ بِالرَّبِيبِ وَعَنْ كُلِّ ثَمَرٍ بِخَرْصِهَا.

[قال أبا عيسى:] هذا حديث حسن صحيح، غريبٌ من هذا الوجه.

Chapter 65. What Has Been Related About *An-Najsh* Being Disliked (In Sales)

1304. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Do not practice *An-Najsh*. ” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn ‘Umar and Anas.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge, they disliked *An-Najsh*.

[Abū ‘Eisā said:] *An-Najsh* is when a man who knows about the goods comes to the owner of the goods to offer him more than what it is worth, doing so in the presence of a buyer. He intends to seduce the buyer while he himself does not want to buy it, rather he only wants to deceive the buyer with his offer. And this is a type of deceit.

Ash-Shāfi‘i said: “If a man commits *An-Najsh* then he has sinned due to what he has done, but the sale is permissible, because the buyer did not commit *An-Najsh*.”

تخریج: وأخرجه البخاري، البیع، باب: لا يبيع على بيع أخيه، ولا يسوم على سوم أخيه حتى يأذن له أو يترك، ح: ٢١٤٠ من حديث سفيان بن عيينة به ورواوه مسلم، ح: ١٥١٥ من حديث أبي هريرة * وفي الباب عن ابن عمر [البخاري، ح: ٢١٦٢ ومسلم، ح: ١٥١٦] وأنس [البيهقي: ٣١٩ / ٥ وأبو يعلى: ١٥٥ / ٥] . ح: ٢٧٦٧

Comments:

The literal meaning of '*An-Najsh*' is to drive away the wild animals, but in the *Shari‘ah* it means to seduce the buyer by offering higher price of the thing, and posing as he is also a buyer, but actually he does not want to buy the thing. So the offer of the higher price is just to seduce the buyer.

(المعجم ٦٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ النَّجْشِ [فِي الْبَيْعِ] (التحفة ٦٥)

١٣٠٤ - حَدَّثَنَا قُتْيَةُ وَأَخْمَدُ بْنُ مَنْبِعٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ ابْنِ الْمُسَيْبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: وَقَالَ قُتْيَةُ يَيْلَغُ بِهِ السَّيِّئَاتُ قَالَ: «لَا تَنْجِشُوا».

[قال:] وفي الباب عن ابن عمر وأبي وأبي عيسى. [قال أبو عيسى:] حديث أبي هريرة حديث حسن صحيح، والعمل على هذا عند أهل العلم، كرهوا النجش.

[قال أبو عيسى:] والنرجش أبا ياتي الرجل الذي ينصر الساعنة إلى صاحب الساعنة فيستأتم بأكثـر مما تستوى، وذلك عندما يحضره المشتري، يريد أن يغتر المشتري به، وليس من رأيه الشرى. إنما يريد أن يخدع المشتري بما يستأتم، وهذا ضرب من الخديعة.

قال الشافعي: وإن نرجش رجل فالنرجش أثم فيما يضنه، والبيع جائز، لأنَّ البائع غير النرجش.

حتى يأذن له أو يترك، ح: ٢١٤٠ من حديث سفيان بن عيينة به ورواوه مسلم، ح: ١٥١٥ من حديث أبي هريرة * وفي الباب عن ابن عمر [البخاري، ح: ٢١٦٢ ومسلم، ح: ١٥١٦] وأنس [البيهقي: ٣١٩ / ٥ وأبو يعلى: ١٥٥ / ٥] . ح: ٢٧٦٧

Chapter 66. What Has Been Related About Giving More In Weights

1305. Suwaïd bin Qais narrated: "Makhrafah Al-'Abdī and I brought linens from Hajar.^[1] The Prophet ﷺ came to us to bargain with us with some pants. There was someone with me who weighed (the goods) to determine the value. So the Prophet ﷺ said to the one weighing: 'Weigh and add more.' (*Sahih*)

[He said:] There are narrations on this topic from Jābir and Abū Hurairah.

[Abū 'Eisā said:] The *Hadīth* of Suwaïd is a *Hasan Sahīh Hadīth*. The people of knowledge consider it recommended to add more when weighing.

Shu'bah reported this *Hadīth* from Simāk, so he said: "From Abū Ṣafwān" and he mentioned the narration.

(المعجم ٦٦) - بَابُ مَا جَاءَ فِي
الرُّجْحَانِ فِي الْوَزْنِ (التحفة ٦٦)

١٣٥ - حَدَّثَنَا هَنَّادٌ وَمَخْمُودٌ بْنُ عَيْلَانَ
فَالاً: حَدَّثَنَا وَكِيعٌ عَنْ سُفِيَّانَ، عَنْ سِمَاكِ بْنِ
حَرْبٍ، عَنْ سُوَيْدِ بْنِ قَسْيٍ قَالَ: جَاءَتْ أَنَا
وَمَحْرَفَةُ الْعَبْدِيُّ بَزًا مِنْ هَجَرِ، فَجَاءَنَا النَّبِيُّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَسَأَوْمَنَا سِرَّاً وَبَلَّا وَرَانَ بَزِّنُ
بِالْأَجْرِ. فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلْوَزَانِ: «إِنْ
وَأَرْجِعْ». .

[قال:] وَفِي الْبَابِ عَنْ جَابِرٍ وَأَبِي
هُرَيْرَةَ .

[قال] أَبُو عِيسَى: [حَدِيثُ سُوَيْدٍ حَدِيثُ
حَسَنٍ صَحِيحٍ . وَأَهْلُ الْعِلْمِ يَسْتَحْجُونَ
الرُّجْحَانَ فِي الْوَزْنِ .

وَرَوَى شُعْبَةُ هَذَا الْحَدِيثَ، عَنْ سِمَاكِ،
فَقَالَ: عَنْ أَبِي صَفْوَانَ . وَذَكَرَ الْحَدِيثَ .

تخریج: [صحیح] وأخرجه ابن ماجه، التجارات، باب الرجحان في الوزن، ح: ٢٢٢٠ من
حدیث وکیع، وأبی داود، ح: ٣٣٣٦، وغیره من حدیث سفیان الثوری به وتابعه قیس بن الربع وله
شاهد عند أبي داود، ح: ٣٣٣٧ وغیره، والحدیث صححه ابن حبان، ح: ١٤٤٤ وابن الجارود،
ح: ٥٥٩ * وفي الباب عن جابر بن سمرة [ابن ماجه، ح: ٢٢٢٢] وأبی هریرة [أبی يعلى: ١١/٢٤،
ح: ٦١٦٢].

Comments:

This narration proves that measure and weight should always be a little extra in favor of the buyer. A person who works as a professional for measuring and weighing can fix his wages for his work.

^[1] There are many places with this name, one of which is a village close to Al-Madinah.

Chapter 67. What Has Been Related About Giving Respite To The Indigent And Being Kind To Him

1306. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever grants respite to an indigent or alleviates it for him, Allāh will shade him on the Day of Judgement under the shade of His Throne, a Day in which there is no shade except His shade.” (*Sahīh*)

[He said:] There are narrations on this topic from Abū Al-Yasar, Abū Qatādah, Hudhaifah, [Abū] Mas‘ud, ‘Ubādah, and Jābir.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Ṣahīh Gharib Hadīth* from this route.

تَحْرِيْخ: [إِسْنَادُهُ صَحِّيْحٌ] وَأَخْرَجَهُ أَحْمَدٌ / ٣٥٩ وَبَعْدَهُ مُسْعُودٌ وَأَبِي قَتَادَةَ وَحَدِيْفَةَ [وَأَبِي مَسْعُودٍ وَأَبِي حَمْزَةَ] وَجَابِرٌ .

[Qāl: أَبُو عَيسَى: حَدِيثُ أَبِي هُرَيْثَةَ حَدِيثٌ حَسَنٌ صَحِّيْحٌ، غَرِيبٌ مِنْ هَذَا الْوَجْهِ .]

Comments:

In the Qur’ān it has been commanded to Muslims to be gentle and kind with a debtor who is in difficulty. It is better to forgive his debt. *Sūrat Al-Baqarah* Verse no. 280 says “If the debtor is in a difficulty grant him time till it is easy for him to repay, but if you remit by way of charity that is the best for you, if you know.” In this narration the reward of a virtuous deed has been mentioned. On the Day of Judgement, which will be a very hard day, and when there will be no shade at all except the Shade of Allāh, doers of virtuous deeds will get a place under this Shade.

1307. Abū Mas‘ud narrated that the Messenger of Allah ﷺ said: “A man among those before you was called to reckon and nothing of good was found with him. Except that he was a wealthy man so he used to mix with the people and he would tell his servants to be lenient

(المعجم ٦٧) - بَابُ مَا جَاءَ فِي إِنْظَارِ
الْمُعْسِرِ وَالرَّقِيقِ يِهِ (التحفة ٦٧)

١٣٠٦ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا إِسْحَاقُ
ابْنُ سُلَيْمَانَ الرَّازِيِّ عَنْ دَاؤَدَ بْنِ قَيْسٍ، عَنْ رَبِيدَ
ابْنِ أَشْلَامَ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْثَةَ
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَنْظَرَ مُعْسِرًا أَوْ
وَضَعَ لَهُ، أَظْلَلَ اللَّهُ يَوْمَ الْقِيَامَةِ تَحْتَ ظِلِّ
عَرْشِهِ، يَوْمًا لَا ظِلَّ إِلَّا ظِلُّهُ» .

[Qāl: وَفِي الْبَابِ عَنْ أَبِي الْيَسَرِ وَأَبِي
قَتَادَةَ وَحَدِيْفَةَ [وَأَبِي مَسْعُودٍ وَأَبِي حَمْزَةَ] وَجَابِرٌ .

[Qāl أَبُو عَيسَى: حَدِيثُ أَبِي هُرَيْثَةَ حَدِيثٌ حَسَنٌ صَحِّيْحٌ، غَرِيبٌ مِنْ هَذَا الْوَجْهِ .]

تَحْرِيْخ: [إِسْنَادُهُ صَحِّيْحٌ] وَأَخْرَجَهُ أَبِي الْيَسَرَ [مُسْلِمٌ، ح: ٣٠٠٦] ضَمِّنَ حَدِيثَ طَوْبِيلَ [وَأَبِي قَتَادَةَ [مُسْلِمٌ، ح: ١٥٦٣] وَحَدِيْفَةَ [الْبَخَارِيُّ، ح: ٢٣٩١] وَأَبِي مَسْعُودٍ [يَاٰتِي: ١٣٠٧] وَعَبَادَةَ [لِمَ أَجْدَهُ] وَجَابِرٌ [لِعَلِيهِ يُشَيرُ إِلَى حَدِيثِ مُسْلِمٍ، ح: ٣٠٠٦] .

١٣٠٧ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ أَبِي مَسْعُودٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «حُوَسِبَ رَجُلٌ مِمَّنْ كَانَ قَبْلَكُمْ، فَلَمْ يُوجَدْ لَهُ مِنَ الْخَيْرِ شَيْءٌ، إِلَّا أَنَّهُ كَانَ رَجُلًا مُؤْسِرًا، فَكَانَ يُخَالِطُ النَّاسَ، فَكَانَ يَأْمُرُ غَلْمَانَهُ أَنْ

with the insolvent. So Allāh, Mighty and Sublime is He, said: ‘We are more worthy of that than him, so be lenient with him.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. [Abū Al-Yasār is Ka'b bin ‘Amr.]

تخریج: وأخرجه مسلم، المساقاة، باب فضل إبطال المعسر والتجاوز في الاقتضاء من الموسر والمعسر، ح: ١٥٦١ من حديث أبي معاوية الضرير به.

Comments:

In the light of this narration it is suggested to the well-off persons of the society and the business community to deal with kindness with poor debtors, and to give them time to repay their debts, and if possible, they should remit their debits. Allāh will give them good reward in the Hereafter.

Chapter 68. What Has Been Related About The Rich Person’s Procrastination (Paying Debt) Is Oppression

1308. Abū Hurairah narrated that the Prophet ﷺ said: “Procrastination (in paying a debt) by a rich person is oppression. So if your debt is transferred from your debtor to a rich debtor, you should agree.” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn ‘Umar, and Ash-Sharīd [bin Suwaid Ath-Thaqafī].

تخریج: [صحيح] وأخرجه ابن ماجه، الصدقات، باب الحوالة، ح: ٢٤٠٣ وغیره من حديث سفيان الثوري، والبخاري، ومسلم، ح: ١٥٦٤ من حديث أبي الزناد به * وفي الباب عن ابن عمر [يأتي: ١٣٠٩] والشريذ بن سويد الثقفي [أبو داود، ح: ٣٦٢٨].

1309. [Ibn ‘Umar narrated that the Prophet ﷺ said: “Procrastination (in paying a debt) by a rich person is oppression. So if your debt is transferred from your debtor you

يَتَجَاوِزُوا عَنِ الْمُعْسِرِ، فَقَالَ اللَّهُ عَزَّ وَجَلَّ: تَحْنُ أَحَقُّ بِذَلِكَ مِنْهُ تَجَاوِزُوا عَنْهُ».]

[قالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. [وَأَبُو الْيَسِيرِ كَعْبُ بْنُ عَمْرُو].

تخریج: وأخرجه مسلم، المساقاة، باب فضل إبطال المعسر والتجاوز في الاقتضاء من الموسر والمعسر، ح: ١٥٦١ من حديث أبي معاوية الضرير به.

(المعجم ٦٨) - بَابُ مَا جَاءَ فِي مَطْلِ
الْغَنِيِّ [أَنَّهُ] ظُلْمٌ (التحفة ٦٨)

١٣٠٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَارٍ: حَدَّثَنَا
عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفِيَّانُ عَنِ
أَبِي الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ
الشَّيْخِ [الْمُؤْلِفِ] قَالَ: «مَطْلُ الغَنِيِّ ظُلْمٌ، وَإِذَا
أُتْبَعَ أَحَدُكُمْ عَلَى مَلِيٍّ فَلَيْتَهُ».]

[قالَ: [وفي الباب عن ابن عمر والشريذ
[ابن سويد الثقفي]].

تخریج: [صحيح] وأخرجه ابن ماجه، الصدقات، باب الحوالة، ح: ٢٤٠٣ وغیره من حديث سفيان الثوري، والبخاري، ومسلم، ح: ٢٢٨٧ من حديث أبي الزناد به * وفي الباب عن ابن عمر [يأتي: ١٣٠٩] والشريذ بن سويد الثقفي [أبو داود، ح: ٣٦٢٨].

١٣٠٩ - [حَدَّثَنَا إِبْرَاهِيمُ بْنُ عَبْدِ اللَّهِ
الْهَرَوْيِّ قَالَ: حَدَّثَنَا هُشَيْمٌ قَالَ: حَدَّثَنَا
يُونُسُ بْنُ عَبْيَدٍ عَنْ نَافِعٍ، عَنْ أَبِنِ عُمَرَ عَنِ

should agree, and do not make two sales in one sale.” (*Sahih*)

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah (no. 1308) is a *Hasan Sahīh Hadīth*. And its meaning is that when the debt of one of you is transferred then agree. Some of the people of knowledge said when a man is offered to transfer his debt to a rich man and he does so, then the transferor is free of it, he is not to seek its return from the transferor. This is the view of *Ash-Shāfi‘ī*, *Aḥmad*, and *Ishāq*. Some of the people of knowledge said: “When this wealth could not be collected due to bankruptcy of the one it was transferred to, then he may seek its return to the first one.” They argue for this view with the saying of ‘Uthmān and others, when they said: “There is nothing due on a Muslim’s wealth that is lost.” *Ishāq* said: “The meaning of this *Hadīth*: ‘There is nothing due on a Muslim’s wealth that is lost’ this is when a man transfers it to another whom he thinks is wealthy, then he becomes bankrupt, so there is nothing due on the Muslim’s wealth that is lost.”

الْبَيْنَ قَالَ: «مَطْلُ الْغَنِيٍّ ظُلْمٌ وَإِذَا أَحْلَتْ عَلَى مَلِيِّ فَاتِحَةٍ وَلَا تَبْعَثْ بَيْعَتِينِ فِي بَيْعَةٍ».

[قالَ أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثُ حَسَنٍ صَحِيحٌ. وَمَعْنَاهُ: أَنَّهُ إِذَا أُجِيلَ أَحَدُكُمْ عَلَى مَلِيِّ فَلَا يُبْتَغِي. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: إِذَا أُجِيلَ الرَّجُلُ عَلَى مَلِيِّ فَأَخْتَالَهُ فَقَدْ بَرِيَّ الْمُجِيلِ وَلَيْسَ لَهُ أَنْ يَرْجِعَ عَلَى الْمُجِيلِ. وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: إِذَا تَوَى مَالُ هَذَا يَأْفِلُسُ الْمُحَالِ عَلَيْهِ، فَلَهُ أَنْ يَرْجِعَ عَلَى الْأَوَّلِ. وَاحْتَجُوا بِقَوْلِ عُثْمَانَ وَغَيْرِهِ حِينَ قَالُوا: لَيْسَ عَلَى مَالِ مُسْلِمٍ تَوَى. وَقَالَ إِسْحَاقُ: مَعْنَى هَذَا الْحَدِيثُ: «لَيْسَ عَلَى مَالِ مُسْلِمٍ تَوَى». هَذَا إِذَا أُجِيلَ الرَّجُلُ عَلَى آخَرَ، وَهُوَ يَرَى أَنَّهُ مَلِيِّ، فَإِذَا هُوَ مُعْدِمٌ، فَلَيْسَ عَلَى مَالِ مُسْلِمٍ تَوَى.

تخریج: [صحيح] وأخرجه ابن ماجه، الصدقات، باب الحوالة، ح: ٢٤٠٤ من حديث هشيم به ويونس لم يسمع من نافع وللحديث شواهد صحيحة.

Comments:

In this narration, ‘rich person’ means a person who has the ability to repay the debt. If the rich person procrastinates in the repayment of the debt, it is oppression. If the debtor refers the lender to another rich person who has the ability to pay the amount, he should accept this reference. He should demand his amount from him, and if he refuses to pay he can demand his amount from the debtor.

Chapter 69. What Has Been Related About *Al-Munābadhah* And *Al-Mulāmasah*

1310. Abū Hurairah narrated: “The Messenger of Allāh ﷺ prohibited sales of *Al-Munābadhah* and *Al-Mulāmasah*. ” (*Sahīh*)

[He said:] There are narrations on this topic from Abū Sa‘eed and Ibn ‘Umar.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Ṣaḥīḥ Hadīth*. And the meaning of (*Munābadhah* in) this *Hadīth* is when it is said: “When I throw something to you then the sale between you and I is concluded.” And *Al-Mulāmasah* is that he says: “When you touch something then the sale is concluded.” Even if he did not see it at all, like if it was inside of a bag or something else. These are merely sales practices of the people of *Jāhiliyyah* so they were prohibited.

1511. تخریج: متفق عليه، وأخرجه مسلم، البيوع، باب إبطال بيع الملامسة والمنابذة، ح: ١٥١١ عن أبي كريب والبخاري، ح: ٢٤٦ من حديث أبي الزناد به * وفي الباب عن أبي سعيد البخاري، ح: ٥٨٢٠ ومسلم، ح: ١٥١٢ وابن عمر [النسائي، ح: ٤٥٢٠].

Comments:

According to the Islamic *Shari‘ah*, all kinds of transactions and commercial deals which are fraudulent, dishonest and treacherous are prohibited. *Al-Munābadhah* and *Al-Mulāmasah* are also of the same category, since the buyer has no choice to examine the commodity.

Chapter 70. What Has Been Related About Payment In Advance For Food And Fruits

1311. Ibn ‘Abbās narrated: “When the Prophet ﷺ arrived in Al-

(المعجم ٦٩) - بَابُ مَا جَاءَ فِي
الْمُنَابَذَةِ وَالْمُلَامَسَةِ (التحفة ٦٩)

١٣١٠ - حَدَّثَنَا أَبُو كُرْبَهْ وَمَحْمُودُ بْنُ عَيْلَانَ قَالَا: حَدَّثَنَا وَكَيْعُ عَنْ سُقْيَانَ، عَنْ أَبِي الزَّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ الْمُنَابَذَةِ وَالْمُلَامَسَةِ.

[قال:] وَفِي الْبَابِ عَنْ أَبِي سَعِيدٍ وَابْنِ عُمَرَ.

[قال أبا عيسى:] حَدَّثُتْ أَبِي هُرَيْرَةَ حَدِيثَ حَسَنٍ صَحِحَّ وَمَعْنَى هَذَا الْحَدِيثِ أَنْ يَقُولَ: إِذَا نَبَذْتَ إِلَيْكَ بِالشَّيْءِ فَقَدْ وَجَبَ الْبَيْعُ بِئْتِي وَبَيْتِكَ. وَالْمُلَامَسَةُ أَنْ يَقُولَ: إِذَا لَمَسْتَ الشَّيْءَ فَقَدْ وَجَبَ الْبَيْعُ، وَإِنْ كَانَ لَا يَرَى مِنْهُ شَيْئًا، مُثْلَ مَا يَكُونُ فِي الْجِرَابِ أَوْ غَيْرِ ذَلِكَ، وَإِنَّمَا كَانَ هَذَا مِنْ بَيْعِ أَهْلِ الْجَاهِلِيَّةِ. فَنَهَى عَنْ ذَلِكَ.

1512. تخریج: متفق عليه، وأخرجه مسلم، البيوع، باب إبطال بيع الملامسة والمنابذة، ح: ١٥١٢ عن أبي الزناد به * وفي الباب عن أبي سعيد البخاري، ح: ٤٥٢٠ وابن عمر [النسائي، ح: ١٥١٢].

(المعجم ٧٠) - بَابُ مَا جَاءَ فِي السَّلَفِ فِي الطَّعَامِ وَالثَّمَرِ (التحفة ٧٠)

١٣١١ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْبِعَ: حَدَّثَنَا سُقْيَانُ عَنْ أَبْنِ أَبِي نَجِيْحٍ، عَنْ عَبْدِ اللَّهِ بْنِ

Madīnah, they were paying in advance for fruits. So he said: 'Whoever pays in advance, then let him pay in advance for known measurements (of dates), and known weights for a specified period of time.''' (*Sahīh*)

[He said:] There are narrations on this topic from Ibn Abī Awfā and 'Abdur-Rahmān bin Abzā.

[Abū 'Eisā said:] The *Hadīth* of Ibn 'Abbās is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. They allow for advanced payments on food, garments and other things in which the limits and description are known. They differed over delay in delivery of animals. Some of the people of knowledge among the Companions of the Prophet ﷺ and others thought that delay in delivery of animals is allowed. This is the view of Ash-Shāfi'ī, Ahmad and Ishāq. Some of the people of knowledge among the Companions of the Prophet ﷺ and others, disliked delay in delivery of animals. This is the saying of Sufyān and the people of Al-Kūfah. [And Abū Al-Minhāl's (a narrator) name is 'Abdur-Rahmān bin Muṭ'im].

تخریج: متفق عليه، وأخرجه البخاري، السلم، باب السلم في وزن معلوم، ح: ٢٤٠ ومسلم، ح: ١٦٠٤ من حديث سفيان بن عيينة به * وفي الباب عن ابن أبي أوفى [البخاري، ح: ٢٤٢، ٢٤٣] وعبدالرحمن بن أبزى [البخاري، ح: ٢٤٢، ٢٤٣].

Comments:

"*Salam*" or "*Salaf*" sale is to make the payment of fruits or edibles in advance. The people of Hijāz called it *Salam* sale and the people of 'Irāq

كثير، عن أبي المنهالي، عن ابن عباس قال: قديم رسول الله ﷺ المدينة وهم يسألون في الشّر ف قال: «من أسلف فليس له في كيل معلوم، وزن معلوم إلى أجل معلوم». قال: [وفي الباب عن ابن أبي أوفى وعبد الرحمن بن أبزى .

قال أبو عيسى: [حديث ابن عباس حديث حسن صحيح. وأعمل على هذا عند أهل العلم من أصحاب النبي ﷺ وغيرهم. أجازوا السلف في الطعام والثياب وغيرها ذلك، مما يعرف حدوده وصفته، وأختلفوا في السلم في الحيوان. فرأى بعض أهل العلم من أصحاب النبي ﷺ وغيرهم السلم في الحيوان جائزًا، وهو قول الشافعية وأحمد وإسحاق. وكراه بعض أهل العلم من أصحاب النبي ﷺ وغيرهم - السلم في الحيوان. وهو قول سفيان وأهل الكوفة [أبو المنهالي اسمه عبد الرحمن بن مطعم].

named it *Salaf* sale. In this sale the price of the thing purchased is paid in advance according to its measurement or weight, as required, and the date and period of delivery is also fixed. All terms and conditions of the deal are clear beforehand to avoid the dispute that can arise later on. It is assured that nothing remains ambiguous. If the deal is about an animal, its gender, age and all related things are made clear.

Chapter 71. What Has Been Related About The Land That Is Owned By Partners When One Of Them Wants To Sell His Share

1312. Jābir bin ‘Abdullāh narrated that Allāh’s Prophet ﷺ said: “Whoever has a partner in an orchard, then he is not to sell his share of that until he proposes that to his partner.” (*Sahīh*)

[Abū ‘Eisā said:] The chain of this *Hadīth* is not connected. I heard Muḥammad bin Ismā’il saying: It is said that “Sulaimān Al-Yashkuri: died during the lifetime of Jābir bin ‘Abdullāh.” He said: “And Qatādah did not hear from him, nor did Abū Bishr.” Muḥammad said: “We do not know of any of them hearing from Sulaimān Al-Yashkuri, except that ‘Amr bin Dīnār possibly heard from him during the lifetime of Jābir bin ‘Abdullāh.” He said: “Qatādah only narrated from a writing of Sulaimān Al-Yashkuri, and he had a book from Jābir bin ‘Abdullāh.”

Abū Bakr Al-‘Aṭṭār ‘Abdul-Quddūs narrated to us, he said: “‘Alī bin Al-Madīnī said: ‘Yahya bin Sa’eed said: “Sulaimān At-Taymī said: ‘They went with the book of Jābir bin ‘Abdullāh to Al-Hasan Al-Baṣrī and he took it’ – or

(المعجم ٧١) - بَابُ مَا جَاءَ فِي أَرْضِ الْمُشَتَّرِكِ يُرِيدُ بِعَضُّهُمْ بَيْعٌ نَصِيبٌ
(التحفة ٧١)

١٣١٢ - حَدَثَنَا عَلَيُّ بْنُ خَسْرَمْ: حَدَثَنَا عِيسَى بْنُ يُونُسَ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سُلَيْمَانَ الْيَشْكُرِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّ تَبَّيَّنَ اللَّهُ تَعَالَى قَالَ: «مَنْ كَانَ لَهُ شَرِيكٌ فِي حَارِطَةٍ، فَلَا يَبْيَعُ نَصِيبَهُ مِنْ ذَلِكَ حَمَى يَغْرِضُ عَلَى شَرِيكِهِ».

[قال أبو عيسى:] هذا حديث إسنادة ليس بمتصل سمعت محمدًا يقول: سليمان اليشكري، يقال: إنه مات في حياة جابر بن عبد الله. قال: ولم يسمع منه قتادة ولا أبو بشر. قال محمد: ولا نعرف لأحد منهم ساماً من سليمان اليشكري، إلا أن يكون عمرو بن دينار، فلعله سمع منه في حياة جابر بن عبد الله قال: وإنما يحدث قتادة عن صحيحة سليمان اليشكري. وكان له كتاباً عن جابر بن عبد الله.

حدثنا أبو بكر العطار عبد القدوسي قال: قال علي بن المديني: قال يحيى بن سعيد: قال سليمان التيمي: ذهبوا بصحيفة جابر بن عبد الله إلى الحسن البصري فأخذها، أو

he said - 'and they reported it. Then they took it to Qatādah and reported it, so they gave it to me but I did not report it [he said: 'I refused it']. This was narrated to us by Abū Bakr Al-‘Atṭār from ‘Alī bin Al-Madīnī.

قالَ فَرَوَاهَا، وَدَهْبُوا بِهَا إِلَى قَنَادَةَ فَرَوَاهَا،
وَأَتَوْنِي بِهَا فَلَمْ أَرُوهَا [يَقُولُ: رَدَدْتُهَا].
حَدَّثَنَا يُذْكَرُ أَبُو بَكْرِ الْعَطَّارُ عَنْ عَلَيٍّ بْنِ
الْمَدِينِيِّ.

تخریج: [صحیح] وأخرجه أحمد: ٣٥٧ من حديث سعيد بن أبي عروبة به ورواه مسلم، ح: ١٦٠٨ من حديث جابر بن عبد الله به وصححه الحاکم: ٥٦/٢ ووافقه الذہبی * قول سليمان التیمی: سنده صحيح.

Comments:

It is proven by this narration that a share holder in a property cannot sell his share until he consults his co-share holder regarding this issue. If the share is sold out without the consent of co-shareholder, he keeps the right of preemption.

Chapter 72. What Has Been Related About *Al-Mukhābarah* And *Al-Mu‘awamah*

1313. Abū Az-Zubair narrated from Jābir that the Prophet ﷺ prohibited *Al-Muḥāqalah*, *Al-Muzābanah*, *Al-Mukhābarah*, and *Al-Mu‘awamah*, and he permitted it in the case of *Al-‘Arāyā*. (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٧٢) - بَابُ مَا جَاءَ فِي
الْمُخَابَرَةِ وَالْمُعَاوَمَةِ (التحفة ٧٢)

١٣١٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
عَبْدُ الْوَهَابِ التَّقْفِيُّ: حَدَّثَنَا أَيُوبُ عَنْ أَبِي
الرُّبِّيرِ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ
الْمُحَافَلَةِ وَالْمُزَابَنَةِ وَالْمُخَابَرَةِ وَالْمُعَاوَمَةِ،
وَرَحَّضَ فِي الْأُفْرَارِ.

[قال أبو عيسى:] هَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ.

تخریج: وأخرجه مسلم، البيوع، باب النهي عن المحاقلة والمزاينة . . . إلخ، ح: ٨٥ / ١٥٣٦ من حديث أيوب السختياني به ورواه البخاري، ح: ٢٣٨١ من حديث جابر.

Comments:

“*Al-Muḥāqalah*” is selling un-harvested grain in the field in exchange for harvested grain like wheat. “*Al-Muzābanah*” is selling an estimated amount of fresh dates on the tree for dried dates that are measured, or the same for grapes. “*Al-Mukhābarah*” is renting land in exchange for a portion of its produce. Making an exception in a sale means to make an exception for one item among those purchased without telling the purchaser that seller did not include that item, or the like. *Mu‘awamah* is selling two or three years worth of produce in advance. In “*Al-Muḥāqalah*” and “*Al-Muzābanah*” there is a chance of ending up with less or more of the produce which comes under *Ribā*, so it is unlawful. In the form of *Mukhābarah* and *Mu‘awamah*, deceiving and cheating are involved so it is also unlawful. See *Tuhfat Al-Aḥwadhi* and *An-Nihayah*.

Chapter 73. What Has Been Related About Price Fixing^[1]

1314. Anas narrated: “Prices became excessive during the time of the Messenger of Allāh ﷺ, so they said: ‘O Messenger of Allāh! Set prices for us!’ So he said: ‘Indeed Allāh is *Al-Musa“ir*,^[2] *Al-Qābid*, *Al-Bāsit*,^[3] *Ar-Razzāq*. And I am hopeful that I meet my Lord and none of you are seeking (recompense from) me for an injustice involving blood or wealth.’” (*Sahih*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٧٣) - بَابُ [مَا جَاءَ فِي

الْتَّسْعِيرِ] (التحفة ٧٣)

١٣١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
الْحَجَاجُ بْنُ مَنْهَلٍ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ
عَنْ قَنَادَةَ. وَثَابَتْ وَحْمَيْدٌ عَنْ أَنَسٍ، قَالَ:
غَلَّ السُّعْرُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ،
فَقَالُوا: يَا رَسُولَ اللَّهِ! سَعْرٌ لَنَا فَقَالَ: «إِنَّ
اللَّهَ هُوَ الْمُسْعِرُ الْقَابِضُ الْبَاسِطُ الرَّزَاقُ،
وَإِنِّي لَا زُحْجُو أَنَّ الْقَى رَبِّي وَلَيْسَ أَحَدٌ مِنْكُمْ
يَطْلُبُنِي بِمَظْلِمَةٍ فِي دَمٍ وَلَا مَالٍ».
[قَالَ أَبُو عَيسَى]: هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ.

تَخْرِيج: [إِسْنَادُهُ صَحِيحٌ] وَأَخْرَجَهُ ابْنُ مَاجَهَ، التَّجَارَاتُ، بَابُ مِنْ كُرْهِ أَنْ يَسْعُرُ، ح: ٢٢٠٠
مِنْ حَدِيثِ الْحَجَاجِ بْنِ مَنْهَلٍ، وَأَبْوَ دَادِدَ، ح: ٣٤٥١ مِنْ حَدِيثِ حَمَادِ بْنِ سَلَمَةَ بْنِهِ، وَصَحَّحَهُ ابْنُ
جَيَانَ (إِلَّا حَسَنٌ): ٤٩١٤ وَأَوْرَدَهُ الضَّيَاءُ فِي الْمُخْتَارَةِ: ٥/٢٨، ٢٩، ١٦٣١، ح: ١٦٣٢.

Comments:

Rates of the market depend on demand and supply. If the required commodity is in surplus and freely available in the market the rate will drop. It is the duty of the buyer to be careful and observant and he should not buy more than his need, and it is better if the purchase of the item at the period of scarcity is avoided. This kind of behaviour of the customers can keep the price at a reasonable level. Deciding and fixing the rates of the commodities by the government is not the solution of the issue of high rates. Most of the scholars, in the light of various *Sahīh* narrations, disapproved the fixing of rates. (*Tuhfat Al-Ahwadhi*. v. 2. p272.)

[¹] That is when the authorities set a price limit on goods. See *Tuhfat Al-Ahwadhi*.

[²] In *An-Nihayah* he said: ‘It is that He is the One who makes things inexpensive and expensive, He cannot be opposed by anyone. So because of that, it is not allowed to fix prices.’ (*Tuhfat Al-Ahwadhi*).

[³] Meaning: He restricts sustenance and other than that from whom He wills, regarding what He wills, and how He wills, and He makes it unrestricted. (*Tuhfat Al-Ahwadhi*).

Chapter 74. What Has Been Related About Cheating In Sales Is Disliked

1315. Abū Hurairah narrated that the Messenger of Allāh ﷺ passed by a pile of food. He put his fingers in it and felt wetness. He said: ‘O owner of the food! What is this?’ He replied: ‘It was rained upon O Messenger of Allāh.’ He said: ‘Why not put it on top of the food so the people can see it?’ Then he said: ‘Whoever cheats, he is not one of us.’” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn ‘Umar, Abū Al-Hamrā, Ibn ‘Abbās, Buraidah, Abū Burdah bin Niyār, and Hudhaifah bin Al-Yamān.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge. They dislike cheating and they say that cheating is unlawful.

(المعجم ٧٤) - بَابُ مَا حَاءَ فِي كَرَاهِيَّةِ
الْغِشِّ فِي الْبُيُوعِ (التحفة ٧٤)

١٣١٥ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرٍ: حَدَّثَنَا
إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنِ الْعَلَاءِ بْنِ عَبْدِ
الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ
رَسُولَ اللَّهِ ﷺ مَرَ عَلَى صُبْرَةِ مِنْ طَعَامِ
فَأَذْخَلَ يَدَهُ فِيهَا، فَتَائِثٌ أَصَابِعُهُ بَلَّا. قَالَ:
«يَا صَاحِبَ الطَّعَامِ مَا هَذَا؟!» قَالَ: أَصَابِعُهُ
السَّمَاءُ، يَا رَسُولَ اللَّهِ! قَالَ: «أَفَلَا جَعَلْتَهُ
فَوْقَ الطَّعَامِ حَتَّى يَرَاهُ النَّاسُ؟» قَالَ: «مَنْ
عَشَ فَأَيْسَنَ مِنْهُ». .

[قال:] وفي الباب عن ابن عمر وأبي
الحمراء وأبن عباس وبريدة وأبي بردة بن
نيار وحذيفة بن اليمان.

[قال أبو عيسى:] حديث أبي هريرة
حديث حسن صحيح. والعمل على هذا عند
أهل العلم. كرهوا العيش، وقالوا: الغش
حرام.

تخریج: وأخرجه مسلم، الإيمان، باب قول النبي ﷺ: “من غشنا فليس منا”. ح: ١٠٢ عن علي بن حجر به * وفي الباب عن ابن عمر [أحمد: ٣/٥٠] وأبي الحمراء [ابن ماجه، ح: ٢٢٢٥] وابن عباس [الطبراني في الكبير: ١١٥٣] وبريدة [حارث بن أبي أسامة/ المطالب العالية: ٣/٧١، ح: ٢٩٠٥] وأبي بردة بن دينار [أحمد: ٣/٤٦٦، ٤/٤٤٥] وحذيفة بن اليمان [الطبراني في الأوسط: ١/٥٢٩، ح: ٩٩٧].

Comments:

Cheating, deceiving and breaching the trust is against the faith, well being, and trust of the society. Therefore, the one who hides the defects and drawbacks of sale commodities acts against the norms of Islam. That is why the Prophet ﷺ said, “He is not from us.”

Chapter 75. What Has Been Related About Taking A Camel Or Other Animals On Loan

1316. Abū Hurairah narrated: “The Messenger of Allāh ﷺ took a camel of a particular age on loan. He gave back to him a camel of a better age than the one he was given. He said: ‘The best among you is the best in repaying.’” (*Sahīh*)

[He said:] There is something on this topic from Abū Rāfi‘.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*. Shu‘bah and Sufyān reported it from Salamah.

This is acted upon according to some of the people of knowledge, they saw no harm in taking a camel of a particular age as a loan. This is the view of *Ash-Shāfi‘ī*, Ahmād, and Iṣhāq. But some of them disliked that.

تخریج: متفق عليه، وأخرجه مسلم، المساقاة، باب جواز اقتراض الحيوان واستحباب توفيته خيراً مما عليه، ح: ١٦٠١ عن أبي كريب والبخاري، ح: ٢٣٥٥ من حديث سلمة بن كهيل به * وفي الباب عن أبي رافع [يأتي: ١٣١٨].

Comments:

Obtaining an animal on the condition that it will be returned in the form of an animal is lawful, and returning a better animal without any prior commitment is also approved. Most of the scholars and Imām *Shāfi‘ī*, Mālik and Ahmād approve of this deal in the light of the *Sahīh* narration.

1317. Abū Hurairah narrated: “A man behaved in a rude manner while trying to collect a debt from the Messenger of Allāh ﷺ. So his Companions were about to harm him. The Messenger of Allāh ﷺ

(المعجم ٧٥) - بَابُ مَا جَاءَ فِي اسْتِقْرَاضِ الْبَعِيرِ أَوِ الشَّيْءِ مِنَ الْحَيَّانِ [أَوِ السَّنْ] (التحفة ٧٥)

١٣١٦ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ عَنْ عَلَيِّ بْنِ صَالِحٍ، عَنْ سَلَمَةَ بْنِ كُهْلِ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: اسْتَفْرَضَ رَسُولُ اللَّهِ ﷺ سَنَةً فَأَعْطَاهُ سِنَّا خَيْرًا مِنْ سِنَّهُ وَقَالَ: «خَيْرُكُمْ أَخَاسِكُمْ قَضَاءً».

[قال:] وفي الباب عن أبي رافع .
 [قال أبا عيسى:] حديث أبي هريرة
 حدیث حسن صحيح . وقد روأه شعبة
 وسفیان عن سلمة . والعمل على هذا عند
 بعض أهل العلم ، لم يروا باستئراض السن
 بأسا من الإبل . وهو قول الشافعی وأحمد
 وإسحاق . وكراهة بعضهم ذلك .

١٣١٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّقِّيِّ: حَدَّثَنَا وَهُبُّ بْنُ جَرِيرٍ: حَدَّثَنَا شُعبَةُ عَنْ سَلَمَةَ بْنِ كُهْلِ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَجُلًا تَقَاضَى رَسُولَ اللَّهِ ﷺ فَأَعْلَظَ لَهُ، فَهُمْ

said: 'Leave him, for indeed the owner of the right has the right to speak.' Then he said: 'Purchase a camel for him and give it to him.' So they searched but they did not find a camel but of a better age than his camel. So he said: 'Buy it and give it to him. For indeed the best of you is the best in repaying.'" (*Sahīh*)

(Another chain of narration with similar meaning)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

تَحْرِيْج: متفق عليه، وأخرجه البخاري، الوفالة، باب الوكالة في قضاء الديون، ح ٢٣٠٦؛ ومسلم، ح ١٦٠١ من حديث شعبة به.

Comments:

A creditor has the right to ask for the return of his debt. In this connection, if the debtor has the ability to return the amount but he makes lame excuses and delays the payment, the lender has the right to press him through society, and can take him to court. In the context of this narration, the lender had no genuine reason to utter harsh words to the Prophet ﷺ, but as the occasion arose, the Prophet ﷺ explained the details of the issue, and the behaviour of the Muslims as it ought to be in such situations.

1318. *Abū Rāfi‘*, the freed slave of the Messenger of Allāh ﷺ narrated: "The Messenger of Allāh got a camel on advance. Some camels came from the charity." *Abū Rāfi‘* said: "So the Messenger of Allāh ﷺ told me to pay the man back for his camel. I said: 'I did not find among the camels but a superior selection of *Rabā*'.^[1] the Messenger of Allāh ﷺ said: 'Give it to him, for indeed the best of people is the best of them in repaying.'" (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

[1] A camel that has entered its seventh year. See *Tuhfat Al-Ahwadhi* and *An-Nihāyah*.

بِهِ أَصْحَاهُهُ . فَقَالَ رَسُولُ اللهِ ﷺ: «دُعْوَةُ فَإِنَّ لِصَاحِبِ الْحَقِّ مَقَالًا» ثُمَّ قَالَ: «اشْتَرُوا لَهُ بَعِيرًا، فَأَعْطُوهُ إِيَّاهُ» فَطَلَّبُوهُ فَلَمْ يَجِدُوا إِلَّا سِنًا أَفْضَلَ مِنْ سِنَّهُ . فَقَالَ: «اشْتَرُوهُ فَأَعْطُوهُ إِيَّاهُ، فَإِنَّ خَيْرَكُمْ أَخْسَنُكُمْ قَصَاءً» .

حَدَّثَنَا مُحَمَّدُ بْنُ يَسَارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعبَةُ عَنْ سَلَمَةَ بْنِ كُهَيلٍ، تَحْوِهُ . [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ .

تَحْرِيْج: متفق عليه، وأخرجه البخاري، الوفالة، باب الوكالة في قضاء الديون، ح ٢٣٠٦؛ ومسلم، ح ١٦٠١ من حديث شعبة به.

١٣١٨ - حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا زَوْهُ بْنُ عَبَادَةَ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ زَيْدٍ ابْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي رَافِعٍ مَوْلَى رَسُولِ اللهِ ﷺ قَالَ: أَسْتَشْفَفُ رَسُولَ اللهِ ﷺ بَكْرًا . فَجَاءَهُ إِبْلٌ مِنَ الصَّدَقَةِ . قَالَ أَبُو رَافِعٍ . فَأَمْرَنِي رَسُولُ اللهِ ﷺ أَنْ أَفْضِيَ الرَّجُلَ بَكْرًا . فَقُلْتُ: لَا أَجِدُ فِي الْإِبْلِ إِلَّا جَمَلًا خَيَارًا رَبَاعِيَا، فَقَالَ رَسُولُ اللهِ ﷺ: «أَعْطُهُ إِيَّاهُ، فَإِنَّ خَيَارَ النَّاسِ أَخْسَنُهُمْ قَصَاءً» . [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ .

تخریج: وأخرجه مسلم، المساقاة، باب جواز اقتراض الحيوان واستحباب توفیته خيراً مما عليه، ح: ١٦٠٠ من حديث مالك به وهو في الموطأ: ٢/٦٨٠.

Comments:

If the Prophet ﷺ had borrowed the camel for his personal need, he returned it after purchase, from the camels of charity, as it is clear from the narration of Abū Hurairah. If he borrowed it for fulfilling the needs of Muslims, a better camel was returned to him from the camels of the charity.

Chapter (...) What Has Been Related About Tolerance In Selling, Buying, And Repaying

1319. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Indeed Allāh loves tolerance in selling, tolerance in buying, and tolerance with repaying.” (*Da’if*)

[He said: There is something on this topic from Jābir.]

[Abū ‘Eisā said:] This *Hadīth* is *Gharib*. Some of them reported this *Hadīth* from Yūnus, from Sa‘eed Al-Maqbūrī, from Abū Hurairah.

(المعجم...) بَابُ [مَا جَاءَ فِي سَمْعٍ
الْبَيْعِ وَالشَّرَاءِ وَالْقَضَاءِ] (التحفة ٧٦)

١٣١٩ - أَخْبَرَنَا أَبُو كُرْبَةَ: حَدَّثَنَا إِسْحَاقُ بْنُ سُلَيْمَانَ [الرَّازِيُّ] عَنْ مُغِيرَةَ بْنِ مُشْلِمٍ، عَنْ يُوسُفَ، عَنِ الْحَسْنِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ اللَّهَ يُحِبُّ سَمْحَ الْبَيْعِ، سَمْحَ الشَّرَاءِ، سَمْحَ الْقَضَاءِ». [قَالَ: وَفِي الْبَابِ عَنْ جَابِرٍ]. [قَالَ أَبُو عَيسَى: هَذَا حَدِيثٌ غَرِيبٌ. وَقَدْ رَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ، عَنْ يُوسُفَ، عَنْ سَعِيدِ الْمَقْبِرِيِّ، عَنْ أَبِي هُرَيْرَةَ.]

تخریج: [إسناده ضعيف] * يونس بن عبيد مدلس وعنون وللحديث لون آخر ضعيف عند الحاكم: ٥٦/٢ وصححه ووافقه الذهبي * وفي الباب عن جابر [يأتي: ١٣٢٠] يعني عنه.

Comments:

In the light of this narration, a Muslim's behavior as a buyer, seller, and in mutual dealings has been described. It is required to be tolerant in all kinds of commercial dealings. One should be truthful, easy and kind to the other party. Defects and drawbacks as well as good quality of the sale commodity should be made clear before the sale. Measure and weight should always be in favor of the customer. The lender is required to be easy and kind with the poor and needy debtor. He should be given time for repayment.

1320. Jābir narrated that the Messenger of Allāh ﷺ said: “Allāh forgave a man who was before you: He was tolerant when selling, tolerant when purchasing, and tolerant when repaying.” (*Hasan*)

١٣٢٠ - حَدَّثَنِي عَبَّاسُ بْنُ مُحَمَّدٍ الدُّورِيُّ: حَدَّثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءَ: حَدَّثَنَا إِسْرَائِيلُ عَنْ زَيْدِ بْنِ عَطَاءِ بْنِ السَّائِبِ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ جَابِرٍ

[He said:] This *Hadīth* is *Gharīb Sahīh Hasan* from this route.

قالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «غَفَرَ اللَّهُ لِرَجُلٍ كَانَ قَبْلَكُمْ، كَانَ سَهْلًا إِذَا بَاعَ، سَهْلًا إِذَا أَشْتَرَى، سَهْلًا إِذَا اقْتَضَى». .

[قالَ:] هَذَا حَدِيثٌ غَرِيبٌ صَحِيفٌ حَسَنٌ مِّنْ هَذَا الْوَجْهِ.

تَخْرِيجٌ: [إِسْنَادُهُ حَسَنٌ] وَأَخْرَجَهُ أَحْمَدٌ: ٣٤٠ عَنْ عَبْدِ الْوَهَابِ بْنِ حَرْبٍ الْبَخَارِيِّ، ح: ٢٠٧٦ مِنْ حَدِيثِ مُحَمَّدِ بْنِ الْمَنْكَدِرِ بْنِ حَمْزَةَ.

Comments:

It appears from a unanimously agreed upon *Sahīh* narration, that one should be tolerant in buying, tolerant in selling and tolerant in repayment. His behaviour with people should be commendable, he must give time to people for repayment, and he must remit the debts of poor and needy.

Chapter 76. The Prohibition Of Selling In The *Masjid*

1321. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “When you see someone selling or buying in the *Masjid* then say: ‘May Allāh not profit your business.’ And when you see someone announcing about something lost then say: ‘May Allāh not return it to you.’” (*Sahīh*)

The *Hadīth* of Abū Hurairah is *Hasan Gharīb*. This is acted upon according to some of the people of knowledge. They dislike selling and buying in the *Masjid*. This is the view of Ahmad and Ishāq. Some of the people of knowledge permitted selling and buying in the *Masjid*.

(المعجم ٧٦) - بَابُ النَّهَيِّ عَنِ الْبَيْعِ فِي الْمَسْجِدِ (التحفة ٧٧)

١٣٢١ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيٍ الْخَلَالُ: حَدَّثَنَا عَارِمٌ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ: أَخْبَرَنَا تَرِيدُ بْنُ حُصَيْنَةَ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ تَوْبَانَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا رَأَيْتُمْ مَنْ يَبْيَعُ أَوْ يَتَنَاجَعُ فِي الْمَسْجِدِ، فَقُولُوا: لَا أَرْبَحَ اللَّهَ تِجَارَتَكُمْ، وَإِذَا رَأَيْتُمْ مَنْ يَنْشُدُ فِيهِ ضَالَّةً فَقُولُوا: لَا رَدَّ اللَّهُ عَلَيْكُمْ».

حدیث أبي هریرة حديث حسن غریب، والعمل على هذا عند بعض أهل العلم، كرھوا البيع والشراء في المسجد. وهو قول أحمد وإسحاق. وقد رخص بعض أهل العلم، في البيع والشراء في المسجد.

تَخْرِيجٌ: [إِسْنَادُهُ صَحِيفٌ] وَأَخْرَجَهُ أَبْنَ خَرِيمَةَ، ح: ١٣٥٥ وَابْنَ حَبَّانَ، ح: ٣١٣ وَالحاكمُ عَلَى شَرْطِ مُسْلِمٍ: ٥٦ وَوَافَقَهُ الْذَّهَبِيُّ وَرَوَاهُ مُسْلِمٌ، ح: ٥٦٨ مِنْ حَدِيثِ أَبِي هَرِيرَةَ.

Comments:

Mosques are Houses of Allāh, people go to mosques for performing obligatory prayers, remembrance of Allāh and recitation of the Qur'ān. If the dealings of the worldly affairs were permitted in the mosques, the real purpose of mosques would have suffered, therefore, it is not allowed in the mosques.

*In the Name of Allāh,
the Merciful, the Beneficent*

13. The Chapters On Judgements From The Messenger of Allāh ﷺ

Chapter 1. What Has Been Related From The Messenger of Allāh ﷺ About The Judge

1322. ‘Abdullāh bin Mawhab narrated that ‘Uthmān said to Ibn ‘Umar: “Go and judge between the people.” So he said: “Perhaps you can excuse me (from that) O Commander of the Believers!” He said: “Why do you have an aversion for that when your father judged?” He said: “I heard the Messenger of Allāh ﷺ saying: ‘Whoever was a judge and judged with justice, it still would have been better for him to have turned away from it completely.’ What do I want after that?”” (*Da’if*)

There is a story with this *Hadīth*, and there is something on this topic from Abū Hurairah.

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Umar is *Gharib*. To me, its chain is not connected. ‘Abdul-Mālik, the one from whom Al-Mu’tamir reported this, is ‘Abdul-Mālik bin Abī Jamīlah.

تخریج: [إسناده ضعيف] وأخرجه أبو يعلى: ٩٣ / ١٠، ح: ٥٧٢٧ وابن حبان، ح: ١١٩٥ من حديث المعتمر به عبد الملك مجھول (تقرب) * وفي الباب عن أبي هريرة [يأتي: ١٣٢٥].

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

(المعجم ١٣) - **أبواب الأحكام**
عن رسول الله ﷺ (التحفة ١١)

(المعجم ١) - بَابُ مَا جَاءَ، عَنْ رَسُولِ
اللَّهِ ﷺ فِي الْقَاضِيِّ (التحفة ١)

١٣٢٢ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى
[الصَّعَانِي]: حَدَّثَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ
قَالَ: سَمِعْتُ عَبْدَ الْمَلِكِ يُحَدِّثُ عَنْ عَبْدِ اللَّهِ
ابْنِ مَوْهَبٍ أَنَّ عُثْمَانَ قَالَ لِابْنِ عُمَرَ: اذْهَبْ
فَأُنْضِيَ بَيْنَ النَّاسِ قَالَ: أَوْ تَعْاْفِينِي يَا أَمِيرَ
الْمُؤْمِنِينَ! قَالَ: فَمَا تَكْرَهُ مِنْ ذَلِكَ وَقَدْ كَانَ
أَبُوكَ يَقْضِي؟ قَالَ: إِنِّي سَمِعْتُ رَسُولَ اللَّهِ
ﷺ يَقُولُ: «مَنْ كَانَ قَاضِيَ فَقَضَى بِالْعَدْلِ،
فَإِلَّا حَرَّى أَنْ يَنْتَلِبْ مِنْهُ كَفَافًا». فَمَا أَرْجُو
بَعْدَ ذَلِكَ؟ .

وَفِي الْحَدِيثِ [قَالَ] قَصَّةً. وَفِي الْبَابِ
عَنْ أَبِي هُرَيْرَةَ .

[قَالَ أَبُو عِيسَى]: حَدِيثُ ابْنِ عُمَرَ
حَدِيثُ غَرِيبٍ، وَلَيْسَ إِسْنَادُهُ عِنْدِي يُمَتَّصِّلُ
وَعَبْدُ الْمَلِكِ الَّذِي رَوَى عَنْ الْمُعْتَمِرِ هَذَا،
هُوَ عَبْدُ الْمَلِكِ بْنُ أَبِي جَمِيلَةَ .

تخریج: [إسناده ضعيف] وأخرجه أبو يعلى: ٩٣ / ١٠، ح: ٥٧٢٧ وابن حبان، ح: ١١٩٥ من حديث المعتمر به عبد الملك مجھول (تقرب) * وفي الباب عن أبي هريرة [يأتي: ١٣٢٥].

Comments:

"Whoever was a judge and judged with justice, it still would have been better for him to have turned away..." If there is no reward or punishment for him, then why should he accept this position. For this reason, Ibn 'Umar refused to accept this post, though 'Uthmān insisted that he accept it.

1322B. [Ibn Buraidah narrated from his father that the Prophet ﷺ said: "The judges are three: Two judges that are in the Fire, and a judge that is in Paradise. A man who judges without the truth, and he knows that. This one is in the Fire. One who judges while not knowing, ruining the rights of the people. So he is in the Fire. A judge who judges with the truth, that is the one in Paradise."] (*Da'i*)

١٣٢٢ - حَدَّثَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ: حَدَّثَنِي الْحُسَينُ بْنُ يَشْرِي: حَدَّثَنَا شَرِيكُ عَنِ الْأَعْمَشِ، عَنْ سَهْلِ بْنِ عُيَيْدَةَ، عَنْ أَبْنِ بُرْيَدَةَ، عَنْ أَبِيهِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الْفُضَّاءُ ثَلَاثَةٌ: قَاضِيَانِ فِي النَّارِ، وَقَاضِيٌ فِي الْجَنَّةِ: رَجُلٌ قَضَى بِغَيْرِ الْحَقِّ فَعَلِمَ ذَاكَ فَذَاكَ فِي النَّارِ، وَقَاضِيٌ لَا يَعْلَمُ فَأَهْلَكَ حُقُوقَ النَّاسِ فَهُوَ فِي النَّارِ، وَقَاضِيٌ قَضَى بِالْحَقِّ فَذَلِكَ فِي الْجَنَّةِ».

تخریج: [إسناده ضعیف] ورواه أبو داود، القضاة، باب: في القاضي يخطيء، ح: ٣٥٧٣ وابن ماجه، ح: ٢٣١٥ من حديث ابن بريدة، الأعمش وشريك عننا به وله شاهد ضعيف عند الطبراني (مجمع: ١٩٣/٤).

Comments:

According to this narration a person who is incompetent of being a judge and has no ability and knowledge of Islamic Jurisprudence, and still takes the responsibility, will go to Hell. Similarly a judge who has all the qualities of being a judge, and knowingly passes wrong verdicts will go to Hell. Only the judge who is a just judge, and gives the judgements according to the standards of justice will go to Paradise. Becoming a judge and accepting this post is a very demanding job, as it is clear from the preceding narrations.

1322. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: "Whoever asks for a postion as a judge, then he is left on his own. And whoever is forced into it, Allāh sends an angel down to him so that he can be correct." (*Da'i*)

١٣٢٣ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا وَكِيعٌ عَنْ إِسْرَائِيلَ، عَنْ عَبْدِ الْأَعْلَى، عَنْ يَلَالِ بْنِ أَبِي مُوسَى، عَنْ أَنَسِ بْنِ مَالِكٍ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ سَأَلَ الْفُضَّاءَ، وُكِلَ إِلَيْهِ نَفْسِهِ، وَمَنْ أُجِيرَ عَلَيْهِ، يُثْرُلُ اللَّهُ عَلَيْهِ مَلَكًا فَيُسَدِّدُهُ».

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الأحكام، باب ذكر القضاة، ح: ٢٣٠٩ من حديث وكيع به * عبد الأعلى الشعبي ضعيف كما في تسهيل الحاجة، ح: ١٥٥٢.

Comments:

The next narration makes it clear that whoever aspires to become a judge and acquire this post, with some influence or links and recommendations, he loses the guidance from Allāh and becomes the slave of one's base self.

1324. Anas narrated that the Prophet ﷺ said: "Whoever seeks to be a judge, and asks others to intercede for him with it, then he will be left on his own. And whoever is coerced into it, Allāh sends an angel down to him so that he can be correct." (*Da'if*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharib*. It is more correct than the narration of Isrā'il (no. 1323) from 'Abdul-A'lā.

١٣٢٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ : حَدَّثَنَا يَحْيَى بْنُ حَمَادٍ عَنْ أَبِي عَوَانَةَ، عَنْ عَبْدِ الْأَعْلَى التَّعَلَّبِيِّ، عَنْ يَلَالِ بْنِ مِرْدَاسٍ الْفَزَارِيِّ، عَنْ حَيْشَمَةَ - وَهُوَ الْبَصْرِيُّ - عَنْ أَنَسٍ عَنْ النَّبِيِّ ﷺ قَالَ: «مَنْ ابْتَغَى الْقَضَاءَ، وَسَأَلَ فِيهِ شُفَعَاءَ، وُكِلَ إِلَى نَفْسِهِ. وَمَنْ أَكْرَهَ عَلَيْهِ، أَنْزَلَ اللَّهُ عَلَيْهِ مَلَكًا يُسَدِّدُهُ». [قال أبو عيسى:] هذا حديث حسن غريب، وهو أصح من حديث إسرائيل عن عبد الأغلبي.

تخریج: [إسناده ضعیف] انظر الحديث السابق.

1325. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Whoever takes the responsibility of judge, or is appointed as a judge between the people, then he has been slaughtered without a knife." (*Hasan*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharib* from this route. It has also been reported through routes other than this from Abū Hurairah.

١٣٢٥ - حَدَّثَنَا نَصْرُ بْنُ عَلَيِّ الْجَهْضَمِيُّ : حَدَّثَنَا الْفُضَيْلُ بْنُ سُلَيْمَانَ عَنْ عَمْرُو بْنِ أَبِي عَمْرُو، عَنْ سَعِيدِ الْمَقْبِرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ وَلَيَ القَضَاءَ، أَوْ جَعَلَ قَاضِيًّا بَيْنَ النَّاسِ، فَقَدْ ذَبَحَ بَغْرِيرَ سِكِّينٍ». [قال أبو عيسى:] هذا حديث حسن غريب من لهذا الوجه. وقد روی أیضاً من غير هذا الوجه عن أبي هريرة عن النبي ﷺ.

تخریج: [إسناده حسن] وأخرجه أبو داود، القضاة، باب: في طلب القضاء، ح: ٣٥٧١ عن نصر بن علي به وصححه الحاكم: ٩١/٤ ووافقه الذهبي، وله شواهد.

Comments:

This narration makes it clear that accepting the post of judge is to put oneself in big troubles. This post is a continuous and permanent test of one's honesty. So one should not aspire to become a judge. If at all this position is entrusted to one, then he should seek Allāh's help and guidance.

Chapter 2. What Has Been Related About The Judge That Is Correct And The Judge That Is Mistaken

1326. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “When the judge passes a judgement in which he strived and was correct, then he receives two rewards. And when he judges and is mistaken, then he receives one reward.” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Amr bin Al-‘Āṣ, and ‘Uqbah bin ‘Āmir.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Gharīb Hadīth* from this route. We do not know of it as a narration of Sufyān Ath-Thawrī, from Yahyā bin Sa‘eed, except through the narration of ‘Abdur-Razzāq from Ma‘mar, from Sufyān Ath-Thawrī.

(المعجم ٢) - بَابُ مَا جَاءَ فِي الْقَاضِي
يُصِيبُ وَيُخْطِئُ (التحفة ٢)

١٣٢٦ - حَدَّثَنَا الْحُسَينُ بْنُ مَهْدِيٍّ :
حَدَّثَنَا عَبْدُ الرَّزَاقِ : حَدَّثَنَا مَعْمَرُ عَنْ سُفْيَانَ
الْتَّوْرِيِّ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرٍ
ابْنِ مُحَمَّدٍ بْنِ عَمْرُو بْنِ حَزْمٍ، عَنْ أَبِي
سَلْمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ : قَالَ رَسُولُ اللهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : إِذَا حَكَمَ الْحَاكِمُ فَاجْتَهَدَ فَأَصَابَ ،
فَلَهُ أَجْرٌ ، وَإِذَا حَكَمَ فَأَخْطَأَ . فَلَهُ أَجْرٌ
وَأَجْدُونَ .

[قَالَ :] وَفِي الْبَابِ عَنْ عَمْرِو بْنِ الْعَاصِ
وَعَقْبَةَ بْنِ عَامِرٍ .

[قَالَ أَبُو عِيسَى :] حَدِيثُ أَبِي هُرَيْرَةَ
حَدِيثُ حَسَنٍ عَرِبُّ مِنْ هَذَا الْوَجْهِ، لَا
تَعْرِفُهُ مِنْ حَدِيثِ سُفْيَانَ التَّوْرِيِّ، عَنْ يَحْيَى
ابْنِ سَعِيدٍ، إِلَّا مِنْ حَدِيثِ عَبْدِ الرَّزَاقِ عَنْ
مَعْمَرٍ، عَنْ سُفْيَانَ التَّوْرِيِّ .

تَعْرِيفُ [صَحِيحٍ] وَأَخْرِجَهُ النَّسَائِيُّ: ٨، ح: ٥٣٨٣ (آدَابُ الْقَضَاءِ، بَابُ الْإِصَابَةِ فِي
الْحُكْمِ) مِنْ حَدِيثِ عَبْدِ الرَّزَاقِ، وَالْبَخَارِيُّ، ح: ٧٣٥٢ وَمُسْلِمٌ، ح: ١٧١٦ مِنْ حَدِيثِ أَبِي بَكْرٍ بْنِ
مُحَمَّدٍ بْنِ عَمْرُو بْنِ الْعَاصِ [مُسْلِمٌ، ح: ١٧١٦ وَالْبَخَارِيُّ، ح: ٧٣٥٢] وَعَقْبَةَ بْنِ
عَامِرٍ [أَحْمَدٌ: ٤/٢٠٥].

Comments:

This narration proves that a judge or a head of the state who has the qualities and abilities of doing justice, and he tries to know and understand the issue, and its inner intentions and details, and reaches the right decision, then he gets a double reward from Allāh; one for the right decision, and the other for pains taken to reach the right decision. In this process, if in spite of all his sincere efforts, and due to the complications of the issue, he does not reach the right decision he still gets one reward. This reward is for his sincere efforts to reach the truth.

Chapter 3. What Has Been Related About How The Judge Is To Make A Judgement

1327. Some men who were companions of Mu‘ādh narrated from Mu‘ādh that the Messenger of Allāh ﷺ sent Mu‘ādh to Yemen, so he ﷺ said: “How will you judge?” He said: “I will judge according to what is in Allāh’s Book.” He said: “If it is not in Allāh’s Book?” He said: “Then with the Sunnah of the Messenger of Allāh ﷺ.” He said: “If it is not in the Sunnah of the Messenger of Allāh ﷺ?” He said: “I will give in my view.” He said: “All praise is due to Allāh, the One Who made the messenger of the Messenger of Allāh suitable.” (*Da‘if*)

تخریج: [إسناده ضعیف] وأخرجه أبو داود، القضاة، باب اجتہاد الرأی فی القضاة، ح ٣٥٩٢ من حديث شعبة به وضعفه البخاري والدارقطني والعقيلي وغيرهم * الحارث بن عمرو: مجھول (تقریب) ورجال من أصحاب معاذ: مجاهیل، وفيه علة أخرى.

1328. (Another chain of narrators) from some people from the inhabitants of Hims, from Mu‘ādh, from the Prophet ﷺ, with similar. (*Da‘if*)

[Abū ‘Eisā said:] We do not know of this *Hadīth* except from this route. To me, its chain is not connected. Abū ‘Awn Ath-Thaqafī’s name is Muhammad bin ‘Ubaidullāh.

(المعجم ٣) - بابُ مَا جَاءَ فِي الْقَاضِي
كيفَ يَقْضِي (التحفة ٣)

١٣٢٧ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا وَكِبْرُّ عَنْ شُبَّةَ، عَنْ أَبِي عَوْنَ [الثقفيّ]، عَنِ الْحَارِثِ، ابْنِ عَمْرُو، عَنْ رِجَالٍ مِّنْ أَصْحَابِ مُعَاذَ، عَنْ مُعَاذٍ أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ مُعَاذًا إِلَى الْيَمَنَ قَالَ: «كَيْفَ تَقْضِي؟» قَالَ: أَقْضِي بِمَا فِي كِتَابِ اللَّهِ. قَالَ: «فَإِنْ لَمْ يَكُنْ فِي كِتَابِ اللَّهِ؟» قَالَ: فِسْنَةً رَسُولُ اللَّهِ ﷺ. قَالَ: «فَإِنْ لَمْ يَكُنْ فِي سُنْنَةِ رَسُولِ اللَّهِ ﷺ؟» قَالَ: أَجْتَهُدْ رَأِيِّي. قَالَ: «الْحَمْدُ لِلَّهِ الَّذِي وَفَقَ رَسُولُ اللَّهِ ﷺ». .

١٣٢٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَ: حَدَّثَنَا شُبَّةَ عَنْ أَبِي عَوْنَ، عَنِ الْحَارِثِ بْنِ عَمْرُو، ابْنِ أَخِ الْمُغْبِرَةِ بْنِ شُبَّةَ، عَنْ أَنَّاسِ مِنْ أَهْلِ حِمْصَ، عَنْ مُعَاذَ عَنِ النَّبِيِّ ﷺ بِنْ حُورِهِ .
[قال أبو عيسى:] هذا حديث لا تعرفه إلا من هذا الوجه، وأئمَّة إسناده عندي يمتصِّلُ . وأبو عون الثقفي، اسمه محمد بن عبيدة الله .
تخریج: [إسناده ضعیف] انظر الحديث السابق.

Chapter 4. What Has Been Related About The Just *Imām*

1329. Abū Sa‘eed narrated that the Messenger of Allāh ﷺ said: “Indeed, the most beloved of people to Allāh on the Day of Judgement, and the nearest to Him in status is the just *Imām*. And the most hated of people to Allāh and the furthest from Him in status is the oppressive *Imām*.” (*Da‘if*)

[He said:] There is something on this topic from [‘Abdullāh] Ibn Abī Awfā.

[Abū ‘Eisā said:] The *Hadīth* of Abū Sa‘eed is a *Hasan Gharīb Hadīth*, we do not know of it except through this route.

تخریج: [إسناده ضعيف] وأخرجه أحمـد: ٢٢/٣ من حديث فضیل بن مروقـه به وهو ضعیف كما في تسهیل الحاجة، ح: ٧٧٨، وعطاء العوفی ضعیف مدلـس * وفي الباب عن عبد الله بن أبي اوـفی [يأتي: ١٣٣٠].

Comments:

This narration gives good news and glad tidings to just, upright and honest rulers and the people in authority, that on the Day of Judgement they will be among the most beloved and nearest to Allāh.

1330. [‘Abdullāh] Ibn Abī Al-Awfā narrated that the Messenger of Allāh ﷺ said: “[Indeed] Allāh is with the judge as long as he is not unjust. So when he is unjust, He leaves him and he is attended by *Shaiṭān*.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Gharīb*, we do not know of it except as a narration of ‘Imrān Al-Qatṭān.

(المعجم ٤) - بـاب مـا جـاء فـي إـلـمـامـ الـعـادـلـ (الـتحـفـةـ ٤)

١٣٢٩ - حـدـثـناـ مـحـمـدـ بـنـ فـضـيـلـ عـنـ فـضـيـلـ بـنـ مـرـزـوقـ، عـنـ عـطـيـةـ، عـنـ أـبـيـ سـعـيـدـ، قـالـ: قـالـ رـسـوـلـ اللـهـ عـلـيـهـ السـلـامـ: إـنـ أـحـبـ النـاسـ إـلـىـ اللـهـ يـوـمـ الـقـيـامـةـ، وـأـدـنـاهـمـ مـنـهـ مـجـلسـاـ، إـمـامـ عـادـلـ؛ وـأـبـعـصـ النـاسـ إـلـىـ اللـهـ، وـأـبـعـدـهـمـ مـنـهـ مـجـلسـاـ إـمـامـ جـائـرـ».

[قال:] وفي الباب عن [عبد الله] بن أبي اوـفـي .

[قال أبو عيسى:] حـدـثـ أـبـيـ سـعـيـدـ حـدـيثـ حـسـنـ عـرـيـبـ لـاـ تـعـرـفـ إـلـاـ مـنـ هـذـاـ الـوـجـهـ .

تخریج: [إسناده ضعیف] وأخرجه أحمـد: ٢٢/٣

كما في تسهیل الحاجة، ح: ٧٧٨، وعطاء العوفی ضعیف مدلـس * وفي الباب عن عبد الله بن أبي اوـفـی [يأتي: ١٣٣٠].

١٣٣٠ - حـدـثـناـ عـبـدـ الـقـدـوسـ بـنـ مـحـمـدـ أـبـوـ بـكـرـ الـعـطـارـ: حـدـثـناـ عـمـرـوـ بـنـ عـاصـمـ حـدـثـناـ عـمـرـانـ الـقـطـانـ عـنـ أـبـيـ إـسـحـاقـ الشـيـيـانـيـ، عـنـ [عـبـدـالـلـهـ] بـنـ أـبـيـ أـوـفـيـ، قـالـ: قـالـ رـسـوـلـ اللـهـ عـلـيـهـ السـلـامـ: إـنـ اللـهـ مـعـ الـقـاضـيـ مـاـ لـمـ يـجـرـ. فـإـذـاـ جـارـ تـخـلـيـ عـنـهـ وـلـزـمـهـ الـشـيـيـانـ.

[قال أبو عيسى:] هـذـاـ حـدـيثـ [حسـنـ عـرـيـبـ لـاـ تـعـرـفـ إـلـاـ مـنـ حـدـيثـ عـمـرـانـ الـقـطـانـ .

تخریج: [حسن] وصححه ابن حبان، ح: ١٥٤٠ والحاکم: ٩٣ ووافقه الذهبی ورواه ابن ماجه، ح: ٢٣١٢ من حديث عمران القطان به بالاختلاف في السند وسنده حسن.

Comments:

Allāh is with a head of state and a judge as long as he is not unjust, and he uses his authority only for truth, justice and the welfare of the society. Allāh's help and guidance remains with him as long as he follows the right path of justice and honesty, but when he deviates from this path, Satan overcomes him and leads him to injustice and oppression.

Chapter 5. What Has Been Related About the Judge Not Judging Between Two Disputants Until He Has Heard Both Of Them

1331. ‘Alī narrated: “The Messenger of Allāh ﷺ said to me: ‘When two men come to you seeking judgement, do not judge for the first until you have heard the statement of the other. Soon you will know how to judge.’” (*Da’if*)

‘Alī said: “I did not err since then.”

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*.

تخریج: [إسناده ضعيف] وأخرجه أحمـد: ٩٠ عن حسـن الجـفـي، وأبـو داود، ح: ٣٨٢ من حديث سماـك بـه وصـحـحـه الـحاـکـم: ٩٣ وـالـذـهـبـی * حـشـنـ بـنـ الـمـعـتـمـرـ ضـعـفـهـ الـجـمـهـورـ وـلـحـدـیـثـ شـواـهـدـ مـعـنـوـیـةـ .

Chapter 6. What Has Been Related About The *Imām* Who Looks After People

1332. Abul-Hasan narrated that ‘Amr bin Murrah said to Mu‘āwiyah: “I heard the Messenger of Allāh ﷺ saying: ‘No *Imām* closes his door on one in need, dire straits and poverty, except that Allāh closes the gates of the

(المعجم ٥) - بـاـبـ مـاـ جـاءـ فـيـ الـقـاضـيـ
لـاـ يـقـضـيـ بـيـنـ الـخـصـمـيـنـ حـتـىـ يـسـمـعـ
كـلـمـهـمـاـ (التـحـفـةـ ٥)

١٣٣١ - حـدـثـنـاـ هـنـاـدـ: حـدـثـنـاـ حـسـنـ بـنـ
عـلـيـ الـجـعـفـيـ عـنـ زـائـدـةـ، عـنـ سـمـاـكـ بـنـ
حـرـبـ، عـنـ حـشـنـ، عـنـ عـلـيـ، قـالـ: قـالـ لـيـ
رـسـوـلـ اللـهـ ﷺ: إـذـاـ تـقـاضـيـ إـلـيـكـ رـجـلـانـ،
فـلـاـ تـقـضـيـ لـلـأـوـلـ حـتـىـ تـسـمـعـ كـلـامـ الـآخـرـ،
فـسـوـفـ تـدـرـيـ كـيـفـ تـقـضـيـ".

قـالـ عـلـيـ: فـمـاـ زـلـتـ مـاضـيـاـ بـعـدـ.
[قالَ أَبُو جَيْسَىٰ : هَذَا حَدِيثُ حَسَنٍ .]

تخریج: [إسناده ضعيف] وأخرجه أحمـد: ٩٠ عن حسـنـ الجـفـيـ، وأبـو داود، ح: ٣٨٢ من حديث سماـك بـه وصـحـحـه الـحاـکـم: ٩٣ وـالـذـهـبـی * حـشـنـ بـنـ الـمـعـتـمـرـ ضـعـفـهـ الـجـمـهـورـ وـلـحـدـیـثـ شـواـهـدـ مـعـنـوـیـةـ .

(المعجم ٦) - بـاـبـ مـاـ جـاءـ فـيـ إـمـامـ
الـرـاعـيـةـ (التـحـفـةـ ٦)

١٣٣٢ - حـدـثـنـاـ أـحـمـدـ بـنـ مـنـيـعـ: حـدـثـنـاـ
إـسـمـاـعـيـلـ بـنـ إـبـرـاهـيـمـ: حـدـثـنـيـ عـلـيـ بـنـ
الـحـكـمـ: حـدـثـنـيـ أـبـوـ الـحـسـنـ قـالـ: قـالـ عـمـرـوـ
بـنـ مـرـءـةـ لـمـعـاوـيـةـ: إـنـيـ سـمـعـتـ رـسـوـلـ اللـهـ ﷺ
يـقـولـ: مـاـ مـنـ إـمـامـ يـعـلـقـ بـابـهـ دـوـيـ

Heavens from his dire straits, his needs, and his poverty.' So Mu'āwiyah appointed a man to look after the needs of the people." (*Hasan*)

[He said:] There is something on this topic from Ibn 'Umar.

[*Abū 'Eisā* said:] The *Hadīth* of 'Amr bin Murrah is a *Gharīb Hadīth*. This *Hadīth* has been reported from routes other than this one. 'Amr bin Murrah Al-Juhni's *Kunya* is *Abū Maryam*.

تخریج: [حسن] وأخرجه أحمد: ٢٣١ / ٤ من حديث علي بن الحكم به وصححه الحاکم: ٤ / ٩٤ ووافقه الذهبي وللحديث شواهد عند أبي داود، ح: ٢٩٤٨ / ٥ وأحمد: ٢٩٤٨ / ٥ وغيرهما، انظر الحديث الآتي.

1333. (Another chain) from *Abū Maryam* the Companion of the Prophet ﷺ, from the Prophet ﷺ. (*Hasan*)

And it is similar to this *Hadīth* in meaning [Yazīd bin Abī Maryam (one of the narrators) is from *Ash-Shām*, and Buraid bin Abī Maryam is from Al-Kūfah, and *Abū Maryam* is 'Amr bin Murrah Al-Juhni].

تخریج: [إسناده حسن] وأخرجه أبو داود، الخراج، باب: فيما يلزم الإمام من أمر الرعية والحجۃ عنهم، ح: ٢٩٤٨ / ٢٢ والطبراني: ٣٣١ / ٢٢، ح: ٨٣٢ من حديث يحيى بن حمزة به وصححه الحاکم: ٩٤ / ٩٣، وأبي مريم شامي، وللحديث شواهد.

Comments:

The Four Guided Caliphs of the Prophet ﷺ, modeling after him, never stopped the general public from visiting and approaching them. Sometimes people came to see them at odd hours but they never hesitated to listen to them and solve their problems. When the Kharijites started terrorist attacks, and 'Alī was martyred by them, and Mu'āwiyah was also attacked, he stopped this practice of admitting the people for his safety. 'Amr bin Murrah came to know this news, so he approached him and narrated to him the words of the Prophet ﷺ. Mu'āwiyah, on hearing these words, appointed a person to listen to their complaints and inform him, and decided the problems of the people accordingly.

الْحَاجَةُ وَالخَلَّةُ وَالْمَسْكَنَةُ، إِلَّا أَغْلَقَ اللَّهُ أَبْوَابَ السَّمَاءِ دُونَ خَلْيَةٍ وَحَاجَتِهِ وَمَسْكَنَتِهِ». فَجَعَلَ مُعَاوِيَةً رَجُلًا عَلَى حَوَائِجِ النَّاسِ. [قال:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ.

[قال:] أَبُو عِيسَى: [حدیث عمرو بن مرمي] حدیث غریب وقد روی هذا الحديث من غير هذا الوجه. وعمرو بن مرمي الجھنمي يکنى أنا مرمي .

١٣٣٣ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا يَحْيَى بْنُ حَمْرَةَ عَنْ يَرِيدَ بْنِ أَبِي مَرْيَمَ، عَنِ الْقَارِبِ بْنِ مُحَمَّرَةَ، عَنْ أَبِي مَرْيَمَ صَاحِبِ التَّبَّىِ عَنِ الْبَيِّنِ بْنِ الْمُلِكِ: تَعْوَذُ هَذَا الْحَدِيثُ بِمَعْنَاهُ [وَتَرِيدُ بْنُ أَبِي مَرْيَمَ شَامِيُّ، وَبُرِيدُ بْنُ أَبِي مَرْيَمَ كُوفِيُّ، وَأَبُو مَرْيَمَ هُوَ عَمْرُو بْنُ مَرْمِيَّةَ الْجَهَنْمِيَّ].

Chapter 7. What Has Been Related About ‘The Judge Is Not To Pass A Judgement While He Is Angry’

1334. ‘Abdur-Rahmān bin Abī Bakrah narrated: “My father wrote to ‘Ubaidullāh bin Abī Bakrah who was a judge: “Do not pass a judgement between two people while you are angry, for indeed I heard the Messenger of Allāh ﷺ saying: ‘The judge should not judge between two people while he is angry.’” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*, and Abū Bakrah’s name is Nufai‘.

تَعْرِيْج: متفق عليه، أخرجه مسلم، الأقضية، باب كراهة قضاء القاضي وهو غضبان.
ح: ١٧١٧ عن قتيبة والبخاري، ح: ٧١٥٨ من حديث عبد الملك بن عمير به.

Comments:

This narration is the best guidance for the judges. They should not sit on the seat of justice when they are in a state of anger. It is not possible for a person to think rationally and reach the right decision in rage and anger, so the judge should not resume his seat of justice until he is calm and rational.

Chapter 8. What Has Been Related About Gifts Taken By Governors

1335. Mu‘ādh bin Jabal narrated: “The Messenger of Allāh ﷺ dispatched me to Yemen. When I had left, he sent a message after me, so I returned and he said: ‘Do you know why I sent a message to you? Do not take anything without my permission, for that will be *Ghulūl*,^[1] and whoever commits

(المعجم ٧) - بَابُ مَا جَاءَ لَا يَقْضِي
الْقَاضِي وَهُوَ غَضِبًاً (التحفة ٧)

١٣٣٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَنِ ابْنِ أَبِي بَكْرَةَ قَالَ: كَتَبَ أَبِي إِلَى عَبْدِ اللَّهِ ابْنِ أَبِي بَكْرَةَ وَهُوَ قَاضٍ، أَنْ لَا تَحْكُمَ بَيْنَ اثْتَيْنِ وَأَنْتَ غَضِبًاً. فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا يَحْكُمُ الْحَاكِمُ بَيْنَ اثْتَيْنِ وَهُوَ غَضِبًاً».

قَالَ أَبُو عَيْبَنَ: [هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ، وَأَبُو بَكْرَةَ، اسْمُهُ قُتَيْبَةُ.]

١٧١٧: عن قتيبة والبخاري، ح: ٧١٥٨ من حديث عبد الملك بن عمير به.

(المعجم ٨) - بَابُ مَا جَاءَ فِي هَذَا
الْأَمْرَاءِ (التحفة ٨)

١٣٣٥ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو أَسَامَةَ عَنْ دَاؤِدَ بْنِ يَزِيدَ الْأَؤُودِيِّ، عَنْ الْمُخِيرَةِ بْنِ شُبَيْلٍ، عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ، عَنْ مُعاَدِ بْنِ جَبَلَ قَالَ: بَعَثَنِي رَسُولُ اللَّهِ ﷺ إِلَى الْيَمَنِ، فَلَمَّا سِرْتُ، أَرْسَلَ فِي أَثْرِيِّ، فَرِدَدْتُ فَقَالَ: «أَتَنْدِرِي لِمَ بَعَثْتُ إِلَيْكَ؟ لَا

[١] See *Hadīth* no. 1.

Ghulūl, he comes with what he took on the Day of Judgement. This is why I called you, so now go and do your job.”” (*Daīf*)

[He said:] There are narrations on this topic from ‘Adī bin ‘Umair, Buraidah, Al-Mustawrid bin Shaddād, Abū Ḥumaid, and Ibn ‘Umar.

[Abū ‘Eisā said:] The *Hadīth* of Mu‘ādh is a *Hasan Gharib Hadīth*, we do not know of it except from this route, as a narration of Abū Umāmah from Dāwūd Al-Awdī.

* تخریج: [إسناده ضعیف] وأخرجه الطبراني: ٢٠/١٢٨، ح: ٢٥٩ من حديث أبي كريب به داود الأودي ضعیف (تقریب) * وفي الباب عن عدی بن عمرة [مسلم، ح: ١٨٣٣] وبریدة [أبو داود، ح: ٢٩٤٣] والمستورد بن شداد [أبو داود، ح: ٢٩٤٥] وأبي حمید [البخاري، ح: ٧١٧٤] وأحمد: ٥/٤٢٤] وابن عمر [الحاکم: ١/٣٩٩].

Comments:

When a person gets a post and position of authority in some government department, usually people from the general public go to visit him and offer congratulations, and present gifts as a token of good will. These gifts are not presented to him but to his authoritative post. So accepting such gifts is unlawful. These gifts, according to this narration, come under the category of bribery and misuse of authority.

Chapter 9. What Has Been Related About The One Who Gives A Bribe And The One Who Takes A Bribe For Judgement

1336. Abū Hurairah narrated: “The Messenger of Allāh ﷺ cursed the one who bribes and the one who takes a bribe for a judgement.” (*Hasan*)

[He said:] There are narrations on this topic from ‘Abdullāh bin ‘Amr, ‘Āishah, Ibn Hadidah, and Umm Salamah.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan* [*Sahīh*]

تُصِّيَّنْ شَيْئًا بِغَيْرِ إِذْنِي فَإِنَّهُ غُلُولٌ، وَمَنْ يَغْلُلْ
يُؤْتَ بِمَا غَلَّ يَوْمَ الْقِيَامَةِ. لِهَذَا دَعْوَتُكَ،
فَامْضِ لِعَمَلِكَ».

[قال:] وفي الباب عن عدی بن عبیرة
وَبَرِّيَّدَةَ وَالْمُسْتَوْرِدَ بْنَ شَدَّادَ وَأَبِي حُمَيْدَ وَابْنِ
عُمَرَ.

[قال أبو عيسى:] حديث معاذ، حديث
حسن غريب لا نعرفه إلا من هذا التوجّه من
حديث أبيأسامة عن داود الأودي.

تخریج: [إسناده ضعیف] وأخرجه الطبراني: ٢٠/١٢٨، ح: ٢٥٩ من حديث أبي كريب به داود الأودي ضعیف (تقریب) * وفي الباب عن عدی بن عمرة [مسلم، ح: ١٨٣٣] وبریدة [أبو داود، ح: ٢٩٤٣] والمستورد بن شداد [أبو داود، ح: ٢٩٤٥] وأبي حمید [البخاري، ح: ٧١٧٤] وأحمد: ٥/٤٢٤] وابن عمر [الحاکم: ١/٣٩٩].

(المعجم ٩) - بَابُ مَا جَاءَ فِي الرَّاشِي وَالْمُرْتَشِي فِي الْحُكْمِ (التحفة ٩)

١٣٣٦ - حَدَّثَنَا قُتْيَيْهُ: حَدَّثَنَا أَبُو عَوَانَةَ
عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ، عَنْ أَبِيهِ، عَنْ أَبِي
هُرَيْرَةَ قَالَ: لَعْنَ رَسُولِ اللَّهِ الْمَكْرُومِ الرَّاشِي
وَالْمُرْتَشِي فِي الْحُكْمِ.

[قال:] وفي الباب عن عبد الله بن
عمر، وعائشة، وابن حديدة وأم سلمة.

[قال أبو عيسى:] حديث أبي هريرة

Hadīth. This *Hadīth* was reported from Abū Salamah bin ‘Abdur-Rahmān, from ‘Abdullāh bin ‘Amr [from the Prophet ﷺ].

It has also been reported from Abū Salamah from the Prophet ﷺ but that is not authentic. He said: I heard ‘Abdullāh bin ‘Abdur-Rahmān saying: “The *Hadīth* of Abū Salamah from ‘Abdullāh bin ‘Amr, from the Prophet ﷺ is the best thing on this topic and the most correct.”

تخریج: [إسناده حسن] وأخرجه أحمد: ٣٨٧، ٣٨٨ من حديث أبي عوانة به وصححه ابن حبان، ح: ١١٩٦ والحاکم: ٤/١٠٣ وللحديث شواهد كثيرة عند أبي داود وغيره، انظر الحديث الآتي * وفي الباب عن عبدالله بن عمرو [يأتي: ١٣٣٧] وعائشة [أبو علي: ٧٤/٨]، ح: ٤٦٠١ وص: ٣٦٠، ح: ٤٩٤٧] وابن حديدة [لم أجده] وأم سلمة [الطبراني: ٣٩٨/٢٣، ح: ٩٥١].

1337. ‘Abdullāh bin ‘Amr narrated: “The Messenger of Allāh ﷺ cursed the one who bribes and the one who takes a bribe.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

حدیث حسن [صحيح] وقد روی هذا الحدیث عن أبي سلامة بن عبد الرحمن، عن عبد الله بن عمرو [عن النبي ﷺ].
وروى عن أبي سلامة، عن أبيه عن النبي ﷺ، ولا يصح. قال: وسمعت عبد الله بن عبد الرحمن يقول: حدیث أبي سلامة عن عبد الله بن عمرو عن النبي ﷺ، أحسن شيء في هذا الباب وأصح.

تخریج: [إسناده حسن] وأخرجه أحمد: ٢/٣٨٧، ٣٨٨ من حديث أبي عوانة به وصححه ابن حبان، ح: ١١٩٦ والحاکم: ٤/١٠٣ وللحديث شواهد كثيرة عند أبي داود وغيره، انظر الحديث الآتي * وفي الباب عن عبدالله بن عمرو [يأتي: ١٣٣٧] وعائشة [أبو علي: ٧٤/٨]، ح: ٤٦٠١ وص: ٣٦٠، ح: ٤٩٤٧] وابن حديدة [لم أجده] وأم سلمة [الطبراني: ٣٩٨/٢٣، ح: ٩٥١].

١٣٣٧ - حَدَّثَنَا أَبُو مُوسَىٰ مُحَمَّدُ بْنُ الْمُتَّشِّنِ: حَدَّثَنَا أَبُو عَامِرٍ الْعَقَدِيُّ: حَدَّثَنَا أَبْنُ أَبِي ذِئْبٍ عَنْ [خَالِهِ] الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي سَلَمَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو، قَالَ: لَعَنَ رَسُولِ اللَّهِ الرَّاشِيِّيِّ وَالْمُرْتَشِيِّ.
[قال أبو عيسى:] هذا حديث حسن
صحيح.

تخریج: [إسناده حسن] وأخرجه أبو داود، القضاة، باب: في كراهة الرشوة، ح: ٣٥٨٠، وابن ماجه، ح: ٢٢١٣ من حديث محمد بن عبد الرحمن بن أبي ذئب به وصححه ابن الجارود، ح: ٥٨٦ والحاکم: ٤/١٠٢، ١٠٣ وافقه الذهبي.

Comments:

‘Ar-Rāshī’ and ‘Al-Murtashī’ both the words are derived from root ‘Rāshā’ which means the cord or rope by means of which water is drawn from the well. ‘Rā’ish’ is that person who becomes a link or go-between among those who take and give a bribe for making wrong and dishonest decisions.

Chapter 10. What Has Been Related About Accepting The Gift And Accepting The Invitation

1338. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: "If trotter (lacking meat) were given to me I would accept, and if I was invited to (a meal of) it I would accept." (*Sahīh*)

[He said:] There are narrations on this topic from 'Alī, Āishah, Al-Mughirah bin Shu'bah, Salmān, Mu'āwiyah bin Haidah, and 'Abdur-Rahmān bin 'Alqamah.

[*Abū 'Eisā* said:] The *Hadīth* of Anas is a *Hasan Sahīh Hadīth*.

(المعجم ١٠) - بَابُ مَا جَاءَ فِي قَبْوِ الْهَدِيَّةِ وَإِجَابَةِ الدَّعْوَةِ (التحفة ١٠)

١٣٣٨ - حَدَّثَنَا [أَبُو بَكْرٍ] مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ بَرِّيْعٍ: حَدَّثَنَا يَشْرُبُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنْ أَسَّسِ بْنِ مَالِكٍ، قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ أُهْدِيَ إِلَيَّ كُرَاعٌ لَقَبِيلَتُ، وَلَوْ دُعِيتُ عَلَيْهِ لَأَجْبَثُ». .

[قَالَ:] وَفِي الْبَابِ عَنْ عَلَيٍّ وَعَائِشَةَ وَالْمُغَيْرَةَ بْنِ شَعْبَةَ وَسَلْمَانَ وَمُعَاوِيَةَ بْنِ حَيْدَةَ وَعَبْدِ الرَّحْمَنِ بْنِ عَلْقَمَةَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَسَّسِ حَدِيثَ حَسَنٍ صَحِيحٍ.

تخریج: [صحیح] وأخرجه ابن حبان (موارد): ١٠٦٥ من حديث سعيد بن أبي عروبة به وللحديث شواهد عند البخاري، ح: ٢٥٦٨، ٢٥٧٨، ٥١٧٨ و غيره * وفي الباب عن علي [أبو داود، ح: ٤٣٧/٥] وعائشة [البخاري، ح: ٢٥٧٤] والمغيرة بن شعبة [لم أجده] وسلمان [أحمد: ٤٣٧/٤٣٨٩] ومعاوية بن حيدة [تقدم: ٦٥٦] وعبد الرحمن بن علقمة [النسائي، ح: ٣٧٨٩].

Comments:

A gift or present is that thing which is given to someone as a token of love. Mutual love and relations develop by exchange of gifts. For the development of understanding, good relations, and love, various ways and means have been suggested in Islam. Inviting friends, relatives and people to visit you and entertaining them with food etc., is also one way to develop good relations.

Chapter 11.What Has Been Related About The Severe Threat For One Who Is Awarded A Judgement For Something That Is Not His To Take

1339. Umm Salamah narrated that the Messenger of Allāh ﷺ said: "Indeed you come to me with your disputes, and I am only a human being; perhaps one of you is more

(المعجم ١١) - بَابُ مَا جَاءَ فِي الشَّدِيدِ عَلَى مَنْ يُقْضَى لَهُ شَيْءٌ لَيْسَ لَهُ أَنْ يَأْخُذُهُ (التحفة ١١)

١٣٣٩ - حَدَّثَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمَدَانِيُّ: حَدَّثَنَا عَبْدُهُ بْنُ شَلَيْمَانَ عَنْ هَشَامِ ابْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ زَيْنَبَ بْنِتِ أَبِيهِ

eloquent at presenting his argument than the other. If I judge for one of you, giving him something from the rights of his brother, then it is only a piece of the Fire that I am giving him, so do not take anything from it.” (*Sahīh*)

[He said:] There are narrations on this topic from Abū Hurairah and ‘Aishah.

[Abū ‘Eisā said:] The *Hadīth* of Umm Salamah is a *Hasan Sahīh Hadīth*.

تخریج: متفق عليه، وأخرجه البخاري، الشهادات، باب من أقام البينة بعد اليمين، ح: ٢٦٨٠ ومسلم، ح: ١٧١٣ من حديث هشام بن عروة به * وفي الباب عن أبي هريرة [ابن ماجه، ح: ٢٢١٨] وعائشة [لعله يشير إلى حديث البخاري، ح: ٢٠٥٣، ٧١٨٢ ومسلم، ح: ١٤٥٧].

Comments:

The Prophet ﷺ said; I am only a human being and know nothing about those events of the future, and things which are not yet present, without Allāh’s help and guidance. I judge the case presented before me like an ordinary judge on the basis of arguments presented. Maybe one of you is more eloquent and better in presenting the arguments than the other. Under the impression of his eloquence and better presentation of argument, I may give the verdict in his favor, which is actually not his right, and should have not been given in his favor. Such verdicts of mine will not make the things lawful for him in whose favor it has been given.

Chapter 12. What Has Been Related About ‘The Proof Is Required From The Claimant And The Oath Is Required From The One The Claim Is Against’

1340. ‘Alqamah bin Wā'il [bin Hujr] narrated from his father who said: “A man from Hadramawt and a man from Kindah came to the Prophet ﷺ. The Hadrami said: ‘O Messenger of Allāh! This person

سَلَمَةً، عَنْ أُمّ سَلَمَةَ، قَالَتْ: قَالَ رَسُولُ اللهِ ﷺ: إِنَّكُمْ تَخْصُمُونَ إِلَيَّ، وَإِنَّمَا أَنَا بَشَرٌ، وَلَعَلَّ بَعْضُكُمْ أَنْ يَكُونَ الْحَرَثُ بِحُجَّتِهِ مِنْ بَعْضٍ، فَإِنْ قَضَيْتُ لَأَحَدٍ مِنْكُمْ بِشَيْءٍ مِنْ حَقِّ أَخِيهِ، فَإِنَّمَا أَقْطَعُ لَهُ [قطعة] مِنَ النَّارِ، فَلَا يَأْخُذُ مِنْهُ شَيْئًا.

[قال:] وفي الباب عن أبي هريرة وعائشة .
[قال أبو عيسى:] حديث أُم سَلَمَةَ، حديث حَسَنٌ صحيح.

(المعجم ١٢) - بَابُ مَا جَاءَ فِي أَنَّ الْبَيْنَةَ عَلَى الْمُدْعِيِّ وَالْيَمِينَ عَلَى الْمُدْعَى عَلَيْهِ (التحفة ١٢)
١٣٤٠ - حَدَّثَنَا قَتَنْيَةُ: حَدَّثَنَا أَبُو الأَحْوَصِ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ عَلْقَمَةَ ابْنِ وَائِلٍ [بْنِ حُجْرَةِ]، عَنْ أَبِيهِ، قَالَ: جَاءَ رَجُلٌ مِنْ حَضَرَمَوْتَ وَرَجُلٌ مِنْ كِنْدَةِ إِلَى

took some land of mine.' The Kindī said: 'It is my land, It is in my possession, and he has no right to it.' So the Prophet ﷺ said to the Ḥadramī: 'Do you have proof?' He said: 'No.' He said: 'Then you will have the oath.' He said: 'O Messenger of Allāh! This man is a liar, it makes not difference what he takes an oath for, he is not ashamed of doing anything!' He said: 'There is nothing you deserve from him except that.' He said: So the man was left to take an oath for it, and in the meantime, the Messenger of Allāh ﷺ said: 'If he takes an oath [for your property] to wrongfully consume it, He will meet Allāh while He is angry with him.' (Sahih)

[He said:] There are narrations on this topic from 'Umar, Ibn 'Abbâs, 'Abdullâh bin 'Amr, and Al-Asha'âth bin Qais.

[Abū ‘Eisā said:] The *Hadīth* of Wā'il bin Hujr is a *Hasan Sahīh Hadīth*.

النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ . فَقَالَ الْحَضْرَمَيُّ : يَا رَسُولَ اللَّهِ ! إِنَّ هَذَا غَبَنَنِي عَلَى أَرْضِي لِي . فَقَالَ الْكَنْدِيُّ : هَيَّ أَرْضِي وَفِي يَدِي لَيْسَ لَهُ فِيهَا حَقٌّ . فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِلْحَضْرَمَيِّ : أَلَكَ بَيْتَهُ ؟ قَالَ : لَا ، قَالَ : « فَلَكَ يَمِينَةُهُ » قَالَ : يَا رَسُولَ اللَّهِ ! إِنَّ الرَّجُلَ فَاجِرٌ لَا يُبَالِي عَلَى مَا حَلَفَ عَلَيْهِ ، وَلَيْسَ يَتَوَرَّعُ مِنْ شَيْءٍ . قَالَ : لَيْسَ لَكَ مِنْهُ إِلَّا ذَلِكَ » .

قَالَ : فَانْطَلَقَ الرَّجُلُ لِيَحْلِفَ لَهُ . فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِمَا أَدْبَرَ : « لَيْسَ حَلَفَ عَلَى [مَالِكَ] لِيَأْكُلَهُ ظُلْمًا ، لِيَقْنَيَ اللَّهُ وَهُوَ عَنْهُ مُعْرَضٌ » .

[قال:] وفي الباب عن عمر وابن عباس
وأعبد الله بن عمرو والأسعث بن قيس .

[قَالَ أَبُو عِيسَى :] حَدِيثُ وَائِلٍ بْنِ حُجْرٍ.

حدیث حسن صحیح

تخریج: وأخرجه مسلم، الإيمان، باب وعيد من اقطع حق مسلم يمين فاجرة بالنار، ح: ١٣٩ عن قتيبة به * وفي الباب عن عمر [الدارقطني: ٤٢١/٤، ح: ٤٤٦٤ وسنده ضعيف جداً] وابن عباس [يأتي: ١٣٤٢] وعبد الله بن عمرو [يأتي: ١٣٤١] والأشعث بن قيس [تقدم: ١٢٦٩ . ويأتي: ٢٩٩٦ ، مختصر].

Comments:

If someone files a lawsuit against another person in the court, even though the plaintiff may be a trustworthy, pious and honourable in the society, the judge cannot give his judgement in his favor on the presumption of his piety and trustworthiness. Islamic Law requires that every claimant should bring witnesses in his favor. If the claimant is unable to produce witnesses before the judge, he can ask the respondent to swear an oath and if the respondent takes an oath, then the case will be decided according to his oath.

1341. ‘Amr bin Shu‘aib narrated from his father, from his grandfather, that during a *Khutbah*, the Prophet ﷺ said: “The proof is due from the claimant, and the oath is due from the one the claim is made against.” (*Sahīh*)

There is some criticism in the chain of this *Hadīth*, Muḥammad bin ‘Ubaidullāh Al-‘Arzamī was graded weak in *Hadīth* due to his memory – he was considered weak by Ibn Al-Mubārak and others.

تَخْرِيج: [صَحِيحٌ] مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْعَرْزَمِيُّ، تَابِعُهُ أَبْنُ حَرْبٍ فِي رِوَايَةِ الزَّنْجِيِّ عَنْ أَبِيهِ، ح: ١٧١١ وَالْبَيْهَقِيُّ: ٢٥٢/١٠ وَالْبَيْهَقِيُّ: ١٢٣/٨ وَلِلْحَدِيثِ شَوَاهِدُ كَثِيرَةٌ عَنْ مُسْلِمٍ، ح: ٢٥١٤ وَغَيْرُهُمَا.

1342. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ judged that the oath is due from the one the claim is made against. (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others: The proof is due from the claimant, and the oath is due from the one the claim is made against.

تَخْرِيج: مُتفَقٌ عَلَيْهِ، وَأَخْرَجَهُ الْبَخَارِيُّ، الرَّهَنُ فِي الْحَضْرِ، بَابٌ: إِذَا اخْتَلَفَ الرَاہِنُوْنَ وَالْمَرْتَهِنُوْنَ فَالْبَيْنَةُ عَلَى الْمَدْعِيِّ وَالْبَيْنَ عَلَى الْمَدْعُوِّ، ح: ٢٥١٤ وَمُسْلِمٍ، ح: ١٧١١ مِنْ حَدِيثِ نَافِعٍ بْنِ عَمْرٍ بْنِ عَبْدِ اللَّهِ قَصَّى أَنَّ الْبَيْنَ عَلَى الْمَدْعِيِّ عَلَيْهِ.

١٣٤١ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرٍ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ وَغَيْرُهُ عَنْ مُحَمَّدٍ بْنِ عَبْيَدِ اللَّهِ، عَنْ عَمْرٍو بْنِ شَعْبَيْنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ قَالَ فِي خُطْبَتِهِ: «الْبَيْنَ عَلَى الْمَدْعِيِّ، وَالْبَيْنَ عَلَى الْمَدْعُوِّ عَلَيْهِ». هَذَا حَدِيثٌ فِي إِسْنَادِهِ مَقَالٌ وَمُحَمَّدٌ بْنُ عَبْيَدِ اللَّهِ الْعَرْزَمِيُّ يُصَعِّفُ فِي الْحَدِيثِ مِنْ قِبَلِ حَفْظِهِ، ضَعَفَهُ أَبْنُ الْمُبَارَكِ وَغَيْرُهُ.

١٣٤٢ - حَدَّثَنَا مُحَمَّدٌ بْنُ سَهْلٍ بْنُ عَسْكَرَ الْبَغْدَادِيِّ: حَدَّثَنَا مُحَمَّدٌ بْنُ يُوسُفَ: حَدَّثَنَا نَافِعٌ بْنُ عَمْرَ الْجَمْحُوْيِّ عَنْ عَبْدِ اللَّهِ أَبْنِ أَبِي مُلَيْكَةَ، عَنْ أَبْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَصَّى أَنَّ الْبَيْنَ عَلَى الْمَدْعِيِّ عَلَيْهِ. [قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنَّ الْبَيْنَ عَلَى الْمَدْعِيِّ وَالْبَيْنَ عَلَى الْمَدْعُوِّ عَلَيْهِ.

Comments:

If someone lodges a lawsuit in the court, he has to produce witnesses in his favor, and the respondent needs not produce any witness against the claimant, swearing an oath will be enough for him.

Chapter 13. What Has Been Related About The Oath Along With A Witness

1343. Abū Hurairah narrated: “The Messenger of Allāh ﷺ passed judgement based on an oath along with one witness.” Rabi‘ah (one of the narrators) said: “A son of Ibn Sa‘d bin ‘Ubādah informed me saying: ‘We found in a book of Sa‘d that the Prophet ﷺ passed judgement based on an oath along with a witness.’” (*Sahīh*)

He said: There are narrations on this topic from ‘Alī, Jābir, Ibn ‘Abbās, and Surraq.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah, that the Prophet ﷺ passed judgement based on an oath along with a witness, is a *Hasan Gharīb Hadīth*.

(المعجم ١٣) - بَابُ مَا جَاءَ فِي الْيَمِينِ
مَعَ الشَّاهِدِ (التحفة ١٣)

١٣٤٣ - حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ الدُّورَقِيُّ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنِي رَبِيعَةُ بْنُ أَبِي عَبْدِ الرَّحْمَنِ عَنْ سُهَيْلِ ابْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَضَى رَسُولُ اللَّهِ ﷺ بِالْيَمِينِ مَعَ الشَّاهِدِ الْوَاحِدِ قَالَ رَبِيعَةُ: وَأَخْبَرَنِي ابْنُ لِسَعْدٍ بْنِ عَبَادَةَ قَالَ: وَجَدْنَا فِي كِتَابِ سَعْدٍ أَنَّ النَّبِيَّ ﷺ قَضَى بِالْيَمِينِ مَعَ الشَّاهِدِ قَالَ: وَفِي الْبَابِ عَنْ عَلَيِّ وَجَابِرٍ وَابْنِ عَبَاسٍ وَسُرْقَةَ.
[قال أبو عيسى:] حديث أبي هريرة أنَّ النبي ﷺ قضى باليمن مع الشاهد، حديث حسن غريب.

تخریج: [إسناده صحيح] وأخرجه ابن ماجه، الأحكام، باب القضاء بالشاهد واليمين، ح: ٢٣٦٨ عن يعقوب بن إبراهيم به وصححه ابن الجارود، ح: ١٠٠٧ * وفي الباب عن علي [يأتي: ١٣٤٥] وجابر [يأتي: ١٣٤٤] وابن عباس [مسلم، ح: ١٧١٢] وسرق [ابن ماجه، ح: ٢٣٧١].

1344. Jābir narrated: “The Prophet ﷺ passed judgement based on an oath along with a witness.” (*Sahīh*)

١٣٤٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ وَمُحَمَّدُ ابْنُ أَبَانَ قَالَا: حَدَّثَنَا عَبْدُ الْوَهَابِ الثَّقَفِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ جَابِرٍ أَنَّ النَّبِيَّ ﷺ قَضَى بِالْيَمِينِ مَعَ الشَّاهِدِ.

تخریج: [إسناده صحيح] وهو على شرط مسلم وأخرجه ابن ماجه، الأحكام، باب القضاء بالشاهد واليمين، ح: ٢٣٦٩ عن محمد بن بشار به.

1345. Ja‘far bin Muḥammad narrated from his father: “The Prophet ﷺ passed judgement

١٣٤٥ - حَدَّثَنَا عَلَيُّ بْنُ حُجْزَرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ: حَدَّثَنَا جَعْفَرُ بْنُ مُحَمَّدٍ

based on an oath along with one witness." He said: "And 'Alī judged between you based on it." (*Sahīh*)

[Abū 'Eisā said:] This is more correct. This is how Sufyān Ath-Thawrī reported it from Ja'far bin Muḥammad, from his father, from the Prophet ﷺ, in *Mursal* form. 'Abdul-'Azīz bin Abī Salāmah and Yaḥyā bin Sulaim reported this *Hadīth* from Ja'far bin Muḥammad, from his father, from 'Alī, from the Prophet ﷺ.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They held the view that an oath along with one witness was acceptable in cases of rights and wealth. This is the view of Mālik bin Anas, Ash-Shāfi'i, Aḥmad, and Iṣhāq. They said that a judgement is not passed based upon an oath and one witness except in cases of rights and property. Some of the people of knowledge among the people of Al-Kūfah and others did not hold the view that a judgement could be based upon an oath along with one witness.

تخریج: [صحيح] انظر الحديث السابق * حديث عبدالعزيز بن أبي سلمة، أخرجه الدارقطني: ٤٤٤١، ٢١٣، ٢١٢/٤، ح: ٤٤٤١.

Comments:

If the claimant has only one witness, then in the light of the *Sahīh* narration, the claimant will take an oath in place of the second witness. Imām Mālik, Imām Ash-Shāfi'i, Imām Aḥmad, Imām Iṣhāq and most of the scholars have the same view. One witness and an oath is only for monetary disputes, and for all other types of disputes two witnesses are required. (*Muslim* and *Nawawī*. v. 2. p. 74.).

عَنْ أَبِيهِ: أَنَّ النَّبِيَّ ﷺ قَضَى بِالْيَمِينِ مَعَ الشَّاهِدِ الْوَاحِدِ قَالَ: وَقَضَى بِهَا عَلَيْهِ فِيمُكُمْ .
 [قَالَ أَبُو عَيسَى]: وَهَذَا أَصَحُّ . وَهَذَا رَوَى سُفْيَانُ الثَّوْرِيُّ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ ،
 عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ مُرْسَلاً . وَرَوَى عَبْدُ
 الْعَزِيزِ بْنُ أَبِي سَلَمَةَ وَيَحْيَى بْنُ سُلَيْمٍ هَذَا
 الْحَدِيثُ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ
 عَلَيِّ عَنِ النَّبِيِّ ﷺ . وَالْعَمَلُ عَلَى هَذَا عِنْدَ
 بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ
 وَغَيْرِهِمْ رَأَوْا أَنَّ الْيَمِينَ مَعَ الشَّاهِدِ الْوَاحِدِ
 جَائِزَةً فِي الْحُقُوقِ وَالْأَمْوَالِ . وَهُوَ قَوْلُ
 مَالِكٍ بْنِ أَنْسٍ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ .
 وَقَالُوا: لَا يُقْضَى بِالْيَمِينِ مَعَ الشَّاهِدِ الْوَاحِدِ
 إِلَّا فِي الْحُقُوقِ وَالْأَمْوَالِ وَلَمْ يَرَ بَعْضُ أَهْلِ
 الْعِلْمِ مِنْ أَهْلِ الْكُوْفَةِ وَغَيْرِهِمْ أَنَّ يُقْضَى
 بِالْيَمِينِ مَعَ الشَّاهِدِ الْوَاحِدِ .

The Chapters On Judgements

Chapter 14. What Has Been Related About A Slave Owned By Two Men And One Of Them Frees His Portion Of Him

1346. Ibn ‘Umar narrated that the Prophet ﷺ said: “Whoever frees a portion” or, he said: “a part” or he said: “a share he owns of a slave, then he can afford the remainder of the price according to the reasonable price, then he will be free. Otherwise he has freed as much as he has freed (only).” Ayyūb (one of the narrators) said: “Perhaps Nāfi‘ said in this *Hadīth*: ‘Meaning he has freed as much of him as he has freed.’” (*Sahīh*)

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Umar is a *Hasan Sahīh Hadīth*. Sālim has reported similarly from his father, from the Prophet ﷺ.

تخریج: متفق عليه، ومسلم، الأیمان، باب من أعتق شرکا له في عبد، ح: ١٥٠١، ٤٩،
بعد، ح: ١٦٦٧ من حديث إسماعيل ابن علية والبخاري، ح: ٢٤٩١ من حديث أبوبالسخيني
به.

1347. Sālim narrated from his father that the Prophet ﷺ said: “Whoever frees a portion of a slave he owns, then he can afford the remainder of the price, then he should free him with his wealth.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Sahīh*.

(المعجم ١٤) - بَابُ مَا جَاءَ فِي الْعَبْدِ
يَكُونُ بَيْنَ رَجُلَيْنِ فَيُعْتَقُ أَحَدُهُمَا
نَصِيبِهِ (التحفة ١٤)

١٣٤٦ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْعِيْ: حَدَّثَنَا
إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أَيُوبَ، عَنْ نَافِعَ،
عَنْ أَبْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْتَقَ
نَصِيبِهَا، أَوْ قَالَ: شَقِيقَا، أَوْ قَالَ: شِرْكَا لَهُ
فِي عَبْدٍ، فَكَانَ لَهُ مِنَ الْمَالِ مَا يَلْعُغُ ثُمَّ
بِقِيمَةِ الْعَدْلِ، فَهُوَ عَتِيقٌ، وَلَا فَقْدٌ عَتِيقٌ مِنْهُ
مَا عَتِيقٌ». قَالَ أَيُوبُ: وَرَبُّهَا قَالَ نَافِعٌ فِي
هَذَا الْحَدِيثِ، يَعْنِي فَقْدٌ عَتِيقٌ مِنْهُ مَا عَتِيقٌ.
[قَالَ أَبُو عِيسَى:] حَدَّثَ أَبْنُ عُمَرَ
حَدِيثُ حَسَنٍ صَحِيحٌ. وَقَدْ رَوَاهُ سَالِمٌ عَنْ
أَبِيهِ عَنِ النَّبِيِّ ﷺ [نَحوَهُ].

١٣٤٧ - حَدَّثَنَا بِذِلِّكَ الْحَسَنُ بْنُ عَلِيٍّ
الْخَلَائِلُ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: حَدَّثَنَا مَعْمُرٌ،
عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ عَنِ النَّبِيِّ
ﷺ قَالَ: «مَنْ أَعْتَقَ نَصِيبِهَا فِي عَبْدٍ، فَكَانَ
لَهُ مِنَ الْمَالِ مَا يَلْعُغُ ثُمَّ، فَهُوَ عَتِيقٌ مِنْ
مَالِهِ». [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ [حَسَنٌ]
صَحِيحٌ.

تخریج: وأخرجه مسلم، ح: ١٥٠١ بعد، ح: ١٦٦٧ من حديث عبدالرزاق به وانظر
الحديث السابق.

1348. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever frees a portion” or he said: “a part of a slave, then he should finish paying his price if he can afford it. If he can not afford to pay reasonable price then he should be allowed to work to earn the amount that will free him without overburdening him.”

[He said:] There is something on this topic from ‘Abdullāh bin ‘Amr. (Another chain) with similar, and he said: “a part.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

This was reported by Abān bin Yazid from Qatādah similar to the narration of Sa‘eed bin Abī ‘Arūbah (a narrator in the chain of this *Hadīth*). Shu‘bah reported this *Hadīth* from Qatādah, but he did not mention the matter of working in it.

The people of knowledge differed over the issue of working. Some of them held the view that he could work to earn in this case, this is the view of Sufyān Ath-Thawrī, the people of Al-Kūfah, and it is the view of Ishqāq.

Some of the people of knowledge said: When the slave is owned by two men, and one of them frees his portion of him, then he should pay off the portion of his brother and free the slave if he can afford it. If he can not afford it, then the slave will be free only as much as he freed him, and he is not permitted to work (for the remainder). They

١٣٤٨ - حَدَّثَنَا عَلِيُّ بْنُ خَسْرَمْ : حَدَّثَنَا عِيسَى بْنُ يُوسُفَ عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ النَّضِيرِ بْنِ أَنَسِ، عَنْ بَشِيرِ بْنِ نَهِيْكِ، عَنْ أَبِي هُرَيْرَةَ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : مَنْ أَعْنَقَ نَصِيبًا، أَوْ دَالَ: شَقِيقًا فِي مَمْلُوكٍ، فَخَلَّاصُهُ فِي مَالِهِ إِنْ كَانَ لَهُ مَالٌ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ، فُوْمَ قِيمَةَ عَدْلٍ ثُمَّ يُسْتَسْعَى فِي نَصِيبِ الَّذِي لَمْ يُعْنَقْ، غَيْرَ مَشْقُوقِ عَلَيْهِ» [قَالَ :] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو .

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، نَحْوَهُ . وَقَالَ : «شَقِيقًا» .

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثُ حَسَنٍ صَحِيحُ. وَهَكَذَا رَوَى أَبَا بْنَ يَزِيدَ عَنْ قَتَادَةَ مِثْلُ رِوَايَةِ سَعِيدِ بْنِ أَبِي عَرْوَةَ، وَرَوَى شُعبَهُ هَذَا الْحَدِيثُ عَنْ قَتَادَةَ وَلَمْ يُذْكُرْ فِيهِ أَمْرُ السَّعَايَةِ، وَاحْتَلَفَ أَهْلُ الْعِلْمِ فِي السَّعَايَةِ فَرَأَى بَعْضُ أَهْلِ الْعِلْمِ السَّعَايَةَ فِي هَذَا وَهُوَ قَوْلُ سُقِيَانَ التَّوْرِيِّ وَأَهْلِ الْكُوفَةِ وَبِهِ يَقُولُ إِسْحَاقُ. وَقَدْ قَالَ بَعْضُ أَهْلِ الْعِلْمِ : إِذَا كَانَ الْعَبْدُ بَيْنَ رَجُلَيْنِ، فَأَعْنَقَ أَحَدُهُمَا نَصِيبَهُ، فَإِنْ كَانَ لَهُ مَالٌ : غَرِمَ نَصِيبَ أَخِيهِ وَعَنَقَ الْعَبْدَ مِنْ مَالِهِ وَإِنْ لَمْ يَكُنْ لَهُ مَالٌ عَنَقَ مِنْ الْعَبْدِ مَا عَنَقَ، وَلَا يُسْتَسْعَى . وَقَالُوا بِمَا رُوِيَ عَنِ ابْنِ عَمَّرَ عَنِ النَّبِيِّ ﷺ وَهَذَا قَوْلُ أَهْلِ الْمَدِينَةِ . وَبِهِ يَقُولُ مَالِكُ بْنُ أَنَسٍ

held the view according to what is reported by Ibn ‘Umar from the Prophet ﷺ, and this is the saying of the people of Al-Madinah, and it is the view of Mālik bin Anas, Ash-Shāfi‘ī, Ahmad, and Ishāq.

تخریج: متفق عليه، وأخرجه مسلم، العنق، باب من أعتق شرکاً له في عبد، ح: ١٥٠٣ عن علي بن خشوم والبخاري، ح: ٢٥٢٧ من حديث سعيد بن أبي عروبة به * وفي الباب عن عبدالله ابن عمرو [ابن عدي في الكامل: ٩٦٤ / ٣].

Chapter 15. What Has Been Related About A Lifelong Gift (*Al-Umrā*)

1349. Samurah narrated that the Prophet ﷺ said: “The lifelong gift is permitted for its inhabitant” or: “is an inheritance for its inhabitant.” (*Sahih*)

[He said:] There are narrations on this topic from Zaid bin Thābit, Jābir, Abū Hurairah, ‘Aishah, Ibn Az-Zubair, and Mu‘awiyah.

تخریج: صحيح [صحيح] وأخرجه أحمد: ٨/٥ من حديث سعيد بن أبي عروبة، وأبو داود، ح: ٣٥٤٩ من حديث قادة به وللحديث شواهد كثيرة جدًا * وفي الباب عن زيد بن ثابت [النسائي، ح: ٣٧٤٠-٣٧٥٤] وابن حبان، ح: ١١٥٠، ١١٤٩] وجابر [يأتي: ١٣٥٠] وأبي هريرة [البخاري، ح: ٢٦٢٦ ومسلم، ح: ١٦٢٦] وعائشة [لم أجده] وابن الزبير [جامع المسانيد والسنن لابن كثير: ٥٢٠ / ٧، ٩٧ / ٤، ٥٤٨٤] وعراة للطبراني [ومعاوية [أحمد: ٩٩، ٤/٤]] .

Comments:

‘*Al-Umrā*’ means a gift given for a lifelong period. This word is derived from ‘*Umr*. This is a particular way of giving a gift. For example, saying, I give you this house to reside in during my entire life. This is lawful and approved by most of the scholars.

1350. Jābir narrated that the Prophet ﷺ said: “Whichever man is given a lifelong gift for himself and his offspring, then it belongs to the one whom it was given, it does not return to the one who gave it, for he has given a gift which shall

والشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ.

(المعجم ١٥) - بَابُ مَا جَاءَ فِي الْعُمَرَى (التحفة ١٥)

١٣٤٩ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُشَّىٰ: حَدَّثَنَا
ابْنُ أَبِي عَلَيٍّ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ
الْحَسَنِ، عَنْ سَمْرَةَ أَنَّ نَبِيَّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:
«الْعُمَرَى جَائِزَةٌ لِأَهْلِهَا، أَوْ مِيرَاثٌ لِأَهْلِهَا». .
[قال] وفي الباب عن زيد بن ثابت وجابر،
وأبي هريرة وعائشة وابن الزبير ومعاوية.

تخریج: صحيح [صحيح] وأخرجه أحمد: ٨/٥ من حديث سعيد بن أبي عروبة، وأبو داود، ح: ٣٥٤٩ من حديث قادة به وللحديث شواهد كثيرة جدًا * وفي الباب عن زيد بن ثابت [النسائي، ح: ٣٧٤٠-٣٧٥٤] وابن حبان، ح: ١١٥٠، ١١٤٩] وجابر [يأتي: ١٣٥٠] وأبي هريرة [البخاري، ح: ٢٦٢٦ ومسلم، ح: ١٦٢٦] وعائشة [لم أجده] وابن الزبير [جامع المسانيد والسنن لابن كثير: ٥٢٠ / ٧، ٩٧ / ٤، ٥٤٨٤] وعراة للطبراني [ومعاوية [أحمد: ٩٩، ٤/٤]] .

١٣٥٠ - حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُونٌ:
حَدَّثَنَا مَالِكٌ عَنْ ابْنِ شَهَابٍ، عَنْ أَبِي
سَلَمَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
قَالَ: «أَيُّمَا رَجُلٌ أَغْمَرَ عُمَرَى لَهُ وَلِعَقِبِهِ،

be included in the inheritance.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Sahīh*. This is how it was reported from Ma‘mar and others from Az-Zuhrī, similar to the narration of Mālik (a narrator in the chain of this *Hadīth*). Some of them reported it from Az-Zuhrī, without mentioning “and his offspring” in it.

[And this *Hadīth* has been reported through more than one route from Jābir from the Prophet ﷺ who said: “The lifelong gift is permitted for its inhabitant.” And it does not contain: “and his offspring.” This *Hadīth* is *Hasan Sahīh*.]

This is acted upon according to some of the people of knowledge. They said that when he says: “It is for you as long as you live, and for your offspring.” Then it is his for life, it does not return to the first person. When he does not say: “For your offspring” then it returns to the first person when the one to whom it was given to dies. This is the view of Mālik bin Anas and Ash-Shāfi‘ī.

It has been reported through more than one route that the Prophet ﷺ said: “The lifelong gift is permitted for its inhabitant” and this is acted upon according to some of the people of knowledge, in that they said: “When the one it was given to dies, then it is an inheritance of his, even if it was not allotted for his offspring.” This is the view of Sufyān Ath-Thawrī, Aḥmad, and Iṣhāq.

فَإِنَّهَا لِلَّذِي يُعْطَاهَا، لَا تَرْجِعُ إِلَى الَّذِي أَعْطَاهَا، لَا هُنَّ أَعْطَى عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ». .

[قال أبو عيسى:] هَذَا حَدِيثٌ [حَسْنٌ] صَحِيحٌ. وَهُكَذَا رَوَى مَعْمَرٌ وَغَيْرُ وَاحِدٍ عَنِ الرُّهْرِيِّ، مِثْلَ رَوَايَةِ مَالِكٍ. وَرَوَى بَعْضُهُمْ عَنِ الرُّهْرِيِّ، وَلَمْ يُذْكُرْ فِيهِ: «وَلِعَقِيهِ». [وَرُوَيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهٍ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمُرَى جَائِزَةٌ لِأَهْلِهَا» وَأَئْسَنَ فِيهَا: «الْعَقِيهِ» وَهَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ]. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. قَالُوا: إِذَا قَالَ: هِيَ لَكَ، حَيَاكَ وَلِعَقِيقَكَ، فَإِنَّهَا لِمَنْ أُغْمِرَهَا، لَا تَرْجِعُ إِلَى الْأَوَّلِ. وَإِذَا لَمْ يَقُلْ: لِعَقِيقَكَ، فَهِيَ رَاجِعَةٌ إِلَى الْأَوَّلِ إِذَا مَاتَ الْمَعْمَرُ. وَهُوَ قَوْلُ مَالِكٍ بْنِ أَنَسٍ وَالشَّافِعِيِّ. وَرُوَيَ مِنْ غَيْرِ وَجْهٍ عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمُرَى جَائِزَةٌ لِأَهْلِهَا» وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. قَالُوا: إِذَا مَاتَ الْمَعْمَرُ فَهِيَ لِوَرَيْتَهُ، وَإِنْ لَمْ شُعَّلْ لِعَقِيهِ. وَهُوَ قَوْلُ سُفَيَّانَ الثُّوْرِيِّ وَأَخْمَدَ وَإِسْحَاقَ.

تخریج: وأخرج مسلم، الهبات، باب العمرى، ح: ١٦٢٥ من حديث مالك به وهو في الموطأ: ٧٥٦ ورواه البخاري، ح: ٢٦٢٥ من حديث أبي سلمة بن عبد الرحمن به مختصراً.

Comments:

As it involves an element of waiting for another person's death, for this reason it has been called '*Ruqbā'*. According to 'Allāmah Alī Qarī, in view of Imām Abū Ḥanīfah and Imām Muḥammad, *Ruqba* is not approved. (*Tuhfat Al-Ahwadhi*, v. 2. p.284.) According to 'Allāmah Ibn Hajar most of the scholars deem *Ruqbā* and '*Umrā* to be the same. In view of Imām Abū Ḥanīfah, Imām Mālik, and Imām Muḥammad and Imām Abū Yūsuf, *Ruqba* is not lawful. (*Fatḥ Al-Bārī* v. 5. p.295.)

Chapter 16. What Has Been Related About *Ar-Ruqbā*^[1]

(المعجم ١٦) - بَابُ مَا جَاءَ فِي الرُّقْبَى

(التحفة ١٦)

1351. Jābir narrated that the Messenger of Allāh ﷺ said: "The lifelong gift is permitted for its inhabitant, and the *Ruqbā* is permitted for its inhabitant." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan*. Some of them reported it from Abū Az-Zubair [with this chain] from Jābir in *Mawqūf* form [not *Marfū'*].

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. (They say) *Ar-Ruqbā* is permitted just like the lifelong gift is permitted. This is the view of Ahmad and Ishāq. Some of the people of knowledge among the people of Al-Kufah distinguished between the lifelong gift and *Ar-Ruqbā*; they allowed the lifelong gift but they did not allow *Ar-Ruqbā*.

[Abū 'Eisā said:] The explanation

١٣٥١ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْعَمٍ: حَدَّثَنَا هُشَيْمٌ عَنْ دَاؤَدَ بْنِ أَبِي هَنْدٍ، عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: الْعُمَرَى جَائِزَةٌ لِأَهْلِهَا، وَالرُّقْبَى جَائِزَةٌ لِأَهْلِهَا».

[Qāl' Abū 'Iyīsī]: هَذَا حَدِيثٌ حَسَنٌ. وَقَدْ رَوَاهُ بَعْضُهُمْ عَنْ أَبِي الرَّبِيعِ [بِهَذَا الإِشْتَادِ]، عَنْ جَابِرٍ مَوْقُوفًا. [وَلَمْ يَرْفَعْهُ] وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنَّ الرُّقْبَى جَائِزَةٌ مِثْلُ الْعُمَرَى وَهُوَ قَوْلُ أَخْمَدَ وَإِسْحَاقَ. وَفَرَقَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَهْلِ الْكُوفَةِ وَغَيْرِهِمْ بَيْنَ الْعُمَرَى وَالرُّقْبَى، فَاجْازُوا الْعُمَرَى وَلَمْ يُحِبُّو الرُّقْبَى.

[Qāl' Abū 'Iyīsī]: وَتَسْبِيرُ الرُّقْبَى أَنْ يَقُولُ: هَذَا الشَّيْءُ لَكَ مَا عَشْتَ، فَإِنْ مُتَّ

[1] A donation with the provision that it will either belong to the one it was donated when the donor dies, or it will revert to the donor when the one it was donated to dies.

of *Ar-Ruqbā* is when someone says: "This thing is yours as long as you live, if you die before me then it returns to me." Ahmad and Ishāq said: "*Ar-Ruqbā* is the same as the lifelong gift. It belongs to the one it was given, and it does not revert to the first person."

تخریج: [صحيح] وأخرجه أبو داود، البیوع، باب: فی الرقبی، ح: ٣٥٥٨ وابن ماجه، ح: ٢٣٨٣ من حديث هشیم به وصرح أبوالزیر بالسماع، فی الروایة الطویلة وللحديث شواهد.

Chapter 17. What Has Been Related From The Messenger Of Allāh ﷺ About Reconciliation

1352. Kathīr bin ‘Amr bin ‘Awf Al-Muzanī narrated from his father, from his grandfather, that the Messenger of Allāh ﷺ said: "Reconciliation is allowed among the Muslims, except for reconciliation that makes the lawful unlawful, or the unlawful lawful. And the Muslims will be held to their conditions, except the conditions that make the lawful unlawful, or the unlawful lawful." (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: [صحيح] وأخرجه ابن ماجه، الأحكام، باب الصلح، ح: ٢٣٥٣ من حديث كثير العوفي به وسنه ضعيف جداً ولكن له شواهد عند أبي داود، ح: ٣٥٩٤ وغيره فالحديث بها صحيح.

Comments:

This narration has been discussed for its narrator, Kathir bin ‘Abdullāh is regarded as a weak narrator and his narration cannot be accurate and acceptable, but the theme of this narration is correct.

فَلَی فَهی رَاجِعَةٌ إِلَی. وَقَالَ أَخْمَدُ وَإِسْحَاقُ: الرُّقْبَی مِثْلُ الْعُمْرَی. وَهِي لِمَنْ أُغْطِيَهَا، وَلَا تَرْجِعُ إِلَى الْأَوَّلِ.

(المعجم ١٧) - بَابُ مَا ذُكِرَ عَنْ رَسُولِ اللَّهِ ﷺ فِي الْصُّلُحِ بَيْنَ النَّاسِ (التحفة ١٧)

١٣٥٢ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِ الْخَلَلُ: حَدَّثَنَا أَبُو عَامِرٍ الْعَقَدِيُّ: حَدَّثَنَا كَثِيرُ بْنُ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ عَوْفٍ الْمَرْئِيُّ عَنْ أَبِيهِ، عَنْ جَلْدٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الصُّلُحُ جَائزٌ بَيْنَ الْمُسْلِمِيْنَ، إِلَّا صُلُحًا حَرَمَ حَلَالًا أَوْ أَحَلَ حَرَامًا، وَالْمُسْلِمُوْنَ عَلَى شُرُوطِهِمْ، إِلَّا شَرَطًا حَرَمَ حَلَالًا أَوْ أَحَلَ حَرَامًا».

[قال أبو عيسى:] هذا حديث حسن صحيح.

Chapter 18. What Has Been Related About A Man Placing A Beam On His Neighbor's Enclosure Wall

1353. Al-A'raj narrated from Abū Hurairah, saying: "I heard him saying: 'the Messenger of Allāh ﷺ said: "When one of you seeks his neighbor's permission to affix a wooden beam in his wall, then do not prevent him.'" When Abū Hurairah narrated it, they tilted their heads, so he said: 'Why do I see that you are averse to it? By Allāh! I will continue to narrate it among you.'" (*Sahīh*)

[He said:] There are narrations on this topic from Ibn 'Abbās and Mujammi' bin Jāriyah.

[Abū 'Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*. This is acted upon according to some of the people of knowledge. It is the view of Ash-Shāfi'i. It has been related from some of the people of knowledge; among them Mālik bin Anas, that they said: "He can prevent his neighbor from affixing a beam in his wall." But the first view is more correct.

تغرييـع: متفق عليه، أخرجه البخاري، المظالم. باب: لا يمنع جاره أن يغرس خشبة في جداره، ح: ٢٤٦٣، ٢٤٦٧ ومسلم، ح: ١٦٠٩ من حديث الزهرى به ورواه أبو داود، ح: ٣٦٣٤؛ وغيره من حديث سفيان بن عيينة به * وفي الباب عن ابن عباس [ابن ماجه، ح: ٢٣٣٧] ومجمع ابن جارية [ابن ماجه، ح: ٢٣٣٦].

Comments:

Islam is a religion of peace and a great supporter of the wellbeing of the society. It preaches love and peace among the community members. Its basis are on mutual help, service and care for each other. For this reason it has been advised to allow neighbors to affix a wooden beam on your wall, provided it does not cause much damage.

(المعجم ١٨) - بـاب مـا جـاء فـي الرـجـل
يـضع عـلـى حـائـط جـارـه خـشـبـا (التحـفـة ١٨)

١٣٥٣ - حدثنا سعيد بن عبد الرحمن [المخزومي]: حدثنا سفيان بن عيينة عن الزهرى، عن الأعرج، عن أبي هريرة قال: سمعته يقول: قال رسول الله ﷺ: "إذا استأذن أحدكم جاره أن يغرس خشبة في جداره، فلا يمنعه".

فلما حدث أبو هريرة، طأطأوا رؤوسهم، فقال: مالي أراكم عنها معرضين؟ والله لازمین بها بين أكتافكم. [قال:] وفي الباب عن ابن عباس ومجمل بن جارية. [قال أبو عيسى:] حدث أبي هريرة حديث حسن صحيح. والعمل على هذا عند بعض أهل العلم. وبه يقول الشافعى. وروى [عن] بعض أهل العلم منهم مالك بن أنس، قالوا: له أن يمنع جاره أن يضع خشبة في جداره. والقول الأول أصح.

Chapter 19. What Has Been Related About: The Oath Is Based Upon What Will Make His Companion Believe Him

1354. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The oath is based upon what will make your companion believe you.” (*Sahīh*)

[Quتاibah (one of the narrators) said: “What will make you believed by your companion.”]

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*. We do not know of it except as a narration of Hushaim from ‘Abdullāh bin Abī Ṣāliḥ. ‘Abdullāh bin Abī Ṣāliḥ is the brother of Suhaib bin Abī Ṣāliḥ.

This is acted upon according to some of the people of knowledge, and it is the view of Ahmād and Ishaq.

It has been reported that Ibrāhīm An-Nakha‘ī said: “When the one the oath is sought from is in the wrong, then the intention is the intention of the one giving the oath. When the one the oath is sought from is being wronged, then the intention is the intention of the one who caused the oath to be sought.”

(المعجم ١٩) - بَابُ مَا جَاءَ أَنَّ الْيَمِينَ عَلَى مَا يُصَدِّقُهُ صَاحِبُهُ (التحفة ١٩)

١٣٥٤ - حَدَّثَنَا قُتْبَيْهُ وَأَخْمَدُ بْنُ مَنْبِعَ -
الْمَعْنَى وَاجِدٌ - قَالَ : حَدَّثَنَا هُشَيْمٌ عَنْ عَبْدِ
اللهِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي
هُرَيْرَةَ، قَالَ : قَالَ رَسُولُ اللهِ ﷺ : الْيَمِينُ
عَلَى مَا يُصَدِّقُكَ بِهِ صَاحِبُكَ . [وَقَالَ قُتْبَيْهُ :
عَلَى مَا صَدَّقَكَ عَلَيْهِ صَاحِبُكَ .]
[قَالَ أَبُو عَيْسَى :] هَذَا حَدِيثُ حَسَنٍ
غَرِيبٍ، لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ هُشَيْمٍ عَنْ
عَبْدِ اللهِ بْنِ أَبِي صَالِحٍ . وَعَبْدُ اللهِ بْنِ أَبِي
صَالِحٍ هُوَ أَخُو سَهْلِ بْنِ أَبِي صَالِحٍ وَالْعَمَلُ
عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ . وَبِهِ يَقُولُ
أَخْمَدُ وَإِسْحَاقُ . وَرَوَى عَنْ إِبْرَاهِيمَ التَّخَعِيِّ
أَنَّهُ قَالَ : إِذَا كَانَ الْمُسْتَحْلِفُ ظَالِمًا ، فَالنِّيَّةُ
نِيَّةُ الْحَالِفِ . وَإِذَا كَانَ الْمُسْتَحْلِفُ مَظْلُومًا ،
فَالنِّيَّةُ نِيَّةُ الَّذِي اسْتَحْلَفَ .

تخریج: وأخرجه مسلم، الأیمان، باب الیمن على نية المستحلف، ح: ١٦٥٣ من حدیث
هشیم به.

Chapter 20. What Has Been Related About The Road: When There Is A Disagreement About It, How Should It Be Made?

1355. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Make the road seven forearm lengths." (*Sahīh*)

تخریج: [صحيح] وأخرجه ابن ماجه، الأحكام، باب: إذا تشارجوا في قدر الطريق، ح: ٢٣٣٨ من حديث وکیع، وأبو داود، ح: ٣٦٣٣ من حديث المثنی بن سعید به وصححه ابن الجارود، ح: ١٠١٨ ورواه مسلم، ح: ١٦١٣ من حديث أبي هريرة، بلفظ "إذا اختلفتم في الطريق، جعل عرضه سبع أذرع" ورواه البخاري، ح: ٢٤٧٣ من حديث أبي هريرة به.

1356. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "When you disagree over the road, then make it seven forearm lengths." (*Sahīh*)

[Abū ‘Eisā said:] This is more correct than the narration of Waki' (a narrator in no. 1355). [He said:] There is something on this topic from Ibn ‘Abbās.

[Abū ‘Eisā said:] The *Hadīth* of Bashīr bin Ka'b [Al-'Adawī] from Abū Hurairah is a *Hasan Sahīh Hadīth*. Some of them reported this from Qatādah, from Bashīr bin Nahīk, from Abū Hurairah, but it is not preserved.

تخریج: [صحيح] انظر الحديث السابق * وفي الباب عن ابن عباس [ابن ماجه، ح: ٢٣٣٩، ٢٣٤١، ٣١٣، ٣٠٢، ٢٥٥، ٢٢٥/١].

Comments:

A common street having residential buildings on both sides should be broad enough according to the needs of its residents. A street which is not open for heavy traffic, and there is only limited local use of the way, and the land of the lane is disputed, and there is more than one claimant the land, in this

(المعجم ٢٠) - بابُ مَا جَاءَ فِي الطَّرِيقِ
إِذَا اخْتَلَفَ فِيهِ، كَمْ يُجْعَلُ؟ (التحفة ٢٠)

١٣٥٥ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ
عَنِ الْمُتَّشِّنِ بْنِ سَعِيدِ الصُّبَاعِيِّ، عَنْ قَاتَادَةَ، عَنْ
بَشِّيرٍ بْنِ نَهَيْكٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ
رَسُولُ اللهِ ﷺ: «اجْعَلُوا الطَّرِيقَ سَبْعَةَ أَذْرُعَ».

تخریج: [صحيح] وأخرجه ابن ماجه، الأحكام، باب: إذا تشارجوا في قدر الطريق، ح: ٢٣٣٨ من حديث وکیع، وأبو داود، ح: ٣٦٣٣ من حديث المثنی بن سعید به وصححه ابن الجارود، ح: ١٠١٨ ورواه مسلم، ح: ١٦١٣ من حديث أبي هريرة، بلفظ "إذا اختلفتم في الطريق، جعل عرضه سبع أذرع" ورواه البخاري، ح: ٢٤٧٣ من حديث أبي هريرة به.

١٣٥٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا الْمُتَّشِّنِ بْنِ سَعِيدٍ عَنْ
قَاتَادَةَ، عَنْ بَشِّيرٍ بْنِ كَعْبِ الْعَدَوِيِّ، عَنْ أَبِي
هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِذَا
تَشَارَجْتُمْ فِي الطَّرِيقِ فَاجْعَلُوهُ سَبْعَةَ أَذْرُعَ».
[قالَ أَبُو عِيسَى: وَهَذَا أَصْحَحُ مِنْ حَدِيثِ
وَكِيعٍ. [قالَ: وَفِي الْبَابِ عَنْ أَبِنِ عَبَّاسٍ.
[قالَ أَبُو عِيسَى: حَدِيثُ بَشِّيرٍ بْنِ كَعْبِ
[الْعَدَوِيِّ] عَنْ أَبِي هُرَيْرَةَ، حَدِيثُ حَسَنٍ
صَحِيحٌ. وَرَوَى بَعْضُهُمْ [هَذَا] عَنْ قَاتَادَةَ،
عَنْ بَشِّيرٍ بْنِ نَهَيْكٍ، عَنْ أَبِي هُرَيْرَةَ. وَهُوَ
غَيْرُ مَحْفُوظٍ.

تخریج: [صحيح] انظر الحديث السابق *

situation - seven forearms of land should be spared for the common use of the residents. In otherwords, the lane should be at least seven forearms broad. This width can be more or less with mutual approval of the residents. (*Tuhfat Al-Ahwadhi* v. 2, p. 285-286.)

Chapter 21. What Has Been Related About The Boy Choosing Between His Parents When They Separate

1357. Abū Maimūnah narrated from Abū Hurairah who said: "The Prophet ﷺ gave a boy the choice between his father and his mother." (*Sahīh*)

[He said:] There are narrations on this topic from 'Abdullāh bin 'Amr, and the grandfather of 'Abdul-Hamid bin Ja'far.

[Abū 'Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*. Abū Maimūnah's name is Sulaim.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They said: The boy chooses between his parents when there is a disagreement between them over the custody of the child. This is the view of Ahmad and Ishāq. They said that if the boy is very young then the mother has more right, and when the boy reaches seven years old then he is given the choice between his parents.

Hilāl bin Abī Maimūnah (one of the narrators) is Hilāl bin 'Alī bin Usāmah, of Al-Madīnah, Yahyā bin Abī Kathīr, Mālik bin Anas and Fulaih bin Sulaimān reported from him.

(المعجم ٢١) - بَابُ مَا جَاءَ فِي تَخْبِيرِ الْغُلَامِ بَيْنَ أَبَوَيْهِ إِذَا افْتَرَقَا (التحفة ٢١)

١٣٥٧ - حَدَّثَنَا نَصْرُ بْنُ عَلَيْ: حَدَّثَنَا سُقِيَانُ عَنْ زَيَادِ بْنِ سَعْدٍ، عَنْ هَلَالِ بْنِ أَبِي مَيْمُونَةَ التَّعْلَمِيِّ، عَنْ أَبِي مَيْمُونَةَ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ النَّبِيَّ ﷺ خَيَرَ عُلَامَاءَ بَيْنَ أَبِيهِ وَأُمِّهِ. [قَالَ:] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو، وَجَدَ عَبْدَ الْحَمِيدِ بْنِ جَعْفَرِ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثُ حَسْنٍ صَحِيحٍ. وَأَبُو مَيْمُونَةَ اسْمُهُ شَلَيْمٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ. قَالُوا: يُخَيِّرُ الْغُلَامَ بَيْنَ أَبَوَيْهِ إِذَا وَقَعَتْ بَيْنَهُمَا الْمُنَازَعَةُ فِي الْوَلَدِ. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ. وَقَالَا: مَا كَانَ الْوَلَدُ صَغِيرًا فَالْأُمُّ أَحْقُّ. فَإِذَا بَلَغَ الْغُلَامُ سَبْعَ سِنِينَ خُيَرَ بَيْنَ أَبَوَيْهِ. هَلَالُ ابْنُ أَبِي مَيْمُونَةَ هُوَ هَلَالُ بْنُ عَلَيْ بْنِ أَسَامَةَ، وَهُوَ مَدَنِيٌّ. وَقَدْ رَوَى عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، وَمَالِكُ بْنِ أَنَسٍ، وَفُلَيْحُ بْنِ شَلَيْمَانَ.

تخریج: [صحیح] وأخرجه ابن ماجه، الأحكام، باب تخیر الصبی بین أبویه، ح: ۲۳۵۱ من حدیث سفیان بن عبیة، وأبو داود، ح: ۲۲۷۷ من حدیث زیاد بن سعد به * و فی الباب عن عبدالله ابن عمرو [أبو داود، ح: ۲۲۷۶] وجد عبدالحمید بن جعفر [أبو داود، ح: ۲۲۴۴].

Comments:

According to this narration a child of separated parents will live with the mother until the age of seven, or when he learns to eat and put on clothes by himself. After the age of seven, the child is given a choice to live with the mother or the father.

Chapter 22. What Has Been Related About The Father Can Take From The Wealth Of His Son

1358. ‘Aishah narrated that the Messenger of Allāh ﷺ said: “Indeed the most wholesome of what you consume is from your earnings, and indeed your children are from your earnings.” (*Sahīh*)

[He said:] There are narrations on this topic from Jābir, and ‘Abdullāh bin ‘Amr.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan* [*Sahīh*]. Some of them have reported this from ‘Umārah bin ‘Umair, from his mother, from ‘Aishah. Most of them said: “from his paternal aunt, from ‘Aishah.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They said that the father’s hand is free to take from the wealth of his son as he likes.

Some of them said that he is not to take from his son’s wealth except when there is a need for it.

(المعجم (۲۲) - بَابُ مَا جَاءَ أَنَّ الْوَالِدَ يَأْخُذُ مِنْ مَالِ وَلْدِهِ (التحفة (۲۲)

١٣٥٨ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْعِيْ: حَدَّثَنَا
يَحْيَى بْنُ زَكْرِيَّاً بْنُ أَبِي زَائِدَةَ: حَدَّثَنَا
الْأَعْمَشُ عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَمِّهِ،
عَنْ عَائِشَةَ، قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ
إِنَّ أَطْيَبَ مَا أَكَلْتُمْ مِنْ كَسْبِكُمْ، وَإِنَّ
أَوْلَادَكُمْ مِنْ كَسْبِكُمْ». [قَالَ]: [وَفِي الْبَابِ]
عَنْ جَابِرٍ وَعَبْدِ اللَّهِ بْنِ عَمِّرٍو. [قَالَ أَبُو
عِيسَى]: هَذَا حَدِيثُ حَسَنٌ [صَحِيحٌ]. وَقَدْ
رَوَى بَعْضُهُمْ هَذَا عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ
أُمِّهِ، عَنْ عَائِشَةَ وَأَكْثَرُهُمْ قَالُوا: عَنْ عَمِّهِ،
عَنْ عَائِشَةَ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ
أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ
قَالُوا: إِنَّ يَدَ الْوَالِدِ مَبْسُوتَةٌ فِي مَالِ وَلْدِهِ
يَأْخُذُ مَا شَاءَ.
وَقَالَ بَعْضُهُمْ: لَا يَأْخُذُ مِنْ مَالِهِ إِلَّا عِنْدَ
الْحَاجَةِ إِلَيْهِ.

تخریج: [صحیح] وأخرجه ابن ماجه، التجارات، باب ما للرجل من مال ولده، ح: ۲۲۹۰ من حدیث یحیی بن زکریا به وصححه الذہبی وهو مخرج في نیل المقصد، ح: ۳۵۲۸ ومستند

الحميدي، ح: ٢٤٧ (بتحقيقي) * وفي الباب عن جابر [ابن ماجه، ح: ٢٢٩١] وعبدالله بن عمرو [ابن ماجه، ح: ٢٢٩٢].

Chapter 23. What Has Been Related About When One's Property Has Been Broken, What Is the Judgement For Him From The Property Of The One Who Broke It?

1359. Anas narrated: "One of the wives of the Prophet ﷺ gave the Prophet ﷺ some food in a bowl. Then 'Aishah broke the bowl with her hand, and discarded what was in it. So the Prophet ﷺ said: "Food for food and vessel for vessel." (*Sahih*)

[*Abū 'Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٢٣) - بابُ مَا جَاءَ فِيمَنْ يُكْسَرُ لَهُ الشَّيْءُ، مَا يُحْكَمُ لَهُ مِنْ مَالٍ الكاسِر (التحفة ٢٣)

١٣٥٩ - حَدَّثَنَا مُحَمَّدُ بْنُ عَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ الْعَفَرَى عَنْ سُهْبَىَّ [الثَّورِيِّ]، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ قَالَ: أَهَدَتْ بَعْضُ أَزْوَاجِ النَّبِيِّ ﷺ إِلَيْهِ النَّبِيِّ ﷺ طَعَاماً فِي قَصْعَةٍ، فَضَرَبَتْ عَائِشَةُ الْقَصْعَةَ بِيَدِهَا، فَأَلْقَتْ مَا فِيهَا، فَقَالَ النَّبِيُّ ﷺ: «طَعَامٌ بِطَعَامٍ، وَإِنَّمَا بِإِنَّمَا». [قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسْنٌ صَحِيحٌ.

تخریج: [صحیح] ورواه البخاری، المظالم، باب: إذا كسر قصعة أو شيئاً لغيره، ح: ٢٤٨١، ٥٢٥ من حديث حميد الطويل به.

Comments:

This narration proves that if someone breaks or deliberately damages the things of others, he must return the same kind of things, buying it new from the market, or paying them the price of those things.

1360. Anas narrated that the Messenger of Allāh ﷺ borrowed a bowl which broke, so he guaranteed (compensated) it for them. (*Da'y*)

[*Abū 'Eisā* said:] This *Hadīth* is not preserved. Suwaid (one of the narrators) only meant to narrate – according to me – the narration reported by *Ath-Thawrī* (no. 1359). And the narration of *Ath-Thawrī* is more correct. The name of *Abū Dāwūd* (one of the narrators of no. 1359) is 'Umar bin Sa'd.

١٣٦٠ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرَةَ: حَدَّثَنَا سُوَيْدُ بْنُ عَبْدِ الْعَزِيزِ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: أَنَّ النَّبِيِّ ﷺ اسْتَعَارَ قَصْعَةً فَصَاعَثَ فَصَمِّنَهَا لَهُمْ.

[قالَ أَبُو عِيسَى]: وَهَذَا حَدِيثُ عَيْرٍ مَخْفُوظٍ. وَإِنَّمَا أَرَادَ - عِنْدِي - سُوَيْدَ الْحَدِيثَ الَّذِي رَوَاهُ الثَّورِيُّ. وَحَدِيثُ الثَّورِيِّ أَصْحَحُ. اسْمُ أَبِي دَاوُدَ عُمَرُ بْنُ سَعْدٍ.

تخریج: [إسناده ضعیف] سوید بن عبدالعزیز ضعیف (تقرب: ٢٦٩٢) والحادیث السابق يعني

عنه .

Comments:

This narration is not preserved, but the preceding narration proves that if a thing is purposely and deliberately damaged, it must be returned or compensated for, in the form of a new thing of the same kind or with the market price. Similarly, if a borrowed thing is damaged or destroyed, the lender should be compensated. If the owner does not want to be compensated it is up to him.

Chapter 24. What Has Been Related About The Limits Of Responsibility For A Man And Woman

1361. Nāfi‘ narrated that Ibn ‘Umar said: “I was reviewed before the Messenger of Allāh ﷺ in the army, and I was fourteen years old, but he did not accept me. Then I was reviewed before him in the army later while I was fifteen years old, and he accepted me.” Nāfi‘ said: “I narrated this *Hadīth* to ‘Umar bin ‘Abdul-‘Aziz and he said: ‘This is the limit that distinguishes between childhood and adulthood.’ Then he wrote to give salaries to whoever reached fifteen years old.”

(Another chain) from Nāfi‘, from Ibn ‘Umar from the Prophet ﷺ, and it is similar, but he did not mention in it that ‘Umar bin ‘Abdul-‘Aziz wrote that this is the limit that distinguishes between youth and childhood and adulthood. In his narration, Ibn ‘Uyainah said (that Nāfi‘ said): “I narrated it to ‘Umar bin ‘Abdul-‘Aziz and he said: ‘This is the limit that distinguishes between children and soldiers.’” (*Sahīh*)

(المعجم ٢٤) - بَابُ مَا جَاءَ فِي حَدٍ
بُلُوغِ الرَّجُلِ وَالْمَرْأَةِ (التحفة ٢٤)

١٣٦١ - حَدَّثَنَا مُحَمَّدُ بْنُ وَزَيرٍ
الْوَاسِطِيُّ: حَدَّثَنَا إِسْحَاقُ بْنُ يُوسُفَ الْأَزْرَقُ
عَنْ سُقْيَانَ، عَنْ عُيَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ
نَافِعٍ، عَنْ ابْنِ عُمَرَ، قَالَ: عَرَضْتُ عَلَى
رَسُولِ اللَّهِ ﷺ فِي جَيْشٍ وَآتَانَا ابْنَ أَرْبَعَ عَشْرَةَ
فَلَمْ يَقْبَلْنِي، فَعَرَضْتُ عَلَيْهِ مِنْ قَابِلٍ فِي جَيْشٍ
وَآتَانَا ابْنَ خَمْسَ عَشْرَةَ فَقَبَلَنِي. قَالَ نَافِعٌ:
وَحَدَّثْتُ بِهَذَا الْحَدِيثِ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ
فَقَالَ: هَذَا حَدٌّ مَا بَيْنَ الصَّغِيرِ وَالْكَبِيرِ، ثُمَّ
كَتَبَ أَنْ يُفْرَضَ لِمَنْ بَلَغَ الْخَمْسَ عَشْرَةَ.

حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُقْيَانَ بْنَ
عُيَيْنَةَ عَنْ عُيَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ
ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ، تَحْوِهً وَلَمْ يَذْكُرْ فِيهِ
أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ كَتَبَ أَنَّ هَذَا حَدٌّ مَا
بَيْنَ الصَّغِيرِ وَالْكَبِيرِ. وَذَكَرَ ابْنُ عُيَيْنَةَ فِي
حَدِيثِهِ قَالَ: حَدَّثْتُ بِهِ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ.
فَقَالَ: هَذَا حَدٌّ مَا بَيْنَ الدُّرْرَةِ وَالْمُقَاتِلَةِ.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٌ

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge, and it is the view of [Sufyān] Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi‘ī, Aḥmad and Iṣhāq. They held the view that when a boy reaches fifteen years of age then he is judged as a man is judged. If he were to have a wet dream before fifteen years then he would be judged as a man is judged. Aḥmad and Iṣhāq said that there are three marks for responsibility: Reaching fifteen years of age or having a wet dream, when his age and his having wet dream cannot be ascertained, then *Inbāt* — that is — growing of pubic hairs.

تخریج: متفق عليه، وأخرجه البخاري، المغازي، باب غزوة الخندق وهي الأحزاب، ح: ٤٠٩٧، ومسلم، ح: ١٨٦٨ من حديث عبيد الله بن عمر به.

Comments:

In view of the scholars, the age of puberty is fifteen years for both male and female. The other criterion of maturity or age of puberty is the start of the wet dream for boys and menstruating for girls. All *A’imma* agree on this point. This narration appears again, see no. 1711. There the author added that it is *Gharib*, that is the first version he cited here.

Chapter 25. What Has Been Related About A Man Who Married A Woman His Father Was Married To (Previously)

1362. Al-Barā' narrated: "My maternal uncle Abū Burdah Ibn Niyār passed by me and he had a flag with him. I said: 'Where are you going?' He said: 'the Messenger of Allāh ﷺ dispatched me to a man who married a woman his father had been married to: that I should bring him his head.'" (*Sahīh*)

صَحِيفٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ،
وَبِهِ يَقُولُ [سُفِيَّانُ] التَّوْرِيُّ وَابْنُ الْمُبَارَكِ
وَالشَّافِعِيُّ وَأَحْمَدُ وَإِسْحَاقُ. يَرَوْنَ أَنَّ الْعَلَامَ
إِذَا اسْتَكْمَلَ خَمْسَ عَشَرَةً [سَنَةً]، فَحُكْمُهُ
حُكْمُ الرِّجَالِ. وَإِنْ احْتَلَمْ قَبْلَ خَمْسَ عَشَرَةً
فَحُكْمُهُ حُكْمُ الرِّجَالِ. وَقَالَ أَحْمَدُ
وَإِسْحَاقُ، الْبُلُوغُ ثَلَاثَةُ مَنَازِلٍ: بُلُوغُ خَمْسَ
عَشَرَةً، أَوِ الْاحْتِلَامُ، فَإِنْ لَمْ يُعْرَفْ سِنُّهُ وَلَا
احْتِلَامُهُ فِي إِلَيْنَاتٍ - يَعْنِي الْعَانَةَ - .

(المعجم ٢٥) - بَابُ : فِيمَنْ تَرَوْجَ

امْرَأَةً أَبِيهِ (التحفة ٢٥)

١٣٦٢ - حَدَّثَنَا أَبُو سَعِيدِ الْأَشْعَثُ : حَدَّثَنَا
حَفْصُ بْنُ غِيَاثٍ عَنْ أَشْعَثَ، عَنْ عَدِيِّ بْنِ
ثَائِتٍ، عَنِ الْتَّرَاءِ قَالَ: مَرَّ بِي خَالِي أَبُو بُرْدَةَ
ابْنُ نَيَارٍ وَمَعْهُ لَوَاءُ فَقَلَّتْ: أَيْنَ تُرِيدُ؟ فَقَالَ:
بَعْنَيْ رَسُولُ اللَّهِ ﷺ إِلَى رَجُلٍ تَرَوْجَ امْرَأَةً
أَبِيهِ، أَنْ آتِهِ بِرَأْسِهِ . [قَالَ:] وَفِي الْبَابِ عَنْ

[He said:] There is something on this topic from Qurrah [Al-Muzani].

[Abū ‘Eisā said:] The *Hadīth* of Al-Barā’ is a *Hasan Gharib Hadīth*. Muḥammad bin Ishāq reported this *Hadīth* from ‘Adī bin Thābit, from ‘Abdullāh bin Yazid, from Al-Barā’. This *Hadīth* has also been reported from Ash‘ath, from ‘Adī, from Yazid bin Al-Barā’, from his father. And it has been reported from Ash‘ath, from ‘Adī, from Yazid bin Al-Barā’, from his maternal uncle, from the Prophet ﷺ.

فُرَةَ [المُزْنِيِّ].
[قال أبو عيسى:] حَدِيثُ الْبَرَاءِ حَدِيثُ حَسْنٍ غَرِيبٍ، وَقَدْ رَوَى مُحَمَّدُ بْنُ إِسْحَاقَ هَذَا الْحَدِيثَ عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، عَنِ الْبَرَاءِ. وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنْ أَشْعَثَ، عَنْ عَدِيِّ، عَنْ يَزِيدَ ابْنِ الْبَرَاءِ، عَنْ أَبِيهِ. وَرُوِيَ عَنْ أَشْعَثَ، عَنْ عَدِيِّ، عَنْ يَزِيدَ بْنِ الْبَرَاءِ، عَنْ خَالِهِ عَنِ النَّبِيِّ ﷺ.

تخریج: [صحيح] وأخرجه ابن ماجه، الحدود، باب من تزوج امرأة أبيه من بعده، ح: ٢٦٧ من حديث خفص بن غياث، وأبو داود، ح: ٤٤٥٧؛ من حديث عدي بن ثابت به وصححه ابن الجارود، ح: ٦٨١؛ وابن حبان، ح: ١٥١٦؛ والحاكم على شرط مسلم: ٢/١٩١ وواافقه الذهبي وفي الباب عن قرة المزنی (ابن ماجه: ٢٦٠٨).

Comments:

If someone goes against definite and decisive orders, for which the *Shari‘ah* awards capital punishment, and a judge, *Imām* or head of the state has the right to award him the death sentence. There is difference of opinion on the punishment of an offender who marries the wife of his father, which is strictly prohibited in Islamic law. In the view of Imām Mālik and Imām Shāfi‘i, *Hadd* will be imposed, but in view of Imām Aḥmad and Ishāq, his punishment is death and confiscation of his property.

Chapter 26. What Has Been Related About The Case Of Two Men And One Of Them Lives Downstream From The Other

1363. ‘Abdullāh bin Az-Zubair narrated: “A man from the *Ansār* disputed with Az-Zubair before the Messenger of Allāh ﷺ about the canals of Harrah which they used to irrigate the date-palms. The *Ansārī* said: ‘Let the water pass.’ But he refused. So they brought

(المعجم ٢٦) – بَابُ مَا جَاءَ فِي الرَّجُلَيْنِ يَكُونُ أَحَدُهُمَا أَسْفَلَ مِنَ الْآخَرِ فِي الْمَاءِ (التحفة ٢٦)

١٣٦٣ – حَدَّثَنَا قُبَيْلَةُ: حَدَّثَنَا الْيَثُورُ عَنْ أَبْنِ شَهَابٍ، عَنْ عُرْوَةَ، أَنَّهُ حَدَّثَهُ، أَنَّ عَبْدَ اللَّهِ بْنَ الرُّبَيْرِ حَدَّثَهُ أَنَّ رَجُلًا مِنَ الْأَنْصَارِ خَاصَّمَ الرَّبِيعَ عِنْدَ رَسُولِ اللَّهِ ﷺ فِي شَرَاجِ الْحَرَّةِ الَّتِي يَسْقُونَ بِهَا التَّحْلَلَ . فَقَالَ

their dispute to the Messenger of Allāh ﷺ, the Messenger of Allāh ﷺ said to Az-Zubair: ‘O Zubair! Irrigate (your land) then let the water pass to your neighbor.’ The *Ansārī* became angry and said: [O Messenger of Allāh!] Is this because he is your aunt’s son? The face of the Messenger of Allāh ﷺ changed color. Then he said: ‘O Zubair! Irrigate (your land) and then withhold the water until it reaches the walls.’ Az-Zubair said: ‘By Allāh! I think that this *Āyah* was revealed about that: But no, by your Lord, they can have no Faith until they make you (O Muhammad) judge in all disputes between them, and find in themselves no resistance against your decisions and accept (them) with full submission.’^[1] (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan* [*Sahih*].

Shu’bah bin Abī Hamzah reported it from Az-Zuhri, from ‘Urwah bin Az-Zubair, from Az-Zubair, and he did not mention “from ‘Abdullāh bin Az-Zubair” in it. ‘Abdullāh bin Wahb reported it from Al-Laith – and, Yūnus from Az-Zuhri – from ‘Urwah, from ‘Abdullāh bin Az-Zubair, (and it is) similar to the first narration.

الأنصاري. سرّح الماء يُمرُّ، فَأَتَى عَائِنَةً، فَأَخْتَصَمُوا عِنْدَ رَسُولِ اللهِ ﷺ. قَالَ رَسُولُ اللهِ ﷺ لِلرَّبِيعِ: «اسْقِ يَا زَبِيرًا! ثُمَّ أَرْسِلِ المَاءَ إِلَى جَارِكَ» فَنَضَبَ الْأَنْصَارِيُّ: قَالَ: [يَا رَسُولَ اللهِ] أَنْ كَانَ ابْنَ عَمِّكَ؟ قَلَوْنَ وَجْهُ رَسُولِ اللهِ ﷺ ثُمَّ قَالَ: [يَا زَبِيرًا!] اسْقِ ثُمَّ اخْبِسِ الْمَاءَ حَتَّى يَرْجِعَ إِلَى الْجَدْرِ» قَالَ الرَّبِيعُ: وَاللهِ! إِنِّي لَا خَبِيبٌ تَرَكْتَ هَذِهِ الْآيَةَ فِي ذَلِكَ. «فَلَا وَرَيْكَ لَا يُؤْمِنُوكَ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ حَرَجًا مَمَّا قَضَيْتَ وَيُسَلِّمُوا سَلِيمًا» الآية [النساء: ٦٥].

[Qāl Abu ʻIȳsī: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ].

وَرَوَى شَعِيبُ بْنُ أَبِي حَمْزَةَ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الرَّبِيعِ، عَنِ الرَّبِيعِ، وَلَمْ يَذْكُرْ فِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الرَّبِيعِ. وَرَوَاهُ عَبْدُ اللَّهِ بْنُ وَهْبٍ عَنِ الْلَّاثِثِ . وَوُئْسُ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَبْدِ اللَّهِ بْنِ الرَّبِيعِ. نَعْمَ الْحَدِيثُ الْأَوَّلُ.

تخریج: متفق عليه، وأخرجه مسلم، الفضائل، باب وجوب اتباعه ﷺ، ح: ٢٣٥٧ عن قتيبة والبغاري، ح: ٢٣٥٩، ٢٣٦٠ من حديث الليث بن سعد به.

Comments:

This man from *Ansār* was a Companion who participated in the Battle of Badr. In anger, he was not patient, and uttered those offensive words. No Muslim ever dares to behave in such a way as he did. This event gives a lesson

[1] *An-Nisā’* 4:65.

to all the Muslims, that they must obey the orders of the Prophet ﷺ without any grumbling and muttering from the depth of their heart. This is the true faith and demand of the loyalty of faith.

Chapter 27. What Has Been Related About One Who Frees His Slaves When He Dies, While He Has No Wealth Aside From Them

1364. ‘Imrān bin Ḥuṣain narrated: “A man from the *Anṣār* freed six slaves of his upon his death, and he did not have any wealth aside from them. That was conveyed to the Prophet ﷺ, and he said some harsh words about him.” He said: “Then he called for them and he divided them and had them draw lots. So he freed two of them and left four as slaves.” (*Sahīh*)

[He said:] There is something on this topic from Abū Hurairah.

[Abū ‘Eisā said:] The *Hadīth* of ‘Imrān bin Ḥuṣain is a *Hasan Sahīh Hadīth*, and it has been reported through more than one route from ‘Imrān bin Ḥuṣain.

This is acted upon according to some of the people of knowledge [among the Companions of the Prophet ﷺ]. It is the view of Mālik bin Anas, Ash-Shāfi‘ī, Ahmad, and Ishāq. They held the view that casting of lots could resorted to in this case and others. As for some of the people of knowledge among the people of Al-Kūfah and others, they did not approve of drawing lots. They said: Each one of the slaves should be freed one-third, and they should be allowed to work to earn the price of the other two-thirds.

(المعجم ٢٧) - بَابُ مَا جَاءَ فِيمَنْ يُعْتَقُ
مَمَالِيكَهُ عِنْدَ مَوْتِهِ، وَلَيْسَ لَهُ مَالٌ
غَيْرُهُمْ (التحفة ٢٧)

١٣٦٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَيُوبَ، عَنْ أَبِي قَلَابَةَ، عَنْ أَبِي الْمُهَلَّبِ، عَنْ عُمَرَانَ بْنِ حُصَيْنٍ أَنَّ رَجُلًا مِنَ الْأَنْصَارِ أَعْتَقَ سَيْنَةً أَعْبُدَ لَهُ عِنْدَ مَوْتِهِ وَلَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُمْ. قَبَعَ ذَلِكَ النَّبِيُّ ﷺ، فَقَالَ لَهُ قَوْلًا شَدِيدًا. قَالَ: ثُمَّ دَعَاهُمْ فَجَزَّأُهُمْ ثُمَّ أَفْرَغَ بَيْنَهُمْ، فَأَعْتَقَ أَثْنَيْنِ وَأَرْبَعَةَ أَرْبَعَةَ. [قَالَ: وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ.]

[قالَ أَبُو عِيسَى:] حَدِيثُ عُمَرَانَ بْنِ حُصَيْنٍ حَدِيثُ حَسَنٍ صَحِيفٍ. وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهٍ، عَنْ عُمَرَانَ بْنِ حُصَيْنٍ وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ [مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ]. وَهُوَ قَوْلُ مَالِكٍ بْنِ أَنَسٍ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ يَرَوْنَ [اسْتِعْمَالَ الْفُرْعَعَةِ] فِي هَذَا وَفِي غَيْرِهِ. وَأَمَّا بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَهْلِ الْكُوفَةِ وَغَيْرِهِمْ فَلَمْ يَرَوُا الْفُرْعَعَةَ. وَقَالُوا: يُعْتَقُ مِنْ كُلِّ عَبْدٍ الثُّلُثُ. وَيُسْتَسْعَى فِي ثُلُثَيْنِ قِيمَتِهِ. وَأَبُو الْمُهَلَّبِ اسْمُهُ عَبْدُ الرَّحْمَنِ بْنُ عَمْرِو [الْجَرْمِيُّ وَهُوَ غَيْرُ أَبِي قَلَابَةِ] وَيُقَالُ مُعَاوِيَةُ بْنُ عَمْرِو [وَأَبُو قَلَابَةِ الْجَرْمِيِّ اسْمُهُ عَبْدُ اللَّهِ بْنُ زَيْدٍ].

Abū Al-Muhallab's name is 'Abdur-Rahmān bin 'Amr [Al-Jarmī; he is not Abū Qilābah.] And they also say he is Mu'āwiya bin 'Amr, [and Abū Qilābah Al-Jarmī's name is Abdullāh bin Zaid.]

تخریج: وأخرج مسلم، الأیمان، باب من أعتق شرکا له في عبد، ح: ١٦٦٨ عن قتيبة به * وفي الباب عن أبي هريرة [البیهقی: ٢٨٦ / ١٠].

Comments:

The *Anṣarī* freed six slaves, whereas according to the *Shari'ah* he had the right to free only two. Now everyone of the freed slaves desired to have freedom, but only two of them could get it. This was an issue that needed no witnesses for its solution, and nobody was ready to forgo his right, so it was solved by drawing lots, because there was no other choice for the solution of this issue. So in the light of this narration, such cases can be solved by drawing lots.

Chapter 28. What Has Been Related About One Who Owned A Mahram (A Close Relative)

1365. Samurah narrated that the Messenger of Allāh ﷺ said: "Whoever owns a related *Mahram*, then he is free." (*Hasan*)

[Abū 'Eisā said:] We do not know of this narration having a complete chain of narration, except as a narration of Ḥammād bin Salamah.

Some have reported something about this from Qatādah, from Al-Hasan, from 'Umar.

(Another chain) from Samurah that the Prophet ﷺ said: "Whoever owns a related *Mahram*, then he is free."

[Abū 'Eisā said:] We do not know of anyone who mentioned 'Āsim Al-Āḥwal from Ḥammād bin Salamah in this narration, except for Muḥammad bin Bakr.

And this is acted upon according

(المعجم ٢٨) - بَابُ مَا جَاءَ فِيمَنْ مَلَكَ
ذَا رَحْمٍ مَحْرَمٍ (التحفة ٢٨)

١٣٦٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُعَاوِيَةَ
الْجُمَحِيُّ [البَصْرِيُّ]: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ
قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمْرَةَ أَنَّ رَسُولَ اللَّهِ
ﷺ قَالَ: «مَنْ مَلَكَ ذَا رَحْمٍ مَحْرَمٍ فَهُوَ حُرٌّ».
[قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ لَا نَعْرِفُهُ
مُسَنَّدًا، إِلَّا مِنْ حَدِيثِ حَمَادَ بْنِ سَلَمَةَ. وَقَدْ
رَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ قَتَادَةَ، عَنْ
الْحَسَنِ، عَنْ عُمَرَ، شَيْئًا مِنْ هَذَا.

حَدَّثَنَا عَقْبَةُ بْنُ مُكْرَمَ الْعَمَيِّ الْبَصْرِيُّ وَعَيْرُ
وَاحِدٍ، قَالُوا: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرِ الْبَرْسَانِيُّ،
عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ قَتَادَةَ. وَعَاصِمُ
الْأَخْوَلُ عَنْ الْحَسَنِ، عَنْ سَمْرَةَ عَنِ النَّبِيِّ ﷺ
قالَ: «مَنْ مَلَكَ ذَا رَحْمٍ مَحْرَمٍ فَهُوَ حُرٌّ».

[قالَ أَبُو عِيسَى]: وَلَا نَعْلَمُ أَحَدًا ذَكَرَ فِي

to some of the people of knowledge. It has also been reported from Ibn 'Umar that the Prophet ﷺ said: "Whoever owns a related *Mahram*, then he is free." Damrah bin Rabī'ah reported it from Sufyān Ath-Thawrī, from 'Abdullāh bin Dīnār, from Ibn 'Umar, from the Prophet ﷺ. But Damrah bin Rabī'ah is not followed up in narrating this *Hadīth*.^[1] And this *Hadīth* is a mistake according to the scholars of *Hadīth*.

تخریج: [حسن] وأخرج أبو داود، العتق، باب: فمن ملك ذا رحم محرم، ح: ٣٩٤٩ وابن ماجه، ح: ٢٥٢٤ من حديث حماد بن سلمة به وصححه الحاكم: ٢١٤ / ٢ والذهبي وابن الجارود، ح: ٩٧٣ * حديث عقبة بن مكرم: رواه ابن ماجه، ح: ٢٥٢٤ عنه وسنه حسن.

Comments:

Mahram relatives are those who are prohibited to marry each other when one of them is male and the other is female, as father and son, paternal uncle and paternal nephew, maternal uncle and maternal nephew, etc. The father is prohibited from marrying his daughter, a son cannot marry his mother, a brother cannot marry his sister etc. Most of the people of knowledge among the Companions of the Prophet ﷺ and their followers acted according to this narration. The *Ahnaf* and *Hanabilah* also act upon this narration.

Chapter 29. What Has Been Related About One Who Farms A People's Land Without Their Permission

1366. Rāfi' bin Khadīj narrated that the Prophet ﷺ said: "Whoever farms a people's land without their permission, then nothing he farms belongs to him, and its finances are due to him." (*Da'iif*)

[Abū 'Eisā said:] This *Hadīth* is

هذا الحديث عاصيماً الأحوال عن حماد بن سلمة، غير محمد بن بكر. والعمل على هذا عند بعض أهل العلم. وقد روی عن ابن عمر عن النبي ﷺ قال: «من ملك ذا رحم محرم فهو حر» رواه ضمرة بن ربيعة عن شفيان الثوري، عن عبد الله بن ديار، عن ابن عمر عن النبي ﷺ .
ولَا يتابع ضمرة بن ربيعة على هذا الحديث. وهو حديث خطأ عند أهل الحديث.

تخریج: [حسن] وأخرج أبو داود، العتق، باب: فمن ملك ذا رحم محرم، ح: ٣٩٤٩ وابن ماجه، ح: ٢٥٢٤ من حديث حماد بن سلمة به وصححه الحاكم: ٢١٤ / ٢ والذهبي وابن الجارود، ح: ٩٧٣ * حديث عقبة بن مكرم: رواه ابن ماجه، ح: ٢٥٢٤ عنه وسنه حسن.

(المعجم ٢٩) - باب ما جاء [في] من زرَع في أرضِ قومٍ يغْنِي إِذْنُهُم (التحفة ٢٩)

١٣٦٦ - حدثنا قتيبة: حدثنا شريك بن عبد الله التميمي عن أبي إسحاق، عن عطاء، عن رافع بن خديج أن النبي ﷺ قال: «من زرع في أرضِ قومٍ يغْنِي إِذْنُهُم، فلئيس له من الزرع شيء، ولو أنه نَفَّته». .

^[1] No one else narrates it from Sufyān, which would act as support for Damrah's narration.

Hasan Gharīb, we do not know it as a narration of Abū Ishaq except from this route; the narration of Sharīk bin ‘Abdullāh.

This *Hadīth* is acted upon according to some of the people of knowledge, and it is the view of Aḥmad and Ishaq.

I asked Muḥammad bin Ismā‘il about this *Hadīth* and he said: “It is a *Hasan Hadīth*.” And he said: “I do not know of it as a narration of Abū Ishaq except from the report of Sharīk.” Muḥammad said: “Ma‘qil bin Mālik Al-Baṣrī narrated to us: ‘Uqbah bin Al-Asam narrated to us from ‘Atā’, from Rāfi‘ bin Khadīj from the Prophet ﷺ, similarly.”

تخریج: [إسناده ضعیف] وأخرجه أبو داود، البيوع، باب: في زرع الأرض بغیر إذن صاحبها، ح ٣٤٠٣ عن قتيبة به ورواه قيس بن الربيع عن أبي إسحاق به، شریک عنن وقیس ضعیف وأبو إسحاق عنن وعطاء لم يسمع من رافع (خطابی).

Comments:

This narration proves that if someone cultivates the land without the owner's permission, the produce will belong to the owner of the land and the tiller will get only the expenditure he spent on the cultivation.

Chapter 30. What Has Been Related About Gifts And Equality Between Children

1367. An-Nu‘mān bin Bashīr narrated that his father gave a slave to a son of his. So he went to the Prophet ﷺ to have him witness it. He ﷺ said: ‘Have you given a gift similar to this one to all of your sons?’ He replied: ‘No.’ So he said: ‘Then take him back.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*, and it has been

[قال أبو عيسى:] هذا حديث حسن غريب، لا تعرفه من حديث أبي إسحاق، إلا من هذا الوجه من حديث شریک بن عبد الله. والعمل على هذا الحديث عند بعض أهل العلم، وهو قول أحمد وإسحاق. وسألت محمد بن إسماعيل عن هذا الحديث فقال: هو حديث حسن. وقال: لا أعرفه من حديث أبي إسحاق إلا من رواية شریک. قال محمد: حدثنا مقلوب بن مالك البصري: حدثنا عقبة بن الأصم عن عطاء، عن زريع ابن حديج عن النبي ﷺ نحوه.

(المعجم ٣٠) - باب ما جاء في النخل
والتسوية بين الولد (التحفة ٣٠)

١٣٦٧ - حدثنا نصر بن علي وسعيد بن عبد الرحمن المخزومي - المعني واحد - قالا: حدثنا سفيان عن الزهري، عن حميد ابن عبد الرحمن وعن محمد بن التعمان بن بشير، يحدثان عن التعمان بن بشير، أن آباءاً نحل ابن لة غلاماً. فأنى النبي ﷺ يشهدُ

reported through more than one route from An-Nu'mān bin Bāshīr.

This is acted upon according to some of the people of knowledge. They consider it recommended to maintain equality among sons, to the degree that some of them said he is to treat his sons equally even in kissing. Some of them said he is to treat his sons equally in gifts and presents, [meaning] to treat the males and the females the same. This is the view of Sufyān Ath-Thawrī. Some of them said treating children equally is to give the males a similar portion as that of two females, similar to divisions of inheritance. This is the view of Ahmad and Iṣhāq.

فَقَالَ: «أَكُلُّ وَلَدِكَ قَدْ نَحْلَتْهُ، مِثْلَ مَا نَحْلَتْ هَذَا؟» قَالَ: لَا، قَالَ: «فَأَرْدُدُهُ». .

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسْنٌ صَحِيفٌ. وَقَدْ رُوِيَ مِنْ عَيْنِ وَجْهٍ عَنِ النَّعْمَانِ ابْنِ بَشِيرٍ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، يَسْتَحْجُونَ التَّشْوِيَةَ بَيْنَ الْوَلَدِ، حَتَّى قَالَ بَعْضُهُمْ: يُسَوِّي بَيْنَ وَلَدِهِ حَتَّى فِي الْقُبْلَةِ. وَقَالَ بَعْضُهُمْ: يُسَوِّي بَيْنَ وَلَدِهِ وَفِي النَّحْلِ وَالْعُطْيَةِ [يَعْنِي] الدَّكْرُ وَالآثَنِ سَوَاءً وَهُوَ قَوْلُ سُفِيَّانَ التَّوْرَيْ. وَقَالَ بَعْضُهُمْ: التَّشْوِيَةُ بَيْنَ الْوَلَدِ، أَنْ يُعْطَى الدَّكْرُ مِثْلَ حَظِّ الْأَثَنِيْنِ، مِثْلَ قِسْمَةِ الْوِرَاثَةِ، وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ.

تخریج: متفق عليه، وأخرجه مسلم، الهبات، باب كراهة تفضيل بعض الأولاد في الهبة، ح: ١٦٢٣ من حديث سفيان بن عيينة والبخاري، ح: ٢٥٨٦ من حديث الزهرى به.

Comments:

The subject of this narration proves that if someone wants to give something to his children in his life time, he will have to give an equal share to every one of them without any consideration of gender or standards of legacy distribution. Another narration made this point clear. The Prophet ﷺ said in an authentic narration, “Treat your children equally. If I want to give extra to one of them, I will give to a female.” (*Baihaqi*)

Chapter 31. What Has Been Related About Preemption

1368. Samurah narrated that the Messenger of Allāh ﷺ said: “The neighbor of a home has more right to the home.” (*Hasan*)

Abū ‘Eisā said: There are narrations on this topic from Ash-Sharīd, Abū Rāfi‘, and Anas.

(المعجم (٣١) - بَابُ مَا جَاءَ فِي الشُّفْعَةِ
(التحفة (٣١)

١٣٦٨ - حَدَّثَنَا عَلَيْهِ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عَيْنَةَ عَنْ سَعِيدٍ، عَنْ قَاتَادَةَ، عَنِ الْحَسِنِ، عَنْ سَمْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «جَارُ الدَّارِ أَحَقُّ بِالدَّارِ». قَالَ أَبُو عِيسَى: وَفِي الْتَّابِعِ عَنِ الشَّرِيدِ

The *Hadīth* of Samurah is a *Hasan Sahīh Hadīth*. ‘Eisā bin Yūnus reported similarly from Sa‘eed bin Abī ‘Arūbah, from Qatādah, from Anas, from the Prophet ﷺ.

It has also been reported from Sa‘eed bin Abī ‘Arūbah from Qatādah, from Al-Hasan, from Samurah, from the Prophet ﷺ. What is correct according to the people of knowledge is the narration of Al-Hasan from Samurah, and we do not know the report of Qatādah from Anas, except as a narration of ‘Eisā bin Yūnus. The *Hadīth* of ‘Abdullāh bin ‘Abdur-Rahmān At-Tā’ifi from ‘Amr bin Ash-Sharīd, from his father, from the Prophet ﷺ – on this topic – is a *Hasan Hadīth*. Ibrāhīm bin Maisarah reported it from ‘Amr bin Ash-Sharīd, from Abū Rāfi‘, from the Prophet ﷺ.

He said: I heard Muhammad saying: “Both of the *Aḥādīth* are *Sahīh* to me.”

تخریج: [حسن] وأخرجه أحمد: ١٣/٥ عن إسماعيل ابن علية به ورواه أبو داود، ح: ٣٥١٧ من حديث قتادة وصححه ابن الجارود، ح: ٦٤٤ * وفي الباب عن الشريذ [ابن ماجه، ح: ٢٤٩٦] وأشار إليه المؤلف وأبي رافع [البخاري، ح: ٢٢٥٨، ٦٩٧٧، ٦٩٨٠] وأشار إليه المؤلف وأنس [ابن حبان، ح: ١١٥٣] وأشار إليه الترمذى] * حديث عيسى بن يونس رواه ابن حبان، ح: ١١٥٣.

وَأَبِي رَافِعٍ وَأَنَسٍ .
حَدِيثُ سَمْرَةَ حَدِيثُ حَسَنٌ صَحِيفٌ، وَقَدْ
رَوَى عِيسَى بْنُ يُونُسَ عَنْ سَعِيدِ بْنِ أَبِي
عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ،
مِثْلُهُ .

وَرَوِيَ عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ
قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ . وَالصَّحِيفُ عِنْدَ أَهْلِ الْعِلْمِ، حَدِيثُ
الْحَسَنِ، عَنْ سَمْرَةَ . وَلَا نَعْرِفُ حَدِيثَ قَتَادَةَ
عَنْ أَنَسٍ، إِلَّا مِنْ حَدِيثِ عِيسَى بْنِ يُونُسَ .
وَحَدِيثُ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الطَّافِينِيِّ
عَنْ عُمَرُو بْنِ الشَّرِيدِ، عَنْ أَبِيهِ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فِي هَذَا الْبَابِ هُوَ حَدِيثُ حَسَنٌ .
وَرَوَى إِبْرَاهِيمُ بْنُ مَيْسَرَةَ عَنْ عُمَرُو بْنِ
الشَّرِيدِ، عَنْ أَبِي رَافِعٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:
سَمِعْتُ مُحَمَّدًا يَقُولُ كِلَّا الْحَدِيثَيْنِ عِنْدِي
صَحِيفٌ .

Comments:

In this narration, it has been made clear, that if a shareholder in a property sells his share without consulting or informing the co-shareholder, then the co-shareholder can buy back the share of property for the same price which it was sold. This is agreed upon; the neighbor loses the right of preemption in the presence of a co-shareholder of the property.

Chapter 32. What Has Been Related About Preemption For The Absent

1369. Jābir narrated that the Messenger of Allāh ﷺ said: “The neighbor has more right to his preemption. He is to be waited for even if he is absent, when their paths are the same.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*. We do not know of anyone reporting this *Hadīth* other than ‘Abdul-Mālik bin Abī Sulaimān from ‘Atā’, from Jābir. [Shu‘bah criticized ‘Abdul-Mālik bin Abī Sulaimān due to this *Hadīth*.]

‘Abdul-Mālik is trustworthy and honest according to the people of *Hadīth*. We do not know of anyone who criticized him except Shu‘bah because of this *Hadīth*. Wakī‘ reported this *Hadīth* from Shu‘bah from ‘Abdul-Mālik [bin Abī Sulaimān]. And it has been reported from Ibn Al-Mubārak, from Sufyān Ath-Thawrī who said: “Abdul-Mālik bin Abī Sulaimān is a ‘scale.’” Meaning for knowledge.

This *Hadīth* is acted upon according to the people of knowledge. The person has more right to preemption even if he is absent, so when he arrives then the pre-emption is his even if he has gone for a long time.

تخریج: [إسناده حسن] وأخرجه أبو داود، البيع، باب: في الشفعة، ح: ٣٥١٨ وابن ماجه، ح: ٢٤٩٤ من حديث عبد الملك به.

Comments:

Though ‘Abdul-Mālik bin Abī Sulaimān is a reliable and secure narrator, but

(المعجم ٣٢) - بَابُ مَا جَاءَ فِي الشُّفْعَةِ
لِلْغَائِبِ (التحفة ٣٢)

١٣٦٩ - حَدَثَنَا قُتَيْبَةُ: حَدَثَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ الْوَاسِطِيِّ عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي سُلَيْمَانَ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْجَارُ أَحَقُّ بِشُفْعَتِهِ، يُسْتَطِرُ بِهِ وَإِنْ كَانَ غَايَةً، إِذَا كَانَ طَرِيقُهُمَا وَاحِدًا».

[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٌ غَرِيبٌ، وَلَا نَعْلَمُ أَحَدًا رَوَى هَذَا الْحَدِيثَ غَيْرَ عَبْدِ الْمَلِكِ بْنِ أَبِي سُلَيْمَانَ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ [وَقَدْ تَكَلَّمَ شُعْبَةُ فِي عَبْدِ الْمَلِكِ بْنِ أَبِي سُلَيْمَانَ مِنْ أَجْلِ هَذَا الْحَدِيثِ].

وَعَبْدُ الْمَلِكِ هُوَ ثَقَةٌ مَأْمُونٌ عِنْدَ أَهْلِ الْحَدِيثِ، لَا نَعْلَمُ أَحَدًا تَكَلَّمَ فِيهِ غَيْرُ شُعْبَةَ، مِنْ أَجْلِ هَذَا الْحَدِيثِ . وَقَدْ رَوَى وَكَيْعَ عَنْ شُعْبَةَ، عَنْ عَبْدِ الْمَلِكِ [بْنِ أَبِي سُلَيْمَانَ] هَذَا الْحَدِيثَ . وَرُوِيَ عَنْ ابْنِ الْمُبَارَكِ، عَنْ سُفِيَّانَ الثَّوْرِيِّ قَالَ: عَبْدُ الْمَلِكِ بْنُ أَبِي سُلَيْمَانَ مِيزَانٌ. يَعْنِي فِي الْعِلْمِ . وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ، أَنَّ الرَّجُلَ أَحَقُّ بِشُفْعَتِهِ وَإِنْ كَانَ غَايَةً . فَإِذَا قَلِمَ فَلَهُ الشُّفْعَةُ . وَإِنْ تَطَوَّلَ ذَلِكَ .

this narration from him is deemed to be not preserved and of a lower rank. The neighbor who is not a co-shareholder or does not share the way to the property, according to Islamic Law, has no right of preemption. If someone wants to sell his property, morally he is bound to consult his neighbour, and he should be given priority.

Chapter 33. (What Has Been Related About) When The Boundaries Are Defined And The Areas Are Fixed Then There Is No Preemption

1370. Jābir bin ‘Abdullāh narrated that the Messenger of Allāh ﷺ said: “When the boundaries are defined and the streets are fixed, then there is no preemption.” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*, some of them reported it in *Mursal* form from *Abū Salamah*, from the Prophet ﷺ.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ. Among them was ‘Umar bin Al-Khaṭṭāb and ‘Uthmān bin ‘Affān. It is also the view of some of the *Fuqahā’* among the *Tābi‘in*, like ‘Umar bin ‘Abdul-Azīz and others. It is the view of the people of Al-Madīnah, among them Yahyā bin Sa‘eed Al-Anṣārī, Rabī‘ah bin Abī ‘Abdur-Rahmān, and Mālik bin Anas. It is the view of *Ash-Shāfi‘ī*, Ahmad, and Ishāq. They did not hold the view that there could be a preemption, except if there was an association (partnership). And they did not think that the neighbor had the right to preemption when there is no association.

(المعجم (٣٣) - بَابُ [مَا جَاءَ] إِذَا
حُدِّتِ الْحُدُودُ وَوَقَعَتِ السَّهَامُ فَلَا
شُفْعَةَ (التحفة (٣٣)

١٣٧٠ - حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا
عَبْدُ الرَّزَاقِ: حَدَّثَنَا مَعْمَرٌ عَنِ الرُّهْبَانِ، عَنْ
أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ جَابِرِ بْنِ
عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا
وَقَعَتِ الْحُدُودُ، وَصَرِفَتِ الطُّرُقُ، فَلَا
شُفْعَةَ .

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٌ
صَحِيقٌ. وَقَدْ رَوَاهُ بَعْضُهُمْ مُرْسَلًا، عَنْ أَبِي
سَلَمَةَ عَنِ الْبَيْنَ ﷺ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ
بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ.
مِنْهُمْ عُمَرُ بْنُ الْحَطَّابِ وَعُثْمَانُ بْنُ عَفَانَ.
وَبِهِ يَقُولُ بَعْضُ فُقَهَاءِ التَّابِعِينَ. مِثْلُ عُمَرِ بْنِ
عَبْدِ الْعَزِيزِ وَغَيْرِهِ. وَهُوَ قَوْلُ أَهْلِ الْمَدِينَةِ.
مِنْهُمْ يَحْيَى بْنُ سَعِيدِ الْأَنْصَارِيِّ وَرَبِيعَةُ بْنُ
أَبِي عَبْدِ الرَّحْمَنِ وَتَمَالِكُ بْنُ أَنَسٍ. وَبِهِ يَقُولُ
الشَّافِعِيُّ وَأَخْمَدُ وَإِسْحَاقُ. لَا يَرَوْنَ الشُّفْعَةَ
إِلَّا لِلْخَلِيلِ، وَلَا يَرَوْنَ لِلْجَارِ شُفْعَةً إِذَا لَمْ
يَكُنْ خَلِيلًا .

[وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ
ﷺ وَغَيْرِهِمْ: الشُّفْعَةُ لِلْجَارِ، وَاحْتَجُوا

Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that pre-emption is for the neighbour, and they argued using the *Marfū' Hadīth* of the Prophet ﷺ: "The neighbour of a home has more right to the home" and his saying: "The neighbor has more right because of his nearness." This is the view of Ath-Thawrī, Ibn Al-Mubārak and the people of Al-Kūfah.

بِالْحَدِيثِ الْمَرْفُوعِ عَنِ النَّبِيِّ ﷺ قَالَ: «جَارُ الدَّارِ أَحَقُّ بِالدَّارِ». وَقَالَ: «الْجَارُ أَحَقُّ بِسَقِيَّهِ» وَهُوَ قَوْلُ التَّوْرِيٍّ وَابْنِ الْمُبَارِكِ وَأَهْلِ الْكُوفَةِ.

تخریج: وأخرجه البخاري، الحigel، باب: في الهبة والشفعه، ح: ٦٩٧٦ من حديث معمر به.

Chapter 34. (What Has Been Related About The Partner Is The Preemptor)

1371. Ibn 'Abbās narrated that the Messenger of Allāh ﷺ said: "The partner is the preemptor, and preemption is in everything." (*Hasan*)

[Abū 'Eisā said:] We do not know of a *Hadīth* like this, except from the narration of Abū Ḥamzah As-Sukkārī. More than one narrator reported it from 'Abdul-'Azīz bin Rufai' from Ibn Abī Mulaikah, from the Prophet ﷺ in *Mursal* form, and this is more correct.

(Another chain) from Ibni Abī Mulaikah from the Prophet ﷺ with a similar meaning, but "from Ibni 'Abbās" is not in it. Similar to this was reported by more than one narrator from 'Abdul-'Azīz bin Rufai', "from Ibni 'Abbās" is not in it and this is more correct than the narration of Abū Ḥamzah. Abū Ḥamzah is trustworthy, it is

(المعجم ٣٤) - بَابُ [مَا جَاءَ أَنَّ الشَّرِيكَ شَفِيعًّا] (التحفة ٣٤)

١٣٧١ - حَدَّثَنَا يُوسُفُ بْنُ عِيسَىٰ: حَدَّثَنَا الفَضْلُ بْنُ مُوسَىٰ عَنْ أَبِي حَمْزَةَ السُّكْرِيِّ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُقَيْعَةَ، عَنْ ابْنِ أَبِي مُلَيْكَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الشَّرِيكُ شَفِيعٌ وَالشُّفَعَةُ فِي كُلِّ شَيْءٍ».

[قال أبو عيسى:] هَذَا حَدِيثٌ لَا تَعْرِفُهُ مِثْلَ هَذَا، إِلَّا مِنْ حَدِيثِ أَبِي حَمْزَةَ السُّكْرِيِّ. وَقَدْ رَوَى عَيْرُ وَاحِدٌ عَنْ عَبْدِ الْعَزِيزِ بْنِ رُقَيْعَةَ، عَنْ ابْنِ أَبِي مُلَيْكَةَ عَنِ النَّبِيِّ ﷺ، مُرْسَلًا وَهَذَا أَصَحُّ.

حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ عَنْ عَبْدِ الْعَزِيزِ بْنِ رُقَيْعَةَ، عَنْ ابْنِ أَبِي مُلَيْكَةَ عَنِ النَّبِيِّ ﷺ، تَحْوِهِ بِمَعْنَاهُ. وَلَيْسَ فِيهِ، عَنْ ابْنِ عَبَّاسٍ وَهَذَا رَوَى عَيْرُ وَاحِدٌ عَنْ عَبْدِ الْعَزِيزِ ابْنِ رُقَيْعَةَ، مِثْلَ هَذَا. لَيْسَ فِيهِ عَنْ ابْنِ عَبَّاسٍ

possible that the mistake is from someone other than Abū Hamzah.

(Another chain) from Ibnu Abī Mulaikah from the Prophet ﷺ, and it is similar to the (last) narration of Abū Bakr bin ‘Ayyāsh (above).

Most of the people of knowledge said that preemption only takes place in homes and lands, they did not think that preemption was for everything. Some of the people of knowledge said that preemption was for everything. But the first view is more correct.

وَهَذَا أَصَحُّ مِنْ حَدِيثِ أَبِي حَمْزَةَ، وَأَبُو حَمْزَةَ ثَقَةٌ. يُمْكِنُ أَنْ يَكُونَ الْخَطَاً مِنْ غَيْرِ أَبِي حَمْزَةَ.

حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو الْأَخْوَصِ عَنْ عَبْدِ الْعَرَبِيِّ بْنِ رُفَيْعٍ، عَنِ ابْنِ أَبِي مُلِيقَةَ عَنِ النَّبِيِّ ﷺ، تَحْوِي حَدِيثٌ أَبِي بَكْرٍ بْنِ عَيَّاشَ. وَقَالَ أَكْثَرُ أَهْلِ الْعِلْمِ: إِنَّمَا تَكُونُ الشُّفْعَةُ فِي الدُّورِ وَالْأَرْضِينَ. وَلَمْ يَرَوْا الشُّفْعَةَ فِي كُلِّ شَيْءٍ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: الشُّفْعَةُ فِي كُلِّ شَيْءٍ. وَالْقُولُ الْأَوَّلُ أَصَحُّ.

تخریج: [إسناده حسن] وأخرجه النسائي في الكبرى (تحفة الأشراف: ٤٥/٥، ح: ٥٧٩٥) والبيهقي: ١٠٩/٦ من حديث الفضل بن موسى به وتابعه الصدوق / حسن الحديث، نعيم بن حماد عند البيهقي: ١٠٩/٦.

Comments:

It is correct and proven that on all types of immovable property, the right of preemption is applicable, and movable property is exempt. According to Imām ‘Atā, the right of preemption is applicable to all types of property. Imām Mālik also supports this point of view. According to Imām Ahmad, among the movable property, the right of preemption is applicable only on animals, and all other types of property are exempt.

Chapter 35. What Has Been Related About Lost Items,^[1] The Stray Camel And Sheep

(المعجم ٣٥) - بَابُ مَا جَاءَ فِي اللَّقْطَةِ
وَضَالَّةِ الْإِلِيلِ وَالْغَنَمِ (التحفة ٣٥)

1372. Zaid bin Khālid Al-Juhnī narrated: “A man asked the Messenger of Allāh ﷺ about lost items. So he said: ‘Make a public announcement about it for one year. Remember its string, its container, and its sack. Then use it, and if its owner comes then give it to him.’ So he said to him: ‘O Messenger of Allāh! What about

١٣٧٢ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ زَيْدَ مَوْلَى الْمُتَبَعِّثِ، عَنْ زَيْدَ بْنِ خَالِدٍ الْجَهَنَّمِيِّ: أَنَّ رَجُلًا سَأَلَ رَسُولَ اللهِ ﷺ عَنِ الْلَّقْطَةِ؟ فَقَالَ: «عَرَفْهَا سَنَةً ثُمَّ اعْرِفُ وِكَاءَهَا وَوِعَاءَهَا وَعَفَاصَهَا، ثُمَّ اسْتَنْفِقْ بِهَا، فَإِنْ

[1] Meaning, items that are found about which it is apparent someone has lost them.

the stray sheep?" He said: 'Take it, for it is either for you, your brother, or the wolf.' He said: 'O Messenger of Allāh! What about the stray camel?" He said: "Then the Prophet ﷺ got angry until his cheeks became red or his face became red. He said: 'What concern is it of yours? It has its feet and its water reserve until it reaches its owner.'" (*Sahih*)

There are narrations on this topic from Ubayy bin Ka'b, 'Abdullāh bin 'Umar, Al-Jārūd bin Al-Mu'allā, Iyād bin Ḥimār, and Jarīr bin 'Abdullāh. The *Hadīth* of Zaid bin Khālid is a *Hasan Sahīh Hadīth*, it has been reported from him through more than one route.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They permitted using the lost item when one announces it for a year and does not find who it belongs to. This is the view of *Ash-Shāfi'i*, *Aḥmad*, and *Ishāq*.

Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that he announces it for one year, then either its owner comes or he gives it in charity. This is the view of *Sufyān Ath-Thawrī*, 'Abdullāh bin Al-Mubārak, and it is the view of the people of Al-Kūfah. They did not think that the holder of the lost item should use it if he is wealthy. *Ash-Shāfi'i* said he can use it even if he is wealthy, because during the time of the Messenger of Allāh ﷺ, Ubayy

جاء رَبُّهَا فَأَدْهَا إِلَيْهِ» فَقَالَ [لَهُ]: يَا رَسُولَ اللَّهِ! فَضَالَّ الْغَنَمُ؟ فَقَالَ: «خُذْهَا، فَإِنَّمَا هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلَّذِئْبِ» فَقَالَ: يَا رَسُولَ اللَّهِ! فَضَالَّ الْإِلِيلُ؟ قَالَ: «فَعَصِبَ الْبَيْتُ بَيْتُ اللَّهِ حَتَّىٰ احْمَرَتْ وَجْنَتَاهُ، أَوْ احْمَرَ وَجْهُهُ». فَقَالَ: «مَالِكُ وَلَهَا؟ مَعَهَا جِنَاؤُهَا وَسِقَاوُهَا حَتَّىٰ تَلْقَى رَبَّهَا». وَفِي الْبَابِ عَنْ أُبَيِّ بْنِ كَعْبٍ وَعَبْدِ اللَّهِ بْنِ عُمَرَ وَالْجَارُودِ بْنِ الْمَعْلَىٰ وَعِيَاضِ بْنِ حَمَارٍ وَجَرِيرِ بْنِ عَبْدِ اللَّهِ. حَدِيثُ زَيْدِ بْنِ خَالِدٍ حَدِيثُ حَسَنٌ صَحِيحٌ. وَقَدْ رُوِيَ عَنْهُ مِنْ عَيْنٍ وَجْهٍ. وَحَدِيثُ يَزِيدَ مَوْلَى الْمُتَبَعِّثِ، عَنْ زَيْدِ بْنِ خَالِدٍ، حَدِيثُ حَسَنٌ صَحِيحٌ. وَقَدْ رُوِيَ عَنْهُ مِنْ عَيْنٍ وَجْهٍ. وَالْعَمَلُ عَلَىٰ هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ الْبَيْتِ بَيْتُ اللَّهِ وَغَيْرِهِمْ، وَرَحَضُوا فِي الْلَّفْظَةِ إِذَا عَرَفُوهَا سَنةً فَلَمْ يَجِدْ مَنْ يَعْرَفُهَا، أَنْ يَسْتَفْعَ بِهَا، وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَخْمَدَ وَإِسْحَاقَ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ الْبَيْتِ بَيْتُ اللَّهِ وَغَيْرِهِمْ: يُعَرَفُهَا سَنةً، فَإِنْ جَاءَ صَاحِبُهَا إِلَّا تَصَدَّقَ بِهَا. وَهُوَ قَوْلُ سُفْيَانَ الشَّوَّرِيِّ وَعَبْدِ اللَّهِ بْنِ المُبَارِكِ، وَهُوَ قَوْلُ أَهْلِ الْكُوفَةِ، لَمْ يَرَوْا لِصَاحِبِ الْلَّفْظَةِ أَنْ يَسْتَفْعَ بِهَا إِذَا كَانَ عَيْنًا. وَقَالَ الشَّافِعِيُّ: يَسْتَفْعَ بِهَا وَإِنْ كَانَ عَيْنًا، لَا إِنْ أُبَيَّ بْنَ كَعْبَ أَصَابَ عَلَىٰ عَهْدِ رَسُولِ اللَّهِ بَيْتُ اللَّهِ صُرَّةً فِيهَا مِائَةُ دِينَارٍ، فَأَمَرَهُ رَسُولُ اللَّهِ بَيْتُ اللَّهِ أَنْ يُعَرَفَهَا ثُمَّ يَسْتَفْعَ بِهَا، وَكَانَ أُبَيٌّ كَثِيرَ الْمَالِ، مِنْ

bin Ka'b found a sack with one hundred Dīnār in it. The Messenger of Allāh ﷺ ordered him to announce it, then use it, and Ubayy had a lot of wealth, he was one of the wealthy Companions of the Messenger of Allāh. So the Messenger of Allāh ﷺ ordered him to announce it, but he did not find anyone to claim it. So the Prophet ﷺ told him to use it. If the lost item was not lawful except for the one that charity is lawful for, then it would not be lawful for 'Alī bin Abī Tālib. While 'Alī bin Abī Tālib found some Dīnār during the time of the Messenger of Allāh ﷺ and announced it, but he did not find anyone to claim it. So the Prophet ﷺ told him to use it. Charity was not lawful for 'Alī bin Abī Tālib. (*Sahīh*)

When the lost item was of little value, some of the people of knowledge allowed using it without announcing it. Some of them said when it is less than a Dīnār then it is to be announced on Friday, this is the view of Ishāq bin Ibrāhīm.

تخریج: متفق عليه، وأخرجه البخاري، كتاب في اللقطة، باب: إذا جاء صاحب اللقطة بعد ستة ردها عليه لأنها وديعة عنده، ح: ٢٤٣٦ ومسلم، ح: ١٧٢٢ عن قتيبة به * وفي الباب عن أبي ابن كعب [يأتي: ١٣٧٤] وعبدالله بن عمر [صوابه، عبد الله بن عمر، تقدم: ١٢٨٩ مختصرًا وأبو داود، ح: ١٧١٣-١٧١٠] والجارود بن المعلى [أحمد: ٨٠/٥ والدارمي، ح: ٢٦٠٤ . وعياض بن حمار [أبو داود، ح: ١٧٠٩] وجرير بن عبد الله [أبو داود، ح: ١٧٢٠].

Comments:

If the lost property is able to be secured or preserved, like an animal or handsome amount of money, and there is ample chance of its spoilage or misuse if not picked up or taken in custody, in such circumstances, it can be picked up and kept in custody. Sincere efforts should be made to find the owner, and it should be announced for the period of one full year. After the search of one year, the money can be used by the person who found it, no matter whether he is rich or poor. If later on the owner of the property is found, it must be returned to him.

مَيَاسِيرُ أَصْحَابِ رَسُولِ اللَّهِ ﷺ، فَأَمْرَهُ
رَسُولُ اللَّهِ ﷺ أَنْ يُعْرَفَهَا، فَلَمْ يَجِدْ مَنْ
يُعْرِفُهَا، فَأَمْرَهُ النَّبِيُّ ﷺ أَنْ يُأْكُلَهَا، فَلَوْ
كَانَتِ اللَّقْطَةُ لَمْ تَحْلُ إِلَّا لِمَنْ تَحْلُ لَهُ
الصَّدَقَةُ، لَمْ تَحْلُ لِعَلَيِّ بْنِ أَبِي طَالِبٍ، لِأَنَّ
عَلَيَّ بْنَ أَبِي طَالِبٍ أَصَابَ دِينَارًا عَلَى عَهْدِ
النَّبِيِّ ﷺ فَعَرَفَهُ فَلَمْ يَجِدْ مَنْ يُعْرِفُهُ، فَأَمْرَهُ
النَّبِيُّ ﷺ بِأَكْلِهِ، وَكَانَ عَلَيَّ لَا تَحْلُ لَهُ
الصَّدَقَةُ.

وَقَدْ رَأَخْصَنَ بَعْضُ أَهْلِ الْعِلْمِ، إِذَا كَانَتِ
اللَّقْطَةُ يَسِيرَةً، أَنْ يَتَنَقَّعَ بِهَا وَلَا يُعْرِفُهَا.
وَقَالَ بَعْضُهُمْ: إِذَا كَانَ دُونَ دِينَارٍ يُعْرِفُهَا قَدْرَ
جُمِيعِهِ، وَهُوَ قَوْلُ إِسْحَاقَ بْنِ إِبْرَاهِيمَ.

1373. Zaid bin Khālid Al-Juhnī narrated that the Messenger of Allāh ﷺ was asked about the lost item. He said: “Make a public announcement about it for one year, if it is claimed then give it to him. Otherwise remember its sack, string, and its count. Then use it, and if its owner comes, give it to him.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb* from this route. Aḥmad bin Ḥanbal said: “The most correct thing on this topic is this *Hadīth*.”

Comments:

In the view of Imām Mālik, the amount can be returned after the recognition and identification of the owner. According to Imām Abū Ḥanifah, if the owner appears genuine, the amount should be returned to him and there is no need to ask for his identification, but if there is a need then it may be requested. Without any genuine reason having doubts is not correct. (*Fatḥ Al-Bārī* v. 5. p 98.)

1374. Suwaid bin Ghafalah said: “I went out with Zaid bin Shuhān and Salmān bin Rabī‘ah, and found a whip.” In his narration Ibn Numair (one of the narrators) said: “I found a lost whip and took it. They said: ‘Leave it.’ I said: ‘I will not leave it to be eaten by the predators. I will take it to make use of it.’ So I met up with Ubayy bin Ka‘b and asked him about that. So he narrated the *Hadīth*, he said: ‘That is fine. I found a sack containing one hundred Dīnār during the lifetime of the Messenger of Allāh ﷺ’ He said: ‘So I brought it to him. He said to me: “Make a public announcement about it for one year.” So I

١٣٧٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو بَكْرُ الْحَنْفِي: حَدَّثَنَا الضَّحَّاكُ بْنُ عُثْمَانَ: حَدَّثَنِي سَالِمٌ أَبُو النَّضِيرٍ عَنْ بُشَّرٍ بْنِ سَعِيدٍ، عَنْ زَيْدٍ بْنِ خَالِدٍ الْجُهْنَيِّ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سَئَلَ عَنِ الْأَقْطَةِ فَقَالَ: «عَرَفْهَا سَنَةً، فَإِنْ اعْتَرَفَتْ، فَأَدَهَا، وَإِلَّا فَاغْرَفْ فِعَالَصَاهَا وَوَكَاءَهَا وَعَدَهَا، ثُمَّ كُلُّهَا فَإِنْ جَاءَ صَاحِبُهَا فَأَدَهَا». [قال أَبُو عَيسَى: [هَذَا حَدِيثُ حَسْنٍ صَحِيحٍ غَرِيبٍ مِنْ هَذَا الْوَجْهِ. وَقَالَ أَخْمَدُ بْنُ حَبْيلٍ: أَصْحَحُ شَيْءٍ فِي هَذَا الْبَابِ هَذَا الْحَدِيثُ.] تخریج: متفق عليه، انظر الحديث السابق.

١٣٧٤ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَالِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُعْمَانَ وَيَزِيدُ بْنُ هَارُونَ عَنْ سُقِيَّانَ، عَنْ سَلَمَةَ بْنِ كَهْفِلٍ، عَنْ سُوَيْدِ بْنِ غَفَّالَةَ، قَالَ: خَرَجْتُ مَعَ زَيْدَ بْنِ صُورَحَانَ وَسَلْمَانَ بْنِ رَبِيعَةَ، فَوَجَدْتُ سُوطًا، قَالَ أَبْنُ نُعْمَانَ فِي حَدِيثِهِ: فَالْأَقْطَطُ سُوطًا فَأَخْذَنَهُ. قَالَ: دَعْهُ. فَقُلْتُ: لَا أَدْعَهُ تَأْكِلُهُ السَّيَاعُ، لَا يَخْذَنَهُ فَلَا سَمْتَعَنَ بِهِ، فَقَدِيمُتُ عَلَى أُبَيِّ بْنِ كَعْبٍ، فَسَأَلْتُهُ عَنْ ذَلِكَ، وَحَدَّثَنِي الْحَدِيثُ. فَقَالَ: أَخْسَنْتَ، وَجَدْتُ عَلَى عَهْدِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ دِينَارٍ، قَالَ، فَأَتَيْتُهُ بِهَا. فَقَالَ لِي: «عَرَفْهَا حَوْلًا» فَعَرَفْتُهَا حَوْلًا

announced it for a year but did not find anyone to claim it. Then I brought it to him. He said to me: "Make a public announcement about it for another year." So I announced it for a year but did not find anyone to claim it. Then I brought it to him. He said: "Make a public announcement about it for another year." And he said: "Remember its amount, its container and its string. If someone comes seeking it and informs you of its amount and its string, then give it to him, otherwise use it."

(*Sahīh*)

[He said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: متفق عليه، وأخرجه مسلم، اللقطة، باب معرفة العفاص والوكاء وحكم ضالة الغنم والإبل، ح: ١٧٢٢ من حديث عبدالله بن نمير والبخاري، ح: ٢٤٣٧ من حديث سلمة بن كهيل به.

Comments:

Announcement of lost and found items is necessary up to one year. If the amount is reasonably valuable, then just for precautionary measures, the announcement to find the owner can be extended for more than one year.

Chapter 36. What Has Been Related About A *Waqf*

(المعجم (٣٦) - باب ما جاء في الوقف

(التحفة (٣٦)

1375. Ismā‘il bin Ibrāhīm narrated from Ibn ‘Awn, from Nāfi‘ that Ibn ‘Umar said: “Umar got some land from Khaibar and said: ‘O Messenger of Allāh! I got some wealth from Khaibar and I never ever had any wealth as plentiful as it, so what do you order me (to do with it)?’” He said: ‘If you wish, make it a grant and give charity from it.’ So ‘Umar gave it in charity: That is not be sold entirely,

١٣٧٥ - حدثنا علي بن حجر: حدثنا إسماعيل بن إبراهيم عن ابن عون، عن تافع، عن ابن عمر، قال: أصاب عمر أرضاً بخير فقال: يا رسول الله! أصبت مالاً بخير، لم أصبه مالاً قطْ أنسن عني منه. فما تأمرني؟ قال: «إِنْ شِئْتْ حَبَّسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا» فتصدق بها عمر: أنها لا يُباع أصلها ولا يُوهب ولا يورث.

فَمَا أَجِدُ مِنْ يَعْرِفُهَا، ثُمَّ أَتَيْتُهُ بِهَا. فَقَالَ: «عَرَفْتُهَا حَوْلًا آخَرَ» فَعَرَفَهَا حَوْلًا ثُمَّ أَتَيْتُهُ [بِهَا]. فَقَالَ: «عَرَفْتُهَا حَوْلًا [آخَرَ]» وَقَالَ: أَحْصَى عِدَّتَهَا وَوِعَاءَهَا وَوِكَاءَهَا، فَإِنْ جَاءَ طَالِبُهَا فَأَخْبِرْكَ بِعِدَّتِهَا وَوِعَائِهَا وَوِكَائِهَا فَأَذْفَعْهَا إِلَيْهِ، وَإِلَّا فَاسْتَمْعِنْ بِهَا» [قال]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

nor given away, nor inherited, to be used to produce charity for the needy, those who are near it, for freeing slaves, for the cause of Allāh, the wayfarer, the guest, and that there is no harm on its custodian consuming what is customary from it, or eating from its charity, without trying to amass wealth from it.” (*Sahih*)

He (Ibn 'Awn) said: "I mentioned it to Muḥammad bin Sirīn and he said: "Not to amass wealth."

Ibn ['Awn] said: "Another man narrated it to me and he said that he read it on a piece of a tanned skin: 'Not to amass wealth.'"

Ismā‘il said: And I read it with Ibn ‘Ubaidullāh bin ‘Umar. It said in it: ‘Not to amass wealth.’”

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. We do not know of any disagreement among the earlier ones among them over the allowance of granting lands or other things for *Waqf*.

تخریج: متفق عليه، وأخرجه البخاري، الشروط، باب الشروط في الوقف، ح: ٢٧٣٧
ومسلم، ح: ١٦٣٢ من حديث ابن عون به.

Comments:

'Waqf' means to stop, and in the *Shari'ah* it means the property, a house or garden, given in charity in the name of Allâh. If the property given in charity is excluded from personal property, it is called an endowment of a trust.

1376. Abū Hurairah, may Allāh be pleased with him, narrated that the Messenger of Allāh ﷺ said: “When a person dies, his deeds are cut off except for three: Continuing charity, knowledge that others

تَسْدِيقٌ بِهَا فِي الْفُقَرَاءِ وَالْقُرْبَى وَنِي الرِّفَاعِ
وَفِي سَبِيلِ اللَّهِ، وَابْنِ السَّبِيلِ، وَالضَّيْفِ، لَا
جُنَاحٌ عَلَى مَنْ وَلَيْهَا أَنْ يَأْكُلْ مِنْهَا
بِالْمَعْرُوفِ، أَفْ يُطْعِمُ صَدِيقًا، عَيْرَ مُتَمَوِّلٍ
فِيهِ. قَالَ: فَذَكْرُهُ لِمُحَمَّدٍ بْنِ سَيِّدِنَا فَقَالَ:
عَيْرَ مُتَأْثِلٍ مَالًا.

فَالْأَبْنُ [عَوْن]: فَحَدَّثَنِي بِهِ رَجُلٌ أَخْرَى
أَنَّهُ قَرَأَهَا فِي قِطْعَةِ أَدِيمٍ أَحْمَرَ غَيْرَ مُتَأْلِفٍ

قال إسماعيل: وأنا قرأتها عند ابن عبيد
الله بن عمّار، فكان فيه غيبة متأثراً مالاً.

[قالَ أَبُو عِيسَىٰ:] هَذَا حَدِيثُ حَسَنٍ صَحِيْحٍ . وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ . لَا نَعْلَمُ بَيْنَ الْمُنَقَّدِمِينَ مِنْهُمْ فِي ذَلِكَ اخْتِلَافًا فِي إِجَازَةِ وَقْفِ الْأَرَضِينَ وَغَيْرِ ذَلِكَ .

١٣٧٦ - حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِذَا مَاتَ إِلَيْنَا نَسْأَلُهُ

benefited from, and a righteous son who supplicates for him.” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

انقطع عمله إلا من ثلاثة: صدقة حارية.
وعلم ينتفع به. ولد صالح بدعوه.

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ

تخریج: وأخرجه مسلم، الوصیة، باب ما يلحق الإنسان من الثواب بعد وفاته، ح: ١٦٣١
Comments: عن علي بن حجر به.

Comments:

Continuing charity is charity the benefit and reward of which continues even after the death of the person. For example, if someone gives property in charity to please Allāh, or does some other deed of charity, like construction of a mosque, or establishes a school, or digs a well for the use of people, it is all continuing charity. Knowledge means preaching, teaching or writing of books for the guidance of people etc., are all deeds of continuing charity.

Chapter 37. What Has Been Related About Injuries Caused By Domestic Animals

(المعجم ٣٧) - بَابُ مَا جَاءَ فِي
لِعْجَمَاءِ جُرْحُهَا جُبَارٌ (التحفة ٣٧)

1377. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The injuries caused by the animal are without liability,^[1] and wells are without liability, and mines are without liability, and the Khums is due on *Rikāz*.^[2]” (Sahih)

(Another chain) from Abū Hurairah, from the Prophet ﷺ with similar meaning.

[He said:] There are narrations on this topic from Jābir, ‘Amr bin ‘Awf Al-Muzanī, and ‘Ubādah bin As-Sāmit.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Ṣahīh Hadīth*.

Al-Anṣārī narrated to us: Ma'ṇ narrated to us, he said: "Mālik bin

١٣٧٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْعِيْعَ : حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْجَمَاعَةُ جُرْحُهَا جُبَارٌ: وَالْمِنْتَرُ جُبَارٌ، وَالْمَعْدُنُ جُبَارٌ، وَفِي الرَّكَازِ الْخُمْسُ» .

حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا الْلَّيْثُ عَنْ أَبْنِ شَهَابٍ
عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ وَأَبْنِي سَلَمَةَ، عَنْ أَبِي
هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، نَحْوُهُ.

[قَالَ:] وَفِي الْبَابِ عَنْ جَابِرٍ، وَعَمْرِو بْنِ عَوْفِ الْمُزَنِّيِّ، وَعُبَيْدَةَ بْنِ الصَّامِتِ.

[قَالَ أَبُو عِيسَى : حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثُ حَسَنٍ صَحِحُهُ .

حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُ قَالَ: قَالَ

^[1] Meaning the owner of these is not liable for damages others suffer from them.

[2] Buried treasure. See no. 642.

Anas said: ‘The explanation of the *Hadīth* of the Prophet ﷺ: “The injuries caused by the animals are without liability” it is said: “It is impunity that there is no blood money for.”

[*Abū ‘Eisā* said:] As for the meaning of his saying: “The injuries caused by the animal are without liability” some of the people of knowledge explained it saying that *Al-‘Ajmā’* is the animal that has wandered away from its owner. So whatever it has damaged in its wandering, then it is no crime upon its owner. And: “mines” it is said that when a man excavates a mine and someone falls into it then there is no crime upon him. The same with a well, if a man digs a well by the road and someone falls into it then there is no crime upon the owner. And: “the *Khumus* is due on buried treasure” *Ar-Rikāz* (buried treasure) is something discovered that was buried by the people of *Jahiliyyah*. Whoever finds such buried treasure, he pays one fifth of it to the *Sultān*, whatever remains belongs to him.

مالك بن أنس: وتفسیر حديث النبی ﷺ:
«العجماء جرحاها جبار» يقول: هدر لادية
فيه.

[قال أبو عيسى:] ومعنى قوله: «العجماء
جرحها جبار» فسر [ذلك] بعضاً أهل العلم
قالوا: العجماء الدابة المفلتة من صاحبها.
فما أصابت في انفلاتها فلا غرم على
صاحبها. «والمعين جبار» يقول: إذا احترر
الرجل معييناً فوقع فيه إنسان فلا غرم عليه،
و كذلك يؤثر إذا احتررها الرجل للتسيل،
فوقع فيها إنسان فلا غرم على صاحبها.
«وفي الركاز الحمس» والركاز: ما وجد من
دفن أهل الجاهلية، فمن وجد ركازاً أدى
منه الحمس إلى السلطان. وما يجيء فهو له.

تخریج: متفق عليه، وأخرجه مسلم، الحدود، باب جرح العجماء والمعدن والبشر جبار، ح: ١٧١٠ من حديث سفيان بن عيينة والبخاري، ح: ١٤٩٩ من حديث الزهرى به * وفي الباب عن جابر [أحمد: ٣/٣٣٥، ٣٥٣] وعمرو المزني [ابن ماجه، ح: ٢٦٧٤] وعبادة بن الصامت [ابن ماجه، ح: ٢٦٧٥: ٤٥] * ورواه مسلم، الحدود، باب جرح العجماء والمعدن والبشر جبار، ح: ١٧١٠ عن قتيبة، والبخاري، ح: ٦٩١٢ من حديث الليث بن سعد به، وحديث مالك في الموطأ: ٨٦٩/٢ وهو مختصر.

Comments:

If someone gets hurt by an animal or by falling into a well, there is no compensation for it from the owner of the animal and well.

Chapter 38. What Has Been Mentioned About Reviving Barren Land

1378. Sa‘eed bin Zaid narrated that the Prophet ﷺ said: “Whoever revives a barren land then it is for him, and there is no right for the unjust root.” (*Sahīh*) [Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*. Some of them reported it from Hishām from ‘Urwah, from his father, from the Prophet ﷺ in *Mursal* form.

This [*Hadīth*] is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Ahmad and Ishāq. They said he may revive the barren land without the permission of the *Sultān*. Some of them said he is not to revive it without the permission of the *Sultān*. But the first view is more correct.

[He said:] There are narrations on this topic from Jābir, ‘Amr bin ‘Awf Al-Muzāni’s grandfather, and Samurah.

Abū Mūsā Muḥammad bin Al-Muthanna narrated to us, he said: “I asked Abul-Walid At-Tayālisī about his saying: ‘and there is no right for unjust root’ he said: ‘The unjust root: The usurper who takes what is not his.’ I said: ‘So he is a man who farms a land that is not his?’ He said: ‘That is it.’”

(المعجم ٣٨) - باب مَا ذُكِرَ فِي إِحْيَاءِ أَرْضِ الْمَوَاتِ (التحفة ٣٨)

١٣٧٨ - حَدَّثَنَا مُحَمَّدُ بْنُ يَسَارٍ: حَدَّثَنَا عَبْدُ الْوَهَابِ [التفقي]: حَدَّثَنَا أَيُوبُ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَيْهَى، عَنْ سَعِيدِ بْنِ زَيْدٍ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَحْيَ أَرْضًا مَيْتَةً فَهُوَ لَهُ، وَلَيْسَ لِعَرْقِ ظَالِمٍ حَقُّ». [قال أبو عيسى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.

وَقَدْ رَوَاهُ بَعْضُهُمْ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَيْهَى عَنِ النَّبِيِّ ﷺ، مُرْسَلاً. وَالْعَمَلُ عَلَى هَذَا [الْحَدِيثِ] عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ وَغَيْرِهِمْ وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ. قَالُوا: لَهُ أَنْ يُخْيِي الْأَرْضَ الْمَوَاتَ بِغَيْرِ إِذْنِ السُّلْطَانِ. [وَفَدْ] قَالَ بَعْضُهُمْ: لَيْسَ لَهُ أَنْ يُخْيِيَ إِلَّا بِإِذْنِ السُّلْطَانِ وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.

[قال:] وَفِي الْبَابِ عَنْ جَابِرٍ وَعَمْرُو بْنِ عَوْفِ الْمُزَانِيِّ حَدَّثَ كَثِيرٌ وَسَمِّرَةً. حَدَّثَنَا أَبُو مُوسَى مُحَمَّدُ بْنُ الْمُشَنَّى قَالَ: سَأَلْتُ أَبَا الْوَلِيدِ الطَّيلِيَّ عَنْ قَوْلِهِ: «وَلَيْسَ لِعَرْقِ ظَالِمٍ حَقُّ» فَقَالَ: الْعَرْقُ الظَّالِمُ: الْغَاصِبُ الَّذِي يَأْخُذُ مَا لَيْسَ لَهُ. قُلْتُ: هُوَ الرَّجُلُ الَّذِي يَغْرِسُ فِي أَرْضِ غَيْرِهِ؟ قَالَ: هُوَ ذَاكَ.

تخریج: [صحیح] وأخرجه أبو داود، الخراج، باب: في إحياء الموات، ح: ٣٠٧٣ من حديث عبد الوهاب به وأسناده حسن وقواه الحافظ في الفتح * وفي الباب عن جابر [يأتي: ١٣٧٩]

وعمرٌ بن عوف المزني [ابن عدي في الكامل: ٦/٢٠٧٩] وسمرة [أبو داود، ح: ٣٠٧٧، وأحمد: ١٢/٥، ٢١].

1379. Jābir bin ‘Abdullāh narrated that the Prophet ﷺ said: “Whoever revives a barren land, then it is for him.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

١٣٧٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقِيفِيُّ عَنْ أَئْوَبَ، عَنْ هَشَامٍ أَبْنِ عُرْوَةَ، عَنْ وَهْبِ بْنِ كَيْسَانَ، عَنْ جَابِرِ أَبْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَحْسَنَ أَرْضًا مَيِّتَةً فَهِيَ لَهُ».

[قال أبو عيسى:] هذا حديث حسن صحيح.

تخریج: [إسناده صحيح] وأخرجه النسائي في الكبرى، ح: ٥٧٥٧ من حديث عبدالوهاب التقفي به.

Comments:

Most of the scholars are of the view that if a cultivator cultivates barren and uncultivated land, which belongs to no one, it belongs to him. In the view of Imām Mālik, this land should be away from any habitation where it is not needed for common use of the community.

Chapter 39. What Has Been Related About Land Reserves

1380. Shumair narrated that Abyad bin Hammāl visited the Messenger of Allāh ﷺ who asked him to set aside a reserve of salt (a mine). So he reserved it for him. As he was turning away, a man in the gathering said: “Do you know what you reserved for him? You merely reserved stagnant water for him.” He (Shumair) said: “So he left him.” He (Shumair) said: “So he asked him (the Prophet ﷺ) about making a private pasture of Arāk (a type of tree).” He said: “As long as it is not harmed by the hooves of the camels.” (*Hasan*)

So I (At-Tirmidhī) recited that before Qutaibah and he said: “Yes.”

(المعجم ٣٩) - بَابُ مَا جَاءَ فِي القطائع (التحفة ٣٩)

١٣٨٠ - [قال:] قُلْتُ لِقُتَيْبَةَ بْنِ سَعِيدٍ: حَدَّثْنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ قَيْسِ الْمَارِبِيِّ، قَالَ: أَخْبَرَنِي أَبِي عَنْ ثَمَامَةَ بْنِ شَرَاحِيلَ، عَنْ سُمَيِّ بْنِ قَيْسٍ، عَنْ شُمَيْرٍ، عَنْ أَبِيضَ أَبْنِ حَمَالٍ أَنَّهُ وَفَدَ إِلَى رَسُولِ اللَّهِ ﷺ، فَاسْتَطَعَهُ الْمُلْحُ، فَقَطَّعَ لَهُ، فَلَمَّا أَنْ وَلَى قَالَ رَجُلٌ مِنَ الْمَجْلِسِ: أَتَنْدِرِي مَا قَطَعْتَ لَهُ؟ إِنَّمَا قَطَعْتَ لَهُ الْمَاءَ الْعِدَّ. قَالَ: فَاتَّرَعَهُ مِنْهُ. قَالَ، وَسَأَلَهُ عَمَّا يُحْمِي مِنَ الْأَرَاثِ؟ قَالَ: «مَا لَمْ تَتَلَهُ خِفَافُ الْإِبْلِ» فَأَقْرَرَ يَهُ قُتَيْبَةُ، وَقَالَ: نَعَمْ.

حدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ أَبِي عُمَرَ: حدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ قَيْسِ الْمَارِبِيِّ،

(Another chain) with similar meaning.

[He said:] There are narrations on this topic from Wā'il and Asmā' bint Abī Bakr.

[Abū 'Eisā said:] The *Hadīth* of Abyad bin Hammāl is a *Hasan Gharib Hadīth*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others regarding reserved land. They thought that it was allowed for the *Imām* (ruler) to reserve land for whomever he saw fit.

تخریج: [حسن] وأخرجه أبو داود، الخراج، باب: في إقطاع الأرضين، ح: ٣٠٦٤ عن قبیة به وصححه ابن حبان، ح: ١١٤٠، ١٦٤٢ * وفي الباب عن وائل [يأتي: ١٣٨١] وأسماء بنت أبي بكر [أبو داود، ح: ٣٠٦٩].

Comments:

Common things which are in common use of the community, and their availability is also abundant, such things like water, grass, waste land in use of people, should not be given as a grant to one person. If such things are given as a grant, it will create a problem for the people.

1381. 'Alqamah bin Wā'il narrated from his father that the Prophet ﷺ set aside a land reserve for him in Hadramawt. (One of the narrators added): "And he sent Mu'āwiyah with him to reserve it for him." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: [إسناده صحيح] وأخرجه أبو داود، السجستاني، الخراج، باب: في إقطاع الأرضين، ح: ٣٠٥٨ من حديث شعبة به وهو في مسند الطيالسي، ح: ١٠١٧.

[بهذا الإسناد] نحوه.

[المأرب: ناجية من اليمن].

[قال:] وفي الباب عن وايل وأسماء بنت

أبي بكر.

[قال أبو عيسى:] حديث أبيض بن حمائل حديث حسن غريب. والعمل على هذا عند أهل العلم من أصحاب النبي ﷺ وغيرهم، في القطائع. يرون جائزًا أن يقطع الإمام لمن رأى ذلك.

تخریج: [حسن] وأخرجه أبو داود، الخراج، باب: في إقطاع الأرضين، ح: ٣٠٦٤ عن قبیة

به وصححه ابن حبان، ح: ١١٤٠، ١٦٤٢ * وفي الباب عن وايل [يأتي: ١٣٨١] وأسماء بنت أبي

بكر [أبو داود، ح: ٣٠٦٩].

١٣٨١ - حدثنا محمود بن عيلان: حدثنا

أبو داود: أخبرنا شعبة عن سماكه قال:

سمعت علقمة بن وايل يحدث عن أبيه: أنَّ

النبي ﷺ أقطعه أرضاً بحضوره. قال

محمود: حدثنا النضر عن شعبة، وزاد فيه:

وبعث معه معاوية ليقطعلها إياه.

[قال أبو عيسى:] هذا حديث حسن صحيح.

تخریج: [إسناده صحيح]

وآخرجه أبو داود، السجستاني، الخراج، باب: في إقطاع

Comments:

Real purpose of granting an estate to cultivators is to make the land useful for cultivation, and to improve the overall economic condition of the local community and country.

Chapter 40. What Has Been Related About The Virtue Of Planting

1382. Anas narrated that the Prophet ﷺ said: “No Muslim plants a plant or sows a crop, then a person, or a bird, or an animal eats from it, except that it will be charity for him.” (*Sahīh*)

[He said:] There are narrations on this topic from Abū Ayyūb, Umm Mubash-shir, Jābir, and Zaid bin Khālid.

[Abū ‘Eisā said:] The *Hadīth* of Anas is a *Hasan Sahīh Hadīth*.

(المعجم ٤٠) - بَابُ مَا جَاءَ فِي فَضْلِ الْغَرْسِ (التحفة ٤٠)

١٣٨٢ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَاتِدَةَ، عَنْ أَنَسِ عَنِ النَّبِيِّ ﷺ قَالَ: «مَا مِنْ مُسْلِمٍ يَعْرُسُ غَرْسًا، إِلَّا وَيَرْعَ زَرْعًا، فَيَأْكُلُ مِنْهُ إِنْسَانٌ، أَوْ طَيْرٌ، أَوْ بَهِيمَةٌ إِلَّا كَانَتْ لَهُ صَدَقَةً».

[قال:] وفي الباب عن أبي أويوب وأم مبشر وجابر وزيد بن خالد.

[قال أبو عيسى:] حدث أنس حديث حسن صحيح.

تخریج: متفق عليه، وأخرجه البخاري، الحرف والمزارعة، باب فضل الزرع والغرس إذا أكل منه ... إلخ، ح ١٥٥٣ عن قتيبة به * وفي الباب عن أبي أويوب [أحمد: ٤١٥/٥] وأم مبشر [مسلم: ١١/١٥٥٢] وجابر [مسلم، ح ١٥٥٢] وزيد بن خالد [لم أجده].

Comments:

Cultivation of land and planting of trees provide multiple benefits to the society. The environment of the area is improved, fruits, food, grains and vegetables become easily available to the community, jobs are increased and commercial activities take place, and life becomes easier and more comfortable. Therefore, if a Muslim cultivates the land with the sincere intention of bringing benefit to the society, he gets reward from Allāh.

Chapter 41. What Has Been Related About Agriculture

1383. Ibn ‘Umar narrated: “The Prophet ﷺ made a deal with the people of Khaibar for half of what was produced from it, whether fruits or crops.” (*Sahīh*)

(المعجم ٤١) - بَابُ مَا جَاءَ فِي الْمُزَارَعَةِ (التحفة ٤١)

١٣٨٣ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبِي عُمَرٍ أَنَّ النَّبِيِّ ﷺ عَامَلَ أَهْلَ خَيْرٍ بِشَطْرٍ مَا يَخْرُجُ مِنْهَا مِنْ ثَمِيرٍ أَوْ

There are narrations on this topic from Anas, Ibn 'Abbas, Zaid bin Thabit, and Jâbir.

[Abû 'Eisâ said:] This *Hadîth* is *Hasan Shâfiî*.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They saw no harm in share-cropping for half, a third, or a quarter.

Some of them preferred that the owner of the land provide the seeds. This is the view of Ahmad and Ishâq. Some of the people of knowledge disliked share-cropping for a third and a quarter, and they saw no harm in *Musâqâh*^[1] with date-palms for a third or a quarter. This is the view of Mâlik bin Anas and Ash-Shâfi'i. Some of them did not think that any share-cropping was correct, except for renting out the land for gold and silver.

رَبْعٌ. وَفِي الْبَابِ عَنْ أَنَسٍ وَابْنِ عَبَّاسٍ وَزَيْدٍ
ابْنِ ثَابِتٍ وَجَابِرٍ.

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ حَسَنٌ
صَحِيفٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ
الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ. لَمْ
يَرَوْا بِالْمُرَازَعَةِ بَأْسًا عَلَى النَّصْفِ وَالثُّلُثِ
وَالرُّبْعِ.

وَأَخْتَارَ بَعْضُهُمْ أَنْ يَكُونَ الْبَذْرُ مِنْ رَبْ
الْأَرْضِ. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ. وَكَرِهَ
بَعْضُ أَهْلِ الْعِلْمِ الْمُرَازَعَةَ بِالثُّلُثِ وَالرُّبْعِ.
وَلَمْ يَرَوْا بِمُسَاقَةِ التَّخْيلِ بِالثُّلُثِ وَالرُّبْعِ
بَأْسًا. وَهُوَ قَوْلُ مَالِكٍ بْنِ أَنَسٍ وَالشَّافِعِيِّ.
وَلَمْ يَرَ بَعْضُهُمْ أَنْ يَصِحَّ شَيْءٌ مِنَ الْمُرَازَعَةِ،
إِلَّا أَنْ يَسْتَأْجِرَ الْأَرْضَ بِالذَّهَبِ وَالْفِضَّةِ.

تخریج: متفق عليه، وأخرجه البخاري، الحرف والمزارعة، باب: إذا لم يشترط السفين في المزارعة، ح: ٢٣٢٩ ومسلم، ح: ١٥٥١ من حدیث یحیی بن سعید القطان به * وفي الباب عن أنس [ابن ماجه، ح: ٢٤٦٩] وابن عباس [ابن ماجه، ح: ٢٤٦٨] وزيد بن ثابت [أبو داود، ح: ٣٤٠٧] وجابر [أبو داود، ح: ٣٤١٤، ٣٤١٥].

Comments:

In Islam, there is no restriction or limit on personal property. All the *A'immah* agree on this point. Giving the land or garden on lease is lawful, provided no party suffers unilateral loss. While giving the land on lease, selecting a particular piece of land by the landlord, or fixing the quantity of the produce beforehand, is not lawful. All the scholars and *A'immah* agree that land or a garden can be leased with the aforesaid restrictions.

^[1] *Musâqâh* is an agreement for someone to water and tend to date-palms for the owner, in exchange for a portion of the produce.

Chapter 42. About Share-Cropping

1384. Rāfi‘ bin Khadīj narrated: “The Messenger of Allāh ﷺ forbade us from a matter that was of benefit to us. When one of us had some land and we would let someone use it for a portion of its produce or some Dirham. He said: ‘When one of you has some land then let him grant it to his brother, or let him farm it.’” (*Da‘īf*)

تخریج: [إسناد ضعيف] أبو بکر بن عیاش ضعیف وأخرجه النسائي: ٣٥/٧، ح ٣٨٩٩، ذکر الله الأحادیث المختلفة في المزارعه عن كراء الأرض بالثالث والرابع ... إلخ من حدیث أبي حصین به بلفظ آخر وسنده صحيح / ومجاهد سمعه من أسد، انظر النسائي: ٣٨٩٥ وغیره ورواه مسلم، ح: ١٥٤٧ من حدیث رافع به.

Comments:

The main purpose of this narration is the same which has been explained in the preceding narration. ‘*Minhah*’ means to lend the land for a limited period. They used to lease the land for a certain amount of money. The Prophet ﷺ suggested lending the land, without taking money for a certain period to Muslim brothers. This is only a moral suggestion and not a command of law.

1385. Ibn ‘Abbās narrated: “The Messenger of Allāh ﷺ did not prohibit share-cropping. But he ordered that they be helpful with each other.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. The *Hadīth* of Rāfi‘ contains confusion (*Idatrāb*). This *Hadīth* was reported from Rāfi‘ bin Khadīj from his uncles, and it has been reported from him, from Zuhair bin Rāfi‘ who is one of his uncles. And this *Hadīth* has been reported from him with conflicting narrations. There are narrations on this topic from Zaid bin Thābit and

(المجمع ٤٢) - بَابُ : [مِنَ الْمُزَارَعَةِ]
(التحفة ٤٢)

١٣٨٤ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ عَنْ أَبِي حُصَيْنٍ، عَنْ مُجَاهِدٍ، عَنْ رَافِعٍ بْنِ خَدِيجٍ، قَالَ: نَهَانَا رَسُولُ اللَّهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، إِذَا كَانَتْ لَا حَدَّنَا أَرْضٌ أَنْ يُعْطِيهَا بِعَضُّ حَرَاجِهَا أَوْ بَدَرَاهِمَهَا. وَقَالَ: إِذَا كَانَتْ لَا حَدَّكُمْ أَرْضٌ فَلْيَمْنَعُهَا أَخَاهُ أَوْ لِيَزْرَعُهَا.

١٣٨٥ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا الفَضْلُ بْنُ مُوسَى الشَّيْبَانِيُّ: حَدَّثَنَا شَرِيكٌ عَنْ شُبَّةَ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ طَاؤُسٍ، عَنْ أَبْنِ عَبَاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ لَمْ يُحَرِّمْ الْمُزَارَعَةَ. وَلَكِنْ أَمَرَ أَنْ يَرْفُقَ بَعْضُهُمْ بِعَضُّهُ.

[قال أبو عيسى:] هذا حديث حسن صحيح. وحديث رافع فيه اضطراب. يروى هذا الحديث عن رافع بن خديج، عن عمومته. ويروى عنه عن ظهير بن رافع، وهو أحد عمومته. وقد روی هذا الحديث

Jâbir, may Allâh be pleased with them.

عَنْهُ عَلَى رِوَايَاتٍ مُخْتَلِفَةٍ. وَفِي الْبَابِ عَنْ زَيْدِ بْنِ ثَابِتٍ وَجَابِرٍ رَضِيَ اللَّهُ عَنْهُمَا.

تَحْرِيرٌ: متفقٌ عَلَيْهِ، وَأَخْرَجَهُ مُسْلِمٌ، الْبَيْعُ، بَابُ الْأَرْضِ تَمْنَحُ، ح: ١٥٥٠ مِنْ حَدِيثِ الْفَضْلِ بْنِ مُوسَى وَالْبَخَارِيِّ، ح: ٢٣٤٢ مِنْ حَدِيثِ عُمَرِ بْنِ دِينَارٍ بِهِ * وَفِي الْبَابِ عَنْ زَيْدِ بْنِ ثَابِتٍ [أَبْوَ دَاؤِدَّ، ح: ٣٣٩٠ وَغَيْرِهِ] وَجَابِرٍ [أَبْوَ دَاؤِدَّ، ح: ٣٤١٤، ٣٤١٥].

*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

14. The Chapters On Blood-Money From The Messenger Of Allāh ﷺ

(المعجم ١٤) - أبواب الديات

عن رسول الله ﷺ (التحفة ١٢)

Chapter 1. What Has Been Related About Blood Money, How Many Camels Is It?

(المعجم ١) - باب ما جاء في الديات
كم هي من الإبل (التحفة ١)

1386. Ibn Mas'ūd narrated: "The Messenger of Allāh ﷺ judged for the accidental blood-money: Twenty *Bint Makhād*, twenty male *Ibn Makhād*, twenty *Bint Labūn*, twenty *Jadha'ah*, and twenty *Hiqqah*."^[1]

There is something on this topic from 'Abdullāh bin 'Amr.

(Another chain) with similar meaning.

[Abū 'Eisā said:] We do not know of the *Hadīth* of Ibn Mas'ūd to be *Marfū'* except from this route, and it has been reported from 'Abdullāh in *Mawqūf* form.

Some of the people of knowledge have followed this, it is the view of Ahmad and Ishāq.

The people of knowledge have agreed that the blood-money is taken in three years, each year a third of the blood-money (is paid). They held the view that the blood-money for accidental killing is due from the *Āqilah*, and some of them held the view that the *Āqilah* are

١٣٨٦ - حَدَّثَنَا عَلَيُّ بْنُ سَعِيدِ الْكَنْدِيِّ
الْكُوفِيُّ: أَخْبَرَنَا ابْنُ أَبِي زَائِدَةَ عَنِ الْحَجَّاجِ،
عَنْ زَيْدِ بْنِ جُعْبَرٍ، عَنْ خَشْفِ بْنِ مَالِكٍ قَالَ:
سَمِعْتُ ابْنَ مَسْعُودٍ قَالَ: فَصَنِي رَسُولُ اللهِ
ﷺ فِي دِيَةِ الْخَطِيلِ عِشْرِينَ ابْنَةَ مَخَاضٍ،
وِعِشْرِينَ بَنِي مَخَاضٍ ذُكُورًا، وِعِشْرِينَ بَنْتَ
لَبَّوْنَ وِعِشْرِينَ جَذْعَةً وِعِشْرِينَ حَفَّةً.

وَفِي الْبَابِ عَنْ عَبْدِ اللهِ بْنِ عَمْرِو
حَدَّثَنَا أَبُو هِشَامُ الرِّفَاعِيُّ: حَدَّثَنَا ابْنُ أَبِي
زَائِدَةَ وَأَبُو خَالِدِ الْأَحْمَرِ عَنِ الْحَجَّاجِ بْنِ
أَرْطَاءَ نَحْوَهُ.

[قَالَ أَبُو عِيسَى: حَدِيثُ ابْنِ مَسْعُودٍ لَا
نَعْرِفُهُ مَرْفُوعًا إِلَّا مِنْ هَذَا الْوَجْهِ. وَقَدْ رُوِيَ
عَنْ عَبْدِ اللهِ مَوْقُوفًا. وَقَدْ دَهَبَ بَعْضُ أَهْلِ
الْعِلْمِ إِلَى هَذَا. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ،
وَقَدْ أَجْمَعَ أَهْلُ الْعِلْمِ عَلَى أَنَّ الْدِيَةَ تُؤَخَّذُ
فِي ثَلَاثَ سِنِينَ فِي كُلِّ سَنَةٍ ثُلُثُ الدِيَةِ،
وَرَأَوْا أَنَّ دِيَةَ الْخَطِيلِ عَلَى الْعَاقِلَةِ وَرَأَى

^[1] See no. 621.

the near relatives of a man, on the side of his father. This is the view of Mālik and Ash-Shāfi'i. Some of them said the blood-money is due from men, not women or children of a tribe. Each man among them pays a quarter of a Dīnār – and some of them said half a Dīnār – to complete the blood-money. Otherwise the nearest of them in relation are required to pay it.

تخريج : [إسناده ضعيف] وأخرجه النسائي: باب ذكر أستان دية الخطأ عن علي بن سعيد وأبوداود، ح: ٤٤٠٦، ٤٣/٨ (القسمة)، ح: ٤٥٤٥، وابن ماجه، ح: ٢٦٣١ من حديث الحجاج بن أرطاة به وهو مدلس وضعيف وعنون، انظر نيل المقصود، ح: ٥٤٤١١ وفي الباب عن عبد الله بن عمرو [يأتي: ١٣٨٧]

بغضهم أن العاقلة فرآه الرَّجُلُ مِنْ قِلَّ أَيِّهِ
وَهُوَ قَوْلُ مَالِكٍ وَالشَّافِعِيِّ وَقَالَ بَغْضُهُمْ:
إِنَّمَا الدِّيَةَ عَلَى الرِّجَالِ دُونَ النِّسَاءِ وَالصِّبَّانِ
مِنَ الْعَصَبَةِ وَيُحَمَّلُ كُلُّ رَجُلٍ مِنْهُمْ رُبْعُ دِينَارٍ
وَقَدْ قَالَ بَغْضُهُمْ إِلَى نِصْفِ دِينَارٍ فَإِنْ تَمَّتِ
الدِّيَةُ وَإِلَّا نُظِرَ إِلَى أَقْرَبِ الْقَبَائِلِ مِنْهُمْ
فَأُلْزِمُوا ذَلِكَ.

Comments:

'Āqil' means blood money and 'Āqilah' means the one who bears blood-money or who pays the blood money. 'Āqil' also means to stop or defend and safeguard. As 'Āqilah defends the murderer and pays on his behalf that is why the one who pays blood-money is called 'Āqilah. (For more details see *Al-Mughnī* v. 12. p. 39-41.) according to Imām Abū Ḥanifah, for a deliberate murder, blood money must be paid within three years. *Al-Mughnī*. v. 12 p. 13.)

1387. 'Amr bin Shu'aib narrated from his father, from his grandfather that the Prophet ﷺ said: "Whoever kills [a believer] deliberately, he is handed over to the guardians of the one killed. If they wish to, they have him killed, and if they wish to, they take the blood-money. That is thirty *Hiqqah*, thirty *Jadha'ahs* and forty pregnant camels.

Whatever (amount more) they require from him, than that is for them (if they choose)." That is because of the severity of the blood-money. (*Hasan*)

[Abū 'Eisā said:] The *Hadīth* of 'Abdullāh bin 'Amr is a *Hasan Gharīb Hadīth*.

١٣٨٧ - حَدَّثَنَا أَخْمَدُ بْنُ سَعِيدٍ
الدَّارِمِيُّ: حَدَّثَنَا حَبَّانُ [وَهُوَ ابْنُ هَلَالٍ]:
حَدَّثَنَا مُحَمَّدُ بْنُ رَاشِدٍ: حَدَّثَنَا سُلَيْمَانُ بْنُ
مُوسَى عَنْ عَمْرُو بْنِ شَعْبَيْنَ، عَنْ أَيِّهِ، عَنْ
جَدِّهِ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ قَتَلَ [مُؤْمِنًا]
مُتَعَمِّدًا دُفِعَ إِلَى أُولَئِكَ الْمَقْتُولِ، فَإِنْ شَاءُوا
فَتَكُلُوا وَإِنْ شَاءُوا أَخْذُوا الدِّيَةَ وَهِيَ ثَلَاثُونَ
حِقَّةً وَثَلَاثُونَ جَذَعَةً وَأَرْبَعُونَ خَلْفَةً وَمَا
صَالُحُوا عَلَيْهِ فَهُوَ لَهُمْ». وَذَلِكَ لِتَشْدِيدِ
الْعَقْلِ.

[قال أبو عيسى:] حديث عبد الله بن
عمري وحديث حسن غريب.

تخریج: [إسناده حسن] وأخرجه أبو داود، الديات، باب ولی العمد يأخذ الدية، ح: ٤٥٠٦
وابن ماجه، ح: ٢٦٢٦ من حديث محمد بن راشد به.

Comments:

There is a difference of opinion in the blood-money of a deliberate murder. According to ‘Abdullāh bin ‘Amr the blood-money of killing on purpose is thirty *Hiqqah*, thirty *Jadha’ah* and forty pregnant she camels. Imām *Shafī’i*, Imām Muḥammad bin Al-Ḥasan, ‘Atā, ‘Umar, Zaid, Abū Mūsā and Mughīrah have the same opinion. Imām Ahmad’s one opinion is also the same as mentioned above. Imām Zuhrī, Rabī’ah, Imām Mālik, Imām Abū Ḥanīfah and others have a different opinion. According to them blood-money of murder on purpose is twenty-five *Bint Mukhad*, twenty-five *Bint Labūn*, twenty five *Hiqqah*, and twenty five *Jadha’ah*. (*Al-Mughnī* v.12. p. 13.) This is also a notable second opinion of Imām Ahmād.

Chapter 2. What Has Been Related About Blood-Money, How Many Dirham Is It?

1388. ‘Ikrimah narrated from Ibn ‘Abbās that the Prophet ﷺ made the blood-money twelve thousand. (*Hasan*)

تخریج: [إسناده حسن] وأخرجه ابن ماجه، الديات، باب دية الخطأ، ح: ٢٦٢٩ عن محمد بن بشار به وضعفه النسائي.

1389. (Another chain) from ‘Ikrimah from the Prophet ﷺ and it is similar but he did not mention “from Ibn ‘Abbās” in it. (*Hasan*)

There is much more criticism than this for (this) narration of Ibn ‘Uyainah.

[Abū ‘Eisā said:] We do not know anyone who mentioned “from Ibn ‘Abbās” in this narration except for Muḥammad bin Muslim.

This *Hadīth* is acted upon according to some of the people of

(المعجم ٢) - بَابُ مَا جَاءَ فِي الْدِيَةِ
كُمْ هِيَ مِنَ الدِّرَاهِمِ (التحفة ٢)

١٣٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ شَبَّارٍ: حَدَّثَنَا
مَعَاذُ بْنُ هَانِئٍ: حَدَّثَنَا مُحَمَّدُ بْنُ مُسْلِمٍ -
هُوَ الطَّائِفِيُّ - عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ
عَكْرِمَةَ، عَنْ أَبْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ
جَعَلَ الْدِيَةَ اثْنَيْ عَشَرَ أَلْفًا.

تخریج: [إسناده حسن] وأخرجه ابن ماجه، الديات، باب دية الخطأ، ح: ٢٦٢٩ عن محمد

١٣٨٩ - حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ
الْمَخْزُومِيُّ: حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَةَ عَنْ عَمْرِو
بْنِ دِينَارٍ، عَنْ عَكْرِمَةَ عَنِ النَّبِيِّ ﷺ نَحْوَهُ
وَلَمْ يَذْكُرْ فِيهِ عَنْ أَبْنِ عَبَّاسٍ. وَفِي حَدِيثِ
أَبْنِ عَيْنَةَ كَلَامٌ أَكْثَرُ مِنْ هَذَا .

[قال أبو عيسى]: وَلَا نَعْلَمُ أَحَدًا يَذْكُرُ
[في] هَذَا الْحَدِيثِ، عَنْ أَبْنِ عَبَّاسٍ غَيْرِ
مُحَمَّدٍ بْنِ مُسْلِمٍ وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ
عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ وَهُوَ قَوْلُ أَحْمَدَ

knowledge. It is the view of Ahmad and Ishāq. Some of the people of knowledge held the view that blood-money is ten thousand, and this is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah. Ash-Shāfi‘ī said: “I do not know of blood-money except from camels, and it is one hundred camels [or their value].”

وإسحاق. ورأى بعض أهل العلم الدّيّة عشرة آلاف وهو قول سفيان الثوري وأهل الكوفة. وقال الشافعى: لا أعرف الدّيّة إلا من الإيل، وهي مائة من الإيل [أو قيمتها].

تخريج: [حسن] وأخرجه أبو داود، باب الديه كم هي؟، ح ٤٥٤٦ (ب) من حديث سفيان بن عيينة به.

Comments:

According to the opinion of Imām Shāfi‘ī, Tāwūs and Ibn Mundhir blood-money is only in the form of camels. One opinion of Imām Ahmad is the same. According to Imām Ath-Thawrī, Imām Abū Hanifah and others the blood-money is twelve thousand Dirham. One opinion of Imām Shāfi‘ī is the same. (*Al-Mughnī* v. 2 p. 6-8.)

Chapter 3. What Has Been Related About the *Mawādih*^[1]

1390. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that the Prophet ﷺ said: “Regarding the *Mawādih*; five, five.”^[2] (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge. This is the view of Sufyān Ath-Thawrī, Ash-Shāfi‘ī, Ahmad and Ishāq: Five camels are due in the case of a bone-exposing wound.

(المعجم ٣ - باب ما جاء في الموضحة (التحفة ٣)

١٣٩٠ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا تَرِيدُ بْنُ زُرْيَعٍ: حَدَّثَنَا حُسَيْنُ الْمَعْلُمُ عَنْ عَمْرِو بْنِ شَعْبَيْنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ قَالَ: «فِي الْمَوَاضِيعِ خَمْسٌ».

[قال أبو عيسى:] هذا حديث حسن صحيح والعمل على هذا عند أهل العلم وهو قول سفيان الثوري والشافعى وأحمد وإسحاق أن في الموضحة خمسا من الإيل.

تخريج: [إسناده حسن] وأخرجه أبو داود، باب ديات الأعضاء، ح ٤٥٦٦ والنسائي، ح ٤٨٥٦ من حديث حسين المعلم به وصححه ابن الجارود، ح ٧٨٥.

[1] Wounds that expose a bone.

[2] “That is, five camels for every one of them.” (*Tuhfat Al-Ahwadhi*)

Comments:

The blood-money for a wound by which the whiteness of the bone is exposed is five camels. It is agreed upon provided the wounded person is a male. The blood money of a female's wound is half. This is the view of Imām Shāfi'i.

Chapter 4. What Has Been Related About Blood-Money For Fingers

1391. Ibn 'Abbās narrated that the Messenger of Allāh ﷺ said: "The blood-money for the fingers on the hands and (the toes of) the feet is the same: Ten camels for each finger." (*Sahīh*)

[Abū 'Eisā said:] There are narrations on this topic from Abū Mūsā and 'Abdullāh bin 'Amr.

[Abū 'Eisā said:] The *Hadīth* of Ibn 'Abbās is a *Hasan Sahīh Ghariib Hadīth* from this route. This is acted upon according to the people of knowledge, and it is the view of Sufyān Ath-Thawrī, Ash-Shāfi'i, Ahmad, and Iṣhāq.

تخریج: [إسناده صحيح] وأخرجه أبو داود (أيضاً)، ح: ٤٥٦٠، ٤٥٦١ من حديث يزيد التحوي به مختصرًا، وصححه ابن حبان، ح: ١٥٢٨ * وفي الباب عن أبي موسى [أبو داود، ح: ٤٥٥٦] وعبدالله بن عمرو [أبو داود، ح: ٤٥٦٢].

1392. Ibn 'Abbās narrated that the Prophet ﷺ said: "These and these are the same," referring to the little finger and the thumb. (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: [إسناده صحيح] وأخرجه ابن ماجه، الديات، باب دية الأصابع، ح: ٢٦٥٢ عن محمد بن بشار، والبخاري، ح: ٦٨٩٥ من حديث شعبة به.

(المجمع ٤) - بَابُ مَا جَاءَ فِي دِيَةِ
الأَصَابِعِ (التحفة ٤)

١٣٩١ - حَدَّثَنَا أَبُو عَمَارٍ: حَدَّثَنَا الفَضْلُ
ابْنُ مُوسَى عَنْ الْحُسْنِيِّ بْنِ وَاقِدٍ، عَنْ يَزِيدَ [بْنِ
عَمْرِو] النَّحْوِيِّ، عَنْ عَكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «دِيَةُ أَصَابِعِ الْيَدَيْنِ
وَالرِّجْلَيْنِ سَوَاءٌ عَشْرَةُ مِنَ الْأَبْلَيْلِ لِكُلِّ أَصْبَعٍ». .
[قالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ أَبِي
مُوسَى وَعَبْدِ اللَّهِ بْنِ عَمْرُو .

[قالَ أَبُو عِيسَى:] حَدِيثُ ابْنِ عَبَّاسٍ
حَدِيثُ حَسَنٍ صَحِيحٍ غَرِيبٍ مِنْ هَذَا الْوَجْهِ .
وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ وَبِهِ يَقُولُ
سُفِيَّانُ التَّوْرِيُّ وَالشَّافِعِيُّ وَأَخْمَدُ وَإِسْحَاقُ .

تخریج: [إسناده صحيح] وأخرجه أبو داود (أيضاً)، ح: ٤٥٦٠، ٤٥٦١ من حديث يزيد التحوي به مختصرًا، وصححه ابن حبان، ح: ١٥٢٨ * وفي الباب عن أبي موسى [أبو داود، ح: ٤٥٥٦] وعبدالله بن عمرو [أبو داود، ح: ٤٥٦٢].

١٣٩٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَارٍ: حَدَّثَنَا
يَحْيَى بْنُ سَعِيدٍ وَمُحَمَّدُ بْنُ جَعْفَرٍ قَالَا: .
حَدَّثَنَا شُبَّهٌ عَنْ فَتَاهَةَ، عَنْ عَكْرِمَةَ، عَنْ ابْنِ
عَبَّاسٍ عَنْ النَّبِيِّ ﷺ قَالَ: «هَذِهِ وَهَذِهِ
سَوَاءٌ». يَعْنِي الْخَنْصَرَ وَالْإِبْهَامَ .

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ .
تخریج: [إسناده صحيح] وأخرجه ابن ماجه، الديات، باب دية الأصابع، ح: ٢٦٥٢ عن محمد بن بشار، والبخاري، ح: ٦٨٩٥ من حديث شعبة به.

Comments:

The blood-money for a finger or a toe is ten camels. One hundred camels is the blood-money for ten fingers or ten toes. When a fingertip is cut, a third of the blood-money of a finger is paid except with the fingertip of the thumb. This is because it has only two parts, and as such, a half is paid. There is no difference between the fingers (of the hand) and the toes (of the feet). (*Tuhfat Al-Ahwadhi*).

Chapter 5. What Has Been Related About Pardoning

1393. Abū As-Safar said: “A man from the Quraish broke a tooth of a man from the *Anṣār*. So he appealed to Mu‘āwiyah against him. He said to Mu‘āwiyah: ‘O Commander of the Believers! This person broke one of my teeth.’ Mu‘āwiyah said: ‘We will try to get satisfaction for you.’ And the other person insisted that Mu‘āwiyah get him to agree [but he was not satisfied]. So Mu‘āwiyah said to him: ‘It is up to your companion.’ Abū Ad-Dardā’ was sitting with him, so Abū Ad-Darda’ said: ‘I heard the Messenger of Allāh ﷺ saying [he said: ‘My ears heard and my heart remembered]: “There is no man who is struck in his body and he forgives for it, except that Allāh raises him a level and removes a sin from him.”’ The *Anṣāri* said: ‘Did you hear that from the Messenger of Allāh ﷺ?’ He said: ‘My ears heard it and my heart remembered it.’ He said: ‘Then I will leave it for him.’ Mu‘āwiyah said: ‘Surely you should not suffer.’ So he ordered that he be given some wealth.” (*Daīf*)

[Abū ‘Eisā said:] This *Hadīth* is

(المعجم ٥) - باب مَا جَاءَ فِي الْعَفْوِ

(التحفة ٥)

١٣٩٣ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارِكِ: حَدَّثَنَا يُونُسُ بْنُ أَبِي إِسْحَاقَ: حَدَّثَنَا أَبُو السَّفَرِ قَالَ: دَقَّ رَجُلٌ مِّنْ قُرْيَشٍ سِنَّ رَجُلٍ مِّنَ الْأَنْصَارِ فَاسْتَعْدَى عَلَيْهِ مُعَاوِيَةَ فَقَالَ لِمُعَاوِيَةَ: يَا أَمِيرَ الْمُؤْمِنِينَ! إِنَّ هَذَا دَقَّ سَيِّئٌ. فَقَالَ مُعَاوِيَةُ: إِنَّنِي سَرْتُ رِضْيَكَ، وَأَلَحَّ الْآخَرُ عَلَى مُعَاوِيَةَ فَأَبْرَمَهُ [فَلَمْ يَرْضِهُ], فَقَالَ لَهُ مُعَاوِيَةُ: شَأْنَكَ بِصَاحِبِكَ - وَأَبُو الدَّرْدَاءِ جَائِسٌ عِنْدَهُ - فَقَالَ أَبُو الدَّرْدَاءِ: سَعِيتُ رَسُولَ اللَّهِ ﷺ [سَعِيَتْهُ أَذْنَايَ وَوَعَاهُ قَلْبِي] يَقُولُ: «مَا مِنْ رَجُلٍ يُصَابُ بِشَيْءٍ فِي جَسَدِهِ فَيَتَصَدَّقُ بِهِ إِلَّا رَفِعَهُ اللَّهُ بِهِ دَرَجَةً وَحَطَّ عَنْهُ بِهِ خَطِيئَةً». فَقَالَ الْأَنْصَارِيُّ: [أَ] أَنْتَ سَعِيَتْهُ مِنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ: سَعِيَتْهُ أَذْنَايَ وَوَعَاهُ قَلْبِي. قَالَ: فَإِنِّي أَذْرُهَا لَهُ. قَالَ مُعَاوِيَةُ: لَا جَرمَ لِأَخْيَرِكَ. فَأَمَرَ لَهُ بِمَالِهِ.

[فَقَالَ أَبُو عَيْسَى]: هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ وَلَا أَعْرِفُ لِأَبِي السَّفَرِ سَمَاعًا مِنْ أَبِي الدَّرْدَاءِ. وَأَبُو السَّفَرِ

Gharib, we do not know of it except from this route. And I do not know that Abū As-Safar heard from Abū Ad-Dardā'. Abū As-Safar's name is Sa'eed bin Ahmad, and they say Ibn Yuhmid *Ath-Thawrī*.

تخریج: [إسناده ضعیف] لانقطاعه، وأخرجه ابن ماجه، الديات، باب الغنو في القصاص، ح: ٢٦٩٣ من حدیث یونس به * أبو السفر سعید بن یحمد ثقة لكنه أرسّل عن أبي الدرداء كما في التهذيب وغيره.

Comments:

A wounded person has the right of taking blood-money, compensation, retaliation in kind or forgiving. Forgiving someone is a deed of great reward, and the *Ansārī* pardoned for the sake of a better reward from Allāh.

Chapter 6. What Has Been Related About One Whose Head Was Fractured With A Rock

1394. Anas narrated that a girl went out in Al-Madīnah wearing some silver ornaments. A Jew grabbed her and fractured her head with a stone, and he took the jewelry she had on. He said: "She was found with some spark of life in her, and was brought to the Prophet ﷺ and he said: 'Did such and such person strike you?' She nodded 'no' with her head. He said: 'Such and such?' until he named the Jew and she nodded 'yes' with her head." He said: "He was brought and recognized so the Messenger of Allāh ﷺ ordered that his head be crushed between two stones." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to some of the people of knowledge. It is the view of Ahmad and Ishāq. Some of the people of

اسمه سعید بن احمد. ويقال ابن يُحْمَد
الثورِيُّ.

(المعجم ٦) - بَابُ مَا جَاءَ فِيمَنْ رُضِّخَ رَأْسُهُ بِصَخْرَةٍ (التحفة ٦)

١٣٩٤ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرَةَ: حَدَّثَنَا
يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا هَمَامٌ عَنْ قَنَادَةَ، عَنْ
أَسِّي. قَالَ: خَرَجْتُ حَارِيَةً عَلَيْهَا أَوْضَاحٌ
فَأَخْذَهَا بِهُودِيٍّ فَرَضَخَ رَأْسَهَا بِحَجْرٍ وَأَخْذَ مَا
عَلَيْهَا مِنَ الْحُلُلِيَّةِ قَالَ: فَأَدْرَكْتُ وَبِهَا رَمَّنَ
فَأُتَّيَ بِهَا النَّبِيُّ ﷺ فَقَالَ: «مَنْ قَتَلَكَ أَفْلَانْ؟»
فَقَالَتْ بِرَأْسِهَا لَا. قَالَ: «فَفُلَانْ؟» حَتَّى
سُمِّيَ الْيَهُودِيُّ فَقَالَتْ بِرَأْسِهَا أَيْ نَعْمَ. قَالَ:
فَأَخْنَدَ فَاغْرَفَ فَأَمَرَ بِهِ رَسُولُ اللهِ ﷺ فَرَضَخَ
رَأْسُهُ بَيْنَ حَجَرَيْنِ.

[قال أبو عيسى:] هذا حدیث حسن
صحيح، والعمل على هذا عند بعض أهل
العلم وهو قول أحمد وإسحاق وقال بعض
أهل العلم: لا فرق إلا بالسيف.

knowledge said that there is no retaliation except with the sword.

تخریج: متفق عليه، وأخرجه البخاري، الخصومات، باب ما يذكر في الإشخاص والخصوصة بين المسلم واليهود، ح: ٢٤١٣ ومسلم، ح: ١٦٧٢ من حديث همام به.

Comments:

In the view of most of the *A'immah* a murderer should be killed with the same weapon by which he killed. This is an accepted and correct view. According to Imām Abū Hanifah, and the scholars of Al-Kūfah, killing in retaliation is only with a sword or anything which kills instantly. (*Tuhfat Al-Ahwadhi* v. 2. p. 305.307.)

Chapter 7. What Has Been Related About The Gravity Of Killing A Believer

1395. 'Abdullāh bin 'Amr narrated that the Prophet ﷺ said: "The world ceases to exist is less significant to Allāh than killing a Muslim man." (*Hasan*)

(Another chain) from 'Abdullāh bin 'Amr, and it is similar but he did not narrate it in *Marfu'* form.

[Abū 'Eisā said:] This is more correct than the narration of Ibn Abī 'Adī (a narrator in no. 1395).

[He said:] There are narrations on this topic from Sa'eed, Ibn 'Abbās, Abū Sa'eed, Abū Hurairah, 'Uqbah bin 'Āmir, [Ibn Mas'ūd] and Buraidah.

[Abū 'Eisā said:] The *Hadīth* of 'Abdullāh bin 'Amr was reported like this by Ibn Abī 'Adī from Shu'bāh, from Ya'lā bin 'Atā' [from his father, from 'Abdullāh bin 'Amr, from the Prophet ﷺ]. And Muḥammad bin Ja'far as well as others, reported it from Shu'bāh, from Ya'lā bin 'Atā', so he did not narrate it in *Marfu'* form. Similarly,

(المعجم ٧) - بَابُ مَا جَاءَ فِي تَشْدِيدِ قَتْلِ الْمُؤْمِنِ (التحفة ٧)

١٣٩٥ - حَدَّثَنَا أَبُو سَلَمَةَ يَحْيَى بْنُ خَلْفٍ وَمُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ بَزِيرٍ قَالَا: حَدَّثَنَا ابْنُ أَبِي عَيْيَى عَنْ شُعْبَةَ، عَنْ يَعْلَى بْنِ عَطَاءَ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو أَنَّ النَّبِيَّ ﷺ قَالَ: «الَّذِي أَوْلَ الدُّنْيَا أَهُونُ عَلَى اللَّهِ مِنْ قَتْلِ رَجُلٍ مُسْلِمٍ».

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ يَعْلَى بْنِ عَطَاءَ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو نَحْوَهُ وَلَمْ يَرْفَعْهُ.

[قال أبا عيسى:] وهذا أصح من حديث ابن أبي عيي [قال:] وفي الباب عن شعبة وأبن عباس وأبي سعيد وأبي هريرة وعقبة بن عامر [وابن منسعود] وبريدة.

[قال أبا عيسى:] حديث عبد الله بن عمرو، هكذا رواه ابن أبي عيي عن شعبة، عن يعلى بن عطاء [عن أبيه، عن عبدالله بن

Sufyān Ath-Thawrī reported it from Ya'lā bin 'Atā' in *Mawqūf* form. This is more correct than the *Marfū'* *Hadīth*.

عَمِّرُو عَنْ الْبَيْهِيِّنِ وَرَوَى مُحَمَّدُ بْنُ جَعْفَرٍ
وَغَيْرُهُ وَاحِدٌ، عَنْ شُعبَةَ، عَنْ يَعْلَى بْنِ عَطَاءَ
فَلَمْ يَرْفَعْهُ وَهَكَذَا رَوَى سُقِيَانُ الثَّوْرَيِّ عَنْ
يَعْلَى بْنِ عَطَاءَ مُؤْفَقاً، وَهَذَا أَصَحُّ مِنَ
الْحَدِيثِ الْمَرْفُوعِ.

تخریج: [حسن] وأخرجه النسائي، باب تعظيم الدم، باب تحرير الدم، ح: ٣٩٩٢ من حديث محمد بن أبي عدي به * وفي الباب عن سعد [ابن ماجه، ح: ٣٩٤١] وابن عباس [يأتي: ٣٠٢٩] وابن ماجه، ح: ٢٦٢١] وأبي سعيد [يأتي: ١٣٩٨] وأبي هريرة [يأتي: ١٣٩٨] وعقبة بن عامر [ابن ماجه، ح: ٢٦١٨] وابن مسعود [يأتي: ١٩٨٣] وبريدة [النسائي، ح: ٤٧٣٥].

Comments:

Allāh created, this world as a test and trial for humans. Murder of a human being is actually a denial of the reality.

Chapter 8. Judgements For Cases Involving Bloodshed

1396. 'Abdullāh narrated that the Messenger of Allāh ﷺ said: "Indeed the first cases to be judged between the people are those of bloodshed." (*Sahih*)

[Abū 'Eisā said:] The *Hadīth* of 'Abdullāh is a *Hasan Sahih Hadīth*. This is how it was reported by more than one narrator, from Al-A'mash in *Marfū'* form. Some of them reported it from Al-A'mash without narrating it *Marfū'*.

(Another chain) from 'Abdullāh who narrated that the Messenger of Allāh ﷺ said: "Indeed the first cases to be judged between the worshippers are those of bloodshed."

تخریج: متفق عليه، ومسلم، القسامه والمحاربين، باب المجازاة بالدماء في الآخرة ... إلخ، ح: ١٦٧٨ من حديث شعبة، البخاري، ح: ٦٥٣٣ من حديث الأعمش به.

(المعجم ٨) - باب الحُكْمِ فِي الدَّمَاءِ

(التحفة ٨)

١٣٩٦ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا
وَهُبْ بْنُ جَرِيرٍ: حَدَّثَنَا شُعبَةَ عَنِ الْأَعْمَشِ، عَنْ
أَبِي وَائِلٍ، عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ
ﷺ: إِنَّ أَوَّلَ مَا يُحْكَمُ بَيْنَ الْعِبَادِ فِي الدَّمَاءِ .
[قال أبو عيسى:] حديث عبد الله حديث
حسن صحيح، وهكذا روى غير واحد عن
الأعمش مرفوعاً وروى بعضهم عن الأعمش
ولم يرفعوه.

حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ عَنِ
الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ عَبْدِ اللَّهِ قَالَ:
قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ أَوَّلَ مَا يُحْكَمُ بَيْنَ
الْعِبَادِ فِي الدَّمَاءِ»

تخریج: متفق عليه، ومسلم، القسامه والمحاربين، باب المجازاة بالدماء في الآخرة ... إلخ، ح: ١٦٧٨ من حديث شعبة، البخاري، ح: ٦٥٣٣ من حديث الأعمش به.

1397. 'Abdullāh narrated that the Messenger of Allāh ﷺ said: "Indeed the first cases to be decided between the worshippers are those of bloodshed." (*Sahīh*)

١٣٩٧ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكَيْعَةُ
عَنِ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ عَبْدِ اللَّهِ
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ أَوَّلَ مَا يُفْضِي
بَيْنَ الْعِبَادِ فِي الدَّمَاءِ».

تخریج: متفق عليه، انظر الحديث السابق، ورواہ مسلم من حديث وكیع به.

Comments:

On the Day of Judgement, the first thing from the rights of Allāh, performance of the obligatory prayers, will be accounted for, and from the rights of human beings murder will be the first.

1398. Abul-Hakam Al-Bajalī said: "I heard Abū Sa'eed Al-Khudrī and Abū Hurairah mentioning from the Messenger of Allāh ﷺ that he said: 'If the inhabitants of the heavens and the inhabitants of the earth all took part in shedding the blood of a believer, then Allāh would cast them (all) in the Fire.' (*Da'i*)

[Abū 'Eisā said:] This *Hadīth* is *Gharīb*. [Abul-Hakam Al-Bajalī is 'Abdur-Rahmān bin Abī Nu'aym Al-Kūfī].

١٣٩٨ - حَلَّتْنَا الْحُسَيْنُ بْنُ حُرَيْثٍ:
حَدَّثَنَا الْقَعْدُلُ بْنُ مُوسَى عَنِ الْحُسَيْنِ بْنِ
وَاقِدٍ، عَنْ يَزِيدَ الرَّقَاشِيِّ: حَدَّثَنَا أَبُو الْحَكَمِ
الْبَجَلِيُّ قَالَ: سَعَيْتُ أَبَا سَعِيدَ الْخُدْرِيَّ وَأَبَا
هُرَيْرَةَ يَذْكُرُانِ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «لَوْ
أَنَّ أَهْلَ السَّمَاءِ وَأَهْلَ الْأَرْضِ اشْتَرَكُوا فِي
دَمِ مُؤْمِنٍ لَا كَبَّهُمُ اللَّهُ فِي النَّارِ».
[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ غَرِيبٌ.
[وَأَبُو الْحَكَمِ الْبَجَلِيُّ هُوَ عَبْدُ الرَّحْمَنِ بْنُ أَبِي
نَعْمَ الْكُوفِيِّ].

تخریج: [ضعیف] * یزید الرقاشی ضعیف وله شواهد ضعیفة عند البهیقی: ۲۲/۸ وغیره.

Comments:

Murder of a Muslim is so great a sin that if a group of people commit a murder, the whole group will be punished. Each one of them will pay the full blood-money or all of them will be killed in retaliation.

Chapter 9. What Has Been Related About A Man Who Kills His Son: Is He To Suffer Requital For Him Or Not?

1399. Surāqah bin Mālik bin [Ju'shum] narrated: "The Messenger of Allāh ﷺ judged that the son is to suffer retaliation for

(المعجم ۹) - بَابُ مَا جَاءَ فِي الرَّجُلِ
يُقْتَلُ ابْنُهُ يُقَادُ مِنْهُ أُمٌّ لَا؟ (التحفة ۹)

١٣٩٩ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرٍ: حَدَّثَنَا
إِسْمَاعِيلُ بْنُ عَيَّاشِ: حَدَّثَنَا المُشَّى بْنُ
الصَّبَّاحِ عَنْ عَمْرِو بْنِ شَعْبَنَ، عَنْ أَبِيهِ، عَنْ

[killing] his father, but the father is not to suffer retaliation for [killing] his son.” (*Da’if*)

[Abū ‘Eisā said:] We do not know of this *Hadīth* as a narration of Sūrāqah except from this route. Its chain is not correct. Ismā’il bin ‘Ayyāsh reported it from Al-Muthanna bin Aṣ-Ṣabbāḥ, and Al-Muthanna bin Aṣ-Ṣabbāḥ has been graded weak in *Hadīth*. Abū Khālid bin Al-Aḥmar reported this *Hadīth* from Al-Hajjāj [bin Arṭāḥ], from ‘Amr bin Shu’bah, from his father, from his grandfather, from ‘Umar, from the Prophet ﷺ. This *Hadīth* has also been reported from Shu’bah in *Mursal* form. There is confusion (*Idtirāb*) in the narration of this *Hadīth*.

This is acted upon according to the people of knowledge; the father is not to be killed for killing his son, and when he falsely accuses his son, he is not punished legally.

تخریج: [إسناده ضعیف] * المثنی والحجاج ضعیفان.

Comments:

Apparently the father is a cause of a son’s existence in this world; therefore, the son should not become the reason of the father’s demise. Imām Rabī‘ah, Ath-Thawrī, Al-Awzā‘ī, Ash-Shāfi‘ī, Ahmad, Ishāq, and Abū Hanīfah all have the same point of view. (*Al-Mughnī* v. 1 p. 483.)

1400. ‘Umar bin Al-Khaṭṭāb narrated that the Messenger of Allāh ﷺ said: “The father does not suffer retaliation for [killing] the son.” (*Da’if*)

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الديات، باب: لا يقتل الوالد بولده،

جَدُّهُ، عَنْ سُرَاقَةَ بْنِ مَالِكٍ بْنِ [جُعْشِمٍ] قَالَ: حَضَرْتُ رَسُولَ اللَّهِ ﷺ يُقِيدُ الْأَبَّ مِنْ أَبْنَهِ وَلَا يُقِيدُ الْأَبْنَ مِنْ أَبِيهِ .
[قالَ أَبُو عَبِيَّ]: هَذَا حَدِيثٌ لَا تَعْرِفُهُ مِنْ حَدِيثِ سُرَاقَةَ إِلَّا مِنْ هَذَا الْوَجْهِ وَلَيْسَ إِسْنَادُهُ بِصَحِيحٍ رَوَاهُ إِسْمَاعِيلُ بْنُ عَيَّاشٍ عَنْ الْمُنْتَيِّ بْنِ الصَّبَّاحِ وَالْمُنْتَيِّ بْنِ الصَّبَّاحِ يُضَعَّفُ فِي الْحَدِيثِ وَقَدْ رَوَى هَذَا الْحَدِيثَ أَبُو خَالِدٍ الْأَخْمَرُ عَنِ الْحَجَاجِ [بْنِ أَرْطَاءَ]، عَنْ عَمْرِو بْنِ شَعْبِنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ عَمْرَ بْنِ التَّبَّيِّ وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنْ عَمْرِو بْنِ شَعْبِنَ مُرْسَلاً، وَهَذَا حَدِيثٌ فِيهِ اضْطِرَابٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ أَنَّ الْأَبَّ إِذَا قُتِلَ أَبْنَهُ لَا يُقْتَلُ بِهِ، وَإِذَا قَدَّ أَبْنَهُ لَا يُحَدُّ .

١٤٠٠ - حَدَّثَنَا أَبُو سَعِيدُ الْأَشْجَحُ: حَدَّثَنَا أَبُو خَالِدٍ الْأَخْمَرُ عَنِ الْحَجَاجِ بْنِ أَرْطَاءَ، عَنْ عَمْرِو بْنِ شَعْبِنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ عَمْرَ بْنِ الْخَطَّابِ قَالَ: سَعِيتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا يُقَاتَلُ الْوَالِدُ بِالْوَلَدِ».

ح: ٢٦٦٢ من حديث أبي خالد الأحمر به، ورواه محمد بن عجلان عن عمرو بن شعيب به وللحديث شواهد كثيرة.

1401. Ibn ‘Abbās narrated that the Prophet ﷺ said: ‘The *Hudūd* are not carried in the *Masjid*, and the father is not killed for the son.’ (*Da’if*)

[Abū ‘Eisā said:] We do not know of this *Hadīth* to be *Marfū‘* except through the narration of Ismā‘il bin Muslim. Some of the people of knowledge have criticized Ismā‘il bin Muslim due to his memory.

١٤٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ سَيَارٍ: حَدَّثَنَا أَبْنُ أَبِي عَدَىٰ عَنْ إِسْمَاعِيلَ بْنِ مُسْلِمٍ، عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ طَاؤُسٍ، عَنْ أَبْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُقْتَلُ الْمُحْدُودُ فِي الْمَسَاجِدِ وَلَا يُقْتَلُ الْوَالِدُ بِالْوَلَدِ». [قال أبو عيسى:] هذا حديث لا نعرفه بهذا الإسناد مرفوعاً إلا من حديث إسماعيل ابن مسلم. وإسماعيل بن مسلم المكي [فَدَّ] تكلم فيه بعض أهل العلم من قبل حفظه.

تخریج: [إسناد ضعيف] وأخرجه ابن ماجه، أيضاً، ح: ٢٦٦١ من حديث إسماعيل بن مسلم به وهو ضعيف وللحديث شواهد ضعيفة، انظر الحديث السابق.

Comments:

This narration, according to its chain is a weak narration, but its subject is correct and is in accordance with the Islamic Law. The purpose of killing in retaliation is to make a lesson for others so that nobody should dare to commit such a heinous crime. If the love and relationship of being a father did not stop him from murdering then even killing in retaliation will not work.

Chapter 10. What Has Been Related About ‘The Blood Of A Muslim Man Is Not Lawful Except For One Of Three Cases’

1402. ‘Abdullāh bin Mas’ūd narrated that the Messenger of Allāh ﷺ said: “The blood of a Muslim man, who testifies that none has the right to be worshipped but Allāh, and that I am the Messenger of Allāh, is not lawful except for one of three cases: The (previously married or) married adulterer, a life for a life, and the one who leaves his religion and parts from the *Jamā‘ah* (the

(المعجم ١٠) - بَابُ مَا جَاءَ لَا يَحْلُّ دَمُ امْرِيَءٍ مُسْلِمٍ إِلَّا بِإِحْدَى ثَلَاثَةِ (التحفة ١٠)

١٤٠٢ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو مُعاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَحْلُّ دَمُ امْرِيَءٍ مُسْلِمٍ يَشْهُدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنِّي رَسُولُ اللَّهِ إِلَّا بِإِحْدَى ثَلَاثَةِ الْتَّيْبِ الزَّانِيُّ وَالنَّفْسُ بِالنَّفْسِ وَالثَّارِكُ لِدِينِهِ الْمُفَارِقُ لِلْجَمَاعَةِ» [قال:] وَفِي الْبَابِ عَنْ عُثْمَانَ وَعَائِشَةَ وَابْنِ عَبَّاسٍ.

community of Muslims).” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Uthmān, ‘Aishah and Ibn ‘Abbās.

[Abū ‘Eisā said:] The *Hadīth* of Ibn Mas‘ūd is a *Hasan Sahīh Hadīth*.

تخریج: متفق عليه، وأخرجه مسلم، القسامه والمحاربين، باب ما يباح به دم المسلم، ح: ١٦٧٦ من حديث أبي معاوية الضرير والبخاري، ح: ٦٨٧٨ من حديث الأعمش به * وفي الباب عن عثمان [يأتي: ٢١٥٨] وعائشة [أبو داود، ح: ٤٣٥٣] وابن عباس [ابن ماجه، ح: ٢٥٣٩].

Comments:

According to the Qur’ān and various narrations of the Prophet ﷺ, and the consensus of the Muslim *Ummah*, killing a Muslim brother is one of the greatest sins. There are only three conditions which allow the killing of a Muslim. These three conditions have been mentioned in this narration. (*Al-Mughnī*, v. 11, p.443-444.)

Chapter 11. What Has Been Related About One Who Kills A *Mu‘āhid*^[1]

1403. Abū Hurairah narrated that the Prophet ﷺ said: “Indeed, whoever kills a *Mu‘āhid* that has a covenant from Allāh and a covenant from His Messenger ﷺ, then he has violated the covenant with Allāh and the covenant of His Messenger, so he shall not smell the fragrance of Paradise; even though its fragrance can be sensed from the distance of seventy autumns.” (*Sahīh*)

[He said:] There are narrations on this topic from Abū Bakrah.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*, it has been reported through

[قالَ أَبُو عِيسَى : حَدِيثُ ابْنِ مَسْعُودٍ حَدِيثُ حَسَنٍ صَحِيحٌ .

(المعجم ١١) - بَابُ مَا جَاءَ فِيمَنْ يَقْتُلُ نُفْسًا مُعَاهِدًا (التحفة ١١)

١٤٠٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ : حَدَّثَنَا [معدىٰ] بْنُ سُلَيْمَانَ [هُوَ الْبَصْرِيُّ] عَنْ ابْنِ عَجْلَانَ, عَنْ أَبِيهِ, عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ : أَلَا مَنْ قَتَلَ نَفْسًا مُعَاهِدَةً لَهُ ذَمَّةُ اللَّهِ وَذَمَّةُ رَسُولِهِ فَقَدْ أَخْفَرَ بِذِمَّةِ اللَّهِ فَلَا يَرْجُعُ رَائِحَةُ الْجَنَّةِ, وَإِنَّ رِيحَهَا لَتُوْجَدُ مِنْ مَسِيرَةِ سَبْعِينَ حَرِيقَةً .

[قالَ : وَفِي الْبَابِ عَنْ أَبِي بَكْرَةَ .
قالَ أَبُو عِيسَى : حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثُ حَسَنٍ صَحِيحٌ . وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهٍ, عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ

^[1] “One who has a treaty with the *Imām* to not fight, whether he is a *Dhimmī* or not.” *Tuhfat Al-Ahwadhi*.

more than one route from Abū Hurairah, from the Prophet ﷺ.

تخریج: [صحیح] وأخرجه ابن ماجه، الديات، باب من قتل معاہدًا، ح: ۲۶۸۷ عن محمد بن بشار به وسنده ضعیف وللحديث شواهد عند البخاري، ح: ۳۱۶۶، ۶۹۱۴ وغیره * وفي الباب عن أبي بکرة [أبو داود، ح: ۲۷۶۰].

Comments:

The fragrance of the Paradise will be sensed by the people in proportion of their good deeds done in this world, and according to their status in the Hereafter. The least distance from where it could be sensed is forty years, and the maximum one thousand years. (*Tuhfat Al-Ahwadhi* v. 2. p.308.)

Chapter 12.

(المعجم ۱۲) - بَابُ : (التحفة ۱۲)

1404. Ibn ‘Abbās narrated: “The Prophet ﷺ assigned the same blood-money for the two ‘Āmiris^[1] as that of the Muslims, and they had a covenant from the Messenger of Allāh ﷺ.” (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*, we do not know of it except from this route, and [one of the narrators] Abū Sa‘d al-Baqqāl’s name is Sa‘eed bin Al-Marzubān.

تخریج: [إسناده ضعیف] وأخرجه البیهقی: ۱۰۲/۸ من حديث أبي بكر بن عیاش به نحو المعنی وقال: "البقال لا يحتاج به" أبو سعد البقال ضعیف مدلس وأبوبکر بن عیاش ضعیف من جهة حفظه.

Comments:

There is no killing in retaliation of the murder of a disbeliever; but the blood-money is to be paid.

٤ - حَدَّثَنَا أَبُو كُرْبَةَ: حَدَّثَنَا يَحْيَى بْنُ أَدَمَ عَنْ أَبِي بَكْرٍ بْنِ عَيَّاشٍ، عَنْ أَبِي سَعْدٍ، عَنْ عَكْرَمَةَ، عَنْ أَبْنَ عَيَّاشٍ: أَنَّ النَّبِيَّ ﷺ وَدَى الْعَامِرِيْنَ بِدِيْنِ الْمُسْلِمِيْنَ وَكَانَ لَهُمَا عَهْدٌ مِّنْ رَسُولِ اللَّهِ ﷺ.

[قال أبا عيسى:] هَذَا حَدِيثٌ غَرِيبٌ لَا تَعْرِفُ إِلَّا مِنْ هَذَا الْوَجْهِ وَأَبُو سَعْدٍ الْبَقَالُ أَسْمُهُ سَعِيدُ بْنُ الْمَرْبُّانِ.

^[1] The two people killed by ‘Amr bin ‘Umayyah Al-Damrī. He was not aware of their covenant with the Messenger ﷺ. (*Tuhfat Al-Ahwadhi*).

Chapter 13. What Has Been Related About The Guardian Of One Who Was Killed Deciding Between *Qisās* or Pardon

1405. Abū Hurairah narrated: “When Allāh granted His Messenger ﷺ victory over Makkah, he stood (to deliver an address) among the people. He thanked and praised Allāh, then he said: ‘And for whomever (one of his relatives) was killed, then he has two options to choose from: Either to pardon or that he be killed.’” (*Sahih*)

[He said:] There are narrations on this topic from Wā'il bin Hujr, Anas, Abū Shuraih, and Khuwailid bin ‘Amr.

(المعجم ١٣) - بَابُ مَا جَاءَ فِي حُكْمِ
وَلِيِّ الْفَتْيَلِ فِي الْقِصَاصِ وَالْعَفْوِ
(التحفة ١٣)

١٤٠٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَيْلَانَ وَيَحْيَى
ابْنُ مُوسَى قَالَا: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ:
حَدَّثَنَا أَلْوَزَاعِيُّ: حَدَّثَنِي يَحْيَى بْنُ أَبِي
كَثِيرٍ: حَدَّثَنِي أَبُو سَلَمَةَ قَالَ: حَدَّثَنِي أَبُو
هُرَيْرَةَ قَالَ: لَمَّا فَتَحَ اللَّهُ عَلَى رَسُولِهِ مَكَّةَ قَامَ
فِي النَّاسِ فَحَمِدَ اللَّهَ وَأَتَّسَى عَلَيْهِ ثُمَّ قَالَ:
وَمَنْ قُتِلَ لَهُ قَتْلٌ فَهُوَ يَخْرِجُ الظَّرَبِينَ إِمَّا أَنْ
يَعْفُوَ إِمَّا أَنْ يَقْتُلَ» [قال:] وفي الباب عَنْ
وَائِلَ بْنِ حُجْرٍ وَأَنَسِي وَأَبِي شَرِيعٍ خُوَيْلِدِ بْنِ
عَمْرٍو.

تخریج: متفق عليه، وأخرجه البخاري، باب: كيف تعرف لقطة أهل
مكة؟، ح: ٢٤٣٤ عن يحيى بن موسى ومسلم، ح: ١٣٥٥ من حديث الوليد به * وفي الباب عن
وائل بن حجر [مسلم، ح: ١٦٨٠] وأنس [ابن ماجه، ح: ٢٦٩١] وأبي شريح خويلد بن عمرو
[يأتي: ١٤٠٦].

Comments:

In this narration, pardon means accepting blood-money instead of killing in retaliation. Sparing the murderer from death and accepting the blood-money is a kind of pardon.

1406. Abū Shuraih Al-Ka'bī narrated that the Messenger of Allāh ﷺ said: “Indeed Allāh made Makkah sacred, it was not made sacred by the people. Whoever believes in Allāh and the Last Day, then let them not shed blood in it, nor cut down any of its trees. If one tries to make an excuse by saying: ‘It was made lawful for the Messenger of Allāh ﷺ’, then indeed Allāh made it lawful for me

١٤٠٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ:
حَدَّثَنِي سَعِيدُ بْنُ أَبِي سَعِيدِ الْمَقْبَرِيِّ عَنْ
أَبِي شَرِيعِ الْكَعْبِيِّ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ:
إِنَّ اللَّهَ حَرَمَ مَكَّةَ وَلَمْ يُحرِّمْهَا النَّاسُ. مَنْ
كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَسْفَكُنَّ فِيهَا
دَمًا وَلَا يَعْصِدُنَّ فِيهَا شَجَرًا فَإِنْ تَرَخَصَ
مُتَرَخَصٌ. فَقَالَ أَحِلَّتْ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَإِنَّ

but He did not make it lawful for the people, and it was only made lawful for me for an hour of a day. Then it is returned to being sacred until the Day of Judgement. Then, to you people of Khuzā'ah who killed this man from Hudhail: I am his *Āqil*, so for whomever (one of his relatives) is killed after today, then his people have two options; either they have him killed, or they take the blood-money from him.” (*Sahīh*)

[*Abū 'Eisā* said:] This *Hadīth* is *Hasan Sahīh*. It was also reported by *Shaibān* from *Yahyā bin Abī Kathīr* and it is similar to this, and it was reported by *Abū Shuraih Al-Khuza'ī* from the Prophet ﷺ. But he said: “And for whomever (one of his relatives) was killed, then he may have him killed, or pardon him, or take the blood-money.”

Some of the people of knowledge followed this, and it is the view of *Aḥmad* and *Ishāq*.

تخریج: [إسناده صحيح] وأخرجه أبو داود، الديات، باب ولی العمد يأخذ الدية، ح: ٤٥٤ من حديث يحيى القطان به ورواه البخاري، ح: ١٠٤ ومسلم، ح: ١٣٥٤ من حديث سعيد المقبرى.

Comments:

This narration proves that the right of pardon, killing in retaliation or accepting the payment of blood-money is with the heirs. If one of them forgives the offender then killing in retaliation is cancelled, only blood-money will be taken.

1407. *Abū Hurairah* narrated: “A man was killed during the time of the Messenger of Allāh ﷺ, so the killer was brought to the man's guardian. The killer said: ‘O Messenger of Allāh! By Allāh! I did not mean to kill him. So the

الله أحلَّها لي ولم يُحلَّها للناس وإنما أحلَّتْ
لي ساعةً من نهار ثم هي حرام إلى يوم
القيمة ثم إنكم معاشر خراعة قتلتم هذا
الرجل من هذين وإنني عاكله فمن قتيل له
قتيل بعد اليوم فأهلُه بين خبرتين إما أن
يقتلوا أو يأخذوا العقل”.

[قال أبو عيسى:] هذا حديث حسن
صحيح. وحديث أبي هريرة حديث حسن
صحيح. ورواه شيبان أيضاً عن يحيى بن
أبي كثیر مثل هذا وروي عن أبي شریح
الخراءعي عن النبي ﷺ قال: «من قتيل له
قتيل فله أن يقتل أو يغفر أو يأخذ الديمة».
وذهب إلى هذا بعض أهل العلم وهو قول
أحمد وإسحاق.

١٤٠٧ - حدثنا أبو كریب: حدثنا أبو
معاویة عن الأعمش، عن أبي صالح، عن
أبي هريرة قال: قتل رجل على عهد رسول
الله ﷺ فدفع القاتل إلى ولته فقال القاتل: يا
رسول الله! والله ما أردت قتله فقام رسول

Messenger of Allāh ﷺ said: ‘Then if what he is saying is true, and you kill him, you would enter the Fire.’ So he let the man go.” He said: “His hands were bound behind him with a *Nis’ah*.” He said: “So he left, dragging his *Nis’ah*.” [He said:] “So he was called ‘*Dhan-Nis’ah*’.” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. [And *An-Nis’ah* is a rope.]

تخریج: [صحيح] وأخرجه أبو داود، الديات، باب الإمام يأمر بالغفو في الدم، ح: ٤٤٩٨ والنسائي، ح: ٤٧٢٦ وابن ماجه، ح: ٢٦٩٠ من حديث أبي معاوية الضرير به وله شواهد عند مسلم وأبي داود، ح: ٤٤٩٩-٤٥٠١ وغيرهما.

Comments:

If someone is killed and the intention of the killer was not to kill him but just to punish him physically, then it will be considered a killing by mistake. In case of killing by mistake, the punishment of killing in retaliation is unlawful. In this case, the heir of the murdered let the killer go.

Chapter 14. What Has Been Related About The Prohibition Of Mutilation

1408. Buraidah narrated from his father who said: “Whenever the Messenger of Allāh ﷺ dispatched a commander of an army he would exhort him personally; that he should have *Taqwā* of Allāh, and regarding those of the Muslims who are with him; that he should be good to them. He would say: ‘Fight in the Name of Allāh and in Allāh’s cause. Fight those who disbelieve in Allāh, and fight, do not be treacherous, nor mutilate, nor kill a child.’” (*Sahīh*)

The *Hadīth* is longer than this. [He said:] There are narrations on

الله ﷺ: أَمَا إِنَّهُ إِنْ كَانَ [قَوْلُهُ] صَادِقاً فَقَتَلَتْهُ دَحْلُتُ النَّارِ فَخَلَى عَنْهُ الرَّجُلُ قَالَ: وَكَانَ مَكْتُوفًا بِنَسْعَةٍ قَالَ: فَخَرَجَ يَجْرُ نَسْعَةً [قال:] فَكَانَ يُسَمَّى ذَا الشَّعْةِ [قال:] أَبُو عِيسَى: هَذَا حَدِيثُ حَسْنٌ صَحِيقٌ. [والشَّعْةُ حَبْلٌ].

(المعجم ١٤) - بَابُ مَا جَاءَ فِي النَّهَيِ عنِ الْمُنْتَلَةِ (١٤ التحفة)

١٤٠٨ - حَدَثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَثَنَا سُفْيَانُ عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ سَلَيْمَانَ بْنِ بُرْيَدَةَ، عَنْ أَبِيهِ قَالَ: كَانَ رَسُولُ الله ﷺ إِذَا بَعَثَ أَمْرِيَا عَلَى جَيْشٍ أَوْصَاهُ فِي خَاصَّةِ نَفْسِهِ يَتَقَوَّى اللَّهُ وَمَنْ مَعَهُ مِنَ الْمُسْلِمِينَ خَيْرًا فَقَالَ: اغْزُوا بِسْمِ الله وَفِي سَبِيلِ الله فَاتَّلُوا مِنْ كُفَّارَ اللهِ، اغْزُوا وَلَا تَغْلُبُوا وَلَا تَعْدِرُوا وَلَا تَمْثِلُوا وَلَا تَتَنَاهُوا وَلَيْدًا». وفي الحدیث قصّة [قال:] وفي الباب عنْ [عبد الله] بْنِ مَسْعُودٍ وَشَدَادٍ

this topic from ['Abdullāh] bin Mas'ūd, Shaddād bin Aws, [‘Imrān bin Huṣain, Anas] Samurah, Al-Mughīrah, Ya'lā bin Murrah, and Abū Ayyūb.

[Abū ‘Eisā said:] The *Hadīth* of Buraidah is a *Hasan Sahīh Hadīth*. The people of knowledge dislike mutilation.

تخریج: وأخرجه مسلم، الجهاد، باب تأمير الأمراء على البعثوت ... إلخ، ح: ١٧٣١ من حديث عبد الرحمن بن مهدي به، وسيأتي: ١٦١٧ * وفي الباب عن عبدالله بن مسعود [أبو داود، ح: ٢٢٦٦] وشداد بن أوس [يأتي: ١٤٠٩] وعمران بن حصين [أبو داود، ح: ٢٢٦٧] وأنس [البخاري، ح: ٥١٣] ومسلم، ح: ١٩٥٦ * وسمرة [أبو داود، ح: ٢٢٦٧] والمغيرة [أحمد: ٢٤٦/٢ والطحاوي في معاني الآثار: ١٨٣/٣؛ ويعلى بن مرة [أحمد: ١٧١/٤، ١٧٣] وأبي أيوب [الطحاوي في معاني الآثار: ١٨٢/٣].

Comments:

The purpose of *Jihād* is not the expansion of the Islamic State or creating some disturbance in the world. Creating any trouble in this world is against the spirit of Islam. *Jihād* is only to raise the Word of Allāh, and for subsiding the disturbances for the greater cause of society. So, the head of the army is required to work within the limits imposed by Allāh.

1409. Shaddād bin Aws narrated that the Prophet ﷺ said: "Indeed Allāh has decreed *Ihsān* in everything. So when you kill, then do the killing well, and when you slaughter, then do the slaughtering well. Let one of you sharpen his blade, and let him comfort his animal (before slaughtering)." (*Sahīh*)

[He said:] This *Hadīth* is *Hasan Sahīh*, Abū Al-Ash'ath's name is [Shurāḥil] bin Ādah.

تخریج: وأخرجه مسلم، الصيد والذبائح، باب الأمر بإحسان الذبح والقتل، تحديد الشفرة، ح: ١٩٥٥ من حديث خالد الحذاء به.

Comments:

If Islām could command its adherents to show such great compassion to even animals when they are being lawfully slaughtered, one could then imagine how compassionate it would be with human lives.

ابن أوسٍ [وعمران بن حصين وأنسٍ] وسمرة والمغيرة ويعلى بن مرأة وأبي أيوب. قال أبو عيسى: [Hadīth buriyadah Hadīth حسن صحيح. وكراهة أهل العلم المثلة.

١٤٠٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْبِعٍ : حَدَّثَنَا هُشَيْمٌ : حَدَّثَنَا خَالِدٌ عَنْ أَبِي قَلَبَةٍ ، عَنْ أَبِي الأَشْعَثِ الصَّنْعَانِيِّ ، عَنْ شَدَّادِ بْنِ أَوْسٍ : أَنَّ النَّبِيَّ ﷺ قَالَ : «إِنَّ اللَّهَ كَتَبَ الْإِحْسَانَ عَلَى كُلِّ شَيْءٍ فَإِذَا قَتَلْتُمْ فَأَحْسِنُوا الْقِتْلَةَ وَإِذَا ذَبَحْتُمْ فَأَحْسِنُوا الذَّبْحَةَ وَلِيُجَدِّدَ أَحَدُكُمْ شَفَرَتَهُ وَلِيُئْرِخْ ذِبِّحَتَهُ». قال: [هذا حديث حسن صحيح. أبو الأشعث اسمه شراحيل بن آدة.]

تخریج: وأخرجه مسلم، الصيد والذبائح، باب الأمر بإحسان الذبح والقتل، تحديد الشفرة، ح: ١٩٥٥ من حديث خالد الحذاء به.

Chapter 15. What Has Been Related About The Blood-Money For The Fetus

1410. Abū Hurairah narrated: “The Messenger of Allāh ﷺ judged that a *Ghurrah* male slave or female slave be given in the case of a fetus. The one the judgement was made against said: ‘Should we give something for one who did not drink, nor eat, nor cry out to shed a tear, the likes of which is useless?’ So the Prophet ﷺ said: ‘This is the speech of a poet. Rather it requires a *Ghurrah*: a male slave or a female slave.’” (*Sahīh*)

There are narrations on this topic from [Ḥamal] bin Mālik bin An-Nābighah [and Al-Mughīrah bin Shu‘bah].

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge. Some of them said that *Al-Ghurrah* is a male or female slave, or five hundred Dirham. Some of them said it could also be a horse or a mule.

تخریج: [صحيح] وأخرجه أبو داود، باب دية الجنين، ح: ٤٥٧٩ وابن ماجه، ح: ٢٦٣٩ من حديث محمد بن عمرو به وسنته حسن رواه البخاري، ح: ٥٧٥٨ ومسلم، ح: ١٦٨١ من حديث أبي سلمة * وفي الباب عن حمل بن مالك [أبو داود، ح: ٤٥٧٢] والمغيرة ابن شعبة [يأتي: ١٤١١].

Comments:

The word ‘*Ghurrah*’ is used for every nice thing. The literal meaning of *Ghurrah* is ‘white spot on the forehead of a horse’ here it means a male or female slave. This word is usually used for horses and mules but here it means to free a slave or a slave woman as the punishment of purposeful abortion.

(المعجم ١٥) - بَابُ مَا جَاءَ فِي دِيَةِ
الْجَنِينِ (التحفة ١٥)

١٤١٠ - حَدَّثَنَا عَلَيُّ بْنُ سَعِيدِ الْكَنْدِيِّ
[الْكُوفِيِّ]: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ عَنْ مُحَمَّدِ
ابْنِ عَمْرُو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ
قَالَ: قَضَى رَسُولُ اللَّهِ ﷺ فِي الْجَنِينِ بِعَرَةٍ
عَبْدٌ أَوْ أُمَّةٌ فَقَالَ النَّبِيُّ ﷺ قَضَى عَلَيْهِ أَنْعَطَى مِنْ
لَا شَرِبَ وَلَا أَكَلَ وَلَا صَاحَ فَاسْتَهَلَ فَيَمِلُّ
ذَلِكَ يُطْلَلُ. فَقَالَ النَّبِيُّ ﷺ: إِنَّ هَذَا لِيُقُولُ
يَقُولُ الشَّاعِرُ، بَلَى فِيهِ عَرَةٌ: عَبْدٌ أَوْ أُمَّةٌ.
وَفِي الْبَابِ عَنْ [حَمْلٍ] بْنِ مَالِكٍ بْنِ
النَّابِعَةِ [وَالْمُغِيرَةِ بْنِ شَعْبَةَ].
قَالَ أَبُو عِيسَى: [حَدِيثُ أَبِي هُرَيْرَةَ
حَدِيثُ حَسَنٍ صَحِيحٌ . وَالْعَمَلُ عَلَى هَذَا إِنْدَ
أَهْلِ الْعِلْمِ . وَقَالَ بَعْضُهُمْ: الْعَرَةُ عَبْدٌ أَوْ أُمَّةٌ
أَوْ حَمْسُوَائِةً دِرْهَمٍ . وَقَالَ بَعْضُهُمْ: أَوْ فَرْسٌ
أَوْ بَعْلٌ .

1411. Al-Mughīrah bin Shu'bah narrated: "Two women co-wives, (were fighting), and one of them hit the other with a stone or a tent post, causing her to have a miscarriage. the Messenger of Allāh ﷺ judged that a *Ghurrah* male or female slave should be given for the fetus, and he required it from the '*Aṣabah*'^[1] of the woman." (*Sahīh*)

(Another chain) for this *Hadīth* [and it is similar to this. He said:] This *Hadīth* is *Hasan Sahīh*.

١٤١١ - حَدَّثَنَا الحَسَنُ بْنُ عَلَيٍّ الْخَلَلُ : حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ : حَدَّثَنَا شُعْبَةُ عَنْ مَنْصُورٍ ، عَنْ إِبْرَاهِيمَ ، عَنْ عَبْدِ اللَّهِ بْنِ نَضْلَةَ ، عَنِ الْمُغَيْرَةِ بْنِ شُعْبَةَ أَنَّ امْرَأَتَيْنِ كَانَتَا ضَرَّاتِيْنَ فَرَمَتْ إِحْدَاهُمَا الْأُخْرَى بِحَجْرٍ أَوْ عَمُودٍ فُسْطَاطٍ فَلَقْتُ جَنِينَهَا فَقَضَى رَسُولُ اللَّهِ ﷺ فِي الْجَنِينِ غُرْةً عَبْدًا أَوْ أَمَةً وَجَعَلَهُ عَلَى عَصَبَةِ الْمَرْأَةِ . قَالَ الْحَسَنُ وَحَدَّثَنَا زَيْدُ بْنُ حُبَّابٍ عَنْ سُقْيَانَ ، عَنْ مَنْصُورٍ بِهَذَا الْحَدِيثِ نَحْوَهُ وَقَالَ : هَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ .

تخریج: وأخرجه مسلم، القسامه والمحاربين، باب دية الجنين، ووجوب الدية في قتل الخطأ ... إلخ، ح: ١٦٨٢ من حديث شعبة به.

Comments:

These two ladies were the wives of Ḥamal bin Maṭlik bin Nābighah. Umm Afif hit Malkiyah with a stone or with a tent post, causing her to miscarriage. The Prophet ﷺ ordered the relatives from her father's side to pay a slave or a slave woman as compensation to Afif. (For details see *Fawā'id Muslim*)

Chapter 16. What Has Been Related About: The Muslim Is Not Killed For The Disbeliever

1412. Abū Juhaifah said: "I said to 'Alī: O Commander of the Believers! Do you have anything written that is not in Allāh's Book?" He said: 'By the One Who splits the seed and creates the soul, I have not learned from it except what understanding of the Qur'añ Allāh gives to a man, and what is in this sheet of paper.' I said: 'What is in the paper?' He said: 'In it is the '*Aql*',^[2] the (ransom for)

(المعجم ١٦) - بَابُ مَا جَاءَ لَا يُقْتَلُ مُسْلِمٌ بِكَافِرٍ (التحفة ١٦)

١٤١٢ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْبِعَ : حَدَّثَنَا مُشَيْمٌ : حَدَّثَنَا مُطَرْفٌ عَنِ الشَّعْبِيِّ : حَدَّثَنَا أَبُو جُحَيْفَةَ قَالَ : قُلْتُ لِعَلِيٍّ : يَا أَمِيرَ الْمُؤْمِنِينَ ! هَلْ عَنْدَكُمْ سَوْدَاءً فِي بَيْضَاءِ لَيْسَ فِي كِتَابِ اللَّهِ ؟ قَالَ : وَالَّذِي فَلَقَ الْحَجَّةَ وَبَرَأَ النَّسْمَةَ مَا عَلِمْتُهُ إِلَّا فَهُمَا يُعْطِيهِ اللَّهُ رَجُلًا فِي الْقُرْآنِ وَمَا فِي الصَّحِيفَةِ . قُلْتُ : وَمَا فِي الصَّحِيفَةِ ؟ قَالَ : فِيهَا الْعُقْلُ وَفِكَكُ الْأَسِيرِ وَأَنَّ لَا يُقْتَلُ

[1] The relatives from her father's side of the family.

[2] Meaning the regulations regarding blood-money.

release of captives, and the judgement that no believer is killed for a disbeliever.”” (*Sahih*)

[He said:] There is something on this topic from ‘Abdullāh bin ‘Amr.

[Abū ‘Eisā said:] The *Hadīth* of ‘Alī is a *Hasan Sahīh Hadīth*. This is acted upon according to some of the people of knowledge. It is the view of Sufyān Ath-Thawrī, Mālik bin Anas, Ash-Shāfi‘ī, Ahmad, and Ishaq. They said that the believer is not killed for the disbeliever. Some of the people of knowledge said that the Muslim may be killed for the *Mu‘āhid*. But the first view is more correct.

تخریج: وأخرج البخاري، الديات، باب العاقلة، ح ٦٩٠٣ من حديث مطرف به * وفي الباب عن عبدالله ابن عمرو [يأتي: ١٤١٣].

Chapter (...) What Has Been Related About The Blood-Money For A Disbeliever

1413. ‘Amr bin Shu‘aib narrated from his father, from his grandfather that the Messenger of Allāh ﷺ said: “The Muslim is not killed for the disbeliever.”” (*Hasan*)

And with this chain, it has been narrated that the Prophet ﷺ said: “The blood-money paid for the disbeliever is half of the blood-money paid for a believer.”

[Abū ‘Eisā said:] The *Hadīth* of ‘Abdullāh bin ‘Amr on this topic is a *Hasan Hadīth*.

The people of knowledge disagree about the blood-money of the Jew and the Christian. Some of them followed what was reported from the Prophet ﷺ [about the Jews and

مؤمنٍ بِكَافِرٍ. [قَالَ:] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ.

[قَالَ أَبُو عِيسَى:] وَحَدِيثُ عَلَيْهِ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ وَهُوَ قَوْلُ سُقِيَانَ التَّوْرِيِّ وَمَالِكٍ ابْنِ أَنَسٍ وَالشَّافِعِيِّ وَأَحْمَدَ وَإِسْحَاقَ قَالُوا: لَا يُقْتَلُ مُؤْمِنٌ بِكَافِرٍ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: يُقْتَلُ الْمُسْلِمُ بِالْمُعَاهِدِ. وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.

(المعجم ...) [باب ما جاء في دية الكفار] (التحفة ١٧)

١٤١٣ - حَدَّثَنَا عِيسَى بْنُ أَحْمَدَ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ أُسَامَةَ بْنِ زَيْدٍ، عَنْ عُمَرَ بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يُقْتَلُ مُسْلِمٌ بِكَافِرٍ» وَبِهَذَا إِلْسَانَدَ عَنِ النَّبِيِّ ﷺ قَالَ: «دِيَةُ عَقْلِ الْكَافِرِ نِصْفُ دِيَةِ عَقْلِ الْمُؤْمِنِ».

[قال أبو عيسى:] حديث عبد الله بن عمرو في هذا الباب حديث حسن. واختلف أهل العلم [في دية اليهودي والنصراني] فذهب بعض أهل العلم [في دية اليهودي والنصراني] إلى ما روي عن النبي ﷺ. وقال عمر بن عبد العزيز: دية اليهودي

the Christians]. ‘Umar bin ‘Abdul-‘Azīz said: “The blood-money of a Jew and a Christian is half of the blood-money of a Muslim.” This is the view of Aḥmad bin Ḥanbal. It has been reported that ‘Umar bin Al-Khaṭṭāb said: “The blood-money of a Jew and a Christian is four thousand [Dirham]. The blood-money of a Zoroastrian is eight-hundred [Dirham].” This is the view of Mālik [bin Anas], Ash-Shāfi‘ī, and Ishāq. Some of the people of knowledge said that the blood-money of a Jew and a Christian is the same as the blood-money of a Muslim. This is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah.

تخریج: [إسناده حسن] وأخرجه النسائي: ٤٥/٨، ح: ٤٨١١، ح: ٤٥٨٣، وابن ماجه، ح: ٢٦٤٤
الكافر من حديث ابن وهب به الحديث الأول، ورواه أبو داود، ح: ٤٥٨٣ وابن ماجه، ح: ٢٦٤٤
الحديث الثاني، وللحديث شواهد.

Comments:

During the lifetime of the Prophet ﷺ, blood-money was eight hundred Dīnār or eight thousand Dirham. Accordingly, the blood-money of a non-Muslim is four thousand Dirham. In the view of Imām Ibn Qudamah, ‘Umar bin ‘Abdul-‘Aziz, ‘Urwah, Mālik and ‘Amr bin Shu‘aib, the blood-money of a Jew or a Christian is half of the blood-money of a Muslim. According to the point of view of ‘Umar, ‘Uthmān, Sa‘eed bin Musayyab, ‘Atā, Ikrimah, ‘Amr bin Dīnār, Shafī‘ī and Ishāq, it is four thousand Dirham. According to ‘Alqamah, Mujāhid, Ash-Sha‘bī, Ath-Thawrī, and Abū Ḥanīfah, the blood-money of a Jew or Christian is equal to that of a Muslim.

Chapter 17. What Has Been Related About A Man Who Killed His Slave

1414. Samurah narrated that the Messenger of Allāh ﷺ said: “Whoever kills his slave, then we will kill him, and whoever maims his slave, then we will maim him.” (*Hasan*)

والضَّرَارَانِي نَصْفُ دِيَةِ الْمُسْلِمِ. وَبِهَذَا يَقُولُ
أَحْمَدُ بْنُ حَنْبَلٍ. وَرُوِيَ عَنْ عُمَرَ بْنِ
الْخَطَّابِ أَنَّهُ قَالَ: دِيَةُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ
أَرْبَعَةُ آلَافٌ [دِرْهَمٌ] وَدِيَةُ الْمَجْوُسِيِّ ثَمَانِيَّةُ
[دِرْهَمٌ]. وَبِهَذَا يَقُولُ مَالِكُ [بْنُ أَنَسٍ]
وَالشَّافِعِيُّ وَإِسْحَاقُ. وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ:
دِيَةُ الْيَهُودِيِّ وَالنَّصْرَانِيِّ مِثْلُ دِيَةِ الْمُسْلِمِ.
وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَأَهْلِ الْكُوفَةِ.

(المعجم ١٧) - بَابُ مَا جَاءَ فِي الرَّجُلِ
يَقْتُلُ عَبْدَهُ (التحفة ١٨)

١٤١٤ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا أَبُو عَوَانَةَ
عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمْرَةَ قَالَ: قَالَ
رَسُولُ اللَّهِ ﷺ: «مَنْ قَتَلَ عَبْدَهُ قَتَنَاهُ وَمَنْ
جَدَعَ عَبْدَهُ جَدَعَنَاهُ».

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ghārīb*.

Some of the people of knowledge among the *Tābi‘īn* followed this, among them is Ibrāhīm An-Nakha‘ī. Some of the people of knowledge – among them Al-Hasan Al-Baṣrī, ‘Atā’ bin Abī Rabāḥ – said: “There is no retaliation between the free and the slave in cases of murder, or in cases less than murder.” This is the view of Ahmad and Ishāq. Some of them said: When a person kills his slave he is not killed for that, and when he kills the slave of someone else, then he is killed for that. This is the saying of Sufyān Ath-Thawrī [and the people of Al-Kūfah].

تخریج: [حسن] وأخرجه النسائي: ٢١/٨، ح: ٤٧٤٢ (القسامة، باب القود من السيد للمولى) عن قتيبة به وصححه العاکم على شرط البخاري: ٣٦٧/٤ ووافقه الذهبي، ورواه أبو داود، ح: ٤٥١٥ وغيره من حديث قتادة به.

Chapter 18. What Has Been Related About The Woman: Does She Inherit What Is Due Of Her Husband's Blood-Money?

1415. Sa‘eed bin Al-Musayyab narrated that ‘Umar would say: “The blood-money upon the tribe, and the wife does not inherit any of her husband’s blood-money.” Until Ad-Dahhāk bin Sufyān Al-Kulābī informed him that the Messenger of Allāh ﷺ wrote to me, that Ashaim Ad-Dibābī’s wife inherited the blood-money of her husband. (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*. This is acted upon according to the people of knowledge.

[قال أبو عيسى:] هذا حديث حسنٌ غريبٌ. وقد ذهب بعض أهل العلم من الشافعيين منهم إبراهيم النخعي إلى هذا: وقال بعض أهل العلم منهم الحسن البصري وعطاء بن أبي رباح: ليس بين الحر والعبد فصاص في النفس ولا في ما دون النفس. وهو قول أحمد وإسحاق. وقال بعضهم: إذا قتل عبد لا يقتل به وإذا قتل عبد غيره قُتِلَ به. وهو قول سفيان الثوري [وأهل الكوفة].

تخریج: [حسن] وأخرجه النسائي: ٢١/٨، ح: ٤٧٤٢ (القسامة، باب القود من السيد للمولى) عن قتيبة به وصححه العاکم على شرط البخاري: ٣٦٧/٤ ووافقه الذهبي، ورواه أبو داود، ح: ٤٥١٥ وغيره من حديث قتادة به.

(المعجم ١٨) - باب ما جاء في المرأة
[هل ترث من دية زوجها] (الصفحة ١٩)

١٤١٥ - حدثنا قتيبة [وأحمد بن منيع] وأبو عمارة وغيره واحد قالوا: حدثنا سفيان ابن عبيدة عن الزهرى، عن سعيد بن المسبى أن عمر كان يقول: الديه على العاقلة ولا ترث المرأة من دية زوجها شيئاً. حتى أخبره الضحاك بن سفيان الكلابي: أن رسول الله ﷺ كتب إليه أن: ورث امرأة أشيم الضبابي من دية زوجها.

[قال أبو عيسى:] هذا حديث حسنٌ

صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ.

تخریج: [صحیح] وأخرجه أبو داود، الفرائض، باب: في المرأة ترث من دية زوجها، ح: ۲۹۲۷ وابن ماجه، ح: ۲۶۴۲ وأحمد: ۴۵۲/۳ عنه من حديث سفيان بن عيينة به وصححه ابن الجارود، ح: ۹۶۶ وله شاهد عند الطبراني: ۲۷۶/۵، ح: ۵/۵۳ ورجاله ثقات.

Comments:

According to most of the people of knowledge, the blood-money belongs to the deceased; therefore, it should be distributed among his heirs. (*Tuhfat-Al-Ahwadhi* v. 2, p. 314)

Chapter 19. What Has Been Related About *Qisās*

1416. ‘Imrān bin Ḥuṣain narrated: “A man bit the hand of another man. The man who was bitten pulled his hand out, causing two of his incisors (teeth) to fall out. They brought their case to the Prophet ﷺ. So he said: “One of you bites his brother like the stallion bites? There is no blood-money for you.” So Allāh Most High revealed: Wounds, equal for equal.”^[1] (*Sahih*)

[He said:] There are narrations on this topic from Ya'lā bin Umayyah and Salamah bin Umayyah who are brothers.

[Abū ‘Eisā said:] The *Hadīth* of ‘Imrān bin Ḥuṣain is a *Hasan Sahīh Hadīth*.

تخریج: متفق عليه، وأخرجه البخاري، الديات، باب: إذا عض رجلاً فنوقعت ثيابه، ح: ۶۸۹۲ ومسلم، ح: ۱۶۷۳ من حديث شعبة به * وفي الباب عن علی بن أمیة [البخاري، ح: ۱۸۴۷، ۲۲۶۵ ومسلم، ح: ۱۶۷۴] وسلمة بن أمیة [ابن ماجه، ح: ۲۶۵۶].

Comments:

This narration proves that there is no blood-money if an assailant is hurt during his assault. If someone is defending himself, and the assailant is hurt, there is no blood-money for him.

(المعجم ۱۹) - بَابُ مَا جَاءَ فِي

القصاص (التحفة ۲۰)

١٤١٦ - حَدَّثَنَا عَلَيْهِ بْنُ حَسْرَمٍ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنْ شُعبَةَ، عَنْ قَتَادَةَ قَالَ: سَمِعْتُ رُزَارَةَ بْنَ أَوْفَى يُحَدِّثُ عَنْ عُمَرَانَ بْنَ حُصَيْنٍ: أَنَّ رَجُلًا عَضَ يَدَ رَجُلٍ فَنَزَعَ يَدَهُ فَوَقَعَتْ ثَيَّبَاهُ فَأَخْتَصَمُوا إِلَى الرَّبِيعِ فَقَالَ: «يَعْضُ أَحَدُكُمْ أَخَاهُ كَمَا يَعْضُ الْفَحْلُ لَا دِيَةَ لَكَ» فَأَنْزَلَ اللَّهُ تَعَالَى 『وَلَجُورَةَ قِصَاصٍ』 [المائدة: ۴۵] [قَالَ:] وَفِي الْبَابِ عَنْ يَعْلَمِ ابْنِ أُمَيَّةَ وَسَلَمَةَ بْنِ أُمَيَّةَ وَهُمَا أَخْوَانٌ . [قَالَ أَبُو عِيسَى:] حَدِيثُ عِمَرَانَ بْنَ حُصَيْنٍ حَدِيثٌ حَسَنٌ صَحِيحٌ .

[۱] *Al-Mā'īdah* 5:45.

Chapter 20. What Has Been Related About Imprisoning For An Accusation

1417. Bahz bin Hakim narrated from his father, from his grandfather, that the Prophet ﷺ imprisoned a man for an accusation, then he let him go. (*Hasan*)

He said: There is something on this topic from Abū Hurairah.

[Abū ‘Eisā said:] The *Hadīth* of Bahz from his father, from his grandfather is a *Hasan Hadīth*. Ismā‘il bin Ibrāhīm reported this *Hadīth* from Bahz bin Hakim, but it was more complete than this and longer.

تخریج: [إسناده حسن] وأخرجه النسائي [٧/٦٧، ح ٤٨٨٠] (قطع السارق، باب امتحان السارق بالضرب والحبس) عن علي بن سعيد الكندي به ورواه أبو داود، ح ٣٦٣٠ من حدث عمر به * وفي الباب عن أبي هريرة [الحاكم: ٤/١٠٢].

Comments:

This narration is proof that an accused person can be imprisoned for the purpose of investigation, and if the charges against him are not proven, he should be immediately freed from prison.

Chapter 21. What Has Been Related About: Whoever Is Killed Over His Wealth, Then He Is A Martyr

1418. Sa‘eed bin Zaid bin ‘Amr bin Nufail narrated that the Prophet ﷺ said: “Whoever is killed over his wealth then he is a martyr. [And whoever steals a hand-span of land, he will bear seven earths on the Day of Resurrection.]” (*Sahih*)

Hātim bin Siyāh Al-Marwazī narrated an addition in this *Hadīth*. Ma‘mar said: “It was conveyed to me by Az-Zuhri” and he did not

(المعجم ٢٠) - بَابُ مَا جَاءَ فِي
الْحَبْسِ فِي التَّهْمَةِ (التحفة ٢١)

١٤١٧ - حَدَّثَنَا عَلَيُّ بْنُ سَعِيدِ الْكَنْدِيِّ: حَدَّثَنَا أَبْنُ الْمُبَازِرِ عَنْ مَعْمَرٍ، عَنْ بَهْرَ بْنِ حَكِيمٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ حَبَسَ رَجُلًا فِي تَهْمَةٍ ثُمَّ خَلَى عَنْهُ. قَالَ: وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ . [قالَ أَبُو عِيسَى: حَدِيثُ بَهْرٍ عَنْ أَبِيهِ، عَنْ جَدِّهِ حَدِيثُ حَسَنٍ. وَقَدْ رَوَى إِسْمَاعِيلُ أَبْنُ إِبْرَاهِيمَ، عَنْ بَهْرِ بْنِ حَكِيمٍ هَذَا الْحَدِيثَ أَتَمَّ مِنْ هَذَا وَأَطْوَلَ.]

(المعجم ٢١) - بَابُ مَا جَاءَ [فِي] مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ (التحفة ٢٢)

١٤١٨ - حَدَّثَنَا سَلَمَةُ بْنُ شَيْبَ، وَحَاتِمُ أَبْنُ سَيَاهِ الْمَرْوَزِيِّ وَغَيْرُهُ وَاحِدٌ قَالُوا: حَدَّثَنَا عَبْدُ الرَّزَاقِ عَنْ مَعْمَرٍ، عَنْ الرَّهْرِيِّ، عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ بْنِ عَوْفٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَمْرِو بْنِ سَهْلٍ، عَنْ سَعِيدِ بْنِ زَيْدِ بْنِ عَمْرُو بْنِ نَفِيلٍ عَنْ النَّبِيِّ ﷺ قَالَ: «مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ [وَمَنْ سَرَقَ مِنْ

hear him adding to this *Hadīth*: “Whoever is killed over his wealth then he is a martyr.” This is how Shu‘āib bin Abī Ḥamzah narrated this *Hadīth* from Az-Zuhri, from Talḥah bin ‘Abdullāh, from ‘Abdur-Rahmān bin ‘Amr bin Sahl, from Sa‘eed bin Zaid, from the Prophet ﷺ. Sufyān bin ‘Uyainah narrated it from Az-Zuhri, from Talḥah bin ‘Abdullāh, from Sa‘eed bin Zaid from the Prophet ﷺ. Sufyān did not mention in it: “From ‘Abdur-Rahmān bin ‘Amr bin Sahl.”]

This *Hadīth* is *Hasan Sahīh*.

الأَرْضِ شَبَرًا طَوَّفَهُ يَوْمَ الْقِيَامَةِ مِنْ سَبْعَ أَرْضِينَ وَزَادَ حَاتِمُ بْنُ سِيَاهَ الْمُرْوَزِيُّ فِي هَذَا الْحَدِيثِ. قَالَ مَعْمَرٌ: بَلَغْنِي عَنِ الزُّهْرِيِّ وَلَمْ أَسْمَعْ مِنْهُ زَادَ فِي هَذَا الْحَدِيثِ: مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ. وَهَكَذَا رَوَى شَعِيبُ بْنُ أَبِي حَمْرَةَ هَذَا الْحَدِيثَ عَنِ الرُّهْرِيِّ، عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَمْرِو ابْنِ سَهْلٍ، عَنْ سَعِيدِ بْنِ زَيْدٍ عَنِ النَّبِيِّ ﷺ وَرَوَى سُفِيَّانُ بْنُ عَيْنَةَ عَنِ الرُّهْرِيِّ، عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ، عَنْ سَعِيدِ بْنِ زَيْدٍ عَنِ النَّبِيِّ ﷺ وَلَمْ يَذْكُرْ فِيهِ سُفِيَّانُ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَمْرِو بْنِ سَهْلٍ].
وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [صحيح] وأخرجه ابن حبان (الإحسان): ٣١٨٥ من حديث عبد الرزاق به ورواه أبو داود، ح: ٤٧٧٢ وابن ماجه، ح: ٢٥٨٠ والنسائي، ح: ٤٠٩٩ للحديث شواهد وحديث شعيب عند البخاري، ح: ٢٤٥٢) وغيره، وحديث سفيان بن عيينة عند أبي داود، ح: ٤٧٧٢ وغيره.

1419. ‘Abdullāh bin ‘Amr narrated that the Prophet ﷺ said: “Whoever is killed over his wealth, then he is a martyr.” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Alī, Sa‘eed bin Zaid, Abū Hurairah, Ibn ‘Umar, Ibn ‘Abbās, and Jābir.

[Abū ‘Eisā said:] The *Hadīth* of ‘Abdullāh bin ‘Amr is a *Hasan Hadīth*, and it has been reported from him through other routes. Some of the people of knowledge have made an exception in cases where a man kills to protect himself and his wealth. Ibn Al-Mubārak said that he may kill to

١٤١٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو عَامِرِ الْعَقَدِيُّ: حَدَّثَنَا عَبْدُ العَزِيزِ بْنُ الْمُطَلِّبِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَسَنِ، عَنْ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ بْنِ طَلْحَةَ، عَنْ عَبْدِ اللَّهِ ابْنِ عَمْرِو عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ» [قال:] وَفِي الْبَابِ عَنْ عَلَيِّ وَسَعِيدِ بْنِ زَيْدٍ، وَأَبِي هُرَيْرَةَ، وَابْنِ عَمْرِ وَابْنِ عَبَّاسٍ وَجَابِرِ.

[قالَ أَبُو عِيسَى:] حَدِيثٌ عَبْدِ اللَّهِ بْنِ عَمْرِ وَحَدِيثٌ حَسَنٌ. وَقَدْ رَوَى عَنْهُ مِنْ غَيْرِ وَجْهٍ. وَقَدْ رَخَّصَ بِعْضُ أَهْلِ الْعِلْمِ لِلرَّجُلِ

defend his wealth, even if it is only two Dirham.

أَنْ يُقَاتِلَ عَنْ نَفْسِهِ وَمَالِهِ . وَقَالَ ابْنُ الْمُبَارَكَ : يُقَاتِلُ عَنْ مَالِهِ وَلَوْ دِرْهَمٌ .

تخریج: [إسناده صحيح] وأخرجه أبو داود، السنة، باب: في قتال اللصوص، ح: ٤٧٧١ من حديث عبدالله بن الحسن به وللحديث طرق كثيرة * وفي الباب عن علي [أحمد: ١/ ٧٨] وسعيد بن زيد [تقديم: ١٤١٨] وأبي هريرة [مسلم، ح: ١٤٠] وابن عمر [ابن ماجه، ح: ٢٥٨١] وابن عباس [أحمد: ١/ ٣٠٥] وجابر [أبو نعيم في أخبار أصبهان: ١/ ٢٣٥].

Comments:

The religion of Islam gives extreme importance to the Muslim's faith, life, honor, and property. No one is allowed to rob or steal the property of others. Defending one's property is the duty of every Muslim, and according to most of the scholars, every Muslim has the right to defend his life and property even if he has to fight for it and kill the robber.

1420. ‘Abdullāh bin ‘Amr narrated that the Messenger of Allāh ﷺ said: “If someone tries to get another's wealth without right, and he fights and is killed, then he is a martyr.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(Another chain of narration) from ‘Abdullāh bin ‘Amr, from the Prophet ﷺ, with similar meaning.

١٤٢٠ - حَدَّثَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمْدَانِيُّ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ الْوَهَابِ [الْكُوفَيْ شَيْخُ ثَقَةً] عَنْ سُفِيَّانَ الثُّورَيِّ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَسَنِ، [عَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ] حَدَّثَنِي إِبْرَاهِيمُ بْنُ مُحَمَّدٍ بْنِ طَلْحَةَ. قَالَ سُفِيَّانُ وَأَتَنِي عَلَيْهِ خَيْرًا قَالَ: سَمِعْتُ عَبْدَ اللَّهِ ابْنَ عَمْرِو يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَرِيدَ مَالُهُ بِغَيْرِ حَقٍ فَقَاتَلَ فَقُتِلَ فَهُوَ شَهِيدٌ».

[قال أبو عيسى:] هَذَا حَدِيثُ حَسْنٌ صَحِيحٌ . حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفِيَّانُ عَنْ عَبْدِ اللَّهِ بْنِ الْحَسَنِ، عَنْ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ بْنِ طَلْحَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو عَنِ النَّبِيِّ ﷺ نَحْوَهُ .

تخریج: [إسناده صحيح] وأخرجه أبو داود، أيضاً، ح: ٤٧٧١ من حديث سفيان الثوري به وصح بالسماع.

1421. Zaid narrated that he heard the Messenger of Allāh ﷺ saying: “Whoever is killed over his wealth then he is a martyr, and whoever is killed over his religion, then he is a

١٤٢١ - حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ قَالَ: أَخْبَرَنِي يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنُ سَعْدٍ: حَدَّثَنِي أَبِي عَنْ أَبِيهِ، عَنْ أَبِي عَبْيَدَةَ بْنِ مُحَمَّدٍ بْنِ

martyr, and whoever is killed over his blood, then he is a martyr, and whoever is killed over his family, then he is a martyr.” (*Sahih*)

[He said:] This *Hadīth* is *Hasan Sahīh*, and this is how it was reported by more than one narrator from Ibrāhīm bin Sa‘d, and it is similar to this. Ya‘qūb (one of the narrators) is Ibn Ibrāhīm bin Sa‘d bin Ibrāhīm bin ‘Abdur-Rahmān bin ‘Awf Az-Zuhri.

عَمَّارٍ بْنِ يَاسِرٍ، عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ بْنِ عَوْفٍ، عَنْ سَعِيدِ بْنِ زَيْدٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ قُتِلَ دُونَ مَالِهِ فَهُوَ شَهِيدٌ، وَمَنْ قُتِلَ دُونَ دِينِهِ فَهُوَ شَهِيدٌ، وَمَنْ قُتِلَ دُونَ دَمِهِ فَهُوَ شَهِيدٌ، وَمَنْ قُتِلَ دُونَ أَهْلِهِ فَهُوَ شَهِيدٌ» [قال:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَهُكَذَا رَوَى عَيْنُ وَاجِدٍ، عَنْ إِبْرَاهِيمَ بْنِ سَعِيدٍ تَعْوِيْهُ هَذَا، وَعَقُوبُ هُوَ ابْنُ إِبْرَاهِيمَ بْنِ سَعِيدٍ بْنِ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ ابْنُ عَوْفِ الزُّهْرِيِّ.

تخریج: [إسناده صحيح] وأخرجه النسائي: ١١٦ / ٧: ٤٠٩٩ (حریم الدم، باب من قاتل دون أهله) من حديث أبي عبيدة بن عمارة به رواه أبو داود، ح ٤٧٧٢ وابن ماجه، ح ٢٥٨٠ من حديث طلحة بن عبد الله بن عوف، وللحديث شواهد كثيرة منها الحديث المتقدم: ١٤١٨.

Chapter 22. What Has Been Related About *Al-Qasāmah*^[1]

1422. Sahl bin Abī Ḥathmāh narrated – Yahyā (one of the narrators) said: And I think it was from Rāfi‘ bin Khadīj – that ‘Abdullāh bin Sahl bin Zaid and Muḥayyishah bin Mas‘ūd bin Zaid went out and when they reached Khaibar they separated while there. Then Muḥayyishah found ‘Abdullāh bin Sahl murdered [so he buried him]. Then he went to the Messenger of Allāh ﷺ along with Huwayyishah bin Mas‘ūd and ‘Abdur-Rahmān bin Sahl. The youngest of the people, ‘Abdur-

(المعجم ٢٢) - بَابُ مَا جَاءَ فِي
الْقَسَامَةِ (التحفة ٢٣)

١٤٢٢ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا الْأَئِمَّةُ [بْنُ سَعِيدٍ] عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشِّيرِ بْنِ يَسَارٍ، عَنْ سَهْلِ بْنِ أَبِي حَمَّةَ قَالَ يَحْيَى: وَحَسِيبُتُ، عَنْ رَافِعِ بْنِ حَدِيجٍ أَنَّهُمَا قَالَا: خَرَجَ عَبْدُ اللَّهِ بْنُ سَهْلٍ بْنِ زَيْدٍ وَمُحَيَّصَةً بْنُ مَسْعُودٍ بْنِ زَيْدٍ حَتَّى إِذَا كَانَ يَحْسِبُرْ تَرَفَّاقًا فِي بَعْضِ مَا هُنَاكُ ثُمَّ إِنَّ مُحَيَّصَةَ وَجَدَ عَبْدَ اللَّهِ ابْنَ سَهْلٍ قَتِيلًا قَدْ قُتِلَ [فَدَفَنَهُ]، ثُمَّ أَقْبَلَ إِلَيْ رَسُولِ اللَّهِ ﷺ هُوَ وَحُوَيَّصَةُ بْنُ مَسْعُودٍ وَعَبْدُ الرَّحْمَنِ بْنُ سَهْلٍ وَكَانَ أَصْغَرَ الْقَوْمِ ذَمَّةً

[1] It refers to the oath taken by a group of people about one of them who was killed, or it refers to the group of people who take the oath. See *Tuhfat Al-Ahwadhi*.

Rahmān, went to speak ahead of his companions. The Messenger of Allāh ﷺ said to him: "Let the eldest of you speak." So he was silent and his two companions spoke. So he conversed with them and they mentioned to the Messenger of Allāh ﷺ about the murder of 'Abdullāh bin Sahl. He said to them: "If fifty of you can swear an oath then you will have the right against the muderer." They said: "How can we take an oath when we did not witness it?" He said: "Then fifty of the Jews can swear to clear the charge with you?" They said: "How could we accept the oaths of a disbelieving people?" So when he saw that, the Messenger of Allāh ﷺ paid the blood-money." (*Sahīh*)

(Another chain) from Sahl bin Abī Ḥathmah and Rāfi' bin Khadīj, and the meaning is similar to this *Hadīth*.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

This *Hadīth* is acted upon in cases of *Al-Qasāmah* according to the people of knowledge. Some of the *Fuqahā'* of Al-Madinah held the view that retaliation could be based upon *Al-Qasāmah*. Some of the people of knowledge among the people of Al-Kūfah and others said that there is no retaliation in *Al-Qasāmah* rather only blood-money.

عبد الرحمن ليتكلّم قبل صاحبيه. قال له رَسُولُ اللهِ ﷺ: «كَبِيرُ الْكُبُرِ» فَصَمَّتْ وَتَكَلَّمَ صَاحِبَاهُ، ثُمَّ تَكَلَّمَ مَعَهُمَا فَذَكَرُوا لِرَسُولِ اللهِ ﷺ مَقْتَلَ عَبْدِ اللَّهِ بْنِ سَهْلٍ فَقَالَ لَهُمْ: «أَتَحْلِفُونَ خَمْسِينَ يَوْمًا فَتَسْتَحْقُونَ صَاحِبَكُمْ أَوْ قَاتِلَكُمْ» قَالُوا: كَيْفَ تَحْلِفُ وَلَمْ نَشْهُدْ؟ قَالَ: «فَقُبْرُكُمْ يَهُودٌ بِخَمْسِينَ يَوْمًا؟» قَالُوا: وَيَنْفَتُ شَبْلُ أَيْمَانَ قَوْمٍ كُفَّارٍ؟ فَلَمَّا رَأَى ذَلِكَ رَسُولُ اللهِ ﷺ أَعْطَى عَقْلَهُ.

حدَثَنَا الحَسْنُ بْنُ عَلَيِّ الْخَلَالُ: حَدَثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ بُشَيْرٍ بْنِ يَسَارٍ، عَنْ سَهْلٍ بْنِ أَبِي حَشْمٍ وَرَافِعٍ بْنِ خَدِيجٍ نَحْوَ هَذَا الْحَدِيثِ بِمَعْنَاهُ . [قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ صَحِحُ . وَالْعَمَلُ عَلَى هَذَا [الْحَدِيثِ] عِنْ أَهْلِ الْعِلْمِ فِي الْقَسَامَةِ . وَقَدْ رَأَى بَعْضُ فُقَهَاءِ الْمَدِينَةِ الْقَوْدَ بِالْقَسَامَةِ . وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَهْلِ الْكُوفَةِ وَغَيْرِهِمْ: إِنَّ الْقَسَامَةَ لَا تُوْجِبُ الْقَوْدَ وَإِنَّمَا تُوْجِبُ الدِّيَةَ .

تخریج: متفق عليه، وأخرجه مسلم، القسامۃ والمخارین، باب القسامۃ، ح: ۱۶۶۹ عن قتيبة والبخاري، ح: ۳۱۷۳ من حديث يحيى بن سعيد الأنصاري به.

Comments:

If there is a murder in an area or a village, and the people of that area or village have no enmity or dispute with the victim for which they could be charged, or a law-suit could be filed against them that they had committed the murder, in such circumstances the claimants have to produce some proof or witnesses against the people of that area, or fifty people from the defendants will swear an oath and the case will be decided accordingly.

*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

15. The Chapters On Legal Punishments (*Al-Hudūd*) From The Messenger Of Allāh ﷺ

Comments:

“*Hadd*” means to stop or prevent, and in the *Shari’ah* it means the restrictive ordinance of Allāh ﷺ and the punishment for non-observance thereof. *Qisās* or killing in retaliation is not included in *Hudūd*, as it is the right of human-beings and can be pardoned.

Chapter 1. What Has Been Related About Those From Whom Punishment Is Not Required

1423. ‘Alī narrated that the Messenger of Allāh ﷺ said: “The pen has been lifted from three; for the sleeping person until he awakens, for the boy until he becomes a young man and for the mentally insane until he regains sanity.” (*Hasan*)

[He said:] There is something on this topic from ‘Aishah.

[Abū ‘Eisā said:] The *Hadīth* of ‘Alī is a *Hasan Gharīb Hadīth* from this route. It has been reported from more than one route from ‘Alī [from the Prophet ﷺ] and some of them mentioned: “from the boy until he has a wet dream” and we do not know that Al-Hasan (Al-Baṣrī) heard from ‘Alī.

This *Hadīth* has similarly been reported from ‘Atā’ bin As-Sā’ib, from Abū Zibyān, from ‘Alī [bin

(المعجم ١٥) - أبواب الحدود

عن رسول الله ﷺ (التحفة ١٣)

(المعجم ١) - باب ما جاء فيمن لا يحب عليه الحد (التحفة ١)

١٤٢٣ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى الْقَطْعَنِيُّ
[الأَبْصَرِيُّ]: حَدَّثَنَا يَشْرُبُ بْنُ عُمَرَ: حَدَّثَنَا هَمَّامٌ
عَنْ قَتَادَةَ، عَنْ الْحَسَنِ [الْأَبْصَرِيِّ]، عَنْ عَلَيِّ
أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: رُفِعَ الْقَلْمُ عَنْ
ثَلَاثَةِ، عَنِ النَّائِمِ حَتَّى يَسْتَيقِظَ، وَعَنِ الصَّابِيِّ
حَتَّى يَشْبَئَ، وَعَنِ الْمَعْوُنِيِّ حَتَّى يَعْقَلَّ
[قَالَ]: وَفِي الْبَابِ عَنْ عَائِشَةَ.

[قَالَ أَبُو عِيسَى]: حَدِيثُ عَلَيِّ حَدِيثُ
حَسَنٍ غَرِيبٍ مِنْ هَذَا الْوَجْهِ. وَقَدْ رُوِيَّ مِنْ
غَيْرِ وَجْهٍ عَنْ عَلَيِّ [عَنِ النَّبِيِّ ﷺ] وَذَكَرَ
بَعْضُهُمْ: «وَعَنِ الْغَلَامِ حَتَّى يَحْتَلِمَ». وَلَا
تَعْرِفُ لِلْحَسَنِ سَمَاعًا مِنْ عَلَيِّ بْنِ أَبِي
طَالِبٍ.

وَقَدْ رُوِيَ هَذَا الْحَدِيثُ، عَنْ عَطَاءِ بْنِ

Abī Tālib], from the Prophet ﷺ. It has also been reported from Al-A‘mash from Abū Zibyān, from Ibn ‘Abbās, from ‘Alī in *Mawqūf* not *Marfū‘* form. And this *Hadīth* is acted upon according to the people of knowledge.

[Abū ‘Eisā said: Al-Hasan was alive during the time of ‘Alī and he saw him but we are not aware of him hearing from him.] Abū Zibyān’s name is Ḥusain bin Jundab.

السائب، عن أبي ظبيان، عن علي بن أبي طالب] عن النبي ﷺ نحو هذا الحديث. ورواه، عن الأعمش، عن أبي ظبيان، عن ابن عباس، عن علي موقوفاً ولم يرقه. والعمل على هذا الحديث عند أهل العلم. [قال أبو عيسى: قد كان الحسن في زمان علي وقاد ذركه ولكن لا نعرف له سماقاً منه].

وأبو ظبيان اسمه حصين بن جندب.

تخریج: [حسن] وأخرجه النسائي في الكبرى، ح: ٧٣٤٦ من حديث همام به وللحديث شواهد عند أبي داود، ح: ٤٤٠٣-٤٣٩٨: وابن خزيمة: ١٠٢/٢، ٣٤٨/٤ وابن حبان، ح: ١٤٩٦ والحاكم: ٥٩، ٣٨٩/٤ وغيرهم وله شاهد موقف صحيح قوله حكم الرفع * حديث عطاء بن السائب عند أبي داود، ح: ٤٤٠٢ وحديث الأعمش عنده أيضاً، ح: ٤٣٩٩ * وفي الباب عن عائشة [أبو داود: ٣٩٨].

Comments:

Most of the people of knowledge and scholars have accepted and agreed with this narration, but there is a difference of opinion on its details. All the scholars and the people of knowledge agree that these three kinds of people mentioned in the narration will not be considered sinners.

Chapter 2. What Has Been Related About Averting Legal Punishments

1424. ‘Aishah narrated that the Messenger of Allāh ﷺ said: “Avert the legal penalties from the Muslims as much as possible, if he has a way out then leave him to his way, for if the *Imām* makes a mistake in forgiving it would be better than making a mistake in punishment.” (*Da’if*)

(Another chain) which is similar to the narration of Muhammad bin Rabi‘ah (a narrator in no. 1424) but he did not narrate it in *Marfū‘*

(المعجم ٢) - باب ما جاء في ذرء الحدود (التحفة ٢)

١٤٢٤ - حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ الْأَسْوَدَ
أَبُو عَمْرُو الْبَصْرِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ رَبِيعَةَ:
حَدَّثَنَا يَزِيدُ بْنُ زِيَادَ الدَّمْشِقِيُّ عَنِ الزُّهْرِيِّ،
عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللهِ
ﷺ: «إِذْءُوا الْحُدُودَ عَنِ الْمُسْلِمِينَ مَا
إِسْتَطَعْتُمْ فَإِنْ كَانَ لَهُ مَخْرُجٌ فَخُلُّوْ سَيِّلُهُ فَإِنَّ
الْإِمَامَ أَنْ يُخْطِيَّهُ فِي الْعَفْوِ خَيْرٌ مِّنْ أَنْ
يُخْطِيَّهُ فِي الْعُقوْبَةِ».

form. [He said:] There are narrations on this topic from Abū Hurairah and ‘Abdullāh bin ‘Amr.

[Abū ‘Eisā said:] We do not know of the *Hadīth* of ‘Āishah to be *Marfū‘* except from the report of Muḥammad bin Rabī‘ah from Yazid bin Ziyād Ad-Dimashqī, from Az-Zuhri, from ‘Urwah, from ‘Āishah, from the Prophet ﷺ. Waki‘ reported it from Yazid bin Ziyād similarly, and he did not narrate it in *Marfū‘* form. The narration of Waki‘ is more correct. Statements like this have been reported from more than one of the Companions of the Prophet ﷺ. Yazid bin Ziyād Ad-Dimashqī is weak in *Hadīth* and Yazid bin Abī Ziyād Al-Kūfi is more reliable than this one, and earlier.

حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا وَكَيْعٌ عَنْ يَزِيدَ بْنِ زَيَّادٍ
نَحْوَ حَدِيثِ مُحَمَّدٍ بْنِ رَبِيعَةَ وَلَمْ يَرْفَعْهُ [قَالَ :]
وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ وَعَبْدِ اللَّهِ بْنِ عَمْرُو .
[قَالَ أَبُو عِيسَى :] حَدِيثُ عَائِشَةَ لَا تَعْرِفُهُ
مَرْفُوعًا إِلَّا مِنْ حَدِيثِ مُحَمَّدٍ بْنِ رَبِيعَةَ عَنْ
يَزِيدَ بْنِ زَيَّادَ الدَّمْشِقِيِّ، عَنِ الزُّهْرِيِّ، عَنْ
عُرْوَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ. وَرَوَاهُ
وَكَيْعٌ عَنْ يَزِيدَ بْنِ زَيَّادَ تَحْوِهَ وَلَمْ يَرْفَعْهُ
وَرَوَاهُ يَهُ وَكَيْعٌ أَصَحُّ وَقَدْ رُوِيَ تَحْوِهُ هَذَا عَنْ
غَيْرِ وَاحِدٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ أَهُمْ قَالُوا
مِثْلَ ذَلِكَ وَيَزِيدُ بْنُ زَيَّادَ الدَّمْشِقِيُّ ضَعِيفٌ فِي
الْحَدِيثِ وَيَزِيدُ بْنُ أَبِي زَيَّادَ الْكُوفِيُّ أَبْتُ مِنْ
هَذَا وَأَقْدَمْ .

تخریج: [ضعیف] وأخرجه البیهقی: ٢٣٨/٨ من حديث محمد بن ربيعة و من حديث وكیع به
وسنده ضعیف جدًا و له شواهد كلها ضعیفة * وفي الباب عن أبي هريرة [ابن ماجه، ح: ٢٥٤٥].
و عبد الله بن عمرو [أبو داود، ح: ٤٣٧٦].

Comments:

Such words and expressions of the Companions are moral and rescuing suggestions to the *Imām*, judge and the ruler. The judge or person in authority should always try to save the offender and should not apply the *Hadd* punishment if there is a chance to save the offender. Before imposing the *Hudūd* the judge is required to confirm that the offender is a sane person, and he committed the crime in that state. The judge must make sure that the offender is not under pressure, or he is not a drug addicted man. If the offence is proven and the witnesses are available, then the offender should be punished. (*Tuhfat Al-Ahwadhi* v. 2. p.318.)

Chapter 3. What Has Been Related About Covering (The Faults Of) The Muslim

1425. Abū Hurairah narrated that the Messenger of Allah ﷺ said: “Whoever believes a Muslim of a

(المعجم ٣) - بَابُ مَا جَاءَ فِي السُّرِّ
عَلَى الْمُسْلِمِ (التحفة ٣)

١٤٢٥ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ
عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي

burden from the burdens of the world, Allāh will relieve him of a burden from the burdens of the Hereafter. And whoever covers (the faults of) a Muslim, Allāh will cover (his faults) for him in the world and the Hereafter. And Allāh is engaged in helping the worshipper as long as the worshipper is engaged in helping his brother.” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Uqbah bin ‘Āmir and Ibn ‘Umar.

[Abū ‘Eisā said:] This is how the *Hadīth* of Abū Hurairah was reported by more than one narrator; from Al-A‘mash, from Abū Ṣalih, from Abū Hurairah, from the Prophet ﷺ, similar to the narration of Abū ‘Awānah.

Asbāt bin Muḥammad reported it from Al-A‘mash, who said: “It has been narrated to me from Abū Ṣalih, from Abū Hurairah, from the Prophet ﷺ,” and it is similar. [It is as if this is more correct than the first narration].

(Another chain) for this *Hadīth*

تخریج: وأخرجه مسلم، الذکر والدعاء، باب فضل الاجتماع على تلاوة القرآن، وعلى الذکر، ح: ٤٩٤٦، وأبو داود، ح: ٤٩٤٦ من حديث الأعمش به وسيأتي: * وفي الباب عن عقبة بن عامر [أبو داود، ح: ٤٨٩٢] وابن عمر [يأتي: ١٤٢٦].

1426. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “The Muslim is the brother of the Muslim, he doesn’t oppress him and doesn’t put him into ruin, and whoever is concerned for the needs of his brother, Allāh is concerned

هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ نَفَسَ عَنْ مُسْلِمٍ كُرْبَةً مِنْ كُرْبَ الدُّنْيَا نَفَسَ اللَّهُ عَنْهُ كُرْبَةً مِنْ كُرْبَ الْآخِرَةِ، وَمَنْ سَرَّ عَلَى مُسْلِمٍ سَرَّهُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ، وَاللَّهُ فِي عَوْنَى الْعَبْدِ مَا كَانَ الْعَبْدُ فِي عَوْنَ أَخِيهِ». [قال:] وفي الباب عن عقبة بن عامر وابن عمر.

[قال أبو عيسى:] حديث أبي هريرة هكذا روى غير واحد عن الأعمش عن أبي صالح، عن أبي هريرة عن النبي ﷺ نَحْنُ نَحْنُ رواية أبي عوانة وروى أسباط بن محمد عن الأعمش قال: حدثت عن أبي صالح، عن أبي هريرة عن النبي ﷺ نحوه [وكان هذا أصح من الحديث الأول].

حدثنا بذلك عبيد بن أسباط بن محمد قال: حدثني أبي عن الأعمش بهدا الحديث.

١٤٢٦ - حَدَّثَنَا قُتْمَيْهُ: حَدَّثَنَا الْيَتُّ عَنْ عُقَيْلٍ، عَنِ الرَّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْمُسْلِمُ أَخْوَوْهُ لَا يَظْلِمُهُ وَلَا يُسْلِمُهُ وَمَنْ كَانَ فِي

for his needs, and whoever relieves a Muslim of a burden, Allāh will relieve him of a burden from the burdens of the Day of Judgement and whoever covers (the faults of) a Muslim, Allāh will cover (his faults) on the Day of Judgement.” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh Ghariib* as a narration of *Ibn ‘Umar*.

تخریج: وأخرجه البخاري، الإكراه، باب يمين الرجل لصاحبه أنه أخوه إذا خاف عليه القتل أو نحوه، ح ٦٩٥١، ٢٤٤٢ من حديث الليث بن سعد به.

Chapter 4. What Has Been Related About Prompting In Cases Of The Legal Punishments

1427. *Ibn ‘Abbās* narrated that the Prophet ﷺ said to *Mā’iz bin Mālik*: “Is what has reached me about you true?” He said: “What has reached you about me?” He said: “It has reached me that you had relations with the slave-maid of the family of so-and-so.” He said: “Yes.” So he testified four times, and he gave the order that he be stoned. (*Sahīh*)

[He said:] There is something on this topic from *As-Sā’ib bin Zaid*.

[*Abū ‘Eisā* said:] The *Hadīth* of *Ibn ‘Abbās* is a *Hasan Hadīth*. *Shu’bah* reported this *Hadīth* from *Simāk bin Ḥarb*, from *Sa’eed bin Jubair* in *Mursal* form without mentioning *Ibn ‘Abbās* in it.

تخریج: وأخرجه مسلم، الحدود، باب من اعترف على نفسه بالزنني، ح ١٩/١٦٩٣ عن قتيبة به * وفي الباب عن السائب بن يزيد [الطبراني في الكبير: ١٥٧/٧، ح ٤٤٨٤].

حاجة أخيه كان الله في حاجته ومن فرج عن مُسلِّم كُربَة فَرَجَ الله عَنْ كُربَةٍ مِّنْ كُرَبَ يوم القيمة وَمَنْ سَرَّ مُسْلِمًا سَرَّهُ الله يَوْمَ الْقِيَامَةِ.

[قال أبو عيسى:] هذا حديث حسن صحيح غريب من حديث ابن عمر.

(المعجم ٤) - باب ما جاء في التلقين في الحد (التحفة ٤)

١٤٢٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ قَالَ لِمَا عَزِيزٌ بْنَ مَالِكٍ: «أَحَقُّ مَا بَلَغَنِي عَنْكَ؟» قَالَ: مَا بَلَغَكَ عَنِّي؟ قَالَ: «بَلَغَنِي أَنَّكَ وَقَعْتَ عَلَى جَارِيَةٍ أَلِّيْ فُلَانِ». قَالَ: نَعَمْ. فَشَهَدَ أَرْبَعَ شَهَادَاتٍ فَأَمْرَرَ بِهِ فَرْجَمَ. [قال:] وفي الباب عن السائب بن يزيد.

[قال أبو عيسى:] حديث ابن عباس حديث حسن. وروى شعبة هذا الحديث عن سيماك بن حرب، عن سعيد بن جبير موسلا ولم يذكر فيه عن ابن عباس.

Comments:

The Prophet ﷺ suggested to him a way to escape by asking him in a question, as it is clear in the narration of Ibn Abbās (*Al-Bukhārī* 6824)

Chapter 5. What Has Been Related About Averting The Legal Punishments From The One Who Confessed If He Changes His Mind

1428. Abū Hurairah narrated: “Mā’iz Al-Aslāmī came to the Messenger of Allāh ﷺ and said that he had committed adultery, so he ﷺ turned away from him. Then he approached from his other side and said: ‘[O Messenger of Allāh!] I have committed adultery.’ So he turned away from him. Then he came from his other side and said: ‘O Messenger of Allāh! I have committed adultery.’ So he gave the order (for stoning) upon the fourth time. He was taken to Al-Harrah and stoned with rocks. Upon being hit by the rocks, he ran swiftly until he passed a man with a camel whip who beat him with it, and the people beat him until he died. They mentioned to the Messenger of Allāh ﷺ, that he ran upon feeling the rocks at the time of death. So the Messenger of Allāh ﷺ said: ‘Why didn’t you leave him?’” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*. It has been reported through more than one route from Abū Hurairah. This *Hadīth* has been reported from Az-Zuhrī, from Abū Salamah, from Jābir bin ‘Abdullāh from the Prophet ﷺ and it is similar.

(المعجم ٥) - بَابُ مَا جَاءَ فِي دَرْءِ الْحَدْدِ، عَنِ الْمُعْتَرِفِ إِذَا رَجَعَ (التحفة ٥)

١٤٢٨ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدَةُ ابْنُ سُلَيْمَانَ عَنْ مُحَمَّدِ بْنِ عَمْرُو: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ مَا عَزَّ الْأَسْلَمَيُّ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: إِنَّهُ قَدْ زَانَ فَأَعْرَضَ عَنْهُ ثُمَّ جَاءَ مِنَ الشَّقِّ الْآخِرِ فَقَالَ: [يَا رَسُولَ اللَّهِ] إِنَّهُ قَدْ زَانَ فَأَعْرَضَ عَنْهُ ثُمَّ جَاءَ مِنَ الشَّقِّ الْآخِرِ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّهُ قَدْ زَانَ فَأَمْرَرَ بِهِ فِي الرَّابِعَةِ فَأُخْرِجَ إِلَى الْحَرَّةِ فَرَجَعَ بِالْحِجَارَةِ فَلَمَّا وَجَدَ مَسَنَ الْحِجَارَةِ فَرَأَيْشَدَ حَتَّى مَرَّ بِرَحْلٍ مَعَهُ لَحْيَيْ جَمِيلٍ فَضَرَبَ بِهِ وَضَرَبَهُ النَّاسُ حَتَّى مَاتَ، فَذَكَرُوا ذَلِكَ لِرَسُولِ اللَّهِ ﷺ أَنَّهُ فَرَّ حِينَ وَجَدَ مَسَنَ الْحِجَارَةِ وَمَسَنَ الْمَوْتِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «هَلَا تَرَكْتُمُوهُ». [قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٌ. قَدْ رُوِيَ مِنْ عَيْنِ وَجْهٍ عَنْ أَبِي هُرَيْرَةَ. وَرُوِيَ هَذَا الْحَدِيثُ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ نَحْنُ هَذَا.

تخریج: [إسناده حسن] وأخرجه ابن ماجه، الحدود، باب الرجم، ح: ٢٥٥٤ من حدیث محمد بن عمرو الليثي به وصححه الحاکم على شرط مسلم: ٣٦٣ / ٤ ووافقه النھی (!) ورواه البخاري، ح: ٥٢٧١ ومسلم، ح: ١٦٩١ / ١٦ من حدیث أبي سلمة عن أبي هريرة به.

1429. Jābir bin ‘Abdullāh narrated: “A man from the tribe of Aslam came to the Prophet ﷺ and confessed to adultery. He turned away from him, then he confessed (again). Then he turned away from him (again) until he had testified against himself four times. So the Prophet ﷺ said: “Are you insane?” He said: “No” He said: “Are you married?” He said: “Yes.” So he gave the order and he was stoned at the *Muṣalla*. He ran when he was struck by the stones, and he was caught and stoned until he died. So the Messenger of Allāh ﷺ spoke well of him but he did not perform the (funeral) *Ṣalāt* for him. (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This *Hadīth* is acted upon according to some of the people of knowledge, the punishment is carried out for one who confesses against himself regarding adultery when he does so four times. This is the view of Ahmad and Ishāq. Some of the people of knowledge said that the punishment is carried out when he affirms it one time. This is the view of Mālik bin Anas and Ash-Shāfi‘ī. Those who hold this view use the *Hadīth* of Abū Hurairah and Zaid bin Khālid as proof, in which two men disputed with the Messenger of Allāh ﷺ. One of them said: “O

١٤٢٩ - حَدَّثَنَا يَدْلِكَ الْحَسْنُ بْنُ عَلَيِّ الْخَلَالُ : حَدَّثَنَا عَبْدُ الرَّزَاقِ : حَدَّثَنَا مَعْمَرٌ عَنِ الرَّهْمَيِّ ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ : أَنَّ رَجُلًا مِنْ أَسْلَمَ جَاءَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَعْرَضَ عَنْهُ ثُمَّ اعْتَرَفَ فَأَغْرَضَ عَنْهُ حَتَّى شَهَدَ عَلَى نَفْسِهِ أَرْبَعَ شَهَادَاتٍ . فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «أَبِيكَ جُنُونٌ؟» قَالَ : لَا ، قَالَ : «أَحْصَنْتَ؟» قَالَ : نَعَمْ . فَأَمَرَ بِهِ فِرْجِمَ فِي الْمُصَلَّى . فَلَمَّا أَذْلَقْتَهُ الْحِجَارَةَ فَرَّ فَأَدْرَكَ فِرْجِمَ حَتَّى مَاتَ . فَقَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : خَيْرًا ، وَلَمْ يُصْلَلْ عَلَيْهِ .

[قال أبو عيسى:] هذا حديث حسن صحيح. والعمل على هذا الحديث عند بعض أهل العلم، أن المفترض بالرثنا إذا أقرَ على نفسه أربع مرات أقيم عليه الحد. وهو قول أحمد وإسحاق. وقال بعض أهل العلم: إذا أقرَ على نفسه مرّة أقيم عليه الحد. وهو قول مالك بن أنس والشافعي. وحجّة من قال هذا القول حديث أبي هريرة، وزيد بن خالد أنَّ زوجين اختلفا إلى رسول الله صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: يا رسول الله! إنَّ ابني زنا بامرأة هذا، الحدث يطوله. وقال النبي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَغْدُ يَا أُنْثِي عَلَى

Messenger of Allāh! My son had unlawful sexual relations with this man's wife." And it is a lengthy *Hadīth*. The Prophet ﷺ said: "O Unais! Go to this man's wife and if she confesses then stone her." And he did not say: "If she confesses four times."

تخریج: متفق عليه، وأخرجه البخاري، الحدود، باب الرجم بالمصلى، ح: ٦٨٢٠ و مسلم، ح: ١٦٩١ من حديث عبدالرزاق به.

Comments:

An adulterer who admits his sin, but his sin is still hidden from the people, should be given a chance to refuse to admit his sin. If he refuses, he should be spared the punishment.

Chapter 6. What Has Been Related About It Being Disliked To Intercede In Legal Punishments

1430. ‘Aishah narrated: “The Quraish were troubled by the affair of a woman from the tribe of Makhzūm who stole. So they said: ‘Who will speak about her to the Messenger of Allāh ﷺ?’ They said: ‘Who can do it other than Usāmah bin Zaid, the one dear to the Messenger of Allāh?’ So Usāmah spoke with him. the Messenger of Allāh ﷺ said: ‘Do you intercede about a penalty from Allāh’s penalties?’ Then he stood up and addressed the people saying: ‘Those before you were only destroyed because they used to leave a noble person if he stole. And if a weak person stole they would establish the penalty upon him. And by Allāh! If Fātimah bint Muḥammad stole, then I would cut off her hand.’” (*Sahih*)

[He said:] There are narrations on

امرأة هذَا فَإِنْ اعْتَرَفَتْ فَأَرْجُمْهَا» وَلَمْ يَقُلْ: فَإِنْ اعْتَرَفَتْ أَرْبَعَ مَرَّاتٍ.

(المعجم ٦) - بَابُ مَا جَاءَ فِي گَرَاهِيَةِ أَنْ يُشْفَعَ فِي الْحُدُودِ؟ (التحفة ٦)

١٤٣٠ - حَدَّثَنَا قَتْبَيْهُ: حَدَّثَنَا الْلَّيْثُ عَنْ ابْنِ شَهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّ قُرَيْشًا [أَهْمَمُهُمْ] شَانُ الْمَرْأَةَ الْمَخْرُومَيَّةَ الَّتِي سَرَقَتْ. فَقَالُوا: مَنْ يُكَلِّمُ فِيهَا رَسُولَ اللَّهِ ﷺ؟ فَقَالُوا: مَنْ يَجْتَرِي عَلَيْهِ إِلَّا أَسَامَةُ بْنُ زَيْدٍ حَبْ رَسُولِ اللَّهِ ﷺ فَكَلَمَهُ أَسَامَةً. فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَنَّشَفَعَ فِي حَدٍّ مِنْ حُدُودِ اللَّهِ؟» ثُمَّ قَامَ فَاخْتَطَبَ فَقَالَ: «إِنَّمَا أَهْلَكَ الَّذِينَ مِنْ قَبْلِكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الْشَّرِيفُ تَرَكُوهُ. وَإِذَا سَرَقَ فِيهِمُ الْعَصِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ، وَإِيمُونَهُ لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا». [قَالَ: وَفِي الْبَابِ عَنْ مَسْعُودِ بْنِ الْعَجَمَاءِ [وَيَقُولُ: ابْنُ الْأَعْجَمِيِّ] وَابْنُ عُمَرَ وَجَابِرٍ. [قَالَ أَبُو عِيسَى: حَدِيثُ عَائِشَةَ حَدِيثُ

this topic from Mas'ud bin Al-'Ajma' [and they call him Ibn Al-Ajam], Ibn 'Umar and Jâbir.

[Abû 'Eisâ said:] The *Hadîth* of 'Aishah is a *Hasan Sahîh Hadîth*. [And they call him Mas'ud bin Al-Ajam, and he narrated this *Hadîth*.]

تخریج: متفق عليه، وأخرجه البخاري، أحاديث الأنبياء، باب (٥٤)، ح: ٣٤٧٥ ومسلم، ح: ١٦٨٨ عن قتيبة به * وفي الباب عن مسعود [ابن ماجه، ح: ٢٥٤٨] وابن عمر [أبو داود، ح: ٣٥٩٧] وجابر [مسلم، ح: ١٦٨٩].

Comments:

The name of this woman was Fâtimah bint Aswad bin 'Abdullâh. She was the niece of Abû Salama. In the beginning, she used to borrow from people and did not return the borrowed money or other things, moreover she would deny that she had borrowed anything. She developed the habit of stealing, and her hand was cut off due to this habit. According to most of the scholars the punishment of cutting the hand cannot be imposed on refusal of return of the borrowed things, but in the view of Imâm Ahmad and the Zâhiriyah, this punishment can be imposed if the borrowed things are not returned. (*Minnat Al-Mun'im* v.3. p. 138.)

Chapter 7. What Has Been Related About Confirming Stoning

1431. 'Umar bin Al-Khattâb said: "The Messenger of Allâh ﷺ stoned, Abû Bakr stoned, and I stoned. If I didn't dislike that I add to the Book of Allâh, I would have written it in the *Mushaf*, for I fear that there will come a people and they will not find it in the Book of Allâh, so they will disbelieve in it." (*Sahîh*)

He said: There is something about this from 'Alî.

حسن صحيح [وَيُقَالُ مَسْعُودُ بْنُ الْأَعْجَمِ وَلَهُ هَذَا الْحَدِيثُ].

(المعجم ٧) - بَابُ مَا جَاءَ فِي تَحْقِيقِ الرَّجْمِ (التحفة ٧)

١٤٣١ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْبِعٍ : حَدَّثَنَا إِسْحَاقُ بْنُ يُوسْفَ الْأَزْرَقُ عَنْ دَاؤَدَ بْنِ أَبِي هِنْدٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبٍ، عَنْ عُمَرَ بْنِ الْخَطَّابِ . قَالَ: رَجَمَ رَسُولُ اللَّهِ ﷺ وَرَجَمَ أَبُو بَكْرٍ وَرَجَمْتُ . وَلَوْلَا أَنِّي أَكْرَهُ أَنْ أَرِدَ فِي كِتَابِ اللَّهِ لَكَتَبْتُهُ فِي الْمُضْحَفِ فَإِنِّي قَدْ خَشِيتُ أَنْ تَحِيَّ أَقْوَامٌ فَلَا يَجِدُونَهُ فِي كِتَابِ اللَّهِ فَيَخْكُرُونَ بِهِ قَالَ: وَفِي الْأَبْابِ عَنْ عَلَيْ . [قَالَ أَبُو عِيسَى:] حَدِيثُ عُمَرَ حَدِيثُ حَسَنٍ صحيحٍ . وَرُوِيَ مِنْ غَيْرِ وَجْهٍ عَنْ عُمَرَ .

تخریج: [صحيح] وأخرجه أحمد: ٤٣، ٣٦، ومالك في الموطأ: ٢/٨٢٤ من حديث سعيد ابن المسيب به وسعيد سمع من عمر رضي الله عنه وللحديث شواهد كثيرة عند البخاري ومسلم

وأحمد: ٥٥، ٥٦ وغيرهم * وفي الباب عن علي [البخاري، ح: ٦٨١٢].

Comments:

The fear, ‘Umar had apprehended, proved true. The Khawārij, the Mu‘azilah and other modernists of today are against stoning.

1432. ‘Umar bin Al-Khaṭṭāb said: “Verily Allāh sent Muḥammad ﷺ with the truth, and he revealed the Book to him. Among what was revealed to him was the Āyah of stoning. So the Messenger of Allāh ﷺ stoned, and we stoned after him. I fear that time will pass over the people such that someone will say ‘We do not see stoning in the Book of Allāh.’ They will be misguided by leaving an obligation which Allāh revealed. Indeed stoning is the retribution for the adulterer if he was married and the evidence has been established, or due to pregnancy, or confession.” (*Sahih*)

[There is something on this topic from ‘Alī. Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. [It has been reported through more than one route from ‘Umar bin Al-Khaṭṭāb.]

تخریج: متفق عليه، وأخرجه البخاري، الاعتصام بالكتاب والسنّة، باب ما ذكر النبي ﷺ وحضر على اتفاق أهل العلم ... إلخ، ح: ١٦٩١ من حديث الزهري به.

Comments:

Pregnancy will be deemed a proof of fornication if the woman is unmarried or her husband blames her. Though the recitation of this Verse is abrogated but its continuity is not essential for the implication. the presence of a Verse in the Qur’ān is considered a proof of its validity and continuity, therefore, rejecting a *Sahīh* narration by declaring it information without any proof is not logical thinking.

١٤٣٢ - حَدَثَنَا سَلَمَةُ بْنُ شَيْبٍ وَإِسْحَاقُ
ابْنُ مَنْصُورٍ وَالْحَسَنُ بْنُ عَلَىٰ الْخَلَالُ وَعَيْرَ
وَاحِدٍ. قَالُوا: حَدَثَنَا عَبْدُ الرَّزَاقِ: حَدَثَنَا
مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ
ابْنِ عُتْبَةَ، عَنْ ابْنِ عَبَّاسٍ، عَنْ عُمَرَ بْنِ
الْخَطَّابِ قَالَ: إِنَّ اللَّهَ بَعَثَ مُحَمَّدًا
بِالْحَقِّ وَأَنْزَلَ عَلَيْهِ الْكِتَابَ فَكَانَ فِيمَا أَنْزَلَ
عَلَيْهِ آيَةُ الرَّجْمِ فَرَاجَمَ رَسُولُ اللَّهِ^{صَلَّى اللَّهُ عَلَيْهِ وَرَجَّمَهَا} وَرَجَّمَنَا
بَعْدَهُ وَلَيْسَ خَافِئٌ أَنْ يَطُولَ بِالنَّاسِ زَمَانٌ
فَيَقُولُ قَائِلٌ لَا نَجِدُ الرَّجْمَ فِي كِتَابِ اللَّهِ
فَيَضْلُلُوا بِتَرْكِ فِرِيضَةٍ أَنْزَلَهَا اللَّهُ أَلَا وَإِنَّ
الرَّجْمَ حَقٌّ عَلَىٰ مَنْ زَانَ إِذَا أَخْصَنَ وَقَامَتِ
البَيْتَةُ، أَوْ كَانَ حَمْلٌ أَوِ الْاِعْتِرَافُ.
[وفي الباب عن علي. قال أبو عيسى:]
هذا حديث حسن صحيح [وروى من غير
وجوه، عن عمر رضي الله عنه].

Chapter 8. What Has Been Related About Stoning The Married Adulterer

1433. ‘Ubaidullāh bin ‘Abdullāh bin ‘Utbah narrated that he heard from Abū Hurairah, Zaid bin Khālid, and Shibl, that they were with the Prophet ﷺ and two men came to him disputing. So one of them stood before him and said: “I ask you by Allāh, O Messenger of Allāh! Only that you would judge between us by the Book of Allāh.” So his disputant said – and he was more eloquent than him: “I agree O Messenger of Allāh! Judge between us by the Book of Allāh, and allow me to speak. My son was a servant for this man and he committed adultery with his wife. So they told me that my son was to be stoned. I paid him one hundred female sheep and a female slave. Then I met some people from the people of knowledge and they said that my son was to be lashed one hundred times, and to be banished for a year and that stoning is only for this man’s wife.” So the Prophet ﷺ said: “By the One in whose Hand is my soul! I will judge between you two by the Book of Allāh. The one hundred female sheep and the female slave should be returned to you. For your son is one hundred lashes and banishment for a year. O Unais! Go to this Man’s wife, and if she confesses then stone her.” He went to her and she confessed, so he stoned her. (*Sahih*)

(المعجم ٨) - بَابُ مَا جَاءَ فِي الرَّجْمِ
عَلَى الشَّيْبِ (التحفة ٨)

١٤٣٣ - حَدَّثَنَا نَصْرُ بْنُ عَلَيٍّ وَغَيْرُهُ:
وَاحِدٌ: حَدَّثَنَا [سُفْيَانُ] بْنُ عَيْنَةَ عَنِ
الرَّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ [بْنِ عَتَّبَةَ]
سَمِعَهُ مِنْ أَبِي هُرَيْرَةَ وَرَبِيدِ بْنِ خَالِدٍ وَشَبِيلِ
أَنَّهُمْ كَانُوا عِنْدَ النَّبِيِّ ﷺ فَاتَّاهُ رَجُلًا
يُخْتَصِّمَا بِهِ فَقَامَ إِلَيْهِ أَحْدُهُمَا وَقَالَ: أَنْشُدْكَ
اللَّهُ يَا رَسُولَ اللَّهِ! لَمَّا قَضَيْتَ بِيَتَّا بِكِتَابِ
اللَّهِ. فَقَالَ حَضْرَمُهُ وَكَانَ أَفْقَهَ مِنْهُ: أَجْلِي يَا
رَسُولَ اللَّهِ! أَفْضِ بِيَتَّا بِكِتَابِ اللَّهِ وَائِدَنْ لِي
فَأَتَكَلَّمُ: إِنَّ أَبْنِي كَانَ عَسِيفًا عَلَى هَذَا فَزَوَّى
بِأَمْرِ أَتِيهِ فَأَخْبَرْرُونِي أَنَّ عَلَى أَبْنِي الرَّجْمَ فَقَدَّيْتُ
مِنْهُ بِمَا تَرَى شَاءَ وَخَادِمٌ ثُمَّ لَقِيْتُ نَاسًا مِنْ أَهْلِ
الْعِلْمِ فَرَعَمُوا أَنَّ عَلَى أَبْنِي جَلْدٌ مِائَةٌ وَتَغْرِيبٌ
عَامٌ. وَإِنَّمَا الرَّجْمُ عَلَى امْرَأَةٍ هَذَا. فَقَالَ
النَّبِيُّ ﷺ: (وَالَّذِي نَفْسِي بِيَدِهِ لَا قُضِيَّنَ
بِيَتَّا بِكِتَابِ اللَّهِ، الْمِائَةُ شَاءَ وَالْخَادِمُ رَدَّ
عَلَيْكَ، وَعَلَى أَبْنِكَ جَلْدٌ مِائَةٌ وَتَغْرِيبٌ عَامٌ،
وَاغْدُ يَا أَنْيَسُ عَلَى امْرَأَةٍ هَذَا فَإِنْ أَعْرَفْتَ
فَارْجُمْهَا). فَعَدَ عَلَيْهَا فَأَعْرَفْتَ فَرَجَمْهَا.
حَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى الْأَنْصَارِيُّ:
حَدَّثَنَا مَعْنُونُ: حَدَّثَنَا مَالِكُ عَنْ أَبْنِ شَهَابٍ،
عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ
وَرَبِيدِ بْنِ خَالِدٍ الْجُهَنْيِّ عَنِ النَّبِيِّ ﷺ نَحْوَهُ
بِمَعْنَاهُ.
حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا الْلَّيْثُ عَنْ أَبْنِ شَهَابٍ

(Another chain) with similar. And (Another chain) with similar.

[He said:] There are narrations on this topic from Abū Bakr, ‘Ubādah bin As-Ṣāmīt, Abū Hurairah, Abū Sa‘eed, Ibn ‘Abbās, Jābir bin Samurah, Hazzāl, Buraidah, Salamah bin Al-Muhabbaq, Abū Barzah, and ‘Imrān bin Ḥuṣain.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah and Zaid bin Khālid is a *Hasan Ṣaḥīh Hadīth*. This is how it was reported by Mālik bin Anas, Ma‘mar and others from Az-Zuhrī, from ‘Ubaidullāh bin ‘Abdullāh [bin ‘Utbah], from Abū Hurairah, and Zaid bin Khālid, from the Prophet ﷺ, they also reported with this chain from the Prophet ﷺ that he said; “If a slave commits adultery lash her, if she commits adultery the fourth time sell her, even for a piece of twisted rope.” Sufyān bin ‘Uyainah reported from Az-Zuhrī, from ‘Ubaidullāh, from Abū Hurairah, Zaid bin Khālid and Shibl, and they said: “We were with the Prophet ﷺ.” This is how Ibn ‘Uyainah reported the two *Aḥādīth*, from Abū Hurairah, Zaid bin Khālid, and Shibl. But Ibn ‘Uyainah’s narration is mistaken; Sufyān bin ‘Uyainah made the mistake of entering one *Hadīth* in another *Hadīth*. What is correct is what was reported by [Muhammad bin Al-Walid] Az-Zubaidī, Yūnus bin Yazīd, and the son of Az-Zuhrī’s brother, from Az-Zuhrī, from ‘Ubaidullāh, from Abū Hurairah and Zaid bin Khālid,

بِإِسْنَادِهِ نَحْوَ حَدِيثِ مَالِكٍ بِمَعْنَاهُ [قَالَ :] وَفِي الْبَابِ عَنْ أَبِي بَكْرٍ وَعُبَادَةَ بْنِ الصَّامِتِ وَأَبِي هُرَيْرَةَ وَأَبِي سَعِيدٍ وَابْنِ عَبَاسٍ وَجَابِرٍ ابْنِ سَمْرَةَ وَهَزَالٍ وَبُرِيْدَةَ وَسَلَمَةَ بْنِ الْمُحَبَّتِ وَأَبِي بَرْزَةَ وَعَمْرَانَ بْنِ حُصَيْنٍ .

[قَالَ أَبُو عَيسَى :] حَدِيثُ أَبِي هُرَيْرَةَ وَزَيْدٍ ابْنِ خَالِدٍ حَدِيثٌ حَسْنٌ صَحِيحٌ . وَهَكَذَا رَوَى مَالِكُ بْنُ أَنَسٍ وَمَعْمَرٌ وَغَيْرُ وَاحِدٍ عَنِ الزُّهْرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ [بْنِ عُيَيْنَةَ] عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ : إِذَا زَنَتِ الْأُمَّةُ فَاجْلِدُوهَا فَإِنْ زَنَتْ فِي الرَّأْيَةِ فَبَيْعُوهَا وَلَوْ بِضَفْفِيرٍ . وَرَوَى سُعِيَانُ ابْنِ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ وَشِبْلِيَ قَالُوا : كُنَّا عِنْدَ النَّبِيِّ ﷺ . هَكَذَا رَوَى ابْنِ عُيَيْنَةَ الْحَدِيثَيْنِ جَمِيعًا عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ وَشِبْلِيَ وَحَدِيثُ ابْنِ عُيَيْنَةَ وَهُمْ، وَهُمْ فِيهِ سُعِيَانُ بْنُ عُيَيْنَةَ أَذْخَلَ حَدِيثَهَا فِي حَدِيثِهِ . وَالصَّحِيحُ مَا رَوَى [مُحَمَّدُ بْنُ الْوَلِيدِ] الرَّزِيْدِيُّ وَيُونُسُ بْنُ يَرِيدَ وَابْنُ أَخْيَرِ الزُّهْرِيِّ، عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ، عَنْ أَبِي هُرَيْرَةَ . وَزَيْدِ بْنِ خَالِدٍ عَنِ النَّبِيِّ ﷺ قَالَ : إِذَا زَنَتِ الْأُمَّةُ [فَاجْلِدُوهَا] . وَالزُّهْرِيُّ عَنْ عَبْدِ اللَّهِ، عَنْ شِبْلِ بْنِ خَالِدٍ، عَنْ عَبْدِ اللَّهِ ابْنِ مَالِكٍ الْأُؤْسِيِّ عَنِ النَّبِيِّ ﷺ قَالَ : إِذَا زَنَتِ الْأُمَّةُ . وَهَذَا الصَّحِيحُ عِنْدَ أَهْلِ

from the Prophet ﷺ, that he said: "When the female slave commits adultery [then lash her]." And Az-Zuhri reported from 'Ubaidullah from Shibli bin Khālid, from 'Abdullah bin Mālik Al-Awsī, from the Prophet ﷺ, that he said: "When the female slave commits adultery." And this is what is correct according to the people of *Hadith*. Shibli bin Khālid did not see the Prophet ﷺ, Shibli only reported it from 'Abdullah bin Mālik Al-Awsī, from the Prophet ﷺ. This is what is correct, and the narration of Ibn 'Uyainah is not preserved. It was related that he said: "Shibli bin Ḥāmid" and this is a mistake, he is only Shibli bin Khālid, and he is also called Shibli bin Khulaid.^[1]

تخریج: متفق عليه، أخرجه البخاري، الحدود، باب الاعتراف بالزناء، ح: ٦٨٢٧، ٦٨٢٨ من حديث سفيان بن عيينة ومسلم، ح: ١٦٩٧؛ ١٦٩٨ من حديث الزهرى به * حديث مالك في الموطأ: ٨٢٢/٢، ورواه البخاري، ح: ٦٦٣٣، ٦٦٣٤ ومسلم من حديثه * حديث قتيبة عن الليث ابن سعد رواه مسلم، ح: ١٦٩٨، ٢٥ وفی الباب عن أبي بكرة [أبو داود، ح: ٤٤٤٣] وأبي عبادة بن الصامت [يأتي: ١٤٣٤] وأبي هريرة [البخاري، ح: ٥٢٧١] ومسلم، ح: ١٦٩١/١٦] وأبي سعيد [مسلم، ح: ١٦٩٤] وابن عباس [البخاري، ح: ٦٨٢٤] وجابر بن سمرة [مسلم، ح: ١٦٩٢] وهزال [أحمد: ٢١٧/٥] والنمسائي في الكربلا [ويريدة [مسلم، ح: ١٦٩٥] وسلمة بن المحقق [أحمد: ٤٧٦/٣] وأبي بزرة [أحمد: ٤٢٣/٤] وابن أبي شيبة: ٧٨/١٠، ح: ٨٨٣] وأبو يعلى: ٧٤٣٨] وعمران بن حصين [يأتي: ١٤٣٥] وأبي بكر [أحمد: ١/٨].

Comments:

The Book of Allāh (here) means the Commands of Allāh and the decisions according to it. As the orders of stoning to death are not written in the Qur'ān, similarly the orders of exile for one year are also not written in the Qur'ān, but it is a Command of Allāh, because obeying the Prophet ﷺ is obeying Allāh.

1434. 'Ubādah bin Aṣ-Ṣāmiṭ narrated: "The Messenger of Allāh ﷺ said: 'Take from me. For Allāh

الْحَدِيثُ. وَشِبْلُ بْنُ خَالِدٍ لَمْ يُدْرِكِ النَّبِيُّ ﷺ. إِنَّمَا رَوَى شِبْلُ، عَنْ عَبْدِ اللَّهِ بْنِ مَالِكٍ الْأَوْسَيِّ عَنِ النَّبِيِّ ﷺ. وَهَذَا الصَّحِيحُ وَحَدِيثُ ابْنِ عَيْنَةَ غَيْرُ مَحْفُوظٍ. وَرُوَيَ عَنْهُ أَنَّهُ قَالَ: شِبْلُ بْنُ حَامِدٍ، وَهُوَ حَطَّاً إِنَّمَا هُوَ شِبْلُ بْنُ خَالِدٍ وَيُقَالُ أَيْضًا: شِبْلُ بْنُ خُلَيْدٍ.

[1] See no. 1440 also.

١٤٣٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا هُشَيْمُ عَنْ مُنْصُورٍ بْنِ زَادَانَ، عَنِ الْحَسَنِ، عَنْ جِطَّانَ

has a way made for them: For the married person who commits adultery with a married person is one hundred lashes, then stoning. And for the virgin who commits adultery with a virgin is one hundred lashes and banishment for a year.” (*Sahih*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ. Among them were ‘Alī bin Abī Ṭālib, Ubayy bin Ka‘b, ‘Abdullāh bin Mas‘ūd, and others. They said the married is lashed and stoned. This was followed by some of the people of knowledge, and it is the view of Ahmad and Ishāq. Some of the people of knowledge among the Companions of the Prophet ﷺ – among them were *Abū Bakr* and others – said that the married person is only stoned, not lashed. Similar to this has been reported from the Prophet ﷺ in a *Hadīth* other than this one, in the story of Mā‘iz and others, in which he ordered stoning and did not order that he be lashed before stoning. This is acted upon according to some of the people of knowledge. It is the view of Sufyān *Ath-Thawrī*, Ibn Al-Mubārak, Ash-Shāfi‘ī, and Ahmad.

تخریج: وأخرجه مسلم، الحدود، باب حد الزنى، ح: ١٦٩٠ من حديث هشيم به.

Comments:

Most of the *A’imma*; Mālik, Ash-Shāfi‘ī, and Ahmad, are of the opinion that a married adulterer should not be lashed before the punishment of stoning to death. An-Nakha‘ī, Al-Awzā‘ī, Ath-Thawrī also have the same opinion.

ابن عبد الله، عن عبادة بن الصنافيت قال: قال رسول الله ﷺ: «خذلوا عني فقد جعل الله لهن سبيلاً: الشَّيْبُ يَالثَّيْبِ جَلْدٌ مائةٌ ثُمَّ الرَّجْمُ، والبَّكْرُ يَالبَّكْرِ جَلْدٌ مائةٌ ونَفْيٌ سَنَةً». [قال أبو عيسى:] هذا حديث حسن صحيح، والعمل على هذا عند بعض أهل العلم من أصحاب النبي ﷺ منهم علي بن أبي طالب وأبي بن كعب وعبد الله بن مسعود وغيرهم. قالوا: الشَّيْبُ تجلد وترجم وإلى هذا ذهب بعض أهل العلم وهو قول إسحاق. وقال بعض أهل العلم من أصحاب النبي ﷺ منهم أبو بكر وعمرو وغيرهما: الشَّيْبُ إنما عليه الرَّجْمُ ولا يجلد؟ وقد روي عن النبي ﷺ مثل هذا في غير حديث في قصة ماعز وغيره أنَّه أمر بالرَّجْمِ ولم يأمر أن يجلد قبل أن يرجم. والعمل على هذا عند بعض أهل العلم. وهو قول سفيان الثوري وابن المبارك والشافعي وأحمد.

According to Ali, Ubay bin Ka'b, Abū Dharr, Hasan Al-Baṣrī, Ishāq, Dāwūd and Ibn Mundhir, first he should be whipped, and then stoned.

Chapter 9. Something Else About That (Refraining From Stoning The Pregnant Woman Until She Gives Birth)

1435. Imrān bin Ḥuṣain narrated: “A woman from Juhainah confessed before the Prophet ﷺ that she had committed adultery, and she said: ‘I am pregnant.’ So the Prophet ﷺ called for her guardian and said: ‘Be good to her and if she gives birth to her child then tell me.’ So he did so, and then he gave the order that her clothes be bound tightly around her. Then he ordered her to be stoned and she was stoned. Then he performed (funeral) *Salāt* for her. So ‘Umar bin Al-Khaṭṭāb said to him: ‘O Messenger of Allāh! You stoned her then you prayed for her?!’ He said: ‘She has repented a repentance that, if distributed among seventy of the people of Al-Madīnah, it would have sufficed them. Have you ever seen something more virtuous than her sacrificing herself for the sake of Allāh?’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is [Hasan] *Sahīh*.

تخریج: وأخرجه مسلم، الحدود، باب من اعترف على نفسه بالزنى، ح: ١٦٩٦ من حديث
يحيى بن أبي كثیر به.

Comments:

The funeral prayer should be performed after stoning a fornicator. Most of the scholars support this point of view. According to Imām Mālik and Imām Aḥmad, elites of the society, the ruler, or head of the town, or city, should not perform the funeral prayer of a fornicator, but this is against a *Sahīh* and

(المعجم ٩) - باب [تربيص الرَّاجِمِ
بِالْحُبْلِيِّ حَتَّى تَضَعَّ] (التحفة ٩)

١٤٣٥ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيْهِ: حَدَّثَنَا
عَبْدُ الرَّزَاقِ: حَدَّثَنَا مَعْمَرٌ، عَنْ يَحْيَى بْنِ أَبِي
كَثِيرٍ، عَنْ أَبِي قَلَبَةَ، عَنْ أَبِي الْمُهَلَّبِ، عَنْ
عِمْرَانَ بْنِ حُصَيْنٍ أَنَّ امْرَأَةً مِنْ جَهِيْنَةَ
اعْرَفْتُ عِنْدَ النَّبِيِّ ﷺ بِالرَّازِّيَّ وَلِيَهَا فَقَالَ: «أَخْسِنْ
إِلَيْهَا فَإِذَا وَضَعْتَ حَمْلَهَا فَأَخْرِبْنِي» فَعَقَلَ
فَأَمَرَ بِهَا فَشَدَّتْ عَلَيْهَا تِبَاعُهَا ثُمَّ أَمَرَ بِرَجْمِهَا
فَرُجْمَتْ ثُمَّ صَلَّى اللَّهُ عَلَيْهَا فَقَالَ لَهُ عُمَرُ بْنُ
الْخَطَّابِ: يَا رَسُولَ اللَّهِ! رَجَمْتَهَا ثُمَّ تُصَلِّي
عَلَيْهَا؟! فَقَالَ: «لَقَدْ تَأْبَتْ تَوْبَةً لَوْ قُسِّمَتْ
بَيْنَ سَبْعِينَ مِنْ أَهْلِ الْمَدِيْنَةِ لَوْ سَعَتْهُمْ، وَهُلْ
وَجَدْتَ شَيْئًا أَفْضَلَ مِنْ أَنْ جَادَتْ بِنَفْسِهَا
لِلَّهِ». .

[قال أبو عيسى:] هَذَا حَدِيثُ [حسن]
صَحِيحٌ .

clear narration. (*Sahīh Muslim* with *An-Nawawī*. v.2. p. 68.) It is agreed upon that a woman will not be stoned to death until the birth of the child. This is to save the child who is innocent.

Chapter 10. What Has Been Related About Stoning The People Of The Book

1436. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ stoned a Jew and a Jewess. (*Sahīh*)

[Abū ‘Eisā said:] There is a long story in this *Hadīth*, and this *Hadīth* is *Hasan Sahīh*.

(المعجم (١٠) - بَابُ مَا جَاءَ فِي رَجْمٍ
أَهْلِ الْكِتَابِ (التحفة (١٠)

١٤٣٦ - حَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى
الْأَنْصَارِيُّ : حَدَّثَنَا مَعْنُونُ : حَدَّثَنَا مَالِكُ بْنُ
أَئْسَى عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ : أَنَّ رَسُولَ اللَّهِ
ﷺ رَجَمَ يَهُودِيًّا وَيَهُودِيَّةً .

[قَالَ أَبُو عِيسَى :] وَفِي الْحَدِيثِ قَصَّةً ،
وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ .

تخریج: متفق عليه، وأخرجه البخاري، الحدود، باب أحكام أهل الذمة وإحسانهم إذا زناوا، رفعوا إلى الإمام، ح: ٦٩٩ و مسلم، ح: ٢٨٤١ من حديث مالك به وهو في الموطأ: ٢/٨١٩ بطوله.

Comments:

This narration is agreed upon and the events mentioned are in *Sahīh Al-Bukhārī* and *Sahīh Muslim*. A Jewish couple was brought to the presence of the Prophet ﷺ. They had committed illegal sexual intercourse. The Messenger of Allāh went to their quarter and asked them, “What do you find in the Torah as regarding the legal punishment of an adulterer?” They replied, “We blacken their face and humiliate them. We also announce their crime in public and lash them.” The Prophet said, “Bring the Torah and prove your statement if you are truthful.” They brought and opened the Torah and started reading it, when the reader reached the verse of *Rajm*-stoning, he placed his hand over this verse, and read the verses preceding and following it. ‘Abdullāh bin Salām was beside the Prophet ﷺ, he asked the reader to lift his hand from the page, and he moved away his hand and the verse of stoning was written there. The Prophet gave the order that both of them should be stoned to death. (*Sahīh Muslim* v. 2. p. 69.)

1437. Jābir bin Samurah narrated that the Prophet ﷺ stoned a Jew and a Jewess. (*Sahīh*)

He said: There are narrations on this topic from Ibn ‘Umar, Al-Barā’, Jābir, Ibn Abī Awfā, ‘Abdullāh bin Al-Hārith bin Jaz’, and Ibn ‘Abbās.

١٤٣٧ - حَدَّثَنَا هَنَّادٌ : حَدَّثَنَا شَرِيكُ عَنْ
سِمَاكِ بْنِ حَرْبٍ ، عَنْ جَابِرِ بْنِ سَمْرَةَ : أَنَّ
النَّبِيَّ ﷺ رَجَمَ يَهُودِيًّا وَيَهُودِيَّةً .

[قَالَ : وَفِي الْبَابِ عَنْ أَبْنِ عُمَرَ وَالْبَرَاءِ
وَجَابِرٍ وَابْنِ أَبِي أَوْفَى وَعَبْدِ اللَّهِ بْنِ الْحَارِثِ
أَبْنِ جَزْءٍ وَابْنِ عَبَّاسٍ .]

[Abū ‘Eisā said:] The *Hadīth* of Jābir bin Samurah is a *Hasan Gharīb Hadīth*. This is acted upon according to most of the people of knowledge, they said that when the people of the Book dispute and they bring their case to the Muslim judge, then he judges between them according to the Book and the *Sunnah* with the laws of (*Shari‘ah*) the Muslims. This is the view of Ahmad and Ishāq. Some of them said that the punishment of adultery is not carried out on them. But the first view is more correct.

[قال أبو عيسى:] حديث جابر بن سمرة حديث حسن عریب . والعمل على هذا عند أكثر أهل العلم قالوا: إذا احتضم أهل الكتاب وترافقوا إلى حكم المسلمين حكموها بينهم بالكتاب والشريعة وبأحكام المسلمين . وهو قول أحمد وإسحاق وقال بعضهم: لا يقام عليهم الحد في الزنا . والقول الأول أصح .

تخریج: [صحيح] وأخرجه ابن ماجه، الحدود، باب رجم اليهودي واليهودية، ح: ٢٥٧ من حديث شريك به وللحديث شواهد منها الحديث السابق * وفي الباب عن ابن عمر [تقدماً: ١٤٣٦] والبراء [مسلم، ح: ١٧٠٠] وجابر [مسلم، ح: ١٧٠١] وأiben أبي أوفى [البخاري، ح: ٦٨١٣] ومسلم، ح: ١٧٠٢ وأحمد: ٤/٣٥٥] وعبد الله بن الحارث بن جزء [البيهقي: ٢١٦/٨] وأiben عباس [أحمد: ١/٢٦١].

Comments:

It is clear from this narration that if a law-suit is lodged in an Islamic Court by non-Muslims, the case will be decided according to Islamic Law. They were asked to bring the *Taurah* (Torah) just to prove to them that Islamic punishment is the same which has been prescribed in the *Taurah*. (See for details *Sahih Muslim* v.2. p69. and *Tuhfat Al-Ahwadhi* v.2. p.325 and *Takmilah*. v.2. p.471-474.)

Chapter 11. What Has Been Related About Banishment

1438. Ibn ‘Umar narrated that the Prophet ﷺ lashed and banished, Abū Bakr lashed and banished, and ‘Umar lashed and banished. (*Sahih*)

[He said:] There are narrations on this topic from Abū Hurairah, Zaid bin Khālid, and ‘Ubādah bin As-Sāmīt.

(المعجم ١١) - باب ما جاء في النفي (النحوة ١١)

١٤٣٨ - حدثنا أبو كريب ويحيى بن أكثم قالا: حدثنا عبد الله بن إدريس عن عبيد الله، عن نافع، عن ابن عمر: أن النبي ﷺ ضرب وغраб وأن أبي بكر ضرب وغраб وأن عمر ضرب وغраб [قال:] وفي الباب عن أبي هريرة وزيد بن خالد وعبادة بن

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Umar is a *Gharīb Hadīth*. It was reported by more than one narrator from ‘Abdullāh bin Idrīs in *Marfū‘* form. Some of them reported this *Hadīth* from ‘Ubaidullāh, from Nāfi‘, from Ibn ‘Umar: that Abū Bakr lashed and banished, and that ‘Umar lashed and banished.

This was narrated to us by Abū Al-Ashājj (who said): “‘Abdullāh bin Idrīs narrated to us” and this is how this *Hadīth* was reported in other narrations from Ibn Idrīs, from ‘Ubaidullāh bin ‘Umar and it is similar to this. Similarly; Muḥammad bin Ishāq reported from Nāfi‘, from Ibn ‘Umar, that Abū Bakr lashed and banished, and ‘Umar lashed and banished. And he did not mention about the Prophet ﷺ in it. It is correct that the Prophet ﷺ banished. It was reported by Abū Hurairah, Zaid bin Khālid, ‘Ubādah bin Aṣ-Ṣāmīt and others from the Prophet ﷺ.

This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ. Among them were Abū Bakr, ‘Umar, ‘Alī, Ubayy bin Ka‘b, ‘Abdullāh bin Mas‘ūd, Abū Dharr and others. Similar has been reported from more than one of the *Fuqahā‘* among the *Tābi‘īn*. This is the view of Sufyān Ath-Thawrī, Mālik bin Anas, ‘Abdullāh bin Al-Mubārak, Aṣh-Shāfi‘ī, Aḥmad, and Ishāq.

تخریج: [إسناده صحيح] وأخرجه النسائي في الكبرى، ح: ٧٣٤٢ والبيهقي: ٨/ ٢٢٣ من

الصَّامِتِ.

[قالَ أَبُو عِيسَى: حَدِيثُ ابْنِ عُمَرَ حَدِيثُ غَرِيبٍ. رَوَاهُ غَيْرُ وَاحِدٍ، عَنْ عَبْدِ اللهِ ابْنِ إِدْرِيسَ فَرَقَعُوهُ. وَرَوَى بَعْضُهُمْ عَنْ عَبْدِ اللهِ ابْنِ إِدْرِيسَ هَذَا الْحَدِيثُ عَنْ عَبِيدِ اللهِ، عَنْ نَافِعَ، عَنْ ابْنِ عُمَرَ أَنَّ أَبَا بَكْرَ ضَرَبَ وَغَرَبَ وَأَنَّ عُمَرَ ضَرَبَ وَغَرَبَ. حَدَّثَنَا بِذَلِكَ أَبُو سَعِيدَ الْأَشْجَعَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ إِدْرِيسَ: وَهَكَذَا رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ رِوَايَةِ ابْنِ إِدْرِيسَ، عَنْ عَبِيدِ اللهِ بْنِ عُمَرَ تَحْوُ هَذَا. وَهَكَذَا رِوَايَةُ مُحَمَّدٍ ابْنِ إِسْحَاقَ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ أَنَّ أَبَا بَكْرَ ضَرَبَ وَغَرَبَ وَأَنَّ عُمَرَ ضَرَبَ وَغَرَبَ. وَلَمْ يُذْكُرْ فِيهِ عَنِ النَّبِيِّ ﷺ. وَقَدْ صَحَّ عَنْ رَسُولِ اللهِ ﷺ التَّقْيَى. رَوَاهُ أَبُو هُرَيْرَةَ وَزَيْدُ ابْنِ خَالِدٍ وَعُبَادَةً بْنِ الصَّامِتِ وَغَيْرُهُمْ عَنِ النَّبِيِّ ﷺ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ مِنْهُمْ أَبُو بَكْرٍ وَعُمَرٌ وَعَلِيٌّ وَأَبْيَانُ بْنُ كَعْبٍ وَعَبْدُ اللهِ بْنُ مَسْعُودٍ وَأَبُو دَرَّ وَغَيْرُهُمْ. وَكَذَلِكَ رُوِيَ عَنْ غَيْرِ وَاحِدٍ مِنْ فُقَهَاءِ التَّائِبِينَ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرَى وَمَالِكَ بْنِ أَنَسٍ وَعَبْدِ اللهِ بْنِ الْمَبَارِكَ وَالشَّافِعِيِّ وَأَخْمَدَ وَإِسْحَاقَ.

Hadith Abu Kribib * وَفِي الْبَابِ عَنْ أَبِي هَرِيرَةَ [تَقْدِيم: ١٤٣٣] وَزَيْدَ بْنَ خَالِدَ [تَقْدِيم: ١٤٣٣] وَعَبَادَةَ بْنَ الصَّامِتِ [تَقْدِيم: ١٤٣٤] * الْحَدِيثُ الْمَوْقُوفُ: أَخْرَجَهُ الْبَيْهَقِيُّ مِنْ حَدِيثِ أَبِي سَعِيدٍ الْأَشْجَبِ بْنِ سَعِيدٍ صَحِيحٌ.

Comments:

This issue has been discussed in the context of narration no. 1434. (For more details see *Tuhfat Al-Ahwadhi* v.2, p. 326-327.)

Chapter 12. What has Been Related About: The Legal Punishments Are Atonement For Those Who Receive Them

1439. ‘Ubādah bin Aṣ-Ṣāmit narrated: “We were with the Prophet ﷺ [in a gathering] and he said: ‘Pledge to me that you will not associate [anything as] partners with Allāh, and that you will not steal nor commit adultery.’ He recited to them the Āyah.^[1] (And he said:) ‘Whoever among you dies, then his reward is with Allāh, and whoever among you does some of this and then he is punished, it is an atonement for him. And whoever does some of this and Allāh covers it for him, then it is up to Allāh; if He wills, He will punish him, and if He wills, He will forgive him.’” (*Sahih*)

[He said:] There are narrations on this topic from ‘Alī, Jarīr bin ‘Abdullāh, and Khuzaimah bin Thābit.

[Abū ‘Eisā said:] The *Hadīth* of ‘Ubādah bin Aṣ-Ṣāmit is a *Hasan Sahīh Hadīth*. Ash-Shāfi’i said: “Regarding this topic – that the legal punishments serve as atonement for those who receive

(المعجم ١٢) - بَابُ مَا جَاءَ أَنَّ الْحُدُودَ
كَفَارَةً لِأَهْلِهَا (التحفة ١٢)

١٤٣٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا سُفيَانُ بْنُ عُيَيْنَةَ عَنِ الرُّهْبَرِيِّ، عَنْ أَبِي إِدْرِيسِ الْخَوَلَائِيِّ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ. قَالَ: كُنَّا عِنْدَ النَّبِيِّ ﷺ [فِي مَجْلِسٍ] فَقَالَ: «بَيْأَعُونِي عَلَى أَنْ لَا تُشْرِكُوا بِاللَّهِ [شَيْئًا] وَلَا تَسْرُقُوا وَلَا تَرْزُقُوا» قَرَأَ عَلَيْهِمُ الْآيَةَ «فَمَنْ وَفَى مِنْكُمْ فَأَجْرُهُ عَلَى اللَّهِ، وَمَنْ أَصَابَ مِنْ ذَلِكَ شَيْئًا فَعُوقَبَ عَلَيْهِ فَهُوَ كَفَارَةٌ لَهُ، وَمَنْ أَصَابَ مِنْ ذَلِكَ شَيْئًا فَسَرَّهُ اللَّهُ عَلَيْهِ فَهُوَ إِلَى اللَّهِ إِنْ شَاءَ عَذَبَهُ وَإِنْ شَاءَ غَفَرَ لَهُ» [قال:] وَقَالَ الْبَابِ عَنْ عَلَيِّ وَجَرِيرِ بْنِ عَبْدِ اللَّهِ وَخُزَيْمَةَ بْنِ ثَابِتٍ.

[Qal' Abū 'Uyaynī: حَدِيثُ عُبَادَةَ بْنِ الصَّامِتِ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَالَ الشَّافِعِيُّ: لَمْ أَسْمَعْ - فِي هَذَا الْبَابِ أَنَّ الْحَدَّ يَكُونُ كَفَارَةً لِأَهْلِهِ - شَيْئًا أَحْسَنَ مِنْ هَذَا الْحَدِيثِ. قَالَ الشَّافِعِيُّ: وَأَحَبُّ لِمَنْ أَصَابَ ذَنْبًا فَسَرَّهُ اللَّهُ عَلَيْهِ أَنْ يَسْتُرَ عَلَى

^[1] This refers to *Sūrat Al-Mumtahinah* (60:12). See *Tuhfat Al-Ahwadhi*.

them – I have not heared anything more appropriate than this *Hadīth*.” *Ash-Shāfi’i* said: It is recommended for anyone who suffers to commit a sin which Allāh conceals for him, that he too conceal it, and repent for whatever is between him and his Lord.” Similarly it has been reported from *Abū Bakr* and ‘Umar, that they ordered a man to cover (the sin he committed).

نَفْسِهِ وَيَتُوبَ فِيمَا يَبْيَهُ وَبَيْنَ رَبِّهِ وَكَذَلِكَ رُوِيَ عَنْ أَبِي بَكْرٍ وَعُمَرَ أَنَّهُمَا أَمْرَا رَجُلًا أَنْ يَسْتُرَ عَلَى نَفْسِهِ .

تخریج: متفق عليه، وأخرجه البخاري، التفسير، باب: “إذا جاءك المؤمنات بياينك”، ح: ٤٨٩٤ مسلم، ح: ١٧٠٩ من حديث سفيان بن عيينة به * وفي الباب عن علي [يأتي: ٢٦٢٦ . [٢١٥، ٢١٤ / ٥] وجريم بن عبدالله [لم أجده] وخزيمة بن ثابت [أحمد: ٢٦٢٦ .

Comments:

The *Hadd* punishment serves as an atonement, but it will not serve as an atonement of the offence if an offender continues the vice and does not give it up. Yet, Allāh is Most Gracious and Merciful, and one can count on His Mercy and Guidance to avoid the vices and sins.

Chapter 13. What Has Been Related About Establishing Legal Punishments Upon The Slave Girl

1440. *Abū Hurairah* narrated that the Messenger of Allāh ﷺ said: “If one of your slave girls commits illegal sexual intercourse, then whip her three times according to the Book of Allāh, and if she does it again then sell her, even if it is for a rope made of hair.” (*Hasan*)

[He said:] There are narrations on this topic from ‘Alī, *Abū Hurairah*, *Zaid bin Khālid*, and *Shibl* – from ‘Abdullāh bin Mālik Al-Awsī.

The *Hadīth* of *Abū Hurairah* is a *Hasan Sahih Hadīth*. It has been reported from him through other

(المعجم ١٣) - بَابُ مَا جَاءَ فِي إِقَامَةِ
الْحَدَّ عَلَى الْإِمَاءِ (التحفة ١٣)

١٤٤٠ - حَدَّنَا أَبُو سَعِيدُ الْأَشْجُونِيُّ: حَدَّنَا
أَبُو خَالِدِ الْأَحْمَرُ: حَدَّنَا الْأَعْمَشُ عَنْ أَبِي
صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ
ﷺ: «إِذَا رَأَتْ أُمَّةً أَحَدُكُمْ فَلْيَعْجِلْهُمْ ثَلَاثَةَ
بِكَتَابِ اللَّهِ، فَإِنْ عَادَتْ فَلْتُبَيِّنَهَا وَلَا يَحْمِلُ مِنْ
شَعْرِهِ» [قال:] وَفِي الْبَابِ عَنْ عَلَيٍّ وَأَبِي
هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ وَشَبِيلٍ، عَنْ عَبْدِ اللَّهِ بْنِ
مَالِكِ الْأَوْسِيِّ .
[قال:] أَبُو عِيسَى: حَدِيثُ أَبِي هُرَيْرَةَ
حَدِيثُ حَسَنٍ صَحِيحٌ .

routes, and this is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They held the view that a man could implement the legal punishments upon his slaves without resorting to the *Sultān*. This is the view of Ahmad and Ishāq. Some of them said that he has to bring them to the *Sultān*, and he may not implement the legal punishments himself. But the first view is more correct.

تخریج: [حسن] وأخرجه النسائي في الكبرى، ح: ٧٢٤٣ من حديث الأشجع به وللحديث شواهد عند البخاري ومسلم وأبي داود، ح: ٤٤٧١ وغيرهم * وفي الباب عن علي [يأتي: ١٤٤١] وأبي هريرة [تقديم: ١٤٣٣] وزيد بن خالد [تقديم: ١٤٣٣] وشبل [تقديم: ١٤٣٣] وعبد الله بن مالك الأوسي [أحمد: ٤/ ٣٤٣].

Comments:

According to the opinion of most of the people of knowledge, the owner of a slave is allowed to impose the *Hadd* punishment on his slave. In the view of Imām Mālik and some of the followers of Imām Shāfi‘ī the owner of the slave is not allowed to impose the *Hadd* punishment of theft. According to Imām Ath-Thawrī and Al-Awzā‘ī, only the *Hadd* punishment of fornication can be imposed on the slave by his owner. The *Ahnāf*'s point of view is that only the court has the right to impose the punishment of *Hadd*. Some others say that if the crime is clearly established and proven, and the owner himself is a man of honor and prestige, he can impose the *Hadd* punishment, otherwise, the matter must be referred to the court of justice.

1441. Abū ‘Abdur-Rahmān As-Sulami narrated: “‘Alī gave a *Khuṭbah* and said: ‘O people, establish the penalties upon your slaves, those married from them and those unmarried. A slave girl of the Prophet ﷺ committed illegal sexual intercourse so he ordered me to whip her. I went to her and she was just experiencing her post-natal bleeding, so I feared that if I were to whip her I would kill her’ –

وقد رُويَ عَنْهُ مِنْ عَيْرِ وَجْهٍ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَغَيْرِهِمْ رَأَوْا أَنْ يُقْيِمَ الرَّجُلُ الْحَدَّ عَلَى مَمْلُوكِهِ دُونَ السُّلْطَانِ. وَهُوَ قَوْلُ أَحْمَدَ، وَإِسْحَاقَ. وَقَالَ بَعْضُهُمْ: يُرْفَعُ إِلَى السُّلْطَانِ وَلَا يُقْيِمُ الْحَدَّ هُوَ بِنَفْسِهِ وَالْقَوْلُ الْأَوَّلُ أَصَحُّ.

١٤٤١ - حَدَّثَنَا الحَسَنُ بْنُ عَلَيِّ الْخَلَّالُ: حَدَّثَنَا أَبُو دَاوُدَ الطِّيَالِسِيُّ: حَدَّثَنَا زَائِدَةُ [بْنُ فُدَامَةَ] عَنِ السُّدَيْيِّ، عَنْ سَعْدِ بْنِ عَبْيَةَ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ السُّلْطَانِيِّ قَالَ: حَطَبَ عَلَيَّ فَقَالَ: يَا أَيُّهَا النَّاسُ، أَقِمُوا الْمُحْدُودَ عَلَى أَرْقَائِكُمْ مَنْ أَحْصَنَ مِنْهُمْ وَمَنْ لَمْ يُحْصِنْ، وَإِنَّ أَمَّةَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ زَتَ فَأَمَرَنِي أَنْ أَجْلِدَهَا، فَأَتَيْتُهَا فَإِذَا هِيَ حَدِيثَةُ عَهْدِ بِنْ قَاسِمٍ،

or he said: 'she would die' – 'so I went to the Messenger of Allāh ﷺ and I told that to him. So he said: 'You did well.'" (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Sahīh*. [As-Suddī's (a narrator in this chain) name is Ismā‘il bin ‘Abdur-Rahmān, and he was one of the *Tābi‘īn*. He heard from Anas bin Mālik, and saw Husain bin ‘Alī bin Abī Tālib, may Allāh be pleased with him].

تخریج: وأخرجه مسلم، الحدود، باب تأخیر الحد عن النساء، ح: ١٧٠٥ من حديث الطیالسي به وهو في مسنده، ح: ١١٢.

Comments:

This narration indicates that a slave woman who gives birth to a child, *Hadd* punishment should not be applied on her immediately. She should be given enough time to suckle the baby. The same orders are for the punishment of a sick person. (*Sahīh Muslim* v. 2. P.71.)

Chapter 14. What Has Been Related About Legal Punishment For The Drunkard

1442. Abū Sa‘eed Al-Khudrī narrated that the Messenger of Allāh ﷺ implemented the penalty by beating forty times, with two shoes – Mis’ar (one of the narrators) said: "I think it was for wine." (*Da’if*)

[He said:] There are narrations on this topic from ‘Alī, ‘Abdur-Rahmān bin Azhar, Abū Hurairah, As-Sā’ib, Ibn ‘Abbās, and ‘Uqbah bin Al-Hārith.

[Abū ‘Eisā said:] The *Hadīth* of Abū Sa‘eed is a *Hasan Hadīth*. Abū As-Siddīq An-Nājī’s name is Bakr bin ‘Amr [and they also call him Bakr bin Qais].

تخریج: [إسناده ضعيف] وأخرجه النسائي في الكبرى، ح: ٥٢٩٣ من حديث مسمر به *

فَخَشِيتُ إِنْ أَنَا جَلَدْهَا أَنْ أَفْتَلَهَا - أَوْ قَالَ: تَمُوتَ - فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَذَكَرْتُ ذَلِكَ لَهُ. فَقَالَ: «أَحْسَنْتَ».

[قال أبو عيسى:] هذا حديث [حسن] صحيح. [والشذى اسمه إسماعيل بن عبد الرحمن وهو من التابعين، قد سمع من أنس بن مالك ورأى حسين بن علي بن أبي طالب رضي الله عنه].

تخریج: وأخرجه مسلم، الحدود، باب تأخیر الحد عن النساء، ح: ١٧٠٥ من حديث الطیالسي به وهو في مسنده، ح: ١١٢.

(المعجم ١٤) - بَابُ مَا جَاءَ فِي حَدِّ السَّكْرَانِ (التحفة ١٤)

١٤٤٢ - حَدَّثَنَا سُفيَّانُ بْنُ وَكِيعٍ: حَدَّثَنَا أَبِي عَنْ يَسْعَرَ، عَنْ زَيْدِ الْعَمِيِّ، عَنْ أَبِي الصَّدِيقِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ ضَرَبَ الْحَدَّ بِتَعْلِيْنِ أَرْبَعِينَ - قَالَ مَسْعُرٌ: أَطْهَرَ فِي الْخَمْرِ - [قال:] وَفِي الْبَابِ عَنْ عَلَيِّ، وَعَبْدِ الرَّحْمَنِ بْنِ أَزْهَرَ، وَأَبِي هُرَيْرَةَ، وَالسَّائِبِ، [وَابْنِ عَبَّاسِ، وَعُقْبَةَ بْنِ الْحَارِثِ].

[قال أبو عيسى:] حديث أبي سعيد حديث حسن، وأبو الصديق التاجي اسمه بكر بن عمرو [ويقال: بكر بن قيس].

تخریج: [إسناده ضعيف] وأخرجه النسائي في الكبرى، ح: ٥٢٩٣ من حديث مسمر به *

زيد العمي ضعيف (تقريب) * وفي الباب عن علي [البخاري، ح: ٦٧٧٨ ومسلم، ح: ١٧٠٧] وعبدالرحمن بن أزهر [أبو داود، ح: ٤٤٨٨] وأبي هريرة [البخاري، ح: ٦٧٧٧، ٦٧٨١] والسائل [البخاري، ح: ٦٧٧٩] وابن عباس [أبو داود، ح: ٤٤٧٦] وعقبة بن الحارث [البخاري، ح: ٦٧٧٥، ٢٣١٦].

1443. Anas narrated that a man who had drank wine was brought to the Prophet ﷺ, so he beat him about forty times with two stalks of a palm tree. So Abū Bakr did similarly, and by the time ‘Umar became Khalifah he sought council from the people. And ‘Abdur-Rahmān bin ‘Awf said: ‘I see that the lightest penalty is eighty lashes,’ so ‘Umar ordered that. (*Sahīh*)

[Abū ‘Eisā said:] The *Hadīth* of Anas is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. The punishment for intoxication is eighty (lashes).

تغريب: متفق عليه، وأخرجه مسلم، الحدود، باب حد الخمر، ح: ١٧٠٦ عن محمد بن شار والبخاري، ح: ٦٧٧٣ من حديث شعبة به مختصرًا ومنطولاً.

Comments:

A date palm stick without leaves is called '*Jarīdah*'. Hitting by two sticks may mean hitting with each stick for forty times, making a total eighty strikes, and it may also mean hitting with two sticks together forty times, that is eighty strikes with two sticks together. (*Takmilah* v. 2. p. 488 and *Al-Mughnī* v. 3. p. 150.)

Chapter 15. What Has Been Related About: Whoever Drinks Wine Then Lash Him, And Whoever Does It A Fourth Time, Then Kill Him

1444. Mu‘āwiya narrated that the Messenger of Allāh ﷺ said: “Whoever drinks wine, then lash him. If he returns to it, then on the fourth time kill him.” (*Hasan*)

١٤٤٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ . حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ : حَدَّثَنَا شُعْبَةُ قَالَ سَمِعْتُ فَتَادَةً يُحَدِّثُ عَنْ أَنَسِي عَنِ النَّبِيِّ ﷺ أَنَّهُ أَتَى بِرَجُلٍ فَذَرَ شَرِبَ الْخَمْرَ، فَصَرَبَهُ بِحَرِيدَتَيْنِ نَحْوَ الْأَرْبَعينَ. وَفَعَلَهُ أَبُو بَكْرٍ، فَلَمَّا كَانَ عُمَرُ اسْتَشَارَ النَّاسَ قَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ : كَأَنْفَقَ الْحُدُودَ ثَمَانِينَ، فَأَمَرَهُ بِهِ عُمَرُ .

[قال أبو عيسى:] حديث أنسٍ حديث حسنٍ صحيحٍ، والعمل على هذا عند أهل العلم من أصحاب النبي ﷺ وغيرهم أن حدا السكران ثمانيون.

(المعجم ١٥) - بَابُ مَا جَاءَ مِنْ شَرِبِ الْخَمْرِ فَاجْلِدُوهُ وَمَنْ عَادَ فِي الرَّابِعَةِ فَاقْتُلُوهُ (التحفة ١٥)

١٤٤٤ - حَدَّثَنَا أَبُو كُرَيْبٍ : حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ عَنْ عَاصِمٍ [بْنِ بَهْدَلَةَ]، عَنْ أَبِي صَالِحٍ، عَنْ مُعَاوِيَةَ قَالَ : قَالَ رَسُولُ اللهِ

[He said:] There are narrations on this topic from Abū Hurairah, Ash-Sharīd, Shurāhbil bin Aws, Jarīr, Abū Ar-Ramad Al-Balawī, and ‘Abdullāh bin ‘Amr.

[Abū ‘Eisā said:] The *Hadīth* of Mu‘āwiyah was also reported like this by Ath-Thawrī; from ‘Āsim, from Abū Ṣalīḥ, from Mu‘āwiyah, from the Prophet ﷺ. Ibn Juraij and Ma‘mar reported it from Suhail bin Abī Ṣalīḥ, from his father, from Abū Hurairah, from the Prophet ﷺ. [He said:] I heard Muḥammad saying: “The *Hadīth* of Abū Ṣalīḥ from Mu‘āwiyah from the Prophet ﷺ about this topic is more correct than the *Hadīth* of Abū Ṣalīḥ from Abū Hurairah from the Prophet ﷺ. This was only the earlier order, then it was abrogated later.” This is what was reported from Muḥammad bin Ishāq, from Muḥammad bin Al-Munkadir, from Jābir bin ‘Abdullāh, from the Prophet ﷺ who said: “Whoever drinks wine, then lash him, if he returns to it, then on the fourth time kill him.” He said: “Then a man who had been drinking was brought to the Prophet ﷺ a forth time, so he beat him, he did not kill him.” Similar was reported by Az-Zuhrī from Qabīṣah bin Dhu'aib from the Prophet ﷺ, he (Qabīṣah) said: “so the order to kill was lifted, and that was a granted favor (from the Law-Giver).”

This [*Hadīth*] is acted upon according to the people of knowledge in general, we do not know of any disagreement between

بِهِ: مَنْ شَرَبَ الْخَمْرَ فَاجْلِدُوهُ فَإِنْ عَادَ فِي الرَّابِعَةِ فَاقْتُلُوهُ [قال:] وفي الْبَابِ عَنْ أَبِي هُرَيْرَةَ، وَالشَّرِيدَ، وَشُرَحْبِيلَ بْنِ أَوْسٍ، وَجَرِيرَ، وَأَبِي الرَّمَدِ الْبَلْوَى، وَعَبْدِ اللَّهِ بْنِ عُمَرَ.

[قال:] أَبُو عِيسَى: [حَدِيثُ مُعَاوِيَةَ، هَكَذَا رَوَى التَّوْرِيُّ أَيْضًا عَنْ عَاصِمٍ، عَنْ أَبِي صَالِحٍ، عَنْ مُعَاوِيَةَ عَنِ النَّبِيِّ ﷺ. وَرَوَى أَبُنْ [جُرَيْجَ] وَمَعْمَرٌ عَنْ سَهْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ . [قال:] سَوْفَتْ مُحَمَّدًا يَقُولُ: حَدِيثُ أَبِي صَالِحٍ عَنْ مُعَاوِيَةَ عَنِ النَّبِيِّ ﷺ فِي هَذَا أَصَحُّ مِنْ حَدِيثِ أَبِي صَالِحٍ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ . وَإِنَّمَا كَانَ هَذَا فِي أَوَّلِ الْأَمْرِ ثُمَّ نُسِخَ بَعْدُ. هَكَذَا رَوَى مُحَمَّدُ بْنُ إِسْحَاقَ عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّمَا مَنْ شَرَبَ الْخَمْرَ فَاجْلِدُوهُ، فَإِنْ عَادَ فِي الرَّابِعَةِ فَاقْتُلُوهُ». قَالَ: ثُمَّ أَتَيَ النَّبِيِّ ﷺ بَعْدَ ذَلِكَ بِرَجُلٍ قَدْ شَرِبَ فِي الرَّابِعَةِ فَصَرَبَهُ وَلَمْ يَقْتُلْهُ. وَكَذَلِكَ رَوَى الزُّهْرِيُّ عَنْ قَيْصَرَةَ بْنِ دُؤَيْبِ عَنِ النَّبِيِّ ﷺ تَحْوِي هَذَا قَالَ: فَرُفِعَ الْقَتْلُ وَكَانَتْ رُحْصَةً.

وَالْعَمَلُ عَلَى هَذَا [الْحَدِيثِ] عِنْدَ عَامَةِ أَهْلِ الْعِلْمِ، لَا نَعْلَمُ بَيْنَهُمْ اخْتِلَافًا فِي ذَلِكَ فِي الْقَدِيمِ وَالْحَدِيثِ. وَمَمَّا يَقُولُونَ هَذَا مَا رُوِيَ عَنِ النَّبِيِّ ﷺ مِنْ أُوْجُهِ كَثِيرَةٍ، أَنَّهُ

them about this, neither the earlier or the latter among them. What strengthens this, is what is reported from the Prophet ﷺ through many routes, that he said: "The blood of a Muslim man who testifies to *Lā ilāha illallāh* and, that I am the Messenger of Allāh, is not lawful except for one of three: A life for a life, the (married) adulterer, and leaving his religion."

تخریج: [حسن] وأخرجه أبو داود، الحدود، باب: إذا تنازع في شرب الخمر، ح: ٤٤٨٢ وابن ماجه، ح: ٢٥٧٣ من حديث عاصم به وصححه ابن حبان، ح: ١٥١٩ والذهبي في تلخيص المستدرك: ٤/٣٧٢ وللحديث طرق أخرى * وفي الباب عن أبي هريرة [أبو داود، ح: ٤٤٨٤] والشريذ [أحمد: ٤/٣٨٨ والدارمي: ٢٣١٨] وشريحيل بن أوس [أحمد: ٤/٢٣٤] وعبد بن حميد، ح: ٤٠٨ وجيرير [البخاري في التاريخ الكبير: ١٤٢/٣ والحافظ: ٣٧١ والطبراني في الكبير: ٢/٣٣٥، ح: ٢٣٩٧، ٢٣٩٨] وأبي الرمด البلوي [الطبراني في الكبير: ٣٥٦، ح: ٢٢٢] وعبد الله ابن عمرو [أحمد: ٢/١٦٦، ١٩١] وعبد الله بن عمر [أبو داود، ح: ٤٤٨٣] * حديث عمر: أَحْمَدُ : ٨٠ وَالنَّسَائِيُّ فِي الْكَبِيرِ ، ح: ٥٢٩٦ وَسَنْدُهُ صَحِيحٌ * حَدِيثُ مُحَمَّدٍ بْنِ إِسْحَاقَ: النَّسَائِيُّ فِي الْكَبِيرِ ، ح: ٥٣٠٢ ، ٥٣٠٣ وَالْبَيْهَقِيُّ: ٣١٤/٨ وَهُوَ حَدِيثٌ صَحِيحٌ * حَدِيثُ الرُّهْرِيِّ: أَبُو دَاوُدَ، ح: ٤٤٨٥ ، قِبْصَةٌ سَمِعَهُ مِنْ صَحَابِي لَا نَعْرِفُهُ ، انْظُرْ الْمُحَلِّيَ: ١١/٣٦٨ .

Comments:

The majority of the scholars hold the view that if a person who had been punished for drinking alcohol is found guilty of committing the same offence for the fourth time, he should not be given capital punishment, as opposed to Ibn Ḥazm who believed otherwise.

Chapter 16. What Has Been Related About: For How Much (Wealth) Is The Thief's Hand Cut Off?

1445. ‘Āishah narrated that the Prophet ﷺ used to cut the hand for a fourth of a Dinār and beyond that. (*Sahīh*)

[Abū ‘Eisā said:] The *Hadīth* of ‘Āishah is a *Hasan Sahīh Hadīth*. This *Hadīth* has been reported through other routes from ‘Amrah, from ‘Āishah in *Marfū‘* form. Some

قال: «لَا يَحُلُّ دَمُ امْرِئٍ مُسْلِمٍ يَشْهُدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنِّي رَسُولُ اللَّهِ إِلَّا يَلْحَدُ ثَلَاثَةِ: التَّقْسُ بِالْقُسِّ، وَالْيَبْ بِالْزَّانِي، وَالثَّارِكُ لِدِينِهِ».

(المعجم ١٦) - بَابُ مَا جَاءَ فِي كُمْ يُقطَعُ السَّارِقُ (التحفة ١٦)

١٤٤٥ - حَدَّثَنَا عَلَيْهِ بْنُ حُجْرٍ: حَدَّثَنَا سُقِيَانُ بْنُ عَيْنَةَ عَنِ الرُّهْرِيِّ، أَخْبَرَهُ عَمْرَةُ عَنْ عَائِشَةَ: أَنَّ الَّتِي يُقطَعُ كَانَ يُقطَعُ فِي رُبْعِ دِينَارٍ فَصَاعِدًا .

[قال أبو عيسى:] حديث عائشة حديث حسن صحيح . وقد روی هذا الحديث من غير

of them reported it from 'Amrah, from 'Aishah in *Mawqūf* form.

وَجْهٌ عَنْ عَمْرَةَ، عَنْ عَائِشَةَ مَرْفُوعًا، وَرَوَاهُ
بعضُهُمْ عَنْ عَمْرَةَ، عَنْ عَائِشَةَ مَوْقُوفًا .
تخریج: متفق عليه، وأخرجه مسلم، الحدود، باب حد السرقة ونصابها، ح: ١٦٨٤ من
 الحديث سفيان بن عيينة والبخاري، ح: ٧٨٩ من حديث الزهرى به.

1446. Ibn 'Umar narrated: "The Messenger of Allāh ﷺ cut the hand for a shield worth three Dirham." (*Sahīh*)

[He said:] There are narrations on this topic from Sa'd, 'Abdullāh bin 'Amr, Ibn 'Abbās, Abū Hurairah, and Ayman.

[Abū 'Eisā said:] The *Hadīth* of Ibn 'Umar is a *Hasan Sahīh Hadīth*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. Among them were Abū Bakr As-Shiddīq who cut for five Dirham. It has been reported that 'Uthmān and 'Alī cut for a fourth of a Dīnār. It has been reported that Abū Hurairah and Abū Sa'eed said that the hand is cut off for five Dirham. This is acted upon according to some of the *Fuqahā'* among the *Tābi'īn*, it is the view of Mālik bin Anas, Ash-Shāfi'i, Ahmad, and Ishāq. They held the view that the hand was cut off for a fourth of a Dīnār and whatever was beyond that.

It has been reported that Ibn Mas'ūd said that it is not cut for less than a Dīnār or ten Dirham. And this is a *Mursal Hadīth* which was reported by Al-Qāsim bin 'Abdur-Rahmān from Ibn Mas'ūd, and Al-

١٤٤٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْلَّيْثُ عَنْ
نَافِعٍ، عَنْ ابْنِ عَمْرَةَ قَالَ: قَطَعَ رَسُولُ اللهِ ﷺ
فِي مَجْنَنْ قِيمَتُهُ ثَلَاثَةُ دَرَاهِمَ .

[قال:] وفي الباب عن سعيد، وعبد الله
ابن عمرو، وابن عباس، وأبي هريرة،
وأيمان .

[قال أبو عيسى:] حديث ابن عمرو
حديث حسن صحيح، والعمل على هذا عند
بعض أهل العلم من أصحاب النبي ﷺ،
منهم: أبو بكر الصديق قطع في خمسة
درارهم. وروي عن عثمان وعلي: أنهما
قطعا في ربع دينار. وروي عن أبي هريرة
وأبي سعيد أنهما قالا: قطعوا اليدين في خمسة
درارهم. والعمل على هذا عند بعض فقهاء
التابعين. وهو قول مالك بن أنس،
والشافعي، وأحمد، وإسحاق: رأوا القطع
في ربع دينار فصادرا .

وقد روی عن ابن مسعود أنه قال: لا
قطع إلا في دينار أو عشرة درارهم. وهو
حديث مرسلا رواه القاسم بن عبد الرحمن
عن ابن مسعود. والقاسم لم يسمع من ابن
مسعود. والعمل على هذا عند بعض أهل
العلم. وهو قول سفيان الثوري وأهل

Qāsim did not hear from Ibn Mas'ūd. This is acted upon according to some of the people of knowledge, it is the view of Sufyān Ath-Thawrī and the people of Al-Kūfah. They said that the hand is not cut off for less than ten Dirham.

[It has been reported that 'Alī said that there is no cutting of hand for less than ten Dirham. But its chain of narration is not connected.]

تخریج: متفق عليه، وأخرجه مسلم، الحدود، أپضاً، ح: ١٦٨٦ عن قبیة والبخاری، ح: ٦٧٩٥ من حديث الليث بن سعد به * وفي الباب عن سعد [ابن ماجه، ح: ٢٥٨٦] وعبدالله بن عمرو [أبو داود، ح: ٤٣٩٠ وأصله عند الترمذی، ح: ١٢٨٩] وابن عباس [أبو داود، ح: ٤٣٨٧] وأبي هريرة [مسلم، ح: ٤٩٤٦-٤٩٥٢] وأیمن [النسائی، ح: ١٦٨٧].

Chapter 17. What Has Been Related About Hanging The Hand Of The Thief (Around His Neck)

1447. 'Abdur-Rahmān bin Muḥairiz said: "I asked Fadālah bin 'Ubaid about hanging the hand around the neck of the thief: 'Is this from the *Sunnah*?' He said: 'A man came to the Messenger of Allāh ﷺ with a thief so his hand was cut off, and then he ordered that it be hung around his neck.'" (*Daif*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Ghārib*, we do not know of it except as a narration of 'Umar bin 'Alī Al-Muqaddamī from Al-Hajjāj bin Arṭāh. 'Abdur-Rahmān bin Muḥairiz is the brother of 'Abdullāh bin Muḥairiz and he is from *Ash-Shām*.

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الحدود، باب: في السارق تعلق يده في عنقه، ح: ٤٤١١ عن قبیة به وقال النسائی: ٤٩٨٦ "الحجاج بن أرطاة ضعیف ولا يحتج

الکوفة، قالوا: لا قطع في أقل من عشرة دراهم [وروي عن علي أنه قال: لا قطع في أقل من عشرة دراهم وليست إسناده بمفصل].

(المعجم ١٧) - باب ما جاء في تعلیق
يد السارق (التحفة ١٧)

١٤٤٧ - حدثنا قتيبة: حدثنا عمر بن علي المقدادي: حدثنا الحجاج عن مكحول، عن عبد الرحمن بن محبريز قال: سألت فضالاً بن عبيد عن تعلیق اليدين في عقوبة السارق، أمن السنة هو؟ قال: أتي رسول الله ﷺ بساريق قطعت يده ثم أمر بها فعلقت في عقوبه.

[قال أبو عيسى:] هذا حديث حسن غريب لا تعرفه إلا من حديث عمر بن علي المقدادي عن الحجاج بن أرطاء، وعبد الرحمن بن محبريز هو أخو عبد الله بن محبريز شامي.

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الحدود، باب: في السارق تعلق يده في عنقه، ح: ٤٤١١ عن قبیة به وقال النسائی: ٤٩٨٦ "الحجاج بن أرطاة ضعیف ولا يحتج

ب الحديثة " ومدلس وعنن ."

Comments:

This punishment is awarded to make a sign of warning for others. Imām Shāfi‘ī and Aḥmad support this view, and the *Ahnaf* say that the court has the right and choice of carrying it out. (*Tuhfat Al-Ahwadhi* v. 2, p. 332.)

Chapter 18. What Has Been Related About The Traitor, The Embezzler And The Plunderer

1448. Jābir narrated that the Prophet ﷺ said: "There is no cutting of the hand for the traitor or the embezzler, nor the plunderer." (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge. Mughirah bin Muslim narrated it – just as Ibn Juraij did – from Abū Az-Zubair, from Jābir, from the Prophet ﷺ, and it is similar. Mughirah bin Muslim is from Al-Baṣrah, and he is the brother of ‘Abdul-‘Azīz Al-Qasmalī. This is what ‘Ali bin Al-Madīnī said.

(المعجم ١٨) - بَابُ مَا جَاءَ فِي الْخَائِنِ وَالْمُخْتَلِسِ وَالْمُتَّهِبِ (التحفة ١٨)

١٤٤٨ - حَدَثَنَا عَلَيُّ بْنُ خَشْرَمٍ: حَدَثَنَا عِيسَى بْنُ يُونُسَ عَنِ ابْنِ جُرَيْجٍ، عَنْ أَبِي الرَّبِّيرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ قَالَ: لَيْسَ عَلَى خَائِنٍ وَلَا مُتَّهِبٍ وَلَا مُخْتَلِسٍ قَطْعٌ . [قَالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ . وَقَدْ رَوَى مُغِيرَةُ بْنُ مُسْلِمٍ عَنْ أَبِي الرَّبِّيرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ تَحْوِي حَدِيثُ ابْنِ جُرَيْجٍ وَمُغِيرَةً بْنِ مُسْلِمٍ هُوَ بَصْرِيٌّ أَخْوَانُ عَبْدِ الْعَزِيزِ الْقَسْمَلِيِّ كَذَا قَالَ عَلَيُّ بْنُ الْمَدِينِيُّ .]

تخریج : [صحيح] وأخرجه أبو داود، الحدود، باب القطع، في الخلسة والخيانة، ح: ٤٣٩١ والنسائي، ح: ٤٩٧٥، ٤٩٧٦ وابن ماجه، ح: ٢٥٩١ من حديث ابن حريج به وصرح بالسماع عند الدارمي: ١٧٥/٢ وغيره وصححه ابن حبان، ح: ١٥٠٢-١٥٠٤ وتقديم طرفة في تخریج حديث: ١١٢٣ .

Comments:

According to Qādī Iyād, cutting of hand is only the punishment for stealing; robbery, plunder or embezzlement is more than stealing. These offences are terrorist activities and cause of creating violence and disturbances in the society, so the state, on such actions, can award severe punishment in the light of Verse 34 of *Sūrat Al-Mā’idah*. The punishment may be execution or crucifixion.

Chapter 19. What Has Been Related About Not Cutting The Hand For (Date) Fruits Or Palm Marrow

1449. Rāfi‘ bin Khadīj narrated that he heard the Messenger of Allāh ﷺ say: “There is no cutting of the hand for fruits or palm marrow.” (*Sahih*)

[Abū ‘Eisā said:] This is what some of them reported from Yaḥyā bin Sa‘eed, from Muḥammad bin Yaḥyā bin Ḥabbān, from his paternal uncle Wāsi‘ bin Ḥabbān, from Rāfi‘ [bin Khadīj], from the Prophet ﷺ, and it is similar to the narration of Al-Laith bin Sa‘d.

Mālik bin Anas and others reported this *Hadīth* from Yaḥyā bin Sa‘eed, from Muḥammad bin Yaḥyā bin Ḥabbān, from Rāfi‘ bin Khadīj, from the Prophet ﷺ, and they did not mention: “from Wāsi‘ bin Ḥabbān” in it.

(المعجم ١٩) - بَابُ مَا جَاءَ: لَا قَطْعَ فِي ثَمَرٍ وَلَا كَثِيرٍ (التحفة ١٩)

١٤٤٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْلَّيْثُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنْ عَمِّهِ وَاسِعِ بْنِ حَبَّانَ، أَنَّ رَافِعَ ابْنَ حَدِيجَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا قَطْعَ فِي ثَمَرٍ وَلَا كَثِيرٍ».

[قال أبو عيسى:] هَذَا رَوَى بَعْضُهُمْ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنْ عَمِّهِ وَاسِعِ بْنِ حَبَّانَ، عَنْ رَافِعِ ابْنِ حَدِيجَ] عَنِ النَّبِيِّ ﷺ نَحْوَ رِوَايَةِ الْلَّيْثِ ابْنِ سَعِيدٍ.

وَرَوَى مَالِكُ بْنُ أَنَسٍ وَغَيْرُ وَاحِدٍ هَذَا الْحَدِيثُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنْ رَافِعِ بْنِ حَدِيجَ عَنِ النَّبِيِّ ﷺ وَلَمْ يَذْكُرُوا فِيهِ عَنْ وَاسِعِ بْنِ حَبَّانَ.

تخریج: [إسناده صحيح] وأخرجه النسائي: ٨٧/٨، ٨٨، ح: ٤٩٧٠ (قطع السارق)، باب ما لا قطع فيه عن قتبة به وصححه ابن الجارود، ح: ٨٢٦ وابن حبان، ح: ١٥٠٥ وحديث مالك في الموطأ: ٢/٨٣٩ (يحيى).

Comments:

Here the fruit means those fruits which are still on trees. According to Imām Abū Hanīfah’s view, cutting the hand is not applicable for stealing edibles, but in the view of other *A’imma* if these edibles are not secured and saved in a house, or by an enclosure, then there is no punishment of cutting the hand. This punishment is applicable for stealing a thing from a protected place. (*Al-Mughnī* v. 12. p. 424. and *Āridhatul Ahwadhi* v. 6. p. 229 & 437.)

Chapter 20. What Has Been Related About The Hands Not Being Cut In Battles

1450. Busr bin Arṭāḥ narrated that the Prophet ﷺ said: “The hands are not cut in battles.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharib*. Others besides Ibn Lahi’ah reported similar to this with this chain, and he also said: “Busr bin Abī Arṭāt.”

This is acted upon according to some of the people of knowledge, among them Al-Awzā’ī. They did not see that the legal punishments should be carried out in battles in the presence of the enemy, fearing that the one the punishment was implemented upon may join the enemy. So when the *Imām* has left the land of war, and returned to the land of Islam, he applies the punishment on those deserving. This was said by Al-Awzā’ī.

(المعجم ٢٠) - بَابُ مَا جَاءَ أَنْ لَا يُقْطِعَ الْأَيْدِي فِي الْغَزْوِ (التحفة ٢٠)

١٤٥٠ - حَدَّثَنَا قَتْبِيهُ: حَدَّثَنَا ابْنُ لَهِيَعَةَ عَنْ عَيَّاشِ بْنِ عَبَّاسِ الْبَصْرِيِّ، عَنْ شُعْبِمْ بْنِ بَيْتَانَ، عَنْ جَنَادَةَ بْنِ أَبِي أُمِيَّةَ، عَنْ سُبْرَ بْنِ أَرْطَاهَ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «لَا يُقْطِعُ الْأَيْدِي فِي الْغَزْوِ».

[قالَ أَبُو عِيسَى: [هَذَا حَدِيثُ غَرِيبٌ، وَقَدْ رَوَاهُ غَيْرُ ابْنِ لَهِيَعَةَ بِهِذَا الإِسْنَادِ تَحْوِي هَذَا، وَقَالَ سُبْرَ بْنُ أَبِي أَرْطَاهَ أَيْضًا. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْهُمْ الْأَوْزَاعِيُّ لَا يَرَوْنَ أَنْ يُقْتَامَ الْحَدُّ فِي الْغَزْوِ بِحَضْرَةِ الْعَدُوِّ مَخَافَةً أَنْ يَلْحُقَ، مَنْ يُقْتَامُ عَلَيْهِ الْحَدُّ، بِالْعَدُوِّ، فَإِذَا خَرَجَ الْإِمَامُ مِنْ أَرْضِ الْحَرْبِ وَرَاجَ إِلَى دَارِ إِلْسَلَامٍ أَقَامَ الْحَدُّ عَلَى مَنْ أَصَابَهُ. كَذَلِكَ قَالَ الْأَوْزَاعِيُّ.]

تَحْرِيق: [صَحِيحٌ] وَأَخْرَجَهُ أَبُو دَاوُدُ، بَابُ السَّارِقِ يُسْرِقُ فِي الْغَزْوِ أَيْقُطْعُ؟، ح: ٤٤٠٨ وَالنَّسَائِيُّ، ح: ٤٩٨٢ مِنْ حَدِيثِ عَبَّاسِ بْنِ عَيَّاشَ بْنِ سَبْرَ بْنِ أَرْطَاهَ قَالَ: هَذَا إِسْنَادٌ شَامِيٌّ .

Comments:

This narration ‘Ubādah bin Aṣ-Sāmit describes that *Hudūd* punishments are to be carried out and implemented at all places, in travel and in dwellings. This narration reports that the *Hadd* punishment of cutting the hand is not implemented for stealing spoils because a pilferer thinks himself a shareholder of the spoils. In the case of cutting off his hand, there is the possibility that he may join the enemy’s lines and commit the crime of apostasy.

Chapter 21. What Has Been Related About A Man Having Relations With The Slave Girl Of His Wife

1451. Habib bin Sâlim said: “A man was brought to An-Nu’mân bin Bashîr who had relations with the slave girl of his wife. He said: ‘I give you a judgement about her case according to the judgement of the Messenger of Allâh ﷺ: If she made her lawful for him, then I will lash him one hundred times, and if she did not make her lawful, then I will stone him.’” (*Hasan*)

تخریج: [حسن] وأخرجه ابن ماجه، الحدود، باب من وقع على جارية امرأته، ح: ٢٥٥١ والنسائي، ح: ٣٣٦٤ من حدیث قتادة به والسنده معلوم وله شاهد عند ابن ماجه، ح: ٢٥٥٢ وغيره وسنده حسن.

1452. (Another chain) from An-Nu’mân bin Bashîr with similar. [And it has been reported that Qatâdah said: “Habib bin Sâlim wrote to me about him.” And, Abû Bash-shâr (one of the narrators) did not hear this from Habib bin Sâlim as well, he only reported it from Khâlid bin ‘Urfuṭah.] (*Hasan*)

[He said:] There is something similar on this topic from Salamah bin Al-Muhabbaq.

[Abû ‘Eisâ said:] The chain for the *Hadîth* of An-Nu’mân contains some confusion (*Id̄tirâb*). He said: I heard Muhammad bin Ismâ’îl saying: “Qatâdah also did not hear this *Hadîth* from Habib bin Sâlim, he only reported it from Khâlid bin ‘Urfuṭah.”

[Abû ‘Eisâ said:] The people of

(المعجم ٢١) - بَابُ مَا جَاءَ فِي الرَّجُلِ
يَقْعُ عَلَى جَارِيَةٍ امْرَأَتِهِ (التحفة ٢١)

١٤٥١ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرٍ: حَدَّثَنَا
هُشَيْمٌ عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ وَأَيُوبَ بْنِ
مَسْكِينٍ، عَنْ قَتَادَةَ، عَنْ حَبِيبِ بْنِ سَالِمٍ
قَالَ: رُفِعَ إِلَى النَّعْمَانَ بْنِ بَشِيرٍ رَجُلٌ وَقَعَ
عَلَى جَارِيَةٍ امْرَأَتِهِ فَقَالَ: لَا فِسْقَيْنَ فِيهَا بِقَضَاءِ
رَسُولِ اللَّهِ ﷺ، لَئِنْ كَانَتْ أَحْلَلَتْهَا لَهُ لَأَجْلِدَهُ
مَا تَهُ، وَإِنْ لَمْ تَكُنْ أَحْلَلَتْهَا لَهُ رَجْمُهُ.

١٤٥٢ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرٍ: حَدَّثَنَا
هُشَيْمٌ عَنْ أَبِي بِشْرٍ، عَنْ حَبِيبِ بْنِ سَالِمٍ،
عَنِ النَّعْمَانِ بْنِ بَشِيرٍ نَحْوَهُ [وَرِوَى عَنْ قَتَادَةَ
أَنَّهُ قَالَ: كَتَبَ يَهُ إِلَيَّ حَبِيبُ بْنُ سَالِمٍ. وَأَنَّهُ
بَشَارٌ لَمْ يَسْمَعْ مِنْ حَبِيبِ بْنِ سَالِمٍ هَذَا
أَيْضًا، إِنَّمَا رَوَاهُ عَنْ خَالِدِ بْنِ عَرْفَطَةَ].
[قَالَ: وَفِي الْبَابِ عَنْ سَلَمَةَ بْنِ الْمُحَبَّقِ
نَحْوَهُ.]

[قَالَ أَبُو عِيسَى: حَدِيثُ النَّعْمَانِ فِي
إِسْنَادِهِ اضْطِرَابٌ، قَالَ: سَمِعْتُ مُحَمَّدًا
يَقُولُ: لَمْ يَسْمَعْ قَتَادَةَ مِنْ حَبِيبِ بْنِ سَالِمٍ
هَذَا الْحَدِيثُ أَيْضًا، إِنَّمَا رَوَاهُ عَنْ خَالِدِ بْنِ
عَرْفَطَةَ.]

[قَالَ أَبُو عِيسَى: وَقَدْ اخْتَفَ أَهْلُ الْعِلْمِ

knowledge differ over the case of a man who has relations with his wife's slave girl. It has been reported from more than one of the Companions of the Prophet ﷺ – among them 'Alī and Ibn 'Umar – that he is to be stoned. Ibn Mas'ūd said: "The legal punishment is not required for him, but he may be punished." Ahmad and Ishāq followed what was reported from An-Nu'mān bin Bashīr from the Prophet ﷺ.

في الرجل يقع على جارته امرأته، فروي عن غير واحد من أصحاب النبي ﷺ منهم: عليٌّ، وابن عمرٍ: أنَّ عليه الرجم. وقال ابن مسعود: ليس عليه حدٌ ولكن يعزر. وذهب أحمد وإسحاق إلى ما روى التعمان بن بشير عن النبي ﷺ.

تخریج: [حسن] انظر الحديث السابق * وفي الباب عن سلمة بن المحبق [أبو داود، ح: ٤٤٦١، ٤٤٦٠ وأحمد: ٤٧٦/٣].

Comments:

When a woman gave her slave woman to her husband, and he, due to his ignorance, thought her lawful for himself, while according to the *Shari'ah* she is not lawful for him, the *Hadd* punishment will not be implemented on him, but as a warning and teaching lesson to others he will be whipped.

Chapter 22. What Has Been Related About A Woman Who Is Forced To Commit Adultery

1453. 'Abdul-Jabbār bin Wā'il bin Hujr narrated that his father said: "A woman was forced to commit illegal sexual relations during the time of the Messenger of Allāh ﷺ. The Messenger of Allāh ﷺ did not enforce the legal punishment upon her, but he enforced it upon the one who had done it to her." And the narrator did not mention him assigning a dowry for her. (*Da'i*)

[Abū 'Eisā said:] This *Hadīth* is *Gharīb*, and its chain is not connected. This *Hadīth* has been reported through more than one route. [He said:] I heard

(المعجم ٢٢) - بابٌ مَا جاءَ في المرأةِ
إذا استُكْرِهَتْ عَلَى الزِّنا (التحفة ٢٢)

١٤٥٣ - حَدَثَنَا عَلَيُّ بْنُ حُبْرٍ: حَدَثَنَا
مُعَمَّرُ بْنُ سُلَيْمَانَ الرَّفِيعِ عَنِ الْحَجَاجِ بْنِ
أَزْطَاءَ، عَنْ عَبْدِ الْجَبَارِ بْنِ وَائِلٍ بْنِ حُبْرٍ،
عَنْ أَبِيهِ قَالَ: إِذَا سُكِّرَتْ اِمْرَأَةٌ عَلَى عَهْدِ
رَسُولِ اللَّهِ ﷺ، فَدَرَأَ عَنْهَا رَسُولُ اللَّهِ ﷺ
الْحَدَّ، وَأَفَامَهُ عَلَى الَّذِي أَصَابَهَا، وَلَمْ يَذْكُرْ
أَنَّهُ جَعَلَ لَهَا مَهْرًا.

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ غَرِيبٌ،
وَيَسِّرْ إِسْنَادُهُ بِمُضَيْلٍ، وَقَدْ رُوِيَ هَذَا
الْحَدِيثُ مِنْ غَيْرِ هَذَا الْوُجْهِ [قالَ:] سَمِعْتُ
مُحَمَّدًا يَقُولُ: عَبْدُ الْجَبَارِ بْنُ وَائِلٍ بْنِ حُبْرٍ

Muhammad saying: "Abdul-Jabbār bin Wā'il bin Hujr did not hear from his father, nor did he see him." They say that he was born a month after his father died.

This *Hadīth* is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others, in that the legal punishment is not implemented upon the woman who is coerced into committing adultery.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الحدود، باب المستكره، ح: ٢٥٩٨ من حديث الرقي به * حاجج بن أرطاة ضعيف مدلس وعبدالجبار بن وايل عن أبيه منقطع.

1454. 'Alqamah bin Wā'il Al-Kindī narrated from his father: "A woman went out during the time of the Prophet ﷺ to go to *Salāt*, but she was caught by a man and he had relations with her, so she screamed and he left. Then a man came across her and she said: 'That man has done this and that to me,' then she came across a group of the Emigrants (*Muhājirīn*) and she said: 'That man did this and that to me.' They went to get the man she thought had relations with her, and they brought him to her. She said: 'Yes that's him.' So they brought him to the Messenger of Allāh ﷺ, and when he ordered that he be stoned, the man who had relations with her, said: 'O Messenger of Allāh, I am the one who had relations with her.' So he said to her: 'Go, for Allāh has forgiven you.' Then he said some nice words to the man (who was first brought). And he said to the man who had

لَمْ يَسْمَعْ مِنْ أَبِيهِ وَلَا أَدْرَكَهُ، يُقَالُ: إِنَّهُ وُلَدَ بَعْدَ مَوْتِ أَبِيهِ بِأَشْهُرٍ. وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ بِعَلَيْهِ وَغَيْرِهِمْ: أَنْ لَيْسَ عَلَى الْمُسْتَكْرِهِ حَدٌّ.

١٤٥٤ - حدثنا محمد بن يحيى
[التيسابوري]: حدثنا محمد بن يوسف عن إسرائيل: حدثنا سماعيل بن حرب عن علامة ابن وايل الكندي، عن أبيه: أن امرأة خرجت على عهد النبي بِعَلَيْهِ تُرِيدُ الصَّلَاةَ فتلقاها رجل فتجعلها فقضى حاجتها منها، فصاحت، فانطلق، ومر علىها رجل فقالت: إن ذاك الرجل فعل بي كذا وكذا، ومررت بعصاية من المهاجرين فقالت: إن ذاك الرجل فعل بي كذا وكذا، فانطلقوا فأخذوا الرجل الذي ظنت أنه وقع عليهما، وأتوها، فقالت: نعم هو هذا. فأتوا به رسول الله بِعَلَيْهِ، فلما أمر به ليرجم قام صاحبها الذي وقع عليها فقال: يا رسول الله، أنا صاحبها، فقال لها: «إذهب فخذ عصرا لك»، وقال للرجل قوله حستنا، وقال للرجل الذي وقع عليها: «ازجموه»، وقال: «لقد

relations with her: ‘Stone him.’ Then he said: ‘He has repented a repentance that, if the inhabitants of Al-Madinah had repented with, it would have been accepted from them.’” (*Hasan*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Gharīb Sahīh*. ‘Alqamah bin Wā'il bin Hujr heard from his father; he was older than ‘Abdul-Jabbār, and ‘Abdul-Jabbār did not hear from his father.

تخریج: [إسناده حسن] وأخرجه أبو داود، الحدود، باب: فی صاحب الحد يجيء فيقر، ح ٤٣٧٩ عن محمد بن يحيى الذهلي به وصححه ابن الجارود، ح ٨٢٣: (والرجل لم يرجم بعد).

Comments:

If a rape is proven against the will of a woman, according to *Imām Mālik* and *Shāfi‘ī* she deserves the dowry and the court has to help her in getting her right. In the view of *Imām Abū Hanifah* and *Sufyān* she does not deserve the dowry.

Chapter 23. What Has Been Related About One Who Commits Bestiality

1455. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “Whomever you see having relations with an animal then kill him and kill the animal.” So it was said to Ibn ‘Abbās: “What is the case of the animal?” He said: “I did not hear anything from the Messenger of Allāh ﷺ about this, but I see that the Messenger of Allāh ﷺ disliked eating its meat or using it, due to the fact that such a (heinous) thing had been done with that animal.” (*Hasan*)

[*Abū ‘Eisā* said:] We do not know of this *Hadīth* except from the narration of ‘Amr bin Abī ‘Amr

تَابَ تَوْيَةً لَوْ تَابَهَا أَهْلُ الْمَدِينَةَ لَقَبَلَ مِنْهُمْ .
[قالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ
غَرِيبٌ صَحِيفٌ، وَعَلَقَمَةُ بْنُ وَائِلٍ بْنُ حُجْبَرٍ
سَمِعَ مِنْ أَيْيَهُ، وَهُوَ أَكْبَرُ مِنْ عَبْدِ الْجَبَّارِ،
وَعَبْدُ الْجَبَّارِ لَمْ يَسْمَعْ مِنْ أَيْيَهُ.]

(المعجم ٢٣) - بَابُ مَا جَاءَ فِيمَنْ يَقْعُدُ
عَلَى الْبَهِيمَةِ (التحفة ٢٣)

١٤٥٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرِو
السَّوَاقُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ
عَمْرُو بْنِ أَبِي عَمْرُو، عَنْ عِكْرَمَةَ، عَنْ أَبْنِ
عَبَّاسٍ. قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: مَنْ
وَجَدْتُمُوهُ وَقَعَ عَلَى بَهِيمَةٍ فَاقْتُلُوهُ وَاقْتُلُوا
الْبَهِيمَةَ». فَقَيْلَ لِابْنِ عَبَّاسٍ: مَا شَانُ
الْبَهِيمَةُ؟ قَالَ: مَا سَمِعْتُ مِنْ رَسُولِ اللَّهِ ﷺ
فِي ذَلِكَ شَيْئًا، وَلَكِنْ أَرَى رَسُولَ اللَّهِ ﷺ
كَرِهًةً أَنْ يُؤْكَلَ مِنْ لَحْمِهَا أَوْ يُتَنَقَّعَ بِهَا، وَقَدْ
عُمِلَ بِهَا ذَلِكُ الْعَمَلُ.

[قالَ أَبُو عِيسَى: هَذَا حَدِيثٌ لَا نَعْرِفُه]

from 'Ikrimah, from Ibn 'Abbās, from the Prophet ﷺ. Sufyān Ath-Thawrī reported from 'Āsim, from Abū Razīn, from Ibn 'Abbās who said: "Whoever has relations with a beast, then there is no legal punishment for him." That was narrated to us by Muḥammad bin Bash-shār (who said): "Abdur-Rahmān bin Mahdī narrated to us, Sufyān Ath-Thawrī narrated to us." This is more correct than the first *Hadīth*. This is acted upon according to the people of knowledge, it is the view of Aḥmad and Iṣhāq.

تغريّب: [إسناده حسن] وأخرجه أبو داود، الحدود، باب: فيمن أتى بهيمة، ح: ٤٤٦٤ من حديث عبد العزيز بن محمد به وانظر نيل المقصود، ق ص: ٩٦٣ * أثر ابن عباس: أبو داود، ح: ٤٤٦٥ والنسائي في الكبرى، ح: ٧٣٤١ عن عاصم به، وقال النسائي: "هذا غير صحيح" وهذا الأثر في حق من لم يحسن، وأما من أحسن فحده القتل كما في الحديث المرفوع.

Comments:

Sexual intercourse with animals is one of the most disgusting acts. Though this is not considered fornication, yet the performer deserves a severe punishment. This punishment should be exemplary and a clear warning to others.

Chapter 24. What Has Been Related About The Punishment Of The Sodomite

1456. Ibn 'Abbās narrated that the Messenger of Allāh ﷺ said: "Whomever you find doing the actions of the people of Lūt then kill the one doing it, and the one it is done to." (*Hasan*)

[He said:] There are narrations on this topic from Jābir and Abū Hurairah.

[Abū 'Eisā said:] It is only through

إِلَّا مِنْ حَدِيثِ عَمْرُو بْنِ أَبِي عَمْرُو عَنْ عِكْرِمَةَ، عَنْ أَبْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ. وَقَدْ رَوَى سُفِينُ الثَّوْرِيُّ عَنْ عَاصِمٍ، عَنْ أَبِي رَزِينَ، عَنْ أَبْنِ عَبَّاسٍ أَنَّهُ قَالَ: مَنْ أَتَى بِهِيمَةً فَلَا حَدَّ عَلَيْهِ. حَدَّثَنَا بِذِلِّكَ مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفِينُ الثَّوْرِيُّ، وَهُدَا أَصْحَحُ مِنَ الْحَدِيثِ الْأَوَّلِ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ، وَهُوَ قَوْلُ أَحْمَدَ، إِسْحَاقَ.

تغريّب: [إسناده حسن] وأخرجه أبو داود، الحدود، باب: فيمن أتى بهيمة، ح: ٤٤٦٤ من حديث عبد العزيز بن محمد به وانظر نيل المقصود، ق ص: ٩٦٣ * أثر ابن عباس: أبو داود، ح: ٤٤٦٥ والنسائي في الكبرى، ح: ٧٣٤١ عن عاصم به، وقال النسائي: "هذا غير صحيح" وهذا الأثر في حق من لم يحسن، وأما من أحسن فحده القتل كما في الحديث المرفوع.

(المعجم ٢٤) - بَابُ مَا جَاءَ فِي حَدِ اللُّوطِيِّ (التحفة ٢٤)

١٤٥٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرُو السَّوَاقُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ عَمْرُو بْنِ أَبِي عَمْرُو، عَنْ عِكْرِمَةَ، عَنْ أَبِي عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ وَجَدْتُمُوهُ يَعْمَلُ عَمَلَ قَوْمٍ لُوطٍ فَاقْتُلُوا الْفَاعِلَ وَالْمَفْعُولَ بِهِ» [قَالَ:] وَفِي الْبَابِ عَنْ جَابِرٍ وَأَبِي هُرَيْرَةَ [قَالَ أَبُو عِيسَى:] وَإِنَّمَا تَعْرِفُ

this route that we know of this to be a *Hadīth* of Ibn ‘Abbās from the Prophet ﷺ. Muḥammad bin Ishāq reported this *Hadīth* from ‘Amr bin Abī ‘Amr, so he said: “Those who do the act of the people of Lūt are cursed.” And he did not mention killing in it. He did mention: “Those who have relations with a beast are cursed.” This *Hadīth* has been reported from ‘Āsim bin ‘Umar, from Suhail bin Abī Ṣalih, from his father, from Abū Hurairah, from the Prophet ﷺ saying: “Kill the doer and the one it is done to.”

[Abū ‘Eisā said:] There is some disparagement in its chain of narration, we do not know of anyone who reported it from Suhail bin Abī Ṣalih besides ‘Āsim bin ‘Umar Al-‘Umari, and ‘Āsim bin ‘Umar was graded weak in *Hadīth* due to his memory.

The people of knowledge differ over the legal punishment for the sodomite. Some of them held the view that he has to be stoned, whether married or not married. This is the view of Mālik, Ash-Shāfi‘ī, Aḥmad and Ishāq.

Some of the people of knowledge among the *Fuqahā’* from the *Tābi‘in* – among them Al-Ḥasan Al-Baṣrī, Ibrāhīm An-Nakha‘ī, ‘Aṭā’ bin Abī Rabāḥ, and others – said that the legal punishment for the sodomite is the legal punishment for illegal sexual relations. This is the view of Ath-Thawrī and the people of Al-Kūfah.

هذا الحديث عن ابن عباس عن النبي ﷺ
من هذا الوجه. وروى محمد بن إسحاق
هذا الحديث عن عمرو بن أبي عمرو فقال:
«ملعون من عمل قوم لوط» ولم يذكر
فيه القتل، وذكر فيه: «ملعون من أتى
بهيمة». وقد روى هذا الحديث عن عاصم
ابن عمر، عن سهيل بن أبي صالح، عن
أبيه، عن أبي هريرة عن النبي ﷺ قال:
«اقتلو الفاعل والمفعول به».

[قال أبو عيسى:] هذا حديث في إسناده
مقابل، ولا نعلم أحداً رواه عن سهيل بن
أبي صالح غير عاصم بن عمر العمري،
وعاصم بن عمر يُضيق في الحديث من قبل
حفظه. واختلف أهل العلم في حد اللوط،
فرأى بعضهم أن عين الرَّحْمَم أحسن أو لم
يُحصن. وهذا قول مالك، والشافعى،
وأحمد، وإسحاق.

وقال بعض أهل العلم من فقهاء
التبعين، منهم: الحسن البصري، وإبراهيم
التنخري، وعطاء بن أبي رباح وغيرهم،
قالوا: حد اللوط حد الزاني، وهو قول
النورى وأهل الكوفة.

تخریج: [إسناده حسن] وأخرجه أبو داود، الحدود، باب: فيمن عمل عمل قوم لوط، ح: ٤٤٦٢ وابن ماجه، ح: ٢٥٦١ من حديث عبدالعزيز الدراوردي به، وصححه ابن الجارود، ح: ٨٢٠ والحاکم: ٣٥٥ ووالذهبی وغیرهم * وفي الباب عن جابر [يأتي: ١٤٥٧] وأبی هريرة [ابن ماجه، ح: ٢٥٦٢].

Comments:

It is agreed upon that sodomy is unlawful, but there is difference of opinion among the scholars. The punishment of a sodomite, married or unmarried is stoning. 'Alī, Ibn 'Abbās, Jābir bin Zaid, Zuhrī, Rabi'ah, Mālik, and Ishaq all support this view. One point of view of Imām Ahmad and Ash-Shāfi'i is also the same. This is the correct point of view.

1457. Jābir narrated that the Messenger of Allāh ﷺ said: "What I fear most from my *Ummah* is the behavior of the people of Lüt." (*Da'if*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharīb*, we only know of it from this route, from 'Abdullāh bin Muḥammad bin 'Aqil bin Abī Tālib, from Jābir.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الحدود، باب من عمل عمل قوم لوط، ح: ٢٥٦٣ من حديث القاسم بن عبد الواحد به وصححه الحاکم: ٣٥٧ والذهبی.

Comments:

Sodomy and lesbianism are among the most disgusting forms of sexual satisfaction. Old civilizations were destroyed and stones were rained upon such people, as stated in *Sūrat Hūd* Verse 82. "We turned (the cities) upside down and rained down, on them stones of baked clay, spread layer on layer."

Chapter 25. What Has Been Related About The Apostate

1458. 'Ikrimah narrated that 'Alī burnt some people who apostasized from Islām. This news reached Ibn 'Abbās, so he said: "If it were me I would have killed them according to the statement of the Messenger

١٤٥٧ - حَدَّثَنَا أَحْمَدُ بْنُ سَنِيعٍ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا هَمَّامٌ عَنِ الْقَاسِمِ أَبْنِ عَبْدِ الْوَاحِدِ الْمَكِّيِّ، عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَقِيلٍ أَنَّهُ سَمِعَ جَابِرًا يَقُولُ: قَالَ رَسُولُ اللَّهِ تَعَالَى: إِنَّ أَخْوَافَ مَا أَخَافُ عَلَى أُمَّتِي عَمِلُ قَوْمٍ لُوطًا». [قال أبو عيسى: هذا حديث حسن غريب إنما تعرفه من هذا الوجه عن عبد الله بن محمد بن عقيل بن أبي طالب، عن جابر.]

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الحدود، باب من عمل عمل قوم لوط،

(المعجم ٢٥) - بَابُ مَا جَاءَ فِي الْمُرْتَدِ
(التحفة ٢٥)

١٤٥٨ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدَةَ الصَّبَّيِّ الْبَصْرِيِّ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّشْفِيُّ: حَدَّثَنَا أَبْيُوبُ عَنْ عِكْرِمَةَ: أَنَّ عَلَيْهَا حَرَقَ قَوْمًا ارْتَدُوا عَنِ الإِسْلَامِ، فَبَلَّغَ ذَلِكَ أَبْنَ عَبَّاسٍ فَقَالَ: لَوْ

of Allāh ﷺ. The Messenger of Allāh ﷺ said: ‘Whoever changes his religion then kill him.’ And I would not have burned them because the Messenger of Allāh ﷺ said: ‘Do not punish with the punishment of Allāh.’ So this reached ‘Alī, and he said: “Ibn ‘Abbās has told the truth.” (*Sahīh*) [Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge in cases of apostasy.

They disagree in the case of a woman who apostasizes from Islām. A group of the people of knowledge said she is to be killed. This is the view of Al-Awzā‘i, Ahmad, and Ishāq. Another group said that she is imprisoned not killed. This is the view of Sufyān Ath-Thawrī and others from the people of Al-Kūfah.

تخریج: وأخرجه البخاري، استتابة المرتدین، باب حکم المرتد والمتردة واستتابتهم، ح: ٦٩٢٢ من حديث أبیو السختياني به.

Comments:

The people, who were burnt alive, were the followers of a Jew named ‘Abdullāh bin Sabah. They were hypocrites and they were involved in a heinous crime of preaching ‘Alī’s divinity, so ‘Alī giving a lesson for others, gave them such a severe punishment.

Chapter 26. What Has Been Related About One Who Brandishes A Weapon

1459. Abū Mūsā narrated that the Prophet ﷺ said: “Whoever carries weapons against us, he is not from us.” (*Sahīh*)

He said: There are narrations on this topic from Ibn ‘Umar, Ibn Az-Zubair, Abū Hurairah, and

كُثُرَتْ أَنَا لَقَاتُهُمْ يَقُولُ رَسُولُ اللَّهِ ﷺ، قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ بَدَأَ دِينَهُ فَاقْتُلُوهُ»، وَلَمْ أَكُنْ لِأَحْرِقَهُمْ لِأَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تُعذِّبُوا بِعَذَابِ اللَّهِ» فَبَلَغَ ذَلِكَ عَلَيَّ فَقَالَ: صَدَقَ ابْنُ عَبَّاسٍ.

[قالَ أَبُو عَيسَى:] هَذَا حَدِيثُ حَسَنٌ صَحِيفٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ فِي الْمُرْتَدِ.

وَاخْتَلَفُوا فِي الْمَرْأَةِ إِذَا ارْتَدَتْ عَنِ الْإِسْلَامِ، فَقَالَتْ طَافِئَةً مِنْ أَهْلِ الْعِلْمِ: تُقْتَلُ، وَهُوَ قَوْلُ الْأَوْزَاعِيِّ، وَأَحْمَدَ، وَإِسْحَاقَ. وَقَالَتْ طَافِئَةً مِنْهُمْ: تُخْسَنُ وَلَا تُقْتَلُ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَعَبْرِيِّهِ مِنْ أَهْلِ الْكُوفَةِ.

(المعجم ٢٦) - بَابُ مَا جَاءَ فِيمَنْ شَهَرَ السَّلَاحَ (التحفة ٢٦)

١٤٥٩ - حَدَّثَنَا أَبُو كُرَيْبٍ وَأَبُو السَّائِبِ [سَالِمُ بْنُ جُنَادَةً]: حَدَّثَنَا أَبُو أَسَامَةَ عَنْ بُرْزِيدٍ أَبْنِ عَبْدِ اللَّهِ بْنِ أَبِي بُرْزَدَةَ، عَنْ جَدِّهِ أَبِي بُرْزَدَةَ، عَنْ أَبِي مُوسَى عَنْ الْبَيْهِيِّ عَلَيْهِ السَّلَامُ قَالَ: «مَنْ حَمَلَ عَلَيْنَا السَّلَاحَ فَلَيْسَ مَنًا».

Salamah bin Al-Akwa[‘].

[Abū ‘Eisā said:] The *Hadīth* of Abū Mūsā is a *Hasan Sahīh Hadīth*.

قالَ وَفِي الْبَابِ عَنْ أَبْنِ عُمَرَ، وَابْنِ الزَّبِيرِ، وَأَبْنِ هُرَيْرَةَ، وَسَلَمَةَ بْنِ الْأَكْوَعِ.

[قالَ أَبُو عِيسَى :] حَدِيثُ أَبِي مُوسَى حَدِيثُ حَسَنٍ صَحِيحٌ .

تخریج: متفق عليه، أخرجه البخاري، الفتن، باب قول النبي ﷺ: "من حمل علينا السلاح فليس منا" ح: ٧٠٧١ عن أبي كريب ومسلم، ح: ١٠٠ من حديث أبيأسامة به * وفي الباب عن ابن عمر [مسلم، ح: ٩٨] وابن الزبير [النسائي: ١١٧/٧، ح: ٤٠٢] والطحاوي في مشكل الآثار: ١١٧/٢] وأبي هريرة [مسلم، ح: ١٠١] وسلمة بن الأكوع [مسلم، ح: ٩٩].

Comments:

Picking up weapons of Muslims against Muslim brothers and trying to frighten each other, or putting pressure, or fighting against each other, is against the dignity and honor of Muslims. Such behaviour is not expected from Muslims.

Chapter 27. What Has Been Related About The Legal Punishment For The *Sāhir*^[١]

1460. Jundab narrated that he heard the Messenger of Allāh ﷺ saying: "The punishment of the *Sāhir* is a strike of the sword." (*Da’if*)

[Abū ‘Eisā said:] We do not know of this *Hadīth* to be *Marfū‘* except from this route. Ismā‘il bin Muslim Al-Makkī was graded weak in *Hadīth* due to his memory. As for Ismā‘il bin Muslim Al-‘Abdī Al-Baṣrī, Waki‘ said: "He is trustworthy." It has been reported from Al-Hasan as well. What is correct is from Jundab in *Mawqūf* form.

This *Hadīth* is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others, and

(المعجم ٢٧) - بَابُ مَا جَاءَ فِي حَدِيدِ السَّاجِرِ (التحفة ٢٧)

١٤٦٠ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْبِعٍ : حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ إِسْمَاعِيلَ بْنِ مُسْلِمٍ ، عَنْ الْحَسَنِ ، عَنْ جُنْدُبٍ قَالَ رَسُولُ اللَّهِ ﷺ : « حَدُّ السَّاجِرِ ضَرْبَةً بِالسَّيْفِ ».

[قالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ لَا تَعْرِفُهُ مَرْفُوِعاً إِلَّا مِنْ هَذَا الْوَجْهِ، وَإِسْمَاعِيلُ بْنُ مُسْلِمُ الْمَكْيُ يُضَعَّفُ فِي الْحَدِيثِ مِنْ قِبَلِ حِفْظِهِ، وَإِسْمَاعِيلُ بْنُ مُسْلِمُ الْعَبْدِيُّ الْبَصْرِيُّ، قَالَ وَكِيعٌ : هُوَ ثَقَةٌ، وَبُرُوَى عَنْ الْحَسَنِ أَيْضًا، وَالصَّحِيفُ عَنْ جُنْدَبِ مَوْقُوفٌ وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ التَّبَّيِّنَ وَغَيْرِهِمْ، وَهُوَ قَوْلُ مَالِكٍ بْنِ أَنَسٍ، وَقَالَ الشَّاعِرُ : إِنَّمَا

[١] It is a sorceror, a witch, or a magician.

it is the view of Mâlik bin Anas. Ash-Shâfi'i said that the *Sâhir* is only killed when the magic he practises reaches the level of disbelief, when his behavior is less than disbelief, then he did not see that he should be killed.

يُقتلُ السَّاحِرُ إِذَا كَانَ يَعْمَلُ مِنْ سِحْرِهِ مَا يَلْعُجُ الْكُفَّارَ، فَإِذَا عَمِلَ عَمَلاً دُونَ الْكُفْرِ فَلَمْ يَرَ عَلَيْهِ قَتْلًا.

تخریج: [إسناده ضعیف] وأخرجه البیهقی: ١٣٦/٨ من حديث أبي معاویة الضریر به وقال: "إسماعیل بن مسلم ضعیف" * موقف جنبد رضی الله عنه، أخرجه الدارقطنی: ١١٤/٣، ح: ٣١٨٠ وسنه صحيح وكذا ثبت عن عمر رضی الله عنه عند أبي داود، ح: ٣٠٤٣.

Comments:

No doubt magic and sorcery is one of the grievous sins and its practise is strictly prohibited and unlawful. Sometimes the practices of sorcery reach the boundary of infidelity and disbelief, and sometimes it remains within the limits of grievous sin, therefore, its teaching and learning are also unlawful. According to Ash-Shâfi'i a magician should not be killed until he enters the boundaries of disbelief, but Imâm Abû Hanîfah, Imâm Ahmad and many Companions of the Prophet ﷺ and the followers of the Companions, think that the sorcerer is a disbeliever and that he does not deserve to be asked to repent. He should rather be killed. (See for details *Al-Mughnî* v.12. P. 302-303.)

Chapter 28. What Has Been Related About The One Who Steals From The Spoils Of War, And What Is To Be Done To Him

1461. 'Umar narrated that the Messenger of Allâh ﷺ said: "Whomever you find stealing from the spoils of war while in the path of Allâh, then burn his belongings."

Sâlih (one of the narrators) said: "I entered upon Maslamah and with him was Sâlim bin 'Abdullâh. There was a man there who had stolen from the spoils of war, so Sâlim narrated this *Hadîth*. So he ordered accordingly, and his belongings were burnt. There was a *Mushaf* in his belongings, so Sâlim said: 'Sell this and give its proceeds

(المعجم ٢٨) - بَابُ مَا جَاءَ فِي الْعَالَمِ
مَا يُصْنَعُ بِهِ (التحفة ٢٨)

١٤٦١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَفْرِيٰ
السَّوَافِ: حَدَّثَنَا عَبْدُ الرَّزِيزِ بْنُ مُحَمَّدٍ عَنْ
صَالِحِ بْنِ مُحَمَّدٍ بْنِ زَائِدَةَ، عَنْ سَالِمِ بْنِ
عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ
عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ وَجَدَتْمُوْهُ
غَلَّ فِي سَبِيلِ اللَّهِ فَأَخْرِقُوا مَتَاعَهُ». قَالَ
صَالِحٌ: فَدَخَلُّتُ عَلَى مَسْلَمَةَ وَمَعَهُ سَالِمُ بْنُ
عَبْدِ اللَّهِ فَوَجَدَ رَجُلًا قَدْ غَلَّ، فَحَدَّثَ سَالِمُ
بِهِذَا الْحَدِيثِ، فَأَمَرَ بِهِ فَأَخْرِقَ مَتَاعَهُ، فَوُجِدَ
فِي مَتَاعِهِ مُصْنَفٌ، فَقَالَ سَالِمُ: بَعْ هَذَا

as charity.”” (*Daīf*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*, we do not know of it except from this route. This is acted upon according to some of the people of knowledge. It is the view of Al-Awzā‘ī, Aḥmad and Iṣhāq.

He said: I asked Muḥammad about this *Hadīth* and he said: “This was only reported by Ṣalīḥ bin Muḥammad bin Zā’idah, and he is Abū Wāqid Al-Laithī, and he is *Munkar* in *Hadīth*.^[1] Muḥammad said: “There is another *Hadīth* from the Prophet ﷺ about stealing from the spoils of war and he did not order burning one’s goods in it.” [Abū ‘Eisā said:] This *Hadīth* is *Gharīb*.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الجهاد، باب: في عقوبة الغال، ح: ٢٧١٣ من حديث عبدالعزيز الدراوردي به والحديث ضعفه البهقي: ٩/٣٠١ وغیره * صالح هذا منكر الحديث كما قال البخاري وغيره.

Comments:

Stealing from the spoils and embezzlement in it is a severe offence. The spoils of war are collective property of the Muslims, therefore, every one should be very careful about it, and no one is allowed to take anything from it until it is distributed. If someone takes anything from it before its distribution, he commits the crime of embezzlement.

Chapter 29. What Has Been Related About One Who Says To Another: “O You Effeminate!”

1462. Ibn ‘Abbās narrated that the Prophet ﷺ said: “If a man says to another man: ‘O you Jew’ then beat him twenty times. If he says: ‘O you effeminate’ then beat him twenty times. And whoever has

وَتَصَدَّقُ بِشَمْنَاهِ.

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثُ غَرِيبٌ لَا نَعْرِفُه إِلَّا مِنْ هَذَا الْوَجْهِ . وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ ، وَهُوَ قَوْلُ الْأَوْزَاعِيِّ ، وَأَحْمَدَ وَإِسْحَاقَ .

قَالَ : وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ فَقَالَ : إِنَّمَا رَوَى هَذَا صَالِحُ بْنُ مُحَمَّدٍ بْنَ زَائِدَةَ ، وَهُوَ أَبُو وَاقِدِ الْلَّاثِينِ ، وَهُوَ مُنْكَرُ الْحَدِيثِ . قَالَ مُحَمَّدٌ : وَقَدْ رُوِيَ فِي غَيْرِ حَدِيثٍ عَنِ النَّبِيِّ ﷺ فِي الْغَالِ فَلَمْ يَأْمُرْ فِيهِ بِحَرْقِ مَتَاعِهِ . وَقَالَ [أَبُو عِيسَى] : هَذَا حَدِيثٌ غَرِيبٌ .

(إسناده ضعيف)

الحديث عبد العزيز الدراوردي به والحديث ضعفه البهقي: ٩/٣٠١ وغیره *

صالح هذا منكر الحديث كما قال البخاري وغيره.

(المعجم ٢٩) - بَابُ مَا جَاءَ فِيمَنْ

يَقُولُ لِلآخرِ يَا مُخَنَّثُ (التحفة ٢٩)

١٤٦٢ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ : حَدَّثَنَا

ابْنُ أَبِي فُدَيْلَةَ عَنْ إِبْرَاهِيمَ بْنِ إِسْمَاعِيلَ بْنِ أَبِي حِيْثَةَ ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ ، عَنْ عَكْرَمَةَ ، عَنْ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ قَالَ :

[١] Meaning, they abandoned narrating from him.

relations with someone that is a *Mahram* then kill him." (*Da'iif*)

[Abū 'Eisā said:] We do not know of this *Hadīth* except from this route. Ibrāhīm bin Ismā'īl was graded weak in *Hadīth*.

It has been reported from the Prophet ﷺ through other routes; it has been reported from Al-Barā' bin 'Āzib and Qurrah bin Iyās Al-Muzanī, that a man married a previous wife of his father, so the Prophet ﷺ ordered that he be killed. This is acted upon according to our companions. They say that whoever has relations with someone that is a *Mahram* and he knows, then he is to be killed.

Aḥmad said whoever has relations with his mother then he is to be killed. Ishāq said that whoever has relations with someone who is a *Mahram* then he is to be killed.

تخریج: [إسناده ضعيف جدًا] وأخرجه ابن ماجه، الحدود، باب حد القذف، ح: ٢٥٦٨ من حديث ابن أبي فديك به * إبراهيم بن إسماعيل ضعيف جداً وفيه علة أخرى * حديث البراء ابن عازب [تقدماً: ١٣٦٢] قرۃ بن أبياس [بن ماجه، ح: ٢٦٠٨].

Comments:

In the light of this narration, if someone gives an offensive and objectionable nickname to a Muslim brother he can be punished under Islamic Law. Marrying a step mother or other close relatives (*Mahārim*) is prohibited. Adultery is an extremely disgusting act and a capital offence. He who marries his step mother or fornicates with other close relatives, the punishment of *Hadd* is not applied on him, he is killed. In awarding this punishment there is no difference between married or unmarried person, punishment is the same and instant. (*Tuhfat Al-Ahwadhi* v. 2. p. 339.)

Chapter 30. What Has Been Related About *At-Ta'zir* (Unregulated Punishments)

1463. Abū Burdah bin Niyār

«إِذَا قَالَ الرَّجُلُ لِلرَّجُلِ: يَا يَهُودِيُّ، فَاضْرِبُوهُ عِشْرِينَ، وَإِذَا قَالَ: يَا مُحَنَّثُ. فَاضْرِبُوهُ عِشْرِينَ، وَمَنْ وَقَعَ عَلَى ذَاتِ مَحْرَمٍ فَاقْتُلُوهُ». فَاقْتُلُوهُ».

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ لَا نَعْرِفُه إِلَّا مِنْ هَذَا الْوَجْهِ، وَإِنَّ إِبْرَاهِيمَ بْنَ إِسْمَاعِيلَ يُضَعَّفُ فِي الْحَدِيثِ.

وَقَدْ رُوِيَ عَنِ النَّبِيِّ ﷺ مِنْ غَيْرِ وَجْهٍ، رَوَاهُ الْبَرَاءُ بْنُ عَازِبٍ وَفُرَّةُ بْنُ إِبْرَاهِيمَ الْمَزْنِيُّ: أَنَّ رَجُلًا تَزَوَّجَ امْرَأَةً أَبِيهِ فَأَمَرَ النَّبِيُّ ﷺ بِقُتْلِهِ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَصْحَابِنَا، قَالُوا: مَنْ أَتَى ذَاتَ مَحْرَمٍ وَهُوَ يَعْلَمُ، فَعَلَيْهِ الْقُتْلُ.

وَقَالَ أَخْمَدُ: مَنْ تَزَوَّجَ أُمَّةً قُتِلَ. وَقَالَ إِسْحَاقُ: مَنْ وَقَعَ عَلَى ذَاتِ مَحْرَمٍ قُتِلَ.

المعجم (٣٠) - باب ما جاء في التعزير
(التحفة (٣٠)

١٤٦٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْلَّيْثُ بْنُ

narrated that the Messenger of Allāh ﷺ said: “No one is to be lashed more than ten lashes except for a legal punishment among Allāh’s punishments.” (*Sahīh*)

[He said:] Ibn Lahi‘ah reported this *Hadīth* from Bukair and he was mistaken in it. He said: “From ‘Abdur-Rahmān bin Jābir bin ‘Abdullāh, from his father, from the Prophet ﷺ.” This is a mistake. What is correct is the narration of Al-Laith bin Sa‘d. It should be: “Abdur-Rahmān bin Jābir bin ‘Abdullāh from Abū Burdah bin Niyār, from the Prophet ﷺ.”

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Gharīb*, we do not know of it except as a narration of Bukair bin Al-Ashājj. The people of knowledge differ over *At-Ta‘zīr*, and the best thing reported about *At-Ta‘zīr* is this *Hadīth*.

تَعْرِيف: متفق عليه، وأخرجه البخاري، الحدود، باب: كم التعزير والأدب؟، ح: ٦٨٤٨ من حديث الليث بن سعد ومسلم، ح: ١٧٠٨ من حديث بكير بن عبد الله بن الأشج به.

Comments:

This narration indicates that no offender should be given a physical punishment of more than ten lashes except if the offense he has committed is one for which a “*Hadd*” has been prescribed.

سَعْدٌ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشْجَعِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ جَابِرٍ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي بُرْدَةَ بْنِ نِيَارٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يُجْلَدُ فَوْقَ عَشِرِ جَلْدَاتٍ إِلَّا فِي حَدٍّ مِنْ حُدُودِ اللَّهِ». [قَالَ: وَقَدْ رَوَى هَذَا الْحَدِيثَ أَبْنُ لَهِيَةَ عَنْ بُكَيْرٍ فَأَخْطَطَ فِيهِ وَقَالَ: عَنْ عَبْدِ الرَّحْمَنِ بْنِ جَابِرٍ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ، وَهُوَ خَطَّاً. وَالصَّحِيحُ حَدِيثُ الْلَّيْثِ بْنِ سَعْدٍ إِنَّمَا هُوَ: عَبْدُ الرَّحْمَنِ بْنُ جَابِرٍ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي بُرْدَةَ بْنِ نِيَارٍ عَنِ النَّبِيِّ ﷺ.

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثُ [حَسْنٌ] غَرِيبٌ لَا نَعْرُفُهُ إِلَّا مِنْ حَدِيثِ بُكَيْرِ بْنِ الْأَشْجَعِ، وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي التَّعْزِيزِ وَأَحْسَنُ شَيْءٍ رُوِيَ فِي التَّعْزِيزِ هَذَا الْحَدِيثُ.

*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

16. The Chapters On Hunting From The Messenger of Allāh ﷺ

(المعجم ١٦) - أبواب الصيد

عن رسول الله ﷺ (التحفة ١٤)

Chapter 1. What Has Been Related About What Is Eaten From The Game Caught By Dogs And What Is Not Eaten

(المعجم ١) - باب ما جاءَ مَا يُؤْكَلُ مِنْ صَيْدِ الْكَلْبِ وَمَا لَا يُؤْكَلُ (التحفة ١)

1464. Abū Tha'labah Al-Khushānī said: "I said: 'O Messenger of Allāh! We are a people who hunt.' He said: 'If you send your dog and you mentioned the Name of Allāh upon it, and he catches something for you, then eat it.' I said: 'Even if he kills it?' He said: 'Even if he kills it.' I said: 'We are a people who shoot (at game).' He said: 'What you catch with your bow, then eat it.'" He said: "Then I said: 'Indeed we are a people who travel. We come across Jews, Christians, and Zoroastrians, and we do not find vessels other than theirs.' He said: 'If you do not find other than them, then wash them with water, then eat and drink from them.'" (*Sahīh*)

[He said:] There is something on this topic from 'Adī bin Ḥātim.

[Abū 'Eisā said:] This *Hadīth* is *Hasan* [*Sahīh*]. 'Ā'idhullāh [bin 'Abdullāh] is Abū Idrīs Al-Khawlānī. [Abū Tha'labah Al-

١٤٦٤ - حَدَّثَنَا أَخْمَدُ بْنُ مَيْعَ - حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ - حَدَّثَنَا الْحَجَاجُ عَنْ مَكْحُولٍ، عَنْ أَبِي ثَعْلَبَةَ - وَالْحَجَاجُ عَنْ الْوَلِيدِ بْنِ أَبِي مَالِكٍ، عَنْ عَائِدِ اللَّهِ بْنِ عَبْدِ اللَّهِ: أَنَّهُ سَمِعَ أَبَا ثَعْلَبَةَ الْخُشَنَيِّ - قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّا أَهْلُ صَيْدِكَ فَأَمْسَكْ عَنِّيْكَ فَكُلْ». قُلْتُ: وَإِنْ قَتَلَ؟ قَالَ: «مَا رَدَّتْ قَتَلْ». قُلْتُ: إِنَّا أَهْلُ رَمْيٍ قَالَ: «مَا رَدَّتْ عَنِّيْكَ قَوْسَكَ فَكُلْ». قَالَ: قُلْتُ: إِنَّا أَهْلُ سَفَرٍ نَمُرُ بِالْهُودِ وَالصَّارَى وَالْمَجُوسَ فَلَا نَجِدُ غَيْرَ آتِيهِمْ». قَالَ: «فَإِنْ لَمْ تَجِدُوا غَيْرَهَا فَاغْسِلُوهَا بِالْمَاءِ ثُمَّ كُلُّوْ فِيهَا وَاشْرِبُوا». [قال:] وَفِي الْبَابِ عَنْ عَدِيِّ بْنِ حَاتِمٍ.

[قال:] أَبُو عِيسَى: [هَذَا حَدِيثُ حَسْنٍ صَحِيحٍ]، وَعَائِدُ اللَّهِ [بْنُ عَبْدِ اللَّهِ] هُوَ أَبُو إِدْرِيسَ الْخَوَلَانِيَّ [وَاسْمُ أَبِي ثَعْلَبَةَ الْخُشَنَيِّ]

Khushani's name is Jurthūm – and they say it is Jurthum – bin Nāshib. And they say it is Ibn Qais.

جُرْثُومٌ - وَيُقَالُ: جُرْثُمٌ - بْنُ نَاشِبٍ وَيُقَالُ: ابْنُ قَيْسٍ [].
تخریج: [صحیح] وأخرجه مسلم، الصيد والذبائح، باب: إذا غاب عنه الصيد ثم وجده، ح: ۱۹۲۱ من طريق آخر عن مكحول به ورواه البخاري، ح: ۵۴۸۸ ومسلم، ح: ۱۹۲۰ من حدیث عائذ الله به * وفي الباب عن عدی بن حاتم [يأتي: ۱۴۶۵].

Comments:

A hunter who lets his trained hunting dog loose after a game, mentioned the Name of Allāh, and the dog brought the catch to his master, it can be eaten even when they kill the game. Most of the scholars hold that if the dog eats part of the catch then it is prohibited to eat it.

1465. ‘Adī bin Hātim narrated: “I said: ‘O Messenger of Allāh! We send our trained dogs to catch game for us.’ He said: ‘Eat what it catches for you.’ I said: ‘O Messenger of Allāh, and if they kill it?’ He said: ‘Even if they kill it, as long as they are not accompanied by some other dogs besides them.’” He said: “I said: ‘O Messenger of Allāh! We hunt with the *Mi'rād*.^[۱]” He said: ‘Eat of the game that the *Mi'rād* pierces, but whatever is struck by its broad side, then do not eat it.’” (*Sahīh*)

(Another chain) except that he said: “And he was asked about the *Mi'rād*.”

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: متفق عليه، وأخرجه البخاري، الذبائح والصيد، باب ما أصاب المعارض بعرضه، ح: ۵۴۷۷ عن قبيصة ومسلم، ح: ۱۹۲۹ من حدیث منصور به.

Comments:

As for the literal meaning of *Mi'rād*, there is a difference of opinion in the explanation of this word among the scholars. According to Imām Nawawī it

^[۱] A sharp edged piece of wood, or a piece of wood with a sharp piece of iron attached.

١٤٦٥ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا قَبِيْصَةُ: حَدَّثَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ هَمَّامَ بْنِ الْحَارِثِ، عَنْ عَدِيِّ ابْنِ حَاتِمٍ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّنِي تُرْسِلُ كِلَابًا لَنَا مَعْلَمَةً. قَالَ: «كُلُّ مَا أَمْسَكْتَ عَنِّيْكَ». قُلْتُ: يَا رَسُولَ اللَّهِ، وَإِنْ قَتَلْنَاهُ فَالَّذِي قَاتَلَنَا مَنْ؟ قَالَ: «وَإِنْ قَتَلْنَاهُ، مَا لَمْ يَسْرُكُهَا كُلُّ مِنْ غَيْرِهَا». قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّا نَرْمِي بِالْمِعْرَاضِ قَالَ: «مَا حَزَقَ فَكِلُّ، وَمَا أَصَابَ بِعَرْضِهِ فَلَا تَأْكُلُ».

حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفْيَانُ عَنْ مَنْصُورٍ نَحْوَهُ، إِلَّا أَنَّهُ قَالَ: وَسُئِلَ عَنِ الْمِعْرَاضِ.

قَالَ أَبُو عِيسَى: [وهذا حديث حسن صحيح .]

means a thick and heavy stick with an iron blade on one of its ends or an arrow without an iron head.

Chapter 2. What Has Been Related About The Game Caught By A Zoroastrian's Dog

1466. Jābir bin ‘Abdullāh narrated: “We have been forbidden from the game caught by a Zoroastrian’s dog.” (*Da’īf*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*, we do not know of it except from this route. This is acted upon according to most of the people of knowledge. They do not permit the game caught by the Zoroastrian’s dog. Al-Qāsim bin Abī Bazzah (one of the narrators) is Al-Qāsim bin Nāfi‘ Al-Makkī.

(المعجم ٢) - بَابُ مَا جَاءَ فِي صَيْدِ كَلْبِ الْمَجُوسِيِّ (التحفة ٢)

١٤٦٦ - حَدَّثَنَا يُوشُفُ بْنُ عِيسَى : حَدَّثَنَا وَكِيعٌ : حَدَّثَنَا شَرِيكٌ عَنِ الْحَجَاجِ ، عَنِ الْقَاسِمِ بْنِ أَبِي بَرَّةَ ، عَنْ سُلَيْمَانَ الْيَشْكُرِيِّ ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ قَالَ: نَهَيْنَا عَنْ صَيْدِ كَلْبِ الْمَجُوسِيِّ .

[قال أبو عيسى:] هذا حديث غريب لا تعرفه إلا من هذا الوجه. والعمل على هذا عند أكثر أهل العلم لا يُرخصون في صيد كلب الماجوس. والقاسم بن أبي برة هو القاسم بن نافع المكى.

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الصید، باب صید كلب الماجوس والكلب الأسود البهیم، ح: ٣٢٠٩ من حديث وكیع به وضعفه البوصیری لتدلیس حجاج بن أرطاة.

Comments:

It is unlawful and prohibited to eat the game hunted by the dogs of those non-Muslims whose slaughter is unlawful for Muslims, except that catch which is brought alive to the master, and a Muslim slaughters it by mentioning the Name of Allāh. However if a Muslim let loose the dog of a non-Muslim, by mentioning the Name of Allāh, the catch will be lawful to eat. If a non-Muslim let loose a dog of a Muslim if the game will be unlawful to eat, except the catch is brought alive and a Muslim slaughters it in the Name of Allāh. (*Tuhfat Al-Ahwadhi* v.2. p.341.)

Chapter 3. What Has Been Related About The Game Caught By Falcons

1467. ‘Adī bin Hātim narrated: “I asked the Messenger of Allāh ﷺ about the game caught by a falcon. So he said: ‘What it catches for you, then eat it.’” (*Da’īf*)

(المعجم ٣) - بَابُ [مَا جَاءَ] فِي صَيْدِ الْبُزَّةِ (التحفة ٣)

١٤٦٧ - حَدَّثَنَا نَصْرُ بْنُ عَلَيْهِ وَهَنَّادُ وَأَبُو عَمَّارٍ ، قَالُوا: حَدَّثَنَا عِيسَى بْنُ يُوسُفَ عَنْ مُجَالِدٍ ، عَنِ الشَّعْبِيِّ ، عَنْ عَدِيِّ بْنِ حَاتِمٍ

[Abū ‘Eisā said:] We do not know of this *Hadīth* except as a narration of Mujālid from Ash-Sha'bī. This is acted upon according to the people of knowledge. They do not see any harm in the game caught by a falcon or hawk. Mujāhid said about *Al-Buzāh* (falcons) that it is a bird that is used for hunting, it is one of the predators which Allāh Most High mentioned: *And what you have trained of predators.*^[1] This refers to the dogs and birds that are used for hunting. Some of the people of knowledge have permitted the game caught by falcons, even if they have eaten some of it. They said its training only refers to it responding (to calls to retrieve). Some of them disliked it. As for the *Fuqahā'*, most of them said it can be eaten, even if the falcon ate from it.

فَالْبَازِي؟ فَقَالَ: «مَا أَمْسَكَ عَلَيْكَ فَكُلْ». [قالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ مُجَاهِدٍ عَنِ الشَّعْبِيِّ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ: لَا يَرَوْنَ بِصَيْدِ الْبَزَّارِ وَالصُّقُورِ بَأْسًا. وَقَالَ مُجَاهِدٌ: الْبَازَةُ هُوَ الطَّيْرُ الَّذِي يُصَادُ بِهِ مِنَ الْجَوَارِحِ الَّتِي قَالَ اللَّهُ تَعَالَى: ﴿وَمَا عَلَّمْتُ يَوْمَ الْحِجَارِ﴾ [المائدة: ٤] - فَسَرَ الْكِلَابُ وَالطَّيْرُ الَّذِي يُصَادُ بِهِ - وَقَدْ رَخَصَ بَعْضُ أَهْلِ الْعِلْمِ فِي صَيْدِ الْبَازِي وَإِنْ أَكَلَ مِنْهُ، وَقَالُوا: إِنَّمَا تَعْلِيمُهُ إِجَابَتُهُ، وَكَرِهَهُ بَعْضُهُمْ وَالْفُقَهَاءُ، أَكْثَرُهُمْ قَالُوا: يَأْكُلُ وَإِنْ أَكَلَ مِنْهُ.

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الصید، باب: في الصید، ح: ٢٨٥١ من حديث مجالد به وهو ضعیف وللحديث شواهد موقوفة عند البیهقي: ٢٣٥ / ٩، ٢٣٨ وغیره.

Comments:

If a hunting dog eats a part of the catch, in the view of scholars it is prohibited and unlawful to eat, but the game hunted by the birds of prey is lawful to eat, even if the hunting bird eats a part of it.

Chapter 4. (What Has Been Related) About A Man Who Shoots Some Game Then He Loses Sight Of It

1468. ‘Adī bin Hātim narrated: “I said: ‘O Messenger of Allāh! I shoot some game and then find my arrow in it the next day.’ He said: ‘If you know that your arrow killed

(المعجم ٤) - بَابُ [مَا جَاءَ] فِي الرَّجُلِ يَرْمِي الصَّيْدَ فَيَغِيْبُ عَنْهُ (التحفة ٤)

١٤٦٨ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي بَشِّرٍ قَالَ: سَمِعْتُ سَعِيدَ بْنَ جُبَيرَ يُحَدِّثُ عَنْ عَدِيِّ بْنِ

^[1] Al-Mā'idah 5:4.

it, and you don't see any marks of predators, then eat it.”” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to some of the people of knowledge. *Shu‘bah* reported this *Hadīth* from Abū Bishr and ‘Abdul-Mālik bin Maisarah, from Sa‘eed bin Jubair, from ‘Adī bin Hātim [and from Abū Tha‘labah Al-Khushānī, and it is similar]. And both of the *Aḥādīth* are *Sahīh*.

حَاتِمٌ قَالَ: فُلْتُ: يَا رَسُولَ اللَّهِ أَرْمَيِ الصَّيْنَةَ فَأَجِدُ فِيهِ مِنَ الْعَدِ سَهْمِيْ. قَالَ: إِذَا عَلِمْتَ أَنَّ سَهْمَكَ قَتَلَهُ وَلَمْ تَرَ فِيهِ أَثْرَ سَعْيٍ فَكُلْ. [قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِيْحٍ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ. وَرَوَى شُعْبَةُ هَذَا الْحَدِيثَ عَنْ أَبِي بَشِّرٍ وَعَبْدِ الْمَلِكِ بْنِ مَيْسَرَةً، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ عَدِيِّ بْنِ حَاتِمٍ [وَعَنْ أَبِي ثَلَبَةَ الْخُشْنَى مِثْلَهُ]. وَكِلَّ الْحَدِيثَيْنِ صَحِيْحٍ. وَفِي الْبَابِ عَنْ أَبِي ثَلَبَةَ الْخُشْنَى.

تخریج: [صحیح] وأخرجه النسائي: ۱۹۳/۷، ح: ۴۳۰۵ من حديث أبي بشر جعفر بن أبياس به وهو في مستند أبي داود الطیالسي، ح: ۱۰۴۱ وللحديث شواهد كثيرة * حديث عبدالمulk بن ميسرة، رواه الطیالسي والنسائي، ح: ۴۳۰۷ * وفي الباب عن أبي ثلبة الخشنی [مسلم، ح: ۱۹۳۱].

Comments:

In case a hunter shoots an arrow and it hits the game, but the game disappears with the arrow, and the hunter is unable to find it, and if after one or two days he finds it dead and he finds his arrow in the body of the game, he recognizes his arrow and he is sure that the prey was killed by his arrow, and that no other wild animal has touched it, it is lawful to eat it. (*Sharh Sahīh Muslim & An-Nawawī* v.2. p. 142 and (*Tuhfat Al-Ahwadhi* v.2. p. 342.)

Chapter 5. What Has Been Related About One Who Shoots Some Game, Then He Finds It Dead In The Water

1469. ‘Adī bin Hātim narrated: “I asked the Messenger of Allāh ﷺ about hunting, so he said: ‘Mention Allāh’s Name when you shoot your arrow. Then, if you find it dead, eat from it, unless you found that it has fallen in (some body of) water. Then do not eat it, for you do not know if the water killed it, or your arrow.’”” (*Sahīh*)

(المعجم ۵) - بَابُ [مَا جَاءَ فِيمَنْ يَرْمِي الصَّيْنَةَ فَيَجِدُهُ مَيْتًا فِي الْمَاءِ (التحفة ۵)

١٤٦٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْيَعٍ: حَدَّثَنَا [عَبْدُ اللَّهِ] بْنُ الْمُبَارَكِ: أَخْبَرَنِي عَاصِمُ الْأَخْوَلُ عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنِ الصَّيْدِ؟ فَقَالَ: إِذَا رَمَيْتَ سَهْمَكَ فَإِذْكُرْ أَسْمَ اللَّهِ، فَإِنْ وَجَدْتَهُ قَدْ قُتِلَ فَكُلْ إِلَّا أَنْ تَجِدْهُ قَدْ وَقَعَ فِي مَاءٍ فَلَا تَأْكُلْ، فَإِنَّكَ لَا تَنْدِري: الْمَاءُ

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*.

فَتَلَهُ أَوْ سَهْمُكَ».

[قال أبو عيسى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ:

تَخْرِيجٌ: وَأَخْرَجَهُ مُسْلِمٌ، الصَّيْدُ وَالذِّبَاحُ، بَابُ الصَّيْدِ بِالْكَلَابِ الْمُعْلَمَةُ وَالرَّمِيُّ: ٧/١٩٢٩

مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ الْمَبَارِكِ بِهِ.

Chapter 6. What Has Been Related About The Dog Eating From The Game

1470. ‘Adī bin Ḥātim narrated: “I asked the Messenger of Allāh ﷺ about the game caught by a trained dog. He said: ‘If you mention the Name of Allāh when you send your trained dog, then eat from what it catches for you. But if it eats from it, then do not eat it, for he only caught it for himself.’ I said: “O Messenger of Allāh! What do you say about when our dogs get mixed with other dogs.”’ He said: ‘You only mentioned the Name of Allāh over your dog, you did not mention it over the others.’”

Sufyān said: “He disliked for him to eat it.” (*Saḥīḥ*)

[Abū ‘Eisā said:] This is acted upon according to some of [the people of knowledge among] the Companions of the Prophet ﷺ and others, regarding hunted and slaughtered animals, when they fall in a body of water: It is not to be eaten.

Regarding slaughtered animals, some of them said when the pharynx is cut and then it falls in a body of water and dies in it, then it is to be eaten. This is the view of

(المجمع ٦) - [بَابُ مَا جَاءَ فِي الْكَلْبِ
يَأْكُلُ مِنَ الصَّيْدِ] (التحفة ٦)

١٤٧٠ - حَدَثَنَا ابْنُ أَبِي عُمَرَ: حَدَثَنَا
سُفِيَّانُ عَنْ مُجَاهِدٍ، عَنْ الشَّعْبِيِّ، عَنْ عَدَى
ابْنِ حَاتِمَ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْ
صَيْدِ الْكَلْبِ الْمُعَلَّمِ؟ قَالَ: إِذَا أَرْسَلْتَ
كَلْبَكَ الْمُعَلَّمَ وَذَكَرْتَ اسْمَ اللَّهِ فَكُلْ مَا
أَمْسَكَ عَلَيْكَ، فَإِنْ أَكَلَ فَلَا تَأْكُلْ، فَإِنَّمَا
أَمْسَكَ عَلَى نَفْسِهِ»، قُلْتُ: يَا رَسُولَ اللَّهِ!
أَرَأَيْتَ إِنْ خَالَطْتَ كِلَابَنَا كِلَابًَ أُخْرَى؟
قَالَ: «إِنَّمَا ذَكَرْتَ اسْمَ اللَّهِ عَلَى كَلْبِكَ، وَلَمْ
تَذَكُّرْ عَلَى غَيْرِهِ».

[قال سفيان:] كَرَة لَهُ أَكْلُهُ.

[قال أبو عيسى:] وَالْعَلْمُ عَلَى هَذَا عِنْدَ
بَعْضِ [أَهْلِ الْعِلْمِ مِنْ] أَصْحَابِ النَّبِيِّ ﷺ
وَغَيْرِهِمْ فِي الصَّيْدِ وَالذِّبَاحَ إِذَا وَقَعَا فِي
الْمَاءِ: أَنْ لَا يَأْكُلْ.

وَقَالَ بَعْضُهُمْ فِي الذِّبَاحَ: إِذَا قَطَعَ
الْحُلُومَ فَوَقَعَ فِي الْمَاءِ فَمَا فِيهِ فَإِنَّهُ
يُؤْكَلُ، وَهُوَ قَوْلُ [عَبْدِ اللَّهِ] بْنِ الْمَبَارِكِ. وَقَدْ
اخْتَلَفَ أَهْلُ الْعِلْمِ فِي الْكَلْبِ إِذَا أَكَلَ مِنَ
الصَّيْدِ، فَقَالَ أَكْثَرُ أَهْلِ الْعِلْمِ: إِذَا أَكَلَ

[‘Abdullāh] Ibn Al-Mubārak.

The people of knowledge differed over the case of the dog when it eats from the game it caught. Most of the people of knowledge said when the dog eats from it then do not eat it. This is the view of Sufyān, ‘Abdullāh bin Al-Mubārak, Ash-Shāfi‘ī, Ahmad and Ishāq.

Some of the people of knowledge, among the Companions of the Prophet ﷺ and others, permitted eating it even if the dog ate from it.

تخریج: [صحيح] وأخرجه البخاري، الذبائح والصيد، باب: إذا أكل الكلب ... إلخ، ح: ٥٤٨٣ ومسلم، ح: ١٩٢٩ من حديث الشعبي به.

Chapter 7. What Has Been Related About Game Killed By The *Mir'ād*

1471. ‘Adī bin Hātim narrated: “I asked the Prophet ﷺ about game killed by the *Mir'ād*. So he said: ‘What you kill by its sharp edge then eat it, and what you kill by its broad side then, it was killed by something blunt.’” (*Sahih*)

Another chain with similar meaning.

[Abū ‘Eisā said:] This *Hadīth* is *Sahīh*, and this is acted upon according to the people of knowledge.

تخریج: متفق عليه، وأخرجه البخاري، الذبائح والصيد، باب التسمية على الصيد، ح: ٥٤٧٥ ومسلم، ح: ٤/١٩٢٩ من حديث زكريا به.

Comments:

If the hunter is sure that the prey died from the arrow shoot before falling in the water, it can be eaten, but if it is suspected that the prey died after falling in the water it should not be eaten. (*Minnat Al-Mun'im* v.3. p.303.)

الكلب منه فلا يأكلُ، وهو قول سفيان،
وَعَبْدِ اللَّهِ بْنِ الْمُبَارَكِ، وَالشَّافِعِيُّ، وَأَحْمَدَ
وَإِسْحَاقَ.

وَقَدْ رَأَخَصَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ
النَّبِيِّ ﷺ وَغَيْرِهِمْ فِي الْأَكْلِ مِنْهُ وَإِنْ أَكَلَ
الكلب منه.

(المعجم ٧) - بَابُ مَا جَاءَ فِي صَيْدِ
الْمِعَرَاضِ (التحفة ٧)

١٤٧١ - حَدَّثَنَا يُوسُفُ بْنُ عِيسَى: حَدَّثَنَا
وَكَيْعَ: حَدَّثَنَا زَكَرِيَاً عَنِ الشَّعْبِيِّ، عَنْ عَدَى
ابْنِ حَاتِمٍ قَالَ: سَأَلْتُ النَّبِيَّ ﷺ عَنْ صَيْدِ
الْمِعَرَاضِ؟ فَقَالَ: «مَا أَصَبْتَ بِهِدْهُ فَكُلْ،
وَمَا أَصَبْتَ بِعَرَضِهِ فَهُوَ وَقِيلُ». .

حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفِيَّانُ عَنْ
زَكَرِيَاً، عَنِ الشَّعْبِيِّ، عَنْ عَدَى بْنِ حَاتِمٍ عَنِ
النَّبِيِّ ﷺ نَحْوَهُ.

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ صَحِيحٌ،
وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ.

تخریج: متفق عليه، وأخرجه البخاري، الذبائح والصيد، باب التسمية على الصيد، ح: ٥٤٧٥ ومسلم، ح: ٤/١٩٢٩ من حديث زكريا به.

Chapter 8. What Has Been Related About Slaughtering With *Al-Marwah* (Granite)^[1]

1472. Jābir bin ‘Abdullāh narrated that a man from his people hunted a rabbit or two and slaughtered them with *Marwah*. Then he hung them up until he met the Messenger of Allāh ﷺ, so he asked him about that, and he ﷺ told him to eat them. (*Hasan*)

[He said:] There are narrations on this topic from Muḥammad bin Ṣafwān, Rāfi‘, and ‘Adī bin Ḥātim.

[Abū ‘Eisā said:] Some of the people of knowledge permitted slaughtering with *Marwah*, and they did not see any harm in eating rabbits. This is the view of most of the people of knowledge. Some of them disliked eating rabbits.

The companions of *Ash-Sha‘bī* conflicted in reporting this *Hadīth*. Dāwūd bin Abī Hind reported it from *Ash-Sha‘bī*, “from Muḥammad bin Ṣafwān.” While ‘Āsim Al-Ahwāl reported from *Ash-Sha‘bī*, “from Ṣafwān bin Muḥammad, or, Muḥammad bin Ṣafwān.” Muḥammad bin Ṣafwān is more correct.

Jābir Al-Ju‘fī reported it from *Ash-Sha‘bī*, “from Jābir bin ‘Abdullāh” and it is similar to the narration of Qatādah from *Ash-Sha‘bī* (no. 1472). This implies that *Ash-Sha‘bī* reported it from all of

(المعجم ٨) - بَابُ [مَا جَاءَ] فِي الْذَّبْحِ
بِالْمَرْوَةِ (التحفة ٨)

١٤٧٢ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى
[القطعي]: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ سَعِيدِ،
عَنْ قَتَادَةَ، عَنِ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ
اللهِ: أَنَّ رَجُلًا مِنْ قَوْمِهِ صَادَ أَرْبَبًا أَوْ أَثْتَنِينَ
فَذَبَحَهُمَا بِمَرْوَةٍ فَتَعَلَّقُهُمَا حَتَّى لَقِيَ رَسُولَ اللهِ
بِكَلِيلِهِ، فَسَأَلَهُ، فَأَمْرَهُ بِأَكْلِهِمَا.

[قال:] وفي النَّابِ عَنْ مُحَمَّدِ بْنِ
صَفْوَانَ، وَرَافِعِ، وَعَدَيِّ بْنِ حَاتِمٍ.

[قال أبو عيسى:] وَقَدْ رَخَصَ بِعَضُّ أَهْلِ
الْعِلْمِ أَنْ [يُذَكِّي] بِمَرْوَةٍ وَلَمْ يَرَوْا بِأَكْلِ
الْأَرْبَبِ بِأَسَا، وَهُوَ قَوْلُ أَكْثَرِ أَهْلِ الْعِلْمِ،
وَقَدْ كَرِهَ بَعْضُهُمْ أَكْلَ الْأَرْبَبِ. [قَدْ] اخْتَلَفَ
أَصْحَابُ الشَّعْبِيِّ فِي رِوَايَةِ هَذَا الْحَدِيثِ،
فَرَوَى دَاوُدُ بْنُ أَبِي هِنْدٍ عَنِ الشَّعْبِيِّ، عَنْ
مُحَمَّدِ بْنِ صَفْوَانَ. وَرَوَى عَاصِمُ الْأَخْوَلُ
عَنِ الشَّعْبِيِّ، عَنْ صَفْوَانَ بْنِ مُحَمَّدٍ أَوْ
مُحَمَّدِ بْنِ صَفْوَانَ. وَمُحَمَّدُ بْنُ صَفْوَانَ
أَصْحَحُ.

وَرَوَى جَابِرُ الْجُعْفِيُّ عَنِ الشَّعْبِيِّ، عَنْ
جَابِرِ بْنِ عَبْدِ اللهِ نَحْوَ حِدِيثِ قَتَادَةَ عَنِ
الشَّعْبِيِّ، وَيُحْتَمِلُ أَنْ يَكُونَ الشَّعْبِيُّ رَوَى
عَنْهُمَا جَمِيعًا، قَالَ مُحَمَّدٌ: حِدِيثُ الشَّعْبِيِّ

[1] In *Hādi As-Sārī* Ibn Hajar says that it is a sharp stone after which the mountain across from Ṣafā was named. In *Tuhfat Al-Ahwadhi* it is given the additional description of being “white.”

them. Muḥammad said: “The *Hadīth* of Ash-Sha‘bī from Jābir is not preserved.”

عَنْ جَابِرٍ غَيْرُ مَحْفُوظٍ.

تخریج: [حسن] وللحديث شاهد حسن عند أبي داود، ح: ٢٨٢٢ وابن ماجه، ح: ٣١٧٦ وغيرهما وصححة ابن حبان، ح: ١٠٦٩ والحاكم والذهبي: ١١٣/٤، ١١٤ وللحديث طرق أخرى * وفي الباب عن محمد بن صفوان [ابن ماجه، ح: ٣٢٤٤] ورافع بن خديج [يأتي: ١٤٩١] وعدى ابن حاتم [أبو داود، ح: ٢٨٤٤].

Comments:

Most scholars and all Four *A’immah* say that eating rabbit meat is lawful, and it is allowed to hunt it with a sharp stone. (*Sharh Muslim* by An-Nawawī v. 2. p.152 and (*Tuhfat Al-Ahwadhi* v. 2. p343.)

Chapter 9. What Has Been Related About It Being Disliked To Eat *Masbūrah*^[1]

1473. Abū Ad-Dardā’ narrated: “The Messenger of Allāh ﷺ prohibited eating the *Mujath-thamah*, and it is what is trapped and killed by arrows.” (*Hasan*)

[He said:] There are narrations on this topic from ‘Irbād bin Sāriyah, Anas, Ibn ‘Umar, Ibn ‘Abbās, Jābir, and Abū Hurairah.

[Abū ‘Eisā said:] the *Hadīth* of Abū Ad-Dardā’ is a *Gharīb Hadīth*.

(المعجم ٩) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ أَكْلِ الْمَصْبُورَةِ (التحفة ٩)

١٤٧٣ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ عَنْ أَبِي أَئْوَبَ الْأَفْرِيقِيِّ، عَنْ صَفْوَانَ بْنِ سُلَيْمَانَ، عَنْ سَعِيدِ بْنِ الْمُسَيْبِ، عَنْ أَبِي الدَّرْدَاءِ نَهَى رَسُولُ اللَّهِ ﷺ عَنْ أَكْلِ الْمُجَمَّمَةِ، وَهِيَ الَّتِي تُضَرِّ بالنَّبْلِ.

[قال:] وفي الْبَابِ عَنْ عَرْبَاضِ بْنِ سَارِيَّةَ، وَأَنَسِ، وَابْنِ عُمَرَ، وَابْنِ عَبَّاسِ، وَجَابِرٍ، وَأَبِي هُرَيْرَةَ.

[قالَ أَبُو عِيسَى:] حَدِيثُ أَبِي الدَّرْدَاءِ حَدِيثُ غَرِيبٍ.

تخریج: [حسن] وأخرجه أحمد: ١٩٥/٥ والحمidi ح: ٣٩٧ من حديث سعيد بن المسيب به وللحديث شواهد انظر الحديث الآتي: ١٨٢٥ * وفي الباب عن عرباض بن ساريه [يأتي: ١٤٧٤] وأنس [البخاري، ح: ٥٥١٣: ١٩٥٦] وابن عمر [البخاري، ح: ٥٥١٥: ١٩٥٦] وابن عباس [مسلم، ح: ١٩٥٨] وابن عباس [يأتي: ١٤٧٥] وجابر [مسلم، ح: ١٩٥٩] وأنس هريرة [يأتي: ١٧٩٥].

[1] Game that is tied or trapped, and then killed.

Comments:

'*Masbūrah*' and '*Mujath-thamah*' is that animal which is tied for the purpose of making it a target and it dies as a result of Shooting.

1474. Umm Ḥabībah bint Al-‘Irbād narrated from her father: "On the Day of *Khaibar*, the Messenger of Allāh ﷺ prohibited eating the meat of every predator that has canine teeth, the meat of every bird that has talons, the meat of the domestic donkey, the *Mujath-thamah*, the *Khalīsa*, and from having relations with a pregnant slave until she gives birth to what is in her womb." (*Da’if*)

Muhammad bin Yahya said: "Abū ‘Āsim was asked about the *Mujath-thamah* and he said: "To ensnare a bird or something and then shoot it." He was asked about *Khalīsa*, so he said: "(Prey) that a man finds with a wolf or a predator, then he takes it from him but it dies in his hand before it can be slaughtered."

تخریج: [إسناده ضعیف] وأخرجه أḥمد: ١٢٧ / ٤ عن أبي عاصم به * أم حبیبة بنت العرباض، لم أجده من وفتها وسيأتي الحديث: ١٥٦٤ وهو حديث حسن وللحديث شواهد كثيرة دون الخليسة، انظر، ح: ١١٣١ وغيرها.

Comments:

It is prohibited to use a tied animal or a living thing as a target for practice or play, because it causes extra pain to the animal and a lawful meat is wasted since it is not slaughtered. Having sexual relations with a pregnant slave woman is prohibited. '*Khalīsa*' is prohibited because it dies before it is slaughtered.

1475. Ibn ‘Abbās narrated: "The Messenger of Allah ﷺ prohibited taking a living thing as a shooting target." (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. [This is acted upon according to the people of knowledge].

١٤٧٤ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى وَغَيْرُهُ وَاحِدٌ قَالُوا: حَدَّثَنَا أَبُو عَاصِمٍ عَنْ وَهْبِ بْنِ أَبِي حَالِدٍ، قَالَ: حَدَّثَنِي أُمُّ حَبِيبَةَ بِنْتُ الْعَرَبَاضِ - [وَهُوَ ابْنُ سَارِيَةَ] - عَنْ أَبِيهَا أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى يَوْمَ خَيْرٍ عَنِ [الْحُومَ] كُلَّ ذِي نَابٍ مِنَ السَّبَاعِ، وَعَنْ كُلِّ ذِي مَخْلِبٍ مِنَ الطَّيْرِ، وَعَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ، وَعَنِ الْمُجَنَّمَةِ، وَعَنِ الْخَلِيسَةِ، وَأَنْ تُوْطَأَ الْجَبَائِيَّ حَتَّى يَضْعُنَّ مَا فِي بُطُونِهِنَّ . قَالَ مُحَمَّدُ بْنُ يَحْيَى - هُوَ الْقُطْعَيْ - : سُئِلَ أَبُو عَاصِمٍ عَنِ الْمُجَنَّمَةِ فَقَالَ: أَنْ يُنْصَبَ الطَّيْرُ أَوِ الشَّيْءُ فِيْرَمَى . وَسُئِلَ عَنِ الْخَلِيسَةِ فَقَالَ: الْذَّبُّ أَوِ السَّبَعُ يُدْرِكُهُ الرَّجُلُ فَيَأْخُذُهُ [مِنْهُ] مِنْهُ فَيَمُوتُ فِي يَدِهِ قَبْلَ أَنْ يُذَكِّيَهَا .

١٤٧٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى: حَدَّثَنَا عَبْدُ الرَّزَاقِ عَنِ التَّوْرِيِّ، عَنْ سِمَالِيِّ، عَنْ عَكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ يَتَخَذَ شَيْءًا فِي الرُّؤْخَ غَرَضًا [قَالَ أَبُو عِيسَى]: حَدِيثُ حَسَنٍ صَحِيحٍ

[وَالْعَمَلُ عَلَيْهِ عِنْدَ أَهْلِ الْعِلْمِ].

تخریج: [صحيح] وأخرجه ابن ماجه، الذبائح، باب النهي عن صبر البهائم وعن المثلة، ح: ٣١٨٧ من حديث سفيان الثوري به وله شاهد عند مسلم، ح: ١٩٥٧ وغيره وبه صح الحديث.

Chapter 10. What Has Been Related About Slaughtering The Fetus

1476. Abū Sa‘eed narrated that the Prophet ﷺ said: “Slaughtering the fetus is (achieved by) the slaughtering of its mother.” (*Sahīh*)

[He said:] There are narrations on this topic from Jābir, Abū Umāmah, Abū Ad-Dardā’, and Abū Hurairah. [Abū ‘Eisā said:] This *Hadīth* is *Hasan* [*Sahīh*].

It has been reported from Abū Sa‘eed through routes other than this one. And this is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Sufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi‘ī, Ahmad, and Ishāq. Abū Al-Waddāk’s (a narrator in the chain) name is Jabr bin Nawf.

تخریج: [صحيح] وأخرجه أبو داود، ح: ٢٨٢٧ وابن ماجه، ح: ٣١٩٩ من حديث مجالد به وتابعه يونس بن أبي إسحاق، وصححه ابن حبان، ح: ١٠٧٧ وللحديث طرق أخرى * وفي الباب عن جابر [أبو داود، ح: ٢٨٢٨] وأبي أمامة [الطبراني في الكبير: ٨/١٢١، ١٢٢، ٧٤٩٨] وأبي الدرداء [الطبراني في الكبير: ٨/١٢١، ١٢٢، ح: ٧٤٩٨] وأبي هريرة [الحاكم: ٤/١١٤].

Comments:

‘*Al-Janin*’ means fetus or embryo, here in this narration it means a baby that is still in the mother’s womb. With the exception of Imām Abū Ḥanīfah, all other *A’immah*, Companions of the Prophet ﷺ followers of the Companions, and almost all the scholars agree and support this view; that if a pregnant animal is slaughtered, there is no need to slaughter the baby animal separately, it will be considered slaughtered with the mother. Imām Abū

(المعجم ١٠) - بَابُ [مَا جَاءَ] فِي ذَكَارِ
الْجَنِينِ (التحفة ١٠)

١٤٧٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
يَحْيَى بْنُ سَعِيدٍ عَنْ مُجَالِدٍ؛ حٌ: وَحَدَّثَنَا
سُفْيَانُ بْنُ وَكِيعٍ: حَدَّثَنَا حَفْصُ بْنُ عَيَّاثٍ عَنْ
مُجَالِدٍ، عَنْ أَبِي الْوَدَّاكِ، عَنْ أَبِي سَعِيدٍ عَنْ
النَّبِيِّ ﷺ قَالَ: «ذَكَارُ الْجَنِينِ ذَكَارُ أُمِّهِ».
[قال:] وفي الباب عن جابر، وأبي
أمامة، وأبي الدرداء، وأبي هريرة. [قال أبو
عيسى:] هَذَا حَدِيثُ حَسَنٌ [صحيح].
وقد روَى من غيره هَذَا الْوَجْهُ عَنْ أَبِي
سعيد. والعمل على هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ
أصحابِ النَّبِيِّ ﷺ وغَيْرِهِمْ، وَهُوَ قُولُ
سُفْيَانَ الثُّورِيِّ، وَابْنِ الْمُبَارَكِ، وَالشَّافِعِيِّ،
وَأَخْمَدَ، وَإِسْحَاقَ. وَأَبُو الْوَدَّاكِ اسْمُهُ جَبْرٌ
ابْنُ نَوْفٍ.

Yūsuf and Imām Muḥammad also support this view, with the condition the fetus is completely formed. (See for details (*Tuhfah Al-Ahwadhi* v. 2. p.344-345.)

Chapter 11. What Has Been Related About It Being Disliked To Eat Anything That Possesses Canine Teeth Or Talons

1477. Abū Tha'labah Al-Khushānī narrated: "The Messenger of Allāh ﷺ prohibited (eating) every predator possessing canine teeth." (*Sahīh*)

(Another chain) with similar.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*. Abū Idrīs Al-Khawlānī's name is 'Ā'idhullāh bin 'Abdullāh.

(المعجم ١١) - بَابُ [مَا جَاءَ] فِي
كَرَاهِيَّةِ كُلِّ ذِي نَابٍ وَذِي مُخْلِبٍ
(التحفة ١١)

١٤٧٧ - حَدَّثَنَا أَحْمَدُ بْنُ الْحَسَنِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ أَبْنِ شَهَابٍ، عَنْ أَبِي إِدْرِيسِ الْخَوَلَانِيِّ، عَنْ أَبِي ثَعَبَةَ الْحُسَنِيِّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ كُلِّ ذِي نَابٍ مِنَ السَّبَاعِ.
حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ [الْمَخْزُومِيُّ]
وَغَيْرُ وَاحِدٍ قَالُوا: حَدَّثَنَا سُفِيَّانُ [بْنُ عَيْنَةَ]
عَنِ الزُّهْرِيِّ بِهَذَا إِلَسْنَادِ [عَنْ أَبِي إِدْرِيسِ
الْخَوَلَانِيِّ] تَحْوِهُ .
[قَالَ أَبُو عَيْسَى]: هَذَا حَدِيثُ حَسَنٍ
صَحِيحٌ. وَأَبُو إِدْرِيسَ الْخَوَلَانِيُّ اسْمُهُ عَاذُ
اللَّهُ بْنُ عَبْدِ اللَّهِ .

تخریج: متفق عليه، وأخرجه البخاري، الذبائح والصيد، باب أكل كل ذي ناب من السباع، ح: ٥٣٠ من حديث مالك ومسلم، ح: ١٩٣٢ من حديث ابن شهاب الزهري به وهو في الموطأ: ٤٩٩ * حديث سفيان بن عيينة: البخاري، ح: ٥٧٨٠ ومسلم، ح: ١٩٣٢ .

Comments:

All wild animals having fangs and canines like lion, cheetah, or wolf etc., are included in this category. It is prohibited to eat their meat.

1478. Jābir narrated: "On the Day of *Khaibar*, the Messenger of Allāh ﷺ prohibited eating domesticated donkeys, the meat of mules, every predator that possesses canine teeth, and every bird that possesses talons." (*Sahīh*)

١٤٧٨ - حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو النَّضِيرِ [هَاشِمُ بْنُ الْفَاسِمِ]: حَدَّثَنَا عِكْرِمَةُ
ابْنُ عَمَّارٍ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ قَالَ: حَرَمَ رَسُولُ اللَّهِ ﷺ
يَعْنِي يَوْمَ خَيْرِ الْحُمَرِ الْإِنْسِيَّةَ، وَلُحُومَ

[He said:] There are narrations on this topic from Abū Hurairah, Al-'Irbaḍ bin Sāriyah, and Ibn 'Abbās.

الْبَغَالُ، وَكُلُّ ذِي نَابٍ مِنَ السَّبَاعِ وَذِي
مِخْلَبٍ مِنَ الطَّيْرِ.

[Qāl]: وفي الْبَابِ عَنْ أَبِي هُرَيْرَةَ،
وَعَرْبَاضِ بْنِ سَارِيَةَ، وَابْنِ عَبَاسٍ.

[Qāl أَبُو عِيسَى]: حَدِيثُ جَابِرٍ حَدِيثُ
حَسَنٍ غَرِيبٌ.

تخریج: [صحيح] وأخرجه أحمد: ٢٢٢/٣ عن أبي النضر به * وفي الباب عن أبي هريرة [يأتي: ١٤٧٩] وعرباض بن سارية [تقدم: ١٤٧٤] وابن عباس [مسلم، ح: ١٩٣٤].

Comments:

Birds having talons like the kite, vulture, falcon, hawk, etc., are included in this category, and eating their meat is unlawful.

1479. Abū Hurairah narrated: "The Prophet ﷺ prohibited every predator that possesses canine teeth." (*Hasan*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan*. This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others.

This is the view of 'Abdullāh bin Al-Mubārak, *Ash-Shāfi'i*, Ahmad, and Ishāq.

تخریج: [إسناده حسن] وأخرجه أحمد: ٤١٨/٢ عن قتيبة به وسيأتي مطولاً: ١٧٩٥ ورواه مسلم، ح: ١٩٣٣ من حديث أبي هريرة به.

Comments:

According to the view of Imām Abū Ḥanīfah, *Shāfi'i*, Ahmad and other scholars, eating the meat of wild animals having canines and birds with talons, is not lawful. In the view of Imām Malik it is abominable and disliked but not unlawful. (*Sharh Sahih Muslim* v.2. p. 146.) In view of Ibn Raslān, Qurṭubī and others eating their meat is lawful. (*Tuhfat Al-Ahwadhi* v.2. p. 346.)

١٤٧٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ
ابْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ أَبِي
سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ حَرَمَ
كُلَّ ذِي نَابٍ مِنَ السَّبَاعِ.

[Qāl أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ،
وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ
أَضْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ.
وَهُوَ قَوْلُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ،
وَالشَّافِعِيُّ، وَأَحْمَدَ، وَإِسْحَاقَ.

تخریج: [إسناده حسن] وأخرجه أحمد: ٤١٨/٢ عن قتيبة به وسيأتي مطولاً: ١٧٩٥ ورواه مسلم، ح: ١٩٣٣ من حديث أبي هريرة به.

Chapter 12. What Has Been Related About: Whatever Is Cut From Something Living, Then It Is Dead Flesh

1480. Abū Wāqid Al-Laithī narrated: "The Prophet ﷺ came to Al-Madinah and they were in the habit of cutting the humps off of the camels and cutting the buttocks from the sheep. He said: "Whatever is cut from an animal while it is alive, then it is dead flesh." (*Hasan*)

(Another chain) with similar.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*. We do not know of it except as a narration of Zaid bin Aslam. This is acted upon according to the people of knowledge. Abū Wāqid Al-Laithī's name is Al-Hārith bin ‘Awf.

(المعجم ١٢) - بَابُ مَا جَاءَ مَا قُطِعَ
مِنَ الْحَيِّ فَهُوَ مَيْتٌ (التحفة ١٢)

١٤٨٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى
الصَّعَانِي: حَدَّثَنَا سَلَمَةُ بْنُ رَجَاءَ [قَالَ]:
حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ دِينَارٍ عَنْ زَيْدِ
ابْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِيهِ وَاقِدِ
اللَّيْثِيِّ قَالَ: قَدِيمُ النَّيْرِ بِكِيرَةُ الْمَدِينَةِ وَهُمْ يَجْمُونَ
أَشِيمَةَ إِلَيْلِ، وَيَقْطَعُونَ أَلْيَاتَ الْغَمَّ، فَقَالَ:
«مَا يُقطَعُ مِنَ الْبَهِيمَةِ وَهِيَ حَيَّةٌ فَهُوَ مَيْتَةٌ».
حَدَّثَنَا إِبْرَاهِيمُ بْنُ يَعْقُوبَ [الْجُوزَاجَانِيُّ]:
حَدَّثَنَا أَبُو النَّضْرِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ
اللَّهِ بْنِ دِينَارٍ تَحْوُةً.
[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ
غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ زَيْدِ بْنِ
أَسْلَمَ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ.
وَأَبُو وَاقِدِ الْلَّيْثِيِّ اسْمُهُ الْحَارِثُ بْنُ عَوْفٍ.
تَخْرِيج: [إسناده حسن] وأخرجه أبو داود، الصيد، باب: إذا قطع من الصيد قطعة،
ح: ٢٨٥٨ من حديث عبد الرحمن بن عبد الله بن دينار به وهو حسن الحديث، وصححه ابن
الجارود، ح: ٨٧٦ والحاكم والذهبي وله شاهد عند الحاكم: ٢٣٩/٤.

Comments:

Any cut off limb of an animal is unlawful for eating, because after amputation, the limb becomes lifeless and resembles a corpse. Before the advent of Islam, Arabs used to cut off the limbs of animals for eating, like humps of the camels and rump of rams etc., and used some parts as medicines to heal wounds. In this narration, the Prophet ﷺ prohibited such a practice.

Chapter 13. (What Has Been Related) About Slaughtering At The Neck And Throat

1481. Abū Al-‘Usharā' narrated from his father that he said: "I said: 'O Messenger of Allāh! Is

(المعجم ١٣) - بَابُ [مَا جَاءَ] فِي
الذَّكَاةِ فِي الْحَلْقِ وَاللَّيْلَةِ (التحفة ١٣)

١٤٨١ - حَدَّثَنَا هَنَّادٌ وَمُحَمَّدُ بْنُ الْعَلَاءِ
قَالَا: حَدَّثَنَا وَكِيعٌ عَنْ حَمَادِ بْنِ سَلَمَةَ؛ ح:

there no slaughtering except upon the neck and the throat?" He said: 'If you stab its thigh it would be accepted of you.'" (*Daīf*)

Aḥmad bin Manī' (one of the narrators) said: "Yazīd bin Hārūn said: 'This is in cases of necessity.'" (Aḥmad bin Manī')

[He said:] There is something on this topic from Rāfi' bin Khādij.

[Abū 'Eīsā said:] This *Hadīth* is *Gharīb*, we do not know of it except as a narration of Hammād bin Salamah, and we do not know of Abū Al-'Usharā' reporting other than this *Hadīth* from his father. They differ about the name of Abū Al-'Usharā', some of them said his name is Usāmah bin Qihtam. they also said [his name is] Yasār bin Barz, and they say; bin Balz, and they say his name is 'Uṭārid [attributing him to his grandfather].

وَحَدَّثَنَا أَحْمَدُ بْنُ مَنْعِيْ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ أَبِيهِ الْعُشَرَاءِ، عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! أَمَا تَكُونُ الدَّكَأُ إِلَّا فِي الْحَلْقِ وَاللَّيْلَةِ؟ قَالَ: لَئِنْ طَعَنْتَ فِي فَخِذِهَا لَأَجْزَأَ عَنْكَ» قَالَ أَحْمَدُ بْنُ مَنْعِيْ: قَالَ يَزِيدُ بْنُ هَارُونَ: هَذَا فِي الْفُرْوَةِ.

[Qāl]: وفي الباب عن رافع بن خديج .
[Qāl أبو عيسى]: وهذا حديث غريب لا نعرفه إلا من حديث حماد بن سلمة، ولا نعرف لأبي العشراء عن أبيه غير هذا الحديث، واحتلقوا في اسم أبي العشراء، فقال بعضهم: اسمه أسامة بن قهطم، ويقال: [اسمها] يسأر بن بز. ويقال: ابن بزل. ويقال: اسمه عطارة [نسب إلى جده].

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الذبائح، باب ذکاة الناد من البهائم، ح: ٣١٨٤ من حديث وکیع، وأبو داود، ح: ٢٨٢٥ والنسائی، ح: ٤٤١٣؛ من حديث حماد بن سلمة به وصححه ابن الجارود، ح: ٩٠٧ وضعفه أحمد وغيره * قال البخاري في أبي العشراء: "في حديثه واسمه وسماعه من أبيه نظر" وله شاهد ضعيف عند الهیشی في مجمع الزوائد: * ٣٤ / ٤ . وفي الباب عن رافع بن خديج [يأتي: ١٤٩١، ١٤٩٢].

Comments:

A camel is slaughtered from the upper part of the chest and below the throat, whereas all other animals are slaughtered from the throat. This is recommended for the slaughter of a camel but if the camel goes wild at the time of slaughtering, it is allowed to slaughter it from any part of its body. The real purpose is to drain the blood out of its body. (*Tuhfat Al-Ahwadhi* v.2. p.347.)

Chapter 14. What Has Been Related About Killing Geckos

1482. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Whoever kills a gecko in one

(المعجم ١٤) - بَابُ [مَا جَاءَ] فِي قَتْلِ الْوَزَغِ (التحفة ١٤)

- حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ

strike, he has such and such reward, and if he kills it on the second strike, he will have such and such reward, and if he kills it on the third strike, then he has such and such reward.” (*Sahih*)

[He said:] There are narrations on this topic from Ibn Mas‘ūd, Sa‘d, ‘Aishah, and Umm Sharik.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*.

أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ قَتَلَ وَزَغَةً بِالضَّرْبَةِ الْأُولَى كَانَ لَهُ كَذَا وَكَذَا حَسَنَةً، فَإِنْ قَتَلَهَا فِي الضَّرْبَةِ الثَّالِثَةِ كَانَ لَهُ كَذَا وَكَذَا حَسَنَةً، فَإِنْ قَتَلَهَا فِي الضَّرْبَةِ التَّالِيَةِ كَانَ لَهُ كَذَا وَكَذَا حَسَنَةً». [قال:] وفي الباب عن ابن مسعود وسعيد

وعائشة وأم شريك.

[قال أبو عيسى:] وحيث أن أبي هريرة حديث حسن صحيح.

تخریج: وأخرج مسلم، السلام، باب استحباب قتل الوزغ، ح: ٢٢٤٠ عن أبي كريب به وفي الباب عن ابن مسعود [أحمد: ٤٢٠ / ٤٢٣٨] وسعد [مسلم، ح: ٢٢٣٨] وعائشة [البخاري، ح: ١٨٣١] ومسلم، ح: ٢٢٣٩] وأم شريك [البخاري، ح: ٣٣٠٧] ومسلم، ح: ٢٢٣٧].

Comments:

It is recommended to kill the gecko with the first strike otherwise it escapes. He who kills it with the first strike gets one hundred rewards and he who kills it with second or third gets less rewards accordingly. In other narrations, the reward for killing with the first strike is seventy. Therefore, it can be inferred that the number of rewards is not fixed at one hundred or seventy, it is merely to show the vastness of the reward.

Chapter 15. What Has Been Related About Killing Snakes

1483. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “Kill snakes, and kill *Dhu-Tufyatain*^[1] and *Al-Abtar*,^[2] because they blind the sight and cause abortions of fetuses.” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn Mas‘ūd, ‘Aishah, Abū Hurairah, and Sahl bin Sa‘d.

[Abū ‘Eisā said:] This *Hadīth* is

(المعجم ١٥) - بَابُ [مَا جَاءَ] فِي قَتْلِ الْحَيَّاتِ (التحفة ١٥)

١٤٨٣ - حَدَّثَنَا قُتْبِيَّةُ: حَدَّثَنَا الْلَّيْثُ عَنْ أَبْنِ شَهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ: «اقْتُلُوا الْحَيَّاتِ، وَاقْتُلُوا ذَا الطُّفُقَيْنِ وَالْأَبْتَرَ، فَإِنَّهُمَا يَلْتَمِسَانِ الْبَصَرَ وَيُسْقِطَانِ الْحَبَلَ».

[قال:] وفي الباب عن ابن مسعود، عائشة، وأبي هريرة، وسهيل بن سعيد.

[1] A snake with two stripes on its back.

[2] A snake with a very short tail.

Hasan Ṣaḥīḥ.

It has been reported from Ibn ‘Umar, from Abū Lubābah that after that, the Prophet ﷺ prohibited killing snakes that are inhabiting one's home. It has been reported from Ibn ‘Umar, from Zaid bin Al-Khaṭṭāb as well. ‘Abdullāh bin Al-Mubārak said “It is only disliked to kill snakes when the snake is small like a piece of silver and not wriggling in the walkway.”

نَفْرِيْج: متفق عليه، وأخرجه البخاري، باب قول الله تعالى: «وَبَثَ فِيهَا مِنْ كُلِّ دَابَّةٍ»، ح: ٣٢٩٧ و مسلم، ح: ٢٢٣٣ من حديث ابن شهاب الزهري به * وفي الباب عن ابن مسعود [أبو داود، ح: ٥٢٤٩] وعائشة [البخاري، ح: ١٨٢٩] وأبي هريرة [أبو داود، ح: ٩٥/٤] وسهل بن سعد [الطحاوي في مشكل الآثار: ٥٤٨]

Comments:

There are many kinds of snakes. Some of them are extremely poisonous and their bite can cause instant death, others can affect the eyesight and may cause blindness. The bite of some snakes may also cause abortion. Keeping in view the damages caused by them, it has been recommended to kill them. (*Tuhfat Al-Ahwadhi* v. p.348.)

1484. Abū Sa‘eed Al-Khudrī narrated that the Messenger of Allāh ﷺ said: “Indeed there are others inhabiting your homes. So yell at them three times (to leave). If you see any of them after that, then kill them.” (*Sahīh*)

[Abū ‘Eisā said:] This is how ‘Ubaidullāh bin ‘Umar reported this *Hadīth*: from Ṣaifī, from Abū Sa‘eed. Mālik bin Anas reported this *Hadīth* from Ṣaifī from Abū As-Sā’ib the freed slave of Hishām bin Zuhrah, from Abū Sa‘eed [from the Prophet ﷺ], and there is a story along with the *Hadīth*.

(Another chain) similar to the

[قَالَ أَبُو عِيسَى :] وَهَذَا حَدِيثٌ حَسَنٌ صَحِيْحٌ .
وَقَدْ رُوِيَ عَنْ أَبْنِ عُمَرَ، عَنْ أَبِي لُبَابَةَ: أَنَّ النَّبِيَّ ﷺ نَهَى بَعْدَ ذَلِكَ، عَنْ قَتْلِ جِنَانَ الْبَيْوَتِ وَهِيَ الْعَوَامِرُ . وَبُرُوَى عَنْ أَبْنِ عُمَرَ، عَنْ زَيْدِ بْنِ الْخَطَابِ أَيْضًا . وَقَالَ عَبْدُ اللَّهِ أَبْنُ الْمُبَارَكَ: إِنَّمَا يُكْرَهُ مِنْ قَتْلِ الْحَيَّاتِ، [قَتْلُ] الْحَيَّةِ الَّتِي تَكُونُ دَقِيقَةً كَأَنَّهَا فِضَّةً، وَلَا تَلْتَوِي فِي مَشِيْتِهَا .

نَفْرِيْج: متفق عليه، وأخرجه البخاري، باب قوله تعالى: «وَبَثَ فِيهَا مِنْ كُلِّ دَابَّةٍ»، ح: ٣٢٩٧ و مسلم، ح: ٢٢٣٣ من حديث ابن شهاب الزهري به * وفي الباب عن ابن مسعود [أبو داود، ح: ٥٢٤٩] وعائشة [البخاري، ح: ١٨٢٩] وأبي هريرة [أبو داود، ح: ٩٥/٤] وسهل بن سعد [الطحاوي في مشكل الآثار: ٥٤٨]

١٤٨٤ - حَدَثَنَا هَنَّادُ: حَدَثَنَا عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ صَيْفِيِّ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ لَبِيْوَتَكُمْ عَمَارًا فَحَرِّجُوا عَلَيْهِنَّ ثَلَاثًا، فَإِنْ بَدَا لَكُمْ بَعْدَ ذَلِكَ مِنْهُنَّ شَيْءٌ فَاقْتُلُوهُ .
[قَالَ أَبُو عِيسَى :] هَكَذَا رَوَى عَبْدُ اللَّهِ أَبْنُ عُمَرَ هَذَا الْحَدِيثَ عَنْ صَيْفِيِّ، عَنْ أَبِي سَعِيدِ . وَرَوَى مَالِكُ بْنُ أَنَسٍ هَذَا الْحَدِيثَ عَنْ صَيْفِيِّ، عَنْ أَبِي السَّائِبِ مَوْلَى هَشَامَ بْنَ زُهْرَةَ، عَنْ أَبِي سَعِيدٍ [عَنِ النَّبِيِّ ﷺ] . وَفِي الْحَدِيثِ قِصَّةً .

narration of Mālik.

حَدَّثَنَا بِذِلِّكَ الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُونُ
حَدَّثَنَا مَالِكٌ. وَهَذَا أَصَحُّ مِنْ حَدِيثِ عُبَيْدِ
اللَّهِ بْنِ عُمَرَ. وَرَوَى مُحَمَّدُ بْنُ عَجْلَانَ عَنْ
صَيْفِيٍّ تَحْوِيَةً مَالِكٍ.

تخریج: [إسناده صحيح] وأخرجه أحمد: ٢٧/٣ من حديث عبید الله بن عمر به * حديث
مالك في الموطأ: ٩٧٦، ٩٧٧ ومن طريقه أخرجه مسلم، ح: ٢٢٣٦ مطولاً.

Comments:

The event that has been referred to in this narration is given in detail in *Sahīh Muslim* (See *Minnah Al-Mun'ām* v.3. p. 479. and *Sharh Muslim & An-Nawawī* v.2. p. 235) The summary of this event is given hereunder. It was the occasion of the Battle of Trench. A young man who was newly married sought permission from the Prophet ﷺ and went home. There he found his wife standing at the door of the house. She told him that a snake has entered their house. He went in and killed the snake by piercing it with his lance. When he was going to throw it out of the house it slipped from the lance and dropped on the young man. He died there and then. The narration of *Sahīh Muslim* also hints that sometimes these snakes are Jinns.

1485. Abū Lailā narrated that the Messenger of Allāh ﷺ said: "When a snake appears in your dwellings then say to it: 'We ask you – by the covenant of Nūh and by the covenant of Sulaimān bin Dāwūd – that you do not harm us.' If it returns, then kill it." (*Daīf*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharīb*, we do not know of it as a narration of Thābit Al-Bunānī except with this route to Ibn Abī Lailā.

١٤٨٥ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا ابْنُ أَبِي زَيْدَةَ: حَدَّثَنَا ابْنُ أَبِي لَيْلَى عَنْ ثَابِتِ الْبَنَانِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى قَالَ:
قَالَ أَبُو لَيْلَى: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِذَا
ظَهَرَتِ الْجَيْهَةُ فِي الْمَسْكَنِ فَقُولُوا لَهَا: إِنَّا
نَسْأَلُكَ بِعَهْدِ نُوحٍ وَبِعَهْدِ سُلَيْمَانَ بْنِ دَاؤِدَ أَنْ
لَا تُؤْذِنَا، فَإِنْ عَادَتْ فَاقْتُلُوهَا".

[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسْنٌ
غَرِيبٌ لَا نَعْرُفُهُ مِنْ حَدِيثِ ثَابِتِ الْبَنَانِيِّ إِلَّا
مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ ابْنِ أَبِي لَيْلَى.

تخریج: [إسناده ضعيف] وأخرجه أبو ليلى به وهو ضعيف.
حديث محمد بن عبد الرحمن بن أبي ليلى به وهو ضعيف.

Comments:

There is difference of opinion among the scholars in killing snakes. Some people of knowledge say that every kind of snake should be killed immediately when and where it is seen. Some others say that the snakes living in residential houses should be warned before killing.

Chapter 16. What Has Been Related About Killing Dogs

1486. ‘Abdullāh bin Mughaffal narrated that the Messenger of Allāh ﷺ said: “If it were not that dogs were part of a nation among the nations, then I would order that all of them be killed. So kill every one of them that is all black.” (*Hasan*)

[He said:] There are narrations on this topic from Ibn ‘Umar, Jābir, Abū Rāfi’, and Abū Ayyūb.

[Abū ‘Eisā said:] The *Hadīth* of ‘Abdullāh bin Mughaffal is a *Hasan Sahīh Hadīth*. In some *Hadīths* it has been reported that the all black dog is a *Shaitān*. The *Bahīm* black dog is the one that does not have any white in it. Some of the people of knowledge disliked using the all black dog for hunting.

تخریج: [حسن] وأخرجه أبو داود، الصيد، باب اتخاذ الكلب للصيد وغيرها، ح ٢٨٤٥؛ وابن ماجه، ح ٣٢٠٥ والنسائي، ح ٤٢٨٥ من حديث يونس بن عبيد به وله شواهد ذكرتها في نيل المقصود * وفي الباب عن ابن عمر [يأتي: ١٤٨٨] وجابر [مسلم، ح: ١٥٧٢] وأبي رافع
أحمد: ٦/٩ وأبي أيوب [لم أجده].

Comments:

Angels hate dogs, therefore, keeping dogs without any genuine reason and need is not allowed. There are some genuine needs when it is necessary to keep the dogs; therefore, it has not been allowed to kill all kinds of dogs.

Chapter 17. (What Has Been Related About) How Much Is Deducted from the Reward Of One Who Keeps A Dog

1487. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “Whoever keeps a dog” - or:

(المعجم ١٦) - باب ما جاء في قتل الكلاب (التحفة ١٦)

١٤٨٦ - حدثنا أَحْمَدُ بْنُ مَنْبِعَ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا مَنْصُورٌ بْنُ زَادَانَ وَبُوئْسُ [بْنُ عَيْدَ] عَنِ الْحَسَنِ، عَنْ عَبْدِ اللَّهِ بْنِ مُعَقْلٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَوْلَا أَنَّ الْكَلَابَ أُمَّةٌ مِنَ الْأَنْوَمِ لَأَمْرَתُ بِقَتْلِهَا كُلَّهَا، فَاقْتُلُوا مِنْهَا كُلَّ أَسْوَدَ بَهِيمٍ».

[قال:] وفي الباب عن ابن عمر، وجابر، وأبي رافع، وأبي أيوب.
[قال أبو عيسى:] حديث عبد الله بن معقل حديث حسن صحيح. ويروى في بعض الحديث أن الكلب الأسود البهيم شيطان، والكلب الأسود البهيم الذي لا يكون فيه شيء من البياض. وقد كرر بعض أهل العلم صين الكلب الأسود البهيم.

تخریج: [حسن] وأخرجه أبو داود، الصيد، باب اتخاذ الكلب للصيد وغيرها، ح ٢٨٤٥؛ وابن ماجه، ح ٣٢٠٥ والنسائي، ح ٤٢٨٥ من حديث يونس بن عبيد به وله شواهد ذكرتها في نيل المقصود * وفي الباب عن ابن عمر [يأتي: ١٤٨٨] وجابر [مسلم، ح: ١٥٧٢] وأبي رافع
أحمد: ٦/٩ وأبي أيوب [لم أجده].

(المعجم ١٧) - باب [ما جاء في] من أمسك كلباً، ما ينقص من أجره (التحفة ١٧)

١٤٨٧ - حدثنا أَحْمَدُ بْنُ مَنْبِعَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أَيُوبَ، عَنْ تَافِعٍ،

“acquires a dog” – “neither for hunting nor to guard livestock, then two *Qirāt*^[1] are deducted from his reward, daily.” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Abdullāh bin Mughaffal, Abū Hurairah, and Sufyān bin Abī Zuhair.

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Umar is a *Hasan Sahīh Hadīth*. And it has been reported that the Prophet ﷺ said: “or a farm dog.”

تخریج: متفق عليه، أخرجه البخاري، الذبائح والصيد، باب من اقتني كلباً ليس بكلب صيد أو ماشية، ح: ٥٤٨٢ ومسلم، ح: ١٥٧٤ من حديث نافع به ورواه أحمد: ٤/٢ عن إسماعيل بن إبراهيم - وهو ابن علية - به * وفي الباب عن عبد الله بن مغفل [يأتي: ١٤٩٩] وأبي هريرة [يأتي: ١٤٩٠] وسفيان بن أبي زهير [البخاري، ح: ٢٢٢٣ ومسلم، ح: ١٥٧٦].

Comments:

The angels of mercy hate dogs and do not enter that house where there are dogs. As a result, the resident of the house is deprived of the blessings of Allāh. Therefore, keeping dogs in houses without a genuine cause should be avoided.

1488. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ ordered killing dogs, except for the hunting dog, or the dog that guards livestock.” It was said to him: “Abū Hurairah would say: ‘or a farm dog’ so he (Ibn ‘Umar) said: “Abū Hurairah had a farm.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

عن ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ اقْتَنَى كَلْبًا أَوْ اتَّخَذَ كَلْبًا لَيْسَ بِضَارٍ، وَلَا كَلْبٌ مَاشِيَةٌ، نَفَصَ مِنْ أَجْرِهِ كُلَّ يَوْمٍ قِيرَاطًا».

[قال:] وفي الباب عن عبد الله بن مُعْقِلٍ، وأبي هريرة، وسفيان بن أبي زهير. [قال أبو عيسى:] وحديث ابْنِ عُمَرَ حديث حسن صحيح، وقد روي عن النبي ﷺ أنه قال: «أَوْ كَلْبٌ زَرْعٌ».

تخریج: متفق عليه، أخرجه البخاري، الذبائح والصيد، باب من اقتني كلباً ليس بكلب صيد أو ماشية، ح: ٥٤٨٢ ومسلم، ح: ١٥٧٤ من حديث نافع به ورواه أحمد: ٤/٢ عن إسماعيل بن إبراهيم - وهو ابن علية - به * وفي الباب عن عبد الله بن مغفل [يأتي: ١٤٩٩] وأبي هريرة [يأتي: ١٤٩٠] وسفيان بن أبي زهير [البخاري، ح: ٢٢٢٣ ومسلم، ح: ١٥٧٦].

١٤٨٨ - حَدَثَنَا فُتَيْبَةُ: حَدَثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ أَمَرَ بِقَتْلِ الْكِلَابِ إِلَّا كَلْبَ صَيْدٍ أَوْ كَلْبَ مَاشِيَةٍ. قَالَ: قَبِيلَ لَهُ: إِنَّ أَبَا هُرَيْرَةَ [كَانَ] يَقُولُ: أَوْ كَلْبٌ زَرْعٌ. فَقَالَ: إِنَّ أَبَا هُرَيْرَةَ لَهُ زَرْعٌ.

[قال أبو عيسى:] هذا حديث حسن صحيح.

تخریج: وأخرجه مسلم، المساقاة، باب الأمر بقتل الكلاب وبيان نسخه ... إلخ، ح: ١٥٧١ من حديث حماد بن زيد به.

[1] *Qirāt* is normally used to refer to a weight that is approximately 1/16th of a Dirham. The English word “carat” and its usage are related. In relation to rewards, it is also said to be much greater in size.

Comments:

It is human nature that a man tries to collect all information concerning his profession and interests. Abū Hurairah was a farmer by profession so he had more information about the issues of farmers.

1489. ‘Abdullāh bin Mughaffal narrated: “I was one of those who held up the branches from the tree away from the face of the Messenger of Allāh ﷺ while he was delivering the *Khuṭbah* saying: ‘If it were not that dogs were a nation among nations, then I would order that they be killed. So kill every one among them that is all black. There is no one inhabiting a home in which they keep a dog but their deeds are decreased by one *Qirāt* every day – except for a hunting dog, or a farm dog, or a sheep dog.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*. This *Hadīth* has been reported through other routes from Al-Hasan from ‘Abdullāh bin Mughaffal, from the Prophet ﷺ.

1575 تخریج: وأخرجه مسلم، المساقاة، باب الأمر بقتل الكلاب، وبيان نسخه ... إلخ، من حديث عبدالرزاق به ورواه أبو داود، ح: ٢٨٤٤ عن الحسن بن علي به * أثر عطاء ابن أبي رباح صحيح عنه.

1490. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever acquires a dog – with the exception of a dog to guard livestock, a hunting dog, or a farm dog – each day a *Qirāt* is deducted from his reward.” (*Hasan*)

[Abū ‘Eisā said:] this *Hadīth* is *Hasan Sahīh*.

It has been reported that ‘Atā’ bin Abī Rabāḥ permitted keeping a

١٤٨٩ - حَدَّثَنَا عُبَيْدُ بْنُ أَشْبَاطَ بْنِ مُحَمَّدٍ الْقُرَشِيُّ: حَدَّثَنَا أَبِي عَنِ الْأَعْمَشِ، عَنْ إِسْمَاعِيلَ بْنِ مُسْلِمٍ، عَنِ الْحَسَنِ، عَنْ عَبْدِ اللَّهِ بْنِ مَغْفِلٍ قَالَ: إِنِّي لَمَمَنْ يَرْفَعُ أَعْصَانَ الشَّجَرَةِ عَنْ وَجْهِ رَسُولِ اللَّهِ ﷺ وَهُوَ يَخْطُبُ، فَقَالَ: «لَوْلَا أَنَّ الْكِلَابَ أُمَّةٌ مِّنَ الْأُمُّمِ لَأَمْرَتُ بِقَتْلِهَا، فَاقْتُلُوا مِنْهَا كُلَّ أَسْوَدٍ بَهِيمٍ، وَمَا مِنْ أَهْلٍ بَيْتٍ يَرْتَبِطُونَ كُلُّهُمْ إِلَّا نَقْصَنَ مِنْ عَمَلِهِمْ كُلُّ يَوْمٍ قِيرَاطٌ إِلَّا كَلْبٌ صَنِيدٌ أَوْ كَلْبٌ حَرْثٌ أَوْ كَلْبٌ حَنْمٌ».

[قال أبو عيسى:] هذا حديث حسن. وقد روى هذا الحديث من غير وجه عن الحسن، عن عبد الله بن مغفل عن النبي ﷺ.

١٤٩٠ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ [الْحَلْوَانِيُّ] وَغَيْرُ واحِدٍ قَالُوا: حَدَّثَنَا عَبْدُ الرَّزَاقِ: حَدَّثَنَا مَعْمَرٌ عَنِ الرُّهْبَرِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ اتَّخَذَ كُلُّهُ إِلَّا كَلْبًا مَاشِيَةً أَوْ صَنِيدًّا أَوْ زَرْعًّا انتَقَصَ مِنْ أَجْرِهِ كُلُّ يَوْمٍ قِيرَاطًّا». [قال أبو عيسى:] هذا حديث حسن

dog even if the man only had one sheep. Ishāq bin Mansūr narrated that to us (saying): "Hajjāj bin Muḥammad narrated that to us from Ibn Juraij from 'Atā'."

صَحِيحٌ.

وَيُرْوَى عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ: أَنَّهُ رَّجُلًا
فِي إِمْسَاكِ الْكَلْبِ وَإِنْ كَانَ لِرَجُلٍ شَاءَ وَاحِدَةً.
حَدَّثَنَا بِذَلِكَ إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا
حَجَّاجُ بْنُ مُحَمَّدٍ عَنْ أَبْنِ جُرَيْجٍ، عَنْ عَطَاءِ بِهْدَأً.
تَخْرِيجُهُ: [حَسْنٌ] اَنْظُرْ، ح ١٤٨٦ وَالْحَدِيثُ شَوَّاهِدُ كَثِيرَةٌ.

Chapter 18. (What Has Been Related) About Slaughtering With Reeds And The Like

1491. Rāfi' bin Khadīj narrated: "I said: 'O Messenger of Allāh! We expect to meet the enemy tomorrow and we have no knives.'^[1] So the Prophet ﷺ said: 'As long as it causes blood to flow, and Allāh's Name has been mentioned over it, then eat it, provided it was not done with a tooth or nail. And I will tell you why: As for the tooth it is a bone, and as for the nail it is the knife of the Ethiopians.'" (*Sahih*)

(Another chain) from Rāfi' bin Khadīj [may Allāh be pleased with him] from the Prophet ﷺ and it is similar, but (the narrator) did not mention in it: "Abāyah, from his father" and this is more correct. 'Abāyah heard from Rāfi'.

This is acted upon according to the people of knowledge, they did not think that a tooth or bone could be used for slaughtering.

(المعجم ١٨) - بَابُ [مَا جَاءَ] فِي
الذَّكَاةِ بِالْقَصْبِ وَغَيْرِهِ (التحفة ١٨)

١٤٩١ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو
الْأَخْوَصِ عَنْ سَعِيدِ بْنِ مَسْرُوقٍ، عَنْ عَبَائِيَةِ
ابْنِ رِفَاعَةَ بْنِ رَافِعٍ بْنِ خَدِيجٍ، عَنْ أَبِيهِ، عَنْ
جَدِّهِ رَافِعِ بْنِ خَدِيجٍ قَالَ: قُلْتُ: يَا رَسُولَ
اللهِ، إِنَّا نَلْقَى الْعَلُوَّ عَدَا وَلَيْسَتْ مَعَنَا مُدَى
فَقَالَ النَّبِيُّ ﷺ: «مَا أَنْهَرَ الدَّمَ وَذُكِرَ اسْمُ اللهِ
عَلَيْهِ فَكُلُوهُ مَا لَمْ يَكُنْ سِنًّا أَوْ ظُفْرًا،
وَسَأَحْدِثُكُمْ عَنْ ذَلِكَ: أَمَا السِّنُّ فَعَظِيمٌ وَأَمَا
الظُّفْرُ فَمَدْيَ الْجَبَشَةِ».

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْمِي بْنُ
سَعِيدٍ عَنْ سُفْيَانَ التَّوْرِيِّ، قَالَ: حَدَّثَنِي أَبِي
عَبَائِيَةَ بْنِ رِفَاعَةَ بْنِ رَافِعٍ بْنِ خَدِيجٍ [رَضِيَ
اللهُ عَنْهُ] عَنِ النَّبِيِّ ﷺ تَحْوَهُ وَلَمْ يَذْكُرْ فِيهِ عَبَائِيَةَ
عَنْ أَبِيهِ وَهَذَا أَصَحُّ. وَعَبَائِيَةُ قَدْ سَمِعَ مِنْ
رَافِعٍ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ لَا
يَرُونَ أَنْ يُذَكَّى سِنٌّ وَلَا يُعَظِّمُ.

[1] This could mean that: When they meet the enemies and it happens that they have amongst the spoils, animals to slaughter. It could also mean that: they needed to slaughter animals to eat for strength to face the enemies. (*Tuhfat Al-Ahwadhi*)

تخریج: متفق عليه، وأخرجه البخاري، الذبائح والصيد، باب: إذا أصاب قوم غنیمة فذبح بعضهم غنمًا أو إبلًا ... إلخ، ح: ٥٥٤٣ من حديث أبي الأحوص ومسلم، ح: ١٩٦٨ من حديث سعيد بن مسروق به وحديث يحيى بن سعيد القطان متفق عليه، أخرجه البخاري، ح: ٥٠٩، ومسلم، ح: ٢٥٠٧ عنه.

Comments:

Physical strength and energy is required in fighting, and the meat is a source of strength and energy. The source of meat is animals, so they are slaughtered to meet the needs of energy and power. It has been ordered to slaughter them with sharp knives. The purpose of this order is to cause them less pain.

Chapter 19. What Has Been Related About Camels, Cows, and Sheep, When They Flee And Become Wild: Are They Shot With An Arrow Or Not?

1492. Rāfi' [bin Khadij] narrated: "We were with the Prophet ﷺ on a journey when the camel that belonged to some people ran away and they did not have a horse. So a man shot it with an arrow and Allāh stopped it. The Messenger of Allāh ﷺ said: 'Of these beasts there are some that are as wild as wild animals. So if one of them does this, then treat it similarly.'"
(*Sahih*)

(Another chain) from Rāfi' bin Khadij from the Prophet ﷺ and it is similar, but (the narrator) did not mention in it "Abāyah from his father," (a narrator in the chain) and this is more correct.

This is acted upon according to the people of knowledge. Similarly it was reported by Shu'bah from Sa'eed bin Masrūq as in the narration of Sufyān.

تخریج: متفق عليه، وأخرجه البخاري، أيضًا، ح: ٥٥٤٣ من حديث أبي الأحوص، والبخاري، ح: ١٩٦٨ ومسلم، ح: ٢٥٠٧ من حديث سعيد بن مسروق به وانظر الحديث السابق.

(المعجم ١٩) - بَابُ [مَا جَاءَ فِي الْبَعْرِ
وَالْبَقَرِ وَالْغَنَمِ إِذَا نَدَّ فَصَارَ وَحْشِيًّا
يُرْمَى بِسَهْمٍ أَمْ لَا] (التحفة ١٩)

١٤٩٢ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا أَبُو
الْأَحْوَصِ عَنْ سَعِيدِ بْنِ مَسْرُوقٍ، عَنْ عَبَائِيَةَ
ابْنِ رِفَاعَةَ بْنِ رَافِعٍ بْنِ حَدِيجَ، عَنْ أَبِيهِ، عَنْ
جَدِّهِ رَافِعٍ [بْنِ حَدِيجٍ] قَالَ: كُنَّا مَعَ النَّبِيِّ
ﷺ فِي سَفَرٍ فَنَدَّ بَعِيرٌ مِّنْ إِلَيْلِ الْقَوْمِ وَلَمْ يَكُنْ
مَعَهُمْ خَيْلٌ فَرَمَاهُ رَجُلٌ بِسَهْمٍ فَجَبَسَهُ اللَّهُ،
فَقَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ لَهُمْ الْبَهَائِمَ أَوَابَدَ
كَأَوَابَدُ الْوَحْشِ فَمَا فَعَلْتُمْ مِّنْهَا هَذَا فَاعْفُلُوا يَه
هَكَذَا».

حَدَّثَنَا مُحَمَّدُ بْنُ عَيْلَانَ: حَدَّثَنَا وَكِيعٌ:
حَدَّثَنَا سُفْيَانُ عَنْ أَبِيهِ، عَنْ عَبَائِيَةَ بْنِ رِفَاعَةَ، عَنْ
جَدِّهِ رَافِعٍ بْنِ حَدِيجَ عَنْ النَّبِيِّ ﷺ تَحْوَهُ وَلَمْ
يَذْكُرْ فِيهِ عَبَائِيَةَ عَنْ أَبِيهِ وَهَذَا أَصَحُّ . وَالْعَمَلُ
عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ وَهَكَذَا رَوَاهُ شُعْبَةُ عَنْ
سَعِيدِ بْنِ مَسْرُوقٍ مِّنْ رِوَايَةِ سُفْيَانَ.

Comments:

Those domestic animals which are panicky and try to run away and escape from their masters, they should be hunted like game, and if they die before they are captured due to excessive drainage of blood, they are considered slaughtered. (See for details *Al-Mughnī* v.13. p. 291. and (*Tuhfat Al-Ahwadhi* v.2. p.352.)

*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

17. The Chapters On The Sacrifices From The Messenger Of Allāh ﷺ

Chapter 1. What Has Been Related About The Virtues Of Slaughtering

1493. ‘Aishah narrated that the Messenger of Allāh ﷺ said: “A human does no action from the actions on the Day of *Nahr* more beloved to Allāh then spilling blood. On the Day of Judgement, it will appear with its horns, and hair, and hooves, and indeed the blood will be accepted by Allāh from where it is received before it even falls upon the earth, so let your hearts delight in it.” (*Da’if*)

[He said:] There are narrations on this topic from ‘Imrān bin Ḥuṣain and Zaid bin Arqam.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharib*. We do not know of it as a narration of Hishām bin ‘Urwah except through this route. Abū Al-Muthanna’s (a narrator in the chain) name is Sulaimān bin Yazid, Ibn Abī Fudaik reports from him.

[Abū ‘Eisā said:] It has been reported that the Prophet ﷺ said about the *Udhriyyah*: “For the one who slaughters it there is a good

(المعجم ١٧) - أبواب الأضاحي
عن رسول الله ﷺ (التحفة ١٥)

(المعجم ١) - باب ما جاء في فضل الأضحية (التحفة ١)

١٤٩٣ - حَدَّثَنَا أَبُو عَمْرِو مُسْلِمُ بْنُ عَمْرٍو [ابن مسلم] الْحَدَّادُ الْمَدِينِيُّ: حَدَّثَنِي عَبْدُ اللَّهِ أَبْنُ نَافِعٍ الصَّانِعُ [أبو محمد] عَنْ أَبِي المُتَّشِّنِ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَا عَمِلَ أَدْمَيٌ مِنْ عَمَلٍ يَوْمَ النَّحْرِ أَحَبٌ إِلَى اللَّهِ مِنْ إِهْرَاقِ الدَّمِ، إِنَّهُ لَيَأْتِي يَوْمَ الْقِيَامَةِ بِقُرُونِهَا وَأَشْعَارِهَا وَأَطْلَافِهَا، وَإِنَّ الدَّمَ لَيَقْعُدُ مِنَ الْأَرْضِ بِمَكَانٍ قَبْلَ أَنْ يَقْعُدْ مِنَ الْأَرْضِ فَطَيِّبُوهَا بِهَا نَفْسًا».

[قال:] وفي الباب عن عمار بن حصين وزيد بن أرقم.

[قال أبو عيسى:] هذا حديث حسن عريب لا تعرفه من حديث هشام بن عروة إلا من هذا الوجه. وأبو المتشن اسمه شليمان بن زيد، روى عنه ابن أبي فديك.

[قال أبو عيسى:] ويروى عن النبي ﷺ أنه قال في الأضحية: لاصححها بكل شغرة

merit for every hair" and it has been reported that he said: "for its horns."

حسنةٌ وبرؤوى: «بُقْرُونَهَا».

تخریج: [إسناد ضعيف] وأخرجه ابن ماجه، الأصحابي، باب ثواب الأضحية، ح: ٣١٢٦ من حديث عبدالله بن نافع به * أبوالمنثني ضعيف كما في التقريب وغيره * وفي الباب عن عمران ابن حصين [الحاكم: ٤/ ٢٢٢] وزيد بن أرقم [ابن ماجه، ح: ٣١٢٧] * حديث: "لصاحبها بكل شعرة حسنة" أخرجه ابن ماجه، ح: ٣١٢٧ وسنته ضعيف جداً.

Comments:

In the view of the people of knowledge, sacrifice is an emphasized *Sunnah* and leaving it, in spite of having the ability to perform it, is highly disapproved. Abū Bakr, ‘Umar, Bilāl, Ibn Mas‘ūd, Sa‘eed bin Musayyab, ‘Alqamah, Aswad, ‘Atā, Ash-Shāfi‘ī, Ahmad, and Ishāq have the same view, that this is an emphasized *Sunnah*. Imām Rabi‘ah, Mālik, Ath-Thawri, Al-Awzā‘ī, Al-Laith and Abū Hanifah describe it as an obligation. (*Al-Mughnī* v. 13. p.360.) Emphatic orders for performing this *Sunnah* show its superiority and excellence.

Chapter 2. What Has Been Related About Sacrificing Two Male Sheep

1494. Anas bin Mālik narrated: "The Messenger of Allāh ﷺ slaughtered two horned male sheep which were mostly white. He slaughtered them with his hand and mentioned Allāh's Name, and he said 'Allāhu Akbar,' and put his foot on their sides." (*Sahīh*)

[He said:] There are narrations on this topic from ‘Ali, ‘Aishah, Abū Hurairah, Jābir, Abū Ayyūb, Abū Ad-Dardā’, Abū Rāfi‘, Ibn ‘Umar, and Abū Bakrah [as well].

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم (٢) - باب [مَا جاء] في الأضحية بِكَبَشَيْنِ (التحفة (٢)

١٤٩٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَاتِدَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: ضَحَى رَسُولُ اللهِ ﷺ بِكَبَشَيْنِ أَفْرَيْنِ أَمْلَحَيْنِ ذَبَحَهُمَا بِيَدِهِ وَسَمَّى وَكَبَرَ، وَوَضَعَ رِجْلَهُ عَلَى صِفَاقِهِمَا.

[قَالَ:] وَفِي الْبَابِ عَنْ عَلَيٍّ، وَعَائِشَةَ، وَأَبِي هُرَيْرَةَ، وَجَابِرَ، وَأَبِي أَيُوبَ، وَأَبِي الدَّرْدَاءِ، وَأَبِي رَافِيَّةَ، وَابْنِ عُمَرَ، وَأَبِي بَكْرَةَ [أَيْضًا].

[قَالَ أَبُو عَبِيسَى:] هَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، الأصحابي، باب التكبير عند الذبح، ح: ٥٥٦٥ ومسلم، ح: ١٩٦٦ عن قتيبة به * وفي الباب عن علي [يأتي: ١٤٩٥] وعائشة [أبو داود، ح: ٣١٢٢] وأبي هريرة [أبو داود، ح: ٣١٢٢] وأبي أيوب [لم أجده] وجابر [أبو داود، ح: ٢٧٩٥]

وأبي الدرداء [أحمد: ١٩٦/٥] وأبي رافع [أحمد: ٦٦/٦] وابن عمر [لم أجده] وأبي بكرة [يأتي: ١٥٢٠]

Comments:

This narration shows the way the sacrifice is carried out. Lay the animal of sacrifice on your left facing the *Ka'bah*, put your right leg on its thighs and hold the mouth tightly to keep the throat tight, and slaughter with the right hand mentioning the Name of Allāh aloud, that is “ In the Name of Allāh, Allāh is Greatest” Remember that the knife used for slaughtering must be very sharp.

Chapter 3. What Has Been Related About Slaughtering (Offering Sacrifices) On Behalf Of The Deceased

1495. Hanash narrated that ‘Alī used to slaughter two male sheep, one for the Prophet ﷺ and the other for himself. When this was mentioned to him, he said: “He ordered me to” – meaning the Prophet ﷺ – “so I will never leave it.” (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharib*, we do not know of it except from the narration of Sharīk.

Some of the people of knowledge have permitted slaughtering on behalf of the deceased, and some of them did not think that one could slaughter on their behalf. ‘Abdullāh bin Al-Mubārak said: “To me it is recommended that one give in charity on their behalf and not slaughter on their behalf. And if he were to slaughter, then he does not eat any of it, but gives it all in charity.” [Muhammad said: “‘Alī bin Al-Madīnī said: ‘It has been reported by other than Sharīk.’”]

I asked him: “What is Abul-Hasna’s name?” But he did not know it. Muslim said: “His name is Al-Hasan.”]

(المعجم ٣) - [بَابُ مَا جَاءَ فِي
الأَضْحِيَةِ، عَنِ الْمَيِّتِ] (التحفة ٣)

١٤٩٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمُحَارِبِيُّ
الْكُوفِيُّ: حَدَّثَنَا شَرِيكٌ عَنْ أَبِي الْحَسَنَاءِ،
عَنْ الْحَكَمَ، عَنْ حَشِّ، عَنْ عَلَىٰ: أَنَّهُ كَانَ
يُصَحِّي بِكَبْسَيْنِ، أَخْدُهُمَا عَنِ النَّبِيِّ ﷺ،
وَالْآخَرُ عَنْ نَفْسِهِ، قَبْلَ لَهُ، فَقَالَ: أَمْرَنِي بِهِ
- يَعْنِي النَّبِيِّ ﷺ - فَلَا أَدْعُهُ أَبَدًا.
[قالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ غَرِيبٌ، لَا
تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ شَرِيكٍ.

وَقَدْ رَأَخَصَ بَعْضُ أَهْلِ الْعِلْمِ أَنْ يُصَحِّي
عَنِ الْمَيِّتِ، وَلَمْ يَرَ بَعْضُهُمْ أَنْ يُصَحِّي عَنْهُ.
وَقَالَ عَبْدُ اللَّهِ بْنُ الْمُبَارِكَ: أَحَبُّ إِلَيَّ أَنْ
يَتَصَدَّقَ عَنِّي وَلَا يُصَحِّي عَنِّي، وَإِنْ صَحَّ فَلَا
يُكُلُّ مِنْهَا شَيْئًا، وَيَتَصَدَّقُ بِهَا كُلُّهَا. [قالَ
مُحَمَّدٌ: قَالَ عَلَىٰ بْنُ الْمَدِينِيٍّ: وَقَدْ رَوَاهُ غَيْرُ
شَرِيكٍ قُلْتُ لَهُ: أَبُو الْحَسَنَاءِ مَا اسْمُهُ؟ فَأَنْ
يَعْرِفُهُ. قَالَ مُسْلِمٌ: اسْمُهُ الْحَسَنُ].

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الصحایا، باب الأضحیة عن المیت، ح ٢٧٩٠ من حديث شریک به وصححه الحاکم: ٤/٢٢٩، ٢٣٠، والذهبی، وقالا: "أبو الحسناء هو الحسن بن الحكم" قلت: لا، بل هو غيره وهو مجھول، والحاکم بن قتیبة وشریک القاضی مدلسیان وعننا.

Comments:

Sacrificing on behalf of a deceased person is not proven from any authentic narration. Since the Prophet ﷺ performed a sacrifice on behalf of the Muslim *Ummah*, and dead and alive, all are included in the *Ummah*, therefore, some people allow sacrificing on behalf of deceased people. It is also not proven that all of the meat of the sacrifice performed on behalf of the *Ummah* was given in charity, and distributed among the poor. (*Tuhfat Al-Ahwadhi* v. 2. p. 354.)

Chapter 4. (What Has Been Related About) What Is Recommended To Slaughter (As Sacrifice)

1496. Abū Sa‘eed Al-Khudrī narrated: "The Messenger of Allāh ﷺ slaughtered a horned male ram of fine pedigree, (around) his mouth was black, and his legs were black, and (around) his eyes was black." (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ Ghārīb*, we do not know of it except from the narration of Hafṣ bin Ghiyāth.

(المعجم ٤) - باب [ما جاء في] ما يُستَحْبِط مِن الأَضَاحِي (التحفة ٤)

١٤٩٦ - حَدَّثَنَا أَبُو سَعِيدُ الْأَشْجُونِيُّ: حَدَّثَنَا حَفْصُ بْنُ عَيَّاثٍ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدِ الْحُدْرِيِّ قَالَ: صَحَّى رَسُولُ اللَّهِ ﷺ بِكَبْشٍ أَقْرَنَ فَجِيلٍ، يَأْكُلُ فِي سَوَادٍ، وَيَمْشِي فِي سَوَادٍ، وَيَنْظُرُ فِي سَوَادٍ. قَالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ صَحِيقٍ غَرِيبٍ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ حَفْصٍ أَبْنِ عَيَّاثٍ.

تخریج: [حسن] وأخرجه النسائي: ٧/٤٣٩٥، ح ٢٢١ (الصحایا، باب الكبش) عن الأشجع، وأبو داود، ح ٢٧٩٦ وابن ماجه، ح ٣١٢٨ من حديث حفص بن غیاث به وله شاهد في صحيح مسلم، ح ١٩٦٧ وغيره وبه صحیح الحديث.

Comments:

It seems that some people think that a castrated male animal is not approved for sacrifice. This view is not correct. One authentic narration (Abū Dāwūd) mentions two castrated rams.

Chapter 5. What Is Not Allowed For Slaughtering (As Sacrifice)

1497. Al-Barā' bin ‘Āzib narrated a *Marfū'* narration (from the Prophet ﷺ), saying: "A crippled

(المعجم ٥) - باب [ما لَا يَجُوزُ مِنَ الأَضَاحِي] (التحفة ٥)

١٤٩٧ - حَدَّثَنَا عَلَيْهِ بْنُ حُجْرٍ: حَدَّثَنَا حَرِيرٌ [بْنُ حَازِمٍ] عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ

animal whose limp is obvious is not to be slaughtered as sacrifice, nor an animal with a bad eye whose blindness is obvious, nor a sick animal whose sickness is obvious, nor an emaciated animal that has no marrow (in its bones).” (*Sahih*)

(Another chain) from the Prophet ﷺ with similar meaning.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*, we do not know of it except through the narration of ‘Ubaid bin Fairūz from Al-Barā’. This *Hadīth* is acted upon according to people of knowledge.

تَبْرِيج: [صَحِيفَةٌ] وَأَخْرَجَهُ أَبُو دَاوُدُ، الصَّحَايَا، بَابُ مَا يَكْرَهُ مِنِ الْفَضْلَيَا، ح: ٢٨٠٢ وَابْنٌ
مَاجِه، ح: ٣١٤٤ وَالنَّسَائِيُّ، ح: ٤٣٧٦ مِنْ حَدِيثِ سَلِيمَانَ بْنَ عَبْدِ الرَّحْمَنِ، ح: ٢٩١٢ وَابْنٌ
جَبَانٌ، ح: ١٠٤٦ وَابْنِ الْجَارُودَ، ح: ٤٦٧، ٤٨١ وَالْحَاكِمُ: ٩٠٧، ٤٦٨ وَالذَّهَبِيُّ وَغَيْرُهُمْ.

Comments:

Four defects have been mentioned in this narration making any animal that has any of these defects unlawful for sacrifice. All the people of knowledge agree on this point. Actually the sacrifice is a demonstration of love and thanks to Allāh from His slave, that He made the animal under his control, therefore, a healthy and admirable animal should be selected for sacrifice.

Chapter 6. What Is Disliked For Slaughtering (In Sacrifice)

1498. ‘Alī bin Abī Tālib said: “The Messenger of Allāh ﷺ ordered that we check the eyes and ears, and not to slaughter the *Muqābalah*, nor the *Mudābarah*, nor the *Sharqā*, nor the *Kharqā*” (*Da’if*)

(Another chain) from ‘Alī, from

يَزِيدَ بْنَ أَبِي حَسِيبٍ، عَنْ سَلِيمَانَ بْنَ عَبْدِ الرَّحْمَنِ، عَنْ عَبْدِ بْنِ فَيْرُوزَ، عَنْ الْبَرَاءِ بْنِ عَازِبٍ رَفِعَهُ قَالَ: «لَا يُضَعَّى بِالْعَرْجَاءِ بَيْنَ ظَلَعَهَا، وَلَا بِالْعَوْرَاءِ بَيْنَ عَوْرَهَا، وَلَا بِالْمَرِيضَةِ بَيْنَ مَرَضَهَا، وَلَا بِالْعَجْفَاءِ الَّتِي لَا تُنْثَى».

حَدَّثَنَا هَنَّادُ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ: حَدَّثَنَا شَعْبَةُ عَنْ سَلِيمَانَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَبْدِ بْنِ فَيْرُوزَ، عَنِ الْبَرَاءِ [بْنِ عَازِبٍ] عَنِ النَّبِيِّ ﷺ نَحْوَهُ بِمَعْنَاهُ.

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٌ صَحِيقٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ عَبْدِ بْنِ فَيْرُوزَ عَنِ الْبَرَاءِ. وَالْعَمَلُ عَلَى هَذَا الْحَدِيثِ عِنْدَ أَهْلِ الْعِلْمِ.

تَبْرِيج: [صَحِيفَةٌ] وَأَخْرَجَهُ أَبُو دَاوُدُ، الصَّحَايَا، بَابُ مَا يَكْرَهُ مِنِ الْفَضْلَيَا، ح: ٢٨٠٢ وَابْنٌ
مَاجِه، ح: ٣١٤٤ وَالنَّسَائِيُّ، ح: ٤٣٧٦ مِنْ حَدِيثِ سَلِيمَانَ بْنَ عَبْدِ الرَّحْمَنِ، ح: ٢٩١٢ وَابْنٌ
جَبَانٌ، ح: ١٠٤٦ وَابْنِ الْجَارُودَ، ح: ٤٦٧، ٤٨١ وَالْحَاكِمُ: ٩٠٧، ٤٦٨ وَالذَّهَبِيُّ وَغَيْرُهُمْ.

(المعجم ٦) - بَابُ مَا يُكْرَهُ مِنَ
الأَضَاحِي (التحفة ٦)

١٤٩٨ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيٍّ
الْحُلْوَانِيُّ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا
شَرِيكُ بْنُ عَبْدِ اللَّهِ عَنْ أَبِي إِسْحَاقَ، عَنْ
شَرِيقَ بْنِ التَّعْمَانِ [الصَّائِدِيُّ وَهُوَ الْهَمْدَانِيُّ]
عَنْ عَلَيٍّ [بْنِ أَبِي طَالِبٍ] قَالَ: أَمْرَنَا رَسُولُ

the Prophet ﷺ and it is similar, but he added: "The *Muqābalah* is the one whose ears have been severed, the *Mudābarah* is the one with the sides of its ears cut off, and the *Sharqā'* is one with its ears split, and the *Kharqa'* is the one whose ears have a hole pierced through them."

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

[Abū ‘Eisā said:] Shuraiḥ bin An-Nu‘mān Aṣ-Ṣā’idī is from Al-Kūfah [and he is one of the companions of ‘Alī]. Shuraiḥ bin Al-Kindī Al-Kūfī Al-Qādī’s *Kunya* is Abū Ummayyah, [and he reported from ‘Alī]. Shuraiḥ bin Hāni’ is from Al-Kūfah, and Hāni’ was a Companion (of the Prophet ﷺ), while all of them are among the companions of ‘Alī, living during the same era.

[And his saying: "that we check" means to look and see if they are normal.]

الله عَزَّ وَجَلَّ أَنْ نَسْتَشْرِفَ الْعَيْنَ وَالْأُذْنَ، وَأَنْ لَا نُضَحِّي بِمُقَابَلَةٍ وَلَا مُدَابَرَةٍ وَلَا شَرْفَاءَ وَلَا خَرْفَاءَ.

حدَّثَنَا الحَسَنُ بْنُ عَلَيٍّ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ مُوسَى: حَدَّثَنَا إِسْرَائِيلُ عَنْ أَبِي إِسْحَاقِ عَنْ شُرَيْحِ بْنِ النَّعْمَانَ، عَنْ عَلَيٍّ عَنْ الشَّبِّيِّ عَلَيْهِ السَّلَامُ مِثْلَهُ وَرَبَّهُ قَالَ: الْمُقَابَلَةُ: مَا قُطِعَ طَرْفُ أُذْنِهَا. وَالْمُدَابَرَةُ: مَا قُطِعَ مِنْ جَانِبِ الْأُذْنِ. وَالشَّرْفَاءُ: الْمَشْمُوَّةُ. وَالخَرْفَاءُ: الْمَثْمُوَّةُ. [قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ.

[قالَ أَبُو عِيسَى]: وَشُرَيْحُ بْنُ النَّعْمَانَ الصَّائِدِيُّ [هُوَ] كُوفِيٌّ، وَشُرَيْحُ بْنُ الْحَارِثِ الْكِنْدِيُّ الْكُوفِيُّ الْقَاضِيُّ يُكْنَى أَبَا أُمَّةَ، وَشُرَيْحُ بْنُ هَانِئٍ كُوفِيٌّ وَهَانِئٍ لَهُ صُحبَةً وَكُلُّهُمْ مِنْ أَصْحَابِ عَلَيٍّ فِي عَصِيرٍ وَاحِدٍ [قدْ رُوِيَ عَنْ عَلَيٍّ وَكُلُّهُمْ مِنْ أَصْحَابِ عَلَيٍّ قَوْلُهُ: أَنْ نَسْتَشْرِفَ أَيِّ: أَنْ نَنْتَرِ]

صَحِيحًا].

تخریج: [إسناده ضعیف] وأخرجه أبو داود، أيضًا، ح: ٤٢٠٣ وابن ماجه، ح: ٢١٤٢ والنسائي، ح: ٤٣٧٧ من حديث أبي إسحاق السیعی به والسنده معلل ولبعضه شاهد حسن، يأتي: ١٥٠٣ والحديث صححه الحاکم: ٢٢٤ / ٤ والذهبی * حديث عبید الله بن موسی رواه الدارمي: ٢، ٧٧، ح: ١٩٥٨ عنه.

Comments:

Sacrifice of a defective animal is unlawful and the selection of an animal with mutilated ears or with broken a leg etc., is not approved. There is a difference of opinion on shortened ears (See for details *Al-Mughnī* v. 13. p.370.)

Chapter 7. What Has Been Related About The *Jadha*^[1] Among Sheep For Slaughtering

1499. Abū Kibāsh narrated: “I brought a *Jadha*’ sheep to Al-Madīnah (for sale) but it remained with me. I saw Abū Hurairah and I asked him about it, so he said: ‘I heard the Messenger of Allāh ﷺ saying: “The best male” – or – “female *Uḍhiyah* is that from the *Jadha*’ sheep.” He said: “So the people took note of that (they became interested in buying).”

(*Da’if*)

[He said:] There are narrations on this topic from Ibn ‘Abbās, Umm Bilāl bin Hilāl from her father, Jābir, ‘Uqbah bin ‘Amir, and a man from the Companions of the Prophet ﷺ.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a [Hasan] *Gharīb Hadīth*. This has been reported from Abū Hurairah in *Mawqūf* form.

[‘Uthmān bin Wāqid is Ibn Muḥammad bin Ziyād bin ‘Abdullāh bin ‘Umar bin Al-Khattāb].

This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. The *Jadha*’ sheep is acceptable for *Uḍhiyah*.

تخریج: [إسناده ضعیف] وأخرجه أَحْمَد: ٤٤٤ / ٢ عن وَکیع بْنِ کدام وَأَبُو کباش، وَثَقَلَما الترمذی وَحدَه فَهُما مجهولاً الحال * وفي الباب عن ابن عباس [الطبراني في الكبير: ٢٠٥ / ٧، ح: ١١٥٤٣ وح: ١١٥٦١] وأَمْ بلال بنت هلال عن أبيها [ابن ماجه، ح: ٣١٢٩] وجابر [مسلم، ح: ١٩٦٣] وعقبة بن عامر [يأتي: ١٥٠٠] ورجل من أصحاب النبي ﷺ [أبو داود، ح: ٢٧٩٩].

(المعجم ٧) - بَابُ [مَا جَاءَ] فِي الْجَذَعِ
مِنَ الصَّانِ فِي الْأَضَاحِي (التحفة ٧)

١٤٩٩ - حَدَّثَنَا يُوسُفُ بْنُ عَيسَى: حَدَّثَنَا
وَكِیعُ: حَدَّثَنَا عُثْمَانُ بْنُ وَاقِدٍ عَنْ کَدَامَ بْنِ
عَبْدِ الرَّحْمَنِ، عَنْ أَبِی کَبَاشَ قَالَ: جَلَبْتُ
عَنَّمَا جَذَعًا إِلَى الْمَدِینَةِ فَكَسَدْتُ عَلَيْهِ،
فَلَقِيَتْ أَبَا هُرَيْرَةَ، فَسَأَلَهُ، فَقَالَ: سَعَيْتُ
رَسُولَ اللَّهِ ﷺ يَقُولُ: «نَعَمْ أَوْ نَعَمْتَ
الْأَضْحِيَّةُ الْجَذَعُ مِنَ الصَّانِ»، قَالَ: فَأَنْهَيْتُ
النَّاسَ.

[قال:] وفي الْبَابِ عَنْ أَبْنِ عَبَّاسٍ وَأَمْ
بِلَالِ بِنْتِ هَلَالٍ عَنْ أَبِيهَا، وَجَابِرٍ، وَعَقْبَةَ
أَبْنِ عَامِرٍ، وَرَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ.
[قالَ أَبُو عَيسَى:] وَحَدِيثُ أَبِي هُرَيْرَةَ

حَدِيثُ [حَسْنٌ] عَرَبْتُ. وَقَدْ رُوِيَ هَذَا عَنْ
أَبِي هُرَيْرَةَ مَوْقُوفًا [وَعُثْمَانُ بْنُ وَاقِدٍ هُوَ أَبُونَ
مُحَمَّدٍ بْنِ زَيَادٍ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ
الْخَطَّابِ]، وَالْعَمَلُ عَلَيْهِ هَذَا عِنْدَ أَهْلِ الْعِلْمِ
مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: أَنَّ الْجَذَعَ
مِنَ الصَّانِ يُجزَىءُ فِي الْأَضْحِيَّةِ.

[١] See the explanation after no. 1500, and also no. 621.

Comments:

The *Jadha'* sheep is acceptable for sacrifice but the *Thaniyyah* is better. In the view of most of the people, one year and above is best for the sacrifice, but a healthy lamb of six months is acceptable.

1500. ‘Uqbah bin ‘Amir narrated that the Messenger of Allāh ﷺ gave him sheep to distribute among his Companions as a sacrifice. “There remained a young male kid or a young billy goat, so I mentioned that to the Messenger of Allāh ﷺ and he said: ‘Sacrifice it for yourself.’” (*Sahīh*)

Waki‘ said: “The *Jadha'* among sheep is seven or six months.” [Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. Through routes other than this, it has been reported that ‘Uqbah bin ‘Amir said: “The Prophet ﷺ distributed the sacrificial animals and I was left with a *Jadha'*, so I asked the Prophet ﷺ about it and he said: ‘Sacrifice it for yourself.’”

(Another chain) with this *Hadīth*.

١٥٠٠ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا الْلَّئِنُ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ أَبِي الْحَيْرَ، عَنْ عَقْبَةَ بْنِ عَامِرٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَعْطَاهُ عِنْنَمَا يُقَسِّمُهَا عَلَى أَصْحَابِهِ ضَحَّاً يَا، فَبَقَيَ عَنْهُ أَوْ جَدْنِي فَذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: «ضَحَّ بِهِ أَنْتَ».

فَالْوَكِيعُ: الْجَمَدُ مِنَ الصَّلَانِ يَكُونُ أَنْ سَبْعَةَ أَوْ سَتَةَ أَشْهُرٍ. [فَالْأَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَقَدْ رُوِيَ مِنْ غَيْرِ هَذَا الْوَجْهِ عَنْ عَقْبَةَ بْنِ عَامِرٍ أَنَّهُ قَالَ: قَسَمَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ضَحَّاً يَا فَبَقَيْتُ جَدْعَةً فَسَأَلْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: «ضَحَّ بِهَا أَنْتَ».

حَدَّثَنَا بِدْلَكَ مُحَمَّدُ بْنُ بَشَارٍ: حَدَّثَنَا يَزِيدُ ابْنُ هَارُونَ وَأَبُو دَاؤُدَ فَالَا: حَدَّثَنَا هِشَامُ الدَّسْتَوَائِيُّ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ بَعْجَةَ ابْنِ عَبْدِ اللَّهِ بْنِ بَدْرٍ، عَنْ عَقْبَةَ بْنِ عَامِرٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِهِذَا الْحَدِيثِ.

تخریج: متفق عليه، وأخرجه البخاري، الشركة، باب قسمة الغنم والعدل فيها، ح: ٢٥٠٠، ومسلم، ح: ١٩٦٥ عن قتيبة بن سعيد، ح: ١٦/١٩٦٥ من حديث يزيد بن هارون، والبخاري، ح: ٥٥٤٧ من حديث هشام الدستوائي به وهو في مسنده أبي داود الطيلاني، ح: ١٠٠٢.

Comments:

‘*Atood*’ is one year old healthy goat, and in view of Ibn Batāl, five months old is *Atood*. ‘*Jaddy*’ is a one year old male goat.

Chapter 8. [What Has Been Related About] Sharing In The *Udhiyah* (Sacrifice)

1501. Ibn ‘Abbās narrated: “We were with the Messenger of Allāh ﷺ on a journey when the (Day of) *Adha* came, so we shared seven for a cow and ten for a camel.” (*Hasan*)

[Abū ‘Eīsā said:] There are narrations on this topic from Abū Al-Ashadd Al-Aslāmī, from his father, from his grandfather, and Abū Ayyūb.

[Abū ‘Eīsā said:] The *Hadīth* of Ibn ‘Abbās is a *Hasan Gharīb Hadīth*, we do not know of it except through the narration of Al-Fadl bin Mūsā.

تخریج : [إسناده حسن] وأخرجه ابن ماجه، الأضاحي، باب عن كم تجزيء البدنة والبقرة، ح: ٣١٣١ والمسائي، ح: ٤٣٩٧ من حديث الفضل بن موسى به * وفي الباب عن أبي الأسد السلمي عن أبيه عن جده [أحمد: ٤٢٤ / ٣] وأبي أيوب [يأتي: ١٥٠٥].

1502. Jābir narrated: “We performed the *Nahr* (Sacrifice) with the Messenger of Allāh ﷺ at Al-Hudābiyyah: A camel for seven (persons) and a cow for seven (persons).” (*Sahīh*)

[Abū ‘Eīsā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Sufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi‘ī, Ahmad, and Ishāq. Ishāq said: “A camel is acceptable for ten (persons) as well.” And he used the *Hadīth* of Ibn ‘Abbās as proof.

(المعجم ٨) - بَابُ [مَا جَاءَ] فِي
الاشْتَراكِ فِي الأَضْحِيَةِ (التحفة ٨)

١٥٠١ - حَدَّثَنَا أَبُو عَمَّارُ الْحُسَينُ بْنُ حُرَيْثٍ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنِ الْحُسَينِ ابْنِ وَاقِدٍ، عَنْ عَلْيَاءَ بْنِ أَحْمَرَ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ فِي سَفَرٍ فَهَضَرَ الْأَضْحِيَ، فَأَشْتَرَكْنَا فِي الْبَقَرَةِ سَبْعَةً وَفِي الْبَعِيرِ عَشْرَةً.
[قَالَ أَبُو عِيسَى :] وَفِي الْبَابِ عَنْ أَبِي الْأَشْدَدِ الْأَشْلَمِيِّ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، وَأَبِيهِ أَيُوبَ.
[قَالَ أَبُو عِيسَى :] وَحَدِيثُ ابْنِ عَبَّاسٍ حَدِيثُ حَسَنٌ غَرِيبٌ لَا نَعْرِفُ إِلَّا مِنْ حَدِيثِ الْفَضْلِ بْنِ مُوسَى .

١٥٠٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ أَبِي الزَّئْدِ، عَنْ جَابِرٍ قَالَ: نَحْرَنَا مَعَ رَسُولِ اللَّهِ ﷺ بِالْحُدَيْبِيَّةِ الْبَدْنَةَ عَنْ سَبْعَةِ وَالْبَقَرَةِ عَنْ سَبْعَةِ .
[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثُ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، وَهُوَ قَوْلُ سُفِيَّانَ التَّوْرِيِّ، وَابْنِ الْمُبَارَكِ، وَالشَّافِعِيِّ، وَأَحْمَدَ، وَإِسْحَاقَ. وَقَالَ إِسْحَاقُ: يُجْزِيُءُ أَيْضًا الْبَعِيرُ عَنْ عَشْرَةِ . وَأَخْتَنَعَ بِحَدِيثِ ابْنِ عَبَّاسٍ .

تخریج: وأخرجه مسلم، الحج، باب جواز الاشتراك في الهدي . . . الخ، ح ١٣١٨ عن قتيبة به وهو في الموطأ: ٤٨٦/٢ (يعنى).

Comments:

According to the view of most of the people of knowledge, seven persons can share a camel or cow for sacrifice. All Four *A'imma* support this point of view.

Chapter 9. Regarding A Sacrificial Animal With A Stump Horn Or Ear

(المعجم ٩) [باب: في الضَّحِيَّةِ
بعضَيَاءِ الْقُرْنِ وَالْأُذْنِ] (التحفة ٩)

1503. Hujayyah bin ‘Adī narrated, “‘Alī said: ‘A cow is for seven.’ I said: ‘And if it gives birth?’ He said: ‘Then slaughter its offspring with it.’ I said: ‘What if it is lame?’ He said: ‘When it has reached the place of the ritual.^[1]’ I said: ‘What if it has a broken horn?’ He said: ‘There is no harm. We were ordered’ – or – ‘The Messenger of Allāh ﷺ ordered us, to check the two eyes and the two ears.’” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

[Abū ‘Eisā said:] Sufyān Ath-Thawrī has reported it from Salamah bin Kuhail.

تخریج: [حسن] وأخرجه ابن ماجه، الأضاحي، باب ما يكره أن يضحي به، ح ٣٤٣؛
والنسائي: ٢١٧/٧، ح ٤٣٨١ من حديث سلمة بن كهيل به وصححة الحاكم.

Comments:

If an animal for sacrifice is pregnant and gives birth to a calf, it should be slaughtered with the animal. Imām Shāfi‘ī supports this view, but in the view of Imām Abū Hanifah, the calf can be given alive to some needy and poor person. If it is slaughtered with the animal, atonement will be paid for it. (*Al-Mughnī* v. 13 p. 375.)

1504. ‘Alī narrated: “The Messenger of Allāh ﷺ prohibited that an animal with an *A‘dab*

١٥٠٣ - حَدَّثَنَا عَلَيُّ بْنُ حُبْرٍ: أَخْبَرَنَا شَرِيكٌ عَنْ سَلَمَةَ بْنِ كُهْلٍ، عَنْ حُجَّةَ بْنِ عَدِيٍّ، عَنْ عَلَيٍّ قَالَ: الْبَقَرَةُ عَنْ سَبْعَةِ، فُلُتُّ: فَإِنْ وَلَدَتْ؟ قَالَ: اذْبَعْ وَلَدَهَا مَعَهَا. فُلُتُّ: فَالْعَرْجَاءُ. قَالَ: إِذَا بَلَغَتِ الْمُسْنِكَ، فُلُتُّ: فَمَخْشُورَةُ الْقُرْنِ. قَالَ: لَا يَأْسَ، أَمْرَنَا أَوْ أَمْرَنَا رَسُولُ اللَّهِ ﷺ أَنْ نَسْتَشْرِفَ الْعَيْنَيْنِ وَالْأُذْنَيْنِ. [قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ.

[قالَ أَبُو عِيسَى]: وَقَدْ رَوَاهُ شَفَيْيَانُ الثَّوْرِيُّ عَنْ سَلَمَةَ بْنِ كُهْلٍ.

١٥٠٤ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا عَبْدُهُ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ جُرَيْيٍ بْنِ كُبَيْبَ

^[1] Or, the place of its slaughtering, meaning; then it may be slaughtered.

(stump) horn or ear should be slaughtered as a sacrifice.” Qatādah (one of the narrators) said: “So I mentioned this to Sa‘eed bin Al-Musayyab and he said: ‘The *A‘dab* is that which equals half or more than that.’” (*Hasan*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: [حسن] وأخرجه ابن ماجه، أيضاً، ح: ٣٤٥ من حديث سعيد بن أبي عروبة به ورواه شعبة عن قتادة به عند النسائي، ح: ٤٣٨٢ والبزار في البحر الزخاز: ٩٦، ح: ٨٧٦ وجري ابن كلب: حسن الحديث، على الراجح.

Comments:

According to ‘Allāmah Ibn Qudāmah *A‘dab* means an animal of which more than half of its horn or ear is amputated.

Chapter 10. What Has Been Related About: One Sheep Will Suffice For The People In The Household

1505. ‘Atā’ bin Yasār narrated: “I asked *Abū Ayyūb* [Al-Anṣārī] how the slaughtering was done during the time of the Messenger of Allāh ﷺ. He said: ‘A man would sacrifice a sheep for himself and the people in his household. They would eat from it and feed others, until the people (later) would boast about it and it became as you see now.’” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*. ‘Umārah bin ‘Abdullāh (one of the narrators) is from Al-Madīnah. Mālik bin Anas reported from him.

This is acted upon according to some of the people of knowledge. It is the view of Ahmād and Ishāq.

الْهَبْدِيُّ، عَنْ عَلَيِّ قَالَ: نَهَى رَسُولُ اللهِ ﷺ أَنْ يُضَحِّي بِأَعْضَبِ الْقَرْنِ وَالْأَدْنِ. قَالَ قَتَادَةُ: فَذَكَرْتُ ذَلِكَ لِسَعِيدِ بْنِ الْمُسَيَّبِ فَقَالَ: الْعَضَبُ مَا بَلَغَ النَّصْفَ فَمَا فَوْقَ ذَلِكَ.
[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِحٌ.

(المعجم ١٠) - بَابُ مَا جَاءَ أَنَّ الشَّاةَ الْوَاحِدَةَ تُجْزَىءُ، عَنْ أَهْلِ الْبَيْتِ (التحفة ١٠)

١٥٠٥ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: حَدَّثَنَا أَبُو بَكْرِ الْحَنْفِيُّ: حَدَّثَنَا الضَّحَّاكُ بْنُ عُثْمَانَ: حَدَّثَنِي عُمَارَةُ بْنُ عَبْدِ اللهِ قَالَ: سَعَتْ عَطَاءَ ابْنِ يَسَارٍ يَقُولُ: سَأَلْتُ أَبَا أَيُوبَ [الْأَنْصَارِيَّ]: كَيْفَ كَانَ الصَّحَافَا عَلَى عَنْدِ رَسُولِ اللهِ ﷺ. فَقَالَ: كَانَ الرَّجُلُ يُضَحِّي بِالشَّاةِ عَنْهُ وَعَنْ أَهْلِ بَيْتِهِ فَيُكُلُونَ وَيُطْعَمُونَ حَتَّى تَبَاهِي النَّاسُ فَصَارَتْ كَمَا تَرَى.
[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِحٌ. وَعُمَارَةُ بْنُ عَبْدِ اللهِ هُوَ [مَذَنِيُّ]. وَقَدْ رَوَى عَنْهُ مَالِكُ بْنُ أَنَسٍ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. وَهُوَ قَوْلُ أَحْمَدَ وَإِسْحَاقَ، وَاحْتَجَ بِحَدِيثِ النَّبِيِّ ﷺ أَنَّهُ

They used the *Hadīth* of the Prophet ﷺ as proof, which says that he would offer a horned sheep as a sacrifice and say: "This is for whoever did not offer a sacrifice in my *Ummah*."

Some of the people of knowledge said that one sheep is not accepted for anyone but himself alone. This is the view of 'Abdullāh bin Al-Mubārak and others among the people of knowledge.

تخریج: [صحيح] وأخرجه ابن ماجه، الأضاحي، باب: ضحى شاة عن أهله، ح: ٣١٤٧ من حديث الضحاك بن عثمان به وحديث مالك في الموطأ (النسخة الباكستانية) ص: ٤٩٧ . والبيهقي: ٢٦٨/٩.

Comments:

The Prophet ﷺ used to sacrifice a lamb on behalf of his family.

Chapter 11. The Evidence That The *Uḍḥiyah* (Sacrifice) Is A *Sunnah*

1506. Jabalah bin Suhaim narrated that a man asked Ibn 'Umar about the *Uḍḥiyah*, "Is it obligatory?" So he said: "The Messenger of Allāh ﷺ performed the *Uḍḥiyah* as did the Muslims." He repeated the question. So he said: "Do you understand? The Messenger of Allāh ﷺ slaughtered as did the Muslims." (*Da'iṣ*)

[*Abū 'Eisā* said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge, that the *Uḍḥiyah* is not obligatory, but it is a *Sunnah* among the *Sunan* of the Prophet ﷺ which it is recommended to perform. This is the view of *Sufyān Ath-Thawrī* and *Ibn al-Mubārak*.

ضَحَى بِكَبْشٍ فَقَالَ: «هَذَا عَمَّنْ لَمْ يُضَحِّ مِنْ أَمْمِي». | |

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا تُبْجزِي الشَّاةُ إِلَّا عَنْ نَفْسِي وَاحِدَةً. وَهُوَ قَوْلُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ وَغَيْرِهِ مِنْ أَهْلِ الْعِلْمِ.

(المعجم (١١) - بَابُ [الدَّلِيلِ عَلَى أَنَّ الْأَضْحِيَّةَ سُنَّةً] (التحفة (١١)

١٥٠٦ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْعَنْ : حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا حَجَّاجُ بْنُ أَرْطَاءَ عَنْ جَبَلَةَ بْنِ سُحْيَمٍ: أَنَّ رَجُلًا سَأَلَ ابْنَ عُمَرَ عَنِ الْأَضْحِيَّةِ أَوْاجِهَةٌ هِيَ؟ فَقَالَ: ضَحَى رَسُولُ اللهِ ﷺ وَالْمُسْلِمُونَ. فَأَعْدَاهَا عَنْهُ فَقَالَ: أَنْتَ عَقُولٌ، ضَحَى رَسُولُ اللهِ ﷺ وَالْمُسْلِمُونَ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٌ صَحِيفٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ: أَنَّ الْأَضْحِيَّةَ لَيْسَتِ بِوَاجِهَةٍ وَلَكِنَّهَا سُنَّةٌ مِنْ سُنَّتِ النَّبِيِّ ﷺ يُسْتَحِبُّ أَنْ يُعْمَلَ بِهَا، وَهُوَ قَوْلُ سُفْيَانَ التَّوْرِيِّ، وَابْنِ الْمُبَارَكِ.

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الأضاحی، باب الأضاحی واجبة هي ألم لا، ح ۳۱۲۴ ب من حديث حجاج بن أرطاة به، وهو ضعيف مدلس وعنون والحديث حسن لغیره.

Comments:

The Prophet ﷺ regularly offered the sacrifice throughout his life, and his Companions followed him. One who is poor and has nothing is exempt from offering a sacrifice.

1507. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ stayed in Al-Madīnah for ten years performing the *Uḍḥiyah*. (Daīf) [Abū ‘Eisā said:] This *Hadīth* is *Hasan*.

تخریج: [إسناده ضعیف] وأخرجه أحمد: ۳۸/۲ من حديث ابن أبي زائدة به، وانظر الحديث السابق لعلة.

Comments:

The regular practice of the Prophet ﷺ of offering a sacrifice every year is a model for every Muslim. Continuity in practice does not make it an obligation, but proves its significance.

Chapter 12. (What Has Been Related) About Slaughtering After The *Salāt*

1508. Al-Barā’ bin ‘Āzib narrate^{1:}: “The Messenger of Allāh ﷺ delivered a sermon to us on the Day of *Nahr* and he said: ‘None of you should slaughter until he performs the *Salāt*.’” He said: “So my maternal uncle stood and said: ‘O Messenger of Allāh, this is the day in which meat is disliked, and I hastened my sacrifice to feed my family and the people of my dwellings’ – or – ‘my neighbours.’ He said: ‘Repeat your slaughter with another.’ He said: ‘O Messenger of Allāh ﷺ I have a she-kid that has better meat than

(المعجم ۱۲) - بَابُ [مَا جَاءَ] فِي
الذَّبْحِ بَعْدَ الصَّلَاةِ (التحفة ۱۲)

1508 - حَدَّثَنَا عَلَيُّ بْنُ حَبْرٍ: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ، عَنِ الشَّعْبِيِّ، عَنِ الْمَرَاءِ بْنِ عَازِبٍ قَالَ: حَطَبَنَا رَسُولُ اللَّهِ ﷺ فِي يَوْمِ تَحْرِيرِ فَقَالَ: «لَا يَذْبَحَنَ أَحَدُكُمْ حَتَّى يُصَلِّي». قَالَ: فَقَامَ حَالِي فَقَالَ: يَا رَسُولَ اللَّهِ، هَذَا يَوْمُ اللَّحْمِ فِيهِ مَكْرُوْهٌ، وَإِنِّي عَجَلْتُ نِسِيْكَتِي لِأَطْعَمَ أَهْلِي وَأَهْلَ دَارِي أَوْ جِيرَانِي. قَالَ: «فَأَعِدْ ذَبْحًا بَآخِرٍ». فَقَالَ: يَا رَسُولَ اللَّهِ، عِنْدِي عَنَاقٌ لَبِنٌ هِيَ خَيْرٌ مِنْ شَاتِي لَخْمٌ، أَفَأَذْبَحُهَا؟ قَالَ: «نَعَمْ، وَهُوَ خَيْرٌ فَسَيَكْفِيْكَ

my sheep, should I slaughter it?" He said: 'Yes, and it is better and it will suffice for you, but a *Jadha'* will not be accepted after you.'"
(*Sahih*)

[He said:] There are narrations on this topic from Jābir, Jundab, Anas, 'Uwaimir bin Ashqar, Ibn 'Umar, and Abū Zaid Al-Anṣārī.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahih*. This is acted upon according to [most of] the people of knowledge, in that there is to be no sacrifices in the city until the *Imām* has performed the *Salāt*.

There are those among the people of knowledge who made an exception of allowance for the inhabitants of a town, that they could slaughter when *Fajr* began. This is the view of Ibn Al-Mubārak.

[Abū 'Eisā said:] The people of knowledge have agreed that the *Jadha'* among goats would not be acceptable, and they said that only the *Jadha'* among sheep would be acceptable.

تخریج: متفق عليه، أخرجه مسلم، الأضاحي، باب وقتها، ح: ١٩٦١ من حديث داود بن أبي هند والبخاري، ح: ٩٥٥ من حديث الشعبي به * وفي الباب عن جابر [مسلم، ح: ١٩٦٤] وجندب [البخاري، ح: ٩٨٥ ومسلم، ح: ١٩٦٠] وأنس [البخاري، ح: ٩٥٤ ومسلم، ح: ١٩٦٢] وعويمير بن أشقر [ابن ماجه، ح: ٣١٥٣] وابن عمر [له يشير إلى حديث البخاري، ح: ٩٨٢] وأبي زيد الأنصاري [ابن ماجه، ح: ٣١٥٤].

Comments:

Since Abū Burdah bin Niyār had already slaughtered his animal of sacrifice, he was allowed to sacrifice a well nourished suckling kid lamb instead. Similarly 'Uqbah bin 'Āmir was also allowed, but this permission was not for all times and for all people. Regarding the time of sacrifice; there is no difference between the people living in towns and cities and the people living in rural areas.

ولَا تُجزِي جَذَعَةُ بَعْدَكَ .

[قال:] وفي الباب عن جابر، وجندب، وأنس، وعويمير بن أشقر، وابن عمر، وأبي زيد الأنصاري.

[قال أبو عيسى:] وهذا حديث حسن صحيح. والعمل على هذا عند [أكثر] أهل العلم أن لا يضحى بالمضري حتى يصلني الإمام.

وقد رَحَصَ قَوْمٌ مِّنْ أَهْلِ الْعِلْمِ لِأَهْلِ الْقُرْبَى فِي الدِّينِ إِذَا طَلَعَ الْفَجْرُ، وَهُوَ قَوْمٌ ابْنُ الْمُبَارَكِ .

[قال أبو عيسى:] وقد أجمع أهل العلم أن لا يُجزِي الجَذَعُ مِنَ الْمَعْزِ، وَقَالُوا: إِنَّمَا يُجزِي الجَذَعُ مِنَ الصَّانِ .

Chapter 13. (What Has Been Related) About It Being Disliked To Eat From The Sacrificial Meat Beyond Three Days

1509. Ibn ‘Umar narrated that the Prophet ﷺ said: “None of you should eat from the meat of his sacrificial meat beyond three days.” (*Sahih*)

[He said:] There are narrations on this topic from ‘Aishah and Anas.

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Umar is a *Hasan Sahīh Hadīth*. The Prophet ﷺ only would prohibit that earlier, then he permitted it after that.

تخریج: وأخرجه مسلم، الأضاحي، باب بيان ما كان من النهي عن أكل الأضاحي بعد ثلاث ... إلخ، ح: ١٩٧٠ عن قتيبة به * وفي الباب عن عائشة [مسلم، ح: ١٩٧١ والبخاري، ح: ٥٥٧٠ والترمذى، ح: ١٥١١] وأنس [البيهقي: ٤/٧٧].

Chapter 14. (What Has Been Related) About The Permission To Eat From It Beyond Three Days

1510. Sulaimān bin Burāiда narrated from his father that the Messenger of Allāh ﷺ said: “I used to prohibit you from (eating) the meat of the Sacrifice beyond three days so that those who have the ability would give to those who do not have it. So (now), eat as you like, feed others, and save from it.” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn Mas‘ūd, ‘Aishah, Nubaishah, Abū Sa‘eed, Qatādah bin An-Nu‘mān, Anas, and Umm Salamah.

[Abū ‘Eisā said:] The *Hadīth* of

(المعجم ١٣) - باب [ما جاء في كراهة أكل الأضحية فوق ثلاثة أيام] (التحفة ١٣)

١٥٠٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْيَثْرَى عَنْ نَافِعَ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا يَأْكُلُ أَحَدُكُمْ مِنْ لَحْمِ أَضْحِيَتِهِ فَوْقَ ثَلَاثَةِ أَيَّامٍ». [قال:] وفي الباب عن عائشةً وأنسٍ. [قالَ أَبُو عِيسَى:] حَدِيثُ ابْنِ عُمَرَ حَدِيثُ حَسَنٍ صَحِيحٌ. وَإِنَّمَا كَانَ النَّهْيُ مِنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُتَقدِّمًا ثُمَّ رَحَصَ بَعْدَ ذَلِكَ.

(المعجم ١٤) - باب [ما جاء في الرخصة في أكلها بعد ثلاثة] (التحفة ١٤)

١٥١٠ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ وَمَحْمُودُ ابْنُ عَيْلَانَ وَالْحَسَنُ بْنُ عَلَيِّ الْخَلَّالُ [وغيره] وَاجِدٌ [قالوا:] حَدَّثَنَا أَبُو عَاصِمِ النَّبِيلِ: حَدَّثَنَا سُفْيَانُ [الثُّورِيُّ] عَنْ عَلْقَمَةَ بْنِ مَرْئَةِ، عَنْ شُعَيْمَانَ بْنِ بُرْيَدَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «كُنْتُ نَهَيْتُكُمْ عَنِ الْحُومِ الْأَضَاحِيِّ فَوْقَ ثَلَاثَ لِيَسِيعَ دُوَ الطَّوْلِ عَلَى مَنْ لَا طَوْلَ لَهُ، فَكُلُّوا مَا بَدَا لَكُمْ وَأَطْبِعُوهَا وَادْجِرُوا». [قال:] وفي الباب عن ابن مسعودٍ، وعائشةً، وبيشةً، وأبي سعيدٍ، وفتادةً بن النعمان، وأنسٍ، وأم سلمةً.

(Sulaiman bin) Buraidah is a *Hasan Sahih Hadith*. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others.

تَعْرِيف: وأخرجه مسلم، وأيضاً، ح: ٩٧٧ بعد ١٩٧٥ من حديث سفيان الثوري به * وفي الباب عن ابن مسعود [أحمد: ٤٥٢/١] وعائشة [يأتي: ١٥١١] ونبيشة [أبو داود، ح: ٢٨١٣] وأصله في صحيح مسلم، [ح: ١١٤١] وأبي سعيد [مسلم، ح: ١٩٧٣] وقنادة بن النعمان [البخاري، ح: ٣٩٩٧] وأنس [البيهقي: ٤/٧٧] وأحمد: ٢٥٠، ٢٣٧/٣ وأم سلمة [لأم جده].

Comments:

Eating and storing the meat of sacrifice for more than three days is allowed and lawful, because its prohibition was temporary and later it was abrogated.

1511. ‘Abis bin Rabī‘ah narrated: “I said to the Mother of the Believers: ‘Did the Messenger of Allāh ﷺ prohibit from the meat of the Sacrifice?’ She said: ‘No, but only a few people could slaughter, so he liked that they feed those who did not slaughter. (Later) we would store a leg to eat after ten days.’” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Sahīh*. The Mother of the Believers is ‘Aishah, the wife of the Prophet ﷺ. This *Hadīth* was reported from her through more than one route.

تَعْرِيف: وأخرجه البخاري، الأطعمة، باب ما كان السلف يدخلون في بيوتهم وأسفارهم من الطعام واللحم وغيره، ح: ٢٩٧٠/٢٣ وMuslim، ح: ٥٤٢٣ من حديث عابس بن ربيعة به نحو المعنى.

Comments:

Ummul-Mu'minīn ‘Aishah explains that its purpose was to provide meat to those who were poor and needy, otherwise it is not prohibited to eat and store it after three days.

[قال أبو عيسى:] حديث بريدة حديث حسن صحيح. والعمل على هذا عند أهل العلم من أصحاب النبي ﷺ وغيرهم.

تَعْرِيف: وأخرجه مسلم، وأيضاً، ح: ٩٧٧ بعد ١٩٧٥ من حديث سفيان الثوري به * وفي الباب عن ابن مسعود [أحمد: ٤٥٢/١] وعائشة [يأتي: ١٥١١] ونبيشة [أبو داود، ح: ٢٨١٣] وأصله في صحيح مسلم، [ح: ١١٤١] وأبي سعيد [مسلم، ح: ١٩٧٣] وقنادة بن النعمان [البخاري، ح: ٣٩٩٧] وأنس [البيهقي: ٤/٧٧] وأحمد: ٢٥٠، ٢٣٧/٣ وأم سلمة [لأم جده].

١٥١١ - حَدَّثَنَا قُتْمَيْهُ: حَدَّثَنَا أَبُو الأَخْوَصِ عَنْ أَبِي إِسْحَاقَ، عَنْ عَابِسِ بْنِ رَبِيعَةَ قَالَ: قُلْتُ لِأُمِّ الْمُؤْمِنِينَ: أَكَانَ رَسُولُ اللهِ ﷺ يَنْهَا عَنْ لُحُومِ الْأَضَاحِيِّ؟ قَالَتْ: لَا وَلَكِنْ قَلَّ مَنْ كَانَ يُضْحِي مِنَ النَّاسِ فَأَخَبَّتْ أَنْ يُطْعَمَ مَنْ لَمْ يَكُنْ يُضْحِي، وَلَقَدْ كُنَّا نَرْفَعُ الْكُرَاعَ فَنَأْكُلُهُ بَعْدَ عَشْرَةِ أَيَّامٍ.

[قال أبو عيسى:] هذا حديث [حسن]

صحيح، وأم المؤمنين هي عائشة زوج النبي ﷺ. وقد روی عنها هذا الحديث من غير وجيه.

Chapter 15. (What Has Been Related) About The *Fara'* And The *'Atrah*

1512. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “There is no *Fara'* nor *'Atrah*.” (*Sahīh*)

The *Fara'* is the first of the offspring that would be born to them, so they would slaughter it.

[He said:] There are narrations on this topic from Nushaybah, Mikhnaf bin Sulaim, [and Ibn Al-'Usharā' from his father].

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

The *'Atrah* was an animal that they would slaughter during Rajab to honor the month of Rajab, since it was the first of the sacred months. The sacred months are Rajab, *Dhul-Qa'dah*, *Dhul-Hijjah*, and Al-Muharram. And the months of *Hajj* are *Shawwāl*, *Dhul-Qa'dah*, and the (first) ten (days) of *Dhul-Hijjah*. This is what was reported from some of the Companions of the Prophet ﷺ and others regarding the months of *Hajj*.

(المعجم ١٥) - بَابُ [مَا جَاءَ] فِي
الْفَرَعِ وَالْعَتِيرَةِ (التحفة ١٥)

١٥١٢ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا
عَبْدُ الرَّزَاقِ: حَدَّثَنَا مَعْمَرٌ عَنِ الرُّهْرَيِّ، عَنِ
[ابْنِ] الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ
رَسُولُ اللَّهِ ﷺ: «لَا فَرَعَ وَلَا عَتِيرَةً» وَالْفَرَعُ
أَوَّلُ النَّاسِ كَانَ يُتَّسِّعُ لَهُمْ فَيَذْبَحُونَهُ.
[قَالَ:] وَفِي الْبَابِ عَنْ نَبِيَّشَةِ، وَمُخْنَفِ
ابْنِ شَلَيْمَ، [وَابْنِ الْعُشَرَاءِ، عَنْ أَبِيهِ].
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

وَالْعَتِيرَةُ: ذِيَّحَةٌ كَانُوا يَذْبَحُونَهَا فِي رَجَبٍ
يُعَظِّمُونَ شَهْرَ رَجَبٍ، لِأَنَّهُ أَوَّلُ شَهْرٍ مِنْ
أَشْهُرِ الْحُرُمَةِ. وَأَشْهُرُ الْحُرُمَةِ: رَجَبٌ وَذُو
الْقَعْدَةِ وَذُو الْحِجَّةِ وَالْمُحَرَّمُ. وَأَشْهُرُ
الْحِجَّةِ: شَوَّالٌ وَذُو الْقَعْدَةِ وَعَشْرٌ مِنْ ذِي
الْحِجَّةِ. كَذَلِكَ رُوِيَ عَنْ بَعْضِ أَصْحَابِ
النَّبِيِّ ﷺ وَغَيْرِهِمْ فِي أَشْهُرِ الْحِجَّةِ.

تخریج: متفق عليه، وأخرجه مسلم، الأضاحي، باب الفرع والعتيرة، ح: ١٩٧٦ من حديث عبد الرزاق والبخاري، ح: ٥٤٧٣ من حديث معمر به وهو في مصنف عبدالرزاق: ٣٤١ / ٤، ح: ٧٩٩٨ * وفي الباب عن نبيشة [أبو داود، ح: ٢٨٣٠: ومخنف بن سليم [يأتي: ١٥١٨] وابن العشراء عن أبيه [تمام بن محمد الرازي في الفوائد: ٣٦ / ٣٣].

Comments:

As there is no performance of *Hajj* after the tenth of *Dhul-Hijjah*, therefore, it has been ended here, whereas other rites related to *Hajj* are performed after the tenth of *Dhul-Hijjah*. The Prophet ﷺ said that *Al-Hajj* is reaching *'Arafat*, and the ninth of *Dhul-Hijjah* is the Day of *'Arafat*, which lasts till the *Fajr* prayer of the tenth of *Dhul-Hijjah*.

Chapter 16. What Has Been Related About The ‘Aqīqah

1513. Yuṣuf bin Māhak narrated they entered upon Ḥafṣah bint ‘Abdur-Rahmān to ask her about the ‘Aqīqah. She informed them that ‘Aishah had informed her, that the Messenger of Allāh ﷺ ordered them that for a boy, two sheep were sufficient, and for a girl one sheep. (*Hasan*)

[He said:] There are narrations on this topic from ‘Alī, Umm Kurz, Buraidah, Samurah, Abū Hurairah, ‘Abdullāh bin ‘Amr, Anas, Salmān bin ‘Āmir, and Ibn ‘Abbās.

[Abū ‘Eisā said:] The *Hadīth* of ‘Aishah is a *Hasan Ṣaḥīḥ Hadīth*. Ḥafṣah is the daughter of ‘Abdur-Rahmān bin Abū Bakr As-Siddīq.

Comments:
 According to Abū ‘Ubaidah, ‘Aqīqah’ is the hair that is on the head of a newly born baby. As this hair is shaved on the seventh day after birth, and an animal is slaughtered, therefore, all this process is named ‘Aqīqah’. According to Imām Ahmād, slaughtering an animal for this particular event is called ‘Aqīqah’.

Chapter (...) The *Adhān* In The Ear Of The Newborn

1514. ‘Ubaidullāh bin Abī Rāfi‘ narrated that his father said: “I saw

(المعجم ١٦) - بَابُ مَا جَاءَ فِي الْعِقِيقَةِ
 (التحفة ١٦)

١٥١٣ - حَدَّثَنَا يَحْيَى بْنُ خَلَفٍ
 [البصري]: حَدَّثَنَا يَسْرُورُ بْنُ الْمُفَضْلِ: حَدَّثَنَا
 عَبْدُ اللَّهِ بْنُ عُشَّانَ بْنُ خَتَّمٍ عَنْ يُوسُفَ بْنِ
 مَاهِكَ أَتَتْهُمْ دَخْلُوا عَلَى حَفْصَةَ بِنْ عَبْدِ
 الرَّحْمَنِ فَسَأَلُوهَا عَنِ الْعِقِيقَةِ، فَأَخْبَرْتُهُمْ أَنَّ
 عَائِشَةَ أَخْبَرَتْهَا: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَمْرَهُمْ عَنِ
 الْغَلَامِ شَاتَانِ مُكَافَتَانِ وَعَنِ الْجَارِيَةِ شَاةً.
 [قال]: وفي الباب عن علية، وأم كرز،
 وبريدة، وسمرة، وأبي هريرة، وعبد الله بن
 عمرو، وأنس، وسلمان بن عامر، وابن
 عباس.
 [قال أبو عيسى]: حديث عائشة حديث
 حسن صحيح. وحفصة هي ابنة عبد الرحمن
 ابن أبي بكر الصديق.

تَحْرِيْج: [إسْنَادُهُ حَسْنٌ] وَأَخْرَجَهُ أَبْنَى مَاجَهُ، ح: ٣١٦٣ من حديث ابن خثيم به وصححه ابن حبان، ح: ١٠٥٨ * وفي الباب عن علي [يأتي: ١٥١٩] وأم كرز [يأتي: ١٥١٦] وبريدة [أبو داود، ح: ٢٨٤٣] وسمرة [يأتي: ١٥٢٢] وأبي هريرة [البيهقي: ٣٠٢/٩] وعبد الله بن عمرو [أبو داود، ح: ٢٨٤٢] وأنس [الطبراني في الصغير: ١/٨٥ وسنده موضوع] وسلمان بن عامر [يأتي: ١٥١٥] وابن عباس [أبو داود، ح: ٢٨٤١].

(المعجم ...) - بَابُ الْأَذَانِ فِي أَدْنِ
 الْمُؤْلُودِ (التحفة ١٧)

١٥١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ شَارِ: حَدَّثَنَا
 يَحْيَى بْنُ سَعِيدٍ وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍ

the Messenger of Allāh ﷺ say the *Adhān* in the ear of Al-Hasan bin ‘Alī – when he was born to Fātimah – the *Adhān* of *Salāt*.” (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Sahīh*. And it is acted upon [regarding the ‘*Aqīqah*]. Through other routes, it has been reported from the Prophet ﷺ: For a boy two sheep are sufficient, and for a girl, one sheep. And it has also been reported: That he had one sheep for the ‘*Aqīqah* for Al-Hasan bin ‘Alī. Some of the people of knowledge followed this *Hadīth*.

فَالَا : حَدَّثَنَا سُفِيَّانُ عَنْ عَاصِمٍ بْنِ عَبْدِ اللَّهِ ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي رَافِعٍ ، عَنْ أَبِيهِ قَالَ : رَأَيْتُ رَسُولَ اللَّهِ ﷺ أَذَنَ فِي أُذْنِ الْحَسَنِ بْنِ

عَلَيِّ - جِينَ وَلَدَتُهُ فَاطِمَةُ - بِالصَّلَاةِ .

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ [حَسَنٌ] صَحِيفٌ . وَالْعَمَلُ [فِي الْعَقِيقَةِ] عَلَيْهِ ، وَرُوِيَ عَنِ النَّبِيِّ ﷺ فِي الْعَقِيقَةِ مِنْ غَيْرِ وَجْهٍ : عَنِ الْغُلَامِ شَتَانَ مُكَافِشَانَ ، وَعَنِ الْجَارِيَةِ شَاتَةً . وَرُوِيَ عَنِ النَّبِيِّ ﷺ أَيْضًا : أَنَّهُ عَنِ الْحَسَنِ بْنِ عَلَيِّ شَاتَةً .

وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا

الْحَدِيثِ .

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الأدب، باب: في المولود يؤذن في أذنه، ح ۵۱۰۵ من حديث يحيى بن سعيد القطان به * عاصم بن عبیدالله: ضعیف، راجع نیل المقصود، ح ۳۱۶۳ وغیره.

Comments:

Immediately after the birth of a child, ‘*Adhān* should be called in the right ear of the baby. ‘Umar bin Abdul Aziz used to say the ‘*Adhān* in the right ear, and the *Iqāmah* in the left. Some of the scholars considered this action based on the various narrations which-although weak - strengthen eachother, in their view. Shaikh Al-Albāni’s last grade was that it is weak. See *Ad-Da’ifah* no. 6121.

1515. Salmān bin ‘Āmir Ad-Dabbī narrated that the Messenger of Allāh ﷺ said: “For a boy, there is an ‘*Aqīqah*. So spill blood for him, and remove the harm from him.” (*Sahīh*)

(Another chain) with similar.

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Sahīh*

١٥١٥ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ [الخَلَالُ] : حَدَّثَنَا عَبْدُ الرَّزَاقَ : حَدَّثَنَا هِشَامُ ابْنُ حَسَانَ عَنْ حَفْصَةَ بِنْتِ سَبِيلِينَ ، عَنِ الرَّبَابِ ، عَنْ سَلْمَانَ بْنِ عَامِرِ الضَّبَّيِّ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : «مَعَ الْغُلَامِ عَقِيقَةٌ فَأَهْرِيقُوا عَنْهُ دَمًا ، وَأَمْيطُوا عَنْهُ الْأَدَى» .

حَدَّثَنَا الْحَسَنُ [بْنُ أَعْيَنَ] : حَدَّثَنَا عَبْدُ الرَّزَاقِ : حَدَّثَنَا ابْنُ عَيْنَةَ عَنْ عَاصِمٍ بْنِ سُلَيْمانَ

الأَخْوَلِ، عَنْ حَفْصَةَ بْنِتِ سَبِيلِينَ، عَنِ الرَّبَابِ،
عَنْ سَلْمَانَ بْنِ عَامِرٍ، عَنِ النَّبِيِّ ﷺ مِثْلُهُ.
[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ [حَسَنٌ]
صَحِيحٌ.

تَعْرِيف: وأَخْرَجَهُ الْبَخَارِيُّ، الْعَقِيقَةُ، بَابُ إِمَاطَةِ الْأَذْيِ عنِ الصَّبِيِّ فِي الْعَقِيقَةِ، ح: ٥٤٧١ مِنْ
حَدِيثِ هَشَامَ بْنِ حَسَانٍ بْنِهِ وَهُوَ فِي مَصْنُفِ عَبْدِ الرَّزَاقِ: ٣٢٩/٦، ح: ٧٩٥٨.

Comments:

Here *Al-Adhā* (harm) means the hair on the head of a new born baby.

1516. Umm Kurz narrated that she asked the Messenger of Allāh ﷺ about the ‘Aqīqah. He said: “For the boy is two sheep, and for the girl is one, it will not harm you if they (i.e. the sheep) are male or female.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Sahīh*.

١٥١٦ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَائِنَ:
حَدَّثَنَا عَبْدُ الرَّزَاقِ: حَدَّثَنَا ابْنُ جُرَيْجَ قَالَ:
أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ أَبِي يَزِيدَ، عَنْ سَبَاعَ بْنِ
ثَائِبٍ: أَنَّ مُحَمَّدَ بْنَ ثَائِبٍ بْنَ سَيَاعَ أَخْبَرَهُ: أَنَّ أَمَّ
كُرْزَ أَخْبَرَهُ: أَنَّهَا سَأَلَتْ رَسُولُ اللَّهِ ﷺ عَنِ
الْعَقِيقَةِ، فَقَالَ: «عَنِ الْغَلَامِ شَانَانٌ، وَعَنِ
الْجَارِيَةِ وَاحِدَةٌ، لَا يَضُرُّكُمْ ذُكْرُهَا كُنْ أَمْ إِنَاثًا».
[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ [حَسَنٌ]

صَحِيحٌ.

تَعْرِيف: [إِسْنَادُ حَسَنٍ] وأَخْرَجَهُ أَحْمَدُ: ٤٢٢/٦
ح: ٢٨٣٦ مِنْ حَدِيثِ عَبْدِ اللَّهِ بْنِ أَبِي يَزِيدٍ، وَالنَّسَائِيُّ: ١/١٦٥، ح: ٤٢٢٣ مِنْ حَدِيثِ ابْنِ جُرَيْجَ،
وَصَحَّحَهُ ابْنُ حَبَّانَ، ح: ١٠٥٩ وَالحاكمُ وَالذهبيُّ.

Chapter 17. ‘The Best Sacrifice Is The Male Sheep’

1517. Abū Umāmah narrated that the Messenger of Allāh ﷺ said: “The best *Udhiyah* (Sacrifice) is a ram, and the best (burial) shroud is the *Hullah*.^[1] (*Da’if*)

(الْمَعْجمُ ١٧) - بَابٌ: [خَيْرُ الْأَصْحَاحِيَّةِ
الْكَبِشُ] (التَّحْفَةُ ١٨)

١٥١٧ - حَدَّثَنَا سَلَمَةُ بْنُ شَبِيبٍ: حَدَّثَنَا
أَبُو الْمُغَيْرَةِ عَنْ عُفَيْرِ بْنِ مَعْدَانَ، عَنْ شَلَيْمَ بْنِ
عَامِرٍ، عَنْ أَبِي أُمَامَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:

[1] “Meaning an *Izār* and a *Ridā*’. In *An-Nihāyah* it says: ‘*Al-Hullah* is singular for *Hulal*, a Yemeni *Burūd*. It will not be called “*Hullah*” unless it is two articles of clothing from the same cloth.’” (*Tuhfat Al-Ahwadhi*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*, and ‘Ufair bin Ma’dān was graded weak in *Hadīth*.

«خَيْرُ الْأَضْحِيَّةِ الْكَبْشُ، وَخَيْرُ الْكَفَنِ الْحُلَّةُ». .
[قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ غَرِيبٌ

وَعُفَيْرُ بْنُ مَعْدَانَ يُضَعِّفُ فِي الْحَدِيثِ.
تَخْرِيج: [إسْنَادُه ضَعِيفٌ] وأخْرَجَه ابْنُ مَاجَهُ، الْأَضَاحِي، بَابُ مَا يُسْتَحْبَطُ مِنَ الْأَضَاحِي،
ح: ٣١٣٠: مِنْ حَدِيثِ عَفِيرٍ بْنِ مَعْدَانَ وَهُوَ ضَعِيفٌ.

Comments:

Among the goat, lamb and ram, a ram is preferred and a better choice of sacrifice. Complete camel as a sacrifice for one person is appreciated and considered excellent choice. (*Al-Mughnī* v. 13. p.366.)

Chapter 18. A Sacrifice Every Year

1518. Mikhnaf bin Sulaim narrated: “We were standing with the Prophet ﷺ at ‘Arafāt when I heard him say: ‘O you people! For every household each year is *Uḍhiyah* (a sacrifice) and *‘Atīrah*. Do you know what an *‘Atīrah* is? It is that which you call *Rajabiyyah*.’”^[1] (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*. We do not know of this *Hadīth* except through this route narrated by Ibn ‘Awn.

(المعجم ١٨) - بَابُ: [الْأَضْحِيَّةُ فِي
كُلِّ عَامٍ] (التحفة ١٩)

١٥١٨ - حَدَّثَنَا أَحْمَدُ بْنُ مَيْعَ: حَدَّثَنَا رَوْحُ بْنُ عَبَادَةَ: حَدَّثَنَا ابْنُ عَوْنَ: حَدَّثَنَا أَبُو رَمْلَةَ عَنْ مُحْنَفِ بْنِ سُلَيْمٍ قَالَ: كُنَّا وُقُوفًا مَعَ السَّيِّدِ بَلِيلَةَ بْنَ عَرَفَاتَ فَسَعَيْتُمْ يَقُولُ: «يَا أَيُّهَا النَّاسُ، عَلَى كُلِّ أَهْلِ بَيْتٍ فِي كُلِّ عَامٍ أَضْحِيَّةٌ وَغَيْرَهُ، هَلْ تَدْرُونَ مَا الْعَتِيرَةُ: هِيَ الَّتِي سَمُونَهَا الرَّجَبِيَّةُ».

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ، وَلَا تَعْرِفُ هَذَا الْحَدِيثَ إِلَّا مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ ابْنِ عَوْنَ.

تَخْرِيج: [إسْنَادُه ضَعِيفٌ] وأخْرَجَه أَبُو دَاودُ، الصَّحَايَا، بَابُ مَا جَاءَ فِي إِبْجَابِ الْأَضَاحِي،
ح: ٤٢٢٩: وَابْنُ مَاجَهُ، ح: ٣١٢٥ وَالسَّائِي، ح: ٤٢٨٨ منْ حَدِيثِ ابْنِ عَوْنَ بِهِ وَلِلْحَدِيثِ شَواهِدٌ
عِنْ النَّسَائِيِّ، ح: ٤٢٣٠ وَغَيْرِهِ أَبُو رَمْلَةَ مَجْهُولُ الْحَالِ، لَمْ يُوْنَّهْ غَيْرُ التَّرمِذِيِّ.

Comments:

One who has the ability and resources should offer an animal in sacrifice on behalf of his family every year, and if possible one should slaughter an animal in the month of Rajab to get the favor of Allāh. However, the majority of the scholars hold the view that the order for *‘Atīrah* is abrogated. (*Tuhfat Al-Ahwadhi*).

^[1] Shaikh Al-Albānī graded it *Hasan*, while the order for *‘Atīrah* is abrogated, meaning the order for *Uḍhiyah* remains.

Chapter 19. The 'Aqīqah With One Sheep

1519. Muḥammad bin 'Alī bin Al-Ḥusain narrated that 'Alī bin Abī Ṭālib said: "The Messenger of Allāh ﷺ had the 'Aqīqah for Al-Hasan with one sheep, and said: 'O Fāṭimah! Shave his head and give the weight of his hair in silver as charity.'" [He said:] "So I weighed it, and it was the weight of a Dirham or a bit of a Dirham." (*Hasan*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharīb*. Its chain of narration is not connected. Abū Ja'far Muḥammad bin 'Alī [bin Al-Ḥusain] did not see 'Alī bin Abī Ṭālib.

تخریج: [حسن] وأخرجه ابن أبي شيبة: ٤٧/٨، ح: ٤٢٨٦ عن عبد الأعلى به وللحديث شواهد عند ابن أبي شيبة والبيهقي: ٣٠٤/٩ وغيرهما.

Comments:

It is inferred from the study of various narrations, that giving silver in charity is equal to the weight of hair is preferable and appreciated. (*Al-Mughnī* v.13. p. 397.) According to an authentic narration, two lambs for a boy and one for a girl are recommended for sacrifice on the day of *Aqīqah*. Sacrifice of one lamb is also allowed for the boy in case of tight financial circumstances. (*Al-Mughnī* v.3. p. 396.)

Chapter (...) The Sacrifice With Two Male Sheep

1520. 'Abdur-Rahmān bin Abī Bakrah narrated from his father, that the Prophet ﷺ gave a *Khutbah*, then he descended and called for two rams and slaughtered them. (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is [*Hasan*] *Sahīh*.

(المعجم ١٩) - بَابُ : [الْعِقِيقَةُ بِشَاةٍ]

(التحفة ٢٠)

١٥١٩ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى اسْطَعْبُونُ
حَدَّثَنَا عَبْدُ الْأَعْلَى [بْنُ عَبْدِ الْأَعْلَى] عَنْ
مُحَمَّدٍ بْنِ إِسْحَاقَ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي
بَكْرٍ، عَنْ مُحَمَّدٍ بْنِ عَلَيٍّ بْنِ الْحُسْنَينِ، عَنْ
عَلَيٍّ بْنِ أَبِي طَالِبٍ قَالَ: عَوْنَوْ رَسُولُ اللَّهِ ﷺ
عَنِ الْحُسْنَى بِشَاةٍ وَقَالَ: «يَا فَاطِمَةُ اخْلُقِي
رَأْسَهُ وَتَصَدِّقِي بِزِنَةِ شَعْرِهِ فَضَّةً»، [قَالَ:]
فَوَرَّتْهُ، فَكَانَ وَرْثُهُ دِرْهَمًا أَوْ بَعْضُ دِرْهَمٍ.
[قَالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ غَرِيبٌ،
وَإِسْنَادُهُ لَيْسَ بِمُتَّصِّلٍ وَأَبُو جَعْفَرٍ مُحَمَّدُ بْنُ عَلَيٍّ
[بْنِ الْحُسْنَى] لَمْ يُدْرِكْ عَلَيٍّ بْنُ أَبِي طَالِبٍ.

تخریج: [حسن] وأخرجه ابن أبي شيبة: ٤٧/٨، ح: ٤٢٨٦ عن عبد الأعلى به وللحديث شواهد عند ابن أبي شيبة والبيهقي: ٣٠٤/٩ وغيرهما.

(المعجم ...) - بَابُ : [الأَضْحِيَةُ

بِكَبَّشَيْنِ] (التحفة ٢١)

١٥٢٠ - حَدَّثَنَا الْحُسْنَى بْنُ عَلَيٍّ الْخَلَّالُ :
حَدَّثَنَا أَرْهَدُ بْنُ سَعْدِ السَّمَانُ عَنِ ابْنِ عَوْنَ،
عَنْ مُحَمَّدٍ بْنِ سَبِّيرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ
أَبِي بَكْرَةَ، عَنْ أَبِيهِ: أَنَّ النَّبِيَّ ﷺ حَطَبَ ثُمَّ
نَزَلَ فَدَعَا بِكَبَّشَيْنِ فَذَبَحَهُمَا.

[قالَ أَبُو عِيسَىٰ : هَذَا حَدِيثٌ [حَسْنٌ]
صَحِيحٌ .]

تخریج: وأخرجه مسلم، القسامه والمحاربين، باب تغليظ تحريم الدماء والأعراض
والآموال، ح: ١٦٧٩ من حديث ابن عون به مطولاً.

Chapter 20. What Is Said Upon Slaughtering

1521. Jābir bin ‘Abdullāh narrated: “I attended the (*'Eid Al-Adhā*) with the Prophet ﷺ at the *Musalla*. When he finished his *Khuṭbah*, he descended from his *Minbar* and was given a male sheep. The Messenger of Allāh ﷺ slaughtered it with his hand and said: ‘*Bismillāh, Wa Allāhu Akbar*, this is from me and whoever does not slaughter from my *Ummah*.’” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharib* from this route. This is acted upon according to the people of knowledge among the Companions of the Prophet ﷺ and others. When a man slaughters, he says: “*Bismillāh, Wa Allāhu Akbar*.” This is the view of Ibn Al-Mubārak. As for (one of the narrators) Al-Muṭtalib bin ‘Abdullāh bin Ḥantab, it is said that he did not hear from Jābir.

تخریج: [حسن] وأخرجه أبو داود، الضحايا، باب: في الشاة يضحي بها عن جماعة،
ح: ٢٨١٠ عن قتيبة به وللحديث شواهد عند أبي داود، ح: ٢٧٩٥ والحاکم: ٤/٢٢٩ وغیرهما.

Comments:

At the time of slaughtering an animal of sacrifice, one mentions the Name of Allāh; “I start in the Name of Allāh and Allāh is the Greatest”. Most of the scholars add these words “O Allāh this is in Your Name and accept from me.” (*Al-Mughnī* v. 13. p. 390.)

[المعجم (٢٠) - بابٌ : [مَا يَقُولُ إِذَا ذَبَحَ]
(التحفة (٢٢)

١٥٢١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا يَعْقُوبُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ عَمْرِو بْنِ أَبِي عَمْرُو، عَنِ
الْمُطَلِّبِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: شَهِدْتُ
مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْأَصْحَى بِالْمُصَلَّى، فَلَمَّا قَضَى
خُطْبَتَهُ نَزَلَ عَنْ مِسْبَرِهِ فَأَتَيَ بِكَبْشٍ فَذَبَحَهُ
رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِيَدِهِ وَقَالَ: بِسْمِ اللَّهِ، وَاللَّهِ
أَكْبَرُ، هَذَا عَنِّي وَعَمَّنْ لَمْ يُضْعَفْ مِنْ أُمَّتِي». .
[قالَ أَبُو عِيسَىٰ : هَذَا حَدِيثٌ غَرِيبٌ مِنْ
هَذَا الْوَجْهِ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ
الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَغَيْرِهِمْ أَنْ
يَقُولُ الرَّجُلُ إِذَا ذَبَحَ: بِسْمِ اللَّهِ، وَاللَّهِ أَكْبَرُ
وَهُوَ قَوْلُ ابْنِ الْمُبَارَكِ. وَالْمُطَلِّبُ بْنُ عَبْدِ
اللَّهِ بْنِ حَنْطَبٍ، يَقَالُ: إِنَّهُ لَمْ يَشْمَعْ مِنْ
جَابِرٍ .]

Chapter 21. About The 'Aqiqah

(المعجم ٢١) - بَابُ : [مِنْ الْعَقِيقَةِ]

(التحفة ٢٣)

1522. Samurah narrated that the Messenger of Allāh ﷺ said: "The boy is mortgaged by his 'Aqiqah; slaughtering should be done for him on the seventh day, he should be given a name, and his head should be shaved." (*Sahīh*)

(Another chain) with similar meaning.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge. They consider it recommended that the 'Aqiqah be done for the boy on the seventh day. If it is not possible on the seventh day then it is done on the fourteenth day. If that is not possible, then an 'Aqiqah is done for him on the twenty-first day. And they say that no sheep is acceptable for 'Aqiqah which is not acceptable for *Udhriyah*.

١٥٢٢ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرٍ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ عَنْ إِسْمَاعِيلَ بْنِ مُسْلِمٍ، عَنِ الْحَسَنِ، عَنْ سَمْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْغَلَامُ مُرْتَهِنٌ بِعَقِيقَتِهِ يُذْبَحُ عَنْهُ يَوْمًا السَّابِعَ، وَيُسَمَّى، وَيُحَلَّقُ رَأْسُهُ».

حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَالُ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرْوَةَ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمْرَةَ بْنِ جُنْدُبٍ عَنِ النَّبِيِّ ﷺ تَحْوِةً.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسْنٌ صَحِيفٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ: يَسْتَحِبُّونَ أَنْ يُذْبَحَ عَنِ الْغَلَامِ الْعَقِيقَةُ يَوْمَ السَّابِعِ، فَإِنْ لَمْ يَتَهَيَا يَوْمَ السَّابِعِ فَيَوْمَ الرَّابِعِ عَشَرَ، فَإِنْ لَمْ يَتَهَيَا عَنْهُ يَوْمَ حَادِي وَعُشْرِينَ. وَقَالُوا: لَا يُجْزِيُ فِي الْعَقِيقَةِ مِنَ الشَّاءِ إِلَّا مَا يُجْزِيُ فِي الْأُضْحِيَّةِ.

تَحْرِيْج: [صَحِيفٌ] وَآخِرُهُ أَبُو دَاوُدُ، الصَّحَايَا، بَابُ: فِي الْعَقِيقَةِ، ح: ٢٨٣٧، ٢٨٣٨ وَابْنِ ماجه، ح: ٣٦٥ وَالنَّسَائِيُّ، ح: ٤٢٢٥ مِنْ حَدِيثِ الْحَسَنِ الْبَصْرِيِّ بِهِ وَرَوَاهُ أَبُو دَاوُدُ، ح: ٢٨٣٨: مِنْ حَدِيثِ سَعِيدِ بْنِ أَبِي عَرْوَةِ بِهِ وَصَحَّحَهُ ابْنُ الْجَارِوْدِ، ح: ٩١٠ وَالحاكِمُ: ٣٧/٤ وَالذَّهَبِيُّ وَالإِشْبَلِيُّ وَغَيْرُهُمْ.

Comments:

Some scholars say that because a child is a blessing of Allāh for man, the 'Aqiqah is an acknowledgement and act of gratitude for this blessing. It remains due until it is acknowledged by sacrificing an animal in the Name of Allāh. Shaving the head of the baby is must at this time. The Messenger of Allāh ﷺ slaughtered on behalf of himself after he was forty, indicating it's permissibility whenever one is able if it was not done on the seventh day.

Chapter 22. To Avoid Removing One's Hair For Those Who Want To Offer Sacrifice

1523. Umm Salamah narrated that the Prophet ﷺ said: "Whoever sees the crescent of Dhul-Hijjah, and wants to slaughter (a sacrifice), he should not take from his hair nor from his nails." (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan* [*Sahīh*]. What is correct (in the chain) is "‘Amr bin Muslim," Muḥammad bin ‘Amr bin Alqamah and others narrated from him. This *Hadīth* has been reported from Sa‘eed bin Al-Musayyab, from Umm Salamah, from the Prophet ﷺ, through routes other than this and it is similar in meaning. This is the saying of some of the people of knowledge, and it is the view of Sa‘eed bin Al-Musayyab, and Ahmad and Ishāq went with this *Hadīth*.

Some of the people of knowledge permitted that, they said that there is no harm if he takes from his hair and his nails. This is the view of Ash-Shāfi‘ī, and he used the *Hadīth* of ‘Aishah as proof; that the Prophet ﷺ would dispatch from Al-Madinah with the *Hadī*, and he would not avoid anything that the *Muhrim* would avoid.

تخریج: وأخرجہ مسلم، الأضاحی، باب نهي من دخل عليه عشر ذی الحجه ... إلخ،

Comments:

According to Imām Ahmad and Sa‘eed bin Musayyab it is unlawful to trim the hair, according to Mālik, Ash-Shāfi‘ī and some *Hanbalis* trimming the hair is disliked. In the view of Abū Ḥanīfah, it is not disliked. See (*Tuhfat Al-Ahwadhi*)

(المعجم ٢٢) - باب [ترك أخذ الشعر لمن أراد أن يضحي] (التحفة ٢٤)

١٥٢٣ - حدثنا أحمد بن الحكيم البصري: حدثنا محمد بن جعفر عن شعبة، عن مالك بن أنس، عن عمرو أو عمر بن مسلم، عن سعيد بن المسيب، عن أم سلمة عن النبي ﷺ قال: «من رأى هلال ذي الحجة وأراد أن يضحي فلا يأخذ من شعره ولا من أظفاره».

[قال أبو عيسى:] هذا حديث حسن [صحيح] وال صحيح هو عمرو بن مسلم، قد روى عنه محمد بن عمرو بن عقبة وغيره واحد. وقد روى هذا الحديث عن سعيد بن المسيب، عن أم سلمة عن النبي ﷺ من غير هذا الوجه نحو هذا، وهو قول بعض أهل العلم، وبه كان يقول سعيد بن المسيب، وإلى هذا الحديث ذهب أ Ahmad، وإسحاق، ورَّخص ببعض أهل العلم في ذلك، فقالوا: لا بأس أن يأخذ من شعره وأظفاره، وهو قول الشافعية. واحتج بحديث عائشة؛ أن النبي ﷺ كان يتبع بالمهدي من المدينة فلما يجتبي شيئاً مما يجتبي منه المحرم.

ح: ١٩٧٧ عن أحمد به.

*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

18. The Chapters On Vows And Oaths From The Messenger Of Allāh ﷺ

Chapter 1. What Has Been Related From The Messenger Of Allāh ﷺ About ‘There Is No Vowing For Disobedience’

1524. ‘Āishah narrated that the Messenger of Allāh ﷺ said: “There is no vowing for disobedience, and its atonement is the atonement of an oath.” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn ‘Umar, Jābir, and ‘Imrān bin Huṣain.

[Abū ‘Eisā said:] This *Hadīth* is not correct, because Az-Zuhri did not hear this *Hadīth* from Abū Salamah.

[He said:] I heard Muḥammad saying: “It has been reported by more than one narrator – among them – Mūsā bin ‘Uqbah, and Ibn Abī ‘Atīq, from Az-Zuhri: ‘from Sulaimān bin Arqam, from Yahya bin Abī Kathir, from Abū Salamah, from ‘Āishah, from the Prophet ﷺ.’” Muḥammad said: “And this is the *Hadīth*.”

تخریج: [صحیح] وأخرجه أبو داود، الأیمان والتذور، باب من رأى عليه كفارةً إذا كان في معصية، ح: ٣٢٩٠ وابن ماجه، ح: ٢١٢٥ والنسائي، ح: ٣٨٦٥ من حديث يوشن به والزهري صرخ بالسماع عند النساءي، ح: ٣٨٦٩ وللحديث شواهد * وفي الباب عن ابن عمر [علمه يشير إلى

(المعجم ١٨) - أبواب التذور والأيمان
عن رسول الله ﷺ (التحفة ١٦)

(المعجم ١) - باب ما جاء عن رسول الله ﷺ: أَنَّ لَا نَذْرَ فِي مَعْصِيَةٍ (التحفة ١)

١٥٢٤ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو صَفْوَانَ
عَنْ يُونُسَ بْنِ يَزِيدَ، عَنْ ابْنِ شَهَابٍ، عَنْ
أَبِي سَلَمَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللهِ
ﷺ: «لَا نَذْرٌ فِي مَعْصِيَةٍ وَكَفَارَتُهُ كَفَارَةٌ
يَمْنِينَ».

[قال:] وفي الباب عن ابن عمر،
وجابر، وعمراً بن حصين.

[قال أبو عيسى:] هَذَا حَدِيثٌ لَا يَصْحُّ،
لَاَنَّ الزُّهْرِيَّ لَمْ يَسْمَعْ هَذَا الْحَدِيثَ مِنْ أَبِي
سَلَمَةَ، [قال:] وَسَمِعْتُ مُحَمَّدًا يَقُولُ: رُوِيَ
عَنْ غَيْرِ وَاحِدٍ مِنْهُمْ: مُوسَى بْنُ عُقْبَةَ، وَابْنُ
أَبِي عَتِيقٍ عَنِ الزُّهْرِيِّ، عَنْ سُلَيْمَانَ بْنِ
أَرْقَمَ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي
سَلَمَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ. قَالَ
مُحَمَّدٌ: وَالْحَدِيثُ هُوَ هَذَا.

حدث البخاري، ح: ٦٦٠٨ ومسلم، ح: ٢٩٧ [أحمد: ٣/ ١٦٣٩] وجابر [أحمد: ٣/ ٢٩٧] وعمران بن حصين [النسائي: ٧/ ٢٩، ح: ٣٨٧٧-٣٨٨٢-٣٨٨٢].

1525. ‘Āishah narrated that the Prophet ﷺ said: “There is no voweding for disobedience to Allāh, and its atonement is the atonement of an oath.” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*, and it is more correct than the (previous) narration of Abū Ṣafwān from Yūnus. [Abū Ṣafwān is from Makkah and his name is ‘Abdullāh bin Sa‘eed bin ‘Abdul-Malik bin Marwān. Al-Humaidī and more than one of the esteemed people of *Hadīth* reported from him].

There are those among the people of knowledge from the Companions of the Prophet ﷺ and others who said: "There is no voweding for disobedience to Allāh, and its atonement is the atonement of an oath." This is the view of Ahmād and Ishaq and they used the *Hadīth* of Az-Zuhri from Abū Salamah from 'Āishah as proof.

Some of the people of knowledge among the Companions of the Prophet ﷺ and others said that there is no voweding for disobedience, and that there is no atonement for that. This is the view of Mâlik and Ash-Shâfi'i.

تخریب: [صحيح] وأخرجه أبو داود، الأیمان والندور، باب من رأى عليه كفارةً إذا كان في معصية، ح ٣٢٩٢ والنمسائي، ح ٣٨٧٠ من حديث أیوب بن سليمان به.

Comments:

All the *A'immah* agree on the point that fulfillment of a vow that is against

١٥٢٥ - حَدَّثَنَا أَبُو إِسْمَاعِيلَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ يُوسَفَ التَّرْمِذِيُّ: حَدَّثَنَا أَبُو يُوبُ بْنُ سُلَيْمَانَ بْنِ بِلَالٍ: حَدَّثَنِي أَبُو بَكْرُ بْنُ أَبِي أَوْيَسٍ عَنْ سُلَيْمَانَ بْنِ بِلَالٍ، عَنْ مُوسَى ابْنِ عُقْبَةَ وَعَبْدِ اللَّهِ بْنِ أَبِي عَتِيقٍ، عَنِ الرَّهْرِيِّ، عَنْ سُلَيْمَانَ بْنِ أَرْقَمَ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا تَنْدَرُ فِي مَعْصِيَةِ اللَّهِ، وَكَفَارَتُهُ كَفَارَةُ يَمِينٍ».

[قَالَ أَبُو عِيسَىٰ:] هَذَا حَدِيثُ غَرِيبٍ
وَهُوَ أَصَحُّ مِنْ حَدِيثِ أَبِي صَفَوَانَ عَنْ
يُونُسَ . [وَأَبُو صَفَوَانَ هُوَ مَكِيٌّ وَاسْمُهُ عَبْدُ اللَّهِ
ابْنُ سَعِيدٍ بْنُ عَبْدِ الْمَلِكِ بْنِ مَرْوَانَ، وَقَدْ
رَوَى عَنْهُ الْمُعْمَدِيُّ وَغَيْرُهُ وَاحِدٌ مِنْ أَجْلَّ
أَهْلِ الْحَدِيثِ]. وَقَالَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ مِنْ
أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ: لَا تَنْذِرْ فِي
مَعْصِيَةِ اللَّهِ، وَكَفَارَتُهُ كَفَارَةُ يَمِينٍ . وَهُوَ قَوْلُ
أَحْمَدَ وَإِسْحَاقَ وَاحْتَجَأَ بِحَدِيثِ الزُّهْرِيِّ عَنْ
أَبِي سَلَمَةَ، عَنْ عَائِشَةَ .

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ
وَغَيْرِهِمْ: لَا نَدْرَ فِي مَعْصِيَةٍ وَلَا كُفَّارَةَ
فِي ذَلِكِ . وَهُوَ قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ.

تخریج: [صحيح] وأخرجه أبو داود، الأیما

the Commands of Allāh and against the Laws of Islam is unlawful. It should never be fulfilled.

Chapter 2. Whoever Vows To Obey Allāh, Then He Should Obey Him

1526. ‘Aishah narrated that the Prophet ﷺ said: “Whoever vowed to obey Allāh, then he should obey Him. And whoever vowed to disobey Allāh, then he should not disobey Him.” (*Sahīh*)

(Another chain) with similar meanings.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. Yahya bin Abī Kathīr reported it from Al-Qāsim bin Muḥammad.

It is the view of some of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the saying of Mālik, and Ash-Shāfi‘i. They said: He should not disobey Allāh, and there is no atonement of an oath when his vow was for disobedience.

(المعجم ٢) - [بَابُ مِنْ نَذْرٍ أَنْ يُطِيعَ

الله فَلِيُطِعْهُ] (الصفحة ٢)

١٥٢٦ - حَدَّثَنَا قُتْبَيْهُ بْنُ سَعْدِ عَنْ مَالِكٍ [ابن أَنَسٍ]، عَنْ طَلْحَةَ بْنْ عَبْدِ الْمَلِكِ الْأَيْلَيِّ، عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ نَذَرَ أَنْ يُطِيعَ الله فَلِيُطِعْهُ وَمَنْ نَذَرَ أَنْ يَعْصِي الله فَلَا يَعْصِيهِ».

حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَّالُ: حَدَّثَنَا عَبْدُ الله بْنُ ثُمَيرٍ عَنْ عَبْدِ الله بْنِ عُمَرَ، عَنْ طَلْحَةَ بْنِ عَبْدِ الْمَلِكِ الْأَيْلَيِّ، عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ تَحْوِهً. [قالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ. وَقَدْ رَوَاهُ يَحْيَى بْنُ أَبِي كَثِيرٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ. وَهُوَ قَوْلٌ بِعَضِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرُهُمْ. وَبِهِ يَقُولُ مَالِكُ، وَالشَّافِعِيُّ قَالُوا: لَا يَعْصِي الله وَلَيْسَ فِيهِ كَفَارَةٌ يَمْنِينَ إِذَا كَانَ النَّذْرُ فِي مَعْصِيَةٍ.]

تخریج: وأخرج البخاري، الأيمان والنذور، باب النذر في الطاعة: "وما أنفقت من نفقة أو ندرتم من نذر" ، ح: ٦٦٩٦ ، ٦٧٠٠ من حديث مالك به وهو في الموطأ: ٤٧٦ / ٢ (يحيى).

Comments:

If a vow or pledge is taken in obedience to Allāh but with a condition of fulfillment of some particular need, it must be accomplished. For example someone says that he will fast for a number of days if Allāh cures him from this ailment, or he will give this much amount in charity in the Name of Allāh if he finds his lost property. After recovery or finding his lost property he must fulfill his vow. If the vow is taken without any condition, again it must be fulfilled. For example if someone says that he will fast for some days, or he will give such and such amount of money in charity, there is no condition attached to it, then it should be fulfilled. Most of the scholars agree on this point. (See for details *Al-Mughnī* v. 13. p. 622-623.)

Chapter 3. (What Has Been Related About) There Is No Vowing In That Over Which The Son Of Ādām Has No Control

1527. Thābit bin Ad-Dahhāk narrated that the Prophet ﷺ said: "It is not for a person to vow about that over which he has no control." (*Sahīh*)

[He said:] There are narrations on this topic from 'Abdullāh bin 'Amr and 'Imrān bin Ḥuṣain.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٣) - بَابُ [مَا جَاءَ] لَا نَذْرٌ
فِيمَا لَا يَمْلِكُ ابْنُ آدَمَ (التحفة ٣)

١٥٢٧ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْعِيْ: حَدَّثَنَا
إِسْحَاقُ بْنُ يُوسُفَ الْأَزْرَقُ عَنْ هِشَامِ
الدَّسْتَوَائِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي
قَلَابَةَ، عَنْ ثَابِتِ بْنِ الضَّحَّاكِ عَنْ التَّبَّيِّ
قَالَ: «لَيْسَ عَلَى الْعَبْدِ نَذْرٌ فِيمَا لَا يَمْلِكُ».
[قَالَ]: وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو
وَعُمَرَانَ بْنِ حُصَيْنِ.
[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

تخریج: متفق عليه، وأخرج له مسلم، الإيمان، باب بيان غلط تحريم قتل الإنسان نفسه . . .
إلخ، ح: ١١٠ من حديث هشام الدستوائي والخاري، ح: ٦٠٤٧ من حديث يحيى بن أبي كثیر به
* وفي الباب عن عبد الله بن عمرو [تقديم: ١١٨١] وعمران بن حصين [مسلم، ح: ١٦٤١].

Comments:

It is not allowed to take vow about something which does not belong to the person taking the vow. For example saying that if Allāh cures him from the ailment he will manumit that particular slave which actually is not his property, or he will give that amount in charity which he does not have.

Chapter 4. (What Has Been Related) About Atonement For A Vow When It Was Not Specified

1528. 'Uqbah bin 'Āmir narrated that the Messenger of Allāh ﷺ said: "The atonement for a vow when it is not specified is the atonement for an oath." (*Da'iṣ*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb*.

(المعجم ٤) - بَابُ [مَا جَاءَ] فِي كَفَارَةِ
النَّذْرِ إِذَا لَمْ يُسَمَّ (التحفة ٤)

١٥٢٨ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْعِيْ: حَدَّثَنَا
أَبُو بَكْرِ بْنُ عَيَّاشِ: حَدَّثَنِي مُحَمَّدُ مَوْلَى
الْمُغَиْرَةَ بْنِ شُعْبَةَ: حَدَّثَنِي كَعْبُ بْنُ عَقْمَةَ،
عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: قَالَ
رَسُولُ اللَّهِ ﷺ: «كَفَارَةُ النَّذْرِ إِذَا لَمْ يُسَمَّ
كَفَارَةُ يَمِينٍ».

[قالَ أَبُو عِيسَىٰ:] هَذَا حَدِيثُ حَسَنٌ
صَحِيحٌ غَرِيبٌ.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الأیمان والثنور، باب من نذر نذرًا لم يسمه، ح: ۳۳۲۳ من حديث أبي بكر بن عياش به وهو ضعيف وشيخه مجهول، وله شاهد عند مسلم، ح: ۱۶۴۵ دون قوله: "إذا لم يسم" حديث أبي داود صحيح بالشواهد.

Comments:

If a vow is made without a condition, the expiation is that of an oath. For example, while making a vow if it is not made clear that a fast will be kept or some amount will be given in charity, or voluntary prayers (*Nawāfi*) will be performed, etc., in this case one has to pay the expiation for an oath. (*Tuhfat Al-Ahwadhi* v.2, p.368.)

Chapter 5. (What Has Been Related) About Whoever Takes An Oath And Then Sees That Something Else Is Better Than It

1529. ‘Abdur-Rahmān bin Samurah narrated that the Messenger of Allāh ﷺ said: “O ‘Abdur-Rahmān! Do not ask for a position of leadership, for if you receive it due to asking, you will be left alone with it, and if you receive it without asking, then you will be aided in it. And if you take an oath and you see that something else is better than it, then do what is better, and make an atonement for your oath.” (*Sahīh*)

There are narrations on this topic from [‘Alī, Jābir], ‘Adī bin Hātim, Abū Ad-Dardā’, Anas, ‘Aishah, ‘Abdullāh bin ‘Amr, Abū Hurairah, Umm Salamah, and Abū Mūsā.

[Abū ‘Eisā said:] The *Hadīth* of ‘Abdur-Rahmān bin Samurah is a *Hasan Sahīh Hadīth*.

(المعجم ۵) - بَابُ [مَا جَاءَ] فِيمَنْ حَلَفَ
عَلَىٰ يَمِينٍ فَرَأَىٰ غَيْرَهَا خَيْرًا مِنْهَا
(التحفة ۵)

١٥٢٩ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْوَىٰ
[الصَّنْعَانِي]: حَدَّثَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ عَنْ
يُونُسَ [هُوَ ابْنُ عَيْدَيْدٍ]: حَدَّثَنَا الْحَسَنُ عَنْ
عَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ قَالَ: قَالَ رَسُولُ اللهِ
ﷺ: «يَا عَبْدَ الرَّحْمَنِ، لَا تَشَأِلِ الإِمَارَةَ
فَإِنَّكَ إِنْ أَتَتَكَ عَنْ مَسْأَلَةٍ وُكِلْتَ إِلَيْهَا، وَإِنَّكَ
إِنْ أَتَتَكَ مِنْ غَيْرِ مَسْأَلَةٍ أُعْنِتَ عَلَيْهَا، وَإِذَا
حَلَفْتَ عَلَىٰ يَمِينٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا
فَأَتِ الَّذِي هُوَ خَيْرٌ وَلَنْ تُكَفِّرَ عَنْ يَمِينِكَ».

وَفِي الْبَابِ عَنْ [عَلَيْهِ، وَجَابِرِ، وَعَدَيْيِ
ابْنِ حَاتِمٍ، وَأَبِي الدَّرْدَاءِ، وَأَنَسِ، وَعَائِشَةَ،
وَعَبْدِ اللَّهِ بْنِ عَمْرُو، وَأَبِي هُرَيْرَةَ، وَأُمِّ
سَلَمَةَ، وَأَبِي مُوسَىٰ .

[قالَ أَبُو عِيسَىٰ:] حَدِيثُ عَبْدِ الرَّحْمَنِ
ابْنِ سَمْرَةَ حَدِيثُ حَسَنٌ صَحِيحٌ .

تخریج: متفق عليه، وأخرجه البخاري، الأحكام، باب من سأل الإمارة وكل إليها،

ح: ٧١٤٧ ومسلم، ح: ١٦٥٢ من حديث يونس بن عبيد به * وفي الباب عن علي [لعله يشير إلى حديث أَحْمَد: ١٠١ وَالله أَعْلَم] وجابر [الطبراني في الأوسط: ٢٤٦/٥، ح: ٤٤٨٥] وعدي بن حاتم [مسلم، ح: ١٦٥١] وأبي الدرداء [الحاكم: ٣٠١/٤ والبيهقي: ٥٢٠] وأنس [يأتي: ١٥٣٦، ١٥٣٧] وعائشة [ابن ماجه، ح: ٢١١٠] وعبد الله بن عمرو [أبو داود، ح: ٣٢٧٤] وأبي هريرة [يأتي: ١٥٣٠] وأم سلمة [الطبراني في الكبير: ٢٢٣، ٣٠٧، ح: ٦٩٤] وأبي موسى [البخاري، ح: ٣١٣٣] ومسلم، ح: ١٦٤٩].

Comments:

1. Whoever took an oath to do something and later found that something else is better, then it is advisable to do the better thing and make expiation for his oath.
2. Islam dislikes seeking positions of authority. He who acquires a position through some influence or links and recommendations; he loses guidance from Allāh, and becomes the slave of his base self. But if a post of authority and power is offered by the government it can be accepted, and Allāh's help and guidance will lead the person to make the right decisions.

Chapter 6. (What Has Been Related) About The Atonement Before The Violation

(المعجم ٦) - بَابُ [مَا جَاءَ] فِي
الْكَفَارَةِ قَبْلَ الْحِجْنَثِ (التحفة ٦)

1530. Abū Hurairah narrated that the Prophet ﷺ said: “Whoever takes an oath, and then he sees that something else is better than it, then he should make atonement for his oath and then do it.” (*Sahīh*)

[He said:] There are narrations on this topic from Umm Salamah.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*. This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others: Atonement before the violation is acceptable. This is the view of Mālik [bin Anas], Ash-Shāfi‘ī, Ahmad and Ishāq.

Some of the people of knowledge said that there is no atonement

١٥٣٠ - حَدَّثَنَا قُتْبَيْهُ عَنْ مَالِكِ بْنِ أَنَسِ، عَنْ شَهْبِيلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِيهِ هُرَيْرَةَ عَنْ النَّبِيِّ ﷺ قَالَ: مَنْ حَلَفَ عَلَى يَوْمِنْ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا فَلْيَكُفِّرْ عَنْ يَوْمِنْهِ وَلْيَقْعُلْ.

[قال:] وفي الباب عن أم سَمَّةَ.

[قالَ أَبُو عِيسَى:] حَدَّثَنَا أَبِي هُرَيْرَةَ حَدَّثَنَا حَسَنٌ صَحِيحٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرُهُمْ: أَنَّ الْكَفَارَةَ قَبْلَ الْحِجْنَثِ تُعْزِّىْ وَهُوَ قَوْلُ مَالِكٍ [بْنِ أَنَسِ]، وَالشَّافِعِيِّ، وَأَخْمَدَ، وَإِسْحَاقَ.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا يُكَفِّرُ إِلَّا بَعْدَ الْحِجْنَثِ . قَالَ سُفْيَانُ الثَّوْرِيُّ: إِنَّ كَفَرَ بَعْدَ

until after the violation. Sufyān Ath-Thawrī said: “If he atones after the violation it is better to me, and if he atones before the violation it is acceptable.”

تخریج: وأخرجه مسلم، الأیمان، باب ندب من حلف يمينا، فرأى غيرها خيراً منها ...
الخ، ح: ١٦٥٠ من حديث مالك به وهو في الموطأ: ٤٧٨/٢ (بھی).

Comments:

It is agreed upon that the payment of expiation is an obligation after breaking the oath because it is not an obligation before breaking it. There is a difference of opinion over the question. Can it be paid before breaking an oath? Most of the scholars support this, but it is better if the expiation is paid after breaking an oath.

Chapter 7. (What Has Been Related) About Making Exceptions In Oaths

1531. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “Whoever swears about an oath and says: ‘If Allāh wills (*Inshā’-Allāh*)’, then there is no breaking of the oath against him.” (*Sahih*)

[He said:] There is something on this topic from Abū Hurairah.

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Umar is a *Hasan Hadīth*. ‘Ubaidullāh bin ‘Umar and others reported it from Nāfi‘, from Ibn ‘Umar as a *Mawqūf* narration. Similarly, Sālim reported it from Ibn ‘Umar [may Allāh be pleased with them] as a *Mawqūf* narration. We do not know of anyone who narrated it in *Marfū‘* form except from Ayyūb As-Sakhtiyānī. Ismā‘il bin Ibrāhīm said: “Sometimes Ayyūb narrated it as *Marfū‘* and sometimes he did not narrate it as *Marfū‘*.”

This is acted upon according to most of the people of knowledge

الجنب أحب إلى، وإن كفر قبل الجنب
آخره.

(المعجم ٧) - باب [مَا جاء] في
الاستثناء في اليمين (التحفة ٧)

١٥٣١ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا
عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنِي أَبِي
وَحْمَادَ بْنُ سَلَمَةَ عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ
ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ
حَلَّفَ عَلَى يَمِينٍ فَقَالَ: إِنْ شَاءَ اللَّهُ، فَلَا
جِنْتَ عَلَيْهِ».

[قال:] وفي الباب عن أبي هريرة.
[قال أبو عيسى:] حدثت ابن عمر
حديث حسن، وقد رواه عبد الله بن عمر
ونعيره عن نافع، عن ابن عمر موقوفاً،
وهكذا روى سالم عن ابن عمر [رضي الله
عنهما] موقوفاً، ولا نعلم أحداً رفعه غير
أيوب السختياني، وقال إسماعيل بن
إبراهيم: وكان أيوب أحياناً يرفعه وأحياناً لا
يرفعه.

والفعل على هذا عند أكثر أهل العلم من

among the Companions of the Prophet ﷺ and others regarding making an exception when connecting it to an oath, then one will not be guilty of having broken the oath. This is the view of Sufyān Ath-Thawrī, Al-Awzā'ī, Mālik bin Anas, 'Abdullāh bin Al-Mubārak, Ash-Shāfi'ī, Aḥmad, and Iṣhāq.

أصحاب النبي ﷺ وغيرهم أن الاستثناء إذا كان موصولاً باليمين فلا حنث عليه، وهو قول سفيان الشورى، والأوزاعي، ومالك ابن أنس، وعبد الله بن المبارك، والشافعى وأحمد، وإسحاق.

تخریج: [إسناده صحيح] وأخرجه النسائي: ١٢/٧، ح: ٣٨٢٤ (الأيمان والتذور، باب من حلف فاستثنى) من حديث عبد الوارث، وأبو داود، ح: ٣٢٦٢، ٣٢٦١، ٢٢٦٢ وابن ماجه، ح: ٢١٠٥؛ والنمسائي، ح: ٣٨٦٠ من حديث أبوب السختياني به وصححه ابن حبان * وفي الباب عن أبي هريرة [يأتي: ١٥٣٢].

Comments:

In view of most of the scholars saying '*Inshā'-Allāh*' - if it is Will of Allāh - clears one from the oath and there is no expiation for breaking an oath in such case. In the view of some followers of the Companions of the Prophet ﷺ, and according to Tāwūs and Ḥasan, *Inshā'-Allāh* can be said as long as the gathering is there and when the assembly is dispersed, there is no choice of saying it.

1532. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Whoever swears [about an oath] and says: 'If Allāh wills (*Inshā'-Allāh*)', then he will not have broken it." (*Sahīh*)

[Abū 'Eisā said:] I asked Muḥammad bin Ismā'il about this *Hadīth*, so he said: "This *Hadīth* is a mistake, 'Abdur-Razzāq made the mistake of abbreviating it from the narration of Ma'mar, from Ibn Tāwūs, from his father, from Abū Hurairah, from the Prophet ﷺ who said: 'Indeed Sulaimān bin Dāwūd, peace be upon him, said: 'Tonight I will sleep with seventy women, each woman giving birth to a boy.' So he slept with them, but no one woman among them gave

١٥٣٢ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى : حَدَّثَنَا عَبْدُ الرَّزَاقِ : حَدَّثَنَا مَعْمَرٌ عَنْ أَبْنِ طَاؤُسٍ ، عَنْ أَبِيهِ ، عَنْ أَبِي هُرَيْرَةَ : أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : مَنْ حَلَفَ [عَلَى يَمِينٍ] فَقَالَ : إِنْ شَاءَ اللَّهُ ، لَمْ يَحْنَثْ .

[Qāl: أَبُو عِيسَى] سَأَلْتُ مُحَمَّدَ بْنَ إِسْمَاعِيلَ عَنْ هَذَا الْحَدِيثِ فَقَالَ: هَذَا حَدِيثٌ خَطَأً أَخْطَأَ فِيهِ عَبْدُ الرَّزَاقِ اخْتَصَرَهُ مِنْ حَدِيثِ مَعْمَرٍ عَنْ أَبْنِ طَاؤُسٍ ، عَنْ أَبِيهِ ، عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «إِنَّ شَيْئَمَا نَبْنَ دَاؤَدَ عَلَيْهِ السَّلَامُ قَالَ: لَا تَأْطُوفَنَّ اللَّيْلَةَ عَلَى سَبْعِينَ امْرَأَةً تَلِدُ كُلُّ امْرَأَةً غَلَامًا ، فَطَافَ عَلَيْهِنَّ فَلَمْ تَلِدْ امْرَأَةً مِنْهُنَّ ، إِلَّا امْرَأَةً

birth except for a woman who gave birth to half a boy.' So the Messenger of Allāh ﷺ said: 'If he had said: "If Allāh wills" (*Inshā'-Allāh*) then it would have been as he said.'

This is how it was reported from 'Abdur-Razzāq, from Ma'mar, from Ibn Tāwus, from his father with this *Hadīth* in its entirety, and he said: "Seventy women."

This *Hadīth* has been reported through more than one route from Abū Hurairah, from the Prophet ﷺ, that he said: "Sulaimān bin Dāwūd said: 'Tonight I shall sleep with one-hundred women.'

تخریج: [إسناده صحيح] وأخرجه ابن ماجه، الكفارات، باب الاستثناء في اليمين، ح: ٢١٤٠ والنسائي، ح: ٣٨٨٦ من حديث عبد الرزاق به وصححه ابن حبان، ح: ١١٨٥ وله شواهد . وحديث عمر عن ابن طاووس رواه البخاري، ح: ٥٢٤٢ ومسلم، ح: ١٦٥٤ .

Comments:

If someone says that he will do this thing, and adds the words *Inshā'-Allāh*, and later on the work is not done, his oath will not be considered broken, and he will not have to pay any expiation for it. The Prophet ﷺ had been informed by Revelation that if Sulaimān had added the words of *Inshā'-Allāh* to his oath, his desire would have been granted, it means that he would not have failed in fulfilling his desire. This also indicates the permissibility for Sulaimān to have more than four wives at a time, which is prohibited in the *Shari'ah* of Muhammad ﷺ.

Chapter 8. (What Has Been Related) About It Being Disliked To Swear By Other Than Allāh

1533. Sālim narrated from his father (Ibn 'Umar) that the Prophet ﷺ heard 'Umar saying: "By my father! By my father!" So he said: "Verily Allāh prohibits you from swearing by your fathers." So 'Umar said: "By Allāh I did not swear by him after that, neither

نصفَ غُلَامٍ" فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَوْ قَالَ: إِنْ شَاءَ اللَّهُ لَكَانَ كَمَا قَالَ» هَذِهِ رُوَيْ عَنْ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنْ أَبْنِ طَاؤُوسٍ، عَنْ أَبِيهِ هَذَا الْحَدِيثُ يُطْلُوْهُ، وَقَالَ: سَبْعِينَ اِمْرَأَةً.

وَقَدْ رُوَيْ هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهٍ عَنْ أَبِيهِ هُرَيْثَةَ عَنْ النَّبِيِّ ﷺ قَالَ: «قَالَ سُلَيْمَانُ بْنُ دَاؤِدَ: لَأَطْرُفَنَّ الْلَّيْلَةَ عَلَى مَائَةِ اِمْرَأَةٍ».

(المعجم ٨) - بَابُ [مَا جَاءَ] فِي
كَرَاهِيَّةِ الْحَلِفِ بِغَيْرِ اللَّهِ (التحفة ٨)

١٥٣٣ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ: سَمِعَ النَّبِيُّ ﷺ عَمَرَ وَهُوَ يَقُولُ: وَأَبِي! وَأَبِي! فَقَالَ: «أَلَا إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ» فَقَالَ عَمَرُ: فَوَاللَّهِ مَا حَلَفْتُ بِهِ بَعْدَ ذَلِكَ ذَاكِرًا وَلَا آثِرًا.

intentionally nor in narrating.”
(Sahīh)

[He said:] There are narrations on this topic from Thābit bin Ad-Dahhāk, Ibn ‘Abbās, Abū Hurairah, Qutailah, and ‘Abdur-Rahmān bin Samurah.

This *Hadīth* is *Hasan Sahīh*.

[**Abū ‘Eisā** said:] **Abū ‘Ubaid** said: “The meaning of his saying: ‘Nor in narrating’ is as if he said: ‘I do not narrate it from others’ or saying: ‘I do not mention it from others.’”

[قال:] وفي الْبَابِ عَنْ ثَابِتِ بْنِ الْمُصَحَّكِ، وَابْنِ عَبَّاسٍ، وَأَبِي هُرَيْرَةَ وَقُتْبَيْلَةَ، وَعَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ. وَهَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ.

[قالَ أَبُو عِيسَىٰ : قَالَ أَبُو عُيَيْدٍ : مَعْنَى قَوْلِهِ وَلَا إِثْرَا ، يَقُولُ : لَا آتُهُ عَنْ غَيْرِي ، يَقُولُ : لَمْ أَذْكُرْهُ عَنْ غَيْرِي .

تخریج: متفق عليه، أخرجه مسلم، الأیمان، باب النهي عن الحلف بغير الله تعالى، ح: ١٦٤٦ من حديث سقیان بن عینة والبخاري، ح: ٦٦٤٧ من حديث الزهری به * وفي الباب عن ثابت بن الضحاک [یأتی: ١٥٤٣] وابن عباس [أبو داود، ح: ٣٣٢٢] وأبی هریرة [یأتی: ١٥٤٥] وقیلۃ النساءی: ٧/٦، ح: ٣٨٠٤ وأحمد: ٦/٣٧١] وعبدالرحمٰن بن سمرة [تقدیم: ١٥٢٩].

Comments:

Taking an oath only by Allāh is lawful. Taking an oath by other than Allāh is unlawful.

1534. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ came across ‘Umar while he was on his mount, and he was swearing by his father. So the Messenger of Allāh ﷺ said: “Verily Allāh prohibits you from swearing by your fathers. So let the one who swears, swear by Allāh, or be silent.” (*Sahih*)

[Abū ‘Eīsā said:] This *Hadīth* is *Hasan Sahīh*.

١٥٣٤ - حَدَّثَنَا هَنَّا دَهْنَانُ عَبْدَهُ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ الْأَذْكُرَ عُمَرَ وَهُوَ فِي رَكْبِهِ، وَهُوَ يَحْلِفُ بِأَيْمَهِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ الْأَذْكُرَ: إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ تَخْلُفُوا بِأَيْمَانِكُمْ، لَيَحْلِفُ حَالِفُ اللَّهِ أَوْ لَيَسْكُثُ».

[قال أبو عيسى:] هذا حديث حسن صحيح.

تخریج: متفق عليه، وأخرجه مسلم، الأیمان، باب النهي عن الحلف بغير الله تعالى، ح: ٦٤٦ / ٤ من حديث عبد الله بن عمرو البخاري، ح: ٦٤٦ من حديث نافع به.

Comments:

This narration strictly prohibits taking an oath by other than Allāh. In the end of this narration the Prophet ﷺ generalized the command by saying either take the oath by Allāh or keep quiet. There is no other oath except the oath by Allāh.

Chapter 9. What Has Been Related About 'Whoever Swears By Other Than Allāh, He Has Committed Shirk'

1535. Sa'd bin 'Ubadah narrated that Ibn 'Umar heard a man saying: "No by the Ka'bah" so Ibn 'Umar said: "Nothing is sworn by other than Allāh, for I heard the Messenger of Allāh ﷺ say: 'Whoever swears by other than Allāh, he has committed disbelief or Shirk.'" (*Sahih*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan*.

According to some of the people of knowledge, the explanation of this *Hadīth* is that his saying: "He has committed disbelief or Shirk" is to demonstrate its severity. The proof for that is the *Hadīth* of Ibn 'Umar: That the Prophet ﷺ heard 'Umar saying: 'By my father! By my father!' So he ﷺ said: "Verily Allāh prohibits you from swearing by your fathers." As well as the *Hadīth* of Abū Hurairah from the Prophet ﷺ, that he ﷺ said: "Whoever says in his oath: 'By Al-Lāt! By Al-'Uzza!' Then let him say: 'Lā Ilāha Illallāh (None has the right to be worshipped but Allāh)'."

[Abū 'Eisā said:] This is similar to what has been reported from the Prophet ﷺ saying: "Indeed *Riyā* is Shirk."

Some of the people of knowledge explained this *Ayah*: So whoever hopes in meeting his Lord, then let him work righteous deeds^[1] and

(المعجم ٩) - باب [مَا جَاءَ فِي أَنَّ مَنْ حَلَفَ بِغَيْرِ اللَّهِ فَقَدْ أَشْرَكَ] (التحفة ٩)

١٥٣٥ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا أَبُو حَالِيدُ الْأَحْمَرُ عَنِ الْحَسَنِ بْنِ عَبْدِ اللَّهِ، عَنْ سَعْدِ ابْنِ عَبْيَدَةَ: أَنَّ ابْنَ عُمَرَ سَمِعَ رَجُلًا يَقُولُ: لَا وَالْكَعْبَةِ، فَقَالَ ابْنُ عُمَرَ: لَا يُحَلِّفُ بِغَيْرِ اللَّهِ، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ حَلَفَ بِغَيْرِ اللَّهِ فَقَدْ كَفَرَ أَوْ أَشْرَكَ».

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ.
وَتَفَسِّيرُ هَذَا الْحَدِيثِ عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ: أَنَّ قَوْنَهُ: فَقَدْ كَفَرَ أَوْ أَشْرَكَ، عَلَى التَّغْلِيظِ. وَالْحَجَّةُ فِي ذَلِكَ حَدِيثُ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ سَمِعَ عُمَرَ يَقُولُ: وَأَبِي!
وَأَبِي!، فَقَالَ: «أَلَا إِنَّ اللَّهَ يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ». وَحَدِيثُ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «مَنْ قَالَ فِي حَلْفِهِ وَاللَّاتِ وَالْعَزَّى! فَلَيُقْلِلَ لَا إِلَهَ إِلَّا اللَّهُ».

[قالَ أَبُو عِيسَى:] هَذَا مِثْلُ مَا رُوِيَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «إِنَّ الرِّيَاءَ شَرُّكَ». وَقَدْ فَسَرَ بَعْضُ أَهْلِ الْعِلْمِ هَذِهِ الْآيَةَ: «فَنَّ كَانَ يَرْجُوا لِقَاءَ رَبِّهِ، فَلَيَعْتَلَ عَمَّا كَانَ صَنِعَهُ» الْآيَةُ [الْكَهْفَ: ١١٠] قَالَ: لَا يُرَايِ.

^[1] *Al-Kahf* 18:110.

they said it means: "Do not commit *Riyā'*".

تخریج: [إسناده صحيح] وأخرجه أبو داود، الأیمان والنذور، باب کراہیة الحلف بالآباء، ح ٣٢٥١ من حديث الحسن بن عبیدالله به وصححه ابن حبان، ح: ١١٧٧ والحاکم: ٤٩٧ والذهبی سعد بن عبیدة سمعه من ابن عمر عند البیهقی: ٢٩/١٠ ورواه عن أبي عبدالرحمن السلمی عنه به والطريقان محفوظان.

Comments:

Intentionally taking an oath by false gods is a pure act of polytheism and whoever takes an oath by a false god as habit from the period of *Jahiliyyah*, he should say "*Lâ ilâha illallâh*" - none has the right to be worshipped but Allâh.

Chapter 10. (What Has Been Related) About One Who Takes An Oath To Walk And He Is Not Able To

1536. Anas narrated: "A woman vowed to walk to the House of Allâh, so the Prophet ﷺ was asked about that, and he said: 'Verily Allâh is in no need of her walking, order her to ride.'" (*Sahîh*)

[He said:] There are narrations on this topic from Abû Hurairah, 'Uqbah bin 'Âmir and Ibn 'Abbâs.

[Abû 'Eisâ said:] The *Hadîth* of Anas is a *Hasan Sahîh Gharib Hadîth* [from this route].

تخریج: [صحيح] وللحديث شواهد عند البخاري، ح: ١٨٦٦ ومسلم، ح: ١١/١٦٤٤، ١٢ وغيرهما *وفي الباب عن أبي هريرة [مسلم، ح: ١٦٤٣] وعقبة بن عامر [يأتي: ١٥٤٤] وابن عباس [أبو داود، ح: ٣٢٩٥].

1537. Anas narrated: "The Prophet ﷺ passed by an old man walking (while supported) between his two sons, so he said: 'What is the matter with this one?' They said: 'O Messenger of Allâh! He vowed to walk.' He said: 'Verily Allâh [the Mighty and Sublime] is

(المعجم ١٠) - باب [ما جاء] فيمن يخلف بالمشي ولا يستطيع (التحفة ١٠)

١٥٣٦ - حَدَّثَنَا عَبْدُ الْقَدُوسِ بْنُ مُحَمَّدٍ
الْعَطَّارُ الْبَصْرِيُّ: حَدَّثَنَا عَمْرُو بْنُ عَاصِمٍ عَنْ
عِمْرَانَ الْعَطَّالِيِّ، عَنْ حُمَيْدٍ، عَنْ أَنَسِ
فَالَّـ قَالَ: نَذَرَتِ امْرَأَةٌ أَنْ تَمْشِي إِلَى بَيْتِ اللَّـهِ،
فَسَيَّلَتِ نَبِيُّ اللَّـهِ صَلَّى اللَّـهُ عَلَيْهِ وَسَلَّمَ، عَنْ ذَلِكَ، فَقَالَ: «إِنَّ اللَّـهَ
لَغَنِيَ عَنْ مَشِيهَا، مُرْوِهَا فَلَنْتَرَكْبُ».
[قال:] وفي الباب عن أبي هريرة،
وعقبة بن عامر، وابن عباس.
[قال أبو عيسى:] حديث أنس حديث
حسن صحيح غريب [من هذا الوجه].

١٥٣٧ - حَدَّثَنَا أَبُو مُوسَى مُحَمَّدُ بْنُ
الْمُشَيِّ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا
حُمَيْدٌ عَنْ ثَابِتٍ، عَنْ أَنَسِ قَالَ: مَرَ النَّبِيُّ
صَلَّى اللَّـهُ عَلَيْهِ وَسَلَّمَ يَسْعِنُ كَبِيرَ يَتَهَادَى بَيْنَ ابْنَيْهِ، فَقَالَ: «مَا
بَالُ هَذَا؟» قَالُوا: [يَا رَسُولَ اللَّـهِ] نَذَرَ أَنْ

in no need of this person punishing himself.”” He said: “So he ordered him to ride.” (*Sahīh*)

(Another chain) from Anas that the Messenger of Allāh ﷺ saw a man, and he mentioned similarly. This *Hadīth* is *Sahīh*, and this is acted upon according to some of the people of knowledge. They say that when a woman vows to walk, she is to ride and offer a sheep as *Hadī* (sacrifice as atonement).

تخریج: [صحيح] وأخرجه النسائي: ٣٨٤، ح: ٣٨٤ (الأيمان والنذور، باب ما الواجب على من أوجب على نفسه نذراً فعجز عنه؟) عن محمد بن المثنى به رواه البخاري، ح: ١٨٦٥. ومسلم، ح: ١٦٤٢ من حديث حميد الطويل به، وحديث حميد عن أنس عند النسائي، ح: ٣٨٥.

Comments:

If someone vows to perform *Hajj* or *Umrah* on foot, according to Ibn Al-Mundhir it is unanimously agreed upon that he has to fulfill his vow. Imām Mālik, Ash-Shāfi‘ī, Awzā‘ī, and Ahmād support this view. If he cannot walk he is allowed to ride. In the view of Imām Ash-Shāfi‘ī and Ahmād, if he rides he will have to sacrifice an animal as atonement.

Chapter 11. About Vows Being Disliked

1538. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Do not vow, for the vow does not prevent what is decreed at all, and it only causes the miser to spend (of his wealth).” (*Sahīh*)

[He said:] There is something about this from Ibn ‘Umar.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others, they disliked vows. ‘Abdullāh bin Al-Mubārak said: “It is disliked to

يُمشي، قَالَ: إِنَّ اللَّهَ [عَزَّ وَجَلَّ] لَغَنِيٌّ عَنْ تَعذِيبِ هَذَا نَفْسَهُ، قَالَ: فَأَمَرْتُهُ أَنْ يَرْكَبَ حَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّنَّ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ حُمَيْدٍ، عَنْ أَنْسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ رَأَى رَجُلًا فَذَكَرَ نَحْوَهُ. هَذَا حَدِيثٌ صَحِيفٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، وَقَالُوا: إِذَا نَذَرَتِ الْمُرْأَةُ أَنْ تَمْشِي فَلْتَرْكِبْ وَلْتُهْدِ شَاءَ.

(المعجم (١١) - بَابُ: فِي كَرَاهِيَّةِ النُّذُورِ (التحفة (١١

١٥٣٨ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا عَنْ الْعَزِيزِ ابْنُ مُحَمَّدٍ عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: لَا تَنْتَرِرُوا، فَإِنَّ النَّذْرَ لَا يُغْنِي مِنَ الْقَدْرِ شَيْئاً، وَإِنَّمَا يُسْتَخْرُجُ بِهِ مِنَ الْبَخِيلِ.

[قال:] وفي الباب عن ابن عمر. [قال أبو عيسى:] حديث أبي هريرة حديث حسن صحيح. والعمل على هذا عند بعض أهل العلم من أصحاب النبي ﷺ وغيرهم كرروا النذر. وقال عبد الله بن

make vows related to obedience and disobedience. So if he vows to do some obedience and fulfills it, then he will get a reward, while it was disliked for him to make a vow.”

تخریج: وأخرج مسلم، النذر، باب النهي عن النذر، وأنه لا يرد شيئاً، ح: ١٦٤٠ عن قتيبة به * وفي الباب عن ابن عمر [البخاري، ح: ٦٦٠٨] ومسلم، ح: ١٦٣٩.

Comments:

Even though Allāh has ordered fulfilling vows, this narration proves that taking a vow is disliked. So just as it is praiseworthy to pay back a loan quickly—yet no one claims a reward is due for merely taking a loan—then in the same way, taking a vow is not praiseworthy, but fulfilling it is required and praise—worthy in the event of its occurrence just as in the case of a loan.

Chapter 12. (What Has Been Related) About Fulfilling Vows

1539. ‘Umar narrated: “I said, ‘O Messenger of Allāh! I had vowed to perform *I’tikāf* in *Al-Masjid Al-Harām* for a night during the era of *Jāhiliyyah*.’ He said: ‘Fulfill your vow.’” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Abdullah bin ‘Amr, and Ibn ‘Abbās.

[*Abū ‘Eisā* said:] The *Hadīth* of ‘Umar is a *Hasan Sahīh Hadīth*.

Some of the people of knowledge followed this *Hadīth*. They said that when a man accepts Islām and he had (previously) made a vow to do some act of obedience, then he is obliged to fulfill it.

Some of the people of knowledge among the Companions of the Prophet ﷺ, and others, said that there is no *I’tikāf* without fasting. Others among the people of knowledge said that it is not

المُبارَكُ: مَعْنَى الْكُرَاهَةِ فِي النَّذِيرِ فِي الطَّاعَةِ وَالْمُعْصِيَةِ، فَإِنْ نَذَرَ الرَّجُلُ بِالطَّاعَةِ فَوَفَّى بِهِ فَلَهُ فِيهِ أَجْرٌ وَيُكْرَهُ لَهُ النَّذِيرُ.

(المعجم ١٢) - بَابُ [مَا جَاءَ] فِي وَفَاءِ النَّذِيرِ (التحفة ١٢)

١٥٣٩ - حَدَّثَنَا إِسْحَاقُ بْنُ مَصْبُورٍ: أَخْبَرَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَانِ عَنْ عَبْدِ اللَّهِ أَبْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: [قُلْتُ]: يَا رَسُولَ اللَّهِ، إِنِّي كُنْتُ نَذَرْتُ أَنْ أَغْتَكِفَ لَيْلَةً فِي الْمَسْجِدِ الْحَرَامِ فِي الْجَاهِلِيَّةِ، قَالَ: «أَوْفِ بِنَذِيرِكَ». [قَالَ]: وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرِ، وَابْنِ عَبَّاسِ.

[قَالَ أَبُو عِيسَى:] وَحَدِيثُ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيقٌ، وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا الْحَدِيثِ، قَالُوا إِذَا أَسْلَمَ الرَّجُلُ وَعَلَيْهِ نَذْرٌ طَاعَةٌ فَلَيْفِي بِهِ.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَاحِ الْبَيْهَقِيِّ وَغَيْرِهِمْ: لَا اغْتَكَافٌ إِلَّا بِصَوْمٍ. وَقَالَ آخَرُونَ مِنْ أَهْلِ الْعِلْمِ: لَيْسَ عَلَى الْمُعْتَكِفِ

required for the person performing *I'tikāf* to fast, unless he made fasting obligatory upon himself. They used the *Hadīth* of 'Umar as proof, in which he had vowed during *Jāhiliyyah* to perform *I'tikāf* for a night, and the Prophet ﷺ ordered him to fulfill it. This is the view of Ahmad and Ishāq.

تخریج: متفق عليه وأخرجه مسلم، الأیمان، باب نذر الكافر، وما يفعل فيه إذا أسلم، ح ١٦٥٦ من حديث يحيى القطان والبخاري، ح ٢٠٤٢ من حديث عبیدالله بن عمر به * وفي الباب عن عبد الله بن عمرو [أبواودود، ح ٣٣١٢] وابن عباس [أبو داود، ح ٣٣٢٢].

Comments:

Most of the scholars agree that even a vow of a virtuous deed brings no benefit to a disbeliever. This narration proves that if a disbeliever vows for something good and virtuous in nature, he will have to fulfill his vow if he accepts Islam.

Chapter 13. [What Has Been Related] About How The Prophet ﷺ Would Swear

1540. Sālim bin 'Abdullāh narrated from his father (Ibn 'Umar) who said: "The Messenger of Allāh ﷺ often would swear with this oath: 'No! By the Changer of the Hearts.'" (*Sahih*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

Comments:

It is lawful to swear by Allāh's Names and Attributes. It is Allāh only Who changes the state of the heart and only He brings changes in the attitudes of people. (*Al-Mughnī* v. 13. p. 452-453.)

صَوْمٌ إِلَّا أَنْ يُوجَبَ عَلَى نَفْسِهِ صَوْمًا،
وَاحْتَجُوا بِحَدِيثِ عُمَرَ أَنَّ نَذْرَ أَنْ يَعْتَكِفَ
لَيْلَةً فِي الْجَاهِلِيَّةِ، فَأَمَرَهُ اللَّهُ عَزَّلَهُ بِالْوَفَاءِ.
وَهُوَ قَوْلُ أَخْمَدَ، وَإِشْحَاقَ.

(المعجم (١٣) - بَابُ [مَا جَاءَ] كَيْفَ
كَانَ يَمِينُ النَّبِيِّ عَلَيْهِ السَّلَامُ (التحفة (١٣

١٥٤٠ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرٍ: حَدَّثَنَا
عَبْدُ اللهِ بْنُ الْمَبَارِكَ وَعَبْدُ اللهِ بْنُ جَعْفَرٍ، عَنْ
مُوسَى بْنِ عُقْبَةَ، عَنْ سَالِمِ بْنِ عَبْدِ اللهِ، عَنْ
أَبِيهِ قَالَ: كَثِيرًا مَا كَانَ رَسُولُ اللهِ عَلَيْهِ السَّلَامُ يَحْلِفُ
بِهِذِهِ الْيَمِينِ: «لَا وَمُقْلِبُ الْقُلُوبِ».
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

تخریج: وأخرجه البخاري، القدر، باب: يحول بين المرء وقلبه، ح: ٦٦١٧ و ٧٣٩١ من حديث ابن المبارك به .

Chapter 14. (What Has Been Related) About The Reward For Freeing A Slave

1541. Abū Hurairah narrated: “I heard the Messenger of Allāh ﷺ saying: ‘Whoever frees a believing slave, then Allāh frees a limb from the Fire for each of his limbs, such that he frees his private parts in lieu of his private parts.’” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Āishah, ‘Amr bin ‘Abasah, Ibn ‘Abbās, Wāthilah bin Al-Ashqā‘, Abū Umāmah, ‘Uqbah bin ‘Āmir, [and Ka'b bin Murrah].

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Ṣahīh Gharīb Hadīth* from this route. Ibn Al-Hād’s (a narrator in the chain of this *Hadīth*) name is Yazīd bin ‘Abdullāh bin Usāmah bin Al-Hād, from Al-Madīnah, and he is trustworthy. Mālik bin Anas and more than one of the people of knowledge reported from him.

(المعجم ١٤) - باب [ما جاء] في
ثواب من أعتق رقبة (التحفة ١٤)

١٥٤١ - حَدَّثَنَا قُتْبِيَّهُ: حَدَّثَنَا الْمَيْثُ عَنْ
ابْنِ الْهَادِ، عَنْ عُمَرَ بْنِ عَلَيْهِ بْنِ الْحُسَيْنِ [بْنِ
عَلَيْهِ بْنِ أَبِي طَالِبٍ]، عَنْ سَعِيدِ بْنِ مَرْجَانَهُ،
عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «مَنْ أَعْنَقَ رَقَبَةً مُؤْمِنَةً أَعْنَقَ اللَّهُ مِنْهُ
بِكُلِّ عُضُوٍّ مِنْهُ عَضْوًا مِنَ النَّارِ، حَتَّى يُعْتَقَ
فَرْجُهُ بِفَرْجِهِ».

[قال:] وفي الباب عن عائشة، وعمرٍ و
ابن عبسة، وابن عباس، ووائلة بن الأشعى،
وأبي أمامة، وعقبة بن عامر [وكعب بن
مرّة].

[قال أبو عيسى:] حديث أبي هريرة
حديث حسن صحيح غريبٌ من هذا الوجه.
وابن الهاد اسمه: يزيد بن عبد الله بن أسامة
ابن الهاد وهو مدني ثقة. وقد روى عنه
مالك بن أنس وغيره واحدٌ من أهل العلم.

تخریج: متفق عليه، أخرجه مسلم، العنق، باب فضل العتق، ح: ٢٣/١٥٠٩ عن قتيبة والبخاري، ح: ٦٧١٥ من حديث سعيد بن مرجانة به * وفي الباب عن عائشة [الطحاوي في مشكل الآثار: ١/٣١٠، ٣١٠] وعمرو بن عبسة (أبو نجيح) [أبو داود، ح: ٣٩٦٦] وابن عباس [الطبراني في الكبير: ١٠/٣٣٢، ٣٣١] وسنته ضعيف] ووائلة بن الأشعى [أبو داود، ح: ٣٩٦٤] وأبي أمامة [يأتي: ١٥٤٧] وعقبة بن عامر [أحمد: ٤/١٤٧، ١٥٠] وكعب بن مرة [أبو داود، ح: ٣٩٦٧].

Comments:

This narration suggests that an honest and physically fit slave should be freed in expiation for breaking an oath. This will cause freedom of every limb of the person who manumits him from the Hellfire.

Chapter 15. (What Has Been Related) About A Man Who Slaps His Servant

1542. Suwaid bin Muqarrin Al-Muzanī said: “We were seven brothers without a servant except one, and one of us slapped her, so the Prophet ﷺ ordered us to free her.” (*Sahīh*)

[He said:] There is something on this topic from Ibn ‘Umar.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

This *Hadīth* has been reported by more than one from Ḥuṣain bin ‘Abdur-Raḥmān by others, and some of them mentioned in it: “Slapped her on her face.”

١٦٥٨: تخریج: وأخرجه مسلم، باب صحبة المماليك، وكفارة من لطم عبده، ح: ١٦٥٧. [Muslim, 1657].

Comments:

Word ‘*Khādim*’ is used both for a male or female slave or servant. This narration shows that a slave or a slave woman should be treated with kindness. He or she should not be abused.

Chapter 16. What Has Been Related About It Being Disliked To Swear By A Religion Other Than Islām

1543. Thābit bin Ad-Daḥḥāk narrated that the Messenger of Allāh ﷺ said: “Whoever swears by a religion other than Islām while lying, then he is as he said.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

The people of knowledge differed about this: When a man swears by

(المعجم ١٥) - بَابُ [مَا جَاءَ] فِي

الرَّجُلِ يَلْطِمُ خَادِمَهُ (التحفة ١٥)

١٥٤٢ - حَدَّثَنَا أَبُو كُرْبَةَ: حَدَّثَنَا

الْمُحَارِبِيُّ عَنْ شُعْبَةَ، عَنْ حُصَيْنِ، عَنْ هَلَالِ ائْنِ يَسَافِ، عَنْ سُوَيْدِ بْنِ مُقْرَنِ الْمُزَيْيِّ قَالَ: لَقَدْ رَأَيْتُنَا سَبْعَةً إِخْوَةً مَا لَنَا خَادِمٌ إِلَّا وَاحِدَةً فَلَطَمَهُمَا أَحَدُنَا، فَأَمَرْنَا النَّبِيُّ ﷺ أَنْ نُعْتِقَهَا.

[قال:] وفي الْبَابِ عَنْ ابْنِ عُمَرَ.

[قال أبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ

صَحِيحٌ.

وَقَدْ رَوَى غَيْرُ وَاحِدٍ هَذَا الْحَدِيثَ عَنْ حُصَيْنِ بْنِ عَنْدِ الرَّحْمَنِ، وَذَكَرَ بَعْضُهُمْ فِي هَذَا الْحَدِيثِ فَقَالَ: لَطَمَهُمَا عَلَى وَجْهَهُمَا.

تخریج: وأخرجه مسلم، الأيمان، باب صحبة المماليك، وكفارة من لطم عبده، ح: ١٦٥٨. من حديث شعبة به * وفي الباب عن ابن عمر [مسلم، 1657].

(المعجم ١٦) - بَابُ [مَا جَاءَ فِي كَرَاهِيَّةِ

الْحَلِيفِ بِغَيْرِ مِلَّةِ إِلْسَلَامِ] (التحفة ١٦)

١٥٤٣ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْبِعَ: حَدَّثَنَا

إِسْحَاقُ بْنُ يُوسُفَ الْأَزْرَقُ عَنْ هِشَامِ الدَّسْتَوَائِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَبِيرٍ، عَنْ أَبِي قِلَابَةَ، عَنْ ثَابِتِ بْنِ الضَّحَّاكِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ حَلَفَ بِمِلَّةٍ غَيْرِ إِلْسَلَامِ

كَانَهُ فَهُوَ كَمَا قَالَ».

[قال أبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ

صَحِيحٌ .

وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي هَذَا: إِذَا حَلَفَ الرَّجُلُ بِمَلَةٍ سَوَى الإِسْلَامِ، فَقَالَ: هُوَ يَهُودِيٌّ أَوْ نَصْرَانِيٌّ إِنْ فَعَلَ كَذَا وَكَذَا، فَفَعَلَ ذَلِكَ الشَّيْءَ، فَقَالَ بَعْضُهُمْ: قَدْ أَتَى عَظِيمًا وَلَا كَفَارَةً عَلَيْهِ. وَهُوَ قَوْلُ أَهْلِ الْمَدِيْرَةِ. وَبِهِ يَقُولُ مَالِكُ بْنُ أَنَسٍ. وَإِلَى هَذَا القَوْلِ ذَهَبَ أَبُو عَبْدِ اللَّهِ، وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَالثَّابِعِينَ وَغَيْرِهِمْ: عَلَيْهِ فِي ذَلِكَ الْكَفَارَةُ. وَهُوَ قَوْلُ سُفْيَانَ، وَأَحْمَدَ، وَإِسْحَاقَ.

تخریج: متفق عليه، وأخرجه مسلم، الإيمان، باب بيان غلظ تحريم قتل الإنسان نفسه . . .
إلغ، ح: ١٧٦ / ١١٠ من حديث هشام الدستوائي، والبخاري، ح: ٦٠٤٧ من حديث يحيى بن أبي
كثير به وانظر، ح: ١٥٢٧.

Comments:

If a Muslim swears—when taking an oath—by another religion and says if he does this he would be a Christian or a Jew, then according to this narration, he surely is one of them. But if he vows to show the severity and abomination of the deed, even then it is strictly prohibited and strongly disapproved.

Chapter 17. What Has Been Related About One Who Vows To Perform Hajj By Walking

1544. ‘Uqbah bin ‘Amir narrated: “I said: ‘O Messenger of Allāh! My sister vowed that she would walk to the House barefoot and without any *Khimār* (covering).’ The Prophet ﷺ said: ‘Verily Allāh will not do anything with the misery of your sister. She should ride, and cover, and fast three days.’” (*Daīf*)

[He said:] There is something on this topic from Ibn ‘Abbās.

[Abū ‘Eisā said:] This *Hadīth* is

(المعجم ١٧) - بَابُ [مَا جَاءَ فِيمَنْ تَدَرَّجَ أَنْ يَحْجُجَ مَاشِيَا] (التحفة ١٧)

١٥٤٤ - حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكَيْنَعْ عَنْ سُفْيَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ رَحْرَ، عَنْ أَبِي سَعِيدِ الرُّعَيْنِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ مَالِكِ الْيَهْصَدِيِّ، عَنْ عَفْعَةَ بْنِ عَامِرٍ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ؛ إِنَّ أَخْتِي نَذَرَتْ أَنْ تَمْشِي إِلَى الْبَيْتِ حَافِيَةً غَيْرَ مُخْمَرَةً، فَقَالَ النَّبِيُّ ﷺ: إِنَّ اللَّهَ لَا يَضْنِعُ بِشَفَاءِ أَخْتِكَ شَيْئًا فَلَمْرَكْبَ وَلَتَخْتَمْ وَلَتَصْمِ ثَلَاثَةَ أَيَّامٍ».

Hasan. This is acted upon according to the people of knowledge, and it is the view of Ahmād and Iṣhāq.

[فَالْ]: وفي الباب عن ابن عباس.
[فَالْ]: أبو عيسى: وهذا حديث حسن.
والعمل على هذا عند بعض أهل العلم.
وهو قول أحمد، وإسحاق.

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الأیمان والتدور، باب من رأی عليه كفارة إذا كان في معصیة، ح: ٣٢٩٣ وابن ماجه، ح: ٢١٣٤ والسائلی، ح: ٣٨٤٦ من حديث يحیی بن سعید به * عبیدالله بن زحر: ضعیف ضعفه الجمهور وله متابعة ضعیفة عند أحمد: ٤/١٤٧ * وفي الباب عن ابن عباس [لعله يشير إلى حديث أبي داود، ح: ٣٣٢٢].

Chapter 18. The Mention Of What Eliminates Swearing By Al-Lāt And Al-'Uzza

1545. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Whoever among you swears, saying in his oath: 'By Al-Lāt! By Al-'Uzza!' Then let him say 'Lā ilāha illallāh (None has the right to be worshipped but Allāh).' And whoever says: 'Come let me gamble with you!' Then let him give in charity." (*Sahih*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*. Abū Al-Mughīrah is Al-Khwālānī, Al-Himṣī, and his name is 'Abdul-Quddūs bin Al-Hajjāj.

تخریج: متفق عليه، وأخرجه البخاري، الأدب، باب من لم ير إكفار من قال ذلك متأولاً أو جاهلاً، ح: ٦١٠٧ عن إسحاق بن منصور ومسلم، ح: ١٦٤٧ من حديث الأوزاعي به.

Comments:

Before the advent of Islam, the people of Arabia used to take oaths by 'Al-Lāt' and 'Al-'Uzzā', and after accepting Islam, sometimes while taking an oath they uttered these words unintentionally. For this reason they were advised to say "*lā ilāha illallāh*" (none has the right to be worshipped but Allāh), to explain and confirm their faith.

(المعجم ١٨) - باب [ذُكْرِ مَا يُلْغِي
الحَلْفَ بِاللَّاتِ وَالْعُزَّى] (التحفة ١٨)

١٥٤٥ - حدثنا إسحاق بن منصور:
حدثنا أبو المغيرة: حدثنا الأوزاعي: حدثنا
الرهباني عن حميد بن عبد الرحمن، عن أبي
هريرة قال: قال رسول الله ﷺ: «من حلف
منكم فقال في حليفه واللات والعزى!
فلنقول: لا إله إلا الله، ومن قال: تعال
أقاموك فليتصدق». .

[فَالْ]: أبو عيسى: وهذا حديث حسن.
صحيح. وأبو المغيرة: هو الحولاني
الجمحي، واسمُه عبد القدوس بن الحجاج.

Chapter 19. (What Has Been Related) About Fulfilling The Vow Of The Deceased

1546. Ibn ‘Abbās narrated that Sa‘d bin ‘Ubādah asked the Messenger of Allāh ﷺ about a vow that was due from his mother, who died before fulfilling it. The Prophet ﷺ said: “Fulfill it for her.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ١٩) - بَابُ [مَا جَاءَ] فِي
قَضَاءِ النَّدْرِ عَنِ الْمَيِّتِ (التحفة ١٩)

١٥٤٦ - حَدَّثَنَا قَتْبِيَّةُ: حَدَّثَنَا الْلَّيْثُ عَنِ
ابْنِ شِهَابٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ
عُثْيَةَ، عَنْ ابْنِ عَيَّاْسِ: أَنَّ سَعْدَ بْنَ عَبَادَةَ
اشْتَفَتَ رَسُولَ اللَّهِ ﷺ فِي نَدْرٍ كَانَ عَلَى أَمْوَالِ
تُؤْفَيْتُ قَبْلَ أَنْ تَقْضِيَهُ، فَقَالَ النَّبِيُّ ﷺ:
اَقْضِهِ عَنْهَا».

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، العیل، باب: في الزکاة وأن لا يفرق بين مجتمع،
ولا يجمع بين متفرق خشية الصدقة، ح: ٦٩٥٩ ومسلم، ح: ١٦٣٨ عن قتيبة به.

Comments:

According to the view of most of the scholars, if the vow is regarding money, and the deceased had left enough inheritance, it is an obligation upon the heirs to fulfill his vow. But if the inheritance is not enough, the heirs should try to fulfill his vow, but it is not an obligation. If the vow is about fasting, freeing a slave, sitting for *I’tikaf* or performing *Hajj* or *’Umrah*, they should try to fulfill it, though it is not an obligation on the heirs. According to the *Zāhiriyyah* it is an obligation. (See for details *Al-Mughnī* v. 13. p. 655-657.)

Chapter 20. What Has Been Related About The Virtue Of Freeing Slaves

1547. Abū Umāmah, and other than him from the Companions of the Prophet ﷺ, narrated that the Prophet ﷺ said: “Any Muslim man who frees a Muslim man, then it is his salvation from the Fire – each of his limbs suffices for a limb of himself. And any Muslim man that frees two Muslim women, they are his salvation from the Fire – each of their limbs suffices for a limb of

(المعجم ٢٠) - بَابُ مَا جَاءَ فِي فَضْلِ
مَنْ أَعْتَقَ (التحفة ٢٠)

١٥٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى:
حَدَّثَنَا عِمْرَانُ بْنُ عُيَيْنَةَ - هُوَ أَخُو سُفْيَانَ بْنِ
عُيَيْنَةَ - عَنْ حُصَيْنٍ، عَنْ سَالِمٍ بْنِ أَبِي
الْجَعْدِ، عَنْ أَبِي أُمَّاتَةَ وَغَيْرِهِ مِنْ أَصْحَابِ
النَّبِيِّ ﷺ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّمَا امْرَأٍ
مُسْلِمٍ أَعْتَقَ امْرَأَ مُسْلِمًا كَانَ فِكَاكُهُ مِنَ
النَّارِ يُجْزِئُ كُلُّ عُضُوٍّ مِنْهُ عُضُواً مِنْهُ، وَإِنَّمَا

himself. And any Muslim woman that frees a Muslim woman, then she is her salvation from the Fire – each of her limbs suffices for a limb of herself.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb* from this route.

[Abū ‘Eisā said: In this *Hadīth* is the proof that freeing males is more virtuous for a man than freeing females, due to the saying of the Messenger of Allāh ﷺ: “Any Muslim man who frees a Muslim man, then it is his salvation from the Fire – each of his limbs suffices for a limb of himself.” And the *Hadīth* is correct in its routes of transmission.]

امْرِيءٌ مُسْلِمٌ أَعْنَقَ امْرَأَتَيْنِ مُسْلِمَاتَيْنِ كَانَتَا فِي كَاهَةٍ مِنَ النَّارِ، يُجْزِيُهُ كُلُّ عُضُوٍّ مِنْهُمَا عُضُوًّا مِنْهُهُ. وَأَيْمًا امْرَأَةٌ مُسْلِمَةٌ أَعْنَقَتِ امْرَأَةً مُسْلِمَةً كَانَتْ فِي كَاهَةٍ مِنَ النَّارِ، يُجْزِيُهُ كُلُّ عُضُوٍّ مِنْهَا عُضُوًّا مِنْهَا».

[قالَ أَبُو عَيسَى]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

[قالَ أَبُو عَيسَى]: وَفِي الْحَدِيثِ مَا يَدُلُّ عَلَى أَنَّ عِنْقَ الدُّكُورِ لِلرِّجَالِ أَفْضَلُ مِنْ عِنْقِ الْإِنْاثِ لِقَوْلِ رَسُولِ اللَّهِ ﷺ: «مَنْ أَعْنَقَ امْرَأَةً مُسْلِمَةً كَانَ فِي كَاهَةٍ مِنَ النَّارِ يُجْزِيُهُ كُلُّ عُضُوٍّ مِنْهُ عُضُوًّا مِنْهُ» الْحَدِيثُ صَحَّ فِي طُرُقِهِ.]

تخریج: [صحیح] وله شواهد كثيرة وانظر، ح: ١٥٤١.

Comments:

This narration is a proof that manumission of a slave is a cause of freedom from the Hellfire for a Muslim. Freedom of a slave will not save an infidel from the Hellfire. Freedom of a male slave brings more reward than freeing a slave woman.

*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

19. The Chapters On Military Expeditions From The Messenger Of Allāh ﷺ

Chapter 1. What Has Been Related About Calling (To Islam) Before Fighting

1548. Abū Al-Bakhtarī narrated: “An army from the armies of the Muslims, whose commander was Salmān Al-Fārisī, besieged one of the Persian castles. They said: ‘O Abū ‘Abdullāh! Should we charge them?’ He said: ‘Leave me to call them (to Islām) as I heard the Messenger of Allāh ﷺ call them.’ So Salmān went to them and said: ‘I am only a man from among you, a Persian, and you see that the ‘Arabs obey me. If you become Muslims then you will have the likes of what we have, and from you will be required that which is required from us. If you refuse, and keep your religion, then we will leave you to it, and you will give us the *Jizyah* from your hands while you are submissive’ – He said to them in Persian: ‘And you are other than praiseworthy’ – ‘and if you refuse then we will equally resist you.’ They said: ‘We will not give you the *Jizyah*, we will fight you instead.’ So they said: ‘O Abū ‘Abdullāh! Should we charge

(المعجم ١٩) - أبواب السير
عن رسول الله ﷺ (التحفة ١٧)

(المعجم ١) - باب ما جاء في الدعوة
قبل القتال (التحفة ١)

١٥٤٨ - حَدَّثَنَا قُتْيَةُ: حَدَّثَنَا أَبُو عَوَانَةَ
عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ أَبِي الْبَخْرِيِّ: أَنَّ
جَيْشًا مِنْ جُيُوشِ الْمُسْلِمِينَ كَانَ أَمِيرُهُمْ
سَلْمَانَ الْفَارَسِيَّ حَاصِرُوا قَصْرًا مِنْ قُصُورِ
فَارِسَ، فَقَالُوا: يَا أَبَا عَبْدِ اللَّهِ أَلَا نَهْدُ
إِلَيْهِمْ، قَالَ: دَعُونِي أَذْعُوهُمْ كَمَا سَمِعْتَ
رَسُولَ اللَّهِ ﷺ يَدْعُوهُمْ، فَاتَّهُمْ سَلْمَانُ فَقَالَ
لَهُمْ: إِنَّا أَنَا رَجُلٌ مِنْكُمْ فَلَكُمْ مِثْلُ
الْعَرَبِ يُطِيعُونِي، فَإِنْ أَسْلَمْتُمْ فَلَكُمْ مِثْلُ
الَّذِي لَنَا، وَعَلَيْكُمْ مِثْلُ الَّذِي عَلَيْنَا، وَإِنْ
أَبِيَتُمْ إِلَّا دِينَكُمْ تَرَكْنَاكُمْ عَلَيْهِ، وَأَعْطُونَا
الْجِزْيَةَ عَنْ يَدِ وَأَنْتُمْ صَاغِرُونَ – قَالَ: وَرَطَنَ
إِلَيْهِمْ بِالْفَارِسِيَّةِ وَأَتْهُمْ غَيْرُ مَحْمُودِينَ – وَإِنْ
أَبِيَتُمْ نَأْبَدْنَاكُمْ عَلَى سَوَاءِ، قَالُوا: مَا نَحْنُ
بِالَّذِي نُعْطِي الْجِزْيَةَ وَلَكُنَّا نُقَاتِلُكُمْ، فَقَالُوا:
يَا أَبَا عَبْدِ اللَّهِ: أَلَا نَهْدُ إِلَيْهِمْ؟ قَالَ: لَا،
قَالَ: فَدَعَاهُمْ ثَلَاثَةً أَيَّامًا إِلَى مِثْلِ هَذَا ثَمَّ
قَالَ: انْهَدُوا إِلَيْهِمْ، قَالَ: فَنَهَدْنَا إِلَيْهِمْ

them?" He said: "No." He said: "So for three days he called them to the same (things), and then he said: 'Charge them.'" He said: "So we charged them, and we conquered that castle." (*Daif*)

[He said:] There are narrations on this topic from An-Nu'mān bin Muqarrin, Ibn 'Umar, and Ibn 'Abbas.

The *Hadīth* of Salmān is a *Hasan Hadīth*, we do not know of it except as a narration of 'Atā' bin As-Sā'ib.

I heard Muhammad saying: "Abū Al-Bakhtarī did not see Salmān because he did not see 'Alī, and Salmān died before 'Alī."

Some of the people of knowledge among the Companions of the Prophet ﷺ and others followed this *Hadīth*. They held the view of calling (the enemy to Islām) before fighting. This is the view of Ishāq bin Ibrāhīm. He said: "If they are first called then that is good, since it will be more intimidating."

Some of the people of knowledge said there is no calling today. Ahmād said: "I do not know of anyone who calls today." Ash-Shāfi'i said: "The enemy is not fought until they call them, unless they are in too much of a rush to do that, if it is not done, then the invitation would have been conveyed to them (previously)."

تخریج: [إسناده ضعیف] وأخرجه أحمد: ٤٤٠ / ٥، ٤٤١ من حديث عطاء بن السائب به والسند منقطع كما بينه المؤلف رحمة الله * وفي الباب عن بريدة [يأتي: ١٦١٧] والنعمان بن مقرن [لم أجده] وابن عمر [مسلم، ح: ١٧٣٠] وابن عباس [أحمد: ٢٣١ / ١، ٢٣٦] وعبد بن حميد، ح: ٦٩٧ والدارمي، ح: ٢٤٤٨].

فَسَخَّنَا ذَلِكَ الْقَصْرَ.

[قال:] وَفِي الْبَابِ عَنْ بُرَيْدَةَ، وَالنَّعْمَانِ
ابْنِ مُقْرَنَ، وَابْنِ عُمَرَ، وَابْنِ عَبَّاسٍ.

وَحَدِيثُ سَلْمَانَ حَدِيثُ حَسَنٍ لَا تَعْرِفُهُ
إِلَّا مِنْ حَدِيثِ عَطَاءِ بْنِ السَّائِبِ.

وَسَمِعْتُ مُحَمَّداً يَقُولُ: أَبُو الْبَخْرِيَّ لَمْ
يُدْرِكْ سَلْمَانَ لَأَنَّهُ لَمْ يُدْرِكْ عَلَيْهَا، وَسَلْمَانَ
ماتَ قَبْلَ عَلَيْهِ.

وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ
النَّبِيِّ ﷺ وَغَيْرِهِمْ إِلَى هَذَا، وَرَأَوْا أَنْ يُدْعَوا
قَبْلَ الْقِتَالِ، وَهُوَ قَوْلُ إِسْحَاقَ بْنِ إِبْرَاهِيمَ.
قَالَ: إِنْ تُقْدَمُ إِلَيْهِمْ فِي الدَّعْوَةِ فَحَسَنٌ يَكُونُ
ذَلِكَ أَهْبَبَ.

وَقَالَ بَعْضُ أَهْلِ الْعِلْمِ: لَا دَعْوَةَ الْيَوْمِ.
وَقَالَ أَحْمَدُ: لَا أَعْرِفُ الْيَوْمَ أَحَدًا يُدْعَى.
وَقَالَ الشَّافِعِيُّ: لَا يَقَاتِلُ الْعُدُوَّ حَتَّى يُدْعَوا
إِلَّا أَنْ يَعْجَلُوا، عَنْ ذَلِكَ، فَإِنْ لَمْ يَفْعَلْ،
فَقَدْ بَلَغُوكُمُ الدَّعْوَةُ.

Comments:

Issues and commands of *Jihād* and related topics have been taken from the life of the Prophet ﷺ, so the author has discussed these in this distinct chapter entitled “Chapter of *As-Siyar*” “Military Expeditions”.

Chapter 2. The Prohibition Of Attacking If A *Masjid* Is Seen Or The *Adhān* Is Heard

1549. Ibn ‘Āsim Al-Muzanī narrated from his father – and he was a Companion – who said: “When the Messenger of Allāh ﷺ dispatched an army or battalion, he would say to them: ‘If you see a *Masjid*, or hear someone calling the *Adhān*, then do not kill anyone.’” (*Da’if*)

This *Hadīth* is *Gharīb*, and it is a *Hadīth* of Ibn ‘Uyainah.

(المعجم ٢) - بَابُ [النَّهْيِ عَنِ الْإِغْرَارِ] إِذَا رَأَى مَسْجِدًا وَسَمِعَ أَذْانًا] (التحفة ٢)

١٥٤٩ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى الْعَدَنِيُّ الْمَكْيُّ - وَيُكْنَى بِأَبِي عَبْدِ اللَّهِ الرَّجُلِ الصَّالِحِ هُوَ ابْنُ أَبِي عُمَرَ - : حَدَّثَنَا سُفِيَّانُ بْنُ عَيْنَةَ عَنْ عَبْدِ الْمَلِكِ بْنِ نَوْفَلٍ بْنِ مُسَاجِقِي، عَنْ أَبِي عَصَامِ الْمُزَنِّيِّ، عَنْ أَبِيهِ - وَكَانَتْ لَهُ صُحبَةٌ - قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا بَعَثَ جِئْشًا أَوْ سَرِيَّةً يَقُولُ لَهُمْ: «إِذَا رَأَيْتُمْ مَسْجِدًا أَوْ سَمِعْتُمْ مُؤْذِنًا فَلَا تَقْتُلُو أَحَدًا». هَذَا حَدِيثٌ غَرِيبٌ، وَهُوَ حَدِيثٌ ابْنِ عَيْنَةَ.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الجهاد، باب: في دعاء المشركين، ح ٢٦٣٥ من حديث سفيان بن عيينة به وحسنه الهيثمي في المجمع: ٢١٠ / ٦ وللحديث شواهد عند النسائي في الكبرى والطبراني والبيهقي في الدلائل: ١١٨-١١٥ * ابن عاصم لا يعرف حاله.

Comments:

A mosque and call to prayer (*Adhān*) are signs of Islam, and shows the presence of Muslims in that habitation, so the place where there is a *Masjid* or call for prayer is heard, should not be attacked.

Chapter 3. Regarding Nighttime And Surprise Attacks

(المعجم ٣) - بَابُ : فِي الْبَيَاتِ وَالْغَارَاتِ (التحفة ٣)

1550. Anas narrated: “When the Messenger of Allāh ﷺ set out for Khaibar, he approached it at night and when he came to a people during the night, he would not attack them until morning. So when the morning came, the Jews came out with their shovels and

١٥٥٠ - حَدَّثَنَا الْأَنْصَارِيُّ : حَدَّثَنَا مَعْنُونٌ حَدَّثَنِي مَالِكُ بْنُ أَنَسٍ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ أَنَّ رَسُولَ اللَّهِ ﷺ حِينَ خَرَجَ إِلَى خَيْرَ أَنَّاهَا لَيْلًا، وَكَانَ إِذَا جَاءَ قَوْمًا بِلِيلٍ لَمْ يُغْزِ عَلَيْهِمْ حَتَّى يُضْبَحَ، فَلَمَّا أَضْبَحَ خَرَجَتْ يَهُودُ

baskets, then when they saw him, they said: 'Muhammad! By Allāh Muhammad has come with the *Khamīs* (an army).' So the Messenger of Allāh ﷺ said: 'Allāhu Akbar! *Khaibar* is destroyed, for whenever we approach the land of a people – then what an evil morning for those who have been warned.'"^[1]

(*Sahīh*)

تخریج: وأخرجه البخاري، الجهاد والسير، باب دعاء النبي ﷺ إلى الإسلام والنبوة . . .
الخ، ح: ٢٩٤٥ من حديث مالك به وهو في الموطأ: ٤٦٨/٢: ٤٦٩.

Comments:

Night attack on enemy forces to defeat and to overpower them at the time of need is legal. Imām Ash-Shāfi'i and Imām Abū Ḥanifah and most of the people of knowledge support this view. Unintentional killing of women and children in a night attack is excused but killing them intentionally is not allowed. (*Sahīh Muslim* v.2, p.84-85 and *Al-Mughnī* v. 13 p. 140-)

1551. Abū Talḥah narrated: "When the Prophet ﷺ overtook a people he would stay at the outskirts of their city for three nights." (*Sahīh*)

This *Hadīth* is *Hasan Sahīh*. The (previous) narration of Humaid from Anas is a *Hasan Sahīh Hadīth*. Some of the people of knowledge permitted the surprise attack during the night. Some of them disliked it. Ahmad and Ishaq said that there is no harm in attacking the enemy during the night. And the meaning of: "Muhammad has come with the *Khamīs*" it means the army is with him.

تخریج: وأخرجه البخاري، الجهاد والسير، باب من غالب العدو، فاقام على عرصتهم ثلاثة، ح: ٣٠٦٥ من حديث معاذ به.

يَسَّا جِهْمُ وَمَكَاتِبِهِمْ، فَلَمَّا رَأَوْهُ قَالُوا: مُحَمَّدٌ، وَافَقَ وَاللهُ مُحَمَّدُ الْحَمِيمُ. فَقَالَ رَسُولُ اللهِ ﷺ: إِنَّ اللَّهَ أَكْبَرُ خَرَبَتْ حَيْرَ، إِنَّا إِذَا نَزَّلْنَا بِسَاحَةَ قَوْمٍ فَسَاءَ صَبَاحُ الْمُنْذَرِينَ.

١٥٥١ - حَدَّثَنَا فُؤِيْهُ وَمُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مَعَادُ [بْنُ مَعَادٍ] عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ قَنَادَةَ، عَنْ أَنَّسِ، عَنْ أَبِي طَلْحَةَ: أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا ظَهَرَ عَلَى قَوْمٍ أَقَامَ بِعِرْصَتِهِمْ ثَلَاثَةً.

هَذَا حَدِيثُ حَسَنٌ صَحِيحٌ. وَحَدِيثُ حُمَيْدٍ عَنْ أَنَّسِ حَدِيثُ حَسَنٌ صَحِيحٌ، وَقَدْ رَحَصَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ فِي الْغَارَةِ بِاللَّيْلِ وَأَنْ يُبَيِّنُوا. وَكَرِهُهُ بَعْضُهُمْ. وَقَالَ أَحَمَّدُ وَإِسْحَاقُ: لَا بَأْسَ أَنْ يُبَيِّنَ الْعَدُوُّ لَيْلًا. وَمَعْنَى قَوْلِهِ وَافَقَ مُحَمَّدُ الْحَمِيمُ: يَعْنِي بِهِ الْجَيْشُ.

[1] See *As-Sāffāt* 37:177, and its explanation in the *Tafsīr* of Ibn Kathīr, and no. 371 of *Al-Bukhārī*.

Chapter 4. Regarding Burning And Destroying

1552. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ burnt the palm trees of Banī Nadir and cut them down at Al-Buwairah. So Allāh revealed: Whatever you cut down of their palm trees, or you left them standing on their trunks, then it was by the permission of Allāh, and in order to disgrace the rebellious.”^[1] (*Sahīh*)

There is something on this topic from Ibn ‘Abbās. And this *Hadīth* is *Hasan Sahīh*.

Some of the people of knowledge followed this, and they did not see any harm in cutting down the trees and destroying the fortresses.

Some of them disliked that. This is the view of Al-Awzā‘ī. Al-Awzā‘ī said: “Abū Bakr Aṣ-Ṣiddīq prohibited [Yazīd] from cutting fruit-bearing trees or destroying buildings, and the Muslims acted accordingly afterwards.”

Ash-Shāfi‘ī said: “There is no harm in burning in the land of the enemy, nor cutting down the trees and fruit-bearing trees.” Ahmād said: “There may be places in which they have no choice about that. But as for haphazardly, then there should be no burning.” Ishāq said: “Burning is *Sunnah* when it will be more offensive to them.”

تخریج: متفق عليه، وأخرجه البخاري، التفسير، باب قوله: **«مَا قطعتم من لينة»**،

(المعجم ٤) - بَابُ : فِي التَّخْرِيقِ
وَالتَّخْرِيبِ (التحفة ٤)

١٥٥٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْلَّيْثُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَرَقَ نَحْلَ بَنِي النَّضِيرِ وَقَطَعَهُ، وَهِيَ الْبُؤْرَةُ، فَأَنْزَلَ اللَّهُ: **«مَا قَطَعْتُمْ مِنْ لِسَةٍ أَوْ تَرَكْمُوْهَا فَلَيْسَهُ عَلَى أُصُولِهَا فَإِذَا دَلَّ اللَّهُ وَلِيُخْرِي الْفَتَّيْفِينَ»** [الحضر: ٥].

وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ. وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَقَدْ ذَهَبَ قَوْمٌ مِنْ أَهْلِ الْعِلْمِ إِلَى هَذَا، وَلَمْ يَرَوْا بِأَسْأَلَ يَقْطَعُ الْأَشْجَارِ وَتَخْرِيبِ الْحُصُونِ. وَكَرِهَ بَغْضُهُمْ ذَلِكَ، وَهُوَ قَوْمُ الْأَوْرَاعِيَّةِ. قَالَ الْأَوْرَاعِيُّ: وَتَهَى أَبُو بَكْرٍ الصَّدِيقُ [بَرِيزَدَ] أَنْ يَقْطَعَ شَجَرًا مُثْمِرًا أَوْ يُحَرِّبَ عَامِرًا وَعَمَلَ بِذَلِكَ الْمُسْلِمُونَ بَعْدَهُ.

وَقَالَ الشَّافِعِيُّ: لَا يَأْسَ بِالْتَّخْرِيقِ فِي أَرْضِ الْعَدُوِّ وَقَطْعُ الْأَشْجَارِ وَالشَّمَارِ. وَقَالَ أَحْمَدُ: وَقَدْ تَكُونُ فِي مَوَاضِعَ لَا يَجِدُونَ مِنْهُ بُدًّا، فَأَمَّا بِالْعَبْتِ فَلَا تُحَرِّقُ. وَقَالَ إِسْحَاقُ:

الْتَّخْرِيقُ سُنَّةٌ إِذَا كَانَ أَنْكَى فِيهِمْ .

^[1] *Al-Hashr* 59:5.

ح: ٤٨٨٤ و مسلم، ح: ١٧٤٦ عن قتيبة به * وفي الباب عن ابن عباس [يأتي: ٣٣٠٣].

Comments:

All Four *A'immah* approve that in war, at the time of need, burning the trees and demolishing the forts of the enemy is legal. People of knowledge also approve of this point.

Chapter 5. What Has Been Related About the Spoils Of War

1553. Abū Umāmah narrated that the Prophet ﷺ said: “Verily, Allāh has honored me over the Prophets” – or, he said: “My nation over the nations, and He has made the spoils of war lawful for us.” (*Hasan*)

There are narrations on this topic from ‘Alī, Abū Dharr, ‘Abdullāh bin ‘Amr, Abū Mūsā, and Ibn ‘Abbās.

[Abū ‘Eisā said:] The *Hadīth* of Abū Umāmah is a *Hasan Sahīh Hadīth*. They say that this Sayyār (a narrator) is Sayyār the freed slave of Banū Mu‘āwiyah. Sulaimān At-Taimī, ‘Abdullāh bin Bahīr and others reported from him.

(Another chain) from Abū Hurairah who narrated that the Prophet ﷺ said: “I have been honored over the Prophets with six (things): I have been given *Jawāmi'*, *Al-Kalam*,^[1] I have been aided by fright, the spoils of war have been made lawful for me, the earth has been made as a *Masjid* and purifier for me, and I have been sent to all creatures, and with me Prophethood is sealed.”^[2]

(المعجم ٥) - بَابُ مَا جَاءَ فِي الْغَنِيمَةِ (التحفة ٥)

١٥٥٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَيْبَدُ
الْمُحَارِبِيُّ: حَدَّثَنَا أَشْبَاطُ بْنُ مُحَمَّدٍ عَنْ
شُلَيْمَانَ التَّيَمِّيِّ، عَنْ سَيَّارٍ، عَنْ أَبِي أُمَامَةَ
عَنْ النَّبِيِّ ﷺ قَالَ: إِنَّ اللَّهَ فَضَلَّنِي عَلَى
الْأَنْبِيَاءِ، أَوْ قَالَ: أُمَّتَنِي عَلَى الْأَمْمِ، وَأَحْلَّ
لَنَا الْغَنَائِمَ».

وَفِي الْبَابِ عَنْ عَلَيِّ، وَأَبِي ذَرٍّ، وَعَبْدِ
اللَّهِ بْنِ عَمْرُو، وَأَبِي مُوسَى، وَابْنِ عَبَّاسٍ.
[قَالَ أَبُو عِيسَى]: حَدِيثُ أَبِي أُمَامَةَ
حَدِيثُ حَسَنٍ صَحِيفٍ. وَسَيَّارٌ هَذَا يَقُولُ لَهُ:
سَيَّارٌ مَوْلَى نَبِيٍّ مُعَاوِيَةً، وَرَوَى عَنْ شُلَيْمَانَ
التَّيَمِّيِّ وَعَبْدِ اللَّهِ بْنِ بَحْرٍ وَغَيْرِ وَاحِدٍ.

حَدَّثَنَا عَلَيِّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ
جَعْفَرٍ عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ،
عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «فُضِّلَتْ
عَلَى الْأَنْبِيَاءِ يُسْتَ: أُغْطِيُّ جَوَامِعَ الْكَلْمَ،
وَنُصْرَتْ بِالرُّغْبَ، وَأَحْلَّتْ لِي الْغَنَائِمَ،
وَجَعَلَتْ لِي الْأَرْضَ مَسْجِدًا وَطَهُورًا،
وَأُرْسِلَتْ إِلَى الْخَلْقِ كَافَةً، وَخُتِّمَ بِي النَّبِيُّونَ».

[١] Speech that encompasses many meanings.

[٢] *Muslim* 1167 also recorded this narration.

This *Hadith* is *Hasan Sahīh*.

هذا حديث حسن صحيح.

تخریج: [حسن] وأخرجه أحمد: ٢٤٨/٥ من حديث سليمان التيمي به وللحديث شواهد * وفي الباب عن علي [البزار (كشف الأستار) ٢٤٤٣: ١٤٧/٣، ح: ٢٤٤٣] وأبي ذر [أبو داود، ح: ٤٨٩: ٤١٦/٤] وابن عباس [أحمد: ٢٢٢/٢، وأبي موسى [أحمد: ٤١٦/٤] وابن عباس [أحمد: ١/٢٥٠، ح: ٣٠١].

Comments:

The Prophet ﷺ has superiority and many distinctions over previous Prophets. In the second narration, that of Abū Hurairah, which is recorded by *Muslim* and others, six distinctions have been mentioned.

Chapter 6. The Shares Given For The Horse

(المعجم ٦) - بَابُ: فِي سَهْمِ الْخَيْلِ
(التحفة ٦)

1554. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ divided the spoils as two shares for the horse and one share for the man.” (*Sahīh*)

(Another chain) with similar meaning.

There are narrations on this topic from Mujammi‘ bin Jāriyah, Ibn ‘Abbās, and Ibn Abī ‘Amrah from his father. This *Hadith* of Ibn ‘Umar is a *Hasan Sahīh Hadith*. This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others.

This is the view of Sufyān Ath-Thawrī, Al-Awzā‘ī, Mālik bin Anas, Ibn Al-Mubārak, Ash-Shāfi‘ī, Ahmad, and Ishāq. They said that the horseman gets three shares, one share is for him and two shares for his horse. The foot soldiers get one share.

١٥٥٤ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدَةَ الضَّبْئِيِّ وَحُمَيْدُ بْنُ مَسْعَدَةَ قَالَا: حَدَّثَنَا سُلَيْمَانُ بْنُ أَخْضَرَ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَسَمَ فِي النَّقْلِ لِلْفَرَسِ سِهْمَيْنِ وَلِلرَّجُلِ سِهْمَيْنِ.

حَدَّثَنَا مُحَمَّدُ بْنُ شَبَّابِ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُلَيْمَانَ بْنِ أَخْضَرَ تَحْوِهَ.

وَفِي الْبَابِ عَنْ مُجَمِّعِ بْنِ جَارِيَةَ، وَابْنِ عَبَّاسِ، وَابْنِ أَبِي عَمْرَةَ عَنْ أَبِيهِ. وَهَذَا حَدِيثُ أَبْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيفٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ. وَهُوَ قَوْلُ سُقِيَّانَ التَّوْرِيِّ، وَالْأَوْزَاعِيِّ، وَمَالِكِ بْنِ أَنَسِ، وَابْنِ الْمُبَارَكِ، وَالشَّافِعِيِّ، وَأَحْمَدَ، وَإِسْحَاقَ قَالُوا: لِلْفَارِسِ ثَلَاثَةُ سِهْمٍ، سِهْمٌ لَهُ وَسِهْمَانِ لِفَرَسِهِ، وَلِلرَّاجِلِ سِهْمٌ.

تخریج: وأخرجه مسلم، الجهاد، باب كيفية قسمة الغنيمة بين الحاضرين، ح: ١٧٦٢ من حديث سليم بن أخضر به * وفي الباب عن مجتمع بن جارية [أبو داود، ح: ٢٧٣٦] وابن عباس [الدارقطني: ٤/٤١٢٨، ح: ١٣٣، ح: ٤١٢٨] وابن أبي عمرة عن أبيه [أبو داود، ح: ٢٧٣٤].

Comments:

In *Jihād*, the role of a horse is very important. Breeding, raising, and caring for horses is quite an expensive job, that is why the share of the horse has been prescribed in the spoils of war.

Chapter 7. What Has Been Related About The Sarāyā (Military Unit)

1555. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “The best companions are four, the best Sarāyā (military unit) is four hundred, the best army is four thousand, and twelve thousand will not be beaten due to being too few.” (*Da’if*)

This *Hadīth* is *Hasan Gharīb*, it was not narrated with a chain by anyone important besides Jarīr bin Hāzim, and this *Hadīth* was only reported from Az-Zuhri, from the Prophet ﷺ in *Mursal* form. Hibbān bin ‘Alī Al-Anazī reported it from ‘Uqail, from Az-Zuhri, from ‘Ubaidullāh, from Ibn ‘Abbās, from the Prophet ﷺ, and Al-Laith bin Sa‘d reported it from Sa‘d, from ‘Uqail, from Az-Zuhri, from the Prophet ﷺ in *Mursal* form.

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الجهاد، باب: في ما يستحب من الجيوش والرفقاء والسرايا، ح: ٢٦١١ من حديث وهب بن جریر به وصححه ابن خزيمة، ح: ٢٥٣٨؛ وابن حبان، ح: ٦٦٣ والحاکم: ٤٤٣/١، ١٠١/٢ على شرط الشیخین ووافقة الذهبي * الزهری مدلس وعنون.

Comments:

There are needs and problems of long journeys, therefore, two or three persons feel it difficult to travel a long way on foot or on horseback. If many people are traveling together, it makes the journey easy. Similarly a small company of four hundred in a troop is just a precise and strong company. Any army of twelve thousand troops is a complete army.

(المعجم ٧) - باب ما جاء في السرايا

(التحفة ٧)

١٥٥٥ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى الْأَزْدِيُّ
الْبَصْرِيُّ وَأَبُو عَمَارٍ وَغَيْرُ وَاحِدٍ قَالُوا: حَدَّثَنَا
وَهُبْ بْنُ جَرِيرٍ عَنْ أَبِيهِ، عَنْ يُونُسَ بْنِ
بَرِيزَدَ، عَنِ الرُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ
ابْنِ عُثْمَانَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ
اللَّهِ ﷺ: «خَيْرُ الصَّحَابَةِ أَرْبَعَةٌ، وَخَيْرُ
السَّرَّايمِ أَرْبَعُمَائَةٌ، وَخَيْرُ الْجُنُوشِ أَرْبَعَةُ
آلَافٌ، وَلَا يُعْلَمُ أَنْتَا عَشَرَ آلَافًا مِنْ قَلَّةٍ».
هَذَا حَدِيثُ حَسَنٍ غَرِيبٍ لَا يُسْتَدِّعُ كَبِيرٌ
أَحَدٌ غَيْرُ جَرِيرٍ بْنِ حَازِمٍ، وَإِنَّمَا رُوِيَ هَذَا
الْحَدِيثُ عَنِ الرُّهْرِيِّ عَنِ النَّبِيِّ ﷺ مُرْسَلاً.
وَقَدْ رَوَاهُ جِبَانُ بْنُ عَلَيٍّ الْعَنْتَرِيُّ عَنْ عُقَيْلٍ، عَنْ
الرُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ
عَبَّاسٍ عَنِ النَّبِيِّ ﷺ. وَرَوَاهُ الْلَّيْثُ بْنُ سَعْدٍ
عَنْ عُقَيْلٍ، عَنِ الرُّهْرِيِّ عَنِ النَّبِيِّ ﷺ مُرْسَلاً.

Chapter 8. About Who Is Given Spoils Of War (*Al-Fay'*)^[1]

1556. Yazid bin Hurmuz narrated that Najdah Al-Harūri wrote to Ibn ‘Abbās asking if the Messenger of Allāh ﷺ would fight along with women, and if he would fix a share of the spoils of war for them. Ibn ‘Abbās wrote to him: “You wrote to me asking me if the Messenger of Allāh ﷺ would fight along with women. He did fight along with them, as they would treat the wounded. They received something from the spoils of war, but as for their share, then he did not fix a share for them.” (*Sahīh*)

There is something on this topic from Anas and Umm ‘Atiyyah.

This *Hadīth* is *Hasan Sahīh*. This is acted upon according to most of the people of knowledge. It is the view of Sufyān Ath-Thawrī and Ash-Shāfi‘ī. Some of them said that a share is given to the woman and the boy, and this is the view of Al-Awzā‘ī.

Al-Awzā‘ī said: “The Prophet ﷺ gave a portion to the boys at Khaibar, and the *A’imma* of the Muslims gave a portion to every child born in the land of war.” Al-Awzā‘ī said: “The Prophet ﷺ gave a portion to the women at Khaibar, and that was followed by the Muslims after him.” This was

(المعجم ٨) - بَابُ مَنْ يُعْطَى الْفَيْءُ
(التحفة ٨)

١٥٥٦ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ يَزِيدَ بْنِ هُرْمَزَ: أَنَّ نَجْدَةَ الْحَرُورِيَّيْهِ كَتَبَ إِلَيْهِ أَبْنَ عَبَّاسٍ يَسْأَلُهُ هَلْ كَانَ رَسُولُ اللَّهِ يَعْزُرُو بِالسَّيْءِ؟ وَهَلْ كَانَ يَضْرِبُ لَهُنَّ بِسَهْمٍ؟ فَكَتَبَ إِلَيْهِ أَبْنُ عَبَّاسٍ: كَتَبْتَ إِلَيَّ تَسْأَلُنِي هَلْ كَانَ رَسُولُ اللَّهِ يَعْزُرُو بِالسَّيْءِ، وَكَانَ يَعْزُرُو بِهِنَّ فُدَّاوِينَ الْمَرْضَى وَيُحْدِيَنَّ مِنَ الْغَنِيمَةِ، وَأَمَّا يُسْهِمُ: فَلَمْ يَضْرِبْ لَهُنَّ بِسَهْمٍ . وَفِي الْبَابِ عَنْ أَنَسٍ، وَأَمْ عَطِيَّةَ .

وَهَذَا حَدِيثُ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَيْهِ هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ وَهُوَ قَوْلُ سُفِيَانَ الثُّورِيِّ، وَالشَّافِعِيِّ . وَقَالَ بَعْضُهُمْ: يُسْهِمُ لِلمرْأَةِ وَالصَّبِيِّ وَهُوَ قَوْلُ الْأَوْزَاعِيِّ . قَالَ الْأَوْزَاعِيُّ: وَأَسْهَمَ الْأَيُّوبُ^{عليه السلام} لِلصَّبِيَّانِ بِخَيْرٍ وَأَسْهَمَتْ أَئِمَّةُ الْمُسْلِمِينَ لِكُلِّ مَؤْلُودٍ وُلَدَ فِي أَرْضِ الْحَرْبِ قَالَ الْأَوْزَاعِيُّ: وَأَسْهَمَ النَّبِيُّ^{عليه السلام} لِلنِّسَاءِ بِخَيْرٍ، وَأَخْدَدَ بِذَلِكَ الْمُسْلِمُونَ بَعْدَهُ، حَدَّثَنَا بِذَلِكَ عَلَيُّ بْنُ خَشْرَمَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنِ الْأَوْزَاعِيِّ بِهَذَا . وَمَعْنَى قَوْلِهِ: وَيُحْدِيَنَّ مِنَ الْغَنِيمَةِ:

[1] Usually, *Al-Fay'* refers to goods captured without any fight, while *Ghanīmah* refers to the spoils of war in general. Here, it is apparent that the author is using *Al-Fay'* to refer to *Ghanīmah* as well.

narrated to us by ‘Alī bin Khashram (who said): “Eīsā bin Yūnus narrated this to us from Al-Awzā‘ī.”

The meaning of his saying: “They received something from the spoils of war” it is said that he conferred something on them (the women) from the spoils of war.

تخریج: وأخرجه مسلم، الجهاد، باب النساء الغازيات يرضخ لهن بشيء من الغنائم: يُعطین بشيئاً .
ح: ١٣٨ من حديث حاتم بن إسماعيل به * وفي الباب عن أنس [لم أجده] وأم عطية [الله يشير إلى حديث مسلم، ح: ١٤٢/١٨١٢].

Comments:

According to most of the people of knowledge, the women are not supposed to take part in war, and fighting with the enemy is not their duty, so their share has not been described in the spoils of war, but the army chief can give them a small share.

Chapter 9. Does The Slave Receive A Share?

1557. ‘Umair, the freed slave of Ābil-Lāḥm said: “I participated at Khaibar with my masters. They spoke about me to the Messenger of Allāh ﷺ and told him that I was a slave.” He said: “So he ordered me to take up the sword, and I found myself dragging it, so he ordered that I be given something from the goods. I presented a *Rugyah* that I used to treat the possessed with, so he ordered me leave some of it and keep some of it.”^[1] (*Sahih*)

There is something on this topic from Ibn ‘Abbās.

This *Hadīth* is *Hasan Sahīh*. This is acted upon according to some of

يَقُولُ: يُرْضَخُ لَهُنْ بِشَيْءٍ مِّنَ الْغَنَيمَةِ: يُعْطِينَ شَيْئاً .

(المعجم ٩) - بَابُ: هَلْ يُسْهَمُ لِلْعَبْدِ

(التحفة ٩)

١٥٥٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا يَشْرُبُ بْنُ الْمُفَضْلِ عَنْ مُحَمَّدِ بْنِ زَيْدٍ، عَنْ عُمَيْرِ مَوْلَى أَبِي اللَّحْمِ، قَالَ: شَهَدْتُ خَيْرَ مَعَ سَادَتِي فَكَلَّمُوا فِي رَسُولِ اللهِ ﷺ وَكَلَّمُوهُ أَنَّيْ مَمْلُوكَ. قَالَ: فَأَمْرَبِي فَقَلَّذْتُ السَّيْفَ فَإِذَا أَنَا أَجْرُهُ فَأَمْرَرَ لِي بِشَيْءٍ مِّنْ خُرُبِي الْمَتَاعِ، وَعَرَضْتُ عَلَيْهِ رُقْبَةً كُنْتُ أَرْقِي بِهَا الْمَحَاجِنَ، فَأَمْرَنِي بِطْرِحِ بَعْضِهَا وَحَبْسِ بَعْضِهَا .

وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ .

وَهَذَا حَدِيثُ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ أَنْ لَا يُسْهَمَ لِلْمَمْلُوكِ، وَلَكِنْ يُرْضَخُ لَهُ بِشَيْءٍ، وَهُوَ قَوْلُ

^[1] That is: To discard some of its words that oppose the Qur’ān and Sunnah. See *Tuhfat Al-Ahwadhi*.

the people of knowledge. A (complete) portion is not given to the slave, but something is conferred upon him. This is the view of Ath-Thawrī, Aḥ-Shāfi’ī, Aḥmad, and Ishāq.

تخریج: [إسناده صحيح] وأخرجه أبو داود، الجهاد، باب: في المرأة والعبد يحذيان من الغنیمة، ح: ٢٧٣٠ من حديث بشر بن المفضل به وصححه ابن حبان، ح: ١٦٦٩ والحاکم: ٢/ ١٣١ والذهبی * وفي الباب عن ابن عباس [تقديم: ١٥٥٦].

Comments:

Regarding the share of a slave in the spoils of war, the view of most of the people of knowledge is the same as has been explained in the preceding narration about women. This narration also proves that treatment of a patient with *Rugya* which is not against the Holy Qur’ān and Sunnah of the Prophet ﷺ is lawful.

Chapter 10. What Has Been Related About *Ahl Adh-Dhimmah* Fighting With The Muslims, Are They To Receive A Share Of The Spoils Of War?

1558. ‘Aishah narrated that the Messenger of Allāh ﷺ advanced towards Badr till he reached Harrah Al-Wabr^[1] where he was met by a man from the idolaters, about whom it was said he was brave and courageous. The Prophet ﷺ said to him: “Do you believe in Allāh and his Messenger?” He said: “No.” He said: “Then return, because we do not seek aid from an idolater.” (*Sahīh*)

The *Hadīth* has more dialogue than this. And this is a *Hasan Gharib Hadīth*. This is acted upon according to some of the people of knowledge. They say that the people of *Adh-Dhimmah* do not

الثّرّيّ، والشّافعِيّ، وأحْمَدَ، وإسْحَاقَ.

(المعجم ١٠) - بَابُ: مَا جَاءَ فِي أَهْلِ الدِّرْمَةِ يَعْزُونَ مَعَ الْمُسْلِمِينَ هَلْ يُسْهِمُ لَهُمْ (التحفة ١٠)

١٥٥٨ - حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنِ الْفَضِيلِ بْنِ أَبِي عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ نِيَارِ الْأَشْلَمِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَرَجَ إِلَى بَدْرٍ حَتَّى إِذَا كَانَ بِحَرَّةِ الْوَبِرِ لَحِقَهُ رَجُلٌ مِّنَ الْمُشْرِكِينَ يُذَكِّرُ مِنْهُ جُرْأَةً وَنَجْدَةً، فَقَالَ لَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «تُؤْمِنُ بِاللَّهِ وَرَسُولِهِ؟» قَالَ: لَا، قَالَ: «ارْجِعْ فَلَنْ أَسْتَعِنَ بِمُشْرِكٍ». وَفِي الْحَدِيثِ كَلَامٌ أَكْثُرُ مِنْ هَذَا. هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ، قَالُوا: لَا يُسْهِمُ لِأَهْلِ الدِّرْمَةِ وَإِنْ قَاتَلُوا مَعَ الْمُسْلِمِينَ الْعُدُوَّ.

[1] A location about four miles from Al-Madīnah.

receive a share, even if they were to fight along with the Muslims against the enemy.

Some of the people of knowledge said that they are given a share when they attend the battle with the Muslims. It has been related by Az-Zuhri, that the Prophet ﷺ gave a portion to some people among the Jews who fought along with him. This was narrated to us by Qutaibah (who said): "Abdul-Wârith bin Sa'eed narrated to us from 'Urwah bin Thâbit, from Az-Zuhri." [This *Hadîth* is *Hasan Gharîb*].

تخریج: وأخرجه مسلم، الإمارة، باب كراهة الاستعانة في الغزو بكافر إلا لحاجة ... إلخ، ح: ١٨١٧ من حديث مالك به * حديث: "أُسْهَمَ قَوْمٌ مِّنَ الْيَهُودِ" ، سند ضعيف لإرساله.

Comments:

If any disbeliever takes part in the war on his own, he will be given something from the spoils. Imâm Ahmad, Al-Awzâ'i, Az-Zuhri, and Ishâq support this view. According to Imâm Mâlik, Abû Hanifah and Ash-Shâfi'i, a disbeliever will get no share from the spoils of war. (*Tuhfat Al-Ahwadhi* v. 2. p.381. and *Al-Mughnî* v. 13 p.97-98.)

1559. Abû Mûsâ narrated: "I arrived upon the Messenger of Allâh ﷺ at Khaibar along with a group of the Ash'ârî tribe. He gave us shares along with those that conquered it." (*Sahîh*)

This *Hadîth* is *Hasan Sahîh Gharîb*. This is acted upon according to some of the people of knowledge. Al-Awzâ'i said: "Whoever meets up with the Muslims before the horses', share is distributed, then he is given a share." [And Buraid's (a narrator) *Kunya* is Abû Buraidah and he is trustworthy. Sufyân Ath-Thawrî, Ibn 'Uyainah and others report from him].

ورَأَى بَعْضُ أَهْلِ الْعِلْمِ أَنْ يُسْهِمَ لَهُمْ إِذَا شَهِدُوا القِتَالَ مَعَ الْمُسْلِمِينَ. وَيَرْوَى عَنِ الرُّهْرِيِّ أَنَّ النَّبِيَّ ﷺ أَسْهَمَ لِقَوْمٍ مِّنَ الْيَهُودِ قَاتَلُوا مَعَهُ، حَدَّثَنَا بِذِلِّكَ فَتِيَّةُ بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ عَنْ عَزْرَةَ بْنِ ثَابِتٍ، عَنِ الرُّهْرِيِّ. [هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ].

١٥٥٩ - حَدَّثَنَا أَبُو سَعِيدُ الْأَشْجُونِيُّ: حَدَّثَنَا حَفْصُ بْنُ عَيَّاثٍ: حَدَّثَنَا بُرِيْدُ بْنُ عَبْدِ اللَّهِ بْنِ أَبِي بُرْدَةَ عَنْ جَلْوَ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى: قَالَ: قَدِيمُتُ عَلَى رَسُولِ اللَّهِ ﷺ فِي نَفْرٍ مِّنَ الْأَشْعَرِيِّينَ خَيْرًا فَأَسْهَمَ لَنَا مَعَ الْدِينِ افْتَحُوهَا. هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ. قَالَ الْأَوْزَاعِيُّ: مَنْ لَحِقَ بِالْمُسْلِمِينَ قَبْلَ أَنْ يُسْهِمَ لِلخَيْلِ أَسْهَمَ لَهُ [وَبِرِيْدٌ يُكْتَنِي أَبَا بُرِيْدَةَ وَهُوَ ثَقَةٌ، وَرَوَى عَنْ سُقْيَانَ الشَّوَّرِيِّ وَابْنِ عَيْنَةَ وَغَيْرِهِمَا].

تخریج: وأخرجه البخاري، المعازى، باب غزوة خيبر، ح: ٤٢٣٣ من حديث برید به.

Comments:

A share from the spoils of war is the right of those who have participated in the battle, if some people arrive late when the battle is over, and the spoils have not yet distributed, keeping in view the circumstances and needs of the latecomers just to comfort them, a small share can be given to them after consultation, and with the consent of the other warriors. (*Tuhfat Al-Ahwadhi* v.2. p.381 and *Al-Mughni*.)

Chapter 11. What Has Been Related About Using The Containers Of The Idolaters

1560. Abū Tha'labah Al-Khushānī narrated: "The Messenger of Allāh ﷺ was asked about the pots of the Zorastrians. He said: 'Clean them by washing them, and then cook in them.' And he prohibited every predator [and] possessor of canines." (*Sahīh*)

This *Hadīth* has been reported through routes other than this from Abū Tha'labah. Abū Idrīs Al-Khawlānī reported it from Abū Tha'labah. Abū Qilābah did not hear from Abū Tha'labah, he only reported it from Abū Asmā', from Abū Tha'labah.

(Another chain) from Abū Idrīs Al-Khawlānī 'Āi'dhullāh bin 'Ubaidullāh who said: "I heard Abū Tha'labah Al-Khushānī saying: 'I went to the Messenger of Allāh ﷺ and said: "O Messenger of Allāh! We live in a land of the People of the Book and we eat from their containers." He said: "If you find other containers than do not eat from them. If you do not find them, then wash them and eat from them."

(المعجم ١١) - بَابُ مَا جَاءَ فِي
الاتِّفَاعِ بِإِنَيْةِ الْمُشْرِكِينَ (التحفة ١١)

١٥٦٠ - حَدَّثَنَا زَيْدُ بْنُ أَخْزَمَ الطَّائِي: حَدَّثَنَا أَبُو قَتْبَةَ سَلْمُ بْنُ قَتْبَةَ: حَدَّثَنَا شَعْبَةُ عَنْ أَيُوبَ، عَنْ أَبِي قَلَبَةَ، عَنْ أَبِي ثَعْلَبَةَ الْحُسْنَى قَالَ: سُئِلَ رَسُولُ اللَّهِ ﷺ عَنْ قُدُورِ الْمَجُوسِ. فَقَالَ: «أَنْوَهُهَا عَسْلًا وَاطْبُخُوهَا فِيهَا»، وَنَهَى عَنْ كُلِّ سَبِيعٍ [وَذِي نَابِ]. وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ عَيْنِ هَذَا الْوَجْهِ عَنْ أَبِي ثَعْلَبَةَ، [وَرَوَاهُ أَبُو إِدْرِيسَ الْخَوْلَانِيُّ عَنْ أَبِي ثَعْلَبَةَ، وَأَبُو قَلَبَةَ لَمْ يَسْمَعْ مِنْ أَبِي ثَعْلَبَةَ، إِنَّمَا رَوَاهُ عَنْ أَبِي أَسْمَاءَ، عَنْ أَبِي ثَعْلَبَةَ].

حَدَّثَنَا هَنَّادُ: حَدَّثَنَا ابْنُ الْمُبَارَكَ عَنْ حَيْوَةِ ابْنِ شُرِيفٍ. قَالَ: سَمِعْتُ رَبِيعَةَ بْنَ يَزِيدَ الدَّمْشِيقِيَّ يَقُولُ: أَخْبَرَنِي أَبُو إِدْرِيسَ الْخَوْلَانِيُّ عَائِدُ اللَّهِ بْنُ عَيْبَدُ اللَّهِ. قَالَ: سَمِعْتُ أَبَا ثَعْلَبَةَ الْحُسْنَى يَقُولُ: أَتَيْتُ رَسُولَ اللَّهِ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ إِنَّا بِأَرْضِ قَوْمٍ أَهْلِ كِتَابٍ نَأْكُلُ فِي آتِيهِمْ. قَالَ: إِنْ وَجَدْتُمْ غَيْرَ آتِيهِمْ فَلَا تَأْكُلُوا فِيهَا، فَإِنْ لَمْ

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

تَجِدُوا فَاغْسِلُوهَا وَكُلُوا فِيهَا».

[قال أبو عيسى:] هذا حديث حسن صحيح.

تخریج: [صحيح] وأخرجه أحمد: ١٩٣ من حديث شعبة به ورواه البخاري، ح: ٥٤٧٨ (ومسلم، ح: ١٩٣٠ عن هناد) من حديث حمزة بن شريح به.

Comments:

Use of the utensils of non-Muslims should be avoided. In dire need it is allowed to use them after careful and thorough washing. (*Tuhfat Al-Ahwadhi* v.2. p. 382 and *Subul As-Salām* v. 1 p.43-44.)

Chapter 12. Regarding The *Nafl*^[1]

1561. ‘Ubādah bin Aṣ-Ṣāmit narrated: “The Prophet ﷺ used to confer a fourth of the spoils of war in the early part of the expedition, and a third during the return.” (*Sahīh*)

There are narrations on this topic from Ibn ‘Abbās, Ḥabīb bin Maslamah, Ma‘n bin Yazīd, Ibn ‘Umar, and Salamah bin Al-Akwa’. The *Hadīth* of ‘Ubādah is a *Hasan Hadīth*. This *Hadīth* has also been reported from Abū Salām from a man among the Companions of the Prophet ﷺ.

(Another chain) from Ibn ‘Abbās that the Prophet ﷺ took his sword *Dhul-Fiqr* on the Day of Badr, and it is the one that he saw in the dream on the Day of Uhud.

This *Hadīth* is *Hasan Ghārib*. We only know of it from this route through the report of Ibn Abī Az-Zinād.

The people of knowledge differ

(المعجم ١٢) - باب : في النفل (التحفة ١٢)

١٥٦١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ : حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ : حَدَّثَنَا سُفيَّانُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ ، عَنْ سُلَيْمَانَ بْنِ مُوسَى ، عَنْ مَكْحُولٍ ، عَنْ أَبِي سَلَامٍ ، عَنْ أَبِي أُمَامَةَ ، عَنْ عَبَادَةَ بْنِ الصَّامتِ : أَنَّ النَّبِيَّ ﷺ كَانَ يُنْهَىٰ فِي الْبَدْأَ الرُّبُعِ ، وَفِي الْقُوْلِ الثَّلَاثِ .

وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ ، وَحَبِيبِ بْنِ مَسْلَمَةَ ، وَمَعْنِ بْنِ تَرِيدَ ، وَابْنِ عُمَرَ وَسَلَمَةَ ابْنِ الْأَكْوَعِ . وَحَدِيثُ عَبَادَةَ حَدِيثُ حَسَنٍ . وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنْ أَبِي سَلَامٍ ؛ عَنْ رَجُلٍ مِنْ أَصْحَاحِ النَّبِيِّ ﷺ .

حَدَّثَنَا هَنَادٌ : حَدَّثَنَا ابْنُ أَبِي الزَّنَادِ عَنْ أَبِيهِ ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عَثْمَانَ ، عَنْ ابْنِ عَبَّاسٍ : أَنَّ النَّبِيَّ ﷺ نَفَّلَ سِيقَةَ ذَا الْقَارِ يَوْمَ بَدْرٍ وَهُوَ الَّذِي رَأَى فِيهِ الرُّؤْيَا يَوْمَ أَحدٍ .

[1] An additional gift from the spoils of war that is given to particular fighters.

over giving the *Nafl* from the *Khumus*. Mâlik bin Anas said: "It has not reached me that the Messenger of Allâh ﷺ gave the *Nafl* during every expedition, but it has been conveyed to me that he gave the *Nafl* in some of them. That is only done according to the discretion of the *Imâm* during the beginning of the division of the spoils or the end of it."

Ibn Manṣûr said: "I said to Ahmâd: 'The Prophet ﷺ gave the *Nafl* when he divided the fourth, after the *Khumus*, and when he was returning (he gave) the third from the *Khumus'.* So he said: 'The *Khumus* is taken, and then the *Nafl* is given from what remains, nothing beyond this.'"

[Abû 'Eisâ said:] This *Hadîth* is (understood) as Ibn Musayyab said: "The *Nafl* is from the *Khumus'.*" Ishâq said as he said.

تخریج: [صحيح] وأخرجه ابن ماجه، الجهاد، باب النفل، ح: ٢٨٥٢ من حديث سفيان الثوري به وللحديث شاهد حسن عند أبي داود، ح: ٢٧٥٠ وغيره * وفي الباب عن ابن عباس [يأتي بعده: ١٥٦١ ب] وحبيب بن مسلمة [أبو داود، ح: ٢٧٥٠، ٢٧٤٩: ٣١٣٥، ٣١٣٤] ومعن بن يزيد [أبو داود، ح: ٢٧٥٣، ٢٧٥٤] وابن عمر [البخاري، ح: ١٧٥٥، ١٧٥٤: ٣٠٥١] * حديث ابن عباس: رواه ابن ماجه، الأكوع [البخاري، ح: ٢٨٠٨: ٢٨٠٨] ومسلم، ح: ٢٧٥٤ * حديث ابن عباس: رواه ابن ماجه، ح: ٢٨٠٨ من حديث عبد الرحمن بن أبي الزناد به.

Comments:

In the start when the army advances for the conflict, troops are fresh and on the way to battlefield. If a company of the Muslim army engages with some enemy regiment, and after defeating them, they acquire some spoils, one fourth share of this will be given to the company in action, and this will be equally distributed among the company members. Similarly on return, when the army is tired after the conflict, a company performing heroic deed on its way back gets a one third share of the spoils.

هذا حديث حسنٌ غريبٌ. إنما تعرفه من هذا الوجه من حديث ابن أبي الزناد. وقد اختلف أهل العلم في النفل من الخمس، فقال مالك بن أنس: لم يبلغني أنَّ رسُولَ الله ﷺ نَفَلَ في معازِيهِ كُلُّها، وقد بلغني أنَّه نَفَلَ في بعضها وإنما ذلك على وجوه الاجتهاد من الإمام في أول المعمتم وأخره. قال ابن متصور: قُلْتُ لأخمَدَ: إِنَّ النَّبِيَّ ﷺ نَفَلَ إِذَا فَصَلَ بالرُّبُعِ بَعْدَ الْخُمُسِ، وَإِذَا فَصَلَ بِالثُّلُثِ بَعْدَ الْخُمُسِ، فَقَالَ: يُخْرُجُ الْخُمُسَ ثُمَّ يُنَفَّلُ مِمَّا يَقِيَ وَلَا يُجَاوِرُ هَذَا. [قال أبو عيسى:] وهذا الحديث على ما قال ابن المسيب: النفل من الخمس. قال إسحاق: كما قال.

Chapter 13. What Has Been Related About: Whoever Kills Someone In Battle, Then His Goods Are His

1562. Abū Qatādah narrated that the Messenger of Allāh ﷺ said: “Whoever kills someone in battle, having a proof for that, then his goods are his.” (*Sahīh*)

[Abū ‘Eisā said:] There is a story with this *Hadīth*.

(Another chain) with similar meaning.

There are narrations on this topic from ‘Awf bin Mālik, Khālid bin Al-Wālīd, Anas, and Samurah.

This *Hadīth* is *Hasan Sahih*. Abū Muḥammad is Nāfi’ the freed slave of Abū Qatādah.

This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. It is the view of Al-Awzā‘ī, Ash-Shāfi‘ī and Ahmad.

Some of the people of knowledge said that the *Imām* takes *Khumus* from those goods. Ath-Thawrī said: “The *Nafl* is when the *Imām* says: ‘Whoever got something, then it is his. And whoever killed a fighter, then his goods are his.’ So it is allowed, and there is no *Khumus* taken from it.” Ishāq said: “The goods are for the one who did the killing, unless it is something that is a large amount.” So he saw that the *Imām* could take the *Khumus* from that, just as ‘Umar bin Al-Khaṭṭāb did.

(المعجم ١٣) - بَابُ مَا جَاءَ فِيمُنْ قَتَلَ
قَتِيلًا فَلَهُ سَلْبُهُ (التحفة ١٣)

١٥٦٢ - حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُونُ:
حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ يَحْيَى بْنِ سَعِيدٍ،
عَنْ عُمَرَ بْنِ كَبِيرٍ بْنِ أَفْلَحَ، عَنْ أَبِي مُحَمَّدٍ
مَوْلَى أَبِي قَتَادَةَ، عَنْ أَبِي قَتَادَةَ قَالَ: قَالَ
رَسُولُ اللَّهِ ﷺ: «مَنْ قَتَلَ قَتِيلًا لَّهُ عَلَيْهِ بَيْنةٌ
فَلَهُ سَلْبُهُ».

[قال أبو عيسى:] وفي الحديث قصة.
حدثنا ابن أبي عمر: حدثنا سفيان عن
يحيى بن سعيد بهذا الإسناد نحوه.
وفي الباب عن عوف بن مالك، وخاربه
ابن الوليد، وأنس، وسمرا.
وهذا حديث حسن صحيح. وأبو محمد
هو نافع مولى أبي قتادة، والعمل على هذا
عند بعض أهل العلم من أصحاب النبي ﷺ
وغيرهم، وهو قول الأوزاعي، والشافعي،
وأحمد. وقال بعض أهل العلم: للإمام أن
يخرج من السلب الخمس. وقال التورى:
النقل: أن يقول الإمام: من أصاب شيئاً فهو
له، ومن قتل قتيلاً فله سلبته، فهو جائز
وليس فيه الخمس وقال إسحاق: السلب
للقاتل إلا أن يكون شيئاً كثيراً، فرأى الإمام
أن يخرج منه الخمس كما فعل عمر بن
الخطاب.

تخریج: متفق عليه، وأخرجه البخاري، فرض الخامس، باب من لم يخمس الأسلاب، ح: ٣٤٢ ومسلم، ح: ١٧٥١ من حديث مالك به وهو في الموطأ: ٤٥٤/٢ بطوله * وفي الباب عن عوف بن مالك [مسلم، ح: ١٧٥٣] وخالد بن الوليد [أبو داود، ح: ٢٧٢١] وأنس [أحمد: ٣/١١٤ وأصله عند مسلم، ح: ١٨٠٩] وسمة [ابن ماجه، ح: ٢٨٣٨].

Comments:

In battle, the personal belongings of a fallen enemy like his sword, clothes etc., when the fighter has a witness or some proof he keeps such goods. Imām Al-Awzā'i, Al-Laith, Ash-Shafī'i, Ahmad, Ishāq, and others support this point of view and this is correct. If the personal belongings of the killed are precious or considerable in quantity, then the chief of the army is allowed to take one fifth of it for the state.

Chapter 14. About It Being Disliked To Sell The Spoils Of War Until It Has Been Distributed

1563. Abū Sa'eed Al-Khudrī narrated: "The Messenger of Allāh ﷺ prohibited selling the spoils of war until it has been distributed." (*Hasan*)

There is something on this topic from Abū Hurairah.

[Abū 'Eisā said:] This *Hadīth* is *Gharīb*.

تخریج: [حسن] وأخرجه ابن ماجه، التجارات، باب النهي عن شراء ما في بطون الأنعام ... إلخ، ح: ٢١٩٦ من حديث حاتم به وسته ضعيف وللحديث شواهد كثيرة عند ابن أبي شيبة: ١٢/٤٣٥-٤٣٧ وغیره * وفي الباب عن أبي هريرة [أحمد: ٢/٤٧٢].

Comments:

Before distribution, the spoils are the property of the state, and the share of an individual is unknown prior to its division, therefore, its sale and purchase in this condition is unlawful.

Chapter 15. What Has Been Related About It Being Disliked To Have Intercourse With Pregnant Female Prisoners

1564. Umm Ḥabibah bint 'Irbaḍ bin Sāriyah narrated from her father who told her that the

(المعجم ١٤) - بَابُ فِي كَرَاهِيَّةِ بَعْضِ الْمَعَانِيمِ حَتَّى تُقْسَمَ (التحفة ١٤)

١٥٦٣ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ جَهْضِمِ بْنِ عَبْدِ اللَّهِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ مُحَمَّدِ بْنِ زَيْدٍ، عَنْ شَهْرِ بْنِ حَوْشَبِ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ شِرَاءِ الْمَعَانِيمِ حَتَّى تُقْسَمَ . وفي الْبَابِ عَنْ أَبِي هُرَيْرَةَ .

[قال أبو عيسى:] وهذا حديث عريب.

(المعجم ١٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ وَطَهِ الْجُبَالَى مِنَ السَّبَائِيَا (التحفة ١٥)

١٥٦٤ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى الْيَسَابُورِيُّ: حَدَّثَنَا أَبُو عَاصِمِ الْيَبْلِ عَنْ

Messenger of Allāh ﷺ prohibited intercourse with female prisoners, until they deliver what is in their wombs.” (*Hasan*)

[*Abū ‘Eisā* said:] There is something on this topic from *Ruwaifi’ bin Thābit*, and the *Hadīth* of *Irbād* is a *Gharīb Hadīth*. This is acted upon according to the people of knowledge.

Al-Awzā’ī said: “When a man purchases a slave girl from the captives and she is pregnant, then it has been related from *‘Umar bin Al-Khaṭṭāb* that he said: ‘Do not have intercourse with the pregnant woman until she gives birth.’” *Al-Awzā’ī* said: “As for the free women, then the *Sunnah* about them has passed, in that the *Iddah* be observed.” All of this was narrated to me by *‘Alī bin Khushram* who said: “*‘Eisā bin Yūnus* narrated to us from *Al-Awzā’ī*.”

تخریج: [حسن] وأخرجه أحمد: ١٢٧ عن أبي عاصم به وتقديم مطولاً: ١٤٧٤ وله شاهد
تقديم: ١١٣١ * وفي الباب عن رويق بن ثابت [أحمد: ١٠٨/٤، ١٠٩ وأصله عند أبي داود،
ح: ٣٦ وتقديم طرفة: ١١٣١].

Comments:

Having sexual intercourse with a pregnant slave woman who is given to a warrior as his share of the spoils is not allowed. Since the pregnancy is from someone else, the owner of the pregnant slave woman is not allowed to have sexual relations with her until she gives birth to the child.

Chapter 16. What Has Been Related About The Food Of The Idolaters

1565. *Qabīshah bin Hulb* narrated from his father, who said: “I asked the Prophet ﷺ about the food of the Christians. He ﷺ said: ‘Do not

وَهُبْ أَبِي خَالِدٍ قَالَ: حَدَّثَنِي أُمُّ حَيَّةَ بْنُ عَرْبَاضٍ بْنُ سَارِيَةَ أَنَّ أَبَاهَا أَخْبَرَهَا: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ نَهَى أَنْ تُوطَأَ السَّيَّاتِ حَتَّى يَضْعَفَ مَا فِي بُطُونِهِنَّ.
[قال أبو عيسى:] وفي الباب عن رويق
ابن ثابت. وحيث عرباض حديث غريب.
والعمل على هذا عند أهل العلم.
وقال الأوزاعي: إذا اشتري الرَّجُلُ
الجارية من السبي وهي حامل، فقد روى
عن عمر بن الخطاب أَنَّه قَالَ: لَا تُؤْطِأ
حامل حَتَّى تَضَعَّ. قال الأوزاعي: وأماماً
الحرافير فقد مضت الشَّهَادَةُ فيهنَّ بِأَنَّ أَبْرَزَ
بالعِدَّةِ. كُلُّ هَذَا حَدَّثَنِي عَلَيْهِ بْنُ خَشْرَمَ قَالَ:
حَدَّثَنَا عَيْسَى بْنُ يُونُسَ عَنِ الْأَوْزَاعِيِّ.

(المعجم ١٦) - بَابُ مَا جَاءَ فِي طَعَامِ
الْمُشْرِكِينَ (التحفة ١٦)

١٥٦٥ - حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا
أَبُو دَاؤُدَ الطَّيَّالِسِيُّ عَنْ شُعْبَةَ: أَخْبَرَنِي سَمَّاكُ
ابن حرب قَالَ: سَمِعْتُ قَيْصَرَةَ بْنَ هُلْبِ

allow food to put uneasiness in your chest similar to the doubts of Christianity about it.” (*Hasan*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan*.

(Another chain) with similar narration.

(Another chain) with similar narration.

This is acted upon according to the people of knowledge regarding the permission for the food of the People of the Book.

يُحدَّثُ عَنْ أَبِيهِ قَالَ: سَأَلْتُ النَّبِيَّ ﷺ عَنْ طَعَامِ النَّصَارَى، فَقَالَ: «لَا يَتَحَلَّجَنَّ فِي صَدْرِكَ طَعَامٌ ضَارَّعْتَ فِيهِ الصَّرَائِفَةَ».

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ. قَالَ مَحْمُودٌ: وَقَالَ عَبْدُ اللَّهِ بْنُ مُوسَى عَنْ إِسْرَائِيلَ، عَنْ سِمَاكٍ، عَنْ قَيْصَةَ، عَنْ أَبِيهِ عَنْ النَّبِيِّ ﷺ مِثْلُهُ . قَالَ مَحْمُودٌ: وَقَالَ وَهْبُ بْنُ جَرِيرٍ عَنْ شَعْبَةَ، عَنْ سِمَاكٍ، عَنْ مُرَيْ بْنِ قَطْرِيَّ، عَنْ عَدَيِّ بْنِ حَاتِمَ عَنْ النَّبِيِّ ﷺ مِثْلُهُ .

وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنَ الرُّخْصَةِ فِي طَعَامِ أَهْلِ الْكِتَابِ .

تَخْرِيج: [إِسْنَادُ حَسَنٍ] وَأَخْرَجَهُ أَبُو دَاوُدُ، الْأَطْعَمَةُ، بَابُ كِرَاهِيَّةِ التَّقْدِيرِ لِلطَّعَامِ، ح: ٣٧٨٤ وَابْنُ مَاجَهَ، ح: ٢٨٣٠: مِنْ حَدِيثِ سِمَاكٍ بِهِ * حَدِيثُ عَدَيِّ بْنِ حَاتِمٍ: سِنَدُهُ حَسَنٌ، مُرَيْ بْنُ قَطْرِيَّ تَعْدِيلُهُ راجِعٌ كَمَا في نَيْلِ الْمَقْصُودِ، ح: ٢٨٢٤.

Comments:

Christians, without any legal reason and genuine cause, used to avoid some lawful foods and make them unlawful for themselves. In this narration Muslims are advised not to follow the Christians regarding foods. They should eat what is lawful for them and should not have any hesitation in eating legal foods.

Chapter 17. About It Being Disliked To Separate (Related) Captives

1566. *Abū Ayyūb* narrated that he heard the Messenger of Allāh ﷺ say: “Whoever separates between a mother and her child, then Allāh will separate between him and his beloved on the Day of Judgement.” (*Hasan*)

[*Abū ‘Eisā* said:] There is something on this topic from ‘Alī. This *Hadīth* is *Hasan Gharīb*.

This is acted upon according to the people of knowledge among

(المعجم ١٧) - بَابٌ: فِي كَرَاهِيَّةِ التَّفْرِيقِ بَيْنَ السَّبَّيْنِ (التحفة ١٧)

١٥٦٦ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ [بْنُ عَمْرَةَ] السَّيَّانِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: أَخْرَنَبِيَ حُبِيَّ عَنْ أَبِيهِ عَبْدِ الرَّحْمَنِ الْجُبَلَى، عَنْ أَبِيهِ أَيُوبَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: مَنْ فَرَقَ بَيْنَ وَالِدَةٍ وَوَلَدِهَا فَرَقَ اللَّهُ بَيْنَهُ وَبَيْنَ أَحَبَّيْهِ يَوْمَ الْقِيَامَةِ».

[قالَ أَبُو عِيسَى]: وَفِي الْبَابِ عَنْ عَلَيِّ. وَهَذَا حَدِيثُ حَسَنٍ غَرِيبٍ. وَالْعَمَلُ عَلَى هَذَا

the Companions of the Prophet ﷺ and others. They dislike separating the captives; the mother and her child, the son and the father, and brothers.

عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ وَغَيْرِهِمْ كَرِهُوا التَّفْرِيقَ بَيْنَ السَّبِّيِّ: بَيْنَ الْوَالِدَةَ وَوَلَدِهَا، وَبَيْنَ الْوَالِدِ وَالْوَالِدِ، وَبَيْنَ إِلَخَوَةِ .

تخریج: [حسن] تقدم: ١٢٨٣ * وفي الباب عن علي [تقدم: ١٢٨٤].

Comments:

The people of knowledge unanimously agree that a mother and child should not be separated until the child reaches the age of maturity. It is not allowed to separate the small children of a slave family from their parents or from each other.

Chapter 18. What Has Been Related About Killing Captives And Ransoming

1567. ‘Alī narrated that the Messenger of Allāh ﷺ said that Jibrā’il had indeed descended upon him to say to him: “Tell them – meaning your Companions – to choose regarding the captives of Badr, between either killing them or ransoming them, so that the amount killed by them will correspond similarly to them.” So they said: “Ransom, even though some of us may be killed.” (*Da’if*)

There are narrations on this topic from Ibn Mas’ūd, Anas, Abū Barzah, and Jubair bin Muṭ’im.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb* as a narration of Ath-Thawrī. We do not know of it except through the report of Zā’idah.

Abū Usāmah reported similar to this from Hishām, from Ibn Sīrīn, from ‘Abīdah, from ‘Alī, from the Prophet ﷺ.

Ibn ‘Awn reported it from Ibn

(المعجم ١٨) - بَابُ مَا جَاءَ فِي قُتْلِ
الْأَسَارِيِّ وَالْفَدَاءِ (التحفة ١٨)

١٥٦٧ - حَدَّثَنَا أَبُو عَيْدَةَ بْنُ أَبِي السَّفَرِ -
وَاسْمُهُ أَخْمَدُ بْنُ عَبْدِ اللَّهِ الْهَمَدَانِيُّ -
وَمُحَمَّدُ بْنُ عَيْلَانَ قَالَ: حَدَّثَنَا أَبُو دَاؤُدَ
الْحَفْرِيُّ: حَدَّثَنَا يَحْمَى بْنُ زَكَرِيَّاً بْنِ أَبِي
زَائِدَةَ عَنْ سُفْيَانَ بْنِ سَعِيدٍ، عَنْ هِشَامٍ، عَنْ
ابْنِ سَبِّيْرِينَ، عَنْ عَيْدَةَ، عَنْ عَلِيٍّ: أَنَّ رَسُولَ
اللَّهِ قَالَ: إِنَّ جِبْرِيلَ هَبَطَ عَلَيْهِ فَقَالَ
لَهُ: خَيْرُهُمْ - يَعْنِي أَصْحَابَكَ - فِي أَسَارِيِّ
بَدْرٍ، الْقُتْلُ أَوِ الْفَدَاءُ عَلَى أَنْ يُقْتَلَ مِنْهُمْ
فَإِلَيْهِمْ قَاتَلُوا: الْفَدَاءُ وَيُقْتَلُ مِنَّا.
وَفِي الْبَابِ عَنِ ابْنِ مَسْعُودٍ، وَأَسِّيِّ،
وَأَبِي بَرْزَةَ، وَجُبَيْرِ بْنِ مُطْعَمٍ.
[قَالَ أَبُو عَيْسَى:] هَذَا حَدِيثُ حَسَنٍ
غَرِيبٌ مِنْ حَدِيثِ الثَّورِيِّ لَا نَعْرِفُهُ إِلَّا مِنْ
حَدِيثِ ابْنِ أَبِي زَائِدَةَ.
وَرَوَى أَبُو أَسَامَةَ عَنْ هِشَامٍ، عَنِ ابْنِ سَبِّيْرِينَ،

Sirīn, from ‘Abīdah, from ‘Alī, from the Prophet ﷺ in Mursal form.

Abū Dāwud Al-Hafṣī’s (a narrator in this chain) name is ‘Umar bin Sa‘d.

تخریج: [إسناده ضعیف] وأخرجه النسائي في الكبرى، ح: ٨٦٦٢ من حديث أبي داود الحفری به * هشام بن حسان عنعن * وفي الباب عن ابن مسعود [يأتي: ١٧١٤ : ٣٠٨٤] بغير هذا اللفظ في أسرى بدر] وأنس [أحمد: ٢٤٣ / ٣] في الفداء بغير هذا اللفظ] وأبي بزرة [لم أجده] وجیر بن مطعم [أحمد: ٨٣ / ٤] بغير هذا اللفظ].

Comments:

The Companions of the Prophet ﷺ preferred the opinion of Abū Bakr against the opinion of ‘Umar. ‘Umar gave the opinion to kill the prisoners of Badr, but Abū Bakr’s opinion was to forgive them, and treat them with kindness as they were their relatives, and they should be released after receiving ransom from them. The money received from them as ransom could be used for religious works, and there was also possibility that in future they may accept Islam or their children may become Muslims. In the future if seventy of them were martyred, it would be their good fortune to attain the status of martyrs.

1568. Imrān bin Huṣain narrated that the Prophet ﷺ ransomed two men from the Muslims with a man from the idolaters. (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

The paternal uncle of Abū Al-Muhallab’s name is ‘Abdur-Rāḥmān bin ‘Amr, and they also say it was Mu‘āwiyah bin ‘Amr. And Abū Qilābah’s name is ‘Abdullāh bin Zaid Al-Jarmī (narrator in the chain).

This is acted upon according to most of the people of knowledge among the Companions of the Prophet ﷺ and others. It is for the Imām to decide to be generous with whom he wills among the captives, or to kill whom he wills among them, or to ransom whom

عَنْ عَيْدَةَ، عَنْ عَلَيِّ عَنْ النَّبِيِّ ﷺ نَحْوَهُ.
وَرَوَى ابْنُ عَوْنَى عَنْ ابْنِ سَبِيلِنَ، عَنْ
عَيْدَةَ، عَنْ عَلَيِّ عَنْ النَّبِيِّ ﷺ مُرْسَلاً.
وَأَبُو ذَاوْدَ الْحَفَرِيُّ اسْمُهُ عُمَرُ بْنُ سَعْدٍ.

تخریج: [إسناده ضعیف] وأخرجه النسائي في الكبرى، ح: ٨٦٦٢ من حديث أبي داود الحفری به * هشام بن حسان عنعن * وفي الباب عن ابن مسعود [يأتي: ١٧١٤ : ٣٠٨٤] بغير هذا اللفظ في أسرى بدر] وأنس [أحمد: ٢٤٣ / ٣] في الفداء بغير هذا اللفظ] وأبي بزرة [لم أجده] وجیر بن مطعم [أحمد: ٨٣ / ٤] بغير هذا اللفظ].

١٥٦٨ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ : حَدَّثَنَا
سُقِيَانُ : حَدَّثَنَا أَيُوبُ عَنْ أَبِي قَلَابَةَ، عَنْ
عَمِّهِ، عَنْ عُمَرَانَ بْنِ حُصَيْنٍ : أَنَّ النَّبِيَّ ﷺ
فَدَى رَجُلَيْنِ مِنَ الْمُسْلِمِينَ بِرَجْلِيْنِ مِنَ
الْمُسْرِكِيْنَ .

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٌ
صَحِيحٌ .

وَعَمُّ أَبِي قَلَابَةَ هُوَ أَبُو المُهَلَّبِ وَاسْمُهُ
عَبْدُ الرَّحْمَنِ بْنُ عَمِّرُو، وَيُقَالُ: مُعاوِيَةُ بْنُ
عَمِّرُو. وَأَبُو قَلَابَةَ اسْمُهُ عَبْدُ اللهِ بْنُ زَيْدٍ
الْجَرْمِيُّ .

وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ
مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ أَنَّ الْإِلَامَ أَنْ
يَمْنَعَ عَلَى مَنْ شَاءَ مِنَ الْأَسْرَى، وَيُقْتَلُ مَنْ

he wills among them. Some of the people of knowledge preferred killing over ransoming.

Al-Awzā'ī said: "It has been conveyed to me, that this Āyah is abrogated: Thereafter (is the time) either for generosity (to free them without ransom) or ransom.^[1] it was abrogated by: And kill them wherever you find them.."^[2] This was narrated to us by Hannād (who said): "Ibn Al-Mubārak narrated to us, from Al-Awzā'ī."

Ishāq bin Mansūr said: "I said to Ahmād: 'When the captives are captured' is killing or ransoming better to you?" He said: 'If they are able to ransom' then there is no harm in it. And if they kill, then I do not know of any harm in it.'" Ishāq said: "Wiping them out is better to me, unless it is someone well-known, so that it is hoped that a large amount will be obtained for him."

تخریج: [إسناده صحيح] وأخرجه النسائي في الكبرى، ح: ٨٦٤ من حديث سفيان بن عيينة، ومسلم، ح: ١٦٤١ من حديث أبوب به مطولاً ومحضراً * قول الأوزاعي صحيح عنه.

Comments:

Most of the people of knowledge say that it is the right and privilege of the *Amīr* or of the Head of the State to treat the prisoners according to the situation. He can put them in jail or forgive them after receiving ransom, or he can release them without receiving anything from them. This point of view is correct.

Chapter 19. What Has Been Related About The Prohibition Of Killing Women And Children

1569. Ibn 'Umar narrated that a

شَاءَ مِنْهُمْ، وَيَقْدِي مِنْ شَاءَ، وَاخْتَارَ بَعْضُ أَهْلِ الْعِلْمِ الْقَتْلَ عَلَى الْفِدَاءِ.

وَقَالَ الْأَوْزَاعِيُّ: بَلَغَنِي أَنَّ هَذِهِ الْآيَةَ مُسْوَخَةٌ. قَوْلُهُ تَعَالَى: ﴿فَإِنَّمَا مَنَّا بَعْدُ وَلَمَّا فَدَاءَ﴾ [محمد: ٤] تَسْخَّنَهَا ﴿وَاقْتُلُوهُمْ حَيْثُ مَفْنُونُهُمْ﴾ [البقرة: ١٩١].

حَدَّثَنَا بِذِلِّكَ هَنَّادٌ: حَدَّثَنَا ابْنُ الْمُبَارَكِ عَنِ الْأَوْزَاعِيِّ.

قَالَ إِسْحَاقُ بْنُ مَنْصُورٍ: قُلْتُ لِأَخْمَدَ: إِذَا أُسْرَ الْأَسْيَرُ يُقْتَلُ، أَوْ يُقَادَى أَحَبُّ إِلَيْكَ؟ قَالَ: إِنْ قُدِرُوا أَنْ يُعَادُوا فَلَيَسْ بِهِ بَأْسٌ، وَإِنْ قُتِلَ فَمَا أَعْلَمُ بِهِ بَأْسًا. قَالَ إِسْحَاقُ: إِلْتَخَانُ أَحَبُّ إِلَيَّ إِلَّا أَنْ يَكُونَ مَعْرُوفًا فَأَطْمَعُ بِهِ الْكَثِيرَ.

(المعجم ١٩) - بَابُ مَا جَاءَ فِي النَّهْيِ،
عَنْ قَتْلِ النِّسَاءِ وَالصِّبِّيَّانِ (التحفة ١٩)

- حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْلَّيْثُ عَنْ

[1] Muhammad 47:4.

[2] Al-Baqarah 2:191.

woman was found killed in one of the expeditions of the Messenger of Allāh ﷺ, so the Messenger of Allāh ﷺ rebuked that, and he prohibited killing women and children. (*Sahīh*)

There are narrations on this topic from Buraidah and Rabāh – and they say he was Riyāḥ – bin Ar-Rabi', Al-Aswad bin Sarī', Ibn 'Abbās, and As-Ṣa'b bin Jaththāmah.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to some of the people of knowledge among the Companions of the Prophet ﷺ and others. They disliked killing women and children. This is the view of Sufyān Ath-Thawrī and Ash-Shāfi'i.

Some of the people of knowledge made an exception for killing the women who had children with them during night attacks, this is the view of Aḥmad and Ishāq, they permitted it in night attacks.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب قتل الصبيان في الحرب، ح: ٣٠١٤ ومسلم، ح: ١٧٤٤ من حديث الليث بن سعد به * وفي الباب عن بريدة [يأتي: ١٦١٧] وتقديم: [١٤٠٨] وریاح [أبو داود، ح: ٢٢٦٩] والأسود بن سریع [أحمد: ٤٣٥، ٤/٢٤ والدارمي، ح: ٢٤٦٦] وابن عباس [مسلم، ح: ١٨١٢] والصعب بن جثامة [يأتي: ١٥٧٠].

Comments:

Generally, if the women and children are not taking part in the fight, or they are becoming a hindrance in reaching the enemy, it is not allowed to kill them. In the case where the women are participating in the battle in any form, it is allowed to kill them. If they are unintentionally killed in night raids, when it is difficult then there is no violation.

1570. Ibn 'Abbās narrated: "I was informed by Aṣ-Ṣa'b bin Jaththāmah who said: 'I said: "O Messenger of Allāh our horses trampled over women and children

تافِع، عن ابْنِ عُمَرَ أَخْبَرَهُ: أَنَّ امْرَأَةً وُجِدَتْ فِي بَعْضِ مَعَازِي رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ مَقْتُولَةً فَانْكَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ ذَلِكَ، وَنَهَىٰ عَنْ قَتْلِ النِّسَاءِ وَالصُّبْيَانِ

وفي البابِ عَنْ بُرِيَّةَ وَرِيَاحَ - ويُقَالُ رِيَاحُ بْنُ الرَّبِيعِ - وَالْأَشْوَدُ بْنُ سَرِيعٍ، وَابْنِ عَبَّاسٍ، وَالصَّعْبُ بْنُ جَنَاحَةَ.

[قال أبو عيسى:] هذا حديث حسنٌ صحيحٌ. والعمل على هذا عند بعض أهل العلم من أصحاب النبي ﷺ وغيرهم، كرّهوا قتل النساء والولدان. وهو قول سفيان الثوري، والشافعي.

ورَخَصَ بَعْضُ أَهْلِ الْعِلْمِ فِي الْبَيَاتِ وَقَتْلِ النِّسَاءِ فِيهِمُ الْوِلْدَانُ، وَهُوَ قَوْلُ أَحْمَدَ، وَإِسْحَاقَ، وَرَخَصَا فِي الْبَيَاتِ.

١٥٧٠ - حَدَّثَنَا نَصْرُ بْنُ عَلَيِّ الْجَهْضُومِيُّ: حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَةَ عَنِ الرُّهْبَرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: أَخْبَرَنِي الصَّعْبُ بْنُ جَنَاحَةَ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّ

of the idolaters.” He said: ‘They are from their fathers.’” (*Sahih*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب أهل الدار بيiton فيصab الولدان والذراري ... إلخ، ح: ٣٠١٢، ٣٠١٣ ومسلم، ح: ١٧٤٥ من حديث سفيان بن عيينة به.

Chapter 20. The Prohibition Of Burning With Fire

1572. *Abū Hurairah* narrated: “The Messenger of Allāh ﷺ sent us with an army and said: ‘If you see so-and-so, and so-and-so’ referring to two men from the Quraish: ‘then burn them with fire.’ Then, upon our departure, the Messenger of Allāh ﷺ said: ‘I ordered you to burn so-and-so, and so-and-so with fire, and indeed, none punishes with fire except Allāh. So if you see them, then kill them.’” (*Sahīh*)

There are narrations on this topic from *Ibn ‘Abbās* and *Hamzah bin ‘Amr Al-Aslāmī*.

[*Abū ‘Eisā* said:] The *Hadīth* of *Abū Hurairah* is a *Hasan Sahīh Hadīth*. This is acted upon according to the people of knowledge. In this *Hadīth*, *Muhammad bin Ishāq* mentioned a man (narrating) between *Sulaimān bin Yasār* and *Abū Hurairah*. Others reported this *Hadīth* the same as *Al-Laith* reported it (here, without a man between them). The narration of *Al-Laith bin Sa‘d* is more appropriate and more correct.

خَيْلَنَا أَوْطَئْنَاهُ مِنْ نِسَاءِ الْمُسْرِكِينَ وَأَوْلَادِهِمْ،
قَالَ: «هُمْ مِنْ آبَائِهِمْ».

[قال أبو عيسى:] هذا حديث حسن صحيح.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب أهل الدار بيiton فيصab الولدان والذراري ... إلخ، ح: ٣٠١٢، ٣٠١٣ ومسلم، ح: ١٧٤٥ من حديث سفيان بن عيينة به.

(المعجم ٢٠) - بَابُ [الثَّنَيِّ عَنِ الْإِحْرَاقِ بِالنَّارِ] (التحفة ٢٠)

١٥٧١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا الْلَّيْثُ عَنْ
بُكَيْرِ بْنِ عَبْدِ اللَّهِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ
أَبِي هُرَيْرَةَ قَالَ: بَعْثَنَا رَسُولُ اللَّهِ ﷺ فِي
بَعْثٍ، فَقَالَ: «إِنْ وَجَدْتُمْ فُلَانًا وَفَلَانًا
لِرَجُلَيْنِ مِنْ قُرَيْشٍ «فَأَخْرِقُوهُمَا بِالنَّارِ»، ثُمَّ
قَالَ رَسُولُ اللَّهِ ﷺ حِينَ أَرَدْنَا الْخُرُوجَ: «إِنِّي
كُنْتُ أَمْرِكُمْ أَنْ تَخْرِقُوا فُلَانًا وَفَلَانًا بِالنَّارِ،
وَإِنَّ النَّارَ لَا يُعَذِّبُ بِهَا إِلَّا اللَّهُ، فَإِنْ
وَجَدْتُمُوهُمَا فَاقْتُلُوهُمَا».

وفي الباب عن ابن عباس، وحمزة بن عمرو الأسلمي.

[قال أبو عيسى:] حديث أبي هريرة حديث حسن صحيح. والعمل على هذا عند
أهل العلم. وقد ذكر محمد بن إسحاق بين سليمان بن يساري وبين أبي هريرة رجلاً في
هذا الحديث. وروى غير واحد مثل رواية
الليث. وحديث الليث بن سعيد أشبه
وأصح.

تخریج: وأخرج البخاری، الجهاد والسير، باب: لا يعذب بعذاب الله، ح: ٣٠١٦ عن قتيبة به * وفي الباب عن ابن عباس [تقديم: ١٤٥٨] وحمزة بن عمرو الأسلمي [أبو داود، ح: ٢٦٧٣] وأحمد: ٤٩٤/٣].

Comments:

In view of ‘Umar and Ibn ‘Abbās, burning alive is not allowed at all. In the view of some Companions, burning alive in retaliation is allowed to make it a lesson for others. The correct opinion is that no one should be burnt alive. In the case of defense in a battle, if the enemy is using firearms and fire spreading ordinance etc., it is allowed to use the same kind of weapons to kill the enemy. (*Al-Mughnī* v. 13. p. 138-139.)

Chapter 21. What Has Been Related About *Ghulūl*^[1]

1572. Thawbān narrated that the Messenger of Allāh ﷺ said: “Whoever dies and he is free of [three]: *Kibr* (Pride), *Ghulūl*, and debt, he will enter Paradise.” (*Sahīh*)

There are narrations on this topic from Abū Hurairah and Zaid bin Khālid Al-Juhnī.

تخریج: [صحيح] وانظر الحديث الآتي * وفي الباب عن أبي هريرة [البخاري، ح: ٦٧٠٧] ومسلم: ١١٥/١٨٣] وزيد بن خالد الجهنمي [أبو داود، ح: ٢٧١٠] وابن ماجه، ح: ٢٨٤٨.]

Comments:

Being innocent and guiltless from these three things means that he is very careful about human rights. It is obvious that he who is careful about the rights of his fellow human beings must be more careful about the right of Allāh, therefore, such a person hopes in Allāh’s Mercy and Paradise.

1573. Thawbān narrated that the Messenger of Allāh ﷺ said: “Whoever’s soul departs from his body while he is free of three: *Kanz* (buried treasure), *Ghulūl*, and debt,

(المعجم ٢١) - بَابُ مَا جَاءَ فِي الْغُلُولِ
(التحفة ٢١)

١٥٧٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ، عَنْ سَالِيمِ بْنِ أَبِي الْجَعْدِ، عَنْ تُوبَيَّانَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ مَاتَ وَهُوَ بِرِيءٌ مِّنْ [كَلَاثَ]: الْكَبِيرُ وَالْغُلُولُ وَالدِّينُ، دَخَلَ الْجَنَّةَ». وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ، وَزَيْدِ بْنِ خَالِدِ الْجَهْنَمِ.

١٥٧٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبْنُ أَبِي عَدِيٍّ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ سَالِيمِ بْنِ أَبِي الْجَعْدِ، عَنْ مَعْدَانَ بْنِ أَبِي

[1] *Ghulūl* refers to goods stolen from the spoils of war, or concealed, before it is divided among the soldiers. It also carries the general meaning of unlawful wealth. See *Tuhfat Al-Ahwadhi*, and see *Hadīth* no. 1.

then he will enter Paradise.” (*Da’if*)

This is how Sa’eed narrated it: “*Kanz*” while Abū ‘Awānah said in his narration: “*Kibr*” and he did not mention “from Ma’dān” in it. But the narration of Sa’eed is more correct.

طلحة، عن ثوبانَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ فَارَقَ الرُّوْحَ الْجَسَدَ وَهُوَ بَرِيءٌ مِّنْ ثَلَاثَةِ الْكَبَرِ وَالْغُلُولِ وَالَّذِينَ دَخَلُوا الْجَنَّةَ» هَكَذَا قَالَ سَعِيدُ: الْكَبَرُ، وَقَالَ أَبُو عَوَانَةَ فِي حَدِيثِهِ: الْكِبْرُ، وَلَمْ يَذْكُرْ فِيهِ عَنْ مَعْدَانَ وَرِوَايَةُ سَعِيدٍ أَصَحُّ.

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الصدقات، باب التشديد في الدين، ح ٢٤١٢ (نسخة هندية ص ١٧٢) من حديث سعيد بن أبي عروبة به بلفظ آخر (من الكبر، بدل من الكفر) وصرح بالسماع وحديثه صحيح وتابعه شعبة وغيره وصححه ابن حبان، ح ١٦٧٦ والحاكم: ٢٦/٢ على شرط الشیخین ووافقه الذهبي قنادة عنون في هذا اللفظ ”المکنز“.

1574. Simāk Abū Rumail Al-Hanafī said: “I heard Ibn ‘Abbās saying: “‘Umar bin Al-Khaṭṭāb narrated to me that he said: ‘It was said: ‘O Messenger of Allāh! So-and-so has been martyred.’ He said: ‘No! I saw him in the Fire because of a garment he pilfered from the spoils of war.’ He said: ‘Stand up O ‘Umar! Call out that no one enters Paradise except the believers.’ Three times.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb*.

١٥٧٤ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيٍّ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنَا عِكْرِمَةُ ابْنُ عَمَّارٍ: حَدَّثَنَا سِمَاكُ ابْنُ رُمِيلِ الْحَقِيقِيُّ قَالَ: سَمِعْتُ ابْنَ عَبَّاسَ يَقُولُ: حَدَّثَنِي عُمَرُ ابْنُ الْخَطَّابِ قَالَ: قَيْلَ: يَا رَسُولَ اللَّهِ؛ إِنَّ فُلَانًا قَدْ اسْتَشْهِدَ، قَالَ: «كَلَّا! قَدْ رَأَيْتُهُ فِي النَّارِ بِعَيْنَةٍ قَدْ غَلَّهَا»، قَالَ: «فَمُّنْ يَا عُمَرُ فَنَادَ أَنَّهُ لَا يَدْخُلُ الْجَنَّةَ إِلَّا الْمُؤْمِنُونَ» ثَلَاثَةً. [قَالَ أَبُو عَيسَى:] هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ غَرِيبٌ.

تخریج: وأخرجه مسلم، الإيمان، باب غلط الغلوال وأنه لا يدخل الجنة إلا المؤمنون، ح ١١٤ من حديث عكرمة بن عمار به.

Comments:

This narration makes it clear that a fighter who takes anything from the spoils of war without the permission of the army chief commits the crime of embezzlement, which eclipses the high status of martyrdom. He who is an offender of stealing from the spoils of war will not go to Paradise.

Chapter 22. What Has Been Related About Women Going Out For War

1575. Anas narrated: “The Messenger of Allāh ﷺ used to go to battle with Umm Sulaim, and other women with her, from the *Ansār*, who would give water and tend to the wounded.” (*Sahīh*)

[*Abū ‘Eisā* said:] There is something on this topic from Ar-Rabi’ bin Mu’awwidh. This *Hadīth* is *Hasan Shāhīh*.

تخریج: وأخرجه مسلم، الجهاد، باب غزوة النساء مع الرجال، ح: ١٨١٠ من حديث جعفر ابن سليمان به * وفي الباب عن الربيع بنت معوذ [البخاري، ح: ٢٨٨٢].

Comments:

For the essential services of the forces like emergency medical help, care of the wounded, and transportation of martyrs to a safe place, it is allowed to take the women to the battlefield. For the purposes mentioned above, a very careful selection of females should be made. The military administration should make sure that the presence of female members is not a hindrance in the performance of duties or affecting the morals of the soldiers.

Chapter 23. What Has Been Related About Accepting Gifts From The Idolaters

1576. ‘Alī narrated from the Prophet ﷺ, that Kisra sent him a gift so he accepted, and that kings gave him gifts and he accepted them. (*Da’īf*)

There is something about this from Jābir. This is a *Hasan Gharīb Hadīth*. Thuwair (a narrator in the chain) is Ibn Abī Fākhitah, whose name was Sa‘eed bin ‘Ilāqah, and Thuwair’s Kunyah was Abū Jahm.

نحو: [إسناده ضعيف] وأخرجه أحمد: ٩٦ من حديث إسرائيل به * ثویر ضعیف رمی بالرفض

(المعجم ٢٢) - باب ما جاء في خروج النساء في الحرب (التحفة ٢٢)

1575 - حَدَّثَنَا يَثْرَبُ بْنُ هَلَالٍ الصَّوَافُ: حَدَّثَنَا جَعْفَرُ بْنُ سُلَيْمَانَ الصُّبِيعِيَّ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: كَانَ رَسُولُ اللَّهِ يَغْزُو بِأَمْ سُلَيْمَانَ وَنَسْوَةً مَعَهَا مِنَ الْأَنْصَارِ يَسْقِيْنَ الْمَاءَ، وَيُدَاوِيْنَ الْجَرَحَى.

[قال أبو عيسى:] وفي الباب عن الربيع بنت معاذ. وهذا حديث حسن صحيح.

تخریج: وأخرجه مسلم، الجهاد، باب غزوة النساء مع الرجال، ح: ١٨١٠ من حديث جعفر ابن سليمان به * وفي الباب عن الربيع بنت معوذ [البخاري، ح: ٢٨٨٢].

(المعجم ٢٣) - باب ما جاء في قبول هدايا المشركين (التحفة ٢٣)

1576 - حَدَّثَنَا عَلَيُّ بْنُ سَعِيدِ الْكَنْدِيِّ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ عَنْ إِسْرَائِيلَ، عَنْ ثُوَّبِرِ، عَنْ أَبِيهِ، عَنْ عَلَيِّ عَنْ النَّبِيِّ أَنَّ كَسْرَى أَهْدَى لَهُ فَقَبِيلَ، وَأَنَّ الْمُلُوكَ أَهْدَوْا إِلَيْهِ فَقَبِيلَ مِنْهُمْ.

وفي الباب عن جابر، وهذا حديث حسن عریب. وَثُوَّبِرُ هُوَ ابْنُ أَبِي فَاخْتَةَ أَسْمُهُ سَعِيدُ ابْنُ عَلَاقَةَ، وَثُوَّبِرُ يُكْنَى أَبَا جَهْمَ.

نحو: [إسناده ضعيف] وأخرجه أحمد: ٩٦ من حديث إسرائيل به * ثویر ضعیف رمی بالرفض

(نَقْرِيب) * وَفِي الْبَابِ عَنْ جَابِرٍ [ابْنِ عَدِيِّ فِي الْكَامِلِ: ٦/٢١١٤] بَغْيَرِ هَذَا الْلُّفْظِ وَسُنْدُه ضَعِيفٌ جَدًا.

Comments:

Gifts from non-Muslim kings and head of states can be accepted for diplomacy and to develop good relations to save the Muslims living near the borders. In the greater interest of Muslims it is allowed to accept gifts from non-Muslims.

Chapter 24. About The Gifts Of The Idolaters Being Disliked

1577. ‘Iyād bin Ḥimār narrated that he gave the Prophet ﷺ a gift or a camel, so the Prophet ﷺ said: “Have you accepted Islām?” He said: “No.” He said: “Then I have been prohibited from the *Zabd* (gifts) of the idolaters.” (*Hasan*)

Abū ‘Eisā said: This *Hadīth* is *Hasan Sahīh*. And the meaning of his saying: “I have been prohibited from the *Zabd* (gifts) of the idolaters” is their gifts.

It has been reported about the Messenger ﷺ that he used to accept the gifts of the idolaters while a dislike for that is mentioned in this *Hadīth*.

And the implication is that this was after he used to accept from them, and then he later forbade their gifts.

تخریج: [حسن] وأخرجه أبو داود، الخراج، باب: في الإمام يقبل هدايا المشركين، ح: ٣٠٥٧ من حديث أبي داود الطیالسي به وهو في مستنه، ح: ١٠٨٣ وصححه ابن خزيمة، وابن الجارود، ح: ١١١٠ وغيرهما وسنده ضعيف وله شواهد عند أحمد: ٤٠٢/٣٠٣٠٢٣٠ لمعارضته، فالأمر هاهنا للاستجواب والله أعلم.

Chapter 25. What Has Been Related About The Prostration of Gratitude (*Sajdah Ash-Shukr*)

1578. Abū Bakrah narrated: “The

(المعجم ٢٤) - [بَابُ : فِي كَرَاهِيَةِ هَدَائِيَا الْمُشْرِكِينَ] (التحفة ٢٤)

١٥٧٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أُبُو دَاوُدَ عَنْ عِمْرَانَ الْقَطَانِ، عَنْ قَتَادَةَ، عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ [هُوَ] ابْنُ الشَّخِيرِ، عَنْ عِيَاضِ بْنِ حَمَارٍ: أَنَّهُ أَهْدَى لِلنَّبِيِّ ﷺ هَدِيَةً [أَوْ] نَافَةً، فَقَالَ النَّبِيُّ ﷺ: «أَسْلَمْتَ؟» قَالَ: لَا: قَالَ: «فَإِنِّي نُهِيتُ عَنْ زَيْدِ الْمُشْرِكِينَ». قَالَ أُبُو عِيسَى: هَذَا حَدِيثٌ حَسْنٌ صَحِيفٌ. وَمَعْنَى قَوْلِهِ: «إِنِّي نُهِيتُ عَنْ زَيْدِ الْمُشْرِكِينَ» يَعْنِي هَدَائِيَاهُمْ. وَقَدْ رُوِيَ عَنِ النَّبِيِّ ﷺ أَنَّهُ كَانَ يَقْبِلُ مِنَ الْمُشْرِكِينَ هَدَائِيَاهُمْ، وَذُكِرَ فِي هَذَا الْحَدِيثِ الْكَرَاهِيَّةُ، وَاحْتَمَلَ أَنْ يَكُونَ هَذَا بَعْدَ مَا كَانَ يَقْبِلُ مِنْهُمْ ثُمَّ نَهَى عَنْ هَدَائِيَاهُمْ.

(المعجم ٢٥) - [بَابُ مَا جَاءَ فِي سَجْدَةِ الشُّكْرِ] (التحفة ٢٥)

١٥٧٨ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا

Prophet ﷺ was met by some affair that made him happy, so he prostrated to Allāh.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*, we do not know of it except from this route, as a narration of Bakkār bin ‘Abdul-‘Azīz.

This is acted upon according to most of the people of knowledge, they held the view that one could perform the prostration of gratitude. [And Bakkār bin ‘Abdul-‘Azīz bin Abi Bakrah is *Muqārib* (average) in *Hadīth*.]

تخریج: [إسناده حسن] وأخرجه أبو داود، الجهاد، باب: في سجدة الشكر، ح: ٢٧٧٤ وابن ماجه، ح: ١٣٩٤ من حديث أبي عاصم به وصححه البوصيري.

Comments:

On hearing good news, prostrating before Allāh as an acknowledgement of His mercy and blessings is proved from *Sahīh* narrations. Imām Shāfi‘i and Aḥmad both have the same view. Some of the scholars say that this is not proven by any authentic narration from the Messenger of Allāh ﷺ. But this is not the case.

Chapter 26. What Has Been Related About The Assurance Of Protection Granted By A Woman And A Slave

1579. Abū Hurairah narrated that the Prophet ﷺ said: “Indeed a woman grants (assurances of protection) to a people” – meaning it is to be honored – “from the Muslims.” (*Hasan*)

There is something on this topic from Umm Hāni, and this *Hadīth* is *Hasan Gharīb*. [I asked Muhammad and he said: “This *Hadīth* is *Sahīh*. Kathīr bin Zaid heard from Al-Walīd bin Rabāh, and Al-Walīd bin Rabāh heard from Abū Hurairah, and he is *Muqārib* (average) in *Hadīth*.]

أبو عاصم: حَدَّثَنَا بَكَارُ بْنُ عَبْدِ الْعَزِيزِ بْنِ أَبِي بَكْرَةَ عَنْ أَبِيهِ، عَنْ أَبِي بَكْرَةَ: أَنَّ النَّبِيَّ ﷺ أَتَاهُ أَمْرٌ فَسَرَّ بِهِ فَخَرَّ لِلَّهِ سَاجِدًا.

[قال أبو عيسى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ لَا تَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ بَكَارِ بْنِ عَبْدِ الْعَزِيزِ . وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ رَأَوْا سَجْدَةَ الشُّكْرِ [وَبَكَارُ بْنُ عَبْدِ الْعَزِيزِ بْنِ أَبِي بَكْرَةَ مُقَارِبُ الْحَدِيثِ].

تخریج: [إسناده حسن] وأخرجه أبو داود، الجهاد، باب: في سجدة الشكر، ح: ٢٧٧٤ وابن ماجه، ح: ١٣٩٤ من حديث أبي عاصم به وصححه البوصيري.

(المعجم (٢٦) - بابُ مَا جَاءَ فِي أَمَانٍ
المرأةُ وَالْعَبْدُ (التحفة (٢٦)

١٥٧٩ - حَدَّثَنَا يَحْيَى بْنُ أَكْمَمَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ عَنْ كَثِيرِ بْنِ زَيْدٍ، عَنْ الْوَلِيدِ بْنِ رَبَاحٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: إِنَّ الْمَرْأَةَ لَتَأْخُذُ لِلنَّفُومِ يَعْنِي تُجِرُّ عَلَى الْمُسْلِمِينَ .

وَفِي الْبَابِ عَنْ أُمِّ هَانِعٍ وَهَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ [وَسَأَلْتُ مُحَمَّداً قَالَ: هَذَا حَدِيثٌ صَحِيفٌ وَكَثِيرُ بْنُ زَيْدٍ قَدْ سَمِعَ مِنْ الْوَلِيدِ بْنِ رَبَاحٍ وَالْوَلِيدِ بْنِ رَبَاحٍ سَمِعَ مِنْ أَبِي هُرَيْرَةَ وَهُوَ مُقَارِبُ الْحَدِيثِ].

(Another chain) from Umm Hāni' who said: "I granted asylum for two men among my brother-in-laws. So the Messenger of Allāh ﷺ said: 'We grant security to whomever you have granted security.'" [1]

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

This is acted upon according to the people of knowledge. They permit the assurance of protection granted by a woman. This is the view of Ahmād and Iṣhāq: They permitted the asylum of a woman and a slave.

It has been related [from other routes] from 'Umar bin Al-Khaṭṭāb that he permitted the asylum granted by a slave.

(One of the narrators of this last narration) Abū Murrah is the freed slave of 'Aqil bin Abī Tālib – they also say that he was the freed slave of Umm Hāni' – and his name was Yazīd.

It has been related from 'Alī bin Abī Tālib and 'Abdullāh bin 'Amr that the Prophet ﷺ said: "The covenants of the Muslims are one, it covers the rest of them." [2]

[Abū 'Eisā said:] According to the people of knowledge, the meaning of this *Hadīth* is that whoever gives assurances of protection among the Muslims, then it is valid to all of them.

تخریج: [حسن] وأخرجه أحمد: ٣٦٥ من حديث كثیر بن زید به * وفي الباب عن أم هانیء [يأتي بعده: ٢٧٣٤] * حديث أم هانیء، حديث صحيح رواه خالد بن الحارث عن ابن أبي

حدَّثَنَا أبو الوليد الدمشقيُّ : حدَّثَنَا الوليدُ
ابنُ مُسْلِمَ قَالَ : أَخْبَرَنِي ابْنُ أَبِي ذِئْبٍ عَنْ
سَعِيدِ الْمَقْبَرِيِّ ، عَنْ أَبِي مُرَّةَ مَوْلَى عَقِيلٍ بْنِ
أَبِي طَالِبٍ ، عَنْ أُمِّ هَانِيَةَ أَنَّهَا قَالَتْ :
أَجْرَتْ رَجُلَيْنِ مِنْ أَحْمَانِيَ ، فَقَالَ رَسُولُ اللهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : «فَذَلِكَ أَمَّا مَنْ أَمْتَتْ» .

[قال أبو عيسى:] هذا حديث حسن صحيح. والعمل على هذا عند أهل العلم،
اجازوا أمان المرأة، وهو قول أحماد،
وإسحاق، أجازاً أمان المرأة والعبد. وقد
روي [من غير وجه] عن عمر بن الخطاب
أنه أجاز أمان العبد. وأبو مرّة مولى عقيل
ابن أبي طالب، ويقال له أيضاً مولى أم
هانيء، واسمها يزيد.

[وقد] روی عن علي بن أبي طالب وعبد الله بن عمر عن النبي ﷺ قال: «ذمة
المسلمين واحدة يسعى بها أذناهم» .

[قال أبو عيسى:] معنى هذا عند أهل
العلم أنَّ من أغطى الأمان من المسلمين فهو
جاizaً على كلِّهم.

[1] Part of that version appears in number 2734, and it is authentic.

[2] It is also authentic, and appears in number 2127.

ذئب به مطولاً (النسائي في الكبرى، ح: ٨٦٨٤) وأخرجه البخاري ومسلم من حديث مالك عن سالم أبي النضر عن أبي مرة به كما سيأتي، ح: ٢٧٣٤ * حديث: "ذمة المسلمين واحدة ... إلخ" ، سيأتي: ٢١٢٧.

Comments:

The meaning is that if one of the Muslims gives protection to a disbeliever, all of the Muslims are required to honor that protection. (See for details *Al-Mughnī* v. 13. p.75-76.)

Chapter 27. What Has Been Related About Breaking Treaties

1580. Abū Al-Faḍl said: "I heard Sulaim bin ‘Āmir saying: 'There was a treaty between Mu‘āwiyah and the people of Rome. He was making an expedition into their lands so that when the period of the treaty was expires he could attack them. So when a man upon an animal' – or – 'upon a horse said: "Allāhu Akbar! Fulfillment not betrayal!" – and it turned out to be 'Amr bin 'Abasah – Mu‘āwiyah asked him about that. He said: "I heard the the Messenger of Allah ﷺ say: 'Whoever has a treaty between himself and a people, then let him not violate the treaty nor try to change it until its time has passed, or, in retribution for a similar offense.'" He said: "So Mu‘āwiyah returned with the people." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: [إسناده صحيح] وأخرجه أبو داود، الجهاد، باب: في الإمام يكون بينه وبين العدو عهد فيسيره نحوه، ح: ٢٧٥٩ من حديث شعبة به وهو في مسند الطیالسي، ح: ١١٥٥ وصححه ابن حبان، ح: ١٦٨١.

Comments:

The Companions of the Prophet ﷺ helped each other in deeds of virtue and they would avoid breaking the promises and treaties. This narration also

(المعجم ٢٧) - بَابُ مَا جَاءَ فِي الْغَدَرِ
(التحفة ٢٧)

١٥٨٠ - حَدَّثَنَا مَحْمُودُ بْنُ عَلَيَّانَ: حَدَّثَنَا
أَبُو دَاوُدَ قَالَ: أَبَيْنَا شُعْبَةُ قَالَ: أَخْبَرَنِي أَبُو
الْفَيْضِنَ قَالَ: سَمِعْتُ سُلَيْمَانَ بْنَ عَامِرٍ يَقُولُ:
كَانَ بَيْنَ مَعَاوِيَةَ وَبَيْنَ أَهْلِ الرُّومِ عَهْدٌ، وَكَانَ
يَسِيرُ فِي بِلَادِهِمْ، حَتَّى إِذَا افْتَصَى الْعَهْدُ
أَغَارَ عَلَيْهِمْ، فَإِذَا رَجَلٌ عَلَى دَابَّةٍ أَوْ عَلَى
فَرَسٍ وَهُوَ يَقُولُ: إِنَّ اللَّهَ أَكْبَرُ وَفَاءَ لَا غَرْ،
وَإِذَا هُوَ عَمْرُو بْنُ عَبْسَةَ، فَسَأَلَهُ مَعَاوِيَةَ عَنْ
ذَلِكَ، فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ:
مَنْ كَانَ بَيْنَهُ وَبَيْنَ قَوْمٍ عَاهَدْ فَلَا يَحْلِنَ عَهْدَهُ
وَلَا يَسْدِدَهُ حَتَّى يَمْضِيَ أَمْدُهُ أَوْ يَنْبَدِدَ إِلَيْهِمْ
عَلَى سَوَاءٍ" قَالَ: فَرَجَعَ مَعَاوِيَةَ بِالنَّاسِ.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

proves Mu‘āwiyah’s zeal for what is correct. If any law or legal command was not known to him, on knowing the real fact’s he acted upon it according to the truth.

Chapter 28. What Has Been Related About: For Each Person Who Betrays A Treaty There Is A Banner Erected On The Day Of Judgement

1581. Ibn ‘Umar narrated the Messenger of Allāh ﷺ said: “Indeed the one who betrays will have a banner erected for him on the Day of Judgement.” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Alī, ‘Abdullāh bin Mas‘ūd, Abū Sa‘eed Al-Khudrī, and Anas.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. [I asked Muhammad about the *Hadīth* of Suwaid, from Abū Ishaq, from ‘Umārah bin ‘Umair, from ‘Alī, from the Prophet ﷺ who said: “For every person who betrays there will be a banner.” He said: “I do not know of this *Hadīth* being *Marfū’*”].^[1]

(المعجم ٢٨) - بَابُ مَا جَاءَ أَنَّ لِكُلَّ غَادِرٍ لِوَاءً يَوْمَ الْقِيَامَةِ (التحفة ٢٨)

١٥٨١ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْدِعٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا صَخْرُ بْنُ جُوبَرِيَّةَ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَالَ: سَوْفَتْ رَسُولُ اللَّهِ ﷺ يَقُولُ: «إِنَّ الْغَادِرَ يُنَصَّبُ لَهُ لِوَاءً يَوْمَ الْقِيَامَةِ».

[قال:] وفي الباب عن عليٍّ، وعبد الله ابن مسعود، وأبي سعيد الخدري، وأنس.

[قال أبو عيسى:] هذَا حَدِيثُ حَسَنٍ صَحِيحٌ [وَسَأَلْتُ مُحَمَّداً عَنْ حَدِيثِ سُوَيْدٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَلَيِّ عَنِ النَّبِيِّ ﷺ قَالَ: لِكُلِّ غَادِرٍ لِوَاءً] فَقَالَ: لَا أَعْرِفُ هَذَا الْحَدِيثَ مَرْفُوعًا.

تخریج: متفق عليه، أخرجه مسلم، الجهاد، باب تحريم الغدر، ح: ١٧٣٥ من حديث صخر ابن جويرية والبخاري، ح: ٣١٨٨ من حديث نافع به * وفي الباب عن علي [وأشار إليه الترمذى وانظر العلل الكبير له ٦٧٨ / ٢] وعبد الله بن مسعود [البخاري، ح: ٣١٨٦ ومسلم، ح: ١٧٣٦] وأبي سعيد الخدري [مسلم، ح: ١٧٣٨] وأنس [البخاري، ح: ٣١٨٦ ومسلم، ح: ١٧٣٧].

Comments:

Breaking promises is a major crime and its punishment on the Day of Judgement is that the betrayer will be humiliated before the people and a flag indicating his vice of betrayal will be fixed to his body.

^[1] Meaning that version, while he recorded the narration of Ibn ‘Umar, as well as others, in his *Sahīh*.

(المعجم ٢٩) - بَابُ مَا جَاءَ فِي النَّزُولِ
عَلَى الْحُكْمِ (التحفة ٢٩)

Chapter 29. What Has Been Related About Cessation For Arbitration

1582. Jābir narrated: “On the day of (the battle of) *Al-Aḥzāb*, Sa‘d bin Mu‘ādh was struck by an arrow such that the upper vein or lower vein of his forearm was severed. So the Messenger of Allāh ﷺ tried to stop it with fire, but it made his arm bleed profusely so he left it. Then he did it another time but it caused it to bleed profusely. Upon seeing that he said: ‘O Allāh! Do not allow my soul to depart until my eyes are comforted by the elimination of Banū Quraizah.’ He pressed his vein closed and it did not bleed a drop before they surrendered to the arbitration of Sa‘d bin Mu‘adh. He (the Prophet ﷺ) sent for him (Sa‘d) who judged that their men should be killed, their women should be spared, and that the Muslims may share them among themselves. With this, the Messenger of Allāh ﷺ said: ‘You have judged according to Allāh’s Judgement for them.’ And they were four hundred. Then when he finished killing them, his vein opened up and he died.” (*Sahīh*)

[He said:] There are narrations on this topic from Abū Sa‘eed and ‘Aṭiyyah Al-Qurāzī.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: [إسناده صحيح] وأخرجه أحمد: ٣٥٠ من حديث الليث بن سعد ومسلم، ح: ٢٢٠٨ من حديث أبي الزبير به مختصرًا ومطولاً * وفي الباب عن أبي سعيد [البخاري، ح: ٦٦٦٢ ومسلم، ح: ١٧٦٨] وعطية القرظي [يأتي: ١٥٨٤].

١٥٨٢ - حَدَّثَنَا قَتْبِيَّةُ: حَدَّثَنَا الْلَّيْثُ عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرِ أَنَّهُ قَالَ: رُومَيْ يَوْمَ الْأَخْزَابِ سَعْدُ بْنُ مُعَاذَ فَقَطَّعُوا أَكْحَلَهُ أَوْ أَبْجَلَهُ، فَحَسِّمَهُ رَسُولُ اللَّهِ ﷺ بِالنَّارِ فَانْفَضَّتْ يَدُهُ فَرَكَهُ، فَتَرَقَّهُ الدَّمُ فَحَسِّمَهُ أُخْرَى فَانْفَضَّتْ يَدُهُ، فَلَمَّا رَأَى ذَلِكَ قَالَ: اللَّهُمَّ لَا تُخْرِجْنِي حَتَّى تُقْرِئَ عَيْنِي مِنْ بَيْنِ قُرْبَةَ، فَاسْتَمْسِكْ عِزَّتَهُ فَمَا قَطَرَ قَطْرَةً حَتَّى نَزَّلُوا عَلَى حُكْمِ سَعْدِ بْنِ مُعَاذٍ، فَأَرْسَلَ إِلَيْهِ فَحَكَمَ أَنْ يُقْتَلَ رِجَالُهُمْ وَشَهِيدُهُمْ يَسْتَعِينُ بِهِنَّ الْمُسْلِمُونَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَصْبَتْ حُكْمَ اللَّهِ فِيهِمْ»، وَكَانُوا أَرْبَعَمَائِةً، فَلَمَّا فَرَغَ مِنْ قَتْلِهِمْ افْتَقَ عِرْقَهُ فَمَاتُوا.

[قال:] وفي الباب عن أبي سعيد، وعطية القرظي.

[قال أبو عيسى:] وهذا حديث حسن صحيح.

Comments:

Banū Quraizah were an ally of the Muslims, but they deceived the Muslims on the occasion of the 'Battle of Ahzāb' which caused many difficulties for Muslims. Sa'd who was their ally from the time of *Jahiliyyah* was shocked at their behaviour. He wanted to see Banū Quraizah punished for their offensive conduct.

1583. Samurah bin Jundab narrated that the Messenger of Allāh ﷺ said: "Kill the elder men among the idolaters and spare the *Sharkh* among them." (*Daīf*)

And the *Sharkh* are the boys who did not begin to grow pubic hair.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

Hajjāj bin Artāh narrated similarly from Qatādah.

١٥٨٣ - حَدَّثَنَا [أَحْمَدُ بْنُ عَبْدِ الرَّحْمَنِ] أَبُو الولِيدِ الدَّمْشِقِيُّ : حَدَّثَنَا الولِيدُ بْنُ مُسْلِمٍ عَنْ سَعِيدِ بْنِ بَشِيرٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمْرَةَ بْنِ جُنْدِبٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «اقْتُلُوا شُيُوخَ الْمُسْرِكِينَ وَاسْتَحْيُوا شَرْحَهُمْ» وَالشَّرْخُ: الْغَلْمَانُ الَّذِينَ لَمْ يُنْتَبُوا. [Qāl Abū 'Ibīsī: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ.]

وَرَوَاهُ حَجَاجُ بْنُ أَرْطَاطَةَ عَنْ قَتَادَةَ نَحْوَهُ.
تَحْرِيْج: [إِسْنَادُهُ ضَعِيفٌ] وَأَخْرَجَهُ أَبُو دَاوُدُ، الْجَهَادُ، بَابُ: فِي قَتْلِ النِّسَاءِ، ح: ٢٦٧٠ مِنْ حَدِيثِ قَتَادَةِ بْنِ قَاتِدَةِ وَهُوَ مَدْلُوسٌ وَعَنْعَنٌ.

١٥٨٤ - حَدَّثَنَا هَنَّا: حَدَّثَنَا وَكِيعُ عَنْ سُقِيَّانَ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ عَطِيَّةَ الْفَرَظِيِّ قَالَ: عَرِضْنَا عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قُرْيَظَةَ فَكَانَ مَنْ أَنْتَبَ قُتْلًا وَمَنْ لَمْ يُنْتَبْ خُلِيَّ سِيلَةً، فَكُنْتُ فِيهِنْ لَمْ يُنْتَبْ فَخُلِيَّ سِيلِيًّا. [Qāl Abū 'Ibīsī: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ بَعْضِ أَهْلِ الْعِلْمِ: أَنَّهُمْ يَرَوْنَ الْإِنْبَاتَ بُلُوغًا إِنْ لَمْ يُعْرَفِ اخْتِلَامُهُ وَلَا سِنَّهُ، وَهُوَ قَوْلُ أَخْمَدَ، وَإِسْحَاقَ.]

1584. 'Atīyyah Al-Quraizī narrated: "We were presented to the Messenger of Allāh ﷺ on the day of (the battle of) Quraizah. Whoever had pubic hair was killed and whoever did not was left to his way. I was of those who did not have pubic hair so I was left to my way." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is acted upon according to some of the people of knowledge. They consider pubic hair an indication of the age of responsibility, if it is not known whether he has had a wet dream, or his age. This is the view of Ahmad and Ishāq.

تَحْرِيْج: [صَحِيحٌ] وَأَخْرَجَهُ أَبْنَ مَاجَهَ، الْحَدُودُ، بَابُ مِنْ لَا يَجُبُ عَلَيْهِ الْحَدُودُ، ح: ٢٥٤١ مِنْ

Hadith Wukūj b. Wusayl reported that he heard from his father that the Messenger of Allāh ﷺ said: "Kill the leaders of the enemy and those who are able to fight against us." This is a narration from the book of Al-Bukhārī and Muslim.

Comments:

This narration proves that if it has been decided to kill the enemy, then those among the enemy who are their leaders and those who are able to fight against the Muslims will be killed. It means only adults who are potential danger should be killed. Old persons and children who have not reached the age of puberty should not be killed. Discussion about the age of puberty has already been given in a previous narration.

Chapter 30. What Has Been Related About Oaths Of Allegiance

1585. 'Amr bin Shu'aib narrated from his father, from his grandfather, that the Messenger of Allāh ﷺ said during his *Khu'bah*: "Fulfill the allegiances sworn in *Jahiliyyah* for it" – meaning Islām – "does not add to them except in gravity. And do not initiate new allegiances in Islām." (*Hasan*)

[He said:] There are narrations on this topic from 'Abdur-Rahmān bin 'Awf, Umm Salamah, Jubair bin Mu'tim, Abū Huraira, Ibn 'Abbās, and Qais bin 'Aṣim.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*.

(المعجم (٣٠) - باب ما جاء في الحلف (التحفة (٣٠)

١٥٨٥ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا يَزِيدُ بْنُ رُرَيْعَ: حَدَّثَنَا حُسْنَى الْمُعَلْمُ عَنْ عَمْرُو بْنِ شَعْبِنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ فِي خُطْبَتِهِ: «أَوْفُوا بِحُلْفِ الْجَاهِلِيَّةِ فَإِنَّهُ لَا يَزِيدُهُ - يَعْنِي إِلَّا شَدَّدَهُ، وَلَا تُحْدِثُوا حِلْقَاتًا فِي الإِسْلَامِ». [قال:] وفي الباب عن عبد الرحمن بن عزف، وأم سلمة، وجابر بن مطعم، وأبي هريرة، وابن عباس، وقيس بن عاصم. [قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ صَحِحُّ.

تخريج : [إسناده حسن] وأخرجه أحمد: ٢١٢ / ٢، ٢١٣ من حديث حسين المعلم به وهذا طرف من الحديث الطويل، رواه أحمد: ١٧٩ / ٢، ٢١٢، ٢٠٧، ١٩٤، ١٩٢، ١٩١، ١٨٩، ١٨٧، ١٨٤، ١٨٢، ١٨٠، ١٧٩، ١٧٧، ١٧٦، ١٧٥، ١٧٤، ١٧٣، ١٧٢، ١٧١، ١٧٠، ١٦٩، ١٦٨، ١٦٧، ١٦٦، ١٦٥، ١٦٤، ١٦٣، ١٦٢، ١٦١، ١٦٠، ١٥٩، ١٥٨، ١٥٧، ١٥٦، ١٥٥، ١٥٤، ١٥٣، ١٥٢، ١٥١، ١٥٠، ١٤٩، ١٤٨، ١٤٧، ١٤٦، ١٤٥، ١٤٤، ١٤٣، ١٤٢، ١٤١، ١٤٠، ١٣٩، ١٣٨، ١٣٧، ١٣٦، ١٣٥، ١٣٤، ١٣٣، ١٣٢، ١٣١، ١٣٠، ١٢٩، ١٢٨، ١٢٧، ١٢٦، ١٢٥، ١٢٤، ١٢٣، ١٢٢، ١٢١، ١٢٠، ١١٩، ١١٨، ١١٧، ١١٦، ١١٥، ١١٤، ١١٣، ١١٢، ١١١، ١١٠، ١٠٩، ١٠٨، ١٠٧، ١٠٦، ١٠٥، ١٠٤، ١٠٣، ١٠٢، ١٠١، ١٠٠، ٩٩، ٩٨، ٩٧، ٩٦، ٩٥، ٩٤، ٩٣، ٩٢، ٩١، ٩٠، ٨٩، ٨٨، ٨٧، ٨٦، ٨٥، ٨٤، ٨٣، ٨٢، ٨١، ٨٠، ٧٩، ٧٨، ٧٧، ٧٦، ٧٥، ٧٤، ٧٣، ٧٢، ٧١، ٧٠، ٦٩، ٦٨، ٦٧، ٦٦، ٦٥، ٦٤، ٦٣، ٦٢، ٦١، ٦٠، ٥٩، ٥٨، ٥٧، ٥٦، ٥٥، ٥٤، ٥٣، ٥٢، ٥١، ٥٠، ٤٩، ٤٨، ٤٧، ٤٦، ٤٥، ٤٤، ٤٣، ٤٢، ٤١، ٤٠، ٣٩، ٣٨، ٣٧، ٣٦، ٣٥، ٣٤، ٣٣، ٣٢، ٣١، ٣٠، ٢٩، ٢٨، ٢٧، ٢٦، ٢٥، ٢٤، ٢٣، ٢٢، ٢١، ٢٠، ١٩، ١٨، ١٧، ١٦، ١٥، ١٤، ١٣، ١٢، ١١، ١٠، ٩، ٨، ٧، ٦، ٥، ٤، ٣، ٢، ١، ٠.

Comments:

The religion of Islam is a religion of peace and brotherhood. There is no need for taking oaths of allegiance between tribes after its victory in a land.

Chapter 31. About Taking The Jizyah From The Zoroastrians

1586. Bajālah bin ‘Abdah narrated: “I was a scribe for Jaz’ bin Mu‘āwiyah at Maṇādhīr when ‘Umar’s letter came to us (saying): ‘Inspect the Zoroastrians around you to take the *Jizyah* from them. For indeed ‘Abdur-Rahmān bin ‘Awf informed me that the Messenger of Allāh ﷺ took the *Jizyah* from the Zoroastrians of Hajar.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*.

٣١٥٦، ٣١٥٧ من حديث بجالة به انظر الحديث

1587. Bajālah narrated that ‘Umar would not take the *Jizyah* from the Zoroastrians until ‘Abdur-Rahmān bin ‘Awf informed him that the Prophet ﷺ took the *Jizyah* from the Zoroastrians of Hajar.” (*Sahīh*)

There is more dialogue in the *Hadīth* than this. And this *Hadīth* is *Hasan Sahīh*.

تخریج: وأخرجه البخاري، الجزية والموادعة مع أهل الذمة وال الحرب ... إلخ، ح: ٣١٥٦، ٣١٥٧ حدیث سفیان بن عینه به.

1588. Mālik narrated from Az-Zuhri, that Sā’ib bin Yazid said: “The Messenger of Allāh ﷺ took the *Jizyah* from the Zoroastrians of Bahrain, and ‘Umar took it in Persia, and ‘Uthmān took it from the Persians.” (*Hasan*)

(المعجم ٣١) - بَابُ : فِي أَخْذِ الْجِزْيَةِ
مِنَ الْمَجُوسِيِّ (التحفة ٣١)

١٥٨٦ - حَدَّثَنَا أَحْمَدُ بْنُ مَيْعَنْ : حَدَّثَنَا
أَبُو مَعَاوِيَةَ : حَدَّثَنَا الْحَجَّاجُ بْنُ أَرْطَاءَ عَنْ
عُمَرَ بْنِ دِينَارٍ، عَنْ بَجَالَةَ بْنِ عَبْدَةَ قَالَ :
كُنْتُ كَاتِبًا لِجَزْءٍ بْنِ مَعَاوِيَةَ عَلَى مَنَازِرَ،
فَجَاءَنَا كِتَابٌ عُمَرَ : افْتُرْ مَجُوسَ مَنْ قِيلَكَ
فَخُذْ مِنْهُمُ الْجِزْيَةَ، فَإِنَّ عَبْدَ الرَّحْمَنَ بْنَ
عَوْفٍ أَخْبَرَنِي : أَنَّ رَسُولَ اللَّهِ ﷺ أَخْذَ
الْجِزْيَةَ مِنْ مَجُوسِ هَجَرَ.

[قال أبو عيسى:] هذا حديث حسن.
تخریج: [صحيح] ورواه البخاري، ح: الآتي.

١٥٨٧ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ : حَدَّثَنَا
سُقِيَّاً عَنْ عُمَرَ بْنِ دِينَارٍ، عَنْ بَجَالَةَ أَنَّ
عُمَرَ كَانَ لَا يَأْخُذُ الْجِزْيَةَ مِنَ الْمَجُوسِ حَتَّى
أَخْبَرَهُ عَبْدُ الرَّحْمَنُ بْنُ عَوْفٍ : أَنَّ النَّبِيَّ ﷺ
أَخْذَ الْجِزْيَةَ مِنْ مَجُوسِ هَجَرَ.
وفي الحديث كلام أكثر من هذا.

هذا حديث حسن صحيح.

تخریج: وأخرجه البخاري، الجزية والموادعة، باب الجزية والموادعة مع أهل الذمة وال الحرب
البصري: حَدَّثَنَا عَبْدُ الرَّحْمَنُ بْنُ مَهْدِيٍّ عَنْ
مَالِكٍ، عَنِ الزُّهْرِيِّ، عَنِ السَّائِبِ بْنِ تَرِيدَ
قَالَ: أَخْذَ رَسُولُ اللَّهِ ﷺ الْجِزْيَةَ مِنْ مَجُوسِ
الْبَحْرَيْنِ وَأَخْذَهَا عُمَرُ مِنْ فَارِسَ وَأَخْذَهَا

I asked Muḥammad about this, so he said: ‘It is: ‘Mālik from Az-Zuhri from the Prophet ﷺ.’’

عُثْمَانُ مِنَ الْفُرْسِ .
وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا؟ فَقَالَ: هُوَ
مَالِكٌ عَنِ الرَّهْرِيِّ عَنِ النَّبِيِّ ﷺ .

تخریج: [حسن] وهو في الموطأ: ٢٧٨ / ١ بقوله: قال الرهري ... إلخ وله شواهد كثيرة منها مرسل سعيد بن المسيب، أخرجه البهقي: ٩٠ / ٩٠ بأسناد صحيح عنه.

Comments:

A tax (*Jizyah*) is imposed on non-Muslims living in a Muslim country against the security and protection provided to them to live in peace. They are supposed to help the Muslims in defense of the country as well as paying the tax.

Chapter 32. What Has Been Related About What Is Lawful From The Wealth Of *Ahl Adh-Dhimmah*

1589. ‘Uqbah bin ‘Āmir narrated: ‘I said: ‘O Messenger of Allāh! We come across a people and they do not host us, and they do not give us our rights, and we do not take anything from them. So the Messenger of Allāh ﷺ said: ‘If they refuse such that you can only take by force, then take.’’ (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*. It has been reported by Al-Laith bin Sa‘d from Yazid bin Abī Habib as well.

This *Hadīth* only means that they would go out for battles and they would pass a people among whom they would not find any food to buy for a price. So the Prophet ﷺ told them: If they refuse to sell to you, such that you have to take it forcefully, then take it. This is how the explanation has been related in some of the *Ahādīth*. And it has been related that ‘Umar bin Al-Khaṭṭāb, may Allāh be pleased with

(المعجم ٣٢) - بَابُ مَا جَاءَ مَا يَحِلُّ
مِنْ أَمْوَالِ أَهْلِ الدِّينِ (التحفة ٣٢)

١٥٨٩ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا ابْنُ لَهِيَةَ
عَنْ يَرِيدَ بْنِ أَبِي حَيْبٍ، عَنْ أَبِي الْحَيْرَ، عَنْ
عُقْبَةَ بْنِ عَامِرٍ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّا
نَمْرُ بِقَوْمٍ فَلَا هُمْ يُصْبِقُونَا، وَلَا هُمْ يُؤْدُونَ
مَا لَنَا عَلَيْهِمْ مِنَ الْحَقِّ، وَلَا نَحْنُ نَأْخُذُ
مِنْهُمْ، فَقَالَ رَسُولُ اللَّهِ ﷺ: إِنْ أَبْوَا إِلَّا أَنْ
تَأْخُذُوا كُرْهًا فَخُذُوهَا».

[قال أبو عيسى:] هذا حديث حسن.
وقد رواه النبي بن سعيد عن يزيد بن أبي حبيب أيضًا.

وائِمَّا مَعَنِي هَذَا الْحَدِيثِ أَنَّهُمْ كَانُوا
يَخْرُجُونَ فِي الْغَزَوَةِ فَإِمْرُونَ بِقَوْمٍ وَلَا يَجِدُونَ
مِنَ الطَّعَامِ مَا يَشْتَرُونَ بِالثَّمَنِ، فَقَالَ النَّبِيُّ
ﷺ: إِنْ أَبْوَا أَنْ يَبِيعُوا إِلَّا أَنْ تَأْخُذُوا كُرْهًا
فَخُذُوهَا». هَكَذَا رُوِيَ فِي بَعْضِ الْحَدِيثِ
مُفْسَرًا.

him, would order similarly.

وَقَدْ رُوِيَ عَنْ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ كَانَ يَأْمُرُ بِتَحْمِيلِ هَذَا.

تخریج: [صحیح] رواه البخاری، الأدب، باب إكرام الضيف وخدمته إياه بنفسه ... إلخ، ح: ٦١٣٧ ومسلم، ح: ١٧٢٧ من حديث الليث بن سعد عن يزيد بن أبي حبيب به.

Comments:

Hospitality of Arabs was an exemplary tradition, but the conduct of non-Muslims was extraordinarily biased against the Muslims. They not only neglected their traditional hospitality, but also refused to sell food to Muslims to show their hatred against them. There was no way out against their harsh behaviour, so the Muslims were allowed to use force for obtaining food, as it is impossible to continue a journey without foodstuff.

Chapter 33. What Has Been Related About *Hijrah*

1590. Ibn ‘Abbās narrated that on the day of the Conquest of Makkah, the Messenger of Allāh ﷺ said: “There is no *Hijrah* after the conquest, there is only *Jihād* and intention, and when you are called to go forth (for battle), then go.” (*Sahīh*)

[He said:] There are narrations on this topic from Abū Sa‘eed, ‘Abdullāh bin ‘Amr, and ‘Abdullāh bin Ḥubshī.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. Sufyān Ath-Thawrī reported it similarly from Mansūr bin Al-Mu’tamir.

تخریج: متفق عليه، وأخرجه البخاري، جزاء الصيد، باب: لا يحل القتال بمكة، ح: ١٨٣٤ ومسلم، ح: ١٣٥٣ من حديث منصور به * وفي الباب عن أبي سعيد [أحمد: ٣/ ٢٢] وعبد الله بن عمرو [أحمد: ٢/ ٢١٥] وعبد الله بن حبشي [أبو داود، ح: ١٤٤٩، ١٣٢٥].

Comments:

After the conquest of Makkah, the people started entering the religion of Islam, and there was no problem with manifesting one's Islam in the land. People made homes where ever they wanted, and lived in different towns. Now there was no need for emigration, (from Makkah to Al-Madīnah) but people moved from one place to another place for *Hajj*, *Umrah*, *Jihād* and

(المعجم (٣٣) - باب ما جاء في الهجرة
(التحفة (٣٣)

١٥٩٠ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدَةَ الْضَّيْعِيِّ: حَدَّثَنَا زِيَادُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا مَنْصُورُ بْنُ الْمُعْتَمِرِ عَنْ مُجَاهِدِهِ، عَنْ طَاؤِسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ يَوْمَ فَتحَ مَكَّةَ: «لَا هِجْرَةَ بَعْدَ الفَتْحِ وَلَكِنْ جِهَادٌ وَنِسْيَةٌ، وَإِذَا اشْتَفَرْتُمْ فَاقْتُرُوْا». [قال:] وفي الباب عن أبي سعيد، وعبد الله بن عمرو، وعبد الله بن حبشي. [قال:] هذا حديث حسن صحيح. وقد رواه سفيان الثوري عن منصور ابن المعمور نحو هذا.

the acquisition of knowledge, etc., this type of movement and travel is not migration. The place or country where it is not possible to protect one's faith, and there is no other choice except emigration, then it is necessary to emigrate to a safe place.

Chapter 34. What Has Been Related About Giving the Pledge To The Prophet ﷺ

1591. Yahya bin Abi Kathir narrated from Abū Salamah, from Jābir bin ‘Abdullāh about the statement of Allāh, Most High: Allāh was pleased with the believers when they gave the pledge to you under the tree.^[1] that Jābir said: “We pledged to the Messenger of Allāh ﷺ that we would not flee, and we did not pledge to him for death.” (*Sahih*)

[He said:] There are narrations on this topic from Salamah bin Al-Akwa’, Ibn ‘Umar, ‘Ubādah, and Jarīr bin ‘Abdullāh.

[Abū ‘Eisā said:] This *Hadīth* has been reported from ‘Eisā bin Yūnus, from Al-Awzā’ī, from Yahya bin Abi Kathir who said: “Jābir bin ‘Abdullāh said” and he did not mention Abū Salamah in it.

تخریج: [إسناده صحيح] * وفي الباب عن سلمة ابن الأكوع [يأتي: ١٥٩٢] وابن عمر [يأتي: ١٥٩٣] وعبادة [البخاري، ح: ٧١٩٩] وجرير بن عبد الله [البخاري، ح: ٥٧] ومسلم، ح: ٢٥٦.]

1592. Yazid bin Abi ‘Ubaid narrated: “I said to Salamah bin Al-Akwa’: “For what did you pledge to the Messenger of Allāh ﷺ on the Day of Al-Hudaibiyah?” He said: “For death.” (*Sahih*)

(المعجم (٣٤) - باب ما جاء في بيعة النبي ﷺ (التحفة (٣٤)

١٥٩١ - حَدَّثَنَا سَعِيدُ بْنُ يَحْيَى بْنُ سَعِيدٍ الْأَمْوَيُّ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ فِي قَوْلِهِ تَعَالَى: «لَقَدْ رَضِيَ اللَّهُ عَنِ الْمُؤْمِنِينَ إِذْ يُبَيِّعُونَكُمْ بِعَهْدِ الشَّجَرَةِ» [الفتح: ١٨]. قَالَ جَابِرٌ: بَايِعْنَا رَسُولَ اللَّهِ ﷺ عَلَى أَنْ لَا نَفِرَ وَلَمْ بُنَيْعَهُ عَلَى الْمَوْتِ.

[قال:] وفي الباب عن سلمة بن الأكوع، وابن عمر، وعبادة، وجرير بن عبد الله.

[قال أبو عيسى:] وقد روی هذا الحديث عن عيسى بن يونس، عن الأوزاعي، عن يحيى بن أبي كثیر، قال: قال جابر بن عبد الله، ولم يذكر فيه أبو سلمة.

تخریج: [إسناده صحيح] * وفي الباب عن سلمة ابن الأكوع [يأتي: ١٥٩٢] وابن عمر [يأتي: ١٥٩٣] وعبادة [البخاري، ح: ٧١٩٩] وجرير بن عبد الله [البخاري، ح: ٥٧] ومسلم، ح: ٢٥٦.]

١٥٩٢ - حَدَّثَنَا قُتْمَيْهُ: حَدَّثَنَا حَاتِيمُ بْنُ إِسْمَاعِيلَ عَنْ يَزِيدِ بْنِ أَبِي عُبَيْدٍ قَالَ: قُلْتُ لِسَلَمَةَ بْنِ الْأَكَوْعَ: عَلَى أَيِّ شَيْءٍ بَايَعْتُمْ رَسُولَ اللَّهِ ﷺ بِوَرْدَةِ الْحُدَيْبِيَّةِ؟ قَالَ: عَلَى الْمَوْتِ.

[1] *Al-Fath* 48:18.

This *Hadīth* is *Hasan Sahīh*.

هذا حديث حسن صحيح.

تخریج: متفق عليه، وأخرج البخاري، المغازي، باب غزوة الحديبية ... إلخ، ح ٤٦٩، ومسلم، ح ١٨٦٠ عن قتيبة به.

1593. Ibn ‘Umar narrated: “We used to pledge to the Messenger of Allāh ﷺ to hear and obey,” So he would say to us: “As much as you are able.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: وأخرج مسلم، الإمارة، باب البيعة على السمع والطاعة فيما استطاع، ح ١٨٦٧ عن علي بن حجر به.

Comments:

The *Shari‘ah* never orders or expects anything from a person which is beyond his power or beyond his endurance. The words of the Prophet ﷺ show his kindness, compassion and mercy for Muslims. (See also no. 1597.)

1594. Jābir bin ‘Abdullāh narrated: “We did not pledge to the Messenger of Allāh ﷺ for death, but only that we would not flee.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*, meaning both of the *Aḥādīth* are *Sahīh*. Some of his Companions pledged to him for death, they said only: “We will not leave from in front of you as long as we are not killed.” While others pledged to him by saying: “We will not flee.”

١٥٩٣ - حَدَّثَنَا عَلَيُّ بْنُ حَبْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ أَبْنِ عُمَرَ قَالَ: كُنَّا نُبَايِعُ رَسُولَ اللَّهِ ﷺ عَلَى السَّمْعِ وَالطَّاعَةِ، فَيَقُولُ لَنَا: «فِيمَا اسْتَطَعْتُمْ». [قالَ أَبُو عَبْيَسَى:] هذا حديث حسن صحيح.

تخریج: وأخرج مسلم، الإمارة، باب البيعة على السمع والطاعة فيما استطاع، ح ١٨٦٧ عن علي بن حجر به.

١٥٩٤ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْعِيرٍ: حَدَّثَنَا سَفِيَّانُ بْنُ عَيْنَةَ عَنْ أَبِي الرُّبَّيرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: لَمْ نُبَايِعْ رَسُولَ اللَّهِ ﷺ عَلَى الْمَوْتِ إِنَّمَا بَايَعْنَاهُ عَلَى أَنْ لَا يَفْرَرَ.

[قالَ أَبُو عَبْيَسَى:] هذا حديث حسن صحيح، ومعنى كلام الحديثين صحيح فـ
بايعة قومٍ من أصحابه على الموت وإنما قالوا: لا نزالُ بِئْنَ يَدِيكَ مَا لَمْ تَقْتُلْ، وبايضة آخرُونَ فَقَالُوا: لَا نَفِرُ.

تخریج: وأخرج مسلم، الإمارة، باب استحباب مبايعة الإمام الجيش عند إرادة القتال ... إلخ، ح ٦٨/١٨٥٦ من حديث سفيان بن عيينة به.

Comments:

This narration proves that the commander of the army can have an oath from troops that they will not flee from the battlefield, or that they will fight to the death if required, since those who do not flee may retreat and return. This pledge is totally different and has no links or likeness with the pledge of so-called spiritual guides.

Chapter 35. What Has Been Related About Violating A Pledge

1595. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Three will not be spoken to by Allāh on the Day of Judgement, nor will they be purified, and for them is a painful torment: A man that gave a pledge to an *Imām*, and if he gives to him he fulfills it, and if he does not give to him he does not fulfill it” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

٢٦٧٢: تخریج: متفق عليه، وأخرجه البخاري، الشهادات، باب اليمين بعد العصر، ح ومسلم، ح: ١٠٨ من حديث سليمان الأعمش به.

Comments:

An honest person has the privilege that on the Day of Judgment Allāh will speak to him, and have mercy on him, his offences and faults will be pardoned. His unpardonable sins will be cleansed by Hellfire, and ultimately he will enter the Paradise.

Chapter 36. What Has Been Related About A Slave's Pledge

1596. Jābir narrated: “A slave came to give the pledge to the Prophet ﷺ for *Hijrah*, but the Prophet ﷺ did not realize that he was a slave. So his master came, and the Prophet ﷺ said: ‘Sell him to me.’ So he purchased him for two black slaves. After this he ﷺ would not take the pledge from anyone until he asked him if he was a slave.”^[1] (*Sahīh*)

[He said:] There is something on this topic from Ibn ‘Abbās.

(المعجم ٣٥) - باب [مَا جَاءَ] في نكث البيعة (التحفة ٣٥)

١٥٩٥ - حَدَّثَنَا أَبُو عَمَارٍ: حَدَّثَنَا وَكِيعٌ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَلَّهُ لَا يَكْتُمُهُمُ اللَّهُ يَوْمُ الْقِيَامَةِ وَلَا يُرِكِّبُهُمْ وَلَهُمْ عَذَابٌ أَلِيمٌ»: رَجُلٌ بَاتَعَ إِمَامًا فَإِنْ أَغْطَاهُ وَفَى لَهُ، وَإِنْ لَمْ يُعْطِهِ لَمْ يَفِ لَهُ».

[قال أبو عيسى:] هذا حديث حسن صحيح [وعلى ذلك الأمر بلا اختلاف].

تخریج: متفق عليه، وأخرجه البخاري، الشهادات، باب اليمين بعد العصر، ح ومسلم، ح: ١٠٨ من حديث سليمان الأعمش به.

(المعجم ٣٦) - باب مَا جَاءَ في بَيْعَةِ الْعَبْدِ (التحفة ٣٦)

١٥٩٦ - حَدَّثَنَا قَتْبِيَّةُ: حَدَّثَنَا الْلَّيْثُ [بْنُ سَعْدٍ] عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرِ أَنَّهُ قَالَ: جَاءَ عَبْدٌ فَبَاتَعَ رَسُولَ اللَّهِ ﷺ عَلَى الْهِجْرَةِ وَلَا يَشْعُرُ النَّبِيُّ ﷺ أَنَّهُ عَبْدٌ، فَجَاءَ سَيِّدُهُ، فَقَالَ النَّبِيُّ ﷺ: «يُغْنِيهِ» فَاسْتَرَاهُ يَعْبُدَيْنِ أَسْوَدَيْنِ وَلَمْ يَبَاعْ أَحَدًا بَعْدَ حَتَّى يَسْأَلَهُ أَعَدْ هُوَ.

[قال:] وفي الباب عن ابن عباس. [قال أبو عيسى:] حديث جابر حديث

^[1] This *Hadīth* preceded, see no. 1239.

[Abū ‘Eisā said:] The *Hadīth* of Jābir is *Hasan Ghariib Sāhiḥ*, we do not know of it except as a narration of Abū Az-Zubair.

حَسْنٌ غَرِيبٌ صَحِيحٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ
أَبِي الزُّبَيرِ.

تخریج: وأخرجه مسلم، المساقاة، باب جواز بيع الحيوان بالحيوان، من جنسه، متفاضلاً،
ح: ١٦٠٢ عن قتيبة به * وفي الباب عن ابن عباس [لم أجده].

Comments:

The Prophet ﷺ had taken an oath of emigration from him, and there is no return on an oath of emigration, therefore, the Prophet ﷺ bought him in exchange for two black slaves. This narration proves that increase and decrease is possible in the barter of slaves. Another thing which appears from this narration is that the Prophet ﷺ had no knowledge of hidden things until Allāh revealed it to him.

Chapter 37. What Has Been Related About The Women's Pledge

1597. Ibn Al-Munkadir heard Umaimah bint Ruqaiyah saying: "I pledged to the Messenger of Allāh ﷺ along with some women. He said to us: 'In as much as you are able and capable.' I said: 'Allāh and His Messenger are more merciful to us than we are to ourselves,' then I said: 'O Messenger of Allāh take the pledge from us.'" – Sufyān (one of the narrators) said: meaning: 'shake (hands) on it with us' – "so the Messenger of Allāh ﷺ said: 'My statement to one hundred women is like my statement to one.'" (*Sāhiḥ*)

[He said:] There are narrations on this topic from ‘Aishah, from ‘Abdullāh bin ‘Umar, and Asmā’ bint Yazid.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sāhiḥ*, we do not know of it except as a narration of Muḥammad

(المعجم ٣٧) - بَابُ مَا جَاءَ فِي بَيْعَةِ
النِّسَاءِ (التحفة ٣٧)

١٥٩٧ - حَدَّثَنَا قُبَيْلٌ: حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَةَ عَنْ ابْنِ الْمُنْكَدِرِ سَمِعَ أُمَيَّةَ بْنَ رَقِيقَةَ تَقَوْلُ: بَأَيْعَتْ رَسُولُ اللَّهِ تَعَالَى فِي نِسْوَةٍ، فَقَالَ لَنَا: «فِيمَا اسْتَطَعْنَ وَأَطْفَلْنَ»، قُلْتُ: اللَّهُ وَرَسُولُهُ أَرْحَمُ بِنَا مِنَّا بِإِنْفِسِنَا، فَقُلْتُ: يَا رَسُولَ اللَّهِ بَايِعْنَا، قَالَ سُفْيَانُ: تَعْنِي صَافِحُنَا، فَقَالَ رَسُولُ اللَّهِ تَعَالَى: «إِنَّمَا قَوْلِي لِمَائَةِ امْرَأَةٍ كَفُولِي لِامْرَأَةٍ وَاحِدَةٍ». [قال:] وفي الباب عن عائشة، وعبد الله ابن عمر، وأسماء بنت زيد.

[قال] أبو عيسى: [هذا حديث حسن صحيح لا نعرفه إلا من حديث محمد بن المunkadir.]

وَرَوَى سُفْيَانُ الثُّورِيُّ، وَمَالِكُ بْنُ أَنَسٍ، وَغَيْرُهُ وَاجِدُ هَذَا الْحَدِيثَ عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ نَحْوَهُ. [قال]: وَسَأَلْتُ مُحَمَّداً عَنْ

bin Al-Munkadir.

Sufyān Ath-Thawrī, Mālik bin Anas, and others reported this *Hadīth* from Muḥammad bin Al-Munkadir similarly. [He said: I asked Muḥammad about this *Hadīth* and he said: "I am not aware of a *Hadīth* other than this for Umaimah bint Ruqaiyah." There is another woman named Umaimah who narrated from the Messenger of Allāh ﷺ].

هذا الحديث فقال: لا أعرف لأميمة بنت رقية غير هذا الحديث، وأميمة امرأة أخرى لها حديث عن رسول الله ﷺ.

تخریج: [إسناده صحيح] وأخرجه ابن ماجه، الجهاد، باب بيعة النساء، ح: ٢٨٧٤ والنسائي: ١٤٩/٧، ح: ٤١٨٦ من حديث سفيان بن عيينة به وصححه ابن حبان، ح: ١٤ * وفي الباب عن عائشة [البخاري، ح: ٥٢٨٨] تعلقاً ومسلم، ح: ١٨٦٦ [١٨٦٦] وعبدالله بن عمرو [أحمد: ٢/ ١٩٦] وأسماء بنت يزيد [يأتي: ٣٣٠٧] * حديث مالك في الموطأ: ٩٨٢/٢ (بحني).

Comments:

The Prophet ﷺ used to hold the hand of men while taking the pledge from them, but from women, he always took a verbal pledge and never held their hand that is why he said that the words he uttered once will do for one woman or one hundred women at a time.

Chapter 38. What Has Been Related About The Number Of Companions Who Participated In The Battle Of Badr

1598. Al-Barā' said: "We used to say that the participants at Badr on the Day of Badr were like the number of the companions of Tālūt, three hundred and thirteen [men]." (*Sahih*)

[He said:] There is something on this topic from Ibn 'Abbās.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*. Ath-Thawrī and others reported it from Abū Ishāq.

(المعجم ٣٨) - بابُ مَا جَاءَ فِي عِدَّةِ أَصْحَابِ بَدْرٍ (التحفة ٣٨)

١٥٩٨ - حدثنا وأصلُ بْنُ عَبْدِ الْأَعْلَى الْكُوفِيُّ: حدثنا أبو بكر بْنُ عياش عن أبي إسحاق، عن البراء قال: كنا نتحدث أنَّ أصحابَ بدر يوم بدر كمدة أصحاب طالوت ثلاثة وثلاثونَ عَشَرَ [رجالاً].

[قال:] وفي الباب عن ابن عباس. [قال أبو عيسى:] هذا حديث حسن صحيح. وقد رواه التورئي وغيره عن أبي إسحاق.

تخریج: [صحيح] وأخرجه البخاري، المغازي، باب عدة أصحاب بدر، ح: ٣٩٥٧-٣٩٥٩

من حديث أبي إسحاق السبئي به * وفي الباب عن ابن عباس [أحمد: ١/٢٤٨].

Comments:

Companions of Tälüt means those honest and brave persons who crossed the canal and faced the enemy and stood by Tälüt. They were three hundred and thirteen, and those who participated in the battle of Badr were three hundred and thirteen. By some other counts they were three hundred and fourteen or three hundred and seventeen or three hundred and nineteen.

Chapter 39. What Has Been Related About The *Khums*

1599. Ibn ‘Abbās narrated that the Prophet ﷺ said to a delegation from ‘Abdul-Qais: “I order you to give the *Khums* from your spoils of war.” (*Sahih*)

He said: There is a story with this *Hadīth*.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(Another chain) with similar narration.

(المعجم ٣٩) - بَابُ مَا جَاءَ فِي

الْخُمُسِ (التحفة ٣٩)

١٥٩٩ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا عَبَادُ بْنُ عَبَادٍ الْمُهَلَّيِّ عَنْ أَبِي جَمْرَةَ، عَنْ أَبْنِ عَبَاسٍ: أَنَّ النَّبِيَّ ﷺ قَالَ لِوَفِيدَ عَبْدِ الْقَيْسِ: «آمُرْكُمْ أَنْ تُنَوِّدُوا خُمُسَ مَا غَنَمْتُمْ» قَالَ: وَفِي الْحَدِيثِ قِصَّةٌ.

[قَالَ أَبُو عَيسَى]: هَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ.

حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا حَمَادُ بْنُ رَيْدٍ عَنْ أَبِي جَمْرَةَ، عَنْ أَبْنِ عَبَاسٍ نَحْوَهُ.

تخریج: متفق عليه، أخرجه البخاري، مواقف الصلاة، باب قول الله تعالى: «منبين إلى وافقوه وأقيموا الصلاة ولا تكونوا من المشركين» ح: ٥٢٣؛ عن قتيبة ومسلم، ح: ١٧ من حديث عباد بن عباد به.

Comments:

In *Sūrat Al-Anfāl*, one-fifth of the spoils and its details are explained. The Prophet ﷺ ordered the tribe of Abdul-Qais to pay this share. (See for details *Sahīh Muslim*.)

Chapter 40. What Has Been Related About Looting Being Disliked

1600. ‘Abāyah bin Rifā‘ah narrated from his father, from his grandfather Rāfi‘ bin Khadīj, who said: “We were with the Messenger of Allāh ﷺ on a journey, when the hasty people went rushing ahead to

(المعجم ٤٠) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ

النُّهُبَةِ (التحفة ٤٠)

١٦٠٠ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا أَبُو الْأَخْوَصِ عَنْ سَعِيدِ بْنِ مَسْرُوقٍ، عَنْ عَبَائِيَّةَ ابْنِ رَفَاعَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ رَافِعِ بْنِ حَدِيجَ قَالَ: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ فِي سَفَرٍ

the sheep to cook them, while the Messenger of Allāh ﷺ was in the rear of the people. Then he passed the kettles and ordered that they be weighed, then he distributed it between them and equated a camel to ten sheep.” (*Sahīh*)

[Abū ‘Eisā said:] Sufyān Ath-Thawrī reported it from his father, from ‘Abāyah, from his grandfather Rāfi‘ bin Khadīj, and he did not mention “from his father” in it.

This was narrated to us by Maḥmūd bin Ghailān (who said): “Wakī‘ narrated it to us from Sufyān.” And this is more correct. ‘Abāyah bin Rifā‘ah heard from his grandfather Rāfi‘ bin Khadīj.

He said: There are narrations on this topic from Tha’labah bin Al-Hakam, Anas, Abū Rihānah, Abū Ad-Dardā’, ‘Abdur-Rahmān bin Samurah, Zaid bin Khālid, Jābir, Abū Hurairah, and Abū Ayyūb.

تخريج : متفق عليه، أخرجه البخاري، الذبائح والصيد، باب: إذا أصاب قوم غنيةً فليبعضهم غنماً أو إيلاءً ... إلخ، ح: ١٩٦٨ من حديث سعيد بن مسروق به * وفي الباب عن ثعلبة بن الحكم [ابن ماجه، ح: ٣٩٣٨: وأنس [يأتي: ١٦٠١] وأبي ريحانة [أبو داود، ح: ٤٠٤٩: وأبي الدرداء [أحمد: ٥/١٩٥، ٦/٤٥٥] وعبدالرحمن بن سمرة، وزيد بن خالد، وجابر، وأبي هريرة، وأبي أيوب [الطبراني في الكبير: ٤/١٢٤، ح: ٣٨٧٢: .]

Comments:

Most people of knowledge agree that when the warriors enter the land of the enemy, they are allowed to take food and fodder from there according to their needs, however it should be rationed as indicated in this narration. (*Al-Mughnī* v. 13. p.176.)

1601. Anas narrated that the Messenger of Allāh ﷺ said: “Whoever plunders then he is not of us.” (*Sahīh*)

فَقَدِمَ سَرَعًا النَّاسُ فَتَعَجَّلُوا مِنَ الْغَنَائِمِ فَأَطْبَخُوا وَرَسُولُ اللهِ ﷺ فِي أُخْرَى النَّاسِ، فَمَرَ بالقُدُورِ فَأَمَرَ بِهَا فَأَكْفَثَتْ ثُمَّ قَسَّمَ بَيْنَهُمْ فَعَدَلَ بَعْرًا بِعَشْرَ شَيْأً.

[قالَ أَبُو عِيسَى :] وَرَوَى سُفْيَانُ التَّوْرِيُّ عَنْ أَبِيهِ، عَنْ عَبَائَةَ، عَنْ جَدِّهِ رَافِعِ بْنِ خَدِيجَ، وَلَمْ يَذْكُرْ فِيهِ : عَنْ أَبِيهِ . حَدَّثَنَا بِذِلِّكَ مَحْمُودُ بْنُ عَيْلَانَ : حَدَّثَنَا وَكَيْعُ عَنْ سُفْيَانَ وَهَذَا أَصَحُّ . وَعَبَائَةُ بْنُ رَفَاعَةَ سَمِعَ مِنْ جَدِّهِ رَافِعِ بْنِ خَدِيجَ . قَالَ : وَفِي الْبَابِ عَنْ ثَعْلَبَةَ بْنِ الْحَكَمِ، وَأَسَّ، وَأَبِي رِيحَانَةَ، وَأَبِي الدَّرَدَاءِ، وَعَبْدِ الرَّحْمَنِ بْنِ سَمْرَةَ، وَزَيْدِ بْنِ خَالِدٍ، وَجَابِرٍ، وَأَبِي هَرِيرَةَ، وَأَبِي أَيُوبَ

١٦٠١ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ : حَدَّثَنَا عَبْدُ الرَّزَاقِ عَنْ مَعْمِرٍ، عَنْ ثَابِتٍ، عَنْ أَسَّ قَالَ : قَالَ رَسُولُ اللهِ ﷺ : مَنْ اتَّهَبَ فَلَيْسَ مَنَّا .

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ Ghariṭ* as a *Hadīth* of Anas.

صحيحة غريب من حديث أنس.
تخریج: [إسناده صحيح] وأخرجه أبو داود، الجنائز، باب كراهة الذبح عند القبر، ح: ٣٢٢٢ وابن ماجه، ح: ١٨٨٥ والنسائي، ح: ١٨٥٣ من حديث عبد الرزاق به مطولاً ومختصراً، وهو في مصنف عبد الرزاق، ح: ٦١٩٠ بطوله، وصححه ابن حبان، ح: ٧٣٨.

Comments:

Plundering and looting the property of others is an open violation of Islamic Law and against the basic concept of brotherhood in Islam, therefore, according to the words used in this narration “He is not from us”.

Chapter 41. What Has Been Related About Greeting The People Of The Book With *Salām*

1602. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Do not precede the Jews and the Christians with the *Salām*. And if one of you meets one of them in the path, then force him to its narrow portion.” (*Saḥīḥ*)

[He said:] There are narrations on this topic from Ibn ‘Umar, Anas, and Abū Baṣrah Al-Ghfārī the Companion of the Prophet ﷺ.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*. And regarding the meaning of this *Hadīth*: “Do not precede the Jews and the Christians”: Some of the people of knowledge said that it only means that it is disliked because it would be honoring them, and the Muslims were only ordered to humiliate them. For this reason, when one of them is met on the path, then the path is not yielded for him, because doing so would amount to honoring them.

[قال أبو عيسى:] هذا حديث حسن صحيحة غريب من حديث أنس.

تخریج: [إسناده صحيح] وأخرجه أبو داود، الجنائز، باب كراهة الذبح عند القبر، ح: ٣٢٢٢ وابن ماجه، ح: ١٨٨٥ والنسائي، ح: ١٨٥٣ من حديث عبد الرزاق به مطولاً ومختصراً، وهو في مصنف عبد الرزاق، ح: ٦١٩٠ بطوله، وصححه ابن حبان، ح: ٧٣٨.

(المعجم ٤١) - باب ما جاء في التسليم على أهل الكتاب (التحفة ٤١)

١٦٠٢ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ ابْنُ مُحَمَّدٍ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَبْدِلُوا إِلَيْهُو وَالنَّصَارَى بِالسَّلَامِ، وَإِذَا لَقِيْتُمْ أَحَدَهُمْ فِي الطَّرِيقِ فاضْطُرُوهُ إِلَى أَضْيَقِهِ».

[قال:] وفي الباب عن ابن عمر، وأنس، وأبي بصرة الغفاري صاحب النبي ﷺ.

[قال أبو عيسى:] هذا حديث حسن صحيح.

ومعنى هذا الحديث: «لَا تَبْدِلُوا إِلَيْهُو وَالنَّصَارَى». قَالَ بَعْضُ أَهْلِ الْعِلْمِ إِنَّمَا مَعْنَى الْكَرَاهِيَّةِ، لِأَنَّهُ يَكُونُ تَعْظِيْمًا لَهُمْ، وَإِنَّمَا أَمْرَ الْمُسْلِمُونَ بِتَذْلِيلِهِمْ وَكَذِيلِهِمْ إِذَا لَقِيْتُمْ أَحَدَهُمْ فِي الطَّرِيقِ، فَلَا يَرُكُ الطَّرِيقَ عَلَيْهِ لِأَنَّ فِيهِ تَعْظِيْمًا لَهُمْ.

تخریج: وأخرجه مسلم، السلام، باب النهي عن ابتداء أهل الكتاب بالسلام، وكيف يرد عليهم، ح ٢١٦٧ عن قتيبة به * وفي الباب عن ابن عمر [يأتي: ١٦٠٣] وأنس [يأتي: ٣٣١٠] وأبي بصرة الغفارى [أحمد: ٣٩٨ / ٦] والبخارى في الأدب المفرد، ح ١١٠٢ والنمسائى في عمل اليوم والليلة، ح ٣٨٨ .

Comments:

In normal conditions when Muslims are in power and they are not living as a minority, and they are not under any compulsion or subjugation, it is an order for Muslims that they should not give such leeway to the non-Muslims and they should not greet them first nor yield the way for them. Some of the people of knowledge said that it only means that it is disliked because it would amount to honoring them, and the Muslims were only to humiliate them. For this reason, when one of them is met on the path a Muslim is not to yield for him because doing so would amount to honoring them. In a country where Muslims are living as a minority, they are allowed to give such leeway to non-Muslim rulers for the greater interest of the Muslim community. (*Tuhfat Al-Ahwadhi* v.2. p.397.)

1603. Ibn 'Umar narrated that the Messenger of Allāh ﷺ said: "Indeed when a Jew gives *Salām* to one of you, then he is only saying: 'As-Sāmu 'Alaikum (Death be upon you) so say: "Alaik (And upon you)'." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

١٦٠٣ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرَةَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ أَبْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ الْيَهُودَ إِذَا سَلَّمُ عَلَيْكُمْ أَحَدُهُمْ فَإِنَّمَا يَقُولُ: السَّلَامُ عَلَيْكُمْ، فَقُلْ: عَلَيْكَ].
[قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ].

تخریج: منفق عليه، وأخرجه مسلم، أيضاً، ح ٢١٦٤ عن علي بن حجر والبخاري، ح ٦٩٢٨ من حديث عبدالله بن دينار به .

Chapter 42. What Has Been Related About It Being Disliked To Live Among The Idolaters

1604. Qais bin Abī Hāzim narrated from Jarīr bin 'Abdullāh that the Messenger of Allāh ﷺ sent a military expedition to Khath'am. So some people (living there) sought safety by prostrating, but they were met quickly and killed. News of this reached the

(المعجم ٤٢) - بَأْثُ مَا جَاءَ فِي كَرَاهِيَّةِ الْمُقَامِ بَيْنَ أَظْهَرِ الْمُشْرِكِينَ (التحفة ٤٢)

١٦٠٤ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو مُعاوِيَةَ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ، عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ سَرِيَّةً إِلَى خَتْعَمَ، فَاعْتَصَمَ نَاسٌ بِالسُّجُودِ فَأَسْرَعَ فِيهِمُ القَتْلَ فَبَلَغَ ذَلِكَ الرَّئِيْسُ

Prophet ﷺ upon which he commanded that they be given half of the 'Aql (blood money). And he said: "I am free from every Muslim that lives among the idolaters." They said: "O Messenger of Allāh: How is that?" He said: "They should not see each other's campfires." (*Da'iṣ*)

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الجهاد، باب النهي عن قتل من اعتض بالسجود، ح: ٢٦٤٥ عن هناد به، أبو معاویة الصریر وإسماعیل بن أبي خالد مدلسان وعننا.

Comments:

Emigrating and residing in a non-Muslim country for the sake of better livelihood is an extremely shameful action, but going there for the purpose of preaching, safeguarding Islamic interests and acquiring knowledge is admirable and appreciated, provided one may manifest his religion without fear.

1605. Qais bin Abī Hāzim narrated similar to the narration of Abū Mu‘awiyah (no. 1604) but he did not mention in it: "from Jarīr" in it, and that is more correct. (*Da'iṣ*)

There is something on this topic from Samurah.

[Abū ‘Eisā said:] Most of the companions of Ismā‘il said: "From Ismā‘il, from Qais bin Abī Hāzim, that the Messenger of Allāh ﷺ sent a military expedition." And they did not mention: "from Jarīr" in it.

Hammād bin Salamah reported similar to the narration of Abū Mu‘awiyah, from Al-Hajjāj bin Arṭāh, from Ismā‘il bin Abī Khālid, from Qais, from Jarīr.

[He said:] I heard Muḥammad saying: "What is correct is the narration of Qais from the Prophet

ﷺ فَأَمَرَ لَهُمْ بِنِصْفِ الْعَقْلِ وَقَالَ: «أَنَا بَرِيءٌ مِّنْ كُلِّ مُسْلِمٍ يُقْيمُ بَيْنَ أَظْهَرِ الْمُشْرِكِينَ»، قَالُوا: يَا رَسُولَ اللَّهِ، وَلِمَ؟ قَالَ: «لَا تَرَاءَنِي نَارًا هُمْ».

١٦٠٥ - حَدَثَنَا هَنَّادٌ: حَدَثَنَا عَبْدَةُ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ مِثْلَ حَدِيثِ أَبِي مُعاوِيَةَ، وَلَمْ يَذْكُرْ فِيهِ عَنْ جَرِيرٍ. وَهَذَا أَصَحُّ . وَفِي الْبَابِ عَنْ سَمْرَةَ .

[قَالَ أَبُو عِيسَى:] وَأَكْثُرُ أَصْحَابِ إِسْمَاعِيلَ قَالُوا عَنْ إِسْمَاعِيلَ عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ سَرِيَّةً وَلَمْ يَذْكُرُوا فِيهِ عَنْ جَرِيرٍ.

وَرَوَى حَمَادُ بْنُ سَلَمَةَ عَنِ الْحَسَاجِ بْنِ أَرْطَاءَ، عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ قَيْسِ، عَنْ جَرِيرٍ مِثْلَ حَدِيثِ أَبِي مُعاوِيَةَ . [قَالَ:] وَسَعَيْتُ مُحَمَّدًا يَقُولُ: الصَّحِيحُ حَدِيثُ قَيْسِ عَنِ الْجَيْشِ ﷺ مُرْسَلٌ .

وَرَوَى سَمْرَةَ بْنُ جُنْدِبٍ عَنِ النَّبِيِّ ﷺ

in *Mursal* form.”

Samurah bin Jundab reported that the Prophet ﷺ said: “Do not live among the idolaters, and do not assemble with them, for whoever lives among them or assembles with them then he is similar to them.” (*Da’if*)

تخریج: [إسناده ضعیف] مرسلاً وانظر الحديث السابق * وفي الباب عن سمرة [أبو داود، ح: ٢٧٨٧] وسنته ضعیف.

Chapter 43. What Has Been Related About Expelling The Jews And The Christians From The Arabian Peninsula

1606. ‘Umar bin Al-Khaṭṭāb narrated that the Messenger of Allāh ﷺ said: “If I live – if Allāh wills – I will expel the Jews and the Christians from the Arabian Peninsula.” (*Sahih*)

قالَ: «لَا تُساكِنُوا الْمُشْرِكِينَ وَلَا تُجَامِعُوهُمْ، فَمَنْ سَاكَنَهُمْ أَوْ جَامَعَهُمْ فَهُوَ مِثْلُهُمْ».

(المعجم (٤٣) - بابٌ مَا جَاءَ فِي إِخْرَاجِ الْيَهُودِ وَالنَّصَارَى مِنْ جَزِيرَةِ الْعَرَبِ (التحفة (٤٣)

١٦٠٦ - حَدَّثَنَا مُوسَى بْنُ عَبْدِ الرَّحْمَنِ الْكَنْدِيُّ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ: حَدَّثَنَا سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي الزُّبِيرِ، عَنْ جَابِرِ، عَنْ عُمَرَ بْنِ الْخَطَّابِ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَئِنْ عِشْتُ إِنْ شَاءَ اللَّهُ لَا خَرَجَنَ الْيَهُودُ وَالنَّصَارَى مِنْ جَزِيرَةِ الْعَرَبِ».

تخریج: وأخرجه مسلم، ح: ١٧٧٧ / ٦٣ ب من حديث سفيان الثوري به انظر الحديث الآتي.

1607. Jābir bin ‘Abdullāh narrated: “‘Umar bin Al-Khaṭṭāb informed me that he heard the Messenger of Allāh ﷺ say: ‘I will expel the Jews and the Christians from the Arabian Peninsula, and I will not leave anyone in it except a Muslim.’” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

١٦٠٧ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَالُ: حَدَّثَنَا أَبُو عَاصِمٍ وَعَبْدُ الرَّزَاقِ قَالَا: حَدَّثَنَا ابْنُ حُرَيْجٍ: حَدَّثَنَا أَبُو الزُّبِيرِ أَنَّهُ سَمِعَ جَابِرَ ابْنَ عَبْدِ اللَّهِ يَقُولُ: أَخْبَرَنِي عُمَرُ بْنُ الْخَطَّابِ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا خَرَجَنَ الْيَهُودُ وَالنَّصَارَى مِنْ جَزِيرَةِ الْعَرَبِ فَلَا أَثْرُكُ فِيهَا إِلَّا مُسْلِمًا». [قالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.]

تخریج: وأخرج مسلم، الجهاد والسير، باب إخراج اليهود والنصارى من جزيرة العرب، ح: ١٧٦٧ من حديث عبدالرازق به.

Comments:

The Prophet ﷺ wanted to expel the Jews and Christians, who claim to be the People of the Book, from the Arabian Peninsula. Non-Muslims are only allowed to live in the Arabian Peninsula temporarily as a traveler or for some other important needs of the Society as determined by the leaders. (See for details *Tuhfat Al-Ahwadhi* v. 2. p. 498.)

Chapter 44. What Has Been Related About What The Messenger Of Allāh ﷺ Left Behind

1608. Abū Hurairah narrated: ‘Fātimah came to Abū Bakr and said: ‘Who will inherit from you?’ He said: ‘My family and my son.’ She said: ‘So what about me? I do not get inheritance from my father?’ So Abū Bakr said: ‘I heard the Messenger of Allāh ﷺ say: ‘We are not inherited from’ but I support those whom the Messenger of Allāh ﷺ used to support, and I spend upon those whom the Messenger of Allāh ﷺ spent upon.’” (*Hasan*)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Umar, Talḥah, Az-Zubair, ‘Abdur-Rahmān bin ‘Awf, Sa‘d and ‘Āishah.

The *Hadīth* of Abū Hurairah is *Hasan Gharīb* from this route. It is only reported with a chain by Hammād bin Salamah and ‘Abdul-Wahhāb bin ‘Aṭā’, from Muḥammad bin ‘Amr, from Abū Salamah, from Abū Hurairah.

[I asked Muḥammad about this *Hadīth* and he said: “No one is known to have reported it from Muḥammad bin ‘Amr, from Abū

(المعجم ٤٤) - بَابُ مَا جَاءَ فِي تَرِكَةِ
رَسُولِ اللَّهِ ﷺ (التحفة ٤٤)

١٦٠٨ - حَدَّثَنَا مُحَمَّدُ بْنُ الشَّتَّانِ: حَدَّثَنَا
أَبُو الْوَلِيدِ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ
ابْنِ عَمْرُو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ
قَالَ: جَاءَتْ فَاطِمَةُ إِلَى أَبِي بَكْرٍ فَقَالَتْ: مَنْ
يَرِثُكَ؟ قَالَ: أَهْلِي وَوَلَدِي، قَالَتْ: فَمَا لِي
لَا أَرِثُ أَبِي؟! فَقَالَ أَبُو بَكْرٌ: سَمِعْتَ رَسُولَ
اللَّهِ ﷺ يَقُولُ: لَا نُورَثُ». وَلَكِنْ أَغْوَلُ مِنْ
كَانَ رَسُولُ اللَّهِ ﷺ يَعْوَلُهُ وَأَنْفَقُ عَلَى مَنْ كَانَ
رَسُولُ اللَّهِ ﷺ يُنْفِقُ عَلَيْهِ.

[قال أبو عيسى:] وفي الباب عن عمر،
وطلحة، والزبير، وعبد الرحمن بن عوف،
وسعيد، وعاشرة.

وَحَدِيثُ أَبِي هُرَيْرَةَ حَدِيثُ حَسَنٍ غَرِيبٍ
مِنْ هَذَا الْوَجْهِ، إِنَّا أَشَدَّهُ حَمَّادُ بْنُ سَلَمَةَ
وَعَبْدُ الْوَهَابِ بْنُ عَطَاءَ عَنْ مُحَمَّدِ بْنِ
عَمْرُو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ
[وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ فَقَالَ: لَا
أَغْلُمُ أَحَدًا رَوَاهُ عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ
أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ إِلَّا حَمَّادَ بْنَ

Salamah, from Abū Hurairah, except for Ḥammād bin Salamah. ‘Abdul-Wahhāb bin ‘Atā’ reported it from Muḥammad bin ‘Amr, from Abū Salamah, and from Abū Hurairah and it is similar to the narration of Ḥammād bin Salamah.] And this *Hadīth* has been reported through other routes from Abū Bakr Aṣ-Ṣiddiq, from the Prophet ﷺ.

تخریج: [إسناده حسن] وأخرجه أحمد: ١٣ من حديث محمد بن عمرو به وهذا الحديث متواتر ورواه الروافض أيضاً، انظر أصول الكافي: ١/٢٢، ٣٣ * وفي الباب عن عمر [يأتي: ١٦٠٩] وطلحة [النسائي في الكبرى: ٤/٦٤، ٧٦٣٠] والزبير [يأتي: ١٦١٠] وعبد الرحمن بن عوف [يأتي: ١٦١٠] وسعد [يأتي: ١٦١٠] وعائشة [الترمذى في الشمائل، ح: ٤٠١، ٤٠٢].

1609. Abū Hurairah narrated that Fāṭimah came to Abū Bakr and ‘Umar, may Allāh be pleased with them both, to ask them about her inheritance from the Messenger of Allāh ﷺ. They said: “We heard the Messenger of Allāh ﷺ say: ‘I am not inherited from.’” So she said: ‘By Allāh! I will never talk to you two again.’ So she died having not talked to them.” (*Hasan*)

‘Ali bin ‘Eisā said: “The meaning of not speaking to you two is: ‘Never again regarding this inheritance, because you two are truthful.’”

عن عبدالوهاب بن عطاء به.

سَلَمَةً. وَرَوَى عَبْدُ الْوَهَابِ بْنُ عَطَاءٍ عَنْ مُحَمَّدٍ بْنِ عَمْرُو، عَنْ أَبِي سَلَمَةَ وَعَنْ أَبِي هُرَيْرَةَ نَحْوَ رِوَايَةِ حَمَادِ بْنِ سَلَمَةَ] وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهٍ عَنْ أَبِي بَكْرٍ الصَّدِيقِ عَنِ النَّبِيِّ ﷺ.

١٦٠٩ - [حدَثَنَا بِذِلِّكَ عَلَيُّ بْنُ عِيسَى قَالَ: حَدَثَنَا عَبْدُ الْوَهَابِ بْنُ عَطَاءٍ: حَدَثَنَا مُحَمَّدُ بْنُ عَمْرُو عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ فَاطِمَةَ جَاءَتْ أَبَا بَكْرٍ وَعُمَرَ رَضِيَ اللَّهُ عَنْهُمَا سَأَلَ مِيراثَهَا مِنْ رَسُولِ اللَّهِ ﷺ فَقَالَ: سَعْنَا رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنِّي لَا أُورَثُ» قَالَتْ: وَاللَّهِ لَا أُكَلِّمُكُمَا أَبَدًا، فَمَاتَتْ وَلَا تُكَلِّمُهُمَا، قَالَ عَلَيُّ بْنُ عِيسَى: مَعْنَى لَا أُكَلِّمُكُمَا، تَعْنِي: فِي هَذَا الْمِيرَاثِ أَبَدًا، أَتُّسَمِّا صَادِقَانِ].

تخریج: [إسناده حسن] وأخرجه أحمد: ١٣ من عبدالوهاب بن عطاء به.

Comments:

The Prophet ﷺ is the spiritual father of a nation, his legacy is not wealth or property, his inheritance is knowledge which he receives through revelation. His (*Ummah*) nation is heir of his mission and knowledge. Prophets do not have any desire for wealth and property, they want acquittal from worldly affairs, and therefore, they do not collect wealth and do not have any heirs.

1610. Mālik bin Aws bin Al-Hadathān said: "I entered upon 'Umar bin Al-Khaṭṭāb. (Then) 'Uthmān bin 'Affān, Az-Zubair, 'Abdur-Rahmān bin Awf, and Sa'd bin Abī Waqqās entered. Then 'Alī and Al-'Abbās came disputing. 'Umar said to them: 'I ask you, by Allāh the One by Whose Will the heavens and the earth are maintained, do you know that the Messenger of Allāh ﷺ said: "We are not inherited from, what we leave is charity?" They said: 'Yes.' 'Umar said: 'When the Messenger of Allāh ﷺ died, Abū Bakr said: "I am the caretaker of the Messenger of Allāh ﷺ." So you and he went to Abū Bakr and you sought your inheritance from the son of your brother, and he sought the inheritance of his wife from her father. So Abū Bakr said that the Messenger of Allāh ﷺ said: "We are not inherited from, what we leave is charity." And Allāh knows that he is truthful, innocent, instructing and following the truth.'" (*Sahīh*)

[Abū 'Eisā said:] There is a lengthy story along with the *Hadīth*. And this *Hadīth* is *Hasan Sahīh Ghari'b* as a narration of Mālik bin Anas.

تخریج: متفق عليه، أخرجه البخاري، فرض الخمس، باب فرض الخمس، ح: ٢٩٤ وMuslim، ح: ١٧٥٧، من حديث مالك بن أبي عيسى.

Comments:

There is a long story that has been discussed in this narration; for details see *Fawa'id Sahīh Muslim*. 'Abbās and 'Alī brought this issue before 'Umar for the second time, to know his point of view about this narration, as for the first time it was presented before Abū Bakr.

١٦١٠ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَّالُ: حَدَّثَنَا يَشْرُبُ بْنُ عُمَرَ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ ابْنِ شِهَابٍ، عَنْ مَالِكٍ بْنِ أَوْسٍ بْنِ الْحَدَّانِ قَالَ: دَخَلْتُ عَلَى عُمَرَ بْنِ الْخَطَّابِ وَدَخَلَ عَلَيْهِ عُثْمَانُ بْنُ عَفَانَ وَالزَّبِيرُ بْنُ الْعَوَامِ وَعَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ وَسَعْدُ بْنُ أَبِي وَقَاصِ، ثُمَّ جَاءَ عَلَيْهِ الْعَبَاسُ يَحْتَصِمَانِ، فَقَالَ عُمَرُ لَهُمْ: أَتَشْدُدُمْ بِاللهِ الَّذِي يَأْذِنُهُ تَفْوِيمُ السَّمَاءِ وَالْأَرْضِ أَتَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا نُورَثُ، مَا تَرَكْنَا صَدَقَةً؟» قَالُوا: نَعَمْ، قَالَ عُمَرُ: فَلَمَّا تُوفِيَ رَسُولُ اللهِ ﷺ قَالَ أَبُو بَكْرٍ: أَنَا وَلِيُّ رَسُولِ اللهِ ﷺ فَجَئْتُ أَنَّتَ وَهَذَا إِلَى أَبِي بَكْرٍ تَطْلُبُ أَنَّتَ مِيرَاثَكَ مِنْ ابْنِ أَخِيكَ وَيَطْلُبُ هَذَا مِيرَاثَ امْرَأَتِهِ مِنْ أَبِيهَا. فَقَالَ أَبُو بَكْرٍ إِنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا نُورَثُ مَا تَرَكْنَا صَدَقَةً» وَاللهُ يَعْلَمُ أَنَّهُ صَادِقٌ بَارُّ رَاشِدٌ تَابَعَ لِلْحَقِّ. [قَالَ أَبُو عَيسَى:] وَفِي الْحَدِيثِ قِصَّةٌ طَوِيلَةٌ.

[و]هذا حديث حسن صحيح غيره من حديث مالك بن أنس.

Chapter 45. What Has Been Related About What The Prophet ﷺ Said On The Day Of The Conquest: Verily This Is Not To Be Battled Over After Today

1611. Al-Hārith bin Mālik bin Al-Barṣā narrated: “On the day of the Conquest of Makkah, I heard the Prophet ﷺ saying: ‘This is not to be battled over after today, until the Day of Judgement.’” (*Hasan*)

[*Abū ‘Eisā* said:] There are narrations on this topic from Ibn ‘Abbās, Sulaimān bin Ṣurad, and Muṭrī.

This *Hadīth* is *Hasan Sahīh*, and it is a narration of Zakariyyā bin Abī Zā’idah from *Ash-Sha'bī*, we do not know of it except from his narration.

Tarhib: [حسن] وأخرجه أحمـد: ٤١٢/٣ عن يحيـي بن سعـيد القـطـان بهـ وله شـاهـدـ عندـ أـحـمـدـ: ٤١٢/٣، ٢١٣/٤ وسـنـدـ حـسـنـ * وـفـيـ الـبـابـ عـنـ اـبـنـ عـبـاسـ [الـبـخـارـيـ، حـ: ١٣٤٩ـ وـمـسـلـمـ، حـ: ١٣٥٣ـ] وـسـلـيمـانـ بـنـ صـرـدـ [الـلـعـلـةـ يـشـيرـ إـلـىـ حـ: ٤١٠٩ـ، ٤١١٠ـ منـ حـدـيـثـ الـبـخـارـيـ] وـمـطـيعـ [مسـلـمـ، حـ: ١٧٨٢ـ].

Comments:

Respect and honor of Makkah is due to the House of Allāh. It was freed from the occupation of infidels to restore its respect and honor. The disbelievers had made it an idol temple. Now Makkah, after its conquest, is a free place, respected and honored by Muslims of the world, therefore, making it a battlefield is unlawful. If some non-Muslim army or group of people attack the city, then Muslims are allowed to fight to save its honor.

Chapter 46. What Has Been Related About The Hour In Which It Is Recommend To Fight

1612. An-Nu’mān bin Muqarrin narrated: “I fought along with the Prophet ﷺ, and if *Fajr* had begun he would wait until the sun rose, and when it rose he would fight.

(المعجم ٤٥) - بـابـ مـاـ جـاءـ [مـاـ] قـالـ النـبـيـ عـلـيـهـ السـلـامـ يـوـمـ فـتـحـ مـكـةـ: إـنـ هـذـهـ لـا تـعـزـىـ بـعـدـ الـيـوـمـ (الـتـحـفـةـ ٤٥)

١٦١١ - حـدـثـنـاـ مـحـمـدـ بـنـ بـشـارـ: حـدـثـنـاـ يـحـيـيـ بـنـ سـعـيدـ: حـدـثـنـاـ زـكـرـيـاـ بـنـ أـبـيـ زـائـدـةـ عـنـ الشـعـبـيـ، عـنـ الـحـارـثـ بـنـ مـالـكـ بـنـ الـبـرـصـاءـ قـالـ: سـمـعـتـ النـبـيـ عـلـيـهـ السـلـامـ يـوـمـ فـتـحـ مـكـةـ يـقـولـ: «لـا تـعـزـىـ هـذـهـ بـعـدـ الـيـوـمـ إـلـىـ يـوـمـ الـقـيـامـةـ». [قـالـ أـبـوـ عـيـسـىـ]: وـفـيـ الـبـابـ عـنـ اـبـنـ عـبـاسـ وـسـلـيمـانـ بـنـ صـرـدـ وـمـطـيعـ [وـهـذـاـ حـدـيـثـ حـسـنـ صـحـيـحـ وـهـوـ حـدـيـثـ زـكـرـيـاـ بـنـ أـبـيـ زـائـدـةـ عـنـ الشـعـبـيـ لـاـ نـعـرـفـ إـلـاـ مـنـ حـدـيـثـهـ].

Tarhib: [حسن] وأخرجه أحمـدـ: ٤١٢/٣ عن يحيـيـ بنـ سعـيدـ القـطـانـ بهـ ولهـ شـاهـدـ عندـ أـحـمـدـ: ٤١٢/٣، ٢١٣/٤ وسـنـدـ حـسـنـ * وـفـيـ الـبـابـ عـنـ اـبـنـ عـبـاسـ [الـبـخـارـيـ، حـ: ١٣٤٩ـ وـمـسـلـمـ، حـ: ١٣٥٣ـ] وـسـلـيمـانـ بـنـ صـرـدـ [الـلـعـلـةـ يـشـيرـ إـلـىـ حـ: ٤١٠٩ـ، ٤١١٠ـ منـ حـدـيـثـ الـبـخـارـيـ] وـمـطـيعـ [مسـلـمـ، حـ: ١٧٨٢ـ].

(المعجم ٤٦) - بـابـ مـاـ جـاءـ فـيـ السـاعـةـ الـتـيـ يـسـتـحـبـ فـيـهـ الـقـتـالـ (الـتـحـفـةـ ٤٦)

١٦١٢ - حـدـثـنـاـ مـحـمـدـ بـنـ بـشـارـ: حـدـثـنـاـ مـعـاذـ بـنـ هـشـامـ قـالـ: حـدـثـنـيـ أـبـيـ عـنـ قـتـادـةـ، عـنـ النـعـمـانـ بـنـ مـقـرـنـ قـالـ: غـرـوـثـ مـعـ النـبـيـ

And if it was the middle of the daytime, he would wait until the sun passed the zenith, and when it passed the zenith he would fight until *'Asr*. Then he would wait until he had prayed *'Asr*, then he would fight." He said: "And it used to be said during that (time)^[1] that the wind of victory was raging, and the believers would supplicate for their armies in their *Salāt*." (*Da'if*)

[*Abū 'Eisā* said:] This *Hadīth* has been reported from *An-Nu'mān* bin Muqarrin through a chain that is more connected than this. *Qatādah* did not see *An-Nu'mān* bin Muqarrin. *An-Nu'mān* died during the *Khilāfah* of 'Umar.

فَكَانَ إِذَا طَلَعَ الْفَجْرُ أَمْسَكَ حَتَّى تَطْلُعَ الشَّمْسُ فَإِذَا طَلَعَتْ قَاتِلٌ، فَإِذَا انْتَصَرَ النَّهَارُ أَمْسَكَ حَتَّى تَرُولَ الشَّمْسُ، فَإِذَا زَالَتِ الشَّمْسُ قَاتِلٌ حَتَّى الْعَصْرِ ثُمَّ أَمْسَكَ حَتَّى يُصْلِيَ الْعَصْرِ ثُمَّ يَقْاتِلُ، قَالَ: وَكَانَ يُقَاتَلُ: عِنْدَ ذَلِكَ تَهْبِي رِبَاحُ النَّصْرِ وَيَدْعُو الْمُؤْمِنُونَ لِجُيُوشِهِمْ فِي صَلَاتِهِمْ.

[*Qāl* *Abu 'Eisā*:] وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنِ النَّعْمَانِ بْنِ مُقَرِّنٍ بِإِسْنَادٍ أَوْصَلَ مِنْ هَذَا، وَقَاتَدٌ لَمْ يُدْرِكِ النَّعْمَانَ بْنَ مُقَرِّنٍ، مَاتَ النَّعْمَانُ فِي خِلَافَةِ 'Umar.

تخریج: [إسناده ضعیف] قتادة عنون والحديث الآتي يعني عنه.

Comments:

The Prophet ﷺ used to start a battle after the Morning Prayer. Prayers and invocations are means for help, guidance and success. Winds of success blow as a result of prayer and invocations.

1613. *Ma'qil* bin *Yasār* narrated: "Umar bin Al-Khaṭṭāb sent *An-Nu'mān* bin Muqarrin to Al-Hurmuzān." And he mentioned the *Hadīth* in its entirety. *An-Nu'mān* bin Muqarrin said: "I participated (in battles) with the Messenger of Allāh ﷺ. So when he did not fight in the beginning of the daytime, he would wait until the sun passed the zenith, and the wind of victory would rage, and victory would descend upon them." (*Sahīh*)

[*Abū 'Eisā* said:] This *Hadīth* is *Hasan Sahīh*. '*Alqamah* bin

١٦١٣ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَّالُ: حَدَّثَنَا عَفَانُ بْنُ مُسْلِمٍ وَالْحَجَاجُ بْنُ مِهَالٍ قَالَا: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ: حَدَّثَنَا أَبُو عِمْرَانَ الْجُوَنِيَّ عَنْ عَلْقَمَةَ بْنِ عَبْدِ اللَّهِ الْمَزَنِيِّ، عَنْ مَعْقِلِ بْنِ يَسَارٍ: أَنَّ 'Umarَ بْنَ الْخَطَّابِ بَعَثَ النَّعْمَانَ بْنَ مُقَرِّنٍ إِلَى الْهُرْمُزَانَ، فَذَكَرَ الْحَدِيثَ بِطُولِهِ، فَقَالَ النَّعْمَانُ بْنُ مُقَرِّنٍ: شَهِدتُّ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَكَانَ إِذَا لَمْ يَقْاتِلْ أَوْلَ النَّهَارِ انتَظَرَ حَتَّى تَرُولَ الشَّمْسُ وَتَهْبِي الرِّبَاحُ وَيَنْبَلُ النَّصْرُ.

^[1] That is during the time after the zenith as indicated in the following *Hadīth*.

'Abdullāh (one of the narrators) is the brother of Bakr bin 'Abdullāh Al-Muzanī.

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ حَسَنٌ صَحِيفٌ، وَعَلِمَمَةُ بْنُ عَبْدِ اللَّهِ هُوَ أَخُو بَكْرٍ بْنِ عَبْدِ اللَّهِ الْمُزَانِيِّ .

تخریج: [إسناده صحيح] وأخرجه أبو داود، الجهاد، باب: في أي وقت يستحب اللقاء، ح ٢٦٥٥ من حديث حماد بن سلمة به وصححه ابن حبان (الإحسان) ٤٧٣٧، والحاكم على شرط مسلم: ١١٦ وافقه الذهبي، وأصله عند البخاري، ح: ٣٦٠ من حديث النعمان به.

Chapter 47. What Has Been Related About *At-Tiyarah* (Bad Omens)

1614. 'Abdullāh [bin Mas'ūd] narrated that the Messenger of Allāh ﷺ said: "*At-Tiyarah* is from *Shirk*, and none among us (it influences) except that Allāh will remove it with *Tawakkul* (reliance)."
(*Sahīh*)

Abū 'Eisā said: I heard Muḥammad bin Ismā'il saying: "Sulaimān bin Ḥarb used to say about this *Hadīth*: 'And none among us (it influences) except that Allāh will remove it with *Tawakkul* (reliance)' – Sulaimān would say: 'To me, this is a saying of 'Abdullāh bin Mas'ūd.'"

There are narrations on this topic from Sa'd, Abū Hurairah, Ḥābis At-Tamīmī, Āishah, and Ibn 'Umar.

This *Hadīth* is *Hasan Sahīh*, we do not know of it except as a narration of Salamah bin Kuhail. Shu'bah also reported this *Hadīth* from Salamah.

تخریج: [إسناده صحيح] وأخرجه أبو داود، الطبراني، باب: في الطيرة، ح: ٣٩١٠ وابن ماجه، ح: ٣٥٣٨ من حديث سفيان الثوري به وتابعه شعبة عند الطيالسي، ح: ٣٥٦ وصححه ابن حبان، ح: ١٤٢٧ والحاكم: ١٨/١ وغيرهما * وفي الباب عن سعد [أبو داود، ح: ٣٩٢١] وأبي هريرة [البخاري، ح: ٥٧٥٤ ومسلم، ح: ٢٢٢٣] وحابس التميمي [البخاري في الأدب المفرد،

(المعجم ٤٧) - بابٌ مَا جَاءَ فِي الطِّيرَةِ
(التحفة ٤٧)

١٦١٤ - حَدَثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَثَنَا سُفْيَانُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ عِيسَى بْنِ عَاصِمٍ، عَنْ زَرٍّ، عَنْ عَبْدِ اللَّهِ [بْنِ مَسْعُودٍ] قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الطِّيرَةُ مِنَ الشَّرِكِ، وَمَا مِنَ إِلَّا وَلَكِنَّ اللَّهَ يُذْهِبُهُ بِالْتَّوْكِلِ» .

قَالَ أَبُو عِيسَى: سَمِعْتُ مُحَمَّدَ بْنَ إِسْمَاعِيلَ يَقُولُ: كَانَ سُلَيْمَانُ بْنُ حَرْبٍ يَقُولُ فِي هَذَا الْحَدِيثِ: «وَمَا مِنَّا وَلَكِنَّ اللَّهَ يُذْهِبُهُ بِالْتَّوْكِلِ» .

قَالَ سُلَيْمَانُ: هَذَا عِنْدِي قَوْلٌ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، وَفِي الْبَابِ عَنْ سَعْدٍ، وَأَبِي هُرَيْرَةَ، وَحَابِسِ التَّمِيمِيِّ، وَعَائِشَةَ، وَابْنِ عُمَرَ، وَ[هَذَا حَدِيثٌ حَسَنٌ صَحِيفٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ سَلَمَةَ بْنِ كُهَيْلٍ وَرَوَى شُعبَةُ أَيْضًا عَنْ سَلَمَةَ، هَذَا الْحَدِيثُ .

تخریج: [إسناده صحيح] وأخرجه أبو داود، الطبراني، باب: في الطيرة، ح: ٣٩١٠ وابن ماجه، ح: ٣٥٣٨ من حديث سفيان الثوري به وتابعه شعبة عند الطيالسي، ح: ٣٥٦ وصححه ابن حبان، ح: ١٤٢٧ والحاكم: ١٨/١ وغيرهما * وفي الباب عن سعد [أبو داود، ح: ٣٩٢١] وأبي هريرة [البخاري، ح: ٥٧٥٤ ومسلم، ح: ٢٢٢٣] وحابس التميمي [البخاري في الأدب المفرد،

ح: ٩١٤] وعائشة [البخاري في الأدب المفرد، ح: ٩١٢ وأحمد: ٦ / ١٢٩، ١٥٠، ٢٤٠] ابن عمر [البخاري، ح: ٥٧٥٣ ومسلم، ح: ٢٢٢٥].

Comments:

In the period of *Jahiliyyah*, Arabs, at the time of leaving home for some purpose, took the flight of birds from left to right or right to left as a bad omen. They believed that the flight of the birds will have have bad effects and the accomplishment of their pursuits will be influenced. This kind of thinking is a type of *Shirk* because no one has the power except Allāh to change a thing from good to bad or otherwise.

1615. Anas narrated that the Messenger of Allāh ﷺ said: "There is no 'Adwa and no *Tiyarah*, and I like *Fa'l*." They said: "O Messenger of Allāh! What is *Fa'l*?" He said: "A good statement." (*Sahih*)
[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: متفق عليه، وأخرجه البخاري، الطبراني، باب الفأل، ح: ٥٧٥٦ من حديث هشام
وسلم، ح: ٢٢٢٤ من حديث قتادة به.

Comments:

'Adwa: Tranference of disease from the affected person to others. This narration makes it clear that disease does not pass on to another person by itself, but goes to another person by the Will of Allāh. As the first person gets some disease with the will of Allāh, the same way the second and third, and so-on get this disease by the Will of Allāh. A person, who gets sick and thinks that he got this disease from another person shows lack of trust in Allāh, he is advised instead to visit the patients and safeguard his faith and trust in Allāh. See *Tuhfat Al-Ahwadhi*.

1616. Anas bin Mālik narrated that the Prophet ﷺ used to like it when he set out upon an affair if he heard: "O directed one, O successful one." (*Da'if*)
[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh Gharib*.

تخریج: [إسناده ضعيف] وأخرجه الطحاوي في مشكل الآثار: ٣٤٤ وأبو نعيم في أخبار
أصبهان: ٢٠٦ من حديث محمد بن رافع النسائيوري به * حميد الطويل مدلس وعنون.
صحيح غريب.

١٦١٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
ابْنُ أَبِي عَدَىٰ عَنْ هَشَامَ [الدَّسْنَوَائِيِّ]، عَنْ
قَتَادَةَ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَا
عَذْوَىٰ وَلَا طِيرَةٌ وَأَحْبُّ الْفَأْلَ»، قَالُوا: يَا
رَسُولَ اللَّهِ، وَمَا الْفَأْلُ؟ قَالَ: «الْكَلِمَةُ الطَّيِّبَةُ».
[قَالَ أَبُو عَبِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.]

١٦١٦ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا
أَبُو عَامِرٍ الْعَقَدِيِّ عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ
مُحَمَّدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ
كَانَ يَعْجِبُ إِذَا خَرَجَ لِحَاجَتِهِ أَنْ يَسْمَعَ يَا
رَاشِدًا، يَا تَجِيدًا.

[قَالَ أَبُو عَبِيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيقٌ غَرِيبٌ.]

Comments:

One should always be optimistic and hopeful of good results in this world and in the Hereafter. One should see the bright side of things and discard the dark side. The Prophet ﷺ always liked to have a good and happy kind of encouragement on hearing a good remark. There is no reality in a bad omen, and it is considered a kind of *Shirk*.

Chapter 48. What Has Been Related About The Exhortation Of The Prophet ﷺ Regarding Fighting

1617. Sulaimān bin Buraidah narrated from his father who said: "When the Messenger of Allāh ﷺ sent a commander of an army, he would exhort him concerning himself to have *Taqwa* of Allāh, and he would exhort him to be good to those who are with him among the Muslims. He would say: 'Fight in the Name of Allāh, in the cause of Allāh. Fight those who disbelieve in Allāh, and do not steal from the spoils of war or be treacherous, nor mutilate, and do not kill a child. When you meet your enemy among the idolaters, then call them to one of three options or choices, whichever of them they respond to then accept it from them, and refrain from them. Call them to Islām, and to relocate from their land to the land of the Emigrants. Inform them that if they do that, then they will have similar to what those who emigrated have, and from them will be required similar to what is required from those who have emigrated. And if they refuse to relocate, then inform them that they will be like the Bedouins among the Muslims, and they will

(المعجم ٤٨) - بَابُ مَا جَاءَ فِي وَصْيَةِ النَّبِيِّ ﷺ فِي الْقِتَالِ (التحفة ٤٨)

١٦١٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ : حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ شَعْبَانَ، عَنْ عَلْقَمَةَ بْنِ مَرْثُوٍّ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا بَعَثَ أَمْرِيًّا عَلَى جَيْشٍ أُوْصِيَّ أَوْصَاهُ فِي خَاصَّةِ نَفْسِهِ بِتَقْوَى اللَّهِ وَمَنْ مَعَهُ مِنَ الْمُسْلِمِينَ حَيْرًا وَقَالَ: «اَغْزُوا بِسْمِ اللَّهِ وَفِي سَبِيلِ اللَّهِ، فَاتَّلُوا مِنْ كُفَّارِ بَالَّهِ، وَلَا تَقْتُلُوا وَلَا تَغْدُرُوا وَلَا تُمْثَلُوا، وَلَا تَقْتُلُوا وَلَيْدًا، فَإِذَا لَقِيْتُ عَدُوَّكَ مِنَ الْمُشْرِكِينَ فَادْعُهُمْ إِلَى إِخْدَى ثَلَاثَ خَصَالٍ أَوْ خَلَالٍ أَيْتَهَا أَجَابُوكَ فَاقْبِلْ مِنْهُمْ وَكُفْ عَنْهُمْ: وَادْعُهُمْ إِلَى الْإِسْلَامِ وَالْحَجَوْلُ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ، وَأَخِيزُهُمْ أَهْمَمْ إِنْ فَعَلُوا ذَلِكَ فَإِنَّ لَهُمْ مَا لِلْمُهَاجِرِينَ وَعَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ، وَإِنْ أَبْوَا أَنْ يَتَحَوَّلُوا فَأَخِيزُهُمْ أَهْمَمْ يَكُونُونَ كَأَعْرَابِ الْمُسْلِمِينَ يَجْرِي عَلَيْهِمْ مَا يَجْرِي عَلَى الْأَعْرَابِ، لَيْسَ لَهُمْ فِي الْعَيْنَةِ وَالْفَيْءِ شَيْءٌ إِلَّا أَنْ يُجَاهِدُوا، فَإِنْ أَبْوَا فَاسْتَعِنْ بِاللَّهِ عَلَيْهِمْ وَقَاتِلْهُمْ . وَإِذَا حَاصَرْتَ حِصْنًا فَأَرْادُوكَ أَنْ تَجْعَلْ لَهُمْ ذَمَّةَ اللَّهِ وَذَمَّةَ نَبِيِّهِ فَلَا تَجْعَلْ لَهُمْ ذَمَّةَ اللَّهِ وَلَا ذَمَّةَ

be treated the same as the Bedouins are treated. There is no war spoils or *Fay*^[1] for them, unless they fight along with the Muslims. If they refuse then seek aid from Allāh against them and fight them. And if you lay siege to a fortress and they want you to grant them a covenant from Allāh and a covenant of His Prophet, then do not grant them the covenant of Allāh nor the covenant of His Prophet. Rather grant them your own covenant and the covenant of your companions. For if you break your covenant and the covenant of your companions, it will be better than breaking Allāh's covenant and the covenant of His Messenger. And if you lay siege to the people of a fortress and they want you to lift the siege for negotiating upon the judgement of Allāh, then do not stop, but rather make them surrender to your judgement, for you do not know if you will come upon the judgement of Allāh regarding them them or not.' Or similar to that." (*Sahīh*)

[*Abū ‘Eisā* said:] There is something on this topic from *An-Nu‘mān* bin *Muqarrin*, and the *Hadīth* of *Buraidah* is a *Hasan Sahīh Hadīth*.

Muhammad bin *Bash-shār* narrated to us (he said): "Abū Ahmad narrated to us from *Sufyān* (who said): "Alqamah bin *Marthad* narrated to us' – and it is similar in its meaning, but he added in it: "If

نَبِيٌّ وَاجْعَلْ لَهُمْ ذَمَّتَكَ وَذَمَّمَ أَصْحَابِكَ، فَإِنَّكُمْ إِنْ تُخْفِرُوا ذَمَّمَكُمْ وَذَمَّمَ أَصْحَابِكُمْ حَيْثُ مِنْ أَنْ تُخْفِرُوا ذَمَّةَ اللَّهِ وَذَمَّةَ رَسُولِهِ، وَإِذَا حَاصَرْتَ أَهْلَ حِصْنٍ فَارْأَدُوكَ أَنْ تُنْزِلُوهُمْ عَلَى حُكْمِ اللَّهِ فَلَا تُنْزِلُوهُمْ، وَلَكِنْ أَنْزِلْهُمْ عَلَى حُكْمِكَ، فَإِنَّكَ لَا تَنْدِري أَنْصِبُ حُكْمَ اللَّهِ فِيهِمْ أَمْ لَا» أَوْ نَحْوَ ذَاهِبٍ.

[*Qāl Abū ‘Eisā*:] وفي الْبَابِ عَنِ النَّعْمَانَ بْنِ مُقَرِّنٍ وَحَدِيثُ بُرِيَّدَةَ حَدِيثُ حَسَنٍ صَحِحٌ.

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو أَحْمَدَ عَنْ سُفْيَانَ: حَدَّثَنَا عَلْقَمَةُ بْنُ مَرْثَدٍ نَحْوَهُ بِمَعْنَاهُ وَرَأَدَ فِيهِ: «فَإِنْ أَبْوَا فَخُذْ مِنْهُمُ الْجِزْيَةَ، فَإِنْ أَبْوَا فَاسْتَعِنْ بِاللَّهِ عَلَيْهِمْ». .

[*Qāl Abū ‘Eisā*:] هَكَذَا رَوَاهُ وَكَيْعُ وَغَيْرُهُ وَاحِدٌ عَنْ سُفْيَانَ، وَرَوَى عَيْرُ مُحَمَّدُ بْنُ بَشَّارٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدَى وَذَكَرَ فِيهِ أَمْرَ الْجِزْيَةَ.

[1] See no. 1556.

they refuse, then take the *Jizyah* from them, and if they refuse then seek aid from Allāh against them.”

[*Abū ‘Eisā* said:] This is how it was reported from *Wakī‘* and others from *Sufyān*. And other than *Muhammad bin Bash-shār* reported it from *‘Abdur-Rahmān bin Mahdī*, and he mentioned the matter of the *Jizyah* in it.

تخریج: وأخرجه مسلم، الجهاد، باب تأمیر الامراء على البعث ... الخ، ح ١٧٣١ من حديث عبدالرحمن بن مهدي به * وفي الباب عن النعمان بن مقرن [تقدم: ١٦١٢]. [١٦١٣]

Comments:

Preaching and inviting to accept Islam is essential, it has been discussed in this narration the advice and guiding tips have been mentioned for the commander going on a venture. (See Book no. 17 Chapter 1)

1618. Anas bin Mālik narrated that the Prophet ﷺ would not attack except near the time of *Fajr*, so if he heard the *Adhān* he would refrain, and if not, then he would attack. So he listened one day and heard a man saying: “*Allāhu Akbar, Allāhu Akbar*,” so he said: “Upon the *Fitrah*.” Then he said: “I bear witness that none has the right to be worshipped but Allāh.” So he said: “You have departed from the Fire.” (*Sahīh*)

(Another chain) with similar narration.

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: وأخرجه مسلم، الصلاة، باب الإمساك عن الإغارة على قوم في دارالكفر إذا سمع فهم الأذان، ح ٣٨٢ من حديث حماد بن سلمة به.

Comments:

The purpose of lawful fighting is to make Allāh’s Word uppermost in the land. Hearing the Call for Prayer from the village or town is a sign that Muslims reside there, so it should not be attacked.

١٦١٨ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْحَمَّالُ : حَدَّثَنَا عَفَّانُ : حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ : حَدَّثَنَا ثَابُتُ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ : كَانَ النَّبِيُّ ﷺ لَا يُغَيِّرُ إِلَّا عِنْدَ صَلَاةِ الْفَجْرِ ، فَإِنْ سَمِعَ أَذَانًا أَمْسَكَ إِلَّا أَغَارَ ، وَاسْتَمَعَ ذَاتَ يَوْمٍ فَسَمِعَ رَجُلًا يَقُولُ : إِنَّ اللَّهَ أَكْبَرُ إِنَّ اللَّهَ أَكْبَرُ ، فَقَالَ : «عَلَى النُّفُرَةِ» فَقَالَ : أَشْهُدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ . قَالَ : «خَرَجْتَ مِنَ النَّارِ» . قَالَ الْحَسَنُ وَحَدَّثَنَا [أَبُو] الْوَلِيدِ : حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ يَهْدَا إِلَى إِلَمَنَادِ مُلْهَةً . قَالَ أَبُو عِيسَى : [هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ .

*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

20. The Chapters On The Virtues Of *Jihād* From The Messenger Of Allāh ﷺ

Chapter 1. (What Has Been Related About) The Virtue Of *Jihād*

1619. Abū Hurairah narrated: “It was said, ‘O Messenger of Allāh, what equals *Jihād*? ’ He said: ‘Verily, you (people) are not capable of it.’ So they repeated it to him two or three times, each time he said, ‘You (people) are not capable of it.’ Then he said the third time: ‘The example of the *Mujāhid* in the path of Allāh is like the one who fasts and stands (in prayer) and does not slacken from *Salāt*, nor fasting, until the *Mujāhid* in the cause of Allāh returns.’” (*Sahīh*)

There are narrations on this topic from *Ash-Shifā*, ‘Abdullāh bin Hubshī, Abū Mūsā, Abū Sa‘eed, Umm Mālik Al-Bahzīyyah, and Anas.

This *Hadīth* is a *Hasan Sahīh*. And it has been reported through more than one route from Abū Hurairah from the Prophet ﷺ.

تخریج: وأخرجه مسلم، الإمارة، باب فضل الشهادة في سبیل الله تعالى، ح: ١٨٧٨ من حديث أبي عوانة به * وفي الباب عن الشفاء [أحمد: ٣٧٢/٦ وعبد بن حميد، ح: ١٥٩١] وعبد الله

(المعجم ٢٠) - أبواب فضائل الجهاد

عن رسول الله ﷺ (التحفة ١٨)

(المعجم ١) - باب [ما جاء في] فضل
الجهاد (التحفة ١)

١٦١٩ - حدثنا قبيطة بن سعيد: حدثنا أبو عوانة عن سهيل بن أبي صالح، عن أبيه، عن أبي هريرة قال: قيل: يا رسول الله، ما يغدرُ الْجِهَاد؟ قال: «إِنَّكُمْ لَا تَسْتَطِعُونَهُ»، فرددوا عليه مرتين أو ثلاثة كل ذلك يقول: «لَا تَسْتَطِعُونَهُ»، فقال في الثالثة: «مَنْ أَكْفَلَ الْمُجَاهِدِ فِي سَبِيلِ اللهِ مَثْلُ الصَّائِمِ الْقَائمِ الَّذِي لَا يَفْتَرُ مِنْ صَلَاةٍ وَلَا صِيَامٍ، حَتَّى يَرْجِعَ الْمُجَاهِدُ فِي سَبِيلِ اللهِ». وفي الباب عن الشفاء، وعبد الله بن حبشي، وأبي موسى، وأبي سعيد وأم مالك البهري، وأسni. [و]هذا حديث حسن صحيح. وقد روی

من غير وجہ عن أبي هريرة عن النبي ﷺ .

ابن حشبي [أبو داود، ح: ١٣٢٥] وأبي موسى [يأتي: ١٦٥٩] وأبي سعيد [ابن ماجه، ح: ٢٧٥٤] وأم مالك البهذية [يأتي: ٢١٧٧] وأنس بن مالك [يأتي: ١٦٢٠].

Comments:

Jihād (fighting in the cause of Allāh) is an extremely important activity. Recompense and reward for the *Mujāhid* (he who undertakes *Jihād* in the cause of Allāh) is continuous, spanning his entire mission in the sense that, be it his awakening or sleep or any other activity, it shall bring him continued reward. His reward, thus, keeps accumulating regardless of his activities during his dispatchment.

1620. Anas [bin Mālik] narrated: “The Messenger of Allāh ﷺ said: meaning: Allāh [Mighty and Sublime is He] says:[^[1]] ‘The *Mujāhid* in My cause, he has a guarantee from Me. If I seize him, I cause him to inherit Paradise, and if I return him, I return him with a reward or spoils of war.’” (*Hasan*)

[He said:] This *Hadīth* is *Gharib Sahīh* from this route.

١٦٢٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنُ بَزِيعٍ: حَدَّثَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ: حَدَّثَنِي مَرْزُوقٌ أَبُو بَكْرٍ عَنْ قَتَادَةَ، عَنْ أَنَسِ [بْنِ مَالِكٍ] قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: يَعْنِي يَقُولُ اللَّهُ [عَزَّ وَجَلَّ]: الْمُجَاهِدُ فِي سَيِّلِي هُوَ عَلَيَّ ضَمَانٌ إِنْ قَبَضْتُهُ أُورْثُهُ الْجَنَّةَ، إِنْ رَجَعْتُهُ رَجَعْتُهُ بِآخِرِ أَوْ غَيْرِهَا». [قال:] هذا حديثٌ غريبٌ صحيحٌ منْ هَذَا الْوَجْهِ.

تخریج: [حسن] وأخرجه ابن أبي عاصم في كتاب الجهاد، ح: ٤٥ من حديث محمد بن عبدالله بن بزيع به مختصرًا وللحديث شواهد كثيرة عند مسلم، ح: ١٨٧٦ وأبي داود، ح: ٢٤٩٩، ٢٤٩٤ وغيرهما.

Comments:

Jihād is an activity that never fails to achieve its objective. For instance, if a *Mujāhid* meets his martyrdom on the battlefield, he goes straight to Paradise. If, on the other hand, he returns from the battle front alive, he either gets his reward from Allāh in the Hereafter or his share from the spoils of war in this world, or both. This means that, even if he receives no spoils of war in this world, his immense recompense and reward in the Hereafter are still assured.

Chapter 2. What Has Been Related About The Virtue Of The One Who Dies Guarding The Frontier From The Enemy

(المعجم ٢) - بَابُ مَا جَاءَ فِي فَضْلِ مَنْ مَاتَ مُرَايَطًا (التحفة ٢)

1621. Faḍālah bin ‘Ubaid narrated that the Messenger of Allāh ﷺ

١٦٢١ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ: حَدَّثَنا

[١] “It appears that the speaker is Anas, may Allāh be pleased with him. That is, he ﷺ means that “the *Mujāhid* in My path” is from the *Aḥādīth Qudsīyah*.” *Tuhfat Al-Ahwadhi*.

said: “The deeds of everyone who dies are sealed. Except for the one who dies guarding the frontier from the enemy, in the cause of Allāh. For indeed his actions are increased for him until the Day of Judgement, and he is secure from the tribulation of the grave.” And I heard the the Messenger of Allāh ﷺ saying: “The *Mujāhid* is one who strives against his own soul.” (*Sahīh*)

[*Abū ‘Eisā* said:] There are narrations on this topic from ‘Uqbah bin ‘Āmir and Jābir.

The *Hadīth* of Faḍālah is a *Hasan Sahīh Hadīth*.

تَخْرِيج: [إسناده صحيح] وأخرجه أبو داود، الجهاد، باب: في فضل الرباط، ح: ٢٥٠٠ من حديث أبي هانئٍ به وصححه ابن حبان، ح: ١٦٤٤ والحاكم على شرط مسلم: ٧٩/٢ وواقه الذبي وله طرق عند ابن ماجه، ح: ٣٩٣٤ وابن حبان، ح: ٢٥ وغيرها مختصرًا ومطولاً * وفي الباب عن عقبة بن عامر [أحمد: ١٥٠/٤] وجابر [الطبراني في الأوسط: ٤١٦/٥]، ح: ٤٨٢٢.

Comments:

A person, who cannot fight or wage *Jihād* against his own inner self, and instead of subduing the enemy within, falls prey to its whims and desires; he can never challenge the enemy without. The task of going out into the open and challenging the enemy for the pleasure of Allāh can only be accomplished by those who have first successfully subdued their own inciting souls. See no. 1664.

Chapter 3. What Has Been Related About The Virtue Of Fasting In The Cause Of Allāh

1622. *Abū Al-Aswad* narrated from ‘Urwah [bin Az-Zubair], and Sulaimān bin Yasār, that they reported to him from *Abū Hurairah* that the Prophet ﷺ said: “Whoever fasts a day in the cause of Allāh, Allāh shall distance him from the Fire by seventy autumns.” One of them said “seventy” and

عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ: حَدَّثَنَا حَيْوَةُ بْنُ شُرَيْبَعْ، قَالَ أَخْبَرَنِي أَبُو هَانِئُ الْخَوَلَانِيُّ: أَنَّ عَمَرَ وَابْنَ مَالِكَ الْجَنْبَنِيَّ أَخْبَرَهُ: أَنَّهُ سَمِعَ فَضَالَةَ بْنَ عَبْيَدٍ يُحَدِّثُ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: كُلُّ مَيِّتٍ يُخْتَمُ عَلَى عَمَلِهِ إِلَّا الَّذِي مَاتَ مُرَايِطًا فِي سَبِيلِ اللَّهِ، فَإِنَّهُ يَنْمَى لَهُ عَمَلُهُ إِلَى يَوْمِ الْقِيَامَةِ وَيَأْمُنُ فِتْنَةَ الْقُبْرِ وَسَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: (الْمُجَاهِدُ مَنْ جَاءَهُ نَفْسُهُ). [قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ عُقْبَةَ ابْنِ عَامِرٍ، وَجَابِرٍ.

حَدِيثُ فَضَالَةَ حَدِيثُ حَسَنٌ صَحِيحٌ.

(المعجم ٣) - بَابُ مَا جَاءَ فِي فَضْلِ الصَّوْمِ فِي سَبِيلِ اللَّهِ (التحفة ٣)

١٦٢٢ - حَدَّثَنَا قُبَيْلَةُ: حَدَّثَنَا ابْنُ لَهِمَةَ عَنْ أَبِي الْأَسْوَدِ، عَنْ عُرْوَةَ [بْنِ الزُّبَيرِ] وَسُلَيْمَانَ بْنِ يَسَارٍ أَنَّهُمَا حَدَّثَاهُ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ صَامَ يَوْمًا فِي سَبِيلِ اللَّهِ رَزَّحَهُ اللَّهُ عَنِ التَّارِ سَبْعِينَ خَرِيفًا». أَحَدُهُمَا يَقُولُ: سَبْعينَ وَالآخْرُ

the other said “forty.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is a *Gharīb Hadīth* from this route. Abū Al-Aswad’s name is Muḥammad bin ‘Abdur-Rahmān bin Nawfal Al-Asadī Al-Madanī.

There are narrations on this topic from Abū Sa‘eed, Anas, ‘Uqbah bin ‘Āmir, and Abū Umāmah.

تخریج: [حسن] وللحديث شواهد عند النسائي: ٢٢٤٦-٢٢٥٢، ح: ١٧٢/٤، ١٧٣، ١٧٢/٤ (الصيام، باب ثواب من صام يوماً في سبيل الله عزوجل ... إلخ) ومسلم، ح: ١١٥٣ وغيرهما * وفي الباب عن أبي سعيد [يأتي: ١٦٢٣] وأنس [لم أجده] وعقبة بن عامر [النسائي، ح: ٢٢٥٦] وأبي أمامة [يأتي: ١٦٢٤].

Comments:

If the man out in the field for the sake of Allāh is so lion-hearted and of such a resolute mind that his day-long fasting does not deter him from performing any of the tasks connected with *Jihād*, then on the basis of his sincerity of intention and deed exemplified by his dual action of fasting for the sake of Allāh, and giving a distinguished performance in the field, he shall be kept at a distance of seventy or forty years from Hellfire. In some other *Aḥādīth* the distance has been mentioned as one hundred years.

These variations in the distance are due to the qualitative difference in sincerity and the nature of pains and hardship sustained by the persons concerned in the process.

1623. Abū Sa‘eed Al-Khudrī narrated that the Prophet ﷺ: “A worshipper does not fast a day in the cause of Allāh except that, that day (of fasting) distances the Fire from his face by seventy autumns.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

يَقُولُ: أَرْبَعِينَ.

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ. وَأَبُو الْأَسْوَدُ اسْمُهُ مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ نَوْفَلِ الْأَسْدِيُّ الْمَدَنِيُّ.

وَفِي الْبَابِ: عَنْ أَبِي سَعِيدٍ، وَأَنَسِ، وَعَقبَةَ بْنِ عَامِرٍ، وَأَبِي أُمَامَةَ.

تخریج: [حسن] وللحديث شواهد عند النسائي: ٢٢٤٦-٢٢٥٢، ح: ١٧٢/٤، ١٧٣، ١٧٢/٤ (الصيام، باب ثواب من صام يوماً في سبيل الله عزوجل ... إلخ) ومسلم، ح: ١١٥٣ وغيرهما * وفي الباب عن أبي سعيد [يأتي: ١٦٢٣] وأنس [لم أجده] وعقبة بن عامر [النسائي، ح: ٢٢٥٦] وأبي أمامة [يأتي: ١٦٢٤].

١٦٢٣ - حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ [الْمَحْرُومِيُّ]: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْوَلِيدِ [الْعَدَنِيُّ]: حَدَّثَنَا سُقْيَانُ الثَّورِيُّ؛ ح [قال:] وَحَدَّثَنَا مُحَمَّدُ بْنُ عَيْلَانَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُوسَى عَنْ سُقْيَانَ، عَنْ سَهْلِ بْنِ أَبِي صَالِحٍ، عَنِ الثَّعْمَانِ بْنِ أَبِي عَيَّاشٍ الْزَّرْقَيِّ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ عَنِ النَّبِيِّ ﷺ: «لَا يَصُومُ عَبْدٌ يَوْمًا فِي سَبِيلِ اللَّهِ إِلَّا يَأْكُدُ ذَلِكَ الْيَوْمَ التَّارِئَ عَنْ وَجْهِهِ سَبْعِينَ حَرِيفًا». [قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب فضل الصوم في سبيل الله، ح: ٢٨٤٠ ومسلم، ح: ١١٥٣ من حديث سهيل بن أبي صالح به.

1624. Abū Umāmah [Al-Bāhili] narrated that the Prophet ﷺ said, "Whoever fasts a day in the cause of Allāh, Allāh shall put between him and the Fire a trench whose distance is like that between the heavens and the earth." (*Hasan*)

This *Hadīth* is *Gharīb* as a narration of Abū Umāmah.

١٦٢٤ - حَدَّثَنَا زَيْنُ الدِّينُ بْنُ أَبْيَوبَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا الولِيدُ بْنُ جَمِيلٍ عَنِ الْقَاسِمِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ أَبِي أَمَامَةَ [البَاهْلِيِّ] عَنِ الْتَّبَّاعِ قَالَ: «مَنْ صَامَ يَوْمًا فِي سَبِيلِ اللَّهِ جَعَلَ اللَّهُ بَيْنَهُ وَبَيْنَ النَّارِ خَنْدَقًا كَمَا بَيْنَ السَّمَاءِ وَالْأَرْضِ».

هذا حديث غريبٌ من حديث أبي أمامة.

تخریج: [إسناد حسن] وأخرجه الطبراني في الكبير: ٢٨١، ح: ٧٩٢١ من حديث يزيد بن هارون به وللحديث شواهد عند الطبراني في الأوسط وغيره.

Comments:

Some of the scholars take the expression "in the cause of Allāh" as used in the *Hadīth* to mean "in obedience to Allāh". However, the fact of the matter is that it means *Jihād*. (*Tuhfat Al-Ahwadhi*, v.3, p.2).

Chapter 4. What Has Been Related About The Virtue Of Spending In The Cause Of Allāh

1625. Khuraim bin Fātik narrated that the Messenger of Allāh ﷺ said: "Whoever spends a sum in the cause of Allāh, it is recorded for him seven-hundred fold." (*Sahīh*)

[Abū ‘Eīsā said:] There is something on this topic from Abū Hurairah.

This *Hadīth* is *Hasan*, we only know of it from the narration of Ar-Rukain bin Ar-Rabi' (a narrator in the chain of this *Hadīth*).

(المعجم ٤) - بَابُ مَا جَاءَ فِي فَضْلِ النَّفَقَةِ فِي سَبِيلِ اللَّهِ (التحفة ٤)

١٦٢٥ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا الْحُسَيْنُ [بْنُ عَلَيِّ] الْجُعْفَى عَنْ زَائِدَةَ، عَنِ الرُّكَنِيْنِ بْنِ الرَّبِيعِ، عَنْ أَبِيهِ، عَنْ يُسْرِيرِ بْنِ عَمِيلَةَ، عَنْ حُرَيْمِ بْنِ فَاتِكٍ قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَنْفَقَ نَفَقَةً فِي سَبِيلِ اللَّهِ كُتِّبَ لَهُ سَبْعُمَائَةً ضَعْفِيًّا».

قَالَ أَبُو عِيسَى: [وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ .

وَهُذَا حَدِيثُ حَسَنٍ إِنَّمَا نَعْرِفُهُ مِنْ حَدِيثِ الرُّكَنِيْنِ بْنِ الرَّبِيعِ .

تخریج: [إسناد صحيح] وأخرجه ابن أبي شيبة: ٣١٨/٥ عن الحسين بن علي الجعفي به

ورواه النسائي: ٤٩/٦، ح: ٣١٨٨ من حديث الركين، وصححه ابن حبان، ح: ٣١، ١٦٤٧
والحاكم: ٨٧/٢ والذهبى وغيرهم * وفي الباب عن أبي هريرة [يأتي: ٣٦٧٤].

Comments:

This *Hadīth* tells us that *Jihād* is an act of such great virtue that, instead of the usual tenfold, its minimum reward is seven-hundred-fold.

Chapter 5. What Has Been Related About The Virtue Of Service In The Cause Of Allāh

1626. ‘Adī bin Ḥātim At-Tā’ī narrated that he asked the Messenger of Allāh ﷺ, “Which charity is the most virtuous?” He said, “The service of a worshipper in the cause of Allāh, or providing the shade of a tent,^[1] or mount in the cause of Allāh.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* has been reported from Mu‘āwiya bin Ṣāliḥ in *Mursal* form. And Zaid has been contradicted concerning part of its chain.

He said: And Al-Walīm bin Jamil has reported this *Hadīth* from Al-Qāsim Abū ‘Abdur-Rahmān, from Abū Umāmah, from the Prophet ﷺ.

تخریج: [إسناد حسن] وأخرجه الحاکم: ٩٠/٢، ٩١ من حديث زید بن حباب، والطبراني: ١٠٦/١٧، ح: ٢٥٥ من حديث معاویة بن صالح به وصححه الحاکم ووافقه الذهبی وللمحدث شاهد حسن يأتي بعده.

1627. Abū Umāmah narrated that the Messenger of Allāh ﷺ said: “The most virtuous of charitable spending is the shade of a tent in the cause of Allāh, or giving a

(المعجم ٥) - بَابُ مَا جَاءَ فِي فَضْلِ الْخِدْمَةِ فِي سَبِيلِ اللَّهِ (التحفة ٥)

١٦٢٦ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ: حَدَّثَنَا مُعَاوِيَةً بْنُ صَالِحٍ عَنْ كَثِيرٍ بْنِ الْحَارِثِ، عَنِ الْقَاسِمِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ عَدِيٍّ بْنِ حَاتِمَ الطَّائِيِّ: أَنَّهُ سَأَلَ رَسُولَ اللَّهِ ﷺ: أَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: «خِدْمَةُ عَبْدٍ فِي سَبِيلِ اللَّهِ، أَوْ ظِلُّ فُسْطَاطٍ، أَوْ طَرُوقَةً فَخْلٍ فِي سَبِيلِ اللَّهِ». [قالَ أَبُو عَيْسَى:] وَقَدْ رُوِيَ عَنْ مُعَاوِيَةَ ابْنِ صَالِحٍ: هَذَا الْحَدِيثُ مُرْسَلٌ وَخُوَلِفَتْ زَيْدٌ فِي بَعْضِ إِسْنَادِهِ. قَالَ: وَرَوَى الْوَلَيدُ بْنُ جَمِيلَ هَذَا الْحَدِيثَ عَنِ الْقَاسِمِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ أَبِي أَمَامَةَ عَنِ الْبَيِّنِ ﷺ.

تخریج: [إسناد حسن] وأخرجه الحاکم: ٩٠/٢، ٩١ من حديث زید بن حباب، والطبراني: ١٠٦/١٧، ح: ٢٥٥ من حديث معاویة بن صالح به وصححه الحاکم ووافقه الذهبی وللمحدث شاهد حسن يأتي بعده.

١٦٢٧ - حَدَّثَنَا يَدِيلُكَ زِيَادُ بْنُ أَيُوبَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَخْبَرَنَا الْوَلَيدُ بْنُ حَمِيلٍ عَنِ الْقَاسِمِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ أَبِي أَمَامَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَفْضُلُ الصَّدَقَاتِ

[١] “A tent under which the *Mujāhid* may be shaded. That is, erecting a tent or a shelter for the fighters to use for shade.” (*Tuhfat Al-Ahwadhi*).

servant in the cause of Allāh, or a riding camel in the cause of Allāh.”
(*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ghari‘b Sahīh*, and it is more correct to me than the narration of Mu‘awiyah bin Ṣalīḥ.

تَبْرِيج: [إسناده حسن] وأخرجه أَحْمَد: ٢٦٩ من حديث القاسم أبي عبد الرحمن به.

Comments:

That the most virtuous form of charitable spending is either to provide a servant to the fighter in the cause of Allāh, or donate a tent or pitch it for the warrior, or provide a serviceable mount for him.

Chapter 6. What Has Been Related About The One Who Prepares A Fighter

1628. Zaid bin Khālid Al-Juhānī narrated that the Messenger of Allāh ﷺ said, “Whoever prepares a fighter in Allāh’s cause, he has participated in a military expedition, and whoever looks after the family of a fighter, he has participated in a military expedition.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*, and it has been reported through more than one route.

تَبْرِيج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب فضل من جهر غازياً أو خلفه بخري، ح: ٢٨٤٣ ومسلم، ح: ١٨٩٥ من حديث يحيى بن أبي كثير به * أبو إسماعيل هو القناد.

1629. Zaid bin Khālid Al-Juhānī narrated that the Messenger of Allāh ﷺ said, “Whoever prepares a fighter in Allāh’s cause, or looks after the family of a fighter, then he has participated in a military expedition.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*.

ظِلُّ فُسْطَاطٍ فِي سَبِيلِ اللَّهِ، وَمَنْيَحَةُ خَادِمٍ فِي سَبِيلِ اللَّهِ، أَوْ طَرْوَقَةُ فَحْلٍ فِي سَبِيلِ اللَّهِ».
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ غَرِيبٌ صَحِيفٌ وَهُوَ أَصَحُّ عِنْدِي مِنْ حَدِيثِ مُعاوِيَةَ بْنِ صَالِحٍ.

(المعجم ٦) - بَابُ مَا جَاءَ فِيمَنْ جَهَزَ غَازِيًا (التحفة ٦)

١٦٢٨ - حَدَّثَنَا أَبُو زَكَرِيَّا يَخْبِي بْنُ دُرْسَتَ [الْبَصْرِيُّ]: حَدَّثَنَا أَبُو إِسْمَاعِيلَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ، عَنْ بُشَّرِ بْنِ سَعِيدٍ، عَنْ رَيْدِ بْنِ خَالِدِ الْجَهْنَمِيِّ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «مَنْ جَهَرَ غَازِيًا فِي سَبِيلِ اللَّهِ فَقَدْ غَرَّ، وَمَنْ خَلَفَ غَازِيًا فِي أَهْلِهِ فَقَدْ غَرَّ».
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ

صَحِيفٌ . وَقَدْ رُوِيَ مِنْ عَيْنِهِ هَذَا الرَّجُوهُ.

تَبْرِيج: متفق عليه، وأخرجه البخاري، الجهاد والسير، عطاء، عن ريد بن خالد الجهنمي قال: قال رسول الله ﷺ: «من جهر غازيا في سبيل الله أهله في خلفه في أهله فقد غرّ».
[قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ جَهَرَ غَازِيًا فِي سَبِيلِ اللَّهِ أَوْ خَلَفَهُ فِي أَهْلِهِ فَقَدْ غَرَّ».
سُقِيَانُ [بْنُ عُيَيْنَةَ] عَنِ ابْنِ أَبِي لَيْلَى، عَنْ عَطَاءَ، عَنْ رَيْدِ بْنِ خَالِدِ الْجَهْنَمِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ جَهَرَ غَازِيًا فِي سَبِيلِ اللَّهِ أَوْ خَلَفَهُ فِي أَهْلِهِ فَقَدْ غَرَّ».

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ.

تخریج: [صحيح] وانظر الحديث السابق والآتي * ابن أبي لیلی هو محمد بن عبدالرحمن ابن أبي لیلی ضعیف من جهة حفظه، ولكن تابعه عبدالمک بن أبي سلیمان.

1630. Zaid bin Khālid Al-Juhānī narrated that the Prophet ﷺ said similarly. (*Sahīh*)

١٦٣٠ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ أَبِي سُلَيْمَانَ عَنْ عَطَاءٍ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

تخریج: [إسناده صحيح].

1631. Zaid ibn Khālid Al-Juhānī said: that the Messenger of Allāh ﷺ said, "Whoever prepares a fighter in Allāh's cause, he has participated in a military expedition, and whoever watches after the family of a fighter, he has participated in a military expedition." (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

١٦٣١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا حَرْبُ بْنُ شَدَادٍ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ بُشَّرِ بْنِ سَعِيدٍ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ جَهَرَ غَازِيًا فِي سَبِيلِ اللَّهِ فَقَدْ غَزَّا وَمَنْ خَلَفَ غَازِيًا فِي أَهْلِهِ فَقَدْ غَزَّا».

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ.

تخریج: متفق عليه من حديث يحيى بن أبي كثیر به كما تقدم: ١٦٢٨.

Comments:

Helping a *Mujāhid* with money and material is an act of such great virtue that it is considered as good as one's physical participation in *Jihād*. Similarly, taking care of the family members of the *Mujāhid* in his absence and helping them with their daily needs and necessities is also considered as good as one's physical participation in *Jihād*.

Chapter 7. What Has Been Related About The Virtue Of The One Whose Two Feet Became Dusty In The Cause Of Allāh

1632. Yazid bin Abū Maryam said: "Abāyah bin Rifā'ah bin Rāfi' met me while I was walking to the Friday prayer. He said: 'Have glad tidings, for indeed these footsteps

(المعجم ٧) - بَابُ مَا جَاءَ فِي فَضْلِ مَنِ اغْبَرَتْ قَدَمَاهُ فِي سَبِيلِ اللَّهِ (التحفة ٧)

١٦٣٢ - حَدَّثَنَا أَبُو عَمَارِ [الْحُسَيْنُ بْنُ حُرَيْثَ]: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنْ يَزِيدِ بْنِ أَبِي مَرِيمٍ قَالَ: لَجَهَنِي عَبَائِي بْنُ رِفَاعَةَ بْنِ

of yours are in the cause of Allāh. I heard Abū ‘Abs say: “The Messenger of Allāh ﷺ said, ‘Whoever gets his two feet dusty in the path of Allāh, then they are prohibited for the Fire.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb*. Abū ‘Abs’s name is ‘Abdur-Rahmān bin Jabr. There are narrations on this topic from Abū Bakr and a man from the Companions of the Prophet ﷺ.

He said: Yazid bin Abī Maryam is a man from *Ash-Shām*. Al-Walid bin Muslim, Yahyā bin Hamzah, and some others among the people of *Ash-Shām* report from him.

Buraid bin Abī Maryam is from Al-Kūfah. His father is one of the Companions of the Prophet ﷺ whose name was Mālik bin Rabi‘ah. [Buraid bin Abī Maryam heard from Anas bin Mālik. Abū Ishāq Al-Hamdānī, ‘Atā’ bin As-Sā’ib, Yūnus bin Abī Ishāq, and Shu‘bah reported *Aḥādīth* from Buraid bin Abī Maryam].

تخریج: وأخرجه البخاري، الجمعة، باب المشي إلى الجمعة، ح ٩٠٧ من حديث الوليد بن مسلم به * وفي الباب عن أبي بكر [البزار (كشف الأستار) ٢٦٢/٢٦٢، ح ١٦٦١، ١٦٦٠] والمروزي في مسند أبي بكر، ح ٢٠ وسنته ضعيف جداً] ورجل من أصحاب النبي ﷺ [أحمد: ٢٢٥/٥].

Comments:

What transpires from the narrator’s report is that, in his view, anything done for the pleasure of Allāh is a deed done in the cause of Allāh. Now, if mere walking on foot toward a virtuous deed or with the intention of winning the pleasure of Allāh can earn so much reward, the extent of reward that one would get for taking pains and exerting one’s utmost energies for it can very well be imagined.

رَافِعٌ وَأَنَا مَاشٍ إِلَى الْجُمُعَةِ فَقَالَ: أَبْشِرْ فَإِنَّ
خُطَّاكَ هَذِهِ فِي سَبِيلِ اللَّهِ، سَمِعْتُ أَبَا عَبْسِي
يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: مَنْ اعْبَرَثْ
قَدْمَاهُ فِي سَبِيلِ اللَّهِ فَهُمَا حَرَامٌ عَلَى النَّارِ.
[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ
صَحِيحٌ غَرِيبٌ. وَأَبُو عَبْسٍ اسْمُهُ عَبْدُ
الرَّحْمَنِ بْنُ حَبْرٍ.
وَفِي الْبَابِ عَنْ أَبِي بَكْرٍ وَرَجُلٍ مِنْ
أَصْحَابِ النَّبِيِّ ﷺ [قَالَ]: وَبُرِيَدُ بْنُ أَبِي
مَرِيمَ هُوَ رَجُلٌ شَامِيٌّ رَوَى عَنْهُ الْوَلِيدُ بْنُ
مُسْلِمٍ وَبِحَيَّيِّ بْنُ حَمْرَةَ وَغَيْرُهُ وَاحِدٌ مِنْ أَهْلِ
الشَّامِ. وَبُرِيَدُ بْنُ أَبِي مَرِيمَ كُوفِيٌّ أَبُوهُ مِنْ
أَصْحَابِ النَّبِيِّ ﷺ وَاسْمُهُ مَالِكُ بْنُ رَبِيعَةَ.
[وَبُرِيَدُ بْنُ أَبِي مَرِيمَ سَمِعَ مِنْ أَنَسِ بْنِ
مَالِكٍ]. وَرَوَى عَنْ بُرِيَدِ بْنِ أَبِي مَرِيمَ أَبُو
إِسْحَاقَ الْهَمْدَانِيَّ وَعَطَاءُ بْنُ السَّائِبِ وَيُوسُفُ
أَبْنُ أَبِي إِسْحَاقَ وَشُعْبَةَ أَحَادِيثَ].

Chapter 8. What Has Been Related About The Virtue Of Dust In Allāh's Cause

1633. Abū Hurairah narrated that the Messenger of Allāh ﷺ said, “A man who wept out of the fear of Allāh shall not enter the Fire until the milk returns to the udder; and dust in the cause of Allāh and the smoke of Hell shall not come together.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. Muḥammad bin ‘Abdur-Rahmān is the freed slave of Abū Ṭalḥah, and he is from Al-Madīnah.

(المعجم ٨) - بَابُ مَا جَاءَ فِي فَضْلِ الْغَبَارِ فِي سَبِيلِ اللَّهِ (التحفة ٨)

١٦٣٣ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبْنُ الْمُبَارَكِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ الْمَسْعُودِيِّ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عِيسَى بْنِ طَلْحَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «لَا يَلْجُ النَّارَ رَجُلٌ بَكَى مِنْ حَسْبِهِ اللَّهُ حَتَّى يَعُودَ الْبَنْ in الصَّرْعِ، وَلَا يَجْمِعُ غُبَارٌ فِي سَبِيلِ اللَّهِ وَدُخَانُ جَهَنَّمَ». [قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ. وَمُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ هُوَ مَوْلَى أَبِي طَلْحَةَ مَدْنَيِّ.

تغرييغ: [صحيح] وأخرجه النسائي: ١٢/٣١٠، ح: ٣١١٠ (الجهاد)، باب فضل من عمل في سبيل الله على قدمه عن هناد به ورواه جعفر بن عون عن المسعودي به والحاكم: ٤/٢٦٠ وهو سمع من المسعودي قبل اختلاطه، وصححه الحاكم ووافقه الذهبي، وسيأتي الحديث للحادي: ١١/٢٣١١. وللحديث شواهد.

Comments:

The welling up of tears in a person’s eye from the fear of Allāh is an indication of how particular he is about obeying the commands of Allāh and avoiding the things prohibited by Him. Surely, a man of this distinguished quality is of the people of Paradise. The dust of the road that rises up like smoke shall screen the raging fire of Hell. And just as it is inconceivable that milk, once taken out shall go back into the udders, it is impossible that a person fears Allāh and enters the Hellfire. The statement is an example of what we call ‘attaching impossible conditions to the happening of an event’.

Chapter 9. What Has Been Related About The Virtue of Developing Gray Hair In Allāh's Cause

1634. Shurahbil bin As-Simt said: “O Ka'b bin Murrah! Relate (something) to us from the Messenger of Allāh ﷺ, and be

(المعجم ٩) - بَابُ مَا جَاءَ فِي فَضْلِ مَنْ شَابَ شَيْبَةً فِي سَبِيلِ اللَّهِ (التحفة ٩)

١٦٣٤ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو مُعاوِيَةَ عَنِ الْأَغْمَشِ، عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ أَنَّ شُرَحِيلَ بْنَ السَّمْطَ قَالَ:

cautious. He said: 'I heard the Prophet ﷺ say: "Whoever develops some gray hair in Islam, it shall be a light for him on the Day of Judgement." (*Daīf*)

[*Abū Eīsā* said:] There is something on this topic from *Faḍālah bin 'Ubaid* and *'Abdullāh bin 'Amr*. The narration of *Ka'b bin Murrah* was reported like this from *Al-A'mash*, from *'Amr bin Murrah*.

This *Hadīth* has been reported from *Mansūr*, from *Sālim bin Abū Al-Ja'd*, and he included a man between him and between *Ka'b bin Murrah* in the chain. He is called: "*Ka'b bin Murrah*," and he is called: "*Murrah bin Ka'b Al-Bahzī*," and the one known among the Companions of the Prophet ﷺ is *Ka'b bin Murrah Al-Bahzī*, he reported some *Aḥādīth* from the Prophet ﷺ.

تخریج: [إسناده ضعیف] وأخرجه النسائي: ٦/٢٧، ح: ٣١٤٦ (الجهاد، باب ثواب من رمي بهم في سبيل الله عزوجل) وابن ماجه، ح: ٢٥٢٢ من حديث أبي معاوية الضرير به والسندي متقطع ولبعض الحديث شواهد عند مسلم، ح: ١٥٠٩ والحميدي، ح: ٧٦٧ وغيرهما * وفي الباب عن فضالة بن عبيد [أحمد: ٦/٢٠ وعبدالله بن عمرو [يأتي: ٢٨٢١].

1635. 'Amr bin 'Abasah narrated that the Messenger of Allāh ﷺ said: "Whoever develops some gray hair in the cause of Allāh, it shall be a light for him on the Day of Judgement." (*Sahīh*)

[*Abū Eīsā* said:] This *Hadīth* is *Hasan Sahīh Gharīb*. As for *Haiwah bin Shuraih*, (the remainder of his name is) *Ibn Yazid Al-Himṣī*.

يا كعبُ بْنَ مُرَّةَ حَدَّثَنَا عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَاحْذَرْ، قَالَ: سَمِعْتُ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «مَنْ شَابَ شَيْئًا فِي الْإِسْلَامِ كَانَتْ لَهُ نُورًا يَوْمَ الْقِيَامَةِ».

[قال أبو عيسى:] وفي الباب عن فضالة بن عبيده، وعبد الله بن عمري. وحديث كعب بن مُرَّة، هكذا رواه الأعمش عن عمرو بن مُرَّة. وقد روی هذا الحديث عن منصور، عن سالم بن أبي الجعد وأدخل بينه وبين كعب ابن مُرَّة في الإسناد زجلاً، ويقال: كعب بن مُرَّة ويقال: مُرَّة بن كعب البهزي، والممعروف من أصحاب النبي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مُرَّة بن كعب البهزي، وقد روی عن النبي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أحاديث.

١٦٣٥ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ [المزروعي]: حَدَّثَنَا حَيْوَةُ بْنُ شُرَيْحٍ عَنْ بَقِيَّةَ، عَنْ بَحْرِيْرِ بْنِ سَعْدٍ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ كَبِيرِ بْنِ مُرَّةَ الْحَاضِرِيِّ، عَنْ عَمْرُو بْنِ عَبْسَةَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَنْ شَابَ شَيْئًا فِي سَبِيلِ اللَّهِ كَانَتْ لَهُ نُورًا يَوْمَ الْقِيَامَةِ».

[قال أبو عيسى:] هذا حديث حسن

صَحِيقٌ غَرِيبٌ، وَحَيْوَةُ بْنُ شُرَيْحٍ هُوَ ابْنُ يَزِيدَ الْحَمْصَيْشِ.

تخریج: [صحيح] وأخرجه أَحْمَدٌ: ٤٣٨٦ من حديث حِيَةٍ بِهِ وَبِقِيَةٍ صَرَحَ بِالسَّمَاعِ عَنْهُ ورواه النسائي، ح: ٣١٤٤ من حديث عمرو بن عبسة به وللحديث شواهد عند أبي داود، ح: ٣٩٦٦ والنمسائي وغيرهما.

Chapter 10. What Has Been Related About One Who Keeps And Prepares A Horse In The Cause Of Allāh

1636. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The forelocks of horses contain good until the Day of Judgement. The horse is for three (purposes): It is for one man a reward, and it is for one man a shelter (from poverty), and it is for one man a burden. As for the one whom it is a reward for, it is the one who acquires it for the cause of Allāh and then prepares it for that; it is for him a reward, nothing disappears into its stomach except that Allāh writes it for him as a reward.” [And there is a story in the *Hadīth*. (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. Mālik bin Anas narrated similar to this *Hadīth* from Zaid bin Aslam from Abū Ṣalīḥ from Abu Hurairah, from the Prophet ﷺ.

تخریج: [إسناده صحيح] وأخرجه النسائي: ٦/٢١٥، ح: ٣٥٩٢ (الخيل، باب: "الخيل معقود في نواصيها الخير إلى يوم القيمة") من حديث سهيل به مطولاً للحديث شواهد كثيرة * حديث مالك في الموطأ: ٢/٤٤٤-٤٤٦ بطوله ومن طريقه أخرجه البخاري، ح: ٢٨٦٠ ومسلم، ح: ٩٨٧ وغيرهما.

Comments:

The whiteness of the hair, shall illuminate the path of Paradise amidst the enveloping darkness of the Doomsday.

(المعجم ١٠) - بَابُ مَا جَاءَ مَنِ ارْتَبَطَ فَرَسًا فِي سَبِيلِ اللَّهِ (التحفة ١٠)

١٦٣٦ - حَدَّثَنَا عَبْدُ الْعَزِيزِ
ابْنُ مُحَمَّدٍ عَنْ سَهْلِ بْنِ أَبِي صَالِحٍ، عَنْ
أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْخَيْلُ مَعْفُودٌ فِي نَوَاصِبِهَا الْخَيْرُ إِلَى
يَوْمِ الْقِيَامَةِ، الْخَيْلُ لِلثَّلَاثَةِ: هِيَ لِرَجُلٍ أَخْرَى،
وَهِيَ لِرَجُلٍ سِتُّرٌ، وَهِيَ عَلَى رَجُلٍ وِرْرٌ، فَأَمَّا
الَّذِي هِيَ لَهُ أَجْرٌ فَالَّذِي يَتَعَذَّذُهَا فِي سَيْلٍ
اللَّهُ فَيَعْدُهَا لَهُ، هِيَ لَهُ أَجْرٌ لَا يَغْيِبُ فِي
بُطُونِهَا شَيْءٌ إِلَّا كَتَبَ اللَّهُ لَهُ أَجْرًا» [وفي
الْحَدِيثِ قِصَّةً].

[قال أبو عيسى:] هذا حديث حسن صحيح. وقد روى مالك بن أنس عن زيد ابن أسلم، عن أبي صالح، عن أبي هريرة عن النبي ﷺ نَحْنُ هَذَا الْحَدِيثُ.

تخریج: [إسناده صحيح] وأخرجه النسائي: ٦/٢١٥، ح: ٣٥٩٢ (الخيل، باب: "الخيل معقود في نواصيها الخير إلى يوم القيمة") من حديث سهيل به مطولاً للحديث شواهد كثيرة * حديث مالك في الموطأ: ٢/٤٤٤-٤٤٦ بطوله ومن طريقه أخرجه البخاري، ح: ٢٨٦٠ ومسلم، ح: ٩٨٧ وغيرهما.

Comments:

The *Hadīth* promises in no uncertain terms that horses shall continue to be used for *Jihād* until the Last Day and shall be a means of reward for the believers from Allāh in the Hereafter as well as the spoils of war in this world. The narration of the *Hadīth* as quoted in *Sahīh Muslim*, also mentions the three purposes connected with the horses and the three kinds of men who will keep them as referred to in the *Hadīth*. It also narrates a story related to them. (*Tuhfat Al-Ahwadhi*: v.3, p.6. Also see notes and comments on the *Hadīth* given in *Sahīh Muslim*).

Chapter 11. What Has Been Related About The Virtue Of Archery In The Cause Of Allāh

1637. ‘Abdullāh bin ‘Abdur-Rahmān bin Abū Ḥusain narrated that the Messenger of Allāh ﷺ said: “Indeed, Allāh will surely admit three into Paradise by a single arrow. Its maker who seeks good by his making it, the one who shoots it, and the one who holds arrows for him.” And he said: “Practice archery and practice riding, and that you should practice archery is more beloved to me than that you should ride. All idle pastimes that the Muslim man engages in are falsehood, except for his shooting of his bow, his training of his horse, and his playing with his wife, for they are from truth.” (*Sahīh*)

(Another chain) from ‘Abdullāh bin Al-Azraq, from ‘Uqbah bin ‘Āmir [Al-Juhanī] from the Prophet ﷺ with similar meaning.

[Abū ‘Eisā said:] There are narrations on this topic from Ka'b bin Murrah, ‘Amr bin ‘Abasah, and ‘Abdullāh bin ‘Amr. This *Hadīth* is *Hasan Sahīh*.

(المعجم ١١) - بَابُ مَا جَاءَ فِي فَضْلِ الرَّمَيِّ فِي سَبِيلِ اللَّهِ (التحفة ١١)

١٦٣٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْعِيْ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْحَاقَ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي حُسْنٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ اللَّهَ لِيُدْخِلُ بِالسَّهْمِ الْوَاحِدِ ثَلَاثَةَ الْجَنَّةَ: صَانِعَهُ يَحْتَسِبُ فِي صَنْعِهِ الْخَيْرَ، وَالرَّامِيُّ بِهِ، وَالْمُمْدَدُ بِهِ» وَقَالَ: «اَرْمُوا وَارْكُبُوا، وَلَا نَتَرْمُوا أَحَبَّ إِلَيَّ مِنْ أَنْ تَرْكُبُوا. كُلُّ مَا يَأْهُلُ بِهِ الرَّجُلُ الْمُسْلِمُ بَاطِلٌ إِلَّا رَمْيَةُ بَقْوَسٍ، وَتَأْدِيهُ فَرَسَةٌ، وَمُلَاعِبَتُهُ أَهْلُهُ، فَإِنَّهُنَّ مِنَ الْحَقِّ».

حَدَّثَنَا أَحْمَدُ بْنُ مَنْعِيْ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا هِشَامُ الدَّسْتُوائِيُّ عَنْ يَحْيَى ابْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَامٍ، عَنْ عَبْدِ اللَّهِ ابْنِ الْأَرْقَ، عَنْ عُقْبَةَ بْنِ غَامِرٍ [الْجُهَنَّمِيِّ] عَنِ النَّبِيِّ ﷺ مِثْلَهُ.

[قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ كَعْبِ ابْنِ مُرَّةَ، وَعَمْرُو بْنِ عَبْسَةَ، وَعَبْدِ اللَّهِ بْنِ عُمَرَ وَهَذَا حَدِيثُ حَسَنٌ صَحِيْحٌ.

تخریج: [صحيح] سنده ضعیف والحادیث الاتی شاهد له.

Comments:

Jihād in the cause of Allāh is an extremely virtuous act that fetches great reward from Allāh. As a consequence of it, activities like (i) manufacturing weapons for it with purity of intention, (ii) providing those weapons to the fighter, and (iii) replenishing them for him and exerting one's efforts in his defence, are all activities connected with *Jihād* that shall fetch reward from Allāh. And obviously, keeping the horses and training them for the purpose is also a part of that activity.

1638. Abū Najīḥ As-Sulamī [may Allāh be pleased with him] said, I heard the Messenger of Allāh ﷺ say: “Whoever shoots an arrow in the cause of Allāh, then he has the reward of freeing a slave.” (*Sahīh*)
[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. Abū Najīḥ is ‘Amr bin ‘Abasah As-Sulamī, and ‘Abdullāh bin Al-Azraq is ‘Abdullāh bin Zaid.

١٦٣٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مَعَاذُ بْنُ هِشَامَ عَنْ أَبِيهِ، عَنْ قَتَادَةَ، عَنْ سَالِمٍ أَبْنِ أَبِي الْجَعْدِ، عَنْ مَعْدَانَ بْنِ أَبِي طَلْحَةَ، عَنْ أَبِي نَجِيْحِ الشَّمْوِيِّ [رَضِيَ اللَّهُ عَنْهُ] قَالَ: سَوَعْتَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ رَمَى بِسْهَمٍ فِي سَبِيلِ اللَّهِ فَقُوَّهُ لَهُ عَدْلُ مُحَرَّرٌ».

[قالَ أَبُو عِيسَىٰ :] هَذَا حَدِيثٌ صَحِيحٌ ،
وَأَبُو نَجِيْحٍ هُوَ عَمْرُو بْنُ عَبْسَةَ السَّلَمِيِّ ،
وَعَنْدَ اللَّهِ بْنِ الْأَزْرَقِ هُوَ عَنْدَ اللَّهِ بْنِ زَيْدٍ .

تخریج: [صحيح] وأخرجه أبو داود، العنق، باب أبي الرقاب أفضل، ح: ٣٩٦٥ من حديث معاذ بن هشام به وفادة صرخ بالسماع عند ابن المبارك في كتاب الجهاد، ح: ٢١٩ وغيره، وصححه ابن حبان والحاكم والذهبي وغيرهم.

Comments:

Freeing slaves is an act of great virtue for which the promised reward is salvation from Fire. Equal in merit is a person using his weapons in the cause of Allāh. Therefore, learning and practising the use of weapons must be regarded as superior to practising the art of riding.

Chapter 12. What Has Been Related About The Virtue Of Standing Guard In The Cause Of Allāh

(المعجم ١٢) - بَابُ مَا جَاءَ فِي فَضْلِ
الْحَرَسِ فِي سَبِيلِ اللَّهِ (التحفة ١٢)

1639. Ibn ‘Abbās said: “I heard the Messenger of Allāh ﷺ saying, ‘There are two eyes that shall not be touched by the Fire: An eye that wept from the fear of Allāh, and an eye that spent the night standing

١٦٣٩ - حَدَّثَنَا نَصْرُ بْنُ عَلَيِّ الْجَهْصُومِيُّ : حَدَّثَنَا يَشْرُبُ بْنُ عُمَرَ : حَدَّثَنَا شَعِيبُ بْنُ رُزَيْقٍ أَبُو شَيْمَةَ : حَدَّثَنَا عَطَاءُ الْخَرَاسَانِيُّ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ ، عَنْ ابْنِ عَبَّاسٍ قَالَ : سَمِعْتُ رَسُولَ

on guard in the cause of Allāh.” (*Hasan*)

[*Abū ‘Eisā* said:] There are narrations on this topic from ‘Uthmān and *Abū Raihānāh*.

The *Hadīth* of *Ibn ‘Abbās* is a *Hasan Gharib Hadīth*, we do not know of it except through the narration of *Shu‘aib bin Ruzaiq*.

الله يَعْلَمُ يَقُولُ: «عَيْنَانِ لَا تَمْسُّهُمَا النَّارُ: عَيْنٌ بَكْثُرٌ مِنْ خَشْيَةِ اللهِ، وَعَيْنٌ بَأَنْتَ تَحْرُسُ فِي سَبِيلِ اللهِ». .

[قالَ أَبُو عِيسَى:] وفي الْبَابِ عَنْ عُثْمَانَ، وَأَبِي رَيْحَانَةَ.

[وَاحْدِيْثُ ابْنِ عَبَّاسٍ حَدِيْثُ حَسَنٍ غَرِيْبٍ لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيْثِ شَعِيْبٍ بْنِ رُزَيْقٍ.]

تَخْرِيج: [حسن] وأخرجه ابن أبي عاصم في الأحاديث والمثنوي، ح: ١٤٦ من حديث بشير بن عمر بن الحكم الزهراني به وللحديث شواهد عند النسائي: ١٥/٦، ٣١١٩: وابن أبي عاصم، ح: ٤٧: وغيرهما * وفي الباب عن عثمان [يأتي: ١٦٦٧] وأبي ريحانة [النسائي: ٦، ١٥/٦، ٣١١٩: ح]

Comments:

An eye that sheds tears from the fear of Allāh protects its owner from the invasion of his own soul as well as of Satan. An eye that stands guard in the night, likewise, protects the believers from the invasion of the enemy. As a reward for this service, the eyes are saved from Fire. However, as is obvious, the eye can only be saved from Fire if its master is saved from it.

Chapter 13. What Has Been Related About The Martyr’s Reward

1640. Anas narrated that the Messenger of Allāh ﷺ said: “Dying in the cause of Allāh expiates every sin.” Jibrīl said: “Except for debt.” So the Messenger of Allāh ﷺ said: “Except for debt.” (*Sahīh*)

[*Abū ‘Eisā* said:] There are narrations on this topic from *Ka‘b bin ‘Ujrah*, *Jābir*, *Abū Hurairah*, and *Abū Qātadah*. This *Hadīth* is *Gharīb*, we do not know of it as a *Hadīth* of *Abū Bakr* (a narrator) except from this *Shaikh* (*Yahyā bin Talhah*).

He said: I asked Muhammad bin Ismā‘il about this *Hadīth* and he

(المعجم (١٣) - بَابُ مَا جَاءَ فِي نَوَابِ الشَّهِيدِ (التحفة (١٣)

١٦٤٠ - حَدَّثَنَا يَحْيَى بْنُ طَلْحَةَ [الْيَهْرُوبِيُّ] الْكُوفِيُّ: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشَ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللهِ يَعْلَمُ: «الْفَتْلُ فِي سَبِيلِ اللهِ يُكَفِّرُ كُلَّ حَطَبَةَ»، فَقَالَ جِبْرِيلٌ إِلَّا الدِّينَ، فَقَالَ رَسُولُ اللهِ يَعْلَمُ: «إِلَّا الدِّينَ».

[قالَ أَبُو عِيسَى:] وفي الْبَابِ عَنْ كَعْبِ ابْنِ عَجْرَةَ، وَجَابِرٍ، وَأَبِي هُرَيْرَةَ، وَأَبِي قَتَادَةَ. وهَذَا حَدِيْثُ غَرِيْبٍ لَا تَعْرِفُهُ مِنْ حَدِيْثِ أَبِي بَكْرٍ إِلَّا مِنْ حَدِيْثِ هَذَا الشَّيْخِ.

did not know it. He said: "I think that he intended the *Hadīth* of Humaid, from Anas, from the Prophet ﷺ that he said: 'There is none from the people of Paradise who would like to return to the world except for the martyr.'"

قال: وسائلُ مُحَمَّدَ بْنِ إِسْمَاعِيلَ عَنْ هَذَا
الْحَدِيثِ فَلَمْ يَعْرِفْهُ، وَقَالَ أَرَى أَنَّهُ أَرَادَ
حَدِيثَ حُمَيْدٍ عَنْ أَنَسٍ عَنْ النَّبِيِّ ﷺ أَنَّهُ
قَالَ: لَيْسَ أَحَدٌ مِنْ أَهْلِ الْجَنَّةِ يَسْرُهُ أَنْ
يَرْجِعَ إِلَى الدُّنْيَا إِلَّا الشَّهِيدُ.

تخریج: [صحیح] سنده ضعیف وللحديث شواهد عند مسلم، ح: ١٨٨٦، ١١٩ وغیره * وفي الباب عن كعب بن عجرة [لم أجده] وجابر [البخاري، ح: ٤٠٤٦] ومسلم، ح: ١٨٩٩ وأحمد: ٣٢٥/٣، ٣٥٢، ٣٦٧، ٣٧٣ وأبي هريرة [ابن ماجه، ح: ٢٧٩٨] وأبي قتادة [يأتي: ١٧١٢].

Comments:

Although the *Hadīth* from this chain is not authentic; from another chain it is correct and sound, which shows that even an act as exceptionally meritorious as *Jihād* cannot wipe off the violations of the rights of men. Yet, if the dying man had the sincere intention to pay back the debt, but could not because of his extreme penury, then Allāh will do it on his behalf. (See *Takmilat Fath Al-Mal'*, v.3, p.413).

1641. Ka'b bin Mālik narrated from his father that the Messenger of Allāh ﷺ said: "The souls of the martyrs are in green birds, suspended from the fruit of Paradise, or the trees of Paradise." (*Da'if*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

١٦٤١ - حَدَّثَنَا أَبْنُ أَبِي عُمَرَ: حَدَّثَنَا
سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ
الرُّهْبَرِيِّ، عَنْ أَبْنِ كَعْبٍ بْنِ مَالِكٍ، عَنْ أَبِيهِ: أَنَّ
رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ أَرْوَاحَ الشُّهِيدَاءِ فِي طَيْرٍ
خُضْرٍ تَعْلُقُ مِنْ ثَمَرَةِ الْجَنَّةِ أَوْ شَجَرِ الْجَنَّةِ».
[قَالَ أَبُو عَيسَى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ.

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الرهد، باب ذكر القبر والبلى، ح: ٤٢٧١ والنسائي: ٤/١٠٨، ح: ٢٠٧٥ من حديث الزهري به وشيخ الزهري: عبد الرحمن بن عبد الله بن كعب، لم يسمع هذا الحديث من جده، راجع النهاية بتحقيقه، ح: ١٦٣٧ وصححه ابن حبان، ح: ٧٣٤ وهو في الموطأ: ١/٤٢٤، ٤٢٥، ح: ٢٧٩٣١؛ ٦/٤٢٤، ح: ٥٦٩ وله شاهد عند أحمد: ٢٤٠/١.

Comments:

Martyrs whose souls are prevented from entering Paradise on account of their unpaid debts or some other major sin, are lodged in the bellies of green birds and are free to go anywhere inside Paradise. They are also free to take their resort in the lamps suspended from the Mighty Throne. (For details regarding the sojourns of the souls, see *Kitāb Ar-Rūh* by Imām Ibn Qayyim. pp.143-145).

1642. Abū Hurairah narrated that the Messenger of Allāh ﷺ said, “I was shown the first of (every) three to enter Paradise: A martyr, an ‘Affīf,^[1] who is a *Muta’affif*,^[2] and a slave who perfected his worship of Allāh, and was sincere to his masters.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*.

١٦٤٢ - حَدَّثَنَا مُحَمَّدُ بْنُ شَارِ: حَدَّثَنَا عُثْمَانُ بْنُ عُمَرَ: أَخْبَرَنَا عَلَيُّ بْنُ الْمُبَارَكَ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عَامِرِ الْعَقِيلِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «عُرِضَ عَلَيَّ أَوْلُ ثَلَاثَةٍ يَدْخُلُونَ الْجَنَّةَ: شَهِيدٌ، وَغَفِيفٌ مُتَعَفِّفٌ، وَعَبْدٌ أَحْسَنَ عِبَادَةً اللَّهُ وَنَصَحَ لِمَوَالِيهِ».

[قال أبو عيسى:] هذا حديث حسن.

تخریج: [إسناده حسن] وأخرجه أحمد: ٤٧٩ / ٢، خزيمة و ابن حبان، ح: ١٢٠٣، ١٥٦١ وغيرهما، يحيى بن أبي كثیر صرخ بالسماع عند المحاکم . (٣٨٧ / ١)

Comments:

The first person chosen (from amongst the first batch of three) for admittance into Paradise was a martyr. This shows what the exalted rank a martyr enjoys before Allāh.

1643. Anas narrated that the Prophet ﷺ said, “There is no person who dies having good (prepared for him) with Allāh, who wishes to return to the world, and to have the world and all that it contains, except for the martyr because of what he knows about the virtue of martyrdom. For, indeed he loves to return to the world so that he may be killed another time.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

[Ibn Abī ‘Umar said: “Sufyān bin ‘Uyainah said: “Amr bin Dīnār was older than Az-Zuhri.””]^[3]

١٦٤٣ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرٍ: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ عَنِ النَّبِيِّ ﷺ قَالَ: «مَا مِنْ عَبْدٍ يَمُوتُ لَهُ عِنْدَ اللَّهِ حَيْرٌ يُحِبُّ أَنْ يَرْجِعَ إِلَى الدُّنْيَا، وَأَنَّ لَهُ الدُّنْيَا وَمَا فِيهَا، إِلَّا الشَّهِيدُ لِمَا يَرَى مِنْ فَضْلِ الشَّهَادَةِ، فَإِنَّهُ يُحِبُّ أَنْ يَرْجِعَ إِلَى الدُّنْيَا فَيُقْتَلَ مَرَّةً أُخْرَى».

[قال أبو عيسى:] هذا حديث حسن صحيح [قال ابن أبي عمر:] قال سفيان بن عيينة: كان عمرو بن دينار أحسن من الرهري.

^[1] The one who avoids that which is prohibited. See *Tuhfat Al-Ahwadhi*.

^[2] The one who refrains from asking, being content with the basic from seeking the better food or clothing. And it is said: The one who refrains from that which is not befitting for him, being patient in opposing his self and its desires. See *Tuhfat Al-Ahwadhi*.

^[3] ‘Amr bin Dīnār appears in no. 1641 reporting from Az-Zuhri.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب الحور العین وصفتها، ح: ٢٧٩٥ ومسلم، ح: ١٨٧٧ من حديث حميد الطويل به.

Comments:

A place in Paradise to a person shall, in his sight, be a favor worth more than having the world and all that it contains. That is why no one in Paradise would ever like to go back to the world. The martyr, however, immensely pleased as he would be with the favors granted to him by Allāh in Paradise, would wish to be given another chance to go back to the world and once again lay down his life in the cause of Allāh, in order to secure even greater status in Paradise.

Chapter 14. What Has Been Related About The Excellence Of Martyrs With Allāh

1644. Fadālah bin ‘Ubaid narrated that he heard ‘Umar bin Al-Khaṭṭāb saying: ‘I heard the Messenger of Allāh ﷺ saying: ‘The martyrs are four: A believing man whose faith is good, he meets the enemy and proves faithful to Allāh until he is killed. That is the one to whom the people will raise up their eyes like this on the Day of Judgement’ and he raised his head until his *Qalansūwah* fell – [he said:] I do not know if it was ‘Umar’s *Qalansūwah* or the *Qalansūwah* of the Prophet ﷺ that fell – he said: ‘And a believing man whose faith is good (but not as brave as the first), he meets the enemy, but due to cowardice, it only appears that he was struck with a thorn of an acacia tree when an unexpected arrow comes to him, yet it kills him. He is among the second level. And a believing man who has mixed a righteous deed with another evil one, he meets his enemy and proves faithful to Allāh until he is killed. This one is in the

(المعجم ١٤) - بَابُ مَا جَاءَ فِي فَضْلِ الشُّهَدَاءِ عِنْدَ اللَّهِ (التحفة ١٤)

١٦٤٤ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا ابْنُ لَهِيَعَةَ عَنْ عَطَاءَ بْنِ دِيَارٍ، عَنْ أَبِي يَزِيدَ الْخَوَلَانِيِّ: أَنَّهُ سَمِعَ فَضَالَةَ بْنَ عُيَيْدٍ يَقُولُ: سَمِعْتُ عُمَرَ بْنَ الْخَطَّابَ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «الشُّهَدَاءُ أَرْبَعَةٌ: رَجُلٌ مُؤْمِنٌ جَيْدٌ إِيمَانَ لَقِيَ الْعَدُوَّ فَصَدَّقَ اللَّهُ حَتَّىٰ قُتِلَ، فَذَاكَ الَّذِي يَرْفَعُ النَّاسُ إِلَيْهِ أَغْيَاهُمْ يَوْمَ الْقِيَامَةِ هَكُذا» وَرَفَعَ رَأْسَهُ حَتَّىٰ وَقَعَتْ فَلَسْوَتُهُ، - [قَالَ: فَلَا أَدْرِي فَلَسْوَةَ عُمَرَ أَرَادَ أَمْ فَلَسْوَةَ الْبَيْهِيِّ - قَالَ: «وَرَجُلٌ مُؤْمِنٌ جَيْدٌ إِيمَانَ لَقِيَ الْعَدُوَّ فَكَانَمَا ضُرِبَ جَلْدُهُ بِسُوكٍ طَلْحٍ مِنَ الْجُبْنِ أَتَاهُ سَهْمٌ غَرْبٌ فَقَتَلَهُ، فَهُوَ فِي الدَّرَجَةِ الثَّالِثَةِ، وَرَجُلٌ مُؤْمِنٌ خَلَطَ عَمَلاً صَالِحًا وَآخَرَ سَيِّئًا لَقِيَ الْعَدُوَّ فَصَدَّقَ اللَّهُ حَتَّىٰ قُتِلَ فَذَاكَ فِي الدَّرَجَةِ الثَّالِثَةِ، وَرَجُلٌ مُؤْمِنٌ أَسْرَفَ عَلَى نَفْسِهِ لَقِيَ الْعَدُوَّ فَصَدَّقَ اللَّهُ حَتَّىٰ قُتِلَ، فَذَاكَ فِي الدَّرَجَةِ الرَّابِعَةِ».

third level. And a believing man who wasted himself (in wrongdoing), he meets the enemy and proves faithful to Allāh until he is killed. This one is in the fourth level.”” (*Da’īf*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Gharīb*, it is not known except as a narration of ‘Atā’ bin Dīnār.

He said: I heard Muḥammad saying: “Sa‘eed bin Abī Ayyūb reported this *Hadīth* from ‘Atā’ bin Dīnār – from some *Shaikhs* of Khawlān – and he did not mention ‘from Abū Yazīd’ in it.” And he said: “Atā’ bin Dīnār; there is no harm in him.”

تخریج: [إسناده ضعیف] وأخرجه ابن المبارك في الجهاد، ح ١٢٦ وأحمد: ٢٢١ من حديث ابن لهيعة به وأبو يزيد الخولاني لم يوثقه غير الترمذی فيما أعلم فهو ”مجهول“ (تقریب) فالسند ضعیف من أجله.

Comments:

The *Hadīth* indicates that all the four martyrs are equal in faith. Yet the first one is courageous while the second is not as courageous as the first. Being a little below the first in rank, he is in the second level. The third and fourth are, likewise, equal in faith. However, the fourth has more wrongdoings in his account; therefore he ranks fourth in status.

Chapter 15. What Has Been Related About Naval Battles

1645. Ishāq bin ‘Abdullāh bin Abī Ṭalhah narrated that he heard Anas [bin Mālik] saying: “The Messenger of Allāh ﷺ used to visit Umm Ḥarām bint Milhān, who would offer him meals. Umm Ḥarām was the wife of ‘Ubādah bin Aṣ-Ṣāmit. Once the Messenger of Allāh ﷺ visited her and she provided him with some food and started inspecting his head for lice. Then the Messenger of Allāh ﷺ

[قال أبو عيسى:] هَذَا حَدِيثُ حَسْنٌ غَرِيبٌ لَا يُعْرَفُ إِلَّا مِنْ حَدِيثِ عَطَاءِ بْنِ دِينَارٍ [قال:] سَمِعْتُ مُحَمَّداً يَقُولُ: قَدْ رَوَى سَعِيدُ بْنُ أَبِي أَئْوَبَ هَذَا الْحَدِيثَ عَنْ عَطَاءِ بْنِ دِينَارٍ - [وقال] - عَنْ أَشْيَاعِهِ مِنْ خَوْلَانَ وَلَمْ يَذْكُرْ فِيهِ عَنْ أَبِي يَزِيدٍ. وَقَالَ: عَطَاءُ بْنُ دِينَارٍ لَيْسَ بِهِ بَاسٌ.

(المعجم ١٥) - بَابُ مَا جَاءَ فِي غَرْبِ الْعُخْرِ (التحفة ١٥)

١٦٤٥ - حَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُونُ: حَدَّثَنَا مَالِكُ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ [بْنِ مَالِكٍ] أَنَّهُ سَمِعَهُ يَقُولُ: كَانَ رَسُولُ اللَّهِ ﷺ يَدْخُلُ عَلَى أُمِّ حَرَامٍ يُشَتِّتُ مُلْحَانَ فَتَطْعَمُهُ، وَكَانَتْ أُمُّ حَرَامٍ تَحْتَ عَبَادَةَ بْنِ الصَّابِرِيَّةِ، فَدَخَلَ عَلَيْهَا رَسُولُ اللَّهِ ﷺ يَوْمًا فَأَطْعَمَهُ وَحَبَسَتْهُ نَفْلِيَّ رَأْسَهُ، فَنَامَ رَسُولُ اللَّهِ ﷺ

slept, and afterwards he awoke smiling.

She said: 'I said: "What causes you to smile, O the Messenger of Allāh ﷺ?" He said: "Some of my followers who were displayed before me (in a dream) as fighters in Allāh's cause, riding on a ship on this ocean who were kings upon thrones, or like kings upon thrones." I said: "O Messenger of Allāh! Supplicate to Allāh to make me among them.'" So he supplicated for her. Then he lay down his head to sleep. Then he woke up and he was smiling. She said: 'So I said to him: "What causes you to smile, O the Messenger of Allāh ﷺ?" He said: "Some of my followers who were displayed before me (in a dream) as fighters in Allāh's cause," and he said similar to what he said earlier. She said: 'I said: "O Messenger of Allāh! Supplicate to Allāh to make me among them." He said: "You are from the earlier ones." He said: "So Umm Ḥarām rode on the sea during the time of Mu'awiyah bin Abī Sufyān. She was thrown from her riding animal after she arrived from the ocean voyage, and she died." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*. Umm Ḥarām bint Milhān is the daughter of Umm Sulaim, the maternal aunt of Anas bin Mālik.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب الدعاء بالجهاد والشهادة للرجال والنساء، ح: ٢٧٨٩، ٢٧٨٨ ومسلم، ح: ١٩١٢ من حديث مالك به وهو في الموطأ: ٢، ٤٦٥.

ثُمَّ أَسْتَيقَطْ وَهُوَ يَضْحَكُ، قَالَتْ: فَقُلْتُ
ما يُضْحِكُكَ يَا رَسُولَ اللَّهِ؟ قَالَ: «نَاسٌ مِنْ
أُمَّتِي عَرِضُوا عَلَيَّ غُرَاءً فِي سَبِيلِ اللَّهِ يَرْكَبُونَ
بَيْحَ هَذَا الْبَحْرِ مُلْوُكٌ عَلَى الْأَسْرَةِ، أَوْ مِثْلُ
الْمُلْوُكِ عَلَى الْأَسْرَةِ». قُلْتُ: يَا رَسُولَ اللَّهِ،
اذْعُ اللَّهَ أَنْ يَجْعَلَنِي مِنْهُمْ فَدَعَا لَهَا، ثُمَّ وَضَعَ
رَأْسَهُ فَنَامَ ثُمَّ أَسْتَيقَطْ وَهُوَ يَضْحَكُ، قَالَتْ:
فَقُلْتُ لَهُ مَا يُضْحِكُكَ يَا رَسُولَ اللَّهِ؟ قَالَ:
«نَاسٌ مِنْ أُمَّتِي عَرِضُوا عَلَيَّ غُرَاءً فِي سَبِيلِ
اللَّهِ» تَحْوَى مَا قَالَ فِي الْأَوَّلِ. قَالَتْ: فَقُلْتُ يَا
رَسُولَ اللَّهِ اذْعُ اللَّهَ أَنْ يَجْعَلَنِي مِنْهُمْ، قَالَ:
«أَنْتِ مِنَ الْأَوَّلِينَ» قَالَ: فَرَبِّكُتِ أُمُّ حَرَامَ
الْبَحْرَ فِي زَمَانِ مُعاوِيَةَ بْنِ أَبِي شُفَيْفَةَ
فَصُرِعْتَ عَنْ دَابِّتِهَا حِينَ خَرَجْتَ مِنَ الْبَحْرِ
فَهَلَكْتَ.

[قال أبو عيسى:] هذا حديث حسن صحيح.

وأم حرام بنت ملحان هي أخت أم شلبيم، وهي حالة أنس بن مالك.

Chapter 16. What Has Been Related About One Who Fights For Show And For Wordly Matters

1646. Abū Mūsā narrated: “The Messenger of Allāh ﷺ was asked about a man who fights out of bravery, one who fights out of protection (for himself or others), and one who fought to be seen. Which of them is in the cause of Allāh? He said: ‘Whoever fought so that the Word of Allāh is supreme, then he is in Allāh’s cause.’” (*Sahīh*)

[Abū ‘Eisā said:] There is something on this topic from ‘Umar.

This *Hadīth* is *Hasan Sahīh*.

تخریج: متفق عليه، مسلم، الإمارة، باب من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله، ح: ١٩٠٤ من حديث أبي معاوية الضرير والبخاري، ح: ٧٤٥٨ من حديث الأعمش به * وفي الباب عن عمر [يأتي: ١٦٤٧].

Comments:

A person’s going to war could be for several reasons: hope of getting the spoils of war; show of one’s valour and bravery; nationalistic motives; desire for revenge; search for personal glory; or for establishing the supremacy of Allāh’s Word. The Prophet ﷺ explained that only the person fighting for the supremacy of Allāh’s Word is fighting in the cause of Allāh.

1647. ‘Umar bin Al-Khattāb narrated that the Messenger of Allāh ﷺ said: “Deeds are but with intentions, and for the man is only what he intended. So one whose emigration was to Allāh and His Messenger, then his emigration was to Allāh and His Messenger. And one whose emigration was to the world, to attain some of it, or a woman, to marry her, then his emigration was to what he emigrated.” (*Sahīh*)

(المعجم ١٦) - بَابُ مَا جَاءَ فِيمَنْ
يُقَاتِلُ رِيَاءً وَلِلَّدُنْيَا (التحفة ١٦)

١٦٤٦ - حَدَّثَنَا هَنَّا دُبَيْعُ بْنُ عَمَّارٍ مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ شَيْقَقِ بْنِ سَلَمَةَ، عَنْ أَبِي مُوسَى قَالَ: سُئِلَ رَسُولُ اللَّهِ ﷺ عَنِ الرَّجُلِ يُقَاتِلُ شَجَاعَةً وَيُقَاتِلُ حَمِيَّةً وَيُقَاتِلُ رِيَاءً، فَأَيُّ ذَلِكَ فِي سَبِيلِ اللَّهِ؟ قَالَ: «مَنْ قَاتَلَ لِتَكُونَ كَلِمَةُ اللَّهِ هِيَ الْعُلْيَا فَهُوَ فِي سَبِيلِ اللَّهِ».

[قالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ عُمَرَ [وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ .

١٦٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ المُثَنَّى: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيِّ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ بْنِ وَقَاصِ الْأَيْتَمِيِّ، عَنْ عُمَرَ بْنِ الْخَطَّابِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا الْأَعْمَالُ بِالنِّتَّيَةِ، وَإِنَّمَا لِأَمْرِيَءٍ مَا نَوَى، فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللَّهِ وَإِلَى رَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ إِلَى دُنْيَا يُصِيبُهَا أَفَمْرَأَةٌ يَتَرَوَّجُهَا فَهِجْرَتُهُ إِلَى مَا هَا جَرَ إِلَيْهِ».

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. Mālik bin Anas, Sufyān Ath-Thawrī and more than one of the *A’imma* narrated this *Hadīth* from Yaḥya bin Sa’eed. And we do not know of it except as a narration of Yaḥya bin Sa’eed [Al-Anṣārī]. ‘Abdur-Rahmān bin Maḥdī said: “It is necessary that we put this *Hadīth* in every chapter.”]

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ صَحِيقٌ .
وَقَدْ رَوَى مَالِكُ بْنُ أَنَّسٍ وَسُفْيَانُ التَّوْرِيُّ
وَعَيْزُورٌ وَاحِدٌ مِنَ الْأَئِمَّةِ هَذَا عَنْ يَحْيَى بْنِ سَعِيدٍ
وَلَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ يَحْيَى بْنِ سَعِيدٍ
[الأنصارى] قال عبد الرحمن بن مهدى: يُنْبَغِي
أَنْ تَضَعَ هَذَا الْحَدِيثَ فِي كُلِّ بَابٍ .

تخریج: متفق عليه، وأخرجه مسلم، الإمارة، باب قوله ﷺ: “إنما الأعمال بالنية” وأنه يدخل فيه الغزو وغيره من الأعمال، ح: ١٩٠٧ عن محمد بن المثنى والبخاري، ح: ٦٦٨٩ من حديث عبدالوهاب الشفقي به.

Comments:

The *Hadīth* is explicit on the point that, in order to decide the right of an action from wrong or evaluate its acceptability, the motive or incentive that prompted the man to do it, is considered.

Chapter 17. What Has Been Related About Going Out In The Morning And The Afternoon In The Cause Of Allāh

1648. Sahl bin Sa’d As-Sā’idī narrated that the Messenger of Allāh ﷺ said: “Going out in the morning in the cause of Allāh is better than the world and what is in it. And the place (the size) of a whip in Paradise is better than the world and what is in it.” (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from Abū Hurairah, Ibn ‘Abbās, Abū Ayyūb, and Anas.

This *Hadīth* is *Hasan Sahīh*.

(المعجم ١٧) - بَابُ مَا جَاءَ فِي الْغُدُوِّ
وَالرَّوَاحِ فِي سَبِيلِ اللَّهِ (التحفة ١٧)

١٦٤٨ - حَدَثَنَا قُتَيْبَةُ: حَدَثَنَا العَطَافُ بْنُ خَالِدٍ الْمَخْزُومِيُّ عَنْ أَبِي حَازِمٍ، عَنْ سَعْدِ
ابْنِ سَعْدٍ السَّاعِدِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ
ﷺ: (غَدُوَّةٌ فِي سَبِيلِ اللَّهِ خَيْرٌ مِنَ الدُّنْيَا وَمَا
فِيهَا، وَمَوْضِعٌ سُوْطٌ فِي الْجَنَّةِ خَيْرٌ مِنَ الدُّنْيَا
وَمَا فِيهَا) .

[قال أبو عيسى:] وفي الباب عن أبي هريرة، وابن عباس، وأبي أيوب، وأنس.
[و]هذا حديث حسن صحيح .

تخریج: [صحيح] وأخرجه ابن ماجه، الجهاد، باب فضل الغدوة والروحة في سبيل الله عزوجل، ح: ٢٧٥٦ من حديث أبي حازم به ورواه البخاري، ح: ٢٧٩٤ ومسلم، ح: ١٨٨١ من طرق عن أبي حازم به * وفي الباب عن أبي هريرة [يأتي: ١٦٤٩] وابن عباس [يأتي: ١٦٤٩] وأبي أيوب [مسلم، ح: ١٨٨٣] وأنس [يأتي: ١٦٥١].

Comments:

Jihād is such a prized deed before Allāh, that going out in the morning or evening just for a little while in the cause of Allāh has merit that nothing, not even giving the whole world in charity, shall equal it in merit. Similarly, even getting the narrowest space for one's abode in Paradise is worth more than the entire world and all that it contains.

1649. Abū Hurairah and Ibn 'Abbās narrated that the Prophet ﷺ said: "Going out in the morning in the cause of Allāh, or in the afternoon, is better than the world and what is in it." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharīb*.

[The Abū Hāzim who reported from Sahl bin Sa'd is Abū Hāzim Az-Zāhid. He is from Al-Madīnah, and his name is Salamah bin Dīnār.] While [this] Abū Hāzim who reported from Abū Hurairah is [Abū Hāzim Al-Ashja'i] Al-Kūfi, whose name is Salmān, and he is the freed slave of 'Azzah Al-Ashja'iyyah.

تخریج: [صحيح] وأخرجه ابن ماجه، أيضاً، ح: ٢٧٥٥ من حديث أبي خالد الأحمر به وللحديث شواهد كثيرة منها الحديث السابق.

Comments:

Going out even for a short period of time, whether in the morning or afternoon, in the cause of Allāh is better than the world and all that it contains. The words "morning" and "afternoon" are used to describe the general practice of the people who set out on their journeys at these hours. It does not mean that going out at any other time of the day or night would not earn a reward from Allāh.

1650. Abū Hurairah narrated: "A man from the Companions of the Prophet ﷺ passed by a ravine containing a small spring of thirst quenching water, so he was amazed by how pleasant it was. So he said: 'I should leave the people and stay

١٦٤٩ - حَدَّثَنَا أَبُو سَعِيدُ الْأَشْجَعُ : حَدَّثَنَا
أَبُو خَالِدٍ الْأَخْمَرُ عَنْ أَبِي عَجْلَانَ، عَنْ أَبِي
حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ.
وَالْحَجَاجُ عَنِ الْحَكَمِ عَنْ مَقْسُمٍ، عَنْ أَبِي
عَبَّاسٍ عَنِ النَّبِيِّ ﷺ قَالَ: «عَذْوَةٌ فِي سَبِيلِ
اللَّهِ أَوْرَوْحَةٌ خَيْرٌ مِّنَ الدُّنْيَا وَمَا فِيهَا».
[قالَ أَبُو عَيسَى :] هَذَا حَدِيثُ حَسَنٍ
غَرِيبٌ. [وَأَبُو حَازِمٍ الَّذِي رَوَى عَنْ سَهْلِ
ابْنِ سَعْدٍ هُوَ أَبُو حَازِمٍ الزَّاهِدُ وَهُوَ مَدْنَيٌّ
وَاسْمُهُ سَلَمَةُ بْنُ دِينَارٍ] وَأَبُو حَازِمٍ [هَذَا]
الَّذِي رَوَى عَنْ أَبِي هُرَيْرَةَ هُوَ [أَبُو حَازِمٍ
الْأَشْجَعِيُّ] الْكُوفِيُّ [وَاسْمُهُ سَلْمَانٌ وَهُوَ
مَوْلَى عَرَةَ الْأَشْجَعِيَّةَ].

١٦٥٠ - حَدَّثَنَا عَبْيُودُ بْنُ أَسْبَاطٍ بْنُ مُحَمَّدٍ
[الْقَرَشِيُّ الْكُوفِيُّ] : حَدَّثَنَا أَبِي عَنْ هِشَامٍ بْنِ
سَعْدٍ، عَنْ سَعِيدِ بْنِ أَبِي هَلَالٍ، عَنْ أَبِي
دُبَابٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: مَرَّ رَجُلٌ مِّنْ

in this ravine. But I will not do it until I seek permission from the Messenger of Allāh ﷺ. So he mentioned that to the Messenger of Allāh ﷺ and he said: ‘Do not do so. For indeed one of you standing in the cause of Allāh is more virtuous than his *Salāt* in his house for seventy years. Do you not love that Allāh forgive your sins and admit you into Paradise? Then fight in the cause of Allāh, for whoever fights in Allāh’s cause for the time it takes for two milkings of a camel, then Paradise is obligatory for him.’” (*Hasan*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan*.

تخریج: [إسناده حسن] وأخرجه أحمد: ٤٤٦/٢، ٥٢٤ من حديث هشام بن سعد به وصححه عبدالغنى المقدسى والحاکم على شرط مسلم: ٦٨/٢ وواقه الذهبي وللحديث شواهد.

Comments:

The way to milk a she-camel is that they milk her for a while then give her a break so that its foal sucks her and the milk comes down again. The time between the two milkings is known as *Fuwāq-u-Nāqah* (literally, hiccups of the she-camel). It means that even a little period of time spent in *Jihād* is more meritorious than the voluntary *Salāt* of seventy years in one’s house. It may be mentioned here that it is only the voluntary *Salāt* that is performed at home.

1651. Anas narrated that the Messenger of Allāh ﷺ said: “To go out in the cause of Allāh in the morning, or the afternoon, is better than the world and what is in it. And the space that a bow of one of you – or the space that his hand – would occupy in Paradise is better than the world and what is in it. And if a woman among the women inhabiting Paradise were to appear to the people of the earth, then she would illuminate what is between

أصحابِ النَّبِيِّ ﷺ يُشْعِبُ فِيهِ عَيْنَةً مِنْ مَاءِ عَذْبَةٍ فَأَعْجَبَهُ لِطَيْهَا، فَقَالَ: لَوْ اغْتَرَثْتُ النَّاسَ فَأَفَاقَتْ فِي هَذَا الشَّعْبِ وَلَنْ أَفْعَلْ حَتَّى أَسْتَأْذِنَ رَسُولَ اللَّهِ ﷺ، فَذَكَرَ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «لَا تَعْمَلْ فَإِنَّ مَقَامَ أَحَدِكُمْ فِي سَبِيلِ اللَّهِ أَفْضَلُ مِنْ صَلَاتِهِ فِي بَيْتِهِ سَبْعِينَ عَامًا، أَلَا تُحِبُّونَ أَنْ يَعْفُرَ اللَّهُ لَكُمْ، وَيُنْهَا لَكُمُ الْجَنَّةُ؟ اغْزُوا فِي سَبِيلِ اللَّهِ مَنْ قَاتَلَ فِي سَبِيلِ اللَّهِ فُوقَ نَافَةٍ وَجَبَتْ لَهُ الْجَنَّةُ». .

[قال أبو عيسى:] هذا حديث حسن.

١٦٥١ - حَدَّثَنَا عَلَيْهِ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْعَدْوَةُ فِي سَبِيلِ اللَّهِ أَوْ رُوحَةُ خَيْرٍ مِنَ الدُّنْيَا وَمَا فِيهَا، وَلِقَابُ قَوْسٍ أَحَدِكُمْ أَوْ مَوْضِعُ يَدِهِ فِي الْجَنَّةِ خَيْرٍ مِنَ الدُّنْيَا وَمَا فِيهَا، وَلَوْ أَنَّ امْرَأَ مِنْ يَنْسَاءِ أَهْلِ الْجَنَّةِ اطْلَعَتْ إِلَى الْأَرْضِ لَأَضَاءَتْ مَا بَيْنَهُمَا، وَلَمَلَأْتْ مَا بَيْنَهُمَا رِيحًا، وَلَنَصِيفُهَا عَلَى رَأْسِهَا خَيْرٌ مِنَ الدُّنْيَا وَمَا فِيهَا».

them (the heavens and the earth), and a pleasant scent would fill up what is between them, and the scarf on her head is better than the world and what is in it.” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: متفق عليه، أخرجه البخاري، الرفاق، باب صفة الجنة والنار، ح: ٦٥٦٧؛ ٦٥٦٨ من حديث إسماعيل بن جعفر به رواه مسلم، ح: ١٨٨٠ من حديث أنس به مختصرًا.
قال أبو عيسى: هذا حديث صحيح.

Comments:

The *Hadīth* tells us that if a man of faith separates himself from his home and the women of the house even for a small period of time in Allāh’s cause, he will be admitted to Paradise whose smallest space shall be better than the entire world and all that is in it.

Chapter 18. What Has Been Related About Who Is The Best Of People

1652. Ibn ‘Abbās narrated that the Prophet ﷺ said: “Shall I not inform you of the best of the people? A man who takes hold of the reins of his horse in Allāh’s cause. Shall I not inform you of the one who comes after him? The man who secludes himself from the people with a small group of sheep of his, thereby fulfilling Allāh’s rights. Shall I not inform you about the worst of the people? A man who is asked by (the Name of) Allāh, but not given by Him.”^[1] (*Hasan*)

(المعجم ١٨) - بَابُ مَا جَاءَ أَيُّ النَّاسِ
خَيْرٌ (التحفة ١٨)

١٦٥٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا ابْنُ لَهِيَعَةَ عَنْ بُكَيْرٍ [بْنِ عَبْدِ اللَّهِ] بْنِ الْأَشْجَحِ، عَنْ عَطَاءٍ ابْنِ يَسَارٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ قَالَ: «أَلَا أَخْبِرُكُمْ بِخَيْرِ النَّاسِ؟ رَجُلٌ مُمْسِكٌ بَعْنَانَ فَرَسِيهِ فِي سَبِيلِ اللَّهِ، أَلَا أَخْبِرُكُمْ بِالذِّي يَتَلَوُهُ؟ رَجُلٌ مُعْتَدِلٌ فِي عَيْمَةِ لَهُ يُؤْتَى حَقُّ اللَّهِ فِيهَا، أَلَا أَخْبِرُكُمْ بِشَرِّ النَّاسِ؟ رَجُلٌ يُسَأَلُ بِاللَّهِ وَلَا يُعْطَى بِهِ». **قال أبو عيسى:** هذا حديث حسن غريبٌ من هذا الوجه. ويروى هذا الحديث من غيره وجوه عن ابن عباس عن النبي ﷺ.

^[1] This narration is recorded by Ahmad (1:237 and others), An-Nasā’i (no. 2570), Ibn Ḥibbān (no. 604/1594 - *Mawārid*) and others. See *As-Sahīhah* no.255. The last person: “A man who is asked by (the Name of) Allāh, but not give by Him” is also recited, alternatively with the meaning: “A man who asks...” many of the commentaries consider that to be more correct. Here, it has been translated according to the text.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb* from this route. This *Hadīth* has been reported through other routes from Ibn ‘Abbās, from the Prophet ﷺ.

تخریج: [حسن] وأخرجه النسائي: ٨٣ / ٥، ح: ٢٥٧٠ (الزكاة، باب من يسأل بالله عز وجل ولا يعطي به) من حديث عطاء بن يسار به ورواه عمرو بن العاص عن بكير بن عبد الله به عند ابن حبان، ح: ١٥٩٤ (موارد).

Comments:

The best of all deeds is to keep oneself and one's horses ready for the call of *Jihād*, and the best of all men is the one who fulfills this requirement. If prevailing conditions become so unfavorable as to make it impossible for a person to live in the midst of the people and keep one's faith intact, and there is every likelihood that, far from reforming others, even his own adherence to faith is threatened, the second best thing after *Jihād* for him to do is to take to a life of seclusion with his small herd of sheep.

Chapter 19. What Has Been Related About One Who Asks For Martyrdom

1653. Sahl bin Abī Umāmah bin Sahl bin Ḥunaif narrated from his father, from his grandfather, that the Prophet ﷺ said: “Whoever asks Allāh for martyrdom sincerely from his heart, Allāh will grant the status of martyrdom for him, even if he were to die in his bed.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb* as a narration of Sahl bin Ḥunaif. We do not know of it except from the report of ‘Abdur-Rahmān bin Shuraiḥ. ‘Abdullāh bin Ṣalīḥ reported it from ‘Abdur-Rahmān bin Shuraiḥ, and ‘Abdur-Rahmān bin Shuraiḥ’s *Kunya* is Abū Shuraiḥ, and he is from Iskandarānī.

There is something on this topic from Mu‘ādh bin Jabal.

(المعجم ١٩) - بَابُ مَا جَاءَ فِيمَنْ سَأَلَ
الشَّهَادَةَ (التحفة ١٩)

١٦٥٣ - حَدَّثَنَا مُحَمَّدُ بْنُ سَهْلٍ بْنُ عَسْكَرٍ
[البغدادي]: حَدَّثَنَا الْقَاسِمُ بْنُ كَثِيرٍ
[المصربي]: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ شُرَيْحٍ أَنَّهُ
سَيَّعَ سَهْلَ بْنَ أَبِي أُمَامَةَ بْنِ سَهْلٍ بْنِ حُنَيْفٍ
يُحَدِّثُ عَنْ أَبِيهِ، عَنْ جَدِّهِ عَنِ النَّبِيِّ ﷺ قَالَ:
«مَنْ سَأَلَ اللَّهَ الشَّهَادَةَ مِنْ قَلْبِهِ صَادِقًا بِلَغْةِ اللَّهِ
مَنَازِلُ الشُّهَدَاءِ وَإِنْ ماتَ عَلَى فِرَاشِهِ».

[قال أبو عيسى:] هذا حديث حسن
غيره من حديث سهل بن حنيف، لا نعرفه
إلا من حديث عبد الرحمن بن شريح، وقد
رواه عبد الله بن صالح عن عبد الرحمن بن
شريح. وعبد الرحمن بن شريح يكتفى أبا
شريح وهو إسكندراني.
وفي الباب عن معاذ بن جبل.

تخریج: وأخرجه مسلم، الإمام، باب استحباب طلب الشهادة في سبيل الله تعالى، ح ١٩٠٩ من حديث عبد الرحمن بن شريح به * وفي الباب عن معاذ بن جبل [يأتي] . [١٦٥٤].

1654. Mu‘adh bin Jabal narrated that the Prophet ﷺ said: “Whoever asks Allāh to be killed in His cause sincerely from his heart, Allāh shall give him the reward of martyrdom.” (*Sahīh*)

[Abū ‘Eīsā said:] This *Hadīth* is *Hasan Sahīh*.

١٦٥٤ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْدِعٍ : حَدَّثَنَا رُوحُ بْنُ عَبَادَةَ : حَدَّثَنَا أَبْنُ جُرَيْجَ عَنْ سُلَيْمَانَ بْنِ مُوسَى ، عَنْ مَالِكِ بْنِ يُخَارِمَ السَّكَسِكِيِّ ، عَنْ مَعَاذِ بْنِ جَبَلٍ عَنِ النَّبِيِّ ﷺ قَالَ : « مَنْ سَأَلَ اللَّهَ الْقَتْلَ فِي سَبِيلِهِ صَادِقًا مِنْ قَلْبِهِ أَعْطَاهُ اللَّهُ أَجْرَ الشَّهِيدِ ».

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ .

تخریج: [إسناده صحيح] وأخرجه النسائي: ٢٥/٦، ٢٦، ح: ٣١٤٣ (الجهاد)، باب ثواب من قاتل في سبيل الله فوراق ناقة) من حديث ابن حيرج به مطولاً وصرح بالسماع.

Comments:

If a person sincerely desires to perform a virtuous deed but finds himself unable to do it, the sincerity of his resolve and the purity of his intention shall secure for him the reward of the intended deed, and he shall be reckoned among those who have actually performed it.

Chapter 20. What Has Been Related About The *Mujāhid*, The One Getting Married, And The *Mukātib*, And Allāh's Help For Them

1655. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “There are three for whom it is a right upon Allāh to help them: The *Mujāhid* in His cause, the *Mukātab* who intends to fulfill (the *Kitābah*), and the one getting married who intends chastity.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*.

(المعجم ٢٠) - بَابُ مَا جَاءَ فِي الْمُجَاهِدِ
وَالنَّاكِحِ وَالْمُكَاتِبِ وَعَوْنَانِ اللَّهِ إِيَّاهُمْ
(التحفة ٢٠)

١٦٥٥ - حَدَّثَنَا فُتَيْبَةُ: حَدَّثَنَا الْلَّيْثُ عَنْ أَبِي عَجْلَانَ، عَنْ سَعِيدِ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «ثَلَاثَةٌ، حَقٌّ عَلَى اللَّهِ عَوْنَاهُمْ: الْمُجَاهِدُ فِي سَبِيلِ اللَّهِ، وَالْمُكَاتِبُ الَّذِي يُرِيدُ الْأَدَاءَ، وَالنَّاكِحُ الَّذِي يُرِيدُ الْعَفَافَ».

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ حَسَنٌ .

تخریج: [إسناده حسن] وأخرجه النسائي، الجهاد، باب فضل الروحة في سبیل الله عزوجل: ١٥/٦، ١٦، ٢٢، ح: ٣١ وابن ماجه، ح: ٢٥١٨ من حديث محمد بن عجلان به وصرح بالسماع عند أحمد: ٤٣٧/٢.

Comments:

It is Allāh who supports the endeavours of those who sincerely and earnestly wish and try to perform acts of virtue that are so demanding and difficult that no one can accomplish them without Allāh's special support.

Chapter 21. What Has Been Related About One Who Is Wounded In Allāh's Cause

1656. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "None is wounded in Allāh's cause – and Allāh knows better about who has been injured in His cause – except that he will come on the Day of Resurrection with his wound the color of blood but its scent will be the scent of musk." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*. It has been reported through other routes from the Prophet ﷺ.

تخريج : وأخرجه مسلم، الإمارة، باب فضل الجهاد والخروج في سبيل الله، ح: ١٨٧٦؛ من حديث سهيل به ورواه البخاري، ح: ٢٨٠٣ من حديث أبي هريرة .

Comments:

On the Day of Resurrection, the color of the martyr's blood shall remain red for anyone to see, but the scent coming from it shall be the scent of musk — proving that it was shed in the cause of Allāh.

1657. Mu'ādh bin Jabal narrated that the Prophet ﷺ said: "Whoever fought in the cause of Allāh – a Muslim man – for the time it takes for two milkings of a camel, then Paradise is obligatory for him. And whoever suffered a wound in the cause of Allāh, or he suffers from an injury, then he will come on the Day of Resurrection while (his blood will be) more

(المعجم ٢١) - بَابُ مَا جَاءَ فِيمَ يُكْلِمُ فِي سَبِيلِ اللَّهِ (التحفة ٢١)

١٦٥٦ - حَدَّثَنَا عَبْدُ التَّزِيزِ أَبْنُ مُحَمَّدٍ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يُكْلِمُ أَحَدٌ فِي سَبِيلِ اللَّهِ - وَاللَّهُ أَعْلَمُ - يَمْنُ يُكْلِمُ فِي سَبِيلِهِ - إِلَّا جَاءَ يَوْمَ الْقِيَامَةِ اللَّوْنُ لَوْنُ الدَّمِ، وَالرِّيحُ رِيحُ الْمَسْكِ».

[قال أبو عيسى:] هذا حديث حسن صحيح. وقد روی من غير وجه عن أبي هريرة عن النبي ﷺ.

١٦٥٧ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْيَعَ: حَدَّثَنَا زَوْفُ بْنُ عَبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ سُلَيْمَانَ بْنِ مُوسَى، عَنْ مَالِكِ بْنِ يَحْمَارِ، عَنْ مُعَاذِ بْنِ جَبَلٍ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ قَاتَلَ فِي سَبِيلِ اللَّهِ - مِنْ رَجُلٍ مُسْلِمٍ - فُوَاقَ نَافَةً وَجَبَتْ لَهُ الْجَنَّةُ، وَمَنْ جُرَحَ جُرْحًا فِي سَبِيلِ اللَّهِ أَوْ نُكِبَ تَكْبَةً فَإِنَّهَا تَسْجِيُ يَوْمَ

copius than it ever was, its color the color of saffron, and its scent like that of musk.” (*Sahīh*)

This *Hadīth* is *Sahīh*.

تخریج: [إسناده صحيح] وتقديم: ١٦٥٤ وهذا طرف منه، ورواه ابن ماجه، ح: ٢٧٩٢ من حديث ابن جریح به مختصرًا.

Chapter 22. Which Deed Is The Most Virtuous?

1658. Abū Hurairah, may Allāh be pleased with him, narrated: “The Messenger of Allāh ﷺ was asked: ‘Which deed is the most virtuous? And which deed is the best?’ He ﷺ said: ‘Faith in Allāh and His Messenger.’ It was said: ‘Then what?’ He said: ‘*Jihād* is the hump (the most prominent) of the deeds.’ Then what O the Messenger of Allāh? He said: ‘Then *Hajj Mabrūr*’”^[1] (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*, it has been reported through other routes from Abū Hurairah from the Prophet ﷺ.

تخریج: [إسناده حسن] وأخرجه أحمد: ٢٨٧ من حديث محمد بن عمرو الليثي به ورواه البخاري، ح: ٢٦ ومسلم، ح: ٨٣ من حديث أبي هريرة رضي الله عنه.

Chapter 23. What Has Been Mentioned About ‘The Gates Of Paradise Are Under The Shadows Of The Swords’

1659. Abū Bakr bin Abī Mūsā Al-Ash̄'arī narrated: “I heard my

القيامة كأغزر ما كانت، لونها الزعفران
وريحها كالمسك»

هذا حديث صحيح.

(المعجم ٢٢) - باب ما جاء أئمّة الأعمال أفضل (التحفة ٢٢)

١٦٥٨ - حدثنا أبو كريب: حدثنا عبدة
[ابن سليمان] عن محمد بن عمرو: حدثنا
أبو سلمة عن أبي هريرة رضي الله عنه قال:
سئل رسول الله ﷺ: أي الأعمال أفضل
وأئمّة الأعمال خير؟ قال: إيمان باشـ
وررسوله، قيل: ثم أي شيء؟ قال: «الجهادـ
ستام العـمل»، قيل: ثم أي شيء يا رسولـ
الله؟ قال: ثم حجّ مبرور».
قال أبو عيسى: هذا حديث حسن
صحيح قد روی من غير وجہ عن أبي هريرة
عن النبي ﷺ.

تخریج: [إسناده حسن] وأخرجه أحمد: ٢٨٧ من حديث أبي هريرة رضي الله عنه.

(المعجم ٢٣) - باب [ما ذكر أن أبواب الجنة تَحْتَ ظَلَالِ السُّيُوفِ] (التحفة ٢٣)

١٦٥٩ - حدثنا قتيبة: حدثنا جعفر بن سليمان الضبعي عن أبي عمران الجوني

^[1] See no. 810.

father saying in the presence of the enemy: ‘The Messenger of Allāh ﷺ said: “Indeed, the gates of Paradise are under the shadows of the swords.”’ A man among the people with a ragged appearance said: ‘Have you heard what you mentioned from the Messenger of Allāh ﷺ?’ He said: ‘Yes.’ So he returned to his comrades and bid them *Salām* (farewell), broke the sheath of his sword, and began fighting with it until he was killed.” (*Sahīh*)

[Abū ‘Eīsā said:] This *Hadīth* is [*Sahīh*] *Gharīb*. We do not know it except as a narration of Ja‘far bin Sulaimān [Ad-Duba‘ī]. (One of the narrators) Abū ‘Imrān Al-Jawnī’s name is ‘Abdul-Malik bin Ḥabīb. As for Abū Bakr bin Abī Mūsā, Ahmad bin Ḥanbal said: “That is his name.”

نَفْرِيْج: وأخرجه مسلم، الإمارة، باب ثبوت الجنة للشهيد، ح: ١٩٠٢ عن قبيحة به.

Comments:

The *Hadīth* tells us that one of the paths leading straight to Paradise is to take part in *Jihād* and confront the enemy fearlessly, under the shadow of swords and other weapons.

Chapter 24. What Has Been Related About Which Of The People Are Most Virtuous

1660. Abū Sa‘eed Al-Khudrī narrated that the Messenger of Allāh ﷺ was asked: “Which of the people are most virtuous?” He said: “A man who take part in *Jihād* in Allāh’s cause.” They said: “Then whom?” He said: “Then a believer who stays in one of the mountain paths out of *Taqwā* for his Lord, leaving the people secure from his evil.” (*Sahīh*)

عَنْ أَبِي بَكْرٍ بْنَ أَبِي مُوسَى الْأَشْعَرِيِّ قَالَ: سَمِعْتُ أَبِي بِحَضْرَةِ الْعَدُوِّ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ أَبْوَابَ الْجَنَّةِ تَحْتَ ظِلَالِ الشَّيْوِفِ، فَقَالَ رَجُلٌ مِّنَ الْقَوْمِ رَثَ الْهَيْمَةَ: أَأَنْتَ سَمِعْتَ هَذَا مِنْ رَسُولِ اللَّهِ ﷺ يَذْكُرُهُ؟ قَالَ: نَعَمْ، فَرَجَعَ إِلَيْ أَصْحَابِهِ فَقَالَ: أَفَرَا عَلَيْكُمُ السَّلَامُ، وَكَسَرَ جَفْنَ سَيْفِهِ فَضَرَبَ بِهِ حَتَّى قُتِلَ.

[قال أبو عيسى:] هَذَا حَدِيثٌ [صَحِيحٌ] غَرِيبٌ لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ جَعْفَرِ بْنِ سُلَيْمَانَ [الصَّبَاعِيِّ]. وَأَبُو عِمْرَانَ الْجَوَنِيِّ اسْمُهُ عَبْدُ الْمَلِكِ بْنُ حَبِيبٍ. وَأَبُو بَكْرٍ بْنَ أَبِي مُوسَى قَالَ: أَحْمَدُ بْنُ حَنْبَلٍ هُوَ اسْمُهُ.

نَفْرِيْج: وأخرجه مسلم، الإمارة، باب ثبوت الجنة للشهيد، ح: ١٩٠٢ عن قبيحة به.

(المعجم ٢٤) - بَابُ مَا جَاءَ أَيُّ النَّاسِ أَفْضَلُ (التحفة ٢٤)

١٦٦٠ - حَدَّثَنَا أَبُو عَمَارٌ: حَدَّثَنَا الْوَلِيدُ ابْنُ مُسْلِمٍ عَنِ الْأَوْزَاعِيِّ: حَدَّثَنَا الزُّهْرِيُّ عَنْ عَطَاءِ بْنِ يَزِيدَ الْلَّيْثِيِّ، عَنْ أَبِي سَعِيدِ الْحُدْرِيِّ قَالَ: سَئَلَ رَسُولَ اللَّهِ ﷺ أَيُّ النَّاسِ أَفْضَلُ؟ قَالَ: «رَجُلٌ يُجَاهِدُ فِي سَبِيلِ اللَّهِ» قَالُوا: ثُمَّ مَنْ؟ قَالَ: «ثُمَّ مُؤْمِنٌ فِي شَعْبِ مِنَ الشَّعَابِ يَتَقَبَّلُ رَبَّهُ وَيَدْعُ النَّاسَ مِنْ شَرِّهِ».

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

[قال أبو عيسى:] هذا حديث حسن

صحيح.

تخریج: منفق عليه، وأخرجه مسلم، الإمارة، باب فضل الشهادة في سبيل الله، ح: ١٨٨ من حديث الأوزاعي والبخاري. ح: ٢٧٨٦ من حديث الزهرى به.

Comments:

Just as, together with doing one's obligatory duties, it would be an act of great virtue to take part in *Jihād* in the cause of Allāh and risk one's life and property in that endeavour, it would also, under special circumstances, be an act of virtue to go into seclusion in order to keep away from getting involved in a situation of internal dissent and strife. And the meaning of him fleeing to protect the people from his evil, is when if he were to stay, he would be compelled to pick and assist one side in cases of two Muslim groups fighting in *Fitnah*.

Chapter 25. Regarding (The Rewards For The Martyr)

(المعجم ٢٥) - باب : في [ثواب الشهيد] (التحفة ٢٥)

1661. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: "None of the people of Paradise would wish to return to the world except for the martyr who indeed would love to return to the world saying that he would love to be killed ten times in Allāh's cause because of what he has seen of the honor that He has given him." (*Sahīh*)

Abū ‘Eisā said: This *Hadīth* is *Hasan Sahīh*.

Comments:

See comments on no. 1643.

1662. (Another chain) from Anas, from the Prophet ﷺ with similar in its meaning. (*Sahīh*)

Abū ‘Eisā said: This *Hadīth* is *Hasan Sahīh*.

١٦٦١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُعاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ: حَدَّثَنَا أَنَسُ بْنُ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ أَحَدٍ مِنْ أَهْلِ الْجَنَّةِ يَسْرُهُ أَنْ يَرْجِعَ إِلَى الدُّنْيَا غَيْرَ الشَّهِيدِ فَإِنَّهُ يُحِبُّ أَنْ يَرْجِعَ إِلَى الدُّنْيَا يَقُولُ: حَتَّىٰ أُفْتَلَ عَشْرَ مَرَّاتٍ فِي سَبِيلِ اللَّهِ مِمَّا يَرَى مِمَّا أَعْطَاهُ مِنَ الْكَرَامَةِ».

قال أبو عيسى: هذا حديث حسن صحيح.

تخریج: [إسناده صحيح] وانظر الحديث الآتي.

١٦٦٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ أَسِّي عَنْ الْبَيِّنِ ﷺ تَحْوِيْهُ بِعَنْتَاهُ.

قال أبو عيسى: هذا حديث حسن

صحيح.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب تمني المجاهد أن يرجع إلى الدنيا، ح: ٢٨١٧ ومسلم، ح: ١٠٩ / ١٨٧٧ عن محمد بن بشار به.

1663. Al-Miqdām bin Ma'dīkarib narrated that the Messenger of Allāh ﷺ said: "There are six things with Allāh for the martyr: He is forgiven with the first flow of blood (he suffers), he is shown his place in Paradise, he is protected from punishment in the grave, secured from the greatest terror,^[1] the crown of dignity is placed upon his head – and its gems are better than the world and what is in it – he is married to seventy-two wives among *Al-Hūrīl-‘Ayn* of Paradise, and he may intercede for seventy of his close relatives." (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*.

تخریج: [حسن] وأخرجه ابن ماجه، الجهاد، باب فضل الشهادة في سبيل الله، ح: ٢٧٩٩ من حديث بحير بن سعد به.

Comments:

The purpose behind recounting the special favors bestowed upon the martyr is to awaken in our hearts the desire to sacrifice our lives and all that belongs to us in the path of Allāh.

Chapter 26. What Has Been Related About The Virtue Of The Garrisons

1664. Sahl bin Sa'd narrated that the Messenger of Allāh ﷺ said: "(*Ribāt*) Guarding the frontier for a day in the cause of Allāh is better than the world and what is in it. And an afternoon the worshipper

١٦٦٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ: حَدَّثَنَا نَعِيمُ بْنُ حَمَادٍ: حَدَّثَنَا بَقِيَةُ ابْنِ الْوَلِيدِ عَنْ بَحِيرٍ بْنِ سَعْدٍ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنِ الْمُقْدَامِ بْنِ مَعْدِي يَكْرَبَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لِلشَّهِيدِ عِنْدَ اللَّهِ سَبْطٌ خِصَالٌ: يُغَفَّرُ لَهُ فِي أَوَّلِ دُفْعَةٍ وَيُرَى مَعْنَاهُ مِنَ الْجَنَّةِ، وَيُجَارُ مِنْ عَذَابِ النَّبِيرِ، وَيَأْمَنُ مِنَ الْفَزَعِ الْأَكْبَرِ، وَيُوَضَّعُ عَلَى رَأْسِهِ تَاجُ الْوَقَارِ، الْيَاقُوتُهُ مِنْهَا خَيْرٌ مِنَ الدُّنْيَا وَمَا فِيهَا، وَيُرَوَّجُ لِتَسْتِينِ وَسَبْعِينَ زَوْجَةً مِنَ الْحُورِ الْعَيْنِ، وَيُسْتَفَعُ فِي سَبْعِينَ مِنْ أَقْارِبِهِ». [قالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ.

تخریج: [حسن] وأخرجه ابن ماجه، الجهاد، باب فضل الشهادة في سبيل الله، ح: ٢٧٩٩ من حديث بحير بن سعد به.

(المعجم ٢٦) - بَابُ مَا جَاءَ فِي فَضْلِ الْمُرَايَطِ (التحفة ٢٦)

١٦٦٤ - حَدَّثَنَا أَبُو بَكْرٍ بْنُ أَبِي النَّضِيرِ حَدَّثَنِي أَبُو الْتَّضِيرِ [الْبَعْدَادِيُّ]: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ دِينَارٍ عَنْ أَبِي حَازِمَ، عَنْ سَهْلِ بْنِ سَعْدٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ:

^[1] See *Sūrat Al-Anbiyā'* 21:103.

spends in the cause of Allāh – or a morning – is better than the world and what is on it. And the space occupied by the whip of one of you in Paradise is better than the world and what is on it.” (*Sahīh*)

This *Hadīth* is *Hasan Sahīh*.

تخریج: وأخرجه البخاري، الجهاد والسير، باب فضل رباط يوم في سبيل الله، ح: ٢٨٩٢، من حديث أبي النصر به وللحديث طرق عند البخاري، ح: ٢٧٩٤، ٦٤١٥، ٣٢٥٠ ومسلم، ح: ١١٣/١٨٨١، ١١٤ وغيرهما.

Comments:

See comments under chapter 17.

1665. Muhammād bin Al-Munkadir said: “Salmān Al-Fārisī passed by Shurahbil bin As-Simṭ while he was in a garrison in which he and his companions were suffering from difficulties. He said to him: ‘Shall I narrate to you – O Ibn As-Simṭ – a *Hadīth* I heard from the Messenger of Allāh ﷺ?’ He said: ‘Of course.’ He said: ‘I heard the Messenger of Allāh ﷺ saying: “(*Ribāṭ*) Guarding the frontier for a day in the cause of Allāh is more virtuous” – and perhaps he said: “better, than fasting a month and standing (in prayer) for it. And whoever dies in it, he is protected from the trials of the grave, and his deeds (continuously) multiplied until the Day of Resurrection.”’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*.

تخریج: [صحيح] ورواه مسلم، ح: ١٩١٣ من طريق آخر عن شرحبيل بن السمط عن سلمان به * حديث أبوبن موسى وأخرجه مسلم، ح: ١٩١٣.

Comments:

See comments under chapter 2.

«رِبَاطُ يَوْمٍ فِي سَبِيلِ اللَّهِ خَيْرٌ مِنَ الدُّنْيَا وَمَا عَلَيْهَا، وَالرَّوْحَةُ بَرُوحُهَا الْعَبْدُ فِي سَبِيلِ اللَّهِ أَوِ الْعَدْوَةُ خَيْرٌ مِنَ الدُّنْيَا وَمَا عَلَيْهَا، وَمَوْضِعُ سَوْطِ أَحَدُكُمْ فِي الْجَنَّةِ خَيْرٌ مِنَ الدُّنْيَا وَمَا عَلَيْهَا» هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

١٦٦٥ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفِيَّانُ [بْنُ عَيْنَةَ]: حَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْكَدِرِ قَالَ: مَرَّ سَلْمَانُ الْفَارِسِيُّ بِشَرَحْبِيلِ بْنِ السَّمْطِ وَهُوَ فِي رِبَاطٍ لَهُ وَقَدْ شَقَّ عَلَيْهِ وَعَلَى أَصْحَابِهِ، فَقَالَ: أَلَا أَحَدُكُمْ يَا ابْنَ السَّمْطِ بِحَدِيثٍ سَمِعْتَهُ مِنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ: بَلَى، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «رِبَاطُ يَوْمٍ فِي سَبِيلِ اللَّهِ أَفْضَلُ» - وَرُبَّمَا قَالَ: - «خَيْرٌ مِنْ صِيَامٍ شَهْرٍ وَقِيَامِهِ، وَمَنْ مَاتَ فِيهِ وُقُيِّ فَتْنَةُ الْقَبْرِ، وَنُبَيِّ لَهُ عَمَلُهُ إِلَى يَوْمِ الْقِيَامَةِ». [قالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ.]

1666. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Whoever meets Allāh without any traces from *Jihād* he meets Allāh with a defect." (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharib* as a narration of Al-Walīd bin Muslim from Ismā‘il bin Rāfi‘. Ismā‘il bin Rāfi‘ was graded weak by some of the people of *Hadīth*. I heard Muḥammad saying: "He is trustworthy, average (*Muqārib*) in *Hadīth*."

This *Hadīth* has been reported from Abū Hurairah from the Prophet ﷺ, through other than this route. Regarding the *Hadīth* of Salmān, its chain is not connected, Muḥammad bin Al-Munkadir did not see Salmān Al-Fārisī.

This *Hadīth* has been reported from Ayyūb bin Mūsā, from Makhlūl, from Shurahbil bin As-Simt, from Salmān, from the Prophet ﷺ.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الجهاد، باب التغليظ في ترك الجهاد، ح: ٢٧٦٣ . من حديث الوليد بن مسلم به * إسماعيل بن رافع: ضعيف راجع تسهيل الحاجة، ح: ١٣٣٧ .

Comments:

Whoever is ordered by the Muslim ruler to take part in *Jihād* for the cause of Allāh, but makes no preparation himself for it or avoids making any kind of physical or financial sacrifice for it, nor does he soil his body in it shall certainly find himself deprived of all the blessings and benefits promised for those who lay down their lives in the cause of Allāh.

1667. Abū Ṣalih, the freed slave of ‘Uthmān said: "I heard ‘Uthmān while on the *Minbar* saying: 'I did not inform you about a *Hadīth* I had heard from the Messenger of Allāh ﷺ, out of dismay that you

١٦٦٦ - حَدَّثَنَا عَلَيُّ بْنُ حُبْرٍ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنْ إِسْمَاعِيلَ بْنِ رَافِعٍ، عَنْ سُمَيٍّ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ لَقِيَ اللَّهَ يَغْيِرُ أُثْرَ مِنْ جِهَادٍ لَقِيَ اللَّهَ وَفِيهِ ثُمَّةً».

[قال أبو عيسى:] هذا حديث عريق من حديث الوليد بن مسلم عن إسماعيل بن رافع، وإسماعيل بن رافع قد ضعفه بعض أهل الحديث، [قال:] وسمعت محمد بن يقول: هو ثقة مقارب الحديث.

وقد روی هذا الحديث من غير هذا التوجّه عن أبي هريرة عن النبي ﷺ. وحديث سلمان إسناده ليس بمتصل، محمد بن المنكير لم يذرك سلمان الفارسي.

وقد روی هذا الحديث عن أبي بْنِ مُوسَى، عَنْ مَكْحُولٍ، عَنْ شَرْحِيلَ بْنِ السَّمْطِ، عَنْ سَلْمَانَ عَنِ النَّبِيِّ ﷺ.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الجهاد، باب التغليظ في ترك الجهاد، ح: ٢٧٦٣ .

١٦٦٧ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَلَ: حَدَّثَنَا هِشَامُ بْنُ عَبْدِ الْمَلِكِ: حَدَّثَنَا الْلَّيْثُ بْنُ سَعْدٍ: حَدَّثَنِي أَبُو عَقِيلٍ رُهْبَرُ بْنُ مَعْبُدٍ عَنْ أَبِي صَالِحٍ مَوْلَى عَثْمَانَ، قَالَ: سَمِعْتُ

might part from me. Then it occurred to me that I should narrate it to you so that one may himself choose from these matters accordingly. I heard the Messenger of Allāh ﷺ saying: '(*Ribāt*) Guarding the frontier for a day in Allāh's cause is better in status than a thousand days doing other than that.'" (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan* [*Sahīh*] *Gharīb*.

Muhammad [bin Ismā'il] said: "Abū Ṣalīḥ, the freed slave of 'Uthmān's name is Burkān."

[و]قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ

[صحيح] غَرِيبٌ.

تخریج: [إسناده صحيح] وأخرجه النسائي: ٣٩، ح: ٣١٧١ (الجهاد، باب فضل الرباط) من

حديث الليث ابن سعد به وصححه ابن حبان، ح: ١٥٩٢، والحاكم: ٦٨/٢، ١٤٣.

Comments:

Since those were the days when people's eagerness for the doing of virtuous deeds was at its peak, it happened sometimes that the tidings of acts attracting abundant rewards from Allāh were kept from them, lest they should leave the capital city of Al-Madīnah en masse in pursuit of those acts, thus creating problems for the administration of the city or state. But once the conditions changed, they were told of those matters in order to be clear of the blame of hiding a piece of information about their own religion.

1668. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "The martyr does not sense the touch of death except as one of you senses the touch of a (bug) bite." (*Da'if*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharīb Sahīh*.

عُثْمَانَ وَهُوَ عَلَى الْمُبَرِّ يَقُولُ: إِنِّي كَتَمْتُكُمْ حَدِيثَنَا سَمِعْتُهُ مِنْ رَسُولِ اللَّهِ ﷺ كَرَاهِيَةً تَفَرُّقُكُمْ عَنِّي ثُمَّ بَدَا لِي أَنْ أُحَدِّثُكُمْ لِيُخْتَارُ امْرُؤٌ لِنَفِيَهُ مَا بَدَا لَهُ، سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «رِبَاطٌ يَوْمٌ فِي سَبِيلِ اللَّهِ خَيْرٌ مِنْ أَلْفِ يَوْمٍ فِي مَا سِواهُ مِنَ الْمَنَازِلِ».

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ

[صحيح] غَرِيبٌ.

تخریج: [إسناده صحيح] وأخرجه النسائي: ٦٩، ح: ٣١٧١ (الجهاد، باب فضل الرباط) من

الحديث الليث ابن سعد به وصححه ابن حبان، ح: ١٥٩٢، والحاكم: ٦٨/٢، ١٤٣.

١٦٦٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ وَأَخْمَدُ بْنُ نَصِيرِ التَّسَائُورِيِّ وَغَيْرُ وَاحِدٍ قَالُوا: حَدَّثَنَا صَفْوَانُ بْنُ عِيسَى: حَدَّثَنَا مُحَمَّدُ بْنُ عَجَلَانَ عَنِ الْعَفَّاعَ بْنِ حَكِيمٍ، عَنْ أَبِي صَالِحٍ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا يَجِدُ الشَّهِيدُ مِنْ مَسْأَلَةٍ إِلَّا كَمَا يَجِدُ أَحَدُكُمْ مِنْ مَسْأَلَةَ الْقَرْضَةِ».

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ

غَرِيبٌ صَحِيفٌ.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الجهاد، باب فضل الشهادة في سبيل الله، ح: ٢٨٠٢ عن محمد بن بشار به وللحديث شواهد ضعيفة.

Comments:

Whoever goes to the battlefield with purity of intention and a fondness for fighting in Allāh's cause, Allāh fills his heart with such a burning desire for martyrdom that he feels neither fatigue nor pain and is able to wage the war with full peace of mind and achieve the goal of attaining martyrdom.

1669. Abū Umāmah narrated that the Prophet ﷺ said: "There is nothing more beloved to Allāh than two drops and two traces: A teardrop shed out of fear of Allāh, and a drop of blood shed in Allāh's cause. As for the two traces: A trace resulting in Allāh's cause,^[1] and a trace resulting from one of the duties that Allāh made obligatory." (*Hasan*)

[He said:] This *Hadīth* is *Hasan Gharib*.

تَحْرِيْجٌ: [إِسْنَادُ حَسْنٍ] وَأَخْرَجَهُ الطَّبَرَانِيُّ: ۸/۲۸۰، ح: ۷۹۱۸ مِنْ حَدِيثِ يَزِيدِ بْنِ هَارُونَ

١٦٦٩ - حَدَّثَنَا زَيْنُ الدِّينُ بْنُ أَبْيَوبَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَنَّا نَبَأْنَا الْوَلِيدَ بْنَ جَمِيلَ [الْفَلَسْطِينِيَّ] عَنِ الْقَاسِمِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ أَبِي أُمَّامَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَيْسَ شَيْءٌ أَحَبَّ إِلَى اللَّهِ مِنْ قَطْرَتَيْنِ وَأَثْرَيْنِ: قَطْرَةٌ [مِنْ] دُمُوعٍ مِنْ خَشْيَةِ اللَّهِ، وَقَطْرَةٌ دَمٌ ثُرَّاقٌ فِي سَبِيلِ اللَّهِ، وَأَمَّا أَثْرَيْنِ فَأَثْرَ في سَبِيلِ اللَّهِ وَأَثْرَ فِي فَرِيقَةٍ مِنْ فَرَائِصِ اللَّهِ». [قَالَ: هَذَا حَدِيثُ حَسْنٍ غَرِيبٍ.]

. به

^[1] "Like footsteps, or becoming dusty, or being injured in *Jihād* or other barriers from seeking knowledge." (*Tuhfat Al-Ahwadhi*).

*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

21. The Chapters On *Jihād* From The Messenger Of Allāh ﷺ

Chapter 1. (What Has Been Related) About The People Who Have An Excuse Not To Participate

1670. Al-Barā' bin ‘Āzib narrated that the Messenger of Allāh ﷺ said: “Bring me a shoulder blade or tablet.” Then he wrote:^[1] Not equal are those of the believers who sit. ‘Amr bin Umm Maktūm who was behind him said: “Is there an exemption for me?” So the following was revealed: Except those who are disabled..^[2] (*Sahīh*)

There are narrations on this topic from Ibn ‘Abbās, Jābir, and Zaid bin Thābit.

This *Hadīth* is *Hasan Sahīh*. [and it is a *Hadīth* that is] *Gharīb* from the narration of Sulaimān At-Taimī from Abū Ishaq.

And Shu‘bah and Ath-Thawrī reported this *Hadīth* from Abū Ishaq.

(المعجم ٢١) - **أبواب الجهاد**
عن رسول الله ﷺ (التحفة . . .)

(المعجم ١) - **باب [ما جاء] في أهل العذر في القعود** (التحفة ٢٧)

١٦٧٠ - حَدَّثَنَا نَصْرُ بْنُ عَلَيٍّ الْجَهْضُومِيُّ: حَدَّثَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ عَنْ أَبِيهِ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ شَوَّافِي بالكِتَفِ أَوِ اللَّوْحِ، فَكَتَبَ: «لَا يَسْتَوِي الْقَعُودُ مِنَ الْمُؤْمِنِينَ»، وَعَمِرُو بْنُ أُمِّ مَكْتُومٍ حَلَفَ طَهْرَهُ، فَقَالَ: هَلْ لِي رُحْصَةٌ؟ فَنَزَّلَتْ: «غَرَّ أُولَئِكَ الظَّرَبَ»» ([النساء: ٩٥]).

وفي الباب عن ابن عباس، وجابر، وزيد ابن ثابت.

هذا حديث حسن صحيح [وهو حديث غريب من حديث سليمان الشامي عن أبي إسحاق].

وقد روى شعبة والثوري عن أبي إسحاق هذا الحديث.

تغريب: [صحيح] وأخرجه النسائي: ٣١٠٣، ح: ١٠/٦، ح: ٤٥٩٤ ومسلم، ح: ١٨٩٨ من حديث أبي القاعدين) عن نصر بن علي به ورواه البخاري، ح:

[١] Zaid bin Thābit, as indicated in a narration of Muslim.

[٢] All of which is from *An-Nisā'* 4:95.

إسحاق به * وفي الباب عن ابن عباس [يأتي: ٣٠٣٢] وجاير [مسلم، ح: ١٩١١] وزيد بن ثابت [يأتي: ٣٠٣٣ وأحمد: ١٨٤ / ٥] * حديث شعبة عند البخاري، ح: ٢٨٣١ ، ٤٥٩٣ ومسلم، ح: ١٤١ / ١٨٩٨ وحديث سفيان الثوري عند الترمذى، ح: ٣٠٣١ .

Comments:

People who do have a passion and a desire for participation in *Jihād* but find themselves unable to do so for some reason beyond their control, their lagging behind shall not be counted as sin, and their passion for *Jihād* and their desire for it would make them equal partners in reward.

Chapter 2. What Has Been Related About One Who Goes Out For Battle Abandoning His Parents

1671. ‘Abdullāh bin ‘Umar said: “A man came to the Prophet ﷺ seeking permission to go for *Jihād*. So he said: ‘Do you have parents (living)?’ He said: ‘Yes.’ He said: ‘Then it is for them that you should perform *Jihād*.’” (*Sahīh*)

[Abū ‘Eisā said:] There is something on this topic from Ibn ‘Abbās.

This *Hadīth* is *Hasan Sahīh*. (One of the narrators) Abūl-‘Abbās is the blind (Al-A’mā) poet (*Ash-Shā’ir*), from Makkah, and his name is As-Sā’ib bin Farrūkh.

تَخْرِيج: متفق عليه، وأخرجه البخاري، الأدب، باب: لا يجاهد إلا ياذن الأبوين، ح: ٥٩٧٢ ومسلم، ح: ٢٥٤٩ من حديث يحيى القطان به * وفي الباب عن ابن عباس [الطبراني في الكبير: ٤١١ / ١١، ح: ١٢١٦٧] .

Comments:

Dutifulness towards parents and according respectful treatment to them is the bound duty of each individual. No one, therefore, is allowed to go out for *Jihād* without his parents' consent except in cases where, under the conditions of the time, *Jihād* becomes everyone's individual duty. Ibn Qudāmah has claimed unanimity among scholars on this point. The same view was held by the Companions, like ‘Umar and ‘Uthmān, and by the leading lights of succeeding generations, like Imām Mālik, Al-Awzā’i, Ath-Thawrī and Ash-Shafī’i, just to name a few (*Al-Mughnī*, v.13, p.2625).

(المعجم ٢) - بَابُ مَا جَاءَ فِيمَنْ خَرَجَ
إِلَى الْغَزْوِ وَتَرَكَ أَبْوَيْهِ (التحفة ٢٨)

١٦٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
يَحْيَى بْنُ سَعْيَدٍ عَنْ سُفْيَانَ وَشَعْبَةَ، عَنْ حَبِيبِ
ابْنِ أَبِي ثَابِتٍ، عَنْ أَبِي العَبَّاسِ، عَنْ عَبْدِ اللَّهِ
ابْنِ عَمْرُو قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ
يَسْأَلُهُ فِي الْجِهَادِ، فَقَالَ: «أَلَّكَ وَالْدَّانِ؟»
قَالَ: نَعَمْ، قَالَ: «فَفِيهِمَا فَجَاهِدْ». .

[قال أبو عيسى:] وفي الباب عن ابن عباس .

[و]هذا حديث حسن صحيح. وأبو
العباس هو الشاعر الأعمى المكتئ، واسمُه
السائب بن فروخ.

تَخْرِيج: متفق عليه، وأخرجه البخاري، الأدب، باب: لا يجاهد إلا ياذن الأبوين، ح: ٥٩٧٢ ومسلم، ح: ٢٥٤٩ من حديث يحيى القطان به * وفي الباب عن ابن عباس [الطبراني في الكبير: ٤١١ / ١١، ح: ١٢١٦٧] .

Chapter 3. What Has Been Related About A Lone Man Being Sent (As A Commander)^[1] Over A Military Expedition

1672. Al-Hajjāj bin Muḥammad narrated that Ibn Juraij commented on Allāh's Saying: Obey Allāh and obey the Messenger, and those in authority among you.,^[2] he said: "Abdullāh bin Hudhāfah bin Qais bin 'Adī As-Sahmī was sent by the Messenger of Allāh ﷺ (as commander) over a military expedition. I was informed of that by Ya'lā bin Muslim, from Sa'eed bin Jubair, from Ibn 'Abbās." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb*. We do not know of it except as a narration of Ibn Juraij.

تَخْرِيج: متفق عليه، وأخرجه البخاري، التفسير، باب: «أطِيعُوا اللَّهَ وَأطِيعُوا الرَّسُولَ وَأُولَئِكَ مِنْكُمْ» وذوي الأمر، ح: ١٨٣٤ ومسلم، ح: ٤٥٨٤ من حديث الحجاج بن محمد به.

Comments:

Ibn Juraij's comment on the Qur'ānic verse (4:59) is intended to highlight the fact that, since 'Abdullāh bin Hudhāfah had been appointed commander of the expedition by the Prophet ﷺ, for all intent and purposes he was one of the people in authority whose obedience has been made compulsory by the Qur'ān and *Hadīth*. A vast majority of scholars of the past and present also consider government functionaries (including the commander of the brigade) as the veritable "people of authority" of the community, and there is no doubt about that under an Islāmic government, some scholars take the term to mean 'men of learning'. (*Tuhfat-Al-Ahwadhi*, v. 3, p. 21).

Chapter 4. What Has Been Related About It Being Disliked For A Man To Travel Alone

1673. Ibn 'Umar narrated that the

(المعجم ٣) - بَابُ مَا جَاءَ فِي الرَّجُلِ يُبَعِّثُ سَرِيَّةً وَحْدَهُ (التحفة ٢٩)

١٦٧٢ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى [النَّيْسَابُورِيُّ]: حَدَّثَنَا الْحَجَاجُ بْنُ مُحَمَّدٍ قَالَ: قَالَ ابْنُ جُرَيْجٍ فِي قَوْلِهِ: «أطِيعُوا اللَّهَ وَأطِيعُوا الرَّسُولَ وَأُولَئِكَ مِنْكُمْ» [النساء: ٥٩] قَالَ: عَبْدُ اللَّهِ بْنُ حُدَافَةَ بْنِ قَيْسٍ بْنِ عَدَى السَّهْمِيُّ بَعْثَةً رَسُولَ اللَّهِ ﷺ عَلَى سَرِيَّةٍ. أَخْبَرَنِيهِ يَعْلَمُ بْنُ مُسْلِمٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ.

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ صَحِيفٌ غَرِيبٌ لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ ابْنِ جُرَيْجٍ.

تَخْرِيج: متفق عليه، وأخرجه البخاري، التفسير، باب: «أطِيعُوا اللَّهَ وَأطِيعُوا الرَّسُولَ وَأُولَئِكَ مِنْكُمْ» وذوي الأمر، ح: ١٨٣٤ ومسلم، ح: ٤٥٨٤ من حديث الحجاج بن محمد به.

(المعجم ٤) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ أَنْ يُسَافِرَ الرَّجُلُ وَحْدَهُ (التحفة ٣٠)

١٦٧٣ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدَةَ الصَّبَّيِّ

[1] See *Tuhfat Al-Ahwadhi*.

[2] *An-Nisa'* 4:59.

Messenger of Allāh ﷺ said: "If the people knew what I know about being alone, then a rider would not journey at night." – meaning alone. (*Sahīh*)

البصريٌّ: حَدَّثَنَا سُفْيَانُ [بْنُ عُيَيْنَةَ] عَنْ عَاصِمٍ بْنِ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «لَوْ أَنَّ النَّاسَ يَعْلَمُونَ مَا أَعْلَمُ مِنَ الْوَحْدَةِ مَا سَارَ رَاكِبٌ بَلِيلٌ» - يَعْنِي وَحْدَهُ.

تخریج: وأخرجه البخاري، الجهاد والسير، باب السير وحده، ح: ٢٩٩٨ من حديث عاصم ابن محمد به.

Comments:

Going out alone would not be a thing of blemish if the exigencies of war demand that the person undertake the journey as a scout in order to monitor the activities of the enemy. But going all alone on an uncalled for, and unwarranted excursion, means inviting trouble for oneself. It would not, therefore, be advisable to embark on a journey that is long, or for a stay that is expected to be long, except in company or group.

1674. 'Amr bin Shu'aib narrated from his father, from his grandfather that the Messenger of Allāh ﷺ said: "The (lone) rider is a *Shaiṭān*, and two riders are two *Shaiṭān*. Three is a traveling party." (*Hasan*)

[Abū 'Eīsā said:] The *Hadīth* of Ibn 'Umar (no. 1673) is a *Hasan Sahīh Hadīth*. We do not know of it except from this route; as a narration of 'Āsim. And he is Ibn Muḥammad bin Zaid bin 'Abdullāh bin 'Umar. [Muḥammad said: "He is trustworthy, truthful. And 'Āsim bin 'Umar Al-'Umari is weak in *Hadīth*, I do not report anything from him."] The *Hadīth* of 'Abdullāh bin 'Amr (no. 1674) is better.

١٦٧٤ - حَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُونُ: حَدَّثَنَا مَالِكُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ، عَنْ عَمْرُو بْنِ شَعْبِينَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الرَّاكِبُ شَيْطَانٌ وَالرَّاكِبَانِ شَيْطَانٌ وَالثَّلَاثَةُ رَكْبٌ».

[قال أبو عيسى:] حديث ابن عمر حديث حسن صحيح لا تعرفه إلا من هذا الوجه من حديث عاصم، وهو ابن محمد ابن زيد بن عبد الله بن عمر [قال محمد:] هو ثقة صدوق. وعاصم بن عمر العبري ضعيف في الحديث لا أروي عنه شيئاً، وحديث عبد الله بن عمر أحسن.

تخریج: [إسناده حسن] وأخرجه أبو داود، الجهاد، باب: في الرجل يسافر وحده، ح: ٢٦٠٧ من حديث مالك به وهو في الموطأ: ٩٧٨/٢: وصححه ابن خزيمة والحاكم: ١٠٢/٢: ووافقه الذهبي وحسنه البغوي في شرح السنة، ح: ٢٦٧٥.

Comments:

In view of the multiple types of needs during the journey, it would definitely be more prudent that a man journeys in a party of at least three, so that in the likely event of anyone's sickness or death, the others might help each other, and inform those left behind, as well as fulfill the other needs of the journey through mutual help and assistance.

Chapter 5. What Has Been Related About The Permission To Lie And Be Deceitful In War

1675. Jābir bin ‘Abdullāh narrated that the Messenger of Allāh ﷺ said: “War is deceit.” (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Alī, Zaid bin Thābit, ‘Aishah, Ibn ‘Abbās, Abū Hurairah, Asmā’ bint Yazīd bin As-Sakan, Ka'b bin Mālik, and Anas bin Mālik.

This *Hadīth* is *Hasan Sahīh*.

(المعجم ٥) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ فِي الْكُذْبِ وَالْخَدْيَةِ فِي الْحَرْبِ (التحفة ٣١)

١٦٧٥ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْيَعَ وَنَصْرُ بْنُ عَلَيْهِ قَالَا: حَدَّثَنَا سُفِيَّانُ بْنُ عُيَيْنَةَ عَنْ عَمْرُو بْنِ دِينَارٍ: سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْحَرْبُ خَدْعَةٌ». [قَالَ أَبُو عَيْسَى :] وَفِي الْبَابِ عَنْ عَلَيْهِ وَزَيْدِ بْنِ ثَابِتٍ، وَعَائِشَةَ، وَابْنِ عَبَاسٍ، وَأَبِي هُرَيْرَةَ، وَأَسْمَاءَ بْنَتِ يَزِيدَ بْنِ السَّكَنِ، وَكَعْبَ بْنِ مَالِكٍ، وَأَنَسِ بْنِ مَالِكٍ . [وَهَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ]

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب الحرب خدعة، ح: ٣٠٣٠ ومسلم، ح: ١٧٣٩ من حديث سفيان بن عيينة به * وفي الباب عن علي [النسائي في الكبرى: ٥/١٩٣، ح: ٨٦٤٤] وزيد بن ثابت [الطبراني في الكبير: ٥/٤٨٦٦، ح: ١٣٦] وعائشة [ابن ماجه، ح: ٢٨٣٣] وابن عباس [ابن ماجه، ح: ٢٨٣٤] وأبي هريرة [البخاري، ح: ٣٠٢٩] ومسلم، ح: ١٧٤٠] وأسماء بنت يزيد بن السكن [علمه يشير إلى الحديث الآتي: ١٩٣٩] وكعب بن مالك [أبو داود، ح: ٢٦٣٧] وأنس بن مالك [أحمد: ٣/٢٢٤] وأبن حبان].

Comments:

The Arabic word '*Khad'ah*' means a hidden plan or strategy. Similarly, *Tawriyah* (equivocation) is also a manner of speech in which the speaker, although he does not lie, deliberately uses ambiguous words so that the addressee gets a different meaning from the one intended by the speaker.

Chapter 6. What Has Been Related About Battles Of The Prophet ﷺ And How Many There Were

1676. Abū Ishāq narrated: “I was next to Zaid bin Arqam when he was asked: ‘How many battles did the Prophet ﷺ fight?’ He said: ‘Nineteen.’ So I said: ‘How many battles did you take part in with him?’ he said: ‘Seventeen.’ I said: ‘Which of them was the first?’ He said: ‘Dhāt Al-‘Ushairā’ or Al-‘Usairā.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٦) - بَابُ مَا جَاءَ فِي غَرَوَاتِ النَّبِيِّ ﷺ [وَكَمْ غَرَزاً] (التحفة ٣٢)

١٦٧٦ - حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا وَهُبْ بْنُ جَرِيرٍ وَأَبُو دَاوُدَ [الطِّيَالِيُّسِيُّ] قَالَ: حَدَّثَنَا شَعْبَةُ عَنْ أَبِي إِسْحَاقَ قَالَ: كُنْتُ إِلَى جَنْبِ رَيْدِ بْنِ أَرْقَمَ فَقَبَلَ لَهُ: كَمْ غَرَزاً النَّبِيُّ ﷺ مِنْ غَرَوةٍ قَالَ: تِسْعَ عَشَرَةً، فَقُلْتُ: كَمْ غَرَوتَ أَنْتَ مَعَهُ؟ قَالَ: تِسْعَ عَشَرَةً، قُلْتُ: وَأَيُّهُنَّ كَانَ أَوَّلَ؟ قَالَ: ذَاثُ الْعُشَيْرَاءِ أَوِ الْعُسِيرَاءِ. [قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، المغازي، باب غزوة العشيراء أو العسيرة، ح: ٣٩٤٩؛ من حديث وهب بن حرير ومسلم، الجهاد، باب عدد غزوات النبي ﷺ، ح: ٤٣ / ١٢٥٤؛ قبل .٦٨٤؛ ١٨١٣ من حديث شعبة به وهو في مستند الطيالسي، ح: ٦٨١، ٦٨٢.

Comments:

In the vocabulary of Islam the word ‘*Ghazwah*’ (literally, invasion) means a military expedition personally led by the Prophet ﷺ. *Sariyyah*, on the other hand, is an expedition carried out under the orders of the Prophet ﷺ without his physical participation.

Chapter 7. What Has Been Related About Lining Up And Positioning At The Time Of Fighting

1677. ‘Abdur-Raḥmān bin ‘Awf narrated: “The Messenger of Allāh ﷺ positioned us during the night at Badr.” (*Da’if*)

[Abū ‘Eisā said:] There is something on this topic from Abū Ayyūb.

This *Hadīth* is *Gharīb*, we do not know of it except from this route. I asked Muḥammad bin Ismā’īl

(المعجم ٧) - بَابُ مَا جَاءَ فِي الصَّفِّ وَالْتَّعْبِيَّةِ عِنْدَ الْقِتَالِ (التحفة ٣٣)

١٦٧٧ - حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدِ الرَّازِيِّ: حَدَّثَنَا سَلْمَةُ بْنُ الْفَضْلِ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عِكْرَمَةَ، عَنْ أَبْنِ عَبَّاسٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ قَالَ: عَبَّانَا رَسُولُ اللهِ ﷺ بِيَدِ لَيْلَا.

[قال أبو عيسى:] وفي الباب عن أبي أيوب.

about this *Hadīth*, but he did not know it, and he said: "Muhammad bin Ishāq heard from 'Ikrimah." And when I saw him, he had a good opinion about Muhammad bin Ḥumaid Ar-Rāzī, then he considered him weak later.

تخریج: [إسناده ضعیف] * محمد بن حمید: ضعیف و كان ابن معین حسن الرأی
فیه(تقرب) و ابن إسحاق عنون إن صح السند إلیه * وفي الباب عن أبي أيوب [أحمد: ٤٢٠ / ٥].

Comments:

Although the narration as such is weak, yet there is no doubt that the right way to fight a war is to make proper preparations and arrangements, as well as through the lining up of the troops for it in proper time. Once the hostilities have started, there will be little or no time left for doing those things.

Chapter 8. What Has Been Related About Supplicating At The Time Of Fighting

1678. Ibn Abī Awfā said: "I heard him saying" – meaning the Prophet ﷺ – "while supplicating against the *Ahzāb*: 'O Allāh, Revealer of the Book! Severe in reckoning! Rout the *Ahzāb* and shake them.'" (*Sahīh*)

[*Abū 'Eisā* said:] There is something on this topic from Ibn Mas'ūd.

This *Hadīth* is *Hasan Sahīh*.

تخریج: متفق عليه، أخرجه البخاري، الجهاد والسير، باب الدعاء على المشركين بالهزيمة والزلة، ح: ٢٩٣٣ ومسلم، ح: ١٧٤٢ من حديث إسماعيل بن أبي خالد به * وفي الباب عن ابن مسعود [النسائي في الكبرى، ح: ١٠٤٤٢ وعمل اليوم والليلة، ح: ٦٠٦].

Comments:

Supplication is a believer's weapon. Success and prosperity in wars come from fortitude and courage of the heart as well as from the warriors' steadfastness exhibited on the battlefield. If a warrior's heart loses its courage and fortitude, his feet will refuse to support him. If a condition of this nature overtakes the battling army, defeat will be the only outcome of war.

[و]هذا حديث غريب لا نعرفه إلا من هذا الوجه، وسألت مُحَمَّدَ بْنَ إِسْمَاعِيلَ عَنْ هَذَا الحَدِيثِ فَلَمْ يَعْرِفْهُ وَقَالَ: مُحَمَّدُ بْنُ إِسْحَاقَ سَمِعَ مِنْ عَكْرِمَةَ . وَجِئَ رَأْيَهُ كَانَ حَسَنَ الرَّأْيِ فِي مُحَمَّدِ بْنِ حُمَيْدِ الرَّازِيِّ ثُمَّ ضَعَفَهُ بَعْدُ.

تخریج: [إسناده ضعیف] * محمد بن حمید: ضعیف و كان ابن معین حسن الرأی
فیه(تقرب) و ابن إسحاق عنون إن صح السند إلیه * وفي الباب عن أبي أيوب [أحمد: ٤٢٠ / ٥].

(المعجم ٨) - بَابُ مَا جَاءَ فِي الدُّعَاءِ
عِنْدَ الْفِتَالِ (التحفة ٣٤)

١٦٧٨ - حَدَثَنَا أَحْمَدُ بْنُ مَنْبِعٍ : حَدَثَنَا يَزِيدُ بْنُ هَارُونَ: أَبَانَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ عَنْ أَبْنِ أَبِي أَوْفَى قَالَ: سَمِعْتُهُ يَقُولُ - يَعْنِي الْبَيْهِيَّةَ، - يَدْعُو عَلَى الْأَخْرَابِ فَقَالَ: «اللَّهُمَّ مُتَشَّلِّ الْكِتَابِ سَرِيعُ الْحِسَابِ، أَهْرِمُ الْأَخْرَابَ وَزَلِّلْهُمْ». [قال أبو عيسى:] وفي الباب عن ابن مسعود.

[و]هذا حديث حسن صحيح.

[و]هذا حديث حسن صحيح.

Chapter 9. What Has Been Related About Standards^[1]

1679. Jābir said: "The Messenger of Allāh ﷺ entered Makkah, and his standard was white." (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*, we do not know of it except as a narration of Yahyā bin Ādām from Sharīk. He said: I asked Muḥammad about this *Hadīth*, but he did not know it except as a narration of Yahyā bin Ādām from Sharīk, he said: "More than one narrator has narrated to us from Sharīk from ‘Ammār from Abū Az-Zubair from Jābir: 'The Prophet ﷺ entered Makkah and he was wearing a black *Imāmah*'."^[2] (*Hasan*)

Muḥammad said: "This is the *Hadīth*."

[Abū ‘Eisā said:] Duhn is a branch of Bajīlah (the tribe), and ‘Ammār Ad-Duhni (one of the narrators) is ‘Ammār bin Mu‘āwiya Ad-Duhnī, and his *Kunyah* is Abū Mu‘āwiya, he is from Al-Kūfah, and he is trustworthy according to the people of *Hadīth*.

Tarīqah: [Hasan] and after him Abū Dāwud, al-Jehād, Bāb: Fi al-Raiyat wal-Alwiyah, H: 2592, and Abū Ḥāfiẓ, H: 2817, and al-Nasā’i, H: 2869, from Ḥadīth Yūḥayyī b. Ādām that he corrected the ḥāfiẓ that the ruler had a condition on the part of the army, while the one used by each individual company or brigade is called *Liwā’*.^[3]

Comments:

The Arabic *Liwā’* (standard) (used here in its plural form *Alwiyah*) is a piece of cloth wrapped round the lance bar. *Rāyah* (flag), on the other hand, is that piece of cloth which, having tied at one end, is left fluttering loose. *Rāyah* is the for the entire army, while the one used by each individual company or brigade is called *Liwā’*.

^[1] Meaning banners, like flags but smaller. See *Tuhfat Al-Ahwadhi*.

^[2] Meaning headgear.

(المعجم ٩) - بَابُ مَا جَاءَ فِي الْأَلْوَى

(التحفة ٣٥)

١٦٧٩ - حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدٌ بْنُ عُمَرَ ابْنِ الوليد الكنديّ [الْكُوفِيُّ] وَمُحَمَّدٌ بْنُ رَافِعٍ قَالُوا: حَدَّثَنَا يَحْيَى بْنُ آدَمَ عَنْ شَرِيكٍ، عَنْ عَمَّارٍ هُوَ الدُّهْنِيُّ - عَنْ أَبِي الرَّبِّيرِ، عَنْ جَابِرٍ: أَنَّ رَسُولَ اللَّهِ ﷺ دَخَلَ مَكَّةَ وَلَوْاْفَهُ أَيْضُ.

[قال أبو عيسى:] هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثٍ يَحْيَى بْنِ آدَمَ عَنْ شَرِيكٍ قَالَ: وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ فَلَمْ يَعْرِفْهُ إِلَّا مِنْ حَدِيثٍ يَحْيَى بْنِ آدَمَ عَنْ شَرِيكٍ، وَقَالَ: حَدَّثَنَا غَيْرٌ وَاحِدٌ عَنْ شَرِيكٍ، عَنْ عَمَّارٍ، عَنْ أَبِي الرَّبِّيرِ، عَنْ جَابِرٍ: أَنَّ السَّيِّدَ ﷺ دَخَلَ مَكَّةَ وَعَلَيْهِ عِمَامَةً سَوْدَاءً.

قال مُحَمَّدٌ: وَالْحَدِيثُ هُوَ هَذَا.

[قال أبو عيسى:] وَالدُّهْنُ بَطْنُ مِنْ بَجِيلَةَ، وَعَمَّارُ الدُّهْنِيُّ هُوَ عَمَّارُ بْنُ مُعاوِيَةَ الدُّهْنِيُّ، وَيُكْنَى أَبَا مُعاوِيَةَ، وَهُوَ كُوفِيٌّ [وَهُوَ] يَقِنَّ عِنْدَ أَهْلِ الْحَدِيثِ.

Tarīqah: [Hasan] and after him Abū Dāwud, al-Jehād, Bāb: Fi al-Raiyat wal-Alwiyah, H: 2592, and Abū Ḥāfiẓ, H: 2817, and al-Nasā’i, H: 2869, from Ḥadīth Yūḥayyī b. Ādām that he corrected the ḥāfiẓ that the ruler had a condition on the part of the army, while the one used by each individual company or brigade is called *Liwā’*.^[3]

Chapter 10. (What Has Been Related) About Flags

1680. Yūnus bin ‘Ubaid, the freed slave of Muḥammad bin Al-Qāsim said: “Muḥammad bin Al-Qāsim sent me to Al-Barā’ bin ‘Āzib to ask him about the flag of the Messenger of Allāh ﷺ. He said: ‘It was a black square of *Namirah*.’” (*Hasan*)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Alī, Al-Hārith bin Hassān, and Ibn ‘Abbās.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharib*, we do not know of it except from the report of Ibn Abī Zā’idah. And Abū Ya’qūb Ath-Thaqafī’s name is Ishāq bin Ibrāhīm. ‘Ubadullāh bin Mūsā also reports from him.

تخريج: [حسن] وأخرجه أبو داود، أيضاً، ح: ٢٥٩١ من حديث يحيى بن زكريا به وللحديث شواهد * وفي الباب عن علي [النسائي في السنن الكبرى، ح: ٨٦٤٠] والحارث بن حسان [يأتي: ٣٢٧٤] وابن عباس [يأتي: ١٦٨١].

Comments:

Al-Qādī said: ‘The meaning of black is that most of the color of it was black, such that from a distance one could see black, not that its color was pure black. For he said: “of *Namirah*” which is a type of wool garment with black and white stripes or design that the Arabs wore. It is for that reason that it was called *Namirah*, because it resembled a *Namir* (a leopard or a tiger).”

1671. Ibn ‘Abbās said: “The flag of the Messenger of Allāh ﷺ was black, and his standard was white.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharib* from this route, as a narration of Ibn ‘Abbās.

(المعجم ١٠) - باب [ما جاءَ] في
الرَّأيَاتِ (التحفة ٣٦)

1680. - حَدَّثَنَا أَحْمَدُ بْنُ مَنْعِعَ: حَدَّثَنَا يَحْيَى بْنُ زَكْرِيَّاً بْنُ أَبِي رَاهِدَةَ: حَدَّثَنَا أَبُو يَعْقُوبَ التَّقِيفِيَّ: حَدَّثَنَا يُونُسُ بْنُ عُبَيْدِ مَوْلَى مُحَمَّدَ بْنِ الْفَاسِمِ قَالَ: بَعْثَيْتِي مُحَمَّدَ بْنَ الْفَاسِمَ إِلَى الْبَرَاءِ بْنِ عَازِبٍ أَسْأَلَهُ عَنْ رَأْيِهِ رَسُولُ اللَّهِ ﷺ فَقَالَ: «كَانَ سَوْدَاءً مُرْبَعَةً مِنْ نَوْرَةً».

[قالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ عَلَيِّ وَالْحَارِثِ بْنِ حَسَّانَ وَابْنِ عَبَّاسٍ.

[قالَ أَبُو عِيسَى:] وَهَذَا حَدِيثُ حَسَنٍ عَرِيبٌ لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ ابْنِ أَبِي رَاهِدَةَ. وَأَبُو يَعْقُوبَ التَّقِيفِيَّ اسْمُهُ إِسْحَاقُ بْنُ إِبْرَاهِيمَ، وَرَوَى عَنْهُ أَيْضًا عُبَيْدَ اللَّهِ بْنَ مُوسَى.

تخريج: [حسن] وأخرجه أبو داود، أيضاً، ح: ٢٥٩١ من حديث يحيى بن زكريا به وللحديث شواهد * وفي الباب عن علي [النسائي في السنن الكبرى، ح: ٨٦٤٠] والحارث بن حسان [يأتي: ٣٢٧٤] وابن عباس [يأتي: ١٦٨١].

1681. - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا يَحْيَى بْنُ إِسْحَاقَ [وَهُوَ السَّالِحَانِيُّ]: حَدَّثَنَا يَزِيدُ بْنُ حَيَّانَ قَالَ: سَعَيْتُ أَبَا مِجْنَزٍ لَاحِقًا بْنَ حُمَيْدٍ يُحَدِّثُ عَنِ ابْنِ عَبَّاسٍ قَالَ: كَانَ رَأْيَهُ رَسُولُ اللَّهِ ﷺ سَوْدَاءً، وَلَوْاً أَيْضًا.

[قالَ أَبُو عِيسَىٰ:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ مِّنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ ابْنِ عَبَّاسٍ.

تَخْرِيج: [حسن] وأخرجه ابن ماجه، الجهاد، باب الريات والألوية، ح: ٢٨١٨ من حديث يحيى بن إسحاق به.

Comments:

Sometimes, however, the Prophet ﷺ used other colors as well. (*Tuhfat Al-Ahwadhi*, v.3, p.24).

Chapter 11. What Has Been Related About Code Words

1682. Al-Muhallab bin Abī Ṣufrah reported from one who heard the Prophet ﷺ saying: “If you suffer a surprise attack from the enemy then say: ‘*Ha Mīm*, they will not be victorious.’” (*Sahīh*)

[Abū ‘Eisā said:] There is something on this topic from Salamah bin Al-Akwa’. This is how some of them reported it from Abū Ishaq, the same as the narration of Ath-Thawrī. And it has been reported from him, from Al-Muhallab bin Abī Ṣufrah from the Prophet ﷺ in *Mursal* form.

(المعجم (١١) - بَابُ مَا جَاءَ فِي الشِّعَارِ (التحفة (٣٧)

١٦٨٢ - حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُعْيَانُ عَنْ أَبِي إِسْحَاقَ، عَنْ الْمُهَلَّبِ بْنِ أَبِي صُفْرَةَ، عَمَّنْ سَمِعَ النَّبِيَّ ﷺ يَقُولُ: «إِنْ يَسْتَكِمُ الْعَدُوُّ فَقُولُوا: حَمْ لَا يُنْصَرُونَ».

[قالَ أَبُو عِيسَىٰ:] وَفِي الْبَابِ عَنْ سَلَمَةَ ابْنِ الْأَكْعَوْنِ، وَهَذَهَا رَوَى بَعْضُهُمْ عَنْ أَبِي إِسْحَاقَ مِثْلَ رِوَايَةِ الشَّوَّرِيِّ. وَرَوَى عَنْهُ عَنْ الْمُهَلَّبِ بْنِ أَبِي صُفْرَةَ عَنِ النَّبِيِّ ﷺ مُؤْسَلاً.

تَخْرِيج: [صحيح] وأخرجه أبو داود، الجهاد، باب: في الرجل ينادي بالشعار، ح: ٢٥٩٧ من حديث سفيان الثوري به وصححه الحاكم على شرط البخاري ومسلم: ١٠٧/٢ وواافقه الذهبي (!) وصححه ابن كثير في تفسيره: ٦٩/٤ وأبو إسحاق صرح بالسماع عند عبدالرازق، ح: ٩٤٦٧ * وفي الباب عن سلمة بن الأكعوْن [أبو داود، ح: ٢٥٩٦].

Comments:

During battle, special codes are introduced among comrades in order to identify the friend from foe, so that, in case of a surprise attack or ambush from the enemy in the darkness of the night, fellow fighters of the same army may not blindly clash with each other. The codes would also enable the guards to identify the enemy spies through demanding the code words from them. The codes, therefore, have to be changed from time to time.

Chapter 12. What Has Been Related About The Description Of The Sword Of The Messenger Of Allāh ﷺ

1683. ‘Uthmān bin Sa‘d narrated that Ibn Sīrīn said: “I made my sword like the sword of Samurah bin Jundab. Samurah claimed that he made his sword like the sword of the Messenger of Allāh ﷺ, and it was a *Hanafiyah*.^[1]”^[1] (*Da‘if*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharib*, we do not know of it except through this route. Yahyā bin Sa‘eed Al-Qatṭān has criticized ‘Uthmān bin Sa‘d the scribe, and he graded him weak due to his memory.

تَحْرِيْج: [إسْنَاده ضَعِيفٌ] وَأَخْرَجَهُ أَحْمَدُ: /٢٠/٥ مِنْ حَدِيثِ عُثْمَانَ بْنَ سَعْدٍ الْكَاتِبِ ضَعِيفٌ كَمَا فِي التَّقْرِيبِ وَغَيْرِهِ.

Comments:

Our virtuous predecessors would, as far as possible, model every action of theirs after the pattern of the Prophet ﷺ. May Allāh enable us as well to follow their example!

Chapter 13. What Has Been Related About Breaking The Fast At The Time Of Fighting

1684. Abū Sa‘eed Al-Khudrī narrated: “During the year of the conquest, when the Prophet ﷺ reached Marr Zahrān,^[2] he told us that we would meet the enemy. So he ordered us to break the fast, and we [all] broke our fast.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is

(المعجم ١٢) - بَابُ مَا جَاءَ فِي صِفَةِ سَيْفِ رَسُولِ اللَّهِ ﷺ (التحفة ٣٨)

١٦٨٣ - حَدَّثَنَا مُحَمَّدُ بْنُ شُبَّاعَ الْبَعْدَادِيُّ: حَدَّثَنَا أَبُو عَيْدَةَ الْحَدَّادُ عَنْ عُثْمَانَ بْنِ سَعْدٍ، عَنْ أَبْنِ سِيرِينَ قَالَ: صَنَعْتُ سَيْفِي عَلَى سَيْفِ سَمُّرَةَ بْنِ جُنْدِبٍ، وَزَعَمَ سَمُّرَةُ أَنَّهُ صَنَعَ سَيْفَهُ عَلَى سَيْفِ رَسُولِ اللَّهِ ﷺ، وَكَانَ حَنَفِيًّا.

قَالَ أَبُو عِيسَى: [هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ. وَقَدْ تَكَلَّمَ يَحْيَى أَبْنُ سَعِيدٍ الْقَطَّانُ فِي عُثْمَانَ بْنِ سَعْدِ الْكَاتِبِ وَضَعَفَهُ مِنْ قِبَلِ حَفْظِهِ.]

تَحْرِيْج: [إسْنَاده ضَعِيفٌ] وَأَخْرَجَهُ أَحْمَدُ: /٢٠/٥ مِنْ حَدِيثِ عُثْمَانَ بْنَ سَعْدٍ الْكَاتِبِ ضَعِيفٌ كَمَا فِي التَّقْرِيبِ وَغَيْرِهِ.

(المعجم ١٣) - بَابُ مَا جَاءَ فِي الْفِطْرِ عِنْدَ الْفِتَالِ (التحفة ٣٩)

١٦٨٤ - حَدَّثَنَا أَخْمَدُ بْنُ مُحَمَّدٍ بْنُ مُوسَى: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكَ: حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الْعَزِيزِ عَنْ عَطِيَّةَ بْنِ قَبِيسٍ، عَنْ قَزَّاعَةَ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: لَمَّا بَلَغَ النَّبِيُّ ﷺ عَامَ الْفَتْحِ مَرَّ الظَّهَرَانِ فَادَّنَا بِلِقَاءَ

^[1] That is, it had the appearance of one made by Banū Ḥanīfah, who were known for making swords. See *Tuhfat Al-Ahwadhi*.

^[2] A valley between Makkah and ‘Uṣfān. See *Tuhfat Al-Ahwadhi*.

Hasan Sahīh, and there is something on this topic from Ibn 'Umar.

تخریج: وأخرجه مسلم، الصيام، باب أجر المفطر في السفر إذا تولى العمل، ح: ١١٢٠ من حديث قزعة به.

Comments:

At times of war, toughness and strength of the body is as important a requirement as high morale and courage of the heart. Hunger and thirst of the fast naturally dampens, this strength. Therefore, when the believers are face to face with the enemy and armed clash becomes imminent; fasting must be done away with. And should the situation demand, the fast already started should also be broken, even as the Prophet ﷺ had done while on his way to the Conquest of Makkah (*Tuhfat Al-Ahwadhi*, v.3: p.25).

Chapter 14. What Has Been Related About Going Out During The Time Of Fright

1685. Anas bin Mālik narrated: "The Prophet ﷺ rode a horse belonging to Abū Ṭalḥah called Mandūb. He said: 'There is nothing to be frightened of, and we found him to be (quick) like the sea.'" (*Sahīh*)

[Abū 'Eisā said:] There is something on this topic from Ibn 'Amr bin Al-'Āṣ.

تخریج: متفق عليه، وأخرجه البخاري، الهمة وفضلها والتحريض عليها، باب من استعار من الناس الفرس، ح: ٢٦٢٧ ومسلم، ح: ٢٣٠٧ من حديث شعبة به وهو في مسند الطيالسي، ح: ١٩٧٩ باختلاف يسير * وفي الباب عن عمرو بن العاص [أحمد: ٤/٢٠٣ و النسائي في فضائل الصحابة، ح: ١٩٦ والكبرى، ح: ٨٣٠١].

Comments:

Sometimes, feelings of fear and panic grip the people because of some dubious happening or rumour. In a condition like this, it would be an act of great wisdom if a person goes out to investigate the matter and, on return, apprise the people of the correct situation and thus help them out of their unnecessary fear or panic.

العدُو فَأَمْرَنَا بالفطْرِ فَأَفْطَرْنَا [أَجْمَعُونَ].
[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ

صَحِيحٌ وَفِي الْبَابِ عَنْ عُمَرَ.

تخریج: وأخرجه مسلم، الصيام، باب أجر المفطر في السفر إذا تولى العمل، ح: ١١٢٠ من حديث قزعة به.

(المعجم ١٤) - بَابُ مَا جَاءَ فِي الْخُرُوجِ عِنْدَ الْفَرَزْعِ (التحفة ٤٠)

١٦٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَيْلَانَ: حَدَّثَنَا
أَبُو دَاوُدَ الطِّيَالِسِيُّ [قالَ]: أَبْنَانَا شُبْنَةُ عَنْ
قَتَادَةَ: حَدَّثَنَا أَنْسُ بْنُ مَالِكٍ قَالَ: رَكِبَ
الَّذِي يَكْتُلُهُ فَرَسًا لِأَبِي طَلْحَةَ يُقَالُ لَهُ مَنْدُوبٌ،
فَقَالَ: «مَا كَانَ مِنْ فَرَسٍ وَإِنْ وَجَدْنَا لَهُ مُرَا».
[قالَ أَبُو عِيسَى: وَفِي الْبَابِ عَنْ أَبْنِ
عُمَرٍ وَبْنِ الْعَاصِ].

[وَ] هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، الهمة وفضلها والتحريض عليها، باب من استعار من

الناس الفرس، ح: ٢٦٢٧ ومسلم، ح: ٢٣٠٧ من حديث شعبة به وهو في مسند الطيالسي، ح: ١٩٧٩ باختلاف يسير * وفي الباب عن عمرو بن العاص [أحمد: ٤/٢٠٣ و النسائي في فضائل

الصحابية، ح: ١٩٦ والكبرى، ح: ٨٣٠١].

1686. Anas [bin Mālik] said: “There was a cause for fright in Al-Madinah. So the Messenger of Allāh ﷺ borrowed a horse of ours called Mandūb. He said: ‘I have not seen anything to be frightened of, and we found him to be (quick) like the sea.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: وأخرجه مسلم، الفضائل، باب شجاعته ﷺ، ح: ٢٣٠٧ عن محمد بن بشار به مختصرًا وانظر الحديث السابق.

1687. Anas narrated: “The Prophet ﷺ was the nicest person among the people, the most generous of the people, and the bravest among the people.” He said: “The inhabitants of Al-Madinah became frightened one night upon hearing a loud noise.” He said: “So the Prophet ﷺ met them upon an unsaddled horse belonging to Abū Ṭalhah, with a sword hanging around his neck. He said: ‘Do not fear, do not fear.’ The Prophet ﷺ said: ‘I found him to be (quick) like the sea.’” – meaning the horse. (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب: إذا فزعوا بالليل؟، ح: ٣٠٤٠ عن قتيبة ومسلم، ح: ٢٣٠٧ من حديث حماد بن زيد به.

Chapter 15. What Has Been Related About Standing Firm During The Time Of Fighting

1688. Abū Ishāq narrated from Al-Barā’ bin ‘Āzib who said: “A man

١٦٨٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ وابْنُ أَبِي عَدَىٰ وآبُو دَاوُدَ قَالُوا: حَدَّثَنَا شُعبَةُ عَنْ قَنَادَةَ، عَنْ أَنَسِ [بْنِ مَالِكٍ] قَالَ: كَانَ فَرَعَ بِالْمَدِينَةِ فَاسْتَعَارَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَرَسًا لَنَا يُقَالُ لَهُ مَدْنُوبٌ، فَقَالَ: «مَا رَأَيْنَا مِنْ فَرَعَ إِنْ وَجَدْنَاهُ لَبَحْرًا». [قَالَ آبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: وأخرجه مسلم، الفضائل، باب شجاعته ﷺ، ح: ٢٣٠٧ عن محمد بن بشار به مختصرًا وانظر الحديث السابق.

١٦٨٧ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَادَ بْنُ زَيْدَ عَنْ ثَابِتٍ، عَنْ أَنَسِ قَالَ: كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَحْسَنَ النَّاسِ، وَأَجْوَدَ النَّاسِ، وَأَشْجَعَ النَّاسِ، قَالَ: وَلَقَدْ فَرَعَ أَهْلُ الْمَدِينَةِ لَيْلَةَ سَمِيعُوا صَوْنَا قَالَ: فَتَلَقَّاهُمُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَرَسٍ لِأَبِي طَلْحَةَ غُرْبِيًّا وَهُوَ مُقَلَّدٌ سَيْفَهُ، فَقَالَ: «لَمْ تُرَاغُوا لَمْ تُرَاغُوا»، فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «وَلَجَدْنَاهُ بَحْرًا» - يَعْنِي الْفَرَسَ . [قَالَ آبُو عِيسَى]: هَذَا حَدِيثٌ صَحِيحٌ.

(المعجم ١٥) - بَابُ مَا جَاءَ فِي الْبَاتِلَةِ عِنْدَ الْقِتَالِ (التحفة ٤١)

١٦٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا سُعِيَانُ [الثَّوْرِيُّ]:

said to us: ‘Did you flee from the Messenger of Allāh ﷺ? O Abū ‘Umārah?’” He said: “No. By Allāh! I did not flee from the Messenger of Allāh ﷺ, but some hasty people fled and (the tribe of) Hawāzin assaulted them with arrows. The Messenger of Allāh ﷺ was on his white mule, and Abū Sufyān bin Al-Hārith bin ‘Abdul-Muṭṭalib was holding its reigns. The Messenger of Allāh ﷺ was saying: ‘I am the Prophet without lie, I am the son of ‘Abdul-Muṭṭalib.’” (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Alī, and Ibn ‘Umar.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب بغلة النبي ﷺ في البيضاء، ح: ٢٨٧٤ ومسلم، ح: ١٧٧٦ / ٨٠ من حديث يحيى القطان به * وفي الباب عن علي [علمه يشير إلى حديث أحمد: ١٥٦، ٨٦، ١٢٦] وابن عمر [يأتي: ١٦٨٩].

Comments:

An army unit or contingent is only dubbed as vanquished or retreated if the commander has run away from the field. In case the chief is holding his ground in the field, the fleeing fighters can easily return to him, and the army cannot be described as retreated or defeated.

1689. Ibn ‘Umar narrated: “Indeed we saw the Day of Hunain, and indeed the two armies fled from the Messenger of Allāh ﷺ, and there did not remain one hundred men with the Messenger of Allāh ﷺ.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb* as a narration of ‘Ubaidullāh. We do not know of it except from this route.

تخریج: [صحيح] وأخرجه الطبراني في الأوسط: ٥١٢، ٥١١ / ٥، ح: ٤٩٧٣ من حديث محمد بن علي به وقال: ”فرد به محمد“ يعني ابن عمر بن علي المقدمي بهذا السند، وللحديث شواهد كثيرة، انظر تفسير ابن كثير: ٣٥٨ / ١ وغیره.

حَدَّثَنَا أَبُو إِسْحَاقَ عَنِ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: قَالَ لَنَا رَجُلٌ أَفَرَرْتُمْ عَنْ رَسُولِ اللهِ ﷺ يَا أَبَا عُمَارَةَ؟ قَالَ: لَا، وَاللَّهِ مَا وَلَى رَسُولُ اللهِ ﷺ وَلِكُنَّ وَلَى سَرْعَانُ النَّاسِ تَلَقَّهُمْ هَوَازِنُ بِالْتَّلِّ وَرَسُولُ اللهِ ﷺ عَلَى بَعْلَيْهِ، وَأَبُو سُفْيَانَ بْنَ الْحَارِثِ بْنَ عَبْدِ الْمُطَّلِبِ آخِذٌ بِلِحَامِهَا، وَرَسُولُ اللهِ ﷺ يَقُولُ: «أَنَا النَّئِي لَا كَذِبَ، أَنَا ابْنُ عَبْدِ الْمُطَّلِبِ». [قال أَبُو عِيسَى]: وَفِي الْبَابِ عَنْ عَلَيِّ، وَابْنِ عُمَرَ . [وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ].

١٦٨٩ - حَدَّثَنَا مُحَمَّدُ بْنُ عُمَرَ بْنَ عَلَيِّ المُقْدَمِيُّ [البَصْرِيُّ]: حَدَّثَنِي أَبِي عَنْ سُفْيَانَ بْنِ حُسْنِيْنَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبِي حَمْزَةَ الْمَخْرَبِيِّ [الْمَؤْلِيَّانَ] وَمَا مَعَ رَسُولِ اللهِ ﷺ مَا تَأْتِي رَجُلٌ . [قال أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ مِنْ حَدِيثِ عَبْدِ اللَّهِ لَا نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ .

تخریج: [صحيح] وأخرجه الطبراني في الأوسط: ٥١٢، ٥١١ / ٥، ح: ٤٩٧٣ من حديث محمد بن علي به وقال: ”فرد به محمد“ يعني ابن عمر بن علي المقدمي بهذا السند، وللحديث شواهد كثيرة، انظر تفسير ابن كثير: ٣٥٨ / ١ وغیره.

Comments:

Initially, at the battle of Hunain, fighters from both groups - the *Ansārs* (Helpers) and *Muhājirs* (Emigrants) had fled the battle field. The Prophet's exemplary courage and fortitude, however, gave them the courage once again, and slowly but surely they returned and joined back the battle. It is reported on the authority of 'Abdullāh bin Mas'ūd that there were eighty Emigrants with the Messenger of Allāh ﷺ on that occasion. (*Tuhfat Al-Ahwadhi*, v.3, p.26)

Chapter 16. What Has Been Related About Swords And Their Ornamentation

1690. Tālib bin Hujaib narrated from Hūd bin 'Abdullāh bin Sa'd, from his grandfather Mazidah, who said: "The Messenger of Allāh ﷺ entered (Makkah) on the Day of the Conquest and there was gold and silver on his sword." Tālib said: "So I asked him about the silver and he said: 'The hand-guard of his sword was of silver.'" (*Hasan*)

[*Abū 'Eisā* said:] There is something on this topic from Anas.

This *Hadīth* is *Hasan Gharīb*. Hūd's (great) grandfather's name is Mazidah Al-'Aṣārī.

تخریج: [إسناده حسن] وأخرجه الطبراني في الكبير: ٢٠-٣٤٧-٣٤٥، ح ٨١٢ من حديث محمد بن صدران به * وفي الباب عن أنس [يأتي: ١٦٩١].

Comments:

In order to have a firm hold on the sword's hand-guard, the fighters generally had gold, silver or iron plaited on it. Muslims, however, generally had iron, leather or polish on it. Some of them even had silver towards the end of the hand-guards. (*Tuhfat Al-Ahwadhi*, v.3, p.27).

1691. Anas said: "The hand-guard on the sword of the Messenger of Allāh ﷺ was made from silver." (*Sahīh*)

[*Abū 'Eisā* said:] This *Hadīth* is *Hasan Gharīb*. This is how it has been reported from Hamām from Qatādah from Anas. While some of

(المعجم ١٦) - بَابُ مَا جَاءَ فِي
السُّيُوفِ وَحَلْيَتِهَا (التحفة ٤٢)

١٦٩٠ - حَدَّثَنَا مُحَمَّدُ بْنُ صُدْرَانَ أَبُو جَعْفَرِ الْبَصْرِيِّ: حَدَّثَنَا طَالِبُ بْنُ حُجَّاجٍ عَنْ هُودِ بْنِ عَبْدِ اللَّهِ بْنِ سَعْدٍ، عَنْ جَدِّهِ مَرِيَدَةَ قَالَ: دَخَلَ رَسُولُ اللَّهِ ﷺ يَوْمَ الْفَتْحِ وَعَلَى سَيْفِهِ ذَهَبٌ وَفِضَّةٌ، قَالَ طَالِبٌ: فَسَأَلَهُ عَنِ الْفِضَّةِ قَالَ: كَانَتْ قِيَعَةً لِسَيْفِهِ فِضَّةً .
[قال أبا عيسى:] وفي الباب عن أنس .
[و]هذا حديث حسن غريب . وجده هود
اسمه مريدة العصري .

١٦٩١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ [بْنِ حَازِمٍ]: حَدَّثَنَا أَبِي عَنْ قَتَادَةَ، عَنْ أَنَسٍ قَالَ: كَانَتْ قِيَعَةً لِسَيْفِ رَسُولِ اللَّهِ ﷺ مِنْ فِضَّةٍ .
[قال أبا عيسى:] هذا حديث حسن .

them reported it from Qatādah, from Sa'eed bin Abī Al-Hasan who said: "The hand-guard on the sword of the Messenger of Allāh ﷺ was made from silver."

غَرِيبٌ وَهُكْمًا رُوِيَّ عَنْ هَمَامَ، عَنْ قَتَادَةَ،
عَنْ أَنَسٍ، وَقَدْ رَوَى بَعْضُهُمْ عَنْ قَتَادَةَ، عَنْ
سَعِيدِ بْنِ أَبِي الْحَسَنِ قَالَ: كَانَتْ قِيَعَةُ سَيْفِ
رَسُولِ اللَّهِ ﷺ مِنْ فَضَّةٍ.

تخریج: [صحیح] وأخرجه أبو داود، الجهاد، باب: في السيف يحلی، ح: ٢٥٨٣
والسائلی، ح: ٥٣٧٦ من حديث شواهد عند النساءی، ح: ٥٣٧٥ وغيره
ورواه أبو داود، ح: ٢٥٨٤ عن قتادة عن سعيد بن أبي الحسن به.

Chapter 17. What Has Been Related About A Coat Of Mail

1692. Az-Zubair bin Al-'Awwām said: "On the Day of Uhud, the Prophet ﷺ wore two coats of mail. He tried to get up on a boulder but was not able to, so Ṭalḥah squatted under him, lifting the Prophet ﷺ upon it such that he could sit on the boulder. So he ﷺ said: (Paradise) "It is obligated for Ṭalḥah."'" (*Hasan*)

[Abū 'Eisā said:] There are narrations on this topic from Ṣafwān bin Umayyah and As-Sā'ib bin Yazid.

This *Hadīth* is *Hasan Gharīb*, we do not know of it except through the narration of Muḥammad bin Ishāq.

(المعجم ١٧) - بَابُ مَا جَاءَ فِي الدُّرْجِ (التحفة ٤٣)

١٦٩٢ - حَدَّثَنَا أَبُو سَعِيدُ الْأَشْجَعُ: حَدَّثَنَا
يُونُسُ بْنُ مُكْبِرٍ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ
يَحْيَى بْنِ عَبَادٍ بْنِ عَبْدِ اللَّهِ بْنِ الرَّبِيعِ، عَنْ
أَبِيهِ، عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ الرَّبِيعِ، عَنْ الرَّبِيعِ
ابْنِ الْعَوَامِ قَالَ: كَانَ عَلَى النَّبِيِّ ﷺ دِرْعَانِ
يَوْمَ أُحْدِي، فَنَهَضَ إِلَى الصَّخْرَةِ فَلَمْ يَسْتَطِعْ،
فَأَقْعَدَ طَلْحَةَ تَحْتَهُ، فَصَعَدَ النَّبِيُّ ﷺ عَلَيْهِ
حَتَّى اسْتَوَى عَلَى الصَّخْرَةِ، فَقَالَ: سَيُغْنِي
النَّبِيُّ ﷺ يَقُولُ: أَوْجَبَ طَلْحَةً.

[قال أبُو عِيسَى:] وَفِي الْبَابِ عَنْ صَفْوَانَ
ابْنِ أُمَيَّةَ وَالسَّائِبِ بْنِ يَرِيدَ.
[وَهُدَا حَدِيثُ حَسَنٍ غَرِيبٍ لَا نَعْرِفُهُ إِلَّا
مِنْ حَدِيثِ مُحَمَّدِ بْنِ إِسْحَاقَ.]

تخریج: [إسناده حسن] وأخرجه البزار (البحر الزخار): ١٨٨/٣، ح: ٩٧٢ من حديث أبي سعيد الأشعّ به ومحمد بن إسحاق صرّح بالسماع في الرواية المختصرة عند أبي يعلى: ٢٣/٢، ٢٣/٢، ٦٧٠ والحديث صحيح ابن حبان، ح: ٢٢١٢: ٢٥/٣ والحاكم: ٣٧٣، ٣٧٤ والذهبي * وفي الباب عن صفوان بن أمية [أبو داود، ح: ٣٥٦٤-٣٥٦٢] والسائل بن يزيد [الترمذی في الشمائل، ح: ١١٠].

Comments:

Taking offensive or defensive armament for war is not against the principle of *Tawakkul* (reliance upon Allāh). Ṭalḥah ﷺ risked his own life and got his own body lacerated, to the extent that he sustained more than eighty wounds on his body, and one of his hands was permanently paralyzed. (*Tuhfat Al-Ahwadhi*, v.3, p.27 & 28).

Chapter 18. What Has Been Related About the Helmet

1693. Anas bin Mālik narrated: “The Prophet ﷺ entered (Makkah) during the year of the Conquest, and upon his head was a helmet (*Mighfar*). It was said to him: ‘Ibn Khaṭal is clinging to the covering of the Ka’bah.’ So he said: ‘Kill him.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh* [*Gharīb*]. We do not know of anyone important who reported it other than Mālik from Az-Zuhri.

تخریج: متفق عليه، وأخرجه مسلم، الحج، باب جواز دخول مكة بغیر احرام، ح: ١٣٥٧ عن قتيبة والبخاري، ح: ١٨٤٦ من حديث مالك به وهو في الموطأ: ١/٤٢٣ (يعني).

Comments:

As regards ‘Abdullāh bin Khaṭal, he had first converted to Islam, then turned apostate. He was not only a war criminal, but also had gone as far as getting his two handmaids to sing verses of poetry lampooning the Prophet ﷺ. That is the reason why the Prophet ﷺ condemned him to death. (*Tuhfat Al-Ahwadhi*, v.3, p.28).

Chapter 19. What Has Been Related About The Virtue Of Horses

1694. ‘Urwah Al-Bāriqī narrated that the Messenger of Allāh ﷺ said: “Goodness will remain in the forelocks of horses until the Day of Judgement: (They bring about) Reward and spoils of war.” (*Sahīh*)

(المعجم ١٨) - بَابُ مَا جَاءَ فِي الْمِعْفَرِ
(التحفة ٤٤)

١٦٩٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا مَالِكُ بْنُ أَسَىٰ عَنْ أَبْنِ شَهَابٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: دَخَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَامَ الْفَتْحِ وَعَلَى رَأْسِهِ الْمِعْفَرُ فَقَبَّلَ لَهُ: أَبْنُ حَطَّلٍ مُّتَلَقِّبٍ بِأَسْتَارِ الْكَعْبَةِ، فَقَالَ: «أَقْتُلُوهُ».

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ صَحِحٍ [غَرِيبٌ]. لَا نَعْرِفُ كَبِيرًا أَحَدٍ رَوَاهُ غَيْرُ مَالِكٍ عَنِ الزُّهْرِيِّ.

(المعجم ١٩) - بَابُ مَا جَاءَ فِي فَضْلِ الْحَيْلِ
(التحفة ٤٥)

١٦٩٤ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا عَبْرُونَ القَاسِمُ عَنْ حُصَيْنٍ، عَنْ الشَّعْبِيِّ، عَنْ عُرْوَةَ الْبَارِقِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «الْحَيْلٌ مَعْفُودٌ فِي نَوَاصِي الْحَيْلِ إِلَى يَوْمِ الْقِيَامَةِ»

[Abū ‘Eisā said:] There are narrations on this topic from Ibn ‘Umar, Abū Sa‘eed, Jarīr, Abū Hurairah, Asmā’ bint Yazīd, Al-Mughīrah bin Shu‘bah, and Jābir.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣāḥīh*. ‘Urwah is Ibn Abī Al-Ja‘d Al-Bāriqī, and they say he is ‘Urwah bin Al-Ja‘d. Aḥmad bin Ḥanbal said: “The *Fiqh* of this *Hadīth* is that *Jihād* is with every *Imām* until the Day of Judgement.”

الأَجْرُ وَالْمَعْنُونُ .

[Qāl ʻAbū ʻIyīsī :] وَفِي الْبَابِ عَنْ ابْنِ عُمَرَ ، وَأَبِي سَعِيدٍ ، وَجَرِيرٍ ، وَأَبِي هُرَيْرَةَ ، وَأَسْمَاءَ بْنَتِ يَزِيدَ ، وَالْمُغَиْرَةَ بْنَ شَعْبَةَ ، وَجَابِرٍ .

[Qāl ʻAbū ʻIyīsī :] وَهَذَا حَدِيثُ حَسَنٍ صَحِيحٍ . وَعُرْوَةُ هُوَ ابْنُ أَبِي الْجَعْدِ الْبَارِقِيِّ وَيُقَالُ : هُوَ عُرْوَةُ بْنُ الْجَعْدِ . قَالَ أَحْمَدُ بْنُ حَنْبَلٍ : وَقَتْهُ هَذَا الْحَدِيثُ أَنَّ الْجِهَادَ مَعَ كُلِّ إِمَامٍ إِلَى يَوْمِ الْقِيَامَةِ .

تخریج: وأخرجه مسلم، الإمارة، باب فضيلة الخيل وأن الخير معقود بنواصيها، ح: ١٨٧٣ من حديث حصين به * وفي الباب عن ابن عمر [البخاري، ح: ٢٨٤٩] ومسلم، ح: ١٨٧١؛ وأبي سعيد [أحمد: ٣٩/٣] وجرير [مسلم، ح: ١٦٣٦] وأبي هريرة [تقدمة: ١٨٧٢] وأسماء بنت يزيد [أحمد: ٤٥٨، ٤٥٥] وعبد بن حميد، ح: ١٥٨٣] والمعيرة بن شعبة [الطبراني في الكبير: ٤٣١، ح: ١٠٤٧] وجابر [أحمد: ٣٥٢/٣].

Chapter 20. (What Has Been Related) About What Is Recommended Regarding Horses

1695. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “The blessing of the horse is in its redness.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ghariib*, we do not know of it except from this route, from the narration of Shaibān.

(المعجم (٢٠) - بَابُ [مَا جَاءَ] مَا يُسْتَحْبِطُ مِنَ الْخَيْلِ (التحفة (٤٦)

١٦٩٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الصَّبَّاحِ الْهَاشِمِيُّ الْبَصْرِيُّ : حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ : أَخْبَرَنَا شَيْبَانُ هُوَ ابْنُ عَبْدِ الرَّحْمَنِ : حَدَّثَنَا ʻIyīsī بْنُ عَلَيٍّ بْنِ عَبْدِ اللَّهِ [بْنِ عَبَّاسٍ] عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ : قَالَ رَسُولُ اللَّهِ ﷺ : يُمْنُنُ الْحَيْلُ فِي الشَّقْرِ .

[Qāl ʻAbū ʻIyīsī :] هَذَا حَدِيثُ حَسَنٍ غَرِيبٌ ، لَا تَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ شَيْبَانَ .

تخریج: [إسناده حسن] وأخرجه أبو داود، الجهاد، باب: فيما يستحب من ألوان الخيل، ح: ٢٥٤٥ من حديث شيبان به.

Comments:

Shuqr (in Arabic, the plural of *Ashqar*) means pure red. Other qualifying words mean as follows: *Ad-ham*: black; *Aqrah*: with black spot on the forehead; *Artham*: white on the upper lip, and according to some, whose nose is white; *Al-Aqrah Al-Muhajjal*: with some white on all the four legs; and *Talq Al-Yamīn*: the one with no white on the right leg; and *Kumait*: red with black on its mane and ears. And some say it is merely a color that is reddish black — as this is the case when the term does not apply to horses.

1696. Abū Qatādah narrated that the Prophet ﷺ said: “The best horse is the black one with a spot on the face, and white on the upper lip. Then the one with some white on his lower legs, except for the right. So if it is not black, then the *Kumait* (red one with black on its ears and its mane) with these markings.”^[1] (*Hasan*)

تخریج: [حسن] وأخرجه ابن ماجه، الجهاد، باب ارتباط الخيل في سبيل الله، ح: ٢٧٨٩ من حديث يزيد بن أبي حبيب به وانظر الحديث الآتي.

1697. (Another chain) with similar in meaning. (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb Sāhih*.

تخریج: [إسناده حسن] وأخرجه ابن ماجه، أيضاً، ح: ٢٧٨٩ عن محمد بن بشار به وصححه ابن حبان، ح: ١٦٣٣ والحاكم: ٩٢/٢ ووافقه الذهبي وللحديث طرق أخرى.

Chapter 21. (What Has Been Related) About What Is Disliked In Horses

1698. Abū Hurairah narrated that

١٦٩٦ - حَدَّثَنَا أَخْمَدُ بْنُ مُحَمَّدٍ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارِكِ: أَخْبَرَنَا أَبْنُ لَهِيَةَ عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ، عَنْ عَلَيِّ بْنِ رَبَاحٍ، عَنْ أَبِي قَتَادَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «خَيْرُ الْخَيْلِ الْأَذْهَمُ الْأَفْرُخُ الْأَرْتَمُ، ثُمَّ الْأَفْرُخُ الْمُحَجَّلُ طَلْقُ الْتَّمَنِينِ، فَإِنْ لَمْ يَكُنْ أَذْهَمَ فَكُمِيتُ عَلَى هَذِهِ الشَّيْءِ».

١٦٩٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا أَبِي عَنْ يَحْمَى بْنِ أَبْوَبَ، عَنْ يَزِيدَ بْنِ أَبِي حَيْبٍ [بِهِذَا الإِسْنَادِ] نَحْوَهُ يَعْنَاهُ.

[قال أبو عيسى:] هَذَا حَدīث حَسَنٌ غَرِيبٌ صَحِيحٌ.

تخریج: [إسناده حسن] وأخرجه ابن ماجه، أيضاً، ح: ٢٧٨٩ عن محمد بن بشار به وصححه ابن حبان، ح: ١٦٣٣ والحاكم: ٩٢/٢ ووافقه الذهبي وللحديث طرق أخرى.

(المعجم ٢١) - بَابُ مَا [جَاءَ مَا] يُكْرَهُ مِنَ الْخَيْلِ (التحفة ٤٧)

١٦٩٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا

^[1] There are various definitions of the Arabic terms in this *Hadīth*. See *Tuhfat Al-Ahwadhi*, and “these markings” refers to the previously mentioned markings.

the Prophet ﷺ disliked *Shikāl*^[1] in horses. (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. *Shu’bah* reported similarly from ‘Abdullāh bin Yazīd Al-Khath’amī, from Abū Zur’ah (one of the narrators in the chain of this *Hadīth*), from Abū Hurairah, from the Prophet ﷺ. Abū Zur’ah bin ‘Amr bin Jarīr’s name is Harim.

Muhammad bin Humaid Ar-Rāzī narrated to us (he said): “Jarīr narrated to us from ‘Umārah bin Al-Qa’qā’ who said: ‘Ibrāhīm An-Nakha’ī said to me: “When you narrate from me, then narrate from me from Abū Zur’ah, for one time he narrated a *Hadīth* to me, then I asked him about it two years later, and he did not leave a letter out of it.”

تخریج: وأخرجه مسلم، الإمارة، باب ما يكره من صفات الخيل، ح ١٨٧٥ من حديث سفيان الثوري به * وقول إبراهيم النخعي: رواه البخاري في التاريخ الكبير: ٢٤٣/٨، ٢٤٤ من حديث جرير بن عبد الحميد به وهو صحيح عنه، محمد بن حميد، تابعه زهير بن حرب.

Chapter 22. What Has Been Related About Contests (And Racing)

1699. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ arranged for the *Mudammar* among horses to race from Al-Hafyā’ to Thaniyyah Al-Wādā’, between which was a distance of six miles. And for whatever horse was not among the *Mudammar*, they raced from Thaniyyah Al-Wādā’ to the

يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا سَلْمُ أَبْنُ عَبْدِ الرَّحْمَنِ [النَّخْعَيْ] عَنْ أَبِي زُرْعَةَ بْنِ عَمْرُو بْنِ جَرِيرٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ كَرِهَ الشَّكَالَ فِي الْخَيْلِ.

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ. وَقَدْ رَوَاهُ شَعْبَةُ عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ الْخَطَّمِيِّ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ نَحْوُهُ. وَأَبُو زُرْعَةَ بْنُ عَمْرُو بْنِ جَرِيرٍ أَسْمُهُ هَرِمُ.

حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدِ الرَّازِيُّ: حَدَّثَنَا جَرِيرٌ عَنْ عُمَارَةَ بْنِ الْقَعْدَاعِ قَالَ لِي إِبْرَاهِيمَ النَّخْعَيِّ: إِذَا حَدَّثْتَنِي فَحَدَّثْنِي عَنْ أَبِي زُرْعَةَ فَإِنَّهُ حَدَّثَنِي مَرَّةً بِحَدِيثٍ ثُمَّ سَأَلْتُهُ بَعْدَ ذَلِكَ سِئِينَ فَمَا خَرَّمَ مِنْهُ حَرْفًا.

تخریج: وأخرجه مسلم، الإمارة، باب ما يكره من صفات الخيل، ح ١٨٧٥ من حديث سفيان الثوري به * وقول إبراهيم النخعي: رواه البخاري في التاريخ الكبير: ٢٤٣/٨، ٢٤٤ من حديث جرير بن عبد الحميد به وهو صحيح عنه، محمد بن حميد، تابعه زهير بن حرب.

(المعجم ٢٢) - بَابُ مَا جَاءَ فِي الرِّهَانِ [وَالسَّبِقِ] (التحفة ٤٨)

1699 - حَدَّثَنَا مُحَمَّدُ بْنُ الْوَزِيرَ [الوَاسِطِيُّ]: حَدَّثَنَا إِسْحَاقُ بْنُ يُوسُفَ الْأَزْرَقُ عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ أَجْرَى الْمُضَمَّرَ مِنَ الْخَيْلِ مِنَ الْحَقْيَاءِ إِلَى شَيْءٍ الْوَدَاعَ وَيَنْهَمَا سِتَّةُ أَمْيَالٍ، وَمَا لَمْ يُضَمَّرَ مِنَ

[¹] Part or all of either the right or left front leg is white, and for the many different opinions see *Tuhfat Al-Ahwadhi*.

Masjid of Banū Zuraiq, between which was a distance of a mile. I was among those who raced, and my horse jumped along with me over a wall.” (*Sahīh*)

[*Abū ‘Eisā* said:] There are narrations on this topic from *Abū Hurairah*, *Jābir*, *Anas*, and *‘Āishah*.

This *Hadīth* is *Hasan Sahīh Gharīb* as a narration of *Ath-Thawrī*.

الْخَيْلُ مِنْ تَبَيْهَةِ الْوَادِعِ إِلَى مَسْجِدِ بَنِي رُزْبِقِ
وَيَئِثْمَامَا مِيلٌ وَكُنْتُ فِيمَنْ أَجْرَى، فَوَثَّبَ بِي
فَرَسِي جِدَارًا.

[قال أبو عيسى:] وفي الباب عن أبي هريرة، وجابر، وأنس، وعائشة.

[و]هذا حديث حسن صحيح غريب من
حديث الثوري.

تخریج: متفق عليه، وأخرجه البخاري، الجہاد والمسیر، باب السبق بين الخيل، ح: ٢٨٦٨؛ من حديث سفيان الثوري ومسلم، ح: ١٨٧٠ من حديث عبید الله بن عمر به * وفي الباب عن أبي هريرة، [يأتي: ١٧٠٠] وجابر [الطبراني في الأوسط: ٢١٥/١٠، ح: ٩٤٧٢] وأنس [البخاري، ح: ٢٨٧٢، ٢٨٧١، ٦٥٠١] وعائشة [ابن ماجه، ح: ١٩٧٩].

Comments:

Mudammar in Arabic means a trained horse that is richly fed and allowed to grow fat and strong. Then, gradually, its supply of food is reduced and it is confined to a room so that it reduces its weight and runs very fast.

1700. *Abū Hurairah* narrated that the Prophet ﷺ said: “No stake is acceptable except in archery, racing a camel, and racing a horse.” (*Hasan*)

١٧٠٠ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكَيْعٌ
عَنْ ابْنِ أَبِي ذِئْبٍ، عَنْ نَافِعٍ بْنِ أَبِي نَافِعِ،
عَنْ أَبِي هَرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا سَبَقَ
إِلَّا فِي نَصْلٍ أَوْ حُفًّا أَوْ حَافِرً».

تخریج: [إسناده حسن] وأخرجه أبو داود، الجہاد، باب: في السبق، ح: ٢٥٧٤ والنسائي، ح: ٣٦١٥ من حديث محمد بن عبد الرحمن بن أبي ذئب به وصححه ابن حبان، ح: ١٦٣٨ وللحديث طرق أخرى.

Comments:

The *Hadīth* confirms that stake and racing are only allowed in military-related rides and weaponry. (*Tuhfat Al-Ahwadhi*, v.3, p.31).

Chapter 23. What Has Been Related About It Being Disliked To Mate A Donkey With A Horse

(المعجم ٢٣) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ
أَنْ يُنْزَى الْحُمْرُ عَلَى الْخَيْلِ (التحفة ٤٩)

1701. *Ibn ‘Abbās* narrated: “The Messenger of Allāh ﷺ was a slave (of Allāh), who would order as he had been ordered to. He did not

١٧٠١ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا
إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا مُوسَى بْنُ سَالِمٍ
أَبُو جَهْضَمٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ

give an order to us^[1] instead of the people regarding anything except for three: He ordered us that we make our *Wudū'* well (*Iṣbāgh*), that we not eat from charity, and that we not mate a donkey with a horse.” (*Hasan*)

[*Abū ‘Eisā* said:] There is something on this topic from ‘Alī.

This *Hadīth* is *Hasan Sahīh*.

Sufyān Ath-Thawrī reported this from *Abū Jahdām*, who said: “From ‘Ubaidullāh bin ‘Abdullāh bin ‘Abbās, from Ibn ‘Abbās.” [He said] I heard Muhammad saying: “The narration of *Ath-Thawrī* is not preserved. *Ath-Thawrī* made a mistake in it. What is correct is what Ismā‘il bin ‘Ulaiyyah and ‘Abul-Wārith bin Sa‘eed reported from *Abū Jahdām*, from ‘Abdullāh bin ‘Ubaidullāh bin ‘Abbās, from Ibn ‘Abbās.”

تخریج: [إسناده حسن] وأخرجه أبو داود، الصلوة، باب قدر القراءة في صلاة الظهر والعصر، ح: ٨٠٨ والنسائي، ح: ١٤١؛ وابن ماجه، ح: ٤٢٦ من حديث أبي جهضم موسى بن سالم به وللحديث طرق أخرى * وفي الباب عن علي [أبو داود، ح: ٢٥٦٥ والنسائي، ح: ٣٦١٠].

24. Chapter: What Has Been Related About Seeking Assistance (From Allāh) By The Destitute Muslims

1702. *Abū Ad-Dardā’* narrated that he heard the Prophet ﷺ saying: “Seek your weak for me. For indeed your sustenance and aid is only by your weak.”^[2] (*Sahīh*)

[1] Meaning his relatives.

[2] The meaning of this *Hadīth* is: ‘Bring the poor and downtrodden people to me so that they can supplicate to Allāh. Because your provisions and aid against your enemy is in relation to your kind treatment to them and their supplications, due to their lack of attachment to worldly matters.’ See ‘Awn Al-Ma‘būd and *Tuhfat Al-Ahwadhi*.

عَبَّاسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: كَانَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ عَنْدَهُ مَأْمُورًا مَا احْتَصَنَا دُونَ النَّاسِ بِشَيْءٍ إِلَّا بِثَلَاثَةِ: أَمْرَنَا أَنْ نُسْبِغَ الْوُضُوءَ، وَأَنْ لَا تَأْكُلَ الصَّدَقَةَ، وَأَنْ لَا تُنْزِيَ حِمَارًا عَلَى فَرَسٍ.

[قال أبو عيسى:] وفي الباب عن علي.

[و]هذا حديث حسن صحيح.

وَرَوَى شُفَّيْبَنَ التَّوْرِيَّ عَنْ أَبِيهِ جَهْضُمْ هَذَا فَقَالَ: عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنْ ابْنِ عَبَّاسٍ. [قال:] وَسَمِعْتُ مُحَمَّدًا يَقُولُ حَدِيثُ التَّوْرِيَّ غَيْرُ مَحْفُوظٍ، وَوَهُمْ فِيهِ التَّوْرِيَّ، وَالصَّحِيحُ مَا رَوَى إِسْمَاعِيلُ ابْنُ عُلَيَّةَ وَعَبْدُ الْوَارِثِ بْنُ سَعِيدٍ عَنْ أَبِيهِ جَهْضُمْ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنْ ابْنِ عَبَّاسٍ.

المعنى (٢٤) - باب ما جاء في الاستفتاح بصالحكم المسلمين (التحفة ٥٠)

١٧٠٢ - حَدَّثَنَا أَخْمَدُ بْنُ مُحَمَّدٍ [ابن موسى]: حَدَّثَنَا [عَبْدُ اللَّهِ] بْنُ الْمُبَارِكَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ يَرِيدَ بْنُ جَاهِرٍ:

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

حَدَّثَنِي زَيْدُ بْنُ أَرْطَاءَ عَنْ جُبَيْرِ بْنِ نُفَيْرٍ، عَنْ أَبِي الدَّرَدَاءِ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «إِبْرُونِي فِي ضُعْفَائِكُمْ، فَإِنَّمَا تُرْزَقُونَ وَتُنْصَرُونَ بِضُعْفَائِكُمْ». [قالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [إسناده صحيح] وأخرجه أبو داود، الجهاد، باب: في الانتصار برذل الخيل والضعف، ح: ٢٥٩٤ والنمساني، ح: ٣١٨١ من حديث عبدالرحمن بن يزيد بن جابر به وصححه ابن حبان، ح: ١٦٢٠ والحاكم: ١٤٥ / ٢.

Comments:

‘Weak and downtrodden’ are those that, although less privileged in material prosperity and worldly glory, are honorable to Allāh thanks to the strength of their faith and the purity of their hearts. When they pray, they pray with full sincerity for the victory of the believers. Allāh, therefore, accepts their sincere petitions and supplications and grants victory to the Muslims, that brings in its wake the spoils of war, which has been made the sustenance of the believers.

Chapter 25. What Has Been Related About Bells On Horses (Being Disliked)

1703. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “The angels do not accompany a group among whom there is a dog or a bell.” (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from Ibn ‘Umar, ‘Āishah, Umm Habibah, and Umm Salamah.

This *Hadīth* is *Hasan Sahīh*.

(المعجم ٢٥) - بَابُ مَا جَاءَ فِي [كَرَاهِيَّةِ]
الأَجْرَاسِ عَلَى الْخَيْلِ (التحفة ٥١)

١٧٠٣ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ العَزِيزِ ابْنُ مُحَمَّدٍ عَنْ سُهْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا تَضْحَبُ الْمَلَائِكَةَ رُفْقَةً فِيهَا كَلْبٌ وَلَا جَرَسٌ». [قالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ عُمَرَ، وَعَائِشَةَ، وَأُمَّ حَيْيَةَ، وَأُمَّ سَلَمَةَ.

[وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.]

تخریج: وأخرجه مسلم، اللباس والزيمة، باب كراهة الكلب والجرس في السفر، ح: ٢١١٣ عن قتيبة به * وفي الباب عن عمر [أبو داود، ح: ٤٢٣٠] وعائشة [أبو داود، ح: ٤٢٣١] وأم حبيبة [أبو داود، ح: ٢٥٥٤] وأم سلمة [النسائي: ٨/١٨٠، ح: ٥٢٤].

Comments:

Keeping the ‘prohibited’ dog is not permitted. Also prohibited is tying bells

around the necks of the animals, because the sound of the bell is the sound of *Shaitān*. And the angels of mercy do not enter the places inhabited by *Shaitān*.

Chapter 26. (What Has Been Related About) Who Is Placed In Charge During War

1704. Al-Barā' narrated: "The Prophet ﷺ sent two armies, placing 'Alī bin Abī Ṭālib as the commander of one of them, and Khālid bin Al-Walīd over the other. He said: 'When there is fighting, then 'Alī (is in command).'"^[1] He said: "So 'Alī conquered a fortress and took a slave girl. Khālid [bin Al-Walīd] wrote a letter and sent me with it to the Prophet ﷺ, to speak against him for it. So I arrived to the Prophet ﷺ to read the letter. The color of his face changed, then he said: 'What do you think about a man who loves Allāh and His Messenger, and Allāh and His Messenger love him?'" He said: "I said: 'I seek refuge from angering Allāh and angering His Messenger, I am only the messenger.' So he was silent." (*Da'yf*)

[Abū 'Eisā said:] There is something about this from Ibn 'Umar. This *Hadīth* is *Hasan Gharib*, we do not know of it except from the narration of Al-Ahwāṣ bin Jawwāb. And his saying: "To speak against him for that" refers to *An-Namīmah*.

تخریج: [إسناده ضعيف] * أبو إسحاق السبئي مدلس وعنون * وفي الباب عن ابن عمر [يأتي: ٣٨١٦] يعني فيمن يستعمل على الحرب.

(المعجم ٢٦) - بَابُ [مَا جَاءَ] مِنْ يُسْتَعْمَلُ عَلَى الْحَرْبِ (التحفة ٥٢)

١٧٠٤ - حَدَّثَنَا عَبْدُ اللهِ بْنُ أَبِي زِيَادٍ: حَدَّثَنَا الْأَخْوَصُ بْنُ جَوَابٍ أَبُو الْجَوَابِ عَنْ يُونُسَ بْنِ أَبِي إِسْحَاقَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ: أَنَّ النَّبِيَّ ﷺ بَعْثَ جَيْسَنْ وَأَمْرَ عَلَى أَحَدِهِمَا عَلَيَّ بْنَ أَبِي طَالِبٍ، وَعَلَى الْآخَرِ خَالِدَ بْنَ الْوَلِيدِ، فَقَالَ: «إِذَا كَانَ الْقِتَالُ فَعَلِّيٌّ». قَالَ: فَاقْتَطَعَ عَلَيَّ حَضَنًا فَأَخْذَ مِنْهُ جَارِيَةً، فَكَتَبَ مَعِي خَالِدًا [بْنَ الْوَلِيدِ] إِلَى النَّبِيِّ ﷺ يَشِيُّ بِهِ، فَقَدِمْتُ عَلَى النَّبِيِّ ﷺ فَقَرَأَ الْكِتَابَ فَغَيَّرَ لَوْنَهُ ثُمَّ قَالَ: «مَا تَرَى فِي رَجُلٍ يُحِبُّ اللَّهَ وَرَسُولَهُ وَيُحِبُّ اللَّهَ وَرَسُولَهُ؟» قَالَ: قُلْتُ: أَعُوذُ بِاللَّهِ مِنْ غَضَبِ اللَّهِ وَغَضَبِ رَسُولِهِ وَإِنَّمَا أَنَا رَسُولُهُ، فَسَكَتَ. [قال أبو عيسى:] وفي الباب عن ابن عمر.

[و]هذا حديث حسن غريب، لا تعرفه إلا من حديث الأخوص بن جواب. قوله: يشي به يعني التمييزة.

^[1] That is, if fighting occurs while the two armies are still together. See *Tuhfat Al-Ahwadhi*.

Comments:

The *Hadīth* contains the golden rule that the army command must be placed in the hands of a pious and God-fearing individual who loves Allāh and His Messenger, and would be loved by Allāh and His Messenger ﷺ for the virtuous traits of his character, which quality also endears him to the people. War, moreover, must be fought under one commander, although in the transitory phase more than one unit commander may be appointed for facility of administration.

Chapter 27. What Has Been Related About The Imām

1705. Ibn ‘Umar narrated that the Prophet ﷺ said: “Indeed each of you is a shepherd and all of you will be questioned regarding your flock. The commander who is in authority over the Muslims is responsible and he will be questioned regarding his responsibility. The man is responsible over the inhabitants of his house and he is the one who will be questioned about them. The wife is responsible in her husband’s house and she will be questioned about it. The slave is responsible regarding his master’s property, and he will be questioned about it. Indeed each of you is a shepherd and each of you will be questioned about his flock.” (*Sahīh*)

[Abū ‘Eīsā said:] There are narrations on this topic from Abū Hurairah, Anas, and Abū Mūsā. The *Hadīth* of Abū Mūsā is not preserved, and the *Hadīth* of Anas is not preserved. [And the *Hadīth* of Ibn ‘Umar is a *Hasan Sahīh Hadīth*.]

Ibrāhim bin Bash-shār Ar-Ramādī reported it from Sufyān bin ‘Uyainah, from Buraid bin ‘Abdullāh bin Abū Burdah, from Abū Burdah, from Abū Mūsā, from

(المعجم ٢٧) - بَابُ مَا جَاءَ فِي الْإِمَامِ
(التحفة ٥٣)

١٧٠٥ - حَدَّثَنَا قُبَيْلَةُ: حَدَّثَنَا الْأَنْبِيثُ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «أَلَا كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ: فَإِنَّمَا يُرِيدُ الَّذِي عَلَى النَّاسِ رَاعٍ وَمَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ وَهُوَ مَسْئُولٌ عَنْهُمْ، وَالمرْأَةُ رَاعِيَةٌ فِي بَيْتِ بَعْلِهَا وَهِيَ مَسْئُولَةُ عَنْهُ، وَالْعَبْدُ رَاعٍ عَلَى مَالِ سَيِّدِهِ وَهُوَ مَسْئُولٌ عَنْهُ، أَلَا فَكُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ».

[قال أبو عيسى:] وفي الكتاب عن أبي هريرة، وأنس، وأبي موسى، [و] حدثت أبي موسى غير محفوظ، وحدثت أنس غير محفوظ [و] حدثت ابن عمر حدثت حسن صحيح].

[قال:] ورواه إبراهيم بن بشير الرمادي عن سفيان بن عيينة، عن بريء بن عبد الله بن أبي بردة، عن أبي بردة، عن أبي بردة، عن أبي موسى عن النبي صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أخبارني بذلك محمد عن إبراهيم ابن بشير [الرمادي]. قال محمد: وروى غير واحد عن سفيان، عن بريء بن أبي بردة

the Prophet ﷺ.

Muhammad informed me of that, from Ibrāhīm bin Bash-shār [Ar-Ramādī]. Muhammad said: "More than one has reported it from Sufyān, from Buraid bin Abū Burdah [from Abū Burdah,] from the Prophet ﷺ in *Mursal* form. This is more correct." Muhammad said: "Ishāq bin Ibrāhīm reported from Mu'ādh bin Hishām, from his father, from Qatādah, from Anas, from the Prophet ﷺ who said: 'Indeed Allāh will question everyone who is responsible about his charge.'" I heard Muhammad saying: "This is not preserved. It is only correct from Mu'ādh bin Hishām from his father, from Qatādah, from Al-Hasan, from the Prophet ﷺ, in *Mursal* form."

[عَنْ أَبِي بُرْدَةَ] عَنِ النَّبِيِّ ﷺ مُرْسَلًا. وَهَذَا أَصَحُّ. قَالَ مُحَمَّدٌ: وَرَوَى إِسْحَاقُ بْنُ إِبْرَاهِيمَ عَنْ مَعَاذِ بْنِ هِشَامٍ، عَنْ أَبِيهِ، عَنْ قَتَادَةَ، عَنْ أَنَسِّ عَنِ النَّبِيِّ ﷺ: «إِنَّ اللَّهَ سَأَلَ كُلَّ رَاعٍ عَمَّا اسْتَرْعَاهُ» [قَالَ:] سَمِعْتُ مُحَمَّدًا يَقُولُ: هَذَا غَيْرُ مَحْفُوظٍ، وَإِنَّمَا الصَّحِيحُ عَنْ مَعَاذِ بْنِ هِشَامٍ، عَنْ أَبِيهِ، عَنْ قَتَادَةَ، عَنِ الْحَسَنِ عَنِ النَّبِيِّ ﷺ مُرْسَلًا.

تخریج: متفق عليه، وأخرجه مسلم، الإمامرة، باب فضيلة الأمير العادل وعقوته الجائرة . . .
البغ، ح: ١٨٢٩ عن قيبة والبخاري، ح: ٥١٨٨ من حديث نافع به * وفي الباب عن أبي هريرة الطبراني في الأوسط، ح: ٤٧٩/٥، ٤٩١٣: ح: ٣٢٥/٩، ٣٢٦، ح: ٨٧٠٨: وأنس [يأتي في نفس الباب] وأبي موسى [يأتي في نفس الباب].

Comments:

Each person must be ready for questioning in the Hereafter according to his position or status, and the extent of his responsibility as well as according to the number of people placed under his charge. And, obviously, the greater the burden of the responsibility a person holds the more extensive shall be his accountability.

Chapter 28. What Has Been Related About Obeying The *Imām*

1706. Umm Al-Huṣain Al-Āḥmasiyah said: "I heard the Messenger of Allāh ﷺ delivering a *Khuṭbah* during the Farewell *Hajj*, and he was wearing a *Burd* which he had wrapped from under his

(المعجم ٢٨) - بَابُ مَا جَاءَ فِي طَاعَةِ الْإِمَامِ (التحفة ٥٤)

١٧٠٦ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى [النَّيْسَابُورِيُّ]: حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا يُوسُفُ بْنُ أَبِي إِسْحَاقَ عَنِ الْعَيْزَارِ بْنِ حُرَيْثٍ، عَنْ أُمِّ الْحُصَنِ الْأَخْمَسِيَّةِ قَالَ:

armpit.” She said: “I was looking at the muscle of his upper arm quivering and I heard him saying: ‘O you people! Have *Taqwa* of Allāh. If a mutilated Ethiopian slave is put in command over you, then listen to him and obey him, as long as he upholds the Book of Allāh among you.’” (*Sahīh*)

[*Abū ‘Eisā* said:] There are narrations on this topic from *Abū Hurairah* and *‘Irbaq bin Sāriyah*.

This *Hadīth* is *Hasan Sahīh*, it has been reported through other routes from *Umm Huṣain*.

تَخْرِيج: [صَحِيحٌ] وَأَخْرَجَهُ أَحْمَدٌ: ٤٠٢ / ٦ مِنْ حَدِيثِ يُونسَ بْنِ وَرَوَاهُ مُسْلِمٌ، ح: ١٢٩٨ مِنْ حَدِيثِ أُمِّ الْحَصَينِ * وَفِي الْبَابِ عَنْ أَبِي هَرِيرَةَ، وَعِرَابِاصَنْ بْنِ سَارِيَةَ.

[وَهَذَا حَدِيثُ حَسَنٍ صَحِيقٌ وَقَدْ رُوِيَ مِنْ عَبْرِ وَجْهٍ، عَنْ أُمِّ الْحَصَينِ].

[أَبْوَابُ عَيْسَى:] وَفِي الْبَابِ عَنْ أَبِي هَرِيرَةَ، وَعِرَابِاصَنْ بْنِ سَارِيَةَ.

Comments:

The *Hadīth* confirms that a ruler or the supreme authority of a country can appoint his governors and other high officials at his discretion. It is not essential that a subordinate appointee be a free person or belong to the clan of the *Quraish*. Thus, whoever is appointed by him in that capacity, it is incumbent that we give him our obedience in all his actions in the light of the Qur’ān and *Sunnah*. Ugly features or the slavery status of the appointee shall not be a valid excuse for opposing him.

Chapter 29. What Has Been Related About: No Obedience To The Created In Disobedience To The Creator

1707. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “Hearing and obeying is required from every Muslim man – in what he likes and what he dislikes – as long as he is not ordered with disobedience. If he is ordered with disobedience, then no hearing or obeying is required of him.” (*Sahīh*)

سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَخْطُبُ فِي حَجَّةِ الْوَدَاعِ وَعَلَيْهِ يُرْدَدُ قَدْ النَّقَعَ بِهِ مِنْ تَحْتِ إِبْطِهِ قَالَتْ: فَإِنَّا أَنْظَرْنَا إِلَيْكُمْ عَضْلَةً عَصْدِيْهِ تَرْجُعُ سَمِعْتُهُ يَقُولُ: «يَا أَيُّهَا النَّاسُ، اتَّقُوا اللَّهَ وَإِنْ أُمْرَ عَلَيْكُمْ عَبْدٌ حَبَشِيٌّ مُجَدَّعٌ فَاقْسِمُوهُ لَهُ وَأَطِيعُوهُ مَا أَقَامَ لَكُمْ كِتَابَ اللَّهِ».

[قَالَ أَبُو عَيْسَى:] وَفِي الْبَابِ عَنْ أَبِي هَرِيرَةَ، وَعِرَابِاصَنْ بْنِ سَارِيَةَ.

[وَهَذَا حَدِيثُ حَسَنٍ صَحِيقٌ وَقَدْ رُوِيَ مِنْ عَبْرِ وَجْهٍ، عَنْ أُمِّ الْحَصَينِ].

تَخْرِيج: [صَحِيحٌ] وَأَخْرَجَهُ أَحْمَدٌ: ٤٠٢ / ٦ مِنْ حَدِيثِ يُونسَ بْنِ وَرَوَاهُ مُسْلِمٌ، ح: ١٢٩٨ مِنْ حَدِيثِ أُمِّ الْحَصَينِ * وَفِي الْبَابِ عَنْ أَبِي هَرِيرَةَ، وَعِرَابِاصَنْ بْنِ سَارِيَةَ [أَيْاتِي: ٢٦٧٦].

(المعجم ٢٩) - بَابُ مَا جَاءَ لَا طَاعَةً لِمَخْلُوقٍ فِي مَعْصِيَةِ الْخَالِقِ (التحفة ٥٥)

١٧٠٧ - حَدَثَنَا قُتَيْبَةُ: حَدَثَنَا الْيَثُورُ عَنْ عَبْيَدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبِي عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «السَّمْعُ وَالطَّاعَةُ عَلَى الْمَرْءِ الْمُسْلِمِ فِيمَا أَحَبَّ وَكَرِهَ مَا لَمْ يُؤْمِنْ بِمَعْصِيَةِ، فَإِنْ أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعٌ عَلَيْهِ وَلَا طَاعَةٌ».

[قَالَ أَبُو عَيْسَى:] وَفِي الْبَابِ عَنْ عَلَيِّ،

[Abū ‘Eisā said:] There are narrations on this topic from ‘Alī, ‘Imrān bin Ḥuṣain, and Al-Hakam bin ‘Amr Al-Ghfārī.

This *Hadīth* is *Hasan Sahīh*.

تخریج: وأخرجه مسلم، الإمارة، باب وجوب طاعة الأمراء في غير معصية، وتحريمها في المعصية، ح: ١٨٣٩ عن قتيبة به * وفي الباب عن علي [البخاري، ح: ٤٣٤٠، ٧١٤٥ ومسلم، ح: ١٨٤٠] وعمران بن حصين [أحمد: ٤٢٦ / ٤٢٧] الحكم بن عمرو الغفاري [أحمد: ٦٦ / ٥].

Comments:

The real Lord, King and Ruler is only Allāh. And since the temporal Muslim ruler also draws his authority from Him Who has commissioned him to implement His commands, we are commanded to hear and obey his orders, regardless of whether we like them or not. However, in case the ruler orders something that flouts the Commandments of Allāh and His Messenger, then we are not allowed to obey him. The reason being that, by issuing such orders, he has made himself a rebel against the Supreme Authority. Therefore, we are not allowed to obey such an order issued by him.

Chapter 30. What Has Been Related About The Dislike Of Encouraging Beasts To Fight One Another [And Striking Them Or Branding Them On The Face]

1708. Abū Yaḥyā reported from Mujāhid from Ibn ‘Abbās who said: “The Messenger of Allāh ﷺ prohibited instigating fights between beasts.” (*Da’if*)

وعمران بن حصين، والحكم بن عمرو الغفاري.

[و]هذا حديث حسن صحيح.

المعنى: وأخرجه مسلم، الإمارة، باب وجوب طاعة الأمراء في غير معصية، وتحريمها في المعصية، ح: ١٨٣٩ عن قتيبة به * وفي الباب عن علي [البخاري، ح: ٤٣٤٠، ٧١٤٥ ومسلم، ح: ١٨٤٠] وعمران بن حصين [أحمد: ٤٢٦ / ٤٢٧] الحكم بن عمرو الغفاري [أحمد: ٦٦ / ٥].

(المعجم ٣٠) - باب ما جاء في كراهيّة التحرير بين البهائم، [والضرر واللوسم في الوجه] (التحفة ٥٦)

1708 - حَدَّثَنَا أَبُو كُرْبَلَةَ: حَدَّثَنَا يَحْيَى بْنُ أَدَمَ عَنْ قُطْبَةَ بْنِ عَبْدِ الْعَزِيزِ، عَنْ الْأَعْمَشِ، عَنْ أَبِي يَحْيَى، عَنْ مُجَاهِدٍ، عَنْ أَبْنَى عَبَّاسٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ التَّحْرِيرِ بَيْنِ الْبَهَائِمِ.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الجهاد، باب: في التحرير بين البهائم، ح: ٢٥٦٢ عن أبي كريب به * الأعمش عنن وأبو يحيى لين (نيل المقصود، ح: ٥٣٨) وللحديث طريق آخر فيه ليث بن أبي سليم وهو ضعيف.

Comments:

Instigating beasts to fight each other is an aimless pastime and a sinful act. It is not only a sheer waste of time but also a means of exposing the animals to unnecessary misery and pain. It is, moreover, used as a handy ploy for betting and gambling.

1709. Abū Yaḥyā reported from Mujāhid: “The Prophet ﷺ

حدَّثَنَا مُحَمَّدُ بْنُ الْمُتَّئِّنِ: حدَّثَنَا

prohibited instigating fights between beasts.” And he did not mention “from Ibn ‘Abbās” in it. (*Da’if*)

It is said that this is more correct than the (previous) narration of Quṭbah. Sharīk narrated this *Hadīth* from Al-A‘mash, from Mujāhid, from Ibn ‘Abbās, from the Prophet ﷺ similarly, but he did not mention “from Abū Yahyā” in it. [This was narrated to us by Abū Kuraib from Yahyā bin Ādām, from Sharīk.] Abū Mu‘āwiya reported it from Al-A‘mash, from Mujāhid, from the Prophet ﷺ similarly. [And Abū Yahyā is Al-Qattāt Al-Kūfi, and it is said that his name was Zādhān].

[Abū ‘Eisā said:] There are narrations on this topic from Talhah, Jābir, Abū Sa‘eed, and ‘Ikraš bin Dhuwaib.

تخریج: [إسناده ضعيف مرسل] وانظر الحديث السابق * وفي الباب عن طلحة [أبو يعلى: ٢١، ح: ٦٥١] وجابر [يأتي: ١٧١٠] وأبي سعيد [ابن أبي شيبة: ٤/٢٦٩، ح: ١٩٩٢٢] وأبي سعيد [ابن أبي شيبة: ٤/٢٤٠، ح: ٥٥٩٥] وعكراش بن ذويب [لعله يشير إلى حديث أبي نعيم في معرفة الصحابة: ٤/٢٤٠، ح: ١٨٤٨] وأصله عند الترمذى، ح: ١٨٤٨.

Chapter 31.

1710. Jābir narrated: “The Prophet ﷺ prohibited branding on the face and striking (it).” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

عَدْ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُقِيَّانَ، عَنْ الْأَعْمَشِ، عَنْ أَبِي يَحْيَى، عَنْ مُجَاهِدٍ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ التَّحْرِيشِ بَيْنَ الْبَهَائِمِ. وَلَمْ يَذْكُرْ فِيهِ عَنْ أَبْنَ عَبَّاسٍ. وَيُقَالُ هَذَا أَصَحُّ مِنْ حَدِيثِ قُطْبَةَ، وَرَوَى شَرِيكُ هَذَا الْحَدِيثَ عَنِ الْأَعْمَشِ، عَنْ مُجَاهِدٍ، عَنْ أَبْنَ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ نَحْوَهُ وَلَمْ يَذْكُرْ فِيهِ عَنْ أَبِي يَحْيَى [حَدَّثَنَا بِذِلِّكَ أَبُو كُرَيْبٍ عَنْ يَحْيَى أَبْنَ آدَمَ، عَنْ شَرِيكٍ] وَرَوَى أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ مُجَاهِدٍ، عَنِ النَّبِيِّ ﷺ نَحْوَهُ [وَأَبُو يَحْيَى هُوَ الْقَاتِلُ الْكُوفِيُّ وَيُقَالُ اسْمُهُ رَادَانُ].

[قالَ أَبُو عِيسَى :] وَفِي الْبَابِ عَنْ طَلْحَةَ، وَجَابِرٍ، وَأَبِي سَعِيدٍ، وَعَكْرَاشَ بْنَ ذُوئْبٍ.

تخریج: [إسناده ضعيف مرسل] وانظر الحديث السابق * وفي الباب عن طلحة [أبو يعلى: ٢١، ح: ٦٥١] وجابر [يأتي: ١٧١٠] وأبي سعيد [ابن أبي شيبة: ٤/٢٦٩، ح: ١٩٩٢٢] وأبي سعيد [ابن أبي شيبة: ٤/٢٤٠، ح: ٥٥٩٥] وعكراش بن ذويب [لعله يشير إلى حديث أبي نعيم في معرفة الصحابة: ٤/٢٤٠، ح: ١٨٤٨] وأصله عند الترمذى، ح: ١٨٤٨.

(المعجم (٣١) - بَابُ : (التحفة...))

١٧١٠ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْبِعٍ: حَدَّثَنَا رَوْخُ [بْنُ عَبَادَةَ] عَنْ أَبْنِ جُرَيْجٍ، عَنْ أَبِي الرَّبِيعِ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْوَسْمِ فِي الْوَجْهِ وَالضَّرْبِ.

[قالَ أَبُو عِيسَى :] هَذَا حَدِيثُ حَسَنٌ صَحِيحٌ.

تخریج: وأخرجه مسلم، اللباس والزيمة، باب النهي عن ضرب الحيوان في وجهه ووسمه فيه، ح: ٢١١٦ من حديث ابن جرير به.

Comments:

The face, whether of a man or of an animal, is the centre of attraction. It is, moreover, among the most vulnerable parts of the body. It cannot stand the shock of beating. Striking the animal on the face means disfiguring it and making it look ugly. Branding the face or tattooing it also means the same - torturing the animal and disfiguring it.

Chapter 32. What Has Been Related About The (Age) Of Adulthood For A Man And When He Is To Receive A Salary^[1]

1711. Nāfi‘ narrated that Ibn ‘Umar said: “I was reviewed before the Messenger of Allāh ﷺ in the army, and I was fourteen years old, but he did not accept me. Then I was reviewed before him later in the army while I was fifteen years old, and he accepted me.”

Nāfi‘ said: “I narrated this *Hadīth* to ‘Umar bin ‘Abdul-‘Azīz and he said: ‘This is the limit that distinguishes between youth and manhood.’ Then he wrote to give salaries to whoever reached fifteen years of age.”

(Another chain) with similar, but he (Nāfi‘) said: “Umar [bin ‘Abdul-‘Azīz] said: ‘This is the limit that distinguishes between children and soldiers.’” And he did not mention him writing about the salary. (*Sahīh*)

[Abū ‘Eisā said:] The *Hadīth* of Ishāq bin Yūsuf is a *Hasan Sahīh Gharīb Hadīth* as a narration of Sufyān Ath-Thawrī.

(المعجم ٣٢) - بَابُ مَا جَاءَ فِي حَدِّ
بُلُوغِ الرَّجُلِ وَمَتَى يُفْرَضُ لَهُ (التحفة ٥٧)

١٧١١ - حَدَّثَنَا مُحَمَّدُ بْنُ الْوَزِيرِ
الوَاسِطِيُّ: حَدَّثَنَا إِسْحَاقُ بْنُ يُوسُفَ
[الْأَرْزُقُ] عَنْ سُفْيَانَ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ،
عَنْ نَافِعٍ، عَنْ أَبْنَى عُمَرَ قَالَ: عُرِضَتْ عَلَى
رَسُولِ اللَّهِ ﷺ فِي حَيْثُ وَأَنَا أَبْنُ أَرْبَعَ عَشَرَةَ
فَلَمْ يَقْبَلْنِي، ثُمَّ عُرِضَتْ عَلَيْهِ مِنْ قَابِلٍ فِي
جَيْشٍ وَأَنَا أَبْنُ خَمْسَ عَشَرَةَ فَقَبَلَنِي.
قَالَ نَافِعٌ: فَحَدَّثْتُ بِهَا الْحَدِيثَ عُمَرَ بْنَ
عَبْدِ الْعَزِيزِ قَالَ: هَذَا حَدٌّ مَا بَيْنَ الصَّغِيرِ
وَالكَّبِيرِ، ثُمَّ كَتَبَ أَنْ يُفْرَضَ لِمَنْ بَلَغَ
الْخَمْسَ عَشَرَةَ.

حَدَّثَنَا أَبْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ
عَنْ عَبْدِ اللَّهِ تَحْوِهِ بِعِنَاءٍ إِلَّا أَنَّهُ قَالَ: قَالَ
عُمَرُ [بْنُ عَبْدِ الْعَزِيزِ]: هَذَا حَدٌّ مَا بَيْنَ الذُّرِّيَّةِ
وَالْمُقَاتِلَةِ وَلَمْ يَذْكُرْ أَنَّهُ كَتَبَ أَنْ يُفْرَضَ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ إِسْحَاقَ بْنِ
يُوسُفَ حَدِيثُ حَسَنٍ صَحِيفٍ غَرِيبٍ مِنْ
حَدِيثِ سُفْيَانَ الثُّورِيِّ.

تخریج: متفق عليه، وأخرجه البخاري، الشهادات، باب بلوغ الصبيان وشهادتهم، ح: ٢٦٦٤
ومسلم، ح: ١٨٦٨ من حديث عبید الله بن عمر به.

[1] See no. 1361.

Comments:

When, in the days of the Muslim rulers, *Jihād* was performed as an Islamic duty, the names of war-worthy persons were entered into a military book, and they were given stipends from Public Treasury. On reaching the age of fifteen a person was considered fit for fighting. Discussion about the prescribed limit for the age of responsibility has been included in the Book of *Al-Ahkām* (Judgements), in its Chapter on the Puberty of Man and Woman.

Chapter 33. What Has Been Related About One Who Is Martyred While In Debt

1712. ‘Abdullāh bin Abī Qatādah narrated that he heard his father, narrating a *Hadīth*, which he heard from the Messenger of Allāh ﷺ, in which he had stood among them, mentioning to them that *Jihād* in the cause of Allāh and faith in Allāh were the most virtuous of deeds. Then a man stood and said: “O Messenger of Allāh! If I were killed in the cause of Allāh, would my sins be forgiven?” So the Messenger of Allāh ﷺ said: “Yes. If you are killed in Allāh’s cause, and you are patient, seeking the reward, advancing, not fleeing.” Then the Messenger of Allāh ﷺ said: “What was it that you said?” So he replied: “If I were killed in the cause of Allāh, would my sins be removed (forgiven)?” So the Messenger of Allāh ﷺ said: “Yes. If you are patient, seeking the reward, advancing, not fleeing – except for debt. For Jibril said that to me.” (*Sahīh*)

[*Abū ‘Eisā* said:] There are narrations on this topic from Anas, Muḥammad bin Jaḥsh, and *Abū Hurairah*. This *Hadīth* is *Hasan Sahīh*. Some of them reported this

(المعجم ٣٣) - بَابُ مَا جَاءَ فِيمَنْ
يُسْتَشَهُدُ وَعَلَيْهِ دِينُ (التحفة ٥٨)

١٧١٢ - حَدَّثَنَا قُتْبَيْةُ: حَدَّثَنَا الْيَثُورُ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدِ الْمَقْبُرِيِّ، عَنْ عَبْدِ اللَّهِ ابْنِ أَبِي قَتَادَةَ، عَنْ أَبِيهِ أَبْنَهُ سَعِيدَ يُحَدِّثُ عَنْ رَسُولِ اللَّهِ ﷺ: أَنَّهُ قَامَ فِيهِمْ فَذَكَرَ لَهُمْ أَنَّ الْجِهَادَ فِي سَبِيلِ اللَّهِ وَإِلَيْمَانَ بِاللَّهِ أَفْضَلُ الْأَعْمَالِ، فَقَامَ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ أَرَأَيْتَ إِنْ قُتِّلْتُ فِي سَبِيلِ اللَّهِ يُكَفَّرُ عَنِي خَطَايَايِّ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «نَعَمْ إِنْ قُتِّلْتُ فِي سَبِيلِ اللَّهِ وَأَنْتَ صَابِرٌ مُحْسِبٌ مُفْلِلٌ غَيْرِ مُذَبِّرٍ»، ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «كَيْفَ قُلْتَ؟» قَالَ: أَرَأَيْتَ إِنْ قُتِّلْتُ فِي سَبِيلِ اللَّهِ يُكَفَّرُ عَنِي خَطَايَايِّ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «نَعَمْ وَأَنْتَ صَابِرٌ مُحْسِبٌ مُفْلِلٌ غَيْرِ مُذَبِّرٌ إِلَّا الدِّينَ، فَإِنْ جِبْرِيلَ قَالَ لِي ذَلِكَ».

[قَالَ أَبُو عِيسَى]: وَفِي الْبَابِ عَنْ أَنَسِ، وَمُحَمَّدِ بْنِ جَحْشٍ، وَأَبِي هُرَيْرَةَ.
وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.
وَرَوَى بَعْضُهُمْ هَذَا الْحَدِيثَ عَنْ سَعِيدِ
الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ نَحْوَ

Hadīth from Sa'eed Al-Maqburī, from Abū Hurairah, from the Prophet ﷺ, similar to this. Yahyā bin Sa'eed Al-Anṣārī and more than one narrator reported this from Sa'eed Al-Maqburī from 'Abdullāh bin Abī Qatādah, from his father, from the Prophet ﷺ. This is more correct than the narration of Sa'eed Al-Maqburī from Abū Hurairah.

هَذَا . وَرَوَى يَحْيَى بْنُ سَعِيدِ الْأَنْصَارِيُّ وَغَيْرُهُ أَحَدٌ تَحْوِرُ هَذَا عَنْ سَعِيدِ الْمَقْبُرِيِّ ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَتَادَةَ ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ . وَهَذَا أَصَحُّ مِنْ حَدِيثِ سَعِيدِ الْمَقْبُرِيِّ عَنْ أَبِيهِ هُرَيْرَةَ .

تخریج: وأخرجه مسلم، الإمارة، باب من قتل في سبل الله كفرت خطایاه إلا الدين، ح: ١٨٨٥ عن قتيبة به * وفي الباب عن أنس [تقدما: ١٦٤٠] ومحمد بن جحش [النسائي، ح: ٤٦٨٨] وأبي هريرة [النسائي، ح: ٣١٥٧].

Chapter 34. What Has Been Related About Burying The Martyrs

1713. Hishām bin 'Āmir said: "On the Day of Uhud, the wounded complained to the Messenger of Allāh, so he said: 'Dig, and make it wide, and appropriate, and bury two and three in one grave. And advance the one who knew the most Qur'an.' My father had died so he was placed before two men."^[1] (*Sahīh*)

[Abū 'Eisā said:] There are narrations on this topic from Khabbāb, Jābir, and Anas.

This *Hadīth* is Hasan *Sahīh*.

Sufyān Ath-Thawrī and others reported this *Hadīth* from Ayyūb, from Humaid bin Hilāl, from Hishām bin 'Āmir. And Abū Ad-

(المعجم ٣٤) - بَابُ مَا جَاءَ فِي دَفْنِ الشُّهَدَاءِ (التحفة ٥٩)

١٧١٣ - حَدَّثَنَا أَرْهَرُ بْنُ مَرْوَانَ الْبَصْرِيُّ : حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ سَعِيدِ عَنْ أَيُوبَ ، عَنْ حُمَيْدِ بْنِ هَلَالٍ ، عَنْ أَبِي الدَّهْمَاءِ ، عَنْ هِشَامَ بْنِ عَامِرٍ قَالَ : شُكْرِيٌّ إِلَى رَسُولِ اللَّهِ ﷺ الْجِرَاحَاتُ يَوْمَ أُخْدِي فَقَالَ : «اخْفِرُوْا وَأُوسِّعُوْا وَأَحْسِنُوْا وَادْفُنُوْا الْأَثْنَيْنِ وَالثَّلَاثَةَ فِي قَبْرٍ وَاحِدٍ وَلْقُدُّمُوا أَكْثَرُهُمْ قُرْنَانًا». فَمَاتَ أَبِي فَقْدَمَ بْنَ يَدَى رَجُلَيْنِ .

[قالَ أَبُو عَيسَى :] وَفِي الْبَابِ عَنْ حَبَّابٍ ، وَجَابِرٍ ، وَأَنَسٍ . [وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ . وَرَوَى سُفْيَانُ الْفَوْرِيُّ وَغَيْرُهُ هَذَا الْحَدِيثُ

^[1] The complaint came from those who were to dig the graves because they were wounded and there were so many to bury. "And appropriate" either refers to the depth of the grave, or it means, "treat the deceased well" or, "wrap them well" (see nos. 995 & 1016). And "advance" means closest to the direction of the Ka'bah in the niche. See *Tuhfat Al-Ahwadhi*.

Dahmā's (a narrator in the chain) name is Qirfah bin Buhais [or Baihas].

عَنْ أَيُوبَ، عَنْ حُمَيْدِ بْنِ هَلَالٍ، عَنْ هِشَامٍ
ابْنِ عَامِرٍ. وَأَبُو الدَّهْمَاءِ اسْمُهُ قَرْفَةُ بْنُ بُهَيْسٍ
[أَوْ يَهْسِ].

تخریج: [إسناده صحيح] وأخرجه ابن ماجه، الجنائز، باب ماجاء في حفر القبر، ح: ١٥٦٠
عن أزهر بن مروان به ورواه أبو داود، ح: ٣٢١٥ من حديث حميد بن هلال، والنسائي،
ح: ٢٠١٢ من حديث أيوب السختياني به * وفي الباب عن خباب [أحمد: ١١١/٥، ٢٩٥/٦]
وأصله عند الترمذى، ح: ٩٧٠] وجابر [تقديم: ١٠٣٦] وأنس [تقديم: ١٠٦].

Comments:

Like the martyrs, the number of those injured on the Day of Uhud was also very great and, being deeply wounded themselves, the Companions found it difficult to dig so many graves on that day; hence the query. What the Prophet ﷺ said in reply means that there is no escape from giving burial to all of them. However, you can dig a spacious and appropriate grave for two or three of them, and put the one who excels in the knowledge of the Qur'an closest to the direction of Ka'bah so that the excellence of the Qur'an is made manifest.

Chapter 35. What Has Been Related About Consultation

1714. Abū 'Ubaidah narrated that 'Abdullāh said: "On the Day of Badr when the captives were gathered, the Messenger of Allāh ﷺ said: 'What do you (people) say about these captives?'" Then he mentioned the story in the lengthy *Hadīth*. (*Da'īf*)^[1]

[Abū 'Eisā said:] There are narrations on this topic from 'Umar, Abū Ayyūb, Anas, and Abū Hurairah.

This *Hadīth* is *Hasan*, and Abū 'Ubaidah did not hear from his father. It has been reported that Abū Hurairah said: "None was more apt to seek council of his

(المعجم ٣٥) - بَابُ مَا جَاءَ فِي الْمَسْوَرَةِ (التحفة ٦٠)

٧١٤ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا أَبُو مُعَاوِيَةَ
عَنْ الْأَعْمَشِ، عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ أَبِي
عُيَيْدَةَ، عَنْ عَبْدِ اللَّهِ قَالَ: لَمَّا كَانَ يَوْمُ بَدرٍ
وَجَيَءَ بِالْأُسَارَى، قَالَ رَسُولُ اللَّهِ ﷺ: «مَا
تَقُولُونَ فِي هُؤُلَاءِ الْأُسَارَى؟» فَذَكَرَ قِصَّةً فِي
هَذَا الْحَدِيثِ طَوِيلَةً.

[قَالَ أَبُو عَيْسَى:] وَفِي الْبَابِ عَنْ عُمَرَ،
وَأَبِي أَيُوبَ، وَأَنَسٍ، وَأَبِي هُرَيْرَةَ.

[و] هَذَا حَدِيثُ حَسْنٍ وَأَبُو عُيَيْدَةَ لَمْ
يَسْمَعْ مِنْ أَبِيهِ.
وَيُرَوَى عَنْ أَبِي هُرَيْرَةَ قَالَ: مَا رَأَيْتُ أَحَدًا

^[1] Meaning this chain of narration, because it is disconnected, while what is mentioned in the text is recorded by *Muslim* and others. This narration appears again, in its complete form, See no. 3084.

Companions than the Messenger of Allāh ﷺ.”

تُخْرِيجٌ: [إِسْنَادٌ ضَعِيفٌ لِأَنَّهُ لَا يَقْطَاعُهُ] وَأَخْرَجَهُ أَحْمَدٌ: ٣٨٣، ٣٨٤ عَنْ أَبِي مَعاوِيَةَ الْفَرِيرِ بِهِ مَطْوَلًا وَسِيَّاْتِي: ٢٠٨٤ * وَفِي الْبَابِ عَنْ عُمَرَ [مُسْلِمٌ، ح.] وَأَبِي أَيُوبَ [لِمَ أَجَدَهُ] وَأَنْسَ [مُسْلِمٌ، ح.] ١٧٦٣: * وَأَبِي هَرِيْرَةَ [يَأْتِي: ٢٢٦٦، ٢٣٦٩].

Comments:

It was in compliance with the Qur’ānic injunction: “And consult them in the affairs” (3:159) that in all important matters where there was no Revelation from Allāh, the Prophet ﷺ used to consult his close Companions and decide the matters accordingly. In the case of the prisoners of Badr, as well, he consulted his associates and took the decision in the light of that consultation.

Chapter 36. What Has Been Related About Not Ransoming A Captive’s Body

1715. Ibn ‘Abbās said: “The idolaters wanted to purchase the body of a man who was from the idolaters. But the Prophet ﷺ refused to trade with them [for him].” (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*, we do not know of it except from the narration of Al-Hakam. Al-Hajjāj bin Arṭāh also reported it from Al-Hakam. Ahmad bin Al-Ḥasan said: “I heard Ahmad bin Ḥanbal saying: ‘Ibn Abī Lailā’s narrations are not used as proof.’” Muhammad bin Isma‘il said: “Ibn Abī Lailā is truthful, but his correct *Aḥādīth* are not recognizable from his weak ones. And I do not report anything from him.” Ibn Abī Lailā is truthful, and a *Faqīh*, the problem is only in the chain.

Naṣr bin ‘Alī narrated to us, [he said:] “Abdullāh bin Dāwud narrated to us, from Sufyān Ath-Thawrī who said: ‘Our *Fuqahā’* are Ibn Abī Lailā and ‘Abdullāh bin Shubrumah.’”

(المعجم (٣٦) - بَابُ مَا جَاءَ لَا تُفَادِيَ
جِفْفَةُ الْأَسِيرِ (التحفة (٦١)

١٧١٥ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا
أَبُو أَحْمَدَ: حَدَّثَنَا سُفْيَانُ عَنْ ابْنِ أَبِي لَيْلَى،
عَنِ الْحَكْمَ، عَنْ مَقْسُمٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ
الْمُشْرِكِينَ أَرَادُوا أَنْ يُشْتَرُوا جَسَدَ رَجُلٍ مِنَ
الْمُشْرِكِينَ، فَأَبَى النَّبِيُّ ﷺ أَنْ يَبِعَهُمْ [إِيَّاهُ].
[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ
غَرِيبٌ لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ الْحَكْمِ.
وَرَوَاهُ الْحَاجَجُ بْنُ أَرْطَاءً أَيْضًا عَنِ الْحَكْمِ.
وَقَالَ أَحْمَدُ بْنُ الْحَسَنِ سَعَيْتُ أَحْمَدَ بْنَ
حَتَّيلَ يَقُولُ: ابْنُ أَبِي لَيْلَى لَا يُحْكِمُ بِحَدِيثِهِ
قَالَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ: ابْنُ أَبِي لَيْلَى
صَدُوقٌ وَلَكِنَ لَا يُعْرَفُ صَحِيحُ حَدِيثِهِ مِنْ
سَقِيمِهِ وَلَا أَرَوْيَ عَنْهُ شَيْئًا. وَابْنُ أَبِي لَيْلَى
صَدُوقٌ فَقِيهٌ وَإِنَّمَا يَهُمُ فِي الْإِسْنَادِ.

حَدَّثَنَا نَصْرُ بْنُ عَلَيْ [قَالَ]: حَدَّثَنَا عَبْدُ
اللهِ بْنُ دَاؤَدَ عَنْ سُفْيَانَ التَّوْرِيْ [قَالَ]: فَقَهَاؤُنَا
ابْنُ أَبِي لَيْلَى وَعَبْدُ اللهِ بْنُ شِبْرُمَةَ.

تخریج: [إسناده ضعیف] وأخرجه أبُو داود، الجہاد، باب: فِي التَّوْلِيِّ يَوْمَ الزَّحْفِ، ح: ٢٦٤٧ من حديث يزيد بن أبي زيد به وهو ضعيف مدلس وعنون.

Comments:

Only the things of value are bought and sold. The corpse of an idolater has no worth or value. As such, when Nawfal bin 'Abdullah bin Mughirah got killed, the Prophet ﷺ refused to accept any ransom money and released his dead body as it was. He even declared it unlawful to trade in dead bodies.

Chapter 37. What Has Been Related About Fleeing From An Advancing Army

1716. Ibn 'Umar said: "The Messenger of Allāh sent us on a military expedition, and the people turned to escape. So we arrived in Al-Madīnah and concealed ourselves in it and we said: 'We are ruined.' Then we went to the Messenger of Allāh ﷺ and we said: 'O Messenger of Allāh! We are those who fled.' He said: 'Rather you are *Al-'Akārūn* (those who are regrouping) and I am your reinforcement.'" (*Da'if*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharib*. We do not know of it except as a narration of Yazid bin Abī Ziyād. And the meaning of his saying: "The people turned to escape" is that they fled from the fighting. As for the meaning of his saying: "Rather you are *Al-'Akārūn*," the '*Akkār*' is the one who flees to his *Imām* in order that he may help him, it does not mean fleeing from the advancing army.

تخریج: [إسناده ضعیف] وأخرجه أبُو داود، الجہاد، باب: فِي التَّوْلِيِّ يَوْمَ الزَّحْفِ، ح: ٢٦٤٧ من حديث يزيد بن أبي زيد به وهو ضعيف مدلس وعنون.

Comments:

The Prophet ﷺ sensed their feeling of shame and gave them the solace by saying: You are not deserters. You have only returned to your party for

(المعجم ٣٧) - بَابُ [مَا جَاءَ فِي الْفَرَارِ مِنَ الرَّحْفِ] (التحفة ٦٢)

١٧١٦ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفِيَّانُ عَنْ يَزِيدَ بْنِ أَبِي زِيَادٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، عَنْ ابْنِ عُمَرَ قَالَ: بَعَثَنَا رَسُولُ اللَّهِ ﷺ فِي سَرِيرَةٍ فَحَاصَنَ النَّاسُ حِصْنَةً فَقَدِيمَنَا الْمَدِينَةُ فَاحْتَبَّنَا بِهَا وَقُلْنَا: هَلْكُنَا، ثُمَّ أَتَيْنَا رَسُولَ اللَّهِ ﷺ فَقُلْنَا: يَا رَسُولَ اللَّهِ نَحْنُ الْفَرَارُونَ، قَالَ: «بَلْ أَنْتُمُ الْعَكَارُونَ وَأَنَا فِتْنَكُمْ».

[قال أبُو عيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثٍ يَزِيدَ بْنِ أَبِي زِيَادٍ وَمَعْنَى قَوْلِهِ: فَحَاصَنَ النَّاسُ حِصْنَةً، يَعْنِي: أَنَّهُمْ فَرَّوْا مِنَ الْقِتَالِ. وَمَعْنَى قَوْلِهِ: بَلْ أَنْتُمُ الْعَكَارُونَ، وَالْعَكَارُ الَّذِي يَفْرُرُ إِلَيْهِ إِيمَانُهُ لِيَتَّصَرَّهُ لَيْسَ بُرِيدُ الْفَرَارِ مِنَ الرَّحْفِ.

regrouping. You are not, therefore, sinners and criminals. I am your leader, and you have come to me for reinforcement and not as those who flee from the field.

Chapter 38. What Has Been Related About Burying The One Killed Where He Was Killed

1717. Jābir bin ‘Abdullāh said: “On the Day of Uhud, my father’s sister came with my father to bury him in a cemetery of ours. So one of the callers of the Messenger of Allāh ﷺ called out: ‘Return those killed to where they were lying.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*. [And (one of the narrators) Nubaiḥ is trustworthy].

تخریج: [إسناده صحيح] وأخرجه أبو داود، ح: ٣٦٥ وابن ماجه، ح: ١٥١٦ والنسائي، ح: ٢٠٠٦ من حديث الأسود بن قيس به وهو في مستند أبي داود الطیالسی، ح: ١٧٨٠ بطوله، وصححه ابن خزيمة وابن حبان، ح: ٧٧٥، ٧٧٤ وابن الجارود، ح: ٥٥٣.

Comments:

The *Hadīth* contains the rule of *Shari‘ah* that the martyrs are to be buried in the very place they are killed. However, in case of some impediment or necessity, or the fear of desecration, the body may be buried in some other place, otherwise not. (*Tuhfat Al-Ahwadhi*, v.3, p.39)

Chapter 39. What Has Been Related About Meeting The One Who Was Away When He Arrives

1718. As-Sā’ib bin Yazid narrated: “When the Messenger of Allāh ﷺ arrived from Tabūk, the people went out to Thaniyyah Al-Wadā’ to meet him.” As-Sā’ib said: “I went out with the people, and I was a boy.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣaḥīḥ*.

(المعجم ٣٨) - بَابُ [مَا جَاءَ فِي دَفْنِ الْقَتَلِيِّ فِي مَقْتَلِهِ] (التحفة ٦٣)

١٧١٧ - حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ: أَخْبَرَنَا شُعْبَةُ عَنِ الْأَسْوَدِ بْنِ قَيْسٍ قَالَ: سَمِعْتُ نُبَيْحَةَ الْعَنْزِيَّ يُحَدِّثُ عَنْ جَابِرِ ابْنِ عَبْدِ اللَّهِ قَالَ: لَمَّا كَانَ يَوْمُ أُمَّادِ جَاءَتْ عَمَّتِي بِأَبِيهِ لِتَدْفِنَهُ فِي مَقَابِرِنَا، فَنَادَى مُنَادِي رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «رُدُّوا الْقَتْلَى إِلَى مَصَاحِعِهَا». [قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٌ صَحِيحٌ [وَبِيْحَةُ ثَقَةٍ].

تخریج: [إسناده صحيح] وأخرجه أبو داود، ح: ٣٦٥ وابن ماجه، ح: ١٥١٦ والنسائي، ح: ٢٠٠٦ من حديث الأسود بن قيس به وهو في مستند أبي داود الطیالسی، ح: ١٧٨٠ بطوله، وصححه ابن خزيمة وابن حبان، ح: ٧٧٥، ٧٧٤ وابن الجارود، ح: ٥٥٣.

(المعجم ٣٩) - بَابُ مَا جَاءَ فِي تَلَقَّى الْغَائِبِ إِذَا قَدِمَ (التحفة ٦٤)

١٧١٨ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ وَسَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ الْمَخْزُومِيُّ قَالَ: حَدَّثَنَا سُفْيَانُ ابْنُ عَيْنَةَ عَنِ الزُّهْرِيِّ، عَنِ السَّائِبِ بْنِ بَرِيدَ قَالَ: لَمَّا قَدِمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ تَبُوكَ خَرَجَ النَّاسُ يَتَلَقَّونَهُ إِلَى ثَيَّةِ الْوَدَاعِ، قَالَ السَّائِبُ: فَخَرَجْتُ مَعَ النَّاسِ وَأَنَا غُلَامٌ.

[قال أبو عيسى:] هذا حديث حسن صحيح.
تخریج: [صحیح] وأخرجه البخاری، المعاذی، باب كتاب النبي ﷺ إلى کسری وقیصر،
ح ٤٤٢٧ وأبو داود، ح ٢٧٧٩ من حديث سفیان بن عییة به.

Comments:

The *Hadith* confirms that it is allowed to go out to welcome a noted religious figure or a person returning after performing some virtuous deed.

Chapter 40. What Has Been Related About *Al-Fay'* (Spoils of War)

1719. ‘Umar bin Al-Khaṭṭāb said: “The wealth of Banū An-Nadīr was among the spoils of war which Allāh granted upon His Messenger ﷺ which the Muslims did not gain with the rush of their horses nor camels. So it was purely for the Messenger of Allāh ﷺ, and the Messenger of Allāh ﷺ would set aside a year’s worth of expenditure for his family, then he would use what remained of it for horses and weapons to be used in Allāh’s cause.” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Ṣahīh*. [Sufyān bin ‘Uayinah reported this *Hadīth* from Ma‘mar, from Ibn Shihāb].

المعجم (٤٠) - بَابُ مَا جَاءَ فِي الْفَيْءِ (التحفة ٦٥)

١٧١٩ - حَدَّثَنَا أَبْنُ أَبِي عُمَرَ : حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرِ وْ بْنِ دِينَارٍ، عَنْ أَبْنِ شَهَابٍ، عَنْ مَالِكٍ بْنِ أُوسٍ بْنِ الْحَدَّثَانِ قَالَ: سَيُعْتَلُ عُمَرُ بْنُ الْخَطَّابِ يَقُولُ: كَانَ أَمْوَالُ بَنِي التَّضِيرِ مِمَّا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ لَمْ يُوْجِفِ الْمُسْلِمُونَ عَلَيْهِ بِخَيْلٍ وَلَا رِكَابٍ، وَكَانَتْ لِرَسُولِ اللَّهِ خَالِصًا، وَكَانَ رَسُولُ اللَّهِ يَعْزِلُ نَفَقَةً أَهْلِهِ سَنَةً ثُمَّ يَجْعَلُ مَا بَقَى فِي الْكُرْبَاعِ وَالسَّلَاحِ عُدَّةً فِي سَبِيلِ اللَّهِ.

[قالَ أَبُو عِيسَىٰ: هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ [وَرَوَى سُقْيَانُ بْنُ عُيَيْنَةَ هَذَا الْحَدِيثُ عَنْ مَعْمَرٍ، عَنْ أَبْنِ شَهَابٍ].

تخرِّيج: متفقٌ عليه، وأخرجه البخاري، الجهاد والسير، باب المجن ومن يترس بترس صاحبه، ح ٢٩٠٤ ومسلم، ح ١٧٥٧ من حديث سفيان بن عيينة به.

Comments:

The *Hadīth* confirms that, during the days of the Messenger of Allāh ﷺ, the distribution of all kinds of wealth, including the orchards seized from the enemy without combat, was the sole prerogative of the Messenger of Allāh ﷺ who disposed of it according to his discretion. This is also the view of the majority of the scholars (*Tuhfat Al-Ahwadhi*, v.3, p.39). It must also be clarified that to set aside a years' worth of expenditure for one's family is not against the Islamic spirit of *Tawakkul* (reliance upon Allāh).

*In the Name of Allāh,
the Merciful, the Beneficent*

22. The Chapters On Clothing From The Messenger Of Allāh ﷺ

Chapter 1. What Has Been Related About Silk And Gold For Men

1720. Abū Mūsā Al-Ash'arī narrated that the Messenger of Allāh ﷺ said: "Wearing silk and gold has been made unlawful for the males of my *Ummah* and lawful for its females." (*Sahih*)

[Abū 'Eisā said:] There are narrations on this topic from 'Umar, 'Alī, 'Uqbah bin 'Āmir, Anas, Umm Hāni', Hudhaifah, 'Abdullāh bin 'Amr, 'Imrān bin Husain, 'Abdullāh bin Az-Zubair, Jābir, Abū Raihānah, Ibn 'Umar, Al-Barā', and [Wāthilah bin Al-Asqa'], and this *Hadīth* is *Hasan Sahīh*.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

(المعجم ٢٢) - **أبواب النساء**
عن رَسُولِ اللَّهِ ﷺ (التحفة ١٩)

(المعجم ١) - بَابُ مَا جَاءَ فِي الْحَرِيرِ
وَالْذَّهَبِ لِلرِّجَالِ (التحفة ١)

١٧٢٠ - حَدَثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ:
حَدَثَنَا عَبْدُ اللَّهِ بْنُ نُعْمَرٍ: حَدَثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ عَنْ تَافِعٍ، عَنْ سَعِيدِ بْنِ أَبِي هِنْدٍ، عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «خُرُمَ لِيَاسُ الْحَرِيرِ وَالْذَّهَبِ عَلَى ذُكُورِ أُمَّتِي وَأَجْلَ لِإِنَاثِهِمْ». [قال أبو عيسى: وفي الباب عن عمر، وعلى، وعقبة بن عامر، وأنس وأم هانئ، وحديفة، وعبد الله بن عمرو، وعمران بن حصين، وعبد الله بن الزبير، وجابر، وأبي ريحانة، وأبن عمر، والبراء، [ووائلة بن الأشعع]، وهذا حديث حسن صحيح.]

تَحْرِيقُ حَدِيثِ حَسَنٍ صَحِيفٍ: [صَحِيفٌ] وَأَخْرَجَهُ السَّائِي: ٨/١٦١، ح: ١٥١ (الزينة، باب تحريم الذهب على الرجال) من حديث نافع به وللحديث شواهد كثيرة عند أبي داود، ح: ٤٠٥٧ والنسائي، ح: ٥١٤٩؛ وغيرهما وهو من الأحاديث المتوترة * وفي الباب عن عمر [يأتي: ١٧٢١] وعلى [أبو داود، ح: ٤٠٥٧] وعقبة بن عامر [النسائي، ح: ٥١٣٩] والطحاوي في معاني الآثار: ٢٥٧ وأنس [البخاري، ح: ٥٨٣٢] ومسلم، ح: ٢٠٧٣] وحديفة [البخاري، ح: ٥٨٣١] وعبد الله بن عمرو [ابن أبي هانئ [لعله يشير إلى حديث الطبراني في الكبير: ٤٣٧/٢٤، ح: ١٠٦٩] وعبد الله بن عمرو [ابن أبي شيبة: ٨/١٦٤] وعمران بن حصين [يأتي: ١٧٣٨] وعبد الله بن الزبير [البخاري، ح: ٥٨٣٣] ومسلم، ح: ٢٠٦٩] وجابر [أحمد: ٣٣٧/٣، ٣٤٢، ٣٤٧] والطحاوي في معاني الآثار: ٢٥٤/٤] وأبي

ريحانة [أبو داود، ح: ٤٠٤٩] وابن عمر [البخاري، ح: ٥٨٣٥] ومسلم، ح: ٢٠٦٨] واثلة بن الأسعق [الطبراني في الكبير: ٩٧/٢٢، ح: ٢٣٤].

Comments:

The *Hadith* stipulates the rule that wearing silk clothes and gold ornaments are lawful for women but unlawful for men. As for the use of gold and silver utensils, it is not allowed for anyone in Islam.

1721. Suwaid bin Ghafalah narrated that ‘Umar gave a *Khutbah* at Al-Jâbiyah and he said: “The Messenger of Allâh ﷺ prohibited silk except for two finger’s worth of space, or three, or four.” (*Sahîh*)

[Abû ‘Eisâ said:] This *Hadith* is *Hasan Sahîh*.
تخریج: وأخرجه مسلم، الباب والزينة، باب تحريم لبس الحرير وغيره ذلك للرجال،

Comments:

The *Hadith* tells us that if a piece of cloth contains two, three or four fingers’ width of silk thread, it is allowed to use it. More than four fingers width is prohibited (for men). An overwhelming majority of scholars holds this to be the right view. (*Tuhfat Al-Ahwadhi*, v.3, p.40).

Chapter 2. What Has Been Related (About Permitting) The Wearing Of Silk During War

1722. Anas bin Mâlik narrated that ‘Abdur-Râhmân bin ‘Awf, and Az-Zubair bin Al-‘Awwâm complained of lice to the Prophet ﷺ during a battle that they participated in. So he permitted them to wear silk shirts. He (Anas) said: “I saw them wearing them.” (*Sahîh*)

[Abû ‘Eisâ said:] This *Hadith* is *Hasan Sahîh*.

١٧٢١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مَعَاذُ بْنُ هِشَامٍ: حَدَّثَنَا أَبِي عَنْ قَاتَادَةَ، عَنِ الشَّعْبِيِّ، عَنْ سُوَيْدِ بْنِ غَفْلَةَ، عَنْ عُمَرَ: أَنَّهُ خَطَبَ بِالْجَمَائِلِ فَقَالَ: نَهَا رَسُولُ اللَّهِ ﷺ عَنِ الْحَرِيرِ إِلَّا مَوْضِعٌ أَصْبَعَيْنِ أَوْ ثَلَاثَتِ أَوْ أَرْبَعَةِ [قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: وأخرجه مسلم، الباب والزينة، باب تحريم لبس الحرير وغيره ذلك للرجال،

ح: ١٥/٢٠٦٩ عن محمد بن بشار به.

(المعجم ٢) - بَابُ مَا جَاءَ [في الرُّخْصَةِ]
في لِبْسِ الْحَرِيرِ فِي الْحَرْبِ (التحفة ٢)

١٧٢٢ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا قَاتَادَةُ عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ وَالرَّئِيْسِ بْنَ الْعَوَامَ شَكَّا الْقَمَلَ إِلَى النَّبِيِّ ﷺ فِي غَزَّةٍ لَهُمَا، فَرَخَّصَ لَهُمَا فِي قُمْصِ الْحَرِيرِ قَالَ: وَرَأَيْتُهُ عَلَيْهِمَا. [قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، الجهاد والسير، باب الحرير في الحرب، ح: ٢٩٢٠ من حديث همام، مسلم، ح: ٢٦/٢٠٧٦ من حديث قاتادة به.

Comments:

Lice entering the clothes can result in severe itching for the wearers, so in order to remedy this problem, or some disease, wearing silk has been permitted in such cases.

Chapter 3. Touching Silk Without Wearing It

(المعجم ٣) - بَابُ [مَسْ الْحَرِيرِ مِنْ غَيْرِ لِبْسٍ] (التحفة ٣)

1723. Wāqid bin ‘Amr bin Sa‘d bin Mu‘ādh said: “Anas bin Mālik arrived. So I went to him and he said: ‘Who are you?’ I said: ‘I am Wāqid bin ‘Amr [bin Sa‘d bin Mu‘ādh].’” He said: “So he began to cry and he said: ‘You resemble Sa‘d. Sa‘d was one of the greatest people, and of the tallest. The Messenger of Allāh ﷺ was sent a cloak of *Dibāj*^[1] with gold woven into it. The Messenger of Allāh ﷺ wore it and ascended the *Minbar*. Then he stood, or sat, and the people began touching it, and they said: ‘We never saw a garment like this before today.’ So he said: ‘Are you amazed at this? The handkerchiefs of Sa‘d in Paradise are better than what you see.’”

(*Hasan*)

He said: There is something on this topic from Asmā’ bint Abū Bakr.

This *Hadīth* is *Sahīh*.

تخریج: [إسناده حسن] وأخرجه السعائی، الزینة، باب لبس الديباج والمنسوج بالذهب، ٨١٩٩، ح: ٥٣٠٤ من حديث محمد بن عمرو به * وفي الباب عن أسماء بنت أبي بكر [مسلم]، ح: ٢٠٦٩.

Comments:

The prohibition on wearing silk garment had not yet been revealed. That is why the Prophet ﷺ ascended the *Minbar* with it on and, sensing the amazement of the people, informed them that the meanest wear in Paradise would be far superior to the best of this world.

١٧٢٣ - حَدَّثَنَا أَبُو عَمَّارٍ: حَدَّثَنَا الفَضْلُ
ابْنُ مُوسَى عَنْ مُحَمَّدٍ بْنِ عَمْرُو: حَدَّثَنِي
وَأَقْدُ بْنُ عَمْرُو بْنِ سَعْدٍ بْنِ مُعاذَ قَالَ: قَيْمَ
أَسْنُ بْنُ مَالِكٍ فَأَتَيْهُ فَقَالَ: مَنْ أَنْتَ؟ فَقَلَّتْ
أَنَا وَأَقْدُ بْنُ عَمْرُو [بْنُ سَعْدٍ بْنِ مُعاذَ]، قَالَ:
فَبَكَى وَقَالَ: إِنَّكَ لَشَيْءٌ بِسَعْدٍ، وَإِنَّ سَعْدًا
كَانَ مِنْ أَعْظَمِ النَّاسِ، وَأَطْوَلَ، وَإِنَّهُ بُعْثَ
إِلَى النَّيْرِ بَلَقَّلَةً جُبَّةً مِنْ دِيَبَاجٍ مَسْوُجٍ فِيهَا
الذَّهَبُ، فَلَبِسَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَصَعَدَ الْمُبَرَّ
فَقَامَ أَوْ قَدَّ، فَجَعَلَ النَّاسُ يَلْمِسُونَهَا،
فَقَالُوا: مَا رَأَيْنَا كَالْيَوْمِ ثُورًا فَطُّ. فَقَالَ:
“أَنْجُبُونَ مِنْ هَذِهِ؟ لَمَنَادِيلُ سَعْدٍ فِي الْجَنَّةِ
خَيْرٌ مِمَّا تَرَوْنَ”.

قَالَ: وَفِي الْبَابِ عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ.
[و] هَذَا حَدِيثٌ صَحِيحٌ.

^[1] A type of silk cloth, or silk brocade.

Chapter 4. What Has Been Related About Permitting The Red Garment For Men

1724. Al-Barā' said: "I have not seen anyone with hair past his shoulders in a red *Hullah* more handsome than the Messenger of Allāh ﷺ. He had hair that would flow on his shoulders, (and he had) broad shoulders (and he was) not too short and not too long." (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from Jābir bin Samurah, Abū Rimthah, and Abū Juhaifah.

This *Hadīth* is *Hasan Sahīh*.

(المعجم ٤) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ فِي الثَّوْبِ الْأَحْمَرِ لِلرِّجَالِ (التحفة ٤)

١٧٢٤ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ قَالَ: مَا رَأَيْتُ مِنْ ذِي لِمَةٍ فِي حُلَّةٍ حَمْرَاءً أَحْسَنَ مِنْ رَسُولِ اللَّهِ ﷺ، لَهُ شَعْرٌ يَضْرِبُ مَنْكِبَيْهِ، بَعِيدٌ مَا بَيْنَ الْمَنْكِبَيْنِ، لَمْ يَكُنْ بِالْقَصِيرِ وَلَا بِالطَّوِيلِ.

[قال أبو عيسى:] وفي الباب عن جابر ابن سمرة وأبي رمثة وأبي جحيفة. [و] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه مسلم، الفضائل، باب: في صفة النبي ﷺ، وأنه كان أحسن الناس وجهها، ح: ٢٣٣٧ من حديث وكيع والبخاري، ح: ٣٥٥١ من حديث أبي إسحاق به * وفي الباب عن جابر بن سمرة [مسلم، ح: ٢٣٤٤ / ١١٠] وأبي رمثة [أحمد: ٢٢٦ / ٢] وأبي جحيفة [البخاري، ح: ٣٥٤٥ ومسلم، ح: ٢٣٤٢].

Comments:

Scholars have divergent views regarding wearing red, namely it is (i) lawful, (ii) unlawful, (iii) dark red is unlawful, light red is lawful, (iv) wearing for ornamentation or ostentation is prohibited, wearing inside one's house and for sundry jobs is permitted, (v) dyeing red after manufacturing is not lawful, woven with red thread is lawful, (vi) dyed red with safflower is prohibited, dyed red with some other substance is permitted, (vii) striped red (with white or black threads) is permitted, pure red is prohibited (*Tuhfat Al-Ahwadhi*, v.3, p.43). The correct position in this regard seems to be that shining red garment as generally put on by the brides in the Indian subcontinent is not appropriate for men. Similarly cloth dyed red with safflower is also not allowed for men. There is, however, no harm in wearing a garment which is light red (instead of shining red) or has red straps woven into black or white threads. However, if red color becomes the hallmark of a non-Muslim community or people, then it will be unlawful for the faithful on grounds of similarity with those people (See *Tuhfat Al-Ahwadhi*, v.3, p.42 for details).

Chapter 5. What Has Been Related About It Being Disliked For Men To Wear Garments Dyed With 'Usfur^[1]

1725. 'Alī narrated: "The Messenger of Allāh ﷺ prohibited wearing *Al-Qassī* and what was dyed with '*Usfur*." (*Sahīh*)

[*Abū 'Eisā* said:] There are narrations on this topic from Anas and 'Abdullāh bin 'Amr.

(المعجم ٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الْمُعَصْفِرِ لِلرِّجَالِ (التحفة ٥)

١٧٢٥ - حَدَّثَنَا قَتْبِيَّةُ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ نَافِعٍ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ اللَّهِ بْنِ حُنَيْنٍ، عَنْ أَبِيهِ، عَنْ عَلَيِّ فَقَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ لُبْسِ الْقَسِّيِّ وَالْمُعَصْفِرِ . [قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ أَنَسٍ وَعَبْدِ اللَّهِ بْنِ عَمْرِو . وَحَدِيثُ عَلَيِّ حَدِيثُ حَسَنٍ صَحِيحٌ .

تخریج: وأخرجه مسلم، اللباس والزينة، باب النهي عن لبس الرجل الثوب المعصفر، ح: ٢٠٧٨ من حديث مالك به وهو في الموطا: ٨٠ / ١١ بطوله * وفي الباب عن أنس [الطحاوي في معاني الآثار: ٤/٢٤٩] وعبدالله بن عمرو [مسلم، ح: ٢٠٧٧].

Comments:

Qassī: Cloth made in Qas (name of a place) that had predominantly silk texture.

Chapter 6. What Has Been Related About Wearing Furs

1726. Salmān narrated: "The Messenger of Allāh ﷺ was asked about fat, cheese, and furs, so he said: 'The lawful is what Allāh made lawful in His Book, the unlawful is what Allāh made unlawful in his Book, and what He was silent about; then it is among that for which He has pardoned.'" (*Hasan*)

[*Abū 'Eisā* said:] There is something on this topic from Al-Mughīrah, and this *Hadīth* is *Gharīb*, we do not know of it being *Marfū'* except from this route.

(المعجم ٦) - بَابُ مَا جَاءَ فِي لُبْسِ الْفِرَاءِ (التحفة ٦)

١٧٢٦ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ مُوسَى الْفَزَارِيُّ: حَدَّثَنَا سَيْفُ بْنُ هَارُونَ [الْبُرْجُوئِيُّ] عَنْ سُعَيْمَانَ التَّيَّبِيِّ، عَنْ أَبِي عُثْمَانَ، عَنْ سَلْمَانَ فَقَالَ: سُئِلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ السَّمْنِ وَالْجُبْنِ وَالْفِرَاءِ فَقَالَ: «الْحَلَالُ مَا أَحَلَّ اللَّهُ فِي كِتَابِهِ، وَالْحَرَامُ مَا حَرَمَ اللَّهُ فِي كِتَابِهِ، وَمَا سَكَتَ عَنْهُ فَهُوَ مِمَّا عَفَا عَنْهُ» . [قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنِ الْمُغْرِبَةِ .

[و]هذا حديث غريب لا تعرفه مرتقباً

^[1] The red dye derived from safflowers.

Sufyān and others reported it from Sulaimān At-Taimī, from Abū ‘Uthmān, from Salmān as his own saying. It is as if the *Mawqūf* narration is more correct. [I asked Al-Bukhārī about this *Hadīth* and he said: 'I do not think it is preserved. Sufyān reported it from Sulaimān At-Taimī from Abū ‘Uthmān, from Salmān in *Mawqūf* form.' Al-Bukhārī said: "Saif bin Hārūn is *Muqārib* (average) in *Hadīth*, and as for Saif bin Muḥammad from ‘Āsim, his narrations are left."]

إلا من هذا الوجه.
وروى سفيانًا وغيرة عن سليمان التميمي،
عن أبي عثمان، عن سلمان قوله. وكان
الحديث الموقوف أصح [وسأله البخاري
عن هذا الحديث فقال: ما أراه محفوظاً
روى سفيان عن سليمان التميمي، عن أبي
عثمان، عن سلمان موقوفاً، قال البخاري:
وسيف بن هارون مقارب الحديث وسيف بن
محمد عن عاصم ذاهب الحديث].

تخریج: [حسن] وأخرجه ابن ماجه، الأطعمة، باب أكل الجن والسمن، ح: ٣٣٦٧ عن إسماعيل بن موسى به وسنه ضعيف وللحاديث شاهد عند الحاكم: ٣٧٥ / ٢ وصححه ووافقه الذهبي
وحسن البهشمي وقال البزار: "إسناده صالح" * وفي الباب عن المغيرة [أبو داود، ح: ٦٥٩].

Comments:

Things, as to their permissibility and impermissibility, fall into four categories: (i) clearly lawful, whose permissibility has been clearly notified, (ii) clearly unlawful, that could not be declared lawful, (iii) matters which are not clear to many who are doubtful about them since they do not have the knowledge about it, and (iv) the pardoned ones, about which the *Shari'ah* is discreetly silent, and there is no categorical yes or no about them. Their permissibility or prohibition is, however, unmistakably evident and clear. So, the right course is to completely avoid the prohibited. As for the matters that one has doubt about them, avoiding them would mean guarding ones faith and honor against any blame or ignominy. Clearly lawful matters can be pursued without qualms of conscience. Pardoned matters are no doubt allowed.

Chapter 7. What Has Been Related About The Skins Of Dead Animals When They Are Tanned

1727. Ibn ‘Abbās narrated: "A sheep died so the Messenger of Allāh ﷺ said to its owners: 'Why don't you remove its skin, then tan it so you can have something useful from it.'" (*Sahīh*)

[Abū ‘Eisā said:] There are

(المعجم ٧) - بَابُ مَا جَاءَ فِي جُلُودِ
الْمَيْتَةِ إِذَا دُبْغِتُ (التحفة ٧)

١٧٢٧ - حَدَّنَا قُتَيْبَةُ: حَدَّنَا اللَّيْثُ عَنْ
بَرِيدَ بْنِ أَبِي حَيْبٍ، عَنْ عَطَاءَ بْنِ أَبِي رَبَاحٍ
قَالَ: سَمِعْتُ ابْنَ عَبَاسَ يَقُولُ: مَا تَسْأَلْتُ شَأْنَةً
فَقَالَ رَسُولُ اللهِ ﷺ لِأَهْلِهِ: «أَلَا تَرَعُمُ
جُلْدَهَا ثُمَّ دَبَّتْمُوهُ فَاسْتَمْتَعْتُمْ بِهِ».

narrations on this topic from Salamah bin Al-Muhabbaq, Maimūnah, and ‘Āishah. The *Hadīth* of Ibn ‘Abbās is *Hasan Sahīh*. Similar to this has been reported through other routes from Ibn ‘Abbās from the Prophet ﷺ. And it has been related from Ibn ‘Abbās from Maimūnah, from the Prophet ﷺ, and, it has been related from him from Sawdah. I heard Muhammad saying the *Hadīth* of Ibn ‘Abbās from the Prophet ﷺ, and the *Hadīth* of Ibn ‘Abbās from Maimūnah from the Prophet ﷺ were correct. And he said: “It implies that it was reported from Ibn ‘Abbās from Maimūnah from the Prophet ﷺ, and that Ibn ‘Abbās reported it from the Prophet ﷺ, and he did not mention Maimūnah in it.”

[Abū ‘Eisā said:] This is acted upon according to most of the people of knowledge, and it is the view of Sufyān Ath-Thawrī, Ibn Al-Mubārak, Ash-Shāfi‘ī, Aḥmad, and Ishāq.

تخریج: [إسناده صحيح] وأخرجه مسلم، الحفص، باب طهارة جلود الميتة بالدباغ، ح: ٣٦٥ من حديث عطاء بن أبي رباح به * وفي الباب عن سلمة بن المحقق [أبو داود، ح: ٤١٢٥] وميمونة [مسلم، ح: ٣٦٣] وعائشة [أبو داود، ح: ٤١٢٤] وعن سودة [البخاري، ح: ٦٦٨٦].

Comments:

The correct position in the matter seems to be that the skins of noxious animals are not permitted to make use of since the Prophet ﷺ has said so, as would be clear from an ensuing exclusive chapter on the subject, even though tanning would turn the skin clean.

1728. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “Any skin that is tanned, then it has been made pure.” (*Sahīh*)

[قال أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ سَلَمَةَ ابْنِ الْمُحَجَّبِ وَمَمِّونَةَ وَعَائِشَةَ، وَحَدِيثُ ابْنِ عَبَّاسٍ حَسَنٌ صَحِيحٌ، وَقَدْ رُوِيَ مِنْ غَيْرِ وَجْهٍ عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ نَحْنُ هَذَا. وَرُوِيَ عَنِ ابْنِ عَبَّاسٍ، عَنْ مَمِّونَةَ عَنِ النَّبِيِّ ﷺ وَرُوِيَ عَنْ ابْنِ عَبَّاسٍ عَنْ سُودَةَ. وَسَمِعْتُ مُحَمَّدًا يُصَحِّحُ حَدِيثَ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ وَحَدِيثَ ابْنِ عَبَّاسٍ عَنْ مَمِّونَةَ وَقَالَ: احْتَمِلْ أَنْ يَكُونَ رَوَى ابْنُ عَبَّاسٍ عَنْ مَمِّونَةَ عَنِ النَّبِيِّ ﷺ. وَرَوَى ابْنُ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ وَلَمْ يَذْكُرْ فِيهِ عَنْ مَمِّونَةَ.] [قال أَبُو عِيسَى:] وَالْعَمَلُ عَلَى هَذَا إِنْدَ أَكْثَرُ أَهْلِ الْعِلْمِ وَهُوَ قَوْلُ سُفِّيَانَ الثُّورَى وَابْنِ الْمُبَارَكِ وَالشَّافِعِيِّ وَأَخْمَدَ وَإِسْحَاقَ.

١٧٢٨ - حَدَّثَنَا قُيُّمَةُ: حَدَّثَنَا سُفِّيَانُ بْنُ عَيْنَيَةَ وَعَبْدُ الرَّزِّيزِ بْنُ مُحَمَّدٍ عَنْ زَيْدِ بْنِ أَشْلَمَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ وَعْلَةَ، عَنْ ابْنِ

This *Hadīth* is *Hasan* *Ṣaḥīḥ*. This is acted upon according to most of the people of knowledge, they say that when the skin of a dead animal has been tanned then it has been made pure.

[*Abū ‘Eisā* said:] *Ash-Shāfi‘ī* said: “Any [dead animal’s] skin that is tanned, then it has been made pure, except for the dog and the pig.” Some of the people of knowledge among the Companions of the Prophet ﷺ disliked skins of predators [even when tanned, and this is the view of ‘Abdullāh bin Al-Mubārak, Ahmad, and Ishāq], and they were firm about not wearing them and performing *Salāt* in them. Ishāq bin Ibrāhīm said: “The saying of the Prophet ﷺ: ‘Any skin that is tanned, then it has been made pure’ only refers to the skins of animals whose meat is eaten.” This is how it was explained by An-Naṣr bin Shumail.

And he said: “The word *Ihāb* is only used for a skin of an animal that is eaten,” and Ibn al-Mubārak, Ahmad, Ishāq and Al-Humaidī disliked performing *Salāt* in predator skins.

تخریج: وأخرجه مسلم، الحیض، باب طهارة جلود الميّة بالدباغ، ح: ٣٦٦ عن قتيبة به.

1729. ‘Abdullāh bin ‘Ukaim said: “A letter came to us from the Messenger of Allāh ﷺ (saying: ‘Do not use the skins of dead animals, nor tendons.’) (*Hasan*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan*. This *Hadīth* has been related from ‘Abdullāh bin ‘Ukaim

عَبَّاسٌ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: أَيُّمَا إِهَابٌ دُبَغَ فَقَدْ طَهَرَ. هَذَا حَدِيثٌ حَسَنٌ صَحِيفٌ وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ قَالُوا فِي جُلُودِ الْمَيْتَةِ إِذَا دُبِغَتْ فَقَدْ طَهَرَتْ.

[قال أبو عيسى:] وَقَالَ الشَّافِعِيُّ: أَيُّمَا إِهَابٌ [مَيْتَةٌ] دُبَغَ فَقَدْ طَهَرَ إِلَّا الْكَلْبُ وَالْخِنْزِيرُ. وَكَرِهَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ جُلُودُ السَّبَاعِ [وَإِنْ دُبَغَ وَهُوَ قَوْلٌ عَبْدُ اللهِ بْنُ الْمُبَارَكُ وَأَخْمَدَ وَإِسْحَاقَ] وَشَدَّدُوا فِي لُبْسِهَا وَالصَّلَاةِ فِيهَا. قَالَ إِسْحَاقُ بْنُ إِبْرَاهِيمَ: إِنَّمَا مَعْنَى قَوْلِ النَّبِيِّ ﷺ: أَيُّمَا إِهَابٌ دُبَغَ فَقَدْ طَهَرَ» إِنَّمَا يَعْنِي بِهِ جَلْدٌ مَا يُؤْكَلُ لَخْمُهُ. هَكَذَا فَسَرَةُ النَّصْرُ بْنُ شُمَيْلٍ وَقَالَ: إِنَّمَا يُقَاتَلُ إِهَابٌ لِجَلْدٍ مَا يُؤْكَلُ لَخْمُهُ وَكَرِهَ ابْنُ الْمُبَارَكُ وَأَخْمَدُ وَإِسْحَاقُ وَالْحُمَيْدِيُّ الصَّلَاةَ فِي جُلُودِ السَّبَاعِ.

١٧٢٩ - حَدَّثَنَا مُحَمَّدُ بْنُ طَرِيفٍ الْكُوفِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنِ الْأَعْمَشِ وَالشَّيْبَانِيِّ، عَنِ الْحَكْمَمِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، عَنْ عَبْدِ اللهِ بْنِ عُكَيْمٍ قَالَ: أَتَانَا كِتَابٌ رَسُولِ اللهِ ﷺ أَنْ لَا

from some *Shuyūkh* of his, and this is not acted upon according to most of the people of knowledge. And this *Hadīth* has been related from ‘Abdullāh bin ‘Ukaim, that he said: “A letter came to us from the Messenger of Allāh ﷺ two months before he died.”

He said: I heard Ahmad bin Al-Hasan saying: “Ahmad bin Ḥanbal followed this *Hadīth* due to it mentioning that it was two months before he ﷺ died. Then Ahmad left this *Hadīth* because of their *Iḍtirāb* in its chain, since some of them reported it, saying: ‘From ‘Abdullāh bin ‘Ukaim from some *Shuyūkh* of his from Juhainah.’”

تَسْتَعِفُوا مِنَ الْمَيْتَةِ بِإِهَابٍ وَلَا عَصْبَ.

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٌ، وَيُرْوَى عَنْ عَبْدِ اللَّهِ بْنِ عُكَيْمٍ، عَنْ أَشْيَاعِ لَهُ هَذَا الْحَدِيثُ وَلَيْسَ الْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ. وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنْ عَبْدِ اللَّهِ بْنِ عُكَيْمٍ أَنَّهُ قَالَ: أَتَانَا كِتَابٌ النَّبِيِّ ﷺ قَبْلَ وَفَاتِهِ بِشَهْرَيْنِ.

قَالَ: وَسَمِعْتُ أَخْمَدَ بْنَ الْحَسَنِ يَقُولُ: كَانَ أَخْمَدُ بْنُ حَبْلَيْنِ يُذَهِّبُ إِلَى هَذَا الْحَدِيثِ لِمَا ذُكِرَ فِيهِ قَبْلَ وَفَاتِهِ بِشَهْرَيْنِ وَكَانَ يَقُولُ كَانَ هَذَا آخِرَ أَمْرِ النَّبِيِّ ﷺ ثُمَّ تَرَكَ أَخْمَدُ بْنُ حَبْلَيْنِ هَذَا الْحَدِيثَ لِمَا اضطَرَبُوا فِي إِسْنَادِهِ حَيْثُ رَوَى بَعْضُهُمْ فَقَالَ: عَنْ عَبْدِ اللَّهِ بْنِ عُكَيْمٍ، عَنْ أَشْيَاعِ لَهُ مِنْ جُهَيْنَةِ.

تَخْرِيج: [حسن] وأخرجه أبو داود، اللباس، باب من روى أن لا يستفتح بإهاب الميتة، ح: ٤١٢٧ والنسائي، ح: ٤٢٥٤ وابن ماجه، ح: ٣٦١٣ من حديث الحكيم بن عتبة به وحسنه البهقي وصححه ابن حبان، وصحح الحكم بالسماع وراجع نيل المقصود في جواب الطعن في السند * وأشياخ له من جهة: صحابة والصحابية كلهم عدول.

Comments:

The majority of the scholars hold the *Hadīth* to mean that it is not in order to make use of the dead skin before tanning.

Chapter 8. What Has Been Related About It Being Disliked To Drag The *Izār*

1730. ‘Abdullāh bin ‘Umar narrated that the Messenger of Allāh ﷺ said: “On the Day of Judgement, Allāh will not look at one who arrogantly drags his garment.” (*Sahih*)

[Abū ‘Eisā said:] There are narrations on this topic from Hudhaifah, Abū Sa‘eed, Abū

(المعجم ٨) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ جَرِ الإِزَارِ (التحفة ٨)

١٧٣٠ - حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُونُ: حَدَّثَنَا مَالِكٌ؛ ح: وَحَدَّثَنَا قُتْبَيْةُ عَنْ مَالِكٍ، عَنْ نَافِعٍ وَعَبْدِ اللَّهِ بْنِ دِينَارٍ وَرَيْدَ بْنِ أَسْلَمَ كُلُّهُمْ يُخَرُّ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَنْظُرُ اللَّهُ يَوْمَ الْقِيَامَةِ إِلَى

Huraiyah, Samurah, Abū Dharr, Āishah, and Hubaib bin Mughil.

The *Hadīth* of Ibn ‘Umar is *Hasan Sahīh*.

مَنْ جَرَّ ثُوبَهُ خُيَلَاءً».

[قال أبو عيسى:] وفي الباب عن حذيفة وأبي سعيد وأبي هريرة، وسمراة وأبي ذر وعائشة وهبیب بن مغفل.

وَحَدِيثُ ابْنِ عُمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، اللباس، باب قول الله تعالى: «قل من حرم زينة الله التي أخرج لعباده»، ح: ٥٧٨٣؛ ومسلم، ح: ٢٠٨٥ من حديث مالك به وهو في الموطأ: ٢/٩١٤ (يحيى) * وفي الباب عن حذيفة [يأتي: ١٧٨٢] وأبي سعيد [أبو داود، ح: ٤٠٩٣] وأبي هريرة [البخاري، ح: ٥٧٨٨ ومسلم، ح: ٢٠٨٧] وسمراة [أحمد: ٩/٥، ١٥] وأبي ذر [مسلم، ح: ١٠٦] وعائشة [أحمد: ٥٩، ٥٧] وهبیب بن مغفل [أحمد: ٤٣٧/٣، ٤٣٧/٤] [٢٣٧].

Comments:

To wear the garment so long that it comes down ones heels as a show of ones pride and arrogance is such a serious crime before Allāh that, on the day when each individual shall be in dire need of the mercy of his Gracious Lord, the fellow parading his robes of pride and arrogance in the world shall be deprived of even a passing glance from Him. Other narrations indicate the prohibition without the mention of arrogance.

Chapter 9. What Has Been Related About (Dragging) Women's Hems

1731. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “Whoever arrogantly drags his garment, Allāh will not look at him on the Day of Judgement.” So Umm Salamah said: “What should the women do with their hems?” He said: “Slacken them a hand-span.”^[1] So she said: “Then their feet will be uncovered.” He said: “Then slacken them a forearm’s length, and do not add to that.” (*Sahīh*)

He said: This *Hadīth* is *Hasan Sahīh*. In the *Hadīth* there is a

[المعجم ٩ - باب ما جاء في [جرّ] دُبُولِ النِّسَاءِ (التحفة ٩)]

١٧٣١ - حَدَّثَنَا الْحَسْنُ بْنُ عَلَيْهِ الْخَلَالُ: حَدَّثَنَا عَبْدُ الرَّزَاقَ: حَدَّثَنَا مَعْمُرٌ عَنْ أَيُوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ جَرَّ ثُوبَهُ خُيَلَاءً لَمْ يَنْظُرْ اللَّهُ إِلَيْهِ يَوْمَ الْقِيَامَةِ» فَقَالَتْ أُمُّ سَلَمَةَ: فَكَيْفَ يَصْنَعُ النِّسَاءُ بِدُبُولِهِنَّ؟ قَالَ: «يُرْجِنَ شَبَرًا» فَقَالَتْ: إِذَا تَنْكِشِفُ أَقْدَامُهُنَّ، قَالَ: «فَإِنْ خَيَّنَهُنَّ ذَرَاعًا لَا يَزَدْنَ عَلَيْهِ».

قال: هذا حديث حسن صحيح، وفي الحديث رخصة للنساء في جر الإزار لأنَّه

^[1] From the middle of the shin. See *Tuhfat Al-Ahwadhi*.

concession for women to drag their *Izār* because it covers them better.

يُكُونُ أَسْتَرٌ لَهُنَّ.

تخریج: [إسناده صحيح] وأخرجه النسائي، الزينة، باب ذيول النساء: ٢٠٩/٨، ح: ٥٣٣٨؛ من حديث عبد الرزاق به وهو في مصنفه: ١١/٨٢، ح: ١٩٩٨٤؛ ورواه مسلم، ح: ٢٠٨٥ من حديث أيوب به ورواه البخاري، ح: ٥٧٨٣.

Comments:

Since women are required to conceal their feet from view, they are allowed to drag their lower garments.

1732. Umm Salamah narrated: “The Prophet ﷺ slackened Fātimah’s garment a hand-span.” (*Hasan*)

[Abū ‘Eisā said:] Some of them reported it from Hammād bin Salamah, from ‘Alī bin Zaid, from Al-Hasan, from his father, from Umm Salamah.

عفان: حَدَّثَنَا حَمَادٌ بْنُ سَلَمَةَ عَنْ عَلَيِّ بْنِ زَيْدٍ، عَنْ أُمِّ الْحَسَنِ أَنَّ أُمَّ سَلَمَةَ حَدَّثْتُمْ: أَنَّ النَّبِيَّ ﷺ شَيْرَ لِفَاطِمَةَ شِبْرًا مِنْ نَطْاقِهَا.
[قَالَ أَبُو عِيسَى:] وَرَوَاهُ بَعْضُهُمْ عَنْ حَمَادٍ بْنِ سَلَمَةَ، عَنْ عَلَيِّ بْنِ زَيْدٍ، عَنْ الْحَسَنِ، عَنْ أَبِيهِ عَنْ أُمِّ سَلَمَةَ.

تخریج: [حسن] وأخرجه أحمد: ٢٩٩/٦ عن عفان به وسنده ضعيف وللحديث شواهد منها الحديث السابق.

Comments:

The Arabic word *Niṭāq* means a kind of garment used by women as a girdle round the waist. The Prophet ﷺ allowed it to be slackened down until a span from the feet. See *Tuhfat Al-Ahwadhi*.

Chapter 10. What Has Been Related About Wearing Wool

1733. Abū Burdah said: “Āishah brought a patched woolen *Kisā’* (cloak), and a thick *Izār*. She said: ‘The Messenger of Allāh ﷺ died in these.’” (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Alī and Ibn Mas‘ūd. The *Hadīth* of ‘Āishah is a *Hasan Sahīh Hadīth*.

تخریج: متفق عليه، أخرجه البخاري، اللباس، باب الأكسية الخمائص، ح: ٥٨١٨ ومسلم،

١٧٣٢ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَفَانٌ: حَدَّثَنَا حَمَادٌ بْنُ سَلَمَةَ عَنْ عَلَيِّ بْنِ زَيْدٍ، عَنْ أُمِّ الْحَسَنِ أَنَّ أُمَّ سَلَمَةَ حَدَّثْتُمْ: أَنَّ النَّبِيَّ ﷺ شَيْرَ لِفَاطِمَةَ شِبْرًا مِنْ نَطْاقِهَا.

[قَالَ أَبُو عِيسَى:] وَرَوَاهُ بَعْضُهُمْ عَنْ حَمَادٍ بْنِ سَلَمَةَ، عَنْ عَلَيِّ بْنِ زَيْدٍ، عَنْ الْحَسَنِ، عَنْ أَبِيهِ عَنْ أُمِّ سَلَمَةَ.

(المعجم (١٠) - بَابُ مَا جَاءَ فِي لِبْسِ الْصُّوفِ (التحفة (١٠)

١٧٣٣ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْبِعَ: حَدَّثَنَا إِشْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَيُوبُ عَنْ حُمَيْدٍ ابْنِ هَلَالٍ، عَنْ أَبِي بُرْدَةَ قَالَ: أَخْرَجْتُ إِلَيْنَا عَائِشَةَ كِسَاءَ مُلَبَّدًا وَإِزارًا عَلَيْطًا، فَقَالَتْ: قُبْصَ رَسُولُ اللَّهِ ﷺ فِي هَذِئِينَ.

[قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ عَلَيِّ وَابْنِ مَسْعُودٍ. وَحَدِيثُ عَائِشَةَ حَدِيثُ حَسَنٌ صَحِيحٌ.

ح: ٢٠٨٠ من حديث إسماعيل - وهو ابن علية - به * وفي الباب عن علي [أبوعلي: ١/ ٣٨٧].
ح: ٥٠٢ [١٧٣٤] وابن مسعود [يأتي: ١٧٣٤].

Comments:

Since the Messenger of Allāh ﷺ had no interest in gorgeous clothes and ostentatious living, he wore simple and coarse garments so that the poor and the under-privileged of the community took the Prophet ﷺ as their model and did not suffer from a feeling of deprivation or inferiority for want of expensive garments.

1734. Ibn Mas'ūd narrated that the Prophet ﷺ said: "On the day that His Lord spoke to him, Mūsā was wearing a wool *Kisā'*, a wool *Jubbah*,^[1] a wool *Kummah*, wool pants, and his sandals were made of the skin of a dead donkey." (*Da'iif*)

[Abū 'Eisā said:] This *Hadīth* is *Gharīb*, we do not know of it except from the narration of Humaid Al-A'raj. And Humaid – Ibn 'Alī Al-A'raj – [I heard Muḥammad saying: "Humaid bin 'Alī Al-A'raj] is *Munkar* in *Hadīth*." While Humaid bin Qais Al-A'raj Al-Makkī, the companion of Mujāhid is trustworthy. The *Kummah* is a small cap.

١٧٣٤ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرَةَ: حَدَّثَنَا
خَلْفُ بْنُ خَلِيفَةَ عَنْ حُمَيْدِ الْأَعْرَجِ، عَنْ عَبْدِ
اللهِ بْنِ الْحَارِثِ، عَنْ ابْنِ مَسْعُودٍ عَنْ النَّبِيِّ
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «كَانَ عَلَى مُوسَى يَوْمَ كَلَمَةً رَبُّهُ
كَسَاءُ صُوفٍ وَجَبَّةٌ صُوفٍ وَكُمَّةٌ صُوفٍ
وَسَرَّاويلٌ صُوفٍ، وَكَانَتْ نَعْلَاهُ مِنْ جِلدٍ
حَمَارٍ مَيَّتٍ».

[قالَ أَبُو عِيسَى: [هَذَا حَدِيثٌ غَرِيبٌ لَا
نَعْرُفُهُ إِلَّا مِنْ حَدِيثِ حُمَيْدِ الْأَعْرَجِ . وَحُمَيْدٌ
- هُوَ ابْنُ عَلَيِّ الْأَعْرَجِ - [قَالَ: سَمِعْتُ
مُحَمَّدًا يَقُولُ حُمَيْدَ بْنَ عَلَيِّ الْأَعْرَجَ] مُنْكِرُ
الْحَدِيثِ . وَحُمَيْدَ بْنَ فَيْسَلَ الْأَعْرَجَ الْمَكَّيُ
صَاحِبُ مُجَاهِدِ ثَقَةٍ . وَالْكُمَّةُ الْقَلَنسُوَةُ
الصَّغِيرَةُ .

تخریج: [إسناده ضعیف] وأخرجه ابن عدی: ٦٨٨ / ٢ من حديث خلف بن خلیفة به * حمید الأعرج: ضعیف (تقرب).

Comments:

There is no harm in wearing the wool as such. However if, as pointed out by Imām Mālik, the idea is to make a show of ones abstinence and austerity before the people, it is by no means a praiseworthy act.

^[1] A type of cloak, open in the front.

Chapter 11. What Has Been Related About The Black *Imāmah*^[1]

1735. Jābir said: “On the Day of the Conquest, the Prophet ﷺ entered Makkah, and he was wearing a black *‘Imāmah*. (Sahīh)

[He said:] There are narrations on this topic from [‘Alī], ‘Amr bin Huraith, Ibn ‘Abbās, Rukānah.

[Abū ‘Eisā said:] The *Hadīth* of Jābir is a *Hasan Sahīh Hadīth*.

(المعجم ١١) - بَابُ مَا جَاءَ فِي
الْعِمَامَةِ السَّوْدَاءِ (التحفة ١١)

١٧٣٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ حَمَادَ بْنِ سَلْمَةَ،
عَنْ أَبِي الزَّبِيرِ، عَنْ جَابِرٍ قَالَ: دَخَلَ النَّبِيُّ
ﷺ مَكَّةً يَوْمَ الْفَتْحِ وَعَلَيْهِ عِمَامَةً سَوْدَاءً.
[قَالَ:] وَفِي الْبَابِ عَنْ [عَلَيْهِ] وَعَمْرُو بْنِ
حُرَيْثٍ وَابْنِ عَبَّاسٍ وَرُوكَانَةَ.
[قَالَ أَبُو عِيسَى]: حَدِيثُ جَابِرٍ حَدِيثُ
حَسْنٌ صَحِيقٌ.

تخریج: [صحیح] وأخرجه أبو داود، اللباس، باب: في العمائم، ح: ٤٠٧٦ من حديث
حمد بن سلمة، ومسلم، ح: ١٣٥٨ من طريق آخر عن أبي الزبير به * وفي الباب عن علي
[الطیالسی، ح: ١٥٤] وعمرو بن حریث [مسلم، ح: ١٣٥٩] وابن عباس [لم أجده] وركانة
[یأني: ١٧٨٤].

Comments:

The *Hadīth* proves that it is quite permissible to wear black *‘Imāmah* (conveniently translated as a turban).

Chapter 12. (About) Hanging The *‘Imāmah* Between the Shoulders

1736. Nāfi‘ narrated that Ibn ‘Umar said: “When the Messenger of Allāh ﷺ would wear an *‘Imāmah*, his *‘Imāmah* would hang between his shoulders.” (*Hasan*)

Nāfi‘ said: “Ibn ‘Umar would hang his *‘Imāmah* between his shoulders.” ‘Ubaidullāh said: “And I saw Al-Qāsim and Sālim doing that.”

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*. [And there is

(المعجم ١٢) - بَابُ : [فِي] سَدْلٍ
الْعِمَامَةِ بَيْنَ الْكَتَفَيْنِ (التحفة ١٢)

١٧٣٦ - حَدَّثَنَا هَارُونُ بْنُ إِسْحَاقَ
الْهَمْدَانِيُّ: حَدَّثَنَا يَحْيَى بْنُ مُحَمَّدٍ الْمَدْيَانيُّ
عَنْ عَبْدِ الْعَزِيزِ بْنِ مُحَمَّدٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ
عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَالَ: كَانَ
النَّبِيُّ ﷺ إِذَا أَعْتَمَ سَدْلَ عِمَامَتَهُ بَيْنَ كَتَفَيْهِ.
قَالَ نَافِعٌ: وَكَانَ أَبْنُ عُمَرَ يَسْدِلُ عِمَامَتَهُ
بَيْنَ كَتَفَيْهِ. قَالَ عُبَيْدُ اللَّهِ: وَرَأَيْتُ الْقَاسِمَ

[1] A turban, but not restricted to what is commonly thought of as a turban.

something on this topic from 'Ali] And the *Hadīth* of 'Ali about this is not correct due to its chain.

وَسَالَمَا يَعْلَمُ ذلِكَ.

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ غَرِيبٌ.

[وفي الباب عَنْ عَلَيْهِ] وَلَا يَصْحُحُ حَدِيثُ

عَلَيْهِ فِي هَذَا مِنْ قَبْلِ إِسْنَادِهِ.

تخریج: [حسن] وأخرجه العقيلي: ٢١/٣ من حديث يحيى بن محمد به وللحديث شواهد كثيرة عند الخطيب: ٢٩٣/١١ ومسلم، ح: ١٣٥٩ والهيثمي (مجمع الزوائد: ٥/١٢٠) وغيرهم * وفي الباب عن علي [أبو داود الطيالسي في مستنه، ح: ١٥٤].

Comments:

The *Hadīth* tells us that the right way to wear the *Imāmah* according to *Sunnah* is to put the end of it between the two shoulders since the Prophet ﷺ used to hang its loose end between the shoulders. (For details see *Tuhfat Al-Ahwadhi*, v.3, ps.47-49)

Chapter 13. What Has Been Related About Gold Rings Being Disliked

1737. 'Alī bin Abī Tālib said: "The Messenger of Allāh ﷺ prohibited me from rings of gold, and from wearing *Al-Qassī*, and from reciting in the bowing and prostration positions, and from wearing what was dyed with '*Uṣfur*.'" (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ١٣) - يَأْبُ مَا جَاءَ فِي كَرَاهِيَةِ خَاتَمِ الْذَّهَبِ (التحفة ١٣)

١٧٣٧ - حَدَّثَنَا سَلْمَةُ بْنُ شَيْبٍ وَالْخَسْنَانُ ابْنُ عَلَيْهِ وَغَيْرُهُ وَاحِدٌ قَالُوا: حَدَّثَنَا عَبْدُ الرَّزَاقِ: حَدَّثَنَا مَعْمُرٌ عَنِ الزُّهْرِيِّ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ اللَّهِ بْنِ حُنَيْنٍ، عَنْ أَبِيهِ، عَنْ عَلَيِّ بْنِ أَبِي طَالِبٍ قَالَ: نَهَانِي رَسُولُ اللَّهِ ﷺ عَنِ التَّخْمِ بِالْذَّهَبِ، وَعَنِ لِيَاسِ الْفَسْيِّ، وَعَنِ الْقِرَاءَةِ فِي الرُّكُوعِ وَالسُّجُودِ وَعَنْ لُبْسِ الْمُعَضَّرِ.

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ.

تخریج: [صحیح] وأخرجه مسلم، الصلاة، باب النهي عن قراءة القرآن في الركوع والسجود، ح: ٤٨٠ من حديث الزهرى، والنمساني: ٢١٧/٢، ح: ١١١٩ من حديث إبراهيم بن عبد الله به مختصرًا ومطولاً.

Comments:

Gold, silk and safflower are, as already discussed, are prohibited for men. *Rukū'* (bowing) and *Sujūd* (prostration) are also not meant for the recitation of the Qur'ān. They are meant for the glorification and praise of Allāh as well as for seeking forgiveness from Him. Therefore, reciting the Qur'ān is not right while bowing and prostrating. The prohibition to one in the *Ummah* by the Messenger ﷺ is a prohibition to all of the *Ummah* except as otherwise stated.

1738. ‘Imrān bin Ḥuṣain said: “The Messenger of Allāh ﷺ prohibited us from (wearing) rings of gold.” (*Hasan*)

[He said:] There are narrations on this topic from ‘Alī, Ibn ‘Umar, Abū Hurairah, and Mu‘āwiyah. [Abū ‘Eisā said:] The *Hadīth* of ‘Imrān is a *Hasan Hadīth*. Abū At-Tayyāḥ’s (a narrator) name is Yazid bin Ḥumaid.

١٧٣٨ - حَدَّثَنَا يُوسُفُ بْنُ حَمَادُ الْمَعْنَى
البَصْرِيُّ: حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ عَنْ
أَبِي التَّسَاحِ: حَدَّثَنَا حَفْصُ الْلَّثَيْلِ قَالَ: أَشْهَدُ
عَلَى عُمَرَانَ بْنِ حُصَيْنٍ أَنَّهُ حَدَّثَنَا أَنَّهُ قَالَ:
نَهَى رَسُولُ اللَّهِ ﷺ عَنِ التَّخْتُمِ بِالذَّهَبِ.
[قَالَ:] وَفِي الْبَابِ عَنْ عَلَيٍّ وَابْنِ عُمَرَ
وَأَبِي هُرَيْرَةَ وَمُعَاوِيَةَ [قَالَ أَبُو عِيسَى :]
حَدِيثُ عُمَرَانَ حَدِيثُ حَسَنٍ. وَأَبُو التَّسَاحِ
اَسْمُهُ يَزِيدُ بْنُ حُمَيْدٍ.

تخریج: [إسناده حسن] وأخرجه النسائي، الزينة، باب حديث أبي هريرة والاختلاف على فتادة، ١٧٠، ح: ٥١٩٠ عن يوسف بن حماد به مطولاً وللحديث شواهد كثيرة * وفي الباب عن علي [مسلم، ح: ٤٨٠] وابن عمر [يأتي: ١٤١٦٧] والنسائي، ح: ١٤١٦١ وأبي هريرة [البخاري، ح: ٥٨٦٤] ومسلم، ح: ٢٠٨٩] ومعاوية [له يشير إلى حديث أبي داود، ح: ٤٢٣٩].

Comments:

Imām Nawawī has said: “There is consensus among Muslims on the point that rings of gold are permissible for women but prohibited for men”. (*Sahīh Muslim*, v.3, p.195; *Tuhfat Al-Ahwadhi*, v.3, p. 50)

Chapter 14. What Has Been Related About The Silver Ring

(المعجم ١٤) - بَابُ مَا جَاءَ فِي خَاتَمِ
الْفِضَّةِ (التحفة ١٤)

1739. Anas narrated: “The Prophet ﷺ had a ring made of silver and its stone (*Faṣṣ*) was Ethiopian.”^[1] (*Sahīh*)

He said: There are narrations on this topic from Ibn ‘Umar, and Buraidah.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb* from this route.

تخریج: متفق عليه، أخرجه مسلم، اللباس والزينة، باب: في خاتم الورق فصه حبشي،

١٧٣٩ - حَدَّثَنَا قُتَيْبَةُ وَغَيْرُهُ وَاجْدِي عَنْ عَبْدِ
اللَّهِ بْنِ وَهْبٍ، عَنْ يُونُسَ، عَنْ ابْنِ شَهَابٍ،
عَنْ أَنَسٍ قَالَ: كَانَ خَاتَمُ النَّبِيِّ ﷺ مِنْ وَرِيقٍ
وَكَانَ فَصُهُّ حَبْشَيَاً.

قَالَ: وَفِي الْبَابِ عَنْ ابْنِ عُمَرَ وَبُرَيْدَةَ.
[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثُ حَسَنٍ
صَحِيحٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

[1] The meaning of *Faṣṣ* is either what has the name of its owner engraved on it, or a stone. It was called “Ethiopian” because it was mined in Ethiopia. See *Tuhfat Al-Ahwadhi*.

ح: ٢٠٩٤ من حديث ابن وهب والبخاري، ح: ٥٨٦٨ من حديث يونس به * وفي الباب عن ابن عمر [الترمذى في الشمائل، ح: ١٠٠] وبريدة [يأتي: ١٧٨٥].

Comments:

The *Hadīth* shows that the stone in the Prophet's ring (probably agate) was from Ethiopia. However, the next chapter tells us that only the engraving on the silver in the ring was made after the Ethiopian model. It is also possible that at times it was from silver while at others it was of stone or agate (*Tuhfat Al-Ahwadhi*, v.3, p. 50)

Chapter 15. What Has Been Related About What Is Recommended For A Ring's Fass

1740. Anas narrated: "The ring of the Messenger of Allāh ﷺ was made of silver, its *Fass* was from it."^[1] (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharib* from this route.

(المعجم ١٥) - بَابُ مَا جَاءَ مَا يُسْتَحْبِطُ فِي فَصْنُ الْخَاتَمِ (التحفة ١٥)

١٧٤٠ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا حَفْصُ بْنُ عُمَرَ بْنِ عَبْدِ [الله] الطَّنَافِيُّ: حَدَّثَنَا زَهْيرٌ أَبُو خَيْرَةَ عَنْ حُمَيْدٍ، عَنْ أَنْسٍ قَالَ: كَانَ خَاتَمُ رَسُولِ اللَّهِ ﷺ مِنْ فِضَّةٍ فَصُهُّ مِنْهُ.
[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ عَرِيبٌ مِنْ هَذَا الْوَجْهِ.
تخریج: [صحیح] وأخرجه أبو داود، الخاتم، باب ماجاء في اتخاذ الخاتم، ح: ٤٢١٧ والنسائي، ح: ٥٢٣ من حديث زهير به ورواه البخاري، ح: ٥٨٧٠ وغيره من حديث معتمر عن حميد عن أنس به.

(المعجم ١٦) - بَابُ مَا جَاءَ فِي لُبْسِ الْخَاتَمِ فِي الْيَمِينِ (التحفة ١٦)

١٧٤١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمُحَارِبِيِّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ صَنَعَ خَاتَمًا مِنْ ذَهَبٍ فَتَخَمَّمَ بِهِ فِي يَوْمِهِ ثُمَّ جَلَسَ عَلَى الْمِنْبَرِ فَقَالَ: «إِنِّي كُنْتُ أَنْخَذُ هَذَا الْخَاتَمَ فِي يَمِينِي»، ثُمَّ بَذَهَ وَبَذَ النَّاسُ حَوْا تِيَّهُمْ.

[1] Part of the ring was engraved (or inlaid), or had a stone in it. See *Tuhfat Al-Ahwadhi*.

'Abdullāh bin Ja'far, Ibn 'Abbās, 'Āishah, and Anas.

[Abū 'Eisā said:] The *Hadīth* of Ibn 'Umar is a *Hasan Ṣaḥīḥ Hadīth*. This *Hadīth* has been reported similarly from Nāfi', from Ibn 'Umar, through routes other than this, and it was not mentioned in it that the ring was on his right hand.

تخریج: وأخرجه مسلم، اللباس والزينة، باب تحريم خاتم الذهب على الرجال ... إلخ، ح: ٢٠٩١ من حديث موسى بن عقبة به * وفي الباب عن علي [الترمذی في الشمايل، ح: ٩٥، ٩٤] وأبو داود، ح: ٤٢٢٦] وجابر [الترمذی في الشمايل، ح: ٩٨] وعبدالله بن جعفر [يأتي: ١٧٤٤] وابن عباس [يأتي: ١٧٤٢] وعائشة [البزار (كشف الأستار) ٣٧٧/٣، ح: ٢٩٩١] وأنس [مسلم، ح: ٢٠٩٤].

Comments:

Scholars consider it allowed to wear the ring either on the right hand or the left. It may, however, be noted that if the ring is meant to be used at all times for decorative purposes, then it is better to wear it on the right. In case it is used for a shorter period and for a specific purpose like sealing the documents etc., then the best thing would be to wear it on the left.

1742. Aṣ-Ṣalt bin 'Abdullāh bin Nawfal said, "Ibn 'Abbās wore a ring on his right hand. And I do not doubt that he said; 'I saw the Messenger of Allāh ﷺ wearing a ring on his right hand.'"¹ (*Hasan*)

[Abū 'Eisā said:] Muḥammad bin Ismā'il said: "The *Hadīth* of Muḥammad bin Ishāq from Aṣ-Ṣalt bin 'Abdullāh bin Nawfal is a *Hasan Ṣaḥīḥ Hadīth*.

تخریج: [إسناده حسن] وأخرجه أبو داود، الخاتم، باب ماجاء في التختم في اليمين أو اليسار، ح: ٤٢٢٩ من حديث ابن إسحاق به وصرح بالسماع.

1743. Ja'far bin Muḥammad narrated from his father who said: "Al-Ḥasan and Al-Ḥusain wore their ring on their left hand." (*Da'i*)

[قال:] وفي الباب عن علیٰ وجابر وعبد اللہ بن جعفر وابن عباس وعائشة وأنس.

[قال أبو عيسى:] حديث ابن عمر حديث حسن صحيح. وقد روی هذا الحديث عن نافع، عن ابن عمر نحو هذا من غير هذا الوجه، ولم يذكر فيه أنه تختم في يومئه.

تخریج: وأخرجه مسلم، اللباس والزينة، باب تحريم خاتم الذهب على الرجال ... إلخ، ح: ٢٠٩١ من حديث موسى بن عقبة به * وفي الباب عن علي [الترمذی في الشمايل، ح: ٩٥، ٩٤] وأبو داود، ح: ٤٢٢٦] وجابر [الترمذی في الشمايل، ح: ٩٨] وعبدالله بن جعفر [يأتي: ١٧٤٤] وابن عباس [يأتي: ١٧٤٢] وعائشة [البزار (كشف الأستار) ٣٧٧/٣، ح: ٢٩٩١] وأنس [مسلم، ح: ٢٠٩٤].

1742 - حدثنا محمد بن حميد الرازي:
حدثنا جرير عن محمد بن إسحاق، عن الصلت بن عبد الله بن نوقل قال: رأيت ابن عباس يختم في يومئه ولا إخاله إلا قال: رأيت رسول الله ﷺ يختم في يومئه.

[قال أبو عيسى:] قال محمد بن إسماعيل: حديث محمد بن إسحاق عن الصلت بن عبد الله بن نوقل حديث حسن صحيح.

تخریج: [إسناده حسن] وأخرجه أبو داود، الخاتم، باب ماجاء في التختم في اليمين أو اليسار، ح: ٤٢٢٩ من حديث ابن إسحاق به وصرح بالسماع.

1743 - حدثنا قبيطة: حدثنا حاتم بن إسماعيل عن جعفر بن محمد، عن أبيه قال: كان الحسن والحسين يختمان في يسارهما.

This *Hadīth* is *Hasan Sahīh*.

هذا حديث حسن صحيح.

تخریج: [إسناده ضعیف] وأخرجه الطبرانی في الكبير: ٣/٢٣، ح: ٢٥٤٠ من حديث خاتم والبیهقی: ٤/١٤٣ من حديث جعفر به مطولاً ومختصرًا، والسنن منقطع.

1744. H̄ammād bin Salamah narrated: "I saw Ibn Abi R̄afī' [and he is 'Ubaidullāh bin Abi R̄afī', the freed slave of the Messenger of Allāh ﷺ - and Aslam was the name of Ibn Abi R̄afī] wearing a ring on his right, so I asked him about that. He said, 'I saw 'Abdullāh bin Ja'far wearing a ring on his right, and he ['Abdullāh bin Ja'far] said; "The Messenger of Allāh ﷺ wore a ring on his right hand." (*Sahīh*)

[He said:] Muḥammad [bin Ismā'il] said: "This is the most correct thing related from the Prophet ﷺ on this topic."

تخریج: [إسناده صحيح] وأخرجه السائب، الزینة، باب موضع الخاتم من اليد . . . إلخ، ح: ٨٧٥، ح: ٥٢٠٧ من حديث حماد بن سلمة به للحديث شواهد عند أبي داود، ح: ٤٢٢٦ وغيره.

Chapter 17. What Has Been Related About Engraving On Rings

1745. Anas bin Mālik narrated: "The Messenger of Allāh ﷺ had a ring made from silver, so he had 'Muḥammad, the Messenger of Allāh' engraved on it. Then he said: 'Do not engrave with it.'" (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Sahīh Hasan*. As for the meaning of his saying: "Do not engrave with it" – he was prohibiting that anyone have "Muḥammad,

١٧٤٤ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْعَةَ: حَدَّثَنَا

يَرِيدُ بْنُ هَارُونَ عَنْ حَمَّادَ بْنِ سَلْمَةَ قَالَ: رَأَيْتُ ابْنَ أَبِي رَافِعٍ [هُوَ عَبْدُ اللَّهِ بْنُ أَبِي رَافِعٍ مَوْلَى رَسُولِ اللَّهِ ﷺ] وَاسْمُ ابْنِ أَبِي رَافِعٍ أَشْلَمًا يَتَحَمَّمُ فِي يَوْمِهِ سَأَلْتُهُ عَنْ ذَلِكَ قَالَ: رَأَيْتُ عَبْدَ اللَّهِ بْنَ جَعْفَرَ يَتَحَمَّمُ فِي يَوْمِهِ، وَقَالَ [عَبْدُ اللَّهِ بْنُ جَعْفَرِ]: كَانَ النَّبِيُّ ﷺ يَتَحَمَّمُ فِي يَوْمِهِ.

قَالَ: وَقَالَ مُحَمَّدُ [بْنُ إِسْمَاعِيلَ]: هَذَا أَصْحَحُ شَيْءٍ رُوِيَ عَنِ النَّبِيِّ ﷺ فِي هَذَا الْبَابِ.

(المعجم ١٧) - بَابُ مَا جَاءَ فِي نَفْسِ
الْخَاتَمِ (التحفة ١٧)

١٧٤٥ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَالُ:

حَدَّثَنَا عَبْدُ الرَّزَاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ ثَابِتِ، عَنْ أَنَّسِ بْنِ مَالِكٍ أَنَّ النَّبِيَّ ﷺ صَنَعَ خَاتَمًا مِنْ وَرِقٍ فَنَقَشَ فِيهِ: مُحَمَّدٌ رَسُولُ اللَّهِ، ثُمَّ قَالَ: «لَا تَنْقُشُوا عَلَيْهِ».

قَالَ أَبُو عِيسَى: [هذا حديث صحيح حسن]. ومعنى قوله: «لَا تَنْقُشُوا عَلَيْهِ» تَهَىَ أَنْ يَنْقَشَ أَحَدٌ عَلَى خَاتَمِهِ مُحَمَّدٌ رَسُولُ اللَّهِ.

Messenger of Allāh” engraved on his ring.

تخریج: [إسناده صحيح] وأخرجه أحمد: ١٦١ / ٣ عن عبدالرزاق به.

Comments:

The Messenger of Allāh ﷺ used the ring to seal his letters etc. If others were also allowed to use the same inscription on their rings, it would create confusion through identity mix-up.

1746. Anas narrated: “When the Messenger of Allāh ﷺ entered the area in which he would relieve himself, he would remove his ring.” (*Daīf*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb*.

١٧٤٦ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا سَعِيدُ بْنُ عَامِرٍ وَالْحَجَاجُ بْنُ مَنْهَاٰلٍ قَالَا: حَدَّثَنَا هَمَّامٌ عَنْ أَبْنِ جُرَيْجٍ، عَنِ الرَّهْبَرِيِّ، عَنْ أَنَسِيْ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا دَخَلَ الْخَلَاءَ نَزَعَ خَاتَمَهُ .

[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ.

تخریج: [إسناده ضعيف] وأخرجه النسائي، الزينة، باب نزع الخاتم عند دخول الخلاء: ٨، ح: ٥٢١٦ من حديث سعيد بن عامر، وأبو داود، ح: ١٩ وابن ماجه، ح: ٣٠٣ من حديث همام بن يحيى به * ابن جريج عنـ.

Comments:

The *Hadīth* conveys by implication the abiding message that, with anything worthy of our reverence or respect on our person, we must never enter the toilets.

1747. Anas bin Mālik narrated: “The inscription on the ring of the Prophet ﷺ was in three lines: ‘Muhammad’ on a line, ‘Messenger’ on a line, and ‘Allāh’ on a line.” (*Sahīh*)

١٧٤٧ - [حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ: حَدَّثَنِي أَبِي عَنْ ثُمَّامَةَ، عَنْ أَنَسِيْ بْنِ مَالِكٍ قَالَ: كَانَ نَقْشُ خَاتَمِ النَّبِيِّ ﷺ ثَلَاثَةَ أَسْطُرٍ: مُحَمَّدٌ سَطْرٌ، وَرَسُولُ سَطْرٌ، وَاللَّهُ سَطْرٌ].

تخریج: وأخرجه البخاري، الباب، باب: هل يجعل نقش الخاتم ثلاثة أسطر؟، ح: ٥٨٧٨ عن محمد بن عبد الله الأنصاري به.

1748. Anas bin Mālik narrated: “The inscription on the ring of the Prophet ﷺ was in three lines: ‘Muhammad’ on a line, ‘Messenger’ on a line, and ‘Allāh’ on a line.” And Muḥammad bin Yahyā (one of

١٧٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ وَمُحَمَّدُ أَبْنُ يَحْيَى وَغَيْرُ وَاحِدٍ قَالُوا: حَدَّثَنَا مُحَمَّدُ أَبْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ: حَدَّثَنِي أَبِي عَنْ ثُمَّامَةَ، عَنْ أَنَسِيْ بْنِ مَالِكٍ قَالَ: كَانَ نَقْشُ

the two who narrated this to him) did not say “Three lines” in his narration. (*Sahih*)

There are narrations on this topic from Ibn ‘Umar.

Abū ‘Eisā said: The *Hadīth* of Anas is a *Hasan Sahīh Gharīb Hadīth*.

تخریج: [صحیح] انظر الحديث السابق * وفي الباب عن ابن عمر [البخاري، ح: ٥٨٦٥].
ومسلم، ح: ٥٤/٢٠٩١، ٥٥/٥٥.

Chapter 18. What Has Been Related About Images

1749. Jābir narrated: “The Messenger of Allāh ﷺ prohibited having images in the house, and he prohibited making them.” (*Sahīh*)

He said: There are narrations on this topic from ‘Alī, Abū Ṭalḥah, ‘Aishah, Abū Hurairah, and Abū Ayyūb.

[Abū ‘Eisā said:] The *Hadīth* of Jābir is a *Hasan Sahīh Hadīth*.

خَاتَمُ النَّبِيُّ ﷺ ثَلَاثَةُ أَسْطُرٍ: مُحَمَّدٌ سَطْرٌ، وَرَسُولٌ سَطْرٌ، وَاللَّهُ سَطْرٌ وَلَمْ يَقُلْ مُحَمَّدٌ بْنُ يَحْيَى فِي حَدِيثِهِ ثَلَاثَةُ أَسْطُرٍ.

وَفِي الْبَابِ عَنْ ابْنِ عُمَرَ قَالَ أَبُو عِيسَى: حَدِيثُ أَنَسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ.

(المعجم ١٨) - بَابُ مَا جَاءَ فِي

الصُّورَةِ (التحفة ١٨)

١٧٤٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْبِعَ: حَدَّثَنَا رُوحُ بْنُ عَبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجَ: حَدَّثَنِي أَبُو الرُّبِّيرُ عَنْ جَابِرٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الصُّورَةِ فِي الْبَيْتِ، وَنَهَى أَنْ يُضْنَعَ ذَلِكَ.

قَالَ: وَفِي الْبَابِ عَنْ عَلَيٍّ وَأَبِي طَلْحَةَ وَعَائِشَةَ وَأَبِي هُرَيْرَةَ وَأَبِي أَيُوبَ.

[قالَ أَبُو عِيسَى:] حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: [إسناده صحيح] وأخرجه أحمد: ٣٨٣/٣ عن روح به مطولاً وهذا مختصر منه، وصححه ابن حبان، ح: ١٤٨٥ * ابن جريج وأبو الزبير صرحاً بالسماع * وفي الباب عن علي [ابن ماجه، ح: ٣٣٥٩] والنمساني، ح: ١٧٥٠] وأبي طلحة [يأتي: ٥٣٥٣] وعائشة [البخاري، ح: ٥٩٥٥] ومسلم، ح: ٢١٠٧] وأبي هريرة [البخاري، ح: ٧٠٤٢] والنمساني، ح: ٥٣٦٢] وأبي أيوب [الطحاوي في معاني الآثار: ٢٨٢/٤].

Comments:

The very foundation of Islam is *Tawhīd* (belief in singling out Allāh as He is with all His attributes). It is, thus, in direct opposition to the profession and practice of idolatry and polytheism in all its forms and manifestations. That is why anything and all things that could even remotely promote or lead to polytheism are prohibited in Islam. It is for this reason that the making of images of animate objects or keeping them in the house are prohibited in Islam. (*Sahīh Muslim*, Book of Dress and Ornaments & *Tuhfat Al-Ahwadhi*, v.2, p. 53)

1750. Abū An-Naḍr narrated from ‘Ubaidullāh bin ‘Abdullāh bin ‘Utbah, that he entered upon Abū Ṭalḥah Al-Anṣārī to pay him a visit (while he was ill), and he found Sahl bin Ḥunaif with him. He said: “Abū Ṭalḥah called for someone to remove a sheet that was under him. Sahl said to him: ‘Why did you remove it?’ He replied: ‘Because it contains images on it, and the Prophet ﷺ said about them what you know^[1].’ Sahl said: ‘Did he not say: ‘Except for markings on a garment?’ he said: ‘Yes, but this is better to me.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

١٧٥٠ - حَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُونُ: حَدَّثَنَا مَالِكُ عَنْ أَبِي النَّضْرِ، عَنْ عَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ: أَنَّهُ دَخَلَ عَلَى أَبِي طَلْحَةَ الْأَنْصَارِيِّ يَعْوَدُ فَوَجَدَ عِنْدَهُ سَهْلَ بْنَ حُنَيْفَ، قَالَ: فَدَعَا أَبْوَطَلْحَةَ إِنْسَانًا يَنْزِعُ نَمَطًا تَحْتَهُ، فَقَالَ لَهُ سَهْلٌ: لِمَ تَنْزِعُهُ؟ فَقَالَ: لِأَنَّ فِيهَا تَصَاوِيرَ، وَ[فَذُ] قَالَ فِيهِ الْبَيْنَةُ مَا قَدْ عَلِمْتَ، قَالَ سَهْلٌ: أَوْلَمْ يَقُولُ: إِلَّا مَا كَانَ رَقْمًا فِي ثُوبٍ؟ فَقَالَ: بَلَى، وَلَكِنَّهُ أَطْيَبُ لِتَنْفِسيِّي.

[قَالَ أَبُو عِيسَى: [هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.]

تخریج: [إسناده صحيح] وأخرجه النسائي، الزينة، باب التصاویر: ٢١٢، ح: ٥٣٥١ من حديث معن بن وهو في الموطأ: ٩٦٦/٢.

Comments:

The word *Raqm* used in the *Hadīth* means embroideries etc., woven into the cloth for beautification, which either do not contain the images of animate object or are in the form of separate parts of the body that do not make a complete picture.

Chapter 19. What Has Been Related About Imagemakers

1751. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “Whoever fashions an image, he will be punished by Allāh until he breathes into it – meaning the soul – and he can not breath (a soul) into it. And whoever listens to a people’s conversation, while they have gone away from him for it,

(المعجم ١٩) - بَابُ مَا جَاءَ فِي الْمُصَوِّرِينَ (التحفة ١٩)

١٧٥١ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَبْوَابَ، عَنْ عِكْرِمَةَ، عَنْ أَبْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ صَوَرَ صُورَةَ عَذَّبَهُ اللَّهُ حَتَّى يَنْفَعَ فِيهَا، يَعْنِي الرُّوحَ، وَلَيْسَ بِتَافِعٍ فِيهَا، وَمَنْ اسْتَمَعَ إِلَى حَدِيثٍ قَوْمٍ يَنْهَا بِهِ مِنْهُ صُبَّ فِي أَذْنِهِ الْأَنْكُ يَوْمَ

^[1] That is - His ﷺ statement that the angels do not enter houses wherein there are images or his prohibition of having images in the house.

then He will have lead poured into his ears on the Day of Judgement.” (*Sahih*)

He said: There are narrations on this topic from ‘Abdullāh bin Mas‘ūd, Abū Hurairah, Abū Juhaifah, ‘Aishah, and Ibn ‘Umar.

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Abbās is a *Hasan Sahīh Hadīth*.

تخریج: وأخرجه البخاري، التعبير، باب من كذب في حلمه، ح: ٧٠٤٢ من حديث أبوب السختياني به * وفي الباب عن عبد الله بن مسعود [البخاري، ح: ٥٩٥٠] ومسلم، ح: ٢١٠٩ [٢١٠٩] وأبوي هريرة وأبي جحيفة وعائشة وابن عمر.

[قالَ أَبُو عِيسَى :] حَدِيثُ ابْنِ عَبَّاسٍ حَدِيثٌ حَسَنٌ صَحِيحٌ .

Comments:

Image making is like competing with God, since fashioning forms is a special attribute of Allāh. Hence it is that one of His most beautiful Names given in the Qur’ān is *Musawir* (the Fashioner or Bestower of Forms). Thus, anyone who makes the image of a living thing, by implication makes the claim that he can also fashion the forms.

Chapter 20. What Has Been Related About The Dye

(المعجم ٢٠) - بَابُ مَا جَاءَ فِي
الْخِضَابِ (التحفة ٢٠)

1752. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Change the gray, and do not resemble the Jews.” (*Hasan*)

[He said:] There are narrations on this topic from Az-Zubair, Ibn ‘Abbās, Jābir, Abū Dharr, Anas, Abū Rimthah, Al-Jahdamah, Abū At-Tufail, Jābir bin Samurah, Abū Juhaifah, and Ibn ‘Umar.

[Abū ‘Eisā said:] The *Hadīth* of Abū Hurairah is a *Hasan Sahīh Hadīth*, and it has been reported through other routes from Abū Hurairah from the Prophet ﷺ.

١٧٥٢ - حَدَثَنَا قُتْمَيْهُ: حَدَثَنَا أَبُو عَوَانَةَ عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «غَيْرُوا الشَّيْبَ وَلَا تَسْبِهُوا بِالْيَهُودِ».

[قالَ:] وفي الْبَابِ عَنِ الرُّبِّيِّ وَابْنِ عَبَّاسٍ وَجَابِرٍ وَأَبِي دَرْدَرَةِ وَأَنَسِ وَأَبِي رِمْثَةِ وَالْجَهَدَمَةِ وَأَبِي الطُّفْلِيِّ وَجَابِرِ بْنِ سَمْرَةِ وَأَبِي جُحَيْفَةِ وَابْنِ عُمَرَ. [قالَ أَبُو عِيسَى :] حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيقٌ. وَقَدْ رُوِيَّ مِنْ غَيْرِ وَجْهٍ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ .

تخریج: [إسناده حسن] * وفي الباب عن الزبیر [النسائی: ١٣٧، ح: ٥٠٧٧] وابن عباس [أبو داود، ح: ٤٢١١، ٤٢١٢] وجابر [مسلم، ح: ٢١٠٢] وأبی ذر [یأتی: ١٧٥٣] وأنس [أحمد: ٣/٢٤٧] وأبی رمثة [الترمذی فی الشمائل، ح: ٤٥] والجهدمة [الترمذی فی الشمائل، ح: ٤٧] وأبی الطفیل [البزار (کشف الأستار): ٣٧٢، ح: ٢٩٧٦] وجابر بن سمرة [الترمذی فی الشمائل، ح: ٤٤] ومسلم، ح: ٢٣٤٤/١١٠] وأبی جحیفة [لعله یشیر إلى حدیث الترمذی فی الشمائل، ح: ٤٢] وابن عمر [النسائی، ح: ٥٠٧٦].

Comments:

The exhortation of the Prophet ﷺ regarding dye, as pointed out by the noted scholar Shaikh Safiur-Rahmān, may Allāh have mercy upon him, is, in fact, recommendatory not mandatory (*Minnat Al-Mun'im*, v.3, p. 407).

1753. Abū Dharr narrated that the Prophet ﷺ said: "Indeed the best of what the gray may be changed with is Ḥennā' and Katam." (*Sahīh*)

[Abū 'Eisā said: This *Hadīth* is Ḥasan *Sahīh*. Abū Al-Aswad Ad-Dili's (a narrator in this chain) name is Zālim bin 'Amr bin Sufyān.]

١٧٥٣ - حَدَّثَنَا سُوِيدُ بْنُ نَصْرٍ: أَخْبَرَنَا أَبْنُ الْمُبَارَكِ عَنِ الْأَجْلَحِ، عَنْ عَبْدِ اللَّهِ بْنِ بُرْيَدَةَ، عَنْ أَبِي الْأَسْوَدِ، عَنْ أَبِي ذَرِّ عَنْ النَّبِيِّ ﷺ قَالَ: إِنَّ أَحْسَنَ مَا غَيْرَ بِهِ الشَّيْبُ الْجَنَّاءُ وَالْكَتَمُ.

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ صَحِيفٍ. وَأَبُو الْأَسْوَدِ الدَّيْلِيُّ اسْمُهُ ظَالِمٌ بْنُ عَمْرُو بْنُ سُقْيَانَ.

تخریج: [صحیح] وأخرجه ابن ماجه، اللباس، باب الخضاب بالحناء، ح: ٣٦٢٢ والنسائی: ١٣٩/٨، ح: ٥٠٨١ من حدیث الأجلح، وأبوا داود، ح: ٤٢٠٥ من حدیث ابن بربدة به وصححه ابن حبان، ح: ١٤٧٥.

Comments:

Katam is a kind of herb that gives reddish black color. Mixed with Henna and applied to hair, it gives out color that is somewhere between red and black. The idea behind using the mixture of the two dyes is to avoid parading pure black and give a clear indication that the hair has in fact turned gray and the color now showing on it is not real.

Chapter 21. What Has Been Related About Hair Reaching The Shoulders And Cutting The Hair

1754. Anas narrated: "The Messenger of Allāh ﷺ was of average height, neither tall nor very short, he had a good build, brown

(المعجم ٢١) - بَابُ مَا جَاءَ فِي الْجُمَّةِ وَاتْخَادِ الشَّعْرِ (التحفة ٢١)

١٧٥٤ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقْفِيُّ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ رَبْعَةً لَيْسَ بِالظَّوِيلِ وَلَا

in complexion, his hair was neither curly nor straight, and when he walked he swayed slightly.” (*Sahīh*)

He said: There are narrations on this topic from ‘Āishah, Al-Barā’, Abū Hurairah, Ibn ‘Abbās, Abū Sa‘eed, Jābir, Wā'il bin Hujr, and Umm Hāni’.

[Abū ‘Eisā said:] The *Hadīth* of Anas is a *Hasan Sahīh Gharib Hadīth* from this route, as a narration of Humaid.

تخریج: وأخرجه مسلم، الفضائل، باب صفة شعر النبي ﷺ، ح: ٢٣٣٨ من حديث حميد به رواه البخاري، ح: ٣٥٤٧ من حديث أنس رضي الله عنه * وفي الباب عن عائشة [يأتي: ١٧٥٥] والبراء [الترمذى في الشمائل، ح: ٤١٦٣: وأبى هريرة [أبو داود، ح: ٢٦: وأبى عباس [الترمذى في الشمائل، ح: ٣٠] وأبى سعيد [لم أجده] وجابر [أبو داود، ح: ٤٠٦٢: ووائل بن حجر [أبو داود، ح: ٤١٩٠: وأم هانىء [الترمذى في الشمائل، ح: ٢٨].

1755. ‘Āishah said: “I and the Messenger of Allāh ﷺ would perform *Ghusl* using (water from) the same vessel. He had hair reaching above his shoulders and below his earlobes.” (*Hasan*)

This *Hadīth* is *Hasan Sahīh Gharib* from this route.

[Abū ‘Eisā said:] It has been reported from other routes that ‘Āishah said: “I and the Messenger of Allāh ﷺ would perform *Ghusl* using (water from) the same vessel.” And the following statement is not mentioned in it: “He had hair reaching above his shoulders [and below his earlobes].”

It was only mentioned by ‘Abdur-Rahmān bin Abī Az-Zinād, and he is trustworthy, a *Hāfiẓ*, [and Mālik bin Anas stated that he was trustworthy and ordered recording

بالقصیر حسن الجسم، أسرّ اللون، وكان شعره ليس بجعد ولا سبط إذا مشى يتکفاً.

قال: وفي الباب عن عائشة والبراء وأبي هريرة وابن عباس وأبي سعيد وجابر ووائل ابن حجر وأم هانىء.

[قال أبو عيسى:] حديث أنس حديث حسن صحيح غريب من هذا الوجه من حديث محمد.

الرَّحْمَنُ بْنُ أَبِي الرَّنَادِ عَنْ هَشَامِ بْنِ عُرْوَةَ،
عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كُنْتُ أَغْتَسِلُ أَنَا وَرَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنْ إِنَاءِ
وَاحِدٍ، وَكَانَ لَهُ شَعْرٌ فَوْقَ الْجُمَّةِ وَدُونَ
الْوَفْرَةِ.

هَذَا حَدِيثُ حَسَنٍ صَحِيفٍ غَرِيبٍ مِنْ هَذَا الْوَجْهِ.

[قال أبو عيسى:] وقد روی من غير وجود
 عن عائشة أنها قالت: كنت أغتسل أنا ورسول الله ﷺ من إناء واحد، ولم يذکروا فيه هذا الْحَرْفُ وكان له شعر فوق الجمة
 [ودون الْوَفْرَةِ]. وإنما ذكره عبد الرحمن بن
 أبي الرناد وهو ثقة حافظ [كان مالك بن

(*Aḥādīth*) from him].

أنسٌ بُو شَفَّةٍ وَيَأْمُرُ بِالْكِتَابَةِ عَنْهُ.

تخریج: [إسناده حسن] وأخرجه أبو داود، الترجل، باب ما جاء في الشعر، ح: ٤١٨٧ وابن ماجه، ح: ٣٦٣٥ من حديث عبد الرحمن بن أبي الزناد به.

Comments:

Long hair is of three types; (i) *Jummah*: that reaches the shoulders; (ii) *Wafrāh*: that reaches the earlobes; and (iii) *Limmah*: of medial length (between *Jummah* and *Wafrāh*) that dangles between the earlobes and the shoulders.

Chapter 22. What Has Been Related About The Prohibition Of Combing Except Every Other Day

(المعجم ٢٢) - بَابُ مَا جَاءَ فِي النَّهْيِ عَنِ التَّرْجُلِ إِلَّا غَيْبًا (التحفة ٢٢)

1756. ‘Abdullāh bin Mughaffal said: “The Messenger of Allāh ﷺ prohibited combing except every other day.” (*Da’iy*)^[1]

(Another chain) with similar meaning.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. He said: There is something on this topic from Anas.

١٧٥٦ - حَدَّثَنَا عَلَيُّ بْنُ حَسَنَ رَمِّنَا: أَخْبَرَنَا عَيْسَى بْنُ يُونُسَ عَنْ هِشَامٍ، عَنِ الْحَسَنِ، عَنْ عَبْدِ اللَّهِ بْنِ مُعْقَلٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ التَّرْجُلِ إِلَّا غَيْبًا.

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ هِشَامٍ [عَنِ الْحَسَنِ] يَهْذِي إِلَى الإِسْنَادِ نَحْوَهُ.

[قالَ أَبُو عَيْسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ.

قَالَ: وَفِي الْبَابِ عَنْ أَنَسٍ.

تخریج: [إسناده ضعيف] وأخرجه النسائي، الرينة، باب الترجل غيًّا، ١٣٢/٨، ح: ٥٠٥٨؛ من حديث عيسى بن يونس، وأبو داود، ح: ٤١٥٩ من حديث هشام بن حسان به وسنده ضعيف ولبعض الحديث شواهد عند النسائي، ح: ٥٠٥٩ وغيره * وفي الباب عن أنس [الترمذى في الشمايل، ح: ٣٣].

Comments:

The *Hadīth* is explicit on the point that we should not comb our hair every day but every other day. The idea is that we should neither show too much concern to the hair, nor totally neglect it so as to make it look disheveled.

[1] There are witnessing narrations for it, see *An-Nasā'i* nos. 5058-5061, and *As-Sahihah* no. 501 where it has been graded *Sahīh*, and this prohibition forbids men from grooming like a woman.

Chapter 23. What Has Been Related About Using Kohl

1757. Ibn ‘Abbās narrated that the Prophet ﷺ said: “Use *Ithmid*^[1] for Kohl, for it clears the vision and grows the hair (eye-lashes).” And he claimed that the Prophet ﷺ had a Kohl holder with which he would apply Kohl every night, three in this (eye) and three in this. (*Da’if*)^[2]

(Another chain) with similar meaning.

[He said:] There are narrations on this topic from Jābir and Ibn ‘Umar.

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Abbās is a *Hasan Gharīb Hadīth*, we do not know of it with this wording except from the narration of ‘Abbād bin Mansūr.

It has been reported through other routes that the Prophet ﷺ said: "Use *Ithmid* for it clears the vision and grows the hair (eyelashes)." (Ibn Majah)

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الطب، باب من اكتحل وترًا، ح: ٣٤٩٩ من
حدیث عباد بن منصور به وهو ضعیف كما في تسهیل الحاجة، ح: ٣٤٧٧ وغیره * وفي الباب عن
جابر [الترمذی] في الشمائل، ح: ٥٢٠] وابن عمر [الترمذی] في الشمائل، ح: ٥٤ * وأخرجه ابن
ماجه، ح: ٣٤٩٧ وأبو داود، ح: ٤٠٦١ وغيرهما بإسناد حسن عن ابن عباس قال: قال رسول الله
صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "خیر أکحالکم الإندم، يجلو البصر وینبت الشعر".

Comments:

Ithmid (used as antimony) is a reddish black mineral procured from Isfahān. It is used to cure harmful substances in the eye and as a remedy for ailments of the eye. It clears the vision and nourishes the eye-lashes.

^[1] It is the well known mineral used as Kohl.

^[2] Meaning this chain, while there are authentic narrations mentioning this statement - using it - but not what comes after it in this narration - meaning: "And he claimed..." etc.

Chapter 24. What Has Been Related About The Prohibition Of *Ishtimāl As-Sammā'* And *Al-Iḥtibā'*

1758. Abū Hurairah narrated: "The Messenger of Allāh ﷺ prohibited two types of dress: *As-Sammā'*, and that a man sits with his legs drawn up in a garment, while there is nothing covering his private area." (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from ‘Alī, Ibn ‘Umar, Āishah, Abū Sa‘eed, Jābir, and Abū Umāmah. The *Hadīth* of Abū Hurairah is a *Hasan Sahīh* [*Gharib Hadīth* from this route.]

This has been reported through other routes from Abū Hurairah from the Prophet ﷺ.

تخریج: [إسناده صحيح] ورواه البخاري، اللباس، باب الاحتباء في ثوب واحد، ح: ٥٨٢٢ من حديث أبي هريرة به نحو المعنى * وفي الباب عن علي [الحاكم: ١١٩/٤] وابن عمر [البخاري، ح: ٦٢٧٢] وعائشة [ابن ماجه، ح: ٣٥٦١] وأبي سعيد [البخاري، ح: ٣٣٧٧] وجابر [مسلم، ح: ٢٠٩٩] وأبي أمامة [لم أجده].

Comments:

As-Sammā' means to wrap the entire body with a garment so as to prevent even ones hands from coming out even if there be a need for self defence. It also means to cover one — shoulder with a garment and leave the other bare.

The term *Al-Iḥtibā'* applies to a posture whereby a person sits on his behind with his legs to the chest and the garment wrapped in such a way as to expose his private area. See *Tuhfat Al-Ahwadhi*.

Chapter 25. What Has Been Related About Artificially Lengthening The Hair

1759. Ibn ‘Umar narrated that the Prophet ﷺ said: "Allāh has cursed the woman who artificially lengthens hair and the woman who

(المعجم ٢٤) - بَابُ مَا جَاءَ فِي النَّهْيِ عَنِ اسْتِمَالِ الصَّمَاءِ وَالْاحْتِبَاءِ بِالثُّوبِ الْوَاحِدِ (التحفة ٢٤)

١٧٥٨ - حَدَّثَنَا فُطَيْبَةُ: حَدَّثَنَا يَعْقُوبُ بْنُ عَبْدِ الرَّحْمَنِ [الإسْكَنْدَرَانِيُّ] عَنْ سَهْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ لِسْتَينِ: الصَّمَاءِ، وَأَنَّ يَحْتَسِيَ الرَّجُلُ بِثُوبِهِ لَيْسَ عَلَى فِرْجِهِ مِنْ شَيْءٍ. [قال أبو عيسى:] وفي الباب عن علي وابن عمر وعائشة وأبي سعيد وجابر وأبي أمامة [و] الحديثُ أَبِي هُرَيْرَةَ حَسَنٌ صَحِيحٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ.

وَقَدْ رُوِيَ هَذَا مِنْ غَيْرِ وَجْهٍ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ.

تخریج: [إسناده صحيح] ورواه البخاري، اللباس، باب الاحتباء في ثوب واحد، ح: ٥٨٢٢ من حديث أبي هريرة به نحو المعنى * وفي الباب عن علي [الحاكم: ١١٩/٤] وابن عمر [البخاري، ح: ٦٢٧٢] وعائشة [ابن ماجه، ح: ٣٥٦١] وأبي سعيد [البخاري، ح: ٣٣٧٧] وجابر [مسلم، ح: ٢٠٩٩] وأبي أمامة [لم أجده].

(المعجم ٢٥) - بَابُ مَا جَاءَ فِي مُواصَلَةِ الشَّعْرِ (التحفة ٢٥)

١٧٥٩ - حَدَّثَنَا شُوَيْدُ [بْنُ نَضِيرٍ]: حَدَّثَنَا عَبْدُ اللهِ بْنُ الْمُبَارَكِ عَنْ عَبْدِ اللهِ بْنِ عَمْرَ، عَنْ نَافِعٍ، عَنْ أَبِنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ قَالَ:

seeks to have her hair artificially lengthened, and the woman who tattoos and the woman who seeks to be tattooed.” Nāfi‘ (one of the narrators) said: “Tattooing was on the gums.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

[He said:] There are narrations on this topic from Ibn Mas‘ūd, ‘Āishah, Asmā‘ bint Abī Bakr, Ma‘qil bin Yasār, Ibn ‘Abbās, and Mu‘awiyah.

«لَعْنَ اللَّهِ الْوَاصِلَةَ وَالْمُسْتَوْصِلَةَ وَالْوَاسِمَةَ وَالْمُسْتَوْشِمَةَ» قَالَ نَافِعٌ: الْوَسْمُ فِي اللَّثَّةِ.
[قَالَ أَبُو عَيسَى:] هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ.

[قَالَ:] وَفِي الْبَابِ عَنْ ابْنِ مَسْعُودٍ وَعَائِشَةَ وَأَسْمَاءَ بِنْتَ أَبِي بَكْرٍ وَمَعْقِلَ بْنَ يَسَارٍ وَابْنِ عَبَّاسٍ وَمُعاوِيَةَ.

تخریج: متفق عليه، أخرجه البخاري، اللباس، باب وصل الشعر، ح: ٥٩٣٧ من حديث ابن المبارك ومسلم، ح ٢١٢٤ من حديث عبد الله بن عمر به وانظر، ح: ٢٧٨٣ * وفي الباب عن عائشة [البخاري، ح: ٥٢٠٥ ومسلم، ح: ٢١٢٣] وابن مسعود [البخاري، ح: ٤٨٨٦ ومسلم، ح: ٢١٢٥] وأسماء بنت أبي بكر [البخاري، ح: ٥٩٤١] وابن عباس [أبو داود، ح: ٤١٧٠] ومعقل بن يسار [أحمد: ٢٥/٥] ومعاوية [البخاري، ح: ٣٤٦٨] ومسلم، ح: ٢١٢٧].

Chapter 26. What Has Been Related About The Riding *Mayāthir*

1760. Al-Barā’ bin ‘Āzib narrated: “The Messenger of Allāh ﷺ prohibited riding (while sitting on) *Miyāthir*.” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Ali and Mu‘awiyah.

The *Hadīth* of Al-Barā’ is *Hasan Sahīh*. Shu‘bah reported similarly from Ash‘ath bin Abī Ash-Sha‘thā in the lengthy *Hadīth*.

(المعجم ٢٦) - بَابُ مَا جَاءَ فِي رُكُوبِ الْمَيَاثِيرِ (التحفة ٢٦)

١٧٦٠ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرٍ: حَدَّثَنَا عَلَيُّ بْنُ مُسْهِرٍ: حَدَّثَنَا أَبُو إِسْحَاقِ الشَّيْبَانِيُّ عَنْ أَشْعَثِ بْنِ أَبِي الشَّعْنَاءِ، عَنْ مُعاوِيَةَ بْنِ سُوَيْدٍ بْنِ مُقْرَنٍ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ رُكُوبِ الْمَيَاثِيرِ.
[قَالَ:] وَفِي الْبَابِ عَنْ عَلَيٍّ وَمُعاوِيَةَ.

وَحَدِيثُ الْبَرَاءِ حَدِيثُ حَسَنٍ صَحِيحٌ.
وَقَدْ رَوَى شُعْبَةُ عَنْ أَشْعَثِ بْنِ أَبِي الشَّعْنَاءِ حَسْنَةً. وَفِي الْحَدِيثِ قِصَّةً.

تخریج: متفق عليه، أخرجه مسلم، اللباس والزينة، باب تحريم استعمال إماء الذهب والفضة ... إلخ، ح: ٢٠٦٦ من حديث علي بن مسهر والبخاري، ح: ٦٢٣٥ من حديث أبي إسحاق الشياباني به مطولاً ومحظراً * وفي الباب عن علي [مسلم، ح: ٢٠٧٨] ومعاوية [الطحاوي في مشكل الآثار: ٤/٢٦].

Comments:

Mayāthir (plural of *Mītharah*) is a type of saddlecloth or cushion made either of silk or of the skin of predatory animals, both of which are prohibited in Islam.

Chapter 27. What Has Been Related About The Bed Of The Prophet ﷺ

1761. ‘Aishah said: “The only bed that the Messenger of Allāh had which he slept on was [made of a tanned skin] stuffed with palm-fibers.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

[He said:] There are narrations on this topic from Hafṣah and Jābir.

(المعجم ٢٧) - بَابُ مَا جَاءَ فِي فِرَاشِ النَّبِيِّ ﷺ (التحفة ٢٧)

١٧٦١ - حَدَّثَنَا عَلَيْهِ بْنُ حُجْرٍ: حَدَّثَنَا عَلَيْهِ
ابْنُ مُسْهِيرٍ عَنْ هَشَامَ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ
عَائِشَةَ قَالَتْ: إِنَّمَا كَانَ فِرَاشُ رَسُولِ اللَّهِ ﷺ
الَّذِي يَنَمُّ عَلَيْهِ [أَدَمًا] حَشْوُهُ لِفُ.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

[قال:] وفي الباب عن حفصة وجاير.

تخریج: متفق عليه، وأخرجه مسلم، الالباس والزينة، باب التواضع في الالباس، والاقتصار على الغليظ منه واليسر ... إلخ، ح: ٢٠٨٢؛ عن علي بن حجر والبخاري، ح: ٦٤٥٦ من حديث هشام بن عروة به * وفي الباب عن حفصة [الترمذى في الشمائل، ح: ٣٢٨] وجابر [مسلم، ح: ٢٠٨٤].

Comments:

It shows that the Messenger of Allāh ﷺ used to sleep on a bed that was extremely simple and free from any finery.

Chapter 28. What Has Been Related About Shirts

(المعجم ٢٨) - بَابُ مَا جَاءَ فِي الْقُمْصِ (التحفة ٢٨)

1762. Umm Salamah said: “The most loved garment to the Messenger of Allāh ﷺ was the *Qamīṣ* (long shirt).” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharib*. We only know of it as a narration of ‘Abdul-Mu’min bin Khālid (a narrator in the chain of this *Hadīth*) who was alone in narrating it, and he is from Al-Marwaz. Some of them report this *Hadīth* from Abū Tumailah, from

١٧٦٢ - حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدِ الرَّازِيِّ:
حَدَّثَنَا أَبُو تُمَيْلَةَ وَالْفَضْلُ بْنُ مُوسَى وَزَيْدُ بْنُ
حُبَابٍ عَنْ عَبْدِ الْمُؤْمِنِ بْنِ خَالِدٍ، عَنْ عَبْدِ
اللهِ بْنِ بُرْيَدَةَ، عَنْ أُمِّ سَلَمَةَ قَالَتْ: كَانَ
أَحَبَّ الْثِيَابِ إِلَيَّ رَسُولُ اللَّهِ ﷺ الْقَمِيصُ.
[قال أبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ
غَرِيبٌ. إِنَّمَا نَفِرْفَةٌ مِنْ حَدِيثِ عَبْدِ الْمُؤْمِنِ بْنِ
خَالِدٍ تَفَرَّدَ بِهِ وَهُوَ مَرْوِيٌّ، وَرَوَى بَعْضُهُمْ هَذَا

'Abdul-Mu'min bin Khālid, from 'Abdullāh bin Buraidah, from his mother, from Umm Salamah. He said: I heard Muḥammad bin Ismā'il saying: "The narration of Ibn Buraidah from his mother, from Umm Salamah is more correct, Abū Tulaimah mentioned 'his mother' in it."

تخریج: [حسن] وأخرجه أبو داود، اللباس، باب ما جاء في القميص، ح: ٤٠٢٥ من حديث الفضل بن موسى به.

1763. Umm Salamah said: "The most loved garment to the Messenger of Allāh ﷺ was the Qamīṣ (long shirt)." (*Hasan*)

الحاديَّة عن أبي ثُمَيْلَةَ، عنْ عَبْدِ الْمُؤْمِنِ بْنِ خَالِدٍ، عنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عنْ أُمِّهِ، عنْ أُمَّ سَلَمَةَ. قَالَ وَسَمِعْتُ مُحَمَّدًا بْنَ إِسْمَاعِيلَ يَقُولُ: حَدَّيْتُ ابْنَ بُرَيْدَةَ عَنْ أُمِّهِ، عنْ أُمَّ سَلَمَةَ أَصْحَّ وَإِنَّمَا يُذَكَّرُ فِيهِ أَبُو ثُمَيْلَةَ عَنْ أُمِّهِ.

١٧٦٣ - حَدَّثَنَا زَيْدُ بْنُ أَيُوبَ [الْبَعْدَادِيُّ]: حَدَّثَنَا أَبُو ثُمَيْلَةَ عَنْ عَبْدِ الْمُؤْمِنِ بْنِ خَالِدٍ، عنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عنْ أُمِّ سَلَمَةَ قَالَتْ: كَانَ أَحَبَّ الْثِيَابِ إِلَى رَسُولِ اللَّهِ ﷺ الْقَمِيصُ.

تخریج: [حسن] وأخرجه أبو داود، أيضاً، ح: ٤٠٢٦ عن زيد بن أيبوب به وسنده حسن.

1764. Umm Salamah said: "The most loved garment to the Messenger of Allāh ﷺ was the Qamīṣ (long shirt)." (*Hasan*)

١٧٦٤ - حَدَّثَنَا عَلَيُّ بْنُ حُجْرَةَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنْ عَبْدِ الْمُؤْمِنِ بْنِ خَالِدٍ، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أُمِّ سَلَمَةَ قَالَتْ: كَانَ أَحَبَّ الْثِيَابِ إِلَى رَسُولِ اللَّهِ ﷺ الْقَمِيصُ.

تخریج: [حسن] انظر الحديث السابق.

1765. Asmā' bint Yazid bin As-Sakan Al-Anṣāriyyah said: "The sleeves of (the shirt) of the Messenger of Allāh ﷺ were to the wrist." (*Hasan*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharīb*.

١٧٦٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدَ بْنِ الْحَجَّاجِ الصَّوَافِ الْبَصْرِيِّ: حَدَّثَنَا مَعاَدُ بْنُ هِشَامِ الدَّسْتَوَائِيِّ: حَدَّثَنِي أَبِي عَنْ بُدَيْلِ [بْنِ مَيْسَرَةَ] الْعُقَلِيِّ، عَنْ شَهْرِ بْنِ حَوْشِبٍ، عَنْ أَسْمَاءَ بْنَتِ يَزِيدَ بْنِ السَّكَنِ الْأَنْصَارِيَّةِ قَالَتْ: كَانَ كُمُّ يَدِ رَسُولِ اللَّهِ ﷺ إِلَى الرُّسْنِيِّ. [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ.

تخریج: [إسناده حسن] وأخرجه أبو داود، أيضاً، ح: ٤٠٢٧ من حديث معاذ به.

Comments:

The normal dress of the Arabs in the days of the Prophet ﷺ was a lower garment, an *Izār*, and an upper-wrap known as a *Ridā*. A long shirt was not as common. But it being more comfortable and more apt to conceal the body, the Prophet ﷺ liked it best of all.

1766. Abū Hurairah narrated: “When the Messenger of Allāh ﷺ put on a *Qamīṣ* he began with the right side.” (*Hasan*)

[Abū ‘Eisā said:] Others have reported this *Hadīth* from Shu‘bah with this chain, but they did not narrate it in *Marfū‘* form, only ‘Abduṣ-Ṣamad narrated it *Marfū‘*.

١٧٦٦ - حَدَّثَنَا عَلَيُّ بْنُ نَصْرٍ بْنُ عَلَيٍ الْجَهْضَمِيُّ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنَا شُعْبَةُ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا لَيْسَ قَوِيمًا بَدَأَ بِيَمِينِهِ .
[قَالَ أَبُو عِيسَى:] وَقَدْ رَوَى عَيْنُ وَاحِدَةٍ هَذَا الْحَدِيثُ عَنْ شُعْبَةَ بِهَذَا الإِسْنَادِ وَلَمْ يَرْفَعْهُ إِنَّمَا رَفَعَهُ عَبْدُ الصَّمَدِ .

تخریج: [إسناده حسن] وأخرجه النسائي في الكبرى، ح: ٩٦٦٩ من حديث عبد الصمد به.

Comments:

The general practice of the Messenger of Allāh ﷺ was to begin doing things from the right side. Cases in point are: his performing *Wudū’* and *Tayammum* and the donning of garments, shoes, socks, and *Izār*, and so on.

Chapter 29. What To Say When Wearing A New Garment

(المعجم ٢٩) - بَابُ مَا يَقُولُ إِذَا لَيْسَ ثُوِبًا جَدِيدًا (التحفة ٢٩)

1767. Abū Sa‘eed said: “When the Messenger of Allāh ﷺ would wear a new garment he would mention what it was, whether an ‘*Imāmah*, a *Qamīṣ*, or a *Ridā*’, then he would say: *Allāhumma lakal-hamdu, Anta kasawtanīhi, as’aluka khairahu wa khaira mā šuni'a lahu, wa a’udhu bika min sharrihi wa sharri ma šuni'a lahu* ” (“O Allāh! For You is the praise, You have clothed me, I ask You for its good and the good for which it was made, and I

١٧٦٧ - حَدَّثَنَا سُوَيْدٌ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ عَنْ سَعِيدِ الْجُرَيْرِيِّ، عَنْ أَبِي نَصْرَةَ، عَنْ أَبِي سَعِيدٍ قَالَ: كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا اسْتَجَدَ ثُوِبًا سَمَاءً يَاسِيهِ عِمَامَةً أَوْ قَمِيصًا أَوْ رِداءً، ثُمَّ يَقُولُ: «اللَّهُمَّ لَكَ الْحَمْدُ أَنْتَ كَسُوتَنِي، أَسْأَلُكَ خَيْرَهُ وَخَيْرَ مَا صُنِعَ لَهُ، وَأَعُوذُ بِكَ مِنْ شَرِّهِ وَشَرِّ مَا صُنِعَ لَهُ». [قَالَ أَبُو عِيسَى:] وَفِي الْبَابِ عَنْ عُمَرَ وَابْنِ عُمَرَ .

seek refuge in You from its evil and the evil for which it was made.) (*Hasan*)

[*Abū ‘Eisā* said:] There are narrations on this topic from ‘Umar, and *Ibn ‘Umar*.

(Another chain) with similar meaning.

And this *Hadīth* is *Hasan Gharīb Sahīh*.

تخریج: [إسناده حسن] وأخرجه أبو داود، اللباس، باب ما يقول إذا لبس ثوباً جديداً، ٤٠٢٠ من حديث ابن المبارك به وهو سمع من الجريري قبل اختلاطه * وفي الباب عن عمر.

Comments:

The supplication is intended to reaffirm the fact that whatever anyone of us achieves or gets is from Allāh. We must, therefore, pay our thanks and praises to Him.

Chapter 30. What Has Been Related About Wearing A *Jubbah* And *Khuff*

1768. ‘Urwah bin Al-Mughirah bin Shu‘bah narrated from his father: “The Prophet ﷺ wore a Roman *Jubbah*^[1] with tight sleeves.” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

حدَّثَنَا هشَّامُ بْنُ يُونُسَ الْكُوفِيُّ: حدَّثَنَا القَاسِمُ بْنُ مَالِكٍ الْمَزَانِيُّ عَنِ الْجُرَيْرِيِّ تَعْوِهُ . [وَهَذَا حَدِيثٌ حَسَنٌ عَرَبٌ صَحِيحٌ .

(المعجم (٣٠) - بَابُ مَا جَاءَ فِي لِبْسٍ
الْجُبَّةِ وَالخُفْفَيْنِ (التحفة (٣٠)

١٧٦٨ - حدَّثَنَا يُوسُفُ بْنُ عِيسَى: حدَّثَنَا وَكِيعٌ: حدَّثَنَا يُونُسُ بْنُ أَبِي إِسْحَاقَ عَنِ الشَّعْبِيِّ، عَنْ عُرْوَةَ بْنِ الْمُغَيْرَةِ بْنِ شُعْبَةَ، عَنْ أَبِيهِ: أَنَّ الَّذِي لَمْ يَلِدْ لِيْسَ جُبَّةً رُومَيْةً ضَيْقَةً الْكُمَمِينَ . قالَ أَبُو عِيسَى: [هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ .

تخریج: [صحيح] وأصله في صحيح البخاري، ح: ٥٧٩٨، ٥٧٩٩ من حديث المغيرة به.

Comments:

The *Hadīth* makes it clear that it is allowed to wear the dresses made by the unbelievers provided they are not impure.

1769. Ash-Sha‘bī narrated from Al-Mughirah bin Shu‘bah: “Dihyah Al-Kalbī gave a pair of *Khuff* to the Messenger of Allāh ﷺ, so he wore

١٧٦٩ - حدَّثَنَا فُتَيْبَةً: حدَّثَنَا ابْنُ أَبِي زَائِدَةَ عَنِ الْحَسَنِ بْنِ عَيَّاشٍ، عَنْ أَبِي إِسْحَاقَ - هُوَ الشَّيْبَانِيُّ - ، عَنِ الشَّعْبِيِّ، عَنِ

^[1] See no. 1734.

them.” (*Sahīh*)

[Abū ‘Eisā said:] Isrā’il said: “From Jābir, from ‘Āmir: ‘And a *Jubbah*, so he wore them until they tore. And the Prophet ﷺ did not know whether they were from a slaughtered animal or not.’”

This *Hadīth* is *Hasan Gharīb*. Abū Iṣhāq, the one who reported this from *Ash-Sha'bī*, is Abū Iṣhāq *Ash-Shaibānī*, and his name is Sulaimān. Al-Ḥasan bin ‘Ayyāsh is the brother of Abū Bakr bin ‘Ayyāsh.

جابر، عن عامر: [وَقَالَ إِسْرَائِيلُ عَنْ جَابِرٍ، عَنْ غَامِرٍ: وَجُبَّةً فَلَيْسَهُمَا حَتَّى تَحَرَّقَا لَا يَدْرِي النَّبِيُّ اللَّهُ عَزَّلَهُ أَذْكُرُ هُمَا أَمْ لَا.]

[وَهَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ. وَأَبُو

إِسْحَاقَ الَّذِي رَوَى هَذَا عَنْ الشَّعَبِيِّ هُوَ أَبُو

إِسْحَاقَ الشَّيْبَانِيِّ وَاسْمُهُ سُلَيْمَانُ. وَالْحَسَنُ

ابْنُ عَيَّاشٍ هُوَ أَخُو أَبِي بَكْرٍ بْنِ عَيَّاشٍ.

تخریج: [صحيح] انظر الحديث السابق * حدیث جابر عن عامر الشعبي: ضعیف، جابر

ضعیف رافضی مدلس.

Comments:

Khuff are made from tanned leather. Hence it was that the Messenger of Allāh ﷺ did not consider it necessary to enquire whether the leather was from a slaughtered animal or a dead animal, since tanning has the effect of purifying the leather.

Chapter 31. What Has Been Related About Bracing The Teeth With Gold

1770. ‘Urfajah bin As‘ad said: “My nose was severed on the Day of Al-Kulāb during *Jāhilīyah*. So I got a nose of silver which caused an infection for me, so the Messenger of Allāh ﷺ ordered me to get a nose made of gold.” (*Hasan*)

(Another chain) with similar meaning.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan* [*Gharīb*], we only know of it as a narration of ‘Abdur-Rahmān bin Tarafah. Salm bin Zarīr reported similar to the narration of Abū Al-Ashhab from ‘Abdur-Rahmān bin Taraqah – “from

(المعجم ٣١) - بَابُ مَا جَاءَ فِي شَدَّ الْأَسْنَانِ بِالْذَّهَبِ (التحفة ٣١)

١٧٧٠ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْبِعٍ: حَدَّثَنَا عَلَيُّ بْنُ هَاشِمٍ بْنُ الْبَرِيدِ وَأَبُو سَعْدٍ الصَّعَانِيَّ عَنْ أَبِي الأَشْهَبِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ طَرَقَةَ، عَنْ عَرْفَاجَةَ بْنِ أَسْعَدَ قَالَ: أَصِيبَ أَنْفِي يَوْمَ الْكُلَّابِ فِي الْجَاهِلِيَّةِ فَاتَّخَذْتُ أَنْفًا مِنْ وَرْقِ فَانْتَنَ عَلَيَّ، فَأَمَرَنِي رَسُولُ اللهِ عَزَّلَهُ أَنْ أَتَخَذَ أَنْفًا مِنْ ذَهَبٍ.

حدثنا علي بن حجر: حدثنا الربيع بن بدر و محمد بن يزيد الواسطي عن أبي الأشهب نحوه.

[قال أبو عيسى:] هذا حديث حسن

'Abdur-Rahmān bin Ṭaraqah." It has been related about more than one of the people of knowledge that they would brace their teeth with gold, and in this *Hadīth* there was a proof for them.

[‘Abdur-Rahmān] bin Mahdi said: "Salm bin Zarīn" but that is an error, "Zarīr" is more correct, [and Abū Sa‘d Aṣ-Ṣan‘ānī's (a narrator in this chain) name is Muḥammad bin Muyassir].

[غَرِيبٌ] إِنَّمَا نَعْرِفُهُ مِنْ حَدِيثِ عَبْدِ الرَّحْمَنِ ابْنِ طَرْفَةَ. وَقَدْ رَوَى سَلْمُ بْنُ زَرِيرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ طَرْفَةَ نَحْوَ حَدِيثِ أَبِي الْأَشْهَبِ: عَنْ عَبْدِ الرَّحْمَنِ بْنِ طَرْفَةَ. وَقَدْ رُوِيَ عَنْ غَيْرِ وَاحِدٍ مِنْ أَهْلِ الْعِلْمِ أَنَّهُمْ شَدُّوا أَسْنَاهُمْ بِالذَّهَبِ، وَفِي هَذَا الْحَدِيثِ حُجَّةٌ لَهُمْ. [وَقَالَ عَبْدُ الرَّحْمَنِ] بْنُ مَهْدِيًّا: سَلْمُ بْنُ زَرِيرٍ، وَهُوَ وَهُمْ وَزَرِيرٌ أَصَحُّ [وَأَبُو سَعْدِ الصَّنْعَانِيِّ اسْمُهُ مُحَمَّدُ بْنُ مُيسَّرٍ].

تخریج: [إسناده حسن] وأخرجه أبو داود، الخاتم، باب ما جاء في ربط الأسنان بالذهب، ح: ٤٢٣٢ من حديث أبي الأشهب، والنمسائي، ح: ٥١٦٤، ٥١٦٥ من حديث عبد الرحمن بن طرفة به وصححه ابن حبان، ح: ١٤٦٦.

Comments:

The *Hadīth* confirms that in case of necessity or inevitability it is allowed to use gold for ones teeth or nose.

Chapter 32. What Has Been Related About The Prohibition Of Predator Skins

1770. (A). Abū Al-Malīḥ narrated from his father: "The Prophet ﷺ prohibited using predator skins as a spread." (*Hasan*)

(Another chain) from Abū Al-Malīḥ from his father: "The Prophet ﷺ prohibited predator skins."

[(Another chain): from Abū Al-Malīḥ, that he ﷺ disliked predator skins. Abū ‘Eisā said:] We do not know anyone who said: "From Abū Al-Malīḥ, from his father" except for Sa‘eed bin Abī ‘Arūbah.

(المعجم ٣٢) - بَابُ مَا جَاءَ فِي النَّهَيِّ عَنْ جُلُودِ السَّبَاعِ (التحفة ٣٢)

١٧٧٠ - حَدَّثَنَا أَبُو كُرْبَيْبٍ: حَدَّثَنَا ابْنُ الْمُبَارَكِ وَمُحَمَّدُ بْنُ يَشْرِي وَعَبْدُ اللَّهِ بْنُ إِسْمَاعِيلَ بْنُ أَبِي خَالِدٍ عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ أَبِي الْمَلِيقِ، عَنْ أَبِي أَيْمَانٍ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ جُلُودِ السَّبَاعِ أَنْ تُفْتَرَشَ.

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنْ أَبِي الْمَلِيقِ، عَنْ أَبِيهِ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ جُلُودِ السَّبَاعِ. [حَدَّثَنَا مُحَمَّدُ بْنُ بَشَارٍ: حَدَّثَنَا مَعَاذُ بْنُ هَشَامٍ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ أَبِي

المَلِحِ أَنَّهُ كَرَهَ جُلُودَ السَّبَاعِ، قَالَ أَبُو عِيسَى: [وَلَا نَعْلَمُ أَحَدًا قَالَ: عَنْ أَبِي الْمَلِحِ، عَنْ أَبِيهِ عَيْرَ سَعِيدَ بْنَ أَبِي عَرْوَةَ.

تَخْرِيج: [حسن] وأخرجه أبو داود، اللباس، باب: في جلود النمور والسباع، ح: ٤١٣٢؛ والنسائي، ح: ٤٢٥٨؛ من حديث سعيد بن أبي الجارود، ح: ٨٧٥؛ والحاكم: ١٤٨١ والذهباني وله شاهد حسن عند البيهقي: ٢١١.

1771. Abū Al-Malīḥ narrated: “The Prophet ﷺ prohibited predator skins.” And this (chain) is more correct. (*Hasan*)

١٧٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعبَةُ عَنْ يَزِيدِ الرَّشْكِ، عَنْ أَبِي الْمَلِحِ عَنِ النَّبِيِّ ﷺ: أَنَّهُ نَهَى عَنْ جُلُودِ السَّبَاعِ وَهَذَا أَصَحُّ.

تَخْرِيج: [حسن] انظر الحديث السابق.

Comments:

The ruling about predator skins has been discussed in Chapter 7 under the heading: “The Skins Of Dead Animals When They Are Tanned”.

Chapter 33. What Has Been Related About The Sandals Of The Prophet ﷺ

1772. Qatādah said: “I asked Anas bin Mālik: ‘How were the sandals of the Messenger of Allāh ﷺ?’ He said: ‘They had two straps.’” (*Sahīh*)

(المعجم (٣٣) - بَابُ مَا جَاءَ فِي نَعْلٍ
النَّبِيِّ ﷺ (التحفة (٣٣)

١٧٧٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا هَمَامٌ عَنْ قَاتَادَةَ قَالَ: قُلْتُ لِأَنَسَ بْنَ مَالِكٍ: كَيْفَ كَانَ نَعْلُ رَسُولِ اللهِ ﷺ؟ قَالَ: لَهُمَا قِيَالَانِ.

تَخْرِيج: وأخرجه البخاري، اللباس، باب قيالان في نعل، ومن رأى قبلاً واحداً واسعاً، ح: ٥٨٥٧ من حديث همام به.

1773. Qatādah narrated from Anas: “The sandals of the Prophet ﷺ had two straps.” (*Sahīh*)
[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

He said: There are narrations on this topic from Ibn ‘Abbās, and Abū Hurairah.

١٧٧٣ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ:
حَدَّثَنَا حَبَّانُ بْنُ هَلَالِيٍّ: حَدَّثَنَا هَمَامٌ: حَدَّثَنَا قَاتَادَةَ عَنْ أَنَسِي أَنَّ رَسُولَ اللهِ ﷺ كَانَ نَعْلَهُ لَهُمَا قِيَالَانِ.

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ.]

قَالَ: وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ.

تَخْرِيج: [صَحِيحٌ] انظُرُ الْحَدِيثَ سَابِقًا * وَفِي الْبَابِ عَنْ ابْنِ عَبَّاسٍ [الترمذِي فِي الشَّمَائِلِ، ح: ٧٥] وَأَبِي هُرَيْرَةَ [الترمذِي فِي الشَّمَائِلِ، ح: ٧٨].

Chapter 34. What Has Been Related About It Being Disliked To Walk In One Sandal

1774. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Do not walk in one sandal; either wear both sandals, or go barefoot.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

[He said:] There is something on this topic from Jābir.

(المعجم (٣٤) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ الْمَسْيِ فِي النَّعْلِ الْوَاحِدَةِ (التحفة (٣٤)

١٧٧٤ - حَدَّثَنَا قُتْبَيْهُ عَنْ مَالِكٍ؛ ح: وَحَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُونُ: حَدَّثَنَا مَالِكٌ عَنْ أَبِي الزَّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَمْشِي أَحَدُكُمْ فِي نَعْلٍ وَاحِدَةٍ لِيُنْعَلِّهُمَا جِيمِعًا أَوْ لِيُحْفَّهُمَا جَمِيعًا».

[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسْنٌ صَحِيقٌ.

[قَالَ: وَفِي الْبَابِ عَنْ جَابِرٍ.]

تَخْرِيج: متفق عليه، أخرجه البخاري، الْبَلَاسِ، بَابٌ: لَا يَمْشِي فِي نَعْلٍ وَاحِدَةٍ، ح: ٥٨٥٥ وَمُسْلِمٌ، ح: ٢٠٩٧ مِنْ حَدِيثِ مَالِكٍ بْنِ عَمَّارٍ وَهُوَ فِي الْمَوْطَأِ: ٩١٦ (يَحْيَى) * وَفِي الْبَابِ عَنْ جَابِرٍ [مُسْلِمٌ، ح: ٢٠٩٩].

Comments:

Walking with wearing one shoe looks odd. It, moreover, disturbs the balance of the feet in walking. Therefore, the proper thing to do is either to wear the shoes on both feet or in neither.

Chapter 35. What Has Been Related About It Being Disliked For A Man To Don Sandals While Standing

1775. Abū Hurairah said: “The Messenger of Allāh ﷺ prohibited that a man should put on sandals while he is standing.” (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is

(المعجم (٣٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ أَنْ يَتَسْعَلَ الرَّجُلُ وَهُوَ قَائِمٌ (التحفة (٣٥)

١٧٧٥ - حَدَّثَنَا أَزْهَرُ بْنُ مَرْوَانَ الْبَصْرِيُّ: أَخْبَرَنَا الْحَارِثُ بْنُ تَبَهَّانَ عَنْ مَعْمَرٍ، عَنْ عَمَّارٍ بْنِ أَبِي عَمَّارٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ:

Hasan Gharīb. ‘Ubaidullāh bin ‘Amr Ar-Raqqī reported this *Hadīth* from Ma’mar, from Qatādah, from Anas. Both of the *Aḥādīth* are not correct according to the people of *Hadīth*. Al-Hārith bin Nabhān is not a *Hāfiẓ* according to them, and we do not know any basis for the narration of Qatādah from Anas.

نَهَا رَسُولُ اللَّهِ ﷺ أَنْ يَتَعَلَّمَ الرَّجُلُ وَهُوَ قَائِمٌ.

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ عَرِيبٍ. وَرَوَى عُبَيْدُ اللَّهِ بْنُ عَمْرِو الرَّقِيقُ هَذَا الْحَدِيثُ عَنْ مَعْمَرٍ، عَنْ قَتَادَةَ، عَنْ أَنَسِيٍّ وَكَلَا الْحَدِيثَيْنِ لَا يَصِحُّ عِنْدَ أَهْلِ الْحَدِيثِ. وَالْحَارِثُ بْنُ نَبْهَانَ لَيْسَ عِنْدَهُمْ بِالْحَافِظِ، وَلَا تَغْرِفْ لِحَدِيثِ قَتَادَةَ عَنْ أَنَسَ أَصْلًا.

تَخْرِيج: [إسناده ضعيف جداً] * الحارث بن نبهان: متrok (تقريب) وللحديث شواهد ضعيفة عند ابن ماجه، ح: ٣٦١٩، وأبي داود وغيرهما ولم يصب من صحيحة.

Comments:

If for some reason one of us finds it difficult to tell the left shoe from right, then he should put them on while sitting down. The main consideration in this is the wearers comfort. The *Hadīth* is also reported from other Companions . Sheikh Mubārakpurī has described the *Hadīth* as sound (*Tuhfah Al-Ahwadhi*, v.3, p. 67), as well as others.

1776. Anas narrated: “The Messenger of Allāh ﷺ prohibited that a man should put on sandals while he is standing.” (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*. Muhammad bin Ismā‘il said: “This *Hadīth* is not correct, nor the *Hadīth* of Ma’mar from ‘Āmmar bin Abī ‘Āmmār, from Abū Hurairah (no. 1775).”

١٧٧٦ - حَدَّثَنَا أَبُو جَعْفَرِ السَّمَنَانِيُّ : حَدَّثَنَا سُلَيْمَانُ بْنُ عُبَيْدِ اللَّهِ الرَّقِيقُ : حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ عَمْرِو الرَّقِيقُ عَنْ مَعْمَرٍ، عَنْ قَتَادَةَ، عَنْ أَنَسِيٍّ : أَنَّ رَسُولَ اللَّهِ ﷺ نَهَا أَنْ يَتَعَلَّمَ الرَّجُلُ وَهُوَ قَائِمٌ.

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ عَرِيبٍ. وَقَالَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ: وَلَا يَصِحُّ هَذَا الْحَدِيثُ وَلَا حَدِيثُ مَعْمَرٍ عَنْ عَمَّارِ بْنِ أَبِي عَمَّارٍ، عَنْ أَبِي هُرَيْرَةَ .

تَخْرِيج: [إسناده ضعيف] * قتادة مدلس عنعن، وانظر الحديث السابق.

Chapter 36. What Has Been Related About The Permission (For Walking In) One Sandal

1777. ‘Aishah said: “Sometimes the Prophet ﷺ would walk in one sandal.” (*Da’if*)

(المعجم ٣٦) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ [فِي الْمَشِّ] فِي النَّعْلِ الْوَاحِدَةِ (التحفة ٣٦)

١٧٧٧ - حَدَّثَنَا القَاسِمُ بْنُ دِينَارٍ: حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورِ السَّلْوَلِيِّ كُوفِيٌّ: حَدَّثَنَا هُرَيْمٌ - وَهُوَ ابْنُ سُفيَانَ الْبَجْلِيِّ الْكُوفِيِّ - عَنْ يَثِيثٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: رُبَّمَا مَسَى النَّبِيُّ ﷺ فِي نَعْلٍ وَاحِدَةٍ.

تَحْرِيج: [إسناده ضعيف] * ليث بن أبي سليم ضعيف مدلس.

Comments:

Walking in one sandal is against norms of decency, since obviously, it is not a happy sight to see a man walking in this manner. There is, however, no harm if one does it of necessity or because of any other pressing circumstance. It is also likely that the prohibition relates to general considerations of good behaviour and etiquette.

1778. ‘Abdur-Rahmān bin Al-Qāsim narrated from his father, about ‘Aishah that: “She would walk in one sandal.” (*Sahīh*)

This is more correct. [Abū ‘Eisā said:] This is how it was reported by Sufyān Ath-Thawrī and others, from ‘Abdur-Rahmān bin Al-Qāsim, in *Mawqūf* form, and this is more correct.

١٧٧٨ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْبِعٍ: حَدَّثَنَا سُفيَانُ بْنُ عُيَيْنَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّهَا مَسَتْ بِنَعْلٍ وَاحِدَةٍ.

وَهَذَا أَصَحُّ. [قَالَ أَبُو عِيسَى: هَذَا رَوَى سُفيَانُ التَّوْرِيُّ وَغَيْرُهُ وَاحِدٌ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ مَوْقُوفًا. وَهَذَا أَصَحُّ.]
تَحْرِيج: [صحيح، موقف].

Chapter 37. What Has Been Related About Which Foot Does One Start With When Wearing Sandals

1779. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “When one of you dons sandals, then let him begin with the right.

(المعجم ٣٧) - بَابُ مَا جَاءَ بِأَيِّ رِجْلٍ يَيْدِأً إِذَا انْتَعَلَ (التحفة ٣٧)

١٧٧٩ - حَدَّثَنَا الْأَنصَارِيُّ: حَدَّثَنَا مَعْنُونٌ: حَدَّثَنَا مَالِكٌ؛ ح: وَحَدَّثَنَا قَتْبِيَّةَ عَنْ مَالِكٍ، عَنْ أَبِي الزَّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ

And when he removes them then let him begin with the left, so that the right will be the first to put on and the last of them removed.” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا اتَّعَلَ أَحَدُكُمْ فَلْيَبْدِأْ بِالْيُمْنِينَ، وَإِذَا نَزَعَ فَلْيَنْدِأْ بِالشَّمَالِ، فَلَنْتَكُنْ الْيُمْنِيُّ أَوْلَهُمَا تُتَعَلُّ وَآخَرُهُمَا تُنْزَعُ». [قالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، اللباس، باب: ينزع نعله اليسرى، ح ٥٨٥٦؛ ومسلم، ح ٢٠٩٧ من حديث مالك به وهو في الموطأ: ٩١٦/٢ (يحيى) وانظر الحديث المقدم: ١٧٧٤.

Chapter 38. What Has Been Related About Patching A Garment

1780. *Āishah* said: “The Messenger of Allāh ﷺ said to me: ‘If you want to stick with me,^[1] then suffice yourself in the world with the provisions of the rider. And beware of gatherings of the rich, and do not consider a garment to be worn out until it has been patched.’” (*Da’if*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Gharīb*, we do not know of it except as a narration of *Šalīḥ bin Ḥassān*. [He said:] I heard Muhammad bin Ismā‘il saying: “*Šalīḥ bin Ḥassān* is *Munkar* in *Hadīth*.^[2] And *Šalīḥ bin Ḥassān* – the one who Ibn Abī *Dhi’b* reports from – is trustworthy.

[*Abū ‘Eisā* said:] The meaning of this saying: “And beware of gatherings of the rich” is similar to what was related from *Abū Hurairah* from the Prophet ﷺ, that

(المعجم ٣٨) - بَابُ مَا جَاءَ فِي تَرْقِيعِ الْثُوبِ (التحفة ٣٨)

١٧٨٠ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: حَدَّثَنَا سَعِيدُ بْنُ مُحَمَّدٍ الْوَرَاقُ وَأَبُو يَحْيَى الْحَمَانِيُّ قَالَا: حَدَّثَنَا صَالِحُ بْنُ حَسَّانَ عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «إِذَا أَرَدْتِ الْلُّحُوقَ يَبِي فَلْيُكْفِكِ مِنَ الدُّنْيَا كَرَادَ الرَّاكِبِ، وَإِيَّاكَ وَمَجَالَسَةَ الْأَغْنِيَاءِ، وَلَا تَسْتَخْلِقِي ثَوْبًا حَتَّى تُرْقِعِيهِ».

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ صَالِحِ بْنِ حَسَّانَ. [قالَ:] وَسَعِيتُ مُحَمَّدًا يَقُولُ: صَالِحُ بْنُ حَسَّانَ مُنْكَرُ الْحَدِيثِ . وَصَالِحُ بْنُ أَبِي حَسَّانَ الَّذِي رَوَى عَنْهُ ابْنُ أَبِي ذِئْبٍ يَقُولُ.

[قالَ أَبُو عِيسَى:] وَمَعْنَى قَوْلِهِ: «وَإِيَّاكَ وَمَجَالَسَةَ الْأَغْنِيَاءِ» هُوَ نَحْوُ مَا رُوِيَ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «مَنْ رَأَى مِنْ

^[1] Meaning: “My level in Paradise.” See *Tuhfat Al-Ahwadhi*.

^[2] Meaning they abandoned him and it is not allowed to narrate from him.

he said: "Whoever sees one that has been more favored than him in appearance and provisions, then let him look at the one who is less than him, rather than one who is favored more than him. For indeed it is more appropriate so that he not scorn Allāh's favors [upon him]."

And it has been related from 'Awn bin 'Abdullāh who said: "I accompanied the rich, and did not see anyone with more troubles than me. I saw a beast that was better than my beast, and a garment that was better than by garment. And I accompanied the poor, and felt at ease."

تخریج: [إسناده ضعیف جدًا] وأخرجه أبو نعیم في أخبار أصبهان: ٨٩ من حديث صالح ابن حسان به وهو متراوک (تقرب)، وصححه الحاکم: ٣١٢/٤ فتفقہ الذھبی.

فُضَّلَ عَلَيْهِ فِي الْخَلْقِ وَالرِّزْقِ. فَلَيَسْطُرْ إِلَى
مَنْ هُوَ أَشَفَلَ مِنْهُ مِنْ هُوَ فُضَّلَ عَلَيْهِ فَإِنَّهُ
أَجَدَرُ أَنْ لَا يَزَدِرِي بِنِعْمَةَ اللَّهِ [عَلَيْهِ].
وَبَرُورَى عَنْ عَوْنَى بْنِ عَبْدِ اللَّهِ قَالَ:
صَحِبْتُ الْأَغْنِيَاءَ فَلَمْ أَرَ أَحَدًا، أَكْثَرُهُمَا
مِنِّي، أَرَى دَاهِيَّةَ حَمِيرًا مِنْ دَاهِيَّيِّ، وَتَوْنَيَا حَمِيرًا
مِنْ تَوْنِيِّي، وَصَحِبْتُ الْفُقَرَاءَ فَاسْتَرَحْتُ.

Chapter 39. The Entrance Of The Prophet ﷺ In Makkah

1781. Umm Hāni' said: "The Messenger of Allāh ﷺ arrived in Makkah, and he had four braids." (*Da'iṣ*)

[Abū 'Eisā said:] This *Hadīth* is *Gharīb*.

(Another chain) from Umm Hāni' who said: "The Messenger of Allāh ﷺ arrived in Makkah, and he had four braids."

And Abū Najīḥ's (a narrator in the chain of this *Hadīth*) name is Yasār.

[Abū 'Eisā said:] This *Hadīth* is *Hasan* [*Gharīb*]. 'Abdullāh bin Abī Najīḥ is from Makkah, and Abū Najīḥ's name is Yasār. Muḥammad said: "I do not know of Mujāhid (a

(المعجم ٣٩) - بَابُ [دُخُولِ النَّبِيِّ ﷺ مَكَّةَ] (التحفة ٣٩)

١٧٨١ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا
شَفَيْيَانُ بْنُ عَيْنَيَّةَ عَنِ ابْنِ أَبِي نَجِيْحٍ، عَنْ
مُجَاهِدٍ، عَنْ أُمِّ هَانِيَّةَ قَالَتْ: قَدِيمٌ رَسُولُ
اللهِ ﷺ مَكَّةَ وَلَهُ أَرْبَعُ غَدَائِرٍ.

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ غَرِيبٌ.
حَدَّثَنَا مُحَمَّدُ بْنُ بَشَارٍ: حَدَّثَنَا عَبْدُ
الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ نَافِعٍ
الْمَكِيُّ عَنِ ابْنِ أَبِي نَجِيْحٍ، عَنْ مُجَاهِدٍ، عَنْ
أُمِّ هَانِيَّةَ قَالَتْ: قَدِيمٌ رَسُولُ اللهِ ﷺ مَكَّةَ وَلَهُ
أَرْبَعُ صَفَائِرٍ. أَبُو نَجِيْحٍ اسْمُهُ يَسَارٌ.

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ
[غَرِيبٌ]. وَعَبْدُ اللَّهِ بْنُ أَبِي نَجِيْحٍ مَكِيٌّ.

narrator) hearing from Umm Hāni'.

وأبو نجيج أسمه يساز قال محمد: لا أعرف لمجاهم سمعاً عن أم هانيء.

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الترجل، باب: في الرجل يضفر شعره، ح ٤٩١ وابن ماجه، ح ٣٦٣١ من حديث سفيان بن عيينة به * ابن أبي نجيج عنن.

Comments:

In view of the particular conditions of the journey, it is allowed for a traveler to braid his hair.

Chapter 40. How Were The Kimām (Caps) Of The Companions?

1782. Abū Sa‘eed – who is ‘Abdullāh bin Busr – said: “I heard Abū Kabshah Al-Anmārī saying: ‘The Kimām (caps) of the Companions of the Messenger of Allāh ﷺ were *Buthan* (stretched over the head).’” (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is *Munkar*, ‘Abdullāh bin Busr is from Al-Baṣrah, and he is weak according to the people of *Hadīth*. Yaḥyā bin Sa‘eed and others graded him weak. *Buthun* means expansive.

تخریج: [إسناده ضعیف] وأخرجه أبو الشیخ فی أخلاق النبی ﷺ، ص: ١٠٢ من حديث محمد بن حمران به بالفاظ مختلفة.

Comments:

If *Kimām* is the plural of *Kum*, then it means sleeves, and the *Hadīth* shall mean that their sleeves were wide and spacious. If it be the plural of *Kam*, it would mean the cap, and the idea would be that their caps were clinging to their heads. *Buth* means stretched. Thus, the meaning would be that their caps clung to their heads, and were not elevated.

Chapter 41. Regarding The Length Of The Izār

1783. Hudhaifah narrated: “The Messenger of Allāh ﷺ took hold of the calf of my shin – or his shin – and

(المعجم ٤٠) - باب: [كيف كانت كمام الصحابة] (التحفة ٤٠)

١٧٨٢ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ حُمَرَانَ عَنْ أَبِي سَعِيدٍ - وَهُوَ عَبْدُ اللَّهِ بْنُ بُشَّرٍ - قَالَ: سَمِعْتُ أَبَا كَبْشَةَ الْأَنْمَارَى يَقُولُ: كَانَتْ كِمَامُ أَصْحَابِ رَسُولِ اللَّهِ ﷺ بُطْحَانًا.

[قال أبو عيسى:] هذا حديث منكر. وعبد الله بن بشر بصري هو ضعيف عند أهل الحديث ضعفة يعني بن سعيد وغيره. بطعم يعني واسعة.

تخریج: [إسناده ضعیف] وأخرجه أبو الشیخ فی أخلاق النبی ﷺ، ص: ١٠٢ من حديث محمد بن حمران به بالفاظ مختلفة.

(المعجم ٤١) - باب: [في مبلغ الأزار] (التحفة ٤١)

١٧٨٣ - حَدَّثَنَا قَتْبِيَّةَ: حَدَّثَنَا أَبُو الأَخْوَصِ عَنْ أَبِي إِسْحَاقَ، عَنْ مُسْلِمٍ بْنِ

he said: 'This is the place of the *Izār*, if you must lower it, then the *Izār* has no right to be on the ankles.''' (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*. *Ath-Thawrī* and *Shu‘bah* reported it from *Abū Ishāq*.

صحيح رواه الترمذ وشعبة عن أبي إسحاق.
تخریج: [إسناده صحيح] وأخرجه ابن ماجه، اللباس، باب موضع الإزار أين هو؟، ح ٥٣٣١ من حديث أبي الأحوص، والنمساني، ح: ٥٧٢.

Comments:

Men must in any case keep their waist-wrap or trousers etc. above their ankles. These should be below the upper half of the shin but above the ankles.

Chapter 42. Wearing Turbans Over Caps

1784. *Abū Ja‘far bin Muḥammad bin Rukānah* narrated from his father that *Rukānah* wrestled the Prophet ﷺ and the Prophet ﷺ won the match. *Rukānah* said: "I heard the Messenger of Allāh ﷺ saying: 'Indeed what distinguishes between us and between the idolaters is the turban over the cap.'" (*Daīf*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Gharīb*. Its chain is not established, and we do not know of *Abū Al-Hasan Al-‘Asqalānī*, nor *Ibn Rukānah*.

قال أبو عيسى: هذا حديث حسن.
تخریج: [إسناده ضعيف] وأخرجه أبو داود، اللباس، باب: في العمام، ح: ٤٠٧٨ عن قتيبة به * أبوالحسن وأبوجعفر مجاهolan.

Comments:

As stated by *Imām Ibn Qayyim* the Prophet's ﷺ *‘Imāmah* had generally the cap tucked into it, although at times he wore the *‘Imāmah* without the cap or the cap without the *‘Imāmah* (*Zād Al-Ma‘ād*, v.1, p.130).

ثديٌ، عن حذيفة قال: أحذ رَسُولُ الله ﷺ بِعَضْلَةٍ سَاقِي أَوْ سَاقِه وَقَالَ: هَذَا مَوْضِعُ الْإِزَارِ، فَإِنْ أَبْيَتْ فَأَسْتَلْ فَإِنْ أَبْيَتْ فَلَا حَقُّ لِلِّإِزَارِ فِي الْكُنْبَيْنِ.

قال أبو عيسى: هذا حديث حسن.
صحيح رواه الترمذ وشعبة عن أبي إسحاق.

تخریج: [إسناده صحيح] وأخرجه ابن ماجه، اللباس، باب موضع الإزار أين هو؟، ح ٥٣٣١ من حديث أبي الأحوص، والنمساني، ح: ٥٧٢.

(المعجم ٤٢) - باب [العمائم على القلانيس] (التحفة ٤٢)

١٧٨٤ - حدثنا قتيبة: حدثنا محمد بن ربيعة عن أبي الحسن العسقلاني، عن أبي جعفر بن محمد بن ركانة، عن أبيه: أن رakanة صارع النبي ﷺ فصرعه النبي ﷺ، قال ركانة: سمعت رسول الله ﷺ يقول: إن فرق ما بيننا وبين المشركين، العمائم على القلانيس.

قال أبو عيسى: هذا حديث حسن.
غريب وإننا له ليس بالقائم، ولا نعرف أبا الحسن العسقلاني ولا ابن ركانة.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، اللباس، باب: في العمام، ح: ٤٠٧٨ عن قتيبة به * أبوالحسن وأبوجعفر مجاهolan.

Chapter 43. What Has Been Related About The Iron Ring

1785. ‘Abdullāh bin Burāiда narrated from his father who said: “A man wearing an iron ring came to the Prophet ﷺ. So he said to him: ‘What is this I see on you, jewelry of the people of the Fire?’ Then he came wearing a ring of brass. So he said: ‘What is this smell of idols I sense on you?’ Then he came wearing a ring of gold. So he said to him: ‘What is this jewelry of the people of Paradise I see on you?’ So he said: ‘What should I use then?’ He said: ‘From silver, but not its entire weight.’”^[1] (*Hasan*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Gharīb* [and there are narrations on this topic from ‘Abdullāh bin ‘Amr], and ‘Abdullāh bin Muslim’s *Kunya* is *Abū Taibah*, and he is from Al-Marwaz.

تخریج: [حسن] وأخرجه أبو داود، الخاتم، باب ما جاء في خاتم الحديد، ح ٤٢٣؛ والنسائي، ح ١٩٨٥ من حديث زيد بن حباب به وصححه ابن حبان، ح ١٤٦٧؛ وناقشه الحافظ ابن حجر في فتح الباري، ولبعض الحديث شواهد * عبدالله بن مسلم: حسن الحديث على الراجح.

Comments:

Iron was the metal, of which the idolaters of Makkah made their rings, and iron is what their chains and girdles shall be made of in Hell. Their idols were from copper and brass. That is why it is not proper to wear rings made from these metals.

Chapter 44. Two Fingers Upon Which It Is Disliked To Wear Rings

1786. Ibn Abī Mūsā narrated: “I

(المعجم ٤٣) - باب ما جاء في خاتم الحديد (التحفة ٤٣)

١٧٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدٍ: حَدَّثَنَا زَيْدُ بْنُ حَبَابٍ وَأَبُو ثُمَيْلَةَ عَنْ عَبْدِ اللَّهِ بْنِ مُسْلِمٍ، عَنْ عَبْدِ اللَّهِ بْنِ بُرْيَدَةَ، عَنْ أَبِيهِ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَاتَمٌ مِنْ حَدِيدٍ، فَقَالَ: مَالِي أَرَى عَلَيْكَ حِلْيَةً أَهْلَ التَّارِ؟ ثُمَّ جَاءَهُ وَعَلَيْهِ خَاتَمٌ مِنْ صَفِيرٍ، فَقَالَ: مَالِي أَجِدُ مِنْكَ رِيحَ الْأَصْنَامِ؟ ثُمَّ أَتَاهُ وَعَلَيْهِ خَاتَمٌ مِنْ ذَهَبٍ، فَقَالَ: «مَالِي أَرَى عَلَيْكَ حِلْيَةً أَهْلَ الْجَنَّةِ؟» قَالَ: مَنْ أَيْ شَيْءَ أَتَخَذُهُ؟ قَالَ: مَنْ وَرِيقٌ وَلَا تُتَمَّهُ مِنْقَالًا».

[قال أبو عيسى:] هـذا حـديث غـريب [وفي الـباب عـن عـبد اللـه بـن عـمـرو وعـبد اللـه بـن مـسلـم يـكـنـى أـبا طـيـة وـهـو مـرـوـزـيـ].

تخریج: [حسن] وأخرجه أبو داود، الخاتم، باب ما جاء في خاتم الحديد، ح ٤٢٣؛ والنسائي، ح ١٩٨٥ من حديث زيد بن حباب به وصححه ابن حبان، ح ١٤٦٧؛ وناقشه الحافظ ابن حجر في فتح الباري، ولبعض الحديث شواهد * عبدالله بن مسلم: حسن الحديث على الراجح.

(المعجم ٤٤) - باب [كراهيـة التـحـثـ] في أصـبعـيـن] (التحـفـة ٤٤)

١٧٨٦ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا

^[1] Meaning: ‘Not pure silver.’ See *Tuhfat Al-Ahwadhi*.

heard 'Ali saying: 'The Messenger of Allāh ﷺ prohibited *Al-Qassi*, the red *Mitharah*, and wearing rings on this and this.' And he pointed to the index and middle fingers." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*. Ibn Abī Mūsā is Abū Burdah bin Abī Mūsā and his name is 'Āmir bin ['Abdullāh bin Qais].

شُفَّيْانُ عَنْ عَاصِمِ بْنِ كُلَيْبٍ، عَنْ أَبِي مُوسَى قَالَ: سَمِعْتُ عَلَيْهَا يَقُولُ: نَهَايِي رَسُولُ اللهِ ﷺ عَنِ الْقَسَّىِ وَالْمِثَرَاءِ، وَأَنَّ أَبْنَسَ حَاتَّمِي فِي هَذِهِ وَفِي هَذِهِ، وَأَشَارَ إِلَى السَّبَّاَةِ وَالْوُسْطَىِ.

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ.

وَابْنُ أَبِي مُوسَى هُوَ أَبُو بُرْدَةَ بْنُ أَبِي مُوسَى وَاسْمُهُ عَامِرٌ بْنُ [عَبْدِ اللَّهِ بْنِ قَيْسٍ].

تَخْرِيجٌ: وأخرجه مسلم، للباس الزينة، باب النهي عن التختم في الوسطى والتي تليها، ح: ٢٠٧٨ بعد، ح: ٢٠٩٥ عن محمد بن أبي عمر به وعلقه البخاري، اللباس، باب: ٢٨ من حديث عاصم بن كلبي به.

Comments:

As pointed out by Imām Nawawī, the Prophet's *Sunnah* is to wear the ring on the little finger (*Tuhfat Al-Ahwadhi*, v.3, p.71)

Chapter 45. What Has Been Related About The Garment The Messenger Of Allāh ﷺ Liked Most To Wear

1787. Anas said: "The garment the Messenger of Allāh ﷺ liked most to wear was the *Hibrāh*." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb*.

(المعجم ٤٥) - بَابُ مَا جَاءَ فِي أَحَبِّ الشَّيَّابِ إِلَى رَسُولِ اللهِ ﷺ (التحفة ٤٥)

١٧٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مَعَاذُ بْنُ هَشَّامٍ: حَدَّثَنِي أَبِي عَنْ فَتَادَةَ، عَنْ أَنَسِ قَالَ: كَانَ أَحَبُّ الشَّيَّابِ إِلَى رَسُولِ اللهِ ﷺ يَلْبِسُهَا الْحِبْرَةَ. [قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ غَرِيبٌ.

تَخْرِيجٌ: متفق عليه، وأخرجه البخاري، اللباس، باب البرود والجبر والشملة، ح: ٥٨١٣، ومسلم، ح: ٢٠٧٩ من حديث معاذ بن هشام به.

Comments:

Hibrāh means striped cotton cloth having threads of different colors. Its main characteristic is that dirt in it does not quickly show itself, nor does it look gaudy.

*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

23. The Chapters On Food From The Messenger Of Allāh ﷺ

Chapter 1. What Has Been Related About What The Prophet ﷺ Ate Upon

1788. Yūnus narrated from Qatādah, that Anas said: “The Messenger of Allāh ﷺ never ate on a table, nor on small plates, nor did he eat thin bread.” He (Yūnus) said: “I asked Qatādah: ‘So what did he eat on?’ He said: ‘On these leather dining sheets.’” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb*. Muḥammad bin Bash-shār said: “This Yūnus is Yūnus Al-Iskāf.” And ‘Abdul-Wārith bin Sa‘eed reported similarly from Sa‘eed bin Abī ‘Arūbah, from Qatādah, from Anas [from the Prophet ﷺ].

تخریج: وأخرجہ البخاری، الأطعمة، باب الخبز المرقق والأكل على الخوان والسفرة، ح: ٥٣٨٦ من حديث معاذ بن هشام به.

Comments:

The Messenger of Allāh ﷺ generally sat on a leather sheet (instead of a dining table) and ate simple, single-course food. He ate bread made from coarse, unsieved flour. He disliked eating multi-course lavish food arrayed on expensive dining tables as the rich do.

(المعجم ٢٣) - أبواب الأطعمة

عن رسول الله ﷺ (التحفة ٢٠)

(المعجم ١) - باب ما جاء على ما
كان يأكل النبي ﷺ (التحفة ١)

١٧٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
مُعاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ يُونُسَ، عَنْ
قَتَادَةَ، عَنْ أَنَسٍ قَالَ: مَا أَكَلَ رَسُولُ اللَّهِ ﷺ
عَلَى خِوَانٍ وَلَا فِي شُكْرُجَةٍ وَلَا خُبْزَ لَهُ
مُرْقَقٌ: قَالَ: فَقُلْتُ لِقَتَادَةَ: فَعَلَى مَا كَانُوا
يَأْكُلُونَ؟ قَالَ: عَلَى هَذِهِ السُّفَرِ.

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ
غَرِيبٌ. قَالَ مُحَمَّدُ بْنُ بَشَّارٍ: يُونُسُ هَذَا هُوَ
يُونُسُ الْإِشْكَافُ. وَقَدْ رَوَى عَبْدُ الْوَارِثِ بْنُ
سَعِيدٍ عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ،
عَنْ أَنَسٍ [عَنِ النَّبِيِّ ﷺ] نَحْوُهُ.

ح: ٥٣٨٦ من حديث معاذ بن هشام به.

Chapter 2. What Had Been Related About Eating Rabbit

1789. Hishām bin Zaid said: "I heard Anas saying: 'Once we provoked a rabbit at Marr Az-Zahrān. So the Companions of the Messenger of Allāh ﷺ rushed after it, and I caught up to it and captured it. I brought it to Abū Talhah who slaughtered it with *Marwah*.^[1] He sent me with its legs – or its thighs – to the Prophet ﷺ so he could eat it.'" He (Hishām) said: "I said: 'He ate it?' He said: 'He accepted it.'" (*Sahīh*)

[Abū ‘Eisā said:] There are narrations on this topic from Jābir, ‘Ammār, Muḥammad bin Ṣafwān, and they say: Muḥammad bin Ṣaifi.

This *Hadīth* is *Hasan Sahīh*. This is acted upon according to the people of knowledge. They saw no harm in eating rabbit. Some of the people of knowledge disliked eating rabbit, they said that it menstruates.

تخریج: متفق عليه، وأخرجه البخاري، الذبائح والصيد، باب: في ما جاء في الصيد، ح: ٥٤٨٩ ومسلم، ح: ١٩٥٣ من حديث شعبة به وهو في مستند أبي داود الطیالسي، ح: ٢٠٦٦، وفي الباب عن جابر [تقدم: ١٤٧٢] وعمار ومحمد بن صفوان [أبو داود، ح: ٢٨٢٢ وابن ماجه، ح: ٣٢٤٤].

Comments:

The majority of scholars including the Four *A’imma* consider eating the rabbit lawful, since its permissibility is proved from authentic *Aḥādīth*. Its proneness to menstruation is no bar to its permissibility. It is reported that Abdullāh bin Amr bin Al-Āṣ, Ikrimah, and Muḥammad bin Abi Lailā ﷺ considered it as a disliked food (*Tuhfat Al-Ahwadhi*, v.3, p.73 & *Sahīh Muslim* of Nawawī, v.2, p.152).

^[1] A piece of granite or flint, used for cutting like a knife.

(المعجم ٢) - بَابُ مَا جَاءَ فِي أَكْلِ
الأَرْبَبِ (التحفة ٢)

١٧٨٩ - حَدَّثَنَا مَحْمُودُ بْنُ عَلَيَّانَ: حَدَّثَنَا
أَبُو دَاوُدَ: أَخْبَرَنَا شُعْبَةُ عَنْ هِشَامِ بْنِ زَيْدٍ
قَالَ: سَيَغُثُّ أَنَسًا يَقُولُ: أَنْفَجْنَا أَرْبَبًا يَمْرُّ
الظَّهَرَانِ فَسَعَى أَصْحَابُ رَسُولِ اللَّهِ ﷺ
خَلْفَهَا، فَادْرَكْتُهَا فَأَخْذَنَاهَا، فَأَتَيْتُ بِهَا أَبَا
طَلْحَةَ فَلَبَّحَهَا يَمْرُّوَةً فَبَعْثَتْ مَعِي بِقَبْخِذَهَا أَوْ
بُورْكَهَا إِلَى النَّبِيِّ ﷺ فَأَكَلَهُ، قَالَ: قُلْتُ:
أَكَلَهُ؟ قَالَ: قَيْلَهُ.

[قال أبا عيسى] وفي الباب عن جابر
و عمّار و محمد بن صفوان و يقان محمد بن
صيفي.

[و]هذا حديث حسن صحيح، والعمل
على هذا عند أكثر أهل العلم لا يرون بأكمل
الأربب بأسا، وقد كرر بعض أهل العلم
أكمل الأربب وقالوا: إنها تذممي.

Chapter 3. (What Has Been Related) About Eating Mastigure^[1]

1790. Ibn ‘Umar narrated: “The Prophet ﷺ was asked about eating mastigure and he said: ‘I do not eat it, and I do not prohibit eating it.’” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Umar, Abū Sa‘eed, Ibn ‘Abbās, Thābit bin Wadi‘ah, Jābir, and ‘Abdur-Rahmān bin Hasanah.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

The people of knowledge have differed over eating mastigure. Some of the people of knowledge among the Companions of the Prophet ﷺ and others permitted it, while others considered it disliked. It has been related that Ibn ‘Abbās said: “Mastigure was eaten on the dinning spread of the Messenger of Allāh ﷺ, and the Messenger of Allāh ﷺ only avoided it because it was distasteful to him.”

(المعجم ٣) - بَابُ [مَا جَاءَ] فِي أَكْلِ
الضَّبِّ (التحفة ٣)

١٧٩٠ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا مَالِكُ بْنُ
أَنَسٍ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ:
أَنَّ النَّبِيَّ ﷺ سُئِلَ عَنْ أَكْلِ الضَّبِّ، فَقَالَ:
لَا أَكُلُهُ وَلَا أُحَرِّمُهُ.

[قَالَ:] وَفِي الْبَابِ عَنْ عُمَرَ وَأَبِي سَعِيدٍ
وَابْنِ عَبَّاسٍ وَتَابِتَ بْنِ وَدِيعَةَ وَجَابِرَ وَعَبْدِ
الرَّحْمَنِ بْنِ حَسَنَةَ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

وَقَدْ اخْتَلَفَ أَهْلُ الْعِلْمِ فِي أَكْلِ الضَّبِّ،
فَرَّحَصَ فِيهِ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَاحِ
الَّتِي ﷺ وَغَيْرُهُمْ وَكَرِهُهُمْ بَعْضُهُمْ. وَبِرُوْجِ
عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: أَكِلَ الضَّبُّ عَلَى
مَائِدَةِ رَسُولِ اللَّهِ ﷺ، وَإِنَّمَا تَرَكَهُ رَسُولُ اللَّهِ
ﷺ تَقْدِيرًا.

تخریج: [إسناده صحيح] وأخرجه التسائي، الصيد، باب الضب: ١٩٧/٧، ح: ٤٢١٩ عن قتيبة به وهو في الموطئ: ٩٦٨/٢ (يحيى) ورواه البخاري، ح: ٥٥٣٦ ومسلم، ح: ١٩٤٣ من حديث عبد الله بن دينار به * وفي الباب عن عمر [مسلم، ح: ١٩٥٠] وأبي سعيد [مسلم، ح: ٥٠/١٩٥١] وابن عباس [البخاري، ح: ٢٥٧٥] وثبتت بن وديعة [أبو داود، ح: ٣٧٩٥] وابن ماجه، ح: ٣٢٣٨] وجابر [مسلم، ح: ١٩٤٩] وعبد الرحمن بن حسنة [أحمد: ٤/١٩٦].

Comments:

An-Nawawī said: “There is a consensus among the Muslims that the mastigure is lawful and it is not disliked, except for what has been mentioned from the followers of Abū Ḥanīfah about it being disliked, and what Al-Qādī ‘Iyād mentioned from some people that they said it is unlawful. But I do not

[1] A type of lizard (*uromastyx*) that grows up to one or two feet in length.

think this is correct from any one of them, and if it were correct, then it is rejected due to the text and the consensus that occurred before it.”.

Chapter 4. What Has Been Related About Eating Badger

1791. Ibn Abī ‘Ammār said: “I asked Jābir: ‘Is badger a kind of game animal?’ He said: ‘Yes.’” He said: “I said: ‘Should I eat it?’ He said: ‘Yes.’” He said: “Did the Messenger of Allāh ﷺ say that?” He said: ‘Yes.’” (*Sahīh*)^[1]

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

Some of the people of knowledge followed this. They did not see any harm in eating badger. This is the view of Ahmad and Ishāq. A *Hadīth* has been related from the Prophet ﷺ indicating disapproval of eating badger but its chain is not strong. Some of the people of knowledge disliked eating badger. This is the view of Ibn Al-Mubārak. Yaḥyā bin Al-Qaṭṭān said: “Jarir bin Hāzim reported this *Hadīth* from ‘Abdullāh bin ‘Ubaid bin ‘Umair, from Ibn Abī ‘Ammār, from Jābir, from ‘Umar, as his saying. And the narration of Ibn Juraij (a narrator in the chain of this *Hadīth*) is more correct. [And Ibn Abī ‘Ammār is ‘Abdur-Rahmān bin ‘Abdullāh bin Abī ‘Ammār Al-Makkī].

تخریج: [صحيح] وأخرجه النسائي، مناسك الحج، باب ما يقتله المحرم: ١٩١ / ٥، ح: ٢٨٣٩ من حديث ابن جرير به ورواه أبو داود، ح: ٣٨٠١ وابن ماجه، ح: ٣٢٣٦ من حديث

(المعجم ٤) - بَابُ مَا جَاءَ فِي أَكْلِ
الضَّبْعِ (التحفة ٤)

١٧٩١ - حَدَّثَنَا أَخْمَدُ بْنُ مَيْعَ: حَدَّثَنَا
إِشْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ
عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَيْرٍ، عَنْ ابْنِ أَبِي عَمَّارٍ،
قَالَ: قُلْتُ لِجَاهِرٍ: الضَّبْعُ صَنِدُّ هِيَ؟ قَالَ:
نَعَمْ، قَالَ: قُلْتُ: أَكْلُهَا؟ قَالَ: نَعَمْ، قَالَ:
قُلْتُ: أَفَالَهُ رَسُولُ اللَّهِ ﷺ؟ قَالَ: نَعَمْ.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

وَقَدْ ذَهَبَ بَعْضُ أَهْلِ الْعِلْمِ إِلَى هَذَا وَلَمْ
يَرَوْا بِأَكْلِ الضَّبْعِ بِأَسْأَ، وَهُوَ قَوْلُ أَخْمَدَ
وَإِشْمَاعِيلَ. وَرُوِيَ عَنِ النَّبِيِّ ﷺ حَدِيثٌ فِي
كَرَاهِيَّةِ أَكْلِ الضَّبْعِ وَلَيْسَ إِسْنَادُهُ بِالْقَوْيِ،
وَقَدْ كَرِهَ بَعْضُ أَهْلِ الْعِلْمِ أَكْلَ الضَّبْعِ، وَهُوَ
قَوْلُ ابْنِ الْمُبَارَكِ. قَالَ يَحْيَى بْنُ الْقَطَّانِ:
وَرَوَى جَرِيرُ بْنُ حَازِمٍ هَذَا الْحَدِيثَ عَنْ عَبْدِ
اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَيْرٍ، عَنْ ابْنِ أَبِي عَمَّارٍ،
عَنْ جَاهِرٍ، عَنْ عُمَرَ قَوْلَهُ. وَحَدِيثُ ابْنِ
جُرَيْجٍ أَصَحُّ. [وَابْنُ أَبِي عَمَّارٍ هُوَ
عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ أَبِي عَمَّارٍ الْمَكَّيِّ].

[1] This narration preceded, see no. 851.

عبدالله بن عبيد بن عمير، وصححه ابن خزيمة، ح: ٢٦٤٥، ٢٦٤٦ وابن حبان، ح: ٩٧٩، ١٠٦٨ . وابن الجارود، ح: ٤٣٩، ٤٣٨ والحاكم: ٢٥٢/١ وغيرهم.

Comments:

The *A'immah*: Ash-Shāfi'i, Aḥmad, Ishaq and 'Atā' consider the eating of badger lawful. Sad bin abi Waqqās and Ibn Abbās are also reported to have considered it lawful. Imām Ath-Thawrī, the People of Opinion, Mālik and Sa'eed bin Musayyab consider the eating of it disliked (*Tuhfat Al-Ahwadhi*, v.3, p.75).

1792. Khuzaīmah bin Jaz' said: "I asked the Messenger of Allāh ﷺ about eating badger. He said: 'Does anyone eat badger?' So I asked him about eating wolf. He said: 'Does anyone who has any good in him eat wolf?'" (*Daīf*)

[Abū 'Eisā said:] The chain for this *Hadīth* is not strong. We do not know of it except as a narration of Ismā'il bin Muslim from 'Abdul-Karīm Abī Umayyah. Some of the people of *Hadīth* have criticized Ismā'il and 'Abdul-Karīm Abī Umayyah. And he is 'Abdul-Karīm bin Qais, who is Ibn Abī Al-Mukhāriq. While 'Abdul-Karīm bin Mālik Al-Jazarī is trustworthy.

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الصيد، باب الضبع، ح: ٣٢٣٧ من حديث عبد الكريم به وهو ضعيف مشهور والحديث ضعفه البوصيري.

Comments:

The *Hadīth* being "weak" cannot be taken as proof of anything. As for the wolf, it being a predatory and ferocious animal it is forbidden to eat it. For more details please see *Tuhfat Al-Ahwadhi*, v.3, p.72-77.

Chapter 5. What Has Been Related About Eating Horse Meat

1793. Jābir narrated: "The

١٧٩٢ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا أَبُو مَعَاوِيَةَ عَنْ إِسْمَاعِيلَ بْنِ مُسْلِمٍ، عَنْ عَبْدِ الْكَرِيمِ [بْنِ أَبِي الْمُخَارِقِ] أَبِي أُمَيَّةَ، عَنْ جِبَانَ بْنِ جَزْءَةَ، عَنْ أَخِيهِ حُزَيْمَةَ بْنِ جَزْءَةَ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْ أَكْلِ الضَّبِيعِ قَالَ: «وَيَأْكُلُ الصَّبَّاعَ أَحَدٌ؟» وَسَأَلْتُهُ عَنْ أَكْلِ الذُّبْ卜ِ فَقَالَ: «وَيَأْكُلُ الذُّبْ卜َ أَحَدٌ فِيهِ خَيْرٌ؟». قَالَ أَبُو عَيسَى: [هَذَا حَدِيثُ لَئِنْ إِسْنَادُهُ بِالْغَوْيِ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ إِسْمَاعِيلَ بْنِ مُسْلِمٍ عَنْ عَبْدِ الْكَرِيمِ أَبِي أُمَيَّةَ، وَقَدْ تَكَلَّمَ بِهِنْضُ� أَهْلُ الْحَدِيثِ فِي إِسْمَاعِيلَ وَعَبْدِ الْكَرِيمِ أَبِي أُمَيَّةَ وَهُوَ عَبْدُ الْكَرِيمِ بْنُ قَيْسٍ هُوَ ابْنُ أَبِي الْمُخَارِقِ، وَعَبْدُ الْكَرِيمِ بْنُ أَبْنِ مَالِكٍ الْجَزَرِيِّ يَنْهَا.

(المعجم ٥) - بَابُ مَا جَاءَ فِي أَكْلِ لُحُومِ الْخَيْلِ (التحفة ٥)

١٧٩٣ - حَدَّثَنَا قُتَيْبَةُ وَنَصْرُ بْنُ عَلَيْ

Messenger of Allāh ﷺ allowed us to eat horse meat, and he forbade us from eating donkey meat.” (*Sahīh*)

[He said:] There is something on this topic from Asmā’ bint Abī Bakr. Abū ‘Eisā said: This *Hadīth* is *Hasan Sahīh*. This is how it was reported by more than one narrator; from ‘Amr bin Dīnār from Jābir. Ḥammād bin Zaid reported it from ‘Amr bin Dīnār from Muḥammad bin ‘Alī, from Jābir. The narration of Ibn ‘Uyainah (no. 1793) is more correct. He said: I heard Muḥammad saying: “Sufyān bin ‘Uyainah is better at memorizing than Ḥammād bin Zaid.”

تَخْرِيج: [صحيح] وأخرجه السائي، الصيد، باب الإذن في أكل لحوم الخيل: ٢٠١/٧، ح: ٤٣٣٣ عن قبية به سفيان هو ابن عبيدة * حديث حماد بن زيد: أخرجه البخاري، ح: ٤٢١٩؛ وغيره، ومسلم، ح: ٣٦/١٩٤١ به * وفي الباب عن أسماء بنت أبي بكر [البخاري، ح: ٥٥١١] ومسلم، ح: ١٩٤٢.

Comments:

The vast majority of scholars — past and present — allow the eating of horse meat. The same is the opinion of the two *Imām*, Abū Yūsuf and Muḥammad. Ibrāhim An-Nakha‘ī and Ḥammād bin Abī Sulaimān also hold the same opinion. Imām Abū Ḥanifah and Mālik consider it disliked. Not only this, Imām Abū Ḥanifah considers it a sin to eat it.

Chapter 6. What Has Been Related About The Meat Of Domesticated Donkey

1794. ‘Abdullāh and Al-Ḥasan, the sons of Muḥammad bin ‘Alī, narrated from their father, that ‘Alī said: “During the time of Khaibar, the Messenger of Allāh ﷺ prohibited *Mut’ah* with women and eating the meat of domesticated donkeys.” (*Sahīh*)

فَالَا : حَدَّثَنَا سُفِيَّاً عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ جَابِرٍ قَالَ: أَطْعَمْنَا رَسُولَ اللَّهِ ﷺ لَحْوَمَ الْخَيْلِ وَنَهَيْنَا عَنْ لَحْوِيْمِ الْحُمْرِ .
[قال:] وفي الباب عن أسماء بنت أبي بكر .

قَالَ أَبُو عِيسَى : [وَهُدَا حَدِيثُ حَسَنٍ صَحِيحٍ . وَهُكَذَا رَوَى غَيْرُ وَاحِدٍ عَنْ عَمْرُو ابْنِ دِينَارٍ، عَنْ جَابِرٍ . وَرَوَاهُ حَمَادُ بْنُ زَيْدٍ عَنْ عَمْرُو بْنِ دِينَارٍ، عَنْ مُحَمَّدٍ بْنِ عَلَيٍّ، عَنْ جَابِرٍ، وَرَوَاهُ ابْنُ عَيْنَةَ أَصْحَ . وَسَوْغَتْ مُحَمَّداً يَقُولُ: سُفِيَّاً بْنُ عَيْنَةَ أَحْفَظُ مِنْ حَمَادٍ بْنَ زَيْدٍ .

تَخْرِيج: [صحيح] وأخرجه السائي، الصيد، باب الإذن في أكل لحوم الخيل: ٢٠١/٧، ح: ٤٣٣٣ عن قبية به سفيان هو ابن عبيدة * حديث حماد بن زيد: أخرجه البخاري، ح: ٤٢١٩؛ وغيره، ومسلم، ح: ٣٦/١٩٤١ به * وفي الباب عن أسماء بنت أبي بكر [البخاري، ح: ٥٥١١] ومسلم، ح: ١٩٤٢.

(المعجم ٦) - بَابُ مَا جَاءَ فِي لَحْوِيْمِ الْحُمْرِ الْأَهْلَيَّةِ (التحفة ٦)

١٧٩٤ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقِيُّ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ، عَنْ مَالِكِ بْنِ أَسِّيِّ، عَنْ الزُّهْرِيِّ، ح: وَحَدَّثَنَا ابْنُ أَبِي عَمْرٍ: حَدَّثَنَا سُفِيَّاً بْنُ عَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ

(Another chain) And ‘Abdullāh bin Muḥammad’s *Kunya* is Abū Hāshim. Az-Zuhri said: “Al-Hasan bin Muḥammad was the more acceptable of the two.” And he mentioned similarly. Others besides Sa‘eed bin ‘Abdur-Rahmān narrated from Ibn ‘Uyainah: “And ‘Abdullāh bin Muḥammad was the more acceptable of the two.”

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

وَالْحَسَنُ ابْنُ مُحَمَّدٍ بْنُ عَلَيِّ، عَنْ أَبِيهِمَا،
عَنْ عَلَيِّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ مُتَعَةِ
النِّسَاءِ زَمَانَ خَيْرٍ، وَعَنْ لُحُومِ الْحُمُرِ
الْأَهْلِيَّةِ.

حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ الْمَخْزُومِيُّ:
حَدَّثَنَا سُقِيَانُ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ
وَالْحَسَنِ هُمَا ابْنَا مُحَمَّدٍ ابْنِ الْحَنْفِيَّةِ، وَعَبْدُ
اللَّهِ بْنُ مُحَمَّدٍ يُكَنِّي أَبَا هَاشِمَ قَالَ الزُّهْرِيُّ:
وَكَانَ أَرْضَاهُمَا الْحَسَنُ بْنُ مُحَمَّدٍ فَذَكَرَ نَحْوَهُ.
وَقَالَ غَيْرُ سَعِيدٍ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِينِ
عَيْنَيْهِ: وَكَانَ أَرْضَاهُمَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ.
[قَالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ]

صَحِيحٌ.]

تخریج: متفق عليه، أخرجه البخاري، المغازی، باب غزوة خیر، ح: ۴۲۱۶ مسلم، ح: ۱۱۲۱ من حديث مالک به وحديث محمد بن أبي عمر تقدم: ۱۴۰۷/۲۹.

Comments:

There is now near unanimity among the People of *Sunnah* on the prohibition of (i) *Mut’ah* and (ii) the meat of the domesticated donkeys.

Note: The word *Mut’ah* (generally translated as temporary marriage) is an Arabic word meaning “usufruct” or “enjoyment”. It is a kind of marriage still legal among the *Shi’ah*!! To *Shi’ah*, it rather has a deeper religious connotation. *Shi’ah* scholars have defined *Mut’ah* as “a temporary marriage contracted for a fixed period in return for a compensation (to the woman)”. It is also sometimes translated as a “marriage of pleasure”.

1795. Abū Hurairah narrated: “On the Day of *Khaibar*, the Messenger of Allāh ﷺ prohibited every predator possessing canines, and the *Mujath-thamah*^[1] and the domestic donkey.” (*Hasan*)

He said: There are narrations on

١٧٩٥ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا حُسَيْنُ
ابْنُ عَلَيِّ [الْجُعْفُوئِيُّ] عَنْ زَائِدَةَ، عَنْ مُحَمَّدِ
ابْنِ عَمِّرو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ:
أَنَّ رَسُولَ اللَّهِ ﷺ حَرَمَ يَوْمَ خَيْرٍ، كُلَّ ذِي
نَابِ مِنَ السَّبَاعِ وَالْمُجَنَّمَةِ وَالْجِمَارِ الْأَنْسِيَّ.

[1] An animal that is tied and then shot at.

this topic from 'Alī, Jābir, Al-Barā', Ibn Abī Awfā, Anas, Al-'Irbād bin Sāriyah, Abū Tha'labah, Ibn 'Umar, and Abū Sa'eed.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

'Abdul-'Aziz bin Muḥammad and others reported this *Hadīth* from Muḥammad bin 'Amr, and they only mentioned one phrase: "The Messenger of Allāh ﷺ prohibited every predator possessing canines."

قال: وفي الباب عن علیٰ وجابر والبراء
وابن أبي أوفی وأنسی والعرباض بن ساریة
وأبی ثعلبة وابن عمر وأبی سعید.

[قال أبو عیسیٰ:] هذَا حَدِیث حَسْنٌ
صَحِیحٌ.

ورَوَى عَبْدُ الْعَزِيزَ بْنُ مُحَمَّدٍ وَعَيْرَةً عَنْ
مُحَمَّدٍ بْنِ عَمْرٍو هَذَا الْحَدِیثُ وَإِنَّمَا ذَكَرُوا
هَرْفًا وَاحْدَانًا: نَهَى رَسُولُ الله ﷺ عَنْ كُلِّ
ذِي نَابِ مِنَ السَّبَاعِ.

تخریج: [إسناده حسن] تقدم: ١٤٧٩ * وفي الباب عن علیٰ، [تقديم: ١٧٩٤] وعبدالله بن احمد في زوائد المستند: ١٤٧٣] والبراء [البخاري، ح: ٤٢٢٦] وجابر [تقديم: ١٧٩٣] وأبی أوفی [البخاري، ح: ٢٩٩١] وأنس [البخاري، ح: ١٩٤٧] ومسلم، ح: ٣١٥٥] والعرباض بن ساریة [تقديم: ١٤٧٤] وأبی ثعلبة [البخاري، ح: ٥٥٢٧] ومسلم، ح: ١٩٣٦] وابن عمر [البخاري، ح: ٥٥٢١] ومسلم، ح: ٢٤/٥٦١ بعد، ح: ٩٨/٣].

Comments:

Eating the meat of all the three types of animals has been prohibited here.

Chapter 7. What Has Been Related About Eating From Utensils Of The Disbelievers

1796. Abū Tha'labah Al-Khushānī narrated: "The Messenger of Allāh ﷺ was asked about the pots of the Zorastrians. He said: 'Clean them by washing them, and then cook in them.' And he prohibited every predator possessing canines."^[1] (*Sahīh*)

This is a well known *Hadīth* of Abū Tha'labah, and it has been reported from him through routes other than this. And Abū Tha'labah's name is Jurthūm, and they say: Jurhum, and

(المعجم ٧) - بَابُ مَا جَاءَ فِي الْأَكْلِ
في آئِيَةِ الْكُفَّارِ (التحفة ٧)

١٧٩٦ - حَدَّثَنَا زَيْدُ بْنُ أَخْرَمَ الطَّائِيُّ:
حَدَّثَنَا سُلْمَانُ بْنُ فُؤَيْهَ: حَدَّثَنَا شُعْبَةُ عَنْ
أَيُوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي ثَعْلَبَةَ قَالَ:
سُئِلَ رَسُولُ الله ﷺ عَنْ قُدُورِ الْمَجُوسِ
فَقَالَ: «أَنْتُهُمَا غَسْلًا وَاطْبُحُو فِيهَا» وَنَهَى
عَنْ كُلِّ سَبْعِ ذِي نَابِ.

[قال أبو عیسیٰ:] هذَا حَدِیث مشهورٌ مِنْ
حدیث أبی ثعلبة، وَرَوَیَ عَنْهُ مِنْ غَیرِ هذَا

^[1] This *Hadīth* preceded under no. 1560.

they say: Nāshib. This *Hadīth* has also been mentioned by Abū Qilabah from Abū Asmā' Ar-Rahbī, from Abū Tha'labah.

Comments:

As far as possible we should avoid using the utensils used by the disbelievers, especially those in which they drink or cook prohibited articles of food and drink. If, however, we have no option but to use their utensils, we should thoroughly clean those particular pieces that they use for drinking or cooking prohibited items.

1797. Abū Tha'labah Al-Khushanī narrated that he said: "O Messenger of Allāh! We live in a land of the People of the Book and we cook in their containers, and drink from their vessels." The Messenger of Allāh ﷺ said: "If you do not find other than them, then rinse them with water."

Then he said: "O Messenger of Allāh! We live in a land of game, so what should we do?" He said: "When you send your trained dog, and you mentioned the Name of Allāh, and he kills it, then eat it. And when you shoot it with your bow, and you mentioned the Name of Allāh, and it is killed, then eat it." (Sahīh)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

الوجه. وأبُو ثَلَاثَةَ اسْمُهُ جُرْثُومٌ وَيَقَالُ: جُرْثُمٌ وَيَقَالُ: نَاشِبٌ. وَقَدْ ذُكِرَ هَذَا الْحَدِيثُ عَنْ أَبِي قَلَابَةَ، عَنْ أَبِي أَسْمَاءَ الرَّحَمِيِّ، عَنْ أَبِي ثَغْلَةَ.
تَخْرِيج: [صَحِيحٌ] تَقْدِيم: ١٥٦٠.

١٧٩٧ - حَدَّثَنَا عَلَيُّ بْنُ عَيْسَى بْنُ يَزِيدَ الْبَعْدَادِيُّ: حَدَّثَنَا عَبْيَضُ اللَّهِ بْنُ مُحَمَّدٍ الْعَيْشَيُّ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ أَئْبُوبَ وَقَنَادَةَ، عَنْ أَبِي ثَغْلَةَ، عَنْ أَبِي أَسْمَاءَ الرَّحَمِيِّ، عَنْ أَبِي ثَغْلَةَ الْحَسَنِيِّ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ! إِنَّا يَأْرُضُ أَهْلَ الْكِتَابِ فَنَسْطِبُ فِي قُدُورِهِمْ وَنَسْرِبُ فِي آتِيهِمْ؟ فَقَالَ رَسُولُ اللَّهِ عَلَيْهِ السَّلَامُ: إِنْ لَمْ تَجِدُوا عِيرَهَا فارْحَضُوهَا بِالْمَاءِ، ثُمَّ قَالَ: يَا رَسُولَ اللَّهِ! إِنَّا يَأْرُضُ صَنِيدَ فَكِيفَ تَضَعُنَّ؟ قَالَ: «إِذَا أَرْسَلْتَ كَلْبَكَ الْمُكَلَّبَ وَذَكَرْتَ اسْمَ اللَّهِ فَقَتَلَ فَكُلْ، وَإِنْ كَانَ عَيْرُ مُكَلَّبٍ فَذَكَرْتَ اسْمَ اللَّهِ فَقَتَلَ فَكُلْ».
[قَالَ أَبُو عَيْسَى:] هَذَا حَدِيثُ حَسَنٌ صَحِيحٌ.

تَخْرِيج: [إِسْنَادٌ صَحِيحٌ] وَانْظُرُ الْحَدِيثَ السَّابِقَ، وَرَوَاهُ أَحْمَدُ: ١٩٥ / ٤ مِنْ حَدِيثِ حَمَادَ بْنِ سَلَمَةَ بْنِهِ وَأَصْلَهُ عَنْ الْبَخَارِيِّ، ح: ٥٤٩٦.

Chapter 8. What Has Been Related About The Mouse That Dies In Cooking Fat

1798. Ibn ‘Abbās narrated from Maimūnah that a mouse fell in some cooking fat and died. So the Prophet ﷺ was asked about that and he said: “Remove it (the mouse) and what was around it and then eat it (the fat).” (*Sahīh*)

[He said:] There is something on this topic from Abū Hurairah.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This *Hadīth* has been related from Az-Zuhrī, from ‘Ubaidullāh, from Ibn ‘Abbās, saying: “The Prophet ﷺ was asked” and they did not mention Maimūnah in it. The narration of Ibn ‘Abbās from Maimūnah is more correct. Ma’mar reported similar from Az-Zuhrī, from Sa’eed bin Al-Musayyab, from Abū Hurairah, from the Prophet ﷺ. But this *Hadīth* is not preserved. [He said:] I heard Muhammad bin Ismā’il saying: “The *Hadīth* of Ma’mar from Az-Zuhrī, from Sa’eed bin Al-Musayyab, from Abū Hurairah, from the Prophet ﷺ” – [and he mentioned in it: ‘That he was asked about it, so he said: “When it (the cooking fat) is solid then remove it (the mouse) and what was around it. And when it is liquid then do not use it.”’] This is a mistake. [Ma’mar made a mistake with it. And he said:] What is correct is the narration of Az-Zuhri from ‘Ubaidullāh, from Ibn ‘Abbās, from Maimūnah.”

(المعجم ٨) - بَابُ مَا جَاءَ فِي الْفَارَةِ
تَمُوتُ فِي السَّمْنِ (التحفة ٨)

١٧٩٨ - حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ
الْمَخْزُومِيُّ وَأَبُو عَمَّارٍ قَالَا: حَدَّثَنَا سُعْيَانُ
عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ،
عَنْ مَيْمُونَةَ أَنَّ فَارَةً وَقَعَتْ فِي سَمْنٍ فَمَاتَتْ،
فَسُئِلَ عَنْهَا النَّبِيُّ ﷺ فَقَالَ: «أَلْقُوهَا وَمَا
حَوْلَهَا فَكُلُّهُ». .

[قال:] وفي الباب عن أبي هريرة. [قال]
أبو عيسى: [هذا حديث حسن صحيح. وقد
روي هذا الحديث عن الزهربي، عن عبد
الله، عن ابن عباس: أن النبي ﷺ سئل ولم
يذكروا فيه عن ميمونة. وحديث ابن عباس
عن ميمونة أصح. وروى معمر عن الزهربي،
عن سعيد بن المسيب، عن أبي هريرة عن
النبي ﷺ نحوه. وهذا حديث غير مخطوط،
[قال:] وسمعت محمد بن إسماعيل يقول:
حديث معمر عن الزهربي، عن سعيد بن
المسيب، عن أبي هريرة عن النبي ﷺ
[وذكر فيه: آلة سائل عنه، فقال: «إذا كان
جامداً فالقوها وما حولها وإن كان مائعاً فلا
تربوه». هذا خطأ [أخطأ فيه معمر]. قال:
والصحيح حديث الزهربي عن عبد الله، عن
ابن عباس، عن ميمونة.]

Comments:

If the fat (or oil) is solid, then you can determine what is around the dead mouse. Therefore, the entire fat shall not be made impure. If, on the contrary, the cooking fat is in liquid form, there is no determining what particular part is around it, and the mouse might have floated all around. As such the entire fat shall become impure.

تخریج: وأخرجه البخاري، الذبائح والصید، باب: إذا وقعت الفارة في السمن الجامد أو الذائب، ح: ٥٥٣٨ من حديث سفیان بن عینة به * وفي الباب عن أبي هریرة [أبو داود] ح: ٣٨٤٢ وعلقه البخاري، ح: ٥٥٣٨] * حديث عمر: ذکرہ البخاري، ح: ٥٥٣٨ تحت حديث سفیان بن عینة، رداً على عمر.

Chapter 9. What Has Been Related About The Prohibition Of Eating And Drinking With The Left Hand

1799. ‘Abdullāh bin ‘Umar narrated that the Prophet ﷺ said: “Let none of you eat with his left hand nor drink with his left hand, for indeed *Ash-Shaiṭān* eats with his left hand and drinks with his left hand.” (*Sahīh*)

[He said:] There are narrations on this topic from Jābir, ‘Umar bin Abī Salamah, Salamah bin Al-Akwa’, Anas bin Mālik, and Hafṣah.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This is how Mālik and Ibn ‘Uyainah reported it from Az-Zuhri, from Abū Bakr bin ‘Ubaidullāh, from Ibn ‘Umar. Ma’mar and ‘Uqail reported it from Az-Zuhri, from Sālim, from Ibn ‘Umar. And the narration of Mālik and Ibn ‘Uyainah is more correct.

(المعجم ٩ - باب مَا جَاءَ فِي النَّهْيِ
عنِ الْأَكْلِ وَالشُّرْبِ بِالشَّمَالِ (النَّصْفَ ٩)

١٧٩٩ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ:
أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ نُعْمَانَ: حَدَّثَنَا عَيْنَدُ اللَّهِ بْنُ
عُمَرَ عَنِ ابْنِ شَهَابٍ، عَنْ أَبِي بَكْرِ بْنِ عَيْنَدِ
اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، عَنْ عَبْدِ اللَّهِ بْنِ
عُمَرَ: أَنَّ النَّيَّارَ قَالَ: «لَا يَأْكُلُ أَحَدُكُمْ
بِشَمَالِهِ وَلَا يَشْرَبُ بِشَمَالِهِ فَإِنَّ الشَّيْطَانَ يَأْكُلُ
بِشَمَالِهِ وَيَشْرَبُ بِشَمَالِهِ».»

[قال:] وفي الباب عن جابر وعمر بن أبي سلمة وسلمة بن الأكوع وأنس بن مالك وحفصة.

[قال أبو عيسى:] هذا حديث حسن صحيح. وهكذا روى مالك وابن عينة عن الزهرى، عن أبي بكر بن عيند الله، عن ابن عمر. وروى معمراً وعقيلًّا عن الزهرى، عن سالم، عن ابن عمر. ورواية مالك وابن عينة أصح.

تخریج: وأخرجه مسلم، الأشربة، باب آداب الطعام والشراب وأحكامهما، ح: ٢٠٢٠ من حديث ابن نمير به * وفي الباب عن جابر [مسلم، ح: ٢٠١٩] وعمر بن أبي سلمة [البخاري، ح: ٥٣٧٦] ومسلم، ح: ٢٠٢٢] وسلمة بن الأكوع [مسلم، ح: ٢٠٢١] وأنس بن مالك [أحمد: ٣: ٢٥٤، وابن أبي شيبة: ٨/١٠٤] وحفصة [أبو داود، ح: ٣٢].

Comments:

The *Hadīth* proves that it does not behove a believer to eat or drink with his left hand without an imperative need or justification. It is the *Shaitān* and his disciples that eat and drink with the left. Muslims must not emulate their model. The *Hadīth* obviously prohibits the use of left hand for eating and drinking (*Tuhfat Al-Ahwadhi*, v.3, p.81).

1800. [Az-Zuhrī narrated from Sālim, from his father, that the Messenger of Allāh ﷺ said: "When one of you eats, then let him eat with his right hand, and let him drink with his right hand, for indeed *Ash-Shaiṭān* eats with his left hand, and he drinks with his left hand."] (*Sahīh*)

١٨٠٠ - [حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ قَالَ: حَدَّثَنَا جَعْفُرُ بْنُ عَوْنَى عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ مَعْمَرٍ، عَنْ الرُّهْبَانِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: إِذَا أَكَلَ أَحَدُكُمْ فَلْيَأْكُلْ يَسْمِينَهُ وَلْيَشْرَبْ يَسْمِينَهُ فَإِنَّ الشَّيْطَانَ يَأْكُلْ بِشَمَالِهِ وَيَشْرَبْ بِشَمَالِهِ].
تخریج: [صحيح] وانظر الحديث السابق.

Chapter 10. What Has Been Related About Licking The Fingers (After The Meal)

1801. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "When one of you eats, then let him lick his fingers, for indeed he does not know in which of them is the blessing." (*Sahīh*)

[He said:] There are narrations on this topic from Jābir, Ka'b bin Mālik, and Anas.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharīb*, we do not know of it except from this route, as a narration of Suhail. [I asked Muḥammad about this *Hadīth*, so he

(المعجم ١٠) - بَابُ مَا جَاءَ فِي لَعْنِ الْأَصَابِعِ [بعد الأكمل] (التحفة ١٠)

١٨٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي الشَّوَّارِبِ: حَدَّثَنَا عَبْدُ العَزِيزِ بْنُ الْمُخْتَارِ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا أَكَلَ أَحَدُكُمْ فَلْيَلْعَنْ أَصَابِعَهُ فَإِنَّهُ لَا يَدْرِي فِي أَيْتَهُنَّ الْبَرَكَةُ].

[قال:] وفي الباب عن جابر وكعب بن مالك وأنس.

[قال أبو عيسى:] هذا حديث حسن غريب لا تعرفه إلا من هذا الوجه من حديث

said: "This is among the diverse^[1] narrations of 'Abdul-'Azīz, we do not know of it except from his narration."

سَهْلٌ. [وَسَأَلْتُ مُحَمَّداً عَنْ هَذَا الْحَدِيثِ فَقَالَ: هَذَا حَدِيثُ عَبْدِ الْعَزِيزِ مِنَ الْمُخْتَفَيِّ لَا يُعْرَفُ إِلَّا مِنْ حَدِيثِهِ].

تخریج: وأخرجه مسلم، الأشربة، باب استحباب لعن الأصابع والقصعة ... [إلخ، ح: ٢٠٣٥ من حديث سهيل به * وفي الباب عن جابر [مسلم، ح: ٢٠٣٣ و يأتي: ١٨٠٢] و كعب بن مالك [الترمذی في الشماائل، ح: ١٤٠ و أنس [يأتي: ١٨٠٣].

Comments:

Food is a blessing from Allāh. As such, each part of it must be accorded due respect and value, since we do not know in which part of our food is Allāh's blessing. Therefore, whatever part of food remains stuck on the fingers or in the container must be consumed as a prized gift from Allāh. This will, on the one hand, be the demonstration of our gratitude for the provision bestowed by Allāh, and on the other, recognition of our own poverty and need before Allāh (*Tuhfat Al-Ahwadhi*, v.3, p.81).

Chapter 11. What Has Been Related About The Fallen Morsel

1802. Jābir narrated that the Prophet ﷺ said: "When one of you eats food, and he drops a piece of it, then let him remove anything suspicious from it and eat it. Do not leave it for *Ash-Shaitān*." (*Sahīh*)

[He said:] There is something about this from Anas.

(المعجم (١١) - بَابُ مَا جَاءَ فِي الْلُّقْمَةِ تَسْقُطُ (التحفة (١١)

١٨٠٢ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا ابْنُ لَهِيَةَ عَنْ أَبِي الزَّبِيرِ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ قَالَ: «إِذَا أَكَلَ أَحَدُكُمْ طَعَاماً فَسَقَطَتْ لُقْمَةٌ فَلْيُؤْتِ مَا رَأَبَهُ مِنْهَا ثُمَّ لِيُطْعَمُهَا وَلَا يَذْعَهَا لِلشَّيْطَانِ».

[قال:] وفي الباب عن أنس.

تخریج: وأخرجه مسلم، أيضًا، ح: ٢٠٣٣ من حديث أبي الزبير به * وفي الباب عن أنس [يأتي: ١٨٠٣].

1803. Anas narrated: "When the Prophet ﷺ ate, he would lick his

١٨٠٣ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَّالُ:

[1] The meaning here is not clear, if it is correct. Some earlier publications - like *'Āridat Al-Ahwadhi* contain this addition, while others - like *Tuhfat Al-Ahwadhi* - do not. If it is correct, then "*Al-Mukhtalaf*" could mean "contradicted" but the statement after that indicates otherwise. In *Al-'Ilal Al-Kabīr*, the author quotes it as follows from *Al-Bukhārī*: "This *Hadīth* of 'Abdul-'Azīz bin Al-Mukhtār, we do not know of it except from his narration." So it appears this is what is correct and Allāh knows best.

three fingers, and he said: 'If one of you drops a piece (of food) then let him remove any harm (dirt) from it and eat it, and do not leave it for *Ash-Shaitān*.' And he would order us to finish (clean) the dish. And he said: 'Indeed you do not know in which part of your food is the blessing.' (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Gharīb Sahīh*.

حَدَّثَنَا عَفَّانُ بْنُ مُسْلِمٍ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ: حَدَّثَنَا ثَابِتُ عَنْ أَنَسِيهِ: أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا أَكَلَ طَعَامًا لَعَقَ أَصَابِعَهُ الْثَّلَاثَ وَقَالَ: «إِذَا مَا وَقَعَتْ لُقْمَةٌ أَحِدُكُمْ فَلْيَطْعَمْ عَنْهَا الْأَذْى وَلْيَأْكُلْهَا وَلَا يَرْكُعْهَا لِلشَّيْطَانِ» وَأَمَرَنَا أَنْ نَشْتُلَ الصَّحْفَةَ، وَقَالَ: «إِنَّكُمْ لَا تَدْرُونَ فِي أَيِّ طَعَامٍ كُمُّ الْبَرَكَةِ».

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ صَحِيحٌ.]

تَخْرِيج: وأخرجه مسلم، أيضاً، ح: ٢٠٣٤ من حديث حماد بن سلمة به.

Comments:

If a piece of food drops from the hand, we must not leave it like an arrogant individual, but pick it up, clean it and eat it like a needy and respectful servant of the Supreme Master and Provider.

1804. Al-Mu‘allā bin Rāshid narrated: "My grandmother, Umm ‘Āsim narrated to me – and she was the slave woman of Sinān bin Salamah – she said: 'Nubaishah Al-Khair entered upon us while we were eating from a large bowl. He narrated to us that the Messenger of Allāh ﷺ said: "Whoever eats from a *Qas’ah*,^[1] then licks it, the *Qas’ah* will seek forgiveness for him." (*Da’if*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Gharīb*, we do not know of it except through the narration of Al-Mu‘allā bin Rāshid. And Yazid bin Hārūn and others among the *A’immah* reported this *Hadīth* from Al-Mu‘allā bin Rāshid.

١٨٠٤ - حَدَّثَنَا نَصْرُ بْنُ عَلَيِّ الْجَهْضَمِيُّ: حَدَّثَنَا الْمُعَلَّى بْنُ رَاشِدٍ قَالَ: حَدَّثَنِي جَدِّي أُمُّ عَاصِمٍ، - وَكَانَتْ أُمُّ وَلَدِ لِسَانَ بْنَ سَلَمَةَ - قَالَتْ: دَخَلَ عَلَيْنَا نُبِيَّشَةُ الْحَيْرُ وَتَحْنُ نَأْكُلُ فِي قَصْعَةٍ فَحَدَّثَنَا أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ أَكَلَ فِي قَصْعَةٍ ثُمَّ لَحَسَهَا اسْتَغْفَرَتْ لَهُ الْقَصْعَةُ».

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ الْمُعَلَّى بْنِ رَاشِدٍ. وَقَدْ رَوَى تَرِيدُ بْنُ هَارُونَ وَغَيْرُ وَاحِدٍ مِنَ الْأَئِمَّةِ عَنِ الْمُعَلَّى بْنِ رَاشِدٍ هَذَا الْحَدِيثُ.]

[1] A type of large bowl.

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الأطعمة، باب تنقية الصحفة، ح: ٣٢٧١ من حديث أبي الیمان به * أَمْ عَاصِمٌ، لَمْ أَجِدْ لَهَا تُوْثِيقًا وَبِاقِي السند حسن.

Comments:

Eating all of the food - without waste - is indicative of the persons modesty and his respect and gratitude for the provisions and blessings of Allāh. On the other hand, it reflects his good sense in guarding Allāhs' gift against waste and neglect.

Chapter 12. What Has Been Related About It Being Disliked To Eat From The Middle Of The Food

1805. Ibn ‘Abbās narrated that the Prophet ﷺ said: “Indeed the blessing descends to the middle of the food, so eat from its edges, and do not eat from its middle.”
(*Hasan*)

[Abū ‘Eīsā said:] This *Hadīth* is *Hasan Shāhīh*. It is only known through the narration of ‘Atā’ bin As-Sā’ib. *Shu’bah* and *Ath-Thawrī* reported from ‘Atā’ bin As-Sā’ib.

There is something about this topic from Ibn ‘Umar.

(المعجم ١٢) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ الْأَكْلِ مِنْ وَسْطِ الطَّعَامِ (الصفحة ١٢)

١٨٠٥ - حَدَّثَنَا أَبُو رَجَاءُ: حَدَّثَنَا جَرِيرٌ عَنْ عَطَاءٍ، عَنْ السَّائِبِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ أَبْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ قَالَ: إِنَّ الْبَرَّةَ تَنْتَلُ وَسْطَ الطَّعَامِ فَكُلُوا مِنْ حَافِتِيهِ وَلَا تَأْكُلُوا مِنْ وَسْطِهِ.

[قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِحٍ، إِنَّمَا يُعْرَفُ مِنْ حَدِيثِ عَطَاءِ بْنِ السَّائِبِ، وَقَدْ رَوَى شُعْبَةُ وَالثَّورِيُّ عَنْ عَطَاءِ أَبْنِ السَّائِبِ.

وفي الباب عن ابن عمر.

تخریج: [حسن] وأخرجه أبو داود، الأطعمة، باب الأكل من أعلى الصحفة، ح: ٣٧٧٢ وابن ماجه، ح: ٣٢٧٧ من حديث عطاء بن السائب به ورواه شعبة عن عطاء به، أبو داود، ح: ٣٧٧٢ وغيره * وفي الباب عن ابن عمر [لم أجده] ورواه أحمد ٤٥١٤ / ٢ ح: ٤٥١٤ بلفظ آخر والله أعلم.

Comments:

Blessing is a phenomenon hidden to the naked eye. The Messenger of Allāh ﷺ was aware of it. It was on the basis of this knowledge that he informed the Companions that the blessing descends in the middle of the food, and then spreads to the edges. Diners must, therefore, avoid the middle and eat from the edges so that the blessing continues to descend on the middle.

Chapter 13. What Has Been Related About It Being Disliked To Eat Garlic And Onion

1806. Jābir narrated that the Messenger of Allāh ﷺ said: “Whoever eats from these – the first time he said garlic, then he said – garlic, onion, and leek, then let him not approach our *Masjid*. ” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

He said: There are narrations on this topic from ‘Umar, Abū Ayyūb, Abū Hurairah, Abū Sa‘eed, Jābir bin Samurah, Qurrah [bin Iyās Al-Muzanī] and Ibn ‘Umar.

(المعجم ١٣) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ أَكْلِ الثُّومِ وَالبَصْلِ (التحفة ١٣)

١٨٠٦ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا يَحْيَى بْنُ سَعِيدِ الْقَطَانُ عَنِ ابْنِ جُرَيْجٍ: حَدَّثَنَا عَطَاءً عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: مَنْ أَكَلَ مِنْ هَذِهِ - قَالَ: أَوَّلَ مَرَّةَ الثُّومِ، ثُمَّ قَالَ: - الثُّومِ وَالبَصْلِ وَالكُرَاثِ، فَلَا يَقْرَبُنَا فِي مَسَاجِدِنَا». [قالَ أَبُو عَيسَى: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.]

قالَ: وفي الْبَابِ عَنْ عُمَرَ وَأَبِي أَيُوبَ وَأَبِي هُرَيْرَةَ وَأَبِي سَعِيدِ وَجَابِرِ بْنِ سَمْرَةَ وَفُرْقَةَ [ابنِ إِيَاسِ الْمَزَنِيِّ] وَابنِ عُمَرَ.

تخریج: متفق عليه، أخرجه البخاري، الأذان، باب ما جاء في الثوم النيء والبصل والكراث، ح: ٨٥٤، ٨٥٥ ومسلم، المساجد، باب نهي من أكل ثوماً أو بصلأً أو كراثاً أو نحوها مما له رائحة كريهة ... إلخ، ح: ٧٤، ٧٥ / ٥٦٤ من حديث ابن جرير به * وفي الباب عن عمر [مسلم، ح: ٥٦٧] وأبي أيوب [مسلم، ح: ٢٠٥٣] وأبي هريرة [مسلم، ح: ٥٦٣] وابن ماجه، ح: ١٠١٥] وأبي سعيد [مسلم، ح: ٥٦٦] وجابر بن سمرة [يأتي: ١٨٠٧] وقرة بن أبياس المزنوي [أبو داود، ح: ٣٨٢٧] وابن عمر [البخاري، ح: ٨٥٣] ومسلم، ح: ٥٦١ وابن ماجه، ح: ١٠١٦].

Comments:

The *Hadīth* instructs us that a person should avoid entering the meeting places, especially the *Masājid*, if he has consumed items of food- even lawful food- that emits a foul odor and causes annoyance to the people.

1807. [Jābir bin Samurah narrated: “The Messenger of Allāh ﷺ was staying with Abū Ayyūb. When he ate some food, he would send what was left to him. So one day he sent him some food but the Prophet ﷺ did not eat from it. So Abū Ayyūb went to the Prophet ﷺ and

١٨٠٧ - [حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو ذَاوِدَ: أَبْنَا شُعبَةَ عَنْ سِمَاكِ بْنِ حَرْبٍ سَمِعَ جَابِرَ بْنَ سَمْرَةَ يَقُولُ: نَزَلَ رَسُولُ اللَّهِ ﷺ عَلَى أَبِي أَيُوبَ، وَكَانَ إِذَا أَكَلَ طَعَامًا بَعَثَ إِلَيْهِ بِفَضْلِهِ، فَبَعَثَ إِلَيْهِ يَوْمًا بِطَعَامٍ وَلَمْ يُأْكُلْ مِنْهُ النَّبِيُّ ﷺ فَلَمَّا آتَى أَبُو أَيُوبَ النَّبِيَّ

mentioned that to him. The Prophet ﷺ said: ‘It contained garlic.’ So he said: ‘O Messenger of Allāh! Is it unlawful?’ He said: ‘No. I dislike it because of its odor.’ (*Sahīh*)

He said: This *Hadīth* is *Hasan Sahīh*.

تخریج: وأخرجه مسلم، الأشربة، باب إباحة أكل الثوم . . . إنخ، ح: ٢٠٥٣ من حديث شعبه به.

فَدَكَرَ ذَلِكَ لَهُ، فَقَالَ النَّبِيُّ ﷺ: «فِيهِ الثُّومُ». فَقَالَ: يَا رَسُولَ اللَّهِ! أَحَرَّاًمُ هُوَ؟ قَالَ: «لَا، وَلَكِنِي أَكْرَهُهُ مِنْ أَجْلِ رِيحِهِ». قَالَ أَبُو عَبْيَسٍ: هَذَا حَدِيثٌ حَسَنٌ صَحِيفٌ [.]

تخریج: وأخرجه مسلم، الأشربة، باب إباحة أكل الثوم . . . إنخ، ح: ٢٠٥٣ من حديث شعبه به.

Comments:

There is no harm in consuming cooked garlic, onion and leek because cooking almost neutralizes their odor

Chapter 14. What Has Been Related About The Permission To Eat Cooked Garlic

1808. Sharīk bin Hanbal narrated that ‘Ali said: “Eating garlic was prohibited except when cooked.” (*Da’if*)

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الأطعمة، باب: في أكل الثوم، ح: ٣٨٢٨ عن مسند به * أبو إسحاق عنن واختلط ولا يعرف سماع الجراح منه: قبل اختلاطه أم بعده؟.

1809. Sharīk bin Hanbal narrated that ‘Ali said: “Eating garlic is no good, except when cooked.” (*Da’if*)

[Abū ‘Eisā said:] This chain for this *Hadīth* is not strong. It has been reported as a saying of ‘Ali, and it has been reported from Sharīk bin Hanbal from the Prophet ﷺ in *Mursal* form. Muḥammad said: “Al-Jarrāḥ bin Maṭrī (one of the narrators) is truthful, and Al-Jarrāḥ bin Ad-Dahhāk is *Muqārib* (average) in *Hadīth*.

(المعجم ١٤) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ فِي أَكْلِ الثُّومِ مَطْبُوْخًا (التحفة ١٤)

١٨٠٨ - حَدَّثَنَا مُحَمَّدُ بْنُ مَدْوِيَةٍ: حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا الْجَرَاجُ بْنُ مَلِيْعٍ وَالْدُّ وَكِيعٍ عَنْ أَبِي إِسْحَاقَ، عَنْ شَرِيكِ بْنِ حَبْلٍ، عَنْ عَلَيِّ أَنَّهُ قَالَ: نُهِيَ عَنْ أَكْلِ الثُّومِ إِلَّا مَطْبُوْخًا.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الأطعمة، باب: في أكل الثوم، ح: ٣٨٢٨ عن مسند به * أبو إسحاق عنن واختلط ولا يعرف سماع الجراح منه: قبل اختلاطه أم بعده؟.

١٨٠٩ - حَدَّثَنَا هَنَّا: حَدَّثَنَا وَكِيعٌ عَنْ أَبِيهِ، عَنْ أَبِي إِسْحَاقَ، عَنْ شَرِيكِ بْنِ حَبْلٍ، عَنْ عَلَيِّ قَالَ: لَا يَصْلُحُ أَكْلُ الثُّومِ إِلَّا مَطْبُوْخًا.

[قال أبُو عَبْيَسٍ:] هَذَا الْحَدِيثُ لَيْسَ إِسْنَادُهُ بِذَلِكَ الْقَوْيِيِّ، وَقَدْ رُوِيَ هَذَا عَنْ عَلَيِّ قَوْلُهُ وَرُوِيَ عَنْ شَرِيكِ بْنِ حَبْلٍ عَنِ النَّبِيِّ ﷺ مُؤْسَلاً. قَالَ مُحَمَّدٌ: الْجَرَاجُ بْنُ مَلِيْعٍ

صَدُوقٌ وَالْجَرَاحُ بْنُ الصَّحَّافِ مُقَارِبٌ
الْحَدِيثِ.

تخریج: [إسناده ضعیف] وانظر الحديث السابق.

1810. ‘Ubaidullāh bin Abī Burādah narrated from his father that Umm Ayyūb informed him that the Prophet ﷺ had stayed with them, and they prepared some food for him containing some of these vegetables. But he disliked eating it, so he said to his Companions: “Eat it, for I am not like you are, I fear that I will offend my companion.”^[1] (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb*. Umm Ayyūb is the wife of Abū Ayyūb Al-Anṣārī.

تخریج: [صحيح] وأخرجه ابن ماجه، الأطعمة، باب أكل الثوم والبصل والكراث، ح: ٣٣٦٤ من حديث سفيان بن عيينة به وصرح بالسماع عند الحميدي، ح: ٣٤٠ وصححه ابن خزيمة، ح: ١٦٧١ وابن حبان، ح: ٢٠٩٠ وللحديث شواهد * أبو يزيد، حسن الحديث.

Comments:

Some foul odor lingers in garlic, even when cooked, and the Angels abhor foul odor. As such, the Prophet ﷺ avoided eating even cooked garlic. He, however, allowed others to consume it because, cooking considerably decreases, even makes its bad odour almost imperceptible.

1811. Abū Khaldah narrated that Abū Al-‘Āliyah said: “Garlic is among the good provisions.” Abū Khaldah’s name is Khālid bin Dīnār, and he is trustworthy according to the people of *Hadīth*. He saw Anas bin Mālik and heard narrations from him. Abū Al-‘Āliyah’s name is Rufā‘ and he is

١٨١٠ - حَدَّثَنَا الْحَسَنُ بْنُ الصَّبَّاغِ
الْبَزَّارُ: حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَةَ عَنْ عَيْنَدِ اللَّهِ
ابْنِ أَبِي تَزِيدَ، عَنْ أَبِيهِ، عَنْ أُمِّ أَبِي تَزِيدَ
أَخْبَرَهُ أَنَّ النَّبِيَّ ﷺ نَزَّلَ عَلَيْهِمْ، فَنَكَلُوا لَهُ
طَعَامًا فِيهِ مِنْ بَعْضِ هَذِهِ الْبَقُولِ، فَكَرِهَ أَكْلُهُ،
فَقَالَ لِأَصْحَابِهِ: «كُلُوهُ فَإِنِّي لَسْتُ كَأَحَدِكُمْ
إِنِّي أَخَافُ أَنْ أُوذِيَ صَاحِبِي».

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ
صَحِيحٌ غَرِيبٌ. وَأُمِّ أَبِي تَزِيدَ هِيَ امْرَأَةُ أَبِي
أَبِي تَزِيدَ الْأَنْصَارِيِّ.

تخریج: [صحيح] وأخرجه ابن ماجه، الأطعمة، باب أكل الثوم والبصل والكراث، ح: ٣٣٦٤ من حديث سفيان بن عيينة به وصرح بالسماع عند الحميدي، ح: ٣٤٠ وصححه ابن خزيمة، ح: ١٦٧١ وابن حبان، ح: ٢٠٩٠ وللحديث شواهد * أبو يزيد، حسن الحديث.

١٨١١ - حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدٍ: حَدَّثَنَا
رَيْدُ بْنُ الْحُبَابِ عَنْ أَبِي حَلْدَةَ، عَنْ أَبِي
الْعَالِيَّةِ قَالَ: الْثُومُ مِنْ طَيَّبَاتِ الرِّزْقِ. وَأَبُو
حَلْدَةَ اسْمُهُ خَالِدُ بْنُ دِينَارٍ، وَهُوَ ثَقَةٌ عِنْدَ
أَهْلِ الْحَدِيثِ. وَقَدْ أَذْرَكَ أَنَّسَ بْنَ مَالِكَ
وَسَمِعَ مِنْهُ. وَأَبُو الْعَالِيَّةَ اسْمُهُ رُقَيْعٌ وَهُوَ

^[1] Meaning Jibril, peace be upon him.

Ar-Riyāhī. ‘Abdur-Rahmān bin Mahdi said: “*Abū Khaldah was preferable, reliable.*” (*Da’if*)

تَخْرِيج: [إسناده ضعيف] * محمد بن حميد الرازي ضعيف على الراجح، انظر تهذيب التهذيب وغيره.

Chapter 15. What Has Been Related About Covering The Vessels, And Extinguishing The Torches And Fires Prior To Sleeping

1812. Jābir narrated that the Prophet ﷺ said: “Close the door, tie the water-skin, turn over the vessel, or cover the vessel, and extinguish the torch. Indeed *Ash-Shaiṭān* does not open what is closed, nor undo what is fastened, nor uncover a vessel, but the small vermin may cause a fire in people’s houses.” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn ‘Umar, Abū Hurairah, and Ibn ‘Abbās.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*, and it has been reported through other routes from Jābir.

الرِّبَاجِيُّ. قَالَ عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: كَانَ أَبُو خَلْدَةَ حِيَارًا مُسْلِمًا.

تَخْرِيج: [المعجم ١٥] - بَابُ مَا جَاءَ فِي تَخْمِيرِ الْإِنَاءِ وَإِطْفَاءِ السَّرَّاجِ وَالنَّارِ عِنْدَ الْمَنَامِ (التحفة ١٥)

١٨١٢ - حَدَّثَنَا قُتْبَيْهُ عَنْ مَالِكٍ [بْنِ أَنَّسٍ]، عَنْ أَبِي الرُّبِّيْرِ، عَنْ جَابِرٍ قَالَ: قَالَ الرَّبِّيْرُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «أَغْلَقُوا الْبَابَ وَأُوكِلُوا السَّقَاءُ وَأَكْفُلُوا الْإِنَاءَ أَوْ حَمِرُوا الْإِنَاءَ، وَأَطْفَلُوا الْمِصْبَاحَ، فَإِنَّ الشَّيْطَانَ لَا يَفْتَحُ غُلْفًا، وَلَا يَعْلُمُ وِكَاءً، وَلَا يَكْشِفُ آنِيَةً، فَإِنَّ الْفُوَيْسَةَ تَضْرِمُ عَلَى النَّاسِ بِيَتْهُمْ».

[قَالَ:] وَفِي الْبَابِ عَنْ أَبْنِ عُمَرَ وَأَبِي هُرَيْرَةَ وَابْنِ عَبَّاسٍ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ صَحِحُ. وَقَدْ رُوِيَ مِنْ عَيْرٍ وَجِهٍ عَنْ جَابِرٍ.

تَخْرِيج: وأخرجه مسلم، الأشربة، باب استحباب تخمير الإناء وهو تعظيمه وإيكاء السقاء ... إلخ، ح ٢٠١٢ من حديث مالك به وهو في الموطا: ٩٢٨/٢، ٩٢٩ * وفي الباب عن ابن عمر [يأتي: ١٨١٣] وأبي هريرة [ابن ماجه، ح ٣٤١١] وابن عباس [أبو داود، ح ٥٢٤٧].

Comments:

- Another sound *Hadīth* tells us that while or before doing the stated tasks, Allah’s Name must be invoked.
- Fire, if left unattended, can easily break out and burn. Therefore, in order to forestall the potential danger to the house from burning fire, it must be extinguished before going to sleep.

1813. Sālim narrated from his father, that the Messenger of Allāh ﷺ said: “Do not leave the fire (burning) in your houses when you sleep.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

١٨١٣ - حَدَّثَنَا أَبْنُ أَبِي عُمَرَ وَغَيْرُ وَاحِدٍ، قَالُوا: حَدَّثَنَا سُفِينَانُ عَنِ الرُّهْبَرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَنْرُكُوا النَّارَ فِي يُوَتَّكُمْ حِينَ تَنَامُونَ». [قَالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِحُّ.

تخریج: متفق عليه، وأخرجه البخاري، الاستاذان، باب: لا ترك النار في البيت عند النوم، ح: ٢٩٣ ومسلم، ح: ٢٠١٥ من حديث سفيان بن عيينة به.

Chapter 16. What Has Been Related About It Being Disliked Two Take To Dates At Once

1814. Ibn ‘Umar narrated: “The Messenger of Allāh ﷺ prohibited taking two dates at a time until seeking permission from one’s companion.” (*Sahīh*)

[He said:] There is something on this topic from Sa‘d the freed slave of Abū Bakr.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ١٦) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ الْقُرْآنِ بَيْنَ التَّمَرَتَيْنِ (التحفة ١٦)

١٨١٤ - حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو أَخْمَدَ الرَّبِيرِيُّ وَعُبَيْدُ اللَّهِ عَنِ الثَّوْرَيِّ، عَنْ جَلَّةَ بْنِ سُحْبِيْمِ، عَنْ أَبْنِ عُمَرَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ يُقْرَنَ بَيْنَ التَّمَرَتَيْنِ حَتَّى يَسْأَدُنَّ صَاحِبَهُ.

[قال:] وفي الباب عن سعيد مؤذن أبي بكر. [قال أبا عيسى:] هذَا حَدِيثُ حَسَنٍ صَحِحُّ.

تخریج: متفق عليه، وأخرجه البخاري، الشرکة، باب القرآن في التمر بين الشرکاء حتى يستأذن أصحابه، ح: ٤٤٩ ومسلم، ح: ٢٠٤٥ من حديث الثوري به * وفي الباب عن سعد مولى أبي بكر [ابن ماجه، ح: ٣٣٣٢].

Comments:

If a person is eating in a group, he must observe the etiquettes necessary for the occasion. Thus, if everyone else is eating a single date at a time, it will be highly inappropriate for him to start eating the dates in twos without first seeking their permission. The idea is that, while eating, we must show consideration to the feelings and sensitivities of others.

Chapter 17. What Has Been Related About Recommending Dates

1815. ‘Āishah narrated that the Prophet ﷺ said: “A house without

(المعجم ١٧) - بَابُ مَا جَاءَ فِي اسْتِحْبَابِ التَّمَرِ (التحفة ١٧)

١٨١٥ - حَدَّثَنَا مُحَمَّدُ بْنُ سَهْلٍ بْنِ عَشْكَرٍ الْبَعْدَادِيُّ وَعَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ قَالَا:

dates, its inhabitants will be hungry." (*Sahīh*)

[He said:] There are narrations on this topic from Salmā the wife of Abū Rāfi'. [Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb* from this route. We do not know of it to be a narration of Hishām bin ‘Urwah except through this route. [He said: I asked Al-Bukhārī about this *Hadīth* and he said: "I do not know of anyone who reported it other than Yahyā bin Ḥassān."]

حدَّثَنَا يَحْيَى بْنُ حَسَّانَ: حَدَّثَنَا شُلَيْمَانُ بْنُ بِلَالٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ عَنْ النَّبِيِّ ﷺ قَالَ: «بَيْتٌ لَا تَمْرٌ فِيهِ حِيَاجُ أَهْلُهُ». [قال:] وفي الْبَابِ عَنْ سُلْمَى امْرَأَ أَبِي رَافِعٍ.

[قال أبو عيسى:] هذا حديث حسن عَرِيبٌ مِنْ هَذَا الْوَجْهِ لَا نَعْرِفُهُ مِنْ حَدِيثِ هِشَامِ بْنِ عُرْوَةَ إِلَّا مِنْ هَذَا الْوَجْهِ. [قال:] وَسَأَلْتُ الْبَخَارِيَ عَنْ هَذَا الْحَدِيثِ فَقَالَ: لَا أَعْلَمُ أَحَدًا رَوَاهُ غَيْرَ يَحْيَى بْنَ حَسَّانَ.

تخریج: وأخرج مسلم، الأشربة، باب: في إدخال التمر ونحوه من الأقواس للعيال، ح: ٢٠٤٦ عن عبد الله بن عبد الرحمن الدارمي به وهذا في مسنده: ١٠٤ / ٢، ح: ٢٠٦٧ * وفي الباب عن سلمى امرأة أبي رافع [ابن ماجه، ح: ٣٣٢٨].

Comments:

Dates being blessed, and the normal food of Arabs at those times, the people who had no dates in their houses were most likely to go hungry. The *Hadīth* also conforms that keeping an appropriate supply of food stuff at home is perfectly in order, and that dates are an extremely recommended item for the purpose.

Chapter 18. (What Has Been Related) About Praising Allāh For The Food When One Is Finished Eating From It

1816. Anas bin Mālik narrated that the Prophet ﷺ said: "Indeed Allāh is pleased with the slave who, upon eating his food or drinking his drink, he praises Him for it." (*Sahīh*)

[He said:] There are narrations on this topic from ‘Uqbah bin ‘Amir, Abū Sa‘eed, ‘Aishah, Abū Ayyūb, and Abū Hurairah.

[Abū ‘Eisā said:] This *Hadīth* is

(المعجم ١٨) - بَابُ [مَا جَاءَ] فِي الْحَمْدِ عَلَى الطَّعَامِ إِذَا فَرَغَ مِنْهُ (التحفة ١٨)

١٨١٦ - حَدَّثَنَا هَنَّادٌ وَمَحْمُودٌ بْنُ عَيْلَانَ قَالَا: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ زَكَرِيَّا بْنِ أَبِي زَائِدَةَ، عَنْ سَعِيدِ بْنِ أَبِي بُرْدَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ النَّبِيِّ ﷺ قَالَ: «إِنَّ اللَّهَ لَيَرْضَى عَنِ الْمُبْدِئِ أَنْ يَأْكُلَ الْأَكْلَةَ أَوْ يَشْرَبَ الشَّرْبَةَ فِي حَمْدَةِ عَلَيْهَا».

[قال:] وفي الْبَابِ عَنْ عُقْبَةَ بْنِ عَامِرٍ وَأَبِي سَعِيدٍ وَعَائِشَةَ وَأَبِي أَيُوبَ وَأَبِي هَرِيرَةَ.

Hasan. More than one narrator has reported it from Zakariyyā bin Abī Zā'īdah similarly, and we do not know of it except through the narration of Zakariyyā bin Abī Zā'īdah.

تخریج: وأخرجه مسلم، الذکر والدعا، باب استحباب حمد الله تعالى بعد الأكل والشرب، ح: ٢٧٣٤ من حديث أبي أسامة به * وفي الباب عن عقبة بن عامر [لم أجده] وأبي سعيد [الترمذى في الشمايل، ح: ١٩٠] وعائشة [ابن السنى في عمل اليوم والليلة، ح: ٤٨٨] وأبي أيوب [الترمذى في الشمايل، ح: ١٨٧] وأبي هريرة [النسائي في عمل اليوم والليلة، ح: ٣٠١] وابن حبان، ح: ١٣٥٢.]

Comments:

Food and drink is a great gift of Allāh, and Allāh loves those who pay their thanks and gratitude to Him. And to the grateful He gives more. He Himself says: "If you give thanks, I shall certainly give you more." (14:7)

Chapter 19. What Has Been Related About Eating With A Leper

1817. Jābir bin ['Abdullāh] narrated: "The Messenger of Allāh ﷺ took the hand of a leper and put it in the *Qas'ah*. Then he said: 'Eat in Allāh's Name, trusting in Allāh and relying upon Him.' (*Daīf*)

[Abū 'Eisā said:] This is a *Gharib Hadīth*, we do not know of it except through the report of Yūnus bin Muḥammad, from Al-Mufaddal bin Fadālah, a *Shaikh* from Al-Baṣrah. There is another *Shaikh* from Al-Baṣrah named Al-Mufaddal bin Fadālah, who is more reliable than this one and more popular. *Shu'bah* reported this *Hadīth* from Ḥabīb bin Ash-Shahīd, from Ibn Buraidah: "That Ibn 'Umar took the hand of a leper" and the narration of *Shu'bah* is

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٌ.
وَقَدْ رَوَاهُ غَيْرُ وَاحِدٍ عَنْ زَكَرِيَّا بْنِ أَبِي زَائِدَةَ
نَحْوَهُ، وَلَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ زَكَرِيَّا بْنِ
أَبِي زَائِدَةَ.

تخریج: وأخرجه مسلم، الذکر والدعا، باب استحباب حمد الله تعالى بعد الأكل والشرب، ح: ٢٧٣٤ من حديث أبي أسامة به * وفي الباب عن عقبة بن عامر [لم أجده] وأبي سعيد [الترمذى في الشمايل، ح: ١٩٠] وعائشة [ابن السنى في عمل اليوم والليلة، ح: ٤٨٨] وأبي أيوب [الترمذى في الشمايل، ح: ١٨٧] وأبي هريرة [النسائي في عمل اليوم والليلة، ح: ٣٠١] وابن حبان، ح: ١٣٥٢.]

(المعجم ١٩) - بَابُ مَا جَاءَ فِي الْأَكْلِ مَعَ الْمَجْنُومِ (التحفة ١٩)

١٨١٧ - حَدَّثَنَا أَخْمَدُ بْنُ سَعِيدِ الْأَشْفَرِ
وَإِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا يُونُسُ بْنُ
مُحَمَّدٍ: حَدَّثَنَا الْمُفَضْلُ بْنُ فَضَالَةَ عَنْ حَبِيبِ
ابْنِ الشَّهِيدِ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ
جَابِرٍ بْنِ عَبْدِ اللَّهِ: أَنَّ رَسُولَ اللَّهِ ﷺ أَخَذَ
يَدَ مَجْنُومٍ، فَأَذْخَلَهُ مَعَهُ فِي الْقَضْعَةِ، ثُمَّ
قَالَ: «كُلْ بِسْمِ اللَّهِ ثَقَةٌ بِاللَّهِ وَتَوَكِّلًا عَلَيْهِ».

[قال أبو عيسى:] هَذَا حَدِيثُ غَرِيبٌ لَا
نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ يُونُسَ بْنِ مُحَمَّدٍ عَنْ
الْمُفَضْلِ بْنِ فَضَالَةَ هَذَا شَيْءٌ بَصَرِيٌّ.
وَالْمُفَضْلُ بْنُ فَضَالَةَ شَيْءٌ آخَرُ بَصَرِيٌّ أَوْئِنَّ
مِنْ هَذَا وَأَشَهُرُ. وَ[قَدْ] رَوَى شَعْبَهُ هَذَا
الْحَدِيثَ عَنْ حَبِيبِ بْنِ الشَّهِيدِ، عَنْ ابْنِ
بُرَيْدَةَ أَنَّ ابْنَ عُمَرَ أَخَذَ يَدَ مَجْنُومٍ. وَحَدِيثُ

more appropriate to me and more correct.

سبعة أشباه عندي وأصح.

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الطب، باب: في الطيرة، ح: ٣٩٢٥ وابن ماجه، ح: ٣٥٤٢ من حديث یونس بن محمد به وصححه الحاکم: ١٣٦/٤، والذهبی وحسنه العسقلانی والمنانی وضعفه العقلي * المفضل بن فضاله بن أبی أمیة القرشی، أبو مالک البصري ضعیف كما في التقریب وغيره * حديث عبد الله بن عمر: لم أجده.

Comments:

The Originator and Controller of all things in the universe is Allāh. Nothing in the world can have any effect or efficacy without His bidding and permission.

Chapter 20. What Has Been Related About: The Believer Eats With One Intestine [And The Disbeliever Eats With Seven Intestines]

1818. Ibn ‘Umar narrated that the Prophet ﷺ said: “The disbeliever eats with seven intestines and the believer eats with one intestine.” (*Sahih*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

[He said:] There are narrations on this topic from *Abū Hurairah*, *Abū Sa‘eed*, *Abū Baṣrah Al-Ghifārī*, *Abū Mūsā*, *Jahjāh Al-Ghifārī*, *Maimūnah*, and *‘Abdullāh bin ‘Amr*.

تخریج: وأخرجه مسلم، الأشربة، باب المؤمن يأكل في معی واحد، والكافر يأكل في سبعة آباء، ح: ٢٠٦٠ من حديث یحیی القطان به * وفي الباب عن أبي هریرة [یأتی: ١٨١٩] وأبی سعید [الدارمی، ح: ٢٠٤٨] وأبی بصرة الغفاری [أحمد: ٦/٣٩٧] وأبی موسی [مسلم، ح: ٢٠٦٢] وجه جاه الغفاری [الطبرانی في الكبير: ٢١٥٢، ح: ٢٧٤] ومیمونة [أحمد: ٦/٣٣٥] وعبد الله بن عمرو [فتح الباری: ٩/٥٣٨ تحت، ح: ٥٣٥٣] البزار في كشف الأستار: ٣٤١/٣، ح: ٢٨٩٤ وفيه عبد الله بن عمر، وصوابه عبد الله بن عمرو، وحديث عبد الله بن عمر: أخرجه ابن عدی في الكامل: ٨٥٥/٢]

(المعجم ٢٠) - باب ما جاء أنَّ الْمُؤْمِنَ يَأْكُلُ فِي مِعَى وَاحِدٍ [وَالْكَافِرُ يَأْكُلُ فِي سَبْعَةِ أَمْعَاءِ] (التحفة ٢٠)

١٨١٨ - حَدَثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَثَنَا عَبْيُودُ اللَّهِ عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «الْكَافِرُ يَأْكُلُ فِي سَبْعَةِ أَمْعَاءٍ وَالْمُؤْمِنُ يَأْكُلُ فِي مِعَى وَاحِدٍ». [قال أبو عيسى:] هذا حديث حسن صحيح.

[قال:] وفي الباب عن أبي هريرة وأبي سعید وأبی بصرة الغفاری وأبی موسی وجه جاه الغفاری ومیمونة وعبد الله بن عمرو.

تخریج: وأخرجه مسلم، الأشربة، باب المؤمن يأكل في معی واحد، والكافر يأكل في سبعة آباء، ح: ٢٠٦٠ من حديث یحیی القطان به * وفي الباب عن أبي هریرة [یأتی: ١٨١٩] وأبی سعید [الدارمی، ح: ٢٠٤٨] وأبی بصرة الغفاری [أحمد: ٦/٣٩٧] وأبی موسی [مسلم، ح: ٢٠٦٢] وجه جاه الغفاری [الطبرانی في الكبير: ٢١٥٢، ح: ٢٧٤] ومیمونة [أحمد: ٦/٣٣٥] وعبد الله بن عمرو [فتح الباری: ٩/٥٣٨ تحت، ح: ٥٣٥٣] البزار في كشف الأستار: ٣٤١/٣، ح: ٢٨٩٤ وفيه عبد الله بن عمر، وصوابه عبد الله بن عمرو، وحديث عبد الله بن عمر: أخرجه ابن عدی في الكامل: ٨٥٥/٢]

Comments:

The *Hadīth* means to emphasize the idea that for a disbeliever eating and drinking is the very aim and purpose of life, while a true believer leads a life of abstinence and contentment. Eating and drinking is not his main concern in life. Hence it is that a disbeliever eats to his fill while a believer eats just as much as he needs.

1819. Abū Hurairah narrated: "The Messenger of Allāh ﷺ had a disbeliever as a guest. So the Messenger of Allāh ﷺ ordered that a sheep be milked so he could drink. Then another was milked so he could drink, then another, so he drank until he had drunk the milk of seven sheep. Then he awoke the next morning and accepted Islam. the Messenger of Allāh ﷺ ordered that a sheep be milked so he could drink its milk, then he ordered for another but he could not finish it. So the Messenger of Allāh ﷺ said: 'The believer drinks with one intestine and the disbeliever drinks with seven.'" (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is [*Sahīh*] *Hāsan Gharīb* as a narration of Suhail.

تخریج: وأخرجه مسلم، الأشربة، باب المؤمن يأكل في معى واحد والكافر يأكل في سبعة أمعاء، ح: ٢٠٦٣ من حديث مالك به وهو في الموطن: ٩٢٤/٢.

Chapter 21. What Has Been Related About: Food For One Is Sufficient For Two

1820. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "The food of two is sufficient for three, and the food of three is sufficient for four." (*Sahīh*)

He said: There are narrations on this topic from Jābir, and Ibn ‘Umar.

١٨١٩ - حَدَّثَنَا إِسْحَاقُ بْنُ مُوسَى [الأَنْصَارِيُّ]: حَدَّثَنَا مَعْنُونُ مَالِكٌ عَنْ سُهْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِيهِ هُرِيْرَةَ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ عَلَيْهِ الْمَرْضَى صَافَهُ ضَيْفُ كَافِرٍ فَأَمَرَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ بِشَاءَ فَحُلِيَّتْ فَشَرِبَ ثُمَّ أُخْرَى فَحُلِيَّتْ فَشَرِبَهُ، ثُمَّ أُخْرَى فَشَرِبَهُ حَتَّى شَرِبَ حِلَابَ سَبْعِ شَيَاهٍ، ثُمَّ أَضَبَحَ مِنَ الْعَدِ فَأَسْلَمَ فَأَمَرَ لَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ بِشَاءَ فَحُلِيَّتْ فَشَرِبَ حِلَابَهَا، ثُمَّ أَمَرَ لَهُ بِأُخْرَى فَلَمْ يَسْتَهِمْهَا، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «الْمُؤْمِنُ يَشَرِبُ فِي مَعَى وَاحِدٍ، وَالكافِرُ يَشَرِبُ فِي سَبْعَةَ أَمْعَاءَ».

[قال أبو عيسى:] هذا حديث [صحيح] حسنٌ غريبٌ من حديث سهل.

(المعجم ٢١) - بَابُ مَا جَاءَ فِي طَعَامٍ

الْوَاحِدٌ يَكْفِي الْأَثْنَيْنِ (التحفة ٢١)

١٨٢٠ - حَدَّثَنَا الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُونُ مَالِكٌ؛ ح: وَحَدَّثَنَا قُبَيْلَةُ عَنْ مَالِكٍ، عَنْ أَبِي الرَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِيهِ هُرِيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «طَعَامُ الْأَثْنَيْنِ كَافِي الْثَّلَاثَةِ، وَطَعَامُ الْثَّلَاثَةِ كَافِي الْأَرْبَعَةِ».

Abū ‘Eisā said: This *Hadīth* is *Hasan Ṣahīh*.

It has been reported from Jābir bin ‘Abdullāh and Ibn ‘Umar that the Prophet ﷺ said: “The food of one is sufficient for two, and the food of two is sufficient for four, and the food of four is sufficient for eight.”

(Another chain) from Jābir that the Prophet ﷺ said similarly.

Tarīkh: متفق عليه، وأخرجه البخاري، الأطعمة، باب طعام الواحد يكفي الاثنين، ح: ٥٣٩٢ ومسلم، ح: ٢٠٥٨ من حديث مالك به وهو في الموطأ (٩٢٨/٢) (يحيى) * وفي الباب عن ابن عمر [عبد بن حميد، ح: ٧٨٨ وإسناده صحيح] وجابر [مسلم، ح: ٢٠٥٩ من حديث الأعشن عن أبي سفيان عن جابر].

Comments:

The main idea to be deduced from the *Hadīth* is that there is blessing in collectivity. We should, therefore, try to eat together since, apart from other things, it would also promote a feeling of self-sacrifice. While eating together, we should try our best to make our companions eat well.

Chapter 22. What Has Been Related About Eating Locust

1821. Abū Ya‘fūr Al-‘Abdī narrated that ‘Abdullāh bin Abī Awfā was asked about locust. He said: “I participated in six military expeditions with the Messenger of Allāh ﷺ, (and) we ate locust.” (*Sahīh*)

[Abū ‘Eisā said:] This is how Sufyān bin ‘Uyainah reported this *Hadīth* from Abū Ya‘fūr. He said: “Six military expeditions,” while Sufyān Ath-Thawrī reported this *Hadīth* from Abū Ya‘fūr, and he said: “Seven military expeditions.”

قال: وفي الكتاب عن جابر وابن عمر .
قال أبو عيسى: هذا حديث حسن
صحيح .

وروى جابر وابن عمر عن النبي ﷺ قال:
طعام الواحد يكفي الاثنين وطعام الاثنين
يكتفى الأربع، وطعام الأربع يكتفى الشمائلة .
حدثنا محمد بن بشير: حدثنا عبد الرحمن
أبن مهدى عن سفيان، عن الأعشن، عن أبي
سفيان، عن جابر عن النبي ﷺ بهذا .

Tarīkh: متفق عليه، وأخرجه البخاري، الأطعمة، باب طعام الواحد يكفي الاثنين، ح: ٥٣٩٢ ومسلم، ح: ٢٠٥٨ من حديث مالك به وهو في الموطأ (٩٢٨/٢) (يحيى) * وفي الباب عن ابن عمر [عبد بن حميد، ح: ٧٨٨ وإسناده صحيح] وجابر [مسلم، ح: ٢٠٥٩ من حديث الأعشن عن أبي سفيان عن جابر].

(المعجم ٢٢) - باب ما جاء فيأكل الجراد (التحفة ٢٢)

١٨٢١ - حدثنا أحمدر بن منيع: حدثنا
سفيان عن أبي يعقوب العبدلي، عن عبد الله
أبن أبي أوفى أنه سئل عن الجراد فقال:
غزوته مع النبي ﷺ سنت غزوات نأكل
الجراد .

[قال أبو عيسى:] هكذا روى سفيان بن
عبيدة عن أبي يعقوب هذا الحديث وقال:
سنت غزوات. وروى سفيان الثوري وغيره
واحد هذا الحديث عن أبي يعقوب فقال:

[He said:] There are narrations on this topic from Ibn 'Umar and Jābir.

[He said:] This *Hadīth* is *Hasan Sahīh*. Abū Ya'fūr's name is Wāqid. They also call him Waqdān. There is another Abū Ya'fūr whose name is 'Abdur-Rahmān bin 'Ubaid bin Niṣṭas.

سبعين غَزَوَاتٍ.

[قال:] وفي الْبَابِ عَنْ ابْنِ عُمَرَ وَجَابِرٍ.

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ

صَحِيحٌ. وَأَبُو يَعْفُورٍ اسْمُهُ وَاقِدٌ وَيَقَالُ:

وَقْدَانٌ أَيْضًا. وَأَبُو يَعْفُورٍ الْآخَرُ اسْمُهُ عَبْدُ

الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ نَسْطَاسَ.

تخریج: متفق عليه، وأخرجه مسلم، الصيد والذبائح، باب إباحة الجراد، ح: ۱۹۵۲ من حديث سفيان بن عيينة والبخاري، ح: ۵۴۹۵ من حديث أبي يعفور به * وفي الباب عن ابن عمر [ابن ماجه، ح: ۳۲۱۸، ۳۲۱۴ [۳۳۱۴] وجابر [أحمد: ۳/ ۳۳۹].

Comments:

Scholars unanimously declare the eating of locust lawful. It is not necessary to slaughter it. Its catching is its slaughtering. Mālikī according to a famous tradition, are believed to hold the view that the cutting of the locusts heads is its slaughtering (*Tuhfat Al-Ahwadhi*, v.3, p.78). Something regarding locusts preceded in no. 850.

1822. Abū Ya'fūr narrated that Ibn Abī Awfā said: "We participated in seven military expeditions with the Messenger of Allāh ﷺ, (and) we ate locust." (*Sahīh*)

[Abū 'Eisā said:] Shu'bah reported this *Hadīth* from Abū Ya'fūr, from Ibn Abī Awfā and said: "We participated in military expeditions with the Messenger of Allāh ﷺ, (and) we ate locust."

This was narrated to us by Muhammad bin Bash-shār (who said): "Muhammad bin Ja'far narrated to us from Shu'bah."

تخریج: [صحیح] متفق عليه، انظر الحديث السابق * مسلم عن محمد بن بشار، والبخاري من حديث شعبة به .

١٨٢٢ - حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ: حَدَّثَنَا

أَبُو أَخْمَدَ وَالْمُؤْمَلُ قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ

أَبِي يَغْفُورٍ، عَنْ ابْنِ أَبِي أُوفَى قَالَ: غَزَوْنَا

مَعَ رَسُولِ اللَّهِ ﷺ سَبْعَ غَزَوَاتٍ نَّاكِلُ

الجَرَادَ.

[قالَ أَبُو عِيسَى:] وَرَوَى شُعبَةُ هَذَا

الْحَدِيثَ عَنْ أَبِي يَغْفُورٍ، عَنْ ابْنِ أَبِي أُوفَى

قَالَ: غَزَوْنَا مَعَ رَسُولِ اللَّهِ ﷺ غَزَوَاتٍ نَّاكِلُ

الجَرَادَ.

حَدَّثَنَا بِدْلِكَ مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا

مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعبَةُ بِهِدَا.

حَدَّثَنَا شُعبَةُ بِهِدَا.

Chapter 23. What Has Been Related About Supplicating Against Locusts

[1823. At-Taimī narrated from Jābir bin ‘Abdullāh and Anas bin Mālik who said: “When the Messenger of Allāh ﷺ supplicated against locusts he would say: ‘O Allāh! Destroy the locusts, kill the large among them, and destroy the small, spoil his core, and cut off his rear. Take their mouths from our livelihood and our sustenance. Verily, You indeed listen to the supplication!’ So a man said: ‘O Messenger of Allāh! How is it that you supplicate against one of Allāh’s armies that He cut off their rear?’” He said: “So the Messenger of Allāh ﷺ said: ‘They are but scattered from a fish in the ocean.’” (*Da’if*)]

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*. We do not know of it except from this route. And Mūsā bin Muḥammad bin Ibrāhīm At-Taimī has been criticized. He narrates many *Gharīb* and *Munkar* narrations. His father Muḥammad bin Ibrāhīm is trustworthy, and he is from Al-Madīnah.

(المعجم ٢٣) - بَابُ [مَا جَاءَ فِي
الدُّعَاءِ عَلَى الْجَرَادِ] (التحفة ٢٣)

١٨٢٣ - [حَدَّثَنَا مَحْمُودُ بْنُ عَيْلَانَ:
حَدَّثَنَا أَبُو النَّضْرِ هَاشِمُ بْنُ الْقَاسِمِ قَالَ:
حَدَّثَنَا زِيَادُ بْنُ عَبْدِ اللَّهِ بْنِ عَلَاتَةَ عَنْ مُوسَى
ابْنِ مُحَمَّدٍ بْنِ إِبْرَاهِيمَ التَّمِيميِّ، عَنْ أَيْيهِ، عَنْ
جَابِرِ بْنِ عَبْدِ اللَّهِ وَأَنَسِ بْنِ مَالِكٍ قَالَ: كَانَ
رَسُولُ اللَّهِ ﷺ إِذَا دَعَا عَلَى الْجَرَادِ قَالَ:
«اللَّهُمَّ أَهْلِكِ الْجَرَادَ افْتُلْ كَبَارَهُ، وَأَهْلِكْ
صِعَارَهُ، وَأَفْسِدْ بَيْضَهُ، وَاقْطُعْ دَابِرَهُ وَخُذْ
بِأَفْوَاهِهِمْ عَنْ مَعَاشِنَا وَأَرْزَاقِنَا إِنَّكَ سَمِيعٌ
الدُّعَاءِ» قَالَ: فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ!
كَيْفَ تَدْعُ عَلَى جُنُدٍ مِنْ أَجْنَادِ اللَّهِ يَقْعُطُ
دَابِرَهُ؟ قَالَ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّهَا نَزَةٌ
حُوتٍ فِي الْبَحْرِ».
[قَالَ أَبُو عَيْسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا
نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ وَمُوسَى بْنُ مُحَمَّدٍ
ابْنِ إِبْرَاهِيمَ التَّمِيميِّ قَدْ تَكَلَّمَ فِيهِ وَهُوَ كَثِيرٌ
الْعَرَائِبُ وَالْمَنَاكِيرُ وَأَبُوهُ مُحَمَّدُ بْنُ إِبْرَاهِيمَ
ثَقَةٌ وَهُوَ مَدَنِيٌّ].

تخریج: [إسناده ضعيف جداً] وأخرجه ابن ماجه، الصيد، باب صيد الحيتان والجراد، ح ٣٢٢١ من حديث أبي النضر به وضعفه البوصيري لضعف موسى بن إبراهيم * موسى بن إبراهيم منكر الحديث كما في التقرير وغيره.

Chapter 24. What Has Been Related About Consuming The Flesh Of The *Jallālah*^[1] And Milking It

1824. Ibn ‘Umar narrated: “The Prophet ﷺ prohibited eating the *Jallālah* and milking it.” (*Hasan*)

[He said:] There is something on this topic from ‘Abdullāh bin ‘Abbās.

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Gharib*.

Ath-Thawrī reported it from Ibn Abī Najīḥ, from Mujāhid, from the Prophet ﷺ in *Mursal* form.

(المعجم ٢٤) - بَابُ مَا جَاءَ فِي أَكْلِ لُحُومِ الْجَلَالَةِ وَأَلْبَانِهَا (التحفة ٢٤)

١٨٢٤ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا عَبْدَةُ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ ابْنِ أَبِي تَجْيِحٍ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عُمَرَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ أَكْلِ الْجَلَالَةِ وَأَلْبَانِهَا.

[قَالَ:] وَفِي الْتَّابِعِ عَنْ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ غَرِيبٍ. وَرَوَى الشَّوَّرِيُّ عَنْ ابْنِ أَبِي تَجْيِحٍ، عَنْ مُجَاهِدٍ عَنْ النَّبِيِّ ﷺ مُرْسَلاً.

تخریج: [حسن] وأخرجه أبو داود، الأطعمة، باب النهي عن أكل الجلاله وألبانها، ٣٧٨٥ من حديث عبدة به وسنده ضعيف وللحديث شواهد كثيرة انظر الحديث الآتي * وفي الباب عن عبد الله بن عباس (انظر الحديث الآتي: ١٨٢٥).

Comments:

People of the Opinion as well as Imām Ash-Shāfi‘ī and Ahmad suggest that such an animal be tied at one place for a few days and given clean food so that its meat becomes better.

1825. Ibn ‘Abbās narrated: “The Prophet ﷺ prohibited the *Mujath-thamah*, the milk of the *Jallālah*, and drinking from the spout of the water-skin.” (*Sahīh*)

(Another chain) from Ibn ‘Abbās, from the Prophet ﷺ, with similar meaning.

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

There is something about this from ‘Abdullāh bin ‘Amr.

١٨٢٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مَعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ قَنَادَةَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيِّ ﷺ نَهَى عَنِ الْمُجَثَّمَةِ وَلَبَنِ الْجَلَالَةِ وَعَنِ السُّرُّبِ مِنْ فِي السُّنَّاءِ.

[قَالَ مُحَمَّدُ بْنُ بَشَّارٍ:] [وَ] حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ سَعِيدِ بْنِ أَبِي عَرْوَةَ، عَنْ قَنَادَةَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ عَنْ النَّبِيِّ ﷺ نَخْوَةً.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ.

[1] An animal that eats animal droppings. See *Tuhfat Al-Ahwadhi*.

وفي الْتَّابِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو .
 تخریج: [صحيح] وأخرجه أبو داود، الأشربة، باب الشراب من في السقاء، ح: ٣٧١٩ من
 حديث قتادة والنمسائي، ح: ٤٤٥٣ من حديث هشام الدستواني به وصححه ابن حبان، ح: ١٣٦٣؛
 والحاكم على شرط البخاري: ٣٤ وواافقه الذهبي وللحديث شواهد انظر، ح: ١٧٩٥ * وفي
 الباب عن عبدالله بن عمرو [أبو داود، ح: ٣٨١١].

Comments:

Mujath-thamah is an animal shot at and killed without slaughtering while tied to the stake. It is prohibited to eat its meat. See nos. 1473 - 1474.

Chapter 25. What Has Been Related About Eating Chicken

1826. Zahdam Al-Jarmī said: "I entered upon Abū Mūsā while he was eating chicken, and he said: 'Sit and eat, for indeed I saw the Messenger of Allāh ﷺ eating it.'" (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan*. This *Hadīth* has been reported through other routes from Zahdam, and we do not know of it except as a narration of Zahdam. (One of the narrators) Abū Al-'Awwām is 'Imrān Al-Qatṭān.

تخریج: متفق عليه، وأخرجه البخاري، المغازي، باب قドوم الأشعرين أو أهل اليمن، ح: ٤٣٨٥ ومسلم، ح: ١٦٤٩ من حديث زهدم به.

Comments:

Imām Mālik and Ath-Thawrī consider it lawful to eat the meat of a chicken eating from a garbage dump. They only opposed it on account of natural abhorrence and aversion.

1827. Zahdam narrated from Abū Mūsā who said: "I saw the Messenger of Allāh ﷺ eating chicken meat." (*Sahīh*)

[He said:] The *Hadīth* has more statements than this. And this *Hadīth* is *Hasan Sahīh*. Ayyūb As-Sakhtiyānī also reported this

(المعجم ٢٥) - بَابُ مَا جَاءَ فِي أَكْلِ الدَّجَاجِ (التحفة ٢٥)

١٨٢٦ - حَدَّثَنَا رَبِيدُ بْنُ أَخْرَمَ [الطَّائِئِ]:
 حَدَّثَنَا أَبُو قُبَيْبَةَ عَنْ أَبِي الْعَوَامِ، عَنْ قَتَادَةَ،
 عَنْ زَهْدَمِ الْجَزَرِيِّ قَالَ: دَخَلْتُ عَلَى أَبِي
 مُوسَى وَهُوَ يَأْكُلُ دَجَاجَةً فَقَالَ: اذْنُ فَكُلْ
 فَإِنِّي رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَأْكُلُهُ.

[قالَ أَبُو عَسَى :] هَذَا حَدِيثُ حَسْنٌ
 وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهٍ عَنْ
 زَهْدَمَ وَلَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ زَهْدَمْ . وَأَبُو
 الْعَوَامُ هُوَ عِمْرَانُ الْقَطَّانُ .

تخریج: متفق عليه، وأخرجه البخاري، المغازي، باب قدوة العشرين أو أهل اليمن، ح: ٤٣٨٥ ومسلم، ح: ١٦٤٩ من حديث زهدم به.

١٨٢٧ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا وَكِيعٌ عَنْ
 شُفَيْيَانَ، عَنْ أَبِي يَعْوَدَ، عَنْ أَبِي قَلَبَةَ، عَنْ
 زَهْدَمَ، عَنْ أَبِي مُوسَى قَالَ: رَأَيْتُ رَسُولَ
 اللَّهِ ﷺ يَأْكُلُ لَحْمَ دَجَاجٍ .

[قالَ :] وَفِي الْحَدِيثِ كَلَامٌ أَكْثَرُ مِنْ

Hadīth from Al-Qāsim At-Tamīmī, and, from Abū Qilābah, from Zahdām Al-Jarmī.

هذا، [و]هذا حديث حسن صحيح وقد روى
أبيوبس السخينياني هذا الحديث أيضاً عن
القاسيم التميمي وعن أبي قلابة، عن رهم
الجزيري.

تخریج: متفق عليه، وأخرجه البخاري، الذبائح والصيد، باب لحم الدجاج، ح: ٥٥١٧
ومسلم، ح: ٩/١٦٤٩ من حديث سفيان الثوري به.

Chapter 26. What Has Been Related About Eating Bustard^[1]

1828. Ibrāhīm bin ‘Umar bin Safinah, narrated from his father, from his grandfather that he said: “I ate bustard meat with the Messenger of Allāh ﷺ,” (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*, we do not know of it except from this route. Ibn Abī Fudaik reported from Ibrāhīm bin ‘Umar bin Safinah and he has been called Buraih bin ‘Umar bin Safinah.

(المعجم ٢٦) - بابُ مَا جَاءَ فِي أَكْلِ
الْحُبَارَى (التحفة ٢٦)

١٨٢٨ - حَدَّثَنَا الْفَضْلُ بْنُ سَهْلٍ الْأَعْرَجُ
الْبَعْدَادِيُّ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ
مَهْدِيٍّ عَنْ إِبْرَاهِيمَ بْنِ عُمَرَ بْنِ سَفِينَةَ، عَنْ
أَبِيهِ، عَنْ جَدِّهِ قَالَ: أَكَلْتُ مَعَ رَسُولِ اللَّهِ
ﷺ لَحْمَ حُبَارَى.

[قال أبو عيسى:] هذا حديث غريب لا
تُعرِفُهُ إلَّا مِنْ هَذَا الْوَجْهِ. وإِبْرَاهِيمُ بْنُ عُمَرَ
ابْنِ سَفِينَةَ رَوَى عَنْهُ أَبِيهِ فُدَيْكَ وَيَقُولُ:
بُرَيْهُ بْنُ عُمَرَ بْنُ سَفِينَةَ.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الأطعمة، باب: في أكل لحم الحباري، ح: ٣٧٩٧ عن الفضل بن سهل به * إبراهيم بن عمر: وثقة ابن عدي وحده وضعفه العقلي والذهبى وضعفه راجح.

Comments:

The Hubārā, in fact, means bustard, also called wader. It is a swift running wild bird of prey with a longish beak and a long neck and feet. Its meat tastes delicious.

Chapter 27. What Has Been Related About Eating Roasted Meat

1829. Umm Salamah narrated that she brought a side of roasted meat

(المعجم ٢٧) - بابُ مَا جَاءَ فِي أَكْلِ
الشَّوَّافِ (التحفة ٢٧)

١٨٢٩ - حَدَّثَنَا الْحَسَنُ بْنُ مُحَمَّدٍ

^[1] A large heavily-bodied terrestrial game bird capable of swiftrunning and flight. See *Tuhfaat Al-Ahwadhi*.

to the Messenger of Allāh ﷺ, so he ate from it and stood for *Salāt*, and did not perform *Wudū*. (*Sahīh*)

[He said:] There are narrations on this topic from ‘Abdullāh bin Al-Hārith, Al-Mughīrah and Abū Rāfi‘.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb* from this route.

الرَّاعِرَانِيُّ : حَدَّثَنَا حَجَاجُ بْنُ مُحَمَّدٍ قَالَ :
قَالَ ابْنُ جُرَيْجٍ : أَخْبَرَنِي مُحَمَّدُ بْنُ يُوسُفَ أَنَّ
عَطَاءَ بْنَ يَسَارٍ أَخْبَرَهُ أَنَّ أُمَّ سَلَمَةَ أَخْبَرَتْهُ :
أَنَّهَا قَرَبَتْ إِلَى رَسُولِ اللَّهِ ﷺ جَنِينًا مَسْوِيًّا
فَأَكَلَ مِنْهُ ثُمَّ قَامَ إِلَى الصَّلَاةِ وَمَا تَوَضَّأَ .

[قَالَ :] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ
الْحَارِثِ وَالْمُغَيْرَةِ وَأَبِي رَافِعٍ .

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثُ حَسَنٍ
صَحِيحٌ غَرِيبٌ مِنْ هَذَا الْوَجْهِ .

تَحْرِيْج : [إِسْنَادُهُ صَحِيحٌ] وَأَخْرَجَهُ أَحْمَدُ : ٣٠٧ / ٦
كَثِيرًا جَدًّا * وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ الْحَارِثِ [الْتَّرْمِذِيُّ فِي الشَّمَائِلِ] ، ح : ١٦٤
وَالْمُغَيْرَةِ [أَيْضًا] ، ح : ١٦٥ [أَبِي رَافِعٍ] [مُسْلِمٌ] ، ح : ٣٥٧ .

Comments:

Eating roasted meat is doubtless indicative of financial prosperity. But it does not mean that a man of piety cannot eat it. In fact, the Messenger of Allāh ﷺ is reported to have eaten roasted meat on several occasions. But a whole animal, was never roasted for him.

Chapter 28. What Has Been Related About It Being Disliked To Eat While Reclining^[1]

1830. Abū Juhaifah narrated that the Messenger of Allāh ﷺ said: “As for me, I do not eat while reclining.” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Ali, ‘Abdullāh bin ‘Amr, and ‘Abdullāh bin Al-‘Abbās.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*, we do not know of it except as a narration of ‘Alī bin Al-Aqmar.

(المعجم ٢٨) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ
الْأَكْلِ مُنْكَرًا (التحفة ٢٨)

١٨٣٠ - حَدَّثَنَا قُبَيْلَةُ : حَدَّثَنَا شَرِيكُ عَنْ
عَلَيِّ بْنِ الْأَقْمَرِ، عَنْ أَبِي جُحَيْفَةَ قَالَ : قَالَ
رَسُولُ اللَّهِ ﷺ : «أَمَّا أَنَا فَلَا أَكُلُ مُنْكَرًا» .

[قَالَ :] وَفِي الْبَابِ عَنْ عَلَيِّ وَعَبْدِ اللَّهِ بْنِ
عُمَرٍ وَعَبْدِ اللَّهِ بْنِ الْعَبَّاسِ .

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ
لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ عَلَيِّ بْنِ الْأَقْمَرِ .

^[1] There is a great deal of disagreement over the description of this reclining. However, it is safer to avoid every form of reclining since the prohibition in this narration is inclusive. See *Tuhfat Al-Ahwadhi*.

Zakariyyā bin Abī Zā'īdah, Sufyān bin Sa'eed, and others reported this *Hadīth* from 'Alī bin Al-Aqmar. And Shu'bah reported this *Hadīth* from Sufyān Ath-Thawrī from 'Alī bin Al-Aqmar.

تخریج: [صحیح] وأخرجه البخاری، الأطعمة، باب الأكل متكاً، ح: ٥٣٩٩، ح: ٥٣٩٨؛ حدیث علی بن الأفمر به * وفي الباب عن علی [لم أجده] وعبدالله بن عمرو [أبو داود، ح: ٣٧٧١ وابن ماجه، ح: ٢٤٤] وعبدالله ابن عباس [النسائي في الكبرى: ٤/١٧١، ح: ٦٧٤٣] * حدیث سفیان الثوری: أخرجه الترمذی في الشمائل، ح: ١٣٢.

Chapter 29. What Has Been Related About: The Prophet ﷺ Liked Sweets And Honey

1831. 'Aishah said: "The Prophet ﷺ liked sweets and honey." (*Sahīh*)

This *Hadīth* is *Hasan Sahīh Ghārib*. 'Alī bin Mus-hir reported it from Hishām bin 'Urwah, and there is more stated in the *Hadīth* than this.

وروى زكرياً بن أبي زائدة وسفيان بن سعيد وغيره واحد عن علی بن الأفمر هذا الحديث. وروى شعبة عن سفيان الثوري هذا الحديث عن علی بن الأفمر.

تخریج: [صحیح] وأخرجه البخاری، الأطعمة، باب الأكل متكاً، ح: ٥٣٩٩، ح: ٥٣٩٨؛ حدیث علی بن الأفمر به * وفي الباب عن علی [لم أجده] وعبدالله بن عمرو [أبو داود، ح: ٣٧٧١ وابن ماجه، ح: ٢٤٤] وعبدالله ابن عباس [النسائي في الكبرى: ٤/١٧١، ح: ٦٧٤٣] * حدیث سفیان الثوری: أخرجه الترمذی في الشمائل، ح: ١٣٢.

(المعجم ٢٩) - باب ما جاء في حب النبي ﷺ في الحلوا والعسل (التحفة ٢٩)

١٨٣١ - حدثنا سلمة بن شبيب ومحمود ابن غيلان وأحمد بن إبراهيم الدورقي قالوا: حدثنا أبوأسامة عن هشام بن عروة، عن أبيه، عن عائشة قالت: كان النبي ﷺ يحب الحلوا والعسل.

هذا حديث حسن صحيح غيره، وقد رواه علی بن مسیح عن هشام بن عروة. وفي الحديث كلام أكثر من هذا.

تخریج: متفق عليه، وأخرجه البخاری، الأطعمة، باب الحلوي والعسل، ح: ٥٤٣١ ومسلم، ح: ١٤٧٤ من حدیث أبي أسامة به.

Comments:

The Prophet ﷺ, being himself sweet-natured, liked sweets. Honey, wherein Allāh says that He has put healing, is also sweet. So, basically, it was honey that the Messenger of Allāh ﷺ liked, but he liked other sweet things as well.

Chapter 30. What Has Been Related About Increasing (The Water In) The Broth

1832. Alqamah bin Al-Muzanī narrated from his father, who said that the Prophet ﷺ said: "When

(المعجم ٣٠) - باب ما جاء في إثنان ماء المرة (التحفة ٣٠)

١٨٣٢ - حدثنا محمد بن عمر بن علي المقدمي: حدثنا مسلم بن إبراهيم: حدثنا

one of you buys meat, then let him increase its broth. For, if he does not find any meat you'll have broth; and it is one of the two meats.”^[1] (*Daīf*)

And there are narrations on this topic from *Abū Dharr*.

[*Abū ‘Eisā* said:] This *Hadīth* is *Gharīb*, we do not know of it except through this route, as a narration of *Muhammad bin Faḍā'*, who is *Muhammad bin Faḍā'* *Al-Mu'abbar*, and he has been criticized by *Sulaimān bin Ḥarb*. ‘Alqamah bin ‘Abdullāh is the brother of *Bakr bin ‘Abdullāh Al-Muzanī*.

تَحْرِيْج: [إسْنَادُه ضَعِيفٌ] وَأَخْرَجَهُ الْحَاكِمُ: /٤ ١٣٠ مِنْ حَدِيثِ مُسْلِمَ بْنِ إِبْرَاهِيمَ بِهِ وَصَحَّحَهُ الْحَاكِمُ فَتَعَقَّبَهُ النَّذِيْبِيُّ بِقَوْلِهِ: "مُحَمَّدٌ ضَعْفُهُ ابْنُ مَعْنَى" * مُحَمَّدٌ بْنُ فَضَاءٍ ضَعِيفٌ، وَأَبُوهُ مَجْهُولٌ كَمَا فِي التَّقْرِيبِ وَغَيْرِهِ * وَفِي الْبَابِ عَنْ أَبِيهِ ذَرٍ [يَأْتِي: ١٨٣٣].

Comments:

Meat is a delicious and much liked item of food. Increased quantity of broth could serve more people. It can also be offered to the neighbors. Broth, moreover, has all the taste and pleasing quality of the meat absorbed into it.

1833. Abū Dharr narrated that the Messenger of Allāh ﷺ said: “Let one of you not consider any good to be insignificant. If he has nothing, then let him meet his brother with a smiling face. If you buy some meat or cook something in a pot, then increase its broth, and serve some of it to your neighbor.” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*. *Shu'bah* reported it from *Abū ‘Imrān Al-Jawnī*.

مُحَمَّدُ بْنُ فَضَاءٍ: حَدَّثَنِي أَبِيهِ عَنْ عَلْقَمَةَ بْنِ عَبْدِ اللَّهِ الْمُرْنَيِّ، عَنْ أَبِيهِ قَالَ: قَالَ اللَّهِ تَعَالَى: «إِذَا اشْتَرَى أَحَدُكُمْ لَحْمًا فَلْيَكْثِرْ مَرْقَفَتَهُ، فَإِنْ لَمْ يَجِدْ لَحْمًا أَصَابَ مَرَقَّةً وَهُوَ أَحَدُ الْمُحْمَنِينَ».

وَفِي الْبَابِ عَنْ أَبِيهِ ذَرٍ. [قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا تَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ مُحَمَّدٍ أَبْنِ فَضَاءٍ. وَمُحَمَّدُ بْنُ فَضَاءٍ هُوَ الْمُعْبُرُ، وَقَدْ تَكَلَّمَ فِيهِ سُلَيْمَانُ بْنُ حَرْبٍ. وَعَلْقَمَةَ بْنُ عَبْدِ اللَّهِ هُوَ أَخُو بَكْرٍ بْنِ عَبْدِ اللَّهِ الْمُرْنَيِّ.]

تَحْرِيْج: [إسْنَادُه ضَعِيفٌ] وَأَخْرَجَهُ الْحَاكِمُ: /٤ ١٣٠ مِنْ حَدِيثِ مُسْلِمَ بْنِ إِبْرَاهِيمَ بِهِ وَصَحَّحَهُ الْحَاكِمُ فَتَعَقَّبَهُ النَّذِيْبِيُّ بِقَوْلِهِ: "مُحَمَّدٌ ضَعْفُهُ ابْنُ مَعْنَى" * مُحَمَّدٌ بْنُ فَضَاءٍ ضَعِيفٌ، وَأَبُوهُ مَجْهُولٌ كَمَا فِي التَّقْرِيبِ وَغَيْرِهِ * وَفِي الْبَابِ عَنْ أَبِيهِ ذَرٍ [يَأْتِي: ١٨٣٣].

١٨٣٣ - حَدَّثَنَا الحُسْنَى بْنُ عَلِيٍّ بْنُ الْأَسْوَدِ الْعَدَادِيُّ: حَدَّثَنَا عَمْرُو بْنُ مُحَمَّدٍ الْعَنْقَرِيُّ: حَدَّثَنَا إِسْرَائِيلُ عَنْ صَالِحِ بْنِ رُسْتَمَ أَبِي عَامِرِ الْخَرَازِ، عَنْ أَبِيهِ عُمَرَانَ الْجَوْنِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ الصَّامِتِ، عَنْ أَبِيهِ ذَرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَحْقِرَنَّ أَحَدُكُمْ شَيْئًا مِنَ الْمَعْرُوفِ، وَإِنْ لَمْ يَجِدْ فَلْيُلْقِ أَخَاهُ بِوْجُو طَلِيقٍ، وَإِنْ اشْتَرَتْ لَحْمًا أَوْ طَبْخَتْ قِدْرًا فَأَكْبِرْ مَرَقَّةً وَأَغْرِفْ لِجَارِكَ مِنْهُ». [قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ

[^[1] Because of the nutrients it contains from the meat. See *Tuhfat Al-Ahwadhi*.

صَحِّحُ. وَقَدْ رَوَى شُعْبَةُ عَنْ أَبِي عُمَرَانَ الْجُوْنِيِّ.

تَخْرِيجٌ: [صَحِّحٌ] وَأَخْرَجَهُ مُسْلِمٌ، ح: ٢٦٢٦ مُختَصِّراً وَابْنُ ماجِهِ، ح: ٣٣٦٢ مِنْ حَدِيثِ صَالِحٍ بْنِ رَسْتَمِ بْنِهِ.

Comments:

While cooking some delicious food one must also be mindful of his neighbor. It is especially important because the aroma of the food might even reach his house and he might feel enticed by it. That is why some of the preparation should be sent to him.

Chapter 31. What Has Been Related About The Virtue Of *Tharid*

1834. Abū Mūsā narrated that the Prophet ﷺ said: "Many a man achieved perfection, but no woman achieved perfection except for Mariam the daughter of 'Imrān, and Āsiyah the wife of Fir'awn. And the superiority of 'Aishah over other women is like the superiority of *Tharid* over other foods." (*Sahih*)

[He said:] There is something on this topic from 'Aishah and Anas.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahih*.

(المعجم ٣١) - بَابُ مَا جَاءَ فِي فَضْلِ التَّرِيدِ (التحفة ٣١)

١٨٣٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُنْتَيِّ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرُو بْنِ مُرَّةَ الْهَمْدَانِيِّ، عَنْ أَبِي مُوسَى عَنِ النَّبِيِّ ﷺ قَالَ: «كَمْلَ مِنَ الرُّجَالِ كَثِيرٌ وَلَمْ يَكُنْ مُلْكُمْ إِلَّا مَرْتَبُ ابْنَةِ عُمَرَانَ وَآسِيَةِ امْرَأَةِ فِرْعَوْنَ، وَفَضْلُ عَائِشَةَ عَلَى السَّنَاءِ كَفَضْلِ التَّرِيدِ عَلَى سَائِرِ الطَّعَامِ».

[قال:] وفي الباب عن عائشة وأنس.

[قال أبو عيسى:] هذا حديث حسن

صَحِّحٌ.

تَخْرِيجٌ: متفقٌ عَلَيْهِ، وَأَخْرَجَهُ مُسْلِمٌ، فَضَالِّ الصَّحَّابَةِ، بَابٌ: مِنْ فَضَالِّ خَدِيجَةِ أُمِّ الْمُؤْمِنِينَ رضي الله عنها، ح: ٢٤٣١ عَنْ مُحَمَّدٍ بْنِ الْمُنْتَيِّ وَالْبَخَارِيِّ، ح: ٥٤١٨ مِنْ حَدِيثِ شَعْبَةِ بْنِ * وَفِي الْبَابِ عَنْ عَائِشَةَ وَأَنْسِ.

. [يأتي في تخرير حديث ٣٨٨٧] وَأَنْسٌ [يأتي: ٣٨٨٧].

Comments:

Loaves of bread, if soaked into a well-cooked broth, become extremely delicious, palatable and digestible. This preparation is known as *Tharid*. As regards its good taste, its easy preparability and digestibility it is superior to all other foods. Similarly, with regard to the vastness of her knowledge and education, 'Aishah was superior to all other women of her time.

Chapter 32. (That He Said): Tear The Meat (With Your Teeth)

1835. ‘Abdullāh bin Al-Ḥārith said: “My father had me married so he invited people, and Ṣafwān bin Umayyah was among them. So he said: ‘Indeed the Messenger of Allāh ﷺ said: ‘Bite the meat (with your teeth) for indeed it is more enjoyable and more wholesome.’” (*Da’if*)

[He said:] There are narrations on this topic from ‘Āishah and Abū Hurairah.

[Abū ‘Eisā said:] We do not know of this *Hadīth* except through the narration of ‘Abdul-Karīm. Some of the people of knowledge have criticized ‘Abdul-Karīm Al-Mu’allim because of his memory, Ayyūb As-Sakhtiyānī was among them.

تخریج: [إسناده ضعیف] وأخرجه أحمد: ٤٠٠ / ٣ عن سفیان بن عینه به وحسنی الحافظ في الفتح وللحديث شواهد كلها ضعيفة، راجع مسند الحمیدي بتحقيقی، ح: ٥٦٤ * عبد الكریم أبو أمیة: ضعیف كما في التهذیب وغيره * وفي الباب عن عائشة [أبو داود، ح: ٣٧٧٨] وأبی هریرة [یأتی: ١٨٣٧].

Comments:

Nahasa or *Nahasha* in Arabic means: to bite; to grab with teeth; to tear to pieces. In the context of meat, it means to bite it so that it becomes easy to digest.

Chapter 33. What Has Been Related From The Prophet ﷺ Permitting One To Cut Meat With A Knife

1836. Ja’far bin ‘Amr bin Umayyah Ad-Damrī narrated from his father who said that he saw the Prophet ﷺ making incisions (with

(المعجم ٣٢) - بَابُ مَا جَاءَ [أَنَّهُ] قَالَ: أَنْهَسُوا اللَّحْمَ نَهْسًا (التحفة ٣٢)

١٨٣٥ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْعِنْ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَبْدِ الْكَرِيمِ أَبِي أُمَيَّةَ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ قَالَ: رَوَّجَنِي أَبِي فَدَاعَا أُنَاسًا فِيهِمْ صَفْوَانُ بْنُ أُمَيَّةَ فَقَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَنْهَسُوا اللَّحْمَ نَهْسًا فِيَّهُ أَهْنًا وَأَمْرًا».

[قال:] وفي الباب عن عائشة وأبى هریرة.

[قال أبو عيسى:] وهذا حديث لا تعرفه إلا من حديث عبد الكریم. وقد تکلم بعض أهل العلم في عبد الكریم المعلم من قبل حفظه منهم أيوب السختيانی.

تخریج: [إسناده ضعیف] وأخرجه أحمد: ٤٠٠ / ٣ عن سفیان بن عینه به وحسنی الحافظ في الفتح وللحديث شواهد كلها ضعيفة، راجع مسند الحمیدي بتحقيقی، ح: ٥٦٤ * عبد الكریم أبو أمیة: ضعیف كما في التهذیب وغيره * وفي الباب عن عائشة [أبو داود، ح: ٣٧٧٨] وأبی هریرة [یأتی: ١٨٣٧].

(المعجم ٣٣) - بَابُ مَا جَاءَ عَنِ النَّبِيِّ ﷺ مِنَ الرُّخْصَةِ فِي قَطْعِ اللَّحْمِ بِالسَّكِينِ (التحفة ٣٣)

١٨٣٦ - حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا عَبْدُ الرَّزَاقِ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ جَعْفَرِ بْنِ عَمْرُو بْنِ أُمَيَّةَ الصَّمْرِيِّ، عَنْ أَبِيهِ:

a knife) into a piece of a lamb shoulder which he ate from, then he went to perform *Salāt* without performing *Wudū'*. (*Sahīh*)

[*Abū 'Eisā* said:] This *Hadīth* is *Hasan Sahīh* and there is something on this topic from *Al-Mughīrah bin Shu'bah*.

Takhrij: متفق عليه، وأخرجه البخاري، الأطعمة، باب شاة مسمومة والكتف والجنب، ح: ٥٤٢٢ من حديث معمر ومسلم، ح: ٣٥٥ من حديث الزهري به * وفي الباب عن المغيرة بن شعبة [الترمذى في الشمائل، ح: ١٦٥ وأبو داود، ح: ١٨٨].

Comments:

There is no harm in cutting the big piece of meat with a knife, then putting it into the mouth with the hand.

Chapter 34. What Has Been Related About Which Meat The Messenger Of Allāh ﷺ Used To Like Most

1837. *Abū Hurairah* narrated: "Some meat was brought to the Prophet ﷺ and a foreleg was presented to him, and he used to like it, so he bit from it." (*Sahīh*)

[He said:] There are narrations on this topic from *Ibn Mas'ūd*, *'Aishah*, *'Abdullāh bin Ja'far*, and *Abū 'Ubaydah*.

[*Abū 'Eisā* said:] This *Hadīth* is *Hasan Sahīh*. *Abū Hayyān*'s (a narrator in the chain) name is *Yahya bin Sa'eed bin Hayyān At-Taimī*. *Abū Zur'ah bin 'Amr bin Jarīr*'s name is *Harim*.

أَنَّهُ رَأَى النَّبِيَّ ﷺ احْتَرَزَ مِنْ كَيْفِ شَاءَ فَأَكَلَ مِنْهَا ثُمَّ مَضَى إِلَى الصَّلَاةِ وَلَمْ يَتَوَضَّأْ.

[قال أبو عيسى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَفِي الْبَابِ عَنِ الْمُغَيْرَةَ بْنِ شَعْبَةَ.

Takhrij: متفق عليه، وأخرجه البخاري، الأطعمة، باب شاة مسمومة والكتف والجنب، ح: ٥٤٢٢ من حديث معمر ومسلم، ح: ٣٥٥ من حديث الزهري به * وفي الباب عن المغيرة بن شعبة [الترمذى في الشمائل، ح: ١٦٥ وأبو داود، ح: ١٨٨].

(المعجم ٣٤) - بَابُ مَا جَاءَ فِي أَيِّ الْلَّهِمَّ كَانَ أَحَبَّ إِلَيْ رَسُولِ اللَّهِ ﷺ (التحفة ٣٤)

١٨٣٧ - حَدَّثَنَا حَدَّثَنَا مُحَمَّدُ بْنُ القُضِيلِ عَنْ أَبِي حَيَّانَ التَّيْمِيِّ، عَنْ أَبِي زُرْعَةَ بْنِ عَمْرُو بْنِ جَرِيرٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: أَتَيَ النَّبِيُّ ﷺ بِلَحْمٍ فَدَفَعَ إِلَيْهِ الدَّرَاعُ، وَكَانَ يُعْجِبُهُ، فَنَهَسَ مِنْهَا.

[قال:] وَفِي الْبَابِ عَنِ ابْنِ مَسْعُودٍ وَعَائِشَةَ وَعَبْدِ اللَّهِ بْنِ جَعْفَرٍ وَأَبِي عَبِيدَةَ.

[قال أبو عيسى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو حَيَّانَ اسْمُهُ يَحْيَى بْنُ سَعِيدٍ بْنِ حَيَّانَ التَّيْمِيِّ. وَأَبُو زُرْعَةَ بْنُ عَمْرُو بْنِ جَرِيرٍ اسْمُهُ هَرَمٌ.

Takhrij: متفق عليه، وأخرجه البخاري، التفسير، باب: «ذرية من حملنا مع نوح إنه كان عبداً شكوراً» ح: ٤٧١٢ و مسلم، ح: ١٩٤ من حديث أبي حيّان التميمي به * وفي الباب عن عبد الله ابن مسعود [الترمذى في الشمائل، ح: ١٦٧] وعائشة [يأتي: ١٨٣٨] وعبد الله بن جعفر [الترمذى في الشمائل، ح: ١٧٠] وأبي عبيدة [أيضاً، ح: ١٦٨].

1838. ‘Āishah narrated: “The foreleg was not the part of the meat that the Messenger of Allāh ﷺ liked most, but he would not get meat but occasionally. So it would be hastened to him because it cooks quickly.” (*Da’īf*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan* [*Gharīb*], we do not know of it except from this route.

١٨٣٨ - حَدَّثَنَا الْحَسَنُ بْنُ مُحَمَّدِ الرَّغْفَرَانِيِّ : حَدَّثَنَا يَحْيَى بْنُ عَبَادَ أَبُو عَبَادٍ : حَدَّثَنَا فَانِيُّ بْنُ سُلَيْمَانَ عَنْ عَنْ عَبْدِ الْوَهَابِ بْنِ يَحْيَى مِنْ وَلَدِ عَبَادٍ بْنِ عَبْدِ اللَّهِ بْنِ الرَّبِيعِ ، عَنْ عَبْدِ اللَّهِ بْنِ الرَّبِيعِ ، عَنْ عَائِشَةَ قَالَتْ : مَا كَانَ النَّذَاعُ أَحَبَّ اللَّحْمَ إِلَى رَسُولِ اللَّهِ ﷺ وَلَكِنْ كَانَ لَا يَجِدُ اللَّحْمَ إِلَّا غَيْرًا ، فَكَانَ يَعْجَلُ إِلَيْهِ لِأَنَّهُ أَعْجَلُهَا نُضْجًا .

[قَالَ أَبُو عِيسَى] هَذَا حَدِيثُ حَسَنٍ [غَرِيبٌ] لَا تَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ .
تَخْرِيج: [إسناده ضعيف] * عبد الوهاب بن يحيى: في سماعه من جده نظر، انظر تهذيب التهذيب وغيره.

Comments:

- Ghibban* mentioned in the *Hadīth* means: at intervals; occasionally.
- The foreleg is soft and easy to eat and cooks sooner than most other parts.

Chapter 35. What Has Been Related About Vinegar

1839. Jābir narrated that the Prophet ﷺ said: “What an excellent condiment vinegar is.” (*Sahīh*)

(المعجم (٣٥) - بَابُ مَا جَاءَ فِي الْخَلِ (التحفة (٣٥)

١٨٣٩ - حَدَّثَنَا الْحَسَنُ بْنُ عَرَفةَ : حَدَّثَنَا مُبَارَكُ بْنُ سَعِيدٍ - هُوَ أَخُو سُفِيَّانَ بْنِ سَعِيدِ الثَّوْرَيِّ - عَنْ سُفِيَّانَ ، عَنْ أَبِي الرَّبِيعِ ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ قَالَ : «يَعْمَلُ الْإِدَامُ الْخَلُّ» .

تَخْرِيج: [صحيح] وأخرجه مسلم، الأشربة، باب فضيلة الخل والتآدم به، ح: ٢٠٥٢ من طريق آخر عن جابر بن عبد الله الأنصاري به.

Comments:

- Idām*’s plural form (*Udum*) also behaves like the singular.
- Vinegar was in common use among the Arabs, and they ate it with bread. There was a time in our part of the world as well when people used to eat bread with brown sugar, onion or pepper quite heartily.

1840. ‘Āishah narrated that the Messenger of Allāh ﷺ said: “What an excellent condiment vinegar is.”

(Another chain) with similar except that he ﷺ said: “What an excellent condiment, or, (the most excellent of) condiments is vinegar.” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb* from this route. It is not known as a *Hadīth* of Hishām bin ‘Urwah except through the narration of Sulaimān bin Bilāl.

تخریج: وأخرجه مسلم، الأشربة، باب فضيلة الخل والتآدم به، ح: ٢٠٥١ من حديث يحيى ابن حسان به.

1841. Umm Hāni’ bint Abī Ṭālib narrated: “The Messenger of Allāh ﷺ entered upon me and said: ‘Do you have anything?’ I said: ‘No, except for a piece of hard bread and vinegar.’ So he said: ‘Bring it, for a house that has vinegar is not impoverished of condiments.’” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb* from this route. We do not know of it as a *Hadīth* of Umm Hāni’ except through this route. [Abū Ḥamzah Ath-Thūmālī’s (a narrator in the chain) name is Thābit bin Abī Ṣafiyah.] And Umm Hāni’ died some time after ‘Alī bin Abī Ṭālib. [I asked Muhammad about this *Hadīth*. He

١٨٤٠ - حَدَّثَنَا مُحَمَّدُ بْنُ سَهْلٍ بْنِ عَسْكَرِ الْبَغْدَادِيِّ: حَدَّثَنَا يَحْيَى بْنُ حَسَانَ: حَدَّثَنَا سُلَيْمَانُ بْنُ بَلَالٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «يَنْعَمُ الْإِدَمُ الْخَلُّ». قَالَ: «يَنْعَمُ الْأَدَمُ الْخَلُّ».

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ: حَدَّثَنَا يَحْيَى بْنُ حَسَانَ عَنْ سُلَيْمَانَ بْنِ بَلَالٍ يَهْذَا إِلَسْنَادَ نَحْوَهُ إِلَّا أَنَّهُ قَالَ: «يَنْعَمُ الْإِدَمُ أَوِ الْأَدَمُ الْخَلُّ».

[قال أبو عيسى:] هذا حديث حسن صحيح غريب من هذا الوجه لا يعرف من حديث هشام بن عروة إلا من حديث سليمان بن بلال.

تخریج: وأخرجه مسلم، الأشربة، باب فضيلة الخل والتآدم به، ح: ٢٠٥١ من حديث يحيى ابن حسان به.

١٨٤١ - حَدَّثَنَا أَبُو كُرَيْبٍ [مُحَمَّدُ بْنُ الْعَلَاءِ]: حَدَّثَنَا أَبُو بَكْرٍ بْنُ عَيَّاشٍ عَنْ أَبِي حَمْرَةَ الشَّمَالِيِّ، عَنِ الشَّعْبِيِّ، عَنْ أُمِّ هَانِئٍ بِنْتِ أَبِي طَالِبٍ قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ فَقَالَ: «هَلْ عِنْدَكُمْ شَيْءٌ؟» قَفَّلَتْ: لَا، إِلَّا كَسْرَ يَاسِنَةَ وَخَلًّ، فَقَالَ النَّبِيُّ ﷺ: «فَرِبَّهِ، فَمَا أَفَقَرَ يَتَّ مِنْ أَدْمٍ فِيهِ خَلًّ».

[قال أبو عيسى:] هذا حديث حسن غريب من هذا الوجه لا تعرفه من حديث أم هانئ إلا من هذا الوجه. [وأبو حمراء الشمالي اسمه ثابت بن أبي صفيحة] وأم هانئ ماتت بعد علي بن أبي طالب بزمان.

said: "I do not know of Ash-Sha'bī hearing from Umm Hāni'." So I said: "How is Abū Ḥamzah according to you?" He said: "Ahmad bin Ḥanbal criticized him, but he is *Muqārib* (average) in *Hadīth* to me."

[وَسَأَلْتُ مُحَمَّدًا عَنْ هَذَا الْحَدِيثِ قَالَ: لَا أَعْرِفُ لِلشَّغَبِيِّ سَمَاعًا مِنْ أُمَّ هَانِيَّةَ قَلْتُ: أَبُو حَمْزَةَ كَيْفَ هُوَ عِنْدَكَ؟ فَقَالَ: أَخْمَدُ بْنَ حَبْلَ تَكَلَّمُ فِيهِ وَهُوَ عِنْدِي مُقَارِبٌ الْحَدِيثِ].

تخریج: [حسن] وأخرجه الطبراني في الكبير: ٤٣٧ / ٢٤، ح: ١٠٦٨ من حديث أبي كريب به وسنده ضعيف وله طريق آخر عند الحاكم: ٤ / ٥٤ وغيره وللحديث شاهدان تقدما.

Comments:

The first of the four *Aḥādīth* (*Hadīth* 1839) is from Mubārak bin Sa'eed wherein Sufyān's teacher is Abu Az-Zubair. In *Hadīth* 1842, however, his teacher is Muḥārib bin Dīthār.

1842. Jābir narrated that the Prophet ﷺ said: "What an excellent condiment vinegar is." (*Sahīh*)

There are narrations on this topic from 'Āishah and Umm Hāni', and this is more correct than the narration of Mubārak bin Sa'eed (no. 1839).

تخریج: [صحيح] وأخرجه أبو داود، الأطعمة، باب: في الخل، ح: ٣٨٢٠ من حديث معاوية بن هشام به ورواه ابن ماجه، ح: ٣٣١٧ من حديث محارب بن دثار به وهو حديث صحيح بال Shawāhīd * وفي الباب عن عائشة [تقديم: ١٨٤٠] وأم هانى [تقديم: ١٨٤١].

Chapter 36. What Has Been Related About Eating Melon With Fresh Dates

1843. 'Āishah narrated: "The Prophet ﷺ would eat melon with fresh dates." (*Sahīh*)

[He said:] There is something about this from Anas.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Gharīb*. Some of them reported it from Hishām bin 'Urwah from his father in *Mursal*

١٨٤٢ - حَدَّثَنَا عَبْدَةُ بْنُ عَبْدِ اللَّهِ الْخُرَاعَىُّ الْبَصْرِيُّ قَالَ: حَدَّثَنَا مُعاوِيَةُ بْنُ هِشَامٍ عَنْ سُفْيَانَ، عَنْ مُحَارِبِ بْنِ دِثَارٍ، عَنْ جَابِرٍ عَنْ النَّبِيِّ ﷺ قَالَ: «نَعَمْ إِلَادَمُ الْخَلُّ» وَفِي الْبَابِ عَنْ عَائِشَةَ وَأُمَّ هَانِيَّةَ. وَهَذَا أَصَحُّ مِنْ حَدِيثِ مُبَارَكِ بْنِ سَعِيدٍ.

(المعجم ٣٦) - بَابُ مَا جَاءَ فِي أَكْلِ الْبَطْرِيخِ بِالرُّطْبِ (التحفة ٣٦)

١٨٤٣ - حَدَّثَنَا عَبْدَةُ بْنُ عَبْدِ اللَّهِ الْخُرَاعَىُّ: حَدَّثَنَا مُعاوِيَةُ بْنُ هِشَامٍ عَنْ سُفْيَانَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّ النَّبِيِّ ﷺ كَانَ يَأْكُلُ الْبَطْرِيخَ بِالرُّطْبِ.

[قال:] وفي الباب عن أنس.

form from the Prophet ﷺ, without mentioning “from ‘Āishah” in it. And Yazid bin Rūmān reported this *Hadīth* from ‘Urwah, from ‘Āishah.

[قال أبو عيسى:] هذا حديث حسن غريب. ورواه بعضهم عن هشام بن عروة، عن أبيه عن النبي ﷺ مرسلاً ولم يذكر فيه، عن عائشة. وقد روى يزيد بن رومان عن عروة، عن عائشة هذا الحديث.

تخریج: [صحيح] وأخرجه أبو داود، الأطعمة، باب: في الجمع بين اللوئين، ح: ٣٨٣٦ وغيره من طرق عن هشام به راجع مسند الحمیدي، ح: ٢٥٦ (بتحقيقی) * وفي الباب عن أنس [الحاکم: ١٢١، ١٢٠ / ٤].

Comments:

According to Eastern traditional medicine, property-wise, watermelon and different varieties of cucumber are cool while fresh dates are hot. Mixing the hot with cold would make anything temperate in nature.

Chapter 37. What Has Been Related About Eating Snake Cucumber With Fresh Dates

1844. ‘Abdullāh bin Ja‘far said: “The Messenger of Allāh ﷺ would eat snake cucumber with fresh dates.” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharīb*, we do not know of it except as a narration of Ibrāhīm bin Sa‘d.

(المعجم ٣٧) - باب ما جاء في أكل القثاء بالرطب (التحفة ٣٧)

١٨٤٤ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ مُوسَى الْفَرَارِيُّ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ حَفْرٍ قَالَ: كَانَ النَّبِيُّ ﷺ يَأْكُلُ الْقَثَاءَ بِالرُّطْبِ.

[قال أبو عيسى:] هذا حديث حسن صحيح غريب، لا نعرفه إلا من حديث إبراهيم بن سعيد.

تخریج: متفق عليه، وأخرجه البخاري، الأطعمة، باب القثاء بالرطب، ح: ٥٤٤٠ ومسلم، ح: ٢٠٤٣ من حديث إبراهيم بن سعد به.

Chapter 38. What Has Been Related About Drinking Camel Urine

1845. Anas narrated: “Some people from ‘Urainah arrived in Al-Madīnah, and they were uncomfortable (with the climate). So the Messenger of Allāh ﷺ sent

(المعجم ٣٨) - باب ما جاء في شرب أبوالإبل (التحفة ٣٨)

١٨٤٥ - حَدَّثَنَا الْحَسَنُ بْنُ مُحَمَّدٍ الرَّعْفَرَانِيُّ: حَدَّثَنَا عَفَانُ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ: أَخْبَرَنَا حُمَيدٌ وَثَابِتٌ وَقَتَادَةٌ عَنْ أَنَسٍ:

them some camels from charity. He told them: "Drink from their milk and urine." (*Sahih*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh Ghārīb* as a narration of *Thābit*. This *Hadīth* has been reported through other routes from *Anas*. *Abū Qilābah* reported it from *Anas*, and *Sa‘eed bin Abī ‘Arūbah* reported it from *Qatādah*, from *Anas*.

أنَّ نَاسًا مِنْ عُرَيْتَةَ قَدَمُوا الْمَدِينَةَ فَاجْتَوْهَا، فَعَثَثُمُ النَّبِيَّ ﷺ فِي إِبْلِ الصَّدَقَةِ وَقَالَ: «اشْرِبُوا مِنْ أَبْنَائِهَا وَأَبْوَالِهَا».

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ غَرِيبٌ مِنْ حَدِيثِ ثَابِتٍ. وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهٍ عَنْ أَنَسٍ، رَوَاهُ أَبُو قَلَابَةَ عَنْ أَنَسٍ وَرَوَاهُ سَعِيدُ بْنُ أَبِي عَرْوَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ.

تخریج: [إسناده صحيح] وأخرجه أبو داود، الحدود، باب ما جاء في المحاربة، ح: ٤٣٦٧ والنسائي، ح: ٤٠٣٩ من حديث حماد بن سلمة به وسيأتي: ٢٠٤٢ ورواه البخاري، ح: ٥٧٢٧ من حديث قتادة ومسلم، ح: ١٦٧١ من حديث حميد به وللحديث طرق كثيرة.

Comments:

The *Hadīth* has already been mentioned in detail in the Book Of Purification, Chapter 55, no.72.

Chapter 39. (What Has Been Related) About *Wudū'* Before Meals And Afterwards

1846. *Salmān* said: "I read in the *Tawrāh* that the blessing for food is in the *Wudū'* after it. So I mentioned that to the Prophet ﷺ, telling him what I read in the *Tawrāh*. So the Messenger of Allāh ﷺ said: 'The food's blessing is in the *Wudū'* before it and the *Wudū'* after it.'" (*Da’if*)

He said: There are narrations on this topic from *Anas* and *Abū Hurairah*.

[*Abū ‘Eisā* said:] We do not know of this *Hadīth* except as a narration of *Qais bin Ar-Rabi'*. *Qais* [bin Ar-Rabi'] was graded weak in *Hadīth*. *Abū Hāshim* *Ar-Rumāni*'s (a narrator in the chain) name is *Yahyā bin Dīnār*.

(المعجم ٣٩) - بَابُ [مَا جَاءَ] فِي الْوُضُوءِ قَبْلَ الطَّعَامِ وَبَعْدَهُ (التحفة ٣٩)

١٨٤٦ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ ثُمَيرٍ: حَدَّثَنَا قَيْسُ بْنُ الرَّبِيعٍ؛ ح: وَحَدَّثَنَا قُبَيْلَةُ: حَدَّثَنَا عَبْدُ الْكَرِيمِ الْجُرْجَانِيُّ عَنْ قَيْسِ بْنِ الرَّبِيعِ، الْمَعْنَى وَاحِدٌ، عَنْ أَبِي هَاشِمٍ [يَعْنِي الرَّمَانِيِّ]، عَنْ زَادَانَ، عَنْ سَلْمَانَ قَالَ: قَرَأْتُ فِي التَّوْرَةِ أَنَّ بَرَكَةَ الطَّعَامِ الْوُضُوءُ بَعْدُهُ، فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ ﷺ فَأَخْبَرَهُ بِمَا قَرَأْتُ فِي التَّوْرَةِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «بَرَكَةُ الطَّعَامِ الْوُضُوءُ قَبْلُهُ وَالْوُضُوءُ بَعْدُهُ».

قَالَ: وَفِي الْبَابِ عَنْ أَنَسٍ وَأَبِي هُرَيْرَةَ .
[قالَ أَبُو عِيسَى]: لَا نَعْرِفُ هَذَا الْحَدِيثَ إِلَّا مِنْ حَدِيثِ قَيْسِ بْنِ الرَّبِيعِ، وَقَيْسُ [بْنُ

الرَّبِيعُ] يُضَعَّفُ فِي الْحَدِيثِ وَأَبُو هَاشِمُ الرُّمَانِيُّ اسْمُهُ يَحْيَى بْنُ دِينَارٍ.

تخریج: [إسناده ضعیف] وأخرجه أبو داود، الأطعمة، باب: في غسل اليد قبل الطعام، ح: ٣٧٦١ من حديث قيس بن الربیع به وقال أ Ahmad: "هو منکر ما حدث به إلا قيس بن الربیع" وقال أبو حاتم: "هذا حديث منکر" وضعفه الذہبی والعرائی وغیرهما * قيس بن الربیع: ضعیف ضعفه الجمهور من جهة حفظه.

Comments:

The term *Wudū'* has been used here its literal meaning of washing the hands and mouth in connection with eating. This external etiquette when observed for eating also bears the internal fruit of *Barakah* (Allah's blessings).

Chapter 40. About Not Performing *Wudū* Before Eating

1847. Ibn 'Abbās narrated: "The Messenger of Allah ﷺ came out from the toilet and some food was brought to him. They said: 'Shall we bring you some water for *Wudū*?' He said: 'I have only been ordered to perform *Wudū*' when standing for *Salāt*.'" (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan* [*Sahīh*]. 'Amr bin Dīnār has reported it from Sa'eed bin Al-Huwaīrith, from Ibn 'Abbās. 'Alī bin Al-Madīnī said: "Yahyā bin Sa'eed said: 'Sufyān Ath-Thawrī disliked washing the hands before eating food, and he disliked placing the bread under the bowl.'"

تخریج: [إسناده صحيح] وأخرجه أبو داود، الأطعمة، باب: في غسل اليدين عند الطعام، ح: ٣٧٦٠ والنسائي، ح: ١٣٢ من حديث إسماعيل ابن علیة به وصححه ابن خزيمة، ح: ٣٥ وحسنه البغوي، ح: ٢٨٣٥ وله طریق آخر عند مسلم وغيره * حديث عمرو بن دینار: أخرجه مسلم، ح: ٣٧٤.

Comments:

If a person has already washed his hands and is in a state of cleanliness, there is no need to wash the hands afresh for eating. Nevertheless, if the hands have been soiled from doing some work, then the hands must certainly be washed.

(المعجم ٤٠) - بَابٌ: فِي تَرْكِ الْوُضُوءِ قَبْلَ الطَّعَامِ (التحفة ٤٠)

١٨٤٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْبِعَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أَيُوبَ، عَنْ أَبْنِ أَبِي مَلِيکَةَ، عَنْ أَبْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَرَجَ مِنَ الْخَلَاءِ فَتَرَبَّ إِلَيْهِ طَعَامٌ، فَقَالُوا: أَلَا تَأْتِيَكَ بِوَضُوءٍ؟ قَالَ: «إِنَّمَا أُمِرْتُ بِالْوُضُوءِ إِذَا قُنْتُ إِلَى الصَّلَاةِ».

[قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ [صَحِيحٌ] وَقَدْ رَوَاهُ عَمْرُو بْنُ دِينَارٍ عَنْ سَعِيدِ بْنِ الْحُوَيْرِيتِ، عَنْ أَبْنِ عَبَّاسٍ وَقَالَ عَلَيْهِ بْنُ الْمَدِينِيِّ: قَالَ يَحْيَى بْنُ سَعِيدٍ: كَانَ سُفِيَانُ الثُّورِيُّ يَكْرَهُ غَسْلَ الْيَدِ قَبْلَ الطَّعَامِ، وَكَانَ يَكْرَهُ أَنْ يُوَضَّعَ الرَّأْغِيفُ تَحْتَ القَضْبَةِ.

Chapter 41. What Has Been Related About The *Tasmiyah* For Eating

1848. ‘Ikrāsh bin Dhu’āib said: “Banū Murrah bin ‘Ubaid sent me to bring the *Sadaqah* from their wealth to the Messenger of Allāh ﷺ. I arrived with him in Al-Madīnah and found him sitting between the *Muhājirīn* and the *Anṣār*.” He said: “Then he took my hand and brought me to the home of Umm Salamah and he said: ‘Do you have any food?’ So a bowl containing a lot of *Tharid* with pieces of meat was brought to us, and presented for us to eat from it. So I began wandering my hand around in it while the Messenger of Allāh ﷺ ate from what was in front of him. He grabbed my right hand with his left hand, then he said: ‘O ‘Ikrāsh! Eat from one spot, for indeed the food is one.’ Then a plate containing various dried dates” – or fresh dates – ‘Ubaidullāh (a narrator) was not sure. He said: “I began eating what was in front of me, while the hand of the Messenger of Allāh ﷺ roamed about the plate. He said: ‘O ‘Ikrāsh! Eat from wherever you like, for indeed it is not all from the same variety.’ Then water was brought, so the Messenger of Allāh ﷺ washed his hands, and with the wetness of his hands he wiped his face, his forearms, and his head, and he said: ‘O ‘Ikrāsh! This is the *Wudū’* for that which has been altered by fire.” (*Da’if*)

(المعجم ٤١) - بَابُ مَا جَاءَ فِي
السُّنْنَةِ فِي الطَّعَامِ (التحفة ٤١)

١٨٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ يَشَارٍ: حَدَّثَنَا العَلَاءُ بْنُ الْفَضْلِ بْنُ عَبْدِ الْمَلِكِ بْنُ أَبِي السُّوَيْدِ أَبْوَ الْهَذَيْلِ قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَكْرَاشِ عَنْ أَبِيهِ عَكْرَاشِ بْنِ ذُؤْبِ قَالَ: بَعْنَتِي بْنُ مُرَّةَ بْنِ عَبِيدِ بِصَدَقَاتِ أَمْوَالِهِمْ إِلَى رَسُولِ اللَّهِ ﷺ فَقَدِمْتُ عَلَيْهِ الْمَدِينَةَ فَوَجَدْنَاهُ جَالِسًا بَيْنَ الْمُهَاجِرِينَ وَالْأَنْصَارِ قَالَ: ثُمَّ أَخَذَ يَدِي فَأَنْطَلَقَ بِي إِلَى بَيْتِ أُمِّ سَلَمَةَ فَقَالَ: «هَلْ مِنْ طَعَامٌ؟» فَأَتَيْنَا بِجَفْنَةِ التَّرِيدِ وَالْوَدْرِ، وَأَقْبَلْنَا نَأْكُلُ مِنْهَا فَخَبَطْتُ يَدِي فِي تَوَاحِيدهَا وَأَكَلَ رَسُولُ اللَّهِ ﷺ مِنْ بَيْنِ يَدَيْهِ فَقَبَضَ يَدِهِ الْيُسْرَى عَلَى يَدِي الْيُمْسَى ثُمَّ قَالَ: «يَا عَكْرَاشُ! كُلْ مِنْ مَوْضِعٍ وَاحِدٍ فَإِنَّهُ طَعَامٌ وَاحِدٌ» ثُمَّ أَتَيْنَا بِطَبَقِهِ فِي أَلْوَانِ الشَّمْرِ أَوِ الرُّطْبِ، شَكَّ عَيْدُالُ اللَّهِ قَالَ: فَجَعَلْتُ أَكُلُّ مِنْ بَيْنِ يَدَيَّ وَجَالَتْ يَدُ رَسُولِ اللَّهِ ﷺ فِي الطَّبَقِ قَالَ: «يَا عَكْرَاشُ! كُلْ مِنْ حِيثُ شِئْتَ فَإِنَّهُ غَيْرُ لَوْنٍ وَاحِدٍ» ثُمَّ أَتَيْنَا بِمَاءٍ فَغَسَّلَ رَسُولُ اللَّهِ ﷺ يَدَهُ وَمَسَحَ بِلِلَّ كَفِيهِ وَجْهَهُ وَذَرَاعِيهِ وَرَأْسَهُ وَقَالَ: «يَا عَكْرَاشُ! هَذَا الْوُضُوءُ مِمَّا عَيَّرَتِ النَّارُ» [قَالَ أَبُو عَيْسَى: هَذَا حَدِيثٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ الْعَلَاءِ بْنِ الْفَضْلِ وَقَدْ تَرَدَّ الْعَلَاءُ بِهَذَا الْحَدِيثِ وَفِي الْحَدِيثِ قِصَّةٌ [وَلَا نَعْرِفُ لِعَكْرَاشِ عَنِ الْبَيْهَى إِلَّا هَذَا الْحَدِيثُ].

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*, we do not know of it except through the narration of Al-‘Alā’ bin Al-Fadl, and Al-‘Alā’ was alone with this narration, and there is more in the story in the *Hadīth*. [And we do not know a *Hadīth* from the Prophet ﷺ by ‘Ikrašh except this.]

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الأطعمة، باب الأكل مما يلیک، ح: ٢٢٧٤ عن محمد بن بشار به * العلاء بن الفضل ضعیف (تقریب) وعبدالله بن عکراش: قال البخاری: لا یثبت حدیثه .

Comments:

Although the *Hadīth* is weak some the rules of etiquette contained in it are corroborated from other *Aḥādīth*, some of which are to follow.

Chapter 42. What Has Been Related About Eating Gourd

1849. Abū Tālūt said: “I entered upon Anas bin Mālik while he was eating gourd, and he was saying: ‘O you tree! I do not like you but because the Messenger of Allāh ﷺ liked you.’” (*Da’if*)

[He said:] There is something on this topic from Ḥakīm bin Jābir, from his father.

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb* from this route.

(المعجم (٤٢) - بَابُ مَا جَاءَ فِي أَكْلِ الدِّبَاءِ (التحفة (٤٢)

١٨٤٩ - حَدَّثَنَا قُتْبَيْهُ بْنُ سَعِيدٍ: حَدَّثَنَا الْيَتُّعُ عَنْ مُعاوِيَةَ بْنِ صَالِحٍ، عَنْ أَبِي طَالُوتَ قَالَ: دَخَلْتُ عَلَى أَنَسِ بْنِ مَالِكٍ وَهُوَ يَأْكُلُ الْقَرْعَ وَهُوَ يَقُولُ: يَا لَكِ شَجَرَةً مَا أَحِبُّكَ إِلَّا لِحُبِّ رَسُولِ اللَّهِ ﷺ إِلَيْكَ . [قال:] وفي الباب عن حكيم بن جابر، عن أبيه . [قال أبو عيسى:] هذا حديث غريب من هذا الوجه .

تخریج: [إسناده ضعیف] * أبو طالوت الشامي: مجھول(تقریب) والحدیث الآتی شاهد بعضه * وفي الباب عن حکیم بن جابر عن أبيه [الترمذی في الشماائل، ح: ١٦٠].

Comments:

To love a vegetable or food because the Messenger of Allāh ﷺ liked it is evidence of a persons love and reverence for the Prophet ﷺ himself, although the liking or eating of it has not been made an obligatory duty upon a believer in the *Shari’ah*.

1850. Anas bin Mālik said: "I saw the Messenger of Allāh ﷺ taking from the sides around the dish – meaning the gourd. Since then I still like it." (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. This *Hadīth* has been reported through more than one route from Anas bin Mālik.

١٨٥٠ - حَدَّثَنَا مُحَمَّدُ بْنُ مَيْمُونَ الْمَكِيُّ : حَدَّثَنَا سُفْيَانُ بْنُ عَيْنَةَ قَالَ: حَدَّثَنِي مَالِكٌ [ابْنُ أَنَسِ] عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَتَّبِعُ فِي الصَّحْفَةِ - يَعْنِي الدُّبَاءَ - فَلَا أَزَّ أَجِهُ.

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ . وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهٍ عَنْ أَنَسِ بْنِ مَالِكٍ .

تخريج: متفق عليه، وأخرجه البخاري، الأطعمة، باب من تتبع حوالي القصعة مع صاحبه إذا لم يعرف منه كراهيته، ح: ٢٠٤١ من حديث مالك به وهو في الموطأ: ٥٤٦ / ٢، ٥٤٧ بطوله.

Chapter 43. What Has Been Related About Eating Olive Oil

(المعجم ٤٣) - بَابُ مَا جَاءَ فِي أَكْلِ الرَّزْيَتِ (التحفة ٤٣)

1851. ‘Umar bin Al-Khaṭṭāb narrated that the Messenger of Allāh ﷺ said: "Eat olive and use its oil, for indeed it is a blessed tree." (*Sahīh*)

[Abū ‘Eisā said:] We do not know of this *Hadīth* except through the narration of ‘Abdur-Razzāq from Ma‘mar (narrators in the chain of this *Hadīth*). ‘Abdur-Razzāq would narrate this with *Idtirāb*. Sometimes he mentioned in it: "From ‘Umar, from the Prophet ﷺ" and sometimes he reported it indicating doubt, saying: "I think it is from ‘Umar from the Prophet ﷺ." And sometimes he said: "From Zaid bin Aslam, from his father, from the Prophet ﷺ" in *Mursal* form.

(Another chain) from Zaid bin

١٨٥١ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى : حَدَّثَنَا عَبْدُ الرَّزَاقِ عَنْ مَعْمِرٍ، عَنْ زَيْدِ بْنِ أَشْلَمَ، عَنْ أَبِيهِ، عَنْ عُمَرَ بْنِ الْخَطَّابِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلُوا الرَّزْيَتَ وَادْهُنُوا بِهِ فَإِنَّهُ مِنْ شَجَرَةِ مُبَارَكَةٍ» .

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ لَا تَعْرِفُهُ إِلَّا مِنْ حَدِيثِ عَبْدِ الرَّزَاقِ عَنْ مَعْمِرٍ . وَكَانَ عَبْدُ الرَّزَاقِ يَضْطَرِبُ فِي رِوَايَةِ هَذَا الْحَدِيثِ، فَرُبَّمَا ذَكَرَ فِيهِ عَنْ عُمَرَ عَنِ النَّبِيِّ ﷺ، وَرُبَّمَا رَوَاهُ عَلَى الشَّكِّ فَقَالَ: أَخْبَرَهُ عَنْ عُمَرَ عَنِ النَّبِيِّ ﷺ، وَرُبَّمَا قَالَ: عَنْ زَيْدِ بْنِ أَشْلَمَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ، وَرُبَّمَا قَالَ: عَنْ زَيْدِ حَدَّثَنَا أَبُو دَاوُدْ سُلَيْمَانُ بْنُ مَعْبُدٍ: حَدَّثَنَا

Aslam, from his father, from the Prophet ﷺ with similar. And he did not mention "from 'Umar" in it.

تخریج: [إسناده صحيح] وأخرجه ابن ماجه، الأطعمة، باب الزيت، ح: ٣٣١٩ من حديث عبدالرzaق به وصححه الحاكم على شرط الشيخين: ١٢٢/٤ وواافقه الذهبي وأورده الضياء في المختارة * حديث عبدالرزاق عن عمر عن زيد بن أسلم عن أبيه، في المصنف له: ٤٢٢/١٠، ح: ١٩٥٦٨ وللحديث شواهد كثيرة.

Comments:

In *Sūrat An-Nūr*, 24 of the Qur'ān, the olive tree has been described as a blessed tree, and praise has been given to its oil. That is why the Prophet ﷺ has exhorted the believers to make use of it.

1852. Abū Asīd said: "The Prophet ﷺ said: Eat of its oil and use it (the olives), for indeed it is from a blessed tree." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Gharīb* from this route. We only know of it from the narration [of Sufyān Ath-Thawrī, from] 'Abdullāh bin 'Eisā.

تخریج: [صحيح] وأخرجه الطبراني في الكبير: ١٩/٢٦٩، ٢٧٠، ح: ٥٩٧ من حديث سفيان يعني الثوري به وتابعه زهير بن معاوية عنده، ح: ٥٩٦ وصححه الحاكم: ٢/٣٩٧، ٣٩٨ وواافقه الذهبي وللحديث شواهد منها الحديث السابق * عطاء ليس بابن أبي رباح.

Chapter 44. What Has Been Related About Eating With Slaves (And Dependents)

1853. Ismā'il bin Abī Khālid narrated from his father that Abū Hurairah informed them that the Prophet ﷺ said: "When the servant of one of you has endured

عبد الرزاق عن عمر، عن زيد بن أسلم، عن أبيه عن النبي ﷺ نحوه ولم يذكر فيه عن عمر.

تخریج: [إسناده صحيح] وأخرجه ابن ماجه، الأطعمة، باب الزيت، ح: ٣٣١٩ من حديث

١٨٥٢ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا أَبُو أَخْمَدَ الزَّيْرِيُّ وَأَبُو نُعْمَانَ قَالَا: حَدَّثَنَا سُفِيَّانُ عَنْ عَبْدِ اللَّهِ بْنِ عَيْسَى، عَنْ رَجُلٍ يَقَالُ لَهُ: عَطَاءٌ مِّنْ أَهْلِ السَّامِ، عَنْ أَبِي أَسِيدَ قَالَ: قَالَ النَّبِيُّ ﷺ: «كُلُوا مِنَ الْزَيْتَ وَادْهُوْهُ بِهِ فَإِنَّهُ مِنْ شَجَرَةِ مُبارَكَةٍ».

[قال أبو عيسى:] هَذَا حَدِيثٌ غَرِيبٌ مِّنْ هَذَا الْوَجْهِ إِنَّمَا نَعْرِفُهُ مِنْ حَدِيثٍ [سُفِيَّانَ التَّوْرِيِّ عَنْ] عَبْدِ اللَّهِ بْنِ عَيْسَى.

تخریج: [صحيح] وأخرجه الطبراني في الكبير: ١٩/٢٦٩، ٢٧٠، ح: ٥٩٧ من حديث سفيان يعني الثوري به وتابعه زهير بن معاوية عنده، ح: ٥٩٦ وصححه الحاكم: ٢/٣٩٧، ٣٩٨ وواافقه الذهبي وللحديث شواهد منها الحديث السابق * عطاء ليس بابن أبي رباح.

(المعجم (٤٤) - باب ما جاء في الأكل مع المملوك [والعيال] (التحفة (٤٤

١٨٥٣ - حَدَّثَنَا نَصْرُ بْنُ عَلَيْهِ: حَدَّثَنَا سُفِيَّانُ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ يُخْرِجُهُمْ بِذَلِكَ عَنِ النَّبِيِّ ﷺ قَالَ: إِذَا كَفَأَ أَحَدُكُمْ خَادِمًا طَعَامَهُ حَرَّةٌ

heat and smoke preparing his food for him, then let him take him by the hand and make him sit him down with him. If he refuses, then let him take a morsel and feed him with it.” (*Sahih*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*. *Abū Khālid* is the father of *Ismā‘il*, his name is *Sa‘d*.

تخریج: [صحيح] وأخرجه ابن ماجه، الأطعمة، باب: إذا أتاك خادمه ب الطعام فليناوله منه، ح: ٣٢٨٩ من حديث إسماعيل بن أبي خالد به وسنه ضعيف لعننته إسماعيل وللحديث شواهد كثيرة عند البخاري ومسلم وابن ماجه: ٣٢٩٠ وغيرهم.

Comments:

Since the slave or servant that toils for you, and endures all the hard work preparing the food for you and, in the process, perhaps develops a desire for eating the preparation made by him, and you have enough food with you, then it would certainly be most proper and pertinent that you also let him share the food with you.

Chapter 45. What Has Been Related About The Virtues Of Feeding Others

1845. *Abū Hurairah* narrated that the Prophet ﷺ said: “Spread the (greetings of) *Salām*, feed others, strike the heads (of the enemy disbelievers); you will inherit Paradise.” (*Da’if*)

He said: There are narrations on this topic from ‘Abdullāh bin ‘Amr, Ibn ‘Umar, Anas, ‘Abdus-Salām, ‘Abdur-Rahmān bin ‘Āish, and *Shuraih bin Hāni* from his father.

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh Gharīb* as a narration of [Ibn Ziyād] from *Abū Hurairah*.

وَدَخَانَهُ، فَلْيَأْخُذْ بِيَدِهِ فَلْيَقْعِدْ مَعَهُ، فَإِنْ أَبَى فَلْيَأْخُذْ لَقْمَةً فَلْيُطْعِمْهُ إِيَّاهَا».

[قال أبو عيسى:] هـذا حـديث حـسن صـحـيحـ. وـأبـو خـالـيدـ وـالـإـسـمـاعـيـلـ اسـمـهـ سـعـدـ.

(المعجم ٤٥) - بـابـ مـا جـاءـ فـي فـضـلـ إـطـعـامـ الطـعـامـ (التحفة ٤٥)

١٨٥٤ - حـدـثـنا يـوـسـفـ بـنـ حـمـادـ [المـعـنـيـ] الـبـصـرـيـ: حـدـثـنا عـشـمـانـ بـنـ عـبـدـ الرـحـمـنـ الـجـمـجـيـ عـنـ مـحـمـدـ بـنـ زـيـادـ، عـنـ أـبـي هـرـيـةـ عـنـ النـبـيـ ﷺ قـالـ: «أـفـشـوا السـلـامـ وـأـطـعـمـوـ الطـعـامـ، وـاضـرـبـوا الـهـامـ تـورـثـوا الـجـنـانـ».

قـالـ: وـفـي الـبـابـ عـنـ عـبـدـ اللـهـ بـنـ عـمـرـ وـابـنـ عـمـرـ وـأـنـسـ وـعـبـدـ اللـهـ بـنـ سـلـامـ وـعـبـدـ الرـحـمـنـ ابـنـ عـائـشـ وـشـرـيـعـ بـنـ هـانـيـ، عـنـ أـبـيهـ.

[قال أبو عيسى:] هـذا حـديث حـسنـ صـحـيحـ غـرـيـبـ مـنـ حـدـيثـ [ابـنـ زـيـادـ] عـنـ أـبـي هـرـيـةـ.

تـخرـيـجـ: [إـسـنـادـ ضـعـيفـ] * عـثـمـانـ الـجـمـجـيـ لـيـسـ بـالـقوـيـ كـمـاـ فـيـ التـهـذـيبـ وـغـيرـهـ وـانـظـرـ تسـهـيلـ الـحـاجـةـ، حـ: ٣٣٤٢ـ وـلـلـحـدـيـثـ شـواـهـدـ صـحـيـحةـ دـوـنـ قـوـلـهـ: «وـاضـرـبـوا الـهـامـ تـورـثـوا الـجـنـانـ» * وـفـيـ الـبـابـ عـنـ عـبـدـ اللـهـ بـنـ عـمـرـ [يـأـتـيـ: ١٨٥٥ـ] وـابـنـ عـمـرـ [ابـنـ مـاجـهـ، حـ: ٣٢٥٢ـ] وـأـنـسـ [الـبـيـهـيـ]

في شعب الإيمان، ح: ٣٣٦٧] وعبدالله بن سلام [يأتي: ٢٤٨٥] وعبدالرحمن بن عائش [البغوي في شرح السنة: ٤/٣٦، ح: ٩٢٤] وشريح بن هانئ عن أبيه [البخاري في الأدب المفرد، ح: ٨١].

Comments:

These characteristics, general in nature as they are, can well be regarded as highly commendable moral virtues in a man's character that make him deserving of a place in Paradise.

1855. 'Abdullāh bin 'Amr narrated that the Messenger of Allāh ﷺ said: "(All of you) worship Ar-Rahmān, feed others, spread the (greeting of) *Salām*, then you will enter Paradise in security." (*Sahīh*)

[He said:] This *Hadīth* is *Hasan Sahīh*.

٨٥٥ - حَدَّثَنَا هَنَّادُ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ عَطَاءَ بْنِ السَّائِبِ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ ابْنِ عَمْرِو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اَغْبُدُوا الرَّحْمَنَ، وَأَطْعُمُوا الطَّعَامَ، وَأَفْسُوا السَّلَامَ تَدْخُلُوا الْجَنَّةَ سِلَامًا».

[قال:] هَذَا حَدِيثٌ حَسْنٌ صَحِيحٌ.

تخریج: [صحیح] وأخرجه ابن ماجه، الأدب، باب إفساء السلام، ح: ٣٦٩٤ من حديث عطاء بن السائب به وللحديث شواهد كثيرة جداً.

Comments:

That we worship Allāh (Ar-Rahmān) alone is the right of Allāh upon us all. Similarly, greeting every known or unknown Muslim with *Salām* and feeding the needy is the right of men upon us. Thus, anyone who fulfills the rights of both men and Allāh ﷺ, then he is of the people of Paradise.

Chapter 46. What Has Been Related About The Virtue Of *Al-'Ashā*^[1]

1856. Anas bin Mālik narrated that the Messenger of Allāh ﷺ said: "Take the '*Ashā*' meal, even if it is just with a handful of something to fill. For indeed avoiding the '*Ashā*' is from senility." (*Da'īy*)

[Abū 'Eisā said:] This *Hadīth* is *Munkar*, we do not know of it except from this route. 'Anbasah was graded weak in *Hadīth*. 'Abdul-Mālik bin 'Allāq is unknown.

(المعجم ٤٦) - بَابُ مَا جَاءَ فِي فَضْلِ الْعَشَاءِ (التحفة ٤٦)

١٨٥٦ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: حَدَّثَنَا مُحَمَّدُ بْنُ يَعْنَى الْكُوفِيُّ: حَدَّثَنَا عَبْنَسُ بْنُ عَبْدِ الرَّحْمَنِ الْقُرَشِيُّ عَنْ عَبْدِ الْمَلِكِ بْنِ عَلَّاقٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ النَّبِيُّ ﷺ: «تَعَشَّوْا وَلَوْ بِكَفٍّ مِنْ حَشَفٍ، فَإِنَّ تَرْوِيَكُمُ الْعَشَاءَ مَهْرَمَةً».

[قال:] أَبُو عِيسَى: [هَذَا حَدِيثٌ مُكْرَرٌ لَا تَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ. وَعَبْنَسُ يُضَعَّفُ فِي

[1] Dinner or supper.

الحاديـث . وَعَبْدُ الـمَلِكِ بْنُ عَلَّاقِ مَجْهُولٌ .

تخرـيج : [إسناـده ضعيف جـداً] وأخرـجه ابن عـدي : ١٩٠١ / ٥ من حـديث محمد بن يـعلى به
وهو ضعـيف وعـنـسـة بن عبدـالـرحـمنـ: متـرـوكـ، رـماـهـ أـبوـحـاتـمـ بـالـوـضـعـ (ـتـقـرـيبـ) ولـلـحـدـيـثـ شـاهـدـ
ضعـيفـ جـداـ عندـ ابنـ مـاجـهـ، حـ: ٣٣٥٥ .

Comments:

If one feels a genuine need for eating but does not eat, he runs the risk of generating heat in his stomach. Hunger soon starts draining away the natural juices of the body as well as diminishing the appetite, which leads to the weakening of the body and, as a rule, a weak person ages faster. This is a medical truism mistaken for a *Hadith*.

Chapter 47. What Has Been Related About The *Tasmiyah* Over Food

1857. ‘Umar bin Abī Salamah narrated that he entered upon the Messenger of Allāh ﷺ while he had some food. He said: “Sit down O my son! Mention Allāh’s Name and eat with your right hand, and eat what is nearest to you.” (*Sahīh*)

[Abū ‘Eisā said:] It has been reported from Hishām bin ‘Urwah, from Abū Wajzah As-Sa‘dī, from a man from Muzainah, from ‘Umar bin Abī Salamah. The companions of Hishām bin ‘Urwah differed in reporting this *Hadīth*. Abū Wajzah As-Sa‘dī’s name is Yazid bin ‘Ubaid.

تـخـرـيجـ: [صـحـيـحـ] وأـخـرـجـهـ ابنـ مـاجـهـ، بـابـ التـسـميـةـ عـنـ الطـعـامـ، حـ: ٣٢٦٥ من حـديثـ
هـشـامـ بـنـ عـرـوـةـ، عـنـ أـبـيـهـ، عـنـ عـمـرـ بـنـ أـبـيـ سـلـمـةـ أـنـهـ دـخـلـ عـلـىـ رـسـوـلـ اللـهـ ﷺ وـعـنـدـهـ طـعـامـ، قـالـ: «اـذـنـ يـاـ بـنـيـ، وـسـمـ اللـهـ وـكـلـ
يـمـيـنـكـ وـكـلـ مـمـاـ يـلـيـكـ» .

١٨٥٧ - حـدـثـناـ عـبـدـ اللـهـ بـنـ الصـبـاحـ الـهـاشـمـيـ: حـدـثـناـ عـبـدـ الـأـعـلـىـ عـنـ مـعـمـرـ، عـنـ
هـشـامـ بـنـ عـرـوـةـ، عـنـ أـبـيـهـ، عـنـ عـمـرـ بـنـ أـبـيـ سـلـمـةـ أـنـهـ دـخـلـ عـلـىـ رـسـوـلـ اللـهـ ﷺ وـعـنـدـهـ طـعـامـ، قـالـ: «اـذـنـ يـاـ بـنـيـ، وـسـمـ اللـهـ وـكـلـ
يـمـيـنـكـ وـكـلـ مـمـاـ يـلـيـكـ» .
[قالـ أـبـوـ عـيسـيـ:] وـقـدـ رـوـيـ عـنـ هـشـامـ بـنـ
عـرـوـةـ عـنـ أـبـيـهـ وـجـزـةـ السـعـدـيـ، عـنـ رـجـلـ مـنـ
مـرـيـنـةـ، عـنـ عـمـرـ بـنـ أـبـيـ سـلـمـةـ وـقـدـ اـخـتـلـفـ
أـصـحـاحـ هـشـامـ بـنـ عـرـوـةـ فـيـ روـاـيـةـ هـذـاـ الـحـدـيـثـ
وـأـبـوـ وـجـزـةـ السـعـدـيـ اـسـمـهـ يـرـيدـ بـنـ عـيـنـدـ .

تـخـرـيجـ: [صـحـيـحـ] وأـخـرـجـهـ ابنـ مـاجـهـ، بـابـ الأـطـعـمـةـ، بـابـ التـسـميـةـ عـنـ الطـعـامـ، حـ: ٣٢٦٥ من حـديثـ
هـشـامـ بـنـ عـرـوـةـ، عـنـ أـبـيـهـ، عـنـ عـمـرـ بـنـ أـبـيـ سـلـمـةـ بـهـ .

Comments:

Blessed will be the food over which is mentioned the name of Allāh, since the very mention of Allāh’s Name means scaring the *Shāitān* away and keeping him from sharing the meals or working his wiles and mischief. It, moreover, awakens the realization in the mind of man that food is a special gift of Allāh, and it is through Allāh’s bounty and grace that he has been able to eat his food and enjoy its deliciousness and benefits.

1858. Umm Kulthūm narrated from ‘Āishah that the Messenger of Allāh ﷺ said: “When one of you eats food, then let him say: ‘Bismillāh.’ If he forgets in the beginning, then let him say: ‘Bismillāh Fī Awwalihī Wa Ākhirih’ (In the Name of Allāh in its beginning and its end.)”

It is narrated with this chain of narration, from ‘Āishah who said: “The Prophet ﷺ was eating food with six of his Companions. A Bedouin came and ate it in two mouthfuls. So the Messenger of Allāh ﷺ said: “As for him, had he mentioned (Allāh’s Name), it would have been enough for all of you.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. [Umm Kulthūm is the daughter of Muhammad bin Abi Bakr As-Ṣiddīq, may Allāh be pleased with them.]

تخریج: [إسناده صحيح] وأخرجه أبو داود، الأطعمة، باب التسمية على الطعام، ح: ٣٧٧ وابن ماجه، ح: ٣٢٦٤ من حديث هشام الدستوائي به مختصرًا وصححه ابن حبان، ح: ١٣٤١ والحاكم: ١٠٨/٤ ووافقه الذبيحي.

Comments:

One must begin his food with *Bismillāh*. In case a person forgets to say it in the beginning, let him remedy the lapse by saying *Bismillāhi Fī Awwalihī Wa Ākhirih* as soon as he is reminded of it.

Chapter 48. What Has Been Related About It Being Disliked To Spend The Night While One Has A Smell On His Hand

1859. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Indeed *Ash-Shaiṭān* has a sense of taste, for which he licks, so beware of him. So whoever spends the

١٨٥٨ - حَدَّثَنَا أَبُو بَكْرٍ مُحَمَّدُ بْنُ أَبِي حَمْزَةَ حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا هِشَامُ الدَّسْتَوَائِيُّ عَنْ بُدْنَلِي بْنِ مَسِيرَةَ الْعَقَبَيْنِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عَمِيرٍ، عَنْ أُمِّ كُلُّثُومٍ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: إِذَا أَكَلَ أَحَدُكُمْ طَعَاماً فَلْيَقُلْ يَسِّمِ اللَّهُ، فَإِنْ نَسِيَ فِي أُولَئِكَ الْمُؤْمِنِينَ فَلْيَقُلْ يَسِّمِ اللَّهُ فِي أُولَئِكَ الْمُؤْمِنِينَ وَآخِرَهُ .

وَبِهَذَا الْإِسْنَادِ عَنْ عَائِشَةَ قَالَتْ: كَانَ النَّبِيُّ ﷺ يَأْكُلُ طَعَاماً فِي سَيَّةٍ مِنْ أَصْحَابِهِ فَجَاءَ أَغْرَاهِيَّ فَأَكَلَهُ لِيَقْمَنِيْنِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: أَمَا إِنَّهُ لَوْ سَمَّى كَفَاكُمْ .

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ . (وَأُمِّ كُلُّثُومٍ هِيَ بِنْتُ مُحَمَّدٍ بْنِ أَبِي بَكْرٍ الصَّدِيقِ رَضِيَ اللَّهُ عَنْهُ) .]

(المعجم ٤٨) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ الْبَيْتُوَةِ وَفِي يَدِهِ [رِيحٌ] غَمِّ (التحفة ٤٨)

١٨٥٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعَ: حَدَّثَنَا يَعْقُوبُ بْنُ الْوَلِيدِ الْمَدْنَيِّ عَنْ ابْنِ أَبِي ذُئْبٍ، عَنِ الْمَقْبِرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ الشَّيْطَانَ حَسَّاسٌ

night with [a smell] on his hand and something happens to him, then let him not blame anyone but himself." (*Mawdū'*)

[*Abū 'Eisā* said:] This *Hadīth* is *Gharīb* from this route. It has also been reported in a narration of *Suhail bin Abī Shālib*, from his father, from *Abū Hurairah*, from the Prophet ﷺ.

تخریج: [إسناده موضوع] وأخرجه الحاکم: ١٣٧/٤ من حديث أَحْمَدُ بْنُ مَنْعَةَ وَابْنِ دَادِيِّ: ٢٦٠٦ من حديث يعقوب بن الوليد به وهو كذاب كما قال أَحْمَدُ وَغَيْرُهُ * روى أبو داود، ح: ٣٨٥٢ وابن ماجه، ح: ٣٢٩٧ من حديث سهيل عن أبي هريرة عن النبي ﷺ قال: "من نام وفي يده غمر ولم يغسله فأصابه شيء فلا يلوم من إلا نفسه" وسننه صحيح وصححه ابن حبان، ح: ١٣٥٤ وهو في جزء سهيل بن أبي صالح، ح: ٣٣.

1860. *Abū Hurairah* narrated that the Messenger of Allāh ﷺ said: "Whoever spends the night with [a smell] on his hand and something happens to him, then let him not blame anyone but himself." (*Sahīh*)

[*Abū 'Eisā* said:] This *Hadīth* is *Hasan Gharīb*, we do not know of it as a narration of *Al-A'mash* except through this route.

لَحَاسُ، فَاخَدَرُوهُ عَلَى أَنْفُسِكُمْ، مَنْ بَاتَ وَفِي يَدِهِ [رِيحٌ] غَمَرَ فَأَصَابَهُ شَيْءٌ فَلَا يَلُومَنَّ إِلَّا نَفْسَهُ».

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ غَرِيبٌ مِنْ هَذَا الْوَجْهِ. وَقَدْ رُوِيَ مِنْ حَدِيثِ سُهِيلِ بْنِ أَبِي صَالِحٍ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ.

تخریج: [إسناده موضوع] وأخرجه الحاکم: ١٣٧/٤ من حديث أَحْمَدُ بْنُ مَنْعَةَ وَابْنِ دَادِيِّ: ٢٦٠٦ وابن ماجه، ح: ٣٨٥٢ من حديث سهيل عن أبي هريرة عن النبي ﷺ قال: "من نام وفي يده غمر ولم يغسله فأصابه شيء فلا يلوم من إلا نفسه" وسننه صحيح وصححه ابن حبان، ح: ١٣٥٤ وهو في جزء سهيل بن أبي صالح، ح: ٣٣.

١٨٦٠ - حَدَّثَنَا أَبُو بَكْرٍ مُحَمَّدُ بْنُ إِسْحَاقَ أَبُو بَكْرِ الْبَغْدَادِيِّ [الصَّاغَانِيُّ]:
حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرِ الْمَدَائِنِيُّ: حَدَّثَنَا مَنْصُورُ بْنُ أَبِي الْأَسْوَدِ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: "مَنْ بَاتَ وَفِي يَدِهِ [رِيحٌ] غَمَرَ فَأَصَابَهُ شَيْءٌ فَلَا يَلُومَنَّ إِلَّا نَفْسَهُ".

[قالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٌ غَرِيبٌ لَا تَعْرِفُهُ مِنْ حَدِيثِ الْأَعْمَشِ إِلَّا مِنْ هَذَا الْوَجْهِ.

تخریج: [صحيح] وأخرجه الحاکم: ١٣٧/٤ من حديث محمد بن إسحاق البغدادي به وصححه * حديث أبي داود، ح: ٣٨٥٢ وابن ماجه، ح: ٣٢٩٧ شاهد له، انظر الحديث السابق.

*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

24. The Chapters On Drinks From The Messenger Of Allāh ﷺ

Chapter 1. What Has Been Related About Drinking *Khamr*^[1]

1861. Ibn ‘Umar narrated that the Messenger of Allāh ﷺ said: “Every intoxicant is *Khamr*, and every intoxicant is unlawful. Whoever drinks *Khamr* in this world, and dies continuing it, he will not drink it in the Hereafter.” (*Sahīh*)

[He said:] There are narrations on this topic from Abū Hurairah, Abū Sa‘eed, ‘Abdullāh bin ‘Amr, ‘Ubādah, Abū Mālik Al-Ash‘arī, and Ibn ‘Abbās.

[Abū ‘Eisā said:] The *Hadīth* of Ibn ‘Umar is a *Hasan Sahīh Hadīth*. It has been reported through other routes from Nāfi‘, from Ibn ‘Umar, from the Prophet ﷺ. Mālik bin Anas reported it from Nāfi‘ from Ibn ‘Umar in *Mawqūf* – not *Marfū‘* form.

تخریج: متفق عليه، وأخرجه مسلم، الأشربة، باب بيان أن كل مسكر خمر، وأن كل خمر حرام، ح: ٢٠٠٣: من حديث حماد بن زيد والبخاري، ح: ٥٥٧٥ من حديث نافع به مطولاً ومختصراً * وفي الباب عن أبي هريرة [البخاري، ح: ٢٤٧٥ ومسلم، ح: ٥٧ وأبي سعيد [مسلم،

^[1] All alcoholic drinks.

(المعجم ٢٤) - أبواب الأشربة
عن رسول الله ﷺ (التحفة ٢١)

(المعجم ١) - باب ما جاء في شارب
الخمر (التحفة ١)

١٨٦١ - حَدَّثَنَا [أَبُو زَكْرَيَّا] يَحْيَى بْنُ دُرْسَتَ [البَصْرِيُّ]: حَدَّثَنَا حَمَادَ بْنُ زَيْدٍ عَنْ أَئْبُوبَ، عَنْ نَافِعٍ، عَنْ أَبْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: كُلُّ مُسْكِرٍ خَمْرٌ وَكُلُّ مُسْكِرٍ حَرَامٌ، وَمَنْ شَرَبَ الْخَمْرَ فِي الدُّنْيَا فَمَا وَهُوَ يَدْرِمُهَا لَمْ يَسْرِبَهَا فِي الْآخِرَةِ». [قال:] وفي الباب عن أبي هريرة وأبي سعيد وعبد الله بن عمر وعبادة وأبي مالك الأشعري وأبن عباس .

[قال أبو عيسى] حديث ابن عمر حديث حسن صحيح. وقد روی من غير وجهه عن نافع، عن ابن عمر عن النبي ﷺ. وزواه مالك بن أنس عن نافع، عن ابن عمر موقعاً ولم يرقة.

ت

١٥٧٨: وعبد بن حميد، ح: ٩٨٣] وعبد الله بن عمرو [أحمد: ٢٠٩] وابن عباس [أبو داود، ح: ٣٦٨٠ وأحمد: ١/٢٧٢] وعبادة [ابن ماجه، ح: ٣٣٨٥] وأبي مالك الأشعري [البخاري، ح: ٥٥٩٠ وأبو داود، ح: ٣٦٨٨].

Comments:

The *Hadīth* tells us that every intoxicant is *Khamr* (liquor), and every intoxicant is forbidden and unlawful for consumption.

1862. ‘Abdullāh bin ‘Umar narrated that the Messenger of Allāh ﷺ said: “Whoever drinks *Khamr*, *Salāt* is not accepted from him for forty days. If he repents, then Allāh will accept his repentance. If he returns to it, then Allāh will not accept his *Salāt* for forty days. If he repents, then Allāh will accept his repentance. If he returns to it, then Allāh will not accept his *Salāt* for forty days. If he repents, then Allāh will accept his repentance. If he returns to it a fourth time, Allāh will not accept his *Salāt* for forty days, and if he were to repent, Allāh would not accept his repentance, and he will be given to drink from the river of *Al-Khabāl*.” They said: “O Abū ‘Abdur-Rahmān! What is the river of *Al-Khabāl*?” He said: “A river of the pus from the inhabitants of the Fire.” (*Da’ī*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*. Similar to this has been reported from ‘Abdullāh bin ‘Amr and Ibn ‘Abbās from the Prophet ﷺ.

تخریج: [إسناده ضعیف] وللحديث شواهد عند ابن ماجه، ح: ٣٣٧٧ والنسائي، ح: ٥٦٧٣ وغيرهما دون قوله: ”فإن تاب لم يتب الله عليه، وهذا اللفظ المنكر جداً“ * ورواه أحمد: ٣٥/٢ من حديث عمر عن عبد الله بن عبيد بن عمر عن ابن عمر به بغير هذا اللفظ عطاء بن السائب اختلط.

Comments:

Liquor (wine) is so harmful a substance that it takes away the drinker's faculty

١٨٦٢ - أَخْبَرَنَا مُقْبِيْهُ: حَدَّثَنَا جَرِيرُ [بْنُ عَبْدِ الْحَمِيدِ] عَنْ عَطَاءَ بْنِ السَّائِبِ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَيْرٍ، عَنْ أَبِيهِ قَالَ: قَالَ عَبْدُ اللَّهِ بْنُ عَمْرَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّدَ: «مَنْ شَرِبَ الْحَمْرَ لَمْ تَقْبِلْ لَهُ صَلَّةٌ أَرْبَعِينَ صَبَاحًا، فَإِنْ تَابَ تَابَ اللَّهُ عَلَيْهِ، فَإِنْ عَادَ لَمْ يَقْبِلْ اللَّهُ لَهُ صَلَّةٌ أَرْبَعِينَ صَبَاحًا، فَإِنْ تَابَ تَابَ اللَّهُ عَلَيْهِ، فَإِنْ عَادَ الرَّابِعَةَ لَمْ يَقْبِلْ اللَّهُ لَهُ صَلَّةٌ أَرْبَعِينَ صَبَاحًا، فَإِنْ تَابَ لَمْ يَشْبِهِ اللَّهُ عَلَيْهِ وَسَقَاهُ مِنْ نَهْرِ الْخَبَالِ». قَيْلَ: يَا أَبَا عَبْدِ الرَّحْمَنِ! وَمَا نَهْرُ الْخَبَالِ؟ قَالَ: نَهْرٌ مِنْ صَدِيدِ أَهْلِ الدَّارِ.

[قال أبو عيسى:] هذا حديث حسن .
وقد روی نحوه هذا عن عبد الله بن عمرو
وابن عباس عن النبي ﷺ .

of thinking or reason for a while. And reason (or intellect) is a faculty that enables man to recognize his Master and Creator. And it is because of this faculty that man has been made accountable before Allāh and ‘preferred them to many of those whom We have created with a marked preferment. (*Sūrat Al-Isrā’* 17:70).

Chapter 2. What Has Been Related About: Every Intoxicant Is Unlawful

1863. ‘Āishah narrated that the Prophet ﷺ was asked about *Bit'*,^[1] so he said: “All drinks that intoxicate are unlawful.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٢ - بَابُ مَا جَاءَ كُلُّ مُسْكِرٍ حَرَامٌ (التحفة ٢)

١٨٦٣ - حَدَّثَنَا إِشْحَاقُ بْنُ مُوسَى الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُونُ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ أَبْنِ شَهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ سَيَّلَ عَنِ الْبَيْتِ؟ فَقَالَ: «كُلُّ شَرَابٍ أَسْكَرٌ فَهُوَ حَرَامٌ».

[قال أبو عيسى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، الأشربة، باب الخمر من العسل وهو البتع، ح: ٥٥٨٥ ومسلم، ح: ٢٠٠١ من حديث مالك به وهو في الموطأ: .٤٤٥ / ٢

Comments:

The Prophet’s ﷺ declaration that every intoxicant is unlawful is a golden rule that decides once and for all that any object or substance that intoxicates is forbidden and unlawful for consumption. This is the view of the vast majority of our pious predecessors.

1864. Ibn ‘Umar narrated that the Prophet ﷺ said: “Every intoxicant is unlawful.” (*Sahīh*)

[He said:] There are narrations on this topic from ‘Umar, ‘Alī, Ibn Mas‘ūd, [Anas], Abū Sa‘eed, Abū Mūsā, Al-Ashhajj Al-Asrī, Dailam, Maimūnah, ‘Āishah, Ibn ‘Abbās, Qais bin Sa‘d, An-Nu‘mān bin Bashīr, Mu‘āwiyah, ‘Abdullāh bin Mughaffal, Umm Salamah, Buraidah, Abū Hurairah, Wā'il bin Hujr, and Qurrah Al-Muzānī.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*. Similar was reported from

١٨٦٤ - حَدَّثَنَا عَبْدُ بْنِ أَسْبَاطٍ بْنِ مُحَمَّدٍ الْفَرَشِيُّ [الْكُوفِيُّ] وَأَبُو سَعِيدِ الْأَشْجَرِ قَالَ:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ عَنْ مُحَمَّدِ بْنِ عَمْرُو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبْنِ عُمَرَ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «كُلُّ مُسْكِرٍ حَرَامٌ».

[قال:] وفي الباب عن عمر وعليه وابن مسعود [وأنس] وأبي سعيد وأبي موسى والأشجاع العضرري وذيلم وميمونة وعائشة وابن عباس وقيس بن سعيد والنعمان بن بشير ومعاوية وعبد الله بن مغفل وأم سلمة وبريدة

[1] A drink prepared from honey.

Abū Salamah, from Abū Hurairah, from the Prophet ﷺ. Both of these are *Sahīh*. More than one narrator reported similarly from Muhammād bin ‘Amr, from Abū Salamah, from Abū Hurairah, from the Prophet ﷺ, and from Abū Salamah, from Ibn ‘Umar, from the Prophet ﷺ.

وأبِي هُرَيْرَةَ وَوَائِلَ بْنَ حُجْرٍ وَفَرَّةَ الْمَزَنِيِّ .
 [قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٌ . وَقَدْ
 رُوِيَ عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ
 ﷺ تَحْوُهُ . وَكَلَّا هُمَا صَحِيحٌ . وَرَوَى غَيْرُ
 وَاحِدٍ عَنْ مُحَمَّدٍ بْنِ عَمْرُو، عَنْ أَبِي سَلَمَةَ،
 عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ تَحْوُهُ . وَعَنْ أَبِي
 سَلَمَةَ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ .

تخریج: [صحيح] وأخرجه ابن ماجه، الأشربة، باب كل مسكر حرام، ح: ٣٣٩٠ والنسائي، ح: ٥٥٩٠ من حديث محمد بن عمرو الليثي به وسنده حسن وهو من الأحاديث المتوترة * وفي الباب عن عمر [أبو يعلى: ١/٢١٣، ٢٤٨] وعلي [ابن عدي: ٢/٧٦٧] وابن مسعود [ابن ماجه، ح: ٣٣٨٨، ١١٢/٣] وأنس [أحمد: ٦٦/٣٣٤٠٦] وأبي سعيد [أحمد: ١١٢/٣، ١١٩، ١٥٤] وأبِي عاصِمٍ [البخاري، ح: ٤٣٤٤] ومسلم، ح: ١٧٣٣] والأشج العصري [ابن أبي عاصِمٍ في الأحاديث والمتناهى: ٢٦٦/٣] وابن داود، ح: ١٦٤٤] وديلم [أبو داود، ح: ٣٦٨٣] وميمونة [أحمد: — وابن عباس [أبو داود، ح: ٣٦٨٠] وقيس بن سعد [أحمد: ٤٢٢/٣] والنعيمان بن بشير [أبو داود، ح: ٣٦٧٦] ومعاوية [ابن ماجه، ح: ٣٣٨٩] ووائل بن حجر [ابن عدي: ٦/٢١٦٦] وقرة المزنوي [البزار (كشف الأستار): ٣٤٩/٣، ٣٥٠، ح: ٢٩١٤] وعبد الله بن المغفل [أحمد: ٤/٨٧] نحو المعنى] وأم سلمة [أبو داود، ح: ٣٦٨٦] وبريدة [يأتي: ١٨٦٩] وأبِي هُرَيْرَةَ [النسائي، ح: ٥٥٩١] وعائشة [البخاري، ح: ٢٤٢] ومسلم، ح: ٢٠٠١].

Chapter 3. (What Has Been Related About) Whatever A Lot Of It Intoxicates, A Little Of It Is Unlawful

1865. Jābir bin ‘Abdullāh narrated that the Messenger of Allāh ﷺ said: “Whatever a lot of it intoxicates, a little of it is unlawful.” (*Hasan*)

He said: There are narrations on this topic from Sa‘d, ‘Āishah, ‘Abdullāh bin ‘Amr, Ibn ‘Umar, and Khawwāt bin Jubair.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Gharīb* as a narration of Jābir.

(المعجم ٣) - بَابُ [مَا جَاءَ] مَا أَنْكَرَ
 كَثِيرٌ فَقَلِيلٌ حَرَامٌ (التحفة ٣)

١٨٦٥ - حَدَّثَنَا قُتْبَيْهُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ
 جَفَرٍ؛ ح: وَحَدَّثَنَا عَلَيُّ بْنُ حُجْرٍ: حَدَّثَنَا
 إِسْمَاعِيلُ بْنُ جَفَرٍ عَنْ دَاؤَدَ بْنِ بَخْرٍ بْنِ أَبِي
 الْفَرَّاتِ، عَنْ مُحَمَّدٍ بْنِ الْمُنْكَدِرِ، عَنْ جَابِرِ
 ابْنِ عَبْدِ اللَّهِ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَا
 أَنْكَرَ كَثِيرٌ فَقَلِيلٌ حَرَامٌ». قَالَ: وَفِي الْبَابِ عَنْ سَعْدٍ وَعَائِشَةَ وَعَبْدِ
 اللَّهِ بْنِ عَمْرُو وَابْنِ عُمَرَ وَخَوَّاتِ بْنِ جُبَيْرٍ.

[قَالَ أَبُو عِيسَى :] هَذَا حَدِيثٌ حَسَنٌ

غَرِيبٌ مِنْ حَدِيثٍ جَاءَ بِهِ .

تخریج: [إسناده حسن] وأخرجه ابو داود، الأشربة، باب ما جاء في السكر، ح: ٣٦٨١ عن قبیة وابن ماجه، ح: ٣٣٩٣ من حديث داود بن بكير به وصححه ابن الجارود، ح: ٨٦٠ وله طريق آخر عند ابن حبان (الإحسان): ٧/٣٧٩، ح: ٥٣٥٨ * وفي الباب عن سعد [النسائي، ح: ٥٦١٢؛ ٣٣٩٤] وعائشة [يأتي: ١٨٦٦] وعبد الله بن عمرو [ابن ماجه، ح: ٣٣٩٤] وابن عمر [ابن ماجه، ح: ٣٣٩٢] وخوات بن جبير [الطبراني في الكبير: ٤/٢٠٥، ح: ٤١٤٩].

Comments:

The purport of the *Hadīth* determines that, if a great quantity of a beverage has the capacity to intoxicate a person, it is unlawful to consume even a small quantity of it. This is the view held by the vast majority of the scholars of religion.

1866. ‘Āishah narrated that the Messenger of Allāh ﷺ said: “Every intoxicant is unlawful. Whatever a *Faraq*^[1] of it intoxicates, then a handful of it is unlawful.” (*Hasan*)

[Abū ‘Eisā said:] One of them said in his *Hadīth*: “A sip of it is unlawful.”

[He said:] This *Hadīth* is *Hasan*. Laith bin Abi Sulaim and Ar-Rabī’ bin Ṣabīḥ reported similar to the narration of Mahdī bin Maimūn from Abū ‘Uthmān Al-Anṣārī. Abū ‘Uthmān Al-Anṣārī’s (a narrator in this chain) name is ‘Amr bin Sālim, and they say: “Umar bin Sālim” [as well].

١٨٦٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ : حَدَّثَنَا
عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى عَنْ هَشَامِ بْنِ
حَسَانَ، عَنْ مَهْدِيِّ بْنِ مَيْمُونَ، ح : وَحَدَّثَنَا
عَبْدُ اللَّهِ بْنُ مُعاوِيَةَ الْجُمَحِيَّ عَنْ مَهْدِيِّ بْنِ
مَيْمُونَ - الْمَعْنَى وَاحِدٌ - عَنْ أَبِي عُثْمَانَ
الْأَنْصَارِيِّ، عَنْ الْفَاسِمِ بْنِ مُحَمَّدٍ، عَنْ
عَائِشَةَ قَالَتْ : قَالَ رَسُولُ اللَّهِ ﷺ : «كُلُّ
مُسْكِرٍ حَرَامٌ، مَا أَسْكَرَ الْفَرْقُ مِنْهُ فَيَمْلِءُ
الْكَفَّ مِنْهُ حَرَامًا» .

[قَالَ أَبُو عِيسَى :] قَالَ أَحَدُهُمَا فِي
حَدِيثِهِ: الْحَسْنَةُ مِنْهُ حَرَامٌ .

[قَالَ :] هَذَا حَدِيثٌ حَسَنٌ . فَذَرَوْهُ لَيْثُ
ابْنُ أَبِي سُلَيْمٍ وَالرَّبِيعُ بْنُ صَبِّحٍ عَنْ أَبِي
عُثْمَانَ الْأَنْصَارِيِّ تَحْوِيلَ رِوَايَةَ مَهْدِيِّ بْنِ
مَيْمُونَ . وَأَبُو عُثْمَانَ الْأَنْصَارِيُّ اسْمُهُ عَمْرُو
ابْنُ سَالِمٍ وَيُقَالُ: عَمْرُ بْنُ سَالِمٍ [أَيْضًا] .

[١] “‘*Farq*’ is a measurement weighing about sixteen *Ratl*, and they say it is ‘*Faraq*’ which is one hundred and twenty *Ratl*.” (*Tuhfat Al-Ahwadhi*). Today’s *Ratl* is anywhere between 500 plus grams, to 3 plus kilograms.

تخریج: [إسناده حسن] وأخرجه أبو داود، الأشربة، باب ما جاء في السكر، ح: ٣٦٨٧ من حديث مهدي بن ميمون به وصححه ابن الجارود، ح: ٨٦١ وابن حبان، ح: ١٣٨٨.

Comments:

The *Hadīth* confirms that regardless of whether a small quantity of an intoxicant does or does not intoxicate it is unlawful to consume it.

Chapter 4. What Has Been Related About *Nabīd* Prepared In Earthenware Containers

1867. Sulaimān At-Taimī narrated from Tāwus, that a man came to Ibn ‘Umar and said: “Did the Messenger of Allāh ﷺ prohibit *Nabīd* prepared in earthenware vessels?” He said: “Yes.” So Tāwus said: “I heard that from him, by Allāh.” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn Abī Awfā, Abū Sa‘eed, Suwaid, ‘Aishah, Ibn Az-Zubair, and Ibn ‘Abbās.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٤) - بَابُ مَا جَاءَ فِي نَبِيْدٍ
الْجَرْ (التحفة ٤)

١٨٦٧ - حَدَّثَنَا أَخْمَدُ بْنُ مَنْبِعَ: حَدَّثَنَا
ابْنُ عُلَيَّةَ وَيَزِيدُ بْنُ هَارُونَ قَالَا: أَخْبَرَنَا
شَلَيْمَانُ التَّمِيُّثُ عَنْ طَاؤُسٍ أَنَّ رَجُلًا أَتَى ابْنَ
عُمَرَ فَقَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ نَبِيْدٍ
الْجَرْ؟ فَقَالَ: نَعَمْ.

فَقَالَ طَاؤُسٌ: وَاللَّهِ إِنِّي سَمِعْتُهُ مِنْهُ.
[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ أَبِي أَوْفَى وَأَبِي
سَعِيدٍ وَسُوْدَدِ وَعَائِشَةَ وَابْنِ الزَّبِيرِ وَابْنِ عَبَّاسِ.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثُ حَسَنٌ
صَحِيحٌ.

تخریج: وأخرجه مسلم، الأشربة، باب النهي عن الانتباذ في المزفت والدباء والختم والتفیر ... الخ، ح: ١٩٩٧/٥٠ من حديث إسماعيل ابن علية به * وفي الباب عن ابن أبي أوفرى [البخاري، ح: ٥٥٩٦] وأبي سعيد [يأتي: ١٨٧٧] وسعيد (بن مقرن) [أحمد: ٤٤٤/٣، ٤٤٧] وعائشة [ابن ماجه، ح: ٣٤٠٧] وابن الزبير [النسائي، ح: ٥٦٢١] وابن عباس [مسلم، ح: ١٩٩٧].

Comments:

The name *Nabīd* is applied to a preparation of dates, raisins, honey, barley or other grains if soaked in water in a vessel, and left there until its taste and sweetness pervades the water, but before it turns into an intoxicant.

Chapter 5. What Has Been Related About It Is Disliked To Prepare *Nabīd* In *Ad-Dubbā'*, *An-Naqīr*, And *Al-Hantam*^[1]

1868. Zādhān said: "I asked Ibn 'Umar about what containers the Messenger of Allāh ﷺ prohibited. He informed us in your language, and he explained it to us in our language. He said: 'The Messenger of Allāh ﷺ prohibited *Al-Hantamah*, and it is an earthenware container, and he prohibited *Ad-Dubbā'*, and it is a gourd, and he prohibited *An-Naqīr*, and it is the trunk of a date-palm that is hollowed out or carved, and he prohibited *Al-Muzaffat*, and it is coated with pitch. And he ordered that *Nabīd* be prepared in water-skins.'" (*Sahih*)

[He said:] There are narrations on this topic from 'Umar, 'Alī, Ibn 'Abbas, Abū Sa'eed, Abū Hurairah, 'Abdur-Rahmān bin Ya'mur, Samurah, Anas, 'Aishah, 'Imrān bin Huṣain, 'A'idh bin 'Amr, Al-Hakam Al-Ghifārī, and Maimūnah.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: وأخرجه مسلم، أيضًا، ح: ٥٧/١٩٩٧ من حديث شعبة به وهو في مستند الطيالسي، ح: ١٩٣٩ نحو المعنى * وفي الباب عن عمر [أحمد: ٢٧] وعلي [البخاري، ح: ٥٩٤] ومسلم، ح: ١٩٩٤] وابن عباس [البخاري، ح: ٥٣] وأبي سعيد [مسلم، ح: ١٩٩٧] وأبي هريرة [ابن ماجه، ح: ٣٤٠١] وعبدالرحمن بن يعمر [الترمذى في العلل: ٥/٧٦١] وابن ماجه، ح: ٣٤٠٤] وسمرة (ابن جنبد) [أحمد: ٥/١٧] وأنس [البخاري، ح: ٥٨٧] ومسلم، ح: ١٩٩٢، ٤٤٧] وعائشة [البخاري، ح: ١٩٩٥] وعمران بن حصين [أحمد: ٤/٥٩٥] ومسلم، ح: ١٩٩٣]

^[1] *Ad-Dubbā'* is the gourd container, *Al-Muzaffat* is a bowl coated with pitch, *Al-Hantam* is a type of earthenware vessel whose description is obscure, and *An-Naqīr* is a piece of date-palm trunk hollowed into a bowl.

(المعجم ٥) - باب ما جاء في كراهيَة أن يُنبَدِ في الدباء والقير والحتم (التحفة ٥)

١٨٦٨ - حَدَّثَنَا أَبُو مُوسَى مُحَمَّدُ بْنُ الْمُشَّنِّي: حَدَّثَنَا أَبُو دَاوُد الطِّيلَسِيُّ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ مُؤْمَنَةَ قَالَ: سَعَيْتُ زَادَانَ يَقُولُ: سَأَلْتُ ابْنَ عُمَرَ عَمَّا نَهَى عَنْهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مِنَ الْأُفْعَيْةِ وَأَخْرِنَاهُ بِلْغَتِكُمْ وَفَسْرَهُ لَنَا بِلْغَتِنَا، فَقَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْحَسْنَةِ وَهِيَ الْجَرَةُ، وَنَهَى عَنِ الدَّباءِ وَهِيَ الْقَرْعَةُ، وَنَهَى عَنِ الْقَيْرِ وَهُوَ أَصْلُ التَّحْلِيْلِ يُنْقَرُ نَقْرًا أَوْ يُسْنَجُ سَجَّاً، وَنَهَى عَنِ الْمُرْفَتِ وَهِيَ الْمُقَيْرُ، وَأَمْرَ أَنْ يُنْبَدِ فِي الْأَسْنَيْةِ.

[قال:] وفي الباب عن عمر وعلی وابن عباس وأبی سعید وأبی هریرة وعبد الرحمن بن يعمر وسمرة وأنس وعائشة وعمران بن حصین وعائذ بن عمرو والحكم الغفاری ومیمونة.

[قال أبو عيسی:] هذا حديث حسن صحيح.

والنسائي، ح: ٥١٩٠] وعائذ بن عمرو [أحمد: ٥/٦٤، ٦٥، ٦٥] والحكم الغفاري [أحمد: ٤/٢١٣].
وميمونة [أحمد: ٣٣٢، ٣٣٣].

Comments:

Wine was like breath and soul for the Arabs' daily life, and they usually prepared the beverage in the four containers named in the *Hadīth*. After the prohibition of the alcoholic drinks was promulgated, the Messenger of Allāh ﷺ even forbade them to use those containers for preparing *Nabīd* because these containers absorb the liquid which, after some time will ferment and make whatever it is used for afterwards intoxicating.

Chapter 6. What Has Been Related Permitting That *Nabīd* Be Prepared In Containers

1869. Sulaimān bin Burāiда narrated from his father, that the Messenger of Allāh ﷺ said: "I had indeed forbidden you from using containers, but the container does not make anything lawful nor unlawful, rather every intoxicant is unlawful." (*Sahīh*)

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٢) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ
أَنْ يُتَبَدَّلَ فِي الظُّرُوفِ (التحفة ٦)

١٨٦٩ - حَدَّثَنَا مُحَمَّدُ بْنُ يَشَّارٍ وَالْحَسَنُ
ابْنُ عَلَيٍّ وَمَحْمُودُ بْنُ عَيْلَانَ قَالُوا: حَدَّثَنَا
أَبُو عَاصِمٍ: حَدَّثَنَا سُقِيَانُ عَنْ عَلْقَمَةَ بْنِ
مَرْدَدٍ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ:
قَالَ رَسُولُ اللَّهِ ﷺ: «إِنِّي كُنْتُ تَهَمِّكُمْ عَنِ
الظُّرُوفِ، وَإِنَّ ظَرَفًا لَا يُجْلِي شَيْئًا وَلَا
يُحَرِّمُهُ، وَكُلُّ مُسْكِرٍ حَرَامٌ».
[قَالَ أَبُو عَيسَى]: هَذَا حَدِيثٌ حَسَنٌ
صَحِيحٌ.

تخریج: وأخرجه مسلم، العجائز، باب استئذان النبي ﷺ ربه - عزوجل - في زيارة قبر أمه، ح: ٩٧٧ من حديث أبي عاصم التبیل به.

Comments :

When the prohibition of wine became a matter of common knowledge and the dislike and hatred for it delved deep into the hearts of the people, and there remained no fear or doubt that the use of those containers would rekindle a desire for wine, and when the people had the realization that even *Nabīd* might in certain cases become intoxicant, the Prophet ﷺ permitted the use of those containers with the condition that even *Nabīd*, if it acquires intoxicating property, would be prohibited.

1870. Jābir bin ‘Abdullāh narrated: “The Messenger of Allāh ﷺ prohibited using (certain) containers. So the *Ansār* complained about that to him. They said: ‘We will have no vessels!’ So he said: ‘If so then use them.’” (*Sahīh*)

[He said:] There are narrations on this topic from Ibn Mas‘ūd, Abū Hurairah, Abū Sa‘eed, and ‘Abdullāh bin ‘Amr.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: [صحيح] وأخرجه البخاري، الأشربة، باب ترخيص النبي ﷺ في الأوعية والظروف بعد النهي، ح: ٥٥٩٢ من حديث سفيان الثوري به ”فلا إذن“ أي فلا إذا * وفي الباب عن ابن مسعود [ابن ماجه، ح: ٣٤٠٦] وأبي هريرة [مسلم، ح: ١٩٩٣] وأبي سعيد [مسلم، ح: ١٨] وابن حبان، ح: ١٣٩١] وعبدالله بن عمرو [البخاري، ح: ٥٥٩٣] ومسلم، ح: ٢٠٠٠].

Chapter 7. What Has Been Related About Preparing *Nabīd* In A Water-Skin

1871. ‘Aishah said: “We would prepare *Nabīd* for the Messenger of Allāh ﷺ in a water-skin which was fastened at the top and it had a small hole.^[1] We would prepare *Nabīd* in it during the morning, and drink it during the evening. And we would prepare *Nabīd* in it during the evening and drink it during the morning.” (*Sahīh*)

[He said:] There are narrations on this topic from Jābir, Abū Sa‘eed, and Ibn ‘Abbās.

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*, we do not know of it as a

١٨٧٠ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيلَانَ: حَدَّثَنَا أَبُو ذَاوِدَ الْحَفَرِيُّ عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ سَالِمٍ بْنِ أَبِي الْجَعْدِ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الظُّرُوفِ، فَشَكَّتْ إِلَيْهِ الْأَنْصَارُ، فَقَالُوا: لَيْسَ لَنَا وِعَاءً، قَالَ: ”فَلَا إِذْنٌ“.

[قال:] وفي الباب عن ابن مسعود وأبي هريرة وأبي سعيد وعبد الله بن عمرو.

[قال أبو عيسى:] هذا حديث حسن صحيح.

تخریج: [صحيح] وأخرجه البخاري، الأشربة، باب ترخيص النبي ﷺ في الأوعية والظروف بعد النهي، ح: ٥٥٩٢ من حديث سفيان الثوري به ”فلا إذن“ أي فلا إذا * وفي الباب عن ابن مسعود [ابن ماجه، ح: ٣٤٠٦] وأبي هريرة [مسلم، ح: ١٩٩٣] وأبي سعيد [مسلم، ح: ١٨] وابن حبان، ح: ١٣٩١] وعبدالله بن عمرو [البخاري، ح: ٥٥٩٣] ومسلم، ح: ٢٠٠٠].

(المعجم ٧) - بَابُ مَا جَاءَ [في الْأَنْتِيَادِ] فِي السَّقَاءِ (التحفة ٧)

١٨٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ المُنْتَنِي: حَدَّثَنَا عَبْدُ الْوَهَابِ التَّقِيُّ عَنْ يُوسُفَ بْنِ عَبْيَدٍ، عَنْ الْحَسَنِ الْبَصْرِيِّ، عَنْ أُمِّهِ، عَنْ عَائِشَةَ قَالَتْ: كُنَّا نَبْدِلُ لِرَسُولِ اللَّهِ ﷺ فِي سَقَاءٍ يُوكِأُ فِي أَغْلَاهُ، لَهُ عَزْلَاءٌ نَبْدِلُهُ عُدُودًا وَيَسِّرَةً عَشَاءً، وَنَبْدِلُهُ عَشَاءً وَيَسِّرَةً عُدُودًا.

[قال:] وفي الباب عن جابر وأبي سعيد وابن عباس.

[قال أبو عيسى:] هذا حديث غريب لا تعرفه من حديث يوسف بن عبيدة إلا من هذا

^[1] ‘Azlā’: A small hole, probably with a stopper or plug, at the bottom to drink from it. See *Tuhfat Al-Ahwadhi*.

narration of Yūnus bin ‘Ubaid except through this route. This *Hadīth* has also been reported though routes other than this from ‘Āishah.

تخریج: وأخرجه مسلم، الأشربة، باب إباحة النبيذ الذي لم يشتد ولم يصر مسکراً، ح: ٢٠٠٥ عن محمد بن المثنى به * وفي الباب عن جابر [مسلم، ح: ١٩٩٨، ١٩٩٩] وأبي سعيد [مسلم، ح: ١٨] وابن عباس [مسلم، ح: ٢٠٠٤].

Comments:

There is unanimity of opinion about the lawfulness of *Nabīd* provided that it has no intoxicating capacity.

Chapter 8. What Has Been Related About Grains (And Berries) From Which *Khamr* Is Derived

1872. An-Nu‘mān bin Bāshīr narrated that the Messenger of Allāh ﷺ said: “Indeed *Khamr* comes from wheat, *Khamr* comes from barely, *Khamr* comes from dates, *Khamr* comes from raisins, and *Khamr* comes from honey.” (*Hasan*)

[He said:] There are narrations on this topic from Abū Huriarāh.

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*.

تخریج: [حسن] وأخرجه أبو داود، الأشربة، باب الخمر مما هي؟، ح: ٣٦٧٦ من حديث إسرائيل به * إبراهيم بن المهاجر وثقة الجمهور وثقة الحسين وللحديث شواهد * وفي الباب عن أبي هريرة [يأتي: ١٨٧٥].

1873. ‘Umar said: “Indeed *Khamr* comes from wheat.” And he mentioned this *Hadīth*. (*Hasan*)

الوَجْهُ. وَقَدْ رُوِيَ هَذَا الْحَدِيثُ مِنْ غَيْرِ هَذِهِ الْوَجْهِ عَنْ عَائِشَةَ أَيْضًا.

(المعجم ٨) - بَابُ مَا جَاءَ فِي الْجُبُوبِ
الَّتِي يُتَخَذَّلُ مِنْهَا الْخَمْرُ (التحفة ٨)

١٨٧٢ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا إِسْرَائِيلُ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُهَاجِرٍ عَنْ عَامِرِ الشَّعْبِيِّ، عَنْ النَّعْمَانِ بْنِ بَشِيرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: إِنَّ مِنَ الْجِنَّةِ خَمْرًا، وَمِنَ السَّيِّئِ خَمْرًا، وَمِنَ الْمُتَمَرِّ خَمْرًا، وَمِنَ الرَّبِيبِ خَمْرًا، وَمِنَ الْعَسْلِ خَمْرًا.

[قال:] وفي الباب عن أبي هريرة.

[قال أبو عيسى:] هَذَا حَدِيثٌ غَرِيبٌ.

تخریج: [حسن] وأخرجه أبو داود، الأشربة، باب الخمر مما هي؟، ح: ٣٦٧٦ من حديث إسرائيل به * إبراهيم بن المهاجر وثقة الجمهور وثقة الحسين وللحديث شواهد * وفي الباب عن أبي هريرة [يأتي: ١٨٧٥].

١٨٧٣ - حَدَّثَنَا الْحَسَنُ بْنُ عَلَيِّ الْخَلَّالُ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ عَنْ إِسْرَائِيلَ تَحْوِهَ وَرَوَى أَبُو حَيَّانَ التَّيَّبِيَّ هَذَا الْحَدِيثُ عَنِ الشَّعْبِيِّ، عَنْ ابْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: إِنَّ مِنَ الْجِنَّةِ خَمْرًا فَذَكَرَ هَذَا الْحَدِيثُ.

تخریج: [حسن] انظر الحديث السابق.

1874. ‘Umar bin Al-Khattāb said: “Indeed *Khamr* comes from wheat.” (*Sahīh*)

[After mentioning this, he said:] and this is more correct than the narration of Ibrāhīm bin Muḥājir (no. 1872). ‘Ali bin Al-Madīnī said: “Yahyā bin Sa‘eed said: ‘Ibrāhīm bin Al-Muḥājir is not strong [in *Hadīth*]”. And it has also been reported through other routes from Ash-Sha‘bī, from An-Nu‘mān bin Bashīr.

تخریج: متفق عليه، وأخرجه، البخاري، التفسير، باب قوله: «إنما الخمر والميسر والأنصاب والأزلام رجس من عمل الشيطان»، ح: ٤٦١٩ ومسلم، ح: ٣٠٣٢ من حديث عبد الله بن إدريس به.

Comments:

The *Hadīth* proves that *Khamr* does not come only from grapes but from several other things as well, and they also fall under the definition of *Khamr* (wine).

1875. Abū Kathīr As-Suhaimī narrated that he heard Abū Hurairah saying that the Messenger of Allāh ﷺ said: “*Khamr* comes from these two trees (plants): The datepalm, and the grape (vine).” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*. Abū Kathīr As-Suhaimī is Al-Ghubarī, and his name is Yazid bin ‘Abdur-Rahmān bin Ghufailah [and Shu‘bah reported this *Hadīth* from ‘Ikrimah bin ‘Ammār].

١٨٧٤ - أَخْبَرَنَا بِذَلِكَ أَحْمَدُ بْنُ مَنْعِيْ: حَدَّثَنَا عَنْ اللَّهِ بْنِ إِدْرِيسَ عَنْ أَبِي حَيَّانَ الْيَتَمِيِّ، عَنِ الشَّعَفَيِّ، عَنْ بْنِ عُمَرَ، عَنْ عُمَرَ بْنِ الْخَطَّابِ: إِنَّ مِنَ الْجِنْطَةِ خَمْرًا [بِهَذَا] وَهَذَا أَصَحُّ مِنْ حَدِيثِ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ. وَقَالَ عَلَيُّ بْنُ الْمَدِينِيِّ قَالَ يَحْمَدُ ابْنَ سَعِيدٍ: لَمْ يَكُنْ إِبْرَاهِيمُ بْنُ الْمُهَاجِرِ بِالْقَوْيِّ [فِي] الْحَدِيثِ وَقَدْ رَوَى مِنْ غَيْرِ وَجْهٍ أَيْضًا عَنِ الشَّعَفَيِّ، عَنِ التَّعْمَانَ بْنِ بَشِيرًا.

١٨٧٥ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ: حَدَّثَنَا الْأَوْزَاعِيُّ وَعِنْ كِرْمَةَ بْنِ عَمَارٍ قَالَا: حَدَّثَنَا أَبُو كَثِيرَ السُّجَيْنِيَّ قَالَا: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْخَمْرُ مِنْ هَاتِينِ الشَّجَرَتَيْنِ: النَّخْلَةُ وَالْعَنْيَةُ». [قالَ أَبُو عَيْسَى: هَذَا حَدِيثُ حَسَنٍ صَحِحٍ. وَأَبُو كَثِيرَ السُّجَيْنِيَّ هُوَ الْغَبَرَيُّ وَاسْمُهُ يَزِيدُ بْنُ عَبْدِ الرَّحْمَنِ بْنُ عَفِيْلَةَ [وَرَوَى شَعْبَةُ عَنْ كِرْمَةَ بْنِ عَمَارٍ هَذَا الْحَدِيثَ].

تخریج: وأخرجه مسلم، الأشربة، باب بيان أن جميع ما ينبد ما يتخذ من النخل والعنب، يسمى خمراً، ح: ١٤/١٩٨٥ من حديث الأوزاعي به.

Comments:

The wealthy and well-to-do usually prepare their wine from these two, while the common people did it from many other substances. However, the best and the most pungent wines were only prepared from these two.

Chapter 9. What Has Been Related About Mixing Unripe Dates And Dates

1876. Jābir bin ‘Abdullāh narrated: “The Messenger of Allāh ﷺ prohibited making *Nabīd̄h* from unripened dates and fresh dates together.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٩) - بَابُ مَا جَاءَ فِي خَلْبِ
الْبُسْرِ وَالثَّمَرِ (التحفة ٩)

١٨٧٦ - حَدَّثَنَا قَتْبِيَّةُ: حَدَّثَنَا الْلَّيْثُ بْنُ سَعْدٍ عَنْ عَطَاءَ بْنِ أَبِي رَبَاحٍ، عَنْ جَابِرٍ بْنِ عَبْدِ اللَّهِ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى أَنْ يُتَبَدَّلَ الْبُسْرُ وَالرُّطْبُ جَمِيعًا.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرج مسلم، الأشربة، باب كراهة انتباد التمر والزبيب مخلوطين، ح: ١٩٨٦ عن قتيبة والبخاري، ح: ٥٦٠١ من حديث عطاء بن أبي رباح به.

Comments:

The main reason behind prohibiting mixing certain substances to prepare *Nabīd̄h* is the fact that putting them together hastens their fermentation. That is why, as a precautionary measure, like in the case of certain containers, the Messenger of Allāh ﷺ also prohibited the above mentioned formula for preparing *Nabīd̄h*, although he allowed the use of each of these ingredients separately for the purpose.

1877. Abū Sa‘eed narrated: “The Prophet ﷺ prohibited mixing of unripe dates and dates, and mixing of raisins and dates (for making *Nabīd̄h*), and he prohibited the jars that *Nabīd̄h* is made in.” (*Sahīh*)

[He said:] There are narrations on this topic from Anas, Jābir, Abū Qatādah, Ibn ‘Abbās, Umm Salamah, and Ma‘bad bin Ka‘b from his mother.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

١٨٧٧ - حَدَّثَنَا سُفْيَانُ بْنُ وَكِيعٍ: حَدَّثَنَا جَرِيرٌ عَنْ سُلَيْمَانَ التَّيْمِيِّ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْبُسْرِ وَالثَّمَرِ أَنْ يُخْلَطَ بَيْنَهُمَا، وَعَنِ الزَّبِيبِ وَالثَّمَرِ أَنْ يُخْلَطَ بَيْنَهُمَا، وَنَهَى عَنِ الْجِرَارِ أَنْ يُتَبَدَّلَ فِيهَا.
[قَالَ:] وَفِي الْبَابِ عَنْ أَنَسٍ وَجَابِرٍ وَأَبِي قَتَادَةَ وَابْنِ عَبَّاسٍ وَأُمِّ سَلَمَةَ وَمَعْبُدِ بْنِ كَعْبٍ عَنْ أُمَّهُ.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: وأخرجه مسلم، أيضًا، ح: ١٩٨٧ من حديث سليمان التميمي به * وفي الباب عن أنس [أحمد: ٣/١٢٤، ١٤٠، ٢١٠، ٢٥١] وجاير [تقدم: ١٨٧٦] وأبي قنادة [البخاري، ح: ٥٦٠٢] ومسلم، ح: ١٩٨٨ ومالك في الموطأ: ٢/٨٤٤] وابن عباس [مسلم، ح: ١٩٩٧] وأم سلمة [أبو داود، ح: ٣٧٠٦ وأحمد: ٦/٢٩٢] ومعبد بن كعب عن أمه [أحمد: ٦/١٨ والحمداني، ح: ٣٥٧].

Chapter 10. What Has Been Related About It Being Disliked To Drink From Gold And Silver Vessels

1878. Shu‘bah bin Al-Hakam narrated: “I heard Ibn Abi Lailā narrating that Hudhaifah asked for water, so someone brought him a vessel made from silver. He threw it, and said: ‘I have indeed forbade him, but he refused to stop! Indeed the Messenger of Allāh ﷺ prohibited drinking from silver and gold vessels, and from wearing silk and Dibāj, and he ﷺ said: ‘It is for them in this world, and for you in the Hereafter.’” (*Sahīh*)

[He said:] There are narrations on this topic from Umm Salamah, Al-Barā', and 'Āishah.

[Abū 'Eisā said:] This *Hadīth* is *Hasan Sahīh*.

تخریج: متفق عليه، وأخرجه مسلم، اللباس والزينة، باب تحريم استعمال إماء الذهب والفضة على الرجال والنساء ... إلخ، ح: ٢٠٦٧ عن محمد بن بشار والبخاري، ح: ٥٨٣١ من حديث شعبة به * وفي الباب عن أم سلمة [البخاري، ح: ٥٦٣٤] ومسلم، ح: ٢٠٦٥] والبراء [البخاري، ح: ١٢٣٩] ومسلم، ح: ٢٠٦٦] وعائشة [ابن ماجه، ح: ٣٤١٥].

Comments:

Eating and drinking from gold and silver vessels as well as wearing silk and *Dibāj* (for men) smacks of propensity for ostentation, self-pride and a desire to make a show of one's wealth and opulence. Hence the prohibition.

(المعجم ١٠) - بابُ مَا جَاءَ فِي كَرَاهِيَّةِ
الشُّرُبِ فِي آئِيَةِ الدَّهْبِ وَالْفِضَّةِ
(التحفة ١٠)

١٨٧٨ - حَدَّثَنَا بُنْدَارٌ [مُحَمَّدُ بْنُ بَشَّارٍ]:
حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شَعْبَةُ عَنِ
الْحَكَمِ قَالَ: سَمِعْتُ ابْنَ أَبِي لَيْلَى يُحَدِّثُ أَنَّ
حَدِيقَةَ اسْتَسْنَفَ فَأَتَاهُ إِنْسَانٌ بِإِنْسَانٍ مِنْ فِضَّةَ فَرَمَاهُ
بِهِ وَقَالَ: إِنِّي كُنْتُ قَدْ نَهَيْتُهُ فَأَبَى أَنْ يَتَهَبِي، إِنَّ
رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الشُّرُبِ فِي آئِيَةِ الْفِضَّةِ
وَالْدَّهْبِ وَلِبُسِ الْحَرِيرِ وَالْدِيَاجِ وَقَالَ: «هِيَ
لَهُمْ فِي الدُّنْيَا وَلَكُمْ فِي الْآخِرَةِ».
[قال:] وفي الباب عن أم سلمة والبراء
وعائشة.

[قال:] أبو عيسى: هذا حديث حسن
صحيح.

Chapter 11. What Has Been Related About The Prohibition Of Drinking While Standing

1879. Qatādah narrated from Anas: "The Prophet ﷺ prohibited that a man should drink while standing." (Qatādah said:) So it was said: "And eating?" He (Anas) said: "That is worse." (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is [*Hasan*] *Sahīh*.

(المعجم ١١) - بَابُ مَا جَاءَ فِي النَّهْيِ،
عَنِ الشُّرْبِ قَائِمًا (التحفة ١١)

١٨٧٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
ابْنُ أَبِي عَدَىٰ عَنْ سَعِيدٍ [بْنِ أَبِي عَرْوَةَ]،
عَنْ قَتَادَةَ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ نَهَى أَنْ
يَشْرَبَ الرَّجُلُ قَائِمًا. فَقَيْلٌ: الْأَكْلُ؟ قَالَ:
ذَاكَ أَشَدُّ.

[قَالَ أَبُو عِيسَىٰ: هَذَا حَدِيثٌ [حَسْنٌ]
صَحِيحٌ.]

تخریج: وأخرجه مسلم، الأشربة، باب: في الشرب قائمًا، ح: ٢٠٢٤ من حديث سعيد بن أبي عروبة به.

Comments:

It was the constant habit of the Messenger of Allāh ﷺ to eat while sitting. He even forbade others to eat or drink while standing. There is, therefore, no sanction for eating while standing ﷺ, as is a common sight in public these days.

1881. Al-Jārūd bin Al-‘Alā’ narrated: "The Prophet ﷺ prohibited drinking while standing." (*Sahīh*)

And there are narrations on this topic from Abū Sa‘eed, Abū Hurairah, and Anas. And this *Hadīth* is *Hasan Gharib*. This *Hadīth* was reported from other narrators, from Sa‘eed, from Qatādah, from Abū Muslim, from Al-Jārūd, that the Prophet ﷺ said: "The Muslim's wandering (animal) stirs the Fire."^[1] Al-Jārūd bin Al-Mu‘allā is called Ibn Al-‘Alā’ but what is correct is Al-Mu‘allā.

١٨٨١ - حَدَّثَنَا حَمِيدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا
خَالِدُ بْنُ الْحَارِثِ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ
أَبِي مُسْلِمِ الْجَدْمِيِّ، عَنِ الْجَارُودِ بْنِ الْعَلَاءِ:
أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الشُّرْبِ قَائِمًا وَفِي
الْبَابِ عَنْ أَبِي سَعِيدٍ وَأَبِي هُرَيْرَةَ وَأَنَسٍ. هَذَا
حَدِيثٌ حَسْنٌ غَرِيبٌ وَهُكْمًا رَوَى غَيْرُ وَاحِدٍ
هَذَا الْحَدِيثُ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَبِي
مُسْلِمٍ، عَنْ جَارُودٍ: أَنَّ النَّبِيَّ ﷺ قَالَ:
«ضَالَّةُ الْمُسْلِمِ حَرْقُ النَّارِ». وَالْجَارُودُ بْنُ
الْمُعَلَّى يَقُولُ: أَبْنُ الْعَلَاءِ وَالصَّحِيحُ: أَبْنُ
الْمُعَلَّى.

^[1] That is taking the Muslim's wandering animal may lead to Hell. *Tuhfat Al-Ahwadhi*.

تخریج: [صحيح] وأخرجه الطبراني في الكبير: ٢٦٨ / ٢٦٤، ح: ٢١٢٤ من حديث خالد بن الحارث به، سعيد هو ابن أبي عمرو والجارود هو ابن المعلى العبدي يكنى أبو المتنر، وللحديث شواهد عند مسلم وغيره * حديث قنادة عن يزيد بن عبد الله بن الشخير، أخرجه الطبراني: ٢٦٥ / ٢، ح: ٢١١٥ وتابعه خالد الحذاء ورواه أيوب عن يزيد عن مطرف عن أبي مسلم عن الجارود به وله طريق آخر عند ابن ماجه، ح: ٢٥٠٢ وللحديث شواهد كثيرة وهو حديث صحيح * وفي الباب عن أبي سعيد (مسلم: ٢٠٢٥).

Chapter 12. What Has Been Related About The Permission For Drinking While Standing

1880. Ibn ‘Umar said: “We would eat during the time of the Messenger of Allāh ﷺ while we were walking, and we would drink while we were standing.” (*Sahīh*)

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh Gharīb* as a narration of ‘Ubaidullāh bin ‘Umar, from Nāfi‘, from Ibn ‘Umar. ‘Imrān bin Hudair reported this *Hadīth* from Abū Al-Bazārī, from Ibn ‘Umar. Abū Al-Bazārī’s name is Yazid bin ‘Uṭārid.

جنادة به وصححه ابن حبان، ح: ١٣٦٩ وحفص بن غياث صرح بالسماع عنده.

1882. Ibn ‘Abbās said: “The Prophet ﷺ drank from Zamzam while he was standing.” (*Sahīh*)

[He said]: There are narrations on this topic from ‘Ali, Sa‘d, ‘Abdullāh bin ‘Amr, and ‘Aishah.

[*Abū ‘Eisā* said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ١٢) - بابُ مَا جَاءَ فِي الرُّخْصَةِ فِي الشُّرْبِ قَائِمًا (التحفة ١٢)

١٨٨٠ - حَدَّثَنَا أَبُو السَّائِبِ سَلْمُ بْنُ جُنَادَةَ بْنِ سَلْمٍ الْكُوفِيِّ: حَدَّثَنَا حَفْصُ بْنُ عَيَّاثٍ عَنْ عَبْيَدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبْنَ عُمَرَ قَالَ: كُنَّا نَأْكُلُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَنَحْنُ نَمْشِي، وَنَشْرُبُ وَنَحْنُ قِيَامٌ.
[قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِيحٌ غَرِيبٌ مِنْ حَدِيثِ عَبْيَدِ اللَّهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنْ أَبْنَ عُمَرَ، وَرَوَى عَمْرَانُ بْنُ حُدَيْبَرَ هَذَا الْحَدِيثُ عَنْ أَبِي التَّرَيِّيِّ، عَنْ أَبِنِ عُمَرَ وَأَبِي التَّرَيِّيِّ اسْمُهُ يَزِيدُ بْنُ عُطَارِدٍ.

تخریج: [صحيح] وأخرجه ابن ماجه، ح: ٣٣٠١ عن سلم بن حنادة، وحفص بن غياث صرح بالسماع عنده.

١٨٨٢ - حَدَّثَنَا أَحْمَدُ بْنُ مَنْبِعَ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا عَاصِمُ الْأَخْوَلُ وَمَغْبِرَةُ عَنْ الشَّعْبِيِّ، عَنْ أَبْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ شَرِبَ مِنْ زَمْرَدَ وَهُوَ قَائِمٌ.
[قالَ]: وَفِي الْبَابِ عَنْ عَلَيٍّ وَسَعْدٍ وَعَبْدِ اللَّهِ بْنِ عَمْرِو وَعَائِشَةَ.
[قالَ أَبُو عِيسَى]: هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ.

تخریج: متفق عليه، وأخرجه مسلم، الأشربة، باب: في الشرب من زمزم قائمًا، ح: ٢٠٢٧ من حديث هشيم والبخاري، ح: ١٦٣٧ من حديث عاصم الأحول به * وفي الباب عن علي [البخاري، ح: ٥٦١٥، ٥٦١٦] وسعد [بن أبي وقاص] [الترمذى في الشمائل، ح: ٢١٤] وعبد الله ابن عمرو [يأتي: ١٨٨٣] وعائشة [أحمد: ٦١٦].

Comments:

Since there was a heavy rush around the well of Zamzam after circuiting the Ka'bah, and sitting was not easy, the Prophet ﷺ drank while standing in order to indicate that if it is not convenient or possible to sit down for drinking, one could drink while standing (*Āridat Al-Ahwadhi*, v.8, p.74). As such, as far as Zamzam is concerned, it is an established *Sunnah* to drink it while standing.

1883. ‘Amr bin Shu‘bah narrated from his father, from his grandfather who said: “I saw the Messenger of Allāh ﷺ drinking while standing and sitting.” (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

Chapter 13. What Has Been Related About Breathing Into The Vessel

1884. Anas bin Mālik narrated that the Prophet ﷺ would breathe three times in the vessel and say: “It is more wholesome and thirst quenching.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan* [*Gharīb*]. Hishām Ad-Dastawā’ī reported it from Abū ‘Isām, from Anas. And ‘Azrah bin Thābit reported it from Thūmāmah, from Anas that: “The Prophet ﷺ would breathe three times in the vessel.”

(Another chain) from Anas bin Mālik: “The Prophet ﷺ would

١٨٨٣ - حَدَّثَنَا قُتْمَيْهُ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ حُسْنِي الْمُعَلَّمِ، عَنْ عَمْرِو بْنِ شَعْبَنَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَسْرِبُ قَائِمًا وَقَاعِدًا. [قالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ صَحِيحٍ.] تخریج: [إسناده حسن].

(المعجم ١٣) - بَابُ مَا جَاءَ فِي التَّنَفُّسِ فِي الْإِنَاءِ (التحفة ١٣)

١٨٨٤ - حَدَّثَنَا قُتْمَيْهُ وَيُوسُفُ بْنُ حَمَادٍ قَالَا: حَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ سَعِيدٍ عَنْ أَبِيهِ عِصَامَ، عَنْ أَنَّسِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ كَانَ يَتَنَفَّسُ فِي الْإِنَاءِ ثَلَاثَةً وَيَقُولُ: «هُوَ أَمْرٌ وَأَرْوَى». [قالَ أَبُو عِيسَى: هَذَا حَدِيثُ حَسَنٍ غَرِيبٍ]. وَرَوَاهُ هِشَامُ الدَّسْوَانِيُّ عَنْ أَبِيهِ عِصَامَ، عَنْ أَنَّسٍ. وَرَوَى عَزْرَةُ بْنُ ثَابِتَ، عَنْ ثَمَامَةَ، عَنْ أَنَّسٍ: أَنَّ النَّبِيَّ ﷺ كَانَ يَتَنَفَّسُ فِي الْإِنَاءِ ثَلَاثَةً.

breathe three times in the vessel.”
 [He said:] This *Hadīth* is *Hasan Sahīh*.

حَدَّثَنَا بُنْدَارٌ [بِذِلِكَ]: حَدَّثَنَا عَبْدُ الرَّحْمَنِ
 ابْنُ مَهْدَىً: حَدَّثَنَا عَزْرَةُ بْنُ ثَابِتَ الْأَنْصَارِيُّ
 عَنْ ثُمَامَةَ بْنِ أَنَّسٍ، عَنْ أَنَّسِ بْنِ مَالِكٍ: أَنَّ
 النَّبِيَّ ﷺ كَانَ يَتَقَسَّسُ فِي الْإِلَاءِ ثَلَاثًا.
 [Qāl]: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: وأخرج مسلم، الأشربة، باب كراهة التفس في نفس الإناء واستحباب التنفس ثلاثة خارج الإناء، ح: ٢٠٢٨ من حديث عبد الوارث به * حديث هشام الدستوائي: ورواه مسلم، ح: ٢٠٢٨ وحديث عزرة بن ثابت: رواه البخاري، ح: ٥٦٣١ ومسلم: ١٢٢ / ٢٠٢٨.

Comments:

“Breathe three times in the vessel” means that, while drinking from the vessel, he ~~will~~ used to draw the mouth away from the vessel three times and breathe outside. It is because there is a unanimous *Sahīh Hadīth* that the Messenger of Allāh ~~will~~ has prohibited from breathing in the vessel. The reason being that, by doing so, the foul smell of the mouth penetrates into the water or else, more often than not, the saliva finds its way into the water, which even the drinker himself would detest. Breathing outside the vessel, on the contrary, is more satisfying and healthy and pleasant for the stomach. It, moreover, as will be seen from the following *Hadīth*, makes man distinct from the animal.

1885. Ibn ‘Abbās narrated that the Messenger of Allāh ~~will~~ said: “Let none of you drink all at once like the camel. But drink two or three times, mentioning Allāh’s Name when you drink, and praising Him when you (finish).” (*Da’if*)

[Abū ‘Eisā said:] This *Hadīth* is *Gharīb*. Yazīd bin Sinān Al-Jazārī is Abū Farwah Ar-Ruhāwī.

١٨٨٥ - حَدَّثَنَا أَبُو كُرْبَيْبٍ: حَدَّثَنَا وَكِيعٌ
 عَنْ يَزِيدِ بْنِ سَيَّنِ الْجَزَرِيِّ، عَنْ أَبْنِ لِعَطَاءِ بْنِ
 أَبِي رَبَاحٍ، عَنْ أَبِيهِ، عَنْ أَبْنِ عَبَّاسٍ قَالَ: قَالَ
 رَسُولُ اللهِ ﷺ: لَا تَشْرِبُوا وَاجْدًا كَشْرِبِ
 الْبَعِيرِ وَلَكِنْ اشْرِبُوا مَشْنَى وَنَلَاثَ وَسَمْوَا إِذَا أَئْتُمْ
 شَرِيقَتُمْ، وَاحْمَدُوا إِذَا أَئْتُمْ رَفَعَتُمْ.

[Qāl أَبُو عِيسَى]: هَذَا حَدِيثٌ غَرِيبٌ.
 وَيَزِيدُ بْنُ سَيَّنِ الْجَزَرِيِّ هُوَ أَبُو فَرْوَةَ
 الرُّهَاوِيُّ.

تخریج: [إسناده ضعيف] * يزيد بن سنان: ضعيف وشيخه كأنه يعقوب وهو ضعيف وإلا مجھول كما في التقریب وغيره.

Comments:

Islamic etiquette for drinking demands that we (i) drink in three breaths, released and drawn outside the vessel, and (ii) start with the recitation of *Bismillāh* and end up with *Al-hamdu lillāh*.

Chapter 14. What Has Been Related About Drinking With Two Breaths

1886. Ibn ‘Abbās said: “When the Prophet ﷺ drank, he would breathe two times.” (*Da’if*)

[Abū ‘Eīsā said:] This *Hadīth* is *Hasan Gharib*, we do not know of it except as a narration of Rishdīn bin Kuraib.

He said: I asked [Abū Muḥammad] ‘Abdullāh bin ‘Abdur-Rahmān^[1] about Rishdīn bin Kuraib: “Is he stronger (in narration), or Muḥammad bin Kuraib?” He said: “Neither are better to me. Rishdīn bin Kuraib is preferred over them to me.” He said: I asked Muḥammad bin Ismā‘il about this, so he said: “Muḥammad bin Kuraib is preferred over Rishdīn bin Kuraib.” To me, the correct view is what Abū Muḥammad ‘Abdullāh bin ‘Abdur-Rahmān said: Rishdīn bin Kuraib is more preferred and he is elder. He lived to see Ibn ‘Abbās, and they are brothers, and they both have *Munkar* narrations in their reports.”

تخریج: [إسناده ضعیف] وأخرجه ابن ماجه، الأشربة، باب الشرب بثلاثة أنفاس، ح: ٣٤١٧ من حديث رشدين بن كریب به وهو ضعیف كما في التقریب وغيره.

Comments:

If one has the intention to drink to one's fill, let him drink with three breaths.
In case he wishes to drink just a little, he may do it with one breath or two.

(المعجم ١٤) - بَابُ مَا ذُكِرَ فِي الشُّرْبِ
ِبِنَفْسِيْنِ (التحفة ١٤)

١٨٨٦ - حَدَّثَنَا عَلَيُّ بْنُ حَشْرَمٍ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنْ رِشْدِينَ بْنِ كُرَبَّاً، عَنْ أَيْهِ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا شَرَبَ يَتَّسَّسُ مَرَّيْنِ.

[قال أبو عيسى:] هَذَا حَدِيثُ حَسَنٍ غَرِيبٌ لَا نَعْرِفُ إِلَّا مِنْ حَدِيثِ رِشْدِينَ بْنِ كُرَبَّاً.

قَالَ: وَسَأَلْتُ [أَبَا مُحَمَّدَ] عَنْ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ رِشْدِينَ بْنِ كُرَبَّاً قُلْتُ: هُوَ أَقْوَى أُمَّ مُحَمَّدٍ بْنُ كُرَبَّاً؟ قَالَ: مَا أَقْرَبَهُمَا وَرِشْدِينُ بْنُ كُرَبَّاً أَزْجَحُهُمَا عِنْدِي، قَالَ: وَسَأَلْتُ مُحَمَّدَ بْنَ إِسْمَاعِيلَ عَنْ هَذَا، فَقَالَ: مُحَمَّدَ بْنُ كُرَبَّاً أَرْجَحُ مِنْ رِشْدِينَ بْنِ كُرَبَّاً. وَالْقَوْلُ عِنْدِي مَا قَالَ أَبُو مُحَمَّدٍ عَنْ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ: رِشْدِينُ بْنُ كُرَبَّاً أَرْجَحُ وَأَجْبَرُ، وَقَدْ أَذْرَكَ ابْنَ عَبَّاسٍ وَرَاهَ وَهُمَا أَخْوانٌ وَعِنْهُمَا مَنَاكِيرٌ.

^[1] That is Ad-Dārimī.

Chapter 15. What Has Been Related About It Being Disliked To Blow Into The Drink

1887. Abū Sa‘eed Al-Khudrī narrated that the Prophet ﷺ prohibited blowing into the drink. A man said: “What about if one sees something floating in the vessel?” He said: “Spill it out (removing that).” He said: “I can not drink in one breath.” He said: “Then remove the cup away from your mouth.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

Comments:
If a straw etc., strays into the drinking water then, instead of blowing it away, we should remove it through some other method i.e., through spilling out some of the water or by means of a spoon etc. If one has a desire to drink to one's fill and needs to breathe while doing so, let him draw the cup away from his mouth and breathe outside.

1888. Ibn ‘Abbās narrated: “The Messenger of Allāh ﷺ prohibited breathing in the vessel, or blowing into it.” (*Sahīh*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

Comments:
It is not proper to breathe into the vessel or blow into it while drinking from it, be it for taking a fresh breath, or removing some straw from it or to cool a hot drink.

(المعجم ١٥) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ النَّفْخِ فِي الشَّرَابِ (النَّفْخَةُ ١٥)

١٨٨٧ - حَدَّثَنَا عَلَيْهِ بْنُ خَسْرَمْ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنْ مَالِكٍ بْنِ أَسْسٍ، عَنْ أَبِي هُرَيْرَةَ - وَهُوَ ابْنُ حَيْبٍ - أَنَّهُ سَمِعَ أَبَا الْمُشْتَى الْجُهَنَّمِيَّ يَذَكُّرُ عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ النَّفْخِ فِي الشَّرَابِ، فَقَالَ رَجُلٌ: الْقَدَّادُ أَرَاهَا فِي الْإِنَاءِ؟ فَقَالَ: «أَهْرَقْهَا» فَقَالَ: فَإِنِّي لَا أَرْوَى مِنْ نَفْسِي وَاحِدِي؟ قَالَ: «فَأَبِنِ الْقَدَّادِ إِذْنُ عَنْ فِيكَ». [قال أبو عيسى: [هذا حديث حسن صحيح.]

تَحْرِيْج: [إِسْنَادُهُ صَحِيحٌ] وَأَخْرَجَهُ أَحْمَدُ، ح: ٣٤٢٩، ح: ٥٢٦ مِنْ حَدِيثِ سَفِيَّانَ بْنِ عَيْنَةَ.

. ٩٢٥: /٢.

١٨٨٨ - حَدَّثَنَا ابْنُ أَبِي عُمَرْ: حَدَّثَنَا سَفِيَّانُ [بْنُ عَيْنَةَ] عَنْ عَبْدِ الْكَرِيمِ الْجَزَرِيِّ، عَنْ عَكْرَمَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ نَهَى أَنْ يَسْتَفْسِسَ فِي الْإِنَاءِ أَوْ يَنْفَخَ فِيهِ.

[قال أبو عيسى: [هذا حديث حسن صحيح.]

تَحْرِيْج: [إِسْنَادُهُ صَحِيحٌ] وَأَخْرَجَهُ أَبُو دَاوُدَ، الْأَشْرَبَةَ، بَابٌ: فِي النَّفْخِ فِي الشَّرَابِ وَالنَّفْسِ فِيهِ، ح: ٣٧٢٨ وَابْنِ ماجِهَ، ح: ٣٤٢٩ وَالْحَمِيدِيَّ، ح: ٥٢٦ مِنْ حَدِيثِ سَفِيَّانَ بْنِ عَيْنَةَ بِهِ.

Chapter 16. What Has Been Related About It Being Disliked To Breath Into The Vessel

1889. ‘Abdullāh bin Abī Qatādah narrated from his father, that the Messenger of Allāh ﷺ said: “When one of you drinks, then do not breathe into the vessel.” (*Sahih*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ١٦) - بَابُ مَا جَاءَ فِي كَرَاهِيَّةِ التَّنَفُّسِ فِي الْإِنَاءِ (التحفة ١٦)

١٨٨٩ - حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنَا هِشَامُ الدَّسْتُوَانِيُّ عَنْ يَخْيَى بْنِ أَبِي كَبِيرٍ، عَنْ عَبْدِ اللَّهِ أَبْنِ أَبِي قَنَادَةَ، عَنْ أَبِيهِ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: إِذَا شَرِبْتَ أَحَدُكُمْ فَلَا يَتَنَفَّسُ فِي الْإِنَاءِ». [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه البخاري، الوضوء، باب النهي عن الاستجاجاء باليمين، ح: ١٥٣ ومسلم، ح: ٢٦٧ من حديث هشام الدستواني به.

Comments:

It is not only bad manners but also an unhealthy practice to breathe into the vessel while drinking. (*Fath Al-Bārī*, Prohibition of breathing into the vessel: 10).

Chapter 17. What Has Been Related About [The Prohibition Of] Bending The Mouths Of Water-Skins

1890. ‘Ubaidullāh bin ‘Abdullāh narrated a report (of the Messenger of Allāh ﷺ) from Abū Sa‘eed, that he prohibited bending the mouths of the water-skins. (*Sahīh*)

[He said:] There are narrations on this topic from Jābir, Ibn ‘Abbās, and Abū Hurairah.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ١٧) - بَابُ مَا جَاءَ فِي [النَّهِيِّ عَنِ] اخْتِنَاثِ الْأَسْقِيَّةِ (التحفة ١٧)

١٨٩٠ - حَدَّثَنَا قُبَيْلَةُ: حَدَّثَنَا سُفِيَّانُ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ سَعِيدِ رَوَايَةً: أَنَّهُ نَهَى عَنِ اخْتِنَاثِ الْأَسْقِيَّةِ. [قَالَ:] وَفِي الْبَابِ عَنْ جَابِرٍ وَابْنِ عَبَّاسٍ وَأَبِيهِ هُرَيْرَةَ. [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: متفق عليه، وأخرجه مسلم، الأشربة، باب آداب الطعام والشراب وأحكامهما، ح: ٢٠٢٣ من حديث سفيان بن عيينة والبخاري، ح: ٥٦٢٥ من حديث الزهرى به * وفي الباب عن جابر [ابن أبي شيبة: ١٩/٨، ح: ٢٤١١٦] وابن عباس [ابن ماجه، ح: ٣٤١٩] وأبي هريرة [البخارى، ح: ٥٦٢٧ والحاكم: ١٤٠/٤].

Comments:

A water-skin or any other container with a closed mouth could contain a harmful object in it. It has, therefore, been prohibited to drink from it without looking at what one is drinking.

Chapter 18. What Has Been Related Permitting That

1891. ‘Eisā bin ‘Abdullāh bin Unaīs narrated from his father who said: “I saw the Prophet ﷺ standing at a hanging water-skin, so he bent it, then drank from it.” (*Da’if*)

[He said:] There is something on this topic from Umm Salamah.

[Abū ‘Eisā said:] The chain for this *Hadīth* is not *Sahīh*. ‘Abdullāh bin ‘Umar Al-‘Umari (a narrator in the chain) was graded weak due to his memory, and I do not know if he heard from ‘Eisā or not.

Tarīkh: [إسناده ضعيف] وأخرجه أبو داود، الأشربة، باب: في اختناث الأسبة، ح ٣٧٢١ من حديث عبد الله بن عمر العمري به وهو ضعيف في غير نافع، وعيسي بن عبد الله مسحور لم يوثقه غير ابن حبان * وفي الباب عن أم سليم [أحمد: ٦، ٣٧٦، ٤٣١ والدارمي، ح: ٢١٣٠].

1892. ‘Abdur-Rahmān bin Abī ‘Amrah narrated from his grandmother Kabshah who said: “The Messenger of Allāh ﷺ entered upon me. He drank from a hanging water-skin while standing. So I went to its mouth and cut it off.”^[1] (*Hasan*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh Gharib*. Yazid bin

(المعجم ١٨) - بَابُ مَا جَاءَ فِي الرُّخْصَةِ فِي ذَلِكَ (التحفة ١٨)

١٨٩١ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى: حَدَّثَنَا عَبْدُ الرَّزَاقُ: أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ عَنْ عِيسَى بْنِ عَبْدِ اللَّهِ بْنِ أَئْشِيَّ، عَنْ أَبِيهِ قَالَ: رَأَيْتُ النَّبِيَّ ﷺ قَامَ إِلَى قِرْبَةِ مُعْلَقَةٍ فَحَسْنَهَا ثُمَّ شَرَبَ مِنْ فِيهَا.

[قال:] وفي الباب عن أم شائيم .
[قال أبو عيسى:] هذا حديث أئشى إسنادةً ب صحيح . وعبد الله بن عمر المعربي يضعف من قبل حفظه ولا أدرى سمع من عيسى أم لا؟ .

Tarīkh: [إسناده ضعيف] وأخرجه أبو داود، الأشربة، باب: في اختناث الأسبة، ح ٣٧٢١ من حديث عبد الله بن عمر العمري به وهو ضعيف في غير نافع، وعيسي بن عبد الله مسحور لم يوثقه غير ابن حبان * وفي الباب عن أم سليم [أحمد: ٦، ٣٧٦، ٤٣١ والدارمي، ح: ٢١٣٠].

١٨٩٢ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ يَزِيدَ بْنِ يَزِيدَ بْنِ جَابِرٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَمْرَةَ، عَنْ حَدَّيْتِ كَبْشَةَ قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ فَشَرَبَ مِنْ فِي قِرْبَةِ مُعْلَقَةٍ فَأَنْتَمْ فَقَمْتُ إِلَيْهَا فَقَطَعْتُهُ .
[قال أبو عيسى:] هذا حديث حسن صحيح غريب . ويزيد بن يزيد بن جابر هو

^[1] This she did because the Prophet ﷺ had drunk from it, and she wanted to keep it. See *Tuhfat Al-Ahwadhi*.

Yazid bin Jābir is the brother of ‘Abdur-Rahmān bin Yazid bin Jābir. He died earlier than him.

أَخْرُو عَبْدُ الرَّحْمَنِ بْنِ يَزِيدَ بْنِ جَابِرٍ، وَهُوَ أَقْدَمُ مِنْهُ مَوْتًا.

Tafsir: [إسناده حسن] وأخرجه ابن ماجه، الأشربة، باب الشرب قائمًا، ح: ٣٤٢٣؛ والحمدى، ح: ٣٥٥ من حديث سفيان بن عيينة به.

Comments:

The water-skin was hanging, and there was no vessel around, and obviously the Prophet ﷺ could not hold water in the palm of his hand and drink. It was under this circumstance that he ﷺ had to drink directly from the mouth of the water-skin.

Chapter 19. What Has Been Related About Those On The Right Have More Right To The Drink

1893. Anas bin Mālik narrated: “The Messenger of Allāh ﷺ was brought some milk which was mixed with some water. On his right was a Bedouin and on his left was Abū Bakr. So he drank, then he gave it to the Bedouin and said: “The right, then the right.”” (*Sahīh*)
[He said:] There are narrations on this topic from Ibn ‘Abbās, Sahl bin Sa‘d, Ibn ‘Umar, and ‘Abdullāh bin Busr.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ١٩) - بَابُ مَا جَاءَ: أَنَّ الْأَيْمَنَ أَحَقُّ بِالشَّرْبِ (التحفة ١٩)

١٨٩٣ - حَدَّثَنَا الْأَئْصَارِيُّ: حَدَّثَنَا مَالِكُ عَنْ ابْنِ شَهَابٍ؛ ح: وَحَدَّثَنَا فُقَيْهَةُ عَنْ مَالِكٍ، عَنْ ابْنِ شَهَابٍ، عَنْ أَنَسٍ ابْنِ مَالِكٍ: أَنَّ رَسُولَ اللَّهِ ﷺ أَتَى بِلَبَنَ قَدْ شَبَّبَ بِمَاءٍ وَعَنْ يَمِينِهِ أَغْرَابِيٌّ وَعَنْ يَسَارِهِ أَبُو بَكْرٍ فَشَرَبَ ثُمَّ أَعْطَى الْأَغْرَابِيَّ وَقَالَ: الْأَيْمَنُ فَالْأَيْمَنُ».

[قال:] وفي الباب عن ابن عباس وسهل ابن سعيد وابن عمر وعبد الله بن بشر.

[قال أبو عيسى:] هذا حديث حسن صحيح.

Tafsir: متفق عليه، وأخرجه البخاري، الأشربة، باب الأيمن فالأيمان في الشرب، ح: ٦١٩ ومسلم، ح: ٢٠٢٩ من حديث مالك به وهو في الموطأ: ٩٢٦/٢ * وفي الباب عن ابن عباس [ابن ماجه، ح: ٣٤٢٦] وسهل بن سعد [البخاري، ح: ٢٣٥١] ومسلم، ح: ٢٠٣٠] وابن عمر [أبوالشيخ في أخلاق النبي ﷺ، ص: ٢٢٤] وعبد الله بن بسر [يأتي: ٣٥٧٦].

Comments:

If the cup bearer finds no division of right and left among the people but finds them sitting reverentially before a prominent personality, then he starts offering the drink to the person in front. In case the drink has been brought especially for the prominent person, it shall be offered exclusively to him. If, however, it is meant to be given to others as well, then the cup bearer shall start from his right side.

Chapter 20. What Has Been Related About The One Providing Water For People Is The Last Of Them To Drink

1894. Abū Qatādah narrated that the Prophet ﷺ said: “The one providing water for people is the last of them to drink.” (*Sahīh*)

[He said:] There is something on this topic from Ibn Abī Awfā.

[Abū ‘Eisā said:] This *Hadīth* is *Hasan Sahīh*.

(المعجم ٢٠) - بَابُ مَا جَاءَ أَنَّ سَاقِي

الْقَوْمِ آخِرُهُمْ شُرْبًا (التحفة ٢٠)

١٨٩٤ - حَدَّثَنَا قَتْيَةُ: حَدَّثَنَا حَمَادَ بْنُ

رَيْدٍ عَنْ ثَابِتِ الْبَنَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ رَبَاحٍ، عَنْ أَبِي فَنَادَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «سَاقِي الْقَوْمِ آخِرُهُمْ شُرْبًا» [قَالَ: وَفِي الْبَابِ عَنْ أَبْنِ أَبِي أُوفَى].

[قَالَ أَبُو عِيسَى: هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ.]

تخریج: وأخرجه مسلم، المساجد، باب قضاء الصلاة الفاتحة واستحباب تعجيل قضائها، ح ٦٨١ من حديث ثابت به * وفي الباب عن ابن أبي أوفى [أبو داود، ح: ٣٧٢٥].

Comments:

Islamic etiquette is built on the principle that if a person is designated to provide some sort of service or relief to the people, let him first and foremost serve the people and avoid placing self-interest above that of others.

Chapter 21. What Has Been Related About Which Drink Was The Most Beloved To The Messenger Of Allāh ﷺ

1895. ‘Āishah narrated: “The drink most beloved to the Messenger of Allāh ﷺ was the sweet, cool drink.” (*Da’if*)

[Abū ‘Eisā said:] This was reported similarly by more than one narrator from Ibn ‘Uyainah from Ma’mar, from Az-Zuhri, from ‘Urwah from ‘Āishah. What is correct is what was reported by Az-Zuhri from the Prophet ﷺ in *Mursal* form.

(المعجم ٢١) - بَابُ مَا جَاءَ أَيُّ الشَّرَابِ

كَانَ أَحَبَّ إِلَى رَسُولِ اللَّهِ ﷺ (التحفة ٢١)

١٨٩٥ - حَدَّثَنَا أَبْنُ أَبِي عُمَرَ: حَدَّثَنَا

سُفِيَّانُ بْنُ عُيَيْنَةَ عَنْ مَعْمَرٍ، عَنْ الرُّهْرَيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ أَحَبَّ الشَّرَابَ إِلَى رَسُولِ اللَّهِ ﷺ الْحُلُولُ الْأَبَارُدُ.

[قَالَ أَبُو عِيسَى: هَكَذَا رَوَاهُ غَيْرُ وَاحِدٍ عَنْ أَبْنِ عُيَيْنَةِ مِثْلَ هَذَا عَنْ مَعْمَرٍ، عَنْ الرُّهْرَيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ. والصَّحِيفُ ما رَوَى الرُّهْرَيِّ عَنِ النَّبِيِّ ﷺ مُرْسَلًا.]

تخریج: [إسناده ضعيف] وأخرجه النسائي في الكبرى، ح: ٦٨٤٤ من حديث سفيان بن عيينة به وصرح بالسماع عند الحميدي، ح: ٢٥٨ * الزهرى مدلس وعنون وللحديث شاهد ضعيف عند أحمد: ١٣٣٨.

Comments:

Almost every person has a natural inclination for cold and sweet drink. A person's liking for a certain item of food or drink, which is also consistent with human nature, is not against the principle of piety and freedom from distaste for worldly pleasures.

1896. Az-Zuhri narrated: "The Prophet ﷺ was asked: 'Which drink is the best?' He said: 'The sweet, cool drink.'" (*Da'iif*)

[Abū ‘Eisā said:] This is how ‘Abdur-Razzāq reported it from Ma‘mar, from Az-Zuhri, from the Prophet ﷺ in *Mursal* form. This is more correct than the narration of Ibn ‘Uyainah (no. 1895).

، حديث عبد الرزاق في المصنف: ٤٦/١٠

١٨٩٦ - حَدَّثَنَا أَخْمَدُ بْنُ مُحَمَّدٍ: حَدَّثَنَا
عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ: حَدَّثَنَا مَعْمَرٌ وَيُوئِسْنُ
عَنِ الزُّهْرِيِّ: أَنَّ النَّبِيَّ ﷺ سُئِلَ: أَيُّ
الشَّرَابِ أَطْيَبُ؟ قَالَ: «الْحَلْوُ الْبَارِدُ».
[قَالَ أَبُو عِيسَى:] وَهَكُذا رَوَى عَنْ
الرَّازِقِ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ عَنِ النَّبِيِّ ﷺ
مُرْسَلًا. وَهَذَا أَصَحُّ مِنْ حَدِيثِ ابْنِ عَيْنَةَ.
تَحْرِيرُ: [إِسْنَادُهُ ضَعِيفٌ لِإِرْسَالِهِ] * ح. ١٩٥٨٣.

