

89 - THE BOOK OF AL-IKRĀH (COERCION) (i.e. SAYING SOME- THING UNDER COMPULSION]

The Statement of Allāh تعالى :

“Except him who is forced thereto and whose heart is at rest with Faith, but such as open their breast to disbelief, on them is wrath from Allāh, and theirs will be a great torment.” (V.16:106)

And His Statement :

“...Except if you indeed fear a danger from them...” (V.3:28)

And Allāh also said :

“...Verily! As for those whom the angels take (in death) while they are wronging themselves (as they stayed among the disbelievers even though emigration was obligatory for them), they (angels) say (to them): ‘In what (condition) were you?’ They reply: ‘We were weak and oppressed on earth... (up to) ... And Allāh is Ever Oft-Pardoning, Oft-Forgiving.’” (V.4:97-99)

And Allāh also said :

“(And what is wrong with you that you fight not in the Cause of Allāh), and for those weak, ill-treated and oppressed among men, women, and children, whose cry is: ‘Our Lord! Rescue us from this town whose people are oppressors, and raise for us from You, one who will protect, and raise for us from You, one who will help.’” (V.4:75)

Allāh excuses the weak who cannot refuse from leaving what Allāh has enjoined on him. The coerced person cannot be but weak and unable to refuse to do what he is ordered to do.

Al-Hasan said: *At-Taqiyya* (i.e., speaking against one's own beliefs lest his opponents put him in great danger) will remain till the Day of Resurrection.” And Ibn ‘Abbās said that if the thieves compelled someone to

٨٩ - كتاب الإكراه

وَقَوْلُ اللَّهِ تَعَالَى: ﴿إِلَّا مَنْ أُكْرِهَ
وَقَلْبُهُ مُطْمَئِنٌّ بِالْيَمِينِ وَلَكِنْ مَنْ شَرَحَ
بِالْكَفْرِ صَدْرًا فَعَلَيْهِمْ عَذَابٌ مِنَ اللَّهِ
وَلَهُمْ عَذَابٌ عَظِيمٌ﴾ [النحل: ١٠٦]
وَقَالَ: ﴿إِلَّا أَنْ تَخَفُوا مِنْهُمْ تَخَفًا﴾ [آل
عمران: ٢٨] وَهِيَ تَخِيَّةٌ، وَقَالَ: ﴿إِنَّ
الَّذِينَ تَوَفَّيْتُمُ الْمَلَائِكَةَ ظَالِمِينَ أَنفُسِهِمْ قَالُوا فِيمَ
كُنْتُمْ قَالُوا كُنَّا مُسْتَضْعَفِينَ فِي الْأَرْضِ﴾ إِلَى
قَوْلِهِ: ﴿عَفْوًا عَفْوًا﴾ [النساء: ٩٧-٩٩]
وَقَالَ: ﴿وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ
وَالْوَالِدِينَ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ
الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَل لَنَا مِنْ لَدُنْكَ وَلِيًّا
وَاجْعَل لَنَا مِنْ لَدُنْكَ نَصِيرًا﴾ [النساء: ٧٥]
فَعَدَّرَ اللَّهُ الْمُسْتَضْعَفِينَ الَّذِينَ لَا
يَمْتَنِعُونَ مِنْ تَرْكِ مَا أَمَرَ اللَّهُ بِهِ.
وَالْمُكْرَهُ لَا يَكُونُ إِلَّا مُسْتَضْعَفًا غَيْرَ
مُتَمَتِّعٍ مِنْ فِعْلِ مَا أُمِرَ بِهِ.

وَقَالَ الْحَسَنُ: التَّخِيَّةُ إِلَى يَوْمِ
الْقِيَامَةِ. وَقَالَ ابْنُ عَبَّاسٍ فِيمَنْ يُكْرَهُهُ
اللُّصُوصُ فَيُطْلَقُ: لَيْسَ بِشَيْءٍ، وَبِهِ

divorce his wife, the divorce would not be valid. And Ibn Az-Zubair, Ash-Sha'bi and Al-Hasan gave the same verdict.

The Prophet ﷺ said, "One's deeds are to be considered according to one's intentions."

6940. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ used to invoke Allāh in his *Ṣalāt* (prayer), "O Allāh! Save 'Ayyāsh bin Abī Rabī'a and Salama bin Hishām and Al-Walīd bin Al-Walīd. O Allāh! Save the weak among the believers. O Allāh! Be hard upon the tribe of Muḍar and inflict years (of drought) upon them like the years (of drought) of (Prophet) Yūsuf (Joseph)."

(1) CHAPTER. Whoever preferred to be beaten, killed and humiliated rather than to revert to *Kufr* (i.e., disbelief).

6941. Narrated Anas رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Whoever possesses the (following) three (qualities) will have the sweetness (delight) of Faith: (1) The one to whom Allāh and His Messenger (ﷺ) becomes dearer than anything else; (2) Who loves a person and he loves him only for Allāh's sake; (3) Who hates to revert to atheism (disbelief) as he hates to be thrown into the (Hell) Fire."

[See Vol. 1, *Hadith* No. 16]

قَالَ ابْنُ عُمَرَ وَابْنُ الزُّبَيْرِ وَالشَّعْبِيُّ وَالْحَسَنُ. وَقَالَ النَّبِيُّ ﷺ: «الْأَعْمَالُ بِالنِّيَّةِ».

٦٩٤٠ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ خَالِدِ بْنِ يَزِيدَ، عَنْ سَعِيدِ بْنِ أَبِي هَلَالٍ، عَنْ هَلَالِ بْنِ أُسَامَةَ: أَنَّ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ أَخْبَرَهُ عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ كَانَ يَدْعُو فِي الصَّلَاةِ: «اللَّهُمَّ أَنْجِ عِيَّاشَ بْنَ أَبِي رَبِيعَةَ، وَسَلَمَةَ بْنَ هِشَامٍ، وَالْوَلِيدَ بْنَ الْوَلِيدِ، اللَّهُمَّ أَنْجِ الْمُسْتَضْعَفِينَ مِنَ الْمُؤْمِنِينَ، اللَّهُمَّ اشْدُدْ وَطَأَتَكَ عَلَى مُضَرَ، وَابْعَثْ عَلَيْهِمْ سِنِينَ كَسَنِي يُونُسَ». [راجع: ٧٩٧]

(١) بَاب مَنْ اخْتَارَ الضَّرْبَ وَالْقَتْلَ وَالْهَوَانَ عَلَى الْكُفْرِ

٦٩٤١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ حَوْشَبِ الطَّائِفِيِّ: حَدَّثَنَا عَبْدُ الْوَهَّابِ: حَدَّثَنَا أَيُّوبُ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسِ بْنِ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «ثَلَاثٌ مَنْ كُنَّ فِيهِ وَجَدَ حَلَاوَةَ الْإِيمَانِ: أَنْ يَكُونَ اللهُ وَرَسُولُهُ أَحَبَّ إِلَيْهِ مِمَّا سِوَاهُمَا، وَأَنْ يُحِبَّ الْمَرْءَ لَا يُحِبُّهُ إِلَّا اللهُ، وَأَنْ يَكْرَهُ أَنْ يُعَوَّدَ فِي الْكُفْرِ، كَمَا يَكْرَهُ أَنْ يُقْدَفَ فِي النَّارِ». [راجع: ١٦]

6942. Narrated Qais : I heard Sa'īd bin Zaid saying, "I have seen myself tied and forced by 'Umar to leave Islām (before 'Umar himself embraced Islām). And if the mountain of Uḥud were to collapse for the evil which you people had done to 'Uḥmān, then Uḥud would have the right to do so." (See Vol. 5, *Ḥadīth* No.3862)

٦٩٤٢ - حَدَّثَنَا سَعِيدُ بْنُ سُلَيْمَانَ: حَدَّثَنَا عَبَّادٌ، عَنْ إِسْمَاعِيلَ: سَمِعْتُ قَيْسًا: سَمِعْتُ سَعِيدَ بْنَ زَيْدٍ يَقُولُ: لَقَدْ رَأَيْتُنِي وَإِنْ عُمَرَ مُوثِقِي عَلَى الْإِسْلَامِ، وَلَوْ انْقَضَ أَحَدٌ مِمَّا فَعَلْتُمْ بِعُثْمَانَ كَانَ مُحَقُوقًا أَنْ يَنْقُضَ.

[راجع: ٣٨٦٢]

6943. Narrated Khabbāb bin Al-Arat : We complained to Allāh's Messenger ﷺ (about our state) while he was leaning against his *Burda* (cloak) in the shade of the Ka'bah. We said, "Will you ask Allāh to help us? Will you invoke Allāh for us?" He said, "Among those who were before you, a (believer) used to be seized and a pit used to be dug for him and then he used to be placed in it. Then a saw used to be brought and put on his head which would be split into two halves. His flesh might be combed with iron combs and removed from his bones, yet, all that did not cause him to revert from his religion. By Allāh! This religion (Islām) will be completed (and triumph) till a rider (traveller) goes from Ṣan'ā' (the capital of Yemen) to Ḥaḍramout, fearing nobody except Allāh and the wolf, lest it should trouble his sheep, but you are impatient." (See Vol. 5, *Ḥadīth* No.3852)

٦٩٤٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى، عَنْ إِسْمَاعِيلَ: حَدَّثَنَا قَيْسٌ، عَنْ حَبَّابِ بْنِ الْأَرْتِّ قَالَ: شَكَّوْنَا إِلَى رَسُولِ اللَّهِ ﷺ وَهُوَ مُتَوَسِّدٌ نَرْدَةً لَهُ فِي ظِلِّ الْكَعْبَةِ، فَقُلْنَا: أَلَا تَسْتَنْصِرُ لَنَا؟ أَلَا تَدْعُو لَنَا؟ فَقَالَ: «قَدْ كَانَ مَنْ قَبْلَكُمْ يُؤْخَذُ الرَّجُلُ فَيُحْفَرُ لَهُ فِي الْأَرْضِ فَيُجْعَلُ فِيهَا، فَيَجَاءُ بِالْمِشَارِ فَيُوضَعُ عَلَى رَأْسِهِ فَيُجْعَلُ نِصْفَيْنِ، وَيُمْسَطُ بِأَمْسَاطِ الْحَدِيدِ مِنْ دُونَ لَحْمِهِ وَعَظْمِهِ، فَمَا يَصُدُّهُ ذَلِكَ عَنْ دِينِهِ. وَاللَّهِ لَيَتِمَّنَّ هَذَا الْأَمْرُ حَتَّى يَسِيرَ الرَّابِئُ مِنْ صَنْعَاءَ إِلَى حَضْرَمَوْتَ لَا يَخَافُ إِلَّا اللَّهَ وَالذَّبَّ عَلَى عَنَمِهِ وَلِكِنِّكُمْ سَتَسْتَعِجِلُونَ». [راجع: ٣٦١٢]

(2) CHAPTER. Selling (one's property) under coercion or other circumstances to repay a debt or the like.

6944. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: While we were in the mosque, Allāh's Messenger ﷺ came out to us and said, "Let us proceed to the Jews." So we went along with him till we reached Bait-al-Midrās [a

(٢) بَابٌ: فِي بَيْعِ الْمُكْرَهِ وَنَحْوِهِ فِي الْحَقِّ وَغَيْرِهِ

٦٩٤٤ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ حَدَّثَنِي اللَّيْثُ، عَنْ سَعِيدِ الْمُقْبَرِيِّ، عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ

place where the *Taurāt* (Torah) used to be recited and all the Jews of the town used to gather]. The Prophet ﷺ stood up and addressed them, “O assembly of Jews! Embrace Islām and you will be safe!” The Jews replied, “O Abul-Qāsim! You have conveyed Allāh’s Message to us.” The Prophet ﷺ said, “That is what I want (from you).” He repeated his first statement for the second time, and they said, “You have conveyed Allāh’s Message, O Abul-Qāsim.” Then he said it for the third time and added, “You should know that the earth belongs to Allāh and His Messenger, and I want to exile you from this land, so whoever among you owns some property can sell it, otherwise you should know that the earth belongs to Allāh and His Messenger.” (See Vol. 4, *Ḥadīth* No. 3167).

رَضِيَ اللهُ عَنْهُ قَالَ: بَيْنَمَا نَحْنُ فِي الْمَسْجِدِ إِذْ خَرَجَ عَلَيْنَا رَسُولُ اللهِ ﷺ فَقَالَ: «انْظَرُوا إِلَى يَهُودَ» فَخَرَجْنَا مَعَهُ حَتَّى جِئْنَا بَيْتَ الْمِذْرَاسِ فَقَامَ النَّبِيُّ ﷺ فَنَادَاهُمْ: «يَا مَعْشَرَ يَهُودَ اسْلُمُوا تَسْلُمُوا»، فَقَالُوا: قَدْ بَلَّغْتَ يَا أبا الْقَاسِمِ. فَقَالَ: «ذَلِكَ أُرِيدُ»، ثُمَّ قَالَهَا الثَّانِيَةَ فَقَالُوا: قَدْ بَلَّغْتَ يَا أبا الْقَاسِمِ. ثُمَّ قَالَ فِي الثَّالِثَةِ فَقَالَ: «اعْلَمُوا أَنَّ الْأَرْضَ لِلَّهِ وَرَسُولِهِ، وَإِنِّي أُرِيدُ أَنْ أُجْلِبِكُمْ، فَمَنْ وَجَدَ مِنْكُمْ بِمَالِهِ شَيْئًا فَلْيَبِعْهُ وَإِلَّا فَاغْلَمُوا أَنَّمَا الْأَرْضُ لِلَّهِ وَرَسُولِهِ».

[راجع: ٣١٦٧]

(3) CHAPTER. Marriage established under coercion is invalid.

(The Statement of Allāh تعالى): “...And force not your maids to prostitution, if they desire chastity in order that you may make a gain in the (perishable) goods of this worldly life. But if anyone compels them (to prostitution) then after such compulsion, Allāh is Oft-Forgiving, Most Merciful (to those women, i.e., He will forgive them because they have been forced to do this evil action unwillingly).” (V.24:33)

(٣) بَابُ لَا يَجُوزُ نِكَاحُ الْمُكْرَهَةِ،

﴿وَلَا تُكْرَهُوا فَتَيَاتِكُمْ عَلَى الْبَغَاءِ﴾ إِلَى قَوْلِهِ

﴿عَفْوَرٌ رَجِيمٌ﴾ [النور: ٣٣]

6945. Narrated *Khansā’ bint Khidām* Al-Anṣāriya that her father gave her in marriage when she was a matron and she disliked that marriage. So she came and (complained) to the Prophet ﷺ, and he ﷺ declared that marriage invalid. (See Vol. 7, *Ḥadīth* No. 5138)

٦٩٤٥ - حَدَّثَنَا يَحْيَى بْنُ قَزَعَةَ:

حَدَّثَنَا مَالِكٌ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَبْدِ الرَّحْمَنِ وَمُجَمِّعِ ابْنِ يَزِيدَ بْنِ جَارِيَةَ الْأَنْصَارِيِّ، عَنْ خَنْسَاءِ بِنْتِ خِدَامِ الْأَنْصَارِيَّةِ: أَنَّ أَبَاهَا زَوَّجَهَا وَهِيَ

6946. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: I asked the Prophet ﷺ, "O Allāh's Messenger! Should the women be asked for their consent to their marriage?" He said, "Yes." I said, "A virgin, if asked, feels shy and keeps quiet." He said, "Her silence means her consent."

(4) CHAPTER. If someone gives a slave as a present or sold him under coercion, his deed is invalid.

And some people said, "If the buyer of the slave (sold under coercion) makes a vow involving the slave or makes the slave a *Mudabbar* (i.e., a slave to be freed after the death of his master), the bargain is valid.

6947. Narrated Jābir رَضِيَ اللهُ عَنْهُ: A man from the *Anṣār* made his slave, a *Mudabbar* (i.e., a slave to be freed after the death of his master). And apart from that slave he did not have any other property. This news reached Allāh's Messenger ﷺ and he said, "Who will buy that slave from me?" So Nu'aim bin An-Nah-hām bought him for 800 Dirham. Jābir added: It was a Coptic (Egyptian) slave who died that year.

ثَيِّبٌ فَكَرِهَتْ ذَلِكَ، فَأَتَتْ النَّبِيَّ ﷺ
فَرَدَّ نِكَاحَهَا. [راجع: ٥١٣٨]

٦٩٤٦ - حَدَّثَنَا مُحَمَّدُ بْنُ
يُوسُفَ: حَدَّثَنَا سُفْيَانُ، عَنِ ابْنِ
جُرَيْجٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ أَبِي
عَمْرٍو هُوَ ذَكْوَانُ، عَنْ عَائِشَةَ رَضِيَ
اللَّهُ عَنْهَا قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ،
يُسْتَأْمَرُ النِّسَاءُ فِي أَبْضَاعِهِنَّ؟ قَالَ:
«نَعَمْ»، قُلْتُ: فَإِنِ الْبِكْرُ تُسْتَأْمَرُ
فَتَسْتَحِي فَتَسْكُتُ، قَالَ: «سُكَاتُهَا
إِذْنُهَا». [راجع: ٥١٣٧]

(٤) بَابُ إِذَا أُكْرِهَ حَتَّى وَهَبَ عَبْدًا
أَوْ بَاعَهُ لَمْ يَجُزْ،
وَبِهِ قَالَ بَعْضُ النَّاسِ قَالَ: فَإِنِ
نَدَرَ الْمُشْتَرِي فِيهِ نَذْرًا فَهُوَ جَائِزٌ
بِرَّعْمِهِ، وَكَذَلِكَ إِنْ دَبَّرَهُ.

٦٩٤٧ - حَدَّثَنَا أَبُو التُّعْمَانِ:
حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ عَمْرٍو بْنِ
دِينَارٍ، عَنْ جَابِرِ رَضِيَ اللهُ عَنْهُ: أَنَّ
رَجُلًا مِنَ الْأَنْصَارِ دَبَّرَ مَمْلُوكًا وَلَمْ
يَكُنْ لَهُ مَالٌ غَيْرُهُ، فَبَلَغَ ذَلِكَ رَسُولُ
اللَّهِ ﷺ فَقَالَ: «مَنْ يَشْتَرِيهِ مِنِّي؟»
فَاشْتَرَاهُ نَعِيمُ بْنُ النَّحَّامِ بِثَمَانِيَةِ
دِرْهَمٍ. قَالَ: فَسَمِعْتُ جَابِرًا يَقُولُ:
عَبْدًا قَبْطِيًّا مَاتَ عَامَ أَوْلٍ.
[راجع: ٢١٤١]

(5) CHAPTER. (An example of hateful compulsion (i.e., to do a thing against one's will is from being under coercion).

6948. Narrated Ibn ‘Abbās رضي الله عنهما regarding the Qur’ānic Verse :

“O you who believe! You are forbidden to inherit women against their will...” (V.4:19)

The custom (in the Pre-Islāmic Period of Ignorance) was that if a man died, his relatives used to have the right to inherit his wife; and if one of them wished, he could marry her, or they could marry her to somebody else, or prevent her from marrying if they wished, for they had more right to dispose of her than her own relatives. Therefore this (above mentioned) Verse was revealed concerning this matter.

(٥) بَابٌ : مِنَ الْإِكْرَاهِ،

﴿كُرْهًا﴾ [النساء: ١٩] و﴿كُرْهًا﴾

[الأحقاف: ١٥]: وَاحِدٌ.

٦٩٤٨ - حَدَّثَنَا حُسَيْنُ بْنُ مَنصُورٍ

حَدَّثَنَا أُسْبَاطُ بْنُ مُحَمَّدٍ: حَدَّثَنَا

الشَّيْبَانِيُّ سُلَيْمَانُ بْنُ فَيْرُوزٍ، عَنْ

عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ. وَقَالَ

الشَّيْبَانِيُّ: وَحَدَّثَنِي عَطَاءُ أَبُو الْحَسَنِ

السُّوَائِيُّ، وَلَا أَظُنُّهُ إِلَّا ذَكَرَهُ عَنِ ابْنِ

عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا ﴿بِتَأْيِهَا

الَّذِينَ ءَامَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ

كُرْهًا﴾ [النساء: ١٩] قَالَ: كَانُوا

إِذَا مَاتَ الرَّجُلُ كَانَ أَوْلِيَاؤُهُ أَحَقَّ

بِامْرَأَتِهِ، إِنْ شَاءَ بَعْضُهُمْ تَزَوَّجَهَا،

وَإِنْ شَاءُوا زَوَّجُوهَا وَإِنْ شَاءُوا لَمْ

يُزَوَّجُوهَا، فَهُمْ أَحَقُّ بِهَا مِنْ أَهْلِهَا،

فَنَزَلَتْ هَذِهِ الْآيَةُ فِي ذَلِكَ.

[راجع: ٤٥٧٩]

(6) CHAPTER. If a woman is compelled to commit illegal sexual intercourse against her will, then no legal punishment is inflicted upon her, as is indicated in the Statement of Allāh تعالى:

“...But if anyone compels them (to prostitution), then after such compulsion, Allāh is Oft-Forgiving, Most Merciful to those women, i.e., He will forgive them because they have been forced to do this evil action unwillingly.” (V.24:33)

(٦) بَابٌ إِذَا اسْتُكْرِهَتِ الْمَرْأَةُ عَلَى

الرِّثَا فَلَا حَدَّ عَلَيْهَا لِقَوْلِهِ تَعَالَى:

﴿وَمَنْ يُكْرِهَنَّ فَإِنْ أَنَّى اللَّهُ مِنْ بَعْدِ إِكْرَاهِهِنَّ

عَفْوٌ رَجِيمٌ﴾ [النور: ٣٣]

6949. And Ṣafīyya bint ‘Ubaid said: “A governmental male-slave tried to seduce a slave-girl from the *Khumus* of the war booty

٦٩٤٩ - وَقَالَ اللَّيْثُ: حَدَّثَنِي

نَافِعٌ أَنَّ صَفِيَّةَ بِنْتَ أَبِي عُبَيْدٍ أَخْبَرَتْهُ:

till he deflowered her by force against her will ; therefore 'Umar flogged him according to the law, and exiled him , but he did not flog the female slave because the male-slave had committed illegal sexual intercourse by force, against her will."

Az-Zuhri said regarding a virgin slave-girl raped by a free man : The judge has to fine the adulterer as much money as is equal to the price of the female-slave and the adulterer has to be flogged (according to the Islāmic Law) ; but if the slave woman is a matron, then, according to the verdict of the *Imām*, the adulterer is not fined but he has to receive the legal punishment (according to the Islāmic Law).

6950. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ : Allāh's Messenger ﷺ said, "(The Prophet Ibrāhīm (Abraham) migrated with his wife Sārah till he reached a town where there was a king from amongst the kings, or a tyrant from amongst the tyrants who sent a message to Ibrāhīm, ordering him to send Sārah to him. So when Ibrāhīm had sent Sārah, the tyrant got up, intending to do evil with her, but she got up and performed ablution and offered *Ṣalāt* (prayer) and said, 'O Allāh! If I have believed in You and in Your Messenger, then do not empower this oppressor over me.' So he (the king) had an epileptic fit (or fell in a state of unconsciousness) and started moving his legs violently."

[See Vol.4, *Hadīth* No.3363].

(7) CHAPTER. The (false) oath of a man that his companion is his brother whom he fears that his companion might be killed or harmed (if he did not take such an oath).

In the same way a Muslim should protect his coerced frightened companion and fight on his behalf and not leave him to the

أَنَّ عَبْدًا مِنْ رَقِيقِ الْإِمَارَةِ وَقَعَ عَلَى وَليدَةٍ مِنَ الْخُمُسِ فَاسْتَكْرَهَهَا حَتَّى أَقْتَضَهَا، فَجَلَدَهُ عُمَرُ الْحَدَّ وَنَفَاهُ، وَلَمْ يَجْلِدِ الْوَلِيدَةَ مِنْ أَجْلِ أَنَّهُ اسْتَكْرَهَهَا. وَقَالَ الرَّهْرِيُّ فِي الْأَمَةِ الْبِكْرِ يَفْتَرِعُهَا الْحُرُّ: يُقِيمُ ذَلِكَ الْحَكْمَ مِنَ الْأَمَةِ الْعَدْرَاءِ بِقَدْرِ ثَمَنِهَا وَيُجْلَدُ، وَلَيْسَ فِي الْأَمَةِ الثَّيِّبِ فِي قَضَاءِ الْأَيِّمَةِ عَزْمٌ وَلَكِنْ عَلَيْهِ الْحَدُّ.

٦٩٥٠ - حَدَّثَنَا أَبُو الْيَمَانِ : أَخْبَرَنَا شُعَيْبٌ : حَدَّثَنَا أَبُو الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «هَاجَرَ إِبْرَاهِيمُ بِسَارَةَ دَخَلَ بِهَا قَرْيَةً فِيهَا مَلِكٌ مِنَ الْمُلُوكِ أَوْ جَبَّارٌ مِنَ الْجَبَابِرَةِ، فَأَرْسَلَ إِلَيْهِ أَنْ أَرْسِلْ إِلَيَّ بِهَا، فَأَرْسَلَ بِهَا فَقَامَ إِلَيْهَا فَقَامَتْ تَتَوَضَّأُ وَتُصَلِّي، فَقَالَتْ: اللَّهُمَّ إِنْ كُنْتُ آمَنْتُ بِكَ وَبِرَسُولِكَ فَلَا تُسَلِّطْ عَلَيَّ الْكَافِرَ، فَعُظَّ حَتَّى رَكَضَ بِرِجْلِهِ». [راجع: ٢٢١٧]

(٧) بَابُ يَمِينِ الرَّجُلِ لِصَاحِبِهِ: أَنَّهُ أَخُوهُ، إِذَا خَافَ عَلَيْهِ الْقَتْلَ أَوْ نَحْوَهُ،

وَكَذَلِكَ كُلُّ مُكْرَهٍ يَخَافُ فَإِنَّهُ يَذُبُّ عَنْهُ الْمَظَالِمَ وَيُقَاتِلُ دُونَهُ وَلَا

oppressor; and if he fights for the sake of an oppressed person, he will not have to give compensation (in case he kills or injures the oppressor).

If somebody is ordered to drink wine or eat of a dead animal or sell his slave or admit to be in debt or present a gift or dissolve a contract (i.e., of marriage) or else his father or brother in Islām would be killed, he has the permission to do what he is ordered to do, for the Prophet ﷺ said, “A Muslim is a brother of another Muslim.” And some people said, “If somebody is ordered to drink alcohol or eat of a dead animal or otherwise they would kill his son or father or a relative, then he should not do these things because he is not compelled by necessity.” Then this statement was contradicted by the statement, “If a person is told that his father or son would be killed if he refused to sell his slave or admit to be in debt or offer some gift, and he fulfils one of these orders, his deed will be irrevocable by *Qiyās*⁽¹⁾. Yet, following the principle of *Istihsān*⁽²⁾, we say that any bargain, offering of a gift or any contract is invalid (when done under coercion).” Such people differentiate between a relative and other persons without confirming their opinion with anything from the Qur’ān or the *Sunnā* of the Prophet ﷺ.

And the Prophet ﷺ said, “Abrāhīm (Ibrahim) said about his wife (Sārah), “She is my sister,” i.e., his sister in Allāh’s religion.” And An-Nakha’ī said, “If the one who demands that his opponent take an oath which is unjust, the oath will be judged according to the intention of the one who

يُخَذُّهُ، فَإِنْ قَاتَلَ دُونَ الْمَظْلُومِ فَلَا قَوْدَ عَلَيْهِ وَلَا قِصَاصَ، وَإِنْ قِيلَ لَهُ: لَتَشْرَبَنَّ الْخَمْرَ، أَوْ لَتَأْكُلَنَّ الْمَيْتَةَ، أَوْ لَتَبِيعَنَّ عَبْدَكَ، أَوْ لَتَقْرَ بِدَيْنٍ، أَوْ تَهَبَ هِبَةً، أَوْ تَحُلَّ عَقْدَةً؛ أَوْ لَتَقْتُلَنَّ أَبَاكَ أَوْ أَحَاكَ فِي الْإِسْلَامِ وَمَا أَشْبَهَ ذَلِكَ، وَسِعَهُ ذَلِكَ لِقَوْلِ النَّبِيِّ ﷺ: «الْمُسْلِمُ أَخُو الْمُسْلِمِ». وَقَالَ بَعْضُ النَّاسِ: لَوْ قِيلَ لَهُ: لَتَشْرَبَنَّ الْخَمْرَ، أَوْ لَتَأْكُلَنَّ الْمَيْتَةَ، أَوْ لَتَقْتُلَنَّ ابْنَكَ أَوْ أَبَاكَ أَوْ ذَا رَحِمٍ مَحْرَمٍ لَمْ يَسْعَهُ، لِأَنَّ هَذَا لَيْسَ بِمُضْطَرٍّ. ثُمَّ نَاقَصَ فَقَالَ: إِنْ قِيلَ لَهُ: لَتَقْتُلَنَّ أَبَاكَ أَوْ ابْنَكَ أَوْ لَتَبِيعَنَّ هَذَا الْعَبْدَ، أَوْ لَتَقْرَ بِدَيْنٍ، أَوْ تَهَبَ يَلْزَمُهُ فِي الْقِيَاسِ، وَلَكِنَّا نَسْتَحْسِنُ وَنَقُولُ: الْبَيْعُ، وَالْهِبَةُ وَكُلُّ عَقْدَةٍ فِي ذَلِكَ بَاطِلٌ، فَرَقُوا بَيْنَ كُلِّ ذِي رَحِمٍ مَحْرَمٍ وَغَيْرِهِ بِغَيْرِ كِتَابٍ وَلَا سُنَّةٍ، وَقَالَ النَّبِيُّ ﷺ: «قَالَ إِبْرَاهِيمُ لِامْرَأَتِهِ هَذِهِ أُخْتِي، وَذَلِكَ فِي اللَّهِ»، وَقَالَ التَّحَوِّيُّ: إِذَا كَانَ الْمُسْتَحْلِفُ ظَالِمًا فَيَنْتَهُ الْحَالِفُ، وَإِنْ كَانَ مَظْلُومًا فَيَنْتَهُ الْمُسْتَحْلِفُ.

(1) (Ch.7) *Qiyās*: See the glossary.

(2) (Ch.7) *Istihsān*: i.e., to give a verdict with a proof from one’s heart only with satisfaction and one cannot express it. (It is only Abū Ḥanifa and his pupils who say so, but the rest of Muslim religious scholars of *Sunnā*, and they are the majority, do not agree to it).

takes it, but if the former is the wronged one, the oath will be judged according to his intentions.”

6951. Narrated ‘Abdullāh bin ‘Umar رَضِيَ اللهُ عَنْهُمَا: Allāh’s Messenger ﷺ said, “A Muslim is a brother of another Muslim. So he should neither oppress him nor hand him over to an oppressor. And whoever fulfilled the needs of his brother, Allāh will fulfil his needs.”

6952. Narrated Anas رَضِيَ اللهُ عَنْهُ: Allāh’s Messenger ﷺ said, “Help your brother, whether he is an oppressor or an oppressed.” A man asked, “O Allāh’s Messenger! I will help him if he is oppressed, but if he is an oppressor, how shall I help him?” The Prophet ﷺ said, “By preventing him from oppressing (others), for that is how to help him.”

٦٩٥١ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ:

حَدَّثَنَا اللَّيْثُ، عَنْ عَقِيلٍ، عَنْ ابْنِ شِهَابٍ: أَنَّ سَالِمًا أَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عَمْرٍو رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْمُسْلِمُ أَخُو الْمُسْلِمِ لَا يَظْلِمُهُ وَلَا يُسْلِمُهُ، وَمَنْ كَانَ فِي حَاجَةِ أَخِيهِ كَانَ اللَّهُ فِي حَاجَتِهِ». [راجع: ٢٤٤٢]

٦٩٥٢ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ

الرَّحِيمِ: حَدَّثَنَا سَعِيدُ بْنُ سُلَيْمَانَ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا عُبَيْدُ اللَّهِ بْنُ أَبِي بَكْرٍ بْنُ أَنَسٍ، عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَنْصُرُ أَحَاكَ ظَالِمًا أَوْ مَظْلُومًا»، فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ، أَنْصُرُهُ إِذَا كَانَ مَظْلُومًا، أَفَرَأَيْتَ إِذَا كَانَ ظَالِمًا، كَيْفَ أَنْصُرُهُ؟ قَالَ: «تَحْجِزُهُ أَوْ تَمْنَعُهُ مِنَ الظُّلْمِ، فَإِنَّ ذَلِكَ نَصْرُهُ». [راجع: ٢٤٤٣]