

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) - أَبْوَابُ الصَّيْدِ

عَنْ رَسُولِ اللَّهِ 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) - بَابُ مَا جَاءَ مَا يُؤْكَلُ مِنْ
صَيْدِ الْكَلْبِ وَمَا لَا يُؤْكَلُ (التحفة ١)

1464. Abū Tha'labah Al-Khushanī 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.'" (*Ṣaḥīḥ*)

[He said:] There is something on this topic from 'Adī bin Ḥatīm.

[Abū 'Eisā said:] This *Ḥadīth* is *Ḥasan* [*Ṣaḥīḥ*]. 'Ā'idhullāh [bin 'Abdullāh] is Abū Idrīs Al-Khawlanī. [Abū Tha'labah Al-

١٤٦٤ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ : حَدَّثَنَا
يَزِيدُ بْنُ هَارُونَ : حَدَّثَنَا الْحَجَّاجُ عَنْ
مَكْحُولٍ، عَنْ أَبِي ثَعْلَبَةَ - وَالْحَجَّاجُ عَنِ
الْوَلِيدِ بْنِ أَبِي مَالِكٍ، عَنْ عَائِدِ اللَّهِ بْنِ عَبْدِ
اللَّهِ : أَنَّهُ سَمِعَ أَبَا ثَعْلَبَةَ الْخُسَيْيَّ - قَالَ :
قُلْتُ : يَا رَسُولَ اللَّهِ ! إِنَّا أَهْلُ صَيْدٍ قَالَ : « إِذَا
أَرْسَلْتَ كَلْبَكَ وَذَكَرْتَ اسْمَ اللَّهِ عَلَيْهِ فَأَمْسَكَ
عَلَيْكَ فَكُلْ ». قُلْتُ : وَإِنْ قَتَلَ ؟ قَالَ : « وَإِنْ
قَتَلَ ». قُلْتُ : إِنَّا أَهْلُ رَمِيٍّ قَالَ : « مَا رَدَّتْ
عَلَيْكَ قَوْسُكَ فَكُلْ ». قَالَ : قُلْتُ : إِنَّا أَهْلُ
سَفَرٍ نَمُرُّ بِالْيَهُودِ وَالتَّصَارِي وَالْمَجُوسِ فَلَا
نَجِدُ غَيْرَ آبِيئِهِمْ . قَالَ : « فَإِنْ لَمْ تَجِدُوا غَيْرَهَا
فَاغْسِلُوهَا بِالْمَاءِ ثُمَّ كُلُوا فِيهَا وَاشْرَبُوا » .

[قَالَ :] وَفِي الْبَابِ عَنْ عَدِيِّ بْنِ حَاتِمٍ .

[قَالَ أَبُو عِيْسَى :] هَذَا حَدِيثٌ حَسَنٌ

[صَحِيحٌ] ، وَعَائِدَةُ اللَّهِ [بْنُ عَبْدِ اللَّهِ] هُوَ أَبُو
إِدْرِيسَ الْخَوْلَانِيُّ [وَأَسْمُ أَبِي ثَعْلَبَةَ الْخُسَيْيَّ

Khushanī's name is Jurthūm – and they say it is Jurthum – bin Nāshib. And they say it is Ibn Qais].

جُرْثُومٌ - وَيُقَالُ: جُرْثُمٌ - بِنُ نَاشِبٍ وَيُقَالُ: ابْنُ قَيْسٍ].

تخريج: [صحيح] وأخرجه مسلم، الصيد والذبائح، باب: إذا غاب عنه الصيد ثم وجده، ح: ١٩٣١ من طريق آخر عن مكحول به ورواه البخاري، ح: ٥٤٨٨ ومسلم، ح: ١٩٢٠ من حديث عائذ الله به * وفي الباب عن عدي بن حاتم [يأتي: ١٤٦٥].

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 Ḥātim 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*.’^[1] He said: ‘Eat of the game that the *Mi’rād* pierces, but whatever is struck by its broad side, then do not eat it.’” (*Ṣaḥīḥ*)

١٤٦٥ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا قَيْصَةُ: حَدَّثَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ هَمَّامِ بْنِ الْحَارِثِ، عَنْ عَدِيِّ ابْنِ حَاتِمٍ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ إِنَّا نُرْسِلُ كِلَابًا لَنَا مُعَلَّمَةٌ. قَالَ: «كُلْ مَا أَمْسَكَنَ عَلَيْكَ». قُلْتُ: يَا رَسُولَ اللَّهِ، وَإِنْ قَتَلَنَ؟ قَالَ: «وَإِنْ قَتَلَنَ، مَا لَمْ يَشْرُكْهَا كَلْبٌ مِنْ غَيْرِهَا». قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّا نَرْمِي بِالْمِعْرَاضِ قَالَ: «مَا خَزَقَ فُكُلٌ، وَمَا أَصَابَ بَعْرَضِهِ فَلَا تَأْكُلْ».

(Another chain) except that he said: “And he was asked about the *Mi’rād*.”

حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى: حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفْيَانُ عَنْ مَنْصُورٍ نَحْوَهُ، إِلَّا أَنَّهُ قَالَ: وَسُئِلَ عَنِ الْمِعْرَاضِ.

[Abū ‘Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

[قَالَ أَبُو عِيَسَى:] وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخريج: متفق عليه، وأخرجه البخاري، الذبائح والصيد، باب ما أصاب المعراض بعرضه، ح: ٥٤٧٧ عن قبيصة ومسلم، ح: ١٩٢٩ من حديث 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

[1] A sharp edged piece of wood, or a piece of wood with a sharp piece of iron attached.

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 ‘Eīsā 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 يُوسُفُ بْنُ عِيْسَى: حَدَّثَنَا
وَكَيْعٌ: حَدَّثَنَا شَرِيكٌ عَنِ الْحَجَّاجِ، عَنِ
الْقَاسِمِ بْنِ أَبِي بَرَّةَ، عَنِ سُلَيْمَانَ الْيَشْكُرِيِّ،
عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: نُهَيْتَنَا عَنْ صَيْدِ
كَلْبِ الْمَجُوسِيِّ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ غَرِيبٌ لَا
نَعْرِفُهُ إِلَّا مِنْ هَذَا الْوَجْهِ. وَالْعَمَلُ عَلَى هَذَا
عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ لَا يُرَخَّصُونَ فِي صَيْدِ
كَلْبِ الْمَجُوسِ. وَالْقَاسِمُ بْنُ أَبِي بَرَّةَ هُوَ
الْقَاسِمُ بْنُ نَافِعِ الْمَكِّيِّ.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الصيد، باب صيد كلب المجوس والكلب الأسود البهيم، ح: ٣٢٠٩ من حديث وكيع به وضعفه البوصيري لتدليس 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-Aḥwadhī* 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
الْبُرَاةِ (التحفة ٣)

١٤٦٧ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ وَهَنَادٌ وَأَبُو
عَمَّارٍ، قَالُوا: حَدَّثَنَا عِيْسَى بْنُ يُونُسَ 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.

قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْ صَيْدِ الْبَايِزِيِّ؟ فَقَالَ: «مَا أَمْسَكَ عَلَيْكَ فُكُلٌ». [قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ مُجَالِيدٍ عَنِ الشَّعْبِيِّ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ: لَا يَرَوْنَ بِصَيْدِ الْبَزَاةِ وَالصُّقُورِ بَأْسًا. وَقَالَ مُجَاهِدٌ: الْبَزَاةُ، هُوَ الطَّيْرُ الَّذِي يُصَادُ بِهِ مِنَ الْجَوَارِحِ الَّتِي قَالَ اللَّهُ تَعَالَى: ﴿وَمَا عَلَّمْتُمْ مِنَ الْجَوَارِحِ﴾ [المائدة: ٤] - فَسَرَّ الْكِلَابَ وَالطَّيْرَ الَّذِي يُصَادُ بِهِ - وَقَدْ رَخَّصَ بَعْضُ أَهْلِ الْعِلْمِ فِي صَيْدِ الْبَايِزِيِّ وَإِنْ أَكَلَ مِنْهُ، وَقَالُوا: إِنَّمَا تَعْلِيمُهُ إِجَابَتُهُ، وَكَرِهَهُ بَعْضُهُم وَالْفُقَهَاءُ، أَكْثَرُهُمْ قَالُوا: يَأْكُلُ وَإِنْ أَكَلَ مِنْهُ.

تخریج: [إسناده ضعيف] وأخرجه أبو داود، الصيد، باب: في الصيد، ح: ٢٨٥١ من حديث مجالد به وهو ضعيف وللحديث شواهد موقوفة عند البيهقي: ٢٣٨، ٢٣٥/٩ وغيره.

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 Ḥatīm 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 الرَّجْلِ يَرْمِي الصَّيْدَ فَيَغِيبُ عَنْهُ (التحفة ٤)

١٤٦٨ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي بَشِيرٍ قَالَ: سَمِعْتُ سَعِيدَ بْنَ جُبَيْرٍ يُحَدِّثُ عَنْ عَدِيِّ بْنِ

[1] *Al-Mā'idah* 5:4.

it, and you don't see any marks of predators, then eat it.” (*Ṣaḥīḥ*)

[Abū 'Eīsā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. This is acted upon according to some of the people of knowledge. *Shu'bah* reported this *Ḥadīth* from *Abū Bishr* and 'Abdul-Mālik bin Maisarah, from Sa'eed bin Jubair, from 'Adī bin Ḥātim [and from *Abū Tha'labah Al-Khushanī*, and it is similar]. And both of the *Aḥādīth* are *Ṣaḥīḥ*.

حَاتِمٌ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ أُرْمِي الصَّيْدَ فَأَجِدُ فِيهِ مِنَ الْعَدِ سَهْمِي. قَالَ: «إِذَا عَلِمْتَ أَنَّ سَهْمَكَ قَتَلَهُ وَلَمْ تَرَ فِيهِ أَثَرَ سَبْعِ فُكُلٍ».

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ. وَرَوَى شُعْبَةُ هَذَا الْحَدِيثَ عَنْ أَبِي بَشْرٍ وَعَبْدُ الْمَلِكِ بْنِ مَيْسَرَةَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ عَدِيِّ بْنِ حَاتِمٍ [وَعَنْ أَبِي ثَعْلَبَةَ الْخُسْنِيِّ مِثْلَهُ]. وَكَلاَ الْحَدِيثَيْنِ صَحِيحٌ.

وَفِي الْبَابِ عَنْ أَبِي ثَعْلَبَةَ الْخُسْنِيِّ.

تخریج: [صحيح] وأخرجه النسائي: ١٩٣/٧، ح: ٤٣٠٥ من حديث أبي بشر جعفر بن أياس به وهو في مسند أبي داود الطيالسي، ح: ١٠٤١ وللحديث شواهد كثيرة * حديث عبد الملك بن ميسرة، رواه الطيالسي والنسائي، ح: ٤٣٠٧ * وفي الباب عن أبي ثعلبة الخشني [مسلم، ح: ١٩٣١].

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. (*Sharḥ Ṣaḥīḥ Muslim & An-Nawawī* v.2. p. 142 and (*Tuḥfat Al-Aḥwadhī* 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 Ḥātim 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.’” (*Ṣaḥīḥ*)

(المعجم ٥) - بَابُ [مَا جَاءَ] فِيمَنْ يَرْمِي الصَّيْدَ فَيَجِدُهُ مَيِّتًا فِي الْمَاءِ (التحفة ٥)

١٤٦٩ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا [عَبْدُ اللَّهِ] بْنُ الْمُبَارَكِ: أَخْبَرَنِي عَاصِمُ الْأَحْوَلُ عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنِ الصَّيْدِ؟ فَقَالَ: «إِذَا رَمَيْتَ بِسَهْمِكَ فَادْكُرِ اسْمَ اللَّهِ، فَإِنْ وَجَدْتَهُ قَدْ قُتِلَ فُكُلٌ إِلَّا أَنْ تَجِدَهُ قَدْ وَقَعَ فِي مَاءٍ فَلَا تَأْكُلْ، فَإِنَّكَ لَا تَدْرِي: الْمَاءُ

قَتَلَهُ أَوْ سَهَمَكَ».

[Abū 'Eisā said:] This *Hadīth* is *Ḥasan Ṣaḥīḥ*.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ

صَحِيحٌ:

تخریج: وأخرجه مسلم، الصيد والذبائح، باب الصيد بالكلاب المعلمة والرمي: ۷/۱۹۲۹ من حديث عبدالله بن المبارك به.

Chapter 6. What Has Been Related About The Dog Eating From The Game

(المعجم ۶) - [بَابُ مَا جَاءَ فِي الْكَلْبِ

يَأْكُلُ مِنَ الصَّيْدِ] (التحفة ۶)

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.'"

۱۴۷۰ - حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا

سُفْيَانُ عَنْ مُجَالِيدٍ، عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ ابْنِ حَاتِمٍ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْ صَيْدِ الْكَلْبِ الْمُعَلَّمِ؟ قَالَ: «إِذَا أُرْسِلَتْ كَلْبُكَ الْمُعَلَّمُ وَذَكَرْتَ اسْمَ اللَّهِ فَكُلْ مَا أَمْسَكَ عَلَيْكَ، فَإِنْ أَكَلَ فَلَا تَأْكُلْ، فَإِنَّمَا أَمْسَكَ عَلَى نَفْسِهِ»، قُلْتُ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ إِنْ خَالَطَتْ كِلَابَنَا كِلَابَ أُخْرَى؟ قَالَ: «إِنَّمَا ذَكَرْتَ اسْمَ اللَّهِ عَلَى كَلْبِكَ، وَلَمْ تَذْكُرْ عَلَى غَيْرِهِ».

Sufyān said: "He disliked for him to eat it." (*Ṣaḥīḥ*)

قَالَ سُفْيَانُ: كَرِهَ لَهُ أَكْلَهُ.

[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.

[قَالَ أَبُو عِيسَى:] وَالْعَمَلُ عَلَى هَذَا عِنْدَ

بَعْضِ [أَهْلِ الْعِلْمِ مِنْ] أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ فِي الصَّيْدِ وَالذَّبِيحَةِ إِذَا وَقَعَا فِي الْمَاءِ: أَنْ لَا يَأْكُلَ.

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

وَقَالَ بَعْضُهُمْ فِي الذَّبِيحَةِ: إِذَا قَطَعَ

الْحَلْقُومَ فَوَقَعَ فِي الْمَاءِ فَمَاتَ فِيهِ فَإِنَّهُ يُؤْكَلُ، وَهُوَ قَوْلُ [عَبْدِ اللَّهِ] بْنِ الْمُبَارَكِ. 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.'" (*Ṣaḥīḥ*)

Another chain with similar meaning.

[Abū 'Eīsā said:] This *Hadīth* is *Ṣaḥīḥ*, 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.)

الْكَلْبُ مِنْهُ فَلَا يَأْكُلُ، وَهُوَ قَوْلُ سُفْيَانَ، وَعَبْدُ اللَّهِ بْنِ الْمُبَارَكِ، وَالشَّافِعِيِّ، وَأَحْمَدَ وَإِسْحَاقَ.

وَقَدْ رَخَّصَ بَعْضُ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ فِي الْأَكْلِ مِنْهُ وَإِنْ أَكَلَ الْكَلْبُ مِنْهُ.

(المعجم ٧) - بَابُ مَا جَاءَ فِي صَيْدِ الْمِغْرَاضِ (التحفة ٧)

١٤٧١ - حَدَّثَنَا يُوسُفُ بْنُ عِيسَى: حَدَّثَنَا وَكَيْعٌ: حَدَّثَنَا زَكْرِيَّا عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ: سَأَلْتُ النَّبِيَّ ﷺ عَنْ صَيْدِ الْمِغْرَاضِ؟ فَقَالَ: «مَا أَصَبْتَ بِحَدِّهِ فَكُلْ، وَمَا أَصَبْتَ بِعَرَضِهِ فَهُوَ وَفِيْدٌ».

حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ زَكْرِيَّا، عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ صَحِيحٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ.

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 *Ḥadīth*. Dāwūd bin Abī Hind reported it from *Ash-Sha’bī*, “from Muḥammad bin Ṣafwān.” While ‘Āṣim Al-Aḥwal 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 الذَّبْحِ
بِالْمَرْوَةِ (التحفة ٨)

١٤٧٢ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى [الْقُطَيْبِيُّ]: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنِ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ رَجُلًا مِنْ قَوْمِهِ صَادَ أَرْبَابًا أَوْ اثْنَتَيْنِ فَذَبَحَهُمَا بِمَرْوَةٍ فَتَلَعَهُمَا حَتَّى لَقِيَ رَسُولَ اللَّهِ ﷺ، فَسَأَلَهُ، فَأَمَرَهُ بِأَكْلِهِمَا.

[قَالَ:] وَفِي الْبَابِ عَنْ مُحَمَّدِ بْنِ صَفْوَانَ، وَرَافِعٍ، وَعَدِيِّ بْنِ حَاتِمٍ.

[قَالَ أَبُو عِيسَى:] وَقَدْ رَخَّصَ بَعْضُ أَهْلِ الْعِلْمِ أَنْ [يَذَكِّي] بِمَرْوَةٍ وَلَمْ يَرَوْا بِأَكْلِ الْأَرْبِ بَأْسًا، وَهُوَ قَوْلُ أَكْثَرِ أَهْلِ الْعِلْمِ، وَقَدْ كَرِهَ بَعْضُهُمْ أَكْلَ الْأَرْبِ. وَ[قَدْ] ائْتَلَفَ أَصْحَابُ الشَّعْبِيِّ فِي رِوَايَةِ هَذَا الْحَدِيثِ، فَرَوَى دَاوُدُ بْنُ أَبِي هِنْدٍ عَنِ الشَّعْبِيِّ، عَنْ مُحَمَّدِ بْنِ صَفْوَانَ. وَرَوَى عَاصِمُ الْأَحْوَلُ عَنِ الشَّعْبِيِّ، عَنْ صَفْوَانَ بْنِ مُحَمَّدٍ أَوْ مُحَمَّدِ بْنِ صَفْوَانَ. وَمُحَمَّدُ بْنُ صَفْوَانَ أَصْحَبُ.

وَرَوَى جَابِرُ الْجُفَيْيُّ عَنِ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ نَحْوَ حَدِيثِ قَتَادَةَ عَنِ الشَّعْبِيِّ، وَيُحْتَمَلُ أَنْ يَكُونَ الشَّعْبِيُّ رَوَى عَنْهُمَا جَمِيعًا، قَالَ مُحَمَّدٌ: حَدِيثُ الشَّعْبِيِّ

[1] In *Hādī As-Sārī* Ibn Hajar says that it is a sharp stone after which the mountain across from Ṣafā was named. In *Tuḥfat Al-Aḥwadhī* 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 غَيْرَ مَحْفُوظٍ.

تخریج: [حسن] وللحديث شاهد حسن عند أبي داود، ح: ٢٨٢٢ وابن ماجه، ح: ٣١٧٦ وغيرهما وصححه 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] وعدي 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-Aḥwadhī* v. 2. p343.)

Chapter 9. What Has Been Related About It Being Disliked To Eat *Maṣbūrah*^[1]

(المعجم ٩) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ أَكْلِ الْمَصْبُورَةِ (التحفة ٩)

1473. Abū Ad-Dardā’ narrated: “The Messenger of Allāh ﷺ prohibited eating the *Mujaththamah*, and it is what is trapped and killed by arrows.” (*Ḥasan*)

[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*.

١٤٧٣ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ عَنْ أَبِي أَيُّوبَ الْإِفْرِيقِيِّ، عَنْ صَفْوَانَ بْنِ سُلَيْمٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي الدَّرْدَاءِ نَهَى رَسُولُ اللَّهِ ﷺ عَنْ أَكْلِ الْمَجْتَمَةِ، وَهِيَ الَّتِي تُصَبَّرُ بِالنَّبْلِ.

[قَالَ:] وفي الباب عن عِرْبَاضِ بْنِ سَارِيَةَ، وَأَنَسٍ، وَابْنِ عُمَرَ، وَابْنِ عَبَّاسٍ، وَجَابِرٍ، وَأَبِي هُرَيْرَةَ.

[قَالَ أَبُو عِيْسَى:] حَدِيثُ أَبِي الدَّرْدَاءِ حَدِيثٌ غَرِيبٌ.

تخریج: [حسن] وأخرجه أحمد: ١٩٥/٥ والحميدي ح: ٣٩٧ من حديث سعيد بن المسيب به وللحديث شواهد انظر الحديث الآتي: ١٨٢٥ * وفي الباب عن عرياض بن سارية [يأتي: ١٤٧٤] وأنس [البخاري، ح: ٥٥١٣، ومسلم، ح: ١٩٥٦] وابن عمر [البخاري، ح: ٥٥١٥، ومسلم، ح: ١٩٥٨] وابن عباس [يأتي: ١٤٧٥] وجابر [مسلم، ح: ١٩٥٩] وأبي 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 *Khalīṣah*, and from having relations with a pregnant slave until she gives birth to what is in her womb." (*Da'īf*)

Muḥammad bin Yaḥya said: "Abū 'Aṣim was asked about the *Mujath-thamah* and he said: "To ensnare a bird or something and then shoot it." He was asked about *Khalīṣah*, 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."

١٤٧٤ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى وَعَبْدُ
وَاحِدٌ قَالُوا: حَدَّثَنَا أَبُو عَاصِمٍ عَنْ وَهْبِ بْنِ
أَبِي خَالِدٍ، قَالَ: حَدَّثَنِي أُمُّ حَبِيبَةَ بِنْتُ
الْعُرْبَابِ - [وَهُوَ] ابْنُ سَارِيَةَ - عَنْ أَبِيهَا أَنَّ
رَسُولَ اللَّهِ ﷺ نَهَى يَوْمَ خَيْبَرَ عَنْ [لُحُومِ] كُلِّ
ذِي نَابٍ مِنَ السَّبَاعِ، وَعَنْ كُلِّ ذِي مِخْلَبٍ
مِنَ الطَّيْرِ، وَعَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ، وَعَنْ
الْمُجْتَمَةِ، وَعَنِ الْخَلِيسَةِ، وَأَنْ تُوطَأَ الْحَبَالَى
حَتَّى يَضَعْنَ مَا فِي بُطُونِهِنَّ. قَالَ مُحَمَّدُ بْنُ
يَحْيَى - هُوَ الْقَطْعِيُّ -: سِئَلُ أَبُو عَاصِمٍ عَنْ
الْمُجْتَمَةِ فَقَالَ: أَنْ يُنْصَبَ الطَّيْرُ أَوْ الشَّيْءُ
فِيْرَمَى. وَسِئَلُ عَنْ الْخَلِيسَةِ فَقَالَ: الذُّبُّ أَوْ
السَّبْعُ يُدْرِكُهُ الرَّجُلُ فَيَأْخُذُ [هُ] مِنْهُ فَيَمُوتُ فِي
يَدِهِ قَبْلَ أَنْ يُذَكِّبَهَا.

تخریج: [إسناده ضعيف] وأخرجه أحمد: ١٢٧/٤ عن أبي عاصم به * أم حبيبة بنت العرياب، لم أجد من وثقها وسيأتي الحديث: ١٥٦٤ وهو حديث حسن وللحديث شواهد كثيرة دون الخليسة، انظر، ح: ١١٣١ وغيره.

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. '*Khalīṣah*' is prohibited because it dies before it is slaughtered.

1475. Ibn 'Abbās narrated: "The Messenger of Allāh ﷺ prohibited taking a living thing as a shooting target." (*Ṣaḥīḥ*)

[Abū 'Eisā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. [This is acted upon according to the people of knowledge].

١٤٧٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى:
حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنِ الثَّوْرِيِّ، عَنْ سِمَاكٍ،
عَنْ عِكْرَمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: نَهَى رَسُولُ
اللَّهِ ﷺ أَنْ يَتَّخَذَ شَيْءٌ فِيهِ الرُّوحُ عَرَضًا
[قَالَ أَبُو عِيسَى:] حَدِيثٌ حَسَنٌ صَحِيحٌ

[وَالْعَمَلُ عَلَيْهِ عِنْدَ أَهْلِ الْعِلْمِ].

تخريج: [صحيح] وأخرجه ابن ماجه، الذبائح، باب النهي عن صبر البهائم وعن المثلة، ح: ٣١٨٧ من حديث سفیان الثوري به وله شاهد عند مسلم، ح: ١٩٥٧ وغيره وبه صح الحديث .

Chapter 10. What Has Been Related About Slaughtering The Fetus

(المعجم ١٠) - بَابُ [مَا جَاءَ] فِي ذَكَاةِ الْجَنِينِ (التحفة ١٠)

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, Aḥmad, and Ishāq. Abū Al-Waddāk’s (a narrator in the chain) name is Jabr bin Nawf.

١٤٧٦ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ مُجَالِيدٍ؛ ح: وَحَدَّثَنَا سُفْيَانُ بْنُ وَكَيْعٍ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ عَنْ مُجَالِيدٍ، عَنْ أَبِي الْوَدَّاءِ، عَنْ أَبِي سَعِيدٍ عَنِ النَّبِيِّ ﷺ قَالَ: «ذَكَاةُ الْجَنِينِ ذَكَاةُ أُمِّهِ».

[قَالَ:] وَفِي الْبَابِ عَنْ جَابِرٍ، وَأَبِي أُمَامَةَ، وَأَبِي الدَّرْدَاءِ، وَأَبِي هُرَيْرَةَ. [قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ [صَحِيحٌ].

وَقَدْ رُوِيَ مِنْ غَيْرِ هَذَا الْوَجْهِ عَنْ أَبِي سَعِيدٍ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَغَيْرِهِمْ، وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، وَابْنِ الْمُبَارَكِ، وَالشَّافِعِيِّ، وَأَحْمَدَ، وَإِسْحَاقَ. وَأَبُو الْوَدَّاءِ اسْمُهُ جَبْرُ ابْنُ نَوْفٍ.

تخريج: [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: ١٢١/٨، ١٢٢، ح: ٧٤٩٨] وأبي الدرداء [الطبراني في الكبير: ١٢١/٨، 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

Yūsuf and Imām Muḥammad also support this of view, with the condition the fetus is completely formed. (See for details (*Tuḥfat Al-Aḥwadhī* v. 2. p.344-345.)

Chapter 11. What Has Been Related About It Being Disliked To Eat Anything That Possesses Canine Teeth Or Talons

(المعجم ١١) - بَابُ [مَا جَاءَ] فِي كِرَاهِيَةِ كُلِّ ذِي نَابٍ وَذِي مِخْلَبٍ (التحفة ١١)

1477. Abū Tha‘labah Al-Khushanī narrated: “The Messenger of Allāh ﷺ prohibited (eating) every predator possessing canine teeth.” (*Ṣaḥīḥ*)

(Another chain) with similar.

[Abū ‘Eīsā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*. Abū Idrīs Al-Khawlanī’s name is ‘A’idhullāh bin ‘Abdullāh.

١٤٧٧ - حَدَّثَنَا أَحْمَدُ بْنُ الْحَسَنِ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ ابْنِ شَهَابٍ، عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ، عَنْ أَبِي ثَعْلَبَةَ الْخُسَيْنِيِّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ، عَنْ كُلِّ ذِي نَابٍ مِنَ السَّبَاعِ.

حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمَنِ [الْمَخْرُومِيُّ] وَعَبْرٌ وَاحِدٌ قَالُوا: حَدَّثَنَا سُفْيَانُ [بْنُ عُيَيْنَةَ] عَنِ الزُّهْرِيِّ بِهَذَا الْإِسْنَادِ [عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ] نَحْوَهُ.

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. وَأَبُو إِدْرِيسَ الْخَوْلَانِيُّ اسْمُهُ عَائِدُ اللَّهِ بْنُ عَبْدِ اللَّهِ.

تخریج: متفق عليه، وأخرجه البخاري، الذبائح والصيد، باب أكل كل ذي ناب من السباع، ح: ٥٥٣٠ من حديث مالك ومسلم، ح: ١٩٣٢ من حديث ابن شهاب الزهري به وهو في الموطأ: ٤٩٩/٢ * 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.” (*Ṣaḥīḥ*)

١٤٧٨ - حَدَّثَنَا مُحَمَّدُ بْنُ غَيْلَانَ: حَدَّثَنَا أَبُو النَّضْرِ [هَاشِمُ بْنُ الْقَاسِمِ]: حَدَّثَنَا عِكْرِمَةُ ابْنُ عَمَارٍ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ قَالَ: حَرَّمَ رَسُولُ اللَّهِ ﷺ، يَعْنِي يَوْمَ خَيْبَرَ الْحُمَرَ الْإِنْسِيَّةَ، وَالْحُومَ

[He said:] There are narrations on this topic from Abū Hurairah, Al-'Irbād bin Sāriyah, and Ibn 'Abbās.

الْبِغَالِ، وَكُلُّ ذِي نَابٍ مِنَ السَّبَاعِ وَذِي مِخْلَبٍ مِنَ الطَّيْرِ.

[قَالَ:] وَفِي الْبَابِ عَنْ أَبِي هُرَيْرَةَ، وَعِرْبَاضِ بْنِ سَارِيَةَ، وَابْنِ عَبَّاسٍ.

[قَالَ أَبُو عِيسَى:] حَدِيثُ جَابِرٍ حَدِيثٌ حَسَنٌ غَرِيبٌ.

تخریج: [صحیح] وأخرجه أحمد: ۳/۳۲۳ عن أبي النضر به * وفي الباب عن أبي هريرة [يأتي: ۱۴۷۹] وعرباض بن سارية [تقدم: ۱۴۷۴] وابن عباس [مسلم، ح: ۱۹۳۴].

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, Aḥmad, and Ishāq.

۱۴۷۹ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ ابْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ حَرَّمَ كُلَّ ذِي نَابٍ مِنَ السَّبَاعِ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ، وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَكْثَرِ أَهْلِ الْعِلْمِ مِنْ أَصْحَابِ النَّبِيِّ ﷺ وَعَنْبَرِهِمْ. وَهُوَ قَوْلُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ، وَالشَّافِعِيِّ، وَأَحْمَدَ، وَإِسْحَاقَ.

تخریج: [إسناده حسن] وأخرجه أحمد: ۲/۴۱۸ عن قتيبة به وسيأتي مطولاً: ۱۷۹۵ ورواه مسلم، ح: ۱۹۳۳ من حديث أبي هريرة به.

Comments:

According to the view of Imām Abū Ḥanīfah, Shāfi'i, Aḥmad 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 Ṣaḥīḥ Muslim* v.2. p. 146.) In view of Ibn Raslān, Qurṭubī and others eating their meat is lawful. (*Tuḥfat Al-Aḥwadhī* v.2. p. 346.)

Chapter 12. What Has Been Related About: Whatever Is Cut From Something Living, Then It Is Dead Flesh

1480. Abū Wāqid Al-Laiṭhī narrated: “The Prophet ﷺ came to Al-Madīnah 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-Laiṭhī’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 الصَّنَعَانِيُّ: حَدَّثَنَا سَلَمَةُ بْنُ رَجَاءٍ [قَالَ]: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ دِينَارٍ عَنْ زَيْدِ ابْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي وَاقِدِ اللَّيْثِيِّ قَالَ: قَدِمَ النَّبِيُّ ﷺ الْمَدِينَةَ وَهُمْ يَجْبُونَ أَسْنِمَةَ الْإِبِلِ، وَيَقْطَعُونَ أَلْيَاتِ الْغَنَمِ، فَقَالَ: «مَا يُقْطَعُ مِنَ الْبَهِيمَةِ وَهِيَ حَيَّةٌ فَهُوَ مَيْتَةٌ».

حَدَّثَنَا إِبْرَاهِيمُ بْنُ يَعْقُوبَ [الْجَوْزْجَانِيُّ]: حَدَّثَنَا أَبُو النَّضْرِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ دِينَارٍ نَحْوَهُ.

[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ لَا نَعْرِفُهُ إِلَّا مِنْ حَدِيثِ زَيْدِ بْنِ أَسْلَمَ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ. وَأَبُو وَاقِدِ اللَّيْثِيِّ اسْمُهُ الْهَارِثُ بْنُ عَوْفٍ.

تخريج: [إسناده حسن] وأخرجه أبو داود، الصيد، باب: إذا قطع من الصيد قطعة، ح: ٢٨٥٨ من حديث عبدالرحمن بن عبدالله 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
الذَّكَاءِ فِي الْحَلْقِ وَاللَّبَّةِ (التحفة ١٣)

١٤٨١ - حَدَّثَنَا هَنَادٌ وَمُحَمَّدُ بْنُ الْعَلَاءِ قَالَا: حَدَّثَنَا وَكَيْعٌ 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.'” (*Da'if*)

Aḥmad bin Manī' (one of the narrators) said: “Yazīd bin Hārūn said: ‘This is in cases of necessity.’”

[He said:] There is something on this topic from Rāfi' bin Khadij.

[Abū 'Eīsā said:] This *Hadīth* is *Gharīb*, we do not know of it except as a narration of Ḥammād 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 Qiḥtam. they also said [his name is] Yasār bin Barz, and they say, bin Balz, and they say his name is 'Utārid [attributing him to his grandfather].

وَحَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ أَبِي الْعَشْرَاءِ، عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! أَمَا تَكُونُ الذَّكَاءُ إِلَّا فِي الْحَلْقِ وَاللَّبَّةِ؟ قَالَ: «لَوْ طَعَنْتَ فِي فَخِذِهَا لَأَجَزَأَ عَنْكَ» قَالَ أَحْمَدُ بْنُ مَنِيعٍ: قَالَ يَزِيدُ بْنُ هَارُونَ: هَذَا فِي الصَّرْوَةِ.

[قَالَ:] وفي البابِ عن رافعِ بنِ خديجِ.

[قَالَ أَبُو عِيسَى:] وهذا حديثٌ غريبٌ لا

نعرفه إلا من حديثِ حمادِ بنِ سلمةَ، ولا نعرفُ لأبي العُشْرَاءِ عن أبيهِ غيرَ هذا الحديثِ، واختلَفوا في اسمِ أبي العُشْرَاءِ، فقالَ بعضهم: اسمُهُ أُسَامَةُ بْنُ قَيْطَمٍ، ويُقالُ: [اسمُهُ] يَسَارُ بْنُ بَرْزٍ. ويُقالُ: ابْنُ بَلَزٍ. ويُقالُ: اسمُهُ عَطَارِدُ [نُسِبَ إلى جَدِّهِ].

تخریج: [إسناده ضعيف] وأخرجه ابن ماجه، الذبائح، باب ذكاة الناد من البهائم، ح: ٣١٨٤ من حديث وكيع، وأبو داود، ح: ٢٨٢٥ والنسائي، ح: ٤٤١٣ من حديث حماد بن سلمة به وصححه ابن الجارود، ح: ٩٠٧ وضعفه أحمد وغيره * قال البخاري في أبي العشاء: "في حديثه واسمه وسماعه من أبيه نظر" وله شاهد ضعيف عند الهيثمي 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-Aḥwadhī* v.2. p.347.)

Chapter 14. What Has Been Related About Killing Geckos

(المعجم ١٤) - بابُ [مَا جَاءَ] فِي قَتْلِ

الْوَرَعِ (التحفة ١٤)

1482. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever kills a gecko in one

١٤٨٢ - حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكَيْعٌ

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.” (*Ṣaḥīḥ*)

[He said:] There are narrations on this topic from Ibn Mas‘ūd, Sa‘d, ‘Āishah, and Umm *Sharīk*.

[Abū ‘Eisā said:] The *Ḥadīth* of Abū Hurairah is a *Ḥasan Ṣaḥīḥ Ḥadīth*.

أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ قَتَلَ وَرَعَةً بِالضَّرْبَةِ الْأُولَى كَانَ لَهُ كَذَا وَكَذَا حَسَنَةً، فَإِنْ قَتَلَهَا فِي الضَّرْبَةِ الثَّانِيَةِ كَانَ لَهُ كَذَا وَكَذَا حَسَنَةً، فَإِنْ قَتَلَهَا فِي الضَّرْبَةِ الثَّلَاثَةِ كَانَ لَهُ كَذَا وَكَذَا حَسَنَةً».

[قَالَ:] «وَفِي الْبَابِ عَنِ ابْنِ مَسْعُودٍ وَسَعْدٍ وَعَائِشَةَ وَأُمَّ شَرِيكِ».

[قَالَ أَبُو عِيْسَى:] وَحَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: وأخرجه مسلم، السلام، باب استحباب قتل الوزغ، ح: ۲۲۴۰ عن أبي كريب به * وفي الباب عن ابن مسعود [أحمد: ۱/ ۴۲۰] وسعد [مسلم، ح: ۲۲۳۸] وعائشة [البخاري، ح: ۱۸۳۱] ومسلم، ح: ۲۲۳۹ وأم شريك [البخاري، ح: ۳۳۰۷] ومسلم، ح: ۲۲۳۷.

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 *Dhut-Tufyatain*^[1] and *Al-Abtar*,^[2] because they blind the sight and cause abortions of fetuses.” (*Ṣaḥīḥ*)

[He said:] There are narrations on this topic from Ibn Mas‘ūd, ‘Āishah, Abū Hurairah, and Sahl bin Sa‘d.

[Abū ‘Eisā said:] This *Ḥadīth* is

(المعجم ۱۵) - بَابُ [مَا جَاءَ] فِي قَتْلِ الْحَيَّاتِ (التحفة ۱۵)

۱۴۸۳ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اقْتُلُوا الْحَيَّاتِ، وَاقْتُلُوا ذَا الطَّفِيِّتَيْنِ وَالْأَبْتَرَ، فَإِنَّهُمَا يَلْتَمِسَانِ الْبَصَرَ وَيُسْقِطَانِ الْحَبْلَ».

[قَالَ:] «وَفِي الْبَابِ عَنِ ابْنِ مَسْعُودٍ، وَعَائِشَةَ، وَأَبِي هُرَيْرَةَ، وَسَهْلِ بْنِ سَعْدٍ».

[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.”

[قَالَ أَبُو عَيْسَى:] وَهَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

وَقَدْ رُوِيَ عَنِ ابْنِ عُمَرَ، عَنْ أَبِي لُبَابَةَ: أَنَّ النَّبِيَّ ﷺ نَهَى بَعْدَ ذَلِكَ، عَنْ قَتْلِ جِنَانِ الْبُيُوتِ وَهِيَ الْعَوَامِرُ. وَيُرْوَى عَنِ ابْنِ عُمَرَ، عَنْ زَيْدِ بْنِ الْخَطَّابِ أَيْضًا. وَقَالَ عَبْدُ اللَّهِ ابْنُ الْمُبَارَكِ: إِنَّمَا يُكْرَهُ مِنْ قَتْلِ الْحَيَاتِ، [قَتْلُ] الْحَيَّةِ الَّتِي تَكُونُ دَقِيقَةً كَأَنَّهَا فِصَّةٌ، وَلَا تَلْتَوِي فِي مَشِيَّتِهَا.

تخریج: متفق عليه، وأخرجه البخاري، بدء الخلق، باب قول الله تعالى: ﴿وَيْثُ فِيهَا مِنْ كُلِّ دَابَّةٍ﴾، ح: ٣٢٩٧، ومسلم، ح: ٢٢٣٣ من حديث ابن شهاب الزهري به * وفي الباب عن ابن مسعود [أبو داود، ح: ٥٢٤٩] وعائشة [البخاري، ح: ١٨٢٩، ومسلم، ح: ١١٩٨] وأبي هريرة [أبو داود، ح: ٥٢٤٨] وسهل بن سعد [الطحاوي في مشكل الآثار: ٩٥/٤].

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. (*Tuḥfat Al-Aḥwadhī* 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.” (*Ṣaḥīḥ*)

[Abū ‘Eisā said:] This is how ‘Ubaidullāh bin ‘Umar reported this *Ḥadīth*: from Ṣaifi, from Abū Sa‘eed. Mālik bin Anas reported this *Ḥadīth* from Ṣaifi 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 *Ḥadīth*.

(Another chain) similar to the

١٤٨٤ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا عَبْدُهُ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، عَنْ صَيْفِيِّ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ لِبُيُوتِكُمْ عَمَارًا فَحَرِّجُوا عَلَيْهِمْ ثَلَاثًا، فَإِنْ بَدَأَ لَكُمْ بَعْدَ ذَلِكَ مِنْهُنَّ شَيْءٌ فَأَقْتُلُوهُ».

[قَالَ أَبُو عَيْسَى:] هَكَذَا رَوَى عُبَيْدُ اللَّهِ ابْنُ عُمَرَ هَذَا الْحَدِيثَ عَنْ صَيْفِيِّ، عَنْ أَبِي سَعِيدٍ. وَرَوَى مَالِكُ بْنُ أَنَسٍ هَذَا الْحَدِيثَ عَنْ صَيْفِيِّ، عَنْ أَبِي السَّائِبِ مَوْلَى هِشَامِ بْنِ زُهْرَةَ، عَنْ أَبِي سَعِيدٍ [عَنِ النَّبِيِّ ﷺ]. وَفِي الْحَدِيثِ قِصَّةٌ.

narration of Mālik.

حَدَّثَنَا بِذَلِكَ الْأَنْصَارِيُّ: حَدَّثَنَا مَعْنُ:
حَدَّثَنَا مَالِكٌ. وَهَذَا أَصْحُ مِنْ حَدِيثِ عُبَيْدِ
اللَّهِ بْنِ عُمَرَ. وَرَوَى مُحَمَّدُ بْنُ عَجَلَانَ عَنْ
صَيْفِيِّ نَحْوَ رِوَايَةِ مَالِكٍ.

تخريج: [إسناده صحيح] وأخرجه أحمد: ٢٧/٣ من حديث عبيدالله بن عمر به * حديث مالك في الموطأ: ٩٧٧، ٩٧٦/٢ ومن طريقه أخرجه مسلم، ح: ٢٢٣٦ مطولاً.

Comments:

The event that has been referred to in this narration is given in detail in *Ṣaḥīḥ Muslim* (See *Minnah Al-Mun'am* v.3. p. 479. and *Sharḥ 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 *Ṣaḥīḥ 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 Nūḥ and by the covenant of Sulaimān bin Dāwūd – that you do not harm us.’ If it returns, then kill it.” (*Ḍaʿīf*)

[Abū ‘Eisā said:] This *Ḥadīth* is *Ḥasan Gharīb*, we do not know of it as a narration of Thābit Al-Bunānī except with this route to Ibn Abī Lailā.

١٤٨٥ - حَدَّثَنَا هَنَادٌ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ: حَدَّثَنَا ابْنُ أَبِي لَيْلَى عَنْ ثَابِتِ الْبُنَانِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى قَالَ: قَالَ أَبُو لَيْلَى: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا ظَهَرَتِ الْحَيَّةُ فِي الْمَسْكَنِ فَقُولُوا لَهَا: إِنَّا نَسْأَلُكَ بِعَهْدِ نُوحٍ وَبِعَهْدِ سُلَيْمَانَ بْنِ دَاوُدَ أَنْ لَا تُؤْذِينَا، فَإِنْ عَادَتْ فَاقْتُلُوهَا».

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ غَرِيبٌ لَا نَعْرِفُهُ مِنْ حَدِيثِ ثَابِتِ الْبُنَانِيِّ إِلَّا مِنْ هَذَا الْوَجْهِ مِنْ حَدِيثِ ابْنِ أَبِي لَيْلَى.

تخريج: [إسناده ضعيف] وأخرجه أبو داود، الأدب، باب: في قتل الحيات، ح: ٥٢٦٠ من حديث محمد بن عبدالرحمن 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 Ṣaḥīḥ 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.

تخريج: [حسن] وأخرجه أبو داود، الصيد، باب اتخاذ الكلب للصيد وغيره، 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: ٩/٦] 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) - بَابُ مَا جَاءَ فِي قَتْلِ الْكِلَابِ (التحفة ١٦)

١٤٨٦ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا مَنْصُورُ بْنُ زَادَانَ وَيُونُسُ [بْنُ عُبَيْدٍ] عَنِ الْحَسَنِ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْقَلٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْلَا أَنَّ الْكِلَابَ أُمَّةٌ مِنَ الْأُمَّمِ لَأَمَرْتُ بِقَتْلِهَا كُلِّهَا، فَأَقْتُلُوا مِنْهَا كُلَّ أَسْوَدَ بِهِمٍ».

[قَالَ:] وَفِي الْبَابِ عَنِ ابْنِ عُمَرَ، وَجَابِرٍ، وَأَبِي رَافِعٍ، وَأَبِي أَيُّوبَ.

[قَالَ أَبُو عِيْسَى:] حَدِيثُ عَبْدِ اللَّهِ بْنِ مَعْقَلٍ حَدِيثٌ حَسَنٌ صَحِيحٌ. وَيُرْوَى فِي بَعْضِ الْحَدِيثِ أَنَّ الْكَلْبَ الْأَسْوَدَ الْبَهِيمَ شَيْطَانٌ، وَالْكََلْبُ الْأَسْوَدُ الْبَهِيمُ الَّذِي لَا يَكُونُ فِيهِ شَيْءٌ مِنَ الْبَيَاضِ. وَقَدْ كَرِهَ بَعْضُ أَهْلِ الْعِلْمِ صَيْدَ الْكَلْبِ الْأَسْوَدِ الْبَهِيمِ.

(المعجم ١٧) - بَابُ [مَا جَاءَ فِي] مَنْ أَمْسَكَ كَلْبًا، مَا يَنْقُصُ مِنْ أَجْرِهِ (التحفة ١٧)

١٤٨٧ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أَبِي يُونُسَ، عَنْ نَافِعٍ،

“acquires a dog” – “neither for hunting nor to guard livestock, then two *Qirāṭ*^[1] are deducted from his reward, daily.” (*Ṣaḥīḥ*)

[He said:] There are narrations on this topic from ‘Abdullāh bin Mughaffal, Abū Hurairah, and Sufyān bin Abī Zuhair.

[Abū ‘Eīsā said:] The *Ḥadīth* of Ibn ‘Umar is a *Ḥasan Ṣaḥīḥ Ḥadīth*. And it has been reported that the Prophet ﷺ said: “or a farm dog.”

عَنِ ابْنِ عَمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ اِقْتَنَى كَلْبًا أَوْ اتَّخَذَ كَلْبًا لَيْسَ بِضَارٍ، وَلَا كَلَبَ مَاشِيَةٍ، نَقَصَ مِنْ أَجْرِهِ كُلَّ يَوْمٍ قِيرَاطَانِ».

[قَالَ:] وَفِي الْبَابِ عَنْ عَبْدِ اللَّهِ بْنِ مَغْفَلٍ، وَأَبِي هُرَيْرَةَ، وَسُفْيَانَ بْنِ أَبِي زُهَيْرٍ.
[قَالَ أَبُو عِيسَى:] وَحَدِيثُ ابْنِ عَمَرَ حَدِيثٌ حَسَنٌ صَحِيحٌ، وَقَدْ رُوِيَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «أَوْ كَلَبَ زَرْعٍ».

تخریج: متفق عليه، أخرجه البخاري، الذبائح والصيد، باب من اقتنى كلبًا ليس بكلب صيد أو ماشية، ح: ٥٤٨٢، ومسلم، ح: ١٥٧٤ من حديث نافع به ورواه أحمد: ٤/٢ عن إسماعيل بن إبراهيم - وهو ابن عليّة - به * وفي الباب عن عبدالله بن مغفل [يأتي: ١٤٩٩] وأبي هريرة [يأتي: ١٤٩٠] وسفيان بن أبي زهير [البخاري، ح: ٢٣٢٣، 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.” (*Ṣaḥīḥ*)

[Abū ‘Eīsā said:] This *Ḥadīth* is *Ḥasan Ṣaḥīḥ*.

١٤٨٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنِ ابْنِ عَمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ أَمَرَ بِقَتْلِ الْكِلَابِ إِلَّا كَلَبَ صَيْدٍ أَوْ كَلَبَ مَاشِيَةٍ. قَالَ: قِيلَ لَهُ: إِنَّ أَبَا هُرَيْرَةَ [كَانَ] يَقُولُ: أَوْ كَلَبَ زَرْعٍ. فَقَالَ: إِنَّ أَبَا هُرَيْرَةَ لَهُ زَرْعٌ.
[قَالَ أَبُو عِيسَى:] هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ.

تخریج: وأخرجه مسلم، المساقاة، باب الأمر بقتل الكلاب وبيان نسخه ... إلخ، ح: ١٥٧١ من حديث حماد بن زيد به.

[1] *Qirāṭ* 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 *Qirāṭ* every day – except for a hunting dog, or a farm dog, or a sheep dog.” (*Ṣaḥīḥ*)

[Abū ‘Eisā said:] This *Hadīth* is *Hasan*. This *Hadīth* has been reported through other routes from Al-Ḥasan from ‘Abdullāh bin Mughaffal, from the Prophet ﷺ.

تخریج: وأخرجه مسلم، المساقاة، باب الأمر بقتل الكلاب، وبيان نسخه ... الخ، ح: ١٥٧٥ 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 *Qirāṭ* is deducted from his reward.” (*Ḥasan*)

[Abū ‘Eisā said:] this *Hadīth* is *Hasan Ṣaḥīḥ*.

It has been reported that ‘Aṭā’ bin Abī Rabāḥ permitted keeping a

١٤٨٩ - حَدَّثَنَا عَبْدُ بْنُ أَصْبَاطَ بْنِ مُحَمَّدٍ الْقُرَشِيُّ: حَدَّثَنَا أَبِي عَنِ الْأَعْمَشِ، عَنْ إِسْمَاعِيلَ بْنِ مُسْلِمٍ، عَنِ الْحَسَنِ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْقِلٍ قَالَ: إِنِّي لِمِمَّنْ يَرْفَعُ أَغْصَانَ الشَّجَرَةِ عَنْ وَجْهِ رَسُولِ اللَّهِ ﷺ وَهُوَ يَخْطُبُ، فَقَالَ: «لَوْلَا أَنَّ الْكِلَابَ أُمَّةٌ مِنَ الْأُمَمِ لَأَمَرْتُ بِقَتْلِهَا، فَاقْتُلُوا مِنْهَا كُلَّ أَسْوَدَ بِهِمْ، وَمَا مِنْ أَهْلِ بَيْتٍ يَرْبِطُونَ كَلْبًا إِلَّا نَقَصَ مِنْ عَمَلِهِمْ كُلَّ يَوْمٍ قِيرَاطٌ إِلَّا كَلْبَ صَيْدٍ أَوْ كَلْبَ حَرْثٍ أَوْ كَلْبَ غَنَمٍ».

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ.

وَقَدْ رَوَى هَذَا الْحَدِيثُ مِنْ غَيْرِ وَجْهِ عَنِ الْحَسَنِ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْقِلٍ عَنِ النَّبِيِّ ﷺ.

١٤٩٠ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ [الْحُلَوَانِيُّ] وَغَيْرُ وَاحِدٍ قَالُوا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ اتَّخَذَ كَلْبًا إِلَّا كَلْبَ مَاشِيَةٍ أَوْ صَيْدٍ أَوْ زَرْعٍ انْتَقَصَ مِنْ أَجْرِهِ كُلَّ يَوْمٍ قِيرَاطٌ».

[قَالَ أَبُو عِيْسَى:] هَذَا حَدِيثٌ حَسَنٌ

dog even if the man only had one sheep. Ishāq bin Manṣūr narrated that to us (saying): “Hajjāj bin Muḥammad narrated that to us from Ibn Juraij from ‘Atā’.”

صَحِيحٌ.

وَبُرُوزَى عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ: أَنَّهُ رَخَّصَ فِي إِمْسَاكِ الْكَلْبِ وَإِنْ كَانَ لِلرَّجُلِ شَاةٌ وَاحِدَةً. حَدَّثَنَا بِذَلِكَ إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءِ بِهَذَا. تَخْرِيجٌ: [حَسَنٌ] انظُر، ح: ١٤٨٦ وللحديث شواهد كثيرة.

Chapter 18. (What Has Been Related) About Slaughtering With Reeds And The Like

(المعجم ١٨) - بَابُ [مَا جَاءَ] فِي الذَّكَاةِ بِالْقَصَبِ وَغَيْرِهِ (التحفة ١٨)

1491. Rāfi‘ bin Khadij 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*)

١٤٩١ - حَدَّثَنَا هَذَا: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ سَعِيدِ بْنِ مَسْرُوقٍ، عَنْ عَبَّائَةَ ابْنِ رِفَاعَةَ بْنِ رَافِعِ بْنِ خَدِيجٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ رَافِعِ بْنِ خَدِيجٍ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّا نَلْقَى الْعَدُوَّ عَدَاً وَلَيْسَتْ مَعَنَا مُدَى فَقَالَ النَّبِيُّ ﷺ: «مَا أَنْهَرَ الدَّمَ وَذَكَرَ اسْمُ اللَّهِ عَلَيْهِ فَكَلُوهُ مَا لَمْ يَكُنْ سِنًَّ أَوْ ظَفْرًا، وَسَأَحْدُنْكُمْ عَنْ ذَلِكَ: أَمَّا السِّنُّ فَعِظْمٌ وَأَمَّا الظَّفَرُ فَمُدَى الْحَبَشَةِ».

(Another chain) from Rāfi‘ bin Khadij [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‘.

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ سُفْيَانَ الثَّوْرِيِّ، قَالَ: حَدَّثَنِي أَبِي عَنْ عَبَّائَةَ بْنِ رِفَاعَةَ بْنِ رَافِعِ بْنِ خَدِيجٍ [رَضِيَ اللَّهُ عَنْهُ] عَنِ النَّبِيِّ ﷺ نَحْوَهُ وَلَمْ يَذْكُرْ فِيهِ عَبَّائَةَ عَنْ أَبِيهِ وَهَذَا أَصْحَحُ. وَعَبَّائَةُ قَدْ سَمِعَ مِنْ رَافِعِ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ لَا يَرَوْنَ أَنْ يُذَكَّى بِسِنٍَّ وَلَا بِعِظْمٍ.

This is acted upon according to the people of knowledge, they did not think that a tooth or bone could be used for slaughtering.

^[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-Ahwadhī*)

تخریج: متفق عليه، وأخرجه البخاري، الذبائح والصيد، باب: إذا أصاب قوم غنيمَةً 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: ٥٥٠٩ ومسلم، ح: ١٩٦٨ 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?

(المعجم ١٩) - بَابُ [مَا جَاءَ فِي الْبَعِيرِ وَالْبَقَرِ وَالْغَنَمِ إِذَا نَدَّ فَصَارَ وَحْشِيًّا يُرْمَى بِسَهْمٍ أَمْ لَا] (التحفة ١٩)

1492. Rāfi‘ [bin Khadīj] 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)

١٤٩٢ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ سَعِيدِ بْنِ مَسْرُوقٍ، عَنْ عَبَّائَةَ ابْنِ رِفَاعَةَ بْنِ رَافِعِ بْنِ خَدِيجٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ رَافِعِ [ابْنِ خَدِيجٍ] قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ فَنَدَّ بَعِيرٌ مِنْ إِبِلِ الْقَوْمِ وَلَمْ يَكُنْ مَعَهُمْ خَيْلٌ فَرَمَاهُ رَجُلٌ بِسَهْمٍ فَحَبَسَهُ اللَّهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ لِهَذِهِ الْبَهَائِمِ أَوَائِدَ كَأَوَائِدِ الْوَحْشِ فَمَا فَعَلَ مِنْهَا هَذَا فافْعَلُوا بِهِ هَكَذَا».

(Another chain) from Rāfi‘ bin Khadīj 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.

حَدَّثَنَا مَحْمُودُ بْنُ غَيْلَانَ: حَدَّثَنَا وَكَيْعٌ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِيهِ، عَنْ عَبَّائَةَ بْنِ رِفَاعَةَ، عَنْ جَدِّهِ رَافِعِ بْنِ خَدِيجٍ عَنِ النَّبِيِّ ﷺ نَحْوَهُ وَلَمْ يَذْكُرْ فِيهِ عَبَّائَةَ عَنْ أَبِيهِ وَهَذَا أَصْحُ. وَالْعَمَلُ عَلَى هَذَا عِنْدَ أَهْلِ الْعِلْمِ وَهَكَذَا رَوَاهُ شُعْبَةُ عَنْ سَعِيدِ بْنِ مَسْرُوقٍ مِنْ رِوَايَةِ سُفْيَانَ.

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: وأخرجه البخاري، أيضًا، ح: ٥٥٤٣ من حديث أبي الأحوص، والبخاري، ح: ٢٥٠٧ ومسلم، ح: ١٩٦٨ من حديث وكيع به وانظر الحديث السابق.

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-Mughni* v.13. p. 291. and (*Tuḥfat Al-Aḥwadhī* v.2. p.352.)